

A Regular Meeting of the Troy City Council was held Monday, September 18, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 P.M.

Pastor Jack Mannschreck – Big Beaver United Methodist 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 Presentation:

- a) On behalf of the City of Troy, Mayor Schilling presented a *Service Commendation* to Charles Barnes recognizing his 25 years of dedicated service with the City of Troy.

### CARRYOVER ITEMS:

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B-1 No Carryover Items

### PUBLIC HEARINGS:

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C-1 Michigan Zoning Enabling Act, PA 110 of 2006, Zoning Ordinance Text Amendment (File No: ZOTA 224) – Articles II, III, X, XXXIV, XXXV, and XLIII

The Mayor opened the Public Hearing for public comment.

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

Resolution #2006-09-362

Moved by Stine

Seconded by Broomfield

RESOLVED, That Articles II (Planning Commission, Changes and Amendments to the Zoning Ordinance, and Approvals), III (Applications and Procedures) X (One-Family Residential Districts), XXXIV (Residential Development Options), XXXV (Planned Unit Development) and XLIII (Board Of Zoning Appeals) of the City of Troy Zoning Ordinance be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 224), City Council Public Hearing Draft, as recommended by the Planning Commission and City Management and as amended by City Council.

Yes: All-7

**POSTPONED ITEMS:**

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**D-1 Zoning Ordinance Text Amendment (File Number: ZOTA 215-C) – Articles XLIII and XLIV, Pertaining to Commercial Vehicle Parking Appeals and Results of Commercial Vehicle Visual Survey**Pending Resolution

Moved by Stine

Seconded by Beltramini

RESOLVED, That Articles XLIII (Board of Zoning Appeals) and XLIV (City Council Appeals) of the City of Troy Zoning Ordinance be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 215-C), dated June 26, 2006, as recommended by the Planning Commission and City Management and with the **INSERTION** of “or deny” **AFTER** “approve” in Section 43.74.00.

**Vote on Resolution to Postpone**

Resolution #2006-09-363

Moved by Howrylak

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **POSTPONES** *Zoning Ordinance Text Amendment (File Number: ZOTA 215-C) – Articles XLIII and XLIV, Pertaining to Commercial Vehicle Parking Appeals and Results of Commercial Vehicle Visual Survey* until the Regular City Council Meeting scheduled for Monday, December 4, 2006; and

BE IT FURTHER RESOLVED, That Staff is **DIRECTED** to work with the Planning Commission to **PREPARE** a Zoning Ordinance Text Amendment to Section 40.66.00 revising the provisions for the allowances for the outdoor parking of commercial vehicles in residential districts in line with the results of the commercial vehicle survey provided by City Council.

Yes: Broomfield, Fleming, Howrylak

No: Beltramini, Lambert, Stine, Schilling

**MOTION FAILED****Vote on Resolution to Amend by Substitution #1**

Resolution #2006-09-364

Moved by Beltramini

Seconded by Stine

RESOLVED, That the preceding resolution for *Zoning Ordinance Text Amendment (File Number: ZOTA 215-C) – Articles XLIII and XLIV, Pertaining to Commercial Vehicle Parking Appeals* be **SUBSTITUTED** with the following:

RESOLVED, That Articles XLIII (Board of Zoning Appeals) and XLIV (City Council Appeals) of the City of Troy Zoning Ordinance be **AMENDED** to

read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 215-C), dated June 26, 2006, as recommended by the Planning Commission and City Management and with the **INSERTION** of “or deny” **AFTER** “approve” in Section 43.74.00; and by **STRIKING** “all of the following standards” and **INSERTING** “standard C and either A or B” in the first paragraph of Section 43.74.01; and

BE IT FURTHER RESOLVED, That this Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur; and

BE IT FINALLY RESOLVED, That Staff is **DIRECTED** to work with the Planning Commission to **PREPARE** a Zoning Ordinance Text Amendment to Section 40.66.00 revising the provisions for the allowances for the outdoor parking of commercial vehicles in residential districts in line with the results of the commercial vehicle survey provided by City Council.

Yes: Stine, Schilling, Beltramini

No: Broomfield, Fleming, Howrylak, Lambert,

## **MOTION FAILED**

### **Vote on Resolution to Amend by Substitution #2**

Resolution #2006-09-365

Moved by Lambert

Seconded by Stine

RESOLVED, That the preceding resolution for *Zoning Ordinance Text Amendment (File Number: ZOTA 215-C) – Articles XLIII and XLIV, Pertaining to Commercial Vehicle Parking Appeals* be **SUBSTITUTED** with the following:

RESOLVED, That Articles XLIII (Board of Zoning Appeals) and XLIV (City Council Appeals) of the City of Troy Zoning Ordinance be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 215-C), dated June 26, 2006, as recommended by the Planning Commission and City Management and with the **INSERTION** of “or deny” **AFTER** “approve” in Section 43.74.00; and by **STRIKING** “all of the following standards” and **INSERTING** “standard C and either A or B” in the first paragraph of Section 43.74.01; and

BE IT FURTHER RESOLVED, That this Ordinance shall become effective on January 1, 2007; and

BE IT FINALLY RESOLVED, That Staff is **DIRECTED** to work with the Planning Commission to **PREPARE** a Zoning Ordinance Text Amendment to Section 40.66.00 revising the provisions for the allowances for the outdoor parking of commercial vehicles in residential

districts in line with the results of the commercial vehicle survey provided by City Council.

Yes: Lambert, Stine, Schilling, Beltramini

No: Fleming, Howrylak, Broomfield

### **MOTION CARRIED**

#### **Vote on Resolution as Amended by Substitution**

Resolution #2006-09-366

Moved by Stine

Seconded by Beltramini

RESOLVED, That Articles XLIII (Board of Zoning Appeals) and XLIV (City Council Appeals) of the City of Troy Zoning Ordinance be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 215-C), dated June 26, 2006, as recommended by the Planning Commission and City Management and with the **INSERTION** of "or deny" **AFTER** "approve" in Section 43.74.00; and by **STRIKING** "all of the following standards" and **INSERTING** "standard C and either A or B" in the first paragraph of Section 43.74.01; and

BE IT FURTHER RESOLVED, That this Ordinance shall become effective on January 1, 2007; and

BE IT FINALLY RESOLVED, That Staff is **DIRECTED** to work with the Planning Commission to **PREPARE** a Zoning Ordinance Text Amendment to Section 40.66.00 revising the provisions for the allowances for the outdoor parking of commercial vehicles in residential districts in line with the results of the commercial vehicle survey provided by City Council.

Yes: Lambert, Stine, Schilling, Beltramini

No: Howrylak, Broomfield, Fleming

### **MOTION CARRIED**

#### **CONSENT AGENDA:**

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

Resolution #2006-09-367

Moved by Stine

Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-4b, E-4d, and E-8, which **SHALL BE CONSIDERED** after Consent Agenda (E) items, as printed.

Yes: All-7

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

Resolution #2006-09-367-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of September 11, 2006 be **APPROVED** as submitted.

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**E-3 Proposed City of Troy Proclamation(s): None Submitted****E-4 Standard Purchasing Resolutions****a) Standard Purchasing Resolution 1: Award to Low Bidder – Outdoor Lighting Maintenance Contract**

Resolution #2006-09-367-E-4a

RESOLVED, That a contract to furnish all labor, tools, equipment, transportation services, and traffic controls to provide two-year requirements of street, parking lot, and athletic field light maintenance and repair with an option to renew for one (1) additional year is hereby **AWARDED** to the low bidder, Allied Signs, Inc., of Clinton Township, at unit prices and discounts contained in the bid tabulation opened August 23, 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 submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

**c) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Common Ground**

Resolution #2006-09-367-E-4c

RESOLVED, That approval to expend funds budgeted in the 2006/2007 fiscal year to Common Ground to provide community service programs to the residents of the City of Troy in the amount of \$2,100.00 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.

**e) Standard Purchasing Resolution 3: Exercise Renewal Option – Pavement Seam and Fracture Sealing Program**

Resolution #2006-09-367-E-4e

WHEREAS, On October 18, 2004, a contract to provide for a Pavement Seam and Fracture Sealing Program with an option to renew for two (2) additional one-year periods was awarded to the low bidder, Scodeller Construction, Inc., of South Lyon, MI, for an estimated cost of \$657,500.00; and if changes in the quantity of work were required, either additive or deductive,

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such changes were authorized in an amount not to exceed 25% of the contract total per year (Resolution #2004-10-546-E7);

WHEREAS, On September 12, 2005, the first of two (2) one-year options to renew the contract under the same prices, terms, and conditions was approved and expired June 30, 2006 (Resolution #2005-09-416-E4e); and

WHEREAS, Scodeller Construction, Inc., has agreed to exercise the second one-year option to renew under the same prices, terms, and conditions as the 2004 season;

THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Scodeller Construction, Inc., to provide a pavement seam and fracture-sealing program within the City of Troy for an estimated cost of \$500,000.00, at unit prices contained on the bid tabulation opened September 29, 2004, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with the contract expiring June 30, 2007; and

BE IT FINALLY RESOLVED, If changes in the quantity of work are required either additive or deductive, such changes are **AUTHORIZED** in an amount not to exceed 25% of the total contract cost or \$125,000.00 and within budgetary limitations.

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#### **E-5 Rescind Partial Bid Award/Re-Award Contract – Janitorial Services**

Resolution #2006-09-367-E-5

WHEREAS, On August 1, 2005, Troy City Council exercised and approved the option to renew the janitorial services contract for two (2) additional years with Road Runr Maintenance, American Cleaning, Elite Maintenance, and This is It! Quality Cleaning under the same contract terms and conditions expiring October 30, 2007 (Resolution # 2005-08-375-E-4a); and

WHEREAS, Elite Maintenance has defaulted on the contract due to their exodus from the State of Michigan;

THEREFORE, BE IT RESOLVED, That the contract to provide janitorial services for Groups 2 and 4, the DPW facilities and Fire halls, be **RESCINDED** with prejudice from Elite Maintenance, and **RE-AWARDED** to the next lowest acceptable bidders, American Cleaning of Macomb Township, MI and Road Runr Maintenance of Pontiac, MI, at unit prices contained in the bid tabulation opened September 23, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring October 30, 2007.

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#### **E-6 Application for Transfer of Class C-SDM License for Ruth's Chris Steak House**

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

Resolution #2006-09-367-E-6a

RESOLVED, That the request from R.C.S.H. Operations, L.L.C. (A Louisiana Limited Liability Company), to transfer ownership of 2006 Class C-SDM licensed business with dance permit, located at 755 W. Big Beaver, Troy, MI 48084, Oakland County, from Prime Steak-Troy, L.L.C. (A Louisiana Limited Liability Company), 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 #2006-09-367-E-6b

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 R.C.S.H. Operations, L.L.C. (A Louisiana Limited Liability Company), to transfer ownership of 2006 Class C-SDM licensed business with dance permit, located at 755 W. Big Beaver, Troy, MI 48084, Oakland County, from Prime Steak-Troy, L.L.C. (A Louisiana Limited Liability Company); 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-7 Private Agreement for Beaumont Hospital Project No. 06.917.3**

Resolution #2006-09-367-E-7

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Beaumont Hospital, is hereby **APPROVED** for the installation of a public sidewalk and detention basin, 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-1b Address of "E" Items Removed for Discussion by City Council and/or the Public**

**b) Standard Purchasing Resolution 1: Award to Low Bidder Contract 06-9 – Industrial Row Drive and Meijer Drive Reconstruction and Water Main Reconstruction**

Resolution #2006-09-368

Moved by Stine

Seconded by Broomfield

RESOLVED, That Contract No. 06-9 for Industrial Row Drive and Meijer Drive Reconstruction and Water Main Reconstruction, be **AWARDED** to Six-S, Inc., 2210 Scott Lake Road, Waterford, MI, 48328 for their low bid of \$3,283,950.40; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 15% of the total project cost.

Yes: All-7

d) **Standard Purchasing Resolution 3: Exercise Renewal Option – Emergency Medical Services**

Resolution #2006-09-369

Moved by Fleming

Seconded by Beltramini

WHEREAS, On June 2, 2003, a three-year contract to provide emergency medical services with an option to renew for three additional one-year periods was awarded to the low bidder submitting the best value proposal, Alliance Mobile Health, for an estimated cost of \$463,623.00 per year at unit prices contained in the tabulation opened January 31, 2003 (Resolution #2003-06-281); and

WHEREAS, Alliance Mobile Health has agreed to exercise the option to renew the contract for one year under the same terms and conditions;

THEREFORE, BE IT RESOLVED, That the option to renew the contract for one additional year is hereby **EXERCISED** with Alliance Mobile Health of Rochester Hills to provide Emergency Medical Services for an estimated total cost of \$500,000.00 per year under the same pricing structure, terms, and conditions as the original contract to expire September 30, 2007.

Yes: All-7

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**E-8 Karagiannakis and Garrett Family Ltd. v. City of Troy et al**

Resolution #2006-09-370

Moved by Stine

Seconded by Howrylak

RESOLVED, That the City Attorney's Office is hereby **AUTHORIZED** and **DIRECTED** to **REPRESENT** the City of Troy in any and all claims and damages in the matter of Karagiannakis and Garrett v. City of Troy et al, and to **RETAIN** any necessary expert witnesses and **PAY** any necessary litigation costs to adequately represent the City.

Yes: All-7

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

The meeting **RECESSED** at 9:24 P.M.

The meeting **RECONVENED** at 9:34 P.M.

**REGULAR BUSINESS:**

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**F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No appointments b) City Council Appointments: Cable Advisory Committee**

**(b) City Council Appointments**

Resolution #2006-09-371  
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:

**Cable Advisory Committee**

Appointed by Council (7) – 3 Year Terms

Alan Manzon

Term Expires 09/30/09

Yes: All-7

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**F-2 Amendments to Chapter 42 – Flood Plain Management as Required by FEMA for Participation in National Flood Insurance Program**

Resolution #2006-09-372  
Moved by Beltramini  
Seconded by Stine

RESOLVED, That City Council **APPROVES** the **ATTACHED** ordinance amendments to Chapter 42, Flood Plain Management, for the purpose of adopting the new Digital Flood Insurance Rate Maps (DFIRMS) that will become effective September 29, 2006 and to continue the City of Troy’s participation in the National Flood Insurance Program.

Yes: All-7

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**G-1 Announcement of Public Hearings: None Submitted**

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**G-2 Green Memorandums: None Submitted**

**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) Advisory Committee for Senior Citizens/Final – June 1, 2006
  - b) Historic District Study Committee/Final – June 6, 2006
  - c) Advisory Committee for Persons with Disabilities/Draft – August 2, 2006
  - d) Advisory Committee for Persons with Disabilities/Final – August 2, 2006
  - e) Advisory Committee for Senior Citizens/Draft – September 7, 2006
- Noted and Filed

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**J-2 Department Reports:**

- a) Building Department – Permits Issued During the Month of August, 2006
  - b) Purchasing Department – Final Reporting – BidNet On-Line Auction and Mid-Thumb Auctioneering, LLC – July/August, 2006
- Noted and Files

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**J-3 Letters of Appreciation: None Submitted**

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

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**J-5 Calendar**

Noted and Filed

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**J-6 Retirement System – Summary Annual Report to Members – December 31, 2005**

Noted and Filed

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**STUDY ITEMS:**

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**K-1 No Study Items Submitted**

**PUBLIC COMMENT: Address of “K” Items**

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**CLOSED SESSION:**

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

The meeting **ADJOURNED** at 9:49 P.M.

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Louise E. Schilling, Mayor

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Barbara A. Holmes, CMC  
Deputy City Clerk