

TO: Mayor Bryant and City Council Members
FROM: Debra Walling, City Attorney
RE: September 9, 2024, Public Hearing(s) on Michigan Liquor Control Commission (MLCC) Applications
DATE: September 4, 2024

In view of the unusual situation whereby two entities are requesting the City's one remaining quota liquor license, I offer the following information:

1. There is no MLCC rule or entitlement to either applicant by virtue of which entity applied first or which entity paid the application fee first.
2. The City's quota licenses are valuable economic development tools.
3. Section 4-24 (6) of the City Code, sets forth a non-exclusive list of review factors for the City Council's consideration of each applicant and application. It states the following:

(6) *Review factors.* In reviewing a request for a new license, transfers of ownership of existing licenses or transfers into the city of new on-premises licensees, the council may consider the following factors:

- a. The appropriate relationship between buildings and land uses.
- b. Total number of similar licenses in the city.
- c. Input from residents and surrounding business owners.
- d. Impact of the establishment on surrounding businesses and neighborhoods.
- e. Pedestrian and vehicular movement.
- f. Parking availability.
- g. Number of seats/occupancy compared to the surrounding area.
- h. Substantial renovation of existing buildings.
- i. Concentration of drinking establishments and impact on policing requirements.
- j. General policing requirements.
- k. Business history.
- l. Business experience.
- m. LCC violation history.
- n. Diversification of the type of commercial activity in a given area or block.
- o. Ratio of food to alcohol sales.
- p. Type or character of the establishment, e.g., full-service restaurant, "bar only" or hotel.
- q. Overall benefit of the plan to the city.
- r. The applicant's financial status and his ability to build or operate the proposed facility, including whether appropriate lease arrangements exist.
- s. The applicant's (including all individuals holding a five percent or greater interest) past criminal convictions for crimes involving moral turpitude, violence or alcohol.

- t. The uniqueness of the proposed facility when compared with other existing or proposed facilities.
- u. The permanence of the proposed establishment in the community, as evidenced by the proposed or actual commitments made by the applicant.
- v. The effect that the proposed establishment would have in contributing to the economic stability or revitalization of areas within the city.
- w. The cost burden to the city.
- x. Any other factor that may affect the health, safety and welfare or the best interests of the city and its residents.

These factors are only intended to be guidelines to assist the council in making its determination and nothing in this article shall otherwise limit the council's discretion in making its determination.

If you have any questions, please let me know.

Respectfully submitted,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC

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