

Deacon Donald Baross from St. Anastasia Catholic 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, April 10, 2017, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:33 PM.

B. ROLL CALL:

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

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Representative Howrylak Legislative Update

D. CARRYOVER ITEMS:

D-1 No Carryover Items

Motion to Suspend City Council Rule #7 – Order of Business in Order to Consider *Item #I-6 Medical Marihuana Out of Order*

Resolution #2017-04-055

Moved by Slater

Seconded by Henderson

RESOLVED, That Troy City Council hereby **SUSPENDS** City Council Rule #7 – Order of Business in order to consider *Item #I-6 Medical Marihuana* out of order.

Yes: All-7

No: None

MOTION CARRIED

I-6 Medical Marihuana (Presented by: Allan Motzny, Assistant City Attorney and Police Lieutenant Russel Harden)

a) Resolution Imposing Temporary Moratorium on Issuance of Building Permits for Medical Marihuana Grow Operations Under Michigan Medical Marihuana Act

WHEREAS, the City of Troy, Michigan, by ordinance has prohibited the possession and use of marijuana; and

WHEREAS, the use, possession, cultivation, manufacture or sale of marihuana remains a crime under the laws of the State of Michigan and the United States of America; and

WHEREAS, the People of the State of Michigan by referendum provided that there shall not be state or federal criminal prosecution for medical use of marihuana in specific and limited ways as provided in MCL 333.26421 *et seq.* (Michigan Medical Marihuana Act, hereafter MMMA), and therefore the City is prevented from enacting an absolute preclusion of medical marihuana grow operations and use in the City of Troy, as long there is compliance with the terms of the MMMA; and

WHEREAS, after the enactment of the MMMA, the Michigan Supreme Court in *Ter Beek v City of Wyoming* clarified that reasonable municipal regulation of the cultivation of medical marihuana, in furtherance of health, safety, and welfare concerns, is permitted under the MMMA; and

WHEREAS, the Troy City Council has been apprised that there are currently several individual marihuana grow operations (over 50) which saturate the City of Troy, and is concerned that due to the restrictions in the MMMA, the City is impeded in its ability to verify that all of the several medical marihuana grow facilities are in compliance with the MMMA after the issuance of the building permit; and

WHEREAS, the Troy City Council believes that the issuance of building permits for any additional marihuana grow facilities above the significant number already present in the City of Troy creates a situation that could have a harmful impact upon the citizens of Troy unless regulations can be established to assure strict compliance with the limitations set forth in the MMMA and mitigate the harmful impact to the health, safety and welfare of the community; and

WHEREAS, there are no viable pending applications for medical marihuana grow facilities in the City of Troy.

NOW THEREFORE,

BE IT RESOLVED that as of this date (April 10, 2017), the Troy City Council issues an immediate moratorium, prohibiting the City from issuing any additional building permits for medical marihuana grow operations under the MMMA for a period of 180 days to allow City Council to consider additional regulations that are designed to minimize the detrimental impact to the health, safety and welfare of the citizens of the City of Troy.

BE IT FURTHER RESOLVED, that the Troy City Council directs City Administration to prepare proposed regulations that would strengthen the City's ability to ensure that all individual medical marihuana grow operations in the City are compliant with the MMMA, which may include licensing and regular inspection provisions for all medical marihuana grow operations, including those already permitted in the City, and required verification procedures for registered patients and caregivers, as well as any other provisions that are allowed under the amended MMMA; and

BE IT FINALLY RESOLVED that the Troy City Council directs City Administration to take any allowable actions to ensure that existing medical marijuana grow operations remain in strict compliance with the MMMA.

b) **Resolution Expressly Opting Out of All Medical Marihuana Facilities Under the Medical Marihuana Facilities Act**

WHEREAS, the City of Troy, Michigan, by ordinance has prohibited the possession and use of marijuana; and

WHEREAS, the use, possession, cultivation, manufacture or sale of marihuana remains a crime under the laws of the State of Michigan and the United States of America; and

WHEREAS, the People of the State of Michigan by referendum provided that there shall not be state or federal criminal prosecution for medical use of marihuana in specific and limited ways as provided in MCL 333.26421 *et seq.* (Michigan Medical Marihuana Act, hereafter MMMA); and

WHEREAS, in addition to the MMMA, the Michigan Legislature has enacted MCL 333.27101 *et seq.* (Medical Marihuana Facilities Act, hereafter MMFLA) providing municipalities with a choice to adopt ordinances allowing for up to five unique commercial marihuana facility types, as set forth in the MMFLA; and

WHEREAS, the MMFLA prohibits these commercial medical marihuana facilities unless the municipality in which the facility is proposed to be located expressly adopts an ordinance allowing for each such commercial MMFLA facility; and

WHEREAS, under the MMFLA, licenses for commercial MMFLA facilities will not be accepted by the State of Michigan until December 2017, but in the interim, Troy City Administration has received many inquiries about the City of Troy's official position, which is determined by the Troy City Council; and

WHEREAS, the Troy City Council believes that the potential effects upon its citizens, by the commercial sale, cultivation, production, transportation and storage of medical marijuana could adversely affect the public safety, health and welfare of its citizens if commercial medical marihuana facilities, as defined by the MMFLA, are allowed in the City of Troy.

NOW, THEREFORE BE IT RESOLVED that the Troy City Council believes that it is in the best interest of the citizens of the City of Troy to preclude all five types of commercial medical marihuana facilities, as set forth in the MMFLA, from the City of Troy. The City of Troy City Council is not willing to adopt an ordinance allowing for any commercial medical marihuana facilities as set forth in the MMFLA.

Motion to Postpone Item #I-6 Medical Marihuana to the April 24, 2017 City Council Meeting and to Schedule a Special Study Session for 6:00 PM on April 24, 2017

Resolution #2017-04-056

Moved by Slater

Seconded by McCown

RESOLVED, That Troy City Council hereby **POSTPONES** Item #I-6 Medical Marihuana to the Regular City Council Meeting on April 24, 2017 and **SCHEDULES** a Special Study Session on April 24, 2017 at 6:00 PM in the Council Boardroom for the purpose of discussing Medical Marihuana.

Yes: All-7
No: None

MOTION CARRIED

E. PUBLIC HEARINGS:

E-1 Zoning Ordinance Text Amendment (File Number ZOTA 250) – Miscellaneous Design Provisions (*Introduced by: Brent Savidant, Planning Director*)

The Mayor opened the Public Hearing.

The Mayor closed the Public Hearing after receiving no Public Comment.

Resolution #2017-04-057
Moved by Henderson
Seconded by Pennington

RESOLVED, That Articles 4 and 5 of Chapter 39 of the Code of the City of Troy, which include provisions related to the following: (1) Increase variation in appearance in R-1A through R-1E One Family Residential Zoning Districts; (2) Form A buildings without a functional second story to require Special Use Approval in the BB Big Beaver Zoning District; (3) More clearly define transparency requirements in the BB Big Beaver Zoning District; and, (4) Permit lodging uses (hotels) subject to Special Use Approval in all zoning districts including form-based districts, be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 250), City Council Public Hearing Draft, as recommended by the Planning Commission.

Yes: All-7
No: None

MOTION CARRIED

E-2 Conditional Rezoning Application – File Number CR JPCR2016-003 – Proposed The Lofts (FKA McClure Road Apartments) North of Big Beaver, West of Crooks, East side of McClure (3142,3114,3086 McClure), Section 20, From R-1B (One Family Residential) District to BB (Big Beaver) District (*Introduced by: Brent Savidant, Planning Director*)

The Mayor opened the Public Hearing.

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

| | |
|---------------------|----------------------------------|
| Tom Krent | Spoke in opposition to rezoning. |
| Umesh Inamdar | Spoke in opposition to rezoning. |
| Bourdeau | Spoke in opposition to rezoning. |
| Christopher Zachary | Spoke in support of rezoning. |
| Diane Cipolletti | Spoke in opposition to rezoning. |
| Deborah Morin | Spoke in opposition to rezoning. |
| Mahalingam Srikanth | Spoke in opposition to rezoning. |
| Andy Caraj | Spoke in opposition to rezoning. |
| Edvin Godo | Spoke in support of rezoning. |

| | |
|------------------------|---|
| Charles Walker | Encouraged the City Council Members to review the Code of Ethics. |
| Denise Walker | Spoke in opposition to rezoning. |
| Ann Bruttell | Spoke in opposition to rezoning. |
| Christina Swindell | Spoke in opposition to rezoning. |
| David Venable | Spoke in opposition to rezoning. |
| Carolyn Nguyen | Spoke in opposition to rezoning. |
| Ann Marie Valentine | Spoke in opposition to rezoning. |
| Mark Beres | Spoke in opposition to rezoning. |
| Barbara Dawson | Spoke in opposition to rezoning. |
| Peter Perakis | Spoke in opposition to rezoning. |
| Kris Shehu | Spoke in support of rezoning. |
| Samir Patil | Spoke in support of rezoning. |
| Gabrielle McKee | Spoke in support of rezoning. |
| Algerta Kapllani | Spoke in support of rezoning. |
| Anthony Nowakowski | Spoke in opposition to rezoning. |
| Ornela Zguro | Spoke in support of rezoning. |
| Andi Zguro | Spoke in support of rezoning. |
| Andrea Hernandez-Troya | Spoke in opposition to rezoning. |
| Sree Puppala | Spoke in opposition to rezoning. |
| Bruce Bloomingdale | Spoke in opposition to rezoning. |
| Sandeep Sovani | Spoke in opposition to rezoning. |
| Marianna Perakis | Spoke in opposition to rezoning. |
| Suyash Shintre | Spoke in opposition to rezoning. |
| Earl Roberts | Spoke in support of rezoning. |
| Deb Bisschop | Spoke in opposition of rezoning. |
| Manjola Struga | Spoke in support of rezoning. |
| Orjola Kekenezi | Spoke in support of rezoning. |
| Leo Bittas | Spoke in opposition of rezoning. |
| Sridevi Puppala | Spoke in opposition to rezoning. |
| Megi Kekenezi | Spoke in support of rezoning. |
| Gezim Gjoni | Spoke in support of rezoning. |
| Griselda Feka | Spoke in support of rezoning. |
| Rocky Raczkowski | Spoke in opposition to rezoning. |
| Shirley Jordan | Spoke in opposition to rezoning. |
| Thomas Pakula | Spoke in opposition to rezoning. |
| Xingping Chen | Spoke in opposition to rezoning. |
| Jeanne Stine | Spoke in opposition to rezoning. |
| Sara Kabra | Spoke in opposition to rezoning. |

Motion to Waive City Council Rule #26 - Video and Audio Presentations In Order to Allow Resident Linda White to Show a Presentation During Public Comment

Resolution #2017-04-058
 Moved by Slater
 Seconded by Pennington

RESOLVED, That Troy City Council hereby **WAIVES** City Council Rule #26 - Video and Audio Presentations in order to allow resident Linda White to show a presentation during Public Comment that was not submitted to the City Clerk by Noon on the day of the Meeting.

Yes: All-7

No: None

MOTION CARRIED

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|-----------------|----------------------------------|
| Linda White | Spoke in opposition to rezoning. |
| Ada Griffith | Spoke in opposition to rezoning. |
| Resident | Spoke in opposition to rezoning. |
| Don Mulash | Spoke in support of rezoning. |
| Steven Thompson | Spoke in opposition to rezoning. |
| Sam Salem | Spoke in opposition to rezoning. |
| Deejay Patel | Spoke in opposition to rezoning. |

Resolution #2017-04-059

Moved by Henderson

Seconded by Abraham

WHEREAS, The City is in receipt of a proposed rezoning request from R-1B One Family Residential District to BB Big Beaver Road District.; 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 subject property, located on the east side of McClure, north of Big Beaver and west of Crooks (3142, 3114 and 3086 McClure), parcels 88-20-20-476-007, -008 and -009, being approximately 2.57 acres in size, is described in and illustrated on the attached Topographic Survey drawing; 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 Planning Commission held a public hearing for this item on February 14, 2017 and recommended approval of the conditional rezoning by a vote of 7-0 after the applicant voluntarily agreed to address four (4) design considerations; and,

WHEREAS, The proposed site design, which is inclusive of the four design considerations detailed in this resolution, mitigates the potential impacts on adjacent properties;

THEREFORE, BE IT RESOLVED, City Council hereby **APPROVES** the R-1B One Family Residential to BB Big Beaver Road Conditional Rezoning Agreement and related attachments, conditioned upon the applicant's compliance with the following four design considerations: **1) The Preliminary Site Plan shall be revised to substitute an eight (8) foot masonry wall, instead of the depicted six (6) foot masonry wall along the north property line of The Lofts proposed development; 2) The applicant will have a parking lease agreement to**

provide at least 40 additional off-site parking spaces for a minimum ten year period; 3) The Preliminary Site Plan shall be revised to require a “no right turn” sign be installed at the exit of the parking lot of The Lofts proposed development; and 4) The applicant shall support and cooperate in the implementation of any off-site traffic calming measures on the surrounding streets that are recommended by the City’s Engineering Department as a result of The Lofts proposed development, such as possible speed bumps along McClure.

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: Pennington, Slater, Henderson

No: Hodorek, McCown, Abraham, Baker

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

MOTION FAILED

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

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| Resident | Spoke about bike paths and transportation in Troy. |
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G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:

Council Member Baker asked to see more information from the resident that spoke during F. 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 – None

a) Mayoral Nominations: City Council took no action on this item.

- b) **City Council Nominations:** City Council took no action on this item.
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I-3 Closed Session

Resolution #2017-04-060

Moved by Baker

Seconded by Hodorek

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session on April 10, 2017, in the Council Board Room, pursuant to MCL 15.268 (e) – *Troy v. Grand Sakwa*.

Yes: All-7

No: None

MOTION CARRIED

I-4 Contract Wage Re-Opener for the Troy Command Officers Association (*Introduced by: Jeanette Menig, Human Resources Director*)

Resolution #2017-04-061

Moved by Henderson

Seconded by Baker

RESOLVED, That Troy City Council hereby **RATIFIES** the collective bargaining agreement between the City of Troy and Troy Command Officers Association (TCOA) for the period July 1, 2014, through June 30, 2019, to include annual base wage increases of 3.25% and lump sum payments of \$750 for July 1, 2017 and July 1, 2018, and the Mayor and City Clerk are **AUTHORIZED** to execute the agreement.

Yes: All-7

No: None

MOTION CARRIED

I-5 2017 Strategies (*Introduced by: Brian Kischnick, City Manager*)

Resolution #2017-04-062

Moved by McCown

Seconded by Baker

RESOLVED, That the Troy City Council hereby **ADOPTS** the 2017 Strategies for the upcoming year as presented by City Management.

Yes: All-7

No: None

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2017-04-063-J-1a

Moved by Pennington

Seconded by McCown

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 #2017-04-063-J-2

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

- a) Special City Council Liquor Violation Hearings-Draft – March 20, 2017
- b) City Council Minutes-Draft – March 20, 2017

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 4 – National IPA Purchasing Cooperative – Playground Resurfacing**

Resolution #2017-04-063-J-4a

RESOLVED, That Troy City Council hereby **APPROVES** a contract for materials and labor for the removal and installation of playground surfacing materials at Firefighters, Raintree, Beaver Trail, Redwood, Jaycee, and Brinston Parks as detailed in the attached quote #6368 from *BCI Burke Company, LLC of Fond du Lac, WI*, and *Snider Recreation of N. Royalton, OH*; the authorized Burke Dealer for the State of Michigan as per the National IPA (Intergovernmental Purchasing Alliance) proposal #R5199-MI-13581 for an estimated total cost of \$128,445.47.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT UPON** the contractor's submission of properly executed bid and contract documents, including Insurance Certificates, and all other specified requirements.

J-5 Authorization to Request Reimbursement from the Oakland County West Nile Virus Fund

Resolution #2017-04-063-J-5

RESOLVED, That Troy City Council hereby **AUTHORIZES** the City of Troy's Grounds Division, to seek reimbursement for an amount not to exceed \$11,418.06, from Oakland County's West Nile Virus Fund for the expenditures incurred while instituting proactive public health measures used to reduce the population of mosquitoes in the environment.

J-6 Private Agreement – Contract for Installation of Municipal Improvements – Maplelawn II Commercial Building – Project No. 16.906.3

Resolution #2017-04-063-J-6

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and 2145 Crooks Building, LLC for the installation of Sanitary Sewer, Storm Sewer, Sidewalk, Landscaping, and Soil Erosion Control Measures, 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 Request for Recognition as a Nonprofit Organization from Wattles School PTO

Resolution #2017-04-063-J-7

RESOLVED, That Troy City Council hereby **APPROVES** the request from Wattles School PTO, 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.

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 FROM TROY RESIDENTS AND BUSINESSES:

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

O. COUNCIL COMMENTS:

O-1 No Council Comments Advanced

P. REPORTS:

P-1 Minutes – Boards and Committees:

- a) Zoning Board of Appeals-Final – February 21, 2017
 - b) Planning Commission-Final – February 28, 2017
 - c) Planning Commission-Draft – March 14, 2017
 - d) Planning Commission-Final – March 14, 2017
 - e) Global Troy Advisory Committee-Draft – March 21, 2017
 - f) Zoning Board of Appeals-Draft – March 21, 2017
- Noted and Filed

P-2 Department Reports:

- a) Big Beaver Shuttle First Quarter Update
 - b) Recreation 2016 Year End Report
 - c) Letter from Chief Mayer to Sharon Martin, Licensing Division Director at the Michigan Liquor Control Commission Regarding Gas Station Liquor Licenses
 - d) HB 4191 Establishing Portion of I-75 as the Officer Martin “Marty” Chivas Memorial Highway
- Noted and Filed

P-3 Letters of Appreciation:

- a) To Chief Mayer from Rev. Norman Nawrocki at St. Elizabeth Ann Seton Church Regarding a Presentation Provided by Sergeant Broderick Lehman
 - b) To Chief Roberts from Rochester Hills Fire Academy Regarding Use of the Troy Fire Department Facility for Training
 - c) To Aileen Dickson from Care House of Oakland County for the City Council Proclamation Recognizing April as Child Abuse Prevention and Awareness Month
 - d) To Chief Mayer from Stacie Bearden, Director of Asset Protection for Home Depot Regarding Retail Crime Investigation
 - e) To Chief Roberts from Kevin Buck, Vice President and Chief Financial Officer for Check Corporation Regarding Assistance from Assistant Chief Riesterer
 - f) To Maggie Hughes from Zoe Alpern Regarding Assistance Received from Ella Prendi at City Hall
- Noted and Filed

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

P-5 Letter from Dalip Thukras Regarding a Correction to the Date of Diwali, 2017 Referenced in a Previous Correspondence to City Council on February 6, 2017

Noted and Filed

P-6 Letter from David Clark Regarding Communication Protocol and Comments on City Services

Noted and Filed

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. CLOSED SESSION:

R-1 Closed Session

S. ADJOURNMENT:

The Meeting **RECESSED** at 11:22 PM.

The Meeting **RECONVENED** at 11:28 PM.

The Meeting **ADJOURNED** at 12:20 AM.

Mayor Dane Slater

M. Aileen Dickson, MMC
City Clerk