

February 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 for a new SDM license for Linens n' Things

LNT West, INC., requests a new SDM license to be located at 790 E. Big Beaver, Troy, MI 48083, Oakland County.

Linens n' Things is a nationwide store chain specializing in household items. In an attempt to offer their customers a "one-stop shopping" opportunity, they are requesting an SDM license which would allow them to sell beer and wine for off-premise consumption. They will be increasing their specialty food inventory to include items that would normally be included in a gift basket.

The store will be training all employees through the TIPS program, and will add a machine to their cash registers requiring that a driver's license be swiped. There are five stores in Michigan that have requested SDM licenses.

The police department has no objection to this request.

TJG/tjg

MM 1-11-05



JENNIFER M. GRANHOLM GOVERNOR

STATE OF MICHIGAN LIQUOR CONTROL COMMISSION DEPARTMENT OF LABOR & ECONOMIC GROWTH DAVID C. HOLLISTER, DIRECTOR

NIDA R. SAMONA CHAIRPERSON

POLICE INVESTIGATION REQUEST (Authorized by MCL 436.1(4))

January 7, 2005

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

Request ID # 276831

Chief Law Enforcement Officer

Applicant: LNT West, Inc., requests request new SDM license to be located at 790 E Big Beaver, Troy, MI 48083, Oakland County.

Attorney: Kelly Allen, 39533 Woodward, Ste 210, Bloomfield Hills, MI 48304; (248) 540-7400

Home Office: LNT West, Inc., 6 Brighton Road, Clifton, NJ 07012

Please make an investigation of this 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 and recommendations of the applicant to the Licensing Division.

(na) Please include fingerprint card(s) and \$30.00 for each card, and mail to the Michigan Liquor Control Commission.

If you have any questions, contact the Licensing Division at (517) 322-1400.

tkw

Licens in Things

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST
(Authorized by MCL 436.1217)

STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

MMU 11-05

tkw

RID: 276831

**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) LNT West, Inc.
790 E Big Beaver, Troy, MI 48083, Oakland County

REQUEST FOR: new SDM license

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: <input type="radio"/> Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="radio"/> Does the applicant have a Visa? Enter status: Date fingerprinted: not required	DATE OF BIRTH: If the applicant is not a U.S. Citizen: <input type="radio"/> Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="radio"/> 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: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)
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Section 2. Investigation of Business and Address to be Licensed

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

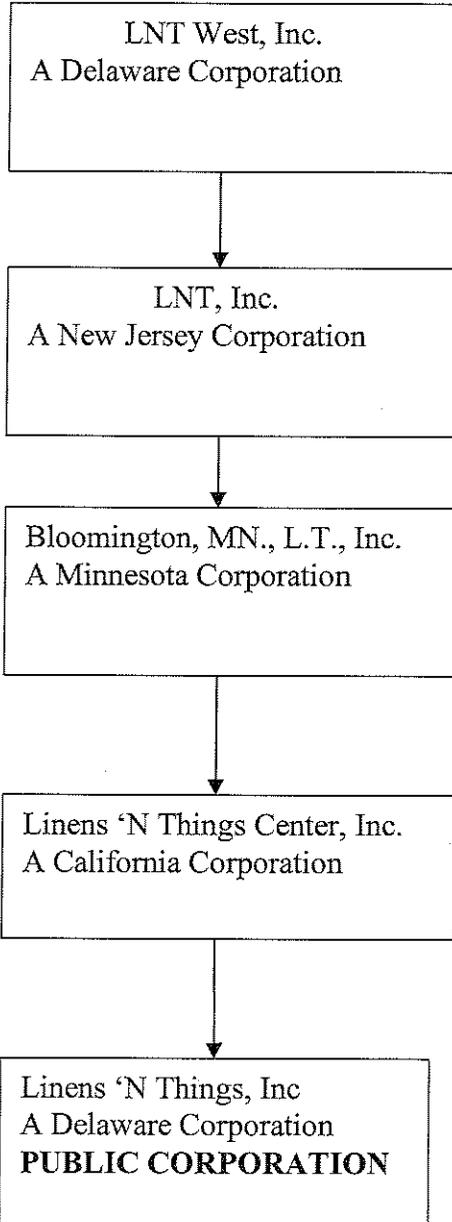
2. Is the proposed location satisfactory for this business? Yes No

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 (Sheriff or Chief of Police) _____ Date _____
Troy Police Department

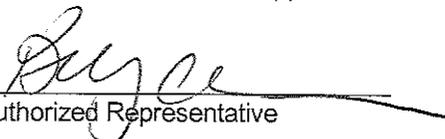
LNT WEST, INC
CORPORATE STRUCTURE



AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 18th 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 LNT WEST, INC. whose address is 790 E. 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 for a new Specially Designated Merchant licensed business located at 790 E. Big Beaver Rd., Troy, by LNT WEST, INC.
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.


Authorized Representative

LNT WEST, INC.

Witnesses:

Linda A. Christians
LINDA A. CHRISTIANS

Subscribed and sworn to before me
this 18th day of January, 2008

Laura Beth Peters
LAURA BETH PETERS

Notary Public, Oakland
County, Michigan
My commission expires: 5/5/2011

LAURA BETH PETERS
Notary Public, State of Michigan
County of Oakland
My Commission Expires May 5, 2011
Acting in the County of Oakland

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, February 14, 2005 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Committee member Henry K. Allemon called the meeting to order at 7:02 p.m.

ROLL CALL:

PRESENT: Henry W. Allemon
Alex Bennett
W. Stan Godlewski
James R. Peard
Bohdan L. Ukrainec
Lori Grigg Bluhm, City Attorney
Sergeant Thomas J. Gordon
Pat Gladysz

ABSENT: Max K. Ehlert, Chairman
Patrick C. Hall

Resolution to Excuse Committee Members Ehlert and Hall

Resolution #LC2005-02-001
Moved by Peard
Seconded by Bennett

RESOLVED, that the absence of Committee members Ehlert and Hall at the Liquor Advisory Committee meeting of February 14, 2005 BE EXCUSED.

Yes: 5
No: 0
Absent: Ehlert, Hall

Resolution to Approve Minutes of December 13, 2004 Meeting

Resolution #LC2005-02-002
Moved by Allemon
Seconded by Ukrainec

RESOLVED, that the Minutes of the December 13, 2004 meeting of the Liquor Advisory Committee be approved.

Yes: 5
No: 0
Absent: Ehlert, Hall

Agenda Items:

1. **LNT WEST, INC.**, requests a new SDM license to be located at 790 E. Big Beaver Rd., Troy, MI 48083, Oakland County. [MLCC REQ ID# 276831]
Linens n’ Things

Present to answer questions from the Committee were Kelly Allen and Laura Peters of Adkison, Need & Allen law firm.

Linens n’ Things is a nationwide department store chain specializing in household items. In an attempt to offer their customers a “one-stop shopping” opportunity, they are requesting a SDM license which will allow them to sell beer and wine for off-premise consumption. The stores will also be increasing their specialty food inventory to include items that would normally be included in a gift basket. They will train all employees through the TIPS program and will update their cash registers to include a machine that will require the driver’s license of the customer be swiped before the alcohol purchase can be completed. There are currently five stores in Michigan where the SDM license has been requested.

Resolution #LC2005-02-003
Moved by Peard
Seconded by Bennett

RESOLVED, that LNT WEST, INC., be granted a new SDM license to be located at 790 E. Big Beaver Rd., Troy, MI 48083, Oakland County. [MLCC REQ ID# 276831]

Yes: 5
No: 0
Absent: Ehlert, Hall

The meeting adjourned at 7:27 p.m.

Henry W. Allemon

Patricia A. Gladysz, Office Assistant II

- (3) "Professional account" means an account established for a person by a class C licensee or tavern licensee whose major business is the sale of food, by which the licensee extends credit to the person for not more than 30 days.
- (4) "Residence" means the premises in which a person resides permanently.
- (5) "Retailer" means a person licensed by the commission who sells to the consumer in accordance with rules promulgated by the commission.
- (6) "Sacramental wine" means wine containing not more than 24% of alcohol by volume which is used for sacramental purposes.
- (7) "Sale" includes the exchange, barter, traffic, furnishing, or giving away of alcoholic liquor. In the case of a sale in which a shipment or delivery of alcoholic liquor is made by a common or other carrier, the sale of the alcoholic liquor is considered to be made in the county within which the delivery of the alcoholic liquor is made by that carrier to the consignee or his or her agent or employee, and venue for the prosecution for that sale may be in the county or city where the seller resides or from which the shipment is made or at the place of delivery.
- (8) "School" includes buildings used for school purposes to provide instruction to children in grades kindergarten through 12, when that instruction is provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses. School does not include a proprietary trade or occupational school.
- (9) "Small wine maker" means a wine maker manufacturing or bottling not more than 50,000 gallons of wine in 1 calendar year.
- (10) "Special license" means a contract between the commission and the special licensee granting authority to that licensee to sell beer, wine, mixed spirit drink, or spirits. The license shall be granted only to such persons and such organization and for such period of time as the commission shall determine so long as the person or organization is able to demonstrate an existence separate from an affiliated umbrella organization. If such an existence is demonstrated, the commission shall not deny a special license solely by the applicant's affiliation with an organization that is also eligible for a special license.
- (11) "Specially designated distributor" means a person engaged in an established business licensed by the commission to distribute spirits and mixed spirit drink in the original package for the commission for consumption off the premises.
- (12) "Specially designated merchant" means a person to whom the commission grants a license to sell beer or wine, or both, at retail for consumption off the licensed premises.
- (13) "Spirits" means a beverage that contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing an alcoholic content of more than 21% by volume, except sacramental wine and mixed spirit drink.
- (14) "State liquor store" means a store established by the commission under this act for the sale of spirits in the original package for consumption off the premises.
- (15) "Supplier of spirits" means a vendor of spirits, a manufacturer of spirits, or a primary source of supply.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1113 Definitions; T to W.

- Sec. 113. (1) "Tavern" means any place licensed to sell at retail beer and wine for consumption on the premises only.
- (2) "Vehicle" means any means of transportation by land, by water, or by air.
- (3) "Vendor" means a person licensed by the commission to sell alcoholic liquor.
- (4) "Vendor of spirits" means a person selling spirits to the commission.