

A Regular Meeting of the Troy City Council was held Monday, July 20, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Pastor Jack Mannschreck of Big Beaver United Methodist Church 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
Mary Kerwin

ABSENT:

Mayor Pro Tem Martin Howrylak – Absent from state

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Robin Beltramini, President of the Michigan Municipal League provided an update of MML activities.
- b) Phillip Kwik, Technology Department Head at the Troy Public Library provided a presentation regarding the *2009 World Book/ALA Information Literacy Goal Award*.

CARRYOVER ITEMS:

B-1 No Carryover Items**PUBLIC HEARINGS:**

C-1 Street Vacation – Twenty-five Foot (25') Wide Right-of-Way Platted as Part of Supervisor's Plat No. 10, Markton Street, North of Naughton and South of I-75, Abutting 1125 and 1200 Naughton, M-1 (Light Industrial) District, Section 26 (File Number: SV 34-B)

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving no comment from the public.

Resolution #2009-07-210

Moved by Kerwin

Seconded by Fleming

WHEREAS, A request was received for the vacation of a section of the 25-foot-wide platted street, located north of Naughton and south of I-75, and abutting Lot 11 (1125 Naughton) and Lots 16 and 24 (1200 Naughton) of Supervisor's Plat No. 10, in Section 26; and

WHEREAS, The Planning Commission recommended that this street vacation be granted with the retention of a 25-foot wide easement for public and private utilities;

THEREFORE, BE IT RESOLVED, The property which shall benefit from this requested vacation is Lot 11 (1125 Naughton, City of Troy Tax Parcel 20-26-152-005) and Lots 16 and 24 (1200 Naughton, City of Troy Tax Parcel 20-26-153-026) of Supervisor's Plat No. 10; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **VACATES** a section of the 25-foot-wide platted street, located north of Naughton and south of I-75, and abutting Lots 11, 16 and 24 of Supervisor's Plat No. 10, in Section 26; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **RETAINS** a 25-foot wide easement for public and private utilities; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record a certified copy of this resolution with the Oakland County Register of Deeds.

Yes: Schilling, Beltramini, Broomfield, Eisenbacher, Fleming, Kerwin

No: None

Absent: Howrylak

MOTION CARRIED

C-2 Receive Public Input on the City of Royal Oak Hospital Finance Authority Utilizing Tax-Exempt Bonds for William Beaumont Hospital Troy

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving introductions from the petitioner. There was no public comment.

Resolution #2009-07-211

Moved by Fleming

Seconded by Beltramini

WHEREAS, The City of Royal Oak Hospital Finance Authority (the "Authority") proposes to make loans to William Beaumont Hospital (the "Hospital"), to be used, in part, by the Hospital to (1) finance the construction, acquisition, renovation, equipping, rehabilitation and/or improve hospital facilities in the City of Troy, Michigan and (2) refinance indebtedness used to finance the construction, renovation and equipping of certain hospital facilities in the City of Troy, Michigan;

WHEREAS, The Authority intends to issue City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital Obligated Group) and Hospital Revenue Refunding Bonds (William Beaumont Hospital Obligated Group), in one or more series (the "Bonds") on behalf of the Hospital in the aggregate principal amount of not to exceed \$120,000,000 to provide funds with which to make loans to the Hospital;

WHEREAS, The Bonds will be limited obligations of the Authority and will not constitute general obligations or debt of the City of Royal Oak, the City of Troy, the County of Oakland, the State of Michigan or any political subdivision thereof;

WHEREAS, The City Council has held a public hearing after notice was published as provided in, and in satisfaction of the applicable public hearing requirements of, the Internal Revenue Code of 1986, as amended (the "Code");

WHEREAS, A record of public hearing will be maintained with the City Clerk;

WHEREAS, The Authority has requested that this City Council approve the issuance of the Bonds by the Authority; and

WHEREAS, The City Council of the City of Troy desires to express its approval of the issuance of the Bonds by the Authority;

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF TROY, AS FOLLOWS:

1. Solely for the purpose of fulfilling the public approval requirements of the Code, the City Council of the City of Troy hereby **APPROVES** the issuance, sale and delivery of not to exceed \$120,000,000 in aggregate principal amount of the Bonds by the Authority; and
2. The City Clerk is hereby **DIRECTED** to provide three (3) certified copies of this resolution to the Secretary of the Authority.

Yes: Beltramini, Broomfield, Eisenbacher, Fleming, Kerwin, Schilling

No: None

Absent: Howrylak

MOTION CARRIED

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

Marvin Reinhardt
James Savage
Audrey Zembrzuski

REGULAR BUSINESS:

E-4 City Manager Contract

PUBLIC COMMENT:

Mary Ann Bernardi
Jack Witt
Susan Werpetinski
John Witt

Resolution
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPROVES** the attached Employment Agreement between the City of Troy and City Manager A. John Szerlag, and **AUTHORIZES** the Mayor and the City Clerk to **EXECUTE** the document on behalf of the City of Troy. A copy of the Employment Agreement shall be **ATTACHED** to the original Minutes of this meeting.

Vote on Resolution to Amend *The Employment Agreement between the City of Troy and City Manager A. John Szerlag*

Resolution #2009-07-212
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AMENDS** *The Employment Agreement between the City of Troy and City Manager A. John Szerlag* by **STRIKING** “attached” and **INSERTING** “as laid on the table” **AFTER** “Employment Agreement”, and by **STRIKING** “three (3) weeks of paid vacation” and **INSERTING** “two (2) weeks of paid vacation” in SECTION 9. VACATION LEAVE.

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

MOTION CARRIED

Vote on Resolution to Approve *The Employment Agreement between the City of Troy and City Manager A. John Szerlag as Amended*

Resolution #2009-07-213
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPROVES** the Employment Agreement as laid on the table between the City of Troy and City Manager A. John Szerlag and as **AMENDED** by **STRIKING** “three (3) weeks of paid vacation” and **INSERTING** “two (2) weeks of paid vacation” in SECTION 9. VACATION LEAVE, and **AUTHORIZES** the Mayor and the City Clerk to **EXECUTE** the document on behalf of the City of Troy. A copy of the Employment Agreement shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

E-1 Appointments to Boards and Committees: (a) Mayoral Appointments: Planning Commission (b) City Council Appointments: Ethnic Issues Advisory Board; Historical Commission; Library Advisory Board; and Troy Daze Committee

a) Mayoral Appointments

Resolution #2009-07-214
Moved by Schilling
Seconded by Eisenbacher

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

Planning Commission

Appointed by Mayor - Student 1-Year Term

Adrienne Milner - Student

Term Expires 07/31/2010

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

MOTION CARRIED

b) City Council Appointments

Resolution #2009-07-215
Moved by Eisenbacher
Seconded by Kerwin

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

Ethnic Issues Advisory Board

Appointed by Council – Student 1-Year Term

Liyuan (Lily) Huang-Student

Term Expires 07/01/2010

David Guo-Student

Term Expires 07/01/2010

Historical Commission

Appointed by Council (7 Regular) – 3-Year Terms; Student 1-Year Term

Kevin Lindsey

Term Expires 07/31/2012

Library Advisory Board

Appointed by Council – Student 1 Year Term

Paul Lee-Student

Term Expires 07/01/2010

Troy Daze Committee

Appointed by Council – Student 1-Year Term

Sarah Wunderlich-Student

Term Expires 07/31/2010

Alice Liang-Student

Term Expires 07/31/2010

Yes: Kerwin, Schilling, Beltramini, Broomfield , Eisenbacher, Fleming

No: None

Absent: Howrylak

MOTION CARRIED

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: No Nominations Presented (b) City Council Nominations: No Nominations Presented

E-3 Charter Revision Committee Recommendations

(1) Section 3.7 – Election of Mayor Pro Tem - Annual Term

Resolution

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 3.7 – TO PROVIDE THAT THE MAYOR PRO TEM SHALL BE ELECTED BY THE COUNCIL MEMBERS ANNUALLY, RATHER THAN NOVEMBER IN EVERY ODD-NUMBERED YEAR.

Shall Section 3.7 be amended to provide that the Mayor Pro Tem be elected annually in November by the Council from among its members, rather than in November in every odd-numbered year?

YES ___ NO ___

Vote on Resolution to Amend E-03 Charter Revision Committee Recommendations Section 3.7 – Election of Mayor Pro Tem - Annual Term

Resolution #2009-07-216

Moved by Eisenbacher

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS** resolution E-03 *Charter Revision Committee Recommendations Section 3.7 – Election of Mayor Pro Tem - Annual Term* by **REPOSITIONING** “by the Council from among its members” and **INSERTING** it **AFTER** “elected.”

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

MOTION CARRIED

Vote on Resolution E-03 Charter Revision Committee Recommendations Section 3.7 – Election of Mayor Pro Tem - Annual Term as Amended

Resolution #2009-07-217
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 3.7 – TO PROVIDE THAT THE MAYOR PRO TEM SHALL BE ELECTED BY THE COUNCIL MEMBERS ANNUALLY, RATHER THAN NOVEMBER IN EVERY ODD-NUMBERED YEAR.

Shall Section 3.7 be amended to provide that the Mayor Pro Tem be elected by the Council from among its members, annually in November, rather than in November in every odd-numbered year?

YES ___ NO ___

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

MOTION CARRIED

(2) Section 3.10 – City Manager; Appointment and Qualification

Resolution #2009-07-218
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 3.10 – TO AMEND THE RESIDENCY REQUIREMENT FOR THE TROY CITY MANAGER, WHICH IS NOT ENFORCEABLE UNDER STATE LAW, AND REPLACE WITH STATUTORILY ALLOWABLE RESIDENCY REQUIREMENTS.

Shall Section 3.10 be amended to delete the requirement that the Troy City Manager reside in the City (which is not enforceable under current State Law) and to substitute in its place a requirement that the City Manager shall reside within 20 miles of the city unless by law the City Manager is permitted to reside in a location even more distant from the city?

YES ___ NO ___

Yes: Broomfield, Eisenbacher, Fleming, Kerwin, Schilling, Beltramini

No: None

Absent: Howrylak

MOTION CARRIED

(3) Section 6.2(g) - Vacancies in Elective Office

PUBLIC COMMENT:

Victor Lenivov

There was a consensus of City Council Members present to take no action on the proposed *Charter Amendment (3) Section 6.2(g) – Vacancies in Elective Office* at this time to allow the City Attorney and City Clerk to re-draft the language to eliminate “*This provision shall be effective for each City official elected at the City Election on November 3, 2009 and thereafter*”. The revised language to be placed on the Monday, August 3, 2009 Regular City Council Meeting Agenda.

CONSENT AGENDA:

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

Resolution #2009-07-219

Moved by Beltramini

Seconded by Fleming

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item F-3a, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: Eisenbacher, Fleming, Kerwin, Schilling, Beltramini, Broomfield

No: None

Absent: Howrylak

MOTION CARRIED

F-2 Approval of City Council Minutes

Resolution #2009-07-219-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of July 6, 2009 as submitted; the Minutes of the 5:30 PM Special City Council Meeting of July 7, 2009 as submitted; the Minutes of the 9:00 AM Special City Council Meeting of July 8, 2009 as submitted; and the Minutes of the 7:00 PM Special City Council Meeting of July 9, 2009 as submitted.

F-4 Standard Purchasing Resolution**a) Standard Purchasing Resolution 1: Award to Low Bidders – Troy Daze Tent Rentals**

Resolution #2009-07-219-F-4a

RESOLVED, That Troy City Council hereby **AWARDS** contracts to furnish and erect tents for the Troy Daze Festival to the low bidders, S & R Event Rental, of Harrison Township, MI, and Ace Canvas & Tent, of Detroit, MI for an estimated total cost of \$13,520.00 and \$3,200.00 respectively, at unit prices contained in the bid tabulation opened June 24, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon contractors' submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

F-5 Approval to Purchase a Foreclosed Property for Drain Purposes Resulting from Non-Payment of Taxes for Drain Purposes

Resolution #2009-07-219-F-5

RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to purchase foreclosed property with Sidwell # 20-15-378-030, for the amount of unpaid real property taxes, interest and finance charges in an amount not to exceed \$3,000.00, plus closing and administrative costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **VACATES** any currently active special assessments.

F-6 Approval to Purchase Foreclosed Properties for Park Purposes Resulting from Non-Payment of Property Taxes

Resolution #2009-07-219-F-6

RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to purchase foreclosed property with Sidwell # 20-22-326-001, 20-22-326-002, 20-22-326-012, and 20-22-326-013, for the amount of unpaid real property taxes, interest and finance charges in an amount not to exceed \$80,000.00, plus closing and administrative costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **VACATES** any currently active special assessments.

F-7 Private Agreement for Sonic Restaurant – Project No. 09.902.3

Resolution #2009-07-219-F-7

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and PRG-SD, Inc., for the installation of water main, sidewalks, deceleration lane, and soil erosion on the site and in the adjacent right of way, 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.

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

F-3 Proposed City of Troy Proclamation:

Resolution #2009-07-220

Moved by Beltramini

Seconded by Kerwin

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

a) Parks and Recreation Month – July, 2009

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield, Eisenbacher

No: None

Absent: Howrylak

MOTION CARRIED

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business, Article 19 L.

Resolution #2009-07-221

Moved by Schilling

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, *Rule #6 Order of Business, Article 19 L. Closed Session* and **AUTHORIZE** Troy City

Council to discuss and take action on the following item that does not appear on the agenda: L-1 *Closed Session*.

Yes: Kerwin, Schilling, Beltramini, Broomfield, Eisenbacher, Fleming

No: None

Absent: Howrylak

MOTION CARRIED

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 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 Council Comments Advanced:

Council Member Beltramini encouraged the public to view the various medias available to take advantage of the numerous Parks and Recreation programs available to them.

Council Member Eisenbacher requested that the Charter Revision suggestion he brought forward at the July 6, 2009 Regular City Council be referred to the Charter Revision Committee.

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business, Article 15 I Council Comments

Resolution #2009-07-222

Moved by Eisenbacher

Seconded by Schilling

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, *Rule #6 Order of Business, Article 15-I Council Comments* and **AUTHORIZE** Troy City Council to discuss and take action on the following item that does not appear on the agenda: *Proposed Charter Revision Amendment Referral to Charter Revision Committee*.

Yes: Schilling, Beltramini, Broomfield, Eisenbacher, Fleming, Kerwin

No: None

Absent: Howrylak

MOTION CARRIED

Vote on Resolution to Refer Proposed Charter Revision to Charter Revision Committee

Resolution #2009-07-223
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **REFERS** *Proposed Charter Revision Regarding Vacancies in Elective Office* to the Charter Revision Committee for their consideration.

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

MOTION CARRIED

Council Member Fleming referred to agenda item J-7 *Communication from City Engineer Steven Vandette Regarding Current Local Road Conditions and Analysis of Road Maintenance Funding* and pointed out that this memorandum projects that the overall road conditions and funding are expected to decline over the next five years. He added that this issue will have to be addressed in the City's next budget.

Council Member Eisenbacher requested that they begin to prioritize these types of items in preparation for the next budget. City Manager, John Szerlag responded that City Management has already begun the process.

Council Member Eisenbacher appreciated receiving the information in agenda item J-6 *Communication from Public Works Director Timothy Richnak Regarding Review of Sidewalk and Drive Approach Bids* in response to his questions regarding costs for sidewalks and contract renewal.

Mayor Schilling commended Brian Murphy, Assistant City Manager/Economic Development Services, for his involvement on many projects especially his work on the transit center and the pursuit for funding, which resulted in the recent approval of funding by the House Appropriations Committee and the expected approval of the House and Senate.

REPORTS:**J-1 Minutes – Boards and Committees:**

- a) Charter Revision Committee/Final – March 20, 2009
- b) Employees' Retirement System Board of Trustees/Final – May 13, 2009
- c) Parks and Recreation Advisory Board/Draft – May 21, 2009
- d) Building Code Board of Appeals/Final – June 3, 2009
- e) Charter Revision Committee/Draft – July 13, 2009

Noted and Filed

J-2 Department Reports:

- a) Building Department – Permits Issued June 2009
- b) Building Department – Permits Issued January 2009 – June 2009
- c) Building Department – Permits Issued July 2008 – June 2009
Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Thanks to Chief Mayer from Suzanne Kayser Regarding the Outstanding Service of Officers Pokley, Morgan and Mouch; and Sergeants Giorgi and Nastasi
- b) Letter of Thanks to Aquatic Center Staff from the Giorgi Family
- c) Letter of Thanks to Chief Nelson from Clawson Fire Chief Ballard Regarding Fire Station Coverage
Noted and Filed

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

J-5 Communication from Police Department Regarding Proof of TIPS/TAMS Server Training

Noted and Filed

J-6 Communication from Public Works Director Timothy Richnak Regarding Review of Sidewalk and Drive Approach Bids

Noted and Filed

J-7 Communication from City Engineer Steven Vandette Regarding Current Local Road Conditions and Analysis of Road Maintenance Funding

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2009-07-224
Moved by Kerwin
Seconded by Broomfield

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (h) – MCL 15.243 (g).

Yes: Broomfield, Eisenbacher, Fleming, Kerwin, Schilling, Beltramini

No: None

Absent: Howrylak

MOTION CARRIED

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

The meeting **RECONVENED** at 9:55 PM.

The meeting **ADJOURNED** at 10:30 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk