

CITY COUNCIL ACTION REPORT

August 12, 2008

TO: Phillip L. Nelson, City Manager

FROM: Charles T. Craft, Chief of Police *CC*
 Deputy Chief, Gary Mayer *GM*
 Sergeant Robert Cantlon *RC*

SUBJECT: Application for transfer of Resort Class C license to Dhammamegha, Inc.

Background:

- Dhammamegha, Inc. requesting to transfer ownership of 2008 Resort Class C licensed business issued under MCL 436.1531(2), with Official Permit (Food), from Priya Enterprises, Inc. located at 72 W Maple, Troy, MI, 48084, Oakland County. {MLCC Req #480928}
- On August 11, 2008, applicant Ravi Mandava, of Dhammamegha, Inc. answered questions for the Liquor Advisory Committee.
- Mr. Mandava explained to the Committee that he has owned and operated restaurants with liquor licenses for upwards of 12 years and will continue to operate this establishment as Priya Restaurant.
- 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 Class C licenses.

Policy Considerations:

- This action supports Council's Outcomes Statement III: "Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world."

Options:

- City Council can approve or deny the request.

RC/Priya Restaurant

A regular meeting of the Liquor Advisory Committee was held on Monday, August 11, 2008 in the Council Board Room of Troy City Hall, 500 West Big Beaver Road. Committee member Henry Allemon called the meeting to order at 7:01 p.m.

ROLL CALL:

PRESENT: 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: Max K. Ehlert, Chairman
Timothy P. Payne

Resolution to Excuse Committee Members Ehlert & Payne

Resolution #LC2008-08-020
Moved by Hall
Seconded by Ukrainec

RESOLVED, that the absence of Committee members Ehlert and Payne at the Liquor Advisory Committee meeting of August 11, 2008 BE EXCUSED.

Yes: 5
No: 0
Absent: Ehlert, Payne

Resolution to Approve Minutes of July 14, 2008 Meeting

Resolution #LC2008-08-021
Moved by Ukrainec
Seconded by Hall

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

Yes: 5
No: 0
Absent: Ehlert, Payne

Agenda Items

1. Dhammamegha, Inc. requests to transfer ownership 2008 Resort Class C licensed business, issued under MCL 436.1531(2), with Official Permit (Food), from Priya Enterprises, Inc. located at 72 West Maple Road, Troy, MI 48084, Oakland County. {MLCC Req #480928}

Present to answer questions from the Committee were applicant Ravi Mandava and attorney Kelly Allen.

Ms. Allen explained to the Committee that Mr. Mandava is purchasing the business from his uncle. Mr. Mandava worked for 1-1/2 years at this Troy location when it opened in 1996 and since then has managed the Farmington location. There was one liquor violation in Farmington in 2004 and the Troy location has had no violations since 2007. The Troy location had one violation in 2007; this applicant had no involvement with that operation at that time.

Sergeant Cantlon reported that his investigation uncovered no disqualifying factors.

Resolution #LC2008-08-022
Moved by Hall
Seconded by Ukrainec

RESOLVED, that Dhammamegha, Inc. be allowed to transfer ownership 2008 Resort Class C licensed business, issued under MCL 436.1531(2), with Official Permit (Food), from Priya Enterprises, Inc. located at 72 West Maple Road, Troy, MI 48084, Oakland County.

Yes: 5
No: 0
Absent: Ehlert, Payne

Sergeant Cantlon briefly reviewed the “Informational Items” that appeared on the Agenda.

Assistant City Attorney Lancaster stated that the new Ordinance would be presented to City Council this evening. Also, she distributed the first draft of a map showing the distribution of liquor licenses throughout the City of Troy.

The meeting adjourned at 7:18 p.m.

Henry W. Allemon

Patricia A. Gladysz, Secretary II



FOR MLCC USE ONLY

Request ID # 480928

Business ID # 213544

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:

DHAMMAMEGHA, INC. REQUESTING TO TRANSFER OWNERSHIP 2008 RESORT CLASS C LICENSED BUSINESS, ISSUED UNDER MCL436.1531(2), WITH OFFICIAL PERMIT (FOOD), FROM PRIYA ENTERPRISES, INC. LOCATED AT 72 W MAPLE, TROY MICHIGAN, 48084, OAKLAND COUNTY

Section 1. APPLICANT INFORMATION

| | |
|---|--|
| APPLICANT #1: RAVI MANDAVA 24460 WALDON WOODS FARMINGTON HILLS, MI 48335 (B.P. 248-615-7700 H.P. 248-471-1753) | APPLICANT #2: |
| DATE FINGERPRINTED: FINGERPRINTS NOT 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"/> <u>Felony</u> <input type="checkbox"/> <u>Misdemeanor</u> Enter record of all arrests & convictions (attach a signed and dated report if more space is needed) | ARREST RECORD: <input type="checkbox"/> <u>Felony</u> <input type="checkbox"/> <u>Misdemeanor</u> 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:

- Is this applicant qualified to conduct this business if licensed? Yes No
- Is the proposed location satisfactory for this business? Yes No
- Should the Commission grant this request? Yes No
- 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 # 480928

Business ID # 213544

LAW ENFORCEMENT RECOMMENDATION

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

July 22, 2008

TO: TROY POLICE DEPARTMENT

Re: DHAMMAMEGHA, 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./P.M.
 Sundays 10:00 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./P.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 PERMITS <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
Troy Police Department

Print Name and Title

Date: _____

jr

PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS

Request ID #480928

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 2008 RESORT CLASS C LICENSED BUSINESS, ISSUED UNDER MCL436.1531(2), LOCATED AT 72 WMAPLE, TROY MICHIGAN, 48084, OAKLAND COUNTY, FROM PRIYA ENTERPRISES, INC. TO DHAMMAMEGHA, 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)

(Signed) _____ (Township, City or Village Clerk)

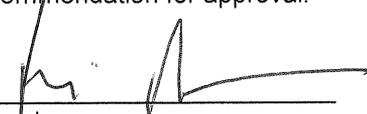
SEAL

_____ (Mailing address of Township, City or Village)

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 Dhammamegha, Inc, a Michigan corporation. d/b/a Priya Restaurant, whose address is 72 W Maple, Troy, Michigan, 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 transfer ownership of the 2008 Class C-SDM licensed business from Priya Enterprise, Inc located at 72 W Maple, Troy, to Dhammamegha, Inc, d/b/a Priya Restaurant.
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.



Ravi Mandava
President
Dhammamegha, Inc

Witnesses:



Marsha J. LaRue

Subscribed and sworn to before me
this 25th day of July, 2008

Laura B. Peters
Laura Peters

Notary Public, Oakland

County, Michigan

My commission expires: 5/5/2011

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: