

CITY OF FRANKLIN, OHIO
RESOLUTION 2017-25

OBJECTING TO THE RENEWAL BY THE OHIO DEPARTMENT OF COMMERCE, DIVISION OF LIQUOR CONTROL, OF PERMIT NO. 6279063, CLASSES D2, D2X, D3 AND D3A, HELD BY NYNY INC., DBA NEW YORK NEW YORK, 51121 E. SECOND STREET, FRANKLIN, OHIO 45005

WHEREAS, the uniform date for renewal of liquor permits in the City of Franklin, County of Warren, Ohio, is June 1, 2017;

WHEREAS, pursuant to Ohio Revised Code Section 4303.271, Council has the right to object to the renewal of a permit and request a hearing, based upon the legal grounds set forth in Ohio Revised Code Section 4303.292; and

WHEREAS, the permit premises, New York New York, has operated in a manner that demonstrates a disregard for the laws and regulations of the State and the local ordinances of the City and constitutes a nuisance;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of members present concurring, that:

Section 1. Council hereby objects to the renewal of Permit No. 6279063, Classes D2, D2X, D3 and D3A, held by NYNY Inc., dba New York New York, 1121 E. Second Street, Franklin, Ohio, for the following reasons:

- a. The applicant and/or its managers are under investigation for crimes that relate to its/their fitness to operate a liquor establishment;
- b. The applicant and/or its managers have operated the liquor permit business in a manner that demonstrates a disregard for the laws and regulations of the State and the local ordinances of this City;
- c. The applicant and/or its managers are in the habit of using alcoholic beverages or dangerous drugs to excess;
- d. The permit premises is so located with respect to the neighborhood that substantial interference with public decency, sobriety, peace or good order would result from the renewal of the permit and operation under it by the applicant; and
- e. The permit premises can be declared a nuisance pursuant to Chapter 3767. of the Revised Code.

Section 2. This Council requests a hearing on the application to renew Permit No. 6279063, and that said hearing be held at the Warren County Administration Building, Lebanon, Ohio, as the County seat, in accordance with Ohio Revised Code Section 4303.271.

Section 3. The Law Director is hereby directed to file this Resolution, and the legal opinion required by Ohio Revised Code Section 4303.292, with the Division of Liquor Control and to represent the City at any hearing pertaining to this renewal.

Section 4. This Resolution shall become effective immediately upon its passage.

ADOPTED: April 17, 2017

ATTEST: Jane Mc Gee
Clerk of Council

APPROVED: Spencer Gent
Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of Resolution 2017-25 passed by that body on April 17, 2017.

Jane Mc Gee, Clerk of Council