

Minneapolis Charter Commission Minutes

June 4, 2014 - 4:00 p.m.

Room 317 City Hall, Minneapolis, Minnesota

Members Present: Commissioners Clegg (Chair), Cohen, Ferrara, Garcia, Heinle, Johnson, Kozak, Lickness, Metge, Peltola, Rice, Rubenstein, Sandberg, Schwarzkopf, Street

Also Present: Burt Osborne, Assistant City Attorney; Grant Wilson, Manager, Department of Licensing and Consumer Services; and Casey Joe Carl, City Clerk

1. Roll Call

Chair Clegg called the meeting to order at 4:02 p.m. Roll call was taken.

2. Adopt Agenda

On a motion by Schwarzkopf, seconded, the agenda was adopted.

Absent - Garcia, Rice.

3. Approve minutes of regular meeting of May 7, 2014

On a motion by Sandberg, seconded, the minutes of the meeting of May 7, 2014, were approved.

Absent - Garcia, Rice.

4. Introduction of New Charter Commissioner

Commissioner Aaron Street.

Commissioner Street was introduced and welcomed.

5. Chair's Report

None.

Discussion

6. Filing Fees for Municipal Office:

Update.

Casey Joe Carl, City Clerk, provided an update. A public hearing will be held in the Intergovernmental Relations Committee on June 5, and the City Council could act upon the proposal at their meeting on June 13.

7. Liquor Licensing Regulations:

Receive and file report.

Grant Wilson, Manager, Department of Licensing and Consumer Services, provided the report and answered questions. He supported the proposed amendment to the City Charter to remove the 70/30 requirement and remove the mandate that patrons order a meal prior to being served alcohol. Licensing staff has been meeting with policy makers, business owners, and residents for over a year to modernize liquor codes and statutes. The written staff report included proposed ordinance language that would add a definition of a restaurant and bar area. The provisions will prevent a restaurant from operating as a bar rather than a

restaurant. There is currently a public hearing requirement for applications for new or expanded 70/30 restaurants. There are provisions in place that allow the department to place conditions on licensees that violate regulations, and accumulated violations result in revocation. The proposed Charter change will have no effect on the sale of hard liquor; areas that have 70/30 licenses are not eligible for full on-sale liquor licenses. The change will not require businesses to apply for new licenses.

Clegg stated that Assistant Chief of Police Matt Clark was unable to be present but had authorized the following statement to be read: "The Minneapolis Police Department has a duty to quickly respond to problematic liquor establishments when public safety problems occur. We want to insure that we have every tool possible to protect the public. Considering the limitations of 60/40 and 70/30 and the Business Licensing Unit's commitment to holding owners accountable, we feel that removing this requirement would most likely not have a negative impact on public safety."

Public Hearing - Time Certain 4:30 p.m.

8. Proposal to amend Article IV, Subsections 4.1 (f)(2) and (3) of the Charter relating to the sale of wine and beer in certain establishments.

Clegg opened the public hearing.

- a) Molly Broder, 4841 Russell Avenue, owner, Broder's Pasta Bar, Terzo Vino Bar, and Broder's Cucina Italiana, spoke in support of the proposed amendment. The increased interest in craft beer and fine wine makes it difficult to maintain the 70/30 ratio. Not being able to serve a beverage to patrons while perusing the menu or while waiting for a table is inhospitable. She had collected thousands of signatures from registered voters in Minneapolis and the endorsement of 14 of the 26 neighborhoods. It is onerous for businesses to have to mount a campaign every time the Charter becomes outdated. No other restaurant group has that burden.
- b) Marlene Parks, 4808 Drew Avenue South, spoke in opposition to the proposed amendment. The numbers could be tweaked to get the monetary values within line, but the food requirement should remain or a point system could be used.
- c) Dan McElroy, Executive Vice President, Minnesota Restaurant Association, 305 Roselawn Avenue East, St. Paul, spoke in support of the proposed amendment. All members of the Restaurant Association are supportive of the amendment. Minneapolis is the only community he is aware of in the state that has such a charter requirement. Other communities regulate liquor using state law and local ordinances. The proposed ordinances would provide a logical definition of a restaurant and provide the city with tools necessary to enforce the law.
- d) Allison Sharkey, Associate Director, Lake Street Council, 919 East Lake Street, spoke in support of the proposed amendment. It is difficult to maintain the 70/30 ratio in this era of pricey beers. They also supported the more logical definition of restaurant in the proposed ordinance language.

- e) Samantha Loesch, 4101 Wentworth Avenue, co-owner, Kings Wine Bar, spoke in support of the proposed amendment. The proposal would allow her to run her business the way her customers want to use it.
- f) Molly Duffin, 4002 Blaisdell Avenue, co-owner, Kings Wine Bar, spoke in support of the proposed amendment. Customers do not understand why they have to order a meal before they can have a glass of wine or why they can't order a beer while they wait for their party to arrive. It is confusing to customers because they can go up the street to another restaurant that doesn't have these restrictions.
- g) Matt Perry, 4205 Colfax Avenue South, Volunteer President, Nicollet East Harriet Business Association (NEHBA), spoke in support of the proposed amendment. NEHBA adopted a motion supporting the amendment. NEHBA believes that the regulation of businesses serving alcohol is necessary but should be done through city ordinance and not the City Charter.
- h) Mary Kole, 5935 Girard Avenue South, Lincoln Food & Drink, spoke in support of the proposed amendment. She and her husband have expanded their search for restaurant locations to surrounding towns solely because they are seeking a liquor license without a mandatory food-to-beverage sales ratio.
- i) Bob Macdonald, 4738 West Lake Harriet Parkway, spoke in support of the proposed amendment. Wine and craft beers are escalating in price and it is becoming difficult for businesses to meet the 70/30 requirement.
- j) Gail Moliner, owner, Blackbird Cafe, 3800 Nicollet Avenue, spoke in support of the proposed amendment. It's an issue of fairness. Her customers can go two or three blocks in either direction and be treated very differently.
- k) Katie Doty, 4246 Abbott Avenue South, spoke in support of the proposed amendment. As a frequent patron of restaurants in southwest Minneapolis, she supported this common sense change.
- l) Steve Young, 3844 York Avenue South, spoke in support of the proposed amendment. As a homeowner and commercial property owner in Minneapolis he supported the change.
- m) Vincent Francoual, owner, Vincent A Restaurant, 1100 Nicollet Mall, spoke in support of the proposed amendment. His restaurant in downtown Minneapolis does not have these restrictions. This is about fairness and these establishments should be treated fairly. Customers do not always want to order food with a beer. With the increase in the minimum wage, businesses will be getting hit even harder.
- n) Thomas Boemer, chef and owner, Corner Table, 4537 Nicollet Avenue, spoke in support of the proposed amendment. His business goal is to invest in the community at every level and he needed to be able to do so on a fair playing field.
- o) Jenny Crouser, co-owner, Anchor Fish n Chips, Northeast Minneapolis, spoke in support of the proposed amendment. Her restaurant is close to not being compliant with the 70/30 ratio. It is not that people are drinking more, it is that her restaurant is keeping food prices low.

- p) Matt Mohning, member, Linden Hills Neighborhood Council, spoke in support of the proposed amendment. The Linden Hills Neighborhood Council unanimously adopted a resolution supporting moving the 70/30 regulations out of the Charter and into ordinance.
- q) John Austin, resident, Linden Hills Neighborhood, spoke in support of the proposed amendment. Promoting local restaurants keeps the community strong and vibrant.

There being no one else present wishing to speak, the public hearing was closed.

Motion was made by Ferrara, seconded, to approve the proposed amendment for transmittal to the City Council to be submitted to the voters of the City of Minneapolis.

Clegg noted that the Plain Language Charter Revision will become effective January 1, 2015. The proposed amendment, if passed, will amend the Plain Language Charter Revision and become effective January 16, 2015. The threshold to pass is 55% because the amendment relates to alcohol. Former City Attorney Mike Norton assisted the proposers in drafting the proposed amendment language and consulted with Deputy City Attorney Peter Ginder.

Commissioners spoke in support of the proposal:

- The proposed amendment should be placed on the ballot to let the voters decide.
- The Commission appreciated the Police Department weighing in on the subject.
- Issues related to neighborhood restaurants are more directly and effectively addressed by removing the regulations from the charter and placing them in ordinance and by having standards that address issues.

Cohen suggested that the City Council consider some kind of balance, perhaps a 50/50 requirement, to reflect the concerns expressed.

Peltola requested in the future that it be clearly stated on the agenda when the Commission intends to act on an item.

Ferrara's motion was adopted upon a roll call vote, as follows:

Ayes: Cohen, Ferrara, Garcia, Heinle, Johnson, Kozak, Lickness, Metge, Peltola, Rice, Rubenstein, Sandberg, Schwarzkopf, Street, Chair Clegg (15)

Noes: (0)

Absent: (0)

Public Commentary

There was no one present wishing to address the Charter Commission.

On a motion by Ferrara, seconded, the meeting was adjourned at 5:16 p.m.

Submitted by: Peggy Menshek, Charter Commission Coordinator