

A Regular Meeting of the Troy City Council was held Monday, April 4, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

Mayor Pro Tem Beltramini gave the invocation and Cub Scout Pack 1705, Den 4 and 5, from Martell Elementary School Assisted the Mayor in leading the Pledge of Allegiance to the Flag.

**ROLL CALL**

**PRESENT:**

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

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**Vote on Resolution to Excuse Council Member Howrylak**

Resolution #2005-04-147  
Moved by Eisenbacher  
Seconded by Stine

RESOLVED, That Council Member’s Howrylak’s absence at the Regular City Council meeting and Closed Session of April 4, 2005 is **EXCUSED** due to being out of the county.

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

**MOTION CARRIED**

**CERTIFICATES OF RECOGNITION:**

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**A-1 Presentations: No Presentations**

**CARRYOVER ITEMS:**

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**B-1 No Carryover Items**

**PUBLIC HEARINGS:**

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**C-1 Rezoning Application - Northeast Corner of Livernois and Maple Road, Section 27 – B-1 to H-S (Z-700) – April 4, 2005**

Resolution #2005-04-148  
Moved by Eisenbacher  
Seconded by Beltramini

RESOLVED, That the B-1 to H-S rezoning request, located on the northeast corner of Livernois Road and Maple Road, Section 27, being 15,900 square feet in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes: All-6  
No: None  
Absent: Howrylak

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~~C-2 Street Vacation Application (SV-182) – A Section of Alley Located South of Chopin and North of Maple, Section 27~~ **NOTE: Item listed incorrectly under Public Hearings on Agenda; refer to Item E-20 on the Consent Agenda**

## POSTPONED ITEMS:

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D-1 No Postponed Items

## CONSENT AGENDA:

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### E-1a Approval of “E” Items NOT Removed for Discussion

Resolution #2005-04-149  
Moved by Beltramini  
Seconded by Stine

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-4, E-5, E-6 and E-7 which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-6  
No: None  
Absent: Howrylak

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

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### E-2 Approval of City Council Minutes

Resolution #2005-04-149-E-2

RESOLVED, That the Minutes of the Regular Meeting of March 21, 2005 at 7:30 PM be **APPROVED** as submitted, the Special Meeting of March 28, 2005 at 7:00 PM be **APPROVED** as corrected, and the Regular Meeting of March 28, 2005 at 7:30 PM be **APPROVED** as submitted.

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### E-3 Proposed City of Troy Proclamation:

Resolution #2005-04-149-E-3

- a) Cultural Diversity Month – April 9, 2005 – May 7, 2005

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**E-8 SBC Dedicated Internet Service**

Resolution #2005-04-149-E-8

BE IT RESOLVED, That a new 3-year contract be **EXECUTED** with SBC for Dedicated Internet Access at an estimated cost of \$1,224.00 per month is hereby **APPROVED**.

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**E-9 Acceptance of a Permanent Water Main Easement and a Regrading and Temporary Construction Permit for the Troy Court Water Main Project #01.502.5 – Section 34**

Resolution #2005-04-149-E-9

RESOLVED, That Permanent Watermain Easement and Temporary Regrading and Construction Permit, are hereby **ACCEPTED**, and payment for both documents in the amount of \$3,500.00, plus recording costs, is **APPROVED**, for the construction, operation, maintenance and repair of the Troy Court Water Main improvement project; 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.

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**E-10 Final Street Vacation Application (SV-173) – A Portion of Hanover Street, from Leetonia Street Extending North Between Lots 85 and 86 of McCormick and Lawrence Little Farms Subdivision 5, North of Wattles Road and East of Livernois, Section 15**

Resolution #2005-04-149-E-10

WHEREAS, A request has been received for the vacation of a portion of the 50-foot-wide platted but unopened Hanover Street right-of-way, extending north 217.05 feet from Leetonia Street (platted Loraine Avenue), and abutting lots 85 and 86 of McCormick and Lawrence Little Farms Subdivision 5, Section 15 (Liber 20, page 30 of Oakland County Plats).

WHEREAS, The portion of Hanover Street to be vacated is described as:

A portion of the 50-foot-wide platted but unopened Hanover Street right-of-way, extending north 217.05 feet from Leetonia Street (platted Loraine Avenue), and abutting lots 85 and 86 of McCormick and Lawrence Little Farms Subdivision, Section 15 (Liber 20, page 30 of Oakland County Plats).

WHEREAS, The 20-foot wide Public Right-of-Way for Public Utilities and Public Walkway to be retained from the Hanover Street Vacation, is shown in the attached Street Vacation & Right-Of-Way Sketch” and is described as:

Part of Vacated Hanover Street as platted in “McCormick and Lawrence Little Farms”, Liber 20, Page 30, of Oakland County,

Michigan records. Commencing at the southwest corner of Lot 86 of said "McCormick and Lawrence Little Farms"; thence North 89 degrees 58 minutes 00 seconds West, along the south line of said lot extended west, 15.00 feet to the point of beginning; thence continuing North 89 degrees 58 minutes 00 seconds West 20.00 feet; thence North 00 degrees 30 minutes 00 seconds West, parallel with the west line of said lot 86, 217.05 feet to the north line of said lot extended west; thence South 89 degrees 58 minutes 00 seconds East 20.00 feet; thence South 00 degrees 30 minutes 00 seconds East, 217.05 feet to the point of beginning. Containing 4,341 square feet or 0.097 acres more or less.

WHEREAS, The properties which shall benefit from this requested vacation include Lot 85 of McCormick and Lawrence Little Farms Subdivision 5, Section 15 (City of Troy Tax Parcel 20-15-352-050 and Lot 86 of McCormick and Lawrence Little Farms Subdivision 5, Section 15 (City of Troy Tax Parcel 20-15-377-043).

WHEREAS, City Council approved an authorizing resolution on July 22, 2002, which stated that final street vacation shall be granted after the following actions:

1. Receipt of the above noted right-of-way and/or easement conveyances from the owners of the applicable lots.
2. Determination by the City Engineer of the nature and extent of easements to be retained over the subject street right-of-way, based in part on input or responses from the applicable utility companies.

NOW, THEREFORE, BE IT RESOLVED, That final action is **APPROVED** expressly saving and retaining a 20-foot wide public right of way for public utilities and public walkway as described.

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## **E-11 Application for New SDD and SDM Liquor Licenses for Red Wagon Shoppe**

### **(a) New Licenses**

Resolution #2005-04-149-E-11a

RESOLVED, That the request from LUV SUN, Inc., for a new SDD license and a new SDM license, located at 1613 Livernois Rd., Troy, Michigan 48083, in Oakland County [MLCC REQ ID# 276917/276918] be **CONSIDERED FOR APPROVAL**. It is the consensus of this legislative body that the application be recommended "above all others" for issuance.

**(b) Agreement**

Resolution #2005-04- 149-E-11b

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with LUV SUN, Inc., for a new SDD license and a new SDM license, located at 1613 Livernois Rd., Troy, Michigan 48083, in Oakland County [MLCC REQ ID# 276917/276918], and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-12 Application to Transfer Ownership of a B-Hotel Liquor License – Marriott International, Inc. (Troy Marriott)****(a) License Transfer**

Resolution #2005-04-149-E-12a

RESOLVED, That the request from Marriott International, Inc. & WHP Hotel Owner-2A, L.L.C. (A Delaware Limited Liability Company), formerly known as Mar-Ty, L.L.C. (A Delaware Limited Liability Company), licensees of a 2004 B-Hotel licensed business with Dance-Entertainment Permit, 8 Bars and Official Permit (food), located at 200 W. Big Beaver Rd., Troy, Michigan, Oakland County, to transfer all membership interest in WHP Hotel Owner-2A, L.L.C. (A Delaware Limited Liability Company), formerly known as Mar-Ty, L.L.C. (A Delaware Limited Liability Company), wherein Marty-Mezz, L.L.C. is dropped as sole member through the transfer of 100% of the General and Limited Partnership interests in PA Troy Hospitality Investors, L.P. to WHP Mezz Borrower 2, L.L.C., and the simultaneous dissolution of PA Troy Hospitality Investors, L.P., and its wholly owner subsidiary Mar-Ty Mezz, L.L.C., thereby resulting in WHP Mezz Borrower 2, L.L.C., being the sole member in WHP Hotel Owner-2A, L.L.C., be **CONSIDERED FOR APPROVAL**. It is the consensus of this legislative body that the application be recommended "above all others" for issuance.

**(b) Agreement**

Resolution #2005-04-149-E-12b

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Marriott International, Inc. & WHP Hotel Owner-2A, L.L.C. (A Delaware Limited Liability Company), formerly known as Mar-Ty, L.L.C. (A Delaware Limited Liability Company), licensees of a 2004 B-Hotel licensed business with Dance-Entertainment Permit, 8 Bars and Official Permit (food), located at 200 W. Big Beaver Rd., Troy, Michigan, Oakland County, to transfer all membership interest in WHP Hotel Owner-2A, L.L.C. (A

Delaware Limited Liability Company), formerly known as Mar-Ty, L.L.C. (A Delaware Limited Liability Company), wherein Marty-Mezz, L.L.C. is dropped as sole member through the transfer of 100% of the General and Limited Partnership interests in PA Troy Hospitality Investors, L.P. to WHP Mezz Borrower 2, L.L.C., and the simultaneous dissolution of PA Troy Hospitality Investors, L.P., and its wholly owner subsidiary Mar-Ty Mezz, L.L.C., thereby resulting in WHP Mezz Borrower 2, L.L.C., being the sole member in WHP Hotel Owner-2A, L.L.C., and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-13 Application to Transfer Ownership of a Class C Liquor License – TENT Restaurant Operations, Inc. (Bailey’s Pub and Grille)**

**(a) License Transfer**

Resolution #2005-04-149-E-13a

RESOLVED, That the request from TENT Restaurant Operations, Inc., to transfer ownership of a 2004 Class C licensed business, with Official Permit (food), and Sunday Sales, located at 1965 W. Maple Rd., Troy, Michigan 48084, in Oakland County, from Fox & Hound of Michigan, Inc., be **CONSIDERED FOR APPROVAL**. It is the consensus of this legislative body that the application be recommended “above all others” for issuance.

**(b) Agreement**

Resolution #2005-04-149-E-13b

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with TENT Restaurant Operations, Inc., to transfer ownership of a 2004 Class C licensed business, with Official Permit (food), and Sunday Sales, located at 1965 W. Maple Rd., Troy, Michigan 48084, in Oakland County, from Fox & Hound of Michigan, Inc., and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-14 Acceptance of Two (2) Temporary Construction Permits for the Troy Court Water Main Project #01.502.5 – Section 34**

Resolution #2005-04-149-E-14

RESOLVED, That the one (1) Temporary Construction Easement from property owner W & H Real Estate, LLC (2/3 interest) &, Robert & Carol Hewitt (1/3 interest), having Sidwell #88-20-34-152-013, with a consideration of \$500.00 and the one (1) Temporary Construction Easement from Troy Court, LLC, having Sidwell #88-20-34-152-018, with a consideration of \$500.00, are hereby **ACCEPTED**, and payment of the stated consideration is **APPROVED**, for the construction, operation, maintenance and repair of the Troy Court Water Main improvement project; and

BE IT FURTHER RESOLVED, THAT, A copy of each shall be **ATTACHED** to the original Minutes of this meeting.

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**E-15 Application to Transfer Class C Liquor License to Bank of America, N.A.**

**(a) New License**

Resolution #2005-04-149-E-15a

RESOLVED, That the request from Bank Of America, N.A., to transfer ownership of a 2004 12 Months Resort Class C licensed business, located at 5460 Corporate, Troy, Michigan 48098, in Oakland County, from Cooker Restaurant Corporation, issued under MCL 436.1531(2): minimum seating: 100 [MLCC REQ ID# 267215], be **CONSIDERED FOR APPROVAL**. It is the consensus of this legislative body that the application be recommended "above all others" for issuance.

**(b) Agreement**

Resolution #2005-04-149-E-15b

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Bank Of America, N.A., to transfer ownership of a 2004 12 Months Resort Class C licensed business, located at 5460 Corporate, Troy, Michigan 48098, in Oakland County, from Cooker Restaurant Corporation, issued under MCL 436.1531(2): minimum seating: 100 [MLCC REQ ID# 267215], and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-16 Standard Purchasing Resolution 1: Award to Low Bidder – Liquid Calcium Chloride**

Resolution #2005-04-149-E-16

RESOLVED, That a contract to provide one-year requirements of Liquid Calcium Chloride with an option to renew for one additional year is hereby **AWARDED** to the low total bidder, Michigan Chloride Sales, Inc., of St. Louis, MI, at an estimated total cost of \$49,120.00, which includes \$500.00 for the "additional insured endorsement" clause, at unit prices contained in the bid tabulation opened March 16, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

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**E-17 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder Meeting Specifications – Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses**

Resolution #2005-04-149-E-17

RESOLVED, That a contract to furnish all materials, equipment, and labor for one-year requirements of Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses with an option to renew for an additional year is hereby **AWARDED** to the lowest bidder meeting specifications, Turf Grass, Inc. of South Lyon, MI, for an estimated total cost of \$34,140.00, at unit prices contained in the attached bid tabulation opened March 15, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

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**E-18 Standard Purchasing Resolution 1: Award to Low Bidders – Four (4) 64,000 GVW Tandem Axle Dump Trucks**

Resolution #2005-04-149-E-18

RESOLVED, That a contract to purchase four (4) 64,000 GVW Tandem-Axle Dump Trucks is hereby **AWARDED** to the low total bidders, Bi-State Sterling Truck Center of Toledo, OH and Monroe Truck Equipment of Flint, MI for an estimated total cost of \$327,588.00 and \$190,748.00 respectfully, at unit prices contained in the bid tabulation opened March 1, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-19 Standard Purchasing Resolution 3: Option to Renew – Automobile, Light Truck, Farm, and Construction Equipment Replacement Parts**

Resolution #2005-04-149-E-19

WHEREAS, On May 6, 2002, three-year contracts with the option to renew for three additional years to provide automobile, light truck, farm, and construction equipment replacement parts were awarded to the lowest acceptable bidders meeting specifications, Kirk's Automotive, Terminal Supply, Jack Doheny Supply Company, DTS Fluid Power, LLC (previously Rubber Materials), and Shults Equipment, Inc. (Resolution #2002-05-288-E10).

WHEREAS, All the above named vendors have agreed to exercise the three-year option to renew the contracts under the same price discount structure, terms, and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the options to renew the contracts are hereby **EXERCISED** with Kirk's Automotive, Terminal Supply, Jack Doheny Supply Company, DTS Fluid Power, LLC (previously Rubber Materials), and Shults Equipment, Inc. to provide automobile, light truck, farm, and construction equipment replacement parts under the same pricing structure, terms, and conditions as the original contracts expiring May 6, 2008.

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**E-20 Street Vacation Application (SV-182) – A Section of Alley Located South of Chopin and North of Maple, Section 27**

Resolution #2005-04-149-E-20

WHEREAS, A request has been received for the vacation of a portion of a section of alley that is shown in the attached drawing entitled Alley Vacation & Easement Sketch, and further described as follows:

A portion of a section of alley that is 18 feet wide by approximately 240.54 feet, within the Addison Heights Subdivision, as recorded in Liber 33, page 28 of Oakland County Plats, abutting Lots 78 through 90 and Lot 549, Section 27.

WHEREAS, The City Council approved an authorizing resolution for the street vacation request on June 16, 2003, contingent upon an easement for continued use of full alley and until such time development of property directs recording of easement.

NOW, THEREFORE, BE IT RESOLVED, That the City Council **CONCURS** in the recommendations of City Management and **APPROVES** the final vacation request expressly reserving, saving and retaining therefrom an easement granting it and its designated licensees the right to construct, operate, maintain, repair, and/or replace over the entire right of way being vacated, any water mains, sanitary or storm sewer systems or other public utilities including ingress and egress.

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

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**E-4 Act 51 Mileage Certification for 2004**

Resolution #2005-04-150  
Moved by Stine  
Seconded by Beltramini

WHEREAS, It is necessary to furnish certain road information to the State of Michigan for the purpose of obtaining funds under Act 51, P.A. 1951, as amended.

WHEREAS, The City of Troy hereby accepts the following non-platted streets: Tanner, Peacock, Quill Creek, Dominique, Wyandotte and Colleen.

RESOLVED, That said streets are located within the City of Troy; right-of-way is under the control of the City of Troy; said streets are public streets and are for public street purposes and were open to the public prior to December 31, 2004; and said streets are **ACCEPTED** into the City of Troy local street system.

BE IT FURTHER RESOLVED, That the City of Troy hereby **DECERTIFIES** the following street: River Bend effective on December 31, 2004.

Yes: All-6  
No: None

Absent: Howrylak

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**E-5 Resolution Authorizing Request for Reimbursement: Oakland County West Nile Virus Fund**

Resolution #2005-04-151

Moved by Stine

Seconded by Lambert

RESOLVED, That the City Council for the City of Troy, Oakland County, Michigan, hereby **AUTHORIZES** the City of Troy's Park's and Recreation Department, to seek reimbursement in the amount of \$30,057.91 from the Oakland County's West Nile Virus Fund for expenditures incurred while instituting proactive public health measures to reduce the population of infected mosquitoes in the environment.

Yes: All-6

No: None

Absent: Howrylak

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**E-6 Traffic Committee Recommendations – February 16, 2005**

**(a) Stop Signs on Millburn at Brinston and on Millburn at Prescott**

Resolution #2005-04-152

Moved by Stine

Seconded by Eisenbacher

RESOLVED, That Traffic Control Order #\_\_\_\_\_ be **ISSUED** for installation of STOP signs on Millburn at Brinston and on Millburn at Prescott.

Yes: Stine, Lambert

No: Schilling, Beltramini, Broomfield, Eisenbacher

Absent: Howrylak

**MOTION FAILED**

**(a) Yield Signs on Millburn at Brinston and on Millburn at Prescott**

Resolution #2005-04-153

Moved by Beltramini

Seconded by Broomfield

RESOLVED, That Traffic Control Order #05-03-SS(Y) be **ISSUED** for installation of YIELD signs on Millburn at Brinston and on Millburn at Prescott.

Yes: Schilling, Beltramini, Broomfield, Eisenbacher, Lambert

No: Stine

Absent: Howrylak

**MOTION CARRIED****Proposed Resolutions for Traffic Committee Recommendations (b) (c) and (d)**

Resolution

Moved by Lambert

Seconded by Eisenbacher

**(b) No Stopping, Standing, Parking Signs on South Side of Timberview Between Livernois and the Timberview/Millstone Intersection**

RESOLVED, That Traffic Control Order # \_\_\_\_\_ be **ISSUED** for installation of *No Stopping, Standing, Parking Signs* on the south side of Timberview between Livernois and the Timberview/Millstone intersection.

**(c) Installation of No Parking Zone Signs on the East Side of Millstone 50 Feet North and on the East Side of Timberview 50 Feet to the South of the Timberview/Millstone Intersection**

RESOLVED, That Traffic Control Order # \_\_\_\_\_ be **ISSUED** for installation of *No Parking Zone Signs* on the east side of Millstone 50 feet north and on the east side of Timberview 50 feet to the south of the Timberview/Millstone intersection.

**(d) Installation of a Stop Sign on Westbound Timberview at the Timberview/Millstone Intersection**

RESOLVED, That Traffic Control Order # \_\_\_\_\_ be **ISSUED** for installation of a *Stop Sign* on westbound Timberview at the Timberview/Millstone intersection.

**Vote on Resolution to Amend Traffic Committee Recommendation (b)**

Resolution #2005-04-154

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That the Resolution be **AMENDED** by **STRIKING** “for installation of *No Stopping, Standing, Parking Signs*” and **INSERT** “to restrict parking” **BEFORE** “on the south side of Timberview between Livernois and the Timberview/Millstone intersection.”

Yes: All-6

No: None

Absent: Howrylak

**Vote on Traffic Committee Recommendations (b) as Amended, and (c) and (d)**

Resolution #2005-04-155

Moved by Lambert

Seconded by Eisenbacher

**(b) Restrict Parking on South Side of Timberview Between Livernois and the Timberview/Millstone Intersection**

RESOLVED, That Traffic Control Order #05-01-P be **ISSUED** to restrict parking on the south side of Timberview between Livernois and the Timberview/Millstone intersection.

**(c) Installation of No Parking Zone Signs on the East Side of Millstone 50 Feet North and on the East Side of Timberview 50 Feet to the South of the Timberview/Millstone Intersection**

RESOLVED, That Traffic Control Order #05-02-P be **ISSUED** for installation of *No Parking Zone Signs* on the east side of Millstone 50 feet north and on the east side of Timberview 50 feet to the south of the Timberview/Millstone intersection.

**(d) Installation of a Stop Sign on Westbound Timberview at the Timberview/Millstone Intersection**

RESOLVED, That Traffic Control Order #05-04-SS be **ISSUED** for installation of a *Stop Sign* on westbound Timberview at the Timberview/Millstone intersection.

Yes: All-6  
 No: None  
 Absent: Howrylak

**E-7 Traffic Committee Recommendations – March 16, 2005****(a) Installation of a Stop Sign at Cypress and Randall**

Resolution #2005-04-156  
 Moved by Stine  
 Seconded by Lambert

RESOLVED, That Traffic Control Order #\_\_\_\_\_ be **ISSUED** for installation of a *Stop Sign* at Cypress and Randall

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

**MOTION FAILED****(a) No Changes at Cypress and Randall**

Resolution #2005-04-157  
 Moved by Stine  
 Seconded by Eisenbacher

RESOLVED, That **NO CHANGES** be approved at Cypress and Randall.

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

## MOTION CARRIED

### Vote on Traffic Committee Recommendations (b) and (c)

Resolution #2005-04-158  
 Moved by Beltramini  
 Seconded by Lambert

#### (b) Installation of Signs in the Circle Drive in the South Parking Lot at Susick Elementary School

RESOLVED, That Traffic Control Order #05-03-P be **ISSUED** for installation of signs indicating *No Stopping, Standing, Parking Except For Morning Drop-Off Times* in the circle drive in the north parking lot and installing signs indicating *No Stopping, Standing, Parking-Bus Loading/Unloading Only* in the circle drive in the south parking lot at Susick Elementary School.

#### (c) Installation of No Stopping, Standing, Parking Signs Along the East Curb and on the Two Adjacent Islands of the Library Parking Lot Driveway

RESOLVED, That Traffic Control Order #05-04-P be **ISSUED** for installation of *No Stopping, Standing, Parking Signs* along the east curb and on the two adjacent islands of the library parking lot driveway.

Yes: All-6  
 No: None  
 Absent: Howrylak

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

## REGULAR BUSINESS:

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**F-1 Appointments to Boards and Committees: a) Mayoral Appointments: Economic Development Corporation; b) City Council Appointments: Historic District Commission; Library Board**

### (a) Mayoral Appointments

Resolution #2005-04-159  
 Moved by Schilling  
 Seconded by Lambert

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

**Economic Development Corporation**

Mayor, Council Approval (9)– 6 years

Doug Smith – Real Estate & Development Director Term expires 04-30-2011

Yes: All-6  
No: None  
Absent: Howrylak

**(b) City Council Appointments**

Resolution #2005-04-160  
Moved by Beltramini  
Seconded by Lambert

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

**Historic District Commission**

Appointed by Council (7) – 3 years

*One member must be an architect.*

*Two members-Historical Society recommendations.*

*One member – Historical Commission recommendation.*

Barbara Chambers - (Historical Commission) Term expires 03-01-08

**Library Board**

Appointed by Council (5) – 3 years

Joanne C. Allen Term Expires April 30, 2008

Yes: All-6  
No: None  
Absent: Howrylak

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**F-2 Blood Draw Procedure – Beaumont Hospital and Alliance Mobile Health**

Resolution #2005-04-161  
Moved by Stine  
Seconded by Lambert

RESOLVED, That the Agreement between the City of Troy and Alliance Mobile Health is hereby **APPROVED**, the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the document, and a copy is to be **ATTACHED** to the original minutes of this meeting.

RESOLVED, That the Agreement between the City of Troy and William Beaumont Hospital is hereby **APPROVED**, the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, and a copy is to be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6  
No: None  
Absent: Howrylak

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### **F-3 2005 Magic of Fall - Troy Daze Festival Schedule - Fees**

Resolution #2005-04-162  
Moved by Eisenbacher  
Seconded by Beltramini

RESOLVED, That the Troy Daze/Magic of Fall schedule and fees are hereby **APPROVED** as requested by the Troy Daze Advisory Committee and a copy shall be **ATTACHED** to and made a part of the original Minutes of this meeting.

Yes: All-6  
No: None  
Absent: Howrylak

The meeting **RECESSED** at 8:52 PM.

The meeting **RECONVENED** at 9:04 PM.

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### **F-4 Designation of Limited Public Forums**

Resolution  
Moved by Broomfield  
Seconded by Lambert

RESOLVED, That Troy City Council hereby **APPROVES** the front lawn of City Hall and the area surrounding the *Reflective Head* as the designated limited public forum area; and

BE IT FURTHER RESOLVED, That the rules and procedures governing the limited public forum area as recommended by City Management and attached hereto are hereby **APPROVED**.

#### **Resolution to Amend**

Resolution  
Moved by Broomfield  
Seconded by Stine

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, “and the parking lot north of the Community Center as recommended by City Management and adjacent to the *Reflective Head* area” in the first RESOLVED and **INSERTING**, “that City Council hereby **DIRECTS** City Management to provide City Council with a listing of further application procedures” in the second RESOLVED.

#### **Vote on Resolution to Postpone**

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Resolution #2005-04-163  
Moved by Beltramini  
Seconded by Eisenbacher

RESOLVED, That *Designation of Limited Public Forms* be **POSTPONED** until City Management can draft proper regulations governing the three (3) proposed designated limited public forum areas.

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

### **MOTION FAILED**

#### **Vote on Resolution to Amend**

Resolution #2005-04-164  
Moved by Broomfield  
Seconded by Stine

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, “and the parking lot north of the Community Center as recommended by City Management and adjacent to the *Reflective Head* area” in the first RESOLVED and **INSERTING**, “that City Council hereby **DIRECTS** City Management to provide City Council with a listing of further application procedures” in the second RESOLVED.

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

### **MOTION CARRIED**

#### **Vote on Resolution to Amend**

Resolution #2005-04-165  
Moved by Schilling  
Seconded by Beltramini

RESOLVED, That the Resolution be **AMENDED** by **STRIKING** “the front lawn of City Hall”.

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

### **MOTION FAILED**

#### **Vote on Resolution to Amend**

Resolution #2005-04-166  
 Moved by Broomfield  
 Seconded by Lambert

RESOLVED, That the Resolution be **AMENDED** by **STRIKING** “application procedures” and **INSERTING** “selection processes allowing for time, place and manner.”

Yes: All-6  
 No: None  
 Absent: Howrylak

### **Vote on Resolution as Amended**

Resolution #2005-04-167  
 Moved by Broomfield  
 Seconded by Lambert

RESOLVED, That Troy City Council hereby **APPROVES** the front lawn of City Hall, the parking lot area north of the Community Center as recommended by City Management and adjacent to the *Reflective Head* area and the area surrounding the *Reflective Head* as the designated limited public forum area; and

BE IT FURTHER RESOLVED, That the rules and procedures governing the limited public forum area as recommended by City Management and attached hereto are hereby **APPROVED** and that City Council hereby **DIRECTS** City Management to provide City Council with a listing of further selection processes allowing for time, place, and manner.

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

### **MOTION CARRIED**

The meeting **RECESSED** at 10:55 PM.

The meeting **RECONVENED** at 11:03 PM.

### **MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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#### **G-1 Announcement of Public Hearings:**

- a) Commercial Vehicle Appeal – 1998 Kirkton – April 18, 2005
  - b) Commercial Vehicle Appeal – 1102 Boyd – April 18, 2005
  - c) Commercial Vehicle Appeal – 6771 Westaway – April 18, 2005
- Noted and Filed

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#### **G-2 Green Memorandums:**

- a) Islamic Association of Michigan
- Noted and Filed
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**COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda**

H-1 Mayor Schilling's Request for List of Churches in Troy and a List of Languages Spoken in Troy

**COUNCIL COMMENTS:**

I-1 No Council Comments Advanced

**Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business, Article 15 I**

Resolution #2005-04-168  
Moved by Beltramini  
Seconded by Eisenbacher

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 action on reconsideration of *Consideration of National Day of Prayer*, Resolution #2005-03-147, from the Special City Council Meeting of Monday, March 28, 2005.

Yes: All-6  
No: None  
Absent: Howrylak

**MOTION CARRIED**

**Vote on Resolution to Reconsider**

Resolution #2005-04-169  
Moved by Beltramini  
Seconded by Schilling

RESOLVED, That *Consideration of National Day of Prayer*, Resolution #2005-03-147, Moved by Broomfield and Seconded by Eisenbacher, as it appears below be **RECONSIDERED** by City Council:

*RESOLVED, That in 2005, the City of Troy **AUTHORIZES** the National Day of Prayer Task Force to hold a National Day of Prayer-Christian observance to be observed from 12:00 PM to 1:00 PM on Thursday, May 5, 2005 and that the Interfaith Group shall **CONDUCT** a service from 11:00 AM to 12:00 PM at Veteran's Plaza.*

*Yes: All-7*

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

Absent: Howrylak

## MOTION CARRIED

### Vote on Resolution to Amend by Substitution

Resolution #2005-04-170  
Moved by Beltramini  
Seconded by Eisenbacher

RESOLVED, That Reconsidered Resolution #2005-03-147 regarding, *Consideration of National Day of Prayer*, be **AMENDED** by **STRIKING** it in its entirety and **SUBSTITUTED** with, "RESOLVED, That the City of Troy **AUTHORIZES** the National Day of Prayer Task Force to hold a National Day of Prayer-Christian observance to be observed from 12:00 PM to 1:00 PM on Thursday, May 5, 2005 at one of the designated public forum sites."

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

## MOTION CARRIED

### Vote on Resolution as Substituted

Resolution #2005-04-171  
Moved by Broomfield  
Seconded by Eisenbacher

RESOLVED, That the City of Troy **AUTHORIZES** the National Day of Prayer Task Force to hold a National Day of Prayer-Christian observance to be observed from 12:00 PM to 1:00 PM on Thursday, May 5, 2005 at one of the designated public forum sites.

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

## MOTION FAILED

### Resolution to Consider Observation of National Day of Prayer at Any of the City of Troy Parks or Utilize One of the Three Designated Limited Public Forum Sites

Resolution  
Moved by Eisenbacher  
Seconded by Beltramini

RESOLVED, That in 2005, the City of Troy **AUTHORIZES** all residents and any groups to observe the National Day of Prayer at any of the City of Troy parks or utilize one (1) of the three (3) designated limited public forum sites following the City of Troy's prescribed rules and procedure.

**Vote on Resolution to Amend**

Resolution #2005-04-172

Moved by Lambert

Seconded by Beltramini

RESOLVED, That the Resolution be **AMENDED** by **STRIKING**, "AUTHORIZED" and **INSERTING**, "INVITES".

Yes: All-6

No: None

Absent: Howrylak

**Vote on Resolution as Amended**

Resolution #2005-04-173

Moved by Eisenbacher

Seconded by Beltramini

RESOLVED, That in 2005, the City of Troy **INVITES** all residents and any groups to observe the National Day of Prayer at any of the City of Troy parks or utilize one (1) of the three (3) designated limited public forum sites following the City of Troy's prescribed rules and procedure.

Yes: All-6

No: None

Absent: Howrylak

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

Resolution #2005-04-174

Moved by Lambert

Seconded by Broomfield

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

Yes: All-6

No: None

Absent: Howrylak

**REPORTS:**

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

- a) Troy Historic Commission/Final – October 26, 2004
- b) Troy Historic Study Committee/Final – November 4, 2004
- c) Troy Historic Study Committee/Final – November 30, 2004
- d) Troy Historic District Study Committee/Final – January 4, 2005
- e) Troy Historic Commission/Final – January 25, 2005
- f) Troy Historic Study Committee/Final – February 1, 2005
- g) Liquor Advisory Committee/Final – February 14, 2005
- h) Board of Zoning Appeals/Final – February 15, 2005
- i) Troy Ethnic Issues Advisory Board/Final – February 15, 2005
- j) Planning Commission Special/Study Meeting/Draft – March 1, 2005
- k) Planning Commission Special/Study Meeting/Final – March 1, 2005
- l) Troy Ethnic Issues Advisory Board/Draft – March 1, 2005
- m) Building Code Board of Appeals/Draft – March 2, 2005
- n) Planning Commission Regular Meeting/Draft – March 8, 2005
- o) Planning Commission Regular Meeting/Final – March 8, 2005
- p) Liquor Advisory Committee/Draft – March 14, 2005
- q) Board of Zoning Appeals/Draft – March 15, 2005

Noted and Filed

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**J-2 Department Reports:**

- a) Council Member Dave Lambert's Report on the National League of Cities Conference
- b) Councilmember Robin Beltramini's Travel Expense Report for NLC Congressional Cities Conference
- c) Annual Library Survey of Users
- d) First Quarter 2005 Development Report
- e) Permits Issued During the Month of February 2005

Noted and Filed

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**J-3 Letters of Appreciation:**

- a) Letter to Cindy Stewart from Mary Beth Halushka of the Troy Board of Education
- b) Letter Thanking Police Officer Milt Stansbury for a Recent Ride Along
- c) Letter Thanking Police Officer Patrick Dyjewski for Providing Assistance to Broken Down Motorist and Motorist Needing Medical Attention
- d) Letter Thanking Police Officer LaForest for Assisting in Apprehending a Retail Fraud Suspect
- e) Letter Thanking Police Officer Craig Fitzpatrick and Police Officer Frank Nastasi for Providing Assistance to a Stranded Motorist
- f) Letter From Brad Byarski Thanking Jennifer Lawson for Offering Input and Information Regarding Maple Forest

Noted and Filed

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**J-4 Proposed Proclamations/Resolutions from Other Organizations:**

- a) Resolution from the Oakland County Board of Commissioners in Support of the Community Development Block Grant (CDBG) Program

Noted and Filed

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J-5 Calendar  
Noted and Filed

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J-6 Options/Ramifications for Proposed I-75/Crooks/Long Lake Interchange Improvement Project  
Noted and Filed

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J-7 Golf, Inc. Article  
Noted and Filed

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J-8 Report on Liquor Compliance Inspections  
Noted and Filed

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J-9 Load Restrictions Report and Communication  
Noted and Filed

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J-10 Report Regarding Feasibility of a Minor League Baseball Stadium at Donald Flynn Park  
Noted and Filed

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J-11 State of Michigan Ash Tree Removal Contract  
Noted and Filed

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J-12 DPW Recycling Center Closure  
Noted and Filed

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J-13 Letter from Julie A. Wendt, Director, Licensing Division of the Liquor Control Commission  
Noted and Filed

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J-14 Law Day 2005  
Noted and Filed

**STUDY ITEMS:**

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K-1 No Study Items Submitted

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

**CLOSED SESSION:**

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L-1 Closed Session

Resolution #2005-04-175  
Moved by Stine  
Seconded by Broomfield

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (a), Personnel Evaluations of Troy City Manager John Szerlag and Troy City Attorney Lori Grigg Bluhm.

Yes: All-6  
No: None  
Absent: Howrylak

The meeting **RECESSED** at 12:20 AM on Tuesday, April 05, 2005.

The meeting **RECONVENED** at 1:13 AM on Tuesday, April 05, 2005.

The meeting **ADMOURNED** at 1:140 AM on Tuesday, April 05, 2005.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk