

A Regular Meeting of the Troy City Council was held Monday, August 17, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Jeff Totten, Chaplain for the Troy Police Department, 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:**

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**A-1 Presentations:**

- a) On behalf of the City of Troy, Mayor Louise Schilling honored Army Staff Sergeant Mark Strickland with a *Welcome Home Proclamation*.
- b) On behalf of the City of Troy Employees' *Casual for a Cause* Program for the months of May and June, Community Affairs Director Cindy Stewart presented a check in the amount of \$1,019.00 to Valerie Michrina the Executive Director of *On My Own of Michigan*.
- c) On behalf of the City of Troy, Mayor Louise Schilling recognized Purchasing Director Susan Leirstein and the Purchasing Department as recipients of the *Achievement of Excellence in Procurement Award*.
- d) Mayor Louise Schilling presented the *2009 Membership Achievement Award for Troy Employee/Retiree Wellness Program* to Risk Manager Stephen Cooperrider and Community Affairs Director Cindy Stewart.
- e) Mayor Louise Schilling presented the *2009 Public Risk Management Association Chapter Service Award* to Risk Manager Stephen Cooperrider.

**CARRYOVER ITEMS:**

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B-1 No Carryover Items

**PUBLIC HEARINGS:**

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C-1 No Public Hearings

**POSTPONED ITEMS:**

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D-1 No Postponed Items

**PUBLIC COMMENT: Limited to Items Not on the Agenda**

Marvin Reinhardt  
Richard Peters  
James Savage

**REGULAR BUSINESS:**

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**E-8 Charter Amendments**

Public Comment was received from Cynthia Wilsher and Mary Ann Bernardi

**Section 6.2(g) – Vacancies in Elective Office - PROPOSAL 09-03**

Resolution #2009-08-237  
Moved by Eisenbacher  
Seconded by Fleming

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

**Charter Amendment Proposal 09-03**

A PROPOSAL TO AMEND THE DATE AN ELECTED OFFICIAL MUST RESIGN FROM OFFICE WHEN DESIRING TO RUN FOR A CITY ELECTED OFFICE EXCEPT TO SUCCEED ONESELF.

Shall Section 6.2 (g) be amended to establish July 1st as the date by which a City elected official must submit a letter of resignation in order to run for a City elected office (except to succeed oneself) in place of the current requirement that such letter of resignation be filed no later than the deadline for filing his or her candidacy for election to that office with the City Clerk?

***NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-05, 09-06, 09-07, AND 09-08. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.***

Yes:  
No:

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

**MOTION FAILED**

The Meeting **RECESSED** at 9:07 PM.

The Meeting **RECONVENED** at 9:17 PM.

**Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business**

Resolution #2009-08-238  
Moved by Eisenbacher  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business and **AUTHORIZES** City Council to move forward Agenda Item E-6 Preliminary Site Plan Application (SP 679-C) – Troy Museum and Historic Village Expansion, North Side of Wattles, West of Livernois (60 W. Wattles, 100 W. Wattles, 109 Lange) Section 16, C-F (Community Facilities) District before the completion of Agenda Item E-8 Charter Amendments.

Yes: All-7  
No: None

**MOTION CARRIED**

**Vote on Resolution to Table Item E-8 Charter Amendments Until After Discussion and Taking Action On Item E-6 Preliminary Site Plan Application (SP 679-C) – Troy Museum and Historic Village Expansion, North Side of Wattles, West of Livernois (60 W. Wattles, 100 W. Wattles, 109 Lange) Section 16, C-F (Community Facilities) District**

Resolution #2009-08-239  
Moved by Eisenbacher  
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **TABLES** Agenda Item E-8 Charter Amendments until after discussion and taking action on Agenda Item E-6 Preliminary Site Plan Application (SP 679-C) – Troy Museum and Historic Village Expansion, North Side of Wattles, West of Livernois (60 W. Wattles, 100 W. Wattles, 109 Lange) Section 16, C-F (Community Facilities) District.

Yes: All-7  
No: None

**MOTION CARRIED**

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**E-6 Preliminary Site Plan Application (SP 679-C) – Troy Museum and Historic Village Expansion, North Side of Wattles, West of Livernois (60 W. Wattles, 100 W. Wattles, 109 Lange) Section 16, C-F (Community Facilities) District**

Resolution #2009-08-240

Moved by Kerwin

Seconded by Fleming

WHEREAS, The Planning Commission recommended Preliminary Site Plan Approval of the Troy Museum and Historic Village Expansion, at the July 28, 2009 Regular meeting;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** a reduction in the number of required parking spaces on the Troy Museum and Historic Village site to 120 when a total of 202 spaces are required based on the off-street parking space requirements for the facility, as per Article XL and this 82-space reduction is justified based on careful programming and the use of shuttle parking off-site for large events, as outlined in the Parking Needs Statement dated June 2, 2009; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **GRANTS** Preliminary Site Plan Approval, pursuant to Section 18.20.02 of the Zoning Ordinance, as requested for the proposed Troy Museum and Historic Village Expansion, located on the north side of Wattles, west of Livernois, in Section 16, within the C-F zoning district.

Yes: All-7

No: None

**MOTION CARRIED**

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**E-8 Charter Amendments (continued)**

**Section 6.2.1 – Irrevocable Letter of Resignation - PROPOSAL 09-04**

Moved by Eisenbacher

Seconded by Broomfield

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

**Charter Amendment Proposal 09-04**

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – TO ADD NEW PROVISIONS 6.2.1 (A), (B) AND (C) TO ALLOW ELECTED OFFICIALS TO RESIGN FROM CITY OFFICE BY AN IRREVOCABLE LETTER OF RESIGNATION AND ESTABLISH TIME FRAMES FOR PLACEMENT OF THE RESULTING VACANCY ON THE NEXT AVAILABLE ELECTION.

Shall Section 6.2 be amended to add new provisions under 6.2.1 (a), (b) and (c), which allow elected officials to resign by irrevocable letter of resignation effective no later than the date the successor takes office, which will commence the first Monday after the election or as stated in the irrevocable letter of resignation?

**NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-05, 09-06, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.**

Yes:

No:

**Vote on Resolution to Amend Section 6.2.1 (c) of the Troy City Charter Amendment Proposal Language**

Resolution #2009-08-241

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That the Troy City Council hereby **AMENDS** Section 6.2.1 (c) of the Troy City Charter Amendment Proposal Language to **INSERT** the word “August” before the word “Primary”.

Yes: Fleming, Howrylak, Beltramini, Broomfield, Eisenbacher

No: Kerwin, Schilling

**MOTION CARRIED**

**Section 6.2.1 – Irrevocable Letter of Resignation - PROPOSAL 09-04 as Amended**

Resolution #2009-08-242

Moved by Eisenbacher

Seconded by Broomfield

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

**Charter Amendment Proposal 09-04**

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – TO ADD NEW PROVISIONS 6.2.1 (a), (b) AND (c) TO ALLOW ELECTED OFFICIALS TO RESIGN FROM CITY OFFICE BY AN IRREVOCABLE LETTER OF RESIGNATION AND ESTABLISH TIME FRAMES FOR PLACEMENT OF THE RESULTING VACANCY ON THE NEXT AVAILABLE ELECTION.

Shall Section 6.2 be amended to add new provisions under 6.2.1 (a), (b) and (c), which allow elected officials to resign by irrevocable letter of resignation effective no later than the date the successor takes office, which will commence the first Monday after the election or as stated in the irrevocable letter of resignation?

**NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-05, 09-06, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.**

Yes:

No:

Yes: Howrylak, Beltramini, Broomfield, Eisenbacher, Fleming

No: Kerwin, Schilling

### **MOTION CARRIED**

#### **Section 6.7 – Filling Vacancies in Elective Office - PROPOSAL 09-05**

Resolution #2009-08-243

Moved by Eisenbacher

Seconded by Broomfield

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

#### **Charter Amendment Proposal 09-05**

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.7 – TO RESTRUCTURE THE APPOINTMENT PROCESS OF A VACANCY IN ELECTED OFFICE WITH CITY COUNCIL APPOINTING A REPLACEMENT MEMBER UNTIL A SUCCESSOR IS ELECTED. THE SUCCESSOR WILL BE ELECTED AT THE NEXT REGULAR OR AUGUST PRIMARY ELECTION.

Shall Section 6.7 be amended to direct City Council to fill vacancies in elective office, pursuant to Section 6.2, until a successor is elected at the next Regular or August Primary Election?

**NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-06, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.**

Yes:

No:

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

**MOTION CARRIED**

**Section 6.7.1 – Filling Vacancies in Elective Office Created by an Irrevocable Letter of Resignation by Regular Election - PROPOSAL 09-06**

Moved by Eisenbacher  
Seconded by Fleming

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

**Charter Amendment Proposal 09-06**

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.7 – TO ADD A PROVISION FOR ELECTING A SUCCESSOR TO FILL A MID-TERM VACANCY OF A CITY ELECTED OFFICIAL AT A REGULAR ELECTION.

Shall Section 6.7 be amended to add new provisions designated as 6.7.1 to allow for the election of candidates to fill any mid-term vacancy created prior to July 1st and after April 1st in even-years and prior to July 1st in odd-years for the remainder of a City elected office term at the next Regular Election?

***NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-05, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.***

Yes:  
No:

**Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business**

Resolution #2009-08-244  
Moved by Beltramini  
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business and **TABLES** the remaining Resolutions of Agenda Item *E-8 Charter Amendments* until after discussion and taking action on remaining Agenda Items.

Yes: All-7  
No: None

**MOTION CARRIED**

**Discussion of Item J-7 Communication from Parks and Recreation Director Carol Anderson Regarding Path Bhaban Request for Waiver of Non-Profit Group Meeting Room Policy at Community Center at the request of Public present.**

Public Comment received from Members of Path Bhaban and Kelly Jones - Chairperson of the Ethnic Issues Advisory Committee

Mayor Schilling departed at 10:48 PM.

Mayor Schilling returned at 10:50 PM.

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**E-1 Appointments to Boards and Committees: (a) Mayoral Appointments: None Scheduled; (b) City Council Appointments: Advisory Committee for Persons with Disabilities**

**a) Mayoral Appointments – None Scheduled**

**b) City Council Appointments**

Resolution #2009-08-245

Moved by Howrylak

Seconded by Broomfield

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

**Advisory Committee for Persons with Disabilities**

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

**Raagini Suresh - Student**

Term Expires 07/01/2010

Yes: All-7

No: None

**MOTION CARRIED**

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**E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None (b) City Council Nominations: None**

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**E-3 Designation of Voting Delegates at the Annual Meeting of the Michigan Municipal League 2009 Annual Conference**

Resolution #2009-08-246

Moved by Schilling

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **DESIGNATES** Council Member Robin Beltramini as the Principal Official Representative (Official Voting Delegate) and hereby **DESIGNATES** Council Member Mary Kerwin as the Alternate Official Representative (Official Alternate Voting Delegate) to cast the vote of the City of Troy at the Annual Meeting of the Michigan Municipal League to be held September 22 through September 25, 2009 in Kalamazoo, Michigan.

Yes: All-7

No: None

#### **MOTION CARRIED**

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#### **E-4 Resolution to Revoke an Industrial Facilities Exemption Certificate (IFEC) and Vacate an Industrial Development District (IDD) Previously Granted and Established – Grid4 Communications, 2107 Crooks Road**

Resolution #2009-08-247

Moved by Beltramini

Seconded by Kerwin

WHEREAS, After due notice and proper hearing, the Troy City Council, on October 23, 2006, established an Industrial Development District (IDD), and granted an Industrial Facilities Exemption Certificate (IFEC), Certificate # 06.683, for property known as 2107 Crooks, Troy MI, 48084-5534, Parcel # 88-20-29-426-046, in the name of Grid4 Communications;

WHEREAS, Per the Letter of Agreement, between Grid4 Communications and the City of Troy, and per Public Act 198 of 1974, Grid4 Communications was allowed until December 31, 2008 to purchase all of the personal property to be abated, as reported on their application for exemption; and

WHEREAS, Grid4 Communications has not purchased any of the personal property that was to be abated, contrary to the terms of the Letter of Agreement between Grid4 Communications and the City of Troy, and in violation of Public Act 198 of 1974;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **REVOKES** the Industrial Facilities Exemption Certificate (IFEC), certificate # 06-683, and hereby **VACATES** the Industrial Development District (IDD), previously granted to Grid4 Communications, for property at 2107 Crooks, Troy, MI., 48084-5534, Parcel # 88-20-29-426-046, effective December 31, 2009; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to forward, by certified mail, a copy of this Resolution to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI. 48909-7971, and to Grid4 Communications at 2107 Crooks, Troy, MI. 48084-5534.

Yes: All-7

No: None

#### **MOTION CARRIED**

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**E-5 Revisions to Policy for Naming Public Places Specific to Parks and Recreation  
Park Naming – Section 36 Park**

Resolution #2009-08-248  
Moved by Kerwin  
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **ADOPTS** the revised Policy for Naming Public Spaces Specific to Parks and Recreation as presented; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** staff to initiate the process for naming the park in Section 36 (Milverton).

Yes: All-7  
No: None

**MOTION CARRIED**

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**E-7 Bid Waiver – Sole Source Purchase – TSI PortaCount**

Resolution #2009-08-249  
Moved by Eisenbacher  
Seconded by Beltramini

WHEREAS, Argus-Hazco is the sole known authorized representative for TSI Health & Safety products in the State of Michigan;

WHEREAS, In accordance with the OSHA Respiratory Protection Standard on Quantitative Fit Testing Protocols and the NFPA 1500 2007 Standard, respiratory protection equipment (RPE) must be tested annually before qualified members are permitted to use RPE in a hazardous atmosphere; and

WHEREAS, The Troy Fire Department has been testing all of its members and their RPE since 1998, when the OSHA standard went into effect utilizing TSI PortaCount Pro Respirator Fit Tester;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and hereby **AUTHORIZES** the purchase of the TSI PortaCount 8038 system from Argus-Hazco of Chesterfield, MI, for \$11,725.00 less a \$1,000.00 trade-in allowance for obsolete equipment at an estimated net total cost of \$10,725.00.

Yes: All-7  
No: None

**MOTION CARRIED**

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**CONSENT AGENDA:**

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**F-1a Approval of "F" Items NOT Removed for Discussion**

Resolution #2009-08-250-F-1a  
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(s) F-4a which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: All-7  
No: None

**MOTION CARRIED**

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**F-2 Approval of City Council Minutes**

Resolution #2009-08-250-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of August 3, 2009 as corrected.

**F-3 City of Troy Proclamation:**

Resolution #2009-08-250-F-3

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

- a) Welcome Home – Army Staff Sergeant Mark Strickland

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**F-4 Standard Purchasing Resolutions**

- b) **Standard Purchasing Resolution 4: MITN Purchasing Cooperative – City of Southfield – SCBA Cylinder Bottles**

Resolution #2009-08-250-F-4b

RESOLVED, That Troy City Council hereby **APPROVES**, as laid on the table, a contract to purchase ninety-eight (98) SCBA cylinder bottles from Southeast Equipment Company, Inc. of Troy, MI, through a MITN Cooperative Award hosted by the City of Southfield for an estimated total cost of \$45,000.00, at unit prices contained in the bid tabulation opened June 29, 2009, a copy of which shall be **ATTACHED** to the original minutes of this meeting.

c) **Standard Purchasing Resolution 1: Award to Low Bidders – Concrete Pavement Repair**

Resolution #2009-08-250-F-4c

RESOLVED, That Troy City Council hereby **AWARDS** contracts to complete the concrete pavement repair program for 2009/10 with an option to renew for two (2) additional one-year periods to the four lowest total bidders: Hard Rock Concrete, Inc. of Westland, for proposal A, Local Roads; Dominic Gaglio Construction, Inc. of Southgate, for proposal B, Industrial Roads; Major Cement Company of Detroit, for proposal C, Major Roads; and Dilisio Contracting, Inc. of Clinton Township for proposal D, Tri-Party County Roads at unit prices contained in the bid tabulation opened July 29, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting based on scope of work and ability to add additional locations up to, but not exceeding amounts budgeted; and

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

d) **Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Community Center Treadmills**

Resolution #2009-08-250-F-4d

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish and install eight (8) new commercial treadmills at the Community Center and to purchase the City's eight (8) Precor trade-ins to the overall lowest bidder meeting specifications, Fitness Things, Inc. of Plymouth, MI, at an estimated net total cost of \$30,400.00, at prices contained in the bid tabulation opened July 9, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

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**F-5 Nancy Huntley, Legal Guardian of Carolyn Huntley v. City of Troy**

Resolution #2009-08-250-F-5

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent the City of Troy in any and all claims and damages in the matter of *Nancy Huntley, Legal Guardian of Carolyn Huntley, a Protected Person v. City of Troy*; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City.

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**F-6 Revised Appointment of SOCRRA Representative and Alternate Member**

Resolution #2009-08-250-F-6

WHEREAS, On June 15, 2009 Troy City Council appointed Brian P. Murphy as the SOCRRA representative and Timothy L. Richnak as the alternate representative for the term beginning July 1, 2009 and expiring on June 30, 2010; and

WHEREAS, Brian P. Murphy is leaving the City of Troy and it is therefore necessary to appoint a replacement SOCRRA representative and alternate representative;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DESIGNATES** Timothy L. Richnak as the SOCRRA representative and Mark F. Miller as the alternate SOCRRA representative for the term expiring on June 30, 2010.

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

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**F-4 Standard Purchasing Resolutions****a) Standard Purchasing Resolution 1: Award to Low Bidders – Snow Removal Services – Home Chore Program**

Resolution #2009-08-251

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide seasonal requirements of snow removal services for the Home Chore Program with an option to renew for one (1) additional year to the low total bidders MVP Environmental, LLC of Troy, as primary contractor and Brantley Development, LLC of Westland, as secondary contractor, at unit prices contained in the bid tabulation opened July 21, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of May 1, 2010; and

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

Yes: All-7

No: None

**MOTION CARRIED****MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**G-1 Announcement of Public Hearings: None Submitted**

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**G-2 Memorandums: None Submitted**

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

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H-1 No Council Referrals Advanced

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**COUNCIL COMMENTS:**

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I-1 No Council Comments Advanced

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**REPORTS:**

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

- a) Advisory Committee for Persons with Disabilities/Draft – May 6, 2009
- b) Advisory Committee for Persons with Disabilities/Final – May 6, 2009
- c) Planning Commission Special/Study/Final – June 23, 2009
- d) Building Code Board of Appeals/Final – July 1, 2009
- e) Board of Zoning Appeals/Draft – July 21, 2009
- f) Troy Daze Advisory Committee/Draft – July 28, 2009

Noted and Filed

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**J-2 Department Reports:**

- a) Police Department – 2009 Mid-Year Calls for Police Service Report
- b) Purchasing Department-Final Reporting-BidNet On-Line Auction Services-May 2009
- c) City Attorney's Office – 2009 Second Quarter Litigation Report
- d) Parks and Recreation – Golf Course Monthly Operations Summary

Noted and Filed

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**J-3 Letters of Appreciation:**

- a) Letter of Thanks to Fire Station #3 Captain Chris Roberts from Greg and Kathy Sherman Regarding Fire Department Attendance at Block Party
- b) Telephone Message to Chief Mayer from Marilyn Bailey Regarding the Assistance Received from Officer Bednard
- c) Letter of Appreciation to Chief Mayer from Officer James Burns, US Army, Regarding Assistance of Lt. Livingston, Sgt. Schaufler, Officer Redmond and Officer Minton during a Conference

Noted and Filed

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**J-4 Proposed Proclamations/Resolutions from Other Organizations:**

- a) Oakland County Board of Commissioners Resolution #09116 – Requiring Oakland County Contractors and Vendors to Register and Participate in the Federal E-Verify Program

Noted and Filed

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**J-5 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Natural Gas Customers of Consumers Energy Company – Case No. U-15454-R**

Noted and Filed

J-6 Communication from Parks and Recreation Director Carol Anderson and Nature Center Manager Stacy Yankee Regarding National Honey Bee Awareness Day Donation to Lloyd A. Stage Nature Center

Noted and Filed

J-7 Communication from Parks and Recreation Director Carol Anderson Regarding Path Bhaban Request for Waiver of Non-Profit Group Meeting Room Policy at Community Center

Noted and Filed

J-8 Communication from City Manager John Szerlag Regarding Organizational Restructuring

Noted and Filed

J-9 Report from Gabriel Roeder Smith & Company – City of Troy Incentive Plan for Volunteer Firefighters – 29<sup>th</sup> Annual Actuarial Valuation – December 31, 2008

Noted and Filed

E-8 Charter Amendments (continued)

**Section 6.7.1 – Filling Vacancies in Elective Office Created by an Irrevocable Letter of Resignation by Regular Election - PROPOSAL 09-06**

Resolution #2009-08-252  
Moved by Eisenbacher  
Seconded by Fleming

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

**Charter Amendment Proposal 09-06**

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.7 – TO ADD A PROVISION FOR ELECTING A SUCCESSOR TO FILL A MID-TERM VACANCY OF A CITY ELECTED OFFICIAL AT A REGULAR ELECTION.

Shall Section 6.7 be amended to add new provisions designated as 6.7.1 to allow for the election of candidates to fill any mid-term vacancy created prior to July 1st and after April 1st in even-years and prior to July 1st in odd-years for the remainder of a City elected office term at the next Regular Election?

***NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-05, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.***

Yes:  
No:

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

### **MOTION FAILED**

#### **Section 6.7.2 – Filling Vacancies in Elective Office Created by an Irrevocable Letter of Resignation by Primary Election - PROPOSAL 09-07**

Resolution #2009-08-253  
Moved by Eisenbacher  
Seconded by Broomfield

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

#### **Charter Amendment Proposal 09-07**

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.7 – TO ADD A PROVISION FOR ELECTING A SUCCESSOR TO FILL A MID-TERM VACANCY OF A CITY ELECTED OFFICIAL AT AN AUGUST PRIMARY ELECTION.

Shall Section 6.7 be amended to add new provisions designated as 6.7.2 to allow for the election of candidates to fill any mid-term vacancy created prior to April 1st in even-years for the remainder of a City elected office term at the next August Primary Election?

***NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04 AND 09-05. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-04, 09-05, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04 AND 09-07.***

Yes:  
No:

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

### **MOTION FAILED**

#### **Section 7.0 – Nominations - PROPOSAL 09-08**

Resolution #2009-08-254  
Moved by Eisenbacher  
Seconded by Fleming

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

**Charter Amendment Proposal 09-08**

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 7.9 – NOMINATIONS - TO PERMIT THE ELECTION OF CANDIDATES FOR CITY OFFICES AT ANY AVAILABLE ELECTION.

Shall Section 7.9 be amended to remove the references to specific elections to provide for the nomination of any candidate for City elected office to be placed on Regular, August Primary or Special Election Ballots?

**NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04 AND 09-05. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05 AND 09-08 WILL RESULT IN DEFEAT OF PROPOSAL 09-04.**

Yes:  
No:

Yes: Eisenbacher, Fleming, Howrylak, Beltramini, Broomfield

No: Kerwin, Schilling

**MOTION CARRIED**

**Vote on Postponed Resolution from August 3, 2009 Regular City Council Meeting**

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**Charter Section 6.2 (g) Recommendation**

**(a) Section 6.2 (g) – Vacancies in Elective Office**

Resolution #2009-08-255

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **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 6.2(g) – VACANCIES IN ELECTIVE OFFICE TO ALLOW FOR CONTINUED SERVICE FOR SITTING COUNCIL MEMBERS SEEKING ANOTHER ELECTED CITY OFFICE UNTIL THE SEATING OF THE NEW COUNCIL.**

Shall Section 6.2(g) be amended by deleting the requirement for a City Council member seeking to be a candidate for any other City elective office resign from the Council prior to the filing deadline for the municipal election and submitting in its place a requirement that a City Council member shall file with the City Clerk, prior to July 1<sup>st</sup> an irrevocable letter of resignation to allow for the future vacancy created to be placed on the next Regular Election Ballot?

YES \_\_\_ NO \_\_\_

Yes: All-7

No: None

**MOTION CARRIED**

**Vote on Resolution Regarding Charter Amendment Order**

Resolution #2009-08-256

Moved by Eisenbacher

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **DIRECTS** the City Attorney to work with the Attorney General with the tie-bar language so it matches the number of Proposals that will be submitted to the voters.

Yes: All-7

No: None

**MOTION CARRIED**

**STUDY ITEMS:**

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**K-1 Amendments to the Troy City Code: Update of Chapter 82 – Property Maintenance Code; Amendments to Chapter 48 – Litter; Chapter 82-B – Dangerous Buildings; Chapter 88 – Nuisance; and Deletion of Chapter 89 – Weed Control (To Be Added To A Future Agenda)**

**PUBLIC COMMENT: Address of “K” Items**

**CLOSED SESSION:**

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**L-1 Closed Session**

Resolution #2009-08-257

Moved by Beltramini

Seconded by Howrylak

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Pending Litigation – *Steeg v City of Troy, et al* and *Mary Ann Hennig v. City of Troy et al.*

Yes: All-7

No: None

**MOTION CARRIED**

The meeting **RECESSED** at 11:43 PM.

The meeting **RECONVENED** at 11:50 PM.

The meeting **ADJOURNED** at 12:03 AM.

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Louise E. Schilling, Mayor

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Barbara A. Pallotta, CMC  
Deputy City Clerk