

A Regular Meeting of the Troy City Council was held Monday, December 18, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 P.M.

Reverend Richard Peacock – First United Methodist Church 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

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**Vote on Resolution to Excuse Council Member Howrylak**

Resolution #2006-12-371  
Moved by Broomfield  
Seconded by Fleming

RESOLVED, That Council Member Howrylak’s absence at the Regular City Council meeting of December 18, 2006 is **EXCUSED** due to his absence from the county.

Yes: All-6  
No: None  
Absent: Howrylak

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**CERTIFICATES OF RECOGNITION:**

**A-1 Presentations: No Presentations**

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**CARRYOVER ITEMS:**

**B-1 No Carryover Items**

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**PUBLIC HEARINGS:**

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**C-1 Rezoning (File Number: Z 723) – Proposed Taco Bell Restaurant, West Side of Dequindre, North of Long Lake, Section 12 – O-1 to B-2**

The Mayor opened the Public Hearing for public comment.  
The Mayor closed the Public Hearing after receiving comment from the petitioner and the public.

Resolution #2006-12-372  
Moved by Stine  
Seconded by Fleming

RESOLVED, That the O-1 to B-2 rezoning request, located on the west side of Dequindre, north of Long Lake, in Section 12, part of parcels 88-20-12-476-050 and 88-20-12-476-011, being 1.06 acres in size, is described in the following legal description and illustrated as Parcel "A" on the **ATTACHED** Certificate of Survey drawing:

T2N, R11E, SE ¼ of Section 12

Part of Lots 10, 11, 12 and the North 20 ft. of the East 200 ft. of Lot 16 of Jennings Subdivision (Liber 59, page 8, of Oakland County Plats) being more particularly described as follows:

Commencing at the Southeast corner of said Section 12; thence N 00°08'52" W, 60.00 ft. along the East line of said Section 12; thence N 89°32'26" W, 60.00 ft. to the Southeast corner of said Lot 16 of Jennings Subdivision; thence N 00°08'52" W (N 00°07' W record), 293.20 ft. along the East line of said Lot 16 and the West Right-of-Way line of Dequindre Rd. (60 ft. wide ½ Right-of-Way) to the Place of Beginning; thence N 88°11'10" W, 200.12 ft.; thence N 00°08'52" W, 20.01 ft.; thence N 88°11'10" W, 37.88 ft. along the South line of said Lot 12; thence N 00°08'52" W, 159.98 ft.; thence N 75°18'21" E, 70.21 ft.; thence S 88°10'33" E, 170.00 ft.; thence S 00°08'52" E (S 00°07' E record), 199.91 ft. along said East line of said Lots 10, 11, 12, and 16 and said West Right-of-Way of Dequindre Rd. (60 ft. wide ½ Right-of-Way) to the Place of Beginning. Containing ±1.06 ac. more or less, and subject to restrictions and easements of record; and

BE IT FURTHER RESOLVED, That the rezoning is recommended by City Management and the Planning Commission; and

BE IT FINALLY RESOLVED, That the City of Troy Zoning District Map is hereby **APPROVED**.

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

## **MOTION CARRIED**

### **Vote on Resolution to Suspend Rules of Procedure of the City Council, Rule #6 – Order of Business, Article 15-1**

Resolution #2006-12-373  
Moved by Stine  
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business, Article 11-F, Regular Business and **AUTHORIZE** City Council to discuss and take action on item *F-6, Future Land Use Plan Amendment – Rochester Road Overlay District – Both Sides of Rochester Road, North of Long Lake and South of South Boulevard, Sections 2, 3, 11 and 12* prior to discussing and taking action on *Item C-2, Rezoning*

*Application (File Number Z 180-B) Proposed Binson's Home Health Care Center, Northwest Corner of Rochester and Marengo, Section 3 – R-1B to O-1 or R-1B to B-1.*

Yes: All-6  
No: None  
Absent: Howrylak

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**F-6 Future Land Use Plan Amendment – Rochester Road Overlay District – Both Sides of Rochester Road North of Long Lake Road and South of South Boulevard, Sections 2, 3, 11 and 12**

Resolution #2006-12-374  
Moved by Stine  
Seconded by Beltramini

WHEREAS, The responsibility of cities and villages to adopt and update a master plan is outlined in the Municipal Planning Act, PA 285 of 1931, as amended;

WHEREAS, The Municipal Planning Act requires that a copy of a plan amendment shall be sent to City Council following approval by the Planning Commission and Planning Commission approval is the final step in the amendment approval process unless City Council by resolution asserts the right to approve or reject the amendment;

WHEREAS, Section 02.10.02 of the City of Troy Zoning Ordinance grants the Planning Commission the authority to adopt amendments to the Future Land Use Plan; and

WHEREAS, On November 14, 2006, the Planning Commission adopted the Rochester Road Overlay District amendment;

THEREFORE, BE IT RESOLVED, City Council **HEREBY RECOGNIZES** that Planning Commission approval is the final step in the plan amendment process.

Yes: All-6  
No: None  
Absent: Howrylak

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**C-2 Rezoning Application (File Number Z 180-B) – Proposed Binson's Home Health Care Center, Northwest Corner of Rochester and Marengo, Section 3 – R-1B to O-1 or R-1B to B-1**

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from the petitioner. There was no public comment.

Resolution #2006-12-375  
Moved by Fleming  
Seconded by Broomfield

RESOLVED, That the R-1B to B-1 rezoning request, located on the northwest corner of Rochester and Marengo, Section 3, being 39,000 square feet in size, is described in the following legal descriptions and illustrated on the **ATTACHED** drawing:

T2N, R11E, NE ¼ of Section 3

Lots 5,6,7,8, and 9 of Troy Little Farms Subdivision (Liber 42, pg. 8 of Oakland County Plats). Containing ±0.895 ac. more or less, and subject to easements of record; and

BE IT FINALLY RESOLVED, The City of Troy Zoning District Map is hereby **AMENDED**.

Yes: Lambert, Stine, Schilling, Broomfield, Fleming

No: Beltramini

Absent: Howrylak

### **MOTION CARRIED**

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#### **C-3 Commercial Vehicle Appeal – 5933 Diamond**

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from the petitioner and the public.

Resolution #2006-12-376

Moved by Stine

Seconded by Beltramini

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 pursuant to Section 44.02.02 of Chapter 39 of the Code of the City of Troy;

THEREFORE, BE IT RESOLVED, That the request from Mr. Karim Abdal, 5933 Diamond, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a 2006 Chevrolet cutaway van and a 2001 Ford cargo van in a residential district is hereby **DENIED**.

Yes: All-6

No: None

Absent: Howrylak

### **MOTION CARRIED**

#### **Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business, Article 11-F.**

Resolution #2006-12-377

Moved by Lambert

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business, Article 11-F, Regular Business, and **AUTHORIZE** City Council to discuss and take action on agenda item, *F-9, Proposed Contract for T-Mobile Cell Tower at Fire Station #6.*

Yes: All-6  
No: None  
Absent: Howrylak

**MOTION CARRIED**

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**F-9 Contract for T-Mobile Cell Tower at Fire Station #6**

Resolution #2006-12-378  
Moved by Broomfield  
Seconded by Stine

RESOLVED, That the Lease Agreement between T-Mobile and the City of Troy is **HEREBY DENIED.**

Yes: All-6  
No: None  
Absent: Howrylak

**MOTION CARRIED**

The meeting **RECESSED** at 9:11 P.M.

The meeting **RECONVENED** at 9:20 P.M.

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

Resolution #2006-12-379  
Moved by Beltramini  
Seconded by Stine

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-5, which **SHALL BE CONSIDERED** after Consent Agenda (E) items, as printed.

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

**MOTION CARRIED**

**E-2 Approval of City Council Minutes**

Resolution #2006-12-379-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of December 4, 2006 be **APPROVED** as submitted.

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**E-3 Proposed City of Troy Proclamation(s): None Submitted**

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**E-4 Standard Purchasing Resolutions****a) Standard Purchasing Resolution 1: Award to Low Bidder – Rough Mow Various Municipal Sites**

Resolution #2006-12-379-E-4a

RESOLVED, That a contract to provide three-year requirements of landscape maintenance services including mowing for municipal grounds and abandon properties with an option to renew for two additional years is hereby **AWARDED** to the low total bidder, Great Lakes Landscaping of Warren, MI, at unit prices as contained in the bid tabulation opened November 21, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

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

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

Resolution #2006-12-380

Moved by Beltramini

Seconded by Stine

RESOLVED, That the Investment Policy and establishment of Investment Accounts outlined in the memorandum from John M. Lamerato, Assistant City Manager/Finance and Administration, dated December 4, 2006 with annual review and approval is hereby **APPROVED**, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Fleming, Stine, Schilling, Beltramini, Broomfield

No: Lambert

Absent: Howrylak

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

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**REGULAR BUSINESS:****F-7 Troy Daze Festival****Vote on Resolution to Postpone**

Resolution #2006-12-381

Moved by Fleming

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **POSTPONES** agenda item, *F-7 Troy Daze Festival*, until the Regular City Council Meeting scheduled for Monday, January 22, 2007 and that City Management provide a detailed audit of the 2006 festival expenses and retain an outside auditor to review the 2006 audit; copies of which shall be distributed to the Troy Community Foundation.

Yes: All-6

No: None

Absent: Howrylak

**MOTION CARRIED****F-1 Appointments to Boards and Committees: City Council Appointments: Board of Review and Election Commission****(b) City Council Appointments**

Resolution #2006-12-382

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 Review**

Appointed by Council (3) – 3 Year Terms

James Hatch

Term Expires 01/31/10

**Election Commission**

Appointed by Council (2-Regular; 1-Charter) – 1 Year Term

David C. Anderson (Republican)

Term Expires 01/31/08

Yes: All-6

No: None

Absent: Howrylak

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**F-1 Proposed Appointment to Boards and Committees: City Council Appointments:  
Board of Zoning Appeals**

Resolution  
Moved by Stine  
Seconded by Beltramini

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

**Board of Zoning Appeals**

Appointed by Council (7) – 3 Year Terms

Tom Krent

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Unexpired Term Expires 04/30/09

**Vote on Resolution to Postpone**

Resolution #2006-12-383  
Moved by Broomfield  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **POSTPONES** the *Proposed Resolution – City Council Appointments to the Board of Zoning Appeals* until the Regular City Council Meeting scheduled for Monday, January 8, 2007.

Yes: All-6  
No: None  
Absent: Howrylak

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**F-2 Potential Acquisition of 4265 Rochester Road**

Resolution #2006-12-384  
Moved by Beltramini  
Seconded by Stine

RESOLVED, That City Council directs staff to **PURSUE** acquisition of 4265 Rochester Road and that funds be used from the Park Development account 440770.7974.130.

Yes: All-6  
No: None  
Absent: Howrylak

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**F-3 Downtown Development Authority and Sanctuary Lake Golf Course Deficit Elimination Plans**

Resolution #2006-12-385  
Moved by Lambert  
Seconded by Stine

RESOLVED, That the Troy City Council hereby **APPROVES** and **ADOPTS** the Downtown Development Authority Deficit Elimination Plan and the Sanctuary Lake Golf Course Deficit Elimination Plan presented to this meeting.

Yes: All-6  
No: None  
Absent: Howrylak

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**F-4 Amendment #2 – Environmental Work Sanctuary Lake Golf Course – NTH Consultants**

Resolution #2006-12-386  
Moved by Beltramini  
Seconded by Lambert

WHEREAS, NTH Consultants, Ltd. has been providing environmental engineering services for the City of Troy (Resolution 2000-377); and

WHEREAS, NTH Consultants, Ltd. Environmental assessment report recommended ongoing ground water sampling and testing, and has provided methane detection monitoring (Resolution 2003-06-316); and

WHEREAS, NTH has provided a proposal to continue this work;

THEREFORE, BE IT RESOLVED, That a contract for methane gas and groundwater monitoring, replacement of damaged detectors, a methane detector maintenance plan and gas monitoring contingency plan be **APPROVED** with NTH Consultants, Ltd for an estimated cost of \$30,000.00, under the terms and conditions outlined in Proposal No. P-20061550-F dated November 9, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6  
No: None  
Absent: Howrylak

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**F-5 Approval of Kitchen Lease – Emerald Food Services, LLC**

Resolution #2006-12-387  
Moved by Stine  
Seconded by Fleming

WHEREAS, Emerald Food Services, LLC is the provider of senior citizen nutritional services in contract with the Area Agency on Aging 1-B; and

WHEREAS, The City of Troy has agreed to allow use of the kitchen at the Community Center for the purpose of preparing these meals;

THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** the kitchen lease and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6  
No: None  
Absent: Howrylak

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**F-8 TCF Bank Reimbursement Agreement – Brownfield Plan #4**

Resolution #2006-12-388

Moved by Lambert

Seconded by Stine

WHEREAS, On December 15, 2005, the Brownfield Redevelopment Authority recommended approval of Brownfield Plan #4 (Brownfield Plan to Conduct Eligible Response Activities, dated December 8, 2006), TCF Bank;

WHEREAS, On February 27, 2006, City Council approved Brownfield Plan #4 (Brownfield Plan to Conduct Eligible Response Activities, dated December 8, 2006), TCF Bank; and

WHEREAS, On December 12, 2006, the Brownfield Redevelopment Authority recommended approval of a Brownfield Tax Increment Financing Reimbursement Agreement, as executed by BRA Chair and TCF Bank;

THEREFORE, BE IT RESOLVED, That the Troy City Council **APPROVES** the Brownfield Tax Increment Financing Reimbursement Agreement for TCF Bank and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6  
No: None  
Absent: Howrylak

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**G-1 Announcement of Public Hearings: None Submitted**

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**G-2 Green Memorandums:**

- a) Zoning Ordinance Text Amendment (File Number: ZOTA 225) – Article 35.00.00  
Planned United Developments (PUD's)

Noted and Filed

**COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda****H-1 Resolution Proclaiming and Celebrating that the Tree Adorning Troy City Hall Lawn be Known as “The Troy Christmas Tree” – Referred by Mayor Pro Tem Cristina Broomfield and Council Member Wade Fleming**

Resolution  
Moved by Fleming  
Seconded by Broomfield

WHEREAS, Christmas trees can be found in the homes of Troy families citywide;

WHEREAS, In early December of every year the Mayor, City Council, and people of Troy assemble in a festive gathering to light the Christmas Tree outside in front of City Hall;

WHEREAS, Also the national Christmas tree is found each year on the White House grounds in Washington D.C. to proclaim the Christmas season;

WHEREAS, Also the state legislature and governor have pronounced that the adorned tree placed in front of the state capital building be named “The State of Michigan Christmas Tree”;

WHEREAS, The holiday of Christmas, which is celebrated late in the year, has special importance to the lives of many citizens of Troy and Michigan; and

WHEREAS, In observance of this holiday, a prominent display is erected on the City Hall grounds;

THEREFORE, BE IT RESOLVED, That the tree prominently displayed outside the Troy City Hall late each year be officially **DESIGNATED** as “The Troy Christmas Tree” to properly symbolize the cherished event being observed; and

BE IT FURTHER RESOLVED, That a sign with the words, “The Troy Christmas Tree” **BE POSTED** near the base of the designated tree; and

BE IT FINALLY RESOLVED, That from this day forward, the tree and its graceful branches, which adorn the City Hall lawn each year, will **BE KNOWN** as “The Troy Christmas Tree”.

**Vote on Resolution to Amend**

Resolution #2006-12-389  
Moved by Beltramini  
Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** the *Resolution Proclaiming and Celebrating that the Tree Adorning Troy City Hall Lawn be Known as “The Troy Christmas Tree”* by **STRIKING** “White House Grounds” and **INSERTING** “Ellipse” in the third “WHEREAS”

and by **INSERTING** *“Donated by Tom’s Landscaping – Troy, Michigan”* **AFTER** “The Troy Christmas Tree” in the second to last paragraph.

Yes: All-6

No: None

Absent: Howrylak

### **Vote on Resolution as Amended**

Resolution #2006-12-390

Moved by Fleming

Seconded by Broomfield

WHEREAS, Christmas trees can be found in the homes of Troy families citywide;

WHEREAS, In early December of every year the Mayor, City Council, and people of Troy assemble in a festive gathering to light the Christmas Tree outside in front of City Hall;

WHEREAS, Also the national Christmas tree is found each year on the Ellipse in Washington D.C. to proclaim the Christmas season;

WHEREAS, Also the state legislature and governor have pronounced that the adorned tree placed in front of the state capital building be named “The State of Michigan Christmas Tree”;

WHEREAS, The holiday of Christmas, which is celebrated late in the year, has special importance to the lives of many citizens of Troy and Michigan; and

WHEREAS, In observance of this holiday, a prominent display is erected on the City Hall grounds;

THEREFORE, BE IT RESOLVED, That the tree prominently displayed outside the Troy City Hall late each year be officially **DESIGNATED** as “The Troy Christmas Tree” to properly symbolize the cherished event being observed; and

BE IT FURTHER RESOLVED, That a sign with the words, “The Troy Christmas Tree” Donated by: Tom’s Landscaping – Troy, Michigan **BE POSTED** near the base of the designated tree; and

BE IT FINALLY RESOLVED, That from this day forward, the tree and its graceful branches, which adorn the City Hall lawn each year, will **BE KNOWN** as “The Troy Christmas Tree”.

Yes: All-6

No: None

Absent: Howrylak

### **COUNCIL COMMENTS:**

I-1 **No Council Comments**

**REPORTS:**

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

- a) Historic District Study Committee/Final – September 6, 2006
- b) Traffic Committee/Final – September 20, 2006
- c) Troy Youth Council/Final – September 27, 2006
- d) Historic District Commission/Final – October 17, 2006
- e) Traffic Committee/Final – October 18, 2006
- f) Advisory Committee for Persons with Disabilities/Draft – November 1, 2006
- g) Advisory Committee for Persons with Disabilities/Final – November 1, 2006
- h) Building Code Board of Appeals/Final – November 1, 2006
- i) Advisory Committee for Senior Citizens/Final – November 2, 2006
- j) Historic District Study Committee/Final – November 7, 2006
- k) Planning Commission Special/Study/Final – November 7, 2006
- l) Employees' Retirement System Board of Trustees/Draft – November 8, 2006
- m) Planning Commission/Draft – November 14, 2006
- n) Planning Commission/Final – November 14, 2006
- o) Library Advisory Board/Draft – November 16, 2006
- p) Board of Zoning Appeals/Draft – November 21, 2006
- q) Planning Commission Special /Study/Draft – November 28, 2006
- r) Planning Commission Special/Study/Final – November 28, 2006
- s) Troy Youth Council/Draft – November 29, 2006
- t) Building Code Board of Appeals/Draft – December 6, 2006
- u) Advisory Committee for Senior Citizens/Draft – December 7, 2006

Noted and Filed

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**J-2 Department Reports:**

- a) Building Department – Permits Issued During the Month of November, 2006
- b) City of Troy Monthly Financial Report – November 30, 2006

Noted and Filed

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**J-3 Letters of Appreciation: None Submitted**

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

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**J-5 Calendar**

Noted and Filed

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**J-6 Letter from the Michigan Association of Public Employee Retirement Systems (MAPERS) to John M. Lamerato, Assistant City Manager/Finance & Administration, Advising of his Successful Completion of the Advanced Fiduciary Examination**

Noted and Filed

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**J-7 Communication from the City Attorney's Office Regarding City of Troy v. George Roberts**

Noted and Filed

**STUDY ITEMS:**

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**K-1 Correlation of Council Goals with Futures Report**

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

**CLOSED SESSION:**

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**L-1 Closed Session:**

Resolution #2006-12-391  
Moved by Beltramini  
Seconded by Broomfield

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Pending Litigation – Hooters v. Troy.

Yes: All-6

**RECESSED**

The meeting **RECESSED** at 10:56 P.M.

The meeting **RECONVENED** at 11:03 P.M.

The meeting **ADJOURNED** at 11:30 P.M.

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Louise Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk