

Pastor Scott LeLaCheur – Zion Christian Church gave the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held Monday, November 23, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:33 PM.

B. ROLL CALL:

Mayor Louise E. Schilling
Robin Beltramini (Absent)
Wade Fleming
Martin Howrylak (Absent)
Mary Kerwin
Maureen McGinnis
Dane Slater

Vote on Resolution to Excuse the Absence of Council Members Beltramini and Howrylak

Resolution #2009-11-340
Moved by Fleming
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **EXCUSES** the absences of Council Members Beltramini and Howrylak at the Regular City Council Meeting and Closed Session of Monday, November 23, 2009 due to being out of the county.

Yes: Schilling, Fleming, Kerwin, McGinnis, Slater
No: None
Absent: Beltramini, Howrylak

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION:

C-1 Presentations:

- a) On behalf of the City of Troy Employees' Casual for a Cause Program (July/August), Community Affairs Director Cindy Stewart presented a check in the amount of \$970.00 to Jane Porter of *Leader Dogs for the Blind*.
- b) Nancy Morrison of Troy Families for Safe Homes, with student and teacher representatives from the Troy School District presented signed petitions to Troy City Council members in recognition of their participation in the annual *National Red Ribbon Campaign*.
- c) Mayor Schilling presented certificates of recognition to *Citizens Academy Class 14* graduates: Don Barnes (absent), Craig Chamberlain, Gary Downen, Tina Downen, Belinda Duggan, Dan Duggan, Carl Fucinari, Cathy Fucinari, Sue Kazmierczak, Ted Kazmierczak, Beth Messacar, Kim Rosseter, Geoffrey Sarna, Tony Sarna, Karen Yelder and Diane Zygmontowicz.

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT: In accordance with the Rules of Procedure of the City Council, Article 16 received from:

Audre Zembrzusi	Opposes the new public comment procedures.
Marvin Reinhardt	Discussed a variety of topics.
Gerard Staeger	Opposes the new public comment procedures.
James Berar	Opposes millage proposal; discussed budget deficit proposals.
James Savage	Opposes proposed transit center.
Craig Chamberlain	Discussed positive experience having been involved w/Citizens Academy.
Cathy Fucinari	Discussed positive experience having been involved w/Citizens Academy.
Mark Havas	Discussed the mishandling of a taser case by the Police Department.
John Witt	Discussed the leadership in the City of Troy.

G. POSTPONED ITEMS:

G-1 No Postponed Items

H. REGULAR BUSINESS:

H-1 Appointments to Boards and Committees: None Scheduled

H-2 Nominations for Appointments to Boards and Committees:

(a) **Mayoral Nominations:** Local Development Finance Authority (LDFA)

Resolution #2009-11-341

Moved by Schilling

Seconded by Kerwin

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

Local Development Finance Authority (LDFA)

Appointed by Mayor, Council Approval - Council Alternates (2) - Term expires with term of office

Dane Slater - City Council Alternate

Term Expires 11/11/2013

Maureen McGinnis - City Council Alternate

Term Expires 11/11/2013

Yes: Fleming, Kerwin, McGinnis, Slater, Schilling
No: None
Absent: Beltramini, Howrylak

MOTION CARRIED

(b) City Council Nominations: Employee Retirement System Board of Trustees; Retiree Health Care Benefits Plan & Trust; Parks & Recreation Board; and Troy Daze Committee

Resolution
Moved by Kerwin
Seconded by Fleming/Slater

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

Parks & Recreation Board

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

Jeffrey Stewart - Troy Daze Representative Term Expires 11/30/2010

Troy Daze Committee

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

Robert A. Berk Term Expires 11/30/2012

Michael S. Gonda Term Expires 11/30/2012

Sandra Macknis Term Expires 11/30/2012

Vote on Resolution to Amend City Council Nominations

Resolution #2009-11-342
Moved by Slater
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **AMENDS** resolution H-2b *City Council Nominations* by **SUBMITTING** the following additional nomination:

Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust

Appointed by Council – City Council Representative

Mary Kerwin - City Council Representative Unexpired Term 04/15/2010

Yes: Kerwin, McGinnis, Slater, Schilling, Fleming
No: None
Absent: Beltramini, Howrylak

MOTION CARRIED

Vote on City Council Nominations as Amended

Resolution #2009-11-343
Moved by Kerwin
Seconded by Fleming

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

Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust

Appointed by Council – City Council Representative

Mary Kerwin - City Council Representative Unexpired Term 04/15/2010

Parks & Recreation Board

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

Jeffrey Stewart - Troy Daze Representative Term Expires 11/30/2010

Troy Daze Committee

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

Robert A. Berk Term Expires 11/30/2012

Michael S. Gonda Term Expires 11/30/2012

Sandra Macknis Term Expires 11/30/2012

Yes: McGinnis, Slater, Schilling, Fleming, Kerwin
No: None
Absent: Beltramini, Howrylak

MOTION CARRIED

H-3 Troy City Code Ordinance Amendment – Chapter 98 – Criminal Code Under 21 – Purchase, Consume or Possess Alcohol and Under 21 - PBT Refusal

Resolution #2009-11-344
Moved by Slater
Seconded by Fleming

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 98, Criminal Code, by amending Section 98.10.03 and repealing Section 98.10.04 as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Slater, Schilling, Fleming, Kerwin, McGinnis

No: None

Absent: Beltramini, Howrylak

MOTION CARRIED

H-4 Candlewood Second Amended and Restated Consent Judgment

Resolution #2009-11-345

Moved by Kerwin

Seconded by Slater

BE IT RESOLVED, That Troy City Council hereby **APPROVES** the attached Second Amended and Restated Consent Judgment in *Candlewood Hotel Company, Inc. and Rosso Development v. City of Troy*, Oakland County Circuit Court, Case Number 80-207200CZ; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the document and file it with the Oakland County Register of Deeds upon entry by the Court, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Schilling, Fleming, Kerwin, McGinnis, Slater

No: None

Absent: Beltramini, Howrylak

MOTION CARRIED

H-5 February 23, 2010 Special Election Proposed Millage Question

Sgt. Russell M. Hardin, TCOA - Board of Directors indicated that a general TCOA membership meeting is scheduled on December 2nd for the purpose of discussing wage concessions.

Officer Michael Geise, TPOA - President stated that the TPOA membership is actively working with management toward solutions.

Greg Schelesky, MAP - President stated that the MAP membership is currently engaged in concession discussions with City management.

Mike Pihaylic reported that AFSCME membership is currently on the cusp of making an announcement.

Resolution #2009-11-346

Moved by Slater

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** as to form the following proposed Millage Question language for the Special Election scheduled by the City Council, Resolution

#2009-11-328, for Tuesday, February 23, 2010 **CONTINGENT** upon receiving approval of outside counsel:

CITY OF TROY GENERAL OPERATING MILLAGE PROPOSAL

THE CITY COUNCIL WOULD BE AUTHORIZED TO LEVY UP TO 1.9 MILLS WITH THE SUCCESSFUL PASSAGE OF THE FOLLOWING QUESTION:

Shall the City of Troy levy new additional millage of up to 1.9 mills against all taxable property for a five-year period of time, 2010 through 2014, for general operating purposes, including public safety and quality of life purposes? 1.9 mills are equal to \$1.90 on each \$1,000.00 of taxable value. If approved, the additional millage levied will raise approximately \$9,129,000.00 the first year it is levied.

Yes:

No:

Yes: Kerwin, McGinnis, Slater, Schilling

No: Fleming

Absent: Beltramini, Howrylak

MOTION CARRIED

Vote on Resolution to Schedule a Special Meeting

Resolution #2009-11-347

Moved by Slater

Seconded Kerwin

RESOLVED, That Troy City Council hereby **SCHEDULES** a Special Meeting at 7:30 PM on Monday, November 30, 2009 in the City Council Chambers for the purpose of establishing revised ballot language for the Tuesday, February 23, 2010 Special Election should outside counsel not approve the ballot language as approved by City Council [Resolution #2009-11-346].

Yes: Kerwin, McGinnis, Slater, Schilling, Fleming

No: None

Absent: Beltramini, Howrylak

MOTION CARRIED

The meeting **RECESSED** at 9:12 PM.

The meeting **RECONVENED** at 9:22 PM.

H-6 Recovery Zone Facility Bond – North American BanCard Project Plan

Resolution #2009-11-348

Moved by Kerwin

Seconded by Fleming

RESOLVED, That Troy City Council has reviewed and hereby **APPROVES** the attached Economic Development Corporation of the County of Oakland Project Plan for North American Bancard, Inc., which is located at 250 Stephenson Highway, in the City of Troy, as provided for in MCL 125.1608, the Economic Development Corporation Act (PA 1974 No. 338); and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to forward a certified copy of this resolution to the Oakland County Economic Development Corporation Board of Directors.

Yes: McGinnis, Slater, Schilling, Fleming, Kerwin

No: None

Absent: Beltramini, Howrylak

MOTION CARRIED

I. CONSENT AGENDA:

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

Resolution #2009-11-349

Moved by Fleming

Seconded by Kerwin

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item I-6, which **SHALL BE CONSIDERED** after Consent Agenda (I) items, as printed.

Yes: Slater, Schilling, Fleming, Kerwin, McGinnis

No: None

Absent: Beltramini, Howrylak

MOTION CARRIED

I-2 Approval of City Council Minutes

Resolution #2009-11-349-I-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of November 9, 2009 as submitted.

I-3 Proposed City of Troy Proclamations: None Submitted**I-4 Recognition as Nonprofit Organization Status from Kristine Casco, Member of the Board of Directors for the Pink Rose Inspirational Foundation, Inc.**

Resolution #2009-11-349-I-4

RESOLVED, That Troy City Council hereby **APPROVES** the request from the *Pink Rose Inspirational Foundation, Inc.*, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license as recommended by City Management.

I-5 Final Addendum #2 – Charnwood Phase 1 and 2 Chip Seal Contract 07-4

Resolution #2009-11-349-I-5

RESOLVED, That Troy City Council hereby **APPROVES** the Final Addendum #2 to Contract No. 07-4, Charnwood Hills Phase 1 and 2 Chip Seal to Pavement Recycling, Inc., 210 S. Blacks Corners Rd., Imlay City, MI 48444, for \$5,979.16.

I-7 Designation of Act 51 Street Administrator

Resolution #2009-11-349-I-7

WHEREAS, Section 13(7) of Act 51, Public Acts of 1951 requires that each incorporated city and village (to which funds are returned under the provisions of this section) designate a single Street Administrator who shall be responsible for and shall represent the municipality in transactions with the Michigan Department of Transportation pursuant to this act;

WHEREAS, The Street Administrator shall be responsible for and coordinate street improvements, maintenance, traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting; and

WHEREAS, It has historically been the City Manager who serves as the designated Street Administrator for the City of Troy;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DESIGNATES** City Manager John Szerlag as the single Street Administrator for the City of Troy in all transactions with the Michigan Department of Transportation.

I-8 City of Troy Investment Policy and Establishment of Investments Accounts

Resolution #2009-11-349-I-8

RESOLVED, That Troy City Council hereby **APPROVES** the attached investment policy and establishment of investment accounts, and copies shall be **ATTACHED** to the original Minutes of this meeting.

I-9 2010 City Council Meetings

Resolution #2009-11-349-I-9

RESOLVED, That Troy City Council **SHALL HOLD** Regular Meetings in 2010 according to the following schedule at 7:30 PM:

Monday, January	4 & 25
Monday, February	1 & 15
Monday, March	1 & 15
Monday, April	5 & 19
Monday, May	10 & 17
Monday, June	7 & 21
Monday, July	12 & 26
Monday, August	9 & 23
Monday, September	13 & 27
Monday, October	4 & 18
Monday, November	8 & 22
Monday, December	6 & 20

BE IT FURTHER RESOLVED, That Troy City Council **SHALL HOLD** Special Study Sessions for the purpose of budget discussions in 2010 according to the following schedule at 7:30 PM:

Monday, April	26
Monday, May	3

BE IT FURTHER RESOLVED, That Troy City Council **SHALL HOLD** Regular Liquor Violation Hearing Meetings in 2010 according to the following schedule at 7:30 PM:

Wednesday, February	10
Wednesday, February	17

BE IT FINALLY RESOLVED, That Troy City Council **MAY SCHEDULE** other Special Meetings as needed.

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

I-6 Approval of Request from Square Lake – Livernois Business, Inc. for a New SDM License with Gas Pumps to be Located at 5997 Livernois – MLCC Request #518636

a) New License

Resolution #2009-11-350a

Moved by Kerwin

Seconded by Slater

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Square Lake – Livernois Business, Inc. for a new SDM License with Gas Pumps to be located at 5997 Livernois, Troy, MI 48098, Oakland County {MLCC Request #518636} “above all others”; and

BE IT FURTHER RESOLVED, That it is the consensus of this legislative body that the application **BE RECOMMENDED** “above all others” for issuance.

Yes: Schilling, Fleming, Kerwin, McGinnis, Slater

No: None

Absent: Beltramini, Howrylak

MOTION CARRIED

b) Agreement

Resolution #2009-11-350b

Moved by Kerwin

Seconded by Slater

WHEREAS, The Troy City Council deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Square Lake – Livernois Business, Inc., for a new SDM License with Gas Pumps to be located at 5997 Livernois, Troy, MI 48098, Oakland County {MLCC Request #518636}, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Schilling, Fleming, Kerwin, McGinnis, Slater

No: None

Absent: Beltramini, Howrylak

MOTION CARRIED

Vote on Resolution to Ratify Resolutions Approving the Request from Square Lake – Livernois Business, Inc. for a New SDM License with Gas Pumps to Correct Address

Resolution #2009-11-351

Moved by Schilling

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **RATIFIES** Resolutions #2009-11-350a and #2009-11-350b to reflect a correction in the address of Square Lake-Livernois Business, Inc. from 5997 Livernois to 5977 Livernois.

Yes: Fleming, Kerwin, McGinnis, Slater, Schilling
 No: None
 Absent: Beltramini, Howrylak

MOTION CARRIED

J. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

J-1 Announcement of Public Hearings: None Submitted

J-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted

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

K-1 No Council Referrals Advanced

L. COUNCIL COMMENTS

L-1 Council Comments Advanced:

Councilmember Kerwin commented on several inaccurate remarks made during the Public Comment section of the agenda and believes the new procedure provides adequate opportunity for the public to speak.

Mayor Schilling clarified that comments made by the public are the viewpoint of the speaker which may not always be accurate.

M. REPORTS

M-1 Minutes – Boards and Committees:

- a) Board of Zoning Appeals/Final – September 15, 2009
- b) Building Code Board of Appeals/Final – October 7, 2009
- c) Liquor Advisory Committee/Final – October 12, 2009
- d) Employees' Retirement System Board of Trustees/Final – October 14, 2009
- e) Planning Commission Special/Study/Draft – October 27, 2009
- f) Planning Commission Special/Study/Final – October 27, 2009
- g) Building Code Board of Appeals/Draft – November 4, 2009
- h) Liquor Advisory Committee/Draft – November 9, 2009
- i) Library Advisory Board/Draft – November 12, 2009

Noted and Filed

M-2 Department Reports:

- a) Police Department – 2009 Year-To-Date Calls for Police Service Report
- b) Purchasing Department – Final Reporting – BidNet On-Line Auction Services – October, 2009
- c) Building Department – Permits Issued October 2009

Noted and Filed

M-3 Letters of Appreciation:

- a) Letter of Thanks to Sam Lamerato from Sue Kazmierczak Regarding the Presentation
Noted and Filed

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

M-5 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Electric Customers of The Detroit Edison Company – Case No. U-16047

Noted and Filed

M-6 Communication from Wayne State University, Congratulating City Attorney Lori Grigg Bluhm on her Inclusion in this Year’s Edition of *Michigan Super Lawyers Magazine*

Noted and Filed

M-7 Communication from City Attorney Lori Grigg Bluhm Regarding Certification as International Municipal Lawyers Association (IMLA) Local Government Fellow

Noted and Filed

N. STUDY ITEMS

N-1 No Study Items Submitted

O. CLOSED SESSION

O-1 Closed Session

Resolution #2009-11-352
Moved by McGinnis
Seconded by Slater

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e) Pending Litigation – *City of Troy v. Century Plaza* and *City of Troy v. JMT Properties, LLC*.

Yes: Kerwin, McGinnis, Slater, Schilling, Fleming
No: None
Absent: Beltramini, Howrylak

MOTION CARRIED

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

The meeting **RECONVENED** at 9:48 PM.

P. ADJOURNMENT

The meeting **ADJOURNED** at 9:51 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk