

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 on Monday, March 18, 2013, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:32 PM.

**B. ROLL CALL:**

Mayor Dane Slater  
Wade Fleming  
Dave Henderson  
Ed Pennington  
Doug Tietz

Resolution #2013-03-060  
Moved by Fleming  
Seconded by Tietz

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Campbell and Council Member McGinnis at the Regular City Council Meeting of March 18, 2013, due to being out of the county.

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

**MOTION CARRIED**

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**

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**C-1** Transit Center Status Report – March, 2013 (*Presented by: Steve Vandette, City Engineer*)

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**C-2** Troy Nature Society Presentation (*Introduced by: Carol Anderson, Recreation Director*)

**D. CARRYOVER ITEMS:**

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**D-1** No Carryover Items

**E. PUBLIC HEARINGS:**

- E-1** Rezoning Application (File Number Z 742) - Proposed 1071 Villa Park (part of Parcel ID #88-20-02-301-010), East Side of Rochester Road, South of South Boulevard, Section 2, From R-1D (One Family Residential) District to RT (One-Family Attached Residential) District

[CLICK HERE](#) to view the Resolution Attachment - *Rochester Villas Proposed Rezoning Sketch and Description of the Proposed Rezoning*

The Mayor **OPENED** the Public Hearing for public comment.

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

Resolution #2013-03-061

Moved by Fleming

Seconded by Henderson

WHEREAS, The City is in receipt of a rezoning request, from R-1D to RT, File Number Z-742, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy and as illustrated in the attached Rochester Villas Proposed Rezoning Sketch and Description of Proposed Rezoning.

THEREFORE BE IT RESOLVED, That the proposed rezoning from R-1D to RT is hereby **APPROVED**.

BE IT FINALLY RESOLVED, That the Zoning District Map is hereby **AMENDED**.

Yes: Fleming, Henderson, Pennington, Tietz, Slater

No: None

Absent: McGinnis, Campbell

**MOTION CARRIED****F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:**

Reinhardt, Marv	Spoke about the Transit Center and other various topics.
Cherasaro, Nicholas	Spoke about the Transit Center.

**G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

Council Member Henderson spoke about the bid process and J-4d.

**H. POSTPONED ITEMS:**

- H-1** Liquor Violation Hearing - National Coney Island, Inc. (dba: National Coney Island) – Postponed from February 20, 2013 Liquor Violation Hearings

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after receiving comment from Lisa Hamameh and Dan Roma, representing National Coney Island.

**a) Resolution Recommending Renewal of Liquor License**

Resolution #2013-03-062  
Moved by Tietz  
Seconded by Fleming

WHEREAS, The City of Troy scheduled and held a hearing on February 20, 2013, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City, to review the following alleged violation:

Name: National Coney Island, Inc. (dba: National Coney Island)  
Address: 3364 Rochester Rd., 48084  
License No: Class C Resort (41187-2012)  
Violation: **SALE TO MINOR (Compliance Test) on November 13, 2012;** and

WHEREAS, After due notice, the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2013 and was postponed to Monday, March 18, 2013;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council has been **PERSUADED** that the alleged violation did occur at the above referenced licensed establishment;

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **RECOMMENDS** renewal of the on premises liquor license for the 2013 license year, with the **STIPULATION** that all serving employees receive TIPS or TAMS or other comparable training acceptable to the Troy Police Department, and that licensee **PRESENT** proof of this training to the Troy Police Department within 90 days of today's date;

BE IT FINALLY RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

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

**MOTION CARRIED**

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**H-2 Liquor Violation Hearing - Mon Jin Lau, Inc. (dba: Mon Jin Lau) – Postponed from February 20, 2013 Liquor Violation Hearings**

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after receiving comment from from Harold Fried, John Henke and Marshall Chin, representing Mon Jin Lau.

Resolution #2013-03-063  
Moved by Slater  
Seconded by Henderson

WHEREAS, The City of Troy scheduled and held a hearing on February 20, 2013, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City, to review the following alleged violation:

Name: Mon Jin Lau, Inc. (dba: Mon Jin Lau)  
Address: 1515 E. Maple Rd., 48084  
License No: Class C (353-2012)  
Violation: **ALLOWED OVERCROWDING & INTOX. PERSONS** on October 31, 2012; and

WHEREAS, After due notice, the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2012 and which was postponed to March 18, 2013;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, The Troy City Council has been **PERSUADED** that there was a violation of the liquor license at the above referenced licensed establishment as set forth above;

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **RECOMMENDS** renewal of the on premises liquor license for the 2013 license year, with the **STIPULATION** that the licensee enter into the attached agreement, as amended, and provide proof of the required TIPS or TAMS or other comparable training to the Troy Police Department within 90 days of today's date.

BE IT FURTHER RESOLVED, That City Council **AUTHORIZES** the Mayor and the City Clerk to enter into the attached agreement, as amended, with Mon Jin Lau to address over-crowding and other issues related to health, safety and public welfare; and shall **ATTACH** a copy to the original Minutes of this Meeting.

BE IT FINALLY RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

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

#### **MOTION CARRIED**

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**H-3 Liquor Violation Hearing - Simbad, Inc. (dba: Palm's / Simbad) – Postponed from February 20, 2013 Liquor Violation Hearings**

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after hearing comment from Danny Sura, the prospective new owner.

Resolution #2013-03-064  
Moved by Fleming  
Seconded by Pennington

WHEREAS, The City of Troy scheduled and held a hearing on February 20, 2013, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City, to review the following alleged violation:

Name: Simbad, Inc. (dba: Palm's / Simbad)  
Address: 336 John R Rd., 48083  
License No: SDM (190650-2012) Class C (190651-2012); and  
Violation: **ALLOWED INTOXICATED PERSON TO OPERATE VEHICLE & CONSUMPTION AFTER HOURS; IMPROPER DISPLAY OF LICENSE on December 12, 2012;** and

WHEREAS, After due notice the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2013, and was postponed to Monday, March 18, 2013;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council has been **PERSUADED** that there was a liquor license violation on December 12, 2012, as set forth above;

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **OBJECTS** to the renewal of the on premises liquor license for the 2013 license year;

BE IT FURTHER RESOLVED, That Troy City Council **RESERVES THE RIGHT** to review this resolution for a subsequent sale and transfer of the liquor license;

BE IT FINALLY RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

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

**MOTION CARRIED**

**I. REGULAR BUSINESS:**

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**I-1 Board and Committee Appointments: a) Mayoral Appointments - None; b) City Council Appointments – Zoning Board of Appeals**

**a) Mayoral Appointments: None**

**b) City Council Appointments**

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Resolution #2013-03-065  
Moved by Fleming  
Seconded by Henderson

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

Zoning Board of Appeals

Appointed by Council  
7 Regular Members  
3 Year Term

Nominations to the Zoning Board of Appeals:

**Term Expires: 1/31/2015** David Eisenbacher (Alternate)  
Term currently held by: Bruce Bloomingdale (Resigned)

**Term Expires: 4/30/2015** Bruce Bloomingdale  
Term currently held by: Michael Bartnik (Resigned)

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

**MOTION CARRIED**

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

**a) Mayoral Nominations**

Resolution #2013-03-066  
Moved by Slater  
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:

Downtown Development Authority

Appointed by Mayor  
13 Regular Members  
4 Year Term

Nominations to the Downtown Development Authority:

**Term Expires: 09/30/2013** Albert Papa At Large

Term currently held by: Vacancy-Michele Hodges resigned

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

**MOTION CARRIED**

b) **City Council Nominations: None**

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**I-3 No Closed Session Requested**

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**I-4 Proposal to Amend Chapter 69 – Precious Metal, Gems and Items (*Introduced by: Keith Frye, Captain*)**

Resolution #2013-03-067  
Moved by Henderson  
Seconded by Fleming

BE IT RESOLVED, That the Troy City Council hereby **APPROVES** the attached proposed amendment to Chapter 69 of the City of Troy Ordinances, as recommended by City Administration, and that a copy of the amendment be **ATTACHED** to the original Minutes of this meeting.

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

**MOTION CARRIED**

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**I-5 2012-13 Budget Amendment #2 (*Introduced by: Thomas Darling, Financial Services Director*)**

Resolution #2013-03-068  
Moved by Pennington  
Seconded by Henderson

RESOLVED, That Troy City Council hereby **APPROVES** 2012-13 Budget Amendment No. 2 as submitted, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

**MOTION CARRIED**

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**J. CONSENT AGENDA:**

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

Resolution #2013-03-069  
Moved by Fleming  
Seconded by Pennington

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

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

**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 #2013-03-069-J-2

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

- a) City Council Special Study Meeting Minutes - March 4, 2013
  - b) City Council Regular Meeting Minutes - March 4, 2013
  - c) City Council Special Study Meeting Minutes – March 11, 2013
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**J-3 No Proposed City of Troy Proclamations**

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**J-4 Standard Purchasing Resolutions:**

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – Double Shredded Hardwood Mulch and Installation**

Resolution #2013-03-069-J-04a

RESOLVED, That Troy City Council hereby **AWARDS** a one (1) year contract to provide and install Double Shredded Hardwood Mulch with an option to renew for two (2) additional years to the lowest responsible bidder, Parks Services of Troy, MI, at an estimated total one (1) year cost of \$15,500.00 but not to exceed budgetary limitations at unit prices contained in the bid tabulation opened March 11, 2013, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring June 30, 2013;

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

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**b) Standard Purchasing Resolution 4: Award – Macomb County Cooperative Purchasing Agreement – Fleet Vehicles**

Resolution #2013-03-069-J-04b

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase two (2) 2013 Ford Expeditions and three (3) 2013 Ford Interceptors from Signature Ford Lincoln of Owosso, MI, through the Macomb County Cooperative Purchasing Agreement for an estimated total cost of \$136,425.00.

**c) Standard Purchasing Resolution 4: Award – Oakland County Cooperative Purchasing Agreement – Fleet Vehicles**

Resolution #2013-03-069-J-04c

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase one (1) 2013 Dodge Caravan SE and six (6) 2013 Dodge Chargers for the Police Department from the low total bidder, LaFontaine of Saline, MI, as per the Oakland County Cooperative Bid for an estimated total cost of \$170,733.00.

**d) Standard Purchasing Resolution 2: Sole Bidder Meeting Specifications – Vehicle Graphic Materials**

Resolution #2013-03-069-J-04d

RESOLVED, That Troy City Council hereby **AWARDS** a two (2) year contract to provide and/or install Vehicle Graphics Materials with an option to renew for two (2) additional years to the sole responsible bidder, Majik Graphics of Clinton Township, MI, at an estimated total of \$21,807.00 but not to exceed budgetary limitations at unit prices contained in the bid tabulation opened March 7, 2013, a copy of which shall be **ATTACHED** to the original Minutes of this meeting,

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

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

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**K-1 Announcement of Public Hearings: None Submitted**

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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. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

Sarotte, Sharon	Spoke about hookah/smoking lounges in the community.
Reinhardt, Marv	Spoke about numerous topics.
Savage, James	Spoke about DTE Energy Solar Currents proposal.

Schepke, Gordon	Spoke about transparency, accountability, and low taxes.
Cherasaro, Nicholas	Spoke about a FOIA request.
Ross, Michael	Spoke about concerns with City Management and City Council.
Chu, Wayne	Spoke of gratitude for qualities that help make Troy a great City: safety, education, and diversity.

## M. COUNCIL REFERRALS:

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

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### M-1 No Council Referrals Advanced

## N. COUNCIL COMMENTS:

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### N-1 No Council Comments Advanced

## O. REPORTS:

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### O-1 Minutes – Boards and Committees: None Submitted

- a) Zoning Board of Appeals-Draft-January 15, 2013
- b) Building Code Board of Appeals-Final-February 6, 2013
- c) Planning Commission-Final-February 12, 2013
- d) Building Code Board of Appeals-Draft-March 6, 2013  
Noted and Filed

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### O-2 Department Reports:

- a) Troy Transit Center Status Report – March, 2013
- b) Building Department Activity Report – February, 2013  
Noted and Filed

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### O-3 Letters of Appreciation

- a) To Mayor and City Council From Michelle D'Souza Regarding Outstanding Service Provided by Mark Miller and Rick Shepler
- b) To Chief Mayer from Doreen Olko, Director of Emergency Services, Auburn Hills PD Regarding Assistance of Troy's Special Investigations Unit – Series of Backflow Preventer Thefts
- c) To Chief Mayer From Doreen Olko, Director of Emergency Services, Auburn Hills PD Regarding Assistance of Troy's Special Investigations Unit – January 15<sup>th</sup> Attempted Homicide Case
- d) To Chief Mayer From Mrs. Lin Commending the Police Department and the Streets Department  
Noted and Filed

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### O-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted

Noted and Filed

**P. STUDY ITEMS:**

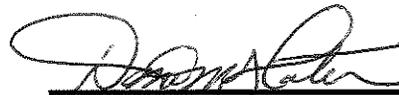
P-1 No Study Items

**Q. CLOSED SESSION:**

Q-1 No Closed Session

**R. ADJOURNMENT:**

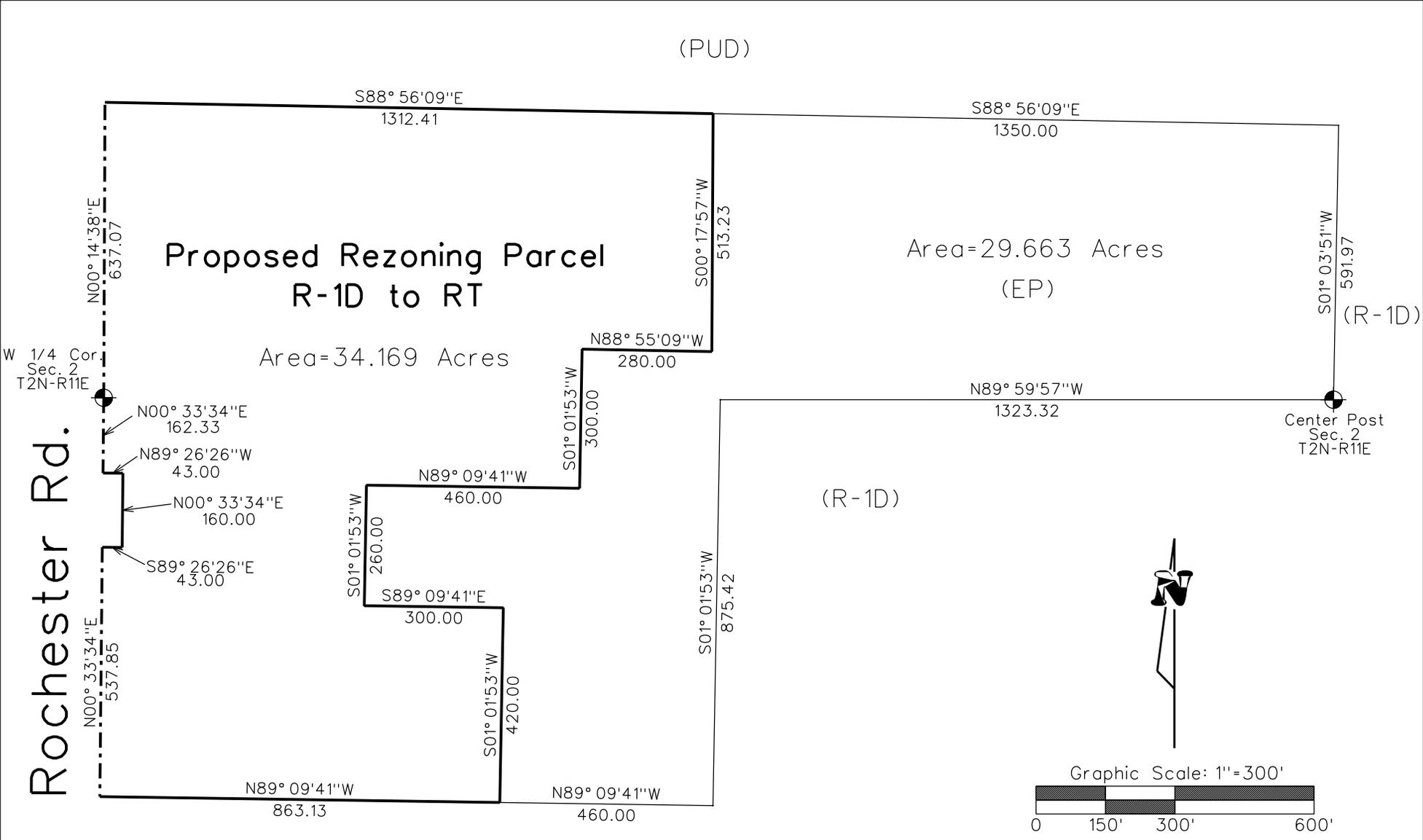
The Meeting **ADJOURNED** at 9:13 PM.



Mayor Dane Slater



M. Aileen Bittner, CMC  
City Clerk



NOTE: Sketch was prepared from best available records. No field work was completed.

Document Prepared By  
George J. Ballard III, P.S.  
Land Surveyor

<b>CITY OF TROY</b>			
OAKLAND COUNTY, MICHIGAN			
Rochester Villas Proposed Rezoning Sketch Parcel #88-20-02-301-010			
FILE: Rezoning_Sketch_Planning_Dept_01092013.DGN			
SCALE	DRAWN BY	NAME	DATE
HOR. 1"=300'	CHECKED BY	GJBIII	01-09-13
VER. 1"=X'		NAME	DATE
		STEVEN J. VANDETTE, P.E.	
		CITY ENGINEER	
CONTRACT NO.		SHEET NO.	JOB NO.
N/A		10F1	N/A

Thursday, January 10, 2013

Section 2, Part of the NW 1/4 & SW 1/4  
Parcel: Part of #88-20-02-301-010  
Owner: Rochester Villas

**Description of Proposed Rezoning:** (Taken from best available records)

Part of the Northwest  $\frac{1}{4}$  and the Southwest  $\frac{1}{4}$  of Section 2, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Beginning at the West  $\frac{1}{4}$  Corner of said section; thence North 00 degrees 14 minutes 38 seconds East, along the west section line, 637.07 feet; thence South 88 degrees 56 minutes 09 seconds East 1312.41 feet; thence South 00 degrees 17 minutes 57 seconds West 513.23 feet; thence North 88 degrees 55 minutes 09 seconds West 280.00 feet; thence South 01 degrees 01 minutes 53 seconds West 300.00 feet; thence North 89 degrees 09 minutes 41 seconds West 460.00 feet; thence South 01 degrees 01 minutes 53 seconds West 260.00 feet; thence South 89 degrees 09 minutes 41 seconds East 300.00 feet; thence South 01 degrees 01 minutes 53 seconds West 420.00 feet to the north line of "Cherryhurst Subdivision", as recorded in Liber 209, Pages 31-34 of Oakland County Records; thence North 89 degrees 09 minutes 41 seconds West, along said north line, 863.13 feet to the west line of said section 2; thence North 00 degrees 33 minutes 34 seconds East, along said west line, 537.85 feet; thence South 89 degrees 26 minutes 26 seconds East 43.00 feet; thence North 00 degrees 33 minutes 34 seconds East 160.00 feet; thence North 00 degrees 33 minutes 34 seconds East 160.00 feet; thence North 89 degrees 26 minutes 26 seconds West 43.00 feet to the west line of said section 2; thence North 00 degrees 33 minutes 34 seconds East, along said west line, 162.33 feet to the point of beginning, containing 34.169 acres, more or less. The West 33.00 feet of which is currently being used for road purposes.