

Pastor A.C. Phipps from Evanswood Church of God performed the Invocation. The Pledge of Allegiance to the Flag was led by Brownies Troop #74802 from Costello Elementary.

INSTALLATION OF MAYOR: Mayoral Oath Ceremony

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on Monday, May 13, 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
- Jim Campbell
- Wade Fleming
- Dave Henderson
- Maureen McGinnis
- Ed Pennington
- Doug Tietz – Arrived at 8:31 PM

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Nature Society Presentation (*Introduced by: Brian Kischnick*) (*Presented by: Stu Redpath*)

C-2 Proclamation and Presentation on May 13th – Asian and Pacific Islander Heritage Month (*Presented by: Cindy Stewart, Community Affairs Director*)

C-3 Building Safety Month, May 2013 (*Presented by: Steve Burns, SafeBuilt*)

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:

| | |
|------------------|--|
| Sarotte, Sharon | Spoke on Item I-04. |
| Lord, David | Spoke on Item H-01. |
| Smith, Paul | Spoke on Item H-01. |
| Figa, Roba | Spoke on Item I-04. |
| Weisgerber, Paul | Spoke on Item I-04. |
| Savage, James | Spoke on Item I-03. |
| Reinhardt, Marv | Spoke on Items I-04, I-05, I-06, I-07, J-07, J-08, J-09, J-10, P-01. |

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|--------------------|----------------------------|
| Yousif, Sarmad | Spoke on Item I-04. |
| Noja, Robert | Spoke on Item I-04. |
| Morrison, Nancy | Spoke on Items H-01, I-04. |
| Knollenberg, Marty | Spoke on Item O-06. |
| Bashar Dimitry | Spoke on Item I-04. |

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

Council Member Tietz arrived at 8:31 PM.

H. POSTPONED ITEMS:

H-1 Postponed Public Hearing – ZOTA 245 Sober Living Facilities

Moved by
Seconded by

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.

Vote on Resolution to Remand Item H-1 Postponed Public Hearing – ZOTA 245 Sober Living Facilities to the Planning Commission

Resolution #2013-05-087
Moved by Slater
Seconded by Campbell

RESOLVED, That Troy City Council **REMANDS** Item H-1 Postponed Public Hearing – ZOTA 245 Sober Living Facilities to the Planning Commission for further study.

Yes: All-7
No: None

MOTION CARRIED

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Charter Revision Committee

a) Mayoral Appointments

b) City Council Appointments

Resolution #2013-05-088
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: 04/30/2014

Frank Howrylak

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

Yes: All-7
No: None

MOTION CARRIED

I-2 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – Liquor Advisory Committee; Traffic Committee; Zoning Board of Appeals

a) Mayoral Nominations

b) City Council Nominations

City Council **TOOK NO ACTION** on this Item.

I-3 Request for Closed Session

Resolution #2013-05-089
Moved by Tietz
Seconded by Henderson

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (e) and (h) – Grand Sakwa v City of Troy and MCL 15.243 (g).

Yes: All-7
No: None

MOTION CARRIED

I-4 Proposed Revisions to Chapter 77 Smoking Lounges (Introduced by: Lori Bluhm, City Attorney)

Resolution #2013-05-090
Moved by Slater
Seconded by Pennington

RESOLVED, That the Troy City Council hereby **AMENDS** Chapter 77 to add Sections 77.09, 77.10, 77.11, 77.12, 77.13, 77.14, 77.15, 77.16 to the Troy City Ordinances, and re-numbering Section 77.17 and 77.18 of the Troy City Ordinances (effective immediately), as recommended by City Administration and **ATTACHED** to the original Minutes of this meeting, and Troy City Council will **REVIEW** Chapter 77 Smoking Lounges in six (6) months.

Yes: All-7
No: None

MOTION CARRIED

I-5 Proposed Agreement with Somerset Collection (Introduced by: Gary Mayer, Chief of Police and Andrew Breidenich, Sergeant)

Resolution #2013-05-091
Moved by McGinnis
Seconded by Fleming

RESOLVED, That the Troy City Council **APPROVES** the Agreement Between The City of Troy and Somerset Collection For Assignment Of Police Officer Position And Reimbursement To The City of Troy For Costs, and **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the documents on behalf of the City of Troy. A copy of the executed Agreement shall be **ATTACHED** to the Minutes of this meeting.

Yes: All-7
No: None

MOTION CARRIED

I-6 Sixth Order Amending Meritor and Nelson Companies Consent Judgment (Introduced by: Lori Bluhm, City Attorney)

Resolution #2013-05-092
Moved by Fleming
Seconded by Campbell

RESOLVED, That the Troy City Council **APPROVES** the entry of the Stipulation and Sixth Order Amending Consent Judgment in the *Meritor Automotive, Inc and The Nelson Companies, Inc v City of Troy* lawsuit, Case Number 94-948784 CZ, authorizing improvements to the Warrior Park Baseball Field, located on the south side of Equity, between 1735 and 1515 Equity, Section 32, as described and approved in the Fifth Order Amending the Consent

Judgment, and **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document on behalf of the City. A copy of the executed Stipulation and Sixth Order Amending Consent Judgment **SHALL BE RECORDED** with the Oakland County Register of Deeds and also **ATTACHED** to the 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 #2013-05-093
Moved by McGinnis
Seconded by Fleming

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 #2013-05-093-J-2

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

- a) City Council Regular Meeting Minutes – April 15, 2013
 - b) City Council Special Study Session (Budget) Minutes – April 22, 2013
 - c) City Council Special Study Session (Budget) Minutes – April 24, 2013
-

J-3 Proposed City of Troy Proclamations

- a) Proclamation Celebrating Nurses Week – May 6-12, 2013
-

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – Fencing for the Athena Detention Basin**

Resolution #2013-05-093-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide all equipment, material and labor to remove and install new fencing surrounding the Athena Detention Basin to the lowest responsible bidder; RMD Holdings, LTD., dba Nationwide Construction Group of Chesterfield, MI at an estimated total cost of \$20,630.00 at unit prices contained in the bid tabulation opened May 2, 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.

b) Standard Purchasing Resolution 1: Award to Low Bidder – Parking Lot Maintenance

Resolution #2013-05-093-J-04b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Parking Lot Maintenance Overlay for the City Hall East Parking Lot and the Library South Parking Lot to the lowest responsible bidder; Mid West Pavement Contracting, Inc. of Milford, MI at an estimated total cost of \$35,795.25 at unit prices contained in the bid tabulation opened May 2, 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 and contract documents, including Insurance Certificates, Performance, Labor and Material Bonds, Maintenance Bonds and all other specified requirements.

c) Standard Purchasing Resolution 3: Exercise Renewal Option – Building Department Services

Resolution #2013-05-093-J-04c

WHEREAS, On June 7, 2010, the Troy City Council awarded a three (3) year contract to provide complete Building Department Services submitted by Safe Built Michigan, Inc. of Clarkston, MI, as a result of a best value process (SOQ/RFP-COT 09-49), and which the Troy City Council determined to be in the public interest, to expire June 30, 2013, with an option to renew for two (2) additional years, provided Safe Built Michigan, Inc has met all the contract terms and conditions, in accordance with the Professional Services Agreement date June 7, 2010 (CC Res #2010-06-122); and

WHEREAS, The City of Troy determines that Safe Built Michigan, Inc. has met all the contract terms and conditions in accordance with the Professional Services Agreement dated June 7, 2010; and

WHEREAS, The City of Troy and Safe Built Michigan, Inc. of Troy, MI agree to an Amendment to the Professional Services Agreement that will provide long term stability over the next five (5) years with an option to renew for an additional five (5) years;

NOW THEREFORE BE IT RESOLVED, That Troy City Council hereby determines it to be in the public's best interest to **APPROVE** a five (5) year Amendment to the Professional Services Agreement for Building Inspection Services with Safe Built Michigan, Inc. of Troy, MI, expiring June 30, 2018, with an option to renew for five (5) additional years, provided Safe Built Michigan, Inc. continues to meet all the contract terms and conditions, in accordance with the Amendment and Original Professional Service Agreement for Building Inspection Services dated June 7, 2010, 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 submission of contract documents and all other specified requirements.

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the documents on behalf of the City of Troy.

J-5 Acceptance of Alliance of Rouge Communities (ARC) Membership and Adoption of Bylaws

Resolution #2013-05-093-J-5

WHEREAS, Watershed Alliance legislation passed the Michigan House of Representatives and the Michigan Senate and was signed into law by the Governor on January 3, 2005, as Act No. 517, Public Acts of 2004, based upon a draft provided and supported by the Rouge River watershed communities; and

WHEREAS, At its meeting on November 7, 2012, the Alliance of Rouge Communities (ARC) completed the revised attached Alliance of Rouge Communities bylaws, and recommended adoption by the appropriate governing bodies of those public agencies within the Rouge River watershed eligible for membership; and

WHEREAS, The formation of the Alliance of Rouge Communities under this new state law provided the public agencies within the watershed the authority to directly seek grants, enter into contracts, and manage its own resources that have been provided in the past by and through Wayne County with federal funds as part of the Rouge River National Wet Weather Demonstration.

NOW, THEREFORE BE IT RESOLVED, That the City of Troy, an ARC member in good standing, formally **ADOPTS** bylaws for, and **ACCEPTS** membership in the Alliance of Rouge Communities.

BE IT FURTHER RESOLVED, That consistent with the terms of the Alliance of Rouge Communities bylaws, the Troy City Council formally **APPOINTS** Steven Vandette, City Engineer, as its designated representative to the Alliance of Rouge Communities, Laura Gruzowski, Staff Environmental Analyst, Hubbell, Roth and Clark Inc., as the alternate representative, and **AUTHORIZES** Mark Miller, Director of Economic & Community Development, to designate additional persons to represent the City of Troy, if needed, as an alternate to assure voting representation on the Alliance of Rouge Communities.

BE IT FINALLY RESOLVED, That Troy's continuing membership **WILL BE EVIDENCED** by payment of its voluntary assessment on an annual basis to the Alliance of Rouge Communities.

J-6 Assessment of Delinquent Accounts

Resolution #2013-05-093-J-6

WHEREAS, Section 1.167 of Chapter 5 and Section 6 of Chapter 20 of the Ordinance Code of the City of Troy require that delinquent payments and invoices, as of April 1st of each year, shall be reported and the City Council shall certify the same to the City Assessor who shall assess the same on the next annual City Tax Roll, to be collected as provided for collection of City Taxes; and

WHEREAS, Section 10.8 of the Troy City Charter provides for the collection of delinquent invoices through property tax collection procedures; and

WHEREAS, A list of individual properties is on file in the Office of the Treasurer and comprises a summation of totals as follows:

| | |
|--------------------------------|-------------------|
| General Fund Invoices | |
| Including Penalties | \$ 115,398.38 |
| Special Assessments | |
| Including Penalties & Interest | 3,225.35 |
| Water & Sewer Accounts | |
| Including Penalties | <u>851,309.81</u> |
| Total | \$ 969,933.54 |

NOW, THEREFORE, BE IT RESOLVED, That the City Assessor is hereby **AUTHORIZED** to assess these delinquent accounts on the annual City Tax Roll.

J-7 Charlene Femminineo v City of Troy et. al.

Resolution #2013-05-093-J-7

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy, the City of Troy Council and the individual Troy Defendants named in the matter of Charlene Femminineo v Dane Slater, et al., United States District Court for the Eastern District of Michigan, Case No. 13-11682, against any claims and damages. Furthermore, the City Attorney is **AUTHORIZED** to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City and the Troy Defendants.

J-8 Daniel Katayama v City of Troy

Resolution #2013-05-093-J-8

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of *Daniel K. Katayama v. City of*

Troy (Oakland County Circuit Court Case No. 13-004515-CZ). Furthermore, the City Attorney is **AUTHORIZED** to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City.

J-9 Center Court Tennis LLC v City of Troy

Resolution #2013-05-093-J-9

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of *Center Court Tennis, LLC v. City of Troy (Oakland County Circuit Court Case No. 13-133051 CZ)*. Furthermore, the City Attorney is **AUTHORIZED** to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City.

J-10 Community Financial Members Federal Credit Union v City of Troy et. al.

Resolution #2013-05-093-J-10

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of *Community Financial Members Federal Credit Union v. City of Troy, City of Troy Police Department and Detective William Taylor (Ingham County Circuit Court Case No. 13-358 AW and reassigned to Oakland County Circuit Court Case No. 13-133863 AW)*. Furthermore, the City Attorney is **AUTHORIZED** to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City.

The Meeting **RECESSED** at 9:15 PM.

The Meeting **RECONVENED** at 9:28 PM.

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:

| | |
|------------------|---|
| Werpetinski, Jim | Congratulated Mayoral candidates on campaigns and encourages residents to move this City forward. |
| Peters, Richard | Spoke about gun control and minimum wage. |
| Savage, James | Did not speak. |
| Kulesz, John | Spoke about Council Member Tietz and City Council's Code of Ethics. |
| Abraham, Edna | Spoke about campaign literature. |
| Reinhardt, Marv | Distributed handout and spoke about numerous topics. |
| Kajma, Linda | Congratulated Mayor Slater and encourages residents to move this City forward. |

| | |
|---------------|----------------|
| Stine, Jeanne | Did not speak. |
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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 No Council Comments Advanced

Council Member McGinnis announced the Troy Police Department Open House on Saturday, May 18, 2013 from 10:00 AM – 5:00 PM. Please come to enjoy building tours, K-9 demonstrations, child fingerprinting, refreshments and much more.

O. REPORTS:**O-1 Minutes – Boards and Committees: None Submitted**

- a) Downtown Development Authority-Final – May 2, 2012
- b) Downtown Development Authority-Final – September 19, 2012
- c) Brownfield Redevelopment Authority-Final – October 16, 2012
- d) Local Development Finance Authority-Final – October 22, 2012
- e) Zoning Board of Appeals-Final – January 15, 2013
- f) Traffic Committee-Final – March 20, 2013
- g) Planning Commission Special/Study-Final – March 26, 2013
- h) Building Code Board of Appeals-Final – April 3, 2013
- i) Planning Commission-Draft – April 9, 2013
- j) Planning Commission-Final – April 9, 2013
- k) Brownfield Redevelopment Authority-Draft – April 16, 2013
- l) Local Development Finance Authority-Draft – April 22, 2013
- m) Building Code Board of Appeals-Draft – May 1, 2013

Noted and Filed

O-2 Department Reports:

- a) 2013 City of Troy Assessment Roll and Board of Review Report
- b) 2013 Year to Date Calls for Police Service Report
- c) Travel Expense Report – MML Capital Conference – Maureen McGinnis
- d) Quarterly Financial Report Ending March 31, 2013
- e) 3rd Quarter Report - SOCRRA

Noted and Filed

O-3 Letters of Appreciation

- a) To Tim Richnak From William LaRue Regarding Professionalism of Staff
- b) To Aileen Bittner From Troy School District, Friends of the Troy Library and the League of Women Voters Regarding Participation in the “Get Gov-Understanding Troy’s Local Government” Program
- c) To Chief Mayer Regarding Participation in a Department Presentation at the Troy Area Interfaith Group
- d) To Chief Mayer From Ron Chick Regarding Department Participation in the Senior Fraud Seminar
- e) To Chief Mayer From Marcel DeMuynck Regarding Officer Actions at an Accident Scene
- f) To the Police Department From Maria Campot Regarding Professionalism of Staff to the Family
- g) To Department of Public Works From Ron McCreight Regarding Conscientious Work Crews
- h) To Gary Bowers From Amy Sharpe Regarding Code Enforcement Efforts
Noted and Filed

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

O-5 Letter of Understanding From Rehmann Regarding Audit Services for FY 2012-13
Noted and Filed

O-6 Oakland County Board of County Canvassers Report for the May 7, 2013 Election
Noted and Filed

The Meeting **RECESSED** at 9:55 PM.

The Meeting **RECONVENED** at 10:05 PM.

P. STUDY ITEMS:

P-1 Economic Gardening – Creating an Environment for Investment in Troy

The Meeting **RECESSED** at 10:43 PM.

The Meeting **RECONVENED** at 10:48 PM.

Q. CLOSED SESSION:

Q-1 Closed Session

R. ADJOURNMENT:

The Meeting **ADJOURNED** at 11:37 PM.



Mayor Dane Slater



M. Aileen Bittner, CMC
City Clerk