



CITY COUNCIL ACTION REPORT

March 11, 2008

TO: Phillip L. Nelson, City Manager

FROM: Charles T. Craft, Chief of Police *CC*
 Captain Colleen Mott, Support Services Division *edm*
 Sergeant Robert Cantlon *RC*

SUBJECT: Application for transfer of Class C license to AMC Troy, Inc.

Background:

- AMC Troy, Inc. requesting to transfer ownership escrowed 2007 Class C licensed business with Official Permit (Food), from Kingsway LLC; transfer location, governmental unit under MCL436.1531(1), from 43155 Main, Suite 208, Novi Michigan, 48375, to 1873 E Big Beaver, Troy Michigan, 48083, Oakland County; requesting a new outdoor service (1 area), new entertainment permit, new SDM license, to be held in conjunction. {MLCC Req #434767}
- On March 10 2008, applicant T. Michael Ansley, of AMC Troy, Inc. answered questions for the Liquor Advisory Committee.
- Mr. Ansley explained to the Committee that he has owned and operated restaurants with liquor licenses for upwards of 12 years and will operate this establishment as Buffalo Wild Wings.
- Buffalo Wild Wings is a national franchise and Mr. Ansley is involved in the ownership and operation of several of those franchises in Michigan.
- 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.
- On May 12, 1993 City Council passed a resolution requiring a minimum of 3000 feet between Class C establishments with entertainment permits. This establishment would be within 3000 feet of an existing Class C establishment with an entertainment permit.
- The MLCC requires local government approval for the transfer of Class C licenses.

Policy Considerations:

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

Options:

- City Council can approve or deny the request.

A regular meeting of the Liquor Advisory Committee was held on Monday, March 10, 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
Timothy P. Payne
Clark Yuan, Student Representative
Susan Lancaster, Assistant City Attorney
Sergeant Robert Cantlon
Pat Gladysz

ABSENT: David S. Ogg
Bohdan L. Ukrainec

Resolution to Excuse Committee Members Ogg and Ukrainec

Resolution #LC2008-03-007
Moved by Allemon
Seconded by Payne

RESOLVED, that the absence of Committee members Ogg and Ukrainec at the Liquor Advisory Committee meeting of March 10, 2008 BE EXCUSED.

Yes: 5
No: 0
Absent: Ogg, Ukrainec

Resolution to Approve Minutes of February 11, 2008 Meeting

Resolution #LC2008-03-008
Moved by Allemon
Seconded by Payne

RESOLVED, that the Minutes of the February 11, 2008 meeting of the Liquor Advisory Committee be approved.

Yes: 5
No: 0
Absent: Ogg, Ukrainec

Agenda Items

1. **AMC Troy, Inc.** requesting to transfer ownership of escrowed 2007 Class C licensed business with Official Permit (Food), from Kingsway LLC; transfer location, governmental unit under MCL 436.1531(1), from 43155 Main, Suite 208, Novi, Michigan 48375, to 1873 East Big Beaver Road, Troy, Michigan 48083, Oakland County; requesting a new outdoor service (1 area), new entertainment permit, new SDM license, to be held in conjunction. {MLCC Req #434767}

Present to answer questions from the Committee was Michael Ansley, franchisee of Buffalo Wild Wings of the metropolitan Detroit and Florida markets.

Buffalo Wild Wings opened its first location in Columbus, Ohio in 1982. Mr. Ansley has been a franchisee for 12 years. He currently owns several restaurants, including Sterling Heights, Warren, Ferndale, Novi, Fenton, Grand Blanc, and Petoskey. Management for the Troy location will be transferred from his other restaurants. Training will be done by both corporate and internal teams. They require that all servers be 21 years of age and attend the "Serve Safe" alcohol training. In his 12 years of business, Mr. Ansley has received only one liquor violation. The parking was questioned by a committee member and Mr. Ansley replied that the landlord has obtained a parking variance for the site.

Assistant City Attorney Lancaster informed the Committee of a 1993 City Council Resolution stating that there cannot be two facilities with Class C licenses and entertainment permits within 3,000 feet of each other. The City Attorney's office is of the opinion that it is timely for City Council to review this Resolution in light of the high density trend in Troy. Also, the City now has an adult business use ordinance which we did not have when this Resolution went into effect.

Sergeant Cantlon reported that his investigation found only one liquor violation and that occurred in 2002 in Novi.

Resolution #LC2008-03-009

Moved by Hall

Seconded by Payne

RESOLVED, that AMC Troy, Inc. be allowed to transfer ownership of escrowed 2007 Class C licensed business with Official Permit (Food), from Kingsway LLC; transfer location, governmental unit under MCL 436.1531(1), from 43155 Main, Suite 208, Novi, Michigan 48375, to 1873 East Big Beaver Road, Troy, Michigan 48083, Oakland County; be granted a new outdoor service (1 area), new entertainment permit, new SDM license, to be held in conjunction.

Yes: 5
No: 0
Absent: Ogg, Ukrainec

2. **Somerset Collection Limited Partnership** requests to transfer ownership of 2007 Class C licensed business located in escrow at 2801 West Big Beaver Road, Somerset Collection, Suite J-230, Troy, Michigan 48084, Oakland County, from Sebastian’s Ltd.; with license to be held in escrow. {MLCC Req #416257}

Present to answer questions from the Committee was Patrick Howe of Carlin, Edwards, Brown & Howe.

This request is for a license transfer to the owners of the Somerset Collection. They have no intention of activating the license. Several years ago, Sebastian’s Restaurant closed and there is a lease provision which states that the liquor license would revert back to the landlord if the tenant vacated. The license has been surrendered to the landlord, and the landlord would like to hold on to the license for “record purposes” to hold it in escrow until they find a tenant within the mall. The MLCC regulations state that the license can be held in escrow for five years.

Assistant City Attorney Lancaster suggested that the Committee make their recommendation to City Council with the stipulation that when the license comes out of escrow, the City of Troy be entitled to its standard investigation.

Resolution #LC2008-03-010
Moved by Allemon
Seconded by Hall

RESOLVED, that Somerset Collection Limited Partnership be allowed to transfer ownership of 2007 Class C licensed business located in escrow at 2801 West Big Beaver Road, Somerset Collection, Suite J-230, Troy, Michigan 48084, Oakland County, from Sebastian’s Ltd.; with license to be held in escrow, with the stipulation that when the license comes out of escrow, the City of Troy be entitled to its standard investigation.

Yes: 5
No: 0
Absent: Ogg, Ukrainec

The meeting adjourned at 7:24 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II



FOR MLCC USE ONLY

Request ID # 434767

Business ID # 203974

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:

AMC TROY, INC. REQUESTING TO TRANSFER OWNERSHIP ESCROWED 2007 CLASS C LICENSED BUSINESS, WITH OFFICIAL PERMIT (FOOD), FROM KINGSWAY L.L.C.; TRANSFER LOCATION, GOVERNMENTAL UNIT UNDER MCL436.1531(1), FROM 43155 MAIN, SUITE 208, NOVI MICHIGAN, 48375, TO, 1873 E BIG BEAVER, TROY MICHIGAN, 48083, OAKLAND COUNTY; REQUESTING A NEW OUTDOOR SERVICE (1 AREA), NEW ENTERTAINMENT PERMIT, NEW SDM LICENSE, TO BE HELD IN CONJUNCTION

Section 1. APPLICANT INFORMATION

APPLICANT #1: STOCKHOLDER: AMC WINGS, INC.
 CONTACT: T. MICHAEL ANSLEY
 21751 W 11 MILE, STE. 208
 SOUTHFIELD, MI 48076
 (B.P. 248-223-9160) x 106

APPLICANT #2:

DATE FINGERPRINTED: FINGERPRINTS NOT REQUIRED

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 # 434767

Business ID # 203974

LAW ENFORCEMENT RECOMMENDATION

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

November 7, 2007

TO: TROY POLICE DEPARTMENT

Re: AMC TROY, 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 8:00 A.M. to NOON

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 (1 AREA)

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
Troy Police Department

Print Name and Title

Date: _____

jr

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

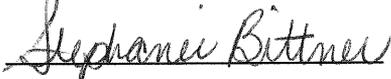
This Agreement, made this ____ day of _____, 200__, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and AMC Troy, Inc. whose address is 1873 E. Big Beaver, the Applicant, hereinafter 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 Class C licensed business located at 1873 E. Big Beaver.
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.



Authorized Representative

Witnesses:



Amy K. Fische

Subscribed and sworn to before me
this 1 day of February, 2008

Notary Public, Heidi L. Verardi
County, Oakland
My commission expires: 8/3/10

HEIDI L. VERARDI
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF OAKLAND
My Commission Expires 08/03/2010
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:

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 for AMC TROY, INC. REQUESTING TO TRANSFER OWNERSHIP ESCROWED 2007 CLASS C LICENSED BUSINESS, FROM KINGSWAY L.L.C.; TRANSFER LOCATION, GOVERNMENTAL UNIT UNDER MCL436.1531(1), FROM 43155 MAIN, SUITE 208, NOVI MICHIGAN, 48375, TO, 1873 E BIG BEAVER, TROY MICHIGAN, 48083, OAKLAND COUNTY; REQUESTING A NEW ENTERTAINMENT PERMIT

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)