

Citizens Committee to Review Alcoholic Beverage Laws

Thursday, April 29, 2010, 7:00pm

City Council Chambers

MEETING MINUTES

I. WELCOME

Chair Chellis called the meeting to order at 7:02pm in City Council Chambers. She invited members of the public to visit the Planning and Zoning website where the Committees' information and minutes of the meetings can be found. She also invited them to participate in the meetings that are held on Tuesdays at the Truxtun Park Recreation Center.

II. INTRODUCTION OF THE COMMITTEE

Introductions of the Committee members were made.

Commissioners present:

Whitney Chellis, **Chair**
Ted Levitt
Charles Grayston
Valerie Miller

Denise Worthen
Lynne Jones
Vince Quinlan
John Giannetti

Vic Pascoe
Gilbert Renaut
Brian Cahalan
Sean O'Neill

Staff present:

Jacquie Rouse

Dr. Sally Nash

III. REVIEW OF R-73-09

Chair Chellis noted that the purpose of the hearing is to provide the public with an opportunity to comment on the issues identified in Resolution R-73-09 that established the 15-member Citizen's Committee to Review Alcoholic Beverage Laws (CCRABL). The Committees' purpose is to review alcoholic beverage laws, the limit on 2:00am licenses, and also the recent increase in alcohol licensing fees. The Committee hopes that some of the comments will assist them in formulating its recommendations to the City Council.

IV. PUBLIC HEARING

Alderman Israel was given opportunity to speak first but noted that it is his intention to listen to the comments from the public. Alderman Arnett was also provided opportunity to speak and echoed Alderman Israel's comments.

Chair Chellis noted that there were several members of the public that were unable to attend the meeting so sent in written testimony or emails that will be included as part of the record. These include Ms. Bevin Buchheister, President of Ward One Residents Association, Don Seto, Joe Sachs, Brenda Desjardins, Thomas Fridrich, Stephen and Jennifer Shin, and Jodi Pratt.

Mr. Dirk Geratz, President of the Murray Hill Residents Association, stated that the resident association opposes changing the current liquor license laws and the limitations on the 2:00am licenses but understands that the Committee has been appointed to study this particular issue so would like something successful to come out of this effort. He offered the following suggestions:

- 1) It is essential that there be a reasonable diversity of uses in order to create a healthy downtown and to make sure it is family friendly.
- 2) If there are changes made, that the Committee consider making all uses that

- involve alcoholic beverage service go through the special exception process.
- 3) The Committee should consider and review the criteria by which the City determines a special exception for a restaurant or bar. What are those standards and do they need to be fine tuned.
 - 4) Also, how to enforce those conditions that re applied to these uses.
 - 5) The Committee should consider after the first year and possibly every subsequent year, a review of the restaurant and bar to ensure that there is no violation of the special exception, crime reports or no legal issues. Maybe this occurs only where there is a report on a particular bar so that all bars are not penalized. He suggested that there be a report by the Planning and Police Departments to document if there are any zoning violations. If warranted a hearing should be held to allow the Director or City to modify the existing conditions or possibly remove the license due to violations.
 - 6) If 2:00am licenses are allowed on West Street, the Committee should consider a buffer if there is a distance between a residence and a restaurant.
 - 7) The Committee should consider creating a sales ratio between food and liquor sales explaining that there are many jurisdictions that have a percentage of sales on alcoholic beverages.
 - 8) He concluded by suggesting that a Bar and Restaurant Association or Downtown Merchant's Association be established where the businesses all work together on common marketing, self enforcement and maintenance.

Robert Worden, 30 Murray Avenue, the Committee should understand that the impact of 2:00am drinking not only affects the downtown area but neighborhoods as well. He went over the some of the impacts/destruction that occurs in his neighborhood. He is awoken at 2:00am by people trying to locate their cars because there is free parking on the neighborhood streets. He unsure what community need is driving this type of behavior. He believes that the late night behavior occurs at 2:00am when the people are leaving the bars not at midnight when they are transferring bars.

- 1) He recommends that the Committee does not universally expand the alcoholic beverage service license and that the current 2:00am licenses be rolled back to midnight.
- 2) He believes that the existing laws are not being enforced so maybe there needs to be more citizen participation.
- 3) He suggested that the Committee recommend to the City Council that they delay the vote on extending or liberalizing the 2:00am liquor licenses until the results of more parking enforcement are evaluated.

Frederick Matos, 40 Ironstone Court, noted that in the City of Annapolis, a liquor license is a license to make money and the current costs of a liquor licenses is \$250. He recommends that the City consider auctioning liquor licenses because an auction is economically efficient because it will go to the person who values the license the most. He would like to see more positive comments from the Committee on the possibility of an auction and recommends that there be a review of the ordinances or code line by line to see if this is feasible.

Sandy Cohen, 128 Lafayette Avenue, commented that when zoning treats some property owner differently than others, it has large economic consequences so zoning become unfair in this respect. She noted that the legal question is whether the distinction that zoning makes is based on some rational policy. She asked what rational basis is there for

continuing the current zoning on downtown bar. She reiterated two policy reasons that the Committee may want to perpetuate this distinction unless it wants to rollback licenses to midnight.

- 1) She noted that serving alcohol without food is enormously profitable that why there is demand for 2:00am license. If late night bars were available as a use to all property owners in the zone than bars would drive out all other retail uses. If the City wants to continue with this rationale than the City would need to put a limit or put a cap on the number of 2:00am bars.
- 2) She noted that even where rules on nuisance behavior are enforced; late night bars are incompatible use when located next to residences' bedrooms. There are no buffers. She asked that the consideration be focused on where 2:00am bars will be located because it is incompatible to have some uses in specific places. She concluded that from a residences view, they have certain expectations because they have investments in the neighborhood.

Sveinn Storm, 130 Dock Street, explained that there is a lot of discussion regarding fairness and the Committee should focus on this issue. He and his wife moved because of the late night drinking and parking issues in the neighborhoods. He explained that the front window of his ice cream business was broken out and costs have increase in his insurance fees as a result. He recommended the following to the Committee:

- 1) There needs to be a message sent that there will be enforcement because this type of behavior can drive a business out of business.
- 2) He is not confident that things will improve if 2am license are granted to businesses. If they are granted than there need to be strict enforcement.
- 3) He noted that a message needs to be sent to patrons that if they come to Annapolis to drink than they need to drink responsibility. They need to know that there will be sobriety checkpoints or other enforcement activity.
- 4) He noted that Armadillos is successful because the owner cut off the patrons when they have had enough to drink. The owner also calls cabs and respect his business neighbors as well as his own business. In essence, the owner provides responsible bar ownership.

Orlando Ridout – 110 Duke of Gloucester Street, Architectural Historian, emphasized that this is a not a small minority of people who are facing these problems. He commented that regular traffic stops will reveal that most drivers leaving bars are drunk.

- 1) He defined buffering as primarily being related to the noise that the bar makes from front door. However, buffering is not the issue.
- 2) He noted that parking is a major issue due to damage to the car so enforcement is important.
- 3) There also needs to be a clarification of those bar owners who are violators.

Bevin Buchheister, President of Ward One, stated that the Ward One Association has worked with the City and the businesses to create a livable/workable balance of property uses downtown.

- 1) She noted that one of the greatest concerns is the balance of property uses downtown. If all the property owners downtown become eligible for a 2:00am licenses, it would not be fair to the some of the business owners. Ward One believes that any extension of licenses for any business downtown will drive out business and tip the balances of the

other uses. She noted that some of the speakers that will follow will flesh out some of the suggestions that the Committee should consider regarding preserving the balance of uses downtown; preserving the historic character downtown; the licensing issue downtown and treating bars like bars and restaurants like restaurants downtown; issues of citizens complaints and the need for a clear mechanism to address them; and suggestions on controlling patrons behavior to minimize impact to neighborhood and how to address parking.

Sharon Kennedy, excerpted the goals of the three major City plans which is the need to have something for everyone in the downtown area. She noted that the issue of preserving mixed uses downtown is at the core of the discussions. She offered the following suggestions:

- 1) She believes that a cap system on the number and type of licenses is in the public interest and is consistent with the public need to achieve a shared community vision for a viable, diverse downtown commercial core.
- 2) She also noted that that it is important that the special exception remain a part of the regulatory process and it is necessary to create clear and objective standards for the criteria of special use in the City.

Catherine Shultz, 120 Market Street, encouraged the Committee to focus on the character of Annapolis and what kind of community it should be. She noted that a key to Annapolis is preserving the essential characteristics of downtown. The key to preserving the essential character downtown is a well designed mix use.

- 1) The Committee is encouraged to explore a service licensing fee structure so those license holders who generate the greatest expenditure of public funds should pay the greatest costs.
- 2) The Committee is encouraged to explore Chief Pristoop's suggestion of a downtown partnership where all businesses should contribute to a civic downtown fund.
- 3) Create an established graduated license fees structure for those package stores that sell beer/wine based on linear shelf space.
- 4) Restore the distinction between bars and restaurants.
- 5) Explore allowing bars/ to stay open after closing without the service of alcohol to serve coffee, foods and the use the facilities before patrons head home.
- 6) If the Committee determines that realignment of midnight and 2:00am license holders are necessary than it should consider carefully defining public interest and establishing criteria for granting 2:00am licenses.

Joe Budge, 9 Randall Street, will be discussing enforcement on the premises.

- 1) He endorsed the Committee recommendation that there be one or more full-time liquor inspectors whose work hours will vary to assist with enforcement. There needs to be some kind of action when the offense occurs.
- 2) The Liquor Board needs to have clear, published and fair procedures for accepting and responding to public complaints.
- 3) The Committee should consider adding temporary loss of the 2:00am license and triggering of an automatic renewal hearing if an establishment has two or more liquor violations to the already established list of penalties.

Amanda Hurt-Fegley, 238 Prince George Street, discussed how to control off premise patron behavior.

- 1) Parking guidelines can encourage visitors to have easy access to public parking options rather than parking in the downtown residential district by offering free parking in City garages after 9:00pm.
- 2) Make alternative transportation available through increased taxi cab availability.
- 3) Increase downtown Police presence with flexed reinforcement to address public overall awareness that leads to courteous behavior on the streets.
- 4) Awareness of expectations through public relations messages that encourage decent behavior to discourage blatant disregard for public and private property.
- 5) Suggest making public restrooms available through 2:00am.
- 6) Encourage early cleaning by 8:00am to improve the downtown landscape.
- 7) Recommend that the restaurants/bars contribute to public fund designated specifically for public clean up and damage repair. Perhaps a portion of a licensee fees for service could be designated toward public service announcements that encourage good behavior.

Michael Shultz, 120 Market Street, explained that the liquor laws directly affect the mix of business and a neighborhood. For this reason it is believed that the liquor laws should reviewed to way that looks for how it affects the neighborhoods and the City. He reiterated some of the previous suggestions and added the following:

- 1) A mandatory review of licenses after five years to ensure that the business is going in the right direction.
- 2) Developing new parking policies, increase taxi cab services/investigate taxi cab voucher programs.
- 3) Make a requirement that all commercial trash collections be completed by early morning.

Bryan Miller, 114 Market Street, wanted to dispel misconceptions that Ward One residents are combative explaining that the testimony tonight provided by these professional people show that there is a desire to work with the business community. Also, he would like to dispel the rumor that the Ward One residents are anti business stating that he is optimistic that Ward One can work with the Police, bar owners and the community to solve some of the problems. He is concerned with the issue of fairness of zoning.

Chair Chellis closed the public testimony portion of the meeting at 9:16pm.

V. CLOSING REMARKS BY THE COMMITTEE

Ms. Miller thanked the public for their comments because they will be very helpful to the Committee.

Mr. Levitt commented that the biggest problem is patrons being served too much alcohol not the number of licenses being issued. This is something that the Committee needs to address.

With there being no further business, the meeting was adjourned at 9:19pm.

Tami Hook, Recorder