



## CITY COUNCIL ACTION REPORT

# RECEIVED

June 8, 2009

JUN 09 2009

CITY OF TROY  
CITY MANAGER'S OFFICE

TO: John Szerlag, City Manager *J.S.*

FROM: Gary Mayer, Chief of Police *GM*  
 Captain Gerard Scherlinck, Services Division *SS #606*  
 Lieutenant Michael Lyczkowski *M.L. #305*  
 Sergeant Russel Harden *R.H. #225*  
 Officer James Feld *J.M.F.*

SUBJECT: Application for transfer of ownership of Drury Hotels Company LLC.

### Background:

- DDC Hotels, Inc. (A Missouri Corporation) requests to transfer ownership of 2008 B-Hotel and SDM Licensed Business, located at 575 West Big Beaver, Troy, Michigan 48084, Oakland County, from Drury Hotels Company, LLC (A Nevada Limited Liability Company); and requests a new Official Permit (Food) (Step 2). {MLCC Request #491095}.
- On June 8, 2009, Mr. John Carlin Jr., Attorney for the applicant, answered questions for the Liquor Advisory Committee.
- Mr. Carlin explained to the Committee that the purpose of this request is to allow Mr. Charles Drury Sr. Chairman and CEO of Drury Hotels Company, LLC to transfer ownership of the 2008 B-Hotel and SDM Licensed Business (MLCC Business ID #216101) located at 575 West Big Beaver, Troy, Michigan 48084 to his children, Timothy Drury, President, Shirley Drury, Senior Vice President, and Charles Drury Jr., Senior Vice President of DDC Hotels, Inc. (A Missouri Corporation).
- DDC Hotels, Inc. is also requesting a new Official Permit (Food) (Step 2).
- The Committee unanimously approved this request.

### Financial Considerations:

- There are no financial considerations for the City.

### Legal Considerations:

F-5

- 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.

JF/Drury Inn



INTEGRITY \* RESPECT \* LAWS AND THE CONSTITUTION \* ACCOUNTABILITY \* PROBLEM SOLVING \* PROFESSIONALISM

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## MEMORANDUM

DATE: 6/8/09  
TO: Chief Gary Mayer (thru channels)  
FROM: Officer James Feld  
RE: Executive Summary regarding transfer of Drury Inn Hotel

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- DDC Hotels, Inc. (A Missouri Corporation) requests to transfer ownership of 2008 B-Hotel and SDM Licensed Business, located at 575 West Big Beaver, Troy, Michigan 48084, Oakland County, from Drury Hotels Company, LLC (A Nevada Limited Liability Company); and requests a new Official Permit (Food) (Step 2). {MLCC Request #491095}
- The Drury Inn has passed all compliance tests including the City of Troy's tests which have been recorded since 10/28/03.
- On June 8, 2009, representatives from DDC Hotels, Inc. met with the Liquor Advisory Committee and answered questions regarding their requests. The committee unanimously approved their requests.
- The police investigation regarding the Drury Inn located at 575 West Big Beaver Road has not revealed any significant incidents or investigations.
- Please direct any questions you have regarding this summary to the undersigned.

*James M. Feld*

Officer James Feld  
Troy Police Department  
Community Services Unit  
(248) 524-3452 / (248) 670-4850



Michigan Department of Energy, Labor & Economic Growth  
**MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)**  
7150 Harris Drive, P.O. Box 30005  
Lansing, Michigan 48909-7505

**POLICE INVESTIGATION REQUEST**  
[Authorized by MCL 436.1201(4)]

April 8, 2009

TROY POLICE DEPARTMENT  
CHIEF OF POLICE  
500 W BIG BEAVER ROAD  
TROY, MI 48084-5285

Request ID #: 491095

Applicant:

DDC HOTELS, INC. (A MISSOURI CORPORATION) REQUESTS TO TRANSFER OWNERSHIP OF 2008 B-HOTEL & SDM LICENSED BUSINESS, LOCATED AT 575 W BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY, FROM DRURY HOTELS COMPANY, LLC (A NEVADA LIMITED LIABILITY COMPANY); AND REQUESTS A NEW OFFICIAL PERMIT (FOOD) (STEP 2).

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

**Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.**

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission.

If you have any questions, contact the appropriate unit (On Premises, Off Premises or Manufacturers & Wholesalers) at (517) 322-1400.

sfs

LC-1972(Rev. 09/05)  
Authority: MCL 436.1201(4)  
Completion: Mandatory  
Penalty: No License

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.



<b>FOR MLCC USE ONLY</b>	
Request ID #	<u>491095</u>
Business ID #	<u>216103</u>

**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:**

DDC HOTELS, INC. (A MISSOURI CORPORATION) REQUESTS TO TRANSFER OWNERSHIP OF 2008 B-HOTEL & SDM LICENSED BUSINESS, LOCATED AT 575 W BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY, FROM DRURY HOTELS COMPANY, LLC (A NEVADA LIMITED LIABILITY COMPANY); AND REQUESTS A NEW OFFICIAL PERMIT (FOOD) (STEP 2).

**Section 1. APPLICANT INFORMATION**

<b>APPLICANT #1:</b> DRURY DEVELOPMENT CORPORATION (A MISSOURI CORPORATION) – STOCKHOLDER 721 EMERSON, SUITE 400 ST. LOUIS, MO 63141 (314)587-3126	<b>APPLICANT #2:</b>
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<b>DATE FINGERPRINTED**:</b> <u><b>NO FINGERPRINTS REQUIRED</b></u>	<b>DATE FINGERPRINTED**:</b>
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<b>DATE OF BIRTH:</b> 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 a Visa? Enter status:	<b>DATE OF BIRTH:</b> 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 a Visa? Enter status:
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**\*\*Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission\*\***

<b>ARREST RECORD:</b> <input type="checkbox"/> <b>Felony</b> <input type="checkbox"/> <b>Misdemeanor</b> Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)	<b>ARREST RECORD:</b> <input type="checkbox"/> <b>Felony</b> <input type="checkbox"/> <b>Misdemeanor</b> Enter record of all arrests and convictions (Attach a signed and dated sheet 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 motor vehicle fuel pumps at or directly adjacent to the establishment?     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 No**, indicate which state and local ordinances the location does not meet:     Building     Plumbing     Zoning     Fire     Sanitation     Health

**Section 4. RECOMMENDATION**

1. Is this applicant qualified to conduct this business if licensed?     Yes     No\*

2. Should the MLCC grant this request?     Yes     No\*

\*If **any** of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.

3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances?     Yes     No

4. Is this recommendation subject to any other conditions?     Yes     No

If **Yes**, list the conditions below or on an attached signed and dated sheet if more space is needed

Signature (Sheriff or Chief of Police)

Date

TROY POLICE DEPARTMENT



Michigan Department of Energy, 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 # 491095

Business ID # 216103

**LAW ENFORCEMENT RECOMMENDATION**

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

April 8, 2009

TO:

Re: DDC HOTELS, INC. (A MISSOURI CORPORATION)

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your 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 2:00 A.M. to 7:00 A.M. \_\_\_\_\_

Sundays 7:00 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

Law Enforcement Recommendation (cont'd)

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April 8, 2009

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



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 # \_\_\_\_\_  
Business ID # \_\_\_\_\_

**APPLICATION FOR OFFICIAL PERMIT FOR  
DIFFERENCE IN HOURS OF OPERATION**

[Authorized by MCL 436.1916 and R 436.1403]

Applicant or Licensee Name: DDC Hotels, Inc.

Address: 575 W. Big Beaver, Troy, MI 48084

Type of License: B-Hotel License No.: \_\_\_\_\_

The MLCC is requested to grant an extended hours permit for: (check boxes that apply). **INCLUDE A \$70.00 INSPECTION FEE AND MAKE PAYABLE TO THE STATE OF MICHIGAN.**

- Dance (To apply for this purpose you must have a separate Dance Permit issued by the MLCC)
- Entertainment (To apply for this purpose you may have to have a separate Entertainment Permit issued by the MLCC).
- Operating our restaurant for the sale of food (Must have a full Service kitchen)
- Operating night league bowling, tournaments or Sunday morning bowling
- Registering golfers  Registering Skiers
- Registering Tennis Players  Registration of Guests
- Meetings
- Special Events, Indicate below Specific Event or Events that will be occurring.

MLCC LICENSING  
2009 JAN - 8 AM 9:11

Athletic Activities, Indicate below Specific Athletic activities that will be occurring.

Others, Please Specify Activities: \_\_\_\_\_





Michigan Department of Energy, Labor & Economic Growth  
**MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)**

7150 Harris Drive, P.O. Box 30005  
Lansing, Michigan 48909-7505

**LOCAL APPROVAL NOTICE**

[Authorized by MCL 436.1501]

**FOR MLCC USE ONLY**

Request ID # 491090

Business ID # 216101

February 12, 2009

**TO:** TROY CITY COUNCIL  
500 WEST BIG BEAVER ROAD  
TROY, MI 48084-5285

**APPLICANT:** DRURY HOTELS COMPANY, LLC (A NEVADA LIMITED LIABILITY COMPANY)

**Home Address and Telephone No. or Contact Address and Telephone No.:**

DRURY INDUSTRIES, INC. (A NEVADA CORPORATION), 721 EMERSON, SUITE 400, ST. LOUIS,  
MO 63141 (314)587-3126

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

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

For your convenience a resolution form is enclosed that includes a description of the licensing application requiring consideration of the local legislative body. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the MLCC as soon as possible.**

If you have any questions, please contact the On-Premises Section of the Licensing Division as (517) 636-4634.

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

### 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 THROUGH MERGER OF 2008 B-HOTEL LICENSED BUSINESS, LOCATED AT 575 W BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY, FROM DRURY INNS, INC. (A MISSOURI CORPORATION) TO DRURY HOTELS COMPANY, LLC (A NEVADA LIMITED LIABILITY COMPANY) (STEP 1).**

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 April, 2009, 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 DDC Hotels, Inc 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 to transfer ownership of Drury Hotels Company, LLC license to be located at 575 W Big Beaver, Troy MI.
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, Chapter No. 98 and Chapter No. 101, 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.

**LICENSEE AUTHORIZED REPRESENTATIVE**

Witnesses:

*Rinda E. Cohen*  
*Cheryl A. Kern*

By:

*Timothy M. Drury*  
Timothy M. Drury, President

Subscribed and sworn to before me this 29<sup>th</sup> day of April 2009  
Notary Public, City of St. Louis County, MO  
Acting in the County of St. Louis  
My commission expires: 4-14-2011



DANA L. BRACKEEN  
My Commission Expires  
April 14, 2011  
St. Louis City  
Commission #07426531

*Dana L. Brackeen*  
Dana L. Brackeen

**CITY OF TROY**

Witnesses:

By:

Louise Schilling, Mayor

By:

Tonni Bartholomew, City Clerk

Subscribed and sworn to before me this      day of      200      
Notary Public,      County, MI  
Acting in the County of Oakland  
My commission expires:     



DANA L. BRACKEEN  
My Commission Expires  
April 14, 2011  
St. Louis City  
Commission #07426531

Yes: 6  
No: 0  
Absent: Ehlert

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### Agenda Items

- 1. DDC Hotels, Inc.** (A Missouri Corporation) requests to transfer ownership of 2008 B-Hotel and SDM Licensed Business, located at 575 West Big Beaver, Troy, Michigan 48084, Oakland County, from Drury Hotels Company, LLC (A Nevada Limited Liability Company); and requests a new Official Permit (Food) (Step 2). {MLCC Request #491095}

Present to answer questions from the Committee were attorney John Carlin and hotel general manager Tracy Thomas.

The Drury family has owned 140 hotels in the United States for many years. For estate planning purposes, the hotels will be split between two sons in the family. With regard to the Troy location, DDC Hotels, Inc. will become the owner and licensee and Drury Inns, Inc. will remain as hotel management. The current staff will not change.

Officer Feld stated that the Police Department has no concerns in this matter.

Resolution #LC2009-06-009  
Moved by Ukrainec  
Seconded by Payne

RESOLVED, that DDC Hotels, Inc. (A Missouri Corporation) be allowed to transfer ownership of 2008 B-Hotel and SDM Licensed Business, located at 575 West Big Beaver, Troy, Michigan 48084, Oakland County, from Drury Hotels Company, LLC (A Nevada Limited Liability Company); and receive new Official Permit (Food).

Yes: 6  
No: 0  
Absent: Ehlert

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- 2. Han Mi Mart, Inc.** 5060 Rochester, Troy, Michigan 48085, Oakland County requests to transfer ownership of escrowed 2008 SDD and SDM licensed business from B&K Investment Group. {MLCC Request #474731}

Present to answer questions from the Committee were Hyun Jung Kim and Young Jin Kwon, owners of the business.