

Pastor Paul Monson from St. Augustine Lutheran 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, November 12, 2012, at City Hall, 500 W. Big Beaver Road. Acting Mayor McGinnis called the meeting to order at 7:32 PM.

B. ROLL CALL:

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

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 America Recycles Day 2012

C-2 Proclamation for the 50th Anniversary of St. Augustine Lutheran Church

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:

Werpetinski, James	Spoke on Item O-05 Five Year Parks and Recreation Plan Update and recommends incorporating a dog park.
Behrendt, Adam	Spoke about I-04 Request for Closed Session representing Lamar Advertising.

G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Installation Ceremony**a) Appointment of Mayor Pro Tem/Acting Mayor**

Resolution #2012-11-198

Moved by Campbell

Seconded by Tietz

RESOLVED, That Troy City Council hereby **APPOINTS** Dane Slater to serve as Mayor Pro Tem/Acting Mayor for the City Council of the City of Troy for a term scheduled to expire at 7:30 PM on Monday, November 11, 2013.

Yes: All-6

No: None

MOTION CARRIED

The Meeting **RECESSED** at 7:58 PM

The Meeting **RECONVENED** at 8:10 PM.

b) Appointment of Acting Mayor

Resolution #2012-11-199

Moved by Fleming

Seconded by McGinnis

RESOLVED, That Troy City Council **POSTPONES** *Item I-1b Appointment of Acting Mayor.*

Yes: All-6

No: None

MOTION CARRIED**c) Adoption of Rules of Procedure**

Resolution #2012-11-200

Moved by McGinnis

Seconded by Campbell

RESOLVED, That City Council **POSTPONES** *Item I-1c Adoption of Rules of Procedure* until after the appointment of a new City Council Member.

Yes: All-6

No: None

MOTION CARRIED

I-2 Board and Committee Appointments: a) Mayoral Appointments – Downtown Development Authority; b) City Council Appointments – None

a) Mayoral Appointments – Downtown Development Authority

Resolution #2012-11-201
Moved by Slater
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **POSTPONES** *Item I-2a Mayoral Appointments – Downtown Development Authority* to the next Regular City Council Meeting.

Yes: All-6
No: None

MOTION CARRIED

b) City Council Appointments - None

I-3 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – None

a) Mayoral Nominations – None

b) City Council Nominations - None

I-4 Request for Closed Session

Resolution #2012-11-202
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 – *Lamar Advertising v. City of Troy*.

Yes: All-6
No: None

MOTION CARRIED

I-5 Approval of Amendment to MDOT Capital Contract for the Troy Multi-Modal Transit Facility, MDOT Contract No. 2011-0231/A1

Resolution #2012-11-203
Moved by McGinnis
Seconded by Campbell

WHEREAS, On September 12, 2011 City Council approved Capital Contract No. 2011-0231 with MDOT (Resolution No. 2011-09-210) for \$8,485,212 in federal funds for the final design and construction of the Troy Multi-Modal Transit Facility; and

WHEREAS, On January 17, 2012, City Council resolved that the total cost of the Troy Multi-Modal Transit Center shall not exceed \$6,272,500 (Resolution No. 2012-01-008).

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** Amendment A1 to MDOT Capital Contract No. 2011-0231 between the City of Troy and the Michigan Department of Transportation that reduces the funding amount from the original \$8,485,212 to the not to exceed amount of \$6,272,500 previously approved by City Council, and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6

No: None

MOTION CARRIED

I-6 Contract Amendment for Testing Services for the Troy Multi-Modal Transit Facility

Resolution #2012-11-204

Moved by Tietz

Seconded by Fleming

WHEREAS, On January 17, 2012, City Council approved a contract with Hubbell, Roth and Clark, Inc. (HRC) for Architectural and Engineering Services (A/E) for the Multi-Modal Transit Facility (Resolution No. 2012-01-008); and

WHEREAS, The A/E contract as awarded included a place holder amount for construction testing services that would need to be adjusted based on the final design of the Transit Center and scope of testing work needed for its construction; and

WHEREAS, HRC has submitted a testing proposal based on the Transit Center's final design that keeps the project within the \$6,272,500 project cost limit previously set by City Council.

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** Amendment No. 1 to the Architectural and Engineering Contract between the City of Troy and Hubbell, Roth and Clark, Inc. for Testing Services in support of the Troy Multi-Modal Transit Facility in the amount of \$64,841.28.

Yes: All-6

No: None

MOTION CARRIED

I-7 2013 City Council Meeting Dates

Resolution #2012-11-205
Moved by Campbell
Seconded by McGinnis

RESOLVED, That Troy City Council **SHALL HOLD** Regular Meetings in 2013 according to the following schedule at 7:30 PM:

Monday, January	14 & 28
Monday, February	4 & 18
Monday, March	4 & 18
Monday, April	8 & 15
Monday, May	13 & 20
Monday, June	3 & 17
Monday, July	8 & 22
Monday, August	12 & 26
Monday, September	9 & 23
Monday, October	7 & 21
Monday, November	11 & 25
Monday, December	2 & 16

BE IT FURTHER RESOLVED, That Troy City Council **SHALL HOLD** Special Study Sessions for the purpose of budget discussions in 2013 according to the following schedule at 7:30 PM:

Monday, April	22
Monday, April	29

BE IT FURTHER RESOLVED, That Troy City Council **SHALL HOLD** Regular Liquor Violation Hearing Meetings in 2013 according to the following schedule at 7:30 PM:

Wednesday, February	6
Wednesday, February	20

BE IT FINALLY RESOLVED, That Troy City Council **MAY SCHEDULE** other Special Meetings as needed.

Yes: All-6
No: None

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2012-11-206
Moved by Fleming
Seconded by McGinnis

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

Yes: All-6
No: None

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2012-11-206-J-2

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

- a) Regular City Council Meeting – October 22, 2012

J-3 Proposed City of Troy Proclamations:

- a) America Recycles Day 2012
b) Proclamation for the 50th Anniversary of St. Augustine Lutheran Church

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 1: Award To Low Bidders – Water System Materials**

Resolution #2012-11-206-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide one-year requirements of Water System Materials to the following low bidders: Gunners Meters & Parts of Pontiac, MI, SLC Meter Service, Inc. of Davisburg, MI, and EJ USA Inc. of East Jordan, MI, at unit prices contained in the bid tabulation opened October 15, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That Gunners Meters & Parts are hereby **AWARDED** Item.6 – Mueller Improved Fire Hydrant Parts at prices as contained on the Hydraflo Replacement Parts List dated July, 2011.

- b) **Standard Purchasing Resolution 1: Award To Low Bidders - Contract 12-7 – Lovington Storm Sewer**

Resolution #2012-11-206-J-4b

RESOLVED, That contract No. 12-7, Lovington Storm Sewer, be **AWARDED** to DiPonio Contracting, Inc., 51173 Simone Industrial Drive, Shelby Township, MI 48316, for their low total bid amount of \$942,449.00.

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 Traffic Committee Recommendations and Minutes – October 17, 2012

Resolution #2012-11-206-J-5

Item #3 – Request for Traffic Control – Vineyards at Vineyards Court

RESOLVED, That the intersection control at Vineyards and Vineyards Court be **MODIFIED** from “no traffic control” to a STOP sign on the Vineyards Court northbound approach to the intersection.

Item #4 – Request to Revise School Speed Zone Hours – Hamilton Elementary

RESOLVED, That the supplementary plaques indicating School Speed Limit of 25 mph on Northfield Parkway, near Hamilton Elementary, be **REVISED** to the hours of 8:30 a.m. to 9:30 a.m. and 3:30 p.m. to 4:30 p.m.

J-6 Robert Davis v. City of Troy, Troy City Council et. al

Resolution #2012-11-206-J-6

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the Troy City Council in any and all claims and damages in the matter of *Robert Davis v. City of Troy, Troy City Council et. al. (Wayne County Circuit Court, Case No. 12-013884 AW)* and to retain any necessary expert witnesses or pay any necessary costs to adequately represent the City.

J-7 National Public Finance Guarantee Corp. v. City of Troy

Resolution #2012-11-206-J-7

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the Troy City Council in any and all claims and damages in the matter of *National Public Finance Guarantee Corporation v. City of Troy, Troy City Council et. al. (Oakland County Circuit Court, Case No. 2012-129991-CZ)* 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: None Submitted

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:

Klein, Barbara	Spoke in support of the current City Council.
Dabish, Andrew	Spoke in reference to his resume submitted for Mayor.
Neate, Ed	Spoke about the recent election.
Schmidt, William	Requests that national politics and ideologies be kept at the national level, not at the local level.
Landmesser, Avis	Spoke about the recent election.
Fucinari, Cathy	Spoke in support of the current City Council moving forward making decisions in the best interest of the City.
Wilsher, Cynthia	Inquired about the application process for the City Council appointment.
Hodorek, Lynne	Spoke in support of City Council and requested nomination of Maureen McGinnis as appointed Mayor.
Yagley, Barbara	Spoke regarding the former Mayor.
Peters, Richard	Spoke about recent election and of gun violence.
Hendrickson, Rhonda	Spoke about change and moving forward in Troy.
Murrish, Dale	Nominated Wade Fleming for Mayor and Ed Kempen as Council appointment and spoke regarding the former Mayor.
Kulesz, John	Spoke of optimism and requests that City Council follow the Golden Rule.
Bernardi, Maryanne	Spoke regarding the former Mayor.
Kajma, Linda	Spoke in support of the current City Council.
Stine, Jeanne	Spoke in support of the current City Council.
Werpetinski, James	Spoke about finding common ground and respecting each other despite having differing opinions.

M. COUNCIL REFERRALS:

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

M-1 No Council Referrals

N. COUNCIL COMMENTS:

N-1 Council Comments

Council Member Henderson addressed resident comments regarding the grass growth on the street medians. Administration indicated that the mowing is scheduled for Thursday and that the delay in mowing was due to weather conditions.

O. REPORTS:

O-1 Minutes – Boards and Committees:

- a) Brownfield Redevelopment Authority-Final-April 17, 2012
 - b) Joint Local Development Finance Authority Troy Subcommittee-Final-April 23, 2012
 - c) Zoning Board of Appeals-Final-September 18, 2012
 - d) Traffic Committee-Final-September 19, 2012
 - e) Building Code Board of Appeals-Draft-October 3, 2012
 - f) Planning Commission-Draft-October 9, 2012
 - g) Planning Commission-Final-October 9, 2012
 - h) Brownfield Redevelopment Authority-Draft-October 16, 2012
 - i) Joint Local Development Finance Authority Troy Subcommittee-Draft-October 22, 2012
Noted and Filed
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O-2 Department Reports:

- a) 2012 Year-To-Date Calls for Police Service Report
 - b) ICMA Implementation Plan and Progress Report / Police Department
 - c) September 30, 2012 – Quarterly Financial Report
Noted and Filed
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O-3 Letters of Appreciation:

- a) Letter of Appreciation to Michael Culpepper from A. Frank Gerstenecker Commending Street Repairs
 - b) Letter of Appreciation to Mayor and City Council from Kathy DiMambro Thanking Cathy Russ for Support to Diversity Council at Beaumont Hospital Troy
Noted and Filed
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O-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted

Noted and Filed

O-5 Five Year Parks and Recreation Plan Update

Noted and Filed

O-6 Travel Expense Report – MML 2012 Convention – Mayor Pro Tem McGinnis

Noted and Filed

O-7 Water Damaged Buildings

Noted and Filed

O-8 Notice of Hearing for the Electric Customers of Detroit Edison Company Case No. U-17097

Noted and Filed

O-9 Notice of Hearing for The Natural Gas Customers of Consumers Energy Company Case No. U-16855

Noted and Filed

The Meeting **RECESSED** at 9:20 PM.

The Meeting **RECONVENED** at 9:32 PM.

P. STUDY ITEMS:

P-1 Succession Process

Q. CLOSED SESSION:

Q-1 Closed Session

R. ADJOURNMENT:

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

Acting Mayor Dane Slater

M. Aileen Bittner, CMC
City Clerk