Mayor Pro Tem Fleming 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, September 9, 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 **SEMCOG Sustainable Community Recognition Program** ***(Introduced by: Sehrish Salah-Ud-Din)***

C-2 **Legislative Update From Representative Howrylak** ***(Introduced by: State Representative Martin Howrylak)***

C-3 **Proclamation for AT&T's "Drive 4 Pledges Day" Don't Text and Drive Campaign** ***(Introduced by: Cindy Stewart, Community Affairs Director)***

C-4 **Proclamation for Patriot Week – September 11-17, 2013**

D. CARRYOVER ITEMS:

D-1 **No Carryover Items**

E. PUBLIC HEARINGS:

E-1 **No Public Hearings**

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:

Kaszubski, Tom	Spoke on Item J-6.
Raniszeski, Larry	Spoke on Item P-1.
Cushing, Jack	Spoke on Item P-1.

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 – Animal Control Appeal Board, Parks and Recreation Board

a) Mayoral Nominations:

The Mayor took NO ACTION on this Item.

b) City Council Nominations:

Resolution #2013-09-144
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:

Animal Control Appeal Board
Appointed by Council
5 Regular Members
3 Year Term

Nominations to the Animal Control Appeal Board:

Term Expires: 9/30/2016	**Patrick Carolan**
	Term currently held by: Patrick Carolan

Parks and Recreation Board
Appointed by Council
7 Regular Members and 1 Troy School Board Member:

Regular Member: 3 Year Term / Troy School Board Member: 1 Year Term

Nominations to the Parks and Recreation Board:

Term Expires: 9/30/2016	**Jeffrey Stewart**
	Term currently held by: Jeffrey Stewart

Yes: All-7
No: None

MOTION CARRIED

I-3 No Closed Session

J. CONSENT AGENDA:

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

Resolution #2013-09-145
Moved by McGinnis
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) J-6, 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 #2013-09-145-J-2

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

a) City Council Meeting Minutes-Draft – August 26, 2013

J-3 Proposed City of Troy Proclamations: None Submitted
a) Patriot Week – September 11-17, 2013

J-4 Standard Purchasing Resolutions: None Submitted

J-5 Asset Management Consultants of Virginia, Inc. v City of Troy

Resolution #2013-09-145-J-5

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 *Asset Management Consultants of Virginia, Inc. v. City of Troy,* and to retain any necessary expert witnesses or pay any necessary costs to adequately represent the City.

J-6 Fireworks Permit – Troy Family Daze Festival

Resolution #2013-09-146
Moved by Fleming
Seconded by Campbell

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Mad Bomber Fireworks Productions of Kingsbury, Indiana, for the public display of fireworks at the Troy Family Daze Festival at the Zion Christian Church, 3668 Livernois, Troy, Michigan, on September 14, 2013, or the rain date of September 15, 2013.

BE IT FURTHER RESOLVED, That the Troy Fire Department will **INSPECT** the fireworks to be displayed along with the site to assure compliance with applicable codes and standards for such a fireworks display.

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

MOTION CARRIED

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

a) Adoption of Brownfield Redevelopment Plan #6 for MJR Troy Grand – 100 E. Maple Road

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:

Brake, Dan	Spoke about the City's reserve fund.
Savage, James	Spoke about various studies, consultants and outsourcing.
Cherasaro, Nicholas	Spoke about the City's reserve fund.
Peters, Richard	Spoke about conflict overseas and Troy Family Daze.

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 a community project on Thursday, September 12, 2013 from 11:00 AM – 4:00 PM, at Grace Centers of Hope. The USA Melting Pot Club will be doing painting and yard work on Seneca Street in Pontiac. Please view www.usameltingpot.org or contact (248) 978-7904 for more information.

Mayor Pro Tem Fleming addressed a situation resulting from the recent change in remittance address for water bills. This problem specifically affects online payments and resulted in penalties being charged. City Manager Brian Kischnick and Financial Services Director Tom Darling provided an update and efforts to work with those residents affected.

Mayor Slater requests to schedule a Closed Session on October 21, 2013 for the purpose of the City Manager annual evaluation.

O. REPORTS:

O-1 Minutes – Boards and Committees:

a) Planning Commission Special/Study-Final – July 23, 2013

b) Planning Commission-Final – August 13, 2013

Noted and Filed

O-2 Department Reports: None Submitted

Noted and Filed

O-3 Letters of Appreciation:

a) To Chief Mayer and Captain Frye From Matthew Leitman, Miller Canfield, Regarding Praise for Detective Todd Gustke

b) Certificate of Appreciation to Sergeant Andy Breidenich, Officer Gail Jasak and PSA Shawn Flint From Veterans of Foreign Wars

c) To Chief Mayer From Nancy Knutson Regarding PSA Jerilyn Sievers

d) Certificate of Appreciation to the Troy Police Department From the Clawson Police Department Regarding July 4th Traffic Assistance

e) To Mayor and City Council From Lori Funk, VP Lending at Flagstar Bank, Regarding Wonderful Service From the Parks Department

f) To Chief Mayer From Jill Weaver Regarding Officer Jeff Strong and Officer Scott Allan

Noted and Filed

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

O-5 Notice of Hearing for Gas Customers of Consumers Energy Case No. U-1692-R
Noted and Filed

O-6 Old Stone School Update – Necessity of Selective Demolition
Noted and Filed

The Meeting **RECESSED** at 8:23 PM.

The Meeting **RECONVENED** at 8:34 PM.

P. STUDY ITEMS:

P-1 Pure Troy – Snow/Mowing Maintenance

Mayor Slater reconvened and asked City Manager Kischnick to open the presentation.

City Manager Kischnick introduced the topic as a complex issue. City Administration will address as many areas as possible, but will be consistently looking at other areas in order to address problems. He then turned the presentation over to Paul Evans, Zoning and Compliance Specialist.

Mr. Evans discussed and presented a PowerPoint presentation to City Council. He asked City Attorney Bluhm to comment regarding a citizen complaint asserting that the City was transferring City responsibility for removing snow to private residents. City Attorney Bluhm referenced Charter Section 2.2 (r) and the Home Rule Cities Act that allows the City of Troy to require residents to perform snow removal on public sidewalks. Mr. Evans continued with the presentation.

Kurt Bovensiep, Superintendent of the Parks Division, commented that there is not a “clear pavement” policy in the Streets Division of the Department of Public Works.

City Attorney Bluhm explained that the City has governmental immunity from civil liability for snow and ice accumulation and, therefore, so do the residents as long as the ordinances are obeyed.

Mr. Evans completed the PowerPoint presentation and opened the floor to questions and comments from City Council.

Mayor Pro Tem Fleming commented that he would like to see modifications to the ordinance to specify the minimum amount of snow requiring removal and to increase the time permitted to remove the snow. He went on to suggest that some areas of Troy have residences where it is not practical for homeowners to be responsible for rear yard snow removal, so perhaps the City could evaluate those areas. He emphasized that the City cannot take responsibility for snow removal on all public sidewalks.

Mayor Slater suggested that 3" is a better depth for the plowing policy and should also be the depth for the sidewalk snow removal policy. He also suggested that a 48 hour time limit would be more reasonable to have the snow removed. Mayor Slater went on to say that City Administration and City Council need to revisit the cuts that were made to snow removal services and mowing services in 2010, especially when there are safety issues involved. He asked that City Administration provide the dollar amounts for the reimplementation of 2010 service reductions. Mayor Slater requested consensus from City Council that the City doesn't expect residents to run out and clear sidewalks every time the wind blows. He further emphasized to residents that the City responds to complaints from other residents regarding the property owners not clearing sidewalks or mowing grass. Mayor Slater thanked the residents of Caliper for bringing these issues to the attention of City Administration and City Council.

Council Member Henderson commented that a change in a resident's routine can result in that resident complaining to the City about lack of snow removal on sidewalks. He expressed sympathy for those residents whose properties have difficult access to rear yard sidewalks. Council Member Henderson added that a 12 hour time limit doesn't seem practical.

Council Member Tietz asked about the amount of money that was cut from the budget when cuts to service were made in 2010. Mayor Slater responded that the City no longer has the personnel to afford the services for $23,000.

The consensus of City Council was to eliminate the requirement for certified mailings to residents. City Attorney Bluhm will bring back the requested changes for Council approval.

Council Member Tietz stated that there needs to be a depth threshold in the ordinance. He asked if there were complaints against the residents of Caliper who did not clear their rear yard sidewalks. Tim Richnak, Director of Public Works, answered that there were very few complaints. Over the last few years, however, more residents ride bikes and jog in the winter. The additional activity causes complaints.

Council Member Henderson clarified that any changes to the ordinance would be only for rear yard sidewalks, not all sidewalks. City Attorney Bluhm responded that language would need to be drafted and be clear for residents, which can be done.

Council Member McGinnis commented that there is language in the ordinance that is vague and needs to be corrected. She stated that it is not financially possible for the City to take over clearing sidewalks. Also, a 12 hour time limit is not reasonable for residents to obey. She believes cleaning up the ordinance language will alleviate a lot of the concerns discussed tonight. She would like to see information regarding the return of services that were cut in 2010, but after the ordinance is amended.

Mayor Slater commented that a minimum of 10" height for grass is too high for a violation. He would like to see that requirement amended to be 6" high in order for the City to take action on a complaint. Mayor and Council Member Tietz asked Mr. Kischnick to bring back a comparison from other cities as well as far as grass height limits. Mayor Slater would also like to see an amendment making the snow depth plowing threshold to be 3".

Council Member Campbell asked who is responsible for cattails and other grasses growing in the right of way. Mr. Richnak answered that most of those properties are on County roads, so the County is responsible for enforcement and maintenance.

Council Member Tietz would like to see the breakdown of commercial and residential complaints regarding mowing and snow removal. Mayor Slater asked how many vacant commercial lots are maintained by the City. Mr. Bovensiep answered that there were over 100 at one time, but now there are more like 20. Mayor Slater agreed with Council Member Tietz and would like to see the breakdown of complaints.

Mayor Pro Tem Fleming would also like to look at properties where the owners have hardships in complying with the ordinances. Mr. Evans explained a grading standard of safety for mowing and snow removal. He stated that if the Code Enforcement Officer determines that it is not safe to clear or mow a property, the City will not hold the property owner liable.

City Manager Kischnick asked for clarification regarding the request for breakdown of complaints. Mayor Slater also clarified that City Council would like to see the types of complaints that were registered, as well. Mr. Kischnick restated City Council's consensus of requests for amendments and more information as previously stated.

Mayor Slater asked for clarification regarding the dept policy on sidewalks and streets. The consensus of City Council was that the depth policy should be 3" for all sidewalks; and, a 48 hour time limit for snow removal.

Mr. Richnak commented that snow plowing depth was at 6" a few decades ago. With the popularity of smaller, lighter cars, the plowing depth needed to be reduced to 4". He stated that there is a huge difference in difficulty of driving between 3" and 4". Over 4", driving becomes very hazardous.

Q. CLOSED SESSION:

Q-1 No Closed Session

R. ADJOURNMENT:

Mayor Slater **ADJOURNED** the meeting at 9:46 PM.

Mayor Dane Slater

M. Aileen Bittner, CMC
City Clerk