



CITY of NOVI CITY COUNCIL

**Agenda Item J
December 17, 2012**

SUBJECT: Denial of request from El Mariachi Mexican Restaurant for a new Class C quota license, for the location at 31150 Novi Road, Novi, MI 48377, as there are no available quota licenses, and in consideration of the existing opportunity for the applicant to submit an application for the transfer of a license at a reduced application fee.

SUBMITTING DEPARTMENT: City Clerk

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

Representatives from El Mariachi Restaurant submitted a request for consideration of one of the City's quota licenses. The request appeared on the November 26, 2012, City Council agenda as Item No. 4 on the agenda. However, Item No. 3 was the similar request for consideration of a Class C liquor license application by Secure Development Properties Management, L.L.C. (d/b/a Paradise Park). Approval of Item No. 3 granted the City's last remaining Class C quota license.

Council discussed the concept of denial of El Mariachi's application on the basis that the license requested did not exist. The concern was not whether the license could be issued, but whether the applicant would be required to pay another full application fee. To receive additional information, the matter was postponed, with the idea that the applicant would request approval of a transfer license at a later date.

El Mariachi has yet to submit an application for a transfer license (and is apparently still looking into a purchase). There is no date at this point on when an application is expected. In order to provide a clarity the resolution was adopted by Council on July 2, 2012 is attached.

The resolution specifically provides that, when a quota liquor license is denied, an applicant may submit a transfer request, within 3 months at a substantially reduced fee of \$250. Furthermore, the resolution states "sufficient to offset the City's costs of such a reapplication." The motion suggested is therefore to formally deny the application for a quota license, which acknowledges the applicant's existing ability at a later date, to submit an application for a license transfer. The re-application opportunity provides for a substantially reduced application fee, in accordance with the Council resolution. Denial here would simply close the quota application.

RECOMMENDED ACTION: Denial of the request from El Mariachi Mexican Restaurant for a new Class C quota license to be located at 31150 Novi Road, Novi, MI 48377, as there are no available quota licenses, and in consideration of the existing opportunity for the applicant to submit an application for the transfer of a license at a reduced application fee.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Wrobel				