

Bishop Jared Palmer of The Church of Jesus Christ of Latter-day Saints gave the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

The Regular Meeting of the Troy City Council was held Monday, April 19, 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 (Absent)
 Mary Kerwin
 Maureen McGinnis
 Dane Slater

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 January and February 2010, Community Affairs Director Cindy Stewart presented a check in the amount of \$1,018.00 to Mari Vaydik, Resources Development Director of *Alternatives for Girls*.

D. CARRYOVER ITEMS:

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- D-1 No Carryover Items

E. PUBLIC HEARINGS:

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- E-1 **Zoning Ordinance Text Amendment (File Number ZOTA 242) – Agricultural Uses in R-1A through R-1E (One Family Residential) Zoning Districts**

The Mayor opened the public hearing. Having received no comment from the public, the Mayor closed the public hearing.

Resolution #2010-04-086
 Moved by Kerwin
 Seconded by Slater

RESOLVED, That Troy City Council hereby **AMENDS** Articles 4, 10 and 40 of the City of Troy Zoning Ordinance, pertaining to the regulation of agricultural uses in the R-1A through R-1E One Family Residential Zoning Districts, to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 242), City Council Public Hearing Draft, as recommended by the Planning Commission.

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

MOTION CARRIED

E-2 Re-programming Community Development Block Grant (CDBG) Program Year 2007 Funds

The Mayor opened the public hearing. Having received no comment from the public, the Mayor closed the public hearing.

Resolution #2010-04-087
 Moved by Kerwin
 Seconded by McGinnis

WHEREAS, The Troy City Council, after conclusion of a Public Hearing on this date, April 19, 2010 has determined that program year 2007 unexpended funds of \$92,641.00, should be re-programmed from Flood Drain Improvements to the Section 36 Park Improvement Project #36-100-035;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADDS** the Section 36 Park Improvement Project #36-100-035 to the list of CDBG projects for program year 2007.

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

MOTION CARRIED

F. PUBLIC COMMENT:

Harry Philo	Spoke in support of the Library
Kim Bryson	Spoke in support of the Community Center and Library
Rhonda Hendrickson Friends of the Library	Spoke in support of the Library
James Savage	Spoke in regard to various topics
Tim Koerner	Spoke in support of the Library
John Vert	Spoke in support of the Community Center ; discussed the 2010/11 Budget
Mary Ann Bernardi	Discussed camera positioning during Public Comment

G. POSTPONED ITEMS:

G-1 No Postponed Items

H. REGULAR BUSINESS:

H-1 Appointments to Boards and Committees: None Scheduled

H-2 Nominations for Appointments to Boards and Committees: None Scheduled

H-3 Bid Waiver – Neptune Water Meters and Parts

Resolution #2010-04-088

Moved by Slater

Seconded by Fleming

WHEREAS, The City of Troy has been using Neptune water meters for over 20 years;

WHEREAS, A contract to supply Neptune meters through SLC Meter Service, Inc., the previous Michigan Neptune distributor expired 12/31/2009;

WHEREAS, Rio Supply Michigan Meter, Inc., the newly authorized sole Neptune distributor for Michigan, has offered a three-year contract for new water meters; and

WHEREAS, Oakland County has extended the use of their current contract for the purchase of water meter replacement parts through the Oakland County Cooperative Purchasing Program;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DEEMS** it to be in the City's best interest to **WAIVE** formal bidding procedures and hereby **AUTHORIZES** and **APPROVES** a contract to purchase new Neptune water meters from the sole Michigan distributor, Rio Supply Michigan Meter, Inc. of Madison Heights, MI, at prices as contained in Attachment A for years 2010 and 2011 with a 3% increase in year 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase Neptune water meter parts from Rio Supply Michigan Meter Inc, of Madison Heights, MI through the Oakland County Cooperative Purchasing Program.

Yes: Kerwin, McGinnis, Slater, Schilling, Fleming

No: None

Absent: Beltramini, Howrylak

MOTION CARRIED

H-4 Troy City Code Ordinance Amendment to Add New Provisions Relating to Commercial Motor Carriers – Chapter 106 – Traffic: Withdrawn by City Staff**I. CONSENT AGENDA:**

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

Resolution #2010-04-089
Moved by McGinnis
Seconded by Slater

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item I-4d which **SHALL BE CONSIDERED** after Consent Agenda (I) items and Item I-4h which was **REMOVED** with no action to be taken, as printed.

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

MOTION CARRIED

I-2 Approval of City Council Minutes

Resolution #2010-04-089-I-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of April 5, 2010 as corrected and laid on the table.

I-3 No Proposed City of Troy Proclamations

I-4 Standard Purchasing Resolutions:

a) **Standard Purchasing Resolution 1: Award to Low Bidder – Rough Weed Mowing Services**

Resolution #2010-04-089-I-4a

RESOLVED, That Troy City Council hereby **AWARDS** a three-year contract for the Streets Department rough weed mowing services with an option to renew for two (2) additional years to the low total bidder, Cal Fleming Landscaping and Tree Service, Inc. of Roseville, MI, at unit prices contained in the bid tabulation opened on March 31, 2010, which includes Proposal B – the optional service of line trimming as needed with the contract expiring December 31, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

b) **Standard Purchasing Resolution 1: Bid Award – Low Bidders – Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses**

Resolution #2010-04-089-I-4b

RESOLVED, That Troy City Council hereby **AWARDS** contracts to furnish all materials, equipment, and labor for one-year requirements of fertilization services at Sylvan Glen and Sanctuary Lake Golf Courses with an option to renew for one (1) additional year to the lowest bidders, Tri-Turf of Farmington Hills, MI, and Great Lakes Turf, LLC of Grand Rapids, MI, at unit prices contained in the bid tabulation opened March 18, 2010, with contracts expiring December 31, 2010; and

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

c) Standard Purchasing Resolution 3: Exercise Renewal Option - Topsoil

Resolution #2010-04-089-I-4c

WHEREAS, On June 2, 2008, Troy City Council awarded a two-year contract for topsoil with an option to renew for one (1) additional year to the low bidder, Sterling Topsoil and Grading, Inc. of Fraser, MI (Resolution #2008-06-184-F-4b); and

WHEREAS, Sterling Topsoil and Grading, Inc. has agreed to exercise the option to renew the contract for one (1) additional year under the same prices, terms, and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contract for topsoil with Sterling Topsoil and Grading, Inc. of Fraser, MI, for an estimated total cost of \$20,000.00 at unit prices contained in the bid tabulation opened May 14, 2008, with the contract expiring May 31, 2011.

e) Standard Purchasing Resolution 4: AEPA Cooperative Contract – Copiers

Resolution #2010-04-089-I-4e

RESOLVED, That Troy City Council hereby **APPROVES** a contract to provide copiers from Konica Minolta Business Solutions USA, Inc. on an ongoing basis through the Association of Educational Purchasing Agencies (AEPA) Cooperative Contract IFB #009-D established by the AEPA bid process and Oakland Schools contract #09-0036 under the same pricing structure, terms, and conditions, which expires February 28, 2011, with any copier agreement executed by then extending for a period of two additional twelve (12) month periods at an estimated savings of \$55,000.00 over the next four (4) years.

f) Standard Purchasing Resolution 11: Rejection of Bids – Troy Daze Electrical Services

Resolution #2010-04-089-I-4f

RESOLVED, That Troy City Council hereby **REJECTS** all bid proposals for ITB-COT 10-07, Electrical Services for the 2010 Troy Daze Festival opened March 2, 2010, as the festival has been cancelled indefinitely.

g) Standard Purchasing Resolution 11: Rejection of Bids – Troy Daze Tent Rentals

Resolution #2010-04-089-I-4g

RESOLVED, That Troy City Council hereby **REJECTS** all bid proposals for ITB-COT 10-06, rental of tents and sidewalls for the 2010 Troy Daze Festival opened February 25, 2010, as the festival has been cancelled indefinitely.

h) Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – National League of Cities – Finance, Administration and Intergovernmental Relations (FAIR) Steering Committee Spring Meeting – Removed with no action to be taken

I-5 Rescind Bid Award: Troy Daze Festival - Fireworks

Resolution #2010-04-089-I-5

WHEREAS, On May 12, 2008, Troy City Council awarded a contract to provide three-year requirements of fireworks display for the Troy Daze Festival for years, 2008, 2009 and 2010 to the highest rated bidder, Mad Bomber Fireworks Productions of Kingsbury, IN (Resolution # 2008-05-154-F4a); and

WHEREAS, On April 5, 2010, Troy City Council determined it to be in the best interest of the Troy residents to cancel the Troy Daze Festival indefinitely (Resolution #2010-04-078 Item H-8);

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** the contract with Mad Bomber Fireworks Productions to provide fireworks display at the 2010 Troy Daze Festival.

I-6 Rescind Bid Award: Troy Daze Festival – Amusement Rides

Resolution #2010-04-089-I-6

WHEREAS, On April 7, 2008, Troy City Council awarded a contract to provide three-year requirements of amusement rides for the Troy Daze Festival for years, 2008, 2009 and 2010 to the sole bidder, Arnold Amusements, Inc. of Traverse City, MI (Resolution # 2008-04-120-F4h); and

WHEREAS, On April 5, 2010, Troy City Council determined it to be in the best interest of the Troy residents to cancel the Troy Daze Festival indefinitely (Resolution #2010-04-078 Item H-8);

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** the contract with Arnold Amusements, Inc. to provide amusement rides at the 2010 Troy Daze Festival.

I-7 Rescind Bid Award: Troy Daze Festival – Parking Services

Resolution #2010-04-089-I-7

WHEREAS, On August 25, 2008, Troy City Council approved a contract to provide three-year requirements of parking services for the Troy Daze Festival for years, 2008, 2009 and 2010 with the Troy Police Explorers Post 1950 (Resolution # 2008-08-270-F11); and

WHEREAS, On April 5, 2010, Troy City Council determined it to be in the best interest of the Troy residents to cancel the Troy Daze Festival indefinitely (Resolution #2010-04-078 Item H-8);

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** the contract with the Troy Police Explorers Post 1950 to provide parking services at the 2010 Troy Daze Festival.

I-8 Authorization to Request Reimbursement – Oakland County West Nile Virus Fund

Resolution #2010-04-089-I-8

RESOLVED, That Troy City Council hereby **AUTHORIZES** the Parks and Recreation Department to seek reimbursement for an amount not to exceed \$18,034.74, from Oakland County's West Nile Virus Fund for the expenditures incurred while instituting proactive public health measures used to reduce the population of mosquitoes in the environment.

I-9 City of Troy v. Troywood Shops

Resolution #2010-04-089-I-9

RESOLVED, That Troy City Council hereby **APPROVES** the proposed Consent Judgment in the condemnation case of *City of Troy v. Troywood Shops* (Oakland County Circuit Court Case No. 09-097976-CC), and hereby **AUTHORIZES** payment in the amounts stated therein; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney's Office to execute the document on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

I-10 City of Troy v. Midwest Master Investment

Resolution #2010-04-089-I-10

RESOLVED, That Troy City Council **APPROVES** the proposed Consent Judgment in the condemnation case of *City of Troy v Midwest Master Investment* (Oakland County Circuit Court Case No. 09-097981-CC), and hereby **AUTHORIZES** payment in the amounts stated therein; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney's Office to execute the document on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

I-11 City of Troy v. Diajeff, LLC, et al

Resolution #2010-04-089-I-11

RESOLVED, That Troy City Council hereby **APPROVES** the proposed Consent Judgment in the condemnation case of *City of Troy v Diajeff, LLC, et al*, (Oakland County Circuit Court Case No. 09-097973-CC), and hereby **AUTHORIZES** payment in the amounts stated therein; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney's Office to execute the document on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

I-12 City of Troy v. Old Troy, LLC, et al

Resolution #2010-04-089-I-12

RESOLVED, That Troy City Council hereby **APPROVES** the proposed Consent Judgment in the condemnation case of *City of Troy v Old Troy, LLC, et al*, (Oakland County Circuit Court Case No. 09-097980-CC), and hereby **AUTHORIZES** payment in the amounts stated therein; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney's Office to execute the document on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

I-4 Standard Purchasing Resolutions:

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

Resolution

Moved by Kerwin

Seconded by Slater

WHEREAS, On August 17, 2009, Troy City Council awarded contracts for concrete pavement repair with an option to renew for two (2) additional one-year periods to the four lowest total bidders: Hard Rock Concrete, Inc. of Westland for proposal A, Local Roads; Dominic Gaglio Construction, Inc. of Southgate for proposal B, Industrial Roads; Major Cement Company of Detroit, for proposal C, Major Roads; and Dilisio Contracting, Inc. of Clinton Township for proposal D, Tri-Party County Roads (Resolution #2009-08-250-F-4c);

WHEREAS, Hard Rock Concrete, Inc., Dominic Gaglio Construction, Inc., Major Cement Company, and Dilisio Contracting, Inc. have agreed to exercise the first option to renew for one (1) additional year under the same prices, terms, and conditions;

WHEREAS, Hard Rock Concrete, Inc., Dominic Gaglio Construction, Inc., Major Cement Company, and Dilisio Contracting, Inc. have also agreed to pay for overtime incurred by City of Troy inspectors for any inspections that fall outside the normal eight (8) hour work day at the rate of \$50.00 per hour; and

WHEREAS, The Tri Party County Road agreement will be contingent upon the County's terms and approval;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** and **APPROVES** the first one-year renewal period to contract for concrete pavement repair with Hard Rock Concrete, Inc. of Westland, MI; Dominic Gaglio Construction, Inc. of Southgate, MI; Major Cement Company of Detroit, MI; and Dilisio Contracting, Inc. of Clinton Township, MI, at unit prices contained in the bid tabulation opened July 29, 2009, not to exceed amounts budgeted, with contracts expiring June 30, 2011.

Vote on Resolution to Table Standard Purchasing Resolution 3: Exercise Renewal Option – Concrete Pavement Repair

Resolution #2010-04-090

Moved by Kerwin

Seconded by Fleming

RESOLVED, That Troy City Council hereby **TABLES** agenda item *I-4 Standard Purchasing Resolution, I-4d Standard Purchasing Resolution 3: Exercise Renewal Option – Concrete Pavement Repair* until after the recess.

Yes: Slater, Schilling, Fleming, Kerwin, McGinnis

No: None

Absent: Beltramini, Howrylak

MOTION CARRIED

The meeting **RECESSED** at 8:40 PM.

The meeting **RECONVENED** at 8:49 PM.

Vote on Resolution to Postpone Standard Purchasing Resolution 3: Exercise Renewal Option – Concrete Pavement Repair

Resolution #2010-04-091

Moved by Kerwin

Seconded by Fleming

RESOLVED, That Troy City Council hereby **POSTPONES** agenda item *I-4 Standard Purchasing Resolution, I-4d Standard Purchasing Resolution 3: Exercise Renewal Option – Concrete Pavement Repair* until the Regular City Council Meeting of Monday, May 10, 2010.

Yes: Schilling, Fleming, Kerwin, McGinnis, Slater

No: None

Absent: Beltramini, Howrylak

MOTION CARRIED

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

Resolution #2010-04-092

Moved by Fleming

Seconded by Slater

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 - Order of Business.

Yes: Fleming, Kerwin, McGinnis, Slater, Schilling

No: None

Absent: Beltramini, Howrylak

MOTION CARRIED

Vote on Resolution to Excuse Council Members Beltramini and Howrylak

Resolution #2010-04-093

Moved by Fleming

Seconded by Slater

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Martin Howrylak due to being out of the county and Council Member Beltramini due to family illness at the Regular City Council Meeting of Monday, April 19, 2010 and the Closed Session of Monday, April 19, 2010.

Yes: McGinnis, Slater, Fleming

No: Kerwin, Schilling

Absent: Beltramini, Howrylak

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 commented on the letter of thanks received from a family member from a resident at the American House and commended the Police, Fire and Parks and Recreation Departments for their contribution in assisting the residents.

Mayor Schilling referred to the communication received from the United States Postal Service and noted that if Troy's main post office building is leased or sold, some levels of service will remain at the current location and if not sold or leased, operations will remain intact.

Council Member Kerwin reported the County Executive Building in Pontiac hosted the first class for Michigan State University's *100 Free Training Opportunities in 30 Days* program. This program is open to the public. Further information for upcoming classes can be obtained on MSU's website at www.landpolicy.msu.edu.

M. REPORTS

M-1 Minutes – Boards and Committees:

- a) Personnel Board/Final – June 2, 2008
- b) Historic District Study Committee/Final – February 2, 2010
- c) Building Code Board of Appeals/Final – February 3, 2010
- d) Personnel Board/Draft – April 5, 2010

Noted and Filed

M-2 Department Reports:

- a) Finance Department – City Council Expense Report – March 2010
- b) Building Department – Permits Issued – March 2010

Noted and Filed

M-3 Letters of Appreciation:

- a) Letter of Thanks to Police Department from Kathryn Brodt Regarding Response to Fire at American House

Noted and Filed

M-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) Oakland County Community Mental Health Authority – Mental Health Month – May 2010
- b) Village of Beverly Hills Resolution Calling on Representatives in Lansing and Washington to Protect State and Federal Funding for Michigan Roads and Bridges
- c) Oakland County Board of Commissioners Resolution #10045 – Tri-Party Road Improvement Program – Amendment to Resolution #09221 and Committee Process
Noted and Filed

M-5 Troy Youth Assistance Board Meeting Minutes – March 18, 2010

Noted and Filed

M-6 Communication from Consumers Energy Regarding Incentive Check in the Amount of \$3,800.00 for Participation in the Consumers Energy Business Solutions Program

Noted and Filed

M-7 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Electric Customers of The Detroit Edison Company – Case No. U-15677-R

Noted and Filed

M-8 Communication from City Clerk Tonni Bartholomew Regarding the Recent Enactment of State Election Law Amendment Impacting Local Candidate Filing Deadline Reference in the Troy City Charter

Noted and Filed

M-9 Communication from United States Postal Service Regarding Site Disposal/ Development of Troy Main Post Office Building at 2844 Livernois

Noted and Filed

N. STUDY ITEMS

N-1 No Study Items Submitted

O. CLOSED SESSION:

O-1 Closed Session

Resolution #2010-04-094

Moved by Kerwin

Seconded by Fleming

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (e) Pending Litigation – *Troy v. Lukich Realty, LLC* and *Troy v. Firas I. Ibrahim and Reeta Ibrahim*.

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

MOTION CARRIED

P. ADJOURNMENT

The meeting **RECESSED** at 9:13 PM.

The meeting **RECONVENED** at 9:18 PM.

The meeting **ADJOURNED** at 9:21 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk