

RESOLUTION NO. 02-2024

ADOPTED: APRIL 3, 2024

A RESOLUTION APPROVING THE ECONOMIC DEVELOPMENT (TREX) TRANSFER FORM SUBMITTED BY VBC ENTERTAINMENT LLC FOR 107 E. MAIN STREET AND AUTHORIZING THE MAYOR TO COMPLETE AND SIGN THE TRANSFER FORM

WHEREAS, John Matthews, as Managing Member of VBC Entertainment LLC, submitted an Economic Development Transfer Form for a D-5 Permit to be TREX'd to 107 E. Main Street, Kirkersville, Ohio; and

WHEREAS, the D-5 Permit allows the owner or operator of a retail food establishment or a food service operation, that operates as a restaurant or night club, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, from 5:30 a.m. until 2:30 a.m. the following day; and

WHEREAS, R.C. 4303.29 permits the transfer of ownership and location of a D-5 permit from a municipal corporation or the unincorporated area of a township to an economic development project located in another municipal corporation or the unincorporated area of another township in which no additional permits of that class may be issued to the applicant under R.C. 4303.29 (B)(2)(a). However, the transfer may occur only if the applicant notifies the municipal corporation to which the location of the permit will be transferred regarding the transfer and the municipal corporation acknowledges in writing to the division of liquor control that the transfer will be to an economic development project; and

WHEREAS, approval by the Village of Kirkersville does not prohibit the Village from requesting a hearing under R.C. 4303.26 (a hearing on the advisability of the issuance, transfer of ownership, or transfer of location of the permit); and

WHEREAS, approval by the Village of Kirkersville only allows the Division of Liquor Control to start processing the application. The applicant still must meet all applicable rules and regulations before the permit can be issued; and

WHEREAS, VBC Entertainment LLC identified several factors for the Village of Kirkersville to consider, such as

- ❖ Total amount invested in this project: \$100,000.00
- ❖ Ohio Unemployment Tax: \$ 10,000.00
- ❖ Property Tax \$ 3,000.00

- ❖ Total number of jobs that will be created: 4

NOW, **THEREFORE, BE IT RESOLVED** by the Council of the Village of Kirkersville, County of Licking, State of Ohio, a majority of the members elected thereto concurring:

SECTION 1: Council for the Village of Kirkersville approves the Economic Development Transfer Form (TREX) submitted by John Matthews, acting as Managing Member of VBC Entertainment LLC, for the new permit address, to wit: 107 E. Main Street, Kirkersville, Ohio.

SECTION 2: Council for the Village of Kirkersville authorizes the Mayor to complete and sign Section G of the TREX Form submitted by John Matthews, acting as Managing Member of VBC Entertainment LLC, for the new permit address, to wit: 107 E. Main Street, Kirkersville, Ohio.

SECTION 3: All prior legislation, or any parts thereof, which is/are inconsistent with this Resolution is/are hereby repealed as to the inconsistent parts thereof.

SECTION 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision-making bodies of the Village of Kirkersville which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

SECTION 5: This resolution shall take effect at the earliest time allowed by law.

Passed in Council this 3 day of April 2024

Attest: Shirley Roskoski
Fiscal Officer

APPROVED:

Approved as to form this 28th day of February 2024:



Brian M. Zets
Brian M. Zets
Village Solicitor