

A Regular Meeting of the Troy City Council was held Monday, November 21, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM

Pastor Jack Mannschreck of Big Beaver United Methodist Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

**ROLL CALL:**

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

---

**Vote on Resolution to Excuse Council Members Beltramini and Howrylak**

Resolution #2005-11-517  
Moved by Stine  
Seconded by Broomfield

RESOLVED, That Council Members Beltramini and Howrylak’s absence at the Regular City Council meeting of Monday, November 21, 2005 is **EXCUSED** due to being out of the county.

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

**CERTIFICATES OF RECOGNITION:**

- 
- A-1 Presentations:**  
a) **National Red Ribbon Campaign – Troy Families for Safe Homes** – Students from Martell, Smith & Larson schools presented petitions to members of City Council pledging to lead a healthy lifestyle.

**CARRYOVER ITEMS:**

---

**B-1 No Carryover Items**

**PUBLIC HEARINGS:**

---

**C-1 Commercial Vehicle Appeal – 34551 Dequindre**

Resolution #2005-11-518  
Moved by Broomfield  
Seconded by Lambert

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 found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:

- 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).

NOW, THEREFORE, BE IT RESOLVED, That the request from Kurt Head, 34551 Dequindre, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford dump truck in a residential district is hereby **APPROVED** for six (6) months.

Yes: Broomfield, Fleming, Lambert  
No: Stine, Schilling  
Absent: Beltramini, Howrylak

## **MOTION FAILED**

---

### **C-2 Parking Variance – 1414 Combermere**

Resolution #2005-11-519  
Moved by Stine  
Seconded by Broomfield

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.
2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.
3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that the practical difficulties justifying the variances are:

- A. That absent a variance, no reasonable use can be made of the property; or
- B. That absent a variance, a significant natural feature would be negatively affected or destroyed; or
- C. That absent a variance, public health, safety and welfare would be negatively affected; or
- D. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare; and

WHEREAS, The City Council finds the above-stated general conditions to be present and finds the practical difficulty stated above to be operative in the appeal.

NOW, THEREFORE, BE IT RESOLVED, That the request from Scott Machinski, representing Ovonic Battery, for waiver of 3 additional parking spaces at the development at 1414 Combermere be **APPROVED**.

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

---

**C-3 Rezoning Application – Northeast Corner of Rochester Road and Wattles Road, Section 14 – B-1 to B-2 (Z 710)**

Resolution #2005-11-520  
Moved by Stine  
Seconded by Fleming

RESOLVED, That the B-1 to B-2 rezoning request, located on the northeast corner of Rochester and Wattles, Section 14, part of parcel 88-20-14-351-056, being 2.7 acres feet in size, is described in the following legal description and illustrated on the attached drawing:

T2N, R11E, SW ¼ of Section 14

Lots 9, 10, and 11, except the west 42 ft. of each lot taken for road, also except the south 27 ft. of Lot 11 taken for road, and also the west ½ of Lot 12, except the south 27 ft. taken for road of Supervisor's Plat No. 22 (Liber 13, page 45 of Oakland County Records). Containing 1.65 ac. of land, more or less, and subject to restrictions and easements of record.

BE IT FINALLY RESOLVED, That the proposed rezoning is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

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

---

**C-4 Zoning Ordinance Text Amendment (ZOTA 214-B) – Article IV and X, Approval of Group Child Care Homes on a Temporary Basis in the R-1A through R-1E Districts**

Resolution #2005-11-521  
Moved by Broomfield  
Seconded by Fleming

RESOLVED, That Article IV (DEFINITIONS) and Article X (ONE FAMILY RESIDENTIAL DISTRICTS) of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 214-B: Temporary Approval of Group Child Care Homes), as recommended by the Planning Commission and City Management.

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

**POSTPONED ITEMS: No Postponed Items**

The meeting **RECESSED** at 8:40 PM.

The meeting **RECONVENED** at 8:48 PM.

**CONSENT AGENDA:**

---

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

Resolution #2005-11-522  
Moved by Lambert  
Seconded by Broomfield

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

Yes: All-5  
No: None  
Absent: Beltramini, 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 #2005-11-522-E-2

RESOLVED, That the Minutes of the 7:10 PM Special City Council Meeting and the 7:30 PM Regular City Council Meeting of November 14, 2005 be **APPROVED** as submitted.

---

**E-3 Proposed City of Troy Proclamations: No Proclamations Proposed**

---

**E-4 Standard Purchasing Resolutions****a) Standard Purchasing Resolution 1: Award to Low Bidder – Installation of Street Trees**

Resolution #2005-11-522-E-4a

RESOLVED, That a contract to furnish and install 2500 street trees for planting in residential right-of-way areas is hereby **AWARDED** to the low bidder, Steele's Landscape Services of Rochester, MI, for an estimated cost of \$312,500.00, at unit prices contained in the attached bid tabulation opened October 25, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed contract documents, including bonds, insurance certificates, and all other specified requirements.

---

**E-5 City of Troy Investment Policy and Establishment of Investment Accounts**

---

Resolution #2005-11-522-E-5

RESOLVED, That the Investment Policy and Establishment of Investment Accounts outlined in the memorandum from Assistant City Manager-Finance and Administration John M. Lamerato dated November 2, 2005 with annual review and approval is hereby **APPROVED**, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-6 Acceptance of Four Utility Easements from Gary F. and Brenda Abitheira – Sidwell #88-20-22-381-002 and -013**

---

Resolution #2005-11-522-E-6

RESOLVED, That the Permanent Easements for storm sewer and sanitary sewer and two Permanent Easements for sidewalk received from Gary F. and Brenda Abitheira, owners of properties having Sidwell #88-20-22-381-002 and 013 are hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds Office, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-7 Request for Acceptance of Warranty Deed from Deagle Development, Inc. – Sidwell #88-20-27-327-005, -006, and -007**

Resolution #2005-11-522-E-7

RESOLVED, That the Warranty Deed for right-of-way from Deagle Development, Inc., owner of property having Sidwell #88-20-27-327-005, 006, & 007 is hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said document with the Oakland County Register of Deeds Office, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-8 Acceptance of Permanent Easement for Watermain, Project No. 05.902.3, from Southeastern Michigan Chapter, NECA, Inc. – Sidwell #88-20-26-200-087**

Resolution #2005-11-522-E-8

RESOLVED, That the Permanent Easement for watermain from Southeastern Michigan Chapter, NECA, Inc., owner of property in the northeast ¼ of Section 26, having Sidwell #88-20-26-200-087 is hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said document with the Oakland County Register of Deeds Office, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-9 Private Agreement for HCR Manor Care – Project No. 02.935.3**

Resolution #2005-11-522-E-9

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Health Care & Retirement Corp. of America is hereby **APPROVED** for the installation of water main, sanitary sewer, storm sewer, paving, sidewalks, detention and soil erosion on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-10 Acceptance of Two Permanent Easements for Sidewalk from Helpis M. Youssef – Sidwell #88-20-15-252-043 and Alexander Mansour – Sidwell #88-20-15-252-045**

Resolution #2005-11-522-E-10

RESOLVED, That the two Permanent Easements for sidewalk from the property owner Helpis M. Youssef, having Sidwell #88-20-15-252-043, and Alexander Mansour, owner of property having Sidwell #88-20-15-252-045, are hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds Office, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**PUBLIC COMMENT: Limited to Items Not on the Agenda**

**REGULAR BUSINESS:**

---

**F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No appointments made b) City Council Appointments: Board of Canvassers**

**(a) Mayoral Appointments – No appointments made**

**(b) City Council Appointments**

Resolution #2005-11-523  
Moved by Broomfield  
Seconded by Lambert

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

**Board of Canvassers**

Appointed by Council (4) – 4 years

Leah Beth Inabnitt Term Expires 12/31/09

Mary Shiner Term Expires 12/31/09

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

---

**F-2 2005-2006 Budget Amendment No. 1**

Resolution #2005-11-524  
Moved by Stine  
Seconded by Broomfield

RESOLVED, That 2005-06 Budget Amendment No. 1 be **APPROVED** as submitted, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-5

No: None  
Absent: Beltramini, Howrylak

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

---

**G-1 Announcement of Public Hearings: No Announcements Submitted**

---

**G-2 Green Memorandums: No Memorandums Submitted**

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

---

**H-1 No Council Referrals Advanced**

**COUNCIL COMMENTS:**

---

**I-1 No Council Comments Advanced**

**REPORTS:**

---

**J-1 Minutes – Boards and Committees:**

- a) Troy Historic District Commission/Draft – June 15, 2005
  - b) Troy Historic District Commission/Final – September 20, 2005
  - c) Employees’ Retirement System Board of Trustees/Final – October 12, 2005
  - d) Parks and Recreation Advisory Board/Final – October 13, 2005
  - e) Planning Commission Special/Draft – October 25, 2005
  - f) Planning Commission Special/Study/Draft – October 25, 2005
  - g) Planning Commission Special/Study/Draft – November 1, 2005
- Noted and Filed

---

**J-2 Department Reports:**

- a) Finance Department – City Council Expense Report for September, 2005
  - b) City of Troy Monthly Financial Report – October, 2005
- Noted and Filed

---

**J-3 Letters of Appreciation:**

- a) Letter of Appreciation to Chief Craft from Paula Komar Regarding the Efforts of Officer Lenczewski
  - b) Letter of Thanks to Tonni Bartholomew and Barbara Holmes from Mary Beth Halushka Regarding the November Election
  - c) Letter of Appreciation to Chief Craft from Bettie Goss, Assistant Principal at Athens High School, Commending Officer Pokley for His Outstanding Efforts
  - d) Letter of Thanks to Tonni Bartholomew from Marilyn Henry, In Appreciation of Election Day Visit
  - e) Letter of Thanks to Detective Steve Brandimore from the Clackamas County Sheriff’s Office Domestic Violence Enhanced Response Team
  - f) Letter of Thanks to Kathleen Bobick from Fanica Bleanda, In Appreciation of Her Assistance with a District Court Matter
- Noted and Filed

---

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

---

**J-5 Calendar**

Noted and Filed

---

**J-6 Southeastern Oakland County Resource Recovery Authority (SOCRRA) –  
Quarterly Report for October, 2005**

Noted and Filed

**STUDY ITEMS:**

---

**K-1 No Study Items Submitted**

**PUBLIC COMMENT:** Address of “K” Items

**CLOSED SESSION:**

---

**L-1 Closed Session – No Closed Session Requested**

The meeting **ADJOURNED** at 9:07 PM.

---

Louise E. Schilling, Mayor

---

Tonni L. Bartholomew, City Clerk