Pastor Bob Cholette from Troy Assembly of God 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, September 10, 2012, at City Hall, 500 W. Big Beaver Road. Mayor Daniels called the meeting to order at 7:33 PM.

B. ROLL CALL:

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

b) Excuse Absent Council Members:

Resolution #2012-09-176
Moved by McGinnis
Seconded by Slater

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Fleming at the Regular City Council Meeting of September 10, 2012, due to being out of the county.

Yes: Daniels, Campbell, Henderson, McGinnis, Slater, Tietz
No: None
Absent: Fleming

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Michigan Association of Fire Chiefs (MAFC) Fire Chief of the Year Award Presented to Chief Nelson

C-2 Welcome Home Proclamation – Corporal Mark J. Daniels

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Planned Unit Development (File Number PUD 004) – Big Beaver Center (Formerly "The Monarch") PUD, North Side of Big Beaver Road Between Alpine and McClure, Section 20, Currently Zoned PUD 004 and R-1B (One Family Residential) Districts

The Mayor **OPENED** the Public Hearing.
The Mayor **CLOSED** the Public Hearing after receiving public comment from:

Stine, Jeanne	Spoke about traffic safety concerns with the proposed PUD.
Krent, Tom	Spoke about traffic safety concerns with the proposed PUD.
Dawson, Barbara	Spoke about traffic safety concerns with the proposed PUD.
Jordan, Shirley	Spoke in opposition of the proposed PUD.
Oleszkowicz, Mike	Spoke about traffic safety concerns with the proposed PUD.
O'Kulch, Chad	Spoke about traffic safety concerns with the proposed PUD.

Moved by Daniels
Seconded by Tietz

WHEREAS**,** AF Jonna Development has requested Concept Development Plan approval and Preliminary Development Plan approval concurrently, pursuant to Article 11 of the City of Troy Zoning Ordinance, for Big Beaver Center Planned Unit Development (PUD 4), located on the north side of Big Beaver Road between Alpine and McClure, in Section 20, currently zoned PUD 004 and R-1B (One Family Residential) Districts, being approximately 7.5 acres in size; and

WHEREAS**,** The proposed Big Beaver Center Planned Unit Development includes a 24,000 square foot retail building and a 3,500 square foot bank branch along Big Beaver Road, with 16 single family residential units to the north; and

WHEREAS**,** The application is consistent with the City of Troy Master Plan; and

WHEREAS**,** The commercial component along Big Beaver achieves many of the goals of the Big Beaver Corridor Study; and

WHEREAS**,** The pedestrian amenities proposed by the applicant along Big Beaver provide a significant public benefit by offering a pedestrian style and scale building that can be an example to be emulated along the Big Beaver corridor; and

WHEREAS**,** The residential component serves as a suitable transition between the commercial component and the existing residential neighborhood to the north; and

WHEREAS**,** The application is compatible with adjacent properties and uses; and

WHEREAS**,** The proposed PUD meets the Standards for Approval set forth in Section 11.03 of the Zoning Ordinance; and

WHEREAS**,** The Planning Commission recommended approval of the proposed PUD on August 14, 2012; and

WHEREAS**,** The proposed Planned Unit Development includes parcels 1 through 10 as described in the following legal descriptions and illustrated on the attached Topographic Survey drawing:

Land situated in the County of Oakland, City of Troy, State of Michigan, is described as follows:

PARCEL 1:
Lot 90, EXCEPT the South 42 feet, of MUER'S GARDEN FARMS, according to the plat thereof as recorded in Liber 15 of Plats, page 45, Oakland County Records (Tax ID No. 20-20-402-055).

PARCEL 2:
Lot 91, also the East 26 feet of the North 140 feet of the South 182 feet of Lot 92 and Lot 93, EXCEPT the North 91 feet of the West 120 feet, of MUER'S GARDEN FARMS, according to the plat thereof as recorded in Liber 15 of Plats, page 45, Oakland County Records (Tax ID No. 20-20-402-053).

PARCEL 3:
Lot 92, EXCEPT the South 42 feet also EXCEPT the East 26 feet of the North 140 feet of the South 182 feet, of MUER'S GARDEN FARMS, according to the plat thereof as recorded in Liber 15 of Plats, page 45, Oakland County Records (Tax ID No. 20-20-402-054).

PARCEL 4:
The North 91 feet of the West 120 feet of Lot 93, of MUER'S GARDEN FARMS, according to the plat thereof as recorded in Liber 15 of Plats, page 45, Oakland County Records (Tax ID No. 20-20-402-052).

PARCEL 5:
Lot 94, of MUER'S GARDEN FARMS, according to the plat thereof as recorded in Liber 15 of Plats, page 45, Oakland County Records (Tax ID No. 20-20-402-018).

PARCEL 6:
Lot 95, of MUER'S GARDEN FARMS, according to the plat thereof as recorded in Liber 15 of Plats, page 45, Oakland County Records (Tax ID No. 20-20-402-017).

PARCEL 7:
Lot 96, of MUER'S GARDEN FARMS, according to the plat thereof as recorded in Liber 15 of Plats, page 45, Oakland County Records (Tax ID No. 20-20-402-016).

PARCEL 8:
Lot 122, of MUER'S GARDEN FARMS, according to the plat thereof as recorded in Liber 15 of Plats, page 45, Oakland County Records (Tax ID No. 20-20-402-030).

PARCEL 9:
Lot 123, of MUER'S GARDEN FARMS, according to the plat thereof as recorded in Liber 15 of Plats, page 45, Oakland County Records (Tax ID No. 20-20-402-031).

PARCEL 10:

Lot 124, of MUER'S GARDEN FARMS, according to the plat thereof as recorded in Liber 15 of Plats, page 45, Oakland County Records (Tax ID No. 20-20-402-032).

THEREFORE BE IT RESOLVED, City Council hereby **DECLARES** the former Monarch Planned Unit Development, including all approved agreements, site plans and drawings, to be abandoned and rescinded; the subject property retains the PUD-004 zoning designation; and

BE IT FURTHER RESOLVED, City Council hereby **APPROVES** rezoning of the northern two parcels (Parcel 7, 3128 Alpine and Parcel 8, 3141 McClure) from R-1B One Family Residential District to PUD-004 and **APPROVES** the inclusion of the two parcels into PUD-004; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Planning Director and City Clerk to take whatever actions are necessary pursuant to the City Ordinance to effect the rezoning of the Parcel 7 and Parcel 8 to PUD -004; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AMENDS** the Zoning District Map of the City of Troy Zoning Ordinance to delineate Parcel 7 and Parcel 8 as PUD-004; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the attached Planned Unit Development Agreement and the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the Planned Unit Development Agreement for Big Beaver Center Planned Unit Development on behalf of the City; a copy shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, City Council hereby **APPROVES** the Concept Development Plan (CDP) and Preliminary Development Plan (PDP) for Big Beaver Center PUD; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the **RECORDING** of the executed Big Beaver Center Planned Unit Development Agreement with the Oakland County Register of Deeds; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **APPROVES** the Concept Development Plan for Big Beaver Center Planned Unit Development and the petitioner is hereby permitted to seek Final Site Plan Approval.

Vote on Resolution to Postpone Item E-1 Planned Unit Development (File Number PUD 004) – Big Beaver Center (Formerly "The Monarch") PUD, North Side of Big Beaver Road Between Alpine and McClure, Section 20, Currently Zoned PUD 004 and R-1B (One Family Residential) Districts

Resolution #2012-09-177
Moved by Slater
Seconded by Campbell

RESOLVED, That City Council hereby **POSTPONES** Item *E-1 Planned Unit Development (File Number PUD 004) – Big Beaver Center (Formerly "The Monarch") PUD, North Side of Big Beaver Road Between Alpine and McClure, Section 20, Currently Zoned PUD 004 and R-1B (One Family Residential) Districts* to the September 24, 2012 Regular City Council Meeting to allow for a traffic study of the area of Alpine and Big Beaver Rd.

Yes: Campbell, Henderson, McGinnis, Slater, Tietz, Daniels
No: None
Absent: Fleming

MOTION CARRIED

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:

Savage, James	Spoke on I-4 to congratulate City Council on their appointment of Mr. Kischnick as City Manager and to commend Mr. Culpepper for serving as Acting City Manager.

G. CITY COUNCIL/CITY ADMINISTRATION 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 – None

a) Mayoral Appointments - None

b) City Council Appointments - None

I-2 Board and Committee Nominations: a) Mayoral Nominations – Downtown Development Authority; b) City Council Nominations – Animal Control Appeal Board; Parks and Recreation Board

a) Mayoral Nominations

The Mayor took **NO ACTION** on this Item.

b) City Council Nominations

Resolution #2012-09-178
Moved by McGinnis
Seconded by Slater

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:

Animal Control Appeal Board
Appointed by Council
5 Regular Members
3 Year Term

Nominations to the Animal Control Appeal Board:

Term Expires: 9/30/2015	**Al Petrulis**
	Term currently held by: Al Petrulis
Term Expires: 9/30/2015	**Gretchen Waters**
	Term currently held by: Vincent Viola

Parks and Recreation Board
Appointed by Council
7 Regular Members and 1 Troy School Board Member:
Regular Member: 3 Year Term / Troy School Board Member: 1 Year Term

Nominations to the Parks and Recreation Board:

Term Expires: 9/30/2015	**Orestis Kaltsounis**
	Term currently held by: Orestis Kaltsounis
Term Expires: 9/30/2015	**Laurie Huber**
	Term currently held by: Stuart Redpath

Yes: Henderson, McGinnis, Slater, Tietz, Daniels, Campbell
No: None
Absent: Fleming

MOTION CARRIED

I-3 No Closed Session Requested

I-4 City Manager Contract

Resolution #2012-09-179
Moved by McGinnis
Seconded by Slater

RESOLVED, That the attached Employment Agreement between the City of Troy and Brian M. Kischnick is hereby **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the document on behalf of the City. A copy of the Employment Agreement will be **ATTACHED** to the Minutes of this meeting.

BE IT FURTHER RESOLVED, That the official start date for Brian M. Kischnick is **SET FOR** November 19, 2012 at 8:00 am, and that in the interim, Michael W. Culpepper is **DESIGNATED** as Acting City Manager.

BE IT FURTHER RESOLVED, That in recognition of Michael W. Culpepper's continued service as Acting City Manager, he shall be **COMPENSATED** $1000, and shall be **PROVIDED** with ten vacation days.

Yes: McGinnis, Slater, Tietz, Daniels, Campbell, Henderson
No: None
Absent: Fleming

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2012-09-180
Moved by Slater
Seconded by McGinnis

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

Yes: Slater, Tietz, Daniels, Campbell, Henderson, McGinnis
No: None
Absent: Fleming

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2012-09-180-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:
a) Regular City Council Meeting - August 27, 2012
b) Special City Council Meeting - August 29 -30, 2012

J-3 Proposed City of Troy Proclamations:

a) Welcome Home Proclamation – Corporal Mark J. Daniels

J-4 Standard Purchasing Resolutions:

a) Standard Purchasing Resolution 3: Exercise Renewal Option – Ice Melt Compounds

Resolution #2012-09-180-J-4a

WHEREAS, On October 3, 2011, Troy City Council awarded a one-year contract to provide ice melt compounds with an option to renew for one (1) additional year for the City of Troy and participating MITN (Michigan Intergovernmental Trade Network) Purchasing Cooperative Members to the lowest acceptable bidder, Washington Elevator Co, Inc of Washington Twp, MI (Resolution #2011-10-229-J-4a); and

WHEREAS, Washington Elevator Co, 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 ice melt compounds with Washington Elevator Co., Inc. of Washington Twp, MI, as no benefit would be derived from soliciting formal bids, under the same terms and conditions at unit prices contained in the bid tabulation opened September 21, 2011, with a contract expiration of October 31, 2013.

b) Standard Purchasing Resolution 6: Grant Approval and Authorization to Expend Funds MMRMA Risk Avoidance Program Grant (RAP)

Resolution #2012-09-180-J-4b

RESOLVED, That the Troy City Council hereby **AUTHORIZES** the Water/Sewer Division to receive a Michigan Municipal Risk Management Authority (MMRMA) Risk Avoidance Program (RAP) Grant and **EXPEND** funds for the purchase of an Envirosight Quickview Camera from the sole source provider in Michigan, Bell Equipment Company of Lake Orion, for an estimated total cost of $16,000; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AMENDS** the Water/Sewer Division budget to receive the grant funding of $7,000 for the purchase of the Envirosight Quickview Camera.

c) Standard Purchasing Resolution 4: State of Michigan – MiDEAL Program – Fleet Vehicles

Resolution #2012-09-180-J-4c

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase one (1) 2012 Dodge Charger from Bill Snethkamp - Dodge of Lansing, MI, through the State of Michigan MiDEAL Program for an estimated total cost of $22,598.00.

d) Standard Purchasing Resolution 1: Award to Low Bidder – Asphalt Patching Material - Cold

Resolution #2012-09-180-J-4d

RESOLVED, That Troy City Council hereby **AWARDS** a seasonal contract for asphalt patching material – CP1 Dura Patch using a SCM liquid to the low bidder, Cadillac Asphalt LLC of Wixom, MI, for an estimated total cost of $38,000.00, at the unit price contained in the bid tabulation electronically submitted August 23, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract to commence October 15, 2012, and expire April 30, 2013.

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

e) Standard Purchasing Resolution 3: Exercise Renewal Option – Towing Services

Resolution #2012-09-180-J-4e

WHEREAS, On September 14, 2009, Troy City Council awarded a three-year contract with an option to renew for three (3) additional years to provide towing and storage services to A&M Service Center, Inc of Troy, MI (Resolution #2009-09-272); and

WHEREAS, A&M Service Center, Inc. has agreed to exercise the option to renew for three (3) additional years under the same prices, terms, and conditions;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew towing and storage services for three additional years with A&M Service Center, Inc of Troy, MI, under the same contract prices, terms, and conditions expiring September 30, 2015.

BE IT FINALLY RESOLVED, That the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the Renewal Agreement once in acceptable form.

J-5 Request for Recognition as a Nonprofit Organization Status from Beth Babbie – Troy Sting

Resolution #2012-09-180-J-5

RESOLVED, That Troy City Council hereby **APPROVES** the request from Troy Sting Travel Hockey Team, 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-6 Request for Acceptance of a Quit Claim Deed and Four Permanent Easements – Athens Parc Site Condominium – Sidwell #88-20-14-401-006

Resolution #2012-09-180-J-6

RESOLVED, That City Council hereby **ACCEPTS** a quit claim deed for a portion of Rockdale Court, a public road, and four permanent easements for landscape preservation, sanitary

sewer, storm sewer and public utilities from Athens Parc Developers, LLC equity interest holders in the property having Sidwell #88-20-14-401-006; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to **RECORD** the quit claim deed and permanent easements with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-7 Fireworks Permit – Macy's at Oakland Mall

Resolution #2012-09-180-J-7

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Macy's, located at 500 W. Fourteen Mile Rd., for the use of fireworks at its annual holiday shopping kick-off on Friday November 2, 2012.

BE IT FURTHER RESOLVED, That the Troy City Council hereby **DIRECTS** the Troy Fire Department to inspect the fireworks to be used along with the site to assure compliance with applicable codes and standards for such a fireworks display, and take the necessary precautions to ensure safety.

J-8 Todd Michael v. City of Troy et. al

Resolution #2012-09-180-J-8

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of *Todd Michael v City of Troy et. al,* and to retain any necessary expert witnesses or pay any necessary costs to adequately represent the City.

J-9 Rodney Knutson v. City of Troy et. al

Resolution #2012-09-180-J-9

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of *Rodney Knutson v City of Troy et. al, (52-4 District Court, Case No. 12-C02387 GC)* and to retain any necessary expert witnesses or pay any necessary costs to adequately represent the City.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

a) Announcement of Public Hearings for Industrial Development District (IDD) and Industrial Facilities Exemption Certificate (IFEC) for Alternative Automotive Technologies – 1225 E. Maple on September 24, 2012

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

L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Peters, Richard	Spoke on Item I-4, E-1, and other various topics.

M. COUNCIL REFERRALS:

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

M-1 No Council Referrals Advanced

N. COUNCIL COMMENTS:

N-1 No Council Comments Advanced

Mayor Pro Tem McGinnis announced that the Rotary Club will host an event to honor our veterans during Patriot Week. Lt. Col. Gary Smith will share his experiences as a flight navigator during the Gulf Wars. The event will be held at the Bank of America building, 2600 W. Big Beaver Rd., on Wednesday, September 12, 2012 from 12:00 PM - 1:30 PM. The cost is $13.00 and includes lunch and the program.

Mayor Pro Tem McGinnis announced that the Rotary Club will host their VIVA LA VINO wine tasting fundraiser on Friday, September 21, 2012 from 7:00 PM – 10:30 PM at the San Marino Club. Tickets can be purchased online at www.showclix.com/event/VivaLaVino. All proceeds will go towards civic service projects and student scholarship programs.

Council Member Tietz announced Troy Family Daze starts on Thursday, September 13, 2012 through Sunday, September 16, 2012. For more information, please go to www.troyfamilydaze.org.

Council Member Slater spoke with City Management about a resident complaint regarding the construction on Livernois.

Mayor Daniels announced that the Oakland County Homeland Security Division advised the City of Troy that beginning today through the end of September, maintenance work will be performed on the outside warning sirens located within Oakland County. Once the work is completed, they will test the sirens for 30 seconds. Please call (248) 858-1593 for more information.

Mayor Daniels announced receipt of letters from the Honorable Mayor Brian Barnett of Rochester Hills and the Honorable Mayor James McDonald of Auburn Hills complimenting the CNNMoney Magazine article naming City of Troy as the 26th of the top 100 Best Places to Live in America.

The Mayor will give the State of the City Address on Thursday, September 20, 2012 at 7:00 PM at the Troy Community Center.

O. REPORTS:

O-1 Minutes – Boards and Committees:

a) Planning Commission-Draft-August 14, 2012

b) Planning Commission-Final-August 14, 2012

Noted and Filed

O-2 Department Reports: None Submitted

Noted and Filed

O-3 Letters of Appreciation:

a) Letter of Appreciation from Donna Mitchell Thanking Gary Bowers for Assistance

b) Letter of Appreciation to Terry Colussi from Matthew Panicker Thanking Her for Assistance

c) Letter of Appreciation to Paul Evans Regarding Assistance with a Permit

d) Letter of Appreciation to Mike Culpepper from Ricardo Nunez Thanking Cindy Stewart for Assistance

e) Letter of Appreciation from Mike McCurdie, President of SAFEbuilt

Noted and Filed

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

Noted and Filed

O-5 Notice of Hearing for the Customers of the Detroit Edison Company Case No. U-17053

Noted and Filed

O-6 Recycling of White Goods – City Council Meeting August 27, 2012

Noted and Filed

O-7 Notice of Hearing for the Gas Customers of Consumers Energy Company Case No. U-16485-R

Noted and Filed

O-8 Procedure in Event of Successful Recall

Noted and Filed

O-9 Right-of-Way Boulders and Other Improvements

Noted and Filed

O-10 "Limited" Right Turn from Big Beaver to Daley and Rochester to Hartland

Noted and Filed

O-11 Notice of Hearing for the Customers of the Detroit Edison Company Case No. U-17049

Noted and Filed

P. STUDY ITEMS:

P-1 No Study Items

Q. CLOSED SESSION:

Q-1 No Closed Session

R. ADJOURNMENT:

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

Mayor Janice Daniels

M. Aileen Bittner, CMC
City Clerk