



CITY COUNCIL AGENDA ITEM

Date: June 15, 2011

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police *YM*
 Captain Gerard Scherlinck *SS 1/20/11*
 Lieutenant Robert Redmond *M*

Subject: Application regarding New Wholesale Liquor Licenses for Flats Distributing, LLC

Background

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}.

The licenses that are requested for Flats Distributing are wholesaler licenses and do not require any premises set aside for this specific use. The Troy location is actually the office suite of the applicant, David C. Stone, in the law offices of the Bodman law firm in Troy (of which Mr. Stone is a partner). The actual alcoholic beverages will be located at the Great Lakes Wine & Spirits warehouse in Highland Park or elsewhere and there will really be no "work" at this Troy office, or anywhere else in Troy, other than communications to and from Mr. Stone.

On June 13, attorney John B. Carlin was present to answer questions from the Liquor Advisory Committee. Mr. Carlin explained to the Committee the licenses requested for Flats Distributing are 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.

The Police Department conducted an investigation into this application. The investigation did not reveal any issues that would cause us to recommend against this request based upon the guidelines outlined by the MLCC and the Troy City Ordinance Chapter 101. In addition, the Liquor Advisory Committee unanimously approved the request.

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

Recommendation

Recommend approval of the request from Flats Distributing, LLC for New Wholesale Liquor Licenses.

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. Ukraineec

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 Ukraineec
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

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

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:

Gaucha 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: DAVID C. STONE
Address: 201 W. BIG BEAVER, STE 500
City/State/Zip: Troy, MI 48084

Date: 5.2.11
Type of License/s: OUTSTATE SELLER BEER WINE MIXED SPIRIT
MLCC Request ID: #611857 TRIMMS

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 No. 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 such 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: _____ By: David C. Stone

Subscribed and sworn to before me this _____ day of _____ 200 ____
Notary Public, _____ County, MI
Acting in the County of _____
My commission expires: _____

CITY OF TROY

Witnesses: _____ By: _____
Louise Schilling, Mayor
By: _____
Tonni Bartholomew, City Clerk

Subscribed and sworn to before me this _____ day of _____ 200 ____
Notary Public, _____ County, MI
Acting in the County of Oakland
My commission expires: _____



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

FOR MLCC USE ONLY	
Request ID #	611857
Business ID #	226094

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

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:

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.

Section 1. APPLICANT INFORMATION

APPLICANT #1: David C Stone 20 Newberry Place, Grosse Pointe Farms, MI 48231 (313) 882-8085 (home) or (248) 743-6000 (work)	APPLICANT #2:
DATE FINGERPRINTED**: <u>NO FINGERPRINTS REQUIRED</u>	DATE FINGERPRINTED**:
DATE OF BIRTH: October 24, 1947 Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have a Visa? Enter status:	DATE OF BIRTH: Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> 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: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)	ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> 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



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)]

April 19, 2011

To: Troy Police Department
500 W Big Beaver Rd
Troy, MI 48084-5285

Request ID #:611857

Applicant: Flats Distributing, LLC

Contact: Rick Perkins
(517) 321-4642 or rperkins@cebhlaw.com

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.

*****NO FINGERPRINTS REQUIRED WITH THIS REQUEST*****

If you have any questions, contact the Manufacturers & Wholesalers at (517) 322-1415 or (517) 322-1416.

LC-1972(Rev. 09/05)
Authority: MCL 436.1201(4)
Completion: Mandatory
Penalty: No License

The Department of Energy, 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.