



# TROY CITY COUNCIL

## REGULAR MEETING

### AGENDA

**APRIL 4, 2016**  
**CONVENING AT 7:30 P.M.**

**Submitted By**  
**The City Manager**

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***NOTICE: Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3316 or via e-mail at [clerk@troymi.gov](mailto:clerk@troymi.gov) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.***

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500 W. Big Beaver  
Troy, MI 48084  
248.524.3300  
troymi.gov

The Honorable Mayor and City Council Members

City of Troy  
500 West Big Beaver  
Troy, MI 48084

Dear Mayor and City Council Members:

In this packet, you will find the agenda for the City Council meeting. To help facilitate an informed discussion, the packet provides you with agenda items and additional details. The packet also contains recommended courses of action for your consideration and seeks to aid you in adopting sound policy decisions for the City of Troy.

This comprehensive agenda has been put together through the collaborative efforts of management and staff members. We have made all attempts to obtain accurate supporting information. It is the result of many meetings and much deliberation, and I would like to thank the staff for their efforts.

If you need any further information, staff is always available to provide more information and answer questions that may arise. You can contact me at [bkischnick@troymi.gov](mailto:bkischnick@troymi.gov) or 989.233.7335 with questions.

Respectfully,

A handwritten signature in black ink that reads "B. K. L. K.", representing Brian Kischnick.

Brian Kischnick,  
City Manager

# 2016 Strategies

We believe a strong community embraces diversity, promotes innovation, and encourages collaboration.

We strive to lead by example within the region.

We do this because we want everyone to choose Troy as their community for life.

We believe in doing government the best.

- 1** Create space for a customer service welcome center at the east entrance of City Hall.
- 2** Redesign the City of Troy website.
- 3** Review city ordinances to address outdated policies and explore the need for new ordinances.
- 4** Install recycling elements in city facilities.
- 5** Link civic center campus with a trail and pathway system.
- 6** Establish site development design standards to ensure quality.
- 7** Explore the development of civic center property by conducting a market study and developing a concept plan.
- 8** Launch the Global Troy Advisory Committee.
- 9** Enhance the pedestrian crosswalk and transportation shelters at Automation Alley.
- 10** Partner to establish a Big Beaver transportation service.



# CITY COUNCIL AGENDA

April 4, 2016 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

<b>INVOCATION:</b>	<b>1</b>
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**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**A. CALL TO ORDER:**

**B. ROLL CALL:**

- a) Mayor Dane Slater  
Edna Abraham  
Ethan Baker  
Jim Campbell  
Dave Henderson  
Ellen Hodorek  
Ed Pennington

- b) Excuse Absent Council Members:

Suggested Resolution

Resolution #2016-04-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the Regular City Council Meeting of April 4, 2016, due to \_\_\_\_\_.

Yes:

No:

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**

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**C-1** Legislative Update (*Presented by: State Representative Martin Howrylak*)

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**C-2** Presentation of the Avondale Youth Assistance Annual Report to Mayor Dane Slater and Troy City Council in Appreciation for City of Troy Supporting Avondale Youth Assistance (*Presented by: Board Chairperson Michael Kazyak*)

**D. CARRYOVER ITEMS:**

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**D-1** No Carryover Items

**E. PUBLIC HEARINGS:**

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**E-1** No Public Hearings

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

### In accordance with the Rules of Procedure for the City Council, Article 17 – Members of the Public and Visitors:

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. *City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any Public Hearing item.
- Any Troy resident or Troy business representative, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes total to address Postponed, Regular Business, Consent Agenda or Study items or any other item on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items On the Agenda from Troy Residents and Businesses* portion of the Agenda.
- Any Troy resident or Troy business representative, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any topic not on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items Not on the Agenda from Troy Residents and Businesses* portion of the Agenda.
- Any member of the public who is not a Troy resident or Troy business representative shall be allowed to speak for up to three (3) minutes to address any topic on or not on the Agenda as permitted under the Open Meetings Act during the *Comments for Items On or Not On the Agenda from Members of the Public Outside of Troy (Not Residents of Troy and Not From Troy Businesses)* portion of the Agenda.
- All members of the public who wish to address the Council at a meeting shall be allowed to speak only if they have signed up to speak within thirty minutes before or within fifteen minutes after the meeting's start time. Signing up to speak requires each speaker provide his or her name and residency status (Troy resident, non-resident, or Troy business owner). If the speaker is addressing an Item (or Items) that appear on the pre-printed agenda, then the speaker shall also identify each such agenda item number(s) to be addressed.
- City Council may waive the requirements of this section by a majority vote of the City Council members.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.

The following has been approved by Troy City Council as a statement of the rules of decorum for City Council meetings. The Mayor will also provide a verbal notification of these rules prior to Public Comment:

*The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is required to sign up to speak within thirty minutes before or within fifteen minutes of the start of the meeting. There are three Public Comment portions of the Agenda. For Items On the Agenda,*

*Troy Residents and Business Owners can sign up to address Postponed, Regular Business, Consent Agenda, or Study items or any other item on the Agenda. Troy Residents and Business Owners can sign up to address all other topics under Items Not on the Agenda. All Speakers who do not live in Troy or own a Troy business may sign up to speak during the Comments on Items On and Not On the Agenda from Members of the Public Outside of Troy. Also, there is a timer on the City Council table in front of the Mayor that turns yellow when there is one minute of speaker time remaining, and turns red when the speaker's time is up. In order to make the meeting more orderly and out of respect, please do not clap during the meeting, and please do not use expletives or make derogatory or disparaging comments about any one person or group. If you do so, then there may be immediate consequences, including having the microphone turned off, being asked to leave the meeting, and/or the deletion of speaker comments for any re-broadcast of the meeting. Speakers should also be careful to avoid saying anything that would subject them to civil liability, such as slander and defamation.*

*Please avoid these consequences and voluntarily assist us in maintaining the decorum befitting this great City.*

**G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

**H. POSTPONED ITEMS:**

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**H-1 No Postponed Items**

**I. REGULAR BUSINESS:**

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**I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Civil Service Commission (Act 78)**

**a) Mayoral Appointments: None**

**b) City Council Appointments:**

Suggested Resolution  
Resolution #2016-04-  
Moved by  
Seconded by

RESOLVED, That Troy City Council hereby **CONFIRMS** the appointment of the following person to serve on the Boards and Committees as indicated:

**Civil Service Commission (Act 78)**

Appointed by Mayor  
3 Regular Members:  
1-Council; 1-Police/Fire Rep; 1-Civil Service  
6 Year Term

**Term Expires: 4/30/2022**

Term currently held by: Donald McGinnis

Yes:

No:

**I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority, Downtown Development Authority; b) City Council Nominations – Animal Control Appeal Board, Charter Revision Committee, Employees’ Retirement System Board of Trustees / Retiree Health Care Benefits Plan and Trust, Liquor Advisory Committee, Traffic Committee, Zoning Board of Appeals**

**a) Mayoral Nominations:**

Suggested Resolution

Resolution #2016-04-

Moved by

Seconded by

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:

**Brownfield Redevelopment Authority**

Appointed by Mayor  
7 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2
Gottlieb	Steven	11/24/2016	4/30/2016	
Kerwin	Mary	1/16/2017	4/30/2017	
Kornacki	Rosemary	10/9/2017	4/30/2017	Brownfield Redev Auth exp 4/30/2017
Salgat	Charles	5/20/2017	4/30/2018	EDC exp 4/30/2016; BRA exp 4/30/2018
Swartz	Robert	12/16/2015	4/30/2017	Brownfield exp 4/30/2017; EDC exp 4/30/2018
Vassallo	Joseph	5/7/2017	4/30/2018	

**Nominations to the Brownfield Redevelopment Authority:**

**Term Expires: 4/30/2019**

Term currently held by: Steve Gottlieb

**Interested Applicants:**

Last Name	First Name	App Expire	Notes 1
Brennan	Michael T.	9/17/2017	
Sharp	John	3/28/2016	LDFA exp 6/30/16

**Downtown Development Authority**

Appointed by Mayor  
13 Regular Members  
4 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2
Blair	Timothy S.	6/17/2017	9/30/2019	In District	
Bostick	Dennis	1/31/2015	9/30/2016	In District	
Hay	David R.	8/25/2017	9/30/2019	In District	
Jonna	Arkan	10/22/2014	9/30/2016	In District	
Keisling	Laurence G.	5/25/2014	9/30/2016	At Large	
Kiriluk	Alan M.	10/12/2014	9/30/2016	In District	
Knight	Barbara	1/15/2016	9/30/2019	In District	
Macleish	Daniel	5/26/2014	9/30/2016	In District	
Randol	Ward Jr.	10/23/2016	9/30/2018	At Large	
Reschke	Ernest C.	10/15/2016	9/30/2018	At Large	
Schroeder	Douglas J.	10/23/2016	9/30/2018	At large	
Slater	Dane		12/31/2099	At Large	City Council exp 11/9/2015; DDA; LDFA
Vacancy			9/30/2017	At Large	Albert Papa's unexpired term.

**Nominations to the Downtown Development Authority:**

**Term Expires: 9/30/2017**

Term currently held by: Vacancy – Albert Papa’s unexpired term (resigned)

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 2
Brennan	Michael T.	9/17/2017	
Eisenbacher	David	3/16/2018	
Huber	Robert M.	6/10/2017	

Kaltsounis	Andrew	10/15/2016	Liquor Advisory Comm. exp. 1/31/2019
Kornacki	Rosemary	10/9/2017	Brownfield exp 4/30/2017
Petrulis	Al	12/4/2017	ACAB exp 9/30/2018; Hist Dist Comm exp 3/1/2017; Traffic Comm. exp 1/31/2017
Schick	Michael	1/13/2017	
Swartz	Robert D.	12/15/2016	Brownfield exp 4/30/2017; EDC exp 4/30/2018

Yes:

No:

**b) City Council Nominations:**

Suggested Resolution

Resolution #2016-04-

Moved by

Seconded by

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:

**Animal Control Appeal Board**

Appointed by Council

5 Regular Members

3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2
Carolan	Patrick	6/17/2015	9/30/2016	
Floch	Patrick	11/18/2016	9/30/2018	
Petrulis	Al	6/16/2017	9/30/2018	Traffic Comm exp 1/31/2017
Saeger	Jayne	10/15/2016	9/30/2017	
Vacancy			9/30/2017	P. Terry Knight's unexpired term

**Nominations to the Animal Control Appeal Board:**

**Unexpired Term Expires: 9/30/2017**

Term currently held by: Vacancy-P. Terry Knight term

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Waters	Gretchen	1/4/2018	

**Charter Revision Committee**

Appointed by Council  
7 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 3
Bartnik	Mark		04/30/2018	
Berk	Robert	2/27/2015	4/30/2016	Requests Reappointment
Bliss	Daniel	11/16/2013	4/30/2015	NO Reappointment
Howrylak	Frank	2/1/2014	4/30/2017	
Kanoza	Shirley	2/21/2015	4/30/2016	Requests Reappointment
Weisgerber	William	5/7/2017	4/30/2015	NO Reappointment
Wilsher	Cynthia	2/27/2016	4/30/2017	

**Nominations to the Charter Revision Committee:**

**Term Expires: 4/30/2018**

Term currently held by: Daniel Bliss

**Term Expires: 4/30/2018**

Term currently held by: William Weisgerber

**Term Expires: 4/30/2019**

Term currently held by: Robert Berk

**Term Expires: 4/30/2019**

Term currently held by: Shirley Kanoza

**Interested Applicants:**

No applications or resumes on file.

**Employees' Retirement System Board of Trustees / Retiree Health Care Benefits Plan and Trust**

Appointed by Council  
7 Regular Members and 2 Ordinance Member  
3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
Calice	Mark	10/8/2017	12/31/2018	Council Appointed Citizen	Requests Reappointment
Darling	Thomas			Chapter 10	

Gordon II	Thomas	9/17/2015	12/31/2016	DB-Employee Rep.-Elected	
Henderson	Dave		4/15/2018		Requests Reappointment
Kischnick	Brian			Chapter 10	
Pallotta	Steven		12/31/2017	DC Employee Rep.-Elected	
Stansbury	Milt	11/2/2017	12/31/2018	DC Employee Rep.-Elected	
Vacancy			12/31/2016	Wm. Need resigned 9/9/2015	

**Nominations to the Employees Retirement System Board of Trustees / Retiree Health Care Benefits Plan and Trust:**

**Unexpired Term Expires: 12/31/2016**

Term currently held by: Vacancy–W. Need resigned

**Interested Applicants:**

No applications or resumes on file.

**Liquor Advisory Committee**

Appointed by Council  
7 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 3
Comiskey	Ann	3/18/2016	1/31/2018	
Ehlert	Max	11/5/2016	1/31/2018	
Godlewski	W. Stan	12/14/2012	1/31/2017	
Gorcyca	David	12/6/2015	1/31/2017	
Hall	Patrick	11/24/2017	1/31/2016	NO Reappointment
Kaltsounis	Andrew	11/24/2017	1/31/2019	
Oberski	Jeff			
Payne	Timothy	2/8/2014	1/31/2018	

**Nominations to the Liquor Advisory Committee:**

**Term Expires: 1/31/2019**

Term currently held by: Patrick Hall

**Interested Applicants:**

No applications or resumes on file.

**Traffic Committee**

Appointed by Council  
7 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
Brandstetter	Tim	10/17/2016	1/31/2018		
Easterbrook	David	11/24/2017	1/31/2016		NO Reappointment
Huber	R. Mitch	6/10/2017	1/31/2016		
Huotari	William			Ex-Officio Member	
Kilmer	Richard	12/12/2015	1/31/2017		
Mayer	Gary			Ex-Officio Member	
Nelson	William			Ex-Officio Member	
Petrulis	Al	1/8/2016	1/31/2017	ACAB exp 9/30/2018	
Regan	Kathleen	3/26/2017	7/31/2016	STUDENT	
Wilsher	Cynthia	10/9/2016	1/31/2018		
Ziegenfelder	Peter	12/9/2015	1/31/2017		

**Nominations to the Traffic Committee:**

**Term Expires: 1/31/2019**

Term currently held by: David Easterbrook

**Term Expires: 1/31/2019**

Term currently held by: R. Mitch Huber

**Interested Applicants:**

No applications or resumes on file.

**Zoning Board of Appeals**

Appointed by Council  
7 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2	Notes 3
Clark	Glenn	4/27/2017	4/30/2018			

Courtney	Kenneth	2/25/2015	4/30/2016			NO Reappointment
Desmond	Thomas	5/7/2017	4/30/2018			
Eisenbacher	David	3/16/2018	4/30/2016			Requests Reappointment
Kaltsounis	Orestis Rusty	10/8/2017	1/31/2018	Alternate	P&R BD exp 9/30/2018	Requests Reappointment
Kneale	A. Allen	3/9/2013	4/30/2017		ZBA exp 4/30/2017	
Lambert	Dave	3/10/2016	4/30/2017			
McCown	Paul D.	7/10/2015	1/31/2018	Alternate		
Sanzica	Philip	9/24/2014	12/31/2016	PC Rep on ZBA		

**Nominations to the Zoning Board of Appeals:**

**Term Expires: 4/30/2019**

Term currently held by: Kenneth Courtney

**Term Expires: 4/30/2019**

Term currently held by: David Eisenbacher

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 2
Frisen	Sande	11/2/2017	
Sharp	John	3/28/2018	EDC exp 4/30/2015; LDFA exp 6/30/2016
Sinutko	Jaime	8/5/2016	

Yes:

No:

**I-3 No Closed Session Requested**

**I-4 Establishment of the Global Troy Advisory Committee (*Introduced by: Eleanor Yoon, Management Assistant*)**

Suggested Resolution

Resolution #2016-04-

Moved by

Seconded by

WHEREAS, The City Council adopted celebrating diversity as one of the top ten strategies for the City government on March 9, 2015, and reaffirmed this commitment by incorporating the launch of the Global Troy Advisory Committee as a top ten strategy for 2016; and,

WHEREAS, The Mayor and City Council has identified the creation of an inclusive community and strengthening community connections among diverse Troy residents as a priority; and,

WHEREAS, The Troy City Council desires to increase the City of Troy’s cultural competence through cultural knowledge, awareness and sensitivity, and believes that the creation of an advisory committee will assist in that endeavor;

THEREFORE, BE IT RESOLVED, That Troy City Council **APPROVES** the establishment of the Global Troy Advisory Committee (Global Troy).

BE IT FURTHER RESOLVED, That Global Troy **SHALL BE ADVISORY** to the City Council and City Administration, assisting with the promotion of cultural diversity and inclusion and enhancing community connections.

BE IT FINALLY RESOLVED, That the Mayor with City Council approval **SHALL INITIALLY APPOINT** 11 members to Global Troy, in accordance with Chapter 6 of the City of Troy Charter. For the initial appointment, there shall be one City Council member, whose term shall coincide with the City Council term, and four members serving a three year term, three members serving a two year term, and three members serving a one year term, so that the terms will be staggered. Except for the City Council member, all subsequent appointments to the Committee shall be for three year terms, and each member shall be eligible for re-appointment. All Global Troy members shall serve without compensation, and shall meet on an as needed basis to address specific referrals from City Council or City Administration, as well as independent initiatives.

Yes:

No:

---

**I-5 Application to De-List 3645 Crooks Road (Introduced by: Brent Savidant, Planning Director)**

Suggested Resolution

Resolution #2016-04-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** Section 3 of Chapter 13 of the City Code to eliminate 3645 Crooks as an historic district; a copy of the ordinance amending Chapter 13 shall be **ATTACHED** to the original Minutes of this meeting and a copy of that ordinance shall be **RECORDED** with the Oakland County Register of Deeds as required by state statute.

Yes:

No:

**I-6 Resolution to Approve Volunteer Firefighter Incentive Plan and Trust and to Transfer Available Funding to the Trust (Introduced by: Thomas Darling, Director of Financial Services) (Presented by: Michael Van Overbeke, Special Counsel)**

Suggested Resolution

Resolution #2016-04-

Moved by

Seconded by

WHEREAS, The City of Troy highly values the contributions of the members of the Troy Volunteer Fire Department towards the safety and wellbeing 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 was drafted as a government 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 was 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, The City Council approved the City of Troy Incentive Plan and Irrevocable Trust for Volunteer Firefighters on August 25, 2015, which allowed City Administration 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,

WHEREAS, As a result of the review of the Internal Revenue Service, additional amendments were required, including but not limited to a separation of the Plan elements and the Trust elements; and,

WHEREAS, The attached revised Plan and attached revised Trust were presented to the Volunteer Firefighters for their review, and after receipt of approval, these revised documents are now presented to the Troy City Council for its review;

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

BE IT ALSO RESOLVED, That Troy City Council hereby **DIRECTS** City Management to transfer available City reserves currently held for the benefit of the Volunteer Firefighter Incentive Plan (VFIP) fund to the City of Troy Incentive Trust for Volunteer Firefighters.

Yes:  
No:

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**I-7 Standard Purchasing Resolution 8: Best Value Award – Construction Manager at Risk Services – Fire Station #4 (Introduced by: David Roberts, Fire Chief, Steve Pallotta, Director of Building Operations, and MaryBeth Murz, Purchasing Manager)**

Suggested Resolution  
Resolution #2016-04-  
Moved by  
Seconded by

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide Construction Manager at Risk Services for Fire Station #4 to the highest rated proposer, *The Dailey Company of Lake Orion, MI* as a result of a best value process at a not to exceed amount of \$540,990.00 at prices as detailed in the memo; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

Yes:  
No:

**J. CONSENT AGENDA:**

---

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

Suggested Resolution  
Resolution #2016-04-  
Moved by  
Seconded by

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

Yes:  
No:

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**J-1b Address of “J” Items Removed for Discussion by City Council**

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**J-2 Approval of City Council Minutes**

Suggested Resolution  
Resolution #2016-04-

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

- a) City Council Minutes-Draft – March 21, 2016

---

**J-3 Proposed City of Troy Proclamations:**

- a) Fair Housing Month – April 2016

---

**J-4 Standard Purchasing Resolutions:**

- a) **Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Renewals Over \$10,000 – Michigan Municipal League**

Suggested Resolution  
Resolution #2016-04-

RESOLVED, That Troy City Council hereby **AUTHORIZES** payment for annual membership dues to the Michigan Municipal League, for the time period of May 1, 2016 through April 30, 2017, in the amount of \$12,269.

- b) **Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications – Asphalt Paving Materials - Hot Patch**

Suggested Resolution  
Resolution #2016-04-

RESOLVED, That Troy City Council hereby **AWARDS** a one (1) year contract to provide Asphalt Paving Materials- Hot Patch with an option to renew to the low bidders, *Ajax Materials Corporation of Troy, MI* as the primary supplier at unit prices contained in the bid tabulation opened March 24, 2016, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; to be ordered on an as needed basis and based on proximity; contracts expiring December 31, 2017.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City to use a secondary supplier, *Cadillac Asphalt of Shelby Township, MI* in the event that the primary supplier is unable to provide materials as specified under the same pricing, terms and conditions as originally bid; to be ordered on an as needed basis and based on proximity.

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

---

**J-5 Suggested Resolution to Schedule a Closed Session on May 9, 2016 for the Annual Evaluation of the City Manager**Suggested Resolution

Resolution #2016-04-

RESOLVED, That the Troy City Council **SHALL MEET** in Closed Session on May 9, 2016 in the Council Board Room, pursuant to MCL 15.268 (a) and (h) (MCL 15.243(g)) for the evaluation of the City Manager.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**K-1 Announcement of Public Hearings: None Submitted**

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**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

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**N-1 No Council Referrals****O. COUNCIL COMMENTS:**

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**O-1 No Council Comments Advanced****P. REPORTS:**

---

**P-1 Minutes – Boards and Committees:**

- a) Animal Control Appeal Board-Final – December 2, 2015
- b) Traffic Committee-Final – January 20, 2016
- c) Planning Commission-Final – March 8, 2016
- d) Zoning Board of Appeals-Draft – March 15, 2016
- e) Planning Commission-Draft – March 22, 2016
- f) Animal Control Appeal Board-Draft – March 23, 2016

---

**P-2 Department Reports:**

- a) ICCA Annual Report

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**P-3 Letters of Appreciation:**

- a) To Assistant Chief Riesterer from John Runyan, Sach Waldman, Regarding Fire Department Participation in the Boy Scout and Cub Scout Annual First Aid Rally
- b) To Chief Mayer from Laura Scharfenkamp Regarding Outstanding Service by PSA Jerilyn Sievers and Officer Adam Sinutko
- c) To Chief Mayer from Daniel Cojanu, Canine Advocacy Program Director, Regarding Outstanding Service by Officer Kristine Shuler

---

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

**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 No Closed Session Requested**

**S. ADJOURNMENT:**

Respectfully submitted,



Brian Kischnick, City Manager

**2016 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

April 18, 2016..... Joint Meeting–Troy City Council/Troy Planning Commission  
April 21, 2016..... Special Study Session – Budget Discussions  
April 25, 2016..... Special Study Session – Budget Discussions  
August 8, 2016..... Joint Meeting–Troy City Council/Troy School Board  
September 19, 2016 ..... Joint Meeting–Troy City Council/Troy Chamber  
October 24, 2016 ..... Joint Meeting–Troy City Council/Troy Planning Commission

**2016 SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

April 18, 2016..... Regular Meeting  
May 9, 2016 ..... Regular Meeting  
May 23, 2016 ..... Regular Meeting  
June 13, 2016 ..... Regular Meeting  
June 27, 2016 ..... Regular Meeting  
July 11, 2016..... Regular Meeting  
July 25, 2016..... Regular Meeting  
August 8, 2016..... Regular Meeting  
August 22, 2016..... Regular Meeting  
September 19, 2016 ..... Regular Meeting  
September 26, 2016 ..... Regular Meeting  
October 10, 2016 ..... Regular Meeting  
October 24, 2016 ..... Regular Meeting  
November 14, 2016 ..... Regular Meeting  
November 21, 2016 ..... Regular Meeting  
December 5, 2016 ..... Regular Meeting  
December 19, 2016 ..... Regular Meeting



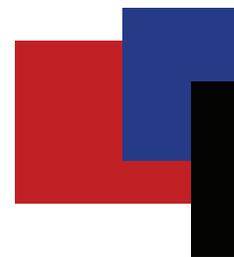
Avondale

Strengthening Families  
Through Community Involvement

# AVONDALE YOUTH ASSISTANCE

## ANNUAL REPORT

*December 2015*



### AVONDALE YOUTH ASSISTANCE Board of Directors

#### *Executive Officers*

Michael Kazyak  
*Chairperson*  
Peggy McConnell  
*Vice Chairperson*  
Henry Knight  
*Treasurer*  
Joshua Boyce  
*Secretary*

#### *Directors*

Harshitha Balaji  
Russ Barrows  
Karen Bleitz  
Lynn Douglas  
Angel Lau  
Stephanie Morita  
Dawn Polizzi  
JoAnn Roberts  
Kiara Robinson  
Gerald Sieh  
James Schwarz  
Cynthia Tischer  
Edu Usoro  
Ravi Yalamanchi

#### *Office Staff*

Anna Torres  
*Caseworker*  
Colleen Sieh  
*Office Manager/Program  
Director*

### A MESSAGE FROM OUR CHAIRPERSON

*Michael Kazyak*

As I start thinking about the past year, I am in awe how quickly the year went, all the work that was done and how much we have to be thankful for and thankful to. As always, we owe a big thank you to all of our major sponsors: The City of Auburn Hills, The City of Rochester Hills, The City of Troy, The Township of Bloomfield Hills, The Avondale School District and the Auburn Hills Morning Optimist Club.

We had success with our Back to School shopping and our annual Meijer Holiday Shopping. We were grateful to our youth representatives who put together our 4<sup>th</sup> annual Halloween Pumpkin Party. With the generosity of Farmboy Produce we were able to purchase 100 pumpkins. The students from the Avondale SKILL (Successful Keys for Independent Learning & Living) program made 150 cookies for the trick-or-treaters to decorate. Our Family Education program continues to move forward with programs for both young and older.

We had to say goodbye to another caseworker, Ragen Rockwell. Ragen had much to offer and was really entrenched in the community when she was reassigned to a new area. We then received information that our new caseworker was new to Youth Assistance and with that we welcomed Anna Torres. Anna came from Department of Human Services and when the school year started, Anna jumped in with both feet and has been able to take off where Ragen left off.

Our summer programs help the youth of the community. Between the Tim Horton Camp, Summer KAMP (Kids Academic Mentoring Program), as well as all the skill building programs and various summer camps, we were able to help students learn, grow and still find time for fun.

Without the dedication of all the board members and our Office Manager Colleen Sieh, none of this would be possible. As the chairperson, I am proud of each and every person associated with Avondale Youth Assistance and the great works taking place in our community.

### AVONDALE YOUTH ASSISTANCE MISSION STATEMENT

*To strengthen youth and  
families and to reduce  
the incidence of  
delinquency, abuse and  
neglect through  
volunteer involvement.*



# SPOTLIGHT ON PROGRAMS 2015

## SKILL BUILDING

**27** students received financial assistance to participate in activities providing positive learning experiences including sports, school clubs & field trips, YMCA memberships, summer academic review & after-school activities.



## PUMPKIN PARTY



**175** children prepared for Halloween fun during the 4th Annual Great Pumpkin Party thanks to the Avondale High School National Honor Society & Avondale SKILL Program student volunteers.



## CAMP

**50** children attended summer camps including 28 campers who received full scholarships to Tim Horton Camp in Nova Scotia. Other camps attended were Camps Copneconic & Skyline & Avondale Band & Cheer. Summer Day Camps included Auburn Hills, Avondale Busy Bees, YMCA & basketball.

## ACADEMIC SUPPORT

**86** students in grades 1-5 attended AYA KAMPs (Kids Academic Mentoring Programs) during the summer & after school receiving academic support in reading, writing & math. Many adult & student volunteers assist the paid staff.



## OUR VOLUNTEERS



## YOUTH RECOGNITION

### Youth Recognition 2015 Honoree



**94** students grade six and beyond were chosen to be honored during the 48th Annual Youth Recognition Awards Ceremony for community service & personal achievement. This event is cosponsored by the Auburn Hills Morning Optimist Club.

**1,582** volunteer hours of time & talent contributed to the success of our programs, a true testament of the dedication & commitment of the Avondale Community to Avondale Youth Assistance.

## IN-KIND DONATIONS

**\$12,345** of in-kind donations helped make this another successful year at AYA. The Avondale School District provides space for our programs & offices and maintains our webpage. The City of Auburn Hills also provides valuable resources.

## SHOPPING



**39** children shopped with a volunteer for Back to School & Holiday thanks to a partnership with Auburn Hills Meijer & Morning Optimist Club.

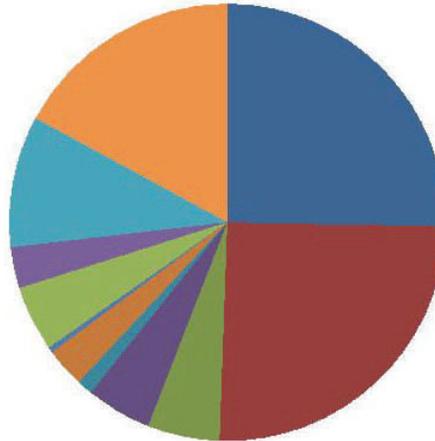
## FAMILY EDUCATION

**39** adults attended programs providing families with useful information on the topics of strategies for struggling students, suicide prevention & abstinence along with Parent Café dialogue sessions.

# FINANCES 2015

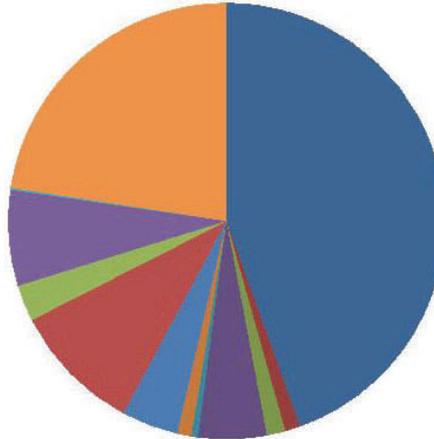


## INCOME



City of Auburn Hills	\$13,000
City of Rochester Hills	\$13,000
Bloomfield Township	\$2,750
City of Troy	\$2,500
Auburn Hills Optimist Club	\$600
Auburn Hills Meijer	\$1,500
Donations	\$200
Interest	\$10
Auburn Hills CDBG	\$2,500
Rochester Hills Skill Building	\$1,565
Chrysler Foundation Grant	\$5,000
Program Fees	\$8,788

## EXPENSES



Administration	\$21,245
Family Education	\$536
Public Relations	\$657
Back to School Shopping	\$2,413
Group Activities	\$231
Research/Development	\$500
Blessings in a Backpack	\$2,000
Camp	\$4,617
Youth Recognition	\$1,284
Skill Building	\$3,387
Client Needs	\$71
KAMP Programs	\$10,763

## CASEWORK STATISTICS

2015



Avondale

Strengthening Families  
Through Community Involvement

### Age

Age	Total	Female	Male
5	5	2	3
6	5	3	2
7	11	3	8
8	4	2	2
9	3	1	2
10	6	3	3
11	3	2	1
12	3	1	2
13	10	3	7
14	8	3	5
15	9	2	7
16	3	2	1
<b>TOTALS</b>	<b>70</b>	<b>27</b>	<b>43</b>

### Closures

Total	Female	Male
100	40	60

### Referral Reason

Reason	Total	Female	Male
ASSAULT AND BATTERY	1		1
HOME INCORRIGIBILITY	5	2	3
MALICIOUS DESTRUCTION OF P	2		2
PREVENTION	20	6	14
SCHOOL INCORRIGIBILITY	2		2
TRUANCY - SCHOOL	14	6	8
POSESSION OF MARIJUANA	1	1	
EDUCATIONAL NEGLECT	23	10	13
INTIMIDATION / HARASSMENT	1	1	
SEXTING-EXPLICIT MESSAGING	1	1	
<b>TOTALS</b>	<b>70</b>	<b>27</b>	<b>43</b>

### Referral Source

Source	Total	Female	Male
POLICE	10	3	7
PARENT/GRD	8	3	5
SCHOOL DISTRICT	51	20	31
DHS/CPS	1	1	
<b>TOTALS</b>	<b>70</b>	<b>27</b>	<b>43</b>

**A**vondale Youth Assistance (AYA) is a non-profit community service organization committed to strengthening youth and families and reducing the incidence of juvenile delinquency, child neglect and abuse through community involvement. This mission is accomplished through the longstanding relationship with the Avondale School District, local municipalities and the Oakland County Circuit Court-Family Division which provides a caseworker to offer counseling to children and their families in Avondale. A board of community volunteers supports this mission by providing programs for Avondale students that include Youth Recognition, honoring student volunteerism and personal achievements; Mentors Plus, matching youngsters with a caring adult; after-school and summer academic support programs and parent support programs. Camp and skill building scholarships are awarded to students experiencing financial difficulties. Drug test kits are available to parents free of charge in an effort to keep kids on the right track.



AYA operates with the sponsorship of the Oakland County Circuit Court-Family Division, the Avondale School District, the cities of Auburn Hills, Rochester Hills and Troy and the Township of Bloomfield with principal funding supplied through the Oakland County Board of Commissioners and major funding from the other sponsors. This continuing financial support enables AYA to provide programs and services to the community.

*Avondale Youth Assistance does not discriminate on the basis of disability in admission or access to its programs, activities or services as required by Title II of the Americans With Disabilities Act of 1990.*



**Follow us on Facebook**



**Check out our Website:**  
[www.avondaleyouthassistance.com](http://www.avondaleyouthassistance.com)

## **AVONDALE YOUTH ASSISTANCE**

**Avondale Meadows Learning Center  
 1435 W Auburn Road  
 Rochester Hills, MI 48309**

**PHONE: 248-852-3716**

**FAX: 248-852-6764**

**EMAIL: [avondaleyouth@gmail.com](mailto:avondaleyouth@gmail.com)**

**WEBSITE: [avondaleyouthassistance.com](http://avondaleyouthassistance.com)**

## **THANK YOU, SPONSORS!**

### **City of Auburn Hills**

Tom Tanghe, *City Manager*  
 Kevin McDaniel, *Mayor*  
*Council Members*  
 John Burmeister, Maureen Hammond,  
 Robert Kittle, Henry Knight, VeRonica Mitchell,  
 Cheryl Verbeke

### **Charter Township of Bloomfield**

Leo Savoie, *Supervisor* Dan Devine, *Treasurer*  
 Janet Roncelli, *City Clerk*  
*Trustees*  
 Neal J. Barnett, David B. Buckley,  
 Brian Kepes, Corinne Khederian

### **City of Rochester Hills**

Bryan Barnett, *Mayor*  
*Council Members*  
 Susan Bowyer, Kevin Brown, Dale Hetrick,  
 Jim Kubicina, Stephanie Morita,  
 Mark Tisdell, Thomas Wiggins

### **City of Troy**

Brian Kischnick, *City Manager*  
 Dane Slater, *Mayor*  
*Council Members*  
 Ethan Baker, Jim Campbell, Dave Henderson,  
 Ellen Hodorek, Gary Mayer, Ed Pennington



### **Judges of the Circuit Court - Family Division**

Honorable Mary Ellen Brennan  
 Honorable Lisa Gorcyca  
 Honorable Linda S. Hallmark  
 Honorable Lisa Langton  
 Honorable Jeff Matis  
 Honorable Karen D. McDonald  
 Honorable Elizabeth Pezzetti  
 Honorable Joan E. Young

### **Oakland County Court Administration**

Kevin Oeffner, *Court Administrator*  
 David Bilson, *Deputy Court Administrator*  
 Mary Schusterbauer, *Chief of*  
*Oakland County Youth Assistance*  
 Liz Csizmadia, *Supervisor, Avondale Youth*  
*Assistance*

### **Oakland County Commissioners**

Shelley Taub, Wade Fleming, Robert Gosselin,  
 Mike Gingell, Adam Kochenderfer

### **Avondale Schools**

Dr. James Schwarz, *Superintendent*  
 Carmen Kennedy, *Assistant Superintendent*  
 Frank Lams, *Assistant Superintendent*  
*School Board Members*  
 Scott Bittinger, Ken Hedrick, Sean Johnson,  
 Terry Lang, Sid Lockhart,  
 Stephen Sucher, Cynthia Tischer



## CITY COUNCIL AGENDA ITEM

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Date: April 4, 2016

To: Brian Kischnick, City Manager

From: Eleanor Yoon, Management Assistant

Subject: Establishment of the Global Troy Advisory Committee (Introduced by: Eleanor Yoon, Management Assistant)

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Global Troy is a city-wide comprehensive initiative to create a culturally competent community, where every resident feels welcome and included regardless of his or her ethnic background. With the establishment of the Global Troy Advisory Committee, the initiative seeks to achieve cultural competence in six focus areas: city government, community, civic engagement, public safety, education and economic development.

### History

On March 9, 2015, City Council adopted “Celebrate diversity” as one of the 2015 top ten strategies for the city. At the 2015 State of City Address, Mayor Dane Slater announced a plan to establish the Global Troy Advisory Committee, which focuses on creating a more inclusive city and strengthening community connections among diverse ethnic groups in the City of Troy.

Consequently, City Council adopted “Launch the Global Troy Advisory Committee” as one of the 2016 Strategies on March 14, 2016. On the same day, a presentation about Global Troy was made to City Council to educate and inform them about the idea of cultural competence and the proposed composition of the Global Troy Advisory Committee.

The Global Troy Advisory Committee shall consist of 11 Troy residents appointed by the Mayor with City Council approval. For the initial appointment, there shall be one City Council member, whose term shall coincide with the City Council term, and four members serving a three-year term, three members serving a two-year term, and three members serving a one-year term, so that the terms will be staggered. Except for the City Council member, all subsequent appointments to the Committee shall be for three year terms, and each member shall be eligible for re-appointment. All Global Troy members shall serve without compensation, and shall meet on an as needed basis to address specific referrals from City Council or City Administration, as well as independent initiatives. Each committee member would be representative of various ethnic groups of the city and be a catalyst for open and dynamic multicultural exchanges.



## CITY COUNCIL AGENDA ITEM

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### Recommendation

It is recommended that City Council adopt the resolution approving the establishment of the Global Troy Advisory Committee.

EY\AGENDA ITEMS\2016\Word Files\04.04.16 – Establishment of the Global Troy Advisory Committee



## CITY COUNCIL AGENDA ITEM

---

Date: March 31, 2016

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic & Community Development  
R. Brent Savidant, Planning Director

Subject: APPLICATION TO DE-LIST 3645 CROOKS ROAD

Kristel Group Inc. purchased 3645 Crooks from the City of Troy on July 13, 2015. The property is listed as a historic property in the City's Historic Preservation Ordinance (Chapter 13). The owner seeks to de-list the property to provide flexibility should they choose to renovate or sell the building.

The property is zoned R-1B One Family Residential. The building was constructed as a house in 1853 but was used as an Engineering Field Office for years. Prior to that it had been used as an insurance office. Alterations made to the interior and exterior of the building have significantly impacted its original historic character. The field office use was considered to be a legal nonconforming; however, the office use has been abandoned and the property may no longer be used as an office or any other commercial purpose.

Chapter 13 specifies the process for de-listing (see attached checklist). The process is lengthy and involves many steps. City Council appointed a Historic District Study Committee (HDSC) on September 28, 2015. The HDSC reviewed the Preliminary Report at a meeting on November 13, 2015. Following the 60-day review period the HDSC held a public hearing on February 19, 2016 and recommended 3-0 that the property be de-listed. On March 8, 2016 the Planning Commission recommended 8-1 that the property be de-listed.

To de-list a property, City Council should make a finding that the subject property meets one or more of the following standards:

1. The historic district has lost those physical characteristics that enabled establishment of the district.

The HDSC determined that the building's interior and exterior had been significantly altered from its original character. This includes vinyl siding, metal trim, asphalt shingles, aluminum gutters, metal storm door, vinyl replacement windows and foundation repairs using concrete blocks.

2. The historic district was not significant in the way previously defined.

The HDSC determined that since the alterations occurred prior to being listed as a historic property, it should not have been listed. Furthermore, Riley Crooks never lived in the house as he died 23 years before it was built.



## CITY COUNCIL AGENDA ITEM

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3. The historic district was established pursuant to defective procedures.

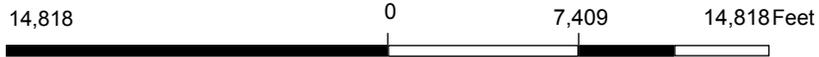
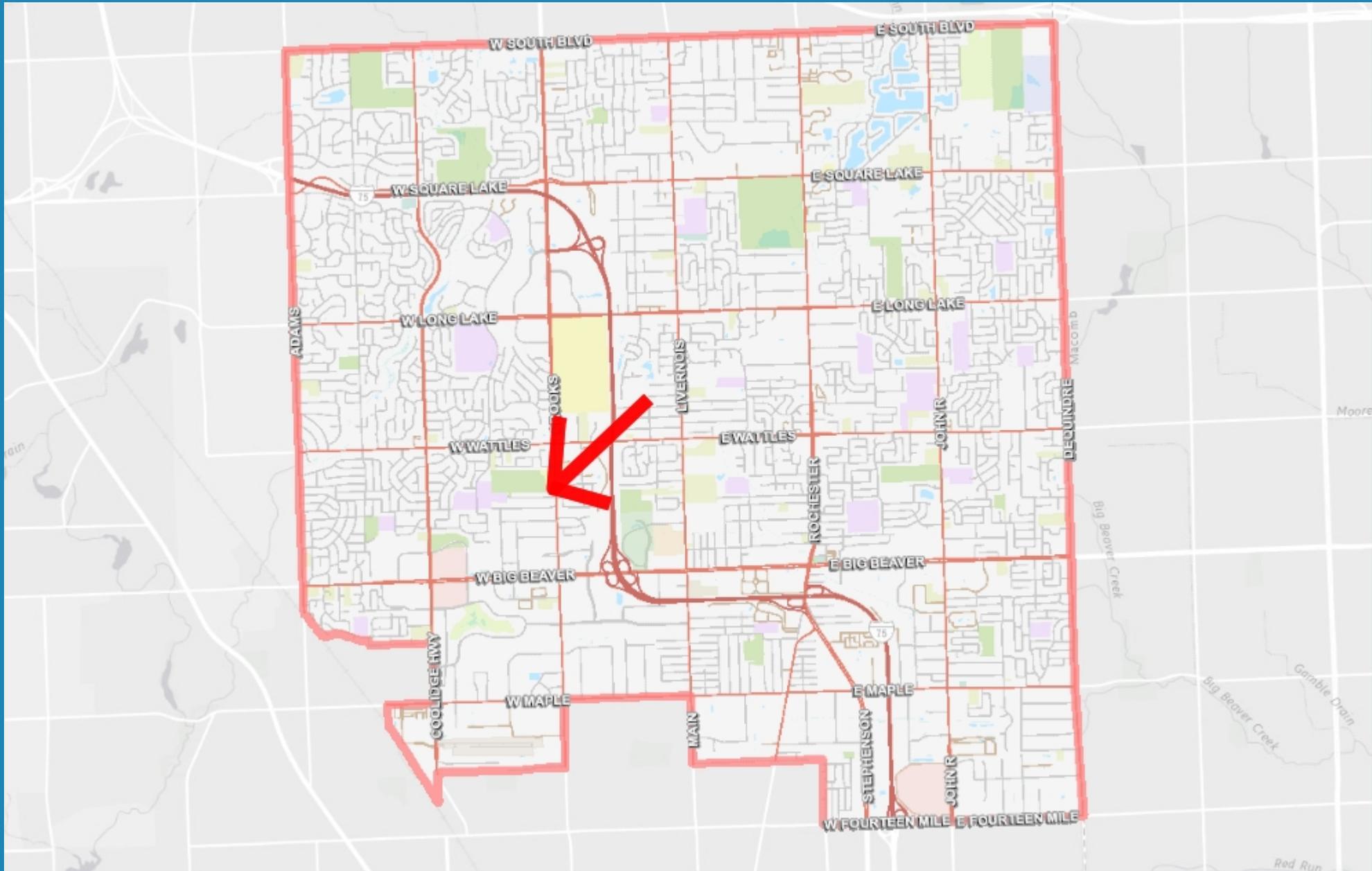
The HDSC determined that the integrity of the property was non-compliant to historical resource standards and the historic character had been eliminated prior to being listed as a historic property.

The Michigan State Housing Development Authority State Historic Preservation Office made a finding that the application did not meet any of the three requirements.

City Council has final authority to approve the de-listing of 3645 Crooks Road.

### Attachments:

1. Map
2. Photos from March 2, 2016
3. Checklist to Delist a Historic Resource
4. Minutes from February 19, 2016 Historic District Study Committee meeting
5. Minutes from March 8, 2016 Planning Commission Regular meeting
6. Final Report to De-List 3645 Crooks
7. Letter from Michigan State Housing Development Authority State Historic Preservation Office



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



3645

03/02/2016 12:22



03/02/2016 12:23



03/02/2016 12:24



03/02/2016 12:25

## **CHECKLIST TO DELIST A HISTORIC RESOURCE**

The following are the steps required to delist a historic resource in Troy, as per Chapter 13 Historic Preservation:

Applicant submits a complete Application to Delist a Historic Resource to the City of Troy Planning Department.

Historic District Study Committee (HDSC) is appointed to complete the following steps:

HDSC prepares a Preliminary Report, including photo inventory that indicates one of the following reasons for de-listing:

1. The historic district has lost those physical characteristics that enabled establishment of the district
2. The historic district was not significant in the way previously defined
3. The historic district was established pursuant to defective procedures

Transmit the Preliminary Report to the Historic District Commission, The Michigan Historical Commission and the State Historic Preservation Review Board, Planning Commission and City Council

The Planning Department shall schedule a public hearing with the HDSC not less than sixty (60) days after the Preliminary Report is on the City Council agenda as an informational item.

The Planning Department shall mail the property owner via first class mail a written notice of the public hearing, not less than fourteen (14) days prior to the public hearing.

After the public hearing, the HDSC shall prepare a Final Report with the recommendations of Planning Commission and transmit the Final Report to City Council

City Council may consider an amendment to Chapter 13 which modifies or eliminates one or more of the historic districts.

Council approves and property owner notified

The Historic District Study Committee meeting began at 9:00 p.m. on February 19, 2016, in Conference Room C of Troy City Hall.

1. ROLL CALL

Present:

Barb Chambers

Laurie Huber

Charles Salgat

Also Present:

R. Brent Savidant, Planning Director

Mirela Pllumaj, Owner of 3645 Crooks

2. APPROVAL OF AGENDA

Moved by: Huber

Seconded by: Salgat

RESOLVED, To approve the Agenda as prepared.

Yes: All present (3)

**MOTION CARRIED**

3. APPROVAL OF MINUTES

Moved by: Huber

Seconded by: Salgat

RESOLVED, To approve minutes of November 13, 2015, as presented.

Yes: All present (3)

**MOTION CARRIED**

4. PUBLIC HEARING – FINAL REPORT, APPLICATION TO DE-LIST A HISTORIC PROPERTY – 3645 CROOKS

Mr. Savidant presented the Final Report. The only addition to the Preliminary Report was the addition of the letter from the State of Michigan. The Committee disagreed with the letter and concurred that the property had been listed in error, as its character had been significantly diminished before it was listed.

Mr. Salgat noted, the historic significance of the home as listed on the Building-Structure Inventory Form was that Riley Crooks once lived on the property. However, Mr. Crooks died in 1830. The home was constructed around 1853. Therefore Mr. Crooks died 23 years before the home was constructed.

General discussion followed.

The Chair opened the public hearing. Nobody spoke. The chair closed the public hearing.

The Committee requested that updated photographs of the building be provided to City Council.

The Committee agreed the building’s interior and exterior had been significantly altered from its original character when converted to an office use. This alteration occurred prior to being listed as a historic property. The integrity of the property is non-compliant to historical resource standards and the historic character has been eliminated. For this reason the Committee supports de-listing.

Moved by: Huber  
Seconded by: Salgat

**RESOLVED**, The Historic District Study Committee hereby approves the Final Report to De-List 3645 Crooks Road.

**BE IT FINALLY RESOLVED**, The Historic District Study Committee hereby recommends that City Council takes action to de-list 3645 Crooks Road.

Moved by: Chambers  
Seconded by: Salgat

Yes: All present (3)

**MOTION CARRIED**

5. PUBLIC COMMENT

There was no one present who wished to speak.

Chairperson Chambers adjourned the meeting at 9:25 am.

**OTHER BUSINESS**7. **APPLICATION TO DE-LIST 3645 CROOKS**

Mr. Savidant gave a report on the history of 3645 Crooks and the Historic District Study Committee's review of the Final Report and recommendation to de-list the property.

Mr. Hutson said the final report indicates the home does not meet any of the three requirements for de-listing historical properties; therefore he would not vote in favor of de-listing the home.

**Resolution # PC-2016-03-024**

Moved by: Sanzica

Seconded by: Krent

**RESOLVED**, The Planning Commission hereby supports the de-listing of 3645 Crooks Road, as per the recommendation of the Historic District Study Committee.

Yes: Apahidean, Crusse, Edmunds, Faison, Krent, Kuppa, Sanzica, Tagle

No: Hutson

**MOTION CARRIED**

**FINAL REPORT  
APPLICATION TO DE-LIST A HISTORIC PROPERTY  
3645 CROOKS**

**PREPARED BY HISTORIC DISTRICT STUDY COMMITTEE:**

Barb Chambers

Laurie Huber

Charles Salgat

A request to remove the historic designation of the property at 4820 Livernois was received from the present owner, Mirela Pllumaj of Kristel Group.

The following is a Final Report by the Historic District Study Committee.

**Description of Resource:**

3645 Crooks

Referred to as the “Riley Crooks House”



**Legal Description of 3645 Crooks:**

(Tax ID: 88-20-20-226-038)

T2N, R11E, SEC 20

TROY HIGHLANDS NO. 1

LOT 70

**Historical Significance (Reason for Listing):**

According to the Building-Structure Inventory Form prepared by the Historic District Commission on October 31, 1983:

“Land taken by Riley Crooks who came into Troy 1822, and being the first Twp Clerk and held first town meeting. Sold to Sprague 1832-1896. Spragues lived 64 years”

**Findings of Fact:**

The Building-Structure Inventory Form indicates there has been extensive renovations made to the original structure over time:

- The residential building was being used as a business at the time of designation.
- The home featured non-original siding at the time of designation.
- The Michigan stone basement had been repaired with concrete blocks at the time of designation.
- Original fireplace was removed at the time of designation.

**Applications of Standards:**

Chapter 13 requires that in order to eliminate a property’s historic designation, one or more of the following shall be shown: (1) The historic district has lost those physical characteristics that enabled establishment of the district; (2) The historic district was not significant in the way previously defined; and (3) The historic district was established pursuant to defective procedures.

Based on research conducted, the subject parcel meets two of the standards:

1. *The historic district has lost those physical characteristics that enabled establishment of the district.*

The original home has been used as an office since at least 1983, the year it was designated as a historic building. The character of the building is that of an office. The interior has been dramatically altered to accommodate the office use.

2. *The historic district was not significant in the way previously defined.*

The character of the original home was negatively impacted by its use as a business prior to designation. It is unclear why the building was designated in 1983 given the modifications that had already occurred.

3. *The historic district was established pursuant to defective procedures.*

It appears the historic characteristics of the original home were already negatively altered at the time of designation in 1983. The home has been used for business purposes since that time.

**MSHDA Findings**

The Michigan State Housing Development Authority (MSHDA) reviewed the Preliminary Report and stated the application does not meet any of the above three standards for de-listing. Further, MSHDA encouraged the City to make every effort to continue to protect the resource.

**Recommendation:**

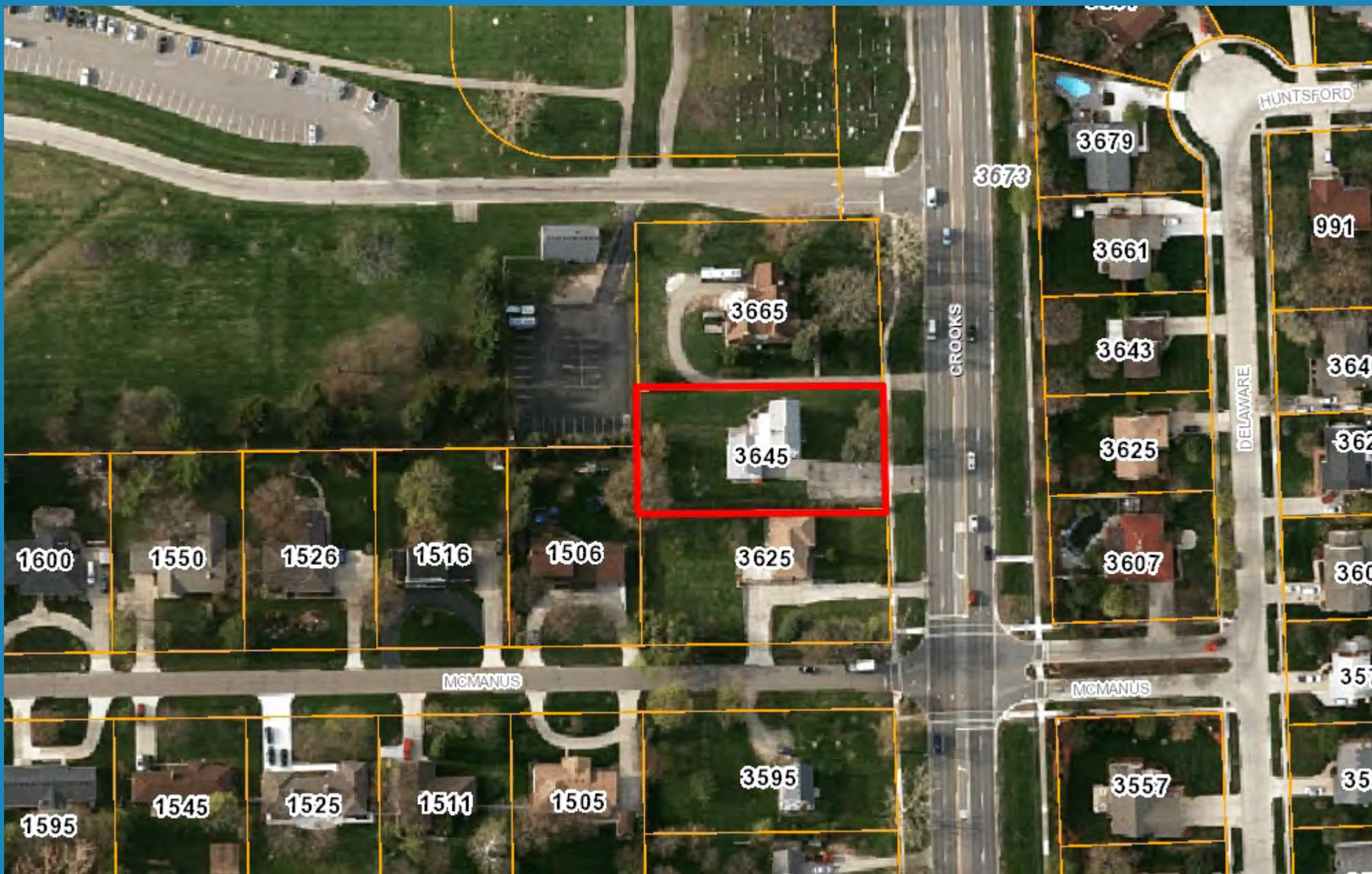
The historic designation restricts the improvement of this residential building. The interior of the structure had already been gutted prior to designation as a historic property, to accommodate office use. This included removal of the fireplace. Modifications to the exterior of the building had already been made prior to designation.

It is recommended that the historic district designation for 3645 Crooks be eliminated.

**Attachments:**

1. Map
2. Building-Structure Inventory Form
3. Photos of site
4. Letter from Michigan State Housing Development Authority, dated January 16, 2016

G:\Historic District Study Committee\3645 Crooks\REPORTS\Final Report HDSC 3645 Crooks.doc



325 0 163 325Feet



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



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# BUILDING-STRUCTURE INVENTORY FORM

Michigan History Division  
Michigan Department of State  
Lansing, Michigan 48918

For Office Use

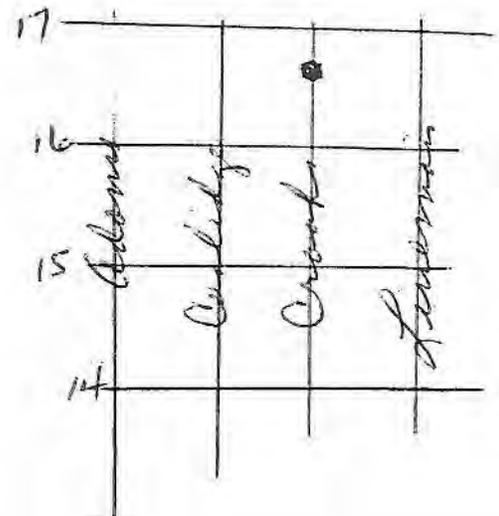
Theme \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## IDENTIFICATION

1. Building name Crooks - Sprague - Ford
2. County Oakland Town/City Troy Village \_\_\_\_\_
3. Street Location 3645 Crooks Rd.
4. Ownership: a. Public  b. Private
5. Present Owner M/M Kenneth Adamski Address 1780 Kensington Blmfld Hills
6. Use: Original home Present Business
7. Accessibility to Public: Exterior visible from public road: Yes  No   
Interior accessible: Explain Some areas due to business

## DESCRIPTION

8. Building Material a. clapboard  b. stone  c. brick  d. board and batten   
e. cobblestone  f. shingles  g. stucco  h. other partial sided for years
9. Structural Material a. wood frame with interlocking joints  b. wood frame with light members (balloon frame)   
c. masonry load-bearing walls  d. iron frame  e. steel frame with curtain walls   
f. reinforced concrete  g. other Michigan stone basement with block
10. Condition a. excellent  b. good  c. fair  d. deteriorated  repairs
11. Integrity a. original site  b. moved  if so, when? \_\_\_\_\_  
Notes on alterations and additions, with dates and architect.  
medium sized early country farm house. At one time there was a fireplace which all traces have been removed.  
No other alterations.
12. Related Outbuildings and Property none  
a. barn  b. carriage house  c. garage  d. privy  e. shed   
f. shop  g. greenhouse  h. landscape features  i. other \_\_\_\_\_
13. Surroundings of the Building Added feature is large horse chestnut tree with girth of 125".  
a. open land  b. woodland  c. scattered outbuildings  d. densely built-up   
e. commercial  f. industrial  g. residential  h. other \_\_\_\_\_
14. Photo \_\_\_\_\_
15. Map



16. Interrelationship of Building and Surroundings

17. Other Notable Features of Building and Site Beautiful doorway which makes the house.  
As noted horse chestnut tree.

18. Threats to Building

- a. none known
- b. zoning
- c. roads
- d. developers
- e. deterioration
- f. other \_\_\_\_\_

SIGNIFICANCE (Indicate sources of information for all statements)

19. Architectural Significance

Date of Construction circa 1853. Architect unknown

Builders, suppliers, etc. \_\_\_\_\_

Notes on original plan and specifications:

20. Historical Significance:

Land taken by Riley Crooks who came into Troy 1822, and being the first Twp Clerk and held first town meeting..  
Sold to Sprague 1832 - 1896. Spragues lived 64 years.

21. Sources (for primary and secondary sources, give complete facts of publication: author, title, place of publication, date):

Source for information:

Land Records - County Records, Telegraph Rd., Pontiac

Vital Records - Cemetery, City of Troy

Oakland County History - 1877 by Durand

Inventory Nomination Form on file History Division, Lansing

-----  
Prepared by Dorothy Scott Date October 31, 1983

Address \_\_\_\_\_ Telephone 689-0516

Organization Troy Historic Commission

I understand that the RILEY CROOKS HOME - 3645 CROOKS ROAD located in Troy, Michigan, County of Oakland, and owned by GARY GILLIM, is being submitted to the Michigan History Division of the Michigan Department of State for inclusion in the statewide historic resource inventory and, potentially, for nomination to the State Register of Historic Sites. I am aware that no legal restrictions or allowances are conferred to the property should the proposed site be found eligible for State Registration by the Michigan Historical Commission. Therefore, I GARY GILLIM give my consent to the above mentioned review and potential nomination to the State Register of Historic Sites.

Signed Gary Gillim Dated \_\_\_\_\_

J. Kenneth Adamski

I understand that the Riley Crooks House located at 3645 Crooks Road, located in Troy, Michigan, County of Oakland, and owned by Kenneth Adamski is being submitted to the Michigan History Division of the Michigan Department of State for inclusion in the statewide historic resource inventory and, potentially, for nomination to the State Register of Historic Sites. I am aware that no legal restrictions or allowances are conferred to the property should the proposed site be found eligible for State Registration by the Michigan Historical Commission. Therefore, I, Kenneth Adamski give my consent to the above mentioned review and nomination to the State Register of Historic Sites.

Dated 11/2/83

Home Address

KENNETH ADAMSKI  
1780 KENSINGTON  
BLOOMFIELD HILLS, MICH. 48013

I understand that the Riley Crooks House located at 3645 Crooks Road, located in Troy, Michigan, County of Oakland, and owned by Kenneth Adamski is being submitted to the Michigan History Division of the Michigan Department of State for inclusion in the statewide historic resource inventory and, potentially, for nomination to the State Register of Historic Sites. I am aware that no legal restrictions or allowances are conferred to the property should the proposed site be found eligible for State Registration by the Michigan Historical Commission. Therefore, I, Kenneth Adamski give my consent to the above mentioned review and nomination to the State Register of Historic Sites.

Dated 11/2/83

Home Address

KENNETH ADAMSKI  
1780 KENSINGTON  
BLOOMFIELD HILLS, MICH. 48013

UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

FOR NPS USE ONLY
RECEIVED
DATE ENTERED

**NATIONAL REGISTER OF HISTORIC PLACES  
INVENTORY -- NOMINATION FORM**

SEE INSTRUCTIONS IN HOW TO COMPLETE NATIONAL REGISTER FORMS  
TYPE ALL ENTRIES -- COMPLETE APPLICABLE SECTIONS

**1 NAME**

HISTORIC Riley Crooks

AND/OR COMMON Famularos Ins.

**2 LOCATION**

STREET & NUMBER 3645 Crooks Rd.

CITY, TOWN Troy NOT FOR PUBLICATION  
CONGRESSIONAL DISTRICT

STATE Michigan VICINITY OF COUNTY CODE  
Oakland

**3 CLASSIFICATION**

CATEGORY	OWNERSHIP	STATUS	PRESENT USE
<input checked="" type="checkbox"/> DISTRICT	<input type="checkbox"/> PUBLIC	<input checked="" type="checkbox"/> OCCUPIED	<input type="checkbox"/> AGRICULTURE <input type="checkbox"/> MUSEUM
<input checked="" type="checkbox"/> BUILDING(S)	<input checked="" type="checkbox"/> PRIVATE	<input type="checkbox"/> UNOCCUPIED	<input type="checkbox"/> COMMERCIAL <input type="checkbox"/> PARK
<input type="checkbox"/> STRUCTURE	<input type="checkbox"/> 30TH	<input type="checkbox"/> WORK IN PROGRESS	<input type="checkbox"/> EDUCATIONAL <input type="checkbox"/> PRIVATE RESIDENCE
<input type="checkbox"/> SITE	<b>PUBLIC ACQUISITION</b>	<b>ACCESSIBLE</b>	<input type="checkbox"/> ENTERTAINMENT <input type="checkbox"/> RELIGIOUS
<input type="checkbox"/> OBJECT	<input type="checkbox"/> IN PROCESS	<input checked="" type="checkbox"/> YES: RESTRICTED	<input type="checkbox"/> GOVERNMENT <input type="checkbox"/> SCIENTIFIC
	<input type="checkbox"/> BEING CONSIDERED	<input type="checkbox"/> YES: UNRESTRICTED	<input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> TRANSPORTATION
		<input type="checkbox"/> NO	<input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> OTHER:

**4 OWNER OF PROPERTY**

NAME Robert Champayne

STREET & NUMBER 3800 Wabeek Rd.

CITY, TOWN Bloomfield Hills VICINITY OF STATE  
Mich

**5 LOCATION OF LEGAL DESCRIPTION**

COURTHOUSE, REGISTRY OF DEEDS, ETC. Oakland County

STREET & NUMBER 1200 Telegraph Rd.

CITY, TOWN Pontiac, Michigan STATE

**6 REPRESENTATION IN EXISTING SURVEYS**

TITLE None

DATE

FEDERAL  STATE  COUNTY  LOCAL

DEPOSITORY FOR SURVEY RECORDS

CITY, TOWN STATE

# 7 DESCRIPTION

## CONDITION

EXCELLENT

GOOD

FAIR

DETERIORATED

RUINS

UNEXPOSED

## CHECK ONE

UNALTERED

ALTERED

## CHECK ONE

ORIGINAL SITE

MOVED DATE \_\_\_\_\_

---

### DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

The present structure is a medium sized early country farm house. The main feature is the ornate design of the front doorway which seems to overshadow the rest of the structure. There was at one time a large fireplace on the south end of the structure which would probably have been the living room or family living room with a more formal living room on the north side. Immediately inside the door is the long stairway up. Someone has attempted to refinish the steps and railing. Using a power sander they have made a few wavy spots but left the wood unfinished. Mr. Champayne hopes to redo the interior as it was very cheaply finished to permit office facilities.

One feature that is very striking is in the basement. The original foundation of stone and mortar has had many replaced spots using cement blocks. Further checking shows the first basement was small round stones put together with very thin and crumbly mortar, and that perhaps the builder did not know too much about mixing mortar or could not afford the supplies.

Mr. Champayne hopes that in time when he removes the coverings of the interior we may know more about the room set up, as the house has lovely possibilities of making a spacious home or elegant interior for further business possibilities.

Another feature to add to the house is the large horse chestnut tree in the front yard. The tree has a girth of 125" and is well shaped.

# 8 SIGNIFICANCE

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW			
<input type="checkbox"/> PREHISTORIC	<input type="checkbox"/> ARCHEOLOGY-PREHISTORIC	<input type="checkbox"/> COMMUNITY PLANNING	<input type="checkbox"/> LANDSCAPE ARCHITECTURE	<input type="checkbox"/> RELIGION
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> ARCHEOLOGY-HISTORIC	<input type="checkbox"/> CONSERVATION	<input type="checkbox"/> LAW	<input type="checkbox"/> SCIENCE
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> ECONOMICS	<input type="checkbox"/> LITERATURE	<input type="checkbox"/> SCULPTURE
<input type="checkbox"/> 1600-1699	<input type="checkbox"/> ARCHITECTURE	<input type="checkbox"/> EDUCATION	<input type="checkbox"/> MILITARY	<input type="checkbox"/> SOCIAL/HUMANITARIAN
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> ART	<input type="checkbox"/> ENGINEERING	<input type="checkbox"/> MUSIC	<input type="checkbox"/> THEATER
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> COMMERCE	<input type="checkbox"/> EXPLORATION/SETTLEMENT	<input type="checkbox"/> PHILOSOPHY	<input type="checkbox"/> TRANSPORTATION
<input type="checkbox"/> 1900-	<input type="checkbox"/> COMMUNICATIONS	<input type="checkbox"/> INDUSTRY	<input type="checkbox"/> POLITICS/GOVERNMENT	<input type="checkbox"/> OTHER (SPECIFY)
		<input type="checkbox"/> INVENTION		

SPECIFIC DATES

BUILDER/ARCHITECT

STATEMENT OF SIGNIFICANCE

Not many of the houses in Troy can be verified by dates as to year of being built. Tax research shows a high jump in 1853, but believe this structure was built before that time because of its simplicity.

Riley Crooks came into Troy, bringing his mother and sister Polly, from Ontario Co. New York and settled on 80 acres June 1822. Being one of the first settlers of the area. He was well liked and therefore when it was time to enact upon a town council he was called to be first City Clerk and held the first few meetings in his home and in his hayloft in the barn. He died young, April 1830 while chopping a tree when a limb fell on him.

He is buried in Crooks Rd. Cemetery along with his mother. They being the only two. His mother continued living on the homestead for a few years when she sold the property to Orrin Sprague, in 1932. Sprague is the gentleman who sold the Township 1 acre of land called Crooks Rd. Cemetery.

The Sprague family lived the longest in the structure until 1896 when it was sold to George Ford. George Ford and his son Charles were caretakers for many of the cemetery burials.

# 9 MAJOR BIBLIOGRAPHICAL REFERENCES

History Oakland County - Seeley  
History Oakland County - Durant  
Oakland County Tax Records 1844-1872  
Vital Record Oakland County Courthouse

# 10 GEOGRAPHICAL DATA

ACREAGE OF NOMINATED PROPERTY \_\_\_\_\_

UTM REFERENCES (*we will figure this*)

A	ZONE	EASTING	NORTHING
C	ZONE	EASTING	NORTHING

B	ZONE	EASTING	NORTHING
D	ZONE	EASTING	NORTHING

VERBAL BOUNDARY DESCRIPTION

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE	CODE	COUNTY	CODE
none			
STATE	CODE	COUNTY	CODE

# 11 FORM PREPARED BY

NAME / TITLE

Dorothy J. Scott

ORGANIZATION

Troy Historic District Commission

DATE

January 12, 1978

STREET & NUMBER

500 West Big Beaver Rd.

TELEPHONE

689-0516

CITY OR TOWN

Troy Michian

STATE

48084

# 12 STATE HISTORIC PRESERVATION OFFICER CERTIFICATION

THE EVALUATED SIGNIFICANCE OF THIS PROPERTY WITHIN THE STATE IS:

NATIONAL

STATE

LOCAL

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

STATE HISTORIC PRESERVATION OFFICER SIGNATURE

TITLE

DATE

FOR NPS USE ONLY

I HEREBY CERTIFY THAT THIS PROPERTY IS INCLUDED IN THE NATIONAL REGISTER

DATE

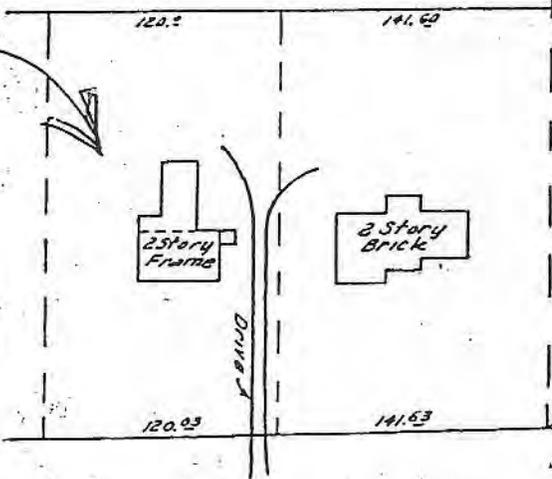
DIRECTOR, OFFICE OF ARCHEOLOGY AND HISTORIC PRESERVATION  
ATTEST:

DATE

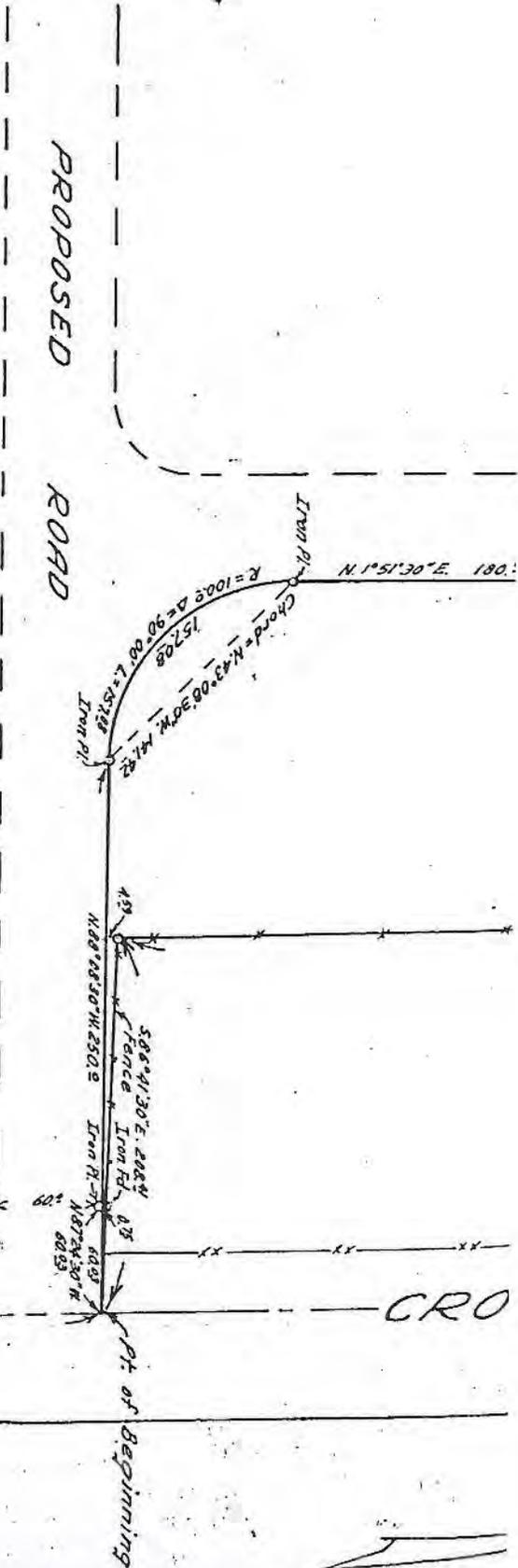
KEEPER OF THE NATIONAL REGISTER

Surveyed By:  
 McRipine Engineering Co.  
 Engineers - Surveyors  
 Birmingham, Michigan  
 August 11, 1953

PROPOSED ROAD

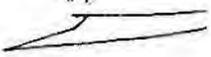


3045 Crooks



Section Line 7  
 N. 0° 43' 30" E. 1101.84

E 1/4 Cor. Sec. 20  
 T24N R11E





FRONT  
facing  
EAST



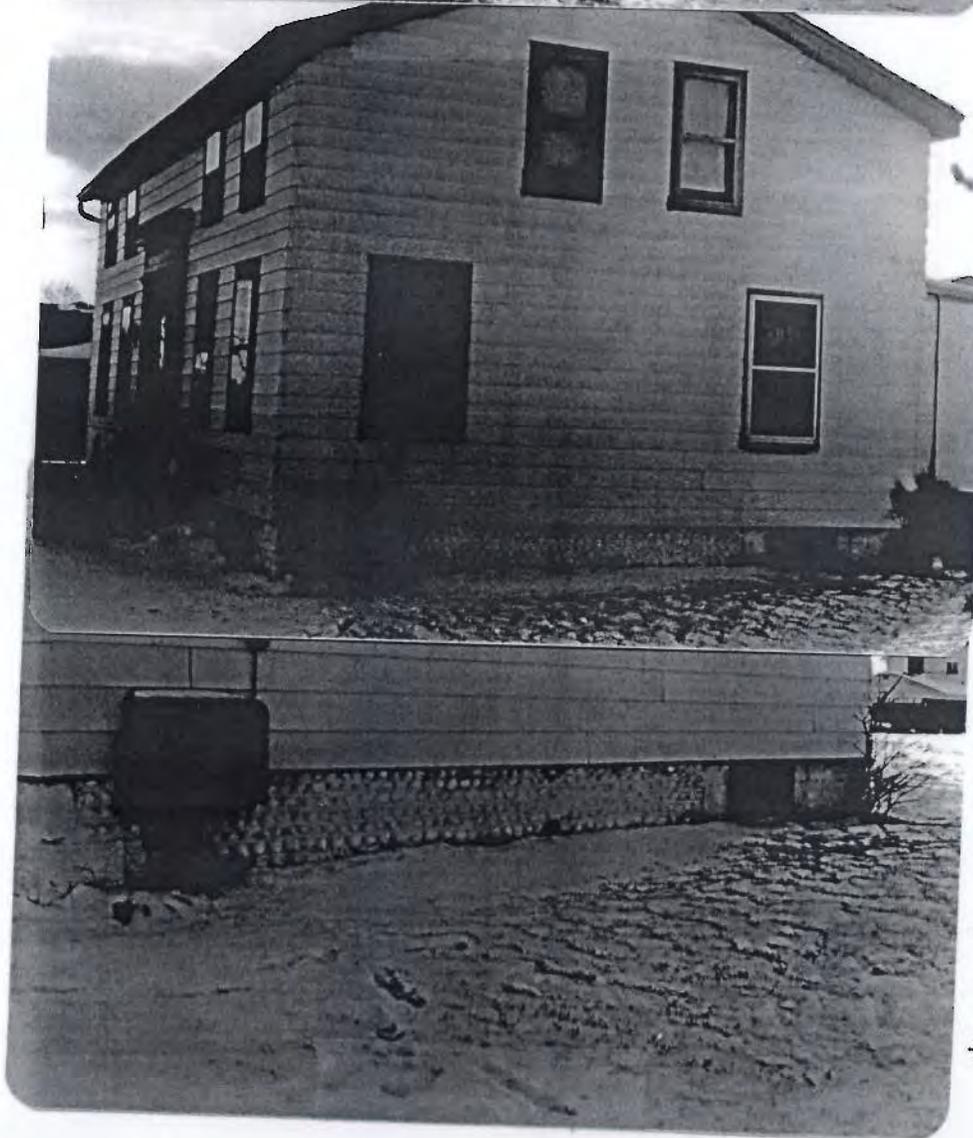
3645 Crook's  
Rd.



South east  
corner.



North  
west  
back side.  
Addition



North end.

Small  
Round  
Stones  
made  
Basement  
Foundation



Horse chestnut located in the yard at  
3645 Crooks Rd.

125" girth which cannot begin to compare with the largest in Ann Arbor of 182", but that is a State survey and at this point we only have a few such as this one. Seventy five years ago, one of every ten hardwood trees that went to the sawmill was a chestnut. The wood was prized by furniture makers because of its color. Posts outlasted the farmer in his fence row. The chestnut once covered nine million acres of woodlands. There was plenty of chestnut nuts for harvesting until a fluke of a fungus from Japan wiped them out in 1904. Finish. A few are still found in Michigan. If you find one. Take a good look for you may not see too many.

**Hearings April 24**

# 4 Troy Locations Nominated for Historic Site Designations

The Troy City Council April 24 will conduct public hearings on whether to classify four locations in the City as "Historical" sites.

The locations are:

—Poppleton school building, 1480 West Sixteen-Mile (Big Beaver) west of Crooks.

—The home of the Morse, Halsey and Poole families, now the B.E. Jiggins Real Estate office, 1934 Livernois, north of Fifteen-Mile (Maple).

—The Butler House, 1181 West Eighteen-Mile (Long Lake) west of Crooks, formerly an antique shop.

—The Riley Crooks House, formerly the Famularo Insurance agency location, 3645 Crooks north of Sixteen-Mile.

The hearings will be during the regular council meeting starting at 7:30 p.m., in City Hall, 500 West Sixteen-Mile.

## Historical Preservation Law—

Under Troy's 1972 Historical Preservation Law, buildings with historic designations can't be demolished or their exteriors altered without city approval. Interior remodeling and use of the building aren't affected.

City Council by policy holds hearings to air opinions of the building owner and surrounding property-owners.

## 30 on List—

Approximately 30 buildings and sites in Troy have been designated as historical sites — all either city-owned or submitted for special designations by the owners.

The four locations have been proposed by the Troy Historic District Commission, a city-appointed group charged with finding and preserving historical sites.

Two of the proposed historical sites, Poppleton and the Jiggins location, have previously been approved for erection of markers by the Michigan Historical Commission. State designation is separate from the city's historical list.

The markers, explaining the history of the two sites, will be erected later this year.

## Built in 1877—

Poppleton, constructed in 1877, has been used as a school since then except from 1924-39 when it was a residence. The Troy School District donated the building to the City and the city purchased the site with about \$50,000 raised by private donation.

Additions to the original building are still used for classes, but will be phased out when a new school is completed next fall northwest of the site.

The building was named after the Poppleton family, owners of the property in the mid-1800's.

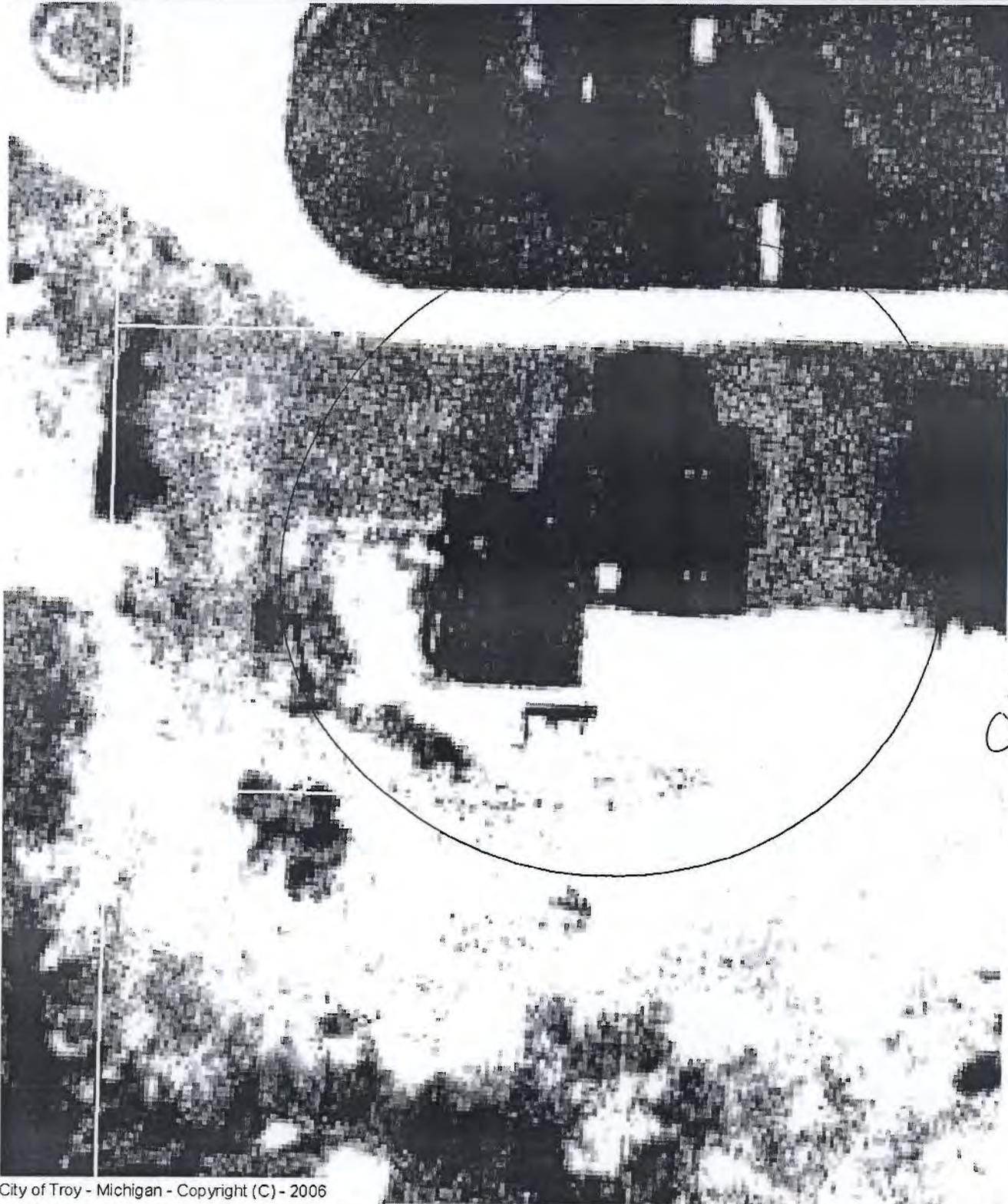
## Fire Chief's Ancestors—

The Morse, Halsey, Poole house, built in about 1860, was named after its pioneer occupants. Descendants of those families include Troy Fire Chief James L. Halsey.

Currently owned by Waldo Paladinos, the Butler house

was built about 1853 by Alva Butler. Paladinos resides in the house.

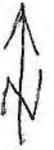
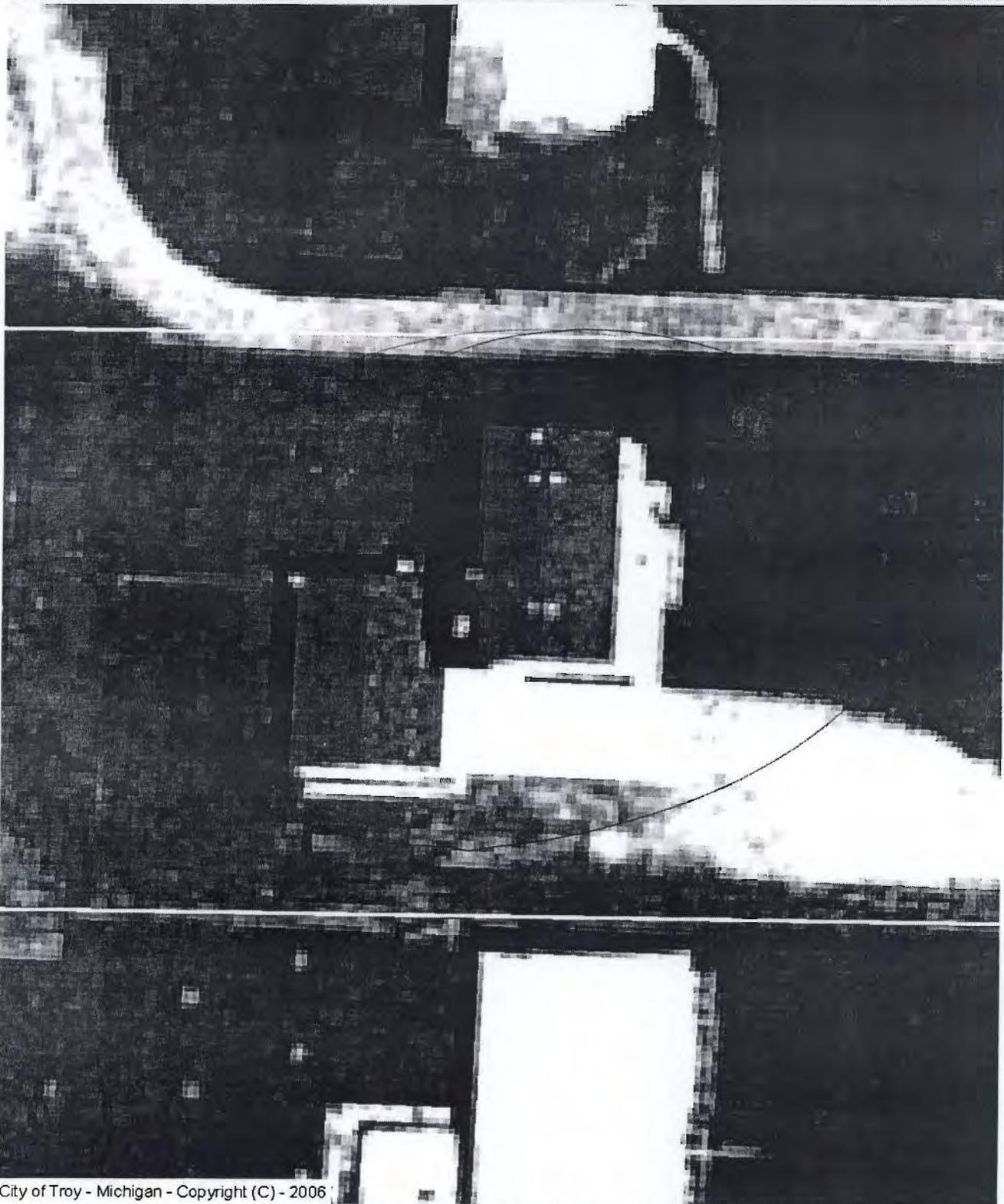
Robert Champayne, Bloomfield Hills, is owner of the Riley Crooks House, built about 1850 by descendants of Riley Crooks who established a homestead on the land about 1822.



3645  
Crooks

1963

**Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.**

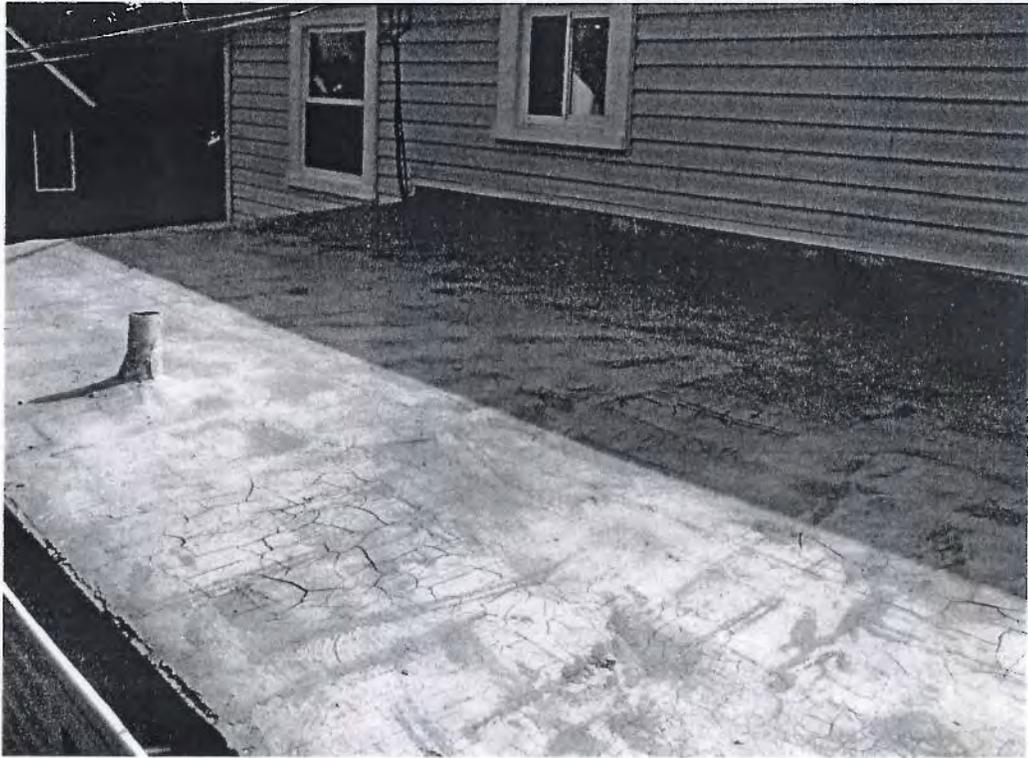


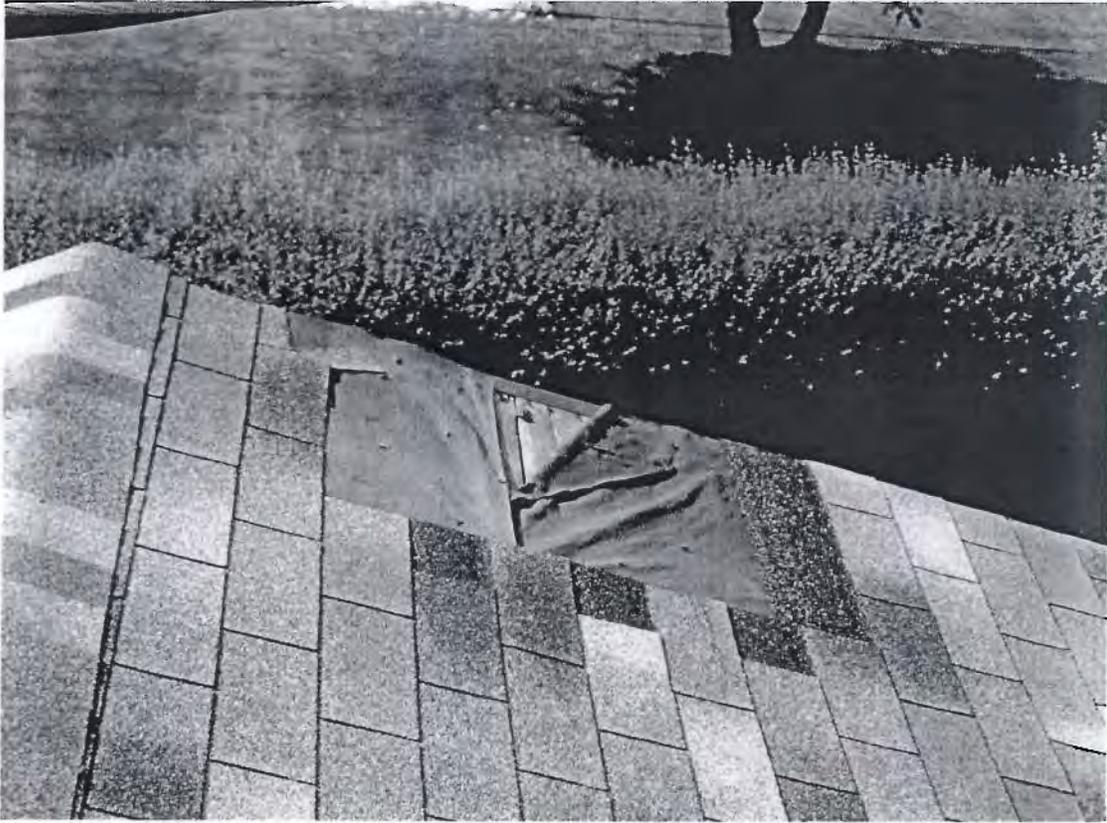
3645  
Crooks

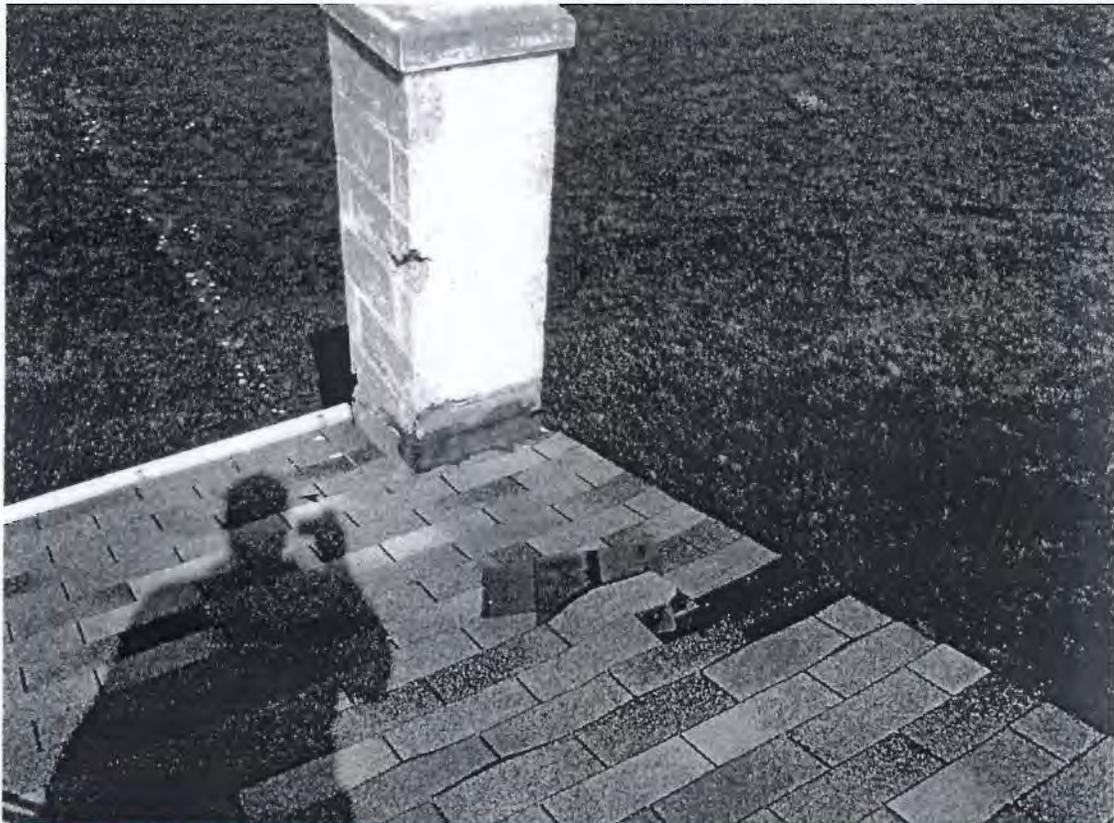
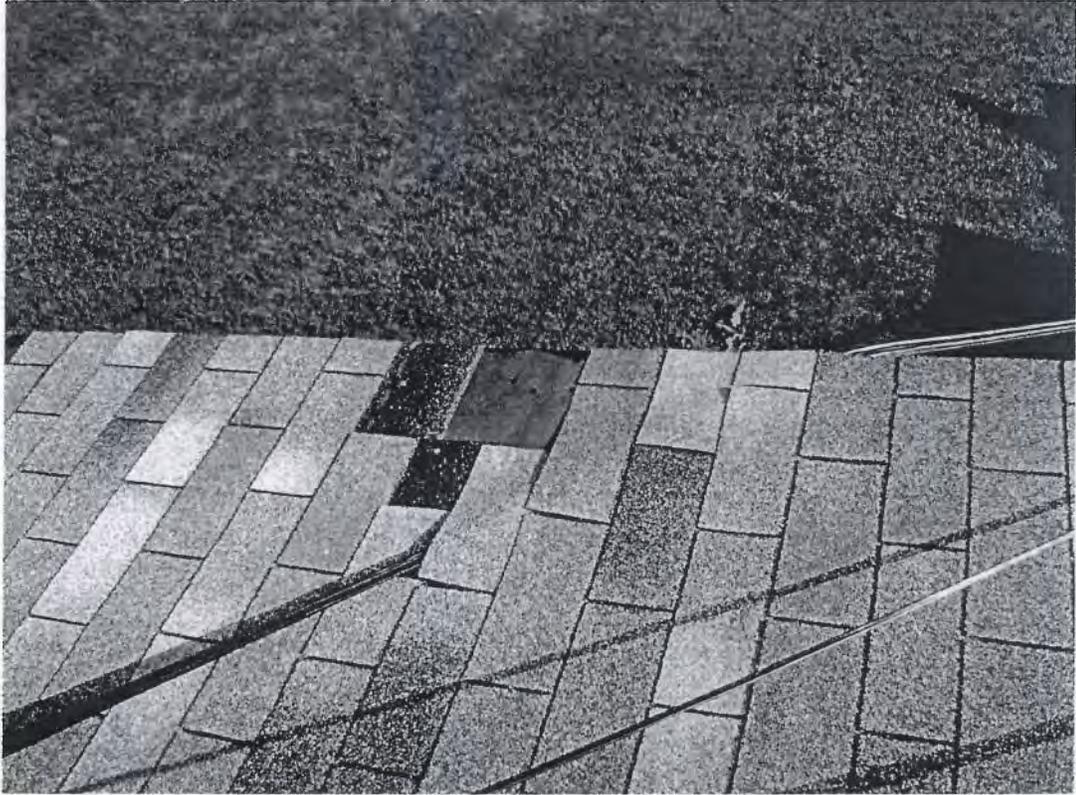
1974

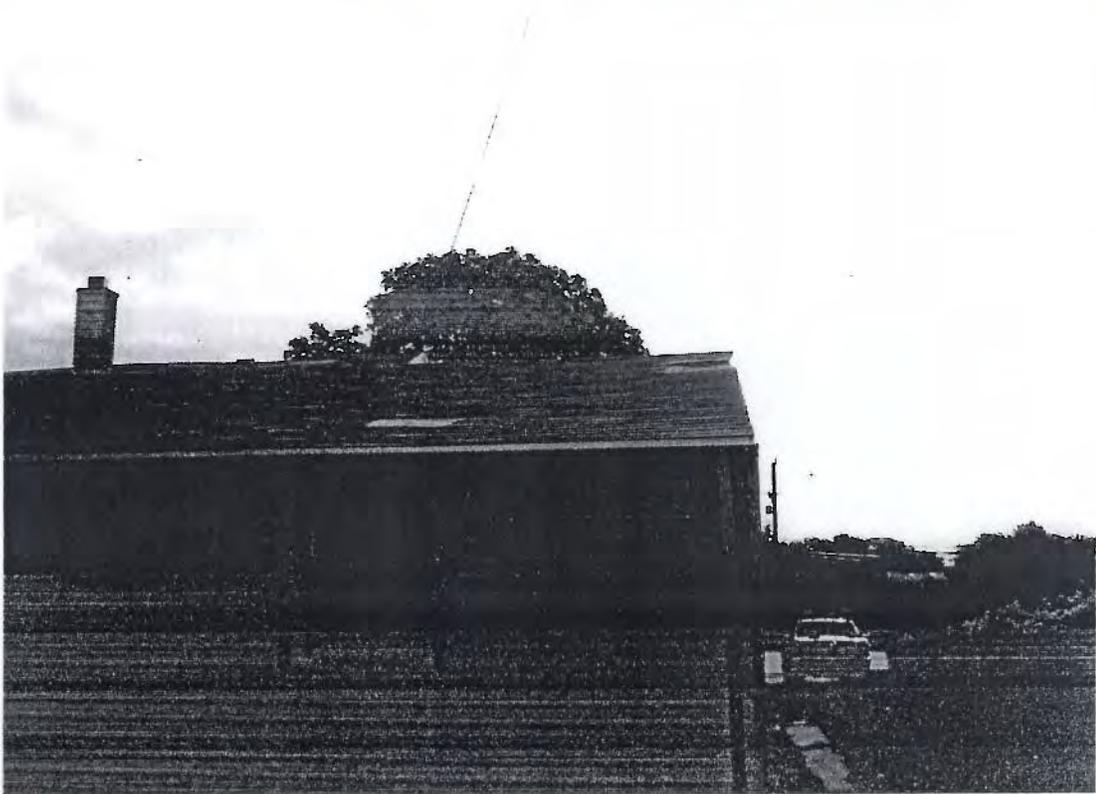
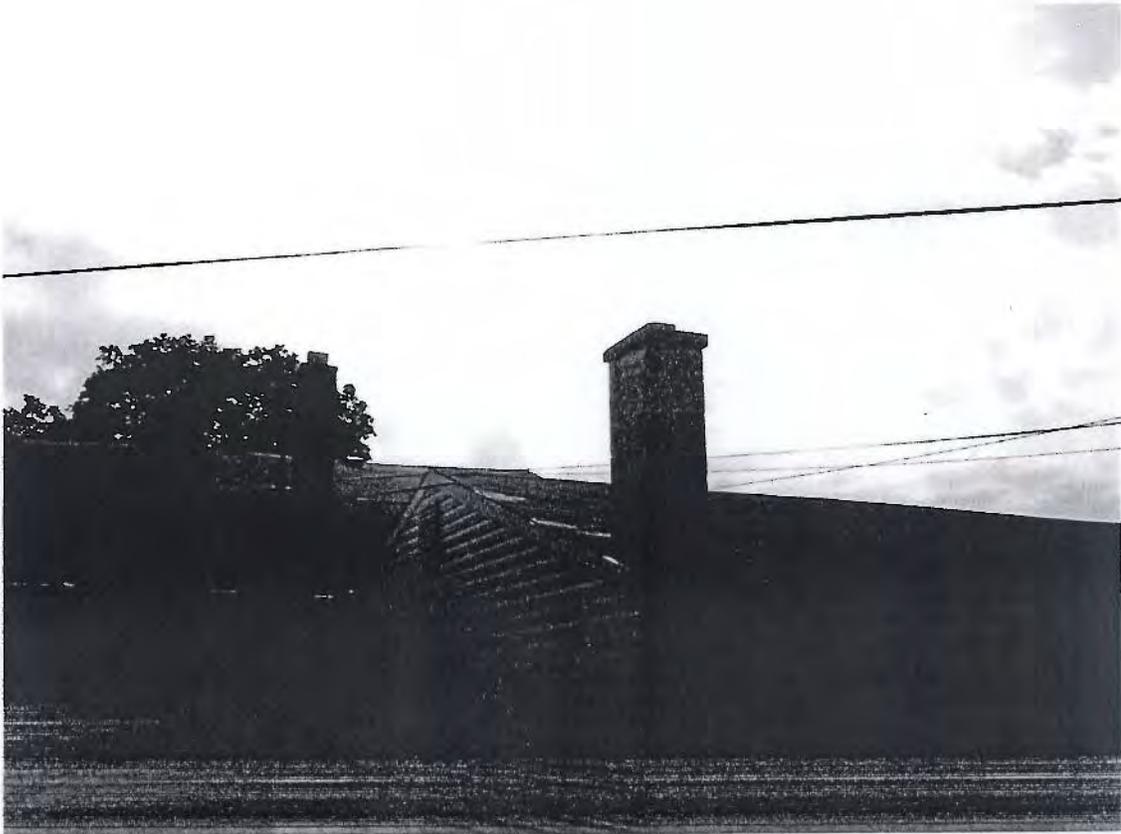
City of Troy - Michigan - Copyright (C) - 2006

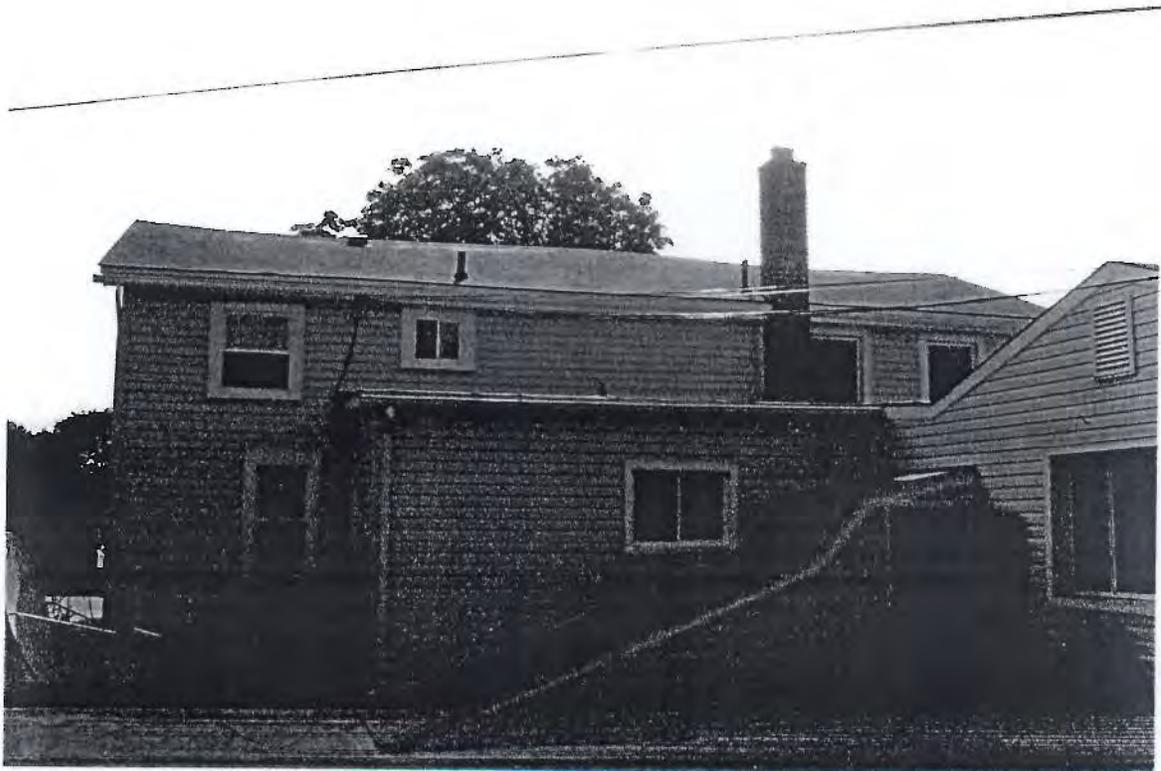
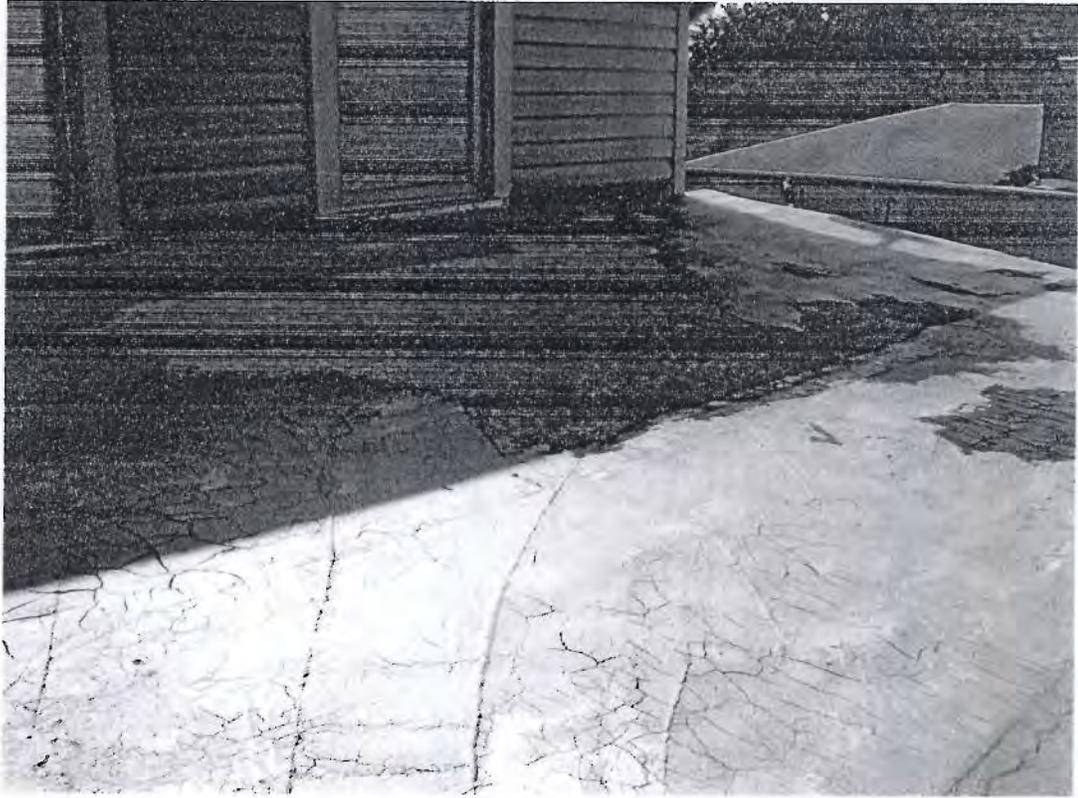
**Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.**

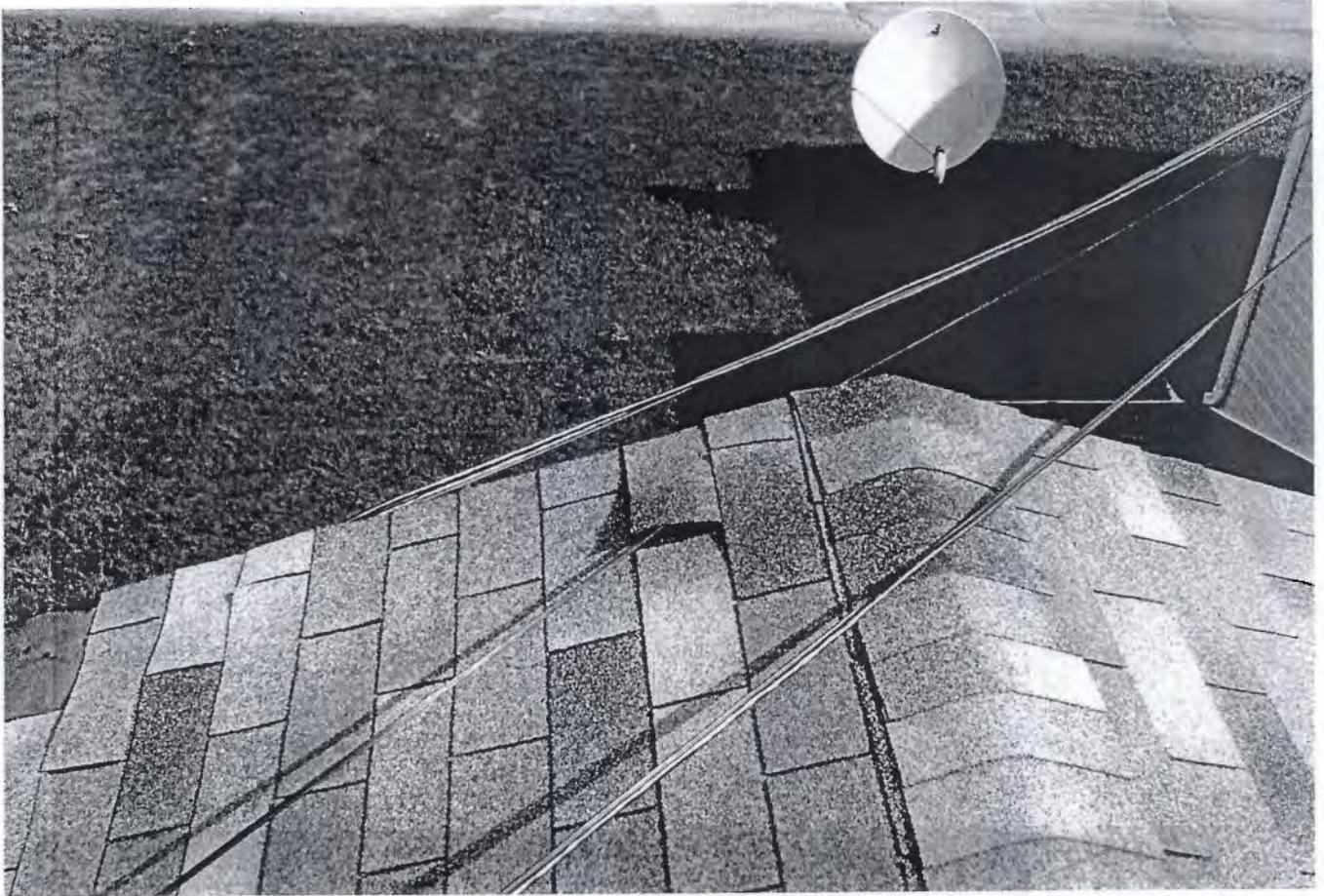






















STATE OF MICHIGAN

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY

RICK SNYDER  
GOVERNOR

KEVIN ELSENHEIMER  
EXECUTIVE DIRECTOR

January 16, 2016

Mr. Brent Savidant, AICP, PCP  
Planning Director  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

Dear Mr. Savidant:

Staff members of the State Historic Preservation Office (SHPO) have reviewed the preliminary historic district study committee reports to de-list the Crooks House local historic district at 3645 Crooks Road. Our comments on the report are enclosed. We offer these comments in order to assist communities to prepare final study committee reports that meet the requirements of Michigan's Local Historic Districts Act and provide a strong legal basis for protecting historically significant resources. These comments and recommendations are based on our experiences working with local historic districts. The SHPO lacks authority to give legal advice to any person or agency, public or private.

The report was presented to the State Historic Preservation Review Board at their January 16, 2016 meeting. They noted that this Greek Revival style house represents the early settlement period of Michigan. Resources like the Crooks House are becoming scarce as they succumb to alteration and demolition. The Board found that this resource still retains a good deal of exterior integrity. They encourage the city to make every effort to continue to protect this resource.

The report has been sent to the Michigan Historical Commission for their review. Should they have comments they will be forwarded to you.

If we can assist you further, please contact Amy Arnold at 517-335-2729 or [ArnoldA@michigan.gov](mailto:ArnoldA@michigan.gov).

Sincerely,

Brian D. Conway  
State Historic Preservation Officer

BDC: ALA

735 East Michigan Avenue, P.O. Box 30044, Lansing, Michigan 48909  
[michigan.gov/mshda](http://michigan.gov/mshda) • 517.373.8370 • FAX 517.335.4797 • TTY 800.382.4568

**State Historic Preservation Office  
Michigan State Housing Development Authority**

**Staff Comments, December 4, 2015  
De-List the Crooks House Local Historic District (3645 Crooks), Troy, MI**

The Crooks house is a Greek Revival style house that retains a number of features that identify it as such including its low pitched, side gable roof; the entablature surrounding the front door; and its banded window frames. According to *A Field Guide to American Homes*, "Greek Revival was the dominant style of American domestic architecture during the interval from about 1830 to 1860." Thus, this house is from the earliest period of major settlement in the state of Michigan. The cobblestone foundation also helps to date this house to an early construction period. The original report was clear about the physical changes that had occurred to the property--from removal of a chimney to new siding--before it was designated. It also outlined the resource's remaining historic features.

Use is not a factor in determining historic integrity or significance. Therefore, the argument that the building has been used as an office has no bearing on whether the building has or has not lost physical integrity. Also, since historic district commissions only review exterior features, stating that the "interior has been dramatically altered" would not be a factor to consider unless the interior changes affected the exterior.

When delisting a resource the study report must show one of 3 things: how the property has lost its integrity, how it is not significant in the way previously defined, or that it was established pursuant defective procedures. In our opinion, the report does not provide the documentation to meet any of those 3 requirements.

The map should be labeled appropriately and include the name of the historic district.



## CITY COUNCIL AGENDA ITEM

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Date: April 4, 2016

To: Brian Kischnick, City Manager

From: Thomas Darling, Director of Financial Services  
Dave Roberts, Fire Chief

Subject: Resolution to Approve Volunteer Firefighter Incentive Plan and Trust and to Transfer available funding to the Trust (***Introduced by: Thomas Darling, Director of Financial Services, Presented by: Michael VanOverbeke, Special Counsel***)

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### History

The Volunteer Firefighter Incentive Program (VFIP), established in the late 1970's, has a long history of providing incentives to attract and maintain a volunteer firefighter force that is second to none in the nation.

The City also has a long history of reviewing, on a periodic basis, the parameters of the program including the legal platform, vesting of benefits and the amount of those benefits to ascertain that the objectives of the program are being accomplished.

In August of 2014 (Resolution# 2014-08-110), as a result of a Special Study Session and lengthy discussion, City Council adopted the City of Troy Incentive Plan and Irrevocable Trust for Volunteer Firefighters as drafted by specialized legal counsel Michael VanOverbeke. The Plan and Trust had been drafted as an essential government function trust, based on Section 115 of the Internal Revenue Code of 1986, as amended (MCL 38.1132 et, seq.); was intended to qualify the incentive benefits to volunteers under a length of service plan as contractual benefits protected and guaranteed by Article IX, Section 24 of the State of Michigan constitution.

Based on the unique features of the Plan and Trust as drafted under Section 115 of the Internal Revenue Code of 1986, both the City of Troy and the Troy Volunteer Fire Department members desired 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.

Accordingly, City Council authorized City Administration to submit the City of Troy Incentive Plan and Irrevocable Trust for Volunteer Firefighters to the IRS for its review and approval, and if required or recommended by the IRS, submit any subsequent revisions to City Council for its review at the earliest opportunity.

Based on comments generated by the Internal Revenue Service review, certain revisions to the original City of Troy Incentive Plan and Irrevocable Trust for Volunteer Firefighters have been incorporated by specialized legal counsel Michael VanOverbeke and are presented for City Council review and approval.



## CITY COUNCIL AGENDA ITEM

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There are two significant revisions to the original submission, and several other minor modifications. First, the original document has been separated into two documents: the incentive “plan” and the “trust”. Second, both the plan and the trust had to be modified to specifically include a “risk of forfeiture,” which allows the City to exceed the \$3,000 annual benefit limit in IRC section 457(e)(11)(B)(ii). Anything exceeding \$3,000, without a potential risk of forfeiture, would need to be included in the volunteer’s gross annual income for tax purposes- and not just at the time the benefits were paid. The current plan provides a 25 year volunteer firefighter retiring after July 1, 2015 with \$17,025 annually.

The volunteer firefighters were apprised of the necessity of this modification, and in order to provide additional protection, the station representatives asked for additional notification procedures to be added in the very unlikely event that economic conditions required the City to terminate the trust at a future date for all new firefighters. This new notification procedure has been included in the revised documents.

Other revisions to the Plan include providing additional clarity to the issue of service credit and eligibility for benefit payments to Deferred Former Participants. These revisions center on members who have a substantial break in service (typically greater than one (1) year) and subsequently return as an active member.

We believe that the revised Plan and revised Trust documents accomplish the primary objectives as originally intended by:

1. Recognizing the valuable contributions that the Volunteer Firefighters provide to the City’s essential services.
2. Encourage participation and retention of Troy Volunteer Fire Department members.
3. Provide an additional but not absolute layer of security of benefits to Volunteer Firefighters in that the assets placed in the Trust are for the sole purpose of providing benefits to Volunteer Firefighters in accordance with the Plan document.
4. Allow the assets accumulated in the Trust to be invested in a manner similar to other retirement benefits sponsored by the City.

### **Financial**

Based on the latest available investment statement (February 29, 2016), the current value of reserves held by the City for Volunteer Firefighter Incentive Plan payments is approximately \$7,724,980.

The City will officially transfer the reserve amounts to the trust once the final document is approved.



## CITY COUNCIL AGENDA ITEM

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### **Recommendation**

It is recommended that City Council approve the attached amended City of Troy Incentive Plan for Volunteer Firefighters and the attached City of Troy Incentive Trust for Volunteer Firefighters.

It is also recommended that City Council direct management to transfer funds currently held by the City for benefit payments to Volunteer Firefighters to the City of Troy Incentive Trust for Volunteer Firefighters.

### **City Attorney's Review as to Form and Legality**

\_\_\_\_\_  
Lori Grigg Bluhm, City Attorney

\_\_\_\_\_  
Date

TD/AGENDA ITEMS08.25.14 – Resolution to Approve Volunteer Firefighter Incentive and Year of Service Benefit Multiplier Schedule and Transfer Money for Benefit of Volunteer Firefighter Retirement

# CITY OF TROY

## INCENTIVE TRUST FOR VOLUNTEER FIREFIGHTERS

### Chapter 1. GENERAL PROVISIONS

#### **1:100. Establishment and Purpose.**

The City of Troy Incentive Trust for Volunteer Firefighters (the “Trust”) is hereby established to allow the City of Troy to fund the benefits as provided pursuant to the provisions of the City of Troy Incentive Plan for Volunteer Firefighters, an essential government function.

#### **1:101. Short Title.**

This Trust may be known and cited as the City of Troy Incentive Trust for Volunteer Firefighters (“Trust”).

#### **1:102. Definitions.**

For the purposes of this Trust, the following words shall have the meanings respectively ascribed to them by this section:

- (1) *Annual Benefit Amount* means the annual dollar amount of the length of service incentive benefits which may be payable from the Plan to eligible Former Participants, as amended from time to time by City Council via a budget appropriations resolution.
- (2) *City* means the City of Troy, Michigan.
- (3) *City Council* means the City Council of the City of Troy, Michigan.
- (4) *Code* means the Internal Revenue Code of 1986, as amended. Reference to any section or subsection of the Code includes reference to any comparable or succeeding provision of any legislation which amends or replaces such section or subsection and any regulations thereto.
- (5) *Contribution(s)* means the payments made to the Trust by the City for the purpose of providing length of service based incentive benefits to Former Participants and beneficiaries covered by the Plan.
- (6) *Incentive Service Credit* means personal service rendered to the City as a volunteer firefighter and credited to a Participant in accordance with the Plan.
- (7) *Plan* means the City of Troy Incentive Plan for Volunteer Firefighters established by Ordinance as provided herein. A description of the incentive benefits provided to eligible Former Participants, spouses and dependents under the Plan is maintained by the Plan Administrator.

- (8) *Plan Administrator* means the person, persons, firm, corporation or insurance company or companies, appointed by the City to administer the Plan. The Plan Administrator shall be responsible for the day-to-day operations of the Plan and shall carry out the directives of the City and the Board of Trustees.
- (9) *Plan Beneficiary* means a Participant, Former Participant, Deferred Former Participant, spouse, or beneficiary as defined in the Plan.
- (10) *Trust* means the City of Troy Incentive Trust for Volunteer Firefighters as established pursuant to the declaration of trust approved by the City Council and as may be amended from time to time.
- (11) *Trustee(s) or Board* means the Board of Trustees of the Trust or a member of the Board of Trustees of the Trust as provided for in the Trust.
- (12) *Voluntary Incentive Committee* means a committee comprised of representatives selected by each of the six fire stations in the City.

**1:103. Interpretation and law; Construction.**

- (1) The Trust is hereby established and shall be administered consistent with applicable Federal and Michigan law, including, but not limited to the Public Employee Retirement System Investment Act, Public Act 314 of 1965, as amended (MCL §38.1132 et seq.).
- (2) The Trust shall constitute a grantor governmental trust pursuant to Section 115 of the Code, as amended and shall be construed, enforced and administered and the validity thereof determined in accordance with the Code and the laws of the State of Michigan. If any provision of the Trust is held to violate the Code or to be illegal or invalid for any other reason, that provision shall be deemed to be null and void, but the invalidation of that provision shall not otherwise affect the Trust.
- (3) Neither the establishment of the Trust, nor any modification thereof, nor the creation of any fund or account, nor the payment of any benefits to the Plan, shall be construed as giving to any person, any legal or equitable right against the City, its elected or appointed officials or employees, the Trustees or any individual Trustee, except as may otherwise be provided in the Trust.
- (4) The headings and subheadings in this Trust are inserted for convenience of reference only and are not to be considered in the construction of any provision of the Trust.
- (5) Words herein in the masculine gender shall be construed to include the feminine gender where appropriate, and words used herein in the singular or plural shall be construed as being in the plural or singular where appropriate.
- (6) In resolving any conflict among provisions of this Trust or any uncertainty as to the meaning or intention of any provision of this Trust, the interpretation that causes both the Trust to be exempt from tax and the Trust to comply with all applicable requirements of the Code shall prevail over any different interpretation.

**1:104. Notice.**

Notice given to all interested parties shall, unless otherwise specified in this Trust, be sufficient if in writing and delivered or sent by prepaid first class mail. Except as otherwise noted, the distribution or delivery of any statements or documents required under the Trust shall be sufficient if delivered in person or prepaid first class mail.

**1:105. Amendments.**

The provisions of the Trust may be amended at any time by the Troy City Council in accordance with applicable law. The Voluntary Incentive Committee will be notified at least thirty (30) days in advance that a proposed amendment or revision will be submitted to the Troy City Council for consideration. The City Council shall hold a public hearing prior to taking any formal action to amend or terminate the Trust.

**Chapter 2.**

**INCENTIVE TRUST FOR VOLUNTEER FIREFIGHTERS**

**1:200. Irrevocable Trust, Established.**

The Trust, established by the City in accordance with Section 115 of the Code shall be an irrevocable grantor trust administered consistent with applicable federal and Michigan law, and shall constitute a governmental trust under Section 115 of the Code, as amended, Revenue Rulings 77-261 and 90-74, and other relevant guidance. The Trust is intended to fund the City's volunteer firefighter incentive benefits under the Plan pursuant to applicable provisions of the Internal Revenue Code, the regulations promulgated under each, and applicable federal and Michigan law. The Trust shall conform to all applicable sections of the Internal Revenue Code, the statement of purpose in this Trust, and all statutes, ordinances, rules, administrative regulations, arbitrators' awards and judicial decisions interpreting the foregoing provisions.

The Trust shall consist of City Contributions pursuant to the provisions of a City administrative regulation, all investments made or held under Trust, and all income therefrom, both received and accrued, and any other property, which may be received or held by reason of this Trust.

The income accruing to the Trust shall be excluded from gross income as such trust income is derived from the exercise of an essential governmental function as provided for under Section 115(1) of the Code, as amended, Revenue Rulings 77-261 and 90-74, and other relevant guidance.

**1:201. Use of Trust Assets.**

- (1) The Trust assets shall not be used for or diverted to purposes other than to provide the benefits contemplated under the Plan or to pay for reasonable and necessary services, costs and expenses related to assisting the Trustees in the operation of the Trust. Plan beneficiaries shall have no preferred claim on, or any beneficial ownership interest in, any assets of the Trust.

- (2) All income, profits, recoveries, contributions, forfeitures and any and all monies, securities and properties of any kind at any time received or held by the Trustees hereunder, shall become part of the Trust when received, and shall be held for the use and purposes hereof.
- (3) Any assets held by the Trust shall be subject to the claims of the City's general creditors in the event of the City's insolvency.

**1:202. Funding.**

- (1) For the purpose of creating and maintaining a fund for the payment of incentive benefits payable as provided in the Plan, the City will pay to the Trust an amount consistent with the actuarial valuations and calculations made by the Actuary for the Trust to result in a pre-funded plan. Such contributions shall also be made in accordance with any regulations of the Board of Trustees as are not inconsistent with the authority stated in the Plan or this Trust document, or under applicable law.
- (2) Subject to the tax provisions of applicable ordinances, resolutions and state law, the Trustees may, to the extent matters are not set forth in the Trust, in their discretion decide the manner and means of payments, the procedures to be followed in making the payments, and the forms required to accompany the payments to the Trust. Upon determination by the Trustees of these matters, the Trustees shall provide written notice to the City and will provide for payments by the City to be made pursuant to the rules and regulations of the Trust.
- (3) Time is of the essence in making and processing all payments to the Trust. The parties recognize that the regular and timely payments of Contributions are essential to the operation of the Trust and the providing of benefits under the Plan.

**1:203. Trust Liabilities.**

- (1) Neither the City, nor any Trustee, Former Trustee, or Plan beneficiary shall be liable for any debts, liabilities or obligations of the Trust except as provided herein. Neither the City, nor any Plan beneficiary shall have any right to the return of any money properly paid into the Trust, except as otherwise specifically provided in this Trust, or to money improperly paid which has already been invested or distributed.
- (2) No part of the Trust or any assets payable therefrom shall be subject to alienation, sale, transfer, assignment, pledge, or encumbrance charge by any person. No Plan beneficiary shall be entitled to receive any part of the Contributions made by the City or payments required to be made by the Trust, in lieu of such benefits provided under the Plan as determined by the Trustees in accordance with the Trust.

**1:204. Termination of the Trust.**

- (1) The Trust shall continue during such period of time as may be necessary to carry out the provisions of the Plan and for a period of time sufficient to wind up the affairs of the Trust.
- (2) Provided there are no longer any Plan beneficiaries eligible for benefits or who may yet become eligible to receive benefits from the Plan and all benefit obligations to Plan

beneficiaries have been satisfied, the Trust may thereafter be terminated at any time by the Trustees so long as the termination is consistent with any then existing City decisions. It shall not be necessary for the City to execute such an agreement for the Trust to terminate.

- (3) If the Trust terminates, the remaining funds available after providing for all the outstanding obligations shall be returned to the City.

### **Chapter 3.** **BOARD OF TRUSTEES**

#### **1:301. Board of Trustees.**

- (1) The Board of Trustees of the City of Troy Incentive Plan and Trust for Volunteer Firefighters shall consist of the following seven (7) members:
  - (a) The City Manager or his/her designee;
  - (b) The City Financial Services Director or his/her designee, who shall serve as Chair of the Board;
  - (c) Two active volunteer firefighters appointed by the Voluntary Incentive Committee;
  - (d) One member of the Troy City Council as selected by the City Council; and
  - (e) One citizen of the City of Troy, appointed by the Mayor,
  - (f) One retiree representative, appointed by the Voluntary Incentive Committee.
- (2) The general administration, management and responsibility for the proper operation of the Trust and for making effective and construing the provisions of the Trust shall be vested in the Board of Trustees established by this Section, consistent with applicable state and federal laws and regulations. The Board of Trustees shall be the investment fiduciary of the Trust. A Trustee shall discharge his or her duties with the care, skill, and caution under the circumstances then prevailing which a prudent person, acting in a like capacity and familiar with those matters, would use in the conduct of an activity of like character and purpose.

#### **1:302. Trustees' Terms of Office.**

- (1) The regular terms of office of the Voluntary Incentive Committee and Citizen appointed Trustees shall be three years.
- (2) Each Trustee shall serve until the expiration of his or her term of office or until his or her death, incapacity, resignation or removal.
- (3) In the event a Voluntary Incentive Committee appointed Trustee resigns or is removed as a volunteer firefighter, he or she shall be considered to have resigned from the Board. The Board shall, by resolution, declare his or her office of Trustee vacated as of the date of such resolution. Any vacancy occurring in the office of Trustee shall be filled within sixty (60) days following the date of the vacancy, for the unexpired portion of the term, in the same manner in which the office was previously filled.
- (4) If a Trustee as provided in 1:401(a) shall fail to attend scheduled meetings of the Board for three consecutive meetings, unless in each case excused for cause by the remaining

Trustees attending such meetings, the Trustee shall be considered to have resigned from the Board, and the Board shall, by resolution, declare the office of the Trustee vacated as of the date of adoption of such resolution. Any vacancy occurring in the office of Trustee shall be filled within sixty (60) days following the date of the vacancy, for the unexpired portion of the term, in the same manner in which the office was previously filled.

- (5) A vacancy or vacancies in the office of the Trustees shall not impair the powers of the remaining Trustees to administer the affairs of the Trust, provided there are sufficient Trustees to constitute a quorum. If a vacancy occurs on the Board of Trustees, it shall be filled as soon as practically possible.
- (6) Each successor Trustee, upon accepting such appointment, shall have and enjoy all the powers, both discretionary and ministerial, and shall be charged with all of the duties and responsibilities herein conferred upon his predecessor.

### **1:303. Officers and Administration.**

- (1) At its first meeting in the calendar year, the Trustees shall elect a chairperson pro-tem. The chairperson pro-tem shall serve a term of one year or until a new chairperson pro tem is elected.
- (2) The Board of Trustees shall designate a member or other individual to serve as secretary of the Board of Trustees. The secretary's term shall be at the pleasure of the Board of Trustees.
- (3) The City Treasurer shall serve as the Treasurer of the Trust. Any reimbursement for the City Treasurer's service shall be in accordance with the provisions of 1:403 (5).
- (4) The Board of Trustees may employ such other clerical staff or administrative staff to perform whatever administrative activities are required in the proper performance of the Trust. In addition thereto, the Trustees may, if they desire, utilize other staff to perform such clerical and administrative duties as they may, in their sole discretion, determine is reasonably and prudently necessary to carry out the Trust's activities and purposes. Under no circumstances shall said staff have control or authority with respect to the management of the Trust or its assets. The said staff shall not be clothed with any type of authority or power which will constitute the staff as a fiduciary. Said staff will not have the power or authority to act as an investment counselor or manager and will not be authorized to furnish investment advice. Said staff shall also not have the power or authority to render the staff a fiduciary to the Trust.
- (5) The Board of Trustees may request to utilize City staff for such functions as personnel administration, accounting, banking, purchasing, or other services necessary for the proper administration of the Plan or Trust. On an annual basis, the City will provide the Board with a cost allocation for the City employees who are qualified to perform the required duties. If the parties mutually agree that these functions will be performed by City employees, then the City will notify the Board of the cost of performing the assigned duties, and such costs will be reimbursed from the assets of the Trust. There must be compliance with all established City control procedures and policies related to these services.

- (6) The Board of Trustees shall employ an investment manager or investment managers to manage some or all of the assets of the Trust. Each investment manager must be registered under the Investment Advisor's Act of 1940, as amended, (15 USC 80b-1) and must meet any applicable state and federal requirements to act as an investment manager. The Trustees may, if they deem proper in their discretion, or if the circumstances require it, appoint such investment manager, managers, banks or insurance companies as fiduciaries and enter into an agreement with such institutions, naming it a fiduciary and conveying to such fiduciary all or a portion of the assets of the Trust, so that said fiduciary may handle, manage and hold those assets conveyed to it. All assets conveyed to said fiduciary shall be subject to the provision of the agreement or agreements between the Trustees and the fiduciary.
- (7) The City Attorney shall serve as legal counsel to the Board of Trustees. Any reimbursement for the City Attorney's service shall be in accordance with the provisions of 1:403(5).
- (8) The Board of Trustees shall appoint an Actuary who shall advise the Trustees on the actuarial operation of the Trust. The Trustees shall, from time to time, adopt such mortality and other tables of experience and a rate or rates of regular interest as are necessary in the operation of the Trust on an actuarial basis.

**1:304. Board Meetings.**

- (1) The Trustees shall meet at least once quarterly. The Trustees shall determine the time for the regular meetings of the Trustees and the place or places where such meetings shall be held. The Secretary or his or her designee shall be responsible for giving notice of the time and place of such meetings to the other Trustees.
- (2) Notice and conduct of all meetings of the Trustees, both regular and special, shall be given in accordance with applicable law including the Michigan Open Meetings Act (MCL §15.261 et seq.).
- (3) The Board of Trustees shall adopt its own rules of procedure and shall keep a record of its proceedings. Four (4) Trustees shall constitute a quorum at any meeting of the Board of Trustees. Each Trustee shall be entitled to one vote on each question before the Board of Trustees and at least four (4) concurring votes shall be necessary for a decision of the Board.

**1:305. Compensation.**

All Trustees shall serve without compensation as members of the Board of Trustees. Trustees may be reimbursed by the Trust for reasonable and necessary costs and expenses of the Trustees in performing their duties as Trustees as related to the operation of the Plan or Trust.

**1:306. Trustees' Powers and Responsibilities.**

The Trustees shall hold all the powers that are necessary to carry out the purposes of the Trust and are generally available to Trustees under the laws of the State of Michigan, except as limited by the Trust and by Federal law and regulations. It is intended that the Trust shall be tax exempt and shall qualify under the Code and any amendments of the Code applicable to plans of this

type. The Trustees shall have the continuing duty to propose to the City, amendments to the Trust to the extent it becomes necessary to qualify the Trust under the Code and to continue the tax exempt status of the Trust. The Trustees shall take no action nor make any determination inconsistent with any qualification or ruling of the Internal Revenue Service, an arbitrator or the courts with respect to the Trust. In the case of amendments to the Code or changes of regulations by the Internal Revenue Service or the Labor Department, the Trustees are empowered to take all necessary action authorized by the Plan and the Trust, Federal and state law and regulations, to continue the qualification of the Trust as a qualified Trust. In carrying out the purposes of the Trust, the Trustees shall have the following powers and duties:

- (1) The Trustees shall, in order to effectuate the purposes of the Trust, be bound by the terms of the Plan, the Trust, and any applicable administrative regulations.
- (2) Consistent with applicable state and Federal laws and regulations, the Trustees shall have the power to promulgate rules and regulations for the day-to-day management of the Trust, the investment of monies held by the Trust, to determine all questions regarding the interpretation of the Trust, and such other Trust related subjects as shall be deemed necessary and proper by the Trustees. If any rule or regulation of the Trust or part thereof is found to be in conflict with any law, statute, judicial decision, arbitration decision or any other competent body or tribunal, such rule or regulation or part thereof shall be deemed void and all other rules and regulations of the Trust shall remain in effect.
- (3) Whenever the signature of a Trustee is required on any document, two signatures of the individuals authorized by the Board of Trustees shall be required.

**1:307. Investment of Trust Assets.**

- (1) The Trustees shall be authorized to invest the assets of the Trust in accordance with the provisions of the Public Employee Retirement System Investment Act, Public Act 314 of 1965, as amended (MCL §38.1132 et seq.).
- (2) The Board shall invest and reinvest the principal and income of the Trust, without distinction between principal and income, in its sole discretion. The Board in its sole discretion may keep such portion of the Trust in cash or cash balances as the Board may from time to time deem to be in the best interests of the Trust.
- (3) To the extent permitted by law, the Board may commingle the investment of the Trust with other funds that it administers.

**1:308. Board Liabilities.**

- (1) The Board's responsibilities and liabilities shall be subject to the following limitations and other limitations as set forth in the Trust:
  - (a) The Board shall have no duties other than those expressly set forth in this Trust and those imposed on the Board by applicable laws.
  - (b) The Board shall be responsible only for money and property actually received by the Board, and then to the extent described in this Trust.

(c) The Board shall not be responsible for the correctness of any determination of payments or disbursements from the Trust.

(d) The Board shall have no liability for the acts or omissions of any predecessor or successor in office.

(e) The Board shall have no liability for the acts or omissions of any (a) Investment Manager or Managers; (b) insurance company; (c) investment fund; or (d) contractor.

(f) In the event of any suit brought against the Trustees arising out of the acts within the scope and powers and duties of the Trustees, or in the event of any lawsuit brought by the Trustees, the cost of defense or prosecution of such lawsuit shall be charged to the Trust, and shall be paid directly from the Trust, provided such costs are not incurred by reason of bad faith, gross negligence, or breach of a fiduciary obligation to the Trust or to the beneficiaries thereof.

(g) The Board may authorize the purchase of insurance for the Trust and for the Trustees to cover liability or losses occurring for any reason, including, but not limited to, an act or omission (errors or omissions) of a fiduciary, including the Trustees; provided however, that such insurance policy permits recourse by the insured against the fiduciary, including the Trustee or Trustees involved, in case of breach of fiduciary obligation by the fiduciary.

### **1.309. Reports.**

(1) The Trustees, or their respective designees, shall establish a uniform system for the timely transmission of required reports and contributions.

(2) The Trustees shall maintain, or cause to be maintained, proper books of accounts and records of and for the administration of the Trust, including the minutes of all meetings, make them available for inspection during reasonable business hours by the City, or any Plan beneficiary.

(3) The financial records of the Trust shall be subject to the annual audit of the City. The Trustees shall fully comply with all applicable statutory and municipal budgetary and accounting procedures and provide access to or documentation of all assets and liabilities of the Trust and a resume of the operations of the Trust for the preceding year together with such other data as may be required by law or as part of the City's annual financial report.

**IN WITNESS WHEREOF**, this document has been signed and sealed on behalf of the City of Troy by its duly authorized officers, on this \_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF TROY**

**BY:** \_\_\_\_\_

**ITS:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**ITS:** \_\_\_\_\_

# CITY OF TROY INCENTIVE TRUST FOR VOLUNTEER FIREFIGHTERS

## Chapter 1. GENERAL PROVISIONS

### 1:100. Establishment and Purpose.

The City of Troy Incentive Trust for Volunteer Firefighters (the "Trust") is hereby established to allow the City of Troy to fund the benefits as provided pursuant to the provisions of the City of Troy Incentive Plan for Volunteer Firefighters, an essential government function.

Deleted: PLAN AND

Deleted: This City of Troy Incentive Plan for Volunteer Firefighters (the "Plan") is hereby restated, as amended, for the purpose of providing length of service incentive benefits for the City of Troy volunteer firefighters.

Deleted: required

Deleted: Plan

### 1:101. Short Title.

This Trust may be known and cited as the City of Troy Incentive Trust for Volunteer Firefighters ("Trust").

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### 1:102. Definitions.

For the purposes of this Trust, the following words shall have the meanings respectively ascribed to them by this section:

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(1) *Annual Benefit Amount* means the annual dollar amount of the length of service incentive benefits which may be payable from the Plan to eligible Former Participants, as amended from time to time by City Council via a budget appropriations resolution.

(2) *City* means the City of Troy, Michigan.

(3) *City Council* means the City Council of the City of Troy, Michigan.

(4) *Code* means the Internal Revenue Code of 1986, as amended. Reference to any section or subsection of the Code includes reference to any comparable or succeeding provision of any legislation which amends or replaces such section or subsection and any regulations thereto.

(5) *Contribution(s)* means the payments made to the Trust by the City for the purpose of providing length of service based incentive benefits to Former Participants and beneficiaries covered by the Plan.

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Deleted: (6) *Former Participant* means an individual who is (a) an active volunteer firefighter, who upon attaining eligibility, elected to commence receipt of incentive benefits and is therefore no longer entitled to further benefit accruals under the provisions of this Plan; (b) a former volunteer firefighter, who upon termination of volunteer service was eligible for, and elected to commence receipt, of incentive benefits from the Plan; or (c) a Former Vested Participant, who upon attaining eligibility, elected to commence receipt of incentive benefits from the Plan;

(6) *Incentive Service Credit* means personal service rendered to the City as a volunteer firefighter and credited to a Participant in accordance with the Plan.

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¶  
(7)

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(7) *Plan* means the City of Troy Incentive Plan for Volunteer Firefighters established by Ordinance as provided herein. A description of the incentive benefits provided to eligible Former Participants, spouses and dependents under the Plan is maintained by the Plan Administrator.

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(8) *Participant* means an individual who is an active volunteer firefighter entitled to benefit accruals under the provisions of the Plan and who has not elected to commence receipt of benefits under the terms of the Plan. ¶

¶  
(9)

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Deleted: Retired Volunteer Firefighters

~~(8)~~ *Plan Administrator* means the person, persons, firm, corporation or insurance company or companies, appointed by the City to administer the Plan. The Plan Administrator shall be responsible for the day-to-day operations of the Plan and shall carry out the directives of the City and the Board of Trustees.

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~~(9)~~ *Plan Beneficiary* means a Participant, Former Participant, Deferred Former Participant, spouse, or beneficiary as defined in the Plan.

Deleted: (11) . Spouse means a Participant's, Former Participant's or Vested Former Participant's spouse by legal marriage who is the Participant's spouse on the earlier of the date the Participant terminates from volunteering with the City or elects to commence receipt of incentive benefits from the Plan. ¶ (12)

~~(10)~~ *Trust* means the City of Troy Incentive Trust for Volunteer Firefighters as established pursuant to the declaration of trust approved by the City Council and as may be amended from time to time.

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~~(11)~~ *Trustee(s) or Board* means the Board of Trustees of the Trust or a member of the Board of Trustees of the Trust as provided for in the Trust.

Deleted: (14) Vested Former Participant means a former volunteer firefighter and Participant who has ten (10) or more years of incentive service as a volunteer firefighter for the City, but has not reached the requisite age requirement for commencement of benefits from the Plan. ¶ (15)

~~(12)~~ *Voluntary Incentive Committee* means a committee comprised of representatives selected by each of the six fire stations in the City.

¶ (15)

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### 1:103. Interpretation and law; Construction.

(1) The Trust is hereby established and shall be administered consistent with applicable Federal and Michigan law, including, but not limited to the Public Employee Retirement System Investment Act, Public Act 314 of 1965, as amended (MCL §38.1132 et seq.).

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(2) The Trust shall constitute a grantor governmental trust pursuant to Section 115 of the Code, as amended and shall be construed, enforced and administered and the validity thereof determined in accordance with the Code and the laws of the State of Michigan. If any provision of the Trust is held to violate the Code or to be illegal or invalid for any other reason, that provision shall be deemed to be null and void, but the invalidation of that provision shall not otherwise affect the Trust.

Deleted: Plan or

(3) Neither the establishment of the Trust, nor any modification thereof, nor the creation of any fund or account, nor the payment of any benefits to the Plan, shall be construed as giving to any person, any legal or equitable right against the City, its elected or appointed officials or employees, the Trustees or any individual Trustee, except as may otherwise be provided in the Trust.

Deleted: The City intends the incentive benefits provided by this Plan to be considered a contractual benefit protected and guaranteed by Article IX, Section 24 of the State of Michigan Constitution. ¶ (4)

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(4) The headings and subheadings in this Trust are inserted for convenience of reference only and are not to be considered in the construction of any provision of the Trust.

Deleted: person covered under the Plan, or any other

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(5) Words herein in the masculine gender shall be construed to include the feminine gender where appropriate, and words used herein in the singular or plural shall be construed as being in the plural or singular where appropriate.

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(6) In resolving any conflict among provisions of this Trust or any uncertainty as to the meaning or intention of any provision of this Trust, the interpretation that causes both the Trust to be exempt from tax and the Trust to comply with all applicable requirements of the Code shall prevail over any different interpretation.

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Deleted: . . . . . ¶ (8) This Plan and Trust shall be binding upon all Participants, Former Participants and Vested Former Participants under the Plan, or their applicable heirs, executors, administrators, successors, and assigns.

**1:104. Notice.**

Notice given to all interested parties shall, unless otherwise specified in this Trust, be sufficient if in writing and delivered or sent by prepaid first class mail. Except as otherwise noted, the distribution or delivery of any statements or documents required under the Trust shall be sufficient if delivered in person or prepaid first class mail. **The City Council shall hold a public hearing prior to taking any formal action to amend or terminate the Trust.**

**1:105. Amendments.**

The provisions of the Trust may be amended at any time by the Troy City Council in accordance with applicable law. The Voluntary Incentive Committee will be notified at least thirty (30) days in advance that a proposed amendment or revision will be submitted to the Troy City Council for consideration.

**Chapter 2.**

**INCENTIVE TRUST FOR VOLUNTEER FIREFIGHTERS**

**1:200. Irrevocable Trust, Established.**

The Trust, established by the City in accordance with Section 115 of the Code shall be an irrevocable grantor trust administered consistent with applicable federal and Michigan law, and shall constitute a governmental trust under Section 115 of the Code, as amended, Revenue Rulings 77-261 and 90-74, and other relevant guidance. The Trust is intended to fund the City's volunteer firefighter incentive benefits under the Plan pursuant to applicable provisions of the Internal Revenue Code, the regulations promulgated under each, and applicable federal and Michigan law. The Trust shall conform to all applicable sections of the Internal Revenue Code, the statement of purpose in this Trust, and all statutes, ordinances, rules, administrative regulations, arbitrators' awards and judicial decisions interpreting the foregoing provisions.

The Trust shall consist of City Contributions pursuant to the provisions of a City administrative regulation, all investments made or held under Trust, and all income therefrom, both received and accrued, and any other property, which may be received or held by reason of this Trust.

The income accruing to the Trust shall be excluded from gross income as such trust income is derived from the exercise of an essential governmental function as provided for under Section 115(1) of the Code, as amended, Revenue Rulings 77-261 and 90-74, and other relevant guidance.

**1:201. Use of Trust Assets.**

- (1) The Trust assets shall not be used for or diverted to purposes other than to provide the benefits contemplated under the Plan or to pay for reasonable and necessary services, costs and expenses related to assisting the Trustees in the operation of the Trust. Plan beneficiaries shall have no preferred claim on, or any beneficial ownership interest in, any assets of the Trust.

**Deleted: Administrative Regulations.**

The provisions of this Plan are subject to relevant provisions of any administrative regulations that the City may have for volunteer firefighters and any volunteer service contracts between the City and an individual Participant, if any. The provisions of any administrative regulations or service contracts for volunteer firefighters relative to incentive benefits are controlling in the event of a conflict between the terms of the administrative regulations or applicable service contract and the Plan.

**1:105.**

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**Deleted: 106. Reporting and Disclosure.**

The Plan Administrator shall complete and provide to Participants, Former Participants, Vested Former Participants, Spouses and Dependents and to the appropriate government agencies any reports as may be required by the Code, applicable federal, state or local law.

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**Deleted: INCENTIVE PLAN FOR VOLUNTEER FIREFIGHTERS**

**1:200. Participation.**

(1) Each active volunteer firefighter of the City shall be a Participant in the Plan.

(2) Participation shall terminate upon the earlier of termination of duties as a volunteer firefighter or commencement of incentive benefits under the provisions of this Plan.

**1:201. Service Credit.**

(1) A Participant shall be credited with one month of service credit for each complete calendar month the Participant is a volunteer firefighter and meets or exceeds the attendance requirements as identified in the Troy Fire Department Policy Directive 103.07. Service shall be totaled in years and months.

(2) Service credit shall be forfeited five years after the date an individual ceases to be an active volunteer firefighter and a Participant in the Plan unless the individual is a Former Participant, a Vested Former Participant or returns to active duty as a volunteer firefighter for ten consecutive years.

**1:202. Benefits.**

(1) An eligible Participant or Vested Former Participant, upon written application filed with the Board of Trustees, shall be paid incentive benefits pursuant to the provisions of this Plan. The incentive benefits due an eligible Participant or Vested Former Participant shall be determined at the time he or she terminates participation, as provided in the Plan.

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**Deleted: Plan Participants, Former Participants, Vested Former Participants and their respective beneficiaries**

(2) All income, profits, recoveries, contributions, forfeitures and any and all monies, securities and properties of any kind at any time received or held by the Trustees hereunder, shall become part of the Trust when received, and shall be held for the use and purposes hereof.

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(3) Any assets held by the Trust shall be subject to the claims of the City's general creditors in the event of the City's insolvency.

**I:202. Funding.**

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(1) For the purpose of creating and maintaining a fund for the payment of incentive benefits payable as provided in the Plan, the City will pay to the Trust an amount consistent with the actuarial valuations and calculations made by the Actuary for the Trust to result in a pre-funded plan. Such contributions shall also be made in accordance with any regulations of the Board of Trustees as are not inconsistent with the authority stated in the Plan or this Trust document, or under applicable law.

(2) Subject to the tax provisions of applicable ordinances, resolutions and state law, the Trustees may, to the extent matters are not set forth in the Trust, in their discretion decide the manner and means of payments, the procedures to be followed in making the payments, and the forms required to accompany the payments to the Trust. Upon determination by the Trustees of these matters, the Trustees shall provide written notice to the City and will provide for payments by the City to be made pursuant to the rules and regulations of the Trust.

(3) Time is of the essence in making and processing all payments to the Trust. The parties recognize that the regular and timely payments of Contributions are essential to the operation of the Trust and the providing of benefits under the Plan.

**I:203. Trust Liabilities**

Deleted: 303

(1) Neither the City, nor any Trustee, Former Trustee, or Plan beneficiary shall be liable for any debts, liabilities or obligations of the Trust except as provided herein. Neither the City, nor any Plan beneficiary shall have any right to the return of any money properly paid into the Trust, except as otherwise specifically provided in this Trust, or to money improperly paid which has already been invested or distributed.

Deleted: Participant

Deleted: Vested Former Participant

Deleted: Trustee

Deleted: Participant, Former Participant or Vested Former Participant

(2) No part of the Trust or any assets payable therefrom shall be subject to alienation, sale, transfer, assignment, pledge, or encumbrance charge by any person. No Plan beneficiary shall be entitled to receive any part of the Contributions made by the City or payments required to be made by the Trust, in lieu of such benefits provided under the Plan as determined by the Trustees in accordance with the Trust.

Deleted: No Participant, Former Participant or Vested Former Participant

**I:204. Termination of the Trust.**

Deleted: 304

(1) The Trust shall continue during such period of time as may be necessary to carry out the provisions of the Plan and for a period of time sufficient to wind up the affairs of the Trust.

Deleted: In the event of termination or partial termination of the Plan, a Participant's vested interest is a contractual obligation under Article IX, Section 24 of the State of Michigan Constitution.

(2) Provided there are no longer any Plan beneficiaries eligible for benefits or who may yet become eligible to receive benefits from the Plan and all benefit obligations to Plan beneficiaries have been satisfied, the Trust may thereafter be terminated at any time by the Trustees so long as the termination is consistent with any then existing City decisions. It shall not be necessary for the City to execute such an agreement for the Trust to terminate.

Deleted: Participants (including those not yet vested), Former Participants or Vested Former Participants

Deleted: Participants, Former Participants, Vested Former Participants, and their respective

(3) If the Trust terminates, the remaining funds available after providing for all the outstanding obligations shall be returned to the City.

**Chapter 3.**  
**BOARD OF TRUSTEES**

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**I:301. Board of Trustees.**

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(1) The Board of Trustees of the City of Troy Incentive Plan and Trust for Volunteer Firefighters shall consist of the following seven (7) members:

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- (a) The City Manager or his/her designee;
- (b) The City Financial Services Director or his/her designee, who shall serve as Chair of the Board;
- (c) Two active volunteer firefighters appointed by the Voluntary Incentive Committee;
- (d) One member of the Troy City Council as selected by the City Council; and
- (e) One citizen of the City of Troy, appointed by the Mayor,
- (f) One retiree representative, appointed by the Voluntary Incentive Committee.

(2) The general administration, management and responsibility for the proper operation of the Trust and for making effective and construing the provisions of the Trust shall be vested in the Board of Trustees established by this Section, consistent with applicable state and federal laws and regulations. The Board of Trustees shall be the investment fiduciary of the Trust. A Trustee shall discharge his or her duties with the care, skill, and caution under the circumstances then prevailing which a prudent person, acting in a like capacity and familiar with those matters, would use in the conduct of an activity of like character and purpose.

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**I:302. Trustees' Terms of Office.**

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(1) The regular terms of office of the Voluntary Incentive Committee and Citizen appointed Trustees shall be three years.

Deleted: Participant elected

(2) Each Trustee shall serve until the expiration of his or her term of office or until his or her death, incapacity, resignation or removal.

(3) In the event a Voluntary Incentive Committee appointed Trustee resigns or is removed as a volunteer firefighter, he or she shall be considered to have resigned from the Board. The Board shall, by resolution, declare his or her office of Trustee vacated as of the date of such resolution. Any vacancy occurring in the office of Trustee shall be filled within sixty (60) days following the date of the vacancy, for the unexpired portion of the term, in the same manner in which the office was previously filled.

Deleted: Participant elected

- (4) If a Trustee as provided in 1:401(a) shall fail to attend scheduled meetings of the Board for three consecutive meetings, unless in each case excused for cause by the remaining Trustees attending such meetings, the Trustee shall be considered to have resigned from the Board, and the Board shall, by resolution, declare the office of the Trustee vacated as of the date of adoption of such resolution. Any vacancy occurring in the office of Trustee shall be filled within sixty (60) days following the date of the vacancy, for the unexpired portion of the term, in the same manner in which the office was previously filled.
- (5) A vacancy or vacancies in the office of the Trustees shall not impair the powers of the remaining Trustees to administer the affairs of the Trust, provided there are sufficient Trustees to constitute a quorum. If a vacancy occurs on the Board of Trustees, it shall be filled as soon as practically possible.
- (6) Each successor Trustee, upon accepting such appointment, shall have and enjoy all the powers, both discretionary and ministerial, and shall be charged with all of the duties and responsibilities herein conferred upon his predecessor.

**1:303. Officers and Administration.**

- (1) At its first meeting in the calendar year, the Trustees shall elect a chairperson pro-tem. The chairperson pro-tem shall serve a term of one year or until a new chairperson pro tem is elected.
- (2) The Board of Trustees shall designate a member or other individual to serve as secretary of the Board of Trustees. The secretary's term shall be at the pleasure of the Board of Trustees.
- (3) The City Treasurer shall serve as the Treasurer of the Trust. Any reimbursement for the City Treasurer's service shall be in accordance with the provisions of 1:403 (5).
- (4) The Board of Trustees may employ such other clerical staff or administrative staff to perform whatever administrative activities are required in the proper performance of the Trust. In addition thereto, the Trustees may, if they desire, utilize other staff to perform such clerical and administrative duties as they may, in their sole discretion, determine is reasonably and prudently necessary to carry out the Trust's activities and purposes. Under no circumstances shall said staff have control or authority with respect to the management of the Trust or its assets. The said staff shall not be clothed with any type of authority or power which will constitute the staff as a fiduciary. Said staff will not have the power or authority to act as an investment counselor or manager and will not be authorized to furnish investment advice. Said staff shall also not have the power or authority to render the staff a fiduciary to the Trust.
- (5) The Board of Trustees may request to utilize City staff for such functions as personnel administration, accounting, banking, purchasing, or other services necessary for the proper administration of the Plan or Trust. On an annual basis, the City will provide the Board with a cost allocation for the City employees who are qualified to perform the required duties. If the parties mutually agree that these functions will be performed by City employees, then the City will notify the Board of the cost of performing the assigned duties, and such costs will be reimbursed from the assets of the Trust. There must be

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 . . year or until a new chairperson and chairperson pro-tem are elected.¶

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compliance with all established City control procedures and policies related to these services.

- (6) The Board of Trustees shall employ an investment manager or investment managers to manage some or all of the assets of the Trust. Each investment manager must be registered under the Investment Advisor's Act of 1940, as amended, (15 USC 80b-1) and must meet any applicable state and federal requirements to act as an investment manager. The Trustees may, if they deem proper in their discretion, or if the circumstances require it, appoint such investment manager, managers, banks or insurance companies as fiduciaries and enter into an agreement with such institutions, naming it a fiduciary and conveying to such fiduciary all or a portion of the assets of the Trust, so that said fiduciary may handle, manage and hold those assets conveyed to it. All assets conveyed to said fiduciary shall be subject to the provision of the agreement or agreements between the Trustees and the fiduciary.
- (7) The City Attorney shall serve as legal counsel to the Board of Trustees. Any reimbursement for the City Attorney's service shall be in accordance with the provisions of 1:403(5).
- (8) The Board of Trustees shall appoint an Actuary who shall advise the Trustees on the actuarial operation of the Trust. The Trustees shall, from time to time, adopt such mortality and other tables of experience and a rate or rates of regular interest as are necessary in the operation of the Trust on an actuarial basis.

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**1:304. Board Meetings.**

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- (1) The Trustees shall meet at least once quarterly. The Trustees shall determine the time for the regular meetings of the Trustees and the place or places where such meetings shall be held. The Secretary or his or her designee shall be responsible for giving notice of the time and place of such meetings to the other Trustees.
- (2) Notice and conduct of all meetings of the Trustees, both regular and special, shall be given in accordance with applicable law including the Michigan Open Meetings Act (MCL §15.261 et seq.).
- (3) The Board of Trustees shall adopt its own rules of procedure and shall keep a record of its proceedings. Four (4) Trustees shall constitute a quorum at any meeting of the Board of Trustees. Each Trustee shall be entitled to one vote on each question before the Board of Trustees and at least four (4) concurring votes shall be necessary for a decision of the Board.

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**1:305. Compensation.**

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All Trustees shall serve without compensation as members of the Board of Trustees. Trustees may be reimbursed by the Trust for reasonable and necessary costs and expenses of the Trustees in performing their duties as Trustees as related to the operation of the Plan or Trust.

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**1:306. Trustees' Powers and Responsibilities.**

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The Trustees shall hold all the powers that are necessary to carry out the purposes of the Trust and are generally available to Trustees under the laws of the State of Michigan, except as limited by the Trust and by Federal law and regulations. It is intended that the Trust shall be tax exempt and shall qualify under the Code and any amendments of the Code applicable to plans of this type. The Trustees shall have the continuing duty to propose, to the City, amendments to ~~the Trust~~ to the extent it becomes necessary to qualify ~~the Trust~~ under the Code and to continue the tax exempt status of the Trust. The Trustees shall take no action nor make any determination inconsistent with any qualification or ruling of the Internal Revenue Service, an arbitrator or the courts with respect to the Trust. In the case of amendments to the Code or changes of regulations by the Internal Revenue Service or the Labor Department, the Trustees are empowered to take all necessary action authorized by the Plan and the Trust, Federal and state law and regulations, to continue the qualification of the Trust as a qualified Trust. In carrying out the purposes of the Trust, the Trustees shall have the following powers and duties:

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- (1) The Trustees shall, in order to effectuate the purposes of the Trust, be bound by the terms of the Plan, ~~the Trust~~, and any applicable administrative regulations.
- (2) Consistent with applicable state and Federal laws and regulations, the Trustees shall have the power to promulgate rules and regulations for the day-to-day management of the Trust, the investment of monies held by the Trust, to determine all questions regarding the interpretation of the Trust, and such other Trust related subjects as shall be deemed necessary and proper by the Trustees. If any rule or regulation of the Trust or part thereof is found to be in conflict with any law, statute, judicial decision, arbitration decision or any other competent body or tribunal, such rule or regulation or part thereof shall be deemed void and all other rules and regulations of the Trust shall remain in effect.
- (3) Whenever the signature of a Trustee is required on any document, two signatures of the individuals authorized by the Board of Trustees shall be required.

**~~I:307.~~ Investment of Trust Assets.**

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- (1) The Trustees shall be authorized to invest the assets of the Trust in accordance with the provisions of the Public Employee Retirement System Investment Act, Public Act 314 of 1965, as amended (MCL §38.1132 et seq.).
- (2) The Board shall invest and reinvest the principal and income of the Trust, without distinction between principal and income, in its sole discretion. The Board in its sole discretion may keep such portion of the Trust in cash or cash balances as the Board may from time to time deem to be in the best interests of the Trust.
- (3) To the extent permitted by law, the Board may commingle the investment of the Trust with other funds that it administers.

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**~~I:308.~~ Board Liabilities.**

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- (1) The Board's responsibilities and liabilities shall be subject to the following limitations and other limitations as set forth in the Trust:
  - (a) The Board shall have no duties other than those expressly set forth in this Trust and those imposed on the Board by applicable laws.

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(b) The Board shall be responsible only for money and property actually received by the Board, and then to the extent described in this Trust.

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(c) The Board shall not be responsible for the correctness of any determination of payments or disbursements from the Trust.

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(d) The Board shall have no liability for the acts or omissions of any predecessor or successor in office.

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(e) The Board shall have no liability for the acts or omissions of any (a) Investment Manager or Managers; (b) insurance company; (c) investment fund; or (d) contractor.

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(f) In the event of any suit brought against the Trustees arising out of the acts within the scope and powers and duties of the Trustees, or in the event of any lawsuit brought by the Trustees, the cost of defense or prosecution of such lawsuit shall be charged to the Trust, and shall be paid directly from the Trust, provided such costs are not incurred by reason of bad faith, gross negligence, or breach of a fiduciary obligation to the Trust or to the beneficiaries thereof.

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(g) The Board may authorize the purchase of insurance for the Trust and for the Trustees to cover liability or losses occurring for any reason, including, but not limited to, an act or omission (errors or omissions) of a fiduciary, including the Trustees; provided however, that such insurance policy permits recourse by the insured against the fiduciary, including the Trustee or Trustees involved, in case of breach of fiduciary obligation by the fiduciary.

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**1.309. Reports.**

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- (1) The Trustees, or their respective designees, shall establish a uniform system for the timely transmission of required reports and contributions.
- (2) The Trustees shall maintain, or cause to be maintained, proper books of accounts and records of and for the administration of the Trust, including the minutes of all meetings, make them available for inspection during reasonable business hours by the City, or any Plan beneficiary.
- (3) The financial records of the Trust shall be subject to the annual audit of the City. The Trustees shall fully comply with all applicable statutory and municipal budgetary and accounting procedures and provide access to or documentation of all assets and liabilities of the Trust and a resume of the operations of the Trust for the preceding year together with such other data as may be required by law or as part of the City's annual financial report.

Deleted: Participant, Former Participant or Vested Former Participant covered by the Trust

IN WITNESS WHEREOF, this document has been signed and sealed on behalf of the City of Troy by its duly authorized officers, on this \_\_\_\_ day of \_\_\_\_\_, ~~2014~~, 2015.

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**CITY OF TROY**

**BY:** \_\_\_\_\_

**ITS:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**ITS:** \_\_\_\_\_

**INCENTIVE PLAN FOR VOLUNTEER FIREFIGHTERS*****1:200. Participation.***

- (1) Each active volunteer firefighter of the City shall be a Participant in the Plan.
- (2) Participation shall terminate upon the earlier of termination of duties as a volunteer firefighter or commencement of incentive benefits under the provisions of this Plan.

***1:201. Service Credit.***

- (1) A Participant shall be credited with one month of service credit for each complete calendar month the Participant is a volunteer firefighter and meets or exceeds the attendance requirements as identified in the Troy Fire Department Policy Directive 103.07. Service shall be totaled in years and months.
- (2) Service credit shall be forfeited five years after the date an individual ceases to be an active volunteer firefighter and a Participant in the Plan unless the individual is a Former Participant, a Vested Former Participant or returns to active duty as a volunteer firefighter for ten consecutive years

***1:202. Benefits.***

- (1) An eligible Participant or Vested Former Participant, upon written application filed with the Board of Trustees, shall be paid incentive benefits pursuant to the provisions of this Plan. The incentive benefits due an eligible Participant or Vested Former Participant shall be determined at the time he or she terminates participation, as provided in the Plan.
- (2) A Participant shall be eligible for incentive benefit payments upon his termination of Participation in the Plan and satisfaction of the following eligibility criteria as may be amended from time to time by resolution of City Council:
  - (a) Ten (10) years of service and age fifty-five (55);
  - (b) Twenty-five (25) or more years of service and has attained fifty (50) years of age; or
  - (c) A Participant having attained thirty (30) years of service regardless of age.
  - (d) For Vested Former Participants, Ten (10) years of service and age sixty (60).
- (3) Incentive benefits shall be made in monthly installments on the last day of each month during the life of the Former Participant.
- (4) The amount of each annual incentive benefit shall be equal to Six Hundred Forty Two dollars (\$642.00) multiplied by the years of credited service. The annual benefit amount

may be indexed for inflation and/or amended from time to time by a City Council budget appropriations resolution.

- (5) Prior to the date of his first incentive benefits, but not thereafter, an eligible Former Participant may elect to receive his incentive benefits payable throughout his life, or receive his incentive benefits in a reduced amount payable throughout his life, and nominate a beneficiary, in accordance with the provisions of the Options as set forth below:

Option A: 100% Joint and Survivor: Upon the death of a Former Participant, who elected Option A, his reduced incentive payment shall be continued throughout the life of and paid to such person having an insurable interest in his life, as he shall have nominated; or

Option B: 50% Joint and Survivor: Upon the death of a Former Participant, who elected Option B, one-half of his reduced incentive benefits shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated.

Option C: 100 % Joint and Survivor Pension w/ Pop-up (Pop-up Option A): Upon the death of a Former Participant who elected Option C, his reduced incentive benefits shall be continued through the life and paid to such person having an insurable interest in his life, as he shall have nominated. If the selected beneficiary predeceases the Former Participant, the incentive benefits shall revert to a straight-life payment payable throughout the remainder of the Former Participant's life.

Option D: 50% Modified Joint and Survivor Pension with Pop-up (Pop-up Option B): Upon the death of a Former Participant who elected Option D, one-half of his reduced incentive benefits shall be continued throughout the life of and paid to such person having an insurable interest in his life, as he shall have nominated. If the selected beneficiary predeceases the Former Participant, the incentive benefits shall revert to a straight-life payment payable throughout the remainder of the Former Participant's life.

- (6) In the event a Participant dies who has ten or more years of incentive service, his Spouse shall receive an incentive benefit computed in the same manner in all respects as if the Participant had terminated Participation on the day preceding his death, elected Option A, and nominated his Spouse as beneficiary.

***1:203. Miscellaneous.***

- (1) Each Participant, Former Participant and Vested Former Participant shall be deemed to have assented to the terms and conditions of the Plan. An individual may not sell, assign or hypothecate, in any manner, all or any part of the individual's potential payments under the Plan.

- (2) Nothing in this Plan shall in any way affect the rights of the City or a Participant to terminate the volunteer firefighter relationship between them.

### **Chapter 3.**

# CITY OF TROY

## INCENTIVE PLAN FOR VOLUNTEER FIREFIGHTERS

### Chapter 1. GENERAL PROVISIONS

#### **1:100. Establishment and Purpose.**

This City of Troy Incentive Plan for Volunteer Firefighters is hereby restated, as amended, for the purpose of providing length of service incentive benefits for the City of Troy volunteer firefighters.

#### **1:101. Short Title.**

This Plan may be known and cited as the City of Troy Incentive Plan for Volunteer Firefighters (“Plan”).

#### **1:102. Definitions.**

For the purposes of this Plan, the following words shall have the meanings respectively ascribed to them by this section:

- (1) *Annual Benefit Amount* means the annual dollar amount of the length of service incentive benefits which may be payable from the Plan to eligible Former Participants, as amended from time to time by City Council via a budget appropriations resolution.
- (2) *Break in service* shall mean an unapproved leave of absence or termination of service as a volunteer firefighter lasting more than one (1) year.
- (3) *City* means the City of Troy, Michigan.
- (4) *City Council* means the City Council of the City of Troy, Michigan.
- (5) *Code* means the Internal Revenue Code of 1986, as amended. Reference to any section or subsection of the Code includes reference to any comparable or succeeding provision of any legislation which amends or replaces such section or subsection and any regulations thereto.
- (6) *Contribution(s)* means the payments made to the Trust by the City for the purpose of providing length of service based incentive benefits to Former Participants and beneficiaries covered by the Plan.
- (7) *Deferred Former Participant* means a former volunteer firefighter and Former Participant who has ten (10) or more years of incentive service as a volunteer firefighter for the City, but has not reached the requisite age requirement for commencement of benefits from the Plan.

- (8) *Eligible Former Participant* means an individual who is (a) an active volunteer firefighter, who upon attaining eligibility, elected to commence receipt of incentive benefits and is therefore no longer entitled to further benefit accruals under the provisions of this Plan; (b) a former volunteer firefighter, who upon termination of volunteer service was eligible for, and elected to commence receipt, of incentive benefits from the Plan; (c) a former volunteer firefighter, who is eligible for incentive benefits from the Plan but has not yet elected to commence receipt of incentive benefits from the Plan; or (d) a Deferred Former Participant.
- (9) *Incentive Service Credit* means personal service rendered to the City as a volunteer firefighter and credited to a Participant in accordance with the Plan.
- (10) *Ineligible Former Participant* shall mean an individual who ceases to be an active volunteer firefighter prior to attainment of eligibility for incentive benefits under the provisions of this Plan.
- (11) *Participant* means an individual who is an active volunteer firefighter eligible for benefit accruals under the provisions of the Plan and who has not elected to commence receipt of benefits under the terms of the Plan.
- (12) *Plan* means the City of Troy Incentive Plan for Volunteer Firefighters established by Ordinance as provided herein. A description of the incentive benefits provided to Eligible Former Participants, spouses and dependents under the Plan is maintained by the Plan Administrator.
- (13) *Plan Administrator* means the person, persons, firm, corporation or insurance company or companies, appointed by the City to administer the Plan. The Plan Administrator shall be responsible for the day-to-day operations of the Plan and shall carry out the directives of the City and the Board of Trustees.
- (14) *Service* shall mean personal service rendered to the City of Troy as a volunteer firefighter.
- (15) *Spouse* means a Participant's or Eligible Former Participant's spouse by legal marriage who is the Participant's or Eligible Former Participant's spouse on the earlier of the date the Participant terminates from volunteering with the City or elects to commence receipt of incentive benefits from the Plan.
- (16) *Trust* means the City of Troy Incentive Trust for Volunteer Firefighters as established pursuant to the declaration of trust approved by the City Council and as may be amended from time to time.
- (17) *Trustee(s) or Board* means the Board of Trustees of the Trust or a member of the Board of Trustees of the Trust as provided for in the Trust.
- (18) *Voluntary Incentive Committee* means a committee comprised of representatives selected by each of the six fire stations in the City.

**1:103. Interpretation and law; Construction.**

- (1) The Plan is hereby established and shall be administered consistent with applicable Federal and Michigan law, including, but not limited to the Public Employee Retirement System Investment Act, Public Act 314 of 1965, as amended (MCL §38.1132 et seq.).
- (2) The establishment of this Plan, any modification thereof, the creation of any fund or account, or the payment of any benefits, shall not be construed as giving to any person covered under the Plan, or any other person, any legal or equitable right against the City, its elected or appointed officials or employees, the Trustees or any individual Trustee, except as may otherwise be provided in this Plan document.
- (3) The headings and subheadings in this Plan are inserted for convenience of reference only and are not to be considered in the construction of any provision of the Plan.
- (4) Words herein in the masculine gender shall be construed to include the feminine gender where appropriate, and words used herein in the singular or plural shall be construed as being in the plural or singular where appropriate.
- (5) In resolving any conflict among provisions of this Plan or any uncertainty as to the meaning or intention of any provision of this Plan, the interpretation that causes both the Trust to be exempt from tax and the Trust to comply with all applicable requirements of the Code shall prevail over any different interpretation.
- (6) This Plan shall be binding upon all Participants and Eligible Former Participants under the Plan, or their applicable heirs, executors, administrators, successors, and assigns.

**1:104. Administrative Regulations.**

The provisions of this Plan are subject to relevant provisions of any administrative regulations that the City may have for volunteer firefighters and any volunteer service contracts between the City and an individual Participant, if any. The provisions of any administrative regulations or service contracts for volunteer firefighters relative to incentive benefits are controlling in the event of a conflict between the terms of the administrative regulations or applicable service contract and the Plan.

**1:105. Notice.**

Notice given to all interested parties shall, unless otherwise specified in this Plan, be sufficient if in writing and delivered or sent by prepaid first class mail. Except as otherwise noted, the distribution or delivery of any statements or documents required under the Plan shall be sufficient if delivered in person or prepaid first class mail.

**1:106. Reporting and Disclosure.**

The Plan Administrator shall complete and provide to Participants, Eligible Former Participants, Spouses and Dependents, and to the appropriate government agencies any reports as may be required by the Code, applicable federal, state or local law.

**1:107. Amendment and Termination.**

- (1) The provisions of the Plan may be amended at any time by the City Council in accordance with applicable law. The Voluntary Incentive Committee will be notified at least thirty (30) days in advance that a proposed amendment or revision will be submitted to the City Council for consideration. The City Council shall hold a public hearing prior to any action to reduce Plan benefits or terminate the Plan.
- (2) The City reserves the right to modify or terminate the Plan and/or the benefits payable under the Plan at any time in its sole discretion after the requisite public hearing. Such a termination shall not affect the amount of any incentive payments made prior to the effective date of termination of the Plan or incentive payments otherwise payable at the time of such termination for which assets remain in the Trust. The Voluntary Incentive Committee will be notified at least ninety (90) days in advance that a proposed Plan termination will be submitted to the City Council for consideration.

**Chapter 2.**  
**INCENTIVE PLAN FOR VOLUNTEER FIREFIGHTERS**

**1:200. Participation.**

- (1) Except as otherwise provided herein, each active volunteer firefighter of the City shall be a Participant in the Plan.
- (2) Participation shall terminate upon the earlier of termination of duties as a volunteer firefighter or commencement of incentive benefits under the provisions of this Plan.

**1:201. Service Credit.**

- (1) A Participant shall be credited with one month of incentive service credit for each complete calendar month the Participant is an active volunteer firefighter and meets or exceeds the attendance requirements as identified in the Troy Fire Department Policy Directive 103.07. Service shall be totaled in years and months.
- (2) Should any Participant cease to be an active volunteer firefighter prior to attaining ten (10) or more years of continuous service as a volunteer firefighter, he or she shall immediately cease to be a Participant in this Plan and all incentive service credit shall be forfeited, unless otherwise provided herein.
- (3) Incentive service credit shall be restored to an Ineligible Former Participant upon returning to active duty as a volunteer firefighter within five (5) years from the date he or she ceased to be an active volunteer firefighter, and so long as he/she remains an active volunteer firefighter and a Participant in the Plan for five (5) consecutive years after returning to active service. In the event an Ineligible Former Participant returns to service as an active volunteer firefighter after a break in service lasting five (5) or more years, incentive service credit shall be restored upon remaining an active volunteer firefighter and a Participant in the Plan for ten (10) consecutive years after returning to service.

- (4) In the event a Deferred Former Participant returns to service as an active volunteer firefighter, prior incentive service credit shall not be combined with new incentive service credit until after returning for five (5) consecutive years of active service as a volunteer firefighter. Payments will be in accordance with Section 1:202.

**1:202. Benefits.**

- (1) An eligible Participant or Eligible Former Participant, upon written application filed with the Board of Trustees and the receipt of approval, shall be paid incentive benefits pursuant to the provisions of this Plan. The incentive benefits due an eligible Participant or Eligible Former Participant shall be determined at the time he or she terminates participation, as provided in the Plan. Credited service under Section 1.201 shall be combined for benefit eligibility purposes only after a Participant's return to active service as a volunteer firefighter for five (5) consecutive years.
- (2) Except as otherwise set forth in the Plan, a Participant shall be eligible for incentive benefit payments upon his termination of Participation in the Plan and satisfaction of the following eligibility criteria as may be amended from time to time by resolution of City Council:
  - (a) Ten (10) years of incentive service credit with at least five consecutive years as a participant after returning (if applicable), and is at least age fifty-five (55);
  - (b) Twenty-five (25) or more years of incentive service credit as a volunteer firefighter with at least five consecutive years as a participant after returning (if applicable) and has attained fifty (50) years of age; or
  - (c) A Participant having attained thirty (30) years of incentive service credit as a volunteer firefighter regardless of age, with at least five consecutive years as a participant after returning (if applicable).
- (3) Eligible Former Participants with ten (10) or more years of service as a volunteer firefighter, but who separated from volunteer service prior to meeting the foregoing age requirements, are eligible to commence receipt of incentive benefit payments from the Plan upon attainment of age sixty (60).
- (4) Incentive benefits shall be made in monthly installments on the last day of each month during the life of the Eligible Former Participant.
- (5) The amount of each annual incentive benefit shall be equal to Six Hundred Eighty one dollars (\$681.00) multiplied by the years of incentive service credit. The annual benefit amount may be indexed for inflation and/or amended from time to time by a City Council budget appropriations resolution. In the event a Deferred Former Participant separates from service as an active volunteer firefighter prior to attaining immediate eligibility for incentive benefit payments under this Plan, he or she shall be entitled to an annual incentive benefit calculated in accordance with the provisions of this Plan in effect at the time of said Deferred Former Participant's separation from service as an active volunteer firefighter.

(6) In the event a Participant has one or more breaks in service, incentive benefits payable under this Plan shall be calculated in accordance with the provisions of the Plan in effect at the time of each separation of service as an active volunteer firefighter.

(7) Prior to the date of the first incentive benefit payment, but not thereafter, a Participant or an Eligible Former Participant may elect to receive his incentive benefits payable throughout his life, or receive his incentive benefits in a reduced amount payable throughout his life, and nominate a beneficiary, in accordance with one of the Options as set forth below:

Option A: 100% Joint and Survivor: Upon the death of an Eligible Former Participant, who elected Option A, his reduced incentive payment shall be continued throughout the life of and paid to such person having an insurable interest in his life, as he shall have nominated; or

Option B: 50% Joint and Survivor: Upon the death of an Eligible Former Participant, who elected Option B, one-half of his reduced incentive benefits shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated.

Option C: 100 % Joint and Survivor Pension w/ Pop-up (Pop-up Option A): Upon the death of an Eligible Former Participant who elected Option C, his reduced incentive benefits shall be continued through the life and paid to such person having an insurable interest in his life, as he shall have nominated. If the selected beneficiary predeceases the Eligible Former Participant, the incentive benefits shall revert to a straight-life payment payable throughout the remainder of the Eligible Former Participant's life.

Option D: 50% Modified Joint and Survivor Pension with Pop-up (Pop-up Option B): Upon the death of an Eligible Former Participant who elected Option D, one-half of his reduced incentive benefits shall be continued throughout the life of and paid to such person having an insurable interest in his life, as he shall have nominated. If the selected beneficiary predeceases the Eligible Former Participant, the incentive benefits shall revert to a straight-life payment payable throughout the remainder of the Eligible Former Participant's life.

(8) In the event a Participant dies who has ten or more years of incentive service, his Spouse shall receive an incentive benefit computed in the same manner in all respects as if the Participant had terminated Participation on the day preceding his death, elected Option A, and nominated his Spouse as beneficiary. In the event there is no surviving Spouse and the Participant is survived by one or more legally recognized children, a lump sum equal to 60% of the actuarial present value of the accrued annual incentive benefit shall be payable to the Participant's designated legal representative or his/her estate if no legal representative has been designated.

**1:203. Miscellaneous.**

- (1) Each Participant and Eligible Former Participant shall be deemed to have assented to the terms and conditions of the Plan. An individual may not sell, assign or hypothecate, in any manner, all or any part of the individual's potential payments under the Plan.
- (2) Nothing in this Plan shall in any way affect the rights of the City or a Participant to terminate the volunteer firefighter relationship between them.

**IN WITNESS WHEREOF**, this document has been signed and sealed on behalf of the City of Troy by its duly authorized officers, on this \_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF TROY**

**BY:** \_\_\_\_\_

**ITS:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**ITS:** \_\_\_\_\_

# CITY OF TROY INCENTIVE PLAN FOR VOLUNTEER FIREFIGHTERS

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## Chapter 1. GENERAL PROVISIONS

### **1:100. Establishment and Purpose.**

This City of Troy Incentive Plan for Volunteer Firefighters is hereby restated, as amended, for the purpose of providing length of service incentive benefits for the City of Troy volunteer firefighters.

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Deleted: The City of Troy Incentive Trust for Volunteer Firefighters (the "Trust") is hereby established to allow the City of Troy to fund the required benefits as provided pursuant to the Plan provisions, an essential government function.

### **1:101. Short Title.**

This Plan may be known and cited as the City of Troy Incentive Plan for Volunteer Firefighters ("Plan").

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### **1:102. Definitions.**

For the purposes of this Plan, the following words shall have the meanings respectively ascribed to them by this section:

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- (1) *Annual Benefit Amount* means the annual dollar amount of the length of service incentive benefits which may be payable from the Plan to eligible Former Participants, as amended from time to time by City Council via a budget appropriations resolution.
- (2) *Break in service* shall mean an unapproved leave of absence or termination of service as a volunteer firefighter lasting more than one (1) year.
- (3) *City* means the City of Troy, Michigan.
- (4) *City Council* means the City Council of the City of Troy, Michigan.
- (5) *Code* means the Internal Revenue Code of 1986, as amended. Reference to any section or subsection of the Code includes reference to any comparable or succeeding provision of any legislation which amends or replaces such section or subsection and any regulations thereto.
- (6) *Contribution(s)* means the payments made to the Trust by the City for the purpose of providing length of service based incentive benefits to Former Participants and beneficiaries covered by the Plan.
- (7) *Deferred Former Participant* means a former volunteer firefighter and Former Participant who has ten (10) or more years of incentive service as a volunteer firefighter for the City, but has not reached the requisite age requirement for commencement of benefits from the Plan.

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(8) Eligible Former Participant means an individual who is (a) an active volunteer firefighter, who upon attaining eligibility, elected to commence receipt of incentive benefits and is therefore no longer entitled to further benefit accruals under the provisions of this Plan; (b) a former volunteer firefighter, who upon termination of volunteer service was eligible for, and elected to commence receipt, of incentive benefits from the Plan; (c) a former volunteer firefighter, who is eligible for incentive benefits from the Plan but has not yet elected to commence receipt of incentive benefits from the Plan; or (d) a Deferred Former Participant.

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(9) Incentive Service Credit means personal service rendered to the City as a volunteer firefighter and credited to a Participant in accordance with the Plan.

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(10) Ineligible Former Participant shall mean an individual who ceases to be an active volunteer firefighter prior to attainment of eligibility for incentive benefits under the provisions of this Plan.

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(11) Participant means an individual who is an active volunteer firefighter eligible for benefit accruals under the provisions of the Plan and who has not elected to commence receipt of benefits under the terms of the Plan.

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(12) Plan means the City of Troy Incentive Plan for Volunteer Firefighters established by Ordinance as provided herein. A description of the incentive benefits provided to Eligible Former Participants, spouses and dependents under the Plan is maintained by the Plan Administrator.

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(13) Plan Administrator means the person, persons, firm, corporation or insurance company or companies, appointed by the City to administer the Plan. The Plan Administrator shall be responsible for the day-to-day operations of the Plan and shall carry out the directives of the City and the Board of Trustees.

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(14) Service shall mean personal service rendered to the City of Troy as a volunteer firefighter.

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(15) Spouse means a Participant's or Eligible Former Participant's spouse by legal marriage who is the Participant's or Eligible Former Participant's spouse on the earlier of the date the Participant terminates from volunteering with the City or elects to commence receipt of incentive benefits from the Plan.

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(16) Trust means the City of Troy Incentive Trust for Volunteer Firefighters as established pursuant to the declaration of trust approved by the City Council and as may be amended from time to time.

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(17) Trustee(s) or Board means the Board of Trustees of the Trust or a member of the Board of Trustees of the Trust as provided for in the Trust.

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(18) Voluntary Incentive Committee means a committee comprised of representatives selected by each of the six fire stations in the City.

Deleted: (14) : Vested Former Participant means a former volunteer firefighter and Participant who has ten (10) or more years of incentive service as a volunteer firefighter for the City, but has not reached the requisite age requirement for commencement of benefits from the Plan.¶

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**1:103. Interpretation and law; Construction.**

- (1) The Plan is hereby established and shall be administered consistent with applicable Federal and Michigan law, including, but not limited to the Public Employee Retirement System Investment Act, Public Act 314 of 1965, as amended (MCL §38.1132 et seq.).
- (2) The establishment of this Plan, any modification thereof, the creation of any fund or account, or the payment of any benefits, shall not be construed as giving to any person covered under the Plan, or any other person, any legal or equitable right against the City, its elected or appointed officials or employees, the Trustees or any individual Trustee, except as may otherwise be provided in this Plan document.
- (3) The headings and subheadings in this Plan are inserted for convenience of reference only and are not to be considered in the construction of any provision of the Plan.
- (4) Words herein in the masculine gender shall be construed to include the feminine gender where appropriate, and words used herein in the singular or plural shall be construed as being in the plural or singular where appropriate.
- (5) In resolving any conflict among provisions of this Plan or any uncertainty as to the meaning or intention of any provision of this Plan, the interpretation that causes both the Trust to be exempt from tax and the Trust to comply with all applicable requirements of the Code shall prevail over any different interpretation.
- (6) This Plan shall be binding upon all Participants and Eligible Former Participants under the Plan, or their applicable heirs, executors, administrators, successors, and assigns.

**1:104. Administrative Regulations.**

The provisions of this Plan are subject to relevant provisions of any administrative regulations that the City may have for volunteer firefighters and any volunteer service contracts between the City and an individual Participant, if any. The provisions of any administrative regulations or service contracts for volunteer firefighters relative to incentive benefits are controlling in the event of a conflict between the terms of the administrative regulations or applicable service contract and the Plan.

**1:105. Notice.**

Notice given to all interested parties shall, unless otherwise specified in this Plan, be sufficient if in writing and delivered or sent by prepaid first class mail. Except as otherwise noted, the distribution or delivery of any statements or documents required under the Plan shall be sufficient if delivered in person or prepaid first class mail.

**1:106. Reporting and Disclosure.**

The Plan Administrator shall complete and provide to Participants, Eligible Former Participants, Spouses and Dependents, and to the appropriate government agencies any reports as may be required by the Code, applicable federal, state or local law.

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Deleted: Trust shall constitute a grantor governmental trust pursuant to Section 115 of the Code, as amended and shall be construed, enforced and administered and the validity thereof determined in accordance with the Code and the laws of the State of Michigan. If any provision of the Plan or Trust is held to violate the Code or to be illegal or invalid for any other reason, that provision shall be deemed to be null and void, but the invalidation of that provision shall not otherwise affect the Plan or Trust. ¶

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**1:107. Amendment and Termination.**

(1) The provisions of the Plan may be amended at any time by the ~~Troy~~ City Council in accordance with applicable law. The Voluntary Incentive Committee will be notified at least thirty (30) days in advance that a proposed amendment or revision will be submitted to the ~~Troy~~ City Council for consideration. The City Council shall hold a public hearing prior to any action to reduce Plan benefits or terminate the Plan.

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(2) The City reserves the right to modify or terminate the Plan and/or the benefits payable under the Plan at any time in its sole discretion after the requisite public hearing. Such a termination shall not affect the amount of any incentive payments made prior to the effective date of termination of the Plan or incentive payments otherwise payable at the time of such termination for which assets remain in the Trust. The Voluntary Incentive Committee will be notified at least ninety (90) days in advance that a proposed Plan termination will be submitted to the Troy City Council for consideration.

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**Chapter 2.**  
**INCENTIVE PLAN FOR VOLUNTEER FIREFIGHTERS**

**1:200. *Participation.***

(1) Except as otherwise provided herein, each active volunteer firefighter of the City shall be a Participant in the Plan.

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(2) Participation shall terminate upon the earlier of termination of duties as a volunteer firefighter or commencement of incentive benefits under the provisions of this Plan.

**1:201. *Service Credit.***

(1) A Participant shall be credited with one month of incentive service credit for each complete calendar month the Participant is an active volunteer firefighter and meets or exceeds the attendance requirements as identified in the Troy Fire Department Policy Directive 103.07. Service shall be totaled in years and months.

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(2) Should any Participant cease to be an active volunteer firefighter prior to attaining ten (10) or more years of continuous service as a volunteer firefighter, he or she shall immediately cease to be a Participant in this Plan and all incentive service credit shall be forfeited, unless otherwise provided herein.

(3) Incentive service credit shall be restored to an Ineligible Former Participant upon returning to active duty as a volunteer firefighter within five (5) years from the date he or she ceased to be an active volunteer firefighter, and so long as he/she remains an active volunteer firefighter and a Participant in the Plan for five (5) consecutive years after returning to active service. In the event an Ineligible Former Participant returns to service as an active volunteer firefighter after a break in service lasting five (5) or more years, incentive service credit shall be restored upon remaining an active volunteer firefighter and a Participant in the Plan for ten (10) consecutive years after returning to service.

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(4) In the event a Deferred Former Participant returns to service as an active volunteer firefighter, prior incentive service credit shall not be combined with new incentive service credit until after returning for five (5) consecutive years of active service as a volunteer firefighter. Payments will be in accordance with Section 1:202.

**1:202. Benefits.**

(1) An eligible Participant or Eligible Former Participant, upon written application filed with the Board of Trustees and the receipt of approval, shall be paid incentive benefits pursuant to the provisions of this Plan. The incentive benefits due an eligible Participant or Eligible Former Participant shall be determined at the time he or she terminates participation, as provided in the Plan. Credited service under Section 1.201 shall be combined for benefit eligibility purposes only after a Participant's return to active service as a volunteer firefighter for five (5) consecutive years.

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(2) Except as otherwise set forth in the Plan, a Participant shall be eligible for incentive benefit payments upon his termination of Participation in the Plan and satisfaction of the following eligibility criteria as may be amended from time to time by resolution of City Council:

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- (a) Ten (10) years of incentive service credit with at least five consecutive years as a participant after returning (if applicable), and is at least age fifty-five (55);
- (b) Twenty-five (25) or more years of incentive service credit as a volunteer firefighter with at least five consecutive years as a participant after returning (if applicable) and has attained fifty (50) years of age; or
- (c) A Participant having attained thirty (30) years of incentive service credit as a volunteer firefighter regardless of age, with at least five consecutive years as a participant after returning (if applicable).

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(3) Eligible Former Participants with ten (10) or more years of service credit as a volunteer firefighter, but who separated from volunteer service prior to meeting the foregoing age requirements, are eligible to commence receipt of incentive benefit payments from the Plan upon attainment of age sixty (60).

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(4) Incentive benefits shall be made in monthly installments on the last day of each month during the life of the Eligible Former Participant.

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(5) The amount of each annual incentive benefit shall be equal to Six Hundred Forty Two dollars (\$642.00) multiplied by the years of incentive service credit. The annual benefit amount may be indexed for inflation and/or amended from time to time by a City Council budget appropriations resolution. In the event a Deferred Former Participant separates from service as an active volunteer firefighter prior to attaining immediate eligibility for incentive benefit payments under this Plan, he or she shall be entitled to an annual incentive benefit calculated in accordance with the provisions of this Plan in effect at the time of said Deferred Former Participant's separation from service as an active volunteer firefighter.

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(6) In the event a Participant has one or more breaks in service, incentive benefits payable under this Plan shall be calculated in accordance with the provisions of the Plan in effect at the time of each separation of service as an active volunteer firefighter.

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(7) Prior to the date of the first incentive benefit payment, but not thereafter, a Participant or an Eligible Former Participant may elect to receive his incentive benefits payable throughout his life, or receive his incentive benefits in a reduced amount payable throughout his life, and nominate a beneficiary, in accordance with one of the Options as set forth below:

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Option A: 100% Joint and Survivor: Upon the death of an Eligible Former Participant, who elected Option A, his reduced incentive payment shall be continued throughout the life of and paid to such person having an insurable interest in his life, as he shall have nominated; or

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Option B: 50% Joint and Survivor: Upon the death of an Eligible Former Participant, who elected Option B, one-half of his reduced incentive benefits shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated.

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Option C: 100 % Joint and Survivor Pension w/ Pop-up (Pop-up Option A): Upon the death of an Eligible Former Participant who elected Option C, his reduced incentive benefits shall be continued through the life and paid to such person having an insurable interest in his life, as he shall have nominated. If the selected beneficiary predeceases the Eligible Former Participant, the incentive benefits shall revert to a straight-life payment payable throughout the remainder of the Eligible Former Participant's life.

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Option D: 50% Modified Joint and Survivor Pension with Pop-up (Pop-up Option B): Upon the death of an Eligible Former Participant who elected Option D, one-half of his reduced incentive benefits shall be continued throughout the life of and paid to such person having an insurable interest in his life, as he shall have nominated. If the selected beneficiary predeceases the Eligible Former Participant, the incentive benefits shall revert to a straight-life payment payable throughout the remainder of the Eligible Former Participant's life.

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(8) In the event a Participant dies who has ten or more years of incentive service, his Spouse shall receive an incentive benefit computed in the same manner in all respects as if the Participant had terminated Participation on the day preceding his death, elected Option A, and nominated his Spouse as beneficiary. In the event there is no surviving Spouse and the Participant is survived by one or more legally recognized children, a lump sum equal to 60% of the actuarial present value of the accrued annual incentive benefit shall be payable to the Participant's designated legal representative or his/her estate if no legal representative has been designated.

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1:203. Miscellaneous.

- (1) Each Participant and Eligible Former Participant shall be deemed to have assented to the terms and conditions of the Plan. An individual may not sell, assign or hypothecate, in any manner, all or any part of the individual's potential payments under the Plan.
- (2) Nothing in this Plan shall in any way affect the rights of the City or a Participant to terminate the volunteer firefighter relationship between them.

IN WITNESS WHEREOF, this document has been signed and sealed on behalf of the City of Troy by its duly authorized officers, on this \_\_\_\_ day of \_\_\_\_\_, 2015.

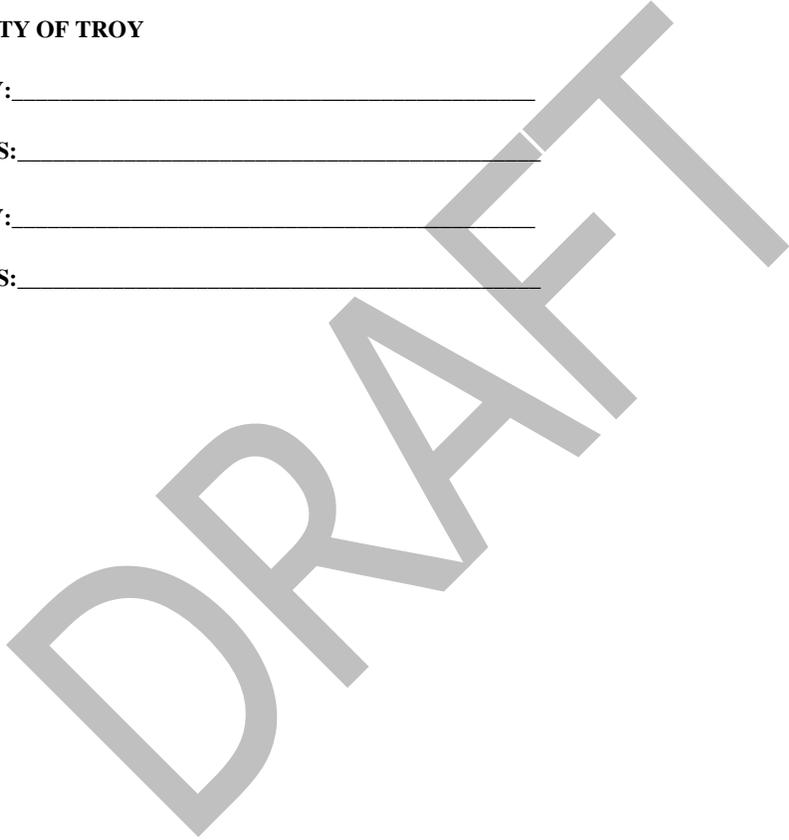
**CITY OF TROY**

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

BY: \_\_\_\_\_

ITS: \_\_\_\_\_



**Deleted:** , Former Participant

**Deleted:** Vested

**Deleted:** the volunteer firefighter relationship between them.¶

**Chapter 3.¶**

**INCENTIVE TRUST FOR VOLUNTEER FIREFIGHTERS¶**

**1:300. Irrevocable Trust, Established.¶**

The Trust, established by the City in accordance with Section 115 of the Code shall be an irrevocable grantor trust administered consistent with applicable federal and Michigan law, and shall constitute a governmental trust under Section 115 of the Code, as amended, Revenue Rulings 77-261 and 90-74, and other relevant guidance. The Trust is intended to fund the City's contractual obligation to provide incentive benefits under the Plan pursuant to applicable provisions of the Internal Revenue Code, the regulations promulgated under each, and applicable federal and Michigan law. The Trust shall conform to all applicable sections of the Internal Revenue Code, the statement of purpose in this Trust, and all statutes, ordinances, rules, administrative regulations, arbitrators' awards and judicial decisions interpreting the foregoing provisions.¶

The Trust shall consist of City Contributions pursuant to the provisions of a City administrative regulation, all investments made or held under Trust, and all income therefrom, both received and accrued, and any other property, which may be received or held by reason of this Trust. ¶

The income accruing to the Trust shall be excluded from gross income as such trust income is derived from the exercise of an essential governmental function as provided for under Section 115(1) of the Code, as amended, Revenue Rulings 77-261 and 90-74, and other relevant guidance. ¶

**1:301. Use of Trust Assets.¶**

(1) The Trust assets shall not be used for or diverted to purposes other than to provide the benefits contemplated under the Plan or to pay for reasonable and necessary services, costs and expenses related to assisting the Trustees in the operation of the Trust. Plan Participants, Former Participants, Vested Former Participants and their respective beneficiaries shall have no preferred claim on, or any beneficial ownership interest in, any assets of the Trust.¶

(2) All income, profits, recoveries, contributions, forfeitures and any and all monies, securities and properties of any kind at anytime received or held by the Trustees hereunder, shall become part of the Trust when received, and shall be held for the use and purposes hereof.¶

**1:302. Funding.¶**

(1) For the purpose of creating and maintaining a fund for the payment of incentive benefits payable as provided in the Plan, the City will pay to the Trust an amount consistent with the actuarial valuations and calculations made by the Actuary for the Trust to result in a pre-funded plan. Such contributions shall also be made in accordance with any regulations of the Board of Trustees as are not inconsistent with the authority stated in the Plan or this Trust document, or under applicable law. ¶

(2) Subject to the tax provisions of applicable ordinances, resolutions and state law, the Trustees may, to the extent matters are not set forth in the Trust, in their discretion decide the manner and means of payments, the procedures to be followed in making the payments, and the forms required to accompany the payments to the Trust. Upon determination by the Trustees of these matters, the Trustees shall provide written notice to the City and will provide... [1]

**Deleted:** 2014

the volunteer firefighter relationship between them.

### **Chapter 3.**

## **INCENTIVE TRUST FOR VOLUNTEER FIREFIGHTERS**

### ***1:300. Irrevocable Trust, Established.***

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The Trust shall consist of City Contributions pursuant to the provisions of a City administrative regulation, all investments made or held under Trust, and all income therefrom, both received and accrued, and any other property, which may be received or held by reason of this Trust.

The income accruing to the Trust shall be excluded from gross income as such trust income is derived from the exercise of an essential governmental function as provided for under Section 115(1) of the Code, as amended, Revenue Rulings 77-261 and 90-74, and other relevant guidance.

### ***1:301. Use of Trust Assets.***

- (1) The Trust assets shall not be used for or diverted to purposes other than to provide the benefits contemplated under the Plan or to pay for reasonable and necessary services, costs and expenses related to assisting the Trustees in the operation of the Trust. Plan Participants, Former Participants, Vested Former Participants and their respective beneficiaries shall have no preferred claim on, or any beneficial ownership interest in, any assets of the Trust.
- (2) All income, profits, recoveries, contributions, forfeitures and any and all monies, securities and properties of any kind at anytime received or held by the Trustees hereunder, shall become part of the Trust when received, and shall be held for the use and purposes hereof.

### ***1:302. Funding.***

- (1) For the purpose of creating and maintaining a fund for the payment of incentive benefits payable as provided in the Plan, the City will pay to the Trust an amount consistent with the actuarial valuations and calculations made by the Actuary for the Trust to result in a pre-funded plan. Such contributions shall also be made in accordance with any regulations of the Board of Trustees as are not inconsistent with the authority stated in the Plan or this Trust document, or under applicable law.
- (2) Subject to the tax provisions of applicable ordinances, resolutions and state law, the Trustees may, to the extent matters are not set forth in the Trust, in their discretion decide the manner and means of payments, the procedures to be followed in making the payments, and the forms required to accompany the payments to the Trust. Upon determination by the Trustees of these matters, the Trustees shall provide written notice to the City and will provide for payments by the City to be made pursuant to the rules and regulations of the Trust.
- (3) Time is of the essence in making and processing all payments to the Trust. The parties recognize that the regular and timely payments of Contributions are essential to the operation of the Trust and the providing of benefits under the Plan.

**1:303. Trust Liabilities.**

- (1) Neither the City, nor any Participant, Former Trustee, Vested Former Participant or Trustee shall be liable for any debts, liabilities or obligations of the Trust except as provided herein. Neither the City, nor any Participant, Former Participant or Vested Former Participant shall have any right to the return of any money properly paid into the Trust, except as otherwise specifically provided in this Trust, or to money improperly paid which has already been invested or distributed.
- (2) No part of the Trust or any assets payable therefrom shall be subject to alienation, sale, transfer, assignment, pledge, or encumbrance charge by any person. No Participant, Former Participant or Vested Former Participant shall be entitled to receive any part of the Contributions made by the City or payments required to be made by the Trust, in lieu of such benefits provided under the Plan as determined by the Trustees in accordance with the Trust.

**1:304. Termination of the Trust.**

- (1) The Trust shall continue during such period of time as may be necessary to carry out the provisions of the Plan and for a period of time sufficient to wind up the affairs of the Trust. In the event of termination or partial termination of the Plan, a Participant's vested interest is a contractual obligation under Article IX, Section 24 of the State of Michigan Constitution.
- (2) Provided there are no longer any Participants (including those not yet vested), Former Participants or Vested Former Participants eligible for benefits or who may yet become eligible to receive benefits from the Plan and all benefit obligations to Participants,

Former Participants, Vested Former Participants, and their respective beneficiaries have been satisfied, the Trust may thereafter be terminated at any time by the Trustees so long as the termination is consistent with any then existing City decisions. It shall not be necessary for the City to execute such an agreement for the Trust to terminate.

- (3) If the Trust terminates, the remaining funds available after providing for all the outstanding obligations shall be returned to the City.

#### **Chapter 4.** **BOARD OF TRUSTEES**

##### ***1:401. Board of Trustees.***

- (1) The Board of Trustees of the City of Troy Incentive Plan and Trust for Volunteer Firefighters shall consist of the following six (7) members:
  - (a) The City Manager or his/her designee;
  - (b) The City Financial Services Director or his/her designee, who shall serve as Chair of the Board;
  - (c) Two active volunteer firefighters appointed by the Voluntary Incentive Committee;
  - (d) One member of the Troy City Council as selected by the City Council; and
  - (e) One citizen of the City of Troy, appointed by the Mayor,
  - (f) One retiree representative, appointed by the Voluntary Incentive Committee.
- (2) The general administration, management and responsibility for the proper operation of the Plan and for making effective and construing the provisions of the Trust shall be vested in the Board of Trustees established by this Section, consistent with applicable state and federal laws and regulations. The Board of Trustees shall be the investment fiduciary of the Trust. A Trustee shall discharge his or her duties with the care, skill, and caution under the circumstances then prevailing which a prudent person, acting in a like capacity and familiar with those matters, would use in the conduct of an activity of like character and purpose.

##### ***1:402. Trustees' Terms of Office.***

- (1) The regular terms of office of the Participant elected and Citizen Appointed Trustees shall be three years.
- (2) Each Trustee shall serve until the expiration of his or her term of office or until his or her death, incapacity, resignation or removal.
- (3) In the event a Participant elected Trustee resigns or is removed as a volunteer firefighter, he or she shall be considered to have resigned from the Board. The Board shall, by resolution, declare his or her office of Trustee vacated as of the date of such resolution. Any vacancy occurring in the office of Trustee shall be filled within sixty (60) days

following the date of the vacancy, for the unexpired portion of the term, in the same manner in which the office was previously filled.

- (4) If a Trustee as provided in 1:401(a) shall fail to attend scheduled meetings of the Board for three consecutive meetings, unless in each case excused for cause by the remaining Trustees attending such meetings, the Trustee shall be considered to have resigned from the Board, and the Board shall, by resolution, declare the office of the Trustee vacated as of the date of adoption of such resolution. Any vacancy occurring in the office of Trustee shall be filled within sixty (60) days following the date of the vacancy, for the unexpired portion of the term, in the same manner in which the office was previously filled.
- (5) A vacancy or vacancies in the office of the Trustees shall not impair the powers of the remaining Trustees to administer the affairs of the Trust, provided there are sufficient Trustees to constitute a quorum. If a vacancy occurs on the Board of Trustees, it shall be filled as soon as practically possible.
- (6) Each successor Trustee, upon accepting such appointment, shall have and enjoy all the powers, both discretionary and ministerial, and shall be charged with all of the duties and responsibilities herein conferred upon his predecessor.

**1:403. Officers and Administration.**

- (1) At its first meeting in the calendar year, the Trustees shall elect a chairperson and a chairperson pro-tem. The chairperson and chairperson pro-tem shall serve a term of one year or until a new chairperson and chairperson pro-tem are elected.
- (2) The Board of Trustees shall designate a member or other individual to serve as secretary of the Board of Trustees. The secretary's term shall be at the pleasure of the Board of Trustees.
- (3) The City Treasurer shall serve as the Treasurer of the Trust. Any reimbursement for the City Treasurer's service shall be in accordance with the provisions of 1:403 (5).
- (4) The Board of Trustees may employ such other clerical staff or administrative staff to perform whatever administrative activities are required in the proper performance of the Trust. In addition thereto, the Trustees may, if they desire, utilize other staff to perform such clerical and administrative duties as they may, in their sole discretion, determine is reasonably and prudently necessary to carry out the Trust's activities and purposes. Under no circumstances shall said staff have control or authority with respect to the management of the Trust or its assets. The said staff shall not be clothed with any type of authority or power which will constitute the staff as a fiduciary. Said staff will not have the power or authority to act as an investment counselor or manager and will not be authorized to furnish investment advice. Said staff shall also not have the power or authority to render the staff a fiduciary to the Trust.

- (5) The Board of Trustees may request to utilize City staff for such functions as personnel administration, accounting, banking, purchasing, or other services necessary for the proper administration of the Plan and Trust. On an annual basis, the City will provide the Board with a cost allocation for the City employees who are qualified to perform the required duties. If the parties mutually agree that these functions will be performed by City employees, then the City will notify the Board of the cost of performing the assigned duties, and such costs will be reimbursed from the assets of the Trust. There must be compliance with all established City control procedures and policies related to these services.
- (6) The Board of Trustees shall employ an investment manager or investment managers to manage some or all of the assets of the Trust. Each investment manager must be registered under the Investment Advisor's Act of 1940, as amended, (15 USC 80b-1) and must meet any applicable state and federal requirements to act as an investment manager. The Trustees may, if they deem proper in their discretion, or if the circumstances require it, appoint such investment manager, managers, banks or insurance companies as fiduciaries and enter into an agreement with such institutions, naming it a fiduciary and conveying to such fiduciary all or a portion of the assets of the Trust, so that said fiduciary may handle, manage and hold those assets conveyed to it. All assets conveyed to said fiduciary shall be subject to the provision of the agreement or agreements between the Trustees and the fiduciary.
- (7) The City Attorney shall serve as legal counsel to the Board of Trustees. Any reimbursement for the City Attorney's service shall be in accordance with the provisions of 1:403 (5).
- (8) The Board of Trustees shall appoint an Actuary who shall advise the Trustees on the actuarial operation of the Plan and Trust. The Trustees shall, from time to time, adopt such mortality and other tables of experience and a rate or rates of regular interest as are necessary in the operation of the Plan and Trust on an actuarial basis.

**1:404. Board Meetings.**

- (1) The Trustees shall meet at least once quarterly. The Trustees shall determine the time for the regular meetings of the Trustees and the place or places where such meetings shall be held. The Secretary or his or her designee shall be responsible for giving notice of the time and place of such meetings to the other Trustees.
- (2) Notice and conduct of all meetings of the Trustees, both regular and special, shall be given in accordance with applicable law including the Michigan Open Meetings Act (MCL §15.261 et seq.).
- (3) The Board of Trustees shall adopt its own rules of procedure and shall keep a record of its proceedings. Three (3) Trustees shall constitute a quorum at any meeting of the Board of Trustees. Each Trustee shall be entitled to one vote on each question before the Board

of Trustees and at least three (3) concurring votes shall be necessary for a decision of the Board.

**1:405. Compensation.**

All Trustees shall serve without compensation as members of the Board of Trustees. Trustees may be reimbursed by the Trust for reasonable and necessary costs and expenses of the Trustees in performing their duties as Trustees as related to the operation of the Plan and Trust.

**1:406. Trustees' Powers and Responsibilities.**

The Trustees shall hold all the powers that are necessary to carry out the purposes of the Trust and are generally available to Trustees under the laws of the State of Michigan, except as limited by the Trust and by Federal law and regulations. It is intended that the Trust shall be tax exempt and shall qualify under the Code and any amendments of the Code applicable to plans of this type. The Trustees shall have the continuing duty to propose, to the City, amendments to this Plan to the extent it becomes necessary to qualify said Plan under the Code and to continue the tax exempt status of the Trust. The Trustees shall take no action nor make any determination inconsistent with any qualification or ruling of the Internal Revenue Service, an arbitrator or the courts with respect to the Trust. In the case of amendments to the Code or changes of regulations by the Internal Revenue Service or the Labor Department, the Trustees are empowered to take all necessary action authorized by the Plan and the Trust, Federal and state law and regulations, to continue the qualification of the Trust as a qualified Trust. In carrying out the purposes of the Trust, the Trustees shall have the following powers and duties:

- (1) The Trustees shall, in order to effectuate the purposes of the Trust, be bound by the terms of the Plan and any applicable administrative regulations.
- (2) Consistent with applicable state and Federal laws and regulations, the Trustees shall have the power to promulgate rules and regulations for the day-to-day management of the Trust, the investment of monies held by the Trust, to determine all questions regarding the interpretation of the Trust, and such other Trust related subjects as shall be deemed necessary and proper by the Trustees. If any rule or regulation of the Trust or part thereof is found to be in conflict with any law, statute, judicial decision, arbitration decision or any other competent body or tribunal, such rule or regulation or part thereof shall be deemed void and all other rules and regulations of the Trust shall remain in effect.
- (3) Whenever the signature of a Trustee is required on any document, two signatures of the individuals authorized by the Board of Trustees shall be required.

**1:407. Investment of Trust Assets.**

- (1) The Trustees shall be authorized to invest the assets of the Trust in accordance with the provisions of the Public Employee Retirement System Investment Act, Public Act 314 of 1965, as amended (MCL §38.1132 et seq.).

- (2) The Board shall invest and reinvest the principal and income of the Trust, without distinction between principal and income, in its sole discretion. The Board in its sole discretion may keep such portion of the Trust in cash or cash balances as the Board may from time to time deem to be in the best interests of the Trust.
- (3) To the extent permitted by law, the Board may commingle the investment of the Trust with other funds that it administers.

**1:408. Board Liabilities.**

The Board's responsibilities and liabilities shall be subject to the following limitations and other limitations as set forth in the Trust:

- (1) The Board shall have no duties other than those expressly set forth in this Trust and those imposed on the Board by applicable laws.
- (2) The Board shall be responsible only for money and property actually received by the Board, and then to the extent described in this Trust.
- (3) The Board shall not be responsible for the correctness of any determination of payments or disbursements from the Trust.
- (4) The Board shall have no liability for the acts or omissions of any predecessor or successor in office.
- (5) The Board shall have no liability for the acts or omissions of any (a) Investment Manager or Managers; (b) insurance company; (c) investment fund; or (d) contractor.
- (6) In the event of any suit brought against the Trustees arising out of the acts within the scope and powers and duties of the Trustees, or in the event of any lawsuit brought by the Trustees, the cost of defense or prosecution of such lawsuit shall be charged to the Trust, and shall be paid directly from the Trust, provided such costs are not incurred by reason of bad faith, gross negligence, or breach of a fiduciary obligation to the Trust or to the beneficiaries thereof.
- (7) The Board may authorize the purchase of insurance for the Trust and for the Trustees to cover liability or losses occurring for any reason, including, but not limited to, an act or omission (errors or omissions) of a fiduciary, including the Trustees; provided however, that such insurance policy permits recourse by the insured against the fiduciary, including the Trustee or Trustees involved, in case of breach of fiduciary obligation by the fiduciary.

**1.409. Reports.**

- (1) The Trustees, or their respective designees, shall establish a uniform system for the timely transmission of required reports and contributions.
- (2) The Trustees shall maintain, or cause to be maintained, proper books of accounts and records of and for the administration of the Trust, including the minutes of all meetings, make them available for inspection during reasonable business hours by the City, or any Participant, Former Participant or Vested Former Participant covered by the Trust.
- (3) The financial records of the Trust shall be subject to the annual audit of the City. The Trustees shall fully comply with all applicable statutory and municipal budgetary and accounting procedures and provide access to or documentation of all assets and liabilities of the Trust and a resume of the operations of the Trust for the preceding year together with such other data as may be required by law or as part of the City's annual financial report.



## CITY COUNCIL AGENDA ITEM

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Date: March 29, 2016

To: Brian Kischnick, City Manager

From: MaryBeth Murz, Purchasing Manager  
Steve Pallotta, Director of Building Operations  
David Roberts, Fire Chief

Subject: Standard Purchasing Resolution 8: Best Value Award – Construction Manager at Risk Services - Fire Station #4 (Introduced by David Roberts, Fire Chief, Steve Pallotta, Director of Building Operations and MaryBeth Murz, Purchasing Manager)

### **History**

Fire Station #4 was originally constructed in 1968. The station was remodeled in 1988 to include an additional apparatus bay and a small addition to the day room. Since this time, the station has taken on newer and larger apparatus; more volunteer firefighters; and the building has experienced foundation settling which has led to water leaks and structural deterioration.

This is the only station in the city that does not have drive-through apparatus bays which allow for the large vehicles to be pulled in and out of the building. Instead, the trucks must be pulled out but then backed in. The apparatus bays and overhead doors are substandard in size thereby making the task of backing apparatus at increased risk of damage to the vehicles and the building.

February of 2013, a needs assessment study was performed by Redstone Architects, Inc., of Bloomfield Hills, MI, to identify current site and building conditions, and to determine the feasibility for a new fire station on the site. The study revealed that additional property would be needed to accommodate a new fire station in order to meet the future needs of the fire department while keeping the current fire station operational during construction.

March 29, 2014, as part of the combined City Council-City Staff Retreat, City Council members and staff toured Station #4 to witness first-hand, many of the short-comings with the current facility. For the 2014-2015 budget, the replacement of Fire Station #4 was identified as one of the City's and Council's budget priorities.

November of 2014, negotiations began to purchase the property immediately east of Fire Station #4 in order to expand the site to accommodate a new fire station. After reviewing the necessary property appraisal and similar sales in that area, the property was purchased on March 27, 2015, for the sum of \$175,000.00.

December 7, 2015 City Council approved a contract to provide Architectural/Engineering Services for Fire Station #4 to Redstone Architects, Inc. of Bloomfield Hills, MI in the amount of \$201,042.00; (Resolution #2015-12-158).

As detailed in the *Tentative Project Timeline*, the next step in the process was to conduct a Request for Proposal process to hire a company to provide Construction Manager at Risk services.



# CITY COUNCIL AGENDA ITEM

## Purchasing

- January 20, 2016 a Request for Proposal was issued and posted on the Michigan Inter-governmental Trade Network (MITN) website: [www.mitn.info](http://www.mitn.info). 471 firms were notified of this bid opportunity.
- January 28, 2016 a Mandatory Pre-Proposal meeting was held at Station #4. The Request for Proposal document and the project timeline was reviewed. Clarifications were discussed and questions answered which necessitated the issuance of an Addendum summarizing the meeting.
- Eight (8) companies attended the Pre-Proposal meeting as listed below:

George W. Auch Company	Pontiac, MI
Frank Rewold & Sons, Inc.	Rochester, MI
Clark Construction Company	Lansing/Southfield, MI
Braun Construction Group	Farmington, MI
The Dailey Company	Lake Orion, MI
MICCO Construction, LLC	Pontiac, MI
O'Brien Construction Company, Inc.	Troy, MI
Tooles Contracting Group, LLC	Detroit, MI

- On February 4, 2016 an on-site visit was also conducted.
- February 18, 2016, a bid opening was conducted and Proposals were received as required by City Charter and Code for the Construction Manager at Risk Services for Fire Station #4. Below is a summary of potential firms.

<b>Companies notified via MITN</b>	471
Troy Companies notified via MITN	15
Troy Companies - Active email Notification	15
Troy Companies - Active Free	0
<b>Companies that viewed the bid</b>	36
Troy Companies that viewed the bid	0

***MITN** provides a resourceful online platform to streamline the procurement process, reduce costs, and make it easier and more transparent for vendors to do business with the City of Troy. **Active MITN** members with a current membership and paying annual dues receive automatic electronic notification which allows instant access to Bids, RFPS and Quote opportunities with the City. **Active MITN non-paying** members are responsible to monitor and check the MITN website for opportunities to do business with the City. **Inactive MITN member** status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.*

Five (5) Proposal responses were received as detailed:

George W. Auch Company	Pontiac, MI
Clark Construction Company	Lansing/Southfield, MI
The Dailey Company	Lake Orion, MI
MICCO Construction, LLC	Pontiac, MI
O'Brien Construction Company, Inc.	Troy, MI

Qualifying conditions of the Construction Management at Risk Company was:

- Years of construction Management Experience
- Construction Management Services on three (3) successful construction projects within the last five (5) years.
- Construction Management Services for a Fire Station project of comparable size, scope and complexity over the last ten (10) years.
- Each firm submitting a proposal was required to provide evidence of a robust Quality Assurance/Quality control program that has been in place for a minimum of five (5) years and was required to have a proactive Safety Program in place.

## Purchasing (continued)

- Must have experience in providing pre-construction services to owners and have previously worked with architectural and/or engineering firms during the design process.
  - Positive References specifically relating to Fire Station design.
  - Qualifications of Firm to perform project as specified detailing personnel and project team led by a Project Manager.
  - Work plan and methodology
- Scoring criteria was as follows:
- 30 points – Approach to the Troy Fire Station #4 Project
  - 35 points – Construction Manager at Risk Experience & Qualifications
  - 20 points – Quality Assurance/Quality Control & Safety Programs/Procedures
  - 15 points – Team Resources, Communication Plans & Schedules
- Five (5) Committee Members reviewed and evaluated the proposals. The Committee Members were as follows:
    - David Roberts, Fire Chief
    - Peter Hullinger, Fire Lieutenant
    - Steve Pallotta, Director of Building Operations
    - Steve Vandette, City Engineer
    - Mitch Grusnick, Building Official/Code Inspector
  - Based on the Firms' qualifying conditions and scores for proposals; the top three (3) Firms were interviewed by the committee on Friday, March 11, 2016. The top three (3) rated Firms were:
    - George W. Auch Company
    - Clark Construction Company
    - The Dailey Company
  - Based on the top three (3) Firms' scores for proposal, *and* interview; which were essentially a tie; final interview presentations were held for the top three (3) ranked Firms on Monday, March 28, 2016.
    - George W. Auch Company
    - Clark Construction Company
    - The Dailey Company
  - The final interview gave the three (3) Firms the opportunity to present to the evaluation committee; addressing the following areas for clarification: The GMP & GMP timing, Estimating and Change Orders, Value Engineering, Project Completion, and Management Team.
  - Based on the scoring criteria, the committee unanimously recommended awarding the contract to the highest rated proposer, The Dailey Company of *Lake Orion, MI*. The Scoring Summary is attached.
  - The Dailey Company is a recognized leader in Construction Management of Fire Stations and public safety facilities with over 27 years of experience in construction management specifically in Fire Station design. The firm specializes in fire stations and municipal projects.

## Purchasing (continued)

- The Dailey Company's resume is quite extensive. Some recent municipal projects include:
  - Lake Orion Fire Station #2 and #3
  - City of Detroit Fire Stations #9, 10, 46, 56, & 5 (5 total)
  - Three District Courts including 41-B in Clinton Township, 16<sup>th</sup> (Livonia) and 43<sup>rd</sup> in Ferndale
- The Dailey Company project team is solid, the Project Manager and Project Superintendent have over 15 years of experience. The Chief Estimator has been with the Company for 20 years. The Dailey Company Project Team was represented in all phases of the interview process.
- Solid experience with Construction Management at Risk with GMP pricing.
- The Dailey Company has never failed to complete a project on time, never exceeded a GMP and has never been involved in a claim/lawsuit with a client.
- The Dailey Company is the "right size" company for this project; based on The Dailey Company's annual project volume and average project cost.
- The experience, wisdom, creativity and engineering skills of Redstone Architects, Inc. and The Dailey Company will be combined beginning in the planning phase in conjunction with the expertise and needs of the Fire Department. The Dailey Company working together collaboratively with the Redstone Architectural team will minimize risk and ensure cost containment and provide opportunity for value engineering. The collaboration of the design and construction team is critical to the construction of the Fire Station within budget.
- The Project Team will be The Dailey Company and the Redstone Architects, Inc. design team working with consulting engineers:
  - Hubbell, Roth & Clark, Inc. – Consulting Civil Engineers & Landscape Architecture
  - DESAI/NASR Consulting Engineers, Inc. – Consulting Structural Engineers
  - JRED Engineering Inc. – Consulting Mechanical Engineers
  - ETS Engineers, Inc. – Consulting Electrical Engineers
- Included with this memo is a detailed *Tentative* Project Timeline. The *Tentative* Project Timeline indicates construction would begin October of 2016 and construction completion would be October, 2017. Note that not only is the timeline tentative, but there has also been some positive discussion with The Dailey Company that there is opportunity to shorten the timeline which would also result in potential cost savings for the City.
- A summary of the pricing is below.



# CITY COUNCIL AGENDA ITEM

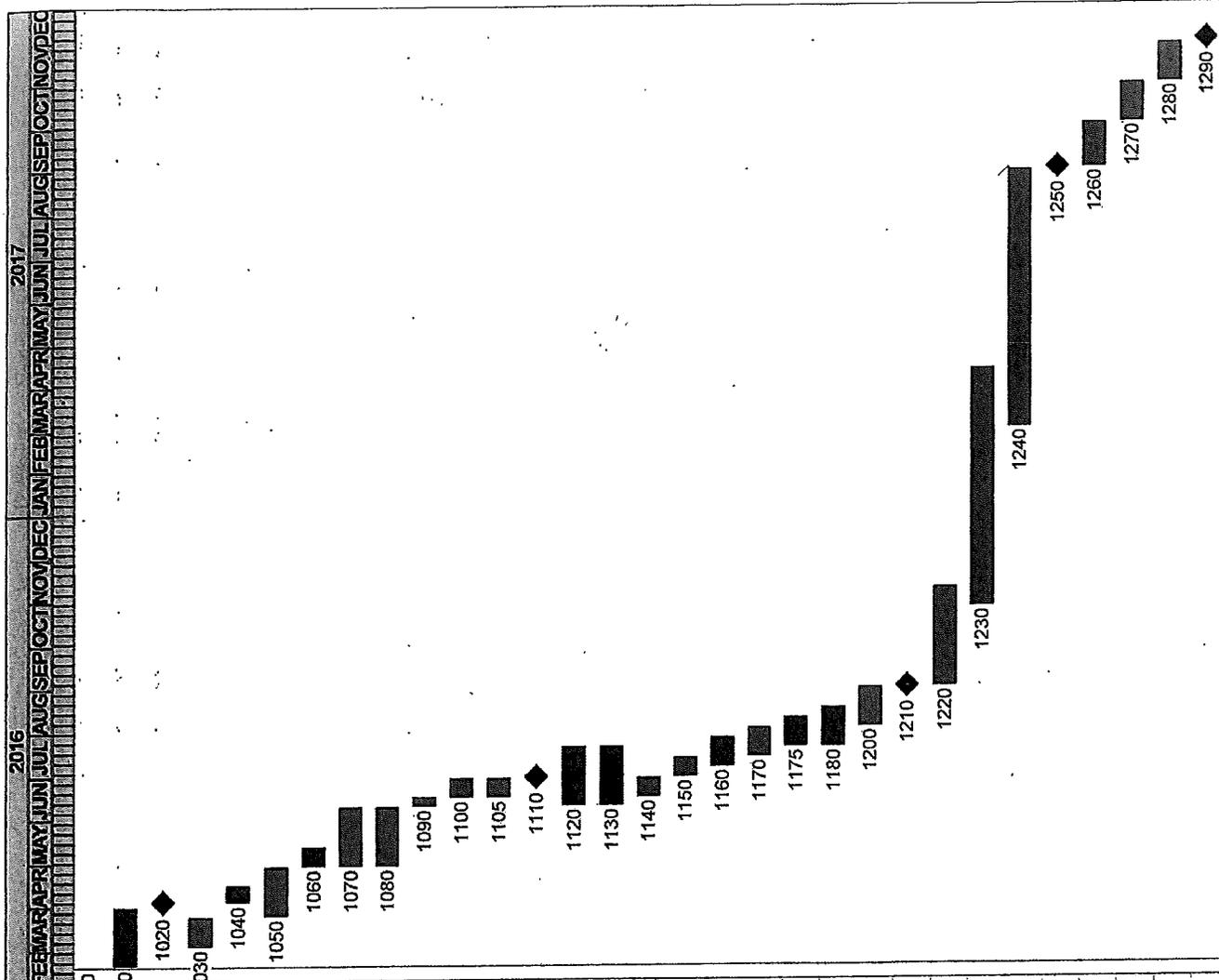
	The DAILEY Company
<b>Pre-Construction Services:</b>	\$28,540.00
Not to exceed CMR Fee	
Total Pre-Construction Hours	360
<b>Construction Services:</b>	\$313,200.00
Not to exceed CMR Fee	
Total Construction Services Hrs	4,900
<b>Fee for project additions that</b>	3.00%
might exceed the estimated	
construction cost of \$3,350,000	
<b>General Conditions:</b>	\$119,250.00
Not to Exceed price	
<b>Fixed CMR Not to Exceed Fee</b>	\$80,000.00
based on an estimated	
\$3,350,000 construction cost.	
<b>Fixed CMR Not to Exceed Total Fee</b>	<b>\$540,990.00</b>

**Financial**

\$4,000,000.00 is budgeted in the 2015/2016 Capital Fund Account for this project. The Project# is 20160018.

**Recommendation**

City management recommends awarding a contract to perform the Construction Manager at Risk Services for the City of Troy Fire Station #4 to the highest rated proposer, *The Dailey Company of Lake Orion, MI* as a result of a best value evaluation process for a total not to exceed amount of \$540,990.00 at prices contained in the bid tabulation opened February 18, 2016. The award is contingent upon the Firm’s submission of properly executed bid documents including insurance certificates and all specified requirements.



Activity ID	Description	Original Duration	Early Start	Early Finish
1000	Construction Manager Proposals Due	1d	18FEB16	18FEB16
1010	CMI Proposal Reviews & Interviews	30d	19FEB16	31MAR16
1020	Issue Notice to Proceed to Construction Manager	0	04APR16	
1030	Schematic Design	15d	04MAR16	24MAR16
1040	Prepare Initial Schematic Design Budget	10d	04APR16	15APR16
1050	Design Development Drawings	25d	25MAR16	28APR16
1060	Prepare Design Development Budget & Schedule	10d	29APR16	12MAY16
1070	Civil Construction Documents	30d	29APR16	09JUN16
1080	Arch, Structural & MEP Construction Documents	30d	29APR16	09JUN16
1090	Owner Review of Construction Documents	5d	10JUN16	16JUN16
1100	Prepare Construction Document Budget & Schedule	10d	16JUN16	29JUN16
1105	Incorporate Owner Comments Into CD's	10d	16JUN16	29JUN16
1110	Final Construction Documents	0	30JUN16	
1120	Civil Permitting	30d	10JUN16	21JUL16
1130	Arch, Structural & MEP Permitting	30d	10JUN16	21JUL16
1140	Subcontractor Bidder Pre-Qualification	10d	16JUN16	29JUN16
1150	Construction Manager Bid Pack/Scope Preparation	10d	30JUN16	13JUL16
1160	Civil Trade Bidding & Awards	15d	07JUL16	27JUL16
1170	Structural Trade Bidding & Awards	15d	14JUL16	03AUG16
1175	MEP Trade Bidding & Awards	15d	21JUL16	10AUG16
1180	Architectural Trade Bidding & Awards	20d	21JUL16	17AUG16
1200	Initial Material Approvals & Lead Times	20d	04AUG16	31AUG16
1210	Mobilize & Commence Construction	0	01SEP16	
1220	Initial Civil & Site Work - Phase I	50d	01SEP16	09NOV16
1230	Structure & Enclosure - Phase I	120d	27OCT16	12APR17
1240	MEP & Interior Work - Phase I	130d	02MAR17	30AUG17
1250	Substantial Completion - Phase I	0	01SEP17	
1260	Move-In	22d	01SEP17	02OCT17
1270	Demo Existing Fire Station - Phase 2	20d	03OCT17	30OCT17
1280	Remaining Civil, Site & Paving Work - Phase 2	20d	31OCT17	27NOV17
1290	Project Final Completion	0	30NOV17	

Troy - Fire Station #4  
The Dailey Company

Start date	18FEB16
Finish date	29NOV17
Data date	18FEB16
Run date	17FEB16

© Primavera Systems, Inc.

Early bar  
 Critical bar  
 Start milestone point

Council Member Baker 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, March 21, 2016, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:31 PM.

**B. ROLL CALL:**

- a) Mayor Dane Slater  
Edna Abraham  
Ethan Baker  
Jim Campbell  
Dave Henderson-Absent  
Ellen Hodorek-Absent  
Ed Pennington-Absent

- b) Excuse Absent Council Members:

Resolution #2016-03-052

Moved by Slater

Seconded by Abraham

RESOLVED, That Troy City Council hereby **EXCUSES** the absences of Council Member Henderson, Council Member Hodorek and Mayor Pro Tem Pennington at the Regular City Council Meeting of March 21, 2016, due to being out of the county.

Yes: Slater, Abraham, Baker, Campbell

No: None

Absent: Henderson, Hodorek, Pennington

**MOTION CARRIED**

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**

- 
- C-1 Proclamation in Recognition of the Athens High School Student Congress for Raising More than \$84,000 During Their February 2016 Charity Week (Presented by: Mayor Dane Slater)**

**D. CARRYOVER ITEMS:**

- 
- D-1 No Carryover Items**

**E. PUBLIC HEARINGS:**

- 
- E-1 No Public Hearings**

**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:**

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**H-1 No Postponed Items**

**I. REGULAR BUSINESS:**

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**I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – None**

a) **Mayoral Appointments: None**

b) **City Council Appointments: None**

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**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 No Closed Session Requested**

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**I-4 Proposed Amendments to Chapters 18 (City Water Utility), 19 (City Sewer Service) and 20 (Water and Sewer Rates) of the City Code (Introduced by: Paul Trosper, Superintendent of Water and Sewer)**

Resolution #2016-03-053

Moved by Baker

Seconded by Campbell

a) **Amendments to Chapter 18 (City Water Utility)**

RESOLVED, That the Troy City Council hereby **AMENDS** Chapter 18 of the Code of the City of Troy, as attached and recommended by City Administration; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**b) Amendments to Chapter 19 (City Sewer Service)**

RESOLVED, That the Troy City Council hereby **AMENDS** Chapter 19 of the Code of the City of Troy, as attached and recommended by City Administration; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**c) Amendments to Chapter 20 (Water and Sewer Rates)**

RESOLVED, That the Troy City Council hereby **AMENDS** Chapter 20 of the Code of the City of Troy, as attached and recommended by City Administration; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Abraham, Baker, Campbell, Slater  
No: None  
Absent: Henderson, Hodorek, Pennington

**MOTION CARRIED**

**J. CONSENT AGENDA:**

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

Resolution #2016-03-054-J-1a  
Moved by Baker  
Seconded by Abraham

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

Yes: Baker, Campbell, Slater, Abraham  
No: None  
Absent: Henderson, Hodorek, Pennington

**MOTION CARRIED**

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**J-1b Address of “J” Items Removed for Discussion by City Council**

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**J-2 Approval of City Council Minutes**

Resolution #2016-03-054-J-2

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

- a) City Council Liquor Violation Hearings Minutes-Draft – March 14, 2016
  - b) City Council Minutes-Draft – March 14, 2016
- 

**J-3 Proposed City of Troy Proclamations:**

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Resolution #2016-03-054-J-3

- a) Athens High School 2015-2016 Student Congress

---

**J-4 Standard Purchasing Resolutions:**

- a) **Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications – Fertilizer/Herbicide Application Services**

Resolution #2016-03-054-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a three (3) year contract for Fertilizer/Herbicide Application Services to the low bidder meeting specifications: *Green Meadows Lawnscape of Rochester Hills, MI*, for Proposals A-B at unit prices contained on the bid tabulation for an estimated annual cost of \$22,667.80, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring December 31, 2018.

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

- b) **Standard Purchasing Resolution 2: Award to Sole Bidder Meeting Specifications - Mosquito Control**

Resolution #2016-03-054-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** a three (3) year contract for Mosquito Control to the sole bidder meeting specifications; *Custom Lawn Care of Flint, MI*, for Proposals A-G at unit prices contained on the bid tabulation, which opened March 3, 2016, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring December 31, 2018 for an estimated total annual cost of \$36,745.97; not to exceed budgetary limitations.

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

- c) **Standard Purchasing Resolution 1: Award to Low Bidders - Aggregates**

Resolution #2016-03-054-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** one (1) year contracts to provide Aggregates with an option to renew for one (1) additional year to the following low bidders;

<u>Company</u>	<u>Items</u>	<u>Estimated Total Cost</u>
Bedrock Express, LTD., Ortonville, MI	1,3,6,7,8	<b>\$30,957.00</b>
Richmond Transport Inc., Lenox, MI	4,9	<b>\$2,925.00</b>
Glenn Eisenhardt Excavating, Inc., Metamora, MI	2, 5	<b><u>\$27,875.00</u></b>

Estimated Total Cost

**\$61,757.00**

All aggregates to be purchased on as-needed basis; at unit prices contained in the bid tabulation opened March 3, 2016, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring April 30, 2018.

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon the contractors' submission of properly executed bid documents, including insurance certificates and all other specified requirements.

**d) Standard Purchasing Resolution 2: Sole Bidder Meeting Specifications - Transit Mixed Concrete**

Resolution #2016-03-054-J-4d

RESOLVED, That Troy City Council hereby **AWARDS** a one (1) year contract to provide Transit Mixed Concrete with an option to renew for one (1) additional year to the sole bidder, *Superior Materials LLC of Farmington Hills, MI*, at unit prices contained in the bid tabulation opened March 10, 2016, a copy of which shall be **ATTACHED** to the original Minutes of this meeting and to be purchased on an as-needed basis as specified, with the contract expiring April 30, 2018.

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

**e) Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications - Abandoned Property Mowing**

Resolution #2016-03-054-J-4e

RESOLVED, That Troy City Council hereby **AWARDS** a three (3) year contract with the option to renew for two (2) additional years to the low bidder meeting specifications, *Fougnie Pro Lawn of Troy, MI*, for an estimated total cost of \$6,215.00 per year at unit prices contained in the bid tabulation opened February 18, 2016, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; with the contract expiring December 31, 2018.

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.

**f) Standard Purchasing Resolution 2: Low Bidder Meeting Specifications - Pool HVAC Unit Replacement – Troy Community Center**

Resolution #2016-03-054-J-4f

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the installation of a new Pool HVAC Unit for the Troy Community Center for an estimated cost of \$290,837.00, not to exceed budgetary limitations, to the lowest bidder meeting specifications, *Tech*

*Mechanical, Inc. of Pontiac, MI*, at the base bid price contained in the bid tabulation opened February 25, 2016; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the contractor's submission of properly executed bid and contract documents, including insurance certificates, performance, labor and material bonds, maintenance bonds and all other specified requirements.

**g) Standard Purchasing Resolution 4: TCPN Purchasing Cooperative – Boulan Park Playground Resurfacing**

Resolution #2016-03-054-J-4g

RESOLVED, That Troy City Council hereby **APPROVES** a contract for materials and labor for the removal and installation of playground surfacing materials at Boulan Park as detailed in the attached quote #5998 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 Cooperative Purchasing Network (TCPN) proposal #R5199-MI-9432 for an estimated total cost of \$89,363.80.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the contractors' submission of properly executed bid and contract documents, including insurance certificates, and all other specified requirements.

**h) Standard Purchasing Resolution 2: Library Upgrades (Skylights, Lintels, Masonry Work)**

Resolution #2016-03-054-J-4h

RESOLVED, That Troy City Council hereby **AWARDS** a contract to remediate existing lintel and skylight conditions at the Troy Public Library as detailed in the attached bid tabulation for an estimated total cost of \$184,656.00 to the low bidder meeting all bid specifications, *Unified Business Technologies, Inc., of Troy, MI*, to be completed in this current Fiscal Year.

BE IT FURTHER RESOLVED, That Troy City Council also hereby **AWARDS** a contract to remediate the masonry conditions as detailed in the attached bid tabulation for an estimated total cost of \$36,856.00 to the low bidder meeting all bid specifications, *Bornor Restoration, Inc. of Lansing, MI*, to be completed d in Fiscal Year 2016/2017 at unit prices contained in the bid tabulation opened March 3, 2016, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FINALLY RESOLVED, That the award is **CONTINGENT** upon the contractors' submission of properly executed bid and contract documents, including insurance certificates, performance, labor and material bonds, maintenance bonds and all other specified requirements.

**i) Standard Purchasing Resolution 3: Exercise Renewal Option - Tree Maintenance Services**

Resolution #2016-03-054-J-4i

WHEREAS, On June 7, 2010, Troy City Council awarded a three-year contract to provide tree maintenance services with an option to renew for one (1) additional year to the low total bidder, J. H. Hart Urban Forestry of Sterling Heights, MI (Resolution #2010-06-131-I-4a); and,

WHEREAS, Troy City Council awarded a one-year option to renew plus an additional one-year extension detailed in the value added section of the bid tabulation with an escalator factor of 2.5% on April 8, 2013 (Resolution #2013-04-075-7-4g); and,

WHEREAS, Troy City Council awarded an additional one-year option to renew, which included an escalator of 2.5% on March 23, 2015 (Resolution #2013-04-075-7-4g);

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **DEEMS** it to be in the City's best interest to **EXERCISE** the option to renew the contract with *J. H. Urban Forestry of Sterling Heights, MI*, to provide two-year requirements of tree maintenance services with the addition of a 3% escalator for the first year only, based on pricing established from Resolution #2015-03-047-J-4b on March 23, 2015, and conditions for an estimated total annual cost of \$285,053 but not to exceed budgetary limitations for the extension, which will expire June 30, 2018.

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#### **J-5 Bid Waiver – Manhole Frames and Covers**

Resolution #2016-03-054-J-5

RESOLVED, That Troy City Council hereby **AWARDS** a one (1) year contract for manhole frames and covers, purchased directly from the manufacturer, EJ of East Jordan, MI, at a list price discount of 53%, for an estimated total amount of \$100,000.00 on as-needed basis; not to exceed the Water and Sewer Division's and Streets and Drains Division's budgetary limitations; with the contract expiring April 30, 2017.

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#### **J-6 Bid Waiver – Wayfinding Signage Phase 2 – Troy Public Library**

Resolution #2016-03-054-J-6

WHEREAS, On February 10, 2014, Troy City Council approved a contract with KMA Design of Pittsburgh, PA to design a Wayfinding Signage Package for the Troy Public Library (Resolution # 2014-02-017-J-4f); and,

WHEREAS, On May 11, 2015, Troy City Council approved a contract with *Sign Concepts dba ASI Signage Innovations of Troy, MI* in the amount of \$38,452.00 to complete Phase 1 of the Wayfinding Signage Project for the Troy Public Library; (Resolution #2015-05-070-J-4g); and,

WHEREAS, It is in the best interest of the City to maintain the high quality and detail of work on Phase 1 Wayfinding and ensure uniform color and sign standardization;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** the formal bidding procedure and **AUTHORIZES** the City of Troy to **AWARD** a contract to install the Phase 2 Wayfinding Signage package at the Troy Public Library as per all bid specifications

and all bid pricing for an estimated total cost of \$59,483.88 to *Sign Concepts dba ASI Signage Innovations of Troy, MI*.

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**J-7 Bid Waiver – Phase One Replacement of Hallway and Office Area Lighting to LED Lamps – Troy City Hall**

Resolution #2016-03-054-J-7

RESOLVED, That Troy City Council **DEEMS** it is in the public's best interest to **WAIVE** the competitive bid process.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City of Troy to purchase one thousand two hundred and twenty (1220) four-foot TOGGLED LED Lamps, one hundred ninety four (194) two-foot TOGGLED LED lamps and ninety seven (97) conversion kits for the Troy City Hall from the authorized manufacturer, *Toggled of Troy, MI*, as detailed in attached quote with the City of Troy Building Operations Department staff completing the installation process. The total estimated cost of the project is \$29,866.92.

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**J-8 Act 51 Mileage Certification for 2015**

Resolution #2016-03-054-J-8

WHEREAS, It is necessary to furnish certain road information to the State of Michigan for the purpose of obtaining funds under Act 51, P.A. 1951, as amended; and,

WHEREAS, Ashwood Drive, Ashwood Court, Oak Forest Drive, Bridle Path Drive, Chaps Drive, Rexedale Drive, Drake, Spring View, and Brooke View are located within the City of Troy; right of way is under the control of the City of Troy; said streets are public streets and are for public street purposes and were open to the public prior to December 31, 2015;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ACCEPTS** the following platted and non-platted streets: Ashwood Drive, Ashwood Court, Oak Forest Drive, Bridle Path Drive, Chaps Drive, Rexedale Drive, Drake, Spring View, and Brooke View into the City of Troy local street system.

BE IT FURTHER RESOLVED, That the City of Troy hereby **DECERTIFIES** the following street: Cecil, effective on December 31, 2015.

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**J-9 Addendum #1 to Contract 15-8 – Mill and Hot Mix Asphalt (HMA) Overlay – Wattles Road, Rochester to John R**

Resolution #2016-03-054-J-9

RESOLVED, That Troy City Council hereby **AWARDS** Addendum #1 to Contract No. 15-8, Wattles Mill & HMA Overlay, to *Pro-Line Asphalt Paving Corp., 11797 29 Mile Road, Washington Twp., MI, 48095*, for their low total bid of \$696,697.50.

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 the budgeted amount of \$750,000.00.

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**J-10 ICMA-RC Money Purchase Plan and Trust 401a Amendment**

Resolution #2016-03-054-J-10

WHEREAS, The City of Troy has employees rendering valuable services; and,

WHEREAS, The City of Troy established a qualified retirement plan for such employees that serves the interest of the City by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and,

WHEREAS, The City has determined that the continuance of the qualified retirement plan will serve these objectives;

NOW THEREFORE BE IT RESOLVED, That the City to **AMENDS** and **RESTATES** the qualified retirement plan (the "Plan") in the form of The ICMA Retirement Corporation Governmental Money Purchase Plan & Trust.

BE IT FURTHER RESOLVED, That the assets of the Plan **SHALL BE HELD** in trust, with the City serving as trustee ("Trustee"), for the exclusive benefit of Plan participants and their beneficiaries, and the assets **SHALL NOT BE DIVERTED** to any other purpose. The Trustee's beneficial ownership of Plan assets held in VantageTrust shall be held for the further exclusive benefit of the Plan participants and their beneficiaries.

BE IT FURTHER RESOLVED, That the City hereby **AGREES** to serve as Trustee under the Plan.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**K-1 Announcement of Public Hearings: None Submitted**

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**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 Council Comments**

Mayor Slater noted the new televisions and sound system in Council Chambers and thanked City Staff for the improvements.

**P. REPORTS:****P-1 Minutes – Boards and Committees:**

- a) Zoning Board of Appeals-Final – December 15, 2015
- b) Employees' Retirement System Board of Trustees-Final–February 10, 2016  
Noted and Filed

**P-2 Department Reports:**

- a) Fire Department Annual Report  
Noted and Filed

**P-3 Letters of Appreciation:**

- a) To Chief Dave Roberts from Lance Koch, General Manager, and Dawn Regan, Event Coordinator, Regarding the Fire Department Attending an Event at Granite City
- b) To Chief Mayer from Stephanie Zender, Principal at Morse Elementary School Regarding Officer Gail Jasak's Work with Students
- c) To the Troy Police Department from Den 4 Cub Scout Pack 1627 Regarding a Police Station Tour
- d) To Chief Mayer from Jarriel Koplin, Delphi, Regarding Officer Tour of the Campus
- e) To the Troy Police Department from Ken Carlson Regarding Officer Assistance
- f) To the Troy Police Department from Sue Vanderbrink Regarding Officer Assistance  
Noted and Filed

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

Lorie Savin	Introduced herself as a candidate for Circuit Court Judge to City Council and the residents of Troy
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**R. CLOSED SESSION:**

**R-1 No Closed Session Requested**

**S. ADJOURNMENT:**

The Meeting **ADJOURNED** at 7:50 PM.

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Mayor Dane Slater

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M. Aileen Dickson, MMC, CMMC  
City Clerk

**PROCLAMATION  
FAIR HOUSING MONTH  
APRIL 2016**

**WHEREAS**, The month of April, 2016 has been declared Fair Housing Month in the City of Troy, in recognition of the 48<sup>th</sup> anniversary of the signing of the Federal Fair Housing Law under the Civil Rights Act; and

**WHEREAS**, This landmark law along with other federal and state legislation strictly prohibits housing discrimination on the basis of race, color, sex, national origin, age, marital status, religion, disability or family status; and

**WHEREAS**, The National Fair Housing Alliance is the voice of fair housing. NFHA works to eliminate housing discrimination and to ensure equal housing opportunity for all people through leadership, education, outreach, membership services, public policy initiatives, advocacy and enforcement; and

**WHEREAS**, The National Fair Housing Alliance recognizes the importance of "home" as a component of the American dream and envisions a country free of housing discrimination where every individual, group and community enjoys equal housing opportunity and access in a bias free and open housing market where integrated neighborhoods are the norm, and the private and public sector guarantees civil rights in an open, and barrier free community committed to healing the history of discrimination in America; and

**WHEREAS**, **Fair Housing Month** is designed to heighten people's awareness of their rights under the law when pursuing the purchase or rental of housing; and

**WHEREAS**, City of Troy residents are urged to contact Oakland County's housing counselors in the Community & Home Improvement Division if they believe they have been the victims of housing discrimination;

**NOW, THEREFORE BE IT RESOLVED**, That the Troy City Council hereby **proclaims the month of April, 2016 as Fair Housing Month in the City of Troy.**

**BE IT FURTHER RESOLVED**, That we invite all Troy residents to join advocates and communities across the country in playing an active role to ensure equal housing opportunity for all people through leadership, education, outreach, membership services, public policy initiatives, advocacy and enforcement.

Proclaimed this 4<sup>th</sup> day of April 2016.



## CITY COUNCIL AGENDA ITEM

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Date: March 18, 2016

To: Honorable Mayor and City Council

From: Brian M. Kischnick, City Manager  
Thomas Darling, Director of Financial Services  
Lori Grigg Bluhm, City Attorney

Subject: Standard Purchasing Resolution 9: Approval to Expend Funds for  
Membership Dues and Renewals Over \$10,000 - Michigan Municipal League

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### History

The Michigan Municipal League (MML), a state association of cities and villages, is a nonpartisan, nonprofit association working cooperatively to strengthen the quality of municipal government and administration.

Benefits of membership include advocacy of municipal issues and low-cost educational opportunities for municipal officials and employees regarding a multitude of areas for effective and efficient governance.

Throughout the last 38 years of the City of Troy's membership with the MML, City Council members and staff members have taken advantage of many continuing education opportunities, legislative updates, workshops, conferences and resource materials made available by the League.

With our membership, we are also able to take advantage of the MML's Workers' Compensation Fund (MML WCF). The MML WCF provides Workers Compensation coverage to more than 880 public entities throughout Michigan and provides legal expertise and defense loss control services, as well as claims handling services which are included in their premium. The broker for the MML WCF takes competitive bids from re-insurers. As of June 30, 2013, the re-insurer and the rating is: Munich ReCAT.

According to the MML, *"The Michigan Municipal League Workers' Compensation Fund is the state's leading provider of municipal workers' compensation and risk management services. The Fund has the lowest rates, the best claims service and the highest historical return of dividends of any insurer in Michigan. The Fund has more than 880 members, \$135 million in assets and more than \$65 million in net member equity. Efficient administration, effective loss control programs and proactive claims services have resulted in rates that are on average 50 percent lower than those of our nearest competitor."*

The invoice reflects \$1,115 for participation in the Michigan Municipal League's Legal Defense Fund. The Legal Defense Fund authorizes amicus briefs in cases that have a statewide impact for Michigan municipalities. The Legal Defense Fund has recently weighed in on medical marijuana



## CITY COUNCIL AGENDA ITEM

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cases, billboard cases, tax cases, governmental immunity cases, right to farm act cases, constitutional law cases, municipal employment law cases, telecommunications cases and zoning cases. In addition to advocating on behalf of municipal interests throughout the State of Michigan, the Legal Defense Fund has also specifically provided amicus briefs in cases filed against the City of Troy.

### **Financial**

Membership fees are currently available in the City Council budget account number 101.102.7958. In addition, it is anticipated that the City will renew and participate in the MML Workers Compensation Fund. Current cost for participation in the MML Workers Compensation Fund is \$330,477.

### **Recommendation**

Continued membership with the MML via payment of the attached invoice is recommended for annual dues in the amount of \$12,269. These dues cover the time period of May 1, 2016 through April 30, 2017.

B:\AGENDA ITEMS\2016\04.041.16 - Standard Purchasing Resolution 9 - MML Dues



# CITY COUNCIL AGENDA ITEM

**Date:** March 30, 2016

**To:** Brian Kischnick, City Manager

**From:** MaryBeth Murz, Purchasing Manager  
 Timothy L. Richnak, Public Works Director  
 Kurt Bovensiep, Public Works Manager

**Subject:** Standard Purchasing Resolution 2: Award to Low Bidder meeting Specifications – Asphalt Paving Materials – Hot Patch

**History**

- Hot asphalt material is used in the patching and maintenance of the City’s local and major roads, and drains.
- Asphalt paving materials – hot patch is purchased on an as needed basis throughout the year.
- The current contract expired on December 31, 2015.

**Purchasing**

- On March 24, 2016 a bid opening was conducted as required by the City Charter/Code for one (1) year requirements of asphalt paving materials – hot patch with an option to renew for one (1) additional year. The bid was posted on the Michigan Intergovernmental Trade Network (MITN); www.mitn.info. Forty six (46) vendors were notified via the MITN website. Two (2) bids were received. Below is a detail summary of the vendor responses.

<b>Companies notified via MITN</b>	46
Troy Companies notified via MITN	1
Troy Companies - Active email Notification	1
Troy Companies - Active Free	0
<b>Companies that viewed the bid</b>	5
Troy Companies that viewed the bid	1

***MITN** provides a resourceful online platform to streamline the procurement process, reduce costs, and make it easier and more transparent for vendors to do business with the City of Troy.*

**Active MITN** members with a current membership and paying annual dues receive automatic electronic notification which allows instant access to Bids, RFPS and Quote opportunities with the City.

**Active MITN non-paying** members are responsible to monitor and check the MITN website for opportunities to do business with the City.

**Inactive MITN member** status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.

- Note that there was no bid response for items 7a and 7b. If necessary these items will be ‘spot buy’ purchased utilizing the Request for Quote (RFQ) process.

**Purchasing (continued)**

- The award will include a primary and a secondary supplier in the event the primary supplier is unable to provide material as needed or if the proximity of the supplier is more advantageous for the specific patch job as approved and directed by the Public Works Manager.
- The award is contingent upon contractors’ submission of properly executed bid documents, insurance certificates and all other specified requirements.



## CITY COUNCIL AGENDA ITEM

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### **Financial**

Funds are available through the Public Works operating budgets.

### **Recommendation**

City management recommends awarding a one (1) year contract to provide Asphalt Paving Materials – Hot Patch with an option to renew for one (1) additional year to the lowest bidder, *Ajax Materials Corporation of Troy, MI* as the primary supplier and *Cadillac Asphalt of Shelby Township, MI* as the secondary supplier as per the unit prices listed in the bid tabulation opened March 24, 2016; to be ordered on an as needed basis and based on proximity; contracts expiring December 31, 2017.

**PROPOSAL: One-Year Requirements of Asphalt Paving Materials - Hot Patch; with an option to renew for one (1) additional year.**

VENDOR NAME:			Ajax Materials Corporation	Cadillac Asphalt		
			Troy, MI	Shelby Twp, MI		
ITEM #	EST QTY (TONS)	DESCRIPTION	Unit Price	Unit Price	Unit Price	Unit Price
1	100	1100T 36A Wearing	\$ 55.00	\$ 60.00		
2	300	1100T 20AA Wearing	\$ 52.50	\$ 54.50		
3	200	1100L 20AA Leveling	\$ 51.50	\$ 54.00		
	500	Bulk Tack Coat	\$ 53.25	\$ 54.50		
4	1200	Commercial Top	\$ 48.00	\$ 54.00		
5	125	Commercial Base	\$ 6.00	\$ 5.00		
6	100 gal	Tack Coat <b>5-gal pail</b>	\$ 60.00	\$ 60.00		
		Biodiesel-Soybean Asphalt Release				
7a	100 gal	Agent <b>5-gallon pail</b>	NO BID	NO BID		
		Biodiesel-Soybean Asphalt Release				
7b	165 gal	Agent <b>55-gallon drum</b>	NO BID	NO BID		
<b>ESTIMATED TOTAL AWARDED ITEMS:</b>			\$ 90,400.00	\$ 104,575.00		
<b>HRS OF OPERATION:</b>			7:30AM-4:00PM	7:00am - 3:30pm		
Hrs of Operation			M-F	Not stated		
Days of Operation			24 Hours	2 Hours		
Notice of Pick up M-F			Call for availability	One Day		
Saturday			6 miles	4.4 Miles		
<b>PROMIXITY:</b>			Troy, MI	Troy, MI		
Location			Net 30	Net 30		
<b>TERMS:</b>			None	None		
<b>EXCEPTIONS:</b>						
<b>MSDS</b>			Y	N		
Y or N						
<b>ALL OR NONE AWARD:</b>			N	N		
Y or N						

Low Bidder shaded in gray.

ATTEST:  
 Susan Riesterer  
 Emily Frontera  
 Enna Bachelor

\_\_\_\_\_  
 MaryBeth Murz  
 Purchasing Manager

Chair Saeger called the Animal Control Appeal Board meeting to order at 7:00 p.m. on December 2, 2015 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Patrick Carolan  
Patrick Floch  
Al Petruilis  
Jayne Saeger

Also Present:

Paul Evans, Zoning and Compliance Specialist  
Nicole MacMillan, Assistant City Attorney  
Sargent Michael Szuminski, Troy Police Animal Control Liaison

2. APPROVAL OF AGENDA

MOTION by Carolan  
SECOND by Petruilis

RESOLVED, to approve the agenda as submitted.

3. HEARING OF CASES

WAIVER REQUEST, JAMIE AND RENEE MUTER, 5760 CLIFFSIDE – In order to keep 3 chickens, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .193 acres in size. Animal Ordinance Section: 90.70.20 (f) Animal Ordinance Section 90.70.20 (f).

Mr. Evans provided a brief overview of the request. Mr. Muter apprised the Board of the history of having chickens on the property, advised that there was adjacent neighbor support, indicated that the chickens were not a nuisance, and described how the chickens are kept.

Chair Saeger opened the public hearing. A Cliffside resident spoke against the request. Mr. Evans summarized the written public comments received by the City. Four were in favor, one was conditionally in favor, and one was against. Chair Saeger closed the public hearing.

The Board noted the following:

- The .193 acres is not a sensibly-sized parcel for this request.
- That the previous identical request from 2014 was granted partially to correct errors but should not set precedent.
- That the Board was unable to have the same discussion prior to the chickens being established in 2010 when they first heard this matter in 2014.

Motion by Petruilis  
Second by Floch

RESOLVED, to deny the request, but to allow the applicant 60 days to relocate the chickens.

Yes: All

MOTION PASSED

4. APPROVAL OF MINUTES – Mr. Evans noted that the Board skipped over this item.

Moved by Carolan  
Second by Petruilis

RESOLVED, to approve the March 25, 2015 meeting minutes.

Yes: All

MOTION PASSED

5. OTHER BUSINESS – Proposed 2016 Animal Control Appeal Board meeting dates

Motion by Carolan  
Second by Floch

RESOLVED, to approve the proposed meeting dates.

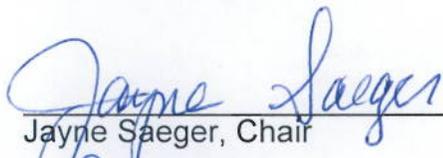
Yes: All

MOTION PASSED

6. ADJOURNMENT

The Animal Control Appeals Board meeting ADJOURNED at 7:23 p.m.

Respectfully submitted,

  
Jayne Saeger, Chair

  
Paul Evans, Zoning and Compliance Specialist

A regular meeting of the Troy Traffic Committee was held Wednesday, January 20, 2016 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

**1. Roll Call**

Present: Tim Brandstetter  
Richard Kilmer  
Al Petrusis  
Cynthia Wilsher  
Pete Ziegenfelder  
Katie Regan (Student Representative)

Absent: David Easterbrook  
Mitch Huber

Also present: Bruce Papet, 1382 Alameda  
Pat Hurley, 1340 Hollins Hall  
Bradley Pearsall, 4421 Forsyth  
Les Marhoff, 4229 Forsyth  
John & Carol Taylor, 4165 Forsyth  
Bob & Sue Schumann, 4321 Forsyth  
Dale Brown, 4333 Forsyth  
Fred Szemyak, 4197 Forsyth  
Jim Nagy, 1314 Alameda  
Stacie Greslick, 1387 Alameda  
Mirela Balmus, 4476 Forsyth  
Sgt. Mike Szuminski, Police Department  
Lt. Eric Caloia, Fire Department  
Bill Huotari, Deputy City Engineer/Traffic Engineer

**2. Minutes – November 18, 2015**

Resolution # 2016-01-01  
Moved by Kilmer  
Seconded by Petrusis

To approve the November 18, 2015 minutes as printed.

Yes: Brandstetter, Kilmer, Petrusis, Wilsher, Ziegenfelder  
No: None  
Absent: Easterbrook, Huber

**MOTION CARRIED**

**REGULAR BUSINESS**

**3. Request for DO NOT BLOCK INTERSECTION – Rochester Road at Alameda**

Bruce Papet of 1382 Alameda Boulevard requests a “DO NOT BLOCK INTERSECTION” sign at the intersection of Alameda Boulevard and Rochester Road.

Traffic Engineering received five (5) emails and two (2) phone calls prior to the meeting that supported the installation of “DO NOT BLOCK INTERSECTION” signs at Rochester Road and Alameda Boulevard.

Mr. Papet was in attendance at the meeting and stated his support for a DO NOT BLOCK INTERSECTION sign for northbound Rochester Road. He explained that it is difficult to exit onto Rochester Road between 4:00-7:00 PM. Sundays are even more challenging due to Woodside Bible Church traffic on Rochester Road. He further explained that attempting to pull out onto Rochester Road to head southbound is very difficult and creates a hazardous situation for many drivers. Mr. Papet provided pictures of the backups that occur at this location which at times can extend from South Boulevard to south of Alameda Boulevard. He would like a sign like the one that exists at Rochester Road and Fairways Boulevard.

Mr. Jim Nagy of 1314 Alameda supported the statements made by Mr. Papet and added that traffic patterns in the area make access to and from Alameda Boulevard to Rochester Road difficult at best. Woodside Bible Church traffic is extremely heavy and adds to the situation when events or services are held at the site. He asked about placement of the sign due to the deceleration lane to Alameda Boulevard [the sign would be placed near the start of the tangent section, just north of the taper, on the deceleration lane, pending clearance of utilities]. Mr. Nagy added that the commercial businesses on the west side of Rochester Road contribute to the traffic issues in this area.

Mr. Pat Hurley presented himself as the president of the Homeowner’s Association. He reports that he has taken several concerns from residents regarding the difficulty of accessing Rochester Road. The issue is primarily during the evening peak hour (i.e. 4:30 – 6:30 PM). He questioned whether there were options that are available at Woodside Bible Church to limit or alter the traffic patterns on the site to restrict exiting traffic to only the south, signalized, drive approach. He feels that this would provide more gaps on Rochester Road and allow for residents on Alameda Boulevard the opportunity to exit/enter from their homes. [Discussions in the past with Woodside Bible Church on traffic during their events/services utilizing both drives to Rochester Road is necessary in order that departing guests can get out of the site and entering guests can get into the site. The traffic signal on Rochester Road at Woodside Bible Church is a private signal, paid for by the church. Operation is typically restricted to large events on nights or weekends as approved by the City].

Mr. Ziegenfelder asked about the long term plans for Rochester Road in this area. This section of Rochester Road is not planned for widening due to the right-of-way that would be needed as well as the proximity to the M59 ramps. A 6-lane boulevard would need to be carried through the South Boulevard intersection and would impact the M59 ramps by the time the boulevard section would taper back to meet existing Rochester Road, north of South Boulevard.

Sgt. Szuminski discussed the issues at this location. Residents are forced to use the center turn lane to merge into traffic. The center turn lane is not to be used for merging, but there really is no other way to complete a turn at this location. The police department will enforce

the DO NOT BLOCK INTERSECTION sign when officers are not on higher priority calls.

Ms. Wilsher asked about pavement markings. Winter weather makes placement of pavement markings at this time unrealistic. The sign will be placed, assuming concurrence and approval of the Traffic Committee recommendation by City Council, and monitored for compliance. If the issue does not improve, then pavement markings will be investigated.

Mr. Brandstetter noted that traffic can and does back up from South Boulevard through Alameda Boulevard.

Mr. Petrulis asked about traffic signal timing at South Boulevard as well as at Woodside Bible Church. The signals are monitored and operated by the Road Commission for Oakland County (RCOC). The City works directly with the RCOC when a request is made by the church for a large event or weekend service. The RCOC has looked at this area numerous times and will continue to be notified for events at the church to activate the traffic signal at Woodside Bible.

Mr. Kilmer noted that there is a similar sign on Livernois at Hickory. He stated that about 80% of drivers comply with the sign.

Mr. Brandstetter discussed traffic signal timing during the peak hour at Rochester Road and South Boulevard and wondered if there could be some changes made by the RCOC that would improve the situation for Rochester Road traffic.

Resolution # 2016-01-02

Moved by Petrulis

Seconded by Wilsher

RESOLVED, that a DO NOT BLOCK INTERSECTION sign be **APPROVED** for installation on northbound Rochester Road at Alameda Boulevard.

Yes: Brandstetter, Kilmer, Petrulis, Wilsher, Ziegenfelder

No: None

Absent: Easterbrook, Huber

#### **MOTION CARRIED**

#### **4. Residential Speed Control – Forsyth, north of Wattles**

Les Marhoff of 4229 Forsyth contacted the Traffic Engineering Department with concerns regarding speeding on Forsyth, north of Wattles. Forsyth is a straight section of road that is approximately ½ mile long and provides a direct connection to Hill Elementary. The posted speed limit is 25 mph.

Mr. Fred Szemyak of 4197 Forsyth stated that he has lived on Forsyth for 47 years. The speed concerns came about after Forsyth was paved. He stated that there are more cars on the street than residents or than attend Hill Elementary. He would like to see more enforcement by Troy Police during the school arrival/dismissal times. He would like to see

another speed limit sign placed mid-way between Wattles and the school. He does not want speed bumps/humps placed. Mr. Szemyak did ask about cutting grooves in the pavement (similar to rumble strips) to provide an audible cue to drivers about their speed.

Mr. Brad Pearsall of 4421 Forsyth stated that there are 21 children that live within 4 houses of the school. Speeds were better when Forsyth was gravel. There are no sidewalks. We need to slow down traffic.

Mr. Dale Brown of 4333 Forsyth states that the problem is constant with traffic to and from the school. Traffic is coming in slower than leaving on Forsyth. He has witnessed cars passing the school bus when it is stopped with the red flashers on. Speeding has been an issue for quite some time.

Mr. Les Marhoff of 4229 Forsyth discussed that Forsyth is ½ mile long with no other intersections. Two (2) deer were hit recently. There are no sidewalks along Forsyth and does not see that sidewalks could be installed easily due to the large drainage ditches. He stated that 50% of the traffic is exceeding 25 mph. He would like to see a flashing speed limit sign during school hours. He would also like to see an additional speed limit sign mid-block.

Ms. Carol Taylor of 4165 Forsyth agrees that something needs to be done. She stated that the police have been on Forsyth before and traffic/speeds are better when police are visible. This issue is also present during the summer months when school is not in session. There are new families moving into the neighborhood with small children and she is concerned for their safety. She has witnessed cars racing down Forsyth.

Mr. John Taylor of 4165 Forsyth added that they are open to any ideas that would slow people down.

Ms. Mirela Balmus of 4476 Forsyth added that they recently moved into a home on Forsyth and have small children. She notices a lot of cars speeding and the Stop sign at the school is routinely ignored.

Mr. Ziegenfelder asked if the existing speed limit sign on northbound Forsyth is in the correct location. [A field review does show that it is placed appropriately]. He stated that there is no speed limit sign on southbound Forsyth. He asked about using rumble strips.

Mr. Brandstetter responded that rumble strips lose their effectiveness over time as drivers get used to them.

Mr. Ziegenfelder continued that he would like to see two (2) speed limit signs in each direction on Forsyth.

Ms. Wilsher stated that cars are flying down the road during the times she has been in the area. She asked about sidewalks.

Mr. Brandstetter asked about relocating the existing speed limit sign to make it more visible. He discussed the speed study and the fact that speeds are highest during school arrival and

dismissal. He discussed speed humps and/or a physical deflection of the road would be the most impactful solution, but would also be paid for by residents. [Residents in attendance at the meeting were not in favor of physical changes].

Sgt. Szuminski discussed the difficulties that the police department has in assigning officers to patrol any one area in the city during peak hours. The police department is approximately 35% smaller than it was and one area that was hit especially hard was the Traffic Safety unit. Previously there were 10 officers assigned to traffic duties. Now there are five (5) officers who do it all and during the peak hour, higher priority calls must be attended to. Troy Police will provide extra patrol in this area when officers are not on higher priority calls.

Resolution # 2016-01-03  
Moved by Kilmer  
Seconded by Brandstetter

RESOLVED, that two (2) 25 mph speed limit signs, in each direction, be **APPROVED** for installation on northbound and southbound Forsyth, between Wattles and Hill Elementary; and

BE IT FURTHER RESOLVED, that the Troy Police Department provide extra enforcement on Forsyth when not on higher priority calls; and

BE IT FINALLY RESOLVED, that a follow-up speed study be conducted in May 2016 to review the results of the new signage and police enforcement on Forsyth. The resulting speed study is to be brought back to the Traffic Committee at the June 2016 meeting.

Yes: Brandstetter, Kilmer, Petrulis, Wilsher, Ziegenfelder  
No: None  
Absent: Easterbrook, Huber

**MOTION CARRIED**

**5. 2016 Meeting Schedule**

According to City of Troy Traffic Committee By-Laws, Article IV – Meetings:

*“Regular meetings will be held on the third Wednesday of each month at 7:30 p.m. at the Troy City Hall, 500 West Big Beaver Road, Troy, Michigan.”*

There are no other by-laws or procedures that establish the actual dates of the meetings, but an annual calendar of meetings is published by the City so meeting dates need to be set for this purpose.

Resolution # 2016-01-04  
Moved by Brandstetter  
Seconded by Wilsher

RESOLVED, that the Traffic Committee **SHALL HOLD** Regular Meetings in 2016 according

to the following schedule at 7:30 PM:

- Wednesday, February 17
- Wednesday, March 16
- Wednesday, April 13 (April 20 conflict with City Council Budget Session)
- Wednesday, May 18
- Wednesday, June 15
- Wednesday, July 20
- August – NO MEETING
- Wednesday, September 21
- Wednesday, October 19
- Wednesday, November 16
- December – NO MEETING

Yes: Brandstetter, Kilmer, Petrulis, Wilsher, Ziegenfelder

No: None

Absent: Easterbrook, Huber

**MOTION CARRIED**

**6. Public Comment**

There was no additional public comment.

**7. Other Business**

Mr. Ziegenfelder reported that the traffic signal on eastbound Long Lake onto Corporate goes red when there is no traffic present. This was noted to occur on Saturday and Sunday after 7:00 AM. The issue will be reported to the RCOC for investigation.

**8. Adjourn**

The meeting adjourned at 9:07 p.m.



Pete Ziegenfelder, Chairperson



Bill Huotari, Deputy City Engineer/Traffic Engineer

Chair Edmunds called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on March 8, 2016 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

- Ollie Apahidean
- Karen Crusse
- Donald Edmunds
- Carlton M. Faison
- Michael W. Hutson
- Tom Krent
- Padma Kuppa
- Philip Sanzica
- John J. Tagle

Also Present:

- R. Brent Savidant, Planning Director
- Ben Carlisle, Carlisle Wortman Associates
- Allan Motzny, Assistant City Attorney
- Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2016-03-019**

Moved by: Krent  
 Seconded by: Tagle

**RESOLVED**, To revise the Agenda by reversing the order of Agenda items 5 and 6.

Yes: All present (9)

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2016-03-020**

Moved by: Crusse  
 Seconded by: Kuppa

**RESOLVED**, To approve the minutes of the February 23, 2016 Regular meeting as published.

Yes: Apahidean, Crusse, Edmunds, Faison, Hutson, Krent, Kuppa, Sanzica  
 Abstain: Tagle

**MOTION CARRIED**

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

**SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW**

6. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU JPLN2016-0005) – Proposed K-9 Club, North side of Maple, West of Rochester between Eastport and Westwood, Section 27, Currently Zoned MR (Maple Road) District

Mr. Carlisle reported on the Special Use Request and Preliminary Site Plan application for the proposed kennel and dog day care facility. Mr. Carlisle recommended Preliminary Site Plan approval provided the applicant meets conditions as identified in his report dated February 18, 2016. He asked the applicant to address control and mitigation of noise and odor.

Mr. Motzny confirmed the Board can place reasonable conditions that relate to the use of the land when granting a Special Use.

Present were the applicant John Asselin of Asselin, McLane Architectural Group and Robert Cassidy, prospective purchaser of the property.

Mr. Asselin addressed the dumpster screening, lighting in the dog play area and the City's Master Plan.

Mr. Cassidy addressed:

- Capacity of dogs; day, evening; number of indoor kennels.
- Traffic impact; low trafficked operation.
- Noise control; management of barking.
- Building insulation, limited windows, environmentally controlled.
- Dog play areas.
  - Outdoor play time would be in shifts
  - Flexible with size of outdoor play area
  - 2000 square foot indoor play area
- Distance to residential homes.
- Fence height, structure and material.
- Dogs screened for temperament and socialization skills.
- Informational meeting held; invitations sent to those residents notified by City.
- Disposal of solid and liquid waste.
- Staff; training, on site 24-7.

Mr. Carlisle announced a letter received today from O'Donnell Properties was distributed to Board members prior to the beginning of tonight's meeting.

**PUBLIC HEARING OPENED**

The following spoke in opposition and all addressed concerns with noise.

- Tim Ostler, 1842 Eastport
- Jim Savoie, 1853 Eastport
- Kim Savoie, 1853 Eastport
- Elizabeth Ackerson, 1718 Eastport; addressed safety of children and traffic.
- Denise Carter, 1751 Eastport.
- John Dobrin, 1675 Eastport.
- Vinod Menon, 1687 Westwood; addressed distance to residential.
- Patricia O’Donnell, 505-513 E Maple and 507 E. Maple; addressed number of dogs, distance to existing business and floodplain.
- Jeff Melin, 1660 Eastport; addressed loss of green space, fence and traffic.

**PUBLIC HEARING CLOSED**

Mr. Cassidy again addressed noise concerns and how barking would be managed. He offered to give consideration to a different layout of the building and outdoor play area and to plant additional trees for buffering.

There was discussion on:

- Existing dog day care facilities.
- City’s Code on noise control; code enforcement.
- Number of public hearing notifications sent.
- Building orientation; site layout.

Mr. Savidant said there are a number of existing dog day care facilities in the City and he has not done any research on the facilities as relates to the distance to residential homes or code enforcement action. Mr. Savidant said the proposed dog day care facility might be closer to residential homes than any existing dog day care facility. Further, Mr. Savidant said anecdotally he is not aware of any code violations at any existing facility.

Mr. Carlisle said orientation of a building is priority in the Maple Road form based zoning district. He further noted that access to the site would be a consideration should the applicant propose a different building orientation.

**Resolution # PC-2016-03-021**

Moved by: Sanzica  
Seconded by: Faison

**RESOLVED**, To re-open the floor for public comment.

Yes: Apahidean, Crusse, Edmunds, Faison, Krent, Kuppa, Sanzica, Tagle  
No: Hutson

**MOTION CARRIED**

Chair Edmunds opened the floor for public comment.

- John Hillert, 1867 Westwood, asked if applicant is required to meet requirements of newly adopted tree ordinance.
- Jim Savoie, 1853 Eastport, addressed soliciting comments from residents near existing dog day care facilities.
- Matt West, 1741 Westwood, addressed flooding of subject property driveway.
- Patricia O’Connell, 505-513 E Maple and 507 E. Maple, addressed applicant’s statement of compatibility and number of dogs.
- Vinod Menon, 1687 Westwood, addressed distance to residential homes.

Chair Edmunds closed the floor for public comment.

Mr. Carlisle stated the application was submitted prior to the adoption of the Woodlands Protection ordinance; therefore, the ordinance is not applicable to the application. Mr. Carlisle shared with the audience the applicant states there are no landmark or woodland trees and the applicant intends to preserve the protected trees along the rear of the property.

**Resolution # PC-2016-03-022**

Moved by: Krent

Seconded by: Sanzica

**RESOLVED**, To postpone the item to give the applicant an opportunity to propose a different site plan, one that is less objectionable to the neighbors mainly because of the “sound” issue and to allow neighbors to do whatever research they would like to conduct so the Board has a more comprehensive view of the proposed development.

Yes: All present (9)

**MOTION CARRIED**

**PRELIMINARY SITE PLAN REVIEW**

5. **PRELIMINARY SITE PLAN REVIEW (File Number SP JPLN2016-0004)** – Proposed Eddie V’s Prime Seafood Restaurant, North side of Big Beaver, West of Crooks between Lakeview and Alpine, Section 20, Currently Zoned BB (Big Beaver) District

Mr. Carlisle reported on the Preliminary Site Plan application for Eddie V’s Prime Seafood Restaurant. He specifically addressed the relationship of the patio area to Big Beaver, screening of the porte cochere and the request for parking deviation. Mr. Carlisle gave support of the development but said there are a number of minor issues as identified in his report dated March 1, 2016 that should be addressed prior to granting approval.

Present were Todd Taylor, Vice President of Design, Darden Restaurants, and Thomas Dumond, Landscape Architect, Boss Engineering.

Mr. Taylor gave an introduction to Eddie V’s restaurants and circulated sample building materials. He addressed:

- Building materials and elevation.
  - EFIS; durability, four colors
  - Stone accents
  - ‘Fins’ penetration
  - Character
  - Restaurant prototype
- Porte cochere.
  - Critical to have view of water element
  - Decorate, landscape during winter months
- Transparency calculations.
- Masonry wall; landscaping.
- Screening transformer.
- Amenable to bring patio within 30 feet of Big Beaver.
- Complimentary valet service.

Members discussed:

- Porte cochere; screening of vehicular drop-off area.
- Congested traffic area.
- Pedestrian access to/from parking area.
- Stormwater management.
- EFIS material; gap in quality from stone to EFIS.
- Pedestrian sidewalk lighting.
- Transparency requirements.

Mr. Dumond addressed the overall landscaping and said consideration would be given to bioswales.

Chair Edmunds opened the floor for public comment. There was no one present; the floor was closed for public comment.

**Resolution # PC-2016-03-023**

Moved by: Krent  
 Seconded by: Sanzica

**RESOLVED**, The Planning Commission hereby approves a parking space deviation of 5 spaces, bringing the total spaces provided to 131 spaces when 136 spaces are required by Zoning Ordinance.

**BE IT FINALLY RESOLVED**, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Eddie V’s Prime Seafood Restaurant, located on the north side of Big Beaver and west of Crooks, Section 20, within the BB (Big Beaver) District, be granted, subject to the following:

1. Pull the patio and partial overhang over the patio to within 30 feet of Big Beaver.
2. Provide an additional street tree along Alpine ROW.
3. Screen transformer.
4. Provide transparency calculation and reflect same on site plan.
5. Consider alternative material than EFIS for primary exterior material along Alpine and Big Beaver.
6. Provide detail of bollard fixtures.
7. Provide details for additional pedestrian lighting along sidewalk on Big Beaver.
8. Work with the Engineering Department to widen Alpine from northern most exit off Alpine all the way to Big Beaver.
9. Review site for other best stormwater management practices.

Discussion on the motion on the floor.

The Board deliberated whether to grant approval this evening with conditions or to ask the applicant to come back before the Board with a revised site plan that reflects the conditions.

Vote on the motion on the floor.

Yes: All present (9)

**MOTION CARRIED**

**OTHER BUSINESS**

7. APPLICATION TO DE-LIST 3645 CROOKS

Mr. Savidant gave a report on the history of 3645 Crooks and the Historic District Study Committee’s review of the Final Report and recommendation to de-list the property.

Mr. Hutson said the final report indicates the home does not meet any of the three requirements for de-listing historical properties; therefore he would not vote in favor of de-listing the home.

**Resolution # PC-2016-03-024**

Moved by: Sanzica

Seconded by: Krent

**RESOLVED**, The Planning Commission hereby supports the de-listing of 3645 Crooks Road, as per the recommendation of the Historic District Study Committee.

Yes: Apahidean, Crusse, Edmunds, Faison, Krent, Kuppa, Sanzica, Tagle

No: Hutson

**MOTION CARRIED**

8. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

9. PLANNING COMMISSION COMMENT

There were general Planning Commission comments.

- Positive comments on the City Retreat were shared.

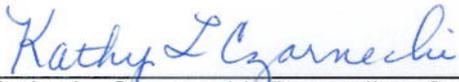
The Regular meeting of the Planning Commission adjourned at 9:44 p.m.

Respectfully submitted,



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Donald Edmunds, Chair



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Kathy L. Czarnecki, Recording Secretary

On March 15, 2016, at 7:30 p.m., in the Council Board Room of Troy City Hall, Chairman Clark called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

- Glenn Clark
- Kenneth Courtney
- Thomas Desmond
- David Eisenbacher
- Allen Kneale
- David Lambert
- Philip Sanzica

Also Present:

- Paul Evans, Zoning and Compliance Specialist
- Julie Q. Dufrane, Assistant City Attorney

2. APPROVAL OF MINUTES – December 15, 2015

Moved by Courtney  
Seconded by Eisenbacher

RESOLVED, to approve the December 15, 2015 meeting minutes.

Yes: All

MOTION PASSED

3. APPROVAL OF AGENDA – No changes.

4. HEARING OF CASE

VARIANCE REQUEST, RICK AND JEANINE KACZMAREK, 6714 EMERALD LAKE –

In order to construct an addition to the house, a 6.3 foot setback variance from the requirement that the combined total of both side yard setbacks equal 20 feet.

Moved by Courtney  
Seconded by Desmond

RESOLVED, to grant the variance.

Yes: All

MOTION PASSED

5. COMMUNICATIONS – None

6. MISCELLANEOUS BUSINESS

- Board Member Courtney advised he would not be renewing his appointment.
- Planning Commission Liaison Sanzica reported on the Council/Staff 2016 Retreat.
- Mr. Evans advised he would ask Planning Director Savidant to provide a Master Plan status update for the Board's next meeting.

7. PUBLIC COMMENT – None

8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 8:08 p.m.

Respectfully submitted,

---

Glenn Clark, Chairman

---

Paul Evans, Zoning and Compliance Specialist

G:\ZONING BOARD OF APPEALS\Minutes\2106\Draft\2016 03 15 ZBA Minutes Draft.doc

Chair Edmunds called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on March 22, 2016 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Ollie Apahidean  
Karen Crusse  
Donald Edmunds  
Carlton M. Faison  
Michael W. Hutson  
Tom Krent  
John J. Tagle

Absent:

Padma Kuppa  
Philip Sanzica

Also Present:

R. Brent Savidant, Planning Director  
Ben Carlisle, Carlisle Wortman Associates  
Allan Motzny, Assistant City Attorney  
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2016-03-025**

Moved by: Apahidean  
Support by: Tagle

**RESOLVED**, To approve the Agenda as prepared.

Yes: All present (7)  
Absent: Kuppa, Sanzica

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2016-03-026**

Moved by: Krent  
Support by: Faison

**RESOLVED**, To approve the minutes of the March 8, 2016 Regular meeting as submitted.

Yes: All present (7)  
Absent: Kuppa, Sanzica

**MOTION CARRIED**

4. PUBLIC COMMENT – Items not on the Agenda

Thomas Newkold, 1072 Bradley, spoke about the Bradley Square development in relation to his home.

5. ZONING BOARD OF APPEALS (ZBA) REPORT

The March 15, 2016 Zoning Board of Appeals report was inclusive of the agenda packet.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Savidant reported there was no Downtown Development Authority (DDA) meeting in March.

7. PLANNING AND ZONING REPORT

Mr. Savidant reported City Council adopted a Zoning Ordinance Text Amendment relating to Oil and Gas Extraction at their March 14, 2016 Regular meeting.

**SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW**

8. SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU JPLN2016-0005) – Proposed K-9 Club, North side of Maple, West of Rochester between Eastport and Westwood, Section 27, Currently Zoned MR (Maple Road) District

Mr. Savidant stated the proposed K-9 Club application was postponed at the March 8, 2016 Planning Commission Regular meeting, at which time a Public Hearing was opened and closed. Mr. Savidant said notifications of tonight's public meeting were sent to the same 71 property owners notified of the Public Hearing.

Mr. Carlisle reported in an effort to mitigate noise concerns expressed at the March 8<sup>th</sup> Public Hearing, the applicant submitted a revised site plan that relocates the outdoor play area to the east side of the building further away from residential. He said the applicant also reduced the size of the outdoor play area by 75% and surrounds it with a 15-foot wall. Mr. Carlisle reported the application meets all Zoning Ordinance requirements and all Special Use standards and recommends Preliminary Site Plan and Special Use approval.

Mr. Carlisle acknowledged public comment received on the item was either included in the agenda packet or distributed to Board members prior to the beginning of tonight's meeting.

Mr. Carlisle said a noise assessment report prepared by Soundscape Engineering was also distributed to Board members prior to the beginning of tonight's meeting.

Present were the applicant John Asselin of Asselin, McLane Architectural Group, Robert Cassidy, prospective purchaser of the property, and Mandy Kachur of Soundscape Engineering.

Mr. Cassidy addressed revisions to the outdoor play area and acoustical building materials. He circulated sample building materials. Mr. Cassidy said noise would be managed with a monitoring/recording device called a Yacker Tracker.

Ms. Kachur reviewed in detail the noise assessment report prepared for the proposed K-9 Club and responded to questions posed by Board members.

Chair Edmunds opened the floor for public comment.

The following spoke in opposition.

- N. Joseph Calarco, 1826 Eastport
- Jeff Ullenbruch, 1663 Westwood
- Jim Barnes, 1839 Eastport
- Nicoleta Balan, 80 Stalwart; lives near existing dog day care facility
- Tim Ostler, 1842 Eastport; delivered original list of names in opposition
- Jim Savoie, 1853 Eastport
- Denise Carter, 1751 Eastport
- Renee Ullmann, 1825 Eastport
- Shannon Fuhrman, 1780 Westwood
- John Dobrin, 1675 Eastport

Chair Edmunds closed the floor for public comment.

Discussion followed on:

- Potential uses of property; by right and special use.
- Assessment of property values for homes near similar use.
- Noise Assessment Report prepared by Soundscape Engineering.
  - Noise level as relates to elevation of home(s).
  - Noise level of Maple Road traffic.
- Disposal of animal waste.
- Applicant's intent to seek LEED certification.
- Applicant's investment in development.
- Conditions that can be placed on a Special Use approval.

**Resolution # PC-2016-03-027**

Moved by: Krent  
Support by: Tagle

**RESOLVED**, That Special Use Request and Preliminary Site Plan Approval for the proposed K-9 Club, North side of Maple, West of Rochester between Eastport and Westwood, Section 27, Currently Zoned MR (Maple Road) District, be granted subject to the following conditions:

1. That the applicant and owner of the business monitor sound levels on a continuous basis and record and log them.
2. Limit hours of outdoor animal activity from 8:00 a.m to 4:30 p.m., Monday through Friday, and 8:30 a.m. to 4:30 p.m., Saturday and Sunday.

Yes: All present (7)  
Absent: Kuppa, Sanzica

**MOTION CARRIED**

Chair Edmunds requested a recess at 8:43 p.m.; the meeting reconvened at 8:55 p.m.

**OTHER BUSINESS**

9. **POTENTIAL ENHANCED CLUSTER OPTION**

The following cluster option points were discussed:

- Reduce required open space.
- Incentivize clustering through density bonus.
- Incentivize development that is not currently offered in the market.
- Allow attached housing.
- Permit greater design flexibility.
- Eliminate extra requirements for density bonus.

Mr. Carlisle said draft Zoning Ordinance language would be prepared for discussion at the April 12, 2016 Planning Commission Regular meeting.

10. **PUBLIC COMMENT** – Items on Current Agenda

There was no one present who wished to speak.

11. **PLANNING COMMISSION COMMENT**

There were general Planning Commission comments.

Mr. Savidant addressed a sustainable development project that was recently granted approval.

The Regular meeting of the Planning Commission adjourned at 9:47 p.m.

Respectfully submitted,

\_\_\_\_\_  
Donald Edmunds, Chair

\_\_\_\_\_  
Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2016 PC Minutes\Draft\2016 03 22 Regular Meeting\_Draft.doc

Chair Saeger called the Animal Control Appeal Board meeting to order at 7:02 p.m. on March 23, 2016 in the Troy City Hall Council Board Room.

1. ROLL CALL

Present:

Patrick Carolan

Patrick Floch

Jayne Saeger

Also Present:

Paul Evans, Zoning and Compliance Specialist

Lori Grigg Bluhm, City Attorney

Absent:

Al Petrusis

Motion by Carolan

Second by Floch

RESOLVED, to excuse Board Member Petrusis.

Yes: All

MOTION PASSED

2. APPROVAL OF AGENDA

MOTION by Carolan

SECOND by Floch

RESOLVED, to approve the agenda as submitted.

3. HEARING OF CASE

WAIVER REQUEST, MATTHEW AND TERRI DAHMER, 5105 SOMERTON – In order to keep 8 hens, no roosters, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .478 acres in size. Animal Ordinance Section: 90.70.20 (f).

Mr. Evans provided a brief overview of the request. Mr. Dahmer summarized the request as presented in the application and indicated many of their neighbors supported the waiver request. In response to Mr. Carolan's question, Mr. Dahmer advised the chickens have been on the property for about 2 years.

Chair Saeger opened the public hearing. No member of the public spoke. Mr. Evans read aloud the sole written comment received by the City. Chair Saeger closed the public hearing.

Motion by Carolan  
Second by Floch

RESOLVED, to deny the request.

The Board members indicated the reasons for denial motion as 1) neighborhood density and property size, 2) that the subject property is significantly less than .75 acres and, 3) public comment did not support the request.

Yes: All

MOTION PASSED

- 4. APPROVAL OF MINUTES – Mr. Evans noted that the Board skipped over this item.

Moved by Carolan  
Second by Floch

RESOLVED, to approve the December 2, 2015 meeting minutes.

Yes: All

MOTION PASSED

- 5. OTHER BUSINESS – None

- 6. ADJOURNMENT

The Animal Control Appeals Board meeting ADJOURNED at 7:22 p.m.

Respectfully submitted,

---

Jayne Saeger, Chair

---

Paul Evans, Zoning and Compliance Specialist



## CITY COUNCIL AGENDA ITEM

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Date: March 31, 2016

To: Brian Kischnick, City Manager  
Mark Miller, Director of Economic & Community Development

From: Cindy Stewart, Community Affairs Director

Subject: ICCA Audit Report

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The City of Troy is a member of the Intergovernmental Cable Communications Authority (ICCA). This 11 member consortium, authorized by its member communities (Auburn Hills, Berkley, Clawson, Ferndale, Huntington Woods, Oakland Township, Pleasant Ridge, Rochester, Rochester Hills, Royal Oak and Troy) has provided outstanding service for more than 30 years. The ICCA has provided management oversight of our cable franchise agreements, as well as assuring our residents that payments and credits due to the member communities and customers are returned in a timely fashion.

The ICCA monitors the administration of cable franchise contracts with Comcast, Wide Open West, AT&T, and our public access provider, Community Media Network (CMN). The ICCA responds to complaints by our citizens with respect to cable television services. We have been active with other municipal organizations in lobbying for changes to the Michigan Uniform Franchise Act as well as being responsive to the Michigan Public Service Commission with respect to the experiences of our member communities.

The ICCA is charged with conducting audits of the signal strength, clarity and noise to signal ratios and other industry standards to insure the best practices are used in allowing the best quality picture to come to each individual household. The ICCA was instrumental in the development and implementation of a (CPO) Consumer Protection Ordinance that helped define standards of customer service that were expected from our Cable Providers including standards for notifying our residents of changes in service or billing. This ordinance was adopted by all 11 member communities and saved thousands of dollars in legal fees for its development. Currently we are in the process of undertaking a franchise and PEG fee review by Plante Moran of the three (3) cable providers to check if there are any under-payments since the last review.

Attached is the recent audit completed by Doeren Mayhew of the financial statements of the Intergovernmental Cable Communications Authority for the year ended December 31, 2015.

**INTERGOVERNMENTAL CABLE  
COMMUNICATION AUTHORITY**

COMMENTS AND RECOMMENDATIONS  
MEMORANDUM

DECEMBER 31, 2015

February 27, 2016

Members  
Intergovernmental Cable  
Communication Authority  
Huntington Woods, Michigan 48070

Dear Members:

We have recently completed an audit of the financial statements of the Intergovernmental Cable Communication Authority for the year ended December 31, 2015. Our audit was made primarily for the purpose of expressing our opinion on these statements and, accordingly, did not encompass a detailed review of systems, procedures and internal controls. However, during our audit, we observed certain areas where we believe improvements can be effected, and we offer the enclosed comments and recommendations memorandum for your review.

The accompanying memorandum is not based upon a complete survey of all phases of operating and executive controls; it does, however, direct attention to certain areas which we believe to be especially worthy of the Members' consideration. We appreciate that the ultimate objective of the Members is to achieve maximum control at a minimum cost. We believe that consideration of the recommendations enumerated in this memorandum are compatible with that objective.

After you have reviewed our recommendations, we will be pleased to discuss the contents with you and to assist in the implementation or correction of any items set forth herein.

  
DOEREN MAYHEW

## **PRIOR YEAR RECOMMENDATION**

### **I. FUTURE FUNDING SOURCES FOR THE ORGANIZATION**

During our audit, we noted that the Organization has no sources of revenue while the fund balance continues to decrease as the Organization incurs expenses on an annual basis in excess of the revenue earned.

#### **Recommendation**

It is extremely important that the Intergovernmental Cable Communication Authority begin contemplating additional funding sources for the future as the fund balance of \$13,551 does not appear to be at the appropriate level to cover future operations as expenses averaged approximately \$15,000 the last two years.

#### **Status**

The Organization has adopted a bylaw amendment in which member cities began to pay an annual fee at the beginning of 2015. The Organization collected member fees totaling \$30,100 in 2015.

**INTERGOVERNMENTAL CABLE  
COMMUNICATION AUTHORITY**

FINANCIAL STATEMENTS

DECEMBER 31, 2015

*(With Independent Auditor's Report Thereon)*

# INTERGOVERNMENTAL CABLE COMMUNICATION AUTHORITY

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## **INDEPENDENT AUDITOR'S REPORT**

To the Members of the **Intergovernmental  
Cable Communication Authority**

### **Report on the Financial Statements**

We have audited the accompanying financial statements of the Intergovernmental Cable Communication Authority as of and for the year ended December 31, 2015, and the related notes to the financial statements, which collectively comprise the Intergovernmental Cable Communication Authority's basic financial statements as listed in the table of contents.

### **Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### **Auditor's Responsibility**

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

**Auditor's Responsibility (Continued)**

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

**Opinion**

In our opinion, the financial statements referred to above present fairly in all material respects, the respective financial position of the Intergovernmental Cable Communication Authority as of December 31, 2015, and the respective changes in financial position for the year then ended, in conformity with accounting principles generally accepted in the United States of America.

**Other Reporting Required by *Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report under separate cover dated February 27, 2016 on our consideration of the Intergovernmental Cable Communication Authority's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts, and grants agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Intergovernmental Cable Communication Authority's internal control over financial reporting and compliance.



Troy, Michigan  
February 27, 2016

# INTERGOVERNMENTAL CABLE COMMUNICATION AUTHORITY

## BALANCE SHEET DECEMBER 31, 2015

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<u>Assets</u>	
Cash (note 2)	\$ 46,294
Prepaid expenses	<u>1,169</u>
Total assets	<u><u>\$ 47,463</u></u>
 <u>Liabilities and Fund Balance</u> 	
Liabilities:	
Accounts payable (note 3)	\$ 18,494
Fund balance:	
Unappropriated	<u>28,969</u>
Total liabilities and fund balance	<u><u>\$ 47,463</u></u>

See accompanying notes to financial statements

# INTERGOVERNMENTAL CABLE COMMUNICATION AUTHORITY

## STATEMENT OF REVENUES AND EXPENDITURES AND FUND BALANCE - BUDGET VS. ACTUAL YEAR ENDED DECEMBER 31, 2015

	Budget	Actual	Over (Under) Budget
Revenues:			
Interest income	\$ 50	\$ 112	\$ 62
Membership fee	30,000	30,100	100
Miscellaneous	250	1,228	978
Total revenues	30,300	31,440	1,140
Expenditures:			
Administrative expenditures	14,408	728	(13,680)
Legal	11,500	9,000	(2,500)
Conference dues	250	100	(150)
Consultants	150	200	50
Audit	3,500	3,600	100
Insurance	3,000	2,394	(606)
Total expenditures	32,808	16,022	\$ (16,786)
Excess of revenues over expenditures	\$ (2,508)	15,418	
Fund balance - January 1, 2015		13,551	
Fund balance - December 31, 2015		\$ 28,969	

See accompanying notes to financial statements

# INTERGOVERNMENTAL CABLE COMMUNICATION AUTHORITY

## NOTES TO FINANCIAL STATEMENTS DECEMBER 31, 2015

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### Note 1 - Nature of Business and Significant Accounting Policies

#### Nature of Business

The Intergovernmental Cable Communication Authority (ICCA) is organized under Act 138PA1982 of the State of Michigan. This Act states that “two or more municipal corporations in a county with a population of one million or more are empowered to enter into a contractual relationship for the purpose of establishing an authority to select a single cable television franchise which shall serve those municipal corporations and to monitor activities and to propose model ordinances establishing fees, rates and other regulations.” The ICCA is tax exempt as it is a governmental organization.

The ICCA was to receive annual grants of \$125,000 from the Tribune/United Cable Company for a period of 15 years. These grants were to help manage the cable system for the benefit of the cable users and the last grant was received in December 1997. Beginning in 2015, the bylaws were amended to state that each of the member cities will begin to pay an annual franchise fee. Currently, the ICCA continues to monitor cable franchise activities, including fees, rates and other regulations.

The ICCA acts as an intermediary between its member cities and the Community Media Network (CMN). Funds received from the member cities by the ICCA are disbursed to CMN in a timely manner. As of December 31, 2015, there is approximately \$179,000 that is yet to be received from the member cities related to the third and fourth quarters of 2015. Therefore, ICCA has not recorded these amounts as of December 31, 2015. These funds are expected to be received in the first quarter of 2016 and will then be transferred to CMN accordingly.

#### Basis of Accounting

The Intergovernmental Cable Communication Authority uses the accrual method of accounting.

#### Budget Information

Budgeted amounts of the revenues and expenditures presented are a summarization of the budgeted amounts originally adopted, or as amended by the ICCA. Individual amendments were not material in relation to the original appropriations, which were amended. Budget appropriations lapse at year end and encumbrances are not included as expenditures. A comparison of the budget with statements of actual revenues and expenditures, including budget variances is presented in the financial statements. Budgets have been prepared on a basis consistent with generally accepted accounting principles. Expenditures at this level in excess of amounts budgeted are a violation of Michigan law.

# INTERGOVERNMENTAL CABLE COMMUNICATION AUTHORITY

## NOTES TO FINANCIAL STATEMENTS DECEMBER 31, 2015

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### **Note 1 - Nature of Business and Significant Accounting Policies (Continued)**

#### Subsequent Events

The financial statements and related disclosures include evaluation of events up through and including February 27, 2016, which is the date the financial statements were available to be issued.

### **Note 2 - Cash**

The Organization maintains its cash accounts at high credit quality institutions. At times, cash balances may be in excess of the Federal Deposit Insurance Corporation (FDIC) limits. The deposits as of December 31, 2015 amounted to \$54,784, which was insured by the FDIC.

### **Note 3 - Accounts Payable**

Included in accounts payable as of December 31, 2015 is approximately \$14,169 due to Community Media Network (CMN) which is collected from the member cities for franchise and public, educational and government (PEG) fees and subsequently paid to CMN.

**\*\*\* End of Notes \*\*\***

**SACHS WALDMAN**  
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March 11, 2016

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ANDREW NICKELHOFF    EDMOND PRIFTI  
BRIAN A. MCKENNA\*    MAMI KATO  
MARSHALL J. WIDICK    NICOLE M BEAUCHAMP  
HOPE L. GALATI

\*ALSO LICENSED IN ILLINOIS  
+ALSO LICENSED IN OHIO

Assistant Chief Riesterer  
Station Chief  
Troy Fire Department  
500 West Big Beaver Road  
Troy, MI 48084

**RE:    BSA North Star District First Aid Rally, Saturday, March 5, 2016**

Dear Chief Riesterer:

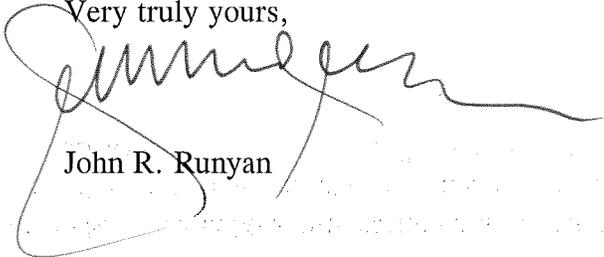
I am writing on behalf of the Scouts and Scouters of the North Star District of the Boy Scouts of America to thank you for the use of Troy Fire Station #3 in connection with this past Saturday's annual First Aid Rally.

We had over 104 Boy Scouts and Cub Scouts and 56 adults participating, many of whom were from the Troy area. The Scouts practiced their first aid skills by diagnosing and treating the injuries of three "victims" who were made up with various wounds. They also took a "behind the scenes" tour of Fire Station #3.

Fire Fighter Eric Caloia and Kenneth Adams served on the planning committee for the event and Fire Fighters Adams, Caloia, Dave Hughson, Tim Dagleish and Mike Rusing were present and assisted throughout the day on Saturday.

We greatly appreciate the Troy Fire Department's support of this event as well as the assistance provided by Eric, Ken and the other fire fighters.

Very truly yours,

  
John R. Runyan

JRR/plm  
opeiu42af1-cio

cc:    Andrew Tata  
      Keegan Springfield  
      Eric Caloia

RECEIVED

MAR 16 2016

CITY OF TROY  
FIRE DEPARTMENT

**Citizen Compliment via Telephone**

**From:** Patricia A Gladysz  
**Sent:** Wednesday, March 16, 2016 1:09 PM  
**To:** Gary G Mayer  
**Subject:** Telephone message from grateful citizen

Chief:

I received a call from Laura Scharfenkamp, resident of London Drive, who stated her children were missing. I transferred the call to Communications.

Mrs. Scharfenkamp called back praising the response that she received. PSA Jerilyn Sievers was the call taker and Officer Adam Sinutko responded to the CFS. He located the children who were walking back to their home, and were happy and safe. They were unaware that their mother was worried. Officer Sinutko informed Mrs. Scharfenkamp that her children were just minutes away and he assured her that they were safe.

Mrs. Scharfenkamp stated that PSA Sievers was very caring and helpful, and that Officer Sinutko was extremely kind and reassuring. She repeated how grateful she was for the service she received. In closing, she stated that she feels so blessed to be living in Troy where the service is outstanding.

"We believe a strong community embraces diversity, promotes innovation, and encourages collaboration. We strive to lead by example within the region. We do this because we want everyone to choose Troy as their community for life. We believe in doing government the best."

PSA. JERILYN SIEVERS  
POLICE OFFICER ADAM SINUTKO

JERILYN + ADAM - THANK YOU BOTH FOR YOUR PROFESSIONAL  
HANDLING OF THIS INCIDENT.



Gary



Daniel N. Cojanu  
CAP Program Director

3-16-2016

Dear Capt. Mayer;

The Canine Advocacy Program (CAP) has been helping child victims of sexual assault since the spring of 2010. We have always appreciated the support from law enforcement in using our program to help these children through this very difficult time. We are especially proud however to have the ongoing support of Troy P.D.

Detective Kristine Schuler has been our most staunch supporter. She contacts CAP whenever she has a child sexual assault case to ensure these young victims have every support possible as they navigate through the criminal justice system. It becomes very clear when I arrive with one of my dogs that Det. Schuler has worked with the child to prepare him/her for court.

I just wanted to let you know what an outstanding detective you have in your detective bureau. Her interest in working with these children to prepare them for court and utilize every tool at her disposal says so much in these very difficult cases. We truly appreciate her outstanding commitment and look forward to working with her.



Sincerely,

Daniel N Cojanu Program Director

POLICE OFFICER KRISTINE SCHULER

KRISTINE - THANK YOU FOR YOUR INNOVATIVE USE OF THIS PROGRAM AND YOUR ONGOING CARE AND CONCERN FOR CHILD SEXUAL ASSAULT VICTIMS.