



## FROM THE OFFICE OF THE CITY MANAGER

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June 17, 2013

To: Mayor and City Council Members  
From: Brian Kischnick, City Manger  
Subject: City Council Member Questions and Responses

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I have discussed questions advanced by Mayor and Council with Staff, and responses are attached. Thank you for asking questions in advance of the meeting.

**Subject: J-7 Application Regarding New SDM Liquor License for Super City Smoker  
J-11 Application Regarding Class C Liquor License for Garden of Eden/T&M United, Inc.**

### **Questions:**

Both agenda items state there is a resolution attached for review... I don't see one anywhere.

J7, I only have concerns with the additional cost if any the establishment would have to incur if council elects to turn this down at our meeting tonight. If the approval will be given anyway, its tough to say no if there will be monetary anguish for the business owner.

So the question is, are we intentionally not mentioning what that fee is to remain flexible, or should it be clearly stated in the document?

J11, is there a good likelihood the MLCC will back us up on the fraudulent completion of the application, regarding our opposition to this applicant (if that happens tonight)? Not a big fan of people hiding pertinent details like convictions before they even begin doing business with Troy.

I see that the police department is recommending that we do not approve transfer of the liquor license on this agenda item. Are there any other background documents for us to review (ie the application)? I feel like we normally receive additional documentation on these applications. Let me know if there was anything else submitted.

### **Response:**

**From: Gary Mayer, Chief of Police**

*Note: Resolutions for these items are contained in the agenda booklet, but not attached to the back-up material itself.*

Regarding the Application for new SDM Liquor License for Super City Smoker, Inc. (City Council Agenda Item J-7)

In response I would state that the actions of the Michigan Liquor Control Commission are entirely up to them. They may require additional time commitment from the applicant to answer our concerns. They are more likely to disregard our concerns and issue the license. The Police Department believes that it is important to go on record and speak out against the selling of alcohol in this type of establishment.

Regarding the liquor license request for Garden of Eden / T & M United, Inc. (City Council Agenda Item #J-11), there is an explanation for not having much supplemental information.

The main explanation is that the application was denied early in the process. Additional factors include:

- The Michigan Liquor Control Commission (MLCC) has made changes in the way they approve liquor license requests.
- There used to be a form known as the "Police Investigation Report" form that was sent from the MLCC to the Police Department for us to complete. We used to include a copy of that form in the backup paperwork when a liquor license request went to City Council.
- Due to the changes made by the MLCC, nearly 100% of the liquor license requests do not require police department approval anymore. Therefore, the MLCC does not send us a Police Investigation Report form to complete anymore.
- In addition (due to the changes made by the MLCC), most liquor license requests do not require City Council approval anymore.
- In the past, there would have been a copy of the Liquor Advisory Committee meeting minutes included in the backup paperwork. However, that did not occur because the applicant was not truthful on two key questions that would have precluded him from being approved, nothing went to the Liquor Advisory Committee.
- Copies of police reports and copies the questionnaire completed by the liquor license applicant have traditionally not been included in the backup paperwork sent to City Council.

In conclusion, the Police Department recommends denial on both J-7 and J-11.

**Subject: E-1 Public Hearing to Establish a Special Assessment District for Asphalt Paving of Westerly 324' of Troywood in Section 22 – Standard Resolution #4**

**Questions: Clarification**

**Response:**

**From: Nino Licari, City Assessor**

Community Block Grant Development Funds (CDBG) will NOT be available for this project. The cost of conforming to Davis-Bacon Federal Guidelines to qualify for CDBG funds on a project this small (4 parcels) would increase the costs by approximately 25%.

We ran across this issue a couple of times in the past. Here's what can happen; assuming the one property owner in question would qualify under CDBG income guidelines, the Engineering Department would pay the resident's share out of the Streets Fund, which is still a significant savings over following Federal guidelines.

If that occurs, I will come back to Council with the corrected proration of the costs for the City, and the property owners.

**Subject: I-4 Troy Downtown Development Authority Bond Repayment Proposal and Resolution Authorizing the Publication of a Notice of Intent to Issue Bonds**

**Questions: Clarification**

**Response:**

**From: Brian Kischnick, City Manager**

The Process:

- a. Tonight we will provide a presentation regarding the DDA Bond Repayment Proposal and also request City Council to pass a resolution authorizing the publication of a notice of intent to re-issue bonds.
- b. The plan amendments will go to the DDA Board on Wednesday, June 19, 2013 for approval.
- c. Once the plan amendments have been approved by the DDA Board, they will come back to City Council as a Public Hearing on August 12, 2013.

c: Mark Miller, Director of Economic and Community Development  
Lori Grigg Bluhm, City Attorney  
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