

A Regular Meeting of the Troy City Council was held Monday, March 27, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 P.M.

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

ROLL CALL:

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

Vote on Resolution to Excuse Council Member Lambert

Resolution #2006-03-150
Moved by Stine
Seconded by Howrylak

RESOLVED, That Council Member Lambert’s absence at the Regular City Council meeting of Monday, March 27, 2006 is **EXCUSED** due to being out of the county.

Yes: All-6
No: None
Absent: Lambert

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

Mayor Schilling presented a *Certificate of Appreciation* to retiring City of Troy employee, Patricia Samuilow, on behalf of the City of Troy after 36 years of dedicated service.

Mayor Schilling presented a proclamation on behalf of the City of Troy to Ann Comiskey recognizing *The Troy Community Coalition* for their contribution to the prevention of drug and alcohol abuse among teenagers in the City of Troy during *Alcohol Awareness Month* – April, 2006.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Rezoning Application – West Side of Dequindre Road, North of Big Beaver and South of Continental, Section 24 – CR-1 to B-1 (Z-712)

The Mayor opened the Public Hearing for public comment; seeing no member of the public wishing to speak, the Mayor closed the Public Hearing.

Resolution #2006-03-151

Moved by Stine

Seconded by Howrylak

RESOLVED, That the CR-1 to B-1 rezoning request, located on the west side of Dequindre, north of Big Beaver and south of Continental, in Section 24, part of parcel 88-20-24-476-008, being 1.4 acres in size, is described in the following legal description and illustrated on the attached Certificate of Survey drawing:

T2N, R11E, SE ¼ of Section 24

Beginning at a point on the East line of said Section 24; said point being distant N 00°34'45" E, 791.99 ft. from the Southeast corner of said Section 24; thence from said Point of Beginning N 89°20'00" W, 280 ft.; thence N 00°34'45" E, 218.51 ft.; thence S 89°20'00" E, 280.00 ft.; thence along the East line of said Section 24, S 00°34'45" W, 218.51 ft. to the Point of Beginning. Containing ± 1.40 ac. more or less, and subject to restrictions and easements of record.

BE IT FURTHER RESOLVED, That the proposed rezoning is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes: All-6

No: None

Absent: Lambert

C-2 Zoning Ordinance Text Amendment (ZOTA 221) – Article II, Municipal Civil Infractions

The Mayor opened the Public Hearing for public comment; seeing no member of the public wishing to speak, the Mayor closed the Public Hearing.

Resolution #2006-03-152

Moved by Beltramini

Seconded by Fleming

RESOLVED, That Article II (PLANNING COMMISSION, CHANGES AND AMENDMENTS TO THE ZONING ORDINANCE, AND APPROVALS), of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 221), dated December 1, 2005, as recommended by the Planning Commission and City Management.

Yes: All-6
No: None
Absent: Lambert

POSTPONED ITEMS:

D-1 No Postponed Items

CONSENT AGENDA:

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

Resolution #2006-03-153
Moved by Howrylak
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-3 and E-5, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-6
No: None
Absent: Lambert

E-2 Approval of City Council Minutes

Resolution #2006-03-153-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of March 20, 2006 be **APPROVED** as submitted.

E-4 Standard Purchasing Resolutions

a) **Standard Purchasing Resolution 1: Award to Low Bidders – Hauling and Disposal of Dirt and Debris**

Resolution #2006-03-153-E-4a **Rescinded August 14, 2006 (Resolution #2006-08-335)**

RESOLVED, That contracts to provide one-year requirements of hauling and disposal services of dirt and debris with an option to renew for one additional year are hereby **AWARDED** to the low bidders, Troy Aggregate Carriers, Inc. of Sterling Heights, MI, Enviro-Vac Services, Inc. of Troy, MI, and Osburn Industries of Taylor, MI, at unit prices contained in the bid tabulation opened February 28, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon contractors' submission of properly executed bid documents, including insurance certificates and all other specified requirements.

b) **Standard Purchasing Resolution 1: Award to Low Bidders – Pump Maintenance, Repair and Replacement of City Pools**

Resolution #2006-03-153-E-4b

RESOLVED, That contracts to provide two-year requirements of pump maintenance, repair and replacement on the City of Troy (outdoor and indoor) pools with two one-year options to renew are hereby **AWARDED** to the following low bidders:

	<u>DESCRIPTION</u>
• Kerr Pump and Supply, Inc. Oak Park, MI	Aurora Pumps – Proposal A and B
• Kennedy Industries, Inc. Milford, MI	Floway Pumps – Proposal A, Pump Maintenance/Repair
• Evergreen Water Controls Burton, MI	Floway Pumps – Proposal B, Pump Replacement

at unit prices contained in the bid tabulation opened March 6, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon contractors' submission of properly executed bid documents, including insurance certificates and all other specified requirements.

E-6 Approval of the Proposed 2006-2007 Troy Racquet Club Rates

Resolution #2006-03-153-E-6

RESOLVED, That the 2006-2007 rates for court time for Troy Racquet Club are hereby **APPROVED** as stated in the report from the Parks and Recreation Department dated March 16, 2006; a copy of which shall be **ATTACHED** to and made a part of the original Minutes of this meeting.

E-7 Contract Amendment #2 – Sidewalk Replacement Program

Resolution #2006-03-153-E-7

WHEREAS, On July 11, 2005, Troy City Council exercised the final option to renew and amend the original contract for sidewalk replacement and installation with Hard Rock Concrete, Inc. at a total cost not to exceed \$550,000.00 under the same contract unit prices, terms, and conditions expiring June 30, 2006 (Resolution # 2005-07-348);

WHEREAS, Hard Rock Concrete, Inc. has agreed to amend the contract quantities under the same prices, terms, and conditions as the original contract; and

WHEREAS, It is requested the contract be amended to allow for additional sidewalk work as needed, in the amount of \$450,000.00.

NOW, THEREFORE, BE IT RESOLVED, That the contract is hereby **AMENDED** with Hard Rock Concrete, Inc. to provide sidewalk replacement and installation with the City of Troy for an additional \$450,000.00 (approximately \$300,000.00 for sidewalk replacement and \$150,000.00 for sidewalk installation), which will be added to the previously approved contract amounts and all costs will not exceed \$1,000,000.00; and

BE IT FINALLY RESOLVED, That this amendment **WILL BE AT THE SAME** contract unit prices, terms and conditions expiring June 30, 2006.

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

E-3 Proposed City of Troy Proclamation:

Resolution #2006-03-154
Moved by Howrylak
Seconded by Fleming

RESOLVED, That the following City of Troy Proclamation be **APPROVED** as **AMENDED** by **STRIKING** “unprotected” in the fifth WHEREAS:

a) Alcohol Awareness Month – April, 2006

Yes: All-6
No: None
Absent: Lambert

E-5 Overhead Easement for Detroit Edison – Sidwell #20-23-354-048

Vote on Resolution to Postpone

Resolution #2006-03-155
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **POSTPONES** the request from Detroit Edison to grant an overhead easement over the property with Sidwell #88-20-23-354-048 until the next Regular City Council meeting scheduled for Monday, April 3, 2006.

Yes: All-6
No: None
Absent: Lambert

PUBLIC COMMENT: Limited to Items Not on the Agenda

F-2 Resolution Supporting Local Control of Cable Franchising and Municipal Broadband

Resolution #2006-03-156

Moved by Stine

Seconded by Beltramini

WHEREAS, Telephone companies are lobbying our State and Federal legislature to change cable laws to allow them to offer cable television services over their telephone lines without obtaining local consent and without local regulations;

WHEREAS, Senate Bill No. 1157 was introduced in the Michigan Senate on March 16, 2006, and referred to the Committee on Technology and Energy;

WHEREAS, Senate Bill No. 1157 eliminates local control over cable television franchising, and would eliminate any requirement for cable companies to serve all residents, harming Michigan residents from inner cities to rural areas, along with economic development;

WHEREAS, On August 2, 2005, Senators John Ensign and John McCain introduced the Broadband Investment and Consumer Choice Act of 2005 (S. 1504);

WHEREAS, On June 30, 2005, Senators Smith and Rockefeller introduced the Video Choice Act of 2005 (S. 1349);

WHEREAS, On June 30, 2005, Congressmen Blackburn and Wynn introduced the Video Choice Act of 2005 (HR. 3146);

WHEREAS, These bills would preempt all local authority over the provision of cable and video services within the community, including the ability of the local government to provide appropriate oversight to entities conducting business within their jurisdiction and in the local public rights-of-way;

WHEREAS, Municipalities must retain local control over cable television franchising, especially where the private sector does not. Local control of cable television franchising is essential for economic development and municipalities need the flexibility to help our residents and improve our economy; and

WHEREAS, The Metro Act, Act 48 of 2002 was enacted three (3) years ago to resolve issues regarding telephone company use of municipal rights-of-way and the payment for the fair market rental of such use.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy **OPPOSES** the proposed telecommunication legislation for the following reasons:

1. It is vitally important to maintain local control in negotiating and administering cable franchise agreements. The proposed State Bill would shift these responsibilities to the State level, which cannot address important needs of our communities, which arise on a daily basis.

2. The proposed Federal legislation will shift these responsibilities to the FCC, which likewise cannot address important needs of our communities, which arise on a daily basis.
3. Municipalities must retain local control over cable television franchising in order to serve their citizens and provide for economic development of our community. The proposed legislation would prohibit municipalities from providing these essential services.
4. The municipalities have a fiduciary obligation to their citizens to manage and properly maintain all of its public rights-of-way. Cable franchise fees provide municipalities with significant revenue, which is used to provide municipal services to all of our citizens. The proposed federal and state legislation would eliminate cable franchise fees and local control of the public rights-of-way.

BE IT FURTHER RESOLVED, That copies of this Resolution **BE FORWARDED** to our elected representatives in Washington and Lansing, the FCC, Senators McCain, Ensign, Smith and Rockefeller, and Congressmen Blackburn and Wynn.

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

MOTION FAILED

F-4 Zoning Ordinance Text Amendment (ZOTA 214) – Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts

Resolution #2006-03-157
Moved by Schilling
Seconded by Fleming

RESOLVED, That City Council hereby **SELECTS** proposed *Method of Approval for Group Child Care Homes (GCCH) Option 2* for Council discussion to provide City Administration with direction in preparation of an ordinance amendment for future City Council action.

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

MOTION CARRIED

The meeting **RECESSED** at 8:57 P.M.

The meeting **RECONVENED** at 9:11 P.M.

Vote on Resolution to Provide Direction to City Administration for the Purpose of Drafting Ordinance Language for Group Child Care Homes (GCCH)

Resolution #2006-03-158

Moved Beltramini

Seconded Broomfield

RESOLVED, That City Council **DIRECTS** City Administration to prepare draft ordinance language for Group Child Care Homes (GCCH) in the R-1A through R-1E Districts that incorporates City Council, City Staff and Group Child Care Home Provider comments.

Yes: All-6

No: None

Absent: Lambert

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No appointments proposed and b) City Council Appointments: Liquor Advisory Committee and Traffic Committee

(a) Mayoral Appointments – No appointments proposed

(b) City Council Appointments

Resolution #2006-03-159

Moved by Broomfield

Seconded by Beltramini

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

Liquor Advisory Committee

Appointed by Council (7) – 3-Year Terms

Max Ehlert

Term Expires 01/31/09

Timothy P. Payne

Term Expires 01/31/09

Yes: All-6

No: None

Absent: Lambert

Proposed Resolution for Appointment to the Traffic Committee

Resolution

Moved by **Broomfield Beltramini**

Seconded by Stine

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

Traffic Committee

Appointed by Council (7) – 3 Year Terms

Sarah Binkowski

Term Expires 01/31/09

Vote on Resolution to Postpone

Resolution #2006-03-160

Moved by Broomfield

Seconded by Fleming

RESOLVED, That Troy City Council hereby **POSTPONES** the proposed appointment to the Traffic Committee until the next Regular City Council Meeting scheduled for Monday, April 3, 2006.

Yes: Howrylak, Stine, Schilling, Broomfield, Fleming

No: Beltramini

Absent: Lambert

MOTION CARRIED

F-3 Reconsideration of Motion #2006-03-143-E-6, Act 51 Mileage Certification for 2005

Vote on Resolution to Reconsider Resolution #2006-03-143-E-6

Resolution #2006-03-161

Moved by Stine

Seconded by Howrylak

RESOLVED, That Resolution #2006-03-143-E-6, Moved by Beltramini and Seconded by Broomfield, as it appears below be **RECONSIDERED** by City Council:

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 platted and non-platted streets: Country Ridge, Firestone, New Castle, Wyngate, Amberwood, Norway, Dryden, Mayapple, Timbercrest, Ashton Court, Gunston Court, Mesa, Mirage, Jefferson and Langston.*

*THEREFORE, BE IT 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, 2005; and said streets are **ACCEPTED** into the City of Troy local street system; and*

*BE IT FURTHER RESOLVED, That the City of Troy hereby **DECERTIFIES** the following streets: N. Eton Rd and Miner effective on December 31, 2005.*

Yes: All-7

Yes: All-6
No: None
Absent: Lambert

Vote on Amendment to Resolution #2006-03-143-E-6

Resolution #2006-03-162
Moved by Stine
Seconded by Howrylak

RESOLVED, That Resolution #2006-03-143-E-6 be **AMENDED** by **STRIKING** "Firestone" in the second WHEREAS and **INSERTING** "Fireside" in its place.

Yes: All-6
No: None
Absent: Lambert

Vote on Reconsidered Resolution #2006-03-143-E-6 as Amended

Resolution #2006-03-143-E-6
Moved by Beltramini
Seconded by Broomfield

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 platted and non-platted streets: Country Ridge, Fireside, New Castle, Wyngate, Amberwood, Norway, Dryden, Mayapple, Timbercrest, Ashton Court, Gunston Court, Mesa, Mirage, Jefferson and Langston.

THEREFORE, BE IT 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, 2005; and said streets are **ACCEPTED** into the City of Troy local street system; and

BE IT FURTHER RESOLVED, That the City of Troy hereby **DECERTIFIES** the following streets: N. Eton Rd and Miner effective on December 31, 2005.

Yes: All-6
No: None
Absent: Lambert

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Commercial Vehicle Appeal – 5152 Prentis – April 3, 2006
- b) Commercial Vehicle Appeal – 3463 Crooks Road – April 3, 2006
Noted and Filed

G-2 Green Memorandums:

- a) Disposal/Sale of Excess Property
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 Advanced

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Library Advisory Board/Final – February 9, 2006
- b) Election Commission/Final – February 27, 2006
- c) Planning Commission Special/Study/Final – February 28, 2006
- d) Building Code Board of Appeals/Draft – March 1, 2006
- e) Planning Commission Special/Study/Final – March 7, 2006
- f) Election Commission/Draft – March 20, 2006
Noted and Filed

J-2 Department Reports: None Submitted

J-3 Letters of Appreciation:

- a) Letter of Thanks to Chief Craft from Doreen Olko, Auburn Hills Chief of Police, In Appreciation of the Cooperation of Officers Langbeen and Warzecha During President Bush's Visit
Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) Proclamation from L. Brooks Patterson Declaring April 2006 as Fair Housing Month
- b) Resolution from ICCA Supporting Local Control of Cable Franchising and Municipal Broadband
Noted and Filed

J-5 Calendar

Noted and Filed

J-6 Correspondence from Ken Aud, Area Manager, Michigan Department of Corrections, Regarding Troy's Participation in the Inter-County Enforcement Project

Noted and Filed

J-7 Correspondence from the City Attorney's Office Regarding Paul Weill v. City of Troy and Sanctuary Lake Golf Course

Noted and Filed

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 11:05 P.M.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk