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CITY OF BROOK PARK, OHIO

RESOLUTION NO. 1-2016

INTRODUCED BY: MAYOR COYNE AND COUNCIL PRESIDENT ASTORINO AND COUNCIL MEMBERS TROYER, MENCINI, POWERS, SCOTT, BURGIO, McCORMICK AND SALVATORE

A RESOLUTION
OBJECTING TO THE RENEWAL OF A D5A D6
LIQUOR PERMIT AT 16161 BROOKPARK ROAD, BROOK PARK, OHIO,
AND DECLARING AN EMERGENCY

WHEREAS, Council has been notified by the Department of Liquor Control of an application for the transfer of a liquor license being a D5A, D6 Liquor Permit from O'Malleys Restaurant & Lounge, DBA Ricky OS Restaurant & Lounge, 16161 Brookpark Road, Brook Park, Ohio 44142, Permanent Parcel Nos. 343-10-001, 343-10-002, 343-10-003 to Collective Star LLC, DBA O'Malleys Restaurant & Lounge, 16161 Brookpark Road, Brook Park, Ohio 44142, Permanent Parcel Nos. 343-10-001, 343-10-002, 343-10-003; and

WHEREAS, the granting of this application for the transfer of a liquor permit to a premises which has had violations of Chapter 2925 and/or 3719 of the Ohio Revised Code is contrary to the best interests of the entire community; and

WHEREAS, the applicant does not qualify to be a permit holder and/or has demonstrated that she has operated the place for which the permit is sought in such a manner as to cause it to be temporarily closed pursuant to Ohio Revised Code 3767.01 in disregard of the laws, regulations or local ordinances of this State; and

WHEREAS, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

WHEREAS, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

WHEREAS, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

WHEREAS, this objection is based on other legal grounds as set forth in Revised Code Section 4303.1292; and

WHEREAS, this Resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio

Revised Code, Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification;

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Brook Park, State of Ohio that:

SECTION 1: That Council does hereby record its objection to the transfer of liquor license of a D5A, D6 Liquor Permit from O'Malleys Restaurant & Lounge, Inc., 16161 Brookpark Road, Brook Park, Ohio 44142, Permanent Parcel Nos. 343-10-001, 343-10-002, 343-10-003 to Collective Star, LLC, DBA O'Malleys Restaurant & Lounge, 16161 Brookpark Road, Brook Park, Ohio 44142, Permanent Parcel Nos. 343-10-001, 343-10-002, 343-10-003; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

SECTION 2: That the Clerk of Council is hereby authorized and directed to forward two certified copies of this Resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for further reason objecting to the transfer of the Liquor Permit for 16161 Brook Park Road, Brook Park, Ohio; therefore, provided this Resolution receives the affirmative vote of at least (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS

PASSED: February 16, 2016

Jim Costello
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
Clerk of Council

APPROVED: [Signature]
MAYOR

2/17/2016
DATE CERTIFICATE

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5580 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days, commencing February 17, 2016

Michelle Blazak
MICHELLE BLAZAK
Clerk of Council

Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 1-2016 passed on the 16th day of February 2016 by said council.
Michelle Blazak
Clerk of Council