

CITY COUNCIL ACTION REPORT

August 14, 2007

TO: Phillip L. Nelson, City Manager

FROM: Chief Charles Craft *CC*
 Captain Gary Mayer
 Sergeant Robert Cantlon *RC*

SUBJECT: Application for Transfer of SDD and SDM License for Atlas Blue Sky, Inc.

Background:

- Atlas Blue Sky, Inc. request transfer ownership 2007 SDD and SDM licensed business located at 36949 Dequindre, Troy, MI 48084, Oakland County, from MJMN, Inc.
- This is a local business that operates a bakery and offers carry out food as well as the alcohol products. The current owner estimates the alcohol sales amount to approximately 20% of the total sales. The prospective owners, Raymond Elia and Ghassan Hirmiz, plan no changes in operation or staff. Mr. Elia currently owns and operates a store in Harper Woods with a SDM license and has done so for four years. On August 13, 2007 the Liquor Advisory 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 MLCC does not require local government approval for the transfer of SDD and SDM licenses: however, it has been the policy of Troy City Council to review such requests.
- The Police Department did not find any disqualifying factors for this request.

Policy Considerations:

- This application meets the City's criteria for liquor license transfer. It meets the City goal to retain and attract investment while encouraging redevelopment.

Options:

- The City Council can approve or deny the transfer.

A regular meeting of the Liquor Advisory Committee was held on Monday, August 13, 2007 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 6:56 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Henry W. Allemon
W. Stan Godlewski
Patrick C. Hall
David S. Ogg
Timothy P. Payne
Bohdan L. Ukrainec
Clark Yuan, Student Representative
Allan Motzny, Assistant City Attorney
Sergeant Robert Cantlon
Pat Gladysz

Resolution to Approve Minutes of June 11, 2007 & July 24, 2007 Meetings

Resolution #LC2007-08-018

Moved by Allemon

Seconded by Payne

RESOLVED, that the Minutes of the June 11, 2007 and July 24, 2007 meetings of the Liquor Advisory Committee be approved.

Yes: 7
No: 0
Absent: 0

Agenda Items

1. Atlas Blue Sky, Inc. requests to transfer ownership of 2007 SDD and SDM licensed business located at 36949 Dequindre, Troy, MI 48084, Oakland County, from MJMN, Inc. {MLCC req #417140}

Present to answer questions from the Committee were Kawkab Matti (seller) and Ghassan Hirmiz and Raymond Elia (buyers).

Mr. Matti explained to the Committee that he is selling the Atlas Market & Bakery located at 36949 Dequindre to Mr. Hirmiz and Mr. Elia. There will be no change in operations of the store, which is a specialty market, bakery, deli, carryout, and pharmacy. In response to a question from a Committee member, Mr. Matti stated that the revenue from liquor, beer, and/or wine purchases accounts for approximately 15-20% of the total sales. The staff will remain the same and Mr. Matti will continue in an advisory role for approximately four months.

Resolution #LC2007-08-019

Moved by Allemon

Seconded by Ukrainec

RESOLVED, that Atlas Blue Sky, Inc. be allowed to transfer ownership of 2007 SDD and SDM licensed business located at 36949 Dequindre, Troy, MI 48084, Oakland County, from MJMN, Inc.

Yes: 7
No: 0
Absent: 0

The next regular meeting will be held on Monday, September 17, 2007 at 7:00 p.m. in the Lower Level Conference Room.

The meeting adjourned at 7:11 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II



FOR MLCC USE ONLY

Request ID # 417140

Business ID # 194592

POLICE INSPECTION REPORT

(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)
 ATLAS BLUE SKY, INC. 36949 DEQUINDRE, TROY, MI 48084, OAKLAND COUNTY

REQUEST FOR: TRANSFER OWNERSHIP 2007 SDD AND SDM LICENSED BUSINESS FROM MJMN, INC.

Section 1. APPLICANT INFORMATION

APPLICANT #1: NO FINGERPRINTS NEEDED
 RAYMOND ELIA

APPLICANT #2:
 GHASSAN HERMIZ

HOME ADDRESS AND AREA CODE/PHONE NUMBER:
 42770 HUNT CLUB, STERLING HEIGHTS, MI 48310 (586)
 873-3311-H (313) 371-5355-W

HOME ADDRESS AND AREA CODE/PHONE NUMBER:
 2929 ERMA STREET, SHELBY TOWNSHIP, MI 48317 (586)
 873-6143-H (586) 468-1212-W

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 a Visa? Enter status:
 Date fingerprinted:

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 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: 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)

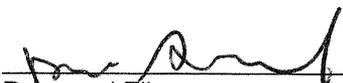
Date

TROY POLICE DEPARTMENT

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 6th day of July, 2007, 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 ATLAS BLUE SKY, INC. whose address is 36949 Dequindre, 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 42889 Dequindre, Troy, by ATLAS BLUE SKY, 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.



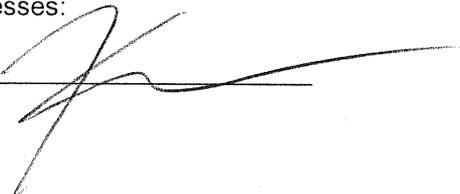
Raymond Elia



Ghassan Hermiz

ATLAS BLUE SKY, INC.

Witnesses:



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

Notary Public, _____
County, _____
My commission expires:

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: