



CITY COUNCIL AGENDA ITEM

Date: April 23, 2012

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police *GM*
 Lieutenant Thomas Gordon *TH*
 Sergeant George Zielinski *GZ #227*

Subject: Application regarding Class C Liquor License for El Patio IV

Background

El Patio IV, LLC requests to Transfer Ownership of escrowed 2011 Class C licensed business, located at 645 Opdyke, Auburn Hills, MI 48326, Oakland County, from Fiero Lanes Inc. to El Patio IV LLC; transfer location (governmental unit) (MCL 436.1531(1) to 2891 E. Big Beaver, Troy, MI 48083, Oakland County, and cancel existing Dance Permit and Specific Purpose Permit (Bowling) {MLCC Req. #632980}. This is El Patio Mexican Restaurant.

On April 9, 2012, Maria De La Paz, an owner of the business, was present to answer questions from the Liquor Advisory Committee. Ms. De La Paz informed the Committee that this restaurant opened approximately two months ago. They have made minor interior modifications which have not yet received final approval from the Building Department. She and her husband own two other El Patio Restaurants; one is located in Waterford and the other in Farmington Hills. The Farmington Hills location has a liquor license. All employees will be trained for alcohol service. Officer Feld informed the Committee that the petitioner had one police contact in 2011 in Novi but no charges were filed. There have been no liquor violations at the Farmington Hills restaurant.

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 El Patio IV, LLC, pending the approval of the building inspection.

Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, April 9, 2012 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 7:01 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
W. Stan Godlewski
Patrick C. Hall
Andrew Kaltsounis
David S. Ogg

ABSENT: Timothy P. Payne
Bohdan L. Ukraineec

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

Resolution to Excuse Committee Members Payne and Ukraineec

Resolution #LC2012-04-009
Moved by Kaltsounis
Seconded by Hall

RESOLVED, That the absence of Committee members Payne and Ukraineec at the Liquor Advisory Committee meeting of April 9, 2012 be **EXCUSED**.

Yes: 5
No: 0
Absent: Payne, Ukraineec

Resolution to Approve Minutes of March 12, 2012 Meeting

Resolution #LC2012-04-010
Moved by Hall
Seconded by Kaltsounis

RESOLVED, That the Minutes of the March 12, 2012 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 5
No: 0
Absent: Payne, Ukraineec

Agenda Items

1. **El Patio IV, LLC** requests to Transfer Ownership of escrowed 2011 Class C licensed business, located at 645 Opdyke, Auburn Hills, MI 48326, Oakland County, from Fiero Lanes Inc. to El Patio IV LLC; transfer location (governmental unit) (MCL 436.1531(1) to 2891 E. Big Beaver, Troy, MI 48083, Oakland County, and cancel existing Dance Permit and Specific Purpose Permit (Bowling) {MLCC Req. #632980}. *This is near Big Beaver and Dequindre.*

Present to answer questions from the Committee was Maria De La Paz, an owner of the business.

Ms. De La Paz informed the Committee that this restaurant opened approximately two months ago. They have made minor interior modifications which have not yet received final approval from the Building Department. She and her husband own two other El Patio Restaurants; one is located in Waterford and the other in Farmington Hills. The Farmington Hills location has a liquor license. All employees will be trained for alcohol service.

Officer Feld informed the Committee that the petitioner had one police contact in 2011 in Novi but no charges were filed. There have been no liquor violations at the Farmington Hills restaurant.

Resolution #LC2012-04-011
Moved by Kaltsounis
Seconded by Ogg

RESOLVED, That the Liquor Advisory Committee recommends that the request of El Patio IV, LLC to Transfer Ownership of escrowed 2011 Class C licensed business, located at 645 Opdyke, Auburn Hills, MI 48326, Oakland County, from Fiero Lanes Inc. to El Patio IV LLC; transfer location (governmental unit) (MCL 436.1531(1) to 2891 E. Big Beaver, Troy, MI 48083, Oakland County, and cancel existing Dance Permit and Specific Purpose Permit (Bowling) be **APPROVED**.

Yes: 5
No: 0
Absent: Payne, Ukrainec

Officer Feld advised the Committee on the following:

Rochester Road Ventures, LLC

This item should appear on an Agenda in the next few months.

Assistant City Attorney Lancaster advised the Committee on the following:

Simbad, Inc.

This is a tabled item from the March 12, 2012 meeting. The petitioner has not yet paid their back taxes or water bill. At a future Liquor Advisory Committee meeting, Sergeant Zielinski will advise the Committee regarding the violation history of the business at 336 John R (address of Simbad, Inc.).

Smoker's Express

The Committee was advised that the business owner completed his five (5) day sentence in the Oakland County Jail and the liquor license was revoked by the MLCC for a period of five (5) days. Due to the occurrence of three violations in one calendar year, City Council should recommend revocation of his liquor license. The recommendation will then be reviewed by the MLCC.

The meeting adjourned at 7:17 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

Re: Applicant: María Erika De La Paz Date: 3-23-12
Address: 23930 Chepmunk Trl Type of License/s: Class C
City/State/Zip: Novi, MI 48375 MLCC Request ID: 632980

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.

- 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.
- In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
 - 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.
 - 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.
 - 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.
- 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.
- 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.
- 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: Patrick Hamama By: _____

Patrick Hamama

Subscribed and sworn to before me this 23rd day of March 2012

Notary Public, Oakland County, MI
Acting in the County of Oakland
My commission expires: Nov 20, 2017

Aline Cristina Moraes



CITY OF TROY

Witnesses: _____ By: Janice Daniels, 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
Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
(517) 322-1400 - toll free (866) 813-0011 - www.michigan.gov/lcc

FOR MLCC USE ONLY

Business ID: 228099

Request ID: 632980:sfs

Police Investigation Report

[Authorized by MCL 436.1217 and R 436.1105; MAC]

Date: Mar 8, 2012

Troy Police Department
Chief
500 West Big Beaver Road
Troy, MI 48084-5285

Please conduct your investigation as soon as possible. Complete all sections of this report and return it, along with the finger print cards (if requested) to the Michigan Liquor Control Commission at the address listed above.

Applicant Information

Name of applicant: El Patio IV LLC

Business address: 2891 E Big Beaver, Troy, MI 48083, Oakland County

Contact: _____

Request:

Request to transfer ownership of escrowed 2011 Class C licensed business, from Fiero Lanes Inc.; transfer location (governmental unit) (MCL 436.1531(1)) from 645 Opdyke, Auburn Hills, MI 48326, Oakland County; and cancel existing Dance Permit and Specific Purpose Permit (Bowling).

Section 1. Investigation of business and address to be licensed

Provide recommendation(s) for the specific permits checked below:

Dance Recommended Not Recommended

Entertainment Recommended Not Recommended

Topless Activity Recommended Not Recommended

Outdoor Service Recommended Not Recommended

of areas: _____

Participation permit Recommended Not Recommended

with (insert name): _____

Additional bars Recommended Not Recommended

of bars: _____

Living Quarters Recommended Not Recommended

Direct Connection Recommended Not Recommended

of areas: _____

Specific purpose permit for extended hours of operation requested for (indicate permit type): _____

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

Sundays: _____ A.M. to _____ A.M./P.M.

Recommended Not Recommended

***Note: If the applicant is requesting two separate extended hour permits and the permits are for different hours, you must complete the extra box provided. If additional space is needed, please attach additional pages.**

Specific purpose permit for extended hours of operation requested for (indicate permit type): _____

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

Sundays: _____ A.M. to _____ A.M./P.M.

Recommended Not Recommended

Are motor vehicle fuel pumps at, or directly adjacent to, the establishment? No Yes

If yes, explain the relationship below:

Section 2.

Applicant Investigation

Note: If this section is blank, please continue to Section 3.

***Attach the fingerprint card and \$30.00 fee payable to the State of Michigan (for each card), if requested by the MLCC, and mail to the Michigan Liquor Control Commission with this report.

Name: Maria E. De La Paz, 28930 Chipmunk Trail, Novi, MI 48375 H(248)520-0088

Position: Member Date of birth: _____ Date fingerprinted: no fingerprints required

Is the applicant a U.S. Citizen? No Yes

If no, does the applicant have permanent Resident Alien Status? No Yes

Does the applicant have a Visa? No Yes If yes, enter date of expiration: _____

If other, enter status here: _____

Has the applicant ever been arrested? No Yes If yes, attach record history

Name: _____

Position: _____ Date of birth: _____ Date fingerprinted: _____

Is the applicant a U.S. Citizen? No Yes

If no, does the applicant have permanent Resident Alien Status? No Yes

Does the applicant have a Visa? No Yes If yes, enter date of expiration: _____

If other, enter status here: _____

Has the applicant ever been arrested? No Yes If yes, attach record history

Name: _____

Position: _____ Date of birth: _____ Date fingerprinted: _____

Is the applicant a U.S. Citizen? No Yes

If no, does the applicant have permanent Resident Alien Status? No Yes

Does the applicant have a Visa? No Yes If yes, enter date of expiration: _____

If other, enter status here: _____

Has the applicant ever been arrested? No Yes If yes, attach record history

Section 3.

Recommendation

Is the request by the applicant recommended by your department at this time? No Yes

If you answered no, please provide an explanation as to why your department does not recommend this application.
(List your reasons on the reverse side of this form, or attach a separate sheet if more space is needed.)

Authorized signature (Sheriff or Chief of Police)

Date