

A Regular Meeting of the Troy City Council was held Monday, March 5, 2007, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

Pastor Scott LeLaCheur – Zion Christian 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 (Absent)  
Wade Fleming  
Martin F. Howrylak  
David A. Lambert  
Jeanne M. Stine (Absent)

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**Vote on Resolution to Excuse Council Members Broomfield and Stine**

Resolution #2007-03-070  
Moved by Beltramini  
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Broomfield due to being out of the state and Council Member Stine due to illness at the Regular City Council and Closed Session meetings of March 5, 2007.

Yes: All-5  
No: None  
Absent: Broomfield, Stine

**CERTIFICATES OF RECOGNITION:**

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**A-1 Presentations:**

- a) A 15-minute Presentation from Ken Rogers of Automation Alley: An Update on Activities and Future Needs

**CARRYOVER ITEMS:**

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**B-1 No Carryover Items**

**PUBLIC HEARINGS:**

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**C-1 No Public Hearings**

**POSTPONED ITEMS:**

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**D-1 Hooters v. Troy – Proposed Consent Judgment****Vote on Substitute Amendment**

Resolution #2007-03-071

Moved by Howrylak

Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** the preceding resolutions (a) Transfer of License and (b) Agreement, for *Hooters v. Troy – Proposed Consent Judgment* by **SUBSTITUTING** it with the following:

**(b) Take No Action on Consent Judgment**

RESOLVED, That the City of Troy City Council resolves to **TAKE NO ACTION** on the proposed consent judgment between Hooters of Troy, Inc. and the City of Troy.

Yes: All-5

No: None

Absent: Broomfield, Stine

**Vote on Resolution as Amended by Substitution**

Resolution #2007-03-072

Moved by Stine

Seconded by Beltramini

RESOLVED, That the City of Troy City Council resolves to **TAKE NO ACTION** on the proposed consent judgment between Hooters of Troy, Inc. and the City of Troy.

Yes: All-5

No: None

Absent: Broomfield, Stine

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**D-2 Approval of the Sale of City-Owned Surplus Remnant Parcel to MNAD Properties II, LLC Located in Section 23, at the Northeast Corner of Boyd Street and Rochester Road – Sidwell #88-20-23-351-001 and -002**

Resolution #2007-03-073

Moved by Lambert

Seconded by Beltramini

WHEREAS, The City Council may from time to time determine that the sale of certain parcels will best serve the public interest; and

WHEREAS, The City Council may determine the public interest will best be served without obtaining sealed bids for the sale of remnant parcels;

THEREFORE, BE IT RESOLVED, That the Troy City Council **FINDS** that the public interest will best be served without obtaining a sealed bid in accordance with Resolution 2007-01-028 Policy Governing Disposal (Sales) of Excess property and **APPROVES** the sale of the remnant parcel having Sidwell #88-20-23-351-001 and 002 on the northeast corner of Boyd Street and Rochester Road to MNAD Properties II, LLC in the amount of \$20,000.00, the appraised value, as outlined in the attached Offer to Purchase, plus closing costs; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement to Purchase and the Warranty Deed, on behalf of the City; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents, including all attachments, at the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to and made part of the original Minutes of this meeting.

Yes: All-5

No: None

Absent: Broomfield, Stine

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**D-3 Approval of the Sale of City-Owned Surplus Remnant Parcel to RPS Troy, LLC Located in Section 22, between Troy and Louis Streets Fronting on Big Beaver – Sidwell #88-20-22-356-031**

Resolution #2007-03-074

Moved by Beltramini

Seconded by Fleming

WHEREAS, The City Council may from time to time determine that the sale of certain parcels will best serve the public interest;

WHEREAS, The City Council may determine the public interest will best be served without obtaining sealed bids for the sale of remnant parcels; and

THEREFORE, BE IT RESOLVED, That the Troy City Council **FINDS** that the public interest will best be served without obtaining a sealed bid in accordance with Resolution 2007-01-028 Policy Governing Disposal (Sales) of Excess property and **APPROVES** the sale of the remnant parcel having Sidwell #88-20-22-356-031 on the north side of Big Beaver between Troy and Louis Streets to RPS Troy, LLC in the amount of \$15,000.00, the appraised value, as outlined in the attached Offer to Purchase, plus closing costs;

BE IT FURTHER RESOLVED, That the sale of the subject remnant parcel having Sidwell #88-20-22-356-031, is **CONDITIONED** upon RPS Troy, LLC purchasing a privately owned parcel owned by Four Oaks Management for fair market value, Sidwell #88-20-22-356-014, for the purposes of encouraging a consolidated development; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement to Purchase and the Warranty Deed, on behalf of the City; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents, including all attachments, at the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to and made part of the original Minutes of this meeting.

Yes: Beltramini, Fleming, Lambert, Schilling

No: Howrylak

Absent: Broomfield, Stine

## **MOTION CARRIED**

## **CONSENT AGENDA:**

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

Resolution #2007-03-075-E-1a

Moved by Beltramini

Seconded by Lambert

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

Yes: All-5

No: None

Absent: Broomfield, Stine

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

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### **E-4 Standard Purchasing Resolutions**

#### **a) Standard Purchasing Resolution 3: Exercise Renewal Option – Aggregates**

Resolution #2007-03-075-E-4a

WHEREAS, On May 8, 2006, one-year contracts for Aggregates with an option to renew for one additional year was awarded to the low bidders, B&W Landscape of Clinton Twp, MI, Tri-City Aggregates of Holly, MI, and Edw. C. Levy Co of Detroit, MI (Resolution #2006-05-202-E-4e); and

WHEREAS, All three awarded bidders have agreed to exercise the one-year option to renew under the same prices, terms, and conditions;

THEREFORE, BE IT RESOLVED, That the options to renew these contracts are hereby **EXERCISED** with B&W Landscape of Clinton Twp, MI, Tri-City Aggregates of Holly, MI, and Edw. C. Levy Co of Detroit, MI, to provide one-year requirements of Aggregates under the same contract prices, terms, and conditions expiring April 30, 2008.

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b) **Standard Purchasing Resolution 3: Exercise Renewal Option – Hauling and Disposal of Dirt and Debris**

Resolution #2007-03-075-E-4b

WHEREAS, On March 27, 2006, one-year contracts for the Hauling and Disposal of Dirt and Debris with an option to renew for one additional year was awarded to the low bidders, Osburn Industries of Taylor, MI (Resolution #2006-03-153-E-4a) and subsequently to Luke's Trucking and Excavating LLC of Holly, MI, as a result of a rescind/re-award on August 14, 2006 (Resolution #2006-08-335); and

WHEREAS, Both awarded bidders have agreed to exercise the one-year option to renew under the same prices, terms, and conditions;

THEREFORE, BE IT RESOLVED, That the options to renew the contracts are hereby **EXERCISED** with Osburn Industries of Taylor, MI and Luke's Trucking and Excavating LLC of Holly, MI, to provide one-year requirements of Hauling and Disposal of Dirt and Debris under the same contract prices, terms, and conditions expiring March 27, 2008.

c) **Standard Purchasing Resolution 1: Bid Award – Low Bidders – Asphalt Paving Material**

Resolution #2007-03-075-E-4c

RESOLVED, That contracts to provide for one (1) year requirements of Asphalt Paving Materials are hereby **AWARDED** to the low bidders, Barrett Paving Materials, Inc. of Troy, MI and Surface Coatings Company of Auburn Hills, MI at unit prices contained in the bid tabulation opened February 13, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting expiring March 31, 2008; 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; and the City be **AUTHORIZED** to use reciprocity between Barrett Paving and Ajax Materials in the event of a plant closing, inability to meet delivery times or supply material as specified.

d) **Standard Purchasing Resolution 1: Award to Low Bidder – Parking Lot Maintenance**

Resolution #2007-03-075-E-4d

RESOLVED, That a contract to complete the City of Troy Parking Lot Maintenance Program for 2006/07 is hereby **AWARDED** to the low total bidder, Lacaria Construction, Inc. of Detroit, MI for Fire Station #5 and the Community Center at unit prices contained in the bid tabulation opened January 31, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract not to exceed budgetary limitations; and

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

e) **Standard Purchasing Resolution 1: Award to Low Bidder – Museum Roof Replacements**

Resolution #2007-03-075-E-4e

RESOLVED, That a contract to replace four roofs at the Troy Museum located at 60 W Wattles is hereby **AWARDED** to the low total bidder, Ingram Roofing, Inc. of Rochester Hills, MI, for an estimated total cost of \$37,904.00, at prices contained on the bid tabulation opened February 6, 2007, 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 documents, including bonds, insurance certificates and all other specified requirements.

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**E-5 Private Agreement for Restaurant Depot – Project No. 06.934.3**

Resolution #2007-03-075-E-5

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and JETRO / RD, is hereby **APPROVED** for the installation of asphalt approach, concrete curb and gutter and concrete walkway on the site and in the adjacent right of way, 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**

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

Resolution #2007-03-076

Moved by Beltramini

Seconded by Lambert

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of February 7, 2007 be **APPROVED** as presented and the Regular City Council Meeting of February 26, 2007 be **APPROVED** as corrected.

Yes: All-5

No: None

Absent: Broomfield, Stine

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

**REGULAR BUSINESS:**

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**F-4 Preliminary Site Condominium Review – Timbercrest Farms Site Condominium, South of Wattles, West of Fernleigh, Section 24 – R-1C**

Resolution #2007-03-077

Moved by Lambert

Seconded by Beltramini

RESOLVED, That the Troy City Council hereby **APPROVES** the preliminary site condominium plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Timbercrest Farms Site Condominium, located south of Wattles, west of Fernleigh, in Section 24, including 32 home sites, within the R-1C zoning district, being 12.1 acres in size.

Yes: All-5

No: None

Absent: Broomfield, Stine

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**F-5 Revised Chapter 90 – Animals**

Resolution #2007-03-078

Moved by Beltramini

Seconded by Fleming

RESOLVED, That the Troy City Code, Chapter 90-Animals, is hereby **AMENDED** by replacement in its entirety, as presented by the City Administration, and **AMENDED** in Section 90.20.31 b and f, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-5

No: None

Absent: Broomfield, Stine

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**F-2 Allocation of 2007 Tri-Party Program Funds and Cost Participation Agreement – Livernois, Maple to Big Beaver – Project No. 07.101.5**

Resolution #2007-03-079

Moved by Lambert

Seconded by Beltramini

RESOLVED, That the Cost Participation Agreement and 2007 and 2008 Tri-Party Program funding allocation between the City of Troy and the Board of Road Commissioners for Oakland County for the Livernois, Maple to Big Beaver reconstruction project, Project No. 07.101.5, is hereby **APPROVED** at an estimated cost to the City of Troy not to exceed \$244,566.00, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the to the original Minutes of this meeting.

Yes: All-5

No: None  
Absent: Broomfield, Stine

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**F-3 Traffic Committee Recommendations – February 21, 2007**

Resolution #2007-03-080  
Moved by Beltramini  
Seconded by Howrylak

**(b) Installation of Signs – All-Way Stop Signs at the Intersection of Lancer and Jack including the Schroeder School Driveway**

RESOLVED, That Traffic Control Order No. 07-01-SS be **ISSUED** for installation of all-way STOP signs at the intersection of Lancer and Jack, including the Schroeder School driveway.

**(c) Establishment of Fire Lanes/Tow Away Zones – 3900 Northfield Parkway**

RESOLVED, That Traffic Control Order No. 07-05-MR be **ISSUED** for the establishment of fire lanes/tow away zones shown in the attached sketch at 3900 Northfield Parkway.

**(d) Establishment of Fire Lanes/Tow Away Zones – 30 East Big Beaver**

RESOLVED, That Traffic Control Order No. 07-06-MR be **ISSUED** for the establishment of fire lanes/tow away zones shown in the attached sketch at 30 East Big Beaver.

**(e) Establishment of Fire Lanes/Tow Away Zones – 3615 Livernois**

RESOLVED, That Traffic Control Order No. 07-07-MR be **ISSUED** for the establishment of fire lanes/tow away zones shown in the attached sketch at 3615 Livernois.

**(f) Establishment of Fire Lanes/Tow Away Zones – 1639 East Big Beaver**

RESOLVED, That Traffic Control Order No. 07-08-MR be **ISSUED** for the establishment of fire lanes/tow away zones shown in the attached sketch at 1639 East Big Beaver.

**(g) Establishment of Fire Lanes/Tow Away Zones – 30 East Long Lake**

RESOLVED, That Traffic Control Order No. 07-09-MR be **ISSUED** for the establishment of fire lanes/tow away zones shown in the attached sketch at 30 East Long Lake.

Yes: All-5  
No: None  
Absent: Broomfield, Stine

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**F-6 Scheduling a Workshop to Discuss Strategic Planning Initiatives**

Resolution #2007-03-081  
Moved by Beltramini  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **CANCELS** the workshop scheduled for Monday, March 26, 2007 at 7:00 PM and **SCHEDULES** a workshop to discuss strategic planning initiatives on the following date and time:

Thursday, March 22, 2007 at 7:00 PM

in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan.

Yes: All-5

No: None

Absent: Broomfield, Stine

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**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**G-1 Announcement of Public Hearings:**

- a) Rezoning Application (File Number: Z-725) – Proposed Office Building, East of Livernois, South Side of Wattles, Section 22 – R-1C to O-1 – March 19, 2007
- b) Street Vacation Application (File Number: SV 189) – A Section of Alley, West of Rochester Road between Marengo and DeEtta, abutting Lots 5-13 and 54 of Troy Little Farms Subdivision, Section 3 – March 19, 2007
- c) Zoning Ordinance Text Amendment (File Number: ZOTA 225) – Articles IV and XXXV – Planned Unit Development Provisions – March 19, 2007  
Noted and Filed

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

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**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 SEMCOG – Announcement of Upcoming Meetings – Councilmember Beltramini**

As the SEMCOG Delegate, Councilmember Beltramini advised that the *Oakland County Outreach* meeting is scheduled for Thursday, February 8<sup>th</sup> at the Groves Conference Center from 4:30 PM – 6:00 PM.

Councilmember Beltramini reported that the SEMCOG *General Assembly* meeting is being held on Thursday, March 29<sup>th</sup> at Cobo Hall; registration is scheduled for 4:00 PM and the meeting begins at 4:30 PM to discuss the forecast for the region.

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**I-2 K-Study Items – Councilmember Howrylak**

Councilmember Howrylak reminded Council that they have the ability to schedule agenda items, such as strategic planning initiative, under K-Study Items. Councilmember Howrylak would like to see this agenda tool used for future agendas.

**REPORTS:**

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**J-1 Minutes – Boards and Committees:**

- a) Downtown Development Authority/Final – December 20, 2006
  - b) Planning Commission Special/Study/Draft – February 6, 2007
  - c) Board of Zoning Appeals/Draft – February 20, 2007  
Noted and Filed
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**J-2 Department Reports:**

- a) Purchasing Department – Final Reporting – BidNet On-Line Auction and Mid-Thumb Auctioneering, LLC – January, 2007  
Noted and Filed
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**J-3 Letters of Appreciation:**

- a) Letter of Appreciation to Chief Craft from Monsignor Zouhair Toma (Kejbou), St. Joseph Catholic Chaldean Church, Thanking Lieutenant McWilliams, Sgt. Daniel, Sgt. Szuminski, Officer Haddad, Officer Stansbury, Officer Schultz, Officer Lenczewski, Officer Weingart, Officer Taylor, PSA Stark and PSA Snedden for Their Assistance with Traffic During Christmas Services
  - b) Letter of Appreciation to Chief Craft from Ann Comiskey, Troy Community Coalition Regarding the Efforts of Officer Kaptur and Officer Breidenich  
Noted and Filed
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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 Communication from the National Arbor Day Foundation Regarding Troy Being Named as a 2006 Tree City USA**

Noted and Filed

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**J-7 Communication from Bruce Bublitz of University of Michigan – Dearborn Regarding the City of Troy Being Named as a Top-Performing Community in the 2007 Entrepreneurial Cities Index**

Noted and Filed

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**STUDY ITEMS:**

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**K-1 No Study Items Submitted**

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

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**CLOSED SESSION:**

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**L-1 Closed Session:**

Resolution #2007-03-082  
Moved by Lambert  
Seconded by Beltramini

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-5  
No: None  
Absent: Broomfield, Stine

The meeting **RECESSED** at 8:59 PM.

The meeting **RECONVENED** at 9:04 PM.

The meeting **ADJOURNED** at 9:45 PM.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk