

Council Member Mary Kerwin gave the Invocation. The Pledge of Allegiance to the Flag was given.

### A. CALL TO ORDER:

The Regular Meeting of the Troy City Council was held Monday, July 12, 2010, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

### B. ROLL CALL:

- (a) Mayor Louise E. Schilling
- Robin Beltramini
- Mayor Pro Tem Wade Fleming (Absent)
- Martin Howrylak
- Mary Kerwin
- Maureen McGinnis
- Dane Slater

### C. CERTIFICATES OF RECOGNITION:

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#### C-1 Presentations:

- a) A presentation was given recognizing Sam Lamerato, Superintendent of Fleet Maintenance and the City of Troy's Fleet Division for placing #1 in the *100 Best Fleets Award Program* sponsored by Government Fleet Magazine.

#### Vote on Resolution to Excuse Council Member Fleming

Resolution #2010-07-148  
Moved by Beltramini  
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Fleming at the Regular City Council Meeting of Monday, July 12, 2010 and the Closed Session of Monday, July 12, 2010 due to family issues.

Yes: Beltramini, Howrylak  
No: Schilling, Kerwin, McGinnis, Slater  
Absent: Fleming

#### MOTION FAILED

### D. CARRYOVER ITEMS:

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#### D-1 No Carryover Items

### E. PUBLIC HEARINGS:

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#### E-1 Bostick Rochester Road Development, LLC – Rescind Plant Rehabilitation Exemption Certificate – 1400 Rochester Road

The Mayor opened the public hearing. The Mayor closed the public hearing after receiving no comment from the public.

Resolution #2010-07-149

Moved by Kerwin

Seconded by Howrylak

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on October 19, 2009, granted a Plant Rehabilitation Exemption Certificate to Bostick Rochester Road Development, LLC, for property known as 1400 Rochester, Troy, MI 48083, Parcel #s 88-20-34-226-048 and 88-20-34-226-057; and

WHEREAS, The State Tax Commission subsequently denied said exemption, stating that the developer does not qualify for this type of exemption; and

WHEREAS, The tenant, Axle Tech International, LLC, has agreed to modify their lease, and apply for the exemption themselves, in keeping with the State Tax Commission's interpretation of the exemption law; and

WHEREAS, The Troy City Council has found that IT IS NECESSARY TO RESCIND the Plant Rehabilitation Exemption Certificate (PREC) for Bostick Rochester Road Development, LLC, in order to allow Axle Tech International, LLC, the opportunity to apply for the exemption;

THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **RESCINDS** the Plant Rehabilitation Exemption Certificate granted on October 19, 2009 to Bostick Rochester Road Development, LLC, for property located at 1400 Rochester, Troy, MI 48083;

FINALLY, BE IT RESOLVED, That the City Clerk is hereby **DIRECTED TO** transmit a copy of this Resolution to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI. 48909-7971

Yes: Beltramini, Howrylak, Kerwin, McGinnis, Slater, Schilling

No: None

Absent: Fleming

## **MOTION CARRIED**

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### **E-2 Axle Tech International, LLC – Plant Rehabilitation Exemption Certificate – 1400 Rochester Road**

The Mayor opened the public hearing. The Mayor closed the public hearing after receiving no comment from the public.

Resolution #2010-07-150

Moved by Slater

Seconded by Kerwin

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on October 19, 2009, established an Industrial Development District (IDD) for property known as 1400 Rochester, Troy, MI 48083, Parcel #s 88-20-34-226-048 and 88-20-34-226-057; and

WHEREAS, An Application has been submitted by Axle Tech International, LLC, for a Plant Rehabilitation Exemption Certificate (PREC) for real property at 1400 Rochester, Troy, MI. 48083, for twelve (12) years; and

WHEREAS, After due an proper notice by the City Clerk, the City Council, on October 19, 2009, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of a Plant Rehabilitation Exemption Certificate (PREC) for Axle Tech International, LLC, at 1400 Rochester, Troy, MI 48083 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has found that the granting of a Plant Rehabilitation Exemption Certificate (PREC) for Axle Tech International, LLC, at 1400 Rochester, Troy, MI 48083 shall not substantially impede the operation of the City of Troy or the other taxing units, nor has it been found that the granting of the Plant Rehabilitation Exemption Certificate (PREC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for a Plant Rehabilitation Exemption Certificate (PREC) for Axle Tech International, LLC, Inc., at 1400 Rochester, Troy, MI 48083, Parcel #s 88-20-34-226-048 and 88-20-34-226-057, for real property for a term of twelve (12) years, contingent upon the execution of a Letter of Agreement between the City of Troy and Axle Tech International, LLC, and in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED** to execute the Letter of Agreement between the City of Troy and Axle Tech International, LLC, a copy of which shall be attached to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED** to complete the Application and transmit same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI. 48909-7971.

Yes: Kerwin, McGinnis, Slater, Schilling, Beltramini  
No: Howrylak  
Absent: Fleming

**MOTION CARRIED**

**F. PUBLIC COMMENT:**

In accordance with the Rules of Procedure of the City Council, Article 16 – Members of the Public and Visitors

- Terri Tucker:** Discussed her concerns regarding the Hot Spot Coffee Company located on Big Beaver at Dequindre.
- Audrey Zembruzski:** Discussed agenda item H-05 Driving While Distracted Ordinance.
- James Savage:** Discussed payments made by the City of Troy to Carlisle Wortman & Associates.
- Peter Arvant:** Extended an invitation to City Council members to attend upcoming Chamber of Commerce events.  
Board Member of the Troy Chamber of Commerce

**G. POSTPONED ITEMS:**

G-1 No Postponed Items

**H. REGULAR BUSINESS:**

H-1 Appointments to Boards and Committees: Board of Zoning Appeals

**Tally of City Council Nominee Choices:****Board of Zoning Appeals – Term Expires April 30, 2013; 2 Vacancies**

Appointed by Council (7-Regular) 3-Year Term - 1 Planning Commission Representative & Alternate

**Tally of City Council Nominee Choices:**

Each City Council member indicated two nominees to fill the vacancies on the Board of Zoning Appeals from the following list of individuals placed into nomination at the June 21, 2010 Regular City Council meeting:

<b>NOMINEES:</b>	<b>COUNCIL MEMBERS: 2 Selections for Nominations</b>
<b>Kenneth Courtney</b>	Schilling, Beltramini, Howrylak, Kerwin, McGinnis, Slater
<b>William Fisher</b>	Schilling, Kerwin, McGinnis, Slater
<b>Edward Kempen</b>	Beltramini, Howrylak

a) **Vote on Resolution to Appoint Nominees to Board of Zoning Appeals with Term Scheduled to Expire on April 30, 2013 – Two Vacancies**

Resolution #2010-07-151

Moved by Slater

Seconded by Beltramini

RESOLVED, That after having received the majority of votes, Troy City Council hereby **APPOINTS Kenneth Courtney and William Fisher** to serve on the Board of Zoning Appeals with terms expiring on April 30, 2013.

Yes: Kerwin, McGinnis, Slater, Schilling, Beltramini, Howrylak  
No: None  
Absent: Fleming

**MOTION CARRIED**

**b) Vote on Resolution to Appoint Nominee to Board of Zoning Appeals with Term Scheduled to Expire on April 30, 2011 – One Vacancy**

Resolution #2010-07-152  
Moved by McGinnis  
Seconded by Slater

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

**Board of Zoning Appeals**

Appointed by Council (7-Regular) 3-Year Term - 1 Planning Commission Representative & Alt.

**A. Allen Kneale**

Unexpired Term 04/30/2011

Yes: McGinnis, Slater, Schilling, Beltramini, Howrylak, Kerwin,  
No: None  
Absent: Fleming

**MOTION CARRIED**

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**H-2 Nominations for Appointments to Boards and Committees:**

- a) **Mayoral Nominations: None Scheduled**
- b) **City Council Nominations: None Scheduled**

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**H-3 Adoption of Amended Rules of Procedure for the City Council**

Resolution #2010-07-153  
Moved by Beltramini  
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **ADOPTS** Rules of Procedure for the City Council as amended and laid on the table.

Yes: Slater, Schilling, Beltramini, Kerwin, McGinnis  
No: Howrylak  
Absent: Fleming

**MOTION CARRIED**

**H-4 Pre-Medicare Reinsurance Subsidy Availability**

Resolution #2010-07-154

Moved by Beltramini

Seconded by Slater

WHEREAS, Pursuant to federal law under the Early Retirement Reinsurance Program (ERRP), 45 CFR 149 passed as part of the Health Care Reform Act of 2010, and in other guidance issued by the Secretary of the U.S. Department of Health and Human Services (HHS) including, but not limited to, the conditions for submission of data for obtaining reimbursement and the record retention requirements;

WHEREAS, The City of Troy, identified as a Plan Sponsor certifies that prior to submitting a reimbursement request to HHS, has executed a written agreement with its health insurance providers regarding disclosure of personal health information;

WHEREAS, The Cornerstone Group/RDS Services has provided similar services for the Medicare Part D Subsidy program, and as a current client has waived a \$5,000 retainer fee to perform these services pertaining to the ERRP application and reimbursement of funds;

WHEREAS, Time is of the essence in applying for reimbursement, as funds are limited, and applications are to be accepted on a first come first serve basis;

WHEREAS, The City's insurance providers are the only companies with access to the data required to apply for reimbursement, and that the data feed from Blue Cross Blue Shield in the first year of reimbursement will cost \$3,000; and

WHEREAS, The Cornerstone Group/RDS Services has provided a fee structure based on reimbursement funds received by the City of Troy;

NOW, THEREFORE, BE IT RESOLVED, The Troy City Council hereby **APPROVES** the Cornerstone Group/RDS Services to assist City staff in the obtaining of data, record retention requirements, and application for reimbursement of ERRP funds; and

BE IT FURTHER RESOLVED, The Troy City Council hereby **ACKNOWLEDGES** that any funds received under the ERRP must be used to offset both future health insurance cost increases and premium cost increases.

Yes: Schilling, Beltramini, Howrylak, Kerwin, McGinnis, Slater

No: None

Absent: Fleming

**MOTION CARRIED**

**H-5 Driving While Distracted Ordinance**

Resolution  
Moved by Beltramini  
Seconded by Kerwin

RESOLVED, That Chapter 106 of the Code of the City of Troy be **AMENDED** to add Section 3.2B, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

**Vote on Resolution to Amend Resolution for Agenda Item H-5 *Driving While Distracted Ordinance* by Substitution**

Resolution #2010-07-155  
Moved by Beltramini  
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AMENDS** proposed resolution for Agenda Item H-5 *Driving While Distracted* by STRIKING it in its entirety and SUBSTITUTING it “RESOLVED, That Chapter 106 of the Code of the City of Troy be **AMENDED** to add Sections 1.20.05 and 5.14c, and renumbered, as reflected on the attached document, which shall be **ATTACHED** to the original Minutes of this meeting.”

Yes: Beltramini, Kerwin, McGinnis, Slater, Schilling  
No: Howrylak  
Absent: Fleming

**MOTION CARRIED****Vote on Resolution for Agenda Item H-5 *Driving While Distracted* as Amended by Substitution**

Resolution #2010-07-156  
Moved by Beltramini  
Seconded by Kerwin

RESOLVED, That Chapter 106 of the Code of the City of Troy be **AMENDED** to add Sections 1.20.05 and 5.14c, and renumbered, as reflected on the attached document, which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Kerwin, McGinnis, Slater, Schilling, Beltramini  
No: Howrylak  
Absent: Fleming

**MOTION CARRIED**

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**H-6 Request for Closed Session – No action taken**

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**I. CONSENT AGENDA:**

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

Resolution #2010-07-157  
Moved by Beltramini  
Seconded by McGinnis

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items I-7 and I-9 which **SHALL BE CONSIDERED** after Consent Agenda (I) items, as printed.

Yes: Kerwin, McGinnis, Slater, Schilling, Beltramini, Howrylak  
No: None  
Absent: Fleming

**MOTION CARRIED**

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

Resolution #2010-07-157-I-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of June 21, 2010 and the Minutes of the 7:30 PM Special Study Meeting of June 28, 2010 as submitted.

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**I-3 Proposed City of Troy Proclamations: None Submitted**

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**I-4 Standard Purchasing Resolutions:****a) Standard Purchasing Resolution 8: Best Value Award – Printing of Troy Today, Quarterly Newsletter:**

Resolution #2010-07-157-I-4a

RESOLVED, That Troy City Council hereby **AWARDS** a one-year contract to provide printing services for the Troy Today quarterly newsletter with an option to renew for two additional one-year periods to the highest scoring respondent, Grand Blanc Printing Company, Inc. of Grand Blanc, MI, as a result of a best value process, which the Troy City Council determines to be in the public interest for an estimated annual cost of \$39,008.00 for Proposals A & C, plus the actual cost of bulk rate postage, and additional charges if needed not to exceed 10% of the total contract cost or \$3,900.00, at unit prices contained on the RFP tabulation opened May 24, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of July 1, 2011; and

BE IT FURTHER RESOLVED, Troy City Council hereby **REJECTS** optional Proposal B.

b) **Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Membership Renewals Southeast Michigan Council of Governments (SEMCOG)**

Resolution #2010-07-157-I-4b

RESOLVED, That approval is **GRANTED** to pay membership dues to the Southeast Michigan Council of Governments (SEMCOG) in the amount of \$9,841.00, which covers the time period of July 15, 2010 to July 15, 2011.

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**I-5 Application for New SDM License for E-Mart, LLC**

a) **New License**

Resolution #2010-07-157-I-5a

RESOLVED, That Troy City Council hereby **CONSIDERS for APPROVAL** E Mart LLC for a New SDM License located at 2963 East Big Beaver Road, Troy, MI 48083, Oakland County {MLCC Request #531318} “above all others”; and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

b) **Agreement**

Resolution #2010-07-157-I-5b

WHEREAS, The Troy City Council deems it necessary to enter into agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with E Mart LLC for a New SDM License located at 2963 East Big Beaver Road, Troy, MI 48083, Oakland County {MLCC Request #531318} and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**I-6 Acceptance of a Warranty Deed for Detention Purposes for Stone Haven Park Site Condominium – Mondrian Properties Stone Haven Development, LLC, Section 20, Sidwell #88-20-20-226-080**

Resolution #2010-07-157-I-6

RESOLVED, That Troy City Council hereby **ACCEPTS** the Warranty Deed for detention purposes for a consideration amount of One Dollar (\$1.00), from Mondrian Properties Stone Haven Development, L.L.C., owners of the property having Sidwell #88-20-20-226-080, and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** 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.

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**I-8 Recognition as Nonprofit Organization Status from Diane Claeys of Troy Women’s Charitable Association**

Resolution #2010-07-157-I-8

RESOLVED, That Troy City Council hereby **APPROVES** the request from *Troy Women’s Charitable Association* asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license as recommended by City Management.

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**I-1b Address of “I” Items Removed for Discussion by City Council**

Council Member Beltramini disclosed that she serves as Vice President on the Troy Youth Assistance Board in a non-paying position.

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**I-7 Recognition as Nonprofit Organization Status from Leonette Ciepielowski – Chairman of Troy Youth Assistance**

Resolution #2010-07-158

Moved by Kerwin

Seconded by Howrylak

RESOLVED, That Troy City Council hereby **APPROVES** the request from *Troy Youth Assistance* asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license as recommended by City Management.

Yes: McGinnis, Slater, Schilling, Beltramini, Howrylak, Kerwin

No: None

Absent: Fleming

**MOTION CARRIED**

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**I-9 Liberty Investments I, LLC v. City of Troy**

Resolution #2010-07-159

Moved by Beltramini

Seconded by McGinnis

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of *Liberty Investments I, LLC v. City of Troy* (52-4<sup>th</sup> District Court Case No. 10 CO1918 GC); and

BE IT FURTHER RESOLVED, That the City Attorney is **AUTHORIZED** to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City.

Yes: Slater, Schilling, Beltramini, Kerwin, McGinnis  
No: Howrylak  
Absent: Fleming

## **MOTION CARRIED**

### **J. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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

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**J-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted**

### **K. COUNCIL REFERRALS:**

**Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda**

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**K-1 No Council Referrals Advanced**

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### **L. COUNCIL COMMENTS**

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**L-1 Council Comments Advanced:**

Council Member Beltramini provided Council Members with a copy of a synopsis report entitled, "10,000 Voices to Transform our State" that she received at the SEMCOG meeting. She noted the report is published by the Center for Michigan and is available at [www.thecenterformichigan.net](http://www.thecenterformichigan.net).

Council Member Beltramini provided Council Members with an excerpt from Nation's Cities Weekly entitled "Atlantic's Forum on Infrastructure Looks at the Future of Cities".

Council Member Beltramini suggested that the individual city departments prepare a matrix comparing themselves with other communities, the private sector, etc. similar to the one described in tonight's presentation and make it a part of the restructuring strategy.

Council Member Kerwin encouraged the public to contact the Troy Community Coalition to receive information in regard their teen driving safety program.

Council Member Kerwin reminded Council Members that they still need to schedule meetings to discuss various topics such as City Council's goals and objectives.

Mayor Schilling added that City Council is due to schedule Closed Sessions for the annual evaluations of the City Manager and City Attorney.

**Vote on Resolution to Suspend *Rules of Procedures for the City Council***

Resolution #2010-07-160  
 Moved by Schilling  
 Seconded by Kerwin

RESOLVED, That Troy City Council hereby **SUSPENDS** *Rules of Procedures for the City Council* Rule 6 *Order of Business* to take action on an item that does not appear on the agenda.

Yes: Schilling, Beltramini, Howrylak, Kerwin, McGinnis, Slater  
 No: None  
 Absent: Fleming

**MOTION CARRIED****Vote on Resolution to Schedule Additional Regular City Council Meetings**

Resolution #2010-07-161  
 Moved by Slater  
 Seconded by Schilling

RESOLVED, That Troy City Council hereby **SCHEDULES** the following dates as additional Regular City Council meetings at 7:30 PM in the City Council Chambers:

Monday, August 16, 2010  
 Monday, September 20, 2010  
 Monday, October 11, 2010  
 Monday, November 15, 2010  
 Monday, December 13, 2010

Yes: Beltramini, Kerwin, McGinnis, Slater, Schilling  
 No: Howrylak  
 Absent: Fleming

**MOTION CARRIED****M. REPORTS****M-1 Minutes – Boards and Committees:**

- a) Liquor Advisory Committee/Final – March 8, 2010
- b) Election Commission/Final – March 29, 2010
- c) Employees' Retirement System Board of Trustees/Final – May 12, 2010
- d) Library Advisory Board/Final/Amended – May 13, 2010
- e) Planning Commission/Draft – June 8, 2010
- f) Planning Commission/Final – June 8, 2010

- g) Library Advisory Board/Draft – June 10, 2010
- h) Liquor Advisory Committee/Draft – June 14, 2010
- i) Election Commission/Draft – June 24, 2010  
Noted and Filed

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**M-2 Department Reports:**

- a) 2010 Second Quarter Litigation Report
- b) City Council Expense Report – Month of July 2010  
Noted and Filed

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**M-3 Letters of Appreciation:**

- a) E-mail Received from Sue and Mike Quinn Commending the Troy Police Department
- b) Note of Appreciation to the 2010 Board of Review from a Hardship Recipient  
Noted and Filed

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**M-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted**  
Noted and Filed

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**M-5 Michigan Public Service Commission – Notice of Hearing for the Electric Customers of the Detroit Edison Company – Case No. U-16262**  
Noted and Filed

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**M-6 Troy/Birmingham Transit Center – Joint Troy Planning Commission and Birmingham Planning Board Meeting Schedule**  
Noted and Filed

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**M-7 Discontinue Service-Niles Community High School, School Resource Officer**  
Noted and Filed

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**M-8 Program Year 2010 Community Development Block Grant (CDBG) Allocation**  
Noted and Filed

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**M-9 Placement of Historical Marker on Krell Property Site – (North Side of Square Lake, East of Livernois at John’s Market 88-20-03-301-077)**  
Noted and Filed

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**M-10 Business Attraction Project: Witzenmann, USA**  
Noted and Filed

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**M-11 Cost of Organizational Restructuring**  
Noted and Filed

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**M-12 Report Regarding Comments Made by Mr. Benjamin Blaszak at the June 28, 2010 City Council Special Study Meeting**  
Noted and Filed

**N. STUDY ITEMS**

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N-1 Restructuring of the Engineering Department

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N-2 Project Update – Zoning Ordinance Comprehensive Rewrite (File Number: Z-234)

**O. CLOSED SESSION:**

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O-1 Closed Session – None Requested

**P. ADJOURNMENT**

The meeting **RECESSED** at 9:47 PM.

The meeting **RECONVENED** at 9:57 PM.

The meeting **ADJOURNED** at 11:20 PM.

  
Louise E. Schilling, Mayor

  
Tonni L. Bartholomew, MMC  
City Clerk