

Council Member Fleming 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, August 27, 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:**

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**C-1 No Certificates of Recognition or Special Presentations**

**D. CARRYOVER ITEMS:**

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**D-1 No Carryover Items**

**E. PUBLIC HEARINGS:**

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**E-1 Conditional Rezoning Application (File Number CR-007) – Proposed Charter One Bank Branch, 125 Stephenson Highway and 1250 W. 14 Mile Road, Section 35, From O (Office) District to IB (Integrated Industrial and Business) District**

The Mayor **OPENED** the Public Hearing.

The Mayor **CLOSED** the Public Hearing after receiving comment from Mr. Greg Lyons from SourceHOV.

WHEREAS, The City is in receipt of a proposed rezoning request from O Office District to IB Integrated Industrial and Business District; and

WHEREAS, The applicant voluntarily offered a number of conditions, as described in the Conditional Rezoning Agreement and related attachments, as per Section 16.04 of the City of Troy Zoning Ordinance; and

WHEREAS, The subject property, located on the northwest corner of 14 Mile Road and Stephenson Highway, parcel 88-20-35-356-054, being approximately 7 acres in size, is described in the following legal description and illustrated on the attached ALTA/ACSM Land Title Survey drawing:

T2N, R11E, Section 35

Parcel 1:

Lots 1, 2, and 3, Mark Builders Subdivision, according to the plat thereof recorded in Liber 84, of plats Pages(s) 14 and 15, Oakland County Records.

Parcel 2:

Part of the Southwest 1/4 of Section 35, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, being described as beginning at a point on the South line of Section 35 distant South 88 degrees 24 minutes 00 seconds East: 664.61 feet and South 88 degrees 13 minutes 12 seconds East 665.17 feet from the Southwest corner of said Section 35; thence continuing along the South section line, South 88 degrees 13 minutes 12 seconds East 354.67 feet; thence along the West line of Stephenson Highway (204 feet wide) North 01 degree 57 minutes 38 seconds East 358.88 feet; thence North 88 degrees 35 minutes 27 seconds West 351.11 feet; thence South 02 degrees 31 minutes 48 seconds West 356.63 feet to the point of beginning; and

WHEREAS, The conditional rezoning was recommended for approval by the Planning Commission; and

WHEREAS, The proposed rezoning is supported by the Master Plan and advances the general and specific development policies of the Master Plan; and

WHEREAS, The proposed rezoning would be consistent and non-disruptive to the surrounding land use pattern; and

WHEREAS, The proposed rezoning will facilitate redevelopment of the site.

THEREFORE, BE IT RESOLVED, City Council hereby **APPROVES** the O to IB Conditional Rezoning Agreement and related attachments.

BE IT FURTHER RESOLVED, City Council **AUTHORIZES** the Mayor and City Clerk to sign the Conditional Rezoning Agreement on behalf of the City of Troy.

BE IT FINALLY RESOLVED, The City of Troy Zoning District Map is hereby **AMENDED**.

**Vote on Resolution to Postpone Item *E-1 Conditional Rezoning Application (File Number CR-007) – Proposed Charter One Bank Branch, 125 Stephenson Highway and 1250 W. 14 Mile Road, Section 35, From O (Office) District to IB (Integrated Industrial and Business) District***

Resolution #2012-08-164

Moved by Daniels

Seconded by Henderson

Resolved, That Troy City Council hereby **POSTPONES** Item *E-1 Conditional Rezoning Application (File Number CR-007) – Proposed Charter One Bank Branch, 125 Stephenson Highway and 1250 W. 14 Mile Road, Section 35, From O (Office) District to IB (Integrated Industrial and Business) District* until such time as the property owners advise City Management of their desire to proceed with the conditional rezoning request.

Yes: All-7  
No: None

## MOTION CARRIED

### F. PUBLIC COMMENT:

Koerber, Ralph	Spoke about the CNNMoney Magazine article naming City of Troy as the 26 <sup>th</sup> of the top 100 Best Places to Live in America
Geiger, M.L.	Spoke about the disposal & recycling of used appliances.
Savage, James	Spoke against the recall efforts.
Kajma, Linda	Spoke about Item I-5 Proposed Amendment to Distracted Driving Ordinance.

### G. RESPONSE / REPLY TO PUBLIC COMMENT

### H. POSTPONED ITEMS:

#### **H-1 Revisions to 2011-2012 City Council Rules of Procedure**

Moved by Fleming  
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** the 2011-2012 City Council Rules of Procedure as revised by City Council at the July 23, 2012 City Council Meeting and including the suggested revisions made by City Administration.

#### **Vote on Resolution to Table Item H-1 Revisions to 2011-2012 City Council Rules of Procedure Until After Council Referrals**

Resolution #2012-08-165  
Moved by Campbell  
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **TABLES** Item *H-1 Revisions to 2011-2012 City Council Rules of Procedure* until after Council Referrals.

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 #2012-08-166

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:

**Historic District Commission**

Appointed by Council

7 Regular Members

3 Year Term

**Term Expires: 05/15/2015****Timothy McGee**

Yes: All-7

No: None

**MOTION CARRIED**


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**I-2 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – None**

**a) Mayoral Nominations – None****b) City Council Nominations – None****I-3 Request for Closed Session**

Resolution #2012-08-167

Moved by Tietz

Seconded by Slater

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (f) and (h) (MCL 15.243 (g) and (k)).

Yes: All-7

No: None

**MOTION CARRIED**


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**I-4 Application Regarding SDM and Class C Resort Liquor Licenses for Muses Taverna**

Resolution #2012-08-168

Moved by McGinnis

Seconded by Slater

**(a) Transfer Class C License**

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.

<b>Liquor License Applicant :</b>	<b>Muses Taverna, LLC</b>
<b>Type of License Requested :</b>	<b>Transfer Ownership of SDM and Class C Resort Liquor Licenses from Hot Rock Pizza, LLC</b>
<b>Located at :</b>	<b>1893 E. Big Beaver, Troy, MI 48083</b>

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 Proposed Amendment to Distracted Driving Ordinance**

Moved by Henderson  
 Seconded by Fleming

RESOLVED, That the City Council **APPROVES** amendments to Ch. 106. Sec. 120.05 and 5.14c, as prepared by City Administration.

**Vote on Resolution to Postpone Item *I-5 Proposed Amendment to Distracted Driving Ordinance***

Resolution #2012-08-169  
 Moved by Slater  
 Seconded by Campbell

RESOLVED, That Troy City Council hereby **POSTPONES** Item *I-5 Proposed Amendment to Distracted Driving Ordinance* until after a Study Session can be scheduled between the Police Department, the City Attorney, and City Council to rework the language to keep the integrity of the intent of the Distracted Driving Ordinance intact.

Yes: Slater, Tietz, Daniels, Campbell, McGinnis

No: Fleming, Henderson

## MOTION CARRIED

## J. CONSENT AGENDA:

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

Resolution #2012-08-170

Moved by McGinnis

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

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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 #2012-08-170-J-2

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

- a) Regular City Council Meeting - August 13, 2012
- b) Special City Council Meeting - August 15, 2012

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### J-3 Proposed City of Troy Proclamations: None

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### J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 12-4 – Industrial Roads Mill & Overlay**

Resolution #2012-08-170-J-4a

RESOLVED, That Contract No. 12-4, Industrial Roads Mill & Overlay, be **AWARDED** to Pro-line Asphalt Paving Corp., 11797 29 Mile Road, Washington, MI 48095, for their low total bid amount of \$492,437.31.

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 – Type ‘K’ Copper Tubing**

Resolution #2012-08-170-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase Type “K” Copper Tubing to the low bidder, SLC Meter Service of Davisburg, MI, for an estimated total cost of \$45,348.00, at unit prices contained in the bid tabulation opened electronically on August 23, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-5 Request for Acceptance of a Warranty Deed and Four Permanent Easements – Athens Parc Site Condominium – Sidwell #88-20-14-401-006**

Resolution #2012-08-170-J-5

RESOLVED, That City Council hereby **ACCEPTS** a warranty deed for Rockdale Court, a public road, and four permanent easements for landscape and preservation, sanitary sewer, storm sewer and public utilities from David and Linda Purvis, owners of the property having Sidwell #88-20-14-401-006; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to **RECORD** the warranty deed and permanent easements with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-6 Request for Acceptance of a Warranty Deed and Permanent Easement – Athens Parc Site Condominium – Sidwell #88-20-14-401-007**

Resolution #2012-08-170-J-6

RESOLVED, That City Council hereby **ACCEPTS** a warranty deed for a portion of Rockdale Court, a public road, and a permanent easement for sanitary sewer from Athens Parc Developers, LLC owners of the property having Sidwell #88-20-14-401-007; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to **RECORD** the warranty deed and permanent easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-7 Approval of Condominium Entrance Sign/Agreement, Hidden Park Condominium, West Side of John R Road, Between Long Lake and Wattles, Section 11**

Resolution #2012-08-170-J-7

RESOLVED, That Troy City Council hereby **APPROVES** as to the design and materials proposed, the sign application submitted by the Hidden Park Condominium Association for the placement of a sign within the median of Sutherland Drive at the intersection of John R. Road.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the agreement regarding the maintenance and liability coverage for the sign, and **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-8 Private Agreement – Magical Touch Oil Change – 1028 Hartland Street – Project No. 12.901.3**

Resolution #2012-08-170-J-8

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Mr. Wesam Issa is hereby **APPROVED** for the installation of concrete approaches & sidewalk, storm sewer, sanitary sewer connection, and an underground storm water detention system, 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.

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**J-9 Request for Acceptance of Two Permanent Easements – Cedar Pines Estates No.2 Site Condominium – Sidwell #88-20-04-100-013**

Resolution #2012-08-170-J-9

RESOLVED, That City Council hereby **ACCEPTS** two permanent easements for storm sewer and surface drainage, and sanitary sewer from Mondrian Properties Cedar Pines, LLC, owners of the property having Sidwell #88-20-04-100-013; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to **RECORD** permanent easements with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

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

- a) Announcement of Public Hearings for Industrial Development District (IDD) and Industrial Facilities Exemption Certificate (IFEC) for Alternative Automotive Technologies – 1225 E. Maple on September 24, 2012
- b) Announcement of Public Hearing for Planned Unit Development (File Number PUD 004) – Big Beaver Center (Formerly “The Monarch”) PUD, North Side of Big Beaver Road Between Alpine and McClure, Section 20, Currently Zoned PUD 004 and R-1B (One Family Residential) Districts on September 10, 2012

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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 Council Member McGinnis Referral Regarding Proposed Draft of City of Troy Appointee Code of Ethics****Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #7L – Order of Business – Council Referrals**

Resolution #2012-08-171

Moved by Slater

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6M *Order of Business - Council Referrals* to add a resolution that does not appear on the Agenda.

Yes: All-7

No: None

**MOTION CARRIED****Proposed Resolution for Item L-1 Council Member McGinnis Referral Regarding Proposed Draft of City of Troy Appointee Code of Ethics**

Moved by McGinnis

Seconded by Slater

RESOLVED, That Troy City Council hereby **APPROVES** the City of Troy Appointee Code of Ethics as presented.

**Vote to Amend the Proposed Resolution for Item L-1 Council Member McGinnis Referral Regarding Proposed Draft of City of Troy Appointee Code of Ethics**

Resolution #2012-08-172

Moved by Slater

Seconded by Fleming

Resolved, That Troy City Council hereby **AMENDS** Item *L-1 Council Member McGinnis Referral Regarding Proposed Draft of City of Troy Appointee Code of Ethics* to read “Render all decisions based on the available facts and independent judgment;” and by **STRIKING** “rather than succumbing to the influence of individuals or special interest groups.”

Yes: All-7

No: None

**MOTION CARRIED**

**Vote on Amended Resolution for Item L-1 Council Member McGinnis Referral Regarding Proposed Draft of City of Troy Appointee Code of Ethics**

Resolution #2012-08-173

Moved by McGinnis

Seconded by Slater

RESOLVED, That Troy City Council hereby **APPROVES** the City of Troy Appointee Code of Ethics as amended.

Yes: All-7

No: None

**MOTION CARRIED**

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**L-2 Council Member Campbell Referred Requests for City Administration to:**

- a) Prepare Explanation of Subsequent Proceedings Should the Mayor be Recalled
- b) Develop a Social Media Policy for Elected Officials of Troy

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**H-1 Revisions to 2011-2012 City Council Rules of Procedure**

Resolution #2012-08-174

Moved by Fleming

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** the 2011-2012 City Council Rules of Procedure as revised by City Council at the July 23, 2012 City Council Meeting and including the suggested revisions made by City Administration.

Yes: All-7

No: None

**MOTION CARRIED****M. COUNCIL COMMENTS**

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**M-1 No Council Comments Advanced**

Mayor Pro Tem McGinnis announced the City Manager Candidate Reception to be held on Tuesday, August 28, 2012 from 7 PM – 9 PM in the City Council Chambers.

Mayor Pro Tem McGinnis thanked Cindy Stewart and staff for the new Fall 2012 Troy Today, which has valuable information for residents, such as refuse collection information, information for Absentee Voters, tips on displaying temporary signs, etc.

**N. REPORTS**

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

- a) Liquor Advisory Committee-Final-June 18, 2012
- b) Planning Commission-Draft-July 24, 2012
- c) Planning Commission-Final-July 24, 2012
- d) Liquor Advisory Committee-Draft-August 13, 2012  
Noted and Filed

**N-2 Department Reports:**

- a) SAFEbuilt 20<sup>th</sup> Anniversary Client Highlight – Troy, MI
- b) Building Department Activity Report – July, 2012
- c) Police Department Report Regarding Homicide Investigation – Incident No. 12-25291  
Noted and Filed

**N-3 Letters of Appreciation:**

- a) Letter of Appreciation to Mitch Grusnick from Karen Hone Thanking Him for Assistance
- b) Letter of Appreciation to Chief Mayer from Constantin Marandici Thanking Police Desk Attendant Lepola for Assistance
- c) Letter of Appreciation to Chief Mayer from Ronald Pruette of UBS Thanking Sergeant Haddad for Assistance  
Noted and Filed

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

**O. STUDY ITEMS**

**O-1 No Study Items**

**P. CLOSED SESSION:**

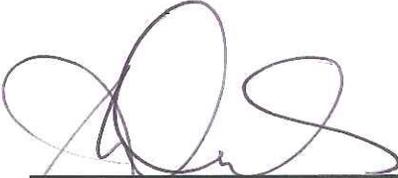
**P-1 Closed Session**

**Q. ADJOURNMENT**

The Meeting **RECESSED** at 9:05 PM.

The Meeting **RECONVENED** at 9:10 PM.

The Meeting **ADJOURNED** at 11:15 PM.

  
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 Mayor Janice Daniels

  
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 M. Aileen Bittner, CMC  
 City Clerk