

Regular Meeting of the Troy City Council was held Monday, March 2, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:33 PM.

Council Member Broomfield gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL

Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Wade Fleming
Mayor Pro Tem Martin Howrylak

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) A legislative update was received from State Representative Marty Knollenberg.
- b) Portia Fields-Anderson presented the Michigan Recreation and Park Association Recreation Leadership Award to Carla Vaughan, Recreation Supervisor of the City of Troy.
- c) On behalf of the City of Troy, Steve Vandette, City Engineer and Jennifer Lawson, Environmental Specialist accepted a *Certificate of Appreciation* from Clinton River Watershed Council for Continued Support and Membership.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Michigan NextEnergy Exemptions

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving no comment from the public.

Resolution #2009-03-061

Moved by Kerwin

Seconded by Fleming

RESOLVED, That Troy City Council hereby **AFFIRMS** the Michigan NextEnergy Exemption of Alternative Energy Personal Property located at 1100 W. Maple, and 1857 Technology Drive, Troy, MI, as certified by the City Assessor, in an amount not to exceed \$1,970,456.31, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

Yes: Schilling, Beltramini, Broomfield, Fleming, Kerwin

No: Eisenbacher, Howrylak

MOTION CARRIED

C-2 Liquor Violations – SDD & SDM

The named licensees have been given notice to appear for this series of Public Hearings regarding alleged violations. All violations are uncontested and have been adjudicated at the Michigan Liquor Control Commission (MLCC). Therefore, the following licensees have waived their right to a public hearing:

- a) Name: Rite Aid of Michigan, Inc. (dba: Rite Aid #2731)
Address: 1981 W. South Blvd., 48098
License No.: SDM (78430-2008)
- b) Name: Rite Aid Discount Pharmacy (dba: Rite Aid #4305)
Address: 2971 W. Maple Road, 48084
License No.: SDD/SDM (10077-2008 SS)
- c) Name: 7-Eleven, Inc. (dba: 7-Eleven)
Address: 1650 Crooks Road, 48084
License No.: SDD (18175-2007 SS); SDM (14683-2007)
- d) Name: Arbor Drugs, Inc. (dba: CVS Pharmacy #8162)
Address: 2045 W. South Boulevard, 48098
License No.: SDM (0815-2008)
- e) Name: ADI Realty, Inc. (dba: CVS Pharmacy #8242)
Address: 4963 John R, 48085
License No.: SDM (73139-2007)
- f) Name: MK2, LLC (dba: Lucky's Market)
Address: 4835 John R, 48085
License No.: SDD (134567-2008 SS); SDM (134568-2008)
- g) Name: K-Mart Corporation (dba: Big K-Mart No. 4082)
Address: 100 E. Maple Road, 48083
License No.: SDM (172382-2008)

a) **Rite Aid of Michigan, Inc. (dba: Rite Aid #2731)**

Resolution #2009-03-062

Moved by Beltramini

Seconded by Kerwin

WHEREAS, The following liquor licensee operates within the City of Troy:

Name: Rite Aid of Michigan, Inc. (dba: Rite Aid #2731)
Address: 1981 W. South Blvd., 48098
License No.: SDM (78430-2008)

WHEREAS, The licensee has entered into a contract with the City of Troy, where the licensee authorizes the Troy City Council to review the licensee's violations of the laws and regulations governing the sale of alcoholic liquor, and determine the appropriate course of action for any such violation that is allowed under Michigan law;

WHEREAS, The City Council has given public notice that the licensee has been charged with the following violation of the laws and regulations governing the sale of alcoholic liquor:

SALE TO MINOR (Compliance Test) on May 21, 2008;

WHEREAS, The City provided notice that the charges against the licensee would be reviewed and Council would determine if any action should be taken against the licensee at a Public Hearing, scheduled for Wednesday, February 11, 2009;

WHEREAS, The licensee has had prior violations dated: June 19, 2003 - SALE TO MINOR (Compliance Test); February 28, 2002 - SALE TO MINOR (Compliance Test); and

WHEREAS, Licensee was given the opportunity to review these cited infractions, and the opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 11, 2009;

THEREFORE, BE IT RESOLVED, That the Troy City Council, after the public hearing, **HAS DETERMINED** that the licensee did commit the above referenced violation of the laws and regulations governing the sale of alcoholic liquor; and

BE IT FURTHER RESOLVED, That the Troy City Council **REQUIRES** the licensee (SDM License Number 78430-2008 in the name of Rite Aid of Michigan, Inc. in the City of Troy), to have all its management and employees that are permitted to sell alcoholic liquor TIPS or TAMS trained, and **RECOGNIZES** that recent training has taken place and that the licensee has **PROVIDED PROOF** of this training to the Troy Police Department; and

BE IT FURTHER RESOLVED, That notice of the above referenced violation **SHALL BE PUBLISHED** in a local newspaper of general circulation; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission for inclusion in the licensee's file.

Yes: All-7

MOTION CARRIED

b) Rite Aid Discount Pharmacy (dba: Rite Aid #4305)

Resolution #2009-03-063
Moved by Eisenbacher
Seconded by Kerwin

WHEREAS, The following liquor licensee operates within the City of Troy:

Name: Rite Aid Discount Pharmacy (dba: Rite Aid #4305)
Address: 2971 W. Maple Road, 48084
License No.: SDD/SDM (10077-2008 SS)

WHEREAS, The licensee has entered into a contract with the City of Troy, where the licensee authorizes the Troy City Council to review the licensee's violations of the laws and regulations governing the sale of alcoholic liquor, and determine the appropriate course of action for any such violation that is allowed under Michigan law;

WHEREAS, The City Council has given public notice that the licensee has been charged with the following violation of the laws and regulations governing the sale of alcoholic liquor:

SALE TO MINOR (DPU) (Compliance Test) on October 10, 2008;

WHEREAS, The City provided notice that the charges against the licensee would be reviewed and Council would determine if any action should be taken against the licensee at a Public Hearing, scheduled for Wednesday, February 11, 2009;

WHEREAS, The licensee has had prior violations dated: September 25, 2001 - SALE TO MINOR (Compliance Test); October 27, 1999 - SALE TO MINOR (Compliance Test); June 25, 1992 - SALE TO MINOR; February 6, 1992 - SALE TO MINOR (Compliance Test); October 4, 1991 - SALE TO MINOR; August 2, 1991 - SALE TO MINOR; October 26, 1989 - SALE TO MINOR (Compliance Test); March 3, 1989 - SALE TO MINOR (Controlled Buy); August 22, 1981 - SALE TO MINOR; August 22, 1981 - SALE TO MINOR; and

WHEREAS, Licensee was given the opportunity to review these cited infractions, and the opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 11, 2009;

THEREFORE, BE IT RESOLVED, That the Troy City Council, after the public hearing, has **DETERMINED** that the licensee did commit the above referenced violation of the laws and regulations governing the sale of alcoholic liquor; and

BE IT FURTHER RESOLVED, That the Troy City Council **REQUIRES** the licensee (SDD/SDM License Number 10077-2008 SS in the name of Rite Aid Discount Pharmacy in the City of Troy), to have all its management and employees that are permitted to sell alcoholic liquor TIPS or TAMS trained, and **RECOGNIZES** that recent training has taken place and that the licensee has **PROVIDED PROOF** of this training to the Troy Police Department; and

BE IT FURTHER RESOLVED, That notice of the above referenced violation **SHALL BE PUBLISHED** in a local newspaper of general circulation; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission for inclusion in the licensee's file.

Yes: All-7

MOTION CARRIED

c) 7-Eleven, Inc. (dba: 7-Eleven)

Resolution #2009-03-064

Moved by Eisenbacher

Seconded by Beltramini

WHEREAS, The following liquor licensee operates within the City of Troy:

Name: 7-Eleven, Inc. (dba: 7-Eleven)

Address: 1650 Crooks Road, 48084

License No.: SDD (18175-2007 SS); SDM (14683-2007)

WHEREAS, The licensee has entered into a contract with the City of Troy, where the licensee authorizes the Troy City Council to review the licensee's violations of the laws and regulations governing the sale of alcoholic liquor, and determine the appropriate course of action for any such violation that is allowed under Michigan law;

WHEREAS, The City Council has given public notice that the licensee has been charged with the following violation of the laws and regulations governing the sale of alcoholic liquor:

SALE TO MINOR (DPU) (Compliance Test) on February 21, 2008;

WHEREAS, The City provided notice that the charges against the licensee would be reviewed and Council would determine if any action should be taken against the licensee at a Public Hearing, scheduled for Wednesday, February 11, 2009;

WHEREAS, This licensee has had prior violations dated: February 11, 2006 – SALE TO MINOR (LCC Investigation); June 25, 2002 – SALE TO MINOR (Compliance Test); October 23, 1987 - SALE TO MINOR (Compliance Test); November 24, 1985 – SALE TO INTOXICATED PERSON; February 26, 1983 – SALE AFTER HOURS; September 26, 1981 – SALE TO MINOR; April 17, 1981 – SALE TO MINOR; December 22, 1980 – SALE TO MINOR; and

WHEREAS, Licensee was given the opportunity to review these cited infractions, and the opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 11, 2009;

THEREFORE, BE IT RESOLVED, That the Troy City Council, after the public hearing, has **DETERMINED** that the licensee did commit the above referenced violation of the laws and regulations governing the sale of alcoholic liquor; and

BE IT FURTHER RESOLVED, That the Troy City Council **REQUIRES** the licensee (SDD License Number 18175-2007 SS & SDM License Number 14683-2007 in the name of 7-Eleven, Inc. in the City of Troy), to have all its management and employees that are permitted to sell alcoholic liquor TIPS or TAMS trained, and to **PROVIDE PROOF** of this training to the Troy Police Department within 90 days; and

BE IT FURTHER RESOLVED, That notice of the above referenced violation **SHALL BE PUBLISHED** in a local newspaper of general circulation; and.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission for inclusion in the licensee's file.

Yes: All-7

MOTION CARRIED

d) Arbor Drugs, Inc. (dba: CVS Pharmacy #8162)

Resolution #2009-03-065
Moved by Fleming
Seconded by Eisenbacher

WHEREAS, The following liquor licensee operates within the City of Troy:

Name: Arbor Drugs, Inc. (dba: CVS Pharmacy #8162)
Address: 2045 W. South Boulevard, 48098
License No.: SDM (0815-2008)

WHEREAS, The licensee has entered into a contract with the City of Troy, where the licensee authorizes the Troy City Council to review the licensee's violations of the laws and regulations governing the sale of alcoholic liquor, and determine the appropriate course of action for any such violation that is allowed under Michigan law;

WHEREAS, The City Council has given public notice that the licensee has been charged with the following violation of the laws and regulations governing the sale of alcoholic liquor:

SALE TO MINOR (Compliance Test) on May 21, 2008;

WHEREAS, The City provided notice that the charges against the licensee would be reviewed and Council would determine if any action should be taken against the licensee at a Public Hearing, scheduled for Wednesday, February 11, 2009;

WHEREAS, This licensee has had prior violations dated: August 23, 2007 – SALE TO MINOR (Compliance Test); May 10, 2008 – MLCC SALE TO MINOR (Compliance Test); and

WHEREAS, Licensee was given the opportunity to review these cited infractions, and the opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 11, 2009;

THEREFORE, BE IT RESOLVED, That the Troy City Council, after the public hearing, has **DETERMINED** that the licensee did commit the above referenced violation of the laws and regulations governing the sale of alcoholic liquor; and

BE IT FURTHER RESOLVED, That the Troy City Council **REQUIRES** the licensee (SDM License Number 0815-2008 in the name of Arbor Drugs, Inc. in the City of Troy), to have all its management and employees that are permitted to sell alcoholic liquor TIPS or TAMS trained, and to **PROVIDE PROOF** of this training to the Troy Police Department within 90 days; and

BE IT FURTHER RESOLVED, That notice of the above referenced violation **SHALL BE PUBLISHED** in a local newspaper of general circulation; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission for inclusion in the licensee's file.

Yes: All-7

MOTION CARRIED

e) ADI Realty, Inc. (dba: CVS Pharmacy #8242)

Resolution #2009-03-066

Moved by Eisenbacher

Seconded by Kerwin

WHEREAS, The following liquor licensee operates within the City of Troy:

Name: ADI Realty, Inc. (dba: CVS Pharmacy #8242)
Address: 4963 John R, 48085
License No.: SDM (73139-2007)

WHEREAS, The licensee has entered into a contract with the City of Troy, where the licensee authorizes the Troy City Council to review the licensee's violations of the laws and regulations governing the sale of alcoholic liquor, and determine the appropriate course of action for any such violation that is allowed under Michigan law;

WHEREAS, The City Council has given public notice that the licensee has been charged with the following violation of the laws and regulations governing the sale of alcoholic liquor:

SALE TO MINOR (DPU) (Compliance Test) on February 21, 2008;

WHEREAS, The City provided notice that the charges against the licensee would be reviewed and Council would determine if any action should be taken against the licensee at a Public Hearing, scheduled for Wednesday, February 11, 2009;

WHEREAS, This licensee has had prior violations dated: May 3, 2007 – SALE TO MINOR (Compliance Test); July 25, 2000 – SALE TO MINOR (Compliance Test); and

WHEREAS, Licensee was given the opportunity to review these cited infractions, and the opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 11, 2009;

THEREFORE, BE IT RESOLVED, That the Troy City Council, after the public hearing, has **DETERMINED** that the licensee did commit the above referenced violation of the laws and regulations governing the sale of alcoholic liquor; and

BE IT FURTHER RESOLVED, That the Troy City Council **REQUIRES** the licensee (SDM License Number 73139-2007 in the name of ADI Realty, Inc. in the City of Troy), to have all its management and employees that are permitted to sell alcoholic liquor TIPS or TAMS trained, and to **PROVIDE PROOF** of this training to the Troy Police Department within 90 days; and

BE IT FURTHER RESOLVED, That notice of the above referenced violation **SHALL BE PUBLISHED** in a local newspaper of general circulation; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission for inclusion in the licensee's file.

Yes: All-7

MOTION CARRIED

f) MK2, LLC (dba: Lucky's Market)

Resolution #2009-03-067

Moved by Fleming

Seconded by Kerwin

WHEREAS, The following liquor licensee operates within the City of Troy:

Name: MK2, LLC (dba: Lucky's Market)
Address: 4835 John R, 48085
License No.: SDD (134567-2008 SS); SDM (134568-2008)

WHEREAS, The licensee has entered into a contract with the City of Troy, where the licensee authorizes the Troy City Council to review the licensee's violations of the laws and regulations governing the sale of alcoholic liquor, and determine the appropriate course of action for any such violation that is allowed under Michigan law;

WHEREAS, The City Council has given public notice that the licensee has been charged with the following violation of the laws and regulations governing the sale of alcoholic liquor:

SALE TO MINOR (Compliance Test) on May 21, 2008;

WHEREAS, The City provided notice that the charges against the licensee would be reviewed and Council would determine if any action should be taken against the licensee at a Public Hearing, scheduled for Wednesday, February 11, 2009;

WHEREAS, This licensee has had a prior violation dated: June 22, 2006 – SALE TO MINOR (Compliance Test); and

WHEREAS, Licensee was given the opportunity to review these cited infractions, and the opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 11, 2009;

THEREFORE, BE IT RESOLVED, That the Troy City Council, after the public hearing, has **DETERMINED** that the licensee did commit the above referenced violation of the laws and regulations governing the sale of alcoholic liquor; and

BE IT FURTHER RESOLVED, That the Troy City Council **REQUIRES** the licensee (SDD License Number 134567-2008 SS and SDM License Number 134568-2008 in the name of MK2, LLC in the City of Troy), to have all its management and employees that are permitted to sell alcoholic liquor TIPS or TAMS trained, and to **PROVIDE PROOF** of this training to the Troy Police Department within 90 days; and

BE IT FURTHER RESOLVED, That notice of the above referenced violation **SHALL BE PUBLISHED** in a local newspaper of general circulation; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission for inclusion in the licensee's file.

Yes: All-7

MOTION CARRIED

g) K-Mart Corporation (dba: Big K-Mart No. 4082)

Resolution #2009-03-068
Moved by Kerwin
Seconded by Eisenbacher

WHEREAS, The following liquor licensee operates within the City of Troy:

Name: K-Mart Corporation (dba: Big K-Mart No. 4082)
Address: 100 E. Maple Road, 48083
License No.: SDM (172382-2008)

WHEREAS, The licensee has entered into a contract with the City of Troy, where the licensee authorizes the Troy City Council to review the licensee's violations of the laws and regulations governing the sale of alcoholic liquor, and determine the appropriate course of action for any such violation that is allowed under Michigan law;

WHEREAS, The City Council has given public notice that the licensee has been charged with the following violation of the laws and regulations governing the sale of alcoholic liquor:

SALE TO MINOR (Compliance Test) on December 30, 2008;

WHEREAS, The City provided notice that the charges against the licensee would be reviewed and Council would determine if any action should be taken against the licensee at a Public Hearing, scheduled for Wednesday, February 11, 2009;

WHEREAS, This licensee has had prior violations dated; August 23, 2007 – SALE TO MINOR (Compliance Test); June 30, 2004 – SALE TO MINOR (Compliance Test); May 17, 2001 – MLCC SALE TO MINOR (Compliance Test); July 25, 2000 – SALE TO MINOR (Compliance Test); October 28, 1998 – SALE TO MINOR (Compliance Test); September 22, 1988 – SALE TO MINOR (Compliance Test); November 21, 1986 – SALE TO MINOR (Compliance Test); and

WHEREAS, Licensee was given the opportunity to review these cited infractions, and the opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 11, 2009;

THEREFORE, BE IT RESOLVED, That the Troy City Council, after the public hearing, has **DETERMINED** that the licensee did commit the above referenced violation of the laws and regulations governing the sale of alcoholic liquor; and

BE IT FURTHER RESOLVED, That the Troy City Council **REQUIRES** the licensee (SDM License Number 172382-2008 in the name of K-Mart Corporation in the City of Troy), to have all its management and employees that are permitted to sell alcoholic liquor TIPS or TAMS trained, and to **PROVIDE PROOF** of this training to the Troy Police Department within 90 days; and

BE IT FURTHER RESOLVED, That notice of the above referenced violation **SHALL BE PUBLISHED** in a local newspaper of general circulation; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission for inclusion in the licensee's file.

Yes: All-7

MOTION CARRIED

POSTPONED ITEMS:

D-1 No Postponed Items

The meeting **RECESSED** at 8:51 PM.

The meeting **RECONVENED** at 9:00 PM.

PUBLIC COMMENT: Limited to Items Not on the Agenda

Paul Beck	Margaret McLand	David Diener	Marvin Reinhardt
Gary McGillivray,	County Commissioner-District 24		James Savage
Audre Zembrzuski			

REGULAR BUSINESS:

E-8 City Manager Resignation

Resolution #2009-03-069
Moved by Kerwin
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **ACCEPTS** the resignation of City Manager, Phillip L. Nelson, with regret effective March 31, 2009.

Yes: All-7

MOTION CARRIED

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: Board of Review b) City Council Appointments: Employee Retirement System Board of Trustees and Retiree Health Care Benefits Plan & Trust and Liquor Advisory Committee

a) Mayoral Appointments

Resolution #2009-03-070
Moved by Schilling
Seconded by Howrylak

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

Board of Review

Appointed by Mayor (3-Regular) – 3-Year Terms

Borys Potapenko

Term Expires 01/31/2012

Yes: All-7

MOTION CARRIED

b) City Council Appointments

Resolution
Moved by Howrylak
Seconded by Fleming

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

Employee Retirement System Board of Trustees & Retiree Health Care Benefits Plan & Trust Appointed by Council

David Eisenbacher - City Council Representative Unexpired Term 04/15/2009

Liquor Advisory Committee

Appointed by Council (7-Regular) 3-Year Term

Andrew Kaltsounis Term Expires 01/31/2010

Vote on Resolution to Separate the Vote for E-1 b City Council Appointments

Resolution #2009-03-071

Moved by Kerwin

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **SEPARATES** the vote for E-1 *City Council Appointments* to the Employee Retirement System Board of Trustees & Retiree Health Care Benefits Plan & Trust and the Liquor Advisory Committee.

Yes: All-7

MOTION CARRIED

Vote on Resolution to Appoint Council Member to Employee Retirement System Board of Trustees & Retiree Health Care Benefits Plan & Trust

Resolution #2009-03-072

Moved by Howrylak

Seconded by Fleming

Employee Retirement System Board of Trustees & Retiree Health Care Benefits Plan & Trust Appointed by Council

David Eisenbacher - City Council Representative Unexpired Term 04/15/2009

Yes: All-7

MOTION CARRIED

Vote on Resolution to Appoint Member to the Liquor Advisory Committee

Resolution #2009-03-073

Moved by Howrylak

Seconded by Fleming

Liquor Advisory Committee

Appointed by Council (7-Regular) 3-Year Term

Andrew Kaltsounis

Term Expires 01/31/2010

Yes: All-7

MOTION CARRIED

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None Scheduled (b) City Council Nominations: Historic District Study Committee

a) **Mayoral Nominations – None Scheduled**

b) **City Council Nominations – No appointment**

E-3 Authorization to Negotiate Contract for Emergency Medical Services

Resolution

Moved by Beltramini

Seconded by Kerwin

WHEREAS, The Police and Fire departments have always maintained a contract for emergency medical responder and ambulance service as one of the critical services to the community;

WHEREAS, Since 2003 Alliance Mobile Health, our current contactor is the only provider in the Detroit area that meets the professional service standards of the Commission on Accreditation of Ambulance Services; and

WHEREAS, The City of Troy and Alliance Mobile Health have a vested interest in continuing a mutually beneficial relationship and request to negotiate new contract pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and hereby **AUTHORIZES** the City of Troy to negotiate new contract pricing, terms and conditions with Alliance Mobile Health of Troy, MI, to extend the existing Medical First Responder Program, and the final contract will be submitted to Troy City Council for final review and approval.

Resolution to Amend Resolution E-3 Authorization to Negotiate Contract for Emergency Medical Services

Resolution

Moved by Eisenbacher

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS** resolution E-3 *Authorization to Negotiate Contract for Emergency Medical Services* by **STRIKING** “review and approval” and **INSERTING** “determination”.

Vote on Resolution to Accept Council Member Fleming’s Request to Abstain

Resolution #2009-03-074
Moved by Schilling
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **ACCEPTS** Council Member Fleming’s request to abstain from voting on resolution E-3 *Authorization to Negotiate Contract for Emergency Medical Services*.

Yes: All-7

MOTION CARRIED

Vote Resolution to Amend Resolution E-3 Authorization to Negotiate Contract for Emergency Medical Services

Resolution #2009-03-075
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS** resolution E-3 *Authorization to Negotiate Contract for Emergency Medical Services* by **STRIKING** “review and approval” and **INSERTING** “determination”.

Yes: Schilling, Beltramini, Broomfield, Eisenbacher, Howrylak, Kerwin
No: None
Abstain: Fleming

MOTION CARRIED

Vote on Resolution E-3 Authorization to Negotiate Contract for Emergency Medical Services as Amended

Resolution #2009-03-076
Moved by Beltramini
Seconded by Kerwin

WHEREAS, The Police and Fire departments have always maintained a contract for emergency medical responder and ambulance service as one of the critical services to the community;

WHEREAS, Since 2003 Alliance Mobile Health, our current contactor is the only provider in the Detroit area that meets the professional service standards of the Commission on Accreditation of Ambulance Services; and

WHEREAS, The City of Troy and Alliance Mobile Health have a vested interest in continuing a mutually beneficial relationship and request to negotiate new contract pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and hereby **AUTHORIZES** the City of Troy to negotiate new contract pricing, terms and conditions with Alliance Mobile Health of Troy, MI, to extend the existing Medical First Responder Program, and the final contract will be submitted to Troy City Council for final determination.

Yes: Beltramini, Broomfield, Eisenbacher, Howrylak, Kerwin, Schilling

No: None

Abstain: Fleming

MOTION CARRIED

E-4 PEG Channel Protection in Response to FCC Public Notice DA 09-203 (CSR-8126, CSR-8127, CSR-8128, MB Docket No. 0913)

Resolution #2009-03-077

Moved by Beltramini

Seconded by Kerwin

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Clerk to distribute copies of this letter in support of preserving the quality and financial viability of Public, Education and Government (PEG) channels to our elected representatives in Washington and Lansing and hereby **AUTHORIZES** the City Attorney to file this letter on our behalf in accordance with the requirements set forth by the FCC Public Notice DA 09-203.

Yes: All-7

MOTION CARRIED

E-5 Possible Tree Ordinance Revisions - No Action Taken

E-6 Cost Sharing Agreement for Troy/Birmingham Intermodal Transit Facility Professional Engineering and Design Services

Resolution #2009-03-078

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Agreement between the City of Troy and the City of Birmingham, which equally divides the cost of Professional Engineering and Design Services for the Troy/Birmingham Intermodal Transit Facility; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the Interlocal Service Agreement on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Eisenbacher, Fleming, Kerwin, Schilling, Beltramini, Broomfield

No: Howrylak

MOTION CARRIED

E-7 Confirmation of Interim Appointment; Deputy Police Chief Gary Mayer as Acting Police Chief

Resolution #2009-03-079

Moved by Schilling

Seconded by Fleming

RESOLVED, That Troy City Council hereby **CONFIRMS** the appointment of Deputy Chief Gary Mayer as Acting Police Chief of the City of Troy as requested by the City Manager.

Yes: All-7

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2009-03-080

Moved by Kerwin

Seconded by Eisenbacher

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

Yes: All-7

MOTION CARRIED

F-1b Address of "F" Items Removed for Discussion by City Council and/or the Public

F-2 Approval of City Council Minutes

Resolution #2009-03-080-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of February 16, 2009 and the 7:30 PM Regular City Council Meeting of February 18, 2009 as submitted.

F-3 Proposed City of Troy Proclamation(s): None Submitted

F-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 4: Oakland County Cooperative Purchasing Agreement – Emergency Radio P25 Equipment Enhancement**

Resolution #2009-03-080-F-4a

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase the emergency radio equipment enhancement for the Police department from M/A-Com, Inc (Tyco Electronics) of Lynchburg, VA, through an Oakland County Cooperative Purchasing Agreement for an estimated total cost of \$10,154.40.

b) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 09-2 – 2008-09 Sanitary Sewer Extensions

Resolution #2009-03-080-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 09-2, 2008-09 Sanitary Sewer Extensions to Superior Excavating Inc., P.O. Box 4290, Auburn Hills MI 48321 at an estimated total cost of \$639,200.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required Troy City Council hereby **AUTHORIZES** such additional work in an amount not to exceed 10% of the total project cost; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **APPROVES** the sewer benefit fee for the 2008-09 Sanitary Sewer Extensions, as provided for in Chapter 20 of the Troy City Code and revised by Resolution #2005-04-189, to be \$23,088.87 based on the total cost of the sewer extension, including engineering, inspection, testing and contingency, divided by 32 sewer leads to existing lots.

c) Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications – Turfgrass Chemical Products – City Golf Courses

Resolution #2009-03-080-F-4c

RESOLVED, That Troy City Council hereby **AWARDS** contracts to purchase seasonal requirements of chemicals for Sylvan Glen and Sanctuary Lake Golf Courses to the lowest bidders meeting specifications as follows:

<u>BIDDERS</u>	<u>ITEMS</u>
Lesco Inc. of Cleveland, Ohio	1, 14, 32, 33
Helena Chemical Co. of Zeeland, MI	2, 16, 21, 26, 36
Great Lakes Turf LLC of Grand Rapids, MI.	3, 8, 13, 15, 25, 30, 31

BIDDERS

Tri-Turf Inc. of Farmington Hills, MI

Crop Production Svc (CPS) of Sunfield, MI

Turfgrass Inc. of Novi, MI

Harrell's of Lakeland, Florida

ITEMS

4, 6, 9, 22, 35

5

7, 10, 11,12,17,19,23,24,27,29

18, 20, 28

at unit prices contained in the bid tabulation opened February 4, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring December 31, 2009; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **REJECTS** bids for Item #34, Disarm, and will be obtained using the informal quote process.

d) Standard Purchasing Resolution 4: Oakland County Cooperative Purchasing Agreement – 911 – Customer Premise Equipment (CPE)

Resolution #2009-03-080-F-4d

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase Plant/CML Vesta Pallas 911 Customer Premise Equipment for Police Communications from Advanced Wireless Telecommunications Inc (AWT) of Wixom, MI, through an Oakland County Cooperative Purchasing Agreement, contract #2399 for an estimated total cost of \$195,105.31, plus ongoing annual maintenance and support; and

BE IT FURTHER RESOLVED, That Oakland County will pay a portion of the purchase and installation cost directly to the vendor currently estimated at \$114,495.15; and

BE IT FINALLY RESOLVED, That the contract is **CONTINGENT** upon the contractor submission of properly executed contract documents, including insurance certificates and all other specified requirements, and Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the contract when in acceptable form.

F-5 Application to Transfer SDD License to Kroger Co. of Michigan – 1237 N Coolidge

a) New License

Resolution #2009-03-080-F-5a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from The Kroger Co. of Michigan to transfer ownership of 2008 SDD license to be located at 1237 N Coolidge, Troy, MI 48098, Oakland County; and

BE IT FURTHER RESOLVED, That it is the consensus of this legislative body that the application **BE RECOMMENDED** for issuance.

b) Agreement

Resolution #2009-03-080-F-5b

WHEREAS, The Troy City Council deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with The Kroger Co. of Michigan to transfer ownership of 2008 SDD license to be located at 1237 N Coolidge, Troy, MI 48098, Oakland County, from Perry Drug Stores, Inc., and **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-6 Application to Transfer SDD License to Kroger Co. of Michigan – 2105 W South Blvd**a) New License**

Resolution #2009-03-080-F-6a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from The Kroger Co. of Michigan to transfer ownership of 2008 SDD license to be located at 2105 W South, Troy, MI 48098, Oakland County; and

BE IT FURTHER RESOLVED, That it is the consensus of this legislative body that the application **BE RECOMMENDED** for issuance.

b) Agreement

Resolution #2009-03-080-F-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 Kroger Co. of Michigan to transfer ownership of 2008 SDD license to be located at 2105 W South, Troy, MI 48098, Oakland County, from Perry Drug Stores, Inc., and **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-7 Acceptance of a Permanent Easement for Water Main – Dunham Capital Management, LLC – Section 28 – Sidwell #88-20-28-101-066

Resolution #2009-03-080-F-7

RESOLVED, That Troy City Council hereby **ACCEPTS** the permanent easement for water main from property owner Dunham Capital Management, LLC, having Sidwell #88-20-28-101-066; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk 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.

F-8 Acceptance of a Permanent Easement for Water Main – NH Motel Enterprises, Inc. – Section 9 – Sidwell #88-20-09-151-004

Resolution #2009-03-080-F-8

RESOLVED, That Troy City Council hereby **ACCEPTS** the permanent easement for water main from property owner NH Motel Enterprises, Inc., having Sidwell #88-20-09-151-004; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk 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.

F-9 Acceptance of a Sidewalk Easement – Giulio and Janice E. Grupido – Section 27 – Sidwell #88-20-27-351-016

Resolution #2009-03-080-F-9

RESOLVED, That Troy City Council hereby **ACCEPTS** the permanent easement for sidewalk from Giulio Grupido and Janice E. Grupido owners of the property having Sidwell #88-20-27-351-016; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk 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.

F-10 Acceptance of Sanitary Sewer Easements – Quattro Development Company, LLC – Section 15 – Sidwell #88-20-15-428-015, -016, and -017

Resolution #2009-03-080-F-10

RESOLVED, That Troy City Council hereby **ACCEPTS** the three permanent easements for sanitary sewer for the properties having Sidwell #88-20-15-428-015, -016 and -017 from Quattro Development Company, LLC; and

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

F-11 Acceptance of a Quit Claim Deed – 1075, LLC – Section 34 – Sidwell #88-20-34-226-044

Resolution #2009-03-080-F-11

RESOLVED, That Troy City Council hereby **ACCEPTS** the Quit Claim Deed from property owner 1075, LLC, owner of the property having Sidwell #88-20-34-226-044; and

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

F-12 Traffic Committee Recommendations – January 21, 2009

Resolution #2009-03-080-F-12

Installation of YIELD Sign on Langston at Kilmer

RESOLVED, That Traffic Control Order No. 09-01-SS(Y) be **ISSUED** for the installation of a YIELD sign on Langston at Kilmer.

F-13 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement and Regrading and Temporary Construction Permit – Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 – Parcel #26 – Sidwell #88-20-22-401-019 – Halle Properties, LLC

Resolution #2009-03-080-F-13

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between the Halle Properties, LLC, owners of property having Sidwell #88-20-22-401-019, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$66,300.00, plus closing costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to expend the necessary closing costs to complete this purchase according to the agreement; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$3,700.00 and the Regrading and Temporary Construction Permit in the amount of \$140.00 from Halle Properties, LLC, owners of property having Sidwell #88-20-22-401-019; and

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

F-14 Acceptance of Permanent Public Utility Easement and Grading and Temporary Construction Permit – Wattles Road Improvements, Bristol to Worthington – Project No. 01.106.5 – Parcel #12 – Sidwell #88-20-22-226-023 – 5J’s Investment, LLC

Resolution #2009-03-080-F-14

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$3,000.00 and the Grading and Temporary Construction Permit in the amount of \$800.00 from 5J’s Investment, LLC, owners of property having Sidwell #88-20-22-226-023; and

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

F-15 Acceptance of Permanent Public Utility Easement and Grading and Temporary Construction Permit – Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 – Parcel #22 – Sidwell #88-20-14-352-001 – Maya’s Meadows Condominium Association

Resolution #2009-03-080-F-15

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$1,500.00 and the Grading and Temporary Construction Permit in the amount of \$300.00 from Maya’s Meadows Condominium Association, owners of property having Sidwell #88-20-14-352-001; and

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

F-16 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 – Parcel #44 – Sidwell #88-20-22-226-044 – Carlton P. Ostdiek Trust and Karen A. Ostdiek

Resolution #2009-03-080-F-16

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between the Carlton P. Ostdiek Trust and Karen A. Ostdiek, owners of property having Sidwell #88-20-22-226-044, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$17,120.00, plus closing costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to expend the necessary closing costs to complete this purchase according to the agreement; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$6,980.00 from The Carlton P. Ostdiek Trust and Karen A. Ostdiek, owners of property having Sidwell #88-20-22-226-044; and

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

F-17 Public Hearing on March 23, 2009 for Community Development Block Grant (CDBG) Program Year 2006 Reprogramming of Funds

Resolution #2009-03-080-F-17

RESOLVED, That Troy City Council hereby **SCHEDULES** a Public Hearing on March 23, 2009 at 7:30 PM or as soon thereafter as the agenda will permit for the purpose of hearing public comments on reprogramming 2006 Community Development Block Grant (CDBG) funds for the payment of qualified resident's special assessment fees for the asphalt paving of Florence Street and the balance reprogrammed to Section 36 Park Project.

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Zoning Ordinance Text Amendment (File Number: ZOTA 234) – Article 28 – Automobile Repair in M-1 – March 23, 2009
- b) Zoning Ordinance Text Amendment (File Number: ZOTA 235) – Article 3 – Submittal Requirements for Site Plan Review/Approval and Special Use Approval Applications – March 23, 2009

Noted and Filed

G-2 Memorandums: None Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 Council Comments Advanced:

Council Member Beltramini attended recent SEMCOG meetings regarding the stimulus package and reported that the Governor and Kurt Steudle, Director of MDOT indicated that all stimulus funds must be appropriated by the end of March.

Council Member Beltramini reported that the Oakland County Member Outreach meeting is scheduled on Wednesday, April 8th, 2009 in Commerce Township at the Hampton Inn.

Council Member Beltramini provided the City Clerk's office with updated *My Ride Share* brochures from SEMCOG for the public. The brochures are available in the east entrance of city hall.

Council Member Beltramini reported that the Michigan Municipal League will meet on Tuesday and Wednesday of this week and she will provide a report at a later date.

Council Member Beltramini believes that the nation as a whole has shown less and less interest in the auto industry. However, she reported that there is an interesting article in the latest issue of Detroit's business journal *D-Business* listing over 16 million jobs currently influenced by the auto industry.

Council Member Kerwin appreciates Council Member Beltramini's work on transit under her leadership as the president of the MML and also through her association with SEMCOG. She believes Council Member Beltramini brings a local, regional and national perspective to the transit issue through her association and committee work with both groups.

Council Member Kerwin reported that she has an opportunity to moderate a session at tomorrow's MML meeting on the topic of *Movie Magic, Movies in Michigan*. She said Troy's Historical Museum is currently looking into how movie magic can be created at their site. She believes Troy is a showcase and that movies will cause a boom for some of the small businesses in Troy. Council Member Kerwin indicated that she will also provide a report after the MML meeting.

Council Member Eisenbacher believes staff should recommend a policy to City Council relative to dealing with private properties experiencing wetland issues and its interconnection to phase two storm water requirements. Council Member Eisenbacher has observed that many of the ponds throughout Troy exhibit the same problems that were presented this evening in regard to Emerald Lakes. He asked that instead of providing a solution in a single area, that a general policy addressing this issue be developed in terms of how staff can interface with the private owners of these bodies of water.

Council Member Kerwin is very concerned about the drains.

Assistant City Manager Brian Murphy confirmed that he has met with the two residents who spoke under Public Comment this evening. Mr. Murphy reported that they agreed on a plan, which still holds true today but noted that they still need to determine where the source of the material is located. He suggested that the offending location may be a single catch basin located on South Boulevard. However, he is uncertain as to whether or not that is the case. He explained that after a recent drive through the neighborhood it was discovered that a number of the neighbors recently had their property fertilized by a private company. He continued by stating that the private company was not judicious in how the fertilizer was applied and a lot of the material fell on the sidewalks and driveways. He added that several firefighters reported that some of the residents are watering their lawns by pulling water from the Ferry Drain which could also be contributing to some of the problems. Mr. Murphy stated that the city agreed to hire a firm to conduct water sample testing and because they are still in the process of collecting the data, there is nothing to report at this time. In regard to the question regarding why there was a proposal put forth specifically for Emerald Lakes, Mr. Murphy explained that there are a number of possible solutions that could benefit the value of those lakes. However,

he further noted that when they applied for stimulus funding there were still a lot of unanswered questions and again, there was nothing to report. At this time, Mr. Murphy indicated that although the chance of receiving stimulus funds for this project is slim, there are still other possibilities that were discussed with the homeowners, but it premature to move forward at this time.

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Civil Service Commission (Act 78)/Final – February 13, 2008
- b) Historic District Commission/Final – September 29, 2008
- c) Library Advisory Board/Final – October 2, 2008
- d) Historic District Commission/Final – October 21, 2008
- e) Historic Commission/Final – October 28, 2008
- f) Employees’ Retirement System Board of Trustees/Final Amended – November 12, 2008
- g) Library Advisory Board/Final – November 13, 2008
- h) Historic District Commission/Final – November 18, 2008
- i) Parks and Recreation Advisory Board/Final – November 20, 2008
- j) Historic District Commission/Final – December 16, 2008
- k) Ethnic Issues Advisory Board/Final – January 6, 2009
- l) Library Advisory Board/Final – January 11, 2009
- m) Employees’ Retirement System Board of Trustees/Final – January 14, 2009
- n) Historic District Commission Minutes/Final – January 20, 2009
- o) Planning Commission Special/Study/Final – January 27, 2009
- p) Library Advisory Board/Final – February 3, 2009
- q) Planning Commission Special/Study/Final – February 3, 2009
- r) Building Code Board of Appeals/Draft – February 4, 2009
- s) Ethnic Issues Advisory Board Minutes/Draft – February 10, 2009
- t) Planning Commission/Draft – February 10, 2009
- u) Civil Service Commission (Act 78)/Draft – February 25, 2009

Noted and Filed

J-2 Department Reports:

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

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Appreciation to Cindy Stewart from Wolf Den Pack 1707 Regarding the Presentation at Troy Union Elementary School

Noted and Filed

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

J-5 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Electric Delivery and Supply Customers of The Detroit Edison Company – Case No. U-15751

Noted and Filed

J-6 Communication from City Engineer Steve Vandette Regarding Federal Aid Funding for Major Roads – Stimulus Plan and FY 2013

Noted and Filed

J-7 Communication from City Attorney Lori Grigg Bluhm Regarding Kocenda v. Troy et. al.

Noted and Filed

L-1 Closed Session

Resolution to Hold a Closed Session – Rome Love v. City of Troy

Resolution

Moved by Beltramini

Seconded by Fleming

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e) – *Rome Love v. City of Troy*.

Vote on Resolution to Amend Resolution to Hold a Closed Session-Rome Love v. City of Troy

Resolution #2009-03-081

Moved by Broomfield

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **AMENDS** resolution to L-1 *Hold a Closed Session-Rome Love v. City of Troy* by **INSERTING** “BE IT FURTHER RESOLVED, That Troy City Council SHALL MEET in Closed Session at the request of City Manager, Phillip L. Nelson, for the purpose of conducting his Performance Evaluation as permitted by MCL 15.268 (a).”

Yes: Schilling, Beltramini, Broomfield, Eisenbacher, Fleming, Howrylak

No: Kerwin

MOTION CARRIED

Vote on Resolution to Hold a Closed Session-Rome Love v. City of Troy as Amended

Resolution #2009-03-082

Moved by Beltramini

Seconded by Fleming

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e) – *Rome Love v. City of Troy*; and

BE IT FURTHER RESOLVED, That Troy City Council **SHALL MEET** in Closed Session at the request of City Manager, Phillip L. Nelson, for the purpose of conducting his Performance Evaluation as permitted by MCL 15.268 (a).

Yes: All-7

MOTION CARRIED

The meeting **RECESSED** at 10:34 PM.

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

STUDY ITEMS:

K-1 Discussion of Interim Appointment of an Acting City Manager and Recruitment Process for City Manager

PUBLIC COMMENT: Address of "K" Items

The meeting **RECESSED** at 11:52 PM.

CLOSED SESSION:

L-1 Closed Session

The meeting **ADJOURNED** on Tuesday, March 3, 2009 at 12:45 AM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk