



CITY COUNCIL ACTION REPORT

January 20, 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 name change of ownership of Marriott International, Inc.

Background:

- Marriott International, Inc. (A Delaware Corporation) requests to drop WHP Hotel Owner-2A, LLC (A Delaware Limited Liability Company) as Co-License and add Sunstone Big Beaver Lessee, Inc. (A Delaware Corporation) as Co-License in 2009 B-Hotel & SDM Licensed Business with Dance-Entertainment Permit, Official Permit (Food), 8 Bars, and 350 Rooms, located at 200 W. Big Beaver, Troy, MI 48084, Oakland County; and change Official Permit (Food) hours from weekdays, 6:00 A.M. to 7:00 A.M. and Sundays, 7:00 A.M. to 12:00 P.M. to weekdays, 6:00 A.M. to 7:00 A.M. and Sundays, 6:00 A.M. to 12:00 P.M.
- On November 9, 2009, Mr. Patrick Howe, Attorney for the applicant, answered questions for the Liquor Advisory Committee.
- Mr. Howe explained to the Committee that the purpose of this request is to update the Michigan Liquor Control Commission records due to a change in business ownership. The management of the hotel and the Marriott name will remain unchanged. Also, this request includes a change in the start time of food service on Sundays.
- The Marriott Hotel is a national chain which has been host to the President of the United States, numerous dignitaries through the world, United States Military Dignitaries, National Football League Teams, National Basketball Association Teams, and National Collegiate Athletic Association Teams.
- The Committee 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/Marriott

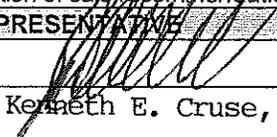
AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this ____ day of _____, 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 Marriott International, 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 B-Hotel & SDM license to be located at 200 W Big Beaver, 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: _____

By: 
Kenneth E. Cruse, CFO, VP and Sec/Treas.

Subscribed and sworn to before me this _____ day of August 2009
Notary Public, _____ County, MI:CA
Acting in the County of _____
My commission expires: _____ *see attached*

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

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

July 28, 2009

TROY POLICE DEPARTMENT
CHIEF OF POLICE
500 W BIG BEAVER ROAD
TROY, MI 48084-5285

Request ID #: 519011

Applicant:

MARRIOTT INTERNATIONAL, INC. (A DELAWARE CORPORATION) REQUESTS TO DROP WHP HOTEL OWNER-2A, L.L.C. (A DELAWARE LIMITED LIABILITY COMPANY) AS CO-LICENSE AND ADD SUNSTONE BIG BEAVER LESSEE, INC. (A DELAWARE CORPORATION) AS CO-LICENSE IN 2009 B-HOTEL & SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, OFFICIAL PERMIT (FOOD), 8 BARS, AND 350 ROOMS, LOCATED AT 200 W BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY; AND CHANGE OFFICIAL PERMIT (FOOD) HOURS FROM WEEKDAYS, 6:00 A.M. TO 7:00 A.M. AND SUNDAYS, 7:00 A.M. TO 12:00 P.M. TO WEEKDAYS, 6:00 A.M. TO 7:00 A.M. AND SUNDAYS, 6:00 A.M. TO 12:00 P.M.

CONTACT: MS. A.B. FOX, MARRIOTT INTERNATIONAL, INC., 10400 FERNWOOD ROAD, DEPARTMENT 52/923.30, BETHESDA, MD 20817 B(301)380-8158

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.

sfs

LC-1972(Rev. 09/05)
Authority: MCL 436.1201(4)
Completion: Mandatory
Penalty: No License

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.



FOR MLCC USE ONLY

Request ID # 519011

Business ID # 158042

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:

MARRIOTT INTERNATIONAL, INC. (A DELAWARE CORPORATION) REQUESTS TO DROP WHP HOTEL OWNER-2A, L.L.C. (A DELAWARE LIMITED LIABILITY COMPANY) AS CO-LICENSE AND ADD SUNSTONE BIG BEAVER LESSEE, INC. (A DELAWARE CORPORATION) AS CO-LICENSE IN 2009 B-HOTEL & SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, OFFICIAL PERMIT (FOOD), 8 BARS, AND 350 ROOMS, LOCATED AT 200 W BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY; AND CHANGE OFFICIAL PERMIT (FOOD) HOURS FROM WEEKDAYS, 6:00 A.M. TO 7:00 A.M. AND SUNDAYS, 7:00 A.M. TO 12:00 P.M. TO WEEKDAYS, 6:00 A.M. TO 7:00 A.M. AND SUNDAYS, 6:00 A.M. TO 12:00 P.M.

Section 1. APPLICANT INFORMATION

APPLICANT #1:
 SUNSTONE HOTEL TRS LESSEE, INC. (A DELAWARE CORPORATION) STOCKHOLDER IN SUNSTONE BIG BEAVER LESSEE, INC. (A DELAWARE CORPORATION) (CO-LICENSE)
 903 CALLE AMANECER, SUITE 100
 SAN CLEMENTE, CA 92673

APPLICANT #2:

DATE FINGERPRINTED:** NO FINGERPRINTS REQUIRED

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 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

TROY POLICE DEPARTMENT

Signature (Sheriff or Chief of Police)

Date



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 # | _____ |
| Business ID # | _____ |

**APPLICATION FOR OFFICIAL PERMIT FOR
 DIFFERENCE IN HOURS OF OPERATION**

[Authorized by MCL 436.1916 and R 436.1403]

Applicant or Licensee Name: Sunstone Big Beaver Lessee, Inc. and Marriott International, Inc.

Address: 200 W. Big Beaver, Troy, MI 48084

Type of License: Class B-Hotel and SDM License No.: 138655-2008

The MLCC is requested to grant an extended hours permit for: (check boxes that apply). **INCLUDE A \$70.00 INSPECTION FEE AND MAKE PAYABLE TO THE STATE OF MICHIGAN.**

- Dance (To apply for this purpose you must have a separate Dance Permit issued by the MLCC)
- Entertainment (To apply for this purpose you may have to have a separate Entertainment Permit issued by the MLCC).
- Operating our restaurant for the sale of food (Must have a full Service kitchen)
- Operating night league bowling, tournaments or Sunday morning bowling
- Registering golfers Registering Skiers
- Registering Tennis Players Registration of Guests
- Meetings
- Special Events, Indicate below Specific Event or Events that will be occurring.

MLCC LICENSING
 2009 MAY 11 AM 10:47

Athletic Activities, Indicate below Specific Athletic activities that will be occurring.

Others, Please Specify Activities:

Application for Difference in Hours of Operation (cont'd)

NOTE: The licensed premises may not be occupied by anyone except the licensee and bona fide employees who are working between the hours of 2:30 A.M. and 12:00 Noon on any Sunday or from 2:30 A.M. until 7:00 A.M. on any other day. Please indicate below the extended hours you are applying for to conduct the activities indicated on Page 1.

Weekdays 6:00 A.M. to 7:00 A.M.

Note: Saturday night after midnight is Sunday and requires Sunday hours if the premises is to be occupied after 2:30 A.M.

Sundays 6:00 A.M. to 12:00 Noon

Will Licensee be conducting the requested activity? YES NO

If no, attach a request for waiver of R 436.1437 and copy of concession and/or licensing agreement for person conducting that activity.

It is understood that the licensee issued an extended hours permit shall not allow customers on the licensed premises during the time period provided by the extended hours permit unless the activities, and only those activities, allowed by the extended hours permit are occurring. If you apply for two separate activities and the activities are for different hours you must fill out and attach a separate application. **THIS PERMIT DOES NOT ALLOW THE SALE, SERVICE, OR CONSUMPTION OF ALCOHOLIC LIQUOR DURING THE EXTENDED HOURS.**

ISSUANCE OF THIS PERMIT REQUIRES APPROVAL BY YOUR LOCAL LAW ENFORCEMENT AGENCY. IF MAKING APPLICATION FOR EXTENDED HOURS FOR DANCE OR ENTERTAINMENT A RECOMMENDATION FROM THE LOCAL LEGISLATIVE BODY IS ALSO REQUIRED.

Your request will be referred to your local law enforcement agency and local legislative body (if needed) for their recommendation upon receipt of a complete and acceptable application and the required \$70.00 inspection fee.

THE LICENSEE/APPLICANT, AN AUTHORIZED CORPORATE OFFICER OR MEMBER OF A LIMITED LIABILITY COMPANY MUST SIGN THIS APPLICATION.

Sunstone Big Beaver Lessee, Inc.

Marriott International, Inc.

Licensee or Applicant Signatures:

By:



Kenneth E. Cruse, CFO
V.P., Secretary and Treasurer

By:



CONTACT INFORMATION

Name: John B. Carlin, Jr.

Address: 2855 Coolidge Hwy., Suite 203, Troy Michigan 48084
(street address) (city) (state)

Phone Number: (248) 816-3210

E-Mail Address: icarlin@cebhlaw.com

MLCD LICENSING
2009 MAY 11 AM 10:47



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 # | <u>519011</u> |
| Business ID # | <u>158042</u> |

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

July 28, 2009

TO:

Re: MARRIOTT INTERNATIONAL, INC. (A DELAWARE CORPORATION) (CO-LICENSEE)
 SUNSTONE BIG BEAVER LESSEE, INC. (A DELAWARE CORPORATION) (CO-LICENSE)

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.

| |
|---|
| <input checked="" type="checkbox"/> OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: FOOD Weekdays <u>6:00</u> A.M. to <u>7:00</u> A.M. _____ Sundays <u>6:00</u> A.M. to <u>12:00</u> P.M. <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> 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. |
| <input type="checkbox"/> OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: Weekdays _____ A.M. to _____ A.M. _____ Sundays _____ A.M. to _____ A.M./P.M. <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended |
| <input checked="" type="checkbox"/> DANCE PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended |
| <input checked="" type="checkbox"/> ENTERTAINMENT PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended |
| <input type="checkbox"/> TOPLESS ACTIVITY PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended |

Law Enforcement Recommendation (cont'd)

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| |
|---|
| <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 checked="" type="checkbox"/> ADDITIONAL BAR PERMIT (8 BARS) <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: _____

sfs

RESOLVED, That the Minutes of the October 12, 2009 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 5
No: 0
Absent: Kaltsounis, Ukrainec

Agenda Items

1. **Marriott International, Inc. (A Delaware Corporation), 200 West Big Beaver, Troy, MI 48084 requests to drop WHP Hotel Owner-2A, L.L.C. (A Delaware Limited Liability Company) as Co-Licensee and add Sunstone Big Beaver Lessee, Inc. (A Delaware Corporation) as Co-Licensee in 2009 B-Hotel & SDM Licensed Business with Dance-5 Entertainment Permit, Official Permit (Food), 8 Bars, and 350 Rooms, located at 200 West Big Beaver, Troy, MI 48084, Oakland County: and change Official Food Permit (Food) Hours from weekdays, 6:00 A.M. to 7:00 A.M. and Sundays, 7:00 A.M. to 12:00 P.M. to weekdays, 6:00 A.M. to 7:00 A.M. and Sundays, 6:00 A.M. to 12:00 P.M. {MLCC Req. #519011}.**

Present to answer questions from the Committee was attorney Patrick Howe.

Mr. Howe explained that this request is made to update MLCC records due to a change in business ownership. The management of the hotel remains unchanged. Also, this request includes a change in the start time of the food service hours.

Officer Feld informed the Committee that all inspections have been approved.

Resolution #LC2009-11-021

Moved by Godlewski

Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Marriott International, Inc. (A Delaware Corporation) 200 West Big Beaver Road, Troy, MI 48084 to drop WHP Hotel Owner-2A, L.L.C. (A Delaware Limited Liability Company) as Co-Licensee and add Sunstone Big Beaver Lessee, Inc. (A Delaware Corporation) as Co-Licensee in 2009 B-Hotel & SDM Licensed Business with Dance-5 Entertainment Permit, Official Permit (Food), 8 Bars, and 350 Rooms, located at 200 West Big Beaver, Troy, MI 48084, Oakland County: and to change Official Food Permit (Food) Hours from weekdays, 6:00 A.M. to 7:00 A.M. and Sundays, 7:00 A.M. to 12:00 P.M. to weekdays, 6:00 A.M. to 7:00 A.M. and Sundays, 6:00 A.M. to 12:00 P.M. be **APPROVED**.

Yes: 4
No: 1
Absent: Kaltsounis, Ukrainec

-
2. **Grand Azteca V Inc.**, requests to transfer ownership of 2009 Class C Licensed Business, located in escrow at 4856 N. Adams, Rochester, MI 48306, Oakland Township, Oakland County, From Red Lotus, LLC & transfer location (Governmental Unit) (MCL 436L.1531 (1) to 935 East Long Lake Troy, MI 48085, Oakland County and request New Official Permit (Food) & SDM License {MLCC Req.#524757}.

Present to answer questions from the Committee were owners Silviano Arellano-Aguaya and Juan Ramos.

The business owners provided the Committee with menus for their five restaurant locations. The Long Lake Road location has approximately 20 booths and the bar is located on the left in the rear of the restaurant. The employee liquor training will be obtained through TIPS.

Resolution #LC2009-11-022
Moved by Hall
Seconded by Godlewski

RESOLVED, That the Liquor Advisory Committee recommends that the request of Grand Azteca V Inc., to transfer ownership of 2009 Class C Licensed Business, located in escrow at 4856 N. Adams, Rochester, MI 48306, Oakland Township, Oakland County, from Red Lotus, LLC, and to transfer location (Governmental Unit) (MCL 436L.1531 (1) to 935 East Long Lake Road, Troy, MI 48085, Oakland County, and to receive New Official Permit (Food) & SDM License be **APPROVED**.

Officer Feld informed the Committee that there have been no liquor violations and inspections have been approved.

Yes: 5
No: 0
Absent: Kaltsounis, Ukrainec

Student representative Lauren Harden was introduced.

Officer Feld updated the Committee on the following information items: