Pastor Dan Lewis of Troy Christian Chapel gave the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held Monday, November 8, 2010, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

B. 1. ROLL CALL:

Mayor Louise E. Schilling
Robin Beltramini
Mayor Pro Tem Wade Fleming
Martin Howrylak
Mary Kerwin
Maureen McGinnis
Dane Slater

B. 2. INSTALLATION CEREMONY: 2010-2011 City Council Convenes:

a) Appointment of Mayor Pro Tem

Rules of Procedure for the City Council addresses the appointment of Mayor Pro Tem as follows:

1. APPOINTMENT OF MAYOR PRO TEM

The Mayor Pro Tem shall be elected by the Council from among its members annually in November.

Resolution
Moved by Slater
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPOINTS** Council Member Mary Kerwin to serve as Mayor Pro Tem for the City Council of the City of Troy for a term scheduled to expire at 7:30 PM on Monday, November 14, 2011.

Vote on Resolution to Amend Appointment of Mayor Pro Tem by Substitution

Resolution #2010-11-239
Moved by Fleming
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to *Appoint Mayor Pro Tem* by **STRIKING** “Mary Kerwin” and **SUBSTITUTING** it with “Robin Beltramini”.

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

MOTION FAILED

Vote on Resolution to Appoint Mayor Pro Tem

Resolution #2010-11-240
Moved by Slater
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPOINTS** Council Member Mary Kerwin to serve as Mayor Pro Tem for the City Council of the City of Troy for a term scheduled to expire at 7:30 PM on Monday, November 14, 2011.

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

MOTION CARRIED

City Clerk, Tonni L. Bartholomew, administered the Oath of Office for Mayor Pro Tem to Council Member Mary Kerwin.

b) Adoption of Rules of Procedure of the City Council

Resolution #2010-11-241
Moved by Kerwin
Seconded by Slater

RESOLVED, That Troy City Council hereby **ADOPTS** the *Rules of Procedure of the City Council* of the City of Troy as recorded by the City Clerk in the Minutes of this meeting.

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

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Certificates of Recognition and Special Presentations Scheduled

a) A presentation of the Michigan Municipal League's *Worker's Compensation Fund Loss Control Achievement Award* from Mayor Schilling to Stephen Cooperrider, Risk Manager.

b) A presentation recognizing the City of Troy as a *Five Star Community* for attracting and retaining entrepreneurial companies from the University of Michigan-Dearborn's Center for Innovation Research (ILabs) was presented by Mayor Schilling to Cindy Stewart,

Community Affairs Director accepting on behalf of Pam Valentik, Economic Development Specialist.

D. CARRYOVER ITEMS:

D-1 Discussion and Possible Action on Censuring of Council Member Martin Howrylak

There was a consensus of City Council Members present to take no action regarding the censuring of Council Member Howrylak after receiving comment on the matter from each Council Member.

E. PUBLIC HEARINGS:

E-1 No Public Hearings Scheduled

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – *Order of Business*

Resolution #2010-11-242
Moved by Schilling
Seconded by Slater

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

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

MOTION CARRIED

Vote on Resolution to Reduce Public Comment, Rule #16 – *Members of the Public & Visitors*

Resolution #2010-11-243
Moved by Schilling
Seconded by Slater

RESOLVED, That Troy City Council hereby **REDUCES** Public Comment, Council Rule #16, *Members of the Public & Visitors*, from five minutes to three minutes at the request of the Chair and by majority vote of City Council members elect.

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

MOTION CARRIED

F. PUBLIC COMMENT:

Douglas Hepner:	Opposed censuring of Council Member Howrylak.
Audre Zembrzuski:	Supports the library; opposed to all library proposals.
Harry Philo:	Supports the library; supported Library Proposal I.
Ellen Hodorek:	Opposed to the behavior of the community and elected officials.
M.L. Geiger:	Supports maintaining the library; questioned how it is financially feasible.
Paul Beck:	Opposed to budgetary decisions being made by City Management.
John Mayernik:	Opposed censuring of Council Member Howrylak.
Gordon Schepke:	Opposed censuring of Council Member Howrylak.
Dave Henderson:	Opposed censuring of Council Member Howrylak; opposed to tax increases; opposed to budgetary decisions being made by City Management.
Mary Ann Bernardi:	Opposed censuring of Council Member Howrylak.
Duane Lamers:	Supports the tenets of the U.S. Constitution
Linda Mamassian:	Opposed to February millage proposal; opposed to library proposals; supports City Council re-examine the City's budget.
Jack Hennessy:	Opposed censuring of Council Member Howrylak; supported library; opposed to tax increase.
Edna Abrahim:	Supported Library Proposal I.
Don Barnhart:	Supported the library; opposed to raising taxes, opposed to budgetary decisions made by elected officials.
Linda Kajma:	Supports bringing civility and ethics back to Troy.
Daniel G. Fair:	Supports staff and services provided by the City of Troy.
Tony Haddad:	Opposed censuring of Council Member Howrylak; spoke on various other topics.

The meeting **RECESSED** at 8:58 PM.

The meeting **RECONVENED** at 9:04 PM.

Gerard Staeger:	Opposed censuring of Council Member Howrylak; raised questions regarding 501(3)(c) status related to Library Proposal I.
Tony Cruz:	Opposed censuring of Council Member Howrylak.
James Savage:	Discussed City Council's Code of Ethics and their *Rules of Procedure*; opposed to excessive spending.
John Vert:	Requested that Council Members Fleming and Howrylak to provide a budgetary plan in lieu of increasing taxes.
Barb Layman:	Requested City Council to provide funding to keep the library open.
Sharon MacDonell:	Spoke in support of Library Proposal I; opposed to Council Member Howrylak's mailing.
Linda Kenney:	Supports fiscal responsibility; supports Council Member Howrylak's mailing.
Edward Kempen:	Supports library; opposed to increasing taxes; reported circulation of petition initiative is completed and ready for filing with City Clerk.
Ron Dwyer:	Supports library; opposed to raising taxes; opposed to budgetary decisions being made by City Management.
Joshua Hyman:	Opposed to using the library or school district for political posturing.

Oksana Fedorowycz: Requested more transparency regarding spending tax dollars on city projects; opposes censuring of Council Member Howrylak.

Dennis Corrigan: Opposed to Council Member Howrylak's mailing; supports Council Member Howrylak's service; supports maintaining library; noted budgetary cuts have been made and information is readily available to the public.

Janice Daniels: Opposed censuring of Council Member Howrylak;

Kathleen Martin: Opposed to Council Member Howrylak's mailing and petition circulator's tactics on Election day.

G. RESPONSE / REPLY TO PUBLIC COMMENT

The Mayor departed the meeting at 9:54 PM.

Mayor Pro Tem Kerwin assumed the role of Mayor.

The Mayor returned to the meeting at 9:57 PM.

H. POSTPONED ITEMS:

H-1 Paint Creek Center for the Arts' Regional Arts

Resolution #2010-11-244
Moved by Schilling
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **NOMINATES** *The Image and Arts Council of Troy* to represent the City of Troy in the Paint Creek Center for the Arts' "2011 Regional Arts Awards" competition.

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

MOTION CARRIED

I. REGULAR BUSINESS:

I-1 Appointments to Boards and Committees:

a) <u>Mayoral Appointments</u>: None Scheduled

b) <u>City Council Appointments/Confirmation</u>: None Scheduled

I-2 Nominations for Appointments to Boards and Committees: None Scheduled

I-3 Request for Closed Session

Resolution #2010-11-245
Moved by Beltramini
Seconded by Slater

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, *Troy v Ida Rudack Trust,* as permitted by MCL15.268 (e), Pending Litigation.

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

MOTION CARRIED

I-4 City of Troy Investment Policy and Establishment of Investment Accounts

Resolution #2010-11-246
Moved by Beltramini
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** the *Investment Policy and Establishment of Investment Accounts* as outlined in the memorandum and revised from Assistant City Manager-Finance and Administration, John M. Lamerato dated November 2, 2010; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

J. CONSENT AGENDA:

J-1a Approval of "I" Items NOT Removed for Discussion

Resolution #2010-11-247
Moved by Beltramini
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Items J-4e and J-2, which **SHALL BE CONSIDERED** after Consent Agenda (I) items, as printed.

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

J-3 Proposed City of Troy Proclamations: None proposed

J-4 Standard Purchasing Resolutions:

a) <u>Standard Purchasing Resolution 4</u>: MITN Purchasing Cooperative – City of Ann Arbor – Premium Laser Compatible Ink and Toner Cartridges

Resolution #2010-11-247-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract for the purchase of premium laser compatible ink and toner cartridges on an as needed basis, with an option to renew for two (2) additional one (1) year periods to the lowest bidder meeting specifications, from Preferred Toner Solutions of Canton, MI, through a MITN Cooperative Award hosted by the City of Ann Arbor at unit prices contained in Appendix A, a copy of which shall be **ATTACHED** to the original Minutes of this meeting expiring July 31, 2011; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AWARDS** the contract for purchase **CONTINGENT** upon the contractor's submission of properly executed contract documents, including insurance certificates and all other specified requirements.

b) Standard Purchasing Resolution 1: – Award to Low Bidder – Water System Materials

Resolution #2010-11-247-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide one-year requirements of Water System Materials to the following low bidders: Gunners Meters & Parts of Pontiac, MI; SLC Meter Service, Inc of Davisburg, MI and HD Supply Waterworks of Shelby Township. MI at unit prices contained in the bid tabulation opened September 30, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

RESOLVED, That Troy City Council hereby **REJECTS** bids for Item #5. Manhole Frames and Covers due to budgetary limitations; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AWARDS** Gunners Meters & Parts Item.6 – Mueller Improved Fire Hydrant Parts at prices as contained on the Hydraflo Replacement Parts List dated March 2008.

c) Standard Purchasing Resolution 1: – Award to Low Bidder – Water Pressure Reducing Valve (PRV) Vault #9 Replacement Rochester Road South of South Boulevard

Resolution #2010-11-247-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** contract No. 10-4, Water Pressure Reducing Valve (PRV) Vault #9 Replacement, Rochester Road South of South Boulevard, to Dan's Excavating, Inc., 12955 23 Mile Road, Shelby Township, Michigan 48315 for their low total bid amount of $328,629.39; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AWARDS** contract **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is authorized in an amount not to exceed 10% of the total project cost.

d) Standard Purchasing Resolution 3: – Exercise Renewal Option – Tax Bill Printing Services

Resolution #2010-11-247-J-4d

WHEREAS, On March 30, 2009, a one-year contract to provide printing and mailing services for the 2009 summer and winter tax bills with options to renew for two additional one (1) year tax periods was awarded to the lowest acceptable bidder, DivDat of Ferndale, Michigan (Resolution #2009-03-105-F-4d) as amended;

WHEREAS, On March 1, 2010, Troy City Council exercised the first one-year option to renew the contract for tax bill printing and first class mailing services of the 2010 summer and winter tax bills with DivDat at prices originally bid (Resolution #2010-03-059-I4d); and

WHEREAS, DivDat has agreed to exercise the second option to renew the contract for one additional tax year under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the second one-year option to renew the contract to provide tax bill printing and first class mailing services for the 2011 summer and winter tax bills with DivDat at prices contained in the bid tabulation opened February 25, 2009, plus the actual cost of first class postage and over-runs not to exceed 5%, with a contract expiration of December 31, 2011.

J-5 Manhole Frames & Covers

Resolution #2010-11-247-J-5

WHEREAS, East Jordan Iron Works (EJIW) of Michigan is the manufacturer of sanitary manhole frames and covers; and

WHEREAS, The City of Troy has standardized on EJIW sanitary manhole frames and covers to alleviate problems with inventory and maintenance issues;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council **DETERMINES** it to be in the City's best interest to purchase directly from the manufacturer and hereby **AUTHORIZES** the purchase of 1040ZPTs, sanitary manhole frames and covers from East Jordan Iron Works of Michigan at a cost of $325.94 per assembly in accordance with Quote #5209108 dated October 26, 2010; a copy of which shall be **ATTACHED** to the original Minutes of this meeting to expire on October 26, 2011.

J-6 Guardian Tracking Software Application

Resolution #2010-11-247-J-6

WHEREAS, It is necessary to document employee performance for evaluation and disciplinary purposes;

WHEREAS, Due to staff reductions, it will become increasingly difficult to properly supervise employees and/or volunteers and document their behavior and performance;

WHEREAS, Personnel Performance Documentation / Early Intervention Software will assist both the Police and Fire Departments in creating and maintaining a readily accessible record of employee performance, as well as allow the employee to monitor and comment on their own historical record; and

WHEREAS, Guardian Tracking, LLC is the sole known provider of this proprietary software and research has failed to find another supplier to provide a program that meets or exceeds their capabilities;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase the Personnel Performance Documentation/Early Intervention Software from Guardian Tracking LLC of Anderson, IN, for an estimated total cost of $9,240.00 for up to 350 user licenses; and ongoing technical support and updates at an annual maintenance fee of $1,964.00 for three years and thereafter, the maintenance fee will not exceed 17% of that year's software price.

J-7 Resolution Modification #2010-04-074 H4 - Core Network Upgrade

Resolution #2010-11-247-J-7

WHEREAS, On Monday, April 5, 2010, Troy City Council approved and authorized the purchase of replacement hardware, services and software as detailed in Attachment B for an estimated total cost of $51,300.00 (Resolution #2010-04-074 Item H-4); and

WHEREAS, CDW-G was identified in Attachment B to provide installation services for the network upgrade; and subsequently, it was determined to be in the City's best interest to work directly with Hewlett Packard, the original equipment manufacturer;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **CONFIRMS** and **RATIFIES** the contract with Hewlett Packard for network deployment services on the Core Network Upgrade at a fixed price of $5,750.00; and rescinds the award on April 5, 2010, to CDW-G for installation services in the amount of $7,000.00.

J-1b Address of "I" Items Removed for Discussion by City Council

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J-2 Approval of City Council Minutes

Resolution #2010-11-248
Moved by Howrylak
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the Regular City Council Meeting of October 18, 2010; the Minutes of the Special City Council Meeting of October 28, 2010 as submitted; and the Minutes of the Special City Council Meeting of November 1, 2010 as amended by **STRIKING** "immediately" and **INSERTING** "shortly".

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

MOTION CARRIED

e) Standard Purchasing Resolution 1: – Award to Low Bidder – Wind Turbine Systems

Resolution #2010-11-249
Moved by McGinnis
Seconded by Slater

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all equipment, material and labor to install two (2) new Windspire Vertical Axis Wind Turbine Systems on the grounds of the City's Municipal Campus to the low total bidder, Bazen Electric Company of Grand Rapids, MI, for an estimated total cost of $28,725.00, which includes monitoring software and a three-year maintenance contract at prices contained in the bid tabulation opened October 5, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, If the system is successful, Troy City Council hereby **AUTHORIZES** the installation of additional Windspire units from Bazen Electric Company at a cost of $11,750.00 each provided there is an appropriate level of funding; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AWARDS** the contract **CONTINGENT** upon the contractor's submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

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

MOTION CARRIED

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

a) Industrial Development District (IDD) and Industrial Facilities Exemption Certificate (IFEC) for Silk Route Global, LLC (950 Stephenson) and P3 North America, Inc. (1957 Crooks, Suite B)

Noted and Filed

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): No Memorandums Forwarded

L. COUNCIL REFERRALS:

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

L-1 Scheduling of a Special City Council Meeting – Purpose of Revising 2011/Future Budget – Referred by City Council Member Fleming

Resolution
Moved by Fleming
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **SCHEDULES** a Special Meeting on Monday, November 22, 2010 following the Regular Meeting, in the Council Boardroom of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084 for the purpose of revising the 2011 budget and future year's budgets priorities.

Vote on Resolution to Postpone *Scheduling of a Special City Council Meeting*

Resolution #2010-11-250
Moved by Fleming
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **POSTPONES** the resolution to *Schedule a Special City Council Meeting – Purpose of Revising 2011/Future Budget* until the Monday, November 15, 2010, Regular City Council meeting.

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

MOTION CARRIED

M. COUNCIL COMMENTS

M-1 Council Comments Advanced:

Council Member Kerwin reported that the Oakland County Executive's *Budget Symposium* PowerPoint presentations are available for public viewing at www.oakgov.com.

Council Member Beltramini reminded the public that a Veteran's Day observance will be held at 11:00 am on Thursday, November 11th at the Veteran's Plaza in front of City Hall.

N. REPORTS

N-1 Minutes – Boards and Committees:

a) Board of Zoning Appeals/Final – September 21, 2010
b) Board of Zoning Appeals-Study Session/Final – September 21, 2010
c) Liquor Advisory Committee/Draft – October 4, 2010
d) Historic Commission/Final – October 5, 2010
e) Planning Commission/Draft – October 12, 2010
f) Planning Commission/Final – October 12, 2010
g) Civil Service Commission (Act 78)/Draft – October 14, 2010

Noted and Filed

N-2 Department Reports:

a) Council Member McGinnis Travel Expense Report – MML 2010 Annual Convention in Dearborn, Michigan on September 21 through 24, 2010

b) Council Member Kerwin Travel Expense Report – MML 2010 Annual Convention in Dearborn, Michigan on September 21 through 24, 2010

c) 2010 Year-to-Date Calls for Police Service Report

d) Final Reporting – BidNet On-Line Auction Services – September 2010

e) Permits Issued September 2010

Noted and Filed

N-3 Letters of Appreciation:

a) Letter of Appreciation from Bill Tonissen to Water Department Commending the Department for Fast Service and Professionalism

b) Letter of Appreciation from Maryann Sanders to Cynthia Stewart offering compliments to the City Water Department

Noted and Filed

N-4 Proposed Proclamations/Resolutions from Other Organizations: None Proposed

N-5 Memorandum: Alcohol Service at the Community Center

Noted and Filed

N-6 Memorandum: Thank You Letters to Attendees of the October 13, 2010 City Manager's Roundtable Meeting

Noted and Filed

N-7 Communication: State of Michigan-Liquor Control Commission – Notice of Impending Investigation – OTB Acquisition, LLC

Noted and Filed

O. STUDY ITEMS

O-1 No Study Items

The meeting **RECESSED** at 11:04 PM.

The meeting **RECONVENED** at 11:10 PM.

P. CLOSED SESSION:

P-1 Troy v Ida Rudack Trust

Q. ADJOURNMENT

The meeting **ADJOURNED** at 11:13 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk