Pastor David Lomasney from Zion Christian Church 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, October 8, 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 No Certificates of Recognition and Special Presentations

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Public Hearing - Conditional Rezoning Application (File Number CR 006) – Proposed Troy Plaza Development, West Side of Crooks, North Side of New King (5550 New King), Section 8, From PUD (Planned Unit Development) to OM (Office Mixed Use) and CB (Community Business) Districts

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after hearing public comment from Tom Gergich.

Resolution #2012-10-188
Moved by Fleming
Seconded by McGinnis

WHEREAS, The City is in receipt of a proposed rezoning request from PUD (Planned Unit Development) to OM (Office Mixed Use) and CB (Community Business) Districts; and

WHEREAS, The applicant voluntarily offered a number of conditions, as described in the Conditional Rezoning Agreement and related attachments, as per Section 16.04 of the City of Troy Zoning Ordinance; and

WHEREAS, The subject property, located on the west side of Crooks, north side of New King (5500 New King), parcel 88-20-08-276-002, being approximately 6 acres in size, is described and illustrated on the attached legal description drawing; and

WHEREAS, The conditional rezoning was recommended for approval by the Planning Commission; and

WHEREAS, The proposed rezoning is supported by the Master Plan and advances the general and specific development policies of the Master Plan; and

WHEREAS, The proposed rezoning would be consistent and non-disruptive to the surrounding land use pattern; and

WHEREAS, The proposed rezoning will facilitate redevelopment of the site.

THEREFORE BE IT RESOLVED, City Council hereby **RESCINDS** and **ABANDONS** the Troy Plaza Planned Unit Development and related plans and agreements.

BE IT FURTHER RESOLVED, City Council hereby **APPROVES** the PUD to OM and CB Rezoning, including the Conditional Rezoning Agreement and related attachments.

BE IT FURTHER RESOLVED, City Council hereby **APPROVES** the Preliminary Site Plan and **GRANTS** Special Use Approval for the two proposed drive-throughs.

BE IT FURTHER RESOLVED, City Council **AUTHORIZES** the Mayor and City Clerk to sign the Conditional Rezoning Agreement on behalf of the City of Troy.

BE IT FINALLY RESOLVED, The City of Troy Zoning District Map is hereby **AMENDED**.

Yes: All-7
No: None

MOTION CARRIED

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #7 – *Order of Business*

Resolution #2012-10-189
Moved by Tietz
Seconded by Campbell

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #7 *Order of Business* to take items out-of-order on the Agenda.

Yes: All-7
No: None

MOTION CARRIED

Vote on Resolution to Postpone Item *P-1 Distracted Driving Ordinance*

Resolution #2012-10-190
Moved by Tietz
Seconded by Campbell

RESOLVED, That Troy City Council hereby **POSTPONES** Item P-1 Distracted Driving Ordinance to the November 12, 2012 Regular City Council Meeting.

Yes: All-7
No: None

MOTION CARRIED

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:

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 – None

a) Mayoral Nominations

The Mayor took no action on this Item.

b) City Council Nominations - None

I-3 No Request for Closed Session

J. CONSENT AGENDA:

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

Resolution #2012-10-191

Moved by McGinnis
Seconded by Fleming

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

Yes: All-7
No: None

MOTION CARRIED

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

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J-2 Approval of City Council Minutes

Resolution #2012-10-191-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:
a) Regular City Council Meeting – September 24, 2012

J-3 Proposed City of Troy Proclamations: None Proposed

J-4 Standard Purchasing Resolutions:

a) Standard Purchasing Resolution 4: US Communities Government Purchasing Alliance Program – Empire Today, LLC

Resolution #2012-10-191-J-4a

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase carpet tiles for the 52-4 District Court under the US Communities Government Purchasing Alliance Program competitively bid by the City of Seattle, Washington through Contract #0000002865 with Empire Today LLC for an estimated total cost of $12,226.00, as detailed in the estimate dated 9/19/2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

b) Standard Purchasing Resolution 3: Exercise Renewal Option – Snow Removal Services, Home Chore Program and Public Sidewalks

Resolution #2012-10-191-J-4b

WHEREAS, On November 21, 2011, Troy City Council awarded contracts to provide seasonal requirements of snow removal services for the City's municipal sidewalks, code enforcement tasks, and Home Chore Program with an option to renew for one (1) additional season to the low total bidder, MVP Environmental, LLC of Troy as the primary contractor for all three (3) proposals; and Brantley Development LLC of Westland, as secondary contractor for code enforcement and the Home Chore Program, to be used in the event the primary contractor is unable to provide the services as needed, all at unit prices contained in the bid tabulation opened November 11, 2011 (Resolution #2011-11-267-J4b); and

WHEREAS, Both vendors have agreed to exercise their option to renew for one additional season under the same pricing, terms and conditions as their original contracts;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby determines it to be in the City's best interest to **EXERCISE** the option to renew the contracts to provide seasonal requirements of snow removal services with MVP Environmental LLC as the primary contractor for municipal sidewalks, code enforcement tasks, and Home Chore Program; and Brantley Development LLC as secondary contractor for code enforcement and the Home Chore Program under the same pricing, terms and conditions expiring April 30, 2013, **CONTINGENT** upon contractors' submission of properly executed insurance certificates and all other specified requirements.

c) Standard Purchasing Resolution 2: Bid Award – Sole Bidder – Bare Root Street Tree Planting

Resolution #2012-10-191-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide and install bare root ROW trees for the 2012 Fall planting season to the sole bidder, Marine City Nursery of Marine City, MI, at $120.00 per tree installation for an estimated total cost not to exceed budgetary limitations, in accordance with the bid tabulation opened September 26, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

J-5 Request for Acceptance of Two Permanent Easements – Old Dominion Freight Line, Inc. – Sidwell #88-20-26-126-012 & 018

Resolution #2012-10-191-J-5

RESOLVED, That City Council hereby **ACCEPTS** two permanent easements for water main from Old Dominion Freight Line, Inc., owners of the properties having Sidwell #88-20-26-126-012 & 018, and

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

J-6 Request for Acceptance of a Warranty Deed – Hidden Forest Site Condominium – Sidwell #88-20-22-101-030

Resolution #2012-10-191-J-6

RESOLVED, That City Council hereby **ACCEPTS** a warranty deed for detention purposes from Hidden Development, LLC, owner of the property having Sidwell #88-20-22-101-030, and

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

J-7 Traffic Committee Recommendations and Minutes – September 19, 2012

Resolution #2012-10-191-J-7

Item #3 – Request for Traffic Control – Columbia at Rhode Island

RESOLVED, That the intersection control at Columbia and Rhode Island be **MODIFIED** from "no traffic control" to a YIELD sign on the Rhode Island northbound approach to the intersection.

Item #4 – Request to Revise No Stopping, Standing, Parking Zone Hours – Barnard Elementary

RESOLVED, That the No Stopping, Standing, Parking signs on Anvil and Forge, near Barnard Elementary, be **REVISED** to prohibit stopping, standing, parking between the hours of 7:30 a.m. to 8:30 a.m. and 3:30 p.m. to 4:30 p.m. SCHOOL DAYS ONLY.

Item #5 – Request to Revise No Stopping, Standing, Parking Zone Hours – Hill Elementary

RESOLVED, That the No Stopping, Standing, Parking signs on Quincy and Mill Pond, near Hill Elementary, be **REVISED** to prohibit stopping, standing, parking between the hours of 8:00 a.m. to 9:00 a.m. and 3:00 p.m. to 4:00 p.m. SCHOOL DAYS ONLY.

Item #6 – Establish Fire Lanes at 550 Oliver

RESOLVED, That fire lanes be **ESTABLISHED** at 550 Oliver.

Item #7 – Establish Fire Lanes at 2873 – 2897 W. Maple

RESOLVED, That fire lanes be **ESTABLISHED** at 2873 – 2897 W. Maple.

Item #8 – Request for No Parking Zone – Kenyon at Jamaica

RESOLVED, That a NO PARKING zone be **ESTABLISHED** between Kenyon and the start of the cul-de-sac to the east.

J-8 Private Agreement – Oak Forest Site Condominiums Phase I Project No. 04.943.3

Resolution #2012-10-191-J-8

RESOLVED, That the Contract for the installation of Municipal Improvements (Private Agreement) between the City of Troy and Ladd's Inc., is hereby **APPROVED** for the installation

of sanitary sewer, storm sewer, detention, water main, paving, sidewalks, wetland mitigation, landscaping, and soil erosion on the site and in the adjacent right-of- way, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-9 Interlocal Agreement for the Major Case Assistance Team

Resolution #2012-10-191-J-9

WHEREAS, The Major Case Assistance Team (MCAT) is a collaborative initiative aimed at resolving complex criminal cases through the provision of additional trained personnel and equipment to member agencies involved in major criminal investigations; and

WHEREAS, In order to participate in MCAT, approval of the Interlocal agreement between the City of Troy and Oakland County is required.

NOW THEREFORE, BE IT RESOLVED, That the attached Interlocal Agreement for the Major Case Assistance Team between the City of Troy and Oakland County is hereby **APPROVED**.

BE IT FURTHER RESOLVED, That the Chief of Police is **AUTHORIZED** to sign the Interlocal Agreement on behalf of the City of Troy.

J-10 Contract Extension – Uniform Rental Services

Resolution #2012-10-191-J-10

WHEREAS, On November 24, 2008, Troy City Council approved a two-year contract to provide uniform rental services for various City of Troy union employees with an option to renew for two additional years to Unifirst Corporation of Auburn Hills, MI, the highest rated respondent as a result of a best value process in cooperation with Oakland County {Resolution #2008-11-351-F-4c}; and

WHEREAS, The option to renew was exercised and approved by Troy City Council on August 9, 2010 {Resolution #2010-08-168-J-4c}; and

WHEREAS, Unifirst Corporation has agreed to extend the contract for two-years under the same pricing, terms and conditions as the original contract;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **EXTENDS** the cooperatively bid contract with Oakland County to Unifirst Corporation of Auburn Hills, MI, for uniform rental services at unit prices as contained in the bid tabulation opened September 3, 2008, with the contract expiring October 31, 2014.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

a) Announcement of Public Hearing for October 22, 2012 – Community Development Block Grant (CDBG) 2013 Application

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:

Munro, Wanda	Spoke about individuals supporting the recall efforts of the Mayor.
Butterbaugh, Ron	Spoke in favor of the recall efforts of the Mayor.
Wilsher, Cynthia	Spoke about consequences relating to public comment
Savage, James	Spoke in opposition of the recall efforts of the Mayor.
Peters, Richard	Spoke about national politics and local zoning/businesses.
Martin, Sue	Spoke about political literature in opposition of the recall of the Mayor.
Cherasaro, Nick	Read an email written by a Troy resident.
Schepke, Gordon	Spoke in opposition of the recall efforts of Mayor Daniels and about DDA Bonds.
Graczyk, Ed	Spoke in opposition of the recall efforts of Mayor Daniels.
Brake, Dan	Spoke about former Council Member Howrylak.
Kajma, Linda	Spoke in favor of the recall efforts of Mayor Daniels.

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

Vote on Resolution to Remove Public Comment from Future Rebroadcasts of this City Council Meeting

Resolution #2012-10-192
Moved by Slater
Seconded by Campbell

RESOLVED, That Troy City Council hereby **REMOVES** the portion of the public comment of Wanda Munro that mentions Troy residents by name from future rebroadcasts of this City Council Meeting.

Yes: All-7
No: None

MOTION CARRIED

Mayor Daniels announced that residents can watch the State of the City Address on her website at www.janiceformayor.com.

Mayor Daniels requested Staff prepare a list of distressed buildings in the City of Troy.

O. REPORTS:

O-1 Minutes – Boards and Committees:

a) Animal Control Appeal Board-Final-February 22, 2012
b) Parks and Recreation Advisory Board-Final-April 19, 2012
c) Traffic Committee-Final-May 16, 2012
d) Election Commission-Final-June 28, 2012
e) Building Code Board of Appeals-Final-September 5, 2012
f) Planning Commission-Draft-September 11, 2012
g) Planning Commission-Final-September 11, 2012
h) Election Commission-Draft-September 27, 2012

Noted and Filed

O-2 Department Reports:

a) Final Reporting – Chuck Cryderman & Associates – Auction Services – July, 2012
b) Building Department Activity Report – August, 2012
c) Final Reporting – Online Surplus Auction Sales – Police Department
d) Additional Tri-Party Funds – City to Schedule More Work on County Roads
e) 2012 Third Quarter Litigation Report

Noted and Filed

O-3 Letters of Appreciation:

a) Letter of Appreciation to Brent Savidant and Gary Bowers from Angela Keto Thanking Them for Assistance With a Safety Concern
b) Letter of Appreciation to Mayor Daniels from Stephanie Holland of The Leukemia & Lymphoma Society Thanking Her and the Troy Police Department for Support During the Light the Night Walk
c) Letter of Appreciation to Aileen Bittner and Cheryl Stewart from Pam Brady of the League of Women Voters Thanking Them for Assistance During National Voter Registration Day
d) Letter of Appreciation to Mayor Daniels from Doug Ruffley Regarding the State of the City Address
e) Letter of Appreciation to Mike Culpepper from Dan and Mary Ann Bernardi Thanking the Police Department and Fire Department for Assistance
f) Certificate of Appreciation to Mayor Daniels from Faith Apostolic Church of Troy
g) Certificate of Appreciation to the Troy Police Department from Faith Apostolic Church of Troy
h) Certificate of Appreciation to the Troy Fire Department from Faith Apostolic Church of Troy

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-16964

Noted and Filed

O-6 Letter to State Treasurer Andy Dillon Regarding the Troy Downtown Development Authority

Noted and Filed

O-7 SEMCOG Regional Update – September 24, 2012

Noted and Filed

O-8 Letter from Lawrence and Carole Carey Regarding Proposed 7-Eleven at Crooks and Wattles

Noted and Filed

O-9 Update on Library Strategic Planning Process – Community Survey

Noted and Filed

P. STUDY ITEMS:

P-1 Distracted Driving Ordinance - Postponed

Q. CLOSED SESSION:

Q-1 Closed Session

R. ADJOURNMENT:

The Meeting **ADJOURNED** at 8:43 PM.

Mayor Janice Daniels

M. Aileen Bittner, CMC
City Clerk