

Mayor Baker 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 17, 2023, at City Hall, 500 W. Big Beaver Rd. Mayor Baker called the meeting to order at 7:32 PM.

B. ROLL CALL:

- a) Mayor Ethan Baker
- Edna Abraham
- Theresa Brooks
- Rebecca A. Chamberlain-Creanga
- Ann Erickson Gault
- David Hamilton
- Ellen Hodorek

Proposed Resolution to Waive City Council Rules of Procedure

Resolution #2023-04-062
Moved by Baker
Seconded by Chamberlain-Creanga

RESOLVED, That Troy City Council hereby **WAIVES** City Council Rule #4a Regular Meeting Agendas, and moves *Item I-4 Volunteer Firefighter Incentive Plan (VFIP) Replacement Plan* to the first item of Regular Business.

Yes: All-7
No: None

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 No Certificates of Recognition and Special Presentations

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Volunteer Firefighter Incentive Plan (VFIP) Termination (Introduced by: Mark F. Miller, City Manager, and Lori Grigg Bluhm, City Attorney)

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving comment from:

Roy Reaume	Commented in opposition of the proposed VFIP plan
Jeannie Stoglin	Commented in opposition of the proposed VFIP plan
Pete Dungjen	Commented in opposition of the proposed VFIP plan
Mark Gunn	Commented in opposition of the proposed VFIP plan
Edward Ross	Commented in opposition of the proposed VFIP plan
Rob Ried	Commented in opposition of the proposed VFIP plan
Rocky Raczkowski	Commented in opposition of the proposed VFIP plan
Ron Griffiths	Asked for transparency with the actuarial calculation
Patrick Durham	Commented in support of the proposed VFIP plan
Al Soriano	Commented in support of the proposed VFIP plan
Doug Hibbing	Commented that the proposed VFIP plan should be revised before being voted on by City Council
Dale Murrish	Commented in opposition of the proposed VFIP plan
Deborah Louzecky	Commented in opposition of the proposed VFIP plan
Barb Yagley	Commented on the need to be mindful of the Budget and priorities

Resolution #2023-04-063

Moved by Baker

Seconded by Hodorek

WHEREAS, The City of Troy highly values the contributions of the members of the Troy Volunteer Fire Department towards the safety and wellbeing of its community; and,

WHEREAS, The City of Troy initially established the City of Troy Incentive Plan for Volunteer Firefighters ("VFIP") on July 1, 1980, in recognition of the services provided and to encourage retention within the Troy Volunteer Fire Department, and this Incentive Plan has been subsequently amended; and,

WHEREAS, The City of Troy established the City of Troy Incentive Trust for Volunteer Firefighters ("VFIP Trust") on August 25, 2014, as a governmental trust pursuant to Internal Revenue Code §115 to fund, on a tax-exempt basis, certain benefits provided under the VFIP, and this Trust was subsequently amended after receipt of an IRS Private Letter Ruling; and,

WHEREAS, As a result of an audit of the VFIP conducted by the Internal Revenue Service, the VFIP and VFIP Trust shall be closed and the City of Troy Firefighters Incentive Plan ("FIP") and City of Troy Firefighters Incentive Trust ("FIP Trust") established; and,

WHEREAS, In conjunction with the closure of the VFIP, lump sum distributions of the present value of future benefits ("Lump Sum Distributions") shall be made to vested VFIP participants; and,

WHEREAS, City Council has reviewed and discussed the attached Termination Amendment for the VFIP and Trust; and,

WHEREAS, To address the Internal Revenue Service's audit findings related to the VFIP, the following resolutions are hereby adopted;

NOW, THEREFORE, BE IT RESOLVED, That the attached Termination Amendment to the VFIP is **APPROVED** in its proposed substantive form.

BE IT FURTHER RESOLVED, That all of the VFIP Trust assets **SHALL BE UTILIZED** to pay out the Lump Sum Distributions in accordance with the VFIP.

BE IT FURTHER RESOLVED, That after all of the VFIP Trust assets have been depleted, assets from the City’s General Fund are **DIRECTED** to be used to pay any remaining Lump Sum Distributions for the active and vested volunteers and retirees.

BE IT FURTHER RESOLVED, That after all of the VFIP Trust assets have been depleted through the payment of the Lump Sum Distributions, the VFIP Trust **SHALL TERMINATE** in accordance with VFIP Trust §1:204.

BE IT FURTHER RESOLVED, That Ethan Baker, Mayor of the City of Troy, is **DIRECTED** and **AUTHORIZED** to execute the Termination Amendment to the VFIP on behalf of the City.

BE IT FURTHER RESOLVED, That the City Attorney, in consultation with outside counsel, is **DIRECTED** and **AUTHORIZED** to negotiate, finalize, and execute a closing agreement with the Internal Revenue Service to resolve the Internal Revenue Service’s audit findings related to the VFIP.

BE IT FINALLY RESOLVED, That any amounts due to the Internal Revenue Service pursuant to the closing agreement are **AUTHORIZED** to be paid to the Internal Revenue Service by the City.

Yes: All-7
No: None

MOTION CARRIED

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

Patrick Durham	Commented on Item I-4 as a member of the Incentive Committee, and said that majority of station members support the new plan, and thanked the Council and City Administration for working with the Committee
----------------	--

G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:**I-4 Volunteer Firefighter Incentive Plan (VFIP) Replacement Plan (*Introduced by: Mark F. Miller, City Manager, and Lori Grigg Bluhm, City Attorney*)**

Resolution #2023-04-064

Moved by Baker

Seconded by Hodorek

WHEREAS, The City of Troy highly values the contributions of the members of the Troy Volunteer Fire Department towards the safety and wellbeing of its community; and,

WHEREAS, The City of Troy initially established the City of Troy Incentive Plan for Volunteer Firefighters ("VFIP") on July 1, 1980, in recognition of the services provided and to encourage retention within the Troy Volunteer Fire Department, and this Incentive Plan has been subsequently amended; and,

WHEREAS, The City of Troy established the City of Troy Incentive Trust for Volunteer Firefighters ("VFIP Trust") on August 25, 2014, as a governmental trust pursuant to Internal Revenue Code §115 to fund, on a tax-exempt basis, certain benefits provided under the VFIP, and this Trust was subsequently amended after receipt of an IRS Private Letter Ruling; and,

WHEREAS, As a result of an audit of the VFIP conducted by the Internal Revenue Service, the VFIP and VFIP Trust shall be closed and the City of Troy Firefighters Incentive Plan ("FIP") and City of Troy Firefighters Incentive Trust ("FIP Trust") established; and,

WHEREAS, In conjunction with the closure of the VFIP, lump sum distributions of the present value of future benefits ("Lump Sum Distributions") shall be made to vested VFIP participants; and,

WHEREAS, City Council has reviewed and discussed the attached FIP and FIP Trust; and,

WHEREAS, To address the Internal Revenue Service's audit findings, the following resolutions are hereby adopted;

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy Firefighters Incentive Plan (FIP) is **APPROVED** in its proposed substantive form;

BE IT FURTHER RESOLVED, That the City of Troy Firefighters Incentive Trust is **APPROVED** in its proposed substantive form;

BE IT FINALLY RESOLVED, That Ethan Baker, Mayor of the City of Troy, is **DIRECTED** and **AUTHORIZED** to execute the FIP and the FIP Trust on behalf of the City;

Yes: All-7

No: None

MOTION CARRIED

I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Animal Control Appeal Board, Charter Revision Committee, Zoning Board of Appeals

a) Mayoral Appointments: None

b) City Council Appointments:

Resolution #2023-04-065
Moved by Chamberlain-Creanga
Seconded by Erickson Gault

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

Animal Control Appeal Board

Appointed by Council
5 Regular Members
3 Year Term

Nominations to the Animal Control Appeal Board:

**Unexpired Term Expiring:
9/30/2024**

Nehar Abdullah

Term currently held by: Vacancy - Patrick Floch resigned
12/29/2022

Yes: All-7
No: None

MOTION CARRIED

Resolution #2023-04-066
Moved by Chamberlain-Creanga
Seconded by Brooks

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

Nominations to the Charter Revision Committee:

Term Expires: 4/30/2026

Frank Howrylak

Term currently held by: Frank Howrylak

Term Expires: 4/30/2026

David Fukuzawa

Term currently held by: Cynthia Wilsher

Yes: All-7
No: None

MOTION CARRIED

Resolution #2023-04-067
Moved by Chamberlain-Creanga
Seconded by Hamilton

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

Zoning Board of Appeals

Appointed by Council
7 Regular Members; 2 Alternates
3 Year Term

Nominations to the Zoning Board of Appeals:

Term Expires: 4/30/2026

Michael Bossenbroek

Term currently held by: Michael Bossenbroek

Term Expires: 4/30/2026

James McCauley

Term currently held by: James McCauley

Yes: All-7
No: None

MOTION CARRIED

I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority; b) City Council Nominations – None

a) Mayoral Nominations:

Resolution #2023-04-068
Moved by Baker
Seconded by Chamberlain-Creanga

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
6 Regular Members
3 Year Term

Nominations to the Brownfield Redevelopment Authority:

Term Expires: 4/30/2026

Rosemary Kornacki

Term currently held by: Rosemary Kornacki

Term Expires: 4/30/2026

Carolina Noguez-Ortiz

Term currently held by: Carolina Noguez-Ortiz

Yes: All-7
No: None

MOTION CARRIED

b) City Council Nominations: None

I-3 No Closed Session Requested

J. CONSENT AGENDA:

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

Resolution #2023-04-069-J-1a
Moved by Abraham
Seconded by Hodorek

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 #2023-04-069-J-2

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

- a) Special City Council Minutes-Draft – April 10, 2023
- b) City Council Minutes-Draft – April 10, 2023

J-3 Proposed City of Troy Proclamations:

Resolution #2023-04-069-J-3

- a) Proclamation to Celebrate Dean Sellers Ford 75 Years in Business – 1948-2023

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications – Abandoned Property Mowing**

Resolution #2023-04-069-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a three (3) year contract with the option to renew for two (2) additional years to the low bidder meeting specifications, *Green Leaves Inc. of Southfield MI*, for an estimated total cost of \$193,400 for 2023, \$203,070 for 2024 and \$212,740 for year 2025, at prices contained in the bid tabulation opened March 16, 2023, which includes a \$0.04 per square foot additional cost for turf exceeding 36” in height and a 5% escalator for each renewal option; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; contract expiring December 31, 2027.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the contractor's submission of properly executed bid and proposal documents, including insurance certificates and all other specified requirements.

- b) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 23-06 – 2023 Sewer Cleaning and Televising – 3-Year Contract**

Resolution #2023-04-069-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 23-06, 2023 Sewer Cleaning and Televising 3-Year Contract, to *Rogue Industrial Services, 1250 Fox Chase Road, Bloomfield Hills, MI 48301*, for a maximum amount of \$400,000.00 for each year of the 3-year contract.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements.

- c) **Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications – Evidence Technician Lab Remodel, Troy Police Department**

Resolution #2023-04-069-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** a contract for the Evidence Technician Lab Remodel at the Troy Police Department to the low bidder meeting specifications, *Farnell*

Equipment Co. of Troy, MI, for an estimated cost of \$37,239.00 and a 10% contingency amount of \$3,724.00, for an estimated total project cost of \$40,963.00, at unit prices contained in the bid tabulation opened April 6, 2023; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including insurance certificates and all other specified requirements.

d) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Civic Center Pavilion – Planning and Design Timber Products

Resolution #2023-04-069-J-4d

RESOLVED, That Troy City Council hereby **APPROVES** expending budgeted capital funds to *Northern Log Supply, LLC, of Mayville, MI*, for the Planning and Design of the Mass Timber Glulams and CLT Decking for Troy Civic Center Pavilion for an estimated total cost of \$95,000 but not to exceed budgetary limitations.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon vendor's submission of properly executed contract documents, including insurance certificates and all other specified requirements.

J-5 Authorization to Request Reimbursement from Oakland County West Nile Virus Fund

Resolution #2023-04-069-J-5

RESOLVED, That Troy City Council hereby **AUTHORIZES** the City of Troy Facilities and Grounds Division to seek reimbursement for an amount not-to-exceed \$11,582.15 from the Oakland County West Nile Virus Fund for the expenditures incurred while instituting proactive public health measures used to reduce the population of mosquitoes in the environment.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

a) May 8, 2023 – Adoption of the Proposed 2023-2024 City Budget

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

Vote on Resolution to Waive City Council Rule #14 Members of the Public and Visitors

Resolution #2023-04-070

Moved by Baker

Seconded by Hodorek

RESOLVED, That Troy City Council hereby **WAIVES** City Council Rule #15 Members of the Public and Visitors in order to allow a member of the public to speak during Public Comment

who was not signed up during the required time period at the April 17, 2023 City Council Meeting.

Yes: All-7
No: None

MOTION CARRIED

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

Aaron Dylewski	Commented on safety issues while biking, public safety, and door-to-door solicitors in Troy.
----------------	--

M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

N. COUNCIL REFERRALS:

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

N-1 No Council Referrals Submitted

O. REPORTS:

O-1 Minutes – Boards and Committees:

- a) Planning Commission-Final – February 28, 2023
 - b) Planning Commission-Final – March 14, 2023
- Noted and Filed

O-2 Department Reports: None Submitted

O-3 Letters of Appreciation: None Submitted

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

P. COUNCIL COMMENTS:

P-1 Council Comments

Mayor Baker commented that The State of the City will be held on Wednesday, May 3, 2023 at 6:00 PM and will be broadcast on Troy's YouTube channel and on the cable channel.

Q. PUBLIC COMMENT FOR 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

S. ADJOURNMENT:

The Meeting **ADJOURNED** at 10:23 PM.



Mayor Ethan Baker



M. Aileen Dickson, MMC, MiPMC II
City Clerk