

A Regular Meeting of the Troy City Council was held Monday, September 11, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:34 P.M.

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

ROLL CALL:

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

Vote on Resolution to Excuse Council Member Fleming

Resolution #2006-09-348
Moved by Broomfield
Seconded by Lambert

RESOLVED, That Council Member Fleming's absence at the Regular City Council and Closed Session meetings of September 11, 2006 is **EXCUSED** due to being out of the county.

Yes: All-6
No: None
Absent: Fleming

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Mayor Schilling presented a *Certificate of Recognition* on behalf of the City of Troy to Rachael Zelmanski in recognition of her winning the Gold Medal in the standing long jump event at the North American Final of the Hershey's Track and Field Youth Program
- b) Mayor Schilling presented a proclamation on behalf of the City of Troy to representatives of the Troy Community Coalition on behalf of the City of Troy recognizing September 2006 as *National Alcohol and Drug Addiction Recovery Month*
- c) Mayor Schilling read a proclamation on behalf of the City of Troy for the Daughters of the American Revolution, Ezra Parker Chapter recognizing September 17-23, 2006 as *Constitution Week 2006*

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Parking Variance Request – 35 W. Square Lake Road

The Mayor opened the Public Hearing for public comment.

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

Proposed Resolution to Postpone

Resolution

Moved by Beltramini

Seconded by Stine

RESOLVED, That Troy City Council hereby **POSTPONES** the *Parking Variance Request at 35 W. Square Lake Road* until the Regular City Council meeting scheduled for Monday, September 18, 2006 to provide the City Attorney with the opportunity to prepare language for an agreement between the Petitioner and the City of Troy.

Vote on Resolution to Amend

Resolution #2006-09-349

Moved by Stine

Seconded by Howrylak

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to postpone *Parking Variance Request at 35 W. Square Lake Road* by **STRIKING** "September 18, 2006" and **INSERTING** "September 25, 2006."

Yes: All-6

No: None

Absent: Fleming

Vote on Resolution to Postpone as Amended

Resolution #2006-09-350

Moved by Beltramini

Seconded by Stine

RESOLVED, That Troy City Council hereby **POSTPONES** the *Parking Variance Request at 35 W. Square Lake Road* until the Regular City Council meeting scheduled for Monday, September 25, 2006 to provide the City Attorney with the opportunity to prepare language for an agreement between the Petitioner and the City of Troy.

Yes: All-6

No: None

Absent: Fleming

C-2 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

The Mayor opened the Public Hearing for public comment.

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

Vote on Resolution to Table

Resolution #2006-09-351

Moved by Stine

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **TABLES** the *Rezoning Application 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* until after the break.

Yes: All-6

No: None

Absent: Fleming

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

The meeting **RECONVENED** at 9:07 P.M.

Vote on Resolution to Remove Item from the Table

Resolution #2006-09-352

Moved by Stine

Seconded by Howrylak

RESOLVED, That Troy City Council hereby **REMOVES** *Rezoning Application 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* from the table.

Yes: All-6

No: None

Absent: Fleming

Vote on Resolution to Postpone

Resolution #2006-09-353

Moved by Lambert

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **POSTPONES** the *Rezoning Application 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* until the Regular City Council meeting scheduled for Monday, September 25, 2006

Yes: All-6
No: None
Absent: Fleming

C-3 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

The Mayor opened the Public Hearing for public comment.

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

Resolution #2006-09-354
Moved by Lambert
Seconded by Broomfield

RESOLVED, That the First Amendment to the Planned Unit Development Agreement for 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, being approximately 89.4 acres in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

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

MOTION FAILED

POSTPONED ITEMS:

D-1 Zoning Ordinance Text Amendment (File No: ZOTA 214) – Article X, Group Child Care Homes in the R-1A through R-1E Districts

Resolution #2006-09-355
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That the final action on the Zoning Ordinance Text Amendment (ZOTA 214) regarding regulations of Group Child Care Homes be **POSTPONED** until the first meeting in December, 2007 **OR** until **NOTICE IS RECEIVED** from the State of Michigan, Department of Labor and Economic Growth, whichever occurs first.

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

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2006-09-356
Moved by Beltramini
Seconded by Stine

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-4d, E-4e and E-5, which **SHALL BE CONSIDERED** after Consent Agenda (E) items, as printed.

Yes: All-6
No: None
Absent: Fleming

E-2 Approval of City Council Minutes

Resolution #2006-09-356-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of August 28, 2006 be **APPROVED** as amended.

E-3 City of Troy Proclamations:

Resolution #2006-09-356-E-3

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

- a) National Alcohol and Drug Addiction Recovery Month – September, 2006
- b) Constitution Week – September 17-23, 2006

E-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Membership Renewals Over \$10,000: Southeast Michigan Council of Governments (SEMCOG)**

Resolution #2006-09-356-E-4a

RESOLVED, That approval is **GRANTED** to pay membership dues to the Southeast Michigan Council of Governments (SEMCOG) in the amount of \$11,290.00, which covers the time period of July 15, 2006 to July 15, 2007.

b) **Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – HAVEN Program**

Resolution #2006-09-356-E-4b

RESOLVED, That approval to expend funds budgeted in the 2006/2007 fiscal year to the HAVEN Program to provide community services to support victims of domestic assault for the residents of the City of Troy in the amount of \$4,500.00 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.

c) **Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Avondale Youth Assistance**

Resolution #2006-09-356-E-4c

RESOLVED, That approval to expend funds budgeted in the 2006/2007 fiscal year to the Avondale Youth Assistance to provide counseling and community services to prevent youth offender recidivism to the residents of Troy who reside in the Avondale School District at a cost of \$2,210.00, paid in one installment 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.

f) **Standard Purchasing Resolution 1: Award to Low Bidders – Snow Removal Services – Home Chore Program**

Resolution #2006-09-356-E-4f

RESOLVED, That contracts to provide for seasonal requirements of snow removal services for the Home Chore Program with an option to renew for one (1) additional year are hereby **AWARDED** to the low bidders, O'Neal Father & Sons of Clinton Township, as primary contractor, and Redburn's Snow Plowing and Lawn Maintenance, Inc., of Rochester Hills as secondary contractor, at unit prices contained in the bid tabulation opened August 23, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

E-6 Acceptance of a Permanent Easement for Watermain, Altair Bellingham, LLC – Sidwell #88-20-26-200-078 – Project No. 00.970.3

Resolution #2006-09-356-E-6

RESOLVED, That the Permanent Easement for Watermain from Altair Bellingham, LLC, owner of property having Sidwell #88-20-26-200-078, is hereby **ACCEPTED**; and

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

E-7 Vogt Drainage District Enlargement Briggs Park Condominiums, Project No. 05.949.3

Resolution #2006-09-356-E-7

RESOLVED, That the Vogt Drainage District be enlarged by 6.39 acres to accommodate the Briggs Park Condominium development in Section 14 of the city, is hereby **APPROVED**.

E-8 Sole Source – Truox Chlorine Companion

Resolution #2006-09-356-E-8

WHEREAS, B&B Pools and Spas of Livonia, MI, is the authorized dealer/distributor in Michigan for the Truox brand products; and

WHEREAS, Truox Chlorine Companion is compatible with the ECS System installed at the Community Center Indoor Pool, which maintains proper chemical balance without skin irritation;

NOW, THEREFORE, BE IT RESOLVED, That a contract to purchase Truox Chlorine Companion is hereby **APPROVED** with B&B Pools and Spas at \$15.00 off the warehouse price, currently at \$125.50 per 50lb pail.

E-9 Private Agreement for Retail Center 1422-1470 West Maple – Project No. 06.914.3

Resolution #2006-09-356-E-9

RESOLVED, That the Contract for Municipal Improvements (Private Agreement) between the City of Troy and D & K Hannawa, LLC is hereby **APPROVED** for the installation of sidewalk, water main and deceleration lane at 1422-1470 W. Maple, 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-10 Sole Source – East Jordan Iron Works – Complete Hydrant and Valve Repair Parts

Resolution #2006-09-356-E-10

WHEREAS, East Jordan Iron Works, the manufacturer, has agreed to provide East Jordan complete hydrants, as well as hydrant and valve repair parts directly to the City of Troy at discounts greater than those of distributors;

THEREFORE, BE IT RESOLVED, That a contract to provide East Jordan complete hydrants, and valve and hydrant repair parts is hereby **APPROVED** with East Jordan Iron Works at discounts of 49% and 46% respectively.

E-11 Approval to Waive Parking Restrictions – Smith Middle School

Resolution #2006-09-356-E-11

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** the No Parking restrictions on the west side of Donaldson Street from Square Lake Road to Cotswold Street, on September 21, 2006, between the hours of 6:30 pm - 9:00 pm; November 15 and 16, 2006, between the hours of 11:30 am - 9:00 pm; March 8, 2007, between the hours of 11:30 am - 9:00 pm; March 30, 2007, between the hours of 5:30 pm - 9:30 pm; and June 14, 2007, between the hours of 9:00 am - 12:00 noon.

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

E-4 Standard Purchasing Resolutions**d) Standard Purchasing Resolution 1: Award to Low Bidder – Lower Level Conference Room Remote Camera System**

Resolution #2006-09-357

Moved by Stine

Seconded by Beltramini

RESOLVED, That a contract to furnish a two-camera Remote Camera System in the Troy City Hall Lower Level Conference Room is hereby **AWARDED** to the low bidder, VPI – Visual Productions, Inc. of Southfield, MI, for an estimated total cost of \$25,355.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid documents, including insurance certificates and all other specified requirements; and if additional work is required that could not be foreseen, such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost, at unit prices contained in the schedule of values opened July 19, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Lambert, Stine, Schilling, Beltramini,

No: Howrylak, Broomfield

Absent: Fleming

MOTION CARRIED**e) Standard Purchasing Resolution 1: Award to Low Bidder – Industrial Row Drive and Meijer Drive Reconstruction and Water Main Reconstruction – Removed by City Council at the Request of City Management**

E-5 Application for Transfer of Class C License for Troy, Inc.

Resolution #2006-09-358

Moved by Stine

Seconded by Broomfield

RESOLVED, That the request from Troy, Inc., to transfer ownership of 2005 Class C licensed business located at 1129 E. Long Lake, Troy, MI 48098, Oakland County, from Ichibang Corporation, Inc., and the request for a new dance-entertainment permit, be **CONSIDERED** for **DENIAL**; and

BE IT FURTHER RESOLVED, That the City Council of the City of Troy after hearing and considering statements from the Applicant Rachel Savaya, her attorney, John Kallabat, representatives from the Troy Police Department, and other persons, finds part or all of the following reasons for denial:

1. The applicant lacks experience as a Class C Licensee;
2. The applicant lacks experience in managing restaurants or other food service facilities;
3. The proposed restaurant/night club is within 500 feet of a district restricted to residential uses;
4. The applicant has failed to obtain a valid petition signed by 51 percent of persons living or doing business within a radius of 500 feet of the proposed business;
5. The applicant cannot be expected to keep her proposed business free from greater vices;
6. The Troy Police Department has had several problems with night clubs or dance halls in the past that have operated within the City of Troy;
7. Several residents living near the applicant's proposed business object to the approval of the applicant's request to transfer ownership of a Class C liquor license and request for a new dance-entertainment permit; and

THEREFORE, BE IT RESOLVED, That it is the **CONSENSUS** of this legislative body that the application **BE RECOMMENDED** for **DENIAL**.

Yes: All-6
 No: None
 Absent: Fleming

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments b) City Council Appointments: Animal Control Appeal Board; Board of Canvassers; and Cable Advisory Committee;

(a) Mayoral Appointments - No appointments

(b) City Council Appointments

Resolution #2006-09-359
 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:

Animal Control Appeal Board

Appointed by Council (5) – 3 Year Terms

Al Petrulis

Term Expires 09/30/09

Vincent James Viola

Term Expires 09/30/09

Board of Canvassers

Appointed by Council (4) – 4 Year Terms

Catherine McFarland

Unexpired Term 12/31/09

Cable Advisory Committee

Appointed by Council (7) – 3 Year Terms

Nancy Chen

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

Yes: All-6
No: None
Absent: Fleming

F-2 Amendment to Chapter 41 - Subdivision Control Ordinance

Resolution #2006-09-360

Moved by Stine

Seconded by Beltramini

RESOLVED, That an ordinance amending Sections 2.00, 2.99, 3.00, 3.01, 3.02, 3.03, 3.04, 3.05, 4.06(A) and 6.00 of Chapter 41 of the Code of the City of Troy, the Subdivision Control Ordinance, is hereby **ADOPTED** as recommended by the City Attorney, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6
No: None
Absent: Fleming

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
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) Historic District Commission/Final – June 28, 2006
- b) Troy Daze Committee/Final – July 24, 2006
- c) Planning Commission Special-Study/Final – August 1, 2006
- d) Planning Commission/Final – August 8, 2006
- e) Troy Daze Committee/Draft – August 22, 2006
Noted and Filed

J-2 Department Reports: None Submitted

J-3 Letters of Appreciation:

- a) Letter of Appreciation from Ruth A. Johnson, Oakland County Clerk/Register of Deeds Thanking Tonni Bartholomew and Barbara Holmes for Their Assistance in Training Oakland County Poll Workers
- b) Letter of Appreciation from Matthew Carpus, Ferris State University to Chief Craft for Allowing Him to Serve His Internship with the Troy Police Department
- c) Letter of Appreciation from Louis C. Castle to Chief Craft for the Professionalism Displayed by PSA Jessica Morse
Noted and Filed

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

J-5 Calendar

Noted and Filed

J-6 Communication from Parks and Recreation Director Carol Anderson Regarding LERN Website Featuring the Troy Parks and Recreation Webpage

Noted and Filed

J-7 HAVEN Quarterly Report – April – June 2006

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 Closed Session:

Resolution #2006-09-361

Moved by Stine

Seconded by Lambert

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

Yes: All-6

No: None

Absent: Fleming

The meeting **RECESSED** at 11:14 P.M.

The meeting **RECONVENED** at 11:19 P.M.

The meeting **ADJOURNED** at 11:29 P.M.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk