

Regular Meeting of the Troy City Council was held Monday, October 6, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Father Ron Jozwiak of St. Elizabeth Ann Seton Catholic 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

### Resolution to Excuse Council Member Broomfield

Resolution #2008-10-308  
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 October 6, 2008 due to illness.

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

## MOTION CARRIED

## CERTIFICATES OF RECOGNITION:

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### A-1 Presentations:

- a) On behalf of the City of Troy Employees' *Casual for a Cause* Program (August), Carol Anderson, Parks & Recreation Director presented a check in the amount of \$556.00 to Leonette Ciepielowski for *Troy Youth Assistance*.
- b) On behalf of the City of Troy, Mayor Schilling presented a proclamation to the Advisory Committee for Persons with Disabilities recognizing October, 2008 as *National Disability Employment Awareness Month*.
- c) On behalf of the City of Troy, Mayor Schilling presented a proclamation to Beaumont Hospital recognizing October, 2008 as *Domestic Violence Awareness Month*.

## CARRYOVER ITEMS:

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### B-1 No Carryover Items

**PUBLIC HEARINGS:**

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C-1 No Public Hearings

**POSTPONED ITEMS:**

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D-1 No Postponed Items

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

Tim Burns, County Commissioner for the 19<sup>th</sup> District  
Marvin Reinhardt  
Scott Walker  
Anthony Kapas

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**E-4 Final Site Condominium Approval – Crestwood Site Condominium, Phase 2, 4 Units/Lots Proposed on 2.3512 Acres, North Side of Wattles, East of Livernois, Section 15, Zoned R-1C**

Resolution #2008-10-309  
Moved by Kerwin  
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **APPROVES** the Final Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Crestwood Site Condominium Phase 2, located on the north side of Wattles, east of Livernois, in Section 15, including 4 home sites, within the R-1C zoning district, being 2.3512 acres in size.

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

**MOTION CARRIED**

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**E-1 Appointments to Boards and Committees: a) Mayoral Appointments: None Scheduled b) City Council Appointments: Ethnic Issues Advisory Board; Historical Commission and Parks & Recreation Board**

**(a) Mayoral Appointments – None Scheduled**

**(b) City Council Appointments**

Resolution #2008-10-310  
Moved by Howrylak  
Seconded by Kerwin



**Advisory Committee for Persons with Disabilities**

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

Kelly Clark

Term Expires 11/01/2011

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

No: None

Absent: Broomfield

**MOTION CARRIED**

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**E-3 Bid Waiver – Troy Farm – Large Barn Repair and Stabilization**

Resolution #2008-10-312

Moved by Beltramini

Seconded by Fleming

WHEREAS, The large historic barn at the Troy Farm is in poor structural condition and a safety issue for visitors to the site;

WHEREAS, A barn repair specialist has developed specifications to repair and stabilize the large barn;

WHEREAS, Akins Construction, Inc. of Sterling Heights is the sole known barn restoration specialist in the area and completed repairs in 2006 on the small barn (Resolution #2006-06-246-F9); and

WHEREAS, Akins Construction, Inc. has offered to repair and stabilize the large historic barn in accordance with their basic outline dated September 23, 2008;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **APPROVES** a contract to stabilize the large historic barn with Akins Construction, Inc. of Sterling Heights, MI for an estimated total cost of \$59,689.00, as detailed in their basic outline dated September 23, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the contract is **CONTINGENT** upon contractor submission of properly executed contract documents including bonds, insurance certificates and all other mandated requirements; and if additional work is required that could not be foreseen, Troy City Council hereby **AUTHORIZES** such additional work in an amount not to exceed 10% of the total project cost or \$5,969.00.

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

**MOTION CARRIED**

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**E-5 Amendment to Troy City Code Chapter 42 – Flood Plain Management as Required by FEMA for Participation in National Flood Insurance Program**

Resolution #2008-10-313  
Moved by Kerwin  
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amending Chapter 42, Flood Plain Management, for the purpose of adopting the new Digital Flood Insurance Rate Maps (DFIRMS) that will become effective January 16, 2009 and to continue the City of Troy’s participation in the National Flood Insurance Program, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

**MOTION CARRIED**

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**E-6 Designation of Voting Delegates at the Annual Meeting of the National League of Cities**

Resolution #2008-10-314  
Moved by Howrylak  
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **DESIGNATES** Council Member Robin Beltramini as the Voting Delegate and hereby **DESIGNATES** Council Member Mary Kerwin as the Alternate Voting Delegate to cast the votes of the City of Troy at the Annual Business Meeting of the National League of Cities to be held November 15, 2008 in Orlando, Florida.

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

**MOTION CARRIED**

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**CONSENT AGENDA:**

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

Resolution #2008-10-315  
Moved by Beltramini  
Seconded by Kerwin

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

Yes: Beltramini, Eisenbacher, Fleming, Howrylak, Kerwin, Schilling  
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 #2008-10-315-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 8:00 PM Special City Council Meeting of September 18, 2008 and the 7:30 PM Regular City Council Meeting of September 22, 2008 as corrected.

**F-3 City of Troy Proclamations:**

Resolution #2008-10-315-F-3

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

- a) National Disability Employment Awareness Month – October, 2008
- b) Domestic Violence Awareness Month – October, 2008

**F-4 Standard Purchasing Resolutions**

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – VHF Voice Pagers (Alert Receiver) Purchase – Fire Department**

Resolution #2008-10-315-F-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase the standard package for the 180 Nova VHF alert receivers, plus the five-year extended warranty and trade-in allowance to the low bidder, OSI International, LLC, of Boca Raton, Florida for an estimated net total cost of \$51,120.00, which includes trade-ins at unit prices contained in the bid tabulation

opened September 11, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

b) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 08-2 – Section 9 Water Main Replacement – Project 01.508.5**

Resolution #2008-10-315-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 08-2, Section 9 Water Main Replacement to T.R. Pieprzak Co., Inc., of China Township, MI for an estimated total cost of \$2,369,317.19; 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 10% of the total project cost.

c) **Standard Purchasing Resolution 9: Membership Renewal – Macomb Criminal Justice Training Consortium**

Resolution #2008-10-315-F-4c

WHEREAS, The Troy Police Department has been a member agency of the Macomb Criminal Justice Training Consortium for six years;

WHEREAS, The Consortium provides a comprehensive and cost effective training protocol to the Police Department at a cost of \$165.00 per Officer, per year; and

WHEREAS, Membership allows the Police Department to send employees to many training classes at no additional cost or reduced rates, including the Macomb Criminal Justice Training Center's Basic Police Academy, and access to their firearms range and Firearms Training Simulator;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** a one-year membership renewal for fiscal year 2008 – 2009 with Macomb Community College for continued participation in the Criminal Justice Training Center Consortium at an estimated annual fee of \$22,110.00, and **GRANTS** approval to use all other training services provided through the Consortium membership on a reduced cost basis.

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**F-5 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Rochester, Torpey to Barclay, Project No. 99.203.5 Parcel #14 – Sidwell #88-20-23-100-016 – Soo-Il Lee**

Resolution #2008-10-315-F-5

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Soo-Il Lee, owner of property having Sidwell #88-20-23-100-016, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$35,300.00, 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 \$3,000.00 from Soo-Il Lee, owner of property having Sidwell #88-20-23-100-016 is hereby **ACCEPTED**; 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.

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**F-6 Acceptance of Permanent Public Utility Easement and Grading and Temporary Construction Permit – Wattles Road Improvements, Bristol to Worthington, Project No. 01.106.5 – Parcel #9 – Sidwell #88-20-14-351-059 Delance D. Farrell and Kelly D. Farrell**

Resolution #2008-10-315-F-6

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$15,700.00 and the Grading and Temporary Construction Permit in the amount of \$200.00 from Delance D. Farrell and Kelly D. Farrell, owners of property having Sidwell #88-20-14-351-059; 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.

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**F-7 Approval of Bonfire – 1825 E. Square Lake Road, Kensington Community Church**

Resolution #2008-10-315-F-7

RESOLVED, That Troy City Council hereby **APPROVES** the request for a bonfire from Kensington Community Church located at 1825 E. Square Lake Road scheduled to take place on Wednesday, October 8<sup>th</sup>, 2008.

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**F-8 Macy's Fireworks Permit Application**

Resolution #2008-10-315-F-8

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 7, 2008.

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**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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

- a) 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 (File Number PUD-006) – October 20, 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 No Council Referrals Advanced****COUNCIL COMMENTS:**

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**I-1 Council Comments:**

Mayor Schilling reported that an open house was held last weekend for Aloeterra, the 800 square foot solar house designed by Lawrence Technological University students and located on the grounds of the Community Center. The Mayor commented on the energy saving and sustainability features of the home and encouraged everyone to visit.

Carol Anderson, Parks & Recreation Director advised that functions will be held at the house and that the availability for the general public to view the house at various times will be publicized after staff has received training on the house's functions. She believes programming will begin within the next thirty to sixty days.

Brian Murphy, Assistant City Manager /Economic Development Services added that they also hope to utilize volunteer docents to assist during weekend events.

Mayor Schilling reported that the Fire Department's Open House held over the weekend was well attended by the public.

Council Member Kerwin reported that the Police Department's *Annual Honor Guard Spaghetti Dinner* is scheduled for Wednesday, October 8<sup>th</sup> at the San Marino Club.

Council Member Kerwin commended Council Member Beltramini in regard to her role as the President of the Michigan Municipal League whose term began at the conclusion at the MML conference held over this past weekend. She continued by stating that Council Member Beltramini came to this leadership position because of her many years of hard work as a committee member.

Council Member Kerwin thanked Lori Bluhm, City Attorney who also attended the conference for representing the city as an expert presenter at one of the workshops.

Council Member Kerwin would like City Council members to consider scheduling a study session so that Council can meet to review some of the materials they have from the conference. Council Member Kerwin explained that the MML has gone paperless and although they provide PowerPoint materials to attendees, that it would be more beneficial for Council to discuss the highlights of the conference, such as the presentation given by Dan Gilmartin at the opening session.

Council Member Kerwin was pleased to see the report on the Transit Center. She continued by stating that because the clock is ticking that she would like to see a plan at this point and how they can move forward.

Council Member Beltramini agreed with an opinion article written in the *Free Press* by Doug Rothwell. In terms of the article, she believes the Transit Center is an investment in the infrastructure and could be huge for Oakland County and for the City of Troy. Consequently, she believes that alone might negate the necessity of us offering an abatement to a larger company because it makes us that much more special as a place for a business to locate. She continued by stating that as we continue to look for reasons to offer abatements, that is probably one of the largest reasons.

As Vice-President of Troy Youth Assistance, Council Member Beltramini advised that they are currently looking for mentors for Troy youths. She noted that anyone wishing to serve as a mentor to contact Troy Youth Assistance by calling 248-823-5095.

Council Member Kerwin requested that a link be placed on the City's website for Mentor Michigan.

Phil Nelson, City Manager replied that they will look into that.

## REPORTS:

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

- a) Parks and Recreation Advisory Board/Final – March 27, 2008
- b) Election Commission/Final – June 30, 2008
- c) Employees' Retirement System Board of Trustees/Final – August 13, 2008
- d) Board of Zoning Appeals/Final – August 19, 2008
- e) Planning Commission Special/Study/Draft – August 26, 2008
- f) Planning Commission Special/Study/Final – August 26, 2008
- g) Youth Council/Final – August 27, 2008
- h) Ethnic Issues Advisory Board/Draft – September 2, 2008
- i) Troy Daze Advisory Committee/Draft – September 3, 2008
- j) Planning Commission/Draft – September 9, 2008
- k) Planning Commission/Final – September 9, 2008
- l) Board of Zoning Appeals/Draft – September 16, 2008
- m) Youth Council/Draft – September 24, 2008
- n) Election Commission/Draft – September 26, 2008

Noted and Filed

**J-2 Department Reports:**

- a) City of Troy Retirement System – Summary Annual Report to Members – December 31, 2007
- b) Mayor Pro Tem Howrylak’s Travel Expense Report – MAPERS Fall Conference on September 14-16, 2008

Noted and Filed

**J-3 Letters of Appreciation:**

- a) Letter of Thanks to Carol Anderson from PKD Walk Coordinator Henry Allemon Commending Parks and Recreation Staff
- b) Letter of Appreciation from Season Pass Holder Commending the Lifeguards and Atmosphere at the Aquatic Center
- c) Letter from Pat Anlishir Commending the Lifeguard Staff

Noted and Filed

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

- a) Oakland County Board of Commissioners Resolution #08126 – Transit Commuter Benefit Program for Oakland County Employees

Noted and Filed

**J-5 Rehmann Robson Engagement Letter – Fiscal Year Ending June 30, 2008**

Noted and Filed

**J-6 Communication from Planning Director Mark Miller Regarding Rescheduled Master Plan Planning Commission Public Hearing**

Noted and Filed

**J-7 Transit Center Update**

Resolution #2008-10-316  
Moved by Eisenbacher  
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **REQUESTS** the City of Troy staff and/or the City of Birmingham staff to prepare a project scope document detailing the final outcome vision of the Transit Center.

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

**MOTION CARRIED**

**STUDY ITEMS:**

**K-1 Budgeting for Outcomes – Output Rankings**

**PUBLIC COMMENT: Address of “K” Items**

**CLOSED SESSION:**

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L-1 No Closed Session Requested

**ADJOURNMENT**

The meeting **ADJOURNED** at 8:48 PM.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk