



CITY COUNCIL AGENDA ITEM

Date: November 15, 2010

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police *gm*
 Captain Gerard Scherlinck, Professional Standards Division *GS*
 Lieutenant Robert Redmond *RR*

Subject: Application to Add Space (additional indoor seating) for RCSH, LLC (Ruth's Chris Steak House)

Background

RCSH, LLC (Ruth's Chris Steak House) requests to Add Space to 2009 Class C and SDM Licensed Business With Dance Permit located at 755 West Big Beaver Road, Suite 151, Troy, MI 48084, Oakland County {MLCC Req. #530151}.

On November 8, 2010, general manager Daniel Doerfling was present to answer questions for the Liquor Advisory Committee.

Mr. Doerfling explained to the Committee that they renovated the restaurant to give it a more useful and modern appearance. Even though square footage was added, they currently have five fewer seats. The build-out has been completed and all inspections have been approved. When questioned about the dance floor, Mr. Doerfling stated that there has been no dance floor in the restaurant in the ten years of his employment.

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 Ruth's Chris Steak House to Add Space.

Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, November 8, 2010 in the Emergency Operations Conference Room of the Troy Police Department, 500 West Big Beaver Road. Committee member Patrick Hall called the meeting to order at 6:56 p.m.

Roll Call

PRESENT: W. Stan Godlewski
 Patrick C. Hall
 Andrew Kaltsounis
 David S. Ogg
 Timothy P. Payne
 Bohdan L. Ukrainec

ABSENT: Max K. Ehlert, Chairman

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

Resolution to Excuse Committee Member Ehlert

Resolution #LC2010-11-030
Moved by Kaltsounis
Seconded by Payne

RESOLVED, That the absence of Committee member Ehlert at the Liquor Advisory Committee meeting of November 8, 2010 be **EXCUSED**.

Yes: 6
No: 0
Absent: Ehlert

Resolution to Approve Minutes of October 4, 2010 Meeting

Resolution #LC2010-11-031
Moved by Kaltsounis
Seconded by Payne

RESOLVED, That the Minutes of the October 4, 2010 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 6
No: 0
Absent: Ehlert

Agenda Items

1. **Target Corporation** (A Minnesota Corporation), requests new SDM License with On Premise Seating, to be located at 1301 Coolidge, Troy, MI 48084, Oakland County. {MLCC Req. #556906}.

Present to answer questions from the Committee was store manager Carrie Worthington.

Ms. Worthington addressed the Committee reporting that Target Corporation began this application process in 2006. The store has passed all inspections and is ready to begin beer and wine sales. These beverages will be stocked in their food pantry aisles, away from the entry/exit doors, and with surveillance camera coverage. Target Corporation feels that the sale of beer and wine in their stores will increase their sales revenue and thus employment opportunities.

Committee members questioned the “On Premise Seating” wording of the Agenda Item. It was explained that there is a snack court area in the store, but the SDM license does not allow alcohol to be served or consumed on the premises.

Resolution #LC2010-11-032
Moved by Ukrainec
Seconded by Ogg

RESOLVED, That the Liquor Advisory Committee recommends that the request of Target Corporation (A Minnesota Corporation) for a new SDM License with On Premise Seating, to be located at 1301 Coolidge, Troy, MI 48084, Oakland County be **APPROVED** provided there would be no consumption of alcohol in the on premise seating area.

Yes: 6
No: 0
Absent: Ehlert

2. **Square Lake Diner, LLC** requests to transfer interest and location of MLCC Class C License No. 9432-2010 assigned to Rockers, Inc. located at 1461 N. Perry, Pontiac, Michigan to Square Lake Diner, LLC a Michigan limited liability company to be located at 6024 Rochester Road, Troy, Michigan, Oakland County {MLCC Req. #567112}, pending final inspections.

Present to answer questions from the Committee were Frank Palazzolo, Frank Memcaj, and Pjetar Uljaj.

Mr. Palazzolo, attorney for the owners, explained to the Committee that renovations are underway to this restaurant. The interior has been gutted, and new equipment and seating for 70 customers are being installed. The owners stated that they are striving to present a classic American diner serving three meals each day. They are transferring a liquor license from Pontiac.

Mr. Palazzolo also stated that a letter will be sent to the Michigan Liquor Control Commission withdrawing the dance, entertainment, and outdoor service items from their license.

Resolution #LC2010-11-033

Moved by

Seconded by

RESOLVED, That the Liquor Advisory Committee recommends that the request of Square Lake Diner, LLC to transfer interest and location of MLCC Class C License No. 9432-2010 assigned to Rockers, Inc. located at 1461 N. Perry, Pontiac, Michigan to Square Lake Diner, LLC a Michigan limited liability company to be located at 6024 Rochester Road, Troy, Michigan, Oakland County be **APPROVED** pending final inspections.

Yes: 6
No: 0
Absent: Ehlert

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3. **RCSH Operations, LLC** (A Louisiana Limited Liability Company) requests to Add Space to 2009 Class C & SDM Licensed Business with Dance Permit located at 755 West Big Beaver Suite #151, Troy, MI 48084, Oakland County. {MLCC Req. #530151}. *Ruth's Chris Steak House*.

Present to answer questions from the Committee was general manager Daniel Doerfling.

Mr. Doerfling explained to the Committee that they renovated the restaurant to give it a more useful and modern appearance. Even though square footage was added,

they currently have five fewer seats. The build-out has been completed and all inspections have been approved. When questioned about the dance floor, Mr. Doerfling stated that there has been no dance floor in the restaurant in the ten years of his employment.

Resolution #LC2010-11-034

Moved by

Seconded by

RESOLVED, That the Liquor Advisory Committee recommends that the request of RCSH Operations, LLC (A Louisiana Limited Liability Company) to Add Space to 2009 Class C & SDM Licensed Business with Dance Permit located at 755 West Big Beaver Suite #151, Troy, MI 48084, Oakland County be **APPROVED**.

Yes: 6
No: 0
Absent: Ehlert

Officer Feld advised the Committee on the following:

Rite Aid, 2971 West Maple Road

On 10/27/10, the Directed Patrol Unit of the Troy Police Department conducted Liquor License Inspections of all the Licensed Businesses within the City of Troy, utilizing an underage decoy. This Rite Aid location received a violation for sale to an underage patron.

MLCC Hearings

Troy Robin, Inc., 5460 Corporate (*Red Robin*), and **Woodward Detroit CVS, LLC**, 4963 John R. Road (*CVS Pharmacy #8242*) had a Hearing for a complaint that was filed against each licensee. The complaint alleges the licensee Allowed a Sale To Minor Decoy on July 19, 2010. The Hearing was conducted on November 1, 2010 at 9:30 AM at the Sterling Heights Civic Center, 40555 Utica Road, Council Chambers. Each of these businesses pled responsibility at the Hearing.

NH Motel Enterprises (MET Hotel)

The owners of the Hotel are being uncooperative during the MLCC investigation. Also, it appears that the ownership is has established some type of adult care facility in the hotel without obtaining the proper State licensing. This investigation is also ongoing.

Ms. Lancaster, assistant City Attorney, provided the following explanation in response to a question about attendance of the Liquor Advisory Committee members at the monthly meetings.

Ms. Lancaster stated that a member must advise by telephone or email if they will not be in attendance at a scheduled meeting. The members present at a meeting always vote whether to excuse an absent member. If someone is excused from a particular meeting, nothing can be done about that absence in the future. If the membership chooses to not excuse an absent member, they can request that the attendance records be reviewed by City Council.

Also, in response to another question, Ms. Lancaster stated that a quorum is a simple majority. For the Liquor Advisory Committee, a quorum is four members.

The meeting adjourned at 7:25 p.m.

Patrick C. Hall, Committee Member

Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

Re: Applicant: RCSH Operations, LLC (A Louisiana Limited Liability Company Date: February 1, 2010
Address: 755 W Big Beaver, Ste. 151 Type of License/s: Add Space to 2009 Class C & SDN Licensed Business w/Dance Permit
City/State/Zip: Troy, MI 48084 MLCC Request ID: 530151

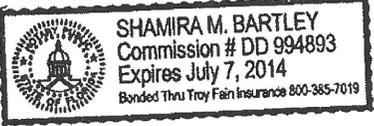
This Agreement, made by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and the Applicant as indicated above, hereinafter known as APPLICANT.

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 10th day of Oct 2010
Notary Public, [Signature] County, MI - FL
Acting in the County of Subinde
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: _____



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)]

October 29, 2009

Troy Police Department
Chief of Police
500 W Big Beaver Road
Troy, MI 48084-5285

Request ID #: 530151

Applicant:

RCSH Operations, LLC (A Louisiana Limited Liability Company) Requests to Add Space to 2009 Class C & SDM Licensed Business with Dance Permit, located at 755 W Big Beaver Ste 151, Troy, MI 48084, Oakland County.

Contact: Michael O'Donnell, B(248) 269-8424

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. ****Please ensure that section D of the card has been completed prior to submission.****

If you have any questions, contact the appropriate unit (On Premises, Off Premises or Manufacturers & Wholesalers) at (517) 322-1400.

dl

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

DELEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities. Michigan Liquor Control Commission 7150 Harris Drive • P.O. Box 30005 • Lansing, Michigan 48909-7505 www.michigan.gov/lcc • (517) 322-1345 Lansing Office



FOR MLCC USE ONLY
Request ID # <u>530151</u>
Business ID # <u>175432</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:

RCSH Operations, LLC (A Louisiana Limited Liability Company) Requests to Add Space to 2009 Class C & SDM Licensed Business with Dance Permit, located at 755 W Big Beaver Ste 151, 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

Signature (Sheriff or Chief of Police) _____ Date _____
 Troy Police Department