



## CITY COUNCIL ACTION REPORT

February 11, 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 Class C License to Manzo-Helton, LLC.

### Background:

- Manzo-Helton, LLC. requests to transfer ownership of 2009 Class C licensed business located at 3614 Rochester, Troy MI 48083, Oakland County, from GBD, Inc. and request new official permit (Food); and SDM License to be held in conjunction. {MLCC Req. #533046}
- On February 8, 2010, applicants, Joyce Helton and Matthew Manzo, and Attorney Kelly Allen. answered questions for the Liquor Advisory Committee.
- Ms. Allen explained to the Committee that Ms. Helton and Mr. Manzo entered into a management agreement with the former owners of Franco's Restaurant in November of 2009.
- Ms. Helton and Mr. Manzo have experience only in the marketing and financial aspects of the restaurant business, and therefore, a general manager and two wait staff have been hired.
- Ms. Helton and Mr. Manzo have completed interior renovations to the business.
- The Liquor Advisory 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 MLCC requires local government approval for the transfer of Class C licenses.

### Policy Considerations:

- City Goal III: "Retain and attract investment while encouraging redevelopment".

**AGREEMENT REGARDING LIQUOR LICENSE REQUEST**

Re: Applicant: Manzo-Helton, LLC  
Address: 3614 Rochester Rd  
City/State/Zip: Troy, MI 480 83

Date: 12/23/09  
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: [Signature] By: [Signature]

Subscribed and sworn to before me this 23<sup>rd</sup> day of December 2009  
Notary Public, \_\_\_\_\_ County, MI

Acting in the County of Oakland  
My commission expires: \_\_\_\_\_

**LAURA BETH PETERS**  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires May 5, 2011  
Acting in the 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**

Re: Applicant: Manzo-Helton, LLC Date: 1  
Address: 3614 Rochester Rd Type of License/s: Class C  
City/State/Zip: Troy, MI 480 83 MLCC Request ID: 533231

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Witnesses: [Signature] By: [Signature]

Subscribed and sworn to before me this 23<sup>rd</sup> day of December 2009  
Notary Public, \_\_\_\_\_ County, MI  
Acting in the County of \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
[Signature]  
**LAURA BETH PETERS**  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires May 5, 2011  
Acting in the 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: \_\_\_\_\_



**FOR MLCC USE ONLY**

Request ID # 533046

Business ID # 222939

**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:**

MANZO-HELTON, LLC, REQUESTS TO TRANSFER OWNERSHIP OF 2009 CLASS C LICENSED BUSINESS LOCATED AT 3614 ROCHESTER, TROY, MI 48083, OAKLAND COUNTY, FROM GBD, INC. & REQUEST NEW OFFICIAL PERMIT (FOOD) & SDM LICENSE TO BE HELD IN CONJUNCTION.

**Section 1. APPLICANT INFORMATION**

APPLICANT #1: JOYCE HELTON - MEMBER 8040 30 MILE WASHINGTON, MI 48095 H (313) 319-9794	APPLICANT #2: MATTHEW MANZO - MEMBER 8040 30 MILE WASHINGTON, MI 48095 H (248) 420-7907
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 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:

\*\*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"/> <u>Felony</u> <input type="checkbox"/> <u>Misdemeanor</u> 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"/> <u>Felony</u> <input type="checkbox"/> <u>Misdemeanor</u> 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**

- 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



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: MANZO - HELTON, LLC

Address: 3614 ROCHESTER, TROY, 48083

Type of License: \_\_\_\_\_ License No.: \_\_\_\_\_

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 DEC -4 PM 3:52

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 \_\_\_\_\_ A.M. to \_\_\_\_\_ 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 8<sup>00</sup> A.M. to 12<sup>00</sup> A.M. (P.M.)

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.**

Licensee or Applicant Signatures: *Matthew Manzo* \_\_\_\_\_  
\_\_\_\_\_

**CONTACT INFORMATION**

Name: Matthew Manzo

Address: 8040 30 Mile, Washington, MI 48095  
(street address) (city) (state)

Phone Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**Print Form**



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 # 533046

Business ID # 222939

**LAW ENFORCEMENT RECOMMENDATION**

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

DECEMBER 15, 2009

TO:

Re: MANZO-HELTON, LLC

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 \_\_\_\_\_ A.M. to \_\_\_\_\_ A.M.

Sundays 8:00 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 \_\_\_\_\_ P.M.

Recommended     Recommended, subject to final inspection     Not Recommended

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:

Weekdays \_\_\_\_\_ A.M. to \_\_\_\_\_ A.M.

Sundays \_\_\_\_\_ A.M. to \_\_\_\_\_ P.M.

Recommended     Recommended, subject to final inspection     Not Recommended

DANCE PERMIT

Recommended     Recommended, subject to final inspection     Not Recommended

<input 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
<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: \_\_\_\_\_

rib

Yes: 5  
No: 0  
Absent: Payne, Ukrainec

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### Agenda Items

1. **Manzo-Helton, LLC** requests to transfer ownership of 2009 Class C Licensed Business located at 3614 Rochester Road, Troy, MI 48083, Oakland County, from GBD, Inc. and request new Official Permit (Food) & SDM License to be held in conjunction {MLCC #533046}.

Present to answer questions from the Committee were attorney Kelly Allen, Joyce Helton, and Matthew Manzo.

Ms. Allen advised the Committee that Ms. Helton and Mr. Manzo entered into a management agreement with the former owners of Franco's Restaurant in November 2009. The former owner will remain as the executive chef. Ms. Helton and Mr. Manzo have experience in the marketing and financial aspects of the restaurant business. A general manager and two wait staff have been hired and TIPS training has been scheduled. Interior renovations have been completed and the final inspections have been requested.

Officer Feld informed the Committee that Franco's Restaurant received sale to minor violations in 1995, 1998, 2004, and 2008.

Resolution #LC2010-02-008

Moved by Hall

Seconded by Kaltsounis

RESOLVED, That the Liquor Advisory Committee recommends that the request of Manzo-Helton, LLC, to transfer ownership of 2009 Class C Licensed Business located at 3614 Rochester Road, Troy, MI 48083, Oakland County, from GBD, Inc. and request new Official Permit (Food) & SDM License to be held in conjunction be **APPROVED**.

Yes: 5  
No: 0  
Absent: Payne, Ukrainec

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