

A Regular Meeting of the Troy City Council was held Monday, November 12, 2007, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:35 PM.

Mayor Pro Tem Broomfield gave the Invocation and the Pledge of Allegiance to the Flag was given.

Father John J. Mech of St. Anastasia Catholic Church offered an additional Invocation.

INSTALLATION CEREMONY: 2007-2009 City Council Convenes: a) Installation of New Members; b) Adoption of Rules of Procedure; c) Appointment of Mayor Pro Tem

(a) Installation of New Members

The Oath of Office was administered to the newly elected Council Members Robin Beltramini, Martin Howrylak, Mary Kerwin and David Eisenbacher, and Mayor Louise E. Schilling by the City Clerk.

ROLL CALL

Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Wade Fleming
Martin Howrylak
Mary Kerwin

(b) Adoption of Rules of Procedure

Resolution #2007-11-302
Moved by Beltramini
Seconded by Fleming

RESOLVED, That Troy City Council hereby **ADOPTS** the Rules of Procedure of the City Council of the City of Troy **AMENDED** as follows:

A. Reorganize and renumber Sections 9, 10, 11, and 12 as indicated below:

9. **Public Comment** – Limited to Items Not on the Agenda in accordance with the Rules of Procedure of the City Council, Article 16 – Members of the Public and Visitors.

10. **E. Regular Business**

- Council will move forward all of the “E” items on which members of the audience would like to address City Council, in accordance with the Rules of Procedure of the City Council, Article 16 – Members of the Public and Visitors.

11. **E. Regular Business**

- Address Remaining “E” Items

12. F. **Consent Agenda**

1. Approval of "F" items NOT Removed for Discussion
2. Address of "F" Items Removed for Discussion
 - Council will move forward all of the "F" items on which members of the audience would like to address City Council, in accordance with the Rules o Procedure of the City Council, Article 16 – Members of the Public and Visitors.

B. **REVISE** Section 4. REGULAR MEETINGS by **STRIKING** in its entirety and **INSERTING**:

Regular meetings shall be held in the Council Chambers at 7:30 P.M. Meeting dates will be established, by resolution, prior to the end of the preceding calendar year.

Yes: All-7

(c) **Appointment of Mayor Pro Tem**

Council's Rules of Procedure address the appointment of Mayor Pro Tem as follows:

1. **Appointment of Mayor Pro Tem**

The selection of Mayor Pro Tem shall proceed in a linear fashion based on seat rotation in the following order: Martin Howrylak, Wade Fleming, Robin Beltramini, David Eisenbacher, Mary Kerwin, and Cristina Broomfield.

Resolution #2007-11-303

Moved by Eisenbacher

Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPOINTS** Martin Howrylak to serve as Mayor Pro Tem for the City Council of the City of Troy.

Yes: All-7

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

- a) State Representative Marty Knollenberg presented a letter of recognition to Council Member Beltramini on behalf of himself and Senator John Pappageorge recognizing her new position as incoming Vice President of the Michigan Municipal League (MML). State Representative Knollenberg then provided a presentation explaining the state budget deficit figure.
- b) On behalf of the City of Troy Employee's *Casual for a Cause* program, Carol Anderson, Parks & Recreation Director, presented a check to Cathy Killian of Troy Foundation for Educational Excellence in the amount of \$370.22.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Rezoning Application – Proposed Office/Retail Development, South Side of Big Beaver, West of Rochester Road, Section 27 – O-1 to B-2 (File Number Z-728)

The Mayor opened the Public Hearing for public comment.
Dan McLeish - Support
The Mayor closed the Public Hearing after receiving comment from the public.

Resolution #2007-11-304
Moved by Howrylak
Seconded by Broomfield

WHEREAS, The City is in receipt of a rezoning request, from O-1 to B-2, File Number Z-728, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy;

WHEREAS, The application is consistent with the Future Land Use Plan, and is compatible with surrounding zoning districts and land uses; and

WHEREAS, The rezoning is recommended for approval by the Planning Commission;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed rezoning from O-1 to B-2.

BE IT FINALLY RESOLVED, That Troy City Council hereby **AMENDS** the Zoning District Map.

Yes: All-7

C-2 Rezoning Application – Proposed Office Building, East of Livernois, South Side of Wattles, Section 22 – R-1C to O-1 (File Number: Z-725)

The Mayor opened the Public Hearing for public comment.
Tony Haddad - Petitioner
Richard Peters – Opposed
Lee Davey - Opposed
The Mayor closed the Public Hearing after receiving comment from the petitioner and the public.

Resolution
Moved by Kerwin
Seconded by Beltramini

WHEREAS, The City is in receipt of a rezoning request, from R-1C to O-1, File Number Z-725, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy;

WHEREAS, The application is inconsistent with the Future Land Use Plan, and the application constitutes an undesirable spot zone; and

WHEREAS, The rezoning is recommended for denial by the Planning Commission;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DENIES** the proposed rezoning from R-1C to O-1.

Vote on Resolution to Amend by Substitution

Resolution #2007-11-305
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **AMENDS BY SUBSTITUTION** the resolution to deny the rezoning for Proposed Office Building, East of Livernois, South Side of Wattles, Section 22 – R-1C to O-1 (File Number: Z-725) by **STRIKING** it in its entirety and **INSERTING**, “RESOLVED, That Troy City Council hereby **REFERS** the proposed rezoning request, from R-1C to O-1, File Number Z-725 for Proposed Office Building, East of Livernois, South Side of Wattles, Section 22 to the Planning Commission for further deliberation”.

Yes: All-7

Vote on Resolution as Amended by Substitution

Resolution #2007-11-306
Moved by Kerwin
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **REFERS** the proposed rezoning request, from R-1C to O-1, File Number Z-725 for Proposed Office Building, East of Livernois, South Side of Wattles, Section 22 to the Planning Commission for further deliberation.

Yes: All-7

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

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

C-3 Community Development Block Grant (CDBG) 2008 Application

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving no comment from the public.

Resolution #2007-11-307
Moved by Beltramini
Seconded by Kerwin

WHEREAS, The City of Troy will receive approximately \$165,141.00 for Community Development Block Grant funds for the year 2008;

WHEREAS, On November 12th, 2007 at which Public Hearing, persons were given an opportunity to provide written and oral views to the Troy City Council, the authority responsible for enacting the budget, and to ask questions about the entire budget and the relationship of the Flood Drain Improvements, Home Chore Program, and Administration; and

WHEREAS, The City Council of the City of Troy, after conclusion of the Public Hearing on this date has determined that funding should be provided through the 2008 Community Development Block Grant (CDBG) Program for Flood Drain Improvements, the Home Chore Program, and Administration;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DESIGNATES** Flood Drain Improvements, the Home Chore Program and Administration as Community Development Block Grant (CDBG) Projects for 2008; and

BE IT FINALLY RESOLVED, That the Mayor of the City of Troy is **AUTHORIZED** to sign the Application and Subrecipient Agreement and **SUBMIT** them to Oakland County.

Yes: All-7

POSTPONED ITEMS:

D-1 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

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 Amendment

Resolution #2007-11-308
Moved by Beltramini
Seconded by Schilling

RESOLVED, That Troy City Council hereby **AMENDS** the resolution amending 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, by **RETAINING** the language in Section I. “and shall not be permitted on developed city park sites”.

Yes: Kerwin, Schilling, Beltramini, Broomfield, Fleming, Howrylak
No. Eisenbacher

MOTION CARRIED

Vote on Resolution as Amended

Resolution #2007-11-309
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 **SUBJECT** to **RETAINING** the language in Section I. “and shall not be permitted on developed city park sites”.

Yes: All-7

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

E-5 Preliminary Site Condominium Approval – Villas of Troy Site Condominium, South of Wattles, East Side of Finch, Section 21, 11 Units/Lots on 5.532 Acres – R-1B

Resolution #2007-11-310
Moved by Beltramini
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** the preliminary site condominium plan, as submitted under Section 34.60.00 of the Zoning Ordinance (Open Space Preservation Option) for the development of a One-Family Residential Site Condominium, known as Villas of Troy Site Condominium, located south of Wattles, east side of Finch, in Section 21, including 11 home sites, within the R-1B zoning district, being 5.532 acres in size.

Yes: All-7

E-1 **Appointments to Boards and Committees: a) Mayoral Appointments: Downtown Development Authority b) City Council Appointments: Advisory Committee for Persons with Disabilities; Cable Advisory Committee (Postponed); Parks & Recreation Board; Southeastern Michigan Council of Governments (SEMCOG); and Troy Daze Committee**

(a) Mayoral Appointments

Resolution
Moved by Schilling
Seconded by Kerwin

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

Downtown Development Authority
Appointed by Mayor (13-Regular) – 4-Year Terms

Al Aceves Term Expires 09/30/2011

Planning Commission
Appointed by Mayor (9-Regular) – 3-Year Terms

Tom Krent Unexpired Term 12/31/2008

Vote on Resolution to Separate the Vote

Resolution #2007-11-311
Moved by Howrylak
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **SEPARATES** the vote for the proposed appointments to the Downtown Development Authority and the Planning Commission.

Yes: All-7

Vote on Mayoral Appointment to Downtown Development Authority

Resolution #2007-11-312
Moved by Schilling
Seconded by Kerwin

RESOLVED, That the Mayor of the City of Troy hereby **APPOINTS** the following person to serve on the Boards and Committees as indicated:

Downtown Development Authority

Appointed by Mayor (13-Regular) – 4-Year Terms

Al Aceves Term Expires 09/30/2011

Yes: Eisenbacher, Fleming, Kerwin, Schilling, Beltramini
No: Howrylak, Broomfield

MOTION CARRIED

Vote on Mayoral Appointment to the Planning Commission

Resolution #2007-11-313
Moved by Schilling
Seconded by Kerwin

RESOLVED, That the Mayor of the City of Troy hereby **APPOINTS** the following person to serve on the Boards and Committees as indicated:

Planning Commission

Appointed by Mayor (9-Regular) – 3-Year Terms

Tom Krent Unexpired Term 12/31/2008

Yes: Kerwin, Schilling, Beltramini
No: Fleming, Howrylak, Broomfield, Eisenbacher

MOTION FAILED

(b) City Council Appointments

Resolution
Moved by Howrylak
Seconded by Broomfield

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

Advisory Committee for Persons with Disabilities

Appointed by Council (9-Regular; 3-Alternate) – 3 Year Terms

Cynthia Buchanan Term Expires 11/01/10

Cable Advisory Committee

Appointed by Council (7-Regular) – 3 Year Terms

W. Kent Voigt Unexpired Term 02/28/09

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)

Jeffrey Stewart (Troy Daze Committee Rep.) Term Expires 11/30/08

Southeastern Michigan Council of Governments (SEMCOG)

Appointed by Council (1-Delegate & 1-Alternate) – Reappointed Every Odd Year Election

Robin E. Beltramini (Delegate) Term Expires 11/09/09

Mark Miller (Alternate) Term Expires 11/09/09

Troy Daze Committee

Appointed by Council (9-Regular) - 3 Year Terms

Daniel O'Brien Term Expires 11/30/10

Vote on Resolution to Separate the Vote for the Proposed Appointment to the Cable Advisory Board

Resolution #2007-11-314

Moved by Beltramini

Seconded by Howrylak

RESOLVED, That Troy City Council hereby **SEPARATES** the vote for the proposed appointment to the Cable Advisory Board.

Yes: All-7

Vote on Council Appointments to Advisory Committee for Persons with Disabilities, Parks & Recreation Board, Southeastern Michigan Council of Governments (SEMCOG) and Troy Daze Committee

Resolution #2007-11-315

Moved by Howrylak

Seconded by Broomfield

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

Advisory Committee for Persons with Disabilities

Appointed by Council (9-Regular; 3-Alternate) – 3 Year Terms

Cynthia Buchanan Term Expires 11/01/10

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)

Jeffrey Stewart (Troy Daze Committee Rep.) Term Expires 11/30/08

Southeastern Michigan Council of Governments (SEMCOG)

Appointed by Council (1-Delegate & 1-Alternate) – Reappointed Every Odd Year Election

Robin E. Beltramini (Delegate) Term Expires 11/09/09

Mark Miller (Alternate) Term Expires 11/09/09

Troy Daze Committee

Appointed by Council (9-Regular) - 3 Year Terms

Daniel O'Brien Term Expires 11/30/10

Yes: All-7

Proposed Council Appointment to the Cable Advisory Board**Pending Resolution**

Moved by Howrylak

Seconded by Broomfield

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

Cable Advisory Committee

Appointed by Council (7-Regular) – 3 Year Terms

W. Kent Voigt Unexpired Term 02/28/09

Vote on Resolution to Postpone the Vote for the Proposed Appointment to the Cable Advisory Board

Resolution #2007-11-316

Moved by Beltramini

Seconded by Fleming

RESOLVED, That Troy City Council hereby **POSTPONES** the proposed appointment to the Cable Advisory Board until the Regular City Council meeting scheduled for Monday, December 13, 2007.

Yes: All-7

E-2 Rescind Bid Award/Re-Award Contract – Rifle Accessories

Resolution #2007-11-317

Moved by Eisenbacher

Seconded by Broomfield

WHEREAS, On October 1, 2007, a contract to purchase firearm accessories, Item #2) Surefire suppressor adapters was awarded to the low bidder, Interstate Arms Corporation of Billerica, MA, (Resolution # 2007-10-284-E-4c); and

WHEREAS, Interstate Arms Corporation has defaulted on the contract due to their inability to supply the adapters at the quoted price;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract to purchase firearm accessories, Item #2) Surefire suppressor adapters from Interstate Arms Corporation, and hereby **RE-AWARDS** to the next lowest bidder, Vance Outdoors, Inc. dba Vance's Law Enforcement of Columbus, OH, at unit prices contained in the bid tabulation opened September 12, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

E-3 William Beaumont Hospital Parking Agreement

Resolution #2007-11-318

Moved by Eisenbacher

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the Addendum to the agreement between the City of Troy and William Beaumont Hospital for the use of Flynn Park Roadway, and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

E-4 Agreement to Provide Fleet Maintenance Services – City of Birmingham

Resolution #2007-11-319

Moved by Eisenbacher

Seconded by Beltramini

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 Birmingham, 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.

Yes: All-7

E-6 Alcohol Sales on Golf CoursesPending Resolution

Resolution

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **DIRECTS** staff to pursue options to allow alcohol to be sold on the Golf Courses; and

BE IT FURTHER RESOLVED, That Troy City Council **DIRECTS** staff to prepare addendums to the agreements with Kosch Special Events, LLC and Gallatin, Inc. (Camp Ticonderoga) that would allow alcohol sales on the golf courses.

Vote on Resolution to Postpone Proposed Resolution for Alcohol Sales on Golf Courses

Resolution #2007-11-320

Moved by Howrylak

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **POSTPONES** proposed resolution E-6 Alcohol Sales on Golf Courses until the Regular City Council meeting scheduled for Monday, December 17, 2007.

Yes: All-7

E-7 Continued Automatic Mailing of Absentee Voter Ballot Applications to Troy Voters on the Permanent Absentee List and Voters 60-Years of Age and Older

Resolution #2007-11-321

Moved by Broomfield

Seconded by Howrylak

WHEREAS, The City of Troy has maintained a Permanent Absentee Voters List in excess of ten-years and has mailed *Absentee Voter Ballot Applications* prior to every election to the voters on the list as well as mailed applications to voters age 60 and over, one of the statutory reasons to be eligible to receive an Absentee Ballot, for the past 7 elections;

WHEREAS, The City of Troy believes that this is a service provided to its residents and eliminating the mailings would be a disservice to voters accustomed to receiving *Absentee Voter Ballot Applications*;

WHEREAS, The Michigan Court of Appeals issued a decision on October 25, 2007, as result of an appeal by the City of Detroit to the Wayne County Circuit Court's ruling in 2005 that then Detroit City Clerk Jackie Currie had exceeded her authority to mail *Absentee Voter Ballot Applications* to Detroit voters on her Permanent Absentee Ballot Voter List, which were generally voters 60-years or older;

WHEREAS, Detroit City Clerk Jackie Currie was an elected City Clerk and was a candidate for re-election listed on the ballot when the case was filed against her;

WHEREAS, The Troy City Clerk is an appointed official and has no personal gain in the distribution of unsolicited *Absentee Voter Ballot Applications* to Troy Registered Voters;

WHEREAS, The Michigan Court decision contains language that municipal clerks are not authorized by Michigan Election Law to mail unsolicited *Absentee Voter Ballot Applications* to voters, based on the Election Law provision cited in Section 168.759(5) which states that “The clerk of the city, township, or village shall have *Absentee Voter Ballot Applications* forms available in the office of the clerk at all times and shall furnish an *Absentee Voter Ballot Application* form to anyone upon a verbal or written request”;

WHEREAS, Under Michigan Election Law, there are 478 times that the Legislature has used the words “shall not”, but no similar limitation of unsolicited mailing of *Absentee Voter Ballot Applications* is expressed in Section 168.759(5);

WHEREAS, The Home Rule City Act, MCL 117.1 et seq., gives a broad range of authority to Home Rule Cities;

WHEREAS, The Troy City Charter, Section 2.1, General Powers, states, in part, “City and its officers shall have and be vested with any and all powers which Home Rule Cities”;

WHEREAS, The Troy City Council believes that providing services to the residents of the City of Troy is a right and responsibility of local government;

WHEREAS, The City of Troy will be penalized financially by a per piece distribution of applications and ballots at the verbal or written request by qualified voters as the City will not be eligible to utilize their special Election Logo Bulk Mailing rate;

WHEREAS, The current City of Troy staffing levels will not be sufficient to handle the anticipated dramatic increase of in-person contacts for Absentee Voter Ballots;

WHEREAS, Every election administered by the City of Troy will have a dramatic increase in staffing and postage expenses;

WHEREAS, The November 2008 General Election will have an added expenditure for postage in an estimated amount of \$17,000.00 and an undetermined expenditure for an increase in part-time staffing needs;

WHEREAS, It is in the best interest for the City of Troy to encourage its voters to participate in the Election process;

WHEREAS, Troy voters are accustomed to receiving automatic mailings of *Absentee Voter Ballot Applications*, and the elimination of this practice may lead to disenfranchising voters who have previously relied upon the automatic mailing to exercise their right to vote;

WHEREAS, Discontinuing the automatic mailing of *Absentee Voter Ballot Applications* to Troy voters, who have received applications for several elections and in excess of ten-years, is a disservice to those voters; and

WHEREAS, The right to vote is one of the very fundamental provisions of the United States Constitution and it is the belief of the Troy City Council that every effort should be made to assure that right is not disturbed;

THEREFORE, BE IT RESOLVED, That Troy City Council, under the Authority given to Home Rule Cities through MCL 117.1 et seq., hereby **DIRECTS** the Troy City Clerk to continue to automatically mail *Absentee Voter Ballot Applications* to voters of the City of Troy in the manner that has been established as a practice and precedent of the Troy City Clerk's Office.

Yes: All-7

CONSENT AGENDA:

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

Resolution #2007-11-322
Moved by Beltramini
Seconded by Fleming

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items F-2, F-4 and F-9 which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: All-7

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

F-5 Acceptance of a Warranty Deed and Four Permanent Easements, Mayapple, LLC – Timbercrest Farms Site Condominium, Section 24, Sidwell #88-20-24-201-035 and -019

Resolution #2007-11-322-F-5

RESOLVED, That Troy City Council hereby **ACCEPTS** the Warranty Deed for right-of-way and four Permanent Easements for water main, pedestrian walkway, sanitary sewer and storm sewer, from Mayapple, LLC, owner of the property having Sidwell #88-20-24-201-035 and 019; and

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

F-6 Acceptance of Two Warranty Deeds – V3M Associates, LLC, Section 27, Sidwell #88-20-27-357-002

Resolution #2007-11-322-F-6

RESOLVED, That Troy City Council hereby **ACCEPTS** the two Warranty Deeds for right-of-way from V3M Associates, LLC, owner of the property having Sidwell# 88-20-27-357-002; and

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

F-7 Acceptance of a Permanent Easement for Public Utilities – Wayne Chow, Section 36, Sidwell #88-20-36-100-069

Resolution #2007-11-322-F-7

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for Public Utilities from Wayne Chow, owner of property having Sidwell #88-20-36-100-069; 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.

F-8 Acceptance of a Permanent Easement for Public Utilities – King Y. Chow Declaration of Trust Dated March 21, 2007, Section 36, Sidwell #88-20-36-100-070

Resolution #2007-11-322-F-8

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for Public Utilities signed by King Y. Chow, Trustee of the King Y. Chow Declaration of Trust Dated March 21, 2007, on behalf of the Declaration of Trust, owner of the property having Sidwell #88-20-36-100-070; 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.

F-10 Private Agreement for AAA Insurance Building – Project No. 07.933.3

Resolution #2007-11-322-F-10

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Ms. Marcy Galka, for the installation of water main, sanitary sewer service, and concrete sidewalk on the site and in the adjacent right of way, and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-11 2007 Request to Waive Recapture Form

Resolution #2007-11-322-F-11

WHEREAS, The U.S. Department of Housing and Urban Development (HUD) mandates that Community Development Block Grant (CDBG) balances not exceed 1.5 times the current program year allocation sixty (60) days prior to the end of the program year (February 28th);

WHEREAS, The Oakland County Board of Commissioners adopted a policy allowing communities to protect funds from their two most recent program years to help comply with this regulation;

WHEREAS, All unobligated 2005 and older funds are at risk of recapture December 31, 2007;

WHEREAS, Troy may protect unobligated 2005 funds from recapture for one additional year by requesting a waiver; and

WHEREAS, A separate Waiver request form must be submitted for each 2005 line item to the Manager of the Oakland County Community & Home Improvement Division no later than Friday, November 23, 2007;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **REQUESTS** to waive recapture of 2005 CDBG funds as follows:

<u>Account Number</u>	<u>Project Name</u>	<u>Amount</u>
730744	Flood Drain Improvements	\$82,795.00
731521	Public Services	6,749.00
731815	Special Assessment	4,703.43

F-12 City of Troy Investment Policy and Establishment of Investment Accounts

Resolution #2007-11-322-F-12

RESOLVED, That Troy City Council hereby **APPROVES** the Investment Policy and Establishment of Investment Accounts outlined in the memorandum from Assistant City Manager/Finance & Administration John M. Lamerato, dated November 2, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-13 Animal Care Service and Disposal Agreement for Fiscal Years 2008-2010

Resolution #2007-11-322-F-13

WHEREAS, The City of Troy has contracted with Oakland County Animal Care Center who has been authorized to house, care for, maintain, feed, and/or dispose of animals since January 1, 1999;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Animal Care Center Services and Disposal Interlocal Agreement by and between Oakland County and the City of Troy effective October 1, 2007 through September 30, 2010 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.

F-14 Private Agreement for 6951 Rochester Road – Gas Station Project No. 06.926.3

Resolution #2007-11--322-F-14

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Sharrak Petroleum, for the installation of concrete and asphalt approaches, aggregate base, concrete curb and gutter, and concrete walkway on the site and in the adjacent right of way, and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-15 Approval of Subdivision Entrance Signs/Agreement Mount Vernon Estates Subdivision

Resolution #2007-11-322-F-15

RESOLVED, That Troy City Council hereby **APPROVES** as to the design and materials proposed, the sign application submitted by the Mount Vernon Estates Homeowners Association for the placement of signs within the medians of Colonial at the intersection of Wattles, Ramblewood at the intersection of Wattles and at Mt. Vernon at the intersection of John R; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the agreement regarding the maintenance and liability coverage for the sign, 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.

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

F-2 Approval of City Council Minutes

Resolution #2007-11-323

Moved by Beltramini

Seconded by Broomfield

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of October 15, 2007 be **APPROVED** as corrected.

Yes: All-7

F-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Avondale Youth Assistance**

Resolution #2007-11-324-F-4a

Moved by Beltrami

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **GRANTS** approval to expend funds budgeted in the 2007/2008 fiscal year to the Avondale Youth Assistance to provide counseling and community services to prevent youth offender recidivism to the residents of Troy who reside in the Avondale School District at a cost of \$2,210.00, and **AUTHORIZES** the Mayor and City Clerk to execute the agreements, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

b) Standard Purchasing Resolution 3: Exercise Renewal Option – Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses

Resolution #2007-11-324-F-4b

Moved by Beltrami

Seconded by Kerwin

WHEREAS, On February 5, 2007, a one-year contract with an option to renew for one additional year to provide fertilization services to the City golf courses was awarded to the lowest bidder meeting specifications, Turfgrass, Inc. of South Lyon, MI (Resolution #2007-02-031-E-4a); and

WHEREAS, Turfgrass, Inc. has agreed to exercise the one-year option to renew under the same prices, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contract for one additional year to provide fertilization services to the City golf courses with Turfgrass, Inc. of South Lyon, MI, under the same contract prices, terms and conditions expiring December 31, 2008.

Yes: All-7

c) Standard Purchasing Resolution 4: Award – Macomb County Cooperative Purchasing Agreement – Fleet Vehicles

Resolution #2007-11-324-F-4c

Moved by Beltrami

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase four (4) 2008 Ford Expedition 4X4's from Signature Ford of Owosso, MI, through a Macomb County Cooperative Purchasing Agreement for an estimated total cost of \$103,247.50.

Yes: All-7

d) **Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Tactical Vests**

Resolution #2007-11-324-F-4d

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase Tactical Vests for the Troy Police Department from grant monies made available through the Department of Justice, Bulletproof Vest Partnership Grant Program to the lowest bidder meeting specifications, Michigan Police Equipment Company of Charlotte, MI, at the unit price detailed in the bid tabulation opened May 30, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of June 30, 2009; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the expenditure of matching City funds for one-half the cost of the vests.

Yes: All-7

e) **Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Ice Melt Compound**

Resolution #2007-11-324-F-4e

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide one (1) year requirements of ice melt compound with an option to renew for one (1) additional year for the City of Troy and participating MITN (Michigan Intergovernmental Trade Network) Purchasing Cooperative Members to the lowest acceptable bidder, Washington Elevator Co., Inc., of Washington, MI, at the unit price contained in the bid tabulation opened October 9, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of October 31, 2008.

Yes: All-7

f) **Standard Purchasing Resolution 4: MITN Cooperative Award – City of Rochester Hills Single Axle Dump Truck**

Resolution #2007-11-324-F-4f

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase one (1) 2008 Sterling L 8500 5-7 yard dump truck with snow plow and salt spreader from Wolverine Truck Sales, Inc. of Dearborn, MI, through a MITN Cooperative Award hosted by the City of Rochester Hills for an estimated total cost of \$129,605.00.

Yes: All-7

g) Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Annual Flowers and Bedding Plants

Resolution #2007-11-324-F-4g

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide seasonal requirements of annual flowers and bedding plants for 2008 to the lowest acceptable bidder, Meiring Greenhouse & Farms of Carleton, MI, at unit prices contained in the bid tabulation opened October 29, 2007, for an estimated total cost of \$11,017.50; and

BE IT FURTHER RESOLVED, If additional annuals or bedding plants are required, such additional materials are **AUTHORIZED** in an amount not to exceed 20% of the estimated total cost or \$2,203.50.

Yes: All-7

F-9 Approval of Purchase Agreement for Right-of-Way – Sidewalk Gap Completion Project – Olive Peters, 115 Wattles – Sidwell #88-20-15-355-048, -049 and -050

Resolution #2007-11-325

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the Purchase Agreement in the amount of \$21,818.00 between Olive Peters, owner of the property having Sidwell #88-20-15-355-048, -049 and -050, and the City of Troy, for the acquisition of right-of-way for a Sidewalk Gap Completion project in the amount of \$21,818.00, plus closing costs.

Yes: All-7

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Seco Tools, Inc. – 2805 Bellingham – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC) – December 17, 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 Kerwin reported that several members of City Council and City Staff were able to attend the Troy Community Coalition's *Youth Dialogue Day* facilitated by a representative of the World Café. Council Member Kerwin suggested that it would be beneficial for City Council to hold a policy meeting once a month to discuss the same principles offered by this group.

In addition, Council Member Kerwin asked that everyone mark their calendars for the annual *Taste of Troy* event scheduled for March 2, 2008 benefitting the Boys & Girls Club and sponsored, once again, by National City Bank.

Mayor Louise Schilling stated she looks forward to working with the newly elected City Council.

Council Member Beltramini provided a new Michigan Municipal League publication that provides an updated overview of what the League does to all council members. Council Member Beltramini added that she has also ordered copies of two other publications. The first is *Restoring our Cities Building by Building* addressing the issue of blight and what types of ordinances can be developed to address that issue. The second publication is *Empty Houses* which addresses the foreclosure issue.

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Troy Cable Advisory Committee/Final – April 19, 2007
- b) Troy Daze Festival Committee/Final – August 28, 2007
- c) Troy Daze Festival Committee Special/Final – September 5, 2007
- d) Advisory Committee for Senior Citizens/Final – September 6, 2007
- e) Library Advisory Board/Final – September 6, 2007
- f) Employees' Retirement System Board of Trustees/Final – September 12, 2007
- g) Board of Zoning Appeals/Final – September 18, 2007
- h) Parks and Recreation Advisory Board/Final – September 20, 2007
- i) Historic Commission/Final – September 25, 2007
- j) Planning Commission Special/Study/Final – September 25, 2007
- k) Planning Commission Special/Study/Draft – October 2, 2007
- l) Planning Commission Special/Study/Final – October 2, 2007
- m) Building Code Board of Appeals/Final – October 3, 2007
- n) Advisory Committee for Senior Citizens/Draft – October 4, 2007
- o) Advisory Committee for Senior Citizens/Final – October 4, 2007
- p) Planning Commission/Draft – October 9, 2007

- q) Planning Commission/Final – October 9, 2007
- r) Board of Zoning Appeals/Draft – October 16, 2007
- s) Cable Advisory Committee/Draft – October 18, 2007
- t) Building Code Board of Appeals/Draft – October 24, 2007
- u) Advisory Committee for Senior Citizens/Draft – November 1, 2007

Noted and Filed

J-2 Department Reports:

- a) Council Member Stine’s Travel Expense Report – Annual MML Convention
- b) Council Member Beltramini’s Travel Expense Report – Annual MML Convention
- c) City of Troy Quarterly Financial Report – September 30, 2007
- d) Purchasing Department – Final Reporting – BidNet On-Line Auction Services – September 2007
- e) Police Department – 2007 Year-To-Date Calls for Police Service Report
- f) Building Department – Permits Issued During the Month of October, 2007
- g) City Attorney’s Office – 2007 Third Quarter Litigation Report

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Thanks to Chief Craft from Daniel T. McCaw, Waterford Twp. Chief of Police Regarding Assistance Received from Lt. Frye and Sgt. Salter with an Investigation
- b) Letter of Thanks to Chief Craft from Daniel T. McCaw, Waterford Twp. Chief of Police Regarding Assistance Received from Sgt. Daniel and Officers Schultz and Garcher in a Motorcycle Memorial Ride
- c) Letter of Thanks to Brian Murphy from JoAnn Gibson, GirlBiz Planner and Lead Facilitator Regarding the Efforts of Pam Valentik and the Troy Community Center Staff
- d) Letter of Appreciation to Lt. Scherlinck from Dr. Judy Garrett Regarding the Assistance of Officers Kaptur and Kowalski during the Wattles Elementary School Annual Walk to School Day
- e) Letter of Thanks to Jennifer Lawson from Michael Stafford, Cranbrook Institute of Science Director and John McCulloch, Oakland County Drain Commissioner for Participation in the Rouge River Water Festival

Noted and Filed

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

J-5 Calendar

Noted and Filed

J-6 Correspondence from State Senator John Pappageorge Congratulating the City of Troy on Being Named One of the Top 25 Cities to Live in and go to School in the Nation by RelocateAmerica.com

Noted and Filed

J-7 Troy Youth Assistance Board Meeting Draft Minutes from October 18, 2007

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session: No Closed Session Requested

The meeting **ADJOURNED** at 11:37 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk