



CITY COUNCIL AGENDA ITEM

Date: July 22, 2011

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police *GM*
 Captain Gerard Scherlinck *GS*
 Lieutenant Robert Redmond *RM*

Subject: Application for Transfer of Resort Class C License to Hot Rock Pizza

Background

Hot Rock Pizza LLC, requests to Transfer Ownership of Escrowed 2011 Resort Class C License, issued under MCL 436.1531(2), (original 550 Resort at its' original location, no seating or food requirements) & SDM Licensed Business with Dance Permit, located at 35100 Twenty Three Mile, New Baltimore, Michigan, 48047, Macomb County from J.V., Inc.; transfer location & governmental unit to 1893 E. Big Beaver, Troy, MI 48083, Oakland County. {MLCC Req. #607312}.

Attorney Frank Palazzola and business partners Michele Aluia and Vincenzo Militello were present to answer questions from the Liquor Advisory Committee on July 11, 2011. Mr. Palazzola explained to the Committee that this new restaurant is requesting this transfer to serve beer and wine to their customers. The applicants also intend to serve spirits to their customers on occasion when they hold a special event/banquet at their restaurant. TIPS/TAMS training will be immediately offered to all employees. The dance permit on the license will be relinquished, as requested by the applicant.

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, under the condition that the dance permit be removed from the license. The applicant requested that the dance permit be removed from the license.

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

Recommendation

Recommend approval of the request for Transfer of Resort Class C License to Hot Rock Pizza, under the condition that the dance permit be removed from the license.

Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, July 11, 2011 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Patrick C. Hall
Andrew Kaltsounis
David S. Ogg
Timothy P. Payne
Bohdan L. Ukraineec

ABSENT: W. Stan Godlewski

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

Resolution to Excuse Committee Member Godlewski

Resolution #LC2011-07-20
Moved by Hall
Seconded by Kaltsounis

RESOLVED, That the absence of Committee member Godlewski at the Liquor Advisory Committee meeting of July 11, 2011 be **EXCUSED**.

Yes: 6
No: 0
Absent: Godlewski

Resolution to Approve Minutes of June 13, 2011 Meeting

Resolution #LC2011-07-21
Moved by Hall
Seconded by Payne

RESOLVED, That the Minutes of the June 13, 2011 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 6
No: 0
Absent: Godlewski

Agenda Items

1. **A & S Babi, Inc.** requests to Transfer All Stock Interest in 2010 SDD and SDM licensed corporation located at 4009 Livernois, Troy, MI 48098, Oakland County, wherein existing stockholder, Adel H. Babi transfers 1,000 shares of stock to new stockholder, Sana Thomas Babi {MLCC Req. #607015}. *This is John’s Party Store on Livernois, just north of Wattles.*

Present to answer questions from the Committee were Adel Babi and Trevor Babi.

Mr. Adel Babi explained to the Committee that he is retiring from the business and wants to transfer shares to his wife, Sana Babi. His son, Trevor Babi, stated that he is active in the business. Day-to-day business operations will not change.

Resolution #LC2011-07-22

Moved by Hall

Seconded by Kaltsounis

RESOLVED, That the Liquor Advisory Committee recommends that the request of A & S Babi, Inc. to Transfer All Stock Interest in 2010 SDD and SDM licensed corporation located at 4009 Livernois, Troy, MI 48098, Oakland County, wherein existing stockholder, Adel H. Babi transfers 1,000 shares of stock to new stockholder, Sana Thomas Babi be **APPROVED**.

Yes: 6
No: 0
Absent: Godlewski

2. **Hot Rock Pizza, LLC** requests to Transfer Ownership of escrowed 2011 Resort Class C License, issued under MCL 436.1531(2), (original 550 Resort at its original location, no seating or food requirements) & SDM licensed business with Dance Permit, located at 35100 Twenty Three Mile, New Baltimore, MI 48047, Macomb County from J.V., Inc.,; transfer location & governmental unit to 1893 E. Big Beaver, Troy, MI 48083, Oakland County {MLCC Req. #607312}.

Present to answer questions from the Committee were attorney Frank Palazzola and business partners Michele Aluia and Vincenzo Militello.

Mr. Palazzola explained to the Committee that this new restaurant is requesting this transfer to serve beer and wine to their customers. Alcohol will be offered only at special events. TIPS/TAMS training will be immediately offered to all employees. The dance permit on the license will be relinquished.

Resolution #LC2011-07-23

Moved by Ukrainec

Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Hot Rock Pizza, LLC to Transfer Ownership of escrowed 2011 Resort Class C License, issued under MCL 436.1531(2), (original 550 Resort at its original location, no seating or food requirements) & SDM licensed business with Dance Permit, located at 35100 Twenty Three Mile, New Baltimore, MI 48047, Macomb County from J.V., Inc.,; transfer location & governmental unit to 1893 E. Big Beaver, Troy, MI 48083, Oakland County be **APPROVED** under the condition that the dance permit be removed from the license.

Yes: 6
No: 0
Absent: Godlewski

Officer Feld advised the Committee on the following:

Gaucha II, LLC

This is a Brazilian steakhouse restaurant planned for the former Designer Shoe Warehouse located on Rochester Road. Uncertain if this item will be ready for an August meeting.

Kamel Management, Inc.

The Maple Market has closed and the former owner had placed the license in escrow. This is the new owner. Uncertain if this item will be ready for an August meeting.

Clawson-Troy Elks Lodge, No. 2169

This request was heard and approved by City Council. The Elks Lodge was very appreciative that we resolved this issue so quickly.

Assistant City Attorney Lancaster advised the Committee on the following:

Sanctuary Lakes Golf Course - Catering Vendor

There is a delay at the State level in transferring the liquor license from Kosch Catering to Sanctuary Lake Golf Management, LLC.

Troy Community Center - Catering Vendor

Alpha-Doni, Inc. d/b/a Encore Catering was approved as the new caterer by City Council. They will be applying for a Class C quota license which will remain with the City at termination of the agreement.

Camp Ticonderoga

A new lease was signed. Renovations will be made by the owners of Camp Ticonderoga under the new agreement.

The meeting adjourned at 7:28 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

Re: Applicant: Hot Rock Pizza, LLC
Address: 1893 E. Big Beaver Road
City/State/Zip: Troy, MI 480

Date: June 16, 2011
Type of License/s: Class C and SDM
MLCC Request ID: 607312

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:

Frank J. Palazzolo

Kristy M. Schulwitz

By:

Mike Aluia

Subscribed and sworn to before me this 16th day of June 20011

Notary Public, Macomb County, MI

Acting in the County of Macomb

My commission expires: January 15, 2017

Kristy M. Schulwitz
KRISTY M. SCHULWITZ

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 Licensing and Regulatory Affairs
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive, P.O. Box 30005
 Lansing, Michigan 48909-7505

FOR MLCC USE ONLY

Request ID # 607312

Business ID # 225770

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:

HOT ROCK PIZZA, LLC, REQUESTS TO TRANSFER OWNERSHIP OF ESCROWED 2011 RESORT CLASS C LICENSE, ISSUED UNDER MCL 436.1531(2), (ORIGINAL 550 RESORT AT ITS' ORIGINAL LOCATION, NO SEATING OR FOOD REQUIREMENTS) & SDM LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 35100 TWENTY THREE MILE, NEW BALTIMORE, MI 48047, MACOMB COUNTY FROM J.V., INC.; TRANSFER LOCATION & GOVERNMENTAL UNIT TO 1893 E. BIG BEAVER, TROY, MI 48083, OAKLAND COUNTY.

Section 1. APPLICANT INFORMATION

APPLICANT #1: MICHELE ALUIA - MEMBER 5889 JACKELYN WASHINGTON, MI 48094 H (586) 677-3597 / B (248) 250-9434	APPLICANT #2: VINCENZO MILITELLO - MEMBER 53568 CHERRYWOOD SHELBY TWP., MI 48315 H (586) 786-6448 / B (248) 250-9434
--	---

DATE FINGERPRINTED:	DATE FINGERPRINTED:
----------------------------	----------------------------

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:	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 Licensing and Regulatory Affairs
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive, P.O. Box 30005
 Lansing, Michigan 48909-7505

FOR MLCC USE ONLY	
Request ID #	<u>607312</u>
Business ID #	<u>22770</u>

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

MAY 20, 2011

TO:

Re:

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your recommendation to the offices of the MLCC at the above address. Questions about this request should be directed to Unit 3 of the Retail Licensing Division at (517) 636-0204.

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:
 Weekdays _____ A.M. to _____ A.M. _____
 Sundays _____ A.M. to _____ P.M.

Recommended Recommended, subject to final inspection Not Recommended

NOTE: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:
 Weekdays _____ A.M. to _____ A.M. _____
 Sundays _____ A.M. to _____ P.M.

Recommended Recommended, subject to final inspection Not Recommended

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:
 Weekdays _____ A.M. to _____ A.M. _____
 Sundays _____ A.M. to _____ P.M.

Recommended Recommended, subject to final inspection Not Recommended

DANCE PERMIT

Recommended Recommended, subject to final inspection Not Recommended

*applicant
 withdrew
 request for
 Dance Permit*

Law Enforcement Recommendation (cont'd)

Page 2

MAY 20, 2011

<input type="checkbox"/> ENTERTAINMENT PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> TOPLESS ACTIVITY PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> OUTDOOR SERVICE <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> PARTICIPATION PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> ADDITIONAL BAR <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> OTHER <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended

Signed:

Signature and Title

Print Name and Title

TROY POLICE DEPARTMENT

Date: _____

rlb