

COUNCIL COMMUNICATION

From: The City Manager

Subject: Authorization to Serve Alcoholic Beverages on Public Property Directly in front of 114-116 South Hamilton

Manager's Recommendation:

I recommend approval of the service of alcoholic beverages to patrons on public property in a fenced-in area on the City sidewalk directly in front of 114-116 South Hamilton between June 3, 2008 and October 31, 2008, contingent upon the vendor, Miller on Hamilton, Inc., receiving approval from the Michigan Liquor Control Commission and that it furnishes the City the mandatory documents and proofs listed in §132.01(C), Chapter 131, Title XIII, of the Saginaw Code of Ordinances. Further, it is recommended that both the Michigan Liquor Control Commission and the City's resolutions be approved regarding this matter.

Justification:

Miller on Hamilton, Inc. requested and was issued an Encroachment Permit from the City Zoning Division to include the installation of a 4' semi-permanent fence on the City sidewalk directly in front of 114-116 South Hamilton. The vendor has further requested that it be allowed to serve alcoholic beverages in this fenced in area during the hours of its operation between June 3, 2008 and October 31, 2008.

Title XIII, Chapter 132, §132.01(C) of the Saginaw Code of Ordinances states that City Council can authorize the service of alcoholic beverages on public property if the vendor provides evidence of all of the following to the satisfaction of the City:

- (1) The precise location where said beverages are to be sold and consumed;
- (2) The date and times for said activities;

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- (3) A proper state license for the sale and consumption of alcoholic beverages at the place and times listed in subsections (1) and (2) above;
- (4) Adequate public liability and property damage insurance for the benefit of the City with a company licensed to sell insurance by the state;
- (5) Such other insurance as the City Council deems adequate for the benefit of the City;
- (6) Adequate personnel to control the premises where the alcoholic beverages are to be sold and consumed; and
- (7) Such other reasonable requirements as said City Council deems appropriate.

Miller on Hamilton, Inc. must provide the proper documents to the proper City officials by June 2, 2008. If Miller on Hamilton, Inc. fails to provide the documentation and does not receive approval from the Michigan Liquor Control Commission, it will not be allowed to serve alcoholic beverages in the encroachment area directly in front of 114-116 South Hamilton, during its hours of operation between June 3, 2008 and October 31, 2008.

There are two resolutions related to this matter. One resolution is the form required by the state. The City must use the attached, official resolution provided by the Michigan Liquor Control Commission. In addition, a separate resolution used by the City, which provides specific requirements for Miller on Hamilton, Inc., is also included on the agenda for approval. That resolution does not have to be submitted to the Michigan Liquor Control Commission.

Council Action:

This Council Communication is for explanation purposes only of the Resolution to be adopted.