

A Public Hearing for Ridin' the Rails, L.L.C. was held during the regular meeting of the Royal Oak Liquor Control Committee on Wednesday July 10, 2013 in City Hall, Room 315 (Third Floor). Chair Poulton called the meeting to order at 4:05 p.m.

ROLL CALL:	PRESENT	ABSENT
Commissioners:	Ellison Fournier (4:07 p.m.) Poulton	

Also present were City Manager Johnson, City Attorney Gillam, Chief of Police O'Donohue, and Deputy Chief of Police Young.

PUBLIC COMMENT

Mr. Brendan Wehrung, 703 Irving, inquired why an item was handled at Monday's City Commission meeting and was concerned about sidewalk café's limiting the walking areas. He thought Cantina Diablo needs a public hearing to include the people in the area.

No one else wished to address the Committee; therefore, the Public Comment section of the meeting was closed.

APPROVAL OF MINUTES

Moved by Mayor Ellison
Seconded by Commissioner Fournier

BE IT RESOLVED that the Royal Oak Liquor Control Committee minutes of April 17, 2013 were approved as submitted.

ADOPTED UNANIMOUSLY

The Public Hearing was opened.

PUBLIC HEARING: RIDIN' THE RAILS, L.L.C. (IRON HORSE ROYAL OAK) REQUESTS A NEW REDEVELOPMENT DISTRICT CLASS C LICENSE TO BE ISSUED UNDER MCL 436.1521A WITH SUNDAY SALES PERMIT (A.M./P.M.); SPECIFIC PURPOSE PERMIT (FOOD); CATERING PERMIT AND SDM LIQUOR LICENSE, TO BE LOCATED AT 316 WEST FOURTH STREET, ROYAL OAK, MICHIGAN 48067, OAKLAND COUNTY

Deputy Chief of Police Young summarized the Memorandum dated May 23, 2013 noting the Police Department did not object to the new license request.

Attorney, Kelly Allen, was present on behalf of the establishment with owners, Mr. John Hanna and Ms. Yvonne Peltier.

The Public Comment section of the Public Hearing was opened.

PUBLIC COMMENT

Mr. Brendan Wehrung, 703 Irving, was concerned about the bar in the establishment. He suggested the SDM liquor license not be approved because of the Royal Oak Music Theatre being next door with patrons emptying out and being able to purchase more liquor.

* * *

Mr. Greg Reyner, Owner of Cafe' Muse, commented a bar is allowed under the bistro concept and they also have a bar that reinforces the fact they have alcohol, but it has never been an issue.

* * *

No one else wished to address the Committee; therefore, the Public Comment section of the Public Hearing was closed and brought back to the Committee's side of the Table.

Moved by Mayor Ellison
Seconded by Commissioner Fournier

BE IT RESOLVED that the Royal Oak Liquor Control Committee hereby recommends approval of the request for Ridin the Rails, L.L.C., 316 W. Fourth Street, for forwarding to the City Commission.

ADOPTED UNANIMOUSLY

City Attorney Gillam noted the Redevelopment District Class C license is not transferable to another location. If the establishment goes out of business, the license has to be returned to the State.

CANTINA DIABLO (100 SOUTH MAIN STREET): REQUEST TO CHANGE PLAN OF OPERATION (DANCING AND SOUND ON THE SECOND FLOOR)

Deputy Chief of Police Young summarized the Memorandum dated June 19, 2013 noting the Police Department did not object to the proposed changes to the Plan of Operation.

Attorney, Kelly Allen, was present on behalf of the establishment with Owners, Mr. Kevin Downey and Mr. Brian Kramer. Ms. Allen pointed out more than a year has passed since the Owners agreed to operate under a six-month, trial period for the music and sound on the second floor, without any problems.

Moved by Commissioner Fournier
Seconded by Mayor Ellison

BE IT RESOLVED that the Royal Oak Liquor Control Committee hereby recommends approval of the request to change the Plan of Operation for Cantina Diablo, 100 S. Main Street, for forwarding to the City Commission.

FRIENDLY AMENDMENT OFFERED BY MAYOR ELLISON AND ACCEPTED BY COMMISSIONER FOURNIER

BE IT RESOLVED that the change to the Plan of Operation is reviewed in one year.

MOTION NOW READS:

BE IT RESOLVED that the Royal Oak Liquor Control Committee hereby recommends approval of the request to change the Plan of Operation, with a review in one year, for Cantina Diablo, 100 S. Main Street, for forwarding to the City Commission.

ADOPTED UNANIMOUSLY

Mr. Downey was informed that he would need to return to the City Commission after the one-year review.

LILY'S RESTAURANT (410 SOUTH WASHINGTON): REQUEST TO CHANGE PLAN OF OPERATION (OUTDOOR PATIO AND HOURS OF OPERATION)

Deputy Chief of Police Young summarized the Memorandum dated June 28, 2013 noting the Police Department did not object to the proposed changes to the Plan of Operation, however the Planning and Engineering departments were opposed to the sidewalk cafe' expansion.

Deputy Chief of Police Young continued to report the owner of Cafe' Muse, Mr. Greg Reyner, was also present for an expansion of his sidewalk cafe' because if one was approved without the other, there would be a zigzag effect.

Owner, Mr. Robert Morton, was present and indicated he was not aware of the issues raised by the departments and was not able to get in touch with anyone, prior to this meeting, but is willing to work with them.

It was the consensus of the Committee that the proposed layout would present a safer environment because the sidewalk cafes' would encompass the planters and have a clear sidewalk that would be ideal on a trial basis.

Moved by Mayor Ellison
Seconded by Commissioner Fournier

BE IT RESOLVED that the Royal Oak Liquor Control Committee hereby recommends approval of the request of Lily's Restaurant, 410 S. Washington, to amend their Plan of Operation to change their hours of operation, for forwarding to the City Commission, and

BE IT FURTHER RESOLVED to forward the request for a sidewalk cafe' expansion to the City Commission without a recommendation until information is received from the Planning and Engineering departments regarding their opposition.

ADOPTED UNANIMOUSLY

CAFÉ MUSE (416-418 SOUTH WASHINGTON): REQUEST TO CHANGE PLAN OF OPERATION (OUTDOOR PATIO)

Deputy Chief of Police Young summarized the Memorandum dated June 28, 2013 noting the Police Department did not object to the proposed changes to the plan of operation, however the Planning and Engineering departments were opposed.

Mr. Reyner mentioned the ordinance calls for a 5 foot clearance between the building and patio/seating area fencing and the Engineering Department is recommending a 7-8 foot clearance.

Moved by Mayor Ellison
Seconded by Commissioner Fournier

BE IT RESOLVED that the Royal Oak Liquor Control Committee hereby recommends to forward the request for a sidewalk cafe' expansion for Cafe' Muse, 416-418 S. Washington, to the City Commission without a recommendation until information is received from the Planning and Engineering departments regarding their opposition.

ADOPTED UNANIMOUSLY

POLICE UPDATE

Deputy Chief of Police Young reported he is working on an ownership change for D'amato's Neighborhood Restaurant and a new manufacturing distillery for spirits looking to open at 325 E. Fourth Street.

ADJOURNMENT

Moved by Mayor Ellison
Seconded by Commissioner Fournier

BE IT RESOLVED that the Royal Oak Liquor Control Committee meeting adjourned at 5:05 p.m.

ADOPTED UNANIMOUSLY

Melanie Halas
City Clerk

/jk