March 24, 2005

TO: Mr. John Szerlag, City Manager

FROM: Charles Craft, Chief of Police
Gary Mayer, Police Captain
Thomas Gordon, Police Sergeant

SUBJECT: Agenda Item: Application to Transfer Ownership of a B-Hotel Liquor License - Marriott International, Inc. (Troy Marriott)

MARRIOTT INTERNATIONAL, INC. & WHP HOTEL OWNER-2A, L.L.C. (A DELAWARE LIMITED LIABILITY COMPANY), formerly known as Mar-Ty, L.L.C. (A Delaware Limited Liability Company), licensees of a 2004 B-Hotel licensed business with Dance-Entertainment Permit, 8 Bars and Official Permit (food), located at 200 W. Big Beaver Rd., Troy, Michigan, Oakland County, requests to transfer all membership interest in WHP Hotel Owner-2A, L.L.C. (A Delaware Limited Liability Company), formerly known as Mar-Ty, L.L.C. (A Delaware Limited Liability Company), wherein Marty-Mez, L.L.C. is dropped as sole member through the transfer of 100% of the General and Limited Partnership interests in PA Troy Hospitality Investors, L.P. to WHP Mezz Borrower 2, L.L.C., and the simultaneous dissolution of PA Troy Hospitality Invertors, L.P., and its wholly owner subsidiary Mar-Ty Mezz, L.L.C., thereby resulting in WHP Mezz Borrower 2, L.L.C., being the sole member in WHP Hotel Owner-2A, L.L.C.

The operators of the Troy Marriott hotel, WHP Hotel Owner, have requested to add Marriott International as a licensee. The attorney representing the corporation, Brian Andrew, attended the March meeting of the Liquor Advisory Committee and explained that this request is a “paper transfer” as there will be no change in who actually owns and operates the hotel. There will be no change in personnel or operations as a result of this transfer.

This is the next step in a series of corporate restructurings that require that the ownership information on the liquor license be updated.

The police department has no objection to this request.

TJG/tjg

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.1217)

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

REQ ID: 190498

Important: Please conduct your investigation as soon as possible and complete all four sections of this report. Return the completed report and fingerprint cards to the Commission.

BUSINESS NAME AND ADDRESS: (include zip code) Marriott International, Inc. & WHP Hotel Owner-2A, L.L.C. 2004 B-Hotel with Dance-Entertainment Permit, 8 Bars & Official Permit (food), located at 200 W. Big Beaver, Troy, Michigan, Oakland County.

REQUEST FOR: Transfer all membership interest in WHP Hotel Owner-2A, L.L.C. (A Delaware Limited Liability Company), formerly known as Mar-Ty, L.L.C. (A Delaware Limited Liability Company), wherein Mar-Ty Mezz, LLC is dropped as sole member through the transfer of 100% of the General and Limited Partnership interests in PA Troy Hospitality Investors, LP to WHP Mezz Borrower 2, LLC and the simultaneous dissolution of PA Troy Hospitality Investors, L.P. and its wholly owned subsidiary Mar-Ty Mezz, LLC thereby resulting in WHP Mezz Borrower 2, LLC being the sole member in WHP Hotel Owner-2A, L.L.C

Section 1. APPLICANT INFORMATION

APPLICANT #1:	APPLICANT #2:
HOME ADDRESS AND AREA CODE/PHONE NUMBER:	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH: If the applicant is not a U.S. Citizen: ° Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ° Does the applicant have a Visa? Enter status: Date fingerprinted:	DATE OF BIRTH: If the applicant is not a U.S. Citizen: ° Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ° Does the applicant have a Visa? Enter status: Date fingerprinted:

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 & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2. Investigation of Business and Address to be Licensed

Can living quarters be reached from the inside of the establishment without going outside? ☐ Yes ☐ No

Does applicant intend to have dancing or entertainment?
☐ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

Are gas pumps on the premises or directly adjacent? ☐ 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 you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4. Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☐ Yes ☐ No
2. Is the proposed location satisfactory for this business? ☐ Yes ☐ No
3. Should the Commission grant this request? ☐ Yes ☐ No
4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature Troy Police Department Date

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

RE: **MARRIOTT INTERNATIONAL, INC. & WHP HOTEL OWNER-2A, L.L.C. (A DELAWARE LIMITED LIABILITY COMPANY)**, formerly known as Mar-Ty, L.L.C. (A Delaware Limited Liability Company), licensees of a 2004 B-Hotel licensed business with Dance-Entertainment Permit, 8 Bars and Official Permit (food), located at 200 W. Big Beaver Rd., Troy, Michigan, Oakland County, requests to transfer all membership interest in WHP Hotel Owner-2A, L.L.C. (A Delaware Limited Liability Company), formerly known as Mar-Ty, L.L.C. (A Delaware Limited Liability Company), wherein Marty-Mez, L.L.C. is dropped as sole member through the transfer of 100% of the General and Limited Partnership interests in PA Troy Hospitality Investors, L.P. to WHP Mezz Borrower 2, L.L.C., and the simultaneous dissolution of PA Troy Hospitality Invertors, L.P., and its wholly owner subsidiary Mar-Ty Mezz, L.L.C., thereby resulting in WHP Mezz Borrower 2, L.L.C., being the sole member in WHP Hotel Owner-2A, L.L.C. [MLCC REQ ID# 190498]

This Agreement, made this 14th day of January, 2005, 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 WHP MEZZ BORROWER 2, LLC., whose address is 200 W. Big Beaver Rd., 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 outlined in MLCC Investigation Request #190498, in a 2004 B-Hotel licensed business located at 200 W. Big Beaver Rd., Troy, by WHP MEZZ BORROWER 2, LLC.
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 and Chapter No. 98, 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 has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
   (c) 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.
   (d) 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.

Harvey Brenerman
Authorized Representative
Marriott International, Inc.
~~WHP MEZZ BORROWER 2, LLC~~

Witnesses:

Laura Butera

Sonia H. Greene

Subscribed and sworn to before me
this 14th day of January, 2005

R. Scott Campbell

Notary Public, R. SCOTT CAMPBELL
County, ~~NOTARY PUBLIC~~ STATE OF MARYLAND
My commission expires: ~~My Commission Expires~~ September 1, 2008

CITY OF TROY

By:_____
Louise Schilling, Mayor

By:_____
Tonni Bartholomew, City Clerk

Witnesses:

_____

_____

Subscribed and sworn to before me
this _____ day of _____, 200___

_____

Notary Public, Oakland
County, Michigan
My commission expires:

A regular meeting of the Liquor Advisory Committee was held on Monday, March 14, 2005 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:01 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Henry W. Allemon
Alex Bennett
W. Stan Godlewski
Patrick C. Hall
James R. Peard
Bohdan L. Ukrainec
Carolyn Glosby, Assistant City Attorney
Sergeant Thomas J. Gordon
Pat Gladysz

Resolution to Approve Minutes of February 14, 2005 Meeting

Resolution #LC2005-03-004
Moved by Allemon
Seconded by Hall

RESOLVED, that the Minutes of the February 14, 2005 meeting of the Liquor Advisory Committee be approved.

Yes: All - 7
No: None
Absent: None

Agenda Items:

1. **MARRIOTT INTERNATIONAL, INC. & WHP HOTEL OWNER-2A, L.L.C. (A DELAWARE LIMITED LIABILITY COMPANY)**, formerly known as Mar-Ty, L.L.C. (A Delaware Limited Liability Company), licensees of a 2004 B-Hotel licensed business with Dance-Entertainment Permit, 8 Bars and Official Permit (food), located at 200 W. Big Beaver Rd., Troy, Michigan, Oakland County, requests to transfer all membership interest in WHP Hotel Owner-2A, L.L.C. (A Delaware Limited Liability Company), formerly known as Mar-Ty, L.L.C. (A

Delaware Limited Liability Company), wherein Marty-Mez, L.L.C. is dropped as sole member through the transfer of 100% of the General and Limited Partnership interests in PA Troy Hospitality Investors, L.P. to WHP Mezz Borrower 2, L.L.C., and the simultaneous dissolution of PA Troy Hospitality Invertors, L.P., and its wholly owner subsidiary Mar-Ty Mezz, L.L.C., thereby resulting in WHP Mezz Borrower 2, L.L.C., being the sole member in WHP Hotel Owner-2A, L.L.C. [MLCC REQ ID# 190498] *"Paper" change in ownership only*

Present to answer questions from the Committee was Brian Andrew, attorney for WHP Hotel Owner.

Mr. Andrew stated that this paperwork transfer is to add Marriott International as a licensee of WHP Hotel Owner, a large hotel holding company.

Resolution #LC2005-03-005
Moved by Bennett
Seconded by Godlewski

RESOLVED, that MARRIOTT INTERNATIONAL, INC. & WHP HOTEL OWNER-2A, L.L.C. (A DELAWARE LIMITED LIABILITY COMPANY), formerly known as Mar-Ty, L.L.C. (A Delaware Limited Liability Company), licensees of a 2004 B-Hotel licensed business with Dance-Entertainment Permit, 8 Bars and Official Permit (food), located at 200 W. Big Beaver Rd., Troy, Michigan, Oakland County, be allowed to transfer all membership interest in WHP Hotel Owner-2A, L.L.C. (A Delaware Limited Liability Company), formerly known as Mar-Ty, L.L.C. (A Delaware Limited Liability Company), wherein Marty-Mez, L.L.C. is dropped as sole member through the transfer of 100% of the General and Limited Partnership interests in PA Troy Hospitality Investors, L.P. to WHP Mezz Borrower 2, L.L.C., and the simultaneous dissolution of PA Troy Hospitality Invertors, L.P., and its wholly owner subsidiary Mar-Ty Mezz, L.L.C., thereby resulting in WHP Mezz Borrower 2, L.L.C., being the sole member in WHP Hotel Owner-2A, L.L.C. [MLCC REQ ID# 190498].

Yes: All - 7
No: None
Absent: None

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2. **LUV SUN, INC.**, requests a new Specially Designated Distributor license, located at 1613 Livernois, Troy MI, 48083, Oakland County, to be held in conjunction with proposed new Specially Designated Merchant license. [MLCC REQ ID# 276918] *Red Wagon Shoppe*

   LUV SUN, INC., requests a new Specially Designated Merchant license, located at 1613 Livernois, Troy MI, 48083, Oakland County. [MLCC REQ ID# 276917]

Present to answer questions from the Committee was Larry Farida.

Before this agenda item was heard, Committee Chairperson, Max Ehlert, stated that he and Mr. Farida had a business relationship. Thus, Mr. Ehlert elected to abstain from voting on this agenda item.

Mr. Farida explained to the Committee that he owns the Wine Cellar in Clawson and intends to move his business across Maple Road into Troy (the former TCF Bank location). He plans to request a variance to expand the building. He will utilize the former bank vault as a temperature controlled room for his higher-priced wines.

Sgt. Gordon stated that the City inspections had not yet been completed.

Resolution #LC2005-03-006
Moved by Allemon
Seconded by Godlewski

RESOLVED, that LUV SUN, INC. be granted a new Specially Designated Distributor license, located at 1613 Livernois, Troy MI, 48083, Oakland County, to be held in conjunction with proposed new Specially Designated Merchant license, subject to the approval of City inspections. [MLCC REQ ID# 276918].

Yes: 6
No: 0
Abstain: Ehlert
Absent: None

Resolution #LC2005-03-007
Moved by Allemon
Seconded by Godlewski

Present to answer questions from the Committee was Larry Farida.

RESOLVED, that LUV SUN, INC. be granted a new Specially Designated Merchant license, located at 1613 Livernois, Troy MI, 48083, Oakland County, subject to the approval of City inspections. [MLCC REQ ID# 276917].

Yes: 6
No: 0
Abstain: Ehlert
Absent: None

3. **TENT RESTAURANT OPERATIONS, INC.**, requests to transfer ownership of a 2004 Class C license business, with Official Permit (food), and Sunday Sales, located at 1965 W. Maple Rd., Troy, Michigan 48084, in Oakland County, from Fox & Hound of Michigan, Inc. *"Paper" change for Bailey's Pub and Grille*

Present to answer questions from the Committee was John Carlin, attorney for Fox & Hound of Michigan.

Mr. Carlin explained to the Committee that this request was merely a paper transfer of ownership shares. There will no be change in name or management.

Resolution #LC2005-03-008
Moved by Godlewski
Seconded by Ukrainec

RESOLVED, that TENT RESTAURANT OPERATIONS, INC., be allowed to transfer ownership of a 2004 Class C license business, with Official Permit (food), and Sunday Sales, located at 1965 W. Maple Rd., Troy, Michigan 48084, in Oakland County, from Fox & Hound of Michigan, Inc.

Yes: All - 7
No: None
Absent: None

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4. **BANK OF AMERICA, N.A.**, requests to transfer ownership of 2004 12 Months Resort Class C licensed business, located at 5460 Corporate, Troy, Michigan 48098, in Oakland County, from Cooker Restaurant Corporation, issued under MCL 436.1531(2): minimum seating: 100. [MLCC REQ ID# 267215] *Result of bankruptcy of Cooker's restaurant*

Present to answer questions from the Committee was John Carlin, attorney for Cooker's.

This transfer will put Cooker's liquor license in escrow. Bank of America will then be able to sell the license in Oakland County at any location other than 5460 Corporate Drive.

Resolution #LC2005-03-009
Moved by Ukrainec
Seconded by Peard

RESOLVED, that BANK OF AMERICA, N.A., be allowed to transfer ownership of 2004 12 Months Resort Class C licensed business, located at 5460 Corporate, Troy, Michigan 48098, in Oakland County, from Cooker Restaurant Corporation, issued under

MCL 436.1531(2): minimum seating: 100. [MLCC REQ ID# 267215]

Yes: All - 7
No: None
Absent: None

Sgt. Gordon stated that there were nine sale-to-minor violations on March 3 & 4, 2005. The following establishments received the violations:

- Café Sushi 1933 West Maple Road
- Champps Americana 301 West Big Beaver Road
- Ashoka Indian Cuisine 3642 Rochester Road
- Portabella Restaurant 2801 West Big Beaver Road
- Mon Jin Lau 1515 East Maple Road
- Maggiano's 2089 West Big Beaver Road
- Jumbo Buffet 1555 East Maple Road
- Mayur Indian Cuisine 5113 Rochester Road
- Corradi's Sports Bar 1090 Rochester Road

The meeting adjourned at 7:35 p.m.

_____
Max K. Ehlert, Chairman

_____
Patricia A. Gladysz, Office Assistant II