

Regular Meeting of the Troy City Council was held Monday, March 23, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Mark Biebuyck of Kensington Community Church 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 (Absent)
 Mary Kerwin

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) On behalf of the City of Troy, Mayor Louise Schilling presented Ron Figlan with a service commendation recognizing his 39 years of service.
- b) On behalf of the City of Troy, Mayor Louise Schilling presented former Police Chief Charles Craft with a service commendation recognizing his 39 years of service.
- c) Transit Center Update – Presentation by Dan Beattie of Clark Hill - Presenter requests this item be postponed until after D-01 *Postponed Items*.

Vote on Resolution to Postpone A-1c Presentations-Transit Center Update-Presentation by Dan Beattie of Clark Hill

Resolution #2009-03-083
 Moved by Beltramini
 Seconded by Fleming

RESOLVED, That Troy City Council hereby **POSTPONES** A-01c *Transit Center Update – Presentation by Dan Beattie of Clark Hill* until the completion of Agenda Item D-01 Postponed Items.

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

MOTION CARRIED

Vote on Resolution To Excuse Mayor Pro Tem Howrylak

Resolution #2009-03-084
 Moved by Eisenbacher
 Seconded by Broomfield

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Howrylak at the Regular City Council meeting of March 23, 2009 due to being absent from the community.

Yes: Beltramini, Broomfield, Eisenbacher, Fleming, Schilling

No: Kerwin

Absent: Howrylak

MOTION CARRIED

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Zoning Ordinance Text Amendment (File Number: ZOTA 234) – Article 28 – Automobile Repair in M-1 – Light Industrial Zoning District

The Mayor opened the public hearing. The Mayor closed the public hearing after taking public comment from:

Marvin Reinhardt

Resolution #2009-03-085

Moved by Eisenbacher

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AMENDS** Article XXVIII (M-1 LIGHT INDUSTRIAL ZONING DISTRICT) of the City of Troy Zoning Ordinance, pertaining to Automobile Repair in M-1, to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 234), City Council Public Hearing Draft, as recommended by the Planning Commission.

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

No: None

Absent: Howrylak

MOTION CARRIED

C-2 Zoning Ordinance Text Amendment (File Number: ZOTA 235) – Article 3 – Submittal Requirements for Site Plan Review/Approval and Special Use Approval Applications

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

Resolution #2009-03-086

Moved by Eisenbacher

Seconded by Fleming

RESOLVED, That Troy City Council hereby **AMENDS** Article III (APPLICATIONS AND PROCEDURES) of the City of Troy Zoning Ordinance, pertaining to Submittal Requirements for Site Plan Review/Approval and Special Use Approval Applications, to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 235), City Council Public Hearing Draft, as recommended by the Planning Commission.

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

No: None

Absent: Howrylak

MOTION CARRIED

C-3 Re-Programming Community Development Block Grant (CDBG) Program Year 2006 Funds

The Mayor opened the public hearing. The Mayor closed the public hearing after taking public comment from:

Harry Sankovich

Resolution #2009-03-087

Moved by Beltramini

Seconded by Kerwin

WHEREAS, The Troy City Council, after conclusion of a Public Hearing on this date, March 23, 2009 has determined that program year 2006 unexpended funds of \$11,275.96, should be re-programmed from Sewer Benefit Fee (Special Assessment) for Charnwood Subdivision Area, Phase #1, Section 6, to Special Assessment for Asphalt Paving of Florence Street in Section 9, Project No. 08.108.1; and

WHEREAS, The balance of Program Year 2006 Sewer Benefit Fee (Special Assessment) for Charnwood Subdivision Area, Phase #1, Section 6, unexpended funds in the amount of \$82,540.04 should be re-programmed to the Section 36 Park Improvement Project;

BE IT RESOLVED, That Troy City Council hereby **ADDS** the Special Assessment, Florence Street Paving Project No. 08.108.1 and Public Facilities and Improvements, Section 36 Park Improvement Project to the list of CDBG projects for 2006.

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

No: None

Absent: Howrylak

MOTION CARRIED

C-4 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: NLM, Inc. (dba: Manny's Liquor Shoppe)
Address: 42951 Dequindre, 48098
License No.: SDD (10801); SDM (13095)
- b) Name: Troy Cheese & Wine Market, Inc.
(dba: Troy Cheese & Wine Market)
Address: 2558 E. Maple Road, 48083
License No.: SDD/SDM; (18079) (11930)
- c) Name: Wal-Mart Store No. 2873. (dba: Wal-Mart)
Address: 2001 W. Maple Road, 48084
License No.: SDM (165039-2008)
- d) Name: Aldi, Inc. (Michigan) Store #90 (dba: Aldi Food Market)
Address: 2967 E. Big Beaver Road, 48083
License No.: SDM (133734-2008)
- e) Name: Good Food Company East (dba: Good Food Company)
Address: 74 W. Maple Road, 48084
License No.: SDM (105946-2008)
- f) Name: Agrusa International Marketplace
(dba: Agrusa International Marketplace)
Address: 5047 Rochester Road, 48085
License No.: SDM (179471-2008)

a) NLM, Inc. (dba: Manny's Liquor Shoppe)

Resolution #2009-03-088

Moved by Eisenbacher

Seconded by Beltramini

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

Name: NLM, Inc. (dba: Manny's Liquor Shoppe)
Address: 42951 Dequindre, 48098
License No.: SDD (10801); SDM (13095)

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 (MLCC Compliance Test) on May 29, 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 Monday, March 23, 2009;

WHEREAS, This licensee has had prior violations dated: December 6, 2006 – CITY ORDINANCE VIOLATION FOR IMPROPER DISPLAY OF ALCOHOL; July 25, 2000 – SALE TO MINOR (Compliance Test); July 21, 1999 – MLCC SALE TO MINOR (Compliance Test); October 28, 1998 – SALE TO MINOR (Compliance Test); July 23, 1992 – FURNISH ALCOHOL TO MINOR; October 26, 1989 – SALE TO MINOR (Compliance Test); October 23, 1987 – 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 Monday, March 23, 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 10801 and SDM License Number 13095 in the name of NLM, 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: Kerwin, Schilling, Beltramini, Broomfield, Eisenbacher, Fleming
No: None
Absent: Howrylak

MOTION CARRIED

b) Troy Cheese & Wine Market, Inc. (dba: Troy Cheese & Wine Market)

Resolution #2009-03-089
Moved by Eisenbacher
Seconded by Kerwin

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

Name: Troy Cheese & Wine Market, Inc. (dba: Troy Cheese & Wine Market)
Address: 2558 E. Maple Road, 48083
License No.: SDD/SDM; (18079) (11930)

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 Monday, March 23, 2009;

WHEREAS, This licensee has had prior violations dated: October 27, 2000 – SELLING SPIRITS WHICH HAVE BEEN PURCHASED FROM AN ILLEGAL SOURCE FROM BETWEEN 06/28/00-8/28/00 TO PRESENT; May 23, 1991 – SALE TO MINOR (Compliance Test); February 19, 1987 – SALE TO MINOR (Compliance Test); May 25, 1985 – SALE TO MINOR; September 18, 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 Monday, March 23, 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 Numbers 18079/11930 in the name of Troy Cheese & Wine Market, 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: Schilling, Beltramini, Broomfield, Eisenbacher, Fleming, Kerwin

No: None

Absent: Howrylak

MOTION CARRIED

c) **Wal-Mart Store No. 2873. (dba: Wal-Mart)**

Resolution #2009-03-090
Moved by Fleming
Seconded by Broomfield

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

Name: Wal-Mart Store No. 2873 (dba: Wal-Mart)
Address: 2001 W. Maple Road, 48084
License No.: SDM (165039-2008)

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 (DPU) (Compliance Test) on October 2, 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 Monday, March 23, 2009;

WHEREAS, This licensee has had no prior violations; 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 Monday, March 23, 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 165039-2008 in the name of Wal-Mart Store No. 2873 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: Beltramini, Broomfield, Eisenbacher, Fleming, Kerwin, Schilling
No: None
Absent: Howrylak

MOTION CARRIED

d) Aldi, Inc. (Michigan) Store #90 (dba: Aldi Food Market)

Resolution #2009-03-091
Moved by Kerwin
Seconded by Eisenbacher

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

Name: Aldi, Inc. (Michigan) Store #90 (dba: Aldi Food Market)
Address: 2967 E. Big Beaver Road, 48083
License No.: SDM (133734-2008)

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 October 2, 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 Monday, March 23, 2009;

WHEREAS, This licensee has had no prior violations; 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 Monday, March 23, 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 133734-2008 in the name of Aldi, Inc. (Michigan) Store #90 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: Broomfield, Eisenbacher, Fleming, Kerwin, Schilling, Beltramini

No: None

Absent: Howrylak

MOTION CARRIED

e) Good Food Company East (dba: Good Food Company)

Resolution

Moved by Kerwin

Seconded by Eisenbacher

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

Name: Good Food Company East (dba: Good Food Company)

Address: 74 W. Maple Road, 48084

License No.: SDM (105946-2008)

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 (DPU) (Compliance Test) on October 2, 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 Monday, March 23, 2009;

WHEREAS, This licensee has had no prior violations; 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 Monday, March 23, 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

B1E IT FURTHER RESOLVED, That the Troy City Council **REQUIRES** the licensee (SDD License Number 105946-2008 in the name of Good Food Company East 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.

Vote on Resolution to Amend e) Good Food Company East (dba: Good Food Company)

Resolution #2009-03-092
 Moved by Kerwin
 Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS** resolution e) *Good Food Company East (dba: Good Food Company)* by **INSERTING** "after October 2, 2008" **AFTER** "TIPS or TAMS trained" in the third paragraph from the bottom.

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

MOTION CARRIED

Vote on Resolution e) Good Food Company East (dba: Good Food Company) as Amended

Resolution #2009-03-093
 Moved by Kerwin
 Seconded by Eisenbacher

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

Name: Good Food Company East (dba: Good Food Company)
 Address: 74 W. Maple Road, 48084
 License No.: SDM (105946-2008)

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 (DPU) (Compliance Test) on October 2, 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 Monday, March 23, 2009;

WHEREAS, This licensee has had no prior violations; 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 Monday, March 23, 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 105946-2008 in the name of Good Food Company East in the City of Troy), to have all its management and employees that are permitted to sell alcoholic liquor TIPS or TAMS trained after October 2, 2008, 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: Fleming, Kerwin, Schilling, Beltramini, Broomfield, Eisenbacher

No: None

Absent: Howrylak

MOTION CARRIED

f) Agrusa International Marketplace (dba: Agrusa International Marketplace)

Resolution #2009-03-094

Moved by Beltramini

Seconded by Eisenbacher

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

Name: Agrusa International Marketplace
(dba: Agrusa International Marketplace)
Address: 5047 Rochester Road, 48085
License No.: SDM (179471-2008)

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 Monday, March 23, 2009;

WHEREAS, This licensee has had no prior violations; 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 Monday, March 23, 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 179471-2008 in the name of Agrusa International Marketplace 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: Kerwin, Schilling, Beltramini, Broomfield, Eisenbacher, Fleming

No: None

Absent: Howrylak

MOTION CARRIED

POSTPONED ITEMS:

D-1 Continuation of Public Hearing – Standard Resolution #4 – Asphalt Paving of Florence Street in Section 9 – Project No. 08.108.1

The Mayor opened the public hearing. The Mayor closed the public hearing after taking public comment from:

Harry Sankovich

Resolution #2009-03-095
Moved by Beltramini
Seconded by Kerwin

WHEREAS, Troy City Council has caused Special Assessment Roll No. 08.108.1 to be prepared for the purpose of defraying the Special Assessment District's portion of the following described public improvement in the City of Troy;

Bituminous Paving of Florence Street

WHEREAS, Troy City Council and the City Assessor have met after due legal notice and have reviewed said Special Assessment Roll and have heard all persons interested in said Special Assessment Roll appearing at said hearing; and

WHEREAS, Troy City Council is satisfied with said Special Assessment Roll as prepared by the City Assessor;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **CONFIRMS** Special Assessment Roll No. 08.108.1 in the amount of \$162,800.00 as prepared by the City Assessor, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

The meeting **RECESSED** at 9:05 PM.

The meeting **RECONVENED** at 9:20 PM.

A-1 Continuation of Presentations:

c) Transit Center update provided by Dan Beattie of Clark Hill.

Vote on Resolution to Postpone A-1c Presentations-Transit Center Update-Presentation by Dan Beattie of Clark Hill

Resolution #2009-03-096
Moved by Schilling
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **POSTPONES** A-01c *Transit Center Update – Presentation by Dan Beattie of Clark Hill* until the presenter arrives.

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

MOTION CARRIED

PUBLIC COMMENT: Limited to Items Not on the Agenda

Paul Beck; Marvin Reinhardt

REGULAR BUSINESS:

E-1 **Appointments to Boards and Committees: a) Mayoral Appointments: None Scheduled b) City Council Appointments: None Scheduled**

E-2 **Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: Brownfield Redevelopment Authority and Economic Development Corporation (b) City Council Nominations: Advisory Committee for Senior Citizens; Board of Zoning Appeals; Employee Retirement System Board of Trustees & Retiree Health Care Benefits Plan & Trust; Library Advisory Board and Personnel Board**

(a) Mayoral Nominations

Resolution #2009-03-097
 Moved by Schilling
 Seconded by Broomfield

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

Brownfield Redevelopment Authority

Appointed by Mayor (7-Regular) - 3-Year Terms

Arthur Cotsonika	Term Expires 04/30/2012
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Joseph J. Vassallo	Term Expires 04/30/2012
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Economic Development Corporation

Appointed by Mayor (9-Regular) - 6-Year Terms

Paul V. Hoef	Term Expires 04/30/2015
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Barbara A. Knight	Term Expires 04/30/2015
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Leger (Nino) Licari – City Assessor	Term Expires 04/30/2015
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John Sharp	Term Expires 04/30/2015
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Yes: Broomfield, Eisenbacher, Fleming, Kerwin, Schilling, Beltramini
No: None
Absent: Howrylak

MOTION CARRIED

(b) City Council Nominations

Resolution #2009-03-098
Moved by Broomfield
Seconded by Eisenbacher

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

Advisory Committee for Senior Citizens

Appointed by Council (9-Regular) - 3 Year Terms

Merrill Dixon Term Expires 04/30/2012

JoAnn Thompson Term Expires 04/30/2012

Board of Zoning Appeals

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

Michael Bartnik Term Expires 04/30/2012

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

Appointed by Council - 3 Year Term

David Eisenbacher - City Council Representative Term Expires 04/15/2012

Library Advisory Board

Appointed by Council (5-Regular) -3- Year Terms

Kul B. Gauri Term Expires 04/30/2012

Personnel Board

Appointed by Council (5-Regular) - 3-Year Terms

Laurie G. Huber Term Expires 04/30/2012

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

MOTION CARRIED

E-3 Bid Waiver – Motorola Advance Tactical Mapping Software for Fire Vehicles

Resolution #2009-03-099

Moved by Eisenbacher

Seconded by Fleming

WHEREAS, Motorola is the sole supplier of the proprietary Advance Tactical Mapping software;

WHEREAS, The Troy Fire Department has researched mobile computer mapping applications for use in fire emergency vehicles and finds the Motorola Advance Tactical Mapping to be the most functional and cost effective; and

WHEREAS, CLEMIS has deployed the Motorola Advance Tactical Mapping software program in all law enforcement mobile data computers in Oakland County;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **AUTHORIZES** the City of Troy to purchase twenty (20) licenses for the Advance Tactical Mobile Mapping software from Motorola, Inc. for an estimated total cost of \$16,880.00.

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

No: None

Absent: Howrylak

MOTION CARRIED

E-4 Additional Costs for I-75 Bridge Work – Project No. 08.102.6

Resolution #2009-03-100

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **INCREASES** the not-to-exceed fee of \$56,715.00 to an estimated amount of \$80,000.00 for Troy's share of the I-75 bridge project in accordance with MDOT Contract No. 07-5754 between the City of Troy and the Michigan Department of Transportation for the I-75 Bridge Project, Project No. 08.102.6 as previously approved by City Council.

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

No: None

Absent: Howrylak

MOTION CARRIED

E-5 Chapter 28 – Tree Ordinance Proposed Revisions - No action taken

E-6 Ratification of Contract Extension – American Federation of State, County and Municipal Employees (AFSCME) 2009-2010

Resolution #2009-03-101
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **RATIFIES** a one-year extension of the 2006-2009 collective bargaining agreement between the City of Troy and AFSCME for the period July 1, 2009 through June 30, 2010, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the final agreement.

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

MOTION CARRIED

A-1 Continuation of Presentations:

c) Transit Center update provided by Dan Beattie of Clark Hill, Washington D.C.

E-7 Implementation of Revenue Enhancements**a) Resolution to Amend Chapter 60 – Fees and Bonds Required – Notary Service and Dog Licenses**

Resolution #2009-03-102a
Moved by Eisenbacher
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 60, Fees and Bonds Required of the Troy City Code, Section 60.04, Fee Schedule, Dogs (Chapter 90) and Notary Service, as prepared by City Management and **AMENDED** by City Council that the “Senior Citizen (Age 62+) \$0.50” discount be **STRICKEN, EFFECTIVE** April 1, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED**b) Resolution to Amend Chapter 60 – Fees and Bonds Required – Planning Department Fees**

Resolution #2009-03-102b
Moved by Eisenbacher
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 60, Fees and Bonds Required of the Troy City Code, Section 60.04, Fee Schedule, Planning Department Fees, as prepared by City Management, **EFFECTIVE** April 1, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

No: None

Absent: Howrylak

MOTION CARRIED

c) **Resolution to Amend Chapter 60 – Fees and Bonds Required – Fire Department Fees**

Resolution #2009-03-102c

Moved by Eisenbacher

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 60, Fees and Bonds Required of the Troy City Code – Fire Department, as recommended by City Management, **EFFECTIVE** April 1, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

No: None

Absent: Howrylak

MOTION CARRIED

d) **Resolution to Amend Chapter 82A – Rental and Dwelling Inspection and Enforcement**

Resolution #2009-03-102d

Moved by Eisenbacher

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 82-A, Rental and Dwelling Inspection and Enforcement of the Troy City Code, as recommended by City Management and **AMENDED** by City Council that “blight” be **STRICKEN** in Section 7. (6) Inspection; Intervals; Basis; Inspectors, **EFFECTIVE** July 1, 2009, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

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

No: None

Absent: Howrylak

MOTION CARRIED

e) **Resolution to Amend Chapter 93 – Fire Prevention – Occupancy Permit Ordinance**

Resolution #2009-03-102e
Moved by Eisenbacher
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 93, Fire Prevention, of the Troy City Code as recommended by the City Management, **EFFECTIVE** April 1, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

f) **Resolution to Revise Building Department Fees**

Resolution #2009-03-102f
Moved by Eisenbacher
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **REVISES** Plan Review Fees, from .0005 times the construction value to .001 times the construction value in accordance with the proposal prepared by City Management, **EFFECTIVE** April 1, 2009, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

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

MOTION CARRIED

E-8 Appointment of an Acting City Manager

Vote on Resolution A. E-8 Appointment of an Acting City Manager

Resolution #2009-03-103
Moved by Schilling
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPOINTS** Brian P. Murphy as Acting City Manager effective April 1, 2009.

Yes: Kerwin, Schilling
No: Broomfield, Eisenbacher, Fleming, Beltramini
Absent: Howrylak

MOTION FAILED

Vote on Resolution B. E-8 Appointment of an Acting City Manager

Resolution #2009-03-104
Moved by Broomfield
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPOINTS** John M. Lamerato as Acting City Manager effective April 1, 2009.

Yes: Kerwin, Schilling, Beltramini
No: Eisenbacher, Fleming, Broomfield
Absent: Howrylak

MOTION FAILED

The meeting **RECESSED** at 10:42 PM

The meeting **RECONVENED** at 10:51 PM

CONSENT AGENDA:

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

Resolution #2009-03-105
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item F-4b, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

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

MOTION CARRIED

F-2 Approval of City Council Minutes

Resolution #2009-03-105-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of March 2, 2009 as amended and corrected.

F-3 City of Troy Proclamations:

Resolution #2009-03-105-F-3

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

- a) Service Commendation – Ron Figlan
- b) Service Commendation – Charles Craft

F-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 3: Exercise Renewal Option – Quarterly Newsletter – Troy Today**

Resolution #2009-03-105-F-4a

WHEREAS, On April 16, 2007, a contract to provide printing of the Troy Today, Quarterly Newsletter with two, one (1) year options to renew was awarded to Grand River Printing and Imaging of Belleville, MI, the vendor with the highest weighted final score, as a result of a best value process (Resolution #2007-04-122-E-4a);

WHEREAS, On February 18, 2008, Troy City Council exercised the first option to renew for the 2008/2009 printing of the Troy Today quarterly newsletter with Grand River Printing and Imaging under the same terms and conditions with a price increase of \$1,100.00 per quarterly issue to recover costs due to fluctuations in paper (Resolution #2008-02-058-F4a); and

WHEREAS, Grand River Printing and Imaging has agreed to exercise the second option to renew for the 2009/2010 Troy Today under the same pricing structure, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the second option to renew for the 2009/2010 printing of the Troy Today, Quarterly Newsletter with Grand River Printing and Imaging of Belleville, MI, to provide printing and distribution of the 2009/2010 Troy Today for an estimated total cost of \$75,000.00, as well as the actual cost of bulk rate postage and additional charges as needed not to exceed 10% of the original contract amount or \$7,500.00, with all other contract requirements the same to expire April 30, 2010.

c) Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Renewals Over \$10,000 – Michigan Municipal League

Resolution #2009-03-105-F-4c

RESOLVED, That Troy City Council hereby **AUTHORIZES** payment for annual membership dues to the Michigan Municipal League, for the time period of May 1, 2009 through April 30, 2010, in the amount of \$12,534.00.

d) **Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Tax Bill Printing Services**

Resolution #2009-03-105-F-4d

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide printing services for the 2009 Summer and Winter Tax Bills with options to renew for two (2) additional one-year tax periods to the lowest acceptable bidder, DivDat, of Ferndale, MI, at prices contained in the bid tabulation opened February 25, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of December 31, 2009.

e) **Standard Purchasing Resolution 3: Exercise Renewal Options – Municipal Testing Services**

Resolution #2009-03-105-F-4e

WHEREAS, On March 20, 2006, two (2) three-year contracts to provide professional municipal testing services effective April 1, 2006 through March 31, 2009, with the option to renew for an additional three (3) year period were awarded to Professional Service Industries, Inc. (PSI) and Testing Engineers and Consultants, Inc. (TEC), as a result of a best value process, at prices contained in the bid tabulation opened February 22, 2006 (Resolution #2006-03-143-E4d); and

WHEREAS, Professional Service Industries, Inc. (PSI) and Testing Engineers and Consultants, Inc. (TEC) have offered to renew their contracts for three (3) additional years under the same pricing schedule, terms and conditions as the 2006 contract;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the three-year option to renew the contracts for municipal testing services with Professional Service Industries, Inc. (PSI) of Auburn Hills and Testing Engineers and Consultants, Inc. (TEC) of Troy, MI, under the same pricing schedule, terms and conditions as the 2006 contract with additional services as outlined in their respective rate schedules, effective April 1, 2009 through March 31, 2012, with a provision for an increase based on the consumer price index inflation calculator or the (CPI) computation for the published Urban-Detroit/Ann Arbor Area between the base year of April 2009 and the current contract year, whichever is lower.

f) **Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Vehicle Graphics**

Resolution #2009-03-105-F-4f

RESOLVED, That Troy City Council hereby **AWARDS** a two-year contract to provide Police, Fire and Fleet departments with vehicle graphic material and/or installation, with an option to renew for two additional years, to the lowest acceptable total bidder, Majik Graphics, Inc. of Clinton Township, MI, at unit prices contained in the bid tabulation opened February 11, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of March 31, 2011; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

g) **Standard Purchasing Resolution 4: Oakland County Cooperative Purchasing Agreement – Police and Fire Departments Radio Interoperability Project**

Resolution #2009-03-105-F-4g

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase the dispatch radio interoperability equipment for the Police and Fire departments from Advanced Wireless Telecom (AWT) of Wixom, MI, through an Oakland County Cooperative Purchasing Agreement for an estimated total cost of \$10,587.00.

h) **Standard Purchasing Resolution 1: Award to Low Bidder – Parking Lot Maintenance**

Resolution #2009-03-105-F-4h

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the City of Troy Parking Lot Maintenance Program for 2008/09 to the low total bidder, Asphalt Specialists, Inc., of Pontiac, MI, for JAYCEE PARK and SYLVAN GLEN PARK at unit prices contained in the bid tabulation opened March 4, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract not to exceed budgetary limitations; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements.

F-5 Contract Amendment – Medical Service Facilities

Resolution #2009-03-105-F-5

WHEREAS, On November 17, 2003, a contract to conduct physicals and related testing from Crittenton Hospital was approved for an estimated annual cost of \$61,437.00, at unit prices provided in the pricing schedule identified as Attachment A (Resolution #2003-11-591-F4);

WHEREAS, On December 19, 2005, contracts to provide designated professional services to City of Troy personnel from Concentra Medical Center, Crittenton Hospital, and Bio-Care was approved with pricing reviewed annually and adjustments allowed not-to-exceed the Consumer Price Index (CPI) for the Detroit-Ann Arbor area (Resolution #2005-12-549-F3); and

WHEREAS, All three facilities have submitted new pricing for 2009 at or below prices established for 2008;

THEREFORE, BE IT RESOLVED, That due to the aggressive pricing received from Concentra, Troy City Council hereby **AMENDS** the contracts to provide ongoing professional medical services to City of Troy personnel from Concentra of Troy, Crittenton Hospital of Rochester, and Bio-Care of Holt, MI, as detailed on the attached tabulation and protocol

reports, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, to expire December 31, 2009, with annual adjustments allowed not-to-exceed 3% or the Consumer Price Index (CPI) for the Detroit-Ann Arbor area, whichever is lower.

F-6 Contract Extension – Banquet Services

Resolution #2009-03-105-F-6

WHEREAS, On October 21, 2002, Troy City Council approved a three (3) year contract to provide Banquet Services with an option to renew the contract for an additional three (3) year period to the San Marino Club, the highest scoring bidder as a result of a best value process (Resolution #2002-10-570-E9);

WHEREAS, On October 17, 2005, the option to renew was exercised for an additional three years with the San Marino Club under the same prices, terms and conditions expiring August 31, 2008 (Resolution #2005-10-474-D1); and

WHEREAS, The San Marino Club has offered to extend their contract for the Fire Fighters Appreciation Banquet to be held May 16, 2009, under the same prices, terms and conditions as the original contract;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** a contract to provide Banquet Services for the 2009 Fire Fighters Appreciation Banquet with the San Marino Club of Troy, MI, under the same pricing, terms, and conditions as the original contract at \$39.00 per plate including gratuity.

F-7 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 – Parcel 35 – Sidwell #88-20-22-276-046 – DePorre Property Investments, LLC

Resolution #2009-03-105-F-7

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between the DePorre Property Investments, LLC, owners of property having Sidwell #88-20-22-276-046, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$54,495.00, 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 \$6,705.00 from DePorre Property Investments, LLC, owners of property having Sidwell #88-20-22-276-046; 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-8 Approval of Purchase Agreement and Acceptance of Permanent Public Utility Easement – Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 – Parcel 47 – Sidwell #88-20-22-226-041 – Surg, LLC

Resolution #2009-03-105-F-8

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between the Surg, LLC, owners of property having Sidwell #88-20-22-226-041, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$15,000.00, 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 \$2,100.00 from Surg, LLC, owners of property having Sidwell #88-20-22-226-041; 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-9 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 and Wattles Road Improvements, Bristol to Worthington – Project No. 01.106.5 – Parcel 20 – Sidwell #88-20-14-351-056 – JLJ Investments, LLC

Resolution #2009-03-105-F-9

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between JLJ Investments, LLC, owners of property having Sidwell #88-20-14-351-056, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$21,677.00, 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 \$48,857.00 and the Regrading and Temporary Construction Permit in the amount of \$4,261.00 from JLJ Investments, LLC, owners of property having Sidwell #88-20-14-351-056; 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-10 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 and Wattles Road Improvements, Bristol to Worthington – Project No. 01.106.5 – Parcel 49 – Sidwell #88-20-22-226-074 – CNL Net Lease Funding 2003

Resolution #2009-03-105-F-10

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between CNL Net Lease Funding 2003, owners of property having Sidwell #88-20-22-226-074, and the City of Troy, for the acquisition of right-of-way for Rochester Road Improvements, Torpey to Barclay in the amount of \$79,560.00, 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 \$39,500.00 and the Regrading and Temporary Construction Permit in the amount of \$1,100.00 from CNL Net Lease Funding 2003, owners of property having Sidwell #88-20-22-226-074; 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-11 Troy Racquet Club Rates

Resolution #2009-03-105-F-11

RESOLVED, That Troy City Council hereby **APPROVES** the 2009-2010 membership rates for Troy Racquet Club as stated in the report from the Parks and Recreation Department dated March 13, 2009, 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-1b Address of “F” Items Removed for Discussion by City Council and/or the Public

b) Standard Purchasing Resolution 3: Exercise Renewal Option – Liquid Calcium Chloride

Resolution #2009-03-106

Moved by Eisenbacher

Seconded by Beltramini

WHEREAS, In 2008 Troy City Council awarded a one-year contract for Liquid Calcium Chloride with an option to renew for one (1) additional year to the lowest acceptable bidder, South Huron Industrial, Inc. of Flat Rock, MI (Resolution #'s 2008-04-120-F4e and #2008-05-154-F8); and

WHEREAS, South Huron Industrial, Inc. has agreed to exercise the one-year renewal option under the same prices, terms, and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew this contract with South Huron Industrial, Inc. of Flat Rock, MI, to provide Liquid Calcium Chloride under the same prices, terms, and conditions as the original contract expiring March 31, 2010.

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

MOTION CARRIED

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Outdoor Seating Request in Excess of 20 Seats - Pizzapapalis/Rio Wraps, 300 John R - April 6, 2009

Noted and Filed

G-2 Memorandums: None Submitted

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 Council Comments:

Evaluation Form - Executive Search - Position of City Manager

Mayor Schilling indicated that Peggy Sears, Human Resources Director has provided Council with a generic evaluation form. She continued by stating before they can move forward, that City Council needs to standardize a rating system to evaluate each firm should they decide to proceed in the executive search for the position of city manager by using their assistance.

Council Member Eisenbacher shares the concern about the cost associated with hiring a firm to assist Council with their search. Therefore, Council Member Eisenbacher would like to allocate fifty points for the "Cost to Complete Project" criteria and divide the remaining fifty points equally between the other areas.

Council Member Beltramini believes designating twenty-five points to "Project Timetable" is a misuse of twenty-five points. She explained if the firm cannot meet the 120 day timetable, then

they cannot use them for the search. Council Member Beltramini questioned why "Project Timetable" should be included at all.

In regard to "Experience/Qualifications", Council Member Beltramini stated she would like to narrow it down to the last four years for the "Recent Searches in Michigan" because of all the changes Michigan is currently experiencing.

Council Member Beltramini also shares the concern about the cost. She suggested that they apply the twenty-five points taken away from the "Project Timetable" to "Cost to Complete Project".

Mayor Schilling reminded Council that they actually need to complete their search within 100 days because the 120 days is the date a city manager must be appointed.

Council Member Broomfield asked whether some of the firms would be willing to meet for brief face-to-face interviews as soon as possible. She asked that points be assigned to this criterion because it is important to her.

Council Member Kerwin has no comments about the evaluation form but questioned why Council feels the need to go the outside to search when they currently have two qualified assistant managers. She explained that they would then have no need to begin a lengthy search and transition process or expend funds unnecessarily. She noted that the city is currently operating in a time where they are looking closely at expenses and that they have utilized search firms in the past and have not gotten the best results.

Mayor Schilling's belief has always been that they should promote from within and consider the two highly qualified assistant city managers in addition to avoiding having to pay the high cost associated with hiring a search firm. However, she also wants to have input on the evaluation form that the majority of City Council requested that Human Resources prepare so Council can assess the firms judiciously.

Council Member Broomfield recalled that City Council indicated current management personnel could submit their resumes for the position of city manager. However, she does not believe it is necessary and questioned why they would pay a search firm to interview people Council already knows. Council Member Broomfield wants the search firms to only bring forth new people and not require current personnel to apply through them because she believes they deserve more consideration. She also believes that City Council is obligated to conduct a search process for the city manager position on behalf of the citizens.

Council Member Fleming would like to extend the search to include the private sector.

Council Member Eisenbacher's only interest in moving forward with the search process is to get the best person for the city and he believes all of City Council shares this same interest. He considers both assistant city managers to be a given. He would like them to interview and he is not willing to pay a fee to find them. He stated that that anyone coming in would have to be at a minimum, better than the two assistant city managers before he would consider someone from the outside. Council Member Eisenbacher stated that there is a likelihood that they will not find someone. However, if they do not look, it would be a disservice because their shared interest should be to find the best person possible.

Peggy Sears, Human Resources Director cautioned City Council when assigning points to the "Cost to Complete Project" category. Ms. Sears suggested that City Council may want to give themselves more freedom in making a decision. She explained although City Council may find a firm that is the optimal choice in terms of their points, the firm may not fit within their budget. Ms. Sears reported that the City spent approximately \$21,000.00 to conduct their last search. Therefore, she anticipates spending not much less than that, if at all. In terms of the points allotted, Ms. Sears does not believe City Council should be concerned as to whether there are twenty-five points in one category or twenty points in another. She believes City Council's approach will be more of an individual approach in that one person may assign a value of twelve points for one category and another will assign twenty. She explained although the points will vary, they will vary consistently from one search firm to the other. Consequently, Ms. Sears believes the number of points assigned to the chart categories is not really that relevant because they may be weighted equally or they may be weighted separately. She continued by explaining that as each Council Member evaluates each firm they will not be giving them either a value of twenty-five or zero. In other words, Ms. Sears clarified by stating that they will not be giving a weighted rating.

Ms. Sears explained the purpose of the matrix is to provide the framework for City Council members to organize their thoughts so that if the decision is made to go with a search firm, they will have a mechanism to rank them philosophically rather than strictly point wise.

Council Member Beltramini asked whether Ms. Sears is recommending that they assign no points to "Cost to Complete Project" and treat the "Project Timetable" both as subjective deal breakers, deal makers, or use them in the case of a tie.

Ms. Sears agreed.

Council Member Beltramini suggested they assign thirty points each to: "Ability to Meet Objectives", "Experience/Qualifications" and "Person Assigned" and ten points to whether a face-to-face meeting was held.

Ms. Sears interjected that City Council may not be able to determine whether or not a firm is available to meet face-to-face within the next week to ten days by reviewing the proposals.

Council Member Broomfield believes that if they do not use a point system that it may come down to points for City Council to be able to make their decision.

Ms. Sears suggested that once they get their point system to where each Council Member will have an idea where their selection will land, they will then have a selection between one to three. She reminded Council that because this is a service, that they are not bound to make a selection based upon which firm received the most points or charged the lowest fee. However, she noted that they will have to be able to describe what it is that they like or dislike about an individual firm.

Council Member Kerwin reminded City Council that face-to-face interviews would require the scheduling of a special meeting and realize that there is potential for members being absent. Council Member Eisenbacher believes this item is already scheduled for a Study Session on Monday, March 30, 2009.

Ms. Sears believes that the firms did not anticipate a face-to-face interview because of the deadline condition.

Council Member Broomfield asked if it would be feasible to contact the six firms in regard to their availability for a face-to-face interview.

Ms. Sears can contact the firms but believes it may be a lot of interviews to schedule for a single study session.

Council Member Broomfield suggested that they could schedule an additional session depending on the response.

Ms. Sears is not certain whether or not there would be an opportunity to schedule another meeting. She noted that the last search required exactly 120 days from the time the firm was selected until the appointment was made. She added that many of the firms are not local and she's not certain how close they would come to not meeting the 120 deadline if an additional meeting were scheduled.

Council Member Broomfield knows they're on a timeline, but she doesn't want the timeline to be the driving factor. She continued by stating that they could appoint a City Manager with a two month contract if they wanted to. She would like an effort to be made to have the opportunity to meet the firms before a decision is made.

Council Member Eisenbacher recommends that they allocate four points to the "Face-toFace Interview" category and twenty-four points to the remaining categories. He continued by stating that once they set the criteria, they will receive copies of the proposal from staff and meet with those firms that are available to meet with them. He noted that once this is accomplished, they will be ready to make their selection.

Council Member Beltramini still has a little bit of angst about assigning the same value to "Cost to Complete Project" that is also assigned to the other three criteria.

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business, Article 15 I.

Resolution #2009-03-107

Moved by Schilling

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 *Order of Business*, Article 15-I. Council Comments and **AUTHORIZE** City Council to discuss and take action on an item that does not appear on the agenda.

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

No: None

Absent: Howrylak

MOTION CARRIED

Vote on Resolution to Approve and Revise Evaluation Form – Executive Search – Position of City Manager

Resolution #2009-03-108

Moved by Eisenbacher

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the *Evaluation Form – Executive Search – Position of City Manager* with the following **REVISIONS**:

- **INSERT** “Conducting Private Sector Executive Searches” under EXPERIENCE/ QUALIFICATIONS; and
- **STRIKE** “Recent Searches in Michigan” and **INSERT** “Recent Searches within the last 4 years in Michigan” under EXPERIENCE/ QUALIFICATIONS; and
- **STRIKE** “PROJECT TIMETABLE and **INSERT** “FACE-TO-FACE INTERVIEW”; and
- **STRIKE** “PERSONNEL ASSIGNED” and **INSERT** “PERSON ASSIGNED”; and
- **ALLOCATE** 4 points for “FACE-TO-FACE INTERVIEW”; and
- **ALLOCATE** 24 points each for “ABILITY TO MEET OBJECTIVES”; “EXPERIENCE/ QUALIFICATIONS”; “PERSON ASSIGNED” and “COST TO COMPLETE PROJECT”.

Yes: Beltramini, Broomfield, Eisenbacher, Fleming, Schilling

No: Kerwin

Absent: Howrylak

MOTION CARRIED

Council Member Eisenbacher asked whether there were any conversations with the search firms in regard to the two assistant city managers being preselected and outside of the search.

Ms. Sears has had no conversations with the search firms. She continued by stating that each firm was provided with the written proposal and with information provided in the last search. Ms. Sears indicated that most consultants will address that in their proposal in terms of their fee.

Ms. Sears asked for clarification in regard to the out of state firms who are not available for face-to-face interviews.

Council Member Eisenbacher stated that video conferences would be acceptable.

Council Member Beltramini would like the search process to continue to move forward even if a Council Member is unable to be present.

Council Member Kerwin asked whether the \$21,000.00 fee quoted for the previous search included lodging and transportation?

Ms. Sears replied that the \$21,000.00 fee was strictly the consultant’s cost.

Council Member Beltramini reported free mammogram testing is available at Pontiac Osteopathic Hospital. She advised that appointments can be scheduled by calling (248) 338-5608 or by calling (248) 969-7353 for the Oxford location on North Lapeer Road.

As a cost savings measure, Council Member Beltramini asked City Council members to pick up their mail from the City Clerk's office any time they are at City Hall.

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Charter Revision Committee/Final – June 30, 2008
- b) Election Commission/Final – September 26, 2008
- c) Youth Council/Final – December 17, 2008
- d) Historic District Study Committee/Final – January 5, 2009
- e) Advisory Committee for Senior Citizens/Final – January 8, 2009
- f) Historic District Study Committee/Final – February 3, 2009
- g) Building Code Board of Appeals/Final – February 4, 2009
- h) Planning Commission/Final – February 10, 2009
- i) Board of Zoning Appeals/Draft – February 17, 2009
- j) Planning Commission/Special Study/Draft – February 24, 2009
- k) Planning Commission/Special Study/Final – February 24, 2009
- l) Youth Council/Draft – February 25, 2009
- m) Historic District Study Committee/Draft – March 3, 2009
- n) Planning Commission Special/Study/Draft – March 3, 2009
- o) Planning Commission Special/Study/Final – March 3, 2009
- p) Advisory Committee for Persons with Disabilities/Draft – March 4, 2009
- q) Animal Control Appeal Board/Draft – March 4, 2009
- r) Charter Revision Committee/Draft – March 5, 2009
- s) Election Commission/Draft – March 9, 2009

Noted and Filed

J-2 Department Reports:

- a) Building Department – Permits Issued During the Month of January 2009
- b) Building Department – Permits Issued During the Month of February 2009

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Appreciation to Chief Craft from Walsh College President Stephanie Bergeron Regarding the Assistance Received with Traffic Flow during Commencement Ceremonies
- b) Letter of Appreciation to Chief Craft from Ronald Tatro Regarding the Assistance Received with the *Office of Violence against Women Elder Abuse Training Program*
- c) Letter of Thanks to Cindy Stewart from Advisory Committee for Persons with Disabilities Chair Angie Done Regarding the Completion of the *Disabilities Resource Guide*

Noted and Filed

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

J-5 Communication Regarding Notice of Opportunity to Comment Before the Michigan Public Service Commission – FirstEnergy Solutions – File No. U-15832
Noted and Filed

J-6 Communication from the Arbor Day Foundation Regarding Troy Being Named a Tree City USA
Noted and Filed

J-7 Communication from City Attorney Lori Grigg Bluhm Regarding Public Comment Statement about Assessor
Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 No Closed Session Requested

ADJOURNMENT

The meeting **ADJOURNED** at 11:33 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk