



CITY COUNCIL AGENDA ITEM

Date: July 2, 2012

To: Michael W. Culpepper, Acting City Manager

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

Subject: Application regarding Class C and SDM Liquor Licenses for Rochester Road Ventures

Background

Rochester Road Ventures, LLC requests to transfer ownership of 2011 Class C licensed business with Outdoor Service (1 Area) and Dance-Entertainment Permit from Mercmiles, Inc., and requests new SDM license to be held in conjunction, and add space, to 3946 Rochester Road, Troy, MI 48083, Oakland County {MLCC Req. #628433}.

On May 14, 2012, James Tavano, operating partner of Rochester Road Ventures, was present to answer questions from the Liquor Advisory Committee. Mr. Tavano advised the Committee that his corporation had owned the business from 2004 until 2010 and then sold to Mercmiles, Inc. In July of 2011, they regained possession and have been operating under a Management Agreement. The added space mentioned in the request is the space vacated by TCBY and is approximately 1,400 square feet. They are currently operating under the name of Hamlin Pub & Grill with many of the same employees. The Liquor Advisory Committee was informed that there were delinquent tax and water bills. The tax bills and water bill are now paid off.

The Police Department conducted an investigation into this application. The background investigation revealed that the majority partner, John DeAngelis, has a pending misdemeanor traffic violation that is scheduled for pre-trial on July 11, 2012. 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 Rochester Road Ventures, LLC.

Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, May 14, 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 7:00 p.m.

ROLL CALL:

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

ABSENT: Andrew Kaltsounis

ALSO PRESENT: Susan Lancaster, Assistant City Attorney
Jeffrey Oberski, Analyst/Planner
EunJoo Scherlinck, Student Representative
Pat Gladysz

Resolution to Excuse Committee Member Kaltsounis

Resolution #LC2012-05-012
Moved by Hall
Seconded by Ogg

RESOLVED, That the absence of Committee member Kaltsounis at the Liquor Advisory Committee meeting of May 14, 2012 be **EXCUSED**.

Yes: 6
No: 0
Absent: Kaltsounis

Resolution to Approve Minutes of Meeting

Resolution #LC2012-05-013
Moved by Hall
Seconded by Ukraineec

RESOLVED, That the Minutes of the April 9, 2012 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 6
No: 0
Absent: Kaltsounis

Agenda Items

1. **Rochester Road Ventures, LLC** requests to transfer ownership of escrowed 2011 Class C licensed business with Outdoor Service (1 Area) and Dance-Entertainment Permit from Mercmiles, Inc; and requests new SDM license to be held in conjunction, and add space to 3946 Rochester Road, Troy, MI 48083, Oakland County {MLCC Req. #628433}. *This is the Mr. B's Restaurant.*

Present to answer questions from the Committee was James Tavano, operating partner of Rochester Road Ventures.

Mr. Tavano advised the Committee that his corporation had owned the business from 2004 until 2010 and then sold to Mercmiles, Inc. In July of 2011, they regained possession and have been operating under a Management Agreement. The added space mentioned in the request is the space vacated by TCBY and is approximately 1,400 square feet. They are currently operating under the name of Hamlin Pub & Grill with many of the same employees.

Mr. Oberski advised the Committee that there are delinquent tax and water bills. Also, the background investigation revealed that the majority partner, John DeAngelis, was arrested in March 2012 for Reckless Driving and Operating While Intoxicated. The matter is still pending.

Mr. Tavano advised the Committee that they are currently working with the Treasurer's Office regarding the tax and water bills.

Assistant City Attorney Lancaster advised the Committee that the City Ordinance contains language in connection with the criteria for approval which states "past conviction of the applicant for any of the following: a felony, a crime involving the excessive use of alcoholic liquor" or "the applicant's excessive use of alcoholic liquor".

The Committee discussed this issue. They agreed that since the charges of Mr. DeAngelis have not yet been adjudicated, this issue should not be mentioned in the Motion on this item.

Resolution #LC2012-05-014

Moved by Hall

Seconded by Ukrainec

RESOLVED, That the Liquor Advisory Committee recommends that the request of Rochester Road Ventures, LLC to transfer ownership of escrowed 2011 Class C licensed business with Outdoor Service (1 Area) and Dance-Entertainment Permit from Mercmiles, Inc; and a new SDM license to be held in conjunction, and to add space to 3946 Rochester Road, Troy, MI 48083, Oakland County be **APPROVED**.

Yes: 6
No: 0
Absent: Kaltsounis

A Committee member questioned the liquor license at Sanctuary Lake Golf Course and the possibility of alcohol not being available at this location if the management changes. Ms. Lancaster stated that she would research the question.

Ms. Lancaster also advised the Committee that assignments have changed in the City Attorney's Office. Julie Dufrane, another one of our assistant City Attorneys, will next month assume the responsibility of the Liquor Advisory Committee.

Mr. Oberski advised the Committee that two establishments, Thunderbird Lanes and Hooters, recently received violations for liquor sales to a minor during a decoy operation.

Mr. Oberski also advised the old informational item concerning the California Pizza Kitchen is not yet ready for action.

The meeting adjourned at 7:30 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

3-27-12
CK \$300.00
2012-00032002

2012 MAR 27 PM 3:40

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

Re: Applicant: Rochester Road Ventures, LLC Date: 2/14/12
Address: 3946 Rochester Rd Type of License/s: CLASS C w/entertainment
City/State/Zip: Troy MI 48083 MLCC Request ID: _____

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: Cheryl Hall By: Janice Daniels
Maureen

Subscribed and sworn to before me this 9th day of March 20 12
Notary Public, Macomb County, MI
Acting in the County of Oakland
My commission expires: Nov 3, 2013

Marie E. Valente

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: 227419
 Request ID: 628433: smg

Police Investigation Report
 [Authorized by MCL 436.1217 and R 436.1105; MAC]

Date: Dec 13, 2011

* AMENDED TO ADD SPACE.

Troy Police Department
 Attn: Chief
 500 West Big Beaver Rd
 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: Rochester Road Ventures, LLC

Business address: 3946 Rochester, Troy, MI 48083, Oakland County

Contact: James G. Tavano, 67819 Lake Angela Dr, Richmond, MI 48062, Phone: (586)945-8109

Request:

transfer ownership 2011 Class C licensed business with Outdoor Service (1 Area) and Dance-Entertainment Permit from Mercmiles, Inc.; and request new SDM license to be held in conjunction. + ADD SPACE

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: 1

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: James G. Tavano

Position: _____ Date of birth: _____ Date fingerprinted: No Fingerprints Needed

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: Timothy J. Miles

Position: _____ Date of birth: _____ Date fingerprinted: No Fingerprints Needed

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: Robert C. Leger

Position: _____ Date of birth: _____ Date fingerprinted: No Fingerprints Needed

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

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: Giancarlo De Angelis Aka John De Angelis

Position: _____ Date of birth: _____ Date fingerprinted: No Fingerprints Needed

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

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Authorized signature (Sheriff or Chief of Police)

Date