

A Regular Meeting of the Troy City Council was held Wednesday, February 22, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 P.M.

Council Member Beltramini gave the Invocation and the Pledge of Allegiance to the Flag was given.

### **ROLL CALL:**

Mayor Louise E. Schilling  
 Robin Beltramini  
 Cristina Broomfield (Absent)  
 Wade Fleming  
 Martin F. Howrylak (Absent)  
 David A. Lambert  
 Jeanne M. Stine

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### **Vote on Resolution to Excuse Council Members Broomfield and Howrylak**

Resolution #2006-02-093  
 Moved by Lambert  
 Seconded by Fleming

RESOLVED, That Council Members Broomfield and Howrylak's absence at the Regular City Council meeting of February 22, 2006 is **EXCUSED** due to being out of town.

Yes: All-5  
 No: None  
 Absent: Broomfield, Howrylak

### **OUTLINE OF PUBLIC HEARING PROCEDURE**

The City Attorney suggests the following outline of procedure for consideration of liquor violations:

1. The Mayor calls the licensee whose case is to be heard.
2. The licensee and/or his attorney should be asked to the front of the Chamber to acknowledge their presence for the record and can be seated.
3. The Assistant City Attorney makes a very short opening statement regarding the violation(s), and presents proofs.
4. When witnesses are called, they should be sworn by the City Clerk to tell the truth.
5. Once the witness is sworn, the Assistant City Attorney will question the witness.
6. The police report and other documents may be offered into evidence as part of the case and should be kept by the City Clerk as part of the records.
7. At the conclusion of the City's case, the licensee or his attorney should be asked to offer an explanation for the violations if they choose, make a statement, offer evidence, or otherwise make their presentation.
8. If the licensee offers evidence from witnesses who have not been previously sworn, the City Clerk should swear those witnesses.

9. Once the licensee has concluded his presentation, the Assistant City Attorney should be given an opportunity for rebuttal, if any is desired.
10. City Council members may ask questions at any time, but it is suggested that this questioning by Council members be conducted after the parties conclude their presentations.
11. When the presentation of evidence is concluded, the matter returns to the City Council for discussion, deliberation, and resolution.

## **PUBLIC COMMENT:**

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### **A. Items on the Current Agenda**

## **PUBLIC HEARINGS**

The following named licensees have been given notice to appear for this series of Public Hearings regarding alleged violations:

### **1.0 Liquor Violations (Class C):**

- a) Name: Mon Jin Lau, Inc.. (dba: Mon Jin Lau)  
Address: 1515 East Maple Road, 48083  
License No.: Class C (353-2004 SS)
- b) Name: Maggiano's/Corner Bakery Holding (dba: Maggiano's Little Italy)  
Address: 2089 West Big Beaver, 48084  
License No.: Class C (130954-2004 SS / 130955-2004)
- c) Name: Mayur Indian Cuisine, Inc. (dba: Mayur Indian Cuisine)  
Address: 5113 Rochester Road, 48085  
License No.: Class C (132851-2004 SS)

### **2.0 Liquor Violations (SDD/SDM):**

- a) Name: Jill-Nick Corporation (dba: Buscemi's Party Shoppe)  
Address: 3296 Rochester, 48083  
License No.: SDD/SDM (SDD 73920-2004 SS / SDM 14525-2004)

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### **1.0 Liquor Violations (Class C): (a) Mon Jin Lau, Inc. (dba: Mon Jin Lau); (b) Maggiano's/Corner Bakery Holding (dba: Maggiano's Little Italy); (c) Mayur Indian Cuisine, Inc. (dba: Mayur Indian Cuisine)**

#### **(a) Mon Jin Lau, Inc. (dba: Mon Jin Lau)**

Resolution #2006-02-094  
Moved by Lambert  
Seconded by Beltramini

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 22, 2006 for the following licensed establishment:

Name: Mon Jin Lau, Inc. (dba: Mon Jin Lau)  
Address: 1515 East Maple Road, 48083  
License No.: Class C (353-2004 SS)

and having found violation of the following codes and/or regulations: March 4, 2005 – SALE TO MINOR (Compliance Test);

WHEREAS, This licensee had a prior violations dated: October 29, 2003 – SALE TO MINOR (Compliance Test); October 19, 2000 – SALE TO MINOR (Compliance Test); April 11, 1998 – CUSTOMERS AFTER-HOURS; November 7, 1994 – GAMBLING (Citizen Complaint); August 11, 1994 – SALE TO MINOR (Compliance Test); June 17, 1992 – SALE TO MINOR (Compliance Test); April 10, 1984 – NON-EMPLOYEES ON PREMISES AFTER HOURS; HINDER AND OBSTRUCT POLICE OFFICERS DURING INVESTIGATION; and October 15, 1978 – SALE TO MINORS

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 22, 2006.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C License Number 353-2004 SS in the name of Mon Jin Lau, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all management employees and all employees serving food and liquor be TIPS and TAMS trained and that the Licensee provide proof of training to the Troy Police Department within ninety (90) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Yes: All-5

No: None

Absent: Broomfield, Howrylak

**(b) Maggiano's/Corner Bakery Holding (dba: Maggiano's Little Italy)**

Resolution #2006-02-095

Moved by Stine

Seconded by Fleming

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 22, 2006 for the following licensed establishment:

Name: Maggiano's/Corner Bakery Holding (dba: Maggiano's Little Italy)  
Address: 2089 West Big Beaver, 48084  
License No.: Class C (130954-2004 SS / 130955-2004)

and having found violation of the following codes and/or regulations: March 4, 2005 – SALE TO MINOR (Compliance Test);

WHEREAS, This licensee has had no prior violations;

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 22, 2006.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C License Number 130954-2004 SS / 130955-2004 in the name of Maggiano's/Corner Bakery Holding in the City of Troy, **BE RENEWED** with the **STIPULATION** that all management employees and all employees serving food and liquor be TIPS and TAMS trained and that the Licensee provide proof of training to the Troy Police Department within ninety (90) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Yes: All-5  
No: None  
Absent: Broomfield, Howrylak

**(c) Mayur Indian Cuisine, Inc. (dba: Mayur Indian Cuisine)**

Resolution  
Moved by Beltrami  
Seconded by Lambert

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 22, 2006 for the following licensed establishment:

Name: Mayur Indian Cuisine, Inc. (dba: Mayur Indian Cuisine)  
Address: 5113 Rochester Road, 48085  
License No.: Class C (132851-2004 SS)

and having found violation of the following codes and/or regulations: March 4, 2005 – SALE TO MINOR (Compliance Test);

WHEREAS, This licensee has had no prior violations;

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 22, 2006.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C License Number 132851-2004 SS in the name of Mayur Indian Cuisine, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS and TAMS trained and that the Licensee provide proof of training to the Troy Police Department within ninety (90) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

#### **Vote on Amendment**

Resolution #2006-02-096  
Moved by Stine  
Seconded by Lambert

RESOLVED, That the Resolution to make a recommendation to the Michigan Liquor Control Commission that Class C License Number 132851-2004 SS in the name of Mayur Indian Cuisine, Inc. in the City of Troy be renewed with stipulation is hereby **AMENDED** by **STRIKING** “ninety (90) days” and **INSERTING** “sixty (60) days.”

Yes: All-5  
No: None  
Absent: Broomfield, Howrylak

#### **Vote on Resolution as Amended**

Resolution #2006-02-097  
Moved by Beltramini  
Seconded by Lambert

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that

the license be revoked after Public Hearing on Wednesday, February 22, 2006 for the following licensed establishment:

Name: Mayur Indian Cuisine, Inc. (dba: Mayur Indian Cuisine)  
 Address: 5113 Rochester Road, 48085  
 License No.: Class C (132851-2004 SS)

and having found violation of the following codes and/or regulations: March 4, 2005 – SALE TO MINOR (Compliance Test);

WHEREAS, This licensee has had no prior violations;

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 22, 2006.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C License Number 132851-2004 SS in the name of Mayur Indian Cuisine, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS and TAMS trained and that the Licensee provide proof of training to the Troy Police Department within sixty (60) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Yes: All-5  
 No: None  
 Absent: Broomfield, Howrylak

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## 2.0 Liquor Violations (SDD/SDM): (a) Jill-Nick Corporation (dba: Buscemi's Party Shoppe)

### (a) Jill-Nick Corporation (dba: Buscemi's Party Shoppe)

Resolution #2006-02-098  
 Moved by Stine  
 Seconded by Beltramini

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license not be renewed after a Public Hearing on Wednesday, February 22, 2006, for the following licensed establishment:

Name: Jill-Nick Corporation (dba: Buscemi's Party Shoppe)  
 Address: 3296 Rochester, 48083  
 License No.: SDD/SDM (SDD 73920-2004 SS / SDM 14525-2004)

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and, having found violation for the following codes and/or regulations: February 11, 2005 – SALE TO MINOR (Compliance Test);  
WHEREAS, This licensee has had a prior violation dated: March 21, 2000 – CHARGED WITH “..TRANSFER INTEREST WITHOUT PRIOR APPROVAL” ON OR ABOUT 01/01/97; October 17, 1990 – SALE TO MINOR (Compliance Test);

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 22, 2006.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is recommended to the Michigan Liquor Control Commission that SDD License Number SDD 73920-2004 SS and SDM License Number SDM 14525-2004 in the name of Jill-Nick Corporation. in the City of Troy, **NOT BE REVOKED** and that a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Yes: All-5  
No: None  
Absent: Broomfield, Howrylak

**PUBLIC COMMENT**

The meeting **ADJOURNED** at 8:39 P.M.

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Louise E. Schilling, Mayor

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Barbara A. Holmes, Deputy City Clerk