



## Legislation Text

---

**File #:** 16-0566, **Version:** 1

---

Resolution to Withdraw Objection to Renewal of Class C Liquor License and Permits Held by 5Z Restaurants Ann Arbor, LLC (d/b/a Burger FI) (Business ID. No. 232181) (Liquor License No. 23085-2015) and Approve the Application for Renewal for the 2016-2017 License Year

The attached resolution requests withdrawal of the City's objection to renewal of the Class C liquor license and permits currently held by 5Z Restaurants Ann Arbor, LLC (d/b/a Burger FI) (Business ID. No. 232181).

Liquor licenses issued by the State of Michigan expire April 30<sup>th</sup> 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 30<sup>th</sup> of that year.

On March 21, 2016, 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 5Z Restaurants Ann Arbor, LLC's liquor license and permits for failure to timely pay its 2014 personal property taxes and renewal fees. The City's Objection to Renewal was sent to the Michigan Liquor Control Commission on March 24, 2016. A Show Cause Hearing before the Michigan Liquor Control Commission on City Council's Objection to Renewal is scheduled for April 22, 2016.

On March 22, 2016, 5Z Restaurants Ann Arbor, LLC presented the City Clerk with payment of its outstanding renewal fee. On April 12, 2016, 5Z Restaurants Ann Arbor, LLC presented the City Treasurer with payment of its outstanding personal property taxes.

There was no other basis for objection to renewal of 5Z Restaurants Ann Arbor, LLCs liquor license and permits for the 2016-2017 license year. Withdrawal of the Objection to renewal of the Class C liquor license and permits held by 5Z Restaurants Ann Arbor, LLC for the 2016-2017 license year is recommended.

Prepared by: Mary Joan Fales, Senior Assistant City Attorney

Sponsored by: Liquor License Hearing Officer Lumm and 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 presented to, accepted and adopted by City Council requesting non-renewal of the Class C liquor license and permits held by 5Z Restaurants Ann Arbor, LLC (d/b/a Burger FI) (Business ID. No. 232181) 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 5Z Restaurants Ann Arbor, LLC license for the 2016-2017 License Year on the grounds stated to the Michigan Liquor Control Commission, which request is pending, which matter has been scheduled by the Commission for a Show Cause Hearing on Friday, April 22, 2016, as required by the

Commission's administrative rule R 436.1925(1) and MCL 436.1501(2);

Whereas, On April 12, 2016, 5Z Restaurants Ann Arbor, LLC presented to the City Treasurer final payment of funds which now fully satisfies it's the outstanding amount of personal property taxes and other obligations; and

Whereas, The Liquor License Hearing Officer's Findings and Recommendations presented to 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 5Z Restaurants Ann Arbor, LLC (d/b/a Burger FI) (Business ID. No. 232181) for the reason stated above and approve the application for renewal by 5Z Restaurants Ann Arbor, LLC (d/b/a Burger FI) (Business ID. No. 232181) for the 2016-2017 License Year; and

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