

A Regular Meeting of the Troy City Council was held Monday, April 6, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Brother Middleton of The Church of Jesus Christ of Latter-day Saints gave the Invocation and Webelos Pack 1006 from Our Shepherd Lutheran School assisted Mayor Schilling and City Council with presenting the Pledge of Allegiance to the Flag.

ROLL CALL

- Mayor Louise E. Schilling
- Robin Beltramini
- Cristina Broomfield (Absent)
- David Eisenbacher
- Wade Fleming
- Mayor Pro Tem Martin Howrylak (Absent)
- Mary Kerwin

Proposed Resolution to Excuse Mayor Pro Tem Howrylak and Council Member Broomfield – Proposed resolution withdrawn by City Council

Resolution
Moved by Eisenbacher
Seconded by Fleming

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Howrylak and Council Member Broomfield at the Regular City Council meeting of April 6, 2009 due to being absent from the county.

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Mayor Louise Schilling and Community Affairs Director Cindy Stewart presented certificates to the following graduates of *Citizens Academy Class XIII*: Christine Adams, Howard Adams, Ken Budry, Richard Coon, Chuck Floeter, Doreen Floeter, Toni Games-Williams, Ashley Gautreau, Michael Johnson, Taube Karpov, Terry Methews-Krent, Kay Schepke, Gordon Schepke, Bill Sipila, Jeanne Stine, Dave Sysko and Arlene Wilson.

CARRYOVER ITEMS:

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- B-1 No Carryover Items**

PUBLIC HEARINGS:

C-1 Outdoor Seating Request in Excess of 20 Seats – Pizzapapalis/Rio Wraps, 300 John R

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving comment from the petitioner, George Krcek-Controller. There was no public comment.

Resolution #2009-04-123
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the request from Tom Stegeman, manager of Pizzapapalis/Rio Wraps located at 300 John R, for outdoor dining for 40 seats in conjunction with the their restaurant, for a period not to exceed 2 years, in accordance with Section 21.30.05 of the Zoning Ordinance, Chapter 39 of the Code of the City of Troy; and

BE IT FURTHER RESOLVED, That Pizzapapalis/Rio Wraps **MAY APPLY** for a 2-year continuance prior to the expiration of this approval.

Yes: Beltramini, Eisenbacher, Fleming, Kerwin, Schilling
No: None
Absent: Broomfield, Howrylak

MOTION CARRIED

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

E-1 **Appointments to Boards and Committees:** a) Mayoral Appointments: None Scheduled b) City Council Appointments: Advisory Committee for Senior Citizens; Charter Revision Committee; Ethnic Issues Advisory Board; and Historic District Commission

(a) Mayoral Appointments – None Scheduled

(b) City Council Appointments

Resolution #2009-04-124
Moved by Eisenbacher
Seconded by Beltramini

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

Advisory Committee for Senior Citizens

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

Betty Coven

Term Expires 04/30/2012

Charter Revision Committee

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

MaryAnn Bernardi Term Expires 04/30/2012

Daniel H. Bliss Term Expires 04/30/2012

William Weisgerber Term Expires 04/30/2012

Ethnic Issues Advisory Board

Appointed by Council (9-Regular) – 2 & 3 Year Terms

Sharon MacDonell Unexpired Term 09/30/2011

Historic District Commission

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

Paul C. Lin - Architect Term Expires 05/15/2012

Yes: Eisenbacher, Fleming, Kerwin, Schilling, Beltramini

No: None

Absent: Broomfield, Howrylak

MOTION CARRIED

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None Scheduled (b) City Council Nominations: Board of Zoning Appeals; Historic District Commission; Historic District Study Committee; Parks & Recreation Board; and Personnel Board

(a) Mayoral Nominations – None Scheduled

(b) City Council Nominations

Resolution #2009-04-125

Moved by Eisenbacher

Seconded by Fleming

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:

Board of Zoning Appeals

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

Glenn Clark Term Expires 04/30/2012

Parks & Recreation Board

Appointed by Council (7-Regular) -3- Year Terms; 1-Troy School Board; 1-Troy Daze; & 1-Adv. Committee for Sr. Citizens: 1-Year Terms

JoAnn Thompson - Sr. Advisory Committee Rep. Term Expires 04/30/2010

Personnel Board

Appointed by Council (5-Regular) - 3-Year Terms

Albert T. Nelson, Jr. Term Expires 04/30/2012

Yes: Fleming, Kerwin, Schilling, Beltramini, Eisenbacher

No: None

Absent: Broomfield, Howrylak

MOTION CARRIED

E-3 Contract with Greenstar & Associates, LLC for Right-of-Way Acquisition Services

Resolution #2009-04-126

Moved by Kerwin

Seconded by Beltramini

WHEREAS, Greenstar & Associates, LLC has been providing right-of-way services to the city for the past three (3) years on federally funded major road projects;

WHEREAS, Greenstar & Associates, LLC has been approved by City Council and the Michigan Department of Transportation (MDOT) for right-of-way services on John R, Long Lake to Square Lake; John R, Square Lake to South Boulevard; Wattles Road, 1,000 feet East and West of Rochester; Rochester Road, Torpey to Barclay; and Rochester Road, Barclay to Trinway; and

WHEREAS, Greenstar and Associates, LLC has agreed to the same terms and conditions as the original agreement, as amended, with no increase to the hourly rate of \$78.64 per hour for the first year;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the agreement between the City of Troy and Greenstar & Associates, LLC to provide right-of-way services for a period of two (2) years with an option to renew for one (1) additional year, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

Yes: Kerwin, Schilling, Beltramini, Eisenbacher, Fleming
No: None
Absent: Broomfield, Howrylak

MOTION CARRIED

E-4 Scheduling a Special Meeting with Executive Search Firm

Resolution #2009-04-127
Moved by Eisenbacher
Seconded by Fleming

WHEREAS, At the regularly scheduled City Council meeting on March 30, 2009 Troy City Council chose the firm of Charles Blockett, Jr. & Associates, Inc. of Lansing, Michigan to perform an executive search for a city manager; and

WHEREAS, Mr. Charles Blockett requested a 1–1½ hour meeting with City Council for introductions and to:

- Clarify their expectations
- Gain an understanding of the position
- Develop a description/profile of the ideal candidate
- Discuss the tentative schedule and review his proposed strategy;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **SCHEDULES** a special meeting for Thursday, April 16, 2009 at 7:00 PM in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan 48084.

Yes: Beltramini, Eisenbacher, Fleming
No: Schilling, Kerwin
Absent: Broomfield, Howrylak

MOTION CARRIED

E-5 Confirmation of Appointment of Gary Mayer to Chief of Police

Resolution #2009-04-128
Moved by Schilling
Seconded by Kerwin

WHEREAS, The ACT 78 Board met on March 30, 2009 and certified the eligibility of Acting Police Chief Gary Mayer for Police Chief;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **CONFIRMS** the Acting City Manager's appointment of Gary Mayer as Police Chief.

Yes: Beltramini, Eisenbacher, Fleming, Kerwin, Schilling
No: None
Absent: Broomfield, Howrylak

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2009-04-129
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

Yes: Eisenbacher, Fleming, Kerwin, Schilling, Beltramini
No: None
Absent: Broomfield, Howrylak

MOTION CARRIED

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

F-2 Approval of City Council Minutes

Resolution #2009-04-129-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of March 30, 2009 as corrected.

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

F-4 Standard Purchasing Resolutions

a) **Standard Purchasing Resolution 1: Award to Low Bidders - Aggregates**

Resolution #2009-04-129-F-4a **Rescinded Item 7 Crushed Concrete 3”-6” May 11, 2009
Resolution #2009-05-154-F-7**

RESOLVED, That Troy City Council hereby **AWARDS** one-year contracts to provide Aggregates with an option to renew for one (1) additional year to the low bidders as follows, after consideration has been given to the 5% discount quoted:

Recommended Vendors	Item / Description	Price/Ton	
Metropolitan Demolition Romulus, MI	Item 7) Crushed Concrete 3"-6"	\$17.50	
		5% Discount	
Bedrock Maintenance Services Ortonville, MI	Item 1) 6A Slag	\$14.49	\$13.77
	Item 2) 22A Road Gravel	\$ 8.49	\$ 8.07
	Item 3) Pea Gravel	\$11.25	\$10.69
	Item 4) 60/40 Gravel	\$11.74	\$11.15
	Item 5) Fill Sand	\$ 5.74	\$ 5.45
	Item 6) Crushed Concrete 1"-3"	\$10.24	\$ 9.73
	Item 8) Chloride Sand	\$14.74	\$14.00
	Item 9) 2NS Sand	\$ 8.40	\$ 7.98
	Item 10) Mason Sand	\$ 9.89	\$ 9.40
	Item 11) Limestone 1"-3"	\$14.25	\$13.54
	Item 12) Limestone 3"-6"	\$18.89	\$17.95
	Item 13) Limestone 4"-8"	\$23.95	\$22.75

at the discounted prices stated above and confirmed with the unit prices as contained in the bid tabulation opened March 17, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring April 30, 2010; 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.

b) Standard Purchasing Resolution 1: Award to Low Bidders – Pavement Seam, Fracture Sealing and Spray Injection Patching Program

Resolution #2009-04-129-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Pavement Seam, Fracture Sealing and Spray Injection Patching Program for the City of Troy to the low total bidder, Michigan Joint Sealing Inc, of Farmington Hills, MI, for an estimated total cost of \$133,175.00, at unit prices contained in the bid tabulation opened March 19, 2009, 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 and contract documents, including bonds, insurance certificates and all other specified requirements; and if changes in the quantity of work are required either additive or deductive, Troy City Council hereby **AUTHORIZES** such changes in an amount not to exceed budgetary limitations.

F-5 Acceptance of a Warranty Deed and Permanent Easement from 1401 Troy Associates Limited Partnership – Sidwell #88-20-32-226-037

Resolution #2009-04-129-F-5

RESOLVED, That Troy City Council hereby **ACCEPTS** the warranty deed for right-of-way and permanent easement for water main from 1401 Troy Associates Limited Partnership, owners of the property having Sidwell #88-20-32-226-037; and

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

F-6 Acceptance of a Warranty Deed from John Joseph Properties, LLC – Sidwell #88-20-27-358-028

Resolution #2009-04-129-F-6

RESOLVED, That Troy City Council hereby **ACCEPTS** the warranty deed for right-of-way from John Joseph Properties, LLC owner of the property having Sidwell #88-20-27-358-028; and

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

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 received many compliments in regard to how the Troy Police Department managed the crowds and traffic in partnership with the Michigan State Police at the Michigan State University pep rally held at the Somerset Collection on Friday.

Council Member Kerwin added that many local establishments contributed to the promotion of the Michigan State University event and she hopes that the spirit continues.

Council Member Kerwin reported that she recently attended the Michigan Municipal League Regional Awards where communities offered many ideas. She shared two examples of the types of ideas that were presented and provided handouts to council members and staff.

Council Member Beltramini added that there were five entries presented at the Michigan Municipal League Regional Awards ceremony and she believes it was a great opportunity for communities to share their visions. In addition, Council Member Beltramini stated that in these

economic times, people will share what they have. She provided examples of citizens exchange services in which all services in terms of hours are equal in value. Council Member Beltramini requested that the City Attorney contact the City of Wayne in regard to the liabilities and possible issues associated with the “Play 4 All Playground” that they recently constructed in their community.

Council Member Beltramini thanked staff for the memo that was laid on the table this evening updating the pothole filling program.

Council Member Beltramini reported that Michigan Municipal League Regions II-VII will be meeting over the next two months and she will provide information in regard to those meetings as she receives it. Council Member Beltramini added that she plans to make an official visit to the City of Troy on behalf of the Michigan Municipal League soon.

On behalf of City Council and City Staff, Mayor Schilling welcomed John Szerlag to the community as Acting City Manager.

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Downtown Development Authority Minutes/Final – January 21, 2009
 - b) Civil Service Commission (Act 78)/Final – February 25, 2009
 - c) Building Code Board of Appeals/Final – March 4, 2009
 - d) Board of Zoning Appeals/Draft – March 17, 2009
 - e) Civil Service Commission (Act 78)/Draft – March 30, 2009
- Noted and Filed

J-2 Department Reports: None Submitted

J-3 Letters of Appreciation:

- a) Letter of Thanks to Captain Scherlinck from Don Tilley Regarding Assistance from the Communications Department
 - b) Letter of Appreciation to Police Administration from Elaine and Richard Wisley Regarding a Tour Provided by Officer Breidenich
- Noted and Filed

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

J-5 Communication from Library Director Cathleen Russ Regarding Café Renovation Update

Noted and Filed

J-6 Communication from John M. Hamilton, Business Manager and General Vice President – International Union of Operating Engineers Regarding Support for the Troy/Birmingham Multi-Modal Transit Center

Noted and Filed

J-7 Communication from Library Director Cathleen Russ Regarding World Book/American Library Association Information Literacy Award
Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 No Closed Session Requested

ADJOURNMENT

The meeting **ADJOURNED** at 8:31 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk