

Pastor Bill DesRochers of Calvary Chapel of Oakland County 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, January 4, 2010, 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
- Mayor Pro Tem Wade Fleming (Absent)
- Martin Howrylak
- Mary Kerwin
- Maureen McGinnis
- Dane Slater

**Vote on Resolution to Excuse the Absence of Mayor Pro Tem Fleming**

Resolution #2010-01-001  
Moved by Beltramini  
Seconded by Slater

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Fleming at the Regular City Council Meeting and Closed Session of Monday, January 4, 2010 due to being absent from the county.

Yes: All-6  
No: None  
Absent: Fleming

**MOTION CARRIED**

**C. CERTIFICATES OF RECOGNITION:**

---

C-1 No Presentations

**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 – Members of the Public and Visitors

<u>Dave Henderson</u>	Opposes tax increase
<u>Janice Daniels</u>	Opposes tax increase
<u>Marvin Reinhardt</u>	Various topics
<u>Cathy Fucinari</u>	Supports tax increase
<u>Gerard Staeger</u>	Opposes tax increase
<u>Mary Ann Bernardi</u>	Opposes tax increase
<u>John Witt</u>	Questions if Administration has signed agreements from unions and questions the timing of ballot proposal informational brochure
<u>Tony Cruz</u>	Opposes using public funds for February election
<u>Richard Peters</u>	Questions who sets city budget; asked for reconsideration of marijuana laws
<u>Charlene Femminineo</u>	Opposes tax increase
<u>Pat Connelly</u>	Opposes tax increase
<u>Sandy Scott</u>	Requests waiving water bill payment late fee penalty

The meeting **RECESSED** at 8:21 PM.

The meeting **RECONVENED** at 8:28 PM.

## **G. POSTPONED ITEMS:**

**G-1 No Postponed Items**

## **H. REGULAR BUSINESS:**

### **Resolution to Refrain From Placing Board and Committee Nominations on City Council Agendas**

Resolution  
 Moved by Kerwin  
 Seconded by Slater

RESOLVED, That Troy City Council hereby **DIRECTS** City Administration to **REFRAIN** from placing non-statutory or Charter mandated board and committee nominations on City Council agendas until City Council has had an opportunity to meet in study session to discuss the purpose, function and impact on City staff for all boards and committees.

### **Vote on Resolution to Revise Procedures for Board and Committee Nominations**

Resolution #2010-01-002  
 Moved by Beltramini  
 Seconded by Howrylak

RESOLVED, That Troy City Council hereby **AMENDS** the proposed resolution to include, "unless the board or committee cannot meet quorum with the current members."

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

**MOTION CARRIED****Vote on Resolution to Revise Procedures for Board and Committee Nominations as Amended**

Resolution #2010-01-003

Moved by Kerwin

Seconded by Slater

RESOLVED, That Troy City Council hereby **DIRECTS** City Administration to **REFRAIN** from placing non-statutory or Charter mandated board and committee nominations on City Council agendas until City Council has had an opportunity to meet in study session to discuss the purpose, function and impact on City staff for all boards and committees unless the board or committee cannot meet quorum with the current members.

Yes: Kerwin, Slater, Schilling, Beltramini

No: Howrylak, McGinnis

Absent: Fleming

**MOTION CARRIED**

---

**H-1 Appointments to Boards and Committees:****(a) Mayoral Appointments: Board of Review**

Resolution #2010-01-004

Moved by Schilling

Seconded by Howrylak

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

**Board of Review**

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

James Edward Hatch

Term Expires 01/31/2013

Yes: All-6

No: None

Absent: Fleming

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



**Vote on Resolution to Amend the Term of Leslie Golden Witt to the Advisory Committee for Persons with Disabilities**

Resolution #2010-01-006  
Moved by Beltramini  
Seconded by Howrylak

RESOLVED, That Troy City Council here by **AMENDS** the term for the appointment of Leslie Golden Witt to the Advisory Committee for Persons with Disabilities from 11/01/2012 to the unexpired term of 11/01/2011.

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

**MOTION CARRIED**

**Vote on Resolution to Appoint Leslie Golden Witt to Advisory Committee for Persons with Disabilities**

Resolution #2010-01-007  
Moved by Beltramini  
Seconded by Howrylak

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

**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 11/01/2011

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

**MOTION CARRIED**

**Vote on Resolution to Appoint Mark Calice to Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan and Trust**

Resolution #2010-01-008  
Moved by Beltramini  
Seconded by Howrylak

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

**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

Yes:      Beltramini, Howrylak, Kerwin, McGinnis, Schilling

No:      Slater

Absent:   Fleming

**MOTION CARRIED**

**Vote on Resolution to Appoint Andrew Kaltsounis to Liquor Advisory Committee**

Resolution #2010-01-009

Moved by Beltramini

Seconded by Howrylak

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

**Liquor Advisory Committee**

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

Andrew Kaltsounis                                      Term Expires 01/31/2013

Yes:      Howrylak, Kerwin, McGinnis, Schilling, Beltramini

No:      Slater

Absent:   Fleming

**MOTION CARRIED**

**Vote on Resolution to Appoint Thomas G. Sawyer, Jr., to Municipal Building Authority**

Resolution #2010-01-010

Moved by Beltramini

Seconded by Howrylak

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

**Municipal Building Authority**

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

Thomas G. Sawyer, Jr.                                      Term Expires 01/31/2013

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

## MOTION CARRIED

---

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

(a) Mayoral Nominations: None Scheduled

(b) City Council Nominations: Building Code Board of Appeals

Resolution #2010-01-011  
Moved by Howrylak  
Seconded by Beltramini

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:

#### 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

Theodore Dziurman \**Civil Engineer/Resident* Term Expires 01/01/2015

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

## MOTION CARRIED

---

### H-3 Approval of MDOT Construction Contract for the Reconstruction of Rochester Road from Torpey to Barclay and Wattles, East and West of Rochester Road – Project No. 99.203.5 and 01.106.5

Resolution #2010-01-012  
Moved by Beltramini  
Seconded by Schilling

RESOLVED, That Troy City Council hereby **APPROVES** MDOT Contract No. 09-5747 between the City of Troy and the Michigan Department of Transportation for the reconstruction and widening of Rochester Road, from Torpey to Barclay and Wattles Road, east and west of Rochester Road, at an estimated cost to the City of Troy of \$4,216,250.00, 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: Slater, Schilling, Beltramini, Howrylak, Kerwin, McGinnis  
No: None  
Absent: Fleming

**MOTION CARRIED**

---

**H-4 City of Troy v. Susan Sandelman, as Trustee for the Esther Jeffrey Trust**

Resolution #2010-01-013  
Moved by Beltramini  
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** the proposed Consent Judgment in the condemnation case of *City of Troy v Susan Sandelman, as Trustee for the Esther Jeffrey Trust U/A Dated 12/18/70* (Oakland County Circuit Court Case No. 09-097979-CC), and hereby **AUTHORIZES** payment in the amounts stated therein; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney's Office to execute the document on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

**MOTION CARRIED**

---

**H-5 Approval of Request from NKG Business, Inc. to Transfer Ownership of Escrowed 2009 SDD and SDM Licensed Business from Peoples State Bank, Located at 3176 Rochester – MLCC Request #527498****(a) Transfer License**

Resolution #2010-01-014  
Moved by Kerwin  
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from NKG Business, Inc. to transfer ownership of Escrowed 2009 SDD and SDM Licensed Business from Peoples State Bank, located at 3176 Rochester, Troy, MI 48083, Oakland County {MLCC Request #527498} "above all others" **CONTINGENT** upon passing the Troy Fire Department's Final Inspection; and

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

**(b) Agreement**

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 NKG Business, Inc. to transfer ownership of Escrowed 2009 SDD and SDM Licensed Business from Peoples State Bank, located at 3176 Rochester, Troy, MI 48083, Oakland County {MLCC Request #527498} **CONTINGENT** upon passing the Troy Fire Department's Final Inspection, 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: Beltramini, Howrylak, Kerwin, McGinnis, Slater, Schilling

No: None

Absent: Fleming

**MOTION CARRIED**


---

**H-6 Approval of Request from Kher Enterprises, Inc. to Transfer Ownership of 2009 SDD and SDM Licensed Business from Troy Cheese and Wine Market, Located at 2558-2560 East Maple – MLCC Request #522806**

**(a) Transfer License**

Resolution #2010-01-015

Moved by McGinnis

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Kher Enterprises, Inc. to transfer ownership of 2009 SDD and SDM Licensed Business from Troy Cheese and Wine Market, located at 2558-2560 East Maple, Troy, MI 48083, Oakland County {MLCC Request #522806}. "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.

**(b) Agreement**

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 Kher Enterprises, Inc. to transfer ownership of 2009 SDD and SDM Licensed Business from Troy Cheese and Wine Market, located at 2558-2560 East Maple, Troy, MI 48083, Oakland County {MLCC Request #522806} 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: Howrylak, Kerwin, McGinnis, Slater, Schilling, Beltramini  
No: None  
Absent: Fleming

**MOTION CARRIED**

**I. CONSENT AGENDA:**

---

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

Resolution #2010-01-016  
Moved by Beltramini  
Seconded by McGinnis

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

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

**MOTION CARRIED**

---

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

---

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

Resolution #2010-01-016-I2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of December 21, 2009 as submitted.

---

**I-3 Proposed City of Troy Proclamations: None Submitted**

---

**I-4 Standard Purchasing Resolutions: None Submitted**

**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****COUNCIL COMMENTS**

---

**L-1**

Council Member Beltramini responded to some of the Public Comments in reference to balancing the budget, progressive communities and tax abatements.

Council Member Beltramini addressed the City facilities funding concerns.

Council Member Beltramini stated that dollar signs are not on tax statements because of the computer programming limitations.

Council Member Kerwin responded to Public Comments regarding sustainability.

Council Member Kerwin encouraged residents to pick up this week's copy of the Troy Somerset Gazette as it contains information on the Troy Schools, Police Department, and the Library.

Mayor Schilling addressed the Public Comments in regards to the suggestions and the number of budget issues City Council has acted upon, City functions, the future of the City, and the proposed millage increase.

Council Member Howrylak commented on City Council responding to Public Comment, and addressed City Council Comments made this evening.

Council Member McGinnis responded to City Council Comments made this evening, and encouraged the public to continue to offer comments.

Council Member Howrylak responded to Council Member McGinnis.

Council Member Slater thanked the Attorney's Office and the Police Department for *M-5 Communication from City Attorney Lori Grigg Bluhm and Police Chief Gary Mayer Regarding Mark Havas*.

Council Member Slater requested that retired Officer Jim Irvin be kept in everyone's thoughts, and to give blood if they are able.

**L. REPORTS**

---

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

- (a) Brownfield Redevelopment Authority/Final – July 21, 2009
- (b) Employees' Retirement System Board of Trustees/Final – November 11, 2009
- (c) Youth Council/Final – November 18, 2009
- (d) Building Code Board of Appeals/Draft – December 2, 2009
- (e) Library Advisory Board/Draft – December 10, 2009
- (f) Board of Zoning Appeals/Draft – December 15, 2009
- (g) Youth Council/Draft – December 16, 2009

Noted and Filed

---

**M-2 Department Reports:**

- (a)** Purchasing Department – Final Reporting – BidNet On-Line Auction Services – November 2009

Noted and Filed

---

**M-3 Letters of Appreciation: None Submitted**

---

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

- 
- M-5 Communication from City Attorney Lori Grigg Bluhm and Police Chief Gary Mayer Regarding Mark Havas**

Noted and Filed

**M. STUDY ITEMS**

- 
- N-1 No Study Items Submitted**

**N. CLOSED SESSION:**

- 
- O-1 Closed Session** – Consensus of Council that a Closed Session was not needed.

**ADJOURNMENT**

---

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

---

Louise E. Schilling, Mayor

---

Tonni L. Bartholomew, MMC  
City Clerk