



CITY COUNCIL ACTION ITEM

Date September 30, 2011

TO: Mayor Schilling and City Council

FROM: John Szerlag, City Manager
Mark F. Miller, Director of Economic and Community Development
Aileen Bittner, City Clerk

SUBJECT: Ordinance Revisions in Accordance with Troy City Council Resolution Requesting Expunging of Boards and Committees

As requested by City Council, City Administration prepared proposed ordinance amendments that would effectively dissolve the Library Advisory Board and also the Historical Commission.

Chapter 9 – Troy Public Library, the establishment, organization, powers and duties of the Library Board would be stricken. Management and Library Staff would assume any duties previously performed by the Board.

Chapter 12 – The entire chapter is proposed to be deleted since these duties would be performed by the Historical Society and/or City Administration.

In Chapter 13 – The proposed amendment reassigns the duties previously performed by the Historical Commission.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- There are no legal considerations associated with this item.

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 9 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 9, Troy Public Library of the Code of the City of Troy.

Section 2. Amendment

Sections 1, 2, 3, 5, 6 and 7 shall be amended as follows:

1. Establishment. ~~The Public Library shall be established as a separate department of the City to be administered under the direction of the City Manager. A library Advisory Board is hereby established which shall advise the City Council in matters of policy, and the City Manager in matters of administration, with regard to the establishment, development, and operation of the library. Said Board shall consist of five members appointed by the City Council. No member of the Board shall be employed by, or be an official of the City. The members of the Board shall serve for terms of three years. Members of the Board shall serve without compensation.~~
2. Organization of Board. ~~The Library Advisory Board shall organize by electing annually at their first regular meeting in May, a president, vice president, secretary, and such other officers as may be necessary for the proper conduct of the duties of the Board. The Secretary shall notify the Council of the names of all such officers promptly after their appointment. Three members of the Board shall constitute a quorum for the transaction of business. The Board shall conform to all the rules and regulations promulgated by the City Council of the City of Troy that will be applicable to all other Boards and Commissions.~~
3. Powers and Duties. ~~It shall be the duty of the Library Advisory Board to recommend by laws, rules and regulations for the control and governing of the library system for consideration and action by the City Manager. The Board shall recommend a reasonable schedule of fines for the infringement of established rules and regulations, and a schedule of fees for the use of library services and facilities by non-residents of the City for consideration and action by the City Council. The Board, in the name of Tthe City, may accept donations, contributions, and gifts, for either general or specific purposes, provided that all such donations, contributions, or gifts are to which become the property of the City with full rights of disposal. All monetary donations, contributions, and gifts shall be deposited with the City~~

Treasurer in compliance with Section 8.8 of the ~~Chapter~~ **Charter** of the City of Troy. ~~The Board may recommend the purchase of books, periodicals, magazines, library equipment and supplies as deemed necessary and proper. And, further, the Board may recommend contracts, rules, regulations, and conditions affecting relations between the Troy Public Library and other libraries in the area and in the State of Michigan for consideration and action by the City Council.~~

5. Library Building. ~~The City Council shall provide suitable quarters for housing the library and shall provide janitor service and maintenance under the direction of the City Manager. Whenever the construction of a library building or buildings is contemplated it shall be the duty of the City Manager to have detailed plans and specifications prepared for same. Such plans and specifications shall be reviewed by the Library Advisory Board and thereafter submitted to the City Council for approval or rejection with the written recommendation of the Board. The contract or contracts for such construction shall be let by the City Council as provided by Section 12.2 of the City Charter.~~
6. Records. ~~The Library Advisory Board shall keep a complete record of its proceedings and the same shall be a public record. At the end of the fiscal year and at any other times when requested by the Manager or City Council, the Librarian shall prepare a report stating the number of books and periodicals on hand; the number added by purchase or gift during the year; the number recorded lost, missing or worn out; the number of books loaned out, and such other statistics, information and suggestions as he may deem to be of general interest.~~
7. Budget Estimates. ~~Not later than February 15, of each year, the Library Advisory Board shall furnish the City Manager with recommendations regarding proposed library programs for the ensuing fiscal year which the Manager shall review and consider in preparing the library budget to be submitted to the City Council. The budget shall be reviewed by the Board prior to submission to the City Council.~~

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter,

affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 5. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 6. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, _____.

Louise E. Schilling, Mayor

Aileen Bittner, City Clerk

CITY OF TROY
AN ORDINANCE TO DELETE
CHAPTER 12 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1.

Delete. Chapter 12 of the City of Troy Code of Ordinances is hereby deleted.

Section 2.

1. ~~Establishment. There is hereby established the Historical Commission for the City which shall consist of seven members appointed by the City Council to serve without compensation.~~

~~————(Rev. 10-12-1981)~~

2. ~~Terms of Members. Each member shall be appointed for a term of three (3) years ending on the last day of July of the third year after appointment, or upon the appointment of his successor, whichever is later. Members of the Commission can be removed at the pleasure of the City Council by a majority vote of the members elect. Vacancies occurring other than through the expiration of term shall be filled for the unexpired term by the City Council.~~

3. ~~Organization. The Commission shall elect a Chairman, Vice Chairman, Secretary and such other officers as may be necessary for the proper conduct of its affairs from its membership annually at its first meeting after the last day of July. The Commission shall conform to all the rules and regulations promulgated by the City Council that will be applicable to all other Boards and Commissions.~~

4. ~~Meetings. The Commission shall hold at least one (1) regular public meeting in each quarter on such date and at such time and place as may be established by resolution of the Commission. Special meetings may be called by the Secretary on the written request of the Chairman or any two (2) members of the Commission on at least two (2) days notice. The Commission shall keep a written or printed record of its proceedings which shall be a public record and property of the City and shall adopt its own rules of procedure. Four (4) members shall constitute a quorum for the transaction of business.~~

~~————(Rev. 4-23-1990)~~

5. ~~General Powers and Duties. The powers and duties of the Commission to be exercised and performed in conformity with the City Code and state statutes are as follows:~~

~~————(a)——— The Historical Commission shall be a policy making body and be responsible, with the approval of the City Manager, for the overall operation of the City owned buildings known as the Troy Museum & Historic Village. Such policies and responsibilities shall pertain to additional buildings moved to the Historic Village located at 60 W. Wattles Road.~~

~~_____ In general, it shall be the duty of the Historical Commission to establish policy with regard to the collection, arrangement, cataloguing and preservation of historical material including books, pamphlets, maps, charts, manuscripts, papers, records and archives, paintings, statuary and other objects and materials relating to the history of the City of Troy and the surrounding area; procurement and preservation of narratives of the early residents of such area, the collection of materials of every description relative to the history, longevity, literature, progress or decay of Indian tribes; collection, preparation, and display of objects indicative of the life, customs, dress and resources of the early residents of this area, and to make available from time to time source materials and historical studies relative to and illustrative of the history of the area. The Commission shall have power, with the approval of the City Manager, to collect from the public offices in the City of Troy reproductions of any records, files, documents, books and papers which, in the opinion of the Commission, are of historical value.~~

~~_____ (Rev. 4-23-1990)~~

~~_____ (b) _____ The Commission shall have the power, with the consent of the City Council, to accept donations of money or historical materials (as described in Section (a) (above) for carrying out the historical purposes as provided in this Chapter. Such donations of money or historical materials vest in the City subject to Section 8.8 of the Charter of the City of Troy and in accordance with the deed, devise, bequest or grant of such property. Gifts of money shall be deposited in a special account to be established by the City Treasurer from which disbursements shall be made upon warrant of the Treasurer countersigned by the City Manager as provided in Section 8.9 of the Charter, in accordance with the terms of the instruments making such gifts.~~

~~_____ (Rev. 04-22-1974)~~

~~_____ (c) _____ The Commission shall cooperate with and assist the Michigan Historical Commission in carrying out its powers and duties as established by Act 271 of the Public Acts of 1913 and Act 10 of the Public Acts of 1955.~~

~~_____ (Rev. 04-22-1974)~~

~~_____ (d) _____ The Commission may recommend to the City Manager purchases of historical material including books, pamphlets, maps, charts, manuscripts, papers, copies of domestic and foreign records and archives, paintings, statuary, and other objects and material illustrative of and relating to the history of the City of Troy and the surrounding area; provided only, that all such purchases shall be accomplished in accordance with the Charter of the City of Troy and applicable Ordinances of the City of Troy.~~

~~_____ (Rev. 04-22-1974)~~

~~_____ (e) _____ The Commission may receive any money appropriated to it by the State and shall deposit same with the City Treasurer as provided in Section 8.8 of the City Charter. Such funds shall be disbursed as provided in Section 5(b) of this Chapter. At the beginning of each quarterly period during a fiscal year and more often if required by the City Council, the Manager shall submit to the City Council a current statement of actual income and expenses.~~

~~_____ (Rev. 04-22-1974)~~

~~6. — Staff. The City Manager shall appoint a Museum Director and necessary staff. All employees constituting the Museum staff shall conform and be subject to all rules and regulations governing other employees of the City. All supplies and materials used in the operation of the Historical Museum shall be obtained by the Director through the Purchasing Department in compliance with administrative rules applying to all other City Departments, or in accordance with a legal contract executed by the City for the purpose of providing such supplies and materials.~~

~~———— (Rev. 04-23-1990) ————~~

~~7. — Annual Report. The Commission shall make and submit to the City Council an annual report of the general activities, operation and condition of the Commission for the preceding year. The Commission shall, from time to time, as the occasion requires, either in the annual report, or at any time deemed necessary by the Committee, advise the City in writing on all matters necessary and proper for and pertaining to the proper operation of the Commission and any of its activities or properties.~~

~~8. — Budget Estimates. Not later than February 15 of each year, the Commission and Director shall furnish the City Manager with recommendations regarding proposed historical programs for the ensuing fiscal year which the Manager shall review and consider in preparation of the Budget to be submitted to the City Council.~~

~~———— (Rev. 04-23-1990) ————~~

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 5. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 6. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, _____.

Louise E. Schilling, Mayor

Aileen Bittner, City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 13 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 13, Historic Preservation of the Code of the City of Troy.

Section 2. Amendment

Section 6B, 7A – 7G, 7I, 11, 15B shall be amended as follows:

6. **RULES OF THE COMMISSION**

- B. The Commission should meet at least quarterly, and at the call of the Chair, Secretary, or two (2) members of the Commission, if matters are referred to it by the ~~Director of Building and Zoning~~Planning Director.

7. **PROCEDURES FOR REVIEW OF PLANS**

- A. Application for a building permit to construct, alter, move or demolish any resource in a Historic District shall be made to the ~~Director of Building and Zoning~~Building Official. Plans shall be submitted showing the resource in question and also showing its relation to adjacent resources.
- B. Upon the filing of such application, the ~~Director of Building and Zoning~~Building Official or his or her representative shall immediately notify the ~~Commission~~Planning Director of the receipt of such application and shall transmit it together with accompanying plans and other information to the Commission.
- C. The Commission shall review the plans according to the duties and powers specified herein. In reviewing the plans, the Commission may confer with the applicant for the building permit, and ~~with the Director of Building and Zoning, and with the~~with the Building Official and/or City Planning Director.
- D. The Commission shall approve or disapprove such plans, and, if approved, shall issue a certificate of appropriateness or a notice to proceed, which is to be signed by the Chair or Vice- Chair, attached to the application for a building permit and immediately transmitted

to the ~~Director of Building and Zoning~~Building Official. The Chair shall also stamp all plans submitted to the Commission signifying its approval or disapproval.

- E. If the Commission disapproves of such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefore in writing to the ~~Director of Building and Zoning~~Building Official and to the applicant. The Commission shall advise what it thinks is proper if it disapproves of the plans submitted. The applicant, if he or she so desires, may make modifications to the plans and shall have the right to resubmit the application at any time after so doing.

If the requested permit is denied by the Commission, the ~~Director of Building and Zoning~~Building Official shall disapprove the application.

- F. The failure of the Commission to approve, conditionally approve or disapprove of such plans within sixty (60) days from the date of application for the building permit, unless otherwise mutually agreed upon by the applicant and the Commission, shall be deemed to constitute approval and the ~~Director of Building and Zoning~~City Planning Director shall proceed to process the application without regard to a certificate of appropriateness or notice to proceed from the Commission.

- G. After a building permit is granted, the ~~Director of Building and Zoning~~Building Official or his or her representative shall inspect the construction or alteration in accordance with the procedures established by the Building Department of the City of Troy.

- I. If the Commission grants a permit for demolition, it may notify the ~~Troy Historical Commission~~City Manager so that ~~that body~~City Administration may consult with the owner about obtaining anything of historical significance from the property.

11. YARD VARIANCES

Due to peculiar conditions of design and construction in Historic Districts, where structures were often built close to the lot lines, it is in the public interest to retain the District's appearance by making variances to normal yard requirements. Where it is deemed that such variances will not adversely affect neighboring properties, the Commission may recommend to the ~~Board of Zoning Appeals~~Zoning Board of Appeals that such variance to standard yard requirements be granted.

15. **ENFORCEMENT; VIOLATIONS**

- B. The enforcement of this ordinance shall be the responsibility of this Historic District Commission, in conjunction with the ~~Director of Building and Zoning Planning Director of the city~~. A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this act is responsible for committing a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code for the City of Troy. Each day a violation continues is a separate Municipal Civil Infraction Violation. Sanctions for violation shall include a fine of not more than \$500, costs, damages and injunctive orders as authorized by Chapter 100.

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings

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Section 5. Severability Clause

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Louise E. Schilling, Mayor

Aileen Bittner, City Clerk