

Pastor John Frankenstein 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 on Monday, March 4, 2013, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:30 PM.

#### **B. ROLL CALL:**

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

#### **C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**

**C-1** Troy Youth Assistance Presentation (*Presented by: Cindy Stewart, Community Affairs Director*)

**C-2** Troy Historic Village – A City of Troy – Troy Historical Society Partnership (*Presented by: Loraine Campbell, Museum Director*)

#### **D. CARRYOVER ITEMS:**

**D-1** No Carryover Items

#### **E. PUBLIC HEARINGS:**

**E-1** No Public Hearings

#### **F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:**

Savage, James	Spoke about the transit center
Dylewski, Aaron	Spoke about the transit center.

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

#### **H. POSTPONED ITEMS:**

**H-1** Zoning Ordinance Text Amendment (File Number: ZOTA 244) – Miscellaneous Zoning Ordinance Revisions

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after receiving no public comment.

Resolution #2013-03-048  
Moved by McGinnis  
Seconded by Henderson

RESOLVED, That Articles 2, 3, 4, 5, 6, 7, 10, 12, 13 and 16 of Chapter 39 of the Code of the City of Troy, pertaining to miscellaneous Zoning Ordinance revisions, be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 244), City Council Public Hearing Draft, as recommended by the Planning Commission, with a copy of the Planning Commission Minutes to be **ATTACHED** to the Minutes of this meeting.

Yes: All-7  
No: None

**MOTION CARRIED**

**I. REGULAR BUSINESS:**

**I-1 Board and Committee Appointments: a) Mayoral Appointments - None; b) City Council Appointments – Historic District Commission**

**a) Mayoral Appointments - None**

**b) City Council Appointments**

Resolution #2013-03-049  
Moved by Fleming  
Seconded by Campbell

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

**Historic District Commission**

Appointed by Council  
7 Regular Members  
3 Year Term

**Nominations to the Historic District Commission:**

**Term Expires: 3/1/2014**

**Ann Partlan**

Term currently held by: Ann Partlan

Yes: All-7  
No: None

**MOTION CARRIED**

**I-2 Board and Committee Nominations: a) Mayoral Nominations – Downtown Development Authority; b) City Council Nominations – Zoning Board of Appeals**

**a) Mayoral Nominations**

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

**b) City Council Nominations:**

Resolution #2013-03-050  
Moved by Fleming  
Seconded by Henderson

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:

**Zoning Board of Appeals**

Appointed by Council  
7 Regular Members  
3 Year Term

**Nominations to the Zoning Board of Appeals:**

**Term Expires: 1/31/2015**

**David Eisenbacher**

**(Alternate)**

Term currently held by: Bruce Bloomingdale (Resigned)

**Term Expires: 4/30/2015**

**Bruce Bloomingdale**

Term currently held by: Michael Bartnik (Resigned)

Yes: All-7  
No: None

**MOTION CARRIED**

**I-3 Closed Session**

Resolution #2013-03-051  
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 – *Knutson v. City of Troy, et. al.*

Yes: All-7  
No: None

**MOTION CARRIED**

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**I-4 DTE Energy Solar Currents Proposal (Introduced by: Glenn Lapin, Economic Development Specialist)**

Resolution #2013-03-052

Moved by Campbell

Seconded by McGinnis

WHEREAS, The City of Troy was approached by Solar Project Developers, GenPoint Energy and Inovateus, to identify potential sites for inclusion in a response to a Request For Proposal issued by DTE Energy for DTE's Solar Currents program; and

WHEREAS, DTE Energy is seeking to build approximately a 1 Megawatt solar panel system in Troy as a part of its commitment to have at least 10% of its generated power originate from renewable energy sources; and

WHEREAS, DTE Energy has targeted approximately four acres of the City owned future Public Park site adjacent to northbound I-75 (east of I-75) and south of Long Lake Road for this project; and

WHEREAS, A 20-year lease of the site is being proposed by DTE Energy which would generate annual lease payments to the City in an amount to be determined; and

WHEREAS, All project expenses, including maintenance, would be borne by DTE Energy;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DIRECTS** the City Attorney and City Manager to negotiate a Lease Agreement to present to City Council.

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

No: Tietz

**MOTION CARRIED**

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**I-5 2013 Tri-Party Program – Concrete Slab Replacements on County Roads (Introduced by: Steve Vandette, City Engineer)**

Resolution #2013-03-053

Moved by Fleming

Seconded by McGinnis

**RESOLVED**, That the Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County for the 2013 Tri-Party Program is hereby **APPROVED** at an estimated cost to the City of Troy of \$177,692, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

No: None

**MOTION CARRIED**

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**I-6 Approval of Second Amendment to MDOT Capital Contract for Troy Multi-Modal Transit Facility, MDOT Contract No. 2011-0231/A2 (Introduced by: Steve Vandette, City Engineer)**

Resolution #2013-03-054  
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 not exceed \$6,272,500 (Resolution No. 2012-01-008); and

WHEREAS, On November 12, 2012, City Council approved the First Amendment to the MDOT Capital Contract to reduce the grant funding amount from the original \$8,485,212 to \$6,272,500; and

WHEREAS, Canadian National Railroad (CN) has recently imposed a safety requirement that requires the addition of a crash wall for the west elevator/bridge support tower on the Birmingham side at a cost of \$348,236.

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** a Second Amendment to MDOT Capital Contract No. 2011-0231 between the City of Troy and the Michigan Department of Transportation to increase the funding amount from \$6,272,500 to a not to exceed amount of \$6,620,736, and **AUTHORIZES** the Mayor and Clerk to execute the contract amendment documents.

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

**MOTION CARRIED**

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**I-7 Approval of Second Amendment to Architectural/Engineering Services Contract for Design of the Safety Crash Wall at the Troy Multi-Modal Transit Facility (Introduced by: Steve Vandette, City Engineer)**

Resolution #2013-03-055  
Moved by Fleming  
Seconded by McGinnis

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, On November 12, 2012 City Council approved Contract Amendment No. 1 in the amount \$64,822.20 for Construction Testing Services in support of the Troy Multi-Modal Transit Facility. The total amount of the contract became \$713,470.96; and

WHEREAS, HRC has submitted a design proposal in the amount of \$60,613 for design, testing and construction staking for the crash wall required by CN along the west elevator/bridge support tower.

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** Contract Amendment No. 2 in the amount of \$60,613, as submitted by HRC for design, testing and construction staking for construction of the safety crash wall, for a total contract amount of \$774,083.96 and **AUTHORIZES** the Mayor and Clerk to execute the contract amendment documents.

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

No: Tietz

#### **MOTION CARRIED**

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#### **I-8 Approval of Contract Amendment No. 2 for Construction of the Safety Crash Wall at the Troy Multi-Modal Transit Facility (*Introduced by: Steve Vandette, City Engineer*)**

Resolution #2013-03-056

Moved by Campbell

Seconded by McGinnis

WHEREAS, The City of Troy received a federal grant for the construction of the Troy Multi-Modal Transit Facility through the American Recovery and Reinvestment Act (ARRA) High-Speed Intercity Passenger Rail (HSIPR) Program, Federal Rail Administration (FRA), as secured through a TIGER grant; and

WHEREAS, On January 17, 2012 City Council resolved that the total cost of the Troy Multi-Modal Transit Facility shall not exceed \$6,272,500; and

WHEREAS, On October 22, 2012 City Council approved Contract Amendment No. 1 in the amount of \$4,456,141 for construction of the Troy Multi-Modal Transit Facility by Toolles/Clark and the total contract, including the original contract amount for construction management services, became \$5,104,872; and

WHEREAS, Toolles/Clark LLC has submitted a Guaranteed Maximum Price (GMP) proposal of \$287,623 for construction of the crash wall required by CN along the west elevator/bridge support tower.

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** Contract Amendment No. 2 in the amount of \$287,623 as submitted by Toolles/Clark for construction of the safety crash wall for a total contract amount with Toolles/Clark of \$5,392,495 and **AUTHORIZES** the Mayor and Clerk to execute the contract amendment documents.

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

**MOTION CARRIED**

**J. CONSENT AGENDA:**

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**J-1a Approval of “J” Items NOT Removed for Discussion**

Resolution #2013-03-057  
Moved by McGinnis  
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) J-07, which **SHALL BE CONSIDERED** after Consent Agenda (J) items, as printed.

Yes: All-7  
No: None

**MOTION CARRIED**

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

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**J-2 Approval of City Council Minutes**

Resolution #2013-03-057-J-2

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

- a) City Council Minutes-Draft – February 18, 2013
- b) City Council Minutes-Draft – February 20, 2013

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**J-3 No Proposed City of Troy Proclamations:**

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**J-4 Standard Purchasing Resolutions:**

- a) **Standard Purchasing Resolution 3: Exercise Renewal Option – Mowing and Landscape Services**

Resolution #2013-03-057-J-4a

WHEREAS, On March 15, 2010, Troy City Council awarded a three-year contract to provide mowing and landscape services with an option to renew for two (2) additional years to the low total bidder, Green Meadows Lawnscape of Sterling Heights, MI (Resolution #2010-03-071 Item I-4b); and

WHEREAS, The awarded bidder has agreed to exercise a one-year option to renew plus add additional acreage under the same prices, terms, and conditions as originally bid;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **DEEMS** it to be in the City's best interest to exercise the option to renew the contract with Green Meadows Lawnscape now of Shelby Township, MI, to provide one-year requirements of mowing and landscape services to all municipal property under the same contract prices, terms, and conditions for an estimated total cost of \$410,000 expiring December 31, 2013.

**b) Standard Purchasing Resolution 3: Exercise Renewal Option - Hauling and Disposal of Dirt and Debris**

Resolution #2013-03-057-J-4b

WHEREAS, On April 2, 2012, Troy City Council awarded a one-year contract to provide Hauling and Disposal of Dirt and Debris with an option to renew for one (1) additional year to the low bidder, Bedrock Express LTD of Ortonville, MI (Resolution #2012-04-070-J-4a); and

WHEREAS, The awarded bidder has agreed to exercise the one-year option to renew under the same prices, terms, and conditions;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **DEEMS** it to be in the City's best interest to exercise the option to renew the contract with Bedrock Express LTD of Ortonville, MI, to provide one-year requirements of Hauling and Disposal of Dirt and Debris under the same contract prices, terms, and conditions expiring April 30, 2014.

**c) Standard Purchasing Resolution 4: Cooperative Contracts - Upgrade and Expansion of Exchange Email System**

Resolution #2013-03-057J-4c

WHEREAS, The City utilizes Microsoft Exchange as the foundation for its email system; and

WHEREAS, The current version Exchange 2003 will no longer be supported as of April, 2014; the newest versions 2010 and 2013 offer many features which would improve City email services, and there is a need to expand mailbox size;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the purchase of Exchange 2013 and related hardware through the National IPA and REMC cooperative contracts with CDW-G as detailed in Attachment B, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, utilizing approved purchasing procedures for an estimated cost of \$79,355.00, plus an estimated \$2,800.00 for annual recurring maintenance fees.

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**J-5 Addendum #1 – Charnwood Hills Phase 1 Contract #12-05 Chip Seal Treatment in Charnwood Hills**

Resolution #2013-03-057-J-5

RESOLVED, That contract No. 12-05, Charnwood Hills Phase I Chip Seal with Highway Maintenance & Construction Co., P.O. Box 74411, Romulus, MI 48174-04111, be **AMENDED** to include Chip Seal work in Charnwood Hills Phase 2 Sewer Project Area at an estimated cost of \$230,000.

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.

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#### **J-6 Request for Special Budget Study Session Date Change**

Resolution #2013-03-057-J-6

BE IT RESOLVED, That the Special Budget Study Meeting scheduled for Monday, April 29<sup>th</sup> at 7:30pm in the Council Boardroom at 500 W. Big Beaver Road be **RESCHEDULED** for Wednesday, April 24<sup>th</sup> at 7:30pm in the Council Boardroom at 500 W. Big Beaver Road.

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#### **J-8 Paint Creek 3<sup>rd</sup> Annual Regional Arts & Culture Awards**

Resolution #2013-03-057-J-8

RESOLVED, That Troy City Council hereby **NOMINATES** The Belian Art Gallery and Gallery Director Zabel Belian to represent the City of Troy in the Paint Creek Center of the Arts' "2013 Regional Arts Awards" competition.

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#### **J-7 Gennari v City of Troy Lawsuit**

Resolution #2013-03-058

Moved by Slater

Seconded by Fleming

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 *Maurice Gennari, Sandra Gennari, and Sandra Gennari Trust, u/a/d April 2008 v. City of Troy, et. al.* (Oakland County Circuit Court Case No. 2013-132103-CH) and to retain any necessary expert witnesses to adequately represent the City.

Yes: All-7

No: None

#### **MOTION CARRIED**

#### **K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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##### **K-1 Announcement of Public Hearings:**

**a) March 18, 2013 - Rezoning Application (Z-742) – Proposed 1071 Villa Park**

**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time):**

- a) Proposal to Amend Chapter 69 – Precious Metal, Gems and Items

**L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

Reinhardt, Marvin	Spoke about a walkable city, traffic around schools, and other various topics.
Werpetinski, James	Thanked management for study sessions and encourages support of the Historical Society and Troy Youth Assistance.
Dylewski, Aaron	Spoke about trails and pathways, and green space.

**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**

**O. REPORTS:**

**O-1 Minutes – Boards and Committees: None Submitted**

- a) Election Commission-Final-September 27, 2012  
 b) Parks and Recreation Advisory Board-Final-September 27, 2012  
 c) Parks and Recreation Advisory Board-Final-October 25, 2012  
 d) Building Code Board of Appeals-Final-January 2, 2013  
 e) Planning Commission Special/Study-Draft-January 22, 2013  
 f) Planning Commission Special/Study-Final-January 22, 2013  
 g) Election Coordinating Committee-Final-January 25, 2013  
 h) Building Code Board of Appeals-Draft-February 6, 2013  
 i) Election Commission-Draft-February 25, 2013  
     Noted and Filed

**O-2 Department Reports:**

- a) 2012 Towing Contract Report – A & M Towing (*Introduced by: Keith A. Frye, Captain – Investigative/Administrative Services Division*)  
     Noted and Filed

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**O-3 Letters of Appreciation**

- a) Letter of Appreciation to Chief Mayer From David McCain, US Dept. of Justice Regarding Officer Assistance at the ATF Comprehensive Violence Reduction Partnership Taskforce
- b) Letter of Appreciation to Chief Mayer From Asteria Diana Regarding Officer Scott Allan and Traffic Emergency Assistance
- c) Letter of Appreciation to Chief Mayer From Stephanie Bergeron, Walsh College Regarding Traffic Flow Assistance for Commencement Ceremonies
- d) Letter of Appreciation to Troy Police Department From Bethany Mosshart Regarding Police Services
- e) Letter of Appreciation to Officer Paul Bednard From Shelley and Henry Rosenfield Regarding Traffic Assistance
- f) Letter of Appreciation to Chief Mayer From Jeffrey Kreibich Regarding Excellence in Police Services Concerning an Armed Robbery Incident  
Noted and Filed

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**O-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted**  
Noted and Filed

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**O-5 Historical Society Annual Report**  
Noted and Filed

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**O-6 Department of Licensing and Regulatory Affairs Bureau of Construction Codes Notice of Public Hearing for Michigan Part 7 Plumbing Code Rules and Survey and Remonumentation Rules**  
Noted and Filed

The Meeting **RECESSED** at 9:28 PM.

The Meeting **RECONVENED** at 9:40 PM.

**P. STUDY ITEMS:**

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**P-1 Library – Troy Working Together – “What Kind of City Do We Want to Be?”**

The Meeting **RECESSED** at 10:24 PM.

The Meeting **RECONVENED** at 10:30 PM.

**Q. CLOSED SESSION:**

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**Q-1 Closed Session**

**R. ADJOURNMENT:**

The Meeting **ADJOURNED** at 10:33 PM.

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Mayor Dane Slater

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M. Aileen Bittner, CMC  
City Clerk