

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 Class C liquor license to Bank of America, N.A.

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 attorney John Carlin. He explained that the liquor license for the former Cooker's restaurant is in escrow, and that this transfer will allow Bank of America, a creditor, to sell the license at any location in Oakland County, other than 5460 Corporate. A new Red Robin restaurant, with its own liquor license, has taken over the site of the former Cooker's restaurant.

The police department has no objection to this request.

TJG/tjg

Per Jan. MLCC, no 1800
required. Only local approval

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

LOCAL APPROVAL NOTICE
(Authorized by MCL 436.1501(2) and MAC 1105(2)(d))

Req ID: 267215

Date: January 5, 2005

To: TROY CITY COUNCIL
500 W. BIG BEAVER ROAD
TROY, MI 48084-5285

MICHIGAN
STATE
LICENSING
DIVISION
7150 HARRIS DRIVE
LANSING, MI 48909-7505
TEL: (313) 236-1042
FAX: (313) 236-1043

Applicant: BANK OF AMERICA, N.A.

Leslee M. Lewis - Dickinson Wright, P.L.L.C., 200 Ottawa Avenue, N.W., Suite 900, Grand Rapids, MI 49503
Business Phone (616) 458-1300
(616) 336-1042

Local Legislative approval is required for new and transferring On-Premises licenses by MCL 436. 1501 of the Michigan Liquor Control Code of 1998. Local approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT OR TOPLESS ACTIVITY permits by authority of MCL 436.1916.

For your convenience a resolution form is enclosed that includes a description of the licensing transaction requiring approval. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the Liquor Control Commission as soon as possible.**

If you have any questions, please contact the On-Premise Section of the Licensing Division as (517) -322-1400.

PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION

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 from 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.

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)

SEAL

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

(Mailing address of Township, City or Village)

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 Investors, 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 Investors, 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

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