

City of Ann Arbor

100 N. Fifth Avenue
Ann Arbor, MI 48104
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Action Minutes

Friday, March 12, 2010

4:00 PM

Please Note: New Start Time

2nd Floor of the Guy C. Larcom Municipal Building, Council
Chamber

Council Liquor License Review Committee

CALL TO ORDER

City Clerk Jacqueline Beaudry, Fire Marshall Kathy Chamberlain, Deputy Chief John Seto, Assistant City Attorney Mary Fales and Lyn Badalamenti from the City Clerk's Office were present.

Present: 3 - Mike Anglin, Stephen Rapundalo and Tony Derezinski

APPROVAL OF AGENDA

A motion was made by Councilmember Derezinski, seconded by Councilmember Anglin, that the Agenda be Approved by the Commission with the following changes:

**Add Update on Sava's Cafe under Old Business
Add Legislative Update under Information/Upcoming Business**

On a voice vote, the Chair declared the motion carried.

APPROVAL OF MINUTES

A motion was made by Councilmember Derezinski, seconded by Councilmember Anglin, that the Minutes be Approved by the Commission and forwarded to the City Council and should be returned by 4/5/2010. On a voice vote, the Chair declared the motion carried.

10-0127 Council Liquor License Review Committee - February 5, 2010

A motion was made by Councilmember Derezinski, seconded by Councilmember Anglin, that the Minutes be Approved by the Commission and forwarded to the City Council by 4/5/2010. On a voice vote, the Chair declared the motion carried.

NEW BUSINESS

10-0180

Resolution to Approve the Transfer of Ownership and Location of a Class C Liquor Licensed Business to Club Vintage LLC, a New Dance-Entertainment Permit, New Outdoor Service Permit, New Official Permit (Food) and a New SDM Liquor License to be held in conjunction with the Class C license, located at 523 S. Main - D/B/A Club Vintage

The applicant was present to provide information and answer questions regarding his new facility, Club Vintage, to be located at 523 S. Main Street. He stated that the facility would be used as a banquet hall that is available for rental. He stated the name would likely be changed as the plan is not to operate as a club and so the name is somewhat confusing. Club Vintage would provide bar and door service. Valet parking would be available.

Assistant City Attorney Mary Fales stated the applicant is a partner in another liquor-licensed business in the City. There was some question regarding possible litigation with the other establishment. She recommended that the Committee not make a recommendation until this issue is resolved.

Councilmember Anglin moved, seconded by Councilmember Derezinski, that the committee postpone action on this item pending further investigation by the Police Department and the City Attorney's Office. On a voice vote, the motion carried.

Assistant City Attorney Fales stated she would notify the City Clerk's Office when this item is ready to be presented again to the Committee.

10-0205

Resolution to Transfer all Rights to Renewal of a 2009 Resort Class C Liquor Licensed Business Located in Escrow at 575 Briarwood Circle, from The Sweet Onion, Inc. to Fast Casual, L.L.C.

Sponsors: Council Liquor License Review Committee

City Clerk Jacqueline Beaudry explained that this business had closed, but the ownership of the license, which will remain in escrow, is changing.

A motion was made by Councilmember Derezinski, seconded by Councilmember Anglin, that the Resolution be Recommended for Adoption to the City Council by 3/15/2010. On a voice vote, the Chair declared the motion carried.

OLD BUSINESS

Trifecta Productions (dba Tomukun Noodle Bar) Status of Redevelopment License

City Clerk Jacqueline Beaudry explained to the committee that City Council had recommended approval of the redevelopment district license for Trifecta Productions (dba Tomukun Noodle Bar) in December 2009. She said the State Liquor Control Commission has since indicated that the approving resolution from City Council is missing some required language.

Beaudry noted that the City Attorney's Office had tried to resolve this with the State LCC, but the applicant is getting concerned about the time. Beaudry suggested perhaps Council could just reaffirm their recommendation in a new resolution.

A motion was made by Councilmember Derezinski, seconded by Councilmember Anglin, to recommend that City Council pass a new resolution reaffirming their recommendation of the approval of the redevelopment district license for Trifecta Productions, including the required MCL language as requested by the MLCC. On a voice vote, the Chair declared the motion carried. It was noted that the resolution would be added to the March 15 City Council meeting.

Annual Renewals - Status of Staff Reviews

Assistant City Attorney Mary Fales informed the Committee that criteria needed to be established to determine how the raw data provided by the various departments, including Police and Fire, regarding the renewal of on-premise liquor licenses was to be measured.

A discussion was held regarding the creation of criteria for review of the data provided by departments in determining recommendations to City Council for possible suspension of an existing license.

A motion was made by Councilmember Derezinski, seconded by Councilmember Anglin, to accept the recommendation of the City Treasurer that the criteria for implementing an evaluation and review of on-premise liquor license renewals be initiated for licensees owing more than \$500.00 to the City of Ann Arbor for utilities, invoices and/or delinquent taxes. On a voice vote, the Chair declared the motion carried.

A motion was made by Councilmember Derezinski, seconded by Councilmember Anglin, to accept the recommendation of the City Fire Marshal that the criteria for implementing an evaluation and review of on-premise liquor license renewals be initiated for licensees with more than two alarm activations in the previous permit year. On a voice vote, the Chair declared the motion carried.

A motion was made by Councilmember Derezinski, seconded by Councilmember Anglin, to accept the recommendation of the Building Department that the criteria for implementing an evaluation and review of on-premise liquor license renewals be initiated for licensees with outstanding building permits. On a voice vote, the Chair declared the motion carried.

A motion was made by Councilmember Derezinski, seconded by Councilmember Anglin, to accept the recommendation of the City Attorney's Office and the Ann Arbor Police Department that the criteria for implementing an evaluation and review of on-premise liquor license renewals be initiated for licensees not in compliance with Ann Arbor City Code Chapter 109, Section 9:79, e.iii, and those licensees with MLCC violations within the past permit year. On a voice vote, the Chair declared the motion carried.

INFORMATION/UPCOMING BUSINESS

Legislative Update

Assistant City Attorney Mary Fales updated the committee regarding the smoking ban due to take effect on May 1, 2010. She noted that this change applies to restaurant and bar patios, in addition to indoor service areas.

ADJOURNMENT

Seeing no further business before the committee, Chair Rapundalo called the meeting adjourned at 5:30 p.m.