

Regular Meeting of the Troy City Council was held Wednesday, February 18, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31PM.

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 (Arrived at 8:45 PM)  
David Eisenbacher  
Wade Fleming  
Mayor Pro Tem Martin Howrylak (Absent)  
Mary Kerwin

## **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:**

## **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; Class C Resort &Hotel B):**

- a) Name: Tent Restaurant Operations (dba: Bailey's Pub & Grille)  
Address: 1965 W. Maple Road, 48084  
License No.: Class C (139298-2008)
- b) Name: Alibi Lounge of Troy, Inc. (dba: Alibi Lounge & Restaurant)  
Address: 6700 Rochester Road, 48085  
License No.: Class C (858-2008 SS)
- c) Name: GBD, Inc. (dba: Franco Café)  
Address: 3614 Rochester Road, 48083  
License No.: Class C (16886-2008 SS)
- d) Name: Priya Enterprise, Inc. (dba: Priya Restaurant)  
Address: 72 W. Maple Road, 48084  
License No.: Class C (41130-2008 SS)
- e) Name: Café Sushi, LLC (dba: Café Sushi)  
Address: 1933 W. Maple Road, 48084  
License No.: Class C (107549-2008 SS)
- f) Name: Hospitality Ventures Management, Inc./RBHV Troy, LLC  
(dba: Embassy Suites Hotel)  
Address: 850 Tower Drive, 48098  
License No.: B-Hotel (75063-2007 SS)
- g) Name: C J Mahoney's of Troy, LLC (dba: C J Mahoney's of Troy)  
Address: 2511 Livernois, 48084  
License No.: Class C (173579-2008 SS)
- h) Name: Cameron Mitchell Restaurants, LLC (dba: Ocean Prime)  
Address: 2915 Coolidge Highway, 48084  
License No.: Class C Resort (169707-2008 SDM)
- i) Name: American Legion Charles Edward Post 14  
Address: 1340 W. Maple Road, 48084  
License No.: Club (20523-2008)

**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; Class C Resort; Club & B-Hotel****a) Tent Restaurant Operations (dba: Bailey's Pub & Grille)**

Resolution #2009-02-049  
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 18, 2009 for the following licensed establishment:

Name: Tent Restaurant Operations (dba: Bailey's Pub & Grille)  
Address: 1965 W. Maple Road, 48084  
License No.: Class C (139298-2008)

and having found violation of the following codes and/or regulations dated: October 2, 2008 - **SALE TO MINOR (DPU)** (Compliance Test);

WHEREAS, This licensee had a prior violation dated: October 23, 2007 – 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 18, 2009;

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 139298-2008 in the name of Tent Restaurant Operations in the City of Troy **BE RENEWED** with the **STIPULATION** that all employees be TIPS or 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: Schilling, Beltramini, Eisenbacher, Fleming, Kerwin  
No: None  
Absent: Broomfield, Howrylak

**MOTION CARRIED**

**b) Alibi Lounge of Troy, Inc. (dba: Alibi Lounge & Restaurant)**

Resolution #2009-02-050  
Moved by Fleming  
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 18, 2009 for the following licensed establishment:

Name: Alibi Lounge of Troy, Inc. (dba: Alibi Lounge & Restaurant)  
Address: 6700 Rochester Road, 48085  
License No.: Class C (858-2008 SS)

and having found violation of the following codes and/or regulations dated: December 30, 2008 - **SALE TO MINOR** (Compliance Test);

WHEREAS, This licensee had prior violations dated: October 28, 2003 – SALE TO MINOR (Compliance Test); October 11, 2002 – SALE TO MINOR (Compliance Test); April 16, 1993 – SALE TO MINOR (Compliance Test); October 26, 1989 – 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 18, 2009;

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 858-2008 SS in the name of Alibi Lounge of Troy, Inc. in the City of Troy **BE RENEWED** with the **STIPULATION** that all employees be TIPS or 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: Beltramini, Eisenbacher, Fleming, Kerwin, Schilling  
No: None  
Absent: Broomfield, Howrylak

**MOTION CARRIED**

**c) GBD, Inc. (dba: Franco Café)**

Resolution #2009-02-051  
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 18, 2009 for the following licensed establishment:

Name: GBD, Inc. (dba: Franco Café)  
Address: 3614 Rochester Road, 48083  
License No.: Class C (16886-2008 SS)

and having found violation of the following codes and/or regulations dated: December 30, 2008 - **SALE TO MINOR** (Compliance Test);

WHEREAS, This licensee had prior violations dated: April 16, 2004 – SALE TO MINOR (Compliance Test); November 6, 1998 – SALE TO MINOR (Compliance Test); October 18, 1995 – SALE TO MINOR; 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 18, 2009;

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 16886-2008 SS in the name of GBD, Inc. in the City of Troy **BE RENEWED** with the **STIPULATION** that the licensee provide proof of recent TIPS or TAMS training of 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: Eisenbacher, Fleming, Kerwin, Schilling, Beltramini  
No: None  
Absent: Broomfield, Howrylak

**MOTION CARRIED****d) Priya Enterprise, Inc. (dba: Priya Restaurant) - No action taken due to new ownership.**

**e) Café Sushi, LLC (dba: Café Sushi)**

Resolution #2009-02-052

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 18, 2009 for the following licensed establishment:

Name: Café Sushi, LLC (dba: Café Sushi)  
Address: 1933 W. Maple Road, 48084  
License No.: Class C (107549-2008 SS)

and having found violation of the following codes and/or regulations dated: October 2, 2008 - **SALE TO MINOR (DPU)** (Compliance Test);

WHEREAS, This licensee had a prior violation dated: March 3, 2005 – 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 18, 2009;

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 107549-2008 SS in the name of Café Sushi, LLC in the City of Troy **BE RENEWED** with the **STIPULATION** that all employees be TIPS or 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: Eisenbacher, Fleming, Kerwin, Schilling, Beltramini

No: None

Absent: Broomfield, Howrylak

**MOTION CARRIED****f) Hospitality Ventures Management, Inc./RBHV Troy, LLC (dba: Embassy Suites Hotel)**

Resolution

Moved by Kerwin

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 18, 2009 for the following licensed establishment:

Name: Hospitality Ventures Management, Inc. /RBHV Troy, LLC  
(dba: Embassy Suites Hotel)  
Address: 850 Tower Drive, 48098  
License No.: B-Hotel (75063-2007 SS)

and having found violation of the following codes and/or regulations dated: October 9, 2008 - **SALE TO MINOR** (Compliance Test);

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 18, 2009;

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 License Number 75063-2007 SS in the name of Hospitality Ventures Management, Inc./RBHV Troy, LLC. in the City of Troy **BE RENEWED** with the **STIPULATION** that all employees who serve food and beverages be TIPS or 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 f) Hospitality Ventures Management, Inc. /RBHV Troy, LLC (dba: Embassy Suites Hotel)**

Resolution #2009-02-053

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **AMENDS** resolution f) *Hospitality Ventures Management, Inc./RBHV Troy, LLC (dba: Embassy Suites Hotel)* by **STRIKING** “who serve food and beverages” and **INSERT** “involved in food or beverage service”.

Yes: Fleming, Kerwin, Schilling, Beltramini, Eisenbacher

No: None

Absent: Broomfield, Howrylak

**MOTION CARRIED**

**Vote on Resolution to Amend f) Hospitality Ventures Management, Inc. /RBHV Troy, LLC (dba: Embassy Suites Hotel) as Amended**

Resolution #2009-02-054

Moved by Kerwin

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 18, 2009 for the following licensed establishment:

Name: Hospitality Ventures Management, Inc. /RBHV Troy, LLC  
(dba: Embassy Suites Hotel)  
Address: 850 Tower Drive, 48098  
License No.: B-Hotel (75063-2007 SS)

and having found violation of the following codes and/or regulations dated: October 9, 2008 - **SALE TO MINOR** (Compliance Test);

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 18, 2009;

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 License Number 75063-2007 SS in the name of Hospitality Ventures Management, Inc./RBHV Troy, LLC. in the City of Troy **BE RENEWED** with the **STIPULATION** that all employees involved in food or beverage service be TIPS or 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: Kerwin, Schilling, Beltramini, Eisenbacher, Fleming

No: None

Absent: Broomfield, Howrylak

**MOTION CARRIED**

**g) C J Mahoney's of Troy, LLC (dba: C J Mahoney's of Troy)**

Resolution #2009-02-055  
Moved by Fleming  
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 18, 2009 for the following licensed establishment:

Name: C J Mahoney's of Troy, LLC (dba: C J Mahoney's of Troy)  
Address: 2511 Livernois, 48084  
License No.: Class C (173579-2008 SS)

and having found violation of the following codes and/or regulations dated: October 2, 2008 - **SALE TO MINOR (DPU)** (Compliance Test);

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 18, 2009;

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 173579-2008 SS in the name of C J Mahoney's of Troy, LLC in the City of Troy **BE RENEWED** with the **STIPULATION** that all employees be TIPS or 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: Schilling, Beltramini, Eisenbacher, Fleming, Kerwin  
No: None  
Absent: Broomfield, Howrylak

**MOTION CARRIED****h) Cameron Mitchell Restaurants, LLC (dba: Ocean Prime)**

Resolution #2009-02-056  
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 18, 2009 for the following licensed establishment:

Name: Cameron Mitchell Restaurants, LLC (dba: Ocean Prime)  
Address: 2915 Coolidge Highway, 48084  
License No.: Class C Resort (169707-2008 SDM)

and having found violation of the following codes and/or regulations dated: December 30, 2008 - **SALE TO MINOR** (Compliance Test);

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 18, 2009;

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 169707-2008 SDM in the name of Cameron Mitchell Restaurants, LLC in the City of Troy **BE RENEWED** with the **STIPULATION** that all employees be TIPS or 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: Beltramini, Eisenbacher, Fleming, Kerwin, Schilling  
No: None  
Absent: Broomfield, Howrylak

## **MOTION CARRIED**

Council Member Broomfield arrived at 8:45 PM.

### **i) American Legion Charles Edward Post 14**

Resolution #2009-02-057  
Moved by Kerwin  
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 18, 2009 for the following licensed establishment:

Name: American Legion Charles Edward Post 14  
Address: 1340 W. Maple Road, 48084  
License No.: Club (20523-2008)

and having found violation of the following codes and/or regulations dated: July 1, 2008 – **GAMBLING VIOLATION** (CIU);

WHEREAS, This licensee had prior violations dated: February 4, 1988 – MLCC Gambling/Gambling Devices on Premises; April 25, 1986 – MLCC SALE TO NON-MEMBER; 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 18, 2009;

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 Club License Number 20523-2008 in the name of American Legion Charles Edward Post 14 in the City of Troy **BE RENEWED**.

Yes: Eisenbacher, Fleming, Kerwin, Schilling, Broomfield, Beltramini  
No: None  
Absent: Howrylak

**MOTION CARRIED**

---

**Vote on Resolution to Excuse Mayor Pro Tem Howrylak**

Resolution #2009-02-058  
Moved by Eisenbacher  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Howrylak at the Regular City Council and Closed Session meetings of Wednesday, February 18, 2009 due to being out of the county.

Yes: Fleming, Kerwin, Schilling, Broomfield, Beltramini, Eisenbacher  
No: None  
Absent: Howrylak

**MOTION CARRIED**

**PUBLIC COMMENT:**

**CLOSED SESSION:**

---

**L-1 Performance Evaluation – City Manager Request for Closed Session**

Resolution  
Moved by Fleming  
Seconded by Beltramini

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session at the request of City Manager, Phillip L. Nelson for the purpose of conducting his Performance Evaluation as permitted by MCL 15.268 (a).

**Vote on Resolution to Postpone L-1 Performance Evaluation – City Manager Request for Closed Session**

Resolution #2009-02-059  
Moved by Eisenbacher  
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **POSTPONES** *L-1 Performance Evaluation – City Manager Request for Closed Session* until the Regular City Council Meeting scheduled for Monday, March 2, 2009.

Yes: Broomfield, Fleming  
No: Schilling, Beltramini, Eisenbacher, Kerwin  
Absent: Howrylak

**MOTION FAILED****Vote on Resolution to Meet in Closed Session L-1 City Manager Performance Evaluation**

Resolution #2009-02-060  
Moved by Fleming  
Seconded by Beltramini

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session at the request of City Manager, Phillip L. Nelson for the purpose of conducting his Performance Evaluation as permitted by MCL 15.268 (a).

Yes: Beltramini, Kerwin, Schilling  
No: Broomfield, Eisenbacher, Fleming  
Absent: Howrylak

**MOTION FAILED**

**ADJOURNMENT**

The meeting **ADJOURNED** at 9:28 PM.

---

Louise E. Schilling, Mayor

---

Barbara A. Pallotta  
Deputy City Clerk