



CITY OF PLYMOUTH MEETING MINUTES

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MEETING MINUTES

Local Liquor License Review Committee (LLRC)

Monday, January 8, 2018

City Hall – 7:00 p.m.

CALL TO ORDER: The meeting was called to order at 7:00 p.m. City Commission Members Present - Chairperson Colleen Pobur, Suzi Deal and Dan Dalton

Approval of the Minutes from December 11, 2017 - It was moved by Dalton and seconded by Deal to approve the Meeting Minutes of December 11, 2017 and by adding the word "IF" under the Citizen Comments.

MOTION PASSED

TABLED ITEMS: Review of Section 6-33(b) - 6-33(c) and Add Section H to 6-33: The Local Liquor License Review Committee (LLRC) came to the consensus that they would talk about all three of these items at once, since they are all related. The LLRC talked about some options and how they could potentially work. After discussion City Attorney Marzano discussed the possibility of adding some definitions to include Stand Alone License and Non-Stand Alone License.

The following proposal was developed by the LLRC:

Add - Additional Definitions to 6.1 of the City Code

Stand Alone License - A Stand Alone License is any liquor license issued by the State of Michigan Liquor Control Commission which may exist and be used on its own and need not be combined with any other type of liquor license.

Non-Stand Alone License - A Non-Stand Alone License is any liquor license issued by the State of Michigan Liquor Control Commission which may not be used unless combined with a Stand Alone Liquor License.

Amend Section 6.33(b) as follows: *Additions are highlighted - Deletions are shown as ----*

Within the B-2, central business district, as indicated on the City of Plymouth Zoning Map, the city shall have a cap or a total of not more than 14 State of Michigan **Stand Alone** Liquor Licenses of any type of on-premises retail licenses that would allow for the service of any alcohol (beer, wine, spirits) by the glass or for consumption on premises of any establishment. **This Section would not apply to Non-Stand alone State of Michigan Licenses.** ~~This would include but not limited to State of Michigan Class C, Club, B Hotel, A Hotel, Tavern, Bistro, Brewpub, Micro-Brewer, Resort, DDA, and Economic Development, winery and/or other type of state license allowing the regular serving of alcohol at a licensed establishment.~~

Amend Section 6.33(c) as follows: *Additions are highlighted - Deletions are shown as ---*

Within the B-1, B-3, and ARC zoning districts within the city, as indicated on the City of Plymouth Zoning Map, the city shall have a cap or a total of not more than 11 State of Michigan **Stand Alone** Liquor Licenses of any type of on-premises retail licenses that would allow for the service of any alcohol (beer, wine, spirits) by the glass or for consumption on premises of any establishment. **This Section would not apply to Non-Stand Alone State of Michigan Licenses.** This would include but not limited to State of Michigan Class C, Club, B Hotel, A Hotel, Tavern, Brewpub, Micro Brewer, Resort, DDA, and Economic Development, winery and/or other type of state license allowing the regular serving of alcohol at a licensed establishment.

Add Section 6.33(h) as follows:

If the designation of a non-stand along license changes to one of a stand alone license, no such license can be operated, sold or transferred in the City of Plymouth unless there is space available under the cap as defined in 6.33 (b) & (c).

For the purpose of discussion these changes were MOVED BY Member Dalton and Seconded by Member Deal to be recommended to the City Commission.

Chairperson Pobur asked for any public input on the proposed changes.

Dave Rucinski of Maple Street - Asked how does the reclassification from Stand Alone to Non-Stand Alone. Chairperson Pobur indicated that it would take an action of the Michigan Legislature to change a Brewpub License from a Non-Stand Alone to a Stand Alone License.

Tom Trussler of 789 Forest - Asked if the new Language matched State Law. Attorney Marzano explained that the difference between the State Law and the Local Ordinance.

Frank Yaquinto of the Compari's Establishments - Asked if the LLRC was okay with allowing a transfer of a Stand Alone License to anyone as it would not be required to go to the City Commission for approval under State Law. Chief of Police Al Cox explained that ALL Liquor License transfers have to come before the LLRC and the City Commission, including any transfers. City Attorney Marzano also explained that transferring a license requires coming before the LLRC and City Commission in order to comply with local Ordinance. Member Dalton had a brief discussion related to parking.

After further discussion with the Board; Member Dalton indicated that he felt that proposed changes were good and after he reviewed his thoughts from the last meeting he thought that these proposed changes give the City control in the event the Legislature changes the law.

The question was called to vote on the proposed changes.

MOTION PASSED 3 - 0

NEW BUSINESS:

Review of Escrowed Licenses - Commonly known as Panache & Plymouth Crossings. City attorney Marzano explained that the LLRC may recommend to the City Commission that they recommend the termination of any on-premise license that has been placed in escrow for more than one (1) year after its expiration in accordance with Section 6-41 of the Liquor Management Ordinance.

He went on to explain that currently there is a request before the Michigan Liquor Control Commission (MLCC) based on an action from last year by the City Commission. The MLCC has yet to act on the City's recommendation.

Mr. Marzano also discussed that John Thomas has indicated to him that he has a secured interest in the license for the Plymouth Crossings and he wants to be notified of actions related to the license. City Manager Sincock indicated that he could add Mr. Thomas to the mail out notification list.

The LLRC discussed the issue and the pending action before the MLCC. It was the consensus of the LLRC to not take any action at this time and to discuss this further at another meeting.

The attorney representing Panache, Mr. Dean Brussy stated that the ownership of the Panache license has been aggressively attempting to sell the license. However, since the City has recommended to the MLCC revocation there is no interest in the license at a fair market value. The attorney indicated that there is no basis for the City's action and if the MLCC rules in favor of the City that there will be a Circuit Court Action against the City for damages. He further indicated that the City should just let the business people do their thing and to stay out of the sale of licenses.

Begin Discussion Related to Required Annual Review of Licenses and License Cap - Chairperson Pobur started this section of the meeting off indicating that the LLRC would be listening to public input related to the cap on the number of liquor licenses in the various Zoning Districts of the City. She also indicated that there have been no significant problems or issues with the current license holders. She went on to say that the LLRC has received some input via email and that she would read those into the record.

An email was received from Walter Jenowski of Kellogg Street who stated that he believes that the city should absolutely add several liquor licenses. 14 licenses with 2 in escrow is not enough. In his opinion, if a license hasn't been used for over a year then they should have to forfeit their license so that other existing business can use the licenses to service the community. His email went on to say that that with the Box Bar potentially becoming Ann Arbor Brewing and Bigalora, he was ecstatic to hear this and hope it comes to life. He thinks it is an absolute shame that anyone would oppose this. A brewery/distillery is exactly what Downtown Plymouth (DTP) is missing.

Chairperson Pobur also stated that she received an email from Ron Loiselle of Ann Street. Who stated that the Box Bar project should be smaller. The City should consider paid parking in the DDA. If more licenses are granted then more parking should be a part of that discussion and he suggested the Christian Science lot.

Dave Rucinski of Maple Street stated that most communities have a way to regulate the number of liquor licenses. He urged the LLRC to look at the city and the downtown and not try and put 10 pounds of stuff into a five pound bag. He stated that he is opposed to any further expansion of liquor licenses and that the cap should remain in place.

Frank Yaquinto of the three Compari's establishments on Main Street said that there is a license currently in escrow and available for sale. New licenses should require new parking. He is opposed to any expansion in the amount of liquor licenses.

Stephen from the Greek Islands on Main Street asked if the City counts the license that is in escrow as a part of the cap. Chairperson Pobur stated that; yes the City counts the license for Panache in the total count of licenses in the DDA.

Conrad Schuwee of Ann Arbor Trail - Stated that the City should lift the cap on restaurants downtown. He said that downtowns are places of entertainment and restraints and the activity that they bring add to the downtown district. Related to the Box Bar proposed development to include a brew pub, Mr. Schuwee stated that the new Box Bar operation will be a net smaller operation due to the fact that they will be required to have brewing on site and all of the equipment will take up

significant floor space. On the parking issue he said that it does not seem to be a problem as he and his group waited 45 minutes last weekend for a table, so parking was not an issue for patrons. He also stated that many of the businesses downtown don't have their own parking and thus are not paying the costs of repair, repaving, maintenance, lighting, clean up and so on. Businesses need to pay for the costs of parking through assessments.

Another representative of Greek Islands on Main Street stated that they have been here for six years and are a good business. She asked how they could get their liquor license. Chairperson Pobur stated that a change in the Ordinance may facilitate that.

Tom Trussler - Moved here about a year and half ago and enjoys coming to downtown to the restaurants. He urged the LLRC to add four to five licenses.

Brain Hoffy - He agreed on expanding the number of liquor licenses in the City.

Scott Lorenz of Maple Street - Liked the way the LLRC is handling the brewpub issue. Craft beer is important to the economy. He went on to say that the Liquor Laws are crazy when a brewer is required to pay a handling fee to a distributor to handle the beer that they produce. He went on to say that a brew pub in the downtown is needed. He also stated that the brewing equipment will help limit the available table space in the establishment.

Bob Ostendorf of Stella's Black Dog Tavern - Stated that he paid more than \$250,000 for his liquor license and business and he has 107 seats in the winter and he has to pay \$500 a week for parking security. He stated that there is a parking problem in downtown Plymouth.

The attorney for Panache - stated that the license in escrow cannot be sold while the City has a pending action against the license. He went on to say that Westborn Market and Greek Islands paid less for their licenses because they brought in out of county licenses.

Wes Graff representing the Chamber of Commerce - asked when the City Commission will act on the cap issue. Chairperson Pobur stated that by mid-March the City Commission will act.

Ed Walton of Palmer Street suggested a joint meeting of the Planning Commission and the LLRC.

Joe Walters of Liberty Street Brewing stated that Plymouth has a brewing operation at Liberty Street.

Chairperson Pobur asked the Police Chief and City Manager to comment on any public safety issues. Chief Cox said that they have seen a significant decrease in public safety issues and MLCC Violations. The Chief gave a couple of examples and stated that several factors are contributing including the additional police officer that was added two years ago, the development of the craft brew industry, the District in Downtown Detroit, ride share services such as Uber and the cooperation of our license holders in working with the Police Department. City Manager Sincock also indicated a significant drop in public safety and trash issues in the downtown area over the past few year. There has also been a decrease in violations to our establishments. He also said that the City Administration could not oppose an increase in the number of licenses based on public safety issues, where as a few years ago the City Administration would have and did oppose any increase in the number of licenses.

Chairperson Pobur thanked everyone for their comments. The decision on the license cap is not an easy decision and this input was extremely valuable.

No action was taken on this issue at this time.

Adjournment - Chairperson Pobur asked if there were any other citizen comments and then it was moved by Member Dalton and Seconded by Member Deal to adjourn the meeting.

MOTION PASSED

Paul Sincock
Recording Secretary