



## CITY COUNCIL AGENDA ITEM

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Date: November 29, 2011

To: John Szerlag, City Manager

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

Subject: Application for Transfer of SDD License to Rite Aid of Michigan

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### Background

Rite Aid of Michigan, Inc. requests to Transfer Ownership of escrowed 2011 SDD license from Perry Drug Stores, Inc.; Transfer location from 805 E. Big Beaver, Troy, MI 48084, Oakland County to 1981 W. South Blvd., Troy, MI 48098, Oakland County, to be held in conjunction with existing 2011 SDM license {MLCC Req. #625424}.

Attorney John Carlin was present to answer questions from the Liquor Advisory Committee on November 14, 2011. Mr. Carlin explained to the Committee that the licensee is requesting this transfer in order to sell packaged liquor. Interior shelving will be realigned to meet the ordinance requirements

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 for Transfer of SDD License to Rite Aid of Michigan.

Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, November 14, 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 6:58 p.m.

**ROLL CALL:**

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

**ABSENT:** Andrew Kaltsounis

**ALSO PRESENT:** Sergeant George Zielinski  
Susan Lancaster, Assistant City Attorney  
Jesse Pappas, Student Representative  
EunJoo Scherlinck, Student Representative  
Pat Gladysz

**Resolution to Excuse Committee Member Kaltsounis**

Resolution #LC2011-11-33  
Moved by Hall  
Seconded by Payne

RESOLVED, That the absence of Committee member Kaltsounis at the Liquor Advisory Committee meeting of November 14, 2011 be **EXCUSED**.

Yes: 6  
No: 0  
Absent: Kaltsounis

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**Resolution to Approve Minutes of October 10, 2011 Meeting**

Resolution #LC2011-11-34  
Moved by Hall  
Seconded by Payne

RESOLVED, That the Minutes of the October 10, 2011 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 6  
No: 0  
Absent: Kaltsounis

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**Agenda Items**

1. **Rite Aid of Michigan, Inc.** requests to Transfer Ownership of escrowed 2011 SDD license from Perry Drug Stores, Inc.; Transfer location from 805 E. Big Beaver, Troy, MI 48084, Oakland County to 1981 W. South Blvd., Troy, MI 48098, Oakland County, to be held in conjunction with existing 2011 SDM license {MLCC Req. #625424}.

Present to answer questions from the Committee was attorney John Carlin. Mr. Carlin explained to the Committee that the licensee is requesting this transfer in order to sell packaged liquor. Interior shelving will be realigned to meet the ordinance requirements.

Sergeant Zielinski stated that all inspections have been approved.

Resolution #LC2011-11-35

Moved by Hall

Seconded by Ukrainec

RESOLVED, That the Liquor Advisory Committee recommends that the request of Rite Aid of Michigan, Inc. to Transfer Ownership of escrowed 2011 SDD license from Perry Drug Stores, Inc.; Transfer location from 805 E. Big Beaver, Troy, MI 48084, Oakland County to 1981 W. South Blvd., Troy, MI 48098, Oakland County, to be held in conjunction with existing 2011 SDM license be **APPROVED**.

Yes: 6  
No: 0  
Absent: Kaltsounis

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Sergeant Zielinski informed the Committee that additional tips were received that Super City Smoker's Express was selling alcohol to minors. The Directed Patrol Unit of the Police Department observed minors enter the store and exit with alcohol on two consecutive dates. The owner of the store and the two minors received citations.

Assistant City Attorney Lancaster informed the Committee that the licensee of this establishment was granted an adjournment of his hearing in connection with three violations on July 21, 2011. Ms. Lancaster stated that the MLCC would receive an accelerated notification of the most recent violations.

Mr. Ukrainec requested a monthly update regarding this business. Ms. Lancaster agreed to this request.

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Mr. Ogg stated that the beer delivery ads for Hot Rock Pizza were still appearing in local papers. Sergeant Zielinski stated that he would get an update from Officer Feld on this matter.

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Assistant City Attorney Lancaster informed the Committee that the catering license for the Troy Community Center was awarded to Alpha-Doni, Inc. d/b/a Encore Catering.

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The meeting adjourned at 7:14 p.m.

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Max K. Ehlert, Chairman

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Patricia A. Gladysz, Secretary II

**AGREEMENT REGARDING LIQUOR LICENSE REQUEST**

Re: Applicant: Rite Aid of Michigan, Inc. Date: October 18, 2011  
Address: 1981 W. South Blvd. Type of License/s: SDD  
City/State/Zip: Troy, MI 48068 MLCC Request ID: 625424

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: Irene McGlinchey By: Michael J. Brown  
M. J. Brown Michael J. Brown, Assistant Secretary  
of Rite Aid of Michigan, Inc.

Subscribed and sworn to before me this 18<sup>th</sup> day of October 20 11  
Notary Public, Livingston County, MI  
Acting in the County of Eaton IRENE MCGLINCHAY  
My commission expires: 11-4-2012 NOTARY PUBLIC, STATE OF MI  
COUNTY OF LIVINGSTON  
Irene McGlinchey MY COMMISSION EXPIRES Nov 4, 2012  
ACTING IN COUNTY OF Eaton

**CITY OF TROY**

Witnesses: \_\_\_\_\_ By: \_\_\_\_\_  
Louise Schilling, Mayor  
\_\_\_\_\_ By: \_\_\_\_\_  
M. Aileen Bittner, City Clerk

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_  
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 # 625424

Business ID # 132003

**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. PRIVATE CHAIN**

**LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:**

RITE AID OF MICHIGAN, INC., REQUESTS TO TRANSFER OWNERSHIP OF ESCROWED 2011 SDD LICENSE FROM PERRY DRUG STORES, INC.; TRANSFER LOCATION FROM 805 E. BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY TO 1981 W. SOUTH, TROY, MI 48098, OAKLAND COUNTY, TO BE HELD IN CONJUNCTION WITH EXISTING 2011 SDM LICENSE.

**Section 1. APPLICANT INFORMATION**

APPLICANT #1:  
**CHAIN APPLICANT**

APPLICANT #2:

DATE FINGERPRINTED: **(NO FINGERPRINTS REQUIRED)**

DATE FINGERPRINTED:

DATE OF BIRTH:  
 Is the applicant a U.S. Citizen:  Yes  No\*  
 \*Does the applicant have permanent Resident Alien status?  
 Yes  No\*  
 \*Does the applicant have a Visa? Enter status:

DATE OF BIRTH:  
 Is the applicant a U.S. Citizen:  Yes  No\*  
 \*Does the applicant have permanent Resident Alien status?  
 Yes  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:**  **Felony**  **Misdemeanor**  
 Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

**ARREST RECORD:**  **Felony**  **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

**POLICE INVESTIGATION REQUEST**

[Authorized by MCL 436.1201(4)]

OCTOBER 4, 2011

TROY POLICE DEPARTMENT  
CHIEF OF POLICE  
500 WEST BIG BEAVER ROAD  
TROY, MI 48084-5285

*Received 10-11-2011*

REQUEST ID # 625424

**Applicant:** RITE AID OF MICHIGAN, INC., REQUESTS TO TRANSFER OWNERSHIP OF ESCROWED 2011 SDD LICENSE FROM PERRY DRUG STORES, INC.; TRANSFER LOCATION FROM 805 E. BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY TO 1981 W. SOUTH, TROY, MI 48098, OAKLAND COUNTY, TO BE HELD IN CONJUNCTION WITH EXISTING 2011 SDM LICENSE.

**CONTACT:** MICHAEL J. BROWN, ESQ., (CARLIN EDWARDS BROWN PLLC), 6017 W. ST. JOE HIGHWAY, SUITE 202, LANSING, MI 48917, PHONE: (517) 321-4616, FAX: (517) 321-4642.

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission. **\*\*Please ensure that section D of the card has been completed prior to submission. \*\***

If you have any questions, please contact Unit 3 of the Retail Licensing Division at (517) 636-0204.

rlb

LC-1972(Rev. 09/05)  
Authority: MCL 436.1201(4)  
Completion: Mandatory  
Penalty: No License

LARA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities. Michigan Liquor Control Commission 7150 Harris Drive • P.O. Box 30005 • Lansing, Michigan 48909-7505 www.michigan.gov/lcc • (517) 322-1345 Lansing Office