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, August 25, 2014, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:34 PM.

B. ROLL CALL:

Mayor Dane Slater
Jim Campbell
Wade Fleming
Dave Henderson
Ellen Hodorek
Ed Pennington
Doug Tietz

Excuse Absent Council Members:

Resolution #2014-08-107
Moved by Slater
Seconded by Campbell

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Fleming at the Regular City Council Meeting of August 25, 2014, due to being out of the county.

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

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 MADD Awards *(Introduced by: Gary Mayer, Chief of Police)*

C-2 Summary of Master Plan Process – 2014 Troy Master Plan Update *(Introduced by: Brent Savidant, Planning Director)*

C-3 Flood Damage Update *(Introduced by: Gary Mayer, Chief of Police)*

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Re-Programming Community Development Block Grant (CDBG) Program Year 2013 Funds *(Introduced by: Kurt Bovensiep, Public Works Manager)*

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving no public comment.

Resolution #2014-08-108
Moved by Hodorek
Seconded by Henderson

WHEREAS, The City Council of the City of Troy, after conclusion of a Public Hearing on this date, August 25, 2014, has **DETERMINED** that program year 2013 unexpended funds of $107,174.00 from the Street Improvements account should be re-programmed to the Parks-Recreational Facilities account in order to complete the project at Milverton Park in Section 36, providing recreational activities to the surrounding residents, specifically for the 2-5 year old age group;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** City Administration to reprogram funds from program year 2013 to the Parks-Recreational Facilities account in order to complete the project at Milverton Park in Section 36, providing recreational activities to the surrounding residents, specifically for the 2-5 year old age group by purchasing and installing a play area for ages 2-5 in Milverton Park. The area will be placed over a synthetic turf with rubber infill to meet or exceed ASTM 1292 safety standards and will be ADA accessible.

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

MOTION CARRIED

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 – None; b) City Council Appointments – Traffic Committee

a) Mayoral Appointments: None

b) City Council Appointments:

Resolution #2014-08-109
Moved by Henderson
Seconded by Campbell

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

Traffic Committee
Appointed by Council
7 Regular Members
3 Year Term

Unexpired Term Expiring: 01/31/2016	**Ollie Apahidean**	
	Term currently held by:	Vacant – Sarah Binkowski resigned 7/17/2014
Unexpired Term Expiring: 01/31/2016	**David Easterbrook**	
	Term currently held by:	Vacant – Stevan Popovic resigned 8/5/2014

Yes: Henderson, Hodorek, Pennington, Tietz, Slater, Campbell
No: None

MOTION CARRIED

I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority, Planning Commission; b) City Council Nominations – Liquor Advisory Committee

a) Mayoral Nominations:

City Council took no action on this Item.

b) City Council Nominations:

City Council took no action on this Item.

I-3 No Closed Session Requested

I-4 Resolution to Approve Volunteer Firefighter Incentive and Year of Service Benefit Multiplier Schedule and Transfer Money for Benefit of Volunteer Firefighter Retirement *(Introduced by: Brian M. Kischnick, City Manager)*

Resolution #2014-08-110
Moved by Slater
Seconded by Henderson

WHEREAS, The City of Troy highly values the contributions of the members of the Troy Volunteer Fire Department towards the safety and well being of our community; and

WHEREAS, In recognition of the benefits provided, and to encourage participation and retention, the City of Troy has implemented a length of service award program or plan for the members of the Troy Volunteer Fire Department setting forth plan eligibility qualifications and funding the annual incentive payments on a discretionary basis through resolutions which have been multiplied by the volunteer firefighter's tenure of service; and
WHEREAS, Through its Voluntary Incentive Committee, members of the Troy Volunteer Fire Department have expressed concern about the discretionary basis of payments, and have requested a more definitive program, and in response City Administration engaged specialized legal counsel Michael Van Overbeke to assist with options and draft the required legal documents; and

WHEREAS, A City of Troy Incentive Plan and Irrevocable Trust for Volunteer Firefighters has been drafted as a essential government function trust, based on Section 115 of the Internal Revenue Code of 1986, as amended, and the Public Employee Retirement System Investment Act, Public Act 314 of 1965, as amended (MCL 38.1132 et. seq.); and this irrevocable trust is intended to qualify the incentive benefits provided under the length of service plan as contractual benefits protected and guaranteed by Article IX, Section 24 of the State of Michigan constitution; and

WHEREAS, Both the City of Troy and also the Troy Volunteer Fire Department members intend to seek an official determination from the Internal Revenue Service confirming the tax exempt status of the City of Troy Incentive Plan and Irrevocable Trust for Volunteer Firefighters, and this process cannot be commenced until there is City Council approval and funding of the attached Section 115 trust; and

WHEREAS, The City of Troy City Council commits to funding the following increased annual length of service amounts for the Troy Volunteer Fire Department members:

$642, effective July 1, 2014
$681, effective July 1, 2015
$724, effective July 1, 2016
$769, effective July 1, 2017; and

WHEREAS, The City Council has expressed an interest in transferring one million dollars from the General Fund- Committed Fund Balance and one million dollars from the General Fund-Unassigned Fund Balance into the City of Troy Incentive Plan and Trust for Volunteer Firefighters, and acknowledges that any transferred money into the trust would be invested and administered by the independent board of trustees, as set forth in the attached trust;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **APPROVES** the attached City of Troy Incentive Plan and Trust For Volunteer Firefighters; and

BE IT FURTHER RESOLVED, That Troy City Administration is **DIRECTED** to cause the City of Troy Incentive Plan and Trust For Volunteer Firefighters to be submitted to the IRS for its

review and approval, and if required or recommended by the IRS, submit any subsequent trust revisions to City Council for its review at the earliest opportunity; and

BE IT FURTHER RESOLVED, That the Troy City Council hereby **APPROVES** the following increased annual length of service amounts for the Troy Volunteer Fire Department members:

$642, effective July 1, 2014
$681, effective July 1, 2015
$724, effective July 1, 2016
$769, effective July 1, 2017;

BE IT FURTHER RESOLVED, That City Administration is hereby **DIRECTED** to transfer one million dollars from the General Fund- Committed Fund Balance and one million dollars from the General Fund- Unassigned Fund Balance into the City of Troy Incentive Plan and Trust for Volunteer Firefighters or any subsequently revised and approved trust or length of service plan for the benefit of Troy's volunteer firefighter retirees.

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

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2014-08-111
Moved by Hodorek
Seconded by Campbell

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) J-04c, which shall be **CONSIDERED** after Consent Agenda (J) items, as printed.

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

MOTION CARRIED

J-1b Address of "J" Items Removed for Discussion by City Council

J-2 Approval of City Council Minutes

Resolution #2014-08-111-J-2

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

a) City Council Minutes-Special-Draft – August 11, 2014
b) City Council Minutes- Draft – August 11, 2014

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions:

a) Standard Purchasing Resolution 4: Award – Oakland County Cooperative Purchasing Agreement – Fleet Vehicles

Resolution #2014-08-111-J-4a

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase two (2) 2015 GMC Savana 3500 cargo vans from *Red Holman Buick, GMC of Westland, MI*, through the Oakland County Cooperative Purchasing Agreement for an estimated total cost of $45,320.00 as per the Oakland County Contract ID Number 4096.

b) Standard Purchasing Resolution 4: Macomb County Cooperative Purchasing Agreement – Fleet Vehicles

Resolution #2014-08-111-J-4b

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase two (2) 2015 Ford Expeditions from *Signature Ford Lincoln of Owosso, MI*, for an estimated total cost of $56,429.00 as per the Macomb County Cooperative Purchasing Agreement and Contract ID Number 51-13.

d) Standard Purchasing Resolution 4 - MITN Cooperative Agreement – Two (2) Dump Trucks with Snow Removal and Deicing Systems and One (1) Truck Chassis

Resolution #2014-08-111-J-4d

RESOLVED, That Troy City Council hereby **APPROVES** contracts to purchase two (2) tandem axle truck chassis, one (1) for $98,479.00 and one (1) for $98,923.00 and also, one (1) single axle truck chassis for $81,386.00 to *Wolverine Freightliner-Eastside, Inc., of Mount Clemens, MI* for an estimated price of $278,788.00 and to purchase one (1) dump body, snow removal and deicing system for the Streets Division for $87,983.00 and one (1) heated dump body, snow removal and deicing system for the Water Division for $90,395.00 to *Truck and Trailer Specialties, Inc., of Dutton, MI* for an estimated price of $178,378.00. The combined purchase of the three (3) truck chassis and two (2) dump body snow removal and deicing systems through the MITN Cooperative Purchasing Group is an estimated total cost of $457,166.00.

J-5 Bid Waiver – Extrication Tools

Resolution #2014-08-111-J-5

WHEREAS, *R & R Fire Truck Repair, Inc. of Northville, MI* is the exclusive authorized distributor for Champion Rescue Tools in the State of Michigan; and

WHEREAS, The Safety Committee comprised of Fire Department personnel has conducted extensive research and field-testing of extrication tools and has concluded the Champion Beast Cutter Tool is superior over all others for cutting strength;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **AUTHORIZES** the City of Troy to purchase six (6) sets of Champion Beast Cutters from the exclusive authorized distributor in Michigan, *R & R Fire Truck Repair, Inc. of Northville, MI* for an estimated total cost of $35,043.00.

J-6 Waiver of Bid – Fire Priority Dispatch System

Resolution #2014-08-111-J-6

WHEREAS, *Priority Dispatch, Inc. of Salt Lake City, Utah* is the sole source provider of the Fire Priority Dispatch System; and

WHEREAS, The Fire and Police Department have researched and concluded that the Fire Priority Dispatch Program meets the needs of the City;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **AUTHORIZES** the City of Troy to purchase the Fire Priority Dispatch Program from the sole provider, *Priority Dispatch Inc. of Salt Lake City, Utah,* for an estimated total cost of $58,550.00.

J-7 Fireworks Permit – Troy Family Daze Festival

Resolution #2014-08-111-J-7

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Mad Bomber Fireworks Productions of Kingsbury, Indiana, for the public display of fireworks at the Troy Family Daze Festival at the Zion Christian Church, 3668 Livernois, Troy, Michigan, on September 13, 2014, or the rain date of September 14, 2014.

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

J-8 Request for Approval of Agreement to Purchase Realty for Public Purposes for John R Road Improvements, Long Lake to Square Lake - Project No. 02.203.5, Parcel #16, Sidwell #88-20-11-226-038

Resolution #2014-08-111-J-8

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for public purposes between KC PROPCO HOLDING I, LLC, owners of property having Sidwell

#88-20-11-226-038, and the City of Troy, for the acquisition of property for John R Road Improvements, Long Lake to Square Lake, in the amount of $26,600.00, plus closing costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Engineering Department to expend the necessary closing costs to complete this purchase according to the agreement.

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Warranty Deed with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-9 Fireworks Permit – Macy's at Oakland Mall

Resolution #2014-08-111-J-9

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Zambelli Fireworks, Inc., of New Castle, Pennsylvania, for the public display of fireworks at the Macy's Holiday Shopping Kick-Off event at 500 W. Fourteen Mile Rd., Troy, Michigan, on Friday November 7, 2014.

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

J-4 Standard Purchasing Resolutions:

c) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 14-5 – Long Lake Mill and Overlay, Adams to Northfield Parkway

Resolution #2014-08-112
Moved by Henderson
Seconded by Pennington

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 14-5, Long Lake Road Mill & Overlay, Adams to Northfield Parkway, to *Cadillac Asphalt LLC, 4751 White Lake Road, Clarkston, MI 48346* for their low bid amount of $1,269,854.40.

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.

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

MOTION CARRIED

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. 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 Hodorek mentioned the Fall Troy Today has recently been mailed to all households in Troy. She also emphasized that residents can obtain valuable information on the City website, Twitter account and Facebook page.

O. REPORTS:

O-1 Minutes – Boards and Committees:

a) Building Code Board of Appeals-Final – July 9, 2014
b) Planning Commission Special/Study-Draft – July 22, 2014

Noted and Filed

O-2 Department Reports:

a) Planning Department Development Application Update

Noted and Filed

O-3 Letters of Appreciation: None Submitted

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

P. 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):

Q. STUDY ITEMS:

Q-1 No Study Items

R. CLOSED SESSION:

R-1 No Closed Session

S. ADJOURNMENT:

The Meeting **ADJOURNED** at 8:29 PM.

Mayor Dane Slater

M. Aileen Bittner, CMC
City Clerk