

Regular Meeting of the Troy City Council was held Monday, January 26, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Joanne Blair of Northminster Presbyterian 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) Chief Charles Craft introduced two newly appointed City of Troy Police Captains, Gerard S. Scherlinck and Keith A. Frye.
- b) Tom Kaszubski, Senior Home Assistance Repair Program (SHARP) representative, accepted a check in the amount of \$535.01 from Cindy Stewart, Community Affairs Director, on behalf of the City of Troy Employees' *Casual for a Cause* Program for the month of November.
- c) On behalf of the Michigan Recreation and Parks Association (MRPA), Carol Anderson, Parks & Recreation Director, presented MRPA's *Community Service* award to Tom Kaszubski in recognition of SHARP's contribution to the parks and recreation program in the City of Troy.
- d) Tom Duszynski provided a project update for the Troy Trails & Pathways Committee.

## CARRYOVER ITEMS:

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B-1 No Carryover Items

## PUBLIC HEARINGS:

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### C-1 Rezoning Application – Proposed Sonic Restaurant, East Side of John R, North of Fourteen Mile Road, Section 36 – B-2 to H-S (File Number Z-735)

The Mayor opened the Public Hearing for public comment.

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

Resolution #2009-01-008

Moved by Fleming

Seconded by Eisenbacher

WHEREAS, The City is in receipt of a rezoning request, from B-2 to H-S, File Number Z-735, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy and as illustrated in the attached Certificate of Survey;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed rezoning from B-2 to H-S; and

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

Yes: All-7

**MOTION CARRIED**

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**C-2 Rezoning Application – Proposed Animal Advocates Veterinary Hospital, North Side of Long Lake, East of Rochester Road, Section 11, B-2 to B-3 (File Number Z-734)**

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from the following members of the public:

Elaine Yaffey

Resolution #2009-01-009

Moved by Eisenbacher

Seconded by Fleming

WHEREAS, The City is in receipt of a rezoning request, from B-2 to B-3, File Number Z-734, 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;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed rezoning from B-2 to B-3; and

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

Yes: All-7

**MOTION CARRIED**

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**C-3 Street Vacation – Myrtle Avenue (Originally Platted as Melita Avenue), East of Kilmer, North of Big Beaver, Section 22 (File Number: SV 163-C)**

The Mayor opened the Public Hearing for public comment.

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

Resolution #2009-01-010

Moved by Eisenbacher

Seconded by Kerwin

WHEREAS, A request has been received for the vacation Myrtle Avenue (originally platted as Melita Avenue), approximately 272.73 feet long by 50 feet wide, located east of Kilmer and north of Big Beaver Road, in Section 22;

WHEREAS, The portion of Myrtle Avenue proposed to be vacated is described in the attached Sketch of Vacation;

WHEREAS, The property which shall benefit from this requested vacation is lots 19, 20, 21 and 22 of Burgess Bungalow Subdivision to the north (City of Troy Tax Parcels 20-22-382-012) and part of lot 135 of the Replat of Outlot A, Big Beaver Subdivision and lots 1 through 3 of Supervisor's Plat No. 9 Subdivision to the south (City of Troy Tax Parcels 20-22-383-001, 002, 003 and 006); and

WHEREAS, City Management and the Planning Commission have recommended that this street vacation be granted;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **CONCURS** in the recommendations of City Management and the Planning Commission, and hereby **VACATES** the Myrtle Avenue right-of-way.

Yes: All-7

**MOTION CARRIED**

**POSTPONED ITEMS:**

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**D-1 No Postponed Items**

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

Paul Beck  
Richard Peters  
Marvin Reinhardt  
Todd Scott

**REGULAR BUSINESS:**

The meeting **RECESSED** at 9:22 PM.

The meeting **RECONVENED** at 9:53 PM.

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**E-9 Preliminary Site Condominium Review – Oak Forest Site Condominium, South Side of Square Lake Road, between Willow Grove and John R Road, Section 11 – R-1C**

Resolution  
Moved by Eisenbacher  
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the Preliminary Site Condominium Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One Family Residential Development) for the development known as Oak Forest Site Condominium, located on the south side of Square Lake Road, between Willow Grove and John R. Road in Section 11, including 76 units on 39.23 acres within the R-1C zoning district, with the following conditions:

- A. All areas noted as mitigation areas on the attached plan shall be included as MDEQ regulated conservation easements, and shall be reflected on the final site condominium plan; and
- B. If feasible in the sole determination of the City Engineer, there shall be an easement granted to the City that shall provide access to City land, and that land that shall be located between Units 70 and 71; and
- C. The walkway between Units 31 and 32 on the attached preliminary site condominium plan is eliminated; and
- D. A public meeting will be held with Engineering and surrounding residents to review the final engineering plans before final site condominium plan is submitted to City Council; and
- E. MDEQ approval will be obtained with all necessary assessment and permit documents prior to the final site condominium plan submitted to City Council; and
- F. The Oakland County Water Resources Commissioner shall approve the site condominium plan prior to the final site condominium plan submittal to City Council.

**Vote on Resolution to Amend Resolution to Approve the Preliminary Site Plan for Oak Forest Site Plan Condominium**

Resolution #2009-01-011

Moved by Eisenbacher

Seconded by Beltramini

RESOLUTION, That Troy City Council hereby **AMENDS** the resolution to *Approve Preliminary Site Plan for Oak Forest Site Plan Condominiums* by **ADDING** "proposed" before "Units" in Item B and C, and by **STRIKING** "walkway" and **INSERTING** "concrete sidewalk" in Item C.

Yes: All-7

**MOTION CARRIED**

**Vote on Resolution as Amended**

Resolution #2009-01-012

Moved by Eisenbacher

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the Preliminary Site Condominium Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One Family Residential Development) for the development known as Oak Forest Site Condominium, located

on the south side of Square Lake Road, between Willow Grove and John R. Road in Section 11, including 76 units on 39.23 acres within the R-1C zoning district, with the following conditions:

- A. All areas noted as mitigation areas on the attached plan shall be included as MDEQ regulated conservation easements, and shall be reflected on the final site condominium plan; and
- B. If feasible in the sole determination of the City Engineer, there shall be an easement granted to the City that shall provide access to City land, and that land that shall be located between proposed Units 70 and 71; and
- C. The concrete sidewalk between proposed Units 31 and 32 on the attached preliminary site condominium plan is eliminated; and
- D. A public meeting will be held with Engineering and surrounding residents to review the final engineering plans before final site condominium plan is submitted to City Council; and
- E. MDEQ approval will be obtained with all necessary assessment and permit documents prior to the final site condominium plan submitted to City Council; and
- F. The Oakland County Water Resources Commissioner shall approve the site condominium plan prior to the final site condominium plan submittal to City Council.

Yes: All-7

## MOTION CARRIED

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### E-10 Preliminary Site Condominium Review – Oak Forest South Site Condominium, East Side of Willow Grove, South of Square Lake Road, Section 11 – R-1C

Resolution #2009-01-013

Moved by Eisenbacher

Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** the Preliminary Site Condominium Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One Family Residential Development) for the development known as Oak Forest South Site Condominium, located on the east side of Willow Grove, south of Square Lake Road, in Section 11, including 25 units on 10.03 acres within the R-1C zoning district, with the following conditions:

- A. A public meeting will be held with Engineering and surrounding residents to review the final engineering plans before final site condominium plan is submitted to City Council; and
- B. MDEQ approval will be obtained with all necessary assessment and permit documents prior to the final site condominium plan is submitted to City Council; and
- C. The Oakland County Water Resources Commissioner shall approve the site condominium plan prior to the final site condominium plan submittal to City Council.

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

**MOTION CARRIED**

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**E-8 Preliminary Site Condominium Review – Adams Road Site Condominium, East Side of Adams, South of South Boulevard, Section 6 – R-1A**

Resolution #2009-01-014  
Moved by Beltramini  
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **APPROVES** the Preliminary Site Condominium Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, One-Family Cluster Option, known as Adams Road Site Condominium, located on the east side of Adams, south of South Boulevard, in Section 6, including 5 home sites, within the R-1A zoning district, being 4.98 acres in size.

Yes: All-7

**MOTION CARRIED**

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**E-1 Appointments to Boards and Committees: a) Mayoral Appointments: Board of Review and Planning Commission b) City Council Appointments: Cable Advisory Committee; Election Commission; and Municipal Building Authority**

**(a) Mayoral Appointments**

Resolution #2009-01-015  
Moved by Schilling  
Seconded by Kerwin

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

**Board of Review**

Appointed by Mayor (3 Regular) 3-Year Term

Francis X. Kotcher, Jr.

Term Expires 01/31/2012

**Planning Commission**

Appointed by Mayor (9 Regular) 3-Year Term

Lon Ullmann

Term Expires 12/31/2011

Yes: All-7

**MOTION CARRIED**

**(b) City Council Appointments**

Resolution #2009-01-016  
Moved by Beltramini  
Seconded by Howrylak

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

**Cable Advisory Committee**

Appointed by (7 Regular) 3 Year Term

W. Kent Voigt Term Expires 02/28/2012

**Election Commission**

Appointed by Council (2-Regular; 1-Charter) - 3-Year Terms

Timothy Dewan – Democrat Representative Term Expires 01/31/2010

**Municipal Building Authority**

Appointed by Council (5 Regular) 3-Year Term

John M. Lamerato - Asst City Mgr/Finance & Administration Term Expires 01/31/2012

Yes: All-7

**MOTION CARRIED**

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**E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: Board of Review (b) City Council Nominations: Board of Zoning Appeals; Cable Advisory Committee; Election Commission; Historic District Study Committee; Liquor Advisory Committee; Municipal Building Authority; and Traffic Committee**

**(a) Mayoral Nominations – None Scheduled**

**(b) City Council Nominations**

Resolution #2009-017  
Moved by Howrylak  
Seconded by Broomfield

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

Lon Ullmann – Planning Commission Rep.\* Term Expires 01/31/2010

Philip Sanzica – Planning Commission Alt. Rep.\* Term Expires 01/31/2010

\*NOTE: Planning Commission recommendation received – Refer to Agenda Item J-9

**Cable Advisory Committee**

Appointed by (7 Regular) 3 Year Term

Brian J. Wattles Term Expires 02/28/2012

**Election Commission**

Appointed by Council (2-Regular; 1-Charter) - 3-Year Terms

David C. Anderson – Republican Party Representative Term Expires 01/31/2010

**Liquor Advisory Committee**

Appointed by Council ( 7-Regular) 3-Year Term

Max K. Ehlert Term Expires 01/31/2012

David S. Ogg Term Expires 01/31/2012

Timothy P. Payne Term Expires 01/31/2012

**Municipal Building Authority**

Appointed by Council (5 Regular) 3-Year Term

Michael J. Chaffee Term Expires 01/31/2012

**Traffic Committee**

Appointed by Council (7 Regular) 3-Year Term

Sara Binkowski Term Expires 01/31/2013

John Diefenbaker Term Expires 01/31/2013

Gordon A. Schepke Term Expires 01/31/2012

Yes: All-7

**MOTION CARRIED**

**E-3 Standard Resolutions 1, 2 & 3 for Paving of Florence – Section 9, Special Assessment District (SAD) #08.108.1**

**(a) Standard Resolution #1**

Resolution #2009-01-018a  
 Moved by Kerwin  
 Seconded by Broomfield

RESOLVED, That Troy City Council hereby **ADOPTS** Standard Resolution #1 to direct the preparation of plans and costs estimates for the Special Assessment to pay all or part of the cost of Asphalt Paving of Florence in Section 9, Project No. 08.108.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy.

Yes: All-7

**MOTION CARRIED**

**(b) Standard Resolution #2**

Resolution #2009-01-018b  
 Moved by Kerwin  
 Seconded by Broomfield

RESOLVED, That Troy City Council hereby **ADOPTS** Standard Resolution #2 to approve plans and cost estimates for a Special Assessment to pay all or part of the cost of Asphalt Paving of Florence, in Section 9, Project No. 08.108.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy:

Total Estimated Cost	\$162,800.00
Assessment	<u>77,400.00</u>
City's Share	\$85,400.00; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ORDERS** and **DIRECTS** the City Assessor to prepare a Special Assessment Roll in accordance with Chapter 5 of the Code of the City of Troy.

Yes: All-7

**MOTION CARRIED**

**(c) Standard Resolution #3**

Resolution #2009-01-018c  
 Moved by Kerwin  
 Seconded by Broomfield

RESOLVED, That Troy City Council hereby **ADOPTS** Standard Resolution #3 to set a Public Hearing date on the Special Assessment roll for Asphalt Paving of Florence, in Section 9,

Project No. 08.108.1, all pursuant to Chapter 5 of the Code of the City of Troy, with said Public Hearing to be established for February 16, 2009.

Yes: All-7

## MOTION CARRIED

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### E-4 Kendricks Lawsuit

Resolution #2009-01-019

Moved by Eisenbacher

Seconded by Howrylak

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent the City of Troy defendants in any and all claims for damages in the matter of *Kendricks v Moore, et al*, United States District Court for the Eastern District of Michigan Court case number 2:08-cv-15193; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City of Troy defendants.

Yes: All-7

## MOTION CARRIED

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### E-5 Reconsideration of Resolution #2009-01-006-F-10 (Item F-10) – Mon Jin Lau Annual Fireworks Use Request

Resolution #2009-01-020

Moved by Howrylak

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **RECONSIDERS** Resolution #2009-01-006-F-10, Moved by Eisenbacher and Seconded by Beltramini as it appears below:

*RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Mon Jin Lau, located at 1515 East Maple Rd., for the use of fireworks at its annual Chinese New Year celebration on January 27<sup>th</sup> and January 28<sup>th</sup>, 2009; and*

*BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the Fire Prevention Division personnel to inspect the fireworks to be used along with the site to assure compliance with applicable codes and standards for such a fireworks display.*

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

No: None

Absent: Howrylak

Yes: All-7

**MOTION CARRIED**

**Vote on Resolution to Amend Reconsidered Resolution #2009-01-006-F-10**

Resolution #2009-01-021  
Moved by Howrylak  
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2009-01-006-F-10, *Mon Jin Lau Annual Fireworks Use Request* by **STRIKING** “January 27<sup>th</sup> and January 28<sup>th</sup>” and **INSERTING** “February 3<sup>rd</sup> and February 4<sup>th</sup>”.

Yes: All-7

**MOTION CARRIED**

**Vote on Resolution for Mon Jin Lau Annual Fireworks Use Request as Amended**

Resolution #2009-01-006-F-10  
Moved by Eisenbacher  
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Mon Jin Lau, located at 1515 East Maple Rd., for the use of fireworks at its annual Chinese New Year celebration on February 3<sup>rd</sup> and February 4<sup>th</sup>, 2009; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the Fire Prevention Division personnel to inspect the fireworks to be used along with the site to assure compliance with applicable codes and standards for such a fireworks display.

Yes: All-7

**MOTION CARRIED**

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**E-6 Library Café Space Renovation**

Resolution #2009-01-022  
Moved by Kerwin  
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **AUTHORIZES** City Management to renovate the café space vacated by Steamers Café, for an estimated total project cost of \$47,000.00 as detailed in Appendix A, using in-house personnel, approved contracts and standard purchasing procedures.

Yes: All-7

**MOTION CARRIED**

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**E-7 Amendment to Chapter 10 of Troy City Code – Employees Retirement System**

Resolution #2009-01-023

Moved by Beltramini

Seconded by Fleming

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 10 of the Troy City Code (Employees Retirement System) to add Section 61 – Voluntary Separation Program for Retirement and to correct typographical errors in the ordinance, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

**MOTION CARRIED**

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**E-11 Oakland County Lane Drain Drainage District – Approval of the Contract for the Transfer of Surplus Construction Funds from the Nelson and Brotherton Drainage Districts to the Lane Drainage District and Execution of Petition for the Cleaning, Widening, Deepening, Straightening and Extending of the Lane Drain – Project No. 07.303.5****(a) Approval of the Contract for the Transfer of Surplus Construction Funds from the Nelson and Brotherton Drainage Districts to the Lane Drainage District, Project No. 07.303.5**

Resolution #2009-01-024a

Moved by Eisenbacher

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Transfer of Surplus Construction Funds from the Nelson and Brotherton Drainage Districts to the Lane Drainage District, Project No. 07.303.5, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

**MOTION CARRIED****(b) Execution of Petition for the Cleaning, Widening, Deepening, Straightening and Extending of the Lane Drain, Project No. 07.303.5**

Resolution #2009-01-024b

Moved by Eisenbacher

Seconded by Kerwin

WHEREAS, Pursuant to Chapter 8 of Act 40 of the Public Acts of 1956, as amended, MCL 280.191, et seq., the undersigned public corporation petitions the Water Resources Commissioner of the County of Oakland for the cleaning, widening, deepening, straightening and extending of the drain known and designated as the Lane Drain located and established in the City of Troy in the County of Oakland, State of Michigan;

WHEREAS, The proposed maintenance of and improvements to the Lane Drain are necessary for the public health of the City and will consist of removing sediment, repairing the existing control structure (concrete weir), replacing two sets of twin culverts, creating a sediment forebay, stabilizing five streambank failures, creating a landscape buffer and making accommodation for future trails and park amenities; and

WHEREAS, The City has entered into a Contract for the Transfer of Surplus Construction Funds for the transfer of approximately Two Million Thirty Six Hundred (\$2,036,000.00) Dollars for the transfer of surplus construction funds from the Brotherton Drainage District and the Nelson Drainage District to the Lane Drainage District for the purpose of alleviating drainage problems in the Lane Drain;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the petition for and on behalf of the City and to file the same with the Water Resources Commissioner of the County of Oakland, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

#### **MOTION CARRIED**

#### **CONSENT AGENDA:**

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

Resolution #2009-01-025  
Moved by Eisenbacher  
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item F-8 which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: All-7

#### **MOTION CARRIED**

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

Resolution #2009-01-025-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of January 5, 2009 as corrected.

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

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**F-4 Standard Purchasing Resolutions****a) Standard Purchasing Resolution 4: Western Tel-Com State Contract – Purchase of Cable Materials and Installation Services – Carport Data Drops**

Resolution #2009-01-025-F-4a

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase cable materials and installation services for carport network connectivity from Western Tel-Com Inc of Livonia, MI, through the State of Michigan MiDEAL program for an estimated total cost of \$12,025.00; and

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

**b) Standard Purchasing Resolution 8: Best Value Award – New Automation System for Troy Public Library**

Resolution #2009-01-025-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide an integrated library system solution for the Troy Public Library to the highest rated bidder, Polaris Library Systems of Syracuse, NY, as a result of a best value process, for an estimated total system cost of \$202,375.00 with ongoing annual maintenance, support, subscription and licensing fees; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the purchase of server hardware and software through the Regional Education Media Center (REMC) or other competitively bid contracts at an estimated cost of \$30,270.00; and hereby **REJECTS** Option #2 for hardware purchases through Polaris; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the contract when in acceptable form, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**c) Standard Purchasing Resolution 3: Exercise Renewal Option – Community Center Catering**

Resolution #2009-01-025-F-4c

WHEREAS, On February 26, 2007, a contract to provide two-year requirements of Catering Services at the Troy Community Center with an option to renew for two (2) additional years was awarded to Sankofa Housing of Detroit, MI, as a result of a best value process at an 18% return on gross revenue expiring March 31, 2009 (Resolution #2007-02-058-E4d); and

WHEREAS, Sankofa Housing (aka A&S Catering) has agreed to exercise the two-year option to renew their catering 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 Sankofa Housing (aka A&S Catering) to provide two-year requirements of Catering Services at the Troy Community Center under the same prices, terms and conditions as outlined in the Agreement expiring March 31, 2011; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement when in acceptable form, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**F-5 2009 Poverty Exemption Guidelines**

Resolution #2009-01-025-F-5

RESOLVED, That, pursuant to MCL 211.7u, Troy City Council hereby **APPROVES** the proposed "Poverty Exemption Guidelines" for 2009, as presented by the City Assessor in a memorandum dated December 30, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**F-6 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Rochester Road Improvements, Torpey to Barclay Project No. 99.203.5 – Parcel #5 – Sidwell #88-20-23-156-005 – Armand J. Dagenais/Michigan College of Beauty, Inc.**

Resolution #2009-01-025-F-6

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Armand J. Dagenais/Michigan College of Beauty, Inc., owners of property having Sidwell #88-20-23-156-005, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$55,800.00, 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 \$1,000.00 from Armand J. Dagenais/Michigan College of Beauty, Inc., owners of property having Sidwell #88-20-23-156-005; 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.

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**F-7 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Rochester Road Improvements, Torpey to Barclay Project No. 99.203.5 – Parcel #6 – Sidwell #88-20-23-156-004 – Mattress & Futon Plaza, LLC**

Resolution #2009-01-025-F-7

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Mattress & Futon Plaza, LLC, owners of property having Sidwell #88-20-23-156-004, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$99,800.00, 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 \$2,500.00 from Mattress & Futon Plaza, LLC, owners of property having Sidwell #88-20-23-156-004; 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.

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**F-9 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Rochester Road Improvements, Torpey to Barclay Project No. 99.203.5 - Parcel #32 – Sidwell #88-20-22-276-051 – T & T Development**

Resolution #2009-01-025-F-9

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between T & T Development, owners of property having Sidwell #88-20-22-276-051, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$98,060.00, 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 \$5,700.00 from T & T Development, owners of property having Sidwell #88-20-22-276-051; 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.

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

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**F-8 Park Naming of Section 36 Park Land – No Action Taken**

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**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**G-1 Announcement of Public Hearings: None Submitted**

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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:**

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**I-1 Council Comments Advanced:**

Council Member Beltramini commended all of the various community groups and city staff that participated in the *Kaleidoscope* event over the weekend.

Council Member Kerwin recognized the hard work of the Martin Luther King committee and praised the program that they coordinated with the school district.

**REPORTS:**

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

- a) Retiree Health Care Benefits Plan & Trust/Final – October 8, 2008
  - b) Ethnic Issues Advisory Board/Final – October 14, 2008
  - c) Building Code Board of Appeals/Final – December 3, 2008
  - d) Planning Commission/Draft – December 9, 2008
  - e) Planning Commission/Final – December 9, 2008
  - f) Employees' Retirement System Board of Trustees/Final – December 10, 2008
  - g) Board of Zoning Appeals/Draft – December 16, 2008
  
  - h) Planning Commission Special/Study/Final – January 6, 2009
  - i) Building Code Board of Appeals/Draft – January 7, 2009  
Noted and Filed
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**J-2 Department Reports:**

- a) Purchasing Department – Final Reporting – BidNet On-Line Auction and C.Cryderman & Associates Auctioneer Services – November, 2008
  - b) City Attorney's Office – 2008 Fourth Quarter Litigation Report  
Noted and Filed
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**J-3 Letters of Appreciation:**

- a) Letter of Thanks to Chief Nelson from the Grigg Family Regarding the Excellent Service of the Volunteer Fire Fighters
- b) Letter to Carol Anderson from Senator John Pappageorge Commending the Parks and Recreation Department on the Troy Family Aquatic Center and the Troy Community Center Receiving Recognition from *Aquatics International Magazine*
- c) Letter of Appreciation from Iva Shambarger Regarding the Assistance Received from Animal Control Officers

Noted and Filed

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

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**J-5 Correspondence from Brian Goul, Aquatics Coordinator, to Siegel & Gross, PC Regarding their Donation of Noodles to the Troy Swim Program**

Noted and Filed

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**J-6 Correspondence from Resident Jacquelyn Olson Regarding Printing of City Calendar**

Noted and Filed

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**J-7 Communication from City Attorney Lori Grigg Bluhm Regarding Frank Lawrence v. City of Troy**

Noted and Filed

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**J-8 Communication from City Clerk Tonni Bartholomew Regarding Liquor Committee and Traffic Committee Appointments**

Noted and Filed

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**J-9 Communication from Planning Director Mark Miller Regarding Election of Planning Commission Officers and Board of Zoning Appeals Representative Recommendations – 2009**

Noted and Filed

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

Resolution #2009-01-026

Moved by Eisenbacher

Seconded by Beltramini

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 1:00 AM.

Yes: Howrylak, Schilling, Beltramini, Eisenbacher, Fleming

No: Kerwin, Broomfield

**MOTION CARRIED**

**STUDY ITEMS:**

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**K-1 Latest Budget Numbers**

**PUBLIC COMMENT: Address of "K" Items**

**CLOSED SESSION:**

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**L-1 No Closed Session Requested**

The meeting **RECESSED** at 11:55 PM

The meeting **RECONVENED** on Tuesday, January 27, 2009 at 12:05 AM.

The meeting **ADJOURNED** at on Tuesday, January 27, 2009 at 12:57 AM.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk