

A regular meeting of the Liquor Advisory Committee was held on Monday, June 8, 2009 in the Council Board Room of Troy City Hall, 500 West Big Beaver Road. Committee member Patrick Hall called the meeting to order at 7:05 p.m.

ROLL CALL:

PRESENT: W. Stan Godlewski
Patrick C. Hall
Andrew Kaltsounis
David S. Ogg
Timothy P. Payne
Bohdan L. Ukrainec

ABSENT: Max K. Ehlert, Chairman

ALSO PRESENT: Officer James Feld
Susan Lancaster, Assistant City Attorney
Pat Gladysz

Resolution to Excuse Committee Member Ehlert

Resolution #LC2009-06-007
Moved by Ukrainec
Seconded by Kaltsounis

RESOLVED, that the absence of Committee member Ehlert at the Liquor Advisory Committee meeting of June 8, 2009 BE EXCUSED.

Yes: 6
No: 0
Absent: Ehlert

Resolution to Approve Minutes of April 13, 2009 Meeting

Resolution #LC2009-06-008
Moved by Payne
Seconded by Kaltsounis

RESOLVED, that the Minutes of the April 13, 2009 meeting of the Liquor Advisory Committee be approved.

Yes: 6
No: 0
Absent: Ehlert

Agenda Items

- 1. DDC Hotels, Inc.** (A Missouri Corporation) requests to transfer ownership of 2008 B-Hotel and SDM Licensed Business, located at 575 West Big Beaver, Troy, Michigan 48084, Oakland County, from Drury Hotels Company, LLC (A Nevada Limited Liability Company); and requests a new Official Permit (Food) (Step 2). {MLCC Request #491095}

Present to answer questions from the Committee were attorney John Carlin and hotel general manager Tracy Thomas.

The Drury family has owned 140 hotels in the United States for many years. For estate planning purposes, the hotels will be split between two sons in the family. With regard to the Troy location, DDC Hotels, Inc. will become the owner and licensee and Drury Inns, Inc. will remain as hotel management. The current staff will not change.

Officer Feld stated that the Police Department has no concerns in this matter.

Resolution #LC2009-06-009
Moved by Ukraineec
Seconded by Payne

RESOLVED, that DDC Hotels, Inc. (A Missouri Corporation) be allowed to transfer ownership of 2008 B-Hotel and SDM Licensed Business, located at 575 West Big Beaver, Troy, Michigan 48084, Oakland County, from Drury Hotels Company, LLC (A Nevada Limited Liability Company); and receive new Official Permit (Food).

Yes: 6
No: 0
Absent: Ehlert

-
- 2. Han Mi Mart, Inc.** 5060 Rochester, Troy, Michigan 48085, Oakland County requests to transfer ownership of escrowed 2008 SDD and SDM licensed business from B&K Investment Group. {MLCC Request #474731}

Present to answer questions from the Committee were Hyun Jung Kim and Young Jin Kwon, owners of the business.

The owners stated that they have been in business for 2-1/2 years. Their clientele is 80%-90% Korean, with the balance mainly consisting of Chinese and Japanese and they plan to sell Asian liquors.

Officer Feld stated that the Police Department has no concerns in this matter.

Resolution #LC2009-06-010

Moved by Ogg

Seconded by Hall

RESOLVED, that Han Mi Mart, Inc. 5060 Rochester, Troy, MI 48085, Oakland County be allowed to transfer ownership of escrowed 2008 SDD and SDM licensed business from B&K Investment Group.

Yes: 6
No: 0
Absent: Ehlert

Tabled Items

M & M Troy, Inc.

There was a brief discussion regarding M & M Troy, Inc. Officer Feld stated that the owner has submitted drawings to the Police and Fire Departments. The Fire Department is currently reviewing the plans to determine if they meet with approval. The Building Department has approved the final inspections.

Assistant City Attorney Lancaster reviewed Chapter 101 of the City Ordinance with the Committee:

4. City Council Approval; Gas Stations and/or Businesses with Fuel Pumps.

a. Both of the following shall be established for any applicant seeking City Council approval for a liquor license for a gas station and/or a business with fuel pumps:

- 1) The site of payment and selection of alcoholic liquor shall be at least 50 feet from that point where motor fuel is dispensed; and***
- 2) The applicant must establish that one or both of the following conditions exist and will continue to exist:***

- (i) The applicant or licensee is located in a neighborhood shopping center composed of one or more commercial establishments organized or operated as a unit which is related in location, size, and type of shop to the trade area that the unit serves, which provides not less than 50,000 square feet of gross leasable retail space, and which provides five private off-street parking spaces for each 1,000 square feet of gross leasable retail space; and/or**
- (ii) At all times, the applicant or licensee maintains a minimum inventory on the premises of not less than \$250,000.00 (at cost) of those goods and merchandise customarily marketed by approved types of businesses, excluding alcoholic liquor and motor vehicle fuel.**

 - A) Services, prizes, offers, contests, coupons, and other items which require purchase before a cash value attaches shall not be considered inventory.**
 - B) The applicant or licensee shall allow inspection of the inventory at the licensed premises during regular business hours by the Director of Building and Zoning or his/her designee, the Treasurer or Finance Director or his/her designee, or the Troy Police Department.**
 - C) Upon a verbal or written request of the City, the applicant or licensee shall produce documents and/or records of the cost of inventory on the premises on a specific date. If the applicant or licensee fails to produce such documents or records, or if the documentation presented does not contain enough information to determine if the inventory is based on cost, within 3 days of the request, then there shall be a rebuttable presumption that the inventory on that specific date was below the \$250,000 minimum requirement of this Chapter, which can be raised in any legal proceeding.**
- b. Failure to satisfy the requirements of sub-section 1) and sub-section 2), as set forth above, will result in a denial recommendation from the Troy City Council. In the event that a gas station or business with gas pumps is granted a liquor license by the State of Michigan, the failure to continuously satisfy the requirements of sub-section 1) and sub-section 2), as set forth above, will result in a recommendation for revocation or other adverse action against the liquor license.**

Officer Feld indicated that this item will most likely appear on next month's Agenda.

Informational Items

Officer Feld briefly updated the Committee regarding the Informational Items:

Southwest Dining, Inc.

This Class C license has been placed in a “hold status”.

Cameron Mitchell Restaurants, LLC

Plans for outdoor service area have been put on hold.

Clawson-Troy Elks Lodge No. 2169

Building has been sold.

Granite City Restaurant Operations, Inc.

Plans to build this restaurant have been cancelled for economic reasons.

The meeting adjourned at 7:50 p.m.



Patrick C. Hall, Committee Member



Patricia A. Gladysz, Secretary