

Pastor Simion Timbuc from Bethesda Romanian Pentecostal 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, July 8, 2019, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:32 PM.

B. ROLL CALL:

- a) Mayor Dane Slater
- Edna Abraham
- Mayor Pro Tem Ethan Baker
- David Hamilton
- Dave Henderson
- Ellen Hodorek
- Ed Pennington

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

- C-1** Proclamation to Honor Detective Todd Gustke 2018 Police Officer of the Year
(Presented by Mayor Dane Slater)

- C-2** Proclamation to Honor Sergeant Meghan Lehman 2018 Police Command Officer of the Year
(Presented by Mayor Dane Slater)

- C-3** Proclamation to Honor Peter Guest 2018 Non-Sworn Police Department Employee of the Year
(Presented by Mayor Dane Slater)

- C-4** 2019 SAFEbuilt Scholarship Presentation to Madeline Purvis and Heather Durfee
(Presented by: Community Affairs Director Cindy Stewart and Building Official Randy McClure)

D. CARRYOVER ITEMS:

- D-1** No Carryover Items

E. PUBLIC HEARINGS:

- E-1** Conditional Rezoning Application (File Number CR JPLN2018-002) – Proposed Sylvanwood Court Condominium, West Side of Rochester, North Side of Sylvanwood, Section 10, From R-1C (One-Family Residential) District to RT (One-Family Attached Residential) District
(Introduced by: Brent Savidant, Community Development Director)

The Mayor open the Public Hearing. The Mayor closed the Public Hearing after receiving Public Comment from:

Mike Mietkowski	Spoke in opposition to E-1.
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Michael Donahue	Spoke in opposition to E-1.
Tara Hulett	Spoke in opposition to E-1.
Don Tarr	Spoke in opposition to E-1.
James Jones	Spoke in opposition to E-1.
Matt Mikiczenko	Spoke in opposition to E-1.
Robert Flora	Spoke in opposition to E-1.
Paulette Palazzolo	Spoke in opposition to E-1.
Jeff MacLeod	Spoke in opposition to E-1.
Surab Shrestha	Spoke in opposition to E-1.
Pierre Harik	Spoke in opposition to E-1.
Daniel Levitt	Spoke in opposition to E-1.
Tom Fauls	Spoke in opposition to E-1.
Joanna Darmanin	Spoke in opposition to E-1.
Milan Chonich	Spoke in opposition to E-1.
Helen Chonich	Spoke in opposition to E-1.
Janelle (Resident on Sylvanwood)	Spoke in opposition to E-1.
April Orselli	Spoke in opposition to E-1.
Allison Peck	Spoke in opposition to E-1.
Dave Orselli	Spoke in opposition to E-1.
Christopher Harik	Spoke in opposition to E-1.
Maria Harik	Spoke in opposition to E-1.
Natalia Harik	Spoke in opposition to E-1.

Resolution #2019-07-067

Moved by Slater

Seconded by Pennington

WHEREAS, The City is in receipt of a proposed rezoning request from R-1C (One-Family Residential) District to RT (One-Family Attached Residential) District.; and

WHEREAS, The subject property to be rezoned, located on the west side of Rochester, north side of Sylvanwood, parcels 88-20-10-426-029, -030 and -031, being approximately 1.249 acres in size; and

WHEREAS, The applicant has submitted a site plan and related drawings for a 10-unit condominium development; and

WHEREAS, The applicant voluntarily offered a number of conditions, as described in the Conditional Rezoning Agreement and related attachments, as per Section 16.04 of the City of Troy Zoning Ordinance; and

WHEREAS, The conditional rezoning was recommended for approval by the Planning Commission by a 6-2 vote; and

WHEREAS, The proposed rezoning is supported by the Master Plan and advances the general and specific development policies of the Master Plan; and

WHEREAS, The proposed rezoning meets the Standards for Rezoning Approval listed in Section 16.03.C of the City of Troy Zoning Ordinance.; and

WHEREAS, The proposed site design mitigates potential impacts on adjacent properties.

THEREFORE BE IT RESOLVED, City Council hereby **APPROVES** the R-1C (One-Family Residential) District to RT (One-Family Attached Residential) District Conditional Rezoning Agreement and related attachments;

BE IT FURTHER RESOLVED, City Council **AUTHORIZES** the Mayor and City Clerk to sign the Conditional Rezoning Agreement on behalf of the City of Troy;

BE IT FINALLY RESOLVED, The City of Troy Zoning District Map is hereby **AMENDED**.

Yes: None
No: All-7

(A valid protest petition was received that caused a 2/3 vote requirement for approval.)

MOTION FAILED

The Meeting **RECESSED** at 9:50 PM.

The Meeting **RECONVENED** at 9:56 PM.

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

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 – Downtown Development Authority; b) City Council Appointments – None

a) Mayoral Appointments:

Resolution #2019-07-068
Moved by Slater
Seconded by Henderson

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:

Downtown Development Authority
Appointed by Mayor

13 Regular Members
4 Year Term

Nominations to the Downtown Development Authority:

Term Expires: 9/30/2019

Marty Knollenberg

Term currently held by: Vacancy-Barbara Knight resigned

Yes: All-7
No: None

MOTION CARRIED

b) **City Council Appointments: None**

I-2 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – None

a) **Mayoral Nominations: None**

b) **City Council Nominations: None**

I-3 Request for Closed Session

Resolution #2019-07-069
Moved by Baker
Seconded by Hamilton

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268(e), (Ryan Wolf v Troy); and MCL15.268(h) (MCL15.243(a, e, g, m)).

Yes: All-7
No: None

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2019-07-070-J-1a
Moved by Henderson
Seconded by Hodorek

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 #2019-07-070-J-2

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

- a) City Council Meeting Minutes-Draft – June 17, 2019

J-3 Proposed City of Troy Proclamations:

Resolution #2019-07-070-J-3

- a) Troy Quilters Group Celebrating 20 Years

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 2: Award to Low Bidders Meeting Specifications – Traffic Control Signs and Posts**

Resolution #2019-07-070-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a one (1) year contract to provide Traffic Control Signs and Posts with an option to renew for one (1) additional year on a proposal by proposal basis to be ordered on as needed basis to the low bidder meeting specifications; *Osburn Associates, Inc. of Logan, OH* for an estimated total of \$5,334.70, *Vulcan Inc., dba Vulcan Signs, Vulcan Aluminum of Foley, AL* for an estimated total of \$24,284.25, *MD Solutions, Inc., of Plain City, OH* for an estimated total of \$15,097.10, and *Unistrut Midwest of Cincinnati, OH* for an estimated total of \$33,000.00 at the unit prices contained in the bid tabulation opened June 13, 2019 a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring June 30, 2021.

Bidder	Proposal	Estimated Total
Osburn Associates, Inc.	A, B, F	\$5,334.70
Vulcan Inc.	C, E, I	\$24,284.25
MD Solutions	G, J	\$15,097.10
Unistrut Midwest	K	\$33,000.00
Estimated Grand Total		\$77,716.05

- b) **Standard Purchasing Resolution 1: Award to Low Bidder and Budget Amendment – Contract 19-03 - Section 30 Pavement Rehabilitation**

Resolution #2019-07-070-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 19-03, Section 30 Pavement Rehabilitation, to *Pro-Line Asphalt Paving Corp., 11797 29 Mile Road, Washington, MI 48095* for their low total bid amount of \$ 1,419,248.00.

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 25% of the total project cost.

BE IT FINALLY RESOLVED, That City Council **APPROVES**, a budget amendment to the 2020 Capital Fund in the amount of \$274,000 for the Section 30 Pavement Rehabilitation project to provide for contingencies should unforeseen work be required.

J-5 Local Agency Pavement Warranty Program

a) Resolution to Adopt Local Agency Pavement Warranty Program

Resolution #2019-07-070-J-5a

WHEREAS, The Michigan Legislature (MCL 247.663) requires each city or village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018; and,

WHEREAS, The Michigan Local Agency Pavement Warranty Program was developed by the Local Agency Pavement Warranty Task Force for use by all 533 cities and villages in the format approved by the Michigan Department of Transportation in 2018; and,

WHEREAS, The Michigan Department of Transportation has reviewed and approved the Michigan Local Agency Pavement Warranty Program consisting of Special Provisions (Boilerplate, Concrete, HMA, Location, Pass-Through Warranty Bond); a Warranty Bond Form and Contract Form; and Guidelines for Local Agency Pavement Warranty Programs;

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy City Council hereby **ADOPTS** the Michigan Local Agency Pavement Warranty Program and accompanying documents in accordance to the requirements of MCL 247.663.

BE IT FURTHER RESOLVED, That this resolution is **MADE A PART OF** the Minutes of the City of Troy City Council Meeting of July 8, 2019.

AND

b) Resolution to Implement Local Agency Pavement Warranty Program

Resolution #2019-07-070-J-5b

WHEREAS, The Michigan Legislature created a requirement (MCL 247.663) as part of the Transportation Funding Package of 2015 that requires each city and village to adopt a Local

Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018; and,

WHEREAS, The City of Troy adopted the Michigan Local Agency Pavement Warranty Program on July 8, 2019; and,

WHEREAS, The City of Troy agrees to consider a local pavement warranty on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds; and,

WHEREAS, The Local Agency Pavement Warranty Program law requires each city and village to report annually on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds, whether or not a warranty was utilized in the project; and,

WHEREAS, The City of Troy agrees to implement the Michigan Local Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was approved by the Michigan Department of Transportation in 2018; and which City of Troy's adopted Implementation Policy defines City of Troy's intent of its pavement warranty program;

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy hereby **AGREES** to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

J-6 Request for Recognition as a Nonprofit Organization from The Jenna Kast Believe in Miracles Foundation

Resolution #2019-07-070-J-6

RESOLVED, That Troy City Council hereby **APPROVES** the request from the The Jenna Kast Believe in Miracles Foundation, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license as recommended by City Management.

J-7 Request for Recognition as a Nonprofit Organization from Armed Forces Hospitality Center, Inc.

Resolution #2019-07-070-J-7

RESOLVED, That Troy City Council hereby **APPROVES** the request from the Michigan Armed Forces Hospitality Center, Inc., asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license as recommended by City Management.

J-8 Bid Waiver – Ball Dispenser for Sanctuary Lake Golf Course

Resolution #2019-07-070-J-8

RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **AWARDS** a contract to *Range Servant America, Inc. of Norcross, GA*, the sole source provider, for the

purchase of one (1) Ultima 12 Ball Dispenser for an estimated total cost of \$21,743.00, as detailed in the attached Quote #41121.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

- a) July 22, 2019 - Rezoning Request (File Number Z JPLN2019-0010) – Proposed Big Beaver West Rezoning, West Side of Alpine, North of Big Beaver Road (PIN 88-20-20-401-019 and 88-20-20-401-020), Section 20, From R-1B (One Family Residential) to BB (Big Beaver) Zoning District (Site Type C, Street Type C)
- b) July 22, 2019 – Rezoning Application (File Number Z JPLN2019-0015) – Proposed Big Beaver Rezoning, East Side of McClure, North of Big Beaver Road (PIN 88-20-20-476-007, -008 and -009), Section 20, From R-1B (One Family Residential) to BB (Big Beaver) Zoning District (Site Type C, Street Type C)

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 FROM TROY RESIDENTS AND BUSINESSES:

John Kulesz	Spoke about the concrete slab replacement contract.
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M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:

N. COUNCIL REFERRALS:

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

N-1 No Council Referrals Submitted

O. COUNCIL COMMENTS:

O-1 No Council Comments Advanced

P. REPORTS:

P-1 Minutes – Boards and Committees:

- a) Civil Service Commission (Act 78)-Final – November 16, 2018
- b) Downtown Development Authority-Draft – April 17, 2019
- c) Employees' Retirement System Board of Trustees-Final – May 8, 2019
- d) Zoning Board of Appeals-Final – May 21, 2019
- e) Planning Commission-Draft – June 11, 2019
- f) Zoning Board of Appeals-Draft – June 17, 2019

Noted and Filed

P-2 Department Reports:

- a) Cooperative Invasive Species Management Areas (CISMA) Report
- b) Building Department Activity Report – June, 2019
Noted and Filed

P-3 Letters of Appreciation:

- a) To Inspector Chuck Roberts from Amy Sullivan from On My Own of Michigan
Noted and Filed

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

P-5 Notice of Hearing for the Electric Customers of DTE Electric Company – Case No. U-20521

Q. COMMENTS ON ITEMS ON OR NOT ON THE AGENDA FROM MEMBERS OF THE PUBLIC OUTSIDE OF TROY (NOT RESIDENTS OF TROY AND NOT FROM TROY BUSINESSES):

R. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT – ANY RESPONSES/REPLIES WILL BE PROVIDED AFTER ALL PERSONS HAVE FINISHED ADDRESSING CITY COUNCIL

The Meeting **RECESSED** at 10:04 PM.

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

S. CLOSED SESSION

S-1 Closed Session

T. ADJOURNMENT:

The Meeting **ADJOURNED** at 1:00 AM.

Mayor Dane Slater

M. Aileen Dickson, MMC
City Clerk