

Jim Sterner of Kensington Community 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 22, 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
 Wade Fleming
 Martin Howrylak
 Mayor Pro Tem Mary Kerwin
 Maureen McGinnis
 Dane Slater

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 None Scheduled

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings Scheduled

F. PUBLIC COMMENT:

Susan S. Martin: Supports the library; supported Library Proposal 1.
Nancy Gross: Directed specific questions to City Council and City Staff regarding alternatives for funding of the library, budgetary questions, etc.
Irv Wengrow: Opposed to initiatory petition; supports the library.
Richard Peters: Discussed various topics.
Tony Haddad: Spoke in support of Council Member Howrylak; restated his request to have a formal investigation regarding the political ad in which the Chief of Police appeared with a political candidate; discussed other various topics associated with the Police Department.
Mary Ann Bernardi: Discussed protocol for the public addressing City Council Members and City Staff; discussed the impropriety of the behavior at City Council meetings of those voters who supported Library Proposal 1.
Tom Krent: Discussed the letter regarding the library proposals sent by Council Member Howrylak prior to the November election.
Edna Abraham: Shared the winning drawing submitted by a student depicting his ideal neighborhood which included a library; looking forward to learning the findings of the ICMA study; supports keeping the library open and the

- neighborhoods safe.
- Sharon MacDonnell:** Supports the library; opposed to the TCU; opposed to the initiatory petition.
- William Cowger:** Believes the decline in Troy is due to a lack of vision and lack of willingness to invest financially to support Troy's future.

G. RESPONSE / REPLY TO PUBLIC COMMENT

The meeting **RECESSED** at 8:35 PM.

The meeting **RECONVENED** at 8:45 PM.

G-1 Memorandum: Response to James Savage Comments: No Stopping, Standing, Parking Signs on Big Beaver, Livernois to Rochester

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Appointments to Boards and Committees: None Scheduled

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 – None Requested

I-4 Troy Nature Society – Start-up Seed Money Request

Resolution #2010-11-264

Moved by Beltramini

Seconded by Fleming

WHEREAS, As a group of citizens has formed a Michigan Non-Profit Tax Exempt Corporation for the purpose of assuming operational control of the Lloyd A. Stage Nature Center on July 1, 2011;

WHEREAS, The Troy City Council is supportive of efforts to maintain quality of life venues; and

WHEREAS, The Troy City Council has committed funds for the purpose of supporting these efforts;

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** the request from the *Troy Nature Society* for payment of \$20,000.00 for the purpose of facilitating start-up operations for assuming operational control of the Lloyd A. Stage Nature Center.

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

MOTION CARRIED

I-5 Ratification of Contract Extension and Early Retirement Incentive Program – Troy Fire Staff Officers Association (TFSOA) 2011-2014

Resolution #2010-11-265
Moved by McGinnis
Seconded by Beltramini

WHEREAS, A tentative agreement has been reached between the City of Troy and Troy Fire Staff Officers Association (TFSOA) for the period July 1, 2011 through June 30, 2014;

WHEREAS, Michigan's continuing rising unemployment and reductions in the taxable value of real estate are adversely affecting the City of Troy's operating revenues;

WHEREAS, Michigan's continuing economic distress has led City management to project significant budget short-falls for fiscal years 2011, 2012 and 2013;

WHEREAS, Economic uncertainty demands that the City of Troy government reduce operational expenses while improving efficiency and effectiveness;

WHEREAS, One recognized means of reducing operational expenses while simultaneously creating opportunities for reorganization and restructuring is to provide a voluntary separation incentive for City employees to retire;

WHEREAS, Approximately 5 Troy Fire Staff Officer Association (TFSOA) employees will meet the eligibility criteria for retirement from City employment as of December 31, 2010 and 3 Troy Fire Staff Officer Association (TFSOA) employees are within five years of meeting the eligibility criteria for retirement from City employment as of December 31, 2010; and

WHEREAS, The proposed *Early Retirement Incentive Program* has been reviewed and is recommended by City management as a mechanism to reduce workforce levels, create position vacancies, and provide City management with the opportunity to reduce costs, reorganize and restructure operations;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** implementation of the following *Early Retirement Incentive Program* to be offered to the TFSOA bargaining unit retirement system members who will be eligible to retire, or are within five years of eligibility, on or before December 31, 2010; and

BE IT FURTHER RESOLVED, That the *Early Retirement Incentive Program* **MAY BE OFFERED** during a 45-day window of opportunity beginning November 29, 2010 and ending January 13, 2011, with said incentive being the option of a lump sum payment of \$1,000.00 for each full year of retirement service as of December 31, 2010 or the conversion from a DC pension plan to a DB pension plan; and

BE IT FURTHER RESOLVED, That funding for the *Early Retirement Cash Incentive Program* **SHALL BE OBTAINED** from funds made available in the Fire Department budget, and funding for the Early Retirement DC to DB Program **SHALL BE OBTAINED** from the funds contained in the members' DC accounts; and

BE IT FURTHER RESOLVED, That employees in the Defined Benefit and Defined Contribution retirement plans desiring to participate in the *Early Retirement Incentive Program* **MUST FILE** written application to retire no less than 30 days in advance of their requested retirement date which shall be no later than February 22, 2011 with the Employees' Retirement System on the appropriate form, but in no event shall the application form be filed later than January 21, 2011; and

BE IT FURTHER RESOLVED, That the lump sum Early Retirement Incentive pay **SHALL NOT** be included in the final average compensation (FAC) for employees on the Defined Benefit Plan; contributions **WILL BE** made to an employee's Defined Contribution Plan by the City of Troy and the employee as a result of this lump sum payment; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** City Management to negotiate participation in the *Early Retirement Incentive Program* with represented Employees' Retirement System members in collective bargaining proceedings; and

BE IT FINALLY RESOLVED, That a three-year extension of the 2006-2011 collective bargaining agreement between the City of Troy and TFSOA for the period July 1, 2011 through June 30, 2014 as presented is hereby **RATIFIED** by the City Council of the City of Troy, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the final agreement.

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

MOTION CARRIED

**I-6 Agreement to Abide by Restrictive Covenants for Transit Center Property-
REMOVED BY CITY ATTORNEY**

I-7 Declaratory Action – Kempen Initiative Library Ordinance Petition

Resolution #2010-11-266
Moved by Slater
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **DIRECTS** the City Attorney to file a declaratory action with the Oakland County Circuit Court to obtain clarity as to the Kempen initiative library ordinance petition.

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

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2010-11-
Moved by Beltramini
Seconded by McGinnis

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

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

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2010-11-267-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the Regular City Council Meeting of November 15, 2010 as amended.

J-3 City of Troy Proclamation:

Resolution #2010-11-

RESOLVED, That Troy City Council hereby **APPROVES** the following City of Troy Proclamation: *National Family Caregivers Month – November 2010.*

J-4 Standard Purchasing Resolutions:

Standard Purchasing Resolution 3: Exercise Renewal Option – Snow Removal Rental Equipment Including Operators

Resolution #2010-11--267-J-4

WHEREAS, On November 9, 2009, Troy City Council awarded contracts to provide seasonal requirements of snow removal rental equipment including operators with an option to renew for one (1) additional season to Florence Cement Company, DiPonio Contracting, Sterling Topsoil and Grading and ABC Paving Company as a result of an informal quote process at the hourly rates contained in Appendix A (Resolution #2009-11-338-F-13); and

WHEREAS, All four (4) vendors have agreed to exercise the one-year option to renew the contract under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contracts to provide snow removal services with Florence Cement Company, DiPonio Contracting, Sterling Topsoil and Grading, and ABC Paving Company under the same prices, terms and conditions expiring April 15, 2011, **CONTINGENT** upon contractors' submission of properly executed contract documents, including insurance certificates and all other specified requirements; and

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

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** City staff to extend the hourly contract prices to other contractors after the awarded vendors have been employed to speed the snow removal process during times of snow emergencies.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None submitted

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

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 Advanced:

Council Member Kerwin expected a narrative to be attached to the memorandum associated with agenda item N-7 *Memorandum: Salary/Fringe Benefit Costs for the Positions of City Manager, City Attorney and All Department Directors* and requested that further explanation be forwarded to City Council.

City Manager Szerlag indicated that ICMA is currently in the process of evaluating those types of items associated with personnel payroll costs.

Council Member Beltramini would also like to more detailed information attached if ICMA does not provide more detail in their report.

Council Member Kerwin asked whether it is to better for City Council to provide direction to City Management by resolution.

City Manager Szerlag asked City Council to provide direction to him through resolutions.

Council Member McGinnis reported that Troy was recently recognized as being the safest city for those cities with a population of 75,000-95,999.

Council Member Kerwin asked City Council if they would consider cancelling the Regular Meeting scheduled for Monday, December 20, 2010.

There was a general consensus that the Regular Meeting of Monday, December 20, 2010 be cancelled.

City Manager Szerlag indicated that a resolution will appear on the agenda for the December 6, 2010 Regular City Council meeting to cancel the December 20th meeting.

N. REPORTS

N-1 Minutes – Boards and Committees:

- a) Employees’ Retirement System Board of Trustees/Final – July 14, 2010
 - b) Employees’ Retirement System Board of Trustees/Final – September 8, 2010
 - c) Liquor Advisory Committee/Final – October 4, 2010
 - d) Employees’ Retirement System Board of Trustees/Final – October 13, 2010
 - e) Board of Zoning Appeals/Draft – October 19, 2010
 - f) Liquor Advisory Committee/Draft – November 8, 2010
- Noted and Filed

N-2 Department Reports:

- a) Final Reporting – BidNet On-Line Auction Services – October 2010
- Noted and Filed

N-3 Letters of Appreciation:

- a) Letter of Appreciation from Kevin M. Sagan, Chief of Police for Madison Heights, Thanking the Troy Police Department for their Assistance in the Arrest of Three Armed Suspects
 - b) Letter of Appreciation from Lieutenant David Daniels, Unit Commander for Macomb County’s Sheriff Department’s Auto Theft Squad, Commending the Troy Police Department for their Efforts in the Apprehension of a LFA Ring
- Noted and Filed

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

N-5 Communication: State of Michigan-Notice of Hearing for the Electric Customers of the Detroit Edison Company–Case No. U-16434

Noted and Filed

N-6 Memorandum: Enbridge Oil Spill, Marshall Michigan Reimbursement

Noted and Filed

N-7 Memorandum: Salary/Fringe Benefit Costs for the Positions of City Manager, City Attorney and All Department Directors

Noted and Filed

N-8 Memorandum: Police Grants Report

Noted and Filed

N-9 Memorandum: Closure Plan for Troy Public Library

Noted and Filed

The meeting **RECESSED** at 9:26 PM.

The meeting **RECONVENED** at 9:36PM.

O. STUDY ITEMS

O-1 Goals and Objectives

P. CLOSED SESSION:

P-1 No Closed Session Requested

Q. ADJOURNMENT

The meeting **ADJOURNED** at 10:21PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk