

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, September 23, 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 On Behalf of the City of Troy Employees' for a Cause Program for the Months of May and June 2013, Community Affairs Director Cindy Stewart will Present a Check in the Amount of \$792 to Janice Morgan, Judson Center Autism Connection *(Introduced by: Cindy Stewart, Community Affairs Director)*

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Adoption of Brownfield Redevelopment Plan #6 for MJR Troy Grand – 100 E. Maple Road

The Mayor **OPENED** the Public Hearing.

Resolution #2013-09-147
Moved by McGinnis
Seconded by Fleming

WHEREAS, On September 23, 2013 at 7:30 p.m., Troy City Council held a Public Hearing at Troy City Hall located at 500 West Big Beaver Road, Troy, Michigan for the Brownfield Redevelopment Plan #6 for MJR Troy Grand, located at 100 East Maple Road, Troy, Michigan; and

WHEREAS, Troy City Council would like to provide the public with full opportunity to comment on Brownfield Redevelopment Plan #6 per statute notice requirements; and

THEREFORE BE IT RESOLVED, That Troy City Council **SHALL CONTINUE** the September 23, 2013 Public Hearing at its next regularly scheduled meeting on October 7, 2013 at 7:30 p.m.

Yes: All-7
No: None

MOTION CARRIED

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA: None

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:

Resolution #2013-09-148
Moved by Fleming
Seconded by McGinnis

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

Animal Control Appeal Board

Appointed by Council
5 Regular Members
3 Year Term

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

Term Expires: 9/30/2016

Jeffrey Stewart

Term currently held by: Jeffrey Stewart

Yes: All-7
No: None

MOTION CARRIED

I-2 Board and Committee Nominations: a) Mayoral Nominations – Downtown Development Authority; b) City Council Nominations –Parks and Recreation Board

a) Mayoral Nominations:

Resolution #2013-09-149
Moved by Slater
Seconded by Fleming

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: 9/30/2017

Albert Papa

(At Large)

Term currently held by: Albert Papa

Yes: All-7
No: None

MOTION CARRIED

b) City Council Nominations:

The Mayor took **NO ACTION** on this Item.

I-3 Request for Closed Session

Resolution #2013-09-150

Moved by Fleming
Seconded by Campbell

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (e) (*May, as Personal Representative of Jesus Gillard v. City of Troy, et. al*).

Yes: All-7
No: None

MOTION CARRIED

I-4 Liquor License Application from Simbad, Inc. Regarding Transfer of All Stock Interest

Resolution #2013-09-151
Moved by Fleming
Seconded by McGinnis

a) Liquor License Renewal Application for Simbad, Inc.

WHEREAS, Simbad, Inc. requests to transfer all stock interest in 2012 Class C and SDM licensed business with Sunday Sales Permit (PM), and Dance-Entertainment Permit wherein Sabah Garmo transfers 1,334 shares of stock to new stockholder, Loretta Garmo, and 666 shares of stock to new stockholder, Muayad Gorgees {MLCC Request #668985}; and

WHEREAS, The Troy City Council passed Resolution #2013-03-064 on March 18, 2013 to object to the renewal of Simbad's liquor license due to the problems that were occurring at the business location; and

WHEREAS, The Michigan Liquor Control Commission (MLCC) conducted a hearing and placed the license held by Simbad, Inc. in escrow effective May 1, 2013; and

WHEREAS, The liquor license held by Simbad, Inc. will remain in escrow for one year or until the City adopts a Resolution approving renewal or transfer of the license; and

WHEREAS, The new applicants, Loretta Garmo and Muayad Gorgees, have met with the City of Troy Attorney's Office, Police Department, and the Troy Liquor Advisory Committee, and have answered questions and addressed the concerns regarding their application;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council **RECOMMENDS RENEWAL** of the liquor license held by Simbad, Inc. for the 2013 license year and **FURTHER RECOMMENDS** that the 1,334 shares of stock are transferred to Loretta Garmo and 666 shares are transferred to Muayad Gorgees as described above.

BE IT FURTHER RESOLVED, 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 FURTHER RESOLVED, That Loretta Garmo and Muayad Gorgees **AGREE** that Haitham Izzat Zora shall not serve as manager of the liquor licensed establishment.

BE IT FURTHER RESOLVED, That Loretta Garmo and Muayad Gorgees **AGREE** to an automatic review of the license when the City conducts its review hearings for the 2014 licensing year.

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

b) Transfer All Stock Interest

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** a liquor license request as indicated below, and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Liquor License Applicant :	Simbad, Inc.
Type of License Requested :	Transfer All Stock Interest in 2012 Class C and SDM licensed business with Sunday Sales Permit (PM), and Dance-Entertainment Permit, wherein stockholder Sabah Garmo transfers 1,334 shares of stock to new stockholder, Loretta Garmo, and 666 shares of stock to new stockholder, Muayad Gorgees.
Located at :	336 John R. Road, Troy, MI 48083
MLCC Request # :	668985

and

c) Agreement

WHEREAS, The Troy City Council deems it necessary to enter into agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with the liquor license applicant named in the approved resolution above, and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7
 No: None

MOTION CARRIED

I-5 Request for Waiver of Bid for Purchase of Fire Apparatus

Resolution #2013-09-152

Moved by Pennington
Seconded by Campbell

RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **AUTHORIZES** the City of Troy to purchase one (1) Heavy-Duty Fire Apparatus from Halt Fire Apparatus of Wixom, Michigan, for an estimated total cost of \$508,347.00; utilizing the Western Wayne County Consortium Pricing; as detailed in the attached recommendation memo 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 Performance Bonds, and all other specified requirements.

Yes: All-7
No: None

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2013-09-153
Moved by McGinnis
Seconded by Fleming

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

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 #2013-09-153-J-2

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

- a) City Council Meeting Minutes-Draft – September 9, 2013

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions:

a) **Standard Purchasing Resolution #1: Award to Low Bidder – Troywood Paving S.A.D.**

Resolution #2013-09-153-J-4a

RESOLVED, That Contract No. 13-5, Troywood Paving S.A.D., be **AWARDED** to Florence Cement Company, 12585 23 Mile Road, Shelby Twp., MI 48315 for their low total bid amount of \$118,270.00.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 15% of the total project cost.

b) **Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications – LED Tri-Pod Lighting**

Resolution #2013-09-153-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase seven (7) LED Tri-Pod Lights for the Fire Department to the low bidder meeting specifications, *Priority One Emergency of Canton, MI* for an estimated net total cost of \$12,749.66 at unit prices contained in the bid tabulation opened September 12, 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 company's submission of properly executed bid and contract documents.

J-5 Mark R. Morin v City of Troy

Resolution #2013-09-153-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 *Mark R. Morin v City of Troy* (52-4 District Court Case No.13 CO2167 GC). 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-6 Municipal Credit and Community Credit Agreement

Resolution #2013-09-153-J-6

RESOLVED, That the request that the City transfer Municipal Credit funds in the amount of \$79,648 and Community Credit funds in the amount of \$88,586 to Troy Medi-Go Plus for the operation of transportation service for senior citizens and persons with disabilities is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents and copies shall be **ATTACHED** to the original Minutes of this meeting.

J-7 Correction of Standard Purchasing Resolution #4 of June 17, 2013 – Special Assessment Roll No. 12.201.1

Request to Rescind City Council Resolution #2013-06-113: Public Hearing to Establish a Special Assessment District for Asphalt Paving of the Westerly 324' of Troywood in Section 22 – Standard Resolution #4

Resolution #2013-09-153-J-7

WHEREAS, Troy City Council approved *Resolution #2013-06-113: Public Hearing to Establish a Special Assessment District for Asphalt Paving of the Westerly 324' of Troywood in Section 22 – Standard Resolution #4* on June 17, 2013; and

WHEREAS, The amount of Special Assessment Roll 12.201.1 was incorrectly listed in the resolution as \$60,100.00; and

WHEREAS, The correct amount of Special Assessment Roll 12.201.1 is \$20,500.00;

THEREFORE, BE IT RESOLVED, That Resolution #2013-06-113, Moved by McGinnis and Seconded by Campbell, as it appears below, be **RESCINDED**, as requested by City Administration:

*Resolution #2013-06-113
Moved by McGinnis
Seconded by Campbell*

WHEREAS, Troy City Council has caused Special Assessment Roll No. 12.201.1 to be prepared for the purpose of defraying the Special Assessment District's portion of the following described public improvement in the City of Troy; and

Bituminous Paving of a portion of Troywood Street

WHEREAS, Troy City Council and the City Assessor have met after due legal notice and have reviewed said Special Assessment Roll and have heard all persons interested in said Special Assessment Roll appearing at said hearing; and

WHEREAS, Troy City Council is satisfied with said Special Assessment Roll as prepared by the City Assessor;

*THEREFORE, BE IT RESOLVED, That Special Assessment Roll No. 12.201.1 in the amount of \$60,100.00 is hereby **CONFIRMED** as prepared by the City Assessor, a copy of which shall be **ATTACHED** to, and become a part of the Minutes of this meeting.*

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

MOTION CARRIED

Proposed Replacement Resolution for Public Hearing to Establish a Special Assessment District for Asphalt Paving of the Westerly 324' of Troywood in Section 22 – Standard Resolution #4

WHEREAS, Troy City Council has caused Special Assessment Roll No. 12.201.1 to be prepared for the purpose of defraying the Special Assessment District’s portion of the following described public improvement in the City of Troy:

Bituminous Paving of a portion of Troywood Street

and,

WHEREAS, Troy City Council and the City Assessor have met after due legal notice and have reviewed said Special Assessment Roll and have heard all persons interested in said Special Assessment Roll appearing at said hearing; and,

WHEREAS, Troy City Council is satisfied with said Special Assessment Roll as prepared by the City Assessor;

THEREFORE, BE IT RESOLVED, That Special Assessment Roll No. 12.201.1 in the amount of \$20,500.00 is hereby **CONFIRMED** as prepared by the City Assessor, a copy of which shall be **ATTACHED** to, and become a part of the Minutes of this meeting.

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:

Sandra Miller	Spoke about complaints with the Troy Public Library.
Toby Gosselin	Spoke about two awards recently given to Troy, and other various topics.
Richard Peters	Spoke about preserving wetland areas.
Dan Brake	Spoke about the City’s reserve fund.

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 Campbell spoke encouraging speakers to use factual information during public comment.

Mayor wished Council Member Henderson a quick recovery from a recent car accident.

Mayor Slater commended Council Member McGinnis on her receipt of a Level Two: Leadership Award by the Michigan Municipal League.

Mayor Slater congratulated Robin Beltramini on being this year's recipient of the Honorary Life Membership Award from the Michigan Municipal League.

O. REPORTS:

O-1 Minutes – Boards and Committees:

- a) Liquor Advisory Committee-Final – September 10, 2012
- b) Election Commission-Final – March 28, 2013
- c) Building Code Board of Appeals-Final – July 10, 2013
- d) Zoning Board of Appeals-Draft – July 16, 2013
- e) Planning Commission Special/Study-Final – August 27, 2013
- f) Planning Commission Special/Study-Draft – August 27, 2013
- g) Building Code Board of Appeals-Draft – September 4, 2013
- h) Election Commission-Draft – September 9, 2013
- i) Liquor Advisory Committee-Draft – September 9, 2013
Noted and Filed

O-2 Department Reports: None Submitted

- a) City of Troy Employee Retirement System Actuarial Valuation Report Dated December 31, 2012
- b) Standard & Poor's AAA Bond Rating Report for the City of Troy
- c) Citizen Comment Concerning the Assessor Using Less Than the CPI Increase in Taxable Value, in Order to Reduce City Revenues
- d) Building Department Activity Report – August, 2013
Noted and Filed

O-3 Letters of Appreciation:

- a) To Brian Kischnick from Irv Wengrow Regarding City Response to Storm Damage from September 11, 2013
Noted and Filed

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

Noted and Filed

P. STUDY ITEMS:

P-1 No Study Items

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

The Meeting **RECONVENED** at 8:43 PM.

Q. CLOSED SESSION:

Q-1 Closed Session

R. ADJOURNMENT:

The Meeting **ADJOURNED** at 9:18 PM.



Mayor Dane Slater



M. Aileen Bittner, CMC
City Clerk