



Plymouth Liquor License Review Committee Meeting Agenda

Monday, June 21, 2021 6:30 p.m.

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

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

Meeting will be held online via Zoom

<https://us02web.zoom.us/j/89278597388> Meeting ID: 892 7859 7388 Passcode: 570615

Statement on explanation of the reason why the public body is meeting electronically:

On March 10, 2020 the Governor of the State of Michigan declared a State of emergency across the State of Michigan under section 1 of Article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 – 421, and the Emergency Powers of the Governor Act of 1945, 1945 PA302, as amended, MCL 10.31 – 33. These sections provide the Governor with broad powers and duties to cope with dangers to this state or to the people of the state.

As a part of the response to the emergency, the Governor has deemed it reasonable and necessary to temporarily suspend rules and procedures relating to physical presence at meetings and hearings of public bodies and other governmental entities in Michigan. These public bodies and entities must continue to conduct public business during this emergency. Due to the emergency situation and the request of the Governor to not gather in groups of 10 or more it is necessary for some public boards to meet electronically.

1. **CALL TO ORDER**
 - a. Roll Call
2. **CITIZENS COMMENTS**
3. **APPROVAL OF THE AGENDA**
4. **APPROVAL OF MINUTES FROM 6-7-2021**
5. **COMMISSION COMMENTS**
6. **OLD BUSINESS**
7. **NEW BUSINESS**
 - a. Final Annual Renewal Recommendation
8. **ADJOURNMENT**

Citizen Comments - This section of the agenda allows up to 3 minutes to present information or raise issues for items not on the agenda. Upon arising to address the Commission, speakers should first identify themselves by clearly stating their name and address. Comments must be limited to the subject of the item.

Persons with disabilities needing assistance with this should contact the City Clerk's office at 734-453-1234 Monday through Friday from 8:00 a.m.-4:30 p.m., at least 24 hours prior to the meeting. An attempt will be made to make reasonable accommodations.



City of Plymouth LLRC Meeting Minutes

Monday, June 7, 2021 6:00 p.m.-Hybrid Zoom/ In-Person Meeting

201 S. Main
Plymouth, Michigan 48170-1637

Phone 734-453-1234
Fax 734-455-1892

1. CALL TO ORDER

Commissioner Deal called the meeting to order at 6:30 p.m.

a. Roll Call

PRESENT Chair Suzi Deal, Members Tony Sebastian and Marques Thomey

ALSO PRESENT: City Manager Paul Sincock, City Attorney Bob Marzano, Director of Public Safety Al Cox

2. CITIZENS COMMENTS

There were no citizen comments.

3. APPROVAL OF THE AGENDA

Thomey offered a resolution, seconded by Sebastian, to approve the agenda for June 7, 2021.

There was a roll call vote.

Yes: Deal, Sebastian, Thomey

MOTION PASSED 3-0

4. APPROVAL OF MINUTES FROM 5-3-2021

The LLRC meeting minutes for May 3, 2021 were distributed in advance of the meeting. Thomey offered a resolution, seconded by Sebastian, to approve the meeting minutes as presented.

There was a roll call vote.

Yes: Deal, Sebastian, Thomey

MOTION PASSED 3-0

5. COMMISSION COMMENTS

There were no commission comments.

6. OLD BUSINESS

There was no old business.

7. NEW BUSINESS

a. Annual Review for Renewal, Revocation and Non-Renewal of Licenses

The following resolution was offered by Thomey and seconded by Sebastian.

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 June 7, 2021, 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
- 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

BE IT FURTHER RESOLVED THAT the Local Liquor License Review Committee does hereby postpone until June 21, 2021 at 6:30 p.m. any recommendation related to the following establishments:

- Ironwood Grill – Past Due Invoice DDA Power Washing Fee
- Bigalora – Past Due Invoice DDA Power Washing Fee
- The Post Bistro – Past Due Invoice Patio Fee
- Stella's Trackside – Past Due Tax Bills
- Stella's Tavern – Past Due Tax Bills

Greek Islands/Ebenzer – Pending MLCC Hearings on outstanding violations

MOTION PASSED 3-0

The following second resolution was offered by Sebastian and seconded by Thomey.

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.

MOTION PASSED 3-0

8. ADJOURNMENT

Thomey offered a motion, seconded by Sebastian, to adjourn the meeting at 6:44 p.m.

MOTION PASSED 3-0

ADMINISTRATIVE UPDATE

To: Local Liquor License Review Committee

CC: *S:\Manager\Sincock Files\Memorandum - LLRC Annual Review of Licensed Establishments Part 2 - 2021 - 06-21-21.doc*

From: Paul J. Sincock -City Manager

Date: 6/14/2021

Re: Final Annual Renewal Recommendation

RECOMMENDATION:

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. You will recall that at the last meeting we approved for renewal the majority of licenses. We have just a few more to process at this time.

The City Administration has previously posted a Public Hearing for the Annual Review of Liquor License Renewals for the City Commission for June 21, 2021. 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, June 16, 2021 we have found that everyone with an outstanding issue has come into compliance with our Ordinance and there no significant issues. We still have one establishment who has serious outstanding MLCC Violations that have yet to be scheduled for adjudication.

The City Administration is recommending that the LLRC recommend to the City Commission that the following establishments be renewed, Ironwood Grill, Bigalora, The Post Bistro, Stella's Trackside and Stella's Tavern. We are not making any recommendations related to Greek Island/Ebenezer due to the outstanding MLCC violations.

RECOMMENDATION:

The City Administration has recommended that the LLRC recommend to the City Commission the renewal of the following licenses,

- Ironwood Grill
- Bigalora
- The Post Bistro
- Stella's Trackside
- Stella's Tavern

We are suggesting that no recommendation be given to Greek Islands/Ebenezer due to the outstanding MLCC violations that have yet to be adjudicated since prior to Covid.

Except for one establishment, 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.

In order to assist the LLRC with their renewal/non-renewal recommendations we have prepared a proposed Resolution approving the renewals as indicated

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
June 7, 2021 - 7:00 p.m.
&
June 21, 2021 – 7:00 p.m.

As of 06/2/2021

ADMINISTRATIVE RECOMMENDATIONS ARE UPDATED and CURRENT AS OF 06-2-2021 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

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 June 21, 2021.

- Ironwood Grill – Past Due Invoice DDA Power Washing Fee
- Bigalora – Past Due Invoice DDA Power Washing Fee
- The Post Bistro – Past Due Invoice Patio Fee
- Stella’s Trakside – Past Due Tax Bills
- Stella’s Tavern – Past Due Tax Bills

No Administrative Recommendation due to waiting for adjudication of pending State of Michigan Liquor License Violations and outcome of State Hearing.

- 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, June 7, 2021 ON ZOOM TO MAKE A RECOMMENDATION TO CITY COMMISSION ON RENEWAL OF LIQUOR LICENSES. NON-RENEWAL ACTION WILL BE HELD UNTIL JUNE 21, 2021.

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.

2021 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 1/1/2020-12/31/2020
DATE: 2/1/2021

Current MLCC Licenses in the City of Plymouth

Alcohol by the Glass: 26 Active (1 for every 351 residents)
Packaged Liquor: 9 Active (1 for every 1014 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 weekly for several alcohol by the glass establishments and monthly for others, including our packaged beer, wine, and liquor stores. The frequency did vary this year during various restriction periods and temporary enforcement precautions. 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	2019	2020
Total	447	424

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.

Alcohol Related Disorderly Conduct CFS	2019	2020
Total	32	44
Local Establishments	9	19
Other Areas Around Town	23	25

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	2019	2020
Total	36	32

- 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
2019	20 (56%)	2 (6%)	3 (8%)	11 (30%)	36	3
2020	22 (68%)	5 (16%)	0	5 (16%)	32	4

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	2019	2020
Total	5	7

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	2019	2020
Total	2	2

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

- This is a new category for the 2021 Report. 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	2019	2020
Total	No Data Captured	10

Total Violation Reports Involving City MLCC Licensed Establishments

MLCC Violation Reports	2019	2020
Total	1	11

G.I. Poros (The Ebenezer)

- 8/15/2020: After-hours Sales/Consumption: Non-employees present on premises after-hours; Allowing Smoking on Premises
 - Violation Hearing pending; delay caused by pandemic.
- 8/23/2020: Violation of Governor's Executive Order 2020-161 (specifically the establishment was significantly over-capacity on two separate occasions on same evening and no employees or clientele were wearing masks.); Entry/exit doors to the establishment were found locked on two occasions on the same evening while open for business.
 - Violations were dismissed as a result of the Michigan Supreme Court striking down the Governor's Executive Order
- 8/29/2020: Violation of Executive Order 2020-161 specifically the establishment was significantly over-capacity and servers were not wearing masks.
 - Violations were dismissed as a result of the Michigan Supreme Court striking down the Governor's Executive Order
- 11/18/2020: Violation of Fire Code; Violation of MDHHS Emergency Public Health Order [Over 150 patrons were present. The establishment's pre-pandemic capacity is 127 and their capacity under the MDHHS Order (50%) was 63.]
 - Violation Hearing pending; delay caused by pandemic.

T. Belli & Associates, Inc. (E.G. Nicks)

- 12/3/2020: Violation of MDHHS Emergency Public Health Order (Outdoor service area was completely enclosed with four tent walls and a roof. It should be noted that the licensee immediately corrected the violation upon notification by the officer.

- Violation Hearing pending; delay caused by pandemic.

408, Inc. (The Post Local Bistro)

- 12/3/2020: Violation of MDHHS Emergency Public Health Order (Outdoor service area was covered by a tent with more than one wall).
 - Violation was reviewed in conjunction with the review of the below listed violations.
- 1/8/2021: Violation of MDHHS Emergency Public Health Order (Failure to enforce social distancing, failure to adhere to capacity requirements, and failure to adhere to the 6 person/table restriction.) It should be noted that this violation was observed and filed by an MLCC Investigator.
 - As a result of the above two violations, the MLCC issued an emergency suspension of the liquor license on 1/13/2021 and set an Emergency Hearing for 1/20/2021. Prior to the Hearing, a negotiated settlement was achieved resulting in an additional four (4) day suspension for a total suspension period of 11 days.

I & S Hospitality (The Plymouth ROC)

- 12/3/2020: Violation of the MDHHS Emergency Public Health Order (Outdoor service area was completely enclosed on four sides with a roof).
 - Violation was not charged because “indoor dining” was not defined in the 11/18/2020 MDHHS Order.
- 12/15/2020: Violation of the MDHHS Emergency Public Health Order (Outdoor service area was completely enclosed on four sides with a roof).
- 12/17/2020: Violation of the MDHHS Emergency Public Health Order (Outdoor service area was completely enclosed on four sides with a roof).
 - As a result of the above violations, the MLCC issued an emergency suspension of the liquor license on 12/23/2020 and set an Emergency Hearing for 12/30/2020. At the conclusion of the Emergency Hearing, the Administrative Law Judge ruled that the licensee was permitted to resume liquor service upon the issuance of his written order (1/4/2021) and immediate compliance with the MDHHS Emergency Order as it applies to outdoor service areas. He also issued a fine of \$100. Total suspension period= 12 days.

TBD Advisors Inc. (Stella's Black Dog Tavern)

- 12/16/2020: Violation of the MDHHS Emergency Public Health Order (Outdoor service area was completely enclosed on four sides with a roof). It should be noted that the licensee immediately corrected the violation upon notification by the officer.
 - Violation Hearing pending; delay caused by pandemic.

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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	2019	2020
Aqua	0	0
Barrio Cocina Y Tequileria	0	0
Bigalora	0	1
Compari's/Fiama/Sardine Room	0	0
Cultural Center	0	0
E.G. Nicks	0	1
Greek Islands	0	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	0
Pizza E Vino	0	0
Plymouth Knights of Columbus	0	0
Plymouth ROC	0	3
Sean O'Callaghan's	0	0
Stella's Trackside & Stella's Black Dog Tavern	0	0
Stella's Black Dog Tavern	0	1
The Honey Hole	0	0
The Post Local Bistro	3	3
VFW	0	0
Westborn Market	0	0
Total	3	13

LLRC RESOLUTION

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 June 21, 2021, 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 did make a recommendation on 18 liquor licenses on June 7, 2021, and

WHEREAS The Local Liquor License Review Committee is required to make a Recommendation to the City Commission on all liquor licenses 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:

- Ironwood Grill
- Bigalora
- The Post Bistro
- Stella's Trakside
- Stella's Tavern

BE IT FURTHER RESOLVED THAT the Local Liquor License Review Committee does not make any recommendations related to the liquor license for Greek Islands/Ebenezer pending adjudication of outstanding MLCC Violations.