



CITY COUNCIL ACTION REPORT

RECEIVED

December 27, 2009

TO: John Szerlag, City Manager *MM For*

FROM: Gary Mayer, Chief of Police *GM*
 Captain Gerard Scherlinck, Services Division *SSIF 606*
 Lieutenant Michael Lyczkowski *M.L.*
 Sergeant Russel Harden *Rn #225*
 Officer James Feld *JMF*

DEC 30 2009
 CITY OF TROY
 MANAGER'S OFFICE

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

Background:

- Kher Enterprises, Inc. requests transfer ownership of 2009 SDD & SDM Licensed Business from Troy Cheese and Wine Market, located at 2558, 2560 East Maple, Troy, MI 48083, Oakland County {MLCC Request #522806}.
- On December 14, 2009, Labhu and Hansaben Kher, Owners, answered questions for the Liquor Advisory Committee.
- Mr. Labhu Kher and Ms. Hansaben Kher explained to the Committee that the purpose of this request is to allow them to complete the purchase of the Troy Cheese and Wine Market.
- 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."

H-6



Michigan Department of 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 # 522806

Business ID # 220265

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:

KHER ENTERPRISES, INC. REQUESTS TRANSFER OWNERSHIP OF 2009 SDD & SDM FROM TROY CHEESE & WINE MARKET, INC LOCATED AT 2558-, 2560 E MAPLE, TROY, MI 48083, OAKLAND COUNTY.

Section 1. APPLICANT INFORMATION

APPLICANT #1:
HANSABEN L. KHER
1219 TENNYSON DR
TROY, MI 48083
PHONE: (248)689-0031

APPLICANT #2:

DATE FINGERPRINTED**:
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:

DATE FINGERPRINTED**:
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

This Agreement, made this 26 day of August, 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 Kher Enterprises, 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 2009 SDD & SDM license to be located at 2558-, 2560 East Maple, 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: Frank J. Palazzolo By: HANSABEN L. KHER
Dolores E. Gaston

Subscribed and sworn to before me this 26th day of August 2009
 Notary Public, Wayne County, MI
 Acting in the County of Macomb
 My commission expires: 7/30/14

Dolores E. Gaston
 Dolores E. Gaston

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: _____

Yes: 6
No: 0
Absent: Kaltsounis

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} *This applicant was originally denied by the Liquor Advisory Committee because the business did not have the minimum \$250,000 in approved stock inventory. The business is now in compliance with the City Ordinance and wishes to return to seek approval*

Present to answer questions from the Committee was Majid Kesto.

Mr. Kesto stated that he is now in compliance with the City Ordinance in that he has \$250,000 of approved stock inventory. All inspections by the Building and Fire Departments have been approved.

Officer Feld confirmed that all inspections have been approved.

Resolution #LC2009-12-025

Moved by Hall

Seconded by Ehlert

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

Yes: 5
No: Ukrainec
Absent: Kaltsounis

2. **Kher Enterprises, Inc.** requests transfer ownership of 2009 SDD & SDM from Troy Cheese and Wine Market, Inc. located at 2558 – 2560 East Maple Road, Troy, MI 48083 {MLCC Req. #522806}. *This is a new owner purchasing the business.*

Present to answer questions from the Committee were Labhu and Hansaben Kher.

Mr. Kher advised the Committee that he and his wife have purchased this business. The previous owner has agreed to remain on site for training purposes as long as necessary. All employees will be TIPS/TAMS trained. The final electrical inspection has been requested but not yet conducted.

Officer Feld stated that all Building Department inspections have passed with the exception of the electrical inspection.

Resolution #LC2009-12-026

Moved by Hall

Seconded by Godlewski

RESOLVED, That the Liquor Advisory Committee recommends that the request of Kher Enterprises, Inc. to transfer ownership of 2009 SDD & SDM license from Troy Cheese and Wine Market, Inc. located at 2558-2560 East Maple Road, Troy, MI 48083 be **APPROVED** contingent on the successful completion of employee training and approval of the Building Department electrical inspection.

Yes: 6
No: 0
Absent: Kaltsounis

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3. **Sinbad Inc.** requests transfer ownership of 2006 Class C Licensed Business, located in Escrow at 29855 Northwestern, Southfield, MI 48034, Oakland County, From F & S Food Service, Inc.: David H. Fink, Receiver to Sinbad, Inc.: Transfer Location (Governmental Unit) MCL 436.1531(1) to 336 John R, Troy, MI 48083, Oakland County; and request a new Dance-Entertainment Permit to be held in conjunction {MLCC Req. #528006}. Sinbad seeks approval for a Class C License pending final inspections. (Sinbad Inc. will then complete renovations including a new bar area prior to opening. License **will not** be issued until passing final inspections of the business). *Sinbad Inc. is leasing the space that originally was the Troy Manor located within the Oakland Plaza Shopping Area.*

Present to answer questions from the Committee were attorney John Hindo and business owners Sabah Garmo and Raad Shango.

Mr. Hindo advised the Committee that his clients have signed a lease for this restaurant and plan to host small private parties. The capacity of this establishment is 230 people. Upon approval of the license transfer, the owners plan to do minor interior renovations, predominantly of a cosmetic nature. All employees will receive TIPS/TAMS training.