Mayor Pro Tem Mary Kerwin gave the Invocation. The Pledge of Allegiance to the Flag was given by Cub Scout Pack 1712 from Wattles Elementary School.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held Monday, December 13, 2010, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

B. ROLL CALL:

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

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Certificates of Recognition and Special Presentations Scheduled

a) On behalf of the City of Troy Employees' Casual for a Cause Program for the months of September and October 2010, Community Affairs Director Cindy Stewart presented a check in the amount of $799.00 to Pilar Jenkins, Special Events Campaign Coordinator for the Leukemia/Lymphoma Society.

b) Leslie D. Reinhart, City Controller of Sterling Heights / President of the Michigan Government Finance Officers Association (MFGOA) presented the *Government Finance Officers Association (GFOA) Award* for 2009 financial documents to the City of Troy.

c) The *Independent Auditor's Report* for the Fiscal Year Ended June 30, 2010 was presented by Gerald J. Desloover of the Rehmann Robson Group.

d) An *Audit Recap* was presented by John M. Lamerato, Assistant City Manager/Finance & Administration.

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT:

Nancy Gross: Commented on the conduct of members of *Troy Citizens United* at the last City Council meeting.

Paul Beck: Dissatisfied with an appointment made to a City board; protested the unavailability and costs associated with obtaining public financial reporting documents; voiced concerns regarding his ability to obtain additional financial information.

Irv Wengrow: Provided a written communication listing questions on various budgetary issues associated with the funding of the library directed specifically to Council Members Fleming and Howrylak.

John Vert: Supports the police department and the library; raised concerns about keeping the Museum open if there is no public support; raised similar questions as previous speaker in regard to funding options for the Library.

John Hennessy: Deferred comments until the January 10, 2011 City Council meeting.

Thomas Burke: Proposed budgetary options for saving tax dollars.

Linda Kajma: Commented on the recent remarks made by members of Troy Citizens United.

G. RESPONSE / REPLY TO PUBLIC COMMENT

The meeting **RECESSED** at 9:06 PM.

The meeting **RECONVENED** at 9:15 PM

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: None Scheduled

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

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

I-2 Board and Committee Nominations: None Scheduled

I-3 Request for Closed Session – None Requested

I-4 James F. Cichy and Diane Rzepecki v. City of Troy

Resolution #2010-12-282
Moved by Beltramini
Seconded by McGinnis

RESOLVED, That the City Attorney's Office is hereby **DIRECTED** to defend the City of Troy and the City of Troy Police Department in the *Cichy and Rzepecki v. City of Troy and City of Troy Police Department* lawsuit, and is **AUTHORIZED** to pay reasonable and necessary costs and fees in the defense of the action.

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

MOTION CARRIED

I-5 Raquel Chidiac v. City of Troy et. al.

Resolution #2010-12-283
Moved by Kerwin
Seconded by Fleming

NOW THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **APPROVES** the settlement of the case *Raquel Chidiac v. City of Troy*, *et al* (Circuit Court Case No. 09-105346 NI) as recommended by City Administration and presented to the Troy City Council at the December 6, 2010 Closed Session, and **DIRECTS** the City Attorney to proceed.

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

MOTION CARRIED

I-6 Clinton-Oakland & Evergreen Farmington Sewage Disposal Systems - City of Troy Inflow and Infiltration Reduction Project Contract

Resolution #2010-12-284
Moved by Beltramini
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** the Grant Agreement and Contract with the Oakland County Water Resources Commissioner for the inspection, maintenance and repair of Evergreen-Farmington Sewage Disposal System facilities within the City of Troy at an estimated project cost of $505,000, with grant participation of $247,000 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: Fleming, Howrylak, Kerwin, McGinnis, Slater, Schilling, Beltramini
No: None

MOTION CARRIED

I-7 Agreement to Abide by Restrictive Covenants for Transit Center Property & Easement

Resolution #2010-12-285
Moved by McGinnis
Seconded by Slater

RESOLVED, That the Troy City Council hereby **AGREES** to abide by the terms contained in the attached Declaration of Restrictive Covenant for the City's sewer easement for the Midtown Shopping Center and also the Transit Center parcel, located in the southwest corner of Coolidge and Maple, as required by the Michigan Department of Natural Resources and Environment as part of the final remedial action plan, which includes the prohibition of residential uses on the Transit Center property and the City's easement; the prohibition of the

use of groundwater from the Transit Center parcel and City's sewer easement, and the City's responsibility for proper disposition and management of any soil excavated by the City from the City's easement or the Transit Center parcel and the replacement of any of the existing clay plugs, if subsequently removed or disturbed on the Transit Center parcel or the City's sewer easement, as described in the attached document.

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

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2010-12-286
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented.

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

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2010-12-286-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the Regular City Council Meeting of December 6, 2010 as submitted.

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions

Standard Purchasing Resolution 1: Bid Award - Roof Replacement at DPW Maintenance Garage Area #3

Resolution #2010-12-286-J-4

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide the roof replacement of the DPW maintenance garage area #3 to the low bidder, Port Huron Roofing of Clyde Township, for an estimated total cost of $95,700.00; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** staff to approve additional work if required, that could not be foreseen, at unit prices contained in the schedule of values not to exceed $9,570.00; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

BE IT FINALLY RESOLVED, That the Troy City Council hereby **REJECTS** proposal B (to paint the rusted metal), as weather conditions will reduce the quality of work, but allow staff to re-evaluate the roof top equipment including fascia and paint if necessary in the spring, utilizing standard purchasing procedures.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

a) Announcement of Public Hearing for Industrial Development District (IDD), Plant Rehabilitation District (PRD), and Industrial Facilities Exemption Certificate (IFEC) and a Plant Rehabilitation Exemption Certificate (PREC) for Meritor Heavy Vehicle Systems, LLC (2135 W. Maple)

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

L. COUNCIL REFERRALS:

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

L-1 No Council Referrals Advanced

M. COUNCIL COMMENTS

M-1 Council Comments Advanced:

Mayor Pro Tem Kerwin stated that at a recent Employees Retirement System Board of Trustees meeting it was reported that the City's investments have consistently out-performed the trend for the last five years. She understands that the rate of return on investments for 2010 was 19%.

Mayor Pro Tem Kerwin commended Assistant City Manager/Finance & Administration, John Lamerato and his staff for the outstanding work they have done over the years on the quality and transparency of the budget document.

Mayor Schilling found agenda item N-8 *Manager's Business Roundtable First Quarter Executive Summary* very interesting and educational.

Council Member McGinnis added that there is a great deal of valuable information within the *Manager's Business Roundtable First Quarter Executive Summary* document relative to economic development. She commended staff for undertaking this project and the progress that has taken place over the last few months.

N. REPORTS

N-1 Minutes – Boards and Committees:

a) Animal Control Appeals Board/Final – September 1, 2010

b) Animal Control Appeals Board/Draft – November 30, 2010

Noted and Filed

N-2 Department Reports:

a) Final Reporting – BidNet On-Line Auction Services – November 2010

b) Car Wash Pricing

c) Council Member Robin Beltramini's Report from the NLC Congress of Cities Conference

Noted and Filed

N-3 Letters of Appreciation:

a) Letter of Appreciation from Roseville Police Department to Chief Mayer from Detective Sergeant Keith Waller, Roseville Police Department, regarding the assistance of PSA Jay Hernandez

b) Letter of Appreciation from City Manager John Szerlag and Police Chief Gary Mayer to St. Andrews Society, regarding the receipt of the "Braveheart Award"

Noted and Filed

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

N-5 Submittal of the 2010 CAFR

Noted and Filed

N-6 Communication from the Troy Historical Society Regarding the Troy Museum & Historic Village

Noted and Filed

N-7 Initiation of Lawsuit to Recover Cost of Replacement Tree

Noted and Filed

N-8 Manager's Business Roundtable First Quarter Executive Summary

Noted and Filed

The meeting **RECESSED** at 9:36 PM.

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

O. STUDY ITEMS

O-1 Goals and Objectives

P. CLOSED SESSION:

P-1 No Closed Session Requested

Q. ADJOURNMENT

The meeting **ADJOURNED** at 11:08 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk