

Associate Pastor Jeremy Durrant from Troy Assembly of God 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, July 8, 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
- Jim Campbell
- Wade Fleming
- Dave Henderson
- Maureen McGinnis
- Ed Pennington
- Doug Tietz

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 39th Annual Troy Garden Club’s Garden Walk *(Introduced by: Cindy Stewart)*

C-2 Proclamation Celebrating Parks & Recreation Month – July, 2013 *(Introduced by: Mayor Slater)*

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:

Marvin Reinhardt	Spoke on Item J-8.
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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 – None; b) City Council Appointments - None

a) **Mayoral Appointments: None**

b) **City Council Appointments: None**

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: None**

b) **City Council Nominations**

Resolution #2013-07-121

Moved by Fleming

Seconded by McGinnis

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:

Liquor Advisory Committee

Appointed by Council

7 Regular Members

3 Year Term

Nominations to the Liquor Advisory Committee:

Term Expires: 01/31/2015

Matthew Binkowski

Term currently held by: Vacancy – David Ogg Resigned

Traffic Committee

Appointed by Council

7 Regular Members

3 Year Term

Nominations to the Traffic Committee:

Term Expires: 01/31/2015

Tim Brandstetter

Term currently held by: Vacancy - David Ogg Resigned

City Council **TOOK NO ACTION** on the Nominations to the Zoning Board of Appeals.

Yes: All-7
No: None

MOTION CARRIED

I-3 No Request for Closed Session

I-4 Southeast Michigan Council of Governments (SEMCOG) Sustainable Community Recognition Program (Introduced by: Stephanie Dilworth)

Resolution #2013-07-122
Moved by Campbell
Seconded by Fleming

WHEREAS, Troy City Council seeks to improve the long term sustainability of our community;
and

WHEREAS, Troy City Council seeks to achieve economic prosperity while protecting the environment and providing a high quality of life for residents; and

WHEREAS, Troy City Council seeks to inform residents about innovative initiatives being implemented in our community; and

WHEREAS, Troy City Council seeks to maximize SEMCOG membership dues by using services available to member local governments; and

WHEREAS, SEMCOG assists local governments in Southeast Michigan by making them more efficient and effective, and

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DETERMINES** it to be in the public's best interest to **APPROVE** a commitment to participate in the SEMCOG Community Recognition Program, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That Troy City Council hereby **DESIGNATES** William Huotari as the primary contact from our community for this program;

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 Troy City Council.

Yes: All-7
No: None

MOTION CARRIED

**I-5 Rescind and Re-Award Catering Contract for Community Center Events
(Introduced by: Carol Anderson)**

Resolution #2013-07-123
Moved by Fleming
Seconded by Pennington

- a) WHEREAS, On May 9, 2011, Troy City Council awarded a contract to provide catering services at the Troy Community Center for three (3) years with an option to renew for three additional years to Encore Catering of Troy, MI, the caterer with the highest score and rate of return, (Resolution #2011-05-093); and

WHEREAS, Encore Catering has requested termination of their contract due to economic hardship effective July 31, 2013; and

WHEREAS, Encore Catering has agreed to the attached Assignment of Existing Agreement between the City and Kosch Hospitality, LLC.

NOW THEREFORE BE IT RESOLVED, That contingent upon the execution of the attached Assignment of Existing Agreement between the City and Kosch Hospitality LLC, Troy City Council hereby **RESCINDS WITH PREJUDICE** the contract with Encore Catering. Any rescission of the Agreement does not excuse Alpha-Doni, Inc. from the requirement to pay all outstanding amounts due and owing through to the effective date of the rescission, and these amounts must be paid by Alpha-Doni, Inc. within 365 (three hundred sixty-five) days or the City will exercise its rights under the Agreement and the City of Troy's bid policy; and

- b) WHEREAS, Kosch Hospitality LLC participated in the original request for proposal process in 2011 for Catering Services at the Community Center and finished second when the pricing model was added to the final score; and

WHEREAS, Kosch Hospitality LLC agrees to the Assignment of the Existing Agreement between the City and Alpha-Doni, Inc d/b/a Encore Catering, dated June 14, 2013, and will pay the City 10% of gross receipts with a guaranteed minimum payment of \$12,000.00 per year with a five-year renewal;

NOW THEREFORE BE IT RESOLVED, That Troy City Council hereby **RE-AWARDS AND ASSIGNS** the catering contract that would have expired in August of 2014 to Kosch Hospitality, LLC under the terms and conditions of the Assignment dated June 14, 2013, to commence August 1, 2013 with a renewal for five (5) additional years through July 31, 2019, so long as the caterer is in good standing.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon caterer's submission of properly executed Agreement and contract documents, including insurance certificates and all other specified requirements; and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement when in acceptable form; and

c) WHEREAS, The City of Troy has entered into an Agreement with Kosch Hospitality, LLC to provide catering and banquet services at the City owned and operated Troy Community Center; and

WHEREAS, The Agreement requires Kosch Hospitality, LLC to have the ability to serve alcohol at the Troy Community Center as part of the catering services; which requires a liquor license from the Michigan Liquor Control Commission; and

WHEREAS, Kosch Hospitality, LLC is willing and intends to submit the required documentation and paperwork to be considered for a municipal civic center liquor license under MCL 436.1509; and

WHEREAS, The City of Troy is willing to support the request of Kosch Hospitality, LLC to be the sole liquor licensee for the Troy Community Center banquet and catering operations, in accordance with the provisions of MCL 436.1509; and

WHEREAS, Under MCL 436.1509, any such municipal civic center liquor license is not considered transferrable property of the licensee, and therefore if the Agreement between the City of Troy and Kosch Hospitality, LLC. is terminated, then the municipal civic center liquor license would be surrendered, and could be transferred to subsequent caterers at the Troy Community Center in accordance with State and local laws and regulations.

NOW THEREFORE BE IT RESOLVED, That Kosch Hospitality, LLC **HAS BEEN SELECTED** as the caterer for the City owned Troy Community Center, and **HAS ENTERED** into an Agreement with the City of Troy for those services, which include the potential sale of alcohol on the premises; and

BE IT FURTHER RESOLVED, That the Troy City Council **REQUESTS** the Michigan Liquor Control Commission issue a municipal civic center liquor license under the provisions of MCL 436.1509 to Kosch Hospitality, LLC., for catering and banquet operations at the Troy Community Center, located at 3179 Livernois, Troy, MI 48084.

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** any documents that are required to effectuate the application by Kosch Hospitality, LLC for a municipal civic center liquor license under the provisions of MCL 436.1509.

Yes: All-7
No: None

MOTION CARRIED

I-6 Contract Ratification – American Federation of State, County and Municipal Employees (Introduced by: Peggy Sears)

Resolution #2013-07-124
Moved by McGinnis
Seconded by Fleming

RESOLVED, That the tentative agreement that has been reached between the City of Troy and AFSCME for the period July 1, 2013 through June 30, 2016 is hereby **RATIFIED** by the City Council of the City of Troy, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the final agreement.

Yes: All-7
No: None

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2013-07-125
Moved by Tietz
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) J-8, which shall be **CONSIDERED** after Consent Agenda (J) items, 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 #2013-07-125-J-2a

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

- a) City Council Meeting Minutes-Draft – June 17, 2013
-

J-3 Proposed City of Troy Proclamations

- a) Proclamation Celebrating Parks & Recreation Month – July, 2013
-

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 8: Best Value Award – Sale of Real Estate – 3545 Rochester Road and Colebrook**

Resolution #2013-07-125-J-4a

RESOLVED, That a contract to sell surplus real estate parcel located at 3545 Rochester Road and identified with Sidwell #88-20-277-027, is hereby **AWARDED** to the highest bidder, Petrit Skenderaj, for \$181,000.00, as listed on the attached bid tabulation opened June 21, 2013, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the Engineering Department may **EXPEND** the necessary funds for title insurance and recording, to be taken from the proceeds of said sale, to close and record this real estate parcel; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** a Warranty Deed on behalf of the City of Troy to be delivered at closing; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said Warranty Deed, including all attachments, at the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to and made part of the original Minutes of this meeting.

J-5 Waiver of Bid for Purchase of Grounds Maintenance Equipment

Resolution #2013-07-125-J-5

RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **AUTHORIZES** the City of Troy to purchase six (6) pieces of TORO grounds maintenance equipment from Spartan Distributors of Auburn Hills, Michigan for an estimated total cost of \$209,544.58; utilizing the MiDeal Contract #071B200329 and Billy Casper Contract pricing; as detailed in the attached tabulation 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.

J-6 Private Agreement – Contract for Installation of Municipal Improvements – Pine Creek Ridge Site Condominiums – Project No. 03.907.3

Resolution #2013-07-125-J-6

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Maurizio Gennari, is hereby **APPROVED** for the installation of sanitary sewer, storm sewer and soil erosion 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 Traffic Committee Recommendations and Minutes – June 19, 2013

Resolution #2013-07-125-J-7

Item #4 – Request for Traffic Control – English at Windmill

RESOLVED, That the intersection control be **MODIFIED** from “no traffic control” to a Stop sign on the Windmill Drive northbound approach to English Drive.

J-8 Resolution to Schedule Public Hearing on Proposed Amendments to Troy Downtown Development Authority (TDDA) Development and Tax Increment Financing Plan

Resolution #2013-07-126

Moved by McGinnis

Seconded by Campbell

WHEREAS, Pursuant to Act 197, Public Acts of Michigan, 1975, as amended (“Act 197”), and Ordinance 78 adopted by the City Council on July 12, 1993, the City Council created the Downtown Development Authority of the City of Troy (the “DDA”); and

WHEREAS, To accomplish the purposes of Act 197, the DDA initially caused to be prepared and approved the DDA’s Development Plan and Tax Increment Financing Plan (the “Plan”) and recommended approval of the Plan to the City Council; and

WHEREAS, On December 13, 1993, the City Council, after notice and a public hearing on the Plan, adopted Ordinance 80, which approved the Plan, including the development area to which the Plan applies (the “Development Area”) in accordance with the requirements of Act 197; and

WHEREAS, Since 1993 the Plan has been amended in 1998, 2000, 2002 (twice) and 2007; and

WHEREAS, By resolution adopted June 19, 2013, the DDA approved and recommended to the City Council approval of further amendments to the Plan (the “2013 Plan Amendments”), in the form presented to this meeting; and

WHEREAS, The 2013 Plan Amendments amend the Plan to include (a) the extension of the duration of the Plan to December, 2033, (b) the removal of certain properties from the Development Area and (c) the issuance of bonds by the City to pay certain costs of the development program set forth in the Tax Increment Financing Plan included in the Plan and in connection therewith, refund bonds previously issued by the DDA for such purpose; and

WHEREAS, Pursuant to Act 197, the City Council may consider the approval of the 2013 Plan Amendments after conducting a public hearing with respect thereto upon giving such notice as required by Act 197; and

WHEREAS, The City Council desires to consider approval of the 2013 Plan Amendments and to set the time and date for a public hearing on the 2013 Plan Amendments and provide notice thereof as required by Act 197.

NOW, THEREFORE, BE IT RESOLVED:

1. That a public hearing be **HELD** on Monday, August 12, 2013, at 7:30 p.m., local time, or as soon as possible thereafter, at the Troy City Hall to consider the approval of the 2013 Plan Amendments.
2. That the City Clerk is **DIRECTED** to publish, post and mail notice of such hearing, in substantially the form attached hereto as Exhibit A, in accordance with Section 18(1) of Act 197, and to take all other action necessary or desirable in connection with the public hearing.
3. That all resolutions or parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are **RESCINDED**.

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

MOTION CARRIED

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:

Richard Peters	Spoke about gun control.
Marvin Reinhardt	Spoke about various topics.

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 Tietz inquired about performance evaluations for the City Manager and the City Attorney. The consensus of City Council was to schedule a performance evaluation for City Attorney Lori Bluhm during a Closed Session after the Regular City Council Meeting on August 12, 2013. The City Manager's performance evaluation will be scheduled at a future date.

O. REPORTS:

O-1 Minutes – Boards and Committees:

- a) Traffic Committee-Final-April 17, 2013
- b) Planning Commission Special/Study-Final-May 28, 2013
- c) Building Code Board of Appeals-Draft-June 5, 2013
- d) Planning Commission-Draft-June 11, 2013
- e) Planning Commission-Final-June 11, 2013

Noted and Filed

O-2 Department Reports:

- a) Building Department Activity Report – May, 2013
- b) Parks and Recreation Month Report

Noted and Filed

O-3 Letters of Appreciation:

- a) To Glenn Lapin and Paul Evans from Larry Chiapelli, Owner of Gramma’s Gardens
- b) To Chief Mayer from Maureen Rider for Assistance in Handling a Complaint

Noted and Filed

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

Noted and Filed

O-5 Notice of Hearing for the Customers of DTE Electric Company – Case No. U-17302

Noted and Filed

O-6 Charlene Femminineo v City of Troy et. al.

Noted and Filed

P. STUDY ITEMS:

P-1 No Study Items

Q. CLOSED SESSION:

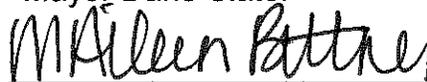
Q-1 No Closed Session Requested

R. ADJOURNMENT:

The Meeting **ADJOURNED** at 8:14 PM.



Mayor Dane Slater



M. Aileen Bittner, CMC
City Clerk