

Pastor Bob Cholette from the 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, January 23, 2012, at City Hall, 500 W. Big Beaver Road. Mayor Daniels called the meeting to order at 7:30 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:**

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**C-1 Certificates of Recognition and Special Presentations**

a) Service Commendation for Jay Reynolds, Retired Police Officer

**D. CARRYOVER ITEMS:**

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**D-1 No Carryover Items**

**E. PUBLIC HEARINGS:**

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**E-1 Public Hearing for the Granting of an Industrial Facilities Exemption Certificate (IFEC) for Tepel Brothers Printing, Inc., 1725 John R**

The Mayor **OPENED** the Public Hearing.

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

Resolution #2012-01-010

Moved by McGinnis

Seconded by Fleming

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on September 22, 2008, established an Industrial Development District (IDD) for property known as 1725 John R, Troy, MI. 48083, Parcel # 88-20-26-479-040; and

WHEREAS, An Application has been submitted by Tepel Brothers Printing, Inc., for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 1725 John R, Troy, MI. 48083 for seven (7) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on January 9, 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 Tepel Brothers Printing, Inc., at 1725 John R, 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 Tepel Brothers Printing, Inc., at 1725 John R, 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 Tepel Brothers Printing, Inc., at 1725 John R, Troy, MI. 48083, Parcel # 88-20-26-479-040, for personal property for a term of seven (7) years, after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Tepel Brothers Printing, Inc., 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 Tepel Brothers Printing, Inc., 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:

|                   |   |
|-------------------|---|
| Fair, Daniel      | Spoke in support of Mayor Daniels.  |
| Lukas, Paul       | Spoke in support of the transit facility.   |
| Baxi, Minesh      | Presented a resolution for the operating/maint. costs of the transit facility.            |
| Peters, Richard   | Spoke about various topics.   |
| Reinhardt, Marvin | Spoke about various topics.   |
| Kulesz, John      | Spoke about FOIA request for Mayor's recording of meeting.                                |
| Schepke, Gordon   | Spoke in support of Mayor Daniels and about DDA.  |
| Graczyk, Ed       | Spoke in support of Mayor Daniels and of Mr. Baxi's resolution.                           |
| Savage, James     | Spoke in support of Mayor Daniels and about public comment directed toward Mayor Daniels. |
| Martin, Susan     | Spoke about the response to FOIA request for Mayor Daniel's emails.                       |

**G. RESPONSE / REPLY TO PUBLIC COMMENT**

**H. POSTPONED ITEMS:**

**H-1 Hearing for the Revocation of a Massage Facility License – Recovery Spa, Inc. – 1975 E. Maple Rd. (Postponed from January 9, 2012)**

Resolution #2012-01-011  
Moved by Slater  
Seconded by Henderson

RESOLVED, That Troy City Council hereby **REVOKES** the Massage Facility License issued to Recovery Spa, Inc. located at 1975 E. Maple Rd.

Yes: All-7  
No: None

**MOTION CARRIED**

**I. REGULAR BUSINESS:**

**I-1 Board and Committee Appointments: None Scheduled**

**I-2 Board and Committee Nominations: Mayoral Nominations: Downtown Development Authority, Planning Commission; City Council Nominations: Historic District Study Committee, Election Commission, Zoning Board of Appeals**

**a) Mayoral Nominations**

Moved by Daniels  
Seconded by Henderson

**Planning Commission**

Appointed by Mayor (9-Regular) – 3 Year Term

**Nominations for Planning Commission**

**Term Expires: 04/30/2014**

**Gordon Schepke**

Term currently held by: Robert Schultz

**Term Expires: 04/30/2014**

**Steve Johanssen**

Term currently held by: Thomas Strat

**Term Expires: 04/30/2014**

**Steve Lokken**

Term currently held by: Lon Ullmann

**Vote on Resolution to Postpone Nominations to the Planning Commission to the February 6, 2012 Regular City Council Meeting**

Resolution #2012-01-012

Moved by Tietz

Seconded by Slater

RESOLVED, That City Council **POSTPONE** Nominations to the Planning Commission to the February 6, 2012 Regular City Council Meeting.

Yes: All-7

No: None

## **MOTION CARRIED**

### **b) City Council Nominations**

#### **Establishment of Historic District Study Committee**

Resolution #2012-01-013

Moved by McGinnis

Seconded by Slater

WHEREAS, The Planning Department received a request from a resident to de-list a historic property; and

WHEREAS, Chapter 13 Historic Preservation requires City Council to establish and appoint an ad-hoc Historic District Study Committee to process applications to de-list historic properties.

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ESTABLISHES** an ad-hoc Historic District Study Committee of not less than three (3) members, in accordance with the provisions of Chapter 13 of the Troy City Code and MCL 399.214(1), which shall be dissolved after all pending applications are finalized.

Yes: All-7

No: None

## **MOTION CARRIED**

### **City Council Nominations**

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 Study Committee**

Appointed by Council (3- Ad-Hoc Members)

#### **Nominations for Historic District Study Committee:**

**Term Expires: Ad-Hoc** Loraine Campbell

**Term Expires: Ad-Hoc** Barbara Chambers

**Term Expires: Ad-Hoc** Bruce Bloomingdale

**Election Commission**

Appointed by Council (2 Regular Members and 1 Charter Member) – 1-Year Term

**Nominations for Election Commission:**

**Term Expires: 01/31/2013** David C. Anderson (Republican)

Term currently held by: David C. Anderson

**Term Expires: 01/31/2013** Timothy Dewan (Democrat)

Term currently held by: Timothy Dewan

**Zoning Board of Appeals**

Appointed by Council (7-Regular) - 3-Year Term

**Nominations for Zoning Board of Appeals:**

**Term Expires: 04/30/2014** Thomas Strat (PC Rep)

Term currently held by: Thomas Strat

**Term Expires: 04/30/2014** Bruce Bloomingdale (Alternate)

Term currently held by:

**Term Expires: 04/30/2014** Orestis R. Kaltsounis (Alternate)

Term currently held by:

**Vote on Resolution to Amend by Adding Nominations to Election Commission and the Zoning Board of Appeals**

Resolution #2012-01-014

Moved by Tietz

Seconded by Fleming

RESOLVED, That City Council **AMENDS** the Resolution to Add Nominations to the Election Commission and the Zoning Board of Appeals as follows:

**Election Commission**

Appointed by Council (2 Regular Members and 1 Charter Member) – 1-Year Term

**Nominations for Election Commission:**

**Term Expires: 01/31/2013**

**David Harrell**

**(Republican)**

Term currently held by: David C. Anderson

[Zoning Board of Appeals](#)

Appointed by Council (7-Regular) - 3-Year Term

**Nominations for Zoning Board of Appeals:**

**Term Expires: 04/30/2014**

**David Eisenbacher**

**(Alternate)**

Term currently held by:

Yes: All-7

No: None

**MOTION CARRIED**

**Vote on Resolution for Item 1-2 Board and Committee Nominations: City Council Nominations: Election Commission and Zoning Board of Appeals as Amended**

Resolution #2012-01-015

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 Study Committee](#)

Appointed by Council (3- Ad-Hoc Members)

**Nominations for Historic District Study Committee:**

**Term Expires: Ad-Hoc**

**Lorraine Campbell**

**Term Expires: Ad-Hoc**

**Barbara Chambers**

**Term Expires: Ad-Hoc**

**Bruce Bloomingdale**

[Election Commission](#)

Appointed by Council (2 Regular Members and 1 Charter Member) – 1-Year Term

**Nominations for Election Commission:**

**Term Expires: 01/31/2013**

**David C. Anderson**

**(Republican)**

**David Harrell**

**(Republican)**

Term currently held by: David C. Anderson

**Term Expires: 01/31/2013****Timothy Dewan****(Democrat)**

Term currently held by: Timothy Dewan

**Zoning Board of Appeals**

Appointed by Council (7-Regular) - 3-Year Term

**Nominations for Zoning Board of Appeals: [Select Two \(2\) Alternate Members](#)****Term Expires: 04/30/2014****Bruce Bloomingdale****(Alternate)**

Term currently held by:

**Term Expires: 04/30/2014****Orestis R. Kaltsounis****(Alternate)**

Term currently held by:

**Term Expires: 04/30/2014****David Eisenbacher****(Alternate)**

Term currently held by:

Yes: All-7

No: None

**MOTION CARRIED****I-3 Closed Session**

Resolution #2012-01-016

Moved by Daniels

Seconded by Fleming

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268(h) (MCL15.243(g)).

Yes: All-7

No: None

**MOTION CARRIED****I-4 2012 Poverty Exemption Guidelines (Changes From Previous Year)**

Resolution #2012-01-017

Moved by McGinnis

Seconded by Campbell

RESOLVED, That pursuant to MCL 211.7u, the City Council of the City of Troy hereby **APPROVES** the proposed "Poverty Exemption Guidelines" for 2012, as presented by the City Assessor in a memorandum dated December 28, 2011, 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-5 Special Use Request and Preliminary Site Plan Review (File Number SU 391) – Proposed Kroger Retail Fuel Center D-464, Southwest Corner of South Boulevard and Crooks (2105 W. South Blvd.), Section 5, Currently Zoned NN (Neighborhood Node) District (Controlled by Consent Judgment)**

Resolution #2012-01-018

Moved by Fleming

Seconded by Slater

RESOLVED, That the Troy City Council hereby **GRANTS** Special Use Approval and **APPROVES** the Preliminary Site Plan for the addition of a Kroger Fuel Center, including other site improvements, located at the southwest corner of South Boulevard and Crooks Road, Section 5, as indicated on a Site Plan prepared by Landplan Engineering, P.A. This site plan revises and updates the exhibits to the Consent Judgment in the *Northfield Commons Associates L.L.C. et al v. City of Troy* lawsuit, Case Number 1990-389364-NZ, and reflects the parties' agreement as to the proposed development on the property.

BE IT FURTHER RESOLVED, That the Troy City Council also **APPROVES** a Second Order Amending Consent Judgment to facilitate the development as proposed, and **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document which incorporates the updated and revised Preliminary Site Plan, after all other necessary parties have executed it. A copy of the executed document shall be **ATTACHED** to the original Minutes of this meeting

Yes: All-7

No: None

## MOTION CARRIED

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### **I-6 Addendum No. 1: Contract 10-5 – Tallman and Eckford Water Main Replacement**

Resolution #2012-01-019

Moved by Fleming

Seconded by Slater

RESOLVED, That Addendum No. 1 to Contract No. 10-5, Tallman and Eckford Water Main Replacement, is hereby **APPROVED** to Pamar Enterprises, Inc, 58021 Gratiot, New Haven, MI 48048 at unit prices contained in the contract. The total amount authorized is \$769,485.50 and includes the previous authorized amount of \$641,805.00, 10% contingency as per the contract award resolution and the estimated \$63,500.00 amount for which Addendum No. 1 exceeds the 10% contingency.

Yes: All-7

No: None

**MOTION CARRIED****J. CONSENT AGENDA:**

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

Resolution #2012-01-020  
Moved by McGinnis  
Seconded by Campbell

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

Yes: All-7  
No: None

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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 #2012-01-020-J-2

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

- a) Regular City Council Meeting of January 9, 2012 (**CORRECTED**)
  - b) Special City Council Meeting of January 17, 2012
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**J-3 Proposed City of Troy Proclamations: None Submitted**

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**J-4 Standard Purchasing Resolutions:**

- a) **Standard Purchasing Resolution #1: Award to Low Bidder – Purchase of Fire Hose**

Resolution #2012-01-020-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish one-year requirements of fire hose and couplings for the Troy Fire Department to the low total bidder, Apollo Fire Equipment of Romeo, MI, at an estimated total cost of \$13,525.00, at unit prices contained in the bid tabulation opened January 4, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting to expire January 31, 2013.

BE IT FURTHER RESOLVED, That Apollo Fire Equipment has agreed to **EXTEND THE CONTRACT** to other MITN Purchasing Cooperative members and associated entities under the same prices, terms and conditions.

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**J-5 Addendum No. 1: Contract 10-1 – Section 35 Water Main Replacement**

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Resolution #2012-01-020-J-5

RESOLVED, That Addendum No. 1 to Contract No. 10-1, Section 35 Water Main Replacement, is hereby **APPROVED** to Bricco Excavating Company, LLC, 21201 Meyers Road, Oak Park, MI 48237 at unit prices contained in the contract. The total amount authorized is the amount of \$1,850,992.95 and includes the previous authorized amount of \$1,549,084.50, 10% contingency as per the contract award resolution and the estimated \$147,000.00 amount for which Addendum No. 1 exceeds the 10% contingency.

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**J-6 Renewal of Membership in the Traffic Improvement Association (TIA) of Oakland County**

Resolution #2012-01-020-J-6

RESOLVED, That approval is **GRANTED** to pay the renewal of the City of Troy's membership in the Traffic Improvement Association for the year 2012, in the amount of \$23,600. The fee is to be divided equally between the Traffic Engineering and Police Departments. Funds are available in the 2011-2012 Traffic Engineering's Membership and Dues Fund and the 2011-2012 Police Department's Contractual Services General Fund.

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

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**K-1 Announcement of Public Hearings: None Submitted**

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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**

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**L-1 No Council Referrals Advanced**

The meeting **RECESSED** at 9:19 PM.

The meeting **RECONVENED** at 9:24 PM.

**M. COUNCIL COMMENTS**

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**M-1 No Council Comments Advanced**

Council Member Tietz announced that State Representative Marty Knollenberg will be hosting a seminar about preventing identity theft and scams for residents of Oakland County on Tuesday Jan. 24 from 7-8pm at the Troy Community Center.

Mayor Daniels requested City Staff draft a resolution that would bind the Troy Chamber of Commerce to cover the operating/maintenance costs of the Troy Multi-Modal Transit Facility. Council Member Slater requested waiting until after a meeting with the Troy Chamber of

Commerce scheduled for March 1, 2012. There was a consensus of City Council to wait until that time.

Council Member Slater addressed the City Manager's written response to the position paper that Mayor Daniels read at the January 9, 2012 City Council Meeting.

## N. REPORTS

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### N-1 Minutes – Boards and Committees:

- a) Liquor Advisory Committee-Final-November 14, 2011
  - b) Zoning Board of Appeals-Draft-November 15, 2011
  - c) Zoning Board of Appeals-Final-November 15, 2011
  - d) Planning Commission-Draft-December 13, 2011
  - e) Planning Commission-Final-December 13, 2011
  - f) Liquor Advisory Committee-Draft-January 9, 2012  
Noted and Filed
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### N-2 Department Reports:

- a) Building Department Activity Report – December, 2011
  - b) Procedures for Conducting a Public Hearing  
Noted and Filed
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### N-3 Letters of Appreciation:

- a) Letter of Appreciation to Chief Mayer from Samuel Lamerato on Behalf of the American Public Works Association, Thanking Officer Stansbury and Officer Linton
  - b) Letter of Appreciation to Chief Nelson from Mike Witoszynski, General Manager of MET Hotel, Thanking Lieutenant Perry  
Noted and Filed
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- N-4 Proposed Proclamations/Resolutions from Other Organizations: None Proposed  
Noted and Filed

## O. STUDY ITEMS

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### O-1 Publicly Funded Health Insurance Contributions Act (Public Act 152 of 2011)

Resolution #2012-01-021  
Moved by Tietz  
Seconded by Slater

RESOLVED, That City Council **POSTPONES** Item **O-1** *Publicly Funded Health Insurance Contributions Act (Public Act 152 of 2011)* to a future Regular City Council Meeting.

Yes: All-7  
No: None

### MOTION CARRIED

The Meeting **RECESSED** at 9:49 PM.

The Meeting RECONVENED at 9:55 PM.

**P. CLOSED SESSION:**

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P-1 Closed Session

**Q. ADJOURNMENT**

The meeting ADJOURNED at 11:30 PM



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Mayor Janice Daniels



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M. Aileen Bittner, CMC  
City Clerk