

CITY COUNCIL ACTION REPORT

October 15, 2008

TO: Phillip L. Nelson, City Manager

FROM: Charles T. Craft, Chief of Police *CC*
 Captain Dane Slater, Services Division *DS*
 Sergeant Robert Cantlon *RC*

SUBJECT: Application for new SDM license for Embassy Suites.

Background:

- Hospitality Ventures Management, LLC and RBHV Troy, LLC (co-licensees) request a new SDM License to be held in conjunction with 2008 licensed business with Dance Permit, Official Permit (Food), Outdoor Service (1 Area) Direct Connection-1, 3 bars and 251 rooms located at 850 Tower, Troy MI 48098.
- On October 13, 2008, Patrick Howe, attorney for the applicant questions for the Liquor Advisory Committee.
- Mr. Howe explained to the Committee that this request is to allow Embassy Suites to sell beer and wine for off premise consumption.
- 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 SDM licenses: however, it has been the policy of Troy City Council to review such requests.

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/Embassy Suites



FOR MLCC USE ONLY

Request ID # 484547

Business ID # 199273

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:

HOSPITALITY VENTURES MANAGEMENT, LLC (A DELAWARE LIMITED LIABILITY COMPANY) AND RBHV TROY, LLC (A DELAWARE LIMITED LIABILITY COMPANY) (CO-LICENSEES) REQUEST A NEW SDM LICENSE TO BE HELD IN CONJUNCTION WITH 2008 B-HOTEL LICENSED BUSINESS WITH DANCE PERMIT, OFFICIAL PERMIT (FOOD), OUTDOOR SERVICE (1 AREA), AND 3 BARS, LOCATED AT 850 TOWER, TROY, MI 48098, OAKLAND COUNTY.

Section 1. APPLICANT INFORMATION

APPLICANT #1:
 CONTACT: (CARLIN, EDWARDS, BROWN & HOWE, PLLC), ATTENTION ATTORNEY JOHN B. CARLIN, JR., 2855 COOLIDGE HIGHWAY, SUITE 203, TROY, MI 48084 (248)816-3210

APPLICANT #2:

DATE FINGERPRINTED: **NO FINGERPRINTS REQUIRED**

DATE FINGERPRINTED:

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)

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 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

A regular meeting of the Liquor Advisory Committee was held on Monday, October 13, 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 7:02 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
W. Stan Godlewski
Patrick C. Hall
David S. Ogg
Bohdan L. Ukrainec
Lori Grigg Bluhm, City Attorney
Sergeant Robert Cantlon
Pat Gladysz

ABSENT: Henry W. Allemon
Timothy P. Payne

Resolution to Excuse Committee Member Allemon and Payne

Resolution #LC2008-10-026
Moved by Ogg
Seconded by Hall

RESOLVED, that the absence of Committee members Allemon and Payne at the Liquor Advisory Committee meeting of October 13, 2008 BE EXCUSED.

Yes: 5
No: 0
Absent: Allemon, Payne

Resolution to Approve Minutes of September 8, 2008 Meeting

Resolution #LC2008-10-027
Moved by Ukrainec
Seconded by Ogg

RESOLVED, that the Minutes of the September 8, 2008 meeting of the Liquor Advisory Committee be approved.

Yes: 5
No: 0
Absent: Allemon, Payne

Agenda Items

1. **Hospitality Ventures Management, LLC** (A Delaware Limited Liability Company) and **RBHV Troy, LLC** (A Delaware Limited Liability Company) (Co-licensees) request a new SDM License to be held in conjunction with 2008 B-Hotel licensed business with Dance permit, Official permit (Food), Outdoor Service (1 area), and 3 bars, located at 850 Tower, Troy, MI 48098, Oakland County {MLCC Req 484547}

Present to answer questions from the Committee was attorney Patrick Howe.

This request is made to allow sale of packaged beer and wine from the hotel restaurant and bars for off-premise consumption. There are currently no plans for further renovation of the hotel.

Resolution #LC2008-10-028
Moved by Ukrainec
Seconded by Hall

RESOLVED, that Hospitality Ventures Management, LLC (A Delaware Limited Liability Company) and RBHV Troy, LLC (A Delaware Limited Liability Company) (Co-licensees) be granted a new SDM License to be held in conjunction with 2008 B-Hotel licensed business with Dance permit, Official permit (Food), Outdoor Service (1 area), and 3 bars, located at 850 Tower, Troy, MI 48098, Oakland County.

Yes: 5
No: 0
Absent: Allemon, Payne

Tabled Items

Sergeant Cantlon had the following update for the Committee on the application by M & M Troy, Inc., which is the Clark Gas Station located at John R and Maple Roads.

A building site inspection was performed by Mark Stimac of the Building Department, Chuck Riesterer of the Fire Department, and Sergeant Cantlon in an attempt to determine if the gas station would be able to support that level of stock. The applicant has been advised to send a formal drawing of the building with square footage, the location of the proposed stock, and the value of the stock. A response has not been received.

Informational Items

City Attorney Lori Grigg Bluhm spoke to the Committee and presented each member with a “Liquor Advisory Committee Reference Book”. Ms. Bluhm briefly explained the contents of the book. The Open Meetings Act and Freedom of Information Act sections of the Reference Book were explained in more detail.

Concerning the matter of absence from a meeting, it was decided by the Committee that a member must make notification of inability to attend a meeting, but a reason for the absence will not be required.

Ms. Bluhm spoke in depth to the Committee regarding Chapter 101 of the Troy City Ordinance. She explained that the revisions suggested at the July 14, 2008 Liquor Advisory Committee Meeting were presented to City Council on July 21, 2008 as an informational item. Revisions were presented to City Council on August 11, 2008 as an action item. Chapter 101 was adopted at that time.

Inasmuch as there were limited time constraints which did not allow the final revisions to be reviewed by the Liquor Advisory Committee, the members have decided that Chapter 101 will be re-addressed at the November 10, 2008 meeting.

The meeting adjourned at 8:32 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

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 Hospitality Ventures Management, Inc. (co-licensee) and RBHV Troy, LLC (co-licensee) whose address is 850 Tower, the Applicant, hereinafter known as APPLICANT.

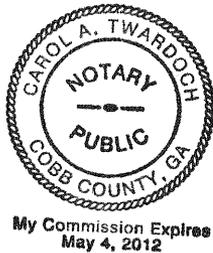
1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request a new SDM License to be held in conjunction with 2008 licensed business with Dance Permit, Official Permit (Food), Outdoor Service (1 Area) Direct Connection-1, 3 bars and 251 rooms located at 850 Tower, Troy MI 48098.
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.

Authorized Representative for Hospitality Ventures Management, Inc and RBHV Troy, LLC

Witnesses:

[Handwritten Signature]
Karen L [Handwritten]

Subscribed and sworn to before me
this 30th day of September, 2008
Carol A. Twardoch
CAROL A. TWARDOCH
Notary Public, State of Georgia
County, DeKalb
My commission expires: 5-4-2012



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: