

A Regular Meeting of the Troy City Council was held Monday, February 20, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Pro Tem Howrylak called the Meeting to order at 7:31 PM.

Mayor Pro Tem Howrylak gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL

Mayor Louise E. Schilling (Absent)
 Robin Beltramini
 Cristina Broomfield (Absent)
 David Eisenbacher
 Wade Fleming
 Mayor Pro Tem Martin Howrylak
 Mary Kerwin

Vote on Resolution to Excuse Mayor Schilling Council Member Broomfield

Resolution #2008-02-060
 Moved by Eisenbacher
 Seconded by Fleming

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Schilling due to illness and Council Member Broomfield due to being out of the county at the Regular City Council meeting of February 20, 2008.

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

OUTLINE OF PUBLIC HEARING PROCEDURE:

Under the Laws of the State of Michigan, Council is vested with the authority to take adverse action against a liquor licensee that has committed a violation of the Liquor Code or the local or state laws. However, prior to any adverse action, the licensee is entitled to a due process hearing to challenge the charged violation. For those licensees that choose to challenge the charged violation, the following procedure is recommended for the hearing:

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:

POSTPONED ITEMS:

0.0 Liquor Violations (SDD/SDM):

- (a) Name: ADI Realty, Inc. (dba: CVS Pharmacy No. 8242)
Address: 4963 John R, 48085
License No.: SDM (73139-2006)
- (b) Name: Arbor Drugs, Inc. (dba: CVS Pharmacy No. 8162)
Address: 2045 W. South Blvd., 48098
License No.: SDM (5815-2007)

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 (SDD/SDM):

- (a) Name: The May Department Stores Company (dba: Macy's)
Address: 2752 W. Big Beaver Rd., 48084
License No.: SDM (133308-2007)

2.0 Liquor Violations (Class C; Class C Resort &Hotel B):

- (a) Name: The May Department Stores Company (dba: Macy's)
Address: 500 W. Fourteen Mile Road, 48083
License No.: Class C (132719-2007)
- (b) Name: Tent Restaurant Operations, Inc. (dba: Bailey's Pub & Grille)
Address: 1965 W. Maple, 48084
License No.: Class C (139298-2007 SS)

- (c) Name: Troy Robin, Inc. (dba: Red Robin Restaurant)
Address: 5460 Corporate, 48098
License No.: Class C & SDM (135273 & 135274-2007)
- (d) Name: California Pizza Kitchen, Inc. (dba: California Pizza Kitchen)
Address: 2800 W. Big Beaver Road, 48084
License No.: Class C (41008-07 SS)
- (e) Name: Troy Hilton Property, LLC (dba: Hilton Homewood Suites)
Address: 1495 Equity Drive, 48084
License No.: B Hotel/SDM (116291-2007/116290-2007 SS)
- (f) Name: LaShish, Inc. (dba: LaShish)
Address: 3720 Rochester Road, 48083
License No.: Class C (100797-2007 SS)
- (g) Name: Priya Enterprise, Inc. (dba: Priya Restaurant)
Address: 72 W. Maple, 48084
License No.: Class C Resort (41130-2007 SS)
- (h) Name: Kan Zaman Corporation (dba: Kan Zaman)
Address: 586 W. Fourteen Mile Road, 48083
License No.: Class C Resort/SDM (70378-2007/70379-2007)

POSTPONED ITEMS:

Resolution to Table 0.0 Liquor Violations – SDD/SDM: (a) ADI Reality, Inc. (dba: CVS Pharmacy No. 8242) and (b) Arbor Drugs, Inc. (dba: CVS Pharmacy No. 8162)

Resolution #2008-02-061

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **TABLES** Agenda Items *0.0 Liquor Violations – SDD/SDM: (a) ADI Reality, Inc. (dba: CVS Pharmacy No. 8242) and (b) Arbor Drugs, Inc. (dba: CVS Pharmacy No. 8162)* until the end of the meeting at the request of the attorney representing the licensee.

Yes: All-5

No: None

Absent: Schilling, Broomfield

Resolution to Table 1.0 Liquor Violations – SDD/SDM: (a) The May Department Stores Company (dba: Macy’s) and 2.0 Liquor Violations – Class C; Class C Resort & Hotel B) - (a) The May Department Stores Company (dba: Macy’s)

Resolution #2008-02-062
 Moved by Kerwin
 Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **TABLES** Agenda *1.0 Liquor Violations – SDD/SDM: (a) The May Department Stores Company (dba: Macy’s) and 2.0 Liquor Violations – Class C; Class C Resort & Hotel B) - (a) The May Department Stores Company (dba: Macy’s)* until after the last item on the agenda.

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

PUBLIC HEARINGS:

2.0 Liquor Violations – Class C; Class C Resort & Hotel B

(b) Tent Restaurant Operations, Inc. (dba: Bailey’s Pub & Grille)

Resolution #2008-02-063
 Moved by Beltramini
 Seconded by Eisenbacher

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 20, 2008 for the following licensed establishment:

Name: Tent Restaurant Operations, Inc. (dba: Bailey’s Pub & Grille)
 Address: 1965 W. Maple, 48084
 License No.: Class C (139298-2007 SS)

and having found violation of the following codes and/or regulations: **SALE TO MINOR (DPU)** (Compliance Test), October 18, 2007;

WHEREAS, This licensee had no prior violations; and

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 20, 2008.

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 139298-2007 in the name of Tent Restaurant Operations, Inc. in the City of Troy, **BE RENEWED**; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

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

(c) Troy Robin, Inc. (dba: Red Robin)

Resolution
Moved by Eisenbacher
Seconded by Kerwin

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 20, 2008 for the following licensed establishment:

Name: Troy Robin, Inc. (dba: Red Robin Restaurant)
Address: 5460 Corporate, 48098
License No.: Class C & SDM (135273 & 135274-2007)

and having found violation of the following codes and/or regulations: **SALE TO MINOR** (Compliance Test), August 23, 2007;

WHEREAS, This licensee had no prior violations; and

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 20, 2008.

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 & SDM License Numbers 135273 & 135274-2007 in the name of Troy Robin, 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 Resolution to Amend

Resolution #2008-02-064
 Moved by Beltramini
 Seconded by Fleming

RESOLVE, That Troy City Council hereby **AMENDS** the resolution for agenda item (c) *Troy Robin, Inc. (dba: Red Robin Restaurant)* by **STRIKING** "training" and **INSERTING** "all employees being TIPS and TAMS trained since January 1, 2008 " **AFTER** "proof of".

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

Vote on Resolution as Amended

Resolution #2008-02-065
 Moved by Eisenbacher
 Seconded by Kerwin

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 20, 2008 for the following licensed establishment:

Name: Troy Robin, Inc. (dba: Red Robin Restaurant)
 Address: 5460 Corporate, 48098
 License No.: Class C & SDM (135273 & 135274-2007)

and having found violation of the following codes and/or regulations: **SALE TO MINOR** (Compliance Test), August 23, 2007;

WHEREAS, This licensee had no prior violations; and

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 20, 2008.

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 & SDM License Numbers 135273 & 135274-2007 in the name of Troy Robin, 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 all employees being TIPS and TAMS trained since January 1, 2008 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: Schilling, Broomfield

(d) California Pizza Kitchen, Inc. (dba: California Pizza Kitchen)

Resolution #2008-02-066
Moved by Eisenbacher
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 20, 2008 for the following licensed establishment:

Name: California Pizza Kitchen, Inc. (dba: California Pizza Kitchen)
Address: 2800 W. Big Beaver Road, 48084
License No.: Class C (41008-07 SS)

and having found violation of the following codes and/or regulations: **SALE TO MINOR (DPU)** (Compliance Test), December 6, 2007;

WHEREAS, This licensee had a prior violation on May 13, 1998 – SALE TO MINOR (Compliance Test); and

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 20, 2008.

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 41008-07 SS in the name of California Pizza Kitchen, Inc. in the City of Troy, **BE RENEWED**; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

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

(e) Troy Hilton Property, LLC (dba: Hilton Homewood Suites)

Resolution #2008-02-067
Moved by Beltrami
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 20, 2008 for the following licensed establishment:

Name: Troy Hilton Property, LLC (dba: Hilton Homewood Suites)
Address: 1495 Equity Drive, 48084
License No.: B Hotel/SDM (116291-2007/116290-2007 SS)

and having found violation of the following codes and/or regulations: **SALE TO MINOR (DPU)** (Compliance Test), December 13, 2007;

WHEREAS, This licensee had no prior violations; and

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 20, 2008.

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 B Hotel/SDM License Numbers 116291-2007/116290-2007 SS in the name of Troy Hilton Property, LLC in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS and TAMS trained and all employees not TIPS and TAMS trained since January 1, 2008 be TIPS and TAMS trained and that the Licensee provide a certified copy of training for all employees 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: Schilling, Broomfield

(f) LaShish, Inc. (dba: LaShish)

The Mayor Pro Tem opened the Public Hearing. There was no comment from the licensee or the public.

Proposed Resolution to Postpone

Resolution

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **POSTPONES** agenda item (f) *LaShish, Inc. (dba: LaShish)* until a representative can be present.

Vote on Resolution to Amend Resolution to Postpone

Resolution #2008-02-068

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to postpone by **INSERTING** "and no later than the Regular City Council meeting scheduled for Monday, March 17, 2008" **AFTER** "present".

Yes: All-5

No: None

Absent: Schilling, Broomfield

Vote on Resolution to Postpone as Amended

Resolution #2008-02-069

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **POSTPONES** agenda item (f) *LaShish, Inc. (dba: LaShish)* until a representative can be present and no later than the Regular City Council meeting scheduled for Monday, March 17, 2008.

Yes: All-5

No: None

Absent: Schilling, Broomfield

(g) Priya Enterprise, Inc. (dba: Priya Restaurant)

Resolution #2008-02-070

Moved by Kerwin

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 20, 2008 for the following licensed establishment:

Name: Priya Enterprise, Inc. (dba: Priya Restaurant)
Address: 72 W. Maple, 48084
License No.: Class C Resort (41130-2007 SS)

and having found violation of the following codes and/or regulations: **SALE TO MINOR (DPU)** (Compliance Test), June 21, 2007;

WHEREAS, This licensee had prior violations on November 1, 2001 SALE TO MINOR-TWO COUNTS (Compliance Test); November 23, 1999 SALE TO MINOR-TWO COUNTS (Compliance Test); December 17, 1997 SALE TO MINOR (Compliance Test); and

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 20, 2008.

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 Resort License Number 41130-2007 SS in the name of Priya Enterprise, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS and TAMS trained and all employees not TIPS and TAMS trained since January 1, 2008 be TIPS and TAMS trained and that the Licensee provide a certified copy of training for all employees 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: Schilling, Broomfield

(h) Kan Zaman Corporation (dba: Kan Zaman)

Resolution #2008-02-071
Moved by Eisenbacher
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 20, 2008 for the following licensed establishment:

Name: Kan Zaman Corporation (dba: Kan Zaman)
 Address: 586 W. Fourteen Mile Road, 48083
 License No.: Class C Resort/SDM (70378-2007/70379-2007)

and having found violation of the following codes and/or regulations: **SALE TO MINOR (DPU)** (Compliance Test), December 13, 2007;

WHEREAS, This licensee had no prior violations; and

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 20, 2008.

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 Resort/SDM License Numbers 70378-2007/70379-2007 in the name of Kan Zaman Corporation in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS and TAMS trained and all employees not TIPS and TAMS trained since January 1, 2008 be TIPS and TAMS trained and that the Licensee provide a certified copy of training for all employees 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: Schilling, Broomfield

**1.0 Liquor Violations – SDD: (a) The May Department Stores Company (dba: Macy’s)
 (a) The May Department Stores Company (dba: Macy’s)**

The Mayor Pro Tem opened the Public Hearing. There was representative for the licensee and no comment was given by the public.

Vote on Resolution to Postpone

Resolution #2008-02-072
 Moved by Beltramini
 Seconded by Fleming

RESOLVED, That Troy City Council hereby **POSTPONES** agenda item *1.0 Liquor Violations – SDD (a) The May Department Stores Company (dba: Macy’s)* until a representative can be present and no later than the Regular City Council meeting scheduled for Monday, March 17, 2008.

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

2.0 Liquor Violations – Class C; Class C Resort & Hotel B: (a) The May Department Stores Company (dba: Macy’s)

The Mayor Pro Tem opened the Public Hearing. There was representative for the licensee and no comment was given by the public.

Vote on Resolution to Postpone

Resolution #2008-02-073

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **POSTPONES** agenda item *2.0 Liquor Violations – Class C; Class C Resort & Hotel B (a) The May Department Stores Company (dba: Macy’s)* until a representative can be present and no later than the Regular City Council meeting scheduled for Monday, March 17, 2008.

Yes: All-5

No: None

Absent: Schilling, Broomfield

POSTPONED ITEMS:

0.0 Liquor Violations – (SDD/SDM):**(a) ADI Realty, Inc. (dba: CVS Pharmacy No. 8242)**

Resolution #2008-02-074

Moved by Beltramini

Seconded by Eisenbacher

WHEREAS, The following liquor licensee operates within the City of Troy:

Name: ADI Realty, Inc. (dba: CVS Pharmacy No. 8242)

Address: 4963 John R, 48085

License No.: SDM (73139-2006)

WHEREAS, The licensee has entered into a contract with the City of Troy, where the licensee authorizes the Troy City Council to review the licensee’s violations of the laws and regulations governing the sale of alcoholic liquor, and determine the appropriate course of action for any such violation that is allowed under Michigan law;

WHEREAS, The City Council has given public notice that the licensee has been charged with the following violation of the laws and regulations governing the sale of alcoholic liquor:

SALE TO MINOR (Compliance Test) on May 3, 2007;

WHEREAS, The City provided notice that the charges against the licensee would be reviewed and Council would determine if any action should be taken against the licensee at a Public Hearing, scheduled for Wednesday, February 13, 2008;

WHEREAS, This licensee has had a prior violation dated: July 25, 2000 – SALE TO MINOR (Compliance Test); and

WHEREAS, Licensee was given the opportunity to review these cited infractions, and the 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 13, 2008;

NOW THEREFORE, BE IT RESOLVED, That the Troy City Council, after the public hearing, has **DETERMINED** that the licensee did commit the above referenced violation of the laws and regulations governing the sale of alcoholic liquor; and

BE IT FURTHER RESOLVED, That the Troy City Council **REQUIRES** the licensee (SDM License Number 73139-2006 in the name of CVS Pharmacy No. 8242 in the City of Troy), to have all its management and employees that are permitted to sell alcoholic liquor TIPS AND/OR TAM trained or RASS trained or receive some other training accepted by the Troy Police Department, and to **PROVIDE PROOF** of this training to the Troy Police Department within 90 days; and

BE IT FURTHER RESOLVED, That notice of the above referenced violation **SHALL BE PUBLISHED** in a local newspaper of general circulation.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission for inclusion in the licensee's file.

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

(b) Arbor Drugs, Inc. (dba: CVS Pharmacy No. 8162)

Resolution #2008-02-075
Moved by Kerwin
Seconded by Fleming

WHEREAS, The following liquor licensee operates within the City of Troy:

Name: Arbor Drugs, Inc. (dba: CVS Pharmacy No. 8162)
Address: 2045 W. South Blvd., 48098
License No.: SDM (5815-2007)

WHEREAS, The licensee has entered into a contract with the City of Troy, where the licensee authorizes the Troy City Council to review the licensee's violations of the laws and regulations governing the sale of alcoholic liquor, and determine the appropriate course of action for any such violation that is allowed under Michigan law;

WHEREAS, The City Council has given public notice that the licensee has been charged with the following violation of the laws and regulations governing the sale of alcoholic liquor:

SALE TO MINOR (Compliance Test) on August 23, 2007;

WHEREAS, The City provided notice that the charges against the licensee would be reviewed and Council would determine if any action should be taken against the licensee at a Public Hearing, scheduled for Wednesday, February 13, 2008;

WHEREAS, This licensee has had a prior violation dated: May 10, 2001 – MLCC SALE TO MINOR (Compliance Test); and

WHEREAS, Licensee was given the opportunity to review these cited infractions, and the 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 13, 2008;

NOW THEREFORE, BE IT RESOLVED, That the Troy City Council, after the public hearing, has **DETERMINED** that the licensee did commit the above referenced violation of the laws and regulations governing the sale of alcoholic liquor; and

BE IT FURTHER RESOLVED, That the Troy City Council **REQUIRES** the licensee (SDM License Number 5815-2007 in the name of Arbor Drugs, Inc. in the City of Troy), to have all its management and employees that are permitted to sell alcoholic liquor TIPS AND/OR TAM trained or RASS trained or receive some other training accepted by the Troy Police Department, and to **PROVIDE PROOF** of this training to the Troy Police Department within 90 days; and

BE IT FURTHER RESOLVED, That notice of the above referenced violation **SHALL BE PUBLISHED** in a local newspaper of general circulation.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission for inclusion in the licensee's file.

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

PUBLIC COMMENT:

ADJOURNMENT

The meeting **ADJOURNED** at 9:32 PM.

Martin Howrylak , Mayor Pro Tem

Barbara A. Pallotta, CMC
Deputy City Clerk