

A Regular Meeting of the Troy City Council was held Monday, August 14, 2006, at City Hall, 500 W. Big Beaver Road. Acting Mayor Howrylak called the Meeting to order at 7:36 P.M.

Pastor Richard Peacock of First United Methodist Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

**ROLL CALL:**

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

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**Vote on Resolution to Excuse Mayor Schilling and Council Member Broomfield**

Resolution #2006-08-318  
Moved by Lambert  
Seconded by Stine

RESOLVED, That Mayor Schilling and Council Member Broomfield's absence at the Regular City Council and Study Session meetings of August 14, 2006 is **EXCUSED** due to being out of the county.

Yes: Beltramini, Fleming, Howrylak, Lambert, Stine  
No: None  
Absent: Schilling, Broomfield

**CERTIFICATES OF RECOGNITION:**

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**A-1 Presentation:**

- a) Acting Mayor Howrylak presented a proclamation on behalf of the City of Troy to Pastor Richard Peacock of First United Methodist Church recognizing September 21, 2006 as International Day of Peace.

**CARRYOVER ITEMS:**

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**B-1 No Carryover Items**

**PUBLIC HEARINGS:****C-1 Rezoning Application (File Number Z 716) – Proposed City Initiated Rezoning, South of Big Beaver, West of Coolidge, Section 30 – R-1C to R-1E**

The Acting Mayor opened the Public Hearing for public comment.

The Acting Mayor closed the Public Hearing after receiving no comment from the public.

Resolution #2006-08-319

Moved by Beltramini

Seconded by Stine

RESOLVED, That the R-1C to R-1E rezoning request, located south of Big Beaver, west of Coolidge, part of the north ½ of Section 30, being 49.69 acres in size, is described in the following legal description and illustrated on the attached drawing:

Part of the North ½ of Section 30 described as:

Lots 1 through Lot 116, inclusive, and Lots 120 through Lot 140, inclusive, of "Troyton Manor Subdivision", being part of the Northwest ¼ of Section 30, Town 2 North, Range 11 East, City of Troy, Michigan, as recorded in Liber 73, Pages 23-24, of Oakland County, Michigan records; and

Lots 11 through 31, inclusive, of "John F. Englehardt Subdivision", being part of the Northwest ¼ of Section 30, Town 2 North, Range 11 East, City of Troy, Michigan, as recorded in Liber 76, Page 39, of Oakland County, Michigan records; and

Lots 1 through 3, inclusive, of "Buckingham Woods Subdivision", being part of the Northeast ¼ of Section 30, Town 2 North, Range 11 East, City of Troy, Michigan, as recorded in Liber 117, Pages 3-4, of Oakland County, Michigan records; and

Lots 1 through 36, inclusive, of "Adrienne Manor", being part of the South ½ of the Northeast ¼ of Section 30, Town 2 North, Range 11 East, City of Troy, Michigan, as recorded in Liber 76, Page 3, of Oakland County, Michigan records; and

Part of the Northeast ¼ of Section 30, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as commencing at the East ¼ Corner of said section 30; thence N 01° 13' 30" E, 42.86 ft. and N 88° 44' 30" W, 60.00 ft. to the Point of Beginning; thence continuing N 88° 44' 30" W, 237.00 ft.; thence N 01° 13' 30" E, 150.00 ft.; thence S 88° 44' 30" E, 237.00 ft.; thence S 01° 13' 30" W, 150.00 ft. to the Point of Beginning. Containing 0.816 Acres, more or less.

All containing a total area of approximately 49.69 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: Beltramini, Fleming, Howrylak, Lambert, Stine

No: None  
Absent: Schilling, Broomfield

## POSTPONED ITEMS:

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### D-1 Rezoning Application (File No. Z 704) – Proposed Dunkin Donuts, South Side of Vanderpool, West of Rochester Road and East of Ellenboro, Section 22 – R-1E to B-2 and E-P

The Acting Mayor opened the Public Hearing for public comment.  
The Acting Mayor closed the Public Hearing after receiving comment from the petitioner and the public.

Resolution #2006-08-320  
Moved by Fleming  
Seconded by Beltramini

RESOLVED, That the R-1E to B-2 and E-P rezoning request, located on the south side of Vanderpool, west of Rochester Road and East of Ellenboro, Section 22, part of parcel 88-20-22-426-045, being approximately 0.5 acres in size, is described in the following legal descriptions and illustrated on the attached exhibit drawing:

#### LEGAL DESCRIPTION OF E-P PARCEL (WEST 30 FEET):

T2N, R11E, SE ¼ of Section 22

Part of Lot 41, Supervisors Plat No.17, City of Troy, Oakland County, Michigan.  
More particularly described as commencing at a point distant S 00°00'00" W, 156.78 feet & N 89°49'22" W, 100.00 feet from the northeast corner of Lot 41; thence proceeding N 89°49'22" W, 30.00 feet; thence N 00°00'00" E, 183.02 feet; thence along a curve to the right with an arc length of 30.23 feet, a radius of 143.42 feet, chord bearing and distance of S 83°46'06" E, 30.18 feet; thence S 00°00'00" W, 179.84 feet to the point of beginning. Parcel contains: 0.13 acres more or less.

#### LEGAL DESCRIPTION OF B-2 PARCEL (EXCLUDING WEST 30 FEET):

T2N, R11E, SE ¼ of Section 22

Part of Lot 41, Supervisors Plat No.17, City of Troy, Oakland County, Michigan.  
More particularly described as commencing at the northeast corner of Lot 41 and proceeding S 00°00'00" W, 156.78 feet; thence N 89°49'22" W, 100.00 feet; thence N 00°00'00" E, 179.84 feet; thence along a curve to the right with an arc length of 26.71 feet, a radius of 143.42 feet, chord bearing and distance of S 72°23'36" E, 26.67 feet; thence along a curve to the left with an arc length of 76.63 feet, a radius of 193.42 feet, chord bearing and distance of S 78°24'28" E, 76.13 feet to the point of beginning. Parcel contains: 0.38 acres more or less.

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

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

## MOTION CARRIED

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### D-2 Rezoning Application (File No. Z 180-B) – Proposed Binson’s Home Health Care Center, Northwest Corner of Rochester and Marengo, Section 3 – R-1B to B-1

The Acting Mayor opened the Public Hearing for public comment.

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

#### Pending Resolution

Moved by Stine

Seconded by Beltramini

RESOLVED, That the R-C to O-1 rezoning request, located on the northwest corner of Rochester and Marengo, Section 3, being 39,000 square feet in size, is hereby **DENIED** for the following reasons, as recommended by City Management and the Planning Commission:

1. The application does not comply with the Future Land Use Plan.
2. Making a recommendation that is contrary to the Future Land Use Plan would weaken the validity of the Plan and make it more difficult to defend future zoning decisions.
3. Rezoning this parcel to B-1 would result in the enlargement of an undesirable commercial “spot zone” along an area along the Rochester Road corridor that is planned for medium density use.
4. Approval of the rezoning request could open the door for further commercial rezoning applications along the Rochester Road corridor.

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the Planning Commission to consider amending the Future Land Use Plan in the Rochester Road corridor between Square Lake and South Boulevard before the first City Council meeting scheduled for March 2006.

#### Proposed Resolution to Postpone

Resolution

Moved by Beltramini

Seconded by Stine

RESOLVED, That Troy City Council hereby **POSTPONES** the R-1B to B-1 rezoning request, located on the northwest corner of Rochester and Marengo, Section 3, being 39,000 square feet in size, until the Regular City Council Meeting scheduled for Monday, October 2, 2006 in order to allow time for other zoning options be discussed with the petitioner such as conditional rezoning or a city initiated zoning ordinance text amendment that will permit this type of business at this location.

**Vote on Resolution to Amend Resolution to Postpone**

Resolution #2006-08-321  
Moved by Stine  
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS** the proposed resolution to POSTPONE the R-C to O-1 rezoning request, located on the northwest corner of Rochester and Marengo, Section 3, being 39,000 square feet in size, by **STRIKING** "October 2" and **INSERTING** "October 16."

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

**MOTION CARRIED****Vote on Resolution to Postpone as Amended**

Resolution #2006-08-322  
Moved by Beltramini  
Seconded by Stine

RESOLVED, That Troy City Council hereby **POSTPONES** the R-1B to B-1 rezoning request, located on the northwest corner of Rochester and Marengo, Section 3, being 39,000 square feet in size, until the Regular City Council Meeting scheduled for Monday, October 16, 2006 in order to allow time for other zoning options be discussed with the petitioner such as conditional rezoning or a city initiated zoning ordinance text amendment that will permit this type of business at this location.

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

**MOTION CARRIED**

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**D-3 Rezoning Application (File No. Z 717) – Proposed Medical/General Office Building, Northwest Corner of Lovell and Rochester Road, Section 3 – R-1C to O-1**

Pending Resolution  
Moved by Fleming  
Seconded by Broomfield

RESOLVED, That the R-1C to O-1 rezoning request, located on the northwest corner of Lovell and Rochester, in Section 3, part of parcel 88-20-03-226-104, being 0.994 acres in size, is described in the following legal description and illustrated on the attached Certificate of Survey drawing:

T2N, R11E, NE ¼ of the NE ¼ of Section 3

Commencing at the East ¼ Corner of said Section 3; thence N 01°46'00" W (Recorded as N 01°21'08" W) along the east line of Section 3, 1831.21 ft. and S 88°38'24" W, 80.00 ft. to the Point of Beginning being at the intersection of the west line of Rochester Rd. (M-150) and the north line of Lovell Ave.; thence continuing S 88°38'24" W, along the north line of Lovell Ave., 221.00 ft.; thence N 01°46'00" W, 195.90 ft.; thence N 88°38'24" E (Recorded as N 89°03'37" E), 221.00 ft. to the west line of Rochester Rd.; thence S 01°46'00" E along said west line, 195.90 ft. to the Point of Beginning. Containing 0.994 ac., more or less, and subject to easements and restrictions of record; and

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

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

Resolution #2006-08-323

Moved by Beltramini

Seconded by Stine

RESOLVED, That Troy City Council hereby **POSTPONES** the R-1C to O-1 rezoning request, located on the northwest corner of Lovell and Rochester, in Section 3, part of parcel 88-20-03-226-104, being 0.994 acres in size, until the Regular City Council meeting scheduled for Monday, August 28, 2006.

Yes: All-5

No: None

Absent: Schilling, Broomfield

### **CONSENT AGENDA:**

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

Resolution #2006-08-324

Moved by Beltramini

Seconded by Lambert

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-11 and E-13, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-5

No: None

Absent: Schilling, Broomfield

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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 #2006-08-324-E-2

RESOLVED, That the Minutes of the 6:00 PM Special City Council Meeting and the 7:30 PM Regular City Council Meeting of July 24, 2006 be **APPROVED** as submitted.

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

Resolution #2006-08-324-E-3

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

a) **International Day of Peace – September 21, 2006**

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**E-4 Standard Purchasing Resolutions**

a) **Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Community Coalition**

Resolution #2006-08-324-E-4a

RESOLVED, That approval to expend funds budgeted in the 2006/2007 fiscal year to the Troy Community Coalition to provide community services to prevent drug and alcohol abuse in the amount of \$100,000.00 is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-5 Winter Maintenance Agreement – Road Commission for Oakland County**

Resolution #2006-08-324-E-5

RESOLVED, That the Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy for snow and ice control of certain primary and local roads, which are described and outlined in Exhibit A, is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the necessary documents, a copy of this agreement, which is authorized by the provisions of 1951 PA 51 (MCL 247.651 et seq.), shall be **ATTACHED** to the original Minutes of this meeting.

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**E-6 Acceptance of a Permanent Easement for Watermain from Suburban Maplelawn 5, LLC – Sidwell #88-20-29-401-013**

Resolution #2006-08-324-E-6

RESOLVED, That the permanent easement for watermain received from Suburban Maplelawn 5, LLC, owner of property having Sidwell #88-20-29-401-013, is hereby **ACCEPTED**; and BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said document with Oakland County Register of Deeds, a copy of said document shall be **ATTACHED** to the original Minutes of this meeting.

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**E-7 Acceptance of Warranty Deed for Detention Basin from Harmony Developers, LLC for West Oak Subdivision No. 1 and 2 – Sidwell #88-20-23-409-008**

Resolution #2006-08-324-E-7

RESOLVED, That the warranty deed for a detention basin from Harmony Developers, LLC, owner of property having Sidwell #88-20-23-409-008, is hereby **ACCEPTED**; and

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

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**E-8 Acceptance of Permanent Easement for Watermain and Abandonment of Part of Original Watermain Easement from St. George Syrian Orthodox Church of Detroit – Sidwell #88-20-36-100-067, Project No. 03.919.3**

Resolution #2006-08-324-E-8

RESOLVED, That the permanent easement for watermain from St. George Syrian Orthodox Church of Detroit, owner of property having Sidwell #88-20-36-100-067, is hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO SIGN** a quit claim deed to complete the abandonment of that part of the original watermain easement that is no longer needed; and

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

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**E-9 Acceptance of Warranty Deed for Sapphire Estates Subdivision Detention Basin – Section 21, Sidwell #88-20-21-104-001**

Resolution #2006-08-324-E-9

RESOLVED, That the warranty deed received from Bhudia G. Patel and Veena G. Patel, owners of a parcel having Sidwell #88-20-21-104-001, is hereby **ACCEPTED** for a detention basin for Sapphire Estates Subdivision; and

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

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**E-10 Private Agreement for Hyundai and Infiniti – Project No. 05.936.3**

Resolution #2006-08-324-E-10

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Suburban Mapelawn, LLC, is hereby **APPROVED** for the installation of water main and paving 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.

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#### **E-12 Relocation and Renovation of the Engineering Field Office**

Resolution #2006-08-324-E-12

RESOLVED, That City staff is **AUTHORIZED** to relocate and renovate office space for the Field Engineering Department, as outlined in Detailed Cost Estimates listed in Appendix A, for an estimated total cost of \$27,060.80 using in-house personnel, approved contracts, and standard purchasing procedures; and

BE IT FUTHER RESOLVED, That the 2006-07 Capital Budget be **AMENDED** to transfer the funds from the sale of the remnant parcel adjacent to the Rochester Road property to the Capital Budget to cover this expenditure.

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#### **E-14 Application for Transfer of Class C License for Troy Party Store**

##### **(a) New License**

Resolution #2006-08-324-E-14a

RESOLVED, That the request from Czaryd Enterprises, Inc., to transfer all stock in 2005 SDD and SDM licensed corporation by dropping John Czarnota as stockholder through transfer of 1,000 shares of stock to existing stockholder, Stanley Rydzewski, sometime in 1986; and wherein sole stockholder, Stanley Rydzewski, transfers 2,000 shares of stock to new stockholder, Daniel Rydzewski, located at 6990 John R, Troy, MI 48085, Oakland, be **CONSIDERED** for **APPROVAL**; and

BE IT FURTHER RESOLVED, That it is the consensus of this legislative body that the application **BE RECOMMENDED** for issuance.

##### **(b) Agreement**

Resolution #2006-08-324-E-14b

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;

THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Czaryd Enterprises, Inc., to transfer all stock in 2005 SDD and SDM licensed corporation by dropping John Czarnota as stockholder through transfer of 1,000 shares of stock to existing stockholder, Stanley Rydzewski, sometime in 1986; and wherein sole stockholder, Stanley Rydzewski, transfers 2,000 shares of stock to new stockholder, Daniel Rydzewski, located at 6990 John R, Troy, MI 48085, Oakland County, and the Mayor

and City Clerk are hereby **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-15 Sole Source – Lifeguard and CPR Supplies for the Troy Family Aquatic Center and Troy Community Center**

Resolution #2006-08-324-E-15

WHEREAS, The American Red Cross is the sole known provider of Red Cross training supplies in Michigan; and

WHEREAS, The American Red Cross has been providing training supplies for lifeguard and CPR programs and classes at the Troy Family Aquatic Center and Troy Community Center for the past two years;

THEREFORE, BE IT RESOLVED, That a contract to purchase American Red Cross training supplies for the Troy Family Aquatic Center and Troy Community Center from the sole known provider in Michigan, the American Red Cross, is hereby **APPROVED** at an estimated total cost of \$25,000.00, expiring December 31, 2007.

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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-11 Private Agreement for Briggs Park Condominiums – Project No. 05.949.3**

Removed at the request of City Council.

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**E-13 Amendment #1 – Troy Daze Amusement Rides Contract**

Resolution #2006-08-325

Moved by Stine

Seconded by Beltramini

WHEREAS, On February 21, 2005, Troy City Council approved a three (3) year contract to provide amusement rides for the Troy Daze/Magic of Fall Festival to the sole bidder, Arnold Amusements, Inc., of Traverse City, MI, at a 40% rate of return of gross ride receipts and in accordance with their bid proposal opened February 2, 2005 (Resolution #2005-02-083-E6);

WHEREAS, Arnold Amusements has requested to make changes to their proposal due to the new festival schedule, as follows;

- Change the ride wristband prices from \$18 to \$20,
- Change the times wristbands are available on Sunday to 12 – 5 pm. Sunday’s time had been 5 – 8 pm,
- Change the Thursday special from 10 rides for \$10 to 1 less ticket per ride,
- Eliminate the free Senior Sensation rides on Friday morning; and

WHEREAS, The Troy Daze Festival Committee has reviewed the changes and endorses them, and in addition requests to have a dunk tank as a fundraiser for the Police Honor Guard;

THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **APPROVES** the recommended changes to the contract for Arnold Amusements, Inc., as well as allowing a dunk tank for the Police Honor Guard as a fundraising activity.

Yes: All-5

No: None

Absent: Schilling, Broomfield

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

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

The meeting **RECONVENED** at 9:33 P.M.

**REGULAR BUSINESS:**

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**F-7 Amendatory Cost Participation Agreement for the Long Lake/Livernois/Crooks Concrete Pavement Replacement Project No. 05.106.5**

Resolution #2006-08-326

Moved by Stine

Seconded by Beltramini

RESOLVED, That the Amendatory Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County for the Long Lake and Livernois Concrete Pavement Replacement Project, Project No. 05.106.5, at a cost to the City of Troy not to exceed \$772,916.00 is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-5

No: None

Absent: Schilling, Broomfield

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**F-1 Appointments to Boards and Committees: City Council Appointments: Historical Commission; Library Advisory Board; Parks & Recreation Board; and Traffic Committee**

**(b) City Council Appointments**

Resolution #2006-08-327  
Moved by Lambert  
Seconded by Beltramini

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

**Historical Commission**

Appointed by Council (7) – 3 Year Terms

Case Ives Term Expires 07/01/07 **(Student)**

Hanlu (Janice) Chen Term Expires 07/01/07 **(Student)**

**Library Advisory Board**

Appointed by Council (5) – 3 Year Terms

Arthi Krishna Term Expires 07/01/07 **(Student)**

**Traffic Committee**

Appointed by Council (7) – 3 Year Terms

Ted Hwang Term Expires 07/01/07 **(Student)**

Yes: All-5  
No: None  
Absent: Schilling, Broomfield

**(b) City Council Appointments - Con't**

Resolution #2006-08-328  
Moved by Beltramini  
Seconded by Stine

**Parks & Recreation Board**

Appointed by Council (10) – 3 Year Terms

Gary Hauff Troy School District Rep Term Expires 07/01/07

Yes: All-5  
No: None  
Absent: Schilling, Broomfield

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**F-2 Designation of Voting Delegates at the Annual Meeting of the Michigan Municipal League**

Resolution #2006-08-329  
Moved by Stine  
Seconded by Fleming

RESOLVED, That Council Member Robin Beltramini is hereby **DESIGNATED** as the Voting Delegate to cast the vote of the City of Troy at the Annual Meeting of the Michigan Municipal League to be held September 27 through September 29, 2006 in Marquette, Michigan.

Yes: All-5  
No: None  
Absent: Schilling, Broomfield

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**F-3 Bid Waiver – Purchase of Eight Ellipticals for Troy Community Center**

Resolution #2006-08-330  
Moved by Stine  
Seconded by Lambert

WHEREAS, On October 18, 2004, a contract to purchase and install ten (10) ellipticals at the Troy Community Center was awarded to All Pro Exercise, Inc. of Farmington Hills, MI, the only authorized Precor dealer in Michigan (Resolution #2004-10-555);

WHEREAS, All Pro Exercise, Inc. has agreed to provide eight (8) additional Precor ellipticals at an average price of \$3,872.00 with three-year service agreements of \$175.00 each, and allow \$800.00 for each trade-in, which is less than the originally quoted prices of \$3,895.00 and \$335.00 respectively; and

WHEREAS, All Pro Exercise, Inc. is the only authorized Precor dealer in the State of Michigan; THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and a contract to purchase eight (8) Precor ellipticals less eight (8) trade-ins is hereby **APPROVED** to All Pro Exercise, Inc. of Farmington Hills, MI for an estimated net total cost of \$26,965.00, which includes delivery, set-up, and three-year maintenance agreements for parts and labor.

Yes: All-5  
No: None  
Absent: Schilling, Broomfield

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**F-4 Approval of MDOT Contract No. 06-5352 for CMAQ Projects – Coolidge at Wattles (Project No. 00.109.5), Square Lake at John R (Project No. 99.205.5), and Square Lake at Dequindre (Project No. 99.206.5)**

Resolution #2006-08-331  
Moved by Beltramini  
Seconded by Lambert

RESOLVED, That MDOT Contract No. 06-5352 between the City of Troy and the Michigan Department of Transportation for the CMAQ Projects at Wattles at Coolidge; Square Lake at John R; and Square Lake at Dequindre, Project No. 00.109.5, 99.205.5, 99.206.5 is hereby **APPROVED** at an estimated cost to the City of Troy not to exceed \$588,500.00, 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

Yes: All-5  
No: None  
Absent: Schilling, Broomfield

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## F-5 City of Troy Master Plan

Resolution #2006-08-332

Moved by Beltramini

Seconded by Stine

WHEREAS, The responsibility of cities and villages to adopt and update a master plan is outlined in the Municipal Planning Act, PA 285 of 1931, as amended;

WHEREAS, The Municipal Planning Act requires that at least 5 years after the adoption of a plan, a municipality shall review the plan and determine whether to commence the procedure or adopt a new plan;

WHEREAS, The Future Land Use Plan was last amended on January 8, 2002. The determination of whether to update the plan or adopt a new plan must be made prior to January 8, 2007;

WHEREAS, The City of Troy Planning Commission passed Resolution # PC-2005-05-091 on May 24, 2005, which found that the Future Land Use Plan is deficient and in need of a comprehensive update, and recommended that the City begin the process of preparing the City of Troy Master Plan;

WHEREAS, On April 18, 2005, the City of Troy entered into an Agreement for Consulting Services with Carlisle/Wortman, Inc. and under this contract, Carlisle/Wortman, Inc. provides Planning Consultation, including special projects such as master plan preparation;

WHEREAS, City Management negotiated a proposal to provide professional services for master plan preparation within the terms of the April 18, 2005 Agreement for Consulting Services with Carlisle/Wortman Associates, Inc.;

WHEREAS, City Management recommends approval of the Proposal to Provide Professional Services, Master Plan Preparation, Revised June, 2006; and

WHEREAS, On June 27, 2006, the Planning Commission recommended that the City utilize the services of Carlisle/Wortman Associates, Inc. to assist the City in preparation of the City of Troy Master Plan, as per the Proposal to Provide Professional Services, Master Plan Preparation revised June 2006;

THEREFORE, BE IT RESOLVED, That the City Council hereby **APPROVES** the Proposal to Provide Professional Services, Master Plan Preparation, as prepared by Carlisle/Wortman Associates, Inc., revised June, 2006, and **AUTHORIZES** commencement of the master plan preparation process.

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

**MOTION CARRIED**

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**F-6 Schedule a Special Meeting to Discuss the Big Beaver Corridor Study**

Removed from the agenda; to be added as a Study Item following the Regular City Council meeting scheduled for Monday, August 28, 2006.

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**F-8 Traffic Committee Recommendations – July 19, 2006**

Resolution #2006-08-333  
Moved by Beltramini  
Seconded by Lambert

**(a) No Changes on East Lovell at Westaway**

RESOLVED, That there be **NO CHANGES** on East Lovell at Westaway.

**(b) No Changes on Songbird at Meadowlark**

RESOLVED, That there be **NO CHANGES** on Songbird at Meadowlark.

Yes: All-5  
No: None  
Absent: Schilling, Broomfield

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**F-9 Sale of Rochester Road Remnant Parcel #88-20-22-426-057, Section 22, All of Lot 42 and Part of Lots 43, and 45 of Supervisors Plat #17**

Resolution #2006-08-334  
Moved by Stine  
Seconded by Fleming

WHEREAS, The City Council may from time to time determine that the sale of certain parcels will best serve the public interest; and

WHEREAS, The City Council may determine the public interest will best be served without obtaining sealed bids for the sale of a remnant parcel;

THEREFORE, BE IT RESOLVED, That the Troy City Council **FINDS** that the public interest will best be served without obtaining a sealed bid in accordance with Resolution 85-254 Policy

Governing Disposal (Sales) of Excess City owned property and **APPROVE** the sale of the remnant parcel having Sidwell #88-20-22-426-057, described in Attachment "A" attached hereto, to Troy-Rochester Properties L.L.C. for \$200,000.00, the appraised value as outlined in the Offer to Purchase, with conditions, plus closing costs; and

BE IT FURTHER RESOLVED, That closing **WILL TAKE PLACE** when all conditions have been met and that the deed restriction will be a part of that

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Agreement to Purchase and the Warranty Deed, on behalf of the City; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents, including all attachments, at the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to and made a part of the original Minutes of this meeting.

Yes: Beltramini, Fleming, Lambert, Stine

No: Howrylak

Absent: Schilling, Broomfield

#### **MOTION CARRIED**

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#### **F-10 Rescind Bid Award/Re-award Contract – Hauling and Disposal of Dirt and Debris**

Resolution #2006-08-335

Moved by Lambert

Seconded by Stine

WHEREAS, on March 27, 2006, a one-year contract with an option to renew for one additional year to provide hauling and disposal of dirt and debris (Items B and C) was awarded to the low bidder, Enviro-Vac Services, Inc. of Troy, MI (Resolution # 2006-03-153-E-4a); and

WHEREAS, Enviro-Vac Services, Inc. has defaulted on the contract due to their unwillingness to obtain the required insurance;

THEREFORE, BE IT RESOLVED, That the contract to haul and dispose of dirt and debris for (Items B and C) be **RESCINDED** with prejudice from Enviro-Vac Services, Inc., and **RE-AWARDED** to the next lowest acceptable bidder, Luke's Trucking and Excavating LLC of Holly, MI (Items B and C) at unit prices contained in the bid tabulation opened February 28, 2006, with the contract expiring March 27, 2007; and

THEREFORE, BE IT FINALLY RESOLVED, That if the price of on-road diesel fuel exceeds \$3.00/gallon during the contract term, the City is **AUTHORIZED** to pay a \$.25/ton fuel surcharge, and up to a \$.50/ton surcharge if prices exceed \$3.50/gallon, to Luke's Trucking and Excavating LLC for hauling broken asphalt and fill dirt.

Yes: All-5

No: None

Absent: Schilling, Broomfield

**F-11 Bid Waiver- Troy Daze Large Tents**

Resolution #2006-08-336

Moved by Beltramini

Seconded by Fleming

WHEREAS, The Troy Daze Festival requires tents to house various community, cultural, and entertainment activities for their annual event;

WHEREAS, No companies submitted a bid during the formal bid process on the two large tents; and

WHEREAS, Staff has been able to locate a company, Dial Tent and Awning, of Saginaw, MI who does have the sizes of the two large tents and can make them available for the event;

THEREFORE, BE IT RESOLVED, That formal bid procedures are hereby **WAIVED** and a contract is **APPROVED** to rent two large tents from Dial Tent and Awning, of Saginaw, MI for the estimated total cost of \$11,176.00.

Yes: All-5

No: None

Absent: Schilling, Broomfield

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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

- a) Rezoning Application (File Number: Z 632-B) – Proposed Grand Troy Villas, West Side of Rochester Road, North of Wattles Road, Section 15 – CR-1 to R-1T – September 11, 2006
- b) Proposed Amendment to Planned Unit Development – Woodside Bible Church/ Northwyck Condominium Planned Unit Development (PUD 1), Located on the East Side of Rochester Road, North of Square Lake Road and South of South Boulevard, Section 2 – September 11, 2006
- c) Parking Variance Request – 35 W. Square Lake Road – September 11, 2006  
Noted and Filed

**G-2 Green Memorandums: No Memorandums Submitted**

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

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**H-1 No Council Referrals Advanced**

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**COUNCIL COMMENTS:**

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**I-1 No Council Comments Advanced**

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**REPORTS:**

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

- a) Brownfield Redevelopment Authority/Final – April 18, 2006
- b) Library Advisory Board/Final – May 11, 2006
- c) Advisory Committee for Persons with Disabilities/Draft – June 7, 2006
- d) Advisory Committee for Persons with Disabilities/Final – June 7, 2006
- e) Board of Zoning Appeals/Final – June 20, 2006
- f) Downtown Development Authority/Final – June 21, 2006
- g) Traffic Committee/Final – June 21, 2006
- h) Planning Commission Special/Study/Draft – June 27, 2006
- i) Planning Commission Special/Study/Final – June 27, 2006
- j) Planning Commission/Draft – July 11, 2006
- k) Planning Commission/Final – July 11, 2006
- l) Board of Zoning Appeals/Draft – July 18, 2006
- m) Downtown Development Authority/Final – July 19, 2006
- n) Troy Daze Advisory Committee/Draft – July 24, 2006
- o) Planning Commission Special/Study/Draft – July 25, 2006
- p) Planning Commission Special/Study/Final – July 25, 2006
- q) Building Code Board of Appeals/Draft- August 2, 2006

Noted and Filed

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**J-2 Department Reports:**

- a) Council Member Robin Beltramini's Travel Expense Report – MML Board of Trustees Meeting
- b) Building Department – Permits Issued During the Month of July, 2006

Noted and Filed

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**J-3 Letters of Appreciation:**

- a) Letter of Thanks to Tonni Bartholomew from Mark Weigand Regarding the Election Sensitivity Training
- b) Letter of Thanks to Tonni Bartholomew from Julie O'Donovan in Appreciation of the Election Sensitivity Training
- c) Letter of Appreciation to Carol Anderson and Staff from Vicki Richardson Regarding the Outstanding Efforts during the Family Festival
- d) Letter of Appreciation to the Aquatic Center from Melissa Watkins Regarding the Dedicated, Helpful and Cautious Lifeguards
- e) Letter of Appreciation to Ann Blizzard from Diana Rae Regarding the Professionalism of the Lifeguards at the Aquatic Center
- f) Letter of Thanks to Chief Craft from Cindy Eisenbraun in Appreciation of the Kindness of Officer Dungjen
- g) Letter of Appreciation to Tonni Bartholomew from Susan Werpetsinski Commending the Clerk's Office for the Efforts in Implementing the Help American Vote Act
- h) Letter of Thanks to Phillip Nelson from Ping Wang Regarding the Efforts and Thoughtfulness of Lance Oakley

Noted and Filed

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

Noted and Filed

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- J-5 **Calendar**  
Noted and Filed
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- J-6 **Communication from Rehmann Robson Regarding the Financial Audit Services for the Year Ended June 30, 2006**  
Noted and Filed
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- J-7 **Communication from Michigan Municipal League Regarding the Workers' Compensation Fund Loss Control Award**  
Noted and Filed
- 
- J-8 **Communication from City Attorney's Office Regarding the Hooters Lawsuit**  
Noted and Filed
- 
- J-9 **Report of the Twenty-Sixth Annual Actuarial Valuation of the City of Troy Incentive Plan for Volunteer Firefighters – December 31, 2005 – Available for Viewing at the City Clerk's Office and the Troy Public Library**  
Noted and Filed
- 
- J-10 **Report of the Forty-Second Annual Actuarial Valuation of the City of Troy Employees Retirement System – December 31, 2005 – Available for Viewing at the City Clerk's Office and the Troy Public Library**  
Noted and Filed
- 
- J-11 **Communication from Director of Building and Zoning Mark Stimac Regarding the Results of Blight Strategies Survey and Suggested Action Plan**  
Noted and Filed
- 
- J-12 **Communication from Public Works Director Timothy Richnak Regarding 2307 Rochester Court Sewer Backup**  
Noted and Filed
- 
- J-13 **Communication from City Attorney's Office Regarding Appeal of Hooters Lawsuit**  
Noted and Filed
- 
- J-14 **Communication from Public Works Director Timothy Richnak Regarding Mowing of Ditches on County Roads**  
Noted and Filed

The meeting **RECESSED** at 10:22 P.M.

**STUDY ITEMS:**

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- K-1 **Disposal/Sale of Excess Property**  
Noted and Filed

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

**CLOSED SESSION:**

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**L-1 Closed Session: No Closed Session Requested**

The meeting **RECONVENED** at 11:07 P.M.

The meeting **ADJOURNED** at 11:08 P.M.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk