

A Regular Meeting of the Troy City Council was held Monday, December 19, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

Pastor Dan Lewis of Troy Christian Chapel gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

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

Vote on Resolution to Excuse Council Member Howrylak

Resolution #2005-12-543
Moved by Lambert
Seconded by Broomfield

RESOLVED, That Council Member Howrylak's absence at the Regular City Council a meeting of December 19, 2005 is **EXCUSED** due to being out of town.

Yes: All-6
No: None
Absent: Howrylak

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) On behalf of the City Council, Mayor Schilling presented *Certificates of Appreciation* to all City Departments/Divisions in recognition of outstanding and dedicated service to the community
- b) State Representative Robert Gosselin gave a presentation regarding City of Troy's Morgan-Quitno Press "*Safest Cities*" rating.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Commercial Vehicle Appeal – 3539 Delaware

Resolution #2005-12-544

Moved by Beltramini

Seconded by Stine

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has not found that the petitioner has demonstrated the presence of condition(s), justifying the granting of a variance: No conditions stipulated.

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Arun Sekheri, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford van with bucket lift in a residential district at the property at 3539 Delaware is hereby **DENIED**.

Yes: All-6

No: None

Absent: Howrylak

C-2 Special Use Approval for Outdoor Seating in Excess of 20 Seats in Conjunction with a Restaurant in O-M Zoning – 911 Wilshire Drive – Kruse and Muer Restaurant

Resolution #2005-12-545

Moved by Stine

Seconded by Lambert

RESOLVED, That the request from Thomas May representing Kruse and Muer Restaurant, for Special Use Approval to install an outdoor dining area for 32 seats at the restaurant at 911 Wilshire Drive, is hereby **APPROVED** for a period not to exceed 2 years, in accordance with Section 25.30.03 of the Zoning Ordinance, Chapter 39 of the Code of the City of Troy; and

BE IT FURTHER RESOLVED, That Kruse and Muer Restaurant **MAY APPLY** for a 2-year continuance prior to the expiration of this approval.

Yes: All-6
No: None
Absent: Howrylak

POSTPONED ITEMS:

D-1 No Postponed Items

CONSENT AGENDA:

E-1a Approval of “E” Items NOT Removed for Discussion

Resolution #2005-12-546
Moved by Stine
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

Yes: All-6
No: None
Absent: Howrylak

E-1b Address of “E” Items Removed for Discussion by City Council and/or the Public

E-2 Approval of City Council Minutes

Resolution #2005-12-546-E-2

RESOLVED, That the Minutes of the Regular City Council Meeting of December 5, 2005 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations: None Submitted

E-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Members’ Travel Expenses – National League of Cities (NLC) 2006 Annual Congressional City Conference**

Resolution #2005-12-546-E-4a

RESOLVED, That those Council Members interested are **AUTHORIZED** to attend the NLC 2006 Annual Congressional City Conference in Washington, DC on March 11-15, 2006 in accordance with accounting procedures of the City of Troy.

b) **Standard Purchasing Resolution 4: Macomb County Cooperative Purchasing Agreement – Fleet Vehicles**

Resolution #2005-12-546-E-4b

RESOLVED, That a contract to purchase (1) fleet vehicle from Signature Ford, L-M, Jeep is hereby **APPROVED** through a Macomb County Cooperative Purchasing Agreement at an estimated total cost of \$23,731.00.

c) **Standard Purchasing Resolution 4: Oakland County Cooperative Purchasing Agreement – Fleet Vehicles**

Resolution #2005-12-546-E-4c

RESOLVED, That a contract to purchase fleet vehicles from Buff Whelan Chevrolet is hereby **APPROVED** through Oakland County Cooperative Purchasing Agreements at an estimated total cost of \$235,475.00.

d) **Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Membership Renewals Over \$10,000.00: Southeast Michigan Council of Governments (SEMCOG) 2005 Membership Dues**

Resolution #2005-12-546-E-4d

RESOLVED, That approval is **GRANTED** to pay the 2005 Southeast Michigan Council of Governments (SEMCOG) membership dues from July 15, 2005 to July 15, 2006 in the amount of \$11,220.00.

e) **Standard Purchasing Resolution 3: Exercise Renewal Option – Standard and Compound Water Meters**

Resolution #2005-12-546-E-4e

WHEREAS, On April 12, 2004, a two-year contract with an option to renew for two additional years to provide Standard and Compound Water Meters was awarded to low bidder, S.L.C. Meter Service, Inc., (Resolution #2004-04-190-E10);

WHEREAS, S.L.C. Meter Service, Inc. has agreed to exercise the two-year option to renew the contract under the same prices, terms and conditions as the original contract;

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with S.L.C. Meter Service, Inc., to provide Standard and Compound Water Meters

under the same contract prices, terms, and conditions for two years expiring December 31, 2007.

f) **Standard Purchasing Resolution 6: Grant Approval and Authorization to Expend City Funds – Buffer Zone Protection Grant**

Resolution #2005-12-546-E-4f

RESOLVED, That the Troy City Council does hereby **AUTHORIZE** the Troy Police Department to receive a United States Department of Homeland Security Buffer Zone Protection Grant and **EXPEND** funds for the purchase of equipment in accordance with the attached Appendix – Detailed Costs for Authorized Equipment, not to exceed \$51,000.00; and

BE IT FURTHER RESOLVED, That the Police Department budget is hereby **AMENDED** to receive the grant funding of \$50,000.00.

E-5 Recognition as a Nonprofit Organization Status from the Angel Society, Inc. for the Purpose of Hosting Fundraising Events

Resolution #2005-12-546-E-5

RESOLVED, That the request from The Angel Society, Inc., Troy, Michigan - County of Oakland, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license be **APPROVED** as recommended by City Management.

E-6 Community Development Block Grant (CDBG) Program Year 2006 Application Amendment

Resolution #2005-12-546-E-6

WHEREAS, On November 14th, 2005 a Public Hearing was held before the City Council of the City of Troy, at which Public Hearing, persons were given an opportunity to provide written and oral views to the Troy City Council, the authority responsible for enacting the budget, and to ask questions about the entire budget and the relationship of the Home Chore Program; Administration; and Water Sewer Improvements for Charnwood Subdivision Area, Phase #1, Section 6;

WHEREAS, The City Council of the City of Troy, after conclusion of the Public Hearing on that date did determine that funding should be provided through the 2006 Community Development Block Grant (CDBG) Program for the Home Chore Program; Administration; and Water Sewer Improvements for Charnwood Subdivision Area, Phase #1, Section 6.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy **AUTHORIZES** the Community Development Block Grant Program Year 2006 application be **AMENDED** to read the Home Chore Program; Administration; and Special Assessment Water Sewer (Sanitary Sewer benefit use fee) for Charnwood Subdivision Area, Phase #1, Section 6.

E-7 Approval of Quit Claim Deed for Part of Vacated Bronx Avenue and Part of Lot 35 of Lasier Gardens Subdivision from City of Troy to Troy Sports Center Properties, L.L.C. and Authorization for Signatures – Sidwell #88-20-23-476-011

Resolution #2005-12-546-E-7

RESOLVED, That the Quit Claim Deed from the City of Troy to Troy Sports Center Properties, L.L.C., for part of vacated Bronx Avenue and part of Lot 35 in Lasier Gardens Subdivision having Sidwell #88-20-13-100-051, is hereby **APPROVED**, subject to the retention of an easement for public access over the vacated street adjacent to the north 162 feet of Lot 35, as well as an easement for public utilities, storm sewer/drainage and sidewalk over the south 10 feet of the west 25 feet of the vacated street, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

E-8 Approval of Brownfield Redevelopment Authority and Sanctuary Lake Golf Course Deficit Elimination Plans

Resolution #2005-12-546-E-8

RESOLVED, That the Deficit Elimination Plan for the Brownfield Redevelopment Authority is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That the Deficit Elimination Plan for Sanctuary Lake Golf Course is hereby **APPROVED**.

There was a general consensus of City Council to suspend Rules of Procedure for the City Council, Rule #6 Order of Business, Article 10 – Public Comment: Limited to Items not on the Agenda and move forward Regular Business items before Public Comment.

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No appointments and b) City Council Appointments: Personnel Board

(b) City Council Appointments

Resolution #2005-12-547

Moved by Broomfield

Seconded by Fleming

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

Personnel Board

Appointed by Council (5) – 3 years

Jayshree Shah (Gita)

Unexpired Term Expires 04/30/06

Yes: All-6
No: None
Absent: Howrylak

F-2 Appointment of Master of Ceremonies and Official Host – Annual Banquets

Resolution #2005-12-548
Moved by Lambert
Seconded by Broomfield

RESOLVED, That Council Member Broomfield **WILL ACT** as Master of Ceremonies and Official Host that evening and work with the Community Affairs Department for the Annual 2006 Boards & Committees Appreciation Banquet (February 11, 2006); and

BE IT FURTHER RESOLVED, That Council Member Howrylak **WILL ACT** as Master of Ceremonies and Official Host that evening and work with the Community Affairs Department for the Annual 2006 Fire Fighters Appreciation Banquet (May 20, 2006).

Yes: All-6
No: None
Absent: Howrylak

F-3 Approval of Designated Medical Service Facilities

Resolution #2005-12-549
Moved by Beltramini
Seconded by Stine

BE IT RESOLVED, That the following medical facilities are **DESIGNATED** to provide professional services to City of Troy personnel:

Concentra Medical Center	Pre-employment physicals (excluding Police Officer), work related injuries, back-up testing, workers' compensation cases, new firefighter's physicals, return to work physicals, drug and alcohol testing and other work related medical services
Crittenton Hospital	Police Officer Pre-employment Physicals, and TPOA Bi-annual Fitness Testing
Bio-Care	Haz-Mat Physicals, Medical Evaluations Fire Physicals, and Biological Monitoring Screening

Staff will review pricing annually and adjustments may be allowed not-to-exceed the Consumer Price Index (CPI) for the Detroit-Ann Arbor area.

Yes: All-6
No: None
Absent: Howrylak

The meeting **RECESSED** at 9:22 PM.

The meeting **RECONVENED** at 9:30 PM.

F-4 Final Planned Unit Development Approval – PUD-004 (The Monarch Private Residences) – North Side of Big Beaver Road, East of Alpine and West of McClure, Section 20

Resolution #2005-12-550

Moved by Beltrami

Seconded by Fleming

RESOLVED, That the Final Plan and Development Agreement for a Planned Unit Development, pursuant to Section 35.60.01 and 35.80.00, as requested by Big Beaver Office LLC, for The Monarch Private Residences Planned Unit Development, located on the north side of Big Beaver, east of Alpine and west of McClure, located in Section 20, within the O-1, P-1 and R-1B zoning districts, being 5.85 acres in size, is hereby **APPROVED** and shall be known as PUD-004; and

BE IT FURTHER RESOLVED, That the Final Plan **IS DESCRIBED** in The Monarch Private Residences Final Planned Unit Development Application, dated September 16, 2005, including revised information provided by the applicant following September 16, 2005; and

BE IT FURTHER RESOLVED, That the subject property **IS DESCRIBED** in the attached Legal Description and illustrated on the attached Boundary Survey drawing; and

BE IT FURTHER RESOLVED, That the Zoning District Map of the City of Troy Zoning Ordinance be **AMENDED** to delineate the subject parcel as PUD-004; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the Development Agreement for The Monarch Private Residences Planned Unit Development; a copy shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That The Monarch Private Residences Planned Unit Development Agreement be **RECORDED** with the Oakland County Register of Deeds; and

BE IT FURTHER RESOLVED, That signage **BE ERECTED** prohibiting northerly turns from all egresses from the project onto Alpine and McClure; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the modification of the height of the easterly tower from up to three stories and a corresponding increase in height with the height of the westerly tower if required by the FAA; and

BE IT FINALLY RESOLVED, That the applicant shall **SEEK** and **RECEIVE** all required permits, licenses or approvals, including but not limited to, Federal, State of Michigan, Oakland County and City of Troy agencies or departments, in accordance with all applicable laws.

Yes: All-6
No: None
Absent: Howrylak

Vote on Resolution Regarding Procedure to Designate PUD Land Deeded to the City as Open Space

Resolution #2005-12-551
Moved by Schilling
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **DIRECTS** City Staff to follow the proper procedure necessary to designate the two lots located north of the PUD-004 that were purchased by the developer and deeded to the City of Troy as open space, and that it be brought back before City Council once the process is complete.

Yes: All-6
No: None
Absent: Howrylak

Council Member Broomfield departed at 9:59 PM due to illness.

F-5 Consent Judgment – Troy v. Saoud and Nidhal Jamo, Ameriquest Mortgage Company and David Ayoub, L.L.C., d/b/a Michigan Community Financial Services

Resolution #2005-12-552
Moved by Lambert
Seconded by Stine

RESOLVED, That the Consent Judgment in the matter of City of Troy, a Municipal Corporation v. Saoud Jamo and Nidhal Jamo, et. al., (Oakland County Circuit Court Case No. 04-062810-CC) is hereby **APPROVED** and a copy of the Consent Judgment shall be **ATTACHED** to the original Minutes of this meeting.

IT IS FURTHER RESOLVED, That the Assistant City Attorney is **AUTHORIZED** to sign the Consent Judgment and enter it with the court.

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

F-6 Scheduling of Special Meeting: Chapter 13 Ordinance Amendment to Revise Historical District – 3864 Livernois

Resolution #2005-12-553
Moved by Stine
Seconded by Fleming

RESOLVED, That a Special Meeting is hereby **SCHEDULED** for the purpose of amending Chapter 13, Sections 2, 3 4 and 7, of the City Code of Ordinances, to modify the Historic District-3864 Livernois on Thursday, December 22, 2005 at 7:30 PM in the Council Board Room.

Yes: All-5

No: None

Absent: Broomfield, Howrylak

F-7 Library Café Contract

a. Vote on Resolution for Approval of Library Café Contract

Resolution #2005-12-554a

Moved by Beltramini

Seconded by Lambert

RESOLVED, That a two-year contract for the operation of the Library café by Zeyn Francis of Troy, Michigan is hereby **AWARDED** at a first year monthly rent of \$500.00 and a second year monthly rent of \$750.00 expiring December 31, 2007; the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the contract **MAY BE EXTENDED** for any number of two-year periods under the same terms and conditions, if approved by City Council and agreed to by the Café operators; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the café operator submission of proper contract documents, including the letter of irrevocable credit in favor of the City of Troy, and insurance certificates and all other specified requirements; and

Yes: All-5

No: None

Absent: Broomfield, Howrylak

b. Vote on Resolution for Termination of Library Café Contract

Resolution #2005-12-554b

Moved by Beltramini

Seconded by Lambert

RESOLVED, That the Agreement for Termination of Agreement for the Library Café, by and between Sandi Melki and Scott Jackson and the City of Troy is hereby **APPROVED**; the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

F-8 Petition to Create the Gibson Intercounty Drain

Resolution #2005-12-555
Moved by Stine
Seconded by Beltramini

WHEREAS, There is an established County Drain within the City of Sterling Heights, County of Macomb, known as the Gibson Drain, which is under the jurisdiction of the Macomb County Public Works Commissioners;

WHEREAS, Previously, a portion of the Gibson Drain was re-established as a public drain, and was widened, deepened and relocated, along with two lakes being created, pursuant to the provisions of Chapter 20 of the Michigan Drain Code of 1956, as amended (MCL 280.461-499;

WHEREAS, The City of Sterling Heights in Macomb County and the City of Troy in Oakland County have caused a new drainage system to be constructed to serve a contiguous drainage area within their respective communities, such system generally consisting of drain tiles installed along the 18 Mile Road/Long Lake Road and Dequindre Road Rights-of-Way, with such tiles diverting stormwater runoff into the Gibson Drain;

WHEREAS, Conditions with these public and private drains in and through the Cities of Sterling Heights and Troy have created the need for long-term, comprehensive system for maintenance of all of the above-mentioned drains and drainage facilities;

WHEREAS, Chapter 21 of the Michigan Drain Code of 1956 authorizes two or more public corporations to petition the Michigan Department of Agriculture to locate, establish and construct an inter-county drain necessary for the public health of the public corporations where the cost thereof is to be assessed wholly against the public corporations;

WHEREAS, The public corporations that may be subject to assessments for future costs for this inter-county drain are as follows: the City of Sterling Heights, the City of Troy, the City of Rochester Hills, Macomb County, Oakland County and the Michigan Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy **FINDS** that the location, establishment and maintenance of an inter-county drain pursuant to Chapter 21 of the Michigan Drain Code is necessary for the public health and further that such drain is necessary for the management of storm water in the City; and

BE IT FURTHER RESOLVED, That the City shall **FILE** with the Michigan Department of Agriculture its Petition for a drain to be located in and through the City of Sterling Heights and the City of Troy, which route is described in the attachment to this Resolution; and

BE IT FURTHER RESOLVED, That the City shall request the new drain be **NAMED** the Gibson Inter-county Drain; and

BE IT FURTHER RESOLVED, That following the proceedings authorized by Chapter 21 of the Michigan Drain Code, the City will petition to **LOCATE, ESTABLISH** and **CONSTRUCT** the drain in conjunction with the other public corporation(s) authorized by law to so petition; and

BE IT FURTHER RESOLVED, That the Mayor and the City Clerk are **AUTHORIZED** and **DIRECTED TO EXECUTE** all documents and petitions necessary to carry out the intent of this Resolution.

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

F-9 Wireless Oakland – Inter-local Agreement and License Agreement

Vote on Resolution to Execute Inter-local and License Agreement

Resolution #2005-12-556a
Moved by Schilling
Seconded by Lambert

RESOLVED, That the Wireless Oakland Agreement Between Oakland County and City of Troy is hereby **APPROVED**, the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document with the caveat that Exhibit 4 will be modified by the City Attorney and brought forward at the next Regular City Council Meeting scheduled for Monday, January 9, 2006, and a copy is to be **ATTACHED** to the original Minutes of this meeting.

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

Vote on Resolution to Appoint City of Troy Representative and Alternate to the Wireless Oakland Advisory Board

Resolution #2005-12-556b
Moved by Schilling
Seconded by Lambert

RESOLVED, That Gert Paraskevin, Information Technology Director, be **APPOINTED** as the City of Troy's representative to the Wireless Oakland Advisory Board; and Doug Smith, Real Estate and Development Director, be **APPOINTED** as alternate.

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

Vote on Resolution to Waive Any Permit, Construction or Inspection Fees

Resolution #2005-12-557c
Moved by Schilling
Seconded by Lambert

RESOLVED, That the City of Troy will **WAIVE** any permit, construction, or inspection fees that are associated with the implementation of Wireless Oakland in the City of Troy.

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

F-10 Bid Waiver – Integrated Security Management System Material and Labor Maintenance Proposal

Resolution #2005-12-557
Moved by Beltramini
Seconded by Stine

WHEREAS, SimplexGrinnel is an authorized, licensed installer in Michigan of the Andover Controls security system;

WHEREAS, It is necessary to perform periodic maintenance and installation of new or replacement equipment and avoid corruption of the system's programming.

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and the City of Troy is **AUTHORIZED** to enter into contract with SimplexGrinnel of Farmington Hills, MI, for labor and materials to maintain the Integrated Security Management System from 11/1/05 through 10/30/06, subject to annual price increases thereafter, not to exceed 3% as determined by the CPI for the Detroit Ann Arbor area, in accordance with their proposal, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business, Article 10-Public Comment Limited to Items Not on the Agenda

Resolution #2005-12-558
Moved by Beltramini
Seconded by Stine

RESOLVED, That Troy City Council hereby **SUSPENDS** its Rules of Procedure for the City Council, Rule #6 Order of Business, Article 10 – Public Comment: Limited to Items not on the Agenda and permit discussion on Public Comment.

Yes: All-5
No: None

Absent: Broomfield, Howrylak

PUBLIC COMMENT: Limited to Items Not on the Agenda

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Commercial Vehicle Appeal – 5028 Abington – January 9, 2006
 - b) Rezoning Application – Northwest Corner of Maple Road and Crooks Road, Section 29 – H-S and O-1 to B-3 (Z 711) – January 9, 2006
 - c) Rezoning Application – Northeast Corner of Rochester Road and Charrington Road, Section 23 – B-1 to H-S (Z 479-C) – January 9, 2006
Noted and Filed
-

G-2 Green Memorandums:

- a) Request to Amend Chapter 42, Flood Plain Management
Noted and Filed

COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

H-1 Proposed Resolution to Include 527 Reports on the City of Troy Web Page

Resolution
Moved by Schilling
Seconded by Stine

WHEREAS, The Troy City Council has recently discussed the need for more ethical behavior from members of the City Council;

WHEREAS, The State of Michigan currently posts on their web site the Candidate Committee Campaign Finance Reports for all candidates that run for State office;

WHEREAS, The Election Campaign Finance Act requires campaign statements to be available for viewing by the public at the Oakland County Clerk's Office;

WHEREAS, 527 Reports are available on the Internal Revenue Service (IRS) web page; and

WHEREAS, This Council wishes to maintain an open and honest relationship with all residents and businesses in Troy.

THEREFORE, BE IT RESOLVED, That Candidates, candidate committees, independent committees and Political Action Committees are requested to disclose to the City Clerk the existence of a 527 or similar entity which expends or raises money for the purpose of a local City of Troy City Council or Mayor candidate or City of Troy local ballot issue.

BE IT FURTHER RESOLVED, That the City Clerk **SHALL** obtain copies of Campaign Finance Reports for all candidate disclosed committees, independent committees, and Political Action Committees required to file Campaign Finance statements with the Oakland County Clerk's office and disclosed organizations required to file 527 forms with the IRS that are trying to influence the outcome of a Troy City Election and that the City Clerk **POST** the Campaign Finance reports and 527 forms on the City's web site;~~;~~ ~~and~~

BE IT FURTHER RESOLVED, That the City of Troy **WILL POST** on its web site, the Campaign Finance Reports and IRS 527 forms from ALL committees; candidate committees, independent committees, and Political Action Committees (PACs) who have spent money fostering a candidacy for local office and/or ballot question on the City of Troy ballot for a time no less than 6 (six) years;~~;~~ ~~and~~

BE IT FURTHER RESOLVED, That ~~pre- and post-election statements~~ all campaign finance reports and IRS 527 forms be **UPDATED** seven (7) days after the initial filing or disclosure and all statements, until links can be made by the City Clerk on the last business day of the month as necessary;~~;~~ ~~and~~

BE IT FINALLY RESOLVED, That when the County of Oakland electronically posts candidate campaign committee finance forms on its web site, that the City of Troy **PROVIDE** a link to the Oakland County Clerk's Campaign Finance Reporting section of the Oakland County Web Page and a link to the IRS 527 Report section on the on the IRS Web Page ~~to that location~~ from its web site and **PROVIDE** for a link to the Secretary of State's Campaign Report section on the State's web site.

Vote on Amendment

Resolution #2005-12-559

Moved by Lambert

Seconded by Fleming

RESOLVED, That the Resolution to *Include 527 Reports on the City of Troy Web Page* be **AMENDED** by **INSERTING**, "BE IT FURTHER RESOLVED, That this Resolution **WILL NOT BECOME EFFECTIVE** until Troy City Council **ADOPTS** an ethics policy for elected city officials" **BEFORE** "BE IT FINALLY RESOLVED."

Yes: Stine, Beltramini, Fleming, Lambert

No: Schilling

Absent: Broomfield, Howrylak

MOTION CARRIED

Vote on Resolution as Amended

Resolution #2005-12-560
Moved by Schilling
Seconded by Stine

WHEREAS, The Troy City Council has recently discussed the need for more ethical behavior from members of the City Council;

WHEREAS, The State of Michigan currently posts on their web site the Candidate Committee Campaign Finance Reports for all candidates that run for State office;

WHEREAS, The Election Campaign Finance Act requires campaign statements to be available for viewing by the public at the Oakland County Clerk's Office;

WHEREAS, 527 Reports are available on the Internal Revenue Service (IRS) web page; and

WHEREAS, This Council wishes to maintain an open and honest relationship with all residents and businesses in Troy.

THEREFORE, BE IT RESOLVED, That Candidates, candidate committees, independent committees and Political Action Committees are requested to disclose to the City Clerk the existence of a 527 or similar entity which expends or raises money for the purpose of a local City of Troy City Council or Mayor candidate or City of Troy local ballot issue;

BE IT FURTHER RESOLVED, That the City Clerk **SHALL** obtain copies of Campaign Finance Reports for all candidate disclosed committees, independent committees, and Political Action Committees required to file Campaign Finance statements with the Oakland County Clerk's office and disclosed organizations required to file 527 forms with the IRS that are trying to influence the outcome of a Troy City Election and that the City Clerk **POST** the Campaign Finance reports and 527 forms on the City's web site;

BE IT FURTHER RESOLVED, That the City of Troy **WILL POST** on its web site, the Campaign Finance Reports and IRS 527 forms from ALL committees; candidate committees, independent committees, and Political Action Committees (PACs) who have spent money fostering a candidacy for local office and/or ballot question on the City of Troy ballot for a time no less than 6 (six) years;

BE IT FURTHER RESOLVED, That this Resolution **WILL NOT BECOME EFFECTIVE** until Troy City Council **ADOPTS** an ethics policy for elected city officials;

BE IT FURTHER RESOLVED, That all campaign finance reports and IRS 527 forms be **UPDATED** seven (7) days after the initial filing or disclosure and all statements, until links can be made by the City Clerk on the last business day of the month as necessary;

BE IT FINALLY RESOLVED, That when the County of Oakland electronically posts candidate campaign committee finance forms on its web site, that the City of Troy **PROVIDE** a link to the Oakland County Clerk's Campaign Finance Reporting section of the Oakland County Web Page and a link to the IRS 527 Report section on the on the IRS Web Page from its web site

and **PROVIDE** for a link to the Secretary of State's Campaign Report section on the State's web site.

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

COUNCIL COMMENTS:

I-1 No Council Comments

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Library Advisory Board/Final – October 13, 2005
- b) Planning Commission Special/Final – October 25, 2005
- c) Planning Commission Special/Study/Final – October 25, 2005
- d) Planning Commission Special/Study/Final – November 1, 2005
- e) Advisory Committee for Persons with Disabilities/Draft – November 2, 2005
- f) Advisory Committee for Persons with Disabilities/Final – November 2, 2005
- g) Building Code Board of Appeals/Final – November 2, 2005
- h) Advisory Committee for Senior Citizens/Final – November 3, 2005
- i) Troy Daze Advisory-Festival Committee/Draft – November 22, 2005
- j) Troy Youth Council/Draft – November 30, 2005
- k) Advisory Committee for Senior Citizens/Draft – December 1, 2005
- l) Building Code Board of Appeals/Draft – December 7, 2005

Noted and Filed

J-2 Department Reports:

- a) Letter to Oakland County Drain Commissioner John McCulloch from City Manager John Szerlag, Regarding Fetterly Drain
- b) Building Department – Permits Issued During the Month of November 2005
- c) City of Troy Monthly Financial Report – November 30, 2005
- d) City Manager – Results of Individual Council Interviews Having Budgetary Implications
- e) City Attorney – Macomb County Ethics Committee Policy

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Appreciation to City Manager John Szerlag from Susan Werpetinski Regarding the City Clerk's Office During the Election

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted

J-5 Calendar

Noted and Filed

J-6 Letter from MML Workers' Compensation Fund Congratulating Troy on Receiving Loss Control Achievement Award

Noted and Filed

STUDY ITEMS:

K-1 Time Permitting, the City Manager Would Like to Continue the Goals and Objectives Presentation – Removed at the Request of City Management

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 Closed Session: No Closed Session Requested

The meeting **ADJOURNED** at 11:05 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk