

Mayor Pro Tem Kerwin 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 18, 2011, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the meeting to order at 7:31 PM.

B. ROLL CALL:

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) Community Survey Results Presentation - Ed Sarpous, Target Insyght
- b) 2011 City of Troy Assessment Roll and Board of Review Report – Nino Licari
- c) Amendments to Troy City Code Chapter 96 - Fire Prevention – Based Upon 2009 International Fire Code and 2009 Michigan Building Code – Assistant Chief Roberts

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Public Hearing – Special Use Approval - Capital Grille Outdoor Seating Area, North Side of Big Beaver, East of Coolidge (2800 W. Big Beaver Road, Space Q123), Section 20, Presently Zoned B-2 (Community Business) Controlled by Consent Judgment (File Number SU-386)

The Mayor **OPENED** the Public Hearing at 8:29 PM.

The Mayor **CLOSED** the Public Hearing at 8:29 PM after receiving no Public Comment.

Resolution #2011-04-072

Moved by Kerwin

Seconded by Howrylak

RESOLVED, That the Troy City Council hereby **GRANTS** Special Use Approval and Preliminary Site Plan Approval for the proposed Capital Grille Outdoor Seating Area, located on the north side of Big Beaver, east of Coolidge (2800 W. Big Beaver Road, Q123), Section 20, within the B-2 Zoning District.

Yes: All-7
 No: None

MOTION PASSED

E-2 Public Hearing - Zoning Ordinance Text Amendment – (File Number - ZOTA 236) – Comprehensive Zoning Ordinance Rewrite

The Mayor **OPENED** the Public Hearing at 9:07 PM.
 Public comment was received from Mary Ann Bernardi and Paul Beck.
 The Mayor **CLOSED** the Public Hearing at 9:14 PM.

Resolution #2011-04-073
 Moved by Beltramini
 Seconded by McGinnis

RESOLVED, That the existing City of Troy Zoning Ordinance text and map be **AMENDED** to read as written in the proposed Zoning Ordinance text (March 31, 2011 Draft), and map (Prepared by the City of Troy Planning Department, dated 2-22-2011), with the term “Drive-throughs” added to Use Group 6 of Table 5.03-A-1, as recommended by the Planning Commission; and, in the section pertaining to the requirement for an RV being owned by a property owner, add the language to allow a leased vehicle to be requested for approval. Also, in section 3.10-D, in the last sentence, add the word “present” after “members” for approval. In section 9.4-A, add a reference to the implementation of the Master Plan when considering for compatibility. In 11-06-C-3, add language to the effect that “efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicle traffic congestion particularly as it pertains to the improvements necessary along major roads. Editorial changes to 11.06-E-4, second paragraph be renumbered as number “6”; and, in 13.02-A-7, change “plant” to “plants”.

BE IT FURTHER RESOLVED, The typographical errors shall be CORRECTED in the amended document:

- p. 18 - Hotel - “access to all rooms provided ~~ing~~ from. . .”
- p. 24 - Planned Unit Development - add “(PUD)” for clarity and consistency
- Preliminary Development Plan - add “1” after (PDP)
- p. 204 - 8.03.D.1 - first line - “...shall seek for Final...”
- p. 256 - 12.05 - Correct “Easements” in the title
- p. 264 - 13.02.B.2.a - delete “at” (sixth line)
- p. 297 - 14.01.C.4 - In “features of site” sentence - change “were” to “was”
- p. 298 - 14.02.A - Change “accessory dwellings” to “accessory buildings.”
- p. 301 - 15.02.A.1-“...may shall be a member of the Planning Commission...”

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

MOTION PASSED

The Meeting **RECESSED** at 9:24 PM.
The Meeting **RECONVENED** at 9:34 PM.

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

Resolution #2011-04-074
Moved by Schilling
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 *Order of Business* to take action on an item that does not appear on the Agenda.

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

MOTION PASSED

Vote on Resolution to Reduce Public Comment, Rule #16 – Members of the Public & Visitors

Resolution #2011-04-075
Moved by Schilling
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **REDUCES** Public Comment, Council Rule #16, *Members of the Public & Visitors*, from five minutes to three minutes at the request of the Chair and by majority vote of City Council members elect.

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

MOTION PASSED

F. PUBLIC COMMENT:

Bernardi, Mary	Discussed support of the Library and trust
Goetz, John	Discussed support of the Library
Black, Shirley	Discussed support of the Library
Kantamaneni, Vennela	Discussed support of the Library
Tetrault, Beth	Discussed support of the Library
Haddad, Tony	Discussed support of the Library, and snow removal
Schepke, Gordon	Discussed support of the Library and trust
Vert, John	Discussed support of the Library and millage increase
Kraft, Karen	Discussed support millage for the Library
Hennessy, John	Discussed support of the Library
Peters, Richard	Discussed support of the Library and various topics
Geiger, M.L.	Discussed support of the Library

Beck, Paul,	Discussed support of the Library, discussed City financial issues
Zembrzuski, Audre	Discussed support of the Library
Wengrow, Irv	Discussed support of millage increase
Billa, Sirisha	Discussed support of the Library
Church, April	Discussed support of the Library, and City financial issues
Ewald, Dan	Discussed support of the Library
Reinhardt, Marvin	Discussed various topics
Foster, Scott	Discussed support of the Transit Center
Bloomington, Bruce	Discussed City financial issues and support of the Library
Brake, Dan	Discussed support of the Library
Cooper-Koerner, Patricia	Discussed support of the Library

Mayor Schilling left the Meeting at 10:29 PM and returned to the Meeting at 10:33 PM

Kuppa, Padma	Discussed support of the Library
Burke, Thomas	Discussed City financial issues and the Library
Daniels, Janice	Discussed City financial issues
Prasad, Anu	Discussed support of the Library
Cowger, William	Discussed City financial issues
Kempen, Edward	Discussed support of the Library and City financial issues

G. RESPONSE / REPLY TO PUBLIC COMMENT

The Meeting **RECESSED** at 11:01 PM.

The Meeting **RECONVENED** at 11:08 PM.

H. POSTPONED ITEMS:

H-1 Three-Year (2010/11 – 2012/13) Revised Budget – Spring 2011 Update

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 Withdraw the Resolution for Agenda Item H-1 Three-Year (2010/11 – 2012/13) Revised Budget – Spring 2011 Update

Resolution #2011-04-076
Moved by Kerwin
Seconded by McGinnis

BE IT RESOLVED, That Troy City Council hereby **WITHDRAWS** the Resolution for Agenda Item **H-1 Three-Year (2010/11 – 2012/13) Revised Budget – Spring 2011 Update**.

Yes: All-7
No: None

MOTION PASSED

Vote on Resolution to Schedule City Council Study Session for the Purpose of Discussing Three-Year (2010/11 – 2012/13) Revised Budget – Spring 2011 Update

Resolution #2011-04-077
Moved by Schilling
Seconded by Slater

BE IT RESOLVED, That Troy City Council hereby **SCHEDULES** a City Council Study Session for the purpose of discussing **Three-Year (2010/11 – 2012/13) Revised Budget – Spring 2011 Update** on Monday, May 9, 2011, from 6:00 PM – 8:00 PM, to be followed by the Regular City Council Meeting at 8:30 PM.

Yes: All-7
No: None

MOTION PASSED

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: None Scheduled

I-2 Board and Committee Nominations: None Scheduled

I-3 Request for Closed Session: None Requested

I-4 Amendments to Troy City Code Chapter 93, Fire Prevention, Based Upon 2009 International Fire Code and 2009 Michigan Building Code

Resolution #2011-04-078

Moved by Beltramini

Seconded by McGinnis

RESOLVED, That the Troy City Council hereby **ADOPTS** Chapter 93, Fire Prevention, of the Code of Ordinances of the City of Troy, as amended, as recommended by City Management; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

No: None

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

Resolution #2011-04-079

Moved by Schilling

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 *Order of Business* to take action on an item that does not appear on the Agenda.

Yes: All-7

No: None

MOTION PASSED**Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #26 – Continued Agenda Items Not Considered Before 12:00 AM**

Resolution #2011-04-080

Moved by Kerwin

Seconded by Howrylak

RESOLVED, That City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #26 - *Continued Agenda Items Not Considered Before 12:00 AM* and **AUTHORIZE** City Council to **EXTEND** the adjournment time to 12:30 AM.

Yes: All-7
No: None

MOTION PASSED

I-5 Request to Sell City of Troy Owned Property, Rochester Road Surplus Parcel, Section 23, Sidwell 88-20-23-354-048

Resolution #2011-04-081
Moved by Kerwin
Seconded by McGinnis

WHEREAS, The City Council may from time to time determine that the sale of certain parcels will best serve the public interest; and

WHEREAS, The City Council may determine the public interest will best be served without obtaining sealed bids for the sale of a remnant parcel.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **FINDS** that “the public interest will best be served without obtaining a sealed bid” in accordance with Resolution #2007-01-028 Policy Governing Disposal (Sales) of Excess City Owned Property and **APPROVES** the sale of the remnant parcel, described in Attachment “A” **ATTACHED** hereto, to Castlemark Homes, LLC, for \$53,000.00 the appraised value as outlined in the Offer to Purchase, with conditions, plus closing costs; and

BE IT FURTHER RESOLVED, That closing will take place when all conditions have been met; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED** to execute the Agreement to Purchase and the Warranty Deed on behalf of the City; and

BE IT FINALLY RESOLVED That the City Clerk is hereby **DIRECTED** to record said documents, including all attachments, at the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to and made a part of the original Minutes of this meeting.

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

MOTION PASSED

I-6 2011 Tri-Party Program

Resolution #2011-04-082
Moved by McGinnis

Seconded by Howrylak

RESOLVED, That the Troy City Council hereby **APPROVES** the Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County for the 2011 Tri-Party Program at an estimated cost to the City of Troy of \$93,479, and that the Mayor and City Clerk are **AUTHORIZED** to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7
No: None

MOTION PASSED

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

Resolution #2011-04-083
Moved by Schilling
Seconded by Fleming

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 *Order of Business* to take action on an item that does not appear on the Agenda. Item I-7, Request from Woodberry Wine, LLC for a New Wholesale Liquor License, was added to the agenda.

Yes: All-7
No: None

MOTION PASSED

I-7 Request from Woodberry Wine, LLC for a New Wholesale Liquor License.

(a) Request For New Wholesale Liquor License

Resolution #2011-04-084
Moved by Slater
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** the request from Woodberry Wine, LLC for a new Wholesale License to be located at 1307 East Maple, Suite B, Troy, MI, 48083, Oakland County {MLCC Req. #607285}; 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.

(b) Agreement

WHEREAS, The Troy City Council deems it necessary to enter into 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 Woodberry Wine, LLC for a new Wholesale License to be located at 1307 East Maple, Suite B, Troy, MI, 48083, Oakland County {MLCC Req. #607285}; 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.

Yes: All-7
No: None

MOTION PASSED

J. CONSENT AGENDA:

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

Resolution #2011-04-085
Moved by Beltramini
Seconded by Kerwin

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

Yes: All-7
No: None

MOTION PASSED

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

J-2 Approval of City Council Minutes

Resolution #2011-04-085-J-2

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

- a. Regular City Council Meeting of April 4, 2011

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 1: Award to Low Bidders – Transit Mixed Concrete**

Resolution #2011-04-085-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide one-year requirements of Transit Mixed Concrete with an option to renew for one additional year to the low bidders, McCoig Materials/Koenig Fuel & Supply of Plymouth, MI as the primary supplier, and Superior Materials of Farmington Hills, MI as the secondary supplier, at unit prices contained in the bid tabulation opened March 22, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting for an estimated total cost of \$138,000.00, to commence May 1, 2011, and expire April 30, 2012.

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 Bidders - Aggregates

Resolution #2011-04-085-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** one-year contracts to provide Aggregate Material with an **OPTION** to renew for one (1) additional year to the following low bidders:

Recommended Vendors	Item / Description	Price/Ton
Boulevard & Trumbell Towing	6. Crushed Concrete 1" – 3"	\$8.48
Tri-City Aggregates	2. 22A Gravel 5. Fill Sand	\$8.00 \$5.50
B&W Landscape Supply	10. Mason Sand 11. Limestone 1" – 3"	\$9.97 \$12.47
Richmond Transport Inc	1. 6A Slag	\$10.20
Novak Construction	3. Pea Stone 4. 60/40 Gravel 8. Chloride Sand 9. 2NS Sand 12. Limestone 3" – 6"	\$11.49 \$12.25 \$14.95 \$8.95 \$17.25
Osburn Industries Inc	13. Limestone 4" – 8"	\$15.85

at the unit prices stated above and confirmed with unit prices contained in the bid tabulation opened March 22, 2011, copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring April 30, 2012.

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.

c) Standard Purchasing Resolution 1: Award to Low Bidders: Printing/Distribution of Water and Sewer Bills

Resolution #2011-04-085-J-4c

RESOLVED, That the Troy City Council hereby **AWARDS** a one (1) year contract to provide laser printing and distribution of the City of Troy Water and Sewer Bills, with an option to renew for three (3) additional years to the low total bidder, LaserCom LLC of Troy, MI, for an

estimated total cost of \$12,256.56 per year, plus the actual cost of first class postage, at unit prices contained in the bid tabulation opened March 28, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting to commence May 1, 2011, and expire April 30, 2012.

d) Standard Purchasing Resolution 1: Award to Low Bidder: Pavement Seam, Fracture Sealing and Spray Injection Patching Program

Resolution #2011-04-085-J-4d

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Pavement Seam, Fracture Sealing and Spray Injection Patching Program for the City of Troy to the low bidder, Michigan Joint Sealing, Inc. of Farmington Hills, MI, for an estimated total cost of \$142,900.00, at unit prices contained in the bid tabulation opened April 5, 2011, 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 contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements; and if changes in the quantity of work are required either additive or deductive, Troy City Council hereby authorizes such changes in an amount not to exceed budgetary limitations.

e) Standard Purchasing Resolution 1: Award to Low Bidders: Emergency Response Kits

Resolution #2011-04-085-J-4e

RESOLVED, That Troy City Council hereby **AWARDS** contracts to furnish a one-time purchase of emergency response gear for the Troy Police Department to the following low total bidders: Michigan Police Equipment of Charlotte, MI, for ProTech helmets at an estimated cost of \$18,400.00; and Priority One Emergency, Inc. of Livonia, MI, for 5.11 Tactical gear at an estimated total cost of \$22,520.00, at unit prices contained in the bid tabulation opened March 17, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

f) Standard Purchasing Resolution 1: Award to Low Bidders: Boiler Replacement

Resolution #2011-04-085-J-4f

RESOLVED, That Troy City Council hereby **AWARDS** contracts to furnish and install a new replacement boiler at the Troy Hall of Justice Building to the following low bidders: Global Green Service Group of Rockwood, MI, for Phase 1, asbestos abatement and boiler removal at an estimated total cost of \$18,280.00; Pleune Service Company of Lansing, MI, for Phase 2, boiler installation and controls at an estimated total cost of \$158,200.00; and Phase 3, fireproofing will be completed using the informal quote process, the entire project is scheduled for reimbursement through the Energy Efficiency and Conservations Block Grant Program.

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

g) Standard Purchasing Resolution 1: Award to Low Bidders: John Arbor Sub Resurfacing

Resolution #2011-04-085-J-4g

RESOLVED, That Troy City Council hereby **AWARDS** contract No. 11-2, John Arbor Sub Resurfacing to Barrett Paving Materials, Inc., 5800 Cherry Hill Road, Ypsilanti, MI, 48198, for their low total bid amount of \$207,568.00.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 25% of the total project cost.

h) Standard Purchasing Resolution 2: Award to Sole Bidder: Energy Management Improvement Project

Resolution #2011-04-085-J-4h

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish and install a new energy management system in the original 1965 City Hall building to the sole bidder, Mechanical Controls & Maintenance, Inc. (MCMI) of Sterling Heights, MI, at an estimated total cost of \$192,242.00, which is scheduled for reimbursement through the Energy Efficiency and Conservation Block Grant Program.

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

J-5 Casualty and Property Insurance Renewal – Request to Negotiate with the Michigan Municipal Risk Management Authority (MMRMA)

Resolution #2011-04-085-J-5

RESOLVED, That the Troy City Council hereby **AUTHORIZES** the City Manager to negotiate a new agreement with the Michigan Municipal Risk Management Authority (MMRMA) for the Casualty and Property Insurance needs of the City of Troy.

J-6 Bid Waiver: Integrated Security Management System Core Upgrade

Resolution #2011-04-085-J-6

WHEREAS, SimplexGrinnell is an authorized, licensed installer in Michigan of the Andover Controls Security System;

WHEREAS, It is desirable to upgrade the security management system software to be compatible with the city-wide effort to move to a SQL 2008 platform;

WHEREAS, The Police Department has remote access to monitor video and alarms at all facilities from a central location with compatible equipment and software; and

WHEREAS, Due to the complexity of the system, it is desirable to allow the company who programmed and currently maintains the system to upgrade the application; thus, avoiding corruption of the programming;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and hereby **AUTHORIZES** the City of Troy to utilize the services of SimplexGrinnell of Farmington Hills, MI, to purchase and install the Continuum software core upgrade for an estimated total cost of \$14,975.00, in accordance with their proposal dated 21-Mar-11, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-7 Telecommunication Contracts

Resolution #2011-04-085-J-7

WHEREAS, Some of the City's voice and data telecommunication contracts with AT&T were expiring, a review of all contracts was conducted to determine if any costs savings could be achieved utilizing new technology; and

WHEREAS, The services under these contracts are integrated, complex and dependent upon each other; therefore, AT&T ensures any conversion of unexpired contracts would not trigger early termination fees and still reduce costs; and

WHEREAS, AT&T and Telnet have offered the City three-year contracts to pay for three (3) direct T1 lines, convert nine (9) T1 circuits to AVTS technology, upgrade current internet service from 3MB to 30MB, and eliminate the current DS3 service with AT&T; and contract with Telnet to provide PRI voice service for the City telephone switch and Codespear at an estimated monthly savings of \$1,862.00 over three (3) years;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DEEMS** it to be in the City's best interest to **APPROVE** three-year contracts for telecommunication services from AT&T and Telnet at an estimated monthly cost of \$3,910.00 and \$1,281.00, respectively, as detailed on Appendix A, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-8 Request for Acceptance of a Permanent Easement for Storm Sewer and Surface Drainage from Ludovik and Liljana Dedaj - #88-20-03-201-056

Resolution #2011-04-085-J-8

Resolved, That the Troy City Council hereby **ACCEPTS** the Permanent Easement for storm sewer and surface drainage, for a consideration amount of One Dollar (\$1.00), from Ludovik and Liljana Dedaj, owners of the property having Sidwell #88-20-03-201-056; and

BE IT FURTHER RESOLVED, That the City Clerk is **DIRECTED** 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.

J-9 Bid Waiver: Worker's Compensation Insurance Renewal for Fiscal Year 2011/12

Resolution #2011-04-085-J-9

WHEREAS, The Michigan Municipal League (MML) has provided Worker's Compensation Insurance for the City of Troy and the premium charged has been equitable based on the City's experience; and

WHEREAS, It is desirable to continue the program through the MML due to the positive experience of participating in the MML;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **WAIVES** formal bidding procedures and the estimated premium cost of \$336,349 is hereby **APPROVED** for Worker's Compensation Insurance through the Michigan Municipal League (MML) for the 2011/2012 Fiscal Year.

J-10 Request for Recognition as a Nonprofit Organization Status from Kathy Derderian-President of Deaf Arts Festival

Resolution #2011-04-085-J-10

RESOLVED, That Troy City Council hereby **APPROVES** the request from *Deaf Arts Festival*, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license as recommended by City Management.

J-11 T.R. Pieprzak v. City of Troy

Resolution #2011-04-085-J-11

RESOLVED, That Troy City Council hereby **DIRECTS** the City Attorney's Office to defend the City of Troy in the *T.R. Pieprzak Company, Inc. v. City of Troy* lawsuit, and is **AUTHORIZED** to pay reasonable and necessary costs and fees in the defense of the action.

J-12 Michael Joseph Burns v. City of Troy

Resolution #2011-04-085-J-12

RESOLVED, That Troy City Council hereby **DIRECTS** the City Attorney's Office to defend the City of Troy in the *Michael Joseph Burns v. Troy Police Department* lawsuit, and is **AUTHORIZED** to pay reasonable and necessary costs and fees in the defense of the action.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**K-1 Announcement of Public Hearings:**

- a) Announcement of Public Hearing – FY 2011/2012 City Budget–May 16, 2011 at 7:30 PM
Noted and Filed

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

L. COUNCIL REFERRALS:

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

L-1 Council Referrals:

- a) Periodic Personnel Evaluation of the City Manager and/or City Attorney – Advanced by Mayor Pro Tem Kerwin

Vote on Resolution to Schedule a Special Meeting for the Purpose of Conducting a City Manager Periodic Evaluation

Resolution #2011-04-086

Moved by Kerwin

Seconded by Beltramini

BE IT RESOLVED, That Troy City Council hereby **SCHEDULES** a Special Meeting immediately following the Budget Study Session on Monday, May 2, 2011, at 500 W. Big Beaver Rd., for the purpose of going into Closed Session to conduct a City Manager Periodic Evaluation.

Yes: Beltramini, Kerwin, McGinnis

No: Schilling, Fleming, Howrylak, Slater

MOTION FAILED

M. COUNCIL COMMENTS

M-1 Council Comments Advanced

Council Member Beltramini encouraged all to purchase Troy Youth Assistance raffle tickets from any Troy Youth Assistance Board member or at the office.

Mayor Schilling discussed recognition for members of the Planning Commission including former member Vleck in May, 2011.

N. REPORTS

N-1 Minutes – Boards and Committees:

- a) Planning Commission Regular-Draft-March 22, 2011
Noted and Filed

N-2 Department Reports: None Submitted

- a) 2011 City of Troy Assessment Roll and Board of Review Report
b) FY 2011/2012 Budget

Noted and Filed

N-3 Letters of Appreciation: None Submitted

N-4 Proposed Proclamations/Resolutions from Other Organizations: None Proposed

N-5 Communication: State of Michigan Liquor Control Commission – Notice of Sunday Sales
Noted and Filed

N-6 Communication: State of Michigan Liquor Control Commission – Notice of Impending Investigation – Cazadores, LLC
Noted and Filed

N-7 Letter of Understanding from Rehmann Robson for Audit Services for the Year Ending June 30, 2011
Noted and Filed

N-8 Huntley v. City of Troy
Noted and Filed

N-9 Economic Vitality Incentive Program
Noted and Filed

O. STUDY ITEMS

O-1 No Study Items Presented

P. CLOSED SESSION:

P-1 No Closed Session Requested

Q. ADJOURNMENT

The meeting **ADJOURNED** at 12:11 AM.

Mayor Louise E. Schilling

Tonni L. Bartholomew
City Clerk