

Regular Meeting of the Troy City Council was held Monday, October 20, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Pastor Pennington of Community of Christ Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

CALL TO ORDER:

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a. On behalf of Oakland County, Oakland County Clerk Ruth Johnson recognized Tonni L. Bartholomew, City Clerk by presenting her with a proclamation for her contribution to the countywide *Voting Opportunities Through Education (V.O.T.E.)* Program.
- b. On behalf of the City of Troy, Mayor Schilling presented a proclamation to Rhonda Hendrikson, Maria Hunicag and Tom Krent, representatives of the Friends of the Troy Public Library, in recognition of their *50th Anniversary Celebration*.
- c. Jay Wiencko, Executive Director of *Your PEG Funds at Work for the Public* provided a Community Media Network Update.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Rezoning Application – Rescinding of Concept Development Plan Approval – The Oasis at Centennial Park Planned Unit Development, South Side of Long Lake and West Side of John R, Section 14 – From Current Zoning of PUD-006 Back to Previous R-1C (File Number PUD-006)

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving no comment from the public.

Resolution #2008-10-317

Moved by Howrylak

Seconded by Fleming

WHEREAS, The City is in receipt of a rezoning request, from PUD-006 to R-1C, File Number PUD-006, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy and as illustrated in the attached Certified Survey;

WHEREAS, The application is consistent with the Master Plan, and is compatible with surrounding zoning districts and land uses; and

WHEREAS, The rezoning is recommended for approval by the Planning Commission;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed rezoning from PUD-006 to R-1C; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AMENDS** the Zoning District Map.

Yes: All-7

MOTION CARRIED

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

Scott Walker
Marvin Reinhardt
Tom Krent

REGULAR BUSINESS:

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: None Scheduled b) City Council Appointments: Advisory Committee for Persons with Disabilities

(a) Mayoral Appointments – None Scheduled

(b) City Council Appointments

Resolution #2008-10-318
Moved by Howrylak
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPOINTS** the following persons to serve on the Boards and Committees as indicated:

Advisory Committee for Persons with Disabilities:

Appointed by Council (9-Regular) 3-Year Term

Kelly Clark

Term Expires 11/01/2011

Yes: All-7

MOTION CARRIED

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: Downtown Development Authority (b) City Council Nominations: Advisory Committee for Persons with Disabilities; Cable Advisory Committee; Ethnic Issues Advisory Board; and Troy Daze Committee

The following Boards and Committees have expiring terms and/or vacancies. Bold black lines indicate the number of appointments required:

The nomination of applicants to the following listed Board and Committee vacancies will be moved forward to the next Regular City Council Meeting for consideration of appointment.

(a) Mayoral Nominations

Resolution #2008-10-319

Moved by Schilling

Seconded by Beltramini

RESOLVED, That the Mayor of the City of Troy hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Downtown Development Authority

Appointed by Mayor (13-Regular) 4-Year Term

Laurence G. Keisling

Term Expires 09/30/2012

Yes: All-7

MOTION CARRIED

(b) City Council Nominations

Resolution #2008-10-320

Moved by Howrylak

Seconded by Kerwin

RESOLVED, That the Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Advisory Committee for Persons with Disabilities

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

Angela Done

Term Expires 11/01/2011*

Cable Advisory Committee

Appointed by Council (7-Regular) 3-Year Term

Lisa Martinico

Term Expires 11/30/2011

Ethnic Issues Advisory Board

Appointed by (#of Members) – # years

Aries Tao - Student

Term Expires 07/01/2009

Troy Daze Committee

(9-Regular) 3-Year Term

Jim Hattan

Term Expires 11/30/2011

Alison Miller

Term Expires 11/30/2011

Robert S. Preston

Term Expires 11/30/2011

Yes: All-7

MOTION CARRIED

E-3 Frank Lawrence v. City of Troy

Resolution #2008-10-321

Moved by Beltramini

Seconded by Howrylak

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent the City of Troy in any and all claims and damages in the matter of *Frank Lawrence v. City of Troy*, and to retain any necessary expert witnesses or pay any necessary costs to adequately represent the City.

Yes: All-7

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2008-09-322

Moved by Eisenbacher

Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item F-12, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: All-7

MOTION CARRIED

F-2 Approval of City Council Minutes

Resolution #2008-10-322-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of October 6, 2008 as amended.

F-3 City of Troy Proclamation:

Resolution #2008-10-322-F-3

RESOLVED, That Troy City Council hereby **APPROVES** the following City of Troy Proclamations:

- a. Friends of the Troy Public Library 50th Anniversary Celebration
-

F-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 3: Exercise Renewal Option – Home Chore Lawn and Yard Services**

Resolution #2008-10-322-F-4a

WHEREAS, On December 3, 2007, a contract for seasonal requirements of Lawn and Yard Services for Troy residents using the Home Chore Program with an option to renew for one (1) additional year was awarded to the low bidder, Zimmerman Lawn and Snow of Roseville, Michigan at unit prices contained in the bid tabulation opened October 18, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting (Resolution #2007-12-345-F4a); and

WHEREAS, Zimmerman Lawn and Snow has agreed to exercise the one-year option to renew their contract under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contract with Zimmerman Lawn and Snow to provide seasonal requirements of Lawn and Yard Services for Troy residents using the Home Chore Program under the same prices, terms and conditions expiring December 31, 2009.

b) Standard Purchasing Resolution 1: Award to Low Bidders – Snow Removal Services – Home Chore Program

Resolution #2008-10-322-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide seasonal requirements of snow removal services for the Home Chore Program with an option to renew

for one (1) additional year to the low total bidders, Meticulous Maintenance of Hazel Park, as primary contractor and O'Neal Father & Sons of Clinton Township, as secondary contractor, at unit prices contained in the bid tabulation opened August 29, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of May 1, 2009; and

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.

c) Standard Purchasing Resolution 1: Award to Low Bidder – Bare Root Street Trees

Resolution #2008-10-322-F-4c

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide and install bare root residential ROW trees for the 2008/2009 planting season to the low bidder, Marine City Nursery of Marine City, MI, at \$71.70 per tree installation for an estimated total cost of \$358,500.00, in accordance with the bid tabulation opened October 9, 2008, 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.

d) Standard Purchasing Resolution 2: Award to Low Bidders Meeting Specifications – Ice Melt Compounds

Resolution #2008-10-322-F-4d

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide one (1) year requirements of ice melt compounds with an option to renew for one (1) additional year for the City of Troy and participating MITN (Michigan Intergovernmental Trade Network) Purchasing Cooperative Members by proposal to the lowest acceptable bidders: John Deere Landscapes, of Madison Heights, MI, Proposal A and Colman Wolf Supply, of Roseville, MI, Proposal B, at unit prices contained in the bid tabulation opened October 8, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring October 31, 2009.

F-5 Approval to Purchase Property from the Oakland County Drain Commission – McCullough Drain District, Part of Sidwell #88-20-22-101-012

Resolution #2008-10-322-F-5

RESOLVED, That Troy City Council **APPROVES** the purchase of a portion of land measuring 175.5' front x 288' deep with the 60' right-of-way located in the City of Troy and owned by the Oakland County Drain Commission – McCulloch Drain District, being part of Sidwell #88-20-22-101-012 in the amount of \$8,064.00; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to expend the necessary closing costs to complete this purchase.

F-6 Acceptance of a Warranty Deed for Right-of-Way and Four Permanent Easements – Sidwell #88-20-15-380-026 and -024 – RWT Building, LLC

Resolution #2008-10-322-F-6

RESOLVED, That Troy City Council hereby **ACCEPTS** the Warranty Deed for right-of-way and four Permanent Easements for drainage, public utilities, sidewalk and a public walkway from property owner RWT Building, LLC, owners of the property having Sidwell # 88-20-15-380-026 and -024; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Warranty Deed and Permanent Easements with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-7 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Rochester, Torpey to Barclay – Project No. 99.203.5 – Parcel #11 – Sidwell #88-20-23-100-065 – 3800 Place, LLC

Resolution #2008-10-322-F-7

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between 3800 Place, LLC, owners of property having Sidwell #88-20-23-100-065, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$75,300.00, plus closing costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to expend the necessary closing costs to complete this purchase according to the agreement; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$1,900.00 from 3800 Place, LLC, owners of property having Sidwell #88-20-23-100-065; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Warranty Deed and Permanent Public Utility Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-8 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Rochester, Torpey to Barclay – Project No. 99.203.5 – Parcel #48 – Sidwell #88-20-22-226-040 – Terri L. Carter

Resolution #2008-10-322-F-8

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Terri L. Carter, owner of property having Sidwell #88-20-22-226-040, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$15,600.00, plus closing costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to expend the necessary closing costs to complete this purchase according to the agreement; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$2,200.00 from Terri L. Carter, owner of property having Sidwell #88-20-22-226-040; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Warranty Deed and Permanent Public Utility Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-9 Acceptance of Permanent Public Utility Easement – Wattles Road Improvements, Bristol to Worthington – Project No. 01.106.5 – Parcel #11 – Sidwell #88-20-14-351-062 – James C. Bracewell

Resolution #2008-10-322-F-9

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$2,900.00 from James C. Bracewell, owner of property having Sidwell #88-20-14-351-062; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Permanent Public Utility Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-10 Contract Renewal – Snow Removal Rental Equipment Including Operators

Resolution #2008-10-322-F-10

WHEREAS, On November 19, 2007, contracts to provide seasonal requirements of snow removal rental equipment including operators with an option to renew for one (1) additional season was awarded to Florence Cement Company, Deano Mac's Services, DiPonio Contracting, Sterling Topsoil and Grading, and Agra Landscaping, as a result of an informal quote process at the hourly rates contained in Appendix A, a copy of which shall be **ATTACHED** to the original Minutes of this meeting (Resolution #2007-11-332-F6); and

WHEREAS, The following three (3) companies have agreed to exercise the one-year option to renew their contracts under the same pricing, terms, and conditions:

<u>COMPANY NAME</u>	<u>LOCATION</u>
Florence Cement Company	Shelby Township, MI
DiPonio Contracting	Shelby Township, MI
Sterling Topsoil and Grading	Fraser, MI

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contracts with Florence Cement Company, DiPonio Contracting, and Sterling Topsoil and Grading under the same prices, terms and conditions expiring April 15, 2009, **CONTINGENT** upon contractors' submission of properly executed contract documents, including insurance certificates and all other specified requirements; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** City staff to extend the hourly contract prices to other contractors, after the awarded vendors have been employed, to speed the snow removal process during times of snow emergencies.

F-11 Announcement of Public Hearing – Community Development Block Grant (CDBG) 2009 Application

Resolution #2008-10-322-F-11

RESOLVED, That Troy City Council hereby **SCHEDULES** a Public Hearing on November 10, 2008 at 7:30 PM or as soon thereafter as the agenda will permit for the purpose of hearing public comments on the adoption of the Community Development Block Grant 2009 application.

F-13 Approval of MDOT Construction Contract No. 08-5406 – Congestion Mitigation and Air Quality (CMAQ) and Safety Projects
Project No. 07.103.5 – Coolidge at Golfview Traffic Signal Upgrade
Project No. 07.108.6 – Livernois Southbound At Big Beaver Right Turn Lane
Project No. 07.109.6 – Livernois Northbound at Wattles Right Turn Lane

Resolution #2008-10-322-F-13

RESOLVED, That Troy City Council hereby **APPROVES** MDOT Contract No. 08-5406 between the City of Troy and the Michigan Department of Transportation for the Safety Project at Coolidge and Golfview and CMAQ Projects at Livernois and Big Beaver and Livernois at Wattles; Project No. 07.103.5, 07.108.6, 07.109.6, and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-14 Application for New SDM License for Embassy Suites

a. **New License**

Resolution #2008-10-322-F-14a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Hospitality Ventures, LLC and RBHV Troy, LLC, co-licensees for a new SDM License to be held in conjunction with 2008 licensed business with Dance Permit, Official Permit (Food), Outdoor Service (1 Area) Direct Connection-1, 3 bars and 251 rooms located at 850 Tower, Troy MI 48098; and

BE IT FURTHER RESOLVED, That it is the consensus of this legislative body that the application **BE RECOMMENDED** for issuance.

b. Agreement

Resolution #2008-10-322-F-14b

WHEREAS, The Troy City Council 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 Troy City Council hereby **APPROVES** an agreement with Hospitality Ventures, LLC and RBHV Troy, LLC, co-licensees for a new SDM License to be held in conjunction with 2008 licensed business with Dance Permit, Official Permit (Food), Outdoor Service (1 Area) Direct Connection-1, 3 bars and 251 rooms located at 850 Tower, Troy MI 48098; and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

F-12 William Beaumont Hospital Parking Agreement

Resolution #2008-10-323
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **APPROVES** the Addendum to the agreement between the City of Troy and William Beaumont Hospital for the use of Flynn Park Roadway for a period of three years and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original minutes of this meeting.

Yes: All-7

MOTION CARRIED

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 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 Council Comments

Mayor Schilling reported that Pastor Pennington requested that she announce that the Detroit Concert Choir will be presenting *America Sings*, at Community of Christ Church located at 3830 Crooks Road in Troy on Saturday, October 25 at 7:00 P.M. She added that a second concert will take place at First English Lutheran Church at 800 Vernier Road in Grosse Pointe Woods on Sunday, October 26, 2008 at 3:00 P.M.

Council Member Kerwin reported that a Community Coalition's chief fund raiser, Celebrity Night Dinner, will be held this Thursday and noted that tickets are still available.

Council Member Beltramini reported that the Michigan Municipal League's ethics publication is now available on their website. She continued by stating that another publication was made available to her when she attended the MML's convention of the top twenty-five cases since the development of the Legal Defense Fund. She noted that Troy is represented in the listing and stated that it is interesting the kinds of cases that have impacted municipal law over the last twenty-five years. She commended City Attorney Lori Bluhm's involvement as an active member of the Legal Defense Fund and the Michigan Association of Municipal Attorney's board.

REPORTS:

J-1 Minutes – Boards and Committees:

- a. Historic Commission/Final – June 24, 2008
- b. Retiree Health Care Benefits Plan & Trust/Final – July 9, 2008
- c. Downtown Development Authority/Final – July 23, 2008
- d. Advisory Committee for Persons with Disabilities/Draft – September 3, 2008
- e. Advisory Committee for Persons with Disabilities/Final – September 3, 2008
- f. Building Code Board of Appeals/Final – September 3, 2008
- g. Liquor Advisory Committee/Final – September 8, 2008
- h. Employees' Retirement System Board of Trustees/Final – September 10, 2008
- i. Historic District Commission/Final – September 16, 2008
- j. Planning Commission Special/Study/Draft – September 23, 2008
- k. Planning Commission Special/Study/Final – September 23, 2008
- l. Building Code Board of Appeals/Draft – October 1, 2008
- m. Planning Commission Special/Study/Draft – October 7, 2008
- n. Planning Commission Special/Study/Final – October 7, 2008
- o. Liquor Advisory Committee/Draft – October 13, 2008

Noted and Filed

J-2 Department Reports:

- a. Council Member Mary Kerwin's Travel Expense Report – MML 110th Annual Conference on October 1-4, 2008
 - b. Building Department – Permits Issued During the Month of September 2008
 - c. City Attorney's Office – 2008 Third Quarter Litigation Report
Noted and Filed
-

J-3 Letters of Appreciation:

- a. Letter of Thanks to Chief Nelson and Staff for Participation in the *CREST* Radiation Exercise
Noted and Filed
-

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

J-5 Troy Youth Assistance Board Meeting Final Minutes from August 24, 2008

Noted and Filed

J-6 Communication from City Engineer Steve Vandette Regarding Completion of Section 4 Weir Flood Control Structure Project and Status of Sylvan Glen Golf Course Wetlands

Noted and Filed

J-7 Communication from City Engineer Steve Vandette Regarding Communications Plan for Updated Flood Insurance Rate Maps to be Effective January 16, 2009 – Five (5) Restudied Locations

Council Member Eisenbacher appreciated staff's work on providing this information in GIS but expressed concern because the extent is different than what he anticipated. Council Member Eisenbacher indicated that there are new properties included and a lot of the properties that he believed would be removed were not.

Council Member Eisenbacher asked how is a buyer made aware of a flood plain status. Steven Vandette, City Engineer understands that the buyer is notified at the time of purchase by the real estate agent and the lender providing the mortgage for the purchase.

Council Member Beltramini asked if this information is required to be disclosed when a property is listed. Lori Bluhm, City Attorney replied that maps would indicate whether a property is located in a flood plain and that insurance is required prior to closing.

Council Member Beltramini worries about this, but does not know if this is an issue that they can resolve.

Mayor Schilling suggested that staff inquire with real estate agents to determine when the flood plain status has to be disclosed.

Council Member Beltramini asked whether any of the increases in flood plain could be attributed to new development. Mr. Vandette understands that these types of increases are

generally not related to new development although there may be some isolated and rare instances.

Ms. Bluhm added that the *Sellers Disclosure Act* indicates that the seller is required to identify whether or not they have flood insurance on their property at the time of listing.

J-8 Designation of City Attorney Lori Grigg Bluhm as a Michigan Super Lawyer for 2008

Noted and Filed

The meeting **RECESSED** at 8:42 PM.

The meeting **RECONVENED** at 8:54 PM.

STUDY ITEMS:

K-1 Budgeting for Outcomes – Output Weighting

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 No Closed Session Requested

ADJOURNMENT

The meeting **ADJOURNED** at 9:16 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk