

Reverend Judy McMillan Christensen of First Presbyterian 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, March 1, 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) A legislative update was received from State Representative Marty Knollenberg.

D. CARRYOVER ITEMS:

D-1 No Carryover Items

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #16, Members of the Public and Visitors

Resolution #2010-03-046
Moved by Schilling
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedures for the City Council, Rule #16 *Members of the Public and Visitors*.

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

MOTION CARRIED

Vote on Resolution to Reduce Time Allotted for Public Comment

Resolution #2010-03-047
Moved by Schilling
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **REDUCES** the time allotted under Public Comment from five (5) minutes to three (3) minutes due to the number of people requesting to speak.

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

MOTION CARRIED

E. PUBLIC HEARINGS:

E-1 Michigan Next Energy Exemptions

Mayor Schilling opened and closed the Public Hearing having received no comment from the public.

Resolution #2010-03-048
Moved by Fleming
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AFFIRMS** the Michigan NextEnergy Exemption of Alternative Energy Personal Property located at 1100 W. Maple, and 1857 Technology Drive, Troy, MI, as certified by the City Assessor, in an amount not to exceed \$3,929,241.00, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to forward a copy of this resolution and attachments to the Michigan NextEnergy Authority at 300 N. Washington Square, Lansing, MI 48913.

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

MOTION CARRIED

E-2 Liquor Violation Hearings

a) Marriott International, Inc./WHP Hotel, LLC (dba: Troy Marriott)

The licensee waived her right to a public hearing.

Resolution
Moved by Kerwin
Seconded by Beltramini

WHEREAS, The Troy City Council has scheduled a hearing, based on a charge of a violation of the liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively, namely:

Sale TO MINOR (DPU) (Compliance Test) - May 7, 2009;

WHEREAS, The City Council has given public notice that it will hold a hearing on March 1, 2010, where the City Administration is charged with presenting proof of the alleged violation, and the licensee has the opportunity to challenge the alleged violation, and to confront the City's witnesses in a due process hearing before City Council;

WHEREAS, Notice of this hearing has also been sent, certified mail, to the following licensed establishment:

Name: Marriott International, Inc./WHP Hotel, LLC
(dba: Troy Marriott)
Address: 200 West Big Beaver Road, 48084
License No.: B-Hotel (138655-2009);

WHEREAS, If City Council determines that a liquor license violation did occur, then City Council is empowered to take adverse action against the licensee;

WHEREAS, Under state law, City Council has the ability to pass a resolution objecting to the automatic renewal of the annual on-premises B-Hotel license held by licensee, which could then be forwarded to the Michigan Liquor Control Commission for the licensed establishment, and would result in the expiration of the liquor license; and

WHEREAS, This licensee had prior violations dated: July 28, 2000 - **SALE TO MINOR (Compliance Test)**, January 1, 2000 - **SELL UNLIMITED QUANTITY OF ALCOHOL AT ONE PRICE; ALLOW UNLAWFUL GAMBLING (Raffle Tickets); ALLOW UNLAWFUL GAMBLING (Raffle Tickets); ALLOW CONTEST WITH PRIZE GREATER THAN \$250.00**, December 18, 1997 - **SALE TO MINOR (Compliance Test)**, October 2, 1995 – **FAIL TO MAINTAIN RECORDS; SELL AN INTEREST WITHOUT APPROVAL; OBTAIN LICENSE IN IT'S NAME TO BENEFIT ANOTHER; ALLOW CORPORATION WHOSE NAME DOES NOT APPEAR ON THE LICENSE TO DERIVE BENEFIT FROM LICENSE**, November 22, 1993 - **SALE TO MINOR (Compliance Test)**, December 20, 1992 – **3 COUNTS: ALLOW FIGHTS, BRAWLS, ETC.; ALLOW INTOXICATED PERSON TO LOITER; ALLOW ANNOYING AND MOLESTING OF CUSTOMERS**, June 17, 1992 - **SALE TO MINOR (Compliance Test)**, and October 17, 1990 - **SALE TO MINOR (Compliance Test)**;

THEREFORE, BE IT RESOLVED, That Troy City Council, after due notice, appropriate hearing and deliberations, **HAS DETERMINED** that WHP Hotel, LLC/ Marriott International, Inc., B-Hotel licensee, Number 138655-2009, did violate the liquor license laws of the State of Michigan and the City of Troy, since there was an unlawful sale of alcohol to a minor at the licensed establishment on May 7, 2009; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **REQUIRES** all employees serving alcohol for the licensee be TIPS or TAMS trained or trained in another program of similar caliber, as determined by the designated representatives of the Troy Police Department, and that proof of this training be submitted to the Troy Police Department within ninety (90) days.

Vote on Amendment Resolution for Agenda Item E-2 Liquor Violation Hearings a) Marriott International, Inc./WHP Hotel, LLC (dba: Troy Marriott)

Resolution #2010-03-049

Moved by Beltramini

Seconded by Fleming

RESOLVED, That Troy City Council hereby **AMENDS** resolution E-2 *Liquor Violation Hearings a) Marriott International, Inc./WHP Hotel, LLC (dba: Troy Marriott)* by **INSERTING** “and any employees trained within the last six (6) months of this date are exempt from this training” **AFTER** “Troy Police Department” in the third line of the last BE IT FURTHER RESOLVED .

Yes: All-7

No: None

MOTION CARRIED

Vote on Resolution for Agenda Item E-2 Liquor Violation Hearings a) Marriott International, Inc./WHP Hotel, LLC (dba: Troy Marriott) as Amended

Resolution #2010-03-050

Moved by Kerwin

Seconded by Beltramini

WHEREAS, The Troy City Council has scheduled a hearing, based on a charge of a violation of the liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively, namely:

Sale TO MINOR (DPU) (Compliance Test) - May 7, 2009;

WHEREAS, The City Council has given public notice that it will hold a hearing on March 1, 2010, where the City Administration is charged with presenting proof of the alleged violation, and the licensee has the opportunity to challenge the alleged violation, and to confront the City’s witnesses in a due process hearing before City Council;

WHEREAS, Notice of this hearing has also been sent, certified mail, to the following licensed establishment:

Name: Marriott International, Inc./WHP Hotel, LLC
(dba: Troy Marriott)
Address: 200 West Big Beaver Road, 48084
License No.: B-Hotel (138655-2009);

WHEREAS, If City Council determines that a liquor license violation did occur, then City Council is empowered to take adverse action against the licensee;

WHEREAS, Under state law, City Council has the ability to pass a resolution objecting to the automatic renewal of the annual on-premises B-Hotel license held by licensee, which could

then be forwarded to the Michigan Liquor Control Commission for the licensed establishment, and would result in the expiration of the liquor license; and

WHEREAS, This licensee had prior violations dated: July 28, 2000 - **SALE TO MINOR (Compliance Test)**, January 1, 2000 - **SELL UNLIMITED QUANTITY OF ALCOHOL AT ONE PRICE; ALLOW UNLAWFUL GAMBLING (Raffle Tickets); ALLOW UNLAWFUL GAMBLING (Raffle Tickets); ALLOW CONTEST WITH PRIZE GREATER THAN \$250.00**, December 18, 1997 - **SALE TO MINOR (Compliance Test)**, October 2, 1995 – **FAIL TO MAINTAIN RECORDS; SELL AN INTEREST WITHOUT APPROVAL; OBTAIN LICENSE IN IT’S NAME TO BENEFIT ANOTHER; ALLOW CORPORATION WHOSE NAME DOES NOT APPEAR ON THE LICENSE TO DERIVE BENEFIT FROM LICENSE**, November 22, 1993 - **SALE TO MINOR (Compliance Test)**, December 20, 1992 – **3 COUNTS: ALLOW FIGHTS, BRAWLS, ETC.; ALLOW INTOXICATED PERSON TO LOITER; ALLOW ANNOYING AND MOLESTING OF CUSTOMERS**, June 17, 1992 - **SALE TO MINOR (Compliance Test)**, and October 17, 1990 - **SALE TO MINOR (Compliance Test)**;

THEREFORE, BE IT RESOLVED, That Troy City Council, after due notice, appropriate hearing and deliberations, **HAS DETERMINED** that WHP Hotel, LLC/ Marriott International, Inc., B-Hotel licensee, Number 138655-2009, did violate the liquor license laws of the State of Michigan and the City of Troy, since there was an unlawful sale of alcohol to a minor at the licensed establishment on May 7, 2009; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **REQUIRES** all employees serving alcohol for the licensee to be TIPS or TAMS trained or trained in another program of similar caliber, as determined by the designated representatives of the Troy Police Department, and any employees trained within the last six (6) months of this date are exempt from this training, and that proof of this training be submitted to the Troy Police Department within ninety (90) days.

Yes: All-7
No: None

MOTION CARRIED

b) Charles Edward Post 14, The American Legion

The licensee waived his right to a public hearing.

Resolution #2010-03-051
Moved by Beltramini
Seconded by Fleming

WHEREAS, The Troy City Council has scheduled a hearing, based on a charge of a violation of the liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively, namely:

Sale TO MINOR (DPU) (Compliance Test) - May 7, 2009;

WHEREAS, The City Council has given public notice that it will hold a hearing on March 1, 2010, where the City Administration is charged with presenting proof of the alleged violation, and the licensee has the opportunity to challenge the alleged violation, and to confront the City's witnesses in a due process hearing before City Council;

WHEREAS, Notice of this hearing has also been sent, certified mail, to the following licensed establishment:

Name: Charles Edward Post 14, The American Legion
Address: 1340 West Maple, 48084
License No.: Club (20523-2009 SS);

WHEREAS, If City Council determines that a liquor license violation did occur, then City Council is empowered to take adverse action against the licensee;

WHEREAS, Under state law, City Council has the ability to pass a resolution objecting to the automatic renewal of the annual on-premises club license held by licensee, which could then be forwarded to the Michigan Liquor Control Commission for the licensed establishment, and would result in the expiration of the liquor license;

WHEREAS, This licensee had prior violations dated: July 1, 2008 – **GAMBLING VIOLATION (CIU)**, February 4, 1988 – **GAMBLING/GAMBLING DEVICES ON PREMISES**, and April 25, 1986 – **SALE TO NON-MEMBER**;

THEREFORE, BE IT RESOLVED, That Troy City Council, after due notice, appropriate hearing and deliberations, **HAS DETERMINED** that the American Legion, Charles Edward Post 14, club license 20523-2009 SS, did violate the liquor license laws of the State of Michigan and the City of Troy, since there was an unlawful sale of alcohol to a minor at the licensed establishment on May 7, 2009; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **REQUIRES** all employees and members serving alcohol for the licensee to be TIPS or TAMS trained or trained in another program of similar caliber, as determined by the designated representatives of the Troy Police Department, and any employees trained within the last six (6) months of this date are exempt from this training, and that proof of this training be submitted to the Troy Police Department within ninety (90) days.

Yes: All-7
No: None

MOTION CARRIED

c) Joseph Koolisky's, LLC (dba: Joe Kool's)

The licensee waived his right to a public hearing.

Resolution
Moved by McGinnis
Seconded by Beltramini

WHEREAS, The Troy City Council has scheduled a hearing, based on a charge of a violation of the liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively, namely:

Sale TO MINOR (DPU) (Compliance Test) - May 7, 2009;

WHEREAS, The City Council has given public notice that it will hold a hearing on March 1, 2010, where the City Administration is charged with presenting proof of the alleged violation, and the licensee has the opportunity to challenge the alleged violation, and to confront the City's witnesses in a due process hearing before City Council;

WHEREAS, Notice of this hearing has also been sent, certified mail, to the following licensed establishment:

Name: Joseph Koolisky's, LLC (dba: Joe Kool's)
Address: 1835 East Big Beaver, Troy 48083
License No.: Class C (71344-2009 SS);

WHEREAS, If City Council determines that a liquor license violation did occur, then City Council is empowered to take adverse action against the licensee;

WHEREAS, Under state law, City Council has the ability to pass a resolution objecting to the automatic renewal of the annual on-premises Class C license held by licensee, which could then be forwarded to the Michigan Liquor Control Commission for the licensed establishment, and would result in the expiration of the liquor license; and

WHEREAS, This licensee had prior violations dated: May 17, 2001 - **SALE TO MINOR (2) (Compliance Test)** and November 16, 1999 - **SALE TO MINOR (Compliance Test) x 2;**

THEREFORE, BE IT RESOLVED, That Troy City Council, after due notice, appropriate hearing and deliberations, **HAS DETERMINED** that Joseph Koolisky's LLC, Class C licensee, Number 71344-2009 SS, did violate the liquor license laws of the State of Michigan and the City of Troy, since there was an unlawful sale of alcohol to a minor at the licensed establishment on May 7, 2009; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **REQUIRES** all employees serving alcohol for the licensee be TIPS or TAMS trained or trained in another program of similar caliber, as determined by the designated representatives of the Troy Police Department, and that proof of this training be submitted to the Troy Police Department within ninety (90) days.

Vote on Amendment Resolution for Agenda Item E-2 Liquor Violation Hearings c) Joseph Koolisky's, LLC (dba: Joe Kool's)

Resolution #2010-03-052
Moved by Slater
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS** resolution E-2 *Liquor Violation Hearings c) Joseph Koolisky's, LLC (dba: Joe Kool's)* by **INSERTING** "and any employees trained within the last six (6) months of this date are exempt from this training" **AFTER** "Troy Police Department" in the third line of the last BE IT FURTHER RESOLVED .

Yes: All-7

No: None

MOTION CARRIED

Vote on Resolution for Agenda Item E-2 *Liquor Violation Hearings c) Joseph Koolisky's, LLC (dba: Joe Kool's)* as Amended

Resolution #2010-03-053

Moved by McGinnis

Seconded by Beltramini

WHEREAS, The Troy City Council has scheduled a hearing, based on a charge of a violation of the liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively, namely:

Sale TO MINOR (DPU) (Compliance Test) - May 7, 2009;

WHEREAS, The City Council has given public notice that it will hold a hearing on March 1, 2010, where the City Administration is charged with presenting proof of the alleged violation, and the licensee has the opportunity to challenge the alleged violation, and to confront the City's witnesses in a due process hearing before City Council;

WHEREAS, Notice of this hearing has also been sent, certified mail, to the following licensed establishment:

Name: Joseph Koolisky's, LLC (dba: Joe Kool's)
 Address: 1835 East Big Beaver, Troy 48083
 License No.: Class C (71344-2009 SS);

WHEREAS, If City Council determines that a liquor license violation did occur, then City Council is empowered to take adverse action against the licensee;

WHEREAS, Under state law, City Council has the ability to pass a resolution objecting to the automatic renewal of the annual on-premises Class C license held by licensee, which could then be forwarded to the Michigan Liquor Control Commission for the licensed establishment, and would result in the expiration of the liquor license; and

WHEREAS, This licensee had prior violations dated: May 17, 2001 - **SALE TO MINOR (2) (Compliance Test)** and November 16, 1999 - **SALE TO MINOR (Compliance Test) x 2;**

THEREFORE, BE IT RESOLVED, That Troy City Council, after due notice, appropriate hearing and deliberations, **HAS DETERMINED** that Joseph Koolisky's LLC, Class C licensee, Number 71344-2009 SS, did violate the liquor license laws of the State of Michigan and the City of Troy,

since there was an unlawful sale of alcohol to a minor at the licensed establishment on May 7, 2009; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **REQUIRES** all employees serving alcohol for the licensee to be TIPS or TAMS trained or trained in another program of similar caliber, as determined by the designated representatives of the Troy Police Department, and any employees trained within the last six (6) months of this date are exempt from this training, and that proof of this training be submitted to the Troy Police Department within ninety (90) days.

Yes: All-7

No: None

MOTION CARRIED

d) San Marino Club, Inc. (dba: San Marino Catering Hall/Tremonti Restaurant)

The licensee waived his right to a public hearing.

Resolution #2010-03-054

Moved by Beltramini

Seconded by Kerwin

WHEREAS, The Troy City Council has scheduled a hearing, based on a charge of a violation of the liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively, namely:

Sale TO MINOR (DPU) (Compliance Test) - May 7, 2009;

WHEREAS, The City Council has given public notice that it will hold a hearing on March 1, 2010, where the City Administration is charged with presenting proofs of the alleged violation, and the licensee has the opportunity to challenge the alleged violation, and to confront the City's witnesses in a due process hearing before City Council;

WHEREAS, Notice of this hearing has also been sent, certified mail, to the following licensed establishment:

Name: San Marino Club, Inc.
(dba: San Marino Catering Hall /Tre Monti Restaurant)
Address: 1685 East Big Beaver Road, Troy 48083
License No.: Class C (4874-2009 SS);

WHEREAS, If City Council determines that a liquor license violation did occur, then City Council is empowered to take adverse action against the licensee;

WHEREAS, Under state law, City Council has the ability to pass a resolution objecting to the automatic renewal of the annual on-premises Class C license held by licensee, which could then be forwarded to the Michigan Liquor Control Commission for the licensed establishment, and would result in the expiration of the liquor license; and

WHEREAS, This licensee had a prior violation dated: December 31, 1991 – **FURNISHING TO MINORS, PERMIT MINORS TO CONSUME, ALLOW THE SALE OF UNLIMITED QUANTITY OF ALCOHOL FOR FIXED PRICE (24 HR. PERMIT);**

THEREFORE, BE IT RESOLVED, That Troy City Council, after due notice, appropriate hearing and deliberations, **HAS DETERMINED** that San Marino Club, Inc., dba San Marino Catering Hall/ Tre Monti Restaurant), Class C licensee, Number 4874-2009 SS, did violate the liquor license laws of the State of Michigan and the City of Troy, since there was an unlawful sale of alcohol to a minor at the licensed establishment on May 7, 2009; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **REQUIRES** all employees serving alcohol for the licensee to be TIPS or TAMS trained or trained in another program of similar caliber, as determined by the designated representatives of the Troy Police Department, and any employees trained within the last six (6) months of this date are exempt from this training, and that proof of this training be submitted to the Troy Police Department within ninety (90) days.

Yes: All-7

No: None

MOTION CARRIED

e) Mar-Bill, Inc. (dba: Parrot Cove Yacht Club)

The licensee waived his right to a public hearing.

Resolution #2010-03-055

Moved by Beltramini

Seconded by Kerwin

WHEREAS, The Troy City Council has scheduled a hearing, based on a charge of a violation of the liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively, namely:

**Sale TO MINOR (DPU) (Compliance Test) - May 7, 2009 and
Sale TO MINOR (DPU) (Compliance Test) - October 28, 2009;**

WHEREAS, The City Council has given public notice that it will hold a hearing on March 1, 2010, where the City Administration is charged with presenting proof of the alleged violations, and the licensee has the opportunity to challenge the alleged violations, and to confront the City's witnesses in a due process hearing before City Council;

WHEREAS, Notice of this hearing has also been sent, certified mail, to the following licensed establishment:

Name: Mar-Bill Inc. (dba: Parrot Cove Yacht Club)
Address: 33475 Dequindre, Troy 48084
License No.: Class C (2592-2009 SS) SDM (10346-2009);

WHEREAS, If City Council determines that a liquor license violation did occur, then City Council is empowered to take adverse action against the licensee;

WHEREAS, Under state law, City Council has the ability to pass a resolution objecting to the automatic renewal of the annual on-premises Class C license held by licensee, which could then be forwarded to the Michigan Liquor Control Commission for the licensed establishment, and would result in the expiration of the liquor license; and

WHEREAS, This licensee had a prior violations dated: October 17, 2000 - **SALE TO MINOR (Compliance Test)**, July 26, 2000 - **SALE TO MINOR (Compliance Test)**, September 28, 1999 – **GAMBLING DEVICES ON PREMISES**, October 29, 1998 - **SALE TO MINOR (Compliance Test)**, August 25, 1994 - **SALE TO MINOR (Compliance Test)**, and February 27, 1992 **SALE TO MINOR (Compliance Test)**;

THEREFORE, BE IT RESOLVED, That Troy City Council, after due notice, appropriate hearing and deliberations, **HAS DETERMINED** that Mar-Bill, Inc., dba Parrot Cove Yacht Club), Class C licensee, Number 2592-2009 SS, did violate the liquor license laws of the State of Michigan and the City of Troy, since there was an unlawful sale of alcohol to a minor at the licensed establishment on May 7, 2009 and on October 28, 2009; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **REQUIRES** all employees serving alcohol for the licensee be TIPS or TAMS trained or trained in another program of similar caliber, as determined by the designated representatives of the Troy Police Department, and that proof of this training be submitted to the Troy Police Department within ninety (90) days.

Yes: All-7
No: None

MOTION CARRIED

The meeting **RECESSED** at 8:44 PM.

The meeting **RECONVENED** at 8:53 PM.

F. PUBLIC COMMENT:

Steve Toth:

the annual *Taste of Troy* event will be hosted by the Boys & Girls Club at the San Marino Club On Sunday, March 7th,. Educated the public about the purpose and programs of the Boys & Girls Club.

Ellen Hodorek:

Disappointed with the outcome of February's Special Election and the political posturing of two City Council members.

Richard Peters:

Discussed various topics.

Tim Burns:

County Commissioner for District 19, discussed various Oakland County related topics.

James Savage:

Discussed various topics related to the restructuring of the city.

Barbara Klein:

Discussed various topics related to the current conditions in the city.

M.L. Geiger:

Disappointed with the outcome of February's Special Election.

Harry Philo:

Disappointed with the outcome of February's Special Election.

<u>Kathleen Martin:</u>	Disappointed with the outcome of February's Special Election.
<u>Dick Scott:</u>	Disappointed with the outcome of February's Special Election. Requested that a citizen group be organized to address city's shortfall and present a report to City Management within 30 days.
<u>Diane Salter:</u>	Disappointed with the outcome of February's Special Election. Discussed misconceptions regarding employee benefits.
<u>Jack Witt:</u>	Satisfied with February 23, 2010 Special Election results and discussed various topics related to the election.
<u>Thomas Burke:</u>	Satisfied with February 23, 2010 Special Election. Believes the 2010/11 budget is already balanced unless it becomes political.
<u>John Witt:</u>	Satisfied with February 23, 2010 Special Election. Offered suggestions to balance budget without having to close facilities.
<u>Bruce Bloomingdale:</u>	Disappointed with the outcome of February's Special Election.
<u>Mary Ann Bernardi:</u>	Satisfied with February 23, 2010 Special Election results.
<u>Gordon Schepke:</u>	Satisfied with February 23, 2010 Special Election results.
<u>Rhonda Hendrickson:</u>	Supports the development of an ethics policy prior to next election.
<u>Jeanne Stine:</u>	Disappointed with the outcome of February's Special Election.
<u>Deborah DeBacker:</u>	Satisfied with February 23, 2010 Special Election results.
<u>Neil Yashinsky:</u>	Disappointed with the outcome of February's Special Election.
<u>Tony Haddad:</u>	Expressed concern about harassment his son is receiving from co-workers.
<u>Gary Scavnicky:</u>	Disappointed with the outcome of February's Special Election.
<u>Cathy Fucinari:</u>	Disappointed with the outcome of February's Special Election.
<u>Ed Spillers:</u>	Disappointed with the outcome of February's Special Election.
<u>Janice Daniels:</u>	Satisfied with February 23, 2010 Special Election results.
<u>Franco Mancini:</u>	Satisfied with February 23, 2010 Special Election results.
<u>Shalimar Cook:</u>	Satisfied with February 23, 2010 Special Election results.
<u>John Vert:</u>	Challenged two members of City Council who supported the no vote to put the budget together.

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:**

a) **Mayoral Nominations: None Scheduled**

b) **City Council Nomination:**

Resolution

Moved by Fleming

Seconded by Howrylak

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated person 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

Ronald Chope *Resident

Term Expires 01/01/2015

Vote on Resolution to Postpone H-2 Nominations for Appointments to Boards and Committees: b) Council Nomination: Building Code Board of Appeals

Resolution

Moved by Kerwin

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **POSTPONES** H-2 *Nominations for Appointments to Boards and Committees: b) Council Nomination: Building Code Board of Appeals* until after such time City Council has the opportunity to meet in a Study Session and evaluate all of the boards and committees.

Vote on Amendment for Resolution to Postpone H-2 Nominations for Appointments to Boards and Committees: b) Council Nomination: Building Code Board of Appeals

Resolution #2010-03-056

Moved by Beltramini

Seconded by Slater

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to postpone H-2 *Nominations for Appointments to Boards and Committees: b) Council Nomination: Building Code Board of Appeals* by **INSERTING** “or should a need for this appointment emerge” **AFTER** “boards and committees.”

Yes: Kerwin, McGinnis, Slater, Schilling, Beltramini

No: Howrylak, Fleming

MOTION CARRIED

Vote on Resolution to H-2 Nominations for Appointments to Boards and Committees: b) Council Nomination: Building Code Board of Appeals as Amended

Resolution #2010-03-057

Moved by Kerwin

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **POSTPONES** H-2 *Nominations for Appointments to Boards and Committees*: b) *Council Nomination: Building Code Board of Appeals* until after such time City Council has the opportunity to meet in a Study Session and evaluate all of the boards and committees or should a need for this appointment emerge.

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

MOTION CARRIED

H-3 2009-10 Budget Amendment No. 1

Resolution #2010-03-058
Moved by Beltramini
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** 2009-10 Budget Amendment No. 1 as submitted, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7
No: None

MOTION CARRIED

I. CONSENT AGENDA:

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

Resolution #2010-03-059
Moved by McGinnis
Seconded by Fleming

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items I-2, I-4a, I-4b, and I-4c, which **SHALL BE CONSIDERED** after Consent Agenda (I) items, as printed.

Yes: All-7
No: None

MOTION CARRIED

I-3 Proposed City of Troy Proclamations: None Submitted

I-4 Standard Purchasing Resolutions:

d) **Standard Purchasing Resolution 3: Exercise Renewal Option – Tax Bill Printing Services**

Resolution #2010-03-059-I-4d

WHEREAS, On March 30, 2009, a one-year contract to provide printing and mailing services for the 2009 summer and winter tax bills with options to renew for two additional one (1) year tax periods was awarded to the lowest acceptable bidder, DivDat of Ferndale, Michigan (Resolution #2009-03-105-F-4d) as amended; and

WHEREAS, DivDat has agreed to exercise the option to renew the contract for one additional tax year under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the first one-year option to renew the contract to provide tax bill printing and first class mailing services for the 2010 summer and winter tax bills with DivDat at prices contained in the bid tabulation opened February 25, 2009, with over-runs not to exceed 5% to expire December 31, 2010.

e) **Standard Purchasing Resolution 3: Exercise Renewal Option – Pavement Marking**

Resolution #2010-03-059-I-4e

WHEREAS, On August 11, 2008, a two (2) year contract with an option to renew for one (1) additional year to furnish major street pavement marking was awarded to the low total bidder, R.S. Contracting Inc of Casco Twp, MI (Resolution #2008-08-254-F-4d); and

WHEREAS, R.S. Contracting Inc has 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 contract with R.S. Contracting Inc to furnish major street pavement marking under the same prices, terms and conditions for one year at unit prices contained in the bid tabulation opened July 11, 2008, not to exceed amounts budgeted estimated at \$60,000.00 to expire June 30, 2011.

f) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 09-10 Supervisory Control and Data Acquisition (SCADA) System Improvements**

Resolution #2010-03-059-I-4f

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 09-10, SCADA System Improvements to Motor City Electric Technologies, Inc., 9440 Grinnell, Detroit, MI 48213 at an estimated total cost of \$541,808.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required, Troy City Council hereby **AUTHORIZES** such additional work in an amount not to exceed 25% of the total project cost.

g) **Standard Purchasing Resolution 1: Award to Low Bidder – Parking Lot Maintenance**

Resolution #2010-03-059-I-4g

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Parking Lot Maintenance Program for 2009/10 to the low total bidder, Hutch Paving Inc. of Warren, MI for an estimated total cost of \$13,919.60 at unit prices for Tasks 1-4 as contained in the bid tabulation opened February 2, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting based on the scope of work and ability to add additional locations up to, but not exceeding amounts budgeted; and

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

I-5 Approval of Request from Manzo-Helton, LLC to Transfer Ownership of 2009 Class C Licensed Business located at 3614 Rochester Road, from GBD, Inc., and for a New Official Permit (Food) and SDM License to be held in Conjunction – MLCC Request #533046

a) New License

Resolution #2010-03-059-I-5a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Manzo-Helton, LLC to transfer ownership of 2009 Class C Licensed Business located at 3614 Rochester Road, Troy, MI 48083, Oakland County, from GBD, Inc., and for a new Official Permit (Food) and SDM License to be held in conjunction {MLCC Request #533046} “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

Resolution #2010-03-059-I-5b

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** the request from Manzo-Helton, LLC to transfer ownership of 2009 Class C Licensed Business located at 3614 Rochester Road, Troy, MI 48083, Oakland County, from GBD, Inc., and for a new Official Permit (Food) and SDM License to be held in conjunction {MLCC Request #533046} “above all others” 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.

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

I-2 Approval of City Council Minutes

Resolution #2010-03-060

Moved by Kerwin

Seconded by Slater

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

Yes: All-7

No: None

MOTION CARRIED

I-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – National League of Cities 2010 Congressional City Conference – No Action Taken**
- b) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – Michigan Municipal League 2010 Capital Conference**

Resolution #2010-03-061-I-4b

Moved by Howrylak

Seconded by Slater

RESOLVED, That Troy City Council hereby **AUTHORIZES** Council Members to attend the Michigan Municipal League 2010 Capital Conference from April 13-14, 2010 in Lansing, Michigan, in accordance with accounting procedures of the City of Troy.

Yes: All-7

No: None

MOTION CARRIED

- c) **Standard Purchasing Resolution 4: Award – Macomb County Cooperative Purchasing Agreement – Fleet Vehicles**

Resolution #2010-03-061-I-4c

Moved by Howrylak

Seconded by Slater

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase two (2) 2010 Ford Expedition 4x4's and five (5) 2010 Ford Crown Victorias from Signature Ford of Owosso, MI, through a Macomb County Cooperative Purchasing Agreement for an estimated total cost of \$156,190.00.

Yes: All-7

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 239) – Amendment to Articles 4, 28 and 40, Used Automobile Sales Facility, Automobile Auction and Commercial Vehicle Sales Facility in M-1 – March 15, 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

- K-1 No Council Referrals Advanced

L. COUNCIL COMMENTS

L-1 Council Comments Advanced:

Council Member Fleming stated that he did not have any knowledge of nor did he approve of his name appearing on any election material associated with the February 23, 2010 Special Election. He added that he supported all voters.

Council Member Kerwin spoke favorably about the large number of voters that turned out for the February 23, 2010 Special Election.

Council Member Kerwin commented on volunteerism and reminded the public that March is “Reading Month”.

M. REPORTS

M-1 Minutes – Boards and Committees:

- a) Historic Commission/Final – November 30, 2009
b) Employees’ Retirement System Board of Trustees/Final – January 13, 2010
c) Library Advisory Board/Final – January 21, 2010
d) Planning Commission Special/Study/Draft – January 26, 2010
e) Library Advisory Board/Final – February 4, 2010
f) Planning Commission/Draft – February 9, 2010
g) Library Advisory Board/Draft – February 11, 2010
Noted and Filed
-

M-2 Department Reports:

- a) Purchasing Department – Final Reporting – BidNet On-Line Auction Services – January 2010
- b) Standard & Poor’s Global Credit Portal Ratings Direct Summary Report – Troy, Michigan; General Obligation; General Obligation Equivalent Security
- c) Report from Council Member Beltramini – Recentering Democracy around Citizens Conference at Cantigny Conference Center, Wheaton IL
Noted and Filed

M-3 Letters of Appreciation:

- a) Letter of Thanks to Chief Mayer from Sandy Burgess Commending Troy Police Officers for the Excellent Response and Assistance Received during Traffic Accident
- b) Letter of Thanks to Chief Mayer from Laura Covintree Regarding the Positive Ride-A-Long Experience with Officer Clark
- c) Letter of Thanks to Chief Mayer from Ben Gonek Regarding the Excellent Service and Professionalism Received from Officers Satterfield and Bordo
Noted and Filed

M-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) City of Clawson Resolution Supporting House Bill 5325
Noted and Filed

M-5 Communication from City Engineer Steven Vandette and Acting Planning Director Brent Savidant Regarding Rochester Road Access Management Plan
Noted and Filed

CLOSED SESSION:

O-1 Closed Session

Resolution #2010-03-062
Moved by Beltramini
Seconded by Howrylak

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (e) Pending Litigation – *Troy v Lukich Realty, LLC*.

Yes: All-7
No: None

MOTION CARRIED

The meeting **RECESSED** at 10:50 PM.

The meeting **RECONVENED** at 11:01 PM.

STUDY ITEMS

N-1 Restructuring City of Troy Government**Discussion Regarding Methodology:**

City Manager John Szerlag provided a brief explanation regarding the handouts. He noted that if a recommendation were made to privatize, the contract would require approval from the governing body.

Discussion Regarding Privatization:

Dick Carlisle, Carlisle Wortman Associates Inc., reported efforts are currently ongoing in several departments and at some point he will define the different variations of outsourcing options

He reported they are currently evaluating the golf course management operations and they are in negotiations with Billy Casper Golf.

Mr. Carlisle indicated that it is a rigorous process and criteria upon which contractors are being evaluated are vetted thoroughly by more than just a single person. He is impressed with the manner in which this process is being pursued.

Status of Employee Concessions:

Mr. Szerlag stated concessions are currently in place for Exempt, Classified and AFSCME personnel in the form of furlough days which reduces the payroll by 2.5% this fiscal year and by 5% next fiscal year. He further reported they are looking at reducing health care costs effective July 1, 2010 by actually implementing a reduction in the health care by July 1. Mr. Szerlag added this reduction will include AFSCME employees due to the contract extension recently ratified by City Council. Mr. Szerlag stated these concessions will reduce the current fiscal year payroll by approximately \$0.5M and just over \$1.0M for the next fiscal year. He noted these figures do not include the reductions received in health care costs

Mr. Szerlag indicated the discussion on employee concessions as part of union negotiations will take place in closed session with the City's labor attorney at the March 15th City Council Meeting.

Multi Year Budget:

Nino Licari, City Assessor explained a chart reflecting taxable value estimates by year.

Mr. Szerlag noted that he asked that this chart be prepared to solidify that the city is in a financial crisis. Therefore, Mr. Szerlag reported that he would like to follow Oakland County's lead and advance a concept of a three year budget theme with a five year outlook that would roll every year.

There was a general consensus of City Council Members present to follow City Manager Szerlag's recommendation to proceed with the scaling down process with no shut down of

buildings effective July 1, 2010 using Option 1 which shall include public safety to last function impacted.

Mr. Szerlag was questioned about the city organization in terms of leadership of those departments directly or indirectly responsible to him and if any changes will be proposed to the flow chart of the organization.

Discussion took place on the percentage of fund balance's and if it should remain stable or decrease.

Mr. Szerlag stated City Council authorized a 15% level of fund balance and that any budget presented will reflect that 15% fund balance.

Discussion took place regarding sustainability of community and putting some of the funds into processes. Quality of life departments will receive some of the money to get outside advice. The process will possibly involve citizen groups to participate in a sustainability discussion.

Mr. Szerlag requested that City Council provide a general consensus about how equity funds are to be used whether it is fund balance or whether they want to scratch a capital project like a trail center before they put a document together. Mr. Szerlag asked whether they would allocate those funds for operations, for road improvements on the capital side, for quality of life services to delay those lay-offs, or for public safety areas to delay those lay-offs.

Mr. Szerlag confirmed his request and stated when they develop a budget based on Option 1 which essentially has the core functions, Police, Fire and Public Works, being held until the end of a cut cycle and the quality of life functions at the beginning.

There was a general consensus of City Council Members present to support Option 1 and that public safety is still the number one priority.

Council asked that non-essential capital projects be re-identified.

Mr. Lamerato identified some of the non-essential capital project categories as being: trail system; civic center site improvements; and park development funds.

Refuse Fund:

There was a discussion about the refuse fund and it appears to be the general consensus of City Council Members present that no funds be allocated from the general fund to the refuse fund.

Discussion occurred regarding sustainability and it appears to be a consensus of City Council Members present that a future meeting with the public regarding sustainability is important.

Mr. Lamerato indicated there is a need for an adjustment in the refuse fund millage levy from 0.75 to 0.89 mills. He added that this would leave approximately \$100K in the fund balance.

Mr. Lamerato explained the millage rate for refuse was reduced by 0.15¢ in 2007-08 and that last year it was increased by 0.07¢ and took that money from the Capital Projects Funding

millage to maintain the same overall tax rate. Mr. Lamerato added that amount will not cover the next three years and that they are projecting \$1.00 for 2011-12 and \$1.09 for 2012-13.

The meeting **RECESSED** on Tuesday, March 2, 2010 at 12:31 AM.

The meeting **RECONVENED** on Tuesday, March 2, 2010 at 12:35 AM.

The meeting **ADJOURNED** on Tuesday, March 2, 2010 at 12:37 AM.


Louise E. Schilling, Mayor


Tonni L. Bartholomew, MMC
City Clerk