

Commission Letter # 313-10(F)  
Commission Meeting: 11/15/2010

RE: Woody's Diner, 208 W. Fifth

November 11, 2010

The Honorable Mayor  
And  
Members of City Commission

On October 27, 2010, the Building Department advised our office, the Police Department and the Planning Department that Woody's Diner had submitted an application for the installation of an awning that will be used as a smoking shelter over the patio on the east side of the business. In reviewing the application, the question arose as to whether or not patrons would be allowed to consume alcohol on the patio if smoking was allowed, given the recent amendments to the Public Health Code. Lt. Young contacted the Oakland County Health Department and was advised that neither food nor alcohol could be served or consumed on the patio if smoking is to be allowed in that area.

Based upon this information, Woody's was advised that an amendment to its Plan of Operation would have to be approved before the awning could be installed. At its November 10, 2010 meeting, the Liquor Control Committee (LCC) unanimously approved a motion to recommend approval of an amendment to Woody's Plan of Operation to allow the smoking area on the patio, provided that the Plan is also amended to include language that the business must comply with all applicable rules and regulations regarding smoking in that area.

The Police Department has no objection to the proposed changes to the plan of operation. If the City Commission agrees, the following resolution would be appropriate:

BE IT RESOLVED, that the amended Plan of Operation for KSK Hospitality Group, Inc. d/b/a Woody's Diner dated November 11, 2010, is hereby approved.

Respectfully submitted,



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

**WOODY'S DINER**  
**PLAN OF OPERATION**  
November 11, 2010

Business Name: KSK Hospitality Group, Inc.  
Doing Business As: WOODY'S DINER  
Address: 208 W. Fifth Avenue  
Royal Oak, MI 48067  
Phone: 248-543-6911  
Fax: 248-543-2131

**PREAMBLE:** We have received a copy of 90-3, the City of Royal Oak ordinance regulating liquor licenses. Woody's Diner holds a Resort Class C Liquor/Tavern License and Sunday Sales Permit, Official Permit (Food), Outdoor Service (2 Areas), Entertainment Permit (without dressing rooms), Dance Permit, and four (4) bars. The following Plan of Operation is developed in keeping with the spirit and intent of this policy.

**INVESTMENT:** **KSK Hospitality Group, Inc.** will have invested over \$3.5 million to purchase and renovate the building at 208 W. Fifth Avenue. Investment has been provided by personal finances and Comerica Bank.

**HOURS OF OPERATION:** Hours of operation for the first, second, and third (seasonal) floors will be Monday through Saturday 11:00 a.m. – 2:00 a.m. and Sunday from 12:00 p.m. – 2:00 a.m.

**FORMAT:** Woody's Diner will operate as a full-service restaurant and bar on all three floors. The second floor has two (2) pool tables and six (6) video games. The rooftop will offer an open-air environment to eat, drink, and watch the trains as they pass through Royal Oak. Woody's Diner has a full-service kitchen offering a diverse menu featuring over one dozen appetizers, multiple sandwiches and burgers, pizza, several dinner entrees, and a wide assortment of salads. Woody's Diner will provide enough seating for approximately 350 patrons year round and 150 seats seasonal. Woody's Diner has six (6) large bathrooms, two (2) on each floor.

The outdoor service area on the first floor will have full food and beverage service provided by the wait staff. The third floor outdoor service area will have food and beverage service provided by the wait staff and a bar.

The food sales/alcohol sales ratio is approximately 40 percent food and 60 percent alcoholic beverages.

**CODE COMPLIANCE:** The premises complies with all applicable health, safety, building, sanitation, electrical, plumbing, and fire codes as well as zoning requirements.

Woody's Diner has complied with, and will continue to comply with, all applicable health, building, and fire codes.

**ENTERTAINMENT:** Woody's Diner will offer entertainment. The first floor will or can offer live entertainment or disc jockey (DJ) Monday -- Sunday. The second floor will or can offer a disc jockey (DJ) or live entertainment on Monday -- Sunday. The Monday -- Wednesday and Sunday's entertainment on the 1<sup>st</sup> and 2<sup>nd</sup> floors will be on a 3 month trial period. The third floor cannot have live entertainment or disc jockey except for the Chamber of Commerce Reggae on Roof from 5 – 8PM on the 2<sup>nd</sup> Tuesday in June each year.

**SECURITY:** Security for the customer, building, and community are the first priorities for the corporation. Woody's Diner will undertake whatever measures are necessary to maintain, secure, and supervise our customers and premises. Woody's Diner has installed sixteen (32) security cameras throughout the building that are monitored daily. There will be an additional investment of over \$10,000 in a state-of-the-art digital security recorder with remote internet access. Woody's Diner will also post signs stating "WE ARE NOT RESPONSIBLE FOR LOST OR STOLEN ITEMS".

**PARKING:** Woody's Diner will use the National Valet Parking Company (Laurino Scafone, Owner, 248-866-5728) to park cars. Woody's Diner and Scafone Valet have secured various private parking lots. All employees will be required to park in the parking structure on Center Street and will be advised to carpool with other employees if possible. Woody's Diner has leased four (4) parking spots behind Woody's Diner from Sandy Johnson for \$200 a month. These parking spots will be for owners and managers; proper signs are currently posted.

**ALCOHOL MANAGEMENT:** Woody's Diner will strictly obey all rules, regulations, and ordinances established 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 to minors at any time. The establishment fully participates in the TIPS training program and will continue such participation in that program or a similarly recognized program approved by the Royal Oak Police Chief. TIPS/TAM certification shall be provided to the Chief of Police within thirty-five (35) days of date of hire.

In addition, the following policies shall be enforced at Woody's Diner:

- No alcoholic beverages are allowed on the premises other than what is dispensed by the establishment.
- All staff will pay attention and stay alert to observable clues displayed by an intoxicated individual such as: (a) impaired reflexes, (b) impaired coordination, (c) reduced judgment and inhibitions, and (d) impaired vision or physical behavior.
- All staff will be alert to potential problems at their respective areas at the facility.
- Be polite and courteous to the intoxicated individual(s). Be knowledgeable as to when to request assistance from additional facility staff.

- Patrons who appear to be under thirty-five (35) years of age or younger will be asked to show proper Michigan identification. Signs will be posted at serving locations. Patrons must produce proper identification.
- All patrons under twenty-one (21) years of age – alcohol service will be refused.
- Check ‘State Seal’ and other markings. Check for damage or alterations to identification card.
- Do not return falsified identification cards. Call management immediately.
- If a patron shows signs of intoxication, then refuse service, politely explain policy, suggest non-alcoholic purchase, and call for management immediately.
- Remind customers of Woody’s Diner of the free cab ride policy. This policy states: “if any customer, for any reason, feels they have had too much to drink, then Woody’s Diner will pay to provide the customer with a free ride home – no questions asked.”
- If a patron is purchasing on behalf of someone else who appears less than thirty (30) years old, then request to see identification of recipient or contact supervisory personnel who will seek patron(s) out. Refuse service to minors. Inform all parties involved that policy allows for ejection from premises and notification to police department of illegal activity.
- Alcohol dispensing may be restricted to one of the following practices 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 supervisor
- Observe all patrons leaving the property. No alcoholic beverages are allowed to leave the facility or property.
- Approach any patron appearing to be impaired and leaving the property. Determine if they are driving, and, if so, attempt to persuade them not to drive and request a non-impaired companion to drive. If unable, offer a free cab ride directly home.
- Supervisory and management personnel will complete documentation of any alcoholic related incidents at the end of event. Information will be disseminated accordingly.
- We shall provide free and/or at reduced prices non-alcoholic beverages to all designated drivers.

**REFUSE:** Woody’s Diner will provide a trash receptacle, which will be picked up six (6) days a week. Woody’s Diner staff will maintain the surrounding premises on a daily basis, taking care to pick up our debris as well as that of our neighbors and guests.

**GENERAL:** Every effort will be made to maintain positive relationships with adjacent and nearby businesses and residences, and cooperate with all city departments. Every effort will be made to address and resolve any problems that may arise.

**PROMOTIONS:** Woody’s Diner will occasionally host radio or television (TV) broadcasts. These broadcasts are generally hosted by local celebrities. These

broadcasts will be located inside Woody's Diner. Woody's Diner will notify the Royal Oak Police Department in writing with specifics as to time(s), date(s) and personalities. Woody's Diner, in a timely fashion, will notify the police department of all promotions. Woody's Diner will pull a Special Event Permit for all events that may impair traffic or draw a larger than average crowd.

**SMOKING:** Woody's Diner will put a Canopy over the existing patio on the East side of the building. Patrons will be able to smoke on this patio. Woody's Diner will operate this patio in accordance with all State and County regulations and all local ordinances.

**EMERGENCY:** In case of an emergency, contact the following individuals:

Anthony Kasab  
2702 Tall Timbers Drive  
Milford, MI 48380  
Home: 248-714-9870

James Harvey  
3350 Lakeville  
Oxford, MI 48370  
Cell: 810-217-0450

Work: 313-220-5522

KSK Hospitality Group, Inc.  
WOODY'S DINER

By: \_\_\_\_\_  
Tony Kasab  
President/Treasurer/Stockholder

By: \_\_\_\_\_  
James Harvey  
Vice President/Stockholder

Date: November 11, 2010