

Pastor Simion Timbuc from Bethesda Romanian Pentecostal Church performed the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on Monday, April 18, 2016, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:31 PM.

B. ROLL CALL:

Mayor Dane Slater
Edna Abraham
Ethan Baker
Jim Campbell
Dave Henderson
Ellen Hodorek
Mayor Pro Tem Ed Pennington

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

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- C-1** On Behalf of the City of Troy Employees' Casual for a Cause Program for the Months of November and December 2015, a Check in the Amount of \$869 Presented to Dr. Charles Main, Pediatric Oncologist, Beaumont Hospital, Scholarships for Pediatric Cancer Survivors (*Presented by: Cindy Stewart, Community Affairs Director*)
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- C-2** Proclamation to Declare April as Child Abuse Prevention Awareness Month Presented to Patricia Rosen, Executive Director of CARE House, and Wendy Gueth, Administrative Director of CARE House (*Presented by: Cindy Stewart, Community Affairs Director*)
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- C-3** Proclamation to Support the National Association of Letter Carriers Annual Food Drive Day on May 14, 2016 Presented to James Hunter, NALC Regional Food Drive Coordinator, and Alex Viviano, NALC Troy Food Drive Coordinator (*Presented by: Cindy Stewart, Community Affairs Director*)
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- C-4** Recognition by Troy City Council for Sanctuary Lake and Sylvan Glen Golf Courses. Sanctuary Lake was awarded Top Performer of the Year – The most successful facility based on financial performance. Sylvan Glen won the ACE Award – The facility that most embodies the ACE spirit of treating each guest to a fun and enjoyable golf experience by presenting a well-conditioned golf course, friendly and welcoming service, and respect for each guest's time. (*Presentation to Aaron Konold, General Manager, Sanctuary Lake; Derick Marcum, General Manager, Sylvan Glen, and Jim Vandenberghe, Superintendent of Sylvan Glen and Sanctuary Lake by Mayor Dane Slater*)
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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 – Brownfield Redevelopment Authority, Downtown Development Authority; b) City Council Appointments – Charter Revision Committee, Zoning Board of Appeals

a) Mayoral Appointments:

Resolution #2016-04-066
Moved by Slater
Seconded by Pennington

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

Brownfield Redevelopment Authority

Appointed by Mayor
7 Regular Members
3 Year Term

Term Expires: 4/30/2019

Steve Gottlieb

Term currently held by: Steve Gottlieb

Downtown Development Authority

Appointed by Mayor
13 Regular Members
4 Year Term

Term Expires: 9/30/2017

Kenny Koza

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

Yes: All-7
No: None

MOTION CARRIED

b) City Council Appointments:

Resolution #2016-04-067
Moved by Pennington
Seconded by Baker

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

Charter Revision Committee

Appointed by Council
7 Regular Members
3 Year Term

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

Term Expires: 4/30/2019

David Eisenbacher

Term currently held by: David Eisenbacher

Yes: All-7
No: None

MOTION CARRIED

I-2 Board and Committee Nominations: a) Mayoral Nominations – Global Troy Advisory Committee; 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, Volunteer Firefighter Incentive Plan Board, Zoning Board of Appeals

a) Mayoral Nominations:

City Council took no action on this item.

b) City Council Nominations:

Resolution #2016-04-068
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:

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

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

Unexpired Term Expires: 12/31/2016

Mark Owczarzak

Term currently held by: Vacancy–Ex-Officio Retiree
Wm. Need resigned

Yes: All-7
No: None

MOTION CARRIED

I-3 No Closed Session Requested

I-4 Standard Resolutions 1, 2 and 3 for Special Assessment District for the Paving of the Westerly 220 Feet of Cherry Street in Section 27 (Introduced by: Nino Licari, City Assessor)

a) Standard Resolution #1

Resolution #2016-04-069
Moved by Campbell

Seconded by Henderson

RESOLVED, That Troy City Council hereby **ADOPTS** Standard Resolution #1 to direct the preparation of plans and costs estimates for the Special Assessment to pay all or part of the cost of Asphalt Paving of Cherry in Section 27 Project No.14.907.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy.

Yes: Campbell, Hodorek, Pennington, Slater, Abraham, Baker
No: Henderson

MOTION CARRIED

b) Standard Resolution #2

Resolution #2016-04-070
Moved by Campbell
Seconded by Abraham

RESOLVED, That Troy City Council hereby **ADOPTS** Standard Resolution #2 to approve plans and cost estimates for a Special Assessment to pay all or part of the cost of Asphalt Paving of Cherry, in Section 27, Project No. 14.907.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy

Total Estimated Cost	\$91,013.00
Assessment	91,013.00
City's Share	0.00

BE IT FURTHER RESOLVED, That the City Assessor is hereby **ORDERED** and **DIRECTED** to prepare a Special Assessment Roll in accordance with Chapter 5 of the Code of the City of Troy.

Yes: Hodorek, Pennington, Slater, Abraham, Baker, Campbell
No: Henderson

MOTION CARRIED

c) Standard Resolution #3

Resolution #2016-04-071
Moved by Campbell
Seconded by Hodorek

RESOLVED, That Troy City Council hereby **ADOPTS** Standard Resolution #3 to set a Public Hearing date on the Special Assessment roll for Asphalt Paving of Cherry, in Section 27, Project No. 14.907.1, all pursuant to Chapter 5 of the Code of the City of Troy, with said Public Hearing to be established for May 9, 2016.

Yes: Hodorek, Abraham, Campbell, Henderson
No: Pennington, Slater, Baker

MOTION CARRIED

I-5 Agreement with North Woodward Community Foundation for Use of Public Property for “Troy Family Daze” Festival (Introduced by: Tom Kaszubski, North Woodward Community Foundation Executive Director)

Resolution #2016-04-072

Moved by Slater

Seconded by Baker

RESOLVED, That Troy City Council hereby **POSTPONES** Item *I-5 Agreement with North Woodward Community Foundation for Use of Public Property for “Troy Family Daze” Festival* to the Regular City Council Meeting on May 9, 2016.

Yes: All-7

No: None

MOTION CARRIED**J. CONSENT AGENDA:**

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

Resolution #2016-04-073-J-1a

Moved by Slater

Seconded by Baker

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) J-04f and J-07, which shall be **CONSIDERED** after Consent Agenda (J) items, as printed.

Yes: All-7

No: None

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2016-04-073-J-2

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

- a) City Council Minutes-Draft – April 4, 2016

J-3 Proposed City of Troy Proclamations:

Resolution #2016-04-073-J-3

RESOLVED, That Troy City Council hereby **APPROVES** the following City of Troy Proclamations:

- a) Child Abuse Prevention Awareness Month – April 2016
- b) National Association of Letter Carriers Food Drive Day – May 14, 2016

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 2: Sole Bidder Meeting Specifications – Interoperability Repeater – Police Department**

Resolution #2016-04-073-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to the sole bidder meeting specifications, *AMK Services, LLC of Johnstown, OH*, in the amount of \$38,240.00 as per the bid pricing and specifications contained in the original bid tabulation; 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 company's submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

- b) **Standard Purchasing Resolution 3: Exercise Renewal Option – Concrete Slab Replacement Program**

Resolution #2016-04-073-J-4b

WHEREAS, On April 14, 2014, Troy City Council awarded a one-year contract to provide concrete slab replacement services with an option to renew for one (1) additional year to the low total bidder, *DiLisio Contracting, Inc. of Clinton Township, MI* (Resolution #2014-04-063-J-4a) and additionally approved the one (1) year extension with an increase that directly reflected the increase in all infrastructure trades in the Metro Detroit Area (Resolution #2015-03-039); and,

WHEREAS, The City of Troy has determined that *DiLisio Contracting, Inc.* meets all the terms and conditions of the original bid; and,

WHEREAS, *DiLisio Contracting, Inc.* has requested to exercise a two-year option to renew with keeping current pricing for the first year and a three (3) percent increase for the second year;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DEEMS** it to be in the City's best interest to **EXERCISE** the option to renew the contract with *DiLisio Contracting, Inc. of Clinton Township, MI* to provide concrete slab replacement under the same contract terms, and conditions and pricing escalation as detailed in the letter sent from DiLisio Contracting, Inc.

dated April 6, 2016, a copy of which will be **ATTACHED** to the Minutes of this meeting, contract to expire June 30, 2018.

c) Standard Purchasing Resolution 4: National Joint Powers Alliance (NJPA) Cooperative Agreement – Kubota Tractor – B3350HSDDC and Bid Waiver – Kubota Tractor Implements

Resolution #2016-04-073-J-4c

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase a Kubota B3350HSDDC with options as detailed in the attached quote from *Kubota Tractor Company of Torrance, California*, as per the NJPA Cooperative Contract# NJPA070313 - KBA for an estimated total cost of \$28,285.65 as detailed in quote #557138 from Weingartz, who is an authorized dealer of Kubota and who will be the delivering company; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That Troy City Council **DEEMS** in to be in the best interest of the City and hereby **WAIVES** the bid requirements to purchase tractor implements that include a Land Pride Box Scraper, Post Hole Digger, Trencher, Power Take Off (PTO) Chipper, and Backhoe from authorized dealer, *Weingartz of Utica, MI*, for an estimated total of \$21,535.00, which includes the deduction of \$10,000 for the listed trade-ins as per quote# 10118091-00; 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 contractor's submission of properly executed bid and contract documents, including insurance certificates, and all other specified requirements.

d) Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Fitness Equipment – Police Department

Resolution #2016-04-073-J-4d

RESOLVED, That Troy City Council hereby **AWARDS** a contract to the low bidder meeting specifications, *All Pro Exercise of Plymouth Township, MI*, in the amount of \$46,699.00 as per the bid pricing and specifications contained in the original bid tabulation and also as per the detailed attached quote; 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 company's submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

e) Standard Purchasing Resolution 4: NJPA Purchasing Cooperative – Hoist Equipment

Resolution #2016-04-073-J-4e

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase a New Challenger 4 Post General Service Hoist Model 4015XFX042015 including installation from the

low bidder *Kirk's Automotive of Detroit Michigan*, the authorized Challenger Dealer in Michigan through the NJPA Cooperative Contract# 032515-GPC for an estimated total cost of \$14,490.50.

g) Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications and Budget Amendment – Slide Repairs at Troy Family Aquatic Center

Resolution #2016-04-073-J-4g

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all equipment, material, and labor to repair slide support structures at the Troy Family Aquatic Center to the low bidder meeting specifications, *Usztan, LLC of Auburn Hills, MI*, for an estimated total cost of \$15,100.00, as contained in the bid tabulation opened April 7, 2016; a copy of which shall be **ATTACHED** to the original Minutes of this meeting, and also **APPROVES** a Budget Amendment in the amount of \$15,100.00.

BE IT FINALLY 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.

J-5 Suggested Resolution to Schedule a Closed Session on May 23, 2016 for the Annual Evaluation of the City Attorney

Resolution #2016-04-073-J-5

RESOLVED, That the Troy City Council **SHALL MEET** in Closed Session on May 23, 2016 in the Council Board Room, pursuant to MCL 15.268 (a) and (h) (MCL 15.243(g)) for the evaluation of the City Attorney.

J-6 Cost Participation Agreement for I-75 Phase I Reconstruction – North of Coolidge to North of South Boulevard – MDOT Contract Number 16-5075

Resolution #2016-04-073-J-6

RESOLVED, That Troy City Council hereby **APPROVES** the MDOT Contract No. 16-5075 between the City of Troy and the Michigan Department of Transportation (MDOT) for I-75 Phase I Reconstruction from north of Coolidge to north of South Boulevard at an estimated cost to the City of Troy of \$635,000; and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-8 Amendment of Agreement for Use of Driveway – Amendment to Allow the Use of Flynn Park Driveway for Access to Beaumont Hospital From South Boulevard During Dequindre Road Reconstruction

Resolution #2016-04-073-J-8

RESOLVED, That the Letter of Agreement, Amending Agreement between City of Troy and William Beaumont Hospital for Use of Flynn Park Driveway is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-9 Troy v Behunin

Resolution #2016-04-073-J-9

RESOLVED, That Troy City Council hereby **APPROVES** the proposed Consent Judgment in the *City of Troy v Behunin* condemnation case, Oakland County Circuit Court case number 2014-144331 CC, and **AUTHORIZES** payment in the amounts stated therein, and further **AUTHORIZES** the City Attorney's Office to execute the document on behalf of the City of Troy; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-10 Stonecrest PUD Legal Description Ratification

Resolution #2016-04-073-J-10

WHEREAS, On November 23, 2015, the City Council of the City of Troy approved and authorized the Mayor and City Clerk to execute the Stonecrest Planned Unit Development Agreement; and,

WHEREAS, After the Stonecrest Planned Unit Development Agreement was signed by all parties, but before it was recorded with the Oakland County Register of Deeds, a minor discrepancy in the legal description of the subject property was discovered; and,

WHEREAS, The developer, NP Senior Living Development LLC, through its attorney has submitted a substitute page 1 and a substitute page 2 reflecting the correct acreage of the subject property, and a substitute Exhibit B and a substitute Exhibit C setting forth the correct legal description for the subject property, and has requested the City Council confirm, ratify and approve the attached Stonecrest Planned Unit Development Agreement with the correct legal description; and,

WHEREAS, The attached Stonecrest Planned Unit Development Agreement with the substituted pages and exhibits is in all other respects the same agreement approved by the City Council of the City of Troy on November 23, 2015 and subsequently executed by the Mayor and the City Clerk;

NOW THEREFORE, BE IT RESOLVED, That Troy City Council hereby **CONFIRMS**, **RATIFIES**, and **APPROVES** the attached Stonecrest Planned Unit Development Agreement, **AUTHORIZES** the Mayor and City Clerk to execute any necessary documents to demonstrate this approval and ratification, and further **DIRECTS** that this ratified version be recorded with the Oakland County Register of Deeds; a copy of the agreement as corrected shall be **ATTACHED** to the original Minutes of this meeting.

J-4 Standard Purchasing Resolutions:

f) Standard Purchasing Resolution 3: Exercise Renewal Option – Camp Ticonderoga Restaurant Operations

Resolution #2016-04-074
Moved by Slater
Seconded by Henderson

RESOLVED, That Troy City Council hereby **EXERCISES** the five year renewal option between *Gallatin, Inc.* (aka Camp Ticonderoga) and the City of Troy and **APPROVES** the attached five year agreement; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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.

Yes: Abraham, Campbell, Henderson, Hodorek, Pennington, Slater
No: Baker

MOTION CARRIED

J-7 Authorization to Request Reimbursement – Reimbursement From Oakland County West Nile Virus Fund

Resolution #2016-04-075
Moved by Slater
Seconded by Abraham

RESOLVED, That the City Council for the City of Troy, Oakland County, Michigan, hereby **AUTHORIZES** the City of Troy’s Parks, Streets, and Drains Divisions to seek reimbursement for an amount not to exceed \$18,531.93 from Oakland County’s West Nile Virus Fund for the expenditures incurred while instituting proactive public health measures used to reduce the population of mosquitoes in the environment.

Yes: All-7
No: None

MOTION CARRIED

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

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

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

Verba Edwards	Spoke about noise levels from I 75.
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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. Verba Edwards

Resolution #2016-04-076

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: All-7

No: None

MOTION CARRIED

Jim Werpetinski	Spoke about the Friends of Troy Seniors paper shredding event on Tuesday, April 19, 2016, at the Troy Family Aquatic Center; also spoke about the Annual Prayer Breakfast to be held on May 6, 2016 at St. Nicholas Social Hall - Tickets are \$25/person, \$30 at the door.
Hema Surendran	Spoke about safety concerns regarding a property developer on Brunswick.
Francis Plizga	Announced a Myalgic Encephalomyelitis (ME)/Chronic Fatigue Syndrome (CFS) Awareness Walk on Saturday, May 14, 2016, from 12:00 PM–1:00 PM at Troy Beaumont Hospital.

M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:

City Manager Kischnick stated that he will arrange a conference call/meeting with Mr. Edwards, City Administration and the Michigan Dept. of Transportation.

Mayor Slater addressed the ongoing issue between the residents on Brunswick and the developer and City Administration is working on a resolution.

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 Pro Tem Pennington spoke about concerns with the increase of Police Officer fatalities killed in the line of duty.

Mayor Pro Tem Pennington also announced that the Dept. of Labor established a new rule for financial planners and advisors called the "Conflict of Interest Rule" requiring financial planners and advisors to have the client's best interest in mind pertaining to IRA's. Also, Mayor Pro Tem Pennington recommended making sure they are registered with the SEC.

Council Member Hodorek reflected on the Joint Special City Council and Planning Commission meeting earlier this evening and thanked City Administration for facilitating the discussion.

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

- a) Election Commission-Final – February 10, 2016
- b) Building Code Board of Appeals-Final – March 2, 2016
- c) Election Commission-Draft – March 24, 2016
- d) Building Code Board of Appeals-Draft – April 6, 2016

Noted and Filed

P-2 Department Reports:

- a) Building Department Activity Report – March, 2016
- b) 2016 City of Troy Assessment Roll and Board of Review Report

Noted and Filed

P-3 Letters of Appreciation:

- a) To the Troy Police Department from Michelle and Kirk Down Regarding Officer Morse
- b) To Chief Mayer from Arnette Heintze Regarding Officer Todd Gustke

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):**

Andrew Corey	Spoke about a police incident from 2015.
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R. CLOSED SESSION:**R-1 No Closed Session Requested**

S. ADJOURNMENT:

The Meeting **ADJOURNED** at 9:13 PM.

Mayor Dane Slater

Cheryl A. Stewart
Administrative Aide