

A Regular Meeting of the Troy City Council was held Monday, September 12, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Pastor Paul Lehman – Glen Oaks Alliance Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

On behalf Ruth Johnson, Oakland County Clerk/Register of Deeds, County Commissioner William D. Molnar presented City Clerk, Tonni L. Bartholomew with a certificate of appreciation for her dedication for effectively and efficiently conducting the May 3, 2005 Election with the highest integrity.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Commercial Vehicle Appeal – 2239 East Maple Road

Resolution #2005-09-409
Moved by Eisenbacher
Seconded by Broomfield

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s);” and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:

- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Roger Coley, 2239 East Maple Road, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet dump truck in a residential district is hereby **APPROVED** for two years.

Yes: Schilling, Broomfield, Eisenbacher, Howrylak, Lambert

No: Beltramini, Stine

MOTION CARRIED

C-2 Rezoning Application – South Side of Long Lake Road, West of Calvert Drive, Section 14 – R-1C to CR-1 (Z 706)

Resolution #2005-09-410
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That the R-1C to CR-1 rezoning request, located on the south side of Long Lake Road, west of Calvert Drive, Section 14, being 3.07 acres in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes: All-7

POSTPONED ITEMS:

D-1 Rezoning Application – West Side of Rochester Road, North of Creston, Between Long Lake and Trinway – Section 10 – R-1C to R-1T (Z 705) – Withdrawn by Petitioner

Pending Resolution

Resolution

Moved by Lambert

Seconded by Stine

RESOLVED, That the R-1C to R-1T rezoning request, located on the west side of Rochester Road, north of Creston, between Long Lake and Trinway, Section 10, being 29,040 square feet in size, is hereby **DENIED**.

Vote on Resolution to Amend by Substitution

Resolution #2005-09-411

Moved by Beltramini

Seconded by Broomfield

RESOLVED, That the Resolution to DENY the R-1C to R-1T rezoning request, located on the west side of Rochester Road, north of Creston, between Long Lake and Trinway, Section 10, being 29,040 square feet in size is hereby **AMENDED** by **STRIKING** it in its entirety and **SUBSTITUTED** by **INSERTING**, "RESOLVED, That Troy City Council hereby **ACCEPTS** the Petitioner's request to withdraw the R-1C to R-1T rezoning request, located on the west side of Rochester Road, north of Creston, between Long Lake and Trinway, Section 10, being 29,040 square feet in size."

Yes: All-7

Vote on Resolution as Amended by Substitution

Resolution #2005-09-412

Moved by Lambert

Seconded by Stine

RESOLVED, That Troy City Council hereby **ACCEPTS** the Petitioner's request to withdraw the R-1C to R-1T rezoning request, located on the west side of Rochester Road, north of Creston, between Long Lake and Trinway, Section 10, being 29,040 square feet in size.

Yes: All-7

D-2 Revision of Troy's Sign Ordinances

Resolution

Moved by Howrylak

Seconded by Eisenbacher

a) Revision of Sign Ordinance – Enact Chapter 85

RESOLVED, That an ordinance to enact Chapter 85 – Signs, is hereby **ADOPTED** as recommended by the City Administration, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

b) Revision of Sign Ordinance – Amendment to Chapter 60

RESOLVED, That an ordinance amendment to Chapter 60, Section 60.03, is hereby **ADOPTED** as recommended by the City Administration, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

c) Revision of Sign Ordinance – Amendment to Chapter 3

RESOLVED, That an ordinance amendment to Chapter 3, Section 1.141(6), is hereby **ADOPTED** as recommended by the City Administration, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

d) Revision of Sign Ordinance – Chapter 78 Repealed

RESOLVED, That Chapter 78 – Signs, of the Troy City Code, is hereby **REPEALED**.

e) Revision of Sign Ordinance – Chapter 85-A Repealed

RESOLVED, That Chapter 85-A – Political Signs, of the Troy City Code, is hereby **REPEALED**.

Vote on Resolution to Amend

Resolution #2005-09-413

Moved by Stine

Seconded by Schilling

RESOLVED, That the proposed Resolution for the *Revision of Troy's Sign Ordinance* be **AMENDED** by modifying Section 60.03.02 B.1 by **STRIKING** "six square feet" and **INSERTING** "four square feet" and Section 60.03.02 B.2 by **STRIKING** "three temporary signs" and **INSERTING** "two temporary signs" and Section 60.03.02 B.4 by **STRIKING** "ninety days" and **INSERTING** "sixty days".

Yes: None

No: All-7

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

Resolution #2005-09-414

Moved by Beltramini

Seconded by Schilling

RESOLVED, That the Resolution to revise Troy's Sign Ordinance be **AMENDED** by **STRIKING** it in its entirety and **SUBSTITUTED** by **INSERTING**:

a) Revision of Sign Ordinance – Enact Chapter 85

RESOLVED, That an ordinance to enact Chapter 85 – Signs, is hereby **ADOPTED** as recommended by the City Administration **SUBJECT** to the following additional amendments: Section 85.02.01 F. is **DELETED**; Section 85.03.02 B (1) is **AMENDED** by **STRIKING** “twelve (12) square feet” and **INSERTING** “fourteen (14) square feet”; and Section 85.03.02 B (2) is **AMENDED** by **ADDING** “f. Sign shall be located as so to comply with the corner clearance requirements of Section 85.01.05 B.” a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

c) Revision of Sign Ordinance – Amendment to Chapter 60

RESOLVED, That an ordinance amendment to Chapter 60, Section 60.03, is hereby **ADOPTED** as recommended by the City Administration, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

c) Revision of Sign Ordinance – Amendment to Chapter 3

RESOLVED, That an ordinance amendment to Chapter 3, Section 1.141(6), is hereby **ADOPTED** as recommended by the City Administration, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

d) Revision of Sign Ordinance – Chapter 78 Repealed

RESOLVED, That Chapter 78 – Signs, of the Troy City Code, is hereby **REPEALED**.

f) Revision of Sign Ordinance – Chapter 85-A Repealed

RESOLVED, That Chapter 85-A – Political Signs, of the Troy City Code, is hereby **REPEALED**.”

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

MOTION CARRIED**Vote on Resolution as Amended**

Resolution #2005-09-415
Moved by Howrylak
Seconded by Eisenbacher

a) Revision of Sign Ordinance – Enact Chapter 85

RESOLVED, That an ordinance to enact Chapter 85 – Signs, is hereby **ADOPTED** as recommended by the City Administration **SUBJECT** to the following additional amendments: Section 85.02.01 F. is **DELETED**; Section 85.03.02 B (1) is **AMENDED** by **STRIKING** “twelve (12) square feet” and **INSERTING** “fourteen (14) square feet”; and Section 85.03.02 B (2) is **AMENDED** by **ADDING** “f. Sign shall be located as so to comply with the corner clearance

requirements of Section 85.01.05 B.” a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

d) Revision of Sign Ordinance – Amendment to Chapter 60

RESOLVED, That an ordinance amendment to Chapter 60, Section 60.03, is hereby **ADOPTED** as recommended by the City Administration, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

c) Revision of Sign Ordinance – Amendment to Chapter 3

RESOLVED, That an ordinance amendment to Chapter 3, Section 1.141(6), is hereby **ADOPTED** as recommended by the City Administration, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

d) Revision of Sign Ordinance – Chapter 78 Repealed

RESOLVED, That Chapter 78 – Signs, of the Troy City Code, is hereby **REPEALED**.

g) Revision of Sign Ordinance – Chapter 85-A Repealed

RESOLVED, That Chapter 85-A – Political Signs, of the Troy City Code, is hereby **REPEALED**.

Yes: Stine, Schilling, Beltramini, Broomfield, Eisenbacher, Howrylak

No: Lambert

MOTION CARRIED

The meeting **RECESSED** at 9:08 PM.

The meeting **RECONVENED** at 9:26 PM.

CONSENT AGENDA:

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

Resolution #2005-09-416

Moved by Lambert

Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-4 (b), which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

E-2 Approval of City Council Minutes

Resolution #2005-09-416-E-2

RESOLVED, That the Minutes of the Regular City Council Meeting of August 15, 2005 be **APPROVED** as corrected.

E-3 Proposed City of Troy Proclamations – None Proposed**E-4 Standard Purchasing Resolutions****a) Standard Purchasing Resolution 3: Exercise Renewal Option – Ice Melt**

Resolution #2005-09-416-E-4a

WHEREAS, On November 15, 2004, a one-year contract with an option to renew for one additional year to provide Ice Melt Compound to the City of Troy and participating members of the MITN Purchasing Cooperative was **AWARDED** to the lowest bidder meeting specifications, Washington Elevator Company of Washington, MI (Resolution #2004-11-591E4);

WHEREAS, The awarded bidder has agreed to exercise the option to renew the contract for one additional year under the same pricing, terms, and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Washington Elevator to provide Ice Melt Compound under the same contract price, terms and conditions at an estimated cost of \$18,760.00 for one-year expiring October 31, 2006.

c) Standard Purchasing Resolution 3: Exercise Renewal Option – Volunteer Firefighter Uniforms

Resolution #2005-09-416-E-4c

WHEREAS, On September 22, 2003, two-year contracts with an option to renew for two additional one-year periods to purchase volunteer firefighter uniforms were **AWARDED** to the low bidders, Metropolitan Uniform of Detroit, Michigan and Allie Brothers, Inc. of Livonia, Michigan (Resolution #2003-09-467-E-4);

WHEREAS, Both vendors have agreed to exercise the first one-year option to renew under the same pricing, terms and conditions as the original contracts.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contracts are hereby **EXERCISED** with Metropolitan Uniform and Allie Brothers, Inc. to provide Volunteer Firefighter Uniforms under the same prices, terms, and conditions for one-year at an estimated cost of \$12,000.00, to expire September 8, 2006.

d) **Standard Purchasing Resolution 2: Bid Award: Lowest Bidder Meeting Specifications – Ramp and Stair Replacement at the Troy Historical Museum**

Resolution #2005-09-416-E-4d

RESOLVED, That a contract to replace the accessibility ramp and stairs at the main museum building is hereby **AWARDED** to the lowest bidder meeting specifications, Poe Restoration and Waterproofing of Commerce, Michigan for an estimated total cost of \$16,250.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the vendor submission of proper contract and bid documents, including insurance certificates, bonds 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 \$1,625.00.

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

Resolution #2005-09-416-E-4e

WHEREAS, On October 18, 2004, a contract to provide 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, at an estimated total cost of \$657,500.00; (Resolution # 2004-10-546-E7);

WHEREAS, Scodeller Construction, Inc. has agreed to exercise the first one-year option to renew under the same prices, terms, and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the first year of the option to renew the contract for a Pavement Seam and Fracture Sealing Program is hereby **EXERCISED** with Scodeller Construction, Inc. for an estimated total cost of \$500,000.00, under the same contract prices, terms, and conditions expiring June 30, 2006; and 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 contract total project cost or \$125,000.00 and within budgetary limitations.

f) **Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Community Coalition**

Resolution #2005-09-416-E-4f

RESOLVED, That approval to expend funds budgeted in the 2005/2006 fiscal year to the Troy Community Coalition to provide community services to prevent drug and alcohol abuse in the amount of \$100,000.00 is hereby **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED** on behalf of the City of Troy to sign the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

g) **Standard Purchasing Resolution 6: Grant Approval and Authorization to Expend City Funds – Radio Equipment**

Resolution #2005-09-416-E-4g

RESOLVED, That the Troy City Council does hereby **AUTHORIZE** the Troy Fire Department to receive a United States Fire Administration FIRE ACT Grant and **EXPEND** funds for the purchase of radio equipment from M/A-Com Inc. of Lynchburg, VA at an estimated cost of \$131,000.00 through an Oakland County Contract in accordance with the Appendix, Radio Equipment Price Breakdown; and

BE IT FURTHER RESOLVED, That the Fire Department capital equipment budget is hereby **AMENDED** due to the grant award in the amount of \$131,000.00.

h) **Standard Purchasing Resolution 1: Award to Low Bidder – Slate Roof Repair and Replacement – Troy Historical Museum**

Resolution #2005-09-416-E-4h

RESOLVED, That a contract to repair and replace the slate roof at the main museum building is hereby **AWARDED** to the low bidder, Butcher & Baeker Construction Co., Inc of Rochester Hills, Michigan for an estimated cost of \$91,033.00, at prices contained in the attached bid tabulation opened August 17, 2005, 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's submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements; and if additional work is needed that could not be foreseen, such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost or \$9,103.00.

E-5 Waiver of Parking Restrictions – Smith Middle School

Resolution #2005-09-416-E-5

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** the No Parking restrictions on the west side of Donaldson Street from Square Lake Road to Cotswold Street, on September 15, 2005, between the hours of 6:30 pm - 9:30 pm; November 16 and 17, 2005, between the hours of 11:30 am - 9:00 pm; March 2, 2006, between the hours of 11:30 am - 9:00 pm; March 3, 2006, between the hours of 5:30 pm - 9:30 pm; and June 14, 2005, between the hours of 9:00 am - 12:00 noon.

E-6 Acceptance of Permanent Easements for Ashbury Drive – Sanitary Sewer – Northeast ¼ of Section 24

Resolution #2005-09-416-E-6

RESOLVED, That the permanent easement from Muhammad A. Munir and Zahida Razzaq, having Sidwell #88-20-24-226-082, and the permanent easement from Babi Construction, Inc.,

having Sidwell #88-20-24-226-083 are hereby **ACCEPTED** for the operation, maintenance and repair or replacement of sanitary sewer on Ashbury Drive; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds Office, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Acceptance of Warranty Deed and Permanent Easements for Maplewood Site Condominium, Milano Building Company, Section 3 – Sidwell #88-20-03-226-009

Resolution #2005-09-416-E-7

RESOLVED, That the Warranty Deed for right-of-way and four Permanent Easements for watermain, sanitary sewer and storm sewer from Milano Building Company, Inc., owner of the property having Sidwell #88-20-03-226-009, are hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-8 Waiver of Parking Restrictions – Congregation Shir Tikvah

Resolution #2005-09-416-E-8

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** the No Parking restrictions on the East side of Northfield Parkway from the parking lot entrance to Congregation Shir Tikvah to the entrance to Boulan Park, on October 3, 2005, 7:00 pm – 11:00 pm; October 4, 2005, 9:00 am – 5:00 pm; October 12, 2005, 7:00 pm – 11:00 pm; October 13, 2005, 9:00 am – 9:00 pm.

E-9 Winter Maintenance Agreement – Road Commission for Oakland County

Resolution #2005-09-416-E-9

RESOLVED, That the Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy for Snow and Ice Control of certain primary and local roads, which are described and outlined in Exhibit A, is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the necessary documents, a copy of this agreement, which is authorized by the provisions of 1951 PA 51 (MCL 247.651 et seq.), shall be **ATTACHED** to the original Minutes of this meeting.

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

E-4 Standard Purchasing Resolutions**b) Standard Purchasing Resolution 1: Award to Low Bidder – Snow Removal Services – Home Chore Program**

Resolution #2005-09-417

Moved by Stine

Seconded by Beltramini

RESOLVED, That contracts to provide for seasonal requirements of snow removal services for the Home Chore Program are hereby **AWARDED** to the low total bidders, Advanced Services of Sterling Heights, as primary contractor, and Kathy's Lawn Maintenance of Saginaw as secondary contractor, for Proposal A and Proposal B for an estimated total cost of \$11,092.00 per season, at unit prices contained in the bid tabulation opened August 10, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

Yes: All-7

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

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: Downtown Development Authority; b) City Council Appointments: Animal Control Appeal Board; Cable Advisory Committee; Ethnic Issues Advisory Board-Postponed until the Regular City Council Meeting scheduled for Monday, September 19, 2005; and Traffic Committee

(a) Mayoral Appointments

Resolution #2005-09-418

Moved by Schilling

Seconded by Lambert

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

Downtown Development Authority
Mayor, Council Approval (13) – 4 years

Michele Hodges

Term Expires 09/30/09

Daniel MacLeish Term Expires 09/30/09

Harvey Weiss Term Expires 09/30/09

Yes: All-7

(b) City Council Appointments

Resolution
Moved by Beltramini
Seconded by Eisenbacher

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

Animal Control Appeal Board

Appointed by Council (5) – 3 years

Jayne Saeger Term Expires 09/30/08

Cable Advisory Committee (CAC)

Appointed by Council (7) – 3 years

Robert Lin Term Expires 07/01/06 **(Student)**

Ethnic Issues Advisory Board

Appointed by Council (9) – 3 years

Kelly Gu Term Expires 09/30/06 **(Student)**

Lulu Guo Term Expires 09/30/06 **(Student)**

Michele Haight Term Expires 09/30/08

Amin Hashmi Term Expires 09/30/08

Tom Kaszubski Term Expires 09/30/08

Padma Kuppa Term Expires 09/30/08

Malina (Melanie) Sarma Term Expires 09/30/08

Oniell Shah Term Expires 09/30/08

Parks and Recreation Board

Appointed by Council (10) – 3 years

Janice Zikakis

Term Expires 09/30/08

Meaghan Kovacs

Term Expires 09/30/08

Traffic Committee

Appointed by Council (7) – 3 years

Sarah Binkowski or Gordon Schepke

Unexpired Term 01/31/06

Katherine Tan

Term Expires 07/01/06 **(Student)**

Vote on Resolution to Separate Vote for Traffic Committee Appointments and Postpone the Vote for the Ethnic Issues Advisory Board Appointments

Resolution #2005-09-419
Moved by Lambert
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **REQUESTS** the vote be **SEPARATED** for the Traffic Committee appointments to consider multiple recommendations and to **POSTPONE** the vote for Ethnic Issues Advisory Committee until the Regular City Council Meeting scheduled for Monday, September 19, 2005.

Yes: All-7

MOTION CARRIED

Vote on Resolution to Appoint Members to the Animal Control Appeal Board, the Cable Advisory Committee and the Parks and Recreation Board

Resolution #2005-09-420
Moved by Beltramini
Seconded by Eisenbacher

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

Animal Control Appeal Board

Appointed by Council (5) – 3 years

Jayne Saeger

Term Expires 09/30/08

Cable Advisory Committee (CAC)

Appointed by Council (7) – 3 years

Robert Lin

Term Expires 07/01/06 **(Student)**

Parks and Recreation Board

Appointed by Council (10) – 3 years

Janice Zikakis	Term Expires 09/30/08
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Meaghan Kovacs	Term Expires 09/30/08
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Yes: All-7

Roll Call Vote for Traffic Committee Recommendations

RECOMMENDATION:	VOTE:
Sara Binkowski:	Schilling, Beltramini
Gordon Schepke:	Lambert, Broomfield, Eisenbacher, Howrylak, Stine

Vote on Resolution to Confirm Appointments to the Traffic Committee

Resolution #2005-09-421
 Moved by Beltramini
 Seconded by Eisenbacher

Traffic Committee

Appointed by Council (7) – 3 years

Gordon Schepke	Unexpired Term 01/31/06
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Katherine Tan	Term Expires 07/01/06 (Student)
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Yes: All-7

F-2 Standard Purchasing Resolution 3 and Bid Waiver – Option to Renew (1 Year) and Bid Waiver (1 Year) to Extend – Casualty and Property Insurance with the MMRMA for November 2005-06 and November 2006-07

Resolution #2005-09-422
 Moved by Lambert
 Seconded by Stine

WHEREAS, On August 9, 2004, a one-year contract with an option to renew for one (1) additional year to provide Casualty and Property Insurance was **AWARDED** to the Michigan Municipal Risk Management Authority (MMRMA) for a premium of \$293,689 for coverage year 2004/2005 (Resolution #2004-08-415); and

WHEREAS, the MMRMA has agreed to **EXERCISE** the one-year option to renew and **EXTEND** the contract for one (1) additional year under the same terms and conditions; and

WHEREAS, the agreement would include a 2% premium increase in the first year (2005/2006), and a not to exceed 5% premium increase in the second year (2006/2007).

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and the option to renew and extend the contract is hereby **EXERCISED** with the MMRMA to provide Casualty and Property Insurance for a premium of \$299,563.00 in 2005/2006, and a not to exceed premium of \$314,541.00 in 2006/2007; and

BE IT FINALLY RESOLVED, This contract also includes the maintenance of a positive loss fund balance of up to \$150,000 expiring November 7, 2007.

Yes: All-7

F-3 Sole Source – In-Car Camera and Radar Equipment Parts and Service

Resolution #2005-09-423

Moved by Stine

Seconded by Lambert

WHEREAS, Decatur Electronics of Decatur, Illinois is the manufacturer and main service facility of the 8mm In-car video camera systems and radar equipment used by the Troy Police Department;

WHEREAS, It is necessary to maintain these systems so that Police Department incidents may be recorded to reduce liability and aid in litigation.

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy is **AUTHORIZED** to purchase parts and services from Decatur Electronics to maintain the Police Department's fleet of 8mm in-car video systems and radar equipment for an estimated annual cost of \$25,000.00 which is commensurate to authorized service center rates.

Yes: All-7

F-4 Designation of Voting Delegates at Annual NLC Meeting – Charlotte, North Carolina

Resolution #2005-09-424

Moved by Lambert

Seconded by Howrylak

RESOLVED, That Robin E. Beltramini is hereby **DESIGNATED** as Voting Delegate and Louise E. Schilling is hereby **DESIGNATED** as the Alternate Voting Delegate to cast the vote of the City of Troy at the Annual Meeting of the National League of Cities to be held December 10, 2005 at Charlotte, North Carolina.

Yes: All-7

F-5 Recommendation to Negotiate Purchase of Replacement Ladder Truck

Resolution #2005-09-425

Moved by Stine

Seconded by Eisenbacher

WHEREAS, The Troy Fire Department has standardized aerial ladder trucks over the last twenty years to allow simplified firefighter training on this type of complex apparatus;

WHEREAS, Maintenance is simplified by having platform units that have similar ladder, hydraulic, and stabilizing systems.

NOW, THEREFORE, BE IT RESOLVED, That City Administration is **AUTHORIZED** to **NEGOTIATE** a contract with Sutphen Corporation of Amlin, Ohio for the purchase of an aerial ladder truck; and

BE IT FURTHER RESOLVED, That the final contract will be **SUBMITTED** to the Troy City Council for review and final approval.

Yes: All-7

F-6 Final Site Condominium Review – Hidden Creek Site Condominium, East Side of Ellenboro, South Side of Vanderpool, Section 22 – R-1E

Resolution #2005-09-426

Moved by Stine

Seconded by Beltramini

RESOLVED, That the Final 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 Hidden Creek Site Condominium and as recommended for approval by City Management, located on the east of Ellenboro, south of Vanderpool, including 13 home sites, within the R-1E zoning district, being 7.97 acres in size, is hereby **APPROVED**.

Yes: All-7

F-7 Amendment #1 – SLC Meter Service, Inc. – Automatic Meter Reading System

Resolution #2005-09-427

Moved by Beltramini

Seconded by Stine

WHEREAS, On February 7, 2005, Troy City Council approved a contract to provide an automatic meter reading system for the Department of Public Works Water Division to SLC Meter Service, Inc. of Davisburg, MI, the lowest, most qualified bidder as a result of a best value process for an estimated net total cost of \$78,350.00 at prices as outlined in the bid tabulation opened October 15, 2004 (Resolution #2005-02-057);

WHEREAS, The initial system converted 1,000 industrial meters to an automatic meter reading system and City management recommends the scope of work be expanded to include 26,000 residential meters over a four (4) year period.

NOW, THEREFORE, BE IT RESOLVED, That City Management is **AUTHORIZED** to **NEGOTIATE** and **AMEND** the contract with SLC Meter Service, Inc.; and

BE IT FURTHER RESOLVED, That the final contract will be **SUBMITTED** to the Troy City Council for review and final approval.

Yes: All-7

F-8 Resolution Opposing Senate Bill 528

Resolution

Moved by Schilling

Seconded by Beltramini

WHEREAS, President Bush has established a priority for universal affordable access to broadband technology by 2007;

WHEREAS, Legislation has also been filed by Senators John McCain (Arizona) and Frank Lautenberg (New Jersey), entitled the "Community Broadband Act of 2005", that would protect a city's right to explore the option of providing municipal broadband;

WHEREAS, For local governments, reliable high-speed internet (broadband) service attracts businesses, spurs economic development and supports urban renewal;

WHEREAS, Historically, government involvement has often been necessary to provide essential services to our citizens – from rural power to public libraries. In today's global market, internet (broadband) access is an essential service, and municipalities have the obligation to make sure that all citizens and businesses have equal access to this service;

WHEREAS, Michigan local governments already have specific restrictions and a well thought out statutory law (Metro Act) that regulates local government involvement in telecommunications services;

WHEREAS, Michigan now has the worst unemployment rate in the country and internet (broadband) access is a vital economic development tool and is essential for Michigan to successfully attract new jobs and transitioning from a manufacturing-based to a technology-based economy;

WHEREAS, Oakland County has initiated a county-wide project with private partners to develop a multi-tiered wireless broadband service to attract business, spur economic development and provide efficient and effective service for all residents and visitors of the county.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council **REQUESTS** the legislative bodies to **OPPOSE** SB 528 as it prevents local governments from providing any

telecommunication services to citizens; including cable, high-speed internet (broadband) and wireless communications; and

NOW, THEREFORE, BE IT RESOLVED, By the Troy City Council that a copy of this resolution is **PROVIDED** to our state legislators and the Governor's office.

Vote on Resolution to Amend

Resolution #2005-09-428

Moved by Howrylak

Seconded by Lambert

RESOLVED, That the Resolution opposing Senate Bill 528 be **AMENDED** by **INSERTING** "WHICH SHALL include a roll call vote of Troy City Council" in the final "NOW, THEREFORE, BE IT RESOLVED" **AFTER**, "a copy of this resolution".

Yes: All-7

Vote on Resolution to Amend

Resolution #2005-09-429

Moved by Lambert

Seconded by Stine

RESOLVED, That the Resolution opposing Senate Bill 528 be **AMENDED** by **STRIKING**, "That the Troy City Council requests the legislative bodies to **OPPOSE** SB 528 as it prevents local governments from providing any telecommunication services to citizens; including cable, high-speed internet (broadband) and wireless communications" and **INSERTING**, "That the Troy City Council REQUESTS the legislative bodies to OPPOSE SB 528 in its present form."

Yes: All-7

Vote on Resolution as Amended

Resolution #2005-09-430

Moved by Schilling

Seconded by Beltramini

WHEREAS, President Bush has established a priority for universal affordable access to broadband technology by 2007;

WHEREAS, Legislation has also been filed by Senators John McCain (Arizona) and Frank Lautenberg (New Jersey), entitled the "Community Broadband Act of 2005", that would protect a city's right to explore the option of providing municipal broadband;

WHEREAS, For local governments, reliable high-speed internet (broadband) service attracts businesses, spurs economic development and supports urban renewal;

WHEREAS, Historically, government involvement has often been necessary to provide essential services to our citizens – from rural power to public libraries. In today’s global market, internet (broadband) access is an essential service, and municipalities have the obligation to make sure that all citizens and businesses have equal access to this service;

WHEREAS, Michigan local governments already have specific restrictions and a well thought out statutory law (Metro Act) that regulates local government involvement in telecommunications services;

WHEREAS, Michigan now has the worst unemployment rate in the country and internet (broadband) access is a vital economic development tool and is essential for Michigan to successfully attract new jobs and transitioning from a manufacturing-based to a technology-based economy;

WHEREAS, Oakland County has initiated a countywide project with private partners to develop a multi-tiered wireless broadband service to attract business, spur economic development and provide efficient and effective service for all residents and visitors of the county.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council **REQUESTS** the legislative bodies to **OPPOSE** SB 528 in its present form; and

NOW, THEREFORE, BE IT RESOLVED, By the Troy City Council that a copy of this resolution, which **SHALL INCLUDE** a roll call vote of Troy City Council, is **PROVIDED** to our state legislators and the Governor’s office.

Yes: Beltramini, Lambert, Stine, Schilling

No: Broomfield, Eisenbacher, Howrylak

MOTION CARRIED

F-9 Section 23 – Pavement Replacement Project – Change Order No. 2, Contract 05-02

Resolution #2005-09-431

Moved by Beltramini

Seconded by Lambert

RESOLVED, That Change Order No. 2 in the amount of \$413,223.15 with Florence Pavement Providers for the Section 23 Pavement Replacement Project in Raintree Village No. 1 is hereby **APPROVED**. The change order in effect **RATIFIES** the work already done and **AUTHORIZES** the completion of the project, the balance of which is \$685,401.83; and

BE IT FURTHER RESOLVED, That if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 10% of the amount of Change Order No. 2.

Yes: Broomfield, Eisenbacher, Lambert, Stine, Schilling, Beltramini

No: Howrylak

MOTION CARRIED

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Commercial Vehicle Appeal – 2256 Garry – September 19, 2005
 - b) Commercial Vehicle Appeal – 2002 Atlas – September 19, 2005
 - c) Parking Variance – 4550 Investment Drive – September 19, 2005
 - d) Rezoning Application – Cambridge Square Office Buildings, West Side of Dequindre, North of Long Lake, Section 12 – R-1C to O-1 and E-P (Z 707) – September 19, 2005
Noted and Filed
-

G-2 Green Memorandums: No Memorandums Submitted**COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda**

H-1 Councilwoman Broomfield has requested a resolution advising the Planning Commission to make a recommendation to City Council regarding child daycare group homes. This recommendation would be advanced by the Planning Commission after conclusion of their public hearing which is going to be held on September 27, 2005. Please refer to the attached memorandum from the City Manager for further information.

Resolution #2005-09-432

Moved by Broomfield

Seconded by Howrylak

RESOLVED, That the Planning Commission is **ADVISED TO ADVANCE** a recommendation to the Troy City Council regarding child daycare group homes in the R-1A through R-1E zoning classifications; and

BE IT FURTHER RESOLVED, That the Planning Commission's recommendation **IS EXPECTED** to be formulated after conclusion of the public hearing on this matter at the Planning Commission meeting of September 27, 2005

Yes: All-7

H-2 Council Member Howrylak has requested that City Council set a public hearing to consider geographically modifying the Downtown Development Authority (DDA) district. Please know that statutory procedure requires the governing body to make a determination that an amendment to the district is in the best interest of the public. Attached is a staff memo indicating minimum statutory timeframes required to modify the DDA district.

Resolution

Moved by Howrylak

Seconded by Eisenbacher

WHEREAS, Troy City Council **FINDS** it is in the best interest of the public to **MODIFY** the boundaries of the Troy Downtown Development Authority (DDA) district in order to exclude residential property and to ensure the adequate General Fund revenue for the operations of the City of Troy.

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **SETS** a public hearing to **AMEND** the boundaries of the Troy Downtown Development Authority (DDA) for Monday, October 24, 2005 at 7:30 PM at Troy City Hall – 500 W. Big Beaver-Troy, Michigan 48084; and

BE IT FURTHER RESOLVED, That the boundaries of the current Troy Downtown Development Authority (DDA) district **BE INCLUDED** by reference in this resolution and **BE INCLUDED** in the necessary postings at a minimum of 20 locations located in the Troy Downtown Development Authority (DDA) district.

Proposed Resolution to Amend

Resolution
Moved by Stine
Seconded by Howrylak

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, “BE IT FURTHER RESOLVED, That in the interim, expert legal and financial assistance be provided in order that the necessary information is available to provide for the feasibility of modifying the Troy Downtown Development Authority (DDA) boundaries.”

Vote on Resolution to Amend Amendment

Resolution #2005-09-433
Moved by Stine
Seconded by Eisenbacher

RESOLVED, That the Resolution to Amend be **AMENDED** by **STRIKING**, “That in the interim,” and by **STRIKING**, “be provided in order that the necessary information is available” and by **INSERTING**, “That the City of Troy EMPLOY” **BEFORE** “expert” and by **INSERTING** “information” **AFTER** “provide”.

Yes: All-7

Vote on Amendment as Amended

Resolution #2005-09-434
Moved by Stine
Seconded by Howrylak

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, “BE IT FURTHER RESOLVED, That the City of Troy EMPLOY expert legal and financial assistance to provide information for the feasibility of modifying the Troy Downtown Development Authority (DDA) boundaries.”

Yes: All-7

Vote on Resolution to Amend

Resolution #2005-09-435

Moved by Beltramini

Seconded by Stine

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, "BE IT FURTHER RESOLVED, That the any or all of the portion of the Monarch boundaries currently within the Troy Downtown Development Authority (DDA) district which are to be removed be specifically referenced" **BEFORE** the last "BE IT FURTHER RESOLVED".

Yes: All-7

Vote on Resolution as Amended

Resolution #2005-09-436

Moved by Howrylak

Seconded by Eisenbacher

WHEREAS, Troy City Council **FINDS** it is in the best interest of the public to **MODIFY** the boundaries of the Troy Downtown Development Authority (DDA) district in order to exclude residential property and to ensure the adequate General Fund revenue for the operations of the City of Troy.

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **SETS** a public hearing to **AMEND** the boundaries of the Troy Downtown Development Authority (DDA) for Monday, October 24, 2005 at 7:30 PM at Troy City Hall – 500 W. Big Beaver-Troy, Michigan 48084; and

BE IT FURTHER RESOLVED, That the boundaries of the current Troy Downtown Development Authority (DDA) district **BE INCLUDED** by reference in this resolution and **BE INCLUDED** in the necessary postings at a minimum of 20 locations located in the Troy Downtown Development Authority (DDA) district as follows:

Property lying on either side of Big Beaver Road between Golfview on the west and Fire Station #1 on the east and south to I-75 and Rochester Road and including the following sidwells:

19-430-002; 19-453-005; 19-453-008 thru 010; 19-476-001; 20-351-002; 20-376-001 thru 005; 20-401-024; 20-402-036; 20-402-041 thru 043; 20-476-012; 20-476-030 and 031; 20-476-036; 20-476-039; 20-476-043; 20-476-046 and 047; 20-476-049 thru 053; 21-304-024; 21-326-005; 21-327-001; 21-351-009; 21-351-011 and 012; 21-401-001 and 002; 21-476-015; 21-476-018 and 019; 22-355-025; 22-356-012 thru 014; 22-357-013 thru 015; 22-358-015 and 016; 22-358-019; 22-379-021; 22-379-023; 22-380-026; 22-380-028; 22-380-033; 22-383-001 thru 005; 22-477-019 and 020; 22-477-038 thru 040; 22-477-043; 22-477-047 and 048; 22-477-052 thru 054; 22-478-007; 23-354-015 thru 021; 23-354-023 thru 026; 26-101-001 thru 008; 26-102-001 thru 006; 26-102-013; 27-101-058; 27-101-060 and 061; 27-101-065; 27-102-026 and 027; 27-201-008 thru 018; 27-201-022; 27-201-040 and 041; 27-210-048 thru 050; 27-226-018 thru 021; 27-226-025; 27-227-010 and 011; 27-228-009 thru 011; 27-228 017 and 018; 27-277-017; 28-

101-018 thru 021; 28-101-032; 28 101-034; 28-101-038 and 039; 28-101-047; 28-101-050 thru 052; 28-201-006 thru 009; 28-203-009 and 010; 28-203-030; 28-203-032; 28-203-034 and 035; 28-204-001 thru 004; 28-204-007 and 008; 28-226-015 and 016; 28-226-033 thru 035; 28-227-007; 28-251-007 thru 013; 28-251-037 thru 039; 28-252-016 thru 018; 28-276-044 thru 049; 28-277-008; 28-430-017; 29-101-004; 29-101-006; 29-101-008 and 009; 29-127-020; 29-127-023 and 024; 29-201-001; 29-201-015 and 016; 29-201-019; 29-201-021 and 022; 29-226-002 thru 005; 29-226-016; 29-226-043; 29-226-046 thru 070; 29-226-073 thru 075; 29-277-026; 30-202-004 and 005; 30-226-001; 30-226-008 thru 010; and 30-228-001 and 002; and

BE IT FURTHER RESOLVED, That the portion of the Monarch project boundaries currently within the Troy Downtown Development Authority (DDA) district which are to be removed be specifically referenced [Lot 93 and Lots 90, 91, and 92 except the south 42 feet thereof, Muer's Garden Farms Subdivision, a subdivision, as recorded in Liber 15, page 45 of plats, Oakland County Records (Sidwell #88-20-20-402-036; Sidwell #88-20-20-402-048; Sidwell #88-20-20-402-042; and Sidwell #88-20-20-402-047)]; and

BE IT FURTHER RESOLVED, That the City of Troy **EMPLOY** expert legal and financial assistance to provide information for the feasibility of modifying the Troy Downtown Development Authority (DDA) boundaries.

Yes: All-7

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #26 – Continued Agenda Items Not Considered Before 12:00 AM

Resolution #2005-09-437
Moved by Stine
Seconded by Howrylak

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #26 - *Continued Agenda Items Not Considered Before 12:00 AM* and **AUTHORIZE** City Council to **EXTEND** the adjournment time to 12:30 AM.

Yes: All-7

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #26 – Continued Agenda Items Not Considered Before 12:00 AM

Resolution #2005-09-
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #26 - *Continued Agenda Items Not Considered Before 12:00 AM* and **AUTHORIZE** City Council to **EXTEND** the adjournment time to 12:45 AM.

Yes: All-7

COUNCIL COMMENTS:

I-1 No Council Comments**REPORTS:**

J-1 Minutes – Boards and Committees:

- a) Troy Youth Council/Final – May 18, 2005
- b) Advisory Committee for Persons with Disabilities/Draft – June 1, 2005
- c) Advisory Committee for Persons with Disabilities/Final – June 1, 2005
- d) Planning Commission Regular/Final – July 12, 2005
- e) Employees' Retirement System Board of Trustees/Final – July 13, 2005
- f) Board of Zoning Appeals/Draft – July 19, 2005
- g) Board of Zoning Appeals/Final – July 19, 2005
- h) Planning Commission Special/Study/Final – July 26, 2005
- i) Ethnic Issues Advisory Board/Draft – August 2, 2005
- j) Planning Commission Special/Study/Draft – August 2, 2005
- k) Planning Commission Special/Study/Final – August 2, 2005
- l) Building Code Board of Appeals/Draft – August 3, 2005
- m) Board of Zoning Appeals/Draft – August 16, 2005
- n) Troy CAC Advisory Committee/Draft – August 18, 2005
- o) Troy Youth Council/Draft – August 24, 2005

Noted and Filed

J-2 Department Reports:

- a) The Report of the Twenty Fifth Annual Actuarial Valuation – December 31, 2004 of the City of Troy Incentive Plan for Volunteer Firefighters
- b) Preliminary Report from the Historic District Study Committee Concerning the Brian and Mary Jean Wattles Property
- c) Update on Futures Project, as well as Big Beaver Corridor Study
- d) Development of City of Troy Comprehensive Plan/Amendments to City of Troy Future Land Use Plan

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Thanks to Carol Anderson from Cathy Killian, Thanking Troy Aquatic Center Staff – Jen Harvey, Michelle Harvey, Kevin Losey and Andy Gillett for Their Outstanding Efforts
- b) Letter of Thanks to Chief Craft from Julie Zenger Hain, Thanking Officer Broderick and Other Officers and Staff for Their Professionalism in Court
- c) Letter to Troy Police Department from Mothers and More, In Appreciation of the Presentation at Their Annual Family Picnic
- d) Letter of Thanks to Jay Reynolds from Lorri Konieczko-Jim Hadden of ARUP, In Appreciation of the Presentation on Identity Theft

- e) Letter of Thanks to John Szerlag from Tom Kafkes, In Appreciation of His Assistance with the Monarch Project
- f) Letter of Thanks to Cindy Stewart from Paula and Steve Brazel, Thanking Cindy for Her Presentation at the Home and Garden Awards
- g) Letter of Appreciation to Cindy Stewart from Roberta Beauchamp, Regarding Aldo and Orleta Cairo – Most Tranquil Garden Award
- h) Letter of Appreciation to Mayor Schilling from Marvin Danto of the Michigan Design Center, Regarding the Organized Repaving of Maple Road
Noted and Filed

J-4 Proclamations/Resolutions from Other Organizations:

- a) Resolution from the Oakland County Board of Commissioners – Support for Widening of I-75 in Oakland County
Noted and Filed

J-5 Calendar

Noted and Filed

J-6 Notice of Rating Action for Troy DDA from Fitch Ratings

Noted and Filed

J-7 Notice of Rating Action for City of Troy from Fitch Ratings

Noted and Filed

J-8 Letter from James R. Stokes, Deputy Director of Governor’s Office for Southeast Michigan, Regarding the Resolution adopted by Troy City Council – Supporting the Legislative Correction of the WPW v. Troy Taxable Value Inequity

Noted and Filed

J-9 2005-2007 Economic Outlook Forecast for Oakland County – Final Report Attached as a Separate Item

Noted and Filed

J-10 Letter from Phoebe White Regarding Penalty on Tax Bill

Noted and Filed

J-11 Memorandum Regarding OPTECH Eagle IIIP Voting Devices and Supplies

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 Closed Session – No Closed Session Requested

The meeting **ADJOURNED** on Tuesday, September 13, 2005 at 12:35 AM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk