



Plymouth City Commission

Regular Meeting Agenda

Monday, September 19, 2022 7:00 p.m.

Plymouth Cultural Center 525 Farmer Plymouth, MI 48170

Online Zoom Webinar

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

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

Join Zoom Webinar: <https://us02web.zoom.us/j/84267900430>

Passcode: 224385 Webinar ID: 842 6790 0430

REVISED FOR MEETING LOCATION

1. **CALL TO ORDER**
 - a. Pledge of Allegiance
 - b. Roll Call
2. **APPROVAL OF MINUTES**
 - a. September 6, 2022 City Commission Regular Meeting Minutes
3. **APPROVAL OF THE AGENDA**
4. **ENACTMENT OF THE CONSENT AGENDA**
 - a. Approval of August 2022 Bills
5. **CITIZEN COMMENTS**
6. **COMMISSION COMMENTS**
7. **OLD BUSINESS**
8. **NEW BUSINESS**
 - a. Set Public Hearing for Liquor License Cap Review - Change
9. **REPORTS AND CORRESPONDENCE**
 - a. Liaison Reports
 - b. Appointments – if needed
 - c. Projects Update Report
10. **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. Consent Agenda- The items on the Consent Agenda will be approved by one motion as Agenda Item #4. There will be no separate discussion of these items unless a Commissioner or citizen so requests, in which case that item will then be placed on the regular agenda.

City of Plymouth Strategic Plan 2022-2026

GOAL AREA ONE - SUSTAINABLE INFRASTRUCTURE

OBJECTIVES

1. Identify and establish sustainable financial model(s) for major capital projects, Old Village business district, 35th District Court, recreation department, and public safety
2. Incorporate eco-friendly, sustainable practices into city assets, services, and policies; including more environmentally friendly surfaces, reduced impervious surfaces, expanded recycling and composting services, prioritizing native and pollinator-friendly plants, encouraging rain gardens, and growing a mature tree canopy
3. Partner with or become members of additional environmentally aware organizations
4. Increase technology infrastructure into city assets, services, and policies
5. Continue sustainable infrastructure improvement for utilities, facilities, and fleet
6. Address changing vehicular habits, including paid parking system /parking deck replacement plan, electric vehicle (EV) charging stations, and one-way street options

GOAL AREA TWO – STAFF DEVELOPMENT, TRAINING, AND SUCCESSION

OBJECTIVES

1. Create a 5-year staffing projection
2. Review current recruitment strategies and identify additional resources
3. Identify/establish flex scheduling positions and procedures
4. Develop a plan for an internship program
5. Review potential department collaborations
6. Hire an additional recreation professional
7. Review current diversity, equity, and inclusion training opportunities
8. Seek out training opportunities for serving diverse communities

GOAL AREA THREE - COMMUNITY CONNECTIVITY

OBJECTIVES

1. Engage in partnerships with public, private and non-profit entities
2. Increase residential/business education programs for active citizen engagement
3. Robust diversity, equity, and inclusion programs
4. Actively participate with multi-governmental lobbies (Michigan Municipal League, Conference of Western Wayne, etc.)

GOAL AREA FOUR - ATTRACTIVE, LIVABLE COMMUNITY

OBJECTIVES

1. Create vibrant commercial districts by seeking appropriate mixed-use development, marketing transitional properties, and implementing Redevelopment Ready Communities (RRC) practices
2. Improve existing and pursue additional recreational and public green space opportunities and facilities for all ages
3. Develop multi-modal transportation plan which prioritizes pedestrian and biker safety
4. Improve link between Hines Park, Old Village, Downtown Plymouth, Plymouth Township, and other regional destinations
5. Maintain safe, well-lit neighborhoods with diverse housing stock that maximizes resident livability and satisfaction
6. Modernize and update zoning ordinance to reflect community vision
7. Implement Kellogg Park master plan

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City of Plymouth
City Commission Regular Meeting Minutes
Tuesday, September 6, 2022, 7:00 p.m.
Plymouth City Hall – 201 S. Main St., Plymouth, MI

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

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

1. CALL TO ORDER

Mayor Moroz called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

a. Pledge of Allegiance

b. Roll Call

Present: Mayor Moroz, Commissioners Suzi Deal, Linda Filipczak, Jennifer Kehoe, Alanna Maguire and Kelly O'Donnell

Excused: Mayor Pro Tem Tony Sebastian

Also present: City Manager Paul Sincok, Attorney Bob Marzano and various members of the City administration

2. APPROVAL OF MINUTES

Filipczak offered a motion, seconded by Maguire, to approve the minutes of the August 2, 2022, strategic plan study session minutes.

Karen Sisolak, 939 Penniman, said she expected more information in the minutes.

MOTION PASSED 6-0

Filipczak offered a motion, seconded by Maguire, to approve the minutes of the August 15, 2022, regular meeting.

MOTION PASSED 6-0

3. APPROVAL OF THE AGENDA

Filipczak offered a motion, seconded by Maguire, to approve the agenda for Tuesday, September 6, 2022.

MOTION PASSED 6-0

4. ENACTMENT OF THE CONSENT AGENDA

O'Donnell offered a motion, seconded by Moroz, to approve the Consent Agenda for Tuesday, September 6, 2022.

a. Special Event: Heroes on Hines 5K Run/Walk- Saturday, September 30, 2022

b. Special Event: Main Street Boulevard Tree Lighting/Salvation Army Red Kettle Kickoff- Friday, November 11, 2022

c. Special Event: Ladies' Holiday Shopping Night- Thursday, November 17, 2022

d. Special Event: Holiday Greens Market- Saturday, November 26, 2022

e. Special Event: World Cup in the Park- Tuesday, November 29, 2022

Kehoe offered an amendment to the motion to move item 4.e to the regular agenda. After learning that the date of the event had been changed and no longer conflicted with another event, she withdrew her motion.

O'Donnell offered a motion to approve the consent agenda but move item 4.e to the regular agenda. Kehoe seconded the amended motion.

MOTION PASSED 6-0

5. CITIZEN COMMENTS

Deborah Kuptz, 997 Carol, said she was not in favor of paid parking in the City.

Mark Pulice, representing LiUNA, stated an objection to a contract he believed had been awarded for the Central Parking Deck repairs.

Nick Pagan, 1156 W. Ann Arbor Trail, spoke about issues he experienced regarding brush pickup, tree purchasing, lighting on Joel and Sheridan and lighting at Tonquish Manor.

Jeff Lauer of Dexter, Michigan, said he leased the Wiltsie's Pharmacy building and was planning to open a whiskey tasting and event space there.

Garrett Jenkins, 292 Pacific, said he recently moved to the City of Plymouth and wanted to introduce himself to the City Commission.

Tom Doran, 1191 Sheridan, spoke about parking and construction issues near his home.

Ellen Elliott, 404 Irvin, thanked all involved in the Music in the Air series this summer.

6. COMMISSION COMMENTS

Moroz clarified that administration is currently studying the idea of paid parking, but the City Commission had not yet received their report and no committee had been formed.

Maguire asked for clarification on the Central Parking Deck bid award and Sincock said the Downtown Development Authority was responsible for awarding the bid and it had not yet done so.

Kehoe thanked the DMS for their handling of the recent storms.

Deal said she was hosting a foreign exchange student from Brazil and asked the group to welcome him.

O'Donnell said any change in use of the Wiltsie's property would have to go before the Planning Commission.

Moroz congratulated the following staff members for their work anniversaries in September: Matt Hartkopf- three years, Mark Christiansen – three years, Sue Campbell – five years, Dave Cirilli – six years, Jennifer Dergis – six years, Joe Roe – eight years, Jay Miller – nine years.

Moroz then initiated a discussion about the liquor license cap in the City of Plymouth. He said the City Commission could decide whether to keep the cap in as-is, amend the number of licenses in the cap, or remove the cap altogether. Sincock explained that at this time, there are no additional available licenses in the City, and that a liquor license review is typically done in February or March of every year.

Commissioners agreed that they would like the administration to initiate a review with input from the DDA and the Liquor License Review Committee to determine next steps.

7. OLD BUSINESS

There was no old business.

8. NEW BUSINESS

a. MML Annual Meeting

RESOLUTION 2022-67

The following resolution was offered by O'Donnell and seconded by Moroz.

WHEREAS Each year the Michigan Municipal League hosts an annual business meeting to discuss matters and to form policy related to local government; and

WHEREAS The City of Plymouth has an opportunity to designate a voting delegate and alternate for the annual business meeting.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby designate Mayor Nick Moroz as the voting delegate to the Michigan Municipal League Annual Convention Meeting.

BE IT FURTHER RESOLVED THAT the City Commission of the City of Plymouth does hereby designate Mayor Pro Tem Tony Sebastian as the voting alternate to the Michigan Municipal League Annual Convention Meeting.

MOTION PASSED 6-0

b. MERS Resolution – Authorized Signatories

The following resolution was offered by Filipczak and seconded by Kehoe.

RESOLUTION 2022-68

Resolution Establishing Authorized Signatories for MERS Contracts and Service Credit Purchase Approvals



1134 Municipal Way Lansing, MI 48917 | 800.707.MERS (6377) | Fax 517.703.9711

www.mersofmich.com

This Resolution is entered into under the provisions of 1996 PA 220 and the Municipal Employees' Retirement System of Michigan ("MERS") Plan Document, as each may be amended.

This resolution is being adopted by the governing body of the participating entity and applies to all reporting units of said participating entity.

WHEREAS, the City of Plymouth ("Employer") is a participating municipality with the Municipal Employees' Retirement System of Michigan ("MERS") and has adopted one or more retirement, insurance, investment or other post-employment benefit products administered by MERS;

WHEREAS, MERS requires signatures of an authorized representative of the Employer to execute contracts with MERS, the entry of which is authorized by the governing body and permitted under the applicable MERS Plan Document(s);

WHEREAS, the Employer wishes to designate certain job position(s), the holder(s) of which may sign MERS' contracts relating to the adoption, amendment and termination of MERS' products, and defined benefit service credit purchase approvals on behalf of Employer to implement decisions and actions of the governing body;

WHEREAS, this Resolution is not intended to apply to MERS forms or any other MERS document except as specifically mentioned herein,

Therefore, the Governing Body resolves:

The holders of the following job position(s) are hereby *Authorized Officials* that can sign: (1) MERS Adoption Agreements, Resolutions, Participation Agreements, Administrative Services Agreements, Withdrawal Agreements and any other contracts between MERS and the Employer with respect to Employer's participation in any MERS-administered product and any amendments and addendums thereto, and (2) MERS Defined Benefit service credit purchase approvals:

- 1. Mayor

Optional additional job positions:

- 2. City Clerk
- 3. Finance Director

This Resolution may be revoked in writing or amended by the Governing Body at any time, provided that it will not be effective until such writing or amended Resolution is received by MERS. The Governing Body agrees that MERS may rely upon this Resolution as conferring signing authority upon the holders of the above job position(s) to bind Employer with respect to MERS.

Adopted at a regular/special meeting of the Governing Body on September 6, 2022.

Authorized signature (must be currently in a position named above) Maureen A. Bradie

Name: Maureen A. Bradie

Title: City Clerk

Witness signature: Susan Campbell

Witness name: Susan Campbell

Witness title: Assistant to the City Manager

MOTION PASSED 6-0

c. Capital Improvement Equipment – 26’ Scissor Lift Purchase

The following resolution was offered by Kehoe and seconded by O’Donnell.

RESOLUTION 2022-69

WHEREAS The City of Plymouth uses a variety of equipment to maintain and operate its facilities and there is a need to purchase a 26’ scissor lift unit, and

WHEREAS The City Commission did include the purchase of this equipment in the Fiscal 22 – 23 budget, and

WHEREAS The City Administration has researched these units and finds that the Genie GS-2632 meets the needs of the city and it is available for ordering on the Sourcewell governmental purchasing platform.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby authorize the purchase of a Genie GS-2632 26’ scissor lift in the amount of \$23,752.93. Funding for this purchase shall be designed to be from the Capital Improvement Fund.

MOTION PASSED 6-0

d. Special Event: World Cup in the Park – Tuesday, November 29, 2022

Kehoe offered a motion, seconded by O’Donnell, to approve the preliminary application for the event.

When asked, Sincock said that there had been videos shown in the park before and that no one had asked to show inappropriate content. There was some discussion about the lack of details in the application, and Sincock said the staff had approved it on a preliminary basis, pending a final plan.

Ellen Elliott, 404 Irvin, said she was concerned about a lack of details and the need to cross off “city-sponsored event” on the application. She added that such an event might need more police presence.

MOTION PASSED 6-0

9. REPORTS AND CORRESPONDENCE

a. Liaison Reports

O’Donnell said the Planning Commission was scheduled to meet on September 14.

Deal said the Historic District Commission was scheduled to meet on September 7.

Kehoe said the Zoning Board of Appeals had a request for a variance on generator placement, and that they planned to ask the Planning Commission to review setback requirements.

Maguire asked when the parking deck repair contract would be coming before the DDA board, and Sincock said it would be on their September 12 agenda.

b. Appointments

There were no appointments

10. ADJOURNMENT

A motion to adjourn was offered by Filipczak and seconded by Maguire at 8:10 p.m.

MOTION PASSED 6-0

NICK MOROZ
MAYOR

MAUREEN A. BRODIE, CMC, MiPMC
CITY CLERK



Administrative Recommendation

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

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

To: Mayor & City Commission
From: Paul J. Sincok, City Manager
CC: S:\Manager\Sincok\Files\Memorandum - Set Public Hearing Date for Liquor License Cap Review-Change.docx
Date: September 15, 2022
RE: Set Public Hearing for Liquor License Cap Review - Change

Background

The City Commission directed the City Administration to begin a review process that would allow the Commission to change the Liquor Management Ordinance to increase the number of allowable liquor licenses in the city.

The Liquor Management Ordinance provides the City Commission the authority to “*manage the number of on-premises retail liquor licenses in the city.*” (6-32) Further, the Ordinance provides that the city shall “notify all known existing service by the glass” license holders of proposed changes, via first class mail at least ten business days in advance of any changes. (6-32c) The reason that this section of the ordinance was put into place was a result of an earlier change in the Ordinance and the current liquor license holders did not feel that they were made aware of the pending change. As a result, the ordinance was changed to add a specific section to ensure current liquor license holders received ample notification of any pending change. This would then allow them to have input into any proposed change to the ordinance, especially when it comes to the “cap.” Further, another section of the ordinance calls for notification of certain other groups, including residents, neighborhood association, Chamber of Commerce and the Plymouth Canton Community Schools when discussing new licenses. One other requirement of the ordinance is that the establishment would have a ratio of food service over the sale of alcohol. This was a result of the old 336 S. Main, which did not serve food and a number of issues were attributed to that establishment.

What the City Commission would have to do in order to change the ordinance to add additional licenses is schedule and then hold a Public Hearing, provide for a first reading, followed by a second and final reading of the ordinance change. I would anticipate that you would have public input at most of these steps. I am also assuming that you would want the input of the DDA on this matter. Their next meeting is October 10th.

Currently, the ordinance provides for 16 licenses in the B-2 Central Business District or DDA. Another 12 licenses are allowed in all other Zoning Districts. The 28 licenses do not consider multi-licensed facilities, such as Compari's (3), Ebenezer (2), Arbor Brewing (2). The DDA District really has 20 establishments due to the multi-licensed facilities, but only 16 licenses.

Recommendation

The City Commission did not specify the exact number for the possible expansion of licenses or if this was just in the DDA or both inside and outside of the DDA. There was discussion of zero to perhaps as many as three or four additional licenses. We will also need to gather input from the DDA Board at their upcoming meeting.

The first step in this process is to establish a Public Hearing for the recommendation 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 licenses. *(6-37d)* We are suggesting that the Hearing be held on October 17, 2022, as this will allow the DDA Board to provide their official comments related to this subject. That date will also allow the Administration time to complete the review of all current licenses and permits. The Ordinance calls for an annual review *(6-37d)* and we will follow that process for, if you will, a "mid-year" review. This will allow the Administration to provide the Commission with a more complete picture of the status of liquor licenses and the volume of work that is created by liquor licenses. In addition, this will provide us time to review staffing needs should the City Commission expand the number of licenses in the city.

Changing the Liquor Management Ordinance is a little more complicated than other Ordinances, due to the fact that the Ordinance calls out the requirement to make certain "extra" notifications regarding proposed changes. We have attached a proposed Resolution for the City Commission to set a Public Hearing date for Monday, October 17, 2022.

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

Sec. 6-31. - Short title.

This article shall be known and may be cited as the "Liquor Management Ordinance."

(Ord. No. 2010-01, 4-5-10)

Sec. 6-32. - Statement of purpose.

- (a) The purpose of this article is to allow the city to establish and administer a policy for the issuance and transfer of liquor licenses and permits which allow the service by the glass of any alcohol (beer, wine, spirits) to be consumed on the premises, to provide for the enforcement of liquor laws, regulations and ordinances, and to manage the number of on-premises retail liquor licenses in the city.
- (b) This article shall also create the liquor license review committee (LLRC), which shall be composed of at least three members of the city commission. The purpose of the LLRC is to review applications and make recommendations to the city commission as required by this article.
- (c) It shall be the policy of the city to notify all known existing service by the glass also known as on-premises retail type liquor license holders of proposed changes in this article via first class mail at least ten business days in advance of the city commission acting on a change.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-33. - Licensing policy.

- (a) New licenses or liquor license permits, transfer of ownership of existing licenses, transfers into the city of new licenses, will be approved at the sole discretion of the city commission. This shall include liquor license permits proposed within the B-1, B-2, B-3, and ARC zoning districts within the city.
- (b) Within the B-2, central business district, as indicated on the city zoning map, the city shall have a cap or total of not more than 16 state 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 licenses.
- (c) Within the B-1, B-3 and ARC zoning districts within the city, as indicated on the city zoning map, the city shall have a cap or total of not more than 12 state 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 licenses.
- (d) The city commission shall not recommend to the state liquor control commission the approval of any on-premises retail liquor license in excess of 16 within the B-2 district as outlined here.
- (e) The city commission shall not recommend to the state liquor control commission the approval of any on-premises retail liquor license in excess of 12 within the B-1, B-3, and ARC districts as outlined here.
- (f) The city shall conduct an annual review of all 28 on premises retail liquor licenses within B-1, B-2, B-3, and ARC zoning districts in accordance with the liquor management ordinance. This review shall be conducted by the local liquor license review committee and a recommendation shall be forwarded to the city commission.
- (g) If the designation of a non-stand alone license changes to one of a stand alone license, no such license can be operated, sold or transferred in the city unless there is space available under the cap as defined in 6-33(b)

and (c).

(Ord. No. 2003-4, 5-19-03; Ord. No. 2011-05, §§ 1, 2, 6-26-11; Ord. No. 17-04, 4-17-17; Ord. No. 18-03, 3-5-18)

Sec. 6-34. - Plan of operation required.

- (a) *Business operation.* All new requests for permits, requests for transfers of ownership of existing licenses or requests for transfers of licenses into the city of on-premises licensees shall operate in accordance with a plan of operation approved by the city commission.
- (b) *Plan of operation.* A plan of operation shall contain an operational statement outlining the proposed manner in which the establishment will be operated, including, but not limited to, the format, schedule of the hours of operation, crowd control, security, alcohol management, use of the facilities, parking provisions, plan for interior use and layout, and any other pertinent information as requested by the city or city's liquor license review committee (LLRC).
- (c) *Compliance.* Licensees shall comply with all applicable state and city regulations, this general policy, and a plan of operation as approved by the city commission. Any change to a plan of operation shall be approved by the city commission prior to implementation of the change by the licensee. Failure of such compliance or variance from an approved plan is a violation of this ordinance and may result in the city commission recommending to the Michigan Liquor Control Commission that the license be revoked or not renewed.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-35. - Review procedures.

Each applicant for a new license, the establishment of a new permit, the transfer into the city of a new license, or the transfer of an existing license shall make a request to the city in accordance with the following procedures:

- (1) *Application.* Each applicant must submit to the city clerk an application (on a form provided by the city), a plan of operation, plot plan of the site, a plan for interior use and exterior design, and the layout of any ancillary facilities. As part of the application, each applicant shall submit a written statement explaining in detail how their proposal meets the factors as listed in subsection 6-35(4).
- (2) *City departmental review.* Upon receipt of an application and plans, the city manager will refer same to the chief of police, fire chief, planning department, building department and other city officers or employees, who shall cause a thorough review and investigation, including, but not limited to a complete history of past business experience and liquor law violations, if any, to be made of the persons and/or premises which must meet or exceed codes. The applicant shall provide all requested information to, and fully cooperate with, all city departments requesting any and all additional relevant information. The findings resulting from such review and investigation shall be reported to the city manager, who then will report same to the LLRC and the city commission.
- (3) *Public hearing/review.*
 - a. *Hearing.* The city commission shall hold a public hearing upon a request for a new license, the establishment of a new permit, transfer of an existing license to new owners, or for the transfer of a new license into the city.
 - b. *Notice.* Notice of all hearings shall be provided to all property owners, residents and voters, within

300 feet of the proposed establishment, all LCC Service by the Glass-On Premises retail license holders, the Chamber of Commerce, all neighborhood associations and the Plymouth-Canton Community Schools. The applicant shall pay the cost of such notice.

- c. *Appearance.* The applicant will be required to appear at the hearing before the LLRC committee or the city commission, and make a written and/or oral presentation concerning the request.
 - d. *Recommendation.* The LLRC shall review and may recommend approval or disapproval of all requests to the city commission.
- (4) *Review factors.* In reviewing a request for a new license or permits or transfers of ownership of existing licenses or transfers into the city of new on-premises licensees, the city commission or LLRC may consider and/or weigh the following factors:
- a. Conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and property.
 - b. Total number of similar licenses in the city.
 - c. Input from residents and surrounding business owners.
 - d. Impact of the establishment on surrounding businesses and neighborhoods.
 - e. Whether a proposed licensed premise is part of a multi-use project with substantial new retail, office, or residential components. The size of the licensed premise relative to the overall project or development.
 - f. Crowd control.
 - g. Parking availability.
 - h. Preservation or restoration of historic buildings.
 - i. Locating in an underdeveloped area.
 - j. Concentration of drinking establishments and impact on policing requirements.
 - k. Policing requirements.
 - l. Business history.
 - m. Business experience.
 - n. LCC violation history.
 - o. Will facility be a sit down full service restaurant serving alcohol or other "bar only" type establishment.
 - p. Will restaurant have a 70-percent—30-percent sales of food over alcohol
 - q. Percent of floor area devoted to dining versus bar area.
 - r. Size of bar area.
 - s. Size of dance floor, if any.
 - t. Type or character of the establishment, e.g. dining, nightclub, hotel, dance club.
 - u. Overall benefit of the plan to the city.
 - v. Non-payment of taxes or other payment due to the city.
 - w. Any other factor(s) that may effect the health, safety and welfare or the best interests of the community.

- (5) *Approval.* If after a review by the LLRC, and/or a public hearing, the city commission is satisfied that the establishment or operation will provide a benefit to the city and constitute an asset to the community, it will adopt a resolution granting approval, subject to the satisfaction of any conditions stated in the resolution.
- a. *Building—Remodeling.* If the request involves a change to the physical size or layout of the establishment, when the applicant's building or remodeling is completed, it must meet all state and local regulations, and must comply with the representations made to the city commission and LLRC committee by the applicant. If such physical alteration is approved by the city commission and it is subsequently determined that the project was not substantially completed as required by the plans and specifications presented to the city, or in substantial compliance with representations made to the city, the city may recommend that the license be revoked or not be renewed for the following year.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-36. - Permits and transfer of ownership.

- (a) *Permits.* New requests for permits for dance, entertainment, or dance and entertainment shall be reviewed by the LLRC and approved in the sole discretion of the city commission after evaluation of the factors listed in subsection 6-35(4). The city will not consider requests for topless entertainment permits.
- (b) *Transfer of ownership.* Requests for transfer of ownership of existing licensed establishments shall be reviewed by the LLRC and approved or disapproved by the city commission. The city commission may hold a public hearing. If the continuation of an existing operation is contemplated, the applicant must present a plan that indicates that it will continue the existing operation as established. If there are proposed changes in the operations then the request for transfer of ownership shall be subject to the reviews outlined in subsection 6-35(4).
- (c) Any change in existing operations from a full service sit down restaurant that serves alcohol to an establishment that features primarily alcohol would be subject to a new review as outlined in subsection 6-35(4).

(Ord. No. 2003-4, §6, 5-19-03; Ord. No. 18-03, 3-5-18)

Sec. 6-37. - Annual license and permit review.

- (a) The city commission will undertake a review of any license or permit for the purpose of making a recommendation to the Michigan Liquor Control Commission regarding renewal of said license or permit. The commission shall consider whether a licensed establishment has been operated in a manner consistent with the provisions of this article and all other applicable laws, and regulations of the city and the State of Michigan.
- (b) Each year, the city manager shall cause an investigation to be made relative to each existing on-premises licensed establishment. The investigation shall include, but not be limited to, the following:
- (1) Licensee shall submit copies of current valid licenses from appropriate county, state or federal governments to insure authorization to serve food at the establishment.
 - (2) An inspection of the premises to determine whether the licensee is in compliance with the license itself,

its approved site plan and if applicable its plan of operation, as well as any conditions imposed by the city or the Michigan Liquor Control Commission or representations made by the licensee at the time of issuance or transfer of the license.

- (3) An inspection of city records to determine whether all taxes and other monies due the city are timely paid.
 - (4) An inspection of police files or other sources of information to determine whether any activity in connection with the licensed premise is in violation of the law, disturbs the public peace and tranquility, constitutes a nuisance, or contributes to the disruption of the normal activities of those in the neighborhood of the licensed premise.
 - (5) A review to determine the existence of any of the criteria as described in section 6-39.
 - (6) A review of the operation of the licensed establishment to determine whether the business is being operated in compliance with any and all representations that may have been made by the licensee to the city or the city commission.
- (c) *Recommendations from city departments.* Following receipt of a fully completed application, fees, and such other information as may be requested by the city, the city clerk shall forward the application to the police department, fire department, building department, treasurer's office, and such other departments as required by the city manager, which departments shall make their reviews and recommendations prior to consideration by the city commission. In conducting its review, the city may request other pertinent information from the licensee. The completed report shall be reviewed by the LLRC prior to being considered by the city commission.
- (d) 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 Licenses, including but not limited to; Class C, Club, B Hotel, A Hotel, Tavern, Brewpub, Micro-brewer, Resort, DDA, Economic Development, winery or other type license.

(Ord. No. 2010-01, 4-5-10; Ord. No. 18-03, 3-5-18)

Sec. 6-38. - Revocation and non-renewal.

- (a) Each establishment within the city for which a liquor license or permit is granted shall be operated and maintained in accordance with all applicable laws and regulations of the City of Plymouth and the State of Michigan. Upon any violation of this article, the commission may, after notice and hearing, request the Michigan Liquor Control Commission to revoke such license and/or permit.
Upon any violation(s) of this article, the city will notify the licensee of the specific violation(s) and afford the licensee an opportunity to come into compliance with this article. Licensee must reach compliance in that time established by the city manager, but in no event more than ten days after notification to licensee by city of such violation. Absent compliance within that time established by the city manager, the city may hold the above mentioned hearing and request that the Michigan Liquor Control Commission not renew and/or revoke such license and/or permit.
- (b) Before filing any objection to renewal or request for revocation of a license or permit with the Michigan Liquor Control Commission, the city shall serve the licensee with notice and proceed in accordance with this

article, as amended. The city shall serve the licensee by first class mail mailed at least ten days prior to the hearing with notice of hearing, which notice shall contain, the following:

- (1) Date, time and place of hearing.
 - (2) Notice of the proposed action.
 - (3) Reasons for the proposed action.
 - (4) Names of witnesses known at the time who will testify.
 - (5) A statement that the licensee may present evidence or any testimony that may refute or respond to the claims of adverse witnesses.
 - (6) A statement requiring the licensee to notify the city attorney's office at least three 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.
- (c) Upon completion of the hearing, the city commission shall submit to the licensee and the Michigan Liquor Control Commission a written statement of its findings and determination.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-39. - Criteria for non-renewal or revocation.

- (a) The city commission may recommend non-renewal or revocation of a license or permit originally authorized on or after July 1, 2003 to the liquor control commission upon a determination based upon a preponderance of the evidence presented at the hearing that any of the following exists:
- (1) Failure to comply with all standards, plans or agreements entered into in consideration for the issuance, transfer or continuance of the license or permit, or failure to comply with all agreements or consent judgments entered into subsequent to the issuance of the license or permit.
 - (2) Failure to comply with an approved plan of operation and other plans, specifications, or representations made or submitted to the city by the licensee.
 - (3) Violations of the state liquor laws or regulations of the liquor control commission.
 - (4) Violations of state laws or local ordinances including, but not limited to those laws or ordinances concerning the public health, safety or public welfare.
 - (5) Maintenance of a nuisance upon or in connection with the licensed premises including, but not limited to, any of the following:
 - a. Failure to correct violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes, to include the history thereof;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises, which is a violation of the law and/or disturbs the peace, order and tranquility of the neighborhood; Including types of police, fire or medical services related to this operation.
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris or refuse blowing or being deposited upon adjoining properties;
 - d. Entertainment on the premises or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinance or laws, or

contributes to the disruption of normal activity of those in the neighborhood of the licensed premises.

- (6) Failure by the licensee to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of this article.
 - (7) Failure to pay taxes or make other payments due to the city in a timely manner.
- (b) The city commission may recommend non-renewal or revocation of a license or permit originally authorized to operate in the city on or before June 30, 2003 to the liquor control commission upon a determination based upon a preponderance of the evidence presented at the hearing that any of the following exists:
- (1) Violations of the state liquor laws or regulations of the liquor control commission.
 - (2) Violations of state laws or local ordinances including, but not limited to those laws or ordinances concerning the public health, safety or public welfare.
 - (3) Maintenance of a nuisance upon or in connection with the licensed premises including, but not limited to, any of the following:
 - a. Failure to correct violations of building, electrical, mechanical, plumbing, zoning, health, fire, property maintenance or other applicable regulatory codes, to include the history thereof;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises, which is a violation of the law and/or disturbs the peace, order and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris or refuse blowing or being deposited upon adjoining properties;
 - d. Entertainment on the premises or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinance or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises.
 - (4) Failure by the licensee to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of this article.
 - (5) Failure to pay taxes or make other payments due to the city in a timely manner.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-40. - Capacity limits.

The total capacity of each room of a licensed establishment shall be established and determined by the appropriate fire and building safety codes.

(Ord. No. 2010-01, 4-5-10)

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.

(Ord. No. 2010-01, 4-5-10)

Sec. 6-42. - Fees.

Each applicant for a new license or permit, for transfer of an existing license or permit, for expansion of an existing establishment, and for renewal of an existing license or permit shall pay a non-refundable application investigation fee. Each applicant for renewal of a license that was originally established on or before June 30, 2003 shall be exempt from annual renewal fees; all others shall pay an annual review fee. Such fees will be in addition to any fee required by the liquor control commission and shall be set by a city commission resolution.

(Ord. No. 2010-01, 4-5-10)

RESOLUTION

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

WHEREAS The City of Plymouth has a Liquor Management Ordinance to help protect the public Peace, safety, and welfare, and

WHEREAS The City Commission is requesting to review the Liquor Management Ordinance to Review 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 licenses, and

WHEREAS The Liquor Management Ordinance calls for additional notifications of potential changes In the Ordinance, and

WHEREAS The city currently allows for 16 licenses in the Central Business District B-2 Zoning District And allows 12 licenses within the B-1, B-3, and ARC Zoning Districts.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby establish a public hearing date of Monday, October 17, 2022, at 7:00 p.m. to discuss and possibly amend the Liquor Management Ordinance 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 licenses.

BE IT FURTHER RESOLVED that the City Administration is directed to prepare reports that will allow the City Commission to review this matter in detail. Further, the Administration is directed to provide proper notice of the Public Hearing date and time to the general public and as required by the Liquor Management Ordinance.

PROJECTS UPDATE

To: Mayor & City Commission
CC: *S:\Manager\Sincock Files\Memorandum - Projects Update for City Commission 09-19-22.doc*
From: Paul J. Sincock -City Manager
Date: 9/16/2022
Re: Saxton's Parking Lot, RRFB Downtown, Walkway on N. Territorial Rd

We have a few project updates that we would like to provide the City Commission outside of our normal weekly updates.

Saxton's Parking Lot:

Wade Trim has completed a preliminary design and has collected some preliminary cost information related to the proposed parking lot improvements. The preliminary parking lot plans utilize angled parking with one-way drive aisles. This configuration allows us to maximize the number of spaces given the tight boundary parameters. Wade Trim is still working to confirm spacing issues on the design.

The design phase does not include the Wira property. To separate the City's proposed parking lot area from the Wira property the preliminary plan includes the installation of 6-inch curb and gutter along the west side of the city parking lot.

The preliminary design also includes runoff calculations per the current Wayne County Storm Water Ordinance. The calculations were used to determine the necessary size of an underground storm water detention union. Wade Trim's preliminary calculations indicate that approximately 4,500 cubic feet of detention is required for the modified 100-year storm event. That would be approximately 33,700 gallons, based on the

conversion of cubic feet to gallons. It is currently estimated that it would be approximately \$36,000 for the detention equipment. Additional costs would be required for excavation and, construction, as well as stone and, geotextile fabric for the project.

We are planning for electric vehicle charging stations to be placed in this parking lot. Wade Trim is currently planning on four vehicle charging stations. DTE Energy has been slow in responding to requests for information from our engineers, as a result we are faced with placing a preliminary placeholder of \$50,000 for DTE transformer and related equipment. This number will have to be confirmed as we move forward. Currently, Wade Trim is estimating approximately \$175,000 for this phase of the project. We anticipate that there may be some grant money available to assist in this part of the project. We have attached the information sheet from Peter Basso Associates, which outlines the costs for this phase of the project.

Next Steps on the Saxton's Parking Lot:

- Review Meeting with city staff to verify proposed parking lot layout and Ordinance requirements.
- Review meeting with Jewel Blaich property owners to confirm plans for parking on the west side of building.
- Collection of additional topographic data on retaining wall and other condo facilities.
- Meeting with underground and paving contractors related to costs and timeline for construction.
- Meeting with DTE to discuss overhead electrical and connection points for EV charging stations.

Rapid Rectangular Flashing Beacons (RRFB) – Downtown

A site walk-thru occurred this week and it is currently anticipated that the new RRFB's on Main Street Mid-Block and on Ann Arbor Trail on the east leg of Forest will begin to be installed around September 26th.

Byron Street Paving

This project is on Byron between Main and Harvey. Supply chain issues related to underground work has slowed the project down. However, curbs are going in today (*Friday, Sept. 26, 2022*). Curbs will have to “cure” for several days before additional work can be done in that area.

Union Street Paving

Provided that the storm sewer manholes arrive as now scheduled, work on this street is anticipated to begin on or around September 26th. This project is on Union between Penniman and Church Street. This will involve significant underground work on the storm water system.

Carol – Evergreen Paving

Consumers Power is still in the area working on the natural gas system. They have experienced significant difficulty in obtaining laborers to complete their project in the area and they have experienced significant delays. As a result, it currently looks like the city’s road project in this area will have to be delayed until next spring.

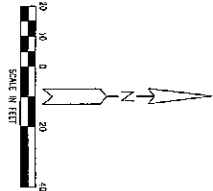
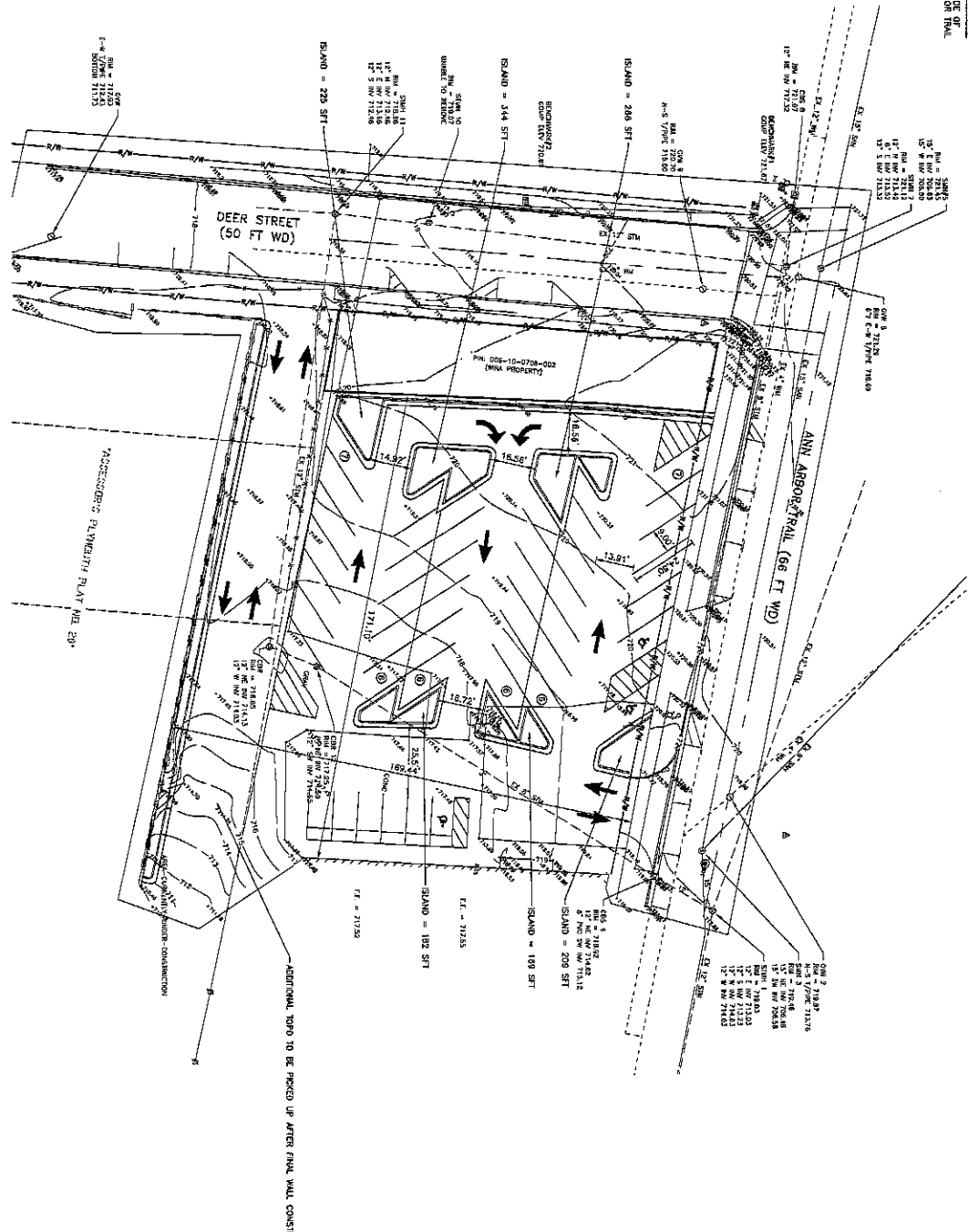
North Territorial Seasonal Walkway

This project has been staked this week and it is anticipated that construction should begin sometime next week.

That completes our updates on various infrastructure projects. If you have any questions in advance of the meeting, please feel free to contact me.



BENCHMARK #1 ELEV. 721.67
 BENCHMARK #2 ELEV. 720.95
 ARROW TOP OF MOUNTAIN AT SOUTHWEST CORNER OF ANN ARBOR TRAIL AND DEER.
 THE CENTER OF CENTERLINE OF ANN ARBOR TRAIL.
 THE CENTER OF CENTERLINE OF DEER STREET.



7

CITY OF PLYMOUTH
 201 S MAIN ST
 WAYNE COUNTY, MICHIGAN 48170
 SAXTON PROPERTY PARKING LOT
 PROPOSED PARKING LOT PLAN

WADE TRIM

20241 Northway Rd
 Torrance, CA 90503
 754.551.5522
 www.wadetrим.com

REV#	DATE	DESCRIPTION	BY

