Pastor Bill DesRochers of Calvary Chapel of Oakland County 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, January 4, 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
Mayor Pro Tem Wade Fleming (Absent)
Martin Howrylak
Mary Kerwin
Maureen McGinnis
Dane Slater

Vote on Resolution to Excuse the Absence of Mayor Pro Tem Fleming

Resolution #2010-01-001
Moved by Beltramini
Seconded by Slater

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Fleming at the Regular City Council Meeting and Closed Session of Monday, January 4, 2010 due to being absent from the county.

Yes: All-6
No: None
Absent: Fleming

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION:

C-1 No Presentations

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT:

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

Dave Henderson	Opposes tax increase
Janice Daniels	Opposes tax increase
Marvin Reinhardt	Various topics
Cathy Fucinari	Supports tax increase
Gerard Staeger	Opposes tax increase
Mary Ann Bernardi	Opposes tax increase
John Witt	Questions if Administration has signed agreements from unions and questions the timing of ballot proposal informational brochure
Tony Cruz	Opposes using public funds for February election
Richard Peters	Questions who sets city budget; asked for reconsideration of marijuana laws
Charlene Femminineo	Opposes tax increase
Pat Connelly	Opposes tax increase
Sandy Scott	Requests waiving water bill payment late fee penalty

The meeting **RECESSED** at 8:21 PM.

The meeting **RECONVENED** at 8:28 PM.

G. POSTPONED ITEMS:

G-1 No Postponed Items

H. REGULAR BUSINESS:

Resolution to Refrain From Placing Board and Committee Nominations on City Council Agendas

Resolution
Moved by Kerwin
Seconded by Slater

RESOLVED, That Troy City Council hereby **DIRECTS** City Administration to **REFRAIN** from placing non-statutory or Charter mandated board and committee nominations on City Council agendas until City Council has had an opportunity to meet in study session to discuss the purpose, function and impact on City staff for all boards and committees.

Vote on Resolution to Revise Procedures for Board and Committee Nominations

Resolution #2010-01-002
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **AMENDS** the proposed resolution to include, “unless the board or committee cannot meet quorum with the current members.”

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

MOTION CARRIED

Vote on Resolution to Revise Procedures for Board and Committee Nominations as Amended

Resolution #2010-01-003
Moved by Kerwin
Seconded by Slater

RESOLVED, That Troy City Council hereby **DIRECTS** City Administration to **REFRAIN** from placing non-statutory or Charter mandated board and committee nominations on City Council agendas until City Council has had an opportunity to meet in study session to discuss the purpose, function and impact on City staff for all boards and committees unless the board or committee cannot meet quorum with the current members.

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

MOTION CARRIED

H-1 Appointments to Boards and Committees:

(a) Mayoral Appointments: Board of Review

Resolution #2010-01-004
Moved by Schilling
Seconded by Howrylak

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

Board of Review
Appointed by Mayor (3-Regular) 3-Year Term

James Edward Hatch Term Expires 01/31/2013

Yes: All-6
No: None
Absent: Fleming

MOTION CARRIED

(b) City Council Appointments: Advisory Committee for Persons with Disabilities; Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan and Trust; Liquor Advisory Committee; and Municipal Building Authority

Resolution
Moved by Beltramini
Seconded by Howrylak

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

Advisory Committee for Persons with Disabilities
Appointed by Council (9-Regular) 3-Year Term: 3-Regular-with disabilities; 3-Regular-general populace; 3-Regular-in need of transportation
(3-Alternate) 3-Year Term

Leslie Golden Witt Term Expires 11/01/2012

Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan and Trust
Appointed by Council (City Council Appointee) 3-Year Term

Mark Calice-*City Council Appointee* Term Expires 12/31/2012

Liquor Advisory Committee
Appointed by Council (7-Regular) 3-Year Term

Andrew Kaltsounis Term Expires 01/31/2013

Municipal Building Authority
Appointed by Council (5-Regular) 3-Year Term

Thomas G. Sawyer, Jr. Term Expires 01/31/2013

Vote on Resolution to Divide the Question for H-1 *Appointments to Boards and Committees (b) City Council Appointments*

Resolution #2010-01-005
Moved by Schilling
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **DIVIDES** the vote on the question for H-1 *Appointments to Boards and Committees (b) City Council Appointments*.

Yes: All-6
No: None
Absent: Fleming

MOTION CARRIED

Vote on Resolution to Amend the Term of Leslie Golden Witt to the Advisory Committee for Persons with Disabilities

Resolution #2010-01-006
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That Troy City Council here by **AMENDS** the term for the appointment of Leslie Golden Witt to the Advisory Committee for Persons with Disabilities from 11/01/2012 to the unexpired term of 11/01/2011.

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

MOTION CARRIED

Vote on Resolution to Appoint Leslie Golden Witt to Advisory Committee for Persons with Disabilities

Resolution #2010-01-007
Moved by Beltramini
Seconded by Howrylak

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

Advisory Committee for Persons with Disabilities
Appointed by Council (9-Regular) 3-Year Term: 3-Regular-with disabilities; 3-Regular-general populace; 3-Regular-in need of transportation
(3-Alternate) 3-Year Term

Leslie Golden Witt Term Expires 11/01/2011

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

MOTION CARRIED

Vote on Resolution to Appoint Mark Calice to Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan and Trust

Resolution #2010-01-008
Moved by Beltramini
Seconded by Howrylak

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

Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan and Trust
Appointed by Council (*City Council Appointee*) 3-Year Term

Mark Calice-*City Council Appointee* Term Expires 12/31/2012

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

MOTION CARRIED

Vote on Resolution to Appoint Andrew Kaltsounis to Liquor Advisory Committee

Resolution #2010-01-009
Moved by Beltramini
Seconded by Howrylak

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

Liquor Advisory Committee
Appointed by Council (7-Regular) 3-Year Term

Andrew Kaltsounis Term Expires 01/31/2013

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

MOTION CARRIED

Vote on Resolution to Appoint Thomas G. Sawyer, Jr., to Municipal Building Authority

Resolution #2010-01-010
Moved by Beltramini
Seconded by Howrylak

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

Municipal Building Authority
Appointed by Council (5-Regular) 3-Year Term

Thomas G. Sawyer, Jr. Term Expires 01/31/2013

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

MOTION CARRIED

H-2 Nominations for Appointments to Boards and Committees:

(a) Mayoral Nominations: None Scheduled

(b) City Council Nominations: Building Code Board of Appeals

Resolution #2010-01-011
Moved by Howrylak
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated persons to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Building Code Board of Appeals
Appointed by Council (5-Regular) 5-Year Term for 3 Residents: with background, training or experience in construction or similar trades; at least one shall be a *professional structural or civil engineer of architectural engineering experience*.*****
2 by Ordinance: City Manager and Oakland County Health Department Representative

Theodore Dziurman **Civil Engineer/Resident* Term Expires 01/01/2015

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

MOTION CARRIED

H-3 Approval of MDOT Construction Contract for the Reconstruction of Rochester Road from Torpey to Barclay and Wattles, East and West of Rochester Road – Project No. 99.203.5 and 01.106.5

Resolution #2010-01-012
Moved by Beltramini
Seconded by Schilling

RESOLVED, That Troy City Council hereby **APPROVES** MDOT Contract No. 09-5747 between the City of Troy and the Michigan Department of Transportation for the reconstruction and widening of Rochester Road, from Torpey to Barclay and Wattles Road, east and west of Rochester Road, at an estimated cost to the City of Troy of $4,216,250.00, and hereby **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: Slater, Schilling, Beltramini, Howrylak, Kerwin, McGinnis
No: None
Absent: Fleming

MOTION CARRIED

H-4 City of Troy v. Susan Sandelman, as Trustee for the Esther Jeffrey Trust

Resolution #2010-01-013
Moved by Beltramini
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** the proposed Consent Judgment in the condemnation case of *City of Troy* v *Susan Sandelman, as Trustee for the Esther Jeffrey Trust U/A Dated 12/18/70* (Oakland County Circuit Court Case No. 09-097979-CC), and hereby **AUTHORIZES** payment in the amounts stated therein; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney's Office to execute the document on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

H-5 Approval of Request from NKG Business, Inc. to Transfer Ownership of Escrowed 2009 SDD and SDM Licensed Business from Peoples State Bank, Located at 3176 Rochester – MLCC Request #527498

(a) <u>Transfer License</u>

Resolution #2010-01-014
Moved by Kerwin
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from NKG Business, Inc. to transfer ownership of Escrowed 2009 SDD and SDM Licensed Business from Peoples State Bank, located at 3176 Rochester, Troy, MI 48083, Oakland County {MLCC Request #527498} "above all others" **CONTINGENT** upon passing the Troy Fire Department's Final Inspection; and

BE IT FURTHER RESOLVED, That it is the consensus of this legislative body that the application **BE RECOMMENDED** "above all others" for issuance.

(b) Agreement

WHEREAS, The Troy City Council deems it necessary to enter 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 NKG Business, Inc. to transfer ownership of Escrowed 2009 SDD and SDM Licensed Business from Peoples State Bank, located at 3176 Rochester, Troy, MI 48083, Oakland County {MLCC Request #527498} **CONTINGENT** upon passing the Troy Fire Department's Final Inspection, 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.

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

MOTION CARRIED

H-6 Approval of Request from Kher Enterprises, Inc. to Transfer Ownership of 2009 SDD and SDM Licensed Business from Troy Cheese and Wine Market, Located at 2558-2560 East Maple – MLCC Request #522806

(a) Transfer License

Resolution #2010-01-015
Moved by McGinnis
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Kher Enterprises, Inc. to transfer ownership of 2009 SDD and SDM Licensed Business from Troy Cheese and Wine Market, located at 2558-2560 East Maple, Troy, MI 48083, Oakland County {MLCC Request #522806}. "above all others"; and

BE IT FURTHER RESOLVED, That it is the consensus of this legislative body that the application BE RECOMMENDED "above all others" for issuance.

(b) Agreement

WHEREAS, The Troy City Council deems it necessary to enter 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 Kher Enterprises, Inc. to transfer ownership of 2009 SDD and SDM Licensed Business from Troy Cheese and Wine Market, located at 2558-2560 East Maple, Troy, MI 48083, Oakland County {MLCC Request #522806} 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.

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

MOTION CARRIED

I. CONSENT AGENDA:

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

Resolution #2010-01-016
Moved by Beltramini
Seconded by McGinnis

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

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

MOTION CARRIED

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

I-2 Approval of City Council Minutes

Resolution #2010-01-016-I2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of December 21, 2009 as submitted.

I-3 Proposed City of Troy Proclamations: None Submitted

I-4 Standard Purchasing Resolutions: None Submitted

J. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

J-1 Announcement of Public Hearings: None Submitted

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

K-1 No Council Referrals Advanced

L. COUNCIL COMMENTS

L-1

Council Member Beltramini responded to some of the Public Comments in reference to balancing the budget, progressive communities and tax abatements.

Council Member Beltramini addressed the City facilities funding concerns.

Council Member Beltramini stated that dollar signs are not on tax statements because of the computer programming limitations.

Council Member Kerwin responded to Public Comments regarding sustainability.

Council Member Kerwin encouraged residents to pick up this week's copy of the Troy Somerset Gazette as it contains information on the Troy Schools, Police Department, and the Library.

Mayor Schilling addressed the Public Comments in regards to the suggestions and the number of budget issues City Council has acted upon, City functions, the future of the City, and the proposed millage increase.

Council Member Howrylak commented on City Council responding to Public Comment, and addressed City Council Comments made this evening.

Council Member McGinnis responded to City Council Comments made this evening, and encouraged the public to continue to offer comments.

Council Member Howrylak responded to Council Member McGinnis.

Council Member Slater thanked the Attorney's Office and the Police Department for M-5 *Communication from City Attorney Lori Grigg Bluhm and Police Chief Gary Mayer Regarding Mark Havas.*

Council Member Slater requested that retired Officer Jim Irvin be kept in everyone's thoughts, and to give blood if they are able.

M. REPORTS

M-1 Minutes – Boards and Committees:

(a) Brownfield Redevelopment Authority/Final – July 21, 2009
(b) Employees' Retirement System Board of Trustees/Final – November 11, 2009
(c) Youth Council/Final – November 18, 2009
(d) Building Code Board of Appeals/Draft – December 2, 2009
(e) Library Advisory Board/Draft – December 10, 2009
(f) Board of Zoning Appeals/Draft – December 15, 2009
(g) Youth Council/Draft – December 16, 2009

Noted and Filed

M-2 Department Reports:

(a) Purchasing Department – Final Reporting – BidNet On-Line Auction Services – November 2009

Noted and Filed

M-3 Letters of Appreciation: None Submitted

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

M-5 Communication from City Attorney Lori Grigg Bluhm and Police Chief Gary Mayer Regarding Mark Havas

Noted and Filed

N. STUDY ITEMS

N-1 No Study Items Submitted

O. CLOSED SESSION:

O-1 Closed Session – Consensus of Council that a Closed Session was not needed.

P. ADJOURNMENT

The meeting **ADJOURNED** at 9:42 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk