

August 30, 2006

TO: Mr. Phillip L. Nelson, 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
Troy, Inc.

Troy, Inc., requests to transfer ownership of a 2005 Class C licensed business located at 1129 E. Long Lake, Troy, MI 48085, Oakland County, from Ichibang Corporation, Inc.; and requests a new dance-entertainment permit.

At its July 10th meeting, the Liquor Advisory Committee entertained this request. Present to answer questions from the Committee were owners Rachel Savaya, Saadi Manjo, and Attorney John Kallabat. Ms. Savaya explained she plans to turn the restaurant into a family restaurant that serves American and Middle Eastern cuisine, with Middle Eastern music and dancing on weekend nights. The establishment will employ three to four servers and one cook. Ms. Savaya will serve as host/manager and will have each employee TIPS/TAMS trained.

The Committee unanimously approved the request with the following restrictions. First, the restaurant will have to close at 1:00 am each night. Next, that Ms. Savaya's husband, Simen Savaya is not allowed on the premises, and finally, the sound will not carry into the adjoining neighborhood.

The Police Department has concerns about the proposed restaurant for several reasons. Ms. Savaya's application listed no prior management experience in the liquor business. Second, that based on past experience, dance clubs have caused numerous problems and increased police calls for service in the City of Troy. The third reason is the business's close proximity to the residential neighborhood. The final reason is Mr. Savaya's numerous criminal contacts and arrests. Also, to date, Ms. Savaya has not yet submitted to the City Clerk's Office, a valid petition signed by at least 51 percent of persons living or doing businesses within 500 feet of the establishment, as required by city ordinance for a dance hall.

POLICE INSPECTION REPORT ON LICENSE OR LICENSE REQUEST

Req ID #355382

(Authorized by MCL 436.1217)

Michigan Department of Labor & Economic Growth

MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

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)

TROY, INC., 1129 E. LONG LAKE, TROY, MI 48098, OAKLAND COUNTY

REQUEST FOR:

REQUEST TO TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS FROM ICHIBANG CORPORATION, INC. *FIELD REQUEST TO AMEND APPLICATION TO INCLUDE NEW DANCE-ENTERTAINMENT PERMIT.*

Section 1. APPLICANT INFORMATION

APPLICANT #1: RACHEL SAVAYA - STOCKHOLDER	APPLICANT #2:
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 6677 CHIMNEY SWEEP COURT WEST BLOOMFIELD, MI 48322 H(248)755-0554	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? 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



LOCAL LAW ENFORCEMENT AGENCY REPORT

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

Troy, Inc.

APPLICANT/LICENSEE

PHONE NUMBER

STREET ADDRESS

CITY

TOWNSHIP

COUNTY

ZIP

PERMIT(S) REQUESTED: DANCE ENTERTAINMENT TOPLESS ACTIVITY

1. 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
2. Describe the type of entertainment applicant/licensee will provide: N/A
3. Will this entertainment include topless activity? YES NO N/A

LAW ENFORCEMENT RECOMMENDATION

DANCE PERMIT	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
ENTERTAINMENT PERMIT	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
TOPLESS ACTIVITY PERMIT	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>

REMARKS:

DATE SUBMITTED

OFFICER=S SIGNATURE

DEPARTMENT NAME

PHONE NUMBER

ADDRESS

CITY

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LIQUOR CONTROL COMMISSION

RESOLUTION

At a _____ meeting of the _____
(Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request from TROY, INC. TO TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS, LOCATED AT 1129 E. LONG LAKE, TROY, MI 48098, OAKLAND COUNTY, FROM ICHIBANG CORPORATION, INC. *FIELD REQUEST RECEIVED TO AMEND APPLICATION TO INCLUDE NEW DANCE-ENTERTAINMENT PERMIT.*

be considered for _____
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance
(Recommended or not Recommended)

State of Michigan _____)

County of _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
(Township Board, City or Village Council) (Regular or Special)

meeting held on _____
(Date)

SEAL

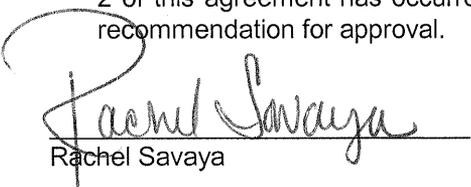
(Signed) _____
(Township, City or Village Clerk)

(Mailing address of Township, City or Village)

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 28 day of April, 20005, 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 TROY, INC. whose address is 1129 E. Long Lake, 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 transfer Class C licensed business located at 1129 E. Long Lake, Troy, by TROY, 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.


Rachel Savaya

TROY, INC.

Witnesses:



MAUREEN LAFONTAINE
Notary Public, Oakland County, Michigan
Acting in Oakland County
My Commission Expires July 2, 2007

Subscribed and sworn to before me
this 28 day of April, 2006

Notary Public, Maureen Lafontaine
County, Oakland
My commission expires:

CITY OF TROY

By: _____
Louise Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

Witnesses:

Angela Mandy
Juan Mandy

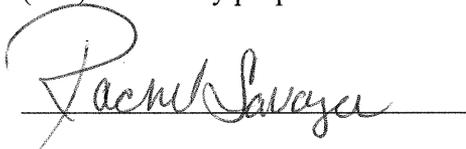
Subscribed and sworn to before me
this _____ day of _____, 200__

Notary Public, Oakland
County, Michigan
My commission expires:

7.149. Neighbors Consent.

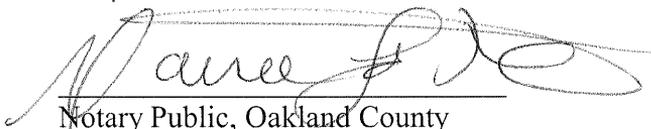
- (1) No license to operate a public dance hall shall be issued until the applicant for such license has filed a petition signed by at least fifty-one per cent (51%) of the persons living or doing business within a radius of five hundred (500) feet of any proposed location or any part thereof.
- (2) There shall be attached to said petition an affidavit signed by the party circulating said petition, which affidavit shall be in the following form:

State of Michigan, County of Oakland, ss: The undersigned, first being duly sworn, deposes and says that the signatures upon the foregoing petition were obtained by him (or her): that the signatures are the signatures of the persons purporting to sign the same: and that he (or she) verily believes that the signers of such petition are persons living or doing business within a radius of five hundred (500) feet of any proposed location or any part thereof.



Subscribed and sworn to before me this 28th

April, 192006



Notary Public, Oakland County
Michigan

MAUREEN LAFONTAINE
Notary Public, Oakland County, Michigan
Acting in Oakland County
My Commission Expires July 2, 2007

My commission expires _____

- (3) No license shall be granted until the City Council shall have referred the petition to the City Clerk and the Council shall have secured from the City Clerk a certificate certifying that an investigation has been made of the said petition and that the said petition contains the signatures of fifty-one per cent (51%) of persons living or doing business within a radius of five hundred (500) feet of the proposed new location.

(Rev. 3-26-79)

A regular meeting of the Liquor Advisory Committee was held on Monday, July 10, 2006 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
Henry W. Allemon
David S. Ogg
Bohdan L. Ukrainec
Kelsey Brunette, Student Representative
Christopher Forsyth, Assistant City Attorney
Lieutenant Michael Lyczkowski
Pat Gladysz

ABSENT: W. Stan Godlewski
Patrick C. Hall
Timothy P. Payne

Resolution to Excuse Committee Members Godlewski, Hall, and Payne

Resolution #LC2006-07-010
Moved by Allemon
Seconded by Ukrainec

RESOLVED, that the absence of Committee members Godlewski, Hall, and Payne at the Liquor Advisory Committee meeting of July 10, 2006 BE EXCUSED.

Yes: 4
No: 0
Absent: Godlewski, Hall, and Payne

Resolution to Approve Minutes of June 12, 2006 Meeting

Resolution #LC2006-07-011
Moved by Allemon
Seconded by Ukrainec

RESOLVED, that the Minutes of the June 12, 2006 meeting of the Liquor Advisory Committee be approved.

Yes: 4
No: 0
Absent: Godlewski, Hall, and Payne

Agenda Items

1. **ZAKHO CHALDEAN SOCIAL CLUB, INC.**, requests a new club license with dance-entertainment permit to be located at 336 John R, Troy, MI 48083, Oakland County. [MLCC REQ# 330741]

Present to answer questions from the Committee were John Yarimian and Raad Marougi.

Mr. Marougi made the following statements to the Committee.

- The Troy Manor Restaurant is approximately 4,500 square feet and has a capacity of 236 patrons.
- They are requesting a club license to serve alcohol to members of their club.
- The facility is open to the public until 5:00 p.m. After 5:00 p.m., the club will be open only to members.

Lt. Lyczkowski spoke on behalf of the Police Department and raised several issues of concern.

- An inspection of the facility was performed by Sgt. Stout.
- There was no permanent barrier in the facility to separate the public patrons from the club patrons, only a temporary wall was in place.
- Public patrons would have to walk through club area to use restrooms.
- Mr. Marougi reported that the club will only meet one to two times per week, yet 75% of the restaurant was designated for the club. The Police Department questions how they expect to make a profit.
- Mr. Marougi has provided inconsistent information as to the purpose of the club license
 - Member meetings twice a week
 - Weddings, baby showers (which could include non-members who cannot be served alcoholic beverages with a club license)
- Mr. Margougi has provided inconsistent membership information
 - The Police Department does not yet have a resolution from club members requesting a club license from the MLCC
 - Conflicting information has been provided regarding membership dues. Mr. Marougi stated \$150 per member and his attorney stated \$100 per member. This information is required in Troy PD Liquor License Questionnaire.
- The building owner is delinquent on 2004 winter tax and 2005 summer and winter taxes.

- The following briefly summarizes police reports for incidents at Troy Manor:
 - 03/19/05
 - Assault & Battery; physical confrontation between waiter and patron of restaurant
 - 08/04/05
 - Domestic felonious assault; confrontation between an employee and his wife
 - 01/17/06
 - Felonious assault with a knife; 100-150 people in the parking lot; disturbance originated inside at a party and continued outside; two citations were issued for minor in possession/consumption of alcohol
- MLCC investigator confirmed that Troy Manor, Inc. applied for a Class C license in 2005. When told that none were available, the Zakho Social Club applied for a club license.
- An inspection of the outside trash was performed and an empty beer carton was found. This is a concern since the establishment currently holds no liquor license.
- The Police Department notes the disturbances that have occurred in the past with no liquor being served, and they have concerns about those increasing when liquor is available.

Mr. Yarimian responded with the following statements:

- He personally owes no property taxes since he is leasing the building.
- They chose to not erect a permanent wall or barrier to enable them to accommodate different size groups.
- Liquor will only be served to members of their private social club.
- Their membership dues are \$100 per person.
- Their membership is currently at 60-70 people, but they expect it to grow significantly after they obtain a liquor license due to the large Chaldean community.
- They anticipate constant parties which will earn large profits.
- The violent disturbances that the Police Department mentioned began outside of the building.
- The domestic violence incident had no direct connection to the club.
- The intoxicated minors consumed liquor before they arrived at the club.
- Patrons currently bring their own beer into the club.
- The food service is their main objective and results in a large income.

In response to questions by Committee members, Assistant Attorney Chris Forsyth made the following statements:

- According to the MLCC, in order to obtain a club license, all members of the club must be at least 21 years of age.
- There is no requirement that the applicant secure the approval of 51% of the business and residential neighbors within 500' of the business.
- Applicant must file with the MLCC a certified resolution at a club meeting where the members requested the club license. Since this has not been done, this is a basis for denial.
- There are several club licenses in Troy. This location is totally different since the restaurant and the club blend together.

The Committee members voiced the following concerns:

- The establishment needs a Class C liquor license not a club license.
- There are several procedural and structural issues.
- The building owner is delinquent in payment of the property taxes.

Resolution #LC2006-07-012

Moved by Ehlert

Seconded by Ukrainec

RESOLVED, that ZAKHO CHALDEAN SOCIAL CLUB, INC., be denied their request for a new club license with dance-entertainment permit located at 336 John R, Troy, MI 48083, Oakland County.

Yes: 4

No: 0

Absent: Godlewski, Hall, and Payne

2. **CZARYD ENTERPRISES, INC.**, requests to transfer all stock in 2005 SDD and SDM licensed corporation by dropping John Czarnota as stockholder through transfer of 1000 shares of stock to existing stockholder, Stanley Rydzewski, sometime in 1986; and wherein sole stockholder, Stanley Rydzewski, transfers 2000 shares of stock to new stockholder, Daniel Rydzewski, to be located at 6990 John R, Troy, MI 48085, Oakland County. [MLCC REQ# 276253]

Present to answer questions from the Committee were Stanley Rydzewski, Daniel Rydzewski, and Joseph Ciaramitaro.

This business has been family owned and operated for 20 years. Because of health reasons, Stanley Rydzewski wishes to sell the business to his son, Daniel Rydzewski, who has always worked there. There are no non-family employees. All family members have been TIPS/TAMS trained. There is no seating in the establishment, but they do sell small food items.

Lt. Lyczkowski stated that the Police Department had no concerns with this transfer.

Resolution #LC2006-07-013

Moved by Ogg

Seconded by Ukrainec

RESOLVED, that CZARYD ENTERPRISES, INC., be allowed to transfer all stock in 2005 SDD and SDM licensed corporation by dropping John Czarnota as stockholder through transfer of 1000 shares of stock to existing stockholder, Stanley Rydzewski, sometime in 1986; and wherein sole stockholder, Stanley Rydzewski, be allowed to transfer 2000 shares of stock to new stockholder, Daniel Rydzewski, to be located at 6990 John R, Troy, MI 48085, Oakland County.

Yes: 4

No: 0

Absent: Godlewski, Hall, and Payne

3. **TROY, INC.** requests to transfer ownership of 2005 Class C Licensed Business located at 1129 E. Long Lake, Troy, MI, 48085, Oakland County, from Ichibang Corporation, Inc.; and add new dance-entertainment permit. [MLCC REQ# 355382]

Present to answer questions from the Committee were John Kallabat, Rachel Savaya, and Saadi Manjo.

This is an item that was tabled from the June 12, 2006 meeting.

Ms. Savaya stated:

- Pursuant to last month's discussion, she obtained signatures from over 50% of the businesses/residences within 500' of the restaurant.
- She also stated that she was interviewed by the Daily Tribune regarding her new establishment.

Lt. Lyczkowski spoke on behalf of the Police Department and raised several issues of concern.

- Ms. Savaya does not document any management experience in the liquor business on the Troy PD Liquor License Questionnaire.
- Regarding the opinion of local residents, City Council has received two Emails from residents of the adjacent subdivision voicing opposition to a dancing/entertainment/nightclub establishment so close to a residential neighborhood.
- An inspection of the outside and parking lot was performed by Lt. Lyczkowski and Sgt. Stout, and it was determined that there is a close proximity of the restaurant to homes on Mayberry and Abington; separated by only two rows of parking spaces and travel aisle of 75'-80', and a 5.5'-6' block wall.
- Ms. Savaya's husband has had several encounters with law enforcement
 - Felonious assault/MDOP; arrest
 - Felony weapon; arrest
 - Felony dangerous drugs; arrested for possession of 276 pounds of marijuana
 - Subsequent search of his home located several rifles, shotgun, bullet-proof vest, book entitled "Drug Smuggling, the Forbidden Book"
 - Suspect in three other assaults
- In Ms. Savaya's 05/13/06 letter to the MLCC, she addresses some of her husband's past contacts with police.
- The Savaya's filed a joint Federal Income Tax Return in 2005, showing a significant increase in income for Ms. Savaya. The Police Department questions if Mr. Savaya's money is being used for the

business. Also, it is reasonable to expect that Mr. Savaya will frequent the establishment.

- In previous years, our Department has responded to numerous calls at similar type establishments that no longer exist in the City of Troy. Calls for service included assaults, threats, weapons offenses, larcenies, destruction of property, disorderly conduct, LCC violations, and other liquor offenses.

Mr. John Kallabat, Ms. Savaya's attorney, responded as follows:

- Ms. Savaya has been married for less than one year.
- Mr. Savaya has his own businesses (scrap yard, gas stations, grocery stores, record producer) and will have no part in this business.
- Money for start up of this venture came from savings accounts and gifts.

Ms. Savaya had the following comments:

- Her management experience comes from being involved in her father's beer and wine sales business since she was a young girl.
- Her husband will not be connected to her restaurant/nightclub in any way.
- She will employ one cook and three to four servers (TIPS/TAMS trained). She will act as manager/owner/hostess and will look to her father for guidance.
- On Friday and Saturday nights, she plans to have live entertainment with dancing. The music will be targeted to older people.
- She will perform a sound study to confirm that music will not be too loud.
- She stated that the music will not be very loud since there will be food served and conversation among the patrons.
- She plans to open for lunch and dinner, with the kitchen closing at 11:00 p.m.

In response to questions by Committee members, Assistant Attorney Chris Forsyth made the following statements:

- Mr. Savaya's history is definitely of concern to the City.
- He cited Pease v City Council of St. Clair Shores, 1978 Michigan Court of Appeals decision. Case discusses factors a city should consider in approving an application of liquor license. One factor is the moral character of applicant and the possibility of greater vices (gambling, fighting, drugs) existing on property.

Mr. Kallabat responded as follows:

- Ms. Savaya is a good citizen.
- Her husband's background should not be considered; this is unfair since he was not convicted.
- The joint tax return should not be an issue.

Lt. Lyczkowski spoke again to reinforce the position of the Police Department that the following issues need to be considered:

- Possession of Taser and guns
- Possession of marijuana
- Felonious assaults

Also, Lt. Lyczkowski stated that:

- While the sound study will confirm the volume of music, the police will more than likely be called by neighbors for unruly activity outside.
- While an older crowd may be the target, similar businesses attract younger crowds.
- While there are other such establishments in Troy, no others are in such close proximity to neighborhoods.

Mr. Kallabat responded with the following comments:

- Ms. Savaya will be targeting an older Chaldean crowd.
- They are familiar with similar establishments in other cities and there are no problems.
- Mr. Savaya's background and history should not be taken into consideration as he will have no management connection with the business.
- It is unfair to bring his history into the discussion.

In response to questions by Committee members, Assistant Attorney Chris Forsyth made the following statements:

- Ms. Savaya's lack of management experience, both alcohol and general in nature, is of concern.
- We must consider the business reputation, moral character, and neighborhood reaction.

Committee members had the following comments/questions:

- Would it be possible to approve the license transfer without the dance-entertainment permit? Perhaps this would be a good option.
- Why does the restaurant/club need to stay open until 2:00?

- Members are trying to be open-minded and allow a new entrepreneur to make an attempt at a new business, but issues are of a concern.

Mr. Kallabat responded with the following comments:

- Without the dance-entertainment permit Ms. Savaya could not possibly hit the target market.
- Regarding the neighbors, everyone she spoke with agreed to her business.
- Ms. Savaya will handle all the business matters with her father's help.

In response to questions by Committee member David Ogg, Assistant Attorney Chris Forsyth made the following statements:

- The Committee cannot approve on a temporary basis, but could approve the Class C license transfer without the dance-entertainment permit, or could approve the Class C license transfer with the dance-entertainment permit with conditions:
 - Review in one year before City Council for renewal or revocation
 - Husband, Simen Savaya, not allowed on premises

Committee members proposed and discussed these further conditions:

- Closing time will be 1:00 a.m.
- Sound will not be carried to the neighborhood

Lt. Lyczkowski again stated:

- From past experience, late hours of operation result in more calls for service.
- From the position of the Police Department, the business operation as described by Ms. Savaya has all of the elements that could result in problems experienced in other similar establishments. Of course, the Police Department is in the position to respond to any problems, but this is an opportunity to prevent them in the first place.

In response to questions by Committee members, Assistant Attorney Chris Forsyth made the following statements:

- If City Council votes to revoke after one year, there will be a due process hearing.

- The matter will then be referred to the MLCC and they will follow the local legislative recommendations.

Resolution #LC2006-07-014

Moved by Allemon

Seconded by Ukrainec

RESOLVED, that TROY, INC. be allowed to transfer ownership of 2005 Class C Licensed Business located at 1129 E. Long Lake, Troy, MI, 48085, Oakland County, from Ichibang Corporation, Inc.; and add new dance-entertainment permit, with the following conditions:

- Review in one year before City Council for renewal or revocation
- Husband, Simen Savaya, not allowed on premises
- Closing time will be 1:00 a.m.
- Sound will not be carried to the neighborhood

Yes: 4

No: 0

Absent: Godlewski, Hall, and Payne

Chris Forsyth stated that the function of this Committee was that of advisory or buffer. He informed the Committee that by our next meeting he would have a model ordinance for review. Then, this ordinance will go to City Council for approval or rejection.

Mr. Ukraineec questioned the Hooters issue. Mr. Forsyth explained that after City Council rejected the license transfer, Hooters filed suit against the City.

The meeting adjourned at 8:55 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

-----Original Message-----

From: Marla Wills [mailto:mpgwills@yahoo.com]

Sent: Saturday, August 26, 2006 10:08 PM

To: Louise Schilling; dave@lambert.net; rebeltram@wideopenwest.com;

talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu;

stinejm@wwnet.net; Cynthia A Stewart

Subject: Proposed liquor license and dance/entertainment permit 1129

East Long Lake Road

When my husband and I chose to move into our house in the East Long Lake estates subdivision, in Troy, we felt it was the perfect place to raise our family. We carefully researched Troy, and were influenced to move here for many reputable reasons such as the safety of the city, the excellent schools and recreation programs available, the diversity, and most importantly the testimonies of Troy residents who spoke so highly of the city.

In the three years that we have lived here, we have enjoyed a safe and quiet neighborhood with friendly neighbors. Troy has surpassed our expectations as a wonderful community. We appreciate the careful decisions made by the city to uphold the high standards that support the well being of the city and its residents, which include the placement of establishments. As a resident in the subdivision that abuts the East Long Lake Plaza, we have grave concern regarding the consequences of allowing the establishment of a nightclub to reside at the Ichibang restaurant, as described in the Oakland Press on June 22, 2006. Although Rachel Savaya states in the article that her customers will be mature adults and family people, can she guarantee who her customers will be? When we read her statements from the article about having music AND entertainment on Friday, Saturday, and some Sundays, and plans for having a disc jockey and sometimes a live band, we can't help but consider that the atmosphere may attract significantly more than just mature adults and family people. We have serious safety concerns for our family and neighbors, which might include a rise in crime from burglary, home invasion, drug activity, drunken driving, or possibly drunken or unruly patrons roaming our neighborhood. Our neighborhood has worked hard to preserve a sense of community and safety. Our children are thriving here, and we are proud of our subdivision. Please help us preserve what we have worked so hard to obtain. Please do NOT approve this type of establishment next door to our families. Thank you.

Sincerely,
Phillip and Marla Wills
5226 Abington Drive
Troy, MI 48085

email Marla or Phil at mpgwills@yahoo.com

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around

<http://mail.yahoo.com>

From: 3xjponggrac@netscape.com [mailto:3xjponggrac@netscape.com]

Sent: Friday, July 14, 2006 10:22 PM

To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net

Cc: Cynthia A Stewart

Subject: Concerns for proposed club

Dear Mayor and City Council members,

I live at 1280 E. Long Lake Rd. less than a block from the Long Lake Plaza. I have a real concern about allowing the Ichibang Restaurant to operate as a night club. I don't believe it is in the best interest of the residential community to allow this to happen. There is enough traffic on Long Lake during the day and the only time we get any quiet time is in the evening. I have a seven year old and in the evening when our family spends time outside, I don't want to have to worry about added traffic or added people in our area. We are always walking and riding bikes and I'm concerned about the type of people a night club may attract.

I want to thank you for your hard work and again express my disapproval for this type of establishment.

Joe Pongrac

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9/1/2006

-----Original Message-----

From: Steve Voiles [mailto:svoiles@comcast.net]

Sent: Sunday, August 27, 2006 7:58 PM

To: Cynthia A Stewart

Subject: Dance club

Dear Troy City Council,

I live in East Long Lake Estates and I DO NOT want to have a dance club at the entrance of my sub-division. This is a quiet residential neighborhood and as such is no place for a dance club.

Steve Voiles

5330 Abington Dr

Troy, MI 48085

248-528-0001

svoiles@comcast.net

9/1/2006

-----Original Message-----

From: The Van Proeyens [mailto:vanproeyen@wowway.com]

Sent: Saturday, August 26, 2006 1:11 AM

To: dave@lambert.net; rbeltram@wideopenspace.com; talk2cristina@aol.com;
wadefleming@ci.troy.mi.us; mfhowryl@umich.edu; stinejm@wwnet.net;
louiseschilling@ci.troy.mi.us

Subject: Proposed liquor license and dance/entertainment permit 1129 East Long Lake Road

Troy Leaders,

We live in East Long Lake Estates and have learned that Rachel Savaya is requesting a transfer of the liquor license from the Ichibsng Restaurant located at 1129 East Long Lake Road and is also requesting a dance/entertainment permit. As you know, the restaurant abuts to our subdivision and many of our close neighbors can look out the back window and see the restaurant. We have read the article in the Oakland Press and have heard the opinion of Lt. Lyczkowski of the Troy Police. We are fervently opposed to granting the request for the liquor license transfer and dance/entertainment permit.

We believe that Lt. Lyczkowski makes a very clear case that granting this request will result in increased noise, late night traffic, and crime such as burglary, home invasion, drug activity, and drunken driving. There are many young families in this subdivision with children. This is especially unwelcome when children may be put at risk. To us, it just does NOT make sense to approve this request at this location.

Please reject any and all variations of the request for the liquor license transfer and dance/entertainment permit, including requests for 1 year trial permits.

We speak for our family and also many older neighbors who do not have email capability as Bob is current President of the East Long Lake Estates Subdivision Homeowners Association Board of Directors.

Thank you for your attention to this matter,
Bob and Margaret Van Proeyen
5152 Abington Drive
Troy, MI 48085
(586) 925-5512 cell

-----Original Message-----

From: jpoholsky [mailto:jpoholsky1483@wowway.com]

Sent: Wednesday, August 30, 2006 8:49 AM

To: Cynthia A Stewart; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Mfhowryl@umich.edu; stinejm@wwnet.net; Czyznik, Mary Jane

Subject: Ichibang Restaurant

As residents of the East Long Lake Estates Subdivision, we are very concerned about the proposed dancing and entertainment permit for the Ichibang Restaurant. We strongly urge you to vote against this permit. Please vote NO!

John and Suzanne Poholsky
5279 Church Hill (Residents for 35 yrs)
Troy, MI 48085

9/1/2006

-----Original Message-----

From: Linda Welc/Destaco [mailto:lwelc@destaco.com]
Sent: Thursday, August 31, 2006 9:27 AM
To: Cynthia A Stewart
Subject: Proposed Club Located at Long Lake & Rochester Roads

I am sending this email in reference to the request for a permit to open a dance-entertainment venue at the current location of the Ichibang Restaurant. As residents of East Long Lake Estates, my husband and I are opposed to this permit. In the article from The Oakland Press, Ms. Savaya states that the club would be geared toward older people and that Middle-Eastern dancing would be the venue. The article then states that she would have live music and a DJ on some occasions. Due to concerns about noise, safety, and other issues related to this request, my husband and I are very much opposed to having a venue of this type so close to our neighborhood. We just don't believe this particular location is suitable for the kind of establishment being proposed.

Please consider our objections when reviewing the proposal for this venue.

Sincerely,

John & Linda Welc
1135 Ashley Drive
Troy, MI 48085

From: Gerry Toso [mailto:gtoso8086@wowway.com]

Sent: Sunday, June 25, 2006 7:49 PM

To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; mfhowery@umich.edu; stinejm@wwnet.net; Cynthia A Stewart

Subject: Savaya - 1129 East Long Lake Road

I'm writing to express my strong opposition to the establishment of a dancing/entertainment club at the subject address.

As a long time resident of the East Long Lake subdivision, I am concerned that such an establishment may pose a threat to the nearby residents, particularly the children. While I am not opposed to entertainment businesses, specifically, I am of the belief they should be located as far from residential neighborhoods as possible. The strip mall in which 1129 East Long Lake Road is located shares a property line with residential homes and this is unacceptable to me.

I have confidence that Troy's city council will exercise good judgment and disallow any license applications for such an enterprise.

Thank you for your attention.

Gerald B.Toso
5151 Abington Drive
Troy, Mi 48085

9/1/2006

From: Jennifer Halucha [mailto:jhalucha@yahoo.com]

Sent: Sunday, September 03, 2006 11:07 AM

To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net; Cynthia A Stewart

Subject: Proposed night club

Dear City council members,

I am writing you regarding the proposed night club at the Ichibang Restaurant. My Husband and I, along with everyone in the neighborhood of East Long Lake Estates oppose this request. This is a Residential area and to have a night club so close to homes would be detrimental to our safety, security and the value to our homes.

I have read the Advisory committee minutes-draft and would like to make a few rebuttals on the comments and responses of Ms. Savaya.

1. She had mentioned that Her husband would not be allowed on the premises and have no part in the business. As a married couple I find this hard to believe. Their finances are combined in one way or another and who can really keep him from coming on to the property!

2. considering both Mr. and Mrs. Savaya background is a very important issue. Even though she has a "clean Record" I feel her involvement and ties with her husband makes her values and morals one in the same. If she is keeping with such company she is aware of his criminal behavior(drugs, felonies, fire arms, fighting, gambling and etc) and in the eyes of this residential area is condoning it. With such actions I feel you are who you "hang out" with.

3. Ms. Savaya has not had enough management experience in alcohol and the bar business to fully operate a functional business.

4. Ms. Savaya said she wants to target older crowds but in a bar atmosphere you will be targeting anyone. There will be drinking, drugs, fighting, assaults, threats, weapons, larcenies, disorderly conduct, destruction of property and etc. I am certain she is not prepared to handle such issues that are associated with a bar business.

5. Ms. Savaya said she has talked to neighbors about the proposal and they agreed with her. I am on the neighborhood committee and all the neighbors I talked to never spoke with her or didn't even know what she is proposing to open. I know that my neighbors are not in favor of a business like this near their homes, children, families and city.

If she wants to open a bar/restaurant that stays open til 2am and brings such problems, she should consider opening a business in west Bloomfield(where she lives) or in the business district of Troy(Big Beaver area near the Mall). There are no businesses that stay open that late in this area(maybe fast food) so I feel this gives people nothing to do but hang out and cause trouble not to mention brings attention to the residential areas which will be targets for crime.

To continue to have just the restaurant is a great thing. The food is good and it gives variety in food choices in the area, but to change it to a bar is unacceptable in this area!

Any questions please contact me.

Thank You,

Jennifer Halucha

5219 Abington

troy, MI 48085

248-763-6611

Stay in the know. Pulse on the new Yahoo.com. [Check it out.](#)

John and Donna

From: "John and Donna" <dungvarsky@wowway.com>
To: <dave@lambert.net>; <rbeltram@wideopenspace.com>; <talk2cristina@aol.com>;
<wade Fleming@ci.troy.mi.us>; <Mfhowryl@umich.edu>; <stinejm@wwnet.net>
Cc: <Louise Schilling@ci.troy.mi.us>
Sent: Monday, June 26, 2006 2:36 PM
Subject: PROPOSED LIQUOR LICENSE AND DANCE/ENTERTAINMENT PERMIT 1129 EAST LONG LAKE ROAD

AN ARTICLE IN THE OAKLAND PRESS, JUNE 22, 2006 ADVISED THAT RACHEL SAVAYA IS REQUESTING THE TRANSFER OF THE LIQUOR LICENSE FROM ICHIBSNG RESTAURANT, AND ALSO IS REQUESTING A DANCE-ENTERTAINMENT PERMIT. THIS PROPERTY 1129 EAST LONG LAKE ROAD ABUTS THE EAST LONG LAKE ESTATES SUBDIVISION. AS A RESIDENT OF ELLE WHOSE PROPERTY ABUTS THE PARKING LOT OF THE EAST LONG LAKE PLAZA, WE ARE VEHEMENTLY OPPOSED TO THIS PROPOSED CLUB.

WE FEEL THAT, IN SPITE OF THE GOOD INTENTIONS, WE WILL EXPERIENCE, NOISE, INCREASED LATE NIGHT TRAFFIC, A RISE IN CRIME SUCH AS BURGLARY, HOME INVASION, DRUG ACTIVITY, DRUNKEN DRIVING AMONG OTHER THINGS.

THIS TYPE OF CLUB, BASICALLY IN OUR BACK YARDS SHOULD NOT BE APPROVED.

THANK YOU
JOHN & DONNA UNGVARSKY
5063 ABINGTON DR
TROY, MI 48085

(248.680.0038)

6/26/2006

-----Original Message-----

From: laura weidle [mailto:llweidle@hotmail.com]

Sent: Thursday, July 06, 2006 10:02 AM

To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net; Cynthia A Stewart

Subject: Ichibang proposed nightclub

Hello,

I am a resident of the subdivision that is immediately behind the Ichibang restaurant. Our home is actually situated behind the adjoining strip mall that fronts Rochester Rd. I am not sure if our home is within the 500 ft distance of Ichibang or not, but it is very close.

Having lived here ten years I feel I can make a judgement as to whether or not a nightclub would impact the residential atmosphere of our homes. Of course it would. Cars would be driving behind the buildings which abut our backyards lat at night, voices would be raised in early morning hours, glass would be broken etc. Arguments would arise as seems inevitable at times when you have people drinking for long hours in the nightclub atmosphere. These things have occurred already behind our home, just with a pizza shop that closes at 11 pm. We have addressed these problems as they occurred or became a continuing problem, and currently do not have a problem. However, a night club that stays open late three nights a week presents even more issues.

Therefore, I believe the nightclub would have a negative impact and request that the council deny this request due to the very close proximity to our homes , children and neighborhood.

Thank you for your time and concern,

Sincerely,

Laura L. Weidle

9/1/2006

-----Original Message-----

From: gorkymae1@juno.com [mailto:gorkymae1@juno.com]

Sent: Friday, September 01, 2006 3:46 PM

To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowry@umich.edu; stinejm@wwnet.net; Cynthia A Stewart

Subject:

To all at Troy City Hall and anyone who has the authority to vote no

Re: Proposed Night Club at the Ichibang Restaurant in the Long Lake Plaza

We are very upset that Ms. Savaya is even contemplating putting such an establishment right next to and all around homeowners in East Long Lake Estates as well as all the others that are very close by.

Please do the right thing and VOTE NO on their proposal for the night club and a Liquor License. There is enough crime in every area without making it easier for that to come about by placing it right in our midst.

Also, for the background that Mr. Savaya has, doesn't sound good and you know full well that he would be in the establishment. He is her husband, for heavens sake. This kind of establishment should never be allowed here or anywhere in the City of Troy.

We were under the impression that Ms. Savaya was going to talk to each resident in the 500' of the establishment. We have yet to find ONE person that she has spoken to. She has never been to any homeowner that we know of, to discuss this with us. Where she gets that 50% of the people agreed that it was okay for her to open this establishment, is beyond my comprehension.

Please consider our urging that you vote no on this proposal. Thank you for reading this and thank you for voting NO.

Sincerely and with much concern,

Rini and Gloria L. Buoncompagni

5086 Babbit Drive

Troy, MI 48085 248/689-0999

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-----Original Message-----

From: Joseph Yuhasz [mailto:jmy57@comcast.net]

Sent: Monday, September 04, 2006 5:23 PM

To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net; Cynthia A Stewart

Subject: Proposed Liquor license and Dance/Entertainment Permit 1129 East Long Lake Road

My wife and I are opposed to Rachel Savaya receiving a permit for dancing, entertainment and a liquor license transfer from Ichibang Restaurant located at 1129 East Long lake road; in the Long Lake Plaza east of Rochester Rd in Troy.

This type of facility does not belong so close to a residential neighborhood with families and children. We are concerned about the noise, traffic and inappropriate behavior.

Joseph & Nancy Yuhasz
5292 Abington Dr.
Troy, Michigan 48085

9/5/2006

August 28, 06

Troy City Council,

Subject: Proposal Liquor
License and Dance/Entertainment
Permit 1129 East Long Lake Road.

As a resident of East Long Lake
Estates, I am totally against
this type of club!

Joann Arizer
5054 Carnaby Dr.
Troy, MI 48065

RECEIVED

AUG 29 2006

CITY OF TROY
CITY MANAGER'S OFFICE

Troy, Michigan
August 30, 2006.

Dear Troy City Council:

We are writing in regard to the proposed liquor license and dance/entertainment permit for the establishment at 1129 East Long Lake Road. We are original residents of 1185 Mayberry Dr. which is the street just north of the Ichibang restaurant. We are in complete agreement with the position taken by the Troy police department in this matter. We are absolutely opposed to such an establishment anywhere in Troy, — much less in our own "front yard". We truly hope that you will deny said license and permit. Thank you for your consideration of this matter.

Sincerely,
Libel and Daniela Casagrande.

Troy City Council
500 W. Big Beaver Rd.
Troy, MI 48084

RECEIVED

AUG 29 2006

**CITY OF TROY
CITY MANAGER'S OFFICE**

August 27, 2006

Re: PROPOSED LIQUOR LICENSE & DANCE CLUB/ENTERTAINMENT PERMIT FOR
1129 E. LONG LAKE ROAD

Dear Troy City Council Members,

I am a resident of the East Long Lake Estates subdivision. This subdivision abuts the parking lot of the Long Lake Plaza where Troy, Inc. wishes to establish a restaurant/dance club/entertainment business.

I learned of the Liquor Advisory Committee's recommendation to approve of transfer ownership of the 2005 Class C Licensed Business located at 1129 E. Long Lake and add a new dance-entertainment permit.

I wish to voice my concern and my opposition of the establishment of such a business close to our subdivision. My concerns and opposition mirror Troy Police Lieutenant Lyczkowski's concerns, specifically the

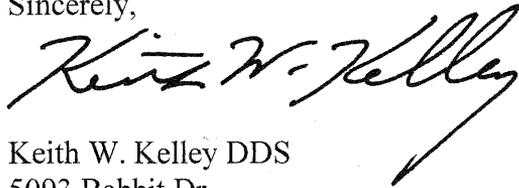
- 1) historical basis for noise problems arising from similar establishments in the past;
- 2) potential for unruly and potentially dangerous behavior associated with nightclubs;
- 3) spillover of such behavior into our subdivision and surrounding environs;
- 4) potential for increased potential for intoxicated driving incidents endangering our families;
- 5) potential for increased illegal substance use/abuse associated with young adult nightclubs;
- 6) likelihood that Mr. Savaya will indeed be associated with the business in some capacity. The Advisory Committee has recommended he not be allowed on the premises, but how will that be insured? Given his "arrested but not convicted" background, I am concerned that his wife's business would allow increased security risk to our neighborhood and the businesses in proximity to the proposed.

Additionally, I request a verification of local business and neighbor signatures to any petition to allow such a business. I understand from the Oakland Press article of 6/22/2006 that Asst. City Attorney Forsyth has indicated that 51% of the business' neighbors within 500 feet of the establishment must endorse the proposed nightclub. I personally do not know of any subdivision's homeowners who have endorsed or even seen such a petition.

Given the potential security concerns, potential unruly behavior concerns, potential for increased incidences of intoxicated driving associated with nightclubs, I sincerely hope the Council denies the application for a dance-entertainment/nightclub permit to Troy, Inc. or any other business entity at this location or any other location approximating our subdivision.

Thank you for your attention.

Sincerely,

A handwritten signature in black ink that reads "Keith W. Kelley". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Keith W. Kelley DDS
5093 Babbit Dr.
Troy, MI 48085
248-689-6909

MARCMAS ORIANO (Deborah Nieri)
5070 Babbitt
TROY MI 48065

WE DO NOT APPROVE FOR THE NIGHT CLUB MENTIONED IN
THIS LETTER. WE HAVE LIVED HERE 36 YEARS AND WE HAVE TO
MANY KIDS. WE ~~DO~~ DO NOT WANT TO INCREASE CRIME IN THIS
AREA. Think you

**IMPORTANT
PLEASE READ**

Mrs. Deborah Nieri - Oriano Nieri

**THE ATTACHED TROY LIQUOR ADVISORY BOARD
MINUTES ARE OF GREAT IMPORTANCE TO EAST
LONG LAKE ESTATES RESIDENTS**

**ATTACHED ALSO IS ONE EXAMPLE OF E-MAIL
THAT WAS SENT TO THE TROY CITY COUNCIL
MEMBERS**

**THE COUNCIL NEEDS TO HEAR YOUR
OPINIONS.**

**LT. LYCZKOWSKI OF THE TROY POLICE
DEPARTMENT ADVISED THAT THIS ISSUE WILL
BE SCHEDULED FOR ACTION IN SEPTEMBER**