

COUNCIL PRESIDENT-JENNIFER WASILK
COUNCIL AT LARGE-DAVID JANIK
COUNCIL AT LARGE-MARTIN HEBERLING
COUNCIL AT LARGE- PHIL VAN TREUREN

COUNCIL WARD ONE-BRIAN DEMBINSKI
COUNCIL WARD TWO- ED COWGER
COUNCIL WARD THREE-JAKE WACHHOLZ
COUNCIL WARD FOUR-MATT NAHORN



CITY OF AMHERST, OHIO

OFFICE OF THE
CLERK OF COUNCIL
(440) 988-2420
(440) 988-2570 fax

OLGA SIVINSKI
206 SOUTH MAIN STREET
AMHERST, OH 44001
council@amherstohio.org

A G E N D A

AUGUST 24, 2020
REGULAR MEETING
7:00 P.M

0-20-21
R-20-06
A-20-31

1. Roll call: Mr. Cowger, Mr. Wachholz, Mr. Nahorn, Mr. Heberling, Mr. Janik, Van Treuren, Mr. Dembinski
2. Prayer: Chaplain Nahorn
3. Pledge to the Flag: Sergeant at Arms Dembinski
4. Consent Agenda:

Minutes of the Regular Council Meeting held August 10, 2020
Minutes of the Special Council Meeting held August 17, 2020
5. Acknowledgement of the Public pertaining to items on the Agenda:
6. **ORDINANCES AND RESOLUTIONS FIRST READING:**
7. **ORDINANCES AND RESOLUTIONS SECOND READING:**
 - (a) An Ordinance levying up certain lots and lands assessments for the cost of repairing and replacing various public sidewalks under the City of Amherst, Ohio's 2019 Sidewalk Program; and declaring an emergency. (A-20-29)
 - (b) An Ordinance approving the subdivider/allotter's agreement between the City of Amherst, Ohio, and Cambrad Development IV, LLC for the Eagle Ridge Subdivision. (A-20-28)
 - (c) An Ordinance approving the final development for the Eagle Ridge Subdivision and rezoning and approving the Eagle Ridge Subdivision as a Planned Development District. (A-20-30)
8. **ORDINANCES AND RESOLUTIONS THIRD READING: NONE**



9. Miscellaneous and acknowledgement of the public
 - (a) Acknowledgement of the liquor permit Trex Application: Celeste, LLC dba/Nate's Marathon at 960 N. Leavitt Road, Amherst, Ohio 44001
10. Agenda requests and committee meeting schedules
11. Reports of the Administration
12. Adjournment

GUTENTAG LAW, LTD.
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From the Desk of:
Mark S. Gutentag,
Attorney at Law

Telephone (614) 365-1700
Facsimile (614) 221-2768
mark@gutentaglaw.com

August 14, 2020

Via E-mail Only (mayor@amherstohio.org)

Mr. Mark Costilow, Mayor
City of Amherst
206 South Main Street
Amherst, OH 44001

Re: C-1-2 (Beer & Wine Carryout) Liquor Permit 'Trex Application:
Celeste, LLC dba/Nate's Marathon
960 North Leavitt Road, Amherst, OH 44001

Dear Mayor Costilow:

Please be advised that I have been retained to assist Celeste, LLC dba/Nate's Marathon in its effort to obtain a carryout beer and wine liquor permit for use at its location at 960 North Leavitt Road in Amherst Township in an economic development project as the Ohio Division of Liquor Control quota for C-1-2 permits in Amherst is full. Attached please find the Economic Development Transfer Form submitted on behalf of Celeste, LLC. The Economic Development Transfer Form describes the investment and anticipated tax revenue for the project.

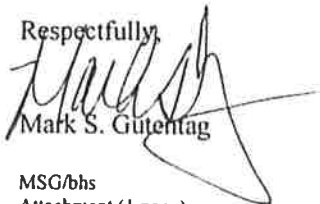
Nate's Marathon is wholly owned and operated by Dave Meyers. Dave has worked very very hard his entire life to one day own and operate his own business. This dream recently came true when he bought the Marathon location and entered into a long term lease for the location. Dave is committed to work just as hard and to apply his work ethic in operating his own business and training his staff as a "hands-on" owner. In addition to gasoline services, Dave would like to be able to offer its customers the opportunity to purchase beer and/or wine for carryout at the location.

In addition to constant presence at the location, Dave's goal is to build a staff of at least 7-10 employees. Nate's Marathon will be open for business 7 days a week and will allow the sale of beer and wine in accordance with the times and regulations set forth by the State of Ohio. Further, Dave and his staff will apply for alcohol server training available from the State of Ohio to ensure compliance with Ohio liquor laws and regulations.

Nate's Marathon will be a regular booster and supporter of the Amherst community, local organizations and charities. Dave and I are happy to discuss this project with you and other representatives of the City of Amherst to answer any questions you or the representatives may have.

Thank you.

Respectfully,


Mark S. Gutentag

MSG/bhs
Attachment (1 page)



Ohio Department of Commerce - Division of Liquor Control
 6606 Tussing Road, P.O. Box 4005
 Reynoldsburg, Ohio 43068-9005
 http://www.com.ohio.gov/liqr

Office hours - 8:00am to 5:00pm
 For Questions call (614) 644-3156

ECONOMIC DEVELOPMENT (TREX) TRANSFER FORM

Ohio Revised Code 4303.29 allows for the transfer of location or the transfer of ownership and location of a C-1, C-2, D-1, D-2, D-3, or D-5 permit from 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 the permit quota. However the transfer may occur only if the applicant notifies the municipal corporation or township to which the location of the permit will be transferred regarding the transfer and the municipal corporation or township acknowledges in Section B of this form OR in writing to the Division of Liquor Control, that the transfer will be to an economic development project. A permit may be transferred to a different owner at the same location, or to the same owner or a different owner at a different location in the same municipal corporation or in the unincorporated area of the same township. NOTE: The statute requires the applicant to provide the endorsement by the municipal corporation or township at the time the application for the transfer is filed with the division, therefore once Section B is completed return this form to the applicant so they may attach this information to their transfer application.

Seller(s) - Current Permit Holder - (Individual, Corp., LLC or Partnership)
 Bliss Cincinnati, LLC
 7875 Montgomery Road
 Cincinnati, OH 45236

Buyer(s) - Prospective Permit Holder - Name & address
 Individual, Corporation, LLC or Partnership)

Celeste, LLC
 960 North Leavitt Road
 Amherst, OH 44001

Permit Number: 0750799-0002

CHECK Class(es) of Permit(s) Being TREX Transferred:

C-1 C-2 C-2X D-1 D-2 D-2X D-3 D-3A D-5 D-6

SECTION A: (To be completed by the Applicant)

NOTE: Section A is for you to provide information to the local legislative authority (City, Village or Township Office) in which this Economic Development Project (Trex) will be located. In addition to the below information, you may be required to provide a projected earnings statement (brand new business), or a profit and loss statement (existing business), and a copy of building plans/drawings outlining any construction plans. The Division will also use this information to determine if you qualify and meet the criteria outlined under Section 4303.29(B)(2)(b).

- The total amount invested in this project is \$ 50,000.00
- The total number of jobs that will be created by this economic development project is +/- 7
- Existing or Estimated Tax Revenue generated by this project is:

Sales Tax	<input type="radio"/>	\$	<u>35,000.00</u>
Ohio Unemployment Tax		\$	<u>15,000.00</u>
State Withholding Tax	<input type="radio"/>	\$	<u>10,000.00</u>
Other	<input type="radio"/>	\$	<u>15,000.00</u>

On behalf of the applicant as indicated above I am signing below and certifying that all the information provided with this application is complete and accurate to the best of my knowledge.

David W. Meyers
 Print or Type Name

Signature

8-6-2020
 Date

Phone Number

Managing Member
 Title

SECTION B: (The applicant MUST have this Section completed by the City, Village or Township Office in which this Economic Development Project (Trex) will be located. This form MUST be returned to the applicant to accompany the transfer application).

Based upon the factors outlined above, the City/Village/Township of City of Amherst hereby endorses
 (City, Village or Township Name)
 and acknowledges that this transfer will be to an economic development project.

Print or Type Name

Signature of Mayor, Legislative Office Holder or Law Director

Date

Phone Number

Title (e.g., Mayor, Clerk of City Council, Fiscal Officer or Law Director)