

Council Member Henderson 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 April 4, 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-Absent
Jim Campbell
Dave Henderson
Ellen Hodorek
Ed Pennington

- b) Excuse Absent Council Members:

Resolution #2016-04-055

Moved by Slater

Seconded by Hodorek

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Baker at the Regular City Council Meeting of April 4, 2016, due to being out of the county.

Yes: Slater, Abraham, Campbell, Henderson, Hodorek, Pennington

No: None

Absent: Baker

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

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

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:

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:

H-1 No Postponed Items

I. REGULAR BUSINESS:

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

a) Mayoral Appointments: None

b) City Council Appointments:

Resolution #2016-04-056
Moved by Pennington
Seconded by Abraham

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

MOTION CARRIED

I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority, Downtown Development Authority; b) City Council Nominations – Charter Revision Committee, Zoning Board of Appeals

a) Mayoral Nominations:

Resolution #2016-04-057
Moved by Slater
Seconded by Campbell

RESOLVED, That the Mayor of the City of Troy hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Brownfield Redevelopment Authority

Appointed by Mayor
7 Regular Members
3 Year Term

Nominations to the Brownfield Redevelopment Authority:

Term Expires: 4/30/2019

Steve Gottlieb

Term currently held by: Steve Gottlieb

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

MOTION CARRIED

Resolution #2016-04-058
Moved by Slater
Seconded by Pennington

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:

Downtown Development Authority

Appointed by Mayor
13 Regular Members
4 Year Term

Nominations to the Downtown Development Authority:

Term Expires: 9/30/2017

Kenny Koza

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

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

MOTION CARRIED

b) City Council Nominations:

Resolution #2016-04-059
Moved by Pennington
Seconded by Henderson

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:

Charter Revision Committee

Appointed by Council
7 Regular Members
3 Year Term

Nominations to the Charter Revision Committee:

Term Expires: 4/30/2019

Robert Berk

Term currently held by: Robert Berk

Term Expires: 4/30/2019

Shirley Kanoza

Term currently held by: Shirley Kanoza

Zoning Board of Appeals

Appointed by Council
7 Regular Members
3 Year Term

Nominations to the Zoning Board of Appeals:

Term Expires: 4/30/2019

David Eisenbacher

Term currently held by: David Eisenbacher

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

MOTION CARRIED

I-3 No Closed Session Requested**I-4 Establishment of the Global Troy Advisory Committee (Introduced by: Eleanor Yoon, Management Assistant)**

Resolution #2016-04-060

Moved by Pennington

Seconded by Abraham

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: Pennington, Slater, Abraham, Campbell, Henderson, Hodorek

No: None

Absent: Baker

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

Resolution #2016-04-061
Moved by Henderson
Seconded by Abraham

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

MOTION CARRIED

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*)

Resolution #2016-04-062
Moved by Henderson
Seconded by Pennington

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, 2014, 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: Abraham, Campbell, Henderson, Hodorek, Pennington, Slater

No: None

Absent: Baker

MOTION CARRIED

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)

Resolution #2016-04-063

Moved by Campbell

Seconded by Hodorek

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: Campbell, Henderson, Hodorek, Pennington, Slater, Abraham

No: None

Absent: Baker

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2016-04-064-J-1a

Moved by Henderson

Seconded by Campbell

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

Yes: Henderson, Hodorek, Pennington, Slater, Abraham, Campbell

No: None

Absent: Baker

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2016-04-064-J-2

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

- a) City Council Minutes-Draft – March 21, 2016
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J-3 Proposed City of Troy Proclamations:

Resolution #2016-04-064-J-3

- a) Fair Housing Month – April 2016
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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**

Resolution #2016-04-064-J-4a

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**

Resolution #2016-04-064-J-4b

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

Resolution #2016-04-064-J-5

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:

K-1 Announcement of Public Hearings: None Submitted

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted

L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

Plizga, Francis	Spoke about awareness for the medical condition called ME.
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Resolution to Suspend City Council Rule #17 Members of the Public and Visitors to Allow More Time for Public Comment for Mr. MacLeish

Resolution #2016-04-065

Moved by Slater

Seconded by Pennington

RESOLVED, That Troy City Council hereby **SUSPENDS** Council Rule #17, *Members of the Public & Visitors*, to allow additional time for Public Comment.

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

MOTION CARRIED

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

Council Member Hodorek announced the annual Troy People Concerned Pasta Dinner.

Mayor Pro Tem Pennington thanked the Information Technology Department for their assistance during Council meetings.

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
- Noted and Filed

P-2 Department Reports:

- a) ICCA Annual Report
- Noted and Filed

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
- 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):

R. CLOSED SESSION:

R-1 No Closed Session Requested

S. ADJOURNMENT:

The Meeting **ADJOURNED** at 8:39 PM.

Mayor Dane Slater

M. Aileen Dickson, MMC
City Clerk