

Pastor Simion Timbuc from Bethesda Romanian Pentecostal 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, May 14, 2012, at City Hall, 500 W. Big Beaver Road. Mayor Daniels called the meeting to order at 7:31 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:

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**C-1 Proclamation to Celebrate Secrest Wardel's Move to the City of Troy**

## D. CARRYOVER ITEMS:

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**D-1 No Carryover Items**

## E. PUBLIC HEARINGS:

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**E-1 No Public Hearings**

## F. PUBLIC COMMENT:

Schilling, Louise	Spoke of John Szerlag's accomplishments as City Manager and expressed him well wishes in the future
Klein, Barbara	Expressed well wishes to John Szerlag
Savage, James,	Spoke about budget issues
Kajma, Linda	Spoke about a mailing and the political climate in Troy; and expressed well wishes to John Szerlag
Krent, Tom	Spoke of John Szerlag's accomplishments as City Manager and expressed him well wishes in the future
Gosselin, Toby	Spoke about the political climate in Troy; and expressed well wishes to John Szerlag
Peters, Richard	Spoke about various topics
Martin, Susan S.	Expressed accolades of John Szerlag's accomplishments as City Manager
Bloomingtondale, Bruce	Thanked Council for approving the budget, and expressed well wishes to John Szerlag.
Schepke, Gordon	Spoke about public comment at previous meeting.

Watts, Ray

Spoke of positive things occurring in Troy.

**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 – Downtown Development Authority; Planning Commission (Student); b) City Council Appointments – Charter Revision Committee; Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust; Zoning Board of Appeals

**a) Mayoral Appointments**

Resolution #2012-05-105

Moved by Daniels

Seconded by Fleming

RESOLVED, That the Mayor of the City of Troy hereby **APPOINTS** the following nominated person(s) to serve on the Boards and Committees as indicated:

**Downtown Development Authority**

Appointed by Mayor

13 Regular Members

4 Year Term

**Term Expires: 09/30/2012****Gregory Carnago**

Yes: All-7

No: None

**MOTION CARRIED**

Resolution #2012-05-106

Moved by Daniels

Seconded by Tietz

RESOLVED, That the Mayor of the City of Troy hereby **APPOINTS** the following nominated person(s) to serve on the Boards and Committees as indicated:

**Planning Commission**

Appointed by Mayor

9 Regular Members

3 Year Term

**Term Expires: 07/31/2013** Eric Huang (Student)

Yes: All-7  
No: None

**MOTION CARRIED**

**b) City Council Appointments**

Resolution #2012-05-107  
Moved by McGinnis  
Seconded by Fleming

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

Charter Revision Committee  
Appointed by Council  
7 Regular Members  
3 Year Term

**Term Expires: 04/30/2015** MaryAnn Bernardi

**Term Expires: 04/30/2015** Daniel H. Bliss

**Term Expires: 04/30/2015** William Weisgerber

Yes: All-7  
No: None

**MOTION CARRIED**

Resolution #2012-05-108  
Moved by McGinnis  
Seconded by Tietz

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

Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust  
Appointed by Council  
5 Employee Members and 2 Ordinance Members  
3 Year Term

**Term Expires: 04/15/2015**

Dave Henderson

Yes: Henderson, McGinnis, Slater, Tietz, Daniels, Fleming

No: Campbell

**MOTION CARRIED****Vote on Resolution to POSTPONE Item I-01b City Council Appointments to the Zoning Board of Appeals**

Resolution #2012-05-109

Moved by Slater

Seconded by Campbell

RESOLVED, That Item I-01b City Council Appointments to the Zoning Board of Appeals be **POSTPONED** to the next Regular City Council Meeting.

Yes: All-7

No: None

**MOTION CARRIED**

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**I-2 Board and Committee Nominations: a) Mayoral Nominations – Local Development Finance Authority (LDFA); b) City Council Nominations – Building Code Board of Appeals; Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust; Historic District Commission**

**a) Mayoral Nominations**

The Mayor did not take action on this Item.

**b) City Council Nominations**

City Council did not take action on this Item.

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**I-3 No Closed Session Requested**

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**I-4 Bid Waiver – Workers' Compensation Insurance Renewal for Fiscal Year 2012/13**

Resolution #2012-05-110

Moved by Fleming

Seconded by McGinnis

WHEREAS, The Michigan Municipal League has provided Workers' Compensation Insurance for the City of Troy and the premium charged has been equitable based on the City's experience; and

WHEREAS, It is desirable to continue the program through the Michigan Municipal League due to the positive experience of participating in the MML program;

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and the net estimated premium cost of \$269,407 is hereby **APPROVED** for Workers' Compensation Insurance through the MML for the 2012-2013 fiscal year.

Yes: All-7  
No: None

### **MOTION CARRIED**

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#### **I-5 Contract Modification: Department of Public Works Maintenance Road Rehabilitation – Concrete Pavement Repair Program**

Resolution #2012-05-111  
Moved by McGinnis  
Seconded by Slater

RESOLVED, That Troy City Council hereby **APPROVES** a contract modification to Dilisio Contracting, Inc. of Clinton Township, MI for concrete pavement repair to rehabilitate the Department of Public Works maintenance road for a total cost not-to-exceed \$130,000.00, at unit prices as originally bid on ITB-COT 11-15 opened July 7, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7  
No: None

### **MOTION CARRIED**

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#### **I-6 Process to Evaluate Proposals of Search Firms to Conduct Executive Search for City Manager**

Resolution #2012-05-112  
Moved by Fleming  
Seconded by McGinnis

WHEREAS, On Tuesday, May 1, 2012, Troy City Council authorized City administration to solicit proposals from seven (7) consultants to conduct an executive search for City Manager (Resolution # 2012-05-084); and

WHEREAS, On Monday, May 7, 2012, City Council held a Study Session and obtained consensus on the evaluation form to be used to hire an executive search firm to fill the vacancy of City Manager; and

WHEREAS, The deadline to submit proposals from the prospective consultants is today, May 14, 2012; and

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the attached, amended evaluation form for the purpose of rating the proposals; and to conduct interviews with the top rated consultants, if deemed to be in the City's best interest; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the standard request for proposal evaluation process in making the selection of an executive search firm to fill the vacancy of City Manager; and

BE IT FINALLY RESOLVED, That all completed evaluation forms shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

No: None

### **MOTION CARRIED**

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#### **I-7 Proposed Contract for Temporary City Manager**

Resolution #2012-05-113

Moved by McGinnis

Seconded by Fleming

RESOLVED, That the attached contract between the City of Troy and Interim City Manager, Michael W. Culpepper, is hereby **APPROVED**; the Mayor and City Clerk are **AUTHORIZED** to execute the documents, and a copy shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

No: None

### **MOTION CARRIED**

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#### **I-8 Request to Sell a City Owned Surplus Parcel Located in Section 22, Sidwell #88-20-22-277-027 – 3545 Rochester Road**

Resolution #2012-05-114

Moved by Tietz

Seconded by McGinnis

#### **Option 1**

WHEREAS, Chapter 12 of the City Charter requires that competitive bids shall be obtained through a traditional sealed bid procedure or alternative methods providing the method used preserves the integrity of the competitive process for the sales of City owned property in excess of \$10,000;

BE IT RESOLVED, That the Engineering Department is hereby **AUTHORIZED** to proceed to offer the City owned surplus parcel having Sidwell #88-20-22-277-027 for public sale by means

of a sealed bid process, and to retain the services of an independent fee appraiser licensed in the State of Michigan.

Yes: McGinnis, Tietz, Daniels, Fleming

No: Henderson, Slater, Campbell

### **MOTION CARRIED**

The Meeting **RECESSED** at 8:55 PM.

The Meeting **RECONVENED** at 9:02 PM.

## **J. CONSENT AGENDA:**

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

Resolution #2012-05-115

Moved by McGinnis

Seconded by Slater

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.

Yes: All-7

No: None

### **MOTION CARRIED**

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

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#### **J-3 Proposed City of Troy Proclamations:**

a) Proclamation to Celebrate Secret Wardel's Move to the City of Troy.

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#### **J-4 Standard Purchasing Resolutions:**

a) **Standard Purchasing Resolution 3: Exercise Renewal Option – Sidewalk Replacement and Installation Program**

Resolution #2012-05-115-J-4a

WHEREAS, On January 10, 2011, Troy City Council awarded a contract to complete the sidewalk replacement and installation program for 2010/2011 with options to renew for two (2) additional one-year periods to the low total bidder, Rotondo Construction Company of Farmington Hills, MI, at unit prices contained in the bid tabulation opened November 23, 2010 (Resolution #2011-01-005-J4b); and

WHEREAS, On July 11, 2011, Troy City Council exercised the first option to renew for the 2011/2012 construction season with Rotondo Construction under the same prices, terms, and conditions (Resolution #2011-07-165-J4a); and

WHEREAS, Rotondo Construction Company has offered to exercise the second option to renew for one (1) additional year under the same pricing, terms, and conditions as the original contract;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** and **APPROVES** the second one-year renewal period to contract for sidewalk replacement and installation during FY 2012/2013 with Rotondo Construction Company of Farmington Hills, MI, at unit prices contained in the bid tabulation opened November 23, 2010, at amounts not-to-exceed those budgeted, with the contract expiring June 30, 2013.

**b) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 11-10 – Section 16 Water Main Replacement**

Resolution #2012-05-115-J-4b

RESOLVED, That contract No. 11-10, Section 16 Water Main Replacement, be **AWARDED** to Bricco Excavating Company, LLC, 21201 Meyers Road, Oak Park, MI 48237-3201 for their low total bid amount of \$2,498,647.34.

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 15% of the total project cost.

**c) Standard Purchasing Resolution 3: Exercise Renewal Option – Concrete Pavement Repair**

Resolution #2012-05-115-J-4c

WHEREAS, On July 25, 2011, Troy City Council awarded a contract for concrete pavement repair with an option to renew for two (2) additional one-year periods to the low total bidder, Dilisio Contracting, Inc. of Clinton Township, MI, at unit prices contained in the bid tabulation opened July 7, 2011 (Resolution #2011-07-181-Item J-4a); and

WHEREAS, Dilisio Contracting, Inc. has offered to exercise the first option to renew for one (1) additional year under the same prices, terms, and conditions; and

WHEREAS, Dilisio Contracting, Inc. has agreed to pay for overtime incurred by City of Troy inspectors for any inspections that fall outside the normal eight (8) hour work day at the rate of \$50.00 per hour; and

WHEREAS, Dilisio Contracting, Inc. agrees to provide two-year maintenance bonds for all work completed under their contract; and

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES AND APPROVES** the first one-year renewal period to contract for concrete pavement repair during FY 2012/13 with Dilisio Contracting, Inc. of Clinton Township, MI, at unit prices contained in the bid tabulation opened July 7, 2011, at amounts not-to-exceed those budgeted, with the contract expiring June 30, 2013.

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**J-5 Request for Acceptance of a Water Main Easement from FAS Hotels, LLC – Sidwell #88-20-35-327-014**

Resolution #2012-05-115-J-5

RESOLVED, That Troy City Council hereby **ACCEPTS** the water main easement from FAS Hotels, LLC, owner of the property having Sidwell #88-20-35-327-014; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the easement with the Oakland County Register of Deeds, a copy of which shall be attached to the original Minutes of this meeting.

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**J-6 Request to Vacate an Existing Sanitary Sewer Easement and Acceptance of a Permanent Sanitary Sewer Easement – Sidwell #88-20-34-226-010, G.I. Building, LLC**

Resolution #2012-05-115-J-6

RESOLVED, That Troy City Council hereby **VACATES** an existing sanitary sewer as recorded in Liber 5987 Page 783 by means of a Quit Claim Deed; and

BE IT RESOLVED, That Troy City Council **AUTHORIZES** the Mayor and City Clerk to execute a Quit Claim deed conveying interest in that sanitary sewer to the current property owners, G.I. Building, LLC; and

BE IT RESOLVED, That Troy City Council hereby **ACCEPTS** the sanitary sewer easement from G.I. Building, LLC, owner of the property having Sidwell #88-20-34-226-010; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the Quit Claim deed and sanitary sewer easement with the Oakland County Register of Deeds, a copy of which shall be attached to the original Minutes of this meeting.

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**J-7 Assessment of Delinquent Accounts**

Resolution #2012-05-115-J-7

WHEREAS, Section 1.167 of Chapter 5 and Section 6 of Chapter 20 of the Ordinance Code of the City of Troy require that delinquent payments and invoices, as of April 1<sup>st</sup> of each year, shall be reported and the City Council shall certify the same to the City Assessor who shall assess the same on the next annual City Tax Roll, to be collected as provided for collection of City Taxes; and

WHEREAS, Section 10.8 of the Troy City Charter provides for the collection of delinquent invoices through property tax collection procedures; and

WHEREAS, A list of individual properties is on file in the Office of the Treasurer and comprises a summation of totals as follows:

General Fund Invoices	
Including Penalties	\$ 60,552.56
Special Assessments	
Including Penalties & Interest	4,107.34
Water & Sewer Accounts	
Including Penalties	<u>888,038.33</u>
Total	\$ 952,698.23

NOW, THEREFORE, BE IT RESOLVED, That the City Assessor is hereby **AUTHORIZED** to assess these delinquent accounts on the annual City Tax Roll.

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#### **J-8 TPOA v City of Troy and Act 78 Civil Service Commission**

Resolution #2012-05-115-J-8

RESOLVED, That the City Attorney's Office is hereby **DIRECTED** to defend the City of Troy and the Act 78 Civil Service Commission in the *TROY POLICE OFFICERS ASSOCIATION V. CITY OF TROY AND TROY ACT 78 CIVIL SERVICE COMMISSION* lawsuit (Oakland County Circuit Court Case No. 12-125981-CL). Furthermore, the City Attorney is **AUTHORIZED** to pay necessary costs and fees in the defense of the action.

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#### **J-2 Approval of City Council Minutes**

Resolution #2012-05-116

Moved by Tietz

Seconded Fleming

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

a) Regular Meeting of May 7, 2012

Yes: All-7

No: None

**MOTION CARRIED**

#### **K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**K-1 Announcement of Public Hearings: None Submitted**

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**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

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**L-1 No Council Referrals Advanced**

**M. COUNCIL COMMENTS**

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**M-1 No Council Comments Advanced**

Council Member Campbell recommended Gordon Schepke resign from the Planning Commission. Council Member Slater concurred.

Council Member McGinnis thanked John Szerlag for his professionalism and dedication as City Manager and expressed best wishes in the future.

Council Member Tietz thanked John Szerlag for his service to the City and expressed best wishes in the future.

Council Member Fleming thanked John Szerlag for his service to the City and expressed best wishes to John Szerlag.

Council Member Henderson expressed his appreciation for John Szerlag's assistance and candor toward him as a new Council Member and expressed best wishes in the future.

Council Member Slater thanked John Szerlag for his professionalism, dedication, foresight and leadership as City Manager and expressed best wishes in the future.

Mayor Daniels expressed best wishes to John Szerlag.

Mayor Daniels announced the Troy Police Open House on Tuesday, May 15, 2012, from 12:00 PM – 7:00 PM. The Police Memorial Service on Thursday, May 17, 2012 at 10:00 AM in the Police circle drive (weather permitting). If it rains, the Memorial Service will be held in the City Council Chambers.

Mayor also announced that the Mayor for a Day Essay Contest submittal deadline has passed. The winners will be announced at the June 4, 2012 City Council Meeting.

**N. REPORTS**

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**N-1 Minutes – Boards and Committees:**

- a) Election Commission-Draft-April 9, 2012
  - b) Planning Commission Special/Study-Draft-April 24, 2012  
Noted and Filed
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**N-2 Department Reports:**

- a) Tax Abatement Policy
- b) SOCRRA Quarterly Report - April 2012  
Noted and Filed

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**N-3 Letters of Appreciation: None Submitted**  
Noted and Filed

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**N-4 Proposed Proclamations/Resolutions from Other Organizations: None Proposed**  
Noted and Filed

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**N-5 Notice of Hearing for the Customers of the Detroit Edison Company – Case No. U-16434-R**  
Noted and Filed

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**O. STUDY ITEMS**

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**O-1 No Study Items**

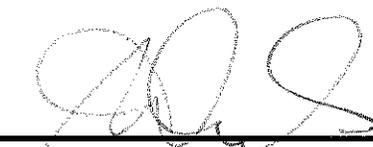
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**P. CLOSED SESSION:**

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**P-1 No Closed Session**

The Meeting **ADJOURNED** at 9:20 PM.



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Mayor Janice Daniels



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M. Aileen Bittner, CMC  
City Clerk