City of Troy

CITY COUNCIL AGENDA ITEM

Date: June 15, 2011

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police
Captain Gerard Scherlinck
Lieutenant Robert Redmond

Subject: Application regarding Liquor License Transfer of Ownership for Hollywood Super Market, LLC, pending final inspections

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Background

Hollywood Super Market No. 3, LLC (Hollywood Holding Company, LLC), requests to Transfer Ownership of 2010 SDD & SDM Licensed Business located at 2670 West Maple, Troy, MI 48084, Oakland County, from Hollywood Super Market, Inc. {MLCC Req. #578974}.

On June 13, attorney John Carlin was present to answer questions from the Liquor Advisory Committee. Mr. Carlin explained to the Committee that this transfer is merely an estate and succession planning effort made by his client to divide the business into various entities throughout the family. There is no actual change in ownership or daily operations.

The Police Department did not find any disqualifying factors for this request. In addition, the Liquor Advisory Committee unanimously approved their request.

The request complies with all applicable Troy City Ordinances and Michigan Liquor Control Commission Rules.

Recommendation

Recommend approval of the request from Hollywood Super Market No. 3, LLC to Transfer Ownership from Hollywood Super Market, Inc., pending final inspections

Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, June 13, 2011 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Committee member Patrick C. Hall called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: W. Stan Godlewski
Patrick C. Hall
Andrew Kaltsounis
David S. Ogg
Timothy P. Payne
Bohdan L. Ukrainec

ABSENT: Max K. Ehlert

ALSO PRESENT: Officer James Feld
Susan Lancaster, Assistant City Attorney
Pat Gladysz

Resolution to Excuse Committee Member Ehlert

Resolution #LC2011-06-016
Moved by Kaltsounis
Seconded by Godlewski

RESOLVED, That the absence of Committee member Ehlert at the Liquor Advisory Committee meeting of June 13, 2011 be **EXCUSED**.

Yes: 6
No: 0
Absent: Ehlert

Resolution to Approve Minutes of May 9, 2011 Meeting

Resolution #LC2011-06-017
Moved by Ukrainec
Seconded by Kaltsounis

RESOLVED, That the Minutes of the May 9, 2011 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 6
No: 0
Absent: Ehlert

Agenda Items

1. **Flats Distributing, LLC** requests a new Outstate Seller of Beer License, Outstate Seller of Mixed Spirit Drinks License, and Outstate Seller of Wine License to be located at 201 W. Big Beaver Rd., Suite 500, Troy, MI 48084, Oakland County {MLCC Req. #611857}. *This is in the Columbia Center building.*

Present to answer questions from the Committee was attorney John Carlin.

Mr. Carlin explained to the Committee that this item is brought before the Committee to satisfy an administrative issue with the MLCC. The storage of beer, spirits, and wine will be at a warehouse in Highland Park with no storage at the Troy address. The Troy office is merely the importer/wholesaler's business address.

Resolution #LC2011-06-018
Moved by Ukrainec
Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Flats Distributing, LLC for a new Outstate Seller of Beer License, Outstate Seller of Mixed Spirit Drinks License, and Outstate Seller of Wine License to be located at 201 W. Big Beaver Rd., Suite 500, Troy, MI 48084, Oakland County be **APPROVED**.

Yes: 6
No: 0
Absent: Ehlert

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2. **Hollywood Super Market No. 3, LLC** (Hollywood Holding Company, LLC), requests to Transfer Ownership of 2010 SDD & SDM Licensed Business located at 2670 West Maple, Troy, MI 48084, Oakland County, from Hollywood Super Market, Inc. {MLCC Req. #578974}

Present to answer questions from the Committee was attorney John Carlin.

Mr. Carlin explained to the Committee that this transfer is merely an estate and succession planning effort made by his client to divide the business into various entities throughout the family. There is no actual change in ownership or daily operations.

Resolution #LC2011-06-019
Moved by Godlewski
Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Hollywood Super Market No. 3, LLC (Hollywood Holding Company, LLC), to Transfer Ownership of 2010 SDD & SDM Licensed Business located at 2670 West Maple, Troy, MI 48084, Oakland County, from Hollywood Super Market, Inc. be **APPROVED**.

Yes: 6
No: 0
Absent: Ehlert

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3. **Clawson-Troy Elks Lodge, No. 2169** requests to Transfer Location of escrowed 2011 Club Licensed Business with Dance Permit and Official Permit (Bowling) from 1451 E. Big Beaver, Troy, MI 48083, Oakland County to 2549 Elliott, Troy, MI 48083, Oakland County {MLCC Req. #611134}.

Present to answer questions from the Committee were Jerry McCorkle and Dennis Iskin.

Mr. McCorkle informed the Committee that 2-1/2 years ago, the building at 1451 East Big Beaver was sold and the liquor license was placed in escrow. They recently learned that they must apply to transfer the license to 2549 Elliott. This is an 8,900 square foot light industrial building that is currently being renovated. There will be no bowling at the new location.

Resolution #LC2011-06-019
Moved by Ukrainec
Seconded by Godlewski

RESOLVED, That the Liquor Advisory Committee recommends that the request of Clawson-Troy Elks Lodge, No. 2169 to Transfer Location of escrowed 2011 Club Licensed Business with Dance Permit from 1451 E. Big Beaver, Troy, MI 48083, Oakland County to 2549 Elliott, Troy, MI 48083, Oakland County be **APPROVED**, with the condition that the bowling permit be removed.

Yes: 6
No: 0
Absent: Ehlert

Officer Feld advised the Committee on the following:

Gaucho II, LLC
This is a Brazilian steakhouse restaurant planned for the former Designer Show Warehouse located on Rochester Road.

Hot Rock Pizza, LLC
This is a Class C license that may be changed to a tavern license.

Kamel Management, Inc.
The Maple Market has closed and the former owner had placed the license in escrow. This is the new owner.

Hotel Management Advisors-Troy LLC
This is a transfer of ownership of the MET Hotel. There is a delay in the paperwork.

A & S Babi, Inc.
This is a transfer of ownership of John's Party Store.

Smoker's Outlet
After being denied by City Council, the applicant appealed to the MLCC and they were successful.

The meeting adjourned at 7:45 p.m.

Patrick C. Hall, Committee Member

Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

Re:	Applicant:	Hollywood Super Market No. 3, LLC	Date:	April, 2011
	Address:	2670 W. Maple	Type of License/s:	SDM & SDD
	City/State/Zip:	Troy, MI 48084	MLCC Request ID:	578973

This Agreement, made by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan 48084, hereinafter known as THE CITY, and the Applicant as indicated above, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the requested Liquor License to be located as indicated above in Troy, Michigan.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
   (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68, Chapter No. 98 and Chapter 101, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
   (b) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
   (c) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon a violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

LICENSEE AUTHORIZED REPRESENTATIVE

Witnesses: _____ Charlene Copeland

_____

By: _____ WILLIAM D WELCH PRESIDENT

Subscribed and sworn to before me this 20 day of May, 2011
Notary Public, Oakland County, MI
Acting in the County of Oakland
My commission expires: 11/5/11

_____ Scott Bowers

CITY OF TROY

Witnesses: _____

_____

By: _____
Louise Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

Subscribed and sworn to before me this _____ day of _____, 20____
Notary Public, _____ County, MI
Acting in the County of Oakland
My commission expires: _____

Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 578974

Business ID # 225488

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC.

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

HOLLYWOOD SUPER MARKET NO. 3, LLC REQUESTS TRANSFER OWNERSHIP 2010 SDD & SDM LICENSED BUSINESS LOCATED AT 2670 W MAPLE, TROY, MI 48084, OAKLAND COUNTY, FROM HOLLYWOOD SUPER MARKET, INC

Section 1. APPLICANT INFORMATION

APPLICANT #1: HOLLYWOOD HOLDING COMPANY, LLC 2670 W MAPLE RD, TROY, MI 48084 B: 248-643-6770	APPLICANT #2:
DATE FINGERPRINTED**: NO FINGERPRINTS NEEDED	DATE FINGERPRINTED**:
DATE OF BIRTH: Is the applicant a U.S. Citizen: ☐ Yes ☐ No* *Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No* *Does the applicant have a Visa? Enter status:	DATE OF BIRTH: Is the applicant a U.S. Citizen: ☐ Yes ☐ No* *Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No* *Does the applicant have a Visa? Enter status:

Attach the fingerprint card and $30.00 for each card and mail to the Michigan Liquor Control Commission

ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)	**ARREST RECORD: ☐ Felony ☐ Misdemeanor** Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?
☐ No ☐ Yes, complete LC-1636

Are motor vehicle fuel pumps at or directly adjacent to the establishment? ☐ No ☐ Yes, explain relationship:

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☐ Yes ☐ No **If No**, indicate which state and local ordinances the location does not meet: ☐ Building ☐ Plumbing ☐ Zoning ☐ Fire ☐ Sanitation ☐ Health

Section 4. RECOMMENDATION

1. Is this applicant qualified to conduct this business if licensed? ☐ Yes ☐ No*
2. Should the MLCC grant this request? ☐ Yes ☐ No*

*If **any** of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.

3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances? ☐ Yes ☐ No
4. Is this recommendation subject to any other conditions? ☐ Yes ☐ No

If Yes, list the conditions below or on an attached signed and dated sheet if more space is needed

Signature (Sheriff or Chief of Police) Date

TROY POLICE DEPARTMENT

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

Michigan Department of Energy. Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

March 8, 2011

TROY POLICE DEPARTMENT
CHIEF OF POLICE
500 W BIG BEAVER ROAD
TROY, MI 48084-5285

Request ID #: 578974

Applicant: HOLLYWOOD SUPER MARKET NO. 3, LLC REQUESTS TRANSFER OWNERSHIP 2010 SDD & SDM LICENSED BUSINESS LOCATED AT 2670 W MAPLE, TROY, MI 48084, OAKLAND COUNTY, FROM HOLLYWOOD SUPER MARKET, INC.

CONTACT:
SCOTT EDWARDS 2855 COOLIDGE HIGHWAY, SUITE 203, TROY, MI 48084 B:248-816-3205

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report, along with fingerprint cards (if requested) and $30.00 for each card to the Michigan Liquor Control Commission. ****Please ensure that section D of the card has been completed prior to submission. ****

If you have any questions, contact Unit #3 of the Licensing Division at (517)636-0204.

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