

## CITY COUNCIL ACTION REPORT

July 15, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Application for transfer of Class C Resort and SDM license, Loccino, Inc.

### Background:

- Loccino, Inc. requests to transfer ownership of 2007 Resort Class C licensed business (MCL 436.1531(4); minimum seating 250; non-transferable and SDM license in conjunction with Official Permit (Food), and new Outdoor Service Permit; located in escrow at 5600 Crooks, Suite 106, Troy MI 48098, Oakland County, from Palm Troy Company, LLC (an Illinois Limited Liability Company). {MLCC Req #441407}
- On January 14, 2008, the applicants along with their attorney, John Carlin answered questions for the Liquor Advisory Committee.
- The applicants explained to the Committee their Alfoccino Restaurant was founded in 1986 and has been in continuous operation since that time.
- Loccino will operate as moderately priced restaurant offering primarily Italian cuisine along with other 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.

Yes: 6  
No: 0  
Absent: Godlewski

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**Agenda Items**

1. **Loccino, Inc.** requests to transfer ownership of 2007 Resort Class C licensed business (MCL 436.1531(4); minimum seating 250; non-transferable and SDM license in conjunction with Official Permit (Food), and new Outdoor Service Permit; located in escrow at 5600 Crooks, Suite 106, Troy MI 48098, Oakland County, from Palm Troy Company, LLC (an Illinois Limited Liability Company). {MLCC Req #441407}

Present to answer questions from the Committee were Frank Shushtari, Farshid Shushtari, and attorney John Carlin.

It was explained to the Committee that the Shushtari brothers are partners in this business. They currently own a restaurant in Farmington Hills and formerly owned restaurants in Rochester Hills and Sterling Heights. They have operated restaurants for more than 20 years. Loccino will be a moderately priced Italian restaurant open for lunch and dinner. They have made extensive interior and exterior modifications and hope to open for business in September. They will transfer staff from their other locations and will also hire additional personnel. All employees will receive TIPS/TAMS training.

Sergeant Cantlon reported that his investigation revealed no disqualifying factors.

Resolution #LC2008-07-016  
Moved by Hall  
Seconded by Ogg

RESOLVED, that Loccino, Inc. be allowed to transfer ownership of 2007 Resort Class C licensed business (MCL 436.1531(4); minimum seating 250; non-transferable and SDM license in conjunction with Official Permit (Food), and new Outdoor Service Permit; located in escrow at 5600 Crooks, Suite 106, Troy MI 48098, Oakland County, from Palm Troy Company, LLC (an Illinois Limited Liability Company).

Yes: 6  
No: 0  
Absent: Godlewski

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- 2. Agrusa International Marketplace, LLC** requests new SDM License to be located at 5047 Rochester, Troy, MI 48085, Oakland County.

Present to answer questions from the Committee were Steven Primavera, Anthony Capizzi, and Salvatore Agrusa.

It was explained to the Committee that they have been operating in this location since June 2007. Their main objective is to offer wine and some imported beer to their customers. The wine will be contained in one area. They are familiar with the required training and will comply. The partners currently operate a market in Sterling Heights and have been involved in retail sales for more than 30 years.

Sergeant Cantlon reported that his investigation revealed no disqualifying factors.

Resolution #LC2008-07-017  
Moved by Hall  
Seconded by Payne

RESOLVED, that Agrusa International Marketplace, LLC be granted a new SDM License to be located at 5047 Rochester, Troy, MI 48085, Oakland County.

Yes: 6  
No: 0  
Absent: Godlewski

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- 3. Arbor Drugs, Inc.** requests transfer location of 2008 SDD and SDM licensed business from 2963 E. Big Beaver to 1980 E. Big Beaver, Troy, MI 48083, Oakland County.

Present to answer questions from the Committee was Caren Zedro.

This request is merely a transfer of the license from the Big Beaver/Dequindre store to the newly constructed Big Beaver/John R location. The employees will all transfer and they will also hire new staff. There is a planned opening date of August 10, 2008. The store at the current location has been in operation for 25 years and has not had a liquor violation since 2000.

Sergeant Cantlon reported that his investigation revealed no disqualifying factors.

Resolution #LC2008-07-018  
Moved by Ukraineec  
Seconded by Hall

RESOLVED, that Arbor Drugs, Inc. be allowed to transfer location of 2008 SDD and SDM licensed business from 2963 E. Big Beaver to 1980 E. Big Beaver, Troy, MI 48083, Oakland County.

Yes: 6  
No: 0  
Absent: Godlewski

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**Discussion Items**

**1. Class C Quota Licenses**

Sergeant Cantlon advised the Committee that we have a quota Class C license available. After discussion, it was agreed to recommend to City Council that the license not be issued, advertised, or made available subject to the Liquor Advisory Committee revisiting the matter as circumstances require.

Resolution #LC2008-07-019  
Moved by Hall  
Seconded by Ukraineec

RESOLVED, that the Liquor Advisory Committee recommends that the Class C Quota License not be issued, advertised, or made available subject to the Liquor Advisory Committee revisiting the matter as circumstances require.

Yes: 6  
No: 0  
Absent: Godlewski

**2. Proposed City Ordinance**

Assistant City Attorney Susan Lancaster stated that City Council revoked the 1993 Resolution related to liquor licensing. The City Attorney's Office has drafted a proposed City Ordinance. A draft of this Ordinance was forwarded to all members of the Committee in advance of this meeting.

There was lengthy discussion on the language of the Ordinance. Ms. Lancaster took note of the Committee's comments and suggestions, and a revised draft will be forwarded to the members in the very near future.

The meeting adjourned at 9:23 p.m.

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Max K. Ehlert

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Patricia A. Gladysz, Secretary II



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 # 441407

Business ID # 207256

**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:**

LOCCINO, INC. REQUESTS TO TRANSFER OWNERSHIP OF 2007 RESORT CLASS C LICENSED BUSINESS (MCL 436.1531(4); MINIMUM SEATING: 250; NON TRANSFERABLE) & SDM LICNESE IN CONJUNCTION WITH OFFICIAL PERMIT (FOOD), LOCATED IN ESCROW AT 5600 CROOKS, SUITE 106, TROY, MI 48084, OAKLAND COUNTY, FROM PALM TROY COMPANY, L.L.C. (AN ILLINOIS LIMITED LIABILITY COMPANY).AND NEW OUTDOOR SERVICE (1 AREA)

**Section 1. APPLICANT INFORMATION**

**APPLICANT #1:**  
 FARSHID M. SHUSHTARI – STOCKHOLDER  
 4276 CHIMNEY  
 BLOOMFIELD HILLS, MI 48302  
 H(248)670-1882

**APPLICANT #2:**  
 FRANK SHUSHTARI – STOCKHOLDER  
 5678 MUIRFIELD  
 ROCHESTER, MI 48306  
 H(248)495-1030

**DATE FINGERPRINTED:** NO FINGERPRINTS REQUIRED

**DATE FINGERPRINTED:** NO FINGERPRINTS REQUIRED

**DATE OF BIRTH:**  
 Is the applicant a U.S. Citizen:  Yes  No\*

**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 permanent Resident Alien status?  
 Yes  No\*

\*Does the applicant have a Visa? Enter status:

\*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 # 441407

Business ID # 207256

**LAW ENFORCEMENT RECOMMENDATION**

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

February 27, 2008

TO:

Re: LOCCINO, 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 11:00 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

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

Recommended     Recommended, subject to final inspection     Not Recommended

Signed:

\_\_\_\_\_  
Signature and Title

\_\_\_\_\_  
Print Name and Title

TROY POLICE DEPARTMENT

Date: \_\_\_\_\_

sfs

## 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 LOCCINO, INC. whose address is 5678 Murifield, Rochester, MI 48306 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 a Resort Class C licensed business located at 5600 Crooks Suite 106.
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.

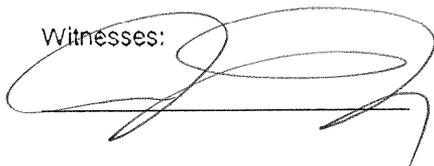


Farshid M. Shushtari



Frank Shushtari

Witnesses:



[Signature]

Subscribed and sworn to before me  
this 17 day of June, 2008

[Signature]

Scott Dawson  
Notary Public,  
County, Oakland  
My commission expires: 11/05/11

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 RESORT CLASS C LICENSED BUSINESS (MCL 436.1531(4); MINIMUM SEATING: 250; NON TRANSFERABLE), LOCATED IN ESCROW AT 5600 CROOKS, SUITE 106, TROY, MI 48084, OAKLAND COUNTY, FROM PALM TROY COMPANY, L.L.C. (AN ILLINOIS LIMITED LIABILITY COMPANY) TO LOCCINO, INC. AND REQUEST NEW OUTDOOR SERVICE 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)