



TO: Mayor and Members of Troy City Council
FROM: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney
Brian P. Murphy, Assistant City Manager/ Services
Carol Anderson, Director of Parks and Recreation
Carolyn F. Glosby, Assistant City Attorney
DATE: May 31, 2005
SUBJECT: Proposed Revisions to Chapter 30- Municipal Golf Course(s)

At the March 7, 2005 City Council meeting, the Troy City Council was presented with proposed revisions to Chapter 30, Municipal Golf Course(s), which would facilitate the application for a liquor license at Sanctuary Lake Golf Course. However, there were some other items in the existing ordinance that were questioned by Councilmember Eisenbacher. A copy of the earlier correspondence is attached for your convenience.

Since these items did not directly impact the liquor license request, and any delay in approving ordinance amendments could further delay the processing of the liquor license application, City Council passed the ordinance amendments as proposed, and requested a thorough review of the remaining provisions of Chapter 30, which would be brought back to Council on or before the first Council meeting in July 2005.

City Administration has since reviewed the ordinance, and offers the following alternative language for your consideration. First, there was a concern with section one, which states: "The operation of Municipal Golf Courses is hereby determined to be desirable and necessary for the public health, safety and welfare of the City of Troy." This language addresses the public purpose requirement for the City of Troy. Alternative language could read: "The operation of municipal golf courses is a public purpose, and is within the lawful powers of the City of Troy."

Second, there was a concern with section four, which delegates "(t)he operation, maintenance, alteration, repair and management of the Golf Course" to City Council. This provision could also be interpreted to authorize Council to directly hire a manager of the golf course. This language is inconsistent with the language governing all other parks in the City. As such, Council may wish to replace the language of Chapter 30, Section four with slightly amended language from Chapter 26, Section 16. The alternative language could be as follows: "The City Manager is empowered to make such rules and regulations, subject to the approval of City Council, pertaining to the conduct and use of the municipal golf courses, parks, and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals and welfare of the public, and no person shall fail to comply with such rules and regulations."

If you have any questions, please let us know.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 30 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 30, Municipal Golf Course(s), of the Code of the City of Troy.

Section 2. Amendment

Chapter 30, Section 1, shall be amended as follows:

1. ~~The operation of Municipal Golf Courses is hereby determined to be desirable and necessary for the public health, safety and welfare of the City of Troy.~~ The operation of Municipal Golf Courses is a proper public purpose, and is within the lawful powers of the City of Troy.

Chapter 30, Section 4, shall be amended as follows:

4. ~~The City Manager is empowered to make such rules and regulations, subject to the approval of City Council, pertaining to the conduct and use of the municipal golf courses, parks, and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals and welfare of the public, and no person shall fail to comply with such rules and regulations.~~ The City Manager is empowered to make such rules and regulations, subject to the approval of City Council, pertaining to the conduct and use of the municipal golf courses, parks, and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals and welfare of the public, and no person shall fail to comply with such rules and regulations.

~~The operation, maintenance, alteration, repair and management of the Golf Course shall be under the supervision and control of the City Council. The Council may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the Golf Course and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the Golf Course.~~

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal

regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, _____.

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk