

A Regular Meeting of the Troy City Council was held Monday, March 17, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Pastor John Frankenstein of Zion Christian Church 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  
Wade Fleming  
Mayor Pro Tem Martin Howrylak  
Mary Kerwin

## CERTIFICATES OF RECOGNITION:

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### A-1 Presentations:

- a. On behalf of the City of Troy, Mayor Schilling presented a proclamation to Terry Socal of *The Business Advisory Group, LLC* in celebration of their 20<sup>th</sup> year anniversary.
- b. On behalf of the City of Troy, Mayor Schilling presented a proclamation to Paul Scobie, TYA Caseworker and Jeanne Stine of *Troy Youth Assistance* in celebration of their 50<sup>th</sup> year anniversary.
- c. Mayor Schilling presented the *2007 Traffic Safety Award* received from the "Governors Traffic Safety Advisory Commission" to Deputy City Engineer/Traffic Engineer, John Abraham and staff members from the Engineering Department.
- d. An update was presented by State Representative Marty Knollenberg – 41st District.
- e. Kerry Krivoshein, of the *Trails Committee*, provided an update on the trails and pathways in Troy.

## CARRYOVER ITEMS:

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### B-1 No Carryover Items

## PUBLIC HEARINGS:

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### C-1 Re-Programming Community Development Block Grant (CDBG) Program Year 2005 Unexpended Funds

The Mayor opened the Public Hearing for public comment.

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

Resolution #2008-03-093  
Moved by Eisenbacher  
Seconded by Beltramini

WHEREAS, The City Council of the City of Troy, after conclusion of a Public Hearing on this date, March 17, 2008 has determined that Community Development Block Grant (CDBG)

program year 2005 unexpended funds of \$82,795.00 should be re-programmed from the Flood Drain Improvements Project to the Public Facilities and Improvements, Section 36 Park Improvement Project; and

WHEREAS, The balance of CDBG Program Year 2005 Special Assessment Project funds for approximately 12 low-moderate income residents on Olympia and Tacoma Streets in the amount of \$4,703.43 should be re-programmed to the Public Facilities and Improvements, Section 36 Park Improvement Project;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADDS** the Public Facilities and Improvements, Section 36 Park Improvement Project, to the list of CDBG projects for 2005.

Yes: All-7

## **POSTPONED ITEMS:**

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### **D-1 Liquor Violations – Class C; Class C Resort & Hotel B: (f) LaShish, Inc. (dba: LaShish) – Continuance of Public Hearing**

The Mayor continued the Public Hearing for public comment.

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

Resolution #2008-03-094

Moved by Kerwin

Seconded by Beltramini

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked or not renewed after Public Hearing on Wednesday, February 20, 2008 and continued on Monday, March 17, 2008 for the following licensed establishment:

Name: La Shish, Inc. (dba: La Shish)  
Address: 3720 Rochester Road, Troy, MI 48083  
License No. Class C (100797-2007 SS)

and having found violation of the following codes and/or regulations: SALE TO MINOR (DPU) (Compliance Test), December 13, 2007;

WHEREAS, The licensee had prior violations on October 28, 2003 SALE TO MINOR (Compliance Test); August 16, 2001 SALE TO MINOR (Compliance Test);

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2008 and continued on Monday, March 17, 2008;

WHEREAS, No representatives from LaShish have made any commitment or provided any other assurances to the City Council of the City of Troy that affirmative and pro-active steps have been taken to prevent future violations of the liquor laws at La Shish;

WHEREAS, Subsequent to the February 20, 2008 City Council hearing date, La Shish, Inc. closed its business in the City of Troy and at all other locations in the State of Michigan, without any advance notice to either the City or its own employees;

WHEREAS, The liquor license is one of the limited Class C quota licenses available in the City of Troy, and as such, the Troy City Council is interested in promoting businesses that are located within the City of Troy, and in encouraging business within the City of Troy, and in having a viable restaurant business located in the otherwise vacant restaurant facility;

WHEREAS, On March 13, 2008, the above referenced Class C liquor license, License Number 100797-2007 SS, was placed in escrow, and could remain in escrow for a period of up to five years, and could also be transferred to another jurisdiction in Oakland County;

WHEREAS, The licensee has also failed to pay City of Troy taxes for 2007 and 2008; and

WHEREAS, The City of Troy City Council welcomes the opportunity to review any prospective transferee of the subject liquor license, and may revisit the objection to the renewal at that time, after being provided with the prospective transferee's qualifications and credentials;

NOW THEREFORE, BE IT RESOLVED, That after due notice, appropriate hearing and deliberations, and having made findings, the City Council of the City of Troy hereby **OBJECTS** to the automatic renewal of the Class C Liquor License, License Number 100797-2007 SS, in the name of LaShish, Inc., and hereby **REQUESTS** that this information be immediately forwarded to the Michigan Liquor Control Commission prior to April 1, 2008.

Yes: All-7

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**D-2a Liquor Violations – SDD/SDM: (a) The May Department Stores Company (dba: Macy's) (a) The May Department Stores Company (dba: Macy's) – Continuance of Public Hearing**

The Mayor continued the Public Hearing for public comment for agenda items *D-2a and D-2b Liquor Violations - The May Department Stores Company*.

The Mayor closed the Public Hearing after receiving comment from the attorney representing the licensee and the licensee; no comment was received from the public.

Resolution #2008-03-095

Moved by Eisenbacher

Seconded by Kerwin

WHEREAS, The following liquor licensee operates within the City of Troy:

Name: The May Department Stores Company (dba: Macy's)  
Address: 2752 W. Big Beaver Rd., 48084  
License No.: SDM (133308-2007)

WHEREAS, The licensee has entered into a contract with the City of Troy, where the licensee authorizes the Troy City Council to review the licensee's violations of the laws and regulations governing the sale of alcoholic liquor, and determine the appropriate course of action for any such violation that is allowed under Michigan law;

WHEREAS, The City Council has given public notice that the licensee has been charged with the following violation of the laws and regulations governing the sale of alcoholic liquor:

**SALE TO MINOR** (Compliance Test) on May 10, 2007;

WHEREAS, The City provided notice that the charges against the licensee would be reviewed and Council would determine if any action should be taken against the licensee at a Public Hearing, scheduled for Wednesday, February 20, 2008 and continued on Monday, March 17, 2008;

WHEREAS, The licensee has had no prior violations; and

WHEREAS, Licensee was given the opportunity to review these cited infractions, and the opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2008 and continued on Monday, March 17, 2008;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council, after the public hearing, **HAS DETERMINED** that the licensee did commit the above referenced violation of the laws and regulations governing the sale of alcoholic liquor;

BE IT FURTHER RESOLVED, That notice of the above referenced violation **SHALL BE PUBLISHED** in a local newspaper of general circulation.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission for inclusion in the licensee's file.

Yes: All-7

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**D-2b Liquor Violations – Class C; Class C Resort & Hotel B: (a) The May Department Stores Company (dba: Macy's) – Continuance of Public Hearing**

Resolution #2008-03-096  
Moved by Eisenbacher  
Seconded by Beltramini

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 20, 2008 and continued on Monday, March 17, 2008 for the following licensed establishment:

Name: The May Department Stores Company (dba: Macy's)  
Address: 500 W. Fourteen Mile Road, 48083  
License No.: Class C (132719-2007)

and having found violation of the following codes and/or regulations: **SALE TO MINOR (DPU)** (Compliance Test), December 13, 2007;

WHEREAS, This licensee had no prior violations; and

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2008 and continued on Monday, March 17, 2008;

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C License Number 132719-2007 in the name of The May Department Stores Company in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS AND/OR TAMS trained and that the Licensee provide proof of training to the Troy Police Department within ninety (90) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Yes: All-7

**PUBLIC COMMENT: Limited to Items Not on the Agenda**

**REGULAR BUSINESS:**

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**E-5 Standard Purchasing Resolution 8: Best Value Award – Sale of Real Estate – John R Garden Subdivision**

Resolution #2008-03-097  
Moved by Beltramini  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **POSTPONES** agenda item *E-5 Standard Purchasing Resolution 8: Best Value Award – Sale of Real Estate – John R Garden Subdivision* until staff has a chance to review and after meeting with bidders, come back with further information and another recommendation.

Yes: All-7

The meeting **RECESSED** at 9:05 PM.

The meeting **RECONVENED** at 9:18 PM

**E-1 Nominations for Appointment to Boards and Committees: a) Mayoral Nominations: Planning Commission b) City Council Nominations: Board of Zoning Appeals; Historic District Commission; Library Advisory Board; and Parks & Recreation Board**

**(a) Mayoral Nominations**

Resolution #2008-03-098

Moved by Schilling

Seconded by Howrylak

RESOLVED, That the Mayor of the City of Troy hereby **FORWARDS** the following nominated persons to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

**Planning Commission**

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

Lon M. Ullmann

Unexpired Term 12/31/08

Philip Sanzica

Unexpired Term 12/31/09

Yes: All-7

**(b) City Council Nominations**

Resolution #2008-03-099

Moved by Howrylak

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

**Board of Zoning Appeals**

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

Matthew W. Kovacs

Term Expires 04/30/11

**Historic District Commission**

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

Barbara Chambers

Term Expires 03/01/11

Sabah Jihad

**\*Historical Society Recommendation**

Term Expires 03/01/11

Ann Partlan

**\*Historical Society Recommendation**

Term Expires 03/01/11

**Library Advisory Board**

Appointed by Council (5-Regular) –3 Year Terms

Belinda Sheltan Duggan / Julie A. Sigler / Susan Werpetinski Term Expires 04/30/11

**Parks & Recreation Board**

**Appointed by Council (7-Regular: 3-Year Term; 1-Troy School Board: 1-Year Term; 1-Troy Daze Committee: 1-Year Term; 1-Adv. Comm for Sr. Citizens: 1-Year Term)**

Pauline Noce \*Advisory Committee for Sr. Citizens Rep Term Expires 04/30/09

Yes: All-7

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**E-2 Resolution to Reconsider Board and Commission Appointments of January 9, 2006**

Resolution #2008-03-100

Moved by Beltramini

Seconded by Eisenbacher

**(a) Vote on Reconsideration of Resolution #2006-01-007 Board and Commission Appointments of January 9, 2006**

RESOLVED, That Troy City Council hereby **RECONSIDERS** Resolution #2006-01-007, Moved by Schilling and Seconded by Beltramini, as it appears below:

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

**Board of Review**

*Appointed by Mayor, Council Approval (3) – 3 years*

Frank J. Howrylak Term Expires 01/31/09

**Planning Commission**

*Appointed by Mayor, Council Approval (9) - 3 Year Terms*

Robert M. Schultz Term Expires 12/31/08

Thomas Strat Term Expires 12/31/08

Mary Kerwin Term Expires 12/31/08

Yes: *Beltramini, Howrylak, Lambert, Stine, Schilling*

No: *Broomfield, Fleming*

MOTION CARRIED

Yes: All-7

**(b) Vote on Separation of Vote for Resolution #2006-01-007 Board and Commission Appointments of January 9, 2006**

Resolution #2008-03-101  
Moved by Eisenbacher  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **SEPARATES** active motion as follows:

Resolution #2006-01-007  
Moved by Schilling  
Seconded by Beltramini

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

**Board of Review**

Appointed by Mayor, Council Approval (3) – 3 years

Frank J. Howrylak Term Expires 01/31/09

**and**

Resolution #2006-01-007  
Moved by Schilling  
Seconded by Beltramini

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

**Planning Commission**

Appointed by Mayor, Council Approval (9) - 3 Year Terms

Robert M. Schultz Term Expires 12/31/08

Thomas Strat Term Expires 12/31/08

Mary Kerwin Term Expires 12/31/08

Yes: All-7

**(c) Vote on Board of Review Appointment Resolution as Separated**

Resolution #2006-01-007  
Moved by Schilling  
Seconded by Beltramini

RESOLVED, That the following person is hereby **APPOINTED BY THE MAYOR** to serve on the Boards and Committees as indicated:

**Board of Review**

Appointed by Mayor, Council Approval (3) – 3 years

Frank J. Howrylak Term Expires 01/31/09

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

**MOTION CARRIED**

**(d) Vote on Planning Commission Appointments Resolution as Separated**

Resolution #2006-01-007  
 Moved by Schilling  
 Seconded by Beltramini

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

**Planning Commission**

Appointed by Mayor, Council Approval (9) - 3 Year Terms

Robert M. Schultz Term Expires 12/31/08

Thomas Strat Term Expires 12/31/08

Mary Kerwin Term Expires 12/31/08

Yes: All-7

**E-3 Adjustment to Plumbing Permit Fees**

Resolution #2008-03-102  
 Moved by Beltramini  
 Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** the following revisions to the Plumbing Permit Fees as recommended by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, and said fee revisions shall apply to plumbing permit applications submitted after April 1, 2008:

<b>PLUMBING PERMIT FEE SCHEDULE</b>		
<b>Description</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Stacks/Conductors	\$10.00	No Change
Sink (any description)	<del>\$ 8.00</del>	<u>\$10.00</u>
Bathtub	<del>\$ 8.00</del>	<u>\$10.00</u>
Water Closet	<del>\$ 8.00</del>	<u>\$10.00</u>
Lavatory	<del>\$ 8.00</del>	N/A

Water Heater	\$ 8.00	\$10.00
Water Heater (replacement)	\$25.00	No Change
Laundry Tray or Stand Pipe	\$ 8.00	\$10.00
Floor Drain	\$ 8.00	\$10.00
Ejector Pump or Water Lift	\$ 8.00	\$10.00
Drinking Fountain	\$ 8.00	\$10.00
Grease Trap-Interceptor	\$ 8.00	\$10.00
Urinal	\$ 8.00	\$10.00
Bar Sink – Soda Fountain (each opening)	\$ 8.00	N/A
Shower Trap or w/Pan	\$ 8.00	\$10.00
Dishwashing Machine	\$ 8.00	\$10.00
Humidifier	\$ 8.00	\$10.00
Garbage Disposal	\$ 8.00	\$10.00
Sump or Interceptor	\$ 8.00	\$10.00
Hose Bibs	\$ 5.00	\$ 8.00
Water Treatment Device Softener/Filter	\$10.00	No Change
Washing Machine	\$ 8.00	N/A
Special Fixture	\$ 8.00	N/A
Refrigeration Connection	\$ 8.00	N/A
Dental Chairs	\$ 8.00	\$10.00
Surgical Cuspidor	\$ 8.00	N/A
Building Main to Sewer	\$20.00	No Change
Inside Sub Soil Drains System	\$15.00	No Change
Roof Sump	\$10.00	No Change
Underground – Slab – Separate Inspection	\$ 9.00	N/A
Miscellaneous Fixtures	\$ 8.00	\$10.00
Back Water Valve	N/A	\$10.00
Backflow Prevention Device	N/A	\$10.00
Medical Gas (per opening)	N/A	\$10.00
Water Distribution (see below):		
3/4" = \$15.00		1-1/2" = \$30.00
1" = \$20.00		2" = \$30.00
1-1/4" = \$25.00		2-1/2" = \$45.00
		3" = \$55.00
		4" = \$63.00
		Over 4" = \$75.00
Minimum Permit Fee	\$25.00	N/A
Special Inspection (per hour)	\$30.00 /hour	\$50.00 /hour
Addition to permit before Inspection – Regular Fee		
Addition to permit after Inspection – Minimum Fee		
Cancellation of Permit - 25% of Permit Fee/\$10.00 Minimum		
Contractor Registration Fee (per year)	\$1.00 /year	\$5.00 /year

Yes: All-7

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**E-4 Final Preliminary Plat Approval (Extension) – Beachview Estates Subdivision, West Side of Beach, South of Long Lake – Section 18**

Resolution #2008-03-103  
Moved by Kerwin  
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **APPROVES** a two-year extension of Final Preliminary Plat Approval for Beachview Estates Subdivision, located on the west side of Beach, south of Long Lake in Section 18, including 8 lots, within the R-1A zoning district, being 5.55 acres in size.

Yes: All-7

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**E-6 Alcohol Sales on Golf Courses – Proposed Amendment to Chapter 30**

Resolution  
Moved by Kerwin  
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPROVES** the recommendation of the Liquor Advisory Committee that would limit the sale of alcoholic beverages on City owned golf courses to beverages that contain less than 21 percent alcohol by volume; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amending Section 10 of Chapter 30 of the Code of the City of Troy, Golf Courses, and that incorporates the recommendation of the Liquor Advisory Committee, as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the Addendum to the Agreement entitled *Food Service At Sanctuary Lake Golf Course*, by and between, Kosch Special Events L.L.C. and the City of Troy, and labeled Version A incorporating the Liquor Advisory Committee's recommendation, and **AUTHORIZES** the Mayor and City Clerk to execute the addendum as of the effective date of the amendment to Chapter 30, a copy of which shall be attached to the original Minutes of this meeting.

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**Vote on Resolution to Amend Agenda Item E-6 Alcohol Sales on Golf Courses – Proposed Amendment to Chapter 30**

Resolution #2008-03-104  
Moved by Beltramini  
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **AMENDS** the resolution for agenda item *E-6 Alcohol Sales on Golf Courses-Proposed Amendment to Chapter 30* by **INSERTING** “and **SUBJECT TO** inserting ‘without just cause’ after ‘course’ in 4. Other, F. of the Addendum to the Agreement” **AFTER** “recommendation” in the third RESOLVED of the resolution.

Yes: All-7

### Vote on Resolution as Amended

Resolution #2008-03-105

Moved by Kerwin

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPROVES** the recommendation of the Liquor Advisory Committee that would limit the sale of alcoholic beverages on City owned golf courses to beverages that contain less than 21 percent alcohol by volume; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amending Section 10 of Chapter 30 of the Code of the City of Troy, Golf Courses, and that incorporates the recommendation of the Liquor Advisory Committee, as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the Addendum to the Agreement entitled *Food Service At Sanctuary Lake Golf Course*, by and between, Kosch Special Events L.L.C. and the City of Troy, and labeled Version A incorporating the Liquor Advisory Committee's recommendation and **SUBJECT TO** inserting 'without just cause' after 'course' in 4. Other, F. of the Addendum to the Agreement, and **AUTHORIZES** the Mayor and City Clerk to execute the addendum as of the effective date of the amendment to Chapter 30, a copy of which shall be attached to the original Minutes of this meeting.

Yes: Schilling, Beltramini, Broomfield, Eisenbacher, Fleming, Kerwin,

No: Howrylak

### **MOTION CARRIED**

### **CONSENT AGENDA:**

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

Resolution #2008-03-106

Moved by Kerwin

Seconded by Broomfield

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

Yes: All-7

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#### **F-2 Approval of City Council Minutes**

Resolution #2008-03-106-F-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of March 3, 2008 be **APPROVED** as submitted.

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**F-3 City of Troy Proclamations:**

Resolution #2008-03-106-F-3

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

- a) Community Development Block Grant Week – March 24-30, 2008
- b) Business Advisory Group, LLC – Celebrating 20 Years
- c) Troy Youth Assistance – Celebrating 50 Years

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**F-4 Standard Purchasing Resolutions**

- b) **Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Renewals Over \$10,000.00 – Michigan Municipal League**

Resolution #2008-03-106-F-4b

RESOLVED, That Troy City Council hereby **AUTHORIZES** payment for annual membership dues to the Michigan Municipal League, for the time period of May 1, 2008 through April 30, 2009, in the amount of \$12,252.00.

- c) **Standard Purchasing Resolution 4: Oakland County Cooperative Agreement – Live Scan**

Resolution #2008-03-106-F-4c

WHEREAS, The electronic capture and transmission of fingerprints is a proven and effective method of storing fingerprint impressions and identifying persons;

WHEREAS, Oakland County has purchased the latest technology using grant funds and must retain ownership of the equipment; and

WHEREAS, All participating agencies are being asked to pay for maintenance on the equipment on an annual basis;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Live Scan Agreement with Oakland County for maintenance and preventative services for each cabinet style hand scanner system at a cost of \$3,313.00 per year through December 31, 2013, 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.

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**F-5 Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 Parcel #73 – Sidwell #88-20-01-110-001 – John and Nancy Lozenkovski**

Resolution #2008-03-106-F-5

RESOLVED, That Troy City Council **ACCEPTS** the Regrading and Temporary Construction Permit in the amount of \$500.00 from John and Nancy Lozenkovski, owners of property having Sidwell #88-20-01-110-001; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AGREES** to pay John and Nancy Lozenkovski an amount not to exceed \$500.00 for permission to use land for construction; and

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

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**F-6 Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 Parcel #80 – Sidwell #88-20-01-104-001 – John and Nancy Lozenkovski**

Resolution #2008-03-106-F-6

RESOLVED, That Troy City Council **ACCEPTS** the Regrading and Temporary Construction Permit in the amount of \$2,220.00 from John and Nancy Lozenkovski, owners of property having Sidwell #88-20-01-104-001; and

RESOLVED, That Troy City Council hereby **AGREES** to pay John and Nancy Lozenkovski an amount not to exceed \$2,220.00 for permission to use land for construction; and

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

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**F-7 Troy Racquet Club Rates**

Resolution #2008-03-106-F-7

RESOLVED, That Troy City Council hereby **APPROVES** the 2008-2009 membership rates for Troy Racquet Club as stated in the report from the Parks and Recreation Department dated March 10, 2008, and **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**F-8 Approval of Relocation Claims, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.04.5 – Parcel #47B Sidwell #88-20-02-228-037 – Charles E. Kemen, Eric Deentry and Philip Kemen**

Resolution #2008-03-106-F-8

RESOLVED, That Troy City Council **APPROVES** the Relocation Claims in the amounts of \$2,500.00 and \$5,000.00 for relocation benefits for residential tenants being displaced from the property required for John R Road Improvements, from Square Lake Road to South Boulevard; and

RESOLVED, That Troy City Council hereby **AGREES** to pay relocation benefits in the amount of \$2,500.00 to Charles E. Kemen, the residential tenant displaced from 6753 John R; and

BE IT FINALLY RESOLVED, That City Council hereby **AGREES** to pay relocation benefits in the amount of \$5,000.00 to Eric Deentry and Philip Kemen, residential tenants also displaced from 6753 John R.

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### **F-9 Traffic Signal Maintenance Agreement – Kirts and Livernois**

Resolution #2008-03-106-F-9

WHEREAS, The Livernois Road Project signal improvements were postponed to allow for faster completion of the reconstruction project last year; and

WHEREAS, Kirts is a city road and Livernois Road is under the jurisdiction of the Road Commission for Oakland County;

THEREFORE, BE IT RESOLVED, That Troy City Council **APPROVES** the cost agreement with the Road Commission for Oakland County and the City for the installation of the modernized traffic signals at Kirts and Livernois (City share 1/3, or \$33,333.00) and for sharing costs of approximately \$1,800.00 per year, at 1/3 City and 2/3 Road Commission for Oakland County.

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### **F-10 Act 51 Mileage Certification for 2007**

Resolution #2008-03-106-F-10

WHEREAS, It is necessary to furnish certain road information to the State of Michigan for the purpose of obtaining funds under Act 51, P.A. 1951, as amended; and

WHEREAS, The City of Troy hereby accepts the following platted and non-platted streets: Andrew, Benjamin, Kimberly, Merrick, Cambria, Eckerman, Quill Creek, Hedgewood, Timbercrest, Timbercrest Court and Cottonwood;

BE IT RESOLVED, That Troy City Council hereby **ACCEPTS** said streets into the City of Troy local street system, and said streets are located within the City of Troy; right of way is under the control of the City of Troy; said streets are public streets and are for public street purposes and were open to the public prior to December 31, 2007; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DECERTIFIES** the following street: Lincoln effective on December 31, 2007.

**F-11 Rome Love v. City of Troy**

Resolution #2008-03-106-F-11

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent the City of Troy in any and all claims and damages in the matter of *Rome Love v. City of Troy*, and to retain any necessary expert witnesses or pay any necessary costs to adequately represent the City.

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**F-12 Approval of Additional Payment of \$100.00 for Loss of Trees – John R Road Improvements, Square Lake Road to South Boulevard Project No. 02.204.5 – Parcel #76 – Sidwell #88-20-01-108-018 – Hana Rrapi**

Resolution #2008-03-106-F-12

RESOLVED, That Troy City Council hereby **APPROVES** an additional payment of \$100.00 to Hana Rrapi for the loss of trees in the Regrading and Temporary Construction Permit area from Hana Rrapi, owner of property having Sidwell #88-20-01-108-018; and

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

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**F-13 Blood Draw Agreements**

Resolution #2008-03-106-F-13

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement with William Beaumont Hospital, and **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement with Alliance Mobile Health and Oakland Healthcare Alliance, and **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**F-1b Address of “F” Items Removed for Discussion by City Council and/or the Public****F-4 Standard Purchasing Resolutions****a) Standard Purchasing Resolution 1: Award to Low Bidder – Aboveground Fuel Storage – Sanctuary Lake Golf Course**

Resolution #2008-03-107

Moved by Fleming

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **AWARDS** a contract to install one new aboveground fuel storage tank at Sanctuary Lake Maintenance Facility to the low bidder, R.W. Mercer Company of Jackson, MI, for an estimated total cost of \$45,575.00, at prices contained in the bid tabulation opened February 11, 2008, and subsequent letter dated February 25, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is CONTINGENT upon contractor submission of properly executed bid and contract documents, including insurance certificates, bonds and all other specified requirements.

Yes: All-7

## **MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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### **G-1 Announcement of Public Hearings:**

- a) Republic/APT, 1889 Larchwood – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC) – April 7, 2008  
Noted and Filed
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### **G-2 Memorandums: None Submitted**

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

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### **H-1 No Council Referrals Advanced**

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## **COUNCIL COMMENTS:**

Mayor Schilling asked staff for an update on the status of the house located on Creston.

Mark Stimac, Director of Building & Zoning, reported that the house was recently designated as a dangerous building. He added that the owners may appeal the designation and that once the deadline for the appeal period has passed, a public hearing will be set. Mr. Stimac indicated that there is no land area notification requirement and only the parties involved will receive notice of the public hearing. He continued by stating that Council will receive notice of the public hearing on an upcoming City Council agenda.

Council Member Broomfield asked whether or not public comment cards are available at Sanctuary Lake.

Carol Anderson, Parks & Recreation Director, replied that public comment cards are available. However, she noted that staff is currently in the process of establishing an e-mail listing of golfers so that staff has the opportunity to provide feedback regularly instead of just relying on the hardcopy comment cards.

Council Member Broomfield stated that she was approached on two separate occasions from residents complaining about the odor emitted from Sanctuary Lake. Council Member Broomfield wondered if this issue has been raised by others.

Ms. Anderson responded that the odor Council Member Broomfield is referring to is from methane gas and that staff is unable to control the odor because it is a natural phenomenon that will eventually dissipate over time as the land settles. She added that the odor is much less noticeable now than at the time of construction.

Council Member Kerwin complimented the environmental work Carlson Marketing at 2800 Livernois is undertaking and added that she is looking forward for their work to be complete on the Employee Green Room. Council Member Kerwin explained that Carlson Marketing is attempting to reduce their carbon imprint through the Employee Green Room. She continued by stating that they hold monthly "Green Reads" where information is shared about improving the environment. Council Member Kerwin encourages the City to take advantage of every opportunity to go green.

Council Member Beltramini participated in a luncheon in Washington, D.C. last weekend with Kenneth Wade, CEO of NeighborWorks America, serving as the keynote speaker. Council Member Beltramini explained that NeighborWorks America is a non-profit organization formed by Congress whose mission is to build healthy communities and to provide financial support, technical assistance and training for community based revitalization efforts through various types of partnerships. Council Member Beltramini continued by stating that Mr. Wade's luncheon topic featured the current foreclosure crisis and indicated that homeowners can receive foreclosure information and advice by anonymously contacting the NeighborWorks America helpline at 1-888-995-HOPE. She added that homeowners can also view information at their website at [www.nw.org](http://www.nw.org).

Council Member Eisenbacher would like to see the NeighborWorks America contact information added to the City's website.

Council Member Howrylak raised concerns about modifying the City's policy in regard to providing relief to neighborhoods with unkempt abandoned homes.

Brian Murphy, Assistant City Manager/Economic Development Services, agreed that there is a dilemma in providing proper notice to homeowners with property violations. Mr. Murphy believes that because City staff has a better understanding of the foreclosure process that they can now be more responsive to the lawn maintenance side of this issue. He added that they are also more aware of other serious health threats such as swimming pools. Mr. Murphy continued by stating that they plan to continue to use the City's lawn and brush hog contractors as they did last year to attempt to keep on top of this problem.

Council Member Howrylak assured City staff that Council will assist them with this issue if needed.

Council Member Kerwin believes a Study Session would be in order for City Council to address many of the items mentioned under *Council Comments*.

**REPORTS:**

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

- a) Animal Control Appeal Board Minutes/Final – September 5, 2007
- b) Advisory Committee for Persons with Disabilities/Draft – October 3, 2007
- c) Advisory Committee for Persons with Disabilities/Final – October 3, 2007
- d) Advisory Committee for Persons with Disabilities/Draft – January 2, 2008
- e) Advisory Committee for Persons with Disabilities/Final – January 2, 2008
- f) Library Advisory Board/Final – January 10, 2008
- g) Building Code Board of Appeals/Final – February 6, 2008
- h) Liquor Advisory Committee/Final – February 11, 2008
- i) Planning Commission/Draft – February 12, 2008
- j) Planning Commission/Final – February 12, 2008
- k) Board of Zoning Appeals/Draft – February 19, 2008
- l) Planning Commission Special/Study/Draft – March 4, 2008
- m) Animal Control Appeal Board/Draft – March 5, 2008
- n) Building Code Board of Appeals/Draft – March 5, 2008
- o) Liquor Advisory Committee/Draft – March 10, 2008

Noted and Filed

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**J-2 Department Reports:**

- a) Building Department – Permits Issued During the Month of February, 2008
- b) City of Troy Monthly Financial Report – February 29, 2008

Noted and Filed

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**J-3 Letters of Appreciation:**

- a) Letter of Appreciation to Chief Craft from Walsh College President Stephanie Bergeron Regarding Traffic Assistance during Commencement Ceremonies
- b) Letter of Appreciation to Chief Craft from Westland Fire Chief Michael Reddy Regarding Participation and Support during Firefighter Funeral

Noted and Filed

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

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**J-5 Calendar**

Noted and Filed

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**J-6 Communication from the State of Michigan Public Service Commission Regarding Amended Notice of Hearing for the Electric Delivery and Supply Customers of the Detroit Edison Company – Case No. U-15244**

Noted and Filed

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**J-7 Communication from the State of Michigan Public Service Commission Regarding Amended Notice of Hearing for the Electric Customers of the Detroit Edison Company – Case No. U-15417**

Noted and Filed

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J-8 Communication from City Attorney Lori Grigg Bluhm Regarding Leroy S. Nardi v. City of Troy

Noted and Filed

**STUDY ITEMS:**

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K-1 No Study Items Submitted

**PUBLIC COMMENT:** Address of “K” Items

**CLOSED SESSION:**

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L-1 Closed Session:

Resolution #2008-03-108

Moved by Howrylak

Seconded Broomfield

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Pending Litigation – Morrell v Troy, et al.

Yes: All-7

The meeting **RECESSED** at 10:29 PM.

The meeting **RECONVENED** at 10:40 PM.

**ADJOURNMENT**

The meeting **ADJOURNED** at 10:48 PM.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk