



CITY COUNCIL AGENDA ITEM

Date: September 29, 2011

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police *GM 1002*
 Captain Gerard Scherlinck *GS 1001*
 Sergeant George Zielinski *G Zielinski*

Subject: Application for Transfer of Class C License to Troy Sports Restaurant

Background

Troy Sports Restaurant, LLC requests to Transfer Ownership of 2011 Class C License with Entertainment Permit, Outdoor Service (2 Areas) and Official Permit (Food) located at 1835 E. Big Beaver, Troy, MI 48083, Oakland County, from Joseph Koolisky's LLC {MLCC Req. #620592}.

Owners Ronald Bostick and Dennis Bostick were present to answer questions from the Liquor Advisory Committee on September 12, 2011. The owners advised the Committee that they have owned the restaurant building for years and have acted as landlord. Now they are purchasing the business. The name and staff will remain the same.

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 approved the request.

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

Recommendation

Recommend approval of the request for Transfer of Class C License to Troy Sports Restaurant.

Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, September 12, 2011 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Committee member Timothy P. Payne called the meeting to order at 7:03 p.m.

ROLL CALL:

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

ABSENT: Max K. Ehlert, Chairman
Patrick C. Hall

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

Resolution to Excuse Committee Members Ehlert & Hall

Resolution #LC2011-09-26
Moved by Kaltsounis
Seconded by Ukrainec

RESOLVED, That the absence of Committee members Ehlert and Hall at the Liquor Advisory Committee meeting of September 12, 2011 be **EXCUSED**.

Yes: 5
No: 0
Absent: Ehlert, Hall

Resolution to Approve Minutes of August 8, 2011 Meeting

Resolution #LC2011-09-27
Moved by Ukrainec
Seconded by Godlewski

RESOLVED, That the Minutes of the August 8, 2011 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 5
No: 0
Absent: Ehlert, Hall

Agenda Items

1. **Kamel Management, Inc.** requests new SDM License to be located at 186 West Maple, Troy, MI 48084, Oakland County {MLCC Req. #614894}. *This is Troy Smokers on Maple Road.*

Present to answer questions from the Committee was business owner Wassim Kamel.

Mr. Kamel advised the Committee that he has been in business at this location for two years and owns a liquor store in New Baltimore. He is requesting SDM license in order to sell beer and wine. He is aware that TIPS/TAMS training is required.

There were no issues from either the Police Department or the City Attorney's Office.

Resolution #LC2011-09-28
Moved by Ukraineec
Seconded by Godlewski

RESOLVED, That the Liquor Advisory Committee recommends that the request of Kamel Management, Inc. for a new SDM License to be located at 186 West Maple, Troy, MI 48084, Oakland County be **APPROVED**.

Yes: 5
No: 0
Absent: Ehlert, Hall

2. **Troy Sports Restaurant, LLC** requests to Transfer Ownership of 2011 Class C License with Entertainment Permit, Outdoor Service (2 Areas) and Official Permit (Food) located at 1835 E. Big Beaver, Troy, MI 48083, Oakland County, from Joseph Koolisky's LLC {MLCC Req. #620592}. *This is currently Joe Kool's Bar and Grill.*

Present to answer questions from the Committee were Ronald and Dennis Bostick.

The owners advised the Committee that they have owned the restaurant building for years and have acted as landlord. Now they are purchasing the business. The name and staff will remain the same.

Officer Feld informed the Committee that the Police Department has no objections to this license transfer. They have received Building Department approval. Approval is pending from the Fire Department and the Health Department.

Resolution #LC2011-09-29
Moved by Kaltsunis
Seconded by Ukrainec

RESOLVED, That the Liquor Advisory Committee recommends that the request of **Troy Sports Restaurant, LLC** to Transfer Ownership of 2011 Class C License with Entertainment Permit, Outdoor Service (2 Areas) and Official Permit (Food) located at 1835 E. Big Beaver, Troy, MI 48083, Oakland County, from Joseph Koolisky's LLC be **APPROVED**.

Yes: 5
No: 0
Absent: Ehlert, Hall

Assistant City Attorney Lancaster advised the Committee that her office will be reviewing the City Ordinance regarding smoke shops and researching possible amendments.

Ms. Lancaster also advised the Committee that another Class C quota liquor license may be available in view of the 2010 Census.

The meeting adjourned at 7:40 p.m.

Timothy P. Payne

Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

Re: Applicant: TROY SPORTS RESTAURANTS, LLC
Address: 1819 BIG BEAVER,
City/State/Zip: Troy, MI 480

Date: 8/24/11
Type of License/s: CLASS C
MLCC Request ID: 620592

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: Vicki L. Mour By: [Signature]
Marlyn Zigler

Subscribed and sworn to before me this 24 day of August 2011
Notary Public, Oakland County, MI
Acting in the County of Macomb
My commission expires: Oct. 15, 2011
[Signature]

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 # 620592

Business ID # 226809

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:

TROY SPORTS RESTAURANT, LLC REQUESTS TRANSFER OWNERSHIP 2011 CLASS C LICENSE WITH ENTERTAINMENT PERMIT, OUTDOOR SERVICE (2 AREAS) AND OFFICIAL PERMIT (FOOD) LOCATED AT 1835 E BIG BEAVER, TROY, MI 48083, OAKLAND COUNTY FROM JOSEPH KOOLISKY'S, L.L.C.

Section 1. APPLICANT INFORMATION

APPLICANT #1: RONALD C. BOSTICK 2740 BROWNING DRIVE, LAKE ORION, MI 48360 H: 248-393-2042 B: 248-709-4000	APPLICANT #2: DENNIS K. BOSTICK 1780 DUTTON, ROCHESTER, MI 48306 H: 248-652-8582 B: 586-939-5500
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DATE FINGERPRINTED**: NO FINGERPRINTS NEEDED	DATE FINGERPRINTED**: NO FINGERPRINTS NEEDED
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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:
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****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)
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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 # 620592

Business ID # 226809

LAW ENFORCEMENT RECOMMENDATION

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

August 18, 2011

TO: TROY POLICE DEPARTMENT

Re: TROY SPORTS RESTAURANT, LLC

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: (FOOD) (recommendation required)

Weekdays _____ A.M. to _____ A.M. _____

Sundays 10 A.M. to 12 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

DANCE PERMIT

Recommended Recommended, subject to final inspection Not Recommended

ENTERTAINMENT PERMIT (recommendation required)

Recommended Recommended, subject to final inspection Not Recommended

TOPLESS ACTIVITY PERMIT

Recommended Recommended, subject to final inspection Not Recommended

<input checked="" type="checkbox"/> OUTDOOR SERVICE (2 AREAS) (recommendation required)
<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: _____

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