

A Regular Meeting of the Troy City Council was held Monday, August 28, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:34 P.M.

Father Ron Jozwiak – St. Elizabeth Ann Seton 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 (Absent)
David A. Lambert
Jeanne M. Stine

Vote on Resolution to Excuse Council Member Howrylak

Resolution #2006-08-337
Moved by Beltramini
Seconded by Lambert

RESOLVED, That Council Member Howrylak's absence at the Regular City Council and Closed Session meetings of August 28, 2006 is **EXCUSED** due to being out of the county.

Yes: All-6
No: None
Absent: Howrylak

CERTIFICATES OF RECOGNITION:

A-1 Presentations on the Big Beaver Corridor Study: a) Birchler Arroyo Associates, Inc.; b) City Manager Phil Nelson

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business, Article 5 A.

Resolution #2006-08-338
Moved by Stine
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business, Article 5-A. Certificates of Recognition and **AUTHORIZES** City Council to receive a presentation from Birchler Arroyo Associates, Inc., and to discuss and take action on the Big Beaver Corridor Study.

Yes: All-6
No: None
Absent: Howrylak

Vote on Approval of Big Beaver Corridor Study

Resolution #2006-08-339
Moved by Beltramini
Seconded by Stine

WHEREAS, The Downtown Development Authority (DDA) has commissioned a complete study focused on the continued vitality of the Big Beaver corridor as a regional economic destination point and a world class boulevard;

WHEREAS, The City of Troy has a vested interest in continued development and increasing the quality of life and other opportunities for our community; and

WHEREAS, The City Council wishes to continue to determine the potential impact of the proposed Big Beaver development on the community and its investors;

NOW, THEREFORE, BE IT RESOLVED, That the key concepts included in the plan are hereby adopted by the City Council; and

THEREFORE, BE IT FURTHER RESOLVED, That staff be **DIRECTED** to complete a short-term Financial Plan complete with 5 to 6 year Capital Improvements Plan; **RECOMMEND** criteria to show who would pay for recommended plan features; **INVESTIGATE** any and all grant possibilities as well as potential financial partnerships; **INVESTIGATE** staffing or personnel needs including the City Attorney's Office and to formulate ideas and solutions for meeting possible extra time and other resource demands made on staff in the coming years; and

THEREFORE, BE IT FURTHER RESOLVED, That in concert with the Troy City Council, the Troy Planning Commission and City staff that the Troy Downtown Development Authority be **DESIGNATED** as the lead agency in the development and implementation of the principles and elements of the Big Beaver Corridor Study.

Yes: All-6
No: None
Absent: Howrylak

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 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

Resolution #2006-08-340
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.

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

MOTION CARRIED**CONSENT AGENDA:**

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

Resolution #2006-08-341
Moved by Lambert
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-4a and E-13, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-6
No: None
Absent: Howrylak

E-2 Approval of City Council Minutes

Resolution #2006-08-341-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of August 14, 2006 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamation(s): None Submitted

E-4 Standard Purchasing Resolutions**b) Standard Purchasing Resolution 11: Rejection of Bids – Food Services**

Resolution #2006-08-341-E-4b

RESOLVED, That the proposal received to provide five (5) year requirements of food service at the Community Center and Sanctuary Lake Golf Course with an option to renew for five (5) additional years which opened August 14, 2006, is hereby **REJECTED**, and the contract will be re-bid under revised specifications.

c) Standard Purchasing Resolution 1: Award to Low Bidder – Annual Flowers and Bedding Plants

Resolution #2006-08-341-E-4c

RESOLVED, That a contract to provide seasonal requirements of annual flowers and bedding plants for 2007 is hereby **AWARDED** to the low bidder, Dinser's Greenhouse, Inc. of Novi, MI, at unit prices contained in the bid tabulation opened August 15, 2006, for an estimated total cost of \$9,360.00; and

BE IT FURTHER RESOLVED, If additional annuals or bedding plants are required, such additional materials are **AUTHORIZED** in an amount not to exceed 20% of the estimated total cost or \$1,872.00.

d) Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for City Council Members' Travel Expenses – National League of Cities (NLC) 83rd Congress of Cities & Exposition

Resolution #2006-08-341-E-4d

RESOLVED, That those Council members interested are **AUTHORIZED** to attend the National League of Cities (NLC) 83rd Congress of Cities & Exposition in Reno, Nevada, December 5 - 9, 2006 in accordance with accounting procedures of the City of Troy.

e) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for City Council Members' Travel Expenses – National League of Cities (NLC) Finance, Administration and Intergovernmental Relations (FAIR) Fall Steering Committee Meeting**

Resolution #2006-08-341-E-4e

RESOLVED, That Council Member Robin Beltramini is **AUTHORIZED** to attend the National League of Cities (NLC) Finance, Administration and Intergovernmental Relations (FAIR) Fall Steering Committee Meeting in San Antonio, Texas from October 12 - 14, 2006 in accordance with accounting procedures of the City of Troy.

E-5 City Manager Recruitment – Final Invoice Approval – The Mercer Group

Resolution #2006-08-341-E-5

WHEREAS, On January 23, 2006 City Council approved an amount not-to-exceed \$20,000.00 to The Mercer Group for executive recruitment services (Resolution #2006-01-030); and

WHEREAS, The final notification of interview dates created short notice for the consultants to purchase airline tickets and resulted in a 50% increase in airfare costs;

THEREFORE, BE IT RESOLVED, That a total of \$20,150.27 be **APPROVED** as final total payment to the Mercer Group.

E-6 Private Agreement for Kona Grill – Project No. 06.912.3

Resolution #2006-08-341-E-6

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Kona Grill, is hereby **APPROVED** for the installation of water main 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-7 Private Agreement for Walsh College – Project No. 06.910.3

Resolution #2006-08-341-E-7

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Walsh College, is hereby **APPROVED** for the installation of a public water main, storm sewer, detention 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.

E-8 Approval of Subcontract with Testing Engineers & Consultants, Inc. for Testing Services Provided for the Widening of Big Beaver from Rochester to Dequindre – Contract No. 05-4

Resolution #2006-08-341-E-8

RESOLVED, That Subcontract No. 05-5169/S1, between the City of Troy and Testing Engineers & Consultants, Inc. for testing services provided for the widening of Big Beaver from Rochester to Dequindre is hereby **APPROVED** at a cost to the City of Troy not to exceed \$31,961.34, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the subcontract, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

E-9 Approval to Waive Parking Restrictions – Congregation Shir Tikvah

Resolution #2006-08-341-E-9

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** the No Parking restrictions on the east side of Northfield Parkway from the parking lot entrance to Congregation Shir Tikvah to the entrance to Boulan Park, on September 22, 2006, 7:00 pm – 11:00 pm; September 23, 2006, 9:00 am – 5:00 pm; October 1, 2006, 7:00 pm – 11:00 pm; and October 2, 2006, 9:00 am – 9:00 pm.

E-10 Private Agreement for Carlton Villas Condominiums – Project No. 05.910.3

Resolution #2006-08-341-E-10

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Chary, LLC, 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-11 Private Agreement for Behr America – Project No. 06.916.3

Resolution #2006-08-341-E-11

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Behr America, is hereby **APPROVED** for the installation of a public water main, 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-12 Approval of Contract No. 06-5417 with MDOT for Right-of-Way Acquisition for the Reconstruction and Widening of Wattles Road, 1,000 Feet East and West of Rochester Road – Project No. 1.106.5

Resolution #2006-08-341-E-12

RESOLVED, That Contract No. 06-5417 between the City of Troy and the Michigan Department of Transportation for right-of-way acquisition for Wattles Road, 1,000 feet east and west of Rochester Road, Project No. 01.106.5, is hereby **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-14 Fifth Amendment to Consent Judgment – K-Mart/Sheffield

Resolution #2006-08-341-E-14

BE IT RESOLVED, That the Fifth Order Amending Consent Judgment, as well as the revised site plan that is incorporated in the matter of Diamond Troy JV, LLC, GM Equities LLC, Kmart Corporation and Sheffield Office II, LLC v City of Troy is hereby **APPROVED** by the City of Troy, 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.

E-15 Approval of MDOT Intermodal Passenger Station Capital Contract No. 2006-0537

Resolution #2006-08-341-E-15

RESOLVED, That MDOT Contract No. 2006-0537 between the City of Troy and the Michigan Department of Transportation, for the planning and design of an intermodal transportation facility in the City of Troy, with participation from the MDOT in the amount of \$350,000.00, is hereby **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-16 Approval of Contract No. 06-5418 with MDOT for Right-of-Way Acquisition for the Reconstruction and Widening of Rochester Road, Torpey to Barclay – Project No. 99.203.5

Resolution #2006-08-341-E-16

RESOLVED, That Contract No. 06-5418 between the City of Troy and the Michigan Department of Transportation for right-of-way acquisition for Rochester Road, Torpey to Barclay, Project No. 99.203.5, is hereby **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-1b Address of “E” Items Removed for Discussion by City Council and/or the Public

E-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Youth Assistance**

Resolution #2006-08-342

Moved by Beltramini

Seconded by Broomfield

RESOLVED, That approval to expend funds budgeted in the 2006/2007 fiscal year to the Troy Youth Assistance to provide diversion programs and community services to the residents of the City of Troy at a cost of \$35,000.00, paid in quarterly installments is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreements to fund these services, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6
 No: None
 Absent: Howrylak

E-13 Private Agreement for Briggs Park Condominiums – Project No. 05.949.3

Resolution #2006-08-343
 Moved by Fleming
 Seconded by Stine

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and APR Development LLC, is hereby **APPROVED** for the installation of public and private roads pursuant to Chapter 39 of the City Code, Section 12.50.04, water main, sanitary sewer, storm sewer, detention, sidewalks, soil erosion and landscaping 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.

Yes: All-6
 No: None
 Absent: Howrylak

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: Downtown Development Authority and b) City Council Appointments: Advisory Committee for Senior Citizens

(a) Mayoral Appointments

Resolution #2006-08-344
 Moved by Schilling
 Seconded by Stine

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

Downtown Development Authority

Appointed by Mayor (13) – 4 Year Terms

Douglas J. Schroeder Term Expires 09/30/2010

William Kennis Term Expires 09/30/2010

Ernest C. Reschke Term Expires 09/30/2010

Yes: All-6
No: None
Absent: Howrylak

(b) City Council Appointments

Resolution #2006-08-345
Moved by Broomfield
Seconded by Fleming

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

Mary Sarossy Term Expires 04/30/09

Yes: All-6
No: None
Absent: Howrylak

F-2 Bid Waiver – HVAC Rooftop Replacements – Troy Public Library

Resolution #2006-08-346
Moved by Stine
Seconded by Lambert

WHEREAS, MCMI of Sterling Heights is an authorized, licensed installer in Michigan of the Andover Building Automation System; and

WHEREAS, The City of Troy is a direct distributor of Lennox equipment and purchases directly from the manufacturer, Lennox Industries of Troy, MI; and

WHEREAS, The City has standardized on Lennox rooftop units for its HVAC systems and the Andover system to control them;

THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and the City of Troy is **AUTHORIZED** to enter into contracts with Lennox Industries and MCMI to provide three (3) computer controlled rooftop heating and air conditioning units at the Troy

Public Library for an estimated total project cost of \$88,000.00, as outlined in Detailed Cost Estimates, Appendix A; and

THEREFORE, BE IT FINALLY RESOLVED, That the award is **CONTINGENT** upon contractor(s) submission of properly executed insurance certificate(s) and all other specified requirements.

Yes: All-6
No: None
Absent: Howrylak

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Michigan Zoning Enabling Act, Pa 110 of 2006, Zoning Ordinance Text Amendment (File No. ZOTA 224) – Articles II, III, X, XXXIV, XXXV and XLIII – September 18, 2006
- b) Rezoning Application (File No. 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
- c) 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

Noted and Filed

G-2 Green Memorandums: No Memorandums Submitted

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) Employees' Retirement System Board of Trustees/Final – June 13, 2006
- b) Employees' Retirement System Board of Trustees/Final – July 12, 2006
- c) Board of Zoning Appeals/Final – July 18, 2006
- d) Planning Commission Special/Study/Draft – August 1, 2006
- e) Planning Commission/Draft – August 8, 2006
- f) Board of Zoning Appeals/Draft – August 15, 2006

Noted and Filed

J-2 Department Reports: None Submitted

J-3 Letters of Appreciation:

- a) Letters of Appreciation to Tonni Bartholomew and Barbara Holmes from Angie Done, Advisory Committee for Persons with Disabilities, Regarding the Demonstration of the AutoMARK Voter Assist Terminal
- b) Letter of Thanks to the Parks and Recreation Department from Carol Kulish Regarding the Removal of the Trees and Vines
- c) Letter of Appreciation to Tonni Bartholomew from Mary Kerwin Commending the Efforts on Election Day

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) Resolution from the City of Ferndale Opposing the Ballot Proposal to Ban Affirmative Action

Noted and Filed

J-5 Calendar

Noted and Filed

J-6 Communication from City Attorney’s Office Regarding Appeal of Hooters Lawsuit

Noted and Filed

J-7 Communication from WOW Regarding Earning Top Carrier Position in the 2006 Cable/Satellite Satisfaction Survey and Acquisition of SIGECOM

Noted and Filed

J-8 Certificate of Appreciation Awarded to the City of Troy from Gleaners Community Food Bank of Southeastern Michigan for Joining the Food Fight on Big Beaver

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2006-08-347
Moved by Broomfield
Seconded by Stine

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Pending Litigation – Hooters v. Troy.

Yes: All-6
No: None
Absent: Howrylak

The meeting **RECESSED** at 9:43 P.M.

The meeting **RECONVENED** at 10:13 P.M.

The meeting **ADJOURNED** at 10:14 P.M.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk