

CITY OF ANN ARBOR COUNCIL LIQUOR LICENSE REVIEW COMMITTEE
October 17, 2008

The City of Ann Arbor Council Liquor License Review Committee Meeting was called to order by the Chairman, Stephen Rapundalo, at 3:40 p.m. on October 17, 2008, in the City Council Chamber, 100 N. Fifth Avenue, Ann Arbor, MI, 48104.

The members present were Councilmembers Stephen Rapundalo, Leigh Greden, Ron Suarez and Mike Anglin. City Clerk Jacqueline Beaudry and Assistant City Attorney Mary Fales were present. Fire Marshal Kathleen Chamberlain and Police Sgt. Jeff Connelly were also in attendance.

APPROVAL OF AGENDA

Rapundalo moved, seconded by Greden, that the agenda be approved with the following changes:

Move: New Business to the beginning of Action Items Section.

On a voice vote, the motion carried.

APPROVAL OF MINUTES

Greden moved, seconded by Suarez, to approve the minutes of September 5 and October 3, 2008 as presented.

On a voice vote, the motion carried.

ACTION ITEMS:

NEW BUSINESS

1. Transfer of Ownership Policy

Assistant City Attorney Mary Fales presented the committee with a proposed policy to govern the approval of ownership transfers.

Greden moved, seconded by Suarez, that the policy be approved. On a voice vote, the Chair declared the motion carried.

2. Applebee's Ownership Transfer Request (approval to place on 10/20/08 agenda)

The City Clerk informed the committee that Applebee's was requesting a corporate ownership change. The two existing Applebee's restaurants would continue to operate in the same manner after the ownership transfer.

Suarez moved, seconded by Greden, that the request by Applebee's to transfer ownership in the liquor license, be recommended to the City Council for approval on the October 20, 2008 agenda. On a voice vote, the motion carried.

OLD BUSINESS

1. Quickie Burger Transfer Request (postponed to 11/6/08 Council meeting)

The City Clerk stated this item was postponed by the City Council and due back on 11/6/08.

The committee discussed the application at length, including the number of liquor licensed establishments in the area and the liquor to food sales ratio.

Anglin moved that the committee recommend approval of the transfer request to the City Council pending receipt of building plans or drawings from the applicant highlighting proposed ingress and egress plans; and clarification from the applicant regarding the hours of operation and whether an Extended Hours permit was being requested. Greden seconded the motion and the motion carried on a voice vote.

2. Studio 4 Transfer Request (waiting on City Attorney recommendation)

The Assistant City Attorney briefed the committee on the status of this transfer application. She stated the committee could require that the applicant submit a detailed plan outlining plans to address outstanding issues, such as parking, police violations, noise, etc.

Sgt. Jeff Connelly of the Ann Arbor Police Department expressed concerns relating to the applicant's past history with the Police Department and the calls for service at the existing establishment. It was noted that the current owner of the license is requesting to transfer the license to the current management of the club. Sgt. Connelly stated the calls for service to the location doubled in the 2007-2008 year and the types of calls were very disturbing, including sexual assaults, minors-in-possession, physical fighting and numerous other liquor license violations. He noted that the Michigan Liquor Control Commission issued suspensions of the license for two different 3-day periods during the school year.

Fire Marshal Kathleen Chamberlain noted that the Fire Marshal had visited the location and issued a life safety violation for a locked back door (fire escape) after issuing several warnings.

Anglin noted that the management needed to create a plan to address the problems and outline new management techniques.

Greden moved, seconded by Suarez, that the transfer request by Studio Four be postponed until November 26 to allow the applicant time to submit a plan to address the following:

- Police violations
- Fire violations
- Michigan Liquor Control Commission violations
- Management techniques
- Plans for staffing
- Occupancy plans

On a voice vote, the motion carried.

Greden left the meeting at 4:30 p.m.

3. Habana LLC New Brew Pub and Dance Permit (postponed to 11/17/08 Council meeting)

John Carlson, owner of Habana, introduced his partner Greg Lobdell. Mr. Carlson described the project and stated the addition will be connected to Habana, but will be called Blue Tractor Truck Shop and will serve American style barbeque.

Suarez moved that the committee recommend approval of the transfer request to the City Council pending receipt of building plans or drawings from the applicant highlighting proposed ingress and egress plans; a continuity plan regarding management and liquor sales, and a plan regarding safety and lighting in the adjacent alley. Anglin seconded the motion and the motion carried on a voice vote.

4. New Class C Liquor License

The Chair updated the committee regarding the status of the City's new liquor license and the list of those interested in the license.

Assistant City Attorney Fales advised the committee that the State of Michigan will not proceed with the issuance of any redevelopment licenses while the City has an available quota license to issue. Ms. Fales stated the State had suggested that the City could amend the currently pending redevelopment application from Salsarita's to provide for the issuance of the new Class C license rather than a redevelopment license.

Rapundalo suggested that the committee could recommend awarding the new license to Salsarita's so that his application in review at the State could proceed.

Ms. Fales also informed the committee that the City is not required to have a waiting list for the new license, but that the Clerk keeps a list as a courtesy to notify applicants when a license is available.

Eric Eagon, representing the owners of Salsarita's, stated his client has been waiting for over one year for a redevelopment license. He was available to answer any other questions of the committee.

Anglin moved, seconded by Suarez, that the Council Liquor License Review Committee, recommend to Council to amend the previously approved resolution recommending approval for a Redevelopment License to HBSP Holdings, Inc (Salsarita's) to a recommendation of approval for a New Class C Liquor License. On a voice vote, the motion carried.

The owner thanked committee members.

ADJOURN

The Chair called the meeting adjourned at 5:10 p.m. with no further business before the committee.

Respectfully submitted by

Jacqueline Beaudry
Ann Arbor City Clerk