



CITY COUNCIL AGENDA ITEM

Date: August 22, 2011

To: John Szerlag, City Manager

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

Subject: Application regarding New Dance Permit for The St. Andrews Society of Detroit

Background

The St. Andrews Society of Detroit requests a New Dance Permit to be held in conjunction with 2010 Club Licensed Business, located at 2360 Rochester Court, Troy, MI 48084, Oakland County. {MLCC Req. #607210}.

On August 8, Mr. R. Ian Hunter, chairman of the Board of Trustees, was present to answer questions from the Liquor Advisory Committee.

Mr. Hunter explained to the Committee that The St. Andrews Society is a non-profit, benevolent organization. They are requesting a dance permit in order to accommodate weddings and other parties. The building renovations are nearly complete.

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 The St. Andrews Society of Detroit for New Dance Permit.

Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, August 8, 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 6:57 p.m.

ROLL CALL:

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

ALSO PRESENT: Officer James Feld
Lori Grigg Bluhm, City Attorney
Pat Gladysz

Resolution to Approve Minutes of July 11, 2011 Meeting

Resolution #LC2011-08-24
Moved by Hall
Seconded by Ukrainec

RESOLVED, That the Minutes of the July 11, 2011 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 7
No: 0
Absent: 0

Agenda Items

1. **The St. Andrews Society of Detroit** requests a New Dance Permit to be held in conjunction with 2010 Club Licensed Business, located at 2360 Rochester Road, Troy, MI 48084, Oakland County. {MLCC Req. #607210}. *This is the location of the former Mountain Jack's Restaurant.*

Present to answer questions from the Committee was R. Ian Hunter, chairman of the Board of Trustees.

Mr. Hunter explained to the Committee that The St. Andrews Society is a non-profit, benevolent organization. They are requesting a dance permit in order to accommodate weddings and other parties. The building renovations are nearly complete.

Resolution #LC2011-08-25

Moved by Godlewski

Seconded by Ogg

RESOLVED, That the Liquor Advisory Committee recommends that the request of The St. Andrews Society of Detroit for a New Dance Permit to be held in conjunction with 2010 Club Licensed Business, located at 2360 Rochester Road, Troy, MI 48084, Oakland County be **APPROVED**.

Yes: 7

No: 0

Absent: 0

City Attorney Bluhm and Officer Feld answered questions from the Committee regarding sales to minors at Smoker's Express on July 21, 2011. Citations were issued for three alcohol sales and one tobacco sale. The City Attorney's Office will plan to attend any hearings pertaining to Smoker's Outlet, and will aggressively pursue possible revocation of the liquor license.

The members of the Liquor Advisory Committee asked for further discussion on possible Ordinance amendments related to the size of an establishment, similar to the gas station regulations since the size of an establishment was thought by some of the members to have a correlation to liquor violations.

Public Comment:

Citizen Michael Kerr expressed his concern about the recent violations at Smoker's Outlet.

The meeting adjourned at 7:36 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 22nd day of JUNE, 2011, 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 St. Andrew's Society of Detroit the Applicant, 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 request to transfer ownership of New Club License license to be located at 2360 Rochester Road, Troy MI.
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: Domini Lawler By: [Signature]

Jane M Szalay

Subscribed and sworn to before me this 22nd day of June 2011
Notary Public, MACOMB County, MI
Acting in the County of OAKLAND
My commission expires: 5/20/2013

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 # 607210

Business ID # 137727

LAW ENFORCEMENT RECOMMENDATION

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

March 21, 2011

TO: TROY POLICE DEPARTMENT
 CHIEF OF POLICE
 500 WEST BIG BEAVER RD
 TROY, MI 48084-5285

Re: THE ST. ANDREW'S SOCIETY OF DETROIT REQUESTS NEW DANCE PERMIT TO BE HELD IN CONJUNCTION WITH 2010 CLUB LICENSED BUSINESS, LOCATED AT 2360 ROCHESTER CT, TROY, MI 48084, OAKLAND COUNTY.

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 _____ A.M./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 _____ A.M./P.M. _____

Recommended Recommended, subject to final inspection Not Recommended

NEW DANCE PERMIT

Recommended Recommended, subject to final inspection Not Recommended

ENTERTAINMENT PERMIT

Recommended Recommended, subject to final inspection 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 PERMIT <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: _____

smg

RESOLUTION

At a _____ meeting of the _____
(Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request to ADD NEW DANCE PERMIT IN CONJUNCTION WITH 2010 CLUB LICENSED BUSINESS, LOCATED AT 2360 ROCHESTER CT, TROY, MI 48084, OAKLAND COUNTY

be considered for _____
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance
(Recommended or Not Recommended)

State of Michigan _____)

County of _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
(Township Board, City or Village Council) (Regular or Special)

meeting held on _____
(Date)

(Signed) _____
(Township, City or Village Clerk)

SEAL

(Mailing address of Township, City or Village)