

Pastor Cliff Johnson of Woodside Bible 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, December 21, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

**B. ROLL CALL:**

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

**C. CERTIFICATES OF RECOGNITION:**

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**C-1 Presentations:**

- a) On behalf of the City of Troy Employees' Casual for a Cause Program for the months of September and October, Community Affairs Director Cindy Stewart presented a check in the amount of \$1,053.00 to Major Greg Corbett for *US Marines Corps Reserves Toys for Tots Program*.
- b) On behalf of the City of Troy, Mayor Schilling presented Corporal Eric Nakalsky with a *Welcome Home Proclamation* recognizing his three years of service in the United States Marine Corps.
- c) On behalf of the City of Troy, Mayor Schilling presented Corporal Derrick Savage with a *Welcome Home Proclamation* recognizing his three years of service in the United States Marine Corps.
- d) Mayor Schilling indicated that Lance Corporal Matthew Hebert was unable to be present to accept a *Welcome Home Proclamation* recognizing his three years of service in the United States Marine Corps.

**D. CARRYOVER ITEMS:**

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D-1 No Carryover Items

**E. PUBLIC HEARINGS:**

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E-1 Zoning Ordinance Text Amendment (File Number ZOTA 241) – Establishment of Zoning Administrator

The Mayor opened the public hearing.

The Mayor closed the public hearing after receiving no public comment.

Resolution #2009-12-370

Moved by Kerwin

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS** Articles 22, 23, 28, 41, 42 and 43 of the City of Troy Zoning Ordinance, pertaining to the establishment of the position of Zoning Administrator and assigning the responsibilities of the Zoning Administrator, to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 241), City Council Public Hearing Draft, as recommended by the Planning Commission.

Yes: Schilling, Beltramini, Fleming, Kerwin, McGinnis, Slater

No: Howrylak

## MOTION CARRIED

### F. PUBLIC COMMENT: In accordance with the Rules of Procedure of the City Council, Article 16 – Members of the Public and Visitors

**Janice Daniels:** Discussed the millage increase and informational brochure.

**Mark Havas:** Commented on taser weapons.

**James Savage:** Discussed the transit center.

**John Witt:** Discussed the informational brochure and city employee furlough days.

**Bill Redfield:** Discussed various topics.

### G. POSTPONED ITEMS:

G-1 No Postponed Items

### H. REGULAR BUSINESS:

H-1 Appointments to Boards and Committees:

#### a) Mayoral Appointments: Planning Commission

Resolution #2009-12-371

Moved by Schilling

Seconded by Fleming

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

#### Planning Commission

Appointed by Mayor, Council Approval (9-Regular) 3-Year Terms

Michael W. Hutson Term Expires 12/31/2012

Philip Sanzica Term Expires 12/31/2012

John J. Tagle Term Expires 12/31/2012

Yes: All-7

No: None

**MOTION CARRIED**

**b) City Council Appointments: Building Code Board of Appeals and Southeastern Michigan Council of Governments (SEMCOG)**

Resolution #2009-12-372  
Moved by Fleming  
Seconded by McGinnis

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

**Building Code Board of Appeals**

Appointed by Council (5-Regular) 5-Year Term for 3 Residents: with background, training or experience in construction or similar trades; at least one shall be a professional structural or civil engineer of architectural engineering experience.\*

2 by Ordinance: City Manager and Oakland County Health Department Representative

John Szerlag-City Manager **ORDINANCE – Chapter 79 Section 116.2**

Michael Pylar-Oakland County Health Dept. **ORDINANCE – Chapter 79 Section 116.2**

**Southeastern Michigan Council of Governments (SEMCOG)**

Appointed by Council (1-Delegate & 1-Alternate) Appointment Every Odd Year Election

Robin E. Beltramini-Delegate Term Expires 11/08/2011

Mark F. Miller-Alternate Term Expires 11/08/2011

Yes: All-7  
No: None

**MOTION CARRIED**

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**H-2 Nominations for Appointments to Boards and Committees:**

**a) Mayoral Nominations: Board of Review**

Resolution #2009-12-373  
Moved by Schilling  
Seconded by Kerwin

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:

**Board of Review**

Appointed by Mayor (3-Regular) 3-Year Term

James Edward Hatch

Term Expires 01/31/2013

Yes: All-7

No: None

**MOTION CARRIED**

- b) **City Council Nominations: Advisory Committee for Persons with Disabilities; Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan and Trust; Liquor Advisory Committee; Municipal Building Authority**

Resolution #2009-12-374

Moved by Fleming

Seconded by Beltramini

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:

**Advisory Committee for Persons with Disabilities**

Appointed by Council (9-Regular) 3-Year Term: 3-Regular-with disabilities; 3-Regular-general populace; 3-Regular-in need of transportation (3-Alternate) 3-Year Term

Leslie Golden Witt

Term Expires 11/01/2012

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

Appointed by Council (City Council Appointee) 3-Year Term

Mark Calice-City Council Appointee

Term Expires 12/31/2012

**Liquor Advisory Committee**

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

Andrew Kaltsounis

Term Expires 01/31/2013

**Municipal Building Authority**

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

Thomas G. Sawyer, Jr.

Term Expires 01/31/2013

Yes: All-7

No: None

### **MOTION CARRIED**

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#### **H-3 Scheduled Contract Re-opener with Detroit Water and Sewerage (Year 2)**

Resolution #2009-12-375

Moved by Beltramini

Seconded by Kerwin

WHEREAS, In 2008, the City of Troy and the Detroit Water and Sewerage Department (DWSD) entered into a 30 year contract to provide wholesale water which also includes the right of a re-opener of the DWSD commitment and adjusting factors used to develop the water rates charged to the City of Troy; and

WHEREAS, After two (2) years of successfully shifting peaks the city has qualified for reduced fees on the schedules based on the limitations to peak water volumes and thus resulted in the re-opening of the contract for minor clarification of contract language;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the attached amendment to the 30-year contract to provide wholesale water between the City of Troy and the Detroit Water and Sewerage Department, as recommended by City Administration, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the documents, 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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#### **H-4 Abolishment of Brownfield Plan #1 – Grand Sakwa/Midtown**

Resolution #2009-12-376

Moved by Kerwin

Seconded by Howrylak

WHEREAS, The Troy Brownfield Redevelopment Authority (TBRA) adopted Resolution #2009-12-02, that recommends abolishment of Brownfield Plan #1 as amended (Grand Sakwa/Midtown);

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ABOLISHES** Brownfield Plan #1, as amended (Grand Sakwa/Midtown), as permitted by MCL 125.2666 (2), since the purposes for which the plan were established have been accomplished, and hereby **DIRECTS** the City Clerk to forward a certified resolution of abolishment to the State of Michigan.

Yes: All-7

No: None

**MOTION CARRIED**

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**H-5 Deficit Elimination Plans**

Resolution #2009-12-377  
Moved by Beltramini  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** and **ADOPTS** the Downtown Development Authority, Aquatic Center and Sanctuary Lake Golf Course Deficit Elimination Plans presented to this meeting.

Yes: All-7  
No: None

**MOTION CARRIED**

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**H-6 Approval of Troy City Code Ordinance Amendment – Chapter 3 – Administrative Service**

Resolution #2009-12-378  
Moved by McGinnis  
Seconded by Fleming

BE IT RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance to amend Chapter 3, Administrative Service, as prepared by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Beltramini, Fleming, Kerwin, McGinnis, Slater, Schilling  
No: Howrylak

**MOTION CARRIED**

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**H-7 Approval of Proposed Troy City Code Ordinance – Chapter 102 – Cost Recovery**

Resolution #2009-12-379  
Moved by Slater  
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance as Chapter 102, Cost Recovery, as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of the meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance to amend Chapter 93, Fire Prevention, to delete Section 112.2 and Section 112.3 from the ordinance, as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

Yes: Fleming, Kerwin, McGinnis, Slater, Schilling, Beltramini  
No: Howrylak

**MOTION CARRIED**

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**H-8 Approval of Request from M & M Troy, Inc. for a New SDM License with Gas Pumps to be Located at 1634 John R – MLCC Request #438202**

**a) New License**

Resolution #2009-12-380a  
Moved by Kerwin  
Seconded by Slater

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from M & M Troy, Inc. for a new SDM License with Gas Pumps to be located at 1634 John R, Troy, MI 48083, Oakland County {MLCC Request #438202} “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: All-7  
No: None

**MOTION CARRIED**

**b) Agreement**

Resolution #2009-12-380b  
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 M & M Troy, Inc., for a new SDM License with Gas Pumps to be located at 1634 John R, Troy, MI 48083, Oakland County {MLCC Request #438202}, 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: All-7  
No: None

**MOTION CARRIED**

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**I. CONSENT AGENDA:**

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

Resolution #2009-12-381  
Moved by Fleming  
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items I-2 and I-9, which **SHALL BE CONSIDERED** after Consent Agenda (I) items, as printed.

Yes: All-7  
No: None

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**MOTION CARRIED**

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**I-3 Approval of City of Troy Proclamations:**

Resolution #2009-12-381-I-3

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

- a) Welcome Home Proclamation – Corporal Eric Nakalsky
- b) Welcome Home Proclamation – Corporal Derrick Savage
- c) Welcome Home Proclamation – Lance Corporal Matthew Hebert

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**I-4 Standard Purchasing Resolutions:**

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – Document Scanner and Printer**

Resolution #2009-12-381-I-4a

BE IT RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish and install one (1) new GEI Colortrac SmartLF Gx+ T42C Scanner and one (1) new Canon iPF750 Printer for the City of Troy Fire department to the low total bidder, Priority Office Solutions LLC of Shelby Township, MI, for an estimated total cost of \$16,398.00, at prices contained in the bid tabulation opened October 29, 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 vendor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

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**I-5 Ratification of Revised MDOT Subcontract with Hubbell, Roth & Clark, Inc. for Construction Engineering Services for the Reconstruction of Wattles Road, 1000' East and West of Rochester Road – Project No. 01.106.5**

Resolution #2009-12-381-I-5

RESOLVED, That Troy City Council hereby **RATIFIES** the revised MDOT subcontract with Hubbell, Roth & Clark, Inc. for construction engineering services for the reconstruction and widening of Wattles Road, 1,000' East and West of Rochester Road and hereby **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**I-6 Ratification of Revised MDOT Subcontract with Hubbell, Roth & Clark, Inc. for Construction Engineering Services for the Reconstruction of Rochester Road from Torpey to Barclay – Project No. 99.203.5**

Resolution #2009-12-381-I-6

RESOLVED, That Troy City Council hereby **RATIFIES** the revised MDOT subcontract with Hubbell, Roth & Clark, Inc. for construction engineering services for the reconstruction and widening of Rochester Road, from Torpey to Barclay and hereby **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**I-7 Private Agreement for Renaissance Spa – Project No. 08.905.3**

Resolution #2009-12-381-I-7

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

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**I-8 Approval of Request for Recognition as a Nonprofit Organization Status from Milton A. Gust, Executive Secretary for the Order of Ahepa District #10, Educational Foundation**

Resolution #2009-12-381-I-8

RESOLVED, That Troy City Council hereby **APPROVES** the request from the *Order of Ahepa District #10, Educational Foundation* 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-10 Arbor Day Proclamation**

Resolution #2009-12-381-I-10

WHEREAS, The City of Troy wishes to acknowledge that Troy's urban forest reduces noise, air pollution, energy costs, reflected light, flooding, stabilizes soils, sequesters carbon, provides habitat for wildlife and improves the overall quality of life;

WHEREAS, Trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community;

WHEREAS, It is in the interest of all to plant and protect trees; and

WHEREAS, Troy desires to be recognized as a Tree City USA by The National Arbor Day Foundation and wishes to continue its tree planting ways;

THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **PROCLAIMS** May 7, 2010, May 6, 2011, and May 4, 2012 as Arbor Day in the City of Troy, and urges all citizens to support our City's urban forestry program and to plant trees to gladden the hearts and promote the well-being of present and future generations.

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**I-1b Address of "I" Items Removed for Discussion by City Council**

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

Resolution #2009-12-382

Moved by Beltramini

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of December 7, 2009 with the Public Comment section being changed to annotate the speaker and the subject only.

Yes: All-7

No: None

**MOTION CARRIED**

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**I-9 Andrew Zurowski v. City of Troy**

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Resolution #2009-12-383

Moved by Howrylak

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **DIRECTS** the City Attorney to defend the City of Troy and the Troy Police Department in the *Zurowski v. City of Troy and Troy Police Department* lawsuit, and hereby **AUTHORIZES** the City Attorney to pay reasonable and necessary costs and fees in the defense of the action.

Yes: All-7

No: None

## MOTION CARRIED

### J. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

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J-1 Announcement of Public Hearings: None Submitted

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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

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K-1 No Council Referrals Advanced

### L. COUNCIL COMMENTS

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#### L-1 Council Comments:

Mayor Schilling wished everyone a Happy Holidays, Merry Christmas, and a safe, healthy, Happy New Year from Council.

Council Member Kerwin commended the generosity of the City employees, including the Police Department, and Troy People Concerned.

Mayor Pro Tem Fleming commented on the first speaker during Public Comment, and proposed a resolution to remove the language regarding what a Yes and No vote means from the informational brochure.

Council Member Howrylak proposed that Council suspend the Rules of Procedure so City Council can consider an additional motion on the table.

#### **Vote on Resolution to Suspend Rules of Procedure for the City Council - Rule #6 – Order of Business Article L – Council Comments**

Resolution #2009-12-384

Moved by Howrylak

Seconded by Fleming

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

Yes: Fleming, Howrylak

No: Schilling, Beltramini, Kerwin, McGinnis, Slater

## MOTION FAILED

Council Member Howrylak commented on the information presented in the informational brochure.

Council Member Beltramini inquired about the status of the tax calculator feature on the website in regards to the proposed tax increase. Mr. Lamerato indicated that this feature is currently being designed.

Council Member Beltramini offered data regarding the average size of police departments versus the size of the City of Troy Police Department.

Council Member Howrylak inquired further regarding tax calculator feature on the City's website.

Council Member McGinnis commented on items on the informational brochure that were changed at the last meeting regarding the brochure.

## **M. REPORTS**

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### **M-1 Minutes – Boards and Committees:**

- a) Traffic Committee/Final – July 15, 2009
- b) Parks and Recreation Advisory Board/Final – September 17, 2009
- c) Library Advisory Board/Final – October 8, 2009
- d) Downtown Development Authority/Final – October 21, 2009
- e) Traffic Committee/Final – October 21, 2009
- f) Historic Commission/Final – October 27, 2009
- g) Liquor Advisory Committee/Final – November 9, 2009
- h) Board of Zoning Appeals/Final – November 17, 2009
- i) Planning Commission Special/Study/Draft – December 1, 2009
- j) Planning Commission Special/Study/Final – December 1, 2009
- k) Liquor Advisory Committee/Draft – December 14, 2009
- l) Election Commission/Final – September 25, 2009
- m) Election Commission/Draft – December 17, 2009  
Noted and Filed

### **M-2 Department Reports:**

- a) Council Member Beltramini Travel Expense Report – NLC – FAIR Steering Committee – on October 8-11, 2009  
Noted and Filed

### **M-3 Letters of Appreciation:**

- a) Letter of Thanks to Chief Mayer from Warren Police Patrol Services Bureau Captain Scott Pavlik Regarding Troy Police Assistance with Special Sweep Operation
- b) Letter of Appreciation to Chief Mayer from Linda Strand Regarding the Assistance Received from Officer Mairorano  
Noted and Filed

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

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**M-5 Communication from City Manager John Szerlag and Human Resources Director Peggy Sears Regarding the Results of Union Elections**  
Noted and Filed

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**M-6 Communication from Troy Police Department Regarding 2009 Grant Summary**  
Noted and Filed

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**M-7 Communication from Risk Manager Stephen Cooperrider Regarding City Employees’ Dental Insurance Coverage**  
Noted and Filed

**N. STUDY ITEMS**

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**N-1 No Study Items Submitted**

**O. CLOSED SESSION:**

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**O-1 Closed Session**

Resolution #2009-12-385  
Moved by Beltramini  
Seconded by Kerwin

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. Susan Sandelman*, Trustee for Esther Jeffrey Trust.

Yes: All-7  
No: None

**MOTION CARRIED**

The meeting **RECESSED** at 9:24 PM.

The meeting **RECONVENED** at 9:32 PM.

**ADJOURNMENT**

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

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Louise E. Schilling, Mayor

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Barbara A. Pallotta, CMC  
Deputy City Clerk