

Pastor Dan Lewis from Troy Christian Chapel 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, February 6, 2012, at City Hall, 500 W. Big Beaver Rd. 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:

C-1 No Certificates of Recognition and Special Presentations

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT:

Bloomingtondale, Bruce	Commented on Mayor Daniels' position paper and the City Manager's response.
Krent, Tom	Spoke about the Planning Commission.
Stine, Jeanne	Spoke about the Planning Commission nominations.
Binkowski, Matt	Spoke about the Planning Commission nominations.
Bhatt, Kumar	Spoke about the Planning Commission nominations.
Abraham, Edna	Spoke about the Planning Commission nominations.
Wilkinson, Sook	Spoke about the Planning Commission nominations on behalf of the Commission on Asian Pacific American Affairs.
Haque, Mumtaz	Spoke on behalf of the Commission on Asian Pacific American Affairs and International Institute of Metro Detroit and spoke about Planning Commission nominations.
Koerber, Ralph	Spoke about elected officials and the future of the City.
Peters, Richard	Spoke about various topics.
Reinhardt, Marvin	Spoke about various topics.
Lukas, Paul	Spoke about the Transit Center.
Krichbaum, Dan	Spoke on behalf of MI Dept. of Civil Rights.
Wullaert, Michael	Spoke in opposition of the Transit Center; supports the Library, Nature Center, and Historical Museum.

Hodges, Michele	Spoke about diversity in Troy.
Wells, John	Spoke about diversity and promoting positivity in Troy.
Savage, James	Spoke about the Transit Center.
Hilzinger, Jen	Spoke against racism.
Schepke, Gordon	Spoke about his comments at a previous meeting.
Butterbaugh, Ron	Spoke about recording of Mayor Daniels public office hours meeting of January 9, 2012.
Watts, Ray	Spoke about Planning Commission nominations and the Troy Police Department.
Cherasaro, Nicholas	Spoke about recording of Mayor Daniels public office hours meeting of January 9, 2012.
Johansson, Steve	Spoke about Planning Commission nominations.

The meeting **RECESSED** at 8:55 PM.

The meeting **RECONVENED** at 9:04 PM.

G. RESPONSE / REPLY TO PUBLIC COMMENT

H. POSTPONED ITEMS:

H-1 Boards and Committees Nominations: Mayoral Nominations – Planning Commission

Moved by Daniels
Seconded by Henderson

RESOLVED, That the Mayor of the City of Troy 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:

Planning Commission

Appointed by Mayor
9 Regular Members
3 Year Term

Term Expires: 12/31/2014

Gordon Schepke

Term currently held by: Lon Ullmann

Term Expires: 12/31/2014

Edward Kempen

Term currently held by: Thomas Strat

Term Expires: 12/31/2014

Steve Lokken

Term currently held by: Robert Schultz

Vote on Resolution to AMEND to SEPARATE H-1 Boards and Committees Nominations: Mayoral Nominations – Planning Commission

Resolution #2012-02-023
Moved by Daniels
Seconded by Henderson

RESOLVED, That the Mayor of the City of Troy hereby **FORWARDS** the following nominated person to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Planning Commission

Appointed by Mayor
9 Regular Members
3 Year Term

Term Expires: 12/31/2014

Gordon Schepke

Term currently held by: Lon Ullmann

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

MOTION CARRIED

Vote on Amended and Separated Nomination to the Planning Commission:

Resolution #2012-02-024
Moved by Daniels
Seconded by Henderson

RESOLVED, That the Mayor of the City of Troy 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:

Planning Commission

Appointed by Mayor
9 Regular Members
3 Year Term

Term Expires: 12/31/2014

Ed Kempen

Term currently held by: Thomas Strat

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

MOTION FAILED

Vote on Resolution to SEVER the Vote for *H-1* Boards and Committees Nominations: Mayoral Nominations – Planning Commission

Resolution #2012-02-025
Moved by Daniels
Seconded by McGinnis

RESOLVED, That Troy City Council **SEVER** the Vote for **H-1 Boards and Committees Nominations: Mayoral Nominations – Planning Commission.**

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

MOTION FAILED

Vote on Remaining Nominations to the Planning Commission:

Resolution #2012-02-026
Moved by Daniels
Seconded by Fleming

RESOLVED, That the Mayor of the City of Troy 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:

Planning Commission

Appointed by Mayor
9 Regular Members
3 Year Term

Nominations to the Planning Commission:

Term Expires: 12/31/2014

Thomas Strat

Term currently held by: Thomas Strat

Term Expires: 12/31/2014

Robert Schultz

Term currently held by: Robert Schultz

Yes: All-7
No: None

MOTION CARRIED

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Election Commission; Historic District Study Committee; Zoning Board of Appeals

b) City Council Appointments

Resolution #2012-02-027
Moved by McGinnis
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 Study Committee

Appointed by Council
3 Regular Members
Ad Hoc

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

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 Members
3 Year Term

Term Expires: 01/31/2015

Bruce Bloomingdale

(Alternate)

Term currently held by:

Term Expires: 01/31/2015

Orestis R. Kaltsounis

(Alternate)

Term currently held by:

Yes: All-7
No: None

MOTION CARRIED

I-2 Board and Committee Nominations: a) Mayoral Nominations - Board of Review; Downtown Development Authority; b) City Council Nominations: Building Code Board of Appeals; Liquor Advisory Committee

a) Mayoral Nominations

Resolution #2012-02-028

Moved by Daniels

Seconded by McGinnis

RESOLVED, That the Mayor of the City of Troy 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:

Board of Review

Appointed by Mayor

3 Regular Members

3-Year Term

Term Expires: 01/31/2015

Frank Strahl

Term currently held by: Frank Strahl

Yes: All-7

No: None

MOTION CARRIED

Mayoral Nominations to the Downtown Development Authority

Resolution #2012-02-029

Moved by Daniels

Seconded by Tietz

RESOLVED, That the Mayor of the City of Troy 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:

Downtown Development Authority

Appointed by Mayor

13 Regular Members

4 Year Term

Term Expires: 09/30/2015

Gregory Carnago

(In District)

Term currently held by: Stuart Frankel

Term Expires: 09/30/2015

Earle Van Dyke

(In District)

Term currently held by: David R. Hay

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

MOTION FAILED

b) City Council Nominations

Resolution #2012-02-030
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:

Building Code Board of Appeals

Appointed by Council
5 Regular Members
5 Year Term

Term Expires: 01/01/2017 _____ Gary Abitheira
Term currently held by: vacant

Yes: All-7
No: None

MOTION CARRIED

Nominations to the Liquor Advisory Committee :

Resolution #2012-02-031
Moved by McGinnis
Seconded by Fleming

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:

Liquor Advisory Committee

Appointed by Council
7 Regular Members
3 Year Term

Term Expires: 01/31/2014 _____ Max Ehlert
Term currently held by: Max Ehlert

Term Expires: 01/31/2014

David Ogg

Term currently held by: David Ogg

Term Expires: 01/31/2014

Timothy P. Payne

Term currently held by: Timothy P. Payne

Yes: All-7

No: None

MOTION CARRIED**I-3 Closed Session – None Requested****I-4 Preliminary Site Plan Review (File Number SP 971) – Proposed Warrior Park Baseball Field, South Side of Equity Between 1735 and 1515 Equity, Section 32, Currently Zoned IB (Integrated Industrial and Business) District – Controlled by Consent Judgment**

Resolution #2012-02-032

Moved by McGinnis

Seconded by Slater

RESOLVED, That the Troy City Council **APPROVES** the Preliminary Site Plan for the proposed Warrior Park Baseball Field, including other site improvements, located on the south side of Equity, between 1735 and 1515 Equity, Section 32, as indicated on a Site Plan prepared by Grissim Metz Andriese Associates. This revised site plan waives the requirement for parking lot islands. This site plan revises and updates the exhibits to the Consent Judgment in the *Meritor Automotive, Inc and The Nelson Companies, Inc v City of Troy* lawsuit, Case Number 94-948784 CZ, and reflects the parties' agreement as to the proposed development on the property.

BE IT FURTHER RESOLVED, That the Troy City Council also **APPROVES** the entry of the Stipulation and Fifth Order Amending Consent Judgment, to facilitate the development as proposed on the Preliminary Site Plan, and **AUTHORIZES** the City Attorney to **EXECUTE** the document on behalf of the City after all necessary formatting changes are made and after all other necessary parties have executed it. A copy of the executed Stipulation and Fifth Order Amending Consent Judgment shall be **RECORDED** with the Oakland County Register of Deeds and also **ATTACHED** to the Minutes of this meeting.

Yes: All-7

No: None

MOTION CARRIED**I-5 Sole Source – Upgrade BS&A Software**

Resolution #2012-02-033

Moved by Slater
 Seconded by Campbell

WHEREAS, The City has utilized BS&A software since 1999 and has been very satisfied with the quality of the software and support; and

WHEREAS, BS&A is phasing out the current Pervasive product and have introduced a Microsoft based product that meets the City’s current database standard which improves data access and the ability to interface, as well as introduced additional features;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** and **AUTHORIZES** the purchase of software and services from the sole source provider of proprietary software, BS&A Software of Bath, Michigan 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 \$87,380.00, with yearly maintenance fees of \$15,960.00 that may change annually based on the Consumer Price Index (CPI) for the then current year when compared with the previous year.

Yes: All-7
 No: None

MOTION CARRIED

I-6 Application Regarding Class C Quota License and SDM Liquor License for 2Booli, Inc.

Resolution #2012-02-034
 Moved by Fleming
 Seconded by Slater

a) New Class C Quota License, and new SDM License, Sunday Sales Permits, Food Permit, and Catering Permit, and Outdoor Service Permit

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL**, above all others, a liquor license request as indicated below, and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Liquor License Applicant :	2Booli, Inc.
Type of License Requested :	New Class C Quota License and new SDM license with new Sunday Sales Permit(PM), new Sunday Sales Permit(AM), new Official Permit(Food), new Catering Permit, and new Outdoor Service Permit.
Located at :	Southwest Corner of Big Beaver and Rochester Road, Space A-120, Troy, MI 48083
MLCC Request # :	627836

b) Agreement

WHEREAS, The Troy City Council deems it necessary to enter into agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES**, above all others, an agreement with the liquor license applicant named in the approved resolution above, and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

No: None

MOTION CARRIED**J. CONSENT AGENDA:**

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

Resolution #2012-02-035

Moved by McGinnis

Seconded by Campbell

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented, 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 #2012-02-035-J-2

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

a) Regular City Council Meeting of January 23, 2012

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions:

a) **Standard Purchasing Resolution #1: Award to Low Bidder – Parking Lot Maintenance Program**

Resolution #2012-02-035-J-04a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Parking Lot Maintenance Program for FY 2011/12 to the low total bidder, Rotondo Construction Corporation of Farmington Hills, MI, at unit prices contained in the bid tabulation opened January 26, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, for an estimated total cost of \$97,046.00.

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

b) Standard Purchasing Resolution #1: Award to Low Bidder Contract 11-09 – Wattles Road Water Main Replacement Crooks to Livernois

Resolution #2012-02-035-J-4b

RESOLVED, That Contract No.11-09, Wattles Road Water Main Replacement Crooks to Livernois be **AWARDED** to Bricco Excavating Company, LLC, 21201 Meyers Road, Oak Park, MI 48237-3201 at an estimated total cost of \$883,339.00.

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 10% of the total project cost.

c) Standard Purchasing Resolution #2: Lowest Bidders Meeting Specifications – Fitness Equipment

Resolution #2012-02-035-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** two contracts, one to purchase and install six (6) New Matrix T5x Treadmills at the Troy Community Center less Trade-ins of (4) Precor ellipticals and (2) Matrix #A3x trainers to the lowest bidder meeting specifications, *All Pro Exercise of Farmington Hills, MI* for an estimated net total cost of \$24,270.00, and a second contract to *Direct Fitness Solutions, LLC of Mundelein, IL*, the low bidder for six (6) Fully Reconditioned Precor EFX-576 Total Body Ellipticals for the Troy Community Center less Trade-ins of (6) Matrix treadmills at an estimated net total cost of \$14,400.00, all at prices contained in the bid tabulation dated January 19, 2012.

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT UPON** the companies' submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

J-5 Private Agreement – Athens Parc Site Condos – Project No. 05.913.3

Resolution #2012-02-035-J-5

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Athens Parc Developers LLC., is hereby **APPROVED** for the installation of sanitary sewer, water main, storm sewer, detention, paving, sidewalks, 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.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

- a) **Announcement of Public Hearing – Michigan Next Energy Exemption – LG Chem, Inc. – February 20, 2012**
-

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 Council Referrals Advanced

- a) Mayor Daniels Advanced 2008-2009 City Council Rules of Procedure
 - b) Mayor Daniels Advanced Recommended Rules of Procedure Changes Outline
-

M. COUNCIL COMMENTS

M-1 No Council Comments Advanced

N. REPORTS

N-1 Minutes – Boards and Committees:

- a) Election Commission-Final-October 13, 2011
 - b) Traffic Committee-Final-November 16, 2011
 - c) Election Commission-Draft-January 23, 2012
Noted and Filed
-

N-2 Department Reports:

- a) City Manager's Business Roundtable Meeting
Noted and Filed
-

N-3 Letters of Appreciation:

- a) Letter of Appreciation to Brent Savidant from William and Shirley Schmidt
 - b) Letter of Appreciation to City Administration from David Nelson of Northfield Commons
 - c) Letter of Appreciation to Captain Scherlinck from Mike Witoszynski of MET Hotel
 - d) Letter of Appreciation to Chief Nelson from Rhonda Berger
Noted and Filed
-

N-6 Economic Development Talking Points

Noted and Filed

N-7 Lifelong Learning Committee Update

Noted and Filed

The meeting **RECESSED** at 9:45 PM.

The meeting **RECONVENED** at 9:50 PM.

O. STUDY ITEMS

O-1 City Council Rules of Procedure

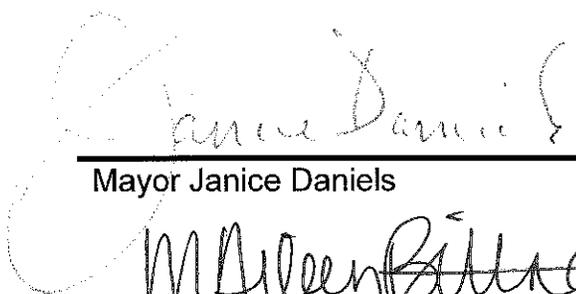
- a) 2010-2011 City Council Rules of Procedure

P. CLOSED SESSION:

P-1 No Closed Session Requested

Q. ADJOURNMENT

The meeting **ADJOURNED** at 10:53 PM



Mayor Janice Daniels



M. Aileen Bittner, CMC
City Clerk