



LEGISLATIVE COVER MEMO

Meeting Date: June 17, 2024

Agenda Item: **Resolution 2024-37**

OBJECTING TO A LIQUOR RETAIL PERMIT APPLICATION ON BEHALF OF THE CITY OF FRANKLIN, OHIO

Submitted by: Jonathan Westendorf, Safety Director & City Manager

Scope/Description: The City of Franklin received notice from the Ohio Division of Liquor Control (the “DOLC”) that a new Class D liquor permit application had been filed with the DOLC by Prince Petroleum, Inc. (“Prince”). The application seeks permission for Prince to sell certain liquor products on property located at 1111 William C. Good Blvd (Marathon gas station) (the “Property”). City staff recommends that Council object to Prince’s permit application by filing this Resolution with the DOLC.

By way of background, the Property is owned by Pap Oil Company, LLC (“Pap”). Prince manages and operates the premises pursuant to a lease with Pap. Until early 2023, Pap possessed an active liquor permit for the Property. When Pap applied to the DOLC to renew the prior permit for the 2023 year, City Council objected to the renewal application based on a history of unlawful behavior occurring on the premises. Specifically, there had been multiple instances of underage liquor sales, zoning violations, and serious Fire Code violations on the Property. As a result of Council’s objection to Pap’s permit renewal application, Pap withdrew the application and allowed the permit to lapse. Alcohol has not been allowed to be sold on the Property since March 15, 2023.

Prince continues to operate the Property/Marathon business in violation of numerous laws and regulations. City staff believes that granting Prince the ability to sell alcohol on the premises will only exacerbate these ongoing issues. Staff, therefore, recommends that Council pass this Resolution objecting to Prince’s liquor permit application.

Exhibits: Exhibit A: The DOLC’s written notice to the City regarding Prince’s liquor permit application.

Recommendation: Approval

CITY OF FRANKLIN, OHIO
RESOLUTION 2024-37

OBJECTING TO A LIQUOR RETAIL PERMIT APPLICATION ON BEHALF OF THE CITY OF FRANKLIN, OHIO

WHEREAS, Ohio Revised Code Chapter 4303 provides that a property owner or establishment may not serve alcohol, or offer alcohol for sale, without first obtaining the necessary permit(s) for such service or sale from the Ohio Department of Commerce, Division of Liquor Control (the "DOLC");

WHEREAS, pursuant to R.C. 4303.271 and 4303.292, the legislative authority of a municipal corporation is empowered to object to applications for new liquor permits or renewals of existing liquor permits with respect to premises located within the municipal corporation;

WHEREAS, the City of Franklin, Ohio received written notice from the DOLC (attached as Exhibit A to this Resolution) that an application to acquire a new liquor permit (the "Permit Application") for property located at 1111 William C. Good Blvd, Franklin, Ohio 45005 (the "Premises") had been filed with the DOLC;

WHEREAS, during a public meeting of the Franklin City Council held on June 17, 2024, City staff presented evidence to Council of various complaints, charges and activities occurring on the Premises, and/or perpetrated by the permit applicant or a partner, member, officer, director or manager of the applicant, in violation of applicable laws and regulations;

WHEREAS, Council has determined the evidence presented by City staff constitutes lawful grounds to object to the Permit Application under R.C. 4303.271 and 4303.292; and

WHEREAS, Council finds it necessary, in order to preserve the health, safety and welfare of Franklin residents, to object to the Permit Application pursuant to this Resolution.

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 Permit Application based on Council's determination that:

- i. A partner, member, officer, director or manager of the permit applicant has been convicted of a crime that relates to fitness to operate a liquor establishment;
- ii. The permit applicant has operated liquor permit businesses in a manner that demonstrates a disregard for applicable laws, regulations, or local ordinances; and
- iii. The Premises are so located with respect to the neighborhood that substantial interference with public decency, sobriety, peace, or good order would result from granting the Permit Application.

Section 2. Council hereby requests that the DOLC hold a hearing on the Permit Application and Council's objection to the same.

Section 3. The Clerk of Council is hereby directed to forward a copy of this Resolution to the DOLC, together with a statement from the City of Franklin Law Director stating the Law Director has reviewed this Resolution and, in the Law Director's opinion, the Resolution and objection herein are based on substantial legal grounds.

Section 4. The Law Director and City Manager are hereby authorized to represent Council, designate other appropriate City staff to represent Council, and designate citizens to appear as witnesses in support of Council's objection to the Permit Application at any hearing(s) held by the DOLC with respect to this matter.

Section 5. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Rules of Council.

Section 6. This Resolution shall become effective immediately upon its passage.

ADOPTED: June 17, 2024

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, 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 a resolution passed by that body on June 17, 2024.

Khristi Dunn, Clerk of Council

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

70848900005 <small>PERMIT NUMBER</small>		NEW <small>TYPE</small>	PRINCE PETROLEUM INC 1111 WILLIAM C GOOD BLVD FRANKLIN OH 45005	
ISSUE DATE				
05 06 2024 <small>FILING DATE</small>				
D1 D2 <small>PERMIT CLASSES</small>				
83 <small>TAX DISTRICT</small>	044 <small>TAX DISTRICT</small>	A <small>TAX DISTRICT</small>	E17098 <small>RECEIPT NO.</small>	

FROM 05/29/2024

PERMIT NUMBER		TYPE		
ISSUE DATE				
FILING DATE				
PERMIT CLASSES				
TAX DISTRICT			RECEIPT NO.	



MAILED 05/29/2024

RESPONSES MUST BE POSTMARKED NO LATER THAN. 07/01/2024

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES A NEW 7084890-0005

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF FRANKLIN CITY COUNCIL
1 BENJAMIN FRANKLIN WAY
FRANKLIN OHIO 45005**