

A Regular Meeting of the Troy City Council was held Monday, July 9, 2007, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

Pastor Randy Vinson of Glen Oaks Alliance Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

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

Vote on Resolution to Excuse Council Member Lambert

Resolution #2007-07-203
Moved by Stine
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Lambert at the Regular City Council and Closed Session meetings of July 9, 2007 due to being out of the County.

Yes: All-6
No: None
Absent: Lambert

CERTIFICATES OF RECOGNITION:**A-1 Presentations:**

- a) Mayor Schilling presented a "*Welcome Home Proclamation*" to Sergeant Daniel Joseph Aulph on behalf of the City of Troy in appreciation of his dedicated service to our nation and in celebration of his safe return back to Troy.
- b) Presentation by Community Affairs Director, Cindy Stewart presented the *City Services Report Card* to City Council, City Staff and members of the audience.
- c) Oakland County Commissioners, Robert Gosselin, David W. Potts, Tim Burns, and George W. Suarez recognized City of Troy residents and business leaders for their leadership in entrepreneurship as indicated in a study conducted by the University of Michigan. The Commissioners further recognized Troy's Chamber of Commerce for its partnership with the City of Troy. On behalf of the Oakland County Commissioners, a proclamation was presented in appreciation and recognition of the City leadership.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

Vote on Resolution to Move Forward Agenda Item J-10 Communication from Human Resources Director Peggy Sears Regarding Revisions to 2007 Classified and Exempt Classification Plans

Resolution #2007-07-204
Moved by Beltramini
Seconded by Stine

RESOLVED, That Troy City Council hereby **AUTHORIZES** agenda item, *J-10 - Communication from Human Resources Director Peggy Sears Regarding Revisions to 2007 Classified and Exempt Classification Plans* **TO BE MOVED FORWARD** to its correct location under *POSTPONED ITEMS* on the agenda.

Yes: All-6
No: None
Absent: Lambert

POSTPONED ITEMS:

J-10 Communication from Human Resources Director Peggy Sears Regarding Revisions to 2007 Classified and Exempt Classification Plans

D-1 2007 Annual Salary Update for Classified and Exempt Employees and Proposed Changes to Benefit Package and Personnel Rules & Regulations

Resolution #2007-07-205
Moved by Beltramini
Seconded by Stine

RESOLVED, That Troy City Council hereby **APPROVES** the *2007 Annual Salary Update for Classified and Exempt Employees and proposed Changes to Benefit Package and Personnel Rules & Regulations*.

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

MOTION FAILED

CONSENT AGENDA:

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

Resolution #2007-07-206-E-1a
Moved by Stine
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-4e, E-16, E-17 which **SHALL BE CONSIDERED** after Consent Agenda (E) items, as printed.

Yes: All-6
No: None
Absent: Lambert

E-2 Approval of City Council Minutes

Resolution #2007-07-206-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of June 18, 2007 be **APPROVED** as submitted.

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

E-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 1: Award to Low Bidders – Water System Materials**

Resolution #2007-07-206-E-4a

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide one-year requirements of Water System Materials to the low bidders: Etna Supply Company of Grand Rapids, MI; Gunners Meters & Parts of Pontiac, MI; and SLC Meter Service, Inc of Davisburg, MI, at unit prices contained in the bid tabulation opened June 5, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

b) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 07-2 Charnwood Hills Sanitary Sewer Phase II

Resolution #2007-07-206-E-4b

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 07-2, Charnwood Hills Sanitary Sewer Phase II, to Tyger Excavating, Inc., 52188 Van Dyke, Suite 211, Shelby Township, MI 48316 at an estimated total cost of \$1,749,000; 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; and

BE IT FINALLY RESOLVED, That the sewer benefit fee for Charnwood Sanitary Sewer Phase II, as provided for in Chapter 20 of the Troy City Code and revised by Resolution #2005-04-189, **BE** \$16,246.79 based on the total cost of the sewer extension, including engineering, inspection, testing and contingency, divided by 122 sewer leads to existing and potential lots that may be derived from lot splits.

c) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 07-4 Charnwood Hills Phase I Chip Seal**

Resolution #2007-07-206-E-4c

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 07-4, Charnwood Hills Phase I Chip Seal, to Pavement Recycling, Inc., 210 S. Blacks Corners Rd., Imlay City, MI 48444, at an estimated total cost of \$147,176.00; 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 25% of the total project cost.

d) **Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Membership Renewals Over \$10,000: Southeast Michigan Council of Governments (SEMCOG)**

Resolution #2007-07-206-E-4d

RESOLVED, That approval is **GRANTED** to pay membership dues to the Southeast Michigan Council of Governments (SEMCOG) in the amount of \$11,740.00, which covers the time period of July 15, 2007 to July 15, 2008.

E-5 Approval to Abandon a Permanent Easement for Water Main – Troy Church of the Nazarene, Section 4, Sidwell #88-20-04-100-010 – Project No. 06.941.3

Resolution #2007-07-206-E-5

RESOLVED, That Troy City Council hereby **AUTHORIZES** the abandonment of a Permanent Easement for Water Main as recorded in Liber 7552 page 889, Oakland County Register of Deeds; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED** to sign a Quit Claim Deed, conveying the City's interest in the easement area to Troy Church of the Nazarene, property owner of the parcel having Sidwell #88-20-04-100-010; and

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

E-6 Acceptance of a Permanent Easement for Water Main – Troy Church of the Nazarene, Section 4, Sidwell #88-20-04-100-010 – Project No. 06.941.3

Resolution #2007-07-206-E-6

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for Water Main from property owner Troy Church of the Nazarene, having Sidwell #88-20-04-100-010; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the Permanent Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Acceptance of a Permanent Easement for Water Main – William Beaumont Hospital, Section 1, Sidwell #88-20-01-200-018

Resolution #2007-07-206-E-7

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for Water Main from property owner William Beaumont Hospital, owner of the property having Sidwell #88-20-01-200-018; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the Permanent Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-8 Acceptance of a Permanent Easement for Sanitary Sewer and Authorization of Payment for Easement and Temporary Construction and Grading Permit – Amina R. Haque Revocable Trust, Section 6, Sidwell #88-20-06-328-008

Resolution #2007-07-206-E-8

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for Sanitary Sewer from Amina R. Haque, as Trustee of the Amina R. Haque Revocable Trust, owner of the property having Sidwell #88-20-06-328-008; and

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** payment in the amount of \$7,810 plus costs for the easement and permit; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED** to record the Permanent Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-9 Private Agreement for Troy Church of the Nazarene – Project No.06.941.3

Resolution #2007-07-206-E-9

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Troy Church of the Nazarene for the installation of water main and detention pond 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 a Permanent Easement for Water Main – Alliance Mobile Health, Inc., Section 26, Sidwell #88-20-26-401-053

Resolution #2007-07-206-E-10

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for Water Main from property owner Alliance Mobile Health, Inc., owner of the property having Sidwell #88-20-26-401-053; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the Permanent Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-11 Acceptance of a Permanent Easement for Water Main – 5600 New King SPE, LLC, Section 8, Sidwell #88-20-08-276-005

Resolution #2007-07-206-E-11

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for Water Main from property owner 5600 New King SPE, LLC, owner of the property having Sidwell #88-20-08-276-005; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the Permanent Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-12 Acceptance of Permanent Easement for Water Main – Talon TLE-Troy, LLC, Section 8, Sidwell #88-20-08-276-004

Resolution #2007-07-206-E-12

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for Water Main from property owner Talon TLE-Troy, LLC, owner of the property having Sidwell #88-20-08-276-004; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the Permanent Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-13 Acceptance of Warranty Deed for Right of Way – M & M Troy, Inc., Section 25, Sidwell #88-20-25-352-004

Resolution #2007-07-206-E-13

RESOLVED, That Troy City Council hereby **ACCEPTS** the Warranty Deed from property owner M & M Troy, Inc., owner of the property having Sidwell #88-20-25-352-004; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the Permanent Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-14 Medi-Go Service Agreement

Resolution #2007-07-206-E-14

RESOLVED, That Troy City Council hereby **APPROVES** the request for funding in the amount of \$180,000.00 or entire municipal community credits transferred from SMART (whichever is more) for Troy Medi-Go Plus for fiscal year 2007/2008, and the funding agreement between the City of Troy and Troy Medi-Go Plus covering July 1, 2007 through June 30, 2008, 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-15 Boys and Girls Club Funding Agreement 2007-2008

Resolution #2007-07-206-E-15

RESOLVED, That Troy City Council hereby **APPROVES** the funding agreement between the City of Troy and Boys and Girls Club of Troy for July 1, 2007 through June 30, 2008 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-18 Approval to Hold a Public Hearing on July 23, 2007 for Community Development Block Grant (CDBG) Program Year 2004 Reprogramming of Unexpended Funds

Resolution #2007-07-206-E-18

RESOLVED, That Troy City Council hereby **SCHEDULES** a Public Hearing on July 23, 2007 at 7:30 PM or as soon thereafter as the agenda will permit for the purpose of hearing public comments on the re-programming of program year 2004 unexpended funds from Sewer Benefit Fee (Special Assessment) Charnwood Subdivision Area, Phase #1, Section 6 to Sewer Benefit Fee (Special Assessment) Charnwood Subdivision Area, Phase #2, Section 6 and the Section 36 Park Improvement Project, and the addition of Sewer Benefit Fee (Special Assessment) for Charnwood Subdivision Area, Phase #2, Section 6 and Section 36 Park Improvement Project, to the list of CDBG projects for 2004.

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

E-4 Standard Purchasing Resolutions**e) Standard Purchasing Resolution 4: Oakland County – Golf Equipment Installment Purchase of Seventy-Four (74) Precedent Golf Cars for Sylvan Glen Golf Course**

Resolution #2007-07-207

Moved by Howrylak

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase seventy-four (74) Precedent IQ Electric Golf Cars less sixty-five (65) trade-ins from Club Car, Inc of Georgia, through the Oakland County Purchasing Program at an estimated total cost of \$229,494.00, payable in increments of \$45,899.00 over five (5) years; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED** to execute the agreement pertaining to this purchase, once in acceptable form.

Yes: All-6

No: None

Absent: Lambert

E-16 Private Agreement for Eastridge Medical Office Facility – Project No. 06.937.3

Resolution #2007-07-208-E-16

Moved by Stine

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Millcreek Building Company, for the installation of water main, asphalt approach, aggregate base, concrete curb and gutter and walkway 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.

Yes: All-6

No: None

Absent: Lambert

E-17 Private Agreement for the Troy Medical Office Facility – Project No. 06.937.3

Resolution #2007-07-208-E-17

Moved by Stine

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Vision Quest

Consulting, Inc., for the installation of water main, asphalt approach, aggregate base, concrete curb and gutter and walkway 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.

Yes: All-6
No: None
Absent: Lambert

PUBLIC COMMENT: Limited to Items Not on the Agenda

Vote on Resolution to Suspend Rules of Procedure for the City Council

Resolution #2007-07-209
Moved by Beltramini
Seconded by Stine

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council.

Yes: All-6
No: None
Absent: Lambert

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business

Resolution #2007-07-210
Moved by Broomfield
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business and **AUTHORIZES** City Council to move forward agenda item, *J-9 Communication from City Manager Phillip Nelson and City Attorney Lori Grigg Bluhm Regarding Refutation to Letter Challenging the Approval of Starbucks.*

Yes: All-6
No: None
Absent: Lambert

J-9 Communication from City Manager Phillip Nelson and City Attorney Lori Grigg Bluhm Regarding Refutation to Letter Challenging the Approval of Starbucks

REGULAR BUSINESS:

F-1 **Appointments to Boards and Committees:** a) Mayoral Appointments: No Appointments Scheduled b) City Council Appointments: c) City Council Appointments – Students: Advisory Committee for Persons with Disabilities; Cable Advisory Committee; and Troy Daze Committee

- (a) Mayoral Appointments – No Appointments Scheduled
- (b) City Council Appointments – No Appointments Scheduled
- (c) City Council Appointments – Students

Resolution #2007-07-211
 Moved by Broomfield
 Seconded by Howrylak

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

Advisory Committee for Persons with Disabilities

Appointed by Council - 1 Year Term

Daniel Chong Term Expires 07/01/08

Cable Advisory Committee

Re-Appointed by Council - 1 Year Term

Nancy Chen Term Expires 07/01/08

Troy Daze Committee

Re-Appointed by Council – 1 Year Term

Kasey Wang Term Expires 07/01/08

Yes: All-6
 No: None
 Absent: Lambert

F-2 Bid Waiver – Drain Improvements

Resolution #2007-07-212
 Moved by Howrylak
 Seconded by Stine

WHEREAS, The City has two projects requiring storm sewer and culvert improvements located at the intersection of Ottawa and Peacock Streets, and 6116 Elmoor Street; and

WHEREAS, Contech Products, Inc., the manufacturer, has agreed to provide Contech storm sewer pipe and culvert products directly to the City of Troy at discounts greater than those of distributors;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **APPROVES** a contract to purchase storm sewer pipe and culvert materials from Contech Products, Inc. of Clinton Twp, MI, for an estimated total cost of \$22,355.50, at unit prices as detailed on Appendix 1, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6
No: None
Absent: Lambert

F-3 Change Order #1 to Section 26 and 30 Bituminous Overlays for Eckford Street Paving, Contract 07-1 – Project No. 03.503.5

Resolution #2007-07-213
Moved by Fleming
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** Change Order No. 1 to Contract No. 07-1, Section 26 and 30 – Bituminous Overlays, and Asix Asphalt Paving, LLC, be **AUTHORIZED** to perform the work at an estimated total cost of \$39,919.00; the approved contract amount is increased to \$454,170.40; and

BE IT FURTHER RESOLVED, That if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 10% of the change order amount.

Yes: All-6
No: None
Absent: Lambert

F-4 Rescind Bid Award/Re-award Contract – Printing and Distribution of Utility Bills

Resolution #2007-07-213
Moved by Beltramini
Seconded by Stine

WHEREAS, On January 22, 2007, the option to renew the contract for one additional year to provide laser printing/distribution of water and sewer bills was exercised with the lowest bidder meeting specifications, Automated Computer Methods, Inc. of McHenry, IL, (Resolution # 2007-01-015-E-4a); and

WHEREAS, Automated Computer Methods, Inc. has defaulted on the contract due to enforcement of liquidated damages as a result of the delayed distribution of the June water bills for District 3;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract to provide laser printing / distribution of the City's water and sewer bills from Automated Computer Methods, Inc., and **RE-AWARDS** to the next lowest bidder meeting specifications, Lason Systems, Inc. of Troy, MI, at an estimated total cost of \$11,890.00 per year, plus the actual cost of first class postage; at unit prices contained in the bid tabulation opened March 2, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring April 30, 2008.

Yes: All-6
No: None
Absent: Lambert

F-5 Annual Performance Evaluation of the City Manager and City Attorney

(a) Scheduling of Closed Session for Performance Evaluation of the City Attorney

Resolution #2007-07-215a
Moved by Stine
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **SCHEDULES** a Closed Session for Monday, July 9, 2007 in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan for the purpose of performance evaluation of the City Attorney, pursuant to MCL 15.268 (a).

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

MOTION CARRIED

(b) Scheduling of Closed Session for Annual Performance Evaluation of the City Manager

Resolution #2007-07-215b
Moved by Stine
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **SCHEDULES** a closed session for Monday, July 23, 2007 in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan for the purpose of performance evaluation of the City Manager, pursuant to MCL 15.268 (a).

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

MOTION CARRIED

F-6 Adult Use Businesses – Licensing Ordinance**(a) Approval of Enactment of Chapter 76-Adult Business Use Licensing**

Resolution #2007-07-216a
Moved by Broomfield
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 Troy City Council 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 Chapter 76, Adult Business Use Licensing, is hereby **APPROVED** and **ENACTED**, as recommended by City Administration and **AMENDED** by City Council by **INSERTING** “Economic Development” **AFTER** “Assistant City Manager for” under Section VII. Approval/Denial of License D., and a copy shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6
No: None
Absent: Lambert

(b) Approval of Amendment to Chapter 60-Fees and Bonds Required

Resolution #2007-07-216b
Moved by Broomfield
Seconded by Beltramini

THEREFORE, BE IT RESOLVED, That Section 60.03 of Chapter 60, Fees and Bonds Required, is hereby **AMENDED**, as recommended by City Administration, and a copy of the amendment shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6
No: None
Absent: Lambert

(c) Approval of Amendment to Chapter 3-Administrative Service

Resolution #2007-07-216c
Moved by Broomfield
Seconded by Beltramini

THEREFORE, BE IT RESOLVED, That Section 1.141 (6) of Chapter 3, Administrative Service, is hereby **AMENDED**, as recommended by City Administration, and a copy of the amendment shall be **ATTACHED** to the original minutes of this meeting.

Yes: All-6
No: None
Absent: Lambert

F-7 Collins and Aikman Corporation, et al

Resolution #2007-07-217
Moved by Howrylak
Seconded by Beltramini

RESOLVED, That Sandra S. Hamilton, of Nantz, Litowich, Smith, Girard and Hamilton, P.C., is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of In re Collins and Aikman Corporation, et al; Collins and Aikman Corporation, et al v. City of Troy, to **RETAIN** any necessary expert witnesses to adequately represent the City, and **BE REIMBURSED** for any expenses in defense of this matter.

Yes: All-6
No: None
Absent: Lambert

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Green Memorandums:

- a) Request for Street Name Change Daley Street South of Big Beaver to Behr Drive

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

Mayor Schilling asked that the "Hookah" resolution be placed on the next agenda. City Attorney Bluhm responded that a resolution proposing licensing will be brought forward for the next meeting's agenda.

Council Member Stine expressed her concerns about the recent incident involving a private contractor who ruptured a gas main while working in the right-of-way. She believes this incident cost the city a great deal of money because many city departments were called to the scene. Council Member Stine continued by stating that this incident also inconvenienced motorists and caused a grave inconvenience to shop owners who were required to close their businesses because of their location near the scene. Council Member Stine requested that a report be prepared by City Staff listing all city costs associated with this incident. In addition, she requested information regarding who is responsible for paying the costs associated with the incident. City Manager Nelson advised that he will provide the requested information.

Council Member Beltramini thanked City Council Members for providing her with the opportunity to attend the National League of City's forum on "Future of Governments". She explained that it gave her the opportunity to learn about various ways of getting more citizen input in a balanced fashion on a variety of issues. Council Member Beltramini noted that she is pleased to have already shared some this information with the City Manager.

Council Member Beltramini further advised that the Michigan Municipal League's board will hold their annual trustees strategic planning meeting this weekend with the guest speaker focusing on the topic of "*Building Entrepreneurship in Your Community*".

Council Member Beltramini was somewhat distressed upon reviewing the City's Report Card. She explained that although she is pleased that many of the criticisms have already been forwarded to the appropriate departments and addressed, she is concerned about the negative comments made on the last two pages in regard to road improvements and the City's website. She continued by stating that these two charts are the only charts that residents do not indicate that the city is doing a great job. She is especially concerned about the comments made about roads because roads are a core city service and that the city needs to work on obtaining an excellent rating in that area.

City Council Member Beltramini asked staff to do further brainstorming on how to address and rectify this issue.

Mayor Schilling believes that clarification needs to be provided to residents as to which roads fall under the city's jurisdiction and which roads the county is responsible for.

Mayor Schilling also believes residents must also be aware of what funding is received and sent out as a donor city so that they have a full understanding of the constraints the city is working under in terms of road maintenance.

Council Member Beltramini reminded Council that they recently received correspondence from the Oakland County Road Commission regarding "*What It Costs To Build A Road*" and requested that it be posted on the city's website.

Council Member Broomfield asked that the website map delineating county and city controlled roads be displayed in a way that it is more noticeable to the public.

Council Member Stine recalled that Livernois between 15 and 16 Mile Roads is being resurfaced and asked if the City of Clawson has committed to resurfacing the two lane half mile stretch south of 14 Mile Road? Assistant City Manager Brian Murphy replied that the City of Clawson has plans to resurface the area of Main Street from 14 to 15 Mile Road. He further explained that as part of the contract in 2008 construction season, the City of Clawson will resurface Troy's portion as well.

Council Member Stine asked if the quarter of mile road on Kirts between the Somerset hotel and Somerset South is being planned for resurfacing due to its deplorable condition. Assistant City Manager Murphy responded that the condition of the public road in that area is due to the overwatering of the lawns and as a result, the City required Somerset to install an under-drain just behind the curb line prior to the City resurfacing it in 1994. He continued by stating there has been some popping due to the water table and he is not sure where it falls on the entire OCI Index. Assistant City Manager Murphy added that it is a part of the entire local road network infrastructure.

Council Member Broomfield commended City Management regarding the partnership with SOCRRA and the City of Troy's vehicle maintenance agreement.

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Charter Revision Committee/Final – July 25, 2005
- b) Retiree Health Care Benefits Plan & Trust /Final – March 14, 2007
- c) Advisory Committee for Senior Citizens/Final – May 3, 2007
- d) Employees' Retirement System Board of Trustees Minutes/Final – May 9, 2007
- e) Library Advisory Board/Final – May 10, 2007
- f) Board of Zoning Appeals/Final – May 15, 2007
- g) Planning Commission Special/Study/Final – May 22, 2007

- h) Troy Daze Festival Committee/Final – May 22, 2007
 - i) Planning Commission Special/Study/Draft – June 5, 2007
 - j) Planning Commission Special/Study/Final – June 5, 2007
 - k) Advisory Committee for Senior Citizens/Draft – June 7, 2007
 - l) Planning Commission/Draft – June 12, 2007
 - m) Planning Commission/Final – June 12, 2007
 - n) Building Code Board of Appeals/Draft – June 13, 2007
 - o) Charter Revision Committee/Draft – June 15, 2007
 - p) Board of Zoning Appeals/Draft – June 19, 2007
- Noted and Filed

J-2 Department Reports:

- a) Council Member Beltramini's Travel Expense Report – NLC Forum on the Future of Governance
 - b) City Attorney's Office – 2007 Second Quarter Litigation Report
- Noted and Filed

J-3 Letters of Appreciation:

- a) Letter to Chief Craft from Carol Stehle in Appreciation of the Kindness and Compassion of Officer Drewek and Officer Meinzing
 - b) Letter to Chief Nelson from Nancy Negohosian, HMS Products, Commending Lt. Janusz Bora for his Assistance
 - c) Letter to Officer Harrison from Janet Martin, Wattles Creek Condominium Association, in Appreciation of the Presentation
- Noted and Filed

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

J-5 Calendar

Noted and Filed

J-6 Communication from City Attorney Lori Grigg Bluhm Regarding Hooters v. Troy – Post Consent Judgment Update

Noted and Filed

J-7 Communication from City Clerk Tonni Bartholomew Regarding Charter Revision Committee Recommendations – Section 4.6 and 6.2 (e) – Excused Absences of City Council Members

Noted and Filed

J-8 Communication from City Attorney Lori Grigg Bluhm Regarding Liquor License Article in Oakland County Bar Association Publication

Noted and Filed

J-9 Communication from City Manager Phillip Nelson and City Attorney Lori Grigg Bluhm Regarding Refutation to Letter Challenging the Approval of Starbucks

Moved Forward on the Agenda Resolution #2007-07-210

J-10 Communication from Human Resources Director Peggy Sears Regarding Revisions to 2007 Classified and Exempt Classification Plans

Moved Forward on the Agenda Resolution #2007-07-204

J-11 Communication from City Attorney Lori Grigg Bluhm Regarding Papadelis v. City of Troy

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session: Motion to enter Closed Session addressed in item F-5.

The meeting **RECESSED** at 9:00 PM.

The meeting **RECONVENED** at 9:15 PM.

The meeting **ADJOURNED** at 9:55 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk