

CITY COUNCIL ACTION REPORT

February 12, 2008

TO: Phillip L. Nelson, City Manager

FROM: Charles T. Craft, Chief of Police *cc*
 Captain Colleen Mott, Support Services Division *CCM*
 Sergeant Robert Cantlon *rc*

SUBJECT: Application for transfer of Class C license for Hari Om Restaurants, Inc.

Background:

- Hari Om Restaurants, Inc. requests to transfer ownership of 2007 Class C licensed business from Paragon of Michigan, Inc. located at 2360 Rochester Ct., Troy, currently operating as Mountain Jack's.
- On February 11, 2008, applicant Puja Gupta, along with her attorney, Kelly Allen answered questions for the Liquor Advisory Committee.
- Ms. Gupta explained to the Committee that she currently owns and operates a successful consulting business in Troy. This business began in 1994.
- Hari Om, Inc. will operate as The Host Steakhouse and Grille, a restaurant offering American and Southeast Asian dishes.
- The Committee unanimously approved this request.

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.
- The MLCC requires local government approval for the transfer of a Class C license.

Policy Considerations:

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

Options:

- 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 REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 435416

Business ID # 204355

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:

HARI OM RESTAURANTS, INC. REQUESTS TO TRANSFER OWNERSHIP OF 2007 CLASS C LICENSED BUSINESS, LOCATED AT 2360 ROCHESTER, TROY, MI 48084, OAKLAND COUNTY, FROM PARAGON OF MICHIGAN, INC. (A WISCONSIN CORPORATION); AND REQUESTS A NEW OFFICIAL PERMIT (FOOD).

Section 1. APPLICANT INFORMATION

APPLICANT #1:
PUJA GUPTA - STOCKHOLDER
2032 ALFRED
TROY, MI 48085
H(248)275-1133/B(248)346-4515

APPLICANT #2:

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 # 435416

Business ID # 204355

LAW ENFORCEMENT RECOMMENDATION

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

November 20, 2007

TO: *Troy Police Dept.*
500 W. Big Beaver
Troy, MI 48084-5285
 Re: HARI OM RESTAURANTS, INC.

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: FOOD

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

Sundays 9:00 A.M. to 12:00 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

<input type="checkbox"/> OUTDOOR SERVICE <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> PARTICIPATION PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> ADDITIONAL BAR PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> OTHER <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended

Signed:

Signature and Title

Print Name and Title

TROY POLICE DEPARTMENT

Date: _____

sfs

A regular meeting of the Liquor Advisory Committee was held on Monday, February 11, 2008 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
W. Stan Godlewski
Patrick C. Hall
David S. Ogg
Bohdan L. Ukrainec
Susan Lancaster, Assistant City Attorney
Sergeant Robert Cantlon
Pat Gladysz

ABSENT: Timothy P. Payne
Clark Yuan, Student Representative

Resolution to Excuse Committee Member Payne

Resolution #LC2008-02-004

Moved by Allemon

Seconded by Ogg

RESOLVED, that the absence of Committee member Payne at the Liquor Advisory Committee meeting of February 11, 2008 BE EXCUSED.

Yes: 6
No: 0
Absent: Payne

Resolution to Approve Minutes of January 14, 2008 Meeting

Resolution #LC2008-02-005

Moved by Ukrainec

Seconded by Allemon

RESOLVED, that the Minutes of the January 14, 2008 meeting of the Liquor Advisory Committee be approved.

Yes: 6
No: 0
Absent: Payne

Agenda Items

1. **Hari Om Restaurants, Inc.** requests to transfer ownership of 2007 Class C licensed business located at 2360 Rochester Ct , Troy, MI 48084, Oakland County from **Paragon of Michigan, Inc.** (a Wisconsin Corporation); and requests a new Official Permit (Food). [MLCC REF# 435416]

Present to answer questions from the Committee were attorneys Kelly Allen and Lisa Hamameh, sole proprietor Puja Gupta, and general manager Cynthia Pryor.

A presentation was made to the Committee explaining that Ms. Gupta is the sole proprietor of “The Host Steakhouse & Grille” which will occupy the building currently doing business as “Mountain Jack’s Steakhouse” on Rochester Court. She is currently in the process of negotiating a lease agreement with Paragon of Michigan. Minor renovations will be made to the restaurant which houses 266 seats. It will feature American and Indian cuisine in a combination fine dining and sports bar environment. Many of the current Mountain Jack’s employees will be hired by Ms. Gupta and all will have the required TIPS or TAMS training.

Resolution #LC2008-02-006
Moved by Hall
Seconded by Allemon

RESOLVED, that Hari Om Restaurants, Inc. be allowed to transfer ownership of 2007 Class C licensed business located at 2360 Rochester Ct , Troy, MI 48084, Oakland County from Paragon of Michigan, Inc. (a Wisconsin Corporation); and be granted a new Official Permit (Food).

Yes: 6
No: 0
Absent: Payne

The meeting adjourned at 7:35 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

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 Hari Om Restaurants, Inc. dba The Host, 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 transfer of ownership of 2007 Class C licensed business, Paragon of Michigan, Inc, 2360 Rochester Court, Troy to Hari Om Restaurants, Inc dba The Host.
2. In consideration of the City of Troy's recommendation for approval of the transfer, the applicant hereby agrees that:
 - a) It has read and is aware of the provisions of City of Troy Ordinances, 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, 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.
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.

[Handwritten Signature]

Authorized Representative

Hari Om Restaurants, Inc

Witnesses:

Katie Sealley
[Handwritten Signature]

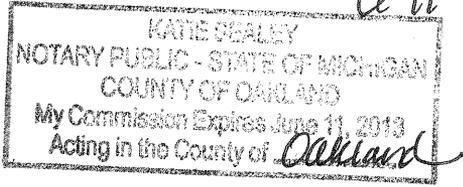
Subscribed and sworn to before me
this 19 day of December, 20007

Katie Sealley

Notary Public, Katie Sealley

County, Oakland

My commission expires: 06-11-2013



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:

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 2007 CLASS C LICENSED BUSINESS, LOCATED AT 2360 ROCHESTER, TROY, MI 48084, OAKLAND COUNTY, FROM PARAGON OF MICHIGAN, INC. (A WISCONSIN CORPORATION) TO HARI OM RESTAURANTS, INC.

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)