

A Regular Meeting of the Troy City Council was held Monday, September 14, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Reverend Dr. Bob Cornwall of Central Woodward Christian 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
Mary Kerwin

ABSENT:

Mayor Pro Tem Martin Howrylak – Out of County

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) On behalf of the City of Troy, Mayor Louise Schilling presented a proclamation to Reverend Dr. Bob Cornwall and Alice Bishop to celebrate the *30 Year Anniversary of Central Woodward Christian Church*.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 No Postponed Items

REGULAR BUSINESS:

E-3 Standard Purchasing Resolution 8 – Best Value Award – Towing Services

Public Comment received from:

Marc Deldin- Supports original submittal
Marvin Reinhardt – Supports original submittal
Tom Sawyer – Opposed original submittal
William Byers – Supports diligence of staff
Mario Valente – Opposed original submittal

Bill Briggs – Opposed original submittal

The meeting **RECESSED** at 9:05 PM.

The meeting **RECONVENED** at 9:15 PM.

Vote on Agenda Item E-3 Standard Purchasing Resolution 8 – Best Value Award – Towing Services

Resolution #2009-09-272

Moved by Kerwin

Seconded by Fleming

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide three (3) year requirements of towing services for the City of Troy's Police Department and Fleet Division with an option to renew for three (3) additional years to the bidder, A&M, Service Center, Inc. of Troy, MI, as a result of a best value process, at unit prices contained in the tabulation dated August 12, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with a contract expiration of September 30, 2012; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of properly executed proposal and contract documents, including insurance certificates and all other specified requirements, and Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, That in the event the contract is terminated under provisions of the agreement, Troy City Council hereby **AUTHORIZES** City Management to reserve the right to negotiate a contract with other bidders in order of final ratings.

Yes: Schilling, Broomfield, Fleming, Kerwin

No: Beltramini, Eisenbacher

Absent: Howrylak

MOTION CARRIED

E-5 Designation of Voting Delegates at the National League of Cities 2009 Annual Business Meeting

Public Comment received from:

Marvin Reinhardt – Opposed

Resolution #2009-09-273

Moved by Eisenbacher

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **DESIGNATES** Council Member Robin Beltramini as the Voting Delegate and hereby **DESIGNATES** Council Member Mary Kerwin as the

Alternate Voting Delegate to cast the vote of the City of Troy at the Annual Business Meeting of the National League of Cities to be held November 14, 2009 in San Antonio, TX.

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

MOTION CARRIED

E-6 City Council Absences

Public Comment received from:

Marvin Reinhardt – Opposed

Mary Ann Bernardi – Opposed action regarding the placement of Public Comment which occurred at the Regular City Council meeting of August 31, 2009

Resolution

Moved by Eisenbacher

Seconded by Broomfield

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

Rule 3. SPECIAL MEETINGS

D. ORDER OF BUSINESS

b) Roll Call

- (1) Listing of Council Members
- (2) Excuse Absent Council Members pursuant to Rule Number 21.

Rule 6. ORDER OF BUSINESS

4. Roll Call

- (a) Listing of Council Members
- (b) Excuse Absent Council Members pursuant to Rule Number 21.

Rule 21. ABSENCES AT COUNCIL MEETINGS

- A. Council members desiring an excused absence who are unable to attend a Council meeting shall notify the City Manager, City Attorney and City Clerk of their absence in writing prior to the meeting and indicate the reason for the absence.
- B. In the event of an absence of a Council Member at a meeting, the City Manager is directed to supply such absent Council Member with information about any special meetings that may have been scheduled.

Vote on Resolution to Amend Agenda Item E-6 City Council Absences

Resolution #2009-09-274
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AMENDS** proposed resolution for Agenda Item *E-6 City Council Absences* by **STRIKING** “desiring an excused absence who are unable to attend a Council meeting” and **INSERTING** “who are unable to attend a Council meeting and desiring an excused absence” in Rule 21 *Absences at Council Meetings, A*.

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

MOTION CARRIED**Vote on Resolution as Amended**

Resolution #2009-09-275
Moved by Eisenbacher
Seconded by Broomfield

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

Rule 3. SPECIAL MEETINGS

D. ORDER OF BUSINESS

- b) Roll Call
 - (1) Listing of Council Members
 - (2) Excuse Absent Council Members pursuant to Rule Number 21.

Rule 6. ORDER OF BUSINESS

- 4. Roll Call
 - (a) Listing of Council Members
 - (b) Excuse Absent Council Members pursuant to Rule Number 21.

Rule 21. ABSENCES AT COUNCIL MEETINGS

- A. Council members who are unable to attend a Council meeting and desiring an excused absence shall notify the City Manager, City Attorney and City Clerk of their absence in writing prior to the meeting and indicate the reason for the absence.
- B. In the event of an absence of a Council Member at a meeting, the City Manager is directed to supply such absent Council Member with information about any special meetings that may have been scheduled.

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

MOTION CARRIED

E-7 Scheduling a Special Meeting – Discussion of City Manager Szerlag’s Six-Year Organizational Restructuring Plan for the City of Troy; Fiscal Year 2009/10 through 2014/15

Public Comment received from:

Marvin Reinhardt – Opposed
Kumar Bhatt – Requests more information for residents
Mary Ann Bernardi – Requests more information for residents

Resolution #2009-09-276
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **SCHEDULES** a Special City Council Meeting for Monday, September 28, 2009, immediately following the Regular City Council Meeting, in the Council Chambers of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084, for the purpose of discussing City Manager Szerlag’s Six-Year Organizational Restructuring Plan for the City of Troy; Fiscal Year 2009/10 through 2014/15.

BE IT FURTHER RESOLVED, That Troy City Council hereby **SUSPENDS** Rule #28 *Wire Communications Between Council Members During Any Meeting of Council Rules of Procedure for the City Council* to allow any absent Council member to participate in discussion without voting.

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

MOTION CARRIED

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: Downtown Development Authority; Economic Development Corporation; and Local Development Finance Authority (b) City Council Nominations: Animal Control Appeal Board; Cable Advisory Committee; Ethnic Issues Advisory Committee; and Parks & Recreation Board

a) Mayoral Nominations

Resolution #2009-09-277
Moved by Schilling
Seconded by Broomfield

RESOLVED, That the Mayor of the City of Troy 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:

Downtown Development Authority

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

Michele Hodges – in district Term Expires 09/30/2012

Daniel MacLeish – in district Term Expires 09/30/2012

Harvey Weiss – in district Term Expires 09/30/2012

Economic Development Corporation (EDC)

Appointed by Mayor (9-Regular) - 6-Year Terms

Mark F. Miller – Acting Asst City Mgr/Economic Dev. Services Unexpired Term 04/30/2011

Local Development Finance Authority (LDFA)

Appointed by Mayor (5-Regular-Staggered) - 4-Year Terms

John Szerlag – City Manager; Troy Resident Unexpired Term 06/30/2011

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

MOTION CARRIED

b) City Council Nominations

Resolution #2009-09-278
Moved by Kerwin
Seconded by Broomfield

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:

Animal Control Appeal Board

Appointed by Council (5-Regular) - 3-Year Terms

Al Petrulis Term Expires 09/30/2012

Vincent James Viola Term Expires 09/30/2012

Cable Advisory Committee

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

Padma Kuppa

Term Expires 09/30/2012

Ethnic Issues Advisory Board

Appointed by Council (9-Regular) - 2 & 3-Year Terms

Karen Yelder - 2-Year Term

Term Expires 09/30/2011

Parks & Recreation Board

Appointed by Council – (7-Regular) Troy School District Rep. 1-Year Term; and Student 1-Year Term

Orestis (Rusty) Kaltsounis

Term Expires 09/30/2012

Stuart Redpath

Term Expires 09/30/2012

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

MOTION CARRIED

E-1 Appointments to Boards and Committees: (a) Mayoral Appointments: Downtown Development Authority (b) City Council Appointments: Liquor Advisory Committee; and Parks & Recreation Board

a) Mayoral Appointments

Resolution #2009-09-279
Moved by Schilling
Seconded by Kerwin

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

Downtown Development Authority

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

P. Terry Knight @ large

Unexpired Term 09/30/2011

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

MOTION CARRIED

b) City Council Appointments

Resolution #2009-09-280
 Moved by Eisenbacher
 Seconded by Beltramini

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

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

MOTION CARRIED**E-4 Final Contract for Emergency Medical Services**

Resolution
 Moved by Schilling
 Seconded by Beltramini

WHEREAS, The Police and Fire Departments have always maintained a contract for emergency medical responder and ambulance service as one of the critical services to the community;

WHEREAS, Since 2003 Alliance Mobile Health, our current contactor is the only provider in the Detroit area that meets the professional service standards of the Commission on Accreditation of Ambulance Services; and

WHEREAS, The City of Troy and Alliance Mobile Health have a vested interest in continuing a mutually beneficial relationship;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the final contract negotiated between the City of Troy and Alliance Mobile Health to provide Emergency Medical Services, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Vote on Resolution to Excuse Council Member Fleming from Voting

Resolution #2009-09-281
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **EXCUSES** Council Member Fleming from voting on agenda item *E-4 Final Contract for Emergency Medical Services* due to a potential business conflict.

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

MOTION CARRIED

Council Member Fleming absent from the City Council Chamber at 10:45 PM.

Vote on Resolution for Agenda Item E-4 Final Contract for Emergency Medical Services

Resolution #2009-09-282
Moved by Schilling
Seconded by Beltramini

WHEREAS, The Police and Fire Departments have always maintained a contract for emergency medical responder and ambulance service as one of the critical services to the community;

WHEREAS, Since 2003 Alliance Mobile Health, our current contactor is the only provider in the Detroit area that meets the professional service standards of the Commission on Accreditation of Ambulance Services; and

WHEREAS, The City of Troy and Alliance Mobile Health have a vested interest in continuing a mutually beneficial relationship;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the final contract negotiated between the City of Troy and Alliance Mobile Health to provide Emergency Medical Services, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

Council Member Fleming returned to the City Council Chamber at 10:47 PM.

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

Wayne Stutzman
Doug Tietz
Richard Rondeau
Marvin Reinhardt

CONSENT AGENDA:

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

Resolution #2009-09-283
Moved by Beltramini
Seconded by Broomfield

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

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

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 #2009-09-283-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of August 31, 2009 as submitted.

F-3 City of Troy Proclamation:

Resolution #2009-09-283-F-3

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

- a) Celebrating 30 Years – Central Woodward Christian Church

F-4 Standard Purchasing Resolutions

- a) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 09-11 – Section 18 and 19 Manhole Rehabilitation Program – Project No. 97.407.5

Resolution #2009-09-283-F-4a

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 09-11, Section 18 and 19 Manhole Rehabilitation Program to Superior Excavating Inc., 2791 Auburn Road, Auburn Hills, MI 48321, at an estimated total cost of \$119,841.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required, Troy City Council hereby **AUTHORIZES** such additional work in an amount not to exceed 25% of the total project cost.

b) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 09-6 – NE Quarter Section 9 Bituminous Overlay and Florence Street Paving S.A.D. – Project Nos. 01.508.5 and 08.108.1**

Resolution #2009-09-283-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 09-6, NE Quarter Section 9 Bituminous Overlay and Florence Street Paving S.A.D. to Pro-Line Asphalt, 11797 29 Mile Road, Washington, MI 48095 at an estimated total cost of \$629,749.84; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required, Troy City Council hereby **AUTHORIZES** such additional work in an amount not to exceed 10% of the total project cost.

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 thanked John Szerlag for his service as Troy’s City Manager during these difficult times and added that City Council will work with him in making unpleasant decisions.

Council Member Beltramini reminded the public that Troy Daze will take place this weekend at Boulan Park and added that discount parking tickets will be on sale through lunchtime at the Community Center for \$6.00 instead of \$10.00 at the gate.

Council Member Beltramini advised Council Members that SEMCOG is holding their *Outreach Meetings* in October and information is available on their website. She noted that the Novi meeting will be held on October 13th and nearby Macomb County is scheduled for October 14th.

Vote on Resolution to Suspend Rules of Procedure for the City Council; Rule 6. Order of Business

Resolution #2009-09-284
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council; Rule 6. *Order of Business* and **AUTHORIZE** City Council to discuss and take action on an item that does not appear on the agenda.

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

MOTION CARRIED

Vote on Resolution to Excuse Mayor Pro Tem Howrylak

Resolution #2009-09-285
Moved by Eisenbacher
Seconded by Fleming

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Howrylak at the Regular City Council and the Closed Session Meetings of Monday, September 14, 2009 due to being absent from the county.

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

MOTION CARRIED

Council Member Kerwin was sorry to learn that Roger McCarville, a strong activist for persons with disabilities, passed away last week. She explained that Mr. McCarville helped change the world for persons with disabilities and worked tirelessly to expand the rights of the 60 million Americans who have disabilities. Council Member Kerwin expressed her sympathy to Mr. McCarville's family.

Council Member Kerwin reported that the annual meeting for the Troy Historical Society occurred this week and that six of the seven City Council candidates also attended. It was very good to hear about the many accomplishments achieved by the members of the Historical Society who work so hard to preserve Troy's history.

Council Member Kerwin reported that the Troy Public Library for the opening of the Friends of the Library gift shop held their ribbon cutting ceremony this week. The gift shop's new hours are Monday through Thursday, 12:00 to 8:00 PM; Fridays and Saturdays, 12:00 to 5:00 PM; and Sundays, 1:00 to 4:00 PM.

Mayor Schilling thanked City staff involved in the preparation of the November ballot Charter amendment proposal brochure.

Mayor Schilling noted that it will be important for City Council to discuss REPORT agenda items J-5 *Executive Summary on Revenue Projects* and J-7 *Response to September 6, 2009 Detroit Free Press Article Titled "State Fears Worsening Financial Outlooks"* during their study session on September 28th.

Mayor Schilling asked whether City Council intends to meet in a study session this evening to discuss the K-1 *Proposed Updated/Corrected Language for Chapter 82 of the Troy City Code – Property Maintenance Code*.

City Manager Szerlag replied that if Council delays the study item, he recommends that it be postponed subsequent to September 28th.

There was a consensus of City Council members present that City Management provide a draft version of the ordinance for Council's review on September 28th as a J-Item with no discussion and that action take place at the Regular City Council meeting scheduled for October 5th. The City Attorney will research appellate language recommended by Council Member Broomfield to be included as a supplemental item on the September 28th agenda.

Council Member Kerwin believes one of the unintended consequences of relocating Public Comments after Regular Business resulted in residents having to wait to discuss their agenda item. Council Member Kerwin requested that Council reconsider moving Public Comments back to the very beginning of the agenda.

STUDY ITEMS:

K-1 Proposed Updated/Corrected Language for Chapter 82 of the Troy City Code – Property Maintenance Code – Rescheduled for the Regular City Council Meeting of Monday, October 5, 2009

REPORTS:

J-1 Minutes – Boards and Committees:

- a)** Election Commission/Final – April 2, 2009
- b)** Youth Council/Final – May 27, 2009
- c)** Ethnic Issues Advisory Board/Final – June 2, 2009
- d)** Charter Revision Committee/Final – July 13, 2009
- e)** Joint Birmingham Planning Board and Troy Planning Commission/Final – July 14, 2009
- f)** Building Code Board of Appeals/Final – August 5, 2009

- g) Charter Revision Committee/Draft – August 13, 2009
- h) Youth Council/Draft – August 26, 2009
- i) Election Commission/Draft – August 27, 2009
Noted and Filed

J-2 Department Reports:

- a) Building Department – Permits Issued August 2009
- b) City of Troy Employees Retirement System Forty-Fifth Annual Actuarial Valuation – December 31, 2008
Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Thanks to Chief Mayer from Richard Bewick, Troy Fire Station No. 5 Assistant Fire Chief, Regarding Support Provided by the Police Department during the Funeral Procession of Eugene William Ferguson
Noted and Filed

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

J-5 Executive Summary on Revenue Projects

Noted and Filed

J-6 Communication from City Attorney Lori Grigg Bluhm and City Clerk Tonni Bartholomew Regarding Ballot Question Brochure

Noted and Filed

J-7 Response to September 6, 2009 Detroit Free Press Article Titled “State Fears Worsening Financial Outlooks”

Noted and Filed

CLOSED SESSION:

L-1 Closed Session

Resolution #2009-09-286

Moved by Eisenbacher

Seconded by Broomfield

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Pending Litigation – *Troy v. Munchiando*.

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

No: None

Absent: Howrylak

MOTION CARRIED

PUBLIC COMMENT: Address of “K” Items

The meeting **RECESSED** at 11:27 PM.

The meeting **RECONVENED** at 11:35 PM.

The meeting **ADJOURNED** at 11:38 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk