Mayor Pro Tem Fleming gave the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

The Regular Meeting of the Troy City Council was held Monday, September 20, 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
Martin Howrylak (Absent)
Mary Kerwin
Maureen McGinnis
Dane Slater

Vote on Resolution to Excuse Council Member Howrylak

Resolution #2010-09-198
Moved by Beltramini
Seconded by Fleming

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Martin Howrylak at the Regular City Council Meeting of Monday, September 20, 2010 due to being out of the county.

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

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Certificates of Recognition and Special Presentations Scheduled

a) A Presentation was received from Charlie Lu, Marketing Director of the Oriental Culture Association regarding their annual event, "*Shen Yun Performing Arts*".

a) On behalf of the City of Troy, Mayor Louise Schilling presented a proclamation to David Paull, COO of Medical Weight Loss Clinic in Troy in recognition of *Childhood Obesity Awareness Week* on September 20-27, 2010.

b) On behalf of the City of Troy, Mayor Louise Schilling presented a proclamation to Ann Comiskey, Executive Director of Troy Community Coalition, recognizing the 10th Anniversary of *A Day to Eat Dinner with Your Children* on September 27, 2010.

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings Scheduled

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 - *Order of Business*

Resolution #2010-09-199
Moved by Schilling
Seconded by Kerwin

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

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

MOTION CARRIED

Resolution to Reduce Public Comment, Rule #16 – *Members of the Public & Visitors*

Resolution #2010-09-200
Moved by Schilling
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **REDUCES** Public Comment, Rule #16, *Members of the Public & Visitors*, from five minutes to two minutes at the request of the Chair and by majority vote of City Council.

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

MOTION CARRIED

Vote on Resolution to Rescind Resolution to Reduce Public Comment, Rule 16 – *Members of the Public & Visitors*

Resolution #2010-09-201
Moved by Schilling
Seconded by Fleming

RESOLVED, That Troy City Council hereby **RESCINDS** resolution to Reduce Public Comment, Rule #16 – *Members of the Public & Visitors*.

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

MOTION CARRIED

F. PUBLIC COMMENT:

Ralph Koerber: Discussed various topics (barbed wire fencing at Sylvan Glen, safety policy and city fleet) raised in a communication he forwarded to city council members.

Earl Cannon: Discussed concerns about negative comments received at the last City Council meeting regarding management and the library; spoke in support of the library.

Janice Daniels: Spoke in opposition of the library proposals.

Gordon Schepke Raised various questions in regard to library proposals.

Michael Hutson: Discussed the *Intermodal Transit Facility* project from his perspective as the Planning Commission Chair.

Gerard Staeger: Spoke in opposition of the November library proposals; spoke in support of a new petition currently being circulated.

Marvin Reinhardt: Spoke in opposition of the DDA; discussed various other agenda items and topics.

Edna Abrahim: Spoke in support of *Library Proposal I.*

Kumar Bhatt: Spoke in support of *Library Proposal I.*

James Savage: Spoke in opposition of the *Intermodal Transit Facility* proposal.

Tony Cruz: Spoke in opposition of library proposals.

Edward Kempen: Spoke in opposition of library proposals; discussed circulation of a petition offering other options to voters.

Thomas Burke: Spoke in opposition to Troy's *Distracted Driver's Law;* discussed opposition and raised questions regarding library proposals.

Richard Peters: Discussed various topics.

G. RESPONSE / REPLY TO PUBLIC COMMENT

H. POSTPONED ITEMS:

H-1 No Postponed Items

The meeting **RECESSED** at 9:10 PM.

The meeting **RECONVENED** at 9:20

I. REGULAR BUSINESS:

I-1 Appointments to Boards and Committees: None Scheduled

I-2 Nominations for Appointments to Boards and Committees: None Scheduled

I-3 Request for Closed Session – None Requested

I-4 Preliminary Site Plan Approval (File Number SP 957) – Troy/Birmingham Intermodal Transit Facility – South of Maple Road, West of Coolidge, Section 31, Zoned M-1 (Light Industrial) – Controlled by Consent Judgment

Resolution
Moved by Schilling
Seconded by Slater

RESOLVED, That Troy City Council hereby **GRANTS** Preliminary Site Plan Approval, as requested for the proposed Troy/Birmingham Intermodal Transit Facility, located south of Maple Road, west of Coolidge Highway, in Section 31, within the M-1 Zoning District and controlled by Consent Judgment.

Vote on Resolution to Amend Proposed Resolution A – *As Recommended by City Management* by Substitution

Resolution #2010-09-202
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AMENDS** proposed Resolution A – *As Recommended by City Management* by **STRIKING** it in its entirety and **SUBSTITUTING** it with Resolution B – *As Recommended by the Planning Commission*.

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

MOTION CARRIED

Vote on Resolution to Amend Proposed Resolution B – *As Recommended by the Planning Commission*

Resolution #2010-09-203
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AMENDS** Resolution B - As Recommended by the Planning Commission by **INSERTING** ”after the results of the environmental assessment so that changes required by the environmental assessment may be made in conjunction with any enhancements outlined at the workshop and then presented as a whole to Troy City Council and Birmingham’s Planning Board prior to Final Site Plan Approval” **AFTER** “workshop” and **STRIKE** “so that the results of the workshop can be presented to the Troy City Council and Birmingham’s Planning Board prior to Final Site Plan Approval in the second “BE IT FURTHER RESOLVED”.

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

MOTION CARRIED

Vote on Resolution as Amended by Substitution

Resolution #2010-09-204
Moved by Schilling
Seconded by Slater

RESOLVED, That Troy City Council hereby **GRANTS** Preliminary Site Plan Approval, requested for the proposed Troy/Birmingham Intermodal Transit Facility, located south of Maple Road, west of Coolidge Highway, in Section 31, within the M-1 Zoning District and controlled by Consent Judgment; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** City Management to conduct a design workshop prior to final approval, with members of the Planning Commission, the Planning Board, the Hubbell, Roth & Clark team and staff from the Cities of Birmingham and Troy. The goal of the workshop would be to discuss and incorporate further design enhancements into the plans for improved aesthetics and functionality of the project. In general, the enhancements will address:

- Building façade articulation to create a greater visual interest;
- A more identifiable building entrance;
- Enhancing the sense of arrival by focusing on a major point of interest;
- Establishing visual interest with human-scale elements at the building;
- Creating transitional features between the building, the ground plane and retaining wall; and
- Offering additional, cost effective, sustainable design features.

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** City Management to schedule the workshop after the results of the environmental assessment so that changes required by the environmental assessment may be made in conjunction with any enhancements outlined at the workshop and then presented as a whole to Troy City Council and Birmingham's Planning Board prior to Final Site Plan Approval; and

BE IT FINALLY RESOLVED, That the project **SHALL** be developed so that the construction cost does not exceed the approved funding amount.

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

MOTION CARRIED

I-5 Towing Administrative Fees

Resolution #2010-09-205
Moved by Beltramini
Seconded by Kerwin

WHEREAS, The Troy Police Department charges an Administrative Fee of $10.00 for towed and impounded vehicles;

WHEREAS, The current Administrative Fee is significantly less than the actual costs incurred by the City and the average rate charged by many area police departments; and

WHEREAS, City Council has the discretion to change the Administrative Fee at any time;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the increase of the Administrative Fee for towed and impounded vehicles from $10.00 to $30.00.

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

MOTION CARRIED

I-6 Scheduling of a Special Meeting on October 11, 2010 with Mr. Barry Demp

Resolution #2010-09-206
Moved by McGinnis
Seconded by Beltramini

WHEREAS, City Council directed the City Manager to find a coach/facilitator to assist City Council with team building, identifying a preferred future and delineation of goals and objectives; and

WHEREAS, Mr. Barry Demp of Barry Demp Coaching has agreed to meet with City Council for an hour and a half at no charge for reason of determining with specificity what the governing body wants to achieve;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **SCHEDULES** a Special Meeting with City Management and Mr. Barry Demp on Monday, October 11, 2010 at 5:30 PM in the Council Boardroom of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084 for the purpose of meeting with Barry Demp of Barry Demp Coaching for team building, identifying a preferred future and delineation of goals and objectives.

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

MOTION CARRIED

I-7 Municipal Credit and Community Credit Agreement

Resolution #2010-09-207
Moved by Fleming
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the request to transfer Municipal Credit funds in the amount of $76,084.00 and Community Credit funds in the amount of $110,732.00, or the amount transferred to the City from SMART, to Troy Medi-Go Plus for the operation of transportation service for senior citizens and persons with disabilities; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the documents; copies of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2010-09-208
Moved by Kerwin
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented.

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

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2010-09-208-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular and Special City Council Meetings of September 13, 2010 as submitted.

J-3 City of Troy Proclamations:

Resolution #2010-09-208-J-3

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

a) *Childhood Obesity Awareness Week* – September 20-27, 2010
b) *A Day to Eat Dinner with Your Children* – September 27, 2010

J-4 Standard Purchasing Resolutions: None Submitted

J-5 Temporary Waiver of Parking Restriction on Grand Haven

Resolution #2010-09-208-J-5

RESOLVED, That Troy City Council hereby temporarily **WAIVES** the no parking restrictions on the south side of Grand Haven from the west driveway of the American House located at 2300 Grand Haven to the west Driveway of 920 John R, beginning on Monday, October 4, 2010 for approximately 10 days, until the parking lot of 920 John R resurfacing project is completed.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

a) Announcement of Public Hearings for Industrial Development District (IDD) and Industrial Facilities Exemption Certificate for Magna Powertrain at 1870-1932 Technology
b) Announcement of Public Hearings for Industrial Development District (IDD) and Industrial Facilities Exemption Certificate for Witzenmann USA, LLC at 1201 Stephenson

Noted and Filed

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time):

a) Streamlining Boards and Committees

L. COUNCIL REFERRALS:

L-1 No Council Referrals Advanced

M. COUNCIL COMMENTS

M-1 Council Comments Advanced:

Council Member Beltramini asked City Assessor, Nino Licari to respond to statements made regarding the City of Clawson‘s tax rate during Public Comment.

City Assessor Licari provided current tax rate information in response to the speaker's remarks.

Council Member Beltramini referenced an article that appeared in *USA TODAY* regarding a study conducted recently about distracted drivers.

N. REPORTS

N-1 Minutes – Boards and Committees:

a) Retiree Health Care Benefits Plan & Trust / Final – April 14, 2010
b) Employees' Retirement System Board of Trustees / Final-Amended – June 9, 2010
c) Employees' Retirement System Board of Trustees / Final – July 14, 2010
d) Employees' Retirement System Board of Trustees / Final – August 11, 2010
e) Planning Commission-Special/Study / Draft – August 24, 2010
f) Animal Control Appeal Board / Draft – September 1, 2010

Noted and Filed

N-2 Department Reports:

a) Final Reporting – BidNet On-Line Auction Services – July & August 2010

Noted and Filed

N-3 Letters of Appreciation:

a) Letter of Appreciation from Terry M. Nerbonne, Ph.D – Ferris State University to Chief Gary Mayer Thanking the Members of the Police Department Who Assisted in Making the *Criminal Justice Summer 2010 Internship Program* a Success
b) E-mail from Faz Weslati to Chief Gary Mayer in Appreciation for the Service They Received from Officer Kirk Linton
c) Letter of Appreciation from Robert Pelachyk, President/CEO of HELLER Machine Tools to John Szerlag

Noted and Filed

N-4 Proposed Proclamations/Resolutions from Other Organizations: None Received

N-5 Memorandum: Kocenda v Troy

Noted and Filed

N-6 Senior Citizen Program Annual Report

Noted and Filed

N-7 Confirmation of Services for Financial Audit from Rehmann

Noted and Filed

N-8 Report from Standard & Poor's Regarding Troy's Bond Rating

Noted and Filed

N-9 Organizational Structure: Museum and Nature Center

Noted and Filed

O. STUDY ITEMS

O-1 Update from SAFEbuilt

O-2 Organizational Restructuring Proposal from the International City Management Association (ICMA) - Consensus of City Council for City Management to prepare the proposal as an agenda item for action at the October 4, 2010 Regular City Council meeting.

P. CLOSED SESSION:

P-1 None Requested

Q. ADJOURNMENT

The meeting **RECESSED** at 10:54 PM.

The meeting **RECONVENED** at 11:03 PM.

The meeting **ADJOURNED** at 12:06 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk