

Pastor Stephen Husava from Northfield Hills Baptist 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, August 13, 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 for the Granting of an Industrial Facilities Exemption Certificate (IFEC) for US Farathane Corporation at 750 W. Maple

The Mayor **OPENED** the Public Hearing.

The Mayor **CLOSED** the Public Hearing after receiving comment from Richard Peters.

Resolution #2012-08-156

Moved by Slater

Seconded by McGinnis

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on July 25, 2011, established an Industrial Development District (IDD) for property known as 750 W. Maple, Troy, MI 48083, Parcel # 88-20-28-304-023; and

WHEREAS, An Application has been submitted by US Farathane Corporation, for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 750 W. Maple, Troy, MI. 48083 for five (5) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on August 13, 2012, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for US

Farathane Corporation, at 750 W. Maple, Troy, MI. 48083 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit; and

WHEREAS, The aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Troy, after granting this certificate will not exceed 5% of an amount equal to the sum of the SEV of the City of Troy, plus the SEV of real and personal property thus exempted;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for US Farathane Corporation, at 750 W. Maple, Troy, MI. 48083 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application to for an Industrial Facilities Exemption Certificate (IFEC) for US Farathane Corporation, at 750 W. Maple, Troy, MI. 48083, Parcel # 88-20-28-304-023, for personal property for a term of five (5) years, after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and US Farathane Corporation, and the payment of the fees in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Letter of Agreement between the City of Troy and US Farathane Corporation, a copy of which shall be **ATTACHED** to the original minutes of this meeting; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED TO COMPLETE** the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.

Yes: Campbell, Fleming, Henderson, McGinnis, Slater

No: Daniels, Tietz

MOTION CARRIED

F. PUBLIC COMMENT:

Walters, Roger	Spoke about traffic issues on Boyd Street.
Fair, Daniel G.,	Spoke about the Troy Fire and Police Departments.
Geiger, M.L.	Spoke requesting unification of City Council.
Savage, James	Spoke on Item I-5 City Council Rules of Procedure regarding public comment.
Kajma, Linda	Spoke about Mayor Daniels.
Burgess, Sandra	Promoted Troy Restaurant Week - August 19 – 24, 2012. For more information, please visit www.troyrestaurantweek.com .
Peters, Richard	Spoke about various topics.
Kulesz, John	Promoted Recall Janice Daniels fund raiser at Joe Kool's on August 18 th at 6 PM - a \$25 donation requested.

Bernardi, Mary Ann	Spoke on Item I-5 City Council Rules of Procedure regarding public comment.
Howrylak, Martin	Spoke on Item I-5 City Council Rules of Procedure regarding public comment.
Hodorek, Ellen	Spoke about the State of the City Address.

G. RESPONSE / REPLY TO PUBLIC COMMENT:

H. POSTPONED ITEMS:

H-1 Council Member Henderson Referred Distracted Driving Ordinance for Discussion (Postponed from July 23, 2012)

Resolution #2012-08-157

Moved by Henderson

Seconded by Fleming

RESOLVED, That Troy City Council hereby **DIRECTS** City Administration to prepare an amendment to Chapter 106 – Traffic by deleting part 3. of Section 1.20.05.

Yes: Fleming, Henderson, Tietz, Daniels

No: Campbell, McGinnis, Slater

MOTION CARRIED

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Parks and Recreation Board

a) Mayoral Appointments - None

b) City Council Appointments

Resolution #2012-08-158

Moved by McGinnis

Seconded by Fleming

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

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

Term Expires: 07/31/2013

Gary Hauff

(Troy School Board Member)

Term Expires: 07/31/2013**Aditya Yelamanchi****(Student Rep.)**

Yes: All-7
 No: None

MOTION CARRIED

I-2 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – Historic District Commission

a) **Mayoral Nominations - None**

b) **City Council Nominations**

Resolution #2012-08-159
 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:

Historic District Commission

Appointed by Council
 7 Regular Members
 3 Year Term

Term Expires: 05/15/2015**Timothy McGee**

Term currently held by: Muriel Rounds

Yes: Henderson, McGinnis, Slater, Tietz, Campbell, Fleming
 No: Daniels

MOTION CARRIED

I-3 No Closed Session Requested

I-4 Oakland County Board of Canvassers Interlocal Agreement

Resolution #2012-08-160
 Moved by McGinnis
 Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** an Agreement with Oakland County for the canvass of local elections at a fee of \$25.00 per precinct. The City Clerk is

AUTHORIZED to sign the agreement between the City of Troy and Oakland County to utilize the services of the Oakland County Board of Canvassers.

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

MOTION CARRIED

I-5 City Council Rules of Procedure

Moved by Fleming
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** the 2011-2012 City Council Rules of Procedure as revised by City Council at the July 23, 2012 City Council Meeting and including the suggested revisions made by City Administration.

Vote on Resolution to Postpone Item I-5 City Council Rules of Procedure

Resolution #2012-08-161
Moved by Tietz
Seconded by Fleming

RESOLVED, That Troy City Council hereby **POSTPONES** Item *I-5 City Council Rules of Procedure* to the August 27, 2012 Regular City Council Meeting.

Yes: All-7
No: None

MOTION CARRIED

I-6 Proposed Resolution Requesting Changes to State Fireworks Statute

Resolution #2012-08-162
Moved by Daniels
Seconded by Slater

WHEREAS, 2011 PA No. 256 amended the law concerning fireworks in the State of Michigan, and these new provisions were effective on January 1, 2012; and

WHEREAS, The revised state fireworks statutes, specifically MCL 28.451 et.seq., resulted in many complaints and concerns being raised by municipal constituents during the most recent 4th of July holiday period; and

WHEREAS, The statutory revisions to MCL 28.451 et. seq. also contain provisions that have created some concerns for Michigan municipalities.

NOW THEREFORE, BE IT RESOLVED, That the Troy City Council strongly **URGES** the Michigan Legislature to revisit and revise the state fireworks statutes, MCL 28.451 et. seq., to address the following:

- Provide clarification as to the powers of municipalities to establish reasonable regulations on all days, including designated holidays, in furtherance of the municipal obligation to provide for the public peace and health and safety of persons and property. These municipal powers include but are not limited to restrictions on the hours that fireworks can be discharged or restrictions on the locations that fireworks can be discharged.
- Remove any potential conflicts between the Michigan Occupational Safety and Health Act (PA 154 of 1974, as amended), the Michigan Fire Prevention Code Act, (PA 207 of 1941, as amended), the International Fire Code (2009) and MCL 28.451 et. seq..
- Clarify the storage and disposal responsibilities imposed on municipal officials for seized or illegal fireworks.
- Articulate the pre-emptive abilities of a municipal government to enact emergency moratoriums, based on hazardous environmental conditions.
- Clarify the powers of municipal officials to enforce reasonable regulations on all days, including designated holidays.
- Explicitly affirm that fireworks distributors and entities are not exempt from any and all local municipal regulations governing temporary businesses.
- Apply consistent regulations governing minors who purchase, use, store or discharge fireworks.
- Explicitly delegate inspection responsibilities to municipal officials, since this will increase the knowledge and preparedness for emergency responders, as well as the timeliness of the inspections. This also requires coordinating provisions for payment to the municipalities for the inspection and other work performed.

BE IT FURTHER RESOLVED, That the City Clerk shall **SEND** a copy of this Resolution to all state elected officials representing any portion of the City of Troy.

Yes: Daniels, Campbell, Fleming, Henderson, McGinnis, Slater

No: Tietz

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2012-08-163

Moved by Fleming

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) 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 #2012-08-163-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the Regular City Council Meeting of July 23, 2012, as submitted.

J-3 No Proposed City of Troy Proclamations

J-4 Standard Purchasing Resolutions:

a) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Fitness Equipment

Resolution #2012-08-163-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase and install seven (7) New Matrix T5x Treadmills, one (1) Octane XrideXR #6000 Seated Elliptical Cross Trainer, two (2) Matrix C5x Climbmills, and two (2) Octane LateralX (LX8000) at the Troy Community Center less Trade-ins of eight (8) TRUE Commercial Grade Treadmills, one (1) NUSTEP, and one (1) Stairmaster Stepmill to the lowest bidder meeting specifications, *All Pro Exercise of Plymouth, MI* for an estimated net total cost of \$52,948.00, all at prices contained in the bid tabulation dated July 19, 2012.

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

b) Standard Purchasing Resolution 4: National Intergovernmental Purchasing Alliance (NIPA) – Combination Sewer Cleaning/Jetting Truck and 2012/13 Budget Amendment

Resolution #2012-08-163-J-4b

RESOLVED, That Troy City Council hereby approves a contract to purchase a 2013 Vactor – combination sewer cleaning/jetting truck with a 15-yard debris tank and dual diesel engines

from Jack Doheny Supplies, Inc of Northville, MI, through the National Intergovernmental Purchasing Alliance (NIPA) Cooperative Program for an estimated total cost of \$396,264.00.

BE IT FURTHER RESOLVED, That Troy City Council authorizes the sale of the 2002 Vactor sewer truck to either Jack Doheny Supplies, Inc at a trade-in allowance of \$88,000.00, or to another vendor solicited through marketing venues such as trade publications or websites, if the net proceeds from the sale exceeds the trade-in value of \$88,000.00.

BE IT FINALLY RESOLVED, That Troy City Council hereby amends the 2012/2013 Fleet Division Replacement Fund Budget to include the monies needed to complete this purchase.

c) Standard Purchasing Resolution 4: MITN Purchasing Cooperative – Oakland County – Mutual Aid Fire Hose Testing

Resolution #2012-08-163-J-4c

RESOLVED, That Troy City Council hereby **APPROVES** a contract for fire hose testing services during the 2012/2013 fiscal year from the low bidder, Waterway Michigan LLC of Caledonia, MI, through a MITN Cooperative Award hosted by Oakland County at a unit price of \$.21 per foot for an estimated total cost of \$10,920.00.

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

J-5 Sole Source – Upgrade LibertyNET to OnBase Document Management

Resolution #2012-08-163-J-5

WHEREAS, The City has utilized LibertyNET since 2005 to manage electronic documents which has greatly streamlined a number of processes and made accessing documents much easier; and

WHEREAS, LibertyNET was subsequently purchased by Hyland Software of Westlake, Ohio in July of 2008, but would only support the LibertyNET product for 3-5 years, as they offer a similar product known as OnBase; and

WHEREAS, Hyland is offering a like for like match of the OnBase software at no charge with fees only for implementation, training and ongoing maintenance/support;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** and **AUTHORIZES** the LibertyNET upgrade to OnBase software from the sole source provider of proprietary software, Hyland Software of Westlake, Ohio, as detailed in Attachment A, Costs; a copy of which shall be **ATTACHED** to the original Minutes of this meeting, for an estimated total cost of \$85,900, with estimated yearly maintenance fees of 18% of list the first year, or \$48,051; 19% of list the second year, or \$50,720, and then 20% of list currently at \$53,389, for each subsequent year.

BE IT FURTHER RESOLVED, The contract is **CONTINGENT UPON** the contractor's submission of properly executed documents including all insurance certificates.

J-6 Bid Waiver – Purchase Two Additional Self-Checkout Stations for Troy Public Library

Resolution #2012-08-163-J-6

WHEREAS, On October 17, 2011, Troy City Council approved the purchase of three (3) self-checkout stations from Polaris Library Systems (Resolution #2011-10-248); and

WHEREAS, Polaris Library Systems is an authorized dealer of 3M self-checkout stations with media un-lockers; and

WHEREAS, It is desirable to purchase two (2) additional self-checkout stations which are compatible with the current Library system and software; and

WHEREAS, Due to the complexity of the system, it is desirable to allow the company who installed, implemented and currently maintains the system to furnish and install the two (2) additional self-checkout stations thus avoiding corruption of the system software;

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 Polaris Library Systems of Syracuse, NY, to furnish and install the two (2) additional self-checkout stations for an estimated total cost of \$29,630.00, in accordance with their quotation #2012-0505 dated 6/12/2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That 3M **WILL PROVIDE** ongoing support and maintenance beginning at the end of the first-year warranty period for an estimated annual cost of \$3,330.00.

J-7 Private Agreement – Tim Hortons – 1905 E. Maple – Project No. 12.905.3

Resolution #2012-08-163-J-7

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Tim Donut U.S. Limited, Inc. is hereby **APPROVED** for the installation of an asphalt deceleration lane, concrete approaches & sidewalk, storm sewer, and underground storm water detention, 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-8 Request for Acceptance of Four Easements, Birchwood Avenue, Sidwell #88-20-27-481-030 & 031

Resolution #2012-08-163-J-8

RESOLVED, That City Council hereby **ACCEPTS** four easements for drainage and storm sewer, and sidewalk from property owner Michael Agnetti, having Sidwell #88-20-27-481-030 & 031, and

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

J-9 Donation of Retired 1992 Spartan-Darley Fire Pumper

Resolution #2012-08-163-J-9

WHEREAS, The Troy Fire Department is scheduled to retire a 1992 Spartan-Darley fire pumper, currently in use as a reserve and in average condition considering its age and usage; and

WHEREAS, The Oakland Fire Training Institute (OFTI) is the vocational branch of Oakland Community College that provides both pre-service and in-service fire training programs at the Combined Regional Emergency Services Training Center (CREST); and

WHEREAS, The CREST facility relies on grants, donations and limited capital funding for all training structures, apparatus and materials for their fire training programs; and

WHEREAS, The Troy Fire department partners with OFTI in basic firefighter training at the Troy Training Center, which allows up to five (5) Troy volunteer firefighters to attend the academy at no cost, a value of \$1,400 per person;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the donation and title transfer of the 1992 Spartan-Darley fire pumper to the Oakland Fire Training Institute (OFTI) for training use at the CREST facility in exchange to send up to seven (7) Troy firefighters per academy session over the next three (3) years.

J-10 Private Agreement – Cedar Pines Estates No. 2 – Project No. 12.907.3

Resolution #2012-08-163-J-10

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Mondrian Properties Cedar Pines LLC, is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, soil erosion and landscaping 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-11 Fireworks Permit – Troy Family Daze Festival

Resolution #2012-08-163-J-11

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Mad Bomber Fireworks Productions of Kingsbury, Indiana, for the public display of fireworks at the Troy Family Daze Festival at the Zion Christian Church, 3668 Livernois, Troy, Michigan, on September 15, 2012, or the rain date of September 16, 2012.

BE IT FURTHER RESOLVED, That the Troy Fire Department will **INSPECT** the fireworks to be displayed along with the site to assure compliance with applicable codes and standards for such a fireworks display.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

- a) Announcement of Public Hearing – August 27, 2012 – Conditional Rezoning Application (File Number CR-007) – Proposed Charter One Bank Branch, 125 Stephenson Highway and 1250 W. 14 Mile Road, Section 35, From O (Office) District to IB (Integrated Industrial and Business) District
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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 Referral Regarding Her Biography on the City Website Council

L-2 Council Member Fleming Referral Regarding Pensions, Retirees, Employee Health Care, Transit Center and Distracted Driving Ordinance Questions

M. COUNCIL COMMENTS

M-1 No Council Comments Advanced

Council Member Henderson spoke encouragingly of N-2e) Troy Commercial Real Estate Market Information (2nd Quarter of 2012).

Mayor Pro Tem McGinnis announced that the Troy Nature Society is having an Ice Cream Social & Open House Aug 19, from 1-3 pm at the Lloyd A. Stage Nature Center. For more information, please visit www.troynaturesociety.org.

Mayor Pro Tem McGinnis commended the Troy Police Department for their professionalism during the recent missing person/homicide investigation.

Mayor Daniels mentioned a letter from Commissioner Gosselin informing the City of Troy that there is \$2.9 million of uncommitted funds being offered to communities that are interested in tri-party funds for road repairs.

Mayor Daniels mentioned attending a ribbon cutting celebrating the opening of Sephora located within JC Penney.

N. REPORTS

N-1 Minutes – Boards and Committees:

- a) Planning Commission-Draft-July 10, 2012
 - b) Planning Commission-Final-July 10, 2012
Noted and Filed
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N-2 Department Reports:

- a) Troy Transit Center Status Report – August, 2012
 - b) 2012 Midyear Calls for Police Service Report
 - c) Final Reporting – BidNet On-Line Auction Services – June 2012
 - d) City of Oak Park Hazardous Materials Incident and Mutual Aid Request
 - e) Troy Commercial Real Estate Market Information (2nd Quarter of 2012)
Noted and Filed
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N-3 Letters of Appreciation:

- a) Letter of Appreciation to Troy City Council Members from Andrew Bartlett, Thanking Cathy Russ and the Troy Public Library Staff for an Internship Opportunity
 - b) Letter of Appreciation to Mike Culpepper Regarding Steve Burns of SAFEbuilt
 - c) Letter of Appreciation to Chief Mayer from Ann Naubert of FitZone for Women – Troy Thanking Officer Daniels for Assistance
 - d) Letter of Appreciation to Paul Evans and Gary Bowers from Alex LaVoie-McGregor
 - e) Letter of Appreciation to Gary Bowers from Matt Creech
Noted and Filed
-

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

Noted and Filed

N-5 Fire Apparatus Purchase Update

Noted and Filed

N-6 Requested Distracted Driving Ordinance Information

Noted and Filed

O. STUDY ITEMS

O-1 No Study Items

P. CLOSED SESSION:

P-1 No Closed Session

Q. ADJOURNMENT

The Meeting **ADJOURNED** at 9:44 PM.

Mayor Janice Daniels

M. Aileen Bittner, CMC
City Clerk