



## CITY COUNCIL AGENDA ITEM

Date: September 14, 2010

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police *GM 10/2*  
 Captain Gerard Scherlinck, Services Division *GS 10/2*  
 Sergeant Russell Harden *RH 10/2*  
 Officer James Feld *JF 10/2*  
 Jeff Oberski *JO*

Subject: Application for New SDM License for San Marino Club, Inc.

### Background

The San Marino Club, Inc. requests a new SDM License to be located at 1685-1695 East Big Beaver Road, Troy, MI 48083, Oakland County {MLCC Req. #487689} for the Tre Monti Restaurant located behind the San Marino Club.

On August 9, 2010, Mr. Lou Zanotti, chairman of the committee to oversee restaurant operations and Mr. Zharko Palushaj, general manager answered questions for the Liquor Advisory Committee. Mr. Zanotti and Mr. Palushaj explained to the Committee that the Tre Monti Restaurant would like to sell their patrons additional bottles of wine they may enjoy while dining. In addition, the restaurant would like to build wine lockers for use by their regular customers. The customers would be able to purchase one or more bottles of wine, store the wine in the lockers, and enjoy them whenever they dined. The SDM license would also allow customers to purchase bottles of wine to take with them when they leave the restaurant.

The Police Department did not find any disqualifying factors for this request. In addition, the Liquor Advisory Committee unanimously approved their request.

The request complies will all applicable Troy City Ordinances and Michigan Liquor Control Commission Rules.

### Recommendation

Recommend approval of the request from San Marino Club, Inc. for a new SDM License.

A regular meeting of the Liquor Advisory Committee was held on Monday, August 9, 2010 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Committee member Timothy P. Payne called the meeting to order at 7:00 p.m.

**Roll Call**

PRESENT: W. Stan Godlewski  
Andrew Kaltsounis  
David S. Ogg  
Timothy P. Payne  
Bohdan L. Ukraineec

ABSENT: Max K. Ehlert, Chairman  
Patrick C. Hall

ALSO PRESENT: Officer James Feld  
Susan Lancaster, Assistant City Attorney  
Laurent Harden, student representative  
Pat Gladysz

**Resolution to Excuse Committee Members Ehlert & Hall**

Resolution #LC2010-08-019  
Moved by Kaltsounis  
Seconded by Ukraineec

RESOLVED, That the absence of Committee members Ehlert and Hall at the Liquor Advisory Committee meeting of August 9, 2010 be **EXCUSED**.

Yes: 5  
No: 0  
Absent: Ehlert, Hall

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**Resolution to Approve Minutes of June 14, 2010 Meeting**

Resolution #LC2010-08-020  
Moved by Kaltsounis  
Seconded by Ukraineec

RESOLVED, That the Minutes of the June 14, 2010 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 5  
No: 0  
Absent: Ehlert, Hall

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### Agenda Items

1. **San Marino Club, Inc.** requests a new SDM License to be held in conjunction with 2008 Class C Licensed Business with Sunday Sales, Dance-Entertainment Permit, Outdoor Service (1 Area), 7 Bars, located at 1685-1695 East Big Beaver, Troy, MI 48083, Oakland County {MLCC Req. #487689}. *The Tre Monti Restaurant, located behind the San Marino Club, would like to sell their patrons additional bottles of wine they may enjoy while dining.*

Present to answer questions from the Committee were Lou Zanotti, chairman of the committee to oversee restaurant operations, and Zharko Palushaj, restaurant general manager.

Mr. Zanotti and Mr. Palushaj explained to the Committee that the restaurant would like to build wine lockers for use by their regular customers. The customers would be able to purchase one or more bottles of wine, store the wine in the lockers, and enjoy them whenever they dined. The SDM license would also allow customers to purchase bottles of wine to take with them when they leave the restaurant.

Officer Feld stated that the Police Department has no objections to this request.

Resolution #LC2010-08-021  
Moved by Ukrainec  
Seconded by Godlewski

RESOLVED, That the Liquor Advisory Committee recommends that the request of San Marino Club, Inc. for a new SDM License to be held in conjunction with 2008 Class C Licensed Business with Sunday Sales, Dance-Entertainment Permit, Outdoor Service (1 Area), 7 Bars, located at 1685-1695 East Big Beaver, Troy, MI 48083, Oakland County be **APPROVED**.

Yes: 5  
No: 0  
Absent: Ehlert, Hall

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**Informational Items**

Officer Feld updated the Committee on the following informational items:

***Picano Restaurant, Inc.***

This is a similar request to our Agenda item for this meeting.

***Target Corporation***

The wording of this request was clarified in that the SDM license is not in conjunction with their on-premise seating. The wording is taken directly from the State of Michigan paperwork.

***RCSH Operations, LLC***

This request is to add additional indoor seating to the restaurant.

***Macy's***

There will be a corporate name change.

***Big Beaver Tavern***

This is a request for outdoor seating.

***Cameron Mitchell Restaurants, LLC***

This is a request for outdoor seating.

***Numan Troy, Inc.***

This request will most likely be removed from our Informational Item list.

***Space Station of Troy, Inc.***

This request may be removed from our Informational Item list.

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Officer Feld informed the Committee that the Police Department's Directed Patrol Unit recently performed compliance checks of all licensed establishments within the City. Four sale-to-minor violations occurred: (1) Aldi at 2967 East Big Beaver, (2) CVS at 4963 John R, (3) Lebanese Grill at 1600 Rochester Road, and (4) Red Robin at 5460 Corporate Drive.

Officer Feld also informed the Committee that Jeff Oberski, a new analyst/planner in the Police Department, has assumed some of the licensing duties.

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The meeting adjourned at 7:20 p.m.

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Timothy P. Payne, Committee Member

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Patricia A. Gladysz, Secretary II

**AGREEMENT REGARDING LIQUOR LICENSE REQUEST**

Re: Applicant: San Marino Club  
Address: 1085-1095 E. Big Beaver  
City/State/Zip: Troy, MI 48083

Date: \_\_\_\_\_  
Type of License/s: \_\_\_\_\_  
MLCC Request ID: \_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_

By: [Signature]

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_  
Notary Public, \_\_\_\_\_ County, MI  
Acting in the County of \_\_\_\_\_  
My commission expires: \_\_\_\_\_

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



Mich Department of 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 # 487689

Business ID # 3179

**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:**

SAN MARINO CLUB, INC. REQUESTS A NEW SDM LICENSE TO BE HELD IN CONJUNCTION WITH 2008 CLASS C LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, OUTDOOR SERVICE (1 AREA), AND 7 BARS, LOCATED AT 1685-1695 E BIG BEAVER, TROY, MI 48083, OAKLAND COUNTY.

**Section 1. APPLICANT INFORMATION**

APPLICANT #1:  
 CONTACT: DENNIS S. GIANNINI, PRESIDENT  
 (248)619-0860

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)

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 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

LC-1800 (Rev. 08/2008)  
 Authority: MCL 436.1217 and R 436.1105; MAC  
 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.

No. 1014 P. 3

Aug. 31. 2009 2:55PM