



Plymouth Liquor License Review Committee Meeting Agenda

Monday, March 21, 2022, 6:30 p.m.

Plymouth City Hall & Online Zoom Webinar

City of Plymouth
201 S. Main
Plymouth, Michigan 48170-1637

www.plymouthmi.gov
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<https://us02web.zoom.us/j/86970878820>

Webinar ID: 869 7087 8820 Passcode: 615317

International numbers available: <https://us02web.zoom.us/j/86970878820>

1. **Call to Order**
2. **Roll Call** – Suzi Deal, Alanna Maguire, Tony Sebastian
3. **Annual Review for Renewal, Revocation and Non-Renewal of Licenses**
4. **Adjournment**

ADMINISTRATIVE UPDATE

To: Local Liquor License Review Committee
CC: *S:\Manager\Sincock Files\Memorandum - LLRC Annual Review of Licensed Establishments - 2021 - 06-07-21.doc*
From: Paul J. Sincock -City Manager
Date: 3/17/2022
Re: Annual Renewal and Authorized Number of Establishments

RECOMMENDTION:

The members of the Local Liquor License Review (LLRC) Committee must make a recommendation to the City Commission related to the required review of the annual report related to Liquor Licenses related to the renewal, revocation and non-renewal of Licenses in the City. In addition, the LLRC must make a recommendation related to the number of licenses allowed by Zoning classification.

The City Administration has previously posted a Public Hearing for the Annual Review of Liquor License Renewals for the City Commission on March 21, 2022. This is a normal part of our liquor workload during this time of year. We are required to review all our records related to each establishment. Often, we find that a few establishments owe the City either past due taxes, utility bills or other invoices and the notice serves a reminder of payments due to the City. The Notice of Public Hearing for Recommending Renewal, Revocation and non-renewal of Liquor Licenses 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 Wednesday, March 16, 2022, we have found the vast majority of our establishments are in compliance with our Ordinance and there no significant issues. We have one establishment who has a number of past MLCC Violations that were just recently adjudicated as a result of Covid and State employees working from home. We also have two establishments that are late in paying their taxes.

The City Administration is recommending that the LLRC recommend to the City Commission all establishments be renewed, except for Stella's Trackside and Stella's Tavern. We are not making any recommendations related to Greek Island/Ebenezer due to recent adjudication of the MLCC violations.

We can hold a second meeting on April 4th to update the approved list and make any final recommendations to the City Commission.

Related to the Liquor License Cap, there are currently two licenses two licenses outside of the DDA that are "available" under the Liquor License Cap in the Ordinance. There are no additional licenses available under the terms of the cap within the DDA. We know of two establishments that are actively working to secure the two spots outside of the DDA. We know the Elks Club has recently completed their property acquisition on Mill Street at Ann Arbor Trail, the old BOC Gas building. Our Community Development Department has been actively working with a potential establishment at the old Plymouth Crossings local on Main Street. We have had a few calls asking about license availability outside of the DDA. The City Administration is not recommending any increase in the number of licenses at this time.

RECOMMENDATION:

The City Administration has recommended that the LLRC recommend to the City Commission the renewal of all licenses, EXCEPT for

- Stella's Trackside
- Stella's Tavern

There really have been no significant issues during the past year and any issue that did come up was immediately reacted to by the ownership of the establishment and corrections were immediate.

The City Administration is not making any recommendations related to the Greek Islands/Ebenezer due to the volume of MLCC violations that were just recently adjudicated. We did request that the ownership present a written plan to provide some level of confidence to the LLRC and City Commission that the issues of the past will not re-appear. As of our preparation of the agenda, we have not received any documents from the ownership.

In order to assist the LLRC with their renewal/non-renewal recommendations we have prepared a proposed Resolution approving the renewals as indicated and holding recommendations on six establishments. We have also attached a proposed Resolution for the LLRC related to the cap on Liquor Licenses and calling for no increase this year.

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

2022 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 1/1/2021-12/31/2021
DATE: 3/14/2022

Current MLCC Licenses in the City of Plymouth

Alcohol by the Glass: 25 Active, 1 In Escrow (1 for every 351 residents)
Packaged Liquor: 10 Active (1 for every 913 residents)
Small Distiller: 1 In Escrow

Total MLCC inspections by Officers to every MLCC regulated establishment

- Officers are required to perform MLCC inspections of all MLCC regulated establishments. This occurs monthly for alcohol by the glass establishments, 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. A written checklist/report may also be completed.

| MLCC Police Officer Inspections | 2020 | 2021 |
|---------------------------------|------|------|
| Total | 424 | 355 |

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 licensed establishment. The last category is all other alcohol related Disorderly Conduct CFS around town. While 2021's numbers are slightly down, it should be noted that three included assaults were classified as felonies.

| Alcohol Related Disorderly Conduct CFS | 2020 | 2021 |
|--|------|------|
| Total | 44 | 32 |
| Local Establishments | 19 | 11 |
| Other Areas Around Town | 25 | 21 |

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 | 2020 | 2021 |
|-----------------------------------|------|------|
| Total | 32 | 33 |

- 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 MISDEMEANOR | Total OWI Arrests | OWI Crashes |
|------|--------------------------------|--------------------------------|---------------------------|---|-------------------|-------------|
| 2020 | 22 (68%) | 5 (16%) | 0 | 5 (16%) | 32 | 4 |
| 2021 | 18 (58%) | 4 (13%) | 1 (3%) | 8 (26%) | 31 | 5 |

Total other alcohol related incidents

- Includes such incidents as Minor in Possession, Open Intoxicants, Trespassing and other CFS involving alcohol not otherwise captured.

| Other alcohol related incidents | 2020 | 2021 |
|---------------------------------|------|------|
| Total | 7 | 4 |

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 | 2020 | 2021 |
|--------------------------|------|------|
| Total | 2 | 0 |

Total alcohol related referrals to Hegira Health Inc.- Community Outreach for Psychiatric Emergencies (COPE)

- This includes all alcohol related incidents in which a referral was made to COPE for either an immediate crisis situation or one in which a person is seeking help with alcohol or substance abuse.

| Alcohol related COPE Referrals | 2020 | 2021 |
|--------------------------------|------|------|
| Total | 10 | 3 |

Total Violation Reports Involving City MLCC Licensed Establishments

| MLCC Violation Reports | 2020 | 2021 |
|------------------------|------|------|
| Total | 11 | 5 |

G.I. Poros (The Ebenezer)

- 2/20/2021: Licensee engaged in an illegal occupation or illegal act upon the licensed premises, contrary to Rule 436.1011(1), specifically: allowing persons to participate in indoor gatherings while allowing the number of patrons indoors to exceed 25% of normal seating capacity, contrary to section 3(b)(4)(A) of the MDHHS Gatherings and Face Mask Order dated February 4, 2021.
 - A Negotiated Settlement was reached. Licensee fully acknowledged the charge and paid a \$150 fine.
 - Total Fines= \$150
- 2/26/2021: Licensee engaged in an illegal occupation or illegal act upon the licensed premises, contrary to rule 436.1011(1), specifically: allowing persons to participate in indoor gatherings at the licensed premises without requiring them to be seated, and allowing them to intermingle, contrary to section 3(b)(1) of the MDHHS Gathering and Face Mask Order dated February 4, 2021.
- 2/26/2021: Licensee engaged in an illegal occupation or illegal act upon the licensed premises, contrary to Rule 436.1011(1), specifically: allowing persons to participate in indoor gatherings while allowing the number of patrons indoors to exceed 25% of normal seating capacity, contrary to section 3(b)(4)(A) of the MDHHS Gatherings and Face Mask Order dated February 4, 2021.

- 2/27/2021: Licensee engaged in an illegal occupation or illegal act upon the licensed premises, contrary to rule 436.1011(1), specifically: allowing persons to participate in indoor gatherings at the licensed premises without requiring them to be seated, and allowing them to intermingle, contrary to section 3(b)(1) of the MDHHS Gathering and Face Mask Order dated February 4, 2021.
- 2/27/2021: Licensee engaged in an illegal occupation or illegal act upon the licensed premises, contrary to Rule 436.1011(1), specifically: allowing persons to participate in indoor gatherings while allowing the number of patrons indoors to exceed 25% of normal seating capacity, contrary to section 3(b)(4)(A) of the MDHHS Gatherings and Face Mask Order dated February 4, 2021.
- 2/27/2021: Licensee engaged in an illegal occupation or illegal act upon the licensed premises, contrary to rule 436.1011(1), specifically: allowing persons to participate in indoor gatherings at the licensed premises without requiring them to wear face masks, contrary to section 7(a) of the MDHHS Gatherings and Face Mask Order dated February 4, 2021.
 - **A Negotiated Settlement was reached in reference to all five (5) of the above charges. Licensee fully acknowledged all five charges and paid a fine of \$300 for each of the acknowledged charges. Licensee also agreed to serve a fourteen (14) day suspension from 3/3/2021-3/17/2021.**
 - **Total Fines= \$1500**
- 4/9/2021: Licensee engaged in an illegal occupation or illegal act upon the licensed premises, contrary to rule 436.1011(1), specifically: allowing indoor gatherings at a food service establishment past 11:00 pm, contrary to section 3(b)(4)(B) of the MDHHS Gatherings and Face Mask Order dated March 19, 2021.
- 4/9/2021: Licensee sold or furnished alcoholic liquor to Kristin E. Perry, who was in an intoxicated or visibly intoxicated condition, contrary to Sections 801(1) and/or Section 1025(4) of the Michigan Liquor Control Code, MCL 436.1801(1) and/or MCL 436.2025(4).
- 4/9/2021: Licensee allowed Kristin E. Perry, who was in an intoxicated condition, to consume alcoholic liquor upon the licensed premises, contrary to Section 707(2) of the Michigan Liquor Control Code, MCL 436.1707(2).
- 4/9/2021: Licensee allowed Kristin E. Perry, who was in an intoxicated condition, to frequent or loiter upon the licensed premises, contrary to Section 707(4) of the Michigan Liquor Control Code, MCL 436.1707(4).
 - **A Negotiated Settlement was reached on all four charges from 4/9/2021. Charge 1 was Dismissed. Licensee fully acknowledged charges 2,3, and 4. Licensee paid a fine of \$600 for charge 2 and a fine of \$150 each for charges 3 and 4.**
 - **Total Fines= \$900**

UPDATE TO DISPOSITION OF G.I. POROS INCIDENTS FROM 2020 (VIOLATION HEARING HELD ON 1/31/2022)

- 8/15/2020: After-hours Sales/Consumption; Non-employees present on premises after-hours; Allowing Smoking on Premises
 - A total of nineteen (19) charges were leveled against the licensee by the MLCC. A Negotiated Settlement was reached as follows: Charges 1 and 2 were dismissed. Licensee fully acknowledged charges 3-19 and paid fines of \$100 each for charges 3-18 and \$300 for charge 19.
 - Total Fines= \$1900
- 8/23/2020: Licensee allowed overcrowding on the licensed premises, contrary to rule 436.1405(3).
 - A Negotiated Settlement was reached. Licensee fully acknowledged this single charge and paid a fine of \$200.
 - Total Fines= \$200

- ADDITIONALLY THE LICENSEE SERVED A THREE (3) DAY SUSPENSION FROM 2/21/2022-2/24/2022 SPECIFICALLY IN REFERENCE TO THE VIOLATIONS OF: 8/15/2020, 8/23/2020, 2/20/2021, and 4/9/2021.

VWS Holdings, LLC (The Penn Grill)

- 2/20/2021: Licensee engaged in an illegal occupation or illegal act upon the licensed premises, contrary to Rule 436.1011(1), specifically: allowing persons to participate in indoor gatherings while allowing the number of patrons indoors to exceed 25% of normal seating capacity, contrary to section 3(b)(4)(A) of the MDHHS Gatherings and Face Mask Order dated February 4, 2021.
 - Licensee waived their right to a Hearing and entered a plea of acknowledgement to this single charge and paid a fine of \$200.
 - Total Fines= \$200

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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.

| Establishment | 2020 | 2021 |
|--|-----------|----------|
| Aqua | 0 | 0 |
| Barrio Cocina Y Tequileria | 0 | 0 |
| Bigalora | 1 | 0 |
| Compari's/Fiama/Sardine Room | 0 | 0 |
| Cultural Center | 0 | 0 |
| E.G. Nicks | 1 | 0 |
| Greek Islands | 4 | 4 |
| Herman's Olde Town Grille | 0 | 0 |
| Ironwood | 0 | 0 |
| Liberty Street Brewing Co. | 0 | 0 |
| Mayflower Meeting House | 0 | 0 |
| Nico & Vali | 0 | 0 |
| Pakwaan Restaurant | 0 | 0 |
| Park Place Gastro Pub | 0 | 0 |
| Penn Grille | 0 | 1 |
| Pizza E Vino | 0 | 0 |
| Plymouth Knights of Columbus | 0 | 0 |
| Plymouth ROC | 3 | 0 |
| Sean O'Callaghan's | 0 | 0 |
| Stella's Trackside & Stella's Black Dog Tavern | 0 | 0 |
| Stella's Black Dog Tavern | 1 | 0 |
| The Honey Hole | 0 | 0 |
| The Post Local Bistro | 3 | 1 |
| VFW | 0 | 0 |
| Westborn Market | 0 | 0 |
| Total | 13 | 6 |

**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

As of 03-14-22

ADMINISTRATIVE RECOMMENDATIONS ARE UPDATED and CURRENT AS OF 03-14-22 AND ARE SUBJECT TO CHANGE PENDING ADDITIONAL INFORMATION OR CORRECTIONS OR CONFIRMATION OF TAXES BEING PAID. This notice may be added to, changed, or amended.

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

Administrative Recommendation for Approval of Renewal:

- Buon Vino Winery, LLC 849 Penniman
- Park Place Gastro Pub
- Compari's/Fiamma/Sardine Room 350 S. Main
- City of Plymouth Parks & Recreation
- D.B.A. – Barrio's on Forest Ave.
- Herrmann's Olde Towne Grill 195 W. Liberty
- Liberty Street Tavern – Norton X Brewing, LTD 149 W. Liberty (2 licenses)
- Mayflower Meeting House – Exclusive Catering, Inc.
- Mayflower – Lt. Gamble Post 6995 of Veterans of Foreign Wars of United States
- Nico & Vali – Italian Eatery – 744 Wing
- Plymouth Knights of Columbus Building Council #3292
- D.B.A. – Aqua – JJA, Inc. Starkweather & Main
- Pakwaan – 447 Forest Ave.
- DBA – Plymouth ROC – 1020 W. Ann Arbor Rd.
- E.G. Nick's T. Belli & Assoc., Inc.
- Penn Grill
- Sean O'Callaghan's Public House
- Westborn Market
- Ironwood Grill
- Bigalora

Administrative Recommendation for Non-Renewal for violation of the City Liquor Management Ordinance and hearing before the City of Plymouth Liquor Management Ordinance. The City is providing advance notice of the pending non-renewal recommendation to allow establishments to come into compliance with the City's Liquor Management Ordinance prior to final action on April 4, 2022.

- Stella's Trakside – Past Due Tax Bills
- Stella's Tavern – Past Due Tax Bills

No Administrative Recommendation due to recent adjudication of numerous State Liquor License Violations.

- Greek Islands/Ebenezer

** 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. 209.) 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 6:30 p.m. ON MONDAY, March 21, 2022 TO MAKE A RECOMMENDATION TO CITY COMMISSION ON RENEWAL OF LIQUOR LICENSES. NON-RENEWAL ACTION WILL BE HELD UNTIL April 4, 2022.

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.

LLRC RESOLUTION #1

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 of All Class C Type Liquor Licenses in the City, and

WHEREAS On March 21, 2022, the City Administration presented the Liquor License Review Committee and the City Commission with information about the various Liquor licensed establishments in the City, and

WHEREAS The Local Liquor License Review Committee is required to make a Recommendation to the City Commission related to the renewal, revocation and non-renewal of all 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 the following licenses be renewed:

- Buon Vino Winery, LLC 849 Penniman
- Park Place Gastro Pub
- Compari's/Fiamma/Sardine Room 350 S. Main
- City of Plymouth Parks & Recreation
- D.B.A. – Barrio's on Forest Ave.
- Herrmann's Olde Towne Grill 195 W. Liberty
- Bearded Lamb (2 licenses)
- Mayflower Meeting House – Exclusive Catering, Inc.
- Mayflower – Lt. Gamble Post 6995 of Veterans of Foreign Wars of United States
- Nico & Vali – Italian Eatery – 744 Wing
- Plymouth Knights of Columbus Building Council #3292
- D.B.A. – Aqua – JJA, Inc. Starkweather & Main
- Pakwaan – 447 Forest Ave.
- DBA – Plymouth ROC – 1020 W. Ann Arbor Rd.
- E.G. Nick's T. Belli & Assoc., Inc.
- Penn Grill
- Sean O'Callaghan's Public House
- Westborn Market
- Ironwood Grill –
- Bigalora
- The Post Bistro –
- Honey Hole

BE IT FURTHER RESOLVED THAT the Local Liquor License Review Committee does hereby postpone until April 4, 2022 at 6:00 p.m. any recommendation related to the following establishments:

- Stella's Trackside – Past Due Tax Bills
- Stella's Tavern – Past Due Tax Bills
- Greek Islands/Ebenzer

LLRC RESOLUTION #2

Liquor License Cap Recommendation

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

WHEREAS The City of Plymouth has a Liquor Management Ordinance related to
The number of allowable liquor licenses in a particular zoning district, and

WHEREAS Annually the Local Liquor License Review Committee must make a
Recommendation to the City Commission related to the number of
Allowable liquor licenses per zoning district.

NOW THEREFORE BE IT RESOLVED THAT the Local Liquor License Review Committee does hereby recommend to the City Commission, no changes in the number of available liquor licenses in the City of Plymouth. Further, the LLRC recommends that the number of licenses remain the same, which is a cap of 16 licenses, as defined in the Liquor Management Ordinance for the B-2 Zoning District (DDA Area), and a cap of 12 licenses in total *(for all three zoning districts)* in any of the following the B-1, ARC and B-3 Zoning Districts.