



Takoma Park City Council Meeting – January 10, 2018 Agenda Item 7

Work Session

Request of TJ Beer, Wine and Liquor for Sunday Sales (Board of License Commissioners Resolution 97-53)

Recommended Council Action

Hear background on request of TJ Beer, Wine and Liquor to have sales on Sundays.

Context with Key Issues

In 1995, a binding referendum took place which moved the Montgomery/Prince George's county line, placing all of Takoma Park within Montgomery County, effective July 1, 1997. During the time between the vote and the effective date, much work was done in taking actions needed to make the change a smooth one and to ensure that residents and businesses were not harmed as a result of the county change. For businesses, the overall goal was to ensure that they had the same rights in Montgomery County as in Prince George's County and that over time, as changes occurred, that the businesses would then follow Montgomery County provisions. A lot of work was done concerning the four businesses that had alcoholic beverage licenses in the area that had been in Prince George's County as there are significant differences between how the two counties handle alcoholic beverage licenses.

When "Unification" occurred, TJ Beer, Wine and Liquor became the only liquor store in Montgomery County that operated independently of the County government. A separate classification was created for it. Because Prince George's County liquor stores did not operate on Sundays at the time, the resolution passed by Council simply identified the operating provisions that the store had under Prince George's County law and asked that they be continued under Montgomery County law. Staff does not recall any discussion about the merits of prohibiting sales on Sundays for this business at the time.

Recently, the owners of the liquor store petitioned the Montgomery County Board of License Commissioners to allow them to sell alcoholic beverages on Sundays. The City of Takoma Park was contacted just before the City Council's last meeting in December to see if we would support such a request. After conferring with Councilmembers, it did not seem like that there was time to take the matter up. The Board of License Commissioners is scheduled to consider the request at its meeting of January 18.

In checking with the Takoma Park Police Department, there are no concerns about the store selling on Sundays and there is not a history of problems with this business. Competitors to this business in the area (not in Takoma Park) do have Sunday sales.

Council Priority

Fiscally Sustainable Government

Environmental Impact of Action

There may be a small negative environmental impact from increased business in the shopping center on Sundays if Sunday sales are allowed; although patrons of other stores would be able to shop at the liquor store without driving to another location to do so.

Fiscal Impact of Action

There should be a small positive economic impact to the City from allowing increased sales at this business.

Racial Equity Impact

The racial equity impact of this action is unknown.

Attachments and Links

- Request from TJ Beer, Wine and Liquor
- Board of License Commissioners Resolution 97-53 (dated June 5, 1997)

Dear Board of License Commissioners,

I write this to inquire about a situation regarding the sale of alcohol on Sunday for my store. We own TJ Beer, Wine & Liquor on 7669 New Hampshire Ave, Takoma Park. Our license is a Class A-TP Beer, Wine and Liquor which prohibits the sell of alcohol on Sundays. From my understanding the Class A-TP license is regarding Beer, Wine, and Liquor for off sale items only in Takoma Park. It's common knowledge that no privately owned store in Montgomery County sells all these due to the county's use of the DLC and it's branch stores.

From my understanding this "grandfather" situation occurred because county lines were redrawn July 1st, 1997 to include the whole area of Takoma Park into Montgomery County. Our store literally lies on the Takoma Park border to Hyattsville. Takoma Park being Montgomery County and Hyattsville being part of Prince George. I was told before this border redraw that our store was part of Prince George and only became grandfathered in because of the change. This is all background information that I feel is relevant to the discussion I want to take place.

Since the start of my time as the owner of the store in September 2013, I was ok with the no sale on Sunday because honestly business was good. I wish that was the case today and I didn't have to try make a case to hopefully open my store on Sunday for expanded sale. I wish I could continue to relish Sundays with my whole family but because of hard economic times country wide and also personally I've come to the conclusion that this is needed for me to continue this business. From my understanding when Resolution 97-53 was passed, all Montgomery County DLC stores were closed on Sundays. I know that now this isn't this case and that DLC stores are open between 12-6 on Sundays. If this resolution from 20 years ago that reflected the economy of time could be reconsidered, that would be greatly appreciated.

Another thing is that another liquor store has opened right across the street in Prince George County and that has effect a bit of my business but also the general hard economic climate that we all are burdened with has been another issue. This is something I don't believe I am qualified to elaborate on the nature of but all in all our sales have been drastically decrease by almost 40% some weeks compared to years before. I've come to the conclusion that opening on Sunday will be needed for us to remain competitive to surrounding businesses that are mostly all private PG County stores.

My hope is for a resolution to be reconsidered or updated so that it allows my store to open for business on Sundays during 12pm to 6pm. Personally of course I believe this is a needed action for this store but also I think this would allow neighboring community in Takoma Park to stay in Montgomery County to make their purchases benefitting the county economy. Most our customers live and work in surrounding areas and either walk or use public transportation to get around. Often I've been asked to open on Sundays but it has never really come into real consideration until now.

Another aspect that I hope to accomplish is to either expedite this process of opening on Sunday or get at least temporary license to open on Sundays before the end of the year. Christmas Eve and New Years Eve are both the busiest time of the year for us and unfortunately they both fall on Sundays this year. I was hoping that this holiday season we could recoup some of the losses but when this situation dawned on me, I realized I have to try to take some action quickly. We've always been open on holidays for full hours to provide customers with last minute celebration beverages and I don't want this year to be an exception. If the board is unable to quickly come to a conclusion regarding the overall sale of the alcohol for our store, I was wondering if at the very least they will allow the sale of alcohol during these two Sundays.

I hope you have a wonderful Holiday season and New Year,
Young & Byung Kim at TJ Beer, Wine & Liquor

DECISION BY THE BOARD OF LICENSE COMMISSIONERS
FOR MONTGOMERY COUNTY

BEER, WINE & LIQUOR LICENSE,
CLASS A - TP (TAKOMA PARK)
OFF SALE ONLY

RESOLUTION 97-53

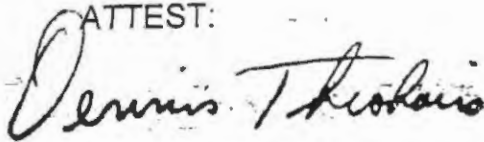
At the June 5, 1997 hearing, the Board of License Commissioners for Montgomery County, Maryland voted and adopted the hours of operation for the Class A-TP, Beer, Wine & Liquor License, Off Sale Only. The proposed hours of operation will be 6:00 a.m. to 1:00 a.m. Monday through Saturday, and closed on Sunday.

THEREFORE, upon a motion by Ms. Boland, seconded by Mr. Naylor, and unanimously carried by Mr. Kligman and Mr. Mok,

RESOLVED that the Class A-TP, Beer, Wine & Liquor License, Off Sale Only, hours of operation of 6:00 a.m. to 1:00 a.m. Monday through Saturday, and closed on Sunday are hereby APPROVED and ADOPTED.

Rockville, Maryland
June 5, 1997

ATTEST:



Dennis Theoharis
Executive Director
Office of the Board of License Commissioners
for Montgomery County, Maryland