

Pastor Stephen Husava from Northfield Hills Baptist 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, October 7, 2013, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:32 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 Troy Community Coalition Executive Director Nancy Morrison Will Present Information on the Troy Community Coalition's Upcoming Programs *(Introduced by: Cindy Stewart, Community Affairs Director)*

C-2 2013 MPELRA Award Recognizing Peggy Sears *(Introduced by: Mayor Dane Slater)*

C-3 2013 Distinguished Citizen Proclamation Recognizing Cindy Stewart, Community Affairs Director *(Introduced by: Mayor Dane Slater)*

C-4 Troy Historical Society will Present Their 2013 Strategic Plan for the Troy Historical Village *(Presented by: Loraine Campbell and David Zuza)*

C-5 Transit Center Status Report – October 2013 *(Introduced by: Steve Vandette, City Engineer)*

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Adoption of Brownfield Redevelopment Plan #6 for MJR Troy Grand – 100 E. Maple Road

The Mayor **OPENED** the Public Hearing at the City Council meeting on September 23, 2013, and continued to the October 7, 2013 City Council meeting. The Mayor **CLOSED** the Public Hearing after receiving no public comment.

Resolution A

Resolution #2013-10-154

Moved by Henderson

Seconded by Campbell

WHEREAS, MJR Group, LLC intends to demolish and redevelop the vacant former Kmart Department Store and site, located at 100 E. Maple Road, with a new digital movie theater complex; and

WHEREAS, The \$16 million project will include a 74,000 square foot theater building with 16 screens, a lobby area, concessions, and bar area along with site improvements of new asphalt, sidewalks, and landscaping surrounding the theater building; and

WHEREAS, Approximately 70 new jobs are expected to be created serving 800,000 patrons annually; and

WHEREAS, Demolition of the existing building will require certain environmental remediation activities; and

WHEREAS, The City established the City of Troy Brownfield Redevelopment Authority (TBRA) pursuant to the Brownfield Redevelopment Financing Act, Michigan Public Act 381 of 1996, and as amended to promote the revitalization of environmentally distressed and blighted areas within the boundaries of the City of Troy; and

WHEREAS, The Troy Brownfield Redevelopment Authority provides project assistance through its Local Site Remediation Revolving Fund (LSRRF) and through the reimbursement of eligible activities through tax increment financing; and

WHEREAS, For the MJR Troy Grand project, the LSRRF would reimburse the cost of Due Care Activities, Demolition and associated activities, and the preparation of the Brownfield Plan in the total amount of \$498,079. The LSRRF would subsequently be reimbursed from tax increment financing revenues, based on the increased value of the redeveloped property, over the estimated eight-year payback period; and

WHEREAS, Tax increment financing revenues would also reimburse the cost of the Environmental Site Assessments and Brownfield Plan Application Fee in the total amount of \$11,585; and

WHEREAS, That the Troy Brownfield Redevelopment Authority recommended to the City Council at its August 27, 2013 Special Meeting that the Brownfield Redevelopment Plan #6 for the proposed MJR Troy Grand located at 100 East Maple Road, Troy, Michigan, be approved and that the LSRRF loan shall require collateral and may include a financial guarantee from MJR Group, LLC or lien rights from the subject property.

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** Version B of Brownfield Redevelopment Plan #6 - MJR Troy Grand located at 100 East Maple Road – **not** including the capture of tax increment revenue for an additional five years to continue building up the LSRRF;

BE IT FURTHER RESOLVED, That Troy City Council **HAS DETERMINED** that the Brownfield Redevelopment Plan #6 Version B constitutes a public purpose under the Brownfield Redevelopment Financing Act, Michigan Public Act 381 of 1996 (MCL 125.2651) and as amended;

BE IT FURTHER RESOLVED, That Troy City Council has **REVIEWED** the proposed Brownfield Redevelopment Plan #6 Version B, which provides the information that is statutorily required for Brownfield Plans, as set forth in Section 13 of the Brownfield Redevelopment Financing Act, Michigan Public Act 381 of 1996 (MCL 125.2663) and as amended;

BE IT FURTHER RESOLVED, That Troy City Council has **REVIEWED** proposed Brownfield Redevelopment Plan #6 Version B, which details a proposed method of financing the costs of eligible activities, and **FINDS** that the method of financing is reasonable and in furtherance of the purposes of the Brownfield Redevelopment Financing Act, Michigan Public Act 381 of 1996 and as amended;

BE IT FURTHER RESOLVED, That Troy City Council has **REVIEWED** the estimated costs of the eligible activities, which are included in Brownfield Redevelopment Plan #6 Version B, and **HAS DETERMINED** that these costs are reasonable and in furtherance of the purposes of the Brownfield Redevelopment Financing Act, Michigan Public Act 381 of 1996 and as amended;

BE IT FURTHER RESOLVED, That Troy City Council has **REVIEWED** the estimated amount of captured taxable value that would result from the adoption or approval of Brownfield Redevelopment Plan #6 Version B, and **HAS DETERMINED** that the amounts are reasonable; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the Agreement for Brownfield Redevelopment Plan #6 Version B - **not** including the capture of tax increment revenue for an additional five years to continue building up the LSRRF.

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

MOTION CARRIED

Resolution B: 5-Year Extension of Tax Capture

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

WHEREAS, Troy City Council has approved Version B of Brownfield Redevelopment Plan #6 – MJR Troy Grand located at 100 East Maple Road – at its October 7, 2013 meeting;

BE IT RESOLVED, That Troy City Council hereby **APPROVES** extending the capture of tax increment revenue for Brownfield Redevelopment Plan #6 Version B - MJR Troy Grand located at 100 East Maple Road – for an additional five years to continue building the LSRRF (as reflected in Version A).

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:

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 – Downtown Development Authority; b) City Council Appointments – None

a) **Mayoral Appointments:** Downtown Development Authority

Resolution #2013-10-155
Moved by Slater
Seconded by Fleming

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:

Downtown Development Authority

Appointed by Mayor
13 Regular Members
4 Year Term

Term Expires: 9/30/2017

Albert Papa

(At Large)

Term currently held by: Albert Papa

Yes: All-7
No: None

MOTION CARRIED

b) **City Council Appointments:** None

I-2 Board and Committee Nominations: a) Mayoral Nominations – Downtown Development Authority; b) City Council Nominations –Parks and Recreation Board

a) **Mayoral Nominations:**

Resolution #2013-10-156
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: 9/30/2015

Timothy S. Blair

(In District)

Term currently held by: Vacant (Earle Van Dyke resigned)

Yes: All-7

No: None

MOTION CARRIED

b) City Council Nominations:

Resolution #2013-10-157
Moved by Fleming
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:

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

Nominations to the Parks and Recreation Board:

Term Expires: 9/30/2016

Steve Toth

Term currently held by: Kathleen Fejes

Yes: All-7

No: None

MOTION CARRIED

I-3 Request for Closed Session

Resolution #2013-10-158
Moved by McGinnis
Seconded by Fleming

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session pursuant to MCL15.268(h) (MCL15.243(g)).

Yes: All-7
No: None

MOTION CARRIED

I-4 Request for Joint City Council/Planning Commission Meeting - November 26, 2013

Resolution #2013-10-159
Moved by Fleming
Seconded by Campbell

RESOLVED, That Troy City Council hereby **SCHEDULES** a joint meeting between the Troy City Council and the Troy Planning Commission for Tuesday, November 26, 2013 from 6:00 PM to 7:00 PM in the Council Board Room, 500 W. Big Beaver, Troy, MI 48084 for the purpose of discussing the following topics:

1. City of Troy Master Plan amendments
2. Infill development, including residential
3. Big Beaver Road development not meeting increased density
4. Sober Living Facilities
5. Maximum building height in GB General Business District
6. Other

Yes: All-7
No: None

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2013-10-160
Moved by McGinnis
Seconded by Pennington

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 #2013-10-160-J-2

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

- a) City Council Meeting Minutes-Draft – September 23, 2013

J-3 Proposed City of Troy Proclamations:

- a) 2013 Distinguished Citizen Proclamation Recognizing Cindy Stewart, Community Affairs Director

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – Electrical Services at City Hall**

Resolution #2013-10-160-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to install new electrical services including cable and conduit to City Hall to the low total bidder, *Corby Energy Services, Inc. of Belleville, MI*, for an estimated total amount of \$99,425.00 at unit prices contained in the bid tabulation opened September 5, 2013, 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.

J-5 Fireworks Permit – Macy's at Oakland Mall

Resolution #2013-10-160-J-5

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Macy's, located at 500 W. Fourteen Mile Rd., for the use of fireworks at its annual holiday shopping kick-off on Friday November 1, 2013.

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

J-6 Traffic Committee Recommendations and Minutes – September 18, 2013

Resolution #2013-10-160-J-6

Item #5 – Establish Fire Lanes at 2000-2050 West Big Beaver

RESOLVED, That the Traffic Committee **RECOMMENDS** establishing fire lanes at 2000-2050 West Big Beaver Road.

Item #6 – Establish Fire Lanes at 2001 W. Maple Road

RESOLVED, That the Traffic Committee **RECOMMENDS** establishing fire lanes at 2001 West Maple Road.

Item #7 – Establish Fire Lanes at 1305 Stephenson Highway

RESOLVED, That the Traffic Committee **RECOMMENDS** establishing fire lanes at 1305 Stephenson Highway.

J-7 Private Agreement – Contract for Installation of Municipal Improvements – Adria Estates Site Condominium – Project No. 13.914.3

Resolution #2013-10-160-J-7

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Mondrian Properties, is hereby **APPROVED** for the installation of Sanitary Sewer, Storm Sewer, Water Main, Concrete Pavement and Sidewalks, 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.

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:**

| | |
|---------------------|---|
| Savage, James | Spoke about candidates for City Council and public comment. |
| Peters, Richard | Spoke about healthcare and federal budget problems. |
| Cherasaro, Nicholas | Spoke about the City's general fund balance. |
| Brake, Dan | Spoke about public comment and the City's general fund balance. |
| Wilsher, Cynthia | Spoke about public comment at City Council meetings. |
| Butterbaugh, Ron | Spoke about candidates for City Council. |
| Kulesz, John | Spoke about the City's general fund balance. |

M. COUNCIL REFERRALS:

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

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

Council Member Fleming commented that he is proud of the City's healthy General Fund balance. He stated the City Council will work together to determine how to address the surplus balance.

Council Member Henderson also commented on the City's General Fund balance. He stated that he takes offense with the rhetoric claiming allegations of criminal activity. Council Member Henderson appreciates City Manager Kischnick's proactive approach and requests patience from residents during the process of working together to determine how to address the surplus balance.

Mayor Slater congratulated City Attorney Lori Grigg-Bluhm's appointment as President to the Michigan Association of Municipal Attorneys/Michigan Municipal League Legal Defense Fund.

Mayor Slater commented that the appropriate forum for discussing the City's General Fund balance should be at a scheduled Study Session, not during a regular City Council meeting or at the podium.

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

- a) Zoning Board of Appeals-Final – July 16, 2013
 - b) Traffic Committee-Final – July 17, 2013
 - c) Election Commission-Final – September 9, 2013
 - d) Planning Commission-Draft – September 10, 2013
 - e) Planning Commission-Final – September 10, 2013
 - f) Zoning Board of Appeals-Draft – September 17, 2013
 - g) Election Commission-Draft – September 26, 2013
Noted and Filed
-

O-2 Department Reports:

- a) Transit Center Status Report – October 2013
Noted and Filed
-

O-3 Letters of Appreciation: None Submitted

Noted and Filed

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

O-5 Notice of Hearing for the Electric Customers of DTE Electric Company Case No. U-17322
Noted and Filed

P. STUDY ITEMS:

P-1 No Study Items

The Meeting **RECESSED** at 8:49 PM.

The Meeting **RECONVENED** at 9:00 PM.

Q. CLOSED SESSION:

Q-1 Closed Session

R. ADJOURNMENT:

The Meeting **ADJOURNED** at 9:25 PM.

Mayor Dane Slater

M. Aileen Bittner, CMC
City Clerk