

A Regular Meeting of the Troy City Council was held Monday, May 18, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

Mayor Pro Tem Howrylak gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

Mayor Louise E. Schilling
 Robin Beltramini
 Cristina Broomfield
 David Eisenbacher
 Wade Fleming
 Mayor Pro Tem Martin Howrylak
 Mary Kerwin

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) On behalf of the City of Troy and Troy City Council, Mayor Louise Schilling presented a service commendation to Linda Thielfoldt of *Homes for Our Troops* in appreciation of their contribution and service to the community.
- b) Museum Manager Loraine Campbell provided a ten minute presentation in regard to the development plans for the Troy Museum and the Historic Village.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Rezoning Application – Harlan Shopping Plaza, North Side of Wattles, West of John R, Section 14 – B-1 to B-2 (File Number Z-736)

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from Dan DeYonker, Associate Broker of ReMax First on behalf of the petitioner and the following members of the public:

Cathy Killian - Oppose

Resolution
 Moved by Eisenbacher
 Seconded by Beltramini

WHEREAS, The City is in receipt of a rezoning request, from B-1 to B-2, File Number Z-736, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy and as illustrated in the attached Certificate of Survey;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed rezoning from B-1 to B-2; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AMENDS** the Zoning District Map.

Vote on Resolution to Postpone C-1 Rezoning Application – Harlan Shopping Plaza (File Number Z-736)

Resolution #2009-05-157

Moved by Beltramini

Seconded Howrylak

RESOLVED, That Troy City Council hereby **POSTPONES** agenda item C-1 *Rezoning Application – Harlan Shopping Plaza, North Side of Wattles, West of John R, Section 14 – B-1 to B-2 (File Number Z-736)* until the petitioner is present.

Yes: All-7

MOTION CARRIED

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

Gary R. McGillivray, Oakland County Commissioner for District 24

Marvin Reinhart

Audre Zembrzuski

REGULAR BUSINESS:

E-1 **Appointments to Boards and Committees:** a) **Mayoral Appointments:** None Scheduled b) **City Council Appointments:** Historic District Commission; and Historic District Study Committee

(a) **Mayoral Appointments – None Scheduled**

(b) **City Council Appointments**

Resolution #2009-05-158

Moved by Howrylak

Seconded by Eisenbacher

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

Historic District Commission

Appointed by Council (7-Regular) - 3-Year Terms

Murial Rounds

Term Expires 05/15/2012

Historic District Study Committee

Appointed by Council (7-Regular) Ad Hoc; (2) Historic District Commission; (1) Local Historic Preservation Organization

Leslie Golden Witt- Historical Society Recommendation

Ad Hoc

Yes: All-7

MOTION CARRIED

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None Scheduled (b) City Council Nominations: Historic District Commission

(a) Mayoral Nominations – None Scheduled

(b) City Council Nominations

Resolution #2009-05-159

Moved by Howrylak

Seconded by Beltramini

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

Historic District Commission

Appointed by Council (7-Regular) – 3-Year Terms

Doris Schuchter Historical Society Recommendation

Term Expires 05/15/2012

Yes: All-7

MOTION CARRIED

E-3 Rescind/Re-Award Contract – Hauling & Disposal, Item #4) Catch Basin Sludge and Street Sweepings – Resolution #2009-04-139-F-4b

Resolution #2009-05-160

Moved by Kerwin

Seconded by Fleming

WHEREAS, On April 20, 2009, one-year contracts to provide Hauling/Disposal of Dirt and Debris with an option to renew for one (1) additional year was awarded on an item by item basis to the low bidders: Ahern Contracting, Inc. of Chesterfield, MI, for Item #1) Broken concrete; Bedrock Maintenance Services of Ortonville, MI, Items 2) Broken asphalt and #3) Fill Dirt; and Metropolitan Demolition of Romulus, MI, Item #4) Catch basin and Street sweepings (Resolution #2009-04-139-F-4b); and

WHEREAS, Metropolitan Demolition has not provided the insurance certificate(s) as required after numerous attempts by City Management;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract to provide Hauling and Disposal of Dirt and Debris under Item# 4) Catch basin and Street sweepings, with an option to renew for one (1) additional year from Metropolitan Demolition, and hereby **RE-AWARDS** the contract to the next lowest acceptable bidder, Waste Management of Michigan, at unit prices contained in the bid tabulation opened March 13, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring March 31, 2010; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

Yes: All-7

MOTION CARRIED

The meeting **RECESSED** at 9:00 PM.

Council Member Broomfield departed at 9:05 PM.

The meeting **RECONVENED** at 9:10 PM.

E-4 Authorization to Make Unconditioned Offer to Purchase Easement for Rochester Road Improvements, Torpey to Barclay, Project No. 99.203.5 and Wattles Road Improvements, Bristol to Worthington, Project No. 01.106.5 and Request for Authorization to Institute Court Action – Safeway Acquisition Company, LLC, Safeway Oil Company, Inc. DHW, Inc., and Alsaham, Inc., DBA Fred’s Auto Service Center – Parcel 19 – Sidwell #88-20-23-100-044

(a) Authorization to Make Unconditioned Offer

Resolution #2009-05-161a

Moved by Kerwin

Seconded by Beltramini

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, and Wattles Road Improvements, between Bristol and Worthington, it is necessary for the City to obtain the needed right-of-way from Safeway Acquisition Company,

LLC, Safeway Oil Company, Inc., DHW, Inc., and Alsaham, Inc., DBA Fred's Auto Service Center, owners and interested parties of property having Sidwell #88-20-23-100-044;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to acquire the parcel known as Sidwell #88-20-23-100-044 in the amount of \$1,440,000.00 for real estate and up to \$121,825.00 for fixtures.

Yes: Fleming, Kerwin, Schilling, Beltramini, Eisenbacher
No: Howrylak
Absent: Broomfield

MOTION CARRIED

(b) Authorization to Institute Court Action

Resolution #2009-05-161b
Moved by Kerwin
Seconded by Beltramini

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Safeway Acquisition Company, LLC, Safeway Oil Company, Inc., DHW, Inc., and Alsaham, Inc., DBA Fred's Auto Service Center, owners and interested parties of property having Sidwell #88-20-23-100-044;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Eisenbacher
No: Howrylak
Absent: Broomfield

MOTION CARRIED

E-5 Approval of the 2009-2010 Troy Local Development Finance Authority (LDFA) Budget

Resolution #2009-05-162
Moved by Beltramini
Seconded by Kerwin

WHEREAS, The Troy Local Development Finance Authority recommended approval of the 2009/10 Budget;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the annual budget for the Troy Local Development Finance Authority for fiscal year July 1, 2009 through June 30, 2010.

Yes: Kerwin, Schilling, Beltramini, Fleming
No: Howrylak, Eisenbacher
Absent: Broomfield

MOTION CARRIED

E-6 Approval of the 2009-2010 Troy Brownfield Redevelopment Authority Budget

Resolution #2009-05-163
Moved by Beltramini
Seconded by Kerwin

WHEREAS, The Troy Brownfield Redevelopment Authority has adopted and recommends that City Council approve its 2009/10 Budget;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the annual budget for the Troy Brownfield Redevelopment Authority for fiscal year July 1, 2009 through June 30, 2010.

Yes: Kerwin, Schilling, Beltramini, Eisenbacher, Fleming, Howrylak
No: None
Absent: Broomfield

MOTION CARRIED

E-7 Bid Waiver – Troy Community Center Strength Equipment Purchase

Resolution #2009-05-164
Moved by Eisenbacher
Seconded by Kerwin

WHEREAS, The Troy Community Center has purchased numerous pieces of Matrix fitness equipment from All-Pro Exercise of Farmington Hills;

WHEREAS, The City has determined Matrix equipment to be of commercial grade quality and favored by users of the Community Center; and

WHEREAS, All-Pro Exercise is the only authorized Matrix dealer in the State of Michigan with a local service facility providing both preferred customer and freight discounts, and the only supplier to offer a trade-in for the Keiser equipment;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **APPROVES** a contract to purchase seven (7) pieces of Matrix strength equipment from All Pro Exercise of Farmington Hills at an estimated total cost of \$16,000.00 including trade-ins, as detailed on the quotation dated April 30, 2009.

Yes: Schilling, Beltramini, Eisenbacher, Fleming, Howrylak, Kerwin
No: None
Absent: Broomfield

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2009-05-165
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item F-7 which is removed at the request of City Management.

Yes: Beltramini, Eisenbacher, Fleming, Howrylak, Kerwin, Schilling
No: None
Absent: Broomfield

MOTION CARRIED

F-1b Address of “F” Items Removed for Discussion by City Council and/or the Public

F-2 Approval of City Council Minutes

Resolution #2009-05-165-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:00 PM Special City Council Meeting of April 16, 2009 as corrected, and the Minutes of the 7:30 PM Regular City Council Meeting of May 11, 2009 as corrected.

F-3 City of Troy Proclamations:

Resolution #2009-05-165-F-3

RESOLVED, That Troy City Council hereby **APPROVES** the following City of Troy Proclamation:

- a) Service Commendation – Homes for Our Troops

F-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – Overhead Door Maintenance and Repair**

Resolution #2009-05-165-F-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all necessary materials, labor and equipment to provide three-year requirements of repairs and general maintenance of overhead doors to the low total bidder, Michigan Independent Door Company of Troy, Michigan, at unit prices contained in the bid tabulation opened April 23, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, to expire May 31, 2012; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

F-5 Renewal of Membership in the Traffic Improvement Association (TIA) of Oakland County

Resolution #2009-05-165-F-5

RESOLVED, That Troy City Council hereby **GRANTS** approval to pay the renewal of City of Troy's membership in the Traffic Improvement Association for the year 2009, in the amount of \$24,400.00 and funds are available in the 2008-2009 Traffic Engineering budget, Account Number 443.7958.

F-6 Application to Transfer SDD License Only to Wal-Mart Stores East, Limited Partnership

(a) Transfer License

Resolution #2009-05-165-F-6a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Wal-Mart Stores East, Limited Partnership, to transfer ownership of Escrowed 2008 SDD license only from Whole Foods Market Group, Inc.; and transfer location from 4052 Rochester to 2001 W Maple, Troy, MI 48084, Oakland County to be held on conjunction with existing SDM license; {MLCC Req. ID # 490232}; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **RECOMMENDS** issuance of this license.

(b) Agreement

Resolution #2009-05-165-F-6b

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 Wal-Mart Stores East, Limited Partnership, to transfer ownership of Escrowed 2008 SDD license only from Whole Foods Market Group, Inc.; and transfer location from 4052 Rochester

to 2001 W Maple, Troy, MI 48084, Oakland County to be held in conjunction with existing SDM license; {MLCC Req. ID # 490232}; and **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-7 Approval of Recognition as a Nonprofit Organization Status – Mark Wolodkowicz, President and Program Director for Free Desire, Inc. – Removed at the request of City Management.

F-8 Schedule a Public Hearing for the Purpose of Receiving Public Input on the City of Royal Oak Hospital Financing Authority Utilizing Tax-Exempt Bonds for William Beaumont Hospital

Resolution #2009-05-165-F-8

WHEREAS, William Beaumont Hospital is anticipating a financing through the City of Royal Oak Hospital Financing Authority utilizing tax-exempt bonds;

WHEREAS, The Internal Revenue Code of 1986, as amended (the “Code”), requires a public hearing before authorizing the issuance of bonds by a hospital authority in all jurisdictions benefitting from the issuance; and

WHEREAS, A portion of the proceeds of the bonds will be used to finance the acquisition and installation of hospital facility equipment;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **SCHEDULES** a public hearing for Monday, June 1, 2009 at 7:30 PM in Council Chambers of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084 for the purpose of receiving public input on the City of Royal Oak Hospital Financing Authority issuing tax-exempt bonds for William Beaumont Hospital.

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Memorandums: None Submitted

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

H-1 American Public Works Association Voluntary Accreditation

H-2 City of Farmington – Abandoned Residential Property Registration Ordinance

H-3 Tree Ordinance – Private Property Issues

COUNCIL COMMENTS:

I-1 Council Comments Advanced:

Council Member Beltramini complimented staff in regard to keeping the city's ordinances ahead during these difficult times. She explained that unlike other communities, Troy is able to allow development such as filmmaking because the ordinances are already in place.

Council Member Beltramini reported that the Michigan Municipal League's most recent issue of *The Review* includes a readiness check list for economic development. She thought it might be interesting to include the list as City Council prepares for next year's budget issues because she believes it is the business community that gives the city its pin money so to speak. Council Member Beltramini realizes that the interests of the citizens always comes first, but also believes economic development is necessary. She explained due to the large vacancy rate and the decrease in property values in Troy, the city is steadily losing revenue.

Mayor Pro Tem Howrylak noted that Acting City Manager Szerlag indicated that City Management has not received formal direction from City Council in regard to potential changes to the City Charter. Mayor Pro Tem Howrylak suggested that City Council provide direction by way of a resolution to refer the amendments to the Charter Revision Committee.

Council Member Kerwin believes that the proposed City Charter amendments merit comment, but not during Council Comments. She suggested that this item be brought forward as a study item at City Council's next meeting.

Acting City Manager Szerlag indicated that the item will be included on City Council's next agenda as a study item and he will include all previous memoranda. He added that he will also add any questions City Council may have to enhance the report as well.

Council Member Kerwin appreciated the inclusion of the *Master Land Use Plan* document and the *Tenets of Smart Growth* in City Council's agenda packet. She explained as City Council was layering in and looking at the rezoning, they had a complete birds eye view as to where they are going as a city and the kinds of steps they are taking to get there.

Mayor Schilling asked whether City Council should take action on the Waters Consulting Group, Inc. brochure that was laid on the table by City Attorney, Lori Bluhm in regard to the city manager recruitment.

Lori Bluhm, City Attorney replied that she would like feedback from City Council by tomorrow if possible because time is short and the brochure needs to get out this week.

Council Member Beltramini does not like the red on the brochure because she does not believe it sends a positive message.

Brian Murphy, Assistant City Manager/Economic Development Services advised that red is the signature color for Waters Consulting Group, Inc.

Mayor Pro Tem Howrylak stated with all due sincerity, that shortly after he was elected in 2000 he wore a political button to a city council meeting and that the Mayor and former Mayor took

him aside individually and kindly told him that council members try to stay apolitical. Mayor Pro Tem Howrylak continued by stating that he thought it was good advice and he has lived by that philosophy for nine years. However, Mayor Pro Tem Howrylak was dismayed at the Firefighters Appreciation Banquet when the Mayor, as an official representing City Council and the City, was essentially recruiting city council candidates from the firefighter's body. Mayor Pro Tem Howrylak defends the Mayor's right to do that on her own volition and on her own time, but believes when the Mayor is representing City Council, she is speaking for all of them as a body. He continued by stating that it would be inappropriate for City Council to put forth a resolution to ask anyone to run against someone else for city council. Therefore, Mayor Pro Tem Howrylak would appreciate the Mayor keeping her recruitment of candidates for any political office and especially for candidates for this body outside of official business.

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Advisory Committee for Persons with Disabilities/Draft – April 1, 2009
- b) Advisory Committee for Persons with Disabilities/Final – April 1, 2009
- c) Advisory Committee for Senior Citizens/Final – April 2, 2009
- d) Planning Commission Special/Study/Final – April 28, 2009
- e) Planning Commission Special/Study/Draft – May 5, 2009
- f) Planning Commission Special/Study/Final – May 5, 2009
- g) Building Code Board of Appeals/Draft – May 6, 2009

Noted and Filed

J-2 Department Reports:

- a) Building Department – Permits Issued April 2009
- b) Police Department – 2009 Year-To-Date Calls for Police Service Report

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Commendation to Lt. Dave Livingston from Jon Pascal, Krav Maga Worldwide-Force Training Division Regarding the Professionalism and Commitment of Officer Dan Langbeen

Noted and Filed

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

J-5 Communication from Parks and Recreation Director Carol Anderson Regarding Non-Profit Group Meeting Room Policy at the Community Center

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 No Closed Session Requested

ADJOURNMENT

The meeting **ADJOURNED** at 9:38 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk