

A Regular Meeting of the Troy City Council was held Monday, July 11, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:33 PM.

Mayor Pro Tem Beltramini gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Presentation to the City of Troy by Roberta Urbani, Environmental Planner, and Mike Palchesko, Regional Manager, of the DTE Energy Tree Planting Grant Check
- b) Acknowledgement of the City of Troy's 50th Anniversary by the Troy Chamber of Commerce

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Outdoor Seating in Excess of 20 Seats in Conjunction with a Restaurant in B-3 Zoning – 1515 East Maple – Mon Jin Lau Restaurant

Resolution #2005-07-316
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That the request from Marco Chin representing Mon Jin Lau Restaurant, to install an outdoor dining area for 40 seats at their existing restaurant at 1515 East Maple Road, is hereby **APPROVED** for a period not to exceed 2 years, in accordance with Section 22.30.07 of the Zoning Ordinance, Chapter 39 of the Code of the City of Troy.

Yes: All-7

POSTPONED ITEMS:

D-1 Zoning Ordinance Text Amendment (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions

Resolution
Moved by Stine
Seconded by Schilling

RESOLVED, That Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the Proposed Zoning Ordinance Text Amendment (ZOTA 215A), Version A, as recommended by the Planning Commission.

Vote on Resolution to Amend

Resolution #2005-07-317
Moved by Stine
Seconded by Beltramini

RESOLVED, That the Resolution that Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be AMENDED to read as written in the Proposed Zoning Ordinance Text Amendment (ZOTA 215A), Version A, as recommended by the Planning Commission be **AMENDED** by **STRIKING**, “The size of any door to an accessory building shall not exceed eight (8) feet in height” and **INSERTING**, “The size of any door to an accessory building shall not exceed nine (9) feet in height” in Section 40.56.01 C.

Yes: Beltramini, Lambert, Stine, Schilling
No: Broomfield, Eisenbacher, Howrylak

MOTION CARRIED**Vote on Resolution to Amend by Substitution**

Resolution #2005-07-318
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That the Resolution that Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be AMENDED to read as written in the Proposed Zoning Ordinance Text Amendment (ZOTA 215A), Version A, as recommended by the Planning Commission CONTINGENT upon STRIKING, “The size of any door to an accessory building shall not exceed eight (8) feet in height” and INSERTING, “The size of any door to an accessory building shall not exceed nine (9) feet in height” in Section 40.56.01 C be **AMENDED** by **STRIKING** it in its entirety and **SUBSTITUTING** it with, “RESOLVED, That Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be AMENDED to read as written in the PROPOSED ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215A), Version B, as recommended by City Management.”

Yes: Eisenbacher, Howrylak, Lambert,
No: Broomfield, Stine, Schilling, Beltramini

MOTION FAILED

Vote on Resolution to Postpone

Resolution #2005-07-319
Moved by Howrylak
Seconded by Broomfield

RESOLVED, That the Resolution that Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be AMENDED to read as written in the Proposed Zoning Ordinance Text Amendment (ZOTA 215A), Version A, as recommended by the Planning Commission CONTINGENT upon STRIKING, "The size of any door to an accessory building shall not exceed eight (8) feet in height" and INSERTING, "The size of any door to an accessory building shall not exceed nine (9) feet in height" in Section 40.56.01 C be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, September 12, 2005.

Yes: Eisenbacher, Howrylak, Broomfield
No: Lambert, Stine, Schilling, Beltramini

MOTION FAILED

Vote on Resolution to Amend

Resolution #2005-07-320
Moved by Lambert
Seconded by Broomfield

RESOLVED, That the Resolution that Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be AMENDED to read as written in the Proposed Zoning Ordinance Text Amendment (ZOTA 215A), Version A, as recommended by the Planning Commission be **AMENDED** by **STRIKING** "There shall be no more than two detached accessory buildings per lot or parcel, excluding accessory as set forth in Section 40.56.03." in Section 40.56.02 A and by **STRIKING** "No more than three (3) detached accessory supplemental buildings shall be permitted on a parcel." in Section 40.56.03 A.

Yes: All-7

Vote on Resolution to Amend

Resolution #2005-07-321
Moved by Howrylak
Seconded by Beltramini

RESOLVED, That the Resolution that Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be AMENDED to read as written in the Proposed Zoning

Ordinance Text Amendment (ZOTA 215A), Version A, as recommended by the Planning Commission be **AMENDED** by **INSERTING** "This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005." **AT THE END** of 40.56.01 C **AFTER** "height".

Yes: All-7

Vote on Resolution to Amend

Resolution #2005-07-322

Moved by Howrylak

Seconded by Broomfield

RESOLVED, That the Resolution that Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be AMENDED to read as written in the Proposed Zoning Ordinance Text Amendment (ZOTA 215A), Version A, as recommended by the Planning Commission be **AMENDED** by **STRIKING**, "The size of any door to an accessory building shall not exceed eight (8) feet in height" and **INSERTING**, "The size of any door to an accessory building shall not exceed fourteen (14) feet in height". in Section 40.56. 01 C.

Yes: Eisenbacher, Howrylak

No: Stine, Schilling, Beltramini, Broomfield, Lambert

MOTION FAILED

Vote on Resolution to Amend

Resolution #2005-07-323

Moved by Eisenbacher

Seconded by Broomfield

RESOLVED, That the Resolution that Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be AMENDED to read as written in the Proposed Zoning Ordinance Text Amendment (ZOTA 215A), Version A, as recommended by the Planning Commission be **AMENDED** by **STRIKING**, "of the ground floor footprint" in Section 40.56.01 B.

Yes: Broomfield, Eisenbacher, Howrylak, Lambert

No: Schilling, Beltramini, Stine

MOTION CARRIED

Vote on Resolution as Amended

Resolution #2005-07-324

Moved by Stine

Seconded by Schilling

RESOLVED, That Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the Proposed Zoning Ordinance Text

Amendment (ZOTA 215A), Version A, as recommended by the Planning Commission **CONTINGENT** upon **STRIKING**, "The size of any door to an accessory building shall not exceed eight (8) feet in height" and **INSERTING**, "The size of any door to an accessory building shall not exceed nine (9) feet in height" in Section 40.56.01 C and by **STRIKING** "There shall be no more than two detached accessory buildings per lot or parcel, excluding accessory as set forth in Section 40.56.03." in Section 40.56.02 A and by **STRIKING**, "No more than three (3) detached accessory supplemental buildings shall be permitted on a parcel." in Section 40.56.03 A and by **INSERTING**, "This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005." in Section 40.56.01 C **AFTER** "height" and by **STRIKING** "of the ground floor footprint" in Section 40.56.01 B.

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

No: Howrylak

MOTION CARRIED

The meeting **RECESSED** at 9:38 PM.

The meeting **RECESSED** at 9:50 PM.

CONSENT AGENDA:

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

Resolution #2005-07-325

Moved by Lambert

Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items, E-4b, E-4c, E-4d and E-14 which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

E-2 Approval of City Council Minutes

Resolution #2005-07-325-E-2

RESOLVED, That the Minutes of the Regular City Council Meeting of June 20, 2005 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations (None Proposed)

E-4 Standard Purchasing Resolutions

a) **Standard Purchasing Resolution #1: Award to Low Bidder – Contract 05-5 – Fernleigh Water Main Replacement**

Resolution #2005-07-325-E-4a

RESOLVED, That Contract No. 05-5, Fernleigh Water Main Replacement, be **AWARDED** to Macomb Pipeline, 4500 River Ridge, Clinton Twp., MI 48038 at an estimated total cost of \$570,727.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost.

e) **Standard Purchasing Resolution #10: Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Expenses – National League of Cities Finance, Administration and Intergovernmental Relations (FAIR) Committee Meeting**

Resolution #2005-07-325-E-4e

RESOLVED, That the Council Member Robin Beltramini is **AUTHORIZED** to attend the National League of Cities Finance, Administration and Intergovernmental Relations (FAIR) committee meeting in Scarborough, Maine September 15-17, 2005 in accordance with accounting procedures of the City of Troy.

E-5 Acceptance of Permanent Easements and Warranty Deeds from Hidden Development, LLC – Section 22, Sidwell #88-20-22-101-023, 025 and 030

Resolution #2005-07-325-E-5

RESOLVED, That the three Permanent Easements and Warranty Deed received from Hidden Development, LLC, owners of property having Sidwell # 88-20-22-101-023, 025 & 030 are hereby **ACCEPTED**, and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds Office, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-6 Acceptance of Permanent Easements and Warranty Deeds from Mondrian Properties, LLC – Section 20, Sidwell #88-20-20-226-101, 100 and 104

Resolution #2005-07-325-E-6

RESOLVED, That the three Permanent Easements and two Warranty Deeds received from Mondrian Properties, LLC, owners of property having Sidwell # 88-20-20-226-101, 100 & 104 are hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds Office, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Acceptance of a Permanent Watermain Easement and a Regrading and Temporary Construction Permit for the Troy Court Water Main Project #01.502.5 – Section 34

Resolution #2005-07-325-E-7

RESOLVED, That the Permanent Watermain Easement and Temporary Regrading and Construction Permit received from Boward Investment Corp., owners of property having Sidwell # 88-20-34-152-026, are hereby **ACCEPTED**, and payment for the Easement and Permit in the combined amount of \$2,000.00, plus recording costs, is **APPROVED**, for the construction, operation, maintenance and repair of the Troy Court Watermain Improvement Project #01.502.5; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** the Permanent Watermain Easement with the Oakland County Register of Deeds, and copy of both Easement and Permit shall be **ATTACHED** to the original Minutes of this meeting.

E-8 Troy Daze Festival Entertainment Tent Fee

Resolution #2005-07-325-E-8

RESOLVED, That the Troy Daze/Magic of Fall request to charge a \$3.00 admission fee to the entertainment tent during Special Adults Day is hereby **APPROVED** as requested by the Troy Daze Advisory Committee.

E-9 Private Agreement for Clark Gas Station – Project No. 04.903.3

Resolution #2005-07-325-E-9

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Majid Kesto, is hereby **APPROVED** for the installation of sanitary sewer, detention and soil erosion controls on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-10 Private Agreement for Hidden Forest Site Condominiums – Project No. 04.908.3

Resolution #2005-07-325-E-10

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and GFA Development Company is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, detention, water main, soil erosion, sidewalks, landscaping and paving on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-11 Amendment #1 – Concrete Pavement Repair Program

Resolution #2005-07-325-E-11

WHEREAS, On January 24, 2005, contracts to complete the City of Troy's Concrete Pavement Repair Program were awarded to the low bidders, Major Cement Company of Detroit, MI for Proposal A, Hard Rock Concrete Inc. of Westland, MI – Proposal B, and Six-S, Inc. of Waterford, MI – Proposal C, at estimated total costs of \$824,775.00, \$458,975.00, and \$507,865.00 respectively for completion by June 30, 2005, at unit prices contained in the bid tabulation opened December 10, 2004 (Resolution #2005-01-041-E-20);

WHEREAS, It is recommended that the contracts be amended to allow for additional concrete replacement for work to be completed by June 30, 2006, on Major Roads, Local Roads, and Stephenson Highway.

NOW, THEREFORE, BE IT RESOLVED, That the contracts are hereby **AMENDED** to provide additional concrete pavement repair to the three low bidders, Major Cement Company – Proposal A, Hard Rock Concrete, Inc. – Proposal B, and Six S, Inc. – Proposal C, in an amount not to exceed \$750,000.00, \$500,000.00, and \$500,000.00, respectively.

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

b) **Standard Purchasing Resolution #7: Proprietary Maintenance Service Contract – Engineering Software Maintenance (Bentley Systems, Inc.)**

Resolution #2005-07-326

Moved by Stine

Seconded by Eisenbacher

RESOLVED, That a two-year proprietary software maintenance contract for the City of Troy's Microstation CAD and plotting software is hereby **APPROVED** to Bentley Systems, Inc., for an estimated annual cost of \$18,687.50 expiring July 13, 2007.

Yes: All-7

c) **Standard Purchasing Resolution #8: Best Value Award – Sale of Surplus Parcels**

Resolution #2005-07-327

Moved by Eisenbacher

Seconded by Stine

RESOLVED, That contracts to sell \$636,450.00 of surplus real estate parcels be **AWARDED** to the highest bidders as listed on the attached bid tabulation(s) opened June 24, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting and are summarized below:

<u>Parcel #</u>	<u>Sidwell #</u>	<u>Minimum Bid</u>	<u>High Bid</u>	<u>Name of Bidder</u>
6	20-10-477-017	\$200,000.00	\$204,950.00	Scarchilli Brothers Construction, LLC
7	20-13-227-	\$ 87,000.00	\$110,000.00	Patrick Bismack

	008			
	20-15-352-			
8	006	\$170,000.00	\$171,500.00	Hung T. Dam
	20-24-352-			
18	041	\$102,000.00	<u>\$150,000.00</u>	Antoine El-Amoud, Gus Abbanour, Joseph M Diccio
	GRAND TOTAL		\$636,450.00	

BE IT FURTHER RESOLVED, That the Real Estate and Development Department **SHALL EXPEND** the necessary funds for Title Insurance and recording, to be taken from the proceeds of said sales, to close and record these real estate parcels.

Yes: All-7

d) **Standard Purchasing Resolution #3: Option to Renew and Extend – Tree Removal Services Contract**

Resolution #2005-07-328
 Moved by Schilling
 Seconded by Stine

RESOLVED, That Standard Purchasing Resolution #3: Option to Renew and Extend – Tree Removal Services Contract be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, July 18, 2005.

Yes: All-7

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 **Appointments to Boards and Committees: a) Mayoral Appointments: Local Development Finance Authority; Planning Commission; b) City Council Appointments: Parks and Recreation Board; Retiree Health Care Benefits Plan & Trust Board; Troy Daze**

(a) **Mayoral Appointments**

Resolution #2005-07-329
 Moved by Schilling
 Seconded by Beltramini

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

Local Development Finance Authority

Appointed by Mayor, Council Approval (5-Regular; 2-Council Alternates) – 3 years

Keith Pretty

Term Expires 06/30/08

Michael M. Adamczyk

Term Expires 06/30/08

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

No: Howrylak

MOTION CARRIED

Vote on Resolution for Student Appointment to the Planning Commission

Resolution #2005-07-330

Moved by Schilling

Seconded by Beltramini

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

Planning Commission

Appointed by Mayor, Council Approval (9) – 3 years

Christopher Kulesza

Term Expires 07/01/06 **(Student)**

Yes: All-7

(b) City Council Appointments

Resolution #2005-07-331

Moved by Beltramini

Seconded by Howrylak

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

Parks and Recreation Board

Appointed by Council (10) (1-School; 1-Senior Adv. Board; 1-Troy Daze; Parks & Recreation Director) – 3 years

Brad Henson

Term Expires 07/01/06 **(Student)**

Retiree Health Care Benefits Plan & Trust Board

Appointments confirmed by City Council (8) – 3 Employee Trustees – 3 years; 1 Citizen Trustee – 3 years; 1 Council Trustee – 4 years; Retiree - Non-voting Member; City Manager and Assistant City Manager/Finance & Admn – by virtue of his position.

Michael Geise (Employee Rep)

Term Expires 12/31/05

Thomas Houghton (Employee Rep)

Term Expires 12/31/07

<u>Steven A. Pallotta (Employee Rep)</u>	Term Expires 12/31/06
<u>Mark A. Calice (Citizen-Council Appt.)</u>	Term Expires 12/31/06
<u>Louise E. Schilling (Council-Council Appt.)</u>	Term Expires 04/16/06
<u>William Need (Retiree-Council Appt.)</u>	Retiree Non-Voting Member
<u>John Szerlag</u>	City Manager
<u>John M. Lamerato</u>	Assistant City Manager/Finance & Admn.

NOTE: Retiree Health Care Benefits Plan and Trust (Established June 20, 2005 Resolution #2005-06-303): 1:303. Board of Trustees: The Board of Trustees shall consist of eight (8) trustees which shall be the same elected and appointed individuals that serve on the City of Troy Employees Retirement System Board of Trustees.

Troy Daze

Appointed by Council (9) – 3 years

Berj Alexanian Term Expires 07/01/06 (**Student**)

Yes: All-7

F-2 Standard Purchasing Resolution 1: Award to Sole Bidder

a) Miscellaneous Golf and Turf Maintenance

Resolution #2005-07-332a
Moved by Beltramini
Seconded by Stine

RESOLVED, That a contract to purchase three-year requirements of Miscellaneous Original Equipment Manufacturers Replacement Parts for the City of Troy Golf Division with an option to renew for one additional year is hereby **AWARDED** to the sole bidder, W.F. Miller Company of Novi, Michigan at pricing and percentage discounts contained in the bid tabulation opened April 27, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with a contract **EXPIRATION DATE** of June 30, 2008.

Yes: All-7

b) OEM Replacement Parts for Golf and Turf Maintenance Equipment

Resolution #2005-07-332b
Moved by Beltramini
Seconded by Stine

WHEREAS, Weingartz of Farmington Hills and Spartan Distributors of Sparta, Michigan, are the exclusive distributors in Michigan for John Deere and Toro replacement parts respectively;

WHEREAS, both Weingartz and Spartan Distributors has offered to sell their parts at list prices with discounts up to 55%.

NOW, THEREFORE, BE IT RESOLVED, That contracts to purchase both John Deere and Toro replacement parts are hereby **APPROVED** with Weingartz and Spartan Distributors, respectively, **TO EXPIRE** June 30, 2008, at list prices less discounts up to 55%.

Yes: All-7

F-3 Publish and Solicit for Public Sealed Bid – Sale of 11 Surplus Parcels

Resolution

Moved by Beltramini

Seconded by Stine

RESOLVED, That the Real Estate and Development Department, in conjunction with the Purchasing Department is **AUTHORIZED TO ADVERTISE** to sell by sealed bid to the highest bidder, at or above the minimum bid value established as the appraised value, the following listed surplus parcels:

<u>Parcel #</u>	<u>Sidwell #</u>	<u>Appraised Value</u>	<u>Type Property</u>
1	20-01-476-032	\$340,000.00	Vacant B-1
2	20-03-226-022 (part)	\$175,000.00	Vacant Residential
3	20-03-126-006	\$ 80,000.00	Vacant Residential
5	20-03-226-022	\$ 95,000.00	Vacant O-1
9	20-16-476-027, 028	\$187,000.00	Vacant Residential
21	20-26-433-019, 020	\$ 70,000.00	Vacant M-1
22	20-26-483-053	\$235,000.00	Vacant M-1
23	20-26-477-042	\$ 18,000.00	Vacant M-1
24	20-27-155-013	\$ 60,000.00	Vacant Residential
26	20-34-201-003	\$ 20,000.00	Vacant M-1
27	20-34-201-009	\$ 13,500.00	Vacant M-1

Vote on Resolution to Amend

Resolution #2005-07-333

Moved by Beltramini

Seconded by Broomfield

RESOLVED, That the Resolution to *Publish and Solicit for Public Sealed Bid – Sale of 11 Surplus Parcels* be **AMENDED** by excluding Parcel #5 from the list until the next listing of sale of surplus parcels is presented to City Council.

Yes: All-7

Vote on Resolution as Amended

Resolution #2005-07-334
 Moved by Beltramini
 Seconded by Stine

RESOLVED, That the Real Estate and Development Department, in conjunction with the Purchasing Department is **AUTHORIZED TO ADVERTISE** to sell by sealed bid to the highest bidder, at or above the minimum bid value established as the appraised value, the following listed surplus parcels:

<u>Parcel #</u>	<u>Sidwell #</u>	<u>Appraised Value</u>	<u>Type Property</u>
1	20-01-476-032	\$340,000.00	Vacant B-1
2	20-03-226-022 (part)	\$175,000.00	Vacant Residential
3	20-03-126-006	\$ 80,000.00	Vacant Residential
9	20-16-476-027, 028	\$187,000.00	Vacant Residential
21	20-26-433-019, 020	\$ 70,000.00	Vacant M-1
22	20-26-483-053	\$235,000.00	Vacant M-1
23	20-26-477-042	\$ 18,000.00	Vacant M-1
24	20-27-155-013	\$ 60,000.00	Vacant Residential
26	20-34-201-003	\$ 20,000.00	Vacant M-1
27	20-34-201-009	\$ 13,500.00	Vacant M-1

Yes: All-7

F-4 Final Site Condominium Review – Stone Haven Woods East No. 2 Site Condominium, South Side of Wattles Road, West of Crooks Road, Section 20 – R-1B

Resolution #2005-07-335
 Moved by Stine
 Seconded by Lambert

RESOLVED, That the Final 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 known as Stone Haven Woods East No. 2 Site Condominium, located on the south side of Wattles Road, west of Crooks Road, including 4 home sites, within the R-1B Zoning District, being 2.02 acres in size, is hereby **APPROVED**, as recommended by City Management.

Yes: All-7

F-5 Final Site Condominium Review (Revised) – Hidden Forest Site Condominium, South Side of Wattles, East of Livernois, Section 22 – R-1C

Resolution #2005-07-336
 Moved by Beltramini
 Seconded by Stine

RESOLVED, That the Final 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 known as Hidden Forest Site Condominium, located on the south side of Wattles Road, east of Livernois Road, including 37 home sites, within the R-1C Zoning District, being 17.79 acres in size, is hereby **APPROVED**, as recommended by City Management.

Yes: All-7

F-6 Approval of Purchase Agreement for Acquisition of Property Adjacent to Historic Green – Katharyn L. Jensen – Sidwell #88-20-16-478-027

Resolution #2005-07-337

Moved by Lambert

Seconded by Beltramini

RESOLVED, That the Agreement to Purchase between Katharyn L. Jensen, and the City of Troy, having Sidwell #88-20-16-478-027 for the acquisition of her property at 100 West Wattles, is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That authorization is hereby **GRANTED TO PURCHASE** the property in the Agreement referenced above in the amount of \$180,000.00, plus closing costs.

Yes: All-7

F-7 Charter Revision Committee Recommendations

Resolution

Moved by Lambert

Seconded by Howrylak

RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter amendments for the November 8, 2005 City General Election:

RECOMMENDED CHARTER REVISION PROPOSAL #1 (33 words)

Shall Section 3.4 (Terms of Office) of the Troy Charter be amended by moving and incorporating Section 7.5 (Elective Officers – Terms of Office) of the Troy Charter in its entirety?

RECOMMENDED CHARTER REVISION PROPOSAL #2 (78 words)

Shall Section 3.4 of the Troy Charter be amended to implement election consolidation revisions to Michigan Election Law, by revising the term of Troy City Council Members and the Mayor from the current three (3) year terms that expire at 8:00 PM of the third year of the term to provide for four (4) year terms that expire at 7:30 PM of the first Monday following the Regular Election of the fourth year of their term?

RECOMMENDED CHARTER REVISION PROPOSAL #3 (20 words)

Shall Section 7.5.5 of the Troy Charter be renumbered as 3.4.1 and titled as Elective Officers Term Limitations?

RECOMMENDED CHARTER REVISION PROPOSAL #4 (46 words)

Shall Section 7.5.5 be amended to revise the definition of a term from the current language that “any portion of a term served shall constitute one full term” to “Any service greater than two (2) years plus one (1) month shall constitute a term”?

RECOMMENDED CHARTER REVISION PROPOSAL #5 (78 words)

Shall Section 3.4.2 be created to implement election consolidation revisions to Michigan Election Law, by providing for the re-establishment of the staggering of City Council terms by providing for three (3) City Council Members to be elected in one election cycle and the remaining three (3) Council Members and the Mayor to be elected in a subsequent election cycle, which will be accomplished through an election of a one-time two (2) year City Council Member term?

RECOMMENDED CHARTER REVISION PROPOSAL #6 (94 words)

Shall Section 7.3 of the Troy City Charter be amended to implement election consolidation revisions to Michigan Election Law, by changing the election date from the “first Monday in April of each year” to the “first Tuesday after the first Monday of every odd-year November” and eliminating “if some other date in the months of March, April or May is fixed by law for the holding of the state biennial election, then the regular City election shall be held on the date so fixed”, since these provisions conflict with Michigan Election Law?

RECOMMENDED CHARTER REVISION PROPOSAL #7 (99 words)

Shall Section 7.6 of the Troy City Charter be revised to implement election consolidation revisions to Michigan Election Law, by providing “Special City Elections shall be called as provided in Michigan Election Law” and eliminating “Special City elections shall be held when called by resolution of the Council at least 40 days in advance of such election, or when required by this charter or statute? Any resolution calling a special election shall set forth the purpose of such election. No more special City elections shall be called in any one year than the number permitted by statute.”?

RECOMMENDED CHARTER REVISION PROPOSAL #8 (84 words)

Shall Section 7.9 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law, by eliminating “No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following City election? If the signature of any persons appears on more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office.”?

RECOMMENDED CHARTER REVISION PROPOSAL #9 (91 words)

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

Vote on Amendment

Resolution #2005-07-338
Moved by Lambert
Seconded by Howrylak

RESOLVED, That the Resolution for Recommended Charter Revision Proposals be **AMENDED** by **INCLUDING** the following Charter Revision Proposal: "In January each year, the Mayor of the City shall issue a written proclamation requesting the Governor and the members of the Michigan Legislature to use their best efforts to prevent the building of exit and entrance ramps on I-75 where it intersects Long Lake Road. The proclamation shall be delivered to the Governor and each State Senator and State Representative whose district includes any part of the City."

Yes: Broomfield, Howrylak, Lambert
No: Beltramini, Eisenbacher, Stine, Schilling

MOTION FAILED**Vote on Amendment**

Resolution #2005-07-339
Moved by Broomfield
Seconded by Howrylak

RESOLVED, That the Resolution for Recommended Charter Revision Proposals be **AMENDED** by **INCLUDING** Recommended Charter Revision Proposal #12 (44 words): "*Shall Section 7.9.5 – Council Initiated Ballot Questions, of the Troy City Charter be added to provide a mechanism for the City Council to place advisory ballot questions on the Regular City Election Ballot, by an affirmative majority vote of the members elect?*"

Yes: Broomfield, Eisenbacher, Howrylak, Lambert, Beltramini
No: Stine, Schilling

MOTION CARRIED**Vote on Resolution as Amended**

Resolution #2005-07-340
Moved by Lambert
Seconded by Howrylak

RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter amendments for the November 8, 2005 City General Election:

RECOMMENDED CHARTER REVISION PROPOSAL #1 (33 words)

Shall Section 3.4 (Terms of Office) of the Troy Charter be amended by moving and incorporating Section 7.5 (Elective Officers – Terms of Office) of the Troy Charter in its entirety?

RECOMMENDED CHARTER REVISION PROPOSAL #2 (78 words)

Shall Section 3.4 of the Troy Charter be amended to implement election consolidation revisions to Michigan Election Law, by revising the term of Troy City Council Members and the Mayor from the current three (3) year terms that expire at 8:00 PM of the third year of the term to provide for four (4) year terms that expire at 7:30 PM of the first Monday following the Regular Election of the fourth year of their term?

RECOMMENDED CHARTER REVISION PROPOSAL #3 (20 words)

Shall Section 7.5.5 of the Troy Charter be renumbered as 3.4.1 and titled as Elective Officers Term Limitations?

RECOMMENDED CHARTER REVISION PROPOSAL #4 (46 words)

Shall Section 7.5.5 be amended to revise the definition of a term from the current language that "any portion of a term served shall constitute one full term" to "Any service greater than two (2) years plus one (1) month shall constitute a term"?

RECOMMENDED CHARTER REVISION PROPOSAL #5 (78 words)

Shall Section 3.4.2 be created to implement election consolidation revisions to Michigan Election Law, by providing for the re-establishment of the staggering of City Council terms by providing for three (3) City Council Members to be elected in one election cycle and the remaining three (3) Council Members and the Mayor to be elected in a subsequent election cycle, which will be accomplished through an election of a one-time two (2) year City Council Member term?

RECOMMENDED CHARTER REVISION PROPOSAL #6 (94 words)

Shall Section 7.3 of the Troy City Charter be amended to implement election consolidation revisions to Michigan Election Law, by changing the election date from the "first Monday in April of each year" to the "first Tuesday after the first Monday of every odd-year November" and eliminating "if some other date in the months of March, April or May is fixed by law for the holding of the state biennial election, then the regular City election shall be held on the date so fixed", since these provisions conflict with Michigan Election Law?

RECOMMENDED CHARTER REVISION PROPOSAL #7 (99 words)

Shall Section 7.6 of the Troy City Charter be revised to implement election consolidation revisions to Michigan Election Law, by providing "Special City Elections shall be called as provided in Michigan Election Law" and eliminating "Special City elections shall be held when called by resolution of the Council at least 40 days in advance of such election, or when required by this charter or statute? Any resolution calling a special election shall set forth the purpose of such election. No more special City elections shall be called in any one year than the number permitted by statute."?

RECOMMENDED CHARTER REVISION PROPOSAL #8 (84 words)

Shall Section 7.9 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law, by eliminating "No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following City election? If the signature of any persons appears on

more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office.”?

RECOMMENDED CHARTER REVISION PROPOSAL #9 (91 words)

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

RECOMMENDED CHARTER REVISION PROPOSAL #9 (91 words)

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

RECOMMENDED CHARTER REVISION PROPOSAL #12 (44 words)

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

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

No: Lambert

MOTION CARRIED

Vote on Resolution to Draft Recommended Charter Revision Language and Forward to the Charter Revision Committee

Resolution #2005-07-341

Moved by Eisenbacher

Seconded by Howrylak

RESOLVED, That Troy City Council hereby **DIRECTS** the City Attorney to **DRAFT** Recommended Charter Revision Language to add provisions for long term use agreements in Section 12.3, *Restriction on Powers to Lease Property* in the City Charter and **FORWARD** the recommended language to the Charter Revision Committee for their review.

Yes: All-7

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

Resolution #2005-07-342
Moved by Stine
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: All-7

Vote on Resolution to Reconsider Resolution #2005-07-340

Resolution #2005-07-343
Moved by Howrylak
Seconded by Lambert

RESOLVED, That Resolution #2004-07-340, Moved by Lambert and Seconded by Howrylak, as it appears below be **RECONSIDERED** by City Council:

*RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter amendments for the November 8, 2005 City General Election:*

RECOMMENDED CHARTER REVISION PROPOSAL #1 (33 words)

Shall Section 3.4 (Terms of Office) of the Troy Charter be amended by moving and incorporating Section 7.5 (Elective Officers – Terms of Office) of the Troy Charter in its entirety?

RECOMMENDED CHARTER REVISION PROPOSAL #2 (78 words)

Shall Section 3.4 of the Troy Charter be amended to implement election consolidation revisions to Michigan Election Law, by revising the term of Troy City Council Members and the Mayor from the current three (3) year terms that expire at 8:00 PM of the third year of the term to provide for four (4) year terms that expire at 7:30 PM of the first Monday following the Regular Election of the fourth year of their term?

RECOMMENDED CHARTER REVISION PROPOSAL #3 (20 words)

Shall Section 7.5.5 of the Troy Charter be renumbered as 3.4.1 and titled as Elective Officers Term Limitations?

RECOMMENDED CHARTER REVISION PROPOSAL #4 (46 words)

Shall Section 7.5.5 be amended to revise the definition of a term from the current language that “any portion of a term served shall constitute one full term” to “Any service greater than two (2) years plus one (1) month shall constitute a term.”?

RECOMMENDED CHARTER REVISION PROPOSAL #5 (78 words)

Shall Section 3.4.2 be created to implement election consolidation revisions to Michigan Election Law, by providing for the re-establishment of the staggering of City Council terms by providing for three (3) City Council Members to be elected in one election cycle and the remaining three (3) Council Members and the Mayor

to be elected in a subsequent election cycle, which will be accomplished through an election of a one-time two (2) year City Council Member term?

RECOMMENDED CHARTER REVISION PROPOSAL #6 (94 words)

Shall Section 7.3 of the Troy City Charter be amended to implement election consolidation revisions to Michigan Election Law, by changing the election date from the "first Monday in April of each year" to the "first Tuesday after the first Monday of every odd-year November" and eliminating "if some other date in the months of March, April or May is fixed by law for the holding of the state biennial election, then the regular City election shall be held on the date so fixed", since these provisions conflict with Michigan Election Law?

RECOMMENDED CHARTER REVISION PROPOSAL #7 (99 words)

Shall Section 7.6 of the Troy City Charter be revised to implement election consolidation revisions to Michigan Election Law, by providing "Special City Elections shall be called as provided in Michigan Election Law" and eliminating "Special City elections shall be held when called by resolution of the Council at least 40 days in advance of such election, or when required by this charter or statute? Any resolution calling a special election shall set forth the purpose of such election. No more special City elections shall be called in any one year than the number permitted by statute."?

RECOMMENDED CHARTER REVISION PROPOSAL #8 (84 words)

Shall Section 7.9 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law, by eliminating "No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following City election? If the signature of any persons appears on more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office."?

RECOMMENDED CHARTER REVISION PROPOSAL #9 (91 words)

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

RECOMMENDED CHARTER REVISION PROPOSAL #12 (44 words)

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

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

No: Lambert

MOTION CARRIED

Yes: All-7

Vote on Reconsideration of Resolution #2005-07-340

Resolution #2005-07-344

Moved by Lambert

Seconded by Howrylak

RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter amendments for the November 8, 2005 City General Election:

RECOMMENDED CHARTER REVISION PROPOSAL #1 (33 words)

Shall Section 3.4 (Terms of Office) of the Troy Charter be amended by moving and incorporating Section 7.5 (Elective Officers – Terms of Office) of the Troy Charter in its entirety?

RECOMMENDED CHARTER REVISION PROPOSAL #2 (78 words)

Shall Section 3.4 of the Troy Charter be amended to implement election consolidation revisions to Michigan Election Law, by revising the term of Troy City Council Members and the Mayor from the current three (3) year terms that expire at 8:00 PM of the third year of the term to provide for four (4) year terms that expire at 7:30 PM of the first Monday following the Regular Election of the fourth year of their term?

RECOMMENDED CHARTER REVISION PROPOSAL #3 (20 words)

Shall Section 7.5.5 of the Troy Charter be renumbered as 3.4.1 and titled as Elective Officers Term Limitations?

RECOMMENDED CHARTER REVISION PROPOSAL #4 (46 words)

Shall Section 7.5.5 be amended to revise the definition of a term from the current language that “any portion of a term served shall constitute one full term” to “Any service greater than two (2) years plus one (1) month shall constitute a term.”?

RECOMMENDED CHARTER REVISION PROPOSAL #5 (78 words)

Shall Section 3.4.2 be created to implement election consolidation revisions to Michigan Election Law, by providing for the re-establishment of the staggering of City Council terms by providing for three (3) City Council Members to be elected in one election cycle and the remaining three (3) Council Members and the Mayor to be elected in a subsequent election cycle, which will be accomplished through an election of a one-time two (2) year City Council Member term?

RECOMMENDED CHARTER REVISION PROPOSAL #6 (94 words)

Shall Section 7.3 of the Troy City Charter be amended to implement election consolidation revisions to Michigan Election Law, by changing the election date from the “first Monday in April of each year” to the “first Tuesday after the first Monday of every odd-year November” and eliminating “if some other date in the months of March, April or May is fixed by law for the holding of the state biennial election, then the regular City election shall be held on the date so fixed”, since these provisions conflict with Michigan Election Law?

RECOMMENDED CHARTER REVISION PROPOSAL #7 (99 words)

Shall Section 7.6 of the Troy City Charter be revised to implement election consolidation revisions to Michigan Election Law, by providing "Special City Elections shall be called as provided in Michigan Election Law" and eliminating "Special City elections shall be held when called by resolution of the Council at least 40 days in advance of such election, or when required by this charter or statute? Any resolution calling a special election shall set forth the purpose of such election. No more special City elections shall be called in any one year than the number permitted by statute."?

RECOMMENDED CHARTER REVISION PROPOSAL #8 (84 words)

Shall Section 7.9 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law, by eliminating "No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following City election? If the signature of any persons appears on more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office."?

RECOMMENDED CHARTER REVISION PROPOSAL #9 (91 words)

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

RECOMMENDED CHARTER REVISION PROPOSAL #12 (44 words)

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

Yes: Schilling, Beltramini, Eisenbacher, Stine

No: Broomfield, Howrylak, Lambert

MOTION FAILED**Vote on Resolution to Reconsider Resolution #2005-07-344**

Resolution #2005-07-345

Moved by Schilling

Seconded by Broomfield

RESOLVED, That Resolution #2004-07-344, Moved by Lambert and Seconded by Howrylak, as it appears below be **RECONSIDERED** by City Council:

RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter amendments for the November 8, 2005 City General Election:

RECOMMENDED CHARTER REVISION PROPOSAL #1 (33 words)

Shall Section 3.4 (Terms of Office) of the Troy Charter be amended by moving and incorporating Section 7.5 (Elective Officers – Terms of Office) of the Troy Charter in its entirety?

RECOMMENDED CHARTER REVISION PROPOSAL #2 (78 words)

Shall Section 3.4 of the Troy Charter be amended to implement election consolidation revisions to Michigan Election Law, by revising the term of Troy City Council Members and the Mayor from the current three (3) year terms that expire at 8:00 PM of the third year of the term to provide for four (4) year terms that expire at 7:30 PM of the first Monday following the Regular Election of the fourth year of their term?

RECOMMENDED CHARTER REVISION PROPOSAL #3 (20 words)

Shall Section 7.5.5 of the Troy Charter be renumbered as 3.4.1 and titled as Elective Officers Term Limitations?

RECOMMENDED CHARTER REVISION PROPOSAL #4 (46 words)

Shall Section 7.5.5 be amended to revise the definition of a term from the current language that “any portion of a term served shall constitute one full term” to “Any service greater than two (2) years plus one (1) month shall constitute a term.”?

RECOMMENDED CHARTER REVISION PROPOSAL #5 (78 words)

Shall Section 7.6 of the Troy City Charter be revised to implement election consolidation revisions to Michigan Election Law, by providing “Special City Elections shall be called as provided in Michigan Election Law” and eliminating “Special City elections shall be held when called by resolution of the Council at least 40 days in advance of such election, or when required by this charter or statute? Any resolution calling a special election shall set forth the purpose of such election. No more special City elections shall be called in any one year than the number permitted by statute.”

RECOMMENDED CHARTER REVISION PROPOSAL #6 (94 words)

Shall Section 7.3 of the Troy City Charter be amended to implement election consolidation revisions to Michigan Election Law, by changing the election date from the “first Monday in April of each year” to the “first Tuesday after the first Monday of every odd-year November” and eliminating “if some other date in the months of March, April or May is fixed by law for the holding of the state biennial election, then the regular City election shall be held on the date so fixed”, since these provisions conflict with Michigan Election Law?

RECOMMENDED CHARTER REVISION PROPOSAL #7 (99 words)

Shall Section 7.6 of the Troy City Charter be revised to implement election consolidation revisions to Michigan Election Law, by providing “Special City Elections shall be called as provided in Michigan Election Law” and eliminating “Special City elections shall be held when called by resolution of the Council at

least 40 days in advance of such election, or when required by this charter or statute? Any resolution calling a special election shall set forth the purpose of such election. No more special City elections shall be called in any one year than the number permitted by statute.”

RECOMMENDED CHARTER REVISION PROPOSAL #8 (84 words)

Shall Section 7.9 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law, by eliminating “No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following City election? If the signature of any persons appears on more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office.”?

RECOMMENDED CHARTER REVISION PROPOSAL #9 (91 words)

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

RECOMMENDED CHARTER REVISION PROPOSAL #12 (44 words)

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

Yes: Schilling, Beltramini, Eisenbacher, Stine

No: Broomfield, Howrylak, Lambert

MOTION FAILED

Yes: All-7

Vote on Reconsideration of Resolution #2005-07-344

Resolution #2005-07-346

Moved by Lambert

Seconded by Howrylak

RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter amendments for the November 8, 2005 City General Election:

RECOMMENDED CHARTER REVISION PROPOSAL #1 (33 words)

Shall Section 3.4 (Terms of Office) of the Troy Charter be amended by moving and incorporating Section 7.5 (Elective Officers – Terms of Office) of the Troy Charter in its entirety?

RECOMMENDED CHARTER REVISION PROPOSAL #2 (78 words)

Shall Section 3.4 of the Troy Charter be amended to implement election consolidation revisions to Michigan Election Law, by revising the term of Troy City Council Members and the Mayor from the current three (3) year terms that expire at 8:00 PM of the third year of the term to provide for four (4) year terms that expire at 7:30 PM of the first Monday following the Regular Election of the fourth year of their term?

RECOMMENDED CHARTER REVISION PROPOSAL #3 (20 words)

Shall Section 7.5.5 of the Troy Charter be renumbered as 3.4.1 and titled as Elective Officers Term Limitations?

RECOMMENDED CHARTER REVISION PROPOSAL #4 (46 words)

Shall Section 7.5.5 be amended to revise the definition of a term from the current language that "any portion of a term served shall constitute one full term" to "Any service greater than two (2) years plus one (1) month shall constitute a term."?

RECOMMENDED CHARTER REVISION PROPOSAL #5 (78 words)

Shall Section 3.4.2 be created to implement election consolidation revisions to Michigan Election Law, by providing for the re-establishment of the staggering of City Council terms by providing for three (3) City Council Members to be elected in one election cycle and the remaining three (3) Council Members and the Mayor to be elected in a subsequent election cycle, which will be accomplished through an election of a one-time two (2) year City Council Member term?

RECOMMENDED CHARTER REVISION PROPOSAL #6 (94 words)

Shall Section 7.3 of the Troy City Charter be amended to implement election consolidation revisions to Michigan Election Law, by changing the election date from the "first Monday in April of each year" to the "first Tuesday after the first Monday of every odd-year November" and eliminating "if some other date in the months of March, April or May is fixed by law for the holding of the state biennial election, then the regular City election shall be held on the date so fixed", since these provisions conflict with Michigan Election Law?

RECOMMENDED CHARTER REVISION PROPOSAL #7 (99 words)

Shall Section 7.6 of the Troy City Charter be revised to implement election consolidation revisions to Michigan Election Law, by providing "Special City Elections shall be called as provided in Michigan Election Law" and eliminating "Special City elections shall be held when called by resolution of the Council at least 40 days in advance of such election, or when required by this charter or statute? Any resolution calling a special election shall set forth the purpose of such election. No more special City elections shall be called in any one year than the number permitted by statute."?

RECOMMENDED CHARTER REVISION PROPOSAL #8 (84 words)

Shall Section 7.9 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law, by eliminating "No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following City election? If the signature of any persons appears on

more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office.”?

RECOMMENDED CHARTER REVISION PROPOSAL #9 (91 words)

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

RECOMMENDED CHARTER REVISION PROPOSAL #12 (44 words)

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

Yes: Broomfield, Eisenbacher, Stine, Schilling, Beltramini

No: Howrylak, Lambert

MOTION CARRIED

Vote on Resolution to Draft Proposed Charter Revision Language and Forward to the Charter Revision Committee

Resolution #2005-07-347

Moved by Eisenbacher

Seconded by Lambert

RESOLVED, That Troy City Council hereby **DIRECTS** the City Attorney to **DRAFT** a Recommended Charter Revision Proposal to add a provision permitting City Council to hold Study Sessions whereby no action is taken and **FORWARD** the language to the Charter Revision Committee for their review.

Yes: Eisenbacher, Lambert, Stine, Broomfield

No: Howrylak, Schilling, Beltramini

MOTION CARRIED

F-8 Renew and Amend Contract – Sidewalk Replacement Program

Resolution #2005-07-348

Moved by Eisenbacher

Seconded by Beltramini

WHEREAS, On August 4, 2003 and corrected August 18, 2003, a one-year contract to provide Sidewalk Replacement and Installation with an option to renew for two additional one-year periods was awarded to the low bidder, Hard Rock Concrete, Inc., at an estimated cost of

\$366,210.00, and if changes in the quantity of work are required, either additive or deductive, such changes are authorized in an amount not to exceed 25% of the contract total per year (Resolution #2003-08-425-E9);

WHEREAS, Hard Rock Concrete Inc has agreed to exercise the second one-year option to renew under the same prices, terms, and conditions as the original contract;

WHEREAS, It is requested the contract be amended to allow for additional sidewalk work as needed, not to exceed \$92,237.50.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED AND AMENDED** with Hard Rock Concrete, Inc. to provide sidewalk replacement and installation with the City of Troy for an additional \$92,237.50, which will be added to the previously approved contract amounts and all costs will not exceed \$550,000.00; and

BE IT FURTHER RESOLVED, That this contract renewal will be the same contract unit prices, terms and conditions for one-year **EXPIRING** June 30, 2006.

Yes: All-7

F-9 Final Environmental Impact Statement for Widening and Reconstruction of I-75 from M-102 to M-59

Resolution #2005-07-349

Moved by Stine

Seconded by Eisenbacher

WHEREAS, Improvements to the I-75 freeway corridor such as additional lanes on I-75, interchange improvements and local roadway improvements are overdue, and are recommended by the I-75 corridor study;

WHEREAS, The lack of these improvements continues to exacerbate concerns regarding traffic congestion and traffic crashes in the City and in the region.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy **SUPPORTS** the Final Environmental Impact Statement (FEIS) for the I-75 Corridor Study and **ENCOURAGES** communities along I-75 to support the FEIS, for the timely approval of federal funds for the completion of the recommended improvements.

Yes: Stine, Schilling, Beltramini, Broomfield, Eisenbacher

No: Lambert, Howrylak

MOTION CARRIED

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

- a) Parking Variance – Maple Research Center – July 18, 2005
- b) Commercial Vehicle Appeal – 82 Miracle Drive – July 18, 2005
- c) Preliminary Planned Unit Development Review – PUD-004 (The Monarch Private Residences) – North Side of Big Beaver Road, East of Alpine and West of McClure, Section 20 – July 18, 2005

Noted and Filed

G-2 Green Memorandums:

- a) Proposed Amendments to Chapter 26 – Parks – General Regulations
- b) Chapter 28 – Tree Ordinance Revision

Noted and Filed

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

Resolution #2005-07-350
 Moved by Beltramini
 Seconded by Schilling

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #6 Order of Business, Article 15-I. Council Comments and **AUTHORIZE** City Council to discuss and take further action on agenda item, *F-1 – Appointments to Boards and Committees: Parks and Recreation Board.*

Yes: All-7

Vote on Appointment to Parks and Recreation Board

Resolution #2005-07-351
 Moved by Beltramini
 Seconded by Howrylak

Parks and Recreation Board

Appointed by Council (10) (1-School; 1-Senior Adv. Board; 1-Troy Daze; Parks & Recreation Director) – 3 years

Ida Edmunds (School Board Rep)

Term Expires 07/31/06

Yes: All-7

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Charter Revision Committee/Final – November 5, 2003
- b) Library Board/Final – April 14, 2005
- c) Downtown Development Authority/Final – April 20, 2005
- d) Board of Zoning Appeals/Final – May 17, 2005
- e) Troy Daze Advisory Committee/Final – May 24, 2005
- f) Building Code Board of Appeals/Draft – June 1, 2005
- g) Planning Commission Special/Study/Draft – June 7, 2005
- h) Planning Commission Special/Study/Final – June 7, 2005
- i) Charter Revision Committee/Draft – June 20, 2005

Noted and Filed

J-2 Department Reports:

- a) 2005 Community Development Block Grant Funds Released
- b) 2005 Second Quarter Litigation Report

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Appreciation to Sgt. Don Ostrowski from Oakland County Sheriff Michael Bouchard
- b) Letter of Thanks to Chief Charles Craft from Larry W. West, Sr., Career Academy Manager at Macomb Community College

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) Resolution from the Charter Township of Independence Regarding Local Control of Liquor Licenses
- b) Resolution from the City of Ferndale Regarding Detroit Intermodal Freight Terminal (DIFT) Project
- c) Resolution from the City of Ferndale Regarding Social Security
- d) Notice of Hearing for the Customers of the Detroit Edison Company – Case Number U-14528
- e) Resolution of the Council of the City of Berkley, Michigan Supporting Local Control of Liquor Licenses
- f) Resolution from the Charter Township of Bloomfield in Support of Local Control of Liquor Licenses

Noted and Filed

J-5 Calendar

Noted and Filed

J-6 Resignation Letter to John Szerlag from Laura Fitzpatrick

Noted and Filed

J-7 Intra-County Class C Liquor License Transfers

Noted and Filed

J-8 Letter from Oakland County Road Commission Regarding Discontinued Road Maintenance Work

Noted and Filed

J-9 Enforcement Activities Regarding Non-Permitted Group Day Care Homes in Single Family Residential Zoning

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2005-07-352
Moved by Beltramini
Seconded by Stine

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Pending Litigation – Sunset Excavating, Inc. v. MDOT (as Agent for the City of Troy.)

Yes: All-7

The meeting **RECESSED** at 12:53 AM on Tuesday, July 12, 2005.

The meeting **RECONVENED** at 1:17 AM on Tuesday, July 12, 2005.

The meeting **ADJOURNED** at 1:18 AM on Tuesday, July 12, 2005.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk