

RESOLUTION NO. 38-2023

Introduced by Sam Artino

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ECONOMIC DEVELOPMENT (TREX) TRANSFER FORM FROM THE DIVISION OF LIQUOR CONTROL FOR LEMMY'S MARINER TABLE, LLC

WHEREAS, Lemmy's Mariner Table, LLC ("Applicant") has requested that the City of Huron accept the transfer of a D-5 liquor permit through the Division of Liquor Control Economic Development Program (TREX); and

WHEREAS, the Applicant filed an application certifying that the project will be an economic development project for the City of Huron; and

WHEREAS, Council finds that based on a review and analysis by City staff, the Applicant has plans for the project, and that the costs of the investment, number of jobs created and projected tax revenues to the City are realistic and accurate estimates of the Applicant's plans for this economic development project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1: That the City Manager is hereby authorized to execute an Economic Development (TREX) Transfer Form from the Ohio Department of Commerce – Division of Liquor Control for Lemmy's Mariner Table, LLC, a copy of which is attached here to and incorporated herein as Exhibit "A".

SECTION 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including O.R.C. §121.22 of the Revised Code.

SECTION 3: This Resolution shall be in full force and effect from and immediately following its adoption.

ATTEST:


Clerk of Council


Monty Tapp, Mayor

ADOPTED:

25 APR 2023



Department of Commerce

Division of Liquor Control

Division Use Only	
Check #: _____	Permit #
# of Checks: _____	
Check Amt: _____	

ECONOMIC DEVELOPMENT TRANSFER FORM (TRES)

Ohio Revised Code 4303.29(B)(2)(b)

READ BEFORE YOU START THIS APPLICATION

Certain permits in Ohio are subject to a quota based upon a formula that factors in the total population of the city, village, or township where the permit will be issued and a ratio, specific to particular permit classes, as set forth in Ohio law (Learn more in our [Quota Resource Guide](#)). When transferring a specific quota permit (i.e., D-1, D-2, etc.) that will move locations to a NEW city, village, or township from where it is currently issued, there must be available spots in that new quota before the Division can process the transfer. If, for a particular quota permit class, there are NO spots available in the new quota, then the applicant has a few choices as discussed in our [TRES Resource Guide](#). This form covers the specific permit classes that can be TRES'd under the Ohio law provision noted at the top of this application. A few things to understand before proceeding with the TRES option are that:

- The Division can **ONLY** process the TRES transfer application if the city, village, or township where the permit will transfer to **APPROVES** the transfer as an economic development project. The city, village, or township can document its approval by signing our form below in Section E.
- **ONLY** after we receive this completed form with the transfer application will the Division Superintendent review it for processing.
- The city, village, or township, despite approving the TRES transfer can still object to the issuance of your permit at the applied for location and the applicant must still be WET ([Review our Local Option Election Guide](#) for more information) for the requested sales at that address and meet all other rules and regulations before the permit(s) can be issued at that new location.

For this form to be deemed complete, you must fully and legibly complete this application, including:

- Answering all required questions ("*" indicates a required field);
- Submitting this application with your Transfer Application; and
- Securing signatures from the appropriate local government officials listed below.

SECTION A – Issued Permit Holder Information (i.e. Seller) * This section MUST be completed.	
* Issued Permit Holder's Business Name as on File with the Division: Gregory L Hill	* Issued Permit Holder #: 3842056

SECTION B – New Business Owner's Information (i.e., Buyer) <input type="checkbox"/> N/A-Seller REMAINS the owner and is ONLY moving locations. * ONLY fill out this section if the ownership and location is changing.
* Business Entity or Sole Proprietor Name ("Applicant") (MUST match name listed on transfer application): Lemmy's Mariner Table, LLC

Section C – New Permit Premises Address Information * This section MUST be completed.		
* New Permit Premises Address: 2027 Cleveland Rd. W		
* New Township (if outside city limits):	* New City: Huron	* New County: Erie

SECTION D – Transferred Permits subject to TREX

* This section identifies the permit classes that are being transferred into a NEW city, village, or township, consistent with the Transfer Application, that REQUIRE TREX sign-off from the local government official that signed below.

* Select the Permit Type(s) being transferred that need to be TREX'd:

- C-1 C-2 D-1 D-2 D-3 D-5

* Note – there may be other permit types, like a C-2X, D-3A, or D-6, that are also part of your transfer that are not listed above. Your complete transfer listing needs to be identified on your transfer application (DLC 4120) that you must send with this signed TREX form.

Remember this form is ONLY for those permit classes that are subject to the quota and would require TREX sign-off because there are no permits available for the given class in the NEW locality when the transfer is filed. For example, you can be transferring a D-1, D-2, D-3 permit from City A to City B. In City B, there are D-1 and D-3 permits available, but no D-2 permits. In this situation, the only permit class that would REQUIRE TREX sign-off is the D-2.

Section E – Information that MAY be Used to Determine if the Transfer is an Economic Development Project

R.C. 4303.29(B)(2)(b)(ii) lists several factors the local legislative authority (City, Village or Township) can use when determining if it should approve this transfer as an Economic Development Project. While the law provides broad discretion to the legislative authority when making this decision, SOME factors that may be useful to the legislative authority in making its decision, include the:

- Total amount invested in this project: \$ 250K
- Total number of jobs that will be created by this project: 12
- Existing or estimated Tax Revenue generated by this project:
 - Ohio Unemployment Tax \$ 10,556.⁰⁰ EST
 - Property Tax \$ 4,056.00 Current
 - Sales Tax \$ 23,634.⁰⁰ EST
 - State Withholding Tax \$ 7,656.00 EST
 - Other: _____ \$ _____

You may also be asked to provide a projected earnings statement (brand new business), or a profit and loss statement (existing business), or a copy of building plans/drawings outlining any construction plans.

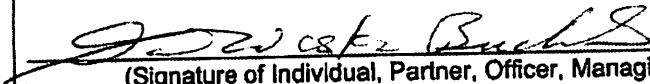
Section F – Applicant Signature

* This section **MUST** be signed by either the applicant in:

- **Section A** if the seller **REMAINS** the owner of the permit and is **ONLY** moving the permit address to a **NEW** city, village, or township from where it is currently issued; **OR**
- **Section B** if the ownership of the permit is changing **AND** the new permit address will be in a **NEW** city, village, or township from where the permit is currently issued.

By signing below, I certify and understand that:

- I have authority to execute this document;
- The information provided is true, correct, and complete to the best of my knowledge and belief;
- Failing to complete this form, consistent with the above listed instructions, will result in this form and/or transfer application being returned to me, unprocessed, until a corrected, complete application is received by the Division;
- During the review of this form and/or my transfer application, further documentation may be needed, and I agree to comply timely and understand that failure to comply could delay the processing of my application;
- Even if the city, township, or village approves my TREX transfer application, the Division **MUST** still notify the applicable legislative authority about your transfer application and that legislative authority has the right to object to the issuance of the permit even for those permit classes that it approved as part of this TREX process; **AND**
- If this TREX form is required, the Division **CANNOT** process the transfer application until it is submitted with this completed (in its entirety) and signed form.



(Signature of Individual, Partner, Officer, Managing Member, or 5% or more Shareholder or Member)

Jan Weske Bucholz
(Please Print Name)

OWNER
(Title)

4/14/2023
(Date)

2027 Cleveland Rd. W. Huron, Ohio 44839
(Street Address, City, State, Zip Code)

419-656-0680
(Telephone with Area Code)