

McGunn were nominated to the Building Authority at the April 4, 2011 Regular City Council meeting. He instructed Council to vote for one nominee. The nominees received the following votes:

Don Booth: Pixley

Michael McGuire: Webber

Michael McGunn: Hooper, Brennan, Klomp, Rosen and Yalamanchi

A motion was made by Rosen, seconded by Pixley, that this matter be Adopted by Resolution. The motion carried by the following vote.

Aye 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0089-2011

Resolved, that the Rochester Hills City Council appoints Michael McGunn to the Building Authority to fill the unexpired term of Allan Schneck ending December 31, 2013.

NEW BUSINESS

2011-0250 Request to Transfer Ownership of 2010 Class C licensed business, located at 6830-6834 N. Rochester Road, Rochester Hills, Michigan from Lin/Stef Restaurants, LLC a/k/a Peng Lai to The Silver Spoon Ristorante Italiano, LLC

Attachments: [Agenda Summary.pdf](#)
[Application.pdf](#)
[Resolution.pdf](#)

Scott Edwards, Attorney, Carlin Edwards Brown PLLC, representing the Applicant, stated that the Silver Spoon Ristorante Italiano opened last week and is currently operating under a management agreement with the prior owners to use their liquor license until approval is granted. He mentioned that the Applicant also operates Il Posto, located in the western suburbs, which is the same style of upscale Italian eatery utilizing fresh ingredients. He noted that the Applicant is familiar with responsible alcohol management and is not asking for a dance/entertainment permit as a part of their request. He explained that the same seating configuration for indoor and outdoor seating will be used.

Applicant **Rita Lisi** was also in attendance.

Mayor Barnett mentioned that he has dined at the restaurant and stated that it will be a great addition to the community.

A motion was made by Yalamanchi, seconded by Klomp, that this matter be Adopted by Resolution. The motion carried by the following vote.

Aye 7 - Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0090-2011

Resolved, that the request to transfer ownership of 2010 Class C licensed business, located at 6830-6834 N. Rochester Road, Rochester Hills, Michigan from Lin/Stef Restaurants, LLC to The Silver Spoon Ristorante Italiano, LLC be considered for approval.

2011-0247 Request for Nonprofit Designation for a Charitable Gaming License from the Approved as presented at the June 6, 2011 Regular City Council Meeting.

State of Michigan - Thomas Richards Charity

Attachments: [Agenda Summary.pdf](#)
[TRC Letter.pdf](#)
[TRC IRS Nonprofit.pdf](#)
[TRC Bylaws.pdf](#)
[TRC Articles of Incorporation.pdf](#)
[TRC Articles of Incorporation Amendment.pdf](#)
[TRC Boardmembers.pdf](#)
[TRC Corporate Resolution.pdf](#)
[TRC Form 990.pdf](#)
[TRC Things We've Done.pdf](#)
[Resolution.pdf](#)

Mike Muscato, Vice President, Thomas Richards, stated that the charity was formed after his twin brother passed away six years ago. A golf outing was held and 40 people attended in his honor. He stated that last year's golf outing hosted 140 participants and raised \$15,000. He explained that the charity received its 501(c)3 non-profit status in late March and is now requesting recognition in order to receive a gaming license.

President Hooper questioned the charity's purpose and objectives, noting that the information provided is rather vague in nature and the charity was incorporated in 2009.

Mr. Muscato highlighted several recipients of the charity's funds, noting that money raised went to build a handicapped bathroom for a boy stricken with complications of foot-hand-mouth disease, to benefit a woman who has cancer and her husband is out of work, and several bowlathons and skateathons were held for other recipients. He explained that the charity's major events are the golf outing in the summer and a bowlathon in the winter. He stated that he has lived in Rochester since 1999 and graduated from Rochester High School, and the charity tries to do things for individuals in and around Rochester.

Mr. Yalamanchi questioned whether the purpose of the organization is to raise funds to help families experiencing cancer or if anyone in need could request help.

Mr. Muscato responded that this was not necessarily the only focus. He explained that the organization receives letters requesting assistance and the board meets to decide on the applications.

Mr. Yalamanchi questioned whether the charity has looked to collaborate with other nonprofits.

Mr. Muscato responded that members have participated in the Amazing Race fund raiser at the Royal Park and with Buffalo Wild Wings to observe how these charities have raised funds.

Mr. Klomp questioned what the vision is for the organization's growth.

Mr. Muscato responded that the organization's vision is to give back to the community and plans to combine activities in conjunction with their class' 20-year high school reunion. The organization is also considering providing a scholarship to a Rochester High School student.

Tim Ciotti, President, Thomas Richards Charity, stated that the group has held many various types of fund raisers and commented that not all their fund raisers will include gaming.

President Hooper requested the City Attorney comment on Council's role in approving the requests for gaming licenses.

John Staran, City Attorney, stated that the City's role is limited, and pointed out that the actual gaming license is issued by the State. He explained that it is the City's role to get answers to the very types of questions Council has been asking. The State requires local governments not to approve the request, but to vouch for the group as a non-profit charitable organization doing business in the community. The City does not take on liabilities or responsibilities, but it does vouch that an organization is a legitimate applicant for a gaming license.

President Hooper noted that the information presented along with the group's mission statement appears open-ended. He pointed out that in 2009, the organization raised approximately \$35,000 and only spent \$5,800 on charitable purposes, with the remaining funds going to expenses.

Mr. Ciotti responded that expenses included costs for the various events. He noted that the cost for a golf outing is approximately \$12,000. He stated that the charity kept \$8,500 to pay for the application for 501(c)3 status and monies were retained to pay the accountant.

Mr. Rosen commented that as he listened to the presentation from the Rochester Area Neighborhood House (RANH) earlier in the evening, he took note that RANH has minimal expenses and fairly well-developed criteria and processes to determine who they will help and how they will help them. He stated that he does not get a strong sense of that here, and commented that it appears that the organization has been established and is looking for a purpose. He stated that he does not have the confidence to vouch for this organization tonight.

Mr. Ciotti responded that the charity is in its infancy and the other organization has been in existence for years.

Mayor Barnett stated that although he does not know these two gentlemen, he did find himself at one of their events last year, and the event was well-run, with the money distributed where it was supposed to go. He commented that perhaps Council could give the group direction going forward, stating that he does not wish to quash what appears to be a good motive.

Mr. Pixley questioned how the gaming license would be used.

Mr. Ciotti stated that the organization wishes to use the license for a Texas Hold-Em party after the golf outing.

Mr. Pixley suggested that the charity consider using the Community Foundation of Greater Rochester as a clearinghouse for its funds going toward scholarships. He stated that the charity should consider collaborating with another organization for a period time to help sponsor its gaming activities; and requested that the group return to Council with more specific detail on how the funds will be raised and where they are going.

Mr. Ciotti stated that the organization is unique and each request accepted is something that is found to drive the group. He pointed out that their request for 501(c)3 status was approved in 30 days with no questions.

Mr. Yalamanchi noted that the organization's bylaws show great heart, but are very vague. He questioned why a Form 990 was filed in 2010 while the 501(c)3 status was not received until this past March.

President Hooper stated that while he recognizes that the group has great enthusiasm, it needs more refinement. He questioned whether a motion is necessary to deny the request at this time.

Mr. Staran responded that rather than a denial, Council should consider a motion to postpone the request.

After the vote, **Mr. Yalamanchi** suggested that the Charitable Gaming License Policy be amended to include a request that the organization include a copy of the Solicitation License from the Michigan Attorney General.

Mr. Staran noted that this document runs hand-in-hand with the application for 501(c)3 Status and commented that this is a good suggestion.

A motion was made by Rosen, seconded by Klomp, that this matter be Postponed by Resolution. The motion carried by the following vote.

Aye 7- Brennan, Hooper, Klomp, Pixley, Rosen, Webber and Yalamanchi

Resolved, that the request from Thomas Richards Charity, located at 55 N. Plaza Blvd., #415, Rochester Hills, Michigan 48307, Oakland County, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license, be Postponed.

~~Request for Purchase Authorization - FISCAL: Approval of insurance cover-
(general liability, motor vehicle, physical damage, property and crime coverage)
pool contributions/costs, legal defense and risk management consulting in the
amount not-to-exceed \$408,666.00; Michigan Municipal Risk Management
Authority, Livonia, MI~~