

AGENDA
CITY OF PLYMOUTH
LIQUOR LICENSE
REVIEW COMMITTEE (LLRC)
February 29, 2016
4:00 p.m.
Plymouth City Hall
201 S. Main
Plymouth, MI 48170

- 1) Roll Call – Dan Dwyer, Joe Valenti, Colleen Pobur
- 2) Approve LLRC Meeting Minutes from 03-16-15
- 3) Annual Review of Liquor Licenses & Recommendation of Renewal, Revocation or Non-Renewal to the City Commission.
 - Buon Vino – Cellar 849
 - 336 Main
 - Comparis/Fiamma/Sardine Room (One License)
 - City of Plymouth Parks & Recreation
 - Barrio’s on Forest
 - Hermanns Olde Town Grill
 - Ironwood Grill
 - Mayflower Meeting House – Exclusive Catering, Inc.
 - Mayflower Lt. Gamble Post 6995 of the VFW
 - Nico & Valli – Italian Eatery
 - Plymouth Knights of Columbus
 - Box Bar
 - Penn Grill
 - Liberty Street Brewing – Norton X Brewing, Ltd. –
Brewing License
 - Liberty Street Brewing – Norton X Brewing, Ltd.
Winemaker License
 - Station 885
 - Plymouth ROC – on Ann Arbor Road
 - Panache
 - Sean O’Callaghan’s
 - Plymouth Crossings
 - E.G. Nicks T. Belli & Assoc., Inc.
 - Stella Dog Tavern
 - Aqua
 - Post Bistro

- 4) Annual Review to maintain, expand or delete total number of allowable on-premises licenses in accordance with Section 6-37d of the City Code.
- 5) Request for Small Distiller License for Vokin, LLC
- 6) Request for Class C License Transfer for Westborn Market
- 7) Other Reports and Business for the LLRC
- 8) Adjournment

S:\MANAGER\WPWORK\Liquor Control\Agenda - LLRC Annual Renewal Meeting - 2016.doc

City of Plymouth 2016 Goals

- Resolve Last Issues Regarding Dissolution of Plymouth Community Fire Department Agreement (Primarily Pension issues) **Champions: Dalton, Dwyer, Valenti**
- Work Collaboratively with Plymouth Arts & Recreation Complex (PARC) organization, the Plymouth Canton School Board, and the greater Plymouth Community to continue the repurposing of Central Middle School into a high quality Arts & Recreation Complex.
Champions: Dalton, Deal, Dwyer
- Developing a succession plan for the city's key employees, especially considering the long tenures of many of our senior staff. **Champions: Deal, Pobur, Valenti**
- Develop funding plan for future capital improvements **Champions: Pobur, Wolcott, Wright**
- Work collaboratively with the DDA, community leaders, and other organizations to plan for Plymouth's 150th Birthday in 2017. This includes obtaining funding for new Kellogg Park Fountain and Kellogg Park upgrades. **Champions: Deal, Wolcott, Wright**



**CITY OF PLYMOUTH
MEETING MINUTES**

201 S Main, Plymouth, MI 48170
Ph (734) 453-1234 Fax (734) 455-1892
<http://www.ci.plymouth.mi.us>



ITEM #2

MEETING MINUTES

Local Liquor License Review Committee (LLRC)

Monday, March 16, 2015

City Hall - 6:00 p.m.

CALL TO ORDER: Members Present- Dan Dwyer, Ed Hingelberg, Colleen Pobur

APPROVAL OF MEETING MINUTES October 6, 2014- It was moved by Member Hingelberg and seconded by Member Pobur to approve the Meeting Minutes of October 6, 2014.

MOTION PASSED

ANNUAL REVIEW OF LIQUOR LICENSES & RECOMMENDATION – The following Resolution was offered by Member Hingelberg and seconded by Member Pobur.

- WHEREAS The City of Plymouth has a Liquor Management Ordinance related to the operation All Class C Type Liquor Licenses in the City, and
- WHEREAS On March 3, 2014, the City Administration presented the Liquor License Review Committee with information about the various Liquor licensed establishments in the City, and
- WHEREAS A Public Hearing Notice was posted and mailed to Liquor License Holders indicating A Public Hearing would be held before the City Commission on March 3, 2014 and that A meeting of the Liquor License Review Committee (LLRC) would be held prior to the City Commission Meeting on March 3, 2014 to make a recommendation to the City Commission related to the renewal, revocation or non-renewal of Liquor Licenses in The City, and
- WHEREAS The LLRC Meeting and the Public Hearing before the City Commission allows the Ownership of the liquor licensed establishments an opportunity to provide input to The Local Liquor License Review Committee and the City Commission prior to any Recommendation or decision being rendered.

NOW THEREFORE BE IT RESOLVED THAT the Local Liquor License Review Committee does hereby recommend to the City Commission that the following licenses be renewed:

- Buon Vino Winery, LLC * 336 Main
- Compari's/Fiamma/Sardine Room (3 locations one license)
- City of Plymouth Recreation * Zin – 555 Forest
- Hermanns Olde Town Grill * Ironwood Grill
- Mayflower Meeting House * Mayflower – Lt. Gamble Post
6695 VFW

- Nico & Vali
 - Box Bar
 - Plymouth ROC – 1020 W. Ann Arbor Road
 - Sean O’Callaghan’s
 - E.G. Nicks
 - Aqua
 - Norton X Brewing
- * Plymouth Knights of Columbus #3292
 - * Penn Grill
 - * Station 885
 - * Post Local Bistro
 - * Stella Dog Brewery
 - * Liberty Street Brewing
 - * Panache/Bamboo

MOTION PASSED

The following Resolution was offered by Member Dwyer and seconded by Member Pobur

- WHEREAS The City of Plymouth has a Liquor Management Ordinance related to the operation All Class C Type Liquor Licenses in the City, and
- WHEREAS On March 3, 2014, the City Administration presented the Liquor License Review Committee with information about the various Liquor licensed establishments in the City, and
- WHEREAS A Public Hearing Notice was posted and mailed to Liquor License Holders indicating A Public Hearing would be held before the City Commission on March 3, 2014 and that A meeting of the Liquor License Review Committee (LLRC) would be held prior to the City Commission Meeting on March 3, 2014 to make a recommendation to the City Commission related to the renewal, revocation or non-renewal of Liquor Licenses in The City, and
- WHEREAS The LLRC Meeting and the Public Hearing before the City Commission allows the Ownership of the liquor licensed establishments an opportunity to provide input to The Local Liquor License Review Committee and the City Commission prior to any Recommendation or decision being rendered.

NOW THEREFORE BE IT RESOLVED THAT the Local Liquor License Review Committee does hereby recommend to the Plymouth City Commission that the following license be given until the end of business on March 23, 2015 to come into compliance with City Ordinances, to include the payment of all monies due/past due to the City of Plymouth.

- Plymouth Crossings

MOTION PASSED

ANNUAL REVIEW TO MAINTAIN, EXPAND OR DELETE TOTAL NUMBER OF ALLOWABLE ON-PREMISES LICENSES IN ACCORDANCE WITH SECTION 6-37d OF THE CITY CODE - On this topic there was considerable discussion. Member Pobur indicated that the numbers of police incidents has gone down except in two groups. The three biggest “bar nights” of the year, the Wednesday before Thanksgiving, New Year’s Eve and St. Patrick’s Day have all gone without significant issues. The Ordinance has changed the culture of liquor serving establishments. Member Pobur continued to discuss the Parking/Police/Mix and government cannot affect the mix of businesses. The economic development component of this regulation says that it is a good time to look at removing the cap.

Member Dwyer disagreed with Member Pobur indicating that good government can affect a mix of businesses in the community.

Member Hingelberg says that we get requests all of the time for additional liquor licenses and we have had many proposals before the City Commission. He indicated that the building at 789 W. Ann Arbor Trail is a nice building, but for the city to say yes to them and no to current businesses who have come before the City Commission would not be appropriate.

Kelly Allen the attorney representing the license that the State of Michigan has authorized for 789 W. Ann Arbor Trail indicated that they have sent a letter to the City with an operations plan for that location. She indicated that the owner of the license is a City resident who wants to open a nice establishment. This type of high end dining will in minimal or no effect on services. She indicated that the State Liquor Control Commission is going to do what the Liquor Commission wants to do. Her client is aware that the City wrote a letter to State Liquor Control Commission objecting to the transfer of the license for 789 W. Ann Arbor Trail. She indicated that this is a good time to allow this license into the City.

The owner of the building at 789 W. Ann Arbor Trail stated that no one ever told him that there were no Liquor Licenses available. He said that the City is not pro-business as the City was designed and approved for a restaurant. Mayor Dwyer stated that the owner of the building was very much aware that there was a cap on liquor licenses and that he was told this fact at several public meetings. The owner of the building didn't think the cap would be etched in stone forever. The Mayor stated that this is an annual review.

Jean Roberts a resident of 751 Forest Ave. stated that climate has changed in this town and that she and her neighbors agree with the cap and she agrees with the City Commission in keeping the cap in place.

Doug Hinker of the Plymouth Elks Club requested that the LLRC consider allowing a license outside of the Downtown for a private club. He indicated that the Elks Club is considering a move into the City from their location in Plymouth Township. He went on to say that the Elks would like to grow and the move to a new facility would be something that younger families would participate with the Elks. Mr. Hinker added that the current average age of the Elks is 72.3 years old and they are closed most nights by 9:00 p.m.

There was a discussion by the LLRC of the difference between downtown licenses and outside of downtown licenses.

The following Resolution was offered by Member Dwyer and seconded by Member Hingelberg.

WHEREAS The City Commission established the Local Liquor License Review Committee (LLRC) as a part of its Liquor Management Ordinance, and

WHEREAS City Ordinance Section 6-37(d) requires that the Local Liquor License Review Committee shall annually review and report to the City Commission its recommendations to maintain, expand or delete The total number of allowable on-premises retail licenses for Establishments that serve alcohol by the glass under a variety of State of Michigan Liquor Licenses, and

WHEREAS The LLRC did make a review of the current liquor licenses and the

City's potential for maintaining, expanding or deleting the number
Of Liquor Licenses in the City.

NOW THEREFORE BE IT RESOLVED THAT the Local Liquor License Review Committee does hereby recommend to the City Commission that they maintain the current number of liquor licenses in the City, which is 14 within the B-2 Zoning District (DDA).

MOTION PASSED

Dwyer/Hingelberg – Yes Pobur – No

The following Resolution was offered by Member Dwyer and seconded by Member Hingelberg.

WHEREAS The City Commission established the Local Liquor License Review Committee (LLRC) as a part of its Liquor Management Ordinance, and

WHEREAS City Ordinance Section 6-37(d) requires that the Local Liquor License Review Committee shall annually review and report to the City Commission its recommendations to maintain, expand or delete The total number of allowable on-premises retail licenses for Establishments that serve alcohol by the glass under a variety of State of Michigan Liquor Licenses, and

WHEREAS The LLRC did make a review of the current liquor licenses and the City's potential for maintaining, expanding or deleting the number Of Liquor Licenses in the City.

NOW THEREFORE BE IT RESOLVED THAT the Local Liquor License Review Committee does hereby recommend to the City Commission that they allow one additional license or a total of 11 within the B-1, B-3 and ARC Zoning Districts and that the one additional license be limited to a service club or more commonly known as a private club license. This additional license recommendation is pending a future legal review and report to the City Commission in April of 2015.

MOTION PASSED

Dwyer/Hingelberg – YES Pobur - NO

ADJOURNMENT- There being no further business to come before the LLRC it was moved by Member Hingelberg and seconded by Member Pobur to adjourn the meeting.

MOTION PASSED

Respectfully submitted:

Paul Sincock
City Manager

CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
www.ci.plymouth.mi.us

ADMINISTRATIVE RECOMMENDATION:

To: Local Liquor License Review Committee
From: Paul J. Sincock – City Manager
CC: *S:\MANAGER\WPWORK\Liquor Control\Memorandum - LLRC Annual Review of Liquor Establishments 2016 - 02-29-16.doc*
Date: 2/19/2016
Re: Annual Review of Liquor License Renewals

BACKGROUND:

The members of the Local Liquor License Review Committee are required to make a recommendation to the City Commission related to the annual renewal, revocation or non-renewal of liquor licenses. The LLRC is aware that we have posted a Public Hearing for the Annual Review of Liquor License Renewals for the City Commission on March 7, 2016. This is a normal part of our liquor work load during this time of year. We are required to review all of our records related to each establishment. Often times we find that several establishments owe the City either past due taxes, utility bills or other invoices; such as a DDA invoice or a failure to obtain gaming device license. There are some who will not pay their winter taxes until the final day that they are due, so we will have to wait for that occur before recommending non-renewal. These types of issues are noted in our original Public Hearing Notice.

As a part of our Administrative Process we then mail out a Notice of Public Hearing for Recommending Renewal, Revocation and non-renewal of Liquor Licenses in accordance with our Liquor Management Ordinance. That notice then usually inspires all of those with outstanding issues to contact the City Treasurer or other Departments to either make immediate payment or to make arrangements for payments.

During our agenda preparations as of Friday, February 19, 2016 we still have outstanding payment issues with Buon Vino Winery, 849 Penniman, Ironwood Grill, Box Bar, Liberty Street Brewing, Plymouth Crossings, and Sean O'Callaghan's. We anticipate that this list will be changed by Monday's meeting.

The LLRC may want to consider that all establishments be recommended for renewal; EXCEPT for that still may have non-payment issues at the time of the meeting. We have attached the updated Notice for Annual Public Hearing as a reference. Again, please note that this was updated as of February 19, 2016 and is subject to a number of changes.

It should be noted that we did not have any significant issues with our local establishments in our review period and our required police contacts with our establishments dropped from 21 in 2013 to 14 in 2014 and down to 13 in 2015. The establishment with the most contacts was the Post Bistro with a total of five. The attached report from Director of Public Safety Al Cox shows a decline in OWI arrests in 2015 from 99 in 2014 to 75 in 2015. We did see a small increase in OWI crashes going from 7 in 2014 to 9 in 2015. We also saw an increase in alcohol related disorderly conduct calls for service both from our local establishments and from other areas around town. Total alcohol related disorderly

conduct calls for service jumped from 33 in 2014 to 75 in 2015. The increase at the local establishments was from 11 in 2014 to 18 in 2015.

The LLRC may want to consider some type of recommendation to the City Commission for the State of Michigan Liquor Control Commission to revoke the liquor licenses of Bamboo/Panache and Plymouth Crossings. Bamboo/Panache has had their license in Escrow since August of 2014 and there does not seem to be any action to use the license in the foreseeable future. The Plymouth Crossing has had their license in Escrow since January of 2015. There are active building permits on this facility and they suffered a significant loss during the last winter due to frozen pipes in the building. We have attached a brief report from our Community Development Department as additional information.

The Liquor Management Ordinance contains language related to licenses in Escrow. Specially:

Sec. 6-41. - Termination of escrowed licenses.

The city commission may, through resolution, request that the Michigan Liquor Control Commission terminate an on-premises license that has been placed in escrow for more than one (1) year after its expiration.

Use of this section of the City Code is purely optional and the intent was to avoid having a vacant building for an extended period of time without any movement towards either re-opening or sale of the establishment. In addition, the City Commission can only recommend to the Michigan Liquor Control Commission a revocation and it will be up to that group to make a determination.

RECOMMENDATION:

The City Administration recommends; based on the review of payment issues only the renewal of all liquor licenses; EXCEPT for those with payment issues. We anticipate that list of establishments with payment issues will change between the time we wrote this recommendation and the LLRC Meeting.

In order to assist the LLRC with their renewal/non-renewal recommendations we have prepared separate Resolutions for the renewals and then for the establishments being recommended for non-renewal.

Should you have any questions in advance of the meeting please feel free to contact either Chief Al Cox or myself.

**NOTICE OF ANNUAL
PUBLIC HEARING FOR RECOMMENDING
RENEWAL, REVOCATION AND NON-RENEWAL
OF LIQUOR LICENSES IN ACCORDANCE WITH
The City of Plymouth Liquor Management Ordinance**

Plymouth City Commission
Commission Chambers
201 S. Main
Plymouth, MI 48170
March 7, 2016 - 7:00 p.m.

**UPDATED 2/19/16 - ADMINISTRATIVE RECOMMENDATIONS ARE CURRENT
AS OF 02/19/2016 AND ARE SUBJECT TO CHANGE PENDING ADDITIONAL
INFORMATION OR CORRECTIONS.**

Open Public Hearing – As a part of the Regular City Commission Agenda

- 1) License Holder – Buon Vino Winery, LLC, 849 Penniman – Administrative Recommendation for non-renewal pending resolution of outstanding past due tax bill (49-999-00-2012-065 - \$392.26) and hearing before the Local Liquor License Review Committee in accordance with Section 9 of the City of Plymouth Liquor Management Ordinance. LLRC Hearing Scheduled for 4:00 p.m. on February 29, 2016, Plymouth City Hall, 201 S. Main Street, Plymouth, MI
- 2) License Holder – 336 Main, 336 S. Main - Administrative Recommendation for Renewal.
- 3) License Holder – Compari’s on the Park/Fiamma/Sardine 350 S. Main - Administrative Recommendation to approve renewal. (3 locations on one license)
- 4) License Holder – City of Plymouth Parks and Recreation – Administrative Recommendation to approve renewal
- 5) License Holder – D.B.A. - Barrio’s Forest Ave. – Administrative Recommendation for Renewal.
- 6) License Holder – Hermanns Olde Towne Grill, 195 W. Liberty - Administrative Recommendation to approve renewal, pending payment of Taxes due on 2/29/16.

- 7) License Holder – Ironwood Grill, 840 W. Ann Arbor Trail – Administrative Recommendation for non-renewal pending resolution of outstanding water bill (ARTW-000840-0000-02 \$1,015.81) and payment of taxes due on 2/29/16 and hearing before the Local Liquor License Review Committee in accordance with Section 9 of the City of Plymouth Liquor Management Ordinance. LLRC Hearing Scheduled for 4:00 p.m. on February 29, 2016, Plymouth City Hall, 201 S. Main Street, Plymouth, MI
- 8) License Holder – Mayflower Meeting House, Exclusive Catering, Inc. 499 S. Main - Administrative Recommendation to approve renewal.
- 9) License Holder – Mayflower – Lt. Gamble Post 6995 of the Veterans of Foreign Wars of the United States, 1426 S. Mill Street - Administrative Recommendation to approve renewal.
- 10) License Holder – Nico & Vali – Italian Eatery, 744 Wing Street - Administrative Recommendation to approve renewal.
- 11) License Holder – Plymouth Knights of Columbus Building Council #3292, 150 Fair Street - Administrative Recommendation to approve renewal.
- 12) License Holder – The Box Bar, 777 W. Ann Arbor Trail - Administrative Recommendation for non-renewal pending resolution of outstanding past due Invoice Due to City DDA (\$157.52) and payment of taxes due on 2/29/16 and a hearing before the Local Liquor License Review Committee in accordance with Section 9 of the City of Plymouth Liquor Management Ordinance. LLRC Hearing Scheduled for 4:00 p.m. on February 29, 2016, Plymouth City Hall, 201 S. Main Street, Plymouth, MI
- 13) License Holder – The Penn Grill, 820 Penniman – Administrative Recommendation for approval pending payment of taxes due on 2/29/16
- 14) & 15) License Holder – Liberty Street Brewing – Norton X Brewing LTD, 149 W. Liberty – Administrative Recommendation for non-renewal pending resolution of outstanding past due tax bills (49-005-03-0051-001 \$6,446.60, 49-999-00-2015-080 \$1,523.95) and payment of taxes in the amount of \$382.55 due on 2/29/16 and hearing before the Local Liquor License Review Committee in accordance with Section 9 of the City of Plymouth Liquor Management Ordinance. LLRC Hearing Scheduled for 4:00 p.m. on February 29, 2016, Plymouth City Hall, 201 S. Main Street, Plymouth, MI

- 16) License Holder – DBA/ Aqua - JJA, Inc. – Starkweather & Main Street - Administrative Recommendation for RENEWAL pending payment of taxes due on 2/29/16
- 17) License Holder – PANACHE – 447 Forest Ave., - Administrative Recommendation for Revocation License that has been in Escrow since August 2014 and City Ordinance allows LLRC and City Commission to make recommendation to the State of Michigan Liquor Control Commission to revoke the license due to lack of use causing vacant building and property deterioration in central core of Downtown.
- 18) License Holder – DBA/Plymouth ROC – 1020 W. Ann Arbor Road - Administrative Recommendation to approve renewal.
- 19) License Holder – E.G. Nicks T. Belli & Assoc. Inc. – 500 Forest Ave. – Administrative Recommendation to approve renewal.
- 20) License Holder – DBA/Plymouth Crossing – 340 N. Main - Administrative Recommendation for non-renewal pending payment or resolution of outstanding past due taxes due to City (49-005-01-0362-007 - \$76,902.68) and payment of taxes due on or before 2/29/16 in the amount of \$5,450.74 and possible recommendation for Revocation due to license being held in Escrow since January 2015 in accordance with Liquor Management Ordinance and hearing before the Local Liquor License Review Committee in accordance with Section 9 of the City of Plymouth Liquor Management Ordinance. LLRC Hearing Scheduled for 4:00 p.m. on February 29, 2016, Plymouth City Hall, 201 S. Main Street, Plymouth, MI
- 21) License Holder – Post Bistro – 844 Penniman Ave. - Administrative Recommendation to approve renewal.
- 22) License Holder – Sean O’Callaghan’s Public House – 821 Penniman Ave. - Administrative Recommendation for non-renewal pending resolution of outstanding past due tax bill (49-999-00-1889-000 \$2,963.77) and payment of taxes due on or before 02/29/16 in the amount of \$267.29 and hearing before the Local Liquor License Review Committee in accordance with Section 9 of the City of Plymouth Liquor Management Ordinance. LLRC Hearing Scheduled for 4:00 p.m. on February 29, 2016, Plymouth City Hall, 201 S. Main Street, Plymouth, MI
- 23) License Holder – Station 885 – 885 Starkweather – Recommendation to approve renewal.
- 24) License Holder – Stella Dog Tavern, 860 Fralick - Administrative Recommendation for Renewal pending payment of Taxes due on or before 02/29/16 in the amount of \$409.73.

** License holders with payments due or past payments due should check their records to confirm if the payment has already been made and notify the City Treasurer (734-453-1234 ext. 245.) Contact with the City Treasurer and payment can result in the Administrative Recommendation being changed in advance of the Public Hearing. Past due tax payments to Wayne County must have a receipt showing payment.*

The City of Plymouth may provide correspondence, reports and/or public comment from the City Manager, Police Chief, City Clerk, Community Development Director, Fire Chief or Inspector, City Treasurer and/or other members of the City of Plymouth Staff.

LOCAL LIQUOR LICENSE REVIEW COMMITTEE WILL MEET AT 4:00 p.m. ON MONDAY, FEBRUARY 29th AT THE PLYMOUTH CITY HALL TO MAKE A FINAL RECOMMENDATION TO CITY COMMISSION ON RENEWAL, REVOCATION AND NON-RENEWAL OF LIQUOR LICENSES.

Licensees are required to notify the City's Attorney's Office at least three (3) days prior to the hearing date if they intend to contest the proposed action, and to provide the names of witnesses known at the time who will testify on their behalf. (Section 8, B6) Contact City Attorney's Office at – Plunkett & Cooney, Robert Marzano, City Attorney - 248-594-6357.

2015 REPORT OF ALCOHOL RELATED POLICE INCIDENTS

TO: PAUL SINCOCK, CITY MANAGER
FROM: A.L. COX, DIRECTOR OF PUBLIC SAFETY *A.L. Cox*
SUBJECT: ALCOHOL RELATED INCIDENTS FOR PERIOD 1/1/2015-12/31/2015
DATE: 1/22/2016

Current MLCC Licenses in the City of Plymouth

Alcohol by the Glass: 22 Active and 2 In Escrow (1 for every 380 residents)
Packaged Liquor: 7 Active and 1 In Escrow (1 for every 1141 residents)

Total MLCC inspections by Officers to every MLCC regulated establishment

- Officers are required to perform MLCC inspections of all MLCC regulated establishments. This occurs weekly for several alcohol by the glass establishments and monthly for others, including our packaged beer, wine, and liquor stores. Inspections consist of an Officer's walk-thru/observation of the establishment's employees, patrons, and service practices followed by the completion of a written check-list/report for each location.

MLCC Police Officer Inspections	1/1/2014-12/31/2014	1/1/2015-12/31/2015
Total	1128	815

Total alcohol related Disorderly Conduct Calls For Service (CFS)

- The following table displays all alcohol related Disorderly Conduct CFS for the referenced time period. Total CFS of this type are listed first, followed by those dispatched directly to the address of any of our licensed establishments. The last category is all other alcohol related Disorderly Conduct CFS around town.

Alcohol Related Disorderly Conduct CFS	1/1/2014-12/31/2014	1/1/2015-12/31/2015
Total	33	75
Local Establishments	11	18
Other Areas Around Town	22	57

Total alcohol related driving/motor vehicle CFS

- All drunken driving incidents, including OWI 1st Offense, Repeat Offenders (OWI II & OWI III), Super Drunk, and Child Endangerment cases.

Alcohol/Motor Vehicle related CFS	1/1/2014-12/31/2014	1/1/2015-12/31/2015
Total	99	75

- In an effort to give you a better understanding of our total number, the following table breaks down the specifics regarding the types of drunks we encounter and in some cases an idea of their condition (Blood Alcohol Content over .17).

Year	OWI 1st Offense MISDEMEANOR	OWI 2nd Offense MISDEMEANOR	OWI 3rd Offense FELONY	Super Drunk .17 BAC or higher	Total OWI Arrests	OWI Crashes
2014	40 (41%)	9 (9%)	3 (3%)	47 (47%)	99	7
2015	26 (35%)	10 (13%)	7 (9%)	32 (43%)	75	9

Total other alcohol related incidents

- Includes such incidents as Minor in Possession of alcohol, as well as Open Intoxicants and Public Intoxication.

Other alcohol related incidents	1/1/2014-12/31/2014	1/1/2015-12/31/2015
Total	19	5

Total alcohol related Malicious Destruction of Property (MDOP) CFS

- Incidents involving MDOP in which the suspect is intoxicated or had been drinking.

Alcohol related MDOP CFS	1/1/2014-12/31/2014	1/1/2015-12/31/2015
Total	1	1

Total Violation Reports Involving City MLCC Licensed Establishments

- It should be noted that 2015 is the first year since 2007 in which it has not been necessary to file a Violation Report with the MLCC.

MLCC Violation Reports	1/1/2014-12/31/2014	1/1/2015-12/31/2015
Total	2	0

Total Police Notifications to MLCC regulated establishments

- These notifications were telephone calls, emails or face to face meetings with bar owners or management anytime Officers responded to an incident involving a subject(s) that consumed in their establishment (i.e. a visibly intoxicated subject that was arrested for drunk driving after having been served at a local bar).
- It is important to note that the information as to where a subject(s) was drinking is generally provided by an intoxicated person that, in the same breath, will tell us he/she had “two beers” when it is obvious they had much more.

Police Notification to MLCC Establishment		
Establishment	1/1/2014-12/31/2014	1/1/2015-12/31/2015
336 Main	2	1
Aqua	0	0
Bamboo	0	ESCROW SINCE 8/2014
Barrio Cocina Y Tequileria	0	0
Box Bar	0	0
Cellar 849	0	0
Compari's/Fiama/Sardine Room	1	1
Cultural Center	0	0
E.G. Nicks	0	0
Herman's Grille	2	0
Ironwood	1	1
K of C	0	0
Liberty Street Brewing Co.	0	0
Mayflower Meeting House	0	0
Nico & Vali	0	0
Penn Grille	3	3
Plymouth Crossing	1	ESCROW SINCE 1/2015
Plymouth ROC	1	0
Post Bistro	3	5
Sean O'Callaghan's	0	2
Station 885	0	0
Stella's Black Dog Tavern	0	0
VFW	0	0
Total	14	13

While this report has been compiled as accurately as possible, it should be noted that it is likely that some alcohol related incidents have been missed as a result of operator error in capturing alcohol related data within the proper field during data entry of the police report.

Sincock, Paul

From: Buzuvis, John
Sent: Thursday, February 11, 2016 11:16 AM
To: Sincock, Paul
Subject: RE: Need a report

Good Morning Paul,

Below is a status update for 340 N. Main St. (Plymouth Crossings Restaurant)

- Two ordinance violations (snow removal and landscaping/weeds) have been addressed and closed out and are not outstanding at this time
- We have no specific permits and/or outstanding ordinance violations for the restaurant itself
- A building permit and Electrical Permit were issued for the entire building (not specifically the restaurant) issued in March 2015 and June 2015 respectively. The Electrical permit has received final approval
- The building permit noted above was issued to allow for the necessary interior repairs due to water damage from the basement flood at that location last winter. Below is a quick overview of the status of the repairs:
 - o Temporary Certificate of Occupancy issued and still active at this time (awaiting repair of elevator which is scheduled for early next week)
 - o All conditions of temporary Certificate of Occupancy have been met with the exception of the elevator being repaired to make upstairs accessible for ADA compliance
 - o Electrical permits have been pulled and final inspections complete
 - o Building Permit is still active for the entire building (including the restaurant)
 - o Work will continue on the restaurant portion of the building as the owner/owner's representative have focused on getting the common and office areas of the building repaired completed prior to addressing the myriad issues in the restaurant portion of the building
 - o The pile of HVAC debris that is located on the patio of the restaurant is the result, per the building manager, of negotiation between the owners/insurance company on whether the duct work can/should be cleaned and reinstalled or replaced
 - o At this time there are ADA access issues between the outdoor patio and the interior of the restaurant and from the patio to the parking lot area
 - o Panic bars need to be installed on the doors from the restaurant interior to the patio area
 - o I will schedule the Building Inspector to do a progress inspection at the property
 - o Per the property manager the property owners are looking for a restaurant operator to run the restaurant for them
 - o I will provide a copy of the most recent building permit for the interior restoration work once Brent completes his progress inspection and comments(Monday)

Panache/Bamboo (447 Forest Ave.)

- No outstanding permits and/or Ordinance Violations

Let me know if this works- if not I'm happy to change the format etc.

Thanks,

John

From: Sincock, Paul
Sent: Tuesday, February 09, 2016 9:59 AM
To: Buzuvis, John
Subject: Need a report

LLRC RESOLUTION #1

The following Resolution was offered by Member _____ and seconded by Member _____.

WHEREAS The City of Plymouth has a Liquor Management Ordinance related to the operation All Class C Type Liquor Licenses in the City, and

WHEREAS On February 29, 2016, the City Administration presented the Liquor License Review Committee with information about the various Liquor licensed establishments in the City, and

WHEREAS A Public Hearing Notice was posted and mailed to Liquor License Holders indicating A Public Hearing would be held before the City Commission on March 7, 2016 and that A meeting of the Liquor License Review Committee (LLRC) would be held on February 29, 2016 to make a recommendation to the City Commission related to the renewal, revocation or non-renewal of Liquor Licenses in The City, and

WHEREAS The LLRC Meeting and the Public Hearing before the City Commission allows the Ownership of the liquor licensed establishments an opportunity to provide input to The Local Liquor License Review Committee and the City Commission prior to any Recommendation or decision being rendered.

NOW THEREFORE BE IT RESOLVED THAT the Local Liquor License Review Committee does hereby recommend to the City Commission that the following licenses be renewed:

- 336 Main
- Compari's/Fiamma/Sardine Room (3 locations one license)
- City of Plymouth Recreation * Barrio - 555 Forest
- Hermanns Olde Town Grill
- Mayflower Meeting House * Mayflower – Lt. Gamble Post 6695 VFW
- Nico & Vali * Plymouth Knights of Columbus #3292
- Penn Grill
- Plymouth ROC – 1020 W. Ann Arbor Road * Station 885
- Sean O'Callaghan's * Post Local Bistro
- E.G. Nicks * Stella Dog Brewery

- Aqua

LLRC RESOLUTION #2

Non-Renewal

The following Resolution was offered by Member _____ and seconded by Member _____.

- WHEREAS The City of Plymouth has a Liquor Management Ordinance related to the operation All Class C Type Liquor Licenses in the City, and
- WHEREAS On February 29, 2016, the City Administration presented the Liquor License Review Committee with information about the various Liquor licensed establishments in the City, and
- WHEREAS A Public Hearing Notice was posted and mailed to Liquor License Holders indicating A Public Hearing would be held before the City Commission on March 7, 2016 and that A meeting of the Liquor License Review Committee (LLRC) would be held On February 29, 2016 to make a recommendation to the City Commission related to the renewal, revocation or non-renewal of Liquor Licenses in The City, and
- WHEREAS The LLRC Meeting and the Public Hearing before the City Commission allows the Ownership of the liquor licensed establishments an opportunity to provide input to The Local Liquor License Review Committee and the City Commission prior to any Recommendation or decision being rendered.

NOW THEREFORE BE IT RESOLVED THAT the Local Liquor License Review Committee does hereby recommend to the Plymouth City Commission that the following licenses NOT BE RENEWED AS A RESULT OF VIOLATION OF CITY ORDINANCES:

- Buon Vino Winery, LLC
- Ironwood Grill
- Box Bar
- Liberty Street Brewing
- Norton X Brewing

- Panache/Bamboo
- Plymouth Crossings

CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
www.ci.plymouth.mi.us

ADMINISTRATIVE RECOMMENDATION

To: Liquor License Review Committee (LLRC)
From: Paul J. Sincock – City Manager
CC: *S:\MANAGER\WORK\Liquor Control\Memorandum - LLRC Annual Review of Number of Liquor Licenses 2016 - 02-29-16.doc*
Date: 2/9/2016
Re: Annual Review of allowable liquor licenses

BACKGROUND:

City Ordinance (Section 6-37d) requires that the Liquor License Review Committee annually review and report to the City Commission its recommendations to maintain, expand or delete the total number of allowable on-premises retail licenses for establishments that serve alcohol by the glass.

Five years ago the LLRC and City Commission authorized two additional liquor by the glass establishments and we now have a total of 24 licenses in the City. One establishment has been closed for nearly two years after attempting to reinvent itself from Panache to Bamboo and at last report that license was being held in Escrow by the State. A second establishment has been closed for about a year due to broken water pipes over the winter in 2015, the Plymouth Crossings will have to complete major renovations before it can re-open.

Currently, the Ordinance allows for a total of 14 licenses within the B-2 Zoning District or DDA District. Ten additional licenses are allowed in other business Zoning Districts. The two square mile City of Plymouth has a total of 24 active liquor licenses. In addition, there are other establishments such as the Plymouth Manor (Wedding Place on N. Main) and the Oddfellows Hall (Elizabeth Street) which have private parties, which serve liquor and have been known to place additional stresses on City Services. Also, we have the Compari's establishments which have one license, but are really a total of three different establishments.

Each month the City Police Department, City Clerk or the City Manager's office receives requests for additional liquor license transfers into the City. In the past, the City Commission has had presentations from several groups; including, but not limited to a Chocolate Bar, Greek Islands, the building at Main & Ann Arbor Trail all requesting additional liquor licenses. Each time the City Administration has a

discussion with the person calling about how Plymouth wants to maintain its overall ambiance and that we already have 24 active liquor licenses. There is significant demand by developers and others who want to bring additional liquor licenses into the City and especially the downtown area. The question becomes can available City Services and infrastructure handle more liquor serving establishments?

The City Administration has been and remains steadfast in its opinion that more liquor serving establishments is not something the current City Resources can handle at this time. We cannot sustain the additional demand that liquor serving establishments place on our resources. Everything from parking, to public safety services, and municipal services must be taken into consideration. It should be noted that we have not had 24 operational licenses in several years as usually one or more establishment is going through a conversion. That conversion process may also indicate that we are at a saturation point in liquor serving establishments since there always seems to be one or two that are closed in an attempt to re-invent themselves to pick up more business.

It should be noted that from a policing perspective we attempt to be preventive and provide high visibility in and around the liquor serving establishments. The addition of one officer has helped the overall situation. On the nights that this "new" officer works he focuses on the downtown bars/restaurants or other areas where bars/restaurants are located. This hopefully will free up other officers to handle calls for service throughout the City. The City Commission and the DDA are jointly funding the "new" officer. That additional officer will assist our staffing issues on approximately half of the nights.

In addition, each liquor establishment places additional stresses on a limited municipal parking system. We must also consider the demand going to be placed on the municipal parking system with the new Westborn Market coming in. Between the number of employees and customers at that location as well as their hours of operation into the evening, there will be a crunch on parking, even with Saxton's, which is already full most days/nights. There are also other demands placed on the Municipal Services Department and Fire Department as a result of liquor establishments. Every restaurant creates a number of issues with the sewer system and we must also consider the costs for additional "emergency" clean up of deposits left around town from "overbeveraged" persons. We are also required to "staff" the fire department for high volume run nights, such as New Year's Eve, St. Patrick's Day, Day before Thanksgiving and so on. This additional staffing is then funded 100% by the City General Fund. In addition, the run volumes on those nights also add significantly to our costs of the Fire Department due to the increase in the percentage of runs over what the City of Northville has annually.

The City has to be very cautious of the fact that once a license is in the City, it can be moved or expanded into another location. This was the case in Birmingham where they had cases of one license was used for multiple locations, similar to the Compari's situation. In our case; one license for Compari's covers three different alcohol serving establishments, which really means instead of 24 establishments we

have 26. Once a Liquor License is established in the City, the potential for sale of that license and then moving it to a larger operation also exists.

There is a cost to the City's General Fund as this is especially the case on days such as St. Patrick's Day, the day before Thanksgiving, New Year's Eve and so on. If St. Patrick's Day was a Special Event we would simply bill the sponsor of the event for these additional services. Instead, the City's General Fund picks up the tab for the additional police/fire and DMS coverage of the bar/restaurant activity and those costs are spread to all taxpayers in the City.

The adding of additional liquor licenses in the City is a political decision that must take all factors into consideration. While the "rowdy" atmosphere may have declined we feel that is in part to a number of factors. The dedicated work of the Police Department and the additional officer has had an impact. The local establishments have a clear understanding of the expectations for operating a liquor serving establishment in the City. The resurgence of Mid-Town Detroit may have had an impact on some of the "20 something's" that used to frequent Downtown Plymouth. Parking is still in high demand and the stresses on that system that additional business openings will have in the near future will be something that will need to be addressed further. Paid parking may be something that will need to be considered in the very near future.

RECOMMENDATION:

The City Administration DOES NOT recommend any increase in the number of liquor licenses for the City. There seems to be a reasonable level of activity with 24 licenses currently operating covering 26 different liquor serving establishments.

We provided the LLRC with a Resolutions for their discussions and recommendation to the City Commission. One of the proposed Resolutions would recommend to the City Commission staying at the current 24 liquor licenses. The second Proposed Resolution would authorize an expansion of the number of Liquor Licenses in the various Zoning Districts. Should you have any questions in advance of the meeting please feel free to contact either myself or Al Cox.

LLRC RESOLUTION

Maintain Current Number of Licenses

The following Resolution was offered by Member _____ and seconded by Member _____.

WHEREAS The City Commission established the Local Liquor License Review Committee (LLRC) as a part of its Liquor Management Ordinance, and

WHEREAS City Ordinance Section 6-37(d) requires that the Local Liquor License Review Committee shall annually review and report to the City Commission its recommendations to maintain, expand or delete
The total number of allowable on-premises retail licenses for Establishments that serve alcohol by the glass under a variety of State of Michigan Liquor Licenses, and

WHEREAS The LLRC did make a review of the current liquor licenses and the City's potential for maintaining, expanding or deleting the number Of Liquor Licenses in the City.

NOW THEREFORE BE IT RESOLVED THAT the Local Liquor License Review Committee does hereby recommend to the City Commission that they maintain the current number of liquor licenses in the City, which is 14 within the B-2 Zoning District (DDA), and 10 within the B-1, B-3 and ARC Zoning Districts and that the total number of liquor licenses shall remain constant 24 licenses City wide in accordance with the current Zoning and Liquor Management Ordinances.

LLRC RESOLUTION

EXPAND the Current Number of Licenses

The following Resolution was offered by Member _____ and seconded by Member _____.

WHEREAS The City Commission established the Local Liquor License Review Committee (LLRC) as a part of its Liquor Management Ordinance, and

WHEREAS City Ordinance Section 6-37(d) requires that the Local Liquor License Review Committee shall annually review and report to the City Commission its recommendations to maintain, expand or delete The total number of allowable on-premises retail licenses for Establishments that serve alcohol by the glass under a variety of State of Michigan Liquor Licenses, and

WHEREAS The LLRC did make a review of the current liquor licenses and the City's potential for maintaining, expanding or deleting the number Of Liquor Licenses in the City.

NOW THEREFORE BE IT RESOLVED THAT the Local Liquor License Review Committee does hereby recommend to the City Commission that they EXPAND the current number of liquor licenses in the City. The Local Liquor License Review Committee Recommends to the City Commission that _____ licenses within the B-2 Zoning District (DDA), and _____ Licenses within the B-1, B-3 and ARC Zoning Districts be allowed and that the total number of liquor licenses shall NOT EXCEED _____ licenses City wide in accordance with the current Zoning and Liquor Management Ordinances.

CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
www.ci.plymouth.mi.us

ADMINISTRATIVE RECOMMENDATION

To: Liquor License Review Committee (LLRC)
From: Paul J. Sincock – City Manager
CC: S:\MANAGER\WPWORK\Liquor Control\Memorandum - LLRC Review of Vokin Vodka 02-29-16.doc
Date: 2/19/2016
Re: Application for Small Distiller License

BACKGROUND:

The City has received an application from Vokin Vodka for a Small Distiller License to be located at 710 Junction. The location on Junction Street is an allowed use in that Zoning District from the standpoint of a Distilling, but the State Liquor Control Commission allows "tasting" either at that location or some other location. "Tasting" is not allowed in the Zoning District on Junction Street.

There are a number of legal issues which the Liquor License Review Committee (LLRC) may wish to consult with the City Attorney on. The City Attorney has provided the LLRC with a Confidential – Attorney Client Privileged letter regarding this application. This letter would allow the LLRC to go into Closed Session to discuss the contents of the City Attorney's Letter.

We have attached the application and related materials from the applicant. We have also included a memorandum from Director of Public Safety Al Cox as additional information.

RECOMMENDATION:

The City Administration recommends that the LLRC go into closed session to discuss with the City Attorney the contents of his letter to the City. This will allow the LLRC to have a complete discussion on the issues discussed in the City Attorney's Letter prior to rendering a recommendation to the full City Commission.

We have prepared a proposed Resolution which will allow the LLRC to go into Closed Session to discuss the City Attorney's Letter. A roll call vote will be needed.

RESOLUTION

The following Resolution was offered by Member _____ and seconded by Member _____.

NOW THEREFORE BE IT RESOLVED THAT the Local Liquor License Review Committee shall go into Closed Session to discuss a Letter from the City Attorney that is Subject to Attorney – Client Privilege.

NOTICE OF PUBLIC HEARING

CITY OF PLYMOUTH CITY COMMISSION WILL HOLD A PUBLIC HEARING IN ACCORDANCE WITH LIQUOR MANAGEMENT ORDINANCE

PLEASE TAKE NOTICE THAT a public hearing shall be held before the City Commission of the City of Plymouth on **Monday, March 7, 2016 at 7:00 p.m.** at the regular meeting of the Plymouth City Commission the meeting will be held at Plymouth City Hall, 201 S. Main, Plymouth, Michigan. The Public Hearing will consider the following:

- 1) **Application for Transfer of Liquor License into the City of Plymouth from Westborn, Livonia to Westborn Market Plymouth at 860 Penniman, Plymouth.**
- 2) **Application for Small Distiller License for Vokin Vodka at 710 Junction.**

This is a public meeting and any interested person is invited to attend at the place and time stated.

THERE WILL BE A MEETING OF THE LOCAL LIQUOR LICENSE REVIEW COMMITTEE (LLRC) PRIOR TO THE PUBLIC HEARING TO MAKE A RECOMMENDATION TO THE CITY COMMISSION. The LLRC meeting will take place at the PLYMOUTH CITY HALL, 201 S. Main, Plymouth, MI 48170 at 4:00 p.m. on Monday, February 29, 2016.

Linda J. Langmesser, CMC
City Clerk

Posted: City Hall
Cultural Center
Public Library

PLYMOUTH POLICE DEPARTMENT MEMORANDUM

TO: PAUL SINCOCK, CITY MANAGER
FROM: A.L. COX, DIRECTOR OF PUBLIC SAFETY *A.L. Cox*
SUBJECT: NEW SMALL DISTILLER LICENSE FOR VOKIN LLC
DATE: 1/19/2016

As you are aware, the City received a local application for a new Small Distiller license to be located at 710 Junction. The applicant, Vokin LLC, intends to do business under the name Vokin Vodka.

It should be noted that this type of license and establishment has never existed within the City of Plymouth. It should also be noted that while this business is more closely related to the manufacturing process, this license type does allow for the sale and consumption of liquor on the licensed premises as well as the sale of liquor for off-premise consumption. The applicant has repeatedly stated that this is not his intention, but it would be acceptable under the administrative rules of the Michigan Liquor Control Commission (MLCC).

As stated above, this is a brand new license coming into the City, meaning it is not a transfer from another venue. A new license requires that before the MLCC will even recommend the applicant's State application for investigation, he must receive local government approval in the form of a City Resolution. This format is different from previous applications that have come before the Liquor License Review Committee (LLRC) in that typically, the investigation process by the MLCC Enforcement Division is either complete or currently underway by the time it reaches the Committee. For this reason, the City has received no State Notification paperwork.

Our only indication of the applicant's desire is the completed Local Application and verbal confirmation from the MLCC that the applicant applied for this same license to be located in Waterford on 10/13/2015. The applicant advised that it is his desire to change the location from Waterford to Plymouth. Per the MLCC however, the address change will not happen at their level until after the Local Government Approval has been completed. When the MLCC receives this paperwork, they will then recommend the application for investigation, forward it to the Enforcement Division, and send us official notification of same. Something we will already know.

If you have any questions or concerns, please let me know.

ARTICLE XII. - I-1 LIGHT INDUSTRIAL DISTRICTS

Sec. 78-120. - Intent.

The I-1, light industrial district is designed so as to accommodate employment centers related to light industrial uses as well as research and development, engineering and testing, office uses, medical facilities, wholesale activities, warehouses, limited manufacturing and industrial operations. The district is intended to permit only those uses whose external, physical effects are restricted to the area of the district and only exert minimal detrimental effects to the surrounding districts. This district is further designed to recognize the growing convergence of office, industrial, and research in terms of functions, location, appearance and activities.

(Ord. of 10-6-03; Ord. No. 2010-02, § 6, 4-5-10; Ord. No. 2013-05, § 3, 10-21-13; Ord. No. 2014-03, § 4, 2-17-14)

Sec. 78-121. - Purposes.

The general goals of the light industrial district include, among others, the following specific purposes:

- (1) To provide sufficient space, in appropriate locations, to meet the needs of the city's expected economy for light manufacturing and industrial activities, research and development, office, medical, engineering and testing, and related uses.
- (2) To protect abutting residential districts by separating them from heavy manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
- (3) To promote light manufacturing development which minimizes the danger of fire, explosions, toxic and noxious matter, radiation and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
- (4) To protect the most desirable use of land in accordance with a well-considered plan. To protect the character and established pattern of adjacent development, and in each area, to conserve the value of land and buildings and other structures, and to protect the city's tax revenue base.

(Ord. of 10-6-03; Ord. No. 2010-01, § 6, 4-5-10; Ord. No. 2013-05, § 2, 10-21-13; Ord. No. 2014-03, § 4, 2-17-14)

Sec. 78-122. - Principal uses permitted.

In a light industrial district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter.

Permitted uses:

- (1) Any of the following uses shall be permitted when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. That portion of land used for open storage facilities for materials or equipment, shall be screened from view of public roadways and any adjoining residential uses.
 - a. The manufacture, compounding, processing, packaging or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceutical, toiletries, food products, hardware and cutlery, tool, die, wood, glass, metal, gauge and machine shops, breweries,

wineries and distilleries.

- b. Warehousing and wholesale establishments.
 - c. The manufacture, compounding, assembling, reassembly, packaging or treatment of articles or merchandise from previously prepared materials.
 - d. The manufacture of textiles, ceramics, glass, clay or stone product.
 - e. Manufacture of instruments, plastics or plastic molded products.
 - f. Manufacture or assembly of electrical appliances, related electronic instruments and devices, including but not limited to computers, cellular phones and tablets.
 - g. Manufacturing and fabrication of metal products.
 - h. Central dry cleaning plants or laundries provided that such plants shall not deal directly with the consumer as retail.
 - i. Manufacture and repair of professional, scientific and precision equipment: laboratory apparatus and analytical, optical, measuring and controlling instruments.
 - j. Manufacture of material science products, including but not limited to plastics, polymers, laser technology and robotics,
 - k. Professional offices for any of the following uses: medical offices and labs, administrative, accounting, clerical, education, executive, sales, technical or other similar professional offices.
- (2) Any of the following uses charged with the principal function of basic research, design pilot or experimental product development, and medical facilities when conducted within a completely enclosed building:
- a. Life science technology and medical laboratories, including but not limited to medical support facilities, biomedical engineering, biotechnology, genomics, proteomics, molecular and chemical ecology.
 - b. Material science products, including but not limited to plastics, polymers, laser technology and robotics.
 - c. Information technology, including but not limited to electronics, data processing and computer hardware and software.
 - d. Automotive.
 - e. Alternative energy.
 - f. Food products and beverages.
- (3) Public utility buildings and storage yards, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and municipal sewage disposal plants. Water and gas tank holders. Railroad transfer and storage tracks railroad rights-of-way and freight terminals.
- (4) Trucking facilities.
- (5) Storage facilities for building materials, sand, gravel, stone and lumber, and storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall, fence or berm on those sides abutting all residential, office or business districts, and on any yard abutting a public thoroughfare. Open storage shall be screened from view of public roadways and any adjoining residential uses.
- (6)

Mini warehouses and storage buildings for lease to the public including the dwelling and office of a caretaker. Buildings shall be spaced not less than thirty (30) feet apart on those sides having entrance doors.

- (7) Municipal uses such as water treatment plants and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.
- (8) Greenhouses.
- (9) Trade or industrial schools.
- (10) Business service establishments including, but not limited to printing and photocopying services, publishing, mail and packaging services, typing and secretarial services, and related activities.
- (11) Package delivery distribution centers.
- (12) Photographic studio and equipment sales and service.
- (13) Other uses of a similar, and no more objectionable, character to the above uses as determined by the planning commission.
- (14) Accessory buildings and uses customarily incident to any of the above permitted uses.
- (15) Film, TV or radio production studios and similar uses.
- (16) Wireless communication facilities as permitted in accordance with section 78-216.

(Ord. of 10-6-03; Ord. No. 2010-01, § 6, 4-5-10; Ord. No. 2013-05, § 3, 10-21-13; Ord. No. 2014-03, § 4, 2-17-14)

Sec. 78-123. - Special land uses permitted after review and approval.

The following uses may be permitted by the planning commission subject to Article XXIII, the review and approval of the site plan by the planning commission, and the imposition of special conditions which, in the opinion of the commission, are necessary to ensure that the land use or activity authorized is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use, and subject further to a public hearing held in accord with section 78-281:

- (1) Major automotive repair facilities when completely enclosed, subject to section 78-285.
- (2) Lumber and planing mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I-1 district.
- (3) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
- (4) Banks, credit unions and other similar financial services (with or without drive-thru facilities)
- (5) Indoor recreational uses such as indoor soccer, racquet sports, volleyball, hockey, climbing walls, fitness centers, health clubs, dance studios, material arts and other similar recreation uses.
- (6) Commercial kennels when within a completely enclosed building and when located in the interior of the I-1 district so that no property line shall form the exterior boundary of the I-1 district.
- (7) Commercial wind energy systems, subject to section 78-261.
- (8) Other uses, which in the determination of the planning commission, are of a similar character to the above uses.

(Ord. of 10-6-03; Ord. No. 2010-01, § 6, 4-5-10; Ord. No. 2013-05, § 2, 10-21-13)

Sec. 78-124. - Required conditions of the I-1, limited industrial district.

A review of the use proposed and its suitability to the district shall be determined by the planning commission prior to issuance of a building permit. The commission shall make findings that the following conditions will be met by the proposed use in addition to all other requirements of this and other ordinances of the city:

- (1) The use shall not, by reason of creation of noise, vibration, odor, smoke or other outside effects, cause a nuisance to abutting districts.
- (2) The use shall be compatible with the intent of the district and shall not be out of character with the established character of the district.
- (3) All buildings shall be constructed of finished materials where visible from public streets.

(Ord. of 10-6-03)

Sec. 78-125. - Area and bulk requirements.

See article XVII of this chapter for the schedule of regulations limiting the height and bulk of buildings, the minimum size of lot by permitted land use and providing minimum yard setback requirements.

(Ord. of 10-6-03)

Secs. 78-126—78-129. - Reserved.



Michigan Department of Licensing & Regulatory Affairs
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
525 W. Allegan Lansing, MI 48933
P.O. Box 30005 Lansing, MI 48909

Michigan Small Distiller License Requirements and General Information

A Small Distiller license:

- License issued by the Liquor Control Commission to manufacture spirits, not to exceed 60,000 gallons annually of all brands combined.
- License also includes the manufacture of Brandy.
- May offer free samples to consumers on the manufacturing premises.
- May sell spirits to consumers for consumption on the manufacturing premises.
- May sell spirits to consumers for off-premises consumption (take-out) for not less than the uniform price set by the Commission.
- May **not** sell spirits directly to Michigan retail licensees.
- May sell spirits to the Michigan Liquor Control Commission who resells spirit products through the spirit distribution system.
- Must contract with an Authorized Distribution Agent ("ADA") to warehouse and deliver spirits to retailers through the Commission's spirit distribution system.
- Must obtain a "Distilling, Rectifying, Blending and/or Bottling Spirits" Basic Permit from Alcohol and Tobacco Tax and Trade Bureau ("TTB").
- \$100.00 annual license fee. License renews annually on May 1. License fee may not be prorated for part-year licensure and is payable at the time of initial application.

How To Apply For A License:

Please refer to the "Manufacturers & Wholesale License Application Process" information sheet for applicable forms and required documents.

All forms are available on our website at: www.michigan.gov/lcc ---> Commission Forms ---> Manufacturers & Wholesalers.

Licensing Requirements:

Federal Basic Permit:

Receipt of a Federal "Distilling, Rectifying, Blending and/or Bottling Spirits" Basic Permit, issued by the Alcohol and Tobacco Tax and Trade Bureau ("TTB") is required prior to the issuance of a Small Distiller license.

- Administrative rule R 436.1827

For Federal Basic Permit info contact: Alcohol and Tobacco Tax and Trade Bureau
550 Main St. Room 8002
Cincinnati, OH 45202
513-684-3337
www.ttb.gov

Proof of Financial Responsibility:

A statutory requirement to provide security for liability of not less than \$50,000. May be in the form of cash, unencumbered securities, liquor liability insurance, constant value bond, or membership in a group self-insurance pool authorized by law that provides security for liability under Section 436.803 of the Liquor Control Code. Proof of Financial Responsibility Form LC-95 & instructions can be found on our website. Proof of Financial Responsibility does not need to be submitted until applicant has received notification from our office of approval for their license application by our Commission.

- MCL 436.1803

Server Training Requirement:

A licensee authorized to sell or sample alcoholic beverages for on-premises consumption is required to have present on the licensed premises, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served who have successfully completed a server training program approved by the Commission. Server Training forms will be mailed upon Commission approval of the license application.

- MCL 436.1501(1), Administrative rule R 436.1060

Food Establishment License

The Michigan Food Law (Act 92, P.A. of 2000) requires all food establishments, including processing operations such as wineries, breweries and distilleries to obtain a food establishment of one type or another. Contact the Michigan Department of Agriculture & Rural Development ("MDARD") for details on the specific food establishment license required for your operation. The MDARD may be contacted as follows:

MDARD Central Licensing
P.O. Box 30746
Lansing, MI 48909
517-241-6666
www.michigan.gov/mda

General Information:**Michigan Spirit Distribution System:**

Michigan operates as a "control" state for the sale of spirits. The Commission acts as the wholesaler for all spirit products. A Vendor of Spirits sells spirits to the Commission. The Commission then resells the spirits to both on and off-premises retail licensees. Spirit products are warehoused and delivered to retail licensees by Authorized Distribution Agents ("ADA"). An ADA is required to be certified by the Commission and is also required to have a contract with each Vendor of Spirits they represent to deliver their particular spirit products. Spirit products that are sold to consumers for off-premise consumption by licensed Specially Designated Distributors ("SDD") are sold statewide at uniform prices set by the Commission. The uniform price set by the Commission is determined by the cost of the spirit product to the Commission plus a 65% mark-up, plus a combination of specific taxes. All of the aforementioned components of the system are further described below.

Vendor of Spirits:

A Small Distiller must also register with the Commission as a "Vendor of Spirits" in order to sell their spirit products to the Michigan Liquor Control Commission. Michigan is a "control" state, which means the Michigan Liquor Control Commission acts as the wholesaler for all spirit products, excluding mixed spirit drinks. The Commission purchases spirits from Vendors of Spirits. The Vendor of Spirits is responsible for registering product lines and filing quotations with the Commission. The Commission then adds the statutory mark-up (currently 65%) and specific taxes (currently totaling 12%) and sells the spirits to licensed retailers who in turn may sell to consumers. There is no fee for registering as a Vendor of Spirits. There is also no licensing investigation for registering as a Vendor of Spirits. Additional information on registering as a Vendor of Spirits may be found at the Commission's Website www.michigan.gov/lcc --> "Products" --> "New Vendor Application Packet".

Authorized Distribution Agents:

A Small Distiller who wishes to sell its spirits through the Commission's spirit distribution system as a Vendor of Spirits must contract with an Authorized Distribution Agent ("ADA") to warehouse and distribute their spirits. The ADA is required to be certified by the Commission to store and deliver spirits. A signed contract with a Certified ADA is required to be filed prior to the Commission approving any product distribution. **If a Small Distiller only intends to sell their product directly to consumers from their licensed manufacturing premises, they do not need to contract with an ADA.**

An ADA must have a written contract with each Vendor of Spirits they represent. The contract must specify the following:

- The contract must designate each brand of spirits the ADA is authorized to warehouse and deliver.
- The contract must specify the ADA's authorized geographical delivery area. Statewide distribution must be covered by an individual ADA or by contracting with multiple ADA's.
- The contract must indicate the responsibilities of both parties.
- The contract must have a specific beginning and ending date.
- The contract must specify the amount per case to be paid to the ADA by the Vendor of Spirits. This

warehouse/delivery fee must be a minimum of \$8.85 per case. (The MLCC pays the Vendor of Spirits \$7.50 per case to partially offset this warehousing/delivery fee.) .

- Both the ADA and the Vendor of Spirits must sign the contract.

An ADA is required to make weekly deliveries to any retail licensee making a one case or more minimum order. An ADA may not charge any split case fees nor may they charge any delivery fee except for emergency orders placed by retail licensees in addition to their weekly delivery. In such cases, an ADA may charge a \$20.00 delivery fee. The ADA is responsible for collecting payment from the retail licensee on behalf of the Commission and is responsible for submitting various sales documents to the Commission. An ADA may not have any interest, directly or indirectly in any Vendor of Spirits or in any retail licensee. A Vendor of Spirits must make each of its products available statewide to all retail licensees. While a Vendor of Spirits may utilize more than one ADA to cover the state, all document transmittals required by the Commission must be done by only one ADA.

Vendor Representative:

Vendors of Spirits are required to license an individual as a Vendor Representative who will represent them in transactions with the Commission. The Vendor Representative license fee is \$50.00 for a three year period. Additional information and application for Vendor Representative licenses may be found at the Commission's Website www.michigan.gov/lcc.

DEFINITIONS:

"Alcoholic liquor" means any spirituous, vinous, malt or fermented liquor, powder, liquids and compounds, or compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing ½ of 1% or more alcohol by volume that are fit for food purposes or beverage purposes.

"Spirits" means any beverage which contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing an alcoholic content of more than 21% by volume, except for sacramental wine and mixed spirit drink.

- MCL 436.1105(3), MCL 436.1111(14)

Manufacturing & Labeling:

Spirits must be manufactured, identified and labeled in accordance with federal spirit regulations published in Code of Federal Regulations Title 27, part 19 and Title 27, part 5. Contact the TTB for details.

- Administrative rules R 436.1825, R 436.1827, R 436.1829

Product Registration:

All spirit products must be registered with the Commission prior to their introduction in Michigan. All spirits are now registered on-line through the Commission's E-Quote system. Each Vendor of Spirits is provided with a User Name, Password and Database Identifier to access the on-line E-Quote spirit registration system. For more information on Michigan's on-line spirit product registration system, visit the Liquor Control Commission's Website at www.michigan.gov/lcc or contact the Commission's Financial Management Division at 866-813-0011.

- Administrative rule R 436.1829

Mandatory Label Information (Pursuant to TTB Regulations):

- Brand name.
- Class, type or, in lieu of, a truthful & adequate statement of composition shall appear on the brand label of the product.
- Name and address of bottler or packer where bottled or packed.
- Net contents.
- Government Warning Statement.
- Alcohol content.

For Federal Labeling information contact:

Alcohol and Tobacco Tax and Trade Bureau
Alcohol Labeling & Formulation
650 Massachusetts Ave., N.W.
Washington, DC 20226
866-927-2533
www.ttb.gov

Sales To Consumers From Distillery

A Small Distiller is authorized to sell brands manufactured by the distiller from the licensed premises to consumers for on premises consumption and off-premises consumption (take-out sales) with no additional license.

A Small Distiller may also sell spirits made by that distiller in a restaurant for consumption on or off the distillery premises that is owned by the Small Distiller or operated by another person under an approved agreement by the Commission. Spirits sold for off premises consumption shall be sold at the uniform price set by the Commission.

- MCL 436.1534, MCL 436.1537(1)(p)(9), MCL 436.1603 (5)(6)

Hospitality Room – Sampling by Consumers:

A Small Distiller may allow persons 21 years of age or older to sample spirits manufactured by them at no charge in a hospitality room located at the manufacturing premises.

- MCL 436.2025

Church and School:

A new application to sell alcoholic beverages at retail (including manufacturers), or a request to transfer location of an existing license, may be denied if the contemplated location is within 500' of a church or school. The Commission may waive the church/school provision if the church or school does not file an objection to the proposed license. If the church or school files an objection, the Commission will hold a hearing before making a decision on the issuance of the license.

- MCL 436.1503

Tasting Room Location:

Licensed Small Distillers may apply for a Spirit Tasting Room location approval located off the distillery licensed premises. The Small Distiller may offer free tastings to the consumer and may sell for off premise consumption only, spirit products made by the Small Distiller. Under no circumstances may any other alcoholic beverage products other than those produced by the Small Distiller be sampled in the Tasting Room. Spirit products cannot be sold by the glass for consumption at the tasting room premises. Only samples may be provided. An annual license fee for the Tasting Room location is \$100.00.

- MCL 436.1537(9)

Other Manufacturing licenses:

A Small Distiller may obtain other manufacturing licenses including a Small Wine Maker, Brewer/Micro Brewer, Manufacturer of Spirits, and Manufacturer of Mixed Spirit Drink which allows the manufacture and sale of wine, beer and mixed spirit drinks.

- MCL 436.1113(9), MCL 436.1105(11), MCL 436.1109(6)

Permits

There are additional permits that a Small Distiller may apply for to be held in conjunction with their primary license.

- **Spirit Consumer Sampling Event license** -A Small Distiller, a Manufacturer of Spirits or Vendor of Spirits may obtain a Consumer Sampling Event license which allows spirit samplings to be conducted on licensed off-premises accounts that hold a Specially Designated Distributor (SDD) license. There is a one time \$70.00 fee for this permit. Upon issuance of this permit notification of sampling events must be received at least 10 days prior to the event and all employees or licensed agents conducting the sampling event must have successfully completed a server training program approved by the MLCC.
- **Outdoor Service Permit** - Permit allows the sale and consumption of alcoholic beverage in outdoor patio areas. The area must be under the control of the licensee.
- **Specific Purpose Permit** - Permit required to remain open for business after the legal closing hour of 2:00am, or to be open for business before 7:00am Monday through Saturday, or to open before 12:00 noon on Sunday, for the sale of food.
- **Direct Connection** - Technically this is not a Permit but rather permission from the Commission to maintain a direct connection between licensed premises and non-licensed premises. This permission will be required if your operations include multiple license holders who maintain inside connections to either non-licensed premises or licensed premises under the control of another licensee.
- **Living Quarters Permit** - Permit required when living quarters are directly connected to the licensed premises.
- **Dance Permit** - Permit required for dancing by customers on the licensed premises. Dance floor must be clearly marked, void of tables and chairs when in use and a minimum of 100 square feet in

- dimension. Permit allows for dancing during the legal hours for the sale of alcoholic liquor only.
- **Entertainment Permit** - Permit required for monologues, dialogues, motion pictures, still slides, closed circuit television, contests, or other performances for public viewing on the licensed premises. An Entertainment Permit does not allow topless entertainment. Permit allows for entertainment only during the legal hours for the sale of alcoholic liquor. You do not need an Entertainment Permit for live bands, the playing of an orchestra, piano, or other types of musical instruments, singing or the viewing of any publicly broadcast television of a federally licensed station.
 - **Sunday Sales AM** – Permit required for the sale of spirits, mixed spirit drink, beer and wine from 7 a.m.-12:00 noon, unless prohibited in the county and local governmental unit where the licensed establishment is located. \$160 fee.
 - **Sunday Sales PM** – Permit required for the sale of spirits and mixed spirit drink from 12 noon-2:00 a.m. Monday morning, unless prohibited in the county and local governmental unit where the licensed establishment is located. \$15 fee – 15% of the license fee.

Interest In Another License

Michigan statute strictly prohibits a Small Distiller from holding any interest, directly or indirectly, in a **wholesale or retail license**. Examples of prohibited interests include: stock ownership, leasing real estate to/from a wholesale or retail licensee; interlocking officers or directors between licensees; financial interest such as a moneylender with a wholesale or retail licensee. A Michigan manufacturer **may** hold interest in another licensed supplier under MCL 436.1603 (8).

Aid and Assistance

MCL 436.1609, and Rule 436.1035 prohibit alcoholic beverage manufacturers, suppliers, wholesalers or warehousemen from aiding or assisting any other licensee by giving them anything of value. Further, a licensee is prohibited from accepting aid and assistance from another industry member. Alcoholic beverage suppliers are prohibited from giving anything of value to their wholesalers or retailers. Likewise, alcoholic beverage wholesalers are prohibited from giving anything of value to their retailers. This principle is the cornerstone of Michigan's trade practices regulatory structure. It is designed to provide a level playing field for all industry members. Suppliers, wholesalers and warehousemen are prohibited from giving anything of value to retail licensees, including but not limited to: alcoholic beverages, merchandise, furniture, fixtures, equipment, uniforms, cash or loans, labor, etc.

This same principle prohibits suppliers and wholesalers from providing free advertising, incentive programs, free or discounted product, draft system installation and maintenance, etc. Violations in the aid and assistance statute will result in all participants (retailer, wholesaler and supplier) being cited before the Commission.

Section 609 (3) of the Code, includes exceptions to the prohibition of items and services that a licensed supplier, wholesaler, or warehouseman may provide to any other vendor. Some of these exceptions include allowing suppliers, wholesalers, and warehousemen to provide advertising items that have no use or value beyond actual brand and price advertising, including, but not limited to: mirrors, napkin holders, and table tents to licensees. Further, Section 609 (5) allows retailers to possess and use beer and wine brand logoed barware, including, but not limited to: glassware, coasters, and napkins if they have been purchased from a third party barware retailer and also allows retailers to possess and use spirit brand logoed barware, such as: glassware, coasters, and napkins if purchased from a manufacturer of spirits, vendor of spirits, a licensed salesperson, or broker, or a third party barware retailer.

- MCL 436.1609, Administrative rule R 436.1035

Salesperson License:

Any person employed by a Small Distiller to sell, deliver, promote, or otherwise assist in the sale of Alcoholic liquor in this state is required to hold a Salesperson license issued by the Commission. Office personnel who work exclusively at the manufacturing premises and have no personal contact with consumers off the licensed premises do not need a Salesperson license. Salesperson's must be 18 years of age or older. A Salesperson license is \$35.00 for a three-year licensing period. Licensed salespersons are prohibited from being employed by a retail licensee on a paid or any other basis. Licensed truck drivers or delivery persons are prohibited from consuming alcoholic beverages while on duty.

- Administrative rule R 436.1853

Inspection of Premises and Books & Records:

A licensee must make the licensed premises available for inspection and search by a Commission Investigator or any law enforcement officer empowered to enforce the Commission's rules and code during regular business hours or when the premises is occupied. The Commission or its duly authorized agent may examine the books, records or papers of a licensee.

- MCL 436.1217, Administrative rule R 436.1645, R 436.1728

Samples to Retail Licensee and Staff:

A Small Distiller is allowed to sample their products with on-premises or off-premises retail licensees and the retailer's employees. Sample tastings may not be offered to consumers at licensed retail accounts. All containers used to sample products with retailers must be marked with the word "**Sample**" in lettering at least ½-inch high. A sample container must be removed from the premises within 24 hours and again may not be sampled by consumers.

- Administrative rules R 436.1001, R 436.1421, R 436.1511, R 436.1513, R 436.1863

Purchasing Drinks For Consumers:

A licensed Salesperson, for promotional purposes, may purchase one (1) drink for each customer of an on-premises retail licensee only. The drink shall be purchased from the on-premises licensee and shall be of a brand represented by the salesperson.

- Rule 436.1865

Advertising and Promotions:

Inside advertising signs must be unilluminated and no more than 3,500 square inches in dimension. Alcoholic beverage advertising provided by suppliers and wholesalers to retailers shall not have any use or value beyond the actual advertising of brands and prices of the alcoholic liquor, other than the exceptions provided in MCL 436.1609(2)(30(4)).

- Administrative rules R 436.1305 – R 436.1331 MCL 436.1609

Compliance with Laws, Zoning & Ordinances:

A Small Distiller must comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules and ordinances.

- Administrative rules R 436.1003, R 436.1105(3)

How To Contact The Michigan Liquor Control Commission:

Questions relating to a Small Distiller license and other non-retail licenses may be directed to:

**Michigan Liquor Control Commission
Manufacturers & Wholesalers Section
P.O. Box 30005
Lansing, MI 48909**

Toll free 866-813-0011 Fax: 517-763-0060

email: MLCCMWapplications@michigan.gov Website: www.michigan.gov/lcc



Local Government Approval
(Authorized by MCL 436.1501)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

Instructions for Local Legislative Body:

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ council/board
(regular or special) (township, city, village)

called to order by _____ on _____ at _____
(date) (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from VÖKIN LLC
(name of applicant)

for the following license(s): New Small Distiller License
(list specific licenses requested)

to be located at: 710 Junction Street, Plymouth, MI 48170 - Wayne County

and the following permit, if applied for:

Banquet Facility Permit Address of Banquet Facility: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)

approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the
council/board at a _____ meeting held on _____ (township, city, village)
(regular or special) (date)

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:

Michigan Liquor Control Commission

Mailing address: P.O. Box 30005, Lansing, MI 48909

Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933

Fax to: 517-763-0059

CITY OF PLYMOUTH
LIQUOR LICENSE REVIEW COMMITTEE
APPLICATION

Name of Applicant: VÖKIN LLC

Address of Applicant: 710 JUNCTION STREET
PLYMOUTH, MI 48170

Phone Number of Applicant: 248 887 9500 OR M. 313 815-5536

Fax Number of Applicant: 248 887 9400

Email Address of Applicant: INFO@VOKINVODKA.COM

Please List Name, Address and type of license as it appears on current Liquor License:

VÖKIN LLC / VÖKIN VODKA DISTILLERY
710 JUNCTION ST., PLYMOUTH MI 48170

NEW SMALL DISTILLER LICENSE

List All Persons Listed on Liquor License (Partners):

STEVEN L. JOHNSON

Please list type of license that you are requesting (new, permit, transfer of ownership, transfer into the City, etc.):

NEW SMALL DISTILLER LICENSE

Please list Name, Address and type of license as it is proposed (If change approved):

VÖKIN LLC, 710 JUNCTION ST. PLYMOUTH, MI 48170

Please list all persons listed on proposed Liquor License (Partners):

STEVEN L. JOHNSON

Fee Schedule:

Liquor License Investigations	
Class C or Private Club License:	
New license or transfer of ownership	\$600.00
Amend stockholders	\$300.00
Relocation of existing license (per person named on request)	\$300.00
Dance or entertainment permit	\$200.00
SDD/SDM:	
New license or transfer of ownership	\$400.00
Relocation of existing license (per person named on request)	\$300.00
Add or drop space on license	\$100.00
Special license and one-day permits	\$100.00

Please submit plan of operation (if required, see Section #4 of Ordinance):

Signature of Applicant:



Date: 13-JAN-2016

VÖKIN VODKA

16-JAN-2016

This document is being submitted to the city of Plymouth Liquor License Review Committee, in compliance with: CITY OF PLYMOUTH ORDINANCE #2010 -01 Sec. 6-34 Plan of operation.

Operational Statement:

VÖKIN LLC will operate as a distilled spirits plant (distillery) at 710 Junction Street, Plymouth, MI 48170, upon issuance of federal, state and local permits and licenses. Our initial product is a potato vodka that we will be importing from Poland. This product comes to us as a high alcohol content - concentrated, unfinished distillate. During the manufacturing process the concentrate is diluted with purified water to 40% alcohol by volume (80 proof), filtered and potentially flavored. After the vodka goes through the steps it is then bottled and shipped to our distributor's bonded warehouse for storage and delivery.

The VÖKIN VODKA distillery is not open to the public and is strictly an industrial processing operation. No liquor will be served at the Plymouth facility. All sales are documented commercial transactions and in the state of Michigan, a control state, the state of Michigan will be our only customer. The state of Michigan will sell our product to other licensees that sell to consumers.

Format

The business format is an industrial processing operation for the manufacturer of distilled spirits.

Schedule of the hours of operation:

Initially when sales volumes are low the facility will not need to be operated every day. As sales ramp up we anticipate operating from 8 AM until 5 PM, Monday through Friday.

Crowd control:

Crowd control is not an issue that we need to be concerned with, the facility will be operated by one or two people at the onset, and may eventually have several employees. On occasion we may have vendors or contractors visit the facility.

Security:

Prior to the start of production we will have a burglar alarm system installed. As part of the fully sprinklered building, a fire alarm signal is sent directly to the fire department in the event of a sprinkler discharge.

Alcohol management:

All alcohol must be accounted for as part of our reporting to the federal government. A small amount of in process inventory and finished goods will be on-site. After bottling pallets/cases are shipped to our distributor's bonded warehouse. Please see the US Department of Treasury reporting form attached.

Use of the facilities:

The use of the facility will be as a distilled spirits plant (distillery) for industrial processing.

Code compliance:

The premises when remodeled/completed will fully comply with all applicable health, safety, building, sanitation, electrical, plumbing and fire codes as well as zoning requirements.

Parking provisions:

The entrance door to our leased unit is at the back of the building currently identified as 800 Junction St. Parking space is estimated to be adequate for at least 20 vehicles.

Plan for interior use and layout:

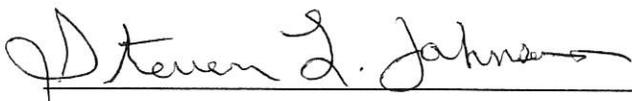
The use of the facility will be as a distilled spirits plant (distillery) for industrial processing. Please see the proposed floor plan attached.

Refuse disposal:

There is a dumpster on site at the facility that we will share with other tenants. We anticipate having less waste than a typical single-family home.

Emergency contacts:

Steven L Johnson
4616 Desert Bridge Court
Highland, MI 48356
H. 248-887-8150
M. 313-815-5536



16-JAN-2016

Steven L. Johnson, CEO
VÖKIN LLC / VÖKIN VODKA
313-815-5536

**DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)
MONTHLY REPORT OF PROCESSING (DENATURING) OPERATIONS**

NAME OF PROPRIETOR _____

LOCATION OF PLANT _____

Text _____

Text _____

PLANT NUMBER _____
DSP- _____

SECTION I - DENATURED SPIRITS

TRANSACTION (a)	WINE GALLONS		
	COMPLETELY DENATURED ALCOHOL (b)	SPECIALLY DENATURED ALCOHOL (c)	SPECIALLY DENATURED RUM (d)
1. On hand first of month			
2. Produced			
3. Rec'd by transfer in bond ³			
4.			
5. TOTAL, Lines 1-4			
6. Transfers to dealers & users (exc. Line 7 & 10)			
7. Federal Government SDS (except Line 10)			
8. Transferred in bond			
9. For use in mfg. of articles on my bonded premises			
10. Withdrawn for fuel use (AFP Premises)			
11. Losses			
12.			
13. On hand end of month			
14. TOTAL, Lines 6-13			

SECTION II - RECOVERED DENATURED SPIRITS AND RECOVERED ARTICLES RECEIVED FOR RESTORATION AND/OR REDENATURATION UNDER 27 CFR 19.683 AND RECOVERED DENATURED SPIRITS AND RECOVERED ARTICLES ON MY BONDED PREMISES RECEIVED FOR RESTORATION AND/OR REDENATURATION.

TRANSACTION (a)	WINE GALLONS	
	RECOVERED DENATURED SPIRITS (b)	RECOVERED ARTICLES (c)
15. On hand first of month		
16. Received		
17. Increase due to redenaturation		
18.		
19. TOTAL, Lines 15-18		
20. Shipped		
21.		
22. Losses		
23. On hand end of month		
24. TOTAL, Lines 20-23		

SECTION III - WINE GALLONS OF DENATURED SPIRITS WITHDRAWN (Reporting period July 1 - June 30, 20____.)

If this is a final report ending on a date other than June 30, provide the ending period date: _____

FORMULA NUMBER	COMPLETELY DENATURED ALCOHOL	FORMULA NUMBER	SPECIALLY DENATURED ALCOHOL	FORMULA NUMBER	SPECIALLY DENATURED ALCOHOL	FORMULA NUMBER	SPECIALLY DENATURED ALCOHOL
18		20		35-A		44	
19		22		36		45	
20		23-A		37		46	
TOTAL		23-F		38-B			
Specially Denatured Alcohol		23-H		38-C			
1		25		38-D			
2-B		25-A		38-F			
2-C		27		39			
3-A		27-A		39-A			
3-B		27-B		39-B			
4		28-A		39-C			
6-B		29		39-D			
12-A		30		40		TOTAL	
13-A		31-A		40-A		Specially Denatured Rum	
17		32		40-B		4	
18		33		40-C			
19		35		42			

Under penalties of perjury, I declare that I have examined this report and, to the best of my knowledge and belief, it is a true and complete report of denaturing operations.

DATE _____ PROPRIETOR _____

BY (Signature and title) _____

INSTRUCTIONS

1. Each proprietor of a distilled spirits plant who is authorized to process, including the denaturing of spirits, must prepare the form in duplicate monthly, forward the original to the Director, National Revenue Center, 550 Main St., Ste. 8002, Cincinnati, OH 45202-5215, no later than the 15th day of the month following the month for which prepared, and retain a copy for his or her files.

2. Section III is to be completed for the period July 1 - June 30. If this is a final report filed on permanent discontinuance of business, the end of period may be other than June 30th..

FOOTNOTES

^{1/} Do not include recovered denatured spirits and articles returned for redistillation under 27 CFR 19.683. Such products should be reported on TTB F 5110.40, Monthly Report of Production Operations.

^{2/} premises. Do not include denatured spirits transferred in bond to other bonded

^{3/} Imported denatured spirits received from Customs custody for fuel use should be reported separately on line 4.

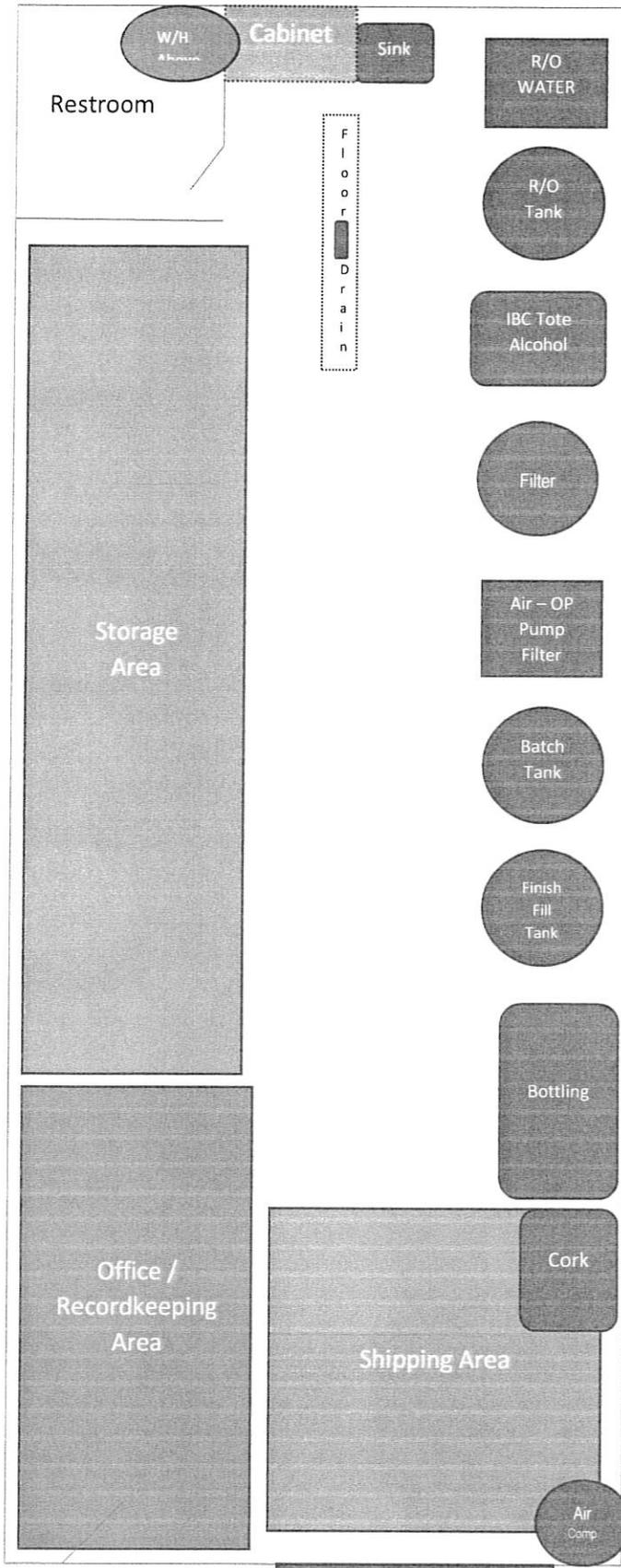
PAPERWORK REDUCTION ACT NOTICE

This information request is in accordance with the Paperwork Reduction Act of 1995. The purpose of this information collection is to monitor the operations of industries regulated by TTB. The information is required to verify unusual activities, errors, or omissions on taxable commodities. The information is required by statute (26 U.S.C. 5207). This information collection must be retained for 3 years.

The estimated average burden associated with this collection of information is 1 hour per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to the Reports Management Officer, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Washington, DC 20220.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current, valid OMB control number.

TTB F 5110.43 (01/2010)



CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
www.ci.plymouth.mi.us

ADMINISTRATIVE RECOMMENDATION

To: Liquor License Review Committee
From: Paul J. Sincock – City Manager
CC: *S:\MANAGER\Sincock Files\Memorandum - Liquor License Transfer Westborn Market LLRC 02-29-16.doc*
Date: 2/19/2016
Re: Liquor License Transfer INTO the City – Westborn Market

BACKGROUND:

The City has received an application from Westborn Market. They are requesting the transfer of an ADDITIONAL Liquor License INTO the City of Plymouth for their location at 860 Penniman. They are also requesting additional permits to include Sunday Sales AM/PM and permits for Outdoor Service Area.

The plan for this establishment is to be primarily to be operated as a full service specialty grocery store. There will be a dining area inside with 25 seats and outdoor seating on their property during appropriate weather conditions. They are projecting the ratio of food sales to alcohol sales to be 90% food and 10% alcohol. The entire plan is attached.

It should be noted that the State of Michigan Liquor Control Commission is already processing the transfer of the license and approval of the local unit of government IS NOT REQUIRED under the relatively new interpretations of the law. The transfer of the Liquor License into the City would violate local Ordinances unless the LLRC and City Commission change the Ordinances to allow for an expansion of the allowed number of liquor licenses in the City.

It should be noted that the new leadership of the State of Michigan Liquor Control Commission issued a bulletin or new interpretation of the State Liquor Code and the Michigan Liquor Control Commission as of June 21, 2012 clearly indicating that the State transfer of a liquor license DOES NOT REQUIRE local approval. Prior to that date any new or transfer of license into a community required local government approval for the State to approve the transfer. There was no change in the law, just a new interpretation.

The City's local Liquor Management Ordinance does require local approval and the new owners have submitted an application to approve a new liquor serving establishment in our City.

Since we have had an application submitted in accordance with the Liquor Management Ordinance we are required to have a meeting of the Local Liquor License Review Committee (LLRC) and a public hearing before the City Commission. The LLRC was scheduled to meet on February 29, 2016 at 4:00 p.m. The City Commission has a Public Hearing on this matter scheduled for Monday, March 7, 2016. The application is to operate an establishment in the B-2 or Central Business District Zoning area. This establishment would exceed the City current established cap of 14 liquor serving establishments or the number of liquor licenses allowed in the B-2 Zoning District or Downtown area.

Both the LLRC and the City Commission recently began the annual review of the number of liquor licenses in the City. After that review the LLRC and City Commission may authorize a change in the number of allowed licenses. A change in the number authorized licenses would take two actions by the City Commission, plus an additional Public Hearing as both the Zoning Ordinance and the Liquor Management Ordinance will need to be changed.

The establishment has submitted a business operation plan in accordance with Section 6.34(a) of the City Ordinance.

Due to the applicant's inability to comply with current City Ordinances the City Administration cannot recommend further review of the application or approval. Unless there is a change in Ordinances we cannot recommend approval and we have prepared a proposed Resolution indicating a denial of the transfer. Further, the City Commission is aware that the City has already sent a letter to the State of Michigan objecting to this transfer.

Should the LLRC and City Commission authorize a change in the number of allowed licenses, action on this item could be delayed until a future meeting of the LLRC and City Commission. Another option would be to approve the transfer pending an Ordinance Change that may be authorized by the City Commission.

Should you have any questions in advance of the meeting please feel free to contact me.

NOTICE OF PUBLIC HEARING

CITY OF PLYMOUTH CITY COMMISSION WILL HOLD A PUBLIC HEARING IN ACCORDANCE WITH LIQUOR MANAGEMENT ORDINANCE

PLEASE TAKE NOTICE THAT a public hearing shall be held before the City Commission of the City of Plymouth on **Monday, March 7, 2016 at 7:00 p.m.** at the regular meeting of the Plymouth City Commission the meeting will be held at Plymouth City Hall, 201 S. Main, Plymouth, Michigan. The Public Hearing will consider the following:

- 1) **Application for Transfer of Liquor License into the City of Plymouth from Westborn, Livonia to Westborn Market Plymouth at 860 Penniman, Plymouth.**
- 2) **Application for Small Distiller License for Vokin Vodka at 710 Junction.**

This is a public meeting and any interested person is invited to attend at the place and time stated.

THERE WILL BE A MEETING OF THE LOCAL LIQUOR LICENSE REVIEW COMMITTEE (LLRC) PRIOR TO THE PUBLIC HEARING TO MAKE A RECOMMENDATION TO THE CITY COMMISSION. The LLRC meeting will take place at the PLYMOUTH CITY HALL, 201 S. Main, Plymouth, MI 48170 at 4:00 p.m. on Monday, February 29, 2016.

Linda J. Langmesser, CMC
City Clerk

Posted: City Hall
Cultural Center
Public Library



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION
ANDREW J. DELONEY
CHAIRPERSON

MIKE ZIMMER
DIRECTOR

December 30, 2015

City Clerk
Plymouth City
llangmesser@ci.plymouth.mi.us

The purpose of this letter is to notify this local legislative body that the Michigan Liquor Control Commission has received an application for a license, as follows:

Request ID#: 816628

Transfer ownership and location of 2015 Class C & SDM License

Name of applicant(s): Westborn of Plymouth, LLC

Business address and phone: 860-, 870 Penniman, Plymouth, MI 48170

Home address and phone number of partner(s)/subordinates:

1. Westborn, Inc.: 14925 Middlebelt Rd. Livonia, MI 48154 C-(248) 981-8810

Under administrative rule R 436.1105, the Commission shall consider the opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business when determining whether an applicant may be issued a license or permit. Since this request is a transfer under MCL 436.1529(1), approval of the local unit of government is not required.

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. The licensee must obtain all other required state and local licenses, permits, and approvals before using this license for the sale of alcoholic liquor.

Approval of this license by the Michigan Liquor Control Commission does not waive any of these requirements.

MICHIGAN LIQUOR CONTROL COMMISSION
Retail Licensing Division
(866) 813-0011

CITY OF PLYMOUTH
LIQUOR LICENSE REVIEW COMMITTEE
APPLICATION

Name of Applicant: Westborn Market/Anthony Anusbigian

Address of Applicant: 860 Penniman
Plymouth Mich 48170 Anusbigian

Phone Number of Applicant: 248 981 8810

Fax Number of Applicant:

Email Address of Applicant: aanusbigian@comcast.net

Please List Name, Address and type of license as it appears on current Liquor License:

Howell's Bar Class C
1035 Mason St.
Dearborn, MI 48124

List All Persons Listed on Liquor License (Partners):

Please list type of license that you are requesting (new, permit, transfer of ownership, transfer into the City, etc.):

SDM, Class C

Please list Name, Address and type of license as it is proposed (If change approved)

Westborn Market, 860 Penniman Plymouth

Please list all persons listed on proposed Liquor License (Partners):

Anthony Anusbigian Jeffrey Anusbigian
Sarkis Mark Anusbigian

Fee Schedule:

Liquor License Investigations	
Class C or Private Club License:	
New license or transfer of ownership	\$600.00
Amend stockholders	\$300.00
Relocation of existing license (per person named on request)	\$300.00
Dance or entertainment permit	\$200.00
SDD/SDM:	
New license or transfer of ownership	\$400.00
Relocation of existing license (per person named on request)	\$300.00
Add or drop space on license	\$100.00
Special license and one-day permits	\$100.00

Please submit plan of operation *(if required, see Section #4 of Ordinance)*:

Signature of Applicant:



Date:

2/8/16

Attach.

City of Plymouth

Class C Liquor License or Tavern Licensed Business Plan of Operation

Business Name: Westborn Market

Doing Business as: Westborn Market

Address: 860 Penniman Ave., Plymouth, MI 48170

- 1) **Hours Of Operation:** At present our planned hours of operation will be Monday-Saturday, from 8:00am-9:00pm. Sundays hours of operation will be 8:00am-7:00pm.
- 2) **Format:** The premises will primarily be operated as a full-service specialty grocery store. There will be additional full-service floral services available on location. There is a dining area, which is temporary (outside-patio seating) dining during appropriate weather conditions and approximately 25 seats inside year round. We project that the ratio of food sales to alcohol sales to be 90% food and 10% alcohol.
- 3) **Code Compliance:** The premises is being fully remodeled, when completed it will comply with all applicable health, safety, building, sanitation, electrical, plumbing and fire codes as well as all zoning requirements. Our contractor, landlord, as well as our internal leadership team is taking all appropriate steps to follow all appropriate procedures to ensure all regulations are met and meet inspections.
- 4) **Plan Of Operation:** Westborn Market has acknowledged that under Ordinance 2003-04, that Westborn Market will operate with an approved plan of operation. We recognize that operation of this premise in any manner inconsistent with the approved plan of operation is a violation of the ordinance and the rules of the Liquor Control Commission. Westborn acknowledges that any change to the plan of operation must be approved buy the City Commission prior to it being placed into effect on the business premises.
- 5) **Security:** Security for the customer, team members, building and community is the first priority for Westborn Market. We take whatever measures necessary to maintain and supervise the expected level of security. Our properties include sophisticated security cameras, alarm systems and security doors in addition to a trained manager on premise at all hours of operation.
- 6) **Parking:** Parking will be provided as follows:
 - 43-49 spaces on site
 - Up to 30 public street parking spots along Penniman Ave.
 - Employees will be directed to park in a variety of municipal parking areas.

- 7) **Alcohol Management:** Westborn Market will strictly obey all rules and regulations promulgated by the City of Plymouth and the State of Michigan Liquor Control Commission as it has since its inception back in 1963. There will be neither service to nor consumption of alcoholic beverage by minors at any time. No alcohol will be sold or permitted to be sold, on a commission basis by any person.
-

The following policies will be enforced at the establishment:

1. No alcoholic beverages will be allowed on the premises, other than what Westborn Market is to dispense.
2. All Team Members will pay attention and be alerted to observable clues displayed by an intoxicated individual such as: impaired reflexes, impaired coordination, reduced judgment and inhibitions, impaired vision, etc.
3. All staff will be alert to potential problems at their respective area at the facility.
4. All team members will be required to read and sign Westborn's internal handbook acknowledging proper procedures as it pertains to selling and monitoring guests consuming alcohol.
5. Westborn team members will be properly trained to be polite and courteous to the intoxicated individual(s). They will also be knowledgeable as to when to request assistance from additional facility staff.
6. Patrons who appear to be "30 years of age or younger" will be asked to show proper Michigan identification. Signage will be properly displayed at all serving locations. Patrons MUST produce proper identification prior to the selling of any alcohol.
 - 6.1 All patrons under 21 years of age, service will be refused.
 - 6.2 Check "State Seal" and other markings on identification. Team members will be trained to check for damage or alterations to identification cards.
 - 6.3 Team members will be trained to NOT return falsified identification cards. Team members will notify on premise managers immediately.
7. Westborn Team Members will be trained that if a patron shows signs of intoxication, then refuse service, politely explain policy, suggest non-alcohol purchase, and/or call for on premise management if necessary.
8. If patron is purchasing on behalf of someone else who appears "less than 30 years of age", then request to see identification of recipient or contact supervisory personnel whom will seek patron(s) out. Refuse service to minors. Inform all parties involved that policy allows for ejection off of premises if illegal activity has occurred.

9. Alcohol dispensing man be restricted to one of the following practices or any combination thereof:
 - No sales to intoxicated persons
 - No sales without proper identification
 - Limited alcoholic choices if necessary
 - When in doubt, do NOT serve call a supervisor
 10. Westborn Team Members will observe all patrons leaving the property. No alcoholic beverages are allowed to leave the facility or property.
 11. Westborn Team Members will be trained to approach any patron appearing to be impaired and determine if they are driving. If so, team members will attempt to persuade them not to drive and request a non-impaired companion to drive. If unable, refer patron(s) to public transportation or a cab service.
 12. All Westborn Market supervisors and management personnel will complete documentation of any alcoholic related incidents at close of business daily. Information will be disseminated accordingly.
 13. Westborn Market will provide free and/or non-alcoholic beverages to all identified designated drivers.
-

- 8) **Refuse Disposal:** Westborn Market will dispose of refuse in and enclosed dumpster with locked lids. Pickup will be a minimum of once a week. A water line with a spigot will be provided to clean dumpster enclosure as necessary.
- 9) **General:** Every effort will be made to maintain positive relationships with adjacent and nearby businesses as well as cooperation with all city departments. Westborn Market will makes every effort to actively solve any problems that may arise and will be great ambassador for the city of Plymouth and the entire Plymouth business community.
- 10) **Emergency Contacts:**
Austin Anusbigian: [REDACTED]
Bryan Bandyk: [REDACTED]
- 11) **Reference To Valet Service:** N/A

Date: 1/25/16

Corporate Name/Doing Business As: Westborn Market

By: Anthony Anusbigian: Owner/Corporate Secretary

CITY OF PLYMOUTH
201 S MAIN
PLYMOUTH, MI 48170
Phone : 734-453-1234
WWW.CI.PLYMOUTH.MI.US

Received From:
Date: 02/10/2016
Receipt: 269150
Cashier: SAC

Time: 1:21:54 PM

ITEM REFERENCE	AMOUNT
PDREV POLICE DEPARTMENT REVENUE	
WESTBORN LIQ FEES	\$1,000.00
TOTAL	\$1,000.00
CHECK 121253	\$1,000.00
Total Tendered:	\$1,000.00
Change:	\$0.00

LLRC
RESOLUTION

The following Resolution was offered by Member _____ and seconded by Member _____.

WHEREAS The City of Plymouth has established the Liquor Management Ordinance
And other Ordinances related to liquor serving establishments in order to help
Maintain the public health, safety and welfare as well as to conserve
City resources for the good of the entire community, and

WHEREAS The Liquor License Review Committee (LLRC) is required to
Review and make recommendations to the City Commission
Related to liquor serving establishments, and

WHEREAS The City LLRC has received and reviewed an application to transfer a liquor
License into the City to operate a new liquor serving establishment
Known as Westborn Market at 860 Penniman, and

WHEREAS The proposed liquor serving establishment would exceed the number the
Of liquor serving establishments allowed in the B-2 Zoning District and
As such this establishment would not be able to comply with City
Ordinances in violation of State Liquor Law.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby recommend to State of Michigan Liquor Control Commission that they cease the transfer of a license for Westborn - Plymouth to operate a liquor serving establishment in City of Plymouth's B-2 Zoning (Downtown) District. This denial is based on the fact that the proposed establishment would exceed the current cap on liquor licenses in the locally established B-2 Zoning District and the proposed plan exceeds the requirements of the Zoning District and as a result the proposed establishment would not be able to comply with the State of Michigan Liquor Laws which requires compliance with all local Codes and Ordinances.