

A Regular Meeting of the Troy City Council was held Monday, June 18, 2007, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:32 PM.

Mayor Pro Tem Broomfield 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
David A. Lambert (Absent)
Jeanne M. Stine

Vote on Resolution to Excuse Council Member Lambert

Resolution #2007-06-185
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Lambert at the Regular City Council meeting of June 18, 2007 due to being absent from the County.

Yes: All-6
No: None
Absent: Lambert

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) On behalf of the City of Troy, Mayor Schilling presented Brian Stoutenburg a *Service Commendation* recognizing his 30 years of Library Administration, including 10 years of dedicated service to the City of Troy.
- b) On behalf of the City of Troy, Mayor Schilling presented Neall Schroeder a *Service Commendation* recognizing his 20 years of dedicated service with the City of Troy and over 30 years of additional service with MDOT, AJAX Paving and other municipalities including the cities of Rochester Hills and Detroit.
- c) Mayor Schilling presented a proclamation to Jack and Pearl Kotter recognizing the occasion of their 50th Wedding Anniversary on behalf of the City of Troy.
- d) Mayor Schilling presented a proclamation to Tom Brisse, Senior Vice President and Hospital Director, in celebration of Beaumont Hospital's 30 Years in Troy.

- f) Mayor Schilling presented one of thirty annual *Loss Control Awards* awarded by the Michigan Municipal League Workers' Compensation Fund which recognizes members for outstanding efforts in maintaining a safe work environment and dedication to reducing workman compensation losses through employee training to Stephen Cooperrider, Risk Manager who accepted the award on behalf of the City of Troy.
- e) On behalf of the City of Troy, Mayor Schilling accepted a check in the amount of \$162,668.69 presented by the Historical Society to complete the purchase of the Johnson Niles House, donated by the Barnard family, at 100 W. Wattles.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Special Assessment Roll for Asphalt Paving of the Easterly ½ of Eckford in Section 15 – Project No. 06.202.1

The Mayor opened the Public Hearing for public comment:

Linda Koehler-Support
Lori Doepke-Oppose
Margorie Kowalak-Oppose
David Ashland-Clarification Comment

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

Resolution #2007-06-186
Moved by Stine
Seconded by Beltramini

WHEREAS, Troy City Council has caused Special Assessment roll no. 06.202.1 to be prepared for the purpose of defraying the Special Assessment District's portion of the following described public improvement in the City of Troy;

Bituminous Paving of Easterly ½ of Eckford Street

WHEREAS, Troy City Council and the City Assessor have met after due legal notice and have reviewed said special assessment roll and have heard all persons interested in said special assessment roll appearing at said hearing; and

WHEREAS, Troy City Council is satisfied with said Special Assessment Roll as prepared by the City Assessor;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **CONFIRMS** Special Assessment Roll No. 06.202.1 in the amount of \$428,100.00 as prepared by the City Assessor, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

C-2 Zoning Ordinance Text Amendment (File Number: ZOTA 207) – Articles IV and XXII – Adult Business Uses

The Mayor opened the Public Hearing for public comment:

David Ashland-Support

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

Resolution
Moved by Stine
Seconded by Beltrami

WHEREAS, It is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one (1) or more of them are located in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These controls are for the purpose of preventing a concentration of these uses within any one (1) area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities that are prohibited by other applicable laws;

WHEREAS, In regulating adult business uses, it is the purpose of this ordinance to promote the health, safety, and general welfare of the citizens of the City of Troy, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult business uses within the City of Troy. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material; and

WHEREAS, Based on evidence of the adverse secondary effects of adult business uses presented in reports made available to the City Council, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), and other cases; and reports of secondary effects occurring in and around adult business uses, including, but not limited to, Tucson AZ, Garden Grove CA, Ellicottville NY, New York NY, Times Square (New York City) NY, Oklahoma City OK, Cleburne TX, Dallas TX, Houston TX, Newport News VI, and St. Croix County WI, the Planning Commission finds that adult business uses as a category of establishments are correlated with

harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that the City of Troy is seeking to abate and prevent in the future;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** Articles IV Definitions and XXII B-3 General Business District, pertaining to permitting Adult Business Uses subject to Special Use Approval in the B-3 District, as printed on the proposed Zoning Ordinance Text Amendment; and

BE IT FINALLY RESOLVED, That the amendments to Articles IV Definitions and XXII B-3 General Business District, **SHALL BE EFFECTIVE** upon the adoption, publication, and effective date of amendments to Chapters 3, 60, and the enactment of Chapter 76.

Vote on Resolution to Amend

Resolution #2006-06-187

Moved by Beltramini

Seconded by Howrylak

RESOLVED, That the resolution for *Zoning Ordinance Text Amendment (File Number: ZOTA 207) – Articles IV and XXII – Adult Business Uses* be **AMENDED** by **CORRECTING** Section 04.20.50 ESCORT by **INSERTING** the close parenthesis after “entertainer”.

Yes: All-6

No: None

Absent: Lambert

Vote on Resolution as Amended

Resolution #2007-06-188

Moved by Stine

Seconded by Beltramini

WHEREAS, It is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one (1) or more of them are located in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These controls are for the purpose of preventing a concentration of these uses within any one (1) area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities that are prohibited by other applicable laws;

WHEREAS, In regulating adult business uses, it is the purpose of this ordinance to promote the health, safety, and general welfare of the citizens of the City of Troy, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult business uses within the City of Troy. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials

protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material; and WHEREAS, Based on evidence of the adverse secondary effects of adult business uses presented in reports made available to the City Council, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), and other cases; and reports of secondary effects occurring in and around adult business uses, including, but not limited to, Tucson AZ, Garden Grove CA, Ellicottville NY, New York NY, Times Square (New York City) NY, Oklahoma City OK, Cleburne TX, Dallas TX, Houston TX, Newport News VI, and St. Croix County WI, the Planning Commission finds that adult business uses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that the City of Troy is seeking to abate and prevent in the future;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** Articles IV Definitions and XXII B-3 General Business District, pertaining to permitting Adult Business Uses subject to Special Use Approval in the B-3 District, as **AMENDED and CORRECTED** in the June 18th, 2007 Memorandum and further **AMENDED** by **CORRECTING** Section 04.20.50 ESCORT by **INSERTING** the close parenthesis after "entertainer"; and

BE IT FINALLY RESOLVED, That the amendments to Articles IV Definitions and XXII B-3 General Business District, **SHALL BE EFFECTIVE** upon the adoption, publication, and effective date of amendments to Chapters 3, 60, and the enactment of Chapter 76.

Yes: All-6
 No: None
 Absent: Lambert

POSTPONED ITEMS:

D-1 Karagiannakis and Garrett Family Partnership v. City of Troy, et. al.

Resolution #2007-06-189
 Moved by Howrylak
 Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent the City of Troy in any and all claims and damages in the matter of *Nick Karagiannakis and Leslie Karagiannakis, husband and wife, and Garrett Family Limited Partnership, a Michigan Limited Partnership v. City of Troy, et. al.*, (Oakland County Circuit Court Case No. 07-083014-CZ) and to retain any necessary expert witnesses to adequately represent the City.

Yes: All-6
 No: None
 Absent: Lambert

D-2 Appointment to Boards and Committees: City Council Appointment: Board of Zoning Appeals

(b) City Council Appointment

Resolution
Moved by Broomfield
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-Regular; 1-Alternate) – 3 Year Terms

Michael W. Bartnik

Unexpired Term 04/30/09

Resolution to Amend

Resolution
Moved by Stine
Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** the *Proposed Resolution – City Council Appointments to the Board of Zoning Appeals* to include the name of *Tom Krent* in the nominations for Board of Zoning Appeals member for the unexpired term of April 30, 2009.

Vote on Resolution to Postpone Indefinitely Resolution to Amend

Resolution #2007-06-190
Moved by Fleming
Seconded by Stine

RESOLVED, That Troy City Council hereby **POSTPONES INDEFINITELY** the *Resolution to Amend Proposed Resolution – City Council Appointments to the Board of Zoning Appeals*.

Yes: All-6
No: None
Absent: Lambert

(b) Vote on City Council Appointment to Board of Zoning Appeals

Resolution #2007-06-191
Moved by Broomfield
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-Regular; 1-Alternate) – 3 Year Terms

Michael W. Bartnik

Unexpired Term 04/30/09

Yes: All-6
No: None
Absent: Lambert

CONSENT AGENDA:

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

Resolution #2007-06-192-E-1a
Moved by Stine
Seconded by Fleming

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

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

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

E-2 Approval of City Council Minutes

Resolution #2007-06-192-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of June 4, 2007 and the Minutes of the 7:30 PM Special City Council Meeting of June 11, 2007 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations:

Resolution #2007-06-192-E-3

RESOLVED, That the following City of Troy Proclamations be **APPROVED**:

- a) Parks and Recreation Month – July, 2007
- b) Beaumont Hospital Troy – Celebrating 30 Years
- c) Jack and Pearl Kotter – 50th Wedding Anniversary

E-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – Library Bathroom Renovations**

Resolution #2007-06-192-E-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Troy Public Library Bathroom Renovations to the low bidder, D & S Contractors, Inc. of Berkley, MI, at prices contained in the bid tabulation opened May 30, 2007, 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.

b) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds on Council Member Robin Beltramini's Travel Expenses – Michigan Municipal League (MML) Board of Trustees Meetings**

Resolution #2007-06-192-E-4b

RESOLVED, That approval to expend funds is **AUTHORIZED** for travel expenses associated with Council Member Robin Beltramini's attendance of all meetings required as a result of her appointment to the Michigan Municipal League Board of Trustees which expires in September of 2008.

c) **Standard Purchasing Resolution 1: Award to Low Bidder Contract 07-3 – Livernois Road Resurfacing, Maple to Big Beaver Project No. 07.101.5**

Resolution #2007-06-192-E-4c

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 07-3, Livernois Road Resurfacing, Maple to Big Beaver, to Cadillac Asphalt LLC, 4751 White Lake Road, Clarkston, MI 48346 at an estimated total cost of \$787,855.94; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost.

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

Resolution #2007-06-192-E-4d

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase seven (7) 2008 Ford Crown Victoria blue and white patrol cars from Signature Ford of Owosso, MI, through a Macomb County Cooperative Purchasing Agreement for an estimated total cost of \$147,077.00.

e) **Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – One (1) Trailer Mounted Sewer Jet**

Resolution #2007-06-192-E-4e

RESOLVED, That Troy City Council hereby AWARDS a contract to purchase one (1) Trailer Mounted Sewer Jet to the lowest bidder meeting specifications, Jack Doheny Supplies, Inc. of Northville, MI for an estimated total cost of \$59,820.00, as detailed in the bid tabulation opened May 2, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the Fleet Maintenance Division is **AUTHORIZED** to accept or reject the trade-in offer of \$7,500.00 for the sewer jet, pending the results to offer the equipment for sale on the open market at an amount greater than \$7,500.00.

f) **Standard Purchasing Resolution 8: Best Value Award – Development Approval/Permit Process Consultant**

Resolution #2007-06-192-E-4f

RESOLVED, That Troy City Council hereby **AWARDS** a contract for development approval/permit process consulting services to Zucker Systems of San Diego, CA, the bidder with the highest score as a result of a best value process, which the Troy City Council determines to be in the public interest, at an estimated total cost of \$58,700.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of proper contract and proposal documents, including insurance certificates and all other specified requirements; and if additional work is required that could not be foreseen, such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost, at unit prices contained in the schedule of values opened April 24, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-5 Approval of Purchase Agreement, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 – Parcel #65 – Sidwell #88-20-01-151-049 – Mark and Elizabeth Abro

Resolution #2007-06-192-E-5

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Mark and Elizabeth Abro, owners of property having Sidwell #88-20-01-151-049, and the City of Troy, for the acquisition of right-of-way for John R Road Improvements, Square Lake Road to South Boulevard in the amount of \$12,100.00, plus closing costs; and

BE IT FURTHER RESOLVED, That the Real Estate and Development Department is hereby **AUTHORIZED** to expend the necessary acquisition and closing costs to complete this purchase according to the agreement.

E-6 Fireworks Permit – Troy Daze Festival

Resolution #2007-06-192-E-6

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Mad Bomber Fireworks Productions, of Kingsbury, IN for the display of fireworks at the conclusion of the 2007 Troy Daze Festival on September 16, 2007.

E-7 Private Agreement for Beaumont Critical Care – Project No. 06.933.3

Resolution #2007-06-192-E-7

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Beaumont Services Co., LLC for the installation of, water main, sanitary sewer, storm sewer, paving, soil erosion and landscaping 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-8 Resolution to Excuse Mayor Pro Tem Broomfield from Special City Council Meeting of Monday, June 11, 2007

Resolution #2007-06-192-E-8

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Broomfield due to being out of the county at the Special City Council meeting of June 11, 2007.

E-9 2006/07 Budget Amendment No. 2

Resolution #2007-06-192-E-9

RESOLVED, That Troy City Council hereby **APPROVES** the 2006/07 Budget Amendment No. 2 as submitted, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-10 Approval of Purchase Agreement and Acceptance of Grading and Temporary Construction Permit, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 – Parcel #69 – Sidwell #88-20-01-151-046 – Mark and Elizabeth Abro

Resolution #2007-06-192-E-10

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Mark and Elizabeth Abro, owners of property having Sidwell #88-20-01-151-046, and the City of Troy, for the acquisition of right-of-way for John R Road Improvements, Square Lake Road to South Boulevard in the amount of \$17,800.00, plus closing costs; and

BE IT FURTHER RESOLVED, That the Real Estate and Development Department is hereby **AUTHORIZED** to expend the necessary closing costs to complete this purchase according to the agreement; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Regrading and Temporary Construction Permit in the amount of \$200.00 from Mark and Elizabeth Abro, owners of property having Sidwell #88-20-01-151-046; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED** to record the Warranty Deed and the Regrading and Temporary Construction Permit with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-11 Approval to Temporarily Waive Parking Restrictions – South Side of Hickory from Livernois to Plum

Resolution #2007-06-192-E-11

RESOLVED, That Troy City Council hereby **WAIVES** the no parking restrictions on the south side of Hickory from Livernois to Plum, on June 24, 2007, between the hours of 1:00 PM and 10:00 PM.

E-12 Private Agreement for The Village at Big Beaver – Phase I Project No. 07.902.3

Resolution #2007-06-192-E-12

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and SAAAM-TROY, LLC, for the installation of sanitary sewer, water main, and concrete left-turn lane, walkway, approach and concrete curb and gutter 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.

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-9 Final Approval – The Village at Big Beaver Planned Unit Development (PUD 7) – Proposed Village at Big Beaver Planned Unit Development, Southwest corner of Big Beaver and John R, Section 26 – M-1 (Light Industrial) District

Resolution #2007-06-193

Moved by Fleming

Seconded by Schilling

WHEREAS, The petitioner SAAAM-Troy, LLC has requested Final Planned Unit Development approval, pursuant to article 35.60.021, for The Village at Big Beaver Planned Unit Development (PUD-7), located on the south side of Big Beaver and west side of John R Road,

located in section 26, within the M-1 zoning district, being approximately 15.048 acres in size; and

WHEREAS, City Council granted Preliminary Planned Unit Development Approval of PUD – 7, with conditions, on April 30, 2007; and

WHEREAS, The Final Planned Unit Development application is consistent with the application that received Preliminary Planned Unit Development Approval, including conditions; and

WHEREAS, The proposed PUD meets the Eligibility Requirements set forth in Article 35.30.00 and the General Development Standards set forth in Section 35.40.00; and

WHEREAS, The proposed Planned Unit Development, parts of parcels 88-20-26-200-026, -023, -069, -072, -073, is described in the following legal description and illustrated on the attached Certificate of Survey drawing:

T2N, R11E, NE 1/4 of Section 26

Commencing at the Northeast corner of said Section 26, thence S 00°04'00" W along the East line of said Section 26, a distance of 102.00 ft.; thence N 89°59'10" W (recorded as S 89°50'00" E), 60.00 ft. along the extension of the south line of Big Beaver Road (204 ft. wide) to the Point of Beginning; thence S 00°04'00" along the west line of John R. Rd., 1032.00 ft.; thence parallel to said North line of Section 26, N 89°59'10" W, 260.00 ft.; thence parallel to said East line of Section 26, S 00°04'00" W, 144.00 ft.; thence parallel to said North line of Section 26, N 89°59'10" W, 160 ft.; thence parallel to said East line of Section 26, N 00°04'00" E, 338.00 ft.; thence parallel to said North line of Section 26, N 89°59'10" W, 235.00 ft.; thence N 00°16'31" W, 838.01 ft. (recorded as N 00°16'24" W, 839.09 ft.) to the aforementioned south line of Big Beaver Rd.; thence S 89°59'10" E (recorded as N 89°50'00" E) along said south line, 660.00 ft. to the Point of Beginning; containing 15.048 acres more or less.

WHEREAS, The proposed Planned Unit Development requires that transfer by Quit Claim Deed of a small portion of property owned by the City but not used for roadway that is located to the north of Lincoln Road to the property owner for inclusion of that property into the proposed Planned Unit Development and the City has determined that no retention of any easements are necessary;

BE IT RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO SIGN** a Quit Claim Deed conveying to SAAAM-TROY, LLC, a Michigan limited liability company, the City's interest, if any, in the property legally described as:

"A described area over part of the Northeast ¼ of Section 26, Town 2 North, Range 11 East, City of Troy, Oakland County Michigan and being more particularly described as: Commencing at the Northeast corner of said Section 26; thence S00°04'00"W, 940.00 feet along east line of said Section 26; thence N89°59'10"W, 60.00 feet to the west line of John R Road (120' wide) and the Point of Beginning; thence continuing N89°59'10"W, 325.00 feet; thence

N00°00'50"E, 25.00 feet; thence S89°59'10"E, 325.00 feet to the west line of John R Road; thence S00°00'50"W, 25 feet along said west line to the Point of Beginning." Parcel No. 88-20-26-200-073

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-007; and

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

BE IT FURTHER RESOLVED, That the Village at Big Beaver Planned Unit Development Agreement be **RECORDED** with the Oakland County Register of Deeds; and

BE IT FURTHER RESOLVED, That if there are significant revisions from the approved Preliminary PUD for Phase II Senior Living, and the Final PUD for Phase II Senior Living, then City Council **SHALL REVIEW FOR APPROVAL OR DENIAL** the Final Site Plan for Phase II Senior Living. If there are no significant revisions from the approved Preliminary PUD for Phase II Senior Living, and the Final PUD, then the Planning Director **MAY ADMINISTRATIVELY APPROVE OR DENY** the Final Site Plan for Phase II Senior Living; 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-5
No: Howrylak
Absent: Lambert

MOTION CARRIED

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled b) City Council Appointments: Historical Commission; c) City Council Appointments – Students: Advisory Committee for Persons with Disabilities; Cable Advisory Committee; Ethnic Issues Advisory Board; Historic District Commission; Historical Commission; Library Advisory Board; Liquor Advisory Committee; Parks & Recreation; Planning Commission; Traffic Committee and Troy Daze Committee

(a) Mayoral Appointments – No Appointments Scheduled

(b) City Council Appointments

Resolution #2007-06-194b
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:

Historical Commission

Appointed by Council (7- Regular) 3 Year Terms

Vera Milz Term Expires 07/31/10

Yes: All-6
No: None
Absent: Lambert

(c) City Council Appointments - Students

Resolution #2007-06-194c
Moved by Broomfield
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPOINTS** the following student(s) to serve on the Boards and Committees as indicated:

Advisory Committee for Persons with Disabilities

Appointed by Council - 1 Year Term

Gina Hyun Term Expires 07/01/08

Cable Advisory Committee

Appointed by Council – 1 Year Term

Nancy Chen Term Expires 07/01/08

Ethnic Issues Advisory Board

Appointed by Council - 1 Year Term

Lulu Guo Term Expires 07/01/08

Helen Yang Term Expires 07/01/08

Historic District Commission

Appointed by Council – 1 Year Term

Nishita Parmer Term Expires 07/01/08

Historical Commission

Appointed by Council – 1 Year Term

Janice Chen Term Expires 07/01/08

Library Advisory Board

Appointed by Council – 1 Year Term

Arthi Krishna Term Expires 07/01/08

Shurthi Subramanian Term Expires 07/01/08

Liquor Advisory Committee

Appointed by Council – 1 Year Term

Clark Yuan Term Expires 07/01/08

Parks & Recreation Board

Appointed by Council – 1 Year Term

Divya Subramanian Term Expires 07/01/08

Planning Commission

Appointed by Council – 1 Year Term

Joel Cortright Term Expires 07/01/08

Traffic Committee

Appointed by Council – 1 Year Term

Ted Hwang Term Expires 07/01/08

Prithvi Murthy Term Expires 07/01/08

Troy Daze Committee

Appointed by Council – 1 Year Term

Sarah Wunderlich Term Expires 07/01/08

Yes: All-6
No: None
Absent: Lambert

F-2 Bid Waiver – Sole Source Purchase – Chemical Munitions

Resolution #2007-06-195
Moved by Stine
Seconded by Beltramini

WHEREAS, Chemical munitions are a necessary part of the successful resolution of a tactical incident and assists law enforcement in the advancement of its main purpose and goal which is to protect life and property;

WHEREAS, Certain aspects of tactical incidents depend upon and cannot be advanced without the use of chemical munitions; and

WHEREAS, DEF-TEC (Defense Technologies) is the sole manufacturer and supplier of chemical munitions equipment;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **APPROVES** a contract to purchase chemical munitions from DEF-TEC (Defense Technologies) of Casper, WY for an estimated total cost of \$16,580.00.

Yes: All-6
No: None
Absent: Lambert

F-3 Bid Waiver – Sole Source – Irrigation Supplies

Resolution #2007-06-196
Moved by Beltramini
Seconded by Fleming

WHEREAS, On June 16, 2003, a two-year contract to provide Rainbird irrigation replacement parts was awarded to the authorized dealer/distributor for Michigan, John Deere Landscapes, Inc. of Madison Heights, MI (Resolution #2003-06-335);

WHEREAS, On June 20, 2005 a contract renewal was approved under the same pricing structure, terms and conditions (Resolution #2005-06-299-E-4a); and

WHEREAS, John Deere Landscapes, Inc., the exclusive distributor, has agreed to renew the contract to provide irrigation parts and materials directly to the City of Troy at greatly reduced prices under the same pricing structure, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **APPROVES** a two-year contract to provide Rainbird, MAXICOM, and other irrigation parts and materials with John Deere Landscapes, Inc. of Madison Heights, MI, at discounts up to 46% expiring June 30, 2009.

Yes: All-6
No: None
Absent: Lambert

F-4 Replacement of City Code Chapter 86 – Soil Erosion and Sedimentation Control

Resolution #2007-06-197
Moved by Stine
Seconded by Beltramini

WHEREAS, The City of Troy strives to protect our Natural Resources and the Environment;

WHEREAS, The Michigan Department of Environmental Quality mandates that all municipalities that are soil erosion and sedimentation control enforcement agencies have an approved soil erosion ordinance that addresses all requirements set forth by Part 91 of the Natural Resources and Environmental Protection Act, Public Act 451, and the promulgated Administrative Rules under Part 91; and

WHEREAS, The City of Troy Engineering Department has worked diligently with the Michigan Department of Environmental Quality to draft an approved ordinance;

BE IT RESOLVED, That Troy City Council hereby **ADOPTS** City Code Chapter 86, Soil Erosion and Sedimentation Control, as previously accepted for approval by the Michigan Department of Environmental Quality on April 5, 2007 and **ATTACHED** hereto; and

BE IT FURTHER RESOLVED, This Ordinance Chapter **SHALL REPLACE** the current City Code Chapter 86 in its entirety; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution and City Code Chapter 86 **SHALL BE FORWARDED** for approval to the Water Bureau of the Michigan Department of Environmental Quality by the City Clerk.

Yes: All-6
No: None
Absent: Lambert

F-5 Appointment of Voting Delegate for the June 21, 2007 SEMCOG General Assembly Meeting – No Action Taken by City Council

F-6 2007 Part-time Wage Recommendations

Resolution #2007-06-198
Moved by Stine
Seconded by Schilling

RESOLVED, That Troy City Council hereby **APPROVES** the 2007 Part-Time Wage Recommendations as recommended by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6
No: None
Absent: Lambert

F-7 2007 Annual Salary Update for Classified and Exempt Employees and Proposed Changes to Benefit Package and Personnel Rules & Regulations

Resolution
Moved by Beltramini
Seconded by Stine

RESOLVED, That Troy City Council hereby **APPROVES** the 2007 Classification and Pay Plans as recommended by City Management and the Personnel Board, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the City Council hereby **APPROVES** the 2007 changes to the benefit package provided to Classified and Exempt employees as recommended by City Management and the Personnel Board, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, That the City Council hereby **APPROVES** the revision to the Personnel Rules & Regulations for Classified personnel, as recommended by City Management and the Personnel Board, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Proposed Resolution to Postpone

Resolution

Moved by Broomfield

Seconded by Howrylak

RESOLVED, That Troy City Council hereby **POSTPONES** the resolution for the *2007 Annual Salary Update for Classified and Exempt Employees and proposed Changes to Benefit Package and Personnel Rules & Regulations* until the Regular City Council meeting scheduled for Monday, July 9, 2007 and **DIRECTS** City Staff to provide backup documentation explaining the proposed changes.

Vote on Resolution to Amend the Proposed Resolution to Postpone by Separating Action

Resolution #2007-06-199

Moved by Broomfield

Seconded by Fleming

RESOLVED, That Troy City Council hereby **AMENDS** the proposed *Resolution to Postpone* by **SEPARATING** the action for the *2007 Classification Plan for Classified and Exempt Employees* from the proposed resolution to postpone the *2007 Annual Salary Update for Classified and Exempt Employees and proposed Changes to Benefit Package and Personnel Rules & Regulations*.

Yes: Broomfield, Fleming, Howrylak, Beltramini

No: Stine, Schilling

Absent: Lambert

MOTION CARRIED

Vote on Main Resolution as Separated and Amended

Resolution #2007-06-200
Moved by Beltramini
Seconded by Stine

RESOLVED, That Troy City Council hereby **APPROVES** the 2007 Pay Plan as recommended by City Management and the Personnel Board, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the City Council hereby **APPROVES** the 2007 changes to the benefit package provided to Classified and Exempt employees as recommended by City Management and the Personnel Board, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, That the City Council hereby **APPROVES** the revision to the Personnel Rules & Regulations for Classified personnel, as recommended by City Management and the Personnel Board, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED**Vote on Postponed Resolution as Separated**

Resolution #2007-06-201
Moved by Broomfield
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **POSTPONES** the resolution for the *2007 Classification Plan for Classified and Exempt Employees* until the Regular City Council meeting scheduled for Monday, July 9, 2007 and **DIRECTS** City Staff to provide backup documentation explaining the proposed changes.

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

MOTION CARRIED

F-8 Agreement to Provide Fleet Maintenance Services - SOCRRA

Resolution #2007-06-202
Moved by Beltramini
Seconded by Stine

RESOLVED, That City Council hereby **APPROVES** the Interlocal Service Agreement for the City of Troy to provide fleet maintenance services to SOCRRA, and the City Clerk and Mayor are **AUTHORIZED** to execute the agreement.

Yes: All-6
No: None
Absent: Lambert

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) LMS – 5755 New King - Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC) – July 23, 2007
Noted and Filed

G-2 Green Memorandums:

- a) Adult Use Businesses – Licensing Ordinance
Noted and Filed

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

Mayor Schilling enjoyed attending the *Music, Movies and Moonlight* at Boulan Park on Saturday night and noted that there was a turnout of approximately 400 residents. The Mayor indicated that the next event at Boulan Park is scheduled for August 4th. In addition to this event, *Jazz on the Corridor* is also being hosted by the City of Troy at the Columbia Center on Big Beaver.

Council Member Stine expressed concern about noise levels caused by these events for adjacent residents.

Council Member Broomfield asked when the sign at Hooters is scheduled to be changed. Lori Bluhm, City Attorney explained that the effective date for the agreement is effective after the liquor license is received by Hooters from the MLLC and that the sign will be changed within 30 days from that date.

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Civil Service Commission (Act 78)/Final – March 6, 2007
 - b) Advisory Committee for Persons with Disabilities/Draft – May 2, 2007
 - c) Advisory Committee for Persons with Disabilities/Final – May 2, 2007
 - d) Building Code Board of Appeals/Final – May 2, 2007
 - e) Planning Commission Special/Study/Draft – May 22, 2007
 - f) Personnel Board/Draft – May 29, 2007
 - g) Building Code Board of Appeals/Final – June 6, 2007
 - h) Civil Service Commission (Act 78)/Draft – June 7, 2007
- Noted and Filed
-

J-2 Department Reports:

- a) Building Department – Permits Issued During the Month of May, 2007
 - b) Purchasing Department – Final Reporting – Mid-Thumb Auctioneering Services – April, 2007
 - c) City of Troy Monthly Financial Report – May 31, 2007
- Noted and Filed
-

J-3 Letters of Appreciation:

- a) Letter of Thanks to Jennifer Lawson from Oakland University's Pre-College Programs Staff and the Water Festival Committee Members for Supporting and Presenting at the 2007 Clinton River Water Festival
- Noted and Filed
-

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

J-5 Calendar

Noted and Filed

J-6 Communication from Public Works Director Timothy Richnak Regarding Program Year 2007 Community Development Block Grant (CDBG) Allocation

Noted and Filed

J-7 Communication from Information Technology Director Gert Paraskevin and Community Affairs Director Cindy Stewart Regarding Archiving City Council Meeting Webcasts on the Website

Noted and Filed

J-8 Communication from City Attorney Lori Bluhm Regarding Norma J. Robertson v. City of Troy

Noted and Filed

J-9 Communication from City Attorney Lori Bluhm Regarding Hookah Cafes

Noted and Filed

J-10 Communication Regarding Water Billing Issues – June, 2007

Noted and Filed

The meeting **RECESSED** at 10:17 PM.

The meeting **RECONVENED** at 10:33 PM.

STUDY ITEMS:

K-1 Discussion of the Futures Report

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 Closed Session: No Closed Session Requested

The meeting **ADJOURNED** at 11:04 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk