Pastor Hal Weemhoff of First United Methodist 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, February 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) On behalf of the City of Troy, Mayor Louise Schilling presented a proclamation to Dr. Barbara Fowler, Superintendent of Troy School District and Wendy Underwood, President of Troy School District's Board of Education recognizing February 2010 as *National Aeronautics and Space Administration (NASA) Month* in Troy.

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

Vote on Resolution to Suspend Rules of Procedure for the City Council; *Rule 22. Suspend Rules*

Resolution #2010-01-029
Moved by Schilling
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council in accordance with *Rule 22. Suspend Rules.*

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

MOTION CARRIED

Vote on Resolution to Reduce Public Comment- Rules of Procedure for the City Council; Rule 16 – *Members of the Public & Visitors*

Resolution #2010-02-030
Moved by Schilling
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **REDUCES** Public Comment from five (5) minutes as established by Rules of Procedure for the City Council; Rule 16 – *Members of the Public & Visitors* to three (3) minutes

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

MOTION CARRIED

F. PUBLIC COMMENT:

Richard Peters:	Discussed ways to save the economy
Gordon Schepke:	Discussed several topic; Opposes millage proposal
Jack Witt:	Opposes millage proposal
Janice Daniels:	Opposes millage proposal; Opposes tax relief recently given to Troy businesses
Vera Milz:	Supports millage proposal
Jerry Savell:	Supports millage proposal
Harry Philo:	Supports millage proposal
Paul Beck:	Opposes millage proposal
William Wonsik:	Opposes tax relief recently given to Troy businesses
James Kinsler:	Supports City employees making similar concessions to what his employees made
Don Barnes:	Supports millage proposal and discussed cuts City has already made
Cathy Fucinari:	Citizen Academy graduate supports millage proposal
Bill Briggs:	Supports millage proposal
Swarn Rajpal:	Supports millage proposal
Ward Randol:	Supports millage proposal
Lee Gillett:	Spoke on behalf of several members of the Troy Leadership Coalition who support the millage proposal
Victor Lenivov:	Opposes millage proposal
Mary Ann Bernardi:	Opposes millage proposal; Discussed other various topics
James Savage:	Opposes the Transit Center project
John Witt:	Discussed various budget topics; Opposes millage proposal
Charlene Femminineo:	Discussed various budget topics
Christine Hill:	Supports millage proposal
Steve Toth:	Supports millage proposal
William Cowger:	Supports millage proposal
Ed Spillers:	Supports Transit Center; Supports millage proposal
Ann Comiskey:	Supports millage proposal

The Meeting **RECESSED** at 8:54 PM.

The Meeting **RECONVENED** at 9:01 PM.

Council Member Slater requested clarification from the City Manager and City Administration regarding statements made during Public Comment.

G. POSTPONED ITEMS:

G-1 No Postponed Items

H. REGULAR BUSINESS:

H-1 Appointments to Boards and Committees:

a) Mayoral Appointments: None Scheduled

b) City Council Appointments: Board of Zoning Appeals

Resolution #2010-02-031
Moved by Fleming
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **APPOINTS** the following persons to serve on the Boards and Committees as indicated:

Board of Zoning Appeals
Appointed by Council (7-Regular) 3-Year Term

Donald L. Edmunds **Planning Commission Rep.*** - Term Expires 01/31/2011

Philip Sanzica **Planning Commission Alternate Rep.*** - Term Expires 01/31/2011

***Planning Commission's recommendation**

Yes: All-7
No: None

MOTION CARRIED

H-2 Nominations for Appointments to Boards and Committees:

a) Mayoral Nominations: None Scheduled

b) City Council Nominations: Building Code Board of Appeals

Resolution #2010-02-032
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

Michael Carolan ***Resident** - Term Expires 01/01/2015

Yes: All-7
No: None

MOTION CARRIED

H-3 Approval of Request to Reschedule 2009 Liquor Violation Hearings

Resolution #2010-02-033
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **RESCHEDULES** *2009 Liquor Violation Hearings* from Wednesday, February 10th and Wednesday, February 17th to Monday, March 1st and Monday, March 15th 2010 *Regular City Council Meetings*.

Yes: All-7
No: None

MOTION CARRIED

I. CONSENT AGENDA:

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

Resolution #2010-02-034
Moved by Kerwin
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

Yes: All-7
No: None

MOTION CARRIED

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

I-2 Approval of City Council Minutes

Resolution #2010-02-034-I-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of January 25, 2010 as submitted.

I-3 Proposed City of Troy Proclamations:

Resolution #2010-02-034-I-3

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

a) Recognition of National Aeronautics and Space Administration (NASA) – February, 2010

I-4 Standard Purchasing Resolutions: None Submitted

I-5 Mon Jin Lau Annual Fireworks Use Request

Resolution #2010-02-034-I-5

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Mon Jin Lau, located at 1515 East Maple Road for the use of fireworks at its annual Chinese New Year celebration on February 23rd and February 24th, 2010; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the Fire Prevention Division to inspect the fireworks to be used along with the site to assure compliance with applicable codes and standards for such a fireworks display.

I-6 Approval of The Saint Andrew's Society of Detroit for a New Club License to be Located at 2360 Rochester – MLCC Request #520848

a) New License

Resolution #2010-02-034-I-6a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from The Saint Andrew's Society of Detroit for a New Club License to be located at 2360 Rochester, Troy, MI 48084, Oakland County {MLCC Request #520848} above all others" **CONTINGENT** upon passing the Troy Building and Fire Department Final Inspections; 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 #2010-02-034-I-6b

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 The Saint Andrew's Society of Detroit for a New Club License to be located at 2360 Rochester, Troy, MI 48084, Oakland County {MLCC Request #520848} **CONTINGENT** upon passing the Troy Building and Fire Department Final Inspections 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-7 Approval of Simbad, Inc. to Transfer Ownership of 2006 Class C Licensed Business to 336 John R and a New SDM License and New Dance-Entertainment Permit to be held in Conjunction – MLCC Request #528006

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

Resolution #2010-02-034-I-7a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Simbad, Inc. to transfer ownership of 2006 Class C Licensed Business, located in Escrow at 29855 Northwestern, Southfield, MI 48034, Oakland County, from F&S Food Service, Inc.; David H. Fink, Receiver; transfer location (Governmental Unit) (MLC 436.1531(1) to 336 John R, Troy, MI 48083, Oakland County; and requests a new SDM License and new Dance-Entertainment Permit to be held in conjunction {MLCC Request #528006} "above all others" **CONTINGENT** upon passing the Troy Building and Fire Department Final Inspections; 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 #2010-02-034-I-7b

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 Simbad, Inc. to transfer ownership of 2006 Class C Licensed Business, located in Escrow at 29855 Northwestern, Southfield, MI 48034, Oakland County, from F&S Food Service, Inc.; David H. Fink, Receiver; transfer location (Governmental Unit) (MLC 436.1531(1) to 336 John R, Troy, MI 48083, Oakland County; and requests a new SDM License and new Dance-Entertainment Permit to be held in conjunction {MLCC Request #528006} **CONTINGENT** upon passing the Troy Building and Fire Department Final Inspections 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-8 Approval of Ramchin, Inc. to Transfer Ownership of Escrowed 2009 Class C and SDM Licensed Business with Official Permit (Food) to 2940 Rochester – MLCC Request #533231

a) Transfer License

Resolution #2010-02-034-I-8a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Ramchin, Inc. to transfer ownership of escrowed 2009 Class C and SDM Licensed Business with Official Permit (Food), located at 6123 Highland, Waterford, MI 48327, Waterford Township, Oakland County, from McQuistion's Airport Inn, Inc; Transfer Location Governmental Unit issued under MCL 436.1531(1) to 2940 Rochester, Troy, MI 48083, Oakland County {MLCC Request #533231} above all others" **CONTINGENT** upon passing the Troy Building and Fire Department Final Inspections; 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 #2010-02-034-I-8b

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 Ramchin Inc. to transfer ownership of escrowed 2009 Class C and SDM Licensed Business with Official Permit (Food), located at 6123 Highland, Waterford, MI 48327, Waterford Township, Oakland County, from McQuistion's Airport Inn, Inc; Transfer Location Governmental Unit issued under MCL 436.1531(1) to 2940 Rochester, Troy, MI 48083, Oakland County {MLCC Request #533231}, **CONTINGENT** upon passing the Troy Building and Fire Department Final Inspections 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-9 2010 Poverty Exemption Guidelines

Resolution #2010-02-034-I-9

RESOLVED, That, pursuant to MCL 211.7u, Troy City Council hereby **APPROVES** the proposed *City of Troy Poverty Exemption Guidelines for 2010*, as presented by the City Assessor in a memorandum dated January 26, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

I-10 Sandler v. City of Troy and MMRMA

Resolution #2010-02-034-I-10

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent the City of Troy in any and all claims and damages in the matter of *Alex Sandler v. City of Troy and Michigan Municipal Risk Management Authority*; 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 in this matter.

I-11 Troy v. Atto Construction Co. (Rochester Road Improvement Project)

Resolution #2010-02-034-I-11

RESOLVED, That Troy City Council hereby **APPROVES** the proposed consent judgment in the *City of Troy v Atto Construction Company, et al*, condemnation case, 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 consent judgment, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

I-12 Acceptance of a Warranty Deed for Right-of-Way – Michigan Catholic Credit Union – Sidwell #88-20-27-359-019

Resolution #2010-02-034-I-12

RESOLVED, That Troy City Council hereby **ACCEPTS** the Warranty Deed for right-of-way, for the consideration amount of One Dollar ($1.00), from the Michigan Catholic Credit Union, owner of the property having Sidwell #88-20-27-359-019; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Warranty Deed with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

I-13 Acceptance of Two Permanent Sidewalk Easements – RPS Troy, LLC – Sidwell #88-20-22-356-032 and -033

Resolution #2010-02-034-I-13

RESOLVED, That Troy City Council hereby **ACCEPTS** the two Permanent Easements for sidewalk, each for a consideration amount of One Dollar ($1.00), from RPS Troy, LLC, owner of the properties having Sidwell #88-20-22-356-032 and -033; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Permanent Easements with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

J-1 Announcement of Public Hearings: None Submitted

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

K. COUNCIL REFERRALS:

K-1 No Council Referrals Advanced

L. COUNCIL COMMENTS

L-1 No Council Comments Advanced

M. REPORTS

M-1 Minutes – Boards and Committees:

a) Board of Zoning Appeals/Final – December 15, 2009

b) Planning Commission/Draft – January 12, 2010

Noted and Filed

M-2 Department Reports:

a) Purchasing Department – Final Reporting BidNet On-Line Auction Services – December, 2009

Noted and Filed

M-3 Letters of Appreciation: None Submitted

M-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted

M-5 Communication from Acting Assistant City Manager/Economic Development Services Mark Miller Regarding Update of the Energy Efficiency and Conservation Block Grant (EECBG)

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** at 9:42 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk