

CITY COUNCIL ACTION REPORT

November 11, 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 to transfer a Resort Class C and Brewpub license to Granite City.

Background:

- Granite City Restaurant Operations, inc. (a Minnesota Corporation) requests to transfer ownership of 2008 Resort Class C licensed business (MCL 436.1531(2) and SDM license in conjunction with Official Permit (Food) located in escrow at 7568 S US-31, Alanson, MI 49706, Emmet County, from Lester's Inc.; transfer location (Governmental Unit) to 699 W. Big Beaver, Troy, MI 48084, Oakland County; and requests a new Brewpub license to be held in conjunction. {MLCC Req #474714}
- On November 10, 2008, Scott Edwards, attorney for the applicant answered questions for the Liquor Advisory Committee.
- Mr. Edwards explained to the Committee that Granite City currently operates 36 restaurants in 25 states throughout the Midwest. It is designed as a casual, upscale, family atmosphere that will seat 177 and feature an on-site brewery. This will be new construction of a free standing building with groundbreaking expected in the spring of 2009. It will be Granite City's first restaurant in Michigan.
- The request is to transfer in a Resort Class C license, also referred to as a 550 license, from another county as allowed by statute.
- 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.

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.



Request ID # 474714

Business ID # 211178

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:

GRANITE CITY RESTAURANT OPERATIONS, INC. (A MINNESOTA CORPORATION) REQUESTS TO TRANSFER OWNERSHIP OF 2008 RESORT CLASS C LICENSED BUSINESS (MCL 436.1531(2) & SDM LICENSE IN CONJUNCTION WITH OFFICIAL PERMIT (FOOD), LOCATED IN ESCROW AT 7568 S US-31, ALANSON, MI 49706, EMMET COUNTY, FROM LESTER'S, INC.; TRANSFER LOCATION (GOVERNMENTAL UNIT) TO 699 W BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY; AND REQUESTS A NEW BREWPUB LICENSE TO BE HELD IN CONJUNCTION.

Section 1. APPLICANT INFORMATION

APPLICANT #1:
 GRANITE CITY FOOD & BREWERY LTD. (A MINNESOTA CORPORATION) – STOCKHOLDER
 5402 PARKDALE DRIVE, SUITE 101
 ST. LOUIS PARK, MN 55416
 (952)215-0660

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**

ARREST RECORD: **Felony** **Misdemeanor**

Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

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 # 474714

Business ID # 211178

LAW ENFORCEMENT RECOMMENDATION

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

July 31, 2008

TO: Troy Police Dept.

Re: GRANITE CITY RESTAURANT OPERATIONS, INC. (A MINNESOTA CORPORATION)

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

A regular meeting of the Liquor Advisory Committee was held on Monday, November 10, 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
Henry W. Allemon
W. Stan Godlewski
Patrick C. Hall
David S. Ogg
Timothy P. Payne
Bohdan L. Ukrainec
Susan Lancaster, Assistant City Attorney
Sergeant Robert Cantlon
Pat Gladysz

ABSENT: None

Resolution to Approve Minutes of October 13, 2008 Meeting

Resolution #LC2008-11-029
Moved by Hall
Seconded by Ukrainec

RESOLVED, that the Minutes of the October 13, 2008 meeting of the Liquor Advisory Committee be approved.

Yes: 7
No: 0
Absent: None

Agenda Items

1. **Granite City Restaurant Operations, Inc.** (a Minnesota Corporation) requests to transfer ownership of 2008 Resort Class C licensed business (MCL 436.1531(2) and SDM License in conjunction with Official Permit (Food), located in escrow at 7586 S US-31, Alanson, MI 49706, Emmet County, from Lester's Inc.; transfer location (Governmental Unit) to 699 W.

Big Beaver, Troy, MI 48084, Oakland County; and requests a new Brewpub License to held in conjunction. {MLCC Req #474714}

Present to answer questions from the Committee was Scott Edwards, attorney for Granite City Restaurant Operations, Inc.

Granite City Restaurant Operations, Inc. is a publicly traded, midwest company that was established in 1999. There are currently 36 locations, with this being the first in Michigan. It has a casual, upscale, family dining atmosphere with a brewpub on site. There will be 177 seats. This new construction will be a free-standing building with ground breaking expected for Spring 2009. Management and trainers will come from other locations.

Sergeant Cantlon stated that his investigation located no disqualifying factors.

Resolution #LC2008-11-030

Moved by Allemon

Seconded by Godlewski

RESOLVED, that Granite City Restaurant Operations, Inc. (a Minnesota Corporation) be allowed to transfer ownership of 2008 Resort Class C licensed business (MCL 436.1531(2) and SDM License in conjunction with Official Permit (Food), located in escrow at 7586 S US-31, Alanson, MI 49706, Emmet County, from Lester's Inc. to 699 W. Big Beaver, Troy, MI 48084, Oakland County; and be granted a new Brewpub License to held in conjunction.

Yes: 7
No: 0
Absent: None

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2. **Woodward Detroit CVS, L.L.C.** requests to transfer ownership of 2008 SDD and SDM licensed business from Arbor Drugs, Inc. at 125 E. Long Lake, 2045 W. South Blvd, 1980 E. Big Beaver, and ADI Realty, 4963 John R. {MLCC Req # 484079, 484381, 484108, 487196}

Present to answer questions from the Committee was Elaine Pohl, attorney for Woodward Detroit CVS, L.L.C.

This is an internal merger transaction to consolidate all licenses into one entity. Since the name of the licensee is changing, the MLCC considers this a transfer which requires local approval. There will be no changes in corporate officers, management, or personnel.

Resolution #LC2008-11-031

Moved by Ukraineec

Seconded by Ogg

RESOLVED, that Woodward Detroit CVS, L.L.C. be allowed to transfer ownership of 2008 SDD and SDM licensed business from Arbor Drugs, Inc. at 125 E. Long Lake, 2045 W. South Blvd, 1980 E. Big Beaver, and ADI Realty, 4963 John R.

Yes: 7
No: 0
Absent: None

3. Discussion – Chapter 101

Assistant City Attorney Susan Lancaster made a presentation to the Committee regarding new City Ordinance Chapter 101, with a page-by-page explanation of what was adopted by City Council in comparison to the Committee’s recommendations. Ms. Lancaster answered several questions posed by the Committee as to the procedure followed when ordinances are drafted for review and adoption by the Council. She explained that all ordinances are “living documents” and revisions can be suggested at any time.

The meeting adjourned at 8:05 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 Granite City Restaurant Operations, Inc. whose address is 5402 Parkdale Dr, Ste 101, St. Louis park, MN 55416, 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 Resort Class C / Brewpub licensed business located at 699 W Big Beaver.
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.

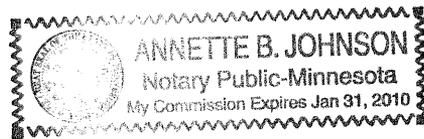
JAMES GILBERTSON, SECRETARY

AUTHORIZED REPRESENTATIVE

Witnesses:

Subscribed and sworn to before me this 12th day of September, 2008

Notary Public, Minnesota
County, Hennepin
My commission expires: 1-31-2010



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 2008 RESORT CLASS C LICENSED BUSINESS (MCL 436.1531(2), LOCATED IN ESCROW AT 7568 S US-31, ALANSON, MI 49706, EMMET COUNTY, FROM LESTER'S, INC. TO GRANITE CITY RESTAURANT OPERATIONS, INC. (A MINNESOTA CORPORATION); TRANSFER LOCATION (GOVERNMENTAL UNIT) TO 699 W BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY; AND REQUEST A NEW BREWPUB LICENSE TO BE HELD IN CONJUNCTION.

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)