

Pastor Jack Mannschreck from Big Beaver United Methodist 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 on Monday, April 15, 2013, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:34 PM.

B. ROLL CALL:

Mayor Dane Slater
Wade Fleming
Dave Henderson
Maureen McGinnis
Ed Pennington
Doug Tietz

Resolution #2013-04-076
Moved by Slater
Seconded by Fleming

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Campbell at the Regular City Council Meeting of April 15, 2013.

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

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Commendations To The Robert Allen Group – 75 Years In Business And In Appreciation For Their Generous Donation To Fund A Wildflower Garden At Civic Center And Town Center Drive, Presented To Patty Mulkiten, Showroom Manager *(Postponed to the May 20, 2013 City Council Meeting)*

C-2 Proclamation To Proclaim Sunday, April 21, 2013 As PowerTalk 21 Day Presented To Travis Reece From The MADD State Office *(Proclamation not presented as Representatives of MADD did not Appear)*

C-3 Athens Student Congress Commendation For Raising Over \$41,000 During Spirit Week Presented To The Student Congress Executive Officers Chanmee Chung, President And Oliver Harfield, Secretary of Community Service

C-4 Proclamation In Recognition Of Krista Manfredi And The 40th Anniversary Of The Athens Theatre Company

The Meeting **RECESSED** at 8:02 PM.

The Meeting **RECONVENED** at 8:04 PM.

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Zoning Ordinance Text Amendment (File Number: ZOTA 245) - Sober Living Facilities

The Mayor **OPENED** the Public Hearing. Comment was received from Marv Reinhardt, Tom Telotte, and Paul Smith.

The Meeting **RECESSED** at 8:29 PM.

The Meeting **RECONVENED** at 8:36 PM.

The Mayor **CLOSED** the Public Hearing after receiving additional comment from David Lord and Gordon Schepke.

Resolution
Moved by McGinnis
Seconded by Fleming

RESOLVED, That Articles 2, 4, 6, and 13 of Chapter 39 of the Code of the City of Troy, pertaining to permitting sober living facilities within specified zoning districts by special use approval, including provisions related to a definition for and specific standards related to sober living facilities, be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 245), City Council Public Hearing Draft, as recommended by the Planning Commission.

Resolution to Postpone Item E-01 to the May 13, 2013 City Council Meeting

Resolution #2013-04-077
Moved by Slater
Seconded by Henderson

RESOLVED, That Item E-01 Zoning Ordinance Text Amendment (File Number: ZOTA 245) - Sober Living Facilities be **POSTPONED** until the next Regular City Council Meeting on May 13, 2013.

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

MOTION CARRIED

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:

Reinhardt, Marv	Spoke about Item O-01c.
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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 – Brownfield Redevelopment Authority; b) City Council Appointments – Charter Revision Committee, Zoning Board of Appeals

a) Mayoral Appointments

Resolution #2013-04-078
Moved by Slater
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:

Brownfield Redevelopment Authority

Appointed by Mayor
7 Regular Members
3 Year Term

Nominations to the Brownfield Redevelopment Authority:

Term Expires: 4/30/2016

Bruce J. Wilberding

Term currently held by: Bruce J. Wilberding

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

MOTION CARRIED

b) City Council Appointments

Resolution #2013-04-079
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:

Charter Revision Committee

Appointed by Council
7 Regular Members
3 Year Term

Nominations to the Charter Revision Committee:

Term Expires: 04/30/2016

Robert Berk

Term currently held by: Robert Berk

Term Expires: 04/30/2016

Shirley A. Kanoza

Term currently held by: Shirley A. Kanoza

Zoning Board of Appeals

Appointed by Council
7 Regular Members
3 Year Term

Nominations to the Zoning Board of Appeals:

Term Expires: 04/30/2016

Kenneth Courtney

Term currently held by: Kenneth Courtney

Term Expires: 04/30/2016

David Eisenbacher

Term currently held by: William Fisher

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

No: None

Absent: Campbell

MOTION CARRIED

I-2 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – Charter Revision Committee, Zoning Board of Appeals

a) Mayoral Nominations: None

b) City Council Nominations

Resolution #2013-04-080

Moved by Fleming

Seconded by Henderson

RESOLVED, That Troy City Council 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:

Charter Revision Committee

Appointed by Council
7 Regular Members
3 Year Term

Nominations to the Charter Revision Committee:

Term Expires: 04/30/2014

Frank Howrylak

Term currently held by: Mark Solomon's term (deceased)

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

MOTION CARRIED

I-3 Closed Session

Resolution #2013-04-081
Moved by McGinnis
Seconded by Pennington

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e) (Knutson v. City of Troy et.al) and MCL 15.268 (c) (AFSCME, MAP, and TCSA).

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

MOTION CARRIED

I-4 Proposed Agreement With Ice Lounge – 5903 John R (*Introduced by: Lori Grigg Bluhm, City Attorney*)

Resolution #2013-04-082
Moved by Fleming
Seconded by Pennington

Reconsidered
Resolution #2013-04-086

RESOLVED, That the Agreement concerning Ice Lounge, 5903 John R Road, between the City of Troy and Aysin & Assen, Inc., is hereby **APPROVED**; the Mayor and City Clerk are

AUTHORIZED to **EXECUTE** the document, and a copy shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2013-04-083
Moved by McGinnis
Seconded by Henderson

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

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

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2013-04-083-J-2a

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

- a) City Council Regular Meeting Minutes – April 8, 2013

J-3 No Proposed City of Troy Proclamations

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 2: Sole Bidder Meeting Specifications – Slide Renovation**

Resolution #2013-04-083-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract in order to furnish all equipment, material and labor to renovate and resurface the interior and exterior of the tube and body waterslides and the interior only of the kiddie water slide at the Troy Family Outdoor

Aquatic Center to the sole bidder meeting all bid specifications, Slide Care, LLC, of Avon, Ohio at an estimated total cost of \$57,820.00.

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

b) Standard Purchasing Resolution 3: Exercise Renewal Option – Lawn And Yard Services For The Home Chore Program

Resolution #2013-04-083-J-4b

WHEREAS, On April 2, 2012, Troy City Council awarded a contract to provide seasonal requirements of lawn and yard care services for the City's Home Chore Program with an option to renew for one (1) additional season to the low total bidder, Outdoor Enhancements of Lake Orion, as the primary contractor at unit prices contained in the bid tabulation opened March 15, 2012 (Resolution #2012-04-070-J4b); and

WHEREAS, The contractor has agreed to exercise the option to renew for one additional season under the same pricing, terms and conditions as their original contract;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DETERMINES** it to be in the City's best interest to **EXERCISE** the option to renew the contract to provide seasonal requirements of lawn and yard care services with Outdoor Enhancements of Lake Orion, as the primary contractor for the Home Chore Program under the same pricing, terms and conditions expiring November 30, 2013.

c) Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Printing Services For The Troy Today Quarterly Newsletter

Resolution #2013-04-083-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** a one (1) year contract to provide printing and delivery services of the Troy Today Quarterly Newsletter with an option to renew for two (2) additional years to the low bidder meeting specifications; Grand Blanc Co Inc., of Grand Blanc, MI at an estimated total cost of \$39,418.80, plus the actual cost of bulk rate postage and \$50.00 per issue to post the Flip page newsletter on the City's website, and additional charges if needed not to exceed \$3,900.00, at prices contained in the bid tabulation opened April 8, 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.

d) Standard Purchasing Resolution 2: Award To Low Bidder With Minor Deviation – Mosquito Control

Resolution #2013-04-083-J-4d

RESOLVED, That Troy City Council hereby **AWARDS** a three (3) year contract for Mosquito Control to the lowest bidder, Custom Personalized Lawn Care of Flint, MI, with a minor deviation from the adulticide specified for Proposals A-G at an estimated three-year total cost of \$102,810.13, at unit prices contained in the bid tabulation opened March 21, 2013, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring December 31, 2015.

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

e) Standard Purchasing Resolution 2: Sole Bidder Meeting Specifications – Fertilizer/Herbicide Application Services

Resolution #2013-04-083-J-4e

RESOLVED, That Troy City Council hereby **AWARDS** a three (3) year contract for Fertilizer Herbicide Application Services to the sole bidder meeting specifications: Great Lakes Landscaping of Warren, MI for Proposals A-B at an estimated three (3) year total cost of \$125,543.73, at unit prices contained in the bid tabulation, opened April 10, 2013, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring December 31, 2015.

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

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:

Reinhardt, Marv	Spoke about various topics.
Fucinari, Cathy	Spoke supporting Mayor Slater.
Kulesz, John	Spoke about a Planning Commission Member.
Schepke, Gordon	Spoke in opposition of Mayor Slater.
Brake, Dan	Spoke in opposition of Mayor Slater.
Cherasaro, Nicholas	Spoke in opposition of Mayor Slater.
Werpetinski, Jim	Spoke in support of Mayor Slater.
Krent, Tom	Spoke in support of Mayor Slater.
Gosselin, Toby	Spoke in support of Mayor Slater.
Thilman, Joe	Spoke in support of Mayor Slater.

Bloomington, Bruce	Spoke in support of Mayor Slater.
Hodorek, Ellen	Spoke in support of Mayor Slater.

M. COUNCIL REFERRALS:

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

M-1 No Council Referrals Advanced

N. COUNCIL COMMENTS:

N-1 Council Comments

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

Resolution #2013-04-084
 Moved by Tietz
 Seconded by McGinnis

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, *Rule #7 Order of Business* to reconsider Item **I-4** Proposed Agreement With Ice Lounge – 5903 John R (*Introduced by: Lori Grigg Bluhm, City Attorney*).

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

MOTION CARRIED

Vote on Resolution to Reconsider Item I-4 Proposed Agreement With Ice Lounge – 5903 John R (Introduced by: Lori Grigg Bluhm, City Attorney)

Resolution #2013-04-085
 Moved by Tietz
 Seconded by Henderson

RESOLVED, That Troy City Council hereby **RECONSIDERS** Resolution #2013-04-082, Moved by Fleming and Seconded by Pennington, as it appears below:

*Resolution #2013-04-082
 Moved by Fleming
 Seconded by Pennington*

*RESOLVED, That the Agreement concerning Ice Lounge, 5903 John R Road, between the City of Troy and Aysin & Assen, Inc., is hereby **APPROVED**; the*

Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the document, and a copy shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

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

MOTION CARRIED

I-4 Proposed Agreement With Ice Lounge – 5903 John R (Introduced by: Lori Grigg Bluhm, City Attorney)

Resolution #2013-04-086
 Moved by Tietz
 Seconded by McGinnis

RESOLVED, That the Agreement concerning Ice Lounge, 5903 John R Road, between the City of Troy and Aysin & Assen, Inc., is hereby **APPROVED**; the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the document, and a copy shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION FAILED

Council Member McGinnis requests further discussion regarding an investigation into the comments made about a Planning Commission Member during public comment.

Mayor Slater thanked Management for updates and budget overview in preparation for the upcoming budget meetings.

O. REPORTS:

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- O-1 Minutes – Boards and Committees: None Submitted**
- a) Animal Control Appeal Board-Final – November 28, 2012
 - b) Building Code Board of Appeals-Final – March 6, 2013
 - c) Planning Commission Special/Study-Draft – March 26, 2013
 Noted and Filed

O-2 Department Reports:

- a) Proposed Budget
Noted and Filed

O-3 Letters of Appreciation

- a) To Police Department from Care House of Oakland County Regarding Donations
- b) To Sergeant Joseph Haddad from the Drennan Family Regarding Assistance for the Family
Noted and Filed

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

Noted and Filed

O-5 Proposed Changes to Hookah License Ordinance

Noted and Filed

P. STUDY ITEMS:

P-1 No Study Items

The Meeting **RECESSED** at 9:58 PM.

The Meeting **RECONVENED** at 10:07 PM.

Q. CLOSED SESSION:

Q-1 Closed Session

R. ADJOURNMENT:

The Meeting **ADJOURNED** at 10:54 PM.



Mayor Dane Slater



M. Aileen Bittner, CMC
City Clerk