

A Regular Meeting of the Troy City Council was held Monday, October 1, 2007, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

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

ROLL CALL

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) On behalf of the City of Troy, Mayor Schilling presented a proclamation to Don Pierce celebrating 30 years of partnership between the Troy Racquet Club and the City of Troy.
- b) On behalf of the City of Troy, Mayor Schilling presented a proclamation to Pam Brady recognizing *America Recycles 2007*.
- c) Co-Chair Mike Gonda provided a presentation summarizing the *Troy Daze Festival 2007* event.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 **Request to Postpone Zoning Ordinance Text Amendment (File Number: ZOTA 230) – Articles X and XVIII – Wireless Communication Towers on School Property in the R-1A through R-1E (One Family Residential) and C-F (Community Facilities) Districts**

Pending Resolution
Moved by Beltramini
Seconded by Schilling

RESOLVED, That Troy City Council hereby **AMENDS** Article X (R-1A – R-1E ONE FAMILY RESIDENTIAL DISTRICT) and XVIII (C-F COMMUNITY FACILITIES DISTRICT) of the City of Troy Zoning Ordinance, pertaining to the permitting of Wireless Communication Towers in the

R-1A – R-1E and C-F Districts, to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 230), City Council Public Hearing Draft, as recommended by the Planning Commission.

Vote on Resolution to Postpone

Resolution #2007-10-283

Moved by Lambert

Seconded by Howrylak

RESOLVED, That Troy City Council hereby **POSTPONES** the *Zoning Ordinance Text Amendment (File Number: ZOTA 230) – Articles X and XVIII – Wireless Communication Towers on School Property in the R-1A through R-1E (One Family Residential) and C-F (Community Facilities) Districts* until the Regular City Council meeting scheduled for Monday, November 12, 2007.

Yes: All-7

CONSENT AGENDA:

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

Resolution #2007-10-284-E-1a

Moved by Stine

Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** with corrections as placed on the table with the exception of Items E-2, E-4a and E-8, which **SHALL BE CONSIDERED** after Consent Agenda (E) items, as printed.

Yes: All-7

E-3 City of Troy Proclamations:

Resolution #2007-10-284-E-3

RESOLVED, That Troy City Council hereby **APPROVES** the following City of Troy Proclamations:

- a) Celebrating 30 Years – Troy Racquet Club
- b) America Recycles 2007

E-4 Standard Purchasing Resolutions

- b) **Standard Purchasing Resolution 1: Award to Low Bidder – Volunteer Firefighter Uniforms**

Resolution #2007-10-284-E-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish two-year requirements of uniforms for Troy Fire department volunteers with an option to renew for two-one (1) year periods to the sole bidder, Metropolitan Uniform of Detroit, MI, at unit prices as contained on the bid tabulation opened September 6, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of September 30, 2009.

c) **Standard Purchasing Resolution 1: Award to Low Bidders – Firearm Accessories for the Tactical Support Team**

Resolution #2007-10-284-E-4c

RESOLVED, That Troy City Council hereby **AWARDS** contracts to purchase firearm accessories for use by the Police Department's Tactical Support Team to the low bidders, Michigan Police Equipment Company of Charlotte, MI, for Item #1) Surefire sound suppressor; and Interstate Arms Corporation of Billerica, MA, for Item #2) Surefire suppressor adapter, at unit prices as contained on the bid tabulation opened September 12, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

d) **Standard Purchasing Resolution 8: Best Value Award – Consultant to Perform Library Needs Assessment/Feasibility Study**

Resolution #2007-10-284-E-4d

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide a review and analysis of the current and future spatial needs of the Troy Public Library to the highest rated bidder, Fanning/Howey & Associates, Inc. of Novi, MI, as a result of a best value process at an estimated cost of \$22,750.00, as listed on the tabulation opened August 28, 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 consultant's submission of properly executed proposal and contract documents, including insurance certificates and all other specified requirements.

E-5 Temporary Waiver of Parking Restrictions – Smith Middle School

Resolution #2007-10-284-E-5

RESOLVED, That Troy City Council hereby **WAIVES** the no parking restrictions on Donaldson from Square Lake to Cotswald on November 14 and 15, 2007, between the hours of 11:30 AM and 9:00 PM, March 6, 2008, between the hours of 11:30 AM and 9:00 PM, April 18, 2008, between the hours of 5:30 PM and 9:30 PM, and June 16, 2008, between the hours of 9:00 AM and 12:00 noon.

E-6 Agreement to Provide Fleet Maintenance Services – City of Royal Oak

Resolution #2007-10-284-E-6

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Service Agreement for the City of Troy to provide fleet maintenance services to the City of Royal Oak and **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this Meeting.

E-7 Acceptance of Regrading and Temporary Construction Permits, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 – Parcel #38 – Sidwell #88-20-02-279-021 – Geoffrey and Dana Calhoun

Resolution #2007-10-284-E-7

RESOLVED, That Troy City Council hereby **ACCEPTS** the Regrading and Temporary Construction Permit from Geoffrey and Dana Calhoun, owners of property having Sidwell #88-20-02-279-021; and

RESOLVED, That Troy City Council hereby **AGREES** to pay Geoffrey and Dana Calhoun an amount not to exceed \$3,757.52 for permission to use land for construction and for compensation for the removal of vegetation in the construction area; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED** to record 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-9 Approval of Oakland County Inter-Local Agreement – Ballot Layout and Coding Services

Resolution #2007-10-284-E-9

RESOLVED, That Troy City Council hereby **APPROVES** a contract to utilize Oakland County for the canvass of local elections at a fee of \$300.00 per election and **AUTHORIZES** the Mayor and City Clerk to sign the agreement for Ballot Layout and Programming Services between Oakland County and the City of Troy.

E-10 Approval of Oakland County Agreement – Board of Canvassers

Resolution #2007-10-284-E-10

RESOLVED, That Troy City Council hereby **APPROVES** a contract to utilize Oakland County for the canvass of local elections at a fee of \$25.00 per precinct and **AUTHORIZES** the Mayor and City Clerk to sign the agreement between the City of Troy and Oakland County to utilize the services of the Oakland County Board of Canvassers.

E-11 Approval of Application for Transfer of Class C License to 1555 E. Maple LLC**(a) New License**

Resolution #2007-10-284-E-11a

RESOLVED, That Troy City Council **CONSIDERS** for **APPROVAL** the request from 1555 E. Maple LLC to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple, Troy, MI 48084, Oakland County, from Jumbo Investment, Inc. with license to be held in escrow. {MLCC req #367206}; and

BE IT FURTHER RESOLVED, That it is the consensus of this legislative body that the application **BE RECOMMENDED** for issuance.

(b) Agreement

Resolution #2007-10-284-E-11b

WHEREAS, The Troy City Council deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** 1555 E. Maple LLC request to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple, Troy, MI 48084, Oakland County, from Jumbo Investment, Inc.; with license to be held in escrow, and **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-12 Ratification of Resolution #2007-09-266 C-2 from September 10, 2007 City Council Meeting to Correct a Typographical Error

Resolution #2007-10-284-E-12

RESOLVED, That Troy City Council hereby **RATIFIES** Resolution #2007-09-266, Moved by Lambert, Seconded by Stine and approved unanimously, as follows:

WHEREAS, The petitioner Big Beaver Place, LLC has requested Concept Development Plan approval, pursuant to article 35.50.01, for Big Beaver Place Planned Unit Development (PUD-008), located on the North side of Big Beaver, East of John R, in Section 24, within the R-1E zoning district, being approximately 4.77 acres in size;

WHEREAS, The Planning Commission recommended approval of the Concept Development Plan on June 12, 2007;

WHEREAS, The proposed PUD meets the Standards for Approval set forth in Article 35.30.00; and

WHEREAS, The proposed Planned Unit Development, parts of parcels 88-20-24-352-024, -025, -026, -027, -028 and -041, is described in the following legal description and illustrated on the attached Certificate of Survey drawing:

T2N, R11E, SW 1/4 of Section 24

Lots 15, 16, 17, 18, 19 and 20 of Big Beaver Poultry Farms Subdivision (Liber 23, pg. 14 of Oakland County Plats), except the south 69 feet taken for Big Beaver Road. Containing ±4.77 acres more or less, and subject to easements of record;

BE IT RESOLVED, That Troy City Council hereby **AMENDS** the Zoning District Map of the City of Troy Zoning Ordinance to delineate the subject parcel as PUD-008; and
BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED** to execute the Development Agreement for Big Beaver Place Planned Unit Development; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

BE IT FINALLY RESOLVED, That the petitioner is hereby **PERMITTED** to submit a Preliminary Development Plan pursuant to article 35.50.02.

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

E-2 Approval of City Council Minutes

Resolution #2007-10-285

Moved by Stine

Seconded by Howrylak

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of September 17, 2007 and the Minutes of the 7:30 PM Special City Council Meeting of September 24, 2007 be **APPROVED** as submitted.

Yes: All-7

E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 1: Award to Low Bidder – Purchase of Thermal Image Cameras

Resolution #2007-10-286

Moved by Stine

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase nine (9) thermal image cameras with equipment and a two-year warranty to the low total bidder, ISG Thermal Systems USA, Inc., of Lawrenceville, GA, at an estimated total cost of \$73,800.00, at unit prices as contained on the bid tabulation opened September 5, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the purchase of five (5) additional thermal image cameras with equipment between July 1 and July 31, 2008, under the same prices, terms, and conditions provided there is available funding.

Yes: All-7

E-8 Authorization for Library HVAC Rooftop Replacement Unit

Resolution #2007-10-287

Moved by Stine

Seconded by Lambert

RESOLVED, That Troy City Council hereby **AUTHORIZES** City staff to replace the HVAC rooftop unit at the Troy Public Library at an estimated cost of \$12,000.00, as detailed on Appendix I, utilizing in-house personnel, approved contracts, and standard purchasing procedures.

Yes: All-7

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-5 Site Plan Review (SP-943) – Proposed LTU Solar Decathlon House at Troy Community Center – South of Troy Center Drive, West of Livernois (3179 Livernois), Section 21 – Zoned C-F (Community Facilities) District

Resolution #2007-10-288

Moved by Beltramini

Seconded by Stine

WHEREAS, All site plans for the development of public property within the C-F District are subject to the review and recommendation of the Planning Commission and to final review and approval or denial by City Council, as per Section 18.80.00(B) of the City of Troy Zoning Ordinance; and

WHEREAS, The Planning Commission recommended approval of the Solar Decathlon House site plan at the Special/Study meeting on September 25, 2007;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **GRANTS** Preliminary Site Plan Approval for the proposed Solar House at the Troy Community Center, as submitted,

located south of Troy Center Drive, west of Livernois, in Section 21, on approximately 33 acres in area, within the C-F zoning district.

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the gift of the Solar Decathlon House and foundation from the Troy Chamber of Commerce.

Yes: All-7

The meeting **RECESSED** at 8:50 PM.

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

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: None Appointed; b) City Council Appointments: Ethnic Issues Advisory Board; Historic District Commission; Parks & Recreation Board

(a) Mayoral Appointments - None Appointed

(b) City Council Appointments

Resolution #2007-10-289

Moved by Broomfield

Seconded by Beltramini

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

Ethnic Issues Advisory Board

Appointed by Council (9-Regular) – 2 & 3 Year Terms

Reuben T. Ellis Term Expires 09/30/09 - 2 Year Term

Kelly Jones Term Expires 09/30/09 - 2 Year Term

Mayada Fakhouri Term Expires 09/30/09 - 2 Year Term

Historic District Commission

Appointed by Council (7) – 3 Year Term

W. Kent Voigt Term Expires 03/01/10

Parks & Recreation Board

Appointed by Council (7-Regular) – 3 Year Terms; (1-Troy School Board) – 1 Year Term; (1-Troy Daze Committee) – 1 Year Term; (1-Advisory Committee for Sr. Citizens) – 1 Year Term

Tod Gazetti Term Expires 09/30/10

Yes: All-7

F-2 Final Site Condominium Approval – Timbercrest Farms Site Condominium, South of Wattles West of Fernleigh, Section 24, R-1C

Resolution #2007-10-290
Moved by Lambert
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** the Final Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Timbercrest Farms Site Condominium, located south of Wattles and west of Fernleigh, in Section 24, including 32 home sites, within the R-1C zoning district, being 12.1 acres in size.

Yes: All-7

F-3 2008 City Council Meetings

Resolution #2007-10-291
Moved by Lambert
Seconded by Fleming

RESOLVED, That Troy City Council **SHALL HOLD** Regular Meetings according to the following schedule at 7:30 PM:

- Monday, January 7 & 28
- Monday, February 4 & 18
- Monday, March 3 & 17
- Monday, April 7 & 21
- Monday, May 12 & 19
- Monday, June 2 & 16
- Monday, July 7 & 21
- Monday, August 11 & 25
- Monday, September 8 & 22
- Monday, October 6 & 20
- Monday, November 10 & 24
- Monday, December 1 & 15

Liquor Violation Hearing Dates:

- Wednesday, February 13 7:30 PM
- Wednesday, February 20 7:30 PM

BE IT FURTHER RESOLVED, That Troy City Council **MAY SCHEDULE** Special Meetings as needed.

Yes: All-7

F-4 Revision to Chapter 47 – House Trailers Regarding Approval of Temporary Occupancy

Resolution #2007-10-292

Moved by Stine

Seconded by Howrylak

RESOLVED, That Troy City Council hereby **APPROVES** the revision to Chapter 47, House Trailers, of the Code of the City of Troy, in accordance with the proposal prepared by City Management, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

Yes: All-7

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Concept Development Plan Approval – The Pavilions of Troy Planned Unit Development (PUD 9) – Northwest Corner of Big Beaver and Coolidge, Section 19 – O-S-C, O-M and P-1 Districts – October 15, 2007

Noted and Filed

G-2 Green Memorandums: None Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

Council Member Fleming received an e-mail from the Fox Network regarding the landing of the SkyFox helicopter at Costello Elementary for a school event. Council Member Fleming questioned whether this activity would violate any of the city's ordinances. City Manager Nelson responded that according to the Police and Fire Chiefs, this matter does not violate any city ordinance and that its approval can be handled administratively.

Council Member Stine asked if City Management addressed concerns raised by a resident in regard to the abuse of recreational fires and unlawful burning. City Manager Nelson advised that the matter is currently under investigation and they are preparing a full response for the resident.

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Parks and Recreation Advisory Board/Final – April 19, 2007
- b) Advisory Committee for Senior Citizens/Final – June 7, 2007
- c) Retiree Health Care Benefits Plan & Trust/Final – June 13, 2007
- d) Civil Service Commission (Act 78)/Final – July 10, 2007
- e) Traffic Committee/Final – July 18, 2007
- f) Employees' Retirement System Board of Trustees/Final – August 8, 2007
- g) Liquor Advisory Committee/Final – August 13, 2007
- h) Downtown Development Authority/Final – August 15, 2007
- i) Board of Zoning Appeals/Final – August 21, 2007
- j) Planning Commission Special/Study/Final – August 22, 2007
- k) Planning Commission Special/Study/Final – August 28, 2007
- l) Building Code Board of Appeals/Draft – September 5, 2007
- m) Advisory Committee for Senior Citizens/Draft – September 6, 2007
- n) Planning Commission/Draft – September 11, 2007
- o) Liquor Advisory Committee/Draft – September 17, 2007
- p) Civil Service Commission (Act 78)/Draft – September 24, 2007

Noted and Filed

J-2 Department Reports:

- a) City of Troy Monthly Financial Report – August 31, 2007
- b) Assessing Department – New Michigan Business Tax Effect on LDFA Collections

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Appreciation to Chief Nelson from Lt. Neil Gensler, Huntington Woods Public Safety Regarding the Troy Fire Departments Explorers
- b) Letter of Thanks to PSA Patterson from the Mindlin-Koh Center for Ophthalmic Medicine and Surgery
- c) Certificate of Appreciation from Gleaners Community Food Bank of Southeastern Michigan Awarded to the City of Troy for Participation in the 2007 Food Fight on Big Beaver
- d) Letter of Thanks to Troy Police Department from Fr. Maximus Habib and Fr. Mina Essak, St. Mark Coptic Orthodox Church

Noted and Filed

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

Noted and Filed

J-5 Calendar

Noted and Filed

J-6 Communication from Planning Director Mark Miller Regarding the City of Troy Master Plan Update

Noted and Filed

J-7 Parks and Recreation Advisory Board Request/Proposed ZOTA Change Cell Tower
Noted and Filed

J-8 Communication from City Attorney Lori Grigg Bluhm Regarding Collins and Aikman Corporation
Noted and Filed

J-9 Communication from City Attorney Lori Grigg Bluhm Regarding Mario's of Troy v. City of Troy
Noted and Filed

J-10 Correspondence from William C. White, Publisher of *Law & Politics* and *Super Lawyers*, Congratulating City Attorney Lori Grigg Bluhm on being Selected for Inclusion on the *Michigan Super Lawyers List for 2007*
Noted and Filed

The meeting **RECESSED** at 9:14 PM.

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

STUDY ITEMS:

K-1 Possible Trends

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session: No Closed Session Requested

The meeting **ADJOURNED** at 11:10 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk