

City of Northville
CITY COUNCIL SPECIAL MEETING MINUTES
March 15, 2010

Mayor Johnson called the meeting to order at 6:32 p.m. in the City of Northville Municipal Building, City Council Chambers, 215 W. Main Street, Northville, Michigan, 48167.

ROLL CALL

Present: Mayor Christopher Johnson, Mayor Pro Tem James Allen, Councilmembers Nancy Darga (arrived 6:34 p.m.), Michele Fecht

Absent: Councilmember Douglas Bingham (excused)

Also Present: City Manager Patrick Sullivan, Assistant City Manager/Finance Director Nicolette Bateson, Police Chief Gary Goss, City Clerk Dianne Massa. There were no citizens present.

CITIZENS COMMENTS

A. Citizen Comments None

APPROVAL OF AGENDA AND CONSENT AGENDA

Motion Allen, seconded by Fecht to approve the agenda as presented. **Motion carried unanimously.**

PUBLIC HEARING

A. Public Hearing to Request the MLCC Not Renew the Liquor License for Bambar LLC

Annually, the Police Department compiles a report on the liquor licenses within the City of Northville. Included in this report are the numbers of calls for service at each establishment, any violations that may have occurred and any failure to pay taxes or make other payments due to the City in a timely manner. This year, the report indicated that as of February 18, 2010, Bambar L.L.C. (formerly NOMI's) was in debt to the City of Northville as follows:

Delinquent personal property tax prior to summer 2009	\$ 6,121.50
Delinquent personal property tax summer 2009	\$ 6,858.15
Delinquent personal property tax winter 2009	\$ 1,500.27
Total	\$14,479.92

Because local units of government are required to approve on-premise licenses, they may also object to the renewal or request revocation of on-premise licenses. To provide licensees their right to due process, local governments must establish standards or a guideline stating what conditions are the basis for requesting non-renewal or revocation of a license. The City of Northville does this through its Liquor

Management Ordinance. Because all retail licenses expire on April 30th, any objections to the renewal of a license and all substantiating documents must be received by the Michigan Liquor Control Commission (MLCC) no later than March 31st to be in compliance with the law.

Section 5-66 of the Liquor Management Ordinance states that the licensee must be given an opportunity to come into compliance and if not, that a public hearing be held for the purpose of determining whether the City should object to the renewal of the license or request that the MLCC revoke the license.

Section 5-67 of the Liquor Management Ordinance states that the City Council may recommend non-renewal or revocation of a license or permit to the MLCC if the evidence presented at the hearing finds that the licensee failed to pay taxes or make other payments due to the City in a timely manner.

It was explained that on July 1, 2009, the City of Northville sent a tax notice to the licensee indicating the taxes were due on August 31, 2009. On August 30, 2009, the City received notice from owner Rachel Stern, stating that the business was closed in May 2008. The City sent correspondence to Ms. Stern on October 2, 2009, notifying her that since she did not appeal the 2009 assessment notice the City of Northville had no statutory authority to remove the 2009 assessment. The letter also advised Ms. Stern that if she provided a bill of sale, the taxes could be transferred to the new owner. To date, Ms. Stern has not provided the City with either contact information about a new owner or bill of sale.

Councilmember Darga arrived at the meeting.

On January 29, 2010, the City of Northville sent a notice to Bambar, LLC c/o Rachel Stern, notifying her of the failure to pay taxes and that this could result in the City of Northville objecting to the renewal of the liquor license. On February 5, 2010, Benjamin T. Shotten, attorney for the licensee, responded suggesting that Ms. Stern had entered into an agreement to sell the business; however, the business returned to her and she was not aware of the owed taxes. The correspondence requested a 30 day extension.

On February 18, 2010, the City of Northville sent an abatement notice to Bambar LLC c/o Rachel Stern and to her attorney giving until March 1, 2010, to come into compliance. The City of Northville did not receive a response. On March 2, 2010, the City sent a notice of this public hearing to both Bambar LLC c/o Rachel Stern and her attorney. All correspondence was sent to Ms. Stern and her attorney via first class mail and certified mail. On March 15, 2010, the City Attorney conveyed to the Police Chief that he had been in contact with Ms. Stern and that she acknowledged receiving notice of this public hearing on or around March 10, 2010.

Bambar LLC, with its sole owner being Rachel Stern, owes the City a total of \$14,479.92 as of February 18, 2010, with addition of interest and penalties that accrue monthly. Bambar LLC has a history of non-compliance culminating in the one-day suspension of their Liquor License on December 19, 2007 for failing to cooperate with law enforcement officers and/or obstruct law enforcement officers in the course of inspecting or investigating a licensed premise.

It was also noted that in 2009, as part of the Liquor License Annual Review process, the City sent notice to Bambar LLC pertaining to the 2008 delinquent taxes. At that time, Bambar LLC agreed to a payment plan. Bambar LLC has made three payments. Following the annual review of the liquor license, no further payments were made. City staff recommended that City Council request that the Michigan Liquor Control Commission not renew the escrowed Class C liquor license with Sunday sales, outdoor service and dance permit issued to Bambar LLC d/b/a NOMI.

Public hearing opened at 6:36 p.m. No comments. Public hearing closed at 6:36 p.m.

Council Comments and Discussion: It was noted that the MLCC will not accept a “conditional” non-renewal request from the City Council. However, should Bambar LLC come into compliance before the MLCC hearing, the City could send correspondence noting the compliance and that it no longer objects to the license renewal. It was also noted that the Bambar LLC license is not a quota license for the City. It was a license transfer from Detroit and would likely revert back to Detroit if it was a quota license for Detroit.

Motion Allen, seconded by Fecht to request that the Michigan Liquor Control Commission not renew the escrowed Class C liquor license with Sunday sales, outdoor service, and dance permit issued to Bambar LLC d/b/a NOMI. **Motion carried unanimously.**

COMMUNICATIONS

A. Mayor and Council Communications None

B. Staff Communications None

There being no further business to come before Council, the meeting was adjourned.

Adjournment: 6:39 p.m.

Respectfully submitted,

Dianne Massa, CMC
City Clerk

Approved as submitted: 4/5/10

Christopher J. Johnson
Mayor