

A Regular Meeting of the Troy City Council was held Monday, November 27, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 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
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

CERTIFICATES OF RECOGNITION:

A-1 Presentations: No Presentations

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Commercial Vehicle Appeal – 5933 Diamond (Public Hearing Cancelled – Applicant Amended Request, Public Hearing to be Rescheduled)

C-2 Rezoning (File Number Z-720) – East Side of Rochester Road, between Shallowdale Drive and Bradley Avenue, Section 14 – R-1C 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.

Resolution #2006-11-348
Moved by Stine
Seconded by Fleming

RESOLVED, That the R-1C to R-1T rezoning request, located on the east side of Rochester Road, between Shallowdale Drive and Bradley Avenue, Section 14, part of parcels 88-20-14-151-001, 88-20-14-151-023, 88-20-14-151-024, and 88-20-14-151-025, being approximately 3.71 acres in size, is described in the following legal description and illustrated on the **ATTACHED** Exhibit drawing (Parcel “A”):

T2N, R11E, NW 1/4 of Section 14

Part of the northwest ¼ of Section 14 and all of Lots 78 through 82 of Rochester Road Farms Subdivision (Liber 60, Page 22, of Oakland County Records) being further described as: Beginning at point on the west line of said Section 14 and the centerline of Rochester Rd. located due North, 497.81 ft. (recorded as N00°36'30"W, 497.00 ft.) from the west ¼ corner of Section 14; thence continuing along said west line and said centerline due North, 166.36 ft. (recorded as N00°36'30" W, 166.41 ft.); thence S89°06'00"E, 75.00 ft. to the southwest corner of said Lot 82; thence due North, 430.00 ft. along the west line of said Lots 78 through 82 to the northwest corner of said Lot 78; thence S89°06'00"E, 250.00 ft. along the north line of said Lot 78 to the northeast corner of said Lot 78; thence due South, 430.00 ft. along the east line of said Lots 78 through 82 to the southeast corner of Lot 82, also being the northwest corner of Lot 1 of Shallowbrook Subdivision (Liber 144, Pages 20-22, of Oakland County Records); thence S00°00'26"E (recorded as S00°36'20"W), 165.93 ft. along the west line of said Lot 1; thence N89°10'34"W (recorded as N89°57'50"W), 325.02 ft. to the Point of Beginning. Containing 3.71 ac., more or less, and subject to the rights of the public over the westerly 33 ft. for Rochester Rd. and also subject to easements and restrictions of record; and

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

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

MOTION CARRIED

POSTPONED ITEMS:

D-1 Appointments to Boards and Committees: City Council Appointments: Parks & Recreation Board

Resolution #2006-11-349
Moved by Broomfield
Seconded by Beltramini

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

Parks & Recreation Board

Appointed by Council (10) – 3 Year Terms

Bill Hall-Troy Daze Representative

Term Expires 11/30/07

Yes: All-7

CONSENT AGENDA:

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

Resolution #2006-11-350
Moved by Stine
Seconded by Howrylak

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-5 and E-6, which **SHALL BE CONSIDERED** after Consent Agenda (E) items, as printed.

Yes: All-7

E-2 Approval of City Council Minutes

Resolution #2006-11-350-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of November 13, 2006 be **APPROVED** as submitted.

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

E-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 1: Award to Low Bidders – Mosquito Control – Municipal Property**

Resolution #2006-11-350-E-4a

RESOLVED, That contracts to provide three-year requirements of mosquito control services for the City of Troy are hereby **AWARDED** to the lowest bidders by proposal, Advanced Pest Management of Fenton, MI for Proposal A and Tri-County Pest Control of St Clair Shores, MI for Proposal B as well as the additional briquettes, if needed, at unit prices as contained in the bid tabulation opened November 2, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

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

E-5 Fire Station One Renovation

Resolution #2006-11-351
Moved by Stine
Seconded by Beltramini

RESOLVED, That City management is **AUTHORIZED** to renovate the kitchen and meeting room areas at Fire Station 1, for an estimated total project cost of \$51,000.00 as detailed in Appendix A, using in-house personnel, approved contracts, and standard purchasing procedures.

Yes: All-7

E-6 City of Troy v. George Roberts

Resolution #2006-11-352
Moved by Stine
Seconded by Howrylak

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to continue to represent the City of Troy in any and all claims in the matter of City of Troy v. George Roberts, and to **RETAIN** any necessary expert witnesses to adequately represent the City.

Yes: All-7

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: Local Development Finance Authority (LDFA); and Planning Commission b) City Council Appointments: Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Liquor Committee; and Municipal Building Authority

(a) Mayoral Appointments

Resolution #2006-11-353
Moved by Schilling
Seconded by Lambert

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

Local Development Finance Authority (LDFA)

Appointed by Mayor (5) – 4 Year Terms

Stephanie W. Bergeron

Unexpired Term 06/30/08

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

MOTION CARRIED

Proposed Resolution – Mayoral Appointments to the Planning Commission

Resolution
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:

Planning Commission

Appointed by Mayor (9 Members) – 3 Year Terms

Michael W. Hutson Term Expires 12/31/09

Kathleen Troshynski Term Expires 12/31/09

John J. Tagle Term Expires 12/31/09

Vote on Resolution to Postpone

Resolution #2006-11-354
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **POSTPONES** the *Proposed Resolution – Mayoral Appointments to the Planning Commission* until the Regular City Council Meeting scheduled for Monday, December 4, 2006.

Yes: All-7

(b) City Council Appointments

Resolution #2006-11-355
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 Persons with Disabilities

Appointed by Council (9-Regular; 3-Alternate) – 3 Year Terms

Mary E. Freliga Term Expires 11/01/09

Kelly Clark (Alternate)

Term Expires 11/01/09

Sean Murphy (Alternate)

Term Expires 11/01/09

Yes: All-7

F-2 Bid Waiver – Purchase of a Spaulding RMV 4-Ton Diesel Hot Asphalt Patcher

Resolution #2006-11-356

Moved by Beltramini

Seconded by Stine

WHEREAS, On September 20, 2006, the City of Rochester Hills awarded a contract to Bell Equipment Company of Lake Orion for the purchase of a Spaulding Hot Asphalt Patcher, through an informal bid process as dictated by their purchasing guidelines; and

WHEREAS, Bell Equipment Company has agreed to extend the pre-trade quoted price for one (1) Spaulding hot asphalt patcher;

THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and a contract to purchase one (1) Spaulding RMV 4-ton Hot Asphalt Patcher from Bell Equipment Company is hereby **APPROVED** as quoted per the City of Rochester Hills bid process at an estimated total cost of \$12,200.00.

Yes: All-7

F-3 2006-07 Budget Amendment No. 1

Resolution #2006-11-357

Moved by Beltramini

Seconded by Stine

RESOLVED, That 2006-07 Budget Amendment No. 1 be **APPROVED** as submitted and that a copy of the budget amendment be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

F-4 Reconsideration of Resolution #2006-10-320-E-7 – Municipal Credit and Community Credit Agreement

Resolution #2006-11-358

Moved by Howrylak

Seconded by Beltramini

RESOLVED, That Resolution #2006-10-320-E-7, Moved by Beltramini and Seconded by Broomfield, as it appears below be **RECONSIDERED** by City Council:

*RESOLVED, That the request that the City transfer Municipal Credit funds in the amount of \$76,084.00 and Community Credit funds in the amount of \$99,087.00 to Troy Medi-Go Plus for the operation of transportation service for senior citizens and persons with disabilities 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.*

Yes: All-7

Yes: All-7

Vote on Amendment to Resolution #2006-10-320-E-7

Resolution #2006-11-359

Moved by Stine

Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2006-10-320-E-7 by **STRIKING** \$99,087.00 and **INSERTING** \$102,457.00 in its place.

Yes: All-7

Vote on Reconsidered Resolution as Amended

Resolution #2006-10-320-E-7

Moved by Beltramini

Seconded by Broomfield

RESOLVED, That the request that the City transfer Municipal Credit funds in the amount of \$76,084.00 and Community Credit funds in the amount of \$102,457.00 to Troy Medi-Go Plus for the operation of transportation service for senior citizens and persons with disabilities 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.

Yes: All-7

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**Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business, Article 15-I**

Resolution #2006-11-360
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business, Article 15-I. Council Comments and **AUTHORIZE** City Council to discuss and take action on an item that does not appear on the agenda.

Yes: All-7

Vote on Resolution Opposing House Bill 6456 – Uniform Video Services Local Franchise Act

Resolution
Moved by Stine
Seconded by Beltramini

WHEREAS, The City of Troy has been served by cable television providers under local franchise arrangements for years;

WHEREAS, The City of Troy is ready and willing to promptly negotiate local cable franchise agreements with additional providers to permit fair competition in, and improved services to, our community;

WHEREAS, The City of Troy does NOT support House Bill 6456, commonly referred to as the “Uniform Video Services Local Franchise Act”, as written; and

WHEREAS, The City of Troy does not support the bill due to current language which would:

1. Allow cable companies to terminate their franchise contracts at any time.
2. Permit any cable provider to selectively “cherry-pick” areas where they want to provide service.
3. Create negative revenue impacts for local communities estimated at \$47-\$57 million (Approximately \$800,000 in reduced revenue for the City of Troy)
4. Remove the authority of local communities to manage community public rights-of-way and eliminate local emergency alert systems.
5. Eliminate or cut back community, school and public access television due to revenue and in-kind service reductions. There are also several provisions that will increase operating costs on these facilities.

WHEREAS, HB 6456 will erode local control of local issues;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council is **OPPOSED** to HB 6456; and

BE IT FURTHER RESOLVED, That the Troy City Council **REQUESTS** that Governor Granholm, State Representative Gosselin and State Senator Shirley Johnson oppose HB 6456 in order to save our citizens from the consequences outlined above; and

BE IT FINALLY RESOLVED, That Troy City Council **REQUESTS** all other representatives of the Michigan State Legislature to vote against HB 6456.

Vote on Resolution to Postpone

Resolution #2006-11-361

Moved by Howrylak

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **POSTPONES** the proposed resolution *Opposing House Bill 6456 – Uniform Video Services Local Franchise Act* until the Regular City Council Meeting scheduled for Monday, December 4, 2006.

Yes: Broomfield, Fleming, Howrylak

No: Schilling, Beltramini, Lambert, Stine

MOTION FAILED

Vote on Resolution to Amend by Substitution

Resolution #2006-11-362

Moved by Stine

Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** the Resolution to *Opposing House Bill 6456 – Uniform Video Services Local Franchise Act* by **STRIKING** it in its entirety and replacing it with:

WHEREAS, Cities and villages have a long and very successful history of supporting the introduction of new cable/video services, a successful deployment made possible in large part by the current system of local cable franchising;

WHEREAS, AT&T is blaming Michigan communities as the reason they can not enter into the cable/video business, while local communities, and local residents, want more cable competition and would quickly allow AT&T into their community; AT&T has refused to negotiate a franchise with any city, village, or township;

WHEREAS, Local communities' participation in the cable franchising process ensures build-out requirements so that all residents irrespective of age, race, education, or income level, receive the same service;

WHEREAS, Our community believes that all residents should have access to the same cable/video service.

WHEREAS, The City of Troy believes all non-incumbent local exchange carriers should provide universal telephone service to all of their customers;

*NOW, THEREFORE, BE IT RESOLVED, That the City of Troy is **OPEN** for cable/video business, and can guarantee that within days of a formal request we can have a franchise agreement ready for any new cable/video providers consideration; and*

*BE IT FURTHER RESOLVED, That the Troy City Council is **OPPOSED** to HB 6456; and*

*BE IT FINALLY RESOLVED, That a copy of this resolution **BE FORWARDED** to our state legislators in Lansing, our Congressional representatives in Washington, D.C., Governor Granholm and the Michigan Municipal League.*

Yes: Beltramini, Lambert, Stine, Schilling

No: Broomfield, Fleming, Howrylak

MOTION CARRIED

Vote on Resolution as Amended by Substitution

Resolution #2006-11-363

Moved by Stine

Seconded by Beltramini

WHEREAS, Cities and villages have a long and very successful history of supporting the introduction of new cable/video services, a successful deployment made possible in large part by the current system of local cable franchising;

WHEREAS, AT&T is blaming Michigan communities as the reason they can not enter into the cable/video business, while local communities, and local residents, want more cable competition and would quickly allow AT&T into their community; AT&T has refused to negotiate a franchise with any city, village, or township;

WHEREAS, Local communities' participation in the cable franchising process ensures build-out requirements so that all residents irrespective of age, race, education, or income level, receive the same service;

WHEREAS, Our community believes that all residents should have access to the same cable/video service; and

WHEREAS, The City of Troy believes all non-incumbent local exchange carriers should provide universal telephone service to all of their customers;

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy is **OPEN** for cable/video business, and can guarantee that within days of a formal request we can have a franchise agreement ready for any new cable/video providers consideration; and

BE IT FURTHER RESOLVED, That the Troy City Council is **OPPOSED** to HB 6456;

BE IT FINALLY RESOLVED, That a copy of this resolution **BE FORWARDED** to our state legislators in Lansing, our Congressional representatives in Washington, D.C., Governor Granholm and the Michigan Municipal League.

Yes: Lambert, Stine, Schilling, Beltramini

No: Broomfield, Fleming, Howrylak

MOTION CARRIED

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6– Order of Business, Article 17 K

Resolution #2006-11-364
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 17 K-Study Items and **AUTHORIZE** City Council to move forward STUDY ITEMS: K-1 Troy Futures – Vision 2020.

Yes: All-7

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Joint Local Development Finance Authority – Troy Subcommittee/Final – May 8, 2006
- b) Downtown Development Authority/Final – September 20, 2006
- c) Liquor Advisory Committee/Final – October 9, 2006
- d) Employees’ Retirement System Board of Trustees Minutes/Final – October 11, 2006
- e) Planning Commission Special/Study/Final – October 24, 2006
- f) Liquor Advisory Committee/Draft – November 13, 2006

Noted and Filed

J-2 Department Reports:

- a) Purchasing Department – Final Reporting BidNet On-Line Auction and Mid-Thumb Auctioneering, LLC – September, 2006

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Appreciation to Chief Craft from Robert Schultz Congratulating the Troy Police Department on the 5th Safest City in America Ranking
- b) Letter of Appreciation to Chief Craft from Dorothy and Michael Wischow Regarding the Service Received from Officer Livingston and Officer McWilliams
- c) Letter of Appreciation to Chief Craft from Rebecca Haynes Regarding the Professionalism and Enthusiasm of Officer Kaptur and Officer Breidenich during the Training for the Law Enforcement Records Management Association
- d) Letter of Thanks to Mark Colombo and Ron Hynd from Kevin Newhouse, Michigan State University Department of Entomology, Regarding the Cooperation with the Emerald Ash Borer Project
- e) Letter of Thanks to Vicki Richardson from Lisa Grodsky Regarding the Efforts in Promoting the Weatherization Assistance Program
- f) Letter of Appreciation to Officer Reynolds from Joseph Marchetti and Bruce Wade, Oakland Police Academy, Regarding the Training in the Basic Detective/Investigator Program
- g) Letter of Thanks to Jennifer Lawson from Monica Parrish, Laurelwood Homeowners' Association, in Appreciation of the Presentation

Noted and Filed

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

J-5 Calendar

Noted and Filed

J-6 Communication from Troy Cable Advisory Committee Regarding Passage of House Bill 6456

Noted and Filed

J-7 Communication from Library Director Brian Stoutenburg Regarding Historical Society Fundraising Effort

Noted and Filed

STUDY ITEMS:

K-1 Troy Futures – Vision 2020

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 Closed Session: No Closed Session Requested

The meeting **RECESSED** at 9:45 P.M.

The meeting **RECONVENED** at 9:50 P.M.

The meeting **ADJOURNED** at 11:50 P.M.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk