

Mayor Pro Tem Mary Kerwin 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 28, 2011, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the meeting to order at 7:30 PM.

B. ROLL CALL:

- a) Mayor Louise E. Schilling
Robin Beltramini
Wade Fleming
Martin Howrylak – (Absent)
Mayor Pro Tem Mary Kerwin
Maureen McGinnis
Dane Slater

- b) Excuse Absent Council Members:

Resolution #2011-02-038

Moved by Fleming

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Howrylak at the Regular City Council Meeting of Monday, February 28, 2011 due to being absent from the county.

Yes: Fleming, Beltramini, McGinnis, Slater

No: Schilling, Kerwin

Absent: Howrylak

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Certificates of Recognition and Special Presentations

- a) **State Representative Marty Knollenberg – Legislative Update**

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT:

Janice Daniels	Opposes tax increases
John Vert	Opposes using pension funds to pay for City services
Richard Peters	Various topics
Paul Beck	Opposes closing library, DDA, transit center, employee benefits
James Savage	Opposes closing library, DDA, transit center
Dale Christiansen	Supports keeping library open
Dan Brake	Various topics

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

H-1 Directive from City Council for City Administration to Provide Business and Organization Recommendations to Conduct a Community Survey

Resolution #2011-02-039
 Moved by Slater
 Seconded McGinnis

RESOLVED, That Troy City Council hereby **DIRECTS** City Administration to provide City Council with three business or organization recommendations for conducting a statistically significant community survey.

Vote to Amend Motion by Substitution

Resolution #2011-02-040
 Moved by Beltramini
 Seconded by Kerwin

RESOLVED, That the preceding resolution for *Directive from City Council for City Administration to Provide Business and Organization Recommendations to Conduct a Community Survey* be **SUBSTITUTED** in its entirety with the following:

WHEREAS, City Administration was directed to provide City Council with three business or organization recommendations for conducting a statistically significant community survey, and

WHEREAS, The analysis will assist City Council and management to ascertain our citizens' acceptable level of service in each of the core services and the specific services citizens are willing or not willing to pay for.

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide a telephone survey for a community report card on city services to Target Insyght of Lansing, Michigan, for a not-to-exceed cost of \$22,000.

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

Absent: Howrylak

MOTION CARRIED

Vote on Resolution as Substituted

Resolution #2011-02-041
 Moved by Slater
 Seconded by McGinnis

WHEREAS, City Administration was directed to provide City Council with three business or organization recommendations for conducting a statistically significant community survey, and

WHEREAS, The analysis will assist City Council and management to ascertain our citizens' acceptable level of service in each of the core services and the specific services citizens are willing or not willing to pay for.

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide a telephone survey for a community report card on city services to Target Insyght of Lansing, Michigan, for a not-to-exceed cost of \$22,000.

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

MOTION CARRIED

There was a consensus of City Council to determine what services residents are willing to pay for or not willing to pay for and how much the residents are willing to pay for these services.

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

Resolution #2011-02-042
 Moved by Kerwin
 Seconded by Beltramini

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 *Order of Business* to take action on an item that does not appear on the Agenda.

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

MOTION CARRIED

Vote on Resolution to Add Item O-1 Study Item – Strategies for Public Engagement and Follow-Up to ICMA Part I

Resolution #2011-02-043

Moved by Kerwin

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **ADDS** *Item O-1 Study Item – Strategies for Public Engagement and Follow-Up to ICMA Part I* to the Agenda for the Regular Meeting on Monday, February 28, 2011.

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

No: None

Absent: Howrylak

MOTION CARRIED

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: Board of Review

a) Mayoral Appointments

Resolution #2011-02-044

Moved by Schilling

Seconded by Fleming

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

Board of Review

Appointed by Mayor (3-Regular) 3-Year Term

Frank A. Strahl

Unexpired Term 01/31/2012

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

No: None

Absent: Howrylak

MOTION CARRIED

b) City Council Appointments – None Scheduled

I-2 Board and Committee Nominations: Planning Commission

a) Mayoral Nominations

Resolution #2011-02-045

Moved by Schilling

Seconded by Kerwin

RESOLVED, That the Mayor of the City of Troy hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Planning Commission

Appointed by Mayor (9-Regular) 3-Year Term

Donald L. Edmunds

Term Expires 12/31/2013

Mark Maxwell

Term Expires 12/31/2013

Tom Krent

Term Expires 12/31/2013

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

MOTION CARRIED

b) **City Council Nominations** – None Scheduled

I-3 **Request for Closed Session – No Closed Session Requested**

I-4 **Application for Transfer of Ownership of 2010 Class C Licensed Business from Café Sushi to JJWM, LLC, and Request for New Permit (Food)**

(a) **Transfer of Ownership and New Permit (Food)**

Resolution #2011-02-046
 Moved by McGinnis
 Seconded by Slater

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from JJWM, LLC to Transfer Ownership of 2010 Class C Licensed Business, located at 5 D 1933 W. Maple Road, Troy, MI 48084, Oakland County, from Café Sushi, LLC, and the request for New Official Permit (Food) {MLCC Req. #573485}, “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.

(b) **Agreement**

WHEREAS, The Troy City Council deems it necessary to enter into 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 JJWM, LLC to Transfer Ownership of 2010 Class C Licensed Business, located at 5 D 1933 W. Maple Road, Troy, MI 48084, Oakland County, from Café Sushi, LLC and the request

for New Official Permit (Food) {MLCC Req. #573485}, 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: Beltramini, Fleming, Kerwin, McGinnis, Slater, Schilling

No: None

Absent: Howrylak

MOTION CARRIED

I-5 Resolution in Opposition to Senate Bill 34

Resolution #2011-02-047

Moved by Beltramini

Seconded by Kerwin

WHEREAS, Senate Bill 34 proposes to eliminate all personal property taxes (“these taxes”) in the State of Michigan; and

WHEREAS, Senate Bill 34 establishes no revenue offset; and

WHEREAS, Revenue generated from these taxes in the City of Troy (“Troy”) accounts for 3.8 million dollars in Fiscal Year 2010-11; and

WHEREAS, Troy relies on these taxes to provide essential and other services; and

WHEREAS, Troy, as a Michigan Home Rule City is mandated to provide essential services such as police and fire services; and

WHEREAS, The state-wide downturn has resulted in a loss 719 million dollars in Troy’s taxable value in just the last two fiscal years; and

WHEREAS, It is estimated that taxable value will further decline by 10.5% in FY 2011-12; and

WHEREAS, Troy’s State Shared Revenue has declined 2.7 million dollars since State of Michigan FY 2001, creating a cumulative loss in State Shared Revenue of 15.9 million dollars; and

WHEREAS, Troy has reduced its full-time staff by 20% (from 488 to 388) since FY 2004-05 which includes 10% in Police Department personnel and 15% in fire staff officers; and

WHEREAS, Budget planning for FY 2011-12 is well underway and is based on estimated revenues that include these taxes.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council **URGES** the State Legislature to oppose Senate Bill 34 and any other potential reduction in municipal revenue from the State which does not immediately provide for a revenue offset.

BE IT FURTHER RESOLVED, That this resolution **BE TRANSMITTED** to the State Senator John Pappageorge, Senate Finance Committee Chair, Senator Jack Brandenburg, State Representative Marty Knollenberg, the Oakland County Board of Commissioners and the Michigan Municipal League.

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

MOTION CARRIED

I-6 Request to Schedule a Special City Council Meeting to Review the ICMA Study – Police Department Element

Resolution #2011-02-048
Moved by Beltramini
Seconded by Slater

Reconsidered Resolution
February 28, 2013 – Res #2011-02-052

RESOLVED, That Troy City Council hereby **SCHEDULES** a Special Meeting at 7:00 PM on Monday, March 21, 2011 in City Council Boardroom for the purpose of presentation and discussion of the Police Department element of ICMA’s Organizational Restructuring Report.

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

MOTION CARRIED

I-7 Discontinued Services – Animal Control Services

a) Amendment to the City of Troy and City of Clawson Lockup, Dispatch and Animal Control Services Agreement

Resolution #2011-02-049
Moved by McGinnis
Seconded by Slater

RESOLVED, That the proposed Amendment to the City of Troy and City of Clawson Lockup, Dispatch and Animal Control Service Agreement, is hereby **APPROVED** as recommended by City Administration effective March 15, 2011. A copy of this amendment shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

I-8 Recommendation for Community Survey Firm**RESOLUTION MOVED AND ADDRESSED AS ITEM H-1****I-9 Amendment of Consent Judgment and Preliminary Site Plan Approval (File Number SP 964) – Proposed Walmart Store Expansion, South of Maple and West of Crooks (2001 W. Maple Road), Section 32, Currently Zoned M-1 (Light Industrial) District (Consent Judgment)**

Resolution #2011-02-050

Moved by Slater

Seconded by Kerwin

RESOLVED, That the Troy City Council hereby **APPROVES** the revised Preliminary Site Plan for an expansion to the Walmart store, including other building and site improvements, located south of Maple and west of Crooks, Section 32, as indicated on Site Development Plans prepared by CESO, and architectural plans for Walmart and Marshalls, prepared by pb2 Architecture & Engineering. This revised site plan revises and updates the exhibits to the Consent Judgment in the *Meritor Automotive, Inc. and Nelson Companies, Inc. v. City of Troy* lawsuit, Case Number 94-487484 CZ, and reflects the parties' agreement as to the proposed development on the property.

BE IT FURTHER RESOLVED, That the Troy City Council also **APPROVES** a Stipulation and Fourth Amendment to the Consent Judgment in the *Meritor Automotive, Inc. and Nelson Companies, Inc. v. City of Troy Lawsuit*, Case Number 94-487484 CZ, to facilitate the development as proposed, and **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document which incorporates the updated and revised Preliminary Site Plan, after all other necessary parties have executed it. A copy of the executed document shall be **ATTACHED** to the original Minutes of this meeting.

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

No: None

Absent: Howrylak

MOTION CARRIED**J. CONSENT AGENDA:****J-1a Approval of "J" Items NOT Removed for Discussion**

Resolution #2011-02-051-J-1a

Moved by McGinnis

Seconded by Slater

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

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

No: None

Absent: Howrylak

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2011-02-051-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the Regular City Council Meeting of February 21, 2011, as submitted.

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

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions

a) **Standard Purchasing Resolution 1: Award to Low Bidder Contract 10-5 – Tallman and Eckford Water Main Replacement**

Resolution #2011-02-051-J-4a

RESOLVED, That Contract No. 10-5, Tallman and Eckford Water Main Replacement, be awarded to Pamar Enterprises, Inc., 58021 Gratiot, New Haven, MI 48048, for their low total bid amount of \$641,805.00.

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 such additional work is authorized in an amount not to exceed 10% of the total project cost.

b) **Standard Purchasing Resolution 4: Cooperative Contracts Digital In-Car Video System**

Resolution #2011-02-051-J-4b

WHEREAS, Since 2006, International Police Technologies has furnished digital in-car video systems including hardware, software, installation, training and extended warranties (Resolution #2006-10-392; #2007-12-359; 2008-11-334-F14); and

WHEREAS, International Police Technologies ceased operations effective June, 2010, including all system repairs, replacement parts, user training and counseling, trouble-shooting, installation, and telephone consultations; and

WHEREAS, In order to replace the current system and continue to provide the community with the same level of service, the Police Department has found the Panasonic Arbitrator 360 digital in-car video system to be the most user-friendly, adaptable and compatible with our current wireless infrastructure and storage, thereby reducing implementation costs;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the purchase of the Panasonic Arbitrator 360 digital in-car video system through Oakland County's Cooperative Purchasing Program and utilizing other approved purchasing programs and procedures as outlined in Attachment A, Project Costs, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, primarily from Federal Drug Forfeiture Capital Funds for an estimated total cost of \$345,801.00 over three years, of which \$111,000.00 is available from the current fiscal year.

c) Standard Purchasing Resolution 2: Bid Award – Sole Bidder – Bulletproof Vests

Resolution #2011-02-051-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase Bullet Resistant Vests for the Troy Police Department from grant monies made available through the Department of Justice, Bulletproof Vest Partnership Grant Program, to the sole bidder, CMP Distributors Inc., of Lansing, MI, at unit prices detailed in the bid tabulation opened February 3, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of December 31, 2012; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the expenditure of matching City funds for one-half the cost of the vests.

J-5 Telephone System Purchase and Ongoing Annual Maintenance

Resolution #2011-02-051-J-5

WHEREAS, The City has utilized the Avaya telephone system and related equipment for telephone service under a lease agreement since 1996; and

WHEREAS, The lease is now ending and the City has the option to purchase the equipment at a fair market value of \$78,128.00; and

WHEREAS, Avaya has offered the City a three-year lease arrangement to pay for this purchase at zero percent interest after which time the City will own the equipment outright; in addition, Avaya will add the cost of prepaid maintenance utilizing the State of Michigan contract for the term of the lease also at zero percent financing;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby deems it to be in the City's best interest to **APPROVE** a contract to purchase and maintain the existing telephone system and related equipment through a 36-month lease arrangement from Avaya Financial Services for an estimated monthly cost of \$4,472.00.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

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

L. COUNCIL REFERRALS:

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

L-1 Council Referrals Advanced

a) Performance Review of City Manager and City Attorney – Advanced by Mayor Pro Tem Kerwin

Vote to Reconsider Item I-6 Request to Schedule a Special City Council Meeting to Review the ICMA Study – Police Department Element

Resolution #2011-02-052

Moved by Beltramini

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **RECONSIDERS** Resolution #2011-02-048, Moved by Beltramini and Seconded by Slater, as it appears below:

*RESOLVED, That Troy City Council hereby **SCHEDULES** a Special Meeting at 7:00 PM on Monday, March 21, 2011 in City Council Boardroom for the purpose of presentation and discussion of the Police Department element of ICMA's Organizational Restructuring Report.*

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

No: None

Absent: Howrylak

MOTION CARRIED

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

No: None

Absent: Howrylak

MOTION CARRIED

Vote on Resolution to Amend Reconsidered Resolution #2011-02-048 by Substitution

Resolution #2011-02-053

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2011-02-048, *Request to Schedule a Special City Council Meeting to Review the ICMA Study – Police Department Element* by **STRIKING** it in its entirety and **SUBSTITUTING** it with the following:

RESOLVED, That Troy City Council hereby **SCHEDULES** a Special Meeting on Monday, March 21, 2011, at 6:30 PM, in the Council Boardroom, for the purposes of the Public Hearing on the alternative energy personal property tax exemptions approved by the Michigan Next Energy Authority for United Solar Ovonic Corporation at 1100 West Maple and L.G. ChemPower at 1857 Technology; and the purpose of presentation and discussion of the Police Department element of ICMA's organizational restructuring report.

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

MOTION CARRIED

Vote on Resolution as Amended

Resolution #2011-02-054
 Moved by Beltramini
 Seconded by Slater

RESOLVED, That Troy City Council hereby **SCHEDULES** a Special Meeting on Monday, March 21, 2011, at 6:30 PM, in the Council Boardroom, for the purposes of the Public Hearing on the Alternative Energy Personal Property Exemptions approved by the Michigan NextEnergy Authority for: United Solar Ovonic Corp. (1100 W. Maple) and LG Chem Power (1857 Technology); and the purpose of presentation and discussion of the Police Department element of ICMA's organizational restructuring report.

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

MOTION CARRIED

M. COUNCIL COMMENTS

M-1 Council Comments Advanced

Mayor Pro Tem Kerwin encouraged all to join Incredible Kids with the Troy Community Coalition this Thursday, March 3, 2011, at 6:30 PM, at the Troy Community Center.

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

Resolution #2011-02-055
 Moved by Slater

The meeting **RECONVENED** at 9:45 PM.

O. STUDY ITEMS

O-1 Strategies for Public Engagement and Follow-Up to ICMA Part I

City Council discussed options for public engagement.

The Mayor left the meeting at 10:15 PM.

Assistant City Manager Lamerato presented an update regarding the status of the 3-Year City Budget.

General Fund for 2011-12 will require \$1.9 million of Fund Balance to balance the budget without the Library, and following Option 1.

Current year budget, including revenue projections through the end of the year, considering State Shared Revenue loss, using \$2.4 million allocated for the current year, revenues are still short \$300k. Expenditures (budget to actual) are expected to come in \$1.8 million under budget. A net amount of \$1.5 million will be added to Fund Balance if everything holds as-is, and after putting \$1.9 million towards next year's budget. A major cause of the expenditures being low is the Police Department not filling several vacant positions.

There was a consensus of City Council to replace seven positions back into the budget; five positions in Public Works and two positions in Parks.

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

Resolution #2011-02-057

Moved by Beltramini

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 *Order of Business* to take action on an item that does not appear on the Agenda.

Yes: Beltramini, Fleming, Kerwin, McGinnis, Slater

No: None

Absent: Howrylak, Schilling

MOTION CARRIED

Vote on Resolution to Cancel the Regular City Council Meeting Scheduled on Monday, March 21, 2011

Resolution #2011-02-058

Moved by Beltramini

Vote on Resolution to Cancel the Regular City Council Meeting Scheduled on Monday, March 21, 2011

Resolution #2011-02-058
Moved by Beltramini
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **CANCELS** the Regular City Council Meeting scheduled for Monday, March 21, 2011, at 7:30 PM in Council Chambers.

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

MOTION CARRIED

There was a consensus of City Council to adopt the 3-year budget as a document to be "revised" instead of "updated" in the resolution for the Winter Update.

P. CLOSED SESSION:

P-1 No Closed Session Requested

Q. ADJOURNMENT

The meeting **ADJOURNED** at 10:45 PM.



Louise E. Schilling, Mayor



Tonni L. Bartholomew, MMC
City Clerk