



CITY COUNCIL ACTION REPORT

RECEIVED

December 29, 2009

DEC 30 2009

TO: John Szerlag, City Manager *MJM For*

FROM: Gary Mayer, Chief of Police *GM*
 Captain Gerard Scherlinck, Services Division *GS*
 Lieutenant Michael Lyczkowski *M.L.*
 Sergeant Russel Harden *RH*
 Officer James Feld *JMF*

CITY OF TROY
 MANAGER'S OFFICE

SUBJECT: Application for Transfer Ownership of Escrowed SDD & SDM License.

Background:

- NKG Business, Inc. requests transfer ownership of Escrowed 2009 SDD & SDM Licensed Business from Peoples State Bank, located at 3176 Rochester, Troy, MI 48083, Oakland County {MLCC Request #527498}.
- On December 14, 2009, Nagi Abdal, Owner and representative for the applicants and Attorney John Hindo, answered questions for the Liquor Advisory Committee.
- Mr. Abdal and Mr. Hindo explained to the Committee that the purpose of this request is to allow Mr. Abdal and two other business partners to re-open the Buscemi's Party Store at the same location of the prior store. Mr. Abdal states his business partners and he own other Buscemi's Party Stores in the metro area and have been operating stores for over 12 years.
- 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.
- The Fire Department did inspect the business location and found violations. They have given tentative approval contingent upon passing a final inspection prior to the store being allowed to open. Mr. Abdal has agreed to this stipulation.

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."

H-5

MAILED 09/22/09



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 # 527498
Business ID # 221578

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:

NKG BUSINESS, INC. REQUESTS TRANSFER OWNERSHIP OF ESCROWED 2009 SDD & SDM LICENSED BUSINESS FROM PEOPLES STATE BANK, LOCATED AT 3176 ROCHESTER, TROY, MI 48083, OAKLAND COUNTY.

Section 1. APPLICANT INFORMATION

APPLICANT #1: GHAZWAN AZIZ ABDAL, 36217 JEFFREY DR, STERLING HEIGHTS, MI 48310, PHONE: (586)242-8808
APPLICANT #2: KARIM JARBO, 701 PANORAMA DR, ROCHESTER HILLS, MI 48306, PHONE: (248)601-1944

DATE FINGERPRINTED**: DATE FINGERPRINTED**: NO FINGERPRINTS NEEDED

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)

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

MAIL ROOM 09/21/09 Thu
FOR MLCC USE ONLY
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Section 1. APPLICANT INFORMATION

APPLICANT #3: NAGI ABDAL LICENSED AS NAGI ABDAAL 4644 ADMIRAL DR STERLING HEIGHTS, MI 48310 PHONE: (586)850-3570	APPLICANT #4:
--	---------------

DATE FINGERPRINTED**: NO FINGERPRINTS NEEDED	DATE FINGERPRINTED**:
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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:
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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

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

This Agreement, made this 7th day of October, 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 NKG 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 Escrowed 2009 SDD & SDM license to be located at 3176 Rochester Road, 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: Kurtus E. Davis By: Ghazwan Abdel
[Signature] [Signature]

Subscribed and sworn to before me this 7th day of October 2009
Notary Public, Oakland County, MI
Acting in the County of Oakland
My commission expires: 9/23/2014
Kurtus E. Davis

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: _____

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LICENSEE AUTHORIZED REPRESENTATIVE

Witnesses: Kristine E. Davis By: Karim S. Jarbo
[Signature] KARIM JARBO

Subscribed and sworn to before me this 7th day of October 2009
Notary Public, Oakland County, MI
Acting in the County of Oakland
My commission expires: 9/23/2014
Kristine E. Davis

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: _____

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LICENSEE AUTHORIZED REPRESENTATIVE

Witnesses:

Frederic E. Davis
[Signature]

By:

Naji Abdal
[Signature]

Subscribed and sworn to before me this 7th day of October 2009
Notary Public, Oakland County, MI
Acting in the County of Oakland
My commission expires: 9/23/2014

Frederic E. Davis
[Signature]

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: _____

Officer Feld stated that the Building Department inspections will be scheduled upon completion of the renovations.

Resolution #LC2009-12-027

Moved by Hall

Seconded by Ogg

RESOLVED, That the Liquor Advisory Committee recommends that the request to transfer ownership of 2006 Class C licensed business located in escrow at 29855 Northwestern, Southfield, MI 48034, Oakland, from F & S Food Service, Inc., David H. Fink, Receiver, to Sinbad, Inc.; request to transfer location to 336 John R, Troy, MI 48083, Oakland County; and request for a new Dance-Entertainment Permit to be held in conjunction be **APPROVED** contingent on the approval of all Building Department inspections.

Yes: 6

No: 0

Absent: Kaltsounis

-
4. **NKG Business, Inc.** requests transfer ownership of escrowed 2009 SDD & SDM Licensed Business from Peoples State Bank, located at 3176 Rochester, Troy, MI 48083, Oakland County {MLCC Req#527498} – *Former site of the Buscemi's Party Store*

Present to answer questions from the Committee were attorney John Hindo and business owner Nagi Abad.

Mr. Hindo advised the Committee that his clients are re-opening the Buscemi's Party Store. They own another Buscemi's location and have been in the party store business for over 12 years. All employees will receive TIPS/TAMS training.

Officer Feld stated that the Police Department has nothing to report.

Resolution #LC2009-12-028

Moved by Ukrainec

Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of NKG Business, Inc. to transfer ownership of escrowed 2009 SDD & SDM Licensed Business from Peoples State Bank, located at 3176 Rochester, Troy, MI 48083, Oakland County, be **APPROVED**.

Yes: 6
No: 0
Absent: Kaltsounis

Officer Feld updated the Committee on the following information items:

Numan Troy, Inc.

There are problems with the necessary minimum inventory for Ordinance compliance.

The Saint Andrew's Society of Detroit

This location will undergo major renovation after a Club License is obtained.

Space Station of Troy, Inc.

The owners wish to obtain a SDM license. There may be opposition from residents in the area.

E Mart, L.L.C.

This is an oriental market at East Big Beaver and Dequindre.

Ram's Horn

The owners are pursuing the transfer of a Class C license. If successful, they will close the restaurant for renovation.

Franco's Restaurant

There will be a transfer of ownership

The meeting adjourned at 7:40 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II