

Commission Letter # 45-10(B)
Commission Meeting: 2/15/10

RE: D'Amato's Restaurant/Goodnite Gracie's

February 11, 2010

The Honorable Mayor
and
Members of City Commission

The City has received a request from the Michigan Liquor Control Commission (MLCC) for a recommendation on a request from Legacy Restaurant Group, L.L.C., for a new dance permit to be held in conjunction with its 2009 Class C licensed business at 222-224 Sherman (D'Amato's Restaurant/Goodnite Gracie's).

As indicated in the accompanying memorandum from Lt. Gordon Young to City Manager Donald E. Johnson, the Police Department supports the request, based upon (1) the establishment's operation with a series of one-day dance permits and (2) the applicant's willingness to enter into a side agreement that would allow the Police Department to suspend use of the dance permit (pending a hearing before the City Commission) in the event of a problem. At its February 10, 2010 meeting, the City's Liquor Control Committee voted unanimously to recommend that the City Commission offer a favorable recommendation on the request to the MLCC.

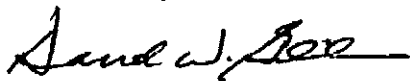
If the City Commission agrees with this recommendation, the following resolution would be appropriate:

BE IT RESOLVED, that the City Commission hereby recommends that the request from Legacy Restaurant Group, L.L.C. for a new Dance Permit to be held in conjunction with a 2009 Class C licensed business, located at 222-224 Sherman, Royal Oak, MI 48067, Oakland County (2 areas), be approved.

BE IT FURTHER RESOLVED, that the amended Plan of Operation for D'Amato's Restaurant/Goodnite Gracie's is approved, contingent upon the licensee entering into the accompanying Agreement Regarding Dance Permit.

BE IT FURTHER RESOLVED, that the accompanying Agreement Regarding Dance Permit is approved, and the Mayor and City Clerk are authorized to execute the same on behalf of the City.

Respectfully submitted,



David W. Gillam
City Attorney

cc: Donald E. Johnson, City Manager
Melanie Halas, City Clerk
Christopher A. Jahnke, Chief of Police
Lt. Gordon Young, Criminal Investigations



**Royal Oak Police
Department**

MEMORANDUM

To: Mr. Don Johnson, City Manager
From: Gordon Young, Lieutenant
CC: Christopher M. Jahnke, Chief of Police *clear*
Date: 2/2/2010

Re: LEGACY RESTAURANT GROUP, LLC REQUEST FOR A NEW DANCE PERMIT TO BE HELD IN CONJUNCTION WITH 2009 CLASS C & SDM LICENSED BUSINESS WITH ENTERTAINMENT PERMIT, OUTDOOR SERVICE (2 AREAS), AND (3) BARS, LOCATED AT 222-224 SHERMAN, ROYAL OAK, MI 48067, OAKLAND COUNTY

The Royal Oak Police Department has received a request from the Michigan Liquor Control Commission (MLCC) for an investigation and recommendation for Legacy Restaurant Group, LLC (D'Amato's/Goodnite Gracies) request for a new dance permit to be held in conjunction with existing 2009 Class C license, located at 222-224 Sherman, Royal Oak, Oakland County.

D'Amato's/Goodnite Gracies in Royal Oak opened in Royal Oak in July of 1996 and is a well run restaurant. There have been relatively few police runs to this establishment. From January 1st through December 31st, 2009 our department responded to six (6) calls for service related to the operation of their business.

The applicant, Lisa Jackman, stated she wanted the dance permit because customers made requests for a dance floor and she wants to be able to compete with other businesses within the Central Business District. Mrs. Jackman intends to have dancing on Thursday, Friday, Saturday and Sunday nights or as special events necessitate. A new plan of operation has been submitted and is attached. The applicant is requesting two (2) dance floors. Inside D'Amato's, the applicant will have one dance floor located to the north of their main entrance. The dance floor will be 15' x 14'-210 square feet (see attached floor plan). Inside Goodnite Gracie's, the applicant will have one dance floor located in the rear of their establishment. The dance floor will be 10' x 12'-120 square feet (see attached floor plan).

I have suggested to the applicant that it may be prudent to apply for a few one-day dance permits before applying for a regular dance permit to assess what type of issues there may be. Mrs. Jackman agreed and requested permits for the following

dates: December 26, 31, 2009, January 15, 16, 22, 23, 29, 30, February 5, 6, 12, 13, 2010. As of today's date, there have been no reported/observed problems.

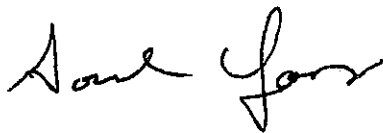
Mrs. Jackman has reviewed the dance agreement signed by Ronin-Sushi-Royal Oak, L.L.C. and would be willing to sign a similar agreement.

D'Amato's in Royal Oak is a well run establishment that has a successful 13 year history. Mrs. Jackman believes that she can continue to run a reputable business with the addition of the dance permit.

D'Amato's has complied with the requests for temporary one-day dance permits and there have been no observed or reported problems. To wit, the police department recommends adding a new dance permit to the existing license with the understanding that a similar dance agreement to Ronin-Sushi-Royal Oak, LLC be signed.

This application is subject to the approval or denial of the Royal Oak City Commission.

Respectfully

A handwritten signature in black ink, appearing to read "Gordon Young". The signature is fluid and cursive, with the first name "Gordon" and the last name "Young" clearly distinguishable.

Gordon Young, Lieutenant
Royal Oak Police Department

cc: **City Clerk**
City Attorney
Building Department
Fire Marshal
Michigan Liquor Control Commission
File

- VI. Security: Security for the customers building and community has and will continue to be of the highest priority for the Management/Owners of D'amato's/Goodnite Gracie's. Our customers are typically a mature middle class citizen out to enjoy good food and Royal Oak's convivial atmosphere. We have and will continue to undertake whatever measures are required to maintain and supervise the required levels of security to assure the safety and security of our patrons, building, and community.
- VII. Parking: Patrons uses the Sherman Street metered public lot, or the Lafayette (Lafayette between 4th street and 11 mile). parking structure typically. There are 2 other parking structures within a block of the restaurant. Employees are directed to park in the Lafayette structure. (between 4th and 11 mile) Valet parking is employed on occasion. They use the basement of the same parking structure.
- VIII. Alcohol Management: The establishment will strictly obey all rules and regulations promulgated by the City of Royal oak and the State of Michigan Liquor Control Commission. There will be neither service to nor consumption of alcoholic beverages by minors at any time. No alcohol will be sold, or permitted to be sold, on a commission basis by any person.

The following policies are and will continue to be enforced at the establishment:

1. No alcoholic beverages are allowed on the premises, other than what is dispensed by the establishment.
2. All staff pay attention and are alert to observable clues displayed by an intoxicated individual, such as; impaired reflexes, impaired coordination, reduced judgment and inhibitions, impaired vision, etc.
3. All staff are alert to potential problems at their respective areas at the facility.
4. All staff are polite and courteous to the intoxicated individual(s) and area are knowledgeable as to when to request assistance from additional faculty and staff.
5. Patrons who appear to be 30 years of age or younger are asked to show proper identification. Signage is posted at serving location. Patrons must produce proper identification.
 - 5.1 All patrons under 21 years of age are refused service
 - 5.2 The "State Seal" and other markings are checked. Damage or alterations to identification cards is and will be looked at.
 - 5.3 Falsified identification cards are not returned. Management is called immediately in such cases.

6. If a patron shows signs of intoxication, the staff refuses service, politely explains the company policy, suggest an alternative to an alcoholic beverage and/or calls Management if necessary.
7. If a patron is purchasing on behalf of someone else who appears less than 30 years old, staff requests identification of recipient or contacts Management who will intervene. Staff refuses service to minors and informs all parties involved that policy allows for ejection from premises if illegal activity has occurred.
8. Alcohol dispensing may be restricted to one of the following practice or any combination thereof:
 - No sales to intoxicated persons.
 - No sales without proper identification
 - Limited alcoholic choices, if necessary
 - When in doubt, do not serve. Call a supervisor
9. No alcoholic beverages are allowed to leave the property
10. Staff approaches any person appearing to be impaired and leaving the venue to determine if they are driving. If so, staff attempts to persuade them not to drive and requests a non-impaired companion to drive. If unable, staff refers patron(s) to bus or taxi service.
11. Responsible party completes documentation of any alcohol-related incidents at end of the event. Information will be disseminated accordingly.
12. We shall provide non-alcoholic beverages to all designated drivers either free or at reduced prices.
13. The establishment fully participates in Techniques in the Alcohol Management Program and will continue such participation in that program or similarly recognized program approved by the Royal Oak Police Chief. TIPS/TAM certification for all employees shall be provided to the Chief of police 35 days after date of hire.

X. Refuse Disposal: Refuse for D'Amato's/ Goodnite Gracie is stored in a dumpster at the rear of the Washington Square Plaza Building. The pickup is by a private contractor and is done as needed.

XI. Every effort will be made to maintain positive relationships with nearby business as well as cooperation with all City Departments. Every effort will be made to solve problems as they

may arise. The Management is committed to being a valued community member providing great food, service, and ambience to all visitors.

XII. Emergency Contacts: Paul Jackman- (Owner) (248) 506-9279, Lisa Jackman (Owner) (248) 506-9284, Larry Reynolds (Bldg Maintenance) (248) 506-1843

XIII. Reference to Valet Service: Occasional Use – Extravagant Valet, Chris Bahoury – (586) 243 1057

XIV. Amendment to Plan: The addition of the Dance Permit allowing dancing on Thursday through Sunday nights for patrons in the designated areas stated in Section II for this Class C License and modified floor plans are the only amendments to this Plan of Operation.

LEGACY RESTAURANT GROUP, LLC
D/b/a D'Amato's Restaurant/Goodnite Gracie

Date: _____

By: _____ By: _____
Paul Jackman Lisa Jackman

Blmfield.19033.62599.1224249-1

Front Door

4' 10"

2' 4"

15' 8"

2' 6"

7' 8"

21

4

5

3' 4"

22

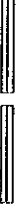
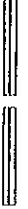
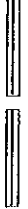
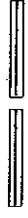
11

31

3

D'Amato's Restaurant

Sherman Dr.



12

32

2

10' 2"

23

33

1

5' 0"

8' 1"

3' 8"

4' 10"

Dance Floor
14 x 15 Feet

41

16' 3"

17' 4"

26

42

16' 4"

34

9' 8"

4' 8"

15

8' 8"

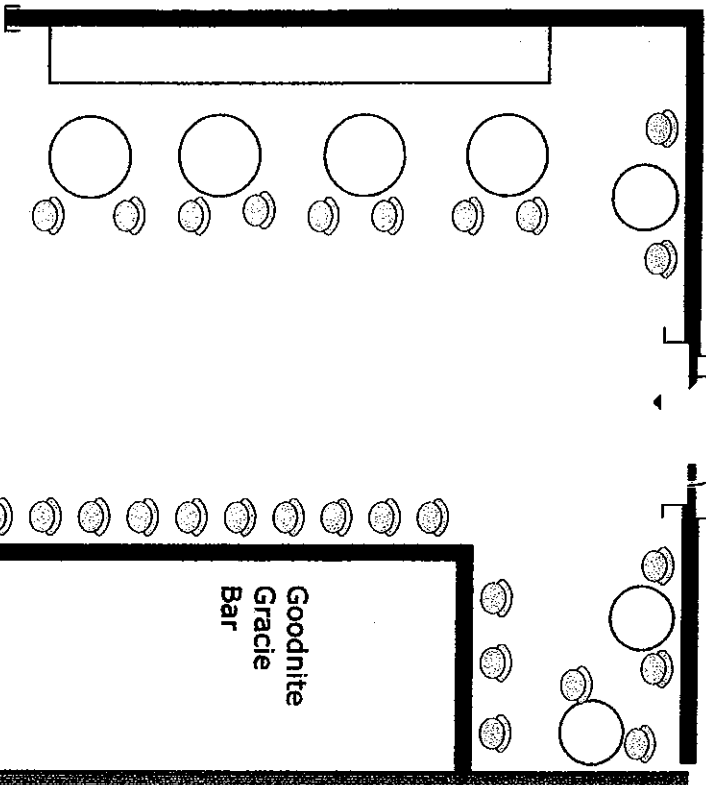
16

44

Server

Goodnite Grace
224 Sherman Dr.
RO. MI. 48067

Front Door



12 x 10
Dance
Floor

Stage
Area

Made with a Trial
Copy of SmartDraw

Buy SmartDraw! - purchased copies print this document without a watermark.
Visit www.smartdraw.com or call 1-800-768-3729.

DAMATOS
222 S. SHERMAN DR.

TOTAL CALLS FOR SERVICE – 01/01/2009 – ~~12/30/2009~~ = 79

<u>DATE</u>	<u>REPORT/D-CARD</u>	<u>COMPLAINT</u>	<u>SYNOPSIS</u>
1/9/2009	09-539D	Business Walk Thru	No report.
1/18/2009	09-1315D	Business Walk Thru	No report
2/15/2009	09-3733D	Business Walk Thru	No report.
2/28/2009	09-4793D	Business Walk Thru	No report
3/27/2009	09-6970D	Business Walk Thru	No report.
3/28/2009	09-7054D	Business Walk Thru	No report.
4/3/2009	09-7504D	Business Walk Thru	No report
4/4/2009	09-7605D	Business Walk Thru	No report.
4/10/2009	09-8025D	Business Walk Thru	No report
4/11/2009	09-8099D	Business Walk Thru	No report.
4/11/2009	09-8186D	Business Walk Thru	No report.
4/16/2009	09-8533D	Business Walk Thru	No report.
4/17/2009	09-8617D	Business Walk Thru	No report.
4/23/2009	09-9077D	Business Walk Thru	No report.
4/25/2009	09-9190D	Business Walk Thru	No report.
4/26/2009	09-9289D	Business Walk Thru	No report.
05/02/2009	09-9827D	Business Walk Thru	No dancing observed.

05/07/2009	09-10188D	Business Walk Thru	No dancing, small crowd
05/09/2009	09-10305D	Business Walk Thru	No Report
05/09/2009	09-10386D	Business Walk Thru	Check Ok
05/15/2009	09-10854D	Business Walk Thru	No report.
05/21/2009	09-11261D	Business Walk Thru	No report.
05/21/2009	09-11351D	Business Walk Thru	No report.
05/22/2009	09-11436D	Unwanted Person	Male hanging out in atrium area – SOW
05/23/2009	09-11460D	Business Walk Thru	No report.
05/30/2009	09-12024D	Business Walk Thru	No report.
05/30/2009	09-12026D	Unwanted Person	SOW
06/6/2009	09-12584D	Business Walk Thru	No report.
06/13/2009	09-13219	Business Walk Thru	No report.
06/21/2009	09-13799D	Business Walk Thru	No report.
06/25/2009	09-14175D	Business Walk Thru	No report.
06/27/2009	09-14266D	Business Walk Thru	No report.
06/28/2009	09-14366D	Business Walk Thru	No report.
07/03/2009	09-14731D	Business Walk Thru	No report.
07/05/2009	09-14927D	Business Walk thru	No report.
07/06/2009	09-3902R	Assault & Battery	Male came in to front desk stating he had been punched in the face at D'Amatos – Went to WBH and received 4 stitches.

07/10/2009	09-15318D	Business Walk Thru	No report.
07/11/2009	09-15498D	Business Walk Thru	No report.
07/17/2009	09-15966D	Business Walk Thru	No report.
07/24/2009	09-16548D	Business Walk Thru	No report.
07/25/2009	09-4289R	Fail to Pay Others	W/M who had run a tab totaling \$170 the day before and left without paying, was trying to enter D'Amatos again and was refused entry. He stated he had rifles and would shoot them up. Placed under arrest for defrauding an innkeeper.
08/01/2009	09-17176D	Business Walk Thru	No report
08/06/2009	09-17571D	Business Walk Thru	No report.
08/15/2009	09-18380D	Business Walk Thru	No report.
08/23/2009	09-19127D	Business Walk Thru	No report.
08/29/2009	09-19564D	Business Walk Thru	No report.
08/23/2009	09-19142D	Liquor Inspection	No report.
09/05/2009	09-20165D	Business Walk Thru	No report.
09/06/2009	09-20245D	Business Walk Thru	No report.
09/12/2009	09-20687D	Business Walk Thru	No report.
09/13/2009	09-20793D	Business Walk Thru	No report.
09/16/2009	09-21065D	Assist Fire Dept.	Subj has medical problem
09/17/2009	09-21078D	Business Walk Thru	No report.
09/19/2009	09-21247D	Business Walk Thru	No report.
09/20/2009	09-21345D	Business Walk Thru	No report.

D'Amatos

09/25/2009	09-21794d	Business Walk Thru	No report.
10/2/2009	09-22326D	Business Walk Thru	No report.
10/11/2009	09-22953D	Assault & Battery	Ind. assaulted at Damatos, went to WBH for treatment – does not wish to make report.
10/4/2009	09-22429D	Business Walk Thru	No report.
10/17/2009	09-23383D	Business Walk Thru	No report.
10/23/2009	09-23911D	Business Walk Thru	No report
11/7/2009	09-25114D	Business Walk Thru	No report.
11/21/2009	09-26017D	Business Walk Thru	No report.
11/22/2009	09-26105D	Business Walk Thru	No report.
12/04/2009	09-27021D	Business Walk Thru	No Report
12/06/2009	09-27118D	Business Walk Thru	No Report
12/10/2009	09-27369D	Business Walk Thru	No Report
12/10/2009	09-6831R	Fraud	A patrons credit card was used at the establishment without her permission – no suspects.
12/11/2009	09-27443D	Business Walk Thru	Checked – no dancing.
12/11/2009	09-27517D	Business Walk Thru	No Report
12/13/2009	09-27626D	Disorderly Condition	Disorderly condition – the staff did not wish to make a complaint.
12/18/2009	09-27949D	Business Walk Thru	No dancing
12/18/2009	09-28019D	Business Walk Thru	No dancing
12/19/2009	09-28109D	Business Walk Thru	2 nd check for dancing
12/26/2009	09-28566D	Extra Check	Wedding and private party – no dancing.
12/26/2009	09-28575D	Business Walk Thru	Operating within the parameters of their issued dance permit for the evening.

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D'Amatos
12/31/2009

09-28950D

Business Walk Thru

Checked ok – floor not yet set up for dancing but permit was visible.

AGREEMENT REGARDING DANCE PERMIT

THIS AGREEMENT REGARDING DANCE PERMIT ("Agreement") is made and entered into this ____ day of February, 2010, by and between the City of Royal Oak, a Michigan Municipal Corporation, 211 Williams Street, Royal Oak, Michigan 48068 (the "City") and Legacy Restaurant Group, L.L.C., a Michigan limited liability company d/b/a D'Amato's Restaurant/Goodnite Gracie's, 222-224 Sherman, Royal Oak, Michigan 48067 (the "Licensee").

RECITALS

WHEREAS, the Licensee has requested that the City recommend to the Michigan Liquor Control Commission ("MLCC") approval for a Dance Permit ("Dance Permit") to be used in conjunction with its Class C Liquor License at 222-224 Sherman, Royal Oak, Michigan 48067; and

WHEREAS, the MLCC requires the City's approval for the Licensee to obtain the Dance Permit; and

WHEREAS, the City, through its Police Department, has expressed its reluctance to grant approval of the issuance of the Dance Permit; and

WHEREAS, the MLCC has advised the City and the Licensee that it will not issue the Dance Permit to the Licensee without the approval of the City; and

WHEREAS, in consideration for the approval of the issuance of the Dance Permit by the City, the Licensee has expressed its desire to enter into this Agreement with the City, which would provide the Police Department with the discretion to require the Licensee to cease using or cancel the Dance Permit;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. The City shall, through its City Commission, when requested by either the Licensee or the Michigan Liquor Control Commission, approve the granting of a Dance Permit to the Licensee.

2. In consideration for the approval of the Dance Permit by the City, the Licensee agrees to cease using the Dance Permit until the matter can be placed before the City Commission for hearing, if the Police Department, in its sole discretion, finds cause to require the Licensee to discontinue the use of, or cancel, the Dance Permit. The determination of the City Commission shall be binding upon the Licensee, and the Licensee hereby waives its right to appeal such decision to any court.

3. In the use of the Dance Permit, the Licensee shall comply with all of the rules and regulations of the Michigan Liquor Control Commission.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

LEGACY RESTAURANT GROUP, L.L.C.

By: _____
Its:

CITY OF ROYAL OAK

By: _____
James B. Ellison, Mayor

By: _____
Melanie Halas, City Clerk