



Legislation Text

File #: 15-0438, **Version:** 1

Resolution to Withdraw Objection to Renewal of Class C Liquor License and Permits Held by The Arena, Inc. (Business I.D. No. 140967) and Approve the Application for Renewal for the 2015-2016 License Year

The attached resolution requests withdrawal of the City's objections to renewal of the Class C liquor license and permits currently held by The Arena, Inc.

Liquor licenses issued by the State of Michigan expire April 30th each year as establish by Michigan law (MCL 436.1501(2)). On-premise liquor licenses require approval by the local legislative body before renewal of an existing license if an objection to renewal has been filed with the Michigan Liquor Control Commission by the local legislative body at least 30 days before April 30th of that year.

On March 16, 2015, City Council accepted and adopted the Findings and Recommendations of the City's Liquor License Hearing Officer, Council member Lumm, recommending Objection to Renewal of The Arena, Inc.'s liquor license for failure to timely pay its 2013 personal property taxes. The City's Objection to Renewal was filed with the Michigan Liquor Control Commission on March 20, 2015. A Show Cause Hearing before the Michigan Liquor Control Commission on City Council's Objection to Renewal is pending.

On March 31, 2015, The Arena, Inc. presented the City Treasurer with payment of its outstanding personal property taxes. On April 7, 2015, The Arena, Inc. presented the City Clerk with payment of its outstanding renewal fee.

There was no other basis for objection to renewal of The Arena, Inc's liquor license for the 2015-2016 license year. Withdrawal of the Objection to renewal of the Class C liquor license and permits held by The Arena, Inc. for the 2015-2016 license year is recommended.

Prepared by: Mary Joan Fales, Senior Assistant City Attorney

Reviewed by: Council member Lumm, Liquor License Hearing Officer

Sponsored by: Council Liquor License Review Committee

Whereas, After a due process hearing before the designated Liquor License Hearing Officer for the City of Ann Arbor, Findings and Recommendations were present to, accepted and adopted by City Council requesting non-renewal of the Class C liquor license and permits held by The Arena, Inc. for failure to timely pay personal property taxes and other obligations due and payable to the City in accordance with Section 9:79(b) of the Ann Arbor City Code;

Whereas, As authorized by City Council, the City has submitted its Objection to Renewal of The Arena, Inc.'s license for the 2015-2016 License Year on the grounds stated to the Michigan Liquor Control Commission, which request is pending the scheduling by the Commission of a Show Cause Hearing on the matter as required by its administrative rule R 436.1925(1) and MCL 436.1501(2);

Whereas, On March 31, 2015, The Arena, Inc. presented to the City Treasurer funds which satisfied in full the outstanding amount of personal property taxes;

Whereas, On April 7, 2015, The Arena, Inc. presented to the City Clerk funds which satisfied its outstanding renewal fee; and

Whereas, The Liquor License Hearing Officer's Findings and Recommendations presented and adopted by City Council included no other grounds for objection to renewal;

RESOLVED, That City Council being fully advised in the matter hereby withdraw all objections to renewal of the Class C Liquor license and permits held by The Arena, Inc. (Business I.D. No. 140967) for the reasons stated herein and approve the application for renewal by The Arena, Inc. for the 2015-2016 license year; and

RESOLVED, The City Council directs the City Clerk and the City Attorney to file with the Michigan Liquor Control Commission the necessary documentation, including a certified copy of this Resolution, to withdraw its objection to renewal and allow renewal of the license to proceed in accordance with the rules and regulations of and subject to approval by Michigan Liquor Control Commission.