

A Regular Meeting of the Troy City Council was held Monday, January 8, 2007, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 P.M.

Cliff Johnson – Woodside Bible Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

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

CERTIFICATES OF RECOGNITION:

A-1 Presentation: Newly elected State Representative Marty Knollenberg provided City Council, City Staff and members of the public with an introductory presentation.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 Resolution to the State of Michigan Regarding Group Day Care Homes – Referred by Council Member Broomfield

Resolution #2007-01-001
Moved by Broomfield
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **POSTPONES INDEFINITELY** the *Resolution to the State of Michigan Regarding Group Day Care Homes – Referred by Council Member Broomfield.*

Yes: All-7

D-2 Appointment to Boards and Committees: City Council Appointments: Board of Zoning Appeals

Resolution
Moved by Stine
Seconded by Beltramini

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

Board of Zoning Appeals

Appointed by Council (7) – 3 Year Terms

Tom Krent

Unexpired Term Expires 04/30/09

Proposed Resolution #1 to Amend Appointment to Boards and Committees: Board of Zoning Appeals

Resolution
Moved by Broomfield
Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** the *Proposed Resolution – City Council Appointments to the Board of Zoning Appeals* to include the name of *Glenn Clark* in the nominations for Board of Zoning Appeals member for the unexpired term of April 30, 2009.

Proposed Resolution #2 to Amend Appointment to Boards and Committees: Board of Zoning Appeals

Resolution
Moved by Schilling
Seconded by Stine

RESOLVED, That Troy City Council hereby **AMENDS** the *Proposed Resolution – City Council Appointments to the Board of Zoning Appeals* to include the name of *Michael Bartnik* for the nominations for the Board of Zoning Appeals member for the unexpired term of April 30, 2009.

Vote on Resolution #2 to Amend Appointment to Boards and Committees: Board of Zoning Appeals

Resolution #2007-01-002
Moved by Schilling
Seconded by Stine

RESOLVED, That Troy City Council hereby **AMENDS** the *Proposed Resolution – City Council Appointments to the Board of Zoning Appeals* to include the name of *Michael Bartnick* for the nominations for the Board of Zoning Appeals member for the unexpired term of April 30, 2009.

Yes: All-7

Vote on Resolution #1 to Amend Appointment to Boards and Committees: Board of Zoning Appeals

Resolution #2007-01-003
Moved by Broomfield
Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** the *Proposed Resolution – City Council Appointments to the Board of Zoning Appeals* to include the name of *Glenn Clark* in the nominations for Board of Zoning Appeals member for the unexpired term of 04/30/09.

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

MOTION CARRIED

Vote on Resolution as Amended

Resolution #2007-01-004
Moved by Stine
Seconded by Beltramini

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

<u>Clark</u>	<u>Bartnick</u>	<u>Krent</u>
Fleming	Schilling	Stine
Howrylak	Beltramini	
Lambert		
Broomfield		

Glenn Clark was appointed to the Board of Zoning Appeals to fill the unexpired term of April 30, 2009.

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2007-01-005
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-2 and E-4b, which **SHALL BE CONSIDERED** after Consent Agenda (E) items, as printed.

Yes: All-7

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

E-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 4: Award – Macomb County Cooperative Purchasing Agreement – Fleet Vehicles**

Resolution #2007-01-005-E-4-a

RESOLVED, That a contract to purchase seven (7) 2007 Ford Crown Victoria blue and white patrol cars and three (3) 2007 Ford Crown Victoria solid color command cars from Signature Ford of Owosso, MI, is hereby **APPROVED** through a Macomb County Cooperative Purchasing Agreement for an estimated total cost of \$206,560.00.

c) Standard Purchasing Resolution 4: US Communities Contract – The Home Depot – Cabinets and Countertops for Fire Station #1 Kitchen Renovation

Resolution #2007-01-005-E-4-c

RESOLVED, That a contract to purchase cabinets and countertops for Fire Station One is hereby **APPROVED** through US Communities Cooperative Contract #05091 with The Home Depot for an estimated total cost of \$19,570.00.

d) Standard Purchasing Resolution 4: AEPA Cooperative - Copiers

Resolution #2007-01-005-E-4-d

RESOLVED, That a contract to provide copiers from Konica Minolta Albin on an ongoing basis is hereby **APPROVED** through the Association of Educational Purchasing Agencies (AEPA) Cooperative Contract IFB #005 established by the AEPA bid process and Oakland Schools contract #06-0011 under the same pricing structure, terms, and conditions, which expires February 28, 2007, with any copier agreement executed by then extending for a period of two additional twelve (12) month periods.

E-5 Milano Development Company, Inc. v. City of Troy, et. al

Resolution #2007-01-005-E-5

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of Milano Development Company, Inc. v. City of Troy, et. al and to **PAY** all expenses and to **RETAIN** any necessary expert witnesses to adequately represent the City.

E-6 Approval of Contract No. 06-5632 with MDOT for Right-of-Way Acquisition for the Reconstruction and Widening of Rochester Road, Barclay to Trinway – Project No. 02.206.5

Resolution #2007-01-005-E-6

RESOLVED, That Contract No. 06-5632 between the City of Troy and the Michigan Department of Transportation for right-of-way acquisition for Rochester, Barclay to Trinway, Project No. 02.206.5, 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-7 Approval of Subcontract No. 06-5632/S1 with Greenstar & Associates, LLC for Right-of-Way Services for the Reconstruction and Widening of Rochester Road, Barclay to Trinway – Project No. 02.206.5

Resolution #2007-01-005-E-7

RESOLVED, That Subcontract No. 06-5632/S1, between the City of Troy and Greenstar & Associates, LLC for right-of-way services for the reconstruction of Rochester Road, between Barclay to Trinway is hereby **APPROVED** at an estimated cost to the City of Troy not to exceed \$75,000.00, 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-8 Contract Addendum No. 2 – Contract 06-3, Ferry Drain Restoration Project

Resolution #2007-01-005-E-8

RESOLVED, That Addendum No. 2 to Contract No. 06-3, Ferry Drain Restoration Project, is hereby **APPROVED** to D & J Lawn & Snow, Inc., 22750 Macomb Industrial Drive, Clinton Twp., MI, 48036 at the unit prices contained in the contract and the total amount authorized is \$99,692.45 and includes the previous authorized contract amount of \$76,882.25, the 10% contingency as per the previous contract award resolution, and the \$15,058.97 amount for which Addendum No. 2 exceeds the 10% contingency.

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

E-2 Approval of City Council Minutes

Resolution #2007-01-006
Moved by Fleming
Seconded by Lambert

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

Yes: All-7

E-4 Standard Purchasing Resolutions

b) Standard Purchasing Resolution 8: Best Value Award – Flynn Park Sports Lighting

Resolution #2007-01-007
Moved by Beltramini
Seconded by Stine

RESOLVED, That a contract to furnish a new sport lighting system on four (4) ball diamonds at Flynn Park is hereby **AWARDED** to the best value proposal submitted by G&B Electrical Company of Bloomfield Hills, MI, as a result of a life cycle costing analysis at an estimated cost of \$385,000.00, as listed on the bid tabulation opened November 17, 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 proposal and contract 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 \$38,500.00.

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

MOTION CARRIED

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-3 Hooters v. Troy – Proposed Consent Judgment

(a) Transfer of License

Resolution
Moved by Stine
Seconded by Beltramini

RESOLVED, That the consent judgment between Hooters of Troy, Inc. and the City of Troy is hereby **APPROVED**, 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; and

BE IT FURTHER RESOLVED, That upon the execution of the consent judgment by the Court, the request from Hooters of Troy, Inc., (a Georgia Corporation) to transfer ownership of a 2005 Class C licensed business with outdoor service (1 area), and new Entertainment Permit located at 2950 Rochester Road Troy, MI 48083 Oakland County from Sign of the Beefcarver, Inc., be **APPROVED**.

(b) Agreement

Resolution
Moved by Stine
Seconded by Beltramini

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 Hooters of Troy, Inc., (a Georgia Corporation) to transfer ownership of a 2005 Class C licensed business with outdoor service (1 area), and new Entertainment Permit located at 2950 Rochester, Troy, MI 48083, Oakland County from Sign of the Beefcarver, Inc., 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.

Vote on Resolution to Postpone

Resolution #2007-01-008
Moved by Broomfield
Seconded by Fleming

RESOLVED, That Troy City Council hereby **POSTPONES** *Hooters v. Troy – Proposed Consent Judgment* until the Regular City Council Meeting scheduled for Monday, February 26, 2007.

Yes: All-7

F-2 Norma Robertson v. City of Troy

Resolution #2007-01-009
Moved by Stine
Seconded by Howrylak

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of Norma Robertson v. City of Troy and to **PAY** necessary costs and expenses and to **RETAIN** any necessary expert witnesses to adequately represent the City.

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

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Retiree Health Care Benefits Plan & Trust/Final – September 13, 2006
 - b) Building Code Board of Appeals Special/Final – October 18, 2006
 - c) Employees' Retirement System Board of Trustees/Final – November 8, 2006
 - d) Ethnic Issues Advisory Board/Draft – November 14, 2006
 - e) Ethnic Issues Advisory Board/Final – November 14, 2006
 - f) Downtown Development Authority/Final – November 15, 2006
 - g) Library Advisory Board/Final – November 16, 2006
 - h) Board of Zoning Appeals/Final – November 21, 2006
 - i) Troy Youth Council/Final – November 29, 2006
 - j) Building Code Board of Appeals/Final – December 6, 2006
 - k) Troy Youth Council/Draft – December 20, 2006
- Noted and Filed

J-2 Department Reports:

- a) Council Member Robin Beltramini's Travel Expense Report – NLC 83rd Congress of Cities and Exposition
 - b) City Attorney's Office – 2006 Fourth Quarter Litigation Report
- Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Thanks to Chief Craft from Tom Howe Regarding the Assistance Received Locating a Family Heirloom Rifle
 - b) Letter of Appreciation to Tonni Bartholomew from Secretary of State Terri Lynn Land Regarding the 2006 General Election
 - c) Letter of Thanks to Chief Craft from Clackamas County Sheriff's Office in Appreciation of the Participation in the 4th Annual National Family Violence Apprehension Detail
- Noted and Filed

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

J-5 Calendar

Noted and Filed

J-6 Communication from City Engineer Steve Vandette Regarding Request for Federal Aid Funding for FY 2010 and 2011

Noted and Filed

J-7 Communication from Troy Residents Requesting a Change to the Ordinance Regarding Chaining of Dogs – Additional Documentation Available for Viewing at the City Clerk’s Office and the Troy Public Library

Noted and Filed

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

Resolution #2007-01-010
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business, to allow discussion of item L-1 before Study Items K-1 and K-2.

Yes: All-7

CLOSED SESSION:

L-1 Closed Session:

Resolution #2007-01-011
Moved by Beltramini
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 – Karagiannakis and Garrett Family Ltd. v. City of Troy, et. al.

Yes: All-7

STUDY ITEMS:

K-1 Council Responses to City Manager’s Questionnaire

K-2 Correlation of Council Goals with Futures Report

PUBLIC COMMENT: Address of “K” Items

The meeting **RECESSED** at 10:11 P.M.

The meeting **RECONVENED** at 10:15 P.M.

The meeting **RECESSED** at 11:00 P.M.

The meeting **RECONVENED** at 11:05 P.M.

The meeting **ADJOURNED** at 11:30 P.M.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk