

Regular Meeting of the Troy City Council was held Monday, November 24, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Pastor AC Phipps of Evanswood Church of God 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

Resolution to Excuse Mayor Pro Tem Howrylak

Resolution #2008-11-337
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Martin Howrylak at the Special City Council meeting of November 11, 2008 due to a previous commitment.

Yes: All-7

MOTION CARRIED

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Mayor Louise Schilling presented certificates to Citizens Academy Class XII Graduation participants: Mary Lou Banat, Nancy Bradley, Barbara Coffey, Joe Coffey, Bette Gay, Jim Howell, Pat Howell, Margaret Julian, Josh Keagle, Richard Kucejko, Dorothy Pietron, Marshall Rennick, Rhonda Robertson, Bradley Scott, Gursharon Shergill, Radha Srinivasan.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

E-7 Transit Center Cost Sharing Agreement

Resolution
Moved by Kerwin
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Agreement between the City of Troy and the City of Birmingham, which equally divides the cost of a Project Manager for the proposed Troy/Birmingham Intermodal Transit Center; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the Interlocal Service Agreement on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Proposed Resolution to Postpone Action on the Resolution for the *Transit Center Cost Sharing Agreement*

Resolution
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **POSTPONES** action on the *Transit Center Cost Sharing Agreement* until the City of Troy City Council and the City of Birmingham City Commission have agreed upon a scope document no later than the Regular City Council Meeting scheduled for Monday, December 15, 2008.

Vote on Resolution to Amend Proposed Resolution to Postpone Action on the Resolution for the *Transit Center Cost Sharing Agreement*

Resolution #2008-11-338
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to *Postpone Action on the Transit Center Cost Sharing Agreement* by **STRIKING** "scope document" and **INSERTING** "business plan".

Yes: All-7

MOTION CARRIED

Vote on Resolution to Postpone Action on the Resolution for the Transit Center Cost Sharing Agreement as Amended

Resolution #2008-11-339
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **POSTPONES** action on the *Transit Center Cost Sharing Agreement* until the City of Troy City Council and the City of Birmingham City Commission have agreed upon a business plan no later than the Regular City Council Meeting scheduled for Monday, December 15, 2008.

Yes: All-7

MOTION CARRIED

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: Downtown Development Authority b) City Council Appointments: Advisory Committee for Persons with Disabilities and Parks & Recreation Board

(a) Mayoral Appointments

Resolution #2008-11-340
Moved by Schilling
Seconded by Kerwin

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

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

Laurence G. Keisling Term Expires 09/30/2012

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

MOTION CARRIED

(b) City Council Appointments

Resolution #2008-11-341
Moved by Howrylak
Seconded by Broomfield

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

Advisory Committee for Persons with Disabilities

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

Jeffrey Stewart Term Expires 11/01/2011

Derek Mackie - **Alternate** Unexpired Term 11/01/2009

Parks & Recreation Board

(7-Regular) 3-Year Term; (1-Troy School Board) 1-Year Term; (1-Troy Daze Committee) 1-Year Term; (1-Advisory Committee for Senior Citizens) 1-Year Term

Jeffrey Stewart - **Troy Daze Rep** Term Expires 11/30/2009

Yes: All-7

MOTION CARRIED

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: Planning Commission (b) City Council Nominations: Board of Zoning Appeals

(a) Mayoral Nominations

Resolution #2008-11-342

Moved by Schilling

Seconded by Howrylak

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:

Planning Commission

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

Robert M. Schultz Term Expires 12/31/2011

Thomas Strat Term Expires 12/31/2011

Yes: All-7

MOTION CARRIED

(b) City Council Nominations

Resolution

Moved by Howrylak

Seconded by Fleming

RESOLVED, That the 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 Term

Edward Kempen

Unexpired Term 04/30/2010

Vote on Resolution to Postpone Action to Nominate Applicant to the Board of Zoning Appeals

Resolution #2008-11-343

Moved by Kerwin

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **POSTPONES** the resolution to *Nominate Applicant to the Board of Zoning Appeals* until the City Council meeting scheduled for Monday, December 1, 2008 so that additional applicants on file can be contacted to determine their interest in vacancy.

Yes: Kerwin, Schilling, Beltramini

No: Broomfield, Eisenbacher, Fleming, Howrylak

MOTION FAILED

Vote on Resolution to Nominate Applicant to the Board of Zoning Appeals

Resolution #2008-11-344

Moved by Howrylak

Seconded by Fleming

RESOLVED, That the 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 Term

Edward Kempen

Unexpired Term 04/30/2010

Yes: All-7

MOTION CARRIED

E-3 NLC Prescription Discount Card Program

Resolution #2008-11-345
Moved by Beltramini
Seconded by Eisenbacher

WHEREAS, Michigan's continuing economic distress makes paying for prescriptions difficult;

WHEREAS, A need for prescription assistance may be prevalent in tough economic times; and

WHEREAS, It is the position of the City Council and Administration to provide needed services to the residents of Troy;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the implementation of the NLC Prescription Discount Card.

Yes: All-7

MOTION CARRIED

E-4 Amended Consent Order and Judgment – Proposed Parking Lot Expansion and Building Addition, Existing Heartland of Oakland Skilled Nursing Facility, Southeast Corner of South Boulevard and Livernois, Section 3 – O-1 and R-1B (File Number SP-883 C)

Resolution #2008-11-346
Moved by Eisenbacher
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** the revised Preliminary Site Plan for Heartland Health Care 160 Bed Nursing Home and Rehabilitation Facility, located on the southeast corner of South Boulevard and Livernois, Section 3, as indicated on Preliminary Site Plan Sheet SP1, prepared by Nowak & Fraus; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the *Stipulated Third Amendment to the Consent Order and Judgment* in the matter of Rodney D. Hyduk, DDS, MSD, Trustee of the Rodney D. Hyduk Trust Agreement, dated 2/19/82 as amended and successors in trust, successor to Rodney D. Hyduk v. City of Troy, a Michigan Municipal corporation and Healthcare and Retirement Corporation of America an Ohio corporation, as Intervening Plaintiff (Oakland County Circuit Court Case No. 83-265736-CZ), and hereby **AUTHORIZES** the Assistant City Attorney to execute the document on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

MOTION CARRIED

E-5 Amended Consent Order and Judgment – Proposed McDonald’s Restaurant with Drive-Up Facilities, Northwest Corner of Rochester Road and Big Beaver Road, Section 22 – B-2 and B-3 (File Number SU-361)

Resolution

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the *Stipulated Second Amendment to the Consent Order and Judgment* in the matter of *City of Troy, a Michigan Municipal corporation, as Plaintiff v. Troy Commons, a Michigan Co-partnership, as Defendant* (Oakland County Circuit Court Case No. 82-235070-CC), and hereby **AUTHORIZES** the Assistant City Attorney to execute the document on behalf of the City of Troy, 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 revised Preliminary Site Plan for a McDonald’s Restaurant with Drive-up Facilities, with an outdoor seating area and relocated handicap parking spaces, as per the Planning Commission recommendation, located on the northwest corner of Big Beaver and Rochester Roads, Section 22, as indicated on Preliminary Site Plan Sheet C1, prepared by Dorchen/Martin Associates, Inc., and hereby **GRANTS** Special Use Approval.

Proposed Resolution to Amend Amended Consent Order and Judgment – Proposed McDonald’s Restaurant with Drive-Up Facilities, Northwest Corner of Rochester Road and Big Beaver Road, Section 22 – B-2 and B-3 (File Number SU-361) by Substitution

Resolution

Moved by Schilling

Seconded by Fleming

RESOLVED, That Troy City Council hereby AMENDS the proposed resolution for *Amended Consent Order and Judgment – Proposed McDonald’s Restaurant with Drive-Up Facilities, Northwest Corner of Rochester Road and Big Beaver Road, Section 22 – B-2 and B-3 (File Number SU-361) by Substitution* by **STRIKING** it in its entirety and **INSERTING**:

“RESOLVED, That Troy City Council hereby **APPROVES** the *Stipulated Second Amendment to the Consent Order and Judgment* in the matter of *City of Troy, a Michigan Municipal corporation, as Plaintiff v. Troy Commons, a Michigan Co-partnership, as Defendant* (Oakland County Circuit Court Case No. 82-235070-CC), and hereby **AUTHORIZES** the Assistant City Attorney to execute the document on behalf of the City of Troy, 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 revised Preliminary Site Plan for a McDonald’s Restaurant with Drive-up Facilities, with handicap parking spaces on the southeast side of the building, as preferred by the applicant, located on the northwest corner of Big Beaver and Rochester Roads, Section 22, as indicated on Preliminary Site Plan Sheet C1, prepared by Dorchen/Martin Associates, Inc., and hereby **GRANTS** Special Use Approval.”

Vote on Resolution to Amend Proposed Substituted Resolution for Amended Consent Order and Judgment – Proposed McDonald’s Restaurant with Drive-Up Facilities, Northwest Corner of Rochester Road and Big Beaver Road, Section 22 – B-2 and B-3 (File Number SU-361)

Resolution #2008-11-347

Moved by Kerwin

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to substitute *Amend Amended Consent Order and Judgment – Proposed McDonald’s Restaurant with Drive-Up Facilities, Northwest Corner of Rochester Road and Big Beaver Road, Section 22 – B-2 and B-3 (File Number SU-361)* by **INSERTING** “subject to the applicant providing additional landscaping features that shall be determined by the Planning Department staff” **AFTER** “Special Use Approval” in the last paragraph.

Yes: All-7

MOTION CARRIED

Proposed Resolution to Amend Amended Consent Order and Judgment – Proposed McDonald’s Restaurant with Drive-Up Facilities, Northwest Corner of Rochester Road and Big Beaver Road, Section 22 – B-2 and B-3 (File Number SU-361) by Substitution

Resolution #2008-11-348

Moved by Schilling

Seconded by Fleming

RESOLVED, That Troy City Council hereby **AMENDS** the proposed resolution for *Amended Consent Order and Judgment – Proposed McDonald’s Restaurant with Drive-Up Facilities, Northwest Corner of Rochester Road and Big Beaver Road, Section 22 – B-2 and B-3 (File Number SU-361)* by **Substitution** by **STRIKING** it in its entirety and **INSERTING**:

“RESOLVED, That Troy City Council hereby **APPROVES** the *Stipulated Second Amendment to the Consent Order and Judgment* in the matter of *City of Troy, a Michigan Municipal corporation, as Plaintiff v. Troy Commons, a Michigan Co-partnership, as Defendant* (Oakland County Circuit Court Case No. 82-235070-CC), and hereby **AUTHORIZES** the Assistant City Attorney to execute the document on behalf of the City of Troy, 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 revised Preliminary Site Plan for a McDonald’s Restaurant with Drive-up Facilities, with handicap parking spaces on the southeast side of the building, as preferred by the applicant, located on the northwest corner of Big Beaver and Rochester Roads, Section 22, as indicated on Preliminary Site Plan Sheet C1, prepared by Dorchen/Martin Associates, Inc., and hereby **GRANTS** Special Use Approval subject to the applicant providing additional landscaping features that shall be determined by the Planning Department staff.”

Vote on Resolution to Amended Consent Order and Judgment – Proposed McDonald’s Restaurant with Drive-Up Facilities, Northwest Corner of Rochester Road and Big Beaver Road, Section 22 – B-2 and B-3 (File Number SU-361) as Amended by Substitution

Resolution #2008-11-349

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the *Stipulated Second Amendment to the Consent Order and Judgment* in the matter of *City of Troy, a Michigan Municipal corporation, as Plaintiff v. Troy Commons, a Michigan Co-partnership, as Defendant* (Oakland County Circuit Court Case No. 82-235070-CC), and hereby **AUTHORIZES** the Assistant City Attorney to execute the document on behalf of the City of Troy, 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 revised Preliminary Site Plan for a McDonald’s Restaurant with Drive-up Facilities, with handicap parking spaces on the southeast side of the building, as preferred by the applicant, located on the northwest corner of Big Beaver and Rochester Roads, Section 22, as indicated on Preliminary Site Plan Sheet C1, prepared by Dorchen/Martin Associates, Inc., and hereby **GRANTS** Special Use Approval subject to the applicant providing additional landscaping features that shall be determined by the Planning Department staff.

Yes: All-7

MOTION CARRIED

The meeting **RECESSED** at 9:11 PM.

The meeting **RECONVENED** at 9:20 PM.

E-6 Temporary Merchant Business Ordinance

a) Resolution to Amend Chapter 61 – Transient Merchants

Resolution #2008-11-350a

Moved by Eisenbacher

Seconded by Howrylak

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 61, Transient Merchants, as prepared by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, The effective date of the amendment is January 1, 2009.

Yes: Broomfield, Eisenbacher, Fleming, Howrylak

No: Kerwin, Schilling, Beltramini

MOTION CARRIED

b) Resolution to Amend Chapter 3 – Administrative Service

Resolution #2008-11-350b
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 3, Administrative Service, Section 1.141(6), as prepared by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, The effective date of the amendment is January 1, 2009.

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

MOTION CARRIED**c) Resolution to Amend Chapter 60 – Fees and Bonds Required**

Resolution #2008-11-350c
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 60, Fees and Bonds Required, Section 60.03, as prepared by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, The effective date of the amendment is January 1, 2009.

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

MOTION CARRIED**d) Resolution to Amend Chapter 69 – Miscellaneous Licensed Businesses**

Resolution #2008-11-350d
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 69, Miscellaneous Licensed Businesses, by deleting Sections 1 through 5 and renumbering the remainder of chapter, as prepared by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, The effective date of the amendment is January 1, 2009.

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

MOTION CARRIED**CONSENT AGENDA:**

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

Resolution #2008-11-351
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 Items F-12 and F-13 which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: All-7

MOTION CARRIED

F-2 Approval of City Council Minutes

Resolution #2008-11-351-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of November 10, 2008 and the Minutes of the 10:00 AM Special City Council Meeting of November 11, 2008 as submitted.

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

F-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Breathing Air Compressor**

Resolution #2008-11-351-F-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish and install one (1) Breathing Air Compressor at Fire Station #1 to the low bidder meeting specifications, Southeast Equipment, Inc. of Troy Michigan, for an estimated total cost of \$21,973.80; and

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

b) Standard Purchasing Resolution 3: Exercise Renewal Options – Vehicle Wash Services

Resolution #2008-11-351-F-4b

WHEREAS, On May 14, 2007, contracts to furnish two-year requirements of City Vehicle Wash Services with an option to renew for two (2) additional years was awarded to the following bidders: Tunnel O'Suds Car Wash, Your Car Wash, Pro Enterprise, Inc. and Jax Kar Wash as a result of a best value process at unit prices contained in the bid tabulation opened January 23, 2007, a copy of which shall be attached to the original Minutes of this meeting (Resolution #2007-05-142-E4a); and

WHEREAS, Tunnel O'Suds Car Wash, Jax Kar Wash and Pro Enterprise, Inc have agreed to exercise the two-year option to renew their exterior wash contracts under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contracts with Tunnel O'Suds Car Wash, Jax Kar Wash and Pro Enterprise, Inc. to provide two-year requirements of City Vehicle Exterior Wash Services under the same prices, terms and conditions as the original contracts to expire December 31, 2010.

c) Standard Purchasing Resolution 8: Best Value Award – Uniform Rental Services

Resolution #2008-11-351-F-4c

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish two (2) year requirements of Uniform Rental Services for various City of Troy union employees, with an option to renew for two (2) additional years to the alternate proposal from Unifirst Corporation of Auburn Hills, Michigan as a result of a best value process in cooperation with Oakland County, which the Troy City Council determines to be in the public interest, at unit prices at or below those contained in the tabulation opened September 3, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring October 31, 2010; and

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

d) Standard Purchasing Resolution 4: Award – State of Michigan MiDEAL Program – Lawn & Garden, Commercial and Agricultural Equipment

Resolution #2008-11-351-F-4d

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase one (1) 2008 John Deere Backhoe from JDE Equipment Company, of New Hudson, MI, through the State of Michigan MiDEAL program for \$83,757.00 plus additional options not covered under MiDEAL of \$6,585.00, less trade-in of \$16,000.00, for an estimated net total cost of \$74,342.00; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Fleet Maintenance Division to accept or reject the trade-in offer of \$16,000.00 for the backhoe, pending the results to offer the equipment for sale on the open market at an amount greater than \$16,000.00.

F-5 Acceptance of Regrading and Temporary Construction Permit Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 – Parcel #21 – Sidwell #88-20-14-351-008 – BS&G Management Company/George and Maria Zivan

Resolution #2008-11-351-F-5

RESOLVED, That Troy City Council hereby **ACCEPTS** the Regrading and Temporary Construction Permit in the amount of \$100.00 from BS&G Management Company and George and Maria Zivan, owners of property having Sidwell #88-20-14-351-008.

F-6 Application to Transfer a Resort Class C and Brewpub License to Granite City

(a) Transfer License

Resolution #2008-11-351-F-6a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Granite City Restaurant Operations, Inc. (a Minnesota Corporation) to transfer ownership of 2008 Resort Class C licensed business (MCL 436.1531(2) and SDM license in conjunction with Official Permit (Food) located in escrow at 7568 S US-31, Alanson, MI 49706, Emmet County, from Lester's Inc.; transfer location (Governmental Unit) to 699 W. Big Beaver, Troy, MI 48084, Oakland County; and request a new Brewpub license to be held in conjunction; and

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

(b) Agreement

Resolution #2008-11-351-F-6b

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Granite City Restaurant Operations, Inc. (a Minnesota Corporation) to transfer ownership of 2008 Resort Class C licensed business (MCL 436.1531(2) and SDM license in conjunction with Official Permit (Food) located in escrow at 7568 S US-31, Alanson, MI 49706, Emmet County, from Lester's Inc.; transfer location (Governmental Unit) to 699 W. Big Beaver, Troy, MI 48084, Oakland County; and request a new Brewpub license to be held in conjunction; and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-7 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement and Regrading & Temporary Construction Permit – Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 – Parcel #43 – Sidwell #88-20-22-226-080 – Pomponi's Real Estate Investments

Resolution #2008-11-351-F-7

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Pomponi's Real Estate Investments, owners of property having Sidwell #88-20-22-226-080, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$52,926.00, 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 FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$6,374.00 and the Regrading and Temporary Construction Permit in the amount of \$60.00 from Pomponi's Real Estate Investments, owners of property having Sidwell #88-20-22-226-080; and

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

F-8 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement and Regrading & Temporary Construction Permit – Wattles Road Improvements, Bristol to Worthington – Project No. 01.106.5 – Parcel #18 – Sidwell #88-20-23-100-081 – Marvin Brown, Jr., and Waltraud Brown

Resolution #2008-11-351-F-8

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Marvin Brown, Jr., and Waltraud Brown, owners of property having Sidwell #88-20-23-100-081 and the City of Troy, for the acquisition of right-of-way for Wattles Road Improvements, Bristol to Worthington in the amount of \$24,400.00, 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 FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$1,300.00 and the Regrading and Temporary Construction Permit in the amount of \$200.00 from Brentwood Land Development, LLC, owner of property having Sidwell #88-20-23-100-081; and

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

F-9 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Wattles Road Improvements, Bristol to Worthington – Project No. 01.106.5 – Parcel #15 – Sidwell #88-20-23-100-078 – Harmony Christian Care & Learning Center, LLC

Resolution #2008-11-351-F-9

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Harmony Christian Care & Learning Center, LLC, owners of property having Sidwell #88-20-23-100-078 and the City of Troy, for the acquisition of right-of-way for Wattles Road Improvements, Bristol to Worthington in the amount of \$104,800.00, 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 FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$14,400.00 from Harmony Christian Care & Learning Center, LLC, owners of property having Sidwell #88-20-23-100-078; and

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

F-10 Application to Transfer SDD and SDM License to Woodward Detroit CVS, LLC – 125 E. Long Lake Road

(a) Transfer License

Resolution #2008-11-351-F-10a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Woodward Detroit CVS, LLC to transfer ownership of 2008 SDM licensed business located at 125 E. Long Lake, Troy, MI; and

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

(b) Agreement

Resolution #2008-11-351-F-10b

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Woodward Detroit CVS, LLC to transfer ownership of 2008 SDM licensed business

located at 125 E. Long Lake, Troy, MI, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-11 Application to Transfer SDD and SDM License to Woodward Detroit CVS, LLC – 1980 E. Big Beaver Road

(a) Transfer License

Resolution #2008-11-351-F-11a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Woodward Detroit CVS, LLC to transfer ownership of 2008 SDM licensed business located at 1980 E. Big Beaver, Troy, MI; and

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

(b) Agreement

Resolution #2008-11-351-F-11b

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Woodward Detroit CVS, LLC to transfer ownership of 2008 SDM licensed business located at 1980 E. Big Beaver, Troy, MI, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-14 Second Amendment to Preliminary Engineering Agreement – Wattles Road, 1,000' East and West of Rochester Road – Project No. 01.106.5

Resolution #2008-11-351-F-14

RESOLVED, That Troy City Council hereby **APPROVES** Amendment No.2 to Preliminary Engineering Agreement No. 01-5477/S1, with Hubbell, Roth & Clark, Inc. (HRC) for preliminary engineering services required in connection with the reconstruction of Wattles Road, 1,000' East and West of Rochester Road and hereby **AUTHORIZES** the Mayor and City Clerk to execute the amendment, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

F-15 Second Amendment to Preliminary Engineering Agreement – Rochester Road, Torpey to Barclay – Project No. 99.203.5

Resolution #2008-11-351-F-15

RESOLVED, That Troy City Council hereby **APPROVES** Amendment No.2 to Preliminary Engineering Agreement No. 00-5024/S1, with Hubbell, Roth & Clark, Inc. (HRC) for preliminary engineering services required in connection with the reconstruction of Rochester Road, from Torpey to Barclay and hereby **AUTHORIZES** the Mayor and City Clerk to execute the amendment, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

F-16 Acceptance of a Water Main Easement – Troy-Rochester Properties, LLC – Sidwell #88-20-22-426-057

Resolution #2008-11-351-F-16

RESOLVED, That Troy City Council hereby **ACCEPTS** the water main easement from property owner Troy-Rochester Properties, LLC, having Sidwell # 88-20-22-426-057; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Easement with the Oakland County Register of Deeds, 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-12 Application to Transfer SDD and SDM License to Woodward Detroit CVS, LLC – 2045 South Boulevard

(a) Transfer License

Resolution #2008-11-352-F-12a
Moved by Eisenbacher
Seconded by Schilling

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Woodward Detroit CVS, LLC to transfer ownership of 2008 SDM licensed business located at 2045 South Boulevard, Troy, MI; and

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

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

MOTION CARRIED

(b) Agreement

Resolution #2008-11-352-F-12b
Moved by Eisenbacher
Seconded by Schilling

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Woodward Detroit CVS, LLC to transfer ownership of 2008 SDM licensed business located at 2045 South Boulevard, Troy, MI, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Eisenbacher, Howrylak, Kerwin, Schilling

No: Beltramini, Broomfield, Fleming

MOTION CARRIED

F-13 Application to Transfer SDD and SDM License to Woodward Detroit CVS, LLC – 4963 John R Road

(a) Transfer License

Resolution #2008-11-352-F-13a

Moved by Eisenbacher

Seconded by Schilling

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Woodward Detroit CVS, LLC to transfer ownership of 2008 SDM licensed business located at 4963 John R, Troy, MI; and

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

Yes: Eisenbacher, Howrylak, Kerwin, Schilling

No: Beltramini, Broomfield, Fleming

MOTION CARRIED

(b) Agreement

Resolution #2008-11-352-F-13b

Moved by Eisenbacher

Seconded by Schilling

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Woodward Detroit CVS, LLC to transfer ownership of 2008 SDM licensed business located at 4963 John R, Troy, MI, and hereby **AUTHORIZES** the Mayor and City Clerk to

execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business

Resolution #2008-11-353
Moved by Schilling
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business and **AUTHORIZE** City Council to move forward agenda item, *K-1 Preliminary Discussion No. 2 of the 2009/10 Budget – Authorization for City Management to Implement Items from the Deficit Reduction Survey.*

Yes: All-7

MOTION CARRIED

K-1 Preliminary Discussion No. 2 of the 2009/10 Budget – Authorization for City Management to Implement Items from the Deficit Reduction Survey

Proposed Resolution to Postpone Resolution for Preliminary Discussion No. 2 of the 2009/10 Budget – Authorization for City Management to Implement Items from the Deficit Reduction Survey

Resolution
Moved by Broomfield
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **POSTPONES INDEFINITELY** the proposed resolution only for *Preliminary Discussion No. 2 of the 2009/10 Budget – Authorization for City Management to Implement Items from the Deficit Reduction Survey* to provide City Council with the opportunity to discuss and explore the topic at a Study Session that shall include ratings and department head participation prior to any implementation.

PUBLIC COMMENT RECEIVED FROM:

Jeanne Stine	Corinne Rosewall	Sharon McDonald
Tom Krent	Zach Kilgore	Luis Sanchez
Barb LeMaigre	Bridget Anderson	Rick Marshall
Ed Hendry	Maureen Anderson	Paul Stosky
Linda Friedman	Chad & Mary Creager	Frances Sage
Ellen Archey	Tom Wdowik	Mali Vermanian
Nancy Youngerman	J. Vermanian	Theresa Farnell
Molly Conley	Vicki Schard	

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #26 – Continued Agenda Items Not Considered Before 12:00 AM

Resolution #2008-11-354
 Moved by Schilling
 Seconded by Eisenbacher

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #26 - *Continued Agenda Items Not Considered Before 12:00 AM* and **AUTHORIZE** City Council to **EXTEND** the adjournment time to 12:30 AM.

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

MOTION CARRIED**Vote on Resolution to Postpone Indefinitely the Resolution Only for Preliminary Discussion No. 2 of the 2009/10 Budget – Authorization for City Management to Implement Items from the Deficit Reduction Survey**

Resolution #2008-11-355
 Moved by Broomfield
 Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **POSTPONES INDEFINITELY** the proposed resolution only for *Preliminary Discussion No. 2 of the 2009/10 Budget – Authorization for City Management to Implement Items from the Deficit Reduction Survey* to provide City Council with the opportunity to discuss and explore the topic at a Study Session that shall include ratings and department head participation prior to any implementation.

Yes: All-7

MOTION CARRIED

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Memorandums: None Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 Council Comments:

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Joint Local Development Finance Authority/Final – April 28, 2008
- b) Advisory Committee for Senior Citizens/Final – September 4, 2008
- c) Board of Zoning Appeals/Final – September 16, 2008
- d) Liquor Advisory Committee/Final – October 13, 2008
- e) Employees' Retirement System Board of Trustees/Final – October 15, 2008
- f) Board of Zoning Appeals/Draft – October 21, 2008
- g) Local Development Finance Authority/Final – October 27, 2008
- h) Planning Commission Special/Study/Draft – October 28, 2008
- i) Planning Commission Special/Study/Final – October 28, 2008
- j) Troy Daze Advisory Committee/Draft – October 28, 2008
- k) Advisory Committee for Persons with Disabilities/Draft – November 5, 2008
- l) Building Code Board of Appeals/Draft – November 5, 2008
- m) Liquor Advisory Committee/Draft – November 10, 2008

Noted and Filed

J-2 Department Reports:

- a) Building Department – Permits Issued During the Month of October 2008
- b) Council Member Robin Beltramini's Travel Expense Report – MML 110th Annual Conference on October 1-5, 2008
- c) City Council Expense Report – November, 2008

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Thanks from Kathryn Brodt Regarding the Medical Equipment Loan Closet
- b) Letter to Chief Nelson from Senator John Pappageorge Regarding the Troy Fire Department Earning a Life Safety Achievement Award from the Residential Fire Safety Institute
- c) Letter from St. Alan's Church Commending the Precinct Workers at Precincts 19 and 28

Noted and Filed

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

J-5 Southeastern Oakland County Resource Recovery Authority (SOCRRA) –
Quarterly Report – October 2008
Noted and Filed

J-6 Communication from the State of Michigan Public Service Commission Regarding
Notice of Hearing for the Electric Customers of the Detroit Edison Company –
Case No. U-15677
Noted and Filed

STUDY ITEMS:

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 No Closed Session Requested

ADJOURNMENT

The meeting **ADJOURNED** on Tuesday, November 25, 2008 at 12:33 AM.

Louise E. Schilling, Mayor

M. Aileen Bittner
Administrative Aide