

## Mary F Redden

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**From:** Mary F Redden  
**Sent:** Monday, April 20, 2009 3:29 PM  
**To:** 000schilling@ameritech.net; cristinabroomfield@yahoo.com; David Eisenbacher; Louise Schilling; Mary Kerwin; mfhowryl@umich.edu; rbeltram@wideopenwest.com; wade.fleming@proforma.com  
**Cc:** John M Lamerato; Brian P Murphy; Lori G Bluhm; Tonni L Bartholomew  
**Subject:** Response to Council's Agenda Questions, April 20, 2009 Meeting

Below are staff's responses to questions Council members had on tonight's agenda.

### E-3, Chapter 60 – Fees and Bonds Required – Police Department Records Section Service Fees (From Council Member Robin Beltramini)

**Fingerprint fee, \$14:** In one place it says "plus the state of MI fees" and in another it says "including the state of MI fee which varies". Is there some way to clarify this in the ordinance language? The \$14 dollar fee should reflect that an additional State of Michigan fee will be applied. The State of Michigan fee varies and should be listed by reference. The attached updated form clarifies the additional fee.

**Liquor license additions/amendments:** This fee is actually declining, right? The proposed liquor license fee is recommended to be lower than the current fee assessed. This reduction is due to automation and realignment of the approval process duties. It is recommended that the savings be forwarded on to the applicants.

**Did the precious gems dealer fee get deleted or omitted? Did we ever use it?** This gem dealer license fee falls under Chapter 69 – Precious Metals, Gems and Items. The licensing process, including the collection of fees, has been transferred to the City Clerk's Office. The fee is \$50.00 and was overlooked in the initial submittal of this agenda item. The revised draft proposal for Chapter 60 has the fee reflected.

A red-lined copy of chapter 60 will be placed at the table tonight.



Redline of Chapter  
60.pdf

Council Member Beltramini requested a hard copy of the Rules of Procedure for the City Council; hard copies for each Council member will be placed on the table tonight.



Council Rules.pdf

### G-2a – Update of Chapter 82 of the Troy City Code – Property Maintenance Code (From Council Member Mary Kerwin)

**Was standard language used on this ordinance? Was language taken from the State?** The proposed update to our property maintenance code is based on language from the International Code Council.

Please let us know if we can provide any further information

Mary Redden,  
Administrative Assistant to the City Manager  
(248) 524-3329

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 60 OF THE CODE  
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 60, Fees and Bonds Required, of the Code of the City of Troy.

Section 2. Amendment

60.04 Fee Schedule. (POLICE DEPARTMENT RECORDS SECTION FEES-EXCERPT)

<b>POLICE RECORDS SECTION SERVICE FEES</b>		
<b>REPORTS</b>		
	Labor charge-Except CAD Short Report (first 15 minutes)	\$ 7.00
	Charge for each additional 15 minute interval	\$ 7.00
	Each page, after the first 10 pages	\$ 0.32
	CAD Short Report	\$ 3.50
These fees also apply to true copies of reports as required by subpoena		
<b>AUDIO/VIDEO TAPES</b>		
	Labor charge (first 30 minutes)	\$ 18.00
	Charge for each additional 15 minute interval	\$ 9.00
<b>Plus actual mailing costs, if applicable</b>		
Plus actual cost of tape(s), CD(s) and/or DVD(s):		
	Audio cassette tape	\$ 1.29
	VHS tape	\$ 1.84
	Compact Disc	\$ 0.40
	Digital Video Disc	\$ 0.50
<b>LIQUOR LICENSES (Chapter 101) – Relocate this fee within Section 60.04</b>		
	Application and investigation fee	\$1,000.00
	Application for additions or amendments to existing liquor licenses	\$ 300.00
	One-day liquor license	\$ 10.00
<b>ALARM REGISTRATION (Chapter 88)</b>		
	Annual permit renewal registration fee for any alarm system designed to summon emergency help	\$ 10.00
<b>PRECIOUS METALS, GEMS AND ITEMS (Chapter 69)</b>		
	<b>Dealer Fee: Per Establishment</b>	<b>\$50.00</b>
<b>Fees collected by City Clerk as part of application and permitting process</b>		
<b>PRELIMINARY BREATH TEST ADMINISTRATION FEES</b>		
	City of Troy residents	\$ 5.00
	Non-residents	\$ 10.00
<b>FINGERPRINTS / CRIMINAL CLEARANCES</b>		

Fingerprint processing fee	\$ 14.00
Local criminal history check/certified copy of local arrest record	\$ 18.00 <sup>1</sup>
Applicant fingerprint criminal clearance fee*	\$ 14.00 <sup>2</sup>
<del>*Plus State of MI processing fee</del>	
<sup>1</sup> This fee is for verification of applicant's information, checking the LEIN wanted persons file and criminal clearance processing, along with a certified copy of report, if necessary	
<sup>2</sup> The total fee <u>will</u> include a \$14.00 Troy Police Department fingerprint processing fee <u>and</u> <del>it</del> <u>also includes</u> a State of Michigan fingerprint processing fee. State of Michigan fees vary depending upon the reason for the applicant fingerprints.	
<b>TAXICAB/LIMOUSINE DRIVER AND PEDDLER LICENSE CLEARANCES</b>	
Taxicab / Limousine driver license processing fee (Chapter 65)	\$ 24.00 <sup>3</sup>
Peddler license processing fee (Chapter 74)	\$ 24.00 <sup>3</sup>
<sup>3</sup> The fee includes \$10.00 for the clearance, plus a \$14.00 fingerprint processing fee Fees collected by City Clerk as part of application and permitting process.	

**Section 3. Savings**

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

**Section 4. Severability Clause**

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

**Section 5. Effective Date**

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Louise E. Schilling, Mayor

## Chapter 69 - Miscellaneous Licensed Businesses

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- (viii) Scrap metal which contains incidental traces of gold, silver, or platinum which are recoverable as a by-product.
- (ix) Jewelry which a customer trades for other jewelry having a greater value, and which difference in value is paid by the customer.
- (i) "Silver" means elemental silver having an atomic weight of 107.869 and the chemical element symbol of Ag, whether found by itself or in combination with its alloys or any other metal.

(Rev. 08-24-81)

### 1.2 Administration of Ordinance.

The Chief of Police for the City of Troy or his or her designee shall be responsible for reviewing all applications for a certificate of registration.

### 1.3 Application by a Dealer

- (a) A dealer who applies for a certificate of registration shall submit the following information on the form provided:
  - (i) His or her name, home address, phone number, driver's license number, date of birth, and right thumb print (print to be affixed to the application by the police department). Applications for more than one establishment shall be made on separate application forms.
  - (ii) The name, address, telephone number, and hours of the dealer's business. If the dealer's business is a corporation, an updated copy of the Articles of Incorporation or a valid certified copy of the assumed name certificate from the Clerk of Oakland County must be provided.
  - (iii) The name, address, date of birth and right thumb print of each employee or agent of the dealer.
- (b) The dealer shall also submit a signed statement indicating that he or she has read and understands the provisions of Act No. 95 of the Public Acts of 1981, as provided to him or her by the Police Department, and further that said dealer has informed his or her agents or employees, and will immediately inform all new agents or employees, as to the provisions of said Public Act 95 of 1981.
- (c) The dealer shall submit a signed statement that neither he or she, nor any of his or her agents or employees has been convicted of a felony under Act No. 95 of the Public Acts of 1981, or under section 535 of Act No. 328 of the Public Acts of 1931, as amended, within the five year period preceding the date of the application, or convicted of a misdemeanor under said laws within a one year period preceding the date of this application.
- (d) The dealer shall submit proof of proper zoning or other special exception permits as required by the Zoning Board of Appeals and Planning Commission of the City of Troy.
- (e) The dealer shall pay a fee for each licensed establishment in the City of Troy. License fees shall be in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of

## Chapter 69 - Miscellaneous Licensed Businesses

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### Ordinances.

(Rev. 08-24-81)

(Renumbered: 11-24-08; Enacted: 01-01-09)



# City of Troy

## RULES OF PROCEDURE FOR THE CITY COUNCIL CITY OF TROY, MICHIGAN

Adopted: March 3, 2008

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**1. APPOINTMENT OF MAYOR PRO TEM**

The selection of Mayor Pro Tem shall proceed in a linear fashion based on seat rotation in the following order: Howrylak, Fleming, Beltramini, Eisenbacher, Kerwin, and Broomfield.

**2. DESIGNATION OF ACTING MAYOR**

In the absence or disability of the Mayor and the Mayor Pro Tem, the Council Member present who has served longest shall be designated Acting Mayor and shall perform the duties of the Mayor.

**3. SPECIAL MEETINGS**

**A. CALLING OF SPECIAL MEETINGS: (Pursuant to City Charter Section 4.2)**

**Section 4.2 - Special Meetings:**

Special meetings shall be called by the Clerk on the written request of the Mayor, or any two members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

**B. DOCUMENTATION:**

Special meetings shall be exclusively limited to items specifically referenced in the Call of the Meeting.

- **Special Meeting Posting:** Pursuant to City Charter a printed meeting notice for each specially called meeting shall contain the items indicated in the written notice calling the meeting.
- **Study Session (Special Meeting) Agenda and Posting:** Study Session Agendas shall contain the items as indicated in the motion calling the meeting.

**C. POSTING AND DELIVERY:**

Special Meeting Calling Notice and/or Agenda shall be personally delivered to each Council Member and posted for public display at least twenty-four (24) hours in advance of the meeting.

**D. ORDER OF BUSINESS:**

At each Study Session (Special Meeting) of the Council, the business to be considered shall include the items listed and in the following order:

- a) **Call to Order**
- b) **Roll Call**
- c) **Items as Indicated in the Motion Calling of the Meeting**
- d) **Items Not Indicated in the Motion Call the Meeting, Pursuant to City Charter**
- e) **See Charter Article 6 Amendments/Additions to Agenda**
- f) **Public Comment**
- g) **Adjournment**

**E. AMENDMENTS/ADDITIONS TO AGENDA:**

1. By Charter, special meetings are limited to what is expressly indicated in the Call of the Meeting (Motion of Council or written notice, per Charter).
2. If all members of City Council approve of agenda amendments or additions in writing prior to the desired action, then Council can entertain such desired action only when all members present at the meeting consent to allow the amendment/addition to the agenda.

**4. REGULAR MEETINGS**

Regular meetings shall be held in the Council Chambers at 7:30 P.M. Meeting dates will be established, by resolution, prior to the end of the preceding calendar year.

**5. AGENDA**

(a) **Regular Meeting Agenda:** A printed agenda for each regularly scheduled meeting shall be produced at least forty-eight (48) hours in advance of the meeting. Every item of business to come before the Council shall be filed with the City Clerk by noon on the Wednesday preceding the Monday on which the Council meets. It shall be the duty of the City Clerk to have delivered, as soon as practical, to each member of the Council a complete agenda of the items to be considered at the following meeting. Each item on the agenda shall have sufficient explanation to indicate its intent. All questions introduced that do not appear on the agenda will be referred to a later meeting, except by suspension of these rules. A packet, excluding all confidential items, will be posted on the City's Website at least 48 hours prior to Council meetings.

(b) **Closed Session Agenda:** Where a Closed Session is requested of a pending case, the specific name(s) is to be included pursuant to MCL 15.268 (e), even though the specific name(s) is not technically required under the Open Meetings Act. Where a Closed Session is requested of any collective bargaining unit, the specific name(s) is to be included pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act.

**6. ORDER OF BUSINESS**

At each regular meeting of the Council, the business to be considered shall be taken up for consideration and disposition in the following order:

1. **Call to Order**
2. **Invocation**
3. **Pledge of Allegiance**
4. **Roll Call**
5. **A. Certificates of Recognition**
6. **B. Carryover Items**
7. **C. Public Hearings**
8. **D. Postponed Items**
9. **Public Comment** – Limited to Items Not on the Agenda in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.
10. **E. Regular Business**
  - Council will move forward all of the "E" items on which members of the audience

would like to address City Council, in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.

11. E. **Regular Business**
  - Address Remaining F Items
12. F. **Consent Agenda**
  1. Approval of "F" Items NOT Removed for Discussion
  2. Address of "F" Items Removed for Discussion
  - Council will move forward all of the "F" items on which members of the audience would like to address City Council, in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.
13. G. **Memorandums and Future Council Agenda Items**
14. H. **Council Referrals**
  - Items appearing under Council Referrals are items brought forward by the Mayor or Council Members before the City Manager's agenda deadline for consideration at the next regular meeting.
15. I. **Council Comments**
  - Items brought forward by Mayor and Council will be placed on the next Regular Meeting Agenda for Action. Items appearing under Council Comments are not intended for discussion or action at the meeting at which they first appear.
16. J. **Reports**
  - No Public Comment received on "J" Items at this time.
17. K. **Study Items**
18. **Public Comment**
19. L. **Closed Session**
20. **Adjournment**

## 7. **REGULAR BUSINESS**

- Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 10 "E" of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair.

## 8. **CABLE CASTING OF CITY COUNCIL MEETINGS**

All City Council Meetings will be broadcast on WTRY, with the exception of Closed meetings of City Council.

## 9. **MINUTES**

- a. Minutes: The minutes will be distributed to the Council prior to their approval. The minutes will be placed on the Consent Agenda for approval.
- b. Closed Session Minutes: Where a Closed Session is requested for discussion of a pending case, the specific name(s) is to be included pursuant to MCL 15.268 (e), even though the specific name(s) is not technically required under the Open Meetings Act.

Where a Closed Session is requested of any collective bargaining unit, the specific name(s) of a collective bargaining unit is to be included pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act.

**10. PROCLAMATIONS**

Proclamations shall be included in the agenda under Reports and Communications and may be brought before Council for consideration by any member. Proclamations will be placed on the Consent Agenda for approval.

**11. RECONSIDERATION OF QUESTIONS**

Reconsideration of any vote of the Council may be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members\*. Reconsideration of any vote of the Council may further be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members provided that new information has been brought forward. \*Charter states "majority of the members elect."

**12. RESCISSION OF QUESTIONS**

Rescission of any vote of the Council shall require the affirmative vote of the majority of the Council Members. \*Charter states "majority of the members elect."

**13. PUBLIC HEARING**

Public Hearings will be held after required notice has been provided. Notices shall inform recipients of possible continuations of hearings. The City Council may upon affirmative vote of a majority of its members "continue" said hearing at a future date designated in the resolution. If the City Council elects to continue the Public Hearing it will appear in the designated meeting Agenda under the topic of "Public Hearings".

**14. CONSENT AGENDA**

- The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may ask a question regarding an item as well as speak in opposition to the recommended action by removing an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item 9 "E".

**15. APPOINTMENTS**

A. Appointments to Boards, Commissions and Committees:

The Mayor shall, with City Council concurrence, appoint members of Boards or Committees as governed by State Statute or local ordinances.

The Mayor Pro Tem will contact incumbents to determine their interest in being nominated for reappointment.

The Mayor or any Council Member desiring to nominate a person for appointment to a Board, Commission, or Committee shall at the meeting prior to the appointment, submit such name, into nomination. A brief summary of background and personal data as to nominee's qualifications should be presented at the time of nomination, except that such a resume shall not be required for the re-nomination of a current member, or if the Council unanimously agrees that a resume is not necessary. Resumes will be submitted on or before the time of nomination.

Nominations will occur during any regular meeting of the Council. A resolution to nominate will be considered during the "Regular Business" of the agenda. All nominations are subject to Section "B" which appears below.

**B. Method of Voting on Nominees.**

1. Where the number of nominees does not exceed the number of positions to be filled, a roll call vote shall be used.
2. Where the number of nominations exceeds the number of positions to be filled, voting shall take place by the City Clerk calling the roll of the Council and each Council Member is to indicate the names of the individuals he/she wishes to fill the vacancies
3. When no candidate receives a majority vote, the candidate(s) with the least number of votes shall be eliminated from the ensuing ballot.
4. No member of the City Council shall serve on any committee, commission or board of the City of Troy, except the Retirement System Board of Trustees, unless membership is required by Statute or the City Charter.
5. Persons nominated, but not appointed during this process will be sent a letter thanking them for their willingness to serve the community.
6. Recognition will be given to persons who have concluded their service to the community on Boards and Commissions.

**15.1 APPOINTMENT OF CITY OF TROY REPRESENTATION TO SEMCOG AND SOCRRA**

1. SEMCOG (Southeastern Michigan Council of Governments) Representation: The Mayor and City Council shall appoint one Delegate and one Alternate to serve on the SEMCOG General Assembly for a term of two-years expiring at 7:30 PM on the Monday following the Regular City Council Election. The appointments shall be made at the organizational meeting of Council at the first Regular meeting of every odd-year November.
2. SOCRRA (South Oakland County Resource Recovery Authority) Representation: The Mayor and City Council shall appoint one delegate and one alternate to serve on the SOCRRA Board for a term of one-year expiring on June 15<sup>th</sup>.

## **16. MEMBERS OF THE PUBLIC AND VISITORS**

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. *City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair.
- City Council may waive the requirements of this section by a majority of the City Council members.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.
- Public Comment may be limited when there are fifteen (15) or more people signed up to speak on one topic through a request of the Chair and a majority vote of City Council members elect.

## **17. POSTPONE**

A motion to postpone may be made for a definite period of time. Items will automatically appear on the appropriate agenda.

## **18. RULES OF ORDER**

Robert's Rules of Order, Newly Revised 10<sup>th</sup> Edition, as clarified by the City Clerk, is hereby adopted and made a part hereof, except as modified by these Rules of Procedure, the Charter, and the City Code.

## **19. MISCELLANEOUS EXPENSES**

Reasonable and necessary expenses incurred in service on behalf of the City shall be paid the Mayor and Council, provided that at the end of each month a detailed expense report is submitted and approved by the City Council.

## **20. EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS**

- A. Funds providing for Council representation at State and National conferences sponsored by affiliations of cities will be annually approved in the budget for the subject fiscal year. The City Council will by advance resolution grant authorization for out of town travel to specific places, for conference purposes. Members of the City Council will submit expense vouchers exceeding \$50.00 per day to attend out-of-town meetings and conferences, with additional allowances being made for transportation (paid at the air coach rate or gas mileage at current IRS guidelines, depending upon the mode of transportation) and lodging. Expenses may be authorized for payment by the City Manager, and a copy of the expense report form will be placed on the Council agenda under Reports and Communications.

- B. Detailed and receipted expenses, not to exceed \$150.00, to attend legislative committee hearings, legislative meetings, etc., may be authorized for payment by the City Manager without prior authorization by the Council, and a copy of the expense report form, along with receipts, will be placed on the Council agenda under Reports and Communications.

**21. ABSENCES AT COUNCIL MEETINGS**

In the event of an absence of a Council Member at a meeting, the City Manager is directed to supply such absent Council Member with information about any special meetings that may have been scheduled.

**22. SUSPEND RULES**

The Rules of Procedure may be waived by a simple majority.

**23. COUNCIL DISCUSSION**

No member of Council shall speak a second time on any item under discussion until all other members desiring to speak on that item have been heard. No member of Council shall be allowed to speak for more than five (5)-minutes at a time.

**24. AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS:**

Mayor and Council Members submitting an item for a vote shall send the item to the City Manager in a timely manner in writing. Staff professional opinion will be written to accompany the item for discussion and a vote on the matter. Presentations at the Council table shall be limited to 15 minutes.

**25. VIDEO AND AUDIO PRESENTATIONS**

Video and Audio Presentations may not be submitted for presentation at a Council meeting unless submitted by 12:00 Noon prior to the meeting. Inappropriate material will be prohibited.

**26. CONTINUED AGENDA ITEMS NOT CONSIDERED BEFORE 12:00 AM**

Any item on the Council agenda that has not been discussed by 12:00 AM of the morning following the beginning of the meeting shall be continued to the next regular meeting as a Carryover Item, unless City Council takes action to the contrary.

**27. VIOLATIONS**

The City Clerk shall be responsible for reporting violations of time limitations or speaking sequence to the Chair.

**28. WIRE COMMUNICATIONS BETWEEN COUNCIL MEMBERS DURING ANY MEETING OF COUNCIL**

All communications are subject to the Michigan Open Meetings Act, therefore members of the City Council shall not engage in any form of wire communication, as defined by U.S. Code Title 18, Part I, Chapter 119, Section 2510, during any meeting of the Council.