

Official Minutes of the City of Mount Rainier

MAYOR AND CITY COUNCIL SPECIAL MEETING

DATE: August 30, 2016

COUNCIL CHAMBERS, UPPER LEVEL CITY HALL

Call to Order

7:00 PM, Council Chambers, City Hall, One Municipal Place, Mount Rainier MD

Presiding Officer

Councilmember Jesse Christopherson

Officials Present

Councilmember Bryan Knedler

Councilmember Tracy Loh

Councilmember Shivali Shah

Officials Absent

Mayor Malinda Miles

Staff Present

City Manager Miranda Braatz

Chief of Police Michael Scott

Minutes provided by:

Brishay Corbin

Councilmember Knedler announced the topic for the Special Meeting was to discuss the special Sunday permit for Party Time Liquor. There was going to be a hearing with the Liquor Board on September 7 at 7:00 pm in Largo, Maryland for the final decision to be made.

Councilmember Loh created a sheet that residents could sign during the Special Meeting if they wanted to carpool to the hearing.

Party Time Liquor's attorney Matthew Gorman assisted in drafting the legislation for the special permit and spoke first on their behalf. Mr. Gorman explained that the main reason for the permit was a decrease in sales, but they also hoped to spur reinvestment for aesthetics.

Councilmember Loh asked if it were illegal to own or be involved with multiple liquor licenses and Mr. Gorman responded that one person cannot have a financial interest in more than one license, which Party Time Liquors did not. Councilmember Loh also inquired about the owner of Chuck's Liquors in Mount Rainier being co-investor with Party Time Liquors, which Mr. Gorman denied.

Owner of Party Time Liquor (?) Gill clarified that he used to be a partner with Chuck's Liquor but ultimately sold his share for his position at Party Time Liquor. Gill & Randhawa LLC owned the property, but Mr. Randy had no place on the liquor license.

Councilmember Shah wanted to know if there would be any refurbishing if the Sunday sales permit was denied and Mr. Gorman said there would be slight renovations but nothing major.

Mr. Gorman reasoned that Party Time Liquor lost approximately 20% of their business due to the bordering businesses in Washington, D.C. so the Sunday sales would acquire that percentage back.

Councilmember Knedler inquired about the store opening earlier, without selling liquor, opposed to having to open on Sunday. Mr. Gorman believed that it would be detrimental to do so. Councilmember Knedler also suggested stopping the sale of single-sale services and Mr. Gorman's response was that the loss of revenue expanded to the lottery sales and ATM etc.

Neil Dicken spoke on behalf of Party Time Liquors regarding single-sales. Mr. Dicken explained that it is a cheaper investment to buy single cans over cases due to the pricing from the breweries. Unfortunately, there was no way of having a conclusive percentage of single sales to review from Party Time Liquor.

Councilmember Loh voiced her concerns over Party Time Liquor and Chuck's Liquors being real competitors due to the fact that the owner of one store was the landlord for the other. Mr. Gorman stated that the stores were not adversaries but both entities understood how detrimental the concessions the Council asked for would be.

Chief of Police Michael Scott revealed that there were a total of 31 calls for service in the past 19 months at Party Time Liquors, and a majority of those calls were made by the staff or owner(s) of the store. Chief Scott stated that the number of alcohol offenses from January to the date of the meeting was 177 with Tuesday being the busiest day and that between 10 am and 5 pm 85 tickets were given, which was approximately 48% of the total.

Councilmember Knedler read a revenue report from the City's Treasurer which stated that the City received approximately \$3,800 per year on the property tax, \$350 from the business license, and \$4,250 from the business personal property tax annually.

Councilmember Christopherson entered the meeting, as Vice-Mayor he took on the role as presiding officer.

Public Comment

Lance Purcell, Eastern Avenue, stated that he was not opposed to Sunday sales but he was undecided. The issue he was concerned about was the litter, public intoxication, and public

urination. Mr. Purcell believed that if Party Time Liquor could create a compromise or assist in solving those issues he would feel better about the situation.

Carthey Boston, 400 block of Rainier Avenue, was concerned about harassment and nuisances. Ms. Boston was not convinced on the reasons presented by Party Time Liquor and felt that the problems the City had due to the store should be taken care of before adding more issues. She also agreed with Councilmember Loh's point on the relationship Party Time Liquor and Chuck's Liquor shared.

Therese Nenley, 31st and Perry Street, voiced that the purpose of having commercial businesses was to help alleviate the tax burden on the residents which was \$8,200 per year. Ms. Nenley pointed out that Chuck's Liquor would probably follow suit to request Sunday sales due to sharing the same lawyer as Party Time Liquor and she questioned if residents' property tax would increase. She was opposed to the Sunday sales permit.

Danielle Shoppe, 3200 block Perry Street, pointed out that the hours of operation for Party Time Liquor was 18 hours a day and 6 days a week. Ms. Shoppe believed that including Sunday sales would be accumulatively too high and she was opposed to the permit. Ms. Shoppe also stated that if the Sunday sale was permitted she would rather see a shift in the operational hours to curtail morning service during the week.

David Doriell, 3200 block Perry Street, used the City's blog to calculate that from August 30, 2015 to August 4, 2016 more than 171 arrests and/or citations related to alcoholic incidents took place. Mr. Doriell used his data to show that by restricting Sunday sales it would nearly eliminate crime on Sundays. He also concluded that liquor stores in Maryland benefited by having 25 or more extra business hours versus stores in Washington, D.C. Mr. Doriell urged the City to deny the permit proposal and also asked to cut normal business operation hours altogether.

Shahir Hadry, 3200 block Perry Street, was a member of the Loitering Task Force and explained how she had come before the Council on previous occasions due to personal harassment caused by public intoxication. She submitted a petition signed by 117 residents urging the Council to recommend the County to reject the proposal from Party Time Liquor and to also review their normal operating hours.

Jordan Denewski, 3500 Perry Street, found it absurd that there was no compromise offered from Party Time Liquor. As a new business owner and resident he voiced his dissatisfaction with the current state of service.

Kate Wall, 4200 block 32nd Street, expressed that she vehemently opposed the Sunday sale permit until Party Time Liquor proved to be better for the community.

Matt McGarrety, 33rd Street, stated he was not against Sunday sales but a compromise on the hours should be made. He also specified that if Party Time Liquor had any interest in helping the community he might have felt differently.

Nick Taylor, 4200 block 30th Street, wanted to voice his opposition to the Sunday sales.

Nicole Demore, 3700 block 34th Street, calculated that the City would potentially spend approximately \$4,300 on police calls and responders during Sunday sales. She compared the ability to drink on-sight at other establishments, opposed to directly in public, and also the hours of operation.

Mr. Morgan interjected on Party Time Liquor's behalf and stated that Mr. Gill was new as an owner and took the public's complaints into consideration so it was ultimately decided to withdraw their application for Sunday sales. Mr. Gill also restated his decision.

Michael Stackowitz, 34th Street, stressed that the residents wanted to work with Party Time Liquor to create a partnership to solve the problems.

Bob Lamb, 4100 block 28th Street, expressed that he was not opposed to Sunday sales in principle but he was disappointed in Party Time Liquor's position in the beginning of the meeting. Mr. Lamb encouraged the Council to work with the County on changing legislation with the liquor laws.

Cheryl Fountain, former business owner and current homeowner, stated that she and her customers had issues with alcoholics. Ms. Fountain was supportive of changing the early hours of the Party Time Liquor opening and vocalized her opposition to mini or small bottles of alcohol being sold.

Margaret Boozer, 4100 block 34th Street business owner, agreed with the resident's comment but also voiced how Party Time Liquor had been a good partner to the arts district. Ms. Boozer was optimistic that unity could be achieved.

Previous residents had additional comments to make regarding business hours.

Councilmember Christopherson inquired about whether Party Time Liquor would be open to discussing different operation hours. Mr. Gorman responded that they could not commit to that yet, but as sales increase it was possible. Mr. Dicken reasoned that asking the company to stop selling certain products or to change their hours of operation was also going to hurt their business.

The Council advised Party Time Liquor members that if there were any future thoughts of compromise they were willing to have that conversation.

Councilmember Shah read a letter of opposition of the Sunday sale that Flywheel Development sent to the Liquor Board and Council which detailed litter incidents and public intoxication

accusations and supported revising both Party Time Liquor and Chuck's Liquors' operating hours.

Motion for the Council to go on record opposing the Sunday license for Party Time Liquor, despite their application withdrawal: Councilmember Bryan Knedler

Second: Councilmember Shivali Shah

Vote Recorded: 3-0-1, Motion Passed

Motion to adjourn: Councilmember Bryan Knedler

Second: Councilmember Tracy Loh

Vote Recorded: 4-0-0, Motion Passed