

RESOLUTION NO. 41 -2008
INTRODUCED BY Mayor Ursu & Council

A RESOLUTION OBJECTING TO THE ISSUANCE OF A D3A LIQUOR PERMIT TO FINAMORE INC., d/b/a FINAMORE'S RESTAURANT & LOUNGE, 26915 CHARDON ROAD; AND DECLARING AN EMERGENCY.

WHEREAS, the City has been notified by the Ohio Division of Liquor Control that Finamore Inc., d/b/a Finamore's Restaurant & Lounge, has made application for a D3A liquor permit for the premises located at 26915 Chardon Road, Richmond Heights, Ohio; and

WHEREAS, the Chief of Police and the Mayor have investigated this situation and recommend to this Council that the City issue an objection to the requested permit for the reasons set forth in Ohio Revised Code Section 4303.292(A)(1) reflecting upon the applicants' fitness to operate a liquor establishment, because the Chief of Police received "Personal History Background Forms" from the Division of Liquor Control as part of the application for this permit from two persons, and upon investigation has discovered that one person has a felony police record; and

WHEREAS, based upon the information supplied by the Chief of Police and the Mayor, this Council has further concluded that the issuance of a D3A Permit would substantially and adversely affect and interfere with the public decency, sobriety, peace and good order of the neighborhood in which the liquor permit establishment is located and would be detrimental to the morals, safety and welfare of the public.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: Objection is hereby made to the issuance of the D3A liquor permit to Finamore Inc., d/b/a Finamore's Restaurant & Lounge, 26915 Chardon Road, Richmond Heights, Ohio 44143, and a hearing on the matter is hereby requested to take place in Cuyahoga County. The Chief of Police and/or his designee(s) and the Director of Law and/or his designee(s) shall represent the City at said hearing.

Section 2: The Clerk of Council is instructed to certify notice of the City's objection and request for hearing as set forth in this Resolution to the Ohio Division of Liquor Control to be delivered no later than May 15, 2008.

Section 3: It is found and determined 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 and any of its committees that resulted in such formal action, 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 declared to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of the inhabitants and visitors of the City of Richmond Heights, such emergency being the necessity of filing objections within the time prescribed by Section 4303.26 of the Ohio Revised Code; wherefore, provided this receives the affirmative vote of five members of 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.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council