

Commission Letter #158-10  
Commission Meeting: 5/17/10

RE: Eye of the Tiger Enterprises, L.L.C. d/b/a Fifth Avenue, 215 W. Fifth

May 12, 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 the proposed transfer of a Class C Liquor License currently held in escrow at 215 W. Fifth Street, Royal Oak to Eye of the Tiger Enterprises, L.L.C., for operation as Fifth Avenue.

On April 28, 2010, the City's Liquor Control Committee (LCC) opened a public hearing on the request. That hearing concluded on May 12, 2010, at which time the LCC voted unanimously to recommend that the City Commission offer a negative recommendation to the MLCC on the proposed transfer.

If the Commission agrees with the LCC's recommendation, the following resolution would be appropriate:

BE IT RESOLVED, that the City Commission hereby recommends that the request from Eye of the Tiger Enterprises, L.L.C., to transfer ownership of an escrowed 2009 Class C licensed business with Outdoor Service (1 area) and 2 bars, located at 215 W. Fifth Avenue, Royal oak, MI 48067, Oakland County, from Hawkwater, Ltd., with new Dance Permit, new Official Permit (Food), and new SDM license to be held in conjunction (Step 2), be DENIED, for the following reasons:

- total number of similar licenses in the City,
- input from residents and surrounding business owners,
- total square footage of LCC establishments within the area,
- number of on-premises establishments within the area,
- concentration and capacity of similar establishments,
- number of seats/occupancy per given area,
- amount invested in the facility/establishment,
- concentration of drinking establishments and impact on policing requirements,
- policing requirements,
- ratio of food to alcohol sales,
- size of kitchen (square footage) in relation to total square footage of establishment,
- type or character of the establishment, and

- other unspecified factors having a negative effect on the health, safety and welfare and/or the best interests of the community.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David W. Gillam", with a horizontal line extending to the right.

David W. Gillam  
City Attorney

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