



CITY COUNCIL ACTION REPORT

RECEIVED

JUN 15 2010

CITY OF TROY
CITY MANAGER'S OFFICE

June 15, 2010

TO:

John Szerlag, City Manager *JS*

FROM:

Gary Mayer, Chief of Police *ISM 602*
 Captain Gerard Scherlinck, Services Division *GSS #606*
 Lieutenant Michael Lyczkowski *M. L.*
 Sergeant Russel Harden *RH #225*
 Officer James Feld *JMF*

SUBJECT:

Ratification of Resolution Approving New Club License for the Saint Andrew's Society.

Background:

- The Saint Andrew's Society of Detroit requested a New Club License to be located at 2360 Rochester, Troy, MI 48084, Oakland County {MLCC Request #520848} on October 26, 2009.
- The City Council approved a New Club License for the Saint Andrew's Society on February 1, 2010, Resolution Number 2010-02-034-I-6a. The adopted resolution contained a contingency requiring that the facility receive Final Inspection Approval from the Building and Fire Departments. Final Approval was received from the Building Department on March 27, 2010 and from the Fire Department on March 24, 2010.
- The Michigan Liquor Control Commission requires all resolutions to be approved "Above all others" without contingencies. Therefore, the recommended City Council Resolution approves the request for the New Club License for the Saint Andrew's Society, as indicated above, be ratified, above all others, without contingencies.

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."

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this ____ day of _____, 200____, 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 St. Andrew's Society of Detroit 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 New Club License license to be located at 2360 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:

Elaine Bitterman
 Elaine Bitterman
Pamela M. Babich
 Pamela M. Babich

By:

John N. Thomson
 John N. Thomson, Trustee

Subscribed and sworn to before me this 26th day of October 2009
 Notary Public, Oakland County, MI
 Acting in the County of Oakland
 My commission expires: January 26, 2013

Elaine Bitterman

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

FOR MLCC USE ONLY	
Request ID #	<u>520848</u>
Business ID #	<u>137727</u>

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:
 THE ST. ANDREW'S SOCIETY OF DETROIT REQUESTS A NEW CLUB LICENSE TO BE LOCATED AT 2360 ROCHESTER, TROY, MI 48084, OAKLAND COUNTY.

Section 1. APPLICANT INFORMATION

APPLICANT #1:	APPLICANT #2:
DATE FINGERPRINTED**: NO FINGERPRINTS REQUIRED	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 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

ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)	ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor 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

James M. Feld 6/10/10
 Signature (Sheriff or Chief of Police) Date
 Troy Police Department

Troy City Council Meeting
February 1, 2010
EXCERPT

A. CONSENT AGENDA:

I-1a Approval of "I" Items NOT Removed for Discussion

Resolution #2010-02-034
Moved by Kerwin
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

MOTION CARRIED

Yes: All-7
No: None

I-6 Approval of The Saint Andrew's Society of Detroit for a New Club License to be Located at 2360 Rochester – MLCC Request #520848

a) New License

Resolution #2010-02-034-I-6a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from The Saint Andrew's Society of Detroit for a New Club License to be located at 2360 Rochester, Troy, MI 48084, Oakland County {MLCC Request #520848} above all others" **CONTINGENT** upon passing the Troy Building and Fire Department Final Inspections; and

BE IT FURTHER RESOLVED, That it is the consensus of this legislative body that the application **BE RECOMMENDED** "above all others" for issuance.

b) Agreement

Resolution #2010-02-034-I-6b

WHEREAS, The Troy City Council deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with The Saint Andrew's Society of Detroit for a New Club License to be located at 2360 Rochester, Troy, MI 48084, Oakland County {MLCC Request #520848} **CONTINGENT** upon passing the Troy Building and Fire Department Final Inspections and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.