



Plymouth Downtown Development Authority Meeting Agenda October 10, 2022 7:00 p.m. Plymouth City Hall & Online Zoom Webinar

Plymouth Downtown Development Authority
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Plymouth, Michigan 48170

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Join Zoom Webinar: <https://us02web.zoom.us/j/81448235555>
Webinar ID: 814 4823 5555 Passcode: 034001

1) CALL TO ORDER

*Kerri Pollard, Chairperson
Andre Martinelli, Vice Chair
Nick Moroz, Mayor
Jack Ayoub
Ellen Elliott
Scott Foess
Brian Harris
Richard Matsu
Dan Johnson
Patrick O'Neill
Shannon Perry*

2) CITIZENS COMMENTS

3) APPROVAL OF THE AGENDA

4) APPROVAL OF MEETING MINUTES

A. Regular Meeting 9-12-2022

5) BOARD COMMENTS

6) OLD BUSINESS

**A. Five-Year Action Plan Update
B. Paid Parking Discussion**

7) NEW BUSINESS

A. 2022 Liquor License Cap Recommendation

8) REPORTS AND CORRESPONDENCE

9) ADJOURNMENT

Citizen Comments - This section of the agenda allows up to 3 minutes to present information or raise issues regarding items not on the agenda. Upon arising to address the Board, 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.

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



Plymouth Downtown Development Authority Regular Meeting Minutes Monday, September 12, 2022 - 7:00 p.m.

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

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

1. CALL TO ORDER

Chair Kerri Pollard called the meeting to order at 7:00 p.m.

Present: Chair Pollard, Vice Chair Andre Martinelli, Mayor Nick Moroz, Members Jack Ayoub, Ellen Elliott, Brian Harris, Dan Johnson, Richard Matsu, Patrick O'Neill, and Shannon Perry

Excused: Member Scott Foess

Also present: Economic Development Director John Buzuvis, DDA Director Sam Plymale

Plymale introduced new DDA Administrative Assistant Max Jenkins.

2. CITIZENS COMMENTS

Mark Palice, representing Laborer's Local 1191, stated his objection to awarding the Central Parking Deck restoration contract to a non-union company.

Pollard asked others in the audience who wished to speak on the contract to do so during that agenda item discussion.

3. APPROVAL OF THE AGENDA

Martinelli offered a motion, seconded by Elliott, to approve the agenda for Monday, September 12, 2022.

MOTION PASSED 10-0

4. APPROVAL OF THE MEETING MINUTES

Martinelli offered a motion, seconded by Moroz, to approve the minutes of the August 8, 2022, meeting.

MOTION PASSED 10-0

5. BOARD COMMENTS

Moroz said the City Commission asked the administration for a liquor license review report to consider caps in the DDA and outside the DDA. He said the administrative report would be sent to both the Liquor License Review Committee and the DDA Board for their recommendations before the City Commission decides.

Elliott asked the police department to provide DUI and disorderly conduct information in the report. She also welcomed Jenkins and thanked all involved in the Fall Festival, Music in the Park, and other events.

6. OLD BUSINESS

a. Five-Year Action Plan Update

Plymale said Ellen and Joe Elliott provided matching funds with the DDA to purchase two bike racks, which are on order, but haven't yet arrived due to supply chain issues.

He said the RRFB crossing lights were scheduled to be installed at Forest and Ann Arbor Trail and mid-block on Main St. in the next few weeks, and that Plymouth was selected to participate in the Detroit Institute of Arts Inside Out program.

b. 2022 Central Parking Deck Bid Award

The following motion was offered by Elliott and seconded by Moroz.

WHEREAS The upkeep of the Central Parking Deck is the responsibility of the Downtown Development Authority; and

WHEREAS In March of 2022, the DDA Board approved Fishbeck Consulting to conduct an inspection of the Central Parking Deck for potential needed repairs; and

WHEREAS In May of 2022, the DDA Board approved moving forward with the bidding process for making repairs to the pedestrian bridge, eastern stairs and drainage system; and

WHEREAS The Downtown Development Authority received three sealed bids for the restoration work to the Central Parking Deck; and

WHEREAS Fishbeck has recommended awarding the 2022 Central Parking Deck renovation bid to Smith's Waterproofing, in the amount of \$143,442; and

WHEREAS The total cost of the project including construction costs of \$143,442 a 10% contingency of \$14,344, engineering costs of \$24,600, and testing costs of \$4,000 is \$186,386.

NOW THEREFORE BE IT RESOLVED THAT the City of Plymouth Downtown Development Authority Board of Directors does hereby authorize DDA Staff to contract with Smith's Waterproofing of Almont, for the rehabilitation work on the Central Parking Deck in the amount of \$143,442 with a total project cost not to exceed \$186,386.

Justin Thompson from Fishbeck Engineering said the project was expected to take 5-6 months to complete, and he recommended that the project start as soon as possible because there is significant corrosion around the stairs and bridge.

Citizen Comments

Brett Gierak of BAC Local 2, said he was disappointed that a non-signatory and out-of-town contractor was being considered for the bid award. He also outlined the safety training members of his union completed.

Bobby Mazur of RAM Construction asked the board to reconsider their bid award due to his company's experience.

Mikyia Aaron of Laborers Local 1191 said she was concerned that the bid may be awarded to a company she perceived as less experienced than RAM Construction.

Board Comments

Members of the DDA Board stated that they had contracted with RAM Construction a number of times and that union affiliation was not a factor in the bid award. They asked Thompson if he had any concerns about Smith's Waterproofing's safety or ability to perform the project. He stated he had none, and that Fishbeck Engineering would be onsite periodically and would identify safety issues should there be any. There was consensus that Smith's Waterproofing had been properly vetted by Fishbeck Engineering and that the correct process had been followed.

MOTION PASSED 10-0

7. NEW BUSINESS

There was no new business

8. REPORTS AND CORRESPONDENCE

a. Security Training Reminder

The group was reminded to complete the online safety training.

9. ADJOURNMENT

O'Neill offered a motion, seconded by Johnson, to adjourn the meeting at 7:39 p.m.

MOTION PASSED 10-0

2020-2024 Five-Year Action Plan

Rev. February 3, 2021

Goal	Task	Responsible Party	Timeframe	Funding Source	Status Update 10/7/2022
Improve Parking	<p>**Top Priority**</p> <p>Improve condition, aesthetics, and/or functionality of existing parking lots by:</p> <ul style="list-style-type: none"> - Resurface existing lots that are in need (such as Liberty/Penniman lot, and lot at Harvey/Wing); consider lot re-configuration to improve flow, street edge and pedestrian connections as part of projects. - Design parking lot at Saxton's site 	DDA Staff/ DDA Board	Short-term		City Commission approved the creation of a design for improvements to the Saxton's lot at the June 6, 2022 meeting. Wade Trim expected to create design by fall of 2022. No construction is expected until 2023.
	<p>Finance parking lot maintenance and improvements via a paid parking system. Includes demolition/reconstruction of parking deck.</p> <p>-Decide on a direction for paid parking</p>	DDA Staff/ DDA Board	Short to Mid-term		Parking history and potential paid parking discussed at the 9/19 Committee of the Whole meeting. Information emailed to DDA Board. Parking Deck 2022 construction project underway. Concrete work expected to be completed by November 1. Steel stairwell could take longer due to supply chain issues effecting fabrication process.
	<p>Maximize number of parking spaces</p>	DDA Staff	Short to Long-term		15 minute parking space permanent locations approved at 7/18/22 City Commission meeting
Improve pedestrian safety	<p>**Top Priority**</p> <p>Improve pedestrian crossings for safety (also goal of DDA Infrastructure Plan), alerting cars that pedestrian is in crosswalk, specifically:</p> <ul style="list-style-type: none"> - At Penniman/Harvey, Harvey/AA Trail, and Main/Church St. intersections (coordinate with City Commission). - Increase size of waiting area at crossings. - Add alert system for cars as pedestrians enter walkways, especially at midblock crossings such as Main St. between AA Trail and Penniman, or on AA Trail @ Forest. Alerts could include pedestrian activated flashing lights; however, a system with flashing lights may not be appropriate downtown. -Identify locations for additional bike racks 	City Commission/ DDA Board	Short-term		Mast arm and pedestrian signals on Harvey completed in July. New bike racks at City Hall and Kellogg Park ordered thanks to a cost match from Ellen and Joe Elliott. Delivery of bike racks delayed due to supply chain issues. RRFB on Harvey midblock crosswalk installed in August, Installation of crosswalk RRFB signals on Main Street and Ann Arbor Trail/Forest installed first week of October.
	<p>Maintain sidewalks for safety, making them pedestrian friendly by:</p> <ul style="list-style-type: none"> - Repair concrete where needed. - Replace tree grates (either overall or where needed). - Maintain/update pavers. - Extend sidewalks where needed. 	DDA Staff	Short-term		Pedestrian Zone sidewalk decals added near all major intersections in the DDA. Many have been vandalized.. Downtown brick repairs completed as of late April. Sidewalk improvements in SE quadrant of downtown expected in fall of 2022.
	<p>Plant trees (Also goal of DDA Infrastructure Plan) along sidewalks; replace trees in poor condition as identified; investigate organizations (Keep Plymouth Leafy) that supply/plant trees</p>	City Commission/ DDA Board	Mid-term		Tree trimming completed in August, some trees on Penniman and Forest to be reevaluated in the spring for potential replacement.

2020-2024 Five-Year Action Plan

Rev. February 3, 2021

Goal	Task	Responsible Party	Timeframe	Funding Source	Status Update 10/7/2022
	Improve street and alley lighting for safety; determine decorative lighting style for alleys (ex. illuminating artwork)	DDA Board/ DDA Staff	Mid to Long-term		New LED lights were installed in June to replace the damaged lights. Lights are intended to help illuminate areas of Fleet Street alley
	Improve alley "ambiance" via artwork to enhance appearance. Potential locations include DDA office alley, alley around parking structure, alley between theater & gathering area, and by St. Joes (near Subway))	DDA Board	Short-term		DIA Inside/Out program to come to Downtown Plymouth in 2023. DDA staff met with DIA staff on Sept 30 to discuss locations for artwork. DDA staff working on creating private partnership to help fund Plymouth Art Walk project. Anticipate install of Phase Two by spring 2023.
Kellogg Park	Install the new fountain.	DDA Staff	Short-term		COMPLETED
	<p>**Top Priority**</p> <p>Implement Kellogg Park Master Plan by:</p> <ul style="list-style-type: none"> - Prioritize action items identified in Goal Setting Session (12-14-20) - Identify potential funding sources priority short-term action items. - Recommend City Commission adopt Kellogg Park Master Plan as an amendment to the Plymouth Five-Year Parks and Recreation Master Plan. - Submit grant application to MDNR to implement top action-item priorities of Kellogg Park Master Plan. 	City Commission/ DDA Board	Short to Long-term		DMS completed turf repairs in April and May prior to event season. Sprinkler system repaired. Bike rack to be added in fall 2022.
Support Businesses	<p>**Top Priority**</p> <p>Rethink café/outdoor dining policy to include:</p> <ul style="list-style-type: none"> - Closing some streets. - Creating woonerf on Pennimal (in front of theater). - Create semi-permanent dining extension into parallel parking spaces.* - Expand entertainment opportunities in Kellogg Park and throughout downtown. - Create "Social District" for common outdoor liquor sales. <p>*Approved by City Commission starting in April and extending through 2021.</p> <p>-Reach decision on outdoor dining plan and consider "parklets"</p>	City Commission/ DDA Board	Short-term		Sean O'Callaghan's platform patio operational. City Commission extended the platform program through 2023 dining season. City administration working on plan for a pilot program for parklet/streetscape improvements in a couple existing bumpout locations.
	Expand use of technology	DDA Board	Short to Mid-term		EV charging stations expected to be included in design of new parking lot at the Saxton's location
	Engage with businesses to create artwork throughout the DDA	DDA Board/ DDA Staff	Short-term		Staff gathering information on potential mural painting on garage near parking deck ramp storage, project will not be installed until after major parking deck renovation.

2020-2024 Five-Year Action Plan

Rev. February 3, 2021

Goal	Task	Responsible Party	Timeframe	Funding Source	Status Update 10/7/2022
	Attract new businesses and engage with existing businesses	DDA Board/ DDA Staff	Short to Long-term		DDA staff created new design for monthly newsletter. Reviews positive so far.



Information Only

To: DDA Board
From: DDA Staff
CC: S:\DDA\Shared Files\DDA Board\DDA Agendas\DDA Agendas 2022\October2022
Date: 10/10/2022
Re: Paid Parking Discussion

A Committee of the Whole meeting on parking and paid parking was held on September 19 at the Plymouth Cultural Center with members of the City Commission and Downtown Development Authority Board in attendance. City Manager Paul Sincock conducted a presentation on the history of parking in the City, including details from previous parking committees and updates to a potential paid parking system. That presentation is attached for your review. There was a robust conversation that included comments from residents, business owners and other members of the community.

As additional discussion on the paid parking topic is expected at the City Commission level in the near future, it is important for the DDA Board to resume conversations and move toward a consensus for a recommendation on a potential paid parking system in the DDA district. Ultimately, the City Commission will have final approval on any decisions relating to paid parking, but comments and suggestions from the DDA Board will be considered in their decision.

Economic Development Director John Buzuvis has been working recently to update some of the numbers relating to the costs and potential revenue of a paid parking system. He is here to answer any questions you may have on the topic.



Committee of the Whole (COW) Parking: Past, Present, Future

September 19, 2022

COMMITTEES

1976

Parking
Planning
Committee

1992

Ad Hoc
Parking
Committee

2003/2004

DDA Parking
Sub-Committee

1980
Parking
Commission

1998-2002
Downtown
Parking
Committee

2006
Parking
Policy
Committee



MORE COMMITTEES

2008

Parking Deck
Construction
Committee

2014/2015
Parking
Committee

2019

Ultimus Commissio
Areae Autocineticae
(The Final Parking
Committee Ever)

2008/2009

Super Parking
Committee

2018

Son of Super
Parking
Committee



Studies and Surveys

Late 1970s Utilization and Location of Parking Study	1981 Parking Opinion Survey	1989 Central Business District Parking Study	1993 Parking Committee Parking Plan
1989 Central Business District Parking Study	1999 Downtown Development Authority Parking Plan	2001 Downtown Parking System Report	2004 Parking Study
2005 Parking Opinion Survey	2006 Update to 2004 Parking Study	2011 Parking Study	2016 Update to 2011 Parking Study

Committee Focus/Outcomes

- 1976 Parking Planning Committee
 - Determined city should actively manage/direct parking solutions
 - **How to pay for parking (we had paid parking)**
 - Discuss parking credits
 - Recommend ordinance changes for parking requirements in downtown

Committee Focus/Outcomes

- 1976 Parking Planning Committee, continued
 - Discuss gaining control of private parking lots to increase municipal parking supply
 - Utilization/location report
 - Began negotiations and executed myriad leases with private property owners for parking lots for public use (Mayflower (Weidman), Wing/Harvey, Forest Ave., Schrader Howell)

Committee Focus/Outcomes

- 1980 Parking Commission
 - 1981 parking opinion survey
 - Continued to discuss purchase/lease of private parking lots
 - Developed construction plans for Central Parking Deck

Committee Focus/Outcomes

- 1980 Parking Commission, continued
 - Created financing plan for Central Parking Deck (Downtown Development Authority)
 - Central Parking Deck dedicated July 5, 1984
 - Late 1980s begin removal of parking meters in phased approach
 - 1989 Central Business District parking study

Committee Focus/Outcomes

- 1992 Ad Hoc Parking Committee
 - Discussed how to pay for parking (still had some paid parking)
 - Considered a Special Assessment District to pay for acquiring additional parking and improving existing parking areas
 - Discussed supply, configuration, zoning, enforcement

Committee Focus/Outcomes

- 1992 Ad Hoc Parking Committee, continued
 - Parking report- consider moratorium on requiring parking for new developments
 - Discussed what to do with parking credits
 - Moratorium from parking requirements implemented late 1990s – mid 2000s
 - Start discussions with various property owners on purchase/lease of private parking areas

Committee Focus/Outcomes

- Downtown Parking Committee 1998-2004/5
 - 1999 Downtown Development Authority parking plan
 - How to pay for parking
 - Removal of final meters from Penniman Ave. parking lot

Committee Focus/Outcomes

- Downtown Parking Committee 1998-2004/5, continued
 - Purchase of private parking areas to bring into public inventory
 - Negotiated with Wing/Harvey, property owners to lease/purchase property to expand public parking
 - Considered adding a supported level to Central Parking Deck

Committee Focus/Outcomes

- Downtown Parking Committee 1998-2004/5, continued
 - 2001 parking system report
 - Discussed purchase/lease of open lot between Coffee Bean/Post Office to expand public parking supply
 - Recommended paid parking at Central Parking Deck
 - 2004 parking study by Rich & Associates

Committee Focus/Outcomes

- 2006 Downtown Development Authority Parking/Parking Deck Committee
 - 2006 update to the 2004 parking study
 - Phase I downtown wayfinding signs
 - Negotiation with Wilcox property owner to purchase property to expand municipal parking supply

Committee Focus/Outcomes

- 2006 Downtown Development Authority Parking/Parking Deck Committee, continued
 - Identified Christian Science property for possible purchase to expand municipal parking supply
 - Discussed how to pay for parking (acquisition of property, ongoing deck maintenance etc.)

Committee Focus/Outcomes

- 2006 Downtown Development Authority Parking/Parking Deck Committee, continued
 - Discussed and had preliminary designs for adding another supported level to the Central Parking Deck including possible expansion into the “air rights” over the McCauley parking lot (proved to be cost prohibitive at \$45,000 per parking spot)

Committee Focus/Outcomes

- 2006 Downtown Development Authority Parking/Parking Deck Committee, continued
 - Discussed acquiring five parcels along S. Union adjacent to East Central parking lot to build a parking deck (proved to be cost prohibitive with minimal increase in municipal parking supply)

Committee Focus/Outcomes

- 2008 Super Parking Committee
 - Phase II of wayfinding sign program
 - Significant focus on acquiring privately-owned property proximate to downtown to add to municipal parking supply

Committee Focus/Outcomes

- 2008 Super Parking Committee, continued
 - Inquiries were made with the following property owners on the possibility of lease/purchase of their property for municipal parking:
 - Vacant parcel between Coffee Bean and Post Office (now Westborn)
 - Former Lawson's property (now Post Office)
 - Former Laurel Furniture site (current Tae Kwon Do studio)

Committee Focus/Outcomes

- Saxton's Property (currently under Municipal control)
- Former Amoco Site (current Keller Williams building)
- PNC Bank property
- Meeting House Grand Ballroom
- Christian Science Church site (entered into purchase agreement but went no further)

Committee Focus/Outcomes

- 2014/2015 Parking Committee
 - Consider paid parking implementation to maintain existing parking and increase municipal parking supply
 - Purchase of the Saxton's Property to expand municipal parking supply
 - Proposed surface lot improvements on Saxton's parking lot

Committee Focus/Outcomes

- 2014/2015 Parking Committee, continued
 - 2016 parking study by Rich & Associates
 - 2016 Request for Proposals for the purchase of the Saxton's property and redevelopment to include additional municipal parking inventory (four proposals received- successful entity withdrew from the process in 2017)
 - Paid parking discussions began again based on 2016 parking study

Committee Focus/Outcomes

- 2018 Son of Super Parking Committee (Special Assessment/Paid Parking)
 - Considered/proposed Special Assessment District to fund the expansion of municipal parking supply including tear down rebuild of Central Parking Deck as opposed to paid parking
 - Significant discussion/consideration of paid parking to include cost/revenue estimates for implementing paid parking (868 paid parking spaces all municipal DTP parking)
 - Acquiring private property to expand municipal parking supply

Committee Focus/Outcomes

- 2018 Son of Super Parking Committee, continued
 - Building a new parking deck in another location
 - Plan for loss of parking supply and deliveries while deck is under construction for 18 months
 - Timing of implementation of paid parking and/or special assessment
 - Paid parking as a management tool to better utilize the existing municipal parking supply
 - There is no such thing as free parking

2018 Estimated Equipment Costs, Expenses, and Revenues

Estimated Equipment and Installation Costs (2018)	
Estimated Number of Kiosks	45
Estimated Cost Per Kiosk (Including Installation)	\$12,000
Total Estimated Kiosk Cost (Installed)	\$540,000

2018 Estimated Equipment Costs, Expenses, and Revenues

Estimated Monthly Costs (2018)	
Cloud/Credit Card Service	\$55
Cellular Service	\$20
Software/Integration	\$25
Total Monthly Unit Service/Software	\$100
Total Monthly Kiosk Costs	\$4,500
Labor/Debt Service (3FTE)	\$25,000
Total Monthly Labor/Kiosk Operating Costs	\$29,500

2018 Estimated Equipment Costs, Expenses, and Revenues

Estimated Monthly Revenue/Payoff Projection (2018)	
Number of Paid Parking Spaces	868 (Entire Downtown Public Inventory)
Number of Hours Per Space/Month Parked	130
Cost Per Hour	\$1
Total Estimated Revenue	\$112,840
Net of Revenue and Operating Costs	\$83,340
Equipment Payoff Estimate (Install less Monthly Surplus)	6.5 Months

2018 Estimated Equipment Costs, Expenses, and Revenues

Estimated Long-Term Revenue (after install/equipment payoff) (2018)	
Kiosk Lifespan in months (10 years)	120
Months to Payoff Equipment/Install	6.5
Total Amount of Months after paying off equipment/install costs	113.5
Estimated Monthly Surplus	\$83,340
Total Estimated Revenue Surplus (over 10 Years)	\$9,459,090

Committee Focus/Outcomes

- 2020 Ultimus Comissio Areae Autocineticae (The Final Parking Committee Ever)
 - Administrative committee created to accomplish City Strategic Plan goal of deciding direction for paid parking
 - Staff built on the work of Son of Super Parking Committee and developed a plan for paid parking including preliminary equipment selection, refining cost/revenue projections, location of kiosks, enforcement staff, enforcement vehicle etc.

Committee Focus/Outcomes

- 2020 Ultimus Commissio Areae Autocineticae, continued
 - Preliminary development of operational plan to include: first fifteen minutes of parking free, increased fees for parking during events (dynamic parking), personnel planning (3 FTE), mobile payment (ParkMobile or similar), integration with accounting requirements etc.
 - There is no such thing as free parking
 - COVID hit and this project was put on hold for the duration

City Commission Parking Policy

Adopted November 2004

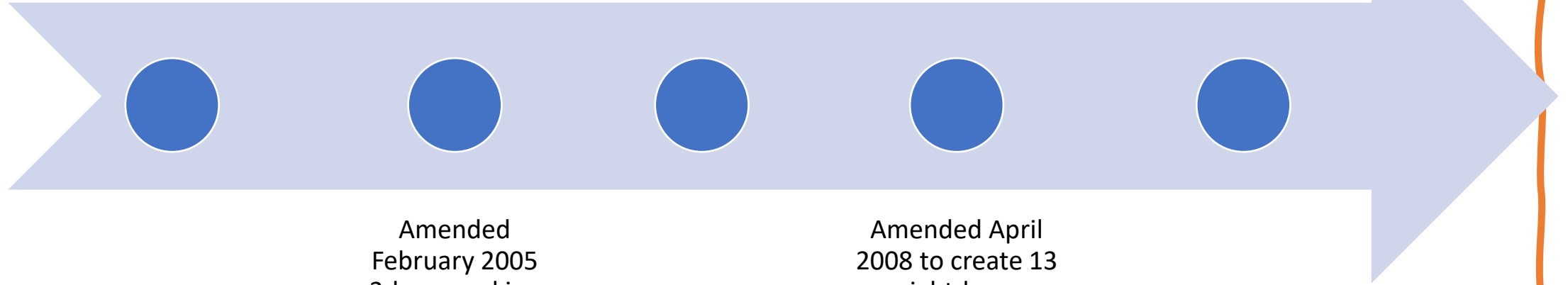
Set time limits, permit fees enforcement protocol for downtown parking

Amended July 2005 reduce Penniman lot to 3 Hours

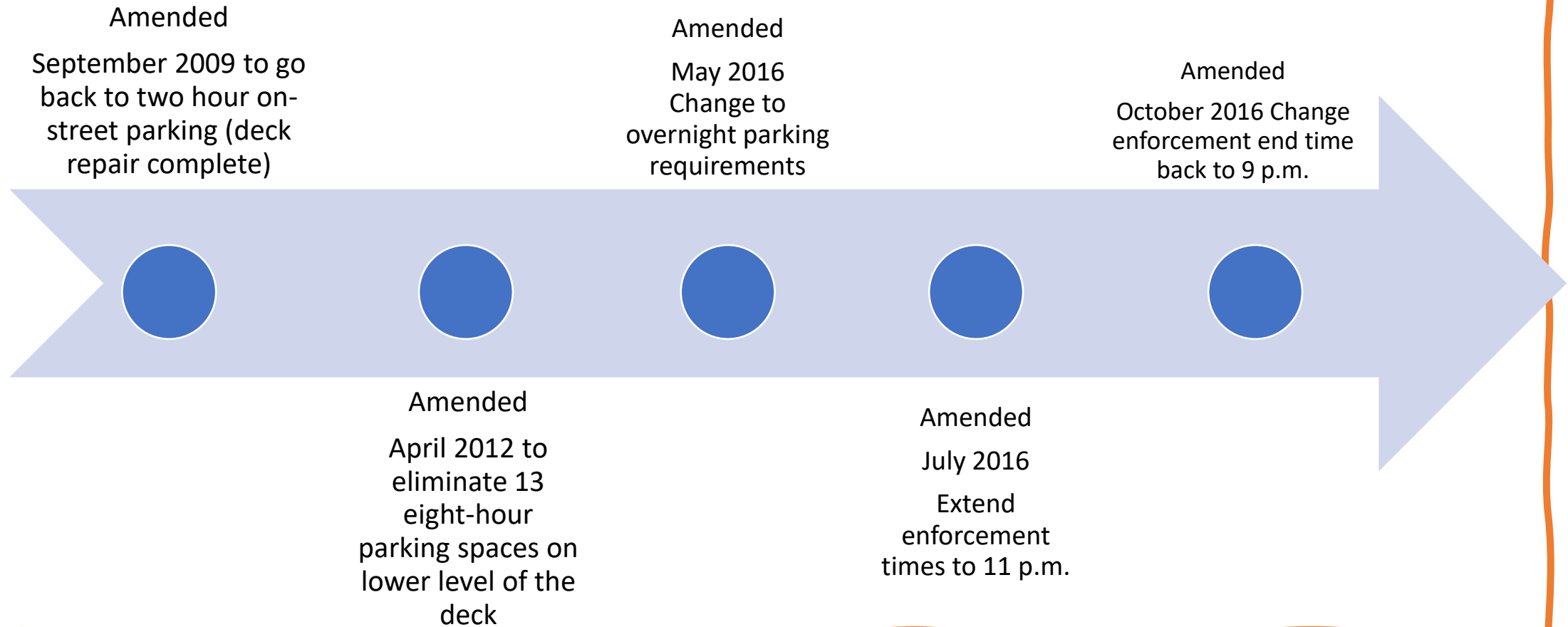
Amended August 2009 Amended to allow temporary three-hour parking on street during streetscape project and deck maintenance

Amended February 2005 3-hour parking on lower level of deck

Amended April 2008 to create 13 eight-hour parking spaces on lower level of the deck



City Commission Parking Policy



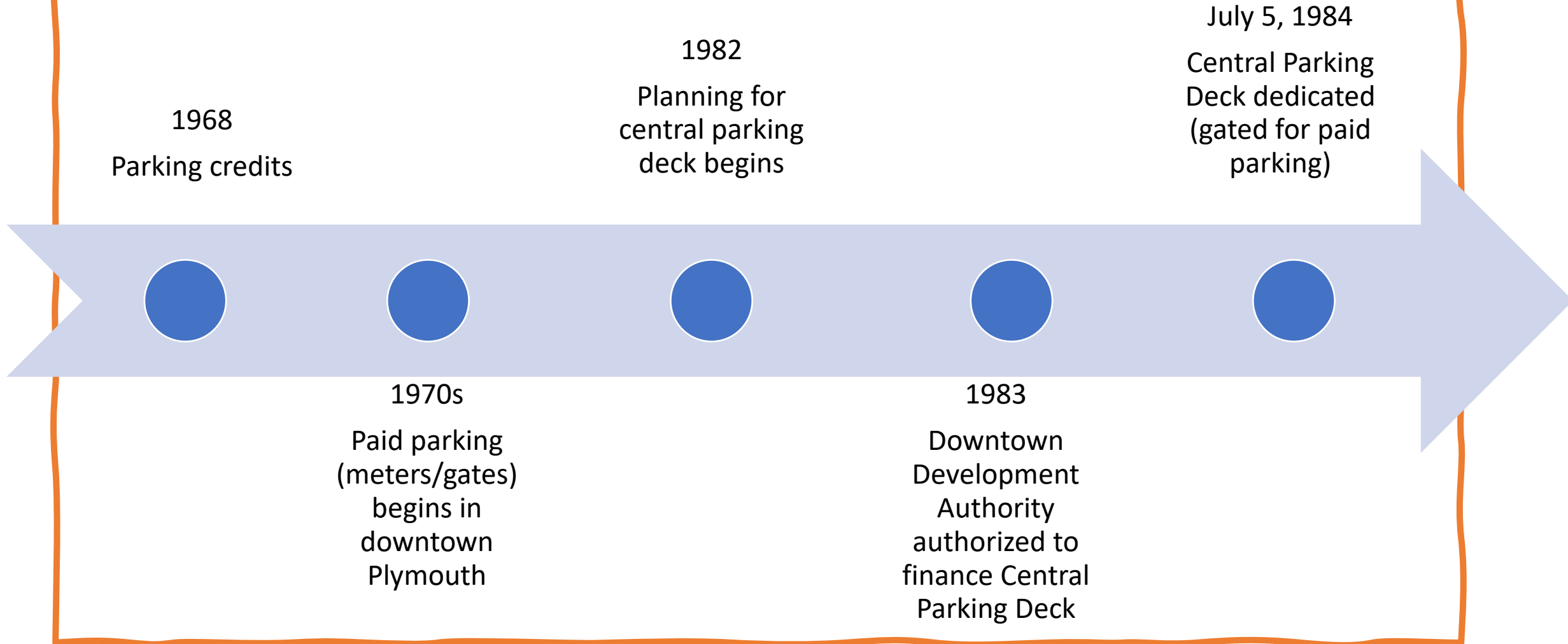
Ordinance Changes/Development Context

- Mid 1990s – Early 2000s no parking requirements in downtown (B-2)
- 2004 Mayflower Development – Panera Bread
- 2006 Development of Parkside/UBS Building raised concerns over parking requirements and resulted in amendments to increase the parking requirements in B-2 for residential, restaurant, office, no dance floors

Ordinance Changes/Development Context

- Late 2000s the opening of several restaurants (Ironwood, Rock North, Cellar 849, Wine Restaurant on Forest, Tavern 1999, etc.) resulted in amendments to parking requirements specifically for restaurants and introduction of **“Payment-in-lieu-of-Parking”** (throwback to Parking Credits)
- 2013 B-2 ordinance amended to require special land-use approval for the expansion or establishment of an establishment that serves alcohol by the glass limits number of seats at bar to ten seats, 150 square foot standing area near bar, all patrons must be seated to drink
- 2013 rooftop dining allowed as special land-use in B-2 zoned district

Parking System Changes/Actions



Parking System Changes/Actions

Late '80s through early '90s

Parking meters/gates removed in phased plan beginning of time- limited free parking in downtown

1994

Gates removed from central parking deck

July 1992

parking consultant recommends moratorium on requiring parking for businesses

1998

Consider lease to own Harvey and Wing St. lots owned by Thomas/Pennington

Parking System Changes/Actions

1999/2000

Final meters removed from Penniman Ave. Parking Lot

2001

consider addition level to Central Parking Deck

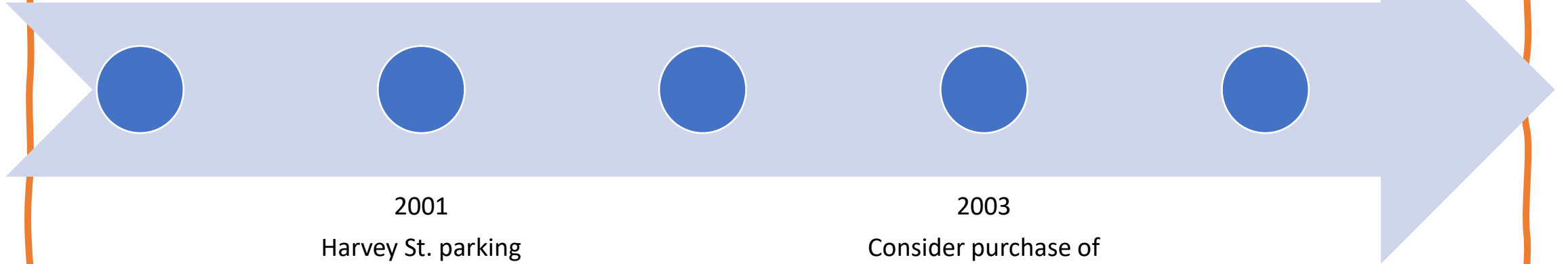
February 2004
Suggested to charge (again) for Central Parking Deck

2001

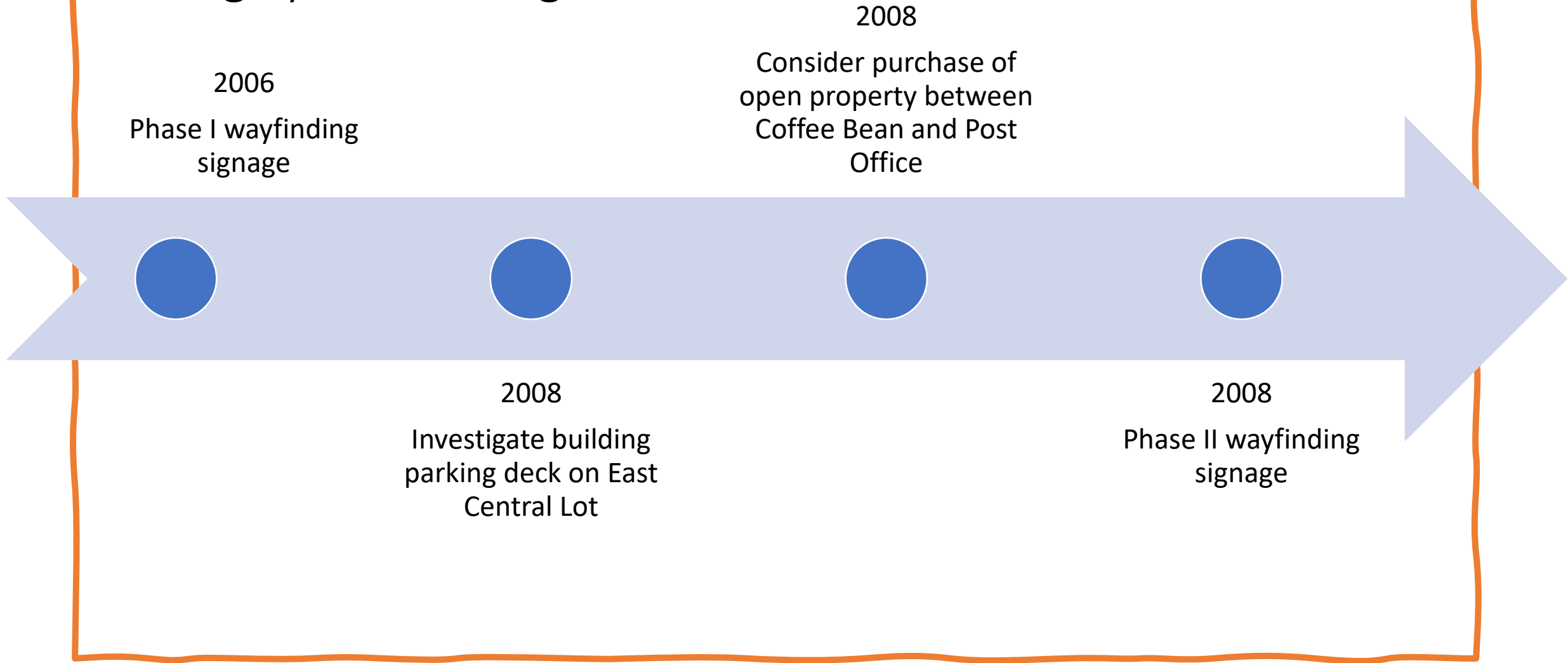
Harvey St. parking proposal (Pennington/Thomas property)

2003

Consider purchase of open property between Coffee Bean and Post Office



Parking System Changes/Actions



City of Plymouth City Commission 2022 Strategic Plan

- Goal Area One- Sustainable Infrastructure Lists the Following as an Objective-
 - “Address changing vehicular habits, including paid parking system/parking deck replacement plan, vehicle (EV) charging stations, and one-way street options.”



City of Plymouth City Commission 2022 Strategic Plan



- Luke II pay stations offer the following options (included in the estimates on next slide)
 - Solar Power
 - Cellular/Wifi Connection
 - Integration with existing accounting software
 - Vandalism resistance
 - Currently used in East Lansing, University of Alberta, Detroit, Traverse City, Ferndale, Michigan State University

2022 Updated Cost Estimates for Paid Parking

Estimated Equipment and Installation Costs (2022)	
Estimated Number of Kiosks	45
Estimated Cost Per Kiosk (Including Installation)	\$13,000
Total Estimated Kiosk Cost (Installed)	\$585,000

Estimated Monthly Costs (2022)	
Cloud/Credit Card Service	\$65
Cellular Service	\$25
Software/Integration	\$30
Total Monthly Unit Service/Software	\$120
Total Monthly Kiosk Costs	\$5,400
Labor/Debt Service (3FTE)	\$30,000
Total Monthly Labor/Kiosk Operating Costs	\$35,400

2022 Updated Revenue Estimates for Paid Parking

Estimated Monthly Revenue/Payoff Projection (2022)	
Number of Paid Parking Spaces	868 (Entire Downtown Public Inventory)
Number of Hours Per Space/Month Parked	130
Cost Per Hour	\$1
Total Estimated Revenue	\$112,840
Net of Revenue and Operating Costs	\$77,440
Equipment Payoff Estimate (Install less monthly surplus)	8 Months

Estimated Long-Term Revenue (after install/equipment payoff) (2022)	
Kiosk Lifespan in months (10 years)	120
Months to Payoff Equipment/Install	8
Total Amount of Months after paying off equipment/install costs	112
Estimated Monthly Surplus	\$77,440
Total Estimated Revenue Surplus (over 10 Years)	\$8,673,280



Administrative Recommendation

To: DDA Board
From: DDA Staff
CC: S:\DDA\Shared Files\DDA Board\DDA Agendas\DDA Agendas 2022\October2022
Date: 10/10/2022
Re: Liquor License Discussion

Background:

At the September 19 City Commission meeting, Mayor Nick Moroz and other City Commissioners instructed City staff to conduct a review of the City's Liquor License cap. Although this is usually done annually in late winter, the Commission is hoping to make a quicker decision on potentially raising the cap due to some potential new businesses in the DDA that have expressed interest in adding a liquor license. There are also some current businesses in the DDA that have expressed interest in adding a liquor license.

DDA staff has attached the City Ordinance related to liquor and liquor licenses. Currently, the City Ordinance provides for 16 licenses inside the DDA and an additional 12 licenses allowed in other zoning districts in the City. All of the allowed 28 licenses within the City and the DDA are being used. The 28 licenses do not consider multi-licensed facilities such as Compari's (3), Ebenezer (2), and Arbor Brewing (2). The DDA actually has 20 establishments currently serving liquor due to the multi-licensed facilities.

DDA staff reached out to Plymouth Police Chief Al Cox and asked about any potential concerns from a public safety perspective on raising the cap. Chief Cox said that he doesn't see any issue with raising it by 2-3 based on current volume of alcohol related calls for service (CFS). Between ride-share services and responsible licensees, we've not had a lot of the problems we saw as recent as 10 years ago. Chief Cox also sent the LLRC incident report from last March. That is attached for your review.

Recommendation:

The City's Liquor License Review Committee and City Commission are expected to discuss the City Commission's cap on liquor licenses at an upcoming meeting. The City Commission has asked for a recommendation from the DDA Board for consideration. Staff recommends the DDA Board have a discussion and develop a consensus whether the liquor license cap in the downtown area should be kept intact, lifted completely or if a specific number of licenses

should be added. There are three sample resolutions attached for your consideration. Resolution A would recommend making no changes to the DDA liquor license cap. Resolution B would recommend eliminating the DDA liquor license cap. Resolution C would recommend raising the liquor license cap by a number of your choosing.

**CITY OF PLYMOUTH, MICHIGAN
ORDINANCE NO. 18 - 03**

**AN ORDINANCE TO AMEND THE PLYMOUTH CITY CODE
PART II, CHAPTER 6 - ALCOHOLIC LIQUORS, ARTICLE II - LICENSES AND PERMITS**

TO ACHIEVE THE REFERENCE ABOVE, THE FOLLOWING ORDINANCE SECTIONS HAVE BEEN AMENDED AS SHOWN:

Chapter 6 - ALCOHOLIC LIQUORS

ARTICLE I. - IN GENERAL

Sec. 6-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic liquor and *license* shall be as defined in Act No. 8 of the Public Acts of Michigan of 1933, Extra Session (MCL 436.1 et seq., MSA 18.971 et seq.), as amended.

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

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

Sec. 6-33. - Licensing policy.

(b) Within the B-2, central business district, as indicated on the City of Plymouth Zoning Map, the City shall have a cap or total of not more than 16 State of Michigan, Stand Alone Liquor Licenses of any type of on-premises retail licenses that would allow for the service of any alcohol (beer, wine, spirits) by the glass or for consumption on premises of any establishment. This Section would not apply to Non-Stand alone State of Michigan licenses.

(c) Within the B - 1, B - 3 and ARC zoning districts within the City of Plymouth, as indicated on the City of Plymouth Zoning Map, the City shall have a cap or total of not more than 12 State of Michigan Stand Alone Liquor Licenses of any type of on-premises retail licenses that would allow for the service of any alcohol (beer, wine, spirits) by the glass or for consumption on premises of any establishment. This Section would not apply to Non-Stand Alone State of Michigan Licenses.

(d) The City Commission shall not recommend to the State of Michigan 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 of Michigan 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 24 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 of Plymouth unless there is space available under the cap as defined in 6.33 (b) & (c).

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.

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

(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.

For Complete Ordinance Texts use the Following Link: <http://www.ci.plymouth.mi.us/DocumentCenter/View/4805>

First Reading: February 19, 2018

Second Reading: March 5, 2018

Published: March 15, 2018

Effective: March 16, 2018

Chapter 6 - ALCOHOLIC LIQUORS^[1]

Footnotes:

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Cross reference— Offenses and miscellaneous provisions, ch. 54.

State Law reference— Liquor control act, MCL 436.1 et seq., MSA 18.971 et seq.

ARTICLE I. - IN GENERAL

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

(Code 1982, § 9.241)

Cross reference— Definitions generally, § 1-2.

Sec. 6-2. - Consumption in public.

No alcoholic liquor shall be consumed on the public streets, parks, or in any other public places, including any store or establishment doing business with the public not licensed to sell alcoholic liquor for consumption on the premises; nor shall anyone who owns, operates or controls any such public establishment or store permit the consumption of alcoholic liquor therein.

(Code 1982, § 9.242)

Sec. 6-3. - Liquor sales.

No licensee, by himself, or another, shall sell, furnish, give or deliver any alcoholic liquor to any person:

- (1) Who is so intoxicated as not to be in control of all his faculties.
- (2) On any day during the hours not permitted by state law or the state liquor control commission.

(Code 1982, § 9.243; Ord. No. 85-14, § 1, 12-2-85)

Sec. 6-4. - Rules of conduct, bars.

No licensee shall permit on licensed premises:

- (1) Spirits to be consumed if licensed to sell only beer or wine or both.
- (2) Any disorderly conduct or action which disturbs the peace and good order of the neighborhood.
- (3) Any resorting of prostitutes or other disorderly persons.
- (4) Any gambling, or the placing or using of any gambling apparatus or paraphernalia therein.
- (5) Any lewd, obscene or illegal exhibition or entertainment, or other conduct likely to corrupt the public morals.
- (6) Any employee to visit, fraternize or drink alcoholic liquor with any of the patrons.
- (7) The obstruction of the public view by the use of drawn shades, blinds or screens, either permanent or movable.
- (8) The use of so-called "dim-lights," and such licensee shall make use of bright lights at all times during the hours when lights may be necessary.

(Code 1982, § 9.244)

Sec. 6-5. - Purchases by minor; furnishing.

No person under the age of 21 years, shall offer to buy, obtain or drink any alcoholic beverage in any beer garden, tavern, restaurant, store, or place where alcoholic beverages are sold or furnished for consumption either on or away from the premises, or in any public place. No person shall sell, give or offer any alcoholic beverage to any person under the age of 21 years in any beer garden, tavern, restaurant, store, or place where alcoholic beverages are sold or furnished for consumption either on or away from the premises, or in any public place.

(Code 1982, § 9.245)

Sec. 6-6. - Misrepresenting age.

Any person under the age of 21 years, who falsely represents himself to be 21 years or over, and procures or attempts to procure the sale or furnishing to himself of any alcoholic beverage, or any person who makes false representations as to the age of another and thereby procures or attempts to procure the sale or furnishing to any person under the age of 21 years, of any alcoholic beverage, shall be guilty of a violation of this Code.

(Code 1982, § 9.246)

Sec. 6-7. - Proof of age.

The person in charge of any beer garden, restaurant, tavern, store or place where alcoholic beverages are sold or furnished for consumption either on or away from the premises, shall have the right at any time to demand of any person offering to buy, buying, obtaining, or drinking any

alcoholic beverage in such establishment who may appear to him to be under the age of 21 years, proof of age and identity and on failure of such person to produce same, shall refuse to serve, sell or furnish such person with any alcoholic beverage and may exclude such person from such place of business. If any such person shall refuse to leave such place of business, he shall be termed a disorderly person, and subject to the penalties provided in section 1-13 of this Code.

(Code 1982, § 9.247)

Sec. 6-8. - Possession by minor; transporting.

No person under the age of 21 years shall purchase or knowingly possess or transport any alcoholic beverages, or knowingly possess, transport, or have under his control in any motor vehicle any alcoholic beverages unless such person is employed by a licensee, licensed under the provisions of Act No. 8 of the Public Acts of Michigan of 1933, Extra Session (MCL 436.1 et seq., MSA 18.971 et seq.), as amended, and is possessing, transporting or having alcoholic beverages in a motor vehicle under his control during regular working hours and in the course of his employment.

(Code 1982, § 9.248)

Sec. 6-9. - Penalties, enforcement.

- (a) A person less than 21 years of age who violates section 6-2, 6-5 or 6-8 is liable for the following civil fines and shall not be subject to the penalties prescribed in section 1-13 of this Code:
- (1) For the first violation a fine of not more than \$50.00.
 - (2) For a second violation a fine of not more than \$100.00, or participation in substance abuse prevention services as defined in section 6107 of Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.6107, MSA 14.15(6107)), and designated by the administrator of substance abuse services, or both.
 - (3) For a third or subsequent violation a fine of not more than \$150.00, or participation in substance abuse prevention services as defined in section 6107 of Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.6107, MSA 14.15(6107)), and designated by the administrator of substance abuse services, or both.
- (b) Any person under the age of 17 years who shall violate any of the provisions of this chapter shall, upon apprehension, be taken to the juvenile division of the probate court and dealt with in such manner as prescribed by the laws of this state.
- (c) Any other violation of any of the provisions of this chapter shall, upon conviction thereof, be punished as prescribed in section 1-13 of this Code.

(Code 1982, § 9.249)

Secs. 6-10—6-30. - Reserved.

ARTICLE II. - LICENSES AND PERMITS^[2]

Footnotes:

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Editor's note— Ord. No. 2010-01, adopted April 5, 2010, amended and restated former Art. II, §§ 6-31—6-42, in its entirety. Former Art. II pertained to similar subject matter and derived from Ord. No. 2003-4, §§ 1—12, adopted May 19, 2003.

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 of Plymouth Zoning Map, the City shall have a cap or total of not more than 16 State of Michigan, Stand Alone Liquor Licenses of any type of on-premises retail licenses that would allow for the service of any alcohol (beer, wine, spirits) by the glass or for consumption on premises of any establishment. This Section would not apply to Non-Stand alone State of Michigan licenses.
- (c) Within the B - 1, B - 3 and ARC zoning districts within the City of Plymouth, as indicated on the City of Plymouth Zoning Map, the City shall have a cap or total of not more than 12 State of Michigan Stand Alone Liquor Licenses of any type of on-premises retail licenses that would allow for the

service of any alcohol (beer, wine, spirits) by the glass or for consumption on premises of any establishment. This Section would not apply to Non-Stand Alone State of Michigan Licenses.

- (d) The City Commission shall not recommend to the State of Michigan 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 of Michigan 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 24 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 of Plymouth unless there is space available under the cap as defined in 6.33 (b) & (c).

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

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)

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)

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)

2022 REPORT OF ALCOHOL RELATED POLICE INCIDENTS

TO: PAUL SINCOCK, CITY MANAGER
FROM: A.L. COX, DIRECTOR OF PUBLIC SAFETY
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

RESOLUTION A

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 The Plymouth Downtown District currently allows for 16 licenses under the current cap, and

WHEREAS The City Commission has requested a recommendation from the DDA Board on the potential of raising the current cap in the DDA District.

NOW THEREFOR BE IT RESOLVED THAT the Downtown Development Board of Directors recommends that no changes be made to the current cap in the downtown district. The cap would remain at 16 in the downtown district as defined in the Liquor Management Ordinance under this recommendation pending approval from the City Commission.

RESOLUTION B

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 The Plymouth Downtown District currently allows for 16 licenses under the current cap, and

WHEREAS The City Commission has requested a recommendation from the DDA Board on the potential of raising the current cap in the DDA District.

NOW THEREFOR BE IT RESOLVED THAT the Downtown Development Board of Directors recommends the liquor license cap in the downtown district under the Liquor License Management Ordinance be removed in its entirety. The cap would no longer exist in the downtown district as defined in the Liquor Management Ordinance under this recommendation pending approval from the City Commission.

RESOLUTION C

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 The Plymouth Downtown District currently allows for 16 licenses under the current cap, and

WHEREAS The City Commission has requested a recommendation from the DDA Board on the potential of raising the current cap in the DDA District.

NOW THEREFOR BE IT RESOLVED THAT the Downtown Development Board of Directors recommends the liquor license cap in the downtown district under the Liquor License Management Ordinance be raised by _____. The cap would in the downtown district as defined in the Liquor Management Ordinance would now have _____ potential licenses under this recommendation pending approval from the City Commission.