City of Troy

CITY COUNCIL ACTION REPORT

September 21, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Application for Transfer of Class C license to 1555 E. Maple LLC.

Background:

- 1555 E. Maple LLC requests to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple, Troy, Mi 48084, Oakland County, from Jumbo Investment, Inc.; with license to be held in escrow. {MLCC req #367206}
- Judge Potts of the Oakland County Circuit Court awarded this license to 1555 E. Maple after the previous licensee defaulted on the business loan.
- On September 17, 2007, Wendy Thagard of 1555 E. Maple LLC, answered question for the Liquor Advisory Committee.
- Ms. Thagard indicated the business would maintain the license in escrow with the intent of offering it for sale once it is obtained.
- The Liquor Advisory Committee approved this request by a unanimous vote.

Financial Considerations:

- There are no financial considerations for the city.

Legal Considerations:

- The request complies with all applicable Troy City Ordinances and Michigan Liquor Control Commission rules.
- The Police Department did not find any disqualifying factors for this request.
- City Council approval is required for the Michigan Liquor Control Commission to approve the transfer.

Policy Considerations:

- City goal III: "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, September 17, 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 6:58 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
Allan Motzny, Assistant City Attorney
Lieutenant Michael Lyczkowski
Pat Gladysz

ABSENT: None

Resolution to Approve Minutes of August 13, 2007 Meeting

Resolution #LC2007-09-020
Moved by Allemon
Seconded by Ukrainec

RESOLVED, that the Minutes of the August 13, 2007 meeting of the Liquor Advisory Committee be approved.

Yes: 7
No: 0
Absent: None

Agenda Items

1. 1555 E. Maple LLC requests to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple,

Troy, MI 48084, Oakland County, from Jumbo Investment, Inc.; with license to be held in escrow. {MLCC req #367206}

Present to answer questions from the Committee was the previous property owner, Wendy Thagard. She explained that the property had been sold and may be developed into a hotel. She is currently negotiating with a restaurant owner in Farmington Hills to purchase her liquor license.

Resolution #LC2007-09-021
Moved by Ogg
Seconded by Hall

RESOLVED, that 1555 E. Maple LLC be allowed to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple, Troy, MI 48084, Oakland County, from Jumbo Investment, Inc.; with license to be held in escrow.

Yes:	7
No:	0
Absent:	None

The meeting adjourned at 7:10 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 14th 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 NANCY KEMP – MEMBER, 1555 E. MAPLE LLC. Whose address is 1665 Post Road, West Bloomfield, Mi 48324, 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 to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple, Troy, Mi 48084, Oakland County, from Jumbo Investment, Inc. ; with license to be held in escrow.
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.

Nancy Kemp

Nancy Kemp

1555 E. Maple, Inc.

Witnesses:

Cathy Dickens

Cathy Dickens

_____

Subscribed and sworn to before me
this 18 day of July, 2007

Cathy Dickens

Notary Public, Oakland
County, Mi
My commission expires: 11-03-2013

CATHY DICKENS
Notary Public, State of Michigan
County of Oakland
My Commission Expires Nov. 03, 2013
Acting in the County of Oakland

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:

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 21 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 WENDY THAGARD – MEMBER, 1555 E. MAPLE LLC. Whose address is 5082 Willow Grove Lake, Brighton, Mi 48116, 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 to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple, Troy, Mi 48084, Oakland County, from Jumbo Investment, Inc. ; with license to be held in escrow.
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.
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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.

Wendy Thagard

1555 E. Maple, INC.

Witnesses:

Jacqueline Muha

Karrie A. Mitter

Subscribed and sworn to before me
this 20 day of July, 2007

Carrie Gouine

Notary Public, Livingston
County, _____
My commission expires: 11-8-07

CARRIE GOUINE
NOTARY PUBLIC - MICHIGAN
Livingston County
My Commission Expires Nov. 08, 2007

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:

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 RICHARD BOCHENEK – MEMBER, 1555 E. MAPLE LLC. Whose address is 4751 Chipman, Waterford, Mi 48327, 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 to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple, Troy, Mi 48084, Oakland County, from Jumbo Investment, Inc. ; with license to be held in escrow.
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.
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   (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.
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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.

_____
Richard Bochenek

1555 E. Maple, Inc.

Witnesses:

Subscribed and sworn to before me
this 17 day of July, 2007

Notary Public, Jodi Barquist
County, Oakland
My commission expires: 12/31/07

JODI E. BARQUIST
Notary Public, Oakland County, MI
My Commission Expires Dec. 31, 2007

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:

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 7 day of 23, 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 DEBRA PERDUE – MEMBER, 1555 E. MAPLE LLC. Whose address is 1809 Brookcliff Greensboro, NC 27408, 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 to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple, Troy, Mi 48084, Oakland County, from Jumbo Investment, Inc. ; with license to be held in escrow.
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.
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   (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.
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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.

Debra ~~Perdue~~ Hoffman

1555 E. Maple, INC

Witnesses:

_____

Subscribed and sworn to before me
this 24 day of July, 2007

Lois A. von Kampen

Notary Public, North Carolina
County, New Hanover
My commission expires: 1/22/12

LOIS A. VON KAMPEN
NOTARY PUBLIC
Pender County, North Carolina
My Commission Expires January 22, 2012

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:

Michigan Department of Labor & Economic Growth

MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)

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

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 367206

Business ID # 176652

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:

1555 E. MAPLE, LLC REQUESTS TO TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED IN ESCROW AT 1555 E. MAPLE, TROY, MI 48084, OAKLAND COUNTY, FROM JUMBO INVESTMENT, INC.; WITH LICENSE TO BE HELD IN ESCROW.

Section 1. APPLICANT INFORMATION

APPLICANT #1:	APPLICANT #2:
RICHARD BOCHENEK – MEMBER 4751 CHIPMAN WATERFORD, MI 48327 H(248)682-5078/B(248)626-1800	NANCY KEMP – MEMBER 1665 POST ROAD WEST BLOOMFIELD, MI 48324 H(248)682-8078
DATE FINGERPRINTED:	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 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:

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)	**ARREST RECORD: ☐ Felony ☐ Misdemeanor** 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

Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

FOR MLCC USE ONLY

Request ID # 367206

Business ID # 176652

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

April 17, 2007

TO:

Re: 1555 E. MAPLE, LLC

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your report and/or recommendation to the offices of the MLCC at the above address. Questions about this request should be directed to the MLCC Licensing Division at (517) 322-1400.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: _____

Weekdays _____ A.M. to _____ A.M.

Sundays _____ A.M. to _____ A.M./P.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

NOTE: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: _____

Weekdays _____ A.M. to _____ A.M.

Sundays _____ A.M. to _____ A.M./P.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☒ DANCE PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ ENTERTAINMENT PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ TOPLESS ACTIVITY PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ OUTDOOR SERVICE		
☐ Recommended	☐ Recommended, subject to final inspection	☐ Not Recommended
☐ PARTICIPATION PERMIT		
☐ Recommended	☐ Recommended, subject to final inspection	☐ Not Recommended
☐ ADDITIONAL BAR PERMIT		
☐ Recommended	☐ Recommended, subject to final inspection	☐ Not Recommended
☐ OTHER		
☐ Recommended	☐ Recommended, subject to final inspection	☐ Not Recommended

Signed:

_____
Signature and Title

_____
Print Name and Title

TROY POLICE DEPARTMENT

Date: _____

sfs

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

Request ID # 367206

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 to TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED IN ESCROW AT 1555 E. MAPLE, TROY, MI 48084, OAKLAND COUNTY, FROM JUMBO INVESTMENT, INC. TO 1555 E. MAPLE, LLC; WITH LICENSE TO BE HELD IN ESCROW.

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)

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

SEAL

_____
(Mailing address of Township, City or Village)

LC-1305 (Rev. 08/2006) Authority: MCL 436.1501 Completion: Mandatory Penalty: No License	The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.