



CITY COUNCIL ACTION REPORT

October 30, 2009

TO: John Szerlag, City Manager

FROM: Gary Mayer, Chief of Police
 Captain Gerard Scherlinck, Services Division
 Lieutenant Michael Lyczkowski
 Sergeant Russel Harden
 Officer James Feld

SUBJECT: Application for new SDM License by Walgreen Company (1965 East Big Beaver).

Background:

- Walgreen Co. (An Illinois Corporation) requests a new SDM License with Drive-up window service (**without alcoholic beverage sales**) to be located at 1965 East Big Beaver, Troy, MI 48083, Oakland County {MLCC Request #521882}.
- On September 14, 2009, Stacy Priebe, Store Manager and representative for the applicant, answered questions for the Liquor Advisory Committee.
- Ms. Priebe explained to the Committee that the purpose of this request is to allow the Walgreen Co. to sell beer and wine at their store. It was also clarified that the drive-up window service was only for the sale of pharmacy items and that beer and wine sales could only be conducted from inside the store.
- The Committee unanimously approved this request.

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."



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 REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 521882

Business ID # 220012

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. *PUBLIC CHAIN*

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

Walgreen Co. (An Illinois Corporation) requests a new SDM license with Drive-up window (without alcoholic beverage sales) to be located at 1965 E Big Beaver, Troy, MI 48083, Oakland County.

Section 1. APPLICANT INFORMATION

APPLICANT #1: CHAIN APPLICANT APPLICANT #2:
DATE FINGERPRINTED**: DATE FINGERPRINTED**:
DATE OF BIRTH: 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 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 and convictions (Attach a signed and dated sheet if more space is needed)

ARREST RECORD: Felony Misdemeanor

Enter record of all arrests and convictions (Attach a signed and dated sheet 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 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

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

Re: Applicant: Walgreen Co.
Address: 1965 E. Big Beaver Rd.
City/State/Zip: Troy, MI 480 83

Date: 10/22/2009
Type of License/s: SDM
MLCC Request ID: 521882

This Agreement, made 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 the Applicant as indicated above, 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 requested Liquor License to be located as indicated above in Troy Michigan.
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: C-1
Eric Lyles License Specialist

By: Margarita Kellen
Margarita Kellen Assistant Secretary

Subscribed and sworn to before me this 22nd day of October 20009
Notary Public, [Signature] County, MI IL
Acting in the County of Lake
My commission expires: 10/29/12



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: _____

A regular meeting of the Liquor Advisory Committee was held on Monday, September 14, 2009 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Committee member Patrick C. Hall called the meeting to order at 7:03 p.m.

ROLL CALL:

PRESENT: W. Stan Godlewski
Patrick C. Hall
Andrew Kaltsounis
David S. Ogg
Timothy P. Payne
Bohdan L. Ukraineec

ABSENT: Max K. Ehlert, Chairman

ALSO PRESENT: Officer James Feld
Susan Lancaster, Assistant City Attorney
Pat Gladysz

Resolution to Excuse Committee Member Ehlert

Resolution #LC2009-09-011
Moved by Kaltsounis
Seconded by Payne

RESOLVED, That the absence of Committee member Ehlert at the Liquor Advisory Committee meeting of September 14, 2009 be **EXCUSED**.

Yes: 6
No: 0
Absent: Ehlert

Resolution to Approve Minutes of June 8, 2009 Meeting

Resolution #LC2009-09-012
Moved by Ukraineec
Seconded by Ogg

RESOLVED, That the Minutes of the June 8, 2009 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 6
No: 0
Absent: Ehlert

Agenda Items

1. **M&M Troy, Inc.** requests new SDM license to be located at 1634 John R, Troy, MI 48083, Oakland County. {MLCC Req #438202} *Attorney for M&M Troy, Inc. was contacted and faxed copy of Lt. Riesterer of the City of Troy Fire Department's letter dated 1/15/09 requesting a registered design professional's documentation as to if the stock merchandise is feasible. Also noted that four plumbing inspection violations were noted and needed to be corrected.*

Present to answer questions from the Committee was business owner Majid Kesto.

Officer Feld informed the Committee that a professional design was submitted by the applicant, but it was not approved by the Fire Department or the Building Department.

Assistant City Attorney Lancaster informed the Committee that the applicant has not submitted documentation to show a \$250,000 stock inventory. The Ordinance states that the \$250,000 inventory must be in place prior to a SDM license being awarded. Ms. Lancaster also stated it was her understanding that the applicant wanted the Committee to vote on the issue at this meeting.

When asked by Committee Member Hall if it was his desire to have the Committee vote on this item tonight, the applicant responded yes.

Resolution #LC2009-09-013

Moved by Hall
Seconded by Ogg

RESOLVED, That the Liquor Advisory Committee recommends that the request of M&M Troy, Inc. for a new SDM license to be located at 1634 John R, Troy, MI 48083, Oakland County be **DENIED**.

Yes: 6
No: 0
Absent: Ehlert

2. **Walgreen Co. (an Illinois Corporation)** 2932 East Long Lake Road, Troy, MI 48085 requests a new SDM License with drive-up window (without alcohol sales) {MLCC Req. #521903}.

Present to answer questions from the Committee was store manager Michael Johnson.

Mr. Johnson stated that there was a plumbing issue and a backflow preventer was installed. The plumbing inspector approved the site. Also, there was a problem noted by the Fire Department and an air pressure test was performed. The Fire Department inspector gave her approval.

Mr. Johnson clarified the issue of the drive-up window stating that only pharmacy items would be purchased through the window. Beer and wine sales would be made only in the store.

Resolution #LC2009-09-014

Moved by Hall

Seconded by Ukrainec

RESOLVED, That the Liquor Advisory Committee recommends that the request of Walgreen Co. (an Illinois Corporation) 2932 East Long Lake Road, Troy, MI 48085 for a new SDM License without alcohol sales at the drive-up window be **GRANTED**.

Yes: 6
No: 0
Absent: Ehlert

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3. **Walgreen Co. (an Illinois Corporation)** 1965 East Big Beaver Road, Troy, MI 48083 requests a new SDM License with drive-up window (without alcoholic beverage sales) {MLCC Req. #521882}.

Present to answer questions from the Committee was store manager Stacy Priebe.

Ms. Priebe stated that this location also had a plumbing issue and a backflow preventer was installed. The plumbing inspector is scheduled to re-inspect this week.

It was again clarified that the drive-up window is for the sale of pharmacy items only. Beer and wine sales would be made only in the store.

Resolution #LC2009-09-015
Moved by Hall
Seconded by Godlewski

RESOLVED, That the Liquor Advisory Committee recommends that the request of Walgreen Co. (an Illinois Corporation) 1965 East Big Beaver Road, Troy, MI 48083 for a new SDM License without alcohol sales at the drive-up window be **GRANTED, CONTINGENT** upon final approval from the Building Department.

Yes: 6
No: 0
Absent: Ehlert

Informational Items

Officer Feld briefly updated the Committee regarding the informational items:

Square Lake – Livernois Business Inc.

An SDM application for a gas station at Square Lake & Livernois.

Numan Troy, Inc.

An SDM application for a gas station at Rochester & East Square Lake Roads.

Kher Enterprises, Inc.

Inspections being performed.

Mermiles Inc.

Transfer of ownership.

Good Food Company East, Inc.

License placed in escrow.

The Melting Pot

Corporate satisfied financial requirements and license status did not change.

Target Corporation

Previously applied for and received SDM license, but never activated it. Application was closed by MLCC. Process must begin again.

Marriott International, Inc.

Change of ownership.

The Saint Andrew's Society of Detroit

Former Mountain Jack's location; will be similar to VFW type of club.

Azteca

Class C license will be purchased from business in Rochester.

Agrusa Market

Business has closed and SDM license has been placed in escrow.

Student Representatives

Two applications have been received and the request for appointment has been sent to City Council.

Big Beaver Tavern & San Marino Club

These businesses are now holding poker tournaments. State Law indicates they can hold tournaments and sell liquor, but they cannot benefit from tournament. Charitable organizations such as churches can hold these tournaments four times each year.

The meeting adjourned at 7:55 p.m.

Patrick C. Hall, Committee Member

Patricia A. Gladysz, Secretary II