

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 Monday, August 19, 2019, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:30 PM.

B. ROLL CALL:

- a) Mayor Dane Slater
- Edna Abraham
- Mayor Pro Tem Ethan Baker
- David Hamilton
- Dave Henderson
- Ellen Hodorek
- Ed Pennington

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 On Behalf of the City of Troy Employees' Casual for a Cause Program for the Months of May and June 2019, Community Affairs Director Cindy Stewart Will Present a Check in the Amount of \$592.00 to HAVEN Representative, Wendy Powers

C-2 Citizens Academy (*Presented by: Drew Benson, Assistant to the City Manager, and Stephanie Fleischer, Marketing Coordinator*)

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:

Cynthia Wilsher	Commented on Item N-01, Citizens Academy, and City permits
Aaron Green	Commented on Item N-01
John Kulesz	Commented on Item N-01
John Tegge	Commented on Item N-01

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

Mayor Pro Tem Baker	Thanked the residents for their comments and thanked Mr. Tegge for his service.
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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 – None

- a) **Mayoral Appointments: None**
- b) **City Council Appointments: None**

I-2 Board and Committee Nominations: a) Mayoral Nominations – Global Troy Advisory Committee; b) City Council Nominations – Parks & Recreation Board

a) Mayoral Nominations:

Resolution #2019-08-090
Moved by Slater
Seconded by Abraham

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:

Global Troy Advisory Committee

Appointed by Mayor
12 Regular Members
3 Year Term

Nominations to the Global Troy Advisory Committee:

Term Expires: 7/31/2020

Arjun Tholakapalli

Student

Yes: All-7
No: None

MOTION CARRIED

b) City Council Nominations:

Resolution #2019-08-091
Moved by Baker
Seconded by Hodorek

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 of Education Representative

Regular Member: 3 Year Term / Troy School Bd. of Education Representative: 1 Year Term

Nominations to the Parks and Recreation Board:

Term Expires: 7/31/2020	Timothy Fulcher	Troy School Board of Education Rep.
	Term currently held by:	Timothy Fulcher
Term Expires: 9/30/2022	Julia Baker	
	Term currently held by:	Julia Baker
Term Expires: 9/30/2022	Pam Brady	
	Term currently held by:	Steve Toth – No reappointment

Yes: All-7
No: None

MOTION CARRIED

I-3 Request for Closed Session

Resolution #2019-08-092
Moved by Baker
Seconded by Pennington

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (h) (MCL 16.243 (g)).

Yes: All-7
No: None

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2019-08-093-J-1a
Moved by Henderson
Seconded by Baker

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda 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 #2019-08-093-J-2

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

- a) City Council Minutes-Draft – August 5, 2019

J-3 Proposed City of Troy Proclamations:

Resolution #2019-08-093-J-3

- a) Proclamation Proclaiming Michigan Patriot Week – September 11-17, 2019
- b) Proclamation Celebrating Troy Somerset Gazette’s 40th Anniversary

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Community Coalition**

Resolution #2019-08-093-J-4a

RESOLVED, That Troy City Council hereby **APPROVES** the expenditure of funds budgeted in the 2019/2020 fiscal year to the Troy Community Coalition to provide community services to prevent drug and alcohol abuse in the amount of \$35,000.00.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreements to fund these services, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

- b) **Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Youth Assistance**

Resolution #2019-08-093-J-4b

RESOLVED, That Troy City Council hereby **APPROVES** the expenditure of funds budgeted in the 2019/2020 fiscal year to the Troy Youth Assistance to provide diversion programs and community services to the residents of the City of Troy at a cost of \$10,000.00 which shall be paid in quarterly installments.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreements to fund these services, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

c) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Avondale Youth Assistance

Resolution #2019-08-093-J-4c

RESOLVED, That Troy City Council hereby **APPROVES** the expenditure of funds budgeted in the 2019/2020 fiscal year to the Avondale Youth Assistance to provide diversion programs and community services to the residents of the City of Troy at a cost of \$2,500.00.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreements to fund these services, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

d) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Haven, Inc.

Resolution #2019-08-093-J-4d

RESOLVED, That Troy City Council hereby **APPROVES** the expenditure of funds budgeted in the 2019/2020 fiscal year to Haven, Inc. to provide crisis intervention, shelter, advocacy, and counseling to the residents of the City of Troy at a cost of \$2,500.00.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreements to fund these services, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-5 Bid Waiver – Inventory Software

Resolution #2019-08-093-J-5

WHEREAS, The City has been utilizing Cityworks from Azteca Systems for Asset Management and Work Orders, Customer Service Requests, Infrastructure Inspections and Inventory Management since 2010 (Resolution #2010-04-076); and,

WHEREAS, Radley Systems offers a mobile interface to work directly with the Cityworks software, and this system includes mobile ruggedized barcode scanners and a mobile friendly software interface that directly uploads inventory transactions into the Cityworks inventory system;

THEREFORE, BE IT RESOLVED, That Troy City Council, in the best interest of the City, hereby **WAIVES** the bid process and **APPROVES** the purchase of the Radley System for Cityworks from *Radley Corporation of Southfield Michigan* along with barcode scanning devices and associated software for an approximate cost of \$40,091.64 with a yearly maintenance for software of approximately \$2,200 reoccurring thereafter and after 3 years an optional 3 year hardware maintenance warranty of \$2,328.40.

J-6 Request for Acceptance of Two Permanent Easements for Long Lake Square Townhomes, Sidwell #88-20-16-200-007 and -008

Resolution #2019-08-093-J-6

RESOLVED, That Troy City Council hereby **ACCEPTS** two permanent easements for sanitary sewers and water mains from Robertson Long Lake Square, LLC, owner of the property having Sidwell #88-20-16-200-007 & 008.

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the permanent easements with Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

J-7 Private Agreement – Contract for Installation of Municipal Improvements – Long Lake Square Townhomes – Project No. 19.911.3

Resolution #2019-08-093-J-7

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Robertson Brothers Homes, for the installation of Water Main, Sanitary Sewer, Storm Sewer, Underground Storm Water Detention System, Concrete Approach and Sidewalk 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-8 Request for Recognition as a Nonprofit Organization from Troy Firefighters Community Fund

Resolution #2019-08-093-J-8

RESOLVED, That Troy City Council hereby **APPROVES** the request from the Troy Firefighters Community Fund, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license as recommended by City Management.

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:

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 Council Referral From Council Member Ethan Baker

Resolution #2019-08-094
Moved by Baker
Seconded by Hamilton

WHEREAS, On January 24, 2019, former Troy City Manager Brian Kischnick was sentenced to 30 months in federal prison after he pled guilty to bribery as part of a negotiated plea deal on August 22, 2018, and is currently incarcerated in federal prison; and,

WHEREAS, On December 17, 2018, Troy City Council authorized City Management to enter into an agreement with Plante & Moran PLLC (hereinafter "Plante Moran") to provide Forensic Audit Services for the City of Troy for the time period relating to Brian Kischnick's tenure as City Manager of the City of Troy (Resolution #2018-12-196-J-4b); and,

WHEREAS, On July 17, 2019 at a Troy City Council Special Meeting, Troy City Council authorized the release of the forensic engagement report, prepared and submitted to the City by its consultant, Plante Moran, and directed that the report be included in the most appropriate location on the City's webpage, and included in the City Council agenda packet for the next regular City Council meeting, and available for request under the Freedom of Information Act (Resolution #2019-07-072b); and,

WHEREAS, The Forensic Engagement Report states on page 20: "Overall, it appears there was a *culture of complicity*, in that, many people knew [Brian Kischnick] was violating policy (and potentially the law), but they were complicit in their actions due to the tone established by [Brian Kischnick] and Council"; and,

WHEREAS, The Forensic Engagement Report states on page 20: "The apparent poor tone at the top, combined with [Brian Kischnick's] and, at times, other Officials' **aggressive behavior** (to include screaming so loud it could be heard through the walls in other rooms) left many personnel to feel their employment was at risk if they questioned and/or 'went against' [Brian Kischnick]"; and,

WHEREAS, The Forensic Engagement Report states on page 21 former Financial Services Director Tom Darling stated: "In my mind, I'm pretty assured that certain Council members knew of this stuff going on I knew the Council pretty well and you know what, they didn't have a problem with it the tone from the top..."; and,

WHEREAS, The final Forensic Engagement Report states on page 21: "It will be critical that the City establishes a tone at the top valuing integrity/ethics and enforcing consequences when integrity/ethics are not displayed, or the City could be destined for a repeat situation"; and,

WHEREAS, There are members of the public that have questioned whether specific actions of individual Troy City Council members during Brian Kischnick's tenure as the Troy City Manager

contributed to the “Culture of Complicity” as referenced in the Plante Moran Forensic Engagement Report; and,

WHEREAS, The Troy City Council greatly values all City of Troy residents, and intends to make all residents feel heard and respected; and.

WHEREAS, It is in the best interest of the City of Troy to do everything it can to determine if there were actions taken or not taken by individual Troy City Council members during Brian Kischnick’s tenure as Troy City Manager that contributed to the “Culture of Complicity,” as referenced in the Plante Moran Forensic Engagement Report so that the City of Troy and its residents can move forward in a positive, engaged, and transparent manner, and to further protect the City of Troy from potentially repeating something like this again in the future; and,

WHEREAS, The City of Troy Charter provides Troy City Council the power to investigate matters in which the City of Troy has an interest, providing in pertinent part in Section 4.8 – Investigations: “The Council or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office or officer and to make investigations as to matters in which the municipality has an interest. The Council, for the purposes stated herein, may summon witnesses, administer oaths and compel attendance of witnesses and the production of books, papers and other evidence”; and,

WHEREAS, Troy City Council has previously authorized investigations of former City Manager Brian Kischnick and his conduct as Troy City Manager by former City of Troy labor attorney Craig W. Lange and Plante Moran; yet has not authorized any investigation into the conduct of Troy City Council during the same time period; and,

WHEREAS, An independent investigation of Troy City Council is intended to decrease the likelihood of Troy City Council and its current members from repeating previous mistakes and providing guidance and clarity to future members of Troy City Council.

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney to work with outside labor counsel McGraw Morris to prepare a scope of work to secure an independent investigation of all members of Troy City Council under the provisions provided in City of Troy Charter, Section 4.8 – Investigations; this scope of work would explore whether or not any member of Troy City Council played a role in creating the “Culture of Complicity” that enabled former Troy City Manager Brian Kischnick’s wrongdoings and crimes.

BE IT FURTHER RESOLVED, That this scope of work **SHALL** be limited to actions or inactions relating to a member of Troy City Council’s role as a member of Council and his or her interactions with former City Manager Brian Kischnick and/or City of Troy employees.

BE IT FURTHER RESOLVED, The City Attorney, working with outside labor counsel, **SHALL** obtain informal proposals for a neutral third-party investigator or investigative team, and present options to the Troy City Council at the next regular Council meeting.

BE IT FURTHER RESOLVED, That all members of Troy City Council **SHALL** cooperate with the independent third party investigator or investigative team, which may include an interview or questioning under oath and under penalty of perjury.

BE IT FURTHER RESOLVED, That the Troy City Council **INTENDS** to fully release any report completed as a result of the investigation, as well as any documents in support of the conclusions.

BE IT FURTHER RESOLVED, That Troy City Council hereby **REAFFIRMS** its commitment to transparency, proper oversight, and the Troy City Council Code of Ethics signed by all members of Troy City Council on December 17, 2018.

Yes: All-7

No: None

MOTION CARRIED

O. COUNCIL COMMENTS:

O-1 Council Comments

Council Member Henderson announced the Battle of the Badges softball game between Troy Fire Department and Troy Police Department members on Friday, September 6, 2019 at 7:00 PM at Flynn Park. Tickets are \$10 for adults and \$5 for children under 12.

Council Member Hamilton announced the birth of his daughter, and thanked everyone for their support.

Council Member Abraham acknowledged the passing of Mr. Rick Bodick, Theater Director and Teacher at Troy High School. She commented on his more than 30 years of service to the Troy community and the Troy School District. She offered condolences to his loved ones.

P. REPORTS:

P-1 Minutes – Boards and Committees:

- a) Planning Commission-Final – July 9, 2019
- b) Building Code Board of Appeals-Final – July 10, 2019
Noted and Filed

P-2 Department Reports:

- a) Building Department Activity Report – July, 2019
- b) August 12, 2019 Rain Event
Noted and Filed

P-3 Letters of Appreciation:

- a) To Mark Miller from Thomas Reiss in Appreciation of Cindy Stewart, Community Affairs Director Regarding Assistance with a Cable Company Issue
- b) To the Fire Department from Martin Van Almen Regarding Fire Department Attendance at Their Event
Noted and Filed

P-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) Oakland County Resolution in Support of Michigan SB 284 Banning Conversion Therapy
Noted and Filed

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. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT – ANY RESPONSES/REPLIES WILL BE PROVIDED AFTER ALL PERSONS HAVE FINISHED ADDRESSING CITY COUNCIL

The Meeting **RECESSED** at 8:44 PM.

The Meeting **RECONVENED** at 8:55 PM.

S. CLOSED SESSION

S-1 Closed Session

T. ADJOURNMENT:

The Meeting **ADJOURNED** at 10:50 PM.

Mayor Dane Slater

M. Aileen Dickson, MMC
City Clerk