



# **AGENDA**

SPECIAL SESSION

MONDAY, JULY 20, 2020 7:00 PM

PRESIDING: THE HONORABLE MAYOR PRO TEMPORE ROBERT A. DESANA

CHAIRPERSON OF THE EVENING: THE HONORABLE ROBERT A. DESANA

## **CALL TO ORDER**

## **PLEDGE OF ALLEGIANCE**

**ROLL CALL** Mayor Pro Tempore DeSana, Alderman, Calvin, DeSana, Maiani, Sabuda, Schultz

## **PRESENTATIONS**

## **PRESENTATION OF PETITIONS**

## **PUBLIC HEARINGS**

## **UNFINISHED BUSINESS**

## **CALL TO THE PUBLIC**

At this time, any persons having matters of immediate importance which they were unable to place in writing prior to the agenda deadline may approach the podium to address Mayor and Council.

**CONSENT AGENDA** All items listed under the Consent Agenda are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items, unless a Council member so requests, in which event the items will be removed from the Consent Agenda and added to the regular agenda in New Business.

## **NEW BUSINESS**

1. Downtown Wyandotte Social District

## **BILLS & ACCOUNTS**

## **REPORTS & MINUTES**

## **REMARKS OF THE MAYOR, COUNCIL, & ELECTED OFFICIALS**

**NEXT MEETING OF THE CITY COUNCIL:** July 27, 2020

## **ADJOURNMENT**

**CITY OF WYANDOTTE**  
**REQUEST FOR COUNCIL ACTION**

**MEETING DATE: 7/20/2020**

**AGENDA ITEM # 1**

**ITEM: Downtown Wyandotte Social District**

**PRESENTER:** Joe Gruber, DDA Director

**INDIVIDUALS IN ATTENDANCE:**

**BACKGROUND:**

On July 1, 2020, Governor Whitmer signed House Bill 5781 into law creating the Social District Permit. The governing body of a local governmental unit may designate a Social District within its jurisdiction which creates an opportunity and environment for Downtown Wyandotte businesses to service the public beyond their licensed establishment.

Qualified licensees (bars and restaurants) whose licensed premises are contiguous to the commons area within the Social District, and that have been approved for and issued a Social District Permit, may sell alcoholic liquor (beer, wine, mixed spirit drink, spirits, or mixed drinks) on their licensed premises to customers who may then consume the alcoholic liquor within the commons area of the Social District.

The DDA is proposing the creation of a Social District and contiguous commons area which would string together the licensed establishments into an interconnected and cohesive outdoor service area.

**STRATEGIC PLAN/GOALS:**

Further, as stated in the DDA's Mission Statement, "The Wyandotte Downtown Development Authority shall initiate and coordinate downtown development through design, business recruitment, promotion and the effective use of private and public space for an attractive, festive downtown atmosphere."

**ACTION REQUESTED:** The DDA Director is requesting the Mayor and City Council to approve the Social District as proposed in the attached map, along with the Local Maintenance and Management plan.

**BUDGET IMPLICATIONS & ACCOUNT NUMBER:** The DDA has allocated \$25,000 for operational support, maintenance, management and enforcement of the Social District.

**IMPLEMENTATION PLAN:** The DDA Director will coordinate with Administration and

the Wyandotte Police Department for the establishment and operation of the Social District.

**LIST OF ATTACHMENTS:**

1. Social District Map
2. Social District App
3. 2020-PA-0124

## **RESOLUTION**

Item Number: #1  
Date: July 20, 2020

RESOLUTION by Councilperson \_\_\_\_\_

WHEREAS Downtown Wyandotte's businesses have been adversely affected by the State mandates and executive orders restricting business operations and limiting public gatherings in light of the global COVID-19 pandemic.

WHEREAS, Michigan's Governor Gretchen Whitmer signed into law Public Act 124 ("The Act") on July 1st, 2020 which gives the City Council of the City of Wyandotte the power and authority to create Social Districts and Common Areas.

NOW, THEREFORE BE IT RESOLVED:

1. That the Social District Map, Local Maintenance and Management Plan and all Social District Permit Applications shall remain on file in the Clerk's Office.

2. That the Hours of operation within the Downtown Wyandotte Social District are as follows.

OPENING: 11:00 AM, Daily

CLOSING: 10:00 PM, Daily

3. That in accordance with the Act, in order to maintain the commons area in a manner that protects the health and safety of the community, the City of Wyandotte and Downtown Development Authority will do the following,

- Install clearly marked signage and public notices at the various points of entry and exit into the Social District and Common Areas
- Place trash cans at these points of entry and exit for disposal of social district cups
- Wyandotte Police Officers will be stationed throughout the District and present onsite during peak hours on nights and weekends
- The DDA, Department of Public Service together with nonprofit volunteer organizations, will combine resources for hiring and implementing regular cleaning, trash pickup, debris removal and waste management
- Produce educational resources and information available to the general public and business owners regarding the rules, regulations, permitted uses and overall operation of the Social District and Commons Area.

4. That the Mayor and City Council will review and approve all Social District Permit Applications from licensed establishments prior to sending along to the Michigan Liquor Control Commission for final approval and certification.

5. That all bars, restaurants and licensed establishments within the Social District will adhere to the rules and regulations set forth in the Act and that the Act will be attached to the Local Maintenance and Management

Plan for reference and guidance to be used by all businesses within the Social District.

6. That the City Administrator be granted special powers to adjust or amend the Social District, Commons Areas and the Local Maintenance and Management Plan.

NOW BE IT FURTHER RESOLVED that the Mayor and City Council hereby approve of the establishment of the Downtown Wyandotte Social District as proposed.

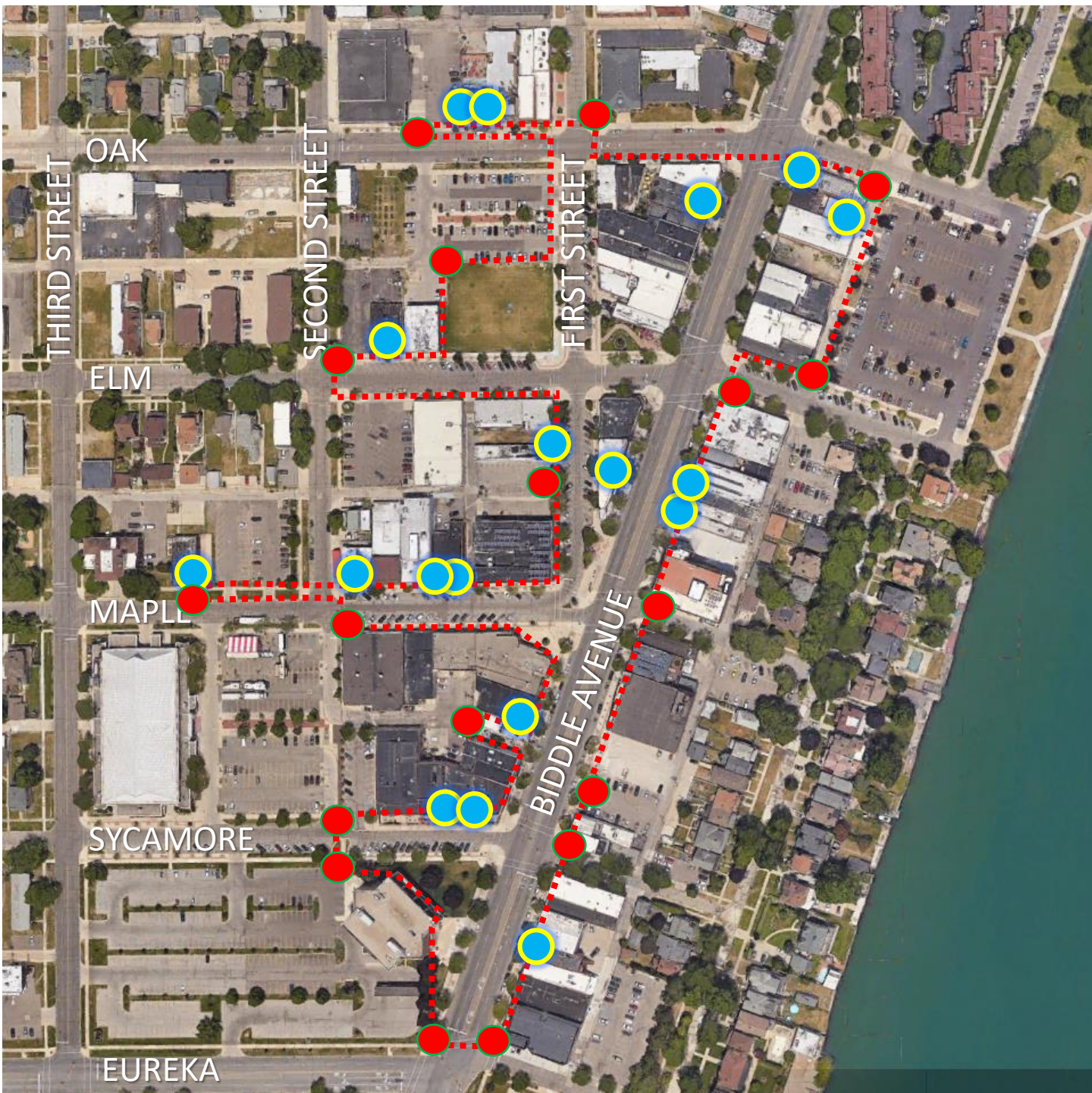
I move the adoption of the foregoing resolution.



MOTION by Councilperson

SUPPORTED by Councilperson

<u>YEAS</u>	<u>COUNCIL</u>	<u>NAYS</u>
	<b>Alderman</b>	
	<b>Calvin</b>	
	<b>DeSana</b>	
	<b>Maiani</b>	
	<b>Sabuda</b>	
	<b>Schultz</b>	

# Downtown Wyandotte's Proposed Social District



-  Licensed Establishment
-  Trash Can and Signage

## **Local Management and Maintenance Plan**

The Hours of operation within the Downtown Wyandotte Social District are as follows.

**OPENING: 11:00 AM, Daily**

**CLOSING: 10:00 PM, Daily**

In order to maintain the commons area in a manner that protects the health and safety of the community, the City of Wyandotte and Downtown Development Authority will do the following,

- Install clearly marked signage and public notices at the various points of entry and exit into the Social District and Common Areas
- Place trash cans at these points of entry and exit for disposal of social district cups
- Wyandotte Police Officers will be stationed throughout the District and present onsite during peak hours on nights and weekends
- The DDA, Department of Public Service together with nonprofit volunteer organizations, will combine resources for hiring and implementing regular cleaning, trash pickup, debris removal and waste management
- Produce educational resources and information available to the general public and business owners regarding the rules, regulations, permitted uses and overall operation of the Social District and Commons Area.





## Social District Permit Information



### Local Governmental Approval Required Before You Apply

The city, township, or village where your business is located must have first designated a Social District before you may apply. Your licensed business must be contiguous to the commons area inside the Social District to qualify. Check with your local governmental unit to see if you qualify.

Your licensed business must also be approved individually by the city, township, or village before you apply for a Social District Permit. A local governmental unit approval form is attached to this application.

The governing body of a local governmental unit may designate a Social District within its jurisdiction that contains a commons area in which the patrons of qualified licensees may consume alcoholic liquor (beer, wine, mixed spirit drink, spirits, or mixed drinks/cocktails) in the commons area.

At least two (2) qualified licensees must have their licensed premises contiguous to a commons area for the area to qualify to be part of a social district.

The local governmental unit must define and clearly mark the commons area with signs. The local governmental unit must establish a management plan, including the hours of operation, for the commons area. These plans must be submitted to the Commission.

A qualified licensee may apply to the Commission for a Social District Permit using the attached application. The licensee must first obtain approval from the governing body of the local governmental unit before applying for the permit.

A licensee that has been issued a Social District Permit may sell alcoholic liquor for on-premises consumption on its licensed premises only, but then customers may remove the alcoholic liquor from the premises to be consumed in the commons area. A licensee must not sell alcoholic liquor in the commons area.

The commons area is not considered part of any licensee's licensed premises. Nevertheless, a licensee that has been issued a Social District Permit must make every effort to ensure that it does not sell alcoholic liquor to a minor or intoxicated person.

Any alcoholic liquor sold to customers for consumption in the commons area by a licensee with a Social District Permit must comply with all of the following:

- The serving container must prominently display the licensee's trade name or logo or some other mark that is unique to the licensee that sold the alcohol.
- The serving container must prominently display a logo or some other mark that is unique to the commons area.
- The serving container is not made of glass.
- The serving container does not have a liquid capacity over 16 ounces.

A customer that purchases alcoholic liquor to be consumed in a commons area must not transport that alcoholic liquor onto the licensed premises of another licensee contiguous to the commons area from which the customer did not purchase the alcoholic liquor. A licensee shall not allow alcoholic liquor purchased from another licensee to be brought onto its licensed premises.

A customer that purchases alcoholic liquor to be consumed in a commons area must not transport that alcoholic liquor outside of the commons area.

Qualified licensees for Social District Permits are:

- A retailer licensee that is licensed to sell alcoholic liquor for consumption on the premises, such as a Class C, Tavern, A-Hotel, B-Hotel, Club, G-1, or G-2. A Special License issued to a nonprofit organization is not a qualified licensee.
- A manufacturer with an On-Premises Tasting Room Permit.
- A manufacturer with an Off-Premises Tasting Room License or a Joint Off-Premises Tasting Room License. For Joint Off-Premises Tasting Room Licenses, all licensees that have licenses at that same location must be approved for and issued a Social District Permit.





## Social District Permit Application

### Part 1 - Licensee Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it appears on your Articles of Incorporation / Organization.

Licensee name:		
Address:		
City:	State:	Zip Code:
Contact Name:	Phone:	Email:

### Part 2 - Required Documents & Fees

<input type="checkbox"/> Local Governmental Unit Approval <i>Approval from the local governmental unit (city council, township board, village council) is required to be submitted with this application (See page 2 for approval form)</i>	
<input type="checkbox"/> \$70.00 Inspection Fee (MLCC Fee Code 4036) <input type="checkbox"/> \$250.00 Social District Permit Fee (MLCC Fee Code 4081)	<b>TOTAL DUE:</b> <div style="border: 1px solid black; width: 100px; height: 20px; margin: 5px auto;"></div> <p>Make checks payable to <b>State of Michigan</b></p>

*Leave Blank - MLCC Use Only*

### Part 3 - Signature of Licensee

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this application by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this permit for the sale of alcoholic liquor on the licensed premises.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

The person signing this form has demonstrated that they have authorization to do so and have attached appropriate documentation as proof.

\_\_\_\_\_  
Print Name of Licensee & Title

\_\_\_\_\_  
Signature of Licensee

\_\_\_\_\_  
Date

Please return this completed form and fees to:  
Michigan Liquor Control Commission  
Mailing address: P.O. Box 30005, Lansing, MI 48909  
Hand deliveries: Constitution Hall - 525 W. Allegan Street, Lansing, MI 48933  
Overnight deliveries: 2407 N. Grand River Avenue, Lansing, MI 48906  
Fax with Credit Card Authorization to: 517-284-8557



## Local Governmental Unit Approval For Social District Permit

### Instructions for Governing Body of Local Governmental Unit:

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a \_\_\_\_\_ meeting of the \_\_\_\_\_ council/board  
(regular or special) (name of city, township, or village)

called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_  
(date) (time)

the following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the application from \_\_\_\_\_  
(name of licensee - if a corporation or limited liability company, please state the company name)

for a **Social District Permit** is \_\_\_\_\_ by this body for consideration for approval by the  
(recommended/not recommended)

Michigan Liquor Control Commission.

If not recommended, state the reason: \_\_\_\_\_

### **Vote**

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the \_\_\_\_\_  
council/board at a \_\_\_\_\_ meeting held on \_\_\_\_\_  
(regular or special) (date) (name of city, township, or village)

I further certify that the licensed premises of the aforementioned licensee are contiguous to the commons area designated by the council/board as part of a social district pursuant to MCL 436.1551.

\_\_\_\_\_  
Print Name of Clerk

\_\_\_\_\_  
Signature of Clerk

\_\_\_\_\_  
Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.



Michigan Department of Licensing and Regulatory Affairs  
Finance and Administrative Services  
Revenue Services

LARA Revenue Services **is not** a part of  
the Michigan Liquor Control  
Commission (see note below).

## Credit Card Authorization Form

**\*\* FAX COMPLETED FORM TO SECURE FAX LINE: 517-284-8557 \*\***

**\*\* DO NOT EMAIL OR MAIL THIS FORM \*\***

*Requests with credit card payments that are not faxed to the above secure fax line will be destroyed along with the credit card authorization in order to ensure the security of applicants' personal credit card numbers.*

**\*\*IF YOU ARE NOT SUBMITTING AN APPLICATION FORM WITH THIS CREDIT CARD AUTHORIZATION, YOU MUST PROVIDE AN ITEMIZATION OF THE FEES FOR WHICH YOU ARE SUBMITTING PAYMENT OR YOUR PAYMENT WILL NOT BE PROCESSED\*\***

Name:	Transaction Amount:
Address:	Card Number:
City:	Check One:
State:	<input type="radio"/> MasterCard <input type="radio"/> Visa <input type="radio"/> Discover
Zip Code:	Security Code/CVV Code:
Phone:	Expiration Date:
Applicant/Licensee Name:	Request or Business ID #:

Payment is for:

Signature

**IF YOU ARE NOT SUBMITTING AN APPLICATION FORM WITH THIS CREDIT CARD AUTHORIZATION, YOU MUST PROVIDE AN ITEMIZATION OF THE FEES FOR WHICH YOU ARE SUBMITTING PAYMENT OR YOUR PAYMENT WILL NOT BE PROCESSED.**

**Credit Card Payment Itemization:**

Fee Type	Fee Amount	MLCC Fee Code
<input type="checkbox"/> Inspection Fee:		4036
<input type="checkbox"/> Social District Permit Fee:		4081

LARA Revenue Services **is not** a part of the Michigan Liquor Control Commission (MLCC). Receipt of payment and application forms by LARA Revenue Services does not constitute receipt of an application by the MLCC. **Applications submitted through LARA Revenue Services may take up to two (2) additional business days to be received by the MLCC after receipt by LARA Revenue Services.**

For requests that require a timely receipt of an application by the MLCC to be processed, such as Special Licenses and temporary requests, please ensure that your application will be received in adequate time to be processed by the MLCC after the payment is received and processed by LARA Revenue Services.

Act No. 124  
Public Acts of 2020  
Approved by the Governor  
July 1, 2020  
Filed with the Secretary of State  
July 1, 2020  
EFFECTIVE DATE: July 1, 2020

**STATE OF MICHIGAN  
100TH LEGISLATURE  
REGULAR SESSION OF 2020**

**Introduced by Reps. Webber, Sabo, Steven Johnson, Bollin, Slagh, Rendon, Paquette, Crawford, Hall, Huizenga, Kahle, Lightner, Meerman, Hood, Elder, Leutheuser and Reilly**

## **ENROLLED HOUSE BILL No. 5781**

AN ACT to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” by amending section 1021 (MCL 436.2021), as amended by 2013 PA 235, and by adding section 551.

*The People of the State of Michigan enact:*

Sec. 551. (1) The governing body of a local governmental unit may designate a social district that contains a commons area that may be used by qualified licensees that obtain a social district permit. A governing body of a local governmental unit shall not designate a social district that would close a road unless the governing body receives prior approval from the road authority with jurisdiction over the road. If the governing body of a local governmental unit designates a social district that contains a commons area under this section, the governing body must define and clearly mark the commons area with signs. The governing body shall establish local management and maintenance plans, including, but not limited to, hours of operation, for a commons area and submit those plans to the commission. The governing body shall maintain the commons area in a manner that protects the health and safety of the community. Subject to this subsection, the governing body may revoke the designation if it determines that the commons area threatens the health, safety, or welfare of the public or has become a public nuisance. Before revoking the designation, the governing body must hold at least 1 public hearing on the proposed revocation. The governing body shall give notice as required under the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, of the time and place of the public hearing before the public hearing. The governing body shall file the designation or the revocation of the designation with the commission. As used in this subsection:

(a) “Local road agency” means a county road commission or designated county road agency or city or village that is responsible for the construction or maintenance of public roads within this state.

(b) “Road authority” means a local road agency or the state transportation department.

(2) Subject to subsection (3), the holder of a social district permit may sell alcoholic liquor for consumption within the confines of a commons area if both of the following requirements are met:

(a) The holder of the social district permit only sells and serves alcoholic liquor on the holder's licensed premises.

(b) The holder of the social district permit only serves alcoholic liquor to be consumed in the commons area in a container to which all of the following apply:

(i) The container prominently displays the social district permittee's trade name or logo or some other mark that is unique to the social district permittee under the social district permittee's on-premises license.

(ii) The container prominently displays a logo or some other mark that is unique to the commons area.

(iii) The container is not glass.

(iv) The container has a liquid capacity that does not exceed 16 ounces.

(3) If the commission issues a special license to a special licensee located in a social district, the holder of a social district permit shall not sell and serve alcoholic liquor under subsection (2) during the effective period of the special license.

(4) A purchaser may remove a container of alcoholic liquor sold by a holder of a social district permit under subsection (2) from the social district permittee's licensed premises if both of the following conditions are met:

(a) Except as otherwise provided in subdivision (b), the purchaser does not remove the container from the commons area.

(b) While possessing the container, the purchaser does not enter the licensed premises of a social district permittee other than the social district permittee from which the purchaser purchased the container.

(5) The consumption of alcoholic liquor from a container described in subsection (2)(b) in the commons area as allowed under this section may only occur during the legal hours for the sale of alcoholic liquor by the social district permittee.

(6) A qualified licensee whose licensed premises is shared by and contiguous to a commons area in a social district designated by the governing body of a local governmental unit under this section may obtain from the commission an annual social district permit as provided in this section. The social district permit must be issued for the same period and may be renewed in the same manner as the license held by the applicant. The commission shall develop an application for a social district permit and shall charge a fee of \$250.00 for a social district permit. An application for a social district permit must be approved by the governing body of the local governmental unit in which the applicant's place of business is located before the application is submitted to the commission and before the permit is granted by the commission. The \$250.00 permit fee under this subsection must be deposited into the liquor control enforcement and license investigation revolving fund under section 543(9).

(7) This section does not apply after December 31, 2024.

(8) As used in this section:

(a) "Commons area" means an area within a social district clearly designated and clearly marked by the governing body of the local governmental unit that is shared by and contiguous to the premises of at least 2 other qualified licensees. Commons area does not include the licensed premises of any qualified licensee.

(b) "Local governmental unit" means a city, township, village, or charter authority.

(c) "Qualified licensee" means any of the following:

(i) A retailer that holds a license, other than a special license, to sell alcoholic liquor for consumption on the licensed premises.

(ii) A manufacturer with an on-premises tasting room permit issued under section 536.

(iii) A manufacturer that holds an off-premises tasting room license issued under section 536.

(iv) A manufacturer that holds a joint off-premises tasting room license issued under section 536.

Sec. 1021. (1) The commission shall not require a licensee to sell or serve food to a purchaser of alcoholic liquor. The commission shall not require a class A hotel or class B hotel to provide food services to registered guests or to the public.

(2) Except as otherwise provided in section 551 and subsection (3), a purchaser shall not remove alcoholic liquor sold by a vendor for consumption on the premises from those premises.

(3) A vendor licensed to sell wine on the premises may allow an individual who has purchased a meal and who has purchased and partially consumed a bottle of wine with the meal, to remove the partially consumed bottle from the premises on departure. This subsection does not allow the removal of any additional unopened bottles of wine unless the vendor is licensed as a specially designated merchant. The licensee or the licensee's clerk, agent, or employee shall cap the bottle or reinsert a cork so that the top of the cork is level with the lip of the bottle. The

transportation or possession of the partially consumed bottle of wine shall be in compliance with section 624a of the Michigan vehicle code, 1949 PA 300, MCL 257.624a.

(4) This act and rules promulgated under this act do not prevent a class A or B hotel designed to attract and accommodate tourists and visitors in a resort area from allowing its invitees or guests to possess or consume, or both, on or about its premises alcoholic liquor purchased by the invitee or guest from an off-premises retailer and does not prevent a guest or invitee from entering and exiting the licensed premises with alcoholic liquor purchased from an off-premises retailer.

(5) Notwithstanding section 901(6), an on-premises licensee may, in a manner as determined by that licensee, allow for the consumption of wine that is produced by a wine maker, a small wine maker, or an out-of-state entity that is the substantial equivalent of a wine maker or small wine maker and that is brought into the licensed premises in its original sealed container by a consumer who is not prohibited under this act from possessing wine. The licensee shall not allow the consumer to remove a partially consumed bottle of wine brought by the consumer unless the licensee or the licensee's clerk, agent, or employee caps the bottle or reinserts the cork so that the top of the cork is level with the lip of the bottle. The licensee may charge a corkage fee for each bottle of wine brought by the consumer and opened on the premises by the licensee or the licensee's clerk, agent, or employee. This subsection does not exempt the licensee or the consumer from any other applicable requirements, responsibilities, or sanctions imposed under this act.

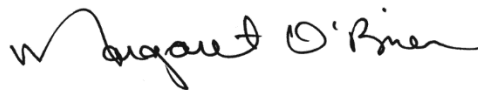
Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 100th Legislature are enacted into law:

- (a) Senate Bill No. 942.
- (b) House Bill No. 5811.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved \_\_\_\_\_

\_\_\_\_\_  
Governor