

Pastor Stephen Husava from Northfield Hills Baptist Church 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, October 22, 2012, at City Hall, 500 W. Big Beaver Road. Mayor Daniels called the meeting to order at 7:32 PM.

B. ROLL CALL:

- a) Mayor Janice Daniels
Jim Campbell
Wade Fleming
Dave Henderson
Maureen McGinnis
Dane Slater

- b) Excuse Absent Council Members:

Resolution #2012-10-193
Moved by Fleming
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Doug Tietz at the Regular City Council Meeting of October 22, 2012, due to being out of the county.

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

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Presentation of Additional Tri-Party Funds Check by Oakland County Commissioners

C-2 Proclamation from Oakland County Board of Commissioners Honoring the City of Troy for Being Recognized by Money Magazine

C-3 Domestic Violence Awareness Month

C-4 Presentation by Nicole Johnson of HAVEN

C-5 Proclamation In Recognition of Mary Kerwin, Leadership Troy's Distinguished Citizen for 2012

- C-6 Presentation of Michigan Police Shoot Governor's Cup for Class A to the Troy Police Department Pistol Team**

D. CARRYOVER ITEMS:

- D-1 No Carryover Items**

E. PUBLIC HEARINGS:

- E-1 Community Development Block Grant (CDBG) 2013 Application**

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

Resolution #2012-10-194
 Moved by McGinnis
 Seconded by Campbell

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs; and

WHEREAS, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan; and

WHEREAS, The City of Troy has duly advertised and conducted a public hearing on October 22, 2012 for the purpose of receiving public comments regarding the proposed use of PY 2013 Community Development Block Grant funds (CDBG) in the approximate amount of \$145,204.00; and

WHEREAS, The City of Troy found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need.

Account Number	Project Name	Amount
172160-732170	Public Services (Yard Services)	\$ 43,561.00
172170-731864	Street Improvements	\$101,643.00

THEREFORE, BE IT RESOLVED, That the City of Troy CDBG application is hereby **AUTHORIZED** to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Mayor is hereby **AUTHORIZED TO EXECUTE** all documents, agreements, or contracts which result from this application to Oakland County.

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

MOTION CARRIED

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:

Fucinari, Cathy	M-01 – Spoke in support of the recall of the Mayor.
Eckhout, Fred	M-01 – Spoke in opposition to the recall of the Mayor.
Nardi, Lee	I-04 – Spoke against the Multi-Modal Transit Facility.
Kajima, Linda	C-05, M-01 – Spoke in support of the recall of the Mayor.
Abraham, Edna	M-01 – Spoke in support of the recall of the Mayor.

G. CITY COUNCIL/CITY ADMINISTRATION 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 – None; b) City Council Appointments – None

a) Mayoral Appointments - None

b) City Council Appointments - None

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

a) Mayoral Nominations

Resolution #2012-10-195
 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:

[Downtown Development Authority](#)

Appointed by Mayor
 13 Regular Members
 4 Year Term

Nominations to the Downtown Development Authority:

Term Expires: 9/30/2016

Gregory Carnago

(In District)

Term currently held by: Gregory Carnago

Term Expires: 9/30/2016	Laurence Keisling	(At Large)
	Term currently held by: Laurence Keisling	
Term Expires: 9/30/2016	Alan Kiriluk	(In District)
	Term currently held by: Alan Kiriluk	
Term Expires: 9/30/2016	Daniel MacLeish	(In District)
	Term currently held by: Daniel MacLeish	
Term Expires: 9/30/2016	Arkan Jonna	(In District)
	Term currently held by: Harvey Weiss	

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

No: None

Absent: Tietz

MOTION CARRIED

b) City Council Nominations - None

I-3 No Request for Closed Session

I-4 Approval of Guaranteed Maximum Price and Amendment to the Tooles/Clark Contract for the Troy Multi-Modal Transit Facility

Resolution #2012-10-196

Moved by McGinnis

Seconded by Slater

WHEREAS, The City of Troy received a 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, Tooles/Clark LLC, the City's Construction Manager at Risk (CMR), has submitted a Guaranteed Maximum Price for Construction of the Troy Multi-Modal Transit Facility, as required by the CMR contract approved by City Council on February 20, 2012; and

WHEREAS, The Guaranteed Maximum Price for Construction in the amount of \$5,104,872 and owner costs of \$1,167,628, primarily for Architectural/ Engineering services and utility relocations, totals \$6,272,500, which does not exceed the amount set by City Council and is fully funded, 100% with federal ARRA funds.

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** the \$5,104,872 Guaranteed Maximum Price submitted by Tooles/Clark for Construction of the Troy Multi-Modal Transit Facility, which includes \$648,731 previously approved for construction manager services; and

BE IT FINALLY RESOLVED, That the contract for construction manager services in the amount of \$648,731 with Tooles/Clark, approved February 20, 2012, Resolution No. 2012-02-051 is **AMENDED** by the addition of \$4,456,141 for construction of the Troy Multi-Modal Transit Facility, for a total contract amount with Tooles/Clark of \$5,104,872.

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

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2012-10-197
Moved by Fleming
Seconded by McGinnis

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

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

MOTION CARRIED

J-1b Address of “J” Items Removed for Discussion by City Council

J-2 Approval of City Council Minutes

Resolution #2012-10-197-J-2

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

- a) Regular City Council Meeting – October 8, 2012

J-3 Proposed City of Troy Proclamations:

- a) Proclamation In Recognition of Mary Kerwin, Leadership Troy’s Distinguished Citizen for 2012

J-4 Standard Purchasing Resolutions: None Submitted

J-5 Winter Maintenance Agreement – Road Commission for Oakland County

Resolution #2012-10-197-J-5

RESOLVED, That the 2012-2013 Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy for Snow and Ice Control of county roads, which are described and outlined in Exhibit A, is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the necessary documents. A copy of this agreement, which is authorized by the provisions of 1951 PA 51 (MCL 247.651 et seq.), shall be **ATTACHED** to the original Minutes of this meeting.

J-6 Private Agreement – Tuscany Estates Site Condominium – Project No. 06.913.3

Resolution #2012-10-197-J-6

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Tuscany Estates, LLC, is hereby **APPROVED** for the installation of a public water main, sanitary sewer, storm sewer, detention pond, concrete sidewalk, and concrete pavement, 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.

J-7 Sole Source – Lifeguard and CPR Supplies for the Troy Family Aquatic Center and Troy Community Center

Resolution #2012-10-197-J-7

WHEREAS, The American Red Cross is the sole known provider of Red Cross training supplies in Michigan; and

WHEREAS, The American Red Cross has been providing training supplies for Lifeguard, CPR, and Youth Swim Lesson programs and classes at the Troy Family Aquatic Center and Troy Community Center since 2005;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **AUTHORIZES** the City of Troy to purchase American Red Cross training supplies for the Troy Family Aquatic Center, Troy Community Center, and Troy Recreation staff from the sole known provider in Michigan, the American Red Cross at an estimated total cost of \$18,000.00, to commence January 1, 2013, expiring December 31, 2013.

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. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Gosselin, Toby	Spoke in support of the recall of the Mayor.
Puscas, Gerald	Spoke in support of the recall of the Mayor.
Sherman, Greg	Spoke in support of the recall of the Mayor.
Ross, Michael	Spoke in opposition to the recall of the Mayor.
Schlutow, Brenda	Spoke in support of the recall of the Mayor.
Eckhout, Fred	Spoke in opposition to the recall of the Mayor.
Williams, Jeff	Spoke in support of the recall of the Mayor.
Yospyn, Marlene	Spoke in support of the recall of the Mayor.
Aulph, Diane	Spoke in support of the recall of the Mayor.
Fry, Sana	Spoke in opposition to the recall of the Mayor.
Savage, James	Spoke in opposition to the recall of the Mayor.
Munro, Wanda	Spoke in opposition to the recall of the Mayor.
Cherasaro, Nicholas	Spoke in opposition to the recall of the Mayor.

The Meeting **RECESSED** at 9:02 PM.

Council Member Tietz arrived at 9:05 PM.

The Meeting **RECONVENED** at 9:09 PM.

Baxi, Manish	Spoke in opposition to the recall of the Mayor.
Michalek, John	Spoke in opposition to the recall of the Mayor.
Werpetinski, Jim	Spoke regarding the divisiveness in the City.
Peters, Richard	Spoke encouraging residents to vote.
Graczyk, Ed	Spoke in opposition to the recall of the Mayor.
Brake, Dan	Spoke in opposition to the recall of the Mayor.
Spillane, Brian	Spoke in support of the recall of the Mayor.
Kajma, Linda	Spoke in support of the recall of the Mayor.
Edwards, Ron	Spoke in opposition to the recall of the Mayor.
Butterbaugh, Ron	Spoke in support of the recall of the Mayor.
Stine, Jeanne	Spoke about key qualities for the Leadership Troy's Distinguished Citizen Award
Schepke, Gordon	Spoke in opposition to the recall of the Mayor.
Schepke, Kay	Spoke about the Downtown Development Authority.
Witz, John	Spoke in support of the recall of the Mayor.
Kulesz, John	Spoke in support of the recall of the Mayor.

M. COUNCIL REFERRALS:

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

M-1 Council Member Jim Campbell Referral Regarding the Recall Process

N. COUNCIL COMMENTS:

N-1 No Council Comments Advanced

O. REPORTS:

O-1 Minutes – Boards and Committees:

- a) Employees' Retirement System Board of Trustees-Final-May 11, 2011
 - b) Retiree Health Care Benefits Plan & Trust-Final-April 11, 2012
 - c) Employees' Retirement System Board of Trustees-Final-May 9, 2012
 - d) Employees' Retirement System Board of Trustees-Final-June 13, 2012
 - e) Employees' Retirement System Board of Trustees-Final-July 11, 2012
 - f) Retiree Health Care Benefits Plan & Trust-Final-July 11, 2012
 - g) Employees' Retirement System Board of Trustees-Final-August 8, 2012
 - h) Retiree Health Care Benefits Plan & Trust-Special-Final-August 22, 2012
 - i) Employees' Retirement System Board of Trustees-Final-September 12, 2012
 - j) Planning Commission-Special/Study-Draft-September 25, 2012
 - k) Planning Commission-Special/Study-Final-September 25, 2012
Noted and Filed
-

O-2 Department Reports:

- a) Vacant Commercial and Industrial Buildings
 - b) Insurance Benefits Consultant/Broker and Agent of Record
 - c) Troy Transit Center Status Report – October 2012
Noted and Filed
-

O-3 Letters of Appreciation:

- a) Letter of Appreciation to Mitch Grusnick from Joe Gutowski Thanking Him for Assistance
Noted and Filed
-

O-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted
Noted and Filed

O-5 Notice of Hearing – Detroit Edison Company Case No. U-16952
Noted and Filed

O-6 Letter to James Savage Regarding Traffic Situations
Noted and Filed

O-7 Additional Tri-Party Funds – City Acquires More Funds
Noted and Filed

O-8 Michigan Municipal League Annual Meeting Update from Council Member McGinnis
Noted and Filed

O-9 Employee Retirements – A Five Year History
Noted and Filed

P. STUDY ITEMS:

P-1 No Study Items

Q. CLOSED SESSION:

Q-1 No Closed Session

R. ADJOURNMENT:

The Meeting **ADJOURNED** at 10:03 PM.



Acting Mayor Dane Slater



M. Aileen Bittner, CMC
City Clerk