



AGENDA
Committee on General Services
Monday, June 12, 2017 @ 5:00 p.m. (note day/time)
City Council Conference Room, City Hall 10th Floor

Councilmember Tina Houghton, Chair
Councilmember Jody Washington, Vice Chair
Councilmember Carol Wood, Member

1. Call to Order

2. Approval of Minutes:

- May 25, 2017

3. Public Comment on Agenda Items

4. Discussion/Action:

- A.) RESOLUTION – Introduction and Setting of Public Hearing –Ordinance
Amendments to Liquor Licenses - 830.06

5. Adjourn



MINUTES

Committee on General Services

Thursday, May 25, 2017 @ 3:30 p.m.

City Council Conference Room, City Hall 10th Floor

CALL TO ORDER

The meeting called to order at 3:36 p.m.

ROLL CALL

Councilmember Tina Houghton, Chair

Councilmember Jody Washington, Vice Chair-excused

Councilmember Carol Wood, Member

OTHERS PRESENT

Sherrie Boak, Council Office Manager

Scott Sanford, Code Compliance

Chris Swope, City Clerk

Brandon Waddell, Assistant City Attorney

Tania Fuller, Fuller Law for Celebration

Kristen Kent, Celebration

Cara Maat, Celebration

JD Loeks, Celebration

Tarik Abbawai

Anthony Mullen

Minutes

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM APRIL 27, 2017 AS PRESENTED. MOTION CARRIED 2-0.

Public Comment on Agenda Items

No Public Comment at this time.

Discussion/Action

RESOLUTION- Claim Appeal #1291; 3812 Churchill Avenue; A. Mullen

Mr. Sanford outlined the violation, noting that there was a clean-up date of May 9th, which had made the violation present for 7 weeks after the initial notice. Mr. Sanford also noted that the claimant had admitted they only removed half of the initial violations.

Mr. Mullen explained the details of his process in removing the furniture from the back yard, along with the brush that was cited. Mr. Mullen admitted he was not disputed the trash being there, but the amount noted on the invoice that was removed by Eric's Refuse. Council Member Houghton asked if the charge of \$175 was a standard amount, and Mr. Sanford confirmed that amount covered 1st hour of labor up to 3 yards of debris removed. After reviewing the bill, which noted an additional hour at \$150, the Committee consensus was to remove that charge.

MOTION BY COUNCIL MEMBER WOOD TO GRANT THE CLAIM FOR \$150, MAKING THE NEW AMOUNT DUE TO 518.00. MOTION CARRIED 2-0.

RESOLUTION – Claim Appeal; 2413 S Pennsylvania; T. Abbawi

Mr. Sanford informed the Committee that the tenant at this property called in the complaint and asked for a safety inspection for a housing violation. At this time they determined it was not a registered rental however the owner has other rentals so was aware they needed to be registered. The fees are for non-registration, and until it is registered the fines are billed monthly to the owner.

Mr. Abbawi explained he appealed to the Claims Review Committee and at that time provided contractor invoices proving it was being worked on for the housing violations. At that time he asked for 3 months of the fines to be waived because he was working on it.

The Committee reviewed the documents provided through the Claim Review Committee and looked at the invoicing, noting that the Claims Review Committee did waive October, November, and therefore the Committee was now being asked to waive September. Mr. Abbawi was asked to confirm his request of the appeal to be one month at \$150. Mr. Brewer, Council Internal Auditor was asked into the meeting to explain the outcome of the Claims Review Committee. There was no additional information provided.

MOTION BY COUNCIL MEMBER WOOD TO DENY THE CLAIM FOR ONE MONTH AT \$150.00. MOTION CARRIED 2-0.

Mr. Abbawi was advised to meet with Mr. Sanford and Mr. Allen to determine what is left to do on the site.

RESOLUTION – Transfer of Ownership of Resort Class C License at 200 Edgewood Blvd., Celebration Banquets, LLC

Any action on this item will be addressed at the June 22, 2017 meeting.

RESOLUTION – Introduction and Set a Public Hearing on the Liquor License Ordinance (Community – Celebrations Banquets, LLC; RE: Change or Variance to Liquor Ordinance)

Mr. Waddell confirmed for the Committee that the way the current ordinance is written, there are no requirements and no need to have it changed. Currently he stated the Ordinance clearly states that if the City were to consider denying a license they "may or may not" based on these items in consideration. There are guidelines and a list of criteria on why Council could deny or have to deny. Mr. Waddell concluded that the Attorney office opinion was that there is not requirement to amend the current ordinance, but if the Committee wants to amend it they can.

Ms. Fuller explained the applicants need for the Committee to consider amending the Ordinance. That included a statement that they have invested a large amount of funds to buy the transfer license, and it is built into the purchase agreement. Their concern is that if the City does not change the ordinance, and they get the license, at a later date a different Council could

deny any renewals. Mr. Swope acknowledged the applicants concerns noting that any renewal process would require Council approval also, and the Council at that time might not want to renew because of the ordinance.

Council Member Wood asked Ms. Fuller if there was a tight timeline on the approval. Ms. Fuller admitted that the Michigan Liquor Control Commission is so far behind, they haven't even assigned the license yet, and Mr. Loeks confirmed he had a couple months.

After a discussion on future Committee dates and timelines, the Committee concurred to have the City Attorney's office draft an ordinance amendment, and the Committee will introduce it and set the hearing on June 12th for June 26th.

Council Member Houghton asked Mr. Loeks if his establishment in Meridian Township had any incidents or concerns, and Mr. Loeks confirmed they had not. Ms. Fuller stated she would provide the Council Staff and City Attorney office with a contact name and number to Meridian Township to confirm their statements.

DISCUSSION – Council Rules

Discussion moved to the next meeting.

Other:

- Transfer of Ownership 2017 Class C & SDM Licensed Business with Sunday Sales Permit (PM) and Dance Permit from Unicorn Tavern, Inc., to Unicorn, LLC, 327 E Grand River

Mr. Swope informed the Committee this application was a notification. His office has reached out to the applicant and have already gotten sign offs for the license approval from the City. Council and Committee will see a license in the future on this for approval.

Other/Place on File

Council Member Houghton placed the following on file:

- New SDM License Issued Under MCL 436.1533(7); New Sunday Sales Permit (AM); New Gas Pumps for Cedar Street Citgo Inc., 4600 S Cedar Street

Council Member Wood asked about a recent referral at the May 22 Council meeting which was for a transfer out of the City. After review of the property and address provide, the Committee determined the address is in the City and further research was going to be done by the Clerk's office. Council Member Wood also offered to research if a license is transfer out of the City, if the municipality receiving has to transfer one into the City.

Mr. Waddell confirmed with the Committee that he will work on amendments in the Liquor License Ordinance under 830.06 (b) (g) (h). Mr. Waddell was also referred to the example provided by Ms. Fuller from Kentwood as a template.

Adjourned at 4:26 p.m.

Submitted by Sherrie Boak, Office Manager,
Lansing City Council

Approved by the Committee on _____

INTRODUCTION OF ORDINANCE

Council Member Houghton introduced:

An Ordinance of the City of Lansing, Michigan, to amend chapter 830, section 830.06 of the Lansing codified ordinances providing criteria for revocation or objection to transfer, issuance or renewal of licenses to permit the sale of beer and wine and/or spirits on premises.

The Ordinance is referred to the Committee on General Service

RESOLUTION SETTING PUBLIC HEARING BY CITY COUNCIL

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for June 26, 2017 at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an An Ordinance of the City of Lansing, Michigan, to amend chapter 830, section 830.06 of the Lansing codified ordinances providing criteria for revocation or objection to transfer, issuance or renewal of licenses to permit the sale of beer and wine and/or spirits on premises.

Interested Persons are invited to attend this Public Hearing

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND
CHAPTER 830, SECTION 830.06 OF THE LANSING CODIFIED ORDINANCES
PROVIDING CRITERIA FOR REVOCATION OR OBJECTION TO TRANSFER, ISSUANCE
OR RENEWAL OF LICENSES TO PERMIT THE SALE OF BEER AND WINE AND/OR
SPIRITS ON PREMISES.

THE CITY OF LANSING ORDAINS:

Section 1. That Section 830.06 of the Codified Ordinances of the City of Lansing,
Michigan, be and is hereby amended to read as follows:

830.06. Criteria for revocation or objection to transfer, issuance or renewal.

Upon determination of the existence of any one or more of the following elements or
grounds, the City may recommend revocation of an already existing license or object to the
transfer, issuance or renewal of a license:

(a) A person whose license, under this chapter or any State law, has been revoked for
cause in the three years preceding the date of application for a new license or transfer or
an existing license;

(b) A person who, at the time of application or renewal of any license already issued
under this chapter, would not be eligible for such license upon a first application, as
determined by any State or local law;

(c) A copartnership, unless all of the members of such copartnership qualify to obtain a
license. A limited partnership shall not be disqualified from being issued or holding a
license, as long as all general partners are qualified to obtain such a license;

(d) A corporation if any officer, manager or director thereof, or a stock owner or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license under this chapter for any reason;

(E) TO A PERSON HAVING BUSINESS CONDUCTED AT THAT LOCATION BY A MANAGER OR AGENT, UNLESS SUCH MANAGER OR AGENT POSSESSES THE SAME QUALIFICATIONS REQUIRED FOR THE LICENSE APPLICANT;

(eF) A person who has been convicted of a violation of any Ffederal or Sstate law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance, where such violation occurred on the licensed premises;

(fG) Any premises where there exists a violation of any applicable City building, electrical, mechanical, plumbing or fire code or any City zoning law, or of any applicable public health law or regulation, any State MICHIGAN Liquor Control Commission rule or regulation of any other applicable City ordinance or Sstate law;

~~(g) Any premises where the applicant or licensee suffers or allows or intends to allow in or upon the premises a person who exposes to public view any pubic region, anus or genitals, as well as other types of nudity prohibited by statute or local ordinance. No on-premises licensee shall suffer or allow in or upon the licensed premises the showing of films, television slides or other electronic reproduction depicting scenes wherein any person exposes to the public view any pubic region, anus or genitals, as well as other types of nudity prohibited by statute or local ordinance. This prohibition does not apply to any publicly broadcast television transmission from a Federally licensed station.~~

~~(h) Any premises where the applicant or licensee suffers or allows or intends to allow in or upon the premises a person who performs, or simulates performance of, the following~~

1 ~~explicit sexual activities: sexual intercourse, masturbation, sodomy, bestiality, fellatio or~~
2 ~~cunnilingus. No on-premises licensee shall suffer or allow in or upon the licensed~~
3 ~~premises the showing of films, television slides or other electronic reproduction depicting~~
4 ~~scenes wherein a person performs, or simulates performance of, the following explicit~~
5 ~~sexual activities: sexual intercourse, masturbation, sodomy, bestiality, fellatio or~~
6 ~~cunnilingus. This prohibition shall not apply to any publicly broadcast television~~
7 ~~transmission from a Federally licensed station.~~

8 (iH) Any premises where it is determined by Council that the premises do not, or will not
9 reasonably soon after the commencement of operations, have adequate off-street parking,
10 lighting, refuse disposal facilities, screening and noise control, or where a nuisance does
11 or will exist as determined by applicable City ordinances;

12 (jI) If Council determines that the proposed location is inappropriate, considering the
13 desirability of establishing a location in developed, commercial areas in preference to
14 isolated, undeveloped areas; traffic safety; accessibility to the site from abutting roads;
15 capability of abutting roads to accommodate such commercial activity; distance from
16 public or private schools for minors; proximity of an inconsistent zoning classification;
17 and accessibility from primary roads or State highways;

18 (J) FOR PREMISES, UNLESS THE SALE OF BEER, WINE OR SPIRITS IS
19 SHOWN TO BE INCIDENTAL AND SUBORDINATE TO OTHER PERMITTED
20 BUSINESS USES UPON THE SITE, SUCH AS, BUT NOT LIMITED TO, FOOD
21 SALES, MOTEL OPERATIONS OR RECREATIONAL ACTIVITIES;

(k) If the applicant or licensee owes personal OR REAL property taxes; ~~or~~, SPECIAL ASSESSMENTS, SEWER OR WATER CHARGES THAT ARE DELINQUENT FOR THE PREMISES;

(l) If the applicant or licensee has filed an application containing false information with the City Clerk.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.

Approved as to form:

City Attorney

Dated: _____