



CITY COUNCIL ACTION REPORT

November 19, 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 with Gas Pumps by Square Lake – Livernois Business, Inc.

Background:

- Square Lake – Livernois Business, Inc. requests a new SDM License with Gas Pumps to be located at 5997 Livernois, Troy, MI 48098, Oakland County {MLCC Request #518636}.
- On October 12, 2009, Majid Elias, Owner and representative for the applicants, answered questions for the Liquor Advisory Committee.
- Mr. Elias explained to the Committee that the purpose of this request is to allow the Square Lake – Livernois Business to sell beer and wine at their 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."

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 10th day of July, 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 Square Lake-Livernois Business, 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 New SDM License with Gas Pumps issued under MCL 436.1541(1) to be located at 5997 Livernois, 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: [Signature] By: [Signature]
Kurtis E. Davis Thamer Elias

Subscribed and sworn to before me this 10th day of July 2009
 Notary Public, Oakland County, MI
 Acting in the County of Oakland
 My commission expires: 9/23/14

KRISTEN E. DAVIS
 NOTARY PUBLIC, STATE OF MI
 COUNTY OF OAKLAND
 MY COMMISSION EXPIRES Sep 23, 2014
 ACTING IN COUNTY OF Oakland

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: _____

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 10th day of July, 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 Square Lake-Livernois Business, 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 New SDM License with Gas Pumps issued under MCL 436.1541(1) to be located at 5997 Livernois, 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: [Signature] By: [Signature]
Kristen E. Davis Majid Elias

Subscribed and sworn to before me this 10th day of July 2009
Notary Public, Oakland County, MI
Acting in the County of Oakland
My commission expires: 09/23/2014

KRISTEN E. DAVIS
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Sep 23, 2014
ACTING IN COUNTY OF Oakland

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: _____

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 10th day of July, 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 Square Lake-Livernois Business, 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 New SDM License with Gas Pumps issued under MCL 436.1541(1) to be located at 5997 Livernois, 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: _____

[Signature]
Kristen E. Davis

By: _____

[Signature]
Ayad Elias

Subscribed and sworn to before me this 10th day of July, 2009
Notary Public, Oakland County, MI
Acting in the County of Oakland
My commission expires: 9/23/14

KRISTEN E. DAVIS
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES 9/23/2014
ACTING IN COUNTY OF Oakland

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: _____



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

MAILED 06/02/09
 TM

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

May 29, 2009

Troy Police Department
 Attn: Chief OF POLICE
 500 W Big Beaver Rd
 Troy, MI 48084-5285

Request ID #: 518636

Applicant: Square Lake-Livernois Business, Inc. requests a new SDM license with Gas pumps to be issued under MCL 436.1541(1) to be located at 5997 Livernois, Troy, MI 48098, Oakland County.

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.

sjw

| | |
|--|--|
| <p>LC-1972(Rev. 09/05) Authority: MCL 436.1201(4) Completion: Mandatory Penalty: No License</p> | <p>DELEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities. Michigan Liquor Control Commission 7150 Harris Drive • P.O. Box 30005 • Lansing, Michigan 48909-7505 www.michigan.gov/lcc • (517) 322-1345 Lansing Office</p> |
|--|--|



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

MAILED 06-02-09 707
FOR MLCC USE ONLY
 Request ID # 518636
 Business ID # 218861

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: (PAGE 1 OF 2)
 SQUARE LAKE-LIVERNOIS BUSINESS, INC., 5997 LIVERNOIS, TROY, MI 48098 OAKLAND COUNTY

REQUEST: NEW SDM LICENSE WITH GAS PUMPS ISSUED UNDER MCL 436.1541(1)

Section 1. APPLICANT INFORMATION

| | |
|---|---|
| APPLICANT #1: AYAD ELIAS 2978 EAGE DRIVE ROCHESTER HILLS, MI 48309 (586) 634-6390 | APPLICANT #2: MAJID ELIAS 3968 FAWN STREET OAKLAND TWP, MI 48306 (248) 634-5487 |
|---|---|

| | |
|-----------------------------------|-----------------------------------|
| DATE FINGERPRINTED**: NONE NEEDED | DATE FINGERPRINTED**: NONE NEEDED |
|-----------------------------------|-----------------------------------|

| | |
|--|--|
| 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 a Visa? Enter status: | 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 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"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed) | ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> 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



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]

MAILED 06/02/09 *TM*

| | |
|--------------------------|--------|
| FOR MLCC USE ONLY | |
| Request ID # | 518636 |
| Business ID # | 218861 |

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: _____ (PAGE 2 OF 2)

SQUARE LAKE-LIVERNOIS BUSINESS, INC., 5997 LIVERNOIS, TROY, MI 48098 OAKLAND COUNTY

REQUEST: NEW SDM LICENSE WITH GAS PUMPS ISSUED UNDER MCL 436.1541(1)

Section 1. APPLICANT INFORMATION

| | |
|--|---------------|
| APPLICANT #1: THAMER ELIAS 3540 NESTING RIDGE ROCHESTER HILLS, MI 48309 (248) 739-2698 | APPLICANT #2: |
|--|---------------|

| | |
|-----------------------------------|-----------------------|
| DATE FINGERPRINTED**: NONE NEEDED | DATE FINGERPRINTED**: |
|-----------------------------------|-----------------------|

| | |
|--|--|
| 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 a Visa? Enter status: | 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 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"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed) | ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> 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

A regular meeting of the Liquor Advisory Committee was held on Monday, October 12, 2009 in the Lower Level Conference Room, 500 West Big Beaver Road. Committee member Patrick C. Hall called the meeting to order at 7:00 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
Dane Lepola, student representative
Pat Gladysz

Resolution to Excuse Committee Member Ehlert

Resolution #LC2009-10-016
Moved by Payne
Seconded by Ukraineec

RESOLVED, That the absence of Committee member Ehlert at the Liquor Advisory Committee meeting of October 12, 2009 be **EXCUSED**.

Yes: 6
No: 0
Absent: Ehlert

Resolution to Approve Minutes of September 14, 2009 Meeting

Resolution #LC2009-10-017
Moved by Ukraineec
Seconded by Payne

RESOLVED, That the Minutes of the September 14, 2009 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 6
No: 0
Absent: Ehlert

Agenda Items

1. **Square Lake – Livernois Business Inc.**, 5997 Livernois, Troy MI 48098, Oakland County requests new SDM License with Gas Pumps {MLCC Req. #518636}.

Present to answer questions from the Committee was Majid Elias.

Officer Feld informed the Committee that all Building Department and Fire Department inspections were approved. Assistant City Attorney Lancaster informed the Committee that an inventory was received from the applicant and is in compliance with the City Ordinance.

Resolution #LC2009-10-018
Moved by Ogg
Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Square Lake-Livernois Business, Inc., for a new SDM license with gas pumps be **APPROVED**.

Yes: 6
No: 0
Absent: Ehlert

Officer Feld updated the Committee on the following informational items:

Grand Azteca V Inc.

Application has been made to transfer a Class C license from Rochester Hills and interviews are being conducted by the Building Department.

Simbad Inc.

Application has been made to transfer a Class C license from Southfield.

NKG Business, Inc.

Application has been made to transfer license from Buscemi's.

Fine Wine Distributors, Inc.

A wholesale license has been requested.

Cameron Mitchell Restaurants, LLC

Ocean Prime restaurant is requesting to enlarge their outdoor service area. This request was originally made in the spring of this year, but they chose to delay the project until the patio would be closed for the season.

Space Station

This is a Marathon gas station at 3410 Rochester is requesting a SDM and SDD license.

Officer Feld introduced student representative Dane Lepola.

The meeting adjourned at 7:10 p.m.

Patrick C. Hall, Committee Member

Patricia A. Gladysz, Secretary II