



# TROY CITY COUNCIL

## REGULAR MEETING AGENDA

**DECEMBER 9, 2024**

CONVENING AT 7:30 P.M.

**Submitted By  
The City Manager**

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***NOTICE: Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3316 or via e-mail at [clerk@troymi.gov](mailto:clerk@troymi.gov) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.***

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500 West Big Beaver  
Troy, MI 48084  
troymi.gov

The Honorable Mayor and City Council Members  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

Dear Mayor and City Council Members,

This agenda has been prepared in accordance with the City Council's Rules of Procedure, offering details to assist in informed deliberations. Many of the items on the agenda also include recommendations from City staff for your review and consideration.

I would like to acknowledge the efforts of numerous City staff members who contributed to preparing this agenda. We have made every effort to ensure the information is thorough and accurate. However, should there be any questions or if further details are needed, City staff remain available to assist at any time.

Please contact the City Manager's Office at [CityManager@troymi.gov](mailto:CityManager@troymi.gov) or (248) 524-3330 for any inquiries or requests for additional information.

Respectfully,

A handwritten signature in black ink, appearing to read "Frank Nastasi", written in a cursive style.

Frank Nastasi  
City Manager



Chapter 14A – Elected and Appointed Persons’ Ethics Ordinance  
Section 14.3 Annual Training and Acknowledgement

We, the undersigned Members of Troy City Council, have reviewed *Chapter 14A – Elected and Appointed Persons’ Ethics Ordinance*, understand its contents, and agree to be bound by its provisions.

Signed this 25<sup>th</sup> day of November, 2024.

  
\_\_\_\_\_  
Mayor Ethan Baker

  
\_\_\_\_\_  
Council Member Theresa Brooks

  
\_\_\_\_\_  
Council Member Rebecca Chamberlain-Creanga

  
\_\_\_\_\_  
Council Member Hiram Chanda

  
\_\_\_\_\_  
Mayor Pro Tem Mark Gunn

  
\_\_\_\_\_  
Council Member David Hamilton

  
\_\_\_\_\_  
Council Member Ellen Hodorek



# CITY COUNCIL AGENDA

December 9, 2024 – 7:30 PM

City Council Chambers

500 W. Big Beaver Rd.

Troy, MI 48084

(248) 524-3316

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or on Local Access Cable Channels

(WOW – Ch 10, Comcast – Ch 17, AT&T – Ch 99)

**INVOCATION:** **1**

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**PLEDGE OF ALLEGIANCE:** **1**

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**A. CALL TO ORDER:** **1**

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**B. ROLL CALL:** **1**

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**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:** **1**

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C-1 EMS Feasibility Study Presentation (*Presented by: Pete Hullinger, Fire Chief, and Steve Knight, Fitch & Associates, LLC*) **1**

**D. CARRYOVER ITEMS:** **1**

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D-1 No Carryover Items **1**

**E. PUBLIC HEARINGS:** **1**

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E-1 No Public Hearings **1**

**F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:** **1**

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**G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:** **2**

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J-6	Request for Approval of a Purchase Agreement and Permanent Utility Easement, Rochester Road, Barclay to Trinway, Project 02, 206.5, Parcel #87, Sidwell #88-20-11-301-008, Ronald L. and Cynthia L. LaRaia	11

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<b><u>K.</u></b>	<b><u>MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:</u></b>	<b>11</b>
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O-1	Minutes – Boards and Committees: None Submitted	12
O-2	Department Reports: None Submitted	12
O-3	Letters of Appreciation: None Submitted	12
O-4	Proposed Proclamations/Resolutions from Other Organizations: None Submitted	12
<b><u>P.</u></b>	<b><u>COUNCIL COMMENTS:</u></b>	<b>12</b>
P-1	No Council Comments Submitted	12
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R-1 No Closed Session 12

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**2024 SCHEDULED SPECIAL CITY COUNCIL MEETINGS: 13**

**2024 SCHEDULED REGULAR CITY COUNCIL MEETINGS: 13**

December 16, 2024 Regular Meeting ..... 13

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May 19, 2025 Regular Meeting ..... 13

June 9, 2025 Regular Meeting ..... 13

June 30, 2025 Regular Meeting ..... 13

July 14, 2025 Regular Meeting ..... 13

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August 25, 2025 Regular Meeting ..... 13

September 8, 2025 Regular Meeting ..... 13

September 29, 2025 Regular Meeting ..... 13

October 6, 2025 Regular Meeting ..... 13

October 20, 2025 Regular Meeting ..... 13

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November 17, 2025 Regular Meeting ..... 13

December 1, 2025 Regular Meeting ..... 13

December 15, 2025 Regular Meeting ..... 13

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**A. CALL TO ORDER:**

**B. ROLL CALL:**

- a) Mayor Ethan Baker
- Theresa Brooks
- Rebecca A. Chamberlain-Creanga
- Hirak Chanda
- Mark Gunn
- David Hamilton
- Ellen Hodorek

Excuse Absent Council Members:

Suggested Resolution

Resolution #2024-12-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the Regular City Council Meeting of December 9, 2024, due to \_\_\_\_\_.

Yes:

No:

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**

- 
- C-1** EMS Feasibility Study Presentation (*Presented by: Pete Hullinger, Fire Chief, and Steve Knight, Fitch & Associates, LLC*)

**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:**

In accordance with the Rules of Procedure for the City Council:

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. ***NOTE TO THE PUBLIC:*** *City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

- Petitioners of items that are included in the pre-printed agenda booklet shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any Public Hearing item.
- Any member of the public, not a petitioner of an item, does not have the right to engage in discussion or debate with City Council during the Public Comment portions of the meeting.
- All members of the public who wish to address the Council at a meeting shall be allowed to speak only if they have signed up to speak within thirty minutes before or within fifteen minutes after the meeting’s start time. Signing up to speak requires each speaker provide his or her name. If the speaker is addressing an item(s) that appears on the pre-printed agenda, then the speaker shall also identify each such agenda item number(s) to be addressed.
- City Council may waive the requirements of this section by a consensus of the City Council.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a special meeting for that specific purpose.

Prior to Public Comment, the Mayor may provide a verbal notification of the rules of decorum for City Council meetings or refer to the pre-printed agenda booklet, which will include the following language, as approved by City Council:

Please direct your comments to the City Council as a whole rather than to any individual. Please do not use expletives or make derogatory or disparaging comments about any individual or group. If you do, there may be immediate consequences, including being muted and having your comments omitted from any re-broadcast of the meeting. Please abide by these rules in order to minimize the possibility of disrupting the meeting.

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

**H. POSTPONED ITEMS:**

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**H-1 No Postponed Items**

**I. REGULAR BUSINESS:**

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**I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Employees Retirement System / Retiree Health Care Benefits Plan and Trust**

a) **Mayoral Appointments:** None

b) **City Council Appointments:**

Suggested Resolution

Resolution #2024-12-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **CONFIRMS** the appointment of the following person to serve on the Boards and Committees as indicated:

**Employees Retirement System Board of Trustees / Retiree Health Care Benefits Plan and Trust**

Appointed by Council

7 Regular Members and 2 Ordinance Members

3 Year Term

**Term Expires: 12/31/2027**

**Kurt Bovensiep**

**ERS Member**

Term currently held by: Kurt Bovensiep

Yes:

No:

**I-2 Board and Committee Nominations: a) Mayoral Nominations – Global Troy Advisory Committee, Local Development Finance Authority, Planning Commission; b) City Council Nominations – Employees Retirement System Board of Trustees / Retiree Health Care Benefits Plan and Trust, Traffic Committee**

a) **Mayoral Nominations:**

Suggested Resolution

Resolution #2024-12-

Moved by

Seconded by

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

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
Baker	Ethan		11/8/2027	Council Member
Bica-Grodsky	Lisa	9/23/2025	10/30/2026	
Burrus	Mivida	7/15/2018	10/30/2025	
Cheriguene	Sadia	10/20/2024	10/30/2026	
Chezick	Edward	12/20/2024	10/30/2025	
Cicchini	Philippe	4/13/2023	10/30/2026	
Fakhoury	Awni	9/28/2023	10/30/2027	
Gunasekar	Vinaya	1/8/2026	7/31/2024	Student - Graduates 2025
Mohideen	Syeda	9/28/2023	10/30/2027	
Natcheva	Daniela	11/8/2021	10/30/2025	
Noguez-Ortiz	Carolina	12/20/2024	10/30/2025	BRA exp 4/30/2023
Sekhri	Suneel	11/5/2023	10/30/2027	
Zhou	Yudong	12/7/2024	10/30/2025	

**Nominations to the Global Troy Advisory Authority:**

**Term Expires: 7/31/2025**

**Student**

Term currently held by: Vinaya Gunasekar

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Batool	Syeda	3/5/2026	
Chambers	Barbara A.	1/18/2025	
Comiskey	Ann M.	12/22/2024	
Devulapalli	Ramachandram	8/29/2026	
Dicker	Susanne Forbes	1/3/2025	
Haight	Michelle	10/8/2025	
Jeeda	Swathi	7/2/2025	Student – Graduates 2026
Kadoura	Lailas M.	9/24/2024	
Lee	Seojin Sarah	4/21/2025	Student – Graduates 2026
Mcgee	Timothy S.	12/19/2024	HDC exp 5/15/2027
Mehta	Susheilla	1/20/2025	
Sabaj	Noah	2/28/2026	
Tadepalli	Hemanth	11/7/2025	

**Local Development Finance Authority (LDFA)**

Appointed by Mayor  
 5 Regular Members  
 Staggered 4 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2
Bachert	Sandra	11/18/2023	6/30/2027	Resident Member	
Baker	Ethan		City Council Term	Alternate; City Council	City Council exp. 11/2027; DDA; GTAC, LDFA
Hodorek	Ellen		City Council Term	Alternate; City Council	City Council exp 11/2025
Rosenblum	Anthony	11/10/2024	6/30/2026	Resident Member	
Schmitz	Jim	9/14/2024	6/30/2028	Resident Member	
Smieliauskas	Fabrice	9/7/2025	6/30/2028	Resident Member	
Starks	Louis			Oakland County Designee	
Vacancy			6/30/2027	Resident Member	Nickolas Vitale resigned 7/17/21 (Term expired 6/30/2023)

**Nominations to the Local Development Finance Authority (LDFA):**

**Term Expires: 6/30/2027**

**Resident Member**

Term currently held by: Vacant – N. Vitale resigned 7/17/21

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Battle	Timothy	10/28/2024	
Christiansen	Dale	11/22/2024	
Faiz	Iqbal	6/7/2025	
Vassallo	Joseph	12/20/2024	Brownfield Redev Auth exp 4/30/27

**Planning Commission**

Appointed by Mayor  
 9 Regular Members  
 3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 3
Buechner	Toby	8/31/2025	12/31/2026	
Faison	Carlton	9/11/2025	12/31/2026	
Fox	Tyler	6/15/2024	12/31/2025	
Hutson	Michael	10/10/2026	12/31/2024	Requests Reappointment
Krent	Thomas	12/7/2024	12/31/2025	
Lambert	Dave	10/16/2026	12/31/2024	Requests Reappointment
Malalahalli	Jayalakshmi	11/20/2025	12/31/2026	
Perakis	Marianna	12/9/2024	12/31/2025	
Tagle	John	10/14/2026	12/31/2024	Requests Reappointment

**Nominations to the Planning Commission:**

**Term Expires: 12/31/2027**

Term currently held by: Michael Hutson

**Term Expires: 12/31/2027**

Term currently held by: Dave Lambert

**Term Expires: 12/31/2027**

Term currently held by: John Tagle

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Abdullah	Neharunnessa	9/26/2026	
Aceves	Alfonso Jr	12/11/2025	
Devulapalli	Ramachandram	8/29/2026	
Hashmi	Amin	7/31/2025	
Kaltsounis	Andrew	8/28/2025	
Kenkre	Mahendra	1/19/2025	
Sabaj	Noah	2/28/2026	
Sabbagh	Allen	9/17/2026	
Shepherd	John Chuck	11/5/2025	
Stefanou	Katherine	8/28/2026	
Tadepalli	Hemanth	11/7/2025	
Walters	Kelly	11/27/2025	

Yes:  
No:

**b) City Council Nominations:**

Suggested Resolution

Resolution #2024-12-

Moved by

Seconded by

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

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
Bovensiep	Kurt		12/31/2024	Employee Rep. - Elected	
Brooks	Theresa		Council Term exp 11/8/2027		
Dungjen	Peter		12/31/2026	Employee Rep - Elected	
Foster	John	10/14/2026	12/31/2024	Council Appt'd Citizen	Requests Reappointment
Maleszyk	Robert		Chapter 10 (DC)		
Nastasi	Frank		Chapter 10 (DC)		
Owczarzak	Mark	12/15/2024	12/31/2025	City of Troy Retiree (DB)	

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

**Term Expires: 12/31/2027**

**Council Appt'd Citizen**

Term currently held by: John Foster

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Batool	Syeda	3/5/2026	

Christiansen	Dale	11/22/2024	
Faiz	Iqbal	10/15/2026	
Walters	Kelly	11/27/2025	

**Traffic Committee**

Appointed by Council  
7 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
Christiansen	Dale	11/22/2024	1/31/2026	
Finlay	G. Scott			Ex-Officio Member
Hullinger	Peter			Ex-Officio Member
Kenkre	Shama	9/11/2026	1/31/2025	
Nastasi	Frank			Ex-Officio Member
Nurak	Cindy	1/28/2024	1/31/2025	
Petrulis	Al	9/2/2026	1/31/2026	ACAB EXP 9/30/2027
Rose	Justin	11/5/2023	1/31/2027	
Swaminathan	Abi	9/2/2025	1/31/2027	
Zhou	Angela	9/18/2025	7/31/2024	Student - Graduates 2025
Ziegenfelder	Peter	12/14/2024	1/31/2026	

**Nominations to the Traffic Committee:**

**Term Expires: 7/31/2025**

Term currently held by: Angela Zhou (Student-Graduates 2025)

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Chambers	Barbara	1/18/2025	
Jeeda	Swathi	7/2/2025	Student - Graduates 2026
Sabaj	Noah	2/28/2026	
Tadepalli	Hemanth	11/7/2025	

Yes:

No:

**I-3 No Closed Session Requested****I-4 Dangerous Building Determination and Recommendation to Demolish Abandoned Home at 18 Belhaven (Introduced by: Salim O. Huerta, Building Official)**Suggested Resolution

Resolution #2024-12-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AFFIRMS** the findings of the Building Official and **DECLARES** the Residence at 18 Belhaven in the City of Troy is Dangerous and Unsafe and is required to be demolished.

BE IT FURTHER RESOLVED, That as allowed under the City of Troy ordinances, the owner of 18 Belhaven will have up to 21 days to obtain all necessary permits and approvals and to demolish the residence. The Building Official, in his sole discretion, can grant additional time if he deems it appropriate.

BE IT FINALLY RESOLVED, That if the building at 18 Belhaven is not demolished by the owner or her contractor within the allocated time period, City Council **AUTHORIZES** the Building Official to immediately thereafter enter the property and demolish the residence; the Building Official is **AUTHORIZED** to hire a contractor to perform the required demolition, consistent with the City's purchasing procedures; the property owner **SHALL BE INVOICED** for all of the City's and/or contractor's charges in demolishing the residence; and if the property owner fails to timely pay the City's invoice, City Administration **IS AUTHORIZED** to place a lien on the property and/or take whatever other collection actions are deemed appropriate.

Yes:

No:

**I-5 2025 City Council Meeting Schedule – Special (Introduced by: Frank Nastasi, City Manager)**Suggested Resolution

Resolution #2024-12-

Moved by

Seconded by

RESOLVED, That Troy City Council **SHALL HOLD** a Special Meeting on the following date at 9:00 AM at the Troy Community Center or as otherwise provided by the City Council Rules of Procedure:

Saturday, January 11, 2025

Troy 2025 Capital Conference

BE IT FINALLY RESOLVED, That Troy City Council **MAY RESCHEDULE** Regular Meetings and/or **SCHEDULE** additional Special Meetings in accordance with the City Charter and Michigan Open Meetings Act.

Yes:

No:

## J. CONSENT AGENDA:

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

Suggested Resolution

Resolution #2024-12-

Moved by

Seconded by

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

Yes:

No:

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

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### J-2 Approval of City Council Minutes

Suggested Resolution

Resolution #2024-12-

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

- a) City Council Minutes-Draft – November 25, 2024

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### J-3 Proposed City of Troy Proclamations: None Submitted

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### J-4 Standard Purchasing Resolutions: None Submitted

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### J-5 City Manager Employment Agreement

Suggested Resolution

Resolution #2024-12-

NOW THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the City Manager Employment Agreement between the City of Troy and Frank Nastasi, and that the Mayor and City Clerk are **AUTHORIZED** to sign the document on behalf of the City; a copy of the Employment Agreement shall be **ATTACHED** to the original Minutes of the meeting and also included in the Human Resource’s file.

**J-6 Request for Approval of a Purchase Agreement and Permanent Utility Easement, Rochester Road, Barclay to Trinway, Project 02, 206.5, Parcel #87, Sidwell #88-20-11-301-008, Ronald L. and Cynthia L. LaRaia**

Suggested Resolution  
Resolution #2024-12-

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Ronald L. LaRaia and Cynthia L. LaRaia, owners of the property having Sidwell #88-20-11-301-008, and the City of Troy for the Rochester Road Improvement Project, Barclay to Trinway, #02.206.5, and **AUTHORIZES** a compensation of amount of \$20,632.00.

BE IT FURTHER RESOLVED, That Troy City Council **ACCEPTS** a permanent easement for Public Utilities and Public Service Facilities from Ronald L. LaRaia and Cynthia L. LaRaia, owners of the property having Sidwell #88-20-11-301-008 and **AUTHORIZES** a compensation amount of \$26,402.00.

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** City Staff to **EXPEND** the necessary closing costs to complete this purchase and recording of documents in an amount not to exceed \$8,000.00.

BE IT FINALLY RESOLVED, That City Staff shall **ENSURE** and **CONFIRM** that the Warranty Deed and Permanent Easement are recorded 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, 2690 Crooks Road – Project No. 22.920.3**

Suggested Resolution  
Resolution #2024-12-

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Tower Construction, LLC for the installation of Water Main, Sanitary Sewer, Storm Sewer, Detention Basin, Asphalt/Concrete Pavement 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.

**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 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

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**N-1** No Council Referrals Submitted

**O. REPORTS:**

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**O-1** Minutes – Boards and Committees: None Submitted

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**O-2** Department Reports: None Submitted

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**O-3** Letters of Appreciation: None Submitted

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

**P. COUNCIL COMMENTS:**

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**P-1** No Council Comments Submitted

**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**

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**R-1** No Closed Session

**S. ADJOURNMENT:**

Respectfully submitted,



Frank Nastasi  
City Manager

**2024 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

**2024 SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

December 16, 2024 ..... Regular Meeting

**2025 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

April 14, 2025 ..... Special Meeting – Budget

April 16, 2025 ..... Special Meeting – Budget (as needed)

**2025 SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

January 13, 2025 ..... Regular Meeting

January 27, 2025 ..... Regular Meeting

February 10, 2025 ..... Regular Meeting

February 24, 2025 ..... Regular Meeting

March 10, 2025 ..... Regular Meeting

March 17, 2025 ..... Regular Meeting

April 7, 2025 ..... Regular Meeting

April 21, 2025 ..... Regular Meeting

May 5, 2025 ..... Regular Meeting

May 19, 2025 ..... Regular Meeting

June 9, 2025 ..... Regular Meeting

June 30, 2025 ..... Regular Meeting

July 14, 2025 ..... Regular Meeting

July 28, 2025 ..... Regular Meeting

August 11, 2025 ..... Regular Meeting

August 25, 2025 ..... Regular Meeting

September 8, 2025 ..... Regular Meeting

September 29, 2025 ..... Regular Meeting

October 6, 2025 ..... Regular Meeting

October 20, 2025 ..... Regular Meeting

November 10, 2025 ..... Regular Meeting

November 17, 2025 ..... Regular Meeting

December 1, 2025 ..... Regular Meeting

December 15, 2025 ..... Regular Meeting



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM

Date: December 9, 2024



To: Frank Nastasi, City Manager

From: Robert Bruner, Deputy City Manager  
Salim O. Huerta, Building Official

Subject: Dangerous Building Determination and Recommendation to Demolish Abandoned Home at 18 Belhaven, Introduced by Salim O. Huerta, Building Official

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### **History**

Under its current ownership, Code Enforcement has processed sixty-seven separate enforcement cases at 18 Belhaven since 2012. Violations have included exterior surface and structural deficiencies, animal harborage, and tall grass. Water Department records indicate zero water use since 2017. In November 2022, the Building Official obtained a search warrant to enter the vacant home for an interior inspection. Based on the building conditions observed at that time, the building was posted as “Do Not Occupy”. The Building Official’s search warrant report is attached.

In April 2024, the Belzair Property Owners Association raised concerns regarding the house being a danger to the neighborhood. Code Enforcement completed an initial investigation, and asked the Building Official to intervene.

### **Related Code process**

City Code Chapter 82, the Property Maintenance Code (“Code” hereafter), requires all existing structures be maintained in a safe and habitable manner. The Code deems it unlawful to for any owner to keep or maintain any building in a dangerous or unsafe manner. When a dangerous building is identified, the Code specifies how the City should notify the owner of the need to take certain corrective actions, and if the owner fails to complete the necessary actions, the Code allows City Council to order necessary corrections, either by the owner or at the owner’s expense.

Under the Code, the first step in dealing with dangerous/unsafe structures is for the Building Official to declare the building dangerous and unsafe, based on ten criteria specified in the Code, and prepare a notice of such. The notice shall itemize the current code violations and dangerous conditions, and specify a time to complete all necessary repairs or demolish the building. The Code directs how the notice is served, including service methods if an owner cannot be found. The notice shall expressly notify the owner of a right to appeal the determination to the Troy City Council, which is required to be filed within ten days of the service of the notice. If an appeal is not received, the matter is referred to the City Council for resolution.

If an owner files an appeal, City Council is required to hold a hearing and take testimony from the Building Official and his representatives, the property owner, and any interested party, to determine



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Troy, MI 48084  
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## CITY COUNCIL AGENDA ITEM

whether the building is dangerous or unsafe, as defined by Code Section 108.1.1. If after a hearing, the City Council determines that the building is dangerous or unsafe, Council has the option to order it demolished or repaired. If a building is deemed dangerous or unsafe, Council shall order either demolition within twenty-one (21) days or require that all necessary repairs be completed within sixty (60) days after the hearing and/or resolution, unless the City Council determines that the conditions justify a longer time period to complete necessary repairs.

If the ordered demolition or repairs are not completed within the allocated time period, Council can then authorize any and all necessary action to enforce their order. This includes, but is not limited to, causing the building to be demolished, and the cost shall be charged against the real property upon which the building is located. Unpaid costs shall be a lien upon such real property, and enforced against the real property as a special assessment. The City also has the option of initiating a lawsuit to recover the City's demolition cost.

This process is enumerated in Sections 108.1 through 108.1.1.10 of the Code, which is attached.

### **Building Official Intervention**

Consistent with the Code, on April 25, 2024, the Building Official declared the building at 18 Belhaven Dangerous and Unsafe, and ordered the owner to demolish it. The Order was sent first class to the property owner's last address and posted on the building. Because the owner could not be found, the order was mailed certified to the owner's last known address, posted on the City website and City Hall public bulletin Board, and published in the Troy Times on May 9, 16 and 24. The owner has still not responded and cannot be located. The Order was then emailed and mailed first class to the Belzair Property Owners Association. On July 24, an updated notice was mailed to another interested party, Wells Fargo Bank, and Wells Fargo Bank N.A., and again posted on the building, the City website, and City Hall public bulletin Board. On October 15, 2024, after the City made several attempts to communicate, Wells Fargo finally responded, advising that they are not able to take remedial action, and that they understand that the City intends to move forward with demolition and related invoicing. To date, the City has not received an appeal of the Building Official's Dangerous and Unsafe determination. Since there has not been an appeal of the Building Official's determination that the building is dangerous and unsafe, there is no need for a formal hearing in front of City Council, and City Council has the authority to proceed with a resolution.

### **Recommendation**

Because the Building Official estimates overall damage to the building at 75% to 85%, he recommends City Council declare the building Dangerous and Unsafe, and pass a resolution ordering the owner to obtain permits and approvals and demolish the building within 21 days, consistent with Code Section 108.1.1.6. Because public utility disconnects and approvals (e.g., DTE, Consumer's, water & sanitary lines) are not wholly within City control, it could take up to 90 days to obtain utility approvals. Thus, the proposed resolution for Council requires the demolition to occur within 21 days or as expeditiously as possible thereafter, as determined by the Building Official. The proposed resolution further provides that if the home is not demolished within the allocated time period, then Council authorizes the Building Official or his agents to enter the property, demolish the building, invoice the



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## **CITY COUNCIL AGENDA ITEM**

property owner, and if the demolition charges are not timely paid, place a lien on the property.

### **Purchasing**

If City Administration is required to demolish the building because of owner non-compliance, the Building Official will follow the City's pre-established purchasing procedures.

### **Financial**

Budgeted funds are available from account 101.701.371.816.

### **Legal Review**

This item was submitted to the City Attorney for review pursuant to City Charter Section 3.17.

#### **Attachments:**

1. City Code Chapter 82, Property Maintenance, Sections 108.1 through 108.1.1.10
2. Building Official's search warrant report.
3. Association complaints
4. Dangerous and Unsafe Order
5. Proofs of Service including posting, certified mail return receipt, & affidavit of publication
6. Email notification of Order to Belzair Property Owners Association
7. Party of interest mailings Wells Fargo N.A. & Wells Fargo Bank, & related proof of Service.
8. Wells Fargo responses
9. Building Official Damage Estimate

**PROPERTY MAINTENANCE CODE EXCERPT**

## Chapter 82 - Property Maintenance Code

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provided in Chapter 100, *Municipal Civil Infractions, of the City of Troy Code of Ordinances*.

**106.3 Abatement of violation.** The issuance of a Municipal Ordinance Violation Notice or a Municipal Ordinance citation or the imposition of penalties pursuant to *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances* shall not preclude the Troy City Attorney or his/her designee from instituting appropriate action to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or utilization of the building, structure or premises; or to take any other legal action or remedy as provided by law.

### SECTION 107 NOTICES AND CITATIONS

**107.1 Notice or Citation to person responsible.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, a Municipal Civil Infraction Notice or a Municipal Civil Infraction Citation may be given to the person responsible for the violation in the manner prescribed in *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances*.

**107.2 Form and Method of Service.** A Municipal Civil Infraction Notice or Municipal Civil Infraction Citation shall be in a form as prescribed in *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances* and shall be served in a method prescribed in Chapter 100.

**107.3 Transfer of ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a notice of violation or an order from the court requiring compliance, to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another person until the code violations have been corrected or there is compliance with an applicable court order. In the alternative, an owner can furnish the grantee, transferee, mortgagee or lessee with a true copy of any notice of violation issued by the code official or his/ her designee or a copy of any order of the court requiring compliance. The owner shall then furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of violation or order requiring compliance where such grantee, transferee, mortgagee or lessee fully accepts the responsibility, without condition, for making the corrections or repairs required by such notice of violation, or court order requiring compliance.

### SECTION 108 DANGEROUS BUILDINGS, UNSAFE STRUCTURES, UNSAFE EQUIPMENT AND DEMOLITION

**108.1 General.** The procedures set forth in this Section are established to secure the health and safety of the occupants of dwellings and structures and the general public. The code official shall enforce the provisions of this Section, and shall have jurisdiction to establish the inspection and violation procedures to implement enforcement. This Section does not preclude enforcement by any other governmental agency with jurisdiction over dangerous buildings, unsafe structures or unsafe equipment. This Section may be enforced by joint agreement between the City of Troy and any other governmental agency, if practical.

## Chapter 82 - Property Maintenance Code

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### **108.1a Unlawful to maintain dangerous building, unsafe structure or unsafe equipment.**

It is unlawful for any owner to keep or maintain any building, structure or equipment or part thereof in a dangerous or unsafe manner, as set forth in Section 108.1.1 or 108.1.2.

**108.1b Owners subject to ordinance.** All owners shall be subject to the provisions of this ordinance and shall be parties to all proceedings, actions, or prosecutions for dangerous buildings, unsafe structures and/or unsafe equipment.

**108.1.1 Dangerous or Unsafe Building or structure.** A dangerous or unsafe building or structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure. It does not provide minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible. A dangerous building or unsafe structure is a building or structure which has one or more of the following defects or satisfies one or more of the following conditions:

a. A door, aisle, passageway, stairway or other means of exit is not in compliance with the approved *Troy Fire Code*.

b. A portion of the building or structure is damaged by fire, wind, flood, or other cause in such a manner that the structural strength or stability of the building is appreciably less than it was before such catastrophe and does not meet the minimum requirements of the City of Troy Ordinances.

c. A portion of the building or structure has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required for new construction under the City of Troy Ordinances.

d. The building or structure or part of the building or structure is likely to partially or completely collapse, or become detached, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for support or for other reason.

e. The building, structure, or part of the building or structure is manifestly unsafe for the purpose for which it is intended to be used

f. The building or structure is vacant, dilapidated and open at any door or window leaving the interior of the building exposed to the elements or accessible to entrance by trespassers; or otherwise becomes an attractive nuisance to children who might play in the building or structure to their danger; or becomes a harbor for vagrants, criminals or immoral persons or enables persons to use the building or structure in the commission of a nuisance or an unlawful or immoral act.

g. A residence or the adjoining grounds of a building or structure which is used or intended to be used for dwelling purposes is unsanitary or unfit for human habitation, due to dilapidation, decay, damage, or faulty construction or arrangement or otherwise

## Chapter 82 - Property Maintenance Code

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is in a condition that the code official determines is likely to cause sickness or disease or is likely to injure the health, continued safety or general welfare of people living in or near the residence.

h. An owner has been previously notified of existing code violation(s), according to the provisions of the Troy Code of Ordinances and after said notice has left the structure unattended or unoccupied, whether boarded up or in an open condition, for a period exceeding thirty (30) days.

i. A building or structure is unfit for human occupancy such that the building or structure is unsafe, unlawful or because of the degree to which the structure is in disrepair or lacks maintenance, it is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

j. A building or structure found in whole or in part to be occupied by more persons than permitted under this code, or a building or structure that was erected, altered or occupied contrary to law.

**108.1.1.1 Notice of dangerous and unsafe building, structure or condition.** When the whole or part of any building or structure is found to be a dangerous or unsafe building or structure, the code official shall issue a notice declaring that the building or structure is a dangerous or unsafe building or structure. The notice shall itemize the current code violation(s) and dangerous condition(s) and specify a time to complete all necessary repairs or demolish of the building or structure.

**108.1.1.2 Service of Notice.** The notice shall be served on the owner of record or the registered agent in the following manner:

1. Delivered personally; and
2. Sent by certified or first-class mail addressed to the owner's or resident agent's last known address.

If the owner cannot be found, the notice may alternatively be served by posting it prominently and securely on the property and publishing it once a week for three (3) consecutive weeks in a newspaper authorized to provide service by publication. Service of notice under this provision shall supersede *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances.*

**108.1.1.3 Contents of Notice.** The notice shall state that the owner or his/her authorized representative has the right to appeal the determination of the code official that the building or structure is dangerous or unsafe to the Troy City Council. The notice shall further state that any appeal under this Section shall be filed in writing to the code official within ten (10) days of service of the notice.

**108.1.1.4 Waiver of Hearing.** If a written appeal of the dangerous or unsafe building or structure determination is not received by the code official within ten (10) days of the date of

## Chapter 82 - Property Maintenance Code

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service of the notice, then a hearing will not be necessary. The matter shall be referred to the City Council for resolution.

**108.1.1.5 Hearing.** If the code official receives a written appeal of the dangerous or unsafe building or structure determination within the allocated ten (10) day period, then a hearing will be scheduled before the City Council as soon as administratively possible. At the hearing, the City Council shall take the testimony from the code official and/or his/her authorized representatives and employees; testimony from the owner of the property and any other interested party to determine whether the building or structure constitutes a dangerous or unsafe building or structure, as defined by this section.

**108.1.1.6 City Council action.** If the City Council determines that the building or structure is a dangerous or unsafe building or structure, and that the building or structure should be demolished or made habitable, Council shall order either demolition within twenty-one (21) days or require that all necessary repairs be completed within sixty (60) days after the hearing and/or resolution, unless the City Council determines that the conditions justify a longer time period to complete the necessary repairs.

**108.1.1.7 Failure to demolish or repair.** If the ordered demolition or repairs are not completed within the allocated time period, as set forth in the resolution, City Council can then authorize any and all necessary action to enforce their order. This includes, but is not limited to, causing the building or structure or any part of the building or structure to be razed and removed either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real property upon which the building or structure is located and shall be a lien upon such real property. Such lien shall be enforced against the real property as a special assessment.

**108.1.1.8 Recovery of City's cost.** The owner or party in interest according to the last local tax assessment records, shall be notified of the cost of the necessary repairs or demolition by first class mail at the address shown on the local tax assessment records. If the owner or party in interest fails to pay the same within thirty (30) days after mailing by the Assessor of the notice of the amount due, the Assessor shall add the same to the next tax roll of the City of Troy, and the same shall be collected in the same manner and in all respects as provided by law for the collection of taxes by the City of Troy. The City Council shall also have the option of initiating a lawsuit to recover the City's full cost of necessary repairs or demolition. If the City receives a favorable judgment, then the City shall have all rights and remedies under law to collect the amount of the judgment from the property owner(s) and/or parties in interest.

**108.1.1.9 Salvage materials.** When any building or structure has been ordered demolished and removed, the City of Troy shall have the right, but not the obligation, to sell the salvage and valuable materials at the highest price obtainable either through the City or through a contractor hired by the City. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted to the property owner with a report of such sale or transaction, including the items of expense and the amounts deducted. If there is no surplus, the report shall so state.

**108.1.1.10 Appeal to Circuit Court.** An owner aggrieved by any dangerous building final decision or order of the City Council may appeal the decision or order to the Circuit Court

## Chapter 82 - Property Maintenance Code

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within twenty (20) days from the date of the decision.

**108.1.2 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

**108.2 Closing of vacant buildings and structures.** If a building or structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real property upon which the structure is located and shall be a lien upon such real property and may be collected by any other legal resource.

**108.3 Posting Notice.** Whenever the code official has declared a building, structure or equipment dangerous or unsafe under the provisions of this section, notice shall be posted in a conspicuous place in or about the building or structure affected by such notice or placed on the unsafe equipment.

**108.4 Placarding.** The code official shall post on the premises or on defective equipment a placard bearing the words "Dangerous Building" or "Unsafe Building" or "Dangerous Structure" or "Unsafe Structure" or "Dangerous Equipment" or "Unsafe Equipment" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

**108.4.1 Placard removal.** The code official shall remove the placard whenever the defect or defects upon which the determination of dangerous or unsafe building, structure or equipment and placarding action were based have been eliminated. Any person who defaces or removes a placard without the approval of the code official shall be subject to the penalties provided by this code.

**108.5 Prohibited occupancy.** Any occupied building or structure determined to be dangerous or unsafe and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be liable for the penalties provided by this code.

## SECTION 109 EMERGENCY MEASURES

**109.1 Imminent danger.** When, in the opinion of the code official or fire official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the

# **BUILDING OFFICIAL SEARCH WARRANT REPORT**

Approved, SCAO

SEARCH WARRANT

Police Agency \_\_\_\_\_  
Report Number: \_\_\_\_\_

TO THE SHERIFF OR ANY PEACE OFFICER:

Salim Huerta \_\_\_\_\_, has sworn to the affidavit regarding the following:

1. The person, place, or thing to be searched is described as and is located at:

The exterior of the premises known as 18 Belhaven, Troy, Michigan 48085.

Chapter 82, Section 104.4 of the Troy Code Ordinances allow the City of Troy to obtain an administrative search warrant to enforce the provisions of Chapter 82 when consensual entry to the property has been denied and/or the property has been deemed vacant/unoccupied.

2. The PROPERTY/PERSON to be searched for and seized, if found, is specifically described as:

Violations of the City of Troy Property Maintenance Code and/or other violations of the building codes of the State of Michigan existing on the premises known as 18 Belhaven which may effect the health, safety and welfare of the occupants of the subject property and/or surrounding neighbors or their property.

I will first knock on the door and present the warrant at the scheduled time. If the owner is there, I will provide a copy of the warrant and seek voluntary entry onto the property. The purpose is to examine the premises for code violations under the City of Troy Property Maintenance Code, including but not limited to: all of the interior and exterior areas, and will include taking photos.

**IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN:** I have found that probable cause exists and you are commanded to make the search and seize the described property/person. Leave a copy of this warrant and a tabulation (a written inventory) of all property taken with the person from whom the property was taken or at the premises. You are further commanded to promptly return this warrant and tabulation to the court.

Issued: 11-16-22  
Date

[Signature]  
Judge/Magistrate Bar no.

RETURN AND TABULATION

Search was made NOV/30/2022 and the following property/person was seized:  
Date

THE PROPERTY AT 18 BELHAVEN IN TROY WAS ENTERED BY THE AUTHORITY AS GIVEN BY THIS WARRANT ON NOV/30/2022 AT 1:30 PM. ISAC LOCKSMITH COMPANY HAD TO OPEN THE DOOR BY THE REPLACEMENT OF HARDWARE AND A NEW KEY WAS PRODUCED. THE BUILDING OFFICIAL SALIM O. HUERTA WALKED THE INTERIOR AND OBTAINED MULTIPLE IMAGES OF ALL INTERIOR SPACES. THE WATER DPT. HAD TWO STAFF MEMBERS AT THE LOCATION AND REMOVED THE WATER METER. A COPY OF THIS DOCUMENT WAS DEPOSITED ON TOP OF THE KITCHEN COUNTER TOP.

Continued on other side.

Multiple code violations were discovered.

SALIM OMAR HUERTA  
Officer

Copy of warrant and tabulation served on: JANICE JEAN NEWMAN / COPY IN KITCHEN  
Name

Tabulation filed: \_\_\_\_\_  
Date

The property at 18 Belhaven in Troy was entered by the authority as given by this warrant on November 30<sup>th</sup> 2022 at 1:30 PM. The City of Troy used Isaac Locksmith from Troy to open the door for the Building Official. The Building Official Salim O Huerta walked the interior and obtained multiple images of all spaces. Multiple Code Violations were discovered. The water department had two staff members at the location during this time and removed the water meter a copy of this document was deposited on top of the kitchen countertop.

The Building Official Salim O Huerta entered the property at 18 Belhaven in Troy by the authority given by search warrant issued on November 16<sup>th</sup> 2022 and executed on November 30<sup>th</sup> 2022 at 1:30 PM. The City of Troy hired Isaac Locksmith from Troy to open the door for the Building Official. The Building Official walked the interior and obtained images of all spaces and multiple Code Violations were discovered. Based on the potential health hazards found inside the property the Building Official Salim O Huerta declared the property as inhabitable and posted a DO NOT OCCUPY NOTICE. A copy of the search warrant was deposited on the kitchen countertop. The water department had two staff members at the location during this time and removed the water meter.

The following report is serves as support for the decision made by the City of Troy Building Official.



**Family room Image #1**

The roof over the family room has collapsed ceilings due to failure by the chimney flashing and roof shingles. Therefore, allowing rain water to damage insulation, drywall, potentially wood structural members. The wood structural members could be unstable based on the possible failure of the metal members that hold it together, including nails, hangers, plates and similar parts of the structure. The space holds a strong humidity smell that is unbearable to any human habitation and potentially deadly on long term habitation.



**Fireplace Image #2**



**Fireplace Image #3**



**Fireplace Image #4**

Multiple surfaces of the walls and ceilings show black stains indicating a strong presence of mold. The presence of mold could be hazardous or even deadly to humans, depending on the type of mold or fungi that is present among the 100,000 different types.



**Fireplace Image #5**



**Livingroom Image #6**



Livingroom Image #7



Livingroom Image #8



Livingroom Image #9

















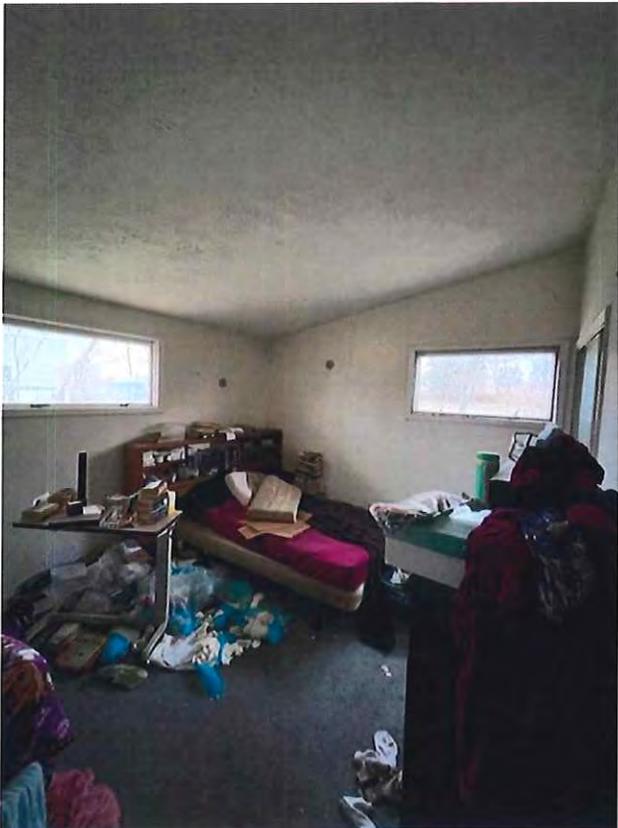








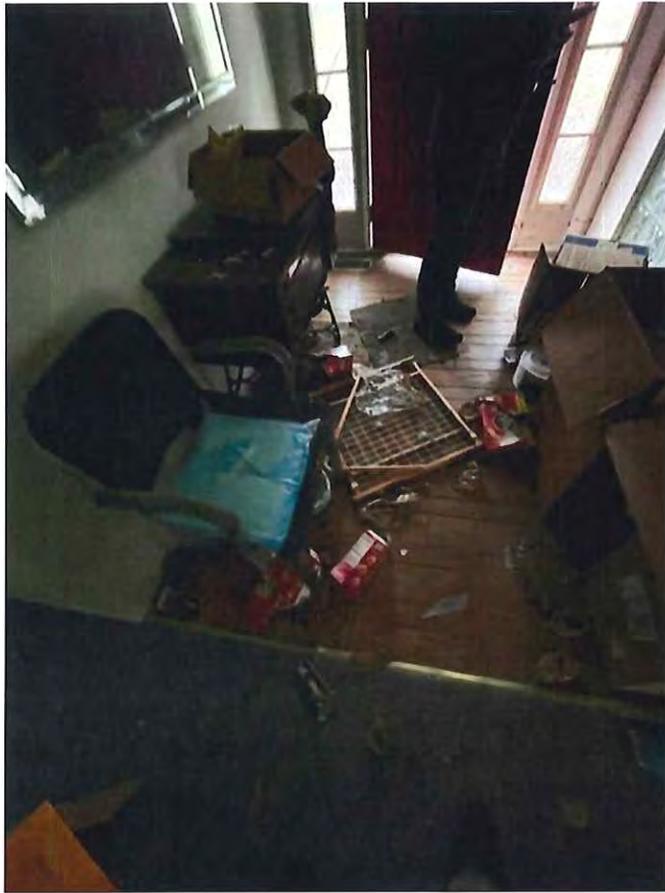












Approved, SCAO

Original warrant - Return to Issuing court  
1st copy - Prosecutor  
2nd copy - Serve  
3rd copy - Issuing Judge

SEARCH WARRANT

TO THE SHERIFF OR ANY PEACE OFFICER:

Police Agency \_\_\_\_\_  
Report Number: \_\_\_\_\_

Salim Huerta, has sworn to the affidavit regarding the following:

1. The person, place, or thing to be searched is described as and is located at:

The exterior of the premises known as 18 Belhaven, Troy, Michigan 48085.

Chapter 82, Section 104.4 of the Troy Code Ordinances allow the City of Troy to obtain an administrative search warrant to enforce the provisions of Chapter 82 when consensual entry to the property has been denied and/or the property has been deemed vacant/unoccupied.

2. The PROPERTY/PERSON to be searched for and seized, if found, is specifically described as:

Violations of the City of Troy Property Maintenance Code and/or other violations of the building codes of the State of Michigan existing on the premises known as 18 Belhaven which may effect the health, safety and welfare of the occupants of the subject property and/or surrounding neighbors or their property.  
I will first knock on the door and present the warrant at the scheduled time. If the owner is there, I will provide a copy of the warrant and seek voluntary entry onto the property. The purpose is to examine the premises for code violations under the City of Troy Property Maintenance Code, including but not limited to: all of the interior and exterior areas, and will include taking photos.

**IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN:** I have found that probable cause exists and you are commanded to make the search and seize the described property/person. Leave a copy of this warrant and a tabulation (a written inventory) of all property taken with the person from whom the property was taken or at the premises. You are further commanded to promptly return this warrant and tabulation to the court.

Issued: 11-16-22  
Date

[Signature]  
Judge/Magistrate Bar no.

RETURN AND TABULATION

Search was made NOV/30/2022 and the following property/person was seized:  
Date

THE PROPERTY AT 18 BELHAVEN IN TROY WAS ENTERED BY THE AUTHORITY AS GIVEN BY THIS WARRANT ON NOVEMBER 30th 2022 AT 1:30 PM. THE CITY OF TROY USED ISAAC LOCKSMITH TO OPEN THE DOOR FOR THE BUILDING OFFICIAL AND THE WATER DEPARTMENT. THE BUILDING OFFICIAL SALIM O. HUERTA WALKED THE INTERIOR AND OBTAINED MULTIPLE IMAGES OF ALL SPACES AND MULTIPLE CODE VIOLATIONS WERE DISCOVERED. THE WATER DPT. REMOVED THE WATER METER. A COPY OF THIS WARRANT WAS DEPOSITED ON TOP OF THE KITCHEN COUNTER TOP, SINCE HOUSE WAS VACANT AT ALL TIMES.

[Signature] SALIM O. HUERTA  
Officer

Copy of warrant and tabulation served on: JANICE JEAN NEWMAN  
Name

Tabulation filed: \_\_\_\_\_  
Date

EN 20 22 - 01487

Approved, SCAO

**SEARCH WARRANT**

Police Agency \_\_\_\_\_  
Report Number: \_\_\_\_\_

**TO THE SHERIFF OR ANY PEACE OFFICER:**

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2. The PROPERTY/PERSON to be searched for and seized, if found, is specifically described as:

Violations of the City of Troy Property Maintenance Code and/or other violations of the building codes of the State of Michigan existing on the premises known as 18 Belhaven which may effect the health, safety and welfare of the occupants of the subject property and/or surrounding neighbors or their property.

I will first knock on the door and present the warrant at the scheduled time. If the owner is there, I will provide a copy of the warrant and seek voluntary entry onto the property. The purpose is to examine the premises for code violations under the City of Troy Property Maintenance Code, including but not limited to: all of the interior and exterior areas, and will include taking photos.

**IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN:** I have found that probable cause exists and you are commanded to make the search and seize the described property/person. Leave a copy of this warrant and a tabulation (a written inventory) of all property taken with the person from whom the property was taken or at the premises. You are further commanded to promptly return this warrant and tabulation to the court.

Issued: 11-16-22  
Date

[Signature]  
Judge/Magistrate Bar no. \_\_\_\_\_

**RETURN AND TABULATION**

Search was made \_\_\_\_\_ and the following property/person was seized:  
Date

25 photos

Continued on other side.  
[Signature]  
Officer

Copy of warrant and tabulation served on: Rebecca - Copy left on Kitchen table  
Name

Tabulation filed: 11/22/22  
Date

**AFFIDAVIT FOR SEARCH WARRANT**

Please type or press hard.

See the other side for instructions.

Police Agency  
Report Number: \_\_\_\_\_

Salim Huerta \_\_\_\_\_, affiant(s), state that:

1. The person, place, or thing to be searched is described as and is located at:

The exterior of the premises known as 18 Belhaven, Troy, Michigan 48085.

Chapter 82, Section 104.4 of the Troy Code Ordinances allow the City of Troy to obtain an administrative search warrant to enforce the provisions of Chapter 82 when consensual entry to the property has been denied and/or the property has been deemed vacant/unoccupied.

2. The PROPERTY/PERSON to be searched for and seized, if found, is specifically described as:

Violations of the City of Troy Property Maintenance Code and/or other violations of the building codes of the State of Michigan existing on the premises known as 18 Belhaven which may effect the health, safety and welfare of the occupants of the subject property and/or surrounding neighbors or their property.

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3. The FACTS establishing probable cause or the grounds for search are:

(SEE ATTACHMENT)

This affidavit consists of \_\_\_\_\_ pages.

Reviewed on	11/16/2022
Date	
by	[Signature]
Prosecuting official	

Affiant	[Signature]
	SALIM O. HUERTA
Subscribed and sworn to before me	11-16-22
Date	
	52/4 Court
Judge/Magistrate	[Signature]
	Bar no.

**ATTACHMENT TO ADMINISTRATIVE SEARCH WARRANT  
18 BELHAVEN, TROY, MI 48085**

- a) I am the Building Official for the City of Troy, and my job duties include enforcement of the City of Troy Ordinances.
- b) The City of Troy Assessing records indicate that the home is owned by Janice Jean Newman. The last activity at the Oakland County Register of Deeds is from 2006, when the property was acquired by Ms. Newman.
- c) Chapter 82, Section 104.4 of the Troy Code of Ordinances permits inspection when there is reasonable cause to believe that there exists in a structure or upon a premise a condition which is contrary to or in violation of that Code which makes the structure or premises unsafe, dangerous or hazardous.
- d) Upon information and belief, the home has been vacant for several years. There are no curtains or other window coverings or other evidence of occupancy from an exterior view.
- e) Troy's Housing and Zoning Inspectors have received numerous complaints throughout the past several years for this property. According to the neighbors, the property has been vacant for several years, and in disrepair. This observation was evident from my view of the exterior of the home.
- f) In an effort to obtain compliance with the City's Housing and Zoning ordinance, several notifications were sent to the property owner. Since there was no response, the City Housing and Zoning Inspectors issued compliance tickets, many of which were defaulted by the Court for non-appearance. According to City records, there have been at least 53 property maintenance violations at the home.
- g) As allowed by Court Order, the City's contractors addressed the defective gutters (where weeds were growing), replaced a gutter/downspout dangling from the home, and fixed a damaged soffit. The City's contractor is also expected to replace a broken windowpane at the house. The City's costs for these repairs will be added to the tax bill for the property.
- h) Although Troy's Building Official has not been in the home, he has viewed the interior from the sidewalk area. From this view, he was able to observe that there is insulation in the interior of the home that appears wet and black. Based on his knowledge, he assumes that there is mold on this insulation. The presence of black mold in the structure is a hazard impacting the health, safety and welfare of potential occupants and/or neighboring property owners. Based on the Building Official's knowledge, the disrepair of the structure has likely resulted in water damage to the home, which may impact the structural integrity.
- i) Neighbors have also complained about animals getting into the home through broken windows and holes in the structure. Based on the Building Official's experience, the presence of animals in the home could result in issues with the electrical wiring inside the home. The Building Official is concerned about possible fire risks should it be confirmed that animals had access to and chewed on electrical wires, etc.
- j) Based on the foregoing, I am unable to conduct my inspection of the premises permitted under the Michigan state law to examine the premises for code violations to insure the health, safety and welfare of the premises without the issuance of an administrative search warrant.

Approved, SCAO

**SEARCH WARRANT**

**TO THE SHERIFF OR ANY PEACE OFFICER:**

Police Agency \_\_\_\_\_  
Report Number: \_\_\_\_\_

Salim Huerta \_\_\_\_\_, has sworn to the affidavit regarding the following:

1. The person, place, or thing to be searched is described as and is located at:

The exterior of the premises known as 18 Belhaven, Troy, Michigan 48085.

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Issued: 11-16-22  
Date

[Signature]  
Judge/Magistrate Bar no.

**RETURN AND TABULATION**

Search was made \_\_\_\_\_ and the following property/person was seized:  
Date

Continued on other side.

\_\_\_\_\_  
Officer

Copy of warrant and tabulation served on: \_\_\_\_\_  
Name

Tabulation filed: \_\_\_\_\_  
Date

Approved, SCAO

Original warrant - Return to issuing court  
1st copy - Prosecutor  
2nd copy - Serve  
3rd copy - Issuing judge

### SEARCH WARRANT

**TO THE SHERIFF OR ANY PEACE OFFICER:**

Police Agency \_\_\_\_\_  
Report Number: \_\_\_\_\_

Salim Huerta \_\_\_\_\_, has sworn to the affidavit regarding the following:

1. The person, place, or thing to be searched is described as and is located at:

The exterior of the premises known as 18 Belhaven, Troy, Michigan 48085.

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Issued: 11-16-22  
Date

[Signature]  
Judge/Magistrate Bar no.

**RETURN AND TABULATION**

Search was made \_\_\_\_\_ and the following property/person was seized:  
Date

Continued on other side.

\_\_\_\_\_  
Officer

Copied of warrant and tabulation served on: \_\_\_\_\_  
Name

Tabulation filed: \_\_\_\_\_  
Date

# **ASSOCIATION COMPLAINTS**

**From:** [Planning](#)  
**To:** [Paul M Evans](#)  
**Subject:** FW: What is the city code for building/structure in disrepair?  
**Date:** Wednesday, April 3, 2024 8:19:15 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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**Jackie Ferencz**  
**Office Manager |**  
**City of Troy Planning Dept**  
O: 248.524.3364



---

**From:** Karol Szymula <karolwithak511@gmail.com>  
**Sent:** Wednesday, April 3, 2024 8:16 AM  
**To:** Planning <planning@troymi.gov>  
**Subject:** What is the city code for building/structure in disrepair?

You don't often get email from [karolwithak511@gmail.com](mailto:karolwithak511@gmail.com). [Learn why this is important](#)

**CAUTION:** This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Evans,

It is now 2024, and 18 Belhaven is a danger to our neighborhood.

The house is full of black mildew or mold.

The former family room has inside condensation, black mildew or mold growing on discarded books, walls, etc.

Now there is a green slime growing across the floor.

The ceilings are caving in especially around the fireplace.

There is evidence of animal activity in the home.

With the resources of the city including police, attorneys, and all the other agencies, I can't figure out how you can't find Janice Newman, the owner.

She works in finance for Stelantis. Last time someone checked, she was living in the Somerset apartments in Troy.

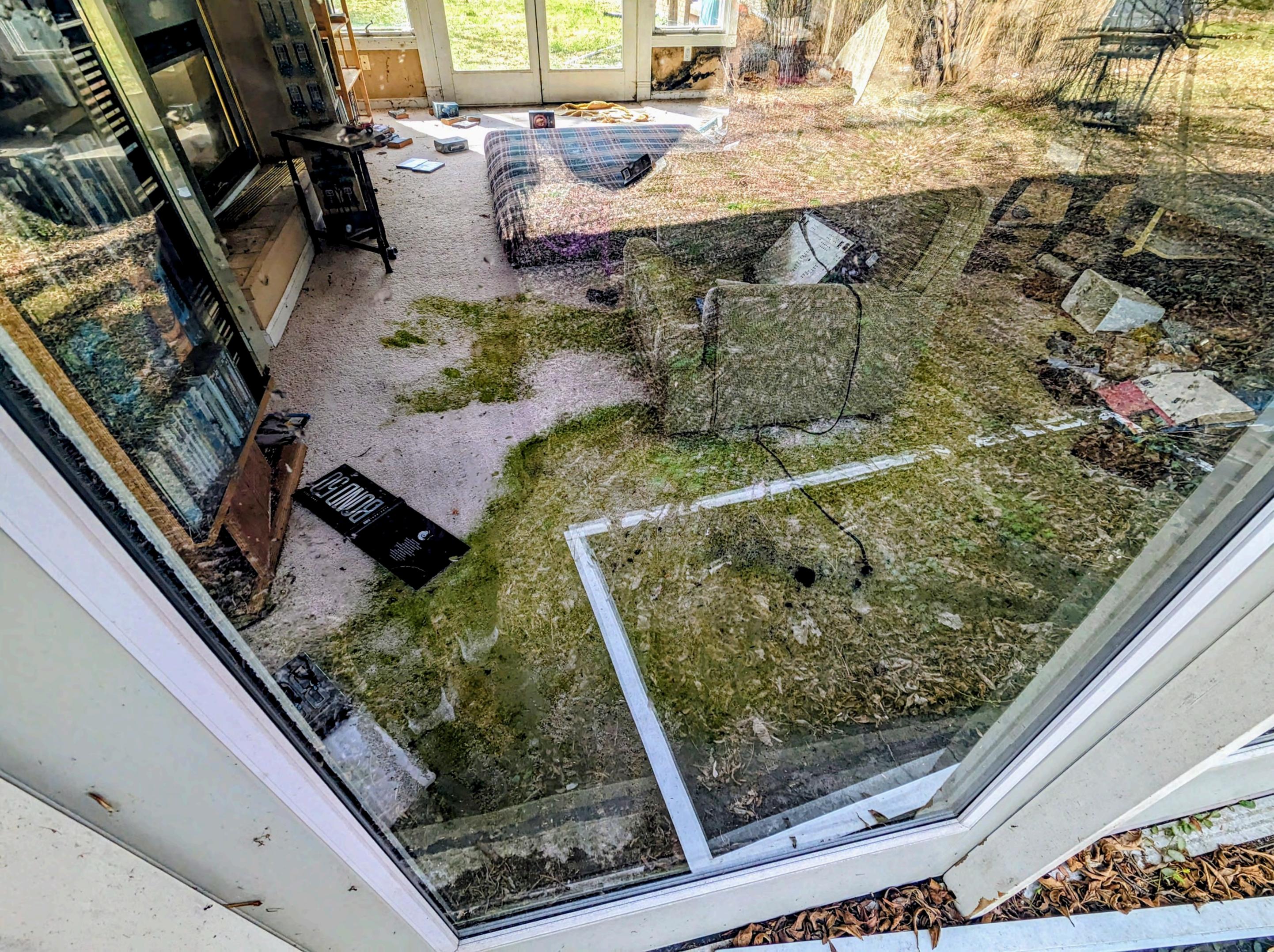
Do we need to have our neighborhood show up at a city council meeting to get action?

Do we need to call Hall of Shame?

What if this house was next door to you?

We need some help to fix this issue.

Please advise,  
Karol Szymula  
President, Belzair Property Owners Association



**From:** [Karol Szymula](#)  
**To:** [Paul M Evans](#); [savidentb@troymi.gov](mailto:savidentb@troymi.gov); [Shirley Evoe](#); [MARYANN TRACEY](#); [Louise Reza](#)  
**Subject:** Getting on the City Council Agenda about 18 Belhaven  
**Date:** Saturday, April 20, 2024 5:22:16 PM

---

You don't often get email from [karolwithak511@gmail.com](mailto:karolwithak511@gmail.com). [Learn why this is important](#)

**CAUTION:** This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Our long standing concern which we want our voices heard at a city council meeting is the refusal to take care of the disaster and hazards of 18 Belhaven.

We need some action from the city of Troy and are requesting to be placed on the agenda for city council ASAP. We do not want 3 minutes at the end of a meeting and have been told the only way to get on the agenda is the department of code enforcement, Paul Evans, who has been corresponding with us the last 8 years, or his boss, Brent Savidant, Community Development director.

Since fall of 2016, citizens of Troy and Belzair subdivision have complained about code enforcement issues at this property.

The city of Troy has been cutting the lawn, trimmed bushes, and other maintenance on this property, while the owner has abandoned this property.

In June of 2022, Karol Szymula, President of Belzair Property Owners Association, and Vice President, Shirley Evoe, hand delivered all correspondence between homeowners and the city of Troy code enforcement, since 2016. Assistant City manager Bob Bruner responded on June 13, 2022, with a plan to meet with city staff about this matter. On June 15th, 2022, Bob sent an email detailing a meeting with Paul Evans and Brent Savidant on that day. "Coincidentally" 18 Belhaven was one of the three recent code enforcement cases they discussed. Inspector Dave Koss was asked to inspect all three properties that week to address the immediate concerns.

We were promised the city would do a better job in the future and keep us posted.

A month later, July 21st, 2022, Shirley Evoe emailed again with ZERO news from Bob Bruner, city counsel, Paul Evans and Brent Savidant.

Shirley Evoe went to city hall in March of 2024. We have been told the house is deemed UNINHABITABLE, and a bench warrant has been issued for Janice Jean Newman for failure to appear in court. We have been told over and over, you cannot find Janice Newman.

I have written emails to Paul Evans, who confirmed this information, and I asked why a city with a police department, detectives, city attorneys and access to more information that we can acquire, cannot find Ms. Newman.

I may have found her, in Somerset Apartments, in our city of Troy, at 1866 Dorchester Dr. N, apartment #104. #104 does not have a person on the mailbox, and cannot receive mail

there.

I am sure you can verify this with the management of Somerset Apartments. Her LinkedIn still has her working at Stellantis, in Auburn Hills, as a capital investment advisor for Chrysler division. The owner, Janice Jean Newman, still has a mortgage with Wells Fargo. I think with an inquiry, with a notification of "Uninhabitable home" to Wells Fargo, the city could get her PO Box and verify her current address for the bench warrant.

I have been the president of the Belzair Property Owners Association for over 25 years. I am not paid to do my job. I care deeply about my community, our private park, our community events, our dedication and willingness to help one another. We have tried to keep our annual dues to a minimum to cover insurance, maintain and upgrade our park and pond, and hosting community events, by doing a lot of the work ourselves and the generosity of neighbors buying the services and items we need.

18 Belhaven, 234 Belhaven, the proposed car wash at Kim's restaurant property, and the bike route to nowhere, are issues created by the city, by ignoring the code enforcement violations, the home business criteria, and the zoning restrictions. These ordinances are all in place to make the city of Troy a great place to live, if and only if the city enforces them. I do my job as president of the subdivision without funds, so I don't want to hear how you can't enforce your own rules due to limited resources. City council decides where my tax dollars go, maybe with all the developments, new housing and businesses, departments such as code enforcement, building department, zoning, police and fire can get more funds. This would improve the property owners, tax payers, and voters of Troy.

Thanking you in advance,

Karol Szymula  
President  
Belzair Property Owners Association

**DANGEROUS AND UNSAFE ORDER**



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

Planning Department  
248 524-3364

04/25/2024

NEWMAN, JANICE JEAN  
18 BELHAVEN  
TROY, MI 48085

Subject: 18 BELHAVEN (Parcel# 88-20-15-102-001)

Dear NEWMAN, JANICE JEAN

Inspections performed, as recently as April 22, 2024, indicate the following conditions that violate City Code Chapter 82 Property Maintenance (hereafter referred to as "Code"):

1. Missing window
2. Significant failure of interior surfaces including ceilings, walls, and chimney
3. Evidence of animals entering the structure
4. An open exterior door
5. Improperly surface coated exterior walls and other surfaces

The Building Official has determined that these conditions deem the building manifestly unsafe for the purpose for which it is intended to be used. Section 108.1.1 of the Code states that a dangerous building is one which is manifestly unsafe for the purpose for which it is intended to be used. Section 108.1a of the Code states that it is unlawful for any owner to keep or maintain any building in a dangerous or unsafe manner, as set forth in Section 108.1.1 of the Code.

By **May 25, 2024**, a Demolition Permit must be obtained from the City. Demolition, including all debris removal, must be completed within 30 days of the Permit Date.

**If compliance is not achieved, the City or its agents will, subject to City Council approval, enter the property to demolish the building, and charge the property all related costs. Unpaid costs will become a lien upon the property and enforced as a special assessment. You have the right to appeal this determination to Troy City Council. An appeal shall be filed in writing to the Building Official within ten (10) days of service of the notice.**

Please contact me if you have any questions.

A handwritten signature in blue ink, appearing to read "Salim O. Huerta", is written over the typed name.

Sincerely,  
Salim O. Huerta  
Building Official  
(248) 524 3354  
Salim.Huerta@troymi.gov

**PROOF OF SERVICE INCLUDING  
POSTING, CERTIFIED MAIL RETURN  
RECEIPT, & AFFADAVIT OF PUBLICATION**



18 Belhaven Postage

04/26/2024 12:00

18

NOTICE  
DO NOT OCCUPY

Janice Jean  
Newman

96 6649 0900 0225 0120 6856

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](https://www.usps.com)

OFFICIAL

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage	\$
Total Postage and Fees	\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

**AFFIDAVIT OF PUBLICATION AND POSTING**

**State of Michigan**

**County of Oakland**

**City of Troy**

**RE: Notice of Dangerous Building**

I hereby certify that the attached notice was emailed to The Troy Times newspapers on: April 26, 2024

For publication on: May 9<sup>th</sup>, May 16<sup>th</sup>, and May 23, 2024

I hereby certify that the attached notice was posted to the bulletin board and the City of Troy website on: April 29, 2024

\_\_\_\_\_  
Cheryl A. Stewart, CMC  
Deputy City Clerk

**POSTED:** April 29, 2024

**PUBLISHED:** May 9<sup>th</sup>, 16<sup>th</sup>, and 23<sup>rd</sup>, 2024



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

Planning Department  
248 524-3364

04/25/2024

NEWMAN, JANICE JEAN  
18 BELHAVEN  
TROY, MI 48085

Subject: 18 BELHAVEN (Parcel# 88-20-15-102-001)

Dear NEWMAN, JANICE JEAN

Inspections performed, as recently as April 22, 2024, indicate the following conditions that violate City Code Chapter 82 Property Maintenance (hereafter referred to as "Code"):

1. Missing window
2. Significant failure of interior surfaces including ceilings, walls, and chimney
3. Evidence of animals entering the structure
4. An open exterior door
5. Improperly surface coated exterior walls and other surfaces

The Building Official has determined that these conditions deem the building manifestly unsafe for the purpose for which it is intended to be used. Section 108.1.1 of the Code states that a dangerous building is one which is manifestly unsafe for the purpose for which it is intended to be used. Section 108.1a of the Code states that it is unlawful for any owner to keep or maintain any building in a dangerous or unsafe manner, as set forth in Section 108.1.1 of the Code.

By **May 25, 2024**, a Demolition Permit must be obtained from the City. Demolition, including all debris removal, must be completed within 30 days of the Permit Date.

**If compliance is not achieved, the City or its agents will, subject to City Council approval, enter the property to demolish the building, and charge the property all related costs. Unpaid costs will become a lien upon the property and enforced as a special assessment. You have the right to appeal this determination to Troy City Council. An appeal shall be filed in writing to the Building Official within ten (10) days of service of the notice.**

Please contact me if you have any questions.

A handwritten signature in blue ink, appearing to read "Salim O. Huerta", is written over the typed name.

Sincerely,  
Salim O. Huerta  
Building Official  
(248) 524 3354  
Salim.Huerta@troymi.gov

Posted: April 29, 2024  
Published: May 9th, 16th, and 23rd, 2024



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

Planning Department  
248 524-3364

04/25/2024

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18 BELHAVEN  
TROY, MI 48085

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Sincerely,  
Salim O. Huerta  
Building Official  
(248) 524 3354  
Salim.Huerta@troymi.gov

Published: 05/23/2024 Troy Times

0039-2421



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

Planning Department  
248 524-3364

04/25/2024

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18 BELHAVEN  
TROY, MI 48085

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Please contact me if you have any questions.

  
Sincerely,  
Salim O. Huerta  
Building Official  
(248) 524 3354  
Salim.Huerta@troymi.gov

Published: 05/16/2024 Troy Times

0007-2420



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

Planning Department  
248 524-3364

04/25/2024

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TROY, MI 48085

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Please contact me if you have any questions.

  
Sincerely,  
Salim O. Huerta  
Building Official  
(248) 524 3354  
Salim.Huerta@troymi.gov

Published: 05/09/2024 Troy Times

0176-2419

**From:** [Cheryl A Stewart](#)  
**To:** [Suzanne Badalamenti](#); [legals](#)  
**Cc:** [Paul M Evans](#); [Clerks Shared](#)  
**Subject:** FW: PUBLISH: May 9th, 15th, and 23rd, 2024 20240509 Dangerous Building Notice - 18 Belhaven  
**Date:** Friday, April 26, 2024 3:07:00 PM  
**Attachments:** [20240509 Dangerous Building Notice - 18 Belhaven.pdf](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

**Importance:** High

---

Correction: May 9<sup>th</sup>, **16<sup>th</sup>**, and 23<sup>rd</sup>, 2024

**Cheryl A. Stewart**  
**Deputy City Clerk | City Clerk's Office | City of Troy**

O: 248.524.3322

F: 248.524.1770



---

**From:** Cheryl A Stewart  
**Sent:** Friday, April 26, 2024 3:05 PM  
**To:** Suzanne Badalamenti <[sbad@candgnews.com](mailto:sbad@candgnews.com)>; [legals@candgnews.com](mailto:legals@candgnews.com)>  
**Cc:** Paul M Evans <[P.Evans@troymi.gov](mailto:P.Evans@troymi.gov)>; Clerks Shared <[Clerk@troymi.gov](mailto:Clerk@troymi.gov)>  
**Subject:** PUBLISH: May 9th, 15th, and 23rd, 2024 20240509 Dangerous Building Notice - 18 Belhaven

Hi Sue,

Would you please publish the attached Dangerous Building Notice in the **May 9<sup>th</sup>, May 15<sup>th</sup>, and May 23<sup>rd</sup>, 2024** editions of the Troy Times? Is it okay that the notice is sent in PDF format?

Also, would you please reply to this email to confirm receipt of the information?

Thanks! Have a super weekend!



**Cheryl A. Stewart**  
**Deputy City Clerk | City Clerk's Office | City of Troy**

O: 248.524.3322

F: 248.524.1770



**From:** [Paul M Evans](#)  
**To:** [Cheryl A Stewart](#)  
**Subject:** 18 Belhaven  
**Date:** Thursday, April 25, 2024 11:53:54 AM  
**Attachments:** [18 Belhaven Dangerous Building Notice 4-25-2024.pdf](#)  
[image001.png](#)

---

Cheryl, Code requires the attached be published 3 consecutive weeks. I believe Troy Times publishes every 2 weeks. Hence, please publish 3 times. Let me know if you have any questions. Thanks.



**Paul Evans**  
**Zoning & Compliance Specialist**  
**City of Troy**  
**O: 248.524.3364**

**EMAIL NOTIFICATION OF ORDER TO BELZAIR PROPERTY OWNERS ASSOCIATION**

**From:** Paul M Evans  
**Sent:** Tuesday, June 11, 2024 11:03 AM  
**To:** Karol Szymula <[karolwithak511@gmail.com](mailto:karolwithak511@gmail.com)>  
**Subject:** RE: Getting on the City Council Agenda about 18 Belhaven

Karol, it is attached. You should be receiving one in the mail as well.

This property has been a disservice to the City for some time. I definitely would like to see this in front of Council sooner than later. Because the City has very limited experience with demolishing a privately owned residence, we are proceeding cautiously.



**Paul Evans**  
**Zoning & Compliance Specialist**  
**City of Troy**  
O: 248.524.3364

**From:** Karol Szymula <[karolwithak511@gmail.com](mailto:karolwithak511@gmail.com)>  
**Sent:** Tuesday, June 11, 2024 10:57 AM  
**To:** Paul M Evans <[P.Evans@troymi.gov](mailto:P.Evans@troymi.gov)>; Building Inspection - Web Address <[BuildingInspection@troymi.gov](mailto:BuildingInspection@troymi.gov)>; Shirley Evoe <[evoe180@icloud.com](mailto:evoe180@icloud.com)>; Louise Reza <[rezalouise2@gmail.com](mailto:rezalouise2@gmail.com)>; MARYANN TRACEY <[matracey100@gmail.com](mailto:matracey100@gmail.com)>  
**Subject:** Re: Getting on the City Council Agenda about 18 Belhaven

**CAUTION:** This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Paul,

We got a copy of our lien not the dangerous building notice, so please send it. 8 years 18 Belhaven has been abandoned, now the notice goes out, and everyone in Troy is aware of it. We already called the police for overflow party parking we weren't aware of. For at least the last 5 years, Janice Newman has not revealed her address and whereabouts. The neighborhood is very anxious to see this hit the city council agenda ASAP in July. Please make sure this happens, before we have more unwanted activity at the house.

Thank you,  
Karol Szymula



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

Planning Department  
248 524-3364

04/25/2024

NEWMAN, JANICE JEAN  
18 BELHAVEN  
TROY, MI 48085

Subject: 18 BELHAVEN (Parcel# 88-20-15-102-001)

Dear NEWMAN, JANICE JEAN

Inspections performed, as recently as April 22, 2024, indicate the following conditions that violate City Code Chapter 82 Property Maintenance (hereafter referred to as "Code"):

1. Missing window
2. Significant failure of interior surfaces including ceilings, walls, and chimney
3. Evidence of animals entering the structure
4. An open exterior door
5. Improperly surface coated exterior walls and other surfaces

The Building Official has determined that these conditions deem the building manifestly unsafe for the purpose for which it is intended to be used. Section 108.1.1 of the Code states that a dangerous building is one which is manifestly unsafe for the purpose for which it is intended to be used. Section 108.1a of the Code states that it is unlawful for any owner to keep or maintain any building in a dangerous or unsafe manner, as set forth in Section 108.1.1 of the Code.

By **May 25, 2024**, a Demolition Permit must be obtained from the City. Demolition, including all debris removal, must be completed within 30 days of the Permit Date.

**If compliance is not achieved, the City or its agents will, subject to City Council approval, enter the property to demolish the building, and charge the property all related costs. Unpaid costs will become a lien upon the property and enforced as a special assessment. You have the right to appeal this determination to Troy City Council. An appeal shall be filed in writing to the Building Official within ten (10) days of service of the notice.**

Please contact me if you have any questions.

A handwritten signature in blue ink, appearing to read "Salim O. Huerta", is written over the typed name.

Sincerely,  
Salim O. Huerta  
Building Official  
(248) 524 3354  
Salim.Huerta@troymi.gov

**PARTY OF INTEREST MAILINGS WELLS FARGO N.A. & WELLS  
FARGO BANK, & RELATED PROOF OF SERVICE**



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

Building Inspection  
248.524.3344  
Fax: 248-689-3120

07/24/2024

WELLS FARGO BANK N.A.  
2701 WELLS FARGO WAY  
MINNEAPOLIS, MN  
55427

Please be informed that the City of Troy Building Official performed a site inspection for 18 BELHAVEN and we found that there are multiple building code violations and under the powers given by the State of Michigan. The property is now considered a Dangerous Building under Chapter 82 of the City of Troy property maintenance code. I have included the letter that was posted at 18 BELHAVEN directed to the home owner of record Newman Janice Jean. We understand that you may or may not have an interest on the property and the City of Troy is sending you this notice as curtesy. If you have further questions or concerns, you can contact me and I will be glad to help.

Thank you

A handwritten signature in black ink, appearing to read "Salim Huerta", written over the word "Sincerely".

Sincerely

**Salim Huerta**  
**Building Official | City of Troy**  
O: 248.524.3354  
C: 734.363.0823



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

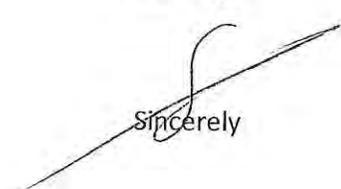
Building Inspection  
248.524.3344  
Fax: 248-689-3120

07/24/2024

WELLS FARGO BANK, N.A.  
1000 BLUE GENTIAN ROAD  
EAGAN, MN 55121-1663

Please be informed that the City of Troy Building Official performed a site inspection for 18 BELHAVEN and we found that there are multiple building code violations and under the powers given by the State of Michigan. The property is now considered a Dangerous Building under Chapter 82 of the City of Troy property maintenance code. I have included the letter that was posted at 18 BELHAVEN directed to the home owner of record Newman Janice Jean. We understand that you may or may not have an interest on the property and the City of Troy is sending you this notice as courtesy. If you have further questions or concerns, you can contact me and I will be glad to help.

Thank you

  
Sincerely

**Salim Huerta**  
Building Official | City of Troy  
O: 248.524.3354  
C: 734.363.0823



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

Building Inspection  
248.524.3344  
Fax: 248-689-3120

07/24/2024

WELLS FARGO BANK  
P.O. Box 5137  
DES MOINES, IA  
50306-5137

Please be informed that the City of Troy Building Official performed a site inspection for 18 BELHAVEN and we found that there are multiple building code violations and under the powers given by the State of Michigan. The property is now considered a Dangerous Building under Chapter 82 of the City of Troy property maintenance code. I have included the letter that was posted at 18 BELHAVEN directed to the home owner of record Newman Janice Jean. We understand that you may or may not have an interest on the property and the City of Troy is sending you this notice as curtesy. If you have further questions or concerns, you can contact me and I will be glad to help.

Thank you

A handwritten signature in black ink, appearing to be "S. Huerta", written over the word "Sincerely".

Sincerely

**Salim Huerta**  
**Building Official | City of Troy**  
O: 248.524.3354  
C: 734.363.0823



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

Planning Department  
248 524-3364

07/24/2024

NEWMAN, JANICE  
JEAN 18 BELHAVEN  
TROY, MI 48085

Subject: 18 BELHAVEN (Parcel# 88-20-15-102-001)

Dear NEWMAN, JANICE JEAN

Inspections performed, as recently as April 22, 2024, indicate the following conditions that violate City Code Chapter 82 Property Maintenance (hereafter referred to as "Code"):

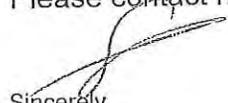
1. Missing window
2. Significant failure of interior surfaces including ceilings, walls, and chimney
3. Evidence of animals entering the structure
4. An open exterior door
5. Improperly surface coated exterior walls and other surfaces

The Building Official has determined that these conditions deem the building manifestly unsafe for the purpose for which it is intended to be used. Section 108.1.1 of the Code states that a dangerous building is one which is manifestly unsafe for the purpose for which it is intended to be used. Section 108.1a of the Code states that it is unlawful for any owner to keep or maintain any building in a dangerous or unsafe manner, as set forth in Section 108.1.1 of the Code.

By **August 26, 2024**, a Demolition Permit must be obtained from the City. Demolition, including all debris removal, must be completed within 30 days of the Permit Date.

**If compliance is not achieved, the City or its agents will, subject to City Council approval, enter the property to demolish the building, and charge the property all related costs. Unpaid costs will become a lien upon the property and enforced as a special assessment. You have the right to appeal this determination to Troy City Council. An appeal shall be filed in writing to the Building Official within ten (10) days of service of the notice.**

Please contact me if you have any questions.

  
Sincerely,  
Salim O. Huerta  
Building Official  
(248)5243354  
Salim.Huerta@troymi.gov





Sent from my iPhone

# **WELLS FARGO RESPONSES**

**From:** [Paul M Evans](#)  
**To:** [Riley, Daniel](#); [Salim Huerta](#)  
**Subject:** RE: 18 Belhaven dr, TROY, MI 48085  
**Date:** Tuesday, October 29, 2024 9:49:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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Danie, thanks for the message. Mr. Huerta is out and will return November 4. After then, City Staff will meet to establish procedure and date for the Demolition Hearing before City Council. It may take us weeks before establishing a Hearing date. Wells Fargo will be notified of the Hearing date and location.



**Paul Evans**  
**Zoning & Compliance Specialist**  
**City of Troy**  
**O: 248.524.3364**

---

**From:** Riley, Daniel <Daniel.Riley2@wellsfargo.com>  
**Sent:** Tuesday, October 29, 2024 9:32 AM  
**To:** Salim Huerta <Salim.Huerta@troymi.gov>  
**Cc:** Paul M Evans <P.Evans@troymi.gov>  
**Subject:** RE: 18 Belhaven dr, TROY, MI 48085

**CAUTION:** This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,  
I just wanted to follow up and see if the City has a timeframe for the demolition and if I could be provided a copy of the demolition invoice once it becomes available?

Thank you,

**Daniel Riley**

Escalations Representative  
Property Management - Building Code and Compliance

Wells Fargo Home Mortgage | One Home Campus | Des Moines, IA 50328  
MAC F2303-044  
Fax: 866-512-0757 Phone: 515-446-5817

[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)

Do you have an inquiry regarding the Property Preservation and Maintenance of a loan serviced by Wells Fargo? If so, please send an email inquiry to [codeviolations@wellsfargo.com](mailto:codeviolations@wellsfargo.com) or contact Wells Fargo using our toll-free number 877-617-5274 or send a facsimile to 866-512-0757.

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---

**From:** Riley, Daniel  
**Sent:** Tuesday, October 15, 2024 12:10 PM  
**To:** Salim Huerta <[Salim.Huerta@troymi.gov](mailto:Salim.Huerta@troymi.gov)>  
**Cc:** Paul M Evans <[P.Evans@troymi.gov](mailto:P.Evans@troymi.gov)>  
**Subject:** RE: 18 Belhaven dr, TROY, MI 48085

Hello,

Thank you for your patience. I discussed the property with my leadership but unfortunately due to the loan status we aren't able to take action in order to secure or maintain the property and bring it back to a habitable condition. We understand this means the City will need to move forward with demolition and can review the demolition invoice for payment once the work is completed.

Thank you,

**Daniel Riley**

Escalations Representative  
Property Management - Building Code and Compliance

Wells Fargo Home Mortgage | One Home Campus | Des Moines, IA 50328  
MAC F2303-044  
Fax: 866-512-0757 Phone: 515-446-5817

[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)

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---

**From:** Salim Huerta <[Salim.Huerta@troymi.gov](mailto:Salim.Huerta@troymi.gov)>  
**Sent:** Friday, October 11, 2024 10:40 AM  
**To:** Riley, Daniel <[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)>  
**Cc:** Paul M Evans <[P.Evans@troymi.gov](mailto:P.Evans@troymi.gov)>  
**Subject:** RE: 18 Belhaven dr, TROY, MI 48085

Daniel, Paul and I really appreciate the importance and follow up you have given to this item and we prefer for it to be resolved by you and your team. However, we do have a responsibility to move forward with it; we have many City of Troy residents inquiring on it and demanding a solution to this problem. Daniel, I have to give you a deadline. What we need is a comprehensive schedule of the actions that Wells Fargo will be taking to resolve the problem. I will need that document on or before October 25th 2024. If you are not able to satisfy this request, then the City will proceed towards demolition, with charges assessed to the owners. Please understand that my expressed position on the issue does not decrease the appreciation we have with you and your team in the effort given to resolve the problem in a way that would be beneficial for all parties.

Thank you  
Sincerely



**Salim Huerta**  
**Building Official | City of Troy**  
**O: 248.524.3354**  
**C: 734.363.0823**

A row of five social media icons: Facebook (blue square with white 'f'), Instagram (blue square with white camera icon), Twitter (blue square with white bird icon), YouTube (red square with white play button icon), and LinkedIn (blue square with white 'in' icon).

---

**From:** Salim Huerta  
**Sent:** Monday, September 23, 2024 11:09 AM  
**To:** Riley, Daniel <[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)>  
**Subject:** RE: 18 Belhaven dr, TROY, MI 48085

Hello Daniel, please let us know if we can assist you in any way possible.

Thank you  
Sincerely



**Salim Huerta**  
**Building Official | City of Troy**  
**O: 248.524.3354**  
**C: 734.363.0823**

A row of five social media icons: Facebook (blue square with white 'f'), Instagram (blue square with white camera icon), Twitter (blue square with white bird icon), YouTube (red square with white play button icon), and LinkedIn (blue square with white 'in' icon).

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**From:** Riley, Daniel <[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)>  
**Sent:** Friday, September 20, 2024 3:26 PM  
**To:** Salim Huerta <[Salim.Huerta@troymi.gov](mailto:Salim.Huerta@troymi.gov)>  
**Subject:** RE: 18 Belhaven dr, TROY, MI 48085

**CAUTION:** This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Following up to this. We have not had any luck contacting the homeowner so far. We are reviewing to see what options we have available but may not be able to take any action due to the loan status. I'm still in discussion with my leadership and we're in the process of obtaining more clear photos of the property condition to help our review.

I'll continue to follow up regularly, and feel free to reach out to me with questions or concerns.

Thank you,

**Daniel Riley**

Escalations Representative  
Property Management - Building Code and Compliance

Wells Fargo Home Mortgage | One Home Campus | Des Moines, IA 50328  
MAC F2303-044  
Fax: 866-512-0757 Phone: 515-446-5817

[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)

Do you have an inquiry regarding the Property Preservation and Maintenance of a loan serviced by Wells Fargo? If so, please send an email inquiry to [codeviolations@wellsfargo.com](mailto:codeviolations@wellsfargo.com) or contact Wells Fargo using our toll-free number 877-617-5274 or send a facsimile to 866-512-0757.

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---

**From:** Riley, Daniel  
**Sent:** Monday, September 16, 2024 12:45 PM  
**To:** Salim Huerta <[Salim.Huerta@troymi.gov](mailto:Salim.Huerta@troymi.gov)>  
**Subject:** RE: 18 Belhaven dr, TROY, MI 48085

Hello,

Thank you for your patience, I had some time I was unexpectedly out of the office. I don't have much of an update to provide at this time unfortunately. Due to the loan status Wells Fargo isn't able to take much action. We are still reviewing and discussing with leadership to see what, if any,

expectations can be made. We're also reaching out to the homeowner to see if we can discuss the issues and their intentions. I'm hoping to have a more concrete update for you by the end of the week.

Thank you,

**Daniel Riley**

Escalations Representative  
Property Management - Building Code and Compliance

Wells Fargo Home Mortgage | One Home Campus | Des Moines, IA 50328  
MAC F2303-044  
Fax: 866-512-0757 Phone: 515-446-5817

[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)

Do you have an inquiry regarding the Property Preservation and Maintenance of a loan serviced by Wells Fargo? If so, please send an email inquiry to [codeviolations@wellsfargo.com](mailto:codeviolations@wellsfargo.com) or contact Wells Fargo using our toll-free number 877-617-5274 or send a facsimile to 866-512-0757.

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---

**From:** Salim Huerta <[Salim.Huerta@troymi.gov](mailto:Salim.Huerta@troymi.gov)>  
**Sent:** Tuesday, September 10, 2024 1:31 PM  
**To:** Riley, Daniel <[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)>  
**Subject:** FW: 18 Belhaven dr, TROY, MI 48085

Hello Daniel, I hope you are doing well.

Would you be able to give us an update anytime soon, please understand that we have multiple residents calling in for an update.

Thank you  
Sincerely



**Salim Huerta**  
**Building Official | City of Troy**  
**O: 248.524.3354**  
**C: 734.363.0823**

---

**From:** Salim Huerta  
**Sent:** Monday, August 26, 2024 3:03 PM  
**To:** Riley, Daniel <[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)>  
**Cc:** Paul M Evans <[P.Evans@troymi.gov](mailto:P.Evans@troymi.gov)>

**Subject:** RE: 18 Belhaven dr, TROY, MI 48085

Thank you, we will be calling you tomorrow.

Sincerely



**Salim Huerta**  
**Building Official | City of Troy**  
**O: 248.524.3354**  
**C: 734.363.0823**

---

**From:** Riley, Daniel <[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)>

**Sent:** Monday, August 26, 2024 2:29 PM

**To:** Salim Huerta <[Salim.Huerta@troymi.gov](mailto:Salim.Huerta@troymi.gov)>

**Cc:** Paul M Evans <[P.Evans@troymi.gov](mailto:P.Evans@troymi.gov)>

**Subject:** RE: 18 Belhaven dr, TROY, MI 48085

**CAUTION:** This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

That works for me, I can be ready and available. The number in my email signature, 515-446-5817, is my direct line.

Thank you,

**Daniel Riley**

Escalations Representative  
Property Management - Building Code and Compliance

Wells Fargo Home Mortgage | One Home Campus | Des Moines, IA 50328  
MAC F2303-044  
Fax: 866-512-0757 Phone: 515-446-5817

[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)

Do you have an inquiry regarding the Property Preservation and Maintenance of a loan serviced by Wells Fargo? If so, please send an email inquiry to [codeviolations@wellsfargo.com](mailto:codeviolations@wellsfargo.com) or contact Wells Fargo using our toll-free number 877-617-5274 or send a facsimile to 866-512-0757.

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---

**From:** Salim Huerta <[Salim.Huerta@troymi.gov](mailto:Salim.Huerta@troymi.gov)>

**Sent:** Monday, August 26, 2024 1:21 PM  
**To:** Riley, Daniel <[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)>  
**Cc:** Paul M Evans <[P.Evans@troymi.gov](mailto:P.Evans@troymi.gov)>  
**Subject:** RE: 18 Belhaven dr, TROY, MI 48085

Hello Daniel, tomorrow will work for me. We can call you at 8:30 AM, that would be 7:30 AM at Des Moines, IA. If that works for you?

Thank you  
Sincerely



**Salim Huerta**  
**Building Official | City of Troy**  
**O: 248.524.3354**  
**C: 734.363.0823**

---

**From:** Riley, Daniel <[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)>  
**Sent:** Monday, August 26, 2024 1:40 PM  
**To:** Salim Huerta <[Salim.Huerta@troymi.gov](mailto:Salim.Huerta@troymi.gov)>  
**Subject:** RE: 18 Belhaven dr, TROY, MI 48085

**CAUTION:** This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,  
Thank you very much. Would tomorrow 8/27 or Thursday 8/29 work for you for a call? Those would be my most available days. I'm available 7-3:30 Central time, which I believe is an hour behind you. I do have a meeting tomorrow from 1:30-2:30 my time, but would be available for a call any time outside of that.

Have a good day,

**Daniel Riley**

Escalations Representative  
Property Management - Building Code and Compliance

Wells Fargo Home Mortgage | One Home Campus | Des Moines, IA 50328  
MAC F2303-044  
Fax: 866-512-0757 Phone: 515-446-5817

[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)

Do you have an inquiry regarding the Property Preservation and Maintenance of a loan serviced by Wells Fargo? If so, please send an email inquiry to [codeviolations@wellsfargo.com](mailto:codeviolations@wellsfargo.com) or contact Wells Fargo using our toll-free number 877-617-5274 or send a facsimile to 866-512-0757.

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to receive this for the addressee, you must not use, copy, disclose, or take any action based on this message or any information herein. If you have received this message in error, please delete this message.

---

**From:** Salim Huerta <[Salim.Huerta@troymi.gov](mailto:Salim.Huerta@troymi.gov)>  
**Sent:** Thursday, August 22, 2024 9:57 AM  
**To:** Riley, Daniel <[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)>  
**Subject:** RE: 18 Belhaven dr, TROY, MI 48085

Hello Daniel Riley,

Please be informed that Paul Evans Zoning and Compliance Specialist and I the Building Official would like to have a phone conference call with you to make sure that we answer all of your questions. We will appreciate if you could inform us on what would be the best time and day for it?

Thank you  
Sincerely



**Salim Huerta**  
**Building Official | City of Troy**  
**O: 248.524.3354**  
**C: 734.363.0823**

A row of five social media icons: Facebook (blue 'f'), Instagram (camera icon), Twitter (bird icon), YouTube (red play button), and LinkedIn (blue 'in').

---

**From:** Riley, Daniel <[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)>  
**Sent:** Wednesday, August 21, 2024 3:33 PM  
**To:** Salim Huerta <[Salim.Huerta@troymi.gov](mailto:Salim.Huerta@troymi.gov)>  
**Cc:** Lori G Bluhm <[BluhmLG@troymi.gov](mailto:BluhmLG@troymi.gov)>; Paul M Evans <[P.Evans@troymi.gov](mailto:P.Evans@troymi.gov)>; Nicole F MacMillan <[Nicole.MacMillan@troymi.gov](mailto:Nicole.MacMillan@troymi.gov)>; Megan E Schubert <[Megan.Schubert@troymi.gov](mailto:Megan.Schubert@troymi.gov)>  
**Subject:** RE: 18 Belhaven dr, TROY, MI 48085

You don't often get email from [daniel.riley2@wellsfargo.com](mailto:daniel.riley2@wellsfargo.com). [Learn why this is important](#)

**CAUTION:** This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,  
Thank you very much for the information. Is there a tentative timeframe the City would like to have the property demolished by? Would it happen relatively quickly, or would it be a few months before

it would move forward?

Thank you,

**Daniel Riley**

Escalations Representative  
Property Management - Building Code and Compliance

Wells Fargo Home Mortgage | One Home Campus | Des Moines, IA 50328  
MAC F2303-044  
Fax: 866-512-0757 Phone: 515-446-5817

[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)

Do you have an inquiry regarding the Property Preservation and Maintenance of a loan serviced by Wells Fargo? If so, please send an email inquiry to [codeviolations@wellsfargo.com](mailto:codeviolations@wellsfargo.com) or contact Wells Fargo using our toll-free number 877-617-5274 or send a facsimile to 866-512-0757.

*This message may contain confidential or proprietary information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose, or take any action based on this message or any information herein. If you have received this message in error, please delete this message.*

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**From:** Salim Huerta <[Salim.Huerta@troymi.gov](mailto:Salim.Huerta@troymi.gov)>

**Sent:** Tuesday, August 20, 2024 1:38 PM

**To:** Riley, Daniel <[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)>

**Cc:** Lori G Bluhm <[BluhmLG@troymi.gov](mailto:BluhmLG@troymi.gov)>; Paul M Evans <[P.Evans@troymi.gov](mailto:P.Evans@troymi.gov)>; Nicole F MacMillan <[Nicole.MacMillan@troymi.gov](mailto:Nicole.MacMillan@troymi.gov)>; Megan E Schubert <[Megan.Schubert@troymi.gov](mailto:Megan.Schubert@troymi.gov)>

**Subject:** FW: 18 Belhaven dr, TROY, MI 48085

Hello Daniel Riley,

I appreciate the follow up email regarding 18 Belhaven Dr. Troy MI. Please be informed that the City of Troy Building and Enforcement departments have attempted multiple times and in different ways to contact the homeowner of record and up to the present time no one has responded back to us. The City of Troy Code Enforcement Department has performed under multiple enforcements urgent exterior repairs and yard maintenance since the year 2021 and because we have exhausted all possibilities to resolve this problem and is no longer sustainable; we are moving forward with a recommendation to City Council to demolish the property based on Chapter 82 of the City of Troy Property Maintenance Code. It is a standard procedure that a lien is placed on the property for unpaid expenses executed under the objective of achieving compliance with City maintenance and State building codes on Dangerous Buildings.

If you still have further questions or concerns please contact me and I will be glad to help.

Thank you  
Sincerely



**Salim Huerta**  
**Building Official | City of Troy**  
**O: 248.524.3354**  
**C: 734.363.0823**



---

**From:** Riley, Daniel <[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)>

**Sent:** Tuesday, August 20, 2024 10:59 AM

**To:** Salim Huerta <[Salim.Huerta@troymi.gov](mailto:Salim.Huerta@troymi.gov)>

**Subject:** 18 belhaven dr, TROY, MI 48085

You don't often get email from [daniel.riley2@wellsfargo.com](mailto:daniel.riley2@wellsfargo.com). [Learn why this is important](#)

**CAUTION:** This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I'm with the Wells Fargo Building Code and Compliance Department and we received the attached notice advising of issues at **18 Belhaven Dr, TROY, MI 48085** which is a property that we service.

We are reviewing this, but at the moment we are unable to take action to resolve the issues due to the status of the loan. Would you be able to advise if the city has had any contact with the homeowner and confirm that if the property is not repaired the City intentions are to demolish the property and place a lien for unpaid costs of the demolition?

Thank you!

**Daniel Riley**

Escalations Representative  
Property Management - Building Code and Compliance

Wells Fargo Home Mortgage | One Home Campus | Des Moines, IA 50328  
MAC F2303-044  
Fax: 866-512-0757 Phone: 515-446-5817

[Daniel.Riley2@wellsfargo.com](mailto:Daniel.Riley2@wellsfargo.com)

Do you have an inquiry regarding the Property Preservation and Maintenance of a loan serviced by Wells Fargo? If so, please send an email inquiry to [codeviolations@wellsfargo.com](mailto:codeviolations@wellsfargo.com) or contact Wells Fargo using our toll-free number 877-617-5274 or send a facsimile to 866-512-0757.

*This message may contain confidential or proprietary information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose, or take any action based on this message or any information herein. If you have received this message in error, please delete this message.*

# **BUILDING OFFICIAL DAMAGE ESTIMATE**

18 Belhaven Troy MI	Estimated damage
Grade	5%
Footings	30% to 80%
Slab on grade	5% to 30%
Framing	80% to 90%
Roof structural (Trusses, Joists, LVL's, Microlams)	80% to 90%
Roof elements protective layers (Ice shield, Shingles...)	100%
Floor finishes	100%
Bathroom finishes	100%
Insulation	100%
Drywall	100%
Paint	100%
Ceilings	100%
Brick work interior	80%
Brick work exterior	30%
Brick caulk and sealants	100%
Windows	40% to 60%
Doors	60%
Kitchen fixtures	100%
Kitchen cabinets and countertop	100%
Bathroom fixtures	100%
Furnace	100%
Water Heater	100%
Storage	100%
Garage	20%
Utilities	
Gas	Not connected
Electrical	Not connected
Water	Not connected
<b>Overall estimated damage</b>	<b>75% to 85%</b>
Note: This is a rough calculation based on apparent conditions.	
Elaborated by the City of Troy Building Official Salim O Huerta	

**Wells Fargo Home Mortgage**  
Attention: Property Preservation  
MAC N9159-01V  
1801 Park View Dr.  
1<sup>st</sup> Floor  
Shoreview, MN 55126-5030



August 6, 2024

City of Troy  
Attention: Department of Building Inspection  
500 West Big Beaver  
Troy, MI 48084

Subject: We received your notice about the property located at:  
18 Belhaven Drive  
Troy, MI 48085  
Reference: Notice dated 07-24-24

Dear City of Troy:

Thank you for contacting us about this property. We forwarded your notice to the homeowner who is responsible for this property and requested that they resolve the issue within the timeframe specified on the notice. A copy of that letter is enclosed.

**We're here to help**

If you have questions or need assistance with the preservation and maintenance of a property for which Wells Fargo is the servicer, please contact us using the information below.

Thank you.

Building Code and Compliance  
Wells Fargo Home Mortgage  
Email: [codeviolations@wellsfargo.com](mailto:codeviolations@wellsfargo.com)  
Phone: 1-877-617-5274  
Fax: 1-866-512-0757

Enclosure

Wells Fargo Home Mortgage is a division of Wells Fargo Bank, N.A. © 2021 Wells Fargo Bank, N.A. All rights reserved.  
NMLSR ID 399801 PP003 06/21

**Wells Fargo Home Mortgage**  
Attention: Property Preservation  
MAC N9159-01V  
1801 Park View Dr.  
1<sup>st</sup> Floor  
Shoreview, MN 55126-5030



August 6, 2024

Janice J. Newman  
3576 Marketplace Circle  
Suite 106  
Rochester Hills, MI 48309

Subject: We received a notice about the property located at:  
18 Belhaven Drive  
Troy, MI 48085  
Reference: Notice dated 07-24-24

Dear Janice J. Newman :

We received the enclosed notice from the City of Troy for this property. You are responsible for the preservation and maintenance of this property.

**What you need to do**

Please provide proof that this situation has been resolved within the timeframe specified in the enclosed document, or as outlined by the issuing entity. Please send proof of resolution by one of the following:

Email: [codeviolations@wellsfargo.com](mailto:codeviolations@wellsfargo.com)

Fax: 1-866-512-0757

Mail: Wells Fargo Home Mortgage  
Attention: Property Preservation  
MAC F0012-01G  
1 Home Campus  
Des Moines, IA 50328

**We're here to help**

If you have any questions, please contact us using the information below.

Thank you.

Building Code and Compliance  
Wells Fargo Home Mortgage  
Email: [codeviolations@wellsfargo.com](mailto:codeviolations@wellsfargo.com)  
Phone: 1-877-617-5274  
Fax: 1-866-512-0757

Enclosure  
CC: City of Troy



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

Building Inspection  
248.524.3344  
Fax: 248-689-3120

07/24/2024

WELLS FARGO BANK N.A.  
2701 WELLS FARGO WAY  
MINNEAPOLIS, MN  
55427

PROPERTY PRESERVATION

AUG 2 2024

Please be informed that the City of Troy Building Official performed a site inspection for 18 BELHAVEN and we found that there are multiple building code violations and under the powers given by the State of Michigan. The property is now considered a Dangerous Building under Chapter 82 of the City of Troy property maintenance code. I have included the letter that was posted at 18 BELHAVEN directed to the home owner of record Newman Janice Jean. We understand that you may or may not have an interest on the property and the City of Troy is sending you this notice as curtesy. If you have further questions or concerns, you can contact me and I will be glad to help.

Thank you

A handwritten signature in black ink, appearing to be 'S', is written over the word 'Sincerely'.

Sincerely

Salim Huerta  
Building Official | City of Troy  
O: 248.524.3354  
C: 734.363.0823



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

Planning Department  
248 524-3364

07/24/2024

NEWMAN, JANICE  
JEAN 18 BELHAVEN  
TROY, MI 48085

Subject: 18 BELHAVEN (Parcel# 88-20-15-102-001)

Dear NEWMAN, JANICE JEAN

Inspections performed, as recently as April 22, 2024, indicate the following conditions that violate City Code Chapter 82 Property Maintenance (hereafter referred to as "Code"):

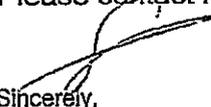
1. Missing window
2. Significant failure of interior surfaces including ceilings, walls, and chimney
3. Evidence of animals entering the structure
4. An open exterior door
5. Improperly surface coated exterior walls and other surfaces

The Building Official has determined that these conditions deem the building manifestly unsafe for the purpose for which it is intended to be used. Section 108.1.1 of the Code states that a dangerous building is one which is manifestly unsafe for the purpose for which it is intended to be used. Section 108.1a of the Code states that it is unlawful for any owner to keep or maintain any building in a dangerous or unsafe manner, as set forth in Section 108.1.1 of the Code.

By **August 26, 2024**, a Demolition Permit must be obtained from the City. Demolition, including all debris removal, must be completed within 30 days of the Permit Date.

If compliance is not achieved, the City or its agents will, subject to City Council approval, enter the property to demolish the building, and charge the property all related costs. Unpaid costs will become a lien upon the property and enforced as a special assessment. You have the right to appeal this determination to Troy City Council. An appeal shall be filed in writing to the Building Official within ten (10) days of service of the notice.

Please contact me if you have any questions.

Sincerely,  
  
Salim O. Huerta  
Building Official  
(248)5243354  
Salim.Huerta@troymi.gov



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## COUNCIL AGENDA ITEM

Date: December 05, 2024  
To: Frank Nastasi, City Manager  
From: Robert Bruner, Deputy City Manager  
Dylan Clark, Management Analyst  
Subject: 2025 City Council Meeting Schedule



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### **Background**

On October 28, 2024 City Council canceled the 2024 Advance Special Meeting, originally scheduled for December 7, 2024. This cancelation was accompanied by the intention to reschedule the next strategic planning special meeting for first quarter of 2025.

City Council adopted its calendar year 2025 regular meeting schedule on November 25, 2024. The schedule also included special meetings on Monday, April 14, 2025 and Wednesday, April 16, 2025 (if needed) for presentation of the proposed fiscal year 2025-2026 budget in accordance with City Charter Section 8.2. At this meeting, City Council expressed a desire to schedule the first quarter 2025 strategic planning special meeting as quickly as possible.

City Management followed up with a scheduling poll to City Council and City Staff. With the results, and with City Council's desire for urgency, it was determined that Saturday, January 11, 2025 at 9:00 AM would be the ideal time to hold this meeting.

### **Recommendation**

The following special meeting date is proposed for the *Troy 2025 Capital Conference* strategic planning meeting:

- Saturday, January 11, 2025

This meeting will be held at 9:00 AM at the Troy Community Center consistent with the City Council Rules of Procedure.

Suzanne Martinez from Kensington Community Church performed the Invocation. The Pledge of Allegiance to the Flag was led by Troy Cub Scout Pack 1708 from Wass Elementary School.

## A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on Monday, November 25, 2024, 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
- Theresa Brooks
- Rebecca A. Chamberlain-Creanga
- Hirak Chanda
- Mark Gunn
- David Hamilton
- Ellen Hodorek

## C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

### C-1 Audit Presentation – City of Troy 2024

- a) Independent Auditor’s Communication With Those Charged With Governance 2024
- b) Independent Auditor’s Communication – Single Audit Compliance for the Year Ended June 30, 2024
- c) Audit Presentation – City of Troy 2024

## D. CARRYOVER ITEMS:

### D-1 No Carryover Items

## E. PUBLIC HEARINGS:

### E-1 Transfer of Community Development Block Grant (CDBG) Program Year 2018, 2019, 2020, 2021, 2022, and 2023 Funds to a New Project at Boulan Park *(Introduced by: Kurt Bovensiep, Public Works Director)*

The Mayor opened the Public Hearing. The Mayor closed the Public Hearing after receiving Public Comment from Dawn Calnen.

Resolution #2024-11-151  
 Moved by Chamberlain-Creanga  
 Seconded by Gunn

WHEREAS, The City Council of the City of Troy, after conclusion of a Public Hearing on this date, November 25, 2024, **HAS DETERMINED** that Program Year 2018 unexpended funds of \$65,401.20; 2019 unexpended funds of \$92,770.50; 2020 unexpended funds of \$126,120; 2021 unexpended funds of \$128,761; 2022 unexpended funds of \$120,310; and 2023 unexpended funds of \$119,656, which are all in the Parks, Recreational Facilities account will be transferred

for a new project at Boulan Park to create an inclusive play structure and make the restroom ADA compliant. The balance of funds from Program Year 2018, 2019, 2020, 2021, 2022, and 2023 must be expended or relinquished.

**BE IT RESOLVED**, That Troy City Council hereby **AUTHORIZES** City Administration to notify Oakland County of the transfer of funds in the Parks-Recreational Facilities account to a new project at Boulan Park.

Yes: All-7  
No: None

**MOTION CARRIED**

---

**E-2 Community Development Block Grant (CDBG) 2025 Funds (Introduced by: Cindy Stewart, Community Affairs Director)**

The Mayor opened the Public Hearing. The Mayor closed the Public Hearing after receiving no Public Comment.

Resolution #2024-11-152  
Moved by Brooks  
Seconded by Chanda

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs; and,

WHEREAS, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan; and,

WHEREAS, The City of Troy has duly advertised and conducted a public hearing on November 25, 2024 for the purpose of receiving public comments regarding the proposed use of PY 2025 Community Development Block Grant (CDBG) funds in the approximate amount of 182,205.00; and,

WHEREAS, The City of Troy found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need:

<u>Account Number</u>	<u>Project Account</u>	<u>Amount</u>
172170-731864	Park/Recreation Facilities	\$127,543.50
172160-732170	Public Services (Yard Services)	\$ 54,661.50

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** City Administration to submit the City of Troy CDBG application to Oakland County for inclusion in Oakland County’s Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Mayor is hereby **AUTHORIZED TO EXECUTE** all documents, agreements, or contracts which result from this application to Oakland County.

Yes: All-7  
 No: None

**MOTION CARRIED**

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

Lynda Belian	Commented regarding the City Manager appointment and the issues facing the Troy Public Library.
April Church	Commented regarding the City Audit and the financial needs of the Troy Public Library.
Michelle Pallas	Commented regarding the City Manager appointment.
Fabrice Smieliauskas	Commented regarding the City Manager appointment.

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

Mayor Baker requested an update on the power outage at the Library. Public Works Director Bovensiep commented that the power line that failed at the Library was installed around 1984, and the failure was not predictable. He said that the City owns the line, so DTE was unable to provide assistance and was unwilling to act quickly to resolve the issue. He said that work is ongoing to attempt to correct the issue while using the existing line, and hopefully by mid to late next week, the Library should be back online with DTE power. He said that the generator is working to provide power to the Library, and any future Library building would include a DTE-owned line in order to avoid these delays and issues with repairs.

**H. POSTPONED ITEMS:**

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**H-1 No Postponed Items**

**I. REGULAR BUSINESS:**

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**I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – None**

a) **Mayoral Appointments: None**

b) **City Council Appointments: None**

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

a) **Mayoral Nominations: None**

b) City Council Nominations: None

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I-3 No Closed Session Requested

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I-4 Adoption of the Proposed 2024-2025 City Council Rules of Procedure (*Introduced by: M. Aileen Dickson, City Clerk*)

Resolution #2024-11-153  
Moved by Hamilton  
Seconded by Chamberlain-Creanga

RESOLVED, That Troy City Council hereby **ADOPTS** the Troy City Council Rules of Procedure, as amended, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7  
No: None

**MOTION CARRIED**

---

I-5 Election and Oath of Office for Mayor Pro Tem (*Introduced by: Aileen Dickson, City Clerk*)

Resolution #2024-11-154  
Moved by Hodorek  
Seconded by Chanda

RESOLVED, That Troy City Council hereby **ELECTS** Council Member Mark Gunn to serve as Mayor Pro Tem for the City Council of the City of Troy for a term scheduled to expire at the first City Council meeting in November 2025 pursuant to City Charter Section 3.7.

Yes: All-7  
No: None

**MOTION CARRIED**

The City Clerk administered the Oath of Office to Mayor Pro Tem Gunn.

The Meeting **RECESSED** at 8:56 PM.  
The Meeting **RECONVENED** at 9:03 PM.

---

I-6 Appointment of City Manager (*Introduced by: Lori Grigg Bluhm, City Attorney*)

Resolution #2024-11-155  
Moved by Baker  
Seconded by Hodorek

RESOLVED, That the Troy City Council hereby **APPOINTS** Frank Nastasi as City Manager, contingent upon the approval of an employment agreement negotiated between the appointed candidate and McGraw Morris, the City’s outside labor and employment counsel. The employment agreement shall include the starting date and compensation, and shall be presented to the Troy City Council at a future City Council meeting.

Yes: All-7  
No: None

**MOTION CARRIED**

---

**I-7 2025 City Council Meeting Schedule (Introduced by: Frank Nastasi, City Manager)**

Resolution #2024-11-156  
Moved by Hodorek  
Seconded by Chamberlain-Creanga

RESOLVED, That Troy City Council **SHALL HOLD** Regular Meetings in calendar year 2025 on the following dates at 7:30 PM in the City Council Chamber or as otherwise provided by the City Council Rules of Procedure:

- Monday, January 13 & 27
- Monday, February 10 & 24
- Monday, March 10 & 17
- Monday, April 7 & 21
- Monday, May 5 & 19
- Monday, June 9 & 30
- Monday, July 14 & 28
- Monday, August 11 & 25
- Monday, September 8 & 29
- Monday, October 6 & 20
- Monday, November 10 & 17
- Monday, December 1 & 15

BE IT FURTHER RESOLVED, That Troy City Council **SHALL HOLD** Special Meetings for presentation of the proposed budget in calendar year 2025 on the following dates at 6:00 PM in the Council Board Room or as otherwise provided by the City Council Rules of Procedure:

- Monday, April 14
- Wednesday, April 16 (as needed)

BE IT FINALLY RESOLVED, That Troy City Council **MAY RESCHEDULE** Regular Meetings and/or **SCHEDULE** additional Special Meetings in accordance with the City Charter and Michigan Open Meetings Act.

Yes: All-7  
No: None

**MOTION CARRIED**

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**J. CONSENT AGENDA:**

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

Resolution #2024-11-157-J-1a

Moved by Hamilton

Seconded by Hodorek

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 #2024-11-157-J-2

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

- a) City Council Minutes-Draft – November 11, 2024
  - b) City Council Special Meeting Minutes-Draft – November 16, 2024
- 

**J-3 Proposed City of Troy Proclamations:**

Resolution #2024-11-157-J-3

- a) Proclamation – City of Troy Tree City USA / Arbor Day
- 

**J-4 Standard Purchasing Resolutions:**

- a) **Standard Purchasing Resolution 2: Award to Sole Bidder Meeting Specifications – Rotadairon Brush Cutter and Soil Renovator**

Resolution #2024-11-157-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase one (1) Rotadairon Brush Cutter and one (1) Rotadairon Soil Renovator from *MacAllister Machinery Co., Inc. dba Michigan CAT of Shelby Twp., MI*, for an estimated total cost of \$24,398.00, at prices contained in the bid tabulation dated November 7, 2024, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; not to exceed budgetary limitations.

b) **Standard Purchasing Resolution 2: Award to Sole Bidder Meeting Specifications – Lakeland Fire Turnout Equipment – Fire Department, and Budget Amendment**

Resolution #2024-11-157-J-4b

RESOLVED, That the Troy City Council hereby **AWARDS** a one (1) year contract with two (2) one-year renewal options to *Conway Shield of New Berlin, WI*, to purchase one hundred forty (140) sets of Lakeland structural turnout gear, ten (10) sets of dual-certified turnout gear, one hundred fifty (150) sets of suspenders for an estimated total cost of \$490,390.20 for year one and as-needed purchases for any additional turnout gear required for new firefighters, or equipment damaged during Fire Department Operations, at unit prices contained in the bid tabulation dated November 14, 2024; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the City Council hereby **APPROVES** a budget amendment to the Fire Department General Equipment General Capital Fund Account Number 401.336.338.978.010 in the amount of \$190,390.20.

BE IT FINALLY RESOLVED, That the awards are **CONTINGENT** upon the submission of properly executed contract documents, including insurance certificates and all other specified requirements.

c) **Standard Purchasing Resolution 4: MITN and MiDEAL Cooperative Purchasing Agreements – Fleet Vehicles**

Resolution #2024-11-157-J-4c

RESOLVED, That Troy Council hereby **APPROVES** a contract to purchase two (2) Ford F350 truck chassis, three (3) Ford Transit Cargo Vans and two (2) Ford Mavericks from *Gorno Ford of Woodhaven, MI*, as per the MiDEAL Cooperative Purchasing Contract 071B7700181 for an estimated total cost of \$338,303.00 as detailed in the attached quote, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; not to exceed budgetary limitations.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase two (2) dump bodies with snow and ice removal equipment with installation from *Truck and Trailer Specialties, Inc., of Howell, MI*, as per the MITN Cooperative Contract RFP-RH-20-023 for an estimated total cost of \$73,690.00 as detailed in the attached quote, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; not to exceed budgetary limitations.

d) **Standard Purchasing Resolution 8: Best Value Award – Towing and Storage Services – Police Department**

Resolution #2024-11-157-J-4d

RESOLVED, That Troy City Council hereby **AWARDS** a three (3) year contract with a three (3) year renewal option, to *A & M Service Center, Inc. of Troy, MI*, to provide Towing and Storage Services for the City of Troy at unit prices contained in the bid tabulation dated October 24, 2024; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the Agreement for Towing Services once in acceptable form.

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

e) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Member Travel – 2025 US Conference of Mayors 93<sup>rd</sup> Winter Meeting**

Resolution #2024-11-157-J-4e

RESOLVED, That Council **AUTHORIZES** City Council Member travel expenses for the 2025 US Conference of Mayors 93<sup>rd</sup> Winter Meeting, in accordance with accounting procedures of the City of Troy.

**J-5 Request to Affirm Purchase of Early Voting Postcard**

Resolution #2024-11-157-J-5

RESOLVED, That Troy City Council hereby **AFFIRMS** the purchase for the printing and mailing of the Vote Your Way postcards to Troy households, from *PrintMasters of Madison Heights, MI*, for a total cost of \$12,361.81.

**J-6 Contract Amendment – Tree and Stump Maintenance Services**

Resolution #2024-11-157-J-6

RESOLVED, That the Troy City Council hereby **APPROVES** an amendment to the contract with *J.H. Hart Urban Forestry of Sterling Heights, MI* to include three (3) additional line items as follows:

- Albach Diamant 2000 and operator at \$600.00/hour during normal operating hours
- Albach Diamant 2000 and operator at \$630.00/hour during overtime hours
- Albach Diamant 2000 and operator at \$660.00/hour on Sundays or Holidays

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

**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:**

Greg O'Neill	Commented on the power failure and other building problems with the Troy Public Library.
--------------	--

**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) Traffic Committee-Final – September 18, 2024  
Noted and Filed

---

**O-2 Department Reports:**

- a) Review of Chapter 14-A – Elected and Appointed Persons' Ethics Ordinance  
Noted and Filed

---

**O-3 Letters of Appreciation: None Submitted**

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

**P. COUNCIL COMMENTS:**

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**P-1 Council Comments**

Council Member Brooks requested information from City Management regarding the graffiti issue. Police Chief Jones commented that the graffiti is not gang-related as far as research shows, but it is still destruction of property and is being investigated. He said Public Works has been working quickly to clean up any graffiti as it is discovered.

Council Member Chamberlain-Creanga commented that she has a number of items that need to be addressed by City Management, including sustainability efforts. City Manager Nastasi replied that there are other members of staff who have taken on the ongoing sustainability efforts.

Council Member Chanda congratulated City Manager Nastasi on his appointment.

Council Member Hodorek wished everyone a Happy Thanksgiving and encouraged everyone going out on Thanksgiving Eve to be safe on the roads, and to not drive while intoxicated.

Council Member Hodorek thanked the Council, Mr. Vettrains and Mr. Nastasi for the successful City Manager appointment process.

Mayor Pro Tem Gunn congratulated City Manager Nastasi and thanked Mr. Vettrains for his hard work on the City Manager appointment.

Mayor Pro Tem Gunn wished everyone a Happy Thanksgiving.

Mayor Baker thanked Mr. Vettrains, Ms. Belisle, and City Attorney Bluhm for their work this past year to appoint a new City Manager.

Mayor Baker wished everyone a Happy Thanksgiving, and reminded everyone about the City of Troy Tree Lighting Ceremony. He also encouraged everyone to enjoy the new ice skating rink, and the holiday lights throughout the City.

**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**

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**R-1 No Closed Session**

**S. ADJOURNMENT:**

The Meeting **ADJOURNED** at 10:02 PM.

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Mayor Ethan Baker

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M. Aileen Dickson, MMC, MiPMC3  
City Clerk

**2024 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

**2024 SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

December 9, 2024 ..... Regular Meeting  
December 16, 2024 ..... Regular Meeting



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

J-05

## CITY COUNCIL AGENDA ITEM

Date: December 6, 2024  
To: Honorable Mayor and City Council  
From: Robert Bruner, Deputy City Manager  
Dylan Clark, Management Analyst  
Subject: City Manager Employment Agreement



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### **Background**

At the November 25, 2024 meeting of Troy City Council, Frank Nastasi was appointed City Manager. This selection was contingent upon the mutual approval of an employment agreement negotiated between Frank Nastasi and the McGraw Morris law firm, the City of Troy's outside labor and employment attorneys.

Attached you will find a proposed City Manager Employment Agreement for your consideration.

**CITY MANAGER  
EMPLOYMENT AGREEMENT**

This City Manager Employment Agreement (“Agreement”), made and entered into this \_\_\_ day of December, 2024, and effective on the date on which City Manager executes the Agreement (“Effective Date”), by and between the City of Troy, a Michigan Home Rule City, whose address is 500 West Big Beaver Road, Troy, Michigan 48084, hereinafter referred to as “City” or “Employer” and Frank Nastasi, hereinafter referred to as “Employee,” “Nastasi,” or “City Manager,” both of whom understand as follows. The City and Nastasi are sometimes hereafter each referred to as a “Party” and collectively as the “Parties.”

**RECITALS:**

**WHEREAS**, the City desires to appoint Nastasi as the City Manager pursuant to and employ his services as set forth in the City of Troy City Charter and statutory law; and

**WHEREAS**, Nastasi shall perform all duties lawfully directed by the City Council, hereinafter referred to as the “Council,” except for those duties that are delegated by law to another City official; and

**WHEREAS**, the City Manager serves at the pleasure of the City Council; and

**WHEREAS**, it is the policy of the City that its City Council enacts policies of the City, and the City Manager carries out such directives and it is the City Manager’s role to oversee the day to day administration of the City’s government;

**WHEREAS**, the City Manager’s office is responsible for overseeing the administrative departments that are not under statutory authority of an elected official, as outlined in the job description attached hereto as Exhibit A;

**WHEREAS**, the City Council, as the City’s governing body, desires to provide certain benefits, to establish certain conditions of employment and to set working conditions of Nastasi; and

**WHEREAS**, the City desires to secure and retain the services of Nastasi; and

**WHEREAS**, Nastasi desires to accept appointment and employment as the City Manager.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, the City and Nastasi agree as follows:

1. **Incorporation of Recitals.** All of the matters stated in the Recitals of this Agreement are true and correct and are hereby incorporated into the body of this Agreement as through fully set forth in their entirety herein. However, in cases of conflict or ambiguities between the Recitals and the other provisions of this Agreement, the other provisions of this Agreement shall control over matters stated in the Recitals.

2. **Duties.** The City agrees to employ Nastasi as its full-time City Manager to perform all of the functions and duties specified in the City’s City Manager job description, attached hereto as Exhibit A, the City Charter, applicable statutes of the State of Michigan, all ordinances and resolutions lawfully enacted, and to perform whatever legally permissible and proper functions and

duties as the City Council from time to time may assign or direct, whether verbal or written. Nastasi shall, at all times faithfully, industriously and to the best of his ability, experience, and talents, perform all of the duties that may be required of him or from him pursuant to the express and implicit terms of this Agreement and the assignments or direction of the City Council. Subject to approved absences, Nastasi shall maintain regular office hours during the City's regular hours of operation and shall attend all regular and special City Council meetings and other City meetings as needed or as directed by the City Council. The City Manager shall perform these duties with the highest moral standards and principals, including but not limited to those set forth in the International City/County Management Association (ICMA) Code of Ethics

- a. **Relationship to City Council.** Nastasi specifically understands that the City Council shall have the final authority and the power to direct, control or supervise the manner of Nastasi's performance of the duties of City Manager, which shall be consistent with the laws of the State of Michigan, the City Charter and the direction of the City Council, and this Agreement. The City Council shall be Nastasi's immediate supervisor, Nastasi shall report only to the City Council, all directives to Nastasi shall be made by the City Council and Nastasi serves only at the direction and pleasure of the City Council.
- b. **Working Hours.** The City Manager position is a full-time position, consisting of 40 hours per week, in addition to any and all additional work time reasonably required to discharge the duties and responsibilities of the office of the City Manager, including, but not limited to, any official meetings that are generally attended by the City Manager.

3. **Salary.** The City agrees to employ City Manager at an annual base salary of \$198,000.00 effective December 10, 2024.

- a. In consideration of setting the annual base salary of the City Manager, the Council shall consider the following:
  - 1. The performance evaluations of the City Manager, as conducted consistent with Section 4 of this Agreement;
  - 2. The financial condition of the City;
  - 3. Comparable salary information from other relevant municipalities. The data will be collected and assembled by a third party or the City's Human Resources Director, at a minimum of once every three years;
  - 4. Any additional relevant information brought forth by the City Manager for consideration by the City Council; and
  - 5. Any additional relevant information provided by members of the City Council, City Administration, or the public.
- b. Items 3, 4, and 5 shall be presented to City Council at least 45 days prior to May 1 of each year.
- c. The base salary of the City Manager shall be set annually by Council prior to

May 1. The annual salary set by the Council prior to May 1 shall take effect annually, starting July 1, and shall be the annual base salary for the period of July 1 – June 30.

- d. As stated in paragraph 2 of this Agreement, the term of this Agreement governs only the terms and conditions of Nastasi's employment set forth herein during Nastasi's employment with the City. Nastasi shall remain at all times an at-will employee of the City, serving at the pleasure of the City Council.

4. **Performance Review.** During the first year of Nastasi's employment as City Manager, the City Council shall performance quarterly performance reviews. The process, form, criteria, and format for the performance review shall be agreed upon by the City Council and Nastasi, but shall include the City Council's consideration of mutually agreed upon goals and objectives for the City Manager position and an agreed upon process for evaluating the City Manager's performance. Wage increases shall be based on these reviews as well as a percentage increase voted upon by the City Council during its annual wage consideration.

- a. City Council shall follow a standard performance evaluation process which will include, at a minimum, (1) an appropriate performance evaluation tool; and (2) a narrative summary of the prior year, prepared by the City Manager, of work performed, objectives achieved and updates on outstanding objectives. Unless requested by either party, and mutually agreed by both parties, the review process and evaluation tool shall be consistent with a review process utilized during the prior period.
- b. The timeline for the annual performance review shall be as follows (dates provided are all "on or about"):
  - 1. February 15 - Send performance evaluation tool and City Manager work performed narrative summary to reviewers.
  - 2. February 25 - Receive back the completed performance evaluation tool.
  - 3. March 10 - A draft report of the performance evaluation tool results shall be provided to Council.
  - 4. April 1 - Annual City Manager performance evaluation meeting with City Council. If requested by the City Manager, this meeting shall be conducted in executive session as provided by the state statute.

c. In an effort to make regular feedback accessible to the City Manager, and to supplement the annual performance review, additional quarterly evaluation dates will be scheduled. These evaluations will be held on or about January 1, July 1 and October 1. The City Manager may request that this performance review be conducted in a closed session as provided by Michigan's Open Meetings Act.

6. **Term of Agreement.** The terms and conditions contained in this Agreement will terminate one year from the Agreement's Effective Date, unless an addendum establishing a new duration of the terms and conditions contained in this Agreement has been negotiated and executed in writing by the City Council and Nastasi. If Nastasi wishes to continue as City Manager, he shall

inform the City Council of his intent to do so prior to the expiration of this Agreement. If he expresses a desire to continue, the City Council will decide whether to retain him at their next scheduled meeting. If Nastasi decides not to continue or if the City Council votes against retaining him, the Agreement will expire on its terms, and Nastasi will stop being City Manager when this Agreement terminates on its terms. If both Nastasi and the City Council agree to continue his employment, they will start negotiations to extend the Agreement and make any mutually agreed changes. The duration of this Agreement shall apply only to the terms and conditions set forth in this Agreement and Nastasi shall at all times be an at-will employee of the City, serving at the pleasure of the City Council, subject to termination at any time and for any reason, regardless of the term of this Agreement.

7. **Automobile and Cell Phone Stipend.** During his appointment as City Manager, Nastasi shall receive an automobile stipend in the amount of \$550.00 per month. The City Manager shall provide proof of insurance to the City, which the City Manager shall be responsible for maintaining, and at his expense, in a coverage amount of not less than \$250,000 bodily injury and \$250,000 property damage. During his appointment as City Manager, Nastasi shall receive a cell phone stipend in the amount of \$70.00 per month. Nastasi shall be entitled to the same rate changes as other exempt employees pursuant to any applicable City administrative memo.

8. **Other Employment.** The City Manager shall devote full-time attention, knowledge and skills in the interest of the City, and the City shall be entitled to full-time benefits arising from or incident to the full-time work, services and advice of the City Manager. The City Manager may from time to time teach, lecture or make presentations that will not conflict or interfere with his work for the City.

9. **Benefits.** The City shall provide City Manager with the following benefits:

- a. The City shall make an annual contribution in the total amount of \$7,500.00 on or before July 1<sup>st</sup> of each year to City Manager's MissionSquare Retirement Deferred Compensation Plan on behalf of City Manager.
- b. City Manager shall participate in the Retirement System Pension Program, as set forth in Chapter 10 of the Troy City Code and consistent with Section 6 of the City's collective bargaining agreement with the Troy Command Officers' Association ("CBA"). City Manager shall be entitled to the Straight Life Pension and Age and Service Retirement as provided in sections 6.1(A) and 6.1(B) of the CBA and the benefit computation shall be 2.8% for each year of service up to a maximum of 25 years. For each service year over 25 years, the benefit computation shall be 1.0%. The total benefit computation for all years of service rendered on behalf of the City shall not exceed 75% of City Manager's Final Average Compensation.
- c. City Manager shall retain his entitlement to accrued retirement/pension benefits accrued during his service to and employment with the City prior to appointment as City Manager, including his participation in the City's Defined Benefit Plan, as set forth herein and as outlined in the above-referenced CBA, as well as his entitlement to retirement healthcare, in which the City will pay for medical, hospitalization and dental coverage at the rate of 4% per complete year of retirement services to the City (maximum 100%) for two person coverage for self and spouse at the time of retirement (or dependent child). At

his own expense, in retirement, Nastasi may pay the difference between the two-person and family rate.

- d. The City shall provide City Manager with six weeks annual paid vacation.
- e. The City shall provide City Manager with a one-time clothing stipend in the amount of \$2,750.00. This stipend shall be paid to City Manager on the first date payable for payroll following execution of this Agreement. This one-time stipend shall not extend beyond the term of this Agreement, unless specifically agreed to in writing by the parties.

10. **Other Business Expenses.** The City shall reimburse the City Manager for all reasonable employment related expenses, subject to the administrative policies concerning such expenses, as currently exist in the City of Troy Employee Handbook for full time employees, as may be amended and otherwise. Such expenses may include, but are not limited to, the following: air travel, taxi and automobile rental, lodging, meals, memberships and subscriptions to the publications of the International City Managers Association, the Michigan Municipal Executives, Government Finance Officers Association, and such other national, regional, state and local governmental groups thereof which City Manager is a member. Registration fees shall be paid for training programs offered by such organizations, and travel and incidental costs relating to attending such programs or conferences and meetings of such organizations. It is specifically understood that such activities are to be undertaken by the City Manager and shall be considered part of the City Managers duties. In accordance with the relevant City rules and policies, other incidental expenses incurred by the City Manager during the course of his duties will also be reimbursed including business meals, supplies, and other costs associated with the position of City Manager.

11. **Public Official Liability Insurance and Representation by Legal Counsel.** The City shall provide the City Manager with public official liability insurance in accordance with that provided other officers in the City. In addition, the City shall provide the City Manager legal representation as otherwise provided for other city officials and as provided by ordinance, except for malicious, wanton criminal conduct arising from the City Manager's action or conduct and/or unless the City Council determines that the City Manager was clearly acting outside of the scope of his duties when engaged in the actions or conduct which form the basis of such charges or claims.

12. **Termination of Agreement.** The City or Nastasi may terminate this Agreement at any time with or without just cause. Nastasi may terminate his own employment by giving the City Council, through the City Clerk, at least sixty (60) days' notice in writing unless both parties mutually agree that shorter notice is acceptable.

The City shall also have the right to terminate Nastasi's employment without just cause. In the event that the City terminates Nastasi's employment without just cause, and the City Manager is willing, able, and ready to perform the duties as City Manager, the City shall pay Nastasi the equivalent of six (6) months' salary at the time of termination. The payment by the City shall be considered full satisfaction of the City's obligation under this Agreement. The City shall not, however, be required to pay said sum to the City Manager until such time as the City Manager executes a full and complete severance and release agreement in a form acceptable to the City.

The City shall also have the right to terminate Nastasi's employment for just cause, and all rights of the City Manager as to compensation and benefits under this Agreement, with the exception

of retirement and retirement health insurance, shall cease as of the date of such termination. The term “just cause” shall include, but is not limited to, any of the following:

- a. Fraud, dishonesty, or other intentional misconduct either:
  - i. in the performance of City Manager’s duties and responsibilities pursuant to this Agreement, or
  - ii. which has a material adverse impact on the City, its officials, administrators or the City Manager.
- b. The use by City Manager of alcohol, drugs, or any other intoxicant or controlled substance in such a manner as to impair his ability to perform his duties and responsibilities pursuant to this Agreement in a competent and diligent manner or in a manner which harms the reputation of the City.
- c. The City Manager’s arrest for a crime providing for a term of imprisonment (other than traffic violations and crimes not requiring the knowing involvement of the City Manager in the commission thereof).
- d. A pattern of neglect or persistent failure to perform the duties herein contained with respect to duties previously communicated to the City Manager in writing by the City Council but only after the City Manager has been provided notice by the City Council of its dissatisfaction with the performance of said duties and City Manager has been provided a reasonable opportunity to correct his performance; and
- e. Otherwise willful misconduct in connection with the performance of his duties hereunder.

13. **Eligibility for Benefits Afforded Other City Officials.** Except as otherwise provided in this Agreement, the City Manager shall receive the same benefits as provided to the City’s exempt employees including but not limited to: compensatory time, sick leave, group medical insurance benefits, life and other insurance, holidays, personal days and disability as is described in the City of Troy Employee Handbook for full-time employees, and exempt benefits summary, in effect at the time of this agreement and which may be modified from time to time during the course of this Agreement.

14. **Severability of Invalid Provision.** The provisions of this Agreement shall be deemed severable; the invalidity or unenforceability of any one or more of the provisions of this Agreement shall not affect the validity and enforceability of other provisions. This Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

15. **Entire Agreement.** This Agreement constitutes the full and complete Agreement between the parties on the subject matters contained herein, and no amendment of this Agreement, including the at-will employment provision contained herein, will be effective unless agreed to in writing by the parties hereto. Any and all prior agreements or understandings between the parties are null and void as of the date of execution of this Agreement.

16. **Interpretation.** For purposes of interpretation of this Agreement, neither the City

Council nor Nastasi shall be deemed to have been the drafter of this Agreement.

17. **Construction.** This Agreement has been prepared and negotiations have occurred in connection with said preparation pursuant to the joint efforts of the parties hereto. This Agreement therefore shall not be construed against any party to this Agreement.

18. **Modification.** This Agreement shall not be modified, altered, or amended except through a written amendment signed by the City Council and Nastasi.

19. **No Third-Party Beneficiaries.** This Agreement is not intended to confer upon any person or entity, other than the parties hereto, any rights or remedies of any kind or nature whatsoever.

20. **Counterparts.** This Agreement may be executed in several counterparts each of which shall be deemed one and the same Agreement. It shall be binding upon and inure to the benefit of the parties to it and their respective successors and assigns.

21. **Captions and Bylines.** The captions and bylines used in this Agreement are for the convenience of reference only and in no way define, limit or describe the scope of intent of any provision of this Agreement.

22. **Jurisdiction and Governing Law.** This Agreement shall be interpreted, enforced, and governed by the laws of the State of Michigan, with respect to all claims arising out of this Agreement. Nastasi further agrees that regardless of where he may reside, process may be served on him with respect to any such proceeding in accordance with the provisions of the Michigan Court Rules or Federal Rules of Civil Procedure regarding service and process. This Agreement shall be governed by and construed in accordance with the procedural and substantive laws of the State of Michigan without reference to Michigan's choice of law principles. Each party shall be responsible for their own attorney fees accrued in enforcing the terms of this Agreement.

23. **Notice.** Unless otherwise provided herein, any notice, communication, request, reply or advice (herein severally and collectively, for convenience, called "Notice") herein provided or permitted to be given, made or accepted by any party to any other party must be in writing and may be given or be served by depositing the same in the United States mail postpaid and registered or certified and addressed to the party to be notified, with return receipt requested, or by delivering the same to an officer of such party, or by overnight courier (i.e., Federal Express or UPS) when appropriate, addressed to the party to be notified. Notice deposited in the mail in the manner described above shall be conclusively deemed to be effective, unless otherwise stated herein, from and after the expiration of three (3) days after it is so deposited. Notice given in any other manner shall be effective only if and when received by the party to be notified. For the purposes of notice, the addresses of the parties shall, until changed as hereinafter provided, be as follows:

**If to City Council :**

**If to Nastasi:**

City Clerk  
500 West Big Beaver Road  
Troy, MI 48084

24. **Certification of Authority to Sign Agreement.** The persons signing on behalf of the City Council certify by their signatures that they are authorized to sign this Agreement on behalf

of the City Council and that this Agreement has been authorized by the City Council.

**IN WITNESS WHEREOF**, the City Council has caused this Agreement to be signed and executed on its behalf by the City Mayor and duly attested by the City Clerk and Nastasi has signed and executed this Agreement, both in duplicate, this \_\_\_ day of \_\_\_\_\_, 2024.

**CITY OF TROY**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Ethan D. Baker, Mayor

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
M. Aileen Dickson, City Clerk

**CITY MANAGER**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Frank Nastasi



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

J-06



## CITY COUNCIL AGENDA ITEM

Date: November 25, 2024

To: Frank Nastasi, City Manager

From: Robert J. Bruner, Deputy City Manager  
Robert Maleszyk, Chief Financial Officer  
Kyle Vieth, Controller  
G. Scott Finlay, City Engineer  
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Approval of a Purchase Agreement and Permanent Utility Easement, Rochester Road, Barclay to Trinway, Project No. 02.206.5, Parcel #87, Sidwell #88-20-11-301-008, Ronald L. and Cynthia L. LaRaia

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### **History**

In connection with the proposed improvements to Rochester Road from Barclay to Trinway, Ronald L. LaRaia and Cynthia L. LaRaia, owners of the property identified by Sidwell #88-20-11-301-008, signed a conditional Agreement to Purchase Realty for Public Purposes. City staff negotiated a compensation amount of \$20,632.00.

The property owner also granted a Permanent Easement for Public Utilities and Public Service Facilities. The compensation amount is \$26,402.00.

The property is an improved residential parcel zoned R-1C, One Family Residential. It is located in the southwest  $\frac{1}{4}$  of Section 11, north of Long Lake Road on the east side of Rochester Road .

### **Financial**

An appraisal report was prepared by Andrew Boettcher, a State of Michigan Certified Real Estate Appraiser and reviewed by Kimberly Harper, Deputy City Assessor and a State of Michigan Licensed Appraiser. Staff believes that a cumulative compensation amount of \$47,034.00 is justified for the needed right of way and permanent easement. Eighty percent of this cost will be reimbursed from Federal funds.

The City of Troy share is available in the 2024 Capital Projects Fund, Project Code 2022CG0002, Account #401.449.202.989.022065-Public Works Construction Rochester from Barclay to Trinway.

### **Recommendation**

Staff recommends that City Council approve the Agreement to Purchase Realty for Public Purposes in the amount of \$20,632.00, and closing costs not exceed \$8,000.

Staff also recommends that City Council accept the permanent easement with a compensation amount of \$26,402.00.

### **Legal Review**

This item was submitted to the City Attorney for review pursuant to City Charter Section 3.17.



Notes:  
#88-20-11-301-008  
LaRaia, Ronald & Cynthia  
RR #87, Purchase Agreement  
& Easement



CITY OF TROY  
AGREEMENT TO PURCHASE REALTY  
FOR PUBLIC PURPOSES

The CITY OF TROY, a Michigan municipal corporation (the "Buyer"), agrees to purchase from Ronald J. Laraia and Cynthia L. LaRaia, formerly known as Cynthia L. Adams, husband and wife (the "Sellers"), the following described premises (the "Property"):

SEE DESCRIPTIONS OF RIGHT OF WAY ACQUISITION ON ATTACHED EXHIBITS "A" AND "B"

for a public project within the City of Troy and to pay the sum of Twenty Thousand, Six Hundred, Thirty-Two and 00/100 dollars (\$20,632) under the following terms and conditions:

1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.
2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property prior to the conveyance.
3. Seller shall deliver the Warranty Deed upon payment of the purchase money by check drawn upon the account of the City of Troy.
4. Buyer shall, at its own expense, provide title insurance information, and the Seller shall disclose any encumbrances against the property.
5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date that all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is for the preparation and authorization of purchase money.
6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.
7. The City of Troy's sum paid for the property being acquired represents the property being free of all environmental contamination. Although the City of Troy will not withhold or place in escrow any portion of this sum, the City reserves its rights to bring Federal and/or State and/or local cost recovery actions against the present owners and any other potentially responsible parties, arising out of a release of hazardous substances at the property.
8. Seller acknowledges that this offer to purchase is subject to final approval by Troy City Council.
9. Seller grants to Buyer temporary possession and use of the property commencing on this date and continuing to the date of closing in order that the Buyer may proceed with the public project.
10. Additional conditions, if any:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SELLER HEREBY ACKNOWLEDGES THAT NO PROMISES WERE MADE EXCEPT AS CONTAINED IN THIS AGREEMENT.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this  
23RD day of NOVEMBER, A.D. 2024.

In presence of:

CITY OF TROY, a Michigan municipal  
corporation (BUYER)

\_\_\_\_\_  
  
\_\_\_\_\_

Patricia A. Petitto  
\*Patricia A. Petitto  
Right of Way Consultant

SELLERS:

Ronald J. LaRaia  
\*Ronald J. LaRaia

Cynthia L. Adams-LaRaia  
\*Cynthia L. LaRaia, formerly known as  
Cynthia L. Adams

2/15/2023 11:43 AM

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Piggott, Robert

# RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

## EXHIBIT "A" PARCEL 87

DESCRIPTION TAKEN FROM OAKLAND COUNTY RECORDS.

### PARENT PROPERTY DESCRIPTION

PARCEL ID: 20-11-301-008

PART OF SOUTHWEST 1/4 OF SECTION 11, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED AS THE WEST 265 FEET OF LOT 5 IN "GOLF STREAM SUB", AS RECORDED IN LIBER 49, PAGE 57, OAKLAND COUNTY RECORDS.

SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD, IF ANY.

### DESCRIPTION OF RIGHT OF WAY ACQUISITION

THE WEST 15.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

PART OF SOUTHWEST 1/4 OF SECTION 11, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED AS THE WEST 265 FEET OF LOT 5 IN "GOLF STREAM SUB", AS RECORDED IN LIBER 49, PAGE 57, OAKLAND COUNTY RECORDS.

CONTAINS 2579 SQUARE FEET.

### DESCRIPTION OF UTILITY EASEMENT

THE EAST 10.00 FEET OF THE WEST 25.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

PART OF SOUTHWEST 1/4 OF SECTION 11, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED AS THE WEST 265 FEET OF LOT 5 IN "GOLF STREAM SUB", AS RECORDED IN LIBER 49, PAGE 57, OAKLAND COUNTY RECORDS.

CONTAINS 1,719 SQUARE FEET.

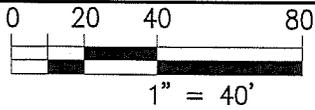
JOB NO. 20160715	 <b>HUBBELL, ROTH &amp; CLARK, INC</b> CONSULTING ENGINEERS SINCE 1915	555 HULET DRIVE BLOOMFIELD HILLS, MICH.	P.O. BOX 824 48303 - 0824	SHEET NO.
DATE 02/15/23		PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: www.hrcenr.com		1 OF 2

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Piggott, Robert

# RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

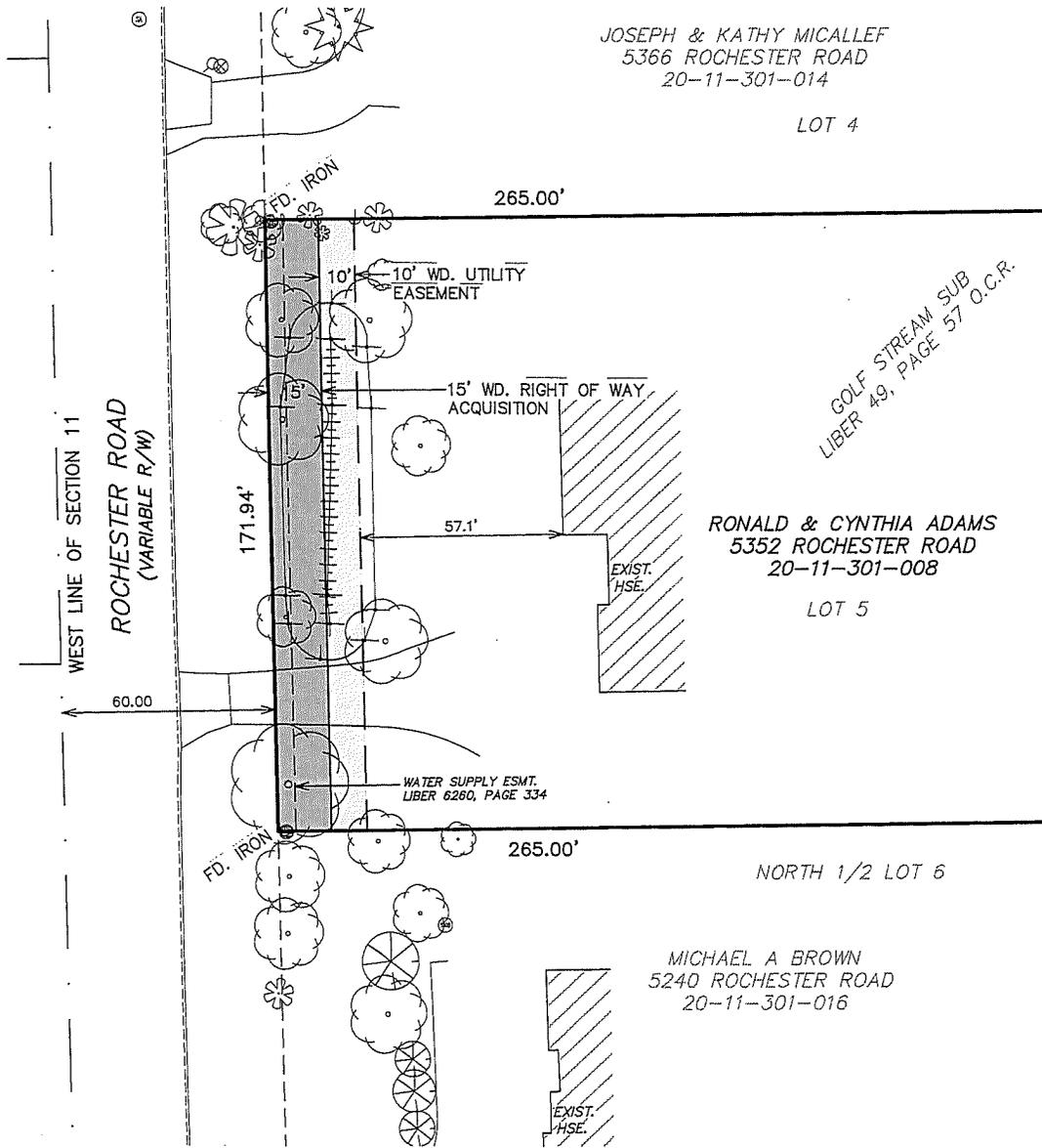


## EXHIBIT "B"

PARCEL 87



NOTE:  
ENTIRE PROPERTY IS NOT SHOWN.



TOTAL PROPERTY = 45,563.5+- SQ. FT.  
 RIGHT OF WAY ACQUISITION = 2,579 SQ. FT.  
 REMAINDER = 42,984.5+- FT.  
 UTILITY EASEMENT = 1,719 SQ. FT.

### LEGEND:

- RIGHT OF WAY ACQUISITION
- UTILITY EASEMENT

JOB NO.  
20160715  
DATE  
02/15/23

**HRC**  
**HUBBELL, ROTH & CLARK, INC**  
 CONSULTING ENGINEERS SINCE 1915

555 HULET DRIVE P.O. BOX 824  
 BLOOMFIELD HILLS, MICH. 48303 - 0824  
 PHONE: (248) 454-6300  
 FAX (1st. Floor): (248) 454-6312  
 FAX (2nd. Floor): (248) 454-6359  
 WEB SITE: www.hrcengr.com

SHEET NO.  
2  
OF 2

**PERMANENT EASEMENT  
FOR PUBLIC UTILITIES &  
PUBLIC SERVICE FACILITIES**

Sidwell #88-20-11-301-008  
Resolution #

Ronald J. LaRaia and Cynthia L. LaRaia, formerly known as Cynthia L. Adams, husband and wife, whose address is 5352 Rochester Road, Troy, MI 48085 for and in consideration of the sum of: Twenty-Six Thousand, Four Hundred, Two and 00/100 Dollar (\$26,402) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge or remove and/or replace **public utilities and public service facilities**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

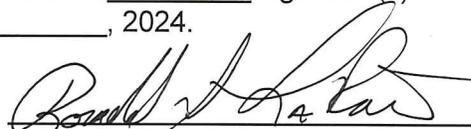
SEE UTILITY EASEMENT DESCRIPTIONS ON EXHIBITS "A" AND "B" ATTACHED HERETO  
AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair, grading and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed THEIR signature(s)  
this 23RD day of NOVEMBER, 2024.

  
\_\_\_\_\_  
\* **Ronald J. LaRaia** (L.S.)

  
\_\_\_\_\_  
\* **Cynthia L. LaRaia, formerly known as  
Cynthia L. Adams** (L.S.)

STATE OF MICHIGAN     )  
COUNTY OF OAKLAND     )

The foregoing instrument was acknowledged before me this 23RD day of NOVEMBER, 2024,  
by Ronald J. LaRaia and Cynthia L. LaRaia, formerly known as Cynthia L. Adams, husband and wife.

  
\_\_\_\_\_  
\* **PATRICIA A. PETITTO**  
Notary Public, OAKLAND County, Michigan  
My Commission Expires 12-31-2026  
Acting in OAKLAND County, Michigan

Prepared by: Patricia Petitto, SR/WA, RW-RAC  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

Return to: City Clerk  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

**PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES**

2/15/2023 11:43 AM

V:\201607\20160715\F\Property\Easements\20160715\_Parcel87\_2014301008.dwg

Piggott, Robert

# RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

## EXHIBIT "A" PARCEL 87

DESCRIPTION TAKEN FROM OAKLAND COUNTY RECORDS.

### PARENT PROPERTY DESCRIPTION

PARCEL ID: 20-11-301-008

PART OF SOUTHWEST 1/4 OF SECTION 11, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED AS THE WEST 265 FEET OF LOT 5 IN "GOLF STREAM SUB", AS RECORDED IN LIBER 49, PAGE 57, OAKLAND COUNTY RECORDS.

SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD, IF ANY.

### DESCRIPTION OF RIGHT OF WAY ACQUISITION

THE WEST 15.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

PART OF SOUTHWEST 1/4 OF SECTION 11, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED AS THE WEST 265 FEET OF LOT 5 IN "GOLF STREAM SUB", AS RECORDED IN LIBER 49, PAGE 57, OAKLAND COUNTY RECORDS.

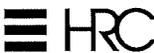
CONTAINS 2579 SQUARE FEET.

### DESCRIPTION OF UTILITY EASEMENT

THE EAST 10.00 FEET OF THE WEST 25.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

PART OF SOUTHWEST 1/4 OF SECTION 11, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED AS THE WEST 265 FEET OF LOT 5 IN "GOLF STREAM SUB", AS RECORDED IN LIBER 49, PAGE 57, OAKLAND COUNTY RECORDS.

CONTAINS 1,719 SQUARE FEET.

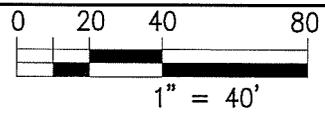
JOB NO. 20160715	 <b>HUBBELL, ROTH &amp; CLARK, INC</b> CONSULTING ENGINEERS SINCE 1915	555 HULET DRIVE BLOOMFIELD HILLS, MICH. P.O. BOX 824 48303 - 0824	SHEET NO.
DATE 02/15/23		PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: www.hrcengr.com	1  OF 2

2/15/2023 11:43 AM

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Piggott, Robert

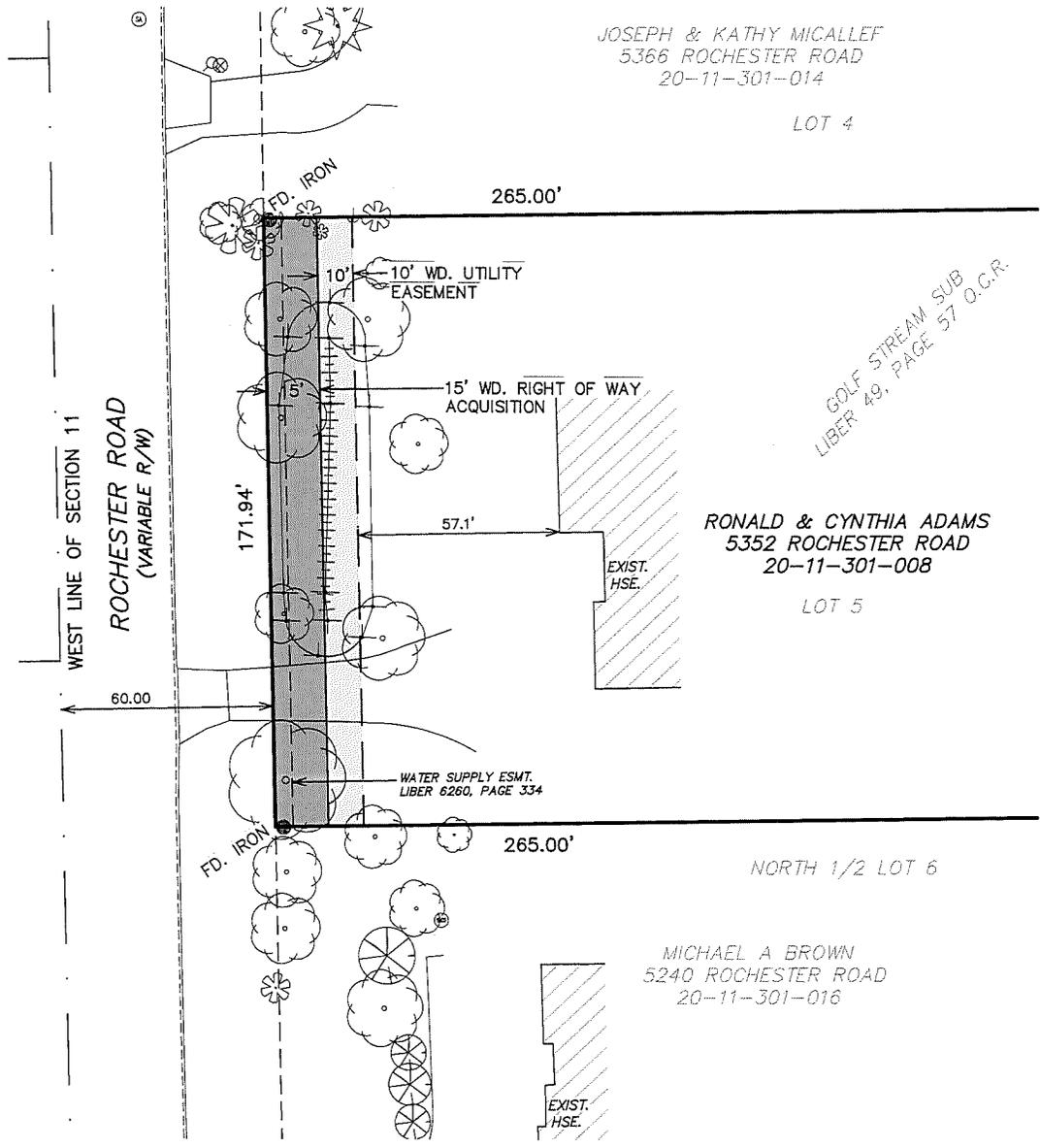
# RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT



## EXHIBIT "B" PARCEL 87



NOTE:  
ENTIRE PROPERTY IS NOT SHOWN.



TOTAL PROPERTY = 45,563.5+- SQ. FT.  
RIGHT OF WAY ACQUISITION = 2,579 SQ. FT.  
REMAINDER = 42,984.5+- FT.  
UTILITY EASEMENT = 1,719 SQ. FT.

**LEGEND:**

- RIGHT OF WAY ACQUISITION
- UTILITY EASEMENT

JOB NO.  
**20160715**  
DATE  
**02/15/23**



555 HULET DRIVE P.O. BOX 824  
BLOOMFIELD HILLS, MICH. 48303-0824  
PHONE: (248) 454-6300  
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SHEET NO.  
**2**  
OF **2**



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM

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Date: December 9, 2024

To: Frank Nastasi, City Manager

From: Robert J. Bruner, Deputy City Manager  
R. Brent Savidant, Community Development Director  
G. Scott Finlay, City Engineer  
Emily Ause, Senior Civil Engineer

Subject: Private Agreement – Contract for Installation of Municipal Improvements  
2690 Crooks Road - Project No. 22.920.3

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### **History**

Tower Construction, LLC proposes to develop 2690 Crooks Road – Existing Building Renovation & Proposed Multi-Family Apartments located on the east side of Crooks Road, just south of Big Beaver Road.

Troy Planning Commission recommended preliminary site plan approval on March 14<sup>th</sup>, 2023.

Site grading and utility plans for this development were reviewed and recently approved by the Engineering Department. The plans include municipal improvements, which will be constructed by Tower Construction, LLC on behalf of the City of Troy including: Water Main, Sanitary Sewer, Storm Sewer, Detention Basin, Asphalt/Concrete Pavement and Sidewalk. The required fees and refundable escrow deposits in the form of a Performance Bond and 10% Cash, that will assure completion of the municipal improvements, have been provided by Tower Construction, LLC (see attached Private Agreement).

### **Financial**

See attached summary of required deposits and fees for this Private Agreement.

### **Recommendation**

Approval of the Contract for Installation of Municipal Improvements (Private Agreement) is recommended.

# City Of Troy

## Contract for Installation of Municipal Improvements (Private Agreement)

Project No.: **22.920.3**

Project Location: **NW 1/4 Section 28**

Resolution No: \_\_\_\_\_

Date of Council Approval: \_\_\_\_\_

This Contract, made and entered into this 9<sup>th</sup> day of December, 2024 by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and Tower Construction, LLC whose address is 2093 Orchard Street, Sylan, MI 48320 and whose telephone number is (248) 287-8200 hereinafter referred to as "Owners", provides as follows:

**FIRST:** That the City agrees to permit the installation of Water Main, Sanitary Sewer, Storm Sewer, Detention Basin, Asphalt/Concrete Pavement and Sidewalk in accordance with plans prepared by Stonefield Engineering & Design whose address is 607 Shelby Street, Suite 200, Detroit, MI 48226 and whose telephone number is (248) 247-1115 and approved prior to construction by the City in accordance with City of Troy specifications.

**SECOND:** That the Owners agree to provide the following securities to the City prior to the start of construction, in accordance with the Detailed Summary of Required Deposits & Fees (attached hereto and incorporated herein):

Refundable escrow deposit equal to the estimated construction cost of \$ 186,415.00. This amount will be deposited with the City in the form of (check one):

Cash/Check	<input type="checkbox"/>	} 10% Cash <u>\$18,641.50</u>
Certificate of Deposit & 10% Cash	<input type="checkbox"/>	
Irrevocable Bank Letter of Credit & 10% Cash	<input type="checkbox"/>	
Performance Bond & 10% Cash	<input checked="" type="checkbox"/>	

Refundable cash deposit in the amount of \$ 43,761.00. This amount will be deposited with the City in the form of (check one):

Cash  Check

Non-refundable cash fees in the amount of \$ 738.58. This amount will be paid to the City in the form of (check one):

Cash  Check

Said refundable escrow deposits shall be disbursed to the Owners after approval by the City. The City reserves the right to retain a minimum of ten (10) percent for each escrowed item until the entire site/development has received final inspection and final approval by all City departments. Refundable cash deposits shall be held until final approval has been issued. Disbursements shall be made by the City within a reasonable time, after request for refund of deposits is made by the Owners.

## City Of Troy

### Contract for Installation of Municipal Improvements (Private Agreement)

**THIRD:** The owners shall contract for construction of said improvement with a qualified contractor. Owners, or their agents, and contractor(s) agree to arrange for a pre-construction meeting with the City Engineer prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, in accordance with the approved plans. Revisions to approved plans required by unexpected or unknown conflicts in the field shall be made as directed by the City.

**FOURTH:** Owners agree that if, for any reason, the total cost of completion of such improvements shall exceed the sums detailed in Paragraph SECOND hereof, that Owners will immediately, upon notification by the City, remit such additional amounts in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sums as detailed in Paragraph SECOND hereof, City will refund to the Owners the excess funds remaining after disbursement of funds.

**FIFTH:** Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements and/or right-of-way for such public utilities as required by the City Engineer.

# City Of Troy

## Contract for Installation of Municipal Improvements (Private Agreement)

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 25<sup>th</sup> day of November, 2024.

### OWNERS

By:

*JJ*  
\*  
Its: Jordan Jonna

Please Print or Type

\*  
Its: \_\_\_\_\_

Please Print or Type

### STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 25<sup>th</sup> day of November, A.D. 2024, before me personally appeared Jordan Jonna known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

*Diane Blecker*

NOTARY PUBLIC, Oakland, Michigan

My commission expires: 12-10-2028  
Acting in Oakland County, Michigan



**City Of Troy**  
Contract for Installation of Municipal Improvements  
(Private Agreement)

CITY OF TROY

By:

\_\_\_\_\_  
Ethan Baker, Mayor

\_\_\_\_\_  
M. Aileen Dickson, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D.20\_\_\_\_\_, before me personally appeared \_\_\_\_\_ known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

\_\_\_\_\_  
NOTARY PUBLIC, \_\_\_\_\_, Michigan

My commission expires: \_\_\_\_\_  
Acting in \_\_\_\_\_ County, Michigan



# Project Construction

**Permit No: PPC22.920.3**

Engineering Department

500 W. Big Beaver Road

**TO SCHEDULE INSPECTION CALL  
INSPECTION LINE: (248) 680-7221**

Troy, Michigan 48084  
Hours: Mon-Fri 8am - 4:30pm

Fax: (248) 524-1838  
www.troymi.gov

**NOTE: A Minimum of 24 hour notice for inspection shall be provided prior to construction.**

2690 CROOKS  
88-20-28-101-003 Lot:  
Subdivision: Acreage  
Project No:

**Location**

TROY KS DEVELOPMENT LLC  
4036 TELEGRAPH STE 201  
BLOOMFIELD HILLS MI 48302

**Permittee/Owner**

Issued: Expires:

**Applicant**

*FOR INFORMATION REGARDING THE ISSUANCE OF THIS PERMIT, CONTACT THE CITY OF TROY ENGINEERING DEPARTMENT AT (248) 524-3383*

4036 TELEGRAPH STE 201  
BLOOMFIELD HILLS MI 48302

**Work Description:** APARTMENT BUILDING

**Stipulations:** ON-SITE DETENTION POND

Work will meet all codes and inspections.

Amount Due: **0.00**  
**PAID IN FULL**



# Project Construction

- 1) Secure a permit from the City of Troy prior to the commencement of construction or maintenance operations. If a subcontractor is to perform the construction or maintenance entailed in this application, he shall be responsible, along with the applicant, for any provisions of this application and plans which apply to him.
  - 2) Any and all construction proposed under this application will meet all requirements of the City, together with the Supplemental Specifications set forth on this application for permit.
  - 3) Save harmless the City against any and all claims for damage arising from operations covered by this application and furnish proof of insurance coverage for the term of the permit issued. Insurance coverage shall be for general liability, property damage and workman's compensation at limits deemed acceptable to the City of Troy. The City of Troy to be named as additional insured on the general liability.
  - 4) Surrender the permit herein applied for and surrender all rights there under whenever notified to do so by the City of Troy because of its need for the area covered by the permit or because of a default in any of the conditions of this permit.
  - 5) Immediately remove, alter, relocate or surrender the facility of which this application is granted if requested by the City of Troy to do so upon termination of this application and upon failure to do so, will reimburse the City of Troy for the cost of removing, altering or relocating the facility.
- SUPPLEMENTAL SPECIFICATIONS:**

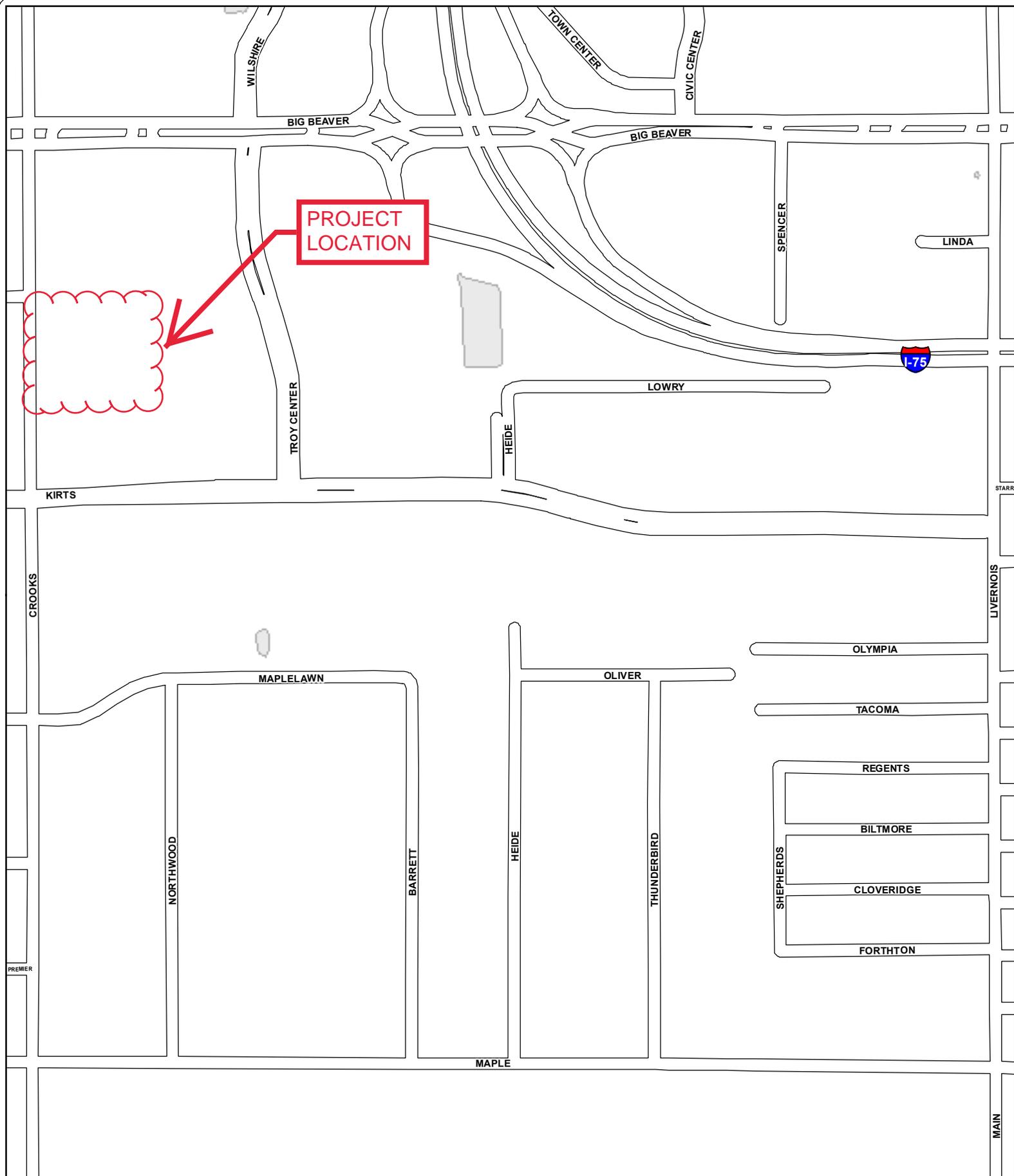
- 1) **INTENT:** Since a permit will have to be secured from the City prior to the start of any construction or maintenance operations proposed by this application, it is the intent of these supplemental specifications to be incorporated as part of the plans or specifications required for this proposed work.
- 2) **EXCAVATION AND DISPOSAL OF EXCAVATED MATERIAL:** The City shall specify if trenches or excavations under or adjacent to the road surface shall be sheeted, shored and/or braced in such a manner as to prevent caving, loss, or settlement of foundation material supporting the pavement. Excavated material shall be stocked in such locations that it does not obstruct vision on the traveled portion of the road and in such a manner that it will interfere as little as possible with the flow of traffic. Sod and topsoil shall be stocked separately from other excavated material. The applicant shall dispose of all surplus and unsuitable material outside of the limits of the highway unless the permit provides for disposal at approved locations within the right-of-way. In the latter case, the material shall be leveled and trimmed in an approved manner.
- 3) **BACKFILLING AND COMPACTING BACKFILL:** All trenches, holes and pits, where specified, shall be filled with sound earth or with sand-gravel if so provided, placed in successive layers not more than six (6) inches in depth, loose measure, and each layer shall be thoroughly compacted by tamping and all backfill subject to check by the Controlled Density Method (minimum 95%). Grass shall be restored with sod and topsoil in accordance with the City of Troy Standard Specifications for Turf Restoration.

Sand-gravel backfill material shall consist of approved bank-run sand or gravel or a mixture of approved sand or stone screenings in the mixture. All of the material shall be of such size that it will pass through a screen having two and one-half (2 ½) inch square openings, unless otherwise authorized.

Any excavation within the right-of-way, outside the traveled portion of the road, must be maintained until all settlement has occurred and must be re-shaped and temporarily seeded for soil erosion control. Grass areas shall be restored in accordance with the City of Troy Standard Specifications for Turf Restoration.

All excavation within the traveled portion of the road must be backfilled with sand and compacted. Special requirements are to be determined by the surface type.

- 4) **CROSSING ROADBED BY TUNNELING:** When the pipe is installed by tunneling, boring or jacking without cutting the existing pavement, the backfill shall be made by tamping a dry mix of lean concrete into place so as to completely fill any voids, remaining around the installation. The concrete shall be composed of one (1) part Portland cement and ten (10) parts sand-gravel by volume. Sand-gravel shall conform to the requirements given in Paragraph 3.
- 5) **CROSSING BY CUTTING GRAVEL ROAD:** All trenches are to be backfilled with approved material to within twelve (12) inches of the surface within the limits of the roadbed. Backfill methods will be as described in Paragraph 3. All surplus excavated material will be disposed of as described in Paragraph 2. The top twelve (12) inches within the roadbed will be backfilled with eight (8) inches of 4A limestone or slag topped with four (4) inches of processed road gravel (MDOT 22A). Trenches outside of the roadbed will be backfilled in accordance with Paragraph 3.
- 6) **CROSSING BY CUTTING PAVEMENT AND TRENCHING:** When this method is used, the pavement shall be cut back so that the opening is at least twelve (12) inches wider on each side than the width of the trench. In all concrete surfaces or bases, edges of trenches shall be formed by the use of a concrete saw. The pavement shall be broken in such a manner as to allow the reinforcing steel, if any, to protrude a sufficient distance for lapping or tying with similar reinforcement in the pavement patch. Backfill shall be in accordance with Paragraph 3. After the backfill has been thoroughly compacted, the pavement shall be replaced with processed road gravel (MDOT 22A) stabilized with chloride until such time as the pavement can be replaced with new pavement by the permit licensee. Maintenance of the temporary pavement will be assumed by the City if the contractor fails to do so and cost incurred will be deducted from the permit licensee's deposit.
- 7) **DEPTH OF COVER MATERIAL:** Pipes shall be placed to a depth that will provide not less than four (4) feet of cover between the top of roadway surface and the pipe.
- 8) **TREE TRIMMING OR REMOVAL:** A special permit will be required for any proposed tree trimming or removal.
- 9) Any proposed operation in the right-of-way not covered in the above specifications, submitted with this application shall be done in accordance with additional specifications or instructions deemed necessary by the City or its duly authorized representatives.
- 10) The following must be attached to the application when applicable: a} Map; b} Plans, specifications and location of facility; c} Traffic plan in cases of street closure; d} Proof of insurance; e} City Council resolution granting a franchise or permit to operate a cable television system, telecommunications system or to install other public utilities in the City of Troy.



PROJECT  
LOCATION

