

Pastor Robert Cholette from Troy Assembly of God performed the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on Monday, August 26, 2013, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:34 PM.

B. ROLL CALL:

Mayor Dane Slater
Jim Campbell
Wade Fleming
Dave Henderson
Maureen McGinnis
Ed Pennington
Doug Tietz

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Certificate of Recognition to Cathy and Carl Fucinari – Citizen Code Enforcement Volunteer Service *(Introduced by: Cindy Stewart, Community Affairs)*

C-2 Troy Youth Assistance Annual Report *(Introduced by: Cindy Stewart, Community Affairs)*

C-3 Certificate of Recognition for Robin Beltramini – 10 Years of Service on City Council *(Introduced by: Cindy Stewart, Community Affairs)*

C-4 “Smart Investing@Your Library” Program and “September is Library Card Month” *(Introduced by: Cathy Russ, Library Director)*

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:

| | |
|-----------------|--------------------|
| Jim Werpetinski | Spoke on Item P-1. |
|-----------------|--------------------|

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 – Parks and Recreation Board

a) Mayoral Appointments: None

b) City Council Appointments:

Resolution #2013-08-139
Moved by Fleming
Seconded by McGinnis

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

Parks and Recreation Board

Appointed by Council

7 Regular Members and 1 Troy School Board Member:

Regular Member: 3 Year Term / Troy School Board Member: 1 Year Term

Term Expires: 07/31/2014

Gary Hauff

Term currently held by: Gary Hauff

Yes: All-7
No: None

MOTION CARRIED

I-2 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – Liquor Advisory Committee, Parks and Recreation Board

City Council **TOOK NO ACTION** on this Item.

I-3 Request For Closed Session

Resolution #2013-08-140
Moved by McGinnis
Seconded by Fleming

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268(a) (MCL 15.243(g)).

Yes: All-7
No: None

MOTION CARRIED

I-4 Request to Accept an Offer to Purchase City Owned Property at Long Lake and Somerton (Introduced by: Larysa Figol, Sr. Right of Way Representative and Steve Vandette, City Engineer)

Resolution #2013-08-141
Moved by Campbell
Seconded by Pennington

RESOLVED, That Troy City Council hereby **ACCEPTS** the purchase offer from Sterling Construction Inc. to purchase the vacant parcel owned by the City of Troy identified with Sidwell #88-20-10-477-017 in the amount of \$210,000.00; and

BE IT FURTHER RESOLVED, That the Engineering Department may **EXPEND** the necessary funds for title insurance and recording, to be taken from the proceeds of said sale, to close and record this real estate parcel; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** a Warranty Deed on behalf of the City of Troy to be delivered at closing; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said Warranty Deed, including all attachments, at the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to and made part of the original Minutes of this meeting.

Yes: All-7
No: None

MOTION CARRIED

I-5 City Attorney's Annual Evaluation

Resolution #2013-08-142
Moved by McGinnis
Seconded by Campbell

RESOLVED, That the annual salary of City Attorney Lori Grigg Bluhm be **INCREASED** 1% effective July 6, 2013.

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

MOTION CARRIED**J. CONSENT AGENDA:****J-1a Approval of “J” Items NOT Removed for Discussion**

Resolution #2013-08-143

Moved by McGinnis

Seconded by Fleming

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

Yes: All-7

No: None

MOTION CARRIED**J-1b Address of “J” Items Removed for Discussion by City Council****J-2 Approval of City Council Minutes**

Resolution #2013-08-143-J-2b

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

- a) City Council Meeting Minutes-Draft – August 12, 2013

J-3 Proposed City of Troy Proclamations: None Submitted**J-4 Standard Purchasing Resolutions:**

- a) **Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Tree Planting**

Resolution #2013-08-143-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide and install bare root street trees (Proposal A) to Marine City Nursery of Marine City, Michigan, and a contract to provide ball and burlap trees without installation to The Davey Tree Expert Company of Kent, Ohio, which are the two (2) low bidders meeting specifications as detailed below at unit prices contained in the bid tabulation, not to exceed budgetary limitations; opened August 2, and August 22, 2013, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring June 1, 2014.

| Bidder | Proposal |
|---------------------|----------|
| Marine City Nursery | A |
| The Davey Tree Co. | B |

b) **Standard Purchasing Resolution 4: Cooperative Contracts – REMC Purchasing Contract – Mobile Data Computers (MDC’s), GSA Purchasing Contract – Modems and Wireless Data Service**

Resolution #2013-08-143-J-4b

WHEREAS, The City utilizes Mobile Data Computers (MDC’s) for the Police and Fire Department vehicles; and

WHEREAS, The current MDC’s in Police vehicles are outdated and are no longer supported through a Motorola warranty, and some Fire vehicles lack connectivity;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the purchase of forty (40) MDC’s including modems, WLAN, antennas, mounting hardware and installation through the REMC cooperative contract with Dell, the National IPA cooperative contract with CDW-G and the GSA cooperative contract with DH Wireless for the Police Department for an estimated cost of \$219,828.44 and the purchase of six (6) modems, antennas, mounting hardware and installation through the GSA cooperative contract with DH Wireless for the Fire Department for an estimated cost of \$5,123.46, utilizing approved purchasing procedures; as detailed in Attachment A, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-5 Traffic Signal Maintenance Agreement – I-75 and Crooks

Resolution #2013-08-143-J-5

RESOLVED, That the Michigan Department of Transportation (MDOT) Cost Agreement for Traffic Signal Control (Work Authorization No. 16466) for the intersection of I-75 at Crooks Road is hereby **APPROVED**.

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

J-6 Approval of Subdivision Entrance Sign/Agreement, Hickory Heights North Subdivision, West Side of Beach Road, Between Long Lake Road and Square Lake Road

Resolution #2013-08-143-J-6

RESOLVED, That Troy City Council hereby **APPROVES** as to the design and materials proposed, the sign application submitted by Hickory Heights Park Association for the placement of a sign within the median of Fox Chase at the intersection of Beach Road.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the agreement regarding the maintenance and liability coverage for the sign, and **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-7 Oakland County Board of Canvassers Agreement Cancellation

Resolution #2013-08-143-J-7

RESOLVED, That Troy City Council hereby **CANCELS** the Oakland County Board of Canvassers Interlocal Agreement due to Public Act 51 of 2013.

J-8 Fire Lane Signs for Maple Road Retail Development – 2873-2897 W. Maple Road

Resolution #2013-08-143-J-8

RESOLVED, That Troy City Council hereby **AUTHORIZES** the City of Troy Department of Public Works Streets Division to install Fire Lane signs at 2873 through 2897 West Maple Road, Troy, in accordance with Traffic Control Order #12-02-MR (FIRE LANES), the cost of which will be **ASSESSED** to the Maple Road Retail Development property.

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:**

| | |
|--------------------|--------------------------------|
| Marvin Reinhardt | Spoke about various topics. |
| Nicholas Cherasaro | Spoke about the City finances. |

M. COUNCIL REFERRALS:

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

M-1 No Council Referrals Advanced**N. COUNCIL COMMENTS:****N-1 No Council Comments Advanced**

Mayor Pro Tem Fleming responded to Mr. Cherasaro's public comment. City Manager Kischnick addressed the issue and indicated a report will be made available to the public.

O. REPORTS:

O-1 Minutes – Boards and Committees:

- a) Planning Commission Special/Study-Draft – July 23, 2013
 - b) Downtown Development Authority-Draft – July 24, 2013
Noted and Filed
-

O-2 Department Reports:

- a) Building Department Activity Report – July, 2013
Noted and Filed
-

O-3 Letters of Appreciation:

- a) To Brian Kischnick and Mark Miller From Georgia Johnson, Unified Business Technologies Regarding Glenn Lapin
 - b) To Chief Mayer From Marshall Rennick Regarding Officer Joe Mouch
 - c) To Troy Water and Sewer Department From Ruth and Larry Grewe
 - d) To Staff and City Council From Lynn Pung
Noted and Filed
-

O-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted
Noted and Filed**O-5 Notice of Hearing – DTE Electric Co Case No U-17437**
Noted and Filed**O-6 Oakland County Executive’s Recommended FY 2014-2016 Triennial Budget**
Noted and Filed

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

The Meeting **RECONVENED** at 8:53 PM.

P. STUDY ITEMS:

P-1 City Attorney’s Office Prosecution Services Evaluation

City Attorney Lori Grigg Bluhm introduced her staff who were present during the Study Session: Assistant City Attorneys Susan Lancaster and Julie Dufrane; Legal Assistant Kathy Bobick and Legal Assistant II Jackie Bault.

City Manager Kischnick began the discussion by explaining that this is an outline of what a study would look like should City Council request the analysis work from City Administration. He presented the evaluation of prosecution services using a Powerpoint presentation.

City Manager Kischnick asked Chief Mayer to discuss the types of cases and volume of each type involved in prosecution services. He explained that the City Attorney’s Office is part of the law enforcement team in the City of Troy that makes Troy one of the safest cities in America.

Chief Mayer requested that Captain Frye offer his insight. Captain Frye explained that the challenge with this presentation was not what to talk about; but, that it was difficult to narrow down the list of ways the City Attorney's Office is vital to the Police Department to fit into the presentation. He went on to list three examples of topics where the City Attorney's Office and Police Department cooperation has been crucial: the medical marijuana legislation, massage facility oversight and interlocal agreements. Captain Frye turned the discussion over to Captain Redmond.

Captain Redmond discussed three topics crucial to the City Attorney's Office and Troy Police cooperation: the Boyd Street issue, fireworks ordinance, and hookah lounge oversight. Captain Redmond expressed his concern with privatizing the City Attorney's Office.

City Manager Kischnick asked City Attorney Bluhm if she had further comments. City Attorney Bluhm added the examples of drunk driving prosecution, retail fraud prosecution, and assault prosecution to the Police Department's examples provided. Assistant City Attorney Lancaster offered comments regarding the City Attorney's Office service to citizens and victims over and above what a private firm would be able to offer. She commended the dedication of the staff of the City Attorney's Office.

City Manager Kischnick continued the Powerpoint presentation. City Attorney Bluhm suggested that costs be closely considered. City Manager Kischnick suggested an objective third-party outside consultant and peer review group be hired to do the analysis.

Mayor Slater explained that City Council is obligated to look at every department to make sure the City's money is being spent in the best way possible. He said he will never be in favor of outsourcing the City Attorney's Office. The Mayor explained that this is a review of the services as suggested by the ICMA Report.

Council Member Pennington asked what kind of cost the consultant would incur. Mayor Slater indicated it would cost about \$20,000. Council Member Pennington agrees with the Police Department's opinion that if it's not broke, it doesn't need to be fixed.

Council Member Campbell said that you'd never get an apples to apples comparison. He agrees with the Police Department and doesn't think the City needs to incur the cost of a consultant. He will not support outsourcing.

Mayor Pro Tem Fleming said that he feels that City Council has a responsibility to make sure the taxpayers money is being spent wisely. He doesn't know the costs of prosecution services based on tonight's presentation and would like that information in order to make a decision. He would like to know if there's an opportunity for savings to the City by outsourcing. He cannot make a recommendation tonight without the costs.

Council Member Henderson said the ICMA report caused a lot of skepticism in the public. He thinks the idea of a peer review group is a good idea. He quoted the ICMA report and would like to see the costs associated with prosecution services. He is willing to pay a consultant to do this analysis.

Council Member McGinnis understands that City Council has an obligation to spend the City's money wisely but doesn't think it's possible to have an apples to apples comparison of attorney

services. She has an issue with spending money on an analysis of outsourcing a service with which the City has never had an issue. She will not be in favor of going further with investigating outsourcing.

Council Member Tietz said the fundamental problem is that we don't know the definition of prosecution services or the costs of those services. He said we also don't know the cost of the consultant to analyze outsourcing. He would like that information. He doesn't know if the City is getting the best services for the price.

Mayor Slater said the City Attorney has provided the cost to City Council. He said the ICMA Report suggested not outsourcing the City Attorney's Office. Mayor Slater explained that the Police Department's information offered tonight is the most valuable. The Mayor reminded City Council of the phrase, "What kind of city do you want?"

The Mayor stated that there is a consensus of City Council to close this issue and move forward to other matters such as infrastructure.

Mayor Pro Tem Fleming asked what are the costs of prosecution services. The Mayor explained that prosecution services are half the Attorney's Office budget, which would be \$500,000. Council Member Tietz asked about a breakdown of costs. City Attorney Bluhm explained that since functions vary day-to-day and year-to-year, it is difficult to be exact. But, since there are the salaries of two paralegals and attorneys, it's a good estimate to say half the budget is prosecution services. She explained that the ICMA report was required to offer suggestions for whether departments should be outsourced.

Mayor Slater suggested that City Council close the Study Session with the consensus reached by Council.

The Meeting **RECESSED** at 9:49 PM.

The Meeting **RECONVENED** at 9:53 PM.

Q. CLOSED SESSION:

Q-1 Closed Session

R. ADJOURNMENT:

The Meeting **ADJOURNED** at 10:00 PM.



Mayor Dane Slater



M. Aileen Bittner, CMC
City Clerk