

June 8, 2006

TO: Mr. John Lamerato, Acting City Manager

FROM: Charles Craft, Chief of Police *CC*
Gary Mayer, Police Captain *GM*
Chris Stout, Police Sergeant *CS*

SUBJECT: Agenda Item - Application for Transfer of Class C License for
Hooters of Troy

Hooters of Troy, Inc. (A Georgia Corporation), requests to transfer ownership of a 2005 Class C licensed business with outdoor service (1 area), located at 2950 Rochester, Troy, MI 48083, Oakland County, from Sign of the Beefcarver, Inc.; and requests a new entertainment permit.

At its May 8th meeting, the Liquor Advisory Committee entertained this request. Present to answer questions from the Committee were General Manager Rob Stevens and Attorney John Carlin. Hooters will be relocating from 1686 John R to 2950 Rochester Road, which they feel is a better, non-residential location. The Rochester Road building will be leased and remodeled. All management and employees will transfer to the new location.

They are requesting a new entertainment permit to allow trivia contests and a classic car show. There will be no musical acts or dancing.

The Committee unanimously approved this request.

The Police Department has no objection to this request.

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

Req ID #333891

(Authorized by MCL 436.1217)

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)

HOOTERS OF TROY, INC. (A GEORGIA CORPORATION), 2946-2950 ROCHESTER, TROY, MI 48084, OAKLAND COUNTY

REQUEST FOR:

REQUEST TO TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS WITH OUTDOOR SERVICE (1 AREA) FROM SIGN OF THE BEEFCARVER, INC.; AND REQUEST A NEW ENTERTAINMENT PERMIT.

Section 1. APPLICANT INFORMATION

APPLICANT #1: NO FINGERPRINTS REQUIRED HOOTER'S OF AMERICA, INC. (A GEORGIA CORPORATION) – STOCKHOLDER	APPLICANT #2:
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 1815 THE EXCHANGE ATLANTA, GA 30339 (770)951-2040	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:	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?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Is the proposed location satisfactory for this business?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Should the Commission grant this request?	<input type="checkbox"/> Yes	<input type="checkbox"/> 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



LOCAL LAW ENFORCEMENT AGENCY REPORT

DANCE/ENTERTAINMENT/TOPLESS ACTIVITY PERMIT
 (Authorized by MCL 436.1916)

HOOTERS OF TROY, INC. (A GEORGIA CORPORATION)

APPLICANT/LICENSEE

PHONE NUMBER

STREET ADDRESS CITY TOWNSHIP COUNTY ZIP
 X

PERMIT(S) REQUESTED: DANCE ENTERTAINMENT TOPLESS ACTIVITY

- The dance floor will not be less than 100 square feet, is clearly marked and well defined when there is dancing by customers. YES NO N/A
- Describe the type of entertainment applicant/licensee will provide: N/A
- Will this entertainment include topless activity? YES NO N/A

LAW ENFORCEMENT RECOMMENDATION

DANCE PERMIT	YES	NO	N/A
ENTERTAINMENT PERMIT	YES	NO	N/A
TOPLESS ACTIVITY PERMIT	YES	NO	N/A

REMARKS:

DATE SUBMITTED

OFFICER=S SIGNATURE

DEPARTMENT NAME

PHONE NUMBER

ADDRESS

CITY

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this _____ day of _____, 2006, 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 HOOTERS OF TROY, INC., a Georgia corporation, with offices located at 1815 The Exchange, Atlanta, Georgia 30339, hereinafter known as "APPLICANT".

R E C I T A L S :

1. The City Council of THE CITY, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission, approval of the transfer of ownership of the Class C license and permits now held by Sign of The Beefcarver, Inc. to the APPLICANT, located at 2946-2950 Rochester Road, Troy, Michigan 48084, Oakland County (hereinafter "APPLICATION")

2. In consideration of THE CITY'S recommendation for approval of the APPLICATION, APPLICANT hereby agrees that:

- (a) It has read and is aware of the provisions of the City of Troy Ordinances, Chapter Nos. 67, 68, 92 and Chapter No. 98 (effective 02/01/01), 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 license 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, TAM, SERV SAFE Alcohol), 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 of 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 of 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 a 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.

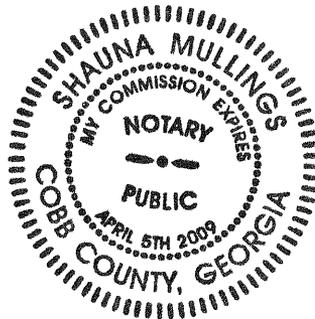
Witnesses:



Subscribed and sworn to before me
this 31 day of March, 2006.

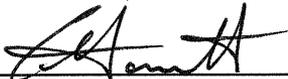


Notary Public
Cobb County, Georgia
My commission expires: 4-5-2009



Applicant:

HOOTERS OF TROY, INC.

By: 

Coby G. Brooks, President

CITY OF TROY

By: _____
Louise E. Schilling, Mayor

By: _____
Tonni L. Bartholomew, Clerk

Subscribed and sworn to before me
this ____ day of _____, 2006.

Notary Public, Oakland County, Michigan
My commission expires:

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