

Mayor Janice Daniels 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, July 9, 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 Presentation of Youth Achievement Scholarship Awards on Behalf of SAFEbuilt, Inc. to Troy Residents Dane Nowosatko and Jannet Jones

C-2 Presentation from the Detroit Institute of Arts (DIA) on Inside/Out Project – Troy (July – September, 2012)

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT:

Broser, Philip	Spoke about Item N-6 Summary of MPSC’s Case No. U-17000, Regarding AMI (“Smart”) Meters
Fleming, Donald	Spoke about Item N-6 Summary of MPSC’s Case No. U-17000, Regarding AMI (“Smart”) Meters
Sheldon, David	Spoke about Item N-6 Summary of MPSC’s Case No. U-17000, Regarding AMI (“Smart”) Meters
Lonier, David	Spoke about Item N-6 Summary of MPSC’s Case No. U-17000, Regarding AMI (“Smart”) Meters
Trikes, Tim	Spoke about Item N-6 Summary of MPSC’s Case No. U-17000, Regarding AMI (“Smart”) Meters
Keller, Ron	Spoke about Item N-6 Summary of MPSC’s Case No. U-17000, Regarding AMI (“Smart”) Meters

Lindsey, Stephen	Spoke about Item N-6 Summary of MPSC's Case No. U-17000, Regarding AMI ("Smart") Meters
Holton, Pauline	Spoke about Item N-6 Summary of MPSC's Case No. U-17000, Regarding AMI ("Smart") Meters
Peters, Richard	Spoke about fireworks, global warming and other various topics.
Kajma, Linda	Spoke about Mayor Daniels.
Gosselin, Toby	Spoke about an event that occurred during public comment at the June 18, 2012 City Council meeting.
Holeton, John	Spoke about Item N-6 Summary of MPSC's Case No. U-17000, Regarding AMI ("Smart") Meters
Hodorek, Ellen	Commended City Staff for the 2012/13 Budget and spoke of the future of Troy.
Williams, Jeff	Spoke about Mayor Daniels.

G. RESPONSE / REPLY TO PUBLIC COMMENT

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – Local Development Finance Authority (LDFA); Planning Commission; b) City Council Appointments – Liquor Advisory Committee (Student)

a) Mayoral Appointments

Resolution #2012-07-139

Moved by Daniels

Seconded by Fleming

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:

Local Development Finance Authority (LDFA)

Appointed by Mayor

5 Regular Members; 2 City Council Member Alternates

Staggered 4 Year Term

Term Expires: 06/30/2015

Paul Hoef

(Resident Member)

Term Expires: 06/30/2016

John Sharp

(Resident Member)

Term Expires: 06/30/2016

David Shields

(Member)

Planning Commission

Appointed by Mayor
9 Regular Members
3 Year Term

Term Expires: 12/31/2013

Ed Kempen

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

MOTION CARRIED

b) City Council Appointments

Resolution #2012-07-140
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:

Liquor Advisory Committee

Appointed by Council
7 Regular Members
3 Year Term

Term Expires: 07/31/2013

Jesse Pappas

(Student Rep.)

Term Expires: 07/31/2013

Eun Joo Scherlinck

(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; Parks and Recreation Board

a) Mayoral Nominations - None

b) City Council Nominations

City Council took no action on this Item.

I-3 No Closed Session Requested

I-4 Application Regarding Class C and SDM Liquor Licenses for Rochester Road Ventures

Resolution #2012-07-141

Moved by Slater

Seconded by McGinnis

(a) Transfer Class C License, Outdoor Service Permit (1 Area), Dance-Entertainment Permit; and Request New SDM License, and Add Space

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL**, 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 :	Rochester Road Ventures, LLC
Type of License Requested :	Transfer ownership of 2011 Class C licensed business with Outdoor Service (1 Area) and Dance-Entertainment Permit from Mercmiles, Inc., and request new SDM license, and add space.
Located at :	3946 Rochester Road, Troy, MI 48083
MLCC Request # :	628433

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** 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-5 Waiver of Bid for Purchase of Fire Apparatus**

Resolution #2012-07-142

Moved by Fleming

Seconded by Slater

WHEREAS, Fire staff and station officers evaluated a number of specifications and determined the PUC (Pumper Under Cab) manufactured by Pierce provided significant advantages over conventional fire apparatus design; and

WHEREAS, Halt Fire Inc. of Wixom, MI, is the sole local area distributor of the Pierce pumper; and

WHEREAS, The Fire Department purchased two pumpers last year from Pierce as part of a cooperative bid with six other municipalities or fire protection authorities and can purchase another unit this year with a 2.9% increase over last year’s bid prices;

THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and Troy City Council hereby **APPROVES** a contract to purchase one (1) Pierce PUC pumper directly from the manufacturer, Pierce Manufacturing Inc of Wisconsin c/o Halt Fire Inc of Wixom, MI, for an estimated total cost of \$527,596.00, utilizing the upfront payment discount option, with Halt Fire Apparatus to supply a 100% performance bond to guarantee satisfactory delivery.

Yes: All-7
 No: None

MOTION CARRIED

I-6 Application Regarding SDD and SDM Liquor Licenses for Kelly’s Market

Resolution #2012-07-143
 Moved by McGinnis
 Seconded by Campbell

(a) Transfer SDD and SDM Licenses

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL**, 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 :	Kelly’s Market #2, Inc.
Type of License Requested :	Transfer SDD and SDM Licenses from Kelly’s Market, Inc.
Located at :	6037 Rochester Road, Troy, MI 48084
MLCC Request # :	658162

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** 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 Private Agreement – Old Dominion Freight Lines – Project No. 12.904.3

Resolution #2012-07-144

Moved by Fleming

Seconded by McGinnis

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and D.F Chase, Inc., is hereby **APPROVED** for the installation of water main, paving, sanitary sewer, storm sewer, detention, 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.

Yes: All-7

No: None

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2012-07-145

Moved by Fleming

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda 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 #2012-07-145-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the Regular City Council Meeting of June 18, 2012, as submitted.

J-3 Proposed City of Troy Proclamations:

J-4 Standard Purchasing Resolutions:**a) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 12-6 – Section 13 & 23 Resurfacing**

Resolution #2012-07-145-J-4a

RESOLVED, That contract No. 12-6, Section 13 & 23 Resurfacing, be **AWARDED** to T&M Asphalt Paving, 4755 Old Plank Road, Milford, MI 48381, for their low total bid amount of \$260,746.50

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 25% of the total project cost.

b) Standard Purchasing Resolution 1: Award to Low Bidder – Topsoil (Delivered)

Resolution #2012-07-145-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** a two-year contract to provide topsoil to the low bidder, Anderson Excavating Inc of Waterford, MI, for an estimated total two-year cost of \$73,500.00, at unit prices contained on the bid tabulation, which opened June 13, 2012, a copy of which shall be **ATTACHED** to the original minutes of this meeting, with the contract expiring June 30, 2014.

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

c) Standard Purchasing Resolution 1: Award to Low Total Bidder – Custodial Supplies

Resolution #2012-07-145-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** a one-year contract to provide Custodial Supplies as needed to the low total bidder, Empire Equipment and Supply Co of Detroit, MI, at an estimated total cost of \$28,223.15, at unit prices contained in the bid

tabulation dated June 14, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting to expire June 30, 2013.

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

d) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 12-5 – Charnwood Hills Phase I Chip Seal

Resolution #2012-07-145-J-4d

RESOLVED, That contract No. 12-5, Charnwood Hills Phase I Chip Seal, be **AWARDED** to Highway Maintenance & Construction Co., P.O. Box 74411, Romulus, MI 48174-04111, at an estimated total cost of \$160,100.00

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 20% of the total project cost.

e) Standard Purchasing Resolution 3: Exercise Renewal Option – MITN Cooperative Premium Laser Compatible Ink and Toner Cartridges

Resolution #2012-07-145-J-4e

WHEREAS, On November 8, 2010, Troy City Council approved a contract to purchase premium laser compatible ink and toner cartridges with an option to renew for two (2) additional one (1) year periods to the lowest bidder meeting specifications, Preferred Toner Solutions of Canton, MI (Resolution #2010-11-247-J-4a); and

WHEREAS, On July 11, 2011, Troy City Council exercised the first one-year option to renew the contract with Preferred Toner Solutions under the same pricing structure, terms, and conditions (Resolution #2011-07-164-J4c); and

WHEREAS, Preferred Toner Solutions has offered to exercise the second one-year option to renew the contract under the same pricing structure, terms, and conditions as the current contract;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the second one-year option to renew the contract to provide premium laser compatible ink and toner cartridges with the lowest bidder meeting specifications, Preferred Toner Solutions of Canton, MI, as a result of a bid process hosted by the City of Ann Arbor for the Michigan Intergovernmental Trade Network (MITN) Cooperative under the same pricing, terms, and conditions as originally bid expiring July 6, 2013.

J-5 Municipal Credit and Community Credit Agreement

Resolution #2012-07-145-J-5

RESOLVED, That the request that the City transfer Municipal Credit funds in the amount of \$79,648 and Community Credit funds in the amount of \$88,586 covering July 1, 2012 through June 30, 2013 to Troy Medi-Go Plus for the operation of transportation service for senior citizens and persons with disabilities is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED** to execute the documents and copies shall be **ATTACHED** to the original Minutes of this meeting.

J-6 Margaret Black v. City of Troy

Resolution #2012-07-145-J-6

RESOLVED, That the Troy City Council hereby **ACCEPTS** the Plaintiff's confidential settlement offer, which was presented on June 18, 2012 in a closed session, and **DIRECTS** the City Attorney to take the actions necessary to facilitate the settlement with our insurance carrier.

J-7 Medi-Go Plus Service Agreement

Resolution #2012-07-145-J-7

RESOLVED, That the request for funding in the amount of entire municipal and community credits transferred from SMART for Troy Medi-Go Plus for fiscal year 2012/2013, and the funding agreement between the City of Troy and Troy Medi-Go Plus covering July 1, 2012 through June 30, 2013 are hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED** to execute the documents and copies shall be **ATTACHED** to the original Minutes of this meeting.

J-8 Contract Ratification: Pavement Seam, Fracture Sealing and Spray Injection Patching Program

Resolution #2012-07-145-J-8

WHEREAS, On March 5, 2012, Troy City Council awarded a contract to complete the Pavement Seam, Fracture Sealing and Spray Injection Patching Program for the City to the low bidder, Michigan Joint Sealing Inc, of Farmington Hills, MI, with all work not to exceed budgetary limitations in the capital accounts for Public Works Construction in the amount of \$150,000.00 (Resolution #2012-03-060-J4a); and

WHEREAS, The work commenced and all of the \$150,000.00 budgeted in major and local roads and approved by Troy City Council was spent, not leaving any monies per the resolution to pay for the sidewalk work completed on Square Lake Road from Blackwell to Coolidge in the amount of \$5,936.00; and

WHEREAS, Funds are available in the Public Works Construction Capital Account for Sidewalks in the 2011/2012 fiscal year budget;

THEREFORE BE IT RESOLVED, That Troy City Council hereby **RATIFIES** the amount of \$5,936.00 to pay for the task to clean, sandblast and seal the longitudinal joint on the (8) foot

sidewalk along Square Lake Road to Michigan Joint Sealing, Inc, the awarded vendor for this project.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

- a) July 23, 2012 – Zoning Ordinance Text Amendment (File Number ZOTA 243) – Proposed Amendment to Article 5, Permit Financial Institution Drive-Through Uses Within the Big Beaver District by Special Use Approval

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

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #7L – Order of Business – Council Referrals

Resolution #2012-07-146

Moved by Fleming

Seconded by Tietz

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #7L *Order of Business - Council Referrals* to take action on an item that does not appear on the Agenda.

Yes: All-7

No: None

MOTION CARRIED

Mayor Daniels' Resolution to Opt Out of Smart Meters

Moved by Daniels

Seconded by Henderson

WHEREAS Detroit Edison Company, Consumers Energy Company and other energy providers have been deploying “smart meters” in Troy; and

WHEREAS the Michigan Public Service Commission, in an order dated January 12, 2012 directed electric utilities to provide information on several topics including “whether the electric utility intends to allow customers to opt out of having a smart meter” and “how the utility intends to recover the cost of an opt out program if one will exist.”; and

WHEREAS Michigan Attorney General Schuette, in his comments to the January 12, 2012 order dated April 16, 2012, identifies two issues that must be addressed before the MPSC approves further deployment of smart meters and recovery by the utilities of costs from ratepayers. "First there must be a sufficient demonstration that implementation of the smart meter programs will actually produce a net economic benefit to customers. Second, customers just be afforded a meaningful and fair opportunity to opt out of smart meter installation without being penalized by unwarranted and excessive costs"; and

WHEREAS there has been concern expressed by some electric customers that the smart meters are overly intrusive into their energy usage; and

WHEREAS some electric customers have alleged that emissions from the smart meters are actually dangerous to their health.

NOW THEREFORE BE IT RESOLVED that the Troy City Council supports the ability of customers to opt out of the smart meter program on their homes.

BE IT FURTHER RESOLVED that the Troy City Council agrees with Attorney General Schuette that utility customers who opt out of the smart meter program should be able to opt out with no economic or any other penalty.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Governor Snyder, the Oakland County delegation of the Michigan Legislature, the Michigan Attorney General, the Michigan Public Services Commission, the Michigan Association of Counties and the Oakland County Board of Commissioners and all elected officials in the City of Troy.

Motion to Amend Mayor Daniels' Resolution to Opt Out of Smart Meters

Moved by Tietz
Seconded by Daniels

RESOLVED, That Troy City Council hereby **AMENDS** *Mayor Daniels' Resolution to Opt Out of Smart Meters* by **STRIKING** "WHEREAS Michigan Attorney General Schuette, in his comments to the January 12, 2012 order dated April 16, 2012, identifies two issues that must be addressed before the MPSC approves further deployment of smart meters and recovery by the utilities of costs from ratepayers. "First there must be a sufficient demonstration that implementation of the smart meter programs will actually produce a net economic benefit to customers. Second, customers just be afforded a meaningful and fair opportunity to opt out of smart meter installation without being penalized by unwarranted and excessive costs"; and" in its entirety and **STRIKE** "agrees with Attorney General Schuette" and **INSERT** "believes" after "Troy City Council" in the first "BE IT FURTHER RESOLVED".

Vote on Motion to Postpone Mayor Daniels' Resolution to Opt Out of Smart Meters

Resolution #2012-07-147
Moved by Slater
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **POSTPONES** *Mayor Daniels' Resolution to Opt Out of Smart Meters* until the July 23, 2012 Regular City Council Meeting.

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

MOTION CARRIED

M. COUNCIL COMMENTS

M-1 No Council Comments Advanced

Council Member Tietz requests City Council re-evaluate the Council Rules of Procedure to change the public comment process. There was consensus of City Council to hold a Study Session during the July 23, 2012 Regular City Council Meeting to discuss revising the Council Rules of Procedure.

Council Member Fleming addressed concerns regarding fireworks. City Council requested that City staff draft a resolution containing dates that fireworks are permitted and to restrict the age of individuals discharging fireworks. Additional recommendations from City Council were to request that state legislators correct loopholes in the laws pertaining to fireworks, as well as to address the burden of enforcement at the local level.

N. REPORTS

N-1 Minutes – Boards and Committees:

- a) Civil Service Commission (Act 78)-Final-March 13, 2012
- b) Election Commission-Final-April 9, 2012
- c) Liquor Advisory Committee-Final-May 14, 2012
- d) Zoning Board of Appeals-Draft-May 15, 2012
- e) Zoning Board of Appeals-Final-May 15, 2012
- f) Building Board of Appeals-Draft-June 6, 2012
- g) Building Board of Appeals-Final-June 6, 2012
- h) Planning Commission-Draft-June 12, 2012
- i) Planning Commission-Final-June 12, 2012
- j) Liquor Advisory Committee-Draft-June 18, 2012
- k) Building Board of Appeals-Draft-June 20, 2012
- l) Civil Service Commission (Act 78)-Draft-June 26, 2012
- m) Election Commission-Draft-June 28, 2012
Noted and Filed

N-2 Department Reports:

- a) Pelco Endura Upgrade – Police Department
Noted and Filed

N-3 Letters of Appreciation:

- a) Letter of Appreciation to Mike Culpepper from Tim Atkins – OakTac Co-Chairman, Thanking Chief Mayer for Contributions to the OakTac Committee
- b) Letter of Appreciation to Mike Culpepper from Chief Mayer – OakTac Co-Chairman, Thanking Sergeant Ostrowski for Contributions to the OakTac Committee
- c) Letter of Appreciation to Mike Culpepper from Chief Mayer – OakTac Co-Chairman, Thanking Lieutenant Gordon for Contributions to the OakTac Committee
- d) Letter of Appreciation to Tim Richnak from Thomas Russell, Thanking Dean Bise for Assistance

Noted and Filed

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

Noted and Filed

N-5 Notice of Hearing for the Customers of The Detroit Edison Company – Case No. U-16737

Noted and Filed

N-6 Summary of MPSC’s Case No. U-17000, Regarding AMI (“Smart”) Meters

Noted and Filed

O. STUDY ITEMS

O-1 Discussion of the City Manager Brochure

P. CLOSED SESSION:

P-1 No Closed Session

Q. ADJOURNMENT

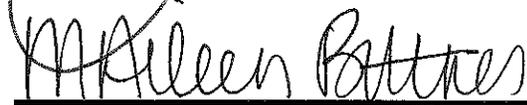
The Meeting **RECESSED** at 9:47 PM.

The Meeting **RECONVENED** at 9:52 PM.

The Meeting **ADJOURNED** at 10:59 PM.



Mayor Janice Daniels



M. Aileen Bittner, CMC
City Clerk