Father Philip Pavich, St. Lucy Croatian Catholic Church, 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, April 4, 2011, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the meeting to order at 7:30 PM.

B. ROLL CALL:

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

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Certificates of Recognition and Special Presentations:

a) On behalf of the City of Troy Employees' Casual for a Cause Program for the months of January & February 2011, Community Affairs Director Cindy Stewart will present a check in the amount of $771 to John Ragan, Troy Nature Society.

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT:

Fred Eckhout	Supports Library
Richard Peters	Various topics
Kelly Esman	Commented on K-2(a)
Dan Brake	Various topics
Paul Beck	Declined to speak
Irv Wengrow	Commented on Public Engagement Sessions; supports Library
James Savage	Opposed to Transit Center
John Witt	Commented on I-4
Linda Kajma	Various topics
Christine Hill	Commented on budget challenges
Thomas Burke	Commented on Library closure
Deborah DeBacker	Commented on budget; announced TCU Public Discussion

Bruce Bloomingdale	Commented on Public Engagement Sessions
Neil Yashinsky	Supports Library

G. RESPONSE / REPLY TO PUBLIC COMMENT

H. POSTPONED ITEMS: No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: Planning Commission

Resolution #2011-04-068
Moved by Schilling
Seconded by Kerwin

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

Planning Commission
Appointed by Mayor - (9-Members) - 3-Year Term

Donald L. Edmunds Term Expires 12/31/2013

Mark Maxwell Term Expires 12/31/2013

Tom Krent Term Expires 12/31/2013

Yes: All
No: None

MOTION CARRIED

a) City Council Appointments – None Scheduled

I-2 Board and Committee Nominations: None Scheduled

I-3 Request for Closed Session – No Closed Session Requested

I-4 Three-Year (2010/11 – 2012/13) Revised Budget – Spring 2011 Update

Resolution
Moved by Kerwin
Seconded by McGinnis

WHEREAS, The City of Troy's financial challenge is not only about controlling expenditures, it is about forecasting revenues; and

WHEREAS, It is imperative that Troy's organizational structure matches its declining revenue stream; and

WHEREAS, Advancing solutions one year at a time is not a solution as the financial challenge spans more than one year; and

WHEREAS, The best practice of adopting a three-year balanced budget addresses financial challenges over a longer time horizon thus advising the community what level of service can be expected, or not expected, over the next 36 months; and

WHEREAS, The City of Troy took control of its future by adopting a three-year balanced budget on May 10, 2010; and

WHEREAS, These budgets were forecast to utilize an aggregate amount of fund balance estimated at $4,900,000 to balance budgets for fiscal years 2010/11, 2011/12, and 2012/13; and

WHEREAS, The attached budget revision has been calibrated to reflect updates in accordance with the attached memorandum from City Manager, John Szerlag and Assistant City Manager/Finance and Administration, John Lamerato; and

WHEREAS, These calibrations still result in a utilization of fund balance in the aggregate of approximately $3,768,504 for fiscal years 2010/11, 2011/12, and 2012/13;

NOW, THEREFORE BE IT RESOLVED, That the Troy City Council hereby **ADOPTS** the Revised Three Year Budget (2010/11 – 2012/13), and that a copy be **ATTACHED** to the original Minutes.

Vote on Resolution to Amend Agenda Item *I-4 - Three-Year (2010/11 – 2012/13) Revised Budget – Spring 2011 Update*

Resolution #2011-04-069
Moved by Fleming
Seconded by Howrylak

RESOLVED, That the Troy City Council hereby **AMENDS** the revised *Three-Year (2010/11 – 2012/13) Revised Budget – Spring 2011 Update* to reallocate $2.1 million to fund the Troy Public Library until July 1, 2012.

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

MOTION FAILED

Vote on Resolution to Postpone Agenda Item *I-4 - Three-Year (2010/11 – 2012/13) Revised Budget – Spring 2011 Update*

Resolution #2011-04-070
Moved by Howrylak

Seconded by Slater

RESOLVED, To **POSTPONE** *I-4 - Three-Year (2010/11 – 2012/13) Revised Budget – Spring 2011 Update* for two weeks to the April 18, 2011 Regular City Council Meeting.

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

MOTION CARRIED

The meeting **RECESSED** at 9:16 PM.

The meeting **RECONVENED** at 9:25 PM.

J. CONSENT AGENDA:

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

Resolution #2011-04-071
Moved by Beltramini
Seconded by Slater

Council Member McGinnis returned at 9:26 PM.

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as printed.

Yes: All
No: None

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2011-04-071-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

a. Regular City Council Meeting of March 28, 2011
b. Special City Council Meeting of March 28, 2011

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 1: Award to Low Bidder – Pump Repair and Emergency Services – Indoor and Outdoor Pools

Resolution #2011-04-071-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish two-year requirements of pump repair and emergency repair services for both indoor and outdoor pools for the City of Troy with two one-year renewal options to the low total bidder, Professional Pump Inc. of Belleville, MI, at an estimated total cost of $20,000.00 per year, at unit prices contained in the bid tabulation dated March 23, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring April 30, 2013.

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

J-5 Video Service Local Franchise Agreement for WideOpenWest of Michigan

Resolution #2011-04-071-J-5

WHEREAS, Effective January 1, 2007, the Uniform Video Service Local Franchise Act, Act. No. 480 of the Public Acts of 2006, MCL 484.3301 et. seq. ("Act") went into effect; and

WHEREAS, Section 3 of the Act requires a Video Service Provider (Provider) to submit a complete franchise agreement with the local unit of government prior to offering video services within the boundaries of a local unit of government (Franchising Entity); and

WHEREAS, Section 3(2) of the Act sets a deadline for objecting to the completeness of a proposed Franchise Agreement or objecting to other non-compliance with the Act, and this deadline is 15 days after the Franchise Agreement is filed with the City; and

WHEREAS, Section 3(3) of the Act limits a Franchising Entity's review of a Franchise Agreement to the issue of completeness and compliance with State law, and also requires action on the proposed Franchise Agreement within 30 days; and

WHEREAS, On March 8, 2011, WideOpenWest Michigan, LLC, a Delaware Limited Liability Corporation, (WOW) filed its Uniform Video Service Local Franchise Agreement (Agreement) with the City of Troy (Franchise Entity); and

WHEREAS, WOW's Franchise Agreement submittal was reviewed by legal counsel, who forwarded a notice of completeness to WOW on behalf of the City of Troy on March 22, 2011, which was timely filed; and

WHEREAS, WOW's Franchise Agreement submittal has been reviewed by legal counsel, who has certified that the WOW Franchise Agreement satisfies the legal and technical requirements of the Act; and

WHEREAS, The Troy City Council is therefore required by state statute to approve WOW's Franchise Agreement on or before April 8, 2011, since WOW has satisfied the legal and technical requirements of the Act;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **FINDS** that the Agreement meets the legal and technical requirements of the Act, and solely for that reason, the Troy City Council hereby **APPROVES** the Agreement with WOW, in compliance with Section 3(3) of the Act.

BE IT FURTHER RESOLVED, That such approval by the City is given only because it is required by the Act, and is not an indication of the City's agreement with or assent to any provisions of the Act or Agreement.

BE IT FURTHER RESOLVED, That the approval of the WOW Franchise Agreement does not waive the City's rights to challenge any provisions of the Act and/or any related provisions of the Agreement, including the argument that such provisions are invalid and unenforceable as violations of law or an unconstitutional impairment of the City's contractual rights. Furthermore, the City reserves any and all rights stemming from any successful challenge to such provisions that are undertaken by any other local franchising entity.

BE IT FINALLY RESOLVED, That the Mayor and the City Clerk shall **SIGN** the WOW Franchise Agreement, on behalf of the City of Troy, and a copy of the executed agreement shall be **ATTACHED** to the original Minutes, and the City Clerk shall **FORWARD** the executed agreement, in addition to a certified copy of this Resolution, to WOW at the address indicated in the Franchise Agreement.

J-6 Lease Agreement Extension – Gallatin, Inc. d/b/a Camp Ticonderoga Restaurant at Sylvan Glen Golf Course

Resolution #2011-04-071-J-6

WHEREAS, On December 18, 1995, Troy City Council approved a five-year Lease Agreement for the operation of a restaurant business and Class "C" liquor establishment with options to renew for up to three (3) additional five (5) year terms pursuant to Section 29.8 of the lease agreement under the same terms and conditions to Gallatin, Inc d/b/a Camp Ticonderoga of Metamora, MI, (Resolution #95-1119); and

WHEREAS, Over the term of the lease agreement Troy City Council approved three addenda, one in each of the following years –1996, 2000, and 2008 – in 1996 for a sign variance; in 2000 for the ability to sell a maximum of two (2) beers per golfer from the clubhouse for consumption on the golf course providing Lessee is properly licensed through the Michigan Liquor Control Commission; and in 2008, to serve alcoholic beverages on Sylvan Glen Golf Course proper through the use of a beverage cart; and

WHEREAS, Gallatin, Inc. d/b/a Camp Ticonderoga has agreed to extend their current lease agreement from April 15, 2011 to August 15, 2011 to allow for the negotiation of a new lease agreement; and

THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **DEEMS** it to be in the City's best interest to **EXTEND** the lease agreement with Gallatin, Inc. d/b/a Camp Ticonderoga to continue the operation of a restaurant business and Class "C" liquor establishment during the negotiation of a new lease agreement under the same terms and conditions as outlined in the Extension of Lease Agreement dated April 1, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, The Mayor and City Clerk are hereby **AUTHORIZED** to **EXECUTE** the Lease Agreement Extension.

J-7 City of Troy v Sentry, Inc., et al.

Resolution #2011-04-071-J-7

RESOLVED, That the City of Troy City Council hereby **APPROVES** the proposed Consent Judgment in the condemnation case of *City of Troy v Sentry, Inc.* Oakland County Circuit Court Case No. 09-101400-CC, and authorizes payment in the amounts stated therein, and further **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.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

a) April 18, 2011 – Capital Grille Outdoor Seating Area, North side of Big Beaver, East of Coolidge (2800 West Big Beaver Road, Space Q123), Section 20, Presently Zoned B-2 (Community Business), Controlled by Consent Judgment (File Number SU-386)

b) April 18, 2011 - Zoning Ordinance Text Amendment – (ZOTA 236) – Comprehensive Zoning Ordinance Rewrite

Noted and Filed

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time):

a) Request to Sell City of Troy Owned Property, Rochester Road Surplus Parcel, Section 23, Sidwell #88-20-23-354-048

Noted and Filed

L. COUNCIL REFERRALS:

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

L-1 No Council Referrals Submitted

M. COUNCIL COMMENTS

M-1 Council Comments Advanced

Council Member Beltramini commented on the upcoming reduction of operational hours at the Troy Nature Center.

Council Member Howrylak discussed K-2(a) *Request to Sell City of Troy Owned Property, Rochester Road Surplus Parcel, Section 23, Sidwell #88-20-23-354-048* and the remnant parcel policy process.

N. REPORTS

N-1 Minutes – Boards and Committees:

a) Employees' Retirement System Board of Trustees-Final-January 12, 2011
b) Election Commission-Final-January 31, 2011
c) Liquor Advisory Committee-Final-February 7, 2011
d) Employees' Retirement System Board of Trustees-Final-February 9, 2011
e) Planning Commission-Regular-Final-March 8, 2011
f) Election Commission-Draft-March 24, 2011

Noted and Filed

N-2 Department Reports:

a) Major Road Speed Limits

Noted and Filed

N-3 Letters of Appreciation:

a) Letter of Appreciation to Mayor Schilling from Christine Birdsall Recognizing her Positive Experiences as a Troy Police Department Investigations Unit Volunteer

Noted and Filed

N-4 Proposed Proclamations/Resolutions from Other Organizations:

a) County Executive Declaration: Month of April, 2011 – Fair Housing Month "Live Free"

Noted and Filed

N-5 MLCC Sunday Sales Reports

Noted and Filed

O. STUDY ITEMS

O-1 Discussion Regarding What City Council Learned from Community Conversations During Public Engagement Sessions

The meeting **RECESSED** at 9:35 PM.

The meeting **RECONVENED** at 9:44 PM.

P. CLOSED SESSION:

P-1 No Closed Session Requested

Q. ADJOURNMENT

The meeting **ADJOURNED** at 10:50 PM.

Mayor Louise E. Schilling

M. Aileen Bittner
Administrative Aide