

**INSTRUCTIONS TO LEGISLATIVE AUTHORITY AND/OR INSTITUTIONS  
FOR REQUESTING HEARING BEFORE THE  
DIVISION OF LIQUOR CONTROL**

The Ohio Department of Commerce - Division of Liquor Control is required to notify certain local government authorities and institutions when an application is received for an F-2, a new, additional class, or transfer of location or ownership of a C or D class permit. Local authorities who must be notified include the legislative authority of the municipal corporation, or the board of county commissioners and township trustees. The authority in control of a church, school, library, public playground or township park must also be notified if the permit business is to be operated within 500 feet of the boundaries of such institutions.

The local government authority and the authority in control of the institution are given the opportunity to object to the issuance or transfer of the permit by using the enclosed form. The request must be made as a result of an official action of the local government authority or institution. Completed forms must be returned to the Division no later than thirty days after date of notification. The division may grant an additional thirty days to a legislative authority to object if a written request showing good cause is made to the division no later than thirty days after the date of notification. Upon written request of the chief peace officer, the department is required to send him or her a copy of the application for a new or transferred permit and a copy of all other documents filed by the permit applicant.

The authority objecting to the issuance of the permit may request that the hearing be held in the county seat of the county where the permit business is to be operated. Otherwise, the hearing will be held in Columbus. The objector's witnesses must be willing to appear in Columbus or in the county seat. If the order of the Division is appealed, witnesses may later be required to appear before the Liquor Control Commission in Columbus.

Hearings are held to consider the advisability of issuing or transferring a permit. Evidence presented must be pertinent to the advisability of granting the permit. Although the safety and welfare of Ohio citizens is first priority, the Division is guided by statutes, rules and legal cases presented. Therefore, the authority or institution should firmly establish that one or more of the following conditions exist, or would exist if the permit is issued:

- Conviction of the applicant, any partner, member, officer, director, manager, or shareholders owning 5% or more of the capital stock, for felonies or other crimes relating to his/her ability to operate a liquor establishment;

- An applicant's alcoholism and/or other drug addiction;
- Prior unfavorable enforcement record or applicant and/or operation in disregard for laws, regulation, or local ordinances;
- Misrepresentation of material fact by applicant in applying for the permit;
- Lack of, or inability to obtain, a Food Service Operator's license;
- Inability of law enforcement authorities and of authorized agents of the Department of Public Safety to gain ready entrance to the permit premises if the location of the permit premises is at such distance from the road as to be isolated from police or other observation;
- That the place will substantially interfere with the public decency, sobriety, peace, or good order of the neighborhood in which it is located;
- That the place will substantially and adversely interfere with the normal orderly conduct of a church, library, public playground, school or township park;
- That the granting or transferring of a permit will substantially and adversely interfere with the morals, safety, or welfare of the public;
- Adverse effect of saturation of the area in relation to the number of existing permits, and any adverse conditions in the area.

Hearings will be conducted by a Division hearing officer. The hearing will be informal. Local government or institution representatives or their attorney must be present for their objections to be considered; otherwise, their objections will be overruled.

If the operation of the permit holder of record is unsatisfactory, the legislative authority may object to the renewal of the permit pursuant to Section 4303.271 O.R.C. and request a hearing by following the procedural steps set forth in Section 4303.271. Institutions may request their legislative authority to object to the annual renewal of a permit.

Permit Definitions on Reverse Side

## PERMIT DEFINITIONS AND FEES

C1	Beer only in original sealed containers for carry out only until one a.m.	\$ 126
C2	Wine and certain prepackaged mixed drinks in sealed containers for carry out only until one a.m.	\$ 188
C2X	Beer only in original sealed containers for carry out only until one a.m.	\$ 126
D1	Beer only for on premises consumption and in sealed containers for carry out, until one a.m.	\$ 188
D2	Wine and certain prepackaged mixed drinks for on premises consumption and in sealed containers for carry out, until one a.m.	\$ 282
D2X	Beer only for on premises consumption and in sealed containers for carry out, until one a.m.	\$ 188
D3	Spirituos liquor for on premises consumption only, until one a.m.	\$ 600
D3X	Wine only for on premises consumption only, until one a.m.	\$ 150
D3A	Extension of issued permit privileges until two thirty a.m.	\$ 750
D4	Beer and any intoxicating liquor to members only for on premises consumption only, until one a.m.	\$ 375
D4A	Beer and any intoxicating liquor to members and guests of an airline company club only, by individual drink by glass and from container for consumption on the premises only, until two thirty a.m.	\$ 600
D5	Spirituos liquor for on premises consumption only, beer and wine for on premises, and off premises in original sealed containers, until two thirty a.m.	\$1,875
D5A	Spirituos liquor for on premises consumption only, beer and wine for on premises, and off premises in original sealed containers, until two thirty a.m. (hotel or motel with 50 rooms or more for transient guests).	\$1,875
D5B	Spirituos liquor for on premises consumption only, beer and wine for on premises, and off premises in original sealed containers, until two thirty a.m. (enclosed shopping mall).	\$1,875
D5C	Spirituos liquor for on premises consumption only, beer and wine for on premises, and off premises in original sealed containers, until two thirty a.m. (restaurants meeting certain criteria).	\$1,250
D5D	Spirituos liquor for on premises consumption only, beer and wine for on premises, and off premises in original sealed containers, until two thirty a.m. (airport restaurant only).	\$1,875
D5E	Beer and intoxicating liquor for on premises consumption only, until two thirty a.m. (historical riverboat owned by charitable organization only).	\$ 975
D5F	Beer and intoxicating liquor by the glass or container for on premises consumption only, until two thirty a.m. (marina restaurant only)	\$1,875
D5G	Beer and intoxicating liquor by the glass or container for on premises consumption only until one a.m. (national sports museum only).	\$1,500
D5H	Beer and intoxicating liquor by the glass or container for on premises consumption only until one a.m. (fine arts museum only).	\$1,500
D5I	Spirituos liquor for on premises consumption only, beer and wine for on premises, and off premises in original sealed containers until 2:30 a.m. (restaurants meeting certain criteria).	\$1,875
D5J	Spirituos liquor for on premises consumption only, beer and wine for on premises, and off premises in original sealed containers, until two thirty a.m. (Community Entertainment District (CED), meeting certain criteria.	\$1,875
D6	Sale of intoxicating liquor on Sunday between the hours of one p.m. and midnight	\$ 200(C) \$ 250(D)
D7	Beer and intoxicating liquor by the glass or container for consumption on the premises only, until two thirty a.m. (resort area only).	\$2,250



EXHIBIT

2 Council 7/17/01

# MEMO

To: Stephen A. Lutz, City Manager  
Members of City Council

From: Nan Metz, Finance Director

Date: July 13, 2001

Re: Supplemental Appropriation for Street & Bikepath Resurfacing

Ordinance #2001-42 requests a supplemental appropriation from the Capital Improvement Fund for the annual Street and Bikepath Resurfacing Program. The total project cost is estimated to be \$230,000.00. This appropriation would include the cost of the construction contract and all other anticipated costs associated with the project.

The 2001 Budget included an appropriation of \$135,000.00 from the Street Maintenance & Repair Fund and \$5,900.00 from the State Highway Fund which can be used for this project. Therefore, the additional amount of funds needed to proceed with the project is \$89,100.00. The funding for the entire project is summarized below:

Street Maintenance & Repair Fund	\$135,000.00
State Highway Fund	5,900.00
Capital Improvements Fund	<u>89,100.00</u>
Total Project Cost	\$230,000.00



3 COUNCIL 7/17/01

Council

To: City and Village Treasurers

FYI

(As a result of House Bill 94, a "freeze" has been placed on the Undivided Local Government Fund and Undivided Local Government Revenue Assistance Fund through July 2002 distributions.) \*

The freeze does not actually begin until the August 2001 distribution, but the freeze has the *effect* of beginning with the July 2001 distributions. The July 2001 distribution will be based upon collections under current law. Therefore, the July 2001 distribution will not be the same as the "base year" July 2000 distribution. As a result, adjustments are required to the August 2001 distribution. *The net effect will be the combined July 2001 and August 2001 distributions will equal the combined "base year" July 2000 and August 2000 distributions.*

If you have any questions regarding this feel free to call Michael O'Leary or Tracey Corfios of Revenue Accounting at (614) 466-7150.

Steve -

FYI -

This was enclosed with the Local Government  
Fund distribution just received -

Nan

