

Pastor Brian Tabert of Kensington Community Church 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, April 5, 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
- Mary Kerwin
- Maureen McGinnis
- Dane Slater

C. CERTIFICATES OF RECOGNITION:

C-1 Presentations:

- a) On behalf of the City of Troy, Mayor Louise Schilling presented a proclamation to US Army Captain Brad Caton and Sergeant Brian Paquette in recognition of the Military Community Covenant April 2010.

D. CARRYOVER ITEMS:

-
- D-1 No Carryover Items**

E. PUBLIC HEARINGS:

-
- E-1 No Public Hearings**

F. PUBLIC COMMENT:

Janice Daniels
Barbara Klein
Robert Waldron

James Savage

Richard Peters
Forrest Wall – VP of Government
Affairs & Industry Relations for the
Bldg. Industry Association for SE Michigan
Don Pratt – Builder/Developer in SE Mich.
Chairman - Construction Code Commission

Dan MacLeish

Discussed city’s budget and Troy Daze Festival
Discussed essential city services
Discussed various issues small businesses are facing due to the road construction on Rochester Road
Disappointed in the comments made about two Council Members at the last City Council meeting
Discussed various topics
Discussed H-9 Standard Purchasing Resolution 8: Best Value Award Building Department Services; supports Building Department
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Discussed H-9 Standard Purchasing Resolution 8: Best Value Award: supports Building Department

G. POSTPONED ITEMS:

G-1 No Postponed Items

H. REGULAR BUSINESS:

H-1 Appointments to Boards and Committees: None Scheduled

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

H-3 2010 Tri-Party Program

Resolution #2010-04-073

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County for the 2010 Tri-Party Program at an estimated cost to the City of Troy of \$132,053.00, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

No: None

MOTION CARRIED

H-4 Core Network Upgrade

Resolution #2010-04-074

Ratified 11/8/2010 – Resolution #2010-11-247-J-7

Moved by Beltramini

Seconded by Slater

WHEREAS, The City is relying more heavily on electronic functions for delivery of service, it is imperative that the City's network infrastructure performs at its peak as well as being stable and reliable to minimize downtime; and

WHEREAS, Expanding the use of virtualization improves the ability to recover in the event of failures;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** and **AUTHORIZES** the purchase of replacement hardware, services and software as detailed in Attachment B for an estimated total cost of \$51,300.00, with yearly maintenance fees of \$3,530.00 that may change annually based on the CPI for the Detroit-Ann Arbor Area utilizing approved purchasing procedures, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

No: None

MOTION CARRIED

H-5 Bid Waiver – Troy Today

Resolution #2010-04-075

Moved by Slater

Seconded by Beltramini

WHEREAS, Grand River Printing has been providing printing and distribution of the Troy Today for over twenty (20) years;

WHEREAS, The current contract with Grand River Printing expired with the printing and distribution of the Spring 2010 issue;

WHEREAS, It is desirable to change the specifications and add advertising as a means of generating revenue in future editions; and

WHEREAS, There are time constraints to have the 2010 Summer issue mailed by May 3rd to accommodate the application/registration process for patrons registering for summer programs;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DEEMS** it to be in the City's best interest to **WAIVE** formal bidding procedures and hereby **AUTHORIZES** and **APPROVES** a contract with Grand River Printing of Van Buren Twp, MI, to provide printing and distribution of the 2010 Summer issue of the Troy Today for an estimated total cost of \$16,049.00, plus the actual cost of bulk rate postage, while specifications are being revised and advertising sold to help offset the cost of future issues.

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

No: None

MOTION CARRIED

H-6 Bid Waiver – Hansen Information Technology Replacement

Resolution #2010-04-076

Moved by Fleming

Seconded by Beltramini

WHEREAS, Since 2002 the Hansen Information Technology System has been utilized for water billing, business and dog licensing, asset management, work orders, customer service requests, infrastructure inspections, and inventory management (Resolution #2001-11-565-F4);

WHEREAS, Improvements in technology and increased demands require that both the hardware and Hansen software be replaced not upgraded, as it is cost prohibitive to do so; and the functions split between two systems: BS&A Software and Azteca Cityworks; and

WHEREAS, BS&A Software is currently used by the City and offers utility billing solutions and licensing capabilities, and Azteca Cityworks is utilized by Oakland County and would provide all other functionality utilizing ESRI technology, which is the platform that drives our Geographic Information System;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DEEMS** it to be in the City's best interest to **WAIVE** formal bidding procedures and hereby **AUTHORIZES** the purchase of replacement software as detailed in Attachment C, for an estimated total cost of \$171,670.00, with yearly software maintenance fees of \$60,750.00 that may change annually based on the CPI for the Detroit-Ann Arbor Area, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the purchase of necessary hardware from Hewlett Packard and other software from CDW-G for an estimated total cost of \$30,535.00 utilizing approved purchasing procedures.

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

No: None

MOTION CARRIED

H-7 Planning Consultant Services Contract

Resolution #2010-04-077

Moved by Slater

Seconded by Kerwin

WHEREAS, An Agreement for Consulting Services was entered into on April 18, 2005 between the City of Troy and Carlisle/Wortman Associates, Inc., for a period of five (5) years; and

WHEREAS, City Management is satisfied with the service provided by Carlisle/Wortman Associates, Inc. and considers the proposed hourly rate schedule to be reasonable;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the extension of the Agreement for Consulting Services for a period of one (1) year; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the one (1) year extension of Agreement for Consulting Services, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

No: Howrylak

MOTION CARRIED

H-8 Cancellation of Troy Daze Festival

Resolution #2010-04-078

Moved by Kerwin

Seconded by Beltramini

WHEREAS, The Troy Daze Festival has been a community fair for the past 41 years, through participation of in-kind services and financial subsidy of the City of Troy;

WHEREAS, Although coordinated by volunteers, the festival requires considerable resources by the following City departments: Community Affairs, Department of Public Works, Parks and Recreation, Risk Management, Purchasing, Finance, Treasurer, Fire, and Police;

WHEREAS, Revenues generated from the Troy Daze Festivals have regularly experienced shortfalls and does not cover festival expenses which have been supplemented by the City of Troy;

WHEREAS, The 2010 proposed Festival is anticipated to run as in years past with a significant cash shortage to supplement festival expenses including City staffing and expenses;

WHEREAS, The City of Troy is experiencing a declining revenue stream resulting in a reduction of City staff and resources; and

WHEREAS, All remaining City staff resources are being dedicated to core services and public safety;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RECOGNIZES** the declining economic condition resulting in unforeseen reduction of City staff and resources; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **RECOGNIZES** the Troy Daze Festival places an undue hardship both financial and staffing on an already strained City Government; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DEEMS** it to be in the best interest of the Troy city residents to **CANCEL** the Troy Daze Festival indefinitely; and

BE IT FINALLY RESOLVED, That Troy City Council will **REVISIT** the possibility of reinstating the Troy Daze Festival in the future.

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

No: Howrylak

MOTION CARRIED

The meeting **RECESSED** at 9:11 PM.

The meeting **RECONVENED** at 9:22 PM.

H-9 Standard Purchasing Resolution 8: Best Value Award – Building Department Services

Resolution #2010-04-079

Moved by McGinnis

Seconded by Fleming

RESOLVED, That Troy City Council hereby **AUTHORIZES** City Administration to negotiate a three-year contract to provide Building Department Services with an option to renew for two (2) additional years, to the highest rated bidder, SafeBuilt Michigan of Clarkston, as a result of a best value process, which the Troy City Council determines to be in the public interest, to expire June 30, 2013, at rates contained in the tabulation opened March 18, 2010, with fees assessed at 80% or 75% of permit fees depending on revenues in a given 12-month period, copies of which are **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That Troy City Council will **REVIEW** and **APPROVE** the final contract.

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

No: Howrylak

MOTION CARRIED

H-10 Scheduling of a Study Session to Further Discuss Restructuring Troy Government

Resolution #2010-04-080

Moved by Kerwin

Seconded by Slater

RESOLVED, That Troy City Council hereby **SCHEDULES** a special study meeting to further discuss restructuring City of Troy government in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084 on Tuesday, April 20, 2010 at 7:00 PM.

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

No: Howrylak

MOTION CARRIED

I. CONSENT AGENDA:

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

Resolution #2010-04-081

Moved by Kerwin

Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items I-4d, I-4e, I-4i, and I-11, which **SHALL BE CONSIDERED** after Consent Agenda (I) items, as printed.

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

MOTION CARRIED

I-2 Approval of City Council Minutes

Resolution #2010-04-081-I-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of March 15, 2010 as submitted.

I-3 City of Troy Proclamation:

Resolution #2010-04-081-I-3

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

- a) Recognition of the Military Community Covenant – April 2010

I-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 3: Exercise Renewal Option – Aggregates**

Resolution #2010-04-081-I-4a

WHEREAS, On April 6, 2009, one-year contracts to provide aggregates with an option to renew for one additional year were awarded to the low bidders, Bedrock Maintenance Services of Ortonville, MI and Metropolitan Demolition LLC of Romulus, MI (Resolution #2009-04-129-F-4a);

WHEREAS, On May 11, 2009, Troy City Council rescinded with prejudice the award to Metropolitan Demolition for failure to provide the required insurance certificates(s) and authorized City staff to utilize the informal three (3) quote process for future purchases of crushed concrete, 3"-6" (Resolution #2009-05-154-F7); and

WHEREAS, Bedrock Express has agreed to exercise the one-year option to renew the contract under the same prices, terms, and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contract with Bedrock Express of Ortonville, MI, to provide one-year requirements of aggregates under the same contract prices, terms, and conditions expiring April 30, 2011.

b) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Hauling/Disposal of Dirt and Debris

Resolution #2010-04-081-I-4b

RESOLVED, That Troy City Council hereby **AWARDS** a one-year contract to provide Hauling and Disposal of Dirt and Debris with an option to renew for one (1) additional year to the lowest total acceptable bidder, Bedrock Express LTD of Ortonville, MI at unit prices contained in the bid tabulation, which opened March 11, 2010 with the contract expiring March 31, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the contract is **CONTINGENT** upon submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

c) Standard Purchasing Resolution 3: Exercise Renewal Option – Transit Mixed Concrete

Resolution #2010-04-081-I-4c

WHEREAS, On March 30, 2009, one-year contracts for transit mixed concrete with an option to renew for one (1) additional year were awarded to the low bidders, Nagy Ready Mix, Inc. of Utica, MI as the primary supplier and Superior Materials, LLC of Farmington Hills, MI as the secondary supplier (Resolution #2009-03-115-F-4b);

WHEREAS, On December 30, 2009, Nagy Ready Mix, Inc. ceased operations and all assets and contracts were assumed by Paragon Ready Mix, Inc.; and

WHEREAS, Paragon Ready Mix, Inc., the primary supplier, and Superior Materials, LLC, the secondary supplier, have agreed to exercise the option to renew the contracts for one (1) additional year under the same prices, terms, and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contracts to provide transit mixed concrete with Paragon Ready Mix, Inc. of Utica, MI, as the primary supplier, and Superior Materials, LLC, as the secondary supplier, at unit prices contained in the bid tabulation opened March 12, 2009, with contract expiring April 30, 2011.

f) Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications – Mosquito Control

Resolution #2010-04-081-I-4f

RESOLVED, That Troy City Council hereby **AWARDS** a three-year contract for Mosquito Control to the lowest total acceptable bidder, Custom Lawn Care of Burton, MI for Proposals A-G at unit prices contained on the bid tabulation, which opened February 16, 2010, with the contract expiring December 31, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the contract is **CONTINGENT** upon submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **REJECTS** Proposal H due to program limitations on funds received through Oakland County.

g) Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications – Turfgrass Chemical Products for Sylvan Glen and Sanctuary Lake Golf Courses

Resolution #2010-04-081-I-4g

RESOLVED, That Troy City Council hereby **AWARDS** contracts to purchase seasonal requirements of turfgrass chemical products for Sylvan Glen and Sanctuary Lake Golf Courses to the lowest bidders meeting specifications as follows:

<u>BIDDERS</u>	<u>ITEMS</u>
Tri-Turf Inc. of Farmington, Hills, MI	1, 4, 7, 30
Helena Chemical Co. of Zeeland, MI	2, 5, 21, 24, 26
Great Lakes Turf LLC of Grand Rapids, MI	3, 8, 9, 10, 11, 19, 22, 23, 27, 28
Harrell's LLC of Lakeland, FL	6, 12, 13, 16, 20, 31, 32
John Deere Landscapes of Cleveland, OH	14, 25
Turfgrass Inc. of Novi, MI	15, 18, 29
Agrium Advanced Technologies of Sunfield, MI	17, 21

for an estimated total cost of \$144,603.92, at unit prices contained in the bid tabulation opened March 4, 2010 with contracts expiring December 31, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

h) Standard Purchasing Resolution 1: Award to Low Bidders – Asphalt Paving Material – Hot Patch

Resolution #2010-04-081-I-4h

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide one-year requirements of Asphalt Paving Material – Hot Patch to the low bidders, Barrett Paving Materials Inc, Troy, MI – Items 1-5 and Surface Coatings Company, Auburn Hills – Items 6-7, at unit prices contained on the bid tabulation opened February 26, 2010 with contracts expiring December 31, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon submission of properly executed bid and proposal documents, including insurance certificates and all other specified requirements.

I-5 Scheduling of a Public Hearing on April 19, 2010 for Community Development Block Grant (CDBG) Program Year 2007 Reprogramming of Funds

Resolution #2010-04-081-I-5

RESOLVED, That Troy City Council hereby **SCHEDULES** a Public Hearing on April 19, 2010 at 7:30 PM or as soon thereafter as the agenda will permit for the purpose of hearing public comments on reprogramming 2007 CDBG funds to the Section 36 Park Project.

I-6 Approval of Recognition as a Nonprofit Organization Status from James P. Conrad, Board Chairman of the National Polish American – Sports Hall of Fame

Resolution #2010-04-081-I-6

RESOLVED, That Troy City Council hereby **APPROVES** the request from the *National Polish American – Sports Hall of Fame* 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 **CONTINGENT** upon the applicant's submittal of *Copy of Form #1023-Application for Recognition Exemption*.

I-7 City of Troy v. Ziegler

Resolution #2010-04-081-I-7

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent the City of Troy in the appeal filed with the Michigan Court of Appeals by the Defendant in the case of *People of the City of Troy v Erik Ziegler*, Docket No. 297091, and to pay all expenses necessary to adequately represent the City.

I-8 City of Troy v. JMT Properties, LLC

Resolution #2010-04-081-I-8

RESOLVED, That Troy City Council hereby **APPROVES** the proposed Consent Judgment in the condemnation case of *City of Troy v JMT Properties, LLC* (Oakland County Circuit Court Case No. 09-100948-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.

I-9 Stickney Lawsuit

Resolution #2010-04-081-I-9

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent the City of Troy defendants in any and all claims for damages in the matter of

Stickney v. Troy et.al, United States District Court for the Eastern District of Michigan Court case number 10-10487; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City of Troy defendants.

I-10 Section 36 Park Name Update

Resolution #2010-04-081-I-10

WHEREAS, The Troy City Council has adopted a Policy for Naming Public Places Specific to Parks and Recreation; and

WHEREAS, The process outlined in the policy was followed for the naming of the park in Section 36;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **NAMES** the park in Section 36, Milverton Park.

I-12 Interlocal Agreement with Oakland County Authorizing City of Troy Employees and/or Volunteer Firefighters who are Members of the Regional Urban Search and Rescue Task Force to Operate Task Force Vehicles

Resolution #2010-04-081-I-12

WHEREAS, Each Participating Agency has the power, privilege and authority to maintain and operate a fire department providing fire protection, fire suppression, emergency medical services, technical rescue, search and rescue response operations, hazardous incident response, and other emergency response services;

WHEREAS, Fire Services can further be improved by cooperation between political subdivision during times of public emergency, conflagration or disaster (“Incidents”);

WHEREAS, The Michigan Constitution of 1963, Article 7 § 28, the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of 1967, Ex. Sess., being MCL 124.501 et seq., and the Emergency Management Act, MCL 30.401 et seq., permit a political subdivision to exercise jointly with any other political subdivision any power, privilege or authority which such political subdivisions share in common and which each might exercise separately;

WHEREAS, Each Participating Agency continues to face threats to public safety (“Incidents”);

WHEREAS, The resources of the Participating Agency might be strained or overwhelmed if forced to confront such Incidents in isolation and the Parties acknowledge the possibility that additional resources and equipment, beyond those of the Participating Agency facing the Incident, may be required to meet and mitigate ht dangers to public safety and as such, has designated employees or volunteers that participate with Michigan Task Force 1 (MI-TF1);

WHEREAS, The County has acquired specialized Search and Rescue Emergency Response Vehicles and associated equipment to aid in responding to such Incidents; and

WHEREAS, Pursuant to the Michigan constitution, the Urban Cooperation Act and the Emergency Management Act, the Parties enter into this Agreement to set forth the rights and duties regarding the use and operation of the Search and Rescue Emergency Response Vehicles acquired and owned by the county;

THEREFORE, BE IT RESOLVED, That Troy City Council in consideration of the mutual promises, obligations representation, and assurances in this Agreement, hereby **AGREES** to the agreement; and

BE IT FURTHER RESOLVED, That Troy City Council 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.

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

I-4 Standard Purchasing Resolutions:

d) Standard Purchasing Resolution 4: Award – Oakland County Cooperative Purchasing Agreement – Fleet Vehicles

Resolution #2010-04-082-I-4d

Moved by Beltrami

Seconded by Fleming

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase one (1) 2010 Chevrolet Malibu, one (1) 2010 Chevrolet Traverse, one (1) 2010 Chevrolet Cargo van and two (2) 2010 Chevrolet Pickup trucks from Buff Whelan Chevrolet of Sterling Heights, MI, through an Oakland County Cooperative Purchasing Agreement for an estimated total cost of \$93,315.33.

Yes: Fleming, Howrylak, Kerwin, McGinnis, Slater, Schilling, Beltrami

No: None

MOTION CARRIED

e) Standard Purchasing Resolution 4: Award – Macomb County Cooperative Purchasing Agreement – Fleet Vehicles

Resolution #2010-04-082-I-4e

Moved by Beltrami

Seconded by Fleming

RESOLVED, That Troy City Council hereby **AWARDS** contracts to purchase one (1) 2010 Ford Expedition 4x4, one (1) 2010 Ford Explorer 4x4 and one (1) 2010 Ford Sport Trac 4x4 from Signature Ford of Owosso, MI, and one (1) Ford Fusion from Varsity Ford of Ann Arbor, MI,

through a Macomb County Cooperative Purchasing Agreement for an estimated total cost of \$70,585.50 and \$17,095.00 respectively.

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

No: None

MOTION CARRIED

i) **Standard Purchasing Resolution 8: Best Value Award – Big Beaver/Civic Center Landscape Maintenance**

Resolution #2010-04-083-I-4i

Moved by Howrylak

Seconded by Fleming

RESOLVED, That Troy City Council hereby **AWARDS** a one-year contract to provide Landscape Maintenance on the DDA and Civic Center properties with an option to renew for four additional one-year periods to the highest scoring respondent, W. H. Canon, Inc. of Romulus, MI, as a result of a best value process, which the Troy City Council determines to be in the public interest, at unit prices contained on the RFP tabulation opened February 25, 2010 with a contract expiration of December 31, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That this award is **CONTINGENT** upon submission of properly executed proposal and contract documents, including insurance certificates and all other specified requirements.

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

No: Schilling

MOTION CARRIED

I-11 Approval of Request from Mercmiles, Inc. to Transfer Ownership of 2009 Class C Licensed Business with Outdoor Service (1 Area) Located at 3946 Rochester from Rochester Road Ventures, LLC and Requests New Dance-Entertainment Permit, and a New SDM License – MLCC Request #519373

a) **Transfer License and New Dance-Entertainment Permit-New SDM License**

Resolution #2010-04-084a

Moved by McGinnis

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Mercmiles, Inc. to transfer ownership of 2009 Class C Licensed Business with Outdoor Service (1 Area) located at 3946 Rochester, Troy, MI 48083, Oakland County from Rochester Road Ventures, LLC; requests New Dance-Entertainment Permit, and a New SDM License {MLCC Request #519373} 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: Kerwin, McGinnis, Slater, Schilling, Beltramini, Fleming, Howrylak
No: None

MOTION CARRIED

b) Agreement

Resolution #2010-04-084b
Moved by McGinnis
Seconded by Beltramini

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 Mermiles Inc. to transfer ownership of 2009 Class C Licensed Business with Outdoor Service (1 Area) located at 3946 Rochester, Troy, MI 48083, Oakland County from Rochester Road Ventures, LLC, and requests New Dance-Entertainment Permit and a New SDM License {MLCC Request #519373}, 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: Kerwin, McGinnis, Slater, Schilling, Beltramini, Fleming, Howrylak
No: None

MOTION CARRIED

J. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

J-1 Announcement of Public Hearings:

- a) Zoning Ordinance Text Amendment (File Number ZOTA 242) – Agricultural Uses in R-1A through R-1E (One Family Residential) Districts – April 19, 2010
Noted and Filed
-

- 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

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #26 – Continued Agenda Items Not Considered Before 12:00 AM

Resolution #2010-04-085

Moved by Beltramini

Seconded by Fleming

RESOLVED, That City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #26 - *Continued Agenda Items Not Considered Before 12:00 AM* and **AUTHORIZE** City Council to **EXTEND** the adjournment time to 12:30 AM on Tuesday, April 6, 2010.

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

No: None

MOTION CARRIED

K-1 Using Fund Balance to Advance Sustainability – Referred by Council Member Robin Beltramini – General consensus of City Council Members to take no action.

L. COUNCIL COMMENTS

L-1 Council Comments Advanced:

Mayor Schilling commended the Police and Fire Departments response to a structure fire that occurred at the American House this past weekend.

Mayor Schilling discussed the positive efforts of Robert Waldron who, with other participating businesses, is spearheading a plan to promote business on Rochester Road during the construction project.

Council Member Howrylak indicated it was brought to his attention that during Public Comment the cameras do not display the front view of the speakers. He requested that either the cameras be redirected or a rule be included in Council Rules and Procedures stating that the cameras will only display a rear view of the speakers.

Council Member Kerwin requested that City Council schedule a study session as soon as possible to develop a code of conduct, to revisit City Council's Goals and update City Council's Rules and Procedures. She added that City Council should also look at the board and committee-structure at this time.

Council Member Kerwin distributed copies of Avondale Youth Assistance's Annual Report noting that the City has traditionally designated funds for Youth Assistance and they should bear this in mind as they work through the 2010-2011 Budget process.

Council Member Kerwin reported that Michigan State University is offering 100 free training programs in a number of different areas that are open to everyone. She added if anyone is interested in attending the "Michigan Prosperity Initiative" that information can be found at www.landpolicy.msu.edu\mpi.

Council Member Kerwin commented on how the city needs volunteers now more than ever to help deliver services differently.

Council Member Beltramini reported that Troy Youth Assistance is recognizing 154 middle and high school students on April 21, 2010 at Athens High School.

Mayor Schilling reported that the Troy Board of Education is developing a public participation code to assist the board when conducting their board meetings. She suggested that City Council may want to review the code.

M. REPORTS

M-1 Minutes – Boards and Committees:

- a) Historic District Commission/Final – January 19, 2010
- b) Historic Commission/Final – January 26, 2010
- c) Liquor Advisory Committee/Final – February 8, 2010
- d) Employees' Retirement System Board of Trustees/Final – February 10, 2010
- e) Library Advisory Board/Final – February 11, 2010
- f) Board of Zoning Appeals/Draft – February 16, 2010
- g) Board of Zoning Appeals/Final – February 16, 2010
- h) Historic District Commission/Final – February 16, 2010
- i) Parks and Recreation Advisory Board/Final – February 18, 2010
- j) Planning Commission Special/Study/Final – February 23, 2010
- k) Election Commission/Final – March 3, 2010
- l) Liquor Advisory Committee/Draft – March 8, 2010
- m) Planning Commission/Draft – March 9, 2010
- n) Planning Commission/Final – March 9, 2010
- o) Library Advisory Board/Draft – March 11, 2010
- p) Troy Daze Advisory Committee/Draft – March 23, 2010
- q) Election Commission/Draft – March 29, 2010

Noted and Filed

M-2 Department Reports:

- a) Council Member Kerwin Travel Expense Report – MML *Creating Vibrant and Walkable Communities* Session in Lansing, Michigan on February 12, 2010
- b) Council Member McGinnis Travel Expense Report – MML *Creating Vibrant and Walkable Communities* Session in Lansing, Michigan on February 12, 2010
- c) Police Department – Oakland County Narcotic Enforcement Team (NET)
- d) Police Department – Balkan Organized Crime Task Force (BOCTF)

Noted and Filed

M-3 Letters of Appreciation:

- a) Letter to Chief Craft from Ann and Steve Doman in Appreciation of Assistance Received from Officers Meinzinger and Strong
- b) Letter of Thanks to Officer David Isham from Luanne Sherman

Noted and Filed

M-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) City of Birmingham Resolution – Calling on Representatives in Lansing and Washington to Protect State and Federal Funding for Michigan Roads and Bridges
- b) City of Southgate Resolution in Support of Proposed House Bill Language in Regard to Publishing Legal Notices

Noted and Filed

M-5 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Customers of Consumers Energy Company and The Detroit Edison Company – Case No. U-16055

Noted and Filed

M-6 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-15806

Noted and Filed

M-7 Communication from City Attorney Lori Grigg Bluhm Regarding Sean Steven Seyler v. City of Troy and Troy Police Department

Noted and Filed

N. STUDY ITEMS

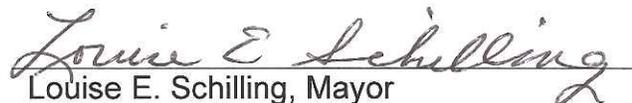
N-1 No Study Items Submitted

O. CLOSED SESSION:

O-1 No Closed Session Requested

P. ADJOURNMENT

The meeting **ADJOURNED** on Tuesday, April 6, 2010 at 12:25 AM.


Louise E. Schilling, Mayor


Tonni L. Bartholomew, MMC
City Clerk