

**RESOLUTION NO. R20-37**

**A RESOLUTION BY TROTWOOD CITY COUNCIL OBJECTING TO THE  
ISSUANCE OF A LIQUOR PERMIT BY THE OHIO DIVISION OF LIQUOR  
CONTROL TO SHEIKHS RESTAURANT & LOUNGE LLC DBA SHEIKHS  
FOR A PREMISES SITUATED WITHIN THE CITY OF TROTWOOD,  
OHIO AND DESIGNATING AND AUTHORIZING OFFICIALS OR  
EMPLOYEES TO ACT IN FURTHERANCE OF SUCH OBJECTIONS**

**WHEREAS**, the Ohio Division of Liquor Control received an application for a liquor permit to be issued to Sheikhs Restaurant and Lounge, LLC dba Sheikhs for the granting of a new liquor license for an establishment situated within the City of Trotwood, Ohio; and

**WHEREAS**, City Council has received notice of such application from the Division of Liquor Control, and, pursuant to Ohio Revised Code §4303.26(A) is authorized, as the legislative authority of a municipal corporation in which the requested permit premises is located, to object to the issuance of said permit for any of the reasons contained in Ohio Revised Code §4303.292; and

**WHEREAS**, Ohio Revised Code §4303.26(A) further provides that said objection shall be made no later than thirty (30) days from the date the division mails notice to Council, and shall be made by a Resolution of the legislative authority requesting a hearing to object to the issuance of a permit; and

**WHEREAS**, Ohio Revised Code §4303.26(A) authorizes the Ohio Division of Liquor Control, upon request of the legislative authority of the municipal corporation in which the permit premises is located, to grant a thirty (30) day extension of time for the legislative authority of the municipal corporation to submit its objections to the issuance of a liquor permit; and

**WHEREAS**, City Council, through its Clerk, requested a thirty (30) day extension of time in which to object to the liquor permit, which request was granted by the Ohio Division of Liquor Control on or about April 2, 2020.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:**

**SECTION I.**

City Council requests a hearing on its objections to the issuance of the liquor permit and further requests that said hearing be held in the county seat of the county in which the permit premises are located, to wit: Dayton, Montgomery County, Ohio.

**SECTION II.**

In furtherance of this request, the Clerk of City Council of Trotwood, is hereby authorized to request such hearing for the purposes of objecting to the issuance of a liquor permit to Sheikhs Restaurant & Lounge LLC dba Sheikhs.

**SECTION III:**

It is the legislative determination of City Council and Council alleges to the Ohio Division of Liquor Control that Sheikhs Restaurant & Lounge LLC dba Sheikhs, or any of its partners and/or members and/or officers and/or directors and/or managers and/or shareholders owning five percent (5%) or more of the applicant's capital stock in the corporation, or any member owning five percent (5%) or more of either the voting interests or membership interests in Sheikhs Restaurant & Lounge LLC dba Sheikhs have operated a liquor permit business in a manner that demonstrates a disregard for the laws, regulations and/or local ordinances of this state contrary to Ohio Revised Code §4303.292 (A)(1)(b).

**SECTION IV:**

It is the legislative determination of City Council and Council alleges to the Ohio Division of Liquor Control that Sheikhs Restaurant & Lounge LLC dba Sheikhs, or any of its partners and/or members and/or officers and/or directors and/or managers and/or shareholders owning five percent (5%) or more of the applicant's capital stock in the corporation, or any member owning five percent (5%) or more of either the voting interests or membership interests in Sheikhs Restaurant & Lounge LLC dba Sheikhs has misrepresented a material fact in applying to the Ohio Division of Liquor Control for its permit contrary to Ohio Revised Code §4303.292 (A)(1)(c).

**SECTION V:**

It is the legislative determination of this Council and the Council alleges to the Ohio Division of Liquor Control that the proposed location of the Sheikhs Restaurant & Lounge LLC dba Sheikhs at 4183 Salem Ave., Trotwood, Ohio, which is incorrectly identified as 4138 Salem Avenue on the "Notice to Legislative Authority" issued by the Ohio Division of Liquor Control, does not conform to the building, safety and/or health requirements of Montgomery County and/or the City of Trotwood and issuance of the license would be in violation of Ohio Revised Code §4303.292 (A)(2)(a).

**SECTION VI:**

It is the legislative determination of this Council and the Council alleges to the Ohio Division of Liquor Control that the proposed location of the Sheikhs Restaurant & Lounge LLC dba Sheikhs at 4183 Salem Ave., Trotwood, Ohio, is so located with respect to the neighborhood that substantial interference with public decency, sobriety, peace and good order would result from issuance of the license(s) in violation

of Revised Code Section 4303.292 (A)(2)(c).

**SECTION VII:**

In accordance with Ohio Revised Code §4303.26 (A), the City Manager is hereby granted the authority of Council to designate officials and/or employees who shall speak on Council's behalf at any hearing scheduled by the Ohio Division of Liquor Control for purposes of objecting to the transference or issuance of a liquor permit to Sheikhs Restaurant & Lounge LLC dba Sheikhs based upon the legislative determinations and objections hereinabove set forth.

**SECTION VIII:**

A copy of this Resolution shall be forwarded to the Law Director as the chief legal officer of this municipality for review and if in his opinion the objections hereinabove set forth are based upon substantial legal grounds within the meaning and intent of division (A) of Ohio Revised Code §4303.292, that he shall issue a statement to that effect to the Ohio Division of Liquor Control pursuant to Ohio Revised Code §4303.271 (B).

**SECTION IX:**

The Clerk of Council is hereby directed to forward a certified copy of this Resolution to the Ohio Division of Liquor Control.

PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
SANDRA L. RIEGE FULLER, CMC

\_\_\_\_\_  
MARY A. MCDONALD  
MAYOR

\_\_\_\_\_  
TYNA R. BROWN  
VICE-MAYOR

**CERTIFICATE OF RECORDING OFFICER**

I, \_\_\_\_\_ Deputy Clerk of the City of Trotwood, Ohio,  
do hereby certify the foregoing Resolution is a true and correct copy of Resolution \_\_\_\_\_  
passed by the Trotwood City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

IN TESTIMONY WHEREOF, witness my hand and official seal this \_\_\_\_\_ day  
of \_\_\_\_\_, 2020.

\_\_\_\_\_  
SANDRA L. RIEGE FULLER, CMC  
DEPUTY CLERK OF COUNCIL