

Father Joseph Antypas of St. Joseph Antiochian Orthodox 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, October 11, 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 Mayor Pro Tem Wade Fleming

Resolution #2010-10-216
 Moved by Beltramini
 Seconded by McGinnis

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Wade Fleming at the Regular City Council Meeting of Monday, October 11, 2010 due to being out of the county.

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

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Certificates of Recognition and Special Presentations Scheduled

- a) Suzanne Wiggins, Executive Director Paint Creek Center for the Arts, gave a presentation regarding the *Regional Arts Award*.
- b) On behalf of the City of Troy *Employees' Casual for a Cause Program* for the months of July and August 2010, Community Affairs Director, Cindy Stewart presented a check in the amount of \$681.00 to Mike Kerr of the *Troy Community Coalition*.
- c) On behalf of the City of Troy, Mayor Louise Schilling presented a proclamation to APCS Board Member, Margaret Wojciechowski, recognizing the *25th Anniversary Celebration* of the American Polish Cultural Society.

D. CARRYOVER ITEMS:

D-1 No Carryover Items**E. PUBLIC HEARINGS:**

E-1 Establishment of an Industrial Development District (IDD) – 1201 Stephenson

Mayor Schilling opened the Public Hearing.

Mayor Schilling closed the Public Hearing after receiving no comment from the public.

Resolution #2010-10-217

Moved by Kerwin

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as 1201 Stephenson, Troy, MI 48083-1116, Parcel #88-20-35-102-038, in accordance with City Council Policy Resolution #2009-02-042; and

BE IT FURTHER RESOLVED, That the City Clerk shall **FORWARD** a copy of this resolution to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.

Yes: Beltramini, Kerwin, McGinnis, Slater, Schilling

No: Howrylak

Absent: Fleming

MOTION CARRIED

E-2 Granting of an Industrial Facilities Exemption Certificate (IFEC) for Witzenmann USA, LLC, 1201 Stephenson

Resolution #2010-10-218

Moved by Slater

Seconded by McGinnis

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on October 11, 2010, established an Industrial Development District (IDD) for property known as 1201 Stephenson, Troy, M. 48083-1116, Parcel #88-20-35-102-038; and

WHEREAS, An Application has been submitted by Witzenmann USA, LLC, for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 1201 Stephenson, Troy, MI 48083-1116, for ten (10) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on October 11, 2010, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for Witzenmann USA, LLC, at 1201 Stephenson, Troy MI 48083-1116 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for Witzenmann USA, LLC, at 1201 Stephenson, Troy MI. 48083-1116 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for an Industrial Facilities Exemption Certificate (IFEC) for Witzenmann USA, LLC, Inc., at 1201 Stephenson, Troy, MI 48083-1116, Parcel #88-20-35-102-038, for personal property for a term of ten (10) years after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Witzenmann USA, LLC, and payment of the application fee established in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Letter of Agreement between the City of Troy and Witzenmann USA, LLC, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED TO COMPLETE** the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971

Yes: Kerwin, McGinnis, Slater, Schilling, Beltramini

No: Howrylak

Absent: Fleming

MOTION CARRIED

E-3 Establishment of an Industrial Development District (IDD) – 1870-1932 Technology

Resolution #2010-10-219

Moved by Kerwin

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as 1870-1932 Technology, Troy, MI 48083-4242, Parcel #88-20-35-276-006, in accordance with City Council Policy Resolution #2009-02-042; and

BE IT FURTHER RESOLVED, That the City Clerk shall **FORWARD** a copy of this resolution to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.

Yes: Kerwin, McGinnis, Slater, Schilling, Beltramini

No: Howrylak

Absent: Fleming

MOTION CARRIED

E-4 Granting of an Industrial Facilities Exemption Certificate (IFEC) for Magna Powertrain, 1870-1932 Technology

Mayor Schilling opened the Public Hearing.

Mayor Schilling closed the Public Hearing after receiving no comment from the public.

Resolution #2010-10-220

Moved by Slater

Seconded by McGinnis

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on October 11, 2010, established an Industrial Development District (IDD) for property known as 1870-1932 Technology, Troy MI. 48083-4242, Parcel # 88-20-35-276-006; and

WHEREAS, An Application has been submitted by Magna Powertrain of America, for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 1870-1932 Technology, Troy MI. 48083-4242, for eleven (11) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on October 11, 2010, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for Magna Powertrain of America, at 1870-1932 Technology, Troy, MI. 48083-4242 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for Magna Powertrain of America, at 1870-1932 Technology, Troy, MI. 48083-4242 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for an Industrial Facilities Exemption Certificate (IFEC) for Magna Powertrain of America, Inc., at 1870-1932 Technology, Troy MI. 48083-4242, Parcel # 88-20-35-276-006, for personal property for a term of eleven (11) years after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Magna Powertrain of America, and payment of the application fee established in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Letter of Agreement between the City of Troy and Magna Powertrain of America, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED TO COMPLETE** the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI. 48909-7971

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

MOTION CARRIED**Vote on Resolution to Reconsider Agenda Item E-2 Granting of an Industrial Facilities Exemption Certificate (IFEC) for Witzenmann USA, LLC, 1201 Stephenson**

Resolution #2010-10-221
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **RECONSIDERS** Agenda Item E-2 *Granting of an Industrial Facilities Exemption Certificate (IFEC) for Witzenmann USA, LLC, 1201 Stephenson* to properly open and close the public hearing.

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

MOTION CARRIED

E-2 Granting of an Industrial Facilities Exemption Certificate (IFEC) for Witzenmann USA, LLC, 1201 Stephenson

Mayor Schilling opened the Public Hearing.
Mayor Schilling closed the Public Hearing after receiving no comment from the public.

Resolution #2010-10-222
Moved by Slater
Seconded by McGinnis

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on October 11, 2010, established an Industrial Development District (IDD) for property known as 1201 Stephenson, Troy, M. 48083-1116, Parcel #88-20-35-102-038; and

WHEREAS, An Application has been submitted by Witzenmann USA, LLC, for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 1201 Stephenson, Troy, MI 48083-1116, for ten (10) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on October 11, 2010, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for Witzenmann USA, LLC, at 1201 Stephenson, Troy MI 48083-1116 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for Witzenmann USA, LLC, at 1201 Stephenson, Troy MI. 48083-1116 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for an Industrial Facilities Exemption Certificate (IFEC) for Witzenmann USA, LLC, Inc., at 1201 Stephenson, Troy, MI 48083-1116, Parcel #88-20-35-102-038, for personal property for a term of ten (10) years after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Witzenmann USA, LLC, and payment of the application fee established in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Letter of Agreement between the City of Troy and Witzenmann USA, LLC, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED TO COMPLETE** the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971

Yes: Schilling, Beltramini, Kerwin, McGinnis, Slater

No: Howrylak

Absent: Fleming

MOTION CARRIED

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

Resolution #2010-10-223

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, Kerwin, McGinnis, Slater, Schilling

No: Howrylak

Absent: Fleming

MOTION CARRIED

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

Resolution #2010-10-224

Moved by Schilling

Seconded by Kerwin

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

Yes: Kerwin, McGinnis, Slater, Schilling, Beltramini

No: Howrylak

Absent: Fleming

MOTION CARRIED**F. PUBLIC COMMENT:**

Janice Daniels: Spoke in opposition of all library proposals.
Gordon Schepke: Spoke in opposition of all library proposals.
Dr. Kul Gauri: Spoke in support of *Library Proposal I*.
JoAnn Thompson: Will attend October 18th meeting to comment on Boards and Committees.
Karen Fabian: Invited the public to attend an informational forum on Thursday, October 14th at 7:30 at the Troy Community Center.
League of Women Voters
Pam Brady: Added that the hour long forum will be held Room 304, hosted by Charlie Langdon and can be viewed on CNN.
League of Women Voters
Gerard Staeger: Spoke in opposition of all library proposals; supports alternate petition currently circulating
Glen Ellis: Spoke in support of *Library Proposal I*.
Julie Ellis: Spoke in support of *Library Proposal I*.
Grace Ellils: Student Spoke in support of *Library Proposal I*.
Sharon MacDonell: Spoke in support of *Library Proposal I*.
Aaron Green: Spoke in support of *Library Proposal I*.
Edward Kempen: Spoke in opposition of new taxes and library proposals; discussed current petition circulating offering an alternative to the library proposals.
Linda Kajma: Spoke in support of *Library Proposal I*.
James Savage: Spoke in opposition of the Transit Center and library proposals.
Thomas Burke: Spoke in opposition of the library proposals.
Jeanne Stine: Spoke in support of *Library Proposal I*.
John Witt: Spoke in opposition of supporters of *Library Proposal I* and spoke against all library proposals.

The meeting **RECESSED** at 9:10 PM.The meeting **RECONVENED** at 9:19 PM.

G. RESPONSE / REPLY TO PUBLIC COMMENT**H. POSTPONED ITEMS:**

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Appointments to Boards and Committees:

a) Mayoral Appointments: None Scheduled

b) City Council Appointments/Confirmation: None Scheduled

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

I-3 Request for Closed Session

Resolution #2010-10-225

Moved by Beltramini

Seconded by Howrylak

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, *Troy v Ida Rudack Trust*, as permitted by MCL15.268 (e), Pending Litigation.

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

No: None

Absent: Fleming

MOTION CARRIED

I-4 **Interlocal Agreement for Participation in a Crash Investigation Team with Auburn Hills Police Department and Bloomfield Township Police Department**

Resolution #2010-10-226

Moved by Slater

Seconded by McGinnis

WHEREAS, The Troy Police Department Traffic Safety Unit (TSU) has worked to help establish a Crash Investigation Team comprised of officers from Troy, Auburn Hills and Bloomfield Township; and

WHEREAS, An Interlocal Agreement will outline the purpose, responsibilities, and liability of each of the participating agencies;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the attached Interlocal Agreement for participation in the Crash Investigation Team; and

BE IT FURTHER RESOLVED, That the Troy City Council hereby **AUTHORIZES** the Chief of Police to sign the Interlocal Agreement on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2010-10-227
Moved by McGinnis
Seconded by Slater

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

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

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2010-10-227-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the Special Joint and the 7:30 PM Regular City Council Meetings of October 4, 2010 as submitted.

J-3 Proposed City of Troy Proclamation:

Resolution #2010-10-227-J-3

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

- a) **25th Anniversary Celebration of the American Polish Cultural Society**

J-4 Standard Purchasing Resolutions:**a) Standard Purchasing Resolution 8: Best Value Award – Energy Audit**

Resolution #2010-10-227-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the energy audits for eleven (11) municipal buildings in the City of Troy to the highest scoring respondent, Energy Finance Analytics of Lansing, MI, as a result of a best value process, which the Troy City Council determines to be in the public interest, for an estimated total cost of \$39,840.00 at unit prices contained in the RFP tabulation opened September 22, 2010, 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 contractor submission of properly executed proposal and contract documents, including insurance certificates and all other specified requirements.

b) Standard Purchasing Resolution 1: Award to Low Bidder – Type ‘K’ Copper Tubing

Resolution #2010-10-227-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase Type “K” Copper Tubing to the low bidder, Progressive Plumbing Supply of Warren, MI, for an estimated total cost of \$23,940.00 at unit prices contained in the bid tabulation opened electronically on September 27, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-5 Application for Outdoor Dining Area for Marico, Inc. (Big Beaver Tavern)**a) New Outdoor Service Area**

Resolution #2010-10-227-J-5a

RESOLVED, That the request from Marico, Inc., 645 East Big Beaver Road, Troy 48083, Oakland County, for a new Outdoor Service (1 area) to be held in conjunction with 2010 Class C Licensed Business with Dance Permit, Entertainment Without Dressing Rooms, and 2 Bars, be **CONSIDERED** for **APPROVAL**; and

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

b) Agreement

Resolution #2010-10-227-J-5b

WHEREAS, The City Council of the City of Troy 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 the City Council of the City of Troy hereby **APPROVES** an agreement with Marico, Inc., 645 East Big Beaver Road, Troy 48083, Oakland County, for a new Outdoor Service (1 area) to be held in conjunction with 2010 Class C Licensed Business with Dance Permit, Entertainment Without Dressing Rooms, and 2 Bars, and the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-6 Recognition as a Nonprofit Organization Status from Pasquale Longordo, President of *Drivers Against Testing & Talking* (DATT Group)

Resolution #2010-10-227-J-6

RESOLVED, That Troy City Council hereby **APPROVES** the request from *Drivers Against Testing & Talking* (DATT Group) asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license, **CONTINGENT** upon compliance with state law, MCL 432.103 (k)(ii) as recommended by City Management.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: No Announcements Forwarded

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): No Memorandums Forwarded

L. COUNCIL REFERRALS:

Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

L-1 No Council Referrals Advanced

M. COUNCIL COMMENTS

M-1 Council Comments:

Mayor Schilling requested that the agenda for Regular City Council meetings scheduled for November 8th and/or 15th be shortened to provide for a study session to comprehensively discuss Council's vision, goals and objectives.

Council Member Kerwin requested City Management to respond to Council Member Beltramini's suggestion prior to next week's meeting that perhaps there are alliances that can be formed within the community where some of the boards and committees could be far more effective.

Council Member Kerwin believes it would be beneficial to add a *Life Time Learning Committee* as suggested in the *Visions 2020* report and asked that a recommendation be included in the boards and committees outline provided to City Council from staff.

Council Member Beltramini added that City Management's report did not include City Council's previous discussions about combining, shrinking and determining if there are other groups in the community that could offer as effective service or recommendations to City Council. In addition to the *Life Time Learning Committee* suggestion in the *Visions 2020* report, Council Member Beltramini indicated that there were many other committee suggestions that were proposed to energize the citizenship. She believes they would need to identify a group to partner with that could serve a clearing house for these types of committees. She asked if there are currently committees that offer advice to the city for venues that the city will no longer sponsor or will shift to the private sector. Council Member Beltramini asked that if City Management has any answers to those types of questions, that they be included in Council's packet material.

N. REPORTS

N-1 Minutes – Boards and Committees:

- a) Parks and Recreation Board – Final – March 18, 2010
 - b) Library Advisory Committee – Draft – September 9, 2010
 - c) Liquor Advisory Committee – Final – September 13, 2010
Noted and Filed
-

N-2 Department Reports:

- a) City Council Expense Report – October 2010
 - b) Economic Development Activity Report – September 2010
Noted and Filed
-

N-3 Letters of Appreciation:

- a) Letter of Appreciation from Lynn Stevens Naoum Thanking Police Officer Ray Piper
Noted and Filed
-

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

N-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-16356

Noted and Filed

O. STUDY ITEMS

O-1 No Study Items

P. CLOSED SESSION:

P-1 Troy v Ida Rudack Trust

Q. ADJOURNMENT

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

The meeting **RECONVENED** at 9:39 PM.

The meeting **ADJOURNED** at 10:00 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk