

A Regular Meeting of the Troy City Council was held Monday, October 5, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Brian Tabert, member of Kensington Community Church, gave the Invocation. The Pledge of Allegiance to the Flag was given.

**ROLL CALL:**

Mayor Louise E. Schilling  
Robin Beltramini  
David Eisenbacher  
Wade Fleming  
Mayor Pro Tem Martin Howrylak  
Mary Kerwin

**ABSENT:**

Cristina Broomfield – Absent from the county.

**Vote on Resolution to Excuse Council Member Broomfield**

Resolution #2009-10-292  
Moved by Fleming  
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Broomfield at the Regular City Council Meeting of Monday, October 5, 2009 due to being out of the county.

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

**MOTION CARRIED**

There was a consensus of City Council Members present that if there appears to be a large number of the public wishing to speak under Agenda Item K-1 *Continuation of Discussion on the 6-Year Organizational Restructuring Plan*, that Public Comment would be reduced from five minutes to three minutes.

**CERTIFICATES OF RECOGNITION:**

**A-1 Presentation:**

a) Gary Mayer, Chief of the Troy Police Department, provided a brief presentation and Mayor Louise Schilling recognized Sergeant Robert Wolfe, and Police Officers Russell Bragg, Craig Fitzpatrick, Patrick McWilliams, and Milton Stansbury who won the Class A competition at the annual Michigan Police Shoot in Jackson, Michigan and as a result were recipients of the *Governor’s Cup Pistol Team Award* for their seventh year in a row.

**CARRYOVER ITEMS:**

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**B-1 No Carryover Items**

**PUBLIC HEARINGS:**

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**C-1 Zoning Ordinance Text Amendment (File Number: ZOTA 240) – Article 43 – BZA Provisions**

Marvin Reinhardt                      Opposed to complicated language

Resolution #2009-10-293  
Moved by Beltramini  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **AMENDS** Article XLIII (Board of Zoning Appeals) of the City of Troy Zoning Ordinance, pertaining to the requirement of Planning Commission review for items that require site plan approval and a variance(s), prior to being considered by the Board of Zoning Appeals, to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 240), City Council Public Hearing Draft, as recommended by the Planning Commission.

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

**MOTION CARRIED**

**POSTPONED ITEMS:**

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**D-1 No Postponed Items**

**REGULAR BUSINESS:**

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**E-3 Interlocal Agreement for the Major Case Assistance Team (MCAT)**

Marvin Reinhardt

Resolution #2009-10-294  
Moved by Eisenbacher  
Seconded by Beltramini

WHEREAS, The Major Case Assistance Team (MCAT) is a collaborative initiative aimed at resolving complex criminal cases through the provision of additional trained personnel and equipment to member agencies involved in major criminal investigations; and

WHEREAS, In order to participate in MCAT, approval of the Interlocal Agreement between the City of Troy and Oakland County is required;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the attached Interlocal Agreement for the Major Case Assistance Team between the City of Troy and Oakland County; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Chief of Police to sign the Interlocal Agreement on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Eisenbacher, Fleming, Howrylak, Kerwin, Schilling, Beltramini

No: None

Absent: Broomfield

**MOTION CARRIED**

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**E-5 Amendment of Consent Judgment – The Pavilions of Troy**

Marvin Reinhardt Supports demolition of K-mart site; Opposed to complicated contract language  
Mike Benoit Williams Williams Rattner & Plunkett, P.C.  
Rick Rattner Williams Williams Rattner & Plunkett, P.C.

Resolution #2009-10-295

Moved by Fleming

Seconded by Kerwin

WHEREAS, The City of Troy is a party to a Consent Judgment in Case Number 70-69246, Oakland County Circuit Court, governing 113 acres at the northwest corner of Big Beaver and Coolidge;

WHEREAS, There have been several amendments to the above referenced Consent Judgment, with the last amendment being the Fifth Order Amending the Consent Judgment, which was entered by the Court on November 28, 2006; and

WHEREAS, An amendment to the above referenced Consent Judgment is required in order to allow the development of PUD #9, a mixed use development named The Pavilions of Troy, which was approved by the Troy City Council on October 15, 2007 with the approval of The Pavilions of Troy Planned Unit Development Agreement and The Pavilions of Troy Conceptual Development Plan;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed Sixth Order Amending Consent Judgment as to substance; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney to execute this Sixth Order Amending Consent Judgment, or a substantively similar document, as soon as the document has been executed by the other parties to the Consent Judgment, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, That upon the approval of all parties to the Consent Judgment, and the satisfaction of all terms and conditions of this or any other agreement between the parties, Troy City Council hereby **DIRECTS** the City Attorney to present the Sixth Order Amending Consent Judgment to the Court for entry and also to record the document with the Oakland County Register of Deeds.

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

**MOTION CARRIED**

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**E-9 Troy City Code Ordinance Amendments – Chapter 82, Property Maintenance Code; Chapter 48, Litter Ordinance; Chapter 79 – General Building Regulations, Appeal Procedures; Chapter 82-B – Dangerous Buildings Ordinance; Chapter 88 – Nuisance Ordinance; and Chapter 89 – Weed Control Ordinance**

Marvin Reinhardt                      Opposed to the membership of the proposed Appeal Board

**a) Update of Chapter 82 - Property Maintenance Code**

Resolution #2009-10-296a  
Moved by Beltramini  
Seconded by Schilling

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 82, Property Maintenance Code, of the Troy City Code, by deleting the existing text in its entirety and adopting new text in accordance with the proposal prepared by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That these revisions shall become **EFFECTIVE** on January 1, 2010.

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

**MOTION CARRIED**

**b) Amendment to Chapter 48 – Litter Ordinance**

Resolution #2009-10-296b  
Moved by Beltramini  
Seconded by Schilling

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 48, Litter, of the Troy City Code, by amending certain sections in accordance with the proposal prepared by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That these revisions shall become **EFFECTIVE** on January 1, 2010.

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

**MOTION CARRIED**

**c) Amendment to Chapter 79 – General Building Regulations, Appeal Procedures**

Resolution #2009-10-296c  
Moved by Beltramini  
Seconded by Schilling

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 79, General Building Regulations, of the Troy City Code, by amending certain sections in accordance with the proposal prepared by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That these revisions shall become **EFFECTIVE** on January 1, 2010.

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

**MOTION CARRIED**

**d) Amendment to Chapter 82-B – Dangerous Buildings Ordinance**

Resolution #2009-10-296d  
Moved by Beltramini  
Seconded by Schilling

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 82-B, Dangerous Buildings, of the Troy City Code, by deleting it in its entirety in accordance with the proposal prepared by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That these revisions shall become **EFFECTIVE** on January 1, 2010.

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

**MOTION CARRIED**

**e) Amendment to Chapter 88 – Nuisance Ordinance**

Resolution #2009-10-296e  
Moved by Beltramini  
Seconded by Schilling

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 88, Nuisances, of the Troy City Code, by deleting certain sections in accordance with the proposal prepared by City Management, a copy of which shall be **ATTACHED** to the original Minutes of the meeting; and

BE IT FURTHER RESOLVED, That these revisions shall become **EFFECTIVE** on January 1, 2010.

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

**MOTION CARRIED****f) Amendment to Chapter 89 – Weed Control Ordinance**

Resolution #2009-10-296f  
Moved by Beltramini  
Seconded by Schilling

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 89, Weed Control, of the Troy City Code, by deleting it in its entirety in accordance with the proposal prepared by City Management, a copy of which shall be **ATTACHED** to the original Minutes of the meeting; and

BE IT FURTHER RESOLVED, That these revisions shall become **EFFECTIVE** on January 1, 2010.

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

**MOTION CARRIED**

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**E-8 Bid Waiver – Sole Source Purchase – Top-Dress Materials - Withdrawn by City Management – To appear as a Regular Business item at the Regular City Council Meeting on Monday, November 9, 2009**

Marvin Reinhardt Opposed

E-1 **Appointments to Boards and Committees: (a) Mayoral Appointments: None Scheduled (b) City Council Appointments: None Scheduled**

E-2 **Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: (b) City Council Nominations: Advisory Committee for Senior Citizens; Ethnic Issues Advisory Board; Historic District Commission; Personnel Board; and Youth Council**

a) **Mayoral Nominations – None Scheduled**

b) **City Council Nominations**

Resolution #2009-10-297  
Moved by Howrylak  
Seconded by Fleming

RESOLVED, That 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 Senior Citizens**

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

Dorothy Pietron Unexpired Term 04/30/2012

**Ethnic Issues Advisory Board**

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

Reuben Ellis 2-Year Term Term Expires 09/30/2011

Kelly Jones 2-Year Term Term Expires 09/30/2011

Mayada Fakhouri 2-Year Term Term Expires 09/30/2011

**Personnel Board**

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

Gerard T. Staeger Unexpired Term 04/30/2011

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

**MOTION CARRIED**

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**E-4 Bid Waiver – Casualty and Property Insurance – Two (2) Year Renewal with the Michigan Municipal Risk Management Authority (MMRMA) for November 2009-10 and November 2010-11**

Resolution #2009-10-298

Moved by Eisenbacher

Seconded by Beltramini

WHEREAS, On April 20, 2009, City Council authorized City Management to negotiate a new agreement for Casualty and Property Insurance with the Michigan Municipal Risk Management Authority (MMRMA) (Resolution #2009-04-139-F-5);

WHEREAS, The MMRMA has provided an exceptional offer of a two year agreement under the same terms and conditions as the previous agreement; and

WHEREAS, The agreement would include a \$3,377.00 premium decrease in the first year (2009/2010), and a not to exceed 3% premium increase in the second year (2010/2011);

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and hereby **APPROVES** the new agreement with the MMRMA to provide Casualty and Property Insurance for a premium of \$316,499.00 in 2009/2010, and a not to exceed premium of \$325,994.00 in 2010/2011; and

BE IT FINALLY RESOLVED, This contract also **INCLUDES** the maintenance of a positive loss fund balance of up to \$150,000.00 expiring November 7, 2011.

Yes: Schilling, Beltramini, Eisenbacher, Fleming, Howrylak, Kerwin

No: None

Absent: Broomfield

**MOTION CARRIED**

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**E-6 City of Troy v. UEOS Troy, LLC, et. al.**

Resolution #2009-10-299

Moved by Eisenbacher

Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** the Consent Judgment in the matter of *City of Troy v. UEOS Troy, LLC, et. al.* (Oakland County Circuit Court Case No. 09-098178-CC) and hereby **AUTHORIZES** the City Attorney to execute the Consent Judgment and have it entered with the Court, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Beltramini, Eisenbacher, Fleming, Howrylak, Kerwin, Schilling

No: None

Absent: Broomfield

**MOTION CARRIED**

**E-7 Sole Source – East Jordan Iron Works – Complete Hydrant and Valve Repair Parts**

Resolution #2009-10-300  
Moved by Eisenbacher  
Seconded by Beltramini

WHEREAS, All fire hydrants in the City have been standardized and are manufactured by East Jordan Iron Works; and

WHEREAS, East Jordan Iron Works has agreed to provide East Jordan complete hydrants, as well as valve and hydrant repair parts directly to the City of Troy at discounts greater than those of distributors;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** a contract to provide East Jordan complete hydrants, and valve and hydrant repair parts from East Jordan Iron Works at list prices with discounts that range between 40% and 50%.

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

**MOTION CARRIED**

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

Marvin Reinhardt Spoke on various topics  
Jerry Seija Sterling Heights resident

The meeting **RECESSED** at 8:51 PM.

The meeting **RECONVENED** at 8:57 PM.

**CONSENT AGENDA:**

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

Resolution #2009-10-301  
Moved by Eisenbacher  
Seconded by Kerwin

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

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

**MOTION CARRIED**

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

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

Resolution #2009-10-301-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 6:00 PM Special/Joint City Council Meeting of September 28, 2009 as submitted; the Minutes of the 7:30 PM Regular City Council Meeting of September 28, 2009 as submitted; and the Minutes of the Special City Council Meeting of September 28, 2009 as submitted.

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**F-3 Proposed City of Troy Proclamation: None Submitted**

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**F-4 Standard Purchasing Resolutions:****a) Standard Purchasing Resolution 1: Award to Low Bidder – Asphalt Patching Material - Cold**

Resolution #2009-10-301-F-4a

RESOLVED, That Troy City Council hereby **AWARDS** a seasonal contract for asphalt patching material – QPR/UPM to the low bidder, Saginaw Asphalt Paving Company of Saginaw, MI, at unit prices contained in the bid tabulation electronically received September 15, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring April 30, 2010; and

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

**b) Standard Purchasing Resolution 1: Award to Low Bidder – Library Parking Lot Improvement Project**

Resolution #2009-10-301-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Troy Public Library Parking Lot Improvement Project to the low total bidder, McCarthy Construction Company of Commerce Twp, MI, at unit prices contained in the bid tabulation opened September 16, 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 submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements.

**c) Standard Purchasing Resolution 1: Award to Low Bidder – Tee Shirts**

Resolution #2009-10-301-F-4c

**Rescinded March 15, 2010 Resolution #2010-03-070-I-5**

RESOLVED, That Troy City Council hereby **AWARDS** a contract for one-year requirements of Tee Shirts (various types) with an option to renew for one additional year to the low total bidder, Custom T's of Clawson, MI, at unit prices contained in the bid tabulation opened September 2, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with a contract expiration of September 30, 2010.

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**F-5 Announcement of Public Hearing for November 9, 2009 – Community Development Block Grant (CDBG) 2010 Application**

Resolution #2009-10-301-F-5

RESOLVED, That Troy City Council hereby **SCHEDULES** a Public Hearing on November 9, 2009 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 2010 application.

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**F-6 Approval of MDOT Contract 09-5601 between the City of Troy and Michigan Department of Transportation for the Utility Relocation Work for the Reconstruction of Rochester Road from Torpey to Barclay – Project No. 99.203.5**

Resolution #2009-10-301-F-6

RESOLVED, That Troy City Council hereby **APPROVES** MDOT Contract No. 09-5601 between the City of Troy and the Michigan Department of Transportation for the utility relocation work by AT&T and Consumers Energy for the reconstruction of Rochester Road from Torpey to Barclay at an estimated cost to the City of Troy of \$122,001.00, 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.

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**F-7 Macy's Fireworks Permit Application**

Resolution #2009-10-301-F-7

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Zambelli Fireworks, Inc. of New Castle, PA, for the display of fireworks at Macy's at the Oakland Mall on November 6, 2009.

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**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**G-1 Announcement of Public Hearings: None Submitted**

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**G-2 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 Council Comments Advanced**

Mayor Schilling congratulated the Fire Department on the success of the Fire Department open house held this past weekend.

City Management responded to several questions raised by the public during Public Comment at the request of Council Member Eisenbacher.

Council Member Eisenbacher provided City Management with a listing of several questions he received recently from a member of the public and requested that they research and respond to them.

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**REPORTS:**

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

- a) Advisory Committee for Senior Citizens/Final – June 4, 2009
- b) Liquor Advisory Committee/Final – June 8, 2009
- c) Library Advisory Board/Final – June 11, 2009
- d) Employees' Retirement System Board of Trustees/Final – August 12, 2009
- e) Historic District Commission/Final – August 18, 2009
- f) Planning Commission Special/Study/Final – August 25, 2009
- g) Joint Birmingham Planning Board/Planning Commission/Draft – August 26, 2009
- h) Youth Council/Final – August 26, 2009
- i) Election Commission/Final – August 27, 2009
- j) Ethnic Issues Advisory Board/Draft – August 27, 2009
- k) Planning Commission Special/Study/Final – September 1, 2009
- l) Building Code Board of Appeals/Draft – September 2, 2009
- m) Advisory Committee for Senior Citizens/Draft – September 3, 2009
- n) Liquor Advisory Committee/Draft – September 14, 2009
- o) Youth Council/Draft – September 23, 2009
- p) Election Commission/Draft – September 25, 2009

Noted and Filed

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**J-2 Department Reports:**

- a) City Attorney's Office – 2009 Third Quarter Litigation Report  
Noted and Filed

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**J-3 Letters of Appreciation:**

- a) Letter of Thanks to Andy Willetts and the Water Department from McClure's and Pickle Staff Regarding Assistance in Maintaining Water during Construction Project  
Noted and Filed

**J-4 Proposed Proclamations/Resolutions from Other Organizations:**

- a) City of Farmington Hills Resolution in Support of Area-Wide Public Transportation
- b) Consideration of a Resolution from the Clawson Historical Museum Board Disapproving Executive Order No. 2009-36, Setting Forth Changes in the Organization of the Executive Branch of State Government
- c) Consideration of a Resolution from the Blair Memorial Library Board Disapproving Executive Order No. 2009-36, Setting Forth Changes in the Organization of the Executive Branch of State Government

Noted and Filed

**J-5 Troy Youth Assistance Board Meeting Minutes/Final – August 20, 2009**

Noted and Filed

**STUDY ITEMS:****K-1 Continuation of Discussion on the 6-Year Organizational Restructuring Plan**

John M. Lamerato, Assistant City Manager/Finance & Administration, responded to requests received from the City Council and the public resulting from the last City Council meeting presentation for additional information relative to the Downtown Development Authority, the Brownfield Redevelopment Authority and the proposed Transit Center, Civic Center improvements and trail system. He also provided additional information regarding the City's golf courses and the Aquatic Center. Mr. Lamerato summarized questions regarding pension contributions and cost-cutting measures already taken in other funds.

Peggy Sears, Human Resources Director, provided an overview relative to staff, wage and benefit reductions that have occurred over the last six years.

**Public Comment received from:**

Sergeant Robert Redmond, TCOA President	Association is committed to protecting the jobs that are necessary to keep the city safe.
Officer Michael Geise, TPOA President	Association values IBB process and they understand difficult decisions will have to be made.
Mike Pihaylic, AFSCME 574	Will negotiate on behalf of members toward reaching amicable solutions for Streets & Drains, Water & Sewer, Parks & Recreation, Fleet Maintenance and the Engineering Department.

John Szerlag, City Manager, presented an overview of two proposed options outlined in a *6-Year Organizational Restructuring Plan* which includes personnel reductions through privatization, regionalization, and elimination or combination of departments and lay-offs.

Tonni L. Bartholomew, City Clerk, provided information regarding the process and timeline necessary to hold a Special election for voting on an increase in the City's millage rate.

Mayor Schilling departed from the Council Chamber at 11:09 PM.

Mayor Schilling returned to the Council Chamber at 11:11 PM.

**PUBLIC COMMENT RECEIVED FROM:**

James Savage	Opposed to recommendations
John Witt	Opposed to recommendations
Audre Zembrzuski	Supports Library
Jerry Seija	Supports Police; Sterling Heights resident

**CLOSED SESSION:**

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**L-1 No Closed Session Requested**

The meeting **ADJOURNED** on Tuesday, October 6, 2009 at 12:04 AM.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk