

Father Stratton Dorozenski from St. Nicholas Greek Orthodox Church performed 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, April 2, 2012, at City Hall, 500 W. Big Beaver Rd. Mayor Daniels called the meeting to order at 7:32 PM.

B. ROLL CALL:

Mayor Janice Daniels
 Jim Campbell
 Wade Fleming
 Dave Henderson
 Maureen McGinnis
 Dane Slater
 Doug Tietz

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 State Representative Marty Knollenberg – Legislative Update

C-2 Michigan Recreation and Park Association Community Service Award Presented to Friends of Troy Seniors

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT:

Jones, Jannet	Discussed Spring Break Troy Style on behalf of Teens Taking Action
Kenney, Linda	Spoke against recall petition circulators and the process
Wierzbicki, Jacek	Spoke against the recall process
Peters, Richard	Spoke about various topics
Bloomingtondale, Bruce	Spoke about upcoming budget study sessions
Savage, James	Spoke about the transit facility
Bernardi, Mary Ann	Spoke about tree preservation
Gosselin, Toby	Spoke about recent experiences involved with the recall process
Kajma, Linda	Spoke in support of the City of Troy and City Management
Boylan, Chrissy	Spoke against Mayor Daniels
Kulesz, John	Spoke in response to public comment
Femminineo, Charlene	Spoke in support of Mayor Daniels
Grix, E. James	Spoke about various topics
Cherasaro, Nicholas	Spoke about Troy millage rate and taxes.
Neat, Edward	Spoke in support of Mayor Daniels
Schepke, Gordon	Spoke in support of Mayor Daniels

The meeting **RECESSED** at 8:50 PM.

The meeting **RECONVENED** at 8:57 PM.

G. RESPONSE / REPLY TO PUBLIC COMMENT

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – None

a) **Mayoral Appointments – None**

b) **City Council Appointments - None**

I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority; Civil Service Commission (Act 78); Economic Development Corporation; b) City Council Nominations – Charter Revision Committee; Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust; Personnel Board; Zoning Board of Appeals

a) **Mayoral Nominations:** The Mayor took no action on this Item.

b) **City Council Nominations:** City Council took no action on this item.

I-3 Request for Closed Session

Resolution #2012-04-065

Moved by Slater

Seconded by Fleming

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (e) Pending Litigation – *Robert and Michelle Riddle v City of Troy*.

Yes: All-7

No: None

MOTION CARRIED

I-4 Approval of Cost Participation Agreement for the Resurfacing of Livernois Road, from Big Beaver to Wattles – Project No. 12.103.6

Resolution #2012-04-066

Moved by McGinnis
Seconded by Tietz

RESOLVED, That the Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County for the resurfacing of Livernois Road, from Big Beaver to Wattles is hereby **APPROVED** at an estimated cost to the City of Troy of \$106,000 with the actual local match to be determined upon completion of State financial audits, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7
No: None

MOTION CARRIED

I-5 Approval of Amendment to the 2009 Intergovernmental Agreement Between and Among Participants in the 2009 Federal Bureau of Justice Assistance – Edward Byrne Justice Assistance Grant Program

Resolution #2012-04-067
Moved by Fleming
Seconded by McGinnis

WHEREAS, Troy City Council approved a resolution on May 11, 2009, to allow the City of Troy to enter into an Interlocal Agreement with Oakland County to participate in the 2009 Federal Bureau of Justice Assistance - Edward Byrne Justice Assistance Grant Program (hereinafter "JAG Program"), as part of the Federal 2009 Recovery Act; and

WHEREAS, Oakland County was designated as the fiscal agent for this pass through JAG Program and was required to submit a joint application on behalf of 20 communities, including the City of Troy and the City of Pontiac; and

WHEREAS, In 2011 Oakland County entered into an agreement with the City of Pontiac to provide complete law enforcement services to the City of Pontiac and to administer the JAG Program funding on behalf of the City of Pontiac. As a result, it is necessary to transfer ownership of several items purchased by the City of Pontiac with JAG Program funding to Oakland County by amending the 2009 JAG Program Interlocal Agreement.

NOW THEREFORE, BE IT RESOLVED, That Troy City Council **APPROVES** the Amendment to the 2009 JAG Program Interlocal Agreement, and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED** to sign the Amendment to the 2009 JAG Program Interlocal Agreement on behalf of the City of Troy and that a copy of the Amendment to the 2009 JAG Program Agreement be **ATTACHED** to the Minutes of this meeting.

Yes: All-7
No: None

MOTION CARRIED

I-6 General Obligation – Limited Tax Refunding Bonds

Resolution #2012-04-068

Moved by Slater

Seconded by McGinnis

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$11,500,000 GOLF COURSE REFUNDING BONDS (LIMITED TAX GENERAL OBLIGATION), SERIES 2012

WHEREAS, Pursuant to the provisions of Act No. 31, Public Acts of Michigan, 1948 (First Extra Session), as amended (“Act 31”), the Municipal Building Authority of Troy (the “Authority”) issued its Golf Course Bonds, Series 2002 dated as of July 1, 2002, in the principal amount of \$12,000,000 (the “Prior Bonds”). The Prior Bonds were issued pursuant to a Full Faith and Credit General Obligation Contract of Lease dated as of August 6, 2001 (the “Contract of Lease”), between the Authority and the City of Troy (the “City”) to defray part of the cost of acquiring, constructing and equipping a municipal golf course; and

WHEREAS, The Prior Bonds remain outstanding in various principal amounts, and the City has been advised that its contractual obligations under the Contract of Lease could be refunded, in whole or in part, to pay and redeem certain of the Prior Bonds and thereby secure savings for the City and benefit the taxpayers of the City; and

WHEREAS, Part VI of Act No. 34, Public Acts of Michigan, 2001, as amended (“Act 34”), authorizes the issuance of refunding bonds for the purpose of refunding all or part of the City’s outstanding securities, including the Contract of Lease; and

WHEREAS, The City has received a proposal from Fifth Third Securities, Inc. (the “Underwriter”) to refund all or part of the City’s obligations under the Contract of Lease; and

WHEREAS, The City Manager has recommended that this resolution be adopted in order to effect the refunding of all or part of the City’s obligations under the Contract of Lease and this Council has determined that it is in the best interest of the City to secure savings for the City through the issuance of such refunding bonds.

NOW, THEREFORE, BE IT RESOLVED, That:

1. AUTHORIZATION OF BONDS – PURPOSE. Bonds of the City aggregating the principal sum of not to exceed Eleven Million Five Hundred Thousand Dollars (\$11,500,000) (the “Refunding Bonds”) shall be issued and sold pursuant to the provisions of Act 34, and other applicable statutory provisions, for the purpose of refunding all or part of the City’s obligations under the Contract of Lease to enable the Authority to redeem all or part of the Prior Bonds. The City Manager shall determine which of the City’s obligations under the Contract of Lease shall be refunded and the principal amount of the Refunding Bonds at the time of sale.
2. BOND DETAILS. The Refunding Bonds shall be designated “Golf Course Refunding Bonds (Limited Tax General Obligation), Series 2012”; shall be dated as of the date approved by the City Manager at the time of sale of the Refunding Bonds; shall be numbered from 1 upwards; shall be fully registered; shall be in the denomination of \$5,000 each or any integral multiple thereof not exceeding the aggregate principal amount for each maturity at the option of the purchaser thereof; shall bear interest at a rate or rates not exceeding 6.00% per annum as shall be determined by the City Manager upon the sale thereof; shall be payable on such dates as shall be determined by the City Manager at the time of sale; and shall be serial bonds and/or term bonds and mature on such dates and in such years as shall be determined by the City Manager at the time of sale.
3. PAYMENT OF PRINCIPAL AND INTEREST. The principal of and interest on the Refunding Bonds shall be payable in lawful money of the United States. Principal shall be payable upon presentation and surrender of the Refunding Bonds to the bond registrar and paying agent as they severally mature. Interest shall be paid to the registered owner of each Refunding Bond as shown on the registration books at the close of business on the fifteenth day of the calendar month preceding the month in which the interest payment is due. Interest shall be paid when due by check or draft drawn upon and mailed by the bond registrar and paying agent to the registered owner at the registered address.

4. PRIOR REDEMPTION. The Refunding Bonds shall be subject to mandatory and/or optional redemption prior to maturity if so determined by the City Manager at the time of sale and if so determined, upon such terms and conditions as shall be approved by the City Manager.

5. BOOK-ENTRY SYSTEM. Initially, one fully-registered Refunding Bond for each maturity, in the aggregate amount of such maturity, shall be issued in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”) for the benefit of other parties (the “Participants”) in the book-entry-only transfer system of DTC. In the event the City determines that it is in the best interest of the City not to continue the book-entry system of transfer or that the interests of the holders of the Refunding Bonds might be adversely affected if the book-entry system of transfer is continued, the City may notify DTC and the bond registrar and paying agent, whereupon DTC will notify the Participants of the availability through DTC of Refunding Bond certificates. In such event, the bond registrar and paying agent shall deliver, transfer and exchange Refunding Bond certificates as requested by DTC and any Participant or “beneficial owner” in appropriate amounts in accordance with this resolution. DTC may determine to discontinue providing its services with respect to the Refunding Bonds at any time by giving notice to the City and the bond registrar and paying agent and discharging its responsibilities with respect thereto under applicable law or the City may determine that DTC is incapable of discharging its duties and may so advise DTC. In either such event, the City shall use reasonable efforts to locate another securities depository. Under such circumstances (if there is no successor securities depository), the City and the bond registrar and paying agent shall be obligated to deliver Refunding Bond certificates in accordance with the procedures established by this resolution. In the event Refunding Bond certificates are issued, the provisions of this resolution shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of and interest on such certificates. Whenever DTC requests the City and the bond registrar and paying agent to do so, the City and the bond registrar and paying agent shall cooperate with DTC in taking appropriate action after reasonable notice to make available one or more separate certificates evidencing the Refunding Bonds to any Participant having Refunding Bonds credited to its DTC account or to arrange for

another securities depository to maintain custody of certificates evidencing the Refunding Bonds.

Notwithstanding any other provision of this resolution to the contrary, so long as any Refunding Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of, interest on and redemption premium, if any, on such Refunding Bonds and all notices with respect to the Refunding Bonds shall be made and given, respectively, to DTC. The City Manager is authorized to sign the Blanket Issuer Letter of Representations on behalf of the City in such form as such official signing the Blanket Issuer Letter of Representations deems necessary or appropriate in order to accomplish the issuance of the Refunding Bonds in accordance with law and this resolution.

6. BOND REGISTRAR AND PAYING AGENT. The City Manager shall designate, and may enter into an agreement with, a bond registrar and paying agent for the Refunding Bonds which shall be a bank or trust company located in the State of Michigan that is qualified to act in such capacity under the laws of the United States of America or the State of Michigan. The City Manager from time to time as required may designate a similarly qualified successor bond registrar and paying agent.
7. EXECUTION, AUTHENTICATION AND DELIVERY OF BONDS. The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signatures of the Mayor and the City Clerk and authenticated by the manual signature of an authorized representative of the bond registrar and paying agent, and the seal of the City (or a facsimile thereof) shall be impressed or imprinted on the Refunding Bonds. After the Refunding Bonds have been executed and authenticated for delivery to the original purchaser thereof, they shall be delivered by the City Treasurer or the City Manager to the purchaser of the Refunding Bonds upon receipt of the purchase price. Additional Refunding Bonds bearing the manual or facsimile signatures of the Mayor and the City Clerk may be delivered to the bond registrar and paying agent for authentication and delivery in connection with the exchange or transfer of the Refunding Bonds. The bond registrar and paying agent shall indicate on each Refunding Bond the date of its authentication.

8. EXCHANGE AND TRANSFER OF BONDS. Any Refunding Bond, upon surrender thereof to the bond registrar and paying agent with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney, at the option of the registered owner thereof, may be exchanged for Refunding Bonds of any other authorized denominations of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Refunding Bond.

Each Refunding Bond shall be transferable only upon the books of the City, which shall be kept for that purpose by the bond registrar and paying agent, upon surrender of such Refunding Bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney.

Upon the exchange or transfer of any Refunding Bond, the bond registrar and paying agent on behalf of the City shall cancel the surrendered Refunding Bond and shall authenticate and deliver to the transferee a new Refunding Bond or Bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Refunding Bond. If, at the time the bond registrar and paying agent authenticates and delivers a new Refunding Bond pursuant to this Section, payment of interest on the Refunding Bonds is in default, the bond registrar and paying agent shall endorse upon the new Refunding Bond the following: "Payment of interest on this bond is in default. The last date to which interest has been paid is _____, ____."

The City and the bond registrar and paying agent may deem and treat the person in whose name any Refunding Bond shall be registered upon the books of the City as the absolute owner of such Refunding Bond, whether such Refunding Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Refunding Bond and for all other purposes, and all payments made to any such registered owner, or upon his order, in accordance with the provisions of Section 3 of this resolution shall be valid and effectual to satisfy and discharge the liability upon such Refunding Bond to the extent of the sum or sums so paid, and neither the City nor the bond registrar and paying agent shall be affected by any notice to the contrary. The City agrees to indemnify and save the bond registrar and paying agent harmless from and

against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner. For every exchange or transfer of Refunding Bonds, the City or the bond registrar and paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

The bond registrar and paying agent shall not be required to transfer or exchange Refunding Bonds or portions of Refunding Bonds that have been selected for redemption.

9. FORM OF BONDS. The Refunding Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF TROY
GOLF COURSE REFUNDING BOND
(LIMITED TAX GENERAL OBLIGATION), SERIES 2012

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATE OF ORIGINAL ISSUE</u>	<u>CUSIP</u>
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Registered Owner:

Principal Amount:

The City of Troy, County of Oakland, State of Michigan (the "City"), acknowledges itself indebted to, and for value received hereby promises to pay to, the Registered Owner identified above, or registered assigns, the Principal Amount set forth above on the Maturity Date specified above, unless redeemed prior thereto as hereinafter provided, upon presentation and surrender of this bond at the corporate trust office of _____, the bond registrar and paying agent, located in _____, Michigan, or at such successor bond

registrar and paying agent as may be designated pursuant to the Resolution (as hereinafter defined), and to pay to the Registered Owner, as shown on the registration books at the close of business on the 15th day of the calendar month preceding the month in which an interest payment is due, by check or draft drawn upon and mailed by the bond registrar and paying agent by first class mail postage prepaid to the Registered Owner at the registered address, interest on such Principal Amount from the Date of Original Issue set forth above, or such later date through which interest has been paid, until the City's obligation with respect to the payment of such Principal Amount is discharged, at the rate per annum specified above. Interest is payable on the first days of _____ and _____ in each year, commencing on _____, 201_. Principal and interest are payable in lawful money of the United States of America.

This bond is one of a series of bonds aggregating the principal sum of _____ Dollars (\$_____) issued by the City under and pursuant to and in full conformity with the Constitution and Statutes of Michigan (especially Act No. 34, Public Acts of 2001, as amended) and a resolution adopted by the City Council of the City on _____, 2012 (the "Resolution"), for the purpose of refunding certain of the City's obligations under a Full Faith and Credit General Obligation Contract of Lease dated as of August 6, 2001, between the Municipal Building Authority of Troy (the "Authority") and the City (the "Contract of Lease") to enable the Authority to pay and redeem the Authority's Golf Course Bonds, Series 2002, dated as of July 1, 2002, maturing in the years 20__ through 20__. The full faith and credit of the City have been pledged for the prompt payment of the principal of and interest on this bond. Taxes imposed by the City are subject to constitutional, statutory and charter tax limitations.

This bond is transferable, as provided in the Resolution, only upon the books of the City kept for that purpose by the bond registrar and paying agent, upon the surrender of this bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the Registered Owner or his attorney duly authorized in writing. Upon the exchange or transfer of this bond a new bond or bonds of any authorized denomination, in the same aggregate principal amount and of the same interest rate and maturity, shall be authenticated and delivered to the transferee in exchange therefor as provided in the Resolution, and upon payment of the charges, if any, therein provided. Bonds so authenticated

and delivered shall be in the denomination of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount for each maturity.

The bond registrar and paying agent shall not be required to transfer or exchange bonds or portions of bonds that have been selected for redemption.

MANDATORY PRIOR REDEMPTION

Bonds maturing in the year ____ are subject to mandatory prior redemption at par and accrued interest as follows:

<u>Redemption Date</u>	<u>Principal Amount of Bonds to be Redeemed</u>
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Bonds or portions of bonds to be redeemed by mandatory redemption shall be selected by lot.

(REPEAT IF MORE THAN ONE TERM BOND)

OPTIONAL PRIOR REDEMPTION

Bonds maturing prior to _____, _____, are not subject to redemption prior to maturity. Bonds maturing on and after _____, _____, are subject to redemption prior to maturity at the option of the City, in such order as shall be determined by the City, on any one or more interest payment dates on and after _____, _____. Bonds of a denomination greater than \$5,000 may be partially redeemed in the amount of \$5,000 or any integral multiple thereof. If less than all of the bonds maturing in any year are to be redeemed, the bonds or portions of bonds to be redeemed shall be selected by lot. The redemption price shall be the par value of the bond or portion of the bond called to be redeemed plus interest to the date fixed for redemption and a premium as follows:

% of the par value if called for redemption on or after _____, _____, but prior to _____, _____;

% of the par value if called for redemption on or after _____, _____, but prior to _____, _____;

% of the par value if called for redemption on or after _____, _____, but prior to _____, _____.

Not less than thirty but not more than sixty days' notice of redemption shall be given to the Registered Owner of bonds called to be redeemed by mail to each Registered Owner at the registered address. Bonds or portions of bonds called for redemption shall not bear interest on and after the date fixed for redemption, provided funds are on hand with the bond registrar and paying agent to redeem the same.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the bonds of this series, existed, have happened and have been performed in due time, form and manner as required by law, and that the total indebtedness of the City, including the series of bonds of which this bond is one, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Troy, State of Michigan, by its City Council, has caused this bond to be executed in its name by the manual or facsimile signatures of the Mayor and the City Clerk and its corporate seal (or a facsimile thereof) to be impressed or imprinted thereon. This bond shall not be valid unless the Certificate of Authentication has been manually executed by an authorized representative of the bond registrar and paying agent.

CITY OF TROY

(SEAL)

By: _____
City Clerk

By: _____
Mayor

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within mentioned Resolution.

Bond Registrar and Paying Agent

By: _____
Authorized Representative

AUTHENTICATION DATE:

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

(please print or type name, address and taxpayer identification number of transferee) the within bond and all rights thereunder and hereby irrevocably constitutes and appoints

attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed: _____

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

10. SECURITY. The full faith and credit of the City are hereby pledged to the payment of the principal of and interest on the Refunding Bonds. There shall be levied upon all taxable property in the City upon the tax roll for each year while any of the Refunding Bonds shall be outstanding an amount such that the estimated collections therefrom will be sufficient to pay promptly at maturity the principal and interest maturing on the Refunding Bonds prior to the time of the following year's tax collections. Taxes required to be levied to pay principal of and interest on the Refunding Bonds shall be subject to constitutional, statutory and charter tax limitations. If at the time of making any annual tax levy there shall be funds on hand earmarked and set aside for the payment of the

principal of and interest on the Refunding Bonds becoming due prior to the next tax collection period, then such annual levy may be reduced by such amount.

11. DEFEASANCE. In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay, at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Refunding Bonds, shall have been deposited in trust, this resolution shall be defeased and the owners of the Refunding Bonds shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest on the Refunding Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Refunding Bonds as provided herein.

12. PRINCIPAL AND INTEREST FUND. There is hereby established for the Refunding Bonds a Principal and Interest Fund that shall be either a separate fund or part of a common fund as permitted by law. From the proceeds of the sale of the Refunding Bonds, there shall be set aside in the Principal and Interest Fund any accrued interest received from the purchaser at the time of delivery of the same. The proceeds of the taxes (both current and delinquent) and other available moneys of the City, if any, to be used to pay the payment of the principal of and interest on the Refunding Bonds shall be deposited as collected in the Principal and Interest Fund and so long as the principal or interest on the Refunding Bonds remain unpaid, no moneys shall be withdrawn from such fund except to pay such principal and interest or to pay from any investment earnings on such fund the fees and expenses of the bond registrar and paying agent.

13. PAYMENT OF COSTS OF ISSUANCE -- ESCROW FUND. The remainder of the proceeds of the Refunding Bonds shall be used, together with available moneys of the City, if any, to pay the costs of issuance of the Refunding Bonds and to refund the City's obligations under the Contract of Lease to enable the City and the Authority to pay and redeem the Prior Bonds maturing in the years as determined by order of the City Manager. After the costs of issuance have been paid or provided for the remaining proceeds and City moneys, if any, shall be used to establish an escrow fund (the

“Escrow Fund”) consisting of cash and investments in direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America or other obligations the principal of and interest on which are fully secured by the foregoing and used to pay the principal of, interest on and redemption premiums, if any, on the Prior Bonds. The Escrow Fund shall be held by an escrow agent (the “Escrow Agent”) pursuant to an Escrow Agreement (the “Escrow Agreement”), which irrevocably shall direct the Escrow Agent to take all necessary steps to pay the principal of and interest on the Prior Bonds being refunded when due and to call such Prior Bonds for redemption at such time as shall be determined in the Escrow Agreement. The City Manager is authorized to select the Escrow Agent and enter into the Escrow Agreement on behalf of the City. The amounts held in the Escrow Fund shall be such that the cash and the investments and the income received on the investments will be sufficient without reinvestment to pay the principal of, interest on and redemption premiums, if any, on the Prior Bonds when due at maturity or call for redemption as required by the Escrow Agreement.

14. APPROVAL OF DEPARTMENT OF TREASURY. The issuance and sale of the Refunding Bonds shall be subject to permission being granted therefor by the Department of Treasury of the State of Michigan as provided in Act 34. If necessary, the City Manager is authorized to file an application with the Department of Treasury for approval of the Refunding Bonds.

15. SALE, ISSUANCE, DELIVERY, TRANSFER AND EXCHANGE OF BONDS. The Refunding Bonds shall be sold pursuant to a negotiated sale as hereinafter provided, and it is hereby determined that such negotiated sale is in the best interests of the City and is calculated to provide the maximum flexibility in pricing the Refunding Bonds and to result in the lowest interest cost to the City. The City Manager is authorized to enter into a Bond Purchase Agreement with the Underwriter, which Bond Purchase Agreement shall set forth the City’s obligations under the Contract of Lease to be refunded, the Prior Bonds to be refunded (the “Prior Bonds To Be Refunded”), and the principal amount, principal maturities and dates, interest rates and interest payment dates, redemption provisions, if any, purchase price to be paid by the Underwriter with respect to the Refunding Bonds and such other terms and provisions as the City

Manager determines to be necessary or appropriate in connection with the sale of the Refunding Bonds. The Bond Purchase Agreement and the terms of the Refunding Bonds set forth therein shall be approved by an order adopted by the City Manager at the time of the sale of the Refunding Bonds. The Mayor, the City Clerk, the City Manager and the City Treasurer are each hereby authorized to do all things necessary to effectuate the sale, issuance, delivery, transfer and exchange of the Refunding Bonds in accordance with the provisions of this resolution. In making the determination in the order authorizing the sale of the Refunding Bonds and in the Bond Purchase Agreement with respect to principal maturities and dates, interest rates, purchase price of the Refunding Bonds and compensation to be paid to the Underwriter, the City Manager shall be limited as follows:

- (a) The interest rate on any Refunding Bond shall not exceed 6.00% per annum.
- (b) The final maturity date of the Refunding Bonds shall not be later than December 1, 2027.
- (c) The issuance of the Refunding Bonds shall result in present value of the savings (net of issuance costs) with respect to the debt service on the Prior Bonds To Be Refunded.
- (d) The purchase price of the Refunding Bonds shall not be less than 98% of the principal amount thereof.
- (e) The Underwriter's discount with respect to the Refunding Bonds or the compensation to be paid to the Underwriter shall not exceed 0.75% of the principal amount of the Refunding Bonds.

16. REPLACEMENT OF BONDS. Upon receipt by the City Clerk of proof of ownership of an unmatured Refunding Bond, of satisfactory evidence that the Refunding Bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity that complies with applicable law and is satisfactory to the City Clerk, the City Clerk may authorize the bond registrar and paying agent to deliver a new executed Refunding Bond to replace the Refunding Bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured Refunding Bond is lost, apparently destroyed or wrongfully taken, the City Clerk may authorize the bond registrar and

paying agent to pay the Refunding Bond without presentation upon the receipt of the same documentation required for the delivery of a replacement Refunding Bond. The bond registrar and paying agent, for each new Refunding Bond delivered or paid without presentation as provided above, shall require the payment of expenses, including counsel fees, which may be incurred by the bond registrar and paying agent and the City in the premises. Any Refunding Bond delivered pursuant to the provisions of this Section 16 in lieu of any Refunding Bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the Refunding Bond in substitution for which such Refunding Bond was delivered.

17. TAX COVENANT. The City covenants to comply with all applicable requirements of the Internal Revenue Code of 1986, as amended (the "Code"), necessary to assure that the interest on the Refunding Bonds will be and will remain excludable from gross income for federal income tax purposes. The Mayor, the City Clerk, the City Manager, the City Treasurer and other appropriate officials of the City are authorized to do all things necessary (including the making of such covenants of the City as shall be appropriate) to assure that the interest on the Refunding Bonds will be and will remain excludable from gross income for federal income tax purposes.
18. OFFICIAL STATEMENT. The City Manager is authorized to cause the preparation of an official statement for the Refunding Bonds for purposes of enabling compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule") and to do all other things necessary to enable compliance with the Rule. After the award of the Refunding Bonds, the City will provide copies of a "final official statement" (as defined in paragraph (e)(3) of the Rule) on a timely basis and in reasonable quantity as requested by the Underwriter to enable the Underwriter to comply with paragraph (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board.
19. CONTINUING DISCLOSURE. The Mayor and the City Clerk are authorized to execute and deliver in the name and on behalf of the City a continuing disclosure certificate to comply with the requirements for a continuing disclosure undertaking of the City pursuant to paragraph (b)(5) of the Rule, and amendments to such certificate from time

to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.

20. BOND INSURANCE. The City Manager is authorized and directed to take any actions that may be necessary or appropriate to purchase a policy or policies of municipal bond insurance with respect to the Refunding Bonds to the extent that the City Manager determines that the purchase of such municipal bond insurance is in the best interests of the City. If the City Manager makes such a determination, the purchase of a policy or policies and the payment of premiums therefor and the execution by the City Manager of any necessary commitments with respect thereto are hereby authorized.

21. PROFESSIONAL SERVICES. The following are appointed to act in the following capacities with respect to the Refunding Bonds:

As registered municipal advisor: Bendzinski & Co., Municipal Finance Advisors
Detroit, Michigan

As Underwriter: Fifth Third Securities, Inc.
Cincinnati, Ohio

As bond counsel: Dickinson Wright PLLC
Troy, Michigan

22. CONFLICTING RESOLUTIONS. All resolutions and parts of resolutions insofar as they may be in conflict herewith are rescinded.

Yes: All-7
No: None

MOTION CARRIED

I-7 Approval of Cost Participation Agreement for the Resurfacing of 14 Mile Road from Campbell to Stephenson – Project No. 12.104.6

Resolution #2012-04-069
Moved by McGinnis
Seconded by Fleming

RESOLVED, That the Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County for the resurfacing of 14 Mile Road, from Campbell to Stephenson Highway is hereby **APPROVED** at an estimated cost to the City of Troy of \$125,000 with the actual local match to be determined upon completion of State financial audits, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7
No: None

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2012-04-070
Moved by Slater
Seconded by Campbell

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) J-2a, which **SHALL BE CONSIDERED** after Consent Agenda (J) items, as printed.

Yes: All-7
No: None

MOTION CARRIED

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

J-3 Proposed City of Troy Proclamations: None

J-4 Standard Purchasing Resolutions:

a) Standard Purchasing Resolution 1: Award to Low Bidder – Hauling and Disposal of Dirt and Debris

Resolution #2012-04-070-J-4a

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 low bidder, Bedrock Express LTD of Ortonville, MI, for an estimated total cost of \$58,840.00, at unit prices contained in the bid tabulation opened February 2, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of March 31, 2013.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT UPON** the contractors' submission of properly executed bid and proposal documents, including insurance certificates and all other specified requirements.

b) Standard Purchasing Resolution 1: Award to Low Bidders – Home Chore Lawn and Yard Services

Resolution #2012-04-070-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide seasonal requirements of lawn and yard services to Troy residents qualifying under the Home Chore Program with an option to renew for one (1) additional season to the low total bidders, Outdoor Enhancements of Lake Orion, MI, as primary contractor, and DTL Lawn Care of Rochester Hills, MI, as secondary contractor, at unit prices contained in the bid tabulation opened March 15, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of December 31, 2012.

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT UPON** the contractors' submission of properly executed bid documents, insurance certificates and all other specified requirements including a Public Service Contract executed administratively once in acceptable form.

c) Standard Purchasing Resolution 2: Sole Bidder – Replace and Install a New Rotary Brand Dual Rear Cylinder Lifting Assembly Including Complete Lift Inspection – DPW Fleet Garage

Resolution #2012-04-070-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** a contract to replace and install a new Rotary Brand Dual Rear Cylinder Lifting Assembly Including Complete Lift Inspection at the DPW - Fleet Garage to the sole bidder meeting specifications, Allied Incorporated of Ann Arbor, MI, for an estimated total cost of \$30,970.00.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT UPON** contractors' submission of properly executed bid and proposal documents including insurance certificates, permits and all other specified requirements.

BE IT FINALLY RESOLVED, That Troy City Council hereby **REJECTS** all bids received for Proposal B, Additional Work, as the work is not needed at this time.

J-5 Traffic Committee Recommendations and Minutes – March 21, 2012

Resolution #2012-04-070-J-5

Item #3 – Request for Intersection Control – Brunswick at Cadmus – Item 3

RESOLVED, That the intersection control be **MODIFIED** from “no traffic control” to a STOP sign on the Brunswick Drive southbound approach to Cadmus.

Item #4 – Request for Intersection Control – Wardlow at Ashbury – Item 4

RESOLVED, That the intersection control be **MODIFIED** from “no traffic control” to a YIELD sign on the Wardlow Drive southbound approach to Ashbury.

Item #5 – Request for Intersection Control – Vernmoor at Hurst

RESOLVED, That the intersection control be **MODIFIED** from “two-way control” to “four-way control” by installing STOP signs on the Vernmoor approaches to the intersection, creating an All-Way Stop intersection at Vernmoor and Hurst.

Item #6 – Request for Intersection Control – Fredmoor at Lovell

RESOLVED, That the intersection control be **MODIFIED** from “two-way control” to “four-way control” by installing STOP signs on the Fredmoor approaches to the intersection, creating an All-Way Stop intersection at Fredmoor and Lovell.

J-6 Private Agreement – Warrior Park – Baseball Field - Project No. 11.914.3

Resolution #2012-04-070-J-6

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Brother Rice High School, is hereby **APPROVED** for the installation of Storm Sewer and Pavement, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-7 Approval of Subdivision Entrance Sign/Agreement, Stoneridge Subdivision, South Side of Square Lake Road, Between Long Lake and Dequindre, Section 12

Resolution #2012-04-070-J-7

RESOLVED, That Troy City Council hereby **APPROVES** as to the design and materials proposed, the sign application submitted by the Stoneridge Homeowner’s Improvement Inc., for the placement of a sign within the median of Cliffside at the intersection of Square Lake Road.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the agreement regarding the maintenance and liability coverage for the sign, and **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-2 Approval of City Council Minutes

Resolution #2012-04-071

Moved by Slater

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) Regular City Council Meeting of March 19, 2012

Yes: All-7
No: None

MOTION CARRIED

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

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

L. COUNCIL REFERRALS:

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

L-1 No Council Referrals Advanced

M. COUNCIL COMMENTS

M-1 No Council Comments Advanced

Mayor Pro Tem McGinnis announced upcoming events:

- Troy People Concerned Spring Pasta Dinner, April 26, 2012, from 4-8 pm at the San Marino Club, 1685 E. Big Beaver Road, Troy.
- Red Cross blood drives on Wednesday, April 25 and Thursday, April 26, 2012 from from 9am–3 pm at the Troy Community Center (Room 305), 3179 Livernois

City Council discussed [N-6](#) City Manager's Responses to Budget Issues.

N. REPORTS

N-1 Minutes – Boards and Committees:

- a) Election Commission-Final-January 23, 2012
- b) Liquor Advisory Committee-Final-February 13, 2012
- c) Civil Service Commission (Act 78)-Final-February 14, 2012
- d) Traffic Committee-Final-February 15, 2012
- e) Zoning Board of Appeals-Draft-February 21, 2012
- f) Zoning Board of Appeals-Final-February 21, 2012
- g) Liquor Advisory Committee-Draft-March 12, 2012
- h) Planning Commission-Draft-March 13, 2012
- i) Planning Commission-Final-March 13, 2012

Noted and Filed

N-2 Department Reports:

- a) Fire Department 2011 Annual Report
Noted and Filed

N-3 Letters of Appreciation: None

Noted and Filed

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

Noted and Filed

N-5 Friends of Troy Seniors Update

Noted and Filed

N-6 City Manager's Responses to Budget Issues

- a) Memorandum from Police Chief Gary Mayer Regarding the International City Manager's Association (ICMA) Implementation Plan and Progress Report for the Police Department
- b) Memorandum from Human Resources Director Peggy Sears Regarding How Pay and Benefits in Troy Compare to Pay and Benefits in Other Communities
- c) Memorandum from IT Director Gert Paraskevin and Interim Director of Finance and Administrative Services Tom Darling Regarding an Analysis of Our Information Technology Department
- d) Memorandum from Assistant to the City Manager/Coordinator of Continuous Improvement Monica Irelan Regarding an Analysis of Outsourcing Cross-Connection Controls

O. STUDY ITEMS

- O-1 No Study Items

P. CLOSED SESSION:

- P-1 Closed Session

Q. ADJOURNMENT

The meeting **RECESSED** at 10:22 PM.

The meeting **RECONVENED** at 10:28 PM.

The meeting **ADJOURNED** at 10:31 PM.

Mayor Janice Daniels

M. Aileen Bittner, CMC
City Clerk