

Mayor Pro Tem McGinnis performed the Invocation. Tiger Cub Scouts Pack 1712 from Wattles Elementary School led the Pledge of Allegiance to the Flag.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held Monday, February 20, 2012, at City Hall, 500 W. Big Beaver Rd. 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

Resolution #2012-02-036
Moved by Fleming
Seconded by Slater

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Tietz at the Regular City Council Meeting of February 20, 2012, due to traveling from Grand Rapids to the meeting.

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

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Proclamation – Heart Healthy Month – February 2012 – Presented to Michele Boertman, Manager of Preventative Cardiology/Cardiac Rehab – Beaumont Hospital

C-2 Proclamation of Appreciation – Troy Family Daze Festival

C-3 City of Troy Employees' Casual for a Cause Program - November and December 2011 – Presented to ARC of Oakland County

Council Member Tietz arrived at 7:46 PM.

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:**E-1 Public Hearing – Michigan NextEnergy Exemption**

The Mayor **OPENED** the Public Hearing.

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

Resolution #2012-02-037

Moved by Slater

Seconded by Campbell

RESOLVED, That the City Council of the City of Troy **AFFIRMS** the Michigan NextEnergy Exemption of Alternative Energy Personal Property located at 1857 Technology Drive, Troy, MI., as certified by the City Assessor, in an amount not to exceed \$2,458,258, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the City Clerk of the City of Troy shall **FORWARD** a copy of this resolution and attachments to the Michigan NextEnergy Authority at 300 N. Washington Square, Lansing, MI. 48913.

Yes: Campbell, Fleming, Henderson, McGinnis, Slater

No: Tietz, Daniels

MOTION CARRIED**F. PUBLIC COMMENT:**

Toth, Steve,	Spoke about the annual PNC Bank Taste of Troy benefit for the Boys & Girls Club of Troy to be held on Sunday, March 4, 2012 from 1-4 pm at the San Marino Club.
Walters, Allen	Spoke about Item I-6 Boyd Street Issues Relative to Baker Middle School and International Academy.
Walters, Roger	Spoke about Item I-6 Boyd Street Issues Relative to Baker Middle School and International Academy.
Wright, Lynn	Spoke about Item I-6 Boyd Street Issues Relative to Baker Middle School and International Academy.
Tegge, Stephen	Spoke about comments towards Planning Commission nominee.
Reinhardt, Marvin	Spoke about various topics.
Alati, Diane	Spoke about Item I-6 Boyd Street Issues Relative to Baker Middle School and International Academy.
Peters, Richard	Spoke about various topics.
Kamel, Wassim	Spoke about I-9 Application Regarding New SDM License for Kamel Management, Inc. (Troy Smokers)
Bernardi, Mary Ann	Spoke about tree preservation.
Savage, James	Spoke about Mayor Daniels.
Graczyk, Ed	Spoke about various topics.
Hodges, Michele	Gave an update on efforts to sustain the operating costs of the Transit Facility.
Murrish, Dale	Spoke in support of Mayor Daniels.

Femminineo, Charlene	Spoke in support of Mayor Daniels.
Hodorek, Ellen	Spoke about the importance of getting back "heart" in the City.
Bloomingtondale, Bruce	Read into public record excerpts from an article written by L. Brooks Patterson.
Witz, Jonathan	Spoke in support of efforts to recall Mayor Daniels.
Krent, Thomas	Spoke about comments made during Public Comment.
Schepke, Gordon	Responded to comments made about him during Public Comment.
Troy Resident	Spoke about Item I-6 Boyd Street Issues Relative to Baker Middle School and International Academy.
Grix, E. James	Spoke about the Troy Chamber of Commerce and the Transit Facility.
Collins, George	Spoke about Item I-6 Boyd Street Issues Relative to Baker Middle School and International Academy.
Elizabeth Gjochi	Read her mother's letter regarding Item I-6 Boyd Street Issues Relative to Baker Middle School and International Academy.
McClenic, Felecia	Spoke in support of Mayor Daniels.
Khan, Cynthia	Spoke in support of Mayor Daniels.
Ivan, Jennifer	Spoke about Item I-6 Boyd Street Issues Relative to Baker Middle School and International Academy.

The Meeting **RECESSED** at 9:42 PM.

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

G. RESPONSE / REPLY TO PUBLIC COMMENT

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business

Resolution #2012-02-038

Moved by Slater

Seconded by Fleming

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 *Order of Business* to take items out-of-order on the Agenda.

Yes: All-7

No: None

MOTION CARRIED

Vote on Resolution to Move Item I-6 Boyd Street Issues Relative to Baker Middle School and International Academy as the Next Item Addressed on the Agenda

Resolution #2012-02-039

Moved by Fleming

Seconded by Tietz

RESOLVED, That *Item I-6 Boyd Street Issues Relative to Baker Middle School and International Academy* be **MOVED** as the next item addressed on the Agenda.

Fleming

Tietz

Yes: All-7

No: None

MOTION CARRIED

I-6 Boyd Street Issues Relative to Baker Middle School and International Academy

Resolution #2012-02-040

Moved by Fleming

Seconded by Slater

RESOLVED, That the north side of Boyd Street, from Rochester Road to the school entrance on Boyd Street, be **POSTED** as a “No Parking – Tow Away Zone” during the morning arrival (7:15 a.m. to 8:15 a.m.) and evening dismissal (2:00 p.m. to 2:45 p.m.) times on school days only for the remainder of the 2011-12 school year.

BE IT FURTHER RESOLVED, That the issue be **RE-EVALUATED** in the fall of 2012 to determine the need for these signs after the school district changes the start times for Baker Middle School and the International Academy, which is expected to considerably reduce traffic on Boyd.

Yes: All-7

No: None

MOTION CARRIED

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – Board of Review; Planning Commission; b) City Council Appointments – Building Code Board of Appeals; Liquor Advisory Committee

a) Mayoral Appointments

Resolution #2012-02-041

Moved by Daniels

Seconded by McGinnis

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

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

Vote on Resolution to Separate the Vote for Item I-1 a) Mayoral Appointments – Planning Commission

Resolution #2012-02-042
Moved by Slater
Seconded by McGinnis

RESOLVED, That City Council **SEPARATE** Item *I-1a) Mayoral Appointments to the Planning Commission*.

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

MOTION FAILED

Resolution #2012-02-043
Moved by Daniels
Seconded by Tietz

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

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

Thomas Strat

Term currently held by: Thomas Strat

Term Expires: 12/31/2014

Robert Schultz

Term currently held by: Robert Schultz

Yes: Daniels, Fleming, Henderson, Tietz

No: Campbell, McGinnis, Slater

MOTION CARRIED

b) City Council Appointments

Resolution #2012-02-044

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:

Building Code Board of Appeals

Appointed by Council

5 Regular Members

5 Year Term

Term Expires: 01/01/2017

Gary Abitheira

Term currently vacant

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

a) Mayoral Nominations

Resolution #2012-02-045
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	Earle Van Dyke	(In District)
	Term currently held by:	Stuart Frankel
Term Expires: 09/30/2015	David Hay	(In District)
	Term currently held by:	David R. Hay
Term Expires: 09/30/2015	P. Terry Knight	(At Large)
	Term currently held by:	P. Terry Knight

Yes: All-7
No: None

MOTION CARRIED

I-3 Closed Session

Resolution #2012-02-046
Moved by McGinnis
Seconded by Henderson

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 Bid Waiver – Purchase of Police Radio Batteries and Chargers

Resolution #2012-02-047
Moved by Slater
Seconded by Henderson

WHEREAS, Global Technology Systems Inc. of Framingham, MA, is the manufacturer of Honeywell Batteries and Tri-Chemistry chargers; and

WHEREAS, Honeywell Batteries Lithium Polymer Technology is superior to the battery system that the Police Department is currently using and will maintain consistency between the Police and Fire Departments;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council **DETERMINES** it to be in the City's best interest to purchase directly from the manufacturer and hereby **WAIVES** formal bidding procedures and **AUTHORIZES** the purchase of Honeywell batteries, retrofit kits, and chargers from Global Technology Systems, Inc. of Framingham, MA, at an estimated cost of \$18,362.50, in accordance with the quote dated January 24, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7
No: None

MOTION CARRIED

I-5 Application Regarding Class C Liquor License for El Charro Restaurant

Resolution #2012-02-048
Moved by McGinnis
Seconded by Slater

(a) Transfer Class C License, Food Permit, Sunday Sales 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 :	Marty Martin Enterprises, Inc.--El Charro Restaurant
Type of License Requested :	Transfer Class C License, Food Permit, and Sunday Sales Permit.
Located at :	3651 Rochester Road, Troy, MI 48083
MLCC Request # :	625705

and

(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

I-7 Adoption of Rules of Procedure

Moved by Fleming
Seconded by Tietz

RESOLVED, That Troy City Council hereby **ADOPTS** the Rules of Procedure of the City Council of the City of Troy as recorded by the City Clerk in the Minutes of the Study Session of February 6, 2012.

Vote on Resolution to Amend Item [I-7 Adoption of Rules of Procedure](#)

Resolution #2012-02-049
Moved by McGinnis
Seconded by Campbell

RESOLVED, That Item *I-7 Adoption of Rules and Procedure* be **AMENDED** to include the language used for Public Comment at tonight's meeting as Rules and Procedure Rule #17.

Yes: All-7
No: None

MOTION CARRIED

Vote on Amended Resolution for [I-7 Adoption of Rules of Procedure](#)

Resolution #2012-02-050
Moved by Tietz
Seconded by Slater

RESOLVED, That Troy City Council hereby **ADOPTS** the Rules of Procedure of the City Council of the City of Troy, as amended.

Yes: All-7
No: None

MOTION CARRIED

I-8 Approval of MDOT Subcontract with Tooles/Clark for Construction Manager at Risk Services for the Troy Multi-Modal Transit Facility

Resolution #2012-02-051

Moved by McGinnis

Seconded by Campbell

WHEREAS, The City of Troy received a \$8,485,212 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, Construction Manager at Risk (CMR) proposals were received and the CMR team of Tooles/Clark was selected in accordance with the Qualifications Based Selection process.

THEREFORE BE IT RESOLVED, That Troy City Council hereby **AWARDS** the MDOT subcontract between the City of Troy and Tooles/Clark to provide construction manager at risk services for the Troy Multi-Modal Transit Facility at an estimated cost **NOT TO EXCEED** \$648,731, a cost which is included as part of the total estimated Transit Center cost and within budget for CMR services; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT UPON** Tooles/Clark's submission of properly executed proposal and contract documents, including agreements, insurance certificates and all other specified requirements and MDOT approval; and

BE IT FINALLY RESOLVED, That the Mayor and City Clerk are **DIRECTED** to execute the agreements once in acceptable form as approved by the Michigan Department of Transportation.

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

No: Daniels

MOTION CARRIED

I-9 Application Regarding New SDM License for Kamel Management, Inc. (Troy Smokers)

Resolution #2012-02-052

Moved by Slater

Seconded by Campbell

WHEREAS, Kamel Management, Inc. requests a New SDM License to be located at 186 W. Maple Road, Troy, MI 48084, Oakland County {MLCC Req. #614894}; and

WHEREAS, The Troy Police Department conducted an investigation into this application, and did not discover any reasons for disqualification of this particular applicant; and

WHEREAS, Based on past experience, the Troy City Administration is concerned about the increased probability of liquor license violations for those businesses that primarily sell tobacco products to patrons, including those between the ages of 18 to 20 years old who are considered minors under the liquor laws; and

WHEREAS, Based on this increased probability of illegal sales of alcohol to minors in these establishments, the Troy City Council finds that tobacconists are not favorable locations to sell alcoholic products, and reaffirms commitment to the prevention of access to and consumption of alcohol by persons under the age of 21 as an established community norm which is consistent with the community's established priorities and dedication to public safety.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **RECOMMENDS DENIAL** of the application from Kamel Management, Inc. for a New SDM License to be located at 186 W. Maple Road, Troy, MI 48084, Oakland County {MLCC Req. #614894}.

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

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2012-02-053
Moved by Fleming
Seconded by Slater

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

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 #2012-02-053-J-2

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

- a) Special City Council Meeting of February 6, 2012
- b) Regular City Council Meeting of February 6, 2012

J-3 Proposed City of Troy Proclamations:

- a) Heart Healthy Month – February 2012 – Presented to Michele Boertman, Manager of Preventative Cardiology/Cardiac Rehab – Beaumont Hospital
- b) Proclamation of Appreciation – Troy Family Daze Festival

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution #3: Exercise Renewal Option – Transit Mixed Concrete**

Resolution #2012-02-053-J-4a

WHEREAS, On April 18, 2011, Troy City Council awarded one-year contracts to provide transit mixed concrete with an option to renew for one (1) additional year to the low bidders, McCoig Materials/Koenig Fuel & Supply of Plymouth, MI as the primary supplier, and Superior Materials, LLC of Farmington Hills, MI as the secondary supplier (Resolution #2011-04-085-J-4a); and

WHEREAS, McCoig Materials/Koenig Fuel & Supply and Superior Materials, LLC have agreed to exercise the option to renew their respective contracts for one (1) additional year under the same prices, terms, and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contracts to provide transit mixed concrete with McCoig Materials/Koenig Fuel & Supply of Plymouth, MI, as the primary supplier, and Superior Materials, LLC, as the secondary supplier, at unit prices contained in the bid tabulation opened March 22, 2011, with the contracts expiring April 30, 2013.

- b) **Standard Purchasing Resolution #3: Exercise Renewal Option - Aggregates**

Resolution #2012-02-053-J-4b

WHEREAS, On April 18, 2011, one-year contracts to provide Aggregates with an option to renew for one additional year was awarded to the low bidders, B&W Landscape Supply, Boulevard & Trumbull Towing, Novak Construction, Osburn Industries, Inc., Richmond Transport, Inc., and Tri-City Aggregates at unit prices contained in the bid tabulation opened March 22, 2011(Resolution #2011-04-085-J4b); and

WHEREAS, After the award of contract, Richmond Transport withdrew their bid for 6A Slag due to a calculation error; and on May 9, 2011, Troy City Council rescinded with prejudice the award to Richmond Transport and re-awarded the contract for 6A Slag to the next lowest bidder, B&W Landscape Supply of Clinton Township (Resolution #2011-05-094); and

WHEREAS, All suppliers with the exception of Osburn Industries have agreed to exercise the one-year option to renew their respective contracts under the same prices, terms, and conditions;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contracts to provide one-year requirements of Aggregates with the following low bidders – B&W Landscape Supply of Clinton Township, Boulevard & Trumbull Towing of Detroit, Novak Construction of Almont, and Tri-City Aggregates of Holly, under the same contract prices, terms, and conditions expiring April 30, 2013.

J-5 Milano Development Company, Inc. v. City of Troy et. al.

Resolution #2012-02-053-J-5

WHEREAS, The February 5, 2008 Consent Judgment in the *Milano Development Company, Inc. v. City of Troy, et. al.* case, (Oakland County Circuit Court Case No. 06-079401-CZ) allows for the City of Troy to agree to an extension of time for the presentation of a revised plat for the Square Acres Subdivision plat, that vacates the 43 foot easements for roadway purposes and allows for a new residential development;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council **GRANTS** its consent to extend the time within which to file a revised plat for the Square Acres Subdivision for good cause; and

BE IT FURTHER RESOLVED, That the Troy City Council **APPROVES** the revised plat for Square Acres Subdivision, as attached and incorporated into the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to send a copy of this Resolution to the State of Michigan and Athens Parc Developers, LLC.

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. COUNCIL REFERRALS:

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

L-1 No Council Referrals Advanced**M. COUNCIL COMMENTS**

M-1 No Council Comments Advanced**N. REPORTS**

N-1 Minutes – Boards and Committees:

- a) Civil Service Committee-Final-December 8, 2011
 - b) Liquor Advisory Committee-Final-January 9, 2012
 - c) Planning Commission-Draft-January 10, 2012
 - d) Zoning Board of Appeals-Draft-January 17, 2012
 - e) Civil Service Commission-Final-January 19, 2012
 - f) Liquor Advisory Committee-Draft-February 13, 2012
 - g) Civil Service Commission-Draft-February 14, 2012
- Noted and Filed
-

N-2 Department Reports:

- a) Final Reporting – BidNet On-Line Auction Services – January 2012
 - b) Final Reporting – Greater Detroit Auto Auction Services – Auctions for Calendar Year 2011
 - c) Quarterly Financial Report – December 31, 2011
 - d) Tax Abatement Policy
- Noted and Filed
-

N-3 Letters of Appreciation:

- a) Letter of Appreciation to Troy Police Department from Rose Weber Thanking Officer Bordo for Assistance
 - b) Letter of Appreciation to Officer Breidenich from Peggy Willockx of Troy People Concerned
 - c) Letter of Appreciation to Chief Mayer from Bonnie Bostelman Thanking Officer Cooney for Assistance
 - d) Letter of Appreciation to Chief Mayer from Rhonda Berger Thanking Sergeant Szuminski, Officer Barrows, Officer Villerot, Officer Bordo, Officer Denny, Officer Linton and Officer Piper for Assistance
 - e) Letter of Appreciation to Chief Mayer from Elise Arndt Thanking Officer Fitzpatrick and Officer Zagacki
- Noted and Filed
-

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

N-5 Economic Development Update Information

Noted and Filed

N-6 Allowable Restrictions on Public Comment

Noted and Filed

N-7 Super City Smoker's Express, LLC. SDM Liquor License
Noted and Filed

N-8 Article from Michigan Humanities Council
Noted and Filed

O. STUDY ITEMS

O-1 No Study Items

P. CLOSED SESSION:

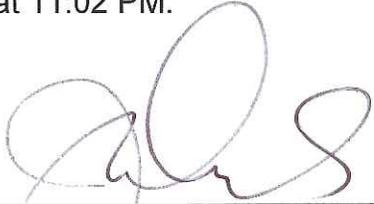
P-1 Closed Session

Q. ADJOURNMENT

The meeting **RECESSED** at 10:56 PM

The meeting **RECONVENED** into Closed Session at 11:02 PM.

The meeting **ADJOURNED** at 12:15 AM.



Mayor Janice Daniels



M. Aileen Bittner, CMC
City Clerk