

Regular Meeting of the Troy City Council was held Monday, August 11, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

Pastor Paul Monson of St. Augustine Evangelical Lutheran 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  
Wade Fleming  
Mayor Pro Tem Martin Howrylak  
Mary Kerwin

## CERTIFICATES OF RECOGNITION:

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### A-1 Presentations:

- a. On behalf of the City of Troy Employees' *Casual for a Cause* Program (June), Carol Anderson, Parks & Recreation Director presented and accepted a check in the amount of \$503.17 to the Troy Seniors.

## CARRYOVER ITEMS:

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### B-1 No Carryover Items

## PUBLIC HEARINGS:

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### C-1 City of Royal Oak Hospital Financing Authority Issuing Tax-Exempt Bonds for William Beaumont Hospital – Troy

The Mayor opened the Public Hearing.

The Mayor closed the Public Hearing after receiving comment from the Petitioner. No comment was received from the Public.

Resolution #2008-08-242

Moved by Kerwin

Seconded by Eisenbacher

WHEREAS, The City of Royal Oak Hospital Finance Authority (the "Authority") proposes to make loans to William Beaumont Hospital (the "Hospital"), to be used, in part, by the Hospital to (1) finance the construction, acquisition, renovation, equipping, rehabilitation and/or improve hospital facilities in the City of Troy, Michigan and (2) refinance indebtedness used to finance the construction, renovation and equipping of certain hospital facilities in the City of Troy, Michigan;

WHEREAS, The Authority intends to issue City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital Obligated Group) and Hospital Revenue

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Refunding Bonds (William Beaumont Hospital Obligated Group), in one or more series (the "Bonds") on behalf of the Hospital in the aggregate principal amount of not to exceed \$825,000,000 to provide funds with which to make loans to the Hospital;

WHEREAS, The Bonds will be limited obligations of the Authority and will not constitute general obligations or debt of the City of Royal Oak, the City of Troy, the County of Oakland, the State of Michigan or any political subdivision thereof;

WHEREAS, The City Council has held a public hearing after notice was published as provided in, and in satisfaction of the applicable public hearing requirements of, the Internal Revenue Code of 1986, as amended (the "Code");

WHEREAS, A record of public hearing will be maintained with the City Clerk;

WHEREAS, The Authority has requested that this City Council approve the issuance of the Bonds by the Authority; and

WHEREAS, The City Council of the City of Troy desires to express its approval of the issuance of the Bonds by the Authority;

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF TROY, AS FOLLOWS:

1. Solely for the purpose of fulfilling the public approval requirements of the Code, the City Council of the City of Troy hereby **APPROVES** the issuance, sale and delivery of not to exceed \$825,000,000 in aggregate principal amount of the Bonds by the Authority; and
2. The City Clerk is hereby **DIRECTED** to provide three (3) certified copies of this resolution to the Secretary of the Authority.

Yes: All-7

**MOTION CARRIED**

**POSTPONED ITEMS:**

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**D-1 Approval of Proposed Ballot Language of the Citizen Petition Initiated Charter Amendment Proposal – Section 9.16.5**

Resolution #2008-08-243  
Moved by Eisenbacher  
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPROVES** for placement on the November 4, 2008 Election, the following ballot question:

**AN INITIATORY PETITION TO AMEND THE TROY CITY CHARTER BY ADDING SECTION 9.16.5**

Shall Section 9.16.5 regarding Millage Rate Levy Limitation be added to the Troy City Charter as follows:

*“Section 9.16.5. The Council shall not increase the millage rate imposed pursuant to Section 9.16 of this charter above a current rate actually imposed, levied, and collected unless the increased rate shall first be approved by a majority of the City electors voting on the question.”?*

Yes \_\_\_ No \_\_\_

Yes: Broomfield, Eisenbacher, Fleming, Howrylak

No: Beltramini, Kerwin, Schilling

**MOTION CARRIED**

**Vote on Resolution for the Distribution of Charter Amendment Educational Information**

Resolution #2008-08-244  
Moved by Eisenbacher  
Seconded by Broomfield

RESOLVED, That Troy City Council shall hereby **APPROVE** any educational information that is posted or sent out by the City regarding the November 4, 2008 Charter Amendment before publication.

Yes All-7

**MOTION CARRIED**

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

**REGULAR BUSINESS:**

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E-1 **Appointments to Boards and Committees: a) Mayoral Appointments: None b) City Council Appointments: Historic District Commission and Historical Commission**

**(a) Mayoral Appointments – No appointments scheduled**

**(b) City Council Appointments**

Resolution #2008-08-245  
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:

**Historic District Commission**

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

Emily Wang-Student

Term Expires 07/01/09

**Historical Commission**

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

Yanyu (Andrew) Liu-Student

Term Expires 07/31/09

Yes All-7

**MOTION CARRIED**

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**E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None (b) City Council Nominations: Parks and Recreation Board**

(a) **Mayoral Nominations – No nominations scheduled**

(b) **City Council Nominations**

Resolution #2008-08-246

Moved by Howrylak

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:

**Parks & Recreation Board**

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

Gary Hauff

Troy School District Rep.

Term Expires 07/31/09

Yes All-7

**MOTION CARRIED**

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**E-3 Rescind Concept Development Plan Approval – The Oasis at Centennial Park Planned Unit Development (PUD 6), South Side of Long Lake and West Side of John R, Section 14, Currently Zoned PUD**

Resolution #2008-08-247

Moved by Beltrami

Seconded by Howrylak

WHEREAS, On September 10, 2007, City Council granted Concept Development Plan approval, pursuant to Article 35.50.01, for The Oasis at Centennial Park Planned Unit Development (PUD 6), located on the south side of Long Lake and west side of John R, Section 14, being approximately 9.35 acres in size;

WHEREAS, The property was rezoned to the Planned Unit Development zoning district designation on September 10, 2007; and

WHEREAS, The petitioner Oasis at Centennial Park, LLC has requested that the Concept Development Plan be abandoned;

BE IT RESOLVED, That Troy City Council hereby **DECLARES** The Oasis at Centennial Park Planned Unit Development (PUD 6) project to be abandoned; and

BE IT RESOLVED, That Troy City Council hereby **RESCINDS** the Concept Development Plan approval for The Oasis at Centennial Park Planned Unit Development (PUD 6); and

BE IT RESOLVED, That Troy City Council hereby **INVALIDATES** the Development Agreement for The Oasis at Centennial Park Planned Unit Development (PUD 6); and

BE IT RESOLVED, That Troy City Council hereby **RESCINDS** any and all rights and approvals granted under and as a part of the Concept Development Plan for The Oasis at Centennial Park Planned Unit Development (PUD 6); and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record this resolution with the Oakland County Register of Deeds as evidence of City Council action.

Yes: All-7

**MOTION CARRIED**

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**E-4 Bid Waiver – Printing of Election and Voter Registration Materials**

Resolution #2008-08-248

Moved by Beltramini

Seconded by Kerwin

WHEREAS, Printing Systems, Inc. provides Election related supplies and printed materials that comply to State of Michigan standards;

WHEREAS, Printing Systems, Inc. has provided the City of Troy with the required materials as a result of the lowest quote and regularly as the only vendor able to provide the materials requested in the quotes; and

WHEREAS, Printing Systems, Inc. holds the contract for ballot printing and supply kits with Oakland County and it is desirable to utilize Printing Systems, Inc. for ballot folding and specialized forms in conjunction with the County procurement;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **AUTHORIZES** the purchase of printing of Election and Voter Registration materials from Printing Systems, Inc. at an estimated cost of \$40,000.00.

Yes All-7

**MOTION CARRIED**

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**E-5 Ordinance to Add Chapter 101 to Troy City Code - Liquor Licenses**

Resolution  
Moved by Eisenbacher  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance to add Chapter 101, Liquor Licenses, to the Troy City Code City, as recommended by the City Attorney, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**Vote on Resolution to Amend Chapter 101-Liquor Licenses of the Troy City Code**

Resolution #2008-08-249  
Moved by Beltramini  
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to *Add Chapter 101 to the Troy City Code-Liquor Licenses* by **MOVING** "which shall be determined by the Troy City Council in its sole discretion" **AFTER** "or an assembly or a convention center use" in Paragraph 9.

Yes All-7

**MOTION CARRIED**

**Vote on Resolution to Amend Chapter 101-Liquor Licenses of the Troy City Code as Amended**

Resolution #2008-08-250  
Moved by Eisenbacher  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance to add Chapter 101, Liquor Licenses, to the Troy City Code, as recommended by the City Attorney and **AMENDED** by **MOVING** "which shall be determined by the Troy City Council in its sole discretion" **AFTER** "or an assembly or a convention center use" in Paragraph 9, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes All-7

**MOTION CARRIED**

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**E-6 Amendment to Chapter 98 of Troy City Code – Criminal Code for Liquor License Decoy Enforcement Operations**

Resolution #2008-08-251  
Moved by Kerwin  
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amending Sections 98.10.06 and 98.10.11 and the addition of a new Section 98.10.14 of Chapter 98 of the Troy City Code as recommended by the City Attorney, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes All-7

**MOTION CARRIED**

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**E-7 Amendment to Chapter 13 of Troy City Code – Historic Preservation**

Resolution #2008-08-252  
Moved by Eisenbacher  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amending Section 3 of Chapter 13 of the Troy City Code as recommended by the City Attorney, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes All-7

**MOTION CARRIED**

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**E-8 Phase II Stormwater Permit – Administrative Challenge**

Resolution #2008-08-253  
Moved by Kerwin  
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AFFIRMS** City Administration’s filing of a Contested Case Proceeding Challenging the NPDES Storm Water Permit, and **AUTHORIZES** the payment of any necessary costs and expenses to adequately represent the City.

Yes All-7

**MOTION CARRIED**

**CONSENT AGENDA:**

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

Resolution #2008-08-254-F-1a  
Moved by Kerwin  
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items F-2, F-5, and F-6, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes All-7

## MOTION CARRIED

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

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### F-4 Standard Purchasing Resolutions

#### a) Standard Purchasing Resolution 8: Best Value Award – Vending Machine Services

Resolution #2008-08-254-F-4a

RESOLVED, That Troy City Council hereby **AWARDS** a five-year contract to provide for the installation, operation and management of on-site vending machine services for various City of Troy facilities with additional options to renew at one-year intervals for a maximum length of ten (10) years to Vendtek/Satellite Vending Company of Wixom, MI, the bidder with the highest score as a result of a best value process, which the Troy City Council determines to be in the public interest, at a 15% - 18% return on gross receipts, which is offset by the cost of \$45/month for money changers at the Library and Community Center; or a guaranteed minimum of \$11,000.00 per year whichever is greater, to expire August 31, 2013; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed proposal and contract documents, including insurance certificates, agreement and all other specified requirements, and Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement when in acceptable form.

#### b) Standard Purchasing Resolution 2: Bid Award – Sole Bidder Meeting Specifications – Stain Exterior General Store

Resolution #2008-08-254-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all equipment, material, and labor to stain the exterior of the General Store located at the Troy Historical Museum to the sole bidder meeting specifications, Hermes Painting Company of Troy, MI, for an estimated total cost of \$45,000.00, at prices contained on the bid tabulation opened June 11, 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 the contractor submission of proper contract and bid documents, including insurance certificates and all other specified requirements.

c) **Standard Purchasing Resolution 3: Exercise Renewal Option – Sidewalk Replacement and Installation Program**

Resolution #2008-08-254-F-4c

WHEREAS, On August 20, 2007, a contract to complete the Sidewalk Replacement and Installation Program for 2007/08 with an option to renew for two additional one-year periods was awarded to the low total bidder, Viking Construction, Inc. of Warren, Michigan (Resolution #2007-08-250-E-4e); and

WHEREAS, Viking Construction has agreed to exercise first of two one-year options to renew the contract under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the first one-year option to renew the contract with Viking Construction to provide sidewalk replacement and installation for the 2008/09 construction season under the same prices, terms, and conditions as contained in the bid tabulation opened July 19, 2007, to expire June 30, 2009.

d) **Standard Purchasing Resolution 1: Award to Low Bidder – Major Street Pavement Marking Program**

Resolution #2008-08-254-F-4d

RESOLVED, That Troy City Council hereby **AWARDS** a two-year contract to furnish major street pavement markings with an option to renew for one (1) additional year to the low total bidder, RS Contracting, Inc. of Casco Twp, MI, at unit prices contained in the bid tabulation opened July 11, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting to expire June 30, 2010; and

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

e) **Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Initial Issue Police Uniforms and Equipment**

Resolution #2008-08-254-F-4e

RESOLVED, That Troy City Council hereby **AWARDS** a contract to supply two-year requirements of initial issue police uniforms and equipment for newly hired Police Department employees, with an option to renew for two one-year periods, to the lowest bidder meeting specifications, Metropolitan Uniform Company, 3065 Orchard Lake Road, Keego Harbor, MI 48320, at an estimated cost of \$1,638.98 per employee, plus tailoring charges of \$8.00 per flashlight pocket, shirt or pants, at unit prices contained in the bid tabulation opened on July 16, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting to expire August 11, 2010.

f) **Standard Purchasing Resolution 2: Lowest Bidders Meeting Specifications – Troy Daze Tents**

Resolution #2008-08-254-F-4f

RESOLVED, That Troy City Council hereby **AWARDS** contracts to furnish, set-up and take down tents for the Troy Daze Festival to the lowest bidders meeting specifications, Dial Tent & Awning Co., Inc of Saginaw, MI, and Ace Canvas & Tent of Detroit, MI for an estimated total cost of \$11,656.00 and \$5,255.00 respectively, at unit prices contained in the price quote submitted August 4, 2008 and bid tabulation opened August 1, 2008, copies of which shall be **ATTACHED** to the original Minutes of this meeting; 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.

g) **Standard Purchasing Resolution 2: Bid Award - Lowest Bidders Meeting Specifications – Community Center Treadmills**

Resolution #2008-08-254-F-4g

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase and install thirteen (13) new commercial treadmills at the Community Center to the lowest bidder meeting specifications, All Pro Exercise, Inc. of Farmington Hills, MI, at an estimated net total cost of \$51,142.00 including trade-ins, at prices contained in the bid tabulation opened July 21, 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 the company's submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

h) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 08-8 – Civic Center and Town Center Mill and Overlay**

Resolution #2008-08-254-F-4h

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 08-8, Civic Center and Town Center Mill and Overlay, to Ajax Paving Industries, Inc., 830 Kirks Blvd., Suite 100, Troy, MI 48084, at an estimated total cost of \$595,675.70; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required, Troy City Council hereby **AUTHORIZES** such additional work in an amount not to exceed 25% of the total project cost.

i) **Standard Purchasing Resolution 7: Proprietary Maintenance Service Contract – Engineering Software Maintenance (Bentley Systems, Inc.)**

Resolution #2008-08-254-F-4i

RESOLVED, That Troy City Council hereby **APPROVES** the Proprietary Maintenance Service contract to provide software maintenance for Microstation, InRoads, InRoads Survey, PowerSurvey and InRoads Storm and Sanitary Sewer software through July 13, 2009 to Bentley Systems, Inc., 685 Stockton Drive, Exton, PA 19341 for an estimated total cost of \$15,671.36.

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**F-7 Traffic Committee Recommendations – July 16, 2008**

**(a) Establishment of Fire Lanes – 1607 E. Big Beaver**

Resolution #2008-08-254-F-7a

RESOLVED, That Traffic Control Order No. 08-03-MR be **ISSUED** for the establishment of fire lanes at 1607 E. Big Beaver as recommended by the Fire Department as shown in the attached sketch.

**(b) Establishment of Fire Lanes – 6475 Rochester Road**

Resolution #2008-08-254-F-7b

RESOLVED, That Traffic Control Order No. 08-04-MR be **ISSUED** for the establishment of fire lanes at 6475 Rochester Road as recommended by the Fire Department as shown in the attached sketch.

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**F-8 Acceptance of a Water Main Easement – Section 9 Water Main Replacement Project #01.508.5 – Sidwell #88-20-09-233-022, Perry and Ramona Sankovich**

Resolution #2008-08-254-F-8

RESOLVED, That Troy City Council hereby **ACCEPTS** the permanent easement for water main from property owner Perry J. Sankovich and Ramona Sankovich, owners of the property having Sidwell #88-20-09-233-022; and

BE IT FURTHER RESOLVED, That Troy City Council the City Clerk is hereby **DIRECTED** to record the Permanent Easement with the Oakland County Register of Deeds, a copy of which shall be attached to the original minutes of this meeting.

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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 #2008-08-255

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of July 21, 2008 as corrected.

Yes: All-7

### MOTION CARRIED

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#### **F-5 Approval of Purchase Agreement for John R Road Improvements, Long Lake Road to Square Lake Road, Project No. 02.203.5 – Parcel #15 – Sidwell #88-20-11-226-037 – Dynex Properties, Inc.**

Resolution #2008-08-256

Moved by Kerwin

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Dynex Properties, Inc., owners of property having Sidwell #88-20-11-226-037, and the City of Troy, for the acquisition of right-of-way for John R Road Improvements, Long Lake Road to Square Lake Road in the amount of \$34,000.00, 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 FINALLY 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.

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

No: Howrylak

### MOTION CARRIED

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#### **F-6 Approval of MDOT Contract No. 08-5205 Street Lighting System Beneath I-75 at Long Lake Road – Project No. 08.102.6**

Resolution #2008-08-257

Moved by Eisenbacher

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** MDOT Contract No. 08-5205 between the City of Troy and the Michigan Department of Transportation for the replacement of the street lighting system under I-75 at the Long Lake Road structure, Project No. 08.102.6, 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.

Yes: All-7

**MOTION CARRIED****MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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

- a. EcoMotors, 1055 West Square Lake – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC) – August 25, 2008

Noted and Filed

- b. Concept Development Plan Approval – Troy Plaza Planned Unit Development (PUD 13) – West Side of Crooks, North Side of New King (5500 New King), Section 8 – O-M District – August 25, 2008

Noted and Filed

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**G-2 Memorandums: None Submitted****COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda**

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**H-1 Discussion on the Possibility of City Council Adopting a Civility Pledge, Requested by Council Member Kerwin**

Council Member Kerwin reminded Council that during the time Council Member Lambert served on City Council that he encouraged other council members to adopt a code of conduct or rules by which Council can govern themselves. Council Member Kerwin is hoping that Council will set time aside at an additional meeting where she can share the ideas from the various professional development sessions she has recently attended. She continued by stating that she is also hoping that they can reinstate the third meeting that was abandoned when the current Council established their rules to discuss policy issue topics such as the one she is suggesting tonight. Council Member Kerwin noted that there are several available dates at the end of September and in October where an additional meeting could be incorporated for discussions about developing a code of conduct.

Mayor Schilling concurred but is concerned that City Council is already obligated to meet to conclude discussions in regard to the *Budgeting for Outcomes* strategy. The Mayor then asked whether Council Member Kerwin is suggesting that City Council meet on Mondays when no meeting is scheduled.

Council Member Kerwin agreed and reminded City Council members that the last *Budgeting for Outcomes* meeting finished rapidly and that policy issue topics could be added to those meetings. Council Member Kerwin continued by stating that time needs to be set aside to discuss other policy topics also such as the *Green Initiative* topic which was brought forward by Council Member Eisenbacher.

Mayor Schilling recalled that once staff has compiled City Council's responses, the plan is to continue discussions about *Budgeting for Outcomes* after an upcoming City Council meeting in September.

Council Member Kerwin's preference would be to meet in a smaller room to discuss and develop their own civility pledge and although it would be an official meeting, it would be a workshop environment. She continued by stating that they all know a civility pledge is the hallmark of all efficient and effective governing teams, and Troy's City Council has never developed one.

Council Member Eisenbacher recalled that former City Council Member Lambert's proposal for a code of ethics would be a precursor to the information that was brought back by Council Member Kerwin. He understands that what has been holding them back is that there are other levels of state government currently formulating something similar to this type of policy.

City Attorney, Lori Bluhm advised that in her discussions with other Michigan Municipal League members that there is publication (*Ethics in Local Government*), scheduled to be released in the very immediate future that may possibly provide them with some guidance. Ms. Bluhm understands that there are plans to offer an on-line version so that the information can be accessed immediately.

Council Member Beltramini believes it is time to quit postponing policy issue topics and recommends that they consult their calendars to consider dates for additional meetings during the next quarter. She further believes that if City Council does not complete their *Budgeting for Outcomes* discussions within the next six weeks that staff will not be able to prepare a budget.

Council Member Broomfield is supportive of scheduling study sessions after regular meetings that are already scheduled that can accommodate an additional meeting afterwards. She added that she would be open to scheduling a third meeting only if necessary. She continued by stating that she recalls the reason a third meeting was originally scheduled in the past was because City Council was not getting through their agendas at their regular meetings.

Mayor Schilling agreed with Council Member Broomfield, but is in favor of getting the *Budgeting for Outcomes* well underway before scheduling meetings to discuss other policy issue items after a scheduled regular City Council meeting. The Mayor is also agreeable to scheduling an additional meeting on a Monday to be consistent with their current meeting schedule. She recalled that Council Member Howrylak is supportive of scheduling additional meetings on Mondays also.

## **COUNCIL COMMENTS:**

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### **I-1 Council Comments:**

Council Member Eisenbacher asked what precautions are currently in place to protect the City's savings and further asked whether a preapproved back-up needs to be in place to transfer funds should any of the City's banks be at risk of going into receivership.

John Lamerato, Assistant City Manager/Finance & Administration, replied that all of the banks are carefully selected for investments and the investments are scattered with various banks that are reviewed by City Council annually. He continued by stating that the City's current investment banks are fairly local and in good shape. He added that they keep a close eye on the City's main depository, Fifth-Third Bank by pulling condition reports and noted that Fifth-Third Bank is doing well at this point. Mr. Lamerato reported that he has the authority to transfer funds quickly if necessary.

Although Council Member Beltramini is an advocate of buried power lines, she understands that state law governs designations of where lines can be located underground for local jurisdictions and that underground lines are limited to one area. She advised that Troy has designated the DDA area along Big Beaver for underground utility lines. Council Member Beltramini further understands that changes to this regulation can only be made at the state level.

Brian Murphy, Assistant City Manager/Economic Development Services reported that lines were located underground along Telegraph Road during the reconstruction in the City of Taylor in accordance with their ordinance. He continued by stating that in a recent case involving the City of Taylor, the State's Supreme Court ruled in favor of the utility companies and the city had to reimburse the cost for putting the lines underground to the utility companies. Mr. Murphy suggested that Council take this under consideration when exploring the possibility of locating utility lines underground.

Therefore, Council Member Beltramini understands that the City can only compel the utility companies to locate utility lines underground along Big Beaver.

Mr. Murphy agreed.

## REPORTS:

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

- a. Traffic Committee/Final – February 20, 2008
- b. Traffic Committee/Final – March 19, 2008
- c. Downtown Development Authority/Final – June 18, 2008
- d. Troy Daze Advisory Committee/Final – June 24, 2008
- e. Planning Commission/Draft – July 8, 2008
- f. Planning Commission/Final – July 8, 2008
- g. Board of Zoning Appeals/Draft – July 15, 2008
- h. Board of Zoning Appeals/Final – July 15, 2008
- i. Ethnic Issues Advisory Board/Draft – July 15, 2008
- j. Board of Zoning Appeals/Draft – July 29, 2008

Noted and Filed

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### J-2 Department Reports:

- a. City Attorney's Office – 2008 Second Quarter Litigation Report
- b. Police Department – 2008 Year-To-Date Calls for Police Service Report
- c. Building Department – Permits Issued During the Month of July, 2008
- d. Council Member Kerwin's Travel Expense Report – Institute for Local Government's "Who Controls our Water System" Session on May 22, 2008
- e. Council Member Kerwin's Travel Expense Report – SME Chapter One Workshop: Michigan's Economy on June 17, 2008
- f. Council Member Kerwin's Travel Expense Report – MSUE Master Planner Advanced Academy on June 18, 2008
- g. Council Member Kerwin's Travel Expense Report – SEMCOG University Workshop: Asset Management on July 15, 2008
- h. Council Member Kerwin's Travel Expense Report – "Building a Championship Team" – Troy Chamber of Commerce on July 30, 2008

Noted and Filed

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**J-3 Letters of Appreciation:**

- a. Letter of Thanks to Chief Craft from Troy High School Teacher Gail Yax Regarding the Cooperation and Services Received from Troy Police Personnel with Troy High School Students
- b. Letter of Appreciation from Shelley Spinner Regarding the Troy Family Aquatic Center
- c. Letters of Appreciation from H&S Inspection Service Regarding the Contributions of Richard Kessler, Gary Bowers, and Robert Winkelman during 422 Oliver Building Reconstruction

Noted and Filed

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

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**J-5 Troy Youth Assistance Board Meeting Draft Minutes from May 15, 2008**

Noted and Filed

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**J-6 Communication from City Manager Phillip Nelson Regarding the Fitness Trail in Raintree Park**

Council Member Fleming recommends that by raising the level of the landscaping along the fitness trail that the dense vegetation will provide sufficient screening, and will satisfy the resident's objections to the fitness trail adjacent to his property. Council Member Fleming believes this solution is much more cost effective than if they were to reconstruct the trail.

Council Member Beltramini believes the proposed plantings will obscure a 4-foot fence.

Mayor Schilling believes that the proposed landscape design plan is an appropriate way to resolve this issue with the adjacent residents who object to the fitness trail in Raintree Park. The Mayor explained that she believes it is not feasible for City Council to bring forward a resolution to remove the path due to the cost involved and reminded everyone that it was members of the community who requested inter-connecting pathways in all of the city's parks.

David Ross supports the compromise of the City installing a berm and plantings for screening, but raised concerns about the proposed landscape design plan. Mr. Ross would like clarification in regard to exactly what kinds of plants the City is intending to plant and be assured that his view of the park will be completely blocked.

Zitao Liu has safety concerns for his non-English speaking parents and small son in regard to the proximity of the fitness trail to his house. Mr. Liu supports the proposal to install a berm and plantings for screening.

Council Member Beltramini asked whether it would be less expensive to install a five-foot privacy fence rather than spend \$4,000-\$5,000.00 in landscaping.

Mayor Schilling's concern is that the fence would only benefit Mr. Ross and the landscaping option would benefit everyone.

Council Member Beltramini believes another argument could be raised that the landscaping takes away from areas that can be used for the park.

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Council Member Broomfield is not certain that the other adjacent residents would welcome breaks between landscaping and fencing. Therefore, she believes landscaping is the better choice.

Council Member Eisenbacher asked if the intent is to provide a screen to block the visibility of the resident's view of the park.

Carol Anderson, Parks & Recreation Director responded that the intent is to block the view and described the types of proposed plantings. She explained that their goal is to also make the area appropriate and attractive.

Council Member Eisenbacher asked whether it is possible to provide a horizontal view of the plan for Mr. Ross.

Mrs. Anderson replied that she could redo the plan and provide a horizontal view. However, she noted that she does not recall Mr. Ross asking for a side view of the plan. She added that depending upon the plantings and the season that the view will change due to the growth of the plantings. She assured Council that the intent is to screen Mr. Ross' view of the park.

Council Member Beltramini believes it would be helpful to articulate the plan in a way that will clearly address the concerns of Mr. Ross.

Mrs. Anderson agreed.

**STUDY ITEMS:**

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**K-1 No Study Items Submitted**

**PUBLIC COMMENT: Address of "K" Items**

**CLOSED SESSION:**

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**L-1 Closed Session**

Resolution #2008-08-258  
Moved by Howrylak  
Seconded by Broomfield

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Pending Litigation – Love v. Troy.

Yes: All-7

**MOTION CARRIED**

**L-2 Closed Session – Performance Evaluation of the City Manager as Permitted by Council Resolution #2008-07-232**

The meeting **RECESSED** at 9:58 PM.

The meeting **RECONVENED** at 10:08 PM.

The meeting **ADJOURNED** at 1:03 AM on Tuesday, August 12, 2008.

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Louise E. Schilling, Mayor

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Barbara A. Pallotta, CMC  
Deputy City Clerk