

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, November 25, 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
Ellen Hodorek
Ed Pennington
Doug Tietz

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

-
- C-1 Presenting the MML Legislator of the Year Award to Senator Pappageorge**

 - C-2 Certificate of Recognition for Smith Middle School Students Who Volunteered to Clean Up Troy Parks**

 - C-3 Troy High School Senior and Eagle Scout Candidate Kyle Newberry to Present a Check From Money Raised From His Eagle Scout Project to Troy Nature Society**

 - C-4 Service Commendation Award to Peggy Sears, Human Resources Director**

D. CARRYOVER ITEMS:

-
- D-1 No Carryover Items**

E. PUBLIC HEARINGS:

-
- E-1 Public Hearing for Industrial Development District (IDD) for Magna US Holding Inc. at 750 Tower**

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after receiving no public comment.

Resolution #2013-11-183
Moved by Henderson
Seconded by Pennington

WHEREAS, Pursuant to PA 198 of 1974, as amended, the Troy City Council has the authority to establish Industrial Development Districts (IDD's) within the City of Troy; and

WHEREAS, Magna US Holding, Inc. has petitioned the Troy City Council to establish an Industrial Development District (IDD) on its property located in the City of Troy, hereinafter described; and

WHEREAS, Construction, acquisition, alteration, or installation of a proposed facility had not commenced at the time of filing the request to establish the district; and

WHEREAS, Written notice was given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the newspaper of record, and public posting of the hearing on the establishment of the district; and

WHEREAS, On November 25, 2013, a public hearing was held at which all owners of real property within the proposed Industrial Development District (IDD) and all residents and taxpayers of the City of Troy were afforded an opportunity to be heard thereon; and

WHEREAS, The Troy City Council deems it to be in the public interest of the City of Troy to establish the industrial Development District (IDD) as proposed.

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as 750 Tower, Troy, MI 48098, Parcel #88-20-09-301-015, in accordance with City Council Policy Resolution #2010-08-173; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to forward a certified copy of this resolution to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.

Yes: Slater, Fleming, Henderson, Hodorek, Pennington
No: Tietz
Abstain: Campbell

MOTION CARRIED

E-2 Public Hearing for Industrial Facilities Exemption Certificate (IFEC) for Magna US Holding Inc. at 750 Tower

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after receiving no public comment.

Resolution #2013-11-184
Moved by Henderson
Seconded by Pennington

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on November 25, 2013, established an Industrial Development District (IDD) for property known as 750 Tower, Troy, MI 48098, Parcel # 88-20-09-301-015; and

WHEREAS, An Application has been submitted by Magna US Holding, Inc., for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 750 Tower, Troy, MI 48098 for nine (9) years after completion; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on November 25, 2013, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for Magna US Holding, Inc. at 750 Tower, Troy, MI 48098 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit; and

WHEREAS, The aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Troy, after granting this certificate will not exceed 5% of an amount equal to the sum of the SEV of the City of Troy, plus the SEV of real and personal property thus exempted.

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for Magna US Holding, Inc., at 750 Tower, Troy, MI 48098 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application to for an Industrial Facilities Exemption Certificate (IFEC) for Magna US Holding, Inc., at 750 Tower, Troy, MI 48098, Parcel # 88-20-09-301-015, for personal property for a term of nine (9) years after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Magna US Holding, Inc., and the payment of the fees in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Letter of Agreement between the City of Troy and Magna US Holding, Inc., a copy of which shall be **ATTACHED** to the original Minutes of this meeting;

BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED TO COMPLETE** the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.

Yes: Fleming, Henderson, Hodorek, Pennington, Slater
No: Tietz
Abstain: Campbell

MOTION CARRIED

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:

| | |
|------------------|---------------------|
| Dr. Samuel Fawaz | Spoke on Item I-05. |
| Lazar Jovanovski | Spoke on Item I-05. |
| Jonathan Yacoub | Spoke on Item I-05. |

| | |
|---------------------|---------------------|
| Bashar Dimitry | Spoke on Item I-05. |
| Michelle Strassburg | Spoke on Item I-05. |
| Sarmad Yousif | Spoke on Item I-05. |
| Fadi Zayto | Spoke on Item I-05. |
| James Werpetinski | Spoke on Item I-05. |

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 – Local Development Finance Authority (LDFA), Planning Commission; b) City Council Nominations – Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan and Trust, Southeastern Michigan Council of Governments (SEMCOG)

a) Mayoral Nominations:

Resolution to Nominate Persons to the Local Development Finance Authority

Resolution #2013-11-185

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:

Local Development Finance Authority (LDFA)

Appointed by Mayor
5 Regular Members
Staggered 4 Year Term

Nominations to the Local Development Finance Authority (LDFA):

Term Expires: 11/13/2017

Ellen Hodorek

(Alternate)

Term previously held by: Maureen McGinnis

Yes: All-7
No: None

MOTION CARRIED

Resolution to Nominate Persons to the Planning Commission

Resolution #2013-11-186
Moved by Slater
Seconded by Campbell

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:

Planning Commission

Appointed by Mayor
9 Regular Members
3 Year Term

Nominations to the Planning Commission:

Term Expires: 12/31/2016

Donald Edmunds

Term currently held by: Donald Edmunds

Term Expires: 12/31/2016

Steve Gottlieb

Term currently held by: Edward Kempen

Term Expires: 12/31/2016

Thomas Krent

Term currently held by: Thomas Krent

Yes: All-7
No: None

MOTION CARRIED

b) City Council Nominations:

Resolution to Nominate Persons to the Employee Retirement System Board of Trustees / Retiree Health Care Benefits Plan & Trust

Resolution #2013-11-187
Moved by Henderson
Seconded by Fleming

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:

Employee Retirement System Board of Trustees / Retiree Health Care Benefits Plan & Trust

Appointed by Council

6 Regular Members and 2 Ordinance Members:

- (1) Troy Citizen.; (1) City Council Member.; (1) Retiree-DB; (3) Trustees - Elected; City Manager; Asst. City Manager-Finance & Administration
- 3 Year Term

Nominations to the Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust:

| | | |
|---------------------------------|--------------------------------------|-----------------------------------|
| Term Expires: 12/31/2016 | William Need | Ex-Officio–DB Retiree Rep. |
| | Term currently held by: William Need | |

Yes: All-7
No: None

MOTION CARRIED

Resolution to Nominate Persons to the Southeastern Michigan Council of Governments (SEMCOG)

Resolution #2013-11-188
Moved by Henderson
Seconded by Fleming

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:

Southeastern Michigan Council of Governments (SEMCOG)

Appointed by Council
1 Regular and 1 Alternate
Appointed Every Odd-Year Election

Nominations to the Southeastern Michigan Council of Governments (SEMCOG):

| | | |
|---------------------------------|--|-------------------|
| Term Expires: 11/10/2015 | James Campbell | (Delegate) |
| | Term currently held by: James Campbell | |

| | | |
|---------------------------------|-------------------------------------|--------------------|
| Term Expires: 11/10/2015 | Mark Miller | (Alternate) |
| | Term currently held by: Mark Miller | |

Yes: All-7
No: None

MOTION CARRIED

I-3 No Closed Session Requested

I-4 City Council Rules of Procedure

Resolution #2013-11-189
Moved by Fleming
Seconded by Pennington

- a) **Adoption of the City Council Rules of Procedure**
- b) **Council Member Fleming’s Proposed Revisions to the City Council Rules of Procedure**

RESOLVED, That Troy City Council hereby **AMENDS** the Rules of Procedure of the City Council of the City of Troy as recorded by the City Clerk in the Minutes of this meeting.

Yes: All-7
No: None

MOTION CARRIED

I-5 Recommendation: Six Month Review of the Amendments to the Troy City Code Chapter 77, Smoking Lounges Hours of Operation

Resolution #2013-11-190
Moved by Campbell
Seconded by Pennington

RESOLVED, That Chapter 77 – Smoking Lounges, **BE AMENDED** to allow hours of operation to be extended for Friday and Saturday nights, as recommended by the City Administration; a copy of the amendment shall be **ATTACHED** to the original Minutes of this meeting.

Yes: None
No: All-7

MOTION FAILED

I-6 Approval of Third Amendment to MDOT Capital Contract for Troy Multi-Modal Transit Facility, MDOT Contract No. 2011-0231/A2

Resolution #2013-11-191
Moved by Campbell
Seconded by Hodorek

WHEREAS, On September 12, 2011, City Council approved Capital Contract No. 2011-0231 with MDOT (Resolution No. 2011-09-210) for \$8,485,212 in federal funds for the final design and construction of the Troy Multi-Modal Transit Facility; and

WHEREAS, On January 17, 2012, City Council resolved that the total cost of the Troy Multi-Modal Transit Center not exceed \$6,272,500 (Resolution No. 2012-01-008); and

WHEREAS, On November 12, 2012, City Council approved the First Amendment to the MDOT Capital Contract to reduce the grant funding amount from the original \$8,485,212 to \$6,272,500; and

WHEREAS, On March 4, 2013, City Council approved the Second Amendment to the MDOT Capital Contract to increase the grant amount from \$6,272,500 to \$6,620,736 so as to include the cost of a crash wall required by the host railroad, Grand Trunk Western Railroad, also known as Canadian National Railroad (CN).

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** a Third Amendment to MDOT Capital Contract No. 2011-0231 between the City of Troy and the Michigan Department of Transportation to increase the funding amount from \$6,620,736 to a not to exceed amount of \$8,378,736, and **AUTHORIZES** the Mayor and Clerk to **EXECUTE** the contract amendment documents.

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

MOTION CARRIED

I-7 Grand/Sakwa Properties – Transit Center

Resolution #2013-11-192
Moved by Campbell
Seconded by Pennington

WHEREAS, The City of Troy is in the process of completing the construction and establishing the operation of a public transportation center located near the southwesterly corner of Maple Road and Coolidge Highway in the City of Troy (the "Project");

WHEREAS, The City of Troy and Grand/Sakwa Properties, Inc. ("Grand/Sakwa") are currently involved in a legal dispute over the ownership of real property underlying the Project which is currently pending before the Michigan Supreme Court, Case No. 147482, and as such the interest of Grand/Sakwa, if any, is currently in dispute and has not been the subject of a final unappealable judicial determination;

WHEREAS, Without waiving, and expressly reserving, any claims or defenses in the pending legal dispute, nor admitting the validity of the asserted property rights of Grand/Sakwa, the City of Troy has determined that conditions necessitate the acquisition of the asserted property rights which serve as a basis for the claimed interest of Grand/Sakwa in the real property described in Exhibit A consisting of approximately 2.7 gross acres of land, in the City of Troy, County of Oakland, State of Michigan (the "Property") for the Project and benefit of the public;

THEREFORE, BE IT RESOLVED, That by virtue of the authority vested in the City of Troy, the City of Troy **DECLARES** and **DETERMINES** that it is necessary to proceed with eminent domain proceedings to acquire and take the Property without the consent of Grand/Sakwa, to the extent it may have an ownership interest, for the purpose of the construction, establishment, and operation of the public transportation center and benefit of the public; and that the Property is necessary for the use and benefit of the public and that a good faith written offer may be made in accordance with the requirements of 1980 PA 87, as amended; and

BE IT FURTHER RESOLVED, That by virtue of the authority vested in the City of Troy, it is **NOW DECLARED** and **DETERMINED** that the property rights, if any, owned by the parties of interest as described in Exhibit A is hereby taken.

INTEREST TAKEN: All interest (including all remainder and/or contingent interest) of Grand/Sakwa Properties, Inc. a Michigan corporation, as more fully described in **Exhibit A**.

PARTIES IN INTEREST: Grand/Sakwa Properties, Inc. a Michigan corporation, and other parties of interest unknown to the City of Troy at this time.

ESTIMATED JUST COMPENSATION: \$550,000.00

BE IT FURTHER RESOLVED, That the attorneys for the City of Troy and the agents for the City of Troy, are **DIRECTED** to take the necessary steps to acquire the Property, including making a good faith offer in the amount of the estimated just compensation to purchase for the property rights, negotiating to purchase the property rights, and to institute condemnation proceedings against parties of interest in the Property, and take any other steps that are necessary to implement this action.

BE IT FURTHER RESOLVED, That the City Manager of the City of Troy is **AUTHORIZED** to sign any related documents upon approval of counsel to acquire the Property.

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

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2013-11-193
Moved by Fleming
Seconded by Henderson

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 #2013-11-193-J-2a

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

- a) City Council Meeting Minutes-Draft – November 11, 2013

J-3 Proposed City of Troy Proclamations:

- a) MML Legislator of the Year Award to Senator Pappageorge
b) Service Commendation Award to Peggy Sears, Human Resources Director

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 1: Award to Low Bidder - Asphalt Patching Material – Cold Patch**

Resolution #2013-11-193-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a seasonal contract for Asphalt Patching Material – Cold Patch to the low bidder, *Cadillac Asphalt LLC of Wixom, MI*, for an estimated total cost of \$39,000.00, at the unit price contained in the bid tabulation electronically submitted November 7, 2013, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, the cost of which **SHALL NOT EXCEED** annual budgetary limitations; with the contract expiring April 30, 2014; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the contractor’s submission of properly executed bid and proposal documents, including insurance certificates and all other specified requirements.

J-5 Agreement for Traffic Control Device – Adams Road and Harlan Elementary School

Resolution #2013-11-193-J-5

RESOLVED, That the Road Commission for Oakland County (RCOC) “Agreement for Traffic Control Device” (Co. #316) for the traffic signal on Adams Road at Harlan Elementary School **BE APPROVED**; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement.

J-6 May, as Personal Representative of Jesus Gillard v City of Troy, et al

Resolution #2013-11-193-J-6

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **APPROVES** the confidential settlement presented during the November 11, 2013 closed session, and **DIRECTS** the City Attorney to proceed with settling this matter and executing a release and settlement agreement with Plaintiff and his counsel.

J-7 Authorization to Request Reimbursement – MDEQ SAW Grant

Resolution #2013-11-193-J-7

City of Troy
County of Oakland

Resolution Authorizing the SAW Grant Agreement

Minutes of the regular meeting of the City Council of the City of Troy County of Oakland, State of Michigan, (the "Municipality") held on November 25, 2013.

PRESENT: Members: _____

ABSENT: Members: _____

Member _____ offered and moved the adoption of the following resolution, seconded by Member _____

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL 324.5204e that the Michigan Finance Authority (the "MFA") in consultation with the Michigan Department of Environmental Quality (the "DEQ") shall establish a strategic water quality initiatives grant program; and

WHEREAS, In accordance with the provisions of 2012 PA 511, which provides grants to municipalities for sewage collection and treatment systems or storm water or nonpoint source pollution control; and

WHEREAS, In accordance with the provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the "SAW Grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204e, as amended; and

WHEREAS, The Municipality does hereby determine it necessary to (**select one or more**)

establish an asset management plan, establish a stormwater management plan, establish a plan for wastewater/stormwater, establish a design of wastewater/stormwater, pursue innovative technology, or initiate construction activities (up to \$500,000 for disadvantaged community).

WHEREAS, It is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed \$2,000,000.00 ("Grant") be requested from the MFA and the DEQ to pay for the above-mentioned undertaking(s); and

WHEREAS, The Municipality shall obtain this Grant by entering into the SAW Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. _____ (*title of the designee's position*), a position currently held by _____ (*name of the designee*), is designated as the Authorized Representative for purposes of the SAW Grant Agreement.

2. The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ (attached Sample Grant Agreement) is hereby approved and the Authorized Representative is authorized and directed to execute the SAW Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.

3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if the Municipality is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.

4. The Grant, if repayable, shall be a first budget obligation of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.

5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees that are unrelated to the project.

6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.

7. The Municipality acknowledges that the SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.

8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

YEAS: Members: _____
NAYS: Members: _____

RESOLUTION DECLARED ADOPTED

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Troy, County of Oakland, said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

M. Aileen Bittner, CMC
City of Troy, City Clerk
State of Michigan, County of Oakland

J-8 Request for Acceptance of Two Permanent Easements From Tinelle Properties, LLC - Sidwell #88-20-08-276-002

Resolution #2013-11-193-J-8

RESOLVED, That City Council hereby **ACCEPTS** two permanent easements for water mains and sanitary sewers from Tinelle Properties, LLC, owner of the property having Sidwell #88-20-08-276-002; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the easements with Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

J-9 Request for Recognition as a Nonprofit Organization Status From Kim Bryson – Boyd R. Larson Middle School Parent Teacher Organization

Resolution #2013-11-193-J-9

RESOLVED, That Troy City Council hereby **APPROVES** the request from Boyd R. Larson Middle School Parent Teacher Organization, 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-10 Request for Acceptance of Permanent Easements and Warranty Deeds for Beachview Site Condominium – Sidwell #88-20-18-127-012

Resolution #2013-11-193-J-10

RESOLVED, That City Council hereby **ACCEPTS** three warranty deeds for right-of-way and a detention basin, and four permanent easements for greenbelts, storm sewers, landscaping and signage, and sanitary sewers from Mondrian Properties Beachview, LLC, owner of the property having Sidwell #88-20-18-127-012; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the warranty deeds and easements with the Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

J-11 Request for Acceptance of Permanent Easements and Warranty Deeds for Adria Estates Site Condominium – Sidwell #88-20-11-104-013 and 88-20-11-151-020

Resolution #2013-11-193-J-11

RESOLVED, That City Council hereby **ACCEPTS** three permanent easements for sanitary sewers, watermains, sidewalks, public utilities, surface drainage, and emergency ingress/egress and police/fire protection from Mondrian Properties Adria, LLC, owner of the property having Sidwell #88-20-11-104-013 & 88-20-11-151-020; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the easements with the Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

J-12 Request for Acceptance of Eight Permanent Easements From Maurice and Sandy Gennari – Sidwell #88-20-03-301-078, 079, 080, 081, 082

Resolution #2013-11-193-J-12

RESOLVED, That City Council hereby **ACCEPTS** eight permanent easements for storm sewer and surface drainage, public utilities and greenbelt from Maurice and Sandy Gennari, owners of the property having Sidwell # 88-20-03-301-078, 079, 080, 081 & 082; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the easements with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original 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:

| | |
|--------------------|---|
| Suzanne Delisi | Spoke in opposition to a senior assisted living facility. |
| Robert Tourtillott | Spoke in opposition to a senior assisted living facility. |

| | |
|----------------|---|
| Roger Howard | Spoke in opposition to a senior assisted living facility. |
| Terry Adams | Spoke in opposition to a senior assisted living facility. |
| Richard Peters | Spoke about various topics. |
| John Mills | Spoke in opposition to a senior assisted living facility. |
| James Savage | Spoke about Snow and Mowing Maintenance. |
| Aaron Dylewski | Spoke about bike paths and trailways. |

M. COUNCIL REFERRALS:

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

M-1 Council Referrals Advanced

- a) Amendments to Chapter 34 Referred by Mayor Slater

Vote on Resolution to Waive the Rules of Procedure for the City Council, Rule #6A – Regular Meeting Agenda to Add an Item on the Agenda

Resolution #2013-11-194
 Moved by Slater
 Seconded by Pennington

RESOLVED, That Troy City Council hereby **WAIVES** the Rules of Procedure for the City Council, Rule #6A *Regular Meeting Agenda* to add an Item on the Agenda.

Yes: All-7
 No: None

MOTION CARRIED

Vote on Resolution to Amend Chapter 34, Sidewalk and Driveway Approaches

Resolution #2013-11-195
 Moved by Slater
 Seconded by Campbell

RESOLVED, That City Council **AMENDS** Item M-1 Council Referrals Advanced by amending Section 34.11 of Chapter 34 – Sidewalk and Driveway Approaches, by **STRIKING** “one (1) inch” and **SUBSTITUTING** it with “two (2) inches”, as recommended by City Management.

Yes: All-7
 No: None

MOTION CARRIED

N. COUNCIL COMMENTS:

N-1 Council Comments

Council Member Tietz stated that he will address the topic of acceptable zoning proposals in R-1 (A-E) zoning districts at the Joint City Council and Planning Commission meeting scheduled for Tuesday, November 26, 2013.

City Attorney Bluhm noted that the Planning Commission is the authority overseeing acceptable zoning proposals in various zoning districts.

O. REPORTS:

O-1 Minutes – Boards and Committees:

- a) Retiree Health Care Benefits Plan & Trust-Final – April 10, 2013
 - b) Employees’ Retirement System Board of Trustees-Final – May 8, 2013
 - c) Retiree Health Care Benefits Plan & Trust-Final – July 10, 2013
 - d) Employees’ Retirement System Board of Trustees-Final – August 14, 2013
 - e) Employees’ Retirement System Board of Trustees-Final – September 11, 2013
 - f) Retiree Health Care Benefits Plan & Trust-Final – September 11, 2013
 - g) Employees’ Retirement System Board of Trustees-Final – October 9, 2013
 - h) Retiree Health Care Benefits Plan & Trust-Final – October 9, 2013
 - i) Planning Commission Special/Study-Draft – October 22, 2013
 - j) Planning Commission Special/Study-Final – October 22, 2013
- Noted and Filed
-

O-2 Department Reports:

- a) First Quarter Financial Report
 - b) Troy Nature Society – June, 2013 Annual Report
 - c) SOCRRA Quarterly Report – October, 2013
 - d) 2013 Local Millage Rates Comparison by County
 - e) City of Troy Retiree Health Care Plan Actuarial Valuation of Other Post Employment Benefits – December 31, 2012
- Noted and Filed
-

O-3 Letters of Appreciation:

- a) To Steven Pallotta From Kyle Newberry Regarding Assistance with an Eagle Scout Project
- Noted and Filed
-

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

The Meeting **RECESSED** at 9:46 PM.

The Meeting **RECONVENED** at 9:55 PM.

P. STUDY ITEMS:

P-1 Troy’s Story

City Manager Kischnick discussed a PowerPoint presentation titled, "*The Troy Story – Where We've Been; Where We Are; Where We're Going*". Staff members were called upon to contribute during their departments' relevant slides.

Mayor Slater clarified that the Police Dept. was transformed from proactive to reactive; but, Council was looking to see if the Police Dept. and the City would be sustainable after the reductions in staff. We know now that we are sustainable but we need to get back to being proactive. He went on to clarify that when the City Council made the reductions in 2009, it was purely to survive. Troy has survived and it's important to point out that those decisions in 2009 were good decisions and brought us to where we are today. Mayor Slater stated that the decisions regarding the Library and the Library millage were tough decisions but were necessary for the survival of the City. He would like the speculation regarding the necessity of the Library millage and the decisions regarding the Library to end.

Council Member Tietz thinks this is a good start.

Mayor Slater stated that we may not want to do everything Administration has proposed tonight, but items like trails are important budgetary items that need to be brought back.

Council Member Fleming stated that with what we know now, regarding the Library, we would still have money in the Fund Balance even if we didn't have the Library millage.

Mayor Slater stated that without the Library millage, we would just be surviving with a low fund balance.

Council Member Fleming stated that the City went too far into reductions of expenditures with unexpected early retirements and cuts.

Mayor Slater clarified that we wouldn't be having this success story discussion today without the Library millage. We wouldn't have the AAA bond rating with the low fund balance caused by Library expenditures.

Council Member Tietz said we should talk about the community satisfaction with the millage rate and the satisfaction level with the Library millage since the millage is expiring in the next couple years. He stated a decision needs to be made about whether or not to bring the Library millage into future budgets. Council Member Tietz said we need to talk about how we're dealing with our pension obligations; and, the firefighters' pension being underfunded. The way the City spends this money needs to be a long term plan and not a new obligation. He is very cautious and concerned that we will be anxious to spend the money when caution is the best course of action.

Mayor Slater agreed with Council Member Tietz about being cautious and talked about the Success Story of Troy. He quoted Standard & Poor's positive comments regarding the City's reserves. The first thing this Council needs to decide is, "What is a good percentage of Fund Balance?" He admired Oakland County's approach to Fund Balance.

Mayor Pro Tem Henderson reiterated that if we hadn't enacted the Library millage, we would be below our recommended 15% Fund Balance. He believes City Council needs education on

what is the best percentage of Fund Balance. He went on to say that City policy on Fund Balance needs to address more than just the percentage of Fund Balance.

Mayor Slater commented that Council needs to discuss the feasibility of reducing the Library millage and recovering from being reactive to proactive.

City Manager Kischnick offered the opportunity for City Council to list their top five priorities for future discussions. He also reiterated the idea of resident focus groups to discuss priorities.

Mayor Slater suggested Council Members send City Manager Kischnick their top five priorities before the next discussion.

Council Member Hodorek stated that the conditions of the roads will make commercial real estate more appealing, as will public safety. She stated the take-away from tonight is that the City has done exceptionally well considering the financial climate that existed. The City should be proud of where we were and where we are now.

Mayor Slater stated that above all else, the City needs to get rid of furlough time for City employees.

Council Member Fleming warned to not spend money and get ourselves back in the bad situation we were in before.

City Manager Kischnick reiterated that this presentation shows the multi-year budgetary impact of the services discussed tonight. It is not a recommendation or suggestion. This presentation is a collaborative project that identified issues to discuss.

Mayor Slater suggested Council have another study session to discuss moving on to the next phase of proactive budgeting.

City Manager Kischnick reminded Staff and City Council that there is a webinar on December 12th with Standard & Poor's that Staff and Council are invited to attend.

Mayor Slater would like a study session in December to discuss the Council top five priorities.

Council Member Fleming stated that we've been very good at predicting revenues but we need to be better at predicting expenditures. He theorized that the City will realize additional excess funds since the City is still understaffed.

City Manager Kischnick pointed out the Budget Breakeven Adjustment in the presentation which accounts for the unfilled budgeted positions.

Mayor Slater would like to see the City get rid of the furlough hours as soon as possible prior to the holidays as a thank you to the Staff.

Council Member Tietz stated that he does not think it's prudent to make a budgetary change based on the time of year. He suggested that Council be more cautious.

Council Member Pennington asked if there's a precedent or a process for making these changes. Mayor Slater stated there is neither, but Council can form a consensus. City Attorney Bluhm suggested a budget amendment for the next meeting that eliminates furlough time.

Q. CLOSED SESSION:

Q-1 No Closed Session Requested

R. ADJOURNMENT:

The Meeting **ADJOURNED** at 11:17 PM.



Mayor Dane Slater



M. Aileen Bittner, CMC
City Clerk