

Pastor Bob Cholette of Troy Assembly of God gave the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held Monday, January 25, 2010, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7: 30 PM.

B. ROLL CALL:

Mayor Louise E. Schilling
 Robin Beltramini (Absent)
 Mayor Pro Tem Wade Fleming
 Martin Howrylak
 Mary Kerwin
 Maureen McGinnis
 Dane Slater

Vote on Resolution to Excuse the Absence of Council Member Robin Beltramini

Resolution #2010-01-017

Moved by Fleming

Seconded by Schilling

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Robin Beltramini at the Regular City Council Meeting of Monday, January 25, 2010 and the Closed Session of Monday, January 25, 2010 due to being out of the county.

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

No: None

Absent: Beltramini

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION:

C-1 Presentations:

- a) On behalf of the City of Troy Employees' Casual for a Cause Program for the months of November and December, Community Affairs Director Cindy Stewart presented a check in the amount of \$1,130.05 to Honor Flight Michigan Inc.

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

Vote on Resolution to Suspend Rules of Procedure for the City Council; Rule 22. Suspend Rules

Resolution #2010-01-018
Moved by Schilling
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council in accordance with *Rule 22. Suspend Rules*.

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

MOTION CARRIED

Vote on Resolution to Reduce Public Comment- Rules of Procedure for the City Council; Rule 16 – Members of the Public & Visitors

Resolution #2010-01-019
Moved by Schilling
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **REDUCES** Public Comment from five (5) minutes as established by Rules of Procedure for the City Council; Rule 16 – *Members of the Public & Visitors* to three (3) minutes

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

MOTION CARRIED

F. PUBLIC COMMENT:

<u>Gordon Schepke</u>	Opposes millage increase
<u>Charles Solis</u>	Supports millage increase
<u>Richard Peters</u>	Questions budget increases
<u>Janice Daniels</u>	Opposes millage increase
<u>Audre Zembrzuski</u>	Opposes millage increase
<u>Linda Thielholdt</u>	Opposes millage increase
<u>Brian Joseph</u>	Opposes millage increase
<u>Jack Witt</u>	Opposes millage increase
<u>Kathleen Martin</u>	Supports millage increase
<u>John Lavendar</u>	Supports millage increase
<u>Paul Beck</u>	Opposes employee wage increases; wants larger room for Board of Review meetings; opposes millage increase
<u>Christina Peck</u>	Discussed an incident at 52-4 District Court

<u>Mark Havas</u>	Discussed an incident at 52-4 District Court and issues with the Troy Police Department
<u>Marvin Reinhardt</u>	Will vote No on millage increase but wants the millage to pass; various topics
<u>Harry Philo</u>	Supports millage increase
<u>Nancy Bliss</u>	Wants citizens' committee formed to decide what to do with stimulus money; various topics
<u>Michele Hodges</u>	Supports millage increase
<u>Ward Randol</u>	Supports millage increase
<u>Stephanie Jasky</u>	Opposes millage increase
<u>Deborah DeBacker</u>	Opposes millage increase
<u>Linda Kajma</u>	Supports millage increase
<u>Fred Eckhout</u>	Suggests City Administration provide the public with information regarding City expenditures and concessions
<u>James Savage</u>	Opposes millage increase
<u>Mary Ann Bernardi</u>	Suggests transferring capital funds to general fund
<u>Thomas Burke</u>	Opposes millage increase
<u>Ann Comiskey</u>	Supports millage increase
<u>Cathy Fucinari</u>	Supports millage increase
<u>Ed Spillers</u>	Supports millage increase
<u>Tom Krent</u>	Supports millage increase
<u>Donald Roeske</u>	Supports millage increase
<u>Charlene Femminino</u>	Opposes millage increase
<u>Bill Cowger</u>	Supports millage increase

The Meeting **RECESSED** at 9:07 PM.

The Meeting **RECONVENED** at 9:17 PM.

<u>John Witt</u>	Opposes millage increase
<u>Don Barnes</u>	Supports millage increase

Mayor Schilling requested clarification from the City Manager and City Administration regarding statements made during Public Comment.

G. POSTPONED ITEMS:

G-1 No Postponed Items

H. REGULAR BUSINESS:

H-1 **Appointments to Boards and Committees:**

a) Mayoral Appointments: None Scheduled

b) City Council Appointments: Building Code Board of Appeals

Resolution #2010-01-020

Moved by Fleming

Seconded by Kerwin

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

Building Code Board of Appeals

Appointed by Council (5-Regular) 5-Year Term: 3 residents with background, training or experience in construction or similar trades; at least one shall be a professional structural or civil engineer of architectural engineering experience.*

2 by Ordinance: City Manager and Oakland County Health Department Representative

Theodore Dziurman *Civil Engineer/Resident - Term Expires 01/01/2015

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

No: None

Absent: Beltramini

MOTION CARRIED**H-2 Nominations for Appointments to Boards and Committees:****a) Mayoral Nominations: None Scheduled****b) City Council Nominations: Board of Zoning Appeals**

Resolution #2010-01-021

Moved by Fleming

Seconded by Kerwin

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

Board of Zoning Appeals

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

Donald L. Edmunds Planning Commission Rep.* - Term Expires 01/31/2011

Philip Sanzica Planning Commission Alternate Rep.* - Term Expires 01/31/2011

*Planning Commission's recommendation.

Yes McGinnis, Slater, Schilling, Fleming, Howrylak, Kerwin
No: None
Absent: Beltramini

MOTION CARRIED

H-3 General Obligation Unlimited Tax Refunding Bonds

Resolution #2010-01-022
Moved by McGinnis
Seconded by Kerwin

WHEREAS, Pursuant to the provisions of Act 279, Public Acts of Michigan, 1909, as amended ("Act 279") and the City Charter of the City of Troy (the "City"), and as a result of the affirmative vote of the City's electors at the general election in the City on April 5, 1999, the City issued its General Obligation Unlimited Tax Bonds, Series 2001 (Streets, Roads and Streetscape Improvements) (the "2001 Street Improvement Bonds") in the aggregate principal amount of \$6,850,000 for the purpose of defraying the cost of the acquisition, construction and reconstruction of various street, roadway and streetscape improvements in the City and related site furnishings and improvements and all costs related thereto; and

WHEREAS, The 2001 Street Improvement Bonds remain outstanding in the aggregate principal amount of \$5,000,000, mature in various principal amounts on October 1 in the years 2010 through 2020 and bear interest at rates per annum which vary from 4.000% to 4.700%; and

WHEREAS, Pursuant to the provisions of Act 279 and the City Charter of the City, and as a result of the affirmative vote of the City's electors at the general election in the City on April 5, 1999, the City issued its General Obligation Unlimited Tax Bonds, Series 2001 (Public Safety Facilities) (the "2001 Public Safety Bonds") in the aggregate principal amount of \$1,170,000 for the purpose of defraying the cost of the acquisition, construction and equipping of new public safety facilities for police and fire department services and the sites therefore and all costs related thereto; and

WHEREAS, The 2001 Public Safety Bonds remain outstanding in the aggregate principal amount of \$920,000, mature in various principal amounts on October 1 in the years 2010 through 2020 and bear interest at rates per annum which vary from 4.125% to 4.750%; and

WHEREAS, Pursuant to the provisions of Act 279 and the City Charter of the City, and as a result of the affirmative vote of the City's electors at the general election in the City on April 5, 1999, the City issued its General Obligation Unlimited Tax Bonds, Series 2001 (Community Center and Recreational Facilities) (the "2001 Community Center Bonds" and with the 2001 Street Improvement Bonds and the 2001 Public Safety Bonds, collectively, the "2001 Bonds") in the aggregate principal amount of \$9,470,000 for the purpose of defraying the cost of the renovation and improvement of the City's Community Center Building, the site therefore and any furnishings and facilities related thereto and the acquisition and improvement of additional park lands and open space for recreational facilities and all costs related thereto; and

WHEREAS, The 2001 Community Center Bonds remain outstanding in the aggregate principal amount of \$6,620,000, mature in various principal amounts on October 1 in the years 2010 through 2020 and bear interest at rates per annum which vary from 4.000% to 4.625%; and

WHEREAS, Part VI of Act 34, Public Acts of Michigan, 2001, as amended ("Act 34") authorizes the City to refund all or any part of its outstanding securities; and

WHEREAS, The City has received a proposal from Fifth Third Securities, Inc. (the "Underwriter") to refund all or part of the outstanding 2001 Bonds; and

WHEREAS, The City Manager has recommended that this resolution be adopted in order to effect the refunding of all or part of the outstanding 2001 Bonds and this Council has determined that it is in the best interest of the City that such refunding be undertaken.

NOW, THEREFORE, BE IT RESOLVED:

1. AUTHORIZATION OF BONDS -- PURPOSE.

Bonds of the City, aggregating the principal sum of not to exceed Twelve Million Eight Hundred Fifty Thousand Dollars (\$12,850,000) (the "Refunding Bonds"), shall be issued and sold pursuant to the provisions of Act 34, and other applicable statutory provisions, for the purpose of refunding all or part of the 2001 Bonds (the "2001 Bonds To Be Refunded"). The City Manager shall determine which of the 2001 Bonds shall be refunded and the principal amount of the Refunding Bonds at the time of sale.

2. BOND DETAILS.

The Refunding Bonds shall be designated "General Obligation Unlimited Tax Refunding Bonds, Series 2010;" shall be dated as of such date as shall be approved by the City Manager at the time of sale; shall be numbered from 1 upwards; shall be fully registered; shall be in the denomination of \$5,000 each or any integral multiple thereof not exceeding the aggregate principal amount for each maturity at the option of the purchaser thereof; shall bear interest at a rate or rates not exceeding 6% per annum to be determined by the City Manager at the time of sale payable on such dates as shall be determined by the City Manager at the time of sale; and shall mature in such principal amounts and on such dates and in such years as shall be determined by the City Manager at the time of sale.

3. PAYMENT OF PRINCIPAL AND INTEREST.

The principal of and interest on the Refunding Bonds shall be payable in lawful money of the United States. Principal shall be payable upon presentation and surrender of the Refunding Bonds to the bond registrar and paying agent as they severally mature. Interest shall be paid to the registered owner of each Refunding Bond as shown on the registration books at the close of business on the fifteenth day of the calendar month preceding the month in which the interest payment is due. Interest shall be paid when due by check or draft drawn upon and mailed by the bond registrar and paying agent to the registered owner at the registered address.

4. PRIOR REDEMPTION.

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

5. BOOK-ENTRY SYSTEM.

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

Notwithstanding any other provision of this resolution to the contrary, so long as any bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of, interest on and redemption premium, if any, on the Refunding Bonds and all notices with respect to the Refunding Bonds shall be made and given, respectively, to DTC as provided in the Blanket Issuer Letter of Representations previously entered into by the City and DTC, and the City Manager is authorized to enter into any additional documents with DTC on behalf of the City as deemed to be appropriate in order to accomplish the issuance of the Refunding Bonds in accordance with law and this resolution.

6. BOND REGISTRAR AND PAYING AGENT.

The Bank of New York Mellon Trust Company, N.A. is hereby appointed as bond registrar and paying agent for the Refunding Bonds, and the City Manager is authorized to enter into an agreement with the bond registrar and paying agent. The City Manager from time to time may

designate, and may enter into an agreement with, a successor bond registrar and paying agent, which shall be a bank or trust company located in the State of Michigan which is qualified to act in such capacity under the laws of the United States of America or the State of Michigan.

7. EXECUTION, AUTHENTICATION AND DELIVERY OF BONDS.

The Refunding Bonds shall be executed in the name of the City by the facsimile signatures of the Mayor and the City Clerk and authenticated by the manual signature of an authorized representative of the bond registrar and paying agent, and the seal of the City (or a facsimile thereof) shall be impressed or imprinted on the Refunding Bonds. After the Refunding Bonds have been executed and authenticated for delivery to the Underwriter, they shall be delivered by the Treasurer to the Underwriter upon receipt of the purchase price. Additional Refunding Bonds bearing the facsimile signatures of the Mayor and the City Clerk and upon which the seal of the City (or a facsimile thereof) is impressed or imprinted may be delivered to the bond registrar and paying agent for authentication and delivery in connection with the exchange or transfer of the Refunding Bonds. The bond registrar and paying agent shall indicate on each Refunding Bond the date of its authentication.

8. EXCHANGE AND TRANSFER OF BONDS.

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

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

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

The City and the bond registrar and paying agent may deem and treat the person in whose name any Refunding Bond shall be registered upon the books of the City as the absolute owner of such Refunding Bond, whether such Refunding Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Refunding Bond and for all other purposes, and all payments made to any such registered owner, or upon his order, in accordance with the provisions of Section 3 of this resolution shall be valid and effectual to satisfy and discharge the liability upon such Refunding Bond to the extent of the sum or sums

so paid, and neither the City nor the bond registrar and paying agent shall be affected by any notice to the contrary. The City agrees to indemnify and save the bond registrar and paying agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

For every exchange or transfer of Refunding Bonds, the City or the bond registrar and paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

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

9. FORM OF REFUNDING BONDS.

The Refunding Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF TROY
GENERAL OBLIGATION UNLIMITED TAX REFUNDING BOND, SERIES 2010

INTEREST RATE MATURITY DATE DATE OF ORIGINAL ISSUE CUSIP

Registered Owner:

Principal Amount:

The City of Troy, County of Oakland, State of Michigan (the "City"), acknowledges itself indebted to, and for value received hereby promises to pay to, the Registered Owner identified above, or registered assigns, the Principal Amount set forth above on the Maturity Date specified above, unless redeemed prior thereto as hereinafter provided, upon presentation and surrender of this bond at the corporate trust office of The Bank of New York Mellon Trust Company, N.A., the bond registrar and paying agent, located in Detroit, Michigan, or other designated office, or at such successor bond registrar and paying agent as may be designated pursuant to the Resolution, and to pay to the Registered Owner, as shown on the registration books at the close of business on the 15th day of the calendar month preceding the month in which an interest payment is due, by check or draft drawn upon and mailed by the bond registrar and paying agent by first class mail postage prepaid to the Registered Owner at the registered address, interest on such Principal Amount from the Date of Original Issue set forth above, or such later date through which interest has been paid, until the City's obligation with respect to the payment of such Principal Amount is discharged, at the rate per annum specified above. Interest is payable on the first days of _____ and _____ in each year, commencing on _____ 1, 20___. Principal and interest are payable in lawful money of the United States of America.

This bond is one of a series of bonds aggregating the principal sum of _____ Dollars (\$ _____) issued by the City under and pursuant to and in full conformity with the Constitution and Statutes of Michigan (especially Act No. 34, Public Acts of 2001, as amended) and a resolution adopted by the City Council of the City and an order adopted by the City Manager of the City (said resolution and order herein collectively referred to as the "Resolution") for the purpose of refunding the City's outstanding General Obligation Unlimited Tax Bonds, Series 2001 (Streets, Roads and Streetscape Improvements), General Obligation Unlimited Tax Bonds, Series 2001 (Public Safety Facilities) and General Obligation Unlimited Tax Bonds, Series 2001 (Community Center and Recreational Facilities) maturing in the years 20__ through 20__. The full faith and credit of the City are hereby pledged for the prompt payment of the principal of and interest on this bond. The City is authorized and required to levy annually ad valorem taxes, without limitation as to rate or amount, to pay such principal and interest as the same shall become due.

This bond is transferable, as provided in the Resolution, only upon the books of the City kept for that purpose by the bond registrar and paying agent, upon the surrender of this bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his attorney duly authorized in writing. Upon the exchange or transfer of this bond a new bond or bonds of any authorized denomination, in the same aggregate principal amount and of the same interest rate and maturity, shall be authenticated and delivered to the transferee in exchange therefore as provided in the Resolution, and upon payment of the charges, if any, therein provided. Bonds so authenticated and delivered shall be in the denomination of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount for each maturity.

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

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

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

No premium if called for redemption on or after _____].

Not less than thirty nor more than sixty days' notice of redemption shall be given to the registered owners of bonds called to be redeemed by mail to each registered owner at the registered address. Bonds or portions of bonds called for redemption shall not bear interest on and after the date fixed for redemption, provided funds are on hand with the bond registrar and paying agent to redeem the same.

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

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

CITY OF TROY

By: _____
Tonni L. Bartholomew, City Clerk

By: _____
Louise E. Schilling, Mayor

(SEAL)

CERTIFICATE OF AUTHENTICATION

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

The Bank of New York Mellon Trust Company, N.A.
Bond Registrar and Paying Agent

By: _____
Authorized Representative

AUTHENTICATION DATE:

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ (please print or type name, address and taxpayer identification number of transferee) the within bond and all rights there under and does hereby irrevocably constitute and appoint _____ attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed: _____

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

END OF BOND FORM

10. SECURITY.

The full faith and credit of the City are hereby pledged to the payment of the principal of and interest on the Refunding Bonds. There shall be levied upon all taxable property in the City upon the tax roll of the year 2010 and upon the tax roll of each year thereafter while any of the Refunding Bonds shall be outstanding, an amount such that the estimated collections therefrom will be sufficient to pay promptly at maturity the principal and interest maturing on the Refunding Bonds prior to the time of the following year's tax collections. Taxes required to be levied to pay principal of and interest on the Refunding Bonds shall be levied without limitation as to rate or amount.

11. DEFEASANCE.

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

12. PRINCIPAL AND INTEREST FUND.

There shall be established for the Refunding Bonds a Principal and Interest Fund. From the proceeds of the sale of the Refunding Bonds there shall be set aside in the Principal and Interest Fund any accrued interest received from the Underwriter at the time of delivery of the same. The proceeds of the taxes (both current and delinquent) to be used to pay the principal and interest on the Refunding Bonds when due shall be deposited as collected in the Principal and Interest Fund and so long as the principal or interest on the Refunding Bonds remain unpaid, no moneys shall be withdrawn from such fund except to pay such principal and interest or to pay from any investment earnings on such fund the fees and expenses of the bond registrar and paying agent.

13. PAYMENT OF ISSUANCE EXPENSES -- ESCROW FUND.

The remainder of the proceeds of the Refunding Bonds shall be used, together with available moneys of the City, if any, to pay the issuance expenses of the Refunding Bonds and to establish an escrow fund for the 2001 Bonds To Be Refunded. After the issuance expenses have been paid or provided for the remaining proceeds and City moneys, if any, shall be used to establish an escrow fund (the "Escrow Fund") consisting of cash and investments in direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America or other obligations the principal of and interest on which are fully secured by the foregoing and used to pay the principal of, interest on and redemption premiums on the 2001 Bonds To Be Refunded. The Escrow Fund shall be held by The Bank of New York Mellon Trust Company, N.A., hereby appointed as escrow agent (the

“Escrow Agent”), in trust pursuant to an escrow agreement (the “Escrow Agreement”) which irrevocably shall direct the Escrow Agent to take all necessary steps to pay the principal of and interest on the 2001 Bonds To Be Refunded when due prior to redemption and to call the 2001 Bonds To Be Refunded for redemption at such time as shall be determined in the Escrow Agreement. The City Manager shall approve the Escrow Agreement at the time of sale of the Refunding Bonds and shall be authorized to execute and deliver the Escrow Agreement for and on behalf of the City. The amounts held in the Escrow Fund shall be such that the cash and the investments and the income received thereon will be sufficient without reinvestment to pay the principal of, interest on and redemption premiums on the 2001 Bonds To Be Refunded when due at maturity or call for redemption as required by the Escrow Agreement.

14. APPROVAL OF DEPARTMENT OF TREASURY.

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

15. SALE, ISSUANCE, DELIVERY, TRANSFER AND EXCHANGE OF REFUNDING BONDS.

The Refunding Bonds shall be sold pursuant to a negotiated sale to the Underwriter as hereinafter provided, and it is hereby determined that such negotiated sale is in the best interests of the City and is calculated to provide the maximum flexibility in pricing the Refunding Bonds. The City Manager is authorized to enter into a Bond Purchase Agreement with the Underwriter, which Bond Purchase Agreement shall set forth the 2001 Bonds To Be Refunded and the principal amount, principal maturities and dates, interest rates and interest payment dates, redemption provisions, if any, purchase price to be paid by the Underwriter with respect to the Refunding Bonds and such other terms and provisions as the City Manager determines to be necessary or appropriate in connection with the sale of the Refunding Bonds. The Bond Purchase Agreement and the terms of the Refunding Bonds set forth therein shall be approved by an order adopted by the City Manager at the time of the sale of the Refunding Bonds. The Mayor, the Clerk, the City Manager and the Treasurer are each hereby authorized to do all things necessary to effectuate the sale, issuance, delivery, transfer and exchange of the Refunding Bonds in accordance with the provisions of this resolution. In making the determination in the order authorizing the sale of the Refunding Bonds and in the Bond Purchase Agreement with respect to principal maturities and dates, interest rates, purchase price of the Refunding Bonds and compensation to be paid to the Underwriter, the City Manager shall be limited as follows:

- a) The interest rate on any Refunding Bond shall not exceed 6% per annum.
- b) The final maturity date of the Refunding Bonds shall not be later than October 1, 2020.
- c) The present value of the savings (net of issuance costs) to be realized by the issuance of the Refunding Bonds shall be equal to or greater than 3% of the principal amount of the 2001 Bonds To Be Refunded.
- d) The purchase price of the Refunding Bonds shall not be less than 98% of the principal amount thereof.

- e) The Underwriter's discount with respect to the Refunding Bonds or the compensation to be paid to the Underwriter shall not exceed 1% of the principal amount of the Refunding Bonds.

16. REPLACEMENT OF BONDS.

Upon receipt by the City Clerk of proof of ownership of an unmatured Refunding Bond, of satisfactory evidence that the bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity which complies with applicable law and is satisfactory to the City Clerk, the City Clerk may authorize the bond registrar and paying agent to deliver a new executed Refunding Bond to replace the Refunding Bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured Refunding Bond is lost, apparently destroyed or wrongfully taken, the City Clerk may authorize the bond registrar and paying agent to pay the Refunding Bond without presentation upon the receipt of the same documentation required for the delivery of a replacement Refunding Bond. The bond registrar and paying agent, for each new Refunding Bond delivered or paid without presentation as provided above, shall require the payment of expenses, including counsel fees, which may be incurred by the bond registrar and paying agent and the City in the premises. Any Refunding Bond delivered pursuant to the provisions of this Section 16 in lieu of any Refunding Bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the Refunding Bond in substitution for which such Refunding Bond was delivered.

17. TAX COVENANT.

The City covenants to comply with all applicable requirements of the Internal Revenue Code of 1986, as amended (the "Code"), necessary to assure that the interest on the Refunding Bonds will be and will remain excludable from gross income for federal income tax purposes. The Mayor, the Clerk, the City Manager, the Treasurer and other appropriate City officials are authorized to do all things necessary (including the making of such covenants of the City as shall be appropriate) to assure that the interest on the Refunding Bonds will be and will remain excludable from gross income for federal income tax purposes.

18. QUALIFIED TAX EXEMPT OBLIGATIONS.

The Refunding Bonds are hereby designated as "qualified tax exempt obligations" as described in Section 265(b)(3)(B) of the Code.

19. OFFICIAL STATEMENT.

The City Manager is authorized to cause the preparation of an official statement for the Refunding Bonds for the purpose of enabling compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule") and to do all other things necessary to enable compliance with the Rule. After the award of the Refunding Bonds, the City will provide copies of a "final official statement" (as defined in paragraph (e)(3) of the Rule) on a timely basis and in reasonable quantity as requested by the Underwriter to enable the Underwriter to comply with paragraph (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board.

20. CONTINUING DISCLOSURE.

The Mayor and the City Clerk are hereby authorized to execute a certificate of the City to comply with the continuing disclosure undertaking of the City with respect to the Refunding Bonds pursuant to paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.

21. PROFESSIONAL SERVICES.

The following are appointed to act in the following capacities with respect to the Refunding Bonds:

As financial consultant:	Bendzinski & Co., Municipal Finance Advisors Detroit, Michigan
As underwriter:	Fifth Third Securities, Inc. Cincinnati, Ohio
As bond counsel:	Dickinson Wright PLLC Bloomfield Hills, Michigan

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

BE IT FINALLY RESOLVED, That Troy City Council hereby **APPROVES** this resolution **AUTHORIZING** the issuance of not to exceed \$12,850,000 general obligation unlimited tax refunding bonds, Series 2010.

Yes: Slater, Schilling, Fleming, Howrylak, Kerwin, McGinnis
No: None
Absent: Beltramini

MOTION CARRIED

H-4 Preliminary Site Condominium Approval (Extension) – Oak Forest Site Condominium, South Side of Square Lake Road, between Willow Grove and John R Road, Section 11 – R-1C

Resolution #2010-01-023
Moved by Kerwin
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** the Preliminary Site Condominium Plan (Extension), as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One Family Residential Development) for the development known as Oak Forest Site Condominium, located on the south side of Square Lake Road, between Willow Grove and

John R. Road in Section 11, including 76 units on 39.23 acres within the R-1C zoning district, with the following conditions:

- A. All areas noted as mitigation areas on the attached plan shall be included as MDEQ regulated conservation easements, and shall be reflected on the final site condominium plan; and
- B. A public meeting will be held with Engineering and surrounding residents to review the final engineering plans before final site condominium plan is submitted to City Council; and
- C. MDEQ approval will be obtained with all necessary assessment and permit documents prior to the final site condominium plan submitted to City Council; and
- D. The Oakland County Water Resources Commissioner shall approve the site condominium plan prior to the final site condominium plan submittal to City Council.

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

No: None

Absent: Beltramini

MOTION CARRIED

H-5 Preliminary Site Condominium Approval (Extension) – Oak Forest South Site Condominium, East Side of Willow Grove, South of Square Lake Road, Section 11 – R-1C

Resolution #2010-01-024

Moved by Kerwin

Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** the Preliminary Site Condominium Plan (Extension), as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One Family Residential Development) for the development known as Oak Forest South Site Condominium, located on the east side of Willow Grove, south of Square Lake Road, in Section 11, including 25 units on 10.03 acres within the R-1C zoning district, with the following conditions:

- A. A public meeting will be held with Engineering and surrounding residents to review the final engineering plans before final site condominium plan is submitted to City Council; and
- B. MDEQ approval will be obtained with all necessary assessment and permit documents prior to the final site condominium plan is submitted to City Council; and
- C. The Oakland County Water Resources Commissioner shall approve the site condominium plan prior to the final site condominium plan submittal to City Council.

Yes: Fleming, Howrylak, Kerwin, McGinnis, Slater, Schilling
No: None
Absent: Beltramini

MOTION CARRIED

H-6 Preliminary Site Condominium Approval (Extension) – Adams Road Site Condominium, East Side of Adams, South of South Boulevard, Section 6 – R-1A

Resolution #2010-01-025
Moved by Kerwin
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** the Preliminary Site Condominium Plan (Extension), as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, One-Family Cluster Option, known as Adams Road Site Condominium, located on the east side of Adams, south of South Boulevard, in Section 6, including 5 home sites, within the R-1A zoning district, being 4.98 acres in size.

Yes Howrylak, Kerwin, McGinnis, Slater, Schilling, Fleming
No: None
Absent: Beltramini

MOTION CARRIED

I. CONSENT AGENDA:

I-1a Approval of “I” Items NOT Removed for Discussion

Resolution #2010-01-026
Moved by Kerwin
Seconded by Slater

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item(s) I-3, which **SHALL BE CONSIDERED** after Consent Agenda (I) items, as printed.

Yes: Kerwin, McGinnis, Slater, Schilling, Fleming, Howrylak
No: None
Absent: Beltramini

MOTION CARRIED

I-2 Approval of City Council Minutes

Resolution #2010-01-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of January 4, 2010 as submitted.

I-4 Standard Purchasing Resolutions:

a) Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidders – Custodial Supplies

Resolution #2010-01-026-I-4a

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide one (1) year requirements of custodial supplies for the City of Troy with an option to renew for one (1) additional year to the lowest bidders meeting specifications as follows:

<u>BIDDERS</u>	<u>ITEMS</u>
SupplyDen of Rochester Hills	1
Kellermeyer Company of Bowling Green Ohio	2, 9
HP Products Corporation of Belleville	3, 6, 7
Hercules & Hercules Inc of Detroit	4, 5
Nichols of Muskegon	8

at unit prices contained in the bid tabulation opened November 23, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring November 30, 2010; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon contractors' submission of properly executed bid and contract documents including insurance certificates and all other specified requirements.

b) Standard Purchasing Resolution 1: Award to Low Bidder – Snow Removal Services – Fire Stations and Training Center

Resolution #2010-01-026-I-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide seasonal requirements of snow removal services for the City's Fire Stations and Police/Fire Training Center with an option to renew for two (2) additional seasons to the low bidder, Advanced Landscape & Builders Supply Co of Clawson, at unit prices contained in the bid tabulation opened December 21, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of April 15, 2010; 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.

c) **Standard Purchasing Resolution 3: Exercise Renewal Option – MITN Cooperative Gasoline and Diesel Fuel**

Resolution #2010-01-026-I-4c

WHEREAS, On January 28, 2008, two (2) year contracts with an option to renew for two (2) additional years to provide gasoline and diesel fuel were awarded to the low bidders meeting specifications, Mansfield Oil Company of Gainesville, GA and RKA Petroleum Companies of Romulus, MI (Resolution #2008-01-023-F-4c); and

WHEREAS, Both awarded bidders have agreed to exercise the two-year option to renew and the City of Sterling Heights has approved the contracts under the same pricing structure, terms, and conditions for participating members of the MITN (Michigan Intergovernmental Trade Network) Cooperative;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contracts with Mansfield Oil Company and RKA Petroleum Companies to provide gasoline and diesel fuel under the same pricing structure, terms and conditions for two years expiring January 31, 2012.

I-5 **Approval of Relocation Claim – John R Road Improvement Project, Square Lake to South Boulevard – Project No. 02.204.5 – Parcel 43 – Sidwell #88-20-02-279-002 – Munchiando**

Resolution #2010-01-026-I-5

RESOLVED, That Troy City Council hereby **APPROVES**, as required by Michigan Laws and Federal Regulations, the relocation claim from James W. Munchiando and Elizabeth S. Munchiando pertaining to the City of Troy's acquisition of their property at 6675 John R, having Sidwell #88-20-02-279-002, and hereby **AUTHORIZES** payment in the amount of \$6,938.40.

I-6 **William and Elaine Middlekauff v. City of Troy**

Resolution #2010-01-026-I-6

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent the City of Troy in any and all claims and damages in the matter of *William Middlekauff and Elaine Middlekauff v. City of Troy* (52-4th District Court Case No. 2010-C00011-GC; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City.

I-7 **Renewal of Membership in the Traffic Improvement Association (TIA) of Oakland County**

Resolution #2010-01-026-I-7

RESOLVED, That Troy City Council hereby **GRANTS** approval to pay the renewal of the City of Troy's membership in the Traffic Improvement Association for the year 2010, in the amount of \$24,400.00, and the fee is to be divided equally between the Traffic Engineering and Police departments, and funds are available in the 2009-2010 Traffic Engineering budget, account number 443 7958 and the 2009-2010 Police budget, account number 318 7802 070.

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

I-3 City of Troy Proclamations:

Resolution #2010-01-027

Moved by Kerwin

Seconded by Fleming

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

- a) School Board Recognition Month Recognizing Troy, Birmingham, Bloomfield Hills, Avondale, Lamphere, Royal Oak and Warren Consolidated School Districts – January 2010

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

No: None

Absent: Beltramini

MOTION CARRIED

J. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

J-1 Announcement of Public Hearings: None Submitted

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

K. COUNCIL REFERRALS:

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

K-1 No Council Referrals Advanced

L. COUNCIL COMMENTS

L-1 Council Comments

Mayor Schilling expressed appreciation for the efforts by City Staff mentioned in the Letters of Appreciation submitted to this Agenda.

Council Member Kerwin expressed appreciation for the efforts by City Staff mentioned in the Letters of Appreciation.

Council Member Kerwin thanked Cindy Stewart for the events she has coordinated throughout the City over the past few weeks.

Council Member McGinnis thanked Captain Mott and City Staff for the efforts involved in the agreement brought as ***Item M-2g Police Department – 1st Quarterly Review of Performance and Compliance of Towing Contract – A & M Towing***

Council Member McGinnis encouraged anyone interested to attend the discussion meeting in Birmingham regarding the Transit Center.

Mayor Pro Tem Fleming commented that the owners of A & M Towing have done a great job and he appreciates their attendance at this meeting.

Council Member Howrylak commented that he liked the way the response to Public Comment worked at this meeting. He would like response to Public Comment to work in a similar way in the future.

Council Member Howrylak commented that ***M-8 Communication from City Attorney's Office Regarding Papadelis v. City of Troy (Telly's Nursery)*** deadline is tomorrow. Mayor Schilling asked the City Attorney to add this topic to the Closed Session tonight.

M. REPORTS

M-1 Minutes – Boards and Committees:

- a) Advisory Committee for Senior Citizens/Final – October 1, 2009
- b) Retiree Health Care Benefits Plan and Trust/Final – October 14, 2009
- c) Building Code Board of Appeals/Final – December 2, 2009
- d) Planning Commission/Draft – December 8, 2009
- e) Planning Commission/Final – December 8, 2009
- f) Employees' Retirement System Board of Trustees/Final – December 9, 2009
- g) Planning Commission Special/Study/Draft – December 15, 2009
- h) Planning Commission Special/Study/Final – December 15, 2009
- i) Election Commission/Final – December 17, 2009
- j) Building Code Board of Appeals/Draft – January 6, 2010
- k) Advisory Committee for Senior Citizens/Draft – January 7, 2010
- l) Liquor Advisory Committee/Draft – January 11, 2010
- m) Election Commission/Draft – January 14, 2010

Noted and Filed

M-2 Department Reports:

- a) Building Department – Permits Issued December 2009
- b) Building Department – Permits Issued July 2009 through December 2009
- c) Building Department – Permits Issued January 2009 through December 2009
- d) Police Department – Liquor License Compliance Checks
- e) City Manager's Office – December 31, 2009 Quarterly Financial Report
- f) City Attorney's Office – 2009 Fourth Quarter Litigation Report

- g) Police Department – ^{1st} Quarterly Review of Performance and Compliance of Towing Contract – A & M Towing

Noted and Filed

M-3 Letters of Appreciation:

- a) Letter of Thanks to Chief Mayer from Phil and Myra Jones Regarding the Courtesy and Thoughtfulness of Officers Linton and Stansbury
- b) Letter of Thanks to Chief Mayer from Troy Sports Center President Dennis Bostick Regarding the Hard Work and Dedication of Officers Morgan and Malik
- c) Letter of Thanks to Rick Shepler from George Renaud Regarding Professionalism and Assistance of Andy Willetts and Troy Water Department
- d) Letter of Thanks to Troy Fire Department from the Sakalian Family
- e) Letter of Appreciation from Dominick Tringali Architects Regarding the Professionalism of Building, Planning and Fire Departments
- f) Letter of Thanks to Community Center Counselors Kelly Molinar, Lauren Johnson and Preston Alman from Winter Break Aqua Camp Attendees

Noted and Filed

M-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) Village of Beverly Hills Resolution in Support of House Bill 5325
- b) Royal Oak City Commission Resolution in Support of House Bill 5325

M-5 Communication from Acting Planning Director Brent Savidant Regarding Troy/Birmingham Transit Center Project Update

Noted and Filed

M-6 Communication from City Attorney Lori Grigg Bluhm Regarding *The Michigan Medical Marihuana Act: A Municipal Lawyer's Perspective* Article Authored by Assistant City Attorney Christopher Forsyth

Noted and Filed

M-7 Communication from City Attorney's Office Regarding Molnar v. City of Troy et. al.

Noted and Filed

M-8 Communication from City Attorney's Office Regarding Papadelis v. City of Troy (Telly's Nursery)

Noted and Filed

N. STUDY ITEMS

-
- N-1 City Manager John Szerlag Requests an Update on Organizational Restructuring from Consultant Richard Carlisle of Carlisle-Wortman Associates**

O. CLOSED SESSION:

O-1 Closed Session

Resolution #2010-01-028
Moved by Slater
Seconded by McGinnis

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268(c) Strategy for Labor Negotiations and MCL15.268 (e) Pending Litigation – *Troy v MNAD Property LLC; Troy v Rochester Road Associates; Troy v Picano Land Limited Partnership (Vacant Land); Troy v Picano Land Limited Partnership; Troy v Atto Construction Company; Papadelis v. City of Troy (Telly’s Nursery) and Troy v Diajeff, LLC.*

Yes: Slater, Schilling, Fleming, Howrylak, Kerwin, McGinnis
No: None
Absent: Beltramini

The Meeting **RECESSED** at 10:35 PM.

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

Update on Organizational Restructuring from Consultant Richard Carlisle of Carlisle-Wortman Associates

Richard Carlisle of Carlisle-Wortman Associates provided a brief update regarding the City of Troy’s organizational restructuring followed by round table discussion with City Council and staff.

The Meeting **RECESSED** at 11:38 PM.

The Meeting **RECONVENED** at 11:39 PM.

Closed Session

The Meeting **ADJOURNED** on Tuesday, January 26, 2010 at 12:25 AM.

Louise E. Schilling, Mayor

Barbara A. Pallotta, CMC
Deputy City Clerk