

Pastor Dan Lewis from Troy Christian Chapel performed 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, June 18, 2012, at City Hall, 500 W. Big Beaver Road. Mayor Daniels called the meeting to order at 7:33 PM.

B. ROLL CALL:

Mayor Janice Daniels
 Jim Campbell
 Wade Fleming
 Dave Henderson
 Maureen McGinnis
 Dane Slater
 Doug Tietz

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Proclamation for Friends of the Troy Public Library – 2011 Baker & Taylor Award Recipient and Outstanding Friends of the Library Award Recipient Certificate

C-2 Certificate of Appreciation to Barnes & Noble in Troy for Hosting the Troy Public Library Reading Celebration and Bookfair

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT:

Kaltounis, Rusty	Announced OPA! Fest 2012 to be held June 22-24, 2012, at St. Nicholas Greek Orthodox Church, 760 W. Wattles Rd.
Williams, Jeff	Spoke in opposition of Mayor Daniels.
Tokarski, James	Spoke in support of Mayor Daniels.
Graczyk, Ed	Spoke in support of Mayor Daniels.
Holeton, John	Spoke in opposition of Smart Meters.
Holeton, Pauline	Spoke in opposition of Smart Meters.
Morrison, Nancy	Spoke about Item I-6 Synthetic Drugs/K2 – Spice – Bath Salts, Etc.
Peters, Richard	Spoke about various topics.
Savage, James	Spoke of the rules of democracy and of the Transit Facility.
Banet, David	Spoke in support of Mayor Daniels.
Walters, Roger	Spoke about traffic issues on Boyd Street.

Kajma, Linda	Spoke about an appointment to the Zoning Board of Appeals and also in opposition of Mayor Daniels.
Smith, Paul	Spoke in support of Mayor Daniels.
Witz, Jonathan	Spoke in opposition of Mayor Daniels.
Simone, Jenny	Spoke in support of Mayor Daniels.
Ross, Michael T.	Spoke in support of Mayor Daniels, and about a meeting being coordinated by local clergy to discuss marriage/family issues.
Glenn, Gary	Spoke in support of Mayor Daniels; and spoke in opposition of homosexual lifestyles.
Gosselin, Toby	Spoke in opposition of Mayor Daniels.
Watts, Raymond	Spoke about new businesses and restaurants to Troy and in support of Mayor Daniels.
Cherasaro, Nicholas	Spoke in support of Mayor Daniels.

The Meeting **RECESSED** at 8:55 PM.

The Meeting **RECONVENED** at 9:03 PM.

G. RESPONSE / REPLY TO PUBLIC COMMENT

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Building Code Board of Appeals; Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust; Historic District Commission; Traffic Committee

a) Mayoral Appointments - None

b) City Council Appointments

Resolution #2012-06-129

Moved by McGinnis

Seconded by Campbell

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

Building Code Board of Appeals

Appointed by Council

5 Regular Members

5 Year Term

Term: Per ORDINANCE

Michael Culpepper

(City Manager)

Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust

Appointed by Council
7 Regular Members and 2 Ordinance Members
3 Year Term

Term: Per ORDINANCE

Michael Culpepper

(City Manager)

Historic District Commission

Appointed by Council
7 Regular Members
3 Year Term

Term Expires: 5/15/2015

Doris Schuchter

Traffic Committee

Appointed by Council
7 Regular Members
3 Year Term

Term Expires: 01/31/2013

Stevan Popovic

Yes: All-7
No: None

MOTION CARRIED

I-2 Board and Committee Nominations: a) Mayoral Nominations – Local Development Finance Authority (LDFA); Planning Commission; b) City Council Nominations – Historic District Commission; Liquor Advisory Committee; Parks and Recreation Board

a) Mayoral Nominations

Resolution #2012-06-130
Moved by Daniels
Seconded by Fleming

RESOLVED, That the Mayor of the City of Troy hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Local Development Finance Authority (LDFA)

Appointed by Mayor
5 Regular Members; 2 City Council Member Alternates
Staggered 4 Year Term

Nominations to the Local Development Finance Authority (LDFA):

Term Expires: 06/30/2015 Paul Hoef (Resident Member)

Term currently held by: John Szerlag

Term Expires: 06/30/2016 John Sharp (Resident Member)

Term currently held by: Michael Adamczyk

Term Expires: 06/30/2016 David Shields (Member)

Term currently held by: Stephanie Bergeron

Planning Commission

Appointed by Mayor
9 Regular Members
3 Year Term

Term Expires: 12/31/2013 Ed Kempen

Term currently held by: Mark Maxwell (Resigned)

Yes: All-7
No: None

MOTION CARRIED

b) City Council Nominations

Resolution #2012-06-131
Moved by McGinnis
Seconded by Fleming

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

Liquor Advisory Committee

Appointed by Council
7 Regular Members
3 Year Term

Nominations to the Liquor Advisory Committee:

Term Expires: 07/31/2013 Jesse Pappas (Student Rep.)

Term currently held by: Jesse Pappas

Term Expires: 07/31/2013

Eun Joo Scherlinck

(Student Rep.)

Term currently held by: Eun Joo Scherlinck

Yes: All-7
No: None

MOTION CARRIED

I-3 Request for Closed Session

Resolution #2012-06-132
Moved by Fleming
Seconded by McGinnis

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (e) Pending Litigation – Margaret Black v City of Troy.

Yes: All-7
No: None

MOTION CARRIED

I-4 Bid Waiver – Security Access Control Upgrade

Resolution #2012-06-133
Moved by McGinnis
Seconded by Slater

WHEREAS, SimplexGrinnell is an authorized, licensed installer in Michigan of the Andover Controls security system; and

WHEREAS, It is desirable to upgrade the Continuum NetController modules to be compatible with the current system software; and

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 NetController modules 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 security access control upgrade for an estimated total cost of \$23,648.00, in accordance with their proposal dated 12-Jan-12, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7
No: None

MOTION CARRIED

I-5 2011/12 Budget Amendment No. 1

Resolution #2012-06-134
Moved by McGinnis
Seconded by Slater

RESOLVED, That Troy City Council hereby **APPROVES** the 2011/12 Budget Amendment No. 1 as submitted, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7
No: None

MOTION CARRIED

I-6 Synthetic Drugs/K2 – Spice – Bath Salts, Etc.

Resolution #2012-06-135
Moved by Fleming
Seconded by McGinnis

WHEREAS, Due to recent media events and education and legislation, there has been an increased public awareness of the dangers of synthetic drugs, including but not limited to Spice/ K2, bath salts, synthetic cocaine, MXE and DMAA; and

WHEREAS, The ingestion or use of these synthetic drugs can lead to any or all of the following medical conditions: death, stroke, seizure, convulsion, irreversible brain damage, catatonic behavior, tremors, speech impediments, heart palpitations, hallucinations, physical paralysis, kidney injury, panic attacks and amputations; and

WHEREAS, The ingestion or use of these synthetic drugs has recently led to violent, bizarre, destructive and harmful behavior which has led to homicide and suicide; and

WHEREAS, There are manufacturers of synthetic drugs that constantly change the chemical compositions of these substances in an effort to circumvent the definitions of controlled substances under both federal and state laws which criminalize possession, use, sale, and distribution of controlled substances, as well as driving under the influence of such synthetic substances; and

WHEREAS, These types of synthetic drugs are currently packaged as benign items and marketed in a manner that is designed to encourage our youth and other persons to purchase and consume these types of synthetic drugs, since these drugs can be found in convenience stores and over the internet; and

WHEREAS, There has been a temporary federal ban on these types of synthetic drugs due to their dangerous and addictive propensities, and there have also been recent successful efforts to pass permanent federal and state laws that address these types of synthetic drugs by including them as illegal Schedule I drugs; and

WHEREAS, The City of Troy is committed to the evisceration of these types of synthetic drugs in our community and the surrounding communities, and has actively participated with the 52-4 Judicial District Court, the City of Clawson, the Troy Community Coalition, Oakland County, Troy merchants, and the public in the education and awareness of these synthetic drugs, and many Troy merchants have pledged not to sell the these types of synthetic drugs, as evidenced by the attached press release, and as included on a website furthering this commitment, <http://nospicetroyclawson.org>.

NOW THEREFORE, IT IS HEREBY RESOLVED That the City of Troy **JOINS TOGETHER** with many other governmental entities, businesses and non-profit organizations and task forces in pledging their support for the federal, state and local legislation and other actions that combat the use and sale of synthetic drugs such as K2, Spice, Bath Salts, and others. This includes but is not limited to pending federal legislation, pending state legislation, actions of the Oakland County Board of Health, and others.

BE IT FURTHER RESOLVED, That this Resolution shall be **FORWARDED** to all elected persons representing the City of Troy, requesting the exercise of all diligent efforts to combat the use and sale of these types of synthetic drugs.

Yes: All-7
None: None

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2012-06-136
Moved by Fleming
Seconded by Tietz

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) J-4c, J-4b, which **SHALL BE CONSIDERED** after Consent Agenda (J) items, as printed.

Yes: All-7
No: None

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2012-06-136-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the Regular City Council Meeting of June 4, 2012, as submitted.

J-3 Proposed City of Troy Proclamations:

- a) **Proclamation for Friends of the Troy Public Library – 2011 Baker & Taylor Award Recipient and Outstanding Friends of the Library Award Recipient**

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 12-03 – Fieldstone Sanitary Repair**

Resolution #2012-06-136-J-4a

RESOLVED, That Contract No.12-03, Fieldstone Sanitary Repair be **AWARDED** to Superior Excavating, P.O. Box 4290, Auburn Hills, MI 48321 at an estimated total cost of \$79,650.00.

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 20% of the total project cost.

J-5 Acquisition of Property as a Result of Foreclosure for Non-Payment of Property Taxes

Resolution #2012-06-136-J-5

RESOLVED, That the Engineering Department is hereby **AUTHORIZED** to purchase a foreclosed property having Sidwell #88-20-03-103-005 for the amount of unpaid real property taxes, interest and finance charges in an amount not to exceed \$1,200 plus closing and administrative costs; and

BE IT FURTHER RESOLVED, That all currently active special assessments, if any, be **VACATED**.

J-6 Uniform Video Service Local Franchise Agreement with Comcast

Resolution #2012-06-136-J-6

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 May 16, 2012, Comcast of the South, Inc, filed its Uniform Video Service Local Franchise Agreement (Agreement) with the City of Troy (Franchise Entity); and

WHEREAS, Comcast's Franchise Agreement submittal was reviewed by legal counsel, who forwarded a notice of completeness to Comcast on behalf of the City of Troy on June 7, 2012, which was timely filed; and

WHEREAS, Comcast's Franchise Agreement submittal has been reviewed by legal counsel, who has certified that the Comcast 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 Comcast's Franchise Agreement on or before June 18, 2012, since Comcast 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 Comcast, 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 Comcast 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 Comcast 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 Comcast at the address indicated in the Franchise Agreement.

J-4 Standard Purchasing Resolutions:**c) Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Renewals Over \$10,000 – Michigan Municipal League**

Resolution #2012-06-137

Moved by McGinnis

Supported by Slater

RESOLVED, That payment is **AUTHORIZED** for annual membership dues to the Michigan Municipal League, for the time period of May 1, 2012 through April 30, 2013, in the amount of \$11,301.

Yes: Campbell, Henderson, McGinnis, Slater

No: Fleming, Tietz, Daniels

MOTION CARRIED

J-4 Standard Purchasing Resolutions:**b) Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – Michigan Municipal League’s Annual Convention – October 3-5, 2012 Mackinac Island**

Resolution #2012-06-138

Moved by Fleming

Supported by Campbell

RESOLVED, That Council members are **AUTHORIZED** to attend the Michigan Municipal League’s Annual Convention on October 3-5, 2012 in Mackinac Island, Michigan, in accordance with accounting procedures of the City of Troy.

Yes: Fleming, McGinnis, Slater, Daniels, Campbell

No: Henderson, Tietz

MOTION CARRIED**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 Mayor Daniels Referred Oakland County Board of Commissioners Resolution Regarding Smart Meters

L-2 Mayor Daniels Referral Regarding Synthetic Marijuana

- a) City of Troy Resolution Supporting Banning the Sale of K2-Spice
- b) Oakland County Board of Commissioners Resolution Regarding Synthetic Marijuana

M. COUNCIL COMMENTS

M-1 No Council Comments Advanced

Council Member Tietz, as a result of public comment at a previous City Council meeting, brought up the City of Troy's refuse collection costs in comparison to Shelby Twp. Council Member Henderson asked that Management explore the benefits of belonging to the consortium and also obtain costs for refuse collection for jurisdictions comparable to Troy.

Council Member McGinnis announced that there are over 25 youth summer camps that are being conducted through Troy Recreation, the Troy Historical Village, as well as other activities for the community's young people available at the Family Aquatic Center and the Boys & Girls Club of Troy.

Council Member Tietz requested that Management explore and consider changing the Council Rules of Procedure to have public comment for Items on the Agenda to be at the beginning of the meeting.

Council Member Henderson asked Chief Mayer to speak on L-2a City of Troy Resolution Supporting Banning the Sale of K2-Spice. Chief Mayer explained that it is a community response to a community problem and thanked the Troy Community Coalition for their involvement, as well as 43 local businesses for their support and cooperation who have signed the pledge not to sell. Additionally, www.nospicetroyclawson.org contains a list of local merchants that have pledged to keep our community free of Spice/K2/Bath Salts/Synthetic Drugs.

N. REPORTS

N-1 Minutes – Boards and Committees:

- a) Planning Commission-Draft-May 22, 2012
 - b) Planning Commission-Final-May 22, 2012
- Noted and Filed

N-2 Department Reports:

- a) Penalty Hearing for Super City Smoker's Express – Liquor License Revoked
 - b) Review of Outdoor Water Use Restrictions Ordinance
 - c) Emergency Medical Service 2011 Annual Report
- Noted and Filed

N-3 Letters of Appreciation:

- a) Letter of Appreciation to Chief Nelson from Lynne Bondy, Sister JoAnn Lucas and Sister Eugenia Obasi, Recognizing Troy Firefighters for Professionalism
- b) Letter of Appreciation to Kurt Bovensiep from Angie Morris of the March of Dimes, Thanking Him for Assistance

Noted and Filed

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

Noted and Filed

N-5 City Assessing versus County Assessing, Formal Bid Process

Noted and Filed

N-6 Letter of Understanding from Rehmann Regarding Audit Services for Fiscal Year 2011/12

Noted and Filed

O. STUDY ITEMS

O-1 No Study Items

P. CLOSED SESSION:

P-1 Closed Session

Q. ADJOURNMENT

The Meeting **RECESSED** at 10:07 PM.

The Meeting **RECONVENED** at 10:11 PM.

The Meeting **ADJOURNED** at 10:16 PM.

Mayor Janice Daniels

M. Aileen Bittner, CMC
City Clerk