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 May 9, 2011, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the meeting to order at 8:30 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: None presented.

D. CARRYOVER ITEMS: No Carryover Items.

E. PUBLIC HEARINGS: No Public Hearings.

F. PUBLIC COMMENT:

Daniels, Janice	Discussed budget and tax concerns
Lai, Chat	Discussed budget and library funding concerns
DeBacker, Deborah	Discussed budget and election concerns
Killman, Brad	Discussed saving the library
Grix, E. James	Discussed tax concerns and library functions
Hamann, Art	Discussed library visitors
Burke, Thomas	Discussed funding the library
Beck, Paul	Discussed funding the library
Vert, John	Discussed funding the library
Schepke, Gordon	Discussed funding the library
DeBacker, Deborah	Discussed special election
Daniels, Janice	Discussed legislative guidelines
Killman, Brad,	Discussed funding the library
Peters, Richard	Discussed Osama bin Laden
Johnson, Ivan	Discussed funding for City functions
Kantamaneni, Vennela	Discussed keeping the library open
Tagle, John	Discussed options for funding library and other functions
Bloomingdale, Bruce	Discussed City budget issues
MacDonell, Sharon	Discussed City financial issues and misinformation
Brake, Dan	Discussed City financial issues and library concerns
Yashinsky, Neil	Discussed funding the library and special election
Krent, Tom	Discussed funding the library
Kempen, Edward	Discussed special election
Hodorek, Ellen	Discussed funding for the library and City functions

Schenk, Donald	Discussed veterans memorial event in Veterans' Plaza
Geiger, M.I.	Discussed funding for the library
Teodoridis, Cristian	Discussed funding the library and budget concerns
Simham, Sandya	Discussed funding the library
Brodzinski, Susan	Discussed special election and funding library

G. RESPONSE / REPLY TO PUBLIC COMMENT

The Meeting **RECESSED** at 10:04 PM.
The Meeting **RECONVENED** at 10:18 PM.

H. POSTPONED ITEMS: No Postponed Items

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:

Resolution #2011-05-089
Moved by Beltramini
Seconded by Fleming

RESOLVED, That Troy City Council **SHALL** meet in Closed Session, as permitted by MCL15.268 (e) Pending Litigation: *Troy v. Safeway Acquisition Company,* and as permitted by MCL 15.268 (c) *Strategy for Labor Negotiations.*

Yes: All-7
No: None

MOTION PASSED

I-4 Interlocal Agreement with the City of Sterling Heights and US Department of Homeland Security – ICE for Use of Gun Range

Resolution #2011-05-090
Moved by McGinnis
Seconded by Slater

a) <u>Agreement for Use of Gun Range – City of Sterling Heights</u>

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Service Agreement between the City of Troy and the City of Sterling Heights for the use of the City's gun range; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Clerk and Mayor to **EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

b) Agreement for Use of Gun Range – US Department of Homeland Security – ICE

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Service Agreement between the City of Troy and the US Department of Homeland Security – ICE for the use of the City's gun range; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Clerk and Mayor 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

I-5 Troy City Code Chapter 93 Amendments - Correction

A. RESOLUTION TO RESCIND PREVIOUS COUNCIL ACTION:

Resolution #2011-05-091
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **RESCINDS** City Council Resolution #2011-04-078, Amendments to Troy City Code Chapter 93, Fire Prevention, Based Upon 2009 International Fire Code and 2009 Michigan Building Code, adopted by the Troy City Council at the Regular City Council meeting on April 18, 2011, as follows:

> *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*

Yes: All-7
No: None

B. RESOLUTION TO AMEND CHAPTER 93 OF THE TROY CITY CODE:

Resolution #2011-05-092
Moved by Fleming
Seconded by McGinnis

RESOLVED, That 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 City Council Action Report dated May 3, 2011; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7
No: None

MOTION PASSED

I-6 Standard Purchasing Resolution 8: Best Value Award – Community Center Catering

Resolution #2011-05-093
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That the Troy City Council hereby **AWARDS** a contract to provide catering services at the Troy Community Center for three (3) years with an option to renew for three additional years to Encore Catering of Troy, MI, the caterer with the highest score and rate of return, as a result of a best value process which the Troy City Council determines to be in the public interest at a return schedule of 15% of gross receipts less Michigan sales tax, or $12,000.00 minimum guarantee per year, whichever is greater, expiring May 9, 2014.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon caterer submission of properly executed proposal and contract documents, including insurance certificates, the ability to qualify as the holder of the City's liquor license and all other specified requirements; and the Mayor and City Clerk are **AUTHORIZED** to execute the agreement when in acceptable form.

Yes: All-7
No: None

MOTION PASSED

I-7 Rescind Bid Award/Re-Award Contract – Aggregates

Resolution #2011-05-094
Moved by Kerwin
Seconded by Howrylak

WHEREAS, On April 18, 2011, contracts for one-year requirements of Aggregate Material with an option to renew for one (1) additional year was awarded to various low bidders (Resolution #2011-04-085-J4b); and

WHEREAS, After the award of contract, Richmond Transport Inc. withdrew their bid for 6A Slag due to a calculation error;

NOW, THEREFORE BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract for one-year requirements of 6A Slag with an option to renew for one (1) additional year from Richmond Transport Inc. and hereby **RE-AWARDS** the contract to the next lowest bidder, B&W Landscape Supply of Clinton Township, MI at $13.23 per ton, as contained on the bid tabulation opened March 22, 2011.

BE IT FURTHER RESOLVED, That all other items contained in resolution 2011-04-085-J4b **REMAIN** in full force and effect as originally stipulated.

Yes: All-7
No: None

MOTION PASSED

I-8 Rescind Bid Award/Re-Award Contract - Custodial Supplies

Resolution #2011-05-095
Moved by Fleming
Seconded by Slater

WHEREAS, On March 28, 2011, a contract for one-year requirements of Custodial Supplies was awarded to the lowest acceptable bidder, Central Poly Corporation of Linden, NJ (Resolution # 2011-03-064-J4e); and

WHEREAS, Central Poly Corporation has declined the consideration for award due to their choice not to meet insurance requirements;

NOW, THEREFORE BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract for one-year requirements of Custodial Supplies from Central Poly Corporation and hereby **RE-AWARDS** the contract to the next lowest total bidder, Empire Equipment and Supply Co. of Detroit, MI, for an estimated total cost of $16,134.00 at unit prices contained in the bid tabulation opened February 23, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring March 31, 2012.

Yes: All-7
No: None
MOTION PASSED

J. CONSENT AGENDA:

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

Resolution #2011-05-096-J-1a
Moved by Schilling
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of item J-2 which **SHALL BE CONSIDERED** after Consent Agenda (J) items, as printed.

Yes: All-7
No: None

MOTION PASSED

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

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J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 1: Award to Low Bidders - Asphalt

Resolution #2011-05-096-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** one-year contracts to provide asphalt paving materials-hot patch with an option to renew for one (1) additional year to the low bidders, Barrett Paving Materials, Inc. of Troy, for Items 1-5 and Item 7, asphalt paving materials; and Cadillac Asphalt LLC of Shelby Township for Item 6, bulk tack coat for an estimated total cost of $82,900.00 and $2,500.00 respectively, at unit prices contained in the bid tabulation opened April 19, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring December 31, 2011.

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 9: Approval to Expend Funds for Membership Dues – Michigan Municipal League (MML)

Resolution #2011-05-096-J-4b

RESOLVED, That Troy City Council hereby **AUTHORIZES** payment for annual membership dues to the Michigan Municipal League, for the time period of May 1, 2011 through April 30, 2012, in the amount of $11,301.00.

J-5 Bid Waiver: Expansion of Vehicle Exhaust Collection Systems at Fire Stations 3 and 4

Resolution #2011-05-096-J-5

WHEREAS, Hastings Air Energy Control is the authorized dealer and sole provider in Michigan to service and install Plymovent equipment; and

WHEREAS, MIOSHA standards require that firefighter exposure to diesel exhaust emissions within enclosed facilities be controlled; and

WHEREAS, Due to operational requirements of the Fire Department, fire apparatus have been redeployed from one fire station to another prompting the need to expand the exhaust collection systems at Fire stations 3 and 4;

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 **AUTHORIZES** the purchase of materials and labor to expand the Plymovent vehicle exhaust system at Fire stations 3 and 4 from Hastings Air Energy Control, as detailed in Appendix 1, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, for an estimated total cost of $11,600.00.

J-6 Request for Acceptance of a Permanent Easement for Water Main from First Industrial Development Services, Inc. – Sidwell #88-20-35-201-067

Resolution #2011-05-096-J-6

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for water main, for a consideration amount of One Dollar ($1.00), from First American Development Services, Inc., owners of the property having Sidwell #88-20-35-201-067, and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **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-2 Approval of City Council Minutes

Resolution #2011-05-097
Moved by Beltramini
Seconded by Slater

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

a. Regular City Council Meeting of April 18, 2011
b. Special City Council Meeting of April 25, 2011
c. Special City Council Meeting of May 2, 2011
d. Special City Council Meeting of May 5, 2011

Yes: All-7
No: None

MOTION PASSED

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

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:

Proposed Millage Question - Requested by Mayor Schilling

Resolution #2011-05-098
Moved by Schilling
Seconded by Slater

RESOLVED, That Troy City Council hereby **DIRECTS** the City Attorney to draft ballot language for the City of Troy Public Library Dedicated General Operation Millage Proposal for placement on the August 2, 2011 Election, the following ballot question:

THE CITY COUNCIL WOULD BE AUTHORIZED TO LEVY UP TO 0.7 MILLS WITH THE SUCCESSFUL PASSAGE OF THE FOLLOWING QUESTION:

Shall the City of Troy levy new additional millage of up to 0.7 mills against all taxable property for a 5-year period of time, 2011 through 2015, for public library general operating purposes? 0.7 mills are equal to $0.70 on each $1,000.00 of taxable value. If approved, the additional millage levied will raise approximately $2.9 million the first year it is levied. The millage will be levied on the Winter Tax Bill Annually.

Yes ____ No _____

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

MOTION PASSED

M. COUNCIL COMMENTS

M-1 Council Comments Advanced

N. REPORTS

N-1 Minutes – Boards and Committees:

a) Retiree Health Care Benefits Plan & Trust-Final-January 12, 2011
b) Traffic Committee-Final-January 19, 2011
c) Employees' Retirement System Board of Trustees-Final-March 9, 2011
d) Liquor Advisory Committee-Final-March 14, 2011
e) Board of Zoning Appeals-Draft-March 15, 2011
f) Planning Commission-Final-March 22, 2011
g) Planning Commission-Draft-April 12, 2011
h) Planning Commission-Final-April 12, 2011

Noted and Filed

N-2 Department Reports: None Submitted

a) March 31, 2011 – Quarterly Financial Report
b) RCOC Snow and Ice Control Contract Expense Report 5/01/2011
c) 2010 Fire Department Annual Report
d) 2011 Year-To-Date Calls for Police Service Report

Noted and Filed

N-3 Letters of Appreciation: None Submitted

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

N-5 David Smith v. Stopczynski

Noted and Filed

O. STUDY ITEMS: No Study Items Presented

P. CLOSED SESSION:

P-1 Troy v Safeway Acquisition Company and Strategy for Labor Negotiations

Q. ADJOURNMENT

The meeting **RECESSED** at 11:11 PM.
The meeting **RECONVENED** at 11:20 PM.
The meeting **ADJOURNED** at 12:17 AM.

Mayor Louise E. Schilling

Tonni L. Bartholomew
City Clerk