



## CITY COUNCIL ACTION REPORT

January 26, 2010

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 Transfer Ownership of Escrowed Class C & SDM Liquor License.

### Background:

- Ramchin, Inc. requests to transfer ownership of escrowed 2009 Class C and SDM Licensed Business with Official Permit (Food), located at 6123 Highland, Waterford, MI 48327, Waterford Township, Oakland County, from McQuistion's Airport Inn, Inc; Transfer Location Governmental Unit issued under MCL 436.1531(1) to 2940 Rochester, Troy, MI 48083, Oakland County {MLCC Request #533231}.
- On January 11, 2010, Suk Nies, Owners and applicant, Jon Robinson, Business Manager, and Attorney Kelly Allen, answered questions for the Liquor Advisory Committee.
- Mr. Nies, Mr. Robinson, and Ms. Allen explained to the Committee that the purpose of this request is to allow Mr. Nies to continue to operate the restaurant at 2940 Rochester Road, within the City of Troy, but will now have the ability to serve alcohol. The business will have a name change from Ram's Horn to The Hills City Grill. The establishment will continue to be open 24 hours. They will abide by all the Michigan Liquor Control Commission Rules and City of Troy Ordinances regarding when/how that alcohol can be served/sold.
- Mr. Robinson owns and operates The Hills Bar and Grill in Rochester Hills which is doing quite well.
- Mr. Nies explained to the Committee that he has been in the restaurant business since 1972 and has leased the Rochester Road location since 1980.
- Mr. Nies requests approval for this license from the Troy City Council prior to doing interior renovations to the building. The exterior will receive a fresh coat of paint when the weather improves. He understands and agrees to the stipulation that the license will not be released until approval of the Building and Fire Departments through Final Inspections.
- 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."

JF/The Hills City Grill.

**AGREEMENT REGARDING LIQUOR LICENSE REQUEST**

Re: Applicant: RamChin, Inc  
Address: 12940 Rochester Rd  
City/State/Zip: Troy, MI 480

Date: 12/22/09  
Type of License/s: Class C  
MLCC Request ID: 533231

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: Joy Robinson

By: [Signature]

Kathleen M Leighton  
Kathleen M Leighton

Subscribed and sworn to before me this 22<sup>ND</sup> day of December 2009  
Notary Public, Oakland County, MI

Acting in the County of Oakland

My commission expires 2-27-2010

Ian Walsh  
Notary Public, Oakland County, Michigan  
Acting in Oakland County  
My Commission Expires February 27, 2010

**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: \_\_\_\_\_



**FOR MLCC USE ONLY**

Request ID # 533231

Business ID # 222963

**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:**

Ramchin, Inc. Requests to Transfer Ownership of Escrowed 2009 Class C & SDM Licensed Business with Official Permit (Food), located at 6123 Highland, Waterford, MI 48327, Waterford Township, Oakland County, from McQuiston's Airport Inn, Inc; Transfer Location Governmental Unit issued under MCL 436.1531(1) to 2940 Rochester, Troy, MI 48083, Oakland County.

**Section 1. APPLICANT INFORMATION**

<b>APPLICANT #1:</b> Suk Nies 1601 Scenic Hollow Rochester Hills, MI 48309	<b>APPLICANT #2:</b>    
<b>DATE FINGERPRINTED**:</b>  <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 FINGERPRINTED**:</b>  <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:

\*\*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

### 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 of Escrowed 2009 Class C Licensed Business, located at 6123 Highland, Waterford, MI 48327, Waterford Township, Oakland County, from McQuiston's Airport Inn, Inc. to Ramchin, Inc.; Transfer Location Governmental Unit issued under MCL 436.1531(1) to 2940 Rochester, Troy, MI 48083, Oakland County.

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)



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 # 533231

Business ID # 222963

**LAW ENFORCEMENT RECOMMENDATION**

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

December 17, 2009

TO: Troy Police Department

Re: Ramchin, Inc

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 2:30 A.M. to 7:00 A.M. \_\_\_\_\_

Sundays 2:30 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

<input type="checkbox"/> OUTDOOR SERVICE <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> PARTICIPATION PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> ADDITIONAL BAR PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended

Signed:

\_\_\_\_\_  
Signature and Title

\_\_\_\_\_  
Print Name and Title

Troy Police Department

Date: \_\_\_\_\_

dl

2. **Ramchin, Inc.** requests to transfer ownership of Escrowed 2009 Class C & SDM Licensed Business with Official Permit (Food), located at 6123 Highland, Waterford, MI 48327, Waterford Township, Oakland County, from McQuiston's Airport Inn; Transfer location Governmental Unit issued under MCL 436.1531(1) to 2940 Rochester, Troy, MI 48083, Oakland County {MLCC Req. #533231}. *This is currently Ram's Horn Restaurant at Big Beaver and Rochester Road. Suk Nies will hire his son (Jason Nies) and son-in-law (Jon Robinson) to manage the restaurant which will be called The Hills City Grill. Jason Nies and Jon Robinson are currently partners at the Hills Grille in Rochester Hills. Mr. Suk Nies would like approval of the Class C and SDM License pending final inspections. Once approved, he will begin reconstruction of the existing building to suit the new restaurant needs. License will not be issued until the building passing final inspections.*

Present to answer questions from the Committee were attorney Kelly Allen, Suk Nies, and Jon Robinson.

Mr. Nies has been in the restaurant business since 1972 and has leased the Rochester Road location since 1980. Their location in Rochester Hills has done very well and has received no violations. They will continue many of their current menu items and will operate as a 24-hour full-service restaurant. The owner and managers are prepared to train their staff in alcohol management. The interior renovations will be confined to the dining area. The exterior renovations will be aesthetic in nature. They have a common parking area with the Hooters restaurant.

Resolution #LC2010-01-004

Moved by Godlewski

Seconded by Ukrainec

RESOLVED, That the Liquor Advisory Committee recommends that the request of Ramchin, Inc. to transfer ownership of escrowed 2009 Class C and SDM licensed business with official permit (food) located at 6123 Highland, Waterford, MI 48327, Oakland County, from McQuiston's Airport Inn to 2940 Rochester Road, Troy, MI 48083 be **APPROVED**, pending all final inspections.

Yes: 6  
No: 0  
Absent: Ehlert

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