City of Benson
City Council Communication

Regular Meeting **October 24, 2016**

To: Mayor and Council Agenda Item # 2

From: Vicki L. Vivian, CMC, City Clerk

Subject:

Discussion and possible action regarding Resolution 35-2016 of the Mayor and Council of the City of Benson, Arizona, approving Hannah's Hill Enterprises, LLC's application for a November 4, 2016 Wine Festival License/Wine Fair License at Cochise Terrace, 1030 S. Barrel Cactus Ridge, Benson, Arizona

Discussion:

The organization, Hannah's Hill Enterprises, LLC, has applied for a Wine Festival License/Wine Fair License.

A.R.S. §4-203.03 reads that any domestic farm winery may apply for a wine festival license pursuant to this section.

1. A Wine festival license allows a licensed domestic farm winery to serve samples of its products on the wine festival premises, the sale of such products for consumption on the wine festival premises, and the sale of such products in original containers for consumption off the wine festival premises. The license is subject to the approval of the governing body of a city or town, or the Board of Supervisors of an unincorporated area of a county, where the wine festival is to take place. The Department may issue up to twenty five (25) wine festival licenses for each calendar year for each licensed domestic farm winery, for up to a cumulative total of seventy five (75) calendar days per winery.

2. A Wine fair license allows a licensed domestic farm winery to serve samples of its products at a sanctioned county or state fair, the sale of such products for consumption on the fair premises and the sale of such products in original containers for consumption off the fair premises. Wine fair license: The license is subject to the permission of the fair organizers.

Hannah's Hill Enterprises, LLC is requesting the permit for an event to be held at Cochise Terrace on Friday, November 4, 2016 from 2:00 p.m. to 6:00 p.m.

Staff Recommendation:

Council pleasure

RESOLUTION 35-2016

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, APPROVING HANNAH'S HILL ENTERPRISES, LLC'S APPLICATION FOR A NOVEMBER 4, 2016 WINE FESTIVAL LICENSE/WINE FAIR LICENSE AT COCHISE TERRACE, 1030 S. BARREL CACTUS RIDGE, BENSON, ARIZONA

WHEREAS, Hannah's Hill Enterprises, LLC has applied to the City of Benson for a wine festival license/wine fair license, to allow sampling of wine on the premises and the selling of wine by the bottle November 4, 2016; and

WHEREAS, a qualifying organization who holds a Domestic Farm Winery (Series 13) may be granted a Wine Festival License/Wine Fair License for up to 25 events per year for no more than seventy-five (75) days in a calendar year with the Council's approval; and

WHEREAS, the Mayor and Council of the City of Benson have reviewed the Hannah's Hill Enterprises, LLC application and have determined that its approval is in the best interests of the City and its residents.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Benson, Arizona, as follows:

Section 1. The Application for Hannah's Hill Enterprises, LLC is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Section 2. All orders or resolutions in conflict herewith are, to the extent of such conflict, hereby repealed, and this resolution shall be in full force and effect upon its adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Benson, Arizona this 24th day of October, 2016.

_____
TONEY D. KING, SR., Mayor

ATTEST:

_____
VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

_____
MESCH CLARK ROTHSCHILD
By Gary J. Cohen
City's Attorney

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

FOR DLLC USE ONLY
License #:
Date:
Approved by:

FAIR/FESTIVAL LICENSE APPLICATION
A.R.S. §4-203.03 Farm Winery / A.R.S. §4-205.11 Craft Distillery
A.R.S. §4-203.02 At Special Event

A service fee of $25 will be charged for all dishonored checks (A.R.S. 44-6852). When the days of the fair/festival are not consecutive, a separate license for each uninterrupted period is needed.

SECTION 1 Application type: Parcel # 133 47-581A

☐ **Wine Fair** ☒ **Wine Festival** ☐ **Craft Distillery Fair** ☐ **Craft Distillery Festival**

1. Applicant's Name: Ann Gardner Contact Phone #: 602-448-2278
2. Business name: Hannah's Hill Enterprises LLC Liquor license #: 13123012 (Farm Winery or Craft Distillery)
3. Email: HannahsHill@msn.com
4. Mailing address: 909 W. Willetta Street (Street Address) Phoenix (City) AZ (State) 85007 (Zip Code)
5. Location of fair/festival: 1030 S. Barrel Cactus Ridge (Street address) Benson (City) Cochise (County) 85602 (Zip Code)

SECTION 2 Fees, Date & Hours: $15 per day
Winery festival days permitted: 50 licenses per winery per calendar year for a total of 150 days per winery per calendar year.
Craft Distillery festival days permitted: 25 licenses per craft distillery per calendar year for a total of 75 days per craft distillery per calendar year.

	Date	Day of Week	Start Time AM/PM	End Time AM/PM
1.	November 4, 2016	Friday	2:00pm	6:00pm
2.				
3.				
4.				
5.				
6.				
7.				

Please attach an additional sheet if necessary.

RECEIVED
COCHISE COUNTY
BOARD OF SUPERVISORS
2016 OCT 14 A 11:10

Individuals requiring ADA accommodations please call (602)542-9027

SECTION 3 Site Owner Information: Cochise Terrace

1. Site owner name: Rhonda Andrisko, manager (First / Last) Daytime Contact Phone #: 520-720-0811 x4

2. Site owner mailing address: 1030 S. Barrel Cactus Ridge, Benson, Az 85602 (Street address / City / State / Zip Code)

3. Email Address: manager@cochiseterrace.com

SECTION 4 To complete this application, all questions must be answered:

1. Have you received permission for use of the site for the sale/consumption of liquor from the site owner named in Section 3? ☑ Yes ☐ No

2. Will the liquor you sell/serve be products only manufacture/produced at your licensed premises names in Section 1? ☑ Yes ☐ No

3. List the number of Fair/Festival licenses you have been issued in the current calendar year 4

4. List the number of days you have held a licensed Fair/Festival in the current calendar year 4

5. What security and control measures will you take to prevent violations of state liquor laws at this event?

   0 # of Police Officers on Site — Fencing ☐ Yes ☑ No

   0 # of Security Personnel on Site — Barriers ☐ Yes ☑ No

6. I am familiar with and have read statues for Arizona's fair/festival privileges, requirements and penalties? (Farm Winery A.R.S. §4-203.03, Craft Distillery A.R.S. §4-205.11, either being held at a Special Event A.R.S. §4-203.02) ☑ Yes ☐ No

7. I have taken responsible steps to ensure individuals operating the fair/festival licensed premises and employees who serve, sell or furnish liquor at this fair/festival have knowledge of Arizona liquor laws? (R19-1-302) ☑ Yes ☐ No

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SECTION 5 Licensed premises diagram. The licensed premises for your fair/festival is the area you are authorized to sell, dispense or serve alcoholic beverages under the provisions of your license identified in Section 1, line #2 of this application. Use this page to draw a diagram of your special event licensed premise. Please include dimensions of the premises, serving areas, fencing, barricades, or other control measures and security positions.

N↑

Multipurpose Room

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SECTION 6 This section to be completed only by the applicant named in section #1

I, Ann Catherine Daehling Gardner declare that I am the APPLICANT filing this application as listed in
(Print Full Name)

Section 8. I have read the application and the contents and all statements are true, correct and Complete.

x _____ Owner/manager 8/18/16 602-448-2278
(Signature) Title/ Position Date Phone #

The foregoing instrument was acknowledge before me this 18th August 2016
Day Month Year

State Arizona County of Maricopa

My Commission Expires on: 12/21/2019
Date Signature of Notary Public

JOANNA SANCHEZ
NOTARY PUBLIC - ARIZONA
Maricopa County
My Commission Expires
February 21, 2019

The local governing body (city, town or municipality where the fair/festival will take place) may require additional applications to be completed and submitted. Please check with local government as to how far in advance they require these applications to be submitted. Additional licensing fees may also be required before approval may be granted.

SECTION 7 Local Governing Body Approval Section

I, _____ _____ recommend ☐APPROVAL ☐DISAPPROVAL
(Government Official) (Title)

on behalf of _____, _____, _____, _____
(City, Town, County) Signature Date Phone #

FOR DEPARTMENT OF LIQUOR USE ONLY

☐APPROVAL ☐ DISAPPROVAL BY: _____ DATE: _____

A.R.S. § 41-1030. Invalidity of rules not made according to this chapter; prohibited agency action; prohibited acts by state employees; enforcement; notice

B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.

D. THIS SECTION MAY BE ENFORCED IN A PRIVATE CIVIL ACTION AND RELIEF MAY BE AWARDED AGAINST THE STATE. THE COURT MAY AWARD REASONABLE ATTORNEY FEES, DAMAGES AND ALL FEES ASSOCIATED WITH THE LICENSE APPLICATION TO A PARTY THAT PREVAILS IN AN ACTION AGAINST THE STATE FOR A VIOLATION OF THIS SECTION.

E. A STATE EMPLOYEE MAY NOT INTENTIONALLY OR KNOWINGLY VIOLATE THIS SECTION. A VIOLATION OF THIS SECTION IS CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO THE AGENCY'S ADOPTED PERSONNEL POLICY.

F. THIS SECTION DOES NOT ABROGATE THE IMMUNITY PROVIDED BY SECTION 12-820.01 OR 12-820.02.

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