

A Regular Meeting of the Troy City Council was held Monday, May 16, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Pastor Dan Lewis of Troy Christian Chapel gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT:

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

Vote on Resolution to Excuse Council Member Beltramini

Resolution #2005-05-242
Moved by Stine
Seconded by Howrylak

RESOLVED, That Council Member's Beltramini's absence at the Regular City Council meeting of Monday, May 16, 2005 is **EXCUSED** due to being out of the county.

Yes: All-6
No: None
Absent: Beltramini

MOTION CARRIED

CERTIFICATES OF RECOGNITION:

A-1 Presentations: No Presentations

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Approval of 2005-2006 Budget

Resolution #2005-05-243
Moved by Lambert
Seconded by Howrylak

RESOLVED, That the 2005-2006 Budget be **ADOPTED CONTINGENT** upon **REMOVAL** of the \$2M appropriated for the I-75 interchange project and **REALLOCATING** the \$2M to Park Acquisition.

Yes: Howrylak, Lambert

No: Broomfield, Eisenbacher, Stine, and Schilling

Absent: Beltramini

MOTION FAILED

Vote on Resolution to Adopt 2005-2006 Budget

Resolution

Moved by Stine

Seconded by Schilling

RESOLVED, That the 2005-2006 Budget be **ADOPTED CONTINGENT** upon **INCORPORATING** the alternative to using General Fund Unreserved/Undesignated Fund Balance for contributions to community groups.

Vote on Amendment

Resolution #2005-05-244

Moved by Howrylak

Seconded by Eisenbacher

RESOLVED, That the Resolution to adopt the 2005-2006 Budget be **AMENDED** by **"REMOVING** the \$2M allocated for the Major Road I-75/Crooks Interchange project and **REALLOCATING** that amount to the General Fund Undesignated/Unreserved Fund Balance".

Yes: Eisenbacher, Howrylak, Lambert, Stine, Broomfield

No: Schilling

Absent: Beltramini

MOTION CARRIED

Vote on Amendment

Resolution #2005-05-245

Moved by Howrylak

Seconded by Eisenbacher

RESOLVED, That the Resolution to adopt the 2005-2006 Budget be **AMENDED** by **INSERTING**, "and that \$50K be REMOVED from the Budget Reserve and REALLOCATED to the Budget Stabilization Fund INCREASING it from \$100K to \$150K".

Yes: Howrylak, Lambert, Eisenbacher

No: Stine, Schilling, Broomfield

Absent: Beltramini

MOTION FAILED

Vote on Resolution as Amended

Resolution #2005-05-246
 Moved by Stine
 Seconded by Schilling

WHEREAS, Section 8.3 of the City Charter directs the City Council to **ADOPT** a budget for the ensuing year, beginning July 1, 2005:

NOW, THEREFORE, BE IT RESOLVED, That

1. The following listed re-appropriations, operating transfers-in, and operating revenues of the General Operating Fund are anticipated:

Taxes	\$34,351,690
Licenses and Permits	2,012,500
Federal Grants	32,320
State Grants	6,658,000
Contributions – Local	135,000
Charges for Services.....	5,969,200
Fines and Forfeits	995,000
Interest and Rents.....	1,110,300
Other Revenue.....	479,780
Operating Transfers In	7,027,640
Re-appropriation	1,305,560
TOTAL	\$60,076,990

THEREFORE, The tax rate for the General Operating Fund shall be six and fifty-one hundredths (6.50) mills on the 2005 taxable valuation.

2. To meet the anticipated expenses, the following listed budgetary centers shall be appropriated the following amounts from the General Operating Fund:

Building Inspection	\$2,105,420
Council/Executive Administration	2,077,060
Engineering	2,996,560
Finance	4,706,650
Fire	4,092,750
Library /Museum	4,973,280
Other General Government.....	2,638,720
Police	22,618,610
Parks and Recreation.....	8,454,160
Streets.....	5,303,780
Operating Transfer Out	110,000

TOTAL \$60,076,990

3. The following listed re-appropriations and revenues of the Capital Fund are anticipated:

Taxes.....	\$8,019,000
Federal Grants.....	305,000
State Grants	1,049,000
Contributions Local.....	572,000
Charges for Services	167,000
Interest and Rents	400,000
Other Revenue	800,000
Operating Transfer In	2,917,330
Re-appropriation.....	9,850,000

TOTAL \$24,079,330

THEREFORE, The tax rate for the Capital Fund shall be one and sixty-two one hundredths (1.62) mills on the 2005 taxable valuation.

4. The following listed budgetary centers shall be appropriated the following listed amounts from the Capital Fund to meet anticipated expenses:

Executive Administration	\$20,000
Building Inspection	20,000
Drains	2,270,920
Finance.....	100,000
Fire	487,000
Information Technology	600,000
Library	25,000
Museum.....	518,000
Other General Government	2,951,000
Police.....	316,010
Parks and Recreation	4,438,400
Streets.....	10,573,000
Public Works.....	1,760,000

TOTAL \$24,079,330

5. The following listed revenues of the Refuse Fund are anticipated:

Taxes.....	\$4,108,500
Charges for Services	70,000
Interest and Rents	1,500
Re-appropriation.....	345,650

TOTAL \$4,525,650

THEREFORE, The tax rate for the Refuse Fund shall be eighty-three one hundredths (.83) mills on the 2005 taxable valuation.

- 6. The Refuse Fund shall be appropriated \$4,525,650
- 7. The General Debt Service Fund shall be appropriated \$2,881,680

AND, There shall be a tax levy of fifty one hundredth (.50) mills on the 2005 taxable valuation for the General Debt Service Fund.

- 8. The following budgets shall be approved as shown in the budget for 2005- 2006:

Major Road Fund	\$3,858,450
Local Road Fund.....	\$1,607,670
Community Development Block Grant Fund	\$185,000
Troy Community Fair Fund.....	\$186,440
Budget Stabilization Fund	\$25,000
2000 MTF Debt Fund	\$265,390
Proposal A Debt Fund	\$788,640
Proposal B Debt Fund.....	\$1,316,720
Proposal C Debt Fund.....	\$714,170
Special Assessment Fund.....	\$1,055,830
Water Supply System.....	\$13,624,290
Sanitary Sewer Fund.....	\$9,554,690
Aquatic Center Fund	\$596,100
Sylvan Glen Golf Course Fund.....	\$1,148,370
Sanctuary Lake Golf Course Fund	\$1,936,940
Building Operations.....	\$1,760,440
Information Technology Fund.....	\$1,493,020
Fleet Maintenance Fund.....	\$4,059,580
Workers' Compensation Fund.....	\$690,000
Compensated Absences Fund	\$4,532,000
Unemployment Insurance Fund	\$78,000

Yes: All-6
 No: None
 Absent: Beltramini

C-2 Commercial Vehicle Appeal, Renewal – 6881 Westaway

Resolution
 Moved by Eisenbacher
 Seconded by Howrylak

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:

- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Adrian Eremie of 6881 Westaway, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet stake truck in a residential district is hereby **APPROVED** for one (1) year.

Vote on Amendment

Resolution #2005-05-247
 Moved by Eisenbacher
 Seconded by Broomfield

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, "**CONTINGENT** upon designating the area behind the house or the garage as the parking spot for the vehicle."

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

MOTION CARRIED

Vote on Resolution As Amended

Resolution #2005-05-248
 Moved by Eisenbacher
 Seconded by Howrylak

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in

residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:

- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Adrian Eremie of 6881 Westaway, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet stake truck in a residential district is hereby **APPROVED** for one (1) year **CONTINGENT** upon designating the area behind the house or the garage as the parking spot for the vehicle.

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

MOTION CARRIED

C-3 Parking Variance – 3290 W. Big Beaver

Resolution #2005-05-249
 Moved by Eisenbacher
 Seconded by Stine

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.
2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.
3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that the practical difficulties justifying the variances are:

- A. That absent a variance, no reasonable use can be made of the property; or
- B. That absent a variance, a significant natural feature would be negatively affected or destroyed; or
- C. That absent a variance, public health, safety and welfare would be negatively affected; or
- D. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare;

WHEREAS, The City Council finds the above-stated general conditions to be present and finds the practical difficulty stated above to be operative in the appeal.

- D. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare;

NOW, THEREFORE, BE IT RESOLVED, That the request from Sheffield Office II, L.L.C. for waiver of 86 additional parking spaces at the development at 3290 W. Big Beaver be **APPROVED**.

Yes: All-6
No: None
Absent: Beltramini

The meeting **RECESSED** at 9:06 PM.

The meeting **RECONVENED** at 9:21 PM.

C-4 Rezoning Application – South Side of Henrietta Avenue, South of Big Beaver Road and East of Rochester Road, Section 27 – R-1E to P-1 (Z-695)

Resolution

Moved by Eisenbacher

Seconded by Schilling

RESOLVED, That the R-1E to P-1 rezoning request, located on the south side of Henrietta Avenue, south of Big Beaver Road and east of Rochester Road, Section 27, being 10,880 square feet in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Vote on Resolution to Postpone

Resolution #2005-05-250

Moved by Eisenbacher

Seconded by Howrylak

RESOLVED, That the R-1E to P-1 rezoning request, located on the south side of Henrietta Avenue, south of Big Beaver Road and east of Rochester Road, Section 27, being 10,880 square feet in size, is hereby **POSTPONED** until the Regular City Council Meeting scheduled for Monday, June 6, 2005.

Yes: All-6

No: None

Absent: Beltramini

C-5 Zoning Ordinance Text Amendment (ZOTA 2150-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions**Vote on Resolution to Postpone**

Resolution #2005-05-251

Moved by Schilling

Seconded by Stine

RESOLVED, That the Zoning Ordinance Text Amendment (ZOTA 2150-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions, is hereby **POSTPONED** until the Regular City Council Meeting scheduled for Monday, June 20, 2005.

Yes: All-6

No: None

Absent: Beltramini

POSTPONED ITEMS:

D-1 No Postponed Items

CONSENT AGENDA:

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

Resolution #2005-05-252

Moved by Stine

Seconded by Lambert

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

Yes: All-6

No: None

Absent: Beltramini

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

E-2 Approval of City Council Minutes

Resolution #2005-05-252-E-2

RESOLVED, That the Minutes of the Regular City Council Meeting of May 9, 2005 at 7:30 PM and the Minutes of the Special/Study Meeting of May 10, 2005 at 7:30 PM be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations

Resolution #2005-05-252-E-3

- a) Hamilton Elementary School Named Michigan Blue Ribbon Exemplary School
- b) Wass Elementary School Named Michigan Blue Ribbon Exemplary School
- c) Wattles Elementary School Named Michigan Blue Ribbon Exemplary School

E-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 1: Award to Low Bidder – Camera Equipment**

Resolution #2005-05-252-E-4a

RESOLVED, That a contract to purchase camera equipment is hereby **AWARDED** to the low total bidder, Troxell Communications of Shelby Township, Michigan, at unit prices contained in the bid tabulation opened April 11, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, for an estimated total cost of \$25,628.00.

BE IT FURTHER RESOLVED, That the extended warranties for Item 1 are hereby **REJECTED**.

E-5 Recognition as a Nonprofit Organization Status for the Purpose of Hosting a Raffle on Behalf of the Ted Lindsay Foundation to End Autism

Resolution #2005-05-252-E-5

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RESOLVED, That the request from the Ted Lindsay Foundation to End Autism, Troy, Michigan, County of Oakland, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license be **APPROVED** as recommended by City Management.

E-6 Recognition as a Nonprofit Organization Status from the Troy Historical Society for the Purpose of Hosting a Raffle

Resolution #2005-05-252-E-6

RESOLVED, That the request from the Troy Historical Society, Troy, Michigan, County of Oakland, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license be **APPROVED** as recommended by City Management.

E-7 Public Hearing Regarding Acceptance of an Edward J. Byrne Memorial Justice Assistance Grant Program Grant

Resolution #2005-05-252-E-7

RESOLVED, That a Public Hearing regarding the Justice Assistance Grant be designated to utilize the money to purchase digital cameras and accessories for the Evidence Technician and Traffic Safety Units be **HELD** on June 6, 2005.

E-8 Assessment of Delinquent Accounts

Resolution #2005-05-252-E-8

WHEREAS, Section 1.167 of Chapter 5 and Section 6 of Chapter 20 of the Ordinance Code of the City of Troy require that delinquent payments and invoices, as of April 1st of each year, shall be reported and the City Council shall certify same to the City Assessor who shall assess the same on the next annual City Tax Roll, to be collected as provided for collection of City Taxes;

WHEREAS, Section 10.8 of the Troy City Charter provides for the collection of delinquent invoices through property tax collection procedures;

WHEREAS, A list of individual properties is on file in the Office of the Treasurer and comprises a summation of totals as follows:

General Fund Invoices	
Including Penalties	\$ 22,516.53
Special Assessments	
Including Penalties & Interest	5,498.88

Water & Sewer Accounts Including Penalties	<u>462,862.61</u>
Total	\$ 490,878.02

NOW, THEREFORE, BE IT RESOLVED, That the City Assessor is hereby **AUTHORIZED** to assess these delinquent accounts on the annual City Tax Roll.

E-9 Private Agreement for St. George Church Addition Project No. 03.919.3

Resolution #2005-05-252-E-9

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Kirco, is hereby **APPROVED** for the installation of water main 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.

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled; b) City Council Appointments: No Appointments made.

F-2 Appointment of SOCRRA Representative and Alternate Members

Resolution #2005-05-253

Moved by Lambert

Seconded by Howrylak

RESOLVED, That Brian P. Murphy be **DESIGNATED** as the SOCRRA Representative and Timothy L. Richnak be **DESIGNATED** as the Alternate SOCRRA Representative with terms expiring on June 15, 2006.

Yes: All-6

No: None

Absent: Beltramini

F-3 Preliminary Site Condominium Review (Revised) – Hidden Forest Site Condominium, South Side of Wattles, East of Livernois, Section 22 – R-1C

Resolution #2005-05-254

Moved by Stine

Seconded by Eisenbacher

RESOLVED, That the Preliminary 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, as recommended for approval by City Management and the Planning Commission, located on the south side of Wattles, east of Livernois, including 37 home sites, within the R-1C Zoning District, being 17.79 acres in size, is hereby **APPROVED**.

Yes: All-6
No: None
Absent: Beltramini

F-4 Amendment to Chapter 20 of the City Code - Water and Sewer Rates

Resolution #2005-05-255
Moved by Stine
Seconded by Lambert

RESOLVED, That an amendment to Chapter 20, Water and Sewer Rates, is hereby **APPROVED**, and a copy shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6
No: None
Absent: Beltramini

F-5 Papadelis v City of Troy

Resolution #2005-05-256
Moved by Stine
Seconded by Schilling

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy and the City of Troy employees, Mark Stimac and Marlene Struckman, in any and all claims and damages in the matter of Gust Papadelis, et al v City of Troy, et al. Furthermore, the City Attorney is **AUTHORIZED** to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City; and

BE IT FURTHER RESOLVED, The City Attorney is **AUTHORIZED** to seek injunctive and other appropriate relief in the Oakland County Circuit Court.

Yes: All-6
No: None
Absent: Beltramini

F-6 Revisions to Chapter 97 and Chapter 60 of the Troy City Code – Coin Operated Amusement Devices and Arcades

a) Revisions to Chapter 97

Resolution #2005-05-257a
Moved by Eisenbacher
Seconded by Lambert

RESOLVED, That Section 4, 7, 8, 9 and 14 of Chapter 97 of the Troy City Code be **REVISED** as recommended by City Management, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

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

MOTION CARRIED

b) Revisions to Chapter 60

Resolution #2005-05-257b
Moved by Eisenbacher
Seconded by Lambert

RESOLVED, That Section 60.03 of Chapter 60 of the Troy City Ordinances shall be **REVISED** to eliminate the \$500.00 application fee for an arcade, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

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

MOTION CARRIED

F-7 Sole Source – ISCO 2150 Sewer Flow Meters

Resolution #2005-05-258
Moved by Stine
Seconded by Eisenbacher

WHEREAS, The City of Troy has applied for and received grant money from the Rouge River National Wet Weather Demonstration Project;

WHEREAS, The total project cost is estimated to be approximately \$525,000 with the City's share estimated at approximately \$315,000 and the grant funded portion estimated at approximately \$210,000;

WHEREAS, The scope of the grant includes the purchase and installation of sewer meters to monitor sources of inflow and infiltration (I/I) into the Evergreen Farmington Sewer District System (EFSDS);

WHEREAS, Hamlet Engineering Sales Company, (HESCO) of Warren, MI, is the sole source distributor for Teledyne ISCO products and accessories in Michigan.

NOW, THEREFORE, BE IT RESOLVED, That a contract is hereby **AWARDED** to HESCO, the sole source distributor, for the ISCO 2150 flow meter, Flowlink 4.1 software, and RSR232 Communication Cable, at an estimated total cost of \$31,275.00.

Yes: All-6
No: None
Absent: Beltramini

F-8 Ratification of Purchase – Card Readers

Resolution #2005-05-259
Moved by Howrylak
Seconded by Lambert

WHEREAS, SimplexGrinnel is an authorized, licensed installer in Michigan of the Andover Controls security system;

WHEREAS, It was necessary to purchase and install four card readers to control door access to the Investigations Division for a multi jurisdictional task force investigating organized crime groups;

WHEREAS, In order to maintain workplace security it was necessary to replace four (4) inoperable Intercom system boxes in the employee parking lot.

NOW, THEREFORE, BE IT RESOLVED, That the purchase and installation of four card readers and the replacement of four intercom system boxes are hereby **CONFIRMED AND RATIFIED** to SimplexGrinnel, an authorized, licensed installer of the Andover Controls security system, at a total cost of \$11,327.00.

Yes: All-6
No: None
Absent: Beltramini

F-9 Adoption of the Michigan Emergency Management Compact (MEMAC)

Resolution #2005-05-260
Moved by Lambert
Seconded by Stine

WHEREAS, The State of Michigan Emergency Management Act, Act 390 of the Public Acts of 1976, as amended M.C.L. 30.401 et. seq. authorizes the State and its political subdivisions to provide emergency aid and assistance in the event of a disaster or emergency;

WHEREAS, The statutes also authorize the State to coordinate the provision of any equipment, services, or facilities owned or organized by the State or its political subdivisions for use in the affected area upon request of the duly constituted authority of the area;

WHEREAS, This Resolution authorizes the request, provision, and receipt of inter-jurisdictional mutual assistance in accordance with the Emergency Management Act, Act 390 of the Public Acts of 1976, as amended among political subdivisions within the State.

NOW, THEREFORE, BE IT RESOLVED, That in order to maximize the prompt, full and effective use of resources of all participating governments in the event of an emergency or disaster, the City Council hereby **ADOPTS** the Michigan Emergency Management Assistance Compact which is attached hereto and incorporated by reference.

Yes: All-6
No: None
Absent: Beltramini

F-10 Engineering Services for the Sanitary Sewer Infiltration/Inflow Study Portion of the Rouge River National Wet Weather Demonstration Grant Project

Resolution #2005-05-261
Moved by Lambert
Seconded by Broomfield

WHEREAS, The City of Troy applied for and received grant funding for the Local Sanitary Sewer Improvements to reduce SSOs in the Evergreen/ Farmington Sewer District System from the Rouge River National Wet Weather Demonstration Project and Wayne County;

WHEREAS, In addition to the purchase and installation of the sanitary sewer meters, the grant project involves developing a Sanitary Sewer Infiltration/Inflow Study to be completed by a qualified engineering firm;

WHEREAS, Hubbell, Roth & Clark, Inc. was chosen by staff from the City of Troy through the quality based selection process as the most qualified engineering firm to complete the grant funded study;

WHEREAS, Hubbell, Roth & Clark, Inc. has submitted a fixed fee proposal to complete the Sanitary Sewer Infiltration/Inflow Study.

NOW, THEREFORE, BE IT RESOLVED, That the agreement between the City of Troy and Hubbell, Roth & Clark, Inc. to provide engineering services for the Sanitary Sewer Infiltration/Inflow Study portion of the Rouge River National Wet Weather Demonstration grant project is hereby **APPROVED** for an estimated total cost of \$52,502.00, and the Mayor and the City Clerk are hereby **AUTHORIZED TO EXECUTE** the Agreement documents.

Yes: All-6
No: None
Absent: Beltramini

F-11 Schedule Special-Study Meeting on May 23, 2005

Resolution #2005-05-262
Moved by Stine
Seconded by Howrylak

RESOLVED, That a Special-Study meeting is **SCHEDULED** for Monday, May 23, 2005 at 7:30 PM at the Community Center, 3179 Livernois - Troy, Michigan 48084, for purpose of discussing the following topics:

- 1) Septic System Inspection Program; and Possible Sanitary Sewer Benefit Fee Method in Charnwood Hills Subdivision
- 2) Futuring and Strategic Planning Process

Yes: All-6
No: None
Absent: Beltramini

F-12 Local Match for a Michigan Economic Growth Alliance Attraction and Incentive Package

Resolution #2005-05-263
Moved by Lambert
Seconded by Schilling

WHEREAS, Compact Power, Inc. is proposing to occupy a vacant building at 1857 Technology Drive;

WHEREAS, Compact Power, Inc. is an alternative fuel systems company with potential for not only product development and research, but expansion of manufacturing operations;

WHEREAS, The State of Michigan, Oakland County and the City of Troy are seeking to diversify the economic base by attracting alternative fuel systems companies.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council **APPROVE** expenditures from the industrial road maintenance line item in the 2005/06 budget of at least \$50,000 for improvements to Technology Drive to serve as the local match for the Michigan Economic Growth Alliance (MEGA) package of incentives to attract Compact Power, Inc.'s. North American Headquarters and Engineering Center to Troy; and

BE IT FURTHER RESOLVED, That when Compact Power, Inc. meets state eligibility criterion as a company for the Next Energy personal property tax exemption, the Troy City Council **WILL JOIN** with the State of Michigan to exempt all qualified personal property from taxation for this company under PA 549 of 2002, recognizing that the exemption for any new equipment must be reapplied for each year and is available through 2012.

Yes: All-6
No: None
Absent: Beltramini

F-13 South Boulevard Water Main Repairs Addendum No. 1 to Contract 03-5

Resolution #2005-05-264
Moved by Lambert
Seconded by Eisenbacher

WHEREAS, On December 15, 2003, a contract was awarded to Gianetti Contracting Corporation in the amount of \$935,916.41 or \$1,029,508.05 including the 10% contingency for additional work if required to provide Water Main Replacement & Drainage Improvements to Section 10, Resolution #2003-12-635-E12;

WHEREAS, Giannetti Contracting was mobilized to complete emergency repairs to the 16" water main on South Boulevard between Crooks and Coolidge.

NOW, THEREFORE, BE IT RESOLVED, That the emergency repairs on the South Boulevard, Contract No. 03-5 - Water Main, is hereby **RATIFIED** in the amount of \$283,081.44 which is over the approved total contract authorization including the additional work contingency.

Yes: All-6
No: None
Absent: Beltramini

F-14 Approval of Local Development Finance Authority 2005/06 Budget

Resolution #2005-05-265
Moved by Stine
Seconded by Lambert

RESOLVED, That the 2005/06 proposed Annual Budget for the Local Development Finance Authority is hereby **APPROVED**.

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

MOTION CARRIED

F-15 Schedule Special-Study Meeting for a Continuation of the Discussion on an Ethics Policy – Removed by City Management for future consideration.

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: No Announcements Submitted

G-2 Green Memorandums: No Memorandums Submitted

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

H-1 No Council Referrals

COUNCIL COMMENTS:

I-1 No Council Comments**REPORTS:**

J-1 Minutes – Boards and Committees:

- a) Downtown Development Authority/Draft – December 15, 2004
- b) Troy Historic Study Committee/Final – March 1, 2005
- c) Library Board/Final – March 10, 2005
- d) Troy Youth Council/Final – March 23, 2005
- e) Planning Commission Special Joint Meeting/Final – March 28, 2005
- f) Planning Commission Special Meeting/Final – April 5, 2005
- g) Planning Commission Special/Study Meeting/Final – April 5, 2005
- h) Troy Historic Study Committee/Final – April 5, 2005
- i) Advisory Committee for Persons with Disabilities/Draft – April 6, 2005
- j) Advisory Committee for Persons with Disabilities/Final – April 6, 2005
- k) Building Code Board of Appeals/Final – April 6, 2005
- l) Planning Commission/Final – April 12, 2005
- m) Library Board/Draft – April 14, 2005
- n) Planning Commission Special/Study Meeting/Draft – April 26, 2005
- o) Troy Youth Council/Draft – April 27, 2005
- p) Advisory Committee for Senior Citizens/Draft – May 5, 2005

Noted and Filed

J-2 Department Reports:

- a) Permits Issued During the Month of April 2005
- b) 2005 Board of Review – A copy is available at the City Clerk's Office and the Troy Public Library for public viewing.

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Appreciation to John K. Abraham from Lisa Petty at the Institute of Transportation Engineers Inc.
- b) Letter of Thanks to Lt. Scott McWilliams from Sam Daya, President of the Morel East Homeowners' Association
- c) Letter of Thanks to Officer Klute and Officer Cole from Susan Cannon of Boy Scout Den 4 at Schroeder Elementary School

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) State of Michigan – Notice of Hearing for the Customers of The Detroit Edison Company – Case No. U-14474 and Case No. U-13808-R

Noted and Filed

J-5 Calendar**STUDY ITEMS:**

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session – No Closed Session Requested

The meeting **ADJOURNED** at 11:35 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk