

A Regular Meeting of the Troy City Council was held Monday, August 15, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:32 PM.

Pastor Dennis Wegner – Troy Church of the Nazarene gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Recognition of the City of Troy's 50th Anniversary of Council-Manager Government by the ICMA – International City/Council Management Association

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Parking Variance – 701-705 Minnesota

Resolution #2005-08-384
 Moved by Eisenbacher
 Seconded by Stine

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.
2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.
3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that the practical difficulties justifying the variances are:

- A. That absent a variance, no reasonable use can be made of the property; or
- B. That absent a variance, a significant natural feature would be negatively affected or destroyed; or
- C. That absent a variance, public health, safety and welfare would be negatively affected; or
- D. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare; and

WHEREAS, The City Council finds the above-stated general conditions to be present and finds the practical difficulty stated above to be operative in the appeal:

NOW, THEREFORE, BE IT RESOLVED, That the request from Raj Patel for waiver of 6 additional parking spaces at the development at 701-705 Minnesota be **APPROVED**.

Yes: All-7

C-2 Zoning Ordinance Text Amendment (ZOTA 212) – Articles IV, XXV, XXVI and XXVII – Freestanding Restaurants, Banks and Daycare Facilities in the R-C, O-M and O-S-C Districts

Resolution #2005-08-385
 Moved by Stine
 Seconded by Eisenbacher

RESOLVED, That Article IV (DEFINITIONS), Articles XXV (O-M Office Mid-Rise District), XXVI (O-S-C Office–Service-Commercial District), and XXVII (R-C Research Center District) of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 212), dated June 21, 2005, as recommended by the Planning Commission and City Management.

Yes: All-7

C-3 Rezoning Application (Z 705) – West Side of Rochester Road, North of Creston, Between Long Lake and Trinway, Section 10 – R-1C to R-1T

Resolution #
 Moved by Lambert
 Seconded by Stine

RESOLVED, That the R-1C to R-1T rezoning request, located on the west side of Rochester Road, north of Creston, between Long Lake and Trinway, Section 10, being 29,040 square feet

In size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Vote on Resolution to Postpone

Resolution #2005-08-386
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That the R-1C to R-1T rezoning request, located on the west side of Rochester Road, north of Creston, between Long Lake and Trinway, Section 10, being 29,040 square feet in size, be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, September 12, 2005.

Yes: All-7

POSTPONED ITEMS: No Postponed Items

CONSENT AGENDA:

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

Resolution #2005-08-387
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-4c-2, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

E-2 Approval of City Council Minutes

Resolution #2005-08-387-E-2

RESOLVED, That the Minutes of the Regular City Council Meeting of August 1, 2005 be **APPROVED** as submitted.

E-3 City of Troy Proclamation

Resolution #2005-08-387-E-3

- a) Proclamation Celebrating 85 Years – American Legion Charles Edwards Post 14 – Birmingham/Troy

E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 3: Exercise Renewal Option – Tee Shirt Contract

Resolution #2005-08-387-E-4a

WHEREAS, On October 18, 2004, a one year contract with an option to renew for one additional year for Tee Shirts was awarded to the low bidder, Kel Graphics of Cadillac, Michigan (Resolution #2004-10-546-E-17);

WHEREAS, Kel Graphics has agreed to exercise the one-year option to renew the contract under the same pricing, terms and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Kel Graphics to provide Tee Shirts under the same prices, terms, and conditions for one year at an estimated total cost of \$27,153.00, to expire September 30, 2006.

b) Standard Purchasing Resolution 6: Grant Approval and Authorization to Expend City Funds – Safer Star Software and Associated Equipment

Resolution #2005-08-387-E-4b

RESOLVED, That the Troy City Council does hereby **AUTHORIZE** the Troy Fire Department to receive a State of Michigan Homeland Security Critical Infrastructure Grant and **EXPEND** funds for the purchase of Safer Star Software from Safer Systems, LLC, of Camarillo, CA, the sole source provider of proprietary software, at an estimated cost of \$300,000.00; and

BE IT FURTHER RESOLVED, That the Fire Department Operations equipment budget is hereby **AMENDED** due to the grant award in the amount of \$300,000.00.

c) Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Expenses – Michigan Municipal League 107th Annual Convention**Resolution Authorizing Attendance of Mayor and City Council Members**

Resolution #2005-08-387-E-4c

RESOLVED, That pursuant to the Rules of Procedure of the City Council of the City of Troy, the City Council hereby **APPROVES** the payment and use of City funds for transportation, registration, pre-conference workshops, food, and lodging for the Mayor and City Council Members to attend the Michigan Municipal League Annual Conference to be held in Grand Rapids, Michigan, September 20 through 23, 2005, all in accordance with the accounting procedures of the City of Troy.

**E-5 Application to Transfer Location of a Class C Liquor License – TGI Friday’s, Inc.
(TGI Friday’s Restaurant)****(a) License Transfer**

Resolution #2005-08-387-E-5a

RESOLVED, That the request from TGI FRIDAY’S INC. (A NEW YORK CORPORATION), to transfer the location of a 2005 Class C licensed business (in escrow), with official permit (food), and outdoor service (1 area), from 911 Wilshire, Troy, MI 48084, Oakland County, to 591 W. Big Beaver, Troy, MI 48084, Oakland County, be **CONSIDERED** for **APPROVAL**.

It is the consensus of this legislative body that the application **BE RECOMMENDED** “above all others” for issuance.

(b) Agreement

Resolution #2005-08-387-E-5b

WHEREAS, The City Council of the City of Troy 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;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with TGI FRIDAY’S INC. (A NEW YORK CORPORATION), to transfer location of a 2005 Class C licensed business (in escrow), with official permit (food), and outdoor service (1 area), from 911 Wilshire, Troy, MI 48084, Oakland County, to 591 W. Big Beaver, Troy, MI 48084, Oakland County, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-6 Fireworks Permit – Troy Daze

Resolution #2005-08-387-E-6

RESOLVED, That a fireworks permit be **ISSUED** to Mad Bomber Fireworks Productions, of Kingsbury, IN for the display of fireworks at the conclusion of the 2005 Troy Daze Festival.

E-7 Private Agreement for Hidden Creek Site Condominiums – Project No. 03.909.3

Resolution #2005-08-387-E-7

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and GFA Development Company is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, detention, water main, soil erosion, sidewalks, landscaping and paving 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-8 Approval of Increased Interest Differential Payment and Closing Cost Payment – Emad and Niran Youno, 2955 Thames, Sidwell #88-20-25-229-005 – Big Beaver, Rochester to Dequindre Road Project #01.105.5

Resolution #2005-08-387-E-8

RESOLVED, That as required by Michigan Laws and Federal Regulations, an Increased Interest Differential payment of \$8,215.49 and reimbursable closing costs payment of \$5,431.04 are hereby **APPROVED** to be paid to Emad and Niran Youno as part of the relocation payments for relocating from 2955 Thames, having Sidwell #88-20-25-229-005, which was acquired by the City of Troy for the Big Beaver to Dequindre Road improvement project.

E-9 Recognition as a Nonprofit Organization Status from the Kimberly Anne Gillary Foundation for the Purpose of Obtaining a Charitable Gaming License

Resolution #2005-08-387-E-9

RESOLVED, That the request from the Kimberly Anne Gillary Foundation, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license be **APPROVED** as recommended by City Management.

E-10 Gerback et. al v. City of Troy

Resolution #2005-08-387-E-10

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in the matter of James Gerback, et al v City of Troy and to pay all expenses and to retain any necessary expert witnesses to adequately represent the City.

E-11 Municipal Credit and Community Credit Agreement

Resolution #2005-08-387-E-11

RESOLVED, That Municipal Credit Funds and Community Credit Funds in the amount of \$76,084.00 and \$93,916.00 respectively, for a total of \$170,000.00 are hereby **TRANSFERRED** to Troy Medi-Go Plus for transportation services of senior citizens and persons with disabilities; and

BE IT FURTHER RESOLVED, That the City is **AUTHORIZED** to retain Community Credit Funds in the amount of \$4,518.00 to purchase discount tickets for Smart Dial-A-Ride; and

BE IT FINALLY RESOLVED, That the Mayor and City Council are **AUTHORIZED TO EXECUTE** the master agreement from SMART for the 2005/2006 fiscal year, and a copy shall be **ATTACHED** to the original Minutes of this meeting.

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

Resolution #2005-08-388
Moved by Stine
Seconded by Howrylak

RESOLVED, That David Lambert is hereby **DESIGNATED** as Voting Delegate and Robin Beltramini is hereby **DESIGNATED** as the Alternate Voting Delegate to cast the vote of the City of Troy at the Annual Meeting of the Michigan Municipal League to be held September 20 through September 23, 2005 in Grand Rapids, Michigan.

Yes: All-7

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled; b) City Council Appointments: Historical Commission

(a) Mayoral Appointments – No Appointments Scheduled

(b) City Council Appointments

Resolution #2005-08-389
Moved by Beltramini
Seconded by Stine

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

Historical Commission

Appointed by Council – (7) – 3 years

Remedios Solarte Term Expires 07/31/08

Yes: All-7

F-2 Local Match for a Michigan Economic Growth Authority (MEGA) Retention Incentive Package

Resolution #2005-08-390
Moved by Beltramini
Seconded by Stine

RESOLVED, That the Troy City Council **APPROVE** the commitment of daily and/or annual Aquatic Center passes (limited to 15 annual passes per year for 3 years) at a value not to

exceed \$7,000.00 as part of the local match for a MEGA incentive package to retain ASTI in Troy.

Yes: All-7

F-3 Traffic Committee Recommendations – July 20, 2005

Resolution #2005-08-391

Moved by Lambert

Seconded by Eisenbacher

a) **No Changes be Made to the Intersection on Berwyck at Hampshire**

RESOLVED, That **NO CHANGES** be made to the intersection on Berwyck at Hampshire.

b) **Establishment of Fire Lanes/Tow Away Zones at 1650 Research Drive**

RESOLVED, That fire lanes/tow away zones shown in the attached sketch **BE ESTABLISHED** at 1650 Research Drive.

c) **Establishment of Fire Lanes/Tow Away Zones at 1775 Research Drive**

RESOLVED, That fire lanes/tow away zones shown in the attached sketch **BE ESTABLISHED** at 1775 Research Drive.

d) **Establishment of Fire Lanes/Tow Away Zones at 1850 Research Drive**

RESOLVED, That fire lanes/tow away zones shown in the attached sketch **BE ESTABLISHED** at 1850 Research Drive.

e) **Establishment of Fire Lanes/Tow Away Zones at 1875 Research Drive**

RESOLVED, That fire lanes/tow away zones shown in the attached sketch **BE ESTABLISHED** at 1875 Research Drive.

f) **Establishment of Fire Lanes/Tow Away Zones at 1960 Research Drive**

RESOLVED, That fire lanes/tow away zones shown in the attached sketch **BE ESTABLISHED** at 1960 Research Drive.

g) **Establishment of Fire Lanes/Tow Away Zones at 1965 Research Drive**

RESOLVED, That fire lanes/tow away zones shown in the attached sketch **BE ESTABLISHED** at 1965 Research Drive.

Yes: All-7

F-4 2006 City Calendar Contract Extension

Resolution #2005-08-392

Moved by Stine

Seconded by Beltramini

RESOLVED, That a contract be **AWARDED** to University Lithoprinters to print 40,000 copies of the 2006 City Calendar including an 8-page spread for the Popular Annual Financial Report (PAFR) and an 8-page spread for advertising at an estimated cost of \$38,650.00 with the Community Affairs Department to sell approximately \$15,775.00 in advertising resulting in an estimated net cost to the City of Troy of approximately \$22,875.00.

Yes: Beltramini, Lambert, Stine, Schilling

No: Broomfield, Eisenbacher, Howrylak

MOTION CARRIED

F-5 Authority to Initiate Lawsuit to Abate Public Nuisance – 2766 Rhodes

Resolution #2005-08-393

Moved by Stine

Seconded by Beltramini

RESOLVED, That the City Attorney is **AUTHORIZED** to initiate a nuisance abatement lawsuit against the owners of the home located at 2766 Rhodes, and to expend the necessary funds expedient for the litigation of such proceedings.

Yes: Howrylak, Lambert, Stine, Schilling, Beltramini

No: Broomfield, Eisenbacher

MOTION CARRIED

F-6 Bid Waiver – Troy Daze Large Tents

Resolution #2005-08-394

Moved by Lambert

Seconded by Beltramini

WHEREAS, The Troy Daze Festival requires tents to house various community, cultural, and entertainment activities for their annual event;

WHEREAS, No companies submitted a bid during the formal bid process on the two large tents;

WHEREAS, Staff has been able to locate a company, Dial Tent and Awning, of Saginaw, MI who does have the sizes of the two large tents and can make them available for the event.

NOW, THEREFORE, BE IT RESOLVED, That formal bid procedures be hereby **WAIVED** and a contract be **APPROVED** to rent two large tents from Dial Tent and Awning, of Saginaw, MI for

the estimated total cost of \$11,000.00 **CONTINGENT** upon submission of required insurance certificates.

Yes: All-7

F-7 Resolution Supporting the Legislative Correction of the WPW v. Troy Taxable Value Inequity

Resolution #2005-08-395

Moved by Stine

Seconded by Beltramini

WHEREAS, The Michigan Supreme court issued a decision in the WPW Acquisitions v City of Troy case concerning the assessment of property taxes on commercial properties;

WHEREAS, The Supreme Court's decision has resulted in inequities as it relates to property assessments whose value is based on occupancy rates;

WHEREAS, The WPW decision declared the "additions" language for increase in occupancy is unconstitutional but did not address the offsetting "loss" language, which has a large impact on many properties in the State;

WHEREAS, Prior to this decision, a commercial/industrial property owner could work with their local assessor for assessment relief if the property's occupancy rated dropped (loss), and subsequently, when the occupancy rate improved, the assessment would return to a stabilized level when the occupancy recovered (addition);

WHEREAS, This was a fair and reasonable way to help property owners who were struggling with a particular property, and the "addition" and "loss" sections of the statute worked in harmony, providing temporary relief for decrease in occupancy;

WHEREAS, Since the "addition" section of the statute has been ruled unconstitutional, commercial property owners can now manipulate the system by decreasing their occupancy level to achieve a permanent reduction in their Taxable Value and then lock in non-market property taxes at a reduced level;

WHEREAS, The decision unintentionally rewards those commercial property owners who operate inefficiently and maintain high vacancy rates while penalizing those property managers who offer competitive lease rates;

WHEREAS, The decision is unfair to residential taxpayers as the resulting effect will shift the property tax burden to residential taxpayers over time since, theoretically, property taxes collected from commercial properties as a percentage of total tax revenues will decrease;

WHEREAS, The potential loss in property tax revenue within the City of Troy as a result of the Supreme Court decision is significant. Such potential revenue loss will not only impact the City of Troy, but also the County of Oakland and the Local and Intermediate school district(s), the State of Michigan Education Tax, etc.

NOW THEREFORE BE IT RESOLVED, That the City of Troy **STRONGLY URGES** its State Legislators to establish tax equity and correct the impact of the WPW Acquisitions v City of Troy decision by supporting legislation to remove both the additions and losses sections of the General Property Tax Act (MCL 211.34d(1)(b)(vii) and 211.34d(1)(h)(iii); and

BE IT FURTHER RESOLVED, That copies of this Resolution be **SENT** to Governor Granholm, State Senator Shirley Johnson, Representative Robert Gosselin and the MML State and Federal Affairs Division.

Yes: All-7

F-8 Authority to Initiate Lawsuit to Abate Public Nuisance – 5165 Prentis

Resolution #2005-08-396

Moved by Stine

Seconded by Beltramini

RESOLVED, That the City Attorney is **AUTHORIZED** to initiate a nuisance abatement lawsuit against the owners of the home located at 5165 Prentis, and to **EXPEND** the necessary funds expedient for the litigation of such proceedings.

Yes: Lambert, Stine, Schilling, Beltramini

No: Broomfield, Eisenbacher, Howrylak

MOTION CARRIED

The Meeting **RECESSED** at 9:20 PM.

The Meeting **RECONVENED** at 9:33 PM.

F-9 Revision of Troy's Sign Ordinances

Resolution

Moved by Howrylak

Seconded by Eisenbacher

a) Revision of Sign Ordinance – Enact Chapter 85

RESOLVED, That an ordinance to enact Chapter 85 – Signs, is hereby **ADOPTED** as recommended by the City Administration, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

b) Revision of Sign Ordinance – Amendment to Chapter 60

RESOLVED, That an ordinance amendment to Chapter 60, Section 60.03, is hereby **ADOPTED** as recommended by the City Administration, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

c) Revision of Sign Ordinance – Amendment to Chapter 3

RESOLVED, That an ordinance amendment to Chapter 3, Section 1.141(6), is hereby **ADOPTED** as recommended by the City Administration, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

d) Revision of Sign Ordinance – Chapter 78 Repealed

RESOLVED, That Chapter 78 – Signs, of the Troy City Code, is hereby **REPEALED**.

e) Revision of Sign Ordinance – Chapter 85-A Repealed

RESOLVED, That Chapter 85-A – Political Signs, of the Troy City Code, is hereby **REPEALED**.

Vote on Resolution to Amend

Resolution

Moved by Stine

Seconded by Schilling

RESOLVED, That the proposed Resolution for the *Revision of Troy's Sign Ordinances* be **AMENDED** by modifying Section 60.03.02 B.1 by **STRIKING** “six square feet” and **INSERTING** “four square feet” and Section 60.03.02 B.2 by **STRIKING** “three temporary signs” and **INSERTING** “two temporary signs” and Section 60.03.02 B.4 by **STRIKING** “ninety days” and **INSERTING** “sixty days”.

Vote on Resolution to Postpone

Resolution #2005-08-397

Moved by Lambert

Seconded by Beltramini

RESOLVED, That the proposed Resolution for the *Revision of Troy's Sign Ordinances* (a-e) and the proposed amendment be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, September 12, 2005.

Yes: All-7

F-10 Public Benefit Requirement to Satisfy Preliminary Approval of Planned Unit Development (PUD-004) – The Monarch Private Residences

Resolution #2005-08-398

Moved by Beltramini

Seconded by Stine

WHEREAS, The Troy City Council granted conditional preliminary planned unit development approval PUD-004, the Monarch private residences on July 18, 2005, Resolution # 2005-07-357;

WHEREAS, The resolution contains a condition related to the appropriate public benefit, which was either the purchase of the two properties to the north or a donation to the City to implement the results of the Big Beaver corridor study;

WHEREAS, The petitioner, property owners of 3128 Alpine (Sidwell #88-20-20-402-016) and 3141 McClure (Sidwell #88-20-20-402-030) and the Troy City Management signed a Letter of Understanding dated August 9, 2005 and is attached to this resolution.

NOW THEREFORE, BE IT RESOLVED, That City Council **ACCEPTS** the attached Letter of Understanding dated August 9, 2005 as the appropriate public benefit for preliminary approval of PUD-004.

Yes: All-7

F-11 Intergovernmental Cable Communications Authority (ICCA) Contract with Community Media Network (CMN)

Resolution #2005-08-399

Moved by Beltramini

Seconded by Broomfield

RESOLVED, That the Troy City Council **APPROVES** the proposed contract and bylaws between the Intergovernmental Cable Communications Authority (ICCA) and Community Media Network (CMN) as presented for a three-year contract which will expire on December 31, 2007 for the purpose of Public Access Television Services.

Yes: Beltramini, Broomfield, Lambert, Stine, Schilling

No: Eisenbacher, Howrylak

MOTION CARRIED

F-12 Bid Waiver – Authorization to Purchase an Enterprise Content Management System

Resolution #2005-08-400

Moved by Lambert

Seconded by Eisenbacher

RESOLVED, That formal bidding procedures are hereby **WAIVED** and a contract to purchase an Enterprise-wide Content Management (ECM) System from Liberty Information Management Systems and Ricoh Business Systems is hereby **APPROVED** at an estimated cost of \$542,000.00, plus an estimated \$59,000.00 per year for maintenance and support, in accordance with Appendix A, Detailed Pricing; and

BE IT FURTHER RESOLVED, Those contracts to purchase the necessary hardware, software, and back file conversion services from REMC and State of Michigan contracts are hereby **APPROVED**.

Yes: All-6
No: None
Absent: Schilling

F-13 Revisions to Chapter 19 – Sanitary Sewer Service – Elimination of Connection Requirement

Resolution #2005-08-401
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That Sections 19.01, 19.02, 19.03 and 19.05 of Chapter 19 – Sanitary Sewer Service, of the Troy City Code be **REVISED** 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-6
No: None
Absent: Schilling

F-14 Replacement of November 2005 Ballot Proposals

Resolution
Moved by Lambert
Seconded by Stine

RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposals 1-8 and Proposal 10 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposals at that election:

Proposed Resolution #1

RESOLVED, That Resolution #2005-07-346, Resolution #2005-08-382, and Resolution #2005-08-383 are hereby **RESCINDED** by the Troy City Council.

Proposed Resolution #2

1. **RESOLVED**, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 1 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 1 at that election:

Charter Amendment Proposal 1

AMENDMENT OF SECTIONS 3.4 (TERMS OF OFFICE) and 7.5 (ELECTIVE OFFICERS AND TERMS OF OFFICE) OF THE TROY CITY CHARTER TO REFLECT THE CURRENT FOUR-YEAR TERMS OF THE MAYOR AND CITY COUNCIL MEMBERS

Shall Sections 3.4 (Terms of Office) and 7.5 (Elective Officers and Terms of Office) of the Troy City Charter be amended by deleting section 7.5 and incorporating the former section 7.5 as the first sentence of section 3.4 with the terms of the Mayor and the Council Members being four years to reflect the change from three years to four years on account of the 2004 election consolidation legislation and providing that these terms expire at 7:30 pm (rather than 8 pm) on the first Monday following the regular City election in the fourth year of these terms?

Revised Charter Provision (If Proposal 1 Passes)

Section 3.4- Elective Officers and Terms of Office:

The elective officers of the City shall be the six (6) members of council and the Mayor all of whom shall be nominated and elected from the city at large for the terms provided herein. City Council Members and the Mayor shall be elected for terms of four (4) years and shall serve until 7:30 PM on the first Monday following the regular election of the fourth year of their term.

2. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 2 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 2 at that election:

Charter Amendment Proposal 2

AMENDMENT TO RE-NUMBER SECTION 7.5.5 OF THE TROY CITY CHARTER AS SECTION 3.4.1, ADD A TITLE TO THE SECTION, AND CHANGE THE SECTION'S DEFINITION OF "TERM" IN ITS THIRD SENTENCE

Shall Section 7.5.5 of the Troy City Charter be re-numbered as section 3.4.1 to state as follows:

"3.4.1- Elective Officers Term Limitations

Any elected member of the City Council shall not serve more than three terms as Councilperson. The Mayor shall not serve more than two terms as Mayor. Any service greater than two (2) years plus one (1) month shall constitute a term. This amendment shall apply only to terms starting after passage of this amendment" ?

Revised Charter Provision (If Proposal 2 Passes)

Section 3.4.1- Elective Officers Term Limitations:

An elected member of the City Council shall not serve more than three terms as Councilperson. The Mayor shall not serve more than two terms as Mayor. Any service greater than two (2) years plus one (1) month shall constitute a term. This amendment shall apply only to terms starting after passage of this amendment.

3. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 3 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 3 at that election:

Charter Amendment Proposal 3**PROPOSAL FOR A NEW SECTION 3.4.2 (STAGGERING TERMS OF OFFICE) OF THE TROY CITY CHARTER TO PROVIDE FOR THREE COUNCIL MEMBERS TO BE ELECTED TO FOUR-YEAR TERMS EVERY TWO YEARS**

In lieu of the current provision under the 2004 election consolidation legislation for four council members and the Mayor to be elected in 2007 and every four years thereafter and two council members to be elected in 2009 and every four years thereafter, shall section 3.4.2 be added to the Troy City Charter to provide for a two-year transitional term (2007-2009) for one council member, so that the Mayor and three members of the council will be elected in 2007 and every four years thereafter and three members will be elected in 2009 and every four years thereafter?

Revised Charter Provision (If Proposal 3 Passes):**Section 3.4.2- Staggering Terms of Office:**

City Council Members with terms expiring April 2006 shall have their terms extended until November 2007; City Council Members with terms expiring April 2007 shall have their terms extended until November 2007. The Mayor's term, expiring April 2007, shall be extended until November 2007. The staggering of terms shall be established as follows:

November 8, 2005- Two (2) Council Members shall be elected for four (4) year terms with the terms expiring on November 9, 2009;

November 6, 2007- One (1) Council Member shall be elected for a two (2) year term with the term expiring on November 9, 2009;

November 6, 2007- Three (3) Council Members shall be elected for four (4) year terms with the terms expiring on November 14, 2011;

November 6, 2007- Mayor shall be elected for a four (4) year term with the term expiring November 14, 2011.

4. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 4 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 4 at that election:

Charter Amendment Proposal 4**AMENDMENT OF SECTION 7.3 (ELECTION DATE) OF THE TROY CITY CHARTER TO REFLECT THE CURRENT REQUIREMENT FOR REGULAR ELECTIONS IN NOVEMBER OF EACH ODD- NUMBERED YEAR**

Shall Section 7.3 (Election Date) be amended to provide for regular City elections in November of each odd-numbered year to reflect the current requirements of the 2004 election consolidation legislation?

Revised Charter Provision (If Proposal 4 Passes)**Section 7.3- Election Date:**

A regular City election shall be held on the first Tuesday after the first Monday of every odd year November.

5. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 5 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 5 at that election:

Charter Amendment Proposal 5**PROPOSAL TO RE-STATE SECTION 7.6 (SPECIAL ELECTION) OF THE TROY CITY CHARTER**

Shall Section 7.6 of the Troy City Charter be re-stated by providing: "Special City elections shall be called in the manner and time as provided by State Statute" and eliminating "Special City elections shall be held when called by resolution of the Council at least 40 days in advance of such election, or when required by this charter or statute. Any resolution calling a special election shall set forth the purpose of such election. No more special city elections shall be called in any one year than the number permitted by statute"?

Revised Charter Provision (If Proposal 5 Passes)**Section 7.6- Special Election:**

Special City Elections shall be called in the manner and time as provided by State Statute.

6. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 6 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 6 at that election:

Charter Amendment Proposal 6**PROPOSAL TO AMEND SECTION 7.9 (NOMINATIONS) OF THE TROY CITY CHARTER TO DELETE A PROVISION THAT IS INCONSISTENT WITH MICHIGAN ELECTION LAW**

Shall the fourth and fifth sentences of Section 7.9 (Nominations) of the Troy City Charter, rejecting any signatures on nominating petitions where a voter has signed more nominating petitions for candidates for any city office than there are persons to be elected to that office, be deleted to reflect that the counting of some of these signatures is permitted under the provisions of section 547(a) of the Michigan Election Code [(MCL 168.547(a))]?

Revised Charter Provision (If Proposal 6 Passes)**Section 7.9- Nominations:**

The method of nomination of all candidates at city elections shall be by petition. Each petition may comprise one or more pages. The petition for each candidate must be signed by not less than sixty registered electors of the City.

Nomination petitions for candidates for regular city elections are to be filed with the Clerk on or before 4 o'clock p.m. of the one hundredth (100th) day preceding the City election for each election year.

The Clerk shall, prior to every election, publish notice of the last day permitted for filing nomination petitions and of the number of persons to be elected to each office, at least one week and not more than three weeks before such day.

7. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 7 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 7 at that election:

Charter Amendment Proposal 7**PROPOSAL TO AMEND SECTION 7.10 (FORM OF PETITIONS) OF THE TROY CITY CHARTER TO DELETE A PROVISION THAT IS INCONSISTENT WITH MICHIGAN LAW**

Shall the first sentence of Section 7.10 of the Troy City Charter be re-stated by striking "The Council shall approve a form of nominating petition with spaces thereon for address and date of signing for each signer, an affidavit form for the circulator to sign affirming that he and the petitioners are registered electors and a summary of the qualifications required of candidates and the regulations governing the petition" and substituting "Nominating petitions shall be in a form as provided by Michigan Election Law"?

Revised Charter Provision (If Proposal 7 Passes)**Section 7.10- Form of Petitions:**

Nominating Petitions shall be in a form as provided by State Statute. A supply of official petition forms shall be provided and maintained by the Clerk.

8. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 8 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 8 at that election:

Charter Amendment Proposal 8**PROPOSAL TO AMEND SECTION 5.13 (SUBMISSION OF INITIATORY AND REFERENDARY ORDINANCES TO ELECTORS) OF THE TROY CITY CHARTER,**

REGARDING ITS REQUIREMENTS FOR SPECIAL ELECTIONS FOR INITIATIVE PROPOSALS

Shall section 5.13 of the Troy City Charter be amended to delete the 60 day deadline for the City Council to call a special election for an initiative proposal, where the Council declines to enact the proposal as an ordinance and no election is to be held in the City for any other purpose within 150 days from the date the proposal is presented to the Council, to provide that these special elections shall be scheduled in accordance with Michigan election law and to specify that Council decisions under this section shall be by affirmative vote of the members elect?

Revised Charter Provision (If Proposal 8 Passes)

Section 5.13- Submission of Initiatory and Referendary Ordinances to Electors:

Should the Council, by an affirmative vote of the members elect, decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose in accordance with State Election Law. In the case of any initiatory petition, if no election is to be held in the City for any other purpose within one hundred fifty days from the time the petition is presented to the Council and the Council does not enact the ordinance, then the Council shall call a special election in accordance with State Election Law. The result of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by Statute or the Constitution.

10. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 10 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 10 at that election:

Charter Amendment Proposal 10

PROPOSAL TO AMEND SECTION 12.3 (RESTRICTIONS ON POWERS TO LEASE PROPERTY) OF THE TROY CHARTER TO SUBJECT LONG TERM USE AGREEMENTS TO THE RESTRICTIONS ON LEASING AND RENTING CITY PROPERTY SET FORTH IN THAT SECTION

Shall Section 12.3 of the Troy City Charter be amended to subject long-term (more than 3 years) use agreements to the restrictions in this section for the leasing or renting of City property, including the requirements for fair consideration as determined by the city council and the provision for referendum petitions for such agreements?

Revised Charter Provision (If Proposal 10 Passes)

Section 12.3- Restriction on Powers to Lease Property:

Any agreement or contract for the renting or leasing or long term use of public property to any person for a period longer than three years shall be subject to the same referendum procedure as is provided in the case of ordinances passed by the Council, but any petition for such referendum must be filed within thirty days after publication of

the proceedings of the meeting of the Council at which such agreement or contract is authorized.

The transfer or assignment of any agreement or contract for such renting or leasing or long-term agreements exceeding three years for public property may be made only upon approval of the Council, but approval of such transfer shall not be subject to referendum.

Rentals, leases, long-term use agreements exceeding three years, and renewals thereof shall be for a fair consideration, as determined by the Council.

Vote on Resolution to Amend by Separation

Resolution #2005-08-402
Moved by Schilling
Seconded by Lambert

RESOLVED, That the Resolution for the *Replacement of November 2005 Ballot Proposals* be **AMENDED** by **SEPARATING** Proposed Charter Amendment Proposal 9 for discussion purposes.

Yes: All-7

Vote on Resolution for the Replacement of November 2005 Ballot Proposals (1-8 & 10) as Amended

Resolution #2005-08-403
Moved by Lambert
Seconded by Stine

RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposals 1-8 and Proposal 10 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposals at that election:

Proposed Resolution #1

RESOLVED, That Resolution #2005-07-346, Resolution #2005-08-382, and Resolution #2005-08-383 are hereby **RESCINDED** by the Troy City Council.

Proposed Resolution #2

2. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 1 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 1 at that election:

Charter Amendment Proposal 1**AMENDMENT OF SECTIONS 3.4 (TERMS OF OFFICE) and 7.5 (ELECTIVE OFFICERS AND TERMS OF OFFICE) OF THE TROY CITY CHARTER TO REFLECT THE CURRENT FOUR-YEAR TERMS OF THE MAYOR AND CITY COUNCIL MEMBERS**

Shall Sections 3.4 (Terms of Office) and 7.5 (Elective Officers and Terms of Office) of the Troy City Charter be amended by deleting section 7.5 and incorporating the former section 7.5 as the first sentence of section 3.4 with the terms of the Mayor and the Council Members being four years to reflect the change from three years to four years on account of the 2004 election consolidation legislation and providing that these terms expire at 7:30 pm (rather than 8 pm) on the first Monday following the regular City election in the fourth year of these terms?

Revised Charter Provision (If Proposal 1 Passes)**Section 3.4- Elective Officers and Terms of Office:**

The elective officers of the City shall be the six (6) members of council and the Mayor all of whom shall be nominated and elected from the city at large for the terms provided herein. City Council Members and the Mayor shall be elected for terms of four (4) years and shall serve until 7:30 PM on the first Monday following the regular election of the fourth year of their term.

2. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 2 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 2 at that election:

Charter Amendment Proposal 2**AMENDMENT TO RE-NUMBER SECTION 7.5.5 OF THE TROY CITY CHARTER AS SECTION 3.4.1, ADD A TITLE TO THE SECTION, AND CHANGE THE SECTION'S DEFINITION OF "TERM" IN ITS THIRD SENTENCE**

Shall Section 7.5.5 of the Troy City Charter be re-numbered as section 3.4.1 to state as follows:

"3.4.1- Elective Officers Term Limitations

Any elected member of the City Council shall not serve more than three terms as Councilperson. The Mayor shall not serve more than two terms as Mayor. Any service greater than two (2) years plus one (1) month shall constitute a term. This amendment shall apply only to terms starting after passage of this amendment" ?

Revised Charter Provision (If Proposal 2 Passes)**Section 3.4.1- Elective Officers Term Limitations:**

An elected member of the City Council shall not serve more than three terms as Councilperson. The Mayor shall not serve more than two terms as Mayor. Any service

greater than two (2) years plus one (1) month shall constitute a term. This amendment shall apply only to terms starting after passage of this amendment.

3. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 3 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 3 at that election:

Charter Amendment Proposal 3

PROPOSAL FOR A NEW SECTION 3.4.2 (STAGGERING TERMS OF OFFICE) OF THE TROY CITY CHARTER TO PROVIDE FOR THREE COUNCIL MEMBERS TO BE ELECTED TO FOUR-YEAR TERMS EVERY TWO YEARS

In lieu of the current provision under the 2004 election consolidation legislation for four council members and the Mayor to be elected in 2007 and every four years thereafter and two council members to be elected in 2009 and every four years thereafter, shall section 3.4.2 be added to the Troy City Charter to provide for a two-year transitional term (2007-2009) for one council member, so that the Mayor and three members of the council will be elected in 2007 and every four years thereafter and three members will be elected in 2009 and every four years thereafter?

Revised Charter Provision (If Proposal 3 Passes):

Section 3.4.2- Staggering Terms of Office:

City Council Members with terms expiring April 2006 shall have their terms extended until November 2007; City Council Members with terms expiring April 2007 shall have their terms extended until November 2007. The Mayor's term, expiring April 2007, shall be extended until November 2007. The staggering of terms shall be established as follows:

November 8, 2005- Two (2) Council Members shall be elected for four (4) year terms with the terms expiring on November 9, 2009;

November 6, 2007- One (1) Council Member shall be elected for a two (2) year term with the term expiring on November 9, 2009;

November 6, 2007- Three (3) Council Members shall be elected for four (4) year terms with the terms expiring on November 14, 2011;

November 6, 2007- Mayor shall be elected for a four (4) year term with the term expiring November 14, 2011.

4. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 4 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 4 at that election:

Charter Amendment Proposal 4**AMENDMENT OF SECTION 7.3 (ELECTION DATE) OF THE TROY CITY CHARTER TO REFLECT THE CURRENT REQUIREMENT FOR REGULAR ELECTIONS IN NOVEMBER OF EACH ODD- NUMBERED YEAR**

Shall Section 7.3 (Election Date) be amended to provide for regular City elections in November of each odd-numbered year to reflect the current requirements of the 2004 election consolidation legislation?

Revised Charter Provision (If Proposal 4 Passes)**Section 7.3- Election Date:**

A regular City election shall be held on the first Tuesday after the first Monday of every odd year November.

5. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 5 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 5 at that election:

Charter Amendment Proposal 5**PROPOSAL TO RE-STATE SECTION 7.6 (SPECIAL ELECTION) OF THE TROY CITY CHARTER**

Shall Section 7.6 of the Troy City Charter be re-stated by providing: "Special City elections shall be called in the manner and time as provided by State Statute" and eliminating "Special City elections shall be held when called by resolution of the Council at least 40 days in advance of such election, or when required by this charter or statute. Any resolution calling a special election shall set forth the purpose of such election. No more special city elections shall be called in any one year than the number permitted by statute"?

Revised Charter Provision (If Proposal 5 Passes)**Section 7.6- Special Election:**

Special City Elections shall be called in the manner and time as provided by State Statute.

6. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 6 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 6 at that election:

Charter Amendment Proposal 6**PROPOSAL TO AMEND SECTION 7.9 (NOMINATIONS) OF THE TROY CITY CHARTER TO DELETE A PROVISION THAT IS INCONSISTENT WITH MICHIGAN ELECTION LAW**

Shall the fourth and fifth sentences of Section 7.9 (Nominations) of the Troy City Charter, rejecting any signatures on nominating petitions where a voter has signed more nominating petitions for candidates for any city office than there are persons to be elected to that office, be deleted to reflect that the counting of some of these signatures is permitted under the provisions of section 547(a) of the Michigan Election Code [(MCL 168.547(a))]?

Revised Charter Provision (If Proposal 6 Passes)**Section 7.9- Nominations:**

The method of nomination of all candidates at city elections shall be by petition. Each petition may comprise one or more pages. The petition for each candidate must be signed by not less than sixty registered electors of the City.

Nomination petitions for candidates for regular city elections are to be filed with the Clerk on or before 4 o'clock p.m. of the one hundredth (100th) day preceding the City election for each election year.

The Clerk shall, prior to every election, publish notice of the last day permitted for filing nomination petitions and of the number of persons to be elected to each office, at least one week and not more than three weeks before such day.

7. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 7 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 7 at that election:

Charter Amendment Proposal 7**PROPOSAL TO AMEND SECTION 7.10 (FORM OF PETITIONS) OF THE TROY CITY CHARTER TO DELETE A PROVISION THAT IS INCONSISTENT WITH MICHIGAN LAW**

Shall the first sentence of Section 7.10 of the Troy City Charter be re-stated by striking "The Council shall approve a form of nominating petition with spaces thereon for address and date of signing for each signer, an affidavit form for the circulator to sign affirming that he and the petitioners are registered electors and a summary of the qualifications required of candidates and the regulations governing the petition" and substituting "Nominating petitions shall be in a form as provided by Michigan Election Law"?

Revised Charter Provision (If Proposal 7 Passes)**Section 7.10- Form of Petitions:**

Nominating Petitions shall be in a form as provided by State Statute. A supply of official petition forms shall be provided and maintained by the Clerk.

8. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 8 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 8 at that election:

Charter Amendment Proposal 8

PROPOSAL TO AMEND SECTION 5.13 (SUBMISSION OF INITIATORY AND REFERENDARY ORDINANCES TO ELECTORS) OF THE TROY CITY CHARTER, REGARDING ITS REQUIREMENTS FOR SPECIAL ELECTIONS FOR INITIATIVE PROPOSALS

Shall section 5.13 of the Troy City Charter be amended to delete the 60 day deadline for the City Council to call a special election for an initiative proposal, where the Council declines to enact the proposal as an ordinance and no election is to be held in the City for any other purpose within 150 days from the date the proposal is presented to the Council, to provide that these special elections shall be scheduled in accordance with Michigan election law and to specify that Council decisions under this section shall be by affirmative vote of the members elect?

Revised Charter Provision (If Proposal 8 Passes)

Section 5.13- Submission of Initiatory and Referendary Ordinances to Electors:

Should the Council, by an affirmative vote of the members elect, decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose in accordance with State Election Law. In the case of any initiatory petition, if no election is to be held in the City for any other purpose within one hundred fifty days from the time the petition is presented to the Council and the Council does not enact the ordinance, then the Council shall call a special election in accordance with State Election Law. The result of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by Statute or the Constitution.

10. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 10 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 10 at that election:

Charter Amendment Proposal 10

PROPOSAL TO AMEND SECTION 12.3 (RESTRICTIONS ON POWERS TO LEASE PROPERTY) OF THE TROY CHARTER TO SUBJECT LONG TERM USE AGREEMENTS TO THE RESTRICTIONS ON LEASING AND RENTING CITY PROPERTY SET FORTH IN THAT SECTION

Shall Section 12.3 of the Troy City Charter be amended to subject long-term (more than 3 years) use agreements to the restrictions in this section for the leasing or renting of City property, including the requirements for fair consideration as determined by the city council and the provision for referendum petitions for such agreements?

Revised Charter Provision (If Proposal 10 Passes)

Section 12.3- Restriction on Powers to Lease Property:

Any agreement or contract for the renting or leasing or long term use of public property to any person for a period longer than three years shall be subject to the same referendum procedure as is provided in the case of ordinances passed by the Council, but any petition for such referendum must be filed within thirty days after publication of the proceedings of the meeting of the Council at which such agreement or contract is authorized.

The transfer or assignment of any agreement or contract for such renting or leasing or long-term agreements exceeding three years for public property may be made only upon approval of the Council, but approval of such transfer shall not be subject to referendum.

Rentals, leases, long-term use agreements exceeding three years, and renewals thereof shall be for a fair consideration, as determined by the Council.

Yes: All-7

Vote on Resolution for the Replacement of November 2005 Ballot Proposals (9)

Resolution #2005-08-404

Moved by Lambert

Seconded by Stine

RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 9 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 9 at that election:

Charter Amendment Proposal 9

A PROPOSAL TO ADD TO THE TROY CITY CHARTER SECTION 7.9.5 (COUNCIL INITIATED BALLOT QUESTIONS) TO THE TROY CITY CHARTER TO ALLOW CITY COUNCIL TO PLACE ADVISORY QUESTION ON REGULAR CITY ELECTIONS BALLOTS

Shall Section 7.9.5 (Council Initiated Ballot Questions) of the Troy City Charter be added to provide a mechanism for the City Council to place advisory ballot questions on the Regular City Election Ballot, by an affirmative majority vote of the members elect?

Revised Charter Provision (If Proposal 9 Passes)**Section 7.9.5- Submission of Council Initiated Advisory Ballot Questions to Electors:**

Should the Council, by an affirmative vote of the members elect, decide to submit an advisory ballot question to the electors, it shall be submitted at the next Regular City Election. The results of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon except in cases where otherwise required by Statute or the Constitution.

Yes: Stine, Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert

No: Schilling

MOTION CARRIED**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:****G-1 Announcement of Public Hearings:**

- a) Commercial Vehicle Appeal – 2239 East Maple Road – September 12, 2005
- b) Rezoning Application – South Side of Long Lake Road, West of Calvert Drive, Section 14 – R-1C to CR-1 (Z 706) – September 12, 2005
Noted and Filed

G-2 Green Memorandums:

- a) Options for Remnant Parcel – Site for Troy's First Volunteer Fire Station
Noted and Filed

COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda**H-1 No Council Referrals****COUNCIL COMMENTS:****Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business, Article 15 I.**

Resolution #2005-08-405
Moved by Beltramini
Seconded by Stine

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #6 Order of Business, Article 15-I. Council Comments and **AUTHORIZE** City Council to discuss and take action on *G-2a Options for Remnant Parcel – Site for Troy's First Volunteer Fire Station.*

Yes: All-7

Proposed Resolution Regarding 5930 Livernois (G-2a Options for Remnant Parcel – Site for Troy’s First Volunteer Fire Station)

Resolution

Moved by Beltramini

Seconded by Stine

RESOLVED, That Troy City Council hereby **DIRECTS** the City Manager to request input from the members of the Parks and Recreation Board, the Historical Commission, and the Historic District Commission to advise on the desirability of transforming 5930 Livernois (*G-2a Options for Remnant Parcel – Site for Troy’s First Volunteer Fire Station*) into a passive or active park site.

Proposed Resolution to Amend

Resolution

Moved by Howrylak

Seconded by Broomfield

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** City Staff to hold the parcel for six months and actively seek a group of other individuals to adopt this site and subsequently raise funds for implementing design elements.

Vote on Resolution to Postpone

Resolution #2005-08-408

Moved by Eisenbacher

Seconded by Beltramini

RESOLVED, That the proposed Resolution Regarding 5930 Livernois (*G-2a Options for Remnant Parcel – Site for Troy’s First Volunteer Fire Station*) and proposed Amendment be **POSTPONED** indefinitely.

Yes: All-7

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

- a) Troy Historic District Study Committee/Final – June 7, 2005
- b) Building Code Board of Appeals/Final – July 6, 2005
- c) Planning Commission Regular/Draft – July 12, 2005
- d) Employees’ Retirement System Board of Trustees/Draft – July 13, 2005
- e) Retiree Health Care Benefits Plan & Trust Minutes/Draft – July 13, 2005
- f) Planning Commission Special/Study/Draft – July 26, 2005

Noted and Filed

J-2 Department Reports:

- a) Building Department – Permits Issued During the Month of July, 2005
- b) Police Department – 2005 Year-to-Date Crime and Calls for Service Report
- c) Planning Department – Zoning Ordinance Test Amendment (ZOTA 214) – Article XXVIII – Group Day Care Homes in the R-1A Through R-1E Districts
- d) Purchasing Department – Auction (Off Site and On-line) – Vehicle Sale in Port Huron, Michigan and an On-Line Auction for a Diamond Bracelet on BidNet
- e) Building Department – Additional Information on Examples of Allowable Accessory Structures Based Upon Final Action – ZOTA 215A

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Thanks to Mayor Schilling from Paul Marcus, Barton Malow Company, Thanking Gary Bowers, Rick Kessler, Doug Smith, Ron Figlan, Bob Matlick, Mark Stimac, Bill Jawlik, Pat Pettito, Gary Streight, the Entire Inspection Staff, and the Very Kind Administrators in the Building Department for Their Cooperation with Planning and Construction of Automation Alley's Technology Center
- b) Letter of Thanks to John Szerlag from Harriet Barnard, Thanking Brian Murphy for City Staff's Quick Response
- c) Letter of Thanks to Carol Anderson from Stacy Pilut, Thanking Her for the Nursery School Olympics
- d) Letter of Thanks to Chief Craft from Clive D. Mattice, Jr., Thanking Officer Melissa Baroky for Her Assistance on I-75
- e) Letter of Thanks to Carol Anderson from Lynn and Brian Coury, Thanking Ron Hynd for His Prompt Service, Attention and Courtesy
- f) Letter to Chief Nelson from Vicki Barnett, Mayor, and Richard Marinucci, Fire Chief, of Farmington Hills, Thanking Chief Nelson and the Troy Fire Department for Participating in FARMEX II
- g) Letter to Troy Fire Department from Mothers & More, in Appreciation of the Demonstration at Their Annual Family Picnic
- h) Letter of Appreciation to Steve Vandette from Richard Bury for His Assistance

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) Resolution from the City of Ferndale Extending Appreciation to the Mayors of Hiroshima and Nagasaki for their Leadership in Working for the Elimination of Nuclear Weapons.
- b) Resolution from Charter Township of White Lake Regarding Local Control of Liquor Licenses
- c) Resolution from the City of Ferndale – I-75 Final Environment Impact Statement – M-102 to M-59 Proposed Expansion

Noted and Filed

J-5 Calendar

Noted and Filed

J-6 Standard & Poor's Annual Review of "AAA" United States Municipalities

Noted and Filed

J-7 Municipal Sign Regulations v. the First Amendment
Noted and Filed

J-8 Cable Franchise Lawsuit Against the City of Troy
Noted and Filed

J-9 Memo from the Friends of the Troy Public Library Book Shop Management Committee
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, City Clerk