

A Regular Meeting of the Troy City Council was held Monday, March 20, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 P.M.

Reverend John Shearer – Central Woodward Christian Church 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:**

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**A-1 Presentations:** On behalf of the City of Troy, Mayor Schilling presented a proclamation in recognition of the continuing successful partnership between Medi-Go and SMART to Jo Rhoads of Medi-Go and Donna Sykes of SMART.

**CARRYOVER ITEMS:**

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**B-1 No Carryover Items**

**PUBLIC HEARINGS:**

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**C-1 Rezoning - East Side of Livernois, South of Wattles, Section 22 – R-1C to C-F (Z-713)**

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 #2006-03-135  
Moved by Stine  
Seconded by Lambert

RESOLVED, That the R-1C to C-F rezoning request, located on the east side of Livernois, south of Wattles, in Section 22, part of Parcel 88-20-22-101-005, being 2.84 acres in size, is described in the following legal description and illustrated on the attached Certificate of Survey drawing:

T2N, R11E, NW 1/4 of Section 22

Beginning at a point which is N 00°20'25" E, 1771.60 ft. along the West line of Section 22 and S 89°25'55" E, 285.00 ft. from the West ¼ corner of Section 22; thence N 00°20'25" E, 330.00 ft.; thence S 89°25'55" E, 375.00 ft.; thence S 00°20'25" W, 330.00 ft.; thence N 89°25'55" W, 375.00 ft. to the Point of Beginning.

Containing 2.84 acres, more or less, and subject to easements and restrictions of record.

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

Yes: All-7

**Vote on Resolution to Suspend Rules of Procedure for the City Council #16 – Members of the Public & Visitors**

Resolution #2006-03-136

Moved by Beltramini

Seconded by Stine

RESOLVED, That Council Rules #16, Members of the Public & Visitors, be **SUSPENDED** and that Public Comment be reduced from five minutes to three minutes at the request of the Chair and by majority vote of City Council members elect.

Yes: Beltramini, Stine

No: Broomfield, Fleming, Howrylak, Lambert, Schilling

**MOTION FAILED**

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**C-2 Continuation of Public Hearing for Zoning Ordinance Text Amendment (ZOTA 214) – Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts**

The Mayor opened the Public Hearing for public comment.

The meeting **RECESSED** at 9:26 P.M.

The meeting **RECONVENED** at 9:37 P.M.

The Mayor closed the Public Hearing after receiving comment from the public.

Resolution #2006-03-137

Moved by Howrylak

Seconded by Broomfield

RESOLVED, That City Administration is hereby **DIRECTED TO PREPARE** an ordinance amendment for future City Council action.

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

No: Stine

**MOTION CARRIED**

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**C-3 Continuation of Public Hearing for Zoning Ordinance Text Amendment (ZOTA 218) – Article 10.30.03, Permit Child Care Centers by Special Use Approval in the R-1A through R-1E Zoning Districts**

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 #2006-03-138

Moved by Lambert

Seconded by Howrylak

RESOLVED, That Article X (ONE FAMILY RESIDENTIAL DISTRICTS), of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 218), City Council Public Hearing Draft, as recommended by the Planning Commission and City Management.

Yes: All-7

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**C-4 Community Development Block Grant (CDBG) Re-programming of Year 2003 Funds**

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 #2006-03-139

Moved by Stine

Seconded by Fleming

WHEREAS, The City Council of the City of Troy, after conclusion of a Public Hearing on this date, March 20, 2006, has determined that Year 2003 unspent funds of \$55,637.70 should be **RE-PROGRAMMED** from the Flood Drain Improvements Account to the Sewer Benefit Fee (Special Assessment) Account and Sewer Benefit Fee (Special Assessment) for Charnwood Subdivision Area, Phase #1, Section 6 should be added to the list of CDBG projects for 2003.

Yes: All-7

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**C-5 Community Development Block Grant (CDBG) Re-programming of Year 2004 Funds**

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 #2006-03-140

Moved by Beltramini

Seconded by Lambert

WHEREAS, The City Council of the City of Troy, after conclusion of a Public Hearing on this date, March 20, 2006, has determined that Year 2004 unspent funds of \$120,344.00 should be **RE-PROGRAMMED** from the Flood Drain Improvements Account to the Sewer Benefit Fee (Special Assessment) Account and Sewer Benefit Fee (Special Assessment) for Charnwood Subdivision Area, Phase #1, Section 6 should be added to the list of CDBG projects for 2004.

Yes: All-7

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

Resolution #2006-03-141  
 Moved by Broomfield  
 Seconded by Fleming

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-7

**POSTPONED ITEMS:**

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**D-1 Appointment to Cable Advisory Committee**

Resolution #2006-03-142  
 Moved by Broomfield  
 Seconded by Lambert

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

**Cable Advisory Committee**

Appointed by Council (7) – 3 Year Terms

Brian Wattles

Term Expires 02/28/09

Yes: All-7

**CONSENT AGENDA:**

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

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

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

Yes: All-6  
 No: None  
 Absent: Stine

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**E-2 Approval of City Council Minutes**

Resolution #2006-03-143-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of March 6, 2006 be **APPROVED** as submitted.

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**E-3 City of Troy Proclamations:**

Resolution #2006-03-143-E-3

RESOLVED, That the following City of Troy Proclamations be **APPROVED**:

- b) Proclamation from the National League of Cities Honoring the City of Troy for Thirty Years of Membership and Dedicated Service
- c) Proclamation Celebrating 10 Years Smart Community Partnership Program

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**E-4 Standard Purchasing Resolutions****a) Standard Purchasing Resolution 3: Exercise Renewal Option – Ammunition Contract**

Resolution #2006-03-143-E-4a

WHEREAS, On March 21, 2005, one-year contracts for ammunition with an option to renew for one additional year was awarded to the lowest acceptable bidders, TJ Conevera's, Inc., and Michigan Ammo Company, Inc. (Resolution #2005-03-123-E9);

WHEREAS, Both awarded bidders have agreed to exercise the option to renew under the same unit prices, terms, and conditions as the original contract.

NOW, THEREFORE, BE IT RESOLVED, That the options to renew the contracts are hereby **EXERCISED** with TJ Conevera's, Inc. and Michigan Ammo Company, Inc. for ammunition under the same contract prices, terms, and conditions expiring March 21, 2007.

**b) Standard Purchasing Resolution 1: Award to Low Bidder – Liquid Calcium Chloride**

Resolution #2006-03-143-E-4b

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 sole bidder, South Huron Industrial, Inc., of Flat Rock, MI, at an estimated total cost of \$36,575.00, which includes \$500.00 for the "additional insured endorsement" clause, 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 award is **CONTINGENT** upon contractor's submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements.

c) **Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Renewals Over \$10,000 – Renewal of Michigan Municipal League Membership**

Resolution #2006-03-143-E-4c

RESOLVED, That approval is **GRANTED** to pay the 2005/06 Michigan Municipal League membership fee covering the time period of May 1, 2006 through April 30, 2007 in the amount of \$11,438.00.

d) **Standard Purchasing Resolution 8: Best Value Award – Municipal Testing Services for the 2006-2009 Construction Seasons**

Resolution #2006-03-143-E-4d

RESOLVED, That two (2), three-year contracts to provide professional municipal testing services with an option to renew for three (3) additional years are hereby **AWARDED** to the best value proposals submitted by Professional Service Industries, Inc. (PSI), 1000 North Opdyke Road, Suite C, Auburn Hills, MI, and Testing Engineers and Consultants, Inc. (TEC), 1343 Rochester Road, Troy, MI, at unit prices contained in the bid tabulation opened February 22, 2006, with additional services priced as outlined in their respective rate schedules, copies 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 proposal and contract documents, including agreements, insurance certificates and all other specified requirements; and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** those agreements when in acceptable form.

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**E-5 Amendment #1 Sole Source – US Filter HRR Enhancer and Pulsar Plus Briquettes**

Resolution #2006-03-143-E-5

WHEREAS, On May 9, 2005, the Troy City Council awarded a contract to purchase both Pulsar Products and HRR Enhancer from the authorized dealer/distributor in Michigan, B&B Pools and Spas, at dealer prices plus 25% and trade prices respectively for the Community Center Indoor Pool, (Resolution #2005-05-236);

WHEREAS, The City recommends changing to Pulsar as the main sanitation for the Troy Family Aquatic Center due to price increases and potential shortages of liquid chlorine.

NOW, THEREFORE, BE IT RESOLVED, That the contract be **AMENDED** to include the Troy Family Aquatic Center in the purchase of the Pulsar Plus Briquettes at the stated price of dealer prices plus 25%.

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**E-6 Act 51 Mileage Certification for 2005**

Resolution #2006-03-143-E-6

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.

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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-3 City of Troy Proclamations:**

Resolution #2006-03-144

Moved by Lambert

Seconded by Broomfield

RESOLVED, That the following City of Troy Proclamation be **APPROVED** as **AMENDED** by **STRIKING** "living wage" and **INSERTING** "reasonable wage":

**a) Proclamation Supporting Michigan's Quality Home Help Program**

Yes: All-6

No: None

Absent: Stine

**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: Brownfield Redevelopment Authority; Civil Service Commission (Act 78); and Economic Development Corporation b) City Council Appointments: Advisory Committee for Senior Citizens; Board of Zoning Appeals; Charter Revision Committee; Library Advisory Board; and Personnel Board**

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**(a) Mayoral Appointments**

Resolution #2006-03-145  
 Moved by Schilling  
 Seconded by Howrylak

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

**Brownfield Redevelopment Authority**

Appointed by Mayor; Council Approval (7) – 3 Year Terms

Arthur Cotsonika Term Expires 04/30/09

Lon M. Ullmann Term Expires 04/30/09

**Civil Service Commission (Act 78)**

Appointed by Mayor; Council Approval (3) – 6 Year Terms

David C.Cannon Term Expires 04/30/12

**Economic Development Corporation**

Appointed by Mayor; Council Approval (9) 6 Year Terms

Kenneth Bluhm Term Expires 04/30/12

Yes: All-6  
 No: None  
 Absent: Stine

**(b) City Council Appointments**

Resolution #2006-03-146  
 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:

**Advisory Committee for Senior Citizens**

Appointed by Council (9) – 3 Year Terms

Merrill W. Dixon Term Expires 04/30/09

JoAnn Thompson Term Expires 04/30/09

**Board of Zoning Appeals**

Appointed by Council (7) – 3 Year Terms

Michael W. Hutson Term Expires 04/30/09

**Charter Revision Committee**

Appointed by Council (7) – 3 Year Terms

Daniel H. Bliss Term Expires 04/30/09

David Eisenbacher Term Expires 04/30/09

**Library Advisory Board**

Appointed by Council (5) – 3 Year Terms

Kul B. Gauri Term Expires 04/30/09

**Personnel Board**

Appointed by Council (5) – 3 Year Terms

Jayshree (Gita) Shah Term Expires 04/30/09

Yes: All-6  
No: None  
Absent: Stine

**F-2 Bid Waiver – Wireless Data Service – US General Services Administration (GSA)  
Contract GS-35F-0119P**

Resolution #2006-03-147  
Moved by Lambert  
Seconded by Broomfield

WHEREAS, Wireless data services have been tested over the last year and Verizon Wireless has been found to provide data speed and reliability;

WHEREAS, Verizon Wireless has offered GSA contract pricing contained in GSA-FSS Contract GS-35F-0119P.

THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and a contract to purchase wireless data services from Verizon Wireless is hereby **APPROVED** at an estimated annual cost of \$14,400.00.

Yes: All-6  
No: None  
Absent: Stine

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**F-3 Bid Waiver – One-Year Requirements of Asphalt Paving Materials for the Public Works Department**

Resolution #2006-03-148  
Moved by Beltramini  
Seconded by Lambert

WHEREAS, The Public Works Department of the City of Troy routinely performs seasonal street maintenance activities on local and major roads;

WHEREAS, The suppliers of the hot asphalt material for road repairs need to be within close proximity of Troy city limits;

WHEREAS, Only two known suppliers meet the criteria for plant location in order for material to be usable according to Michigan Department of State Highway Standards.

THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and one-year contracts to purchase asphalt paving materials from Ajax Materials Corporation of Rochester Hills as primary supplier of hot asphalt, and Barrett Paving Materials, Inc. of Troy for Item 6.) Tack Coat, at unit prices as detailed in Appendix I are **APPROVED**; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the City is **AUTHORIZED** to use reciprocity between Ajax Materials and Barrett Paving in the event of a plant closing, inability to meet delivery times or to supply material as specified.

Yes: All-6  
No: None  
Absent: Stine

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**F-4 Cancellation of the May 22, 2006 Council Meeting**

Resolution #2006-03-149  
Moved by Beltramini  
Seconded by Howrylak

RESOLVED, That due to the scheduling of additional Council meetings in April and May of 2006 for budget review, the May 22, 2006 Council meeting is hereby **CANCELLED**.

Yes: All-6  
No: None  
Absent: Stine

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:****G-1 Announcement of Public Hearings:**

- a) Rezoning Application – West Side of Dequindre Road, North of Big Beaver and South of Continental, Section 24 – CR-1 to B-1 (Z-712) – March 27, 2006
- b) Zoning Ordinance Text Amendment (ZOTA 221) – Article II, Municipal Civil Infractions – March 27, 2006

Noted and Filed

**G-2 Green Memorandums:**

- a) City Ordinance, Chapter 28 and the Tree Ordinance and Landscape Design and Tree Preservations Standards

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) Retiree Health Care Benefits Plan and Trust/Final – December 14, 2005
- b) Advisory Committee for Persons with Disabilities/Draft – February 1, 2006
- c) Advisory Committee for Persons with Disabilities/Final – February 1, 2006
- d) Building Code Board of Appeals/Final – February 1, 2006
- e) Advisory Committee for Senior Citizens/Final – February 2, 2006
- f) Employees' Retirement System Board of Trustees/Final – February 8, 2006
- g) Library Advisory Board/Draft – February 9, 2006
- h) Civil Service Commission (Act 78)/Final – February 13, 2006
- i) Planning Commission/Final – February 14, 2006
- j) Planning Commission Special/Study/Draft – February 28, 2006
- k) Troy Daze Advisory Committee/Draft – February 28, 2006
- l) Advisory Committee for Senior Citizens/Draft – March 2, 2006
- m) Planning Commission Special/Study/Draft – March 7, 2006
- n) Civil Service Commission (Act 78)/Draft – March 8, 2006
- o) Troy Daze Advisory Committee Special/Draft – March 8, 2006

Noted and Filed

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**J-2 Department Reports:**

- a) Building Department – Permits Issued During the Month of February, 2006
- b) Police Department – 2005 Calls for Service
- c) Purchasing Department – Final Reporting – BidNet On-Line Auction and Mid-Thumb Auctioneering, LLC
- d) City of Troy Monthly Financial Report – February 28, 2006  
Noted and Filed

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**J-3 Letters of Appreciation:**

- a) Letter of Appreciation to Mayor Schilling and City Council from Ruth Johnson, Oakland County Clerk, Regarding the Efforts and Contributions of Tonni Bartholomew
- b) Letter of Thanks to the Troy Police Department from Claudia Pietras In Appreciation of the Assistance Received from Police Service Aide Vaillancourt
- c) Letter of Appreciation to Chief Craft from Bill Brandt Commending Sgt. Bjork, Officer Fitzpatrick and Lynn McDaniels for Their Efforts During the Technical Traffic Crash Investigation Class
- d) Letter of Thanks to John Abraham from Lisa Fontana In Appreciation of His Service to ITE as a Review Panel Member

Noted and Filed

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

- a) A Resolution of the City of Royal Oak Strongly Supporting Full Formula Funding of State Revenue to Local Government

Noted and Filed

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**J-5 Calendar**

Noted and Filed

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**J-6 Correspondence from Lynn Drake-Batts Regarding Zoning Ordinance Text Amendment 214 – Group Child Care Homes**

Noted and Filed

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**J-7 Correspondence from Sharon M. Schafer and David A. Schafer Regarding Zoning Ordinance Text Amendment 214 – Group Child Care Homes**

Noted and Filed

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**J-8 Memorandum from Human Resources Regarding Costing of Tentative Agreement Between Troy Command Officers Association (TCOA) and City of Troy**

Noted and Filed

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**J-9 Memorandum from City Attorney's Office Regarding Papadelis v. City of Troy**

Noted and Filed

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**J-10 Correspondence from Lori Grigg Bluhm, City Attorney, Regarding First Amendment Article for Hot Topics in Municipal Law Practice**

Noted and Filed

**J-11 Survey Results from Parks and Recreation**  
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: No Closed Session Requested**

The meeting **ADJOURNED** on Tuesday, March 21, 2006 at 12:10 A.M.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, City Clerk