



CITY COUNCIL AGENDA ITEM

Date: August 16, 2012

To: Michael W. Culpepper, Acting City Manager

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

Subject: Application regarding SDM and Class C Resort Liquor Licenses for Muses Taverna

Background

Muses Taverna, LLC requests to Transfer Ownership of SDM and Class C Resort liquor licenses from Hot Rock Pizza, LLC located at 1893 E. Big Beaver Road, Troy, MI 48083. Muses Taverna will be located at 1893 E. Big Beaver Road in Troy {MLCC Request #662518}.

On August 13, 2012, attorney Steven Kiouisis, applicant Dimitrios Nikolakos, and his wife Afroditi Nikolakos, were present to answer questions from the Liquor Advisory Committee. Mr. Kiouisis informed the Committee that applicant plans to open an authentic Greek restaurant at this location. The applicant previously owned a restaurant in Europe and was a partner at Village Taverna in Macomb Township. The restaurant will be open seven days a week from 11:00 a.m. to midnight. The applicants are TIPS/TAMS certified.

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 Muses Taverna, LLC, pending the approval of the fire inspection and health inspection.

Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, August 13, 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
Andrew Kaltsounis
David S. Ogg
Timothy P. Payne
Bohdan L. Ukraineec

ALSO PRESENT: Julie Dufrane, Assistant City Attorney
Jeffrey Oberski, Analyst/Planner
Jesse Pappas, Student Representative
Pat Gladysz

Resolution to Approve Minutes of June 18, 2012 Meeting

Resolution #LC2012-08-018

Moved by Hall

Seconded by Ukraineec

RESOLVED, That the Minutes of the June 18, 2012 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 7
No: 0
Absent: 0

Agenda Items

1. **California Pizza Kitchen, Inc.** (a Delaware Corporation) requests to transfer all stock interest in 2011 Resort Class C licensed corporation issued under MCL 436.1531(4) located at Somerset Collection North, 2800 West Big Beaver Road, Space N 126, Troy, MI 48084, Oakland County, from a publicly traded corporation to new stockholder, CPK Merger Sub Inc. (a Delaware Corporation); and transfer all stock wherein CPK Merger Sub Inc. (a Delaware Corporation) transfers all stock to new stockholder, CPK

Holdings Inc. (a Delaware Corporation) through merger (Step 2). {MLCC Req. #619179}.

There was no one present to answer questions from the Committee.

Resolution #LC2012-08-019

Moved by Hall

Seconded by Kaltsounis

RESOLVED, That the Liquor Advisory Committee decided that there would be no action taken on this item.

Yes: 7

No: 0

Absent: 0

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2. **Muses Taverna, LLC** requests to Transfer Ownership of SDM and Class C Resort liquor licenses from Hot Rock Pizza, LLC located at 1893 E. Big Beaver Road, Troy, MI 48083. *Muses Taverna will be located at 1893 E. Big Beaver Road in Troy.*

Present to answer questions from the Committee were attorney Steven Kiousis, applicant Dimitrios Nikolakos, and his wife Afroditi Nikolakos.

Mr. Kiousis informed the Committee that applicant plans to open an authentic Greek restaurant at this location. The applicant previously owned a restaurant in Europe and was a partner at Village Taverna in Macomb Township. The restaurant will be open seven days a week from 11:00 a.m. to midnight. The applicants are TIPS/TAMS certified.

Mr. Oberski informed the Committee that there currently is no final inspection from the Health Department and the Fire Department. Applicant stated that the inspections are scheduled this week. There are no other issues from the Police Department.

Resolution #LC2012-08-020

Moved by Ukrainec

Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Muses Taverna, LLC to Transfer Ownership of SDM and Class C Resort liquor licenses from Hot Rock Pizza, LLC located at 1893 E. Big Beaver Road, Troy, MI 48083 be **APPROVED**.

Yes: 7
No: 0
Absent: 0

There was a lengthy discussion regarding revisions made to the Administrative Rules of the Michigan Liquor Control Commission as of July 1, 2012. Assistant City Attorney Dufrane advised the Committee that one of the changes states that local approval is generally not required for license or stock transfers. Many local communities are questioning their role in relation to the new guidelines.

The Committee expressed many concerns regarding the new regulations. One of the main concerns was whether the Police Department will be advised when licenses are transferred or issued. The Committee stated that reports from the MLCC should be sent to the Police Department when licenses are issued.

Assistant City Attorney Dufrane indicated she would contact the MLCC District Supervisor, Enforcement Division, Mary Anne Donley, to address the Committee's concerns.

The meeting adjourned at 7:45 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

Re: Applicant: MUSESTAVERNA LLC Date: July 7, 2012
Address: 1893 East Big Beaver Type of License/s: CLASS C-Resort/SS/SDM
City/State/Zip: TROY MI 48065 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.

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: _____ By: _____
Efstathios Kiousis Dimitrios NIKOLAKOS
HEXELAS CHRISTOFILIDIS

Subscribed and sworn to before me this 7 day of July 2012
Notary Public, _____ County, MI
Acting in the County of _____
My commission expires: _____



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
 Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____
 Request ID: _____
 (For MLCC use only)

Police Investigation Recommendation

[Authorized by MCL 436.1217 and R 436.1105; MAC]

Instructions for Applicants:

- Provide a copy of your Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or form LCC-3015 for Manufacturers and Wholesalers) to the local law enforcement agency.
- Sign consent below.
- Administrative rule R 436.1115 provides that an applicant for a license shall submit fingerprints and undergo investigation by the Commission. Fingerprints are not required for an applicant previously fingerprinted for a license with the Commission. If your local police agency does not have paper fingerprint cards, please contact the MLCC today at (866) 813-0011 and we will send them to you right away.
- **Send your completed application, the police recommendation and local approval to the address listed at the top of this form. Do not mail separately as it may delay the processing of your application.**

Instructions for Law Enforcement Agency:

- Under the Michigan Liquor Control Code, local police agency approval is required only for permanent or temporary dance permits, entertainment permits, or topless activity permits; local police approval is also required for extended hours of dance permits and entertainment permits. However, administrative rule R 436.1105 requires the Commission to consider an opinion of the local police agency in regard to an application for a license or a permit if the opinion is submitted in writing.
- If applicant states they have never held a license, please attach the fingerprint card and \$30.00 fee payable (for each card) to the State of Michigan and return them to the Lansing office of the Michigan Liquor Control Commission. If your local police agency does not have paper fingerprint cards, please contact the MLCC today at (866) 813-0011 and we will send them to you right away.
- Fingerprint all individuals who hold 10% or more of the total stock or interest issued as stated in Part 8 of the Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or Part 9 in form LCC-3015 for Manufacturers and Wholesalers).
- Applicant will be required to advise you if they have been previously fingerprinted by the Commission for a license.

Part 1 - Consent for Investigation:

I hereby consent to an investigation by the local law enforcement.

06-19-2012

DIMITRIOS NIKOLAKOS

Date

Print name of applicant

Signature of applicant

Business Phone: _____ Cell Phone: _____ E-mail address: _____

Part 2 - Applicant Investigation:

The application from MUSES TAVERNA, LLC
 (name of applicant)

for the following license(s): CLASS C-RESORT/SS /SDM
 (e.g. Class C, Tavern, B-Hotel, Micro Brewer)

to be located at 1893 E. BIG BEAVER ROAD, TROY, MI 48085

with the following permits, if applied for: Dance Permit Entertainment Permit Topless Activity Permit

Extended Hours Dance Permit Hours Required: _____

Extended Hours Entertainment Permit Hours Required: _____