



Legislation Text

File #: 11-0378, **Version:** 1

Resolution Requesting Non-Renewal of Liquor License Number 173083-2010 Held by Legends Nightclub LLC (d/b/a The Fifth Quarter) by Michigan Liquor Control Commission

The attached Resolution requests acceptance and adoption of the Findings and Recommendation of the Hearing Officer for the City of Ann Arbor based on the hearing record in connection with the objection to the Renewal of Liquor License Number 173083-2010 held by Legends Nightclub LLC (d/b/a The Fifth Quarter) having been recommended by the City Administration and the City Liquor License Review Committee in accordance with the procedures set forth in Section 9:79 of the Ann Arbor City Code and a hearing having been held on the matter, after proper notice, before the duly appointed Hearing Officer for the City of Ann Arbor.

Prepared by: Mary Joan Fales, Senior Assistant City Attorney

Reviewed by: Councilmember Derezinski, Hearing Officer

Sponsor: Liquor License Review Committee

Whereas, An administration hearing was conducted on March 18, 2011, regarding the Class C Liquor License No. 173083-2010 held by Legends Nightclub LLC (d/b/a The Fifth Quarter) (Licensee);

Whereas, Proper notice of the hearing was given to the Licensee, and the Licensee being give its due process rights including notice of the allegations, the ability to examine and present evidence, confront adverse witnesses and be represented by an attorney;

Whereas, The appointed Hearing Officer having presented the City Council of the City of Ann Arbor with its findings and recommendation in connection with the hearing, a copy of which is attached hereto and made a part hereof; and

Whereas, The City Council of the City of Ann Arbor having examined all the facts and being otherwise fully advised;

RESOLVED, That the City Council accepts and adopts the findings and recommendation of its Hearing Officer as stated in the attached record of the hearing and evidence presented on the objection to renewal of License No. 173083-2010 ("License") held by Legends Nightclub LLC (d/b/a The Fifth Quarter);

RESOLVED, That the City Council of the City of Ann Arbor finds that the License is not being used in accordance with the Ann Arbor City Code and specifically objects to the renewal of License Number 173083-2010 on the following grounds:

- Violations of this Chapter (being Chapter 109, Liquor, of the Ann Arbor City Code) or other City Ordinance and further alleged in City of Ann Arbor v. Legends Nightclub LLC, d/b/a The Fifth Quarter, 210 South Fifth Avenue, LLC, Jeffrey Starman, Andrus McDonald, and Francis Clark, Case No. 10-1194 CH, Washtenaw Trial Court. (Sections 9:79(1)(d) of the Ann Arbor City Code)
- A pattern of patron conduct in the neighborhood of the licensed premises which is in violation

of the law and/or disturbs the peace, order and tranquility of the neighborhood (Section 9:79 (1)(e)(iii) of the Ann Arbor City Code),

- Numerous police contact with the licensed premises or the patrons of the premises (Section 9:79(1)(e)(vii) of the Ann Arbor City Code)

RESOLVED, That the City Council of the City of Ann Arbor does hereby object to the renewal of Liquor License No. 173083-2010 on and for the grounds stated herein and requests that the Michigan Liquor Control Commission not renew the License of the above mentioned Licensee;

RESOLVED, That the City Council of the City of Ann Arbor directs the City Clerk to provide the Michigan Liquor Control Commission a certified copy of this Resolution, the attached written statement of the Findings of the Hearing Officer based on the hearing record and all required substantiating documents no later than March 31, 2011, in compliance with applicable statutory or regulatory requirements.