



CITY COUNCIL ACTION REPORT

July 15, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Application for location transfer of SDD and SDM license, Arbor Drugs, Inc.

Background:

- Arbor Drugs, Inc. request transfer location of 2008 SDD and SDM licensed business from 2963 E. Big Beaver to 1980 E. Big Beaver, Troy, MI 48083 {MLCC req #476384}
- On July 14, 2008, the current store manager, Caren Zedro answered questions for the Liquor Advisory Committee.
- Ms. Zedro explained to the Committee the request is to move from their current location to the new location currently under construction.
- Arbor Drugs, Inc. will continue to operate as CVS.
- 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 does not require local government approval for the transfer of location for a SDD / SDM license, however, it has been the policy of Troy City Council to review such requests

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, July 14, 2008 in the Council Board Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:04 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Henry W. Allemon
Patrick C. Hall
David S. Ogg
Timothy P. Payne
Bohdan L. Ukrainec
Susan Lancaster, Assistant City Attorney
Sergeant Robert Cantlon
Pat Gladysz

ABSENT: W. Stan Godlewski

Resolution to Excuse Committee Member Godlewski

Resolution #LC2008-07-014
Moved by Ukrainec
Seconded by Allemon

RESOLVED, that the absence of Committee member Godlewski at the Liquor Advisory Committee meeting of July 14, 2008 BE EXCUSED.

Yes: 6
No: 0
Absent: Godlewski

Resolution to Approve Minutes of May 12, 2008 Meeting

Resolution #LC2008-07-015
Moved by Ukrainec
Seconded by Allemon

RESOLVED, that the Minutes of the May 12, 2008 meeting of the Liquor Advisory Committee be approved.

Yes: 6
No: 0
Absent: Godlewski

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

- 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 Ukrainec
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

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 Ukrainec

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.

Max K. Ehler

Patricia A. Gladysz, Secretary II

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Resolution #LC2008-07-015
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Seconded by Allemon

RESOLVED, that the Minutes of the May 12, 2008 meeting of the Liquor Advisory Committee be approved.



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 # 476384

Business ID # 11353

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 PRIVATE CHAIN

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

ARBOR DRUGS, INC. 2963 E BIG BEAVER, TROY, MI 48083, OAKLAND COUNTY
 REQUEST: TRANSFER LOCATION 2008 SDD AND SDM LICENSED BUSINESS FROM 2963 E. BIG BEAVER TO 1980 E. BIG BEAVER, TROY, MI 48083, OAKLAND COUNTY

Section 1. APPLICANT INFORMATION

APPLICANT #1: CHAIN APPLICANT	APPLICANT #2:
DATE FINGERPRINTED: NO FINGERPRINTS REQUIRED	DATE FINGERPRINTED:
DATE OF BIRTH: Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No*	DATE OF BIRTH: Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No*
Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No	*Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> 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: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)
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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

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 ARBOR DRUGS, INC. whose address is 1980 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 Specially Designated Distributor licensed business located at 42889 Dequindre, Troy, by ARBOR DRUGS, INC.
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 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.
 - (c) 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.

Carol Paula Stearns

Authorized Representative

ARBOR DRUGS, INC.

Witnesses:

Anthony B. Brown *CVS/Pharm*

[Signature]

[Signature]

LAURENE G. FUNK
 Notary Public, Oakland County, MI
 Acting In *Carole* County
 My Commission Expires February 25, 2014

7/16/08

Subscribed and sworn to before me
this _____ day of _____, 200__

Notary Public, _____
County, _____
My commission expires:

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: