

A Regular Meeting of the Troy City Council was held Monday, August 31, 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. 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 presented a proclamation to Frank and Rose Marie Dascenza on the occasion of their 50<sup>th</sup> Wedding Anniversary.
- b) On behalf of the City of Troy, Mayor Louise Schilling presented a proclamation to members of the Troy Interfaith Group recognizing September 21, 2009 as *International Day of Peace*.
- c) On behalf of the City of Troy, Mayor Louise Schilling Troy recognized lifeguards: Kyle Curry, Scott Johnson, Nicki Rockentine and Lisa Inman who claimed first-place honors at the *Annual Michigan Recreation and Park Association Lifeguard Competition*.

### 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

Public Comment received from:  
 Marvin Reinhardt

**REGULAR BUSINESS:**

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**E-4 Interlocal Agreement for Building Inspection Services – City of Sterling Heights**

**Public Comment received from:**

Marvin Reinhardt - Opposed

Resolution #2009-08-258

Moved by Eisenbacher

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Service Agreement for the City of Troy to share inspection services with the City of Sterling Heights and hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement with corrections, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

No: None

**MOTION CARRIED**

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**E-5 Schedule a Joint Meeting with City Council and Planning Commission Regarding The Pavilions of Troy Planned United Development (PUD 9) – Northwest Corner of Big Beaver and Coolidge**

**Public Comment received from:**

Marvin Reinhardt - Opposed

Resolution #2009-08-259

Moved by Fleming

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **SCHEDULES** a joint meeting between the Troy City Council and the Troy Planning Commission for Monday, September 28, 2009 from 6:00 PM to 7:15 PM in the Emergency Operations Center of the Police Department, 500 W. Big Beaver, Troy, MI 48084 for the purpose of discussing The Pavilions of Troy Planned Unit Development (PUD 9).

Yes: All-7

No: None

**MOTION CARRIED**

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**E-1 Appointments to Boards and Committees: None Scheduled**

**E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: Downtown Development Authority (b) City Council Nominations: Liquor Advisory Committee and Parks & Recreation Board**

**a) Mayoral Nominations**

Resolution #2009-08-260  
Moved by Schilling  
Seconded by Kerwin

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

**Downtown Development Authority**

Appointed by Mayor (13-Regular) - 4-Year Terms

P. Terry Knight Unexpired Term 09/30/2011

Yes: All-7  
No: None

**MOTION CARRIED**

**b) City Council Nominations**

Resolution #2009-08-261  
Moved by Howrylak  
Seconded by Kerwin

RESOLVED, That 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:

**Liquor Advisory Committee**

Appointed by Council – Student 1-Year Term

Dane Lepola - Student Term Expires 07/01/2010

**Parks & Recreation Board**

Appointed by Council – Troy School District Rep.

Gary Hauff – Troy School District Rep. Term Expires 07/31/2010

Yes: All-7  
No: None

**MOTION CARRIED**

**E-3 Cancellation of Service Agreement with DOCVIEW, LLC and Allowing CLEMIS to Sell Police Department Traffic Crash Reports on their Secure Website**

Resolution #2009-08-262  
Moved by Beltramini  
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **APPROVES** cancelling the current Service Agreement with DOCVIEW, LLC and hereby **ALLOWS** CLEMIS to sell Police Department traffic crash reports on their secure website.

Yes: All-7  
No: None

**MOTION CARRIED**

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**E-6 City Charter Amendments****Approval of City Charter Amendment – Proposals 1, 2, and 3**

Resolution #2009-08-263  
Moved by Eisenbacher  
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** as to form the ballot question titled Proposal 1, Proposal 2 and Proposal 3, as set forth in the attached document, for placement on the November 3, 2009 General Election Ballot, and hereby **DIRECTS** the City Clerk to forward this resolution, with attachments, to the Governor, Secretary of State, Attorney General, and Oakland County Clerk, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7  
No: None

**MOTION CARRIED****Approval of City Charter Amendment – Proposal 4**

Resolution #2009-08-264  
Moved by Eisenbacher  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** as to form the ballot question titled Proposal 4, as set forth in the attached document, for placement on the November 3, 2009 General Election Ballot, and hereby **DIRECTS** the City Clerk to forward this resolution, with attachments, to the Governor, Secretary of State, Attorney General, and Oakland County Clerk, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

**MOTION CARRIED**

**Approval of City Charter Amendment – Proposal 5**

Resolution #2009-08-265  
Moved by Eisenbacher  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** as to form the ballot question titled Proposal 5, as set forth in the attached document, for placement on the November 3, 2009 General Election Ballot, and hereby **DIRECTS** the City Clerk to forward this resolution, with attachments, to the Governor, Secretary of State, Attorney General, and Oakland County Clerk, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

**MOTION CARRIED**

A brief power outage occurred at 8:27 PM.

**Approval of City Charter Amendment – Proposal 6**

Resolution #2009-08-266  
Moved by Eisenbacher  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** as to form the ballot question titled Proposal 6, as set forth in the revised attached document, for placement on the November 3, 2009 General Election Ballot, and hereby **DIRECTS** the City Clerk to forward this resolution, with attachments, to the Governor, Secretary of State, Attorney General, and Oakland County Clerk, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

**MOTION CARRIED**

**CONSENT AGENDA:**

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

Resolution #2009-08-267  
Moved by Eisenbacher  
Seconded by Howrylak

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

Yes: All-7

No: None

**MOTION CARRIED**

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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-2 Approval of City Council Minutes**

Resolution #2009-08-267-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of August 17, 2009 as corrected.

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

Resolution #2009-08-267-F-3

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

- a) Frank and Rose Marie Dascenza – 50<sup>th</sup> Wedding Anniversary
- b) International Day of Peace – September 21, 2009

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**F-4 Standard Purchasing Resolutions – None Submitted**

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**F-5 Approval to Temporarily Waive Parking Restrictions – Smith Middle School**

Resolution #2009-08-267-F-5

RESOLVED, That Troy City Council hereby **WAIVES** the no parking restrictions on the west side of Donaldson Street from Square Lake Road to Cotswold Street, on September 24, 2009, 6:30 PM – 9:30 PM; November 18 and 19, 2009, 12:30 PM – 3:30 PM and 5:30 PM – 8:30 PM; March 18, 2010, 12:30 PM – 3:30 PM and 5:30 PM – 8:30 PM; May 21, 2010, 7:00 PM – 9:00 PM; and June 18, 2010, 9:30 AM – 11:00 AM.

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**F-6 Approval to Temporarily Waive Parking Restrictions – Congregation Shir Tikvah**

Resolution #2009-08-267-F-6

RESOLVED, That Troy City Council hereby **WAIVES** the no parking restrictions on the east side of Northfield Parkway from the parking lot entrance to Congregation Shir Tikvah to the entrance to Boulan Park, on Friday, August 28, 2009, 6:30 PM – 10:30 PM; Friday, September 18, 2009, 7:00 PM – 11:00 PM; Saturday, September 19, 2009, 9:00 AM – 5:00 PM; Sunday,

September 27, 2009, 7:00 PM – 11:00 PM; and Monday, September 28, 2009, 9:00 AM – 9:00 PM.

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**F-7 Acceptance of a Water Main Easement – Troy BNK Investors, LLC – Section 28 – Sidwell #88-20-28-101-051 and -050**

Resolution #2009-08-267-F-7

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for water main from Troy BNK Investors, LLC, owner of the property having Sidwell #88-20-28-101-051 and -050; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Permanent Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**F-8 Private Agreement for Evaline Extension – Project No. 06.909.3**

Resolution #2009-08-267-F-8

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Murray Deagle, for the installation of sanitary sewer, paving, sidewalks and soil erosion on the site and in the adjacent right of way, and **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**F-9 Rescind/Re-Bid Contract – Asphalt Patching Material/Cold – Resolution #2009-03-116a**

Resolution #2009-08-267-F-9

WHEREAS, On March 30, 2009, a one-year contract to provide Asphalt Patching Material – Cold was awarded to the lowest bidder meeting specifications, Ultimate Epoxy d/a C&D Holdings Limited of Lake Orion, MI (Resolution #2009-03-116a); and

WHEREAS, Ultimate Epoxy d/a C&D Holdings Limited has been disqualified after non-compliance with the specified insurance requirements;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract to provide asphalt patching material - cold from Ultimate Epoxy d/a C&D Holdings Limited and hereby **AUTHORIZES** the re-bid in September 2009.

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**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**

**COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda****H-1 Amendment to City Council Rules of Procedure Rule 6 – Order of Business – Relocate Public Comment after City Council Business****Public Comment received from:**

John Witt – Opposed original submittal

James Savage – Opposed original submittal

Resolution #2009-08-268

Moved by Howrylak

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS** the Council Rules of Procedure with modification to the Rules as follows:

**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. 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.
10. E. **Regular Business**
  - Address Remaining “E” Items
11. **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.
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**

Yes: Eisenbacher, Fleming, Howrylak, Schilling, Beltramini

No: Kerwin, Broomfield

## **MOTION CARRIED**

The meeting **RECESSED** at 9:30 PM.

The meeting **RECONVENED** at 9:45 PM.

Council Member Eisenbacher was absent from City Council Chamber when the meeting reconvened at 9:45 PM.

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## **H-2 Resolution to Excuse Absent City Council Members – Referred by Council Member Eisenbacher**

Resolution #2009-08-269

Moved by Eisenbacher

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **EXCUSES** the absences of the following Council Members at the listed Council Meetings due to being absent from the county or due to illness:

- Regular Meeting on Monday, August 3, 2009: Mayor Louise Schilling – Due to Illness
- Regular and Special Meetings on Monday, July 20, 2009: Mayor Pro Tem Martin Howrylak – Out of County
- Regular Meeting on Monday, June 15, 2009: Council Member Wade Fleming and Mayor Pro Tem Martin Howrylak – Out of County
- Regular Meeting on Monday, June 1, 2009: Council Member Robin Beltramini – Out of County

- Regular Meeting on Monday, May 11, 2009: Council Member Robin Beltramini – Out of County
- Special Meeting on Monday, May 4, 2009: Mayor Pro Tem Martin Howrylak – Out of County
- Regular Meeting on Monday, April 6, 2009: Council Member Cristina Broomfield and Mayor Pro Tem Martin Howrylak – Out of County
- Regular Meeting on Monday, March 23, 2009: Mayor Pro Tem Martin Howrylak – Out of County
- Regular Meeting on Wednesday, February 18, 2009: Mayor Pro Tem Martin Howrylak – Out of County

Yes: Fleming, Howrylak, Schilling, Broomfield

No: Kerwin, Beltramini

Absent: Eisenbacher

### **MOTION CARRIED**

Council Member Eisenbacher returned to the City Council Chamber at 9:48 PM.

### **Vote on Resolution to Reconsider Agenda Item H-1 Resolution to Excuse Absent City Council Members**

Resolution #2009-08-270

Moved by Eisenbacher

Seconded by Fleming

RESOLVED, That Troy City Council hereby **RECONSIDERS** Agenda Item H-1 *Resolution to Excuse Absent City Council Members*.

Yes: All-7

No: None

### **MOTION CARRIED**

### **Vote on Reconsidered Agenda Item H-1 Resolution to Excuse Absent City Council Members**

Resolution #2009-08-271

Moved by Eisenbacher

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **EXCUSES** the absences of the following Council Members at the listed Council Meetings due to being absent from the county or due to illness:

- Regular Meeting on Monday, August 3, 2009: Mayor Louise Schilling – Due to Illness
- Regular and Special Meetings on Monday, July 20, 2009: Mayor Pro Tem Martin Howrylak – Out of County

- Regular Meeting on Monday, June 15, 2009: Council Member Wade Fleming and Mayor Pro Tem Martin Howrylak – Out of County
- Regular Meeting on Monday, June 1, 2009: Council Member Robin Beltramini – Out of County
- Regular Meeting on Monday, May 11, 2009: Council Member Robin Beltramini – Out of County
- Special Meeting on Monday, May 4, 2009: Mayor Pro Tem Martin Howrylak – Out of County
- Regular Meeting on Monday, April 6, 2009: Council Member Cristina Broomfield and Mayor Pro Tem Martin Howrylak – Out of County
- Regular Meeting on Monday, March 23, 2009: Mayor Pro Tem Martin Howrylak – Out of County
- Regular Meeting on Wednesday, February 18, 2009: Mayor Pro Tem Martin Howrylak – Out of County

Yes: Schilling, Broomfield, Eisenbacher, Fleming, Howrylak

No: Kerwin, Beltramini

## MOTION CARRIED

## COUNCIL COMMENTS:

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### I-1 Council Comments:

Mayor Schilling raised questions in regard to the backup documentation for tonight's study session item, *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.*

Council Member Beltramini presented the new domestic violence poster from HAVEN and asked that City Management request a supply for posting.

Council Member Beltramini requested that minutes for advisory committees providing recommendations to City Council also include a summary of their discussions.

Mayor Schilling referenced an error in the *Employees Retirement System Board of Trustee* minutes in tonight's packet. She asked that a correction be made by replacing Mayor Pro Tem Howrylak's name with Council Member Eisenbacher's name.

Due to the length of time needed for the scheduled study session agenda item *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* it was determined that Council would meet tonight for a brief presentation by Mark Stimac, Director of Building and Zoning and the study item would appear on a future agenda.

**REPORTS:**

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

- a) Civil Service Commission (Act 78)/Final – March 30, 2009
- b) Retiree Health Care Benefits Plan & Trust/Final – April 8, 2009
- c) Historic District Commission/Final – June 11, 2009
- d) Employees' Retirement System Board of Trustees/Final – June 24, 2009
- e) Historic District Study Committee/Final – June 25, 2009
- f) Historic District Study Committee/Final – July 7, 2009
- g) Board of Zoning Appeals/Final – July 21, 2009
- h) Historic District Commission/Final – July 21, 2009
- i) Planning Commission/Draft – July 28, 2009
- j) Planning Commission/Final – July 28, 2009
- k) Planning Commission Special/Study/Draft – August 4, 2009
- l) Planning Commission Special/Study/Final – August 4, 2009
- m) Building Code Board of Appeals/Draft – August 5, 2009
- n) Civil Service Commission (Act 78)/Draft – August 25, 2009  
Noted and Filed

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**J-2 Department Reports:**

- a) Purchasing Department – Final Reporting BidNet On-Line Auction Services – June 2009
- b) Purchasing Department – Final Reporting BidNet On-Line Auction Services – July 2009
- c) Building Department – Permits Issued July 2009  
Noted and Filed

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**J-3 Letters of Appreciation:**

- a) Letter of Thanks to Mark Miller from Shirley and Bill Schmidt in Appreciation of the Efforts of the Planning Department and Planning Commission Members
- b) Letter of Thanks to Mark Miller and Brent Savidant from Boulan Park Middle School FLL Team (Robo Rockets) Regarding Transit Center Information  
Noted and Filed

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

The meeting **RECESSED** at 9:57 PM.

The meeting **RECONVENED** at 10:05 PM.

**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**

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

**CLOSED SESSION:**

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**L-1 No Closed Session Requested**

**ADJOURNMENT**

The meeting **ADJOURNED** at 11:54 PM.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk