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CITY of NOVI CITY COUNCIL

Agenda Item K
July 8, 2013

SUBJECT: Approval of adopting a resolution to rescind the City's October 8, 2013 Liquor License to Grace Sharing Club, LLC (d/b/a Fifth Avenue Club and Restaurant), given the failure of the applicant to take steps to secure occupancy permits and issuance of such license by the Michigan Liquor Control Commission, unless an occupancy permit is secured within 30 days.

SUBMITTING DEPARTMENT: City Clerk *m.c.*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION: The City Council granted approval to issue one of its two remaining (at the time) Class C liquor licenses to Grace Sharing Club, LLC (d/b/a Fifth Avenue Club and Restaurant). Among the Council's considerations was the representation that the license, as a Class C license, would be used in a timely manner.

It has come to the City's attention that the applicant has not applied for all of the necessary building permits for required renovations to the building and that it is not at this point close to securing occupancy permits for the building.

As of July 8, 2013, nine months have elapsed since Council approved the recommendation for a Quota Class C liquor license, and the license has not been issued by the Liquor Control Commission. The City of Novi now has no Quota licenses remaining.

Attached for Council's consideration is a proposed resolution to **rescind** the Council's previous approval of issuance of the Liquor License, unless an occupancy permit is secured in 30 days. There is no statutory provision for rescinding a prior local approval. The Liquor Control Code and the City's ordinance talk about "revocation" of a license once it has been issued. Since the LCC has not formally issued this license yet to the applicant (it has approved the license but actual issuance is waiting additional information from the applicant), a copy of the resolution would be sent to the LCC with a request that the license not be issued until the applicant has secured his occupancy permit, and not be issued at all if the condition isn't met. If the LCC issues the license despite the resolution, then the City can commence more formal revocation proceedings under the process set forth in the ordinance.

RECOMMENDED ACTION: Adoption of a resolution to rescind the City's October 8, 2013 Liquor License to Grace Sharing Club, LLC (d/b/a Fifth Avenue Club and Restaurant), given the failure of the applicant to take steps to secure occupancy permits and issuance of such license by the Michigan Liquor Control Commission, unless an occupancy permit is secured within 30 days.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Wrobel				

CITY OF NOVI

COUNTY OF OAKLAND, MICHIGAN

**RESOLUTION RESCINDING LOCAL GOVERNMENTAL APPROVAL OF
UN-ISSUED CLASS C LIQUOR LICENSE**

Minutes of a Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall of said City on _____, 2013, at 7:00 P.M. Prevailing Eastern Time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and Resolution were offered by Councilmember _____ and supported by Councilmember _____.

RECITALS:

1. Grace Sharing Club, LLC (d/b/a Fifth Avenue Club and Restaurant), applied to the City of Novi for approval of a Class C quota liquor license with related permits for the facility located at 25750 Novi Road, Novi, MI 48375.

2. During the application process and at the hearing conducted by the City Council on October 8, 2012, Grace Sharing Club represented that, if the City Council approved the issuance of the quota liquor license, the facility would be renovated and opened for use by the public in a timely manner.

3. At the time the City Council approved issuance of the Class C quota liquor license, the City had available only two quota licenses; the City now has no quota licenses available.

4. Without the indication at the City Council meeting that the facility receiving the quota liquor license would open for use within a reasonable time, the City Council would not have granted approval of the Class C quota liquor license.

5. Although the Council approval was granted on October 8, 2012, the license has not been put into use; that is, it has not been issued to the applicant by the Liquor Control Commission. Based upon information from the applicant, it appears that the building requires substantial renovations beyond those represented to the City.

6. On January 13, 2013, the City sent the applicant a letter stating that the applicant had made no progress on the building and requested a response. The applicant informally indicated that the building was listed for sale. On June 6th, 2013, the City of Novi Building Official and City of Novi Fire Marshall inspected the building and saw no significant improvements underway. On June 7th, 2013, the City of Novi Building Official provided the applicant with a list of improvements that would be required in order to secure an occupancy permit. As of the date of this Resolution, minimal progress has been made with regard to that list. On July 1st, 2013, the applicant received a notice from the Oakland County Health Department indicating that the building was not ready for occupancy.

7. The City's Class C license is therefore in a state of uncertainty—a situation that is not benefiting the City as represented by the applicant.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Novi finds as follows:

A. That the applicant, Grace Sharing Club, LLC (d/b/a Fifth Avenue Club and Restaurant), has not diligently pursued, as it represented it would, issuance of a Class C quota liquor license in accordance with the City's motion to approve its application for same.

B. That the City would not have approved issuance by the Liquor Control Commission of the Class C quota liquor license for the Grace Sharing Club facility in the

absence of the representation and the belief that the license would be timely utilized, since the City at the time had only a limited number of Class C quota liquor licenses remaining.

C. That it is not in the best interests of the City of Novi to have approved issuance of one of its last remaining Class C quota liquor licenses to a facility that has no specific timeline for opening, since the issuance from the Liquor Control Commission is pending without a specific timeframe for resolution and the applicant does not appear near to completing the building improvement necessary for issuance of an occupancy permit.

D. That under Section 3-15 of the City Code, the Council's approval of a license is expressly conditional, and is further "contingent upon the applicant obtaining any required building permits and any other necessary permits, licenses, or approvals from the City or other regulatory agencies within thirty (30) days of such conditional approval." While the applicant has recently submitted an application for building and other permits, no permits have yet been issued, and nine (9) months have passed with no significant work on the building.

E. That since the Liquor Control Commission has yet **issued** the license, rescission of the City Council's prior motion to approve the issuance is permissible and authorized.

F. That, given the nature of the City's interests and applicant's operation, the City believes that it is appropriate to extend a **final period of time** in which the applicant may make all reasonable efforts to secure (1) all necessary building permits to allow occupancy of the building, and (2) completion of such improvements and

issuance of a certificate of occupancy The City Council further finds that 30 days is an appropriate period of time to allow such efforts to occur.

NOW, THEREFORE, on the basis of the foregoing findings, the City Council of the City of Novi hereby **rescinds** its local governmental approval of the Class C quota liquor license of October 8, 2012, and hereby requests that the Liquor Control Commission **deny** and **not issue** the requested license; provided, however, that if the applicant secure, within 30 days of the date hereof, an occupancy permit for from the City and all other required regulatory agencies, then this resolution shall be null and void upon notice by the City Manager to the City Council of same.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

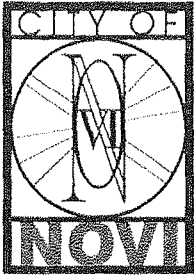
RESOLUTION DECLARED ADOPTED.

Maryanne Cornelius, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Novi at a regular meeting held this _____ day of _____, 2013.

Maryanne Cornelius, City Clerk
City of Novi



June 17, 2013

Mr. Matthew Quinn
Seglund Gabe Quinn Gatti & Pawlak, PLC
28345 Beck Road, Suite 401
Wixom, Michigan 48393

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Terry K. Margolis

Andrew Mutch

Justin Fischer

Wayne Wrobel

Laura Marie Casey

City Manager
Clay J. Pearson

**Community Development
Director**
Charles Boulard

**Deputy Director of
Community Development**
Barbara E. McBeth

Building Official
Andy Gerecke

Building Division
248.347.0415
248.735.5600 fax

Planning Division
248.347.0475
248.735-5633 fax

**Ordinance Enforcement
Division**
248.735.5678
248.735.5600 fax

City of Novi
45175 W. Ten Mile Road
Novi, Michigan 48375
cityofnovi.org

Re: Fifth Avenue/Grace Sharing

Dear Mr. Quinn,

Thank you for your recent correspondence regarding the reopening of the former Fifth Avenue in this visible and prominent location within our City.

Prior to responding to your request for reconsideration of the requirement for an operable elevator, I need to provide correction on several issues.

Your letter states that Mr. Chuang has informed you:

"that all of the inspections have been going well and that he has been able to comply with everything except for the problem with the employee elevator"

To date the only visit to the site occurred when Mr. Chuang met with Building Official Andy Gerecke and Fire Marshall Joe Shelton on June 6, 2013 for the purpose of reviewing the scope of the project. A significant comprehensive list of needed corrections and documentation was forwarded by Andy to Mr. Chuang via email thereafter (attached). As of this morning our office has received only the requested use letter.

Mr. Chuang's email accompanying the letter referenced drawings prepared by his Professional Engineer that had supposedly been dropped off last week, but we are not in receipt of such. No additional inspections have occurred, nor permits have been applied for or issued, nor have plans been submitted or approved.

With regard to the required operation of the elevator, Barrier Free access is required to the following spaces:

- Kitchen located on the 2nd floor for staff
- Restrooms located on the second floor for staff and patrons (most of the restrooms serving the space are located on the second floor. There are not enough restrooms on the first floor to even serve the occupant load of that floor alone)

- Coolers for beverage and food were previously located in the basement. Unless the intent is to have the replacement coolers installed on the first floor in an accessible location, access is required.

Based in the needs outlined above, I support the Building Official's judgment and interpretation that safe operation of the elevator is needed to comply with the State of Michigan Barrier Free requirements and allow issuance of a Certificate of Occupancy for the space.

The State of Michigan does allow for relief through a Barrier Free Exception request process. Information is available at the following link: http://www.michigan.gov/lara/0,4601,7-154-35299_10575_17394_17569-46783--,00.html.

As indicated above, I eagerly anticipate the reopening of the former Fifth Avenue as a thriving business. The structure occupies an important location within our City.

Please let me know if you have any questions or if I can be of assistance, Thank you.

Respectfully,



Charles Boulard
Community Development Director

cc: file
Andy Gerecke, Building Official
Maryanne Cornelius, City Clerk



June 6th, 2013

5th Avenue Ballroom
25750 Novi Rd
Novi, MI

Walkthrough Inspection of 5th Avenue Space with perspective new Tenant

The following items will need to be addressed before any occupancy can be considered for this space:

1. Signed and sealed architectural plans will need to be completed by a registered architect based on the change in use of the space. The space was originally designed as a Billiard Hall / Bar use. The elimination of the pool tables will significantly increase the occupant load of the space which may require additional bathroom facilities. Also with all of the bar and kitchen equipment being removed from the space, plans and permits will be required for these new installations. Do not install any of the new equipment without first obtaining the required plans and permits for the work being done.
2. When submitting drawings for review and permit – a letter from the owner clearly stating the business use and operations will be required to determine the use and occupancy of the building. The letter should include hours of operation, menu, and type of entertainment or special events that may be occurring within the space.
3. The fire suppression system needs to be inspected and certified by a licensed fire suppression contractor. Additional work to the system will most likely be required, and permits will be needed based on the scope of work.
4. The fire alarm system needs to be evaluated by a licensed fire alarm contractor – permits may be required for this scope of work also.
5. There are many open electrical outlets, boxes and fixtures missing throughout the space. Have a licensed electrical contractor go through the space and evaluate the system – it may be beneficial to have the electrical contractor walkthrough the space with our electrical inspector before pulling permits. Permits will be required for this work, including the installation of the new light fixtures, bar equipment and kitchen equipment.
6. All emergency lights and exit signs will need to be tested and many of them replaced. An emergency light test will need to be performed by the building inspector once the building permit is obtained.
7. The existing elevator is not currently operational. Have a licensed elevator contractor evaluate the condition of the elevator and get it back to operating

condition. An inspection from the State of Michigan will be required prior to any TCO or C of O being issued from the City of Novi.

8. The installation of the new kitchen and bar equipment will require additional plans, permits and inspections from the Oakland County Health Department. Do not install any of the equipment with first obtaining the required permits form Oakland County and the City of Novi.
9. Several bathroom fixtures and parts of fixtures are missing in the separate bathroom facilities. The replacement or reinstallation of bathroom fixtures requires a plumbing permit for the work that needs to take place.
10. A plumbing permit will also be required for the installation of the new bar and kitchen equipment
11. The kitchen hood fire suppression system is not in working condition. A separate set of plans and permit must be obtained by a licensed kitchen hood suppression contractor. Please have the contractor contact Fire Marshall Joe Shelton if they have any questions on what will be required.
12. Fire extinguishers are missing throughout the space. All fire extinguishers will be required to be tagged and dated in accordance with the International Fire Code.
13. The south west corner of the building has a large section of glass that is cracked and needs to be replaced.
14. The coolers have been removed from the basement level of the space. If the coolers are not being replaced, the fire suppression system and ceiling need to be repaired and evaluated.
15. The existing exit stairwells have a significant amount of debris underneath the stairs. All storage and debris needs to be removed prior to a TCO being issued.
16. All Gas fired mechanical equipment needs to be certified by a licensed mechanical contractor. A letter will be required stating that all gas fired equipment is safe to operate.
17. All work requiring permits should not be started until the required permits have been obtained by the licensed contractors. The following work will require permits: Installation of kitchen and bar equipment, bathroom fixtures, electrical lighting and repairs, elevator, kitchen hood suppression, replacement of fire alarm devices, signs, seating, interior finishes.
18. The only work that should be occurring in the space at this time is cleaning of existing facilities and minor repairs to finishes and fixtures.

A TCO or C of O will not be issued for this space until all of the required plans, permits and inspections have been completed by the required agencies. Please feel free to contact me if you have any questions. I can be reached during normal business hours at (248)347-0417

Sincerely,

Andy Gerecke
Building Official



cityofnovi.org

COMMERCIAL BUILDING PLAN REVIEW CHECKLIST
CITY OF NOVI
 Community Development Department
 (248) 347-0415

MICHIGAN BUILDING CODE 2009

DATE: 6/18/13 PLAN EXAMINER: _____

PROJECT NAME: Grace Sharing Club

PROJECT ADDRESS: 275 25750 Novi Rd.

All documents required by the governmental agency for approval shall carry the embossed or printed seal of an architect or professional engineer licensed in Michigan (Act 299 as amended).

At the time of submittal, no fees will be included with the complete package. Within 15 business days, the Plans Examiner will conduct a Plan Review and calculate only the plan review fee. This fee must be paid prior to any further review of the project. Prior to the building permit being issued the remaining fees must be paid.

The following fees will be assessed for additional plan review:

- Re-submittals with major changes from original submittal – 50% cost of original submittal
- Re-submittal with minor changes from original submittal – \$100.00
- Plans submitted in “Design Build” phases, each submittal - \$200.00 above original submittal

The initial plan review fee will remain the same and is based upon the value of construction.

Plans are missing necessary information and/or in need of clarification for our plan review process. Please submit the following:

- Project must have address to log into the computer.
- Provide a statement to identify the Registered Design Professional in Responsible Charge. Include a seal and signature (originals). *Section 107.3.4, PA 299 as amended*
 - Provide the specific title of Registered Design Professional in Responsible Charge on the plan cover sheet. List the name of the design professional directly below that specific title that will assume the duties as outlined in this section.

Identify all proposed deferred submittals (attach) *Section 107.3.4.2*

Fire Suppression changes

- (2) sets of site plans (original seals and signatures)
- (2) sets of architectural plans (original seals and signatures) *Section 107.1*
Plans need to include 2nd floor + lower level - all have alterations occurring in these areas.
- (2) sets of plumbing plans (original seals and signatures)
Michigan Plumbing Code 2009 for Kitchen + bar + coolers
- (2) sets of mechanical plans (original seals and signatures)
Michigan Mechanical Code 2009 Coolers - Kitchen
- (2) sets of electrical plans (original seals and signatures) *Michigan Electrical Code based on 2008 N.E.C. with Part 8 State Amendments* *Throughout including Kitchen, bar + all missing fixtures.*
- (2) Sets of Michigan Uniform Energy Code, Part 10a (ANSI/ASHRAE/IESNA Standard 90.1-2007) – clarify whether compliance with applicable sections have been met.
 - For new buildings – *Sections 5.1, 6.1, 7.1, 8.1, 9.1, 9.2, 10.1 or 11.1*
 - Additions for existing buildings – *Section 4.1.2.1*
 - Alterations – *Section 4.1.2.2*
 - Alterations – heating, ventilating, and air conditioning – *Section 4.1.2.2.2*
- (2) sets of engineered truss diagrams (original seals and signatures)
- (2) sets of permanent lateral truss bracing details
- (2) sets of specifications (original seals and signatures) – if applicable
- (2) sets of Structural Calculations (original seals and signatures) *Section 1603.1*
- (2) sets of Soil Investigation reports (original seals and signatures)
Section 1802.1
- Statement of Special Inspection (original seals and signatures) *Sections 1704.1, 1704.1.1, 1704.1.2*
 - > List all code related reference standards for each special inspection
 - > Identify each special inspector assigned to each special inspection, and their qualifications.
- Letter from the owner clearly describing the nature of their business and it's operations – 1 document
- If applicable – Mall management must sign plans when located in the mall

The permit application has not been filled out completely

- Owner
- Contractor
- Architect
- Applicant
- Telephone number
- Address
- Email address

A building Permit application needs to be completed and submitted with revised plans.

A title block which includes: *Must be on cover sheet of plans.*

- Type of Construction *Section 602.1*
- Use Group and Occupancy Classification *Section 302.1*
- List of all installed fire protection *Section 901.1* (List all reference standards per Chapter 35)
- List of mixed use occupancies, separated, and non-separated *Section 508.2.4*
- List of accessory use *Section 508.2*
- List of incidental use *Section 508.2.5*
- Tenant Use Group *Section 302.1*
- Occupant loads for all areas (actual and calculated) *Section 1004.1*
- Statement indicating shop drawings will be submitted for all fire protection systems and the identification of each required system

- Complete building plans showing use of all areas
- Provide all appropriate wall and floor sections
- Provide dimensions on plans in all areas
- Provide additional foundation details
- Provide door hardware schedule
- Provide door, window, and glazing schedule
- Provide interior finish schedule including flame spread and smoke developed indexes and testing criteria for applicable wall, ceiling, and floor finishes.
Section 803.1
 - Provide manufacturer cut sheets *Sections 803.1, 803.1.1, 803.3, 804.1, and 804.2*
 - Decorations and trim *Section 806.1* (Groups A, E, I, R-1, and dormitories in R-2)
 - Plastics utilized in the design shall provide documentation in accordance with *Section 2601.1*

Provide details showing all barrier-free requirements per PA Act 1 of 1966 as amended, 2009 Michigan Building Code, and ICC/ANSI A117.1 2003 Edition*

- Maneuvering clearances for doors *Section 404.2.4**
- Service counters *Section 904.1**
- Work surfaces *Section 902.1**
- Kitchens *Section 804.1**
- Toilet and bathing rooms *Section 603.1**
- Reach limitations *Section 308.1**
- Changing rooms *Sections 803.1, 903.1**
- Bench locations and details *Section 903**
- Clear floor spaces *Section 304.1**
- Knee to toe clearances *Section 305.3, 306, and 606.2**
- Accessible routes (ramps) *Section 405.1**
- Barrier free parking spaces *Section 501.1 and 1106.1**
- Other _____

Existing buildings – additional barrier free verifications in accordance with PA Act 1 of 1966 as amended.

- If the change in use group or occupancy load or alteration involves less than 50% of the floor area – apply *Rule 125.1352, Section 2, Subsection 2(A)*
- If the change in use group or occupancy load or alteration involves more than 50% of the floor area – apply *Rule 125.1352, Section 2, Subsection 2(B)*

Provide additional information on general means of egress requirements *Section 1003.1*

- Emergency lighting *Section 1006.1*
- Exit signs *Section 1011.1*
- Location of exit doors *Section 1020.1*
- Other _____

Verify zoning compliance with Planning Department – 248-347-0475

- Zoning
- Façade
- Planning
- Other _____

- Projects that utilize hazardous materials as defined by *Section 307.1* shall provide the following information formatted in accordance with:
 - *Table 307.1(1)*
 - *Table 307.1(2)*
 - *Table 414.2.2*
 - *Table 414.2.5(1)*
 - *International Fire Code 2009 – Chapter 27*
 - Other _____

- Provide C.A.S. (Chemical Abstract Service) numbers

- Provide a list of all fire-resistance rated assemblies. Also, provide a diagram of the actual testing agency design and include the approved tested design number. *Section 703.2*
 - Firewall *Section 706.1*
 - Fire barriers *Section 707.1*
 - Fire partitions *Section 709.1*
 - Horizontal assemblies *Section 712.1* (include the tested design numbers for construction of the assembly *Section 703.1*)
 - Joint system *Section 714.1* (include installation and fire test criteria and provide manufacturer cut sheet)
 - Other _____

- Verify structural loading per *Sections 1603.1* and *1604.1*
 - Floor and roof live loads – dead loads and concentrated loads
 - Ground snow load – snow drift surcharge – snow exposure
 - Basic wind speed (3 second gust), 90 miles per hour (km/hr)
 - Seismic Design Category and Site Class
 - Wind exposure category
 - Flood resistant design
 - Building category importance factor
 - Other _____

- Submit details to show “through-penetration firestop systems” *Section 713.1*

- List locations of all fire dampers and provide manufacture cut sheets for their installation, showing testing in accordance with *UL 555* and hourly ratings of *Table 716.3.2.1*

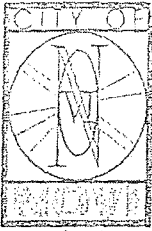
- Preliminary plan review for building only.
- Your plan review fee of \$_____ needs to be submitted at this time to the Building Department. The review will not continue until this fee is paid.
- The Plan Review will continue as sufficient information has been received to continue.
- The Plan Review will not continue, as additional information is required to continue. Please submit the requested information as soon as possible.

NOTE: Once all of the required information is received and your project is accepted for plan review, the plan review process takes approximately 15 working days. If the project has not received final site plan approval, the Building Department reserves the right to put the review on hold until final site plan approval is granted.

Please note – The section numbers referenced in this document are from the Michigan Building Code 2009 unless otherwise specified.

*ICC/ANSI A117.1 2003 Edition

Please note – Should it be deemed necessary, a meeting can be scheduled with the Plan Examiner in order to more effectively communicate possible resolutions to code related items that cannot be clarified by phone consultation. Contact the Plan Examiner at (248) 347-0415 between the hours of 8:00 – 9:00 a.m. and 3:30 – 5:00 p.m. to schedule a meeting.



cityofnovi.org

DEFERRED SUBMITTAL REQUIREMENTS
CITY OF NOVI
Community Development Department
(248) 347-0415

Submittal documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and then forward them to the building official. A notation is required indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building.

PER CODE SECTIONS 107.3.4.1 and 107.3.4.2

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Each deferred submittal shall be listed on the construction documents cover sheet.

- Sprinkler systems, fire alarm systems, shop drawings, interior finish materials, fire doors, fire dampers, certain millwork, high hazard materials, through penetration assemblies, etc. are examples of common deferred submittal items.
- All deferred submittal items shall be identified.
- Please identify the name of the design professional in responsible charge and include the individuals licensing criteria.
- The following statement will be required on all deferred submittals before submittal to the Department of Building and Safety for review and approval;

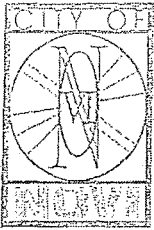
To be identified on the Cover Sheet:

"These Construction Documents were prepared for compliance with the Michigan Construction Codes in effect at time of permit submittal. All engineers, contractors and suppliers involved with this Project shall comply with the same codes, issued and approved code modifications and/or Novi Construction Boards of Appeals rulings and whenever required shall provide Shop Drawings and Submittals clearly describing compliance to the Registered Design Professional in Responsible Charge for review and approval."

To accompany all deferred submittals:

"As the Registered Design Professional in Responsible Charge for this project, I have reviewed this deferred submittal as required by the current Michigan Construction Codes and it is my professional opinion that the submitted information has been found to be in general conformance with the design of the building. This notation shall not constitute or be construed as sealing any listed documents or drawings not prepared by me or under my supervision."

All deferred submittal notations shall be on the Architect in Responsible Charge letter head and shall clearly reference all documents which have been reviewed. The notation shall have an original seal and signature in accordance with Section 2008 of PA 299 as amended. This notation shall include but not be limited to the drawing index of the documents reviewed, the latest revision date, and the name of the designer/architect/engineer/supplier/company/firm/etc., number of pages of the deferred submittal item.



cityofnovi.org

CODES CURRENTLY IN EFFECT
CITY OF NOVI
Community Development Department
(248) 347-0415

COMMERCIAL

MICHIGAN BUILDING CODE 2009

ICC/ANSI A117.1, 2003 & Michigan Barrier Free Design Law of Public Act 1 of 1966 as amended.

MICHIGAN UNIFORM ENERGY CODE RULES PART 10 with ANSI/ASHRAE/IESNA Standard 90.1-2007

MICHIGAN PLUMBING CODE 2009

MICHIGAN MECHANICAL CODE 2009

REHABILITATION CODE 2009

INTERNATIONAL FIRE CODE 2009

INTERNATIONAL FUEL GAS CODE 2009

MICHIGAN ELECTRICAL CODE BASED ON 2008 N.E.C WITH PART 8
STATE AMENDMENTS

RESIDENTIAL

Detached one and two family dwellings and multiple single detached one and two family dwellings (townhouses)
not more than 3 stories high with separate means of egress and their accessory structures.

MICHIGAN RESIDENTIAL CODE 2009

MICHIGAN UNIFORM ENERGY CODE 2009

ADDITIONAL CODES - Adopted by Ordinance
The International Fire Prevention Code/2000
The 1990 Property Maintenance Code

HOW TO PURCHASE A BOOK

- The Codes and Standards order form is available on the Bureau's web site at www.michigan.gov/documents/dleg/dleg or (517-241-9313)
- Make a check payable to the State of Michigan and mail your request to the BUREAU OF Construction Codes, P.O. Box 30255, Lansing, Michigan 48909
- Books may also be purchased directly from ICC International, 4051 West Flossmoor Road, County Club Hills, Illinois 60478 or (800) 786-4452 or www.iccsafe.org

MATTERS FOR COUNCIL ACTION

1. Consideration of request from Grace Sharing Club, LLC (d/b/a Fifth Avenue Club & Restaurant) for a new Class C quota license to be located at 25750 Novi Road, Suite 104, Novi, Michigan 48375 and Agreement on the Prohibition on Profiteering by Class C Liquor License Holders.

Assistant City Manager Cardenas noted the City currently holds 2 quota liquor licenses. Member Wrobel ask about the liquor license that was previously held at that location. Assistant City Manager Cardenas believed that due to a conflict between the previous owner and the bank, the license was being held in escrow as of December 2011.

Member Mutch asked about the clawback provision and how that would come into play if this business didn't begin operations in the near future. Attorney Schultz answered the City would use the LCC (Liquor Control Commission) revocation process that is separate from the non-profiteering agreement. Member Mutch stated that a lot of the presentation and detail included didn't feel substantial to him as there was no business plan included. He would feel more comfortable if there could be a time limit set. If the applicant moves forward on a timely basis, there would be no issue.

Member Margolis asked if something should be incorporated into the motion.

Attorney Schultz stated the Administration could provide direction and oversight to flag this item if no progress was detected, rather than including it in the motion.

Member Margolis noted she would be comfortable with Administration watching for the progress of the development. This is someone who's owned it for some time and she would be thrilled to see that facility come back and be visible on Novi Road.

Mayor Gatt supported the motion and stated he was thrilled that this will open again to have it become the vibrant Main Street it used to be. A lot of work was just completed for dissolving the condominium to assist in future development.

Member Mutch noted he was now comfortable supporting the motion as was stated and was confident that administration will review this in a timely manner.

CM-12-10-171

Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

Approval of request from Grace Sharing Club, LLC (d/b/a Fifth Avenue Club & Restaurant) for a new Class C quota license to be located at 25750 Novi Road, Suite 104, Novi, Michigan 48375 and Agreement on the Prohibition on Profiteering by Class C Liquor License Holder due to the revitalization of the area and previous business, based on currently dormant vacant building owned by

Carlin Edwards Brown PLLC

CITY OF NOVI
CITY CLERK'S OFFICE

Attorneys & Counselors at Law

John B. Carlin, Jr.
Scott D. Edwards
Michael J. Brown

2013 JUN 12 A 11:02

2855 Coolidge Hwy., Suite 203
Troy, Michigan 48084
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Northern Michigan
213 East Main St., 2nd Floor
Gaylord, Michigan 49735
P. (989) 688-5946
F. (989) 688-5901

June 11, 2013

Ms. Maryanne Cornelius, MMC
Novi City Clerk
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

Re: Grace Sharing Club, LLC
d/b/a Fifth Avenue Restaurant

Dear Clerk Cornelius:


Following our telephone conversation last week, I have had a number of discussions with my client regarding his need to comply with all of the requirements of the City, in regard to the issuance of a Certificate of Occupancy and securing approval for reopening the restaurant. He is now in communication with the Building Department and the Building Inspector has met with him and he is in the process of complying with the requirements. He is hoping to have them all completed within two weeks.

One issue still remains however with the use of the elevator to the 2nd floor, and that may not be completed as promptly as possible as we do not even know what is wrong. The elevator has not been used for a long period of time and there are, according to my client, several stairway accesses to the upper level for employees and guests. The upper level is still usable, although not accessible through the use of the elevator. We are hoping that the City inspectors will allow us to reopen for business while the elevator is being repaired. It is a significant expense and will take longer than 2 weeks to repair.

Should you have any questions, please do not hesitate to call. Otherwise, please inform Council of this situation and our progress

Very truly yours,

CARLIN EDWARDS BROWN PLLC


John B. Carlin, Jr.
Direct Dial: (248) 816-3210
E-Mail: jcarlin@cebhlaw.com

cc: Mr. Kuang Hsung J. Chuang

Carlin Edwards Brown PLLC

Attorneys & Counselors at Law

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Scott D. Edwards
Michael J. Brown

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June 4, 2013

CITY OF NOVI
CITY CLERK'S OFFICE
Central Michigan
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Lansing, MI 48906
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Ms. Maryanne Cornelius, MMC
Novi City Clerk
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

Re: Grace Sharing Club, LLC
d/b/a Fifth Avenue Restaurant

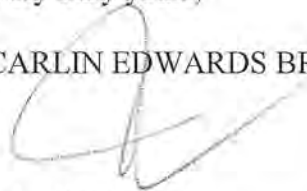
Dear Clerk Cornelius:

In response to your letter of May 31, 2013, I had a long discussion with Joseph Chuang, the principal owner of the Grace Sharing Club, LLC entity, and we discussed the status of the restaurant. He has informed me that the restaurant is close to opening and he is just simply now awaiting delivery of some additional furniture to add to the furniture that was already there and used by the prior owner. He anticipates opening within the next week to 10 days and certainly by June 17th. I expressed to him the City's concern and the City's need to get this license activated and completed, as promised by him at the October City Council meeting in which the license was approved. I am at this time calling for final inspection by the Michigan Liquor Control Commission Investigator and we are hoping to schedule same the first of next week.

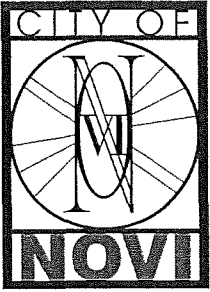
If you have any questions or need anything further, please do not hesitate to call.

Very truly yours,

CARLIN EDWARDS BROWN PLLC


John B. Carlin, Jr.
Direct Dial: (248) 816-3210
E-Mail: jcarlin@cebhlaw.com

cc: Mr. Clay Pearson, City Manager, City of Novi
Mr. Thomas R. Schultz, Esq.
Mr. Kuang Hsung J. Chuang



May 31, 2013

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Terry K. Margolis

Andrew Mutch

Justin Fischer

Wayne M. Wrobel

Laura Marie Casey

City Manager
Clay J. Pearson

City Clerk
Maryanne Cornelius

Carlin Edwards Brown PLLC
Attn: John B. Carlin, Jr., Esq.
2855 Coolidge Hwy, Suite 203
Troy, MI 48084

Re: Grace Sharing Club, LLC
d/b/a Fifth Avenue Restaurant

Dear Mr. Carlin:

On October 8, 2012, the Novi City Council approved the issuance of a new Class C quota liquor license to Grace Sharing Club, LLC, d/b/a Fifth Avenue Restaurant. This license was issued on the basis that granting approval would provide an economic development benefit to Novi.

In your letter dated January 15, 2013, your client reconfirmed his commitment to reopening Fifth Avenue Restaurant as soon as possible. As of today, there has been no indication of renovating the building for use. In addition, the quota license has not been issued by the Michigan Liquor Control Commission.

If no communication is established with our Community Development Department regarding renovations to the building by June 12, 2013, we will move forward with rescinding the issuance of the Class C quota liquor license at the Monday, June 17, 2013 City Council meeting.

We await your response.

Sincerely,

Maryanne Cornelius, MMC
Novi City Clerk

City of Novi
45175 W. Ten Mile Road
Novi, Michigan 48375
248.347.0460
248.347.0577 fax

cityofnovi.org

cc: Mr. Kuang Hsung J. Chuang
Mr. Clay Pearson, City Manager
Mr. Thomas R. Schultz, Esq.

Carlin Edwards Brown PLLC

Attorneys & Counselors at Law

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F. (989) 688-5901

January 15, 2013

Ms. Maryanne Cornelius, City Clerk
City of Novi
45175 W. Ten Mile Road
Novi, Michigan 48375

Re: Grace Sharing Club, LLC
d/b/a Fifth Avenue Club & Restaurant
25750 Novi Road, Ste. 104
Novi, MI 48375

Dear Clerk Cornelius:

In response to your letter dated January 11, 2013, I contacted Mr. Chuang and he rather embarrassingly indicated that this was an old for sale sign that simply had not been removed. He contacted the broker immediately and told him to remove the sign as quickly as possible. Be assured that the building is not for sale and Mr. Chuang is working with his designers to do some renovations at the building to give it a little newer look. He is also awaiting approval of the transfer of the liquor license from the Michigan Liquor Control Commission, which we anticipate to occur within the next 30-45 days. We have completed the requirements made by the liquor investigator and we are simply waiting for her to complete her report and submit it to the Commission so that we can get this matter concluded.

Again, Mr. Chuang asked me to reconfirm his commitment to reopening the restaurant as soon as possible. I believe that this will resolve the Council's concern.

Thank you for your patience and cooperation.

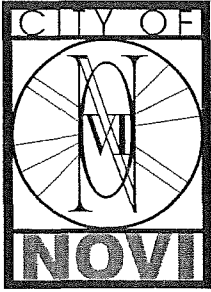
Very truly yours,

CARLIN EDWARDS BROWN PLLC

John B. Carlin, Jr.
Direct Dial: (248) 816-3210
E-Mail: jcarlin@cebhlaw.com

cc: Mr. Thomas R. Schultz, Esq., City Attorney, City of Novi
Mr. Clay Pearson, City Manager, City of Novi
Mr. Kuang Hsung J. Chuang

2013 JAN 17 A 11:42
CITY OF NOVI
CITY CLERK'S OFFICE



January 11, 2013

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Terry K. Margolis

Andrew Mutch

Justin Fischer

Wayne M. Wrobel

Laura Marie Casey

City Manager
Clay J. Pearson

City Clerk
Maryanne Cornelius

Carlin Edwards Brown PLLC
Attn: John B. Carlin, Jr., Esq.
2855 Coolidge Hwy, Suite 203
Troy, MI 48084

Re: Grace Sharing Club, LLC
d/b/a Fifth Avenue Restaurant

Dear Mr. Carlin:

On October 8, 2012, the Novi City Council approved the issuance of a new Class C quota liquor license to Grace Sharing Club, LLC, d/b/a Fifth Avenue Restaurant. This license was issued on the basis that granting approval would provide an economic development benefit to Novi.

As indicated by City Council, if no progress was detected, Administration was to pursue this item. As of today, there has been no indication of renovating the building for use. In addition, we understand the property is listed as being for sale as of January 10, 2013.

We await your response.

Sincerely,

Maryanne Cornelius, MMC
Novi City Clerk

cc: Mr. Kuang Hsung J. Chuang
Mr. Clay Pearson, City Manager
Mr. Thomas R. Schultz, Esq.

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