



## CITY COUNCIL ACTION REPORT

March 20, 2007

TO: Phillip L. Nelson, City Manager

FROM: Chief Charles Craft *cc*  
Captain Gary Mayer *gm*  
Sergeant Chris Stout *cs*

SUBJECT: Application for Transfer of SDM License for Maple Market

### Background:

- ESM Inc., requests to transfer location of 2006 SDM license from 219 N. Eton, Birmingham MI, 48009 to 164 E. Maple Troy MI 48084, Oakland County.
- On March 12, 2007, Owner Kimberly Madajczyk of Maple Market, answered questions for the Liquor Advisory Committee.
- Ms. Madajczyk explained to the committee that she has owned the Eton Market in Birmingham for 10 years and is moving to Troy because of large rent increases in Birmingham.
- The Maple Market will be a small market with a deli and grocery items along with beer and wine.
- The Committee unanimously approved this request.

### Financial Considerations:

- There are no financial considerations for the city.

### Legal Considerations:

- This complies with City Ordinance and Michigan Liquor Control Commission rules.
- The Police Department did not find any disqualifying factors for this request
- The MLCC does not require local government approval for the transfer of SDM licenses; however, it has been the policy of Troy City Council to review such requests.

### Policy Considerations:

- City Goal III: " Retain and attract investment while encouraging redevelopment".

### Options:

- The City Council can approve or deny the request.



Michigan Department of Labor & Economic Growth  
**MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)**

7150 Harris Drive, P.O. Box 30005  
Lansing, Michigan 48909-7505

**POLICE INVESTIGATION REQUEST**

[Authorized by MCL 436.1201(4)]

February 2, 2007

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

Request ID #387930

Applicant: ESM INC. requesting to Transfer Location 2006 (SDM) Specially Designated Merchant license, from 219 N Eton, Birmingham, to, 164 E Maple, Troy; Transfer Governmental Unit from Birmingham City, to, Troy City, Michigan, 48083, Oakland County

STOCKHOLDER: Kimberly G Madajczyk, 24631 Patricia, Warren MI, 48091  
(B.P. 248-649-6010 H.P. 586-755-5942)

Please make an investigation of the 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, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission.

If you have any questions, contact the appropriate unit (On Premises, Off Premises or Manufacturers & Wholesalers) at (517) 322-1400.

jr



**FOR MLCC USE ONLY**

Request ID # 387930

Business ID # 99501

**POLICE INVESTIGATION REPORT**

[Authorized by MCL 436.1217 and R 436.1105; MAC]

**Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC**

**LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:**

ESM INC. requesting to Transfer Location 2006 (SDM) Specially Designated Merchant license, from 219 N Eton, Birmingham, to, 164 E Maple, Troy; Transfer Governmental Unit from Birmingham City, to, Troy City, Michigan, 48083, Oakland County

**Section 1. APPLICANT INFORMATION**

APPLICANT #1: KIMBERLY G MADAJCZYK  
 24631 PATRICIA  
 WARREN, MI 48091  
 (B.P. 248-649-6010 H.P. 586-755-5942)

APPLICANT #2:

DATE FINGERPRINTED: FINGER PRINTS NOT REQUIRED

DATE FINGERPRINTED:

DATE OF BIRTH:  
 Is the applicant a U.S. Citizen:  Yes  No\*

DATE OF BIRTH:  
 Is the applicant a U.S. Citizen:  Yes  No\*

\*Does the applicant have permanent Resident Alien status?  
 Yes  No\*

\*Does the applicant have permanent Resident Alien status?  
 Yes  No\*

\*Does the applicant have a Visa? Enter status:

\*Does the applicant have a Visa? Enter status:

\*\*Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission\*\*

**ARREST RECORD:**  Felony  Misdemeanor  
 Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

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 Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

**Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED**

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?

No  Yes, complete LC-1636

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

**AGREEMENT REGARDING LIQUOR LICENSE REQUEST**

This Agreement, made this \_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, 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 ESM, INC. whose address is 164 E. Maple, 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 Distributor licensed business located at 164 E. Maple, Troy, by ESM, 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.

  
Kimberly Madajczyk

ESM, INC.

Witnesses



Subscribed and sworn to before me  
this 14 day of February, 2007

Elaine E. Cummings

Notary Public, Elaine E. Cummings  
County, Oakland

My commission expires: 9-27-2008

**ELAINE E. CUMMINGS**  
**Notary Public, Oakland County, MI**  
**Commission Expires Sept 27, 2008**  
**Acting in Oakland County**

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: