

A Regular Meeting of the Troy City Council was held Monday, February 6, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 P.M.

Pastor Tom Barbret of Lutheran Church of the Master 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
Jeanne M. Stine

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Chief Craft presented a proclamation received from the Avondale Youth Assistance Board thanking the City of Troy for supporting their activities.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 Council Rules of Procedure Proposed Amendment – Rule #28

Resolution #2006-02-035
Moved by Beltramini
Seconded by Stine

RESOLVED, That Council Rules be **AMENDED** as recommended by City Administration by incorporating Rule Number 28, Wire Communications Between City Council Members During City Council Meetings.

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

MOTION CARRIED

Vote on Resolution for Council Rules of Procedure Amendment – Rule #29

Resolution #2006-02-036
Moved by Beltramini
Seconded by Stine

RESOLVED, That Council Rules be **AMENDED** as recommended by City Administration by incorporating Rule Number 29, Wire Communications Between City Council Members During City Council Meetings.

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

MOTION FAILED

CONSENT AGENDA:

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

Resolution #2006-02-037
Moved by Stine
Seconded by Broomfield

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

Yes: All-7

E-2 Approval of City Council Minutes

Resolution #2006-02-037-E-2

RESOLVED, That the Minutes of the Regular City Council Meeting of January 23, 2006 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations: None Proposed

E-4 Standard Purchasing Resolutions

a) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Members’ Travel Expenses – National League of Cities (NLC) 14th Annual Leadership Summit**

Resolution #2006-02-037-E-4a

RESOLVED, That those Council members interested are **AUTHORIZED** to attend the National League of Cities (NLC) 14th Annual Leadership Summit on September 21 - 23, 2006 in Colorado Springs, CO in accordance with accounting procedures of the City of Troy.

b) Standard Purchasing Resolution 3: Exercise Renewal Option – Printing / Distribution of Water and Sewer Bills

Resolution #2006-02-037-E-4b

WHEREAS, On March 21, 2005, a one-year contract with the option to renew for three additional one-year periods for the printing/distribution of water and sewer bills was awarded to the lowest bidder meeting specifications, Automated Computer Methods, Inc. of McHenry, IL (Resolution #2005-03-123-E-5);

WHEREAS, Automated Computer Methods, Inc. has agreed to exercise the option to renew the first of three additional one-year periods under the same prices, terms, and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract for one additional year is hereby **EXERCISED** with Automated Computer Methods, Inc. to provide laser printing/distribution of water and sewer bills for an estimated total cost of \$11,616.00 per year, plus the actual cost of first class postage, under the same contract prices, terms, and conditions as the original contract, to expire April 30, 2007.

d) Standard Purchasing Resolution 3: Exercise Renewal Option – Landscape Maintenance Services

Resolution #2006-02-037-E-4d

WHEREAS, On July 21, 2003, a three-year contract with an option to renew for one (1) additional one-year period to provide landscape services for the cemeteries, non-irrigated street medians, museum, fire stations, and I-75 cloverleaves was awarded to the lowest acceptable bidder meeting specifications, Parks Landscaping of Troy, MI (Resolution #2003-07-376), and

WHEREAS, Parks Landscaping has agreed to exercise the one-year option to renew under the same prices, terms, and conditions as the original contract.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Parks Landscaping to provide landscape maintenance services on municipal grounds for an estimated total cost of \$142,465.00, at unit prices contained on the tabulation opened March 28, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-5 Acceptance of Permanent Storm Water Detention Easement, Permanent Sanitary Sewer Easement, Permanent Water Main Easement, Permanent Non-Accessible Greenbelt Easement, and Permanent Emergency Vehicle Access Easement from Carlton Villas Condominium – Sidwell #88-20-03-451-033, 034, 035, 036, 051, 052

Resolution #2006-02-037-E-5

RESOLVED, That the Permanent Storm Water Detention Easement, Permanent Sanitary Sewer Easement, Permanent Water Main Easement, Permanent Non-Accessible Greenbelt Easement, and Permanent Emergency Vehicle Access Easement, all being part of the Carlton Villas Condominium project who's owner is Chary L.L.C., are hereby **ACCEPTED**; and

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

E-8 Private Agreement for Amberwood Condominiums – Project No. 05.907.3

Resolution #2006-02-037-E-8

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

E-9 D & K Hannawa, LLC v. City of Troy et al

Resolution #2006-02-037-E-9

RESOLVED, That the City Attorney is hereby **AUTHORIZED AND DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of D & K Hannawa, LLC v City of Troy, et. al and to pay all expenses and to **RETAIN** any necessary expert witnesses to adequately represent the City.

E-10 Traffic Signal Maintenance Agreements that the RCOC Missed in the Past

Resolution #2006-02-037-E-10

WHEREAS, The traffic signals at Stephenson Highway crossover south of Rochester Road, Maple Road at Fire Station 4 (caution yellow lights), and Square Lake Road Crossover east of Delphi, have been installed and are in operation.

NOW, THEREFORE, BE IT RESOLVED, That the maintenance agreements with the Road Commission for Oakland County for the maintenance of the above mentioned traffic signals be **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-11 Acceptance of Warranty Deed for Booth (Quill Creek) Parcel Split, Terry L. Stamper – Sidwell #88-20-03-401-002

Resolution #2006-02-037-E-11

RESOLVED, That the Warranty Deed for detention area basin from Terry L. Stamper, owner of the property having Sidwell #88-20-03-401-002, is hereby **ACCEPTED**; and

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

E-12 Zoning Ordinance Text Amendment (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions

Resolution #2006-02-037-E-12

WHEREAS, The Planning Commission is required to conduct a public hearing before submitting a recommendation regarding ZOTA 215-A to City Council.

WHEREAS, There is a Public Hearing scheduled for the February 14, 2006 Planning Commission Regular Meeting.

NOW, THEREFORE, BE IT RESOLVED, That City Council hereby **POSTPONES** ZOTA 215-A to the first available City Council public hearing date that occurs after the required Planning Commission public hearing.

E-13 Request for Acceptance of a Permanent Watermain Easement – Diajeff Trust, Sidwell #88-20-23-100-036

Resolution #2006-02-037-E-13

RESOLVED, That the Permanent Watermain Easement received from Diajeff Trust, owners of property having Sidwell # 88-20-23-100-036, is hereby **ACCEPTED**; and

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

E-14 Acceptance of a Permanent Watermain Easement – Manorcare Health Services, Inc., Sidwell #88-20-03-102-001

Resolution #2006-02-037-E-14

RESOLVED, That the Permanent Watermain Easement received from Manorcare Health Services, Inc., owners of property having Sidwell # 88-20-03-102-001 is hereby **ACCEPTED**; and

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

E-15 Approval of Mon Jin Lau Fireworks Request

Resolution #2006-02-037-E-15

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** City ordinances Chapter 98, 98.05.16 Fireworks and Chapter 93, 3301.1.3 Fireworks for the purpose of celebrating Chinese New Year at the Mon Jin Lau restaurant, located at 1515 East Maple Road, on February 8, 2006.

E-16 Schedule Public Hearing for William Beaumont Hospital

Resolution #2006-02-037-E-16

RESOLVED, That the City Council of the City of Troy does hereby **SCHEDULE** a public hearing for Monday, February 27, 2006 at 7:30 PM for the purpose of receiving public input on the City of Royal Oak Hospital Financing Authority utilizing tax-exempt bonds, a portion of the proceeds of the bonds will be used to refund bonds which were used to construct an addition to the hospital facility of William Beaumont Hospital in the City of Troy.

E-1b Address of "E" Items Removed for Discussion by City Council and/or the Public**c) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Home Chore Lawn and Yard Services**

Resolution #2006-02-038

Moved by Stine

Seconded by Beltramini

RESOLVED, That a contract to provide for seasonal requirements of lawn and yard services for the Home Chore Program with an option to renew for one (1) additional year is hereby **AWARDED** to the lowest bidder meeting specifications, Redburn's Snow Plowing & Lawn Maintenance, Inc. of Rochester Hills, MI for an estimated total cost of \$47,780.00, at unit prices contained in the bid tabulation opened January 11, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of December 31, 2006; and

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

Yes: All-7

E-6 Approval of Transfer of Class C-SDM License for Corradi's – 1090 Rochester Road**(a) New License**

Resolution

Moved by Stine

Seconded by Broomfield

RESOLVED, That the request from White Star Entertainment, Inc. to transfer ownership of a 2005 Class C-SDM licensed business with Entertainment Permit and Official Permit (food) at 1090 Rochester, Troy, MI 48083, Oakland County, from MKC, Inc.; be **CONSIDERED FOR APPROVAL**.

(b) Agreement

Resolution
Moved by Stine
Seconded by Broomfield

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 White Star Entertainment, Inc. to transfer ownership of a 2005 Class C-SDM licensed business with Entertainment Permit and Official Permit (food) at 1090 Rochester, Troy, MI 48083, Oakland County, from MKC, 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.

Proposed Resolution to Amend

Resolution
Moved by Stine
Seconded by Broomfield

RESOLVED, That the Resolution to approve the of Transfer of Class C-SDM License for Corradi's – 1090 Rochester Road be **AMENDED** by **INSERTING** "with dance permit" **AFTER** "Official Permit (food)" in resolutions (a) and (b).

Vote on Resolution to Postpone

Resolution #2006-02-039
Moved by Broomfield
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **POSTPONES** the *Transfer of Class C-SDM License for Corradi's – 1090 Rochester Road* until the Regular City Council meeting scheduled for Monday, February 20, 2006.

Yes: All-7

E-7 Acceptance of Permanent Easements for Storm Sewer and Public Utilities from Woodward Common Land Company, L.L.C. – Sidwell #88-20-18-477-072

Resolution #2006-02-040
Moved by Stine

Seconded by Howrylak

RESOLVED, That the Permanent Easements for Storm Sewer and Public Utilities, from Woodward Common Land Company, L.L.C., owner of the property having Sidwell #88-20-18-477-072, are hereby **ACCEPTED**; and

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

Yes: All-7

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 **Appointments to Boards and Committees: a) Mayoral Appointments: None; b) City Council Appointments: Library Advisory Board; Liquor Advisory Committee; and Traffic Committee; c) City Council Confirmation: Board of Zoning Appeal Planning Commission Representative and Alternate**

(a) **Mayoral Appointments - None**

(b) **City Council Appointments**

Resolution #2006-02-041

Moved by Broomfield

Seconded by Lambert

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

Library Advisory Board

Appointed by Council (5) – 3 Year Terms

Heather Eisenbacher

Unexpired Term Expires 04/30/08

Liquor Advisory Committee

Appointed by Council (7) – 3-Year Terms

David Ogg

Term Expires 01/31/09

Traffic Committee

Appointed by Council (7) – 3 Year Terms

Jonathan Shin

Student Term Expires 07/01/06

Yes: All-7

Vote on Resolution to Confirm Board of Zoning Appeal Planning Commission Representative and Alternate

Resolution #2006-02-042
Moved by Beltramini
Seconded by Stine

RESOLVED, That the following persons hereby **APPOINTED BY THE PLANNING COMMISSION** to serve on the Board of Zoning Appeals as indicated is hereby **CONFIRMED** by City Council:

Board of Zoning Appeals-Planning Commission Representative & Alternate

Appointed by Planning Commission (1 PC Representative & 1 PC Alternate) – 1 Year Term
Confirmed by City Council **(See F-1 Attachment)**

Wayne Wright - Planning Commission Rep Term Expires 01/31/07

Larry Littman - Alt-Planning Commission Rep Term Expires 01/31/07

Yes: All-7

F-2 Approval of Purchase Agreement with Christine Meyers Moore for Acquisition of Property at 3645 Crooks Road and for the Sale of 3236 Rochester Road – Sidwell #88-20-20-226-038

Resolution #2006-02-043
Moved by Stine
Seconded by Beltramini

RESOLVED, That the Agreement to Purchase with conditions between Christine Meyers Moore and the City of Troy, having Sidwell #88-20-20-226-038, for the acquisition of property at 3645 Crooks Road is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That authorization is hereby **GRANTED** to purchase the property in the Agreement referenced above in the amount of \$350,000.00, plus closing costs; and

BE IT FINALLY RESOLVED, That authorization is hereby **GRANTED** pursuant to the Agreement referenced above, to sell, through an open bid process, the property at 3236 Rochester Road.

Yes: All-7

F-3 Municipal Civil Infraction Amendments to Troy City Code

Resolution #2006-02-044
Moved by Lambert
Seconded by Beltramini

RESOLVED, That the ordinance amendments to Chapters 2, 3, 13, 34, 79, 80, 82, 82-A, 85, 86, 88, and 93 of the Code of the City of Troy that designate certain violations of the said ordinances as municipal civil infractions are hereby **ADOPTED** with an effective date of March 1, 2006, and a copy of these ordinances shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

F-4 Appointment of an Acting City Manager

Resolution

Moved by Stine

Seconded by Fleming

RESOLVED, That John M. Lamerato is **APPOINTED** Acting City Manager effective March 13, 2006.

Vote on Resolution to Amend *Appointment of an Acting City Manager* by Substitution

Resolution #2006-02-045

Moved by Howrylak

Seconded by Lambert

RESOLVED, That the Resolution for *Appointment of an Acting City Manager* be **AMENDED** by **STRIKING** it in its entirety and **SUBSTITUTED** with "RESOLVED, That Lori Grigg-Bluhm is **APPOINTED** Acting City Manager effective March 13, 2006."

Yes: Howrylak,

No: Fleming, Lambert, Stine, Schilling, Broomfield, Beltramini,

MOTION FAILED

Vote on *Appointment of an Acting City Manager*

Resolution #2006-02-046

Moved by Stine

Seconded by Fleming

RESOLVED, That John M. Lamerato is **APPOINTED** Acting City Manager effective March 13, 2006.

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

No: Howrylak

MOTION CARRIED

F-5 Informal Quotation Process – Award of Emergency Water Main Repair at Maple and Research Drive

Resolution #2006-02-047

Moved by Stine

Seconded by Lambert

WHEREAS, Dan's Excavating of Shelby Township, MI is currently under contract with the City of Troy for the Sylvan Glen Golf Course Streambank Stabilization Project and has considerable experience in specialty repair work with large diameter concrete water pipe and deep excavations;

WHEREAS, Dan's Excavating's quote for labor and equipment is considered to be competitive and reasonable for our area.

NOW, THEREFORE, BE IT RESOLVED, That a contract for emergency water main repair work at Maple and Research Drive is hereby **APPROVED** to Dan's Excavating at an estimated cost of \$72,000.00; and

BE IT FURTHER RESOLVED, That if unforeseen circumstances should arise that require additional work to be performed and the scope of the project expanded, such additional work is **AUTHORIZED** in an amount not to exceed 25% of the total project cost or \$18,000.00.

Yes: All-7

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Rezoning Application – North Side of Fourteen Mile Road, East of John R, Section 36 – B-2 to M-1 (Z 372-B) – February 20, 2006
- b) Rezoning Application – Proposed Medical Office, East Side of Stephenson Highway, South Side of Maple, West of I-75, Section 35 – R-C to O-M (Z 286-B) – February 20, 2006
- c) Rescheduling of Adoption of Brownfield Plan #4 for TCF Bank – 1470 Coolidge – South of Maple, East of Coolidge, Section 32 from February 20, 2006 to February 27, 2006

Noted and Filed

G-2 Green Memorandums:

- a) Cutting Street Ad Hoc Committee Review of the Former Station 2
- b) 2006 Golf Division Rate Proposal
- c) Letter from Michael Hutson Requesting Discussion Regarding Term Limits for Boards and Committees

Noted and Filed

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

- H-1** Council Member Wade Fleming requested that the attached AVIS report be submitted to City Council for preliminary discussion. This report indicates how often persons in the audience speak at the Council meetings and are in rank order in terms of how much time is spent at the microphone.

COUNCIL COMMENTS:

- I-1 No Council Comments Advanced**

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Traffic Committee/Final – February 16, 2005
 - b) Traffic Committee/Final – March 16, 2005
 - c) Traffic Committee/Final – May 18, 2005
 - d) Parks and Recreation Advisory Board/Final – October 13, 2005
 - e) Board of Zoning Appeals/Final – December 20, 2005
 - f) Employees' Retirement System Board of Trustees Minutes/Draft – January 11, 2006
 - g) Library Advisory Board/Draft – January 12, 2006
 - h) Board of Zoning Appeals/Draft – January 17, 2006
- Noted and Filed

J-2 Department Reports:

- a) Real Estate and Development Department – Maple Corridor Study
 - b) Information Technology Department – Wireless Oakland
 - c) Assessing Department – Big Oak Trail Special Assessment District
 - d) Parks and Recreation – I-75 and Long Lake Interchange Properties
 - e) Parks and Recreation – Pocket Park Parcels
 - f) Planning Department – Status Report on ZOTA-215C – Article 43.74.00, Article 40.65.02 and Article 44.00.00, Pertaining to Commercial Vehicle Parking Appeals
- Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Thanks to Chief Craft from Joseph McKay, Community Association of Northfield Hills, Regarding the Presentation by Officer Terry Harrison
- b) Letter of Thanks to Chief Craft from Brenda Balas, in Appreciation of the Efforts of Officer Kaptur
- c) Letter to Chief Craft from Nicholas Brooks, Commending Officer Pat Browne for his Exemplary Performance while Serving as a Task Force Agent for the Drug Enforcement Administration

- d) Letter of Appreciation to the Troy Police Department from Ronald Mayotte
- e) Letter of Appreciation to Chief Craft from Fr. Emanuel Shaletta, St. Joseph Catholic Chaldean Church, in Recognition of the Outstanding Efforts of Lieutenant Scott McWilliams and the Troy Police Department
- f) Letter of Thanks to Aileen Bittner of the City Clerk's Office from Kent County Director of Elections Susan deSteiguer, Thanking her for her Assistance with Training Materials for New Elections Software and Equipment
- g) Letter of Thanks to Brent Savidant from Keith Pretty, President Walsh College, for Attending the Design Charrette for Walsh College Building Addition
Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted

J-5 Calendar

Noted and Filed

J-6 Roy Rathka, Jr. v City of Troy – Court of Appeals Decision Ruling in Favor of Troy

Noted and Filed

J-7 Paul and Louise Piscopo v. Troy, et al

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2006-02-048

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 (e) and (h), Pending Litigation – Papadelis v. City of Troy

Yes: All-7

The meeting **RECESSED** at 10:00 P.M.

The meeting **RECONVENED** at 10:05 P.M.

The meeting **ADJOURNED** at 10:10 P.M.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk