

Regular Meeting of the Troy City Council was held Monday, September 8, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

Pastor Mike Wendland of Woodside Bible 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:

A-1 Presentations:

- a) On behalf of the City of Troy, Mayor Schilling presented a proclamation to Pastor Manisha Dostert, of St. Stephen's Episcopal Church and Co-Chair of the International Day of Peace event recognizing September 21, 2008 as *International Day of Peace*.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Rezoning Application – Proposed Shell Gas Station/Tim Hortons, Southeast Corner of Rochester Road and Wattles Road – (3990 Rochester Road), Section 23 – B-1 to H-S (File Number Z-731)

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from the petitioner, Leo D. Gonzalez of CRS Commercial Real Estate Services and comment from the public as follows:

Audre Zembrzuski - Opposed

Resolution #2008-09-273

Moved by Kerwin

Seconded by Eisenbacher

WHEREAS, The City is in receipt of a rezoning request, from B-1 to H-S, File Number Z-731, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy and as illustrated in the attached Certified Survey;

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

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed rezoning from B-1 to H-S; and

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

Yes: All-7

MOTION CARRIED

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

The meeting **RECESSED** at 9:02 PM.

The meeting **RECONVENED** at 9:17 PM

REGULAR BUSINESS:

E-3 Scheduling of a Special Meeting to Discuss and Approve the Informational Brochure for the November 2008 General Election

Resolution #2008-09-274

Moved by Beltramini

Seconded by Fleming

RESOLVED, That Troy City Council hereby **SCHEDULES** a Special Meeting for Thursday, September 18, 2008 at 8:00 PM in the Council Boardroom for purposes of developing and approving language for the informational brochure pertaining to Charter Amendment Proposal 08-1: An initiatory petition to amend the Troy City Charter by adding Section 9.16.5 to be placed on the November 4, 2008 General Election ballot.

Yes: All-7

MOTION CARRIED

E-1 **Appointments to Boards and Committees: a) Mayoral Appointments: None Scheduled b) City Council Appointments: None Scheduled**

E-2 **Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: Downtown Development Authority (b) City Council Nominations: Animal Control Appeal Board; Ethnic Issues Advisory Board; and Parks & Recreation Board**

a) **Mayoral Nominations**

Resolution #2008-09-275
 Moved by Schilling
 Seconded by Beltramini

RESOLVED, That the Mayor of the City of Troy 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:

Downtown Development Authority

Appointed by Mayor (13-Regular) 4-Year Term

Alan M. Kiriluk (in district)

Term Expires 09/30/2012

Louise E. Schilling (@ large)

Term Expires 09/30/2012

G. Thomas York (in district)

Term Expires 09/30/2012

Yes: All-7

MOTION CARRIED

b) **City Council Nominations**

Resolution #2008-09-276
 Moved by Howrylak
 Seconded by Kerwin

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:

Animal Control Appeal Board

Appointed by Council (5-Regular) 3-Year Term

Jayne Saeger

Term Expires 09/30/2011

Ethnic Issues Advisory Board

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

Cathleen M. Francois

Term Expires 09/30/2011; 3-Year Term

Michelle Haight

Term Expires 09/30/2011; 3-Year Term

Parks & Recreation Board

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

Janice Zikakis

Term Expires 09/30/2011

Yes: All-7

MOTION CARRIED

E-4 Resolution to Designate John R Road, from 14 Mile Road to Big Beaver Road as George W. Suarez Gentleman's Highway

Resolution #2008-09-277

Moved by Eisenbacher

Seconded by Fleming

WHEREAS, George W. Suarez, the late Oakland County Commissioner from District #24 and our friend was a man who spent his life in the service of his neighbors, community and Oakland County as a whole;

WHEREAS, George W. Suarez served the City of Troy as an Oakland County Board of Commissioner after being elected in 1998;

WHEREAS, George W. Suarez served the Madison Heights area as a member of the Knights of Columbus Father Heary Council; the VFW North end Post 140; was on the Board of Directors of the Boys and Girls Club of South Oakland County; and was deeply involved at his beloved St. Vincent Ferrer Catholic Church, and there he served as a Eucharistic Minister, especially helping out the handicapped to make sure all parishioners could get communion, while also serving with the usher board;

WHEREAS, During his entire time in public service, George W. Suarez was highly regarded as a man who made very good decisions for his constituents, was even-handed in running meetings, and listened to all points of view – even those with which he strongly disagreed;

WHEREAS, Throughout all the ups and downs that surrounded him in his public life, during good times and bad, during calm discussions and heated ones, George W. Suarez always remained a gentleman, a man who had good rapport with colleagues of both political parties, was extremely well liked by all he met, and in the words of Madison Heights Mayor Edward Swanson was “a class act”; and

WHEREAS, One of the legacies of George W. Suarez was his success in improving the roads in District 24 – not just in Madison Heights, but in the portions of Troy and Royal Oak which he also served;

THEREFORE, BE IT RESOLVED, The City of Troy hereby joins the Oakland County Board of Commissioners in **DESIGNATING** John R Road, from 14 Mile Road to Big Beaver Road, as GEORGE W. SUAREZ GENTLEMAN'S HIGHWAY, and this new designation will last until December 31, 2008, at which time the street signs with the name "George W. Suarez Gentleman's Highway" will be **PRESENTED** to Mr. Suarez's family.

Yes: All-7

MOTION CARRIED

E-5 Massage Facility Licensing Ordinance

a) Resolution to Add Chapter 91 – Massage Facility License

Resolution #2008-09-278
Moved by Kerwin
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance to add Chapter 91, Massage Facility License, to the Troy City Code, as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

MOTION CARRIED

b) Resolution to Amend Chapter 60 – Fees and Bonds Required

Resolution #2008-09-279
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **AMENDS** Chapter 60, Fees and Bonds Required, Section 60.03, as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

MOTION CARRIED

c) Resolution to Repeal Chapter 98 – Massage Parlors

Resolution #2008-09-280
Moved by Eisenbacher
Seconded by Fleming

RESOLVED, That Troy City Council hereby **REPEALS** Chapter 98, Massage Parlors, Sections 98.15.01 through 98.15.06.

Yes: All-7

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2008-09-281
Moved by Kerwin
Seconded by Eisenbacher

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

Yes: All-7

MOTION CARRIED

F-2 Approval of City Council Minutes

Resolution #2008-09-281-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of August 25, 2008 as submitted.

F-3 City of Troy Proclamation(s):

Resolution #2008-09-281-F-3

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

- a) International Day of Peace – September 21, 2008
 - b) Visiting Nurses Association of Southeast Michigan 110th Anniversary – September 8, 2008
 - c) National Alcohol and Drug Addiction Recovery Month – September, 2008
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F-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 3: Exercise Renewal Option – Street Light Installation/Replacement**
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Resolution #2008-09-281-F-4a

WHEREAS, On October 2, 2006, a contract to furnish all labor, tools, equipment, transportation service, and traffic controls to provide two (2) year requirements for street, parking lot, and athletic field light installation and replacement services with an option to renew for one additional year was awarded to the sole bidder, Harlan Electric Company of Rochester Hills, Michigan (Resolution #2006-10-381-E-4b); and

WHEREAS, Harlan Electric Company has agreed to exercise the option to renew the contract under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contract with Harlan Electric Company to provide street light installation and replacement services under the same prices, terms, and conditions for one year at unit prices contained in the bid tabulation opened September 13, 2006, to expire September 30, 2009.

b) Standard Purchasing Resolution 2: Bid Award – Sole Bidder Meeting Specifications – Fire Hose Testing

Resolution #2008-09-281-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all equipment, labor and materials to provide two (2) year requirements of fire hose testing with an option to renew for one (1) additional year for the City of Troy Fire Department, Independence Township Fire Department and participating MITN (Michigan Intergovernmental Trade Network) Purchasing Cooperative Members to the sole bidder meeting specifications, Fire Catt, LLC of Troy, MI, at unit prices contained in the bid tabulation opened August 25, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting to expire June 30, 2010; and

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

F-5 Private Agreement for Granite City Food and Brewery – Project No. 08.911.3

Resolution #2008-09-281-F-5

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

F-6 Transfer of Class C License to Somerset Collection Limited Partnership

Resolution #2008-09-281-F-6

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Somerset Collection Limited Partnership, to transfer ownership of 2007 Class C licensed

business located in escrow at 2801 W. Big Beaver, Somerset Collection, Suite J-230, Troy, MI 48084, Oakland County, from Sebastian's LTD; with license to be held in escrow; and

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

F-7 Traffic Committee Recommendations – August 20, 2008

(a) Replacement of old NO OUTLET Sign and Installation of an Additional Sign at Lancer Court and Babcock Drive

Resolution #2008-09-281-F-7a

RESOLVED, That Traffic Control Order No. 08-05-MR be **ISSUED** to replace the old “No Outlet” sign with a new, more visible sign and that a second “No Outlet” sign be installed on the opposite corner, at Lancer Court and Babcock Drive.

(b) Changes on Maple Road at Fire Station #4

Resolution #2008-09-281-F-7b

RESOLVED, That with the approval of the Road Commission for Oakland County, Traffic Control Order No. 08-06-MR be **ISSUED** to install two signs on Maple Road at Fire Station #4, “Do Not Enter” and “Authorized Vehicles Only” on one post on each side of the west driveway; and

BE IT FURTHER RESOLVED, That with the approval of the Road Commission for Oakland County, Traffic Control Order No. 08-07-MR be **ISSUED** to install “Do Not Block Driveway” sign on Maple Road, with yellow lights (if possible) blinking from 6:00 a.m. to 9:00 a.m., Monday through Friday, on the east side of the west driveway of Fire Station #4; and

BE IT FINALLY RESOLVED, That with the approval of the Road Commission for Oakland County, Traffic Control Order No. 08-08-MR be **ISSUED** to remove “Fire Department Parking Only” signs at Fire Station #4.

(c) Installation of NO U-TURN Signs on Northfield Parkway between Durand Drive and the Northerly Driveway to Troy High School

Resolution #2008-09-281-F-7c

RESOLVED, That Traffic Control Order No. 08-09-MR be **ISSUED** to install “No U-Turn” signs on Northfield Parkway between Durand Drive and the northerly driveway to Troy High School.

F-8 Acceptance of a Warranty Deed for Right-of-Way – Bryden Land Co., LLC – Sidwell #88-20-15-201-041

Resolution #2008-09-281-F-8

RESOLVED, That Troy City Council hereby **ACCEPTS** the Warranty Deed for right-of-way from property owner Bryden Land Co., LLC, having Sidwell # 88-20-15-201-041; and

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

F-10 Approval of Purchase Agreement – Wattles Road Improvements, Bristol to Worthington, Project No. 01.106.5 – Parcel #20 – Sidwell #88-20-23-100-072 – Russell F. Hadley and Jeanette Hadley

Resolution #2008-09-281-F-10

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Russell F. Hadley and Jeanette Hadley, husband and wife, owners of property having Sidwell #88-20-23-100-072, and the City of Troy, for the acquisition of right-of-way for Wattles Road Improvements, Bristol to Worthington in the amount of \$63,000.00, plus closing costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to expend the necessary closing costs to complete this purchase according to the agreement; and

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

F-11 Agreement Between City of Troy and Troy School District for NPDES Permit

Resolution #2008-09-281-F-11

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement allowing the Troy School District to nest under the City of Troy's NPDES Permit and detailing the responsibilities of the City of Troy and the Troy School District, and **AUTHORIZES** the Mayor and Clerk to execute the Agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

F-9 Citizen Petition Initiated Ballot Language Ratification to Correct Typographical Transpositional Error as Noted by the State of Michigan Attorney General's Office

Resolution #2008-09-282
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **RATIFIES** the language for placement on the November 4, 2008 Election ballot, the following ballot question to confirm that the ~~typographical~~ transpositional error, as noted by the State of Michigan Attorney General's Office, is correct to mirror the language as presented on the citizen initiated petition submittal as follows:

AN INITIATORY PETITION TO AMEND THE TROY CITY CHARTER BY ADDING SECTION 9.16.5

Shall Section 9.16.5 regarding Millage Rate Levy Limitation be added to the Troy City Charter as follows:

“Section 9.16.5. The Council shall not increase the millage rate imposed pursuant to Section 9.16 of this charter above a current rate actually imposed, levied, and collected unless the increased rate shall be first ~~be~~ approved by a majority of the City electors voting on the question.”? Yes ___ No ___

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

No: Schilling

MOTION CARRIED

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Outdoor Seating Request in Excess of 20 Seats – CJ Mahoney's, 2511 Livernois – September 22, 2008
- b) The ProMetal RCT, LLC, 2341 Alger – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC) – September 22, 2008
- c) Faurecia Automotive Seating, 2350 Meijer – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC) – September 22, 2008
- d) Tepel Brothers Printing, Inc., 1725 John R – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC) – September 22, 2008

Noted and Filed

G-2 Memorandums: No Memorandums Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 Council Comments:

Council Member Kerwin reminded the public the annual Troy Daze Festival will begin on Thursday, September 11th through Sunday, September 14th at Boulan Park.

Mayor Schilling commended the hard work and dedication of the Troy Fire Department after they responded to a fire at a neighbor's garage in the middle of the night

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Traffic Committee/Final – April 16, 2008
- b) Youth Council/Final – May 28, 2008
- c) Historic District Commission/Final – June 16, 2008
- d) Building Code Board of Appeals/Final – July 2, 2008
- e) Historic District Commission/Final – July 15, 2008
- f) Traffic Committee/Final – July 16, 2008
- g) Troy Daze Advisory Committee/Final – July 22, 2008
- h) Board of Zoning Appeals/Final – July 29, 2008
- i) Ethnic Issues Advisory Board/Final – August 12, 2008
- j) Planning Commission/Draft – August 12, 2008
- k) Board of Zoning Appeals/Draft – August 19, 2008
- l) Troy Daze Advisory Committee/Draft – August 26, 2008
- m) Youth Council/Draft – August 27, 2008

Noted and Filed

J-2 Department Reports: None Submitted

J-3 Letters of Appreciation:

- a) Letter to Ann Blizzard from Ann O'Neill Commending Junior Lifeguard Course Instructors Kyle Curry and Daina Wolner
- b) Letter to Carol Anderson from Sandy Kush Commending Jake Pilat and Aaron Spokaeski for Assistance with Golf Outing
- c) Memorandum to Chief Craft from Lt. Hay Regarding Phone Call from Diane Jones in Appreciation of the Compassion of Sgt. Kowalski and Officers Livingston and Rockafellow
- d) Letter to Chief Craft from Gregory Harless, President FBI National Academy Associates – Michigan Chapter, Commending the Efforts of Sgt. Bjork, Officers Fitzpatrick and Kaptur and Lynn McDaniels during Recent Seminars
- e) Letter of Thanks to Troy City Council from Mikayla and Karen Anderson Regarding the Sponsorship of the Miss Troy and Little Miss Troy Pageants

Noted and Filed

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

J-5 Communication from the State of Michigan Department of Attorney General
Regarding Proposed Charter Amendment by Initiatory Petition

Noted and Filed

J-6 Communication from the State of Michigan Office of the Governor Regarding
Proposed Charter Amendment by Initiatory Petition

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2008-09-283

Moved by Beltramini

Seconded by Kerwin

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e)- *Papadelis v. Troy*; MCL 15.268 (h) - *MCL 15.243 (1)*; and MCL 15.268 (a) *Continuance of Performance Evaluation of City Attorney*.

Yes: All-7

MOTION CARRIED

The meeting **RECESSED** at 9:43PM.

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

The meeting **ADJOURNED** at 11:42 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk