

A Regular Meeting of the Troy City Council was held Monday, November 9, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:29 PM.

Father Ron Jozwiak of St. Elizabeth Ann Seton Catholic Church gave the Invocation. The Pledge of Allegiance to the Flag was given.

INSTALLATION CEREMONY: 2009-2011 City Council Convenes: a) Installation of New Members; b) Adoption of Rules of Procedure; c) Appointment of Mayor Pro Tem

(a) Installation of New Members

Members of the City Council who begin new terms were administered the Oath of Office.

ROLL CALL

Mayor Louise E. Schilling
Robin Beltramini
Wade Fleming
Martin Howrylak
Mary Kerwin
Maureen McGinnis
Dane Slater

(b) Adoption of Rules of Procedure

Resolution
Moved by Howrylak
Seconded by Fleming

RESOLVED, That Troy City Council hereby **ADOPTS** the Rules of Procedure of the City Council of the City of Troy as recorded by the City Clerk in the Minutes of this meeting.

Vote on Resolution to Amend Adoption of Rules of Procedure Rule 1 Appointment of Mayor Pro Tem

Resolution #2009-11-318
Moved by Kerwin
Seconded by Fleming

RESOLVED, That Troy City Council hereby **AMENDS** *Rule 1. APPOINTMENT OF MAYOR PRO TEM* of the Rules of Procedure of the City Council of the City of Troy to read: "The Mayor Pro Tem shall be elected by the Council from among its members, annually in November."

Yes: Schilling, Fleming, Kerwin, McGinnis, Slater
No: Beltramini, Howrylak

MOTION CARRIED

Vote on Resolution to Amend Adoption of Rules of Procedure Rule 6 Order of Business and Rule 16 Members of the Public and Visitors

Resolution #2009-11-319

Moved by Kerwin

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **AMENDS** *Rule 6 ORDER OF BUSINESS* and *Rule 16 MEMBERS OF THE PUBLIC AND VISITORS* of the Rules of Procedure of the City Council of the City of Troy as presented.

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

No: Howrylak

MOTION CARRIED

Vote on Resolution to Amend Adoption of Rules of Procedure Rule 12 Withdrawal of Motions Prior to Voting

Resolution #2009-11-320

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **ADOPTS** *Rule 12 WITHDRAWAL OF MOTIONS PRIOR TO VOTING* of the Rules of Procedure of the City Council of the City of Troy.

Yes: All-7

No: None

MOTION CARRIED

Vote on Resolution to Adopt Rules of Procedure as Amended

Resolution #2009-11-321

Moved by Howrylak

Seconded by Fleming

RESOLVED, That Troy City Council hereby **ADOPTS** the Rules of Procedure of the City Council of the City of Troy as **AMENDED** and recorded by the City Clerk in the Minutes of this meeting.

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

No: Howrylak

MOTION CARRIED

(c) Appointment of Mayor Pro Tem

Resolution #2009-11-322
Moved by Beltramini
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPOINTS** Wade Fleming to serve as Mayor Pro Tem for the City Council of the City of Troy.

Yes: Kerwin, McGinnis, Slater, Beltramini, Fleming, Howrylak
No: Schilling

MOTION CARRIED

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Cathy Russ, Library Director provided a Library update and presented the 2008-2009 Troy Public Library Annual Report.
- b) On behalf of the City of Troy, Mayor Schilling presented a proclamation to Pam Brady recognizing her participation in *America Recycles 2009*.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Community Development Block Grant (CDBG) 2010 Application

The Mayor opened the public hearing.
The Mayor closed the public hearing after receiving no public comment.

Resolution #2009-11-323
Moved by Kerwin
Seconded by Beltramini

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs;

WHEREAS, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan;

WHEREAS, The City of Troy has duly advertised and conducted a public hearing on November 09, 2009 for the purpose of receiving public comments regarding the proposed use of PY 2010

Community Development Block Grant funds (CDBG) in the approximate amount of \$167,960.00; and

WHEREAS, The City of Troy found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need:

<u>Account Number</u>	<u>Project Name</u>	<u>Amount</u>
172170-730744	Flood Drain Improvements	\$115,072.00
172160-732170	Public Services (Yard Services)	\$ 50,388.00
172140-730789	General Program Administration	\$ 2,500.00

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City of Troy CDBG application be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and hereby **AUTHORIZES** the Mayor and City Clerk to execute all documents, agreements, or contracts which result from this application to Oakland County.

Yes: All-7

No: None

MOTION CARRIED

C-2 Receive Public Input on the City of Royal Oak Hospital Finance Authority Utilizing Tax-Exempt Bonds for William Beaumont Hospital – Troy

The Mayor opened the public hearing.

The Mayor closed the public hearing after receiving public comment from:

Dennis Urick	City of Royal Oak Hospital Finance Authority
Lisa Higgin	Miller Canfield for City of Royal Oak Hospital Finance Authority
Marvin Reinhardt	Opposed

Resolution #2009-11-324

Moved by Slater

Seconded by Fleming

WHEREAS, The City of Royal Oak Hospital Finance Authority (the "Authority") proposes to make loans to William Beaumont Hospital (the "Hospital"), to be used, in part, by the Hospital to (1) finance the construction, acquisition, renovation, equipping, rehabilitation and/or improve hospital facilities in the City of Troy, Michigan and (2) refinance indebtedness used to finance the construction, renovation and equipping of certain hospital facilities in the City of Troy, Michigan;

WHEREAS, The Authority intends to issue City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital Obligated Group) and Hospital Revenue Refunding Bonds (William Beaumont Hospital Obligated Group), in one or more series (the "Bonds") on behalf of the Hospital in the aggregate principal amount of not to exceed \$305,000,000 to provide funds with which to make loans to the Hospital;

WHEREAS, The Bonds will be limited obligations of the Authority and will not constitute general obligations or debt of the City of Royal Oak, the City of Troy, the County of Oakland, the State of Michigan or any political subdivision thereof;

WHEREAS, The City Council has held a public hearing after notice was published as provided in, and in satisfaction of the applicable public hearing requirements of, the Internal Revenue Code of 1986, as amended (the "Code");

WHEREAS, A record of public hearing will be maintained with the City Clerk;

WHEREAS, The Authority has requested that this City Council approve the issuance of the Bonds by the Authority; and

WHEREAS, The City Council of the City of Troy desires to express its approval of the issuance of the Bonds by the Authority;

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF TROY, AS FOLLOWS:

1. Solely for the purpose of fulfilling the public approval requirements of the Code, the City Council of the City of Troy hereby **APPROVES** the issuance, sale and delivery of not to exceed \$305,000,000 in aggregate principal amount of the Bonds by the Authority.
2. The City Clerk is hereby **DIRECTED** to provide three (3) certified copies of this resolution to the Secretary of the Authority.

Yes: All-7
No: None

MOTION CARRIED

PUBLIC COMMENT:

Harry Philo	Item D-2
Marvin Reinhardt	Miscellaneous Issues
James Savage	Transit Center
Patty Koerner	Council Absences, Library

The Meeting **RECESSED** at 8:54 PM.

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

POSTPONED ITEMS:

D-1 Nomination and Appointment to Personnel Board

a) City Council Nomination

Resolution #2009-11-325
 Moved by Schilling
 Seconded by Kerwin

RESOLVED, That Troy City Council hereby **NOMINATES** Ann M. Comiskey for consideration for appointment to the Personnel Board to fill the unexpired term of April 30, 2011.

Yes: Schilling, Beltramini, Howrylak, Kerwin, McGinnis, Slater
 No: Fleming

MOTION CARRIED

b) City Council Appointment

Resolution #2009-11-326
 Moved by Kerwin
 Seconded by Slater

RESOLVED, That Troy City Council hereby **APPOINTS** the following person to serve on the Personnel Board with an unexpired term of April 30, 2011 as indicated:

<u>ROLL CALL VOTE:</u>	<u>NOMINATIONS</u>	
	<u>Gerard T. Staeger</u>	<u>Ann M. Comiskey</u>
Schilling	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Beltramini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fleming	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Howrylak	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kerwin	<input type="checkbox"/>	<input checked="" type="checkbox"/>
McGinnis	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Slater	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Vote on Resolution to Confirm the Appointment to the Personnel Board

Resolution #2009-11-327
 Moved by Kerwin
 Seconded by Slater

RESOLVED, That Troy City Council hereby **CONFIRMS** the appointment of Ann M. Comiskey to serve on the Personnel Board to fill the unexpired term of April 30, 2011.

Yes: All-7
 No: None

MOTION CARRIED

D-2 Scheduling of a Special Election for February 23, 2010 and Direct City Administration to Prepare Ballot Language

Resolution #2009-11-328
Moved by Schilling
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **SCHEDULES** a February 23, 2010 Special Election for voters to vote on a proposed millage question and **DIRECTS** City Administration to draft ballot language with a proposed millage rate increase of 1.9 mills for the next five years, to be utilized to restore Public Safety and Quality of Life venues, with the language to be provided to the City Council on the next Regular City Council Meeting Agenda for Council Action.

Yes: Kerwin, McGinnis, Slater, Schilling, Beltramini
No: Fleming, Howrylak

MOTION CARRIED

Vote on Resolution to Suspend City Council Rules

Resolution #2009-11-329
Moved by Slater
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **SUSPENDS** *Rule #6 ORDER OF BUSINESS* of the City Council Rules to allow City Council to take action on resolutions directing City Administration regarding the 6-Year Organizational Plan.

Yes: All-7
No: None

MOTION CARRIED

Vote on Resolution to Table Discussion

Resolution #2009-11-330
Moved by Schilling
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **TABLES** the discussion until after a resolution is drafted by Administration.

Yes: All-7
No: None

MOTION CARRIED

The Meeting **RECESSED** at 10:10 PM.

The Meeting **RECONVENED** at 10:22 PM.

Vote on Resolution Authorizing the Use of General Fund Balance

Resolution #2009-11-331
Moved by Beltramini
Seconded by Kerwin

WHEREAS, City Council has a Budget policy of maintaining a general fund balance between 10% and 17% of the general fund; and

WHEREAS, There is a need to use general fund to balance future budgets, as long as the unreserved undesignated fund balance does not fall below 15% of the adopted general fund budget;

NOW THEREFORE, BE IT RESOLVED, That City Administration is **AUTHORIZED** to utilize general fund balance to balance budgets as long as the undesignated unreserved general fund balance remains at 15% or greater.

Yes: All-7
No: None

MOTION CARRIED

REGULAR BUSINESS:

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

a) **Mayoral Appointments – None Scheduled**

b) **City Council Appointments**

Resolution #2009-11-332
Moved by Kerwin
Seconded by Howrylak

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

Liquor Advisory Committee

Appointed by Council (7 Regular) - Student 1-Year Term

Lauren E. Harden - Student

Term Expires 07/01/2010

Yes: All-7
No: None

MOTION CARRIED

E-2 **Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None Forwarded (b) City Council Nominations: None Forwarded**

- a) **Mayoral Nominations** – None Forwarded
- b) **City Council Nominations** – None Forwarded

E-3 **Troy City Code Ordinance Amendments – Chapter 103 – Alarm Ordinance; Chapter 60 – Fees and Bonds Required; and Chapter 88 – Nuisances**

a) **Adoption of Troy City Code Chapter 103 – Alarm Ordinance**

Resolution #2009-11-333
Moved by Slater
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance to add Chapter 103, Alarm Ordinance, of the Troy City Code as recommended by the City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Schilling, Kerwin, McGinnis, Slater
No: Beltramini, Fleming, Howrylak

MOTION CARRIED

b) **Amendment of Troy City Code Chapter 60 – Fees and Bonds Required**

Resolution #2009-11-334
Moved by Beltramini
Seconded by Fleming

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

Yes: All-7
No: None

MOTION CARRIED

c) **Amendment to Troy City Code Chapter 88 – Nuisances**

Resolution #2009-11-335
Moved by Kerwin
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 88, Nuisances, of the Troy City Code, as recommended by City Management, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

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

No: Beltramini

MOTION CARRIED

E-4 Bid Waiver – Printing of Election and Voter Registration Materials

Resolution #2009-11-336

Moved by Beltramini

Seconded by Kerwin

WHEREAS, Printing Systems, Inc. provides Election related supplies and printed materials that comply with State of Michigan standards;

WHEREAS, Printing Systems, Inc. has provided the City of Troy with the required materials as a result of the lowest quote and regularly as the only vendor able to provide the materials requested in the quotes; and

WHEREAS, Printing Systems, Inc. holds the contract for ballot printing and supply kits with Oakland County and it is desirable to utilize Printing Systems, Inc. for ballot folding and specialized forms in conjunction with the County procurement;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **AUTHORIZES** the purchase of printing of election and voter registration materials from Printing Systems, Inc. at an estimated cost of \$40,000.00 per fiscal year, through December 31, 2012.

Yes: All-7

No: None

MOTION CARRIED

E-5 Winter Maintenance Agreement – Road Commission for Oakland County

Resolution #2009-11-337

Moved by Schilling

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the 2009-2010 Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy for snow and ice control of certain primary and local roads, which are described and outlined in Exhibit A; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the necessary documents, and a copy of this agreement, which is authorized by the provisions of 1951 PA 51 (MCL 247.651 et seq.), shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7
No: None

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2009-11-338
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item F-4c which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed, and Item F-2 as amended.

Yes: All-7
No: None

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 #2009-11-338-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of October 19, 2009 as amended.

F-3 City of Troy Proclamation:

Resolution #2009-11-338-F-3

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

- a) America Recycles 2009

F-4 Standard Purchasing Resolutions:

a) **Standard Purchasing Resolution 3: Exercise Renewal Option – Elevator Weight Tests, Relief Valve Testing, Bi-Monthly Inspection, and Repairs**

Resolution #2009-11-338-F-4a

WHEREAS, On November 13, 2006, a three-year contract to provide elevator weight tests, relief valve testing, bi-monthly inspections and repairs with an option to renew for an additional three (3) years at four municipal buildings was awarded to the lowest acceptable bidder, Elevator Technology, Inc. of Detroit, Michigan (Resolution #2006-11-333-E-4c); and

WHEREAS, Elevator Technology, Inc. has agreed to exercise the option to renew the contract under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** and **EXERCISES** the option to renew the contract with Elevator Technology, Inc. to provide elevator inspection, weight testing, maintenance and repairs under the same prices, terms, and conditions for three-years at unit prices contained in the bid tabulation opened October 25, 2006, to expire December 31, 2012.

b) **Standard Purchasing Resolution 8: Best Value Award – Hall and Banquet Services**

Resolution #2009-11-338-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** a three-year contract beginning with fiscal year 2009/2010 to provide Hall and Banquet Services with an option to renew for three additional years to the highest rated bidder, the American Polish Cultural Center of Troy, MI, as a result of a best value process, which City Council has determined best serves the public interest at a cost of \$39.00 per plate including gratuity for the Fire Appreciation Banquet and \$20.00 per plate including gratuity for the Employee Holiday Party, as long as the events are budgeted annually for the Fire Appreciation Banquet, and funded through commissions from vending machines and ticket sales for the Employee Holiday Party; and

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

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the Agreement pertaining to this contract, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-5 Acceptance of a Water Main Easement – HCR Manorcare Properties, LLC – Sidwell #88-20-03-102-022

Resolution #2009-11-338-F-5

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for water main from HCR Manorcare Properties, LLC, owner of the property having Sidwell #88-20-03-102-022; and

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

F-6 Acceptance of a Water Main Easement – Kirts Office Center Associates, LLC – Sidwell #88-20-28-101-054

Resolution #2009-11-338-F-6

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for water main from Kirts Office Center Associates, LLC, owner of the property having Sidwell #88-20-28-101-054; and

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

F-7 Approval of MDOT Subcontract with Hubbell, Roth & Clark, Inc. for Construction Engineering Services for the Reconstruction of Wattles Road, 1000' East and West of Rochester Road – Project No. 99.203.5

Resolution #2009-11-338-F-7

RESOLVED, That Troy City Council hereby **APPROVES** MDOT Subcontract between the City of Troy and Hubbell, Roth & Clark, Inc. for construction engineering services for the reconstruction and widening of Wattles Road, 1,000' East and West of Rochester Road, at an estimated cost of \$310,458.27, and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-8 Approval of MDOT Subcontract with Hubbell, Roth & Clark, Inc. for Construction Engineering Services for the Reconstruction of Rochester Road from Torpey to Barclay – Project No. 99.203.5

Resolution #2009-11-338-F-8

RESOLVED, That Troy City Council hereby **APPROVES** MDOT Subcontract between the City of Troy and Hubbell, Roth & Clark, Inc. for construction engineering services for the reconstruction and widening of Rochester Road, from Torpey to Barclay, at an estimated cost of \$1,241,042.95, and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-9 Approval of 2009 Request to Waive Recapture Form

Resolution #2009-11-338-F-9

WHEREAS, The U.S. Department of Housing and Urban Development (HUD) mandates that Community Development Block Grant (CDBG) balances not exceed 1.5 times the current program year allocation sixty (60) days prior to the end of the program year (February 28th);

WHEREAS, The Oakland County Board of Commissioners adopted a policy allowing communities to protect funds from their two most recent program years to help comply with this regulation;

WHEREAS, All unobligated 2007 and older funds are at risk of recapture December 31, 2009;

WHEREAS, Troy may protect unobligated 2007 funds from recapture for one additional year by requesting a waiver; and

WHEREAS, A separate waiver request form must be submitted for each 2007 line item to the Manager of the Oakland County Community & Home Improvement Division no later than Monday, December 14, 2009;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **REQUESTS** to waive recapture of 2007 CDBG funds as follows:

<u>Account Number</u>	<u>Project Name</u>	<u>Amount</u>
730744	Flood Drain Improvements	\$92,641.00
732170	Yard Services	\$70,000.00

F-10 Approval of Request to Permit Use of Shell Crackers to Disperse Migratory Waterfowl – Emerald Lakes Subdivision

Resolution #2009-11-338-F-10

RESOLVED, That Troy City Council hereby **WAIVES** the provisions of Chapter 98, Section 98.07.02 of the Code of the City of Troy relative to the use of shell crackers to frighten and disperse waterfowl away from the Emerald Lakes Village subdivisions, provided that authorized persons of the Homeowners Association shall adhere to the following procedures:

1. Shell crackers shall not be discharged before 7:00 a.m. and not after dark in the evening;
2. The permittee(s) shall notify the Police Communications Section prior to discharging the shell crackers and shall provide the police with his/her name(s) and phone number(s);
3. A violation of either of the above limitations shall be cause for immediate revocation of the City authorization;
4. Authorization shall expire December 31, 2011.

F-11 Approval of Request from Walgreen Co. (An Illinois Corporation) for a New SDM License with Drive-up Window (without alcoholic beverage sales) to be Located at 2932 East Long Lake – MLCC Request #521903

(a) New License

Resolution #2009-11-338-F-11a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Walgreen Co. (An Illinois Corporation) for a new SDM License with Drive-up Window (without alcoholic beverage sales) to be located at 2932 East Long Lake, Troy, MI 48085 Oakland County {MLCC Request #521903} “above all others”; and
BE IT FURTHER RESOLVED, That it is the consensus of this legislative body that the application **BE RECOMMENDED** “above all others” for issuance.

(b) **Agreement**

Resolution #2009-11-338-F-11b

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 Walgreen Co. (An Illinois Corporation), for a new SDM License with Drive-up Window (without alcoholic beverage sales) to be located at 2932 East Long Lake, Troy, MI 48085 Oakland County, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-12 Approval of Request from Walgreen Co. (An Illinois Corporation) for a new SDM License with Drive-up Window (without alcoholic beverage sales) to be located at 1965 E Big Beaver – MLCC Request #521882

(a) **New License**

Resolution #2009-11-338-F-12a

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Walgreen Co. (An Illinois Corporation) for a new SDM License with Drive-up Window (without alcoholic beverage sales) to be located at 1965 E Big Beaver, Troy, MI 48083 Oakland County {MLCC Request #521882} “above all others”; and

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

(b) **Agreement**

Resolution #2009-11-338-F-12b

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 Walgreen Co. (An Illinois Corporation), for a new SDM License with Drive-up Window (without alcoholic beverage sales) to be located at 1965 E Big Beaver, Troy, MI 48083 Oakland

County, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-13 Contract Award: Informal Quote Process – Snow Removal Rental Equipment Including Operators

Resolution #2009-11-338-F-13

RESOLVED, That Troy City Council hereby **AWARDS** contract(s) to provide seasonal requirements of snow removal rental equipment including operators with an option to renew for one (1) additional season utilizing an informal quote process to the following vendors at the hourly rates contained in Appendix A, a copy of which shall be **ATTACHED** to the original Minutes of this meeting:

<u>Company Name</u>	<u>Location</u>
Florence Cement Company	Shelby Township, MI
Diponio Contracting	Shelby Township, MI
Sterling Topsoil and Grading	Fraser, MI
ABC Paving Company	Trenton, MI

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** City staff to extend the hourly contract prices to other contractors, after the successful bidders have been employed, to speed the snow removal process during times of snow emergencies; and

BE IT FINALLY RESOLVED, That the contracts will expire April 15, 2010, and are **CONTINGENT** upon submission of properly executed contract documents, including insurance certificates, agreements, and all other specified requirements, and Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreements, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-14 Traffic Committee Recommendations – October 21, 2009

a) Installation of STOP Sign on Southbound Ruthland at Kirk Lane

Resolution #2009-11-338-F-14a

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-03-SS be issued for the installation of a STOP sign on southbound Ruthland at Kirk Lane.

b) Installation of STOP Sign on Norton at Quill Creek

Resolution #2009-11-338-F-14b

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-04-SS be issued for the installation of a STOP sign on Norton at Quill Creek.

c) Installation of STOP Sign on Marengo at Norton

Resolution #2009-11-338-F-14c

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-05-SS be issued for the installation of a STOP sign on Marengo at Norton.

d) Establishment of Fire Lanes/Tow Away Zones – 3039 Rochester Road

Resolution #2009-11-338-F-14d

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-05-MR be issued for the establishment of fire lanes/tow away zones at 3039 Rochester Road as recommended by the Fire Department.

e) Establishment of Fire Lanes/Tow Away Zones – 925 W. South Boulevard

Resolution #2009-11-338-F-14e

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-06-MR be issued for the establishment of fire lanes/tow away zones at 925 W. South Boulevard as recommended by the Fire Department.

f) Establishment of Fire Lanes/Tow Away Zones – 791 W. Big Beaver

Resolution #2009-11-338-F-14f

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-07-MR be issued for the establishment of fire lanes/tow away zones at 791 W. Big Beaver as recommended by the Fire Department.

g) Establishment of Fire Lanes/Tow Away Zones – 1026 Maplelawn

Resolution #2009-11-338-F-14g

RESOLVED, That Troy City Council hereby **AUTHORIZES** Traffic Control Order No. 09-08-MR be issued for the establishment of fire lanes/tow away zones at 1026 Maplelawn as recommended by the Fire Department.

F-4 Standard Purchasing Resolutions:**c) Standard Purchasing Resolution 4: US Communities Government Purchasing Alliance Program – Landscape Structures, Inc.**

Resolution #2009-11-339

Moved by Fleming

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase climbing boulder play equipment along with engineered wood fiber safety surface through the US Communities Government Purchasing Alliance Program Contract #040377 with Landscape Structures, Inc. for an estimated total cost of \$53,982.00, as detailed in project proposal #09-600A, a copy of which shall be **ATTACHED** to the original Minutes of this meeting and funded through the Community Development Block Grant Program; and

BE IT FURTHER RESOLVED, That the contract is **CONTINGENT** upon submission of properly executed insurance certificate(s) and any other specified requirements.

Yes: All-7

No: None

MOTION CARRIED

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Memorandums:

- a) City of Troy v Chowdhury/Proposed Amendment to Chapter 98 – Criminal Code
Noted and Filed

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

Mayor Schilling encouraged all who can to come to the Veterans' Day Ceremony at Veterans' Plaza on Wednesday, November 11, 2009 from 11:00 AM to Noon.

Council Member Beltramini informed Council Members that she has the handbook on ethics for Michigan municipalities for any who are interested in reading it.

Council Member Slater commented on Item J-3a, and offered his gratitude to Sylvan Glen Pro Shop Staff.

Council Member Kerwin congratulated Mayor Pro Tem Fleming, and commented on training and orientation by the Michigan Municipal League.

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Retiree Health Care Benefits Plan & Trust/Amended/Final – April 8, 2009
- b) Downtown Development Authority/Final – May 27, 2009
- c) Retiree Health Care Benefits Plan & Trust/Final – August 12, 2009
- d) Employees' Retirement System Board of Trustees/Final – September 9, 2009
- e) Liquor Advisory Committee/Final – September 14, 2009
- f) Historic Commission/Final – September 29, 2009
- g) Ethnic Issues Advisory Board/Draft – October 6, 2009
- h) Planning Commission Special/Study/Draft – October 6, 2009
- i) Planning Commission Special/Study/Final – October 6, 2009
- j) Liquor Advisory Committee/Draft – October 12, 2009
- k) Planning Commission/Draft – October 13, 2009
- l) Planning Commission/Final – October 13, 2009
- m) Library Advisory Board/Draft – October 15, 2009
- n) Troy Daze Advisory Committee/Draft – October 27, 2009

Noted and Filed

J-2 Department Reports:

- a) City Council Expense Report – October, November 2009
- b) Building Department – Permits Issued September 2009
- c) City Manager's Office – September 30, 2009 Quarterly Financial Report
- d) Golf Course Monthly Operations Summary for September 2009

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Thanks to Kraig Schmottlach from Golf Course Patron Chris Coussens Regarding the Excellent Service Received from the Sylvan Glen Golf Course Staff
- b) Letter of Appreciation to Chief Mayer from Chief Nelson Regarding the Assistance and Support during Funeral for Fire Staff Technician Jack Schoenbeck
- c) Letter of Thanks to Chief Mayer from Old Navy Leadership Team Regarding Support during Kids Safety Event
- d) Telephone Call from Strathmore Village Resident Beryl Bradick in Appreciation of the Outstanding Service of the Police Department
- e) Letter of Appreciation to Chief Mayer from Royal Oak Police Chief Jahnke Regarding the Police Department Support at the 2009 Woodward Dream Cruise
- f) Letter of Thanks to Chief Mayer from Resident Victor Sandy Regarding the Efforts of the Police Department during Home Invasion
- g) Letter of Thanks to John Szerlag from Hills of Charnwood Homeowners Association
- h) Letter of Appreciation from Taniel Nishanian Regarding Tringali Sanitation
- i) Letter of Appreciation from the Family of Renee Barr Regarding the Professionalism and Kindness of Police Officers
- j) Letter of Appreciation to Chief Mayer from Peggy Ruffin Commending the Actions of Officer Giordano
- k) Letter of Appreciation to Timothy Richnak from Bob Schultz, Courtwood Villa Condominium Association President, Regarding the Dedication and Positive Attitudes of Public Works Staff

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) Village of Beverly Hills Resolution Opposing the Elimination of 20J Funding for Certain School Districts
- b) City of Royal Oak Resolution Opposing House Bill 5056
- c) City of Royal Oak Resolution Requesting Local Control be Retained if House Bill 5056 Passes

Noted and Filed

J-5 Troy Youth Assistance Board Meeting Minutes – September 17, 2009

Noted and Filed

J-6 Communication from Public Works Director Timothy Richnak Regarding Program Year 2009 Community Development Block Grant (CDBG) Funds

Noted and Filed

J-7 Communication from City Attorney Lori Grigg Bluhm Regarding Stephanie Cobb v City of Troy d/b/a/ The Northridge Office Center

Noted and Filed

J-8 Communication from City Council Member Robin Beltramini Regarding NLC Finance, Administration and Intergovernmental Relations Steering Committee Meeting

Noted and Filed

J-9 Communication from Police Chief Gary Mayer Regarding Reimbursement Revenue

Noted and Filed

J-10 Communication from Michigan Liquor Control Commission Regarding Class C Liquor License Transfer out of Troy – Paragon of Michigan 2360 Rochester Road

Noted and Filed

J-11 Communication from Michigan Liquor Control Commission Regarding Wal-Mart Approval of Appeal

Noted and Filed

J-12 Rules of Procedure for the Charter Revision Committee

Noted and Filed

J-13 Communication from City Attorney Lori Grigg Bluhm Regarding Article on Constitutional and Charter Revision

Noted and Filed

J-14 Communication from Library Director Cathleen Russ Regarding Drive-up Materials Return at the Troy Public Library

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 11:03 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk