

A Regular Meeting of the Troy City Council was held Monday, September 25, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 P.M.

Pastor Vince Messina – Woodside Bible 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 (Absent)

Vote on Resolution to Excuse Council Member Stine

Resolution #2006-09-373
Moved by Lambert
Seconded by Howrylak

RESOLVED, That Council Member Stine's absence at the Regular City Council and Closed Session meetings of September 25, 2006 is **EXCUSED** due to illness.

Yes: All-6
No: None
Absent: Stine

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Mayor Schilling presented a proclamation on behalf of the City of Troy to Ann Comiskey of the Troy Community Coalition recognizing September 25, 2006 as *Family Day, A Day to Eat Dinner With Your Children*
- b) Mayor Schilling presented a proclamation on behalf of the City of Troy to Pam Brady, SOCRRA in recognition of the City's participation in the *America Recycles 2006* program.

CARRYOVER ITEMS:

B-1 No Carryover Items**PUBLIC HEARINGS:**

C-1 No Public Hearings

POSTPONED ITEMS:

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

Resolution #2006-09-374

Moved by Fleming

Seconded by Beltramini

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.
2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.
3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that the practical difficulties justifying the variances are:

- A. That absent a variance, no reasonable use can be made of the property; or
- B. That absent a variance, a significant natural feature would be negatively affected or destroyed; or
- C. That absent a variance, public health, safety and welfare would be negatively affected; or
- D. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare; and

WHEREAS, The City Council finds the above-stated general conditions to be present and finds the practical difficulty stated above to be operative in the appeal;

NOW, THEREFORE, BE IT RESOLVED, That the request from Voitek Malinowski for waiver of 13 additional parking spaces at the development at 35 West Square Lake Road be **APPROVED**; and

BE IT FURTHER RESOLVED, That the variance be conditioned on the following:

- A. That not more than 1,800 square feet of usable floor space shall be to be developed in the building.
- B. That not more than 4 service providers shall be operating at this facility at any one time.
- C. That not more than 8 patients shall be scheduled for appointments at any one time.
- D. That scheduling records shall be maintained and made available for review by the City of Troy upon request.

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

MOTION CARRIED

D-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

Resolution #2006-09-375
 Moved by Beltramini
 Seconded by Howrylak

RESOLVED, That the Troy City Council hereby **POSTPONES** the CR-1 to R-1T rezoning request, located on the west side of Rochester Road, north of Wattles Road, Section 15, part of parcels 88-20-15-477-016 and 88-20-15-477-017, being approximately 2.27 acres in size, to a future City Council Regular meeting, following a public hearing and recommendation by the Planning Commission.

Yes: All-6
 No: None
 Absent: Stine

CONSENT AGENDA:

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

Resolution #2006-09-376
 Moved by Lambert
 Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

Yes: All-6
 No: None
 Absent: Stine

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

E-2 Approval of City Council Minutes

Resolution #2006-09-376-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of September 18, 2006 be **APPROVED** as submitted.

E-3 City of Troy Proclamations:

Resolution #2006-09-376-E-3

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

- a) Family Day – A Day to Eat Dinner With Your Children – September 25, 2006
 - b) America Recycles 2006
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E-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 1: Award to Low Bidders – Tee Shirt Contract**

Resolution #2006-09-376-E-4a

RESOLVED, That one-year contracts to provide tee shirts (various types) for City programs with an option to renew for one additional year are hereby **AWARDED** to the low bidders by item category, McNish's Sporting Goods and Trophies of Novi, MI for Items 1, 2, and 3, and Kelgraphics of Cadillac, MI for Items 4 and 5, at unit prices contained in the bid tabulation opened September 5, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with the contracts expiring September 30, 2007.

b) Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Ice Melt Compound

Resolution #2006-09-376-E-4b

RESOLVED, That a contract to provide one (1) year requirements of ice melt compound with an option to renew for one (1) additional year for the City of Troy and participating MITN (Michigan Intergovernmental Trade Network) Purchasing Cooperative Members is hereby **AWARDED** to the lowest bidder meeting specifications, Washington Elevator Co., Inc., of Washington, MI, at the unit price contained in the bid tabulation opened August 2, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of October 31, 2007.

c) Standard Purchasing Resolution 1: Award to Low Bidder – Bocce and Shuffleboard Courts

Resolution #2006-09-376-E-4c

RESOLVED, That a contract for the construction of outdoor bocce and shuffleboard courts at the Troy Community Center is hereby **AWARDED** to the low bidder, WCI Contractors, Inc., of Detroit, MI, for an estimated total cost of \$83,750.00.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of proper proposal and bid documents, including bonds, 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 or \$8,375.00.

E-5 Approval of Conditioned Purchase Agreement for Right-of-Way Sidewalk Gap Project, Sidwell #88-20-15-451-037 – 571 E. Wattles Road

Resolution #2006-09-376-E-5

RESOLVED, That the Agreement to Purchase between Harvey W. Swanson, owner of the property having Sidwell #88-20-15-451-037, and the City of Troy, for the acquisition of right-of-way for a Sidewalk Gap Completion project is **APPROVED** in the amount of \$62,080.00, plus closing costs.

E-6 Relocation and Renovation of the Engineering Field Office – Amendment #1

Resolution #2006-09-376-E-6

WHEREAS, On August 14, 2006, the Troy City Council approved the relocation and renovation of the Engineering Field Office at a total estimated project cost of \$27,060.80 (Resolution #2006-08-324-E-12); and

WHEREAS, After the former owner moved out, due to the condition of the premises, it is recommended that the project be amended to include the replacement of the carpeting;

THEREFORE, BE IT RESOLVED, That the relocation and renovation of the Engineering Field Office Project be **AMENDED** to include carpet replacement for a new estimated Project cost of \$35,060.80.

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No appointments (LDFA) b) City Council Appointments: Advisory Committee for Persons with Disabilities; Ethnic Issues Advisory Board

(a) Mayoral Appointments – No appointments

(b) City Council Appointments

Resolution #2006-09-377
Moved by Broomfield
Seconded by Howrylak

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

Advisory Committee for Persons with Disabilities

Appointed by Council (9 Regular Members; 3 Alternates) – 3 Year Terms

O. Carlene Geier (Alternate)

Unexpired Term Expires 11/01/06

Ethnic Issues Advisory Board

Appointed by Council (9) – 3 &/or 2 Year Terms

Kelly Jones

Unexpired Term 09/30/07

Yes: All-6
No: None
Absent: Stine

F-2 Reimbursement of Relocation Expenses for the City Manager

Resolution #2006-09-378
Moved by Broomfield
Seconded by Howrylak

WHEREAS, Section 14 of the City Manager's employment contract states that:

“The Executive shall be reimbursed for all direct costs relating to the move of his current residence to a residence in the city of Troy, Michigan, up to a maximum of \$5,000.00. Receipts documenting such relocation expenditures shall be provided to the Troy City Council which will then authorize the reimbursement of eligible expenses by Resolution.”; and

WHEREAS, City Manager Phillip L. Nelson has provided a detailed bill of lading for expenses incurred by him for the move of his residence to Troy, Michigan;

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy **REIMBURSE** City Manager Phillip L. Nelson for relocation expenditures in the amount of \$3,572.12.

Yes: All-6
No: None
Absent: Stine

F-3 Reconsideration of Resolution #2006-07-311 – Beech Lane Barrier and Road Closure Status

Resolution #2006-09-379
Moved by Beltramini
Seconded by Fleming

RESOLVED, That City Council hereby **DIRECTS** City Staff to notify residents on Beech Lane before the Council acts on a new resolution that would open Beech Lane.

Yes: All-6
No: None
Absent: Stine

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Green Memorandums: None 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) Retiree Health Care Benefits Plan & Trust/Final – June 13, 2006
 - b) Downtown Development Authority/Final – July 19, 2006
 - c) Employees’ Retirement System Board of Trustees/Final – August 9, 2006
 - d) Board of Zoning Appeals/Final – August 15, 2006
 - e) Planning Commission Special/Study/Final – August 22, 2006
 - f) Employees’ Retirement System Board of Trustees/Draft – September 13, 2006
 - g) Retiree Health Care Benefits Plan & Trust/Draft – September 13, 2006
- Noted and Filed

J-2 Department Reports:

- a) City of Troy Monthly Financial Report – August 31, 2006
- Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Thanks to Detective Reynolds from Peter Munoz in Appreciation of the Efforts in the Preparation and Instruction at the Identity Theft Training Sessions
- b) Letter of Thanks to Officer Charles Villerot and Alliance Mobile Health from Patricia Chapman Regarding the Assistance and Response Time
- c) Letter of Thanks to Kathy Bobick from Noreen Facca in Appreciation of Her Professionalism and Assistance

Noted and Filed

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

J-5 Calendar

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2006-09-380

Moved by Broomfield

Seconded by Howrylak

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: Stine

The meeting **RECESSED** at 8:33 P.M.

The meeting **RECONVENED** at 8:40 P.M.

The meeting **ADJOURNED** at 9:10 P.M.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk