



# **CITY COUNCIL**

## **REGULAR MEETING**

### **AGENDA**

**FEBRUARY 10, 2020**  
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:

In this packet, you will find the agenda for the City Council meeting. To help facilitate an informed discussion, the packet provides you with agenda items and additional details. The packet also contains recommended courses of action for your consideration and seeks to aid you in adopting sound policy decisions for the City of Troy.

This comprehensive agenda has been put together through the collaborative efforts of management and staff members. We have made all attempts to obtain accurate supporting information. It is the result of many meetings and much deliberation, and I would like to thank the staff for their efforts.

If you need any further information, staff is always available to provide more information and answer questions that may arise. You can contact me at [CityManager@troymi.gov](mailto:CityManager@troymi.gov) or 248.524.3330 with questions.

Respectfully,

Mark F. Miller,  
City Manager

# 2019 Strategies

- 1 | Re-evaluate the Trails & Pathways program with a focus on public participation and creative problem-solving to build community support.
- 2 | Gather community input, reassess the most recent Town Center initiative, and develop a plan for the future of the Civic Center property.
- 3 | Determine the customer service needs of City Hall and incorporate the findings of the Facilities Condition Assessment into the maintenance plan of the facilities.
- 4 | Establish a comprehensive Capital Improvement Program and planning process that is reviewed and implemented on an annual basis.
- 5 | Convene the Charter Revision Committee to evaluate charter language and millage limitations, and develop a strategy to fund the Library past 2021.
- 6 | Determine public transportation service needs, and implement a revised plan for the Big Beaver Shuttle and Medi-Go.
- 7 | Update the Parks and Recreation Plan and incorporate the Green Space Subcommittee recommendations to protect and invest in the City's parks.
- 8 | Evaluate the Volunteer Firefighters Incentive Plan to ensure the policy is reasonable and sustainable.
- 9 | Study the feasibility of a Rochester Road Improvement District.
- 10 | Develop a plan to effectively engage residents and businesses through community conversations.



# CITY COUNCIL AGENDA

February 10, 2020 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

**INVOCATION: Pastor Stephen Husava from Northfield Hills Baptist Church** **1**

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

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

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

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

C-1 Recognition from the International City/County Management Association (ICMA) in Honor of 30 Years of Local Government Service Presented to City Manager Mark F. Miller (*Presented by: Mayor Ethan Baker*) **1**

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

D-1 No Carryover Items **1**

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

E-1 Rezoning Request (Z JPLN2019-0030) – Proposed Clearview Homes Rezoning, Southwest Corner of Rochester Road and DeEtta Avenue (88-20-03-278-027), Section 3, From R-1B (One Family Residential) to O (Office) District (*Introduced by: R. Brent Savidant, Community Development Director*) **1**

E-2 Rezoning Request (Z JPLN2019-0025) – Proposed Sylvanwood Court RT Development Rezoning, Northwest Corner of Rochester Road and Sylvanwood (88-20-10-426-029, -030, and -031), Section 10, From R-1C (One Family Residential) to RT (One Family Attached Residential) Zoning District (*Introduced by: R. Brent Savidant, Community Development Director*) **2**

<b><u>F.</u></b>	<b><u>PUBLIC COMMENT FOR ITEMS ON THE AGENDA:</u></b>	<b><u>2</u></b>
<b><u>G.</u></b>	<b><u>CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:</u></b>	<b><u>3</u></b>
<b><u>H.</u></b>	<b><u>POSTPONED ITEMS:</u></b>	<b><u>3</u></b>
H-1	No Postponed Items	3
<b><u>I.</u></b>	<b><u>REGULAR BUSINESS:</u></b>	<b><u>3</u></b>
I-1	Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Personnel Board	3
I-2	Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority, Local Development Finance Authority; b) City Council Nominations – Building Code Board of Appeals, Historic District Commission	4
I-3	Request for Closed Session	8
I-4	Standard Purchasing Resolution 2: Sole Bidder Meeting Specifications – Pool Repairs – Troy Community Center Pools and Troy Family Aquatic Center (TFAC) and Budget Amendment ( <i>Introduced by: Elaine Bo, Recreation Director</i> )	8
I-5	Contract Ratification – Troy Command Officers Association (TCOA) ( <i>Introduced by: Jeanette Menig, Human Resources Director</i> )	9
I-6	Candidates for City Council Appointment ( <i>Introduced by: Aileen Dickson, City Clerk</i> )	9
<b><u>J.</u></b>	<b><u>CONSENT AGENDA:</u></b>	<b><u>9</u></b>
J-1a	Approval of “J” Items NOT Removed for Discussion	9
J-1b	Address of “J” Items Removed for Discussion by City Council	10
J-2	Approval of City Council Minutes	10
	a) City Council Special Meeting Minutes-Draft – January 27, 2020 .....	10
	b) City Council Meeting Minutes-Draft – January 27, 2020 .....	10

c)	Special Joint City Council and Planning Commission Meeting Minutes-Draft – February 4, 2020 .....	10
J-3	Proposed City of Troy Proclamations: None Submitted	10
J-4	Standard Purchasing Resolutions:	10
a)	Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Member Travel – Michigan Municipal League Cap Con 2020 .....	10
J-5	City of Troy Investment Policy and Establishment of Investment Accounts	10
J-6	Contract Extension – Audit Services	10
J-7	Tollbrook LLC v City of Troy	11
J-8	Tollbrook West LLC v City of Troy	11
<b>K.</b>	<b><u>MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:</u></b>	<b>12</b>
K-1	Announcement of Public Hearings:	12
a)	March 16, 2020 – Announcement of Public Hearing to Transfer the Final Two (2) Years of a Plant Rehabilitation Exemption Certificate (PREC) – 1400 Rochester Road – From Axle Tech to Flex N Gate .....	12
K-2	Memorandums (Items submitted to City Council that may require consideration at some future point in time):	12
a)	Changes to Volunteer Firefighters Incentive Program .....	12
<b>L.</b>	<b><u>PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:</u></b>	<b>12</b>
<b>M.</b>	<b><u>CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:</u></b>	<b>12</b>
<b>N.</b>	<b><u>COUNCIL REFERRALS:</u></b>	<b>12</b>
N-1	No Council Referrals	12
<b>O.</b>	<b><u>COUNCIL COMMENTS:</u></b>	<b>12</b>
O-1	No Council Comments Advanced	12

**P. REPORTS:** **12**

P-1	Minutes – Boards and Committees:	12
	a) Election Commission-Final – September 26, 2019 .....	12
	b) Planning Commission-Final – January 14, 2020.....	12
	c) Planning Commission-Draft – January 28, 2020.....	12
	d) Election Commission-Draft – January 30, 2020 .....	12
P-2	Department Reports:	12
	a) City of Troy’s Regulation of Medical and Recreational Marihuana.....	12
P-3	Letters of Appreciation: None Submitted	12
P-4	Proposed Proclamations/Resolutions from Other Organizations: None Submitted	12

**Q. CLOSED SESSION** **12**

Q-1	Closed Session	12
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**R. ADJOURNMENT:** **13**

**2020 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:** **14**

February 13, 2020	Special Meeting – Strategic Planning (6:00 PM).....	14
March 2, 2020	Special Meeting – Personnel Evaluations .....	14
March 23, 2020	Special Meeting – Personnel Evaluations .....	14
April 20, 2020	Special Meeting - Budget.....	14
April 22, 2020	Special Meeting - Budget.....	14

**2020 SCHEDULED REGULAR CITY COUNCIL MEETINGS:** **14**

February 24, 2020	Regular Meeting .....	14
March 16, 2020	Regular Meeting .....	14
March 30, 2020	Regular Meeting .....	14
April 13, 2020	Regular Meeting .....	14
April 27, 2020	Regular Meeting .....	14
May 11, 2020	Regular Meeting .....	14
May 18, 2020	Regular Meeting .....	14
June 1, 2020	Regular Meeting .....	14
June 22, 2020	Regular Meeting .....	14
July 13, 2020	Regular Meeting .....	14
July 27, 2020	Regular Meeting .....	14
August 10, 2020	Regular Meeting.....	14
August 24, 2020	Regular Meeting.....	14
September 14, 2020	Regular Meeting .....	14
September 21, 2020	Regular Meeting .....	14

October 12, 2020	Regular Meeting.....	14
October 26, 2020	Regular Meeting.....	14
November 9, 2020	Regular Meeting.....	14
November 23, 2020	Regular Meeting.....	14
December 7, 2020	Regular Meeting.....	14
December 14, 2020	Regular Meeting.....	14





**INVOCATION: Pastor Stephen Husava from Northfield Hills Baptist Church**

**PLEDGE OF ALLEGIANCE:**

**A. CALL TO ORDER:**

**B. ROLL CALL:**

Mayor Ethan Baker  
Edna Abraham  
Theresa Brooks  
Ann Erickson Gault  
Mayor Pro Tem David Hamilton  
Ellen Hodorek

Excuse Absent Council Members:

Suggested Resolution

Resolution #2020-02-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the Regular City Council Meeting of February 10, 2020, due to \_\_\_\_\_.

Yes:

No:

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

- C-1** Recognition from the International City/County Management Association (ICMA) in Honor of 30 Years of Local Government Service Presented to City Manager Mark F. Miller (*Presented by: Mayor Ethan Baker*)

**D. CARRYOVER ITEMS:**

- D-1** No Carryover Items

**E. PUBLIC HEARINGS:**

- E-1** Rezoning Request (Z JPLN2019-0030) – Proposed Clearview Homes Rezoning, Southwest Corner of Rochester Road and DeEtta Avenue (88-20-03-278-027), Section 3, From R-1B (One Family Residential) to O (Office) District (*Introduced by: R. Brent Savidant, Community Development Director*)

Suggested Resolution

Resolution #2020-02-

Moved by

Seconded by

WHEREAS, The City is in receipt of a rezoning request, from R-1B to O, File Number Z JPLN2019-0030, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy and as illustrated in the Certificate of Survey;

THEREFORE, BE IT RESOLVED, That the proposed rezoning from R-1B to O, being approximately 0.24 acres in area, is hereby **APPROVED**.

BE IT FINALLY RESOLVED, That the Zoning District Map is hereby **AMENDED**.

Yes:

No:

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**E-2 Rezoning Request (Z JPLN2019-0025) – Proposed Sylvanwood Court RT Development Rezoning, Northwest Corner of Rochester Road and Sylvanwood (88-20-10-426-029, -030, and -031), Section 10, From R-1C (One Family Residential) to RT (One Family Attached Residential) Zoning District (Introduced by: R. Brent Savidant, Community Development Director)**

Suggested Resolution

Resolution #2020-02-

Moved by

Seconded by

WHEREAS, The City is in receipt of a rezoning request, from R-1C to RT, File Number Z JPLN2019-0025, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy and as illustrated in the Topographic and Boundary Survey;

THEREFORE, BE IT RESOLVED, That the proposed rezoning from R-1C to RT, being approximately 1.2 acres in area, is hereby **APPROVED**.

BE IT FINALLY RESOLVED, That the Zoning District Map is hereby **AMENDED**.

Yes:

No:

## **F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:**

### **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 for Items On the Agenda, 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:

*The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is required to sign up to speak within thirty minutes before or within fifteen minutes of the start of the meeting. There are three Public Comment portions of the agenda. For Items On the Agenda, visitors can sign up to address Postponed, Regular Business, Consent Agenda, or Study items or any other item on the agenda. All other topics are addressed under Items Not on the Agenda. There is a timer on the City Council table in front of the Mayor that turns yellow when there is one minute of speaker time remaining, and turns red when the speaker's time is up. In order to make the meeting more orderly and out of respect, please do not clap during the meeting, and please do not use expletives or make derogatory or disparaging comments about any one person or group. If you do so, then there may be immediate consequences, including having the microphone turned off, being asked to leave the meeting, and/or the deletion of speaker comments for any re-broadcast of the meeting. Speakers should also be careful to avoid saying anything that would subject them to civil liability, such as slander and defamation. Please avoid these consequences and voluntarily assist us in maintaining the decorum befitting this great City.*

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

## **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 – Personnel Board**

**a) Mayoral Appointments: None**

**b) City Council Appointments:**Suggested Resolution

Resolution #2020-02-

Moved by

Seconded by

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

**Personnel Board**

Appointed by Council

5 Regular Members

3 Year Term

**Nominations to the Personnel Board:****Term Expires: 4/30/2021****Jeffrey Forster**

Term currently held by: Vacancy

Yes:

No:

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**I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority, Local Development Finance Authority; b) City Council Nominations – Building Code Board of Appeals, Historic District Commission**
**a) Mayoral Nominations:**Suggested Resolution

Resolution #2020-02-

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:

**Brownfield Redevelopment Authority**

Appointed by Mayor

6 Regular Members

3 Year Term

**Current Members:**

Last Name	First Name	App/Resume Expire	Appointment Expire	Notes 2
Gottlieb	Steven	11/24/2016	4/30/2022	

Kornacki	Rosemary	1/14/2021	4/30/2020	
Noguez-Ortiz	Carolina	12/19/2019	4/30/2020	
Sweidan	Rami	1/31/2021	4/30/2020	
Vacancy			4/30/2021	Mr. Salgat resigned 10/15/2019
Vassallo	Joseph	3/27/2020	4/30/2021	

**Nominations to the Brownfield Redevelopment Authority:****Term Expires: 4/30/2021**

Term currently held by: Vacancy–Mr. Salgat resigned 10/15/19

**Interested Applicants:**

Last Name	First Name	App/Resume Expire	Notes 1
Aowad	Ayman	9/10/2020	

**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
Beltramini	Robin	7/17/2021	6/30/2022	Resident Member	
Hodorek	Ellen		11/8/2021	Alternate; City Council	City Council exp 11/8/2021
Hoef	Paul	5/1/2017	6/30/2023	Resident Member	EDC exp. 4/30/2015; LDFA exp 6/30/2023
Hunter	Daniel			Oakland County Designee	
Vacancy				Alternate; City Council	
Vacancy			6/30/2020	Resident Member	D. Shield's term exp 6/30/2016 - No Reappointment
Vacancy			6/30/2020	Resident Member	John Sharp's unexpired term
Vitale	Nickolas	3/7/2021	6/30/2023	Resident Member	

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

**Term Expires: 6/30/2020****Resident Member**

Term currently held by: Vacant

**Unexpired Term Expiring:  
6/30/2020****Resident Member**

Term currently held by: Vacant – Sharp's unexpired term

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Crawford	Timothy	6/26/2021	At Large
D'Aoust	Allen	5/23/2021	
DiFalco	Melissa	12/2/2021	
McGerty	Ryan	8/15/2020	
Nacy	Emily	11/8/2021	
Noguez-Ortiz	Carolina	12/19/2019	
Pensa	Grant	10/1/2020	
Schick	Michael	1/16/2021	
Shepherd	John	4/22/2021	
Sweidan	Rami	10/10/2021	
Yu	Fu-shin	8/20/2021	

Yes:

No:

**b) City Council Nominations:**Suggested Resolution

Resolution #2020-02-

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:

**Building Code Board of Appeals**

Appointed by Council

5 Regular Members: Three (3) Residents with background, training or experience in construction or similar trades; at least one shall be a professional structural or civil engineer of architectural engineering experience; Two (2) by Ordinance - City Manager and Oakland County Health Department Representative

5 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
Abitheira	Gary	1/20/2014	1/1/2022	Resident w/Construction/Engineering Experience.
Brooks	Teresa	1/4/2019		Oakland County Health Dept Sanitarian
Dziurman	Matthew	3/6/2021	1/1/2025	Resident w/Construction Experience.
Frisen	Sande	11/2/2017	1/1/2020	Architectural Engineer
Miller	Mark F.			Per Chapter 79, Sect 116.2

**Nominations to the Building Code Board of Appeals:****Term Expires: 1/1/2025**

Term currently held by: Sande Frisen

**Interested Applicants:**

Last Name	First Name	App/Resume Expire	Notes 1	Notes 2
Ali	Aleem	1/2/2021	Engineering experience	
Chambers	Barbara	2/26/2021		Historic Dist Comm exp 3/1/2020

**Historic District Commission**

Appointed by Council  
7 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
Adams	John Howard	3/12/2020	5/15/2021		
Chambers	Barbara	12/5/2021	3/1/2020	Historical Comm Recommendation	Requests Reappointment
Chanda	Hirak	11/25/2021	3/1/2021		
Huber	Laurie	6/10/2017	3/1/2020		No Reappointment
McGee	Timothy	3/23/2020	5/15/2021	P&R exp 9/30/2020	
Petrulis	Al	12/16/2021	3/1/2020	ACAB exp 9/30/2021; Traffic Comm. exp 1/31/2023	Requests Reappointment

Voigt	W. Kent	1/16/2021	3/1/2022	Historical Comm. Recommendation	
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**Nominations to the Historic District Commission:****Term Expires: 3/1/2023**

Term currently held by: Barbara Chambers

**Term Expires: 3/1/2023**

Term currently held by: Laurie Huber (No Reappointment)

**Term Expires: 3/1/2023**

Term currently held by: Al Petrulis

**Interested Applicants:**

Last Name	First Name	App/Resume Expire	Notes 1
Alali	Yasser	3/13/2020	
Forster	Jeffrey	1/13/2022	

Yes:

No:

**I-3 Request for Closed Session****Suggested Resolution**

Resolution #2020-02-

Moved by

Seconded by

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e) (United States of America v City of Troy and ADAM v Troy).

Yes:

No:

**I-4 Standard Purchasing Resolution 2: Sole Bidder Meeting Specifications – Pool Repairs – Troy Community Center Pools and Troy Family Aquatic Center (TFAC) and Budget Amendment (*Introduced by: Elaine Bo, Recreation Director*)**
**Suggested Resolution**

Resolution #2020-02-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all labor, materials, and equipment to re-marcite and re-grout tile in all the pools at the Troy Community Center and the Troy Family Aquatic Center to the sole bidder meeting specifications, *Clearwater Pools*



and Services Inc. of Ann Arbor, MI for an estimated cost of \$178,975, at prices contained in the bid tabulation opened January 23, 2020, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** amending the 2020 Aquatic Center Capital budget from \$100,000 to \$126,085.

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

Yes:

No:

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**I-5 Contract Ratification – Troy Command Officers Association (TCOA) (Introduced by: Jeanette Menig, Human Resources Director)**

Suggested Resolution

Resolution #2020-02-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **RATIFIES** the collective bargaining agreement between the City of Troy and the Troy Command Officers Association (TCOA) for the period July 1, 2019 through June 30, 2024, and the Mayor and City Clerk are **AUTHORIZED** to execute the final agreement; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

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**I-6 Candidates for City Council Appointment (Introduced by: Aileen Dickson, City Clerk)**

**J. CONSENT AGENDA:**

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

Suggested Resolution

Resolution #2020-02-

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**

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Suggested Resolution  
Resolution #2020-02-

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

- a) City Council Special Meeting Minutes-Draft – January 27, 2020
- b) City Council Meeting Minutes-Draft – January 27, 2020
- c) Special Joint City Council and Planning Commission Meeting Minutes-Draft – February 4, 2020

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

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**J-4 Standard Purchasing Resolutions:**

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- a) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Member Travel – Michigan Municipal League Cap Con 2020**

Suggested Resolution  
Resolution #2020-02-

RESOLVED, That Council **AUTHORIZES** City Council Member travel expenses for the Michigan Municipal League Cap Con 2020, in accordance with accounting procedures of the City of Troy.

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**J-5 City of Troy Investment Policy and Establishment of Investment Accounts**

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Suggested Resolution  
Resolution #2020-02-

RESOLVED, That Troy City Council hereby **APPROVES** the *Investment Policy and Establishment of Investment Accounts* as outlined in the memorandum and revised by Chief Financial Officer, Robert C. Maleszyk, dated February 3, 2020; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-6 Contract Extension – Audit Services**

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Suggested Resolution  
Resolution #2020-02-

WHEREAS, The *Rehmann Group of Troy, MI* has offered to extend the current contract for fiscal year ending June 30, 2020 at a cost of \$63,700; and,

WHEREAS, The *Rehmann Group* has consistently met all expectations during the years under audit; and,

WHEREAS, The *Rehmann Group* is located in the City of Troy and nationally recognized as a leader in providing local governmental assurance services;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DEEMS** it to be in the City's best interest to **APPROVE** and **EXTEND** the contract to provide Auditing Services for the City of Troy for one (1) year; fiscal year ending June 30, 2020 by the *Rehmann Group of Troy, MI* for a fee of \$63,700 and if required \$4,000 for the Single Audit, for an estimated grand total amount of \$67,700.

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#### **J-7 Tollbrook LLC v City of Troy**

##### Suggested Resolution

Resolution #2020-02-

RESOLVED, That the Troy City Council **AUTHORIZES** and **DIRECTS** the City Attorney to represent the City of Troy in any and all claims and damages in the appeal and the complaint in *Tollbrook LLC v. City of Troy* (Case No. 2020-178896-AA), and any subsequently amended pleading arising out of the Zoning Board of Appeal's denial of Tollbrook LLC's requested use variance on November 19, 2019 or the Troy City Council's denial of Tollbrook LLC's requested denial of rezoning on July 22, 2019.

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** the City Attorney to pay necessary costs and fees in the defense of the action.

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#### **J-8 Tollbrook West LLC v City of Troy**

##### Suggested Resolution

Resolution #2020-02-

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent the City of Troy in any and all claims and damages in the appeal and the complaint in *Tollbrook West LLC v. City of Troy* (Case No. 2020-178899-AA), and any subsequently amended pleading arising out of the Zoning Board of Appeal's denial of Tollbrook West LLC's requested use variance on November 19, 2019 or the Troy City Council's denial of Tollbrook West LLC's requested denial of rezoning on July 22, 2019.

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** the City Attorney to pay necessary costs and fees in the defense of the action.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

---

**K-1 Announcement of Public Hearings:**

- a) March 16, 2020 – Announcement of Public Hearing to Transfer the Final Two (2) Years of a Plant Rehabilitation Exemption Certificate (PREC) – 1400 Rochester Road – From Axle Tech to Flex N Gate

---

**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time):**

- a) Changes to Volunteer Firefighters Incentive Program

**L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:****M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:****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****O. COUNCIL COMMENTS:**

---

**O-1 No Council Comments Advanced****P. REPORTS:**

---

**P-1 Minutes – Boards and Committees:**

- a) Election Commission-Final – September 26, 2019
- b) Planning Commission-Final – January 14, 2020
- c) Planning Commission-Draft – January 28, 2020
- d) Election Commission-Draft – January 30, 2020

---

**P-2 Department Reports:**

- a) City of Troy's Regulation of Medical and Recreational Marihuana

---

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

---

**P-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted****Q. CLOSED SESSION**

---

**Q-1 Closed Session**

**R. ADJOURNMENT:**

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark F. Miller', with a long horizontal flourish extending to the right.

Mark F. Miller  
City Manager

**2020 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

February 13, 2020 ..... Special Meeting – Strategic Planning (6:00 PM)  
Room 303 at the Troy Community Center, 3179 Livernois  
March 2, 2020 ..... Special Meeting – Personnel Evaluations  
March 23, 2020 ..... Special Meeting – Personnel Evaluations  
April 20, 2020 ..... Special Meeting - Budget  
April 22, 2020 ..... Special Meeting - Budget

**2020 SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

February 24, 2020 ..... Regular Meeting  
March 16, 2020 ..... Regular Meeting  
March 30, 2020 ..... Regular Meeting  
April 13, 2020 ..... Regular Meeting  
April 27, 2020 ..... Regular Meeting  
May 11, 2020 ..... Regular Meeting  
May 18, 2020 ..... Regular Meeting  
June 1, 2020 ..... Regular Meeting  
June 22, 2020 ..... Regular Meeting  
July 13, 2020 ..... Regular Meeting  
July 27, 2020 ..... Regular Meeting  
August 10, 2020 ..... Regular Meeting  
August 24, 2020 ..... Regular Meeting  
September 14, 2020 ..... Regular Meeting  
September 21, 2020 ..... Regular Meeting  
October 12, 2020 ..... Regular Meeting  
October 26, 2020 ..... Regular Meeting  
November 9, 2020 ..... Regular Meeting  
November 23, 2020 ..... Regular Meeting  
December 7, 2020 ..... Regular Meeting  
December 14, 2020 ..... Regular Meeting



500 West Big Beaver  
Troy, MI 48084  
troymi.gov



E-01

## CITY COUNCIL AGENDA ITEM

Date: February 5, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
R. Brent Savidant, Community Development Director

Subject: PUBLIC HEARING – REZONING REQUEST (Z JPLN2019-0030) - Proposed Clearview Homes Rezoning, southwest corner of Rochester Road and De Etta Avenue (88-20-03-278-027), Section 3, From R-1B (One Family Residential) to O (Office) District.

The applicant Clearview Homes seeks rezoning of the subject parcel from R-1B (One-Family Residential) District to O (Office). The parcel is 0.24 acres in area.

The applicant intends to combine the subject parcel with the abutting 0.41 acre parcel to the south that is presently zoned O Office. The attached concept plan shows a (2) story office building on the combined parcel. This sketch is required as part of the application but is non-binding.

A summary of the project was prepared by the Planning Consultant and is included in the attached agenda item from the October 8, 2020 Planning Commission regular meeting.

The Planning Commission held a public hearing on this item on October 8, 2020 and recommended approval of the rezoning by a 9-0 vote.

A City Council public hearing has been scheduled for February 10, 2020.

### **Legal Review**

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

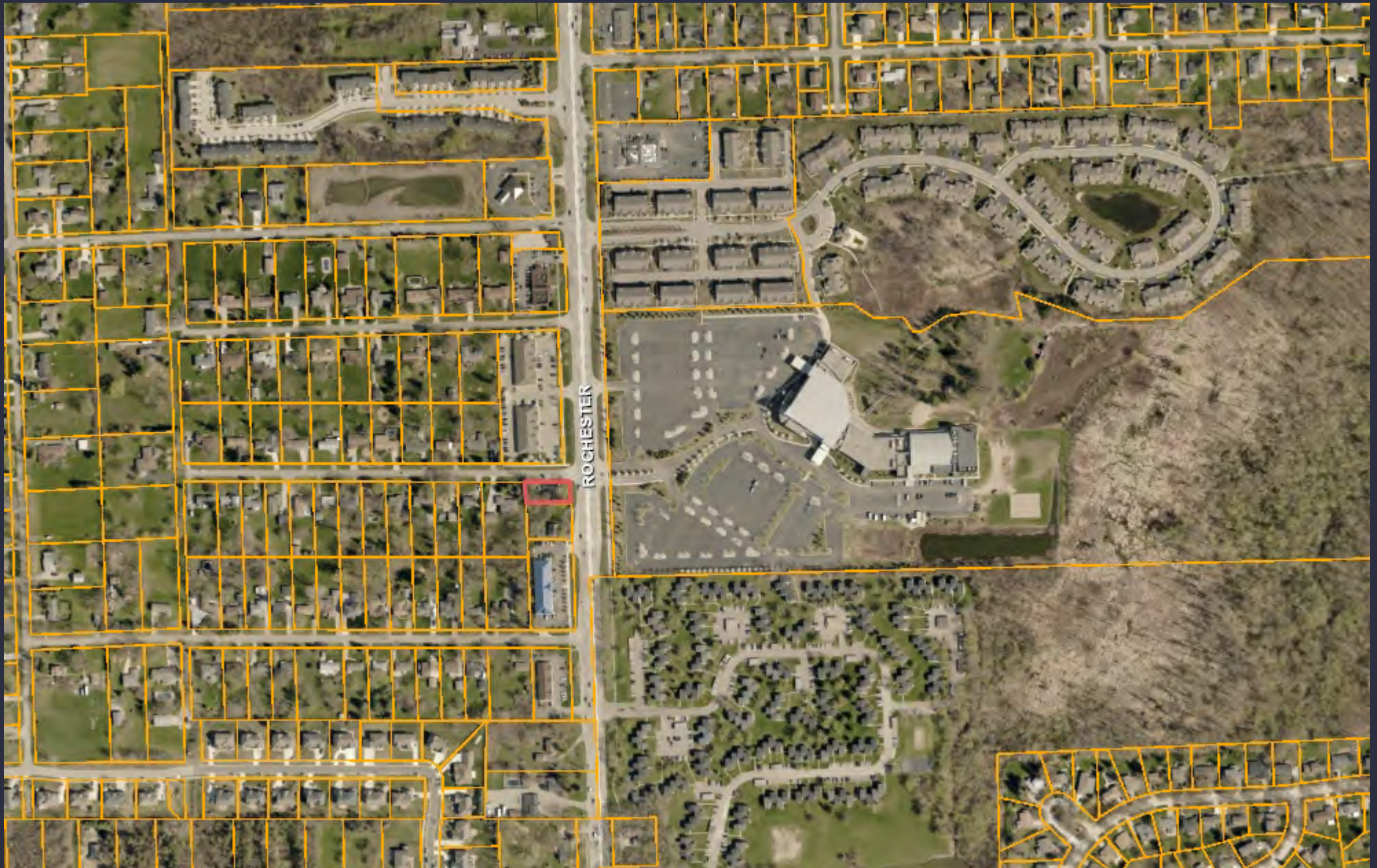
#### Attachments:

1. Maps
2. Rezoning application
3. Report prepared by Carlisle/Wortman Associates, Inc.
4. Minutes from October 8, 2019 Planning Commission Regular meeting (excerpt)





# GIS Online



1,189 0 595 1,189Feet



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.





# GIS Online



1,189 0 595 1,189 Feet



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



Z JPLN 2019-0030

# CITY OF TROY REZONING REQUEST APPLICATION

CITY OF TROY PLANNING DEPARTMENT  
500 W. BIG BEAVER  
TROY, MICHIGAN 48084  
248-524-3364  
E-MAIL: [planning@troymt.gov](mailto:planning@troymt.gov)



REZONING REQUEST APPLICATION  
\$1,800.00

ESCROW FEE  
\$1,500.00

## NOTICE TO THE APPLICANT

REGULAR MEETINGS OF THE TROY PLANNING COMMISSION ARE HELD ON THE SECOND AND FOURTH TUESDAY OF EACH MONTH AT 7:00 P.M. AT CITY HALL.

APPLICATIONS SHALL BE FILED NOT LATER THAN THIRTY (30) DAYS BEFORE THE SCHEDULED DATE OF THE MEETING.

A PLANNING COMMISSION PUBLIC HEARING SHALL BE SCHEDULED FOLLOWING A DETERMINATION BY THE PLANNING DEPARTMENT THAT THE APPLICATION IS COMPLETE.

### PLEASE COMPLETE THE FOLLOWING:

- NAME OF THE PROPOSED DEVELOPMENT: Clearview Homes Office
- ADDRESS OF THE SUBJECT PROPERTY: 6511 Rochester Road, Troy, MI 48085
- CURRENT ZONING CLASSIFICATION: R1B
- PROPOSED ZONING CLASSIFICATION: office
- TAX ID NUMBER(S) OF SUBJECT PROPERTY: 20-03-278-027
- APPLICANT FOR REZONING:  
NAME Mike Robbe  
COMPANY Clearview Homes  
ADDRESS 811 E. South Blvd  
CITY Troy STATE MI ZIP 48307  
TELEPHONE 616-402-2518  
E-MAIL mike@myclearviewhome.com
- OWNER OF THE SUBJECT PROPERTY:  
NAME Robin Siegel / Robert E French  
COMPANY \_\_\_\_\_  
ADDRESS 283 W Square Lake Rd  
CITY Troy STATE MI ZIP 48098  
TELEPHONE 248-408-0283  
E-MAIL \_\_\_\_\_
- THE APPLICANT BEARS THE FOLLOWING RELATIONSHIP TO THE OWNER OF THE SUBJECT PROPERTY:  
Purchaser of property
- SIGNATURE OF THE PROPERTY OWNER: [Signature]  
BY THIS SIGNATURE, THE PROPERTY OWNER AUTHORIZES PLACEMENT OF A SIGN ON THE PROPERTY TO INFORM THE PUBLIC AS TO THIS REQUEST FOR REZONING.
- SIGNATURE OF THE APPLICANT: [Signature]

RECEIVED

SEP - 6 2019

PLANNING Rev. Aug 2018



September 6, 2019

R. Brent Savidant  
Planning Director  
City of Troy Planning Department  
500 W. Big Beaver  
Troy, MI 48084

Re: Rezoning Request of 6511 Rochester Rd., Parcel 20-03-278-027

To Mr. Savidant:

Please accept this letter requesting to rezone the above parcel from its current designation of Residential (R-1B) to Office (O).

We believe this request is consistent with both the Master Plan and adjacent zoning because this is the last parcel in the vicinity along Rochester Rd. that is still zoned residential. As stated on page 88 of the Master Plan "*The areas between nodes should be developed as low-rise office and multifamily. The height differences encourage a visual pulse*". The adjacent parcel to the south at 6493 is already zoned Office (O), our purpose for this request would be to combine both parcels and build a new two-story office building that would be used to relocate Clearview Homes offices from our current location on South Blvd. in Rochester Hills.

We do not feel that this rezoning will be detrimental to adjacent properties because the property to the south of this project is a retail center, the property to the north is already an office use, and to the east there is a large parcel containing a church. We feel an Office (O) use will help create a low impact buffer between the residential properties to the west of this parcel and the high traffic volumes of Rochester Rd.

Sincerely,

Mike Robbe  
Land Development Manager  
Clearview Homes

Clearview Homes  
811 E. South Blvd., Suite #100  
Rochester Hills, MI 48307

# KENNEDY SURVEYING, INC.

105 N. Washington St.  
Oxford, Michigan 48371  
STAKED SURVEY

Phone (248) 628-4241  
Fax (248) 628-7191

Certified Exclusively To: Clearview Homes

Date: September 10, 2019

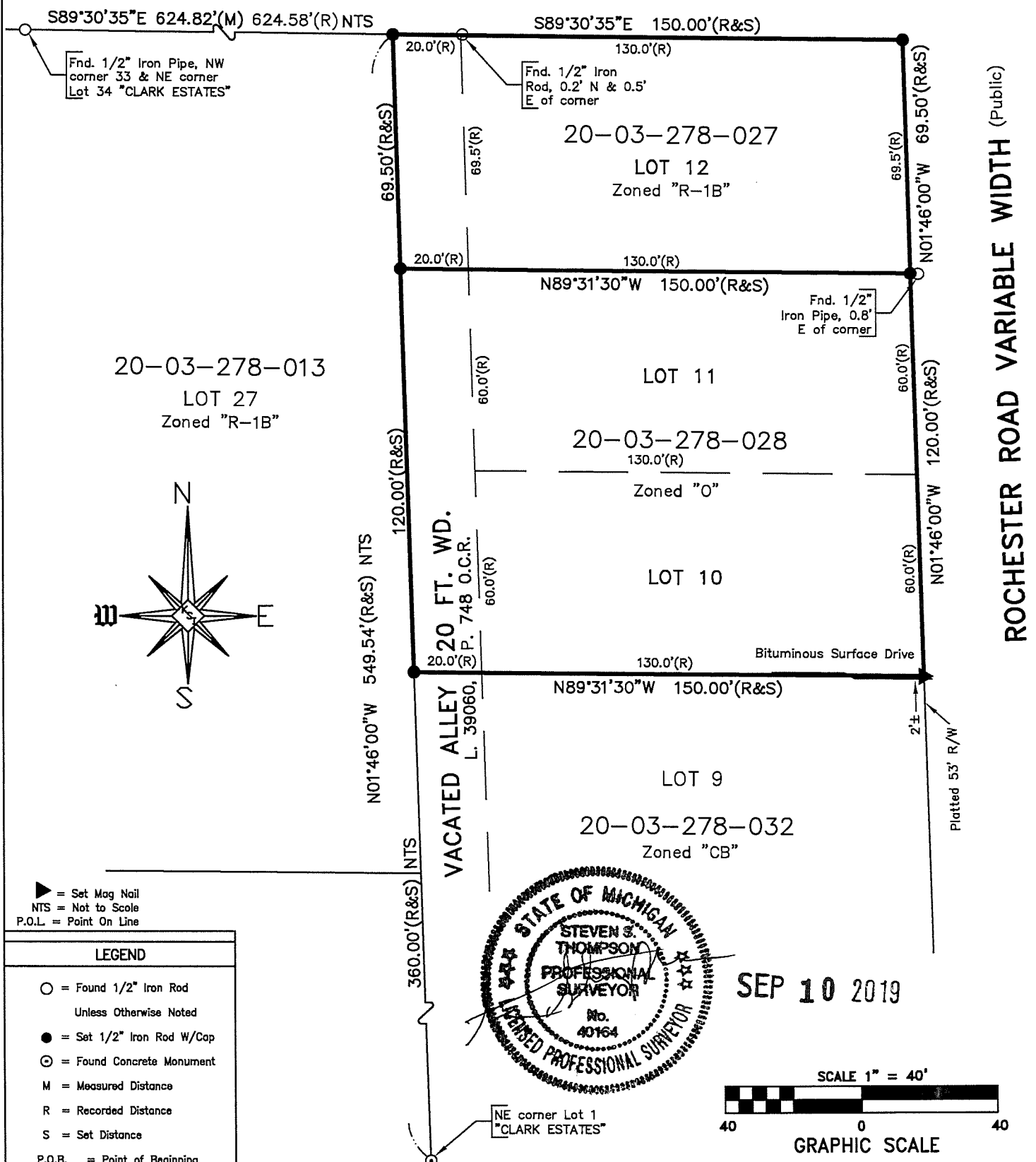
Address: 811 South Boulevard E, Suite 100, Rochester Hills, MI 48307 Job No. 19-8253

This is to certify that I, [Signature], Licensed Professional Surveyor, on this date have surveyed and mapped the land described as follows:

**PARCEL 20-03-278-027** Lot 12 of "TROY LITTLE FARMS SUBDIVISION", being a subdivision of part of the South 1/2 of the East 1/2 of the Northeast 1/4 of Section 03, Town 02 North, Range 11 East, City of Troy (formerly Troy Township), Oakland County, Michigan. As recorded in Liber 42 of Plats, on Page 8 of Oakland County Records. Also, all of the Vacated 20 Foot Wide Public Alley adjoining to the same.

**PARCEL 20-03-278-028** Lots 10 & 11 of "TROY LITTLE FARMS SUBDIVISION", being a subdivision of part of the South 1/2 of the East 1/2 of the Northeast 1/4 of Section 03, Town 02 North, Range 11 East, City of Troy (formerly Troy Township), Oakland County, Michigan. As recorded in Liber 42 of Plats, on Page 8 of Oakland County Records. Also, all of the Vacated 20 Foot Wide Public Alley adjoining to the same.

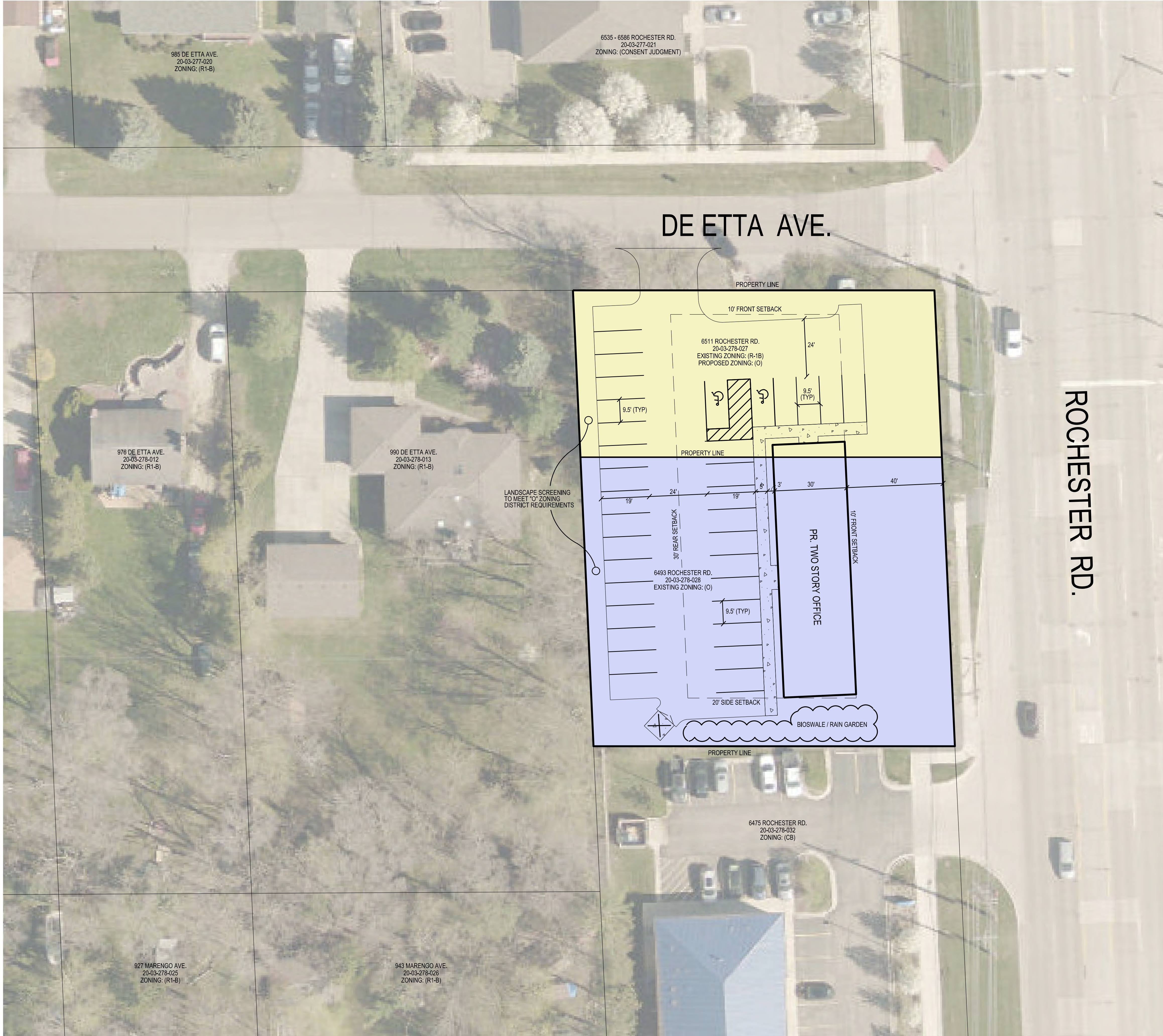
## DE ET TA AVENUE VARIABLE WIDTH (Public)

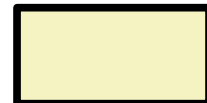



This survey was done without the benefit of a Title Policy, therefore, all easements of record and other factors relevant to title may not be shown.

When Recorded Please  
Return Original(s) To:  
Kennedy Surveying, Inc.  
105 N. Washington St.  
Oxford, Michigan 48371





-  - CURRENTLY ZONED "R-1B"
-  - CURRENTLY ZONED "O"

### REZONING REQUEST

IT IS THE INTENT OF THIS REZONING REQUEST TO REZONE PARCEL 20-03-278-027 FROM "R-1B" TO "O" AND THEN COMBINE WITH PARCEL 20-03-278 028, WHICH IS ALREADY ZONED "O".

THE PROPOSED REZONING IS CONSISTENT WITH OTHER PROPERTIES DIRECTLY ABUTTING ROCHESTER ROAD AND THE CITY'S FUTURE LAND USE MAP.

### PROPERTY DESCRIPTION

PARCEL: 20-03-278-027  
TOWN 2 NORTH, RANGE 11 EAST, SECTION 3; LOT 12 OF "TROY LITTLE FARMS SUBDIVISION" AS RECORDED IN LIBER 42, PAGE 8 OF PLATS; ALSO INCLUDING ALL OF THE VACATED ALLEY, 20 FEET IN WIDTH, AT THE REAR THEREOF. CONTAINING 0.24 ACRES.  
(PER OAKLAND COUNTY RECORDS)

### PROPERTY DESCRIPTION

PARCEL: 20-03-278-028  
TOWN 2 NORTH, RANGE 11 EAST, SECTION 3; LOTS 10 & 11 OF "TROY LITTLE FARMS SUBDIVISION" AS RECORDED IN LIBER 42, PAGE 8 OF PLATS; ALSO INCLUDING ALL OF THE VACATED ALLEY, 20 FEET IN WIDTH, AT THE REAR THEREOF. CONTAINING 0.41 ACRES.  
(PER OAKLAND COUNTY RECORDS)

### PARKING REQUIREMENTS

USE: OFFICE SPACE  
PARKING CRITERIA: 1 SPACE / 300 SQ. FT. OF GROSS FLOOR AREA  
TOTAL PARKING PROVIDED = 35 SPACES (33 + 2 H.C.)

### NOTES

- THERE IS EXISTING 12" SANITARY SEWER ON THE WEST SIDE OF ROCHESTER ROAD TO SUPPORT A PROPOSED OFFICE BUILDING.
- THERE IS EXISTING 12" WATER MAIN ON THE WEST SIDE OF ROCHESTER ROAD TO SUPPORT A PROPOSED OFFICE BUILDING.
- THERE IS AN EXISTING 24" STORM SEWER ON DE ETNA AVENUE AND A 54" STORM SEWER ON ROCHESTER ROAD. THE SITE IS INTENDED TO HAVE BIOSWALES, RAIN GARDENS, AND UNDERGROUND DETENTION THAT WILL CONNECT TO THESE EXISTING STORM SEWERS.
- THE SUBJECT PROPERTY IS LOCATED IN AN AREA OF MINIMAL FLOOD HAZARD (ZONE X) AS DENOTED BY FEMA PANEL 26125CO532F DATED 09/29/2006.

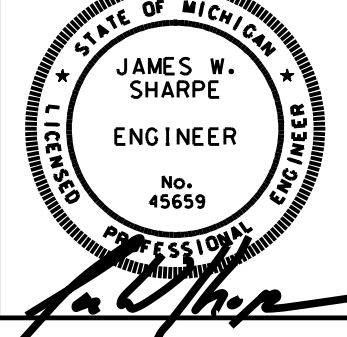


SUBMITTAL NOTE	
DATE:	

MISS DIG SYSTEM  
**KNOW WHAT'S BELOW**  
800-482-7171 OR 811  
CONTACT THE MISS DIG SYSTEM 3 WORKING DAYS IN ADVANCE

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JAMES W. SHARPE  
PROFESSIONAL ENGINEER  
NO. 45659



DEVELOPED FOR:  
**CLEARVIEW HOMES, LLC**  
811 E. SOUTH BLVD. STE. 100  
ROCHESTER HILLS, MI 48307  
616.402.2518

REZONING PLAN  
PROPOSED OFFICE BUILDING

PLAN NAME:

CITY: TROY  
COUNTY: OAKLAND  
SECTION: 3  
T-2-N, R-11-E

INITIAL SUBMITTAL: 09/06/19  
THIS SUBMITTAL: 09/06/19  
SCALE: 1" = 20'  
SHEET: 01  
PROJECT: 039.12.01





**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

Date: October 1, 2019

## Rezoning Analysis For City of Troy, Michigan

<b>Applicant:</b>	Mike Robbe (Clearview Homes)
<b>Project Name:</b>	De Etta Drive/Rochester Road Office Rezoning
<b>Location:</b>	Southwest corner of De Etta Drive and Rochester Road
<b>Current Zoning:</b>	R-1B, Single Family Residential and O, Office
<b>Proposed Rezoning:</b>	O, Office
<b>Required Information:</b>	As provided within this review

### PROJECT AND SITE DESCRIPTION

The applicant is proposing to rezone a parcel at 6511 Rochester Road from R1-B, Single Family Residential to O, Office. The parcel is a corner lot, bordered on the south by office, to the north and west by R-1B, single family residential, and by a PUD (church) across Rochester Road, to the east. The parcel is approximately 0.24 acres and is intended to be combined with the parcel to the south, subject to rezoning approval.

The applicant proposes to rezone the property, combine with the office zoned parcel to the south, and develop a two-story office building with necessary parking and green space, at the



corner of the lot. The current zoning of R-1B does not permit an office building.

If the site were to be rezoned, all uses permitted and special uses within the O, Office District would be allowed through a site plan and special use review. Permitted and special Uses for the O, Office are set forth in Section 4.16.

Please note that the applicant has submitted a concept site plan for the administrative/leasing building. The site plan is for informational purposes only. The applicant has not offered any conditions in relation to this rezoning. If the rezoning is approved, the applicant is required to submit a site plan for the future development for Planning Commission review.



## ZONING AND LAND USE

The Zoning and existing land uses for the subject site and surrounding parcels is listed below. The subject parcel is zoned R-1B, single-family residential. The site is surrounded by a mix of zoning including O, Office.

### *Zoning/Existing Land Use*

Direction	Zoning	Existing Use
North	R-1B, Single Family Residential	Strip Office Buildings
South	O, Office	Residential
East	PUD, Planned Unit Development	PUD, Religious Facility/Campus
West	R-1B, Single Family Residential	Residential

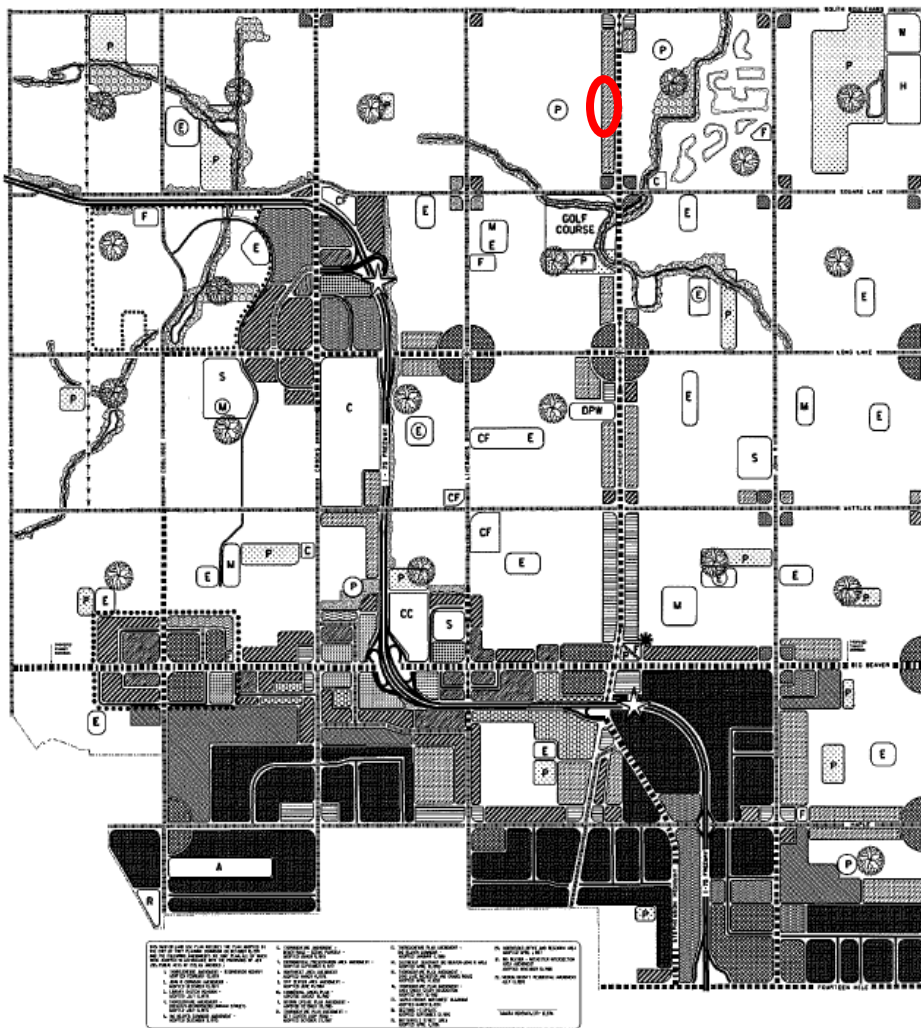




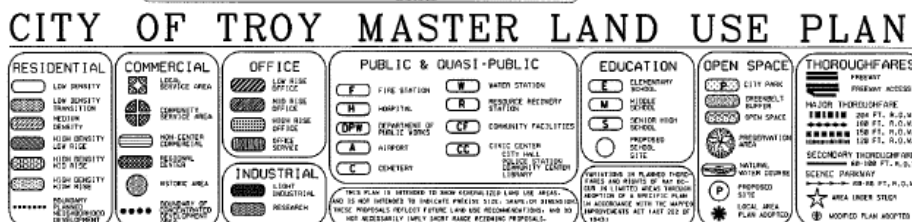
## MASTER PLAN

In 1999, the city updated the Master Land Use Plan. During the process, the city spent considerable amount of time and input deliberating the future use of key corridors including Big Beaver, Crooks, Maple, and Rochester. Due to traffic volume, noise, and market economics, the Future Land Use Plan recognized parcels that abut major mile corridors such as Rochester would be difficult to develop or redevelop as single-family residential. For this reason, the city considered alternative land use patterns along these corridors that were contextually relevant and compatible with surrounding and adjacent land use.

The 1999 amended Master Land Use Plan, added medium density residential along Rochester Road north of Wattles.



1999 Master Land Use Plan

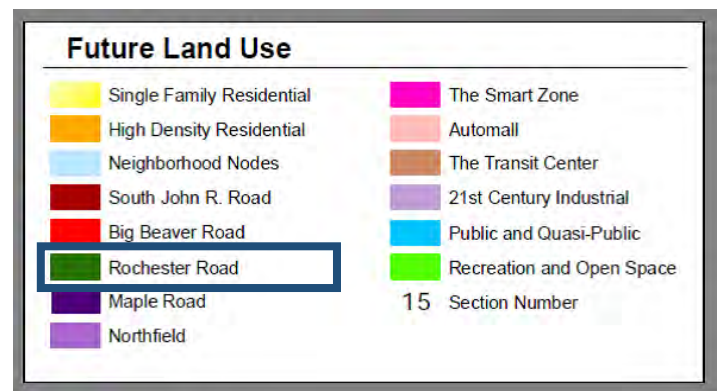
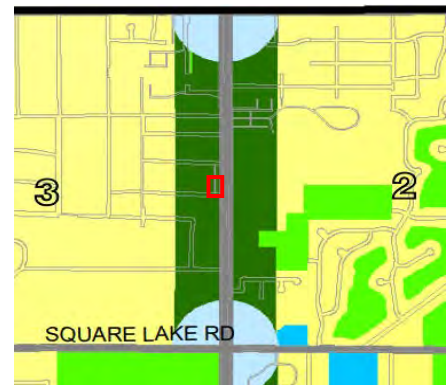


In 2002, the City adopted a Future Land Use Plan, which retained medium density residential along Rochester Road north of Wattles. In 2008, the City comprehensively updated the Master Plan. The process of updating the Master Plan included a significant public participation component that included numerous opportunities for public input. The 2008 comprehensive update to the Master Plan also retained medium density residential and other low impact uses along Rochester Road north of Wattles.

The Master Plan was updated in 2017, and also retained both medium density residential and other limited low impact uses along Rochester Road north of Wattles. From a land use perspective, the updated 2017 Master Plan calls for this site:

*North of Long Lake Road, the land use pattern evolves, becoming a mix of commercial and office near the intersections and older single-family homes and multiple-family complexes in between.*

*Uses along Rochester Road will include a variety of mixed uses, established in a “pulsing” pattern where the most intense mixed-use or exclusively non-residential development will occur near the Neighborhood Nodes situated along its main intersections. Lower-impact uses, such as small scale retail or condominiums should be encouraged along the corridor frontage between these nodes.....The areas between nodes should develop as lower-rise office and multiple-family. The height differences encourage a visual “pulse.” (pg. 87-88)*



This section of Rochester Road Master Plan also calls for use of innovative stormwater management:

*Ultimately, the Rochester Road Corridor will become a regional showcase for effective stormwater management and enhancement of the natural environment, while encouraging a combination of high-quality land uses. Effective landscaping focused on native plantings, and improved land use and access management along Rochester will create a green corridor that provides a high level of service for motorists, and which provides an effective natural buffer between high traffic volumes and people visiting adjacent properties. The creation of this green corridor would occur primarily in the right-of-way along road frontages and in the median of a future boulevard.*

*New construction along the corridor may include detention and retention basins that work together from site-to-site with other features to create a continuous, linear landscape*

*feature. By connecting properties, the basins create visual relief from traffic. Low impact development methods will be used throughout the corridor to filter stormwater runoff. (pg. 87)*

The site has been master-planned for medium density multiple family residential for 20 years, and other low impact uses for the past 10 years. We find that a rezoning to O, Office, especially in light of office, directly abutting to the south, complies with the Master Plan.

#### **PROPOSED DEVELOPMENT VS. BY-RIGHT**

The stated intent of the O, Office District is as follows:

##### *SECTION 4.16 O, Office District*

*Intent. The O, Office District is intended to provide areas for office uses and limited related retail and service uses which support an office environment. These districts are typically located along commercial corridors in the City, or on the periphery of regionally prominent retail and service centers. The O District is not so diverse as to include prominent retail or other commercial components, which are more broadly available in the similar, but more intense OM, Office Mixed Use District, which is specifically designed for that purpose. Consequently, due to its less intense nature, the O District is suited to serve as a conventional transitional zone or in support of more regionally prominent areas and districts with a more intense concentration of uses.*

The table below outlines the development differences of the proposed plan versus what could be done by-right under the current zoning:

	<b>By-Right R-1B Zoning</b>	<b>Proposed by applicant if rezoned to O, Office Zoning</b>
<b>Density</b>	1 single-family detached home	N/A
<b>Height</b>	2.5 stories and 30 feet	3 stories and 36 feet
<b>Setbacks</b>	Front (Rochester): 40 feet Front (De Etta): 40 feet Sides: 10 / 25 feet total Rear: 45 feet	Front (Rochester): 10 feet Front (De Etta): 25 feet Side: 20 feet Adjacent Single-Family: 50-feet
<b>Open Space</b>	Max % of lot covered by building: 30%	N/A

Due to the zoning requirements, future office development would require the building to be pushed up to Rochester with parking between the building and the adjacent single-family lot. The concept plan indicates a 10,500 sq/ft, 2-story office building.

## **SITE ACCESS AND CIRCULATION**

Due to intersection distance requirements, access for future development, regardless if rezoned or not, would remain off De Etta Avenue.

## **REZONING STANDARDS**

As set forth in Section 16.03.C, the Planning Commission shall consider the following standards:

1. *The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following:*
  - a. *A change in City policy since the Master Plan was adopted.*
  - b. *A change in conditions since the Master Plan was adopted.*
  - c. *An error in the Master Plan.*
2. *The proposed rezoning will not cause nor increase any non-conformity.*
3. *Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.*
4. *The rezoning will not impact public health, safety, or welfare.*
5. *The rezoning will ensure compatibility with adjacent uses of land.*

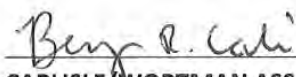
We find that the rezoning standards have been met:

- The site has been master-planned for medium density multiple family residential for 20 years, and other low impact uses for the past 10 years. Rezoning the site that abuts Rochester Road from R-1B, One-Family Residential District to O, Office District is consistent with the Master Plan.
- The parcel directly to the south is zoned O, Office District. The sites will be combined for future development. We find that a rezoning to O, Office, especially in light of office zoning directly abutting to the south, complies with the Master Plan.
- Rezoning the site to O, Office District provides a transition from the heavily traveled Rochester Road arterial to the adjacent neighborhood.
- Innovative stormwater management can be required and confirmed during the site planning process.
- Due to the zoning requirements, future office development would require the building to be pushed up to Rochester with parking between the building and the adjacent single-family lot.

## RECOMMENDATIONS

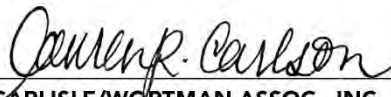
The proposed rezoning from R-1B, Single Family Residential to O, Office of parcel # 20-03-278-027 is consistent with the City of Troy Master Plan, is consistent with abutting zoning in the surrounding area, and meets the rezoning standards set forth in Section 16.03.C of the Zoning Ordinance.

We recommend approval of the proposed rezoning.



CARLISLE/WORTMAN ASSOC., INC.

Benjamin R. Carlisle, AICP, LEED AP



CARLISLE/WORTMAN ASSOC., INC.

Lauren Carlson  
Planner

PUBLIC HEARING – CLEARVIEW HOMES REZONING REQUEST (Z JPLN2019-0030)  
– Proposed Clearview Homes Rezoning, Southwest Corner of Rochester and DeEtta (88-20-03-278-027), Section 3, From R-1B (One Family Residential) Zoning District to O (Office) Zoning District

Mr. Carlisle reviewed the rezoning request application and compared what could be developed by-right with R-1B zoning versus the proposed office zoning. He addressed the Land Use Policies and findings of the Rezoning Standards. Mr. Carlisle recommended that the Planning Commission recommend to City Council to grant the rezoning request.

Mike Robbe said Clearview Homes, a single-family residential home builder, is under contract to purchase both parcels for the construction of their new headquarters. Mr. Robbe said a title research revealed no cross-access easement on the property. He indicated they had no building design at this time.

Mr. Savidant noted the conceptual sketch provided with the application confirms an office building can fit on the subject property.

PUBLIC HEARING OPENED

- Eileen Roys, 990 DeEtta; addressed adjacent existing offices and businesses; expressed concerns with traffic impact, access off DeEtta and safety of children; prefer one-story office building.
- Scott Stoglin, 805 DeEtta; addressed concerns with safety of children at school bus stop, snow removal and trash removal; prefer one-story office building.
- Jeannie Stoglin, 805 DeEtta; addressed concerns with traffic, access off DeEtta.
- Earl Miller, Jr., 3240 Kilmer; real estate broker spoke favorably for rezoning.
- Lawrence Luca, 985 DeEtta; addressed concerns with traffic, safety of children at school bus stop, access off DeEtta; prefer one-story building.

PUBLIC HEARING CLOSED

There was discussion on:

- Access; off DeEtta or Rochester.
- Potential for cross-access agreement.

**Resolution # PC-2019-10-070**

Moved by: Tagle

Support by: Lambert

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the R-1B to O rezoning request, as per Section 16.03 of the City of Troy Zoning Ordinance, located on the southwest corner of Rochester and De Etta, within Section 3, being approximately 1.2 acres in size, be **GRANTED**, for the following reasons:

1. The proposed rezoning is consistent with the Master Plan.
2. The proposed rezoning does not appear to cause or increase any nonconformity.

3. If rezoned the property will be capable of accommodating service and facility loads caused by use of the development.
4. The rezoning does not appear to impact public health, safety or welfare.
5. The rezoning will ensure compatibility with adjacent uses of land.

Yes: All present (9)

**MOTION CARRIED**



500 West Big Beaver  
Troy, MI 48084  
troymi.gov



E-02

## CITY COUNCIL AGENDA ITEM

Date: February 5, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
R. Brent Savidant, Community Development Director

Subject: PUBLIC HEARING – REZONING REQUEST (Z JPLN2019-0025) - Proposed Sylvanwood Court RT Development Rezoning, Northwest corner of Rochester Road and Sylvanwood (88-20-10-426-029, -030 and -031), Section 10, From R-1C (One Family Residential) to RT (One Family Attached Residential) Zoning District.

The applicant Eureka Building Co. seeks rezoning of the subject parcel from R-1C (One-Family Residential) District to RT (One Family Attached) District. The parcel is 1.2 acres in area.

The applicant submitted a concept plan showing two (2), five (5) unit buildings. This sketch is required as part of the application but is non-binding.

A summary of the project was prepared by the Planning Consultant and is included in the attached agenda item from the October 8, 2020 Planning Commission regular meeting.

The Planning Commission held a public hearing on this item on October 8, 2020 and recommended approval of the rezoning by a 5-4 vote.

At the request of numerous residential neighbors, the City's Traffic Consultant OHM prepared the attached memorandum dated December 6, 2019. The memorandum summarizes the results of a Speeding/Cut-Through study conducted for Sylvanwood, Trinway and Creston west of Rochester in October, 2019. The attached memorandum prepared by OHM and dated September 24, 2018 summarizes the traffic that can be anticipated from a 10-unit attached residential condominium project.

A City Council public hearing has been scheduled for February 10, 2020.

### Legal Review

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

#### Attachments:

1. Maps
2. Rezoning application
3. Report prepared by Carlisle/Wortman Associates, Inc.
4. Minutes from October 8, 2019 Planning Commission Regular meeting (excerpt)
5. Memorandum prepared by OHM dated December 6, 2019 (Speeding/Cut-Through Traffic)
6. Memorandum prepared by OHM, dated September 24, 2018





595 0 297 595 Feet



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.





595 0 297 595 Feet



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

# CITY OF TROY REZONING REQUEST APPLICATION

CITY OF TROY PLANNING DEPARTMENT  
500 W. BIG BEAVER  
TROY, MICHIGAN 48084  
248-524-3364  
E-MAIL: [planning@troymi.gov](mailto:planning@troymi.gov)



REZONING REQUEST APPLICATION  
\$1,800.00

ESCROW FEE  
\$1,500.00

## NOTICE TO THE APPLICANT

REGULAR MEETINGS OF THE TROY PLANNING COMMISSION ARE HELD ON THE SECOND AND FOURTH TUESDAY OF EACH MONTH AT 7:00 P.M. AT CITY HALL.

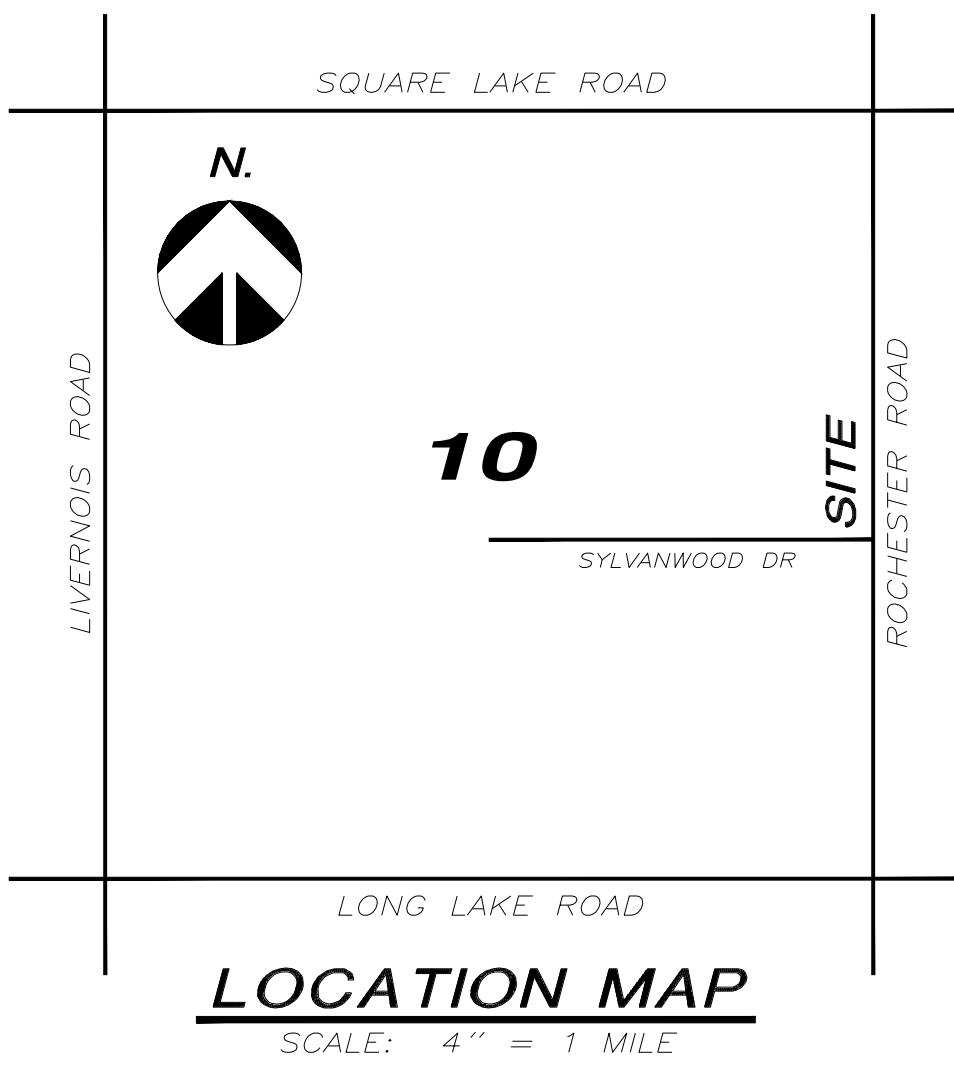
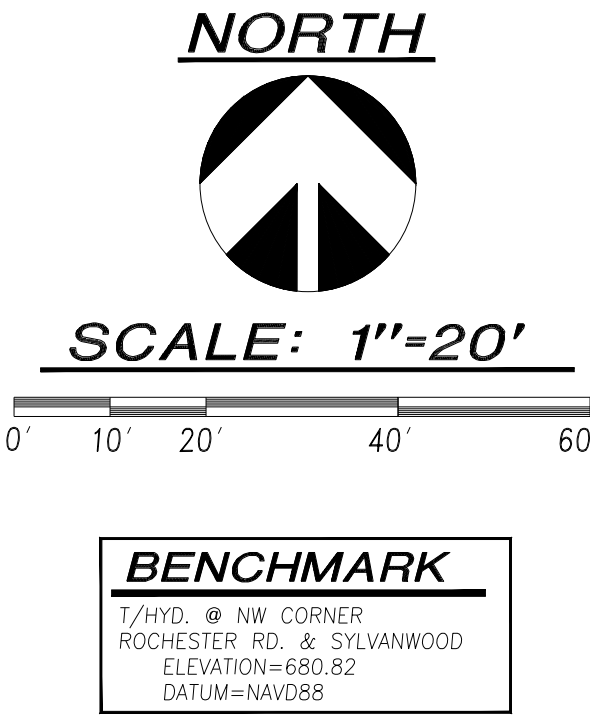
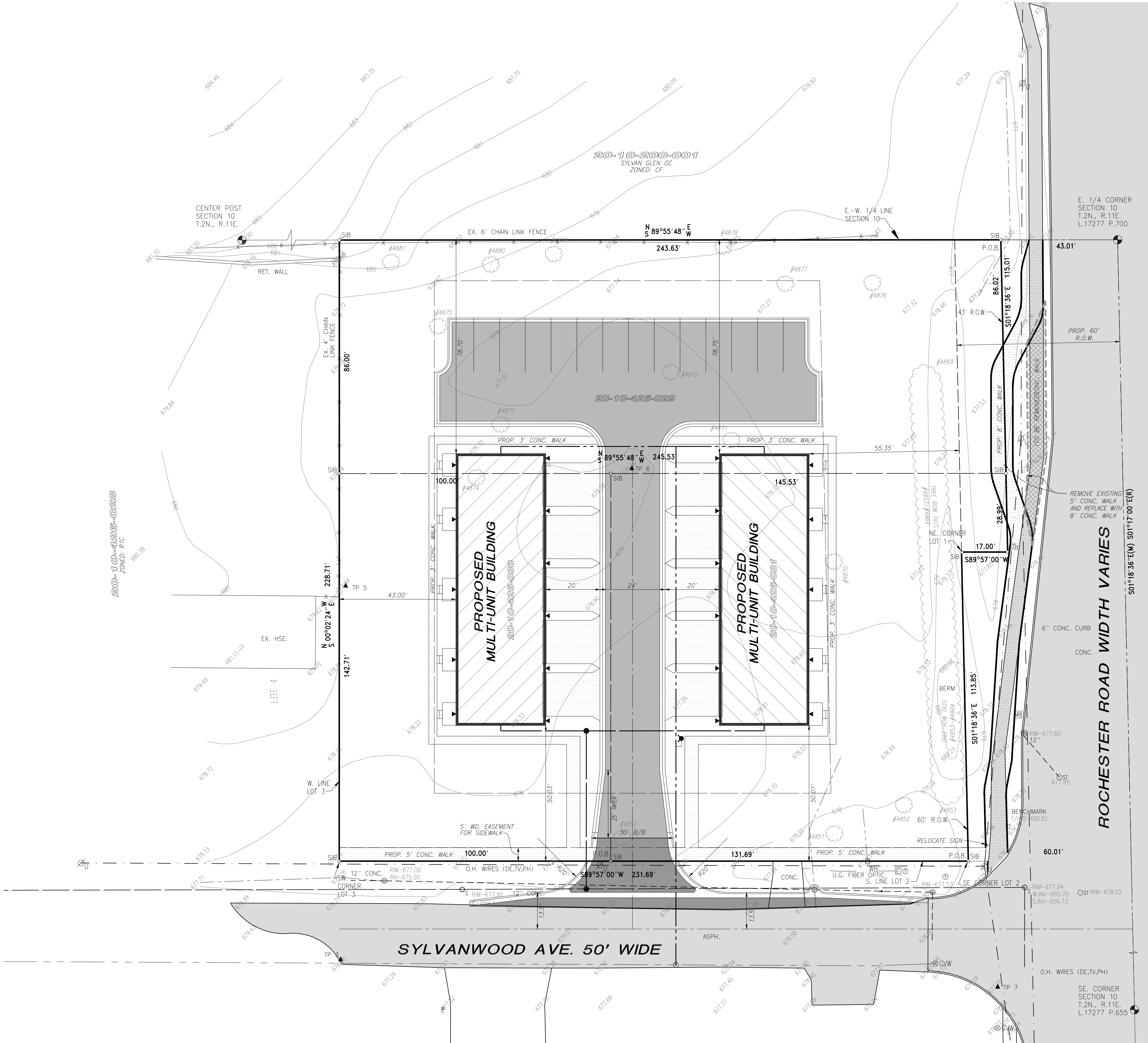
APPLICATIONS SHALL BE FILED NOT LATER THAN THIRTY (30) DAYS BEFORE THE SCHEDULED DATE OF THE MEETING.

A PLANNING COMMISSION PUBLIC HEARING SHALL BE SCHEDULED FOLLOWING A DETERMINATION BY THE PLANNING DEPARTMENT THAT THE APPLICATION IS COMPLETE.

### PLEASE COMPLETE THE FOLLOWING:

1. NAME OF THE PROPOSED DEVELOPMENT: Sylvanwood Court RT Development
2. ADDRESS OF THE SUBJECT PROPERTY: 5395 Rochester
3. CURRENT ZONING CLASSIFICATION: R1-C
4. PROPOSED ZONING CLASSIFICATION: RT
5. TAX ID NUMBER(S) OF SUBJECT PROPERTY: 2010-426-031 2010-426-036 2010-426-029
6. APPLICANT FOR REZONING:  
NAME E. Nikolla  
COMPANY Eureka Building Co  
ADDRESS 1985 W. Big Beaver #320  
CITY Troy STATE MI ZIP 48084  
TELEPHONE (586) 405 4080  
E-MAIL eureka.blod@gmail.com
- OWNER OF THE SUBJECT PROPERTY:  
NAME same as applicant  
COMPANY \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
E-MAIL \_\_\_\_\_
7. THE APPLICANT BEARS THE FOLLOWING RELATIONSHIP TO THE OWNER OF THE SUBJECT PROPERTY:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. SIGNATURE OF THE PROPERTY OWNER: [Signature]  
BY THIS SIGNATURE, THE PROPERTY OWNER AUTHORIZES PLACEMENT OF A SIGN ON THE PROPERTY TO INFORM THE PUBLIC AS TO THIS REQUEST FOR REZONING.
9. SIGNATURE OF THE APPLICANT: [Signature]





PROPERTY DESCRIPTION

Property Description: 20-10-426-029  
A parcel of land in the SE 1/4 of Section 10, T.2N., R.11E., City of Troy, Oakland County, Michigan described as; Commencing at the East 1/4 corner Section 10; thence S.89°55'48"W., 43.01 feet along the east/west 1/4 line of Section 10 to the 43 foot right of way of Rochester Road and the Point of Beginning; thence along said line S.01°18'36"E., 86.02 feet; thence S.89°55'48"W., 245.53 feet; thence N.00°02'24"W., 86.00 feet to a point on the east/west 1/4 line of Section 10; thence along said line N.89°55'48"E., 243.63 feet to the Point of Beginning and containing 0.483 acres.

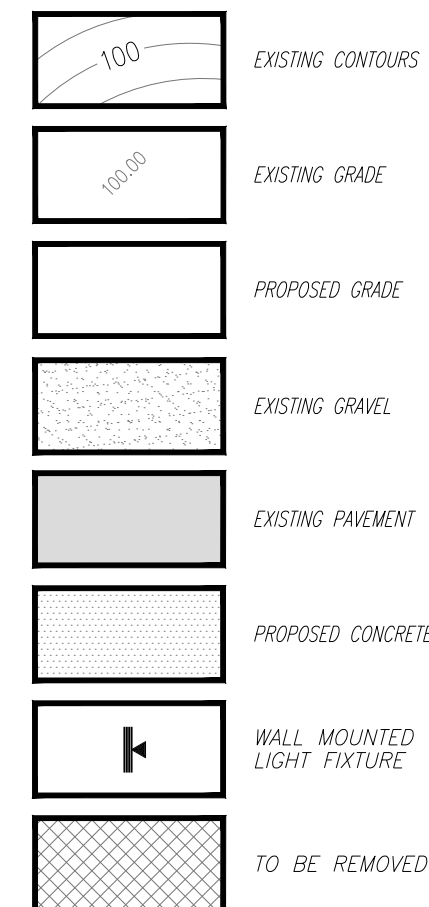
Property Description: 20-10-426-030  
A parcel of land in the SE 1/4 of Section 10, T.2N., R.11E., City of Troy, Oakland County, Michigan and Part of Lots 1, 2, and 3, "Sylvanwood Gardens Subdivision," part of the SE 1/4 of Section 10, T.2N., R.11E., City of Troy (formerly known as Troy Twp.), Oakland County, Michigan as recorded in Liber 13, Page 48 of Oakland County Records described as; Commencing at the SE corner of said Lot 2; thence S.89°57'00"W., 131.69 feet along the south line of Lot 2 to the Point of Beginning; thence continuing S.89°57'00"W., 100.00 feet to the SW corner of said Lot 3; thence N.00°02'24"W., 142.71 feet along the west line of Lot 3; thence N.89°55'48"E., 145.53 feet to a point on the 43 foot right of way of Rochester Road; thence along said line S.01°18'36"E., 28.99 feet; thence S.89°57'00"W., 17.00 feet to the 60 foot right of way of Rochester Road and the NE corner of said Lot 1; thence along said line S.01°18'36"E., 113.85 feet to the Point of Beginning and containing 0.438 acres.

Property Description: 20-10-426-031  
A parcel of land in the SE 1/4 of Section 10, T.2N., R.11E., City of Troy, Oakland County, Michigan and Part of Lots 1 and 2, "Sylvanwood Gardens Subdivision," part of the SE 1/4 of Section 10, T.2N., R.11E., City of Troy (formerly known as Troy Twp.), Oakland County, Michigan as recorded in Liber 13, Page 48 of Oakland County Records described as; Beginning at the SE corner of said Lot 2; thence S.89°57'00"W., 131.69 feet along the south line of Lot 2; thence S.89°55'48"E., 145.53 feet to a point on the 43 foot right of way of Rochester Road; thence along said line S.01°18'36"E., 28.99 feet; thence S.89°57'00"W., 17.00 feet to the 60 foot right of way of Rochester Road and the NE corner of said Lot 1; thence along said line S.01°18'36"E., 113.85 feet to the Point of Beginning and containing 0.438 acres.

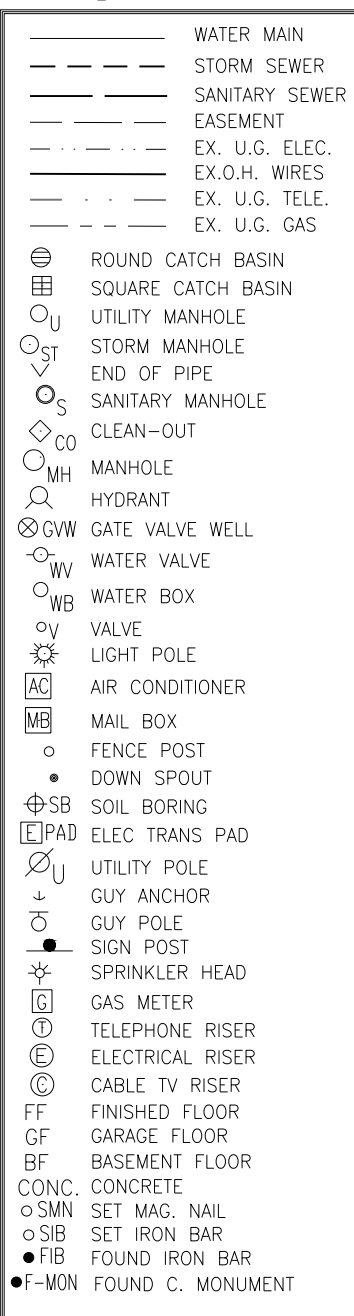
SITE CRITERIA

- PARCEL IDENTIFICATION #: 20-10-426-029, -030, -031
- EXISTING ZONING: R1C
- PROPOSED ZONING: R1C, CF
- ADJACENT ZONINGS: R1C, CF
- AREA OF SITE: 1.249
- PROPOSED USE: ATTACHED RESIDENTIAL HOUSING
- TOTAL NUMBER OF PROPOSED LOTS: 1
- LOT SUMMARY (RT ZONING):
  - MINIMUM LOT SIZE: 5,000 S.F.
  - MINIMUM LOT FRONTAGE: 40
  - BUILDING SETBACKS: FRONT = 50' (ROCHESTER ROAD R.O.W.)  
FRONT = 25' (SYLVANWOOD AVE. R.O.W.)  
REAR = 35'  
SIDE = 5' MIN., 15' TOTAL
- UTILITY SUMMARY
  - WATER MAIN: MUNICIPAL
  - SANITARY SEWER: MUNICIPAL
  - STORM SEWER: ENCLOSED PIPE WITH OUTLET TO EXISTING SYLVANWOOD C.B.
- LIGHTING:
  - EACH GARAGE WILL HAVE A WALL-MOUNTED DECORATIVE LIGHT FIXTURE WITH A PHOTOCELL.
  - EACH PORCH MAY HAVE A STANDARD MOTION-SENSOR EXTERIOR DECORATIVE LIGHT FIXTURE.
  - WALL LIGHTS MUST MEET THE ORDINANCE SHIELDING REQUIREMENT AND THE LIGHTS MUST NOT EXCEED 10.0 FOOT-CANDLES.

LEGEND

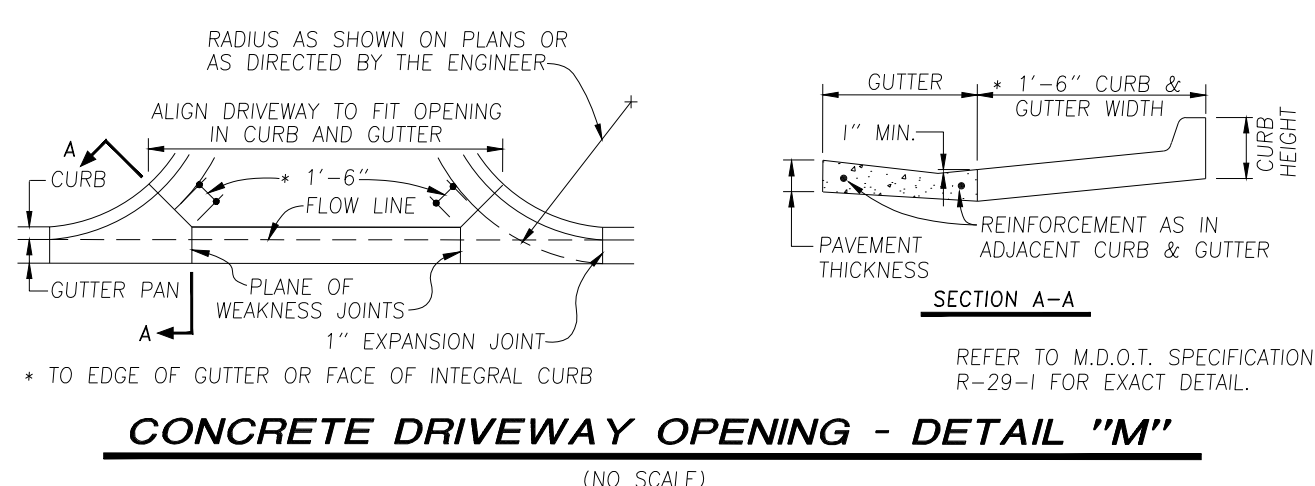


TOPOGRAPHY LEGEND



SHEET INDEX

1. CONCEPT PLAN
  2. TOPOGRAPHIC and BOUNDARY SURVEY
- SUPPLEMENTAL**  
LANDSCAPE PLAN and TREE INVENTORY



Contractor Note:  
The locations of existing underground utilities are shown in an approximate way only. The contractor shall determine the exact location of all existing utilities before commencing work. He agrees to be fully responsible for any and all damages which might be occasioned by his failure to exactly locate and preserve any and all underground utilities.

CONCEPT PLAN  
PART OF THE S.E. 1/4 OF SECTION 10  
T.2N., R.11E., CITY OF TROY,  
OAKLAND COUNTY, MICHIGAN

BY:

ADDITIONS AND/OR REVISIONS

DATE

180307-8418  
Job No. 180307-8418  
Date 7-18-2019  
Scale 1"=20'  
Drawn DKZ  
Check R. LINDH  
Sheet 1 OF 2  
Fld. Bk.

PROPOSED  
SITE CONDOMINIUM

FOR:  
EUREKA BUILDING COMPANY  
SHELBY, MICHIGAN  
(586) 405-4080

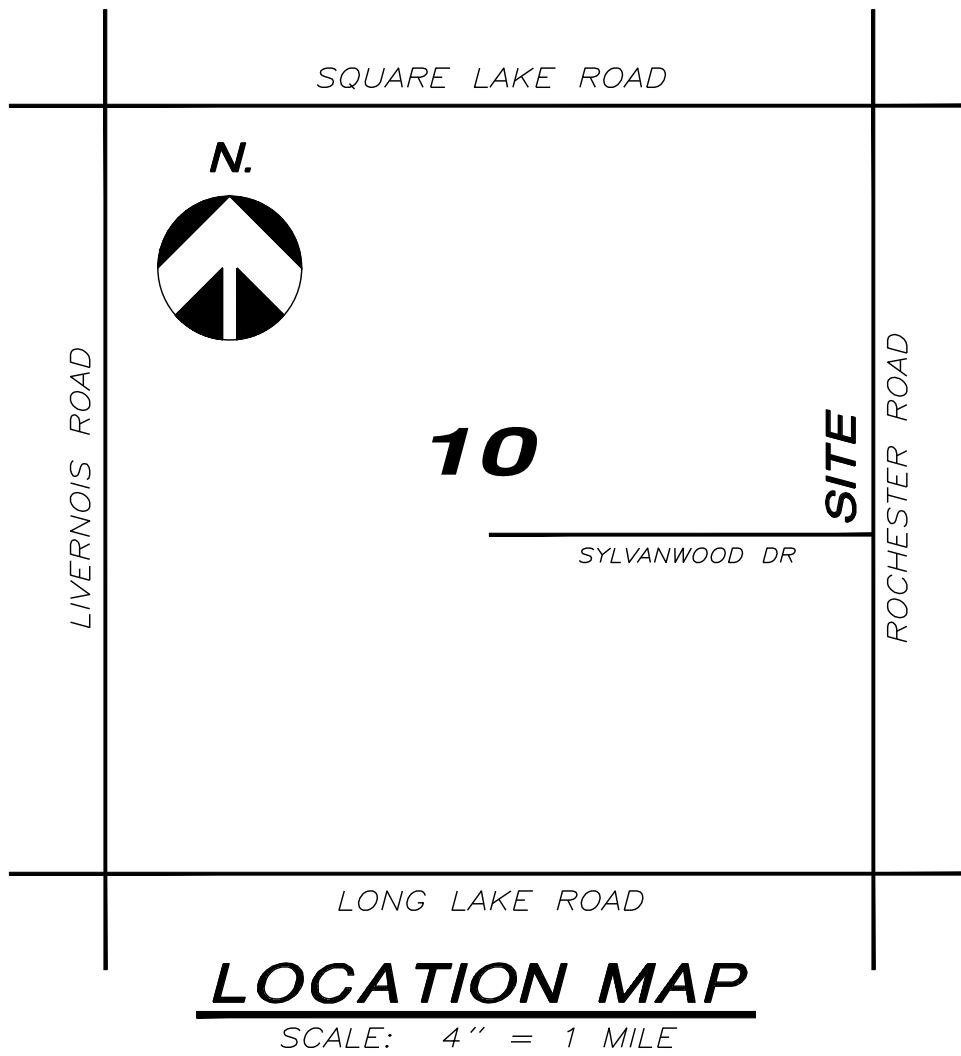
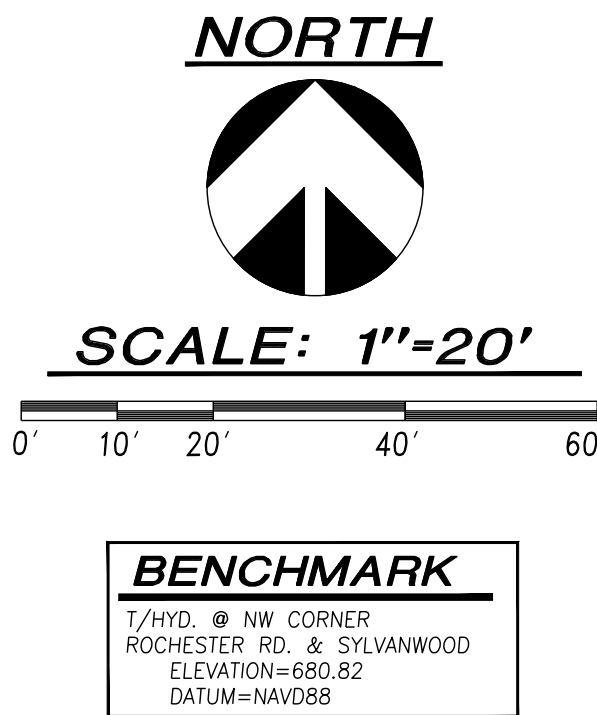
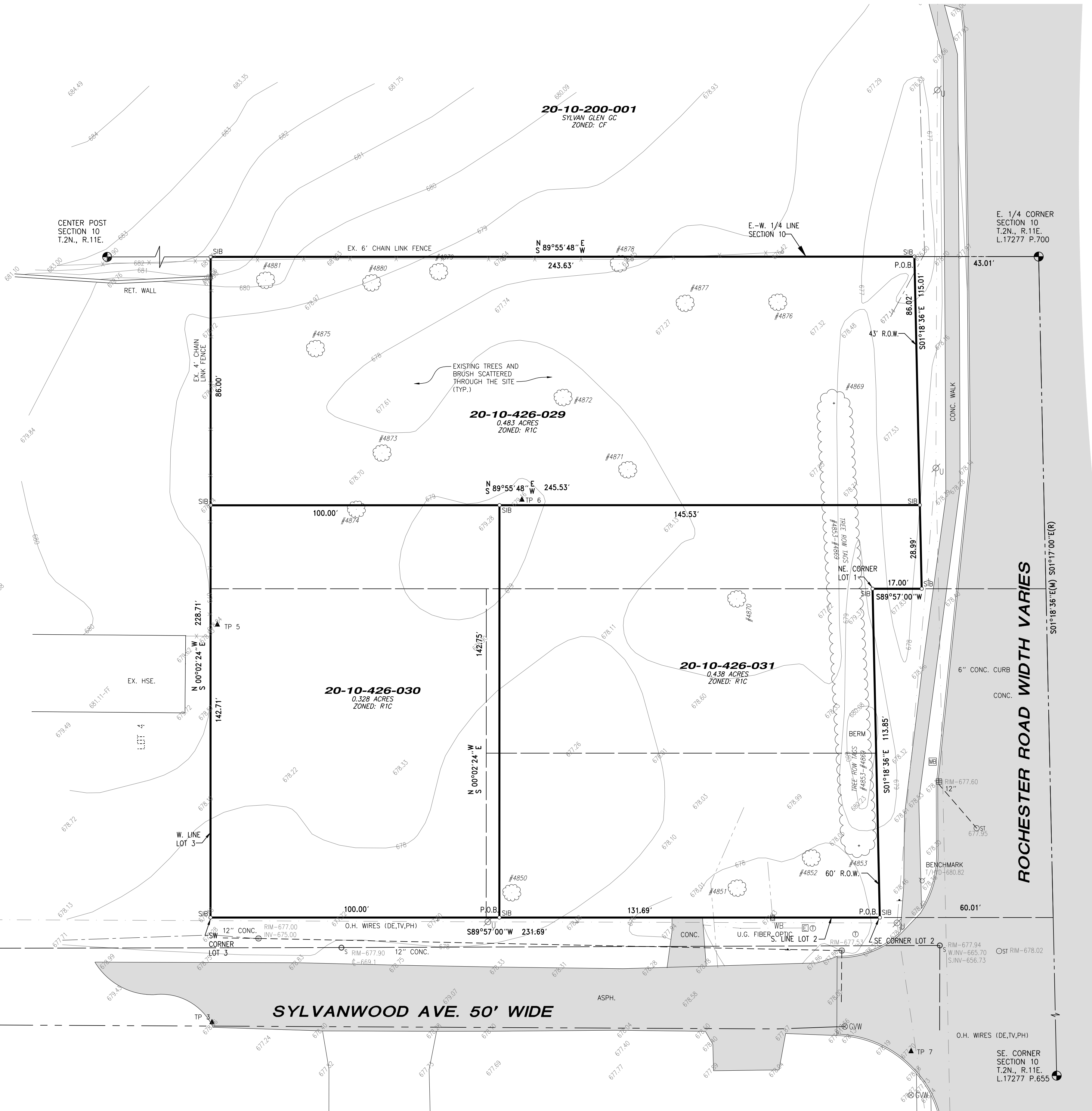
PHONE 586 731-8030  
FAX 586 731-2605  
URBAN LAND CONSULTANTS ©  
PLANNERS LAND SURVEYORS  
8800 23 MILE ROAD SHELBY TWP., MI 48316-4516

Contractor Note:  
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3 WORKING DAYS  
BEFORE YOU DIG  
CALL MISS DIG  
1-800-482-7171  
(TOLL FREE) for the location  
of underground utilities

20-10-426-028  
ZONED: RIC



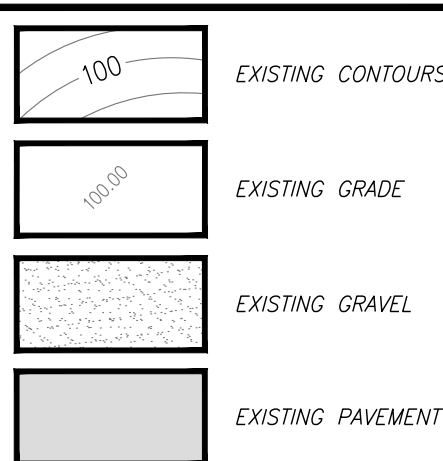
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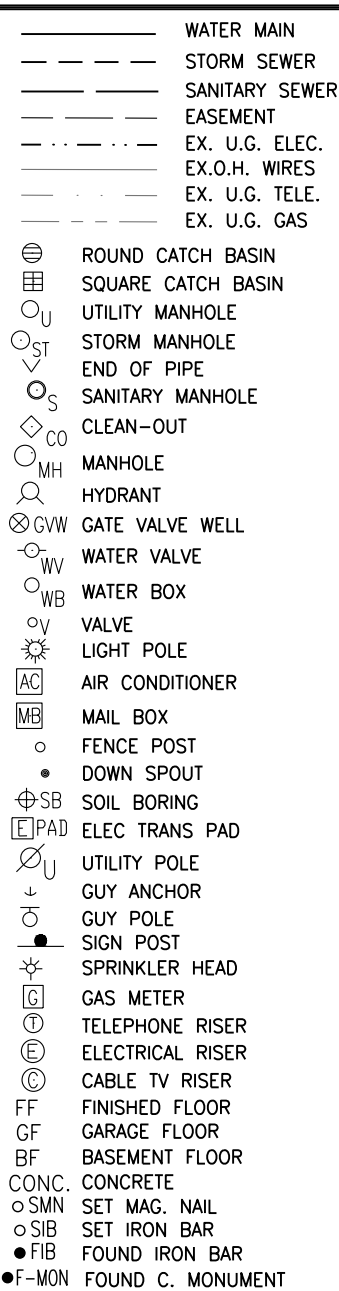
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Property Description: 20-10-426-031  
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### LEGEND



### TOPOGRAPHY LEGEND



I, Jarrett L. Miller, Professional Land Surveyor of the State of Michigan, hereby state that to the best of my knowledge, information and belief, all information hereon is true and accurately shown.

Surveyor's Certificate

I hereby certify that I have surveyed and mapped the land above platted and/or described on November 27, 2017 and that the ratio of closure on the unadjusted field observations of such survey was 1/10,000 and that all of the requirements of P.A. 132 1970 as amended have been complied with.

Jarrett L. Miller  
Professional Land Surveyor  
No. 52454  
jmliller@urban-land.com

Date

## TOPOGRAPHIC and BOUNDARY SURVEY

PART OF THE S.E. 1/4 OF SECTION 10  
T.2N., R.11E., CITY OF TROY,  
OAKLAND COUNTY, MICHIGAN

BY:

ADDITIONS AND/OR REVISIONS

DATE

180307-8418  
Job No.

Date 7-18-2019

Scale 1"=20'

Drawn DKZ

Check R. LINDH

Sheet 2 OF 2

Fld. Bk.

## PROPOSED SITE CONDOMINIUM

FOR:  
EUREKA BUILDING COMPANY  
SHELBY TWP., MI 48315  
(586) 405-4080

PHONE 586 731-8030  
FAX 586 731-2605

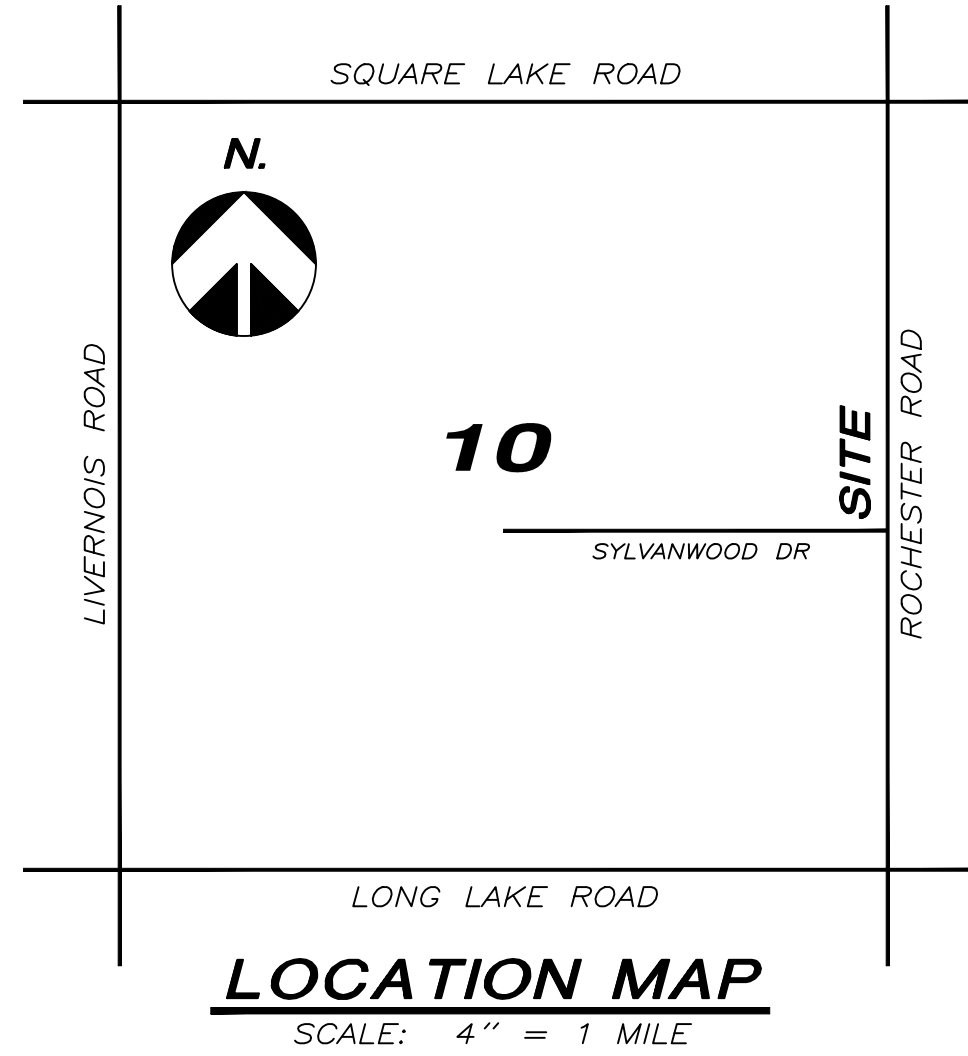
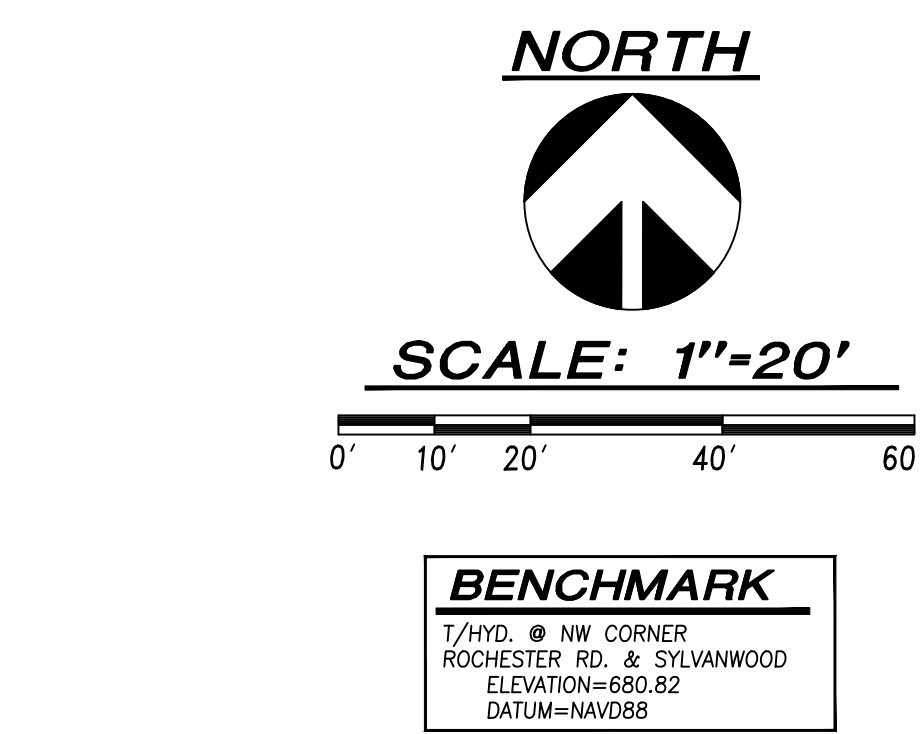
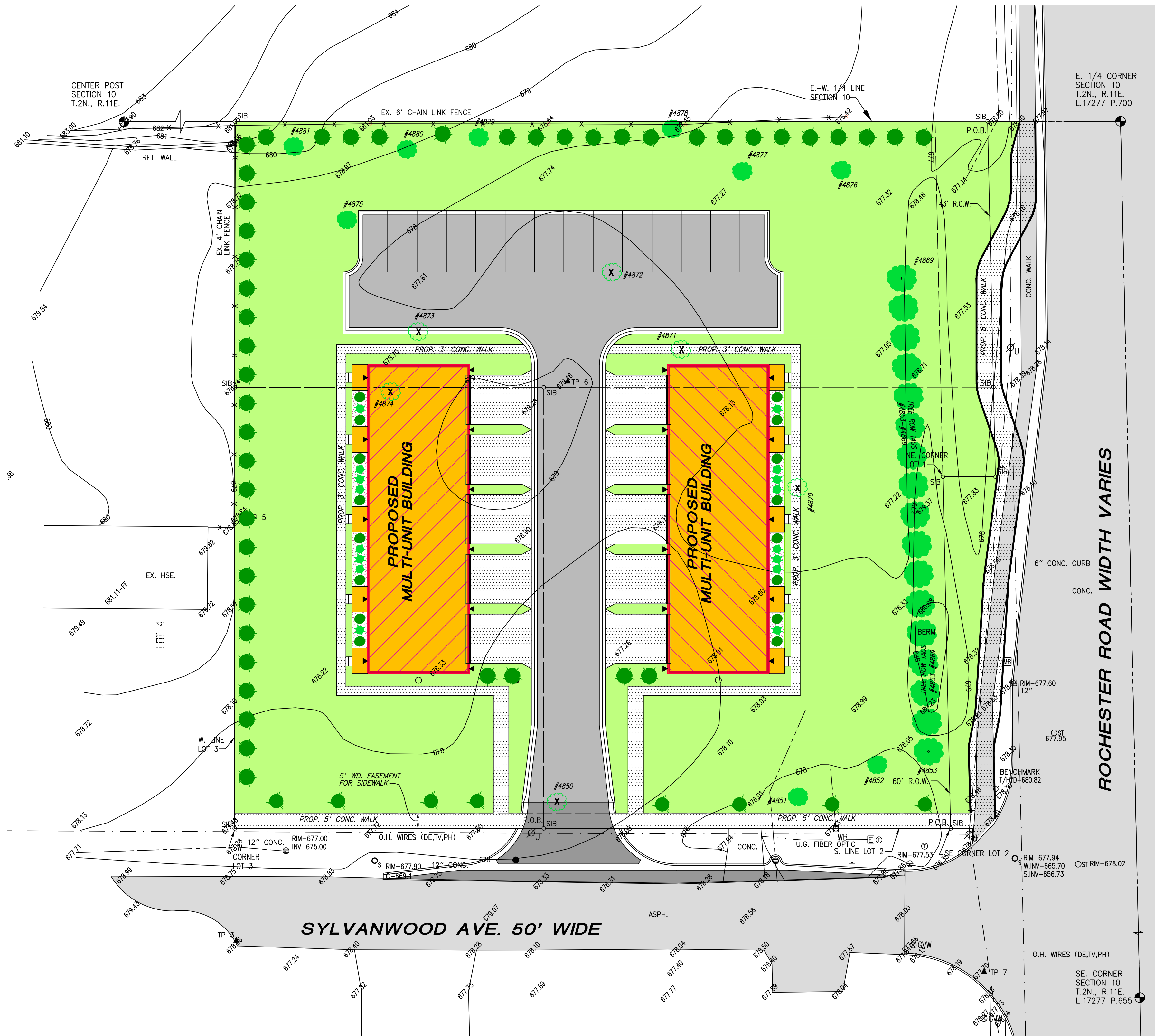
URBAN  
LAND  
CONSULTANTS ©

PLANNERS LAND SURVEYORS  
8800 23 MILE ROAD SHELBY TWP., MI 48316-4516



# TOPOGRAPHY LEGEND

---	WATER MAIN
---	STORM SEWER
---	SANITARY SEWER
---	EASEMENT
---	EX. U.G. ELEC.
---	EX. U.G. WIRES
---	EX. U.G. TELE.
---	EX. U.G. GAS
○	ROUND CATCH BASIN
○	SQUARE CATCH BASIN
○	UTILITY MANHOLE
○	STORM MANHOLE
○	END OF PIPE
○	SANITARY MANHOLE
○	CLEAN-OUT
○	MANHOLE
○	HYDRANT
○	GATE VALVE WELL
○	WATER VALVE
○	WATER BOX
○	VALVE
○	LIGHT POLE
○	AIR CONDITIONER
○	MAIL BOX
○	FENCE POST
○	DRAIN SPOUT
○	SOIL BORING
○	ELEC TRANS PAD
○	UTILITY POLE
○	GUY ANCHOR
○	GUY POLE
○	SIGN POST
○	SPRINKLER HEAD
○	GAS METER
○	TELEPHONE RISER
○	ELECTRICAL RISER
○	CABLE TV RISER
○	FINISHED FLOOR
○	ORANGE FLOOR
○	BASEMENT FLOOR
○	CONC. CONCRETE
○	CONC. SET WALL
○	CONC. SET IRON BAR
○	FOUND IRON BAR
○	FOUND C. MONUMENT



## TREE PROTECTION NOTES

- TREE IDENTIFICATION**  
ALL TREES IN OR NEAR ACTIVE CONSTRUCTION AREAS WILL BE IDENTIFIED IN THE FOLLOWING MANNER: ALL TREES TO BE REMOVED WILL HAVE AN "X" PAINTED ON THE TRUNK WITH BRIGHT ORANGE PAINT. ALL TREES TO REMAIN WILL BE FLAGGED WITH GREEN SURVEY RIBBON. ALL CONTRACTORS WILL BE NOTIFIED VERBALLY AND WITH WRITTEN MEMORANDUM PRIOR TO CONSTRUCTION.
- TREE PROTECTION**  
A. NO ACTIVITY SHALL OCCUR WITHIN DRIP LINE OF ANY TREE TO REMAIN.  
B. DURING CONSTRUCTION, NO DEVICE OR WIRE SHALL BE ATTACHED TO ANY REMAINING TREE.

## PLANTING NOTES

- ALL CONSTRUCTION AND PLANT MATERIAL LOCATIONS TO BE ADJUSTED ON SITE IF NECESSARY.
- ANY SUBSTITUTIONS OF PLANT MATERIAL OR ALTERATION IN PLANT SIZES OR SPECIFICATIONS TO BE CONFIRMED BY THE PLAN DESIGNER.
- ALL LARGE TREES AND EVERGREENS TO BE STAKED, GUYED, AND WRAPPED. (AS SHOWN ON PLAN)
- PLANT BEDS TO BE MULCHED AND DRESSED WITH 4" OF SHREDDED HARDWOOD.
- DIG SHRUB PITS 1' LARGER THAN SHRUB ROOT BALLS AND TREE PITS 2' LARGER THAN ROOT BALLS. BACKFILL WITH ONE PART TOP SOIL AND ONE PART SOIL FROM EXCAVATED PLANTING HOLE.
- REMOVE ALL TWINE, WIRE, AND BURLAP FROM THE TREE AND SHRUB EARTH BALLS AND FROM TREE TRUNKS.
- LAWN TREES TO BE MULCHED WITH A 2" WIDE MINIMUM OF 6" DEEP SHREDDED BARK RING OR APPROVED ALTERNATE DESIGN FOR TRUNK PROTECTION.
- PROVIDE HYDRO-SEEDING FOR ALL NEW LAWN AREAS.
- INSTALLATION OF PLANT MATERIAL SHALL BE IN ACCORDANCE WITH THE AMERICAN ASSOCIATION OF NURSERYMEN LANDSCAPE STANDARDS.
- PLANT MATERIAL, ESPECIALLY EVERGREENS, TO BE PLANTED HIGHER THAN NORMAL WHEN HEAVY SOIL CONDITIONS (CLAY, ETC.) PREVAIL.
- ALL PLANTING AREAS TO BE PREPARED WITH APPROPRIATE SOIL MIXTURES AND FERTILIZER BEFORE PLANT INSTALLATION.
- PLANT TREES AND SHRUBS GENERALLY NO CLOSER THAN THE FOLLOWING DISTANCES FROM SIDEWALKS, CURBS AND PARKING STALLS:
  - SHADE TREES: 5 FT.
  - ORNAMENTAL AND EVERGREEN TREES: 10 FT. (CORB. PINE, SPRUCE, ETC.)
  - SHRUBS THAT ARE LESS THAN 1 FT. TALL & WIDE AT MATURITY: 2 FT.
- NO TREES OR EVERGREENS TO BE INSTALLED OVER ANY PROPOSED OR EXISTING UTILITY LINES AS SHOWN ON THE OVERALL LANDSCAPE PLAN. SEE ENGINEERING PLANS FOR EXACT LOCATION AND DETAILS.
- FOR EXISTING TREE PROTECTION, 4'-0" HIGH SNOW FENCE TO BE ERRECTED AROUND TREE DRIP LINES PRIOR TO LAND CLEARING AND SITE CONSTRUCTION, AND MAINTAINED THROUGHOUT SITE DEVELOPMENT PERIOD. NO CUTTING, FILLING OR TRESPASSING SHALL OCCUR INSIDE FENCED AREAS WITHOUT PRIOR CITY APPROVALS.
- TREES TO BE PRESERVED: #4851 & #4852. TOTAL SIZE PRESERVED 51". TREES TO BE REMOVED: #4870, #4871, #4872, #4873, #4874. TOTAL SIZE TO BE REMOVED 33". PURSUANT TO SECTION 13.07 OF THE ZONING ORDINANCE, TOTAL SIZE OF ON-SITE PRESERVED TREES ACCOUNTS FOR MORE THAN HALF OF THE SIZE OF REMOVED TREES, HENCE NO FURTHER ON-SITE TREE REPLACEMENT IS REQUIRED.

## LEGEND

	EXISTING CONTOURS		PROPOSED UTILITIES
	EXISTING GRADE		EXISTING PAVEMENT
	EXISTING GRAVEL		PROPOSED CONCRETE

## TREE LIST

TAG	SIZE	TYPE	TAG	SIZE	TYPE
4850	18/18/18"	OSAGE ORANGE	4866	8"	BLUE SPRUCE
4851	29"	MAPLE	4867	6"	BLUE SPRUCE
4852	22"	MAPLE	4868	10"	BLUE SPRUCE
4853	8"	BLUE SPRUCE	4869	10"	BLUE SPRUCE
4854	8"	BLUE SPRUCE	4870	36"	MAPLE
4855	8"	BLUE SPRUCE	4871	18"	MAPLE
4856	10"	BLUE SPRUCE	4872	22"	WILLOW
4857	10"	BLUE SPRUCE	4873	17"	WILLOW
4858	10"	BLUE SPRUCE	4874	17"	ELM
4859	10"	BLUE SPRUCE	4875	8"	ASH
4860	8"	BLUE SPRUCE	4876	20"	MAPLE
4861	10"	BLUE SPRUCE	4877	12"	ELM
4862	10"	BLUE SPRUCE	4878	16"	MAPLE
4863	8"	BLUE SPRUCE	4879	10"	MULBERRY
4864	8"	BLUE SPRUCE	4880	15"	MULBERRY
4865	8"	BLUE SPRUCE	4881	13"	MULBERRY

## LANDSCAPING LEGEND

	TREE TO REMAIN		PROPOSED 21"-24" DWARF ALBERTA SPRUCE (16 TOTAL)
	TREE TO BE REMOVED		PROPOSED 18"-21" MUCHO PINES (8 TOTAL)
	PROP. 6' HIGH BLUE SPRUCE (47 TOTAL)		PROP. 18"-21" EXOMNIS DWARF BURNING BUSH (8 TOTAL)
	PROP. PAPER BARK MAPLE 6' TALL, 2-1/2" CAL (8 TOTAL, THIS SHEET)		PROPOSED MULCH BED



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## PERENNIAL PLANTING DETAIL

(NO SCALE)

## SHRUB PLANTING DETAIL

(NO SCALE)

## CONIFEROUS TREE PLANTING DETAIL

(NO SCALE)

## TREE PROTECTION DETAIL

(NO SCALE)



## Rezoning Statement.

ONE (1) HARD COPY OF A PROPOSED SITE PLAN INDICATING THE SUBJECT PROPERTY AND THE BUILDINGS / USES PROPOSED TO BE CONSTRUCTED

A detailed development is not proposed at this time, since the uses will be tied directly into the requirements of the RT one family attached. Once the rezoning to RT is approved, the Planning Department will then be consulted regarding potential development site plan layouts and associated requirements under the zoning ordinance in the ordinary course of action. All site plan, and associated form-based elements, will then be addressed through a site plan submission meeting pursuant to ordinance requirements.

ONE (1) HARD COPY OF A STATEMENT INDICATING WHY, IN THE OPINION OF THE APPLICANT, THE REZONING REQUESTED IS CONSISTENT WITH THE MASTER PLAN, AND WHY SUCH A REZONING IS CONSISTENT WITH ADJACENT ZONING DISTRICTS AND USES, AND WILL NOT BE DETRIMENTAL TO THE PROPERTY OF OTHER PERSONS LOCATED IN THE VICINITY

Re-zoning to RT meets Troy Master Plan objectives by providing a transition from non-residential area & main artery roadway and lower density residential land use areas. The City of Troy Zoning Ordinance has additional requirements that must be met for all rezoning approvals. More specifically, Section 16.03(C), Rezoning Procedures, of the ordinance provides the following standards for rezoning requests:

C. Standards for Approval. A rezoning may be approved upon a finding and determination that all of the following are satisfied:

1. The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following: a. A change in City policy since the Master Plan was adopted. b. A change in conditions since the Master Plan was adopted. c. An error in the Master Plan.

The proposed rezoning of the subject site from R1-C, One Family Residential District, to RT Multi Family Residential, is consistent with the Future Land Use designation of Rochester Road in the City of Troy Master Plan. The project enables medium density residential development in one of the "Targeted Locations in Troy for Missing Middle housing." (See Master Plan Chapter 8 Pg. 6)

Rezoning the site to RT would enable the project to satisfy the characteristics of Missing Middle Housing as noted in the Master Plan by providing for: 1. Walkable context and sense of community; Transitional density, by creating housing at densities which fall between traditional single family and multiple family; Smaller, well designed units and efficient use of space; Deemphasizing parking.

2. The proposed rezoning will not cause nor increase any non-conformity.

The proposed rezoning to RT One Family Attached will not cause or increase any non-conformity. Any new development must be in conformity with current City ordinances and Planning Department site plan review and approval as such the development will of necessity continue and transition the current theme of the neighborhood.

3. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.

The subject site is not large in size (1.2 acres) and any proposed development, in compliance with the RT One Family Attached would be easily accommodated by public services and facilities that serve the surrounding commercial and residential developments.

4. The rezoning will not impact public health, safety, or welfare.

The proposed RT designation for this site, and the associated development review process, is intended to ensure that a project does not impact the public health, safety, or welfare. The very designation of the site is intended to provide affordable housing for young families.

5. The rezoning will ensure compatibility with adjacent uses of land.

The rezoning will continue an ongoing theme in the Rochester Road corridor where a number of RT developments have been approved by the city and constructed in recent years in conformity with the Master Plan and its dictates.

ONE (1) CD CONTAINING AN ELECTRONIC VERSION OF THE COMPLETE REZONING APPLICATION

A flash drive with the complete application is provided





**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

Date: September 24, 2019

## **Rezoning Analysis For City of Troy, Michigan**

<b>Project Name:</b>	Sylvanwood Court RT Development
<b>Location:</b>	5395 Rochester Road
<b>Current Zoning:</b>	R-1C, One-Family Residential
<b>Proposed Rezoning:</b>	RT, One-Family Attached Residential
<b>Action Requested:</b>	Rezone to RT, One-Family Attached Residential
<b>Required Information:</b>	As provided within this review

### **PROJECT AND SITE DESCRIPTION**

An application was submitted to straight rezone the property at 5395 Rochester Road from one-family residential (R-1C) to one-family attached residential (RT). There are no conditions offered by the applicant for the rezoning. The 1.20-acre site includes three (3) parcels. Two (2) parcels are vacant and one (1) parcel is improved with a single-family home.

In late 2018, the Planning Commission recommended Conditional Rezoning of the site, with the condition of the rezoning to be the site plan. The site plan proposed to construct ten (10) multiple family units, 30-feet in height. If the site was straight rezoned to RT, ten (10) units, 30-feet in height, would still be the maximum density and height.

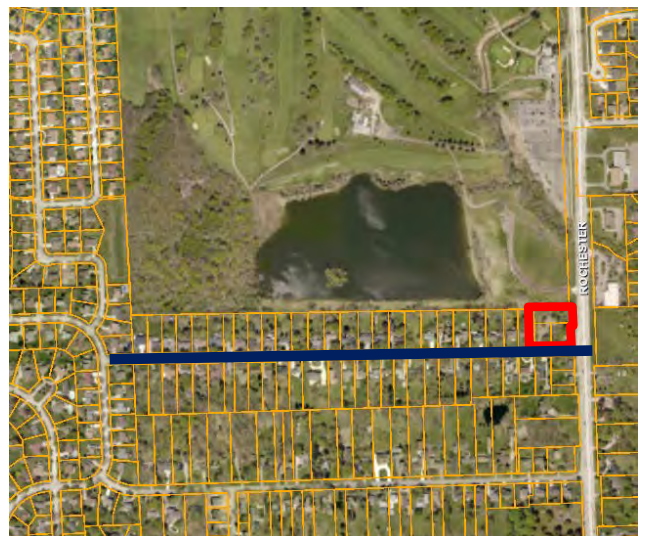
On November 27, 2018, the Planning Commission recommended approval of the proposed conditional rezoning and site plan on a vote of 6-2. On July 8, 2019, the Troy City Council held a public hearing on the meeting. After receiving public comments and City Council deliberation, the City Council voted 7-0 to deny the conditional rezoning.

An aerial image of the subject site is depicted in **Figure 1**.

**Figure 1: Subject Site**



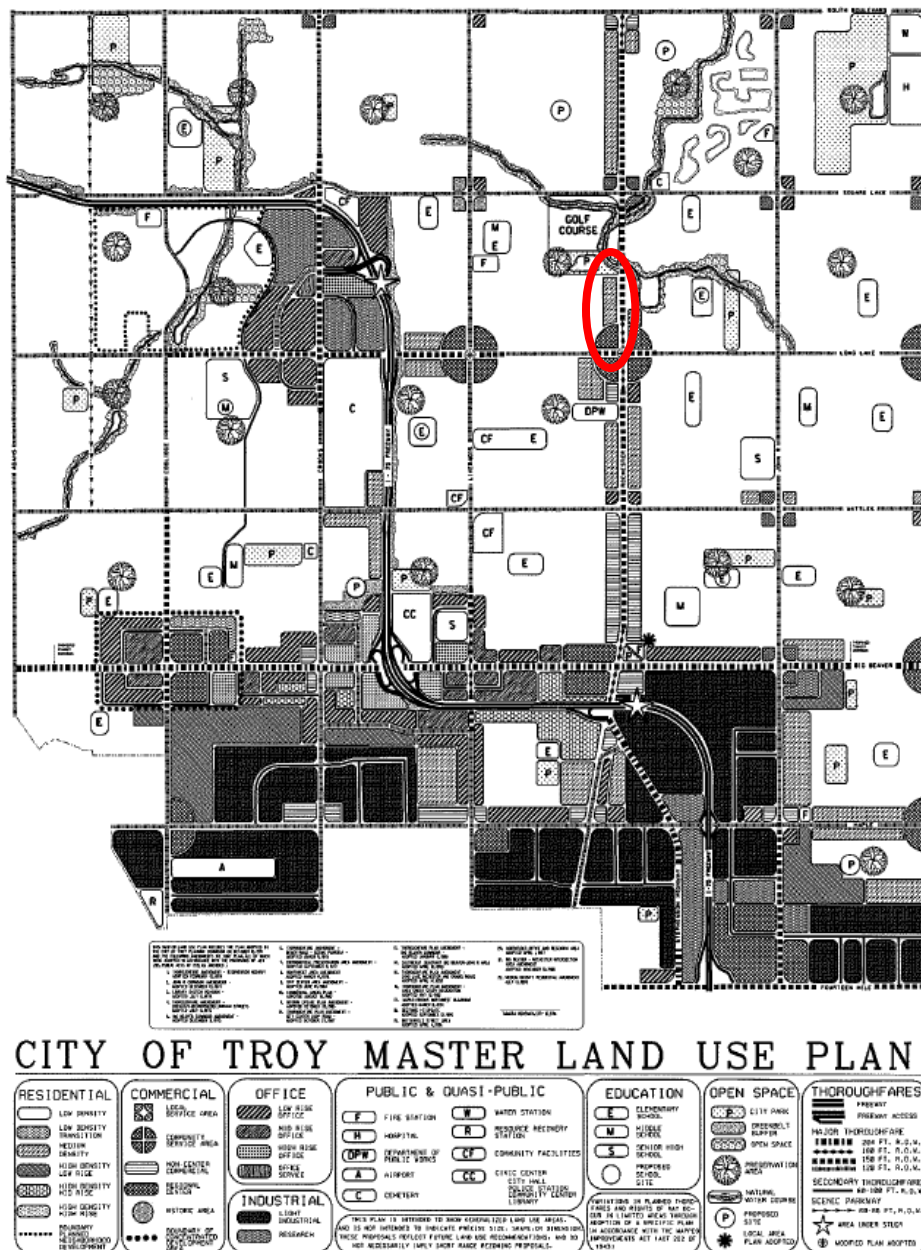
Sylvanwood (outlined in Blue) is a paved street, approximately 22-feet in road paving width, with approximately +/- 53 houses street fronting on it.



## MASTER PLAN (HISTORY AND CURRENT)

In 1999, the city updated the Master Land Use Plan. During the process, the city spent considerable amount of time and input deliberating the future use of key corridors including Big Beaver, Crooks, Maple, and Rochester. Due to traffic volume, noise, and market economics, the Future Land Use Plan recognized parcels that abut major mile corridors such as Rochester would be difficult to develop or redevelop as single-family residential. For this reason, the city considered alternative land use patterns along these corridors that were contextually relevant and compatible with surrounding and adjacent land use.

The 1999 amended Master Land Use Plan , added medium density residential along Rochester Road north of Wattles.



## 1999 Master Land Use Plan

In 2002, the City adopted a Future Land Use Plan, which retained medium density residential along Rochester Road north of Wattles. In 2008, the City comprehensively updated the Master Plan. The process of updating the Master Plan included a significant public participation component that included numerous opportunities for public input. The 2008 comprehensive update to the Master Plan also retained medium density residential along Rochester Road north of Wattles.

The Master Plan was updated in 2017, also retained medium density residential along Rochester Road north of Wattles. From a land use perspective, the updated 2017 Master Plan calls for this site:

*North of Long Lake Road, the land use pattern evolves, becoming a mix of commercial and office near the intersections and older single-family homes and multiple-family complexes in between.*

*Uses along Rochester Road will include a variety of mixed uses, established in a “pulsing” pattern where the most intense mixed-use or exclusively non-residential development will occur near the Neighborhood Nodes situated along its main intersections. Lower-impact uses, such as small scale retail or condominiums should be encouraged along the corridor frontage between these nodes.....The areas between nodes should develop as lower-rise office and multiple-family. The height differences encourage a visual “pulse.” (pg. 87-88)*

This section of Rochester Road Master Plan also calls for use of innovative stormwater management:

*Ultimately, the Rochester Road Corridor will become a regional showcase for effective stormwater management and enhancement of the natural environment, while encouraging a combination of high-quality land uses. Effective landscaping focused on native plantings, and improved land use and access management along Rochester will create a green corridor that provides a high level of service for motorists, and which provides an effective natural buffer between high traffic volumes and people visiting adjacent properties. The creation of this green corridor would occur primarily in the right-of-way along road frontages and in the median of a future boulevard.*

*New construction along the corridor may include detention and retention basins that work together from site-to-site with other features to create a continuous, linear landscape feature. By connecting properties, the basins create visual relief from traffic. Low impact development methods will be used throughout the corridor to filter stormwater runoff. (pg. 87)*

The site has been master-planned for medium density multiple family residential for 20 years. We find that a rezoning to RT, One-Family Attached Residential District complies with the Master Plan.

## PROPOSED DEVELOPMENT VS. BY-RIGHT

The stated intent of the RT, One Family Attached Residential is as follows:

### *SECTION 4.07 RT ONE-FAMILY ATTACHED RESIDENTIAL DISTRICT*

*A. Intent. The intent of the RT, One-Family Attached Residential District is to provide medium density residential areas in those areas which are served with public sewer and water, and where attached forms of residential development achieves the objectives of the Master Plan. The District is designed primarily to permit attached residential dwellings which may serve as a transition between high intensity or nonresidential use areas, and lower density residential land use areas. The RT District is further intended to provide medium density residential development in compact areas so as to encourage walkability.*

The RT, One-family Attached Residential District is consistent with the medium density residential as contemplated in the Master Plan.

The table below outlines the development differences of the proposed plan versus what could be done by-right under the current zoning:

	<b>By-Right R-1C Zoning</b>	<b>Proposed by applicant if rezoned to RT Zoning</b>
<b>Density</b>	4 single-family detached lots via a site condominium	10 multiple family units
<b>Height</b>	2.5 stories and 30 feet	2.5 stories and 30 feet
<b>Setbacks</b>	Front: 30 feet Sides: 15 feet Rear: 40 feet	Front (Rochester): 50 feet Front (Sylvanwood): 25 feet Sides: 5 single / 15 total feet Rear: 35 feet
<b>Open Space</b>	Max % of lot covered by building: 30%	Max % of lot covered by building: 30%

If rezoned the maximum number and height of units if rezoned would be ten (10) units, 30-feet in height.

## SITE ACCESS AND CIRCULATION

Due to intersection distance requirements, access for future development, regardless if rezoned or not, would remain off Sylvanwood.

## TRAFFIC STUDY

Based upon the 10-unit plan previously submitted by the applicant, the City's traffic consultant, OHM, conducted a traffic review. See the OHM memo for additional details. OHM's review concludes:

*During the morning (AM) peak hour, the proposed Sylvanwood condominium development is expected to generate 5 new trips: 1 inbound (entering the site), and 4 outbound (exiting the site). During the evening (PM) peak hour, the proposed site is expected to generate 8 new vehicle trips: 5 inbound (entering the site) trips, and 3 outbound (exiting the site). This pattern coincides with residents typically leaving in the morning for work, and returning home in the evening.*

*On Sylvanwood Drive, the development would result in slight increases to traffic volumes, amounting to one additional vehicle every 7-8 minutes during "rush hour". Most drivers would not even notice this additional traffic.*

*In conclusion, the traffic impacts as a result of the proposed development are very minimal and are not expected to significantly worsen traffic conditions on Sylvanwood Drive or Rochester Road.*

## REZONING STANDARDS

As set forth in Section 16.03.C, the Planning Commission shall consider the following standards:

1. *The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following:*
  - a. *A change in City policy since the Master Plan was adopted.*
  - b. *A change in conditions since the Master Plan was adopted.*
  - c. *An error in the Master Plan.*
2. *The proposed rezoning will not cause nor increase any non-conformity.*
3. *Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.*
4. *The rezoning will not impact public health, safety, or welfare.*
5. *The rezoning will ensure compatibility with adjacent uses of land.*

We find that the rezoning standards have been met:

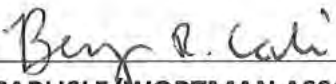
- The site has been master planned for medium density residential for 20 years.



- Rezoning the site that abut Rochester Road from R-1C, One-Family Residential District to RT, One-Family Attached Residential District is consistent with the Master Plan.
- Rezoning the site to RT, One-Family Attached Residential District provides a transition from the heavily traveled Rochester Road arterial to the adjacent neighborhood.
- Innovative stormwater management can be required and confirmed during the site planning process.
- The rezoning will permit a maximum of 10 townhome units, as compared to four (4) single-family homes permitted with the current R-1C Zoning. Six (6) more units than what can be built with the current zoning will not adversely impact the public health, safety, and welfare of the neighborhood.
- Based on the maximum number of ten (10) units that could be constructed if built, the traffic impact analysis concludes that *"The traffic impacts as a result of the proposed development are very minimal and are not expected to significantly worsen traffic conditions on Sylvanwood Drive or Rochester Road."*

## RECOMMENDATIONS

We recommend rezoning of the properties from R-1C, One-Family Residential District to RT, One-Family Attached Residential District

  
\_\_\_\_\_  
CARLISLE/WORTMAN ASSOC., INC.  
Benjamin R. Carlisle, AICP, LEED AP

PUBLIC HEARING – SYLVANWOOD COURT RT DEVELOPMENT REZONING REQUEST (Z JPLN2019-0015) – Proposed Sylvanwood Court RT Development Rezoning, Northwest Corner of Rochester and Sylvanwood (88-20-10-426-029, 88-20-10-426-030, 88-20-10-426-031), Section 10, From R-1C (One Family Residential) Zoning District to RT (One Family Attached Residential) Zoning District

Mr. Savidant presented a background and history of a previous Conditional Rezoning request for the subject property. He explained the request before the Board this evening is a straight rezoning request with no conditions attached to it. Mr. Savidant reviewed the City's Land Use Policies along Rochester Road dating back to 1999 and stated the City's Land Use Policies for the last 20 years have called for medium density residential along Rochester Road and north of Wattles.

Mr. Carlisle reviewed the rezoning request application and compared what could be developed by-right with R-1C zoning versus what could be developed with the proposed RT zoning. He addressed the traffic review and findings of the City Traffic Consultant (OHM) and the Rezoning Standards for consideration by the Planning Commission. Mr. Carlisle recommended that the Planning Commission recommend to City Council to grant the rezoning request.

Erion Nikolla said the rezoning request is to develop multiple family residential at this site which is consistent with the Master Plan. Mr. Nikolla said the proposed development would be very similar to the conceptual plan submitted in the application.

There was discussion on:

- Master Plan classification along Rochester Road.
- Correlation between previously denied Conditional Rezoning request and traditional Rezoning Request before the Board this evening.
- Proposed development as relates to adjacent single family residential and City right-of-way.
- Conceptual plan; non-binding.
- Density and building height permitted in RT zoning district.

PUBLIC HEARING OPENED

The following people spoke in opposition expressing concerns with traffic, traffic study results, compatibility with existing neighborhood, property values, density, snow removal, safety of children and pedestrians, access off Sylvanwood and parking.



- Don Tarr, 937 Sylvanwood
- Daniel Levitt, 871 Sylvanwood
- Richard Lisowski, 5697 Wright
- Marcia Bossenberger, 369 Ottawa
- April Orselli, 894 Sylvanwood
- Tara Hulett, 948 Sylvanwood
- Allison Peck, 863 Sylvanwood
- Christine Simancik, 5464 Whitehaven
- Matthew Mikiczenko, 625 Sylvanwood
- David Orselli, 894 Sylvanwood
- Danuta Sitarczyk, 895 Sylvanwood
- Nathaniel Wilkowski, 1396 Byron Lane
- Jeanne Mikiczenko, 625 Sylvanwood
- Chris Sarsfield, 773 Sylvanwood
- Pierre Harik, 692 Sylvanwood
- Dorothy Clendening, 5371 Rochester
- Mike Donahue, 962 Sylvanwood
- Robert Flora, 607 Sylvanwood
- Surab Shrestha, 674 Sylvanwood

#### PUBLIC HEARING CLOSED

Discussion continued:

- Role of Planning Commission; recommending body, legal constraints.
- Rezoning request as relates to Master Plan and Rezoning Standards.
- City Traffic Consultant findings; trip generations.
- Access; off Sylvanwood or Rochester.
- Right-of-way acquisition; site plan requirement to meet ultimate right-of-way.
- Existing traffic and safety concerns; speeding, cut-through, no sidewalks.

Mr. Lambert addressed concerns of compatibility with adjacent single family residential, as relates to Rezoning Standard No. 5.

Chair Faison addressed concerns with public health, safety and welfare of potential traffic impact resulting from access off Sylvanwood, as relates to Rezoning Standard No. 4.

#### **Resolution # PC-2019-10-069**

Moved by: Hutson

Support by: Tagle

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the R-1C to RT rezoning request, as per Section 16.03 of the City of Troy Zoning Ordinance, located on the northwest corner of Rochester and

Sylvanwood, within Section 10, being approximately 1.2 acres in size, be **GRANTED** for the following reasons:

1. The proposed rezoning is consistent with the Master Plan.
2. The proposed rezoning does not appear to cause or increase any nonconformity.
3. If rezoned the property will be capable of accommodating service and facility loads caused by use of the development.
4. The rezoning does not appear to impact public health, safety or welfare.
5. The rezoning will ensure compatibility with adjacent uses of land.

Yes: Apahidean, Crusse, Fowler, Hutson, Tagle

No: Faison, Krent, Lambert, Rahman

**MOTION CARRIED**

## memorandum

**Date:** December 6, 2019

**To:** Bill Huotari, PE

**CC:** Stephen Dearing, PE, PTOE

**From:** Stephan Maxe, PE

**Re:** Speeding/Cut-Through Traffic Concerns on Sylvanwood Drive

### Introduction

There are resident concerns related to the development of 10 units of condominiums on Sylvanwood Drive at the intersection with Rochester Road. This is due to the perceived existing issue of speeding along Sylvanwood Drive as well as cut through traffic. In order to address these concerns a speed and volume study was conducted on Sylvanwood Drive, Trinway Road and Creston Road as these are all parallel streets with access to Rochester Road in the area of the proposed development. This study will also investigate if there is cut through traffic and discuss possible countermeasures.

### Speed and Volume Study

As requested, speed and volume data has been collected on Sylvanwood Drive, Trinway Road and Creston Road west of Rochester Road. The data has been processed and summarized. Attached to this memo is the actual data collected for both speed and volumes. The posted speed limit is 25 mph on all 3 roads. Data was collected for a time period spanning from October 11, 2019 to October 28, 2019.



**Table 1 - Speed Data Results**

<b>Sylvanwood Drive</b>		
	<b>Westbound</b>	<b>Eastbound</b>
85 <sup>th</sup> Percentile (MPH)	29	33
Mean Speed (MPH)	24	27
10 MPH Pace Speed (MPH)	21-30	21-30
Percent in Pace (%)	66.7	58.8
Violation Rate (%)	48.0	67.7
<b>Trinway Road</b>		
	<b>Westbound</b>	<b>Eastbound</b>
85 <sup>th</sup> Percentile (MPH)	30	34
Mean Speed (MPH)	25	28
10 MPH Pace Speed (MPH)	21-30	26-35
Percent in Pace (%)	62.4	59.0
Violation Rate (%)	49.1	71.6
<b>Creston Road</b>		
	<b>Westbound</b>	<b>Eastbound</b>
85 <sup>th</sup> Percentile (MPH)	34	36
Mean Speed (MPH)	26	30
10 MPH Pace Speed (MPH)	26-35	26-35
Percent in Pace (%)	48.4	54.9
Violation Rate (%)	60.1	76.2

Based on Table 1, at all 3 locations, the 85<sup>th</sup> percentile speed is higher than the posted speed limit of 25 mph for both directions.

Table 2 is a day-by-day summary of the traffic volumes along Sylvanwood Drive, Trinway Road and Creston Road. On average, eastbound traffic volumes (entering the neighborhood) are higher on all the study roadways.



**Table 2 –Traffic Volumes**

<b>Sylvanwood Drive</b>			
<b>Day</b>	<b>Westbound</b>	<b>Eastbound</b>	<b>Total</b>
Saturday 10/12	213	209	422
Sunday 10/13	209	195	404
Monday 10/14	246	284	530
Tuesday 10/15	268	288	556
Wednesday 10/16	249	270	519
Thursday 10/17	263	297	560
<b>Average Weekday Daily Traffic*</b>	261	285	546
<b>Average Weekend Daily Traffic</b>	211	202	413
<b>Trinway Road</b>			
<b>Day</b>	<b>Westbound</b>	<b>Eastbound</b>	<b>Total</b>
Saturday 10/12	216	269	485
Sunday 10/13	174	224	398
Monday 10/14	206	294	500
Tuesday 10/15	239	324	563
Wednesday 10/16	213	316	529
Thursday 10/17	246	336	582
<b>Average Weekday Daily Traffic*</b>	133	325	558
<b>Average Weekend Daily Traffic</b>	195	247	442
<b>Creston Road</b>			
<b>Day</b>	<b>Westbound</b>	<b>Eastbound</b>	<b>Total</b>
Tuesday 10/22	151	293	444
Wednesday 10/23	128	404	532
Thursday 10/24	138	327	465
Friday 10/25	148	278	426
Saturday 10/26	123	194	317
Sunday 10/28	103	134	237
<b>Average Weekday Daily Traffic*</b>	139	341	480
<b>Average Weekend Daily Traffic</b>	113	164	277

Table 3 shows the percentage of the total traffic in each speed range.



**Table 3 –Percent Traffic Volume in Each Speed Range**

<b>Sylvanwood Drive</b>		
<b>Speed Range</b>	<b>Westbound</b>	<b>Eastbound</b>
1-15	9.8%	7.7%
16-20	6.4%	5.6%
21-25	31.3%	19.0%
26-30	35.4%	35.2%
31-35	9.8%	23.6%
36-40	2.1%	7.5%
41-45	0.3%	1.4%
<b>Trinway Road</b>		
<b>Speed Range</b>	<b>Westbound</b>	<b>Eastbound</b>
1-15	7.8%	6.9%
16-20	12.4%	5.0%
21-25	30.7%	16.4%
26-30	31.7%	32.0%
31-35	14.3%	27.0%
36-40	2.7%	10.4%
41-45	0.3%	1.9%
<b>Creston Road</b>		
<b>Speed Range</b>	<b>Westbound</b>	<b>Eastbound</b>
1-15	11.7%	6.6%
16-20	9.0%	3.8%
21-25	19.3%	13.4%
26-30	27.7%	26.3%
31-35	20.7%	28.6%
36-40	8.8%	16.3%
41-45	2.4%	3.9%

### **Cut-Through Traffic**

There are over 200 single-family homes in the southeast quadrant of the square mile bounded by Long Lake Road, Livernois Road, Rochester Road and Square Lake Road. There are even more in the western part of this square mile as the lots are more compact. This southeast quadrant has access to/from Rochester Road via Sylvanwood Drive, Trinway Road and Creston Road as well as to/from Long Lake Road via Somerton Drive and Falmouth Drive.

The ITE trip generation manual: 10<sup>th</sup> Edition was used to determine the expected number of vehicle trips to/from the neighborhood. This number can be compared to the volume data collected to see if there is a higher number of trips which would imply that there is cut through traffic occurring. According to the ITE trip generation manual a single-family home generates 9.44 trips per weekday. 200 homes would be expected to generate 1,888 trips in an average weekday. The number of vehicle trips counted on an average weekday for Sylvanwood Drive, Trinway Road and Creston Road was 1,584. This is less than the projected number of trips generated by the houses. While many of these houses may be accessed from Long Lake Road via Somerton Drive and Falmouth Drive, there are also many other houses in the neighborhood that could be using these routes.



In summary, there is not an obvious case of vehicles utilizing Sylvanwood Drive, Trinway Road or Creston Road as a cut-through between the major (arterial) roads.

## **Traffic Calming**

Traffic calming measures are used to reduce vehicle speeds, volumes, or both to improve the safety and comfort of pedestrians and bicyclists. Lower traffic volumes reduce the number of potential conflicts between pedestrians or bikes and vehicles, while lower rates of speed reduce the likelihood of severe injury in the event a crash occurs, as well as provide more time to perceive and react to potential conflicts, such as a pedestrian crossing the road. However, installing calming measures remains a trade-off, as it reduces the efficient travel of vehicles – including essential public services like police, fire trucks, school buses, snow removal, and trash collection.

Most traffic calming measures include physical alterations intended to slow traffic, by forcing vehicles to maneuver around or over obstacles. These alterations may consist of center islands, curb bulb-outs, chicanes, mini roundabouts, and speed tables, to name a few. Calming measures to reduce traffic volumes involve restricting vehicle access, such as installing barriers or by street closures. However, because these also impact emergency vehicles, DPW maintenance, and other essential services, proposed measures must judiciously consider overall public safety and mobility needs.

Resident concerns and the speed study conducted do show that speeds on all 3 streets have high violation rates with speeds over 25 mph on average. All 3 streets are straight roadways with no horizontal or vertical curves or traffic control measures between their end points.

Initially, we recommend first applying education & enforcement strategies that do not physically modify the street, such as supplementing law enforcement patrols with a neighborhood speed watch program or a neighborhood awareness campaign. If speeding concerns persist, we suggest consideration of a horizontal deflection, such as a chicane or reducing the width of the street through the installation of a median island or curb modifications.

Weather: Various  
 Serial Number: 32214  
 Installed by: Matt Clark  
 Other Notes: None

**OHM Advisors**  
 34000 Plymouth Road  
 Livonia, MI 48150  
*Advancing Communities*

Sylvanwood  
 W of Rochester

Start Time	07-Oct-19		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB
12:00 AM	*	*	*	*	*	*	*	*	*	*	2	0	3	6	2	3
01:00	*	*	*	*	*	*	*	*	*	*	1	0	3	2	2	1
02:00	*	*	*	*	*	*	*	*	*	*	2	1	0	0	1	0
03:00	*	*	*	*	*	*	*	*	*	*	3	0	1	0	2	0
04:00	*	*	*	*	*	*	*	*	*	*	0	1	3	1	2	1
05:00	*	*	*	*	*	*	*	*	*	*	2	1	1	0	2	0
06:00	*	*	*	*	*	*	*	*	*	*	0	3	1	1	0	2
07:00	*	*	*	*	*	*	*	*	*	*	0	7	3	0	2	4
08:00	*	*	*	*	*	*	*	*	*	*	4	12	4	14	4	13
09:00	*	*	*	*	*	*	*	*	*	*	3	13	9	13	6	13
10:00	*	*	*	*	*	*	*	*	*	*	6	10	10	12	8	11
11:00	*	*	*	*	*	*	*	*	*	*	14	21	10	16	12	18
12:00 PM	*	*	*	*	*	*	*	*	*	*	20	11	14	14	17	12
01:00	*	*	*	*	*	*	*	*	16	10	17	16	15	21	16	16
02:00	*	*	*	*	*	*	*	*	15	13	18	15	14	14	16	14
03:00	*	*	*	*	*	*	*	*	14	22	20	19	20	12	18	18
04:00	*	*	*	*	*	*	*	*	20	25	18	14	24	16	21	18
05:00	*	*	*	*	*	*	*	*	18	25	22	13	20	11	20	16
06:00	*	*	*	*	*	*	*	*	19	26	23	16	18	15	20	19
07:00	*	*	*	*	*	*	*	*	10	13	16	13	10	11	12	12
08:00	*	*	*	*	*	*	*	*	18	9	5	6	6	4	10	6
09:00	*	*	*	*	*	*	*	*	10	8	9	3	12	9	10	7
10:00	*	*	*	*	*	*	*	*	6	6	4	9	5	2	5	6
11:00	*	*	*	*	*	*	*	*	6	3	4	5	3	1	4	3
Lane	0	0	0	0	0	0	0	0	152	160	213	209	209	195	212	213
Day	0		0		0		0		312		422		404		425	
AM Peak	-	-	-	-	-	-	-	-	-	-	11:00	11:00	10:00	11:00	11:00	11:00
Vol.	-	-	-	-	-	-	-	-	-	-	14	21	10	16	12	18
PM Peak	-	-	-	-	-	-	-	-	16:00	18:00	18:00	15:00	16:00	13:00	16:00	18:00
Vol.	-	-	-	-	-	-	-	-	20	26	23	19	24	21	21	19



Weather: Various  
 Serial Number: 32214  
 Installed by: Matt Clark  
 Other Notes: None

**OHM Advisors**  
 34000 Plymouth Road  
 Livonia, MI 48150  
*Advancing Communities*

Sylvanwood  
 W of Rochester

Start Time	14-Oct-19		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB
12:00 AM	0	1	2	2	0	0	0	1	0	0	*	*	*	*	0	1
01:00	1	0	1	0	0	0	1	0	0	1	*	*	*	*	1	0
02:00	0	1	0	0	0	0	0	0	0	0	*	*	*	*	0	0
03:00	1	0	3	0	1	1	2	1	1	1	*	*	*	*	2	1
04:00	0	2	1	1	0	0	1	1	1	2	*	*	*	*	1	1
05:00	0	5	1	4	0	3	2	4	0	2	*	*	*	*	1	4
06:00	4	10	4	13	4	9	4	3	3	9	*	*	*	*	4	9
07:00	12	20	16	19	14	25	12	25	11	22	*	*	*	*	13	22
08:00	21	35	21	33	18	25	16	29	14	22	*	*	*	*	18	29
09:00	14	9	14	13	12	11	9	9	9	16	*	*	*	*	12	12
10:00	9	9	14	7	12	15	7	21	9	10	*	*	*	*	10	12
11:00	11	14	11	14	7	9	15	15	20	11	*	*	*	*	13	13
12:00 PM	20	22	10	12	16	13	18	25	30	27	*	*	*	*	19	20
01:00	13	14	18	17	18	10	9	17	30	10	*	*	*	*	18	14
02:00	16	25	14	22	21	19	23	17	12	14	*	*	*	*	17	19
03:00	19	26	23	20	24	28	22	20	*	*	*	*	*	*	22	24
04:00	15	16	22	17	13	22	20	20	*	*	*	*	*	*	18	19
05:00	27	27	21	35	24	25	31	29	*	*	*	*	*	*	26	29
06:00	19	14	25	24	16	23	18	21	*	*	*	*	*	*	20	20
07:00	21	18	14	13	24	13	14	14	*	*	*	*	*	*	18	14
08:00	13	9	19	16	17	10	23	15	*	*	*	*	*	*	18	12
09:00	4	5	7	3	3	5	10	6	*	*	*	*	*	*	6	5
10:00	2	1	3	3	3	3	4	3	*	*	*	*	*	*	3	2
11:00	4	1	4	0	2	1	2	1	*	*	*	*	*	*	3	1
Lane Day	246	284	268	288	249	270	263	297	140	147	0	0	0	0	263	283
AM Peak	08:00	08:00	08:00	08:00	08:00	07:00	08:00	08:00	11:00	07:00	-	-	-	-	08:00	08:00
Vol.	21	35	21	33	18	25	16	29	20	22	-	-	-	-	18	29
PM Peak	17:00	17:00	18:00	17:00	15:00	15:00	17:00	17:00	12:00	12:00	-	-	-	-	17:00	17:00
Vol.	27	27	25	35	24	28	31	29	30	27	-	-	-	-	26	29

Comb. Total	530	556	519	560	599	422	404	971
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ADT	ADT 545	AADT 545
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Weather: Various  
 Serial Number: 32214  
 Installed by: Matt Clark  
 Other Notes: None

**OHM Advisors**  
 34000 Plymouth Road  
 Livonia, MI 48150  
*Advancing Communities*

Sylvanwood  
 W of Rochester

WB

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
10/11/19	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
11:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
12 PM	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
13:00	<b>7</b>	2	2	5	0	0	0	0	0	0	0	0	0	0	16	21-30	7
14:00	0	1	1	<b>9</b>	3	<b>1</b>	0	0	0	0	0	0	0	0	15	25-34	12
15:00	1	1	3	6	1	1	0	<b>1</b>	0	0	0	0	0	0	14	21-30	9
16:00	0	3	<b>12</b>	3	1	1	0	0	0	0	0	0	0	0	<b>20</b>	16-25	15
17:00	0	1	6	5	<b>5</b>	1	0	0	0	0	0	0	0	0	18	21-30	11
18:00	1	<b>4</b>	6	6	2	0	0	0	0	0	0	0	0	0	19	21-30	12
19:00	0	1	4	3	1	1	0	0	0	0	0	0	0	0	10	21-30	7
20:00	2	2	8	6	0	0	0	0	0	0	0	0	0	0	18	21-30	14
21:00	0	3	1	5	1	0	0	0	0	0	0	0	0	0	10	21-30	6
22:00	0	0	4	0	2	0	0	0	0	0	0	0	0	0	6	16-25	4
23:00	0	0	6	0	0	0	0	0	0	0	0	0	0	0	6	16-25	6
Total	11	18	53	48	16	5	0	1	0	0	0	0	0	0	152		
Percent	7.2%	11.8%	34.9%	31.6%	10.5%	3.3%	0.0%	0.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak Vol.																	
PM Peak Vol.	13:00 7	18:00 4	16:00 12	14:00 9	17:00 5	14:00 1		15:00 1							16:00 20		

[illegible]

[illegible]

[illegible]

[illegible]







Weather: Various  
 Serial Number: 32214  
 Installed by: Matt Clark  
 Other Notes: None

**OHM Advisors**  
 34000 Plymouth Road  
 Livonia, MI 48150  
*Advancing Communities*

Sylvanwood  
 W of Rochester

WB

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
10/18/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	14-23	1
04:00	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	14-23	1
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
06:00	0	0	3	0	0	0	0	0	0	0	0	0	0	0	3	16-25	3
07:00	0	0	6	4	1	0	0	0	0	0	0	0	0	0	11	21-30	10
08:00	4	2	2	4	1	1	0	0	0	0	0	0	0	0	14	21-30	6
09:00	1	2	2	2	2	0	0	0	0	0	0	0	0	0	9	26-35	4
10:00	0	0	3	6	0	0	0	0	0	0	0	0	0	0	9	21-30	9
11:00	3	0	5	8	2	0	2	0	0	0	0	0	0	0	20	21-30	13
12 PM	1	4	8	12	5	0	0	0	0	0	0	0	0	0	30	21-30	20
13:00	2	0	7	14	6	1	0	0	0	0	0	0	0	0	30	21-30	21
14:00	4	1	1	3	2	1	0	0	0	0	0	0	0	0	12	26-35	5
15:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
16:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
17:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
18:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
19:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
20:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
21:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
22:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
23:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Total	15	9	39	53	19	3	2	0	0	0	0	0	0	0	140		
Percent	10.7%	6.4%	27.9%	37.9%	13.6%	2.1%	1.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak	08:00	08:00	07:00	11:00	09:00	08:00	11:00								11:00		
Vol.	4	2	6	8	2	1	2								20		
PM Peak	14:00	12:00	12:00	13:00	13:00	13:00									12:00		
Vol.	4	4	8	14	6	1									30		
Total	171	190	544	616	171	36	5	4	2	1	0	0	0	0	1740		
Percent	9.8%	10.9%	31.3%	35.4%	9.8%	2.1%	0.3%	0.2%	0.1%	0.1%	0.0%	0.0%	0.0%	0.0%			

15th Percentile : 17 MPH  
 50th Percentile : 24 MPH  
 85th Percentile : 29 MPH  
 95th Percentile : 33 MPH

Stats  
 10 MPH Pace Speed : 21-30 MPH  
 Number in Pace : 1160  
 Percent in Pace : 66.7%  
 Number of Vehicles > 25 MPH : 835  
 Percent of Vehicles > 25 MPH : 48.0%  
 Mean Speed(Average) : 24 MPH

Weather: Various  
 Serial Number: 32214  
 Installed by: Matt Clark  
 Other Notes: None

**OHM Advisors**  
 34000 Plymouth Road  
 Livonia, MI 48150  
*Advancing Communities*

Sylvanwood  
 W of Rochester

EB

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
10/11/19	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
11:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
12 PM	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
13:00	<b>2</b>	0	2	3	1	<b>2</b>	0	0	0	0	0	0	0	0	10	21-30	5
14:00	2	1	3	2	5	0	0	0	0	0	0	0	0	0	13	25-34	7
15:00	2	0	2	<b>12</b>	5	1	0	0	0	0	0	0	0	0	22	26-35	17
16:00	2	<b>2</b>	4	12	4	1	0	0	0	0	0	0	0	0	25	21-30	16
17:00	2	1	6	9	5	2	0	0	0	0	0	0	0	0	25	21-30	15
18:00	1	0	<b>8</b>	10	<b>6</b>	1	0	0	0	0	0	0	0	0	<b>26</b>	21-30	18
19:00	1	1	3	5	3	0	0	0	0	0	0	0	0	0	13	21-30	8
20:00	2	0	3	2	2	0	0	0	0	0	0	0	0	0	9	21-30	5
21:00	0	0	1	2	4	1	0	0	0	0	0	0	0	0	8	26-35	6
22:00	0	0	2	3	0	1	0	0	0	0	0	0	0	0	6	21-30	5
23:00	0	0	1	0	2	0	0	0	0	0	0	0	0	0	3	24-33	2
Total	14	5	35	60	37	9	0	0	0	0	0	0	0	0	160		
Percent	8.8%	3.1%	21.9%	37.5%	23.1%	5.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak Vol.																	
PM Peak Vol.	13:00 2	16:00 2	18:00 8	15:00 12	18:00 6	13:00 2									18:00 26		

34000 Plymouth Road

Livonia, MI 48150

## Advancing Communities

Sylvanwood  
W of Rochester

Weather: Various  
Serial Number: 32214  
Installed by: Matt Clark  
Other Notes: None

EB

[illegible]

[illegible]

Weather: Various  
Serial Number: 32214  
Installed by: Matt Clark  
Other Notes: None

Sylvanwood  
W of Rochester

EB

[illegible]



Sylvanwood  
W of Rochester

[illegible]





# OHM Advisors

34000 Plymouth Road  
Livonia, MI 48150

Advancing Communities

Weather: Various  
Serial Number: 32214  
Installed by: Matt Clark  
Other Notes: None

Sylvanwood  
W of Rochester

EB

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
10/18/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
01:00	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	19-28	1
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	19-28	1
04:00	0	1	0	0	1	0	0	0	0	0	0	0	0	0	2	9-18	1
05:00	0	0	0	2	0	0	0	0	0	0	0	0	0	0	2	20-29	2
06:00	0	1	2	4	2	0	0	0	0	0	0	0	0	0	9	26-35	6
07:00	0	0	5	13	4	0	0	0	0	0	0	0	0	0	22	21-30	18
08:00	3	2	2	5	4	5	1	0	0	0	0	0	0	0	22	25-34	9
09:00	1	0	2	6	6	1	0	0	0	0	0	0	0	0	16	26-35	12
10:00	0	0	0	4	5	1	0	0	0	0	0	0	0	0	10	26-35	9
11:00	0	0	2	4	2	1	2	0	0	0	0	0	0	0	11	26-35	6
12 PM	4	1	5	8	4	4	1	0	0	0	0	0	0	0	27	21-30	13
13:00	0	1	1	3	5	0	0	0	0	0	0	0	0	0	10	26-35	8
14:00	4	2	3	1	3	1	0	0	0	0	0	0	0	0	14	15-24	5
15:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
16:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
17:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
18:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
19:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
20:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
21:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
22:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
23:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Total	12	8	22	52	36	13	4	0	0	0	0	0	0	0	147		
Percent	8.2%	5.4%	15.0%	35.4%	24.5%	8.8%	2.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak	08:00	08:00	07:00	07:00	09:00	08:00	11:00									07:00	
Vol.	3	2	5	13	6	5	2									22	
PM Peak	12:00	14:00	12:00	12:00	13:00	12:00	12:00									12:00	
Vol.	4	2	5	8	5	4	1									27	
Total	143	104	351	652	436	138	25	1	0	0	0	0	0	0	1850		
Percent	7.7%	5.6%	19.0%	35.2%	23.6%	7.5%	1.4%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			

15th Percentile : 20 MPH  
50th Percentile : 27 MPH  
85th Percentile : 33 MPH  
95th Percentile : 37 MPH

Stats  
10 MPH Pace Speed : 26-35 MPH  
Number in Pace : 1088  
Percent in Pace : 58.8%  
Number of Vehicles > 25 MPH : 1252  
Percent of Vehicles > 25 MPH : 67.7%  
Mean Speed(Average) : 27 MPH

Weather: Various  
 Serial Number: 32213  
 Installed by: Matt Clark  
 Other Notes: None  
 EB

**OHM Advisors**  
 34000 Plymouth Road  
 Livonia, MI 48150  
*Advancing Communities*

Trinway  
 W of Rochester

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
10/11/19	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
11:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
12 PM	2	1	0	0	0	0	0	0	0	0	0	0	0	0	3	9-18	2
13:00	4	1	7	5	3	1	1	0	0	0	0	0	0	0	22	21-30	12
14:00	1	1	3	5	6	2	0	0	0	0	0	0	0	0	18	26-35	11
15:00	0	2	3	7	6	1	0	0	0	0	0	0	0	0	19	26-35	13
16:00	0	4	1	12	5	4	0	0	0	0	0	0	0	0	26	26-35	17
17:00	1	3	9	12	14	2	1	0	0	0	0	0	0	0	42	26-35	26
18:00	2	0	6	4	6	4	0	0	0	0	0	0	0	0	22	31-40	10
19:00	0	0	1	1	5	0	0	0	0	0	0	0	0	0	7	26-35	6
20:00	1	0	1	0	3	0	0	0	0	0	0	0	0	0	5	25-34	3
21:00	0	0	0	1	2	0	0	0	0	0	0	0	0	0	3	25-34	3
22:00	1	0	1	0	1	1	1	0	0	0	0	0	0	0	5	36-45	2
23:00	6	1	0	0	0	0	0	0	0	0	0	0	0	0	7	6-15	4
Total	18	13	32	47	51	15	3	0	0	0	0	0	0	0	179		
Percent	10.1%	7.3%	17.9%	26.3%	28.5%	8.4%	1.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak Vol.																	
PM Peak Vol.	23:00 6	16:00 4	17:00 9	16:00 12	17:00 14	16:00 4	13:00 1								17:00 42		

## OHM Advisors

34000 Plymouth Road

Livonia, MI 48150

## Advancing Communities

Weather: Various  
Serial Number: 32213  
Installed by: Matt Clark  
Other Notes: None

Trinway  
W of Rochester

EB[illegible]

Trinway  
W of Rochester

[illegible]

[illegible]

Trinway  
W of Rochester

[illegible]

## Advancing Communities

Weather: Various  
Serial Number: 32213  
Installed by: Matt Clark  
Other Notes: None

Trinway  
W of Rochester

EB[illegible]

[illegible]



Weather: Various  
 Serial Number: 32213  
 Installed by: Matt Clark  
 Other Notes: None  
 EB

**OHM Advisors**  
 34000 Plymouth Road  
 Livonia, MI 48150  
*Advancing Communities*

Trinway  
 W of Rochester

Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	999	Total	Pace Speed	Number in Pace
10/18/19	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	29-38	1
01:00	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	8-17	1
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
04:00	0	0	1	1	0	0	1	0	0	0	0	0	0	0	0	3	19-28	2
05:00	0	0	0	1	1	1	1	0	0	0	0	0	0	0	0	4	24-33	2
06:00	2	0	3	3	6	2	0	0	0	0	0	0	0	0	0	16	26-35	9
07:00	0	0	4	4	2	2	1	0	0	0	0	0	0	0	0	13	21-30	8
08:00	0	0	6	4	3	0	1	1	0	0	0	0	0	0	0	15	21-30	10
09:00	0	0	4	4	3	3	0	0	0	0	0	0	0	0	0	14	21-30	8
10:00	0	0	0	3	5	1	1	0	0	0	0	0	0	0	0	10	26-35	8
11:00	0	0	3	2	2	7	0	0	0	0	0	0	0	0	0	14	31-40	9
12 PM	1	1	0	5	2	1	1	0	0	0	0	0	0	0	0	11	26-35	7
13:00	1	0	1	6	4	5	1	0	0	0	0	0	0	0	0	18	26-35	10
14:00	1	1	1	3	4	0	0	0	0	0	0	0	0	0	0	10	26-35	7
15:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
16:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
17:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
18:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
19:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
20:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
21:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
22:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
23:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Total	7	2	23	36	32	23	7	1	0	0	0	0	0	0	0	131		
Percent	5.3%	1.5%	17.6%	27.5%	24.4%	17.6%	5.3%	0.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak	01:00		08:00	07:00	06:00	11:00	04:00	08:00									06:00	
Vol.	2		6	4	6	7	1	1									16	
PM Peak	12:00	12:00	13:00	13:00	13:00	13:00	12:00										13:00	
Vol.	1	1	1	6	4	5	1										18	
Total	143	104	341	664	560	216	39	6	0	0	0	0	0	0	0	2073		
Percent	6.9%	5.0%	16.4%	32.0%	27.0%	10.4%	1.9%	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			

15th Percentile : 20 MPH  
 50th Percentile : 28 MPH  
 85th Percentile : 34 MPH  
 95th Percentile : 38 MPH

Stats  
 10 MPH Pace Speed : 26-35 MPH  
 Number in Pace : 1224  
 Percent in Pace : 59.0%  
 Number of Vehicles > 25 MPH : 1485  
 Percent of Vehicles > 25 MPH : 71.6%  
 Mean Speed(Average) : 28 MPH

Weather: Various  
 Serial Number: 32213  
 Installed by: Matt Clark  
 Other Notes: None

**OHM Advisors**  
 34000 Plymouth Road  
 Livonia, MI 48150  
*Advancing Communities*

Trinway  
 W of Rochester

WB

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
10/11/19	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
11:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
12 PM	2	0	1	0	0	0	0	0	0	0	0	0	0	0	3	8-17	1
13:00	5	2	7	3	2	0	0	0	0	0	0	0	0	0	19	21-30	10
14:00	2	1	4	6	4	0	0	0	0	0	0	0	0	0	17	26-35	10
15:00	2	1	3	3	4	0	0	0	0	0	0	0	0	0	13	24-33	7
16:00	1	0	5	6	2	0	0	0	0	0	0	0	0	0	14	21-30	11
17:00	2	3	10	6	1	0	0	0	0	0	0	0	0	0	22	21-30	16
18:00	1	1	2	4	0	2	0	0	0	0	0	0	0	0	10	21-30	6
19:00	0	2	2	0	0	0	0	0	0	0	0	0	0	0	4	15-24	4
20:00	0	7	2	4	1	0	0	0	0	0	0	0	0	0	14	15-24	9
21:00	1	0	2	1	1	0	0	0	0	0	0	0	0	0	5	21-30	3
22:00	1	0	5	1	1	0	0	0	0	0	0	0	0	0	8	19-28	6
23:00	2	3	6	3	1	0	0	0	0	0	0	0	0	0	15	16-25	9
Total	19	20	49	37	17	2	0	0	0	0	0	0	0	0	144		
Percent	13.2%	13.9%	34.0%	25.7%	11.8%	1.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak Vol.																	
PM Peak Vol.	13:00 5	20:00 7	17:00 10	14:00 6	14:00 4	18:00 2									17:00 22		

Trinway  
W of Rochester

[illegible]

Trinway  
W of Rochester

[illegible]

Trinway  
W of Rochester

[illegible]

[illegible]



Trinway  
W of Rochester

[illegible]



Weather: Various  
 Serial Number: 32213  
 Installed by: Matt Clark  
 Other Notes: None  
 WB

**OHM Advisors**  
 34000 Plymouth Road  
 Livonia, MI 48150  
*Advancing Communities*

Trinway  
 W of Rochester

Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	Pace Speed	Number in Pace
10/18/19	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	19-28	1
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
04:00	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	19-28	1
05:00	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	24-33	1
06:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
07:00	0	5	4	3	0	3	0	0	0	0	0	0	0	0	15	16-25	9
08:00	0	0	1	3	4	2	0	0	0	0	0	0	0	0	10	26-35	7
09:00	0	0	4	3	3	0	0	0	0	0	0	0	0	0	10	21-30	7
10:00	0	0	1	2	1	2	0	0	0	0	0	0	0	0	6	20-29	3
11:00	0	1	3	4	5	0	0	0	0	0	0	0	0	0	13	25-34	9
12 PM	1	0	2	5	3	0	0	0	0	0	0	0	0	0	11	24-33	8
13:00	0	2	3	2	8	0	0	0	0	0	0	0	0	0	15	26-35	10
14:00	3	0	1	4	4	1	0	0	0	0	0	0	0	0	13	26-35	8
15:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
16:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
17:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
18:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
19:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
20:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
21:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
22:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
23:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Total	4	8	19	28	29	8	0	0	0	0	0	0	0	0	96		
Percent	4.2%	8.3%	19.8%	29.2%	30.2%	8.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak		07:00	07:00	11:00	11:00	07:00										07:00	
Vol.		5	4	4	5	3										15	
PM Peak	14:00	13:00	13:00	12:00	13:00	14:00										13:00	
Vol.	3	2	3	5	8	1										15	
Total	120	190	471	486	220	42	5	0	0	0	0	0	0	0	1534		
Percent	7.8%	12.4%	30.7%	31.7%	14.3%	2.7%	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			

15th Percentile : 17 MPH  
 50th Percentile : 24 MPH  
 85th Percentile : 30 MPH  
 95th Percentile : 34 MPH

Stats  
 10 MPH Pace Speed : 21-30 MPH  
 Number in Pace : 957  
 Percent in Pace : 62.4%  
 Number of Vehicles > 25 MPH : 753  
 Percent of Vehicles > 25 MPH : 49.1%  
 Mean Speed(Average) : 25 MPH

Weather: Various  
 Serial Number: 32213  
 Installed by: Matt Clark  
 Other Notes: None

**OHM Advisors**  
 34000 Plymouth Road  
 Livonia, MI 48150  
*Advancing Communities*

Trinway  
 W of Rochester

Start Time	07-Oct-19		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB
12:00 AM	*	*	*	*	*	*	*	*	*	*	1	5	2	3	2	4
01:00	*	*	*	*	*	*	*	*	*	*	2	0	3	2	2	1
02:00	*	*	*	*	*	*	*	*	*	*	1	1	0	1	0	1
03:00	*	*	*	*	*	*	*	*	*	*	1	0	0	0	0	0
04:00	*	*	*	*	*	*	*	*	*	*	1	0	3	0	2	0
05:00	*	*	*	*	*	*	*	*	*	*	1	0	3	0	2	0
06:00	*	*	*	*	*	*	*	*	*	*	2	0	1	1	2	0
07:00	*	*	*	*	*	*	*	*	*	*	3	2	1	1	2	2
08:00	*	*	*	*	*	*	*	*	*	*	8	5	6	2	7	4
09:00	*	*	*	*	*	*	*	*	*	*	19	10	13	5	16	8
10:00	*	*	*	*	*	*	*	*	*	*	26	13	27	11	26	12
11:00	*	*	*	*	*	*	*	*	*	*	28	11	20	15	24	13
12:00 PM	*	*	*	*	*	*	*	*	3	3	18	23	27	16	16	14
01:00	*	*	*	*	*	*	*	*	22	19	21	16	9	18	17	18
02:00	*	*	*	*	*	*	*	*	18	17	22	18	21	12	20	16
03:00	*	*	*	*	*	*	*	*	19	13	23	14	15	12	19	13
04:00	*	*	*	*	*	*	*	*	26	14	14	14	15	13	18	14
05:00	*	*	*	*	*	*	*	*	42	22	18	16	15	13	25	17
06:00	*	*	*	*	*	*	*	*	22	10	16	11	15	15	18	12
07:00	*	*	*	*	*	*	*	*	7	4	10	19	10	14	9	12
08:00	*	*	*	*	*	*	*	*	5	14	12	16	5	6	7	12
09:00	*	*	*	*	*	*	*	*	3	5	7	8	6	9	5	7
10:00	*	*	*	*	*	*	*	*	5	8	9	4	6	3	7	5
11:00	*	*	*	*	*	*	*	*	7	15	6	10	1	2	5	9
Lane Day	0	0	0	0	0	0	0	0	179	144	269	216	224	174	251	194
	0		0		0		0		323		485		398		445	
AM Peak	-	-	-	-	-	-	-	-	-	-	11:00	10:00	10:00	11:00	10:00	11:00
Vol.	-	-	-	-	-	-	-	-	-	-	28	13	27	15	26	13
PM Peak	-	-	-	-	-	-	-	-	17:00	17:00	15:00	12:00	12:00	13:00	17:00	13:00
Vol.	-	-	-	-	-	-	-	-	42	22	23	23	27	18	25	18

Weather: Various  
 Serial Number: 32213  
 Installed by: Matt Clark  
 Other Notes: None

**OHM Advisors**  
 34000 Plymouth Road  
 Livonia, MI 48150  
*Advancing Communities*

Trinway  
 W of Rochester

Start Time	14-Oct-19		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB
12:00 AM	1	0	2	1	0	3	1	4	1	1	*	*	*	*	1	2
01:00	1	1	0	1	1	0	0	0	2	0	*	*	*	*	1	0
02:00	0	0	0	0	0	0	0	2	0	0	*	*	*	*	0	0
03:00	0	0	0	0	0	1	0	0	0	0	*	*	*	*	0	0
04:00	2	0	0	0	2	0	3	0	3	1	*	*	*	*	2	0
05:00	2	1	6	2	2	1	1	2	4	1	*	*	*	*	3	1
06:00	7	3	10	5	9	4	12	4	16	0	*	*	*	*	11	3
07:00	15	11	19	13	21	10	14	9	13	15	*	*	*	*	16	12
08:00	20	13	22	14	16	17	20	19	15	10	*	*	*	*	19	15
09:00	14	6	19	9	18	13	15	10	14	10	*	*	*	*	16	10
10:00	17	11	14	9	16	3	7	7	10	6	*	*	*	*	13	7
11:00	22	11	12	13	10	9	19	16	14	13	*	*	*	*	15	12
12:00 PM	16	16	15	9	13	14	23	27	11	11	*	*	*	*	16	15
01:00	14	15	14	8	13	17	15	19	18	15	*	*	*	*	15	15
02:00	19	11	18	18	19	12	28	15	10	13	*	*	*	*	19	14
03:00	26	13	22	18	20	19	21	18	*	*	*	*	*	*	22	17
04:00	34	16	38	20	37	21	46	17	*	*	*	*	*	*	39	18
05:00	34	22	39	33	57	16	56	15	*	*	*	*	*	*	46	22
06:00	27	11	32	18	32	17	22	13	*	*	*	*	*	*	28	15
07:00	11	24	14	18	6	17	14	25	*	*	*	*	*	*	11	21
08:00	8	9	12	17	10	12	13	9	*	*	*	*	*	*	11	12
09:00	1	7	10	6	10	4	5	10	*	*	*	*	*	*	6	7
10:00	1	4	4	5	4	2	1	5	*	*	*	*	*	*	2	4
11:00	2	1	2	2	0	1	0	0	*	*	*	*	*	*	1	1
Lane	294	206	324	239	316	213	336	246	131	96	0	0	0	0	313	223
Day	500		563		529		582		227		0		0		536	
AM Peak	11:00	08:00	08:00	08:00	07:00	08:00	08:00	08:00	06:00	07:00	-	-	-	-	08:00	08:00
Vol.	22	13	22	14	21	17	20	19	16	15	-	-	-	-	19	15
PM Peak	16:00	19:00	17:00	17:00	17:00	16:00	17:00	12:00	13:00	13:00	-	-	-	-	17:00	17:00
Vol.	34	24	39	33	57	21	56	27	18	15	-	-	-	-	46	22

Comb. Total	500	563	529	582	550	485	398	981
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ADT	ADT 558	AADT 558
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Weather: Various  
 Serial Number: 32213  
 Installed by: Matt Clark  
 Other Notes: None

**OHM Advisors**  
 34000 Plymouth Road  
 Livonia, MI 48150  
*Advancing Communities*

Creston Dr  
 W of Rochester Rd

Start Time	21-Oct-19		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB
12:00 AM	*	*	1	0	1	0	2	0	1	0	4	2	1	5	2	1
01:00	*	*	0	0	0	1	0	0	0	0	3	6	1	0	1	1
02:00	*	*	1	1	0	0	0	0	0	0	0	0	1	2	0	0
03:00	*	*	0	0	0	0	0	0	0	0	1	0	0	0	0	0
04:00	*	*	0	1	0	0	1	2	1	2	1	0	1	0	1	1
05:00	*	*	1	3	1	3	1	2	1	2	0	0	1	0	1	2
06:00	*	*	3	3	6	10	4	4	4	3	0	2	0	0	3	4
07:00	*	*	4	16	4	9	0	6	1	9	1	1	0	2	2	7
08:00	*	*	10	9	4	12	8	7	15	10	1	4	2	2	7	7
09:00	*	*	9	12	4	10	5	10	6	10	4	9	0	5	5	9
10:00	*	*	7	13	4	11	7	9	5	9	4	11	10	8	6	10
11:00	*	*	12	10	12	14	13	9	3	19	7	14	7	13	9	13
12:00 PM	*	*	9	12	10	15	11	11	13	10	9	13	6	8	10	12
01:00	*	*	18	10	8	15	11	23	10	12	10	18	8	15	11	16
02:00	*	*	9	16	13	15	15	12	20	17	11	12	5	7	12	13
03:00	*	*	9	19	10	20	9	25	8	29	9	11	14	14	10	20
04:00	12	62	12	53	6	110	7	61	6	42	14	16	7	15	9	51
05:00	9	101	13	60	11	104	11	72	16	41	9	18	11	10	11	58
06:00	7	30	8	23	11	27	11	28	8	20	9	15	8	4	9	21
07:00	10	13	8	13	6	14	5	11	7	13	10	14	8	8	8	12
08:00	6	5	4	7	8	6	12	13	13	12	6	5	6	8	8	8
09:00	4	9	5	9	4	4	3	11	4	10	3	11	2	5	4	8
10:00	3	2	7	0	4	3	1	4	6	3	2	6	2	3	4	3
11:00	3	0	1	3	1	1	1	7	0	5	5	6	2	0	2	3
Lane Day	54	222	151	293	128	404	138	327	148	278	123	194	103	134	135	280
	276		444		532		465		426		317		237		415	
AM Peak	-	-	11:00	07:00	11:00	11:00	11:00	09:00	08:00	11:00	11:00	11:00	10:00	11:00	11:00	11:00
Vol.	-	-	12	16	12	14	13	10	15	19	7	14	10	13	9	13
PM Peak	16:00	17:00	13:00	17:00	14:00	16:00	14:00	17:00	14:00	16:00	16:00	13:00	15:00	13:00	14:00	17:00
Vol.	12	101	18	60	13	110	15	72	20	42	14	18	14	15	12	58



# OHM Advisors

34000 Plymouth Road

Livonia, MI 48150

Advancing Communities

Weather: Various  
Serial Number: 32213  
Installed by: Matt Clark  
Other Notes: None

Creston Dr  
W of Rochester Rd

Start Time	28-Oct-19		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB
12:00 AM	1	0	*	*	*	*	*	*	*	*	*	*	*	*	1	0
01:00	0	0	*	*	*	*	*	*	*	*	*	*	*	*	0	0
02:00	0	0	*	*	*	*	*	*	*	*	*	*	*	*	0	0
03:00	0	0	*	*	*	*	*	*	*	*	*	*	*	*	0	0
04:00	0	0	*	*	*	*	*	*	*	*	*	*	*	*	0	0
05:00	1	2	*	*	*	*	*	*	*	*	*	*	*	*	1	2
06:00	2	3	*	*	*	*	*	*	*	*	*	*	*	*	2	3
07:00	5	8	*	*	*	*	*	*	*	*	*	*	*	*	5	8
08:00	12	10	*	*	*	*	*	*	*	*	*	*	*	*	12	10
09:00	4	9	*	*	*	*	*	*	*	*	*	*	*	*	4	9
10:00	7	7	*	*	*	*	*	*	*	*	*	*	*	*	7	7
11:00	9	17	*	*	*	*	*	*	*	*	*	*	*	*	9	17
12:00 PM	6	11	*	*	*	*	*	*	*	*	*	*	*	*	6	11
01:00	13	10	*	*	*	*	*	*	*	*	*	*	*	*	13	10
02:00	9	12	*	*	*	*	*	*	*	*	*	*	*	*	9	12
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
11:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Lane	69	89	0	0	0	0	0	0	0	0	0	0	0	0	69	89
Day	158		0		0		0		0		0		0		158	
AM Peak	08:00	11:00	-	-	-	-	-	-	-	-	-	-	-	-	08:00	11:00
Vol.	12	17	-	-	-	-	-	-	-	-	-	-	-	-	12	17
PM Peak	13:00	14:00	-	-	-	-	-	-	-	-	-	-	-	-	13:00	14:00
Vol.	13	12	-	-	-	-	-	-	-	-	-	-	-	-	13	12

Comb. Total	434	444	532	465	426	317	237	573
ADT	ADT 480	AADT 480						

Weather: Various  
 Serial Number: 32213  
 Installed by: Matt Clark  
 Other Notes: None  
 WB

**OHM Advisors**  
 34000 Plymouth Road  
 Livonia, MI 48150  
*Advancing Communities*

Creston Dr  
 W of Rochester Rd

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
10/21/19	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
11:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
12 PM	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
13:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
14:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
15:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
16:00	<b>6</b>	1	1	3	1	0	0	0	0	0	0	0	0	0	<b>12</b>	6-15	4
17:00	3	1	0	2	1	<b>1</b>	<b>1</b>	0	0	0	0	0	0	0	9	26-35	3
18:00	0	0	1	3	<b>2</b>	1	0	0	0	0	0	0	0	0	7	26-35	5
19:00	1	1	1	<b>5</b>	1	0	1	0	0	0	0	0	0	0	10	24-33	6
20:00	1	1	<b>2</b>	2	0	0	0	0	0	0	0	0	0	0	6	19-28	4
21:00	0	<b>2</b>	1	1	0	0	0	0	0	0	0	0	0	0	4	14-23	3
22:00	0	1	1	0	1	0	0	0	0	0	0	0	0	0	3	14-23	2
23:00	2	0	0	0	1	0	0	0	0	0	0	0	0	0	3	8-17	1
Total	13	7	7	16	7	2	2	0	0	0	0	0	0	0	54		
Percent	24.1%	13.0%	13.0%	29.6%	13.0%	3.7%	3.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak Vol.																	
PM Peak Vol.	16:00 6	21:00 2	20:00 2	19:00 5	18:00 2	17:00 1	17:00 1								16:00 12		

[illegible]

Weather: Various  
Serial Number: 32213  
Installed by: Matt Clark  
Other Notes: None  
WB

[illegible]



[illegible]



Creston Dr  
W of Rochester Rd

[illegible]

Weather: Various  
 Serial Number: 32213  
 Installed by: Matt Clark  
 Other Notes: None  
 WB

**OHM Advisors**  
 34000 Plymouth Road  
 Livonia, MI 48150  
*Advancing Communities*

Creston Dr  
 W of Rochester Rd

Start	1	16	21	26	31	36	41	46	51	56	61	66	71	76		Pace	Number
Time	15	20	25	30	35	40	45	50	55	60	65	70	75	999	Total	Speed	in Pace
10/27/19	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	19-28	1
01:00	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	24-33	1
02:00	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	29-38	1
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
04:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	*	1
05:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	*	1
06:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
07:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
08:00	1	0	0	1	0	0	0	0	0	0	0	0	0	0	2	*	1
09:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
10:00	1	0	2	4	3	0	0	0	0	0	0	0	0	0	10	24-33	7
11:00	0	0	1	1	2	3	0	0	0	0	0	0	0	0	7	30-39	5
12 PM	1	1	0	1	2	0	0	0	1	0	0	0	0	0	6	26-35	3
13:00	0	1	2	4	0	1	0	0	0	0	0	0	0	0	8	21-30	6
14:00	0	1	0	1	2	1	0	0	0	0	0	0	0	0	5	31-40	3
15:00	4	0	1	4	3	2	0	0	0	0	0	0	0	0	14	25-34	7
16:00	0	0	0	2	2	2	1	0	0	0	0	0	0	0	7	31-40	4
17:00	0	0	4	3	3	1	0	0	0	0	0	0	0	0	11	21-30	7
18:00	0	1	3	0	2	2	0	0	0	0	0	0	0	0	8	16-25	4
19:00	1	0	3	1	3	0	0	0	0	0	0	0	0	0	8	26-35	4
20:00	1	2	1	2	0	0	0	0	0	0	0	0	0	0	6	13-22	3
21:00	0	0	1	0	0	1	0	0	0	0	0	0	0	0	2	14-23	1
22:00	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2	15-24	2
23:00	0	0	0	1	1	0	0	0	0	0	0	0	0	0	2	24-33	2
Total	11	6	20	26	24	14	1	0	1	0	0	0	0	0	103		
Percent	10.7%	5.8%	19.4%	25.2%	23.3%	13.6%	1.0%	0.0%	1.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak	04:00		10:00	10:00	10:00	11:00									10:00		
Vol.	1		2	4	3	3									10		
PM Peak	15:00	20:00	17:00	13:00	15:00	15:00	16:00		12:00						15:00		
Vol.	4	2	4	4	3	2	1		1						14		

Weather: Various  
 Serial Number: 32213  
 Installed by: Matt Clark  
 Other Notes: None  
 WB

**OHM Advisors**  
 34000 Plymouth Road  
 Livonia, MI 48150  
*Advancing Communities*

Creston Dr  
 W of Rochester Rd

Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	Pace Speed	Number in Pace
10/28/19	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	19-28	1
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
05:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	*	1
06:00	1	0	0	1	0	0	0	0	0	0	0	0	0	0	2	*	1
07:00	1	1	1	1	0	1	0	0	0	0	0	0	0	0	5	21-30	2
08:00	0	3	2	4	3	0	0	0	0	0	0	0	0	0	12	24-33	7
09:00	1	1	0	0	1	1	0	0	0	0	0	0	0	0	4	29-38	2
10:00	0	0	2	0	3	2	0	0	0	0	0	0	0	0	7	31-40	5
11:00	0	0	2	4	1	2	0	0	0	0	0	0	0	0	9	21-30	6
12 PM	0	1	0	2	2	0	1	0	0	0	0	0	0	0	6	26-35	4
13:00	0	0	3	1	4	3	2	0	0	0	0	0	0	0	13	30-39	7
14:00	4	0	0	1	1	3	0	0	0	0	0	0	0	0	9	31-40	4
15:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
16:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
17:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
18:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
19:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
20:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
21:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
22:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
23:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Total	8	6	10	15	15	12	3	0	0	0	0	0	0	0	69		
Percent	11.6%	8.7%	14.5%	21.7%	21.7%	17.4%	4.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak	05:00	08:00	08:00	08:00	08:00	10:00										08:00	
Vol.	1	3	2	4	3	2										12	
PM Peak	14:00	12:00	13:00	12:00	13:00	13:00	13:00									13:00	
Vol.	4	1	3	2	4	3	2									13	
Total	107	82	176	253	189	80	22	4	1	0	0	0	0	0	914		
Percent	11.7%	9.0%	19.3%	27.7%	20.7%	8.8%	2.4%	0.4%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%			

15th Percentile : 16 MPH  
 50th Percentile : 26 MPH  
 85th Percentile : 34 MPH  
 95th Percentile : 38 MPH

Stats  
 10 MPH Pace Speed : 26-35 MPH  
 Number in Pace : 442  
 Percent in Pace : 48.4%  
 Number of Vehicles > 25 MPH : 549  
 Percent of Vehicles > 25 MPH : 60.1%  
 Mean Speed(Average) : 26 MPH

Weather: Various  
 Serial Number: 32213  
 Installed by: Matt Clark  
 Other Notes: None  
 EB

**OHM Advisors**  
 34000 Plymouth Road  
 Livonia, MI 48150  
*Advancing Communities*

Creston Dr  
 W of Rochester Rd

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
10/21/19	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
11:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
12 PM	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
13:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
14:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
15:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
16:00	2	1	9	21	20	9	0	0	0	0	0	0	0	0	62	26-35	41
17:00	2	1	16	28	38	14	2	0	0	0	0	0	0	0	101	26-35	66
18:00	5	0	8	7	7	3	0	0	0	0	0	0	0	0	30	21-30	15
19:00	1	0	3	5	4	0	0	0	0	0	0	0	0	0	13	24-33	9
20:00	0	1	1	0	2	1	0	0	0	0	0	0	0	0	5	31-40	3
21:00	0	0	2	2	4	0	0	1	0	0	0	0	0	0	9	26-35	6
22:00	0	0	1	0	1	0	0	0	0	0	0	0	0	0	2	14-23	1
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
Total	10	3	40	63	76	27	2	1	0	0	0	0	0	0	222		
Percent	4.5%	1.4%	18.0%	28.4%	34.2%	12.2%	0.9%	0.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak Vol.																	
PM Peak Vol.	18:00 5	16:00 1	17:00 16	17:00 28	17:00 38	17:00 14	17:00 2	21:00 1							17:00 101		

Creston Dr  
W of Rochester Rd

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
10/22/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	39-48	1
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
04:00	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	14-23	1
05:00	1	0	0	0	2	0	0	0	0	0	0	0	0	0	3	25-34	2
06:00	0	0	1	0	1	1	0	0	0	0	0	0	0	0	3	29-38	2
07:00	3	1	2	7	1	1	1	0	0	0	0	0	0	0	16	21-30	9
08:00	0	0	3	4	1	1	0	0	0	0	0	0	0	0	9	21-30	7
09:00	2	2	1	2	3	2	0	0	0	0	0	0	0	0	12	31-40	5
10:00	1	0	0	4	5	3	0	0	0	0	0	0	0	0	13	26-35	9
11:00	0	1	0	2	3	3	0	1	0	0	0	0	0	0	10	31-40	6
12 PM	0	0	4	1	4	3	0	0	0	0	0	0	0	0	12	30-39	7
13:00	2	1	4	1	1	1	0	0	0	0	0	0	0	0	10	19-28	5
14:00	4	1	3	3	4	1	0	0	0	0	0	0	0	0	16	26-35	7
15:00	2	1	3	6	1	6	0	0	0	0	0	0	0	0	19	21-30	9
16:00	4	1	8	11	20	5	3	0	1	0	0	0	0	0	53	26-35	31
17:00	1	4	9	18	22	6	0	0	0	0	0	0	0	0	60	26-35	40
18:00	3	0	2	5	8	4	1	0	0	0	0	0	0	0	23	26-35	13
19:00	0	1	1	6	2	2	1	0	0	0	0	0	0	0	13	26-35	8
20:00	1	1	3	0	1	1	0	0	0	0	0	0	0	0	7	16-25	4
21:00	0	0	0	3	4	2	0	0	0	0	0	0	0	0	9	26-35	7
22:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
23:00	0	0	0	2	0	0	1	0	0	0	0	0	0	0	3	20-29	2
Total	24	14	45	75	83	42	7	2	1	0	0	0	0	0	293		
Percent	8.2%	4.8%	15.4%	25.6%	28.3%	14.3%	2.4%	0.7%	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak Vol.	07:00 3	09:00 2	08:00 3	07:00 7	10:00 5	10:00 3	07:00 1	02:00 1							07:00 16		
PM Peak Vol.	14:00 4	17:00 4	17:00 9	17:00 18	17:00 22	15:00 6	16:00 3		16:00 1						17:00 60		

[illegible]

Creston Dr  
W of Rochester Rd

[illegible]



Creston Dr  
W of Rochester Rd

[illegible]

[illegible]

# OHM Advisors

34000 Plymouth Road

Livonia, MI 48150

Advancing Communities

Weather: Various  
Serial Number: 32213  
Installed by: Matt Clark  
Other Notes: None

Creston Dr  
W of Rochester Rd

EB

Start	1	16	21	26	31	36	41	46	51	56	61	66	71	76		Pace	Number
Time	15	20	25	30	35	40	45	50	55	60	65	70	75	999	Total	Speed	in Pace
10/27/19	0	1	1	1	2	0	0	0	0	0	0	0	0	0	5	24-33	3
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2	15-24	2
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
06:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
07:00	1	0	0	1	0	0	0	0	0	0	0	0	0	0	2	*	1
08:00	0	0	0	2	0	0	0	0	0	0	0	0	0	0	2	20-29	2
09:00	2	0	0	1	2	0	0	0	0	0	0	0	0	0	5	25-34	3
10:00	1	0	2	3	1	1	0	0	0	0	0	0	0	0	8	21-30	5
11:00	1	0	1	5	2	3	0	1	0	0	0	0	0	0	13	26-35	7
12 PM	1	1	2	1	1	2	0	0	0	0	0	0	0	0	8	31-40	3
13:00	2	1	3	2	3	3	0	1	0	0	0	0	0	0	15	29-38	6
14:00	0	0	3	0	2	1	0	0	1	0	0	0	0	0	7	31-40	3
15:00	2	0	1	1	4	5	1	0	0	0	0	0	0	0	14	31-40	9
16:00	2	0	1	7	1	4	0	0	0	0	0	0	0	0	15	21-30	8
17:00	1	2	5	1	0	0	1	0	0	0	0	0	0	0	10	16-25	7
18:00	0	1	0	2	0	1	0	0	0	0	0	0	0	0	4	19-28	2
19:00	1	0	1	1	2	2	1	0	0	0	0	0	0	0	8	29-38	4
20:00	0	0	2	3	2	1	0	0	0	0	0	0	0	0	8	26-35	5
21:00	0	0	1	1	3	0	0	0	0	0	0	0	0	0	5	25-34	4
22:00	0	0	1	0	0	2	0	0	0	0	0	0	0	0	3	30-39	2
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
Total	14	6	26	32	25	25	3	2	1	0	0	0	0	0	134		
Percent	10.4%	4.5%	19.4%	23.9%	18.7%	18.7%	2.2%	1.5%	0.7%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak	09:00	00:00	02:00	11:00	00:00	11:00		11:00							11:00		
Vol.	2	1	2	5	2	3		1							13		
PM Peak	13:00	17:00	17:00	16:00	15:00	15:00	15:00	13:00	14:00						13:00		
Vol.	2	2	5	7	4	5	1	1	1						15		

Weather: Various  
 Serial Number: 32213  
 Installed by: Matt Clark  
 Other Notes: None  
 EB

**OHM Advisors**  
 34000 Plymouth Road  
 Livonia, MI 48150  
*Advancing Communities*

Creston Dr  
 W of Rochester Rd

Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	Pace Speed	Number in Pace
10/28/19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
05:00	1	0	1	0	0	0	0	0	0	0	0	0	0	0	2	*	1
06:00	0	0	0	1	1	1	0	0	0	0	0	0	0	0	3	24-33	2
07:00	0	1	0	3	1	2	1	0	0	0	0	0	0	0	8	26-35	4
08:00	1	0	0	3	4	1	1	0	0	0	0	0	0	0	10	26-35	7
09:00	0	0	3	1	2	0	2	1	0	0	0	0	0	0	9	19-28	4
10:00	0	1	3	1	2	0	0	0	0	0	0	0	0	0	7	21-30	4
11:00	0	2	1	3	6	3	2	0	0	0	0	0	0	0	17	26-35	9
12 PM	0	0	1	3	1	5	1	0	0	0	0	0	0	0	11	31-40	6
13:00	1	0	2	1	2	3	0	1	0	0	0	0	0	0	10	30-39	5
14:00	3	1	0	3	1	3	1	0	0	0	0	0	0	0	12	27-36	4
15:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
16:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
17:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
18:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
19:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
20:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
21:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
22:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
23:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Total	6	5	11	19	20	18	8	2	0	0	0	0	0	0	89		
Percent	6.7%	5.6%	12.4%	21.3%	22.5%	20.2%	9.0%	2.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak	05:00	11:00	09:00	07:00	11:00	11:00	09:00	09:00							11:00		
Vol.	1	2	3	3	6	3	2	1							17		
PM Peak	14:00	14:00	13:00	12:00	13:00	12:00	12:00	13:00							14:00		
Vol.	3	1	2	3	2	5	1	1							12		
Total	128	74	260	510	555	317	76	18	3	0	0	0	0	0	1941		
Percent	6.6%	3.8%	13.4%	26.3%	28.6%	16.3%	3.9%	0.9%	0.2%	0.0%	0.0%	0.0%	0.0%	0.0%			

15th Percentile : 21 MPH  
 50th Percentile : 29 MPH  
 85th Percentile : 36 MPH  
 95th Percentile : 39 MPH

Stats  
 10 MPH Pace Speed : 26-35 MPH  
 Number in Pace : 1065  
 Percent in Pace : 54.9%  
 Number of Vehicles > 25 MPH : 1479  
 Percent of Vehicles > 25 MPH : 76.2%  
 Mean Speed(Average) : 30 MPH

# memorandum

**Date:** September 24, 2018

**To:** Bill Huotari, PE

**From:** Sara Merrill, PE, PTOE

**Re:** Sylvanwood Condominium  
PCR 2018-002

The purpose of this memorandum is to provide an overview of anticipated traffic impacts resulting from the proposed Sylvanwood Condominium development.

The preliminary site plan for the proposed Ottawa residential cluster development was prepared by Urban Land Consultants and dated August 30<sup>th</sup>, 2018. The site plan depicts a 10-unit attached residential site condominium project, with a single driveway access point off Sylvanwood Drive. Sylvanwood Drive is located on the west side of Rochester Road, approximately halfway between Square Lake Road and Long Lake Road. Rochester Road is a 5-lane roadway, with two through lanes in each direction, a center left turn lane and a right turn deceleration taper at Sylvanwood Drive.

The Institute of Transportation Engineers (ITE) Trip Generation Manual, 10<sup>th</sup> Edition, provides trip generation rates for numerous land uses, based on thousands of studies throughout the United States and Canada. This data can then be used to estimate the number of vehicle trips generated by a development. For residential housing, traffic impacts are usually most noticeable during the peak hour of adjacent street traffic – that is, during morning and evening “rush hour”, when traffic on the roads is most congested. In most areas, the morning (AM) peak is a one hour period that occurs between 7 am – 9 am, and the evening (PM) peak is a one hour period usually between 4 pm – 6 pm.

The table below provides the calculated number of trips generated for the proposed Ottawa Cluster Development, based on the ITE Trip Generation Manual for Multi-Family Housing (Low Rise) (ITE Land Use Code #220). Low-Rise Multi-Family housing includes townhouses and condominiums located within the same building with at least three other dwelling units, and have one or two floors.

Number of Dwelling Units	Number of Site-Generated Trips								
	AM Peak Hour			PM Peak Hour			Daily		
	Total	In	Out	Total	In	Out	Total	In	Out
10 Units	5	1	4	8	5	3	35	17	18



During the morning (AM) peak hour, the proposed Sylvanwood condominium development is expected to generate 5 new trips: 1 inbound (entering the site), and 4 outbound (exiting the site). During the evening (PM) peak hour, the proposed site is expected to generate 8 new vehicle trips: 5 inbound (entering the site) trips, and 3 outbound (exiting the site). This pattern coincides with residents typically leaving in the morning for work, and returning home in the evening.

The traffic generated by the proposed condo is quite minimal, adding just a handful of vehicle trips during the peak ("busiest") hour. The traffic impact of this site on the adjacent road network is negligible, and would be imperceptible to other road users.

As a point of comparison, Rochester Road (between Long Lake Road and Square Lake Road) carries over 3,500 vehicles during the PM peak hour, and averages approximately 40,000 vehicles per day. Even amongst typical weekdays, traffic volumes during the peak hours alone often vary by 5-10% from one day to the next. These day-to-day fluctuations are on orders of magnitude measuring in hundreds of vehicles (per hour). Sylvanwood condominiums are expected to generate fewer than 10 new vehicle trips during the peak hour.

On Sylvanwood Drive, the development would result in slight increases to traffic volumes, amounting to one additional vehicle every 7-8 minutes during "rush hour". Most drivers would not even notice this additional traffic.

In conclusion, the traffic impacts as a result of the proposed development are very minimal and are not expected to significantly worsen traffic conditions on Sylvanwood Drive or Rochester Road.



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

I-04

## CITY COUNCIL AGENDA ITEM

Date: February 3, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
Rob Maleszyk, Chief Financial Officer  
Lisa Burnham, Accounting Manager  
Elaine Bo, Recreation Director  
Brian Goul, Assistant Recreation Director  
MaryBeth Murz, Purchasing Manager

Subject: Standard Purchasing Resolution 2 – Sole Bidder Meeting Specifications – Pool Repairs – Troy Community Center Pools & Troy Family Aquatic Center (TFAC) & Budget Amendment

### History

- The Troy Community Center Pools and the Troy Family Aquatic Center pools require re-marciting every five to six years.
- The service was last performed in 2014 for the Community Center Pools and 2015 for the Troy Family Aquatic Center Pools (TFAC).
- Both pools are showing serious deterioration and need the service provided to ensure the facility's stability and patron safety.
- This will be the third time the Community Center Pools have been re-marcited and the seventh time for the TFAC pools since their existence.

### Purchasing

- On January 23, 2020, a bid opening was conducted as required by City Charter and Code to furnish all equipment, material and labor to re-marcite pools and also re-grout tile in pools at the Troy Community Center Pools and Troy Family Aquatic Center Pools. The bid was posted on the Michigan Inter-governmental Trade Network (MITN) website; [www.mitn.info](http://www.mitn.info). One (1) bid response was received. Below is a detailed summary of potential vendors:

<b>Companies notified via MITN</b>	293	<b>MITN</b> provides a resourceful online platform to streamline the procurement process, reduce costs, and make it easier and more transparent for vendors to do business with the City of Troy. <b>Active MITN</b> members with a current membership and paying annual dues receive automatic electronic notification which allows instant access to Bids, RFPS and Quote opportunities with the City. <b>Active MITN non-paying members</b> are responsible to monitor and check the MITN website for opportunities to do business with the City. <b>Inactive MITN member</b> status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.
Troy Companies notified via MITN	12	
Troy Companies - Active email Notification	11	
Troy Companies - Active Free	1	
<b>Companies that viewed the bid</b>	10	
Troy Companies that viewed the bid	0	





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Troy, MI 48084  
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## CITY COUNCIL AGENDA ITEM

### Purchasing (continued)

- In addition to this bid opportunity being posted on MITN; the Invitation to Bid was directly emailed to four (4) companies.
- A Pre-Bid meeting was held at all pool sites so potential bidders had the opportunity to view the pools. Two (2) companies were in attendance.
- One (1) bid was received.
- Pool companies that did not respond to this bid opportunity indicated that the City's Scope of Work was too large and the timeline was too short to complete the job.
- *Clearwater Pools and Services, Inc. of Ann Arbor, MI* is the sole bidder and meets all bid specifications and is being recommended to re-marcite pools and re-grout tiles in pools at the Troy Community Center Pools and Troy Family Aquatic Center Pools.

### Financial

- Funds are budgeted and available for the marciting and re-grouting of the Community Center Pools in the Community Center Buildings and Improvements Annex Renovation Capital Account, Project Number 2020C0042 in the amount of \$80,000.00 for the 2020 Fiscal Year. The total cost of \$52,890.00 will be charged to account number 401.752.755.7975.125, as detailed below.
- Funds are budgeted and available for the marciting and the re-grouting of the TFAC Pools in the Aquatic Center Capital General Equipment Account, Project 2020C0058 in the amount of \$100,000.00 for the 2020 Fiscal Year. The additional \$26,085.00 will require a budget amendment to the Aquatic Center Fund for the 2020 Fiscal Year.

Pools	Project#	Account	Account Name	Budget	Total Cost
Comm. Center	2020C0043	401.752.755.7975.125	Comm. Center Capital	\$80,000.00	\$52,890.00
TFAC	2020C0058	587.789.7978.010	Aquatic Center Capital	\$100,000.00	\$126,085.00
Estimated Grand Total					<b>\$178,975.00</b>

### Recommendation

City management recommends awarding a contract to furnish all equipment, material, and labor to re-marcite pools and re-grout tiles in all the pools at the Troy Community Center and Troy Family Aquatic Center Pools to the sole bidder, meeting all bid specifications; *Clearwater Pools and Services Inc. of Ann Arbor, MI* for an estimated total cost of \$178,975, at prices contained in the bid tabulation dated January 23, 2020. City management also requests the approval to amend the budget for the Aquatic Center Capital Expenditures from \$100,000 to \$126,085.

Vendor Name:	Clearwater Pools & Service of Ann Arbor, Inc.
City:	Ann Arbor, MI
Check #:	1423854
Check Amount:	\$5,000

**PROPOSAL: Re-marcite and Re-grout tile at the Pools at the Troy Community Center and the Troy Family Aquatic Center.**

**PROPOSAL A: TROY COMMUNITY CENTER POOLS**

Item	Specification(s)	
1	<b>Leisure Pool:</b>	
	Length 57'-77', width 20'-24'-31', minimum depth 0', maximum depth 4', shape U, volume 82,600 gal. Lap lane tile markings on the side and bottom re-grouted, loose and hollow marcite removed and re-marcite the entire pool from bottom of the pool. Entire surface must be smooth and flush. Grout tile with white sanded grout. Caulk under gutter after chipping is complete. Use Sunstone Antigua Quartz for marcite mix.	\$44,995.00
2	<b>Therapy Pool:</b>	
	Length 35'-38', width 20', minimum depth 3', maximum depth 4', shape rectangle, volume 15,700 gal. Step tiles re-grouted, loose and hollow marcite removed and re-marcite the entire pool from bottom of the pool. Grout tile using white sanded grout. Caulk under gutter after chipping is complete. Use Sunstone Antigua Quartz for marcite mix.	\$7,895.00
<b>PROPOSAL A: TROY COMMUNITY CENTER POOLS TOTAL COST</b>		<b>\$52,890.00</b>

**PROPOSAL B: TROY FAMILY AQUATIC CENTER POOLS**

Item	Specification(s)	
1	<b>Main Pool:</b>	
	Surface Area: 11,000, Depth: 0-5'6", Gallons of water: 220,560, Length through center of pool 105', Zero depth entrance: 131'3". Lap lane marking on the bottom. Remarcite the entire bottom and sides of the pool. Entire surface must be smooth and flush with tiles. Grout tile with white sanded grout. Use Sandstone Antigua Quartz for marcite mix.	\$98,995.00
2	<b>Kiddie Pool:</b>	
	Surface Area: 1,179, Depth: 0-18" Gallons of water: 6,632. Remarcite the entire bottom and sides of the pool, Entire surface must be smooth and flush with the tiles. Grout tile with white sanded grout. Use Sandstone Antigua Quartz for marcite mix.	\$9,995.00
3	<b>Slide Pool:</b>	
	Surface Area: 900, Depth: 3'-3'6" Gallons of water: 21,938. Remarcite the entire bottom and sides of the pool, Entire surface must be smooth and flush with the tiles. Grout tile with white sanded grout. Use Sandstone Antigua Quartz for marcite mix.	\$6,800.00
4	<b>Raindrop Pool:</b>	
	Surface Area: 1,590, Depth: 0'-9" Gallons of water: 4,472. Remarcite the entire bottom and sides of the pool, Entire surface must be smooth and flush with the tiles. Grout tile with white sanded grout. Use Sandstone Antigua Quartz for marcite mix.	\$9,895.00
<b>PROPOSAL B: TROY COMMUNITY CENTER POOLS TOTAL COST</b>		<b>\$125,685.00</b>

**ALTERNATE: PROPOSAL C: FILL LIGHTS IN TROY FAMILY AQUATIC CENTER POOLS**

1	<b>Lights in all Troy Family Aquatic Center Pools</b>	
	Fill ten (10) lights in all outdoor pools at the Troy Family Aquatic Center Pools with material as needed.	\$400.00
<b>GRAND TOTAL COST</b>		<b>\$178,975.00</b>

Attended NON Mandatory Pre-Bid Meeting? Y or N

**Contact Information:**

Hours of Operation:

24HR Phone Number:

Contact Person:

References:

Progress Payments:

Completion Date Can Be Met:

Can Meet Insurance:

Acknowledgement:

Exceptions:

Forms:

Signed Addendum:

Schedule of Values Attached:

Bidder Questionnaire Attached:

Y
Mon-Sat 7AM - 8PM
Jeff Cell: 734-216-2503
Ryan Cell: 734-216-2133
Jeff Erkfriz, President
Y
50% after prep completed/Balance Net 15 Days
Y
Y
Y
Will need 50% deposit after pools at outdoor facility to cover expenses and products. Same for indoor after prep. Price quotes is for amendment with Blue Quartz.
Y
Y
Y
Y
Y

**ATTEST:**

Susan Riesterer  
Brian Goul  
Morgan Thrasher  
Jackie Ahlstrom

MaryBeth Murz,  
Purchasing Manager



500 West Big Beaver  
Troy, MI 48084  
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I-05

## CITY COUNCIL AGENDA ITEM

Date: February 3, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
Jeanette Menig, Human Resources Director

Subject: Contract Ratification – Troy Command Officers Association (TCOA)  
(Introduced by: Jeanette Menig, Human Resources Director)

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### **History**

The Troy Command Officers Association (TCOA) represents 23 sworn police officers who work in the command positions of Sergeant, Lieutenant, and Captain.

The City and the TCOA engaged in negotiations since April 2019 to reach a tentative agreement on a successor collective bargaining agreement to replace the contract that expired June 30, 2019.

### **Financial**

As seen in the attached summary, the five-year agreement provides annual wage increases including a first year signing bonus, enhances the premiums for afternoon and midnight shifts, increases clothing and cleaning allowances, and standardizes the contributions percentages to the Defined Contribution retirement plan. For those already eligible for health care in retirement, this agreement restores the previous calculation allowing command officers to receive a maximum of 100%.

The cumulative average wage increase over five years is 2.63%. One year cost (first year) is estimated to be approximately \$167,000.

Settling a five year agreement, rather than a short-term contract, saves the City time and resources; these will not be expended again until we meet at the bargaining table in 2024.

### **Recommendation**

City management recommends approval of this agreement between the City of Troy and TCOA for a five-year collective bargaining agreement for the period July 1, 2019 to June 30, 2024.

Copies of the tentative agreement, a summary of contract changes and the current (expired) collective bargaining agreement are attached.

### **Legal Review**

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

City of Troy and TCOA  
2019-2024 Collective Bargaining Agreement  
Tentative Agreement Summary

<b><u>ISSUE</u></b>	<b><u>CURRENT</u></b>	<b><u>AGREEMENT</u></b>
Cleaning Allowance	\$375/year	\$500/year
Clothing Allowance	\$525/year	\$600/year
Disability and Workers' Compensation	Requires all Workers' Compensation claims that exceed 30 days to coordinate with Short-term/Long-term Disability benefits.	Process Workers' Compensation separate from Short-term/Long-term Disability benefits.
Overtime - Comp Time	Can bank up to 30 hours; paid out quarterly.	Can bank up to 120 hours; paid out annually.
Overtime - Holidays		Clarifies that officers ordered to work on a designated holiday not part of their regular schedule will be paid double time.
Retirement Defined Contribution	Employees retain percent contributions from TPOA when promoted. Could be: City 12% Employee 4% City 11% Employee 5% City 10% Employee 6%	All TCOA members will be City 12% Employee 4%
Retirement Paid Health Care	Employees promoted after 1/14/17 are capped at 90% maximum of paid health care in retirement.	Current members and future members who are already eligible for paid health care in retirement will have ability to attain a maximum benefit of 100%.
Shift Premium	Afternoons \$ .60/hour Midnights \$ .80/hour	Afternoons \$ .80/hour Midnights \$1.00/hour
Wages		Wages retroactive to 7/1/19 July 1, 2019 3.25% + \$1,000 bonus July 1, 2020 3.25% July 1, 2021 2.00% July 1, 2022 2.00% July 1, 2023 2.00%  Cumulative Avg. 2.63%
Language clarifications and non-financial / procedural		Miscellaneous language clean-up and procedures defined in several sections

Agreement Between City of Troy and Troy Command Officers' Association Pursuant to  
Mediation on January 15, 2020

1. Retirement. For DC members, contribution rate at 12% and 4%. This is an incentive to promote for officers who are at the 10 or 11% level. Also benefits 7 current members.
2. Healthcare. Accept union proposal as stated on January 15, 2020 proposal.
3. Wages. 3.25, 3.25, 2.0, 2.0, 2.0 – no reopener.
4. Signing Bonus. \$1,000 at signing to all current members.
5. Retro Pay. July 1, 2019
6. Language. Accept all language agreed to for sections referenced in January 15, 2020 proposal; with the exception of:
  - a. Agency shop – needs to be altered to comply with *Janus* decision.
  - b. 27.F. – Investigative and administrative services division command officers ~~directed or~~ ordered to work on a designated holiday that falls on their regularly scheduled work-day and work hours shall be paid one and one-half times the regular rate. All such overtime hours worked on a designated holiday that falls outside of an officer's regularly scheduled work-day and work hours shall be paid at the rate of two times his regular hourly rate.
  - c. Article 37.A.1.: The computation of Final Average Compensation shall include payments for salary, overtime, holidays, annual sick leave pay, annual vacation pay, and longevity pay, but shall not include payments for education bonus, clothing allowance, cleaning allowance, cash-in-lieu of health insurance, payouts at retirement of sick leave or vacation leave.

For the City of Troy:

  
Mark Miller, City Manager

Dated: January 15, 2020

For the TCOA:

  
Chet Kulesza, Labor Representative

Dated: January 15, 2020



***Replace Article 5 - AGENCY SHOP and Article 6 – ASSOCIATION DUES with:***

**5. MEMBERSHIP AND ASSOCIATION DUES**

To the extent the laws of the State of Michigan permit, it is agreed that:

- A. The current or future employment of bargaining unit employees is not contingent upon membership in the Union or the payment of union dues or fees.
- B. The Employer agrees to make Union payroll deductions once each month from the pay of the employees who have authorized that such deductions be made as set forth in Subsections D and E.
- C. As soon as practicable following the decision to hire a new employee into the bargaining unit, the Employer shall notify the Union of newly-hired bargaining unit employees and provide the Union an opportunity during the onboarding process to meet with newly-hired bargaining unit employees to discuss the employees' options with respect to becoming or not becoming a member of the Union.
- D. Each employee who becomes a member of the Union after June 27, 2018, must sign the Union's Application for Union Membership and Authorized Dues Deduction Card, and shall do so with the understanding that the dues authorization and assignment shall be irrevocable for the term of the applicable contract between the Union and the Employer or for one year, whichever is the lesser, and shall automatically renew itself for successive yearly or applicable contract periods thereafter, whichever is the lesser, unless the employee gives written notice to the Employer and the Union at least sixty (60) days, but not more than ninety (90) days before any periodic renewal date of this authorization and assignment of the employee's desire to revoke same. Such authorization and assignment is voluntary and not conditioned upon present or future membership in the Union.
- E. The Employer shall not make any Union payroll deductions from any employee without written authorization from the employee. In the case of an employee who becomes a member after June 27, 2018, written authorization must be in the form of a signed and completed Application for Union Membership and Authorized Dues Deduction Card, as well as any additional written authorization as the Employer may require. In the event the terms of the Employer's written authorization conflicts with the terms of the Union's Card, the terms of the Card shall be controlling. For an employee who became a member prior to June 27, 2018, the employer must have from the employee written authorization showing the employee's clear intent to participate in Union payroll deductions.
- F. Employees may resign their Union membership at any time by notifying the Union, but may still be responsible for payroll deductions as set forth in Subsection D.
- G. Deductions for any calendar month shall be remitted to the Union. In the event that a refund is due to any employee for any sums deducted from wages and paid to the Union, it shall be the responsibility of such employee to obtain the appropriate refund from the Union.
- H. The Employer shall not be liable for the remittance or payment of any sums other than those constituting actual deductions made. If the Employer fails to make a deduction for any employee as provided, it shall make that deduction from the employee's next pay period in which such deduction is normally deducted after the error has been called to its attention by the employee or the Union.

- I. If there is an increase or decrease in Union payroll deductions, as determined and established by the Union, such changes shall become effective upon the second pay period following notice from the Union to the Employer of the new amount(s).
- J. The Union will protect, save harmless, and indemnify the employer from any and all claims, demands, suits, and other forms of liability by reason of action taken by the employer for the purpose of complying with this article of the Agreement.

***Re-number subsequent sections***



## Section 17 – WORK SCHEDULE

C. Patrol Shift and Special Operations Section command officers' **regular work schedules** shall ~~work the~~ **be a** 4/40 work schedule, **four days in a row**.

H. Shift **and leave day** selections shall be made **by seniority and** consistent with the department schedule of shift changes. **Once a shift selection sign-up (bump) has occurred, the new schedule shall commence on the date specified. The schedule shall not be modified for the duration of the schedule period unless the situation is an emergency as determined by the Police Chief.**

TENTATIVE AGREEMENT  
City of Troy and TCOA  
April 23, 2019

17. WORK SCHEDULE

- C. ~~Fifteen (15)~~ **Fourteen (14)** days written notice of any change in division, section, unit or, shift assignment, **hours, leave days, work days, or duties** will be provided to the employee. This section shall not apply to changes in assignments originating from promotional situations or **in emergencies as determined by the Chief of the department.**

~~G. Ten (10) days notice will be provided an officer for any change in hours, leave days, work days, or duties (not assignments as covered in C above). This will not apply in emergencies as determined by the Chief of the department.~~

28. VACATION

- E. Upon retirement, death, or resignation (in good standing), all unused vacation leave will be paid to the employee (or spouse) at the rate of 100%. ~~Payments for unused vacation leave at retirement shall be included in the computation of Final Average Computation (FAC) for pension purposes for all persons promoted into this bargaining unit before August 5, 1987.~~ Payments for unused vacation leave at retirement shall be excluded from computation of Final Average Compensation ~~for pension purposes for members promoted into the bargaining unit after August 5, 1987.~~

FOR THE UNION:

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

Date: \_\_\_\_\_

FOR THE CITY:

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

Date: \_\_\_\_\_

## 18. OVERTIME

A. Excluding Police Captains, an officer will be paid one and one-half (1½) times his regular hourly rate for all hours worked in excess of: (1) 40 hours per week and (2) his current regular shift duty time. At the option of the officer, payment for overtime may be declined in favor of banking compensatory time at the rate of one and one-half (1 ½) hours of compensatory time for every one hour of earned overtime. ~~Each officer's bank of compensatory time shall not exceed thirty (30) hours per quarter as determined by the City, with all accumulated compensatory time being paid to the officer at the end of each quarter at the officer's current straight time.~~ **A maximum of one hundred twenty (120) hours of compensatory time may be earned each year. All unused accumulated compensatory time shall be paid to the officer not later than the second pay after December 31 at the officer's current straight time rate.** The granting of time off on compensatory time must have the approval of the officer's Shift Supervisor, and no such time off shall be granted if the absence creates additional personnel costs to the department. This provision may be modified for special circumstances with the mutual agreement of the parties.



## Proposed Sick Leave Language to address PMLA of 2019

### 22. SICK LEAVE

- A. Officers shall accrue 8 hours of sick leave for each month of service with the City beginning with the first full calendar month of service.
- B. Sick leave will not be approved before it has been accrued.
- C. Unused sick leave may accrue to a maximum of 480 hours.
- D. Employees shall be notified of their accumulated sick leave during the month of January each year.
- E. An officer who is off of work for three consecutive days because of illness or injury shall be required to submit a physician's certificate prior to his being allowed to return to work indicating the nature of the illness or injury, the officer's capability of returning to work, and the degree to which he may perform his regular duties. In order to determine the employee's fitness to return to duty, the Employer shall have the right to send the employee for medical examination(s) before permitting his return to work.
- F. Sick leave is to be utilized ~~only in the case of genuine illness or injury which prevents the officer from performing his duties. In addition, the officer may use sick leave when a member of his immediate family who permanently resides with the officer is ill or injured which creates a genuine necessity for the officer to be off work to care for that family member~~ **consistent with the Paid Medical Leave Act of 2018: for the employee's own health condition (including physical, mental and preventative care); the health condition (including physical, mental and preventative care) of a family member including child, parent, spouse, grandchild, grandparent, or sibling; time off due to domestic violence or sexual assault, including for medical or counseling services, relocation, or legal services or proceedings (employee or employee's family member as defined herein); the closure of the employee's workplace due to a public health emergency, or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency; or when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or employee's family member's presence in the community would jeopardize the health of others because of the employee's or family member's exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.** Unauthorized or improper use of sick leave by any officer shall be cause for disciplinary action.
- G. On or before the 20th of December, employees with accumulated sick leave in excess of the 480 hours maximum as of the last pay period of October of that year shall receive a bonus of unused sick leave which is over the maximum at the rate of 100%, and the accumulated sick leave shall be reduced to the maximum of 480 hours.
- H. Upon the Normal Retirement, Early Retirement, Disability Retirement, or death of an employee, unused sick leave credits will be paid to the employee or his beneficiary to a maximum of 480 hours. Payments for unused sick leave credits at retirement shall be included in the computation of Final Average Compensation (FAC) for pension purposes for all members of this bargaining unit who were promoted into the bargaining unit before August 5, 1987. Payments for unused sick leave credits at retirement shall be excluded from the computation of Final Average Compensation (FAC) for pension purposes for all members of this bargaining unit who were promoted into this bargaining unit after August 5, 1987.



TENTATIVE AGREEMENT  
City of Troy and TCOA  
~~December 9, 2019~~ \*

1/15/2020

27. HOLIDAYS

- A. On January 1, each officer shall be allotted 110 hours of future holiday leave.
- B. Designated holidays shall be New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas Eve Day, Christmas Day, Easter, and New Year's Eve Day. The designated holiday shall apply to one specific calendar day for each of the designated holidays.
- C. Any ~~Uniformed Patrol and Special Operations Section~~ **Operations Division** command officer working on a designated holiday shall receive one and one-half times his regular hourly rate for all hours worked that day. All overtime hours worked on a designated holiday shall be paid at the rate of two times his regular hourly rate.
- D. Unused holiday leave as of December 31 of each year shall be paid to the officer on a straight time basis by means of direct deposit.
- E. ~~Non-Uniformed Patrol and Special Operations Section~~ **Investigative and Administrative Services Division** command officers may work a designated holiday, if it is their scheduled work day, upon providing seven days' written notice to the Division Captain. An officer working under this section will be paid straight time only.
- F. ~~Non-Uniformed Patrol and Special Operations Section~~ **Investigative and Administrative Services Division** command officers ~~directed by~~ ordered to work on a designated holiday that falls on their regularly scheduled work day shall be paid one and one-half times the regular rate. All ~~ordered~~ overtime hours worked on a designated holiday shall be paid at the rate of two times his regular hourly rate.
- G. Upon death or retirement, unused holiday leave accrued that year will be paid at the rate of 100% of the unused hours.

such

FOR THE UNION:

FOR THE CITY:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

### 33. PHYSICAL EXAMINATION

- A. Effective upon ratification, members of the association may submit to a physical examination between June 1st and October 31st every other year. Such examination shall be conducted by a medical doctor or clinical facility licensed to practice in the State of Michigan. The employer shall determine the extent of said examination.
- B. The examination may be conducted during the officer's on-duty hours but shall not result in any overtime payment. Officers will be paid for up to three (3) hours to complete the physical. Officers working a shift which is not in conjunction with their physician's office hours shall be given a schedule adjustment of three (3) hours made in the same pay period. This schedule adjustment must not create overtime.
- C. Results stating whether the officer passed or failed the examination shall be provided to the Employer by the examining physician **on the form provided by the Human Resources Department**. Results must be submitted to the Human Resources Department by November 1st of the same year. Employees who do not pass the examination must submit medical documentation that the employee is fit for duty. Upon receipt of verification that the officer passed the examination, the officer will be awarded twenty (20) hours of holiday leave in the calendar year in which he or she passes the test and twenty (20) hours holiday for the second year. The employee shall be required to pay one-half (1/2) of the cost of said examination which is not covered by medical insurance with the Employer paying the remaining one-half upon submission of a paid receipt. Receipt is due by January 31st of the following year.
- D. **If an officer is unable to participate in the examination due to disability/personal medical reasons, military deployment, or leave approved under the Family Medical Leave Act policy, he or she may request to complete the physical examination during the second year and will have the opportunity to qualify for 20 hours of holiday leave for that calendar year. The officer must complete the examination between June 1 and October 31, and A, B and C above will apply for one year only.**



## 29. DISABILITY INSURANCE

- A. The City will provide short-term disability insurance for all employees. A charge of up to one day per pay period of the employee's accrued leave time together with said insurance will provide approximately eighty (80) percent of a working officer's gross salary after a thirty (30) day waiting period for a maximum of fifty-two (52) weeks.
- B. Long-term disability insurance will be provided by the City for all employees with three or more years of service at the time of the next opening date of the insurance policy. Eligible employees must also be accepted by the insurance company. A charge of up to eight (8) hours per pay period of the employee's accrued leave time, together with said insurance, will provide approximately seventy (70) percent of an employee's gross salary beginning 12 months after an extended absence due to sickness or accident. The insurance shall continue until the employee's death, retirement, return to work, or voluntary termination (or in the case of non-duty disability, up to 5 years, whichever is sooner).
- ~~C. Amount of coverage shall be adjusted twice a year.~~

## 30. DUTY-CONNECTED DISABILITY **WORKERS' COMPENSATION**

*Change all references to "workers' compensation"*

- A. The parties to this Agreement understand that Worker's Compensation benefits are paid in accordance with applicable Worker's Compensation laws of the State of Michigan, but that supplemental payments for the first 30 days are made subject to the employee's: (1) immediately, upon reasonable knowledge of the injury, reporting the injury to his immediate supervisor, (2) completing the appropriate forms documenting the injury and cause of same, (3) treating with the City Designated Clinic for the first ~~ten (10)~~ **twenty-eight (28)** days after the injury or disability, (4) providing periodic updated reports from the employee's physician if requested by the City, and (5) consenting to an examination by a third physician when, in the opinion of the City, there is a conflict between the opinion of the City's physician and the employee's physician. The third physician shall be chosen through the mutual agreement of the City's physician and the employee's physician. The opinion of the third physician shall be binding on the City and the employee relative to the supplemental payments under this Article. The City will pay the cost for the examination of the third physician. It is further understood that the denial of benefits under Article 30 does not affect the receipt of benefits under Article 29.
1. For the first 30 days following the date of disability, the officer shall receive a check from the City in an amount sufficient to augment appropriate worker's compensation insurance to provide the officer with his regular net pay. The officer shall not incur any loss of accrued leave time during this 30-day period.
  2. After 30 days from the date of disability, the officer ~~will be provided approximately 80% of his regular gross salary for an additional 52 weeks. These payments will be comprised of the following, as appropriate: Worker's Compensation insurance, disability insurance, City supplement, social security, disability retirement with a charge of up to four (4) hours of the officer's accrued leave time per pay period in order to continue on the payroll and accrue benefits.~~ **shall receive, if otherwise eligible,**

**Workers' Compensation as provided by law and a benefit equal to the difference between such Workers' Compensation benefit and approximately eighty percent (80%) of the employee's base wage, in order to be eligible for such benefit, an employee must supplement such benefits by using four (4) hours per pay period of paid leave time.**

~~3. Beginning 12 months after the day of disability, an eligible officer will be provided with Long Term Disability insurance as explained in Section 29.~~

- B. This section shall apply also to any Troy Officer who is disabled while participating in any legitimate police action within Wayne, Oakland, and Macomb Counties in the State of Michigan, provided that such insurance coverage can be provided by the City's insurance carrier. The Chief or his designated representative may conduct an investigation to determine if the incident makes the officer eligible under this section.



### 32. HEALTH INSURANCE

- D. Upon regular retirement, early retirement, or disability retirement, employees will be eligible for health insurance if they meet the age and service requirements whether they participate in the Defined Benefit or Defined Contribution Pension Plan **(unless they participate in the Retirement Health Savings (RHS) plan per section G, below)**. Such insurance will be provided for two-person coverage for retiree and spouse (or dependent child) at the time of retirement, at the rate of 4% per complete year of retirement service ~~as a Police Officer~~ to the City of Troy (maximum 100%). ~~For employees entering the bargaining unit on or after February 15, 2015, the computation changes to 3% per year of service as of the date he enters the unit. Also, the maximum accrual becomes 90%, unless the officer has already accrued 90% or more, in which case it is frozen at that percentage.~~
- G. Employees promoting into the bargaining unit who participate in the Retirement Health Savings (RHS) plan to fund the cost of health care in retirement shall continue to participate in the RHS plan in lieu of retiree health insurance.

**JULY 1, 2014 – JUNE 30, 2019**  
**COLLECTIVE BARGAINING AGREEMENT**

**CITY OF TROY, MICHIGAN**  
**and**  
**TROY COMMAND OFFICERS ASSOCIATION**

(Resolution 2014-08-105)

## INDEX

<u>Section</u>	<u>Page</u>
5 Agency Shop .....	2
1 Agreement .....	1
14 Arbitration .....	9
10 Association Business .....	6
6 Association Dues .....	2
20 Call-In Time .....	15
35 Clothing and Cleaning Allowance .....	25
19 Court Time .....	15
29 Disability Insurance .....	20
15 Discipline .....	10
43 Duration of Agreement .....	30
30 Duty-Connected Disability .....	20
34 Education Bonus / Tuition Reimbursement .....	24
40 Exit Interviews .....	29
24 Funeral Leave .....	17
13 Grievance: General Conditions .....	8
12 Grievance Procedure .....	7
27 Holidays .....	18
32 Health Insurance .....	21
42 Judicial Review .....	30
26 Leave Without Pay .....	17
31 Life Insurance .....	21
36 Longevity .....	26
7 Maintenance of Conditions .....	4
8 Management Rights .....	4
25 Military Leave .....	17
9 No Strike .....	5
4 Non-Discrimination .....	1
18 Overtime .....	13
23 Personal Business Time .....	17
33 Physical Examination .....	23
39 Promotions .....	29
2 Purpose and Intent .....	1
3 Recognition .....	1
37 Retirement .....	26
16 Seniority .....	12
22 Sick Leave .....	16
11 Special Conferences .....	6
28 Vacation .....	18
21 Vehicle Safety .....	15
38 Wages .....	28
41 Waiver of Negotiations .....	30
17 Work Schedule .....	13

## 1. AGREEMENT

THIS AGREEMENT is hereby entered into this 11<sup>th</sup> day of August 2014 of by and between the City of Troy, a Michigan Municipal Corporation (hereinafter referred to as the City or the Employer), and the Troy Command Officers Association existing under the laws of the State of Michigan (hereinafter referred to as the Association).

## 2. PURPOSE AND INTENT

The general purpose of this Agreement is to set forth terms with respect to rates of pay, wages, hours of employment, and other conditions of employment, and to promote orderly and peaceful labor relations for the mutual interest of the City of Troy in its capacity as an Employer, its employees, the Association, and the citizens of the City of Troy, Michigan.

## 3. RECOGNITION

- A. Pursuant to and in accordance with all applicable provisions of Act 366 of the Public Acts of 1947, as amended by Act 379 of the Public Acts of 1965, as amended, the Employer does hereby recognize the Association as the exclusive bargaining representative for all Police Officers with the rank of Sergeant, Lieutenant, and Captain for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment for the term of this Agreement.
- B. Employees shall have the right to join the Association to engage in lawful concerted activities for the purpose of collective negotiations or bargaining or other mutual aid and protection.

## 4. NON-DISCRIMINATION

The Employer and the Association agree that the provisions of this Agreement shall be applied equally to all employees without discrimination as to sex, marital status, race, color, creed, national origin, religious, or political affiliations. Within this Agreement, all references to “he” shall also be interpreted as “she”, and all references to “his” shall also be interpreted as “her”, etc.



## 5. AGENCY SHOP

- A. Employees covered by this Agreement at the time it becomes effective and who are members of the Association at that time shall be required, as a condition of continued employment, to continue membership in the Association for the duration of this Agreement.
- B. Employees covered by this Agreement who are not members at the time it becomes effective, but who join after the effective date of this Agreement shall, as a condition of continued employment, continue membership in the Association for the duration of this Agreement.
- C. Employees hired, rehired, reinstated, transferred, or promoted into the Police Department with the rank of Sergeant, Lieutenant, or Captain after the effective date of this Agreement shall be required, as a condition of continued employment, to become members of the Association for the duration of this Agreement or pay the required service fee on or before the 30<sup>th</sup> day following their appointment.
- D. An employee who shall tender an initiation fee and the periodic dues or service fee uniformly required as a condition of requiring or retaining membership shall be deemed to meet the conditions of this section.
- E. Employees shall be deemed to be members of the Association within the meaning of this section if they are not more than thirty (30) days in arrears in payment of their membership dues or fees.
- F. The Association shall protect, indemnify, and save harmless the Employer from any and all claims, demands, suits, and other forms of liability which arise from action taken by the Employer for the purpose of complying with the language of Article 5 of this Agreement.

## 6. ASSOCIATION DUES

- A. Employees may tender the initiation fee and membership dues by signing the *Authorization for Check-Off of Dues Form*.

Check-Off Forms: During the life of this Agreement, in accordance with terms of the form of Authorization for Check-Off Dues hereinafter set forth, and to the extent the laws of the State of Michigan permit, the Employer agrees to deduct Association membership dues levied in accordance with the Constitution and By-Laws of the Association from the pay of each employee who executes or has executed the following Authorization for Payroll Deduction.

## AUTHORIZATION FOR PAYROLL DEDUCTION

Last Name	First Name	Middle Initial
-----------	------------	----------------

Classification: \_\_\_\_\_ SSN/employee #: \_\_\_\_\_

Effective \_\_\_\_\_, I hereby request and authorize you to deduct from my earnings each pay period a sufficient amount to provide for the regular payment of TCOA dues.

---

Signature of Employee

Date \_\_\_\_\_

- B. Deductions shall be made only in accordance with the provisions of this Agreement. The Employer shall have no responsibility for the collection of initiation fees, membership dues, special assessments, or any other deductions not in accordance with this provision. Any dispute arising as to an employee's compliance with this section shall be reviewed by the designated representative of the Association and, if not resolved, may be decided at Step 2 of the grievance procedure.
- C. A properly executed copy of such Authorization for Check-Off of Dues Form for each employee for whom Association membership dues are to be deducted hereunder shall be delivered to the Employer before any payroll deductions are made. Deductions shall be made thereafter only under Authorization for Check-Off of Dues Forms which have been properly executed and are in effect. Any Authorization for Check-Off of Dues Form which is incomplete or in error will be returned to the Association Treasurer by the Employer, forthwith.
- D. Check-Off deductions under all properly executed Authorization for Check-Off of Dues Forms shall become effective at the time said form is tendered to the Employer and shall be deducted from each pay period thereafter.
- E. The Association will provide to the Employer any additional Authorization for Check-Off of Dues Forms under which Association membership dues are to be deducted.
- F. In cases where a deduction is made that duplicates a payment that an Employee has already made to the Association, or where a deduction is

not in conformity with the provisions of the Association Constitution and By-Laws, refunds to the employee will be made by the Association.

- G. Deductions for any calendar month shall be remitted to the designated financial officer of the Association by the 5th day of the month following the month in which the deductions are made. The Employer shall furnish the designated financial officer of the Association with a list of employees for whom the Association has submitted signed Authorization for Check-Off of Dues Forms and for whom deductions have been made. Subsequent lists will be furnished by the Employer when changes are made in the list of employees.
- H. Any dispute between the Association and the Employer which may arise as to whether or not an employee properly executed or properly revoked an Authorization for Check-Off of Dues Form shall be reviewed with the employee by a representative of the Association and a designated representative of the Employer. Should this review not dispose of the matter, the dispute may be referred to the grievance procedure whose decision shall be final and binding on the employee, the Association, and the Employer. Until this matter is resolved, any dues deductions shall be held in an escrow account.
- I. The Employer shall not be liable to the Association by reason of the requirements of this agreement for the remittance or payment of any sum other than that constituting actual deductions made from wages earned by employees. The Association will protect and save harmless the Employer from any and all claims, demands, suits, and other forms of liabilities by reason of action taken for the purposes of complying with Section 6 of this Agreement.

## 7. MAINTENANCE OF CONDITIONS

The City shall make no changes contrary to the provisions of this Agreement in wages, hours, or conditions of employment. No employee shall suffer a reduction in such benefits as a consequence of the execution of this Agreement. This Agreement shall supersede any rules and regulations governing the Police Department which are in conflict with the provisions of this Agreement.

## 8. MANAGEMENT RIGHTS

Management Rights: Subject only to the seniority rules, grievance procedures, and other express provisions of this Agreement, as herein set forth, the following management rights are reserved for the Employer:

- A. It is recognized that the management of the City of Troy, the control of its properties, and the maintenance of order and efficiency is the sole responsibility of the Employer. Other rights and responsibilities belonging solely to the Employer are hereby recognized, prominent among which, but by no means wholly inclusive, are the right to decide the number and location of work stations, work to be performed within the unit, amount of supervision necessary, the training necessary and those employees who are to receive said training, the equipment used, methods and schedules of work, the selection, processing, designing, engineering, and control of all equipment and materials; also, to take whatever actions necessary to comply with the Americans with Disabilities Act (ADA), but that the Employer will meet with the Association President and staff representative to discuss the issues prior to taking such actions.
- B. It is further recognized that it is the responsibility of the Employer, for the selection and direction of the working forces, including the right to hire, suspend or discharge for just cause, assign, promote, or transfer, to determine the amount of overtime to be worked, to relieve employees from duty because of lack of work or other legitimate reasons.

## 9. NO STRIKE

- A. Under no circumstances will the Association cause, authorize, or permit its members to cause, nor allow any member of the bargaining unit to take part in the strike, sit-down, stand-in, slow down, or curtailment of work, restriction of production or interference with the operation of the Employer during the term of this Agreement or during any period of time when negotiations are in progress for the continuance or renewal of this Agreement. In the event of a work stoppage, curtailment, or interference thereof, it is recognized that the Employer shall not be required to negotiate on the merits of the dispute until all such stoppages or curtailments have ceased.
- B. In the event of a work stoppage or other curtailment, the Association shall immediately instruct the involved employee in writing, with a copy to the Employer, that their conduct is in violation of the contract, and that they may be disciplined and further shall instruct all persons to immediately cease the offending conduct.
- C. The Employer shall have the right to discipline any employee who instigates, participates in, and/or gives leadership to any activity herein prohibited.

- D. The Association will not officially support strikes of any other labor organization by picketing or demonstrating publicly on or adjacent to City property.

## 10. ASSOCIATION BUSINESS

- A. The Association shall be represented in all labor negotiations by a committee composed of the President of the Association and three other officers selected by the Association.
- B. Of the four (4) employees above, any three on-duty officers shall be permitted to attend contract negotiation sessions without loss of pay or benefits. The fourth member shall not be paid by the City.
- C. An on-duty officer who is a steward or the President of the Association shall be permitted to represent employees at grievance meetings with the Employer, arbitration hearings, or Act 78 disciplinary hearings without loss of pay or benefits.
- D. The Employer shall provide each member of the Association with a copy of this Agreement.
- E. The President or other officer of the Association shall be given time off not to exceed 60 hours per fiscal year to attend to matters concerning Association business. Requests for such time off shall be submitted to the Chief of Police no later than 48 hours in advance of the time requested and shall be approved provided that no additional personnel expense is incurred by the City.
- F. The Employer agrees to furnish a bulletin board for the posting of notices of Association meetings and social activities. Other material may be posted if approved by the Chief of Police.

## 11. SPECIAL CONFERENCES

- A. The parties recognize the benefit of exploration and study of current and potential problems and differences by meetings of representatives of the parties and an exchange of views and information without the stresses and time limitations which may exist at the bargaining table. Accordingly, the parties agree to establish a committee to function during the term of the labor agreement to develop approaches and possible solutions to matters of vital concern both to the City and the Association.

Consequently, a joint Study Committee is to be established as follows:

1. The City and the Association agree to establish a joint Study Committee to study, explore, and make recommendations to the parties during the life of this Agreement concerning labor relations problems referred to the committee by the parties.
2. The committee shall consist of not more than two members from the Association and not more than two members from the City. Association members will be selected by the Association President or his delegate, one of whom will act as co-chairman. City members will be selected by the Human Resources Director, one of whom will act as co-chairman.
3. Persons from either party who are specialists in a subject under discussion may be brought into committee meetings by agreement of the co-chairmen.
4. The committee's authority shall be limited to discussion, exploration, and study of subjects referred to it by the parties. Any committee recommendations to the parties are to be on a confidential basis.
5. The committee shall have no authority to bargain for the parties on any issue, or to determine the disposition of any grievances.
6. Each party shall pay the expenses incurred by its permanent committee members except wages and benefits of Association members, which the City shall pay.

## 12. GRIEVANCE PROCEDURE

- A. A grievance shall be defined as a dispute between the Employer and the Association as to the meaning or application of the specific provisions of this Agreement. Such grievance shall state which section(s) of the contract is alleged to have been violated, and how it affects the member(s) of the Association who feel aggrieved.
- B. It is encouraged that any dispute be resolved as soon as possible in an informal manner. The officer shall first discuss the matter with his immediate supervisor. If not resolved, then the officer shall discuss the issue with his Division Captain. If an officer's immediate supervisor is not available, the matter should be discussed with the next ranking command officer within that division and, if he is not available, then with the next ranking command officer outside the officer's division. If so desired by the employee, his steward may participate in these discussions. If the matter is not resolved, it shall be reduced to writing by the employee and submitted as a grievance.



- C. A written grievance shall be signed by the grievant, submitted to the Chief of Police through the chain of command, with copies directed to the Human Resources Director and the President of the Association. The grievance shall contain a specific statement of facts as to its cause, the section of the contract which the officer believes was violated, and the remedy sought by the grievant. Any grievance not submitted within fourteen (14) working days of its occurrence shall be automatically closed.
- D. Procedure:
- Step 1. Within fourteen (14) calendar days of receiving the grievance, the Police Chief shall hold a meeting between the employee, his steward, and the Police Chief or his designated representative. The Police Chief or his representative shall give his written decision within seven (7) calendar days after the meeting.
- Step 2. Grievances not settled at Step 1 may be filed with the Human Resources Director (or any other designated representative directed by the City Manager) within fourteen (14) calendar days of receipt of the Step 1 answer. Within fourteen (14) calendar days, the Human Resources Director shall hold a meeting between the President of the Association, the Steward or Association Officer of the employee's shift, the grievant, and the Police Chief or his designated representative. The Human Resources Director shall give his written decision concerning the grievance within thirty (30) calendar days after the meeting. The Union may grant up to two, thirty (30) calendar day extensions to answer the grievance if requested by the Human Resources Director. If the written decision is not given within thirty (30) calendar days after the meeting, or within the time limits of the extensions if requested and granted, the grievance will be awarded in favor of the grievant.
- Step 3. Grievances not settled at Step 2 may be filed within twenty (20) calendar days to arbitration or to the Act 78 Civil Service Commission, but not both, with a copy forwarded to the Human Resources Director.

### 13. GRIEVANCE: GENERAL CONDITIONS

- A. The Employer or the Association may have legal counsel present during the Step 2 and Step 3 meetings of this procedure.
- B. Grievances involving suspension or discharge may be entered directly at Step 2 of the grievance procedure.
- C. Any grievance meeting not scheduled as required or any grievance not answered within the prescribed time limit at each step may be appealed to the next step by the Association.

- D. Any grievance not appealed from one of the steps of the grievance procedure within the prescribed time limits shall be considered automatically closed.
- E. Any agreement reached between the Association and the Employer is binding on all employees affected, and cannot be changed by or for any individual.
- F. An on-duty grievant in a grievance may attend the grievance meeting without loss of pay or benefits.
- G. No economic costs shall have retroactivity extending back more than 90 days from receipt of the grievance by the Chief of the department.

#### 14. ARBITRATION

- A. If a grievance is appealed to arbitration, the parties involved shall jointly select an arbitrator or, if necessary, ask for an arbitrator from the American Arbitration Association. Any grievance subject to arbitration under this contract shall be pursuant to the voluntary labor arbitration rules of the American Arbitration Association. Further, either party may choose to expedite the process as provided under the expedited labor arbitration rules.
- B. The arbitrator shall rule only on the contractual provisions set forth herein and shall have no authority to expand, modify, or alter any provisions of this Agreement or the written rules or regulations of the department, and his decision shall be limited to the application or interpretation of the above and to the specific issue presented to him.
- C. The fees and approved expenses of an arbitrator will be paid by the parties equally.
- D. After a grievance has been referred to arbitration, the matter may not be withdrawn by either party except by mutual consent.
- E. A grievance submitted to arbitration which is withdrawn shall be withdrawn without prejudice, and all financial liability shall be canceled. If the grievance is reinstated, the financial liability shall date only from the date of reinstatement. If the grievance is not reinstated within thirty (30) calendar days from the date of withdrawal, the grievance shall not be reinstated. Where one or more grievances involves a similar issue, those grievances may be withdrawn without prejudice pending the disposition of the appeal of a representative case and in such event the withdrawal without prejudice will not affect financial liability.

- F. An arbitrator's decision in any grievance shall not require a retroactive wage adjustment in any related matter.
- G. All grievance settlements or arbitration awards for back wages and fringe benefits shall be limited to the amount of wages and fringe benefits which the employee would otherwise have earned, less compensation earned during the disciplinary period questioned and which would not have been otherwise earned, and in no case shall awards have retroactivity extending back more than 90 days from the date the grievance was received by the Chief of the department.
- H. The decision of the arbitrator shall be final and binding on the Association, its members, the employee or employees involved, and the Employer, provided that such decision is within the arbitrator's authority.
- I. In cases where either of the parties believe the arbitrator's decision exceeded his authority and jurisdiction, the arbitrator's decision may be challenged in Oakland County Circuit Court and be subject to further appellate action.
- J. The challenge of an arbitrator's decision may be instituted by the City or the Association, but not by an employee(s) acting on his own behalf.

## 15. DISCIPLINE

- A. No officer shall be disciplined except for just cause.
- B. Discipline shall consist of the following levels:
  - 1. Oral Reprimand: An official warning to an employee that his conduct or performance is unacceptable, a written notation of which shall be maintained in the employee's departmental file.
  - 2. Written Reprimand: A written record of an employee's unsatisfactory conduct or performance which is included in the employee's official personnel file in the Human Resources Department. The employee shall have the option of submitting a statement of his position concerning the reprimand.
  - 3. Loss of Time Off: The elimination of some or all of an employee's available or prospective time off.
  - 4. Suspension: An employee is not permitted to report for work for a specified period of time and does not receive pay for the time in question.

5. Discharge: An employee is involuntarily separated from employment with the City of Troy.
- C. The listing of these disciplinary levels does not preclude the starting of disciplinary action at a higher level when the seriousness of the incident warrants such discipline.
- D. Disciplinary action beyond an oral reprimand may not be imposed until a minimum of 48 hours after the time of occurrence; however, this 48-hour waiting period does not preclude the immediate disciplinary action of an officer where it appears the seriousness of the incident demands such action. Written statements of the incident shall be filed with the Police Chief, if the Chief requests that such statements be filed or if the officer involved desires to file a statement on his own behalf. These written statements will become part of the factors included in imposing discipline. If, upon review, the discipline is reversed, the officer involved shall receive full pay and benefits for the time involved and all records of the incident shall be removed from his personnel file.
- E. Should an officer be required to give a verbal or written account of his actions which may result in the officer receiving disciplinary action, the officer may, at his option, have a steward present while making such a statement. The officer may, also at his option, postpone said verbal or written account up to 24 hours from the request so that he may have a steward in attendance. No officer shall be required to submit to a polygraph examination as a condition of continued employment.
- F. The President of the Association shall be notified in writing within 24 hours of the disciplining in excess of an oral reprimand of any member of the Association.
- G. All cases of discipline may be processed as a grievance.
- H. An officer's disciplinary records may be reviewed and removed in the following manner:
1. The written record of an oral reprimand shall be removed from the officer's departmental file when the officer has successfully corrected the matter in question and has received no other discipline as defined in this section within a fifteen (15) month period following the reprimand.
  2. A written reprimand shall be removed from the officer's official personnel file at the written request of the officer if the officer has received no other discipline as defined in this section within a period of thirty (30) months from the date of the reprimand. If an officer has

received discipline within the thirty (30) month period, he may request the review and removal of the disciplinary record by the Chief of Police. The officer's request must be in writing and must indicate the reasons for the request. In considering the matter, the Chief shall also receive the recommendation of the command officer(s) involved and division Captain. If, upon review, a disciplinary record is not removed, a future date shall be established to again review the matter.

3. The decision not to remove an oral or written disciplinary record shall not be a grievable matter.
  4. Records of all other discipline including and more severe than a suspension shall be retained permanently in the officer's official personnel file.
- I. At the conclusion of any investigation conducted, the employee who is the subject of the complaint shall be notified in writing of the outcome of that investigation and a copy of the file supplied to the employee, if requested.

## 16. SENIORITY

- A. Seniority of members of the Association shall begin after the officer has completed his promotional probationary period and shall be retroactive to his initial date of promotion. This seniority shall be applied by rank for the purposes specified in this Agreement. An officer shall forfeit and/or terminate his seniority for the following reasons:
1. He quits or retires.
  2. He is discharged and not reinstated.
  3. He is absent for three consecutive work days without notifying the Employer (exceptions to this may be made by the Employer).
- B. A seniority list by rank shall be furnished to the Association annually by the office of the Chief of Police.
- C. Seniority for purposes of layoffs, recalls, and promotions shall be in accordance with Act 78.
- D. One (1) Lieutenant and two (2) Sergeants shall be assigned to the Criminal Investigations Section. Such assignments shall be made at the discretion of the Chief with consideration given to ability and experience.

- E. Reassignments shall be made at the discretion of the Chief; however, such reassignments shall be made for the good of the department and shall be for cause.

## 17. WORK SCHEDULE

- A. Officers who are on promotional probation shall be assigned work schedules at the discretion of the Chief.
- B. Available work schedules, including changes resulting from the completion of promotional probation, shall be by seniority choice among the affected officers.
- C. Fifteen (15) days written notice of any change in division, section, unit or shift assignment will be provided. This section shall not apply to changes in assignments originating from promotional situations.
- D. Patrol Shift and Special Operations Section command officers shall work the 4/40 work schedule.
- E. If an officer is unable to report to work at his established starting time, he shall notify his supervisor or desk officer at least one hour prior to the time his shift is scheduled to start, unless mitigating circumstances make such notification impossible. Failure to provide such notification may, at the option of the City, result in loss of pay for that day.
- F. Whenever possible, officers may take a one-half (1/2) hour lunch break and two additional fifteen-minute breaks. These breaks shall not be taken contiguously.
- G. Ten (10) days notice will be provided an officer for any change in hours, leave days, work days, or duties (not assignments as covered in C above). This will not apply in emergencies as determined by the Chief of the department.
- H. Shift selections shall be made consistent with the department schedule of shift changes.

## 18. OVERTIME

- A. Excluding Police Captains, an officer will be paid one and one-half (1½) times his regular hourly rate for all hours worked in excess of: (1) 40 hours per week and (2) his current regular shift duty time. At the option of the officer, payment for overtime may be declined in favor of banking



compensatory time at the rate of one and one-half (1 ½) hours of compensatory time for every one hour of earned overtime. Each officer's bank of compensatory time shall not exceed thirty (30) hours per quarter as determined by the City, with all accumulated compensatory time being paid to the officer at the end of each quarter at the officer's current straight time. The granting of time off on compensatory time must have the approval of the officer's Shift Supervisor, and no such time off shall be granted if the absence creates additional personnel costs to the department. This provision may be modified for special circumstances with the mutual agreement of the parties.

- B. Police Captains will be compensated for overtime by time off equivalent to the amount of overtime worked. Overtime is defined as authorized work in excess of forty (40) hours in a work week, and may be assigned at the discretion of the City. Compensatory time may accrue to a maximum of 120 hours. Compensatory time off in excess of 8 hours must be submitted in writing and approved by the Chief of Police.
- C. Overtime generated as a result of complaint investigation, specific project assignments approved by the department, or court appearances shall be assigned to the officer involved.
- D. A full ten (10) or eight (8) hours shift shall be granted on a voluntary seniority basis by rank to the remaining supervisors assigned to the shift or work unit where the overtime is occurring. The overtime shall be equalized among the supervisor of each shift or work unit. In the event no supervisor remaining on the shift or work unit volunteers to work the overtime, it shall be offered by seniority to the remaining Division supervisors without seniority equalization. In the event there is an error by management in offering overtime the error shall be corrected only by offering that amount of hours to the aggrieved supervisor when such overtime next becomes available, in accordance with paragraph H of this section. Operations Division overtime worked for the purpose of a shift to fulfill five (5) hour minimum staffing requirements or "time of day minimum staffing" shall be equalized as close as may be practical among all Operations Division Lieutenants and Sergeants, to include any positions under the chain of command of the Operations Division, with the Union being responsible to draft the procedures for implementation and maintain a record of the accumulation of overtime.
- E. All overtime generated by the absence of a command officer shall be filled by a command officer except for those command officers, if any, regularly assigned as the court officer.
- F. If an insufficient number of officers are available for an overtime situation, the least senior officer may be ordered in for duty.

- G. The Police Chief shall determine what specific rank of command supervisor is required for overtime situations.
- H. Any errors in the assignment of overtime will be corrected by distribution of additional overtime within 30 days. The officer must notify the Chief 72 hours in advance of working such overtime.
- I. There shall be no duplication of overtime for the same hours, and officers shall not be paid twice for the same hours recorded as worked.
- J. With the exception of officers called in to supplement an ongoing police operation, if five or more police officers work an overtime assignment, then there shall be a command officer on overtime as a supervisor.
- K. Patrol command officers and the Criminal Investigations Section Commander shall work and shall be paid for 15 minutes immediately prior to shift and immediately subsequent to end of shift at the rate of time and one half.

## 19. COURT TIME

Time spent in court appearances originating from the performance of the officer's regular police duties shall be counted as normal duty time and shall be so used in the computation of overtime. A minimum of three (3) hours will be paid for such off-duty court appearances provided that such minimum of three (3) hours shall not be applicable if the court time is contiguous to the officer's scheduled duty hours.

## 20. CALL-IN TIME

When an officer is called in at other than his normal scheduled work shift, he shall be paid a minimum of three (3) hours at the appropriate premium rate, provided that such minimum shall not be applicable if the call-in is contiguous with the officer's scheduled duty hours.

## 21. VEHICLE SAFETY

The City agrees to provide patrol vehicles which are in safe working order for assigned use by members of the Association. Requests for maintenance and repair activities shall be processed through procedures established by the Employer. All damage to patrol vehicles shall be reported promptly.

Any officer who feels that a specific patrol vehicle is unsafe for duty even after corrective repairs have been completed may so indicate by filing a complaint with the division Captain. Objection shall not concern personal opinion, maintenance, or repair procedures. The City will attempt to avoid using the vehicle in question for regular duty assignments until the matter is resolved.

## 22. SICK LEAVE

- A. Officers shall accrue 8 hours of sick leave for each month of service with the City beginning with the first full calendar month of service.
- B. Sick leave will not be approved before it has been accrued.
- C. Unused sick leave may accrue to a maximum of 480 hours.
- D. Employees shall be notified of their accumulated sick leave during the month of January each year.
- E. An officer who is off of work for three consecutive days because of illness or injury shall be required to submit a physician's certificate prior to his being allowed to return to work indicating the nature of the illness or injury, the officer's capability of returning to work, and the degree to which he may perform his regular duties. In order to determine the employee's fitness to return to duty, the Employer shall have the right to send the employee for medical examination(s) before permitting his return to work.
- F. Sick leave is to be utilized only in the case of genuine illness or injury which prevents the officer from performing his duties. In addition, the officer may use sick leave when a member of his immediate family who permanently resides with the officer is ill or injured which creates a genuine necessity for the officer to be off work to care for that family member. Unauthorized or improper use of sick leave by any officer shall be cause for disciplinary action.
- G. On or before the 20th of December, employees with accumulated sick leave in excess of the 480 hours maximum as of the last pay period of October of that year shall receive a bonus of unused sick leave which is over the maximum at the rate of 100%, and the accumulated sick leave shall be reduced to the maximum of 480 hours.
- H. Upon the Normal Retirement, Early Retirement, Disability Retirement, or death of an employee, unused sick leave credits will be paid to the employee or his beneficiary to a maximum of 480 hours. Payments for unused sick leave credits at retirement shall be included in the computation of Final Average Compensation (FAC) for pension purposes

for all members of this bargaining unit who were promoted into the bargaining unit before August 5, 1987. Payments for unused sick leave credits at retirement shall be excluded from the computation of Final Average Compensation (FAC) for pension purposes for all members of this bargaining unit who were promoted into this bargaining unit after August 5, 1987.

## 23. PERSONAL BUSINESS TIME

- A. An officer may be granted up to 30 hours of personal business time in any one calendar year with the prior approval of his supervisor.
- B. Personal business time may be taken in conjunction with holiday leave and/or vacation leave.

## 24. FUNERAL LEAVE

Employees shall be allowed up to 40 hours time off for a death in the employee's or the employee's spouse's immediate family for attending to funeral arrangements, attending the funeral and bereavement. The immediate family shall consist of spouse, parent, grandparent, stepparent, sibling, son, daughter, or stepchild.

## 25. MILITARY LEAVE

Any officer who has completed his probation period and leaves the Employer's service for compulsory military duty shall be placed on military leave without pay. Such leave shall extend through a date of 90 days after his release from the military service. An employee returning from military leave shall be entitled to restoration to his former position, provided that: (1) he makes application within 90 days after his release from duty, (2) his release shall be under conditions other than dishonorable, and (3) he is physically and mentally capable of performing the duties of the position involved. An employee who leaves for military duty may elect to be paid for accrued vacation time due him, or have such credits reinstated upon return to the department. An employee returning from Military Leave shall have unused sick leave credits restored to him.

## 26. LEAVE WITHOUT PAY

The City Manager may grant an employee leave without pay for a period not to exceed one year when it is in the interest of the City to do so. The employee's request for such leave shall be considered when he has shown by his record to

be of more than average value to the City, and where it is desirable to retain the employee even at some sacrifice.

## 27. HOLIDAYS

- A. On January 1, each officer shall be allotted 110 hours of future holiday leave.
- B. Designated holidays shall be New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas Eve Day, Christmas Day, Easter, and New Year's Eve Day. The designated holiday shall apply to one specific calendar day for each of the designated holidays.
- C. Any Uniformed Patrol and Special Operations Section command officer working on a designated holiday shall receive one and one-half times his regular hourly rate for all hours worked that day. All overtime hours worked on a designated holiday shall be paid at the rate of two times his regular hourly rate.
- D. Unused holiday leave as of December 31 of each year shall be paid to the officer on a straight time basis by means of direct deposit.
- E. Non-Uniformed Patrol and Special Operations Section command officers may work a designated holiday, if it is their scheduled work day, upon providing seven days' written notice to the Division Captain. An officer working under this section will be paid straight time only.
- F. Non-Uniformed Patrol and Special Operations Section command officers directed or ordered to work on a designated holiday that falls on their regularly scheduled work day shall be paid one and one-half times the regular rate. All overtime hours worked on a designated holiday shall be paid at the rate of two times his regular hourly rate.
- G. Upon death or retirement, unused holiday leave accrued that year will be paid at the rate of 100% of the unused hours.

## 28. VACATION

- A. All officers shall qualify for vacation leaves on January 1 of each calendar year according to the following schedule:
  - 1. For all months worked in the previous calendar year prior to the third service date with the City, an officer shall accumulate vacation leave at the rate of 6 2/3 hours for each month worked.

2. For all months worked in the previous calendar year beyond the third and prior to the eighth service date with the City, an officer shall accumulate vacation leave at the rate of 10 hours for each month worked.
  3. For all months worked in the previous calendar year beyond the eighth and prior to the thirteenth service date with the City, an officer shall accumulate vacation leave at the rate of 13 1/3 hours for each month worked.
  4. For all months worked in the previous calendar year beyond the thirteenth service date with the City, an officer shall accumulate vacation leave at the rate of 15 hours for each month worked.
  5. For all months worked in the previous calendar year beyond the eighteenth service date with the City, an officer shall accumulate vacation leave at the rate of 16 2/3 hours for each month worked.
- B. For purposes of this section, “months worked” shall mean any calendar month where an officer is on the payroll for a minimum of twenty (20) days, including time worked and any payable leave time, including but not limited to personal leave, holidays, sick leave, vacation, funeral leave, and unpaid military leave up to two weeks.
- C. For Sergeants and Lieutenants, the following provisions shall apply:
1. Officers may use up to 80 hours of accrued vacation leave time on a one-day-at-a-time basis. Vacation leave time taken on a one-day-at-a-time basis must be utilized in a regular full shift block (8 or 10 hours depending on work assignment). A maximum of 80 hours of unused vacation leave time as of December 31st of each year shall be paid to the officer on a straight time basis.
  2. The carrying over of unused vacation leave to the next year is prohibited except under exigent circumstances as determined and approved by the Chief of Police. Decisions regarding the approval or denial of vacation leave carryover are not grievable and are subject to City of Troy policy regarding usage.
- D. For Police Captains only, unused vacation leave up to the accrued leave scheduled the past year will be paid off.
- E. Upon retirement, death, or resignation (in good standing), all unused vacation leave will be paid to the employee (or spouse) at the rate of 100%. Payments for unused vacation leave at retirement shall be included in the computation of Final Average Computation (FAC) for



pension purposes for all persons promoted into this bargaining unit before August 5, 1987. Payments for unused vacation leave at retirement shall be excluded from computation of Final Average Compensation for pension purposes for members promoted into the bargaining unit after August 5, 1987.

## 29. DISABILITY INSURANCE

- A. The City will provide short-term disability insurance for all employees. A charge of up to one day per pay period of the employee's accrued leave time together with said insurance will provide approximately eighty (80) percent of a working officer's gross salary after a thirty (30) day waiting period for a maximum of fifty-two (52) weeks.
- B. Long-term disability insurance will be provided by the City for all employees with three or more years of service at the time of the next opening date of the insurance policy. Eligible employees must also be accepted by the insurance company. A charge of up to eight (8) hours per pay period of the employee's accrued leave time, together with said insurance, will provide approximately seventy (70) percent of an employee's gross salary beginning 12 months after an extended absence due to sickness or accident. The insurance shall continue until the employee's death, retirement, return to work, or voluntary termination (or in the case of non-duty disability, up to 5 years, whichever is sooner).
- C. Amount of coverage shall be adjusted twice a year.

## 30. DUTY-CONNECTED DISABILITY

- A. The parties to this Agreement understand that Worker's Compensation benefits are paid in accordance with applicable Worker's Compensation laws of the State of Michigan, but that supplemental payments for the first 30 days are made subject to the employee's: (1) immediately, upon reasonable knowledge of the injury, reporting the injury to his immediate supervisor, (2) completing the appropriate forms documenting the injury and cause of same, (3) treating with the City Designated Clinic for the first ten (10) days after the injury or disability, (4) providing periodic updated reports from the employee's physician if requested by the City, and (5) consenting to an examination by a third physician when, in the opinion of the City, there is a conflict between the opinion of the City's physician and the employee's physician. The third physician shall be chosen through the mutual agreement of the City's physician and the employee's physician. The opinion of the third physician shall be binding on the City and the employee relative to the supplemental payments under this Article. The City will pay the cost for the examination of the third

physician. It is further understood that the denial of benefits under Article 30 does not affect the receipt of benefits under Article 29.

1. For the first 30 days following the date of disability, the officer shall receive a check from the City in an amount sufficient to augment appropriate worker's compensation insurance to provide the officer with his regular net pay. The officer shall not incur any loss of accrued leave time during this 30-day period.
2. After 30 days from the date of disability, the officer will be provided approximately 80% of his regular gross salary for an additional 52 weeks. These payments will be comprised of the following, as appropriate: Worker's Compensation insurance, disability insurance, social security, disability retirement with a charge of up to four (4) hours of the officer's accrued leave time per pay period in order to continue on the payroll and accrue benefits.
3. Beginning 12 months after the day of disability, an eligible officer will be provided with Long-Term Disability insurance as explained in Section 29.

- B. This section shall apply also to any Troy Officer who is disabled while participating in any legitimate police action within Wayne, Oakland, and Macomb Counties in the State of Michigan, provided that such insurance coverage can be provided by the City's insurance carrier. The Chief or his designated representative may conduct an investigation to determine if the incident makes the officer eligible under this section.

### 31. LIFE INSURANCE

The Life Insurance program shall provide participating employees with \$50,000 of life insurance, including double indemnity for accidental death, with the employee contributing 10 cents for each \$1,000 of insurance per pay period. Each employee shall have a policy issued to him.

### 32. HEALTH INSURANCE

- A. The Employer shall provide hospitalization and medical insurance for employee and family equal to or better than the following:
1. Blue Cross Community Blue Plan 1 (Modified) to include: \$10/\$40 drug rider with mandatory generic, prior authorization, step therapy, 2xMOPD; \$30 office visit co-pay; \$30 chiropractic office visit co-pay; \$50 emergency room co-pay (waived if admitted); and \$250/\$500 basic deductible.

2. Dental Insurance, including Class I and Class II benefits with a 10% employee co-payment of claims and a maximum benefit of \$1000 per person per year, beginning each January 1.
  3. Orthodontic coverage with a 50% employee co-payment of claims and a \$2,000 maximum lifetime benefit per person to age 19.
- B. An employee who elects to be covered by health insurance shall contribute 5.0% of the total premium cost by means of a pretax payroll deduction.
- C. Employees who, after July 1, 2006, choose not to subscribe to health insurance will receive \$250 per month. For current bargaining unit members who, prior to July 1, 2006, opted not to subscribe to medical insurance, the amount of “cash-in-lieu” payment is frozen at the amount they were being paid as of July 1, 2006. Employees entering the bargaining unit after August 11, 2014 who are receiving “cash in lieu” at the time they entered the unit, will continue to receive the same amount or \$250 per month, whichever is less.
- D. Upon regular retirement, early retirement, or disability retirement, employees will be eligible for health insurance if they meet the age and service requirements whether they participate in the Defined Benefit or Defined Contribution Pension Plan. Such insurance will be provided for two-person coverage for retiree and spouse (or dependent child) at the time of retirement, at the rate of 4% per complete year of retirement service as a Police Officer to the City of Troy (maximum 100%). For employees entering the bargaining unit on or after February 15, 2015, the computation changes to 3% per year of service as of the date he enters the unit. Also, the maximum accrual becomes 90%, unless the officer has already accrued 90% or more, in which case it is frozen at that percentage.

For employees who retire after July 1, 2014, the insurance described in Blue Cross Blue Shield Group # 007-001-0020 will be provided, except for employees who participate in the Retirement Health Savings (RHS) plan.

As an option, retirees may elect to enroll in Medicare Part B (medical insurance), at the retiree’s expense, and must notify the employer that they enrolled. The employer shall then provide supplemental insurance benefits to equal the above level of insurance benefits, as described in Paragraph 2 of this subsection, for two-person coverage for retiree and spouse (or dependent child) at the time of retirement, at the rate to be computed per the subsection D., above (except for employees who participate in the Retirement Health Savings (RHS) plan). A retiree may pay, at his/her own expense, the difference between a two-person and family rates.

- E. Effective February 27, 2006, employees who promote into the unit shall not be eligible for retiree dental/orthodontic coverage. For those employees who were in the unit prior to February 27, 2006, the Employer will provide dental/orthodontic coverage in retirement, consistent with that received by active employees, for retiree and spouse, at the rate of 4% per complete year of retirement service as a Police Officer to the City of Troy if said retired employee or spouse is drawing benefits or a pension pursuant to the City of Troy Retirement Ordinance. A retiree may pay, at his/her own expense, the difference between a two-person and family rate.
- F. For members receiving a non-duty disability retirement on or after May 7, 2001, hospitalization coverage provided in subsection D. above will be at the rate of \$400 per month or 4% per complete year of retirement service as a Police Officer to the City of Troy whichever is greater.
- G. Employees promoting into the bargaining unit who participate in the Retirement Health Savings (RHS) plan to fund the cost of health care in retirement shall continue to participate in the RHS plan in lieu of retiree health insurance.
- H. Employees who are married to each other are not permitted to both subscribe to health or dental insurance provided by the City of Troy. One employee must opt out of health/dental insurance and receive the cash-in-lieu payment. The employee (who is married to another City employee) who opts out of employer provided health/dental insurance after March 16, 2009 is not eligible for the cash-in-lieu payment.
- I. The City shall select PA 152 Local Government Opt Out for five (5) years (2014, 2015, 2016, 2017, 2018).

### 33. PHYSICAL EXAMINATION

- A. Effective upon ratification, members of the association may submit to a physical examination between June 1st and October 31st every other year. Such examination shall be conducted by a medical doctor or clinical facility licensed to practice in the State of Michigan. The employer shall determine the extent of said examination.
- B. The examination may be conducted during the officer's on-duty hours but shall not result in any overtime payment. Officers will be paid for up to three (3) hours to complete the physical. Officers working a shift which is not in conjunction with their physician's office hours shall be given a schedule adjustment of three (3) hours made in the same pay period. This schedule adjustment must not create overtime.

- C. Results stating whether the officer passed or failed the examination shall be provided to the Employer by the examining physician. Results must be submitted to the Human Resources Department by November 1st of the same year. Employees who do not pass the examination must submit medical documentation that the employee is fit for duty. Upon receipt of verification that the officer passed the examination, the officer will be awarded twenty (20) hours of holiday leave in the calendar year in which he or she passes the test and twenty (20) hours holiday for the second year. The employee shall be required to pay one-half (1/2) of the cost of said examination which is not covered by medical insurance with the Employer paying the remaining one-half upon submission of a paid receipt. Receipt is due by January 31st of the following year.

### 34. EDUCATION BONUS/TUITION REIMBURSEMENT

- A. An Education Bonus will be paid as follows to members of the Association who were hired prior to July 1, 1984:
1. Such members who possessed an Associate's Degree (or 60 credit hours) in Law Enforcement or a Bachelor's Degree in a field not related to Law Enforcement prior to July 1, 1986, and who had been paid a bonus of \$850 (prior to July 1, 1986) shall continue to receive \$850 for that achievement.
  2. All members who were hired after July 1, 1984 will be ineligible for any payments for educational bonus under this article.
  3. The bonus will be payable on the first pay day in October of each payment year.
- B. An officer may be eligible for tuition reimbursement under the following conditions:
1. Reimbursement shall be for 100% of the officer's actual tuition cost toward any Bachelor's or Masters Degree, and shall not duplicate any financial aid such as scholarships, grants and aids, G.I. Bill, etc.
  2. Reimbursement shall be tuition costs only and shall not include other fees or expenses.
  3. The course must be taken at an accredited school or university, but does not have to be a credit course.
  4. A minimum final grade of 2.0 or "C" (or greater as may be required by curriculum) must be achieved.

5. No officer shall receive more than \$ 2,500.00 under this program in any fiscal year.
6. Prior to receipt of reimbursement, the employee shall sign a letter agreeing to repay the City the full amount if the employee terminates employment for any reason other than retirement or is terminated for just cause within three (3) years of completion of the course. Should an employee be terminated for just cause and ultimately reinstated, any money repaid to the City for tuition reimbursement after the initial discharge will be returned to the employee.
7. Application and reimbursement process shall be according to established City procedure.

### 35. CLOTHING AND CLEANING ALLOWANCE

- A. Each fiscal year, every officer shall be allotted a basic clothing allowance of \$525. Said clothing allowance shall be placed in an account in the officer's name and shall be disbursed to the officer upon submittal of receipts for approved clothing and personal equipment purchases. Such receipts must be original receipts which will be returned to the officer after being duplicated.

It is clearly understood that clothing allowance has a prospective application and is intended to cover purchases for the entire fiscal year. In the event that employment is interrupted for such reasons as retirement, or leave of absence or injury leave in excess of six (6) months, the City shall have the right to adjust such payments on a prorated basis and make adjustments in payments for the following fiscal year based on overpayments in the current year.

- B. Any command officer assigned to or from a non-uniform investigative assignment for a period in excess of six consecutive months shall receive an additional \$150 in his clothing allowance. A command officer assigned to a non-uniform investigative assignment shall be allowed to charge purchases of civilian clothing up to \$150 as soon as he is assigned to a non-uniform investigative assignment, provided that if the officer's assignment is insufficient in duration to qualify him for the additional \$150 allowance, his clothing allowance for the following year will be reduced by the amount of purchases of civilian clothing.
- C. Any Police Sergeant promoted to the rank of Police Lieutenant shall be provided the following uniform items, at no cost to the officer: Two trousers, two long-sleeved shirts, two short-sleeved shirts, and one winter coat.



- D. \$25 of unused funds from the basic clothing allowance may be carried forward each fiscal year.
- E. The amount and type of uniforms and equipment shall be as determined by the Police Chief. Changes in uniforms and/or personal equipment will be discussed with the officers of the Association, and all officers will be notified of any mandatory change at least 30 days in advance of the fiscal year.
- F. Each officer shall receive an annual cleaning allowance of up to \$375 on or before May 20th of each year which shall be comprised of twelve (12) monthly payments prorated for each full month that the officer was actively working in the previous twelve-month period.

### 36. LONGEVITY

All officers shall receive longevity pay on or before December 20 of each payment year in accordance with the following schedule:

<u>Years of continuous City service as of November 30 of payment year</u>	<u>Longevity Payment</u>		
	<u>Sgt.</u>	<u>Lt.</u>	<u>Capt.</u>
4 – 8 years	\$ 857	\$ 890	\$1,050
9 – 13 years	1,716	1,790	2,099
14 – 18 years	2,574	2,685	3,149
19 or over	3,431	3,580	4,197

Note: Officers promoting into the bargaining unit on or after 7/1/01 who were not entitled to longevity prior to promotion will not be eligible for longevity payments under this collective bargaining agreement.

### 37. RETIREMENT

#### A. Defined Benefit Plan

1. All officers (except as noted in Sec. 37.B.) shall participate in the Retirement System Pension Program, as explained in Chapter 10 of the Troy City Code. The Straight Life Pension and the Age and Service Retirement shall continue as provided in sections 6.1(A) and 6.1(B) except that the benefit computation shall be 2.8% for each year of service up to a maximum of 25 years. For each year of service over 25 years, the benefit computation shall be 1.0%. Under no circumstances, however, shall the total benefit computation for all

years of service rendered on behalf of the City of Troy exceed 75.0% of Final Average Compensation.

The computation of Final Average Compensation shall include payments for base salary, overtime, holidays, annual sick leave pay, annual vacation pay, and longevity pay, but shall not include payments for education bonus, clothing allowance, cash-in-lieu of health insurance, payouts at retirement of sick leave or vacation leave, or any other cash payments.

No current employee (as of July 1, 2006) with more than twenty-five (25) years of service to the City and whose current benefit computation exceeds 75.0% shall have his total benefit computation reduced as a result of this Agreement. Future service shall, however, accrue at the rate of 1.0% for each year of service for said employee.

2. Association members shall contribute 4.0% of their gross payroll towards funding of retirements under the Retirement System Pension Program.
3. The pension formula shall determine average final compensation by utilizing the three (3) best years of service of the last ten (10) years of service.
4. Paragraph 8 of Chapter 10, the Troy City Code, shall provide a minimum 50% duty death benefit to a surviving spouse, based upon a member's final average compensation.

#### B. Defined Contribution Plan

Effective June 15, 2000, employees transferring into the bargaining unit who are participating in another City Defined Contribution plan at the time of such transfer shall participate in an IRS §401(a) Defined Contribution (DC) Pension Program as a member of this unit. The Defined Contribution plan is available as an option for employees who were members of the unit before June 15, 2000. Effective 7/1/01, officers promoting into the unit will have the option of selecting the DC plan within 31 days of completion of probation. Officers promoting into the unit with a DC pension shall retain the DC contribution rate at which they contributed as a Police Officer.

1. Contribution rates:           Employee - 4%  
  Employer - 12%

2. Vesting schedule for Employer Contributions: Employees hired after June 15, 2000, shall be 50% vested at three years, 75% vested at four years and 100% vested at five years.
3. Participants in the defined contribution plan shall also participate in a disability plan equivalent to the defined benefit disability plan as set forth in the retirement ordinance. The City's liability for the disability benefit shall be offset (1) by an amount which may be payable pursuant to the Worker's Compensation Act, if applicable, and (2) by the lifetime annuity value of the employee's 401 (a) defined contribution retirement account, determined as of the effective date of the employee's disability-related separation from service. Defined contributions shall include all contributions and income accumulated in the plan account whether derived by the contributions made by the employee or employer, including any amounts transferred into the plan. While the employee is receiving disability benefits or is receiving workers' compensation, the City of Troy shall contribute the employer rate, as contained in subsection 1 above, of the disabled employee's taxable wage for deposit in the defined contribution plan for the employee's benefits.
4. Participants in the defined contribution plan shall also be covered in the event of death, including non-duty death, with a benefit equivalent to the defined benefit plan as set forth in the retirement ordinance. The City's liability for a death benefit shall be offset (1) by an amount which may be payable pursuant to the workers' compensation act, if applicable, and (2) by the lifetime annuity value of the employee's 401(a) defined contribution retirement account, determined as of the effective date of the employee's death.

### 38. WAGES

- A. Annual salaries for Sergeants, Lieutenants, and Captains are outlined in the following schedule:

	Upon Ratification 1.0% \$500 lump sum	July 1, 2015 1.0% \$250 lump sum	July 1, 2016 1.0% \$250 lump sum	July 1, 2017 1.0% \$250 lump sum	July 1, 2018 1.0% \$250 lump sum
Sergeant					
Beginning Step	\$ 76,817	\$ 77,585	\$ 78,361	\$ 79,145	\$ 79,936
After 6 Months	\$ 82,234	\$ 83,056	\$ 83,887	\$ 84,726	\$ 85,573
Lieutenant	\$ 89,758	\$ 90,656	\$ 91,563	\$ 92,479	\$ 93,404
Captain	\$100,035	\$101,035	\$102,045	\$103,065	\$104,096

- B. If an officer (Sergeant) who has completed six (6) months does not receive a step increase in accordance with the appropriate schedule above, the matter shall be subject to the grievance procedure. Within thirty (30) days after the date of denial, the proposed step increase shall again be reviewed. The involved officer shall be advised of this review and shall have the opportunity to discuss it with the reviewing officer(s), the Captain, and the Chief. The probationary period for Sergeants, Lieutenants, and Captains will be one (1) year.
- C. Employees regularly scheduled by the City to work on the second or third shift (commonly referred to as the Afternoon and Midnight shifts, respectively) shall receive a shift bonus as provided below for each regularly scheduled day. Shift premium shall be paid bi-weekly to officers who qualify for it as follows:
- |                           |           |
|---------------------------|-----------|
| Second Shift (Afternoons) | \$.60/hr. |
| Third Shift (Midnights)   | \$.80/hr. |
- D. Any monies paid to an employee shall be paid by means of direct deposit.

### 39. PROMOTIONS

Promotion to the rank of Lieutenant and Captain: Promotional eligibility lists shall be created in accordance with Public Act 78 and Act 78 Commission Rules and Regulations; but with the following exception:

The appointing authority, the City Manager, may appoint any one of the top three (3) eligibles for each vacancy, after reviewing recommendations of the Chief of Police and unit commanders superior to the position vacancy which is being filled.

### 40. EXIT INTERVIEWS

Any employee terminating active employment with the City will be given an exit interview by an employee of the Human Resources Department and/or Finance Department during which time an explanation of all rights and benefits, as well as an accounting of all sums due, will be provided to the employee or, in the case of death, this information will be provided to his or her spouse.

#### 41. WAIVER OF NEGOTIATIONS

The parties acknowledge that during the negotiations which resulted in this Agreement, each had the unlimited right and opportunity to make demands and proposals with respect to any subject matter not removed by law from the area of collective bargaining, and that the understandings and agreements arrived at by the parties after the exercise of the right and opportunity are set forth in this Agreement. Therefore, the Employer and the Union, for the life of this Agreement, each voluntarily and unqualifiedly waives the right and agrees that the other shall not be obliged to bargain collectively with respect to any subject or matter referred to or covered in this Agreement, or with respect to any subject or matter not specifically referred to or covered by this Agreement, even though such subject or matter may not have been within the knowledge or contemplation of either or both parties at the time that they negotiated or signed this Agreement.

#### 42. JUDICIAL REVIEW

If any article or section of this Agreement or any supplement thereto shall be held invalid by the operation of law or by any tribunal, the remainder of this Agreement and supplements thereto shall not be affected thereby.

Pursuant to PA 9 of 2011, each collective bargaining agreement entered into between a public employer and public employees under this act after the effective date of the amendatory act that added this subsection shall include a provision that allows an emergency manager appointed under the local government and school district fiscal accountability act to reject, modify, or terminate the collective bargaining agreement as provided in the local government and school district fiscal accountability act. Provisions required by this subsection are prohibited subjects of bargaining under this act.

#### 43. DURATION OF AGREEMENT

This Agreement shall remain in full force and effect from July 1, 2014 until June 30, 2019, and thereafter until amended or modified. Either party may, between January 1, 2019 and March 1, 2019 serve written notice upon the other party of its desire to modify or amend this Agreement. In such event, the parties shall commence negotiations immediately on such proposed amendments for a succeeding contract. Any such amendment or modification would become effective after June 30, 2019.

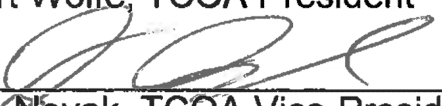
There shall be a reopener at either party's request on the sole issue of wages for July 1, 2017 and/or July 1, 2018.

In Witness Whereof, the parties hereto have executed this Agreement upon this 11th day of August 2014.

Resolution #2014-08-105

FOR THE ASSOCIATION  
Troy Command Officers Association

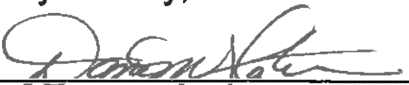
  
\_\_\_\_\_  
Robert Wolfe, TCOA President

  
\_\_\_\_\_  
Justin Novak, TCOA Vice-President

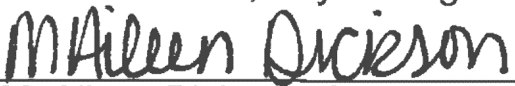
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FOR THE EMPLOYER:  
City of Troy, Oakland County, Michigan

  
\_\_\_\_\_  
Dane Slater, Mayor

  
\_\_\_\_\_  
Brian Kischnick, City Manager

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

  
\_\_\_\_\_  
Jeanette Menig, Human Resources Director

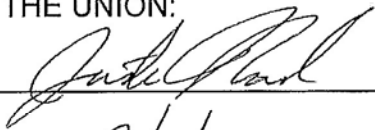


**TENTATIVE AGREEMENT – CONTRACT WAGE REOPENER**  
City of Troy and TCOA

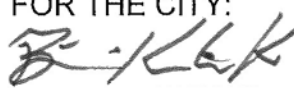
It is hereby agreed by and between The City of Troy and the Troy Command Officers Association (TCOA), as a result of the contract re-opener for wages in contract years 2017-18 and 2018-19, that the wages as detailed for these years in the TCOA 2014-2019 collective bargaining agreement, shall be changed to:

	July 1, 2017	July 1, 2018
	3.25%	3.25%
	\$750 lump sum	\$750 lump sum
Sergeant		
Beginning Step	\$80,908	\$83,538
After 6 Months	\$86,613	\$89,428
Lieutenant	\$94,539	\$97,612
Captain	\$105,361	\$108,785

FOR THE UNION:

  
Date: 2/1/17

FOR THE CITY:

  
Date: 4-17-17

**A. CALL TO ORDER:**

A Special Meeting of the Troy City Council was held on Monday, January 27, 2020, at City Hall, 500 W. Big Beaver Rd. Mayor Baker called the meeting to order at 6:00 PM.

**B. ROLL CALL:**

Mayor Ethan Baker  
Edna Abraham  
Theresa Brooks  
Ann Erickson Gault  
Mayor Pro Tem David Hamilton  
Ellen Hodorek  
Ed Pennington - Absent

**C. PUBLIC COMMENT:**

**D. BUSINESS STATED IN THE SPECIAL MEETING NOTICE:**

**D-1** City Council Orientation

**E. OTHER BUSINESS:**

**F. ADJOURNMENT:**

The Meeting **ADJOURNED** at 7:05 PM.

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

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

Mayor Baker performed the Invocation. Weblo Den from Cub Scout Pack 1706 from Martell Elementary School led the Pledge of Allegiance to the Flag.

## **A. CALL TO ORDER:**

A Regular Meeting of the Troy City Council was held on Monday, January 27, 2020, at City Hall, 500 W. Big Beaver Rd. Mayor Baker called the meeting to order at 7:31 PM.

## **B. ROLL CALL:**

Mayor Ethan Baker  
Edna Abraham  
Theresa Brooks  
Ann Erickson Gault  
Mayor Pro Tem David Hamilton  
Ellen Hodorek  
Ed Pennington - Absent

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

**C-1** Proclamation to Recognize Celebration of “Yoga for Health, Health for Humanity Surya Namaskar Yajna 2020” – January 18-February 2, 2020 *(Presented by: Mayor Ethan Baker)*

**C-2** Detroit Institute of Arts Presentation by Dave Flynn, Senior VP of Public Affairs for DIA

**C-2** On Behalf of the City of Troy Employees’ Casual for a Cause Program for the Months of November and December 2019, Community Affairs Director Cindy Stewart Will Present a Check in the Amount of \$796 to The Boys & Girls Club of Troy Executive Director Jeff Evans

## **D. CARRYOVER ITEMS:**

**D-1** No Carryover Items

## **E. PUBLIC HEARINGS:**

**E-1** City of Troy 2020-2024 Parks and Recreation Master Plan *(Introduced by: Kurt Bovensiep, Public Works Director, and Ashely Levin, Project Manager)*

The Mayor opened the Public Hearing. The Mayor closed the Public Hearing after receiving Public Comment.

Dave Lambert	Commented on events held at parks, the farm, and the usefulness of trails
Marv Reinhardt	Commented in favor of parks but not in favor of the study
Pam Brady	Commented in favor of Troy’s promotion of greenery; commented that she does her part to contribute to Troy’s green

Leon Jackson	Commented on rank choice voting and announced upcoming meetings on this topic
Lisa Kort	Commented that the City could use more marketing for the parks, and the dog park needs some improvements made

Resolution #2020-01-022

Moved by Hamilton

Seconded by Abraham

WHEREAS, The Planning Department, Recreation Department and Department of Public Works jointly developed the City of Troy 2020-2024 Parks and Recreation Plan; and,

WHEREAS, The Plan identifies recreational need in the City and includes an Action Plan for recreation improvements over the next five years; and,

WHEREAS, The Plan is a policy document and is non-binding and does not fiscally obligate the City of Troy in any way; and,

WHEREAS, Public input was achieved using a wide range of methods, including an online Parks and Recreation survey, Pop-Up survey at community events, Parks and Recreation Advisory Board public meetings, and public notification of opportunities for public input published in local newspapers; and,

WHEREAS, The Parks and Recreation Advisory Committee recommended approval of the Plan at their December 5, 2019 meeting;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council **CONCURS** in the recommendations of the Parks and Recreation Advisory Board, and **APPROVES** the City of Troy 2020-2024 Parks and Recreation Plan, as revised with corrections.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the transmittal of the 2020-2024 Parks and Recreation Plan to the Michigan Department of Natural Resources for approval.

Yes: Baker, Abraham, Brooks, Erickson Gault, Hamilton, Hodorek

No: None

Absent: Pennington

**MOTION CARRIED**

**F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:**

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

**H. POSTPONED ITEMS:****H-1 No Postponed Items****I. REGULAR BUSINESS:****I-1 Board and Committee Appointments: a) Mayoral Appointments – Board of Review, Downtown Development Authority, Local Development Finance Authority; b) City Council Appointments – Election Commission, Liquor Advisory Committee, Traffic Committee, Zoning Board of Appeals****a) Mayoral Appointments:**

Resolution #2020-01-023

Moved by Baker

Seconded by Hodorek

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

**Board of Review**

Appointed by Mayor

3 Regular Members

3 Year Term

**Nominations to the Board of Review:****Term Expires: 1/31/2023****John Howard Adams**

Term currently held by: John Howard Adams

Yes: Abraham, Brooks, Erickson Gault, Hamilton, Hodorek, Baker

No: None

Absent: Pennington

**MOTION CARRIED**

Resolution #2020-01-024

Moved by Baker

Seconded by Hodorek

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

**Downtown Development Authority**

Appointed by Mayor

13 Regular Members

4 Year Term

**Nominations to the Downtown Development Authority:**

**Term Expires: 9/30/2023****Timothy Blair**

Term currently held by: Timothy Blair

**Term Expires: 9/30/2023****Martin Knollenberg**

Term currently held by: Martin Knollenberg

**Term Expires: 9/30/2023****Brian Mioduszewski**

Term currently held by: Brian Mioduszewski

Yes: Brooks, Erickson Gault, Hamilton, Hodorek, Baker, Abraham

No: None

Absent: Pennington

**MOTION CARRIED**

Resolution #2020-01-025

Moved by Baker

Seconded by Hamilton

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

**Local Development Finance Authority (LDFA)**

Appointed by Mayor  
5 Regular Members  
Staggered 4 Year Term

**Nominations to the Local Development Finance Authority (LDFA):****Term Expires: City Council Term****Mayor Baker****Alternate; City Council Member**

Term currently held by: Vacancy

Yes: Erickson Gault, Hamilton, Hodorek, Baker, Abraham, Brooks

No: None

Absent: Pennington

**MOTION CARRIED****b) City Council Appointments:**

Resolution #2020-01-026

Moved by Hamilton

Seconded by Erickson Gault



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

**Election Commission**

Appointed by Council  
2 Regular Members and 1 Charter Member  
1 Year Term

**Nominations to the Election Commission:**

**Term Expires: 1/31/2021**

**David Anderson**

Term currently held by: David Anderson

**Term Expires: 1/31/2021**

**Harry Philo**

Term currently held by: Harry Philo

**Liquor Advisory Committee**

Appointed by Council  
7 Regular Members  
3 Year Term

**Nominations to the Liquor Advisory Committee:**

**Term Expires: 1/31/2023**

**Kelly Jones**

Term currently held by: Vacancy–Mr. Godlewski’s expired term

**Term Expires: 1/31/2023**

**David Gorcyca**

Term currently held by: David Gorcyca

**Traffic Committee**

Appointed by Council  
7 Regular Members  
3 Year Term

**Nominations to the Traffic Committee:**

**Term Expires: 1/31/2023**

**Richard Kilmer**

Term currently held by: Richard Kilmer

**Term Expires: 1/31/2023**

**Al Petrulis**

Term currently held by: Al Petrulis

**Term Expires: 1/31/2023**

**Peter Ziegenfelder**

Term currently held by: Peter Ziegenfelder

Yes: Hamilton, Hodorek, Baker, Abraham, Brooks, Erickson Gault  
No: None

Absent: Pennington

**MOTION CARRIED**

Resolution #2020-01-027

Moved by Hamilton

Seconded by Erickson Gault

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

**Zoning Board of Appeals**

Appointed by Council

7 Regular Members; 2 Alternates

3 Year Term

**Term Expires: 12/31/2020**

**Sadek Rahman**

**PC Rep. on ZBA**

Yes: Hodorek, Baker, Abraham, Brooks, Erickson Gault, Hamilton

No: None

Absent: Pennington

**MOTION CARRIED**

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

a) **Mayoral Nominations:** None

b) **City Council Nominations:**

Resolution #2020-01-028

Moved by Hamilton

Seconded by Abraham

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:

**Personnel Board**

Appointed by Council

5 Regular Members

3 Year Term

**Nominations to the Personnel Board:**

**Term Expires: 4/30/2021****Jeffrey Forster**

Term currently held by: Vacancy

Yes: Baker, Abraham, Brooks, Erickson Gault, Hamilton, Hodorek  
No: None  
Absent: Pennington

**MOTION CARRIED**

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**I-3 Request for Closed Session**

Resolution #2020-01-029  
Moved by Abraham  
Seconded by Hodorek

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (c) (Troy Command Officers Association).

Yes: Abraham, Brooks, Erickson Gault, Hamilton, Hodorek, Baker  
No: None  
Absent: Pennington

**MOTION CARRIED**

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**I-4 City Council Vacancy (Introduced by: Lori Grigg Bluhm, City Attorney)**

Resolution #2020-01-030  
Moved by Erickson Gault  
Seconded by Brooks

RESOLVED, That Troy City Council hereby **ACCEPTS** the resignation of Council Member Pennington.

BE IT FURTHER RESOLVED, That Troy City Council hereby **DECLARES VACANT** the City Council Member office formerly held by Ed Pennington effective January 27, 2020.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** City Administration's recommended procedure for filling the vacancy, as set forth in the attached memorandum.

Yes: Brooks, Erickson Gault, Hamilton, Hodorek, Baker, Abraham  
No: None

**MOTION CARRIED****J. CONSENT AGENDA:**

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

Resolution #2020-01-031-J-1a

Moved by Abraham  
Seconded by Hamilton

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

Yes: Erickson Gault, Hamilton, Hodorek, Baker, Abraham, Brooks  
No: None  
Absent: Pennington

## **MOTION CARRIED**

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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**

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Resolution #2020-01-031-J-2

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

- a) City Council Special Meeting Minutes-Draft - January 13, 2020
- b) City Council Minutes-Draft – January 13, 2020

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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 Traffic Committee Recommendations and Minutes – January 15, 2020**

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Resolution #2020-01-031-J-5

#### **4. Request for Traffic Control – North Lake Drive at Sherwood Drive**

RESOLVED, That the intersection of North Lake Drive at Sherwood Drive be **MODIFIED** from no traffic control to ALL-WAY STOP control at the intersection of Sherwood Drive at North Lake Drive.

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### **J-6 Fireworks Permit – 2020 Woodside Bible Church “Nite to Shine” Event**

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Resolution #2020-01-031-J-6

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Wolverine Fireworks Display, Inc. of Kawkawlin, Michigan, for the public display of fireworks at 6600 Rochester, Troy, Michigan, for the “2020 Nite to Shine” celebration sponsored by Woodside Bible Church, on Friday February 7, 2020, contingent upon verification of the required insurance documentation.

BE IT FURTHER RESOLVED, That the Troy Fire Department **WILL INSPECT** the fireworks to be displayed in advance, **REVIEW** the proposed discharge location(s) and site, **ASSURE** that the required insurance documentation is provided to the City, and **MAY TAKE ANY ACTION** to assure safety and compliance with applicable codes and standards for such a fireworks display.

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**J-7     Fireworks Permit – 2020 Mon Jin Lau “Chinese New Year Celebration”**

Resolution #2020-01-031-J-7

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Mr. Brandon Chin, of Troy, Michigan, for the public display of fireworks at 1515 E. Maple Rd., Troy, Michigan, for the “2020 Chinese New Year” celebration, on Sunday February 9, 2020, contingent upon verification of the required insurance documentation.

BE IT FURTHER RESOLVED, That the Troy Fire Department **WILL INSPECT** the fireworks to be displayed in advance, **REVIEW** the proposed discharge location(s) and site, **ASSURE** that the required insurance documentation is provided to the City, and **MAY TAKE ANY ACTION** to assure safety and compliance with applicable codes and standards for such a fireworks display.

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**J-8     2020 Specialized Services Operating Assistance Program**

Resolution #2020-01-031-J-8

RESOLVED, That Troy City Council hereby **APPROVES** the agreement between SMART and the City of Troy for the Specialized Services Operating Assistance Program that includes \$27,692 in revenue, which will be used for the Troy R.Y.D.E transportation service, and the Mayor and City Clerk are **AUTHORIZED** to execute the necessary documents; a copy of this agreement shall be **ATTACHED** to the original Minutes of this meeting.

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**J-9     Request for Acceptance of a Permanent Easement for Storm Sewers and Surface Drainage from Daniel M. and Patricia A. Van Hemm – Sidwell #88-20-15-352-031**

Resolution #2020-01-031-J-9

RESOLVED, That Troy City Council hereby **ACCEPTS** a permanent easement for storm sewers and surface drainage from Daniel M. and Patricia A. Van Hemm, owners of the property having Sidwell #88-20-15-352-031.

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** the permanent easement with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-10   Request for Acceptance of Four Permanent Easements for Storm Sewers and Surface Drainage, and Sidewalks from GFA Development, Inc. – Sidwell #88-20-15-353-049 and -050**

Resolution #2020-01-031-J-10

RESOLVED, That Troy City Council hereby **ACCEPTS** four permanent easements for storm sewers and surface drainage, and sidewalks from GFA Development, Inc., owner of the properties having Sidwell #88-20-15-353-049 & 050, and

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

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**J-11 Authorization for Outside Counsel for City of Troy v Troy BCBA**

Resolution #2020-01-031-J-11

RESOLVED, That Troy City Council hereby **WAIVES** the Competitive Bid process, as allowed under Troy's City Charter, Section 12.1, for the "employment of professional services," and **AUTHORIZES** the retention of *Rosati, Schultz, Joppich and Amtsbuechler* to represent the City of Troy's interests in the City of Troy v. Troy Building Code Board of Appeals matter, Oakland County Circuit Court case number 2019-176861-AA.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**K-1 Announcement of Public Hearings:**

- a) February 10, 2020 – Rezoning Request (Z JPLN2019-0030) – Proposed Clearview Homes Rezoning, Southwest Corner of Rochester Road and DeEtta Avenue, Sidwell #88-20-03-278-027, Section 3, From R-1B (One Family Residential) to O (Office) District
- b) February 10, 2020 – Rezoning Request (Z JPLN2019-0015) – Proposed Sylvanwood Court RT Development Rezoning, Northwest Corner of Rochester Road and Sylvanwood, Sidwell #88-20-10-426-029, -030, and -031), Section 10, From R-1C (One Family Residential) to RT (One Family Attached Residential) Zoning District

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**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time):**

- a) Changes to Volunteer Firefighters Incentive Program

**L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

**M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

**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**



**O. COUNCIL COMMENTS:**

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**O-1 Council Comments**

Council Member Hamilton announced the Troy High Orchestra Gala event on Saturday, February 1, 2020, at 7:00 PM in the Auditorium at Troy High School.

Council Member Erickson Gault commented on the Athens High School Day of Service held on Martin Luther King Jr. Day.

Mayor Baker commented on the investigation being conducted by Plante Moran of the City Council.

Mayor Baker commented that City Council has completed the third and final session of Council Orientation. He thanked City Administration for putting those sessions together.

Mayor Baker commented that he attended his first Global Troy Advisory Committee meeting. He said that the committee is looking for direction from City Council, and the committee would like a joint meeting with City Council. There was a consensus of City Council to ask City Management to investigate dates for that meeting.

Mayor Baker asked for City Council input regarding future special meetings that could take place throughout the coming year.

Council Member Hodorek commented that on February 4<sup>th</sup> at 7:00 PM is the joint meeting with the Planning Commission. She said that she hopes that this joint meeting can be a step towards the residents feeling like they are being heard in their concerns with developments and the loss of green space.

**P. REPORTS:**

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**P-1 Minutes – Boards and Committees:**

- a) Parks and Recreation Board-Final – September 19, 2019
- b) Civil Service Commission (Act 78)-Final – November 14, 2019
- c) Zoning Board of Appeals-Final – November 19, 2019
- d) Traffic Committee Minutes-Final – November 20, 2019
- e) Zoning Board of Appeals-Final – December 17, 2019
- f) Civil Service Commission (Act 78)-Draft – January 9, 2020
- g) Planning Commission-Draft – January 14, 2020

Noted and Filed

**P-2 Department Reports:**

- a) City Manager Status Report

Noted and Filed

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

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

The Meeting **RECESSED** at 9:08 PM.

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

**Q. CLOSED SESSION**

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**Q-1 Closed Session**

**R. ADJOURNMENT:**

The Meeting **ADJOURNED** at 9:50 PM.

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Mayor Ethan Baker

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M. Aileen Dickson, MMC  
City Clerk

A. CALL TO ORDER:

A Special Joint Meeting of the Troy City Council and Planning Commission was held on Tuesday, February 4, 2020, at the Troy Community Center, 3179 Livernois Rd., Troy, MI 48083. Mayor Baker called the meeting to order at 7:00 PM.

B. ROLL CALL:

a)	<u>City Council Members</u>	<u>Planning Commission</u>
	Mayor Ethan Baker	Tom Krent, Chair
	Edna Abraham	Ollie Apahidean
	Theresa Brooks	Karen Crusse
	Ann Erickson Gault	Carlton M. Faison
	Mayor Pro Tem David Hamilton	Michael W. Hutson
	Ellen Hodorek	Dave Lambert, Vice Chair
		Marianna Perakis
		Sadek Rahman
		John J. Tagle

Motion to Waive City Council Rule #17 Members of the Public and Visitors to Move Public Comment to After the Discussion Items

Resolution #2020-02-032  
Moved by Baker  
Seconded by Abraham

RESOLVED, That Troy City Council hereby **WAIVES** City Council Rule #17, *Members of the Public and Visitors*, to move Public Comment to after the discussion items.

Yes: All-7  
No: None

MOTION CARRIED

D. BUSINESS STATED IN THE SPECIAL MEETING NOTICE:

**D-1 Master Plan and Zoning Ordinance, Neighborhood Node Zoning Districts, Other Planning Related Topics**

Mayor Baker opened the meeting and welcomed everyone to this joint meeting of the Planning Commission and the City Council.

City Manager Miller introduced the topics to be discussed at the meeting tonight. He introduced Mr. Ben Carlisle of Carlisle Wortman Associates.

Mr. Carlisle discussed the Master Plan.

Mr. Dick Carlisle of Carlisle Wortman continued the discussion of the history of the Master Plan.

Mr. Brent Savidant, Planning Director, discussed neighborhood nodes.

Mr. Ben Carlisle and Mr. Dick Carlisle facilitated a discussion with questions to the members of City Council and the Planning Question.

Mrs. Crusse, Mayor Baker, and Mr. Faison commented on the issues with dense housing in the neighborhood nodes, and that neighbors prefer services that can be utilized by residents.

Mr. Tagle commented the Planning Commission hears complaints from developers regarding their financial benefit from certain projects.

Mr. Rahman commented there are issues with social interaction between new developments and the surrounding neighborhoods, as required in the Master Plan.

Council Member Abraham commented that traffic is a major concern with neighborhood nodes when it comes to dense housing in those nodes.

Mr. Lambert commented that perhaps a benefit to the neighbors would make development projects more appealing to surrounding neighbors.

Mrs. Perakis commented on the issue of roads near dense residential areas in the nodes.

Council Member Hamilton commented that there is an issue with the intention to make nodes walkable when some of the surrounding neighborhoods aren't walkable yet.

Council Member Hodorek commented that the descriptions of the nodes sometimes doesn't match what actually is built in those nodes.

Chairman Krent commented that compatibility and transition are two of the most important aspects of developments. He said that the newer developments don't have the distance and transition that they should have.

Mr. Dick Carlisle commented that there is an older population that is transitioning to empty-nesting and older, and the City needs to decide if we want to make developing decisions that will appeal to that population so they'll stay in Troy. Mr. Miller commented that delivering projects to the community that will help older residents remain independent, yet not be isolated. Mayor Baker commented that three-story condos will not address that, but some higher density developments could, but how does the City encourage developers to want to build housing that will appeal to older residents. Mr. Dick Carlisle commented that he hears from developers that building vertically is less expensive than horizontally. Mrs. Crusse commented that developers need to be incentivized to build certain types of developments, such as with tax incentives. Mayor Baker commented that he hears residents say that they don't care if developers are losing money. He said that the cluster ordinance has helped with incentivizing developers, but how much more does the City want to do.

Mr. Rahman commented that he would expect that based on the descriptions in the Master Plan of the village environment, there would be small shops and service providers in the nodes.

Council Member Hamilton commented that the first priority should be that the developments in the nodes should include things the residents could use.

Mayor Baker commented that the idea with the storage unit on Rochester Road was that it was sold as good for the neighbors, and that there would be retail on the first floor. He said that after that project, it seemed like the projects that were coming to Council were all condo developments.

Council Member Abraham commented that what we really want to get to is the small coffee shop and book store with an outdoor seating area that residents can walk to, not a large condo development. She said that crafting the language to get there is a challenge.

Mr. Faison commented that since the Master Plan is due to be updated, we should look at the entire Master Plan, especially Big Beaver District. He said that the plan from 2008 encouraged development since there was a recession. He said that future plans should not consider the existing economic climate.

Mr. Hutson commented that neighborhood nodes should get attention first, then the Big Beaver District.

Council Member Abraham commented that it's worthwhile to look at the 20-year outlook, with primary attention given to the neighborhood nodes.

Mr. Dick Carlisle said that while looking at things with a long-term view, reviewing at 5-year intervals allows for focus on certain areas that need a more strategic view.

Council Member Erickson Gault commented that more emphasis needs to be on public engagement. She said that these plans get created, and the public is either not invited or does not attend the engagement sessions, then a development comes up and it's a surprise to the neighbors. She said that the key engagement for the neighborhood nodes has to be with the surrounding neighbors of that node.

Council Member Hodorek commented that the nodes need to be a priority. She said that there is a legitimate concern voiced about safety with being able to walk and ride bikes to a neighborhood node retail or service provider. She said there is a sense of urgency to not create safety issues with future nodes.

Council Member Hamilton commented that he read the Master Plan and it should be reviewed every year. He said that he would like to add the process for City Council to review the Master Plan every year.

Mayor Baker commented that the City as a whole is trying to find ways to get the public to engage before there are developments that are controversial. He said that the current Master Plan is beautifully done, but Troy is having some growing pains, so it's time to address them. He said that we need to address what it means to be consistent and predictable.

Mr. Miller commented that the City has done more than required in regards to public engagement for the Master Plan. He said that more can be done, but it requires more time and money to go to the residents to discuss their specific areas.

Mr. Miller said that the next steps are to continue having these joint meetings, work on amendments to the Zoning Ordinance, and work on the updating of the Master Plan next year.

Mr. Rahman commented that there is too much gray area between the Master Plan and the Zoning Ordinance. He said that perhaps there needs to be specifics written into the Zoning Ordinance about what needs to be in specific areas, including the nodes.

Vice Chairman Lambert commented that with the law change regarding who adopts the Master Plan, we should think about how we will handle it. Mr. Savidant commented that in 2016, City Council decided that the Planning Commission would adopt the Master Plan.

Mr. Savidant thanked Dick Carlisle and Ben Carlisle and Carlisle Wortman for their hard work and dedication to the City of Troy, and for facilitating the discussion this evening.

Mr. Savidant reviewed the next steps. He said that City Council, City staff and the Planning Commission have all heard the residents' concerns about neighborhood nodes.

## **E. OTHER BUSINESS:**

## **C. PUBLIC COMMENT:**

Doug Gerard	Commented on concerns with safety, property values, and traffic in relation to neighborhood nodes.
Marcia Bossenberger	Thanked Mayor Baker and Council Members for listening to her concerns. She said that developers create blight and nuisances, and there needs to be accountability for them. She would like to see more green space on smaller developments.
Jerry Rauch	Thanked the Council, Planning Commission, and Planning Department for listening and working on these issues. He said that he would like the Planning Commission to focus on the village idea.
Paul Balas	Commented that he is comfortable that his concerns are being heard and understood by the City.
Debra Louzecky	Commented that she is very excited for the new Council and the new Planning Commission. She said that it is great to be able to hear the members voice their concerns, and that they are the same concerns as the residents.
Bruce Bloomingdale	Commented that he is happy to see community involvement again. He said that developers maximize their profits, and then the community has to live with the results. He thanked the City Council and Planning Commission for holding this and future meetings like it.
Sunil Sivaraman	Commented that the Master Plan should be divided into smaller pieces to be examined, then after each piece is revised, the results should be announced to the public.
Brian Wattles	Commented that he is glad to hear the members voice his same concerns. He said that public engagement needs to be done earlier to give the residents an opportunity to voice their concerns.

Mahendra Gindra	Commented that he enjoyed this session, especially the history of the Master Plan. He commented that high density housing doesn't fit with the vision of a village atmosphere from the Master Plan.
Ann Bruttell	Commented that she is concerned with the number of restaurants closing and opening, and the number of hotels being built, and if we have enough support for these businesses.
Omar Shouhayib	Commented that he is part of a family development company and owns properties, but they strive for responsible developments. He said that development is market-driven.
Russell Reynolds	Thanked the Council and Planning Commission for this joint meeting. He said that the same housing that interests older residents is what appeals to first-time homebuyers. He said that we need to focus on and promote that type of housing, along with small businesses along the Big Beaver Corridor.

**F. ADJOURNMENT:**

The Meeting **ADJOURNED** at 9:27 PM.

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Mayor Ethan Baker

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M. Aileen Dickson, MMC  
City Clerk





500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM

Date: January 30, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
Beth Tashnick, Office Manager

Subject: Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Member Travel –Michigan Municipal League Cap Con 2020

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### **History**

In advance of conferences and workshops city council members have expressed interest, management prepares a standard purchasing resolution that will authorize the travel expenses that may be incurred.

### **Purchasing**

Administrative memo 1-PU-9 "Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Requests – Standard Purchasing Resolution 10" requires approval by resolution of travel by council members.

### **Financial**

Registration for this event is \$250 if registered by 3/4/20 or \$325 if registered after 3/4/20. Funds are available in the 2019/20 General Fund – City Council – Education and Training account.

### **Recommendation**

It is recommended that City Council authorize and approve the expenditure of funds on travel expenses for Council Members who wish to attendance this event.



## CITY COUNCIL AGENDA ITEM

Date: February 3, 2020

To: Mark F. Miller, City Manager

From: Robert Bruner, Assistant City Manager  
Robert C. Maleszyk, Chief Financial Officer

Subject: City of Troy Investment Policy and Establishment of Investment Accounts

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### **History**

The current investment policy was initially approved in January, 2019. The current policy has served us well and is in compliance with Act 20 PA 1943, as amended.

### **Financial**

We would also like to update our resolution authorizing the establishment of investment accounts at the following institutions: Comerica; Bank of America; Charter One; Independent Bank; Level One Bank; Chemical Bank; Fifth Third Bancorp; Flagstar Bank; Huntington Bancshares; JP Morgan Chase & Co.; Robinson Capital; Michigan Class-MBIA; Bank of NY Mellon; Morgan Stanley Smith Barney; PNC Financial Services; and TCF National Bank.

This policy is established in order to provide for the safety and diversification of investment accounts.

### **Legal Considerations**

The investment policy is in compliance with Act 20 PA 1943, as amended.

### **Recommendation**

It is recommended that City Council approve the attached investment policy and listing of approved investment institutions.

## **CITY OF TROY INVESTMENT POLICY**

To Comply with Act 20 PA 1943, as amended

**Purpose:** It is the policy of the City of Troy to invest its funds in a manner which will provide a high level of security of principal while meeting the daily cash flow needs of the City and providing a reasonable rate of return along with compliance with all State statutes.

**Scope:** This investment policy applies to all financial assets of the City. These assets are accounted for in the various funds of the City and include the general fund, special revenue funds, debt service funds, and capital project funds (unless bond ordinances and resolutions are more restrictive), enterprise funds, internal service funds, trust and agency funds, and any new fund established by the City.

**Objectives:** The primary objectives, in priority order, of the City's investment activities shall be:

Safety – Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the overall portfolio.

Diversification – The investments will be diversified by security type and institution in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

Liquidity – The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

Return on Investment – The investment portfolio shall be designed with the objective of obtaining a rate of return throughout the budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

**Delegation of Authority to Make Investments:** Authority to manage the investment program is derived from the following: City of Troy City Council's most current resolution establishing investment accounts (2019-01-011-J-11). Management responsibility for the investment program is hereby delegated to the Chief Financial Officer who shall establish written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to safekeeping, cash purchase or delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking service contracts. No person may

engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Chief Financial Officer. The Chief Financial Officer shall be responsible for all transactions undertaken and shall establish a system of controls. The Investment Policy shall be reviewed and approved by the City Council annually.

**List of Authorized Investments:** The Chief Financial Officer is limited to investments authorized by Act 20 of 1943, as amended, and may invest in the following:

- (a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.
- (b) Certificates of deposit, savings accounts, deposit accounts, or depository of a financial institution. Authorized depositories shall be designated by the City of Troy City Council.
- (c) Commercial paper rated at the time of purchase with the highest classifications established by not less than two standard rating services and that matures not more than 270 days after the date of purchase.
- (d) Repurchase agreements consisting of instruments listed in (a).
- (e) Bankers' acceptances of United States banks.
- (f) Obligations of this state or any of its political subdivisions that at the time of purchase are rated investment grade by not less than one standard rating service.
- (g) Investment pools through an interlocal agreement under the urban cooperation act of 1967, 1987 (Ex Sess) PA 7, MCL 124.501 to 124.512
- (h) Investment pools organized under the surplus funds investment pool act, 1982 PA 367, 129.111 to 129.118.
- (i) The investment pools organized under the local government investment pool act, 1986 PA 121, MCL 129.141 to 129.150.

**Safekeeping and Custody:** All security transactions, including collateral for repurchase agreements and financial institution deposits, entered into by the Chief Financial Officer may be on a cash basis or a delivery vs. payment basis as determined by the Chief Financial Officer. Securities may be held by a third party custodian designated by the Chief Financial Officer and evidenced by safekeeping receipts as determined by the Chief Financial Officer.

**Prudence:** Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

Date: February 3, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
Robert C. Maleszyk, Chief Financial Officer  
Lisa Burnham, Accounting Manager  
MaryBeth Murz, Purchasing Manager

Subject: Contract Extension – Audit Services

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### History

- April 18, 2005 Troy City Council awarded a three-year contract with an option to renew for three (3) additional years to provide Audit Services to *Rehman Group* as a result of the competitive bid process; (Resolution #2005-04-182).
- December 17, 2007, Troy City Council exercised the option to renew the contract with the *Rehmann Group* for fiscal years ended June 30, 2008 through 2010; (Resolution 2007-12-366-F4d).
- February 7, 2011, City Council unanimously agreed to accept a three year extension for Audit Services to be provided by the *Rehmann Group* for fiscal years ended June 30, 2011 through 2013; (Resolution 2011-02-021).
- March 3, 2014, City Council unanimously agreed to accept another three year extension for Audit Services by the *Rehmann Group* for fiscal years ended June 30, 2014 through 2016; (Resolution 2014-03-026-J-4e).
- March 20, 2017 Troy City Council unanimously agreed to accept another three year extension for Audit Services by the *Rehmann Group* for fiscal years ending June 30, 2017 through 2019; (Resolution 2017-03-049).

### Purchasing

- January 23, 2020, the City received a letter from the *Rehmann Group* indicating their interest in continuing to provide audit services for fiscal year 2020 at a rate of \$63,700.
- Based upon the management turnover with the City's financial team and upcoming GASB pronouncements the extension of this contract for one (1) additional year is being recommended.
- The *Rehmann Group* continues to meet all expectations and consistently has delivered timely Audit Services.
- Individuals assigned to the City audit have been knowledgeable and have been of great assistance in helping the City successfully adopt the ever changing pronouncements in governmental accounting standards.
- The *Rehmann Group* is the largest public accounting firm with offices located in the City of Troy and a top 5 accounting firm in Southeast Michigan according to Crain's List.
- After the 2020 Audit, the City intends to competitively bid Audit Services.

# CITY COUNCIL AGENDA ITEM



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## **Financial**

- The base audit fee of \$63,700 will be allocated to the following funds/component units based on estimated hours to complete the audit:

General Fund	\$56,800
Downtown Development Authority	3,100
Brownfield Redevelopment Authority	1,800
Local Development Authority	<u>2,000</u>
Total	\$63,700

- Fees for the Single Audit (\$4,000), *if required*, will be charged to the fund receiving the largest portion of federal grant funding and deemed as a major program for audit purposes.
- Note that the audit fee for 2020 fiscal year is \$4,000.00 less than last fiscal year.

## **Recommendation**

City management recommends awarding a one (1) year contract extension to the *Rehmann Group of Troy, MI* to provide independent auditing services for the fiscal year ending June 30, 2020 for a fee of \$63,700 and if required \$4,000 for the Single Audit; for an estimated grand total of \$67,700.

## CITY COUNCIL AGENDA ITEM

Date: February 4, 2020

To: Honorable Mayor and City Council Members

From: Lori Grigg Bluhm, City Attorney  
Julie Quinlan Dufrane, Assistant City Attorney

Subject: Tollbrook LLC v. City of Troy

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Enclosed please find a copy of a Claim of Appeal and Complaint that was recently filed against the City of Troy by Tollbrook LLC. Tollbrook owns three parcels of property, located at 3086, 3114 and 3142 McClure in the City of Troy. In 2017, after being denied conditional rezoning by the Troy City Council, Tollbrook filed a federal lawsuit against the City, which was unsuccessful. This case was appealed to the U.S. Sixth Circuit Court of Appeals, and ultimately decided in favor of the City. While the federal appeal was pending, Tollbrook LLC submitted an application for a rezoning of these same parcels from R-1B to Big Beaver District. This straight rezoning application was also denied by the Troy City Council on July 22, 2019, consistent with the Planning Commission recommendation. Tollbrook then submitted a use variance application, asking the Troy Zoning Board of Appeals to grant a use variance, allowing the properties to be used for any use permitted under the Big Beaver zoning district. The Zoning Board of Appeals denied the requested use variance on November 19, 2019.

The Appeal section of Tollbrook's pleading challenges the Zoning Board of Appeals denial of the requested use variances, and it was timely filed with Oakland County Circuit Court Judge Jeffrey Matis. Tollbrook also alleges three claims that stem from the City Council's denied rezoning. Tollbrook asserts a takings claim, in violation of the Fifth Amendment of the Constitution, as well as a substantive due process violation (Count II), and a claim under 42 U.S.C. Section 1983 (Count III). They seek over \$25,000 in damages, which is the minimum jurisdictional limit for the Oakland County Circuit Court.

Subsequent to the filing, Judge Matis filed an order striking the complaint portion, essentially ruling that the appeal and the complaint need to be separate pleadings. Tollbrook has filed a Motion, asking the Judge to reconsider this matter.

Attached is a proposed resolution which authorizes our office to represent the City's interest in these matters. We have drafted the resolution to account for amended pleadings that separate the appeal and the complaint, which would be consistent with the order of Judge Matis.

Please let us know if you have any questions or concerns.





This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit [www.oakgov.com/efiling](http://www.oakgov.com/efiling).

20 JAN 24 PM 3:21

Approved, SCAO

Original - Court  
1st copy - Defendant

2nd copy - Plaintiff  
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 6th JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	CASE NO. 2020-178896-AA 20 - - AA JUDGE JEFFERY S. MATIS
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Court address  
1200 N. Telegraph Road, Pontiac, Michigan 48340

Court telephone no.  
248-858-0344

Plaintiff's name(s), address(es), and telephone no(s). Tollbrook, LLC
Plaintiff's attorney, bar no., address, and telephone no. Carson Fischer, P.L.C. Robert M. Carson (P11682); David E. Schlackman (P58894) 4111 Andover Road, West - Second Floor Bloomfield Hills, Michigan 48302 (248) 644-4840

Defendant's name(s), address(es), and telephone no(s). City of Troy 500 W. Big Beaver Road Troy, Michigan 48084
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Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

#### Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

#### Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ \_\_\_\_\_ Court, where

it was given case number \_\_\_\_\_ and assigned to Judge \_\_\_\_\_.

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

#### SUMMONS

**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other action with the court (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 1/7/2020	Expiration date* 04/07/2020	Court clerk Lisa Brown
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\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

**PROOF OF SERVICE****SUMMONS**

Case No. 20 -

- A.

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE**☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,  
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with

List all documents served with the summons and complaint

on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	TOTAL FEE \$	Signature
Incorrect address fee \$	Miles traveled	Fee \$		Name (type or print)
				Title

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
Date

My commission expires: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with

Attachments  
on Friday January 24, 2020 at 3:16 pm  
Signature Cheryl Stewart on behalf of City of Troy  
Day, date, time

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit [www.oakgov.com/efiling](http://www.oakgov.com/efiling).

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND  
(ON APPEAL FROM THE CITY OF TROY  
ZONING BOARD OF APPEALS)

TOLLBROOK, LLC,  
Plaintiff/Appellant,

v.

CITY OF TROY,  
Defendant/Appellee.

2020-178896-AA  
Case No. \_\_\_\_\_-AA  
Hon. JUDGE JEFFERY S. \_\_\_\_\_  
MATIS

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CARSON FISCHER, P.L.C.  
ROBERT M. CARSON (P11682)  
DAVID E. SCHLACKMAN (P58894)  
Attorneys for Plaintiff/Appellant  
4111 Andover Road  
West - Second Floor  
Bloomfield Hills, MI 48302  
(248) 644-4840

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There is no other pending or resolved  
civil action arising out of the  
transaction or occurrence alleged in  
this complaint.

**CLAIM OF APPEAL AND COMPLAINT**

Plaintiff/Appellant, Tollbrook, LLC, by and through its counsel, CARSON FISCHER, P.L.C., claims an appeal from the November 19, 2019 decision by the City of Troy ("City") Zoning Board of Appeals ("ZBA") as memorialized in meeting minutes approved by the ZBA at its December 17, 2019 meeting, and for its Claim of Appeal and Complaint states as follows:

FILED Received for Filing Oakland County Clerk 1/7/2020 2:52 PM

### **PARTIES AND JURISDICTION**

1. Plaintiff/Appellant Tollbrook, LLC ("Tollbrook"), a Michigan limited liability company, is the owner of three adjoining parcels of real property on McClure Drive in Troy, Michigan having the common addresses of 3142 McClure Drive (Property Tax ID No. 88-20-20-476-007), 3114 McClure Drive (Property Tax ID No. 88-20-20-476-008) and 3086 McClure Drive (Property Tax ID No. 88-20-20-476-009) (collectively the "McClure Properties").

2. Defendant/Appellee City is a Michigan Municipal Corporation whose mailing address is 500 West Big Beaver, Troy, Michigan 48084.

3. City's ZBA was established by the City through its Zoning Ordinance and has such duties and responsibilities as are set forth in the City's Zoning Ordinance and the Michigan Zoning Enabling Act (MCL §125.3101, *et. seq.*), including the authority under City's Zoning Ordinance §15.04.F. to hear applications for use variances.

4. Jurisdiction of this Court exists in that this action arises under the Constitution and the laws of the State of Michigan, and the matter in controversy exceeds the sum or value of \$25,000, exclusive of interest and costs.

5. This case also involves an appeal as of right, pursuant to MCR 7.122(A)(1)-(3) and MCL §125.3606, from the decision of the ZBA denying Tollbrook's application for a use variance. Under Michigan law, Tollbrook may join with its appeal any other original claims that it may have arising out of the City's decisions at issue. *See e.g., Choe v Charter Twp of Flint*, 240 Mich App 662, 668 n2 (2000).

6. Venue in this Court is proper as the real property at issue in this matter is located in Oakland County.

**FACTS GIVING RISE TO THE APPEAL AND CLAIMS AGAINST DEFENDANT**

7. The McClure Properties are each currently zoned R-1B District (One Family Residential) under the Zoning Ordinance, but are designated as "Big Beaver Road" in the City's Master Plan.

8. The McClure Properties abut a single-family home to the north, an office and parking lot to the south which is zoned BB, Big Beaver District, a parking lot to the east which is zoned BB, Big Beaver District and single-family homes to the west in an area zoned Planned Unit Development.

9. The Planned Unit Development to the west of the McClure Properties, which was approved in 2012, permits uses that are inconsistent with the City's Master Plan.

10. The R-1B District zoning allows the following uses: one-family dwellings; public parks; family day care homes; adult foster care; adult day care home; agriculture; cemeteries; and wireless communication facilities.

11. BB, Big Beaver District, under the Zoning Ordinance, permits the following uses: one-family attached dwellings; publicly owned/operated office and service facilities; multiple-family dwellings facilities; live/work units; funeral homes; senior assisted/independent living; veterinary clinics or hospitals; child care centers; lodging; general office; financial institutions; professional and medical office; general retail; hospitals; retail, large-format; shopping centers; primary/secondary schools (private); post-secondary schools; fitness, gymnastics, and exercise centers; theatres and places of assembly; places of worship; indoor commercial recreation establishments; data centers; restaurant; technology centers/ office research; personal services; and business services.

12. The City's Planning Commission adopted the Big Beaver Road future land use for the McClure Properties in 2008 as part of its restated Master Plan and the City reaffirmed this future land use designation for the McClure Properties in 2016.

13. In 2016, Tollbrook submitted an application for conditional rezoning of the McClure Properties to BB, Big Beaver District to develop an apartment building. A copy of this application is in the City's possession.

14. This application for conditional rezoning was submitted after being approached by, and having discussions with, representatives from the City who encouraged Tollbrook to acquire some of the land comprising the McClure Properties and to submit the plan for an apartment building rather than the townhomes originally planned by Tollbrook.

15. On February 10, 2017, the City's Planning Commission unanimously recommended approval of the conditional rezoning application by a vote of 7-0, with one commissioner abstaining and another absent, to rezone the property to BB, Big Beaver District and permitting a 140 unit apartment building.

16. On April 10, 2017, City's City Council denied the motion to approve the application for conditional rezoning by a vote of 4-3.

17. In February of 2019, Tollbrook submitted its application to the City to rezone the McClure Properties from R-1B District to BB, Big Beaver District, consistent with the City's Master Plan (the "Tollbrook Rezoning Application"). A copy of the Tollbrook Rezoning Application is in the City's possession.

18. The City initially refused to accept and process the Tollbrook Rezoning Application without any legal basis or justification causing an unnecessary and unwarranted delay.



19. Section 16.03.C. of the City's Zoning Ordinance sets for the criteria for approving a rezoning request:

Standards for Approval. A rezoning may only be approved upon a finding and determination that all of the following are satisfied:

1. The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following:

- a. A change in City policy since the Master Plan was adopted.
- b. A change in conditions since the Master Plan was adopted.
- c. An error in the Master Plan.

2. The proposed rezoning will not cause nor increase any non-conformity.

3. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.

4. The rezoning will not impact public health, safety, or welfare.

5. The rezoning will ensure compatibility with adjacent uses of land.

20. On or about May 28, 2019, the City's Planning Commission recommended denial of the Tollbrook Rezoning Application.

21. Despite the fact that the Tollbrook Rezoning Application sought to rezone the McClure Properties consistent with the Master Plan and was in full conformance with all objective standards of City's Zoning Ordinance, on July 22, 2019, the City's City Council denied the Tollbrook Rezoning Application.

22. Instead of basing its decisions on the express, measurable and objective standards of its Zoning Ordinance, the City rejected the Tollbrook Rezoning Application based upon improper standards, including but not limited to, its contention that because the future use of the McClure Properties was unknown:

- a. Compatibility with the Master Plan cannot be determined;

- b. The impact of the development on the public health, safety, or welfare cannot be determined;
- c. The ability to provide services and facilities cannot be determined; and
- d. Determination of whether the rezoning will ensure compatibility with adjacent uses of land cannot be determined. The July 22, 2019 City Council Minutes are in the City's possession.

23. On or about August 19, 2019, Tollbrook submitted to the ZBA its application for a use variance to use the McClure Properties in accordance with the BB, Big Beaver District and appeal of the City Council's rejection of the Tollbrook Rezoning Application (the "Use Variance Application"). A copy of the Use Variance Application is in the City's possession.

24. Section 15.04.F of the Zoning Ordinance provides the standard of review of a use variance:

F. Use Variances.

1. Use Variance Standards for Review. A use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing, and that all of the following conditions are met:

- a. The applicant has demonstrated that the site cannot reasonably be used for any of the uses allowed within the current zoning district designation. The Zoning Board of Appeals may require submission of documentation from professionals or certified experts to substantiate this finding.
- b. That the condition or situation of the specific parcel of property or the intended use of such property for which the variance is sought is unique to that property and not commonly present in the general vicinity or in the zoning district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment. Such unique conditions or situations include:

- i. Exceptional narrowness, shallowness or shape of a specific property on the effective date of the ordinance from which this chapter is derived.
- ii. Exceptional topographic conditions or other extraordinary situation on the land, building or structure.
- iii. The use or development of the property immediately adjoining the property in question.
- iv. Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary.

c. The use variance will not alter the essential character of the neighborhood or the intent of the Master Plan, or be a detriment to adjacent properties.

d. The capacity and operations of public roads, utilities, other facilities and services will not be significantly compromised.

e. The immediate practical difficulty causing the need for variance request was not self-created by the applicant.

25. On October 15, 2019, the ZBA conducted its public hearing on the Use Variance Application at which time the ZBA postponed the case until November 19, 2019 and instructed the City's attorney to prepare a resolution incorporating their comments for ZBA consideration at its November 19, 2019 meeting.

26. On November 19, 2019, the ZBA approved a resolution denying the Use Variance Application (the "ZBA Resolution") and on December 17, 2019 the ZBA formally approved the minutes of the November 19, 2019 ZBA meeting at which it adopted the ZBA Resolution. A copy of the November 19, 2019 Minutes are attached hereto as Exhibit A..

27. Besides abusing its discretion based upon misapplying subjective standards, the ZBA Resolution was also not supported by competent, material and substantial evidence. In fact, the ZBA Resolution contained multiple "findings" which were contrary to evidence in the record, including:

- a. Finding that “[t]here is no unique circumstances peculiar to [these properties]”, while ignoring the use and development of the properties immediately adjoining the properties;
- b. Finding that “[g]ranting a use variance ... will alter the essential character of the adjacent neighborhood and be a detriment to the adjacent properties”, where the properties in question are designed as BB, Big Beaver District in the Master Plan and where the McClure Properties abut an office and parking lot to the south which is zoned BB, Big Beaver District, a parking lot to the east which is zoned BB, Big Beaver District and single-family homes to the west in an area zoned Planned Unit Development;
- c. Asserting that Tollbrook failed to identify a specific use for the properties as if it was a requirement under the City’s Zoning Ordinance; and
- d. Baldly stating that the requested variance was created by the applicant. See Exhibit A.

28. The ZBA Resolution also declined to address the portion of the Use Variance Application seeking to appeal the July 22, 2019 decision on the Tollbrook Rezoning Application stating that it did not have jurisdiction over such a request.

29. The Use Variance Application satisfied all objective standards and the ZBA’s decision to reject the Use Variance Application, imposing unfettered subjective discretion to overrule those objective standards, was based upon findings that were directly contrary to the evidence in the record.

30. Tollbrook has exhausted all of its administrative remedies.

### **CLAIM OF APPEAL**

31. The allegations contained within all of the foregoing paragraphs are realleged and incorporated as if fully set forth herein.

32. The nature of the determinations being appealed from is a resolution of the ZBA.

33. The Zoning Ordinance authorizing the ZBA to hold the hearing which gave rise to the ZBA Resolution is §15.04.F.

34. This appeal is taken pursuant to the Michigan Zoning Enabling Act, including but not limited to MCL §125.3606, as well as MCR 7.103 and MCR 7.122.

35. Venue is based on the fact that the underlying dispute relates to an application for a use variance for properties located within Oakland County and that Appellee is located in Oakland County.

36. The grounds on which relief is sought is that the ZBA erred and its decision did not comply with the requirements of MCL §125.3606 when it issued its ZBA Resolution dated November 19, 2019 denying the Use Variance Application.

37. The decision of the ZBA was improper and should be reversed because it:

- a. Did not comply with the Constitution and laws of the State;
- b. Was not supported by competent, material, and substantial evidence on the record; and/or
- c. Did not represent the reasonable exercise of discretion granted by the law to the ZBA.

WHEREFORE, Appellant respectfully requests that upon consideration of this Appeal that the Court reverse the decision of the ZBA, declare and adjudge that City's rejection of the Use Variance Application was not supported by competent, substantial and material evidence, order

City to grant the Use Variance Application and enjoin City from preventing the development of the McClure Properties pursuant to the Application.

**COUNT I**  
**TAKING OF THE McCLURE PROPERTIES**

38. The allegations contained in the foregoing paragraphs are reasserted and incorporated as if fully set forth herein.

39. A land use restriction that fails to substantially advance a governmental interest constitutes a taking without compensation in violation of the United States Constitution, Amendments V and XIV and the Michigan Constitution of 1963, Art 10, Sec 2.

40. The development of the McClure Properties in accordance with the R-1B District zoning will result in a loss of money to Tollbrook and will not yield any return on its investment in purchasing the McClure Properties.

41. As applied to the McClure Properties, the R-1B District zoning does not substantially advance a legitimate state interest.

42. As applied to the McClure Properties, the R-1B District zoning is inconsistent with the City's Master Plan.

43. The R-1B District zoning deprives Tollbrook of the economically viable use of the McClure Properties.

44. The R-1B District zoning has interfered with Tollbrook's investment-backed expectations with respect to the McClure Properties.

45. The R-1B District zoning denies Tollbrook of all economically beneficial or productive use of the McClure Properties.

46. City's arbitrary and capricious application of its Zoning Ordinances and Master Plan has prevented the McClure Properties from being developed and used as set forth in the

Master Plan, denied Tollbrook all economically beneficial or productive use of the McClure Properties, and resulted in an unlawful taking without payment of just compensation.

WHEREFORE, Tollbrook respectfully requests that the Court enter a judgment in its favor and award Tollbrook damages in such amount in excess of \$25,000 as will fully compensate it for the damages it sustained, plus costs, interest and attorney fees so needlessly sustained.

**COUNT II**  
**VIOLATION OF SUBSTANTIVE DUE PROCESS**

47. The allegations contained within all of the foregoing paragraphs are realleged and incorporated as if fully set forth herein

48. As applied to the McClure Properties, City's R-1B District zoning deprives Tollbrook of its due process rights secured under the United States Constitution, Amendments V and XIV, and the Michigan Constitution of 1963, Art 1, §17.

49. The R-1B District zoning does not allow a reasonable use of the McClure Properties.

50. As applied to the McClure Properties, the R-1B District zoning does not bear a substantial relationship to the health, safety and welfare of the community as a whole.

51. The R-1B District zoning, as applied to the McClure Properties, is unreasonable, arbitrary and capricious.

52. City's application of its Zoning Ordinances as applied to the McClure Properties and its decision to reject the application for conditional rezoning, the Tollbrook Rezoning Application and the Use Variance Application by ignoring objective standards, imposing standards that are not within the Zoning Ordinances, and based upon findings that were directly contrary to the evidence in the record, was arbitrary, capricious and egregious.



53. City's application of its Zoning Ordinances as applied to the McClure Properties and its decisions to reject the application for conditional rezoning, the Tollbrook Rezoning Application and the Use Variance Application has denied Tollbrook due process of law, which is the proximate cause of substantial and continuing damages.

54. In the absence of equitable relief, Tollbrook will be irreparably harmed.

55. Tollbrook has no adequate remedy at law.

56. While Tollbrook has no adequate remedy at law for future breaches, it has sustained damages resulting from City's actionable activity prior to the issuance of injunctive relief. Accordingly, damages should be assessed against City in connection with the actions it took prior to the issuance of injunctive relief and in connection with future violations of any injunction issued in this matter.

WHEREFORE, Tollbrook respectfully requests that the Court: (a) declare and adjudge the R-1B District zoning, as applied to the McClure Properties, to be unconstitutional and void; (b) declare and adjudge that City's rejection of the application for conditional rezoning, the Tollbrook Rezoning Application and the Use Variance Application constituted an arbitrary, capricious and unreasonable decision and was done in violation of Tollbrook's constitutional rights (c) enjoin City from enforcing the R-1B District zoning against the McClure Properties; (d) award Tollbrook damages in such amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) as the Court deems just, as will fully and fairly compensate it for its damages; (e) grant such other relief as this Court considers appropriate under the circumstances including, but not limited to, an award of damages, expenses and attorney fees in excess of \$25,000 pursuant to 42 USC 1983 and 42 USC 1988 against City; and (f) awards Tollbrook such other relief as may be appropriate under the circumstances.

**COUNT III**  
**VIOLATION OF 42 USC 1983**

57. The allegations contained within all of the foregoing paragraphs are realleged and incorporated as if fully set forth herein.

58. The City's zoning and its conduct and actions, and the conduct and actions of its agents, employees and/or those acting in concert with or under City's authority, supervision and control, were carried out under the color of an ordinance, custom, policy or other law.

59. The City's zoning and its conduct and actions denied Tollbrook of its right to the use and development of the McClure Properties and its vested rights relating to the McClure Properties.

60. Tollbrook had a legitimate claim of entitlement to and justifiable expectation of the use and development of the McClure Properties and all vested rights relating to the McClure Properties.

61. City's zoning, conduct and actions have deprived Tollbrook of its rights and privileges arising under the Constitution.

62. City's zoning, conduct and actions constitute a taking of the McClure Properties in violation of Tollbrook's civil rights.

63. City's zoning, conduct and actions constitute a denial of due process in violation of Tollbrook's civil rights.

64. As a consequence of City's actions, Tollbrook sustained monetary damages including, but not limited to, unnecessary delays, additional carrying costs and lost revenues that would have been generated by the development of the McClure Properties.

65. Tollbrook is entitled to recover damages under 42 USC 1983 against City for the violation of Tollbrook's constitutional rights.

66. In addition to compensation for its damages, pursuant to 42 USC 1983, Tollbrook is entitled to recover its attorney fees incurred in bringing this action pursuant to 42 USC 1988.

WHEREFORE, Tollbrook respectfully requests that this Court enter judgment in favor of Tollbrook and award Tollbrook an amount in excess of \$25,000 against City as compensatory damages for City's violation of civil rights pursuant to 42 USC 1983, plus costs, interest and reasonable attorneys' fees pursuant to 42 USC 1988, along with such other relief as this Court considers just and appropriate.

Respectfully Submitted,

CARSON FISCHER, P.L.C.

/s/ Robert M. Carson

ROBERT M. CARSON (P11682)

DAVID E. SCHLACKMAN (P58894)

Attorneys for Plaintiffs/Appellants

4111 Andover Road

West - Second Floor

Bloomfield Hills, MI 48302

(248) 644-4840

Dated: January 7, 2020

# Exhibit “A”

On November 19, 2019, at 7:30 p.m., in the Council Chambers of Troy City Hall, Chair Clark called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

Daniel Agauas  
Michael Bossenbrook  
Glenn Clark  
Tommy Desmond  
David Eisenbacher  
Aaron Green  
Orestis Kaltsounis

Also Present:

Paul Evans, Zoning and Compliance Specialist  
Lori Grigg-Bluhm, City Attorney

2. PROCEDURE

3. APPROVAL OF MINUTES – October 15, 2019

Moved by Green  
Seconded by Agauas

RESOLVED, to approve the October 15, 2019 meeting minutes.

Yes: All

MOTION PASSED

4. APPROVAL OF AGENDA – No changes.

5. HEARING OF CASES

A. VARIANCE REQUEST, SAFET STAFSA FOR TOLLBROOK WEST, LLC, 3109 ALPINE AND PARCEL 88-20-20-401-020: A use variance in accordance with the Big Beaver Zoning District. If a use variance is not granted, applicant appeals the July 22, 2019 decision of the Troy City council to deny Tollbrook West's request to rezone the property from R-1B, One Family Residential District, to BB, Big Beaver District.

Moved by: Eisenbacher  
Seconded by: Kaltsounis

RESOLVED, that the use variance for the property located at 3109 Alpine currently zoned R-1B, One Family Residential, be DENIED. The Applicant has presented no

evidence establishing an unnecessary hardship, and has failed to demonstrate satisfaction of all of the elements required to be considered for a use variance request.

The Zoning Board of Appeals makes the following findings and conclusions based on the written materials, comments, and testimony of the Applicant's representatives, other interested persons, professional consultants, and other factual material presented to the Board to assist with deliberation:

1. The applicant has not demonstrated that the site cannot reasonably be used for any other use allowed within the current zoning designation of R-1B. It is the explicit finding of this Board that the property can be reasonably used for the purposes permitted in the current zoning district, R-1B.

2. There are no unique circumstances peculiar to this property. The applicant has not proven that there are certain features or conditions of the land that are generally applicable throughout the zone, nor has the applicant demonstrated, through expert testimony, that these features make it impossible to earn a reasonable return without some adjustment.

Specifically,

a. The parcel is not exceptionally narrow or shallow tending to prevent the site from being used for any other use allowed within the current zoning designation, R-1B.

b. There are no topographic conditions or other extraordinary situations on the parcel tending to prevent the site from being used for any other use allowed within the current zoning designation, R-1B.

3. Granting a use variance where the applicant would be allowed to develop the parcel with any allowable use under BB District zoning will alter the essential character of the adjacent neighborhood and be a detriment to adjacent properties.

4. The applicant has not identified a specific use for the property within the proposed BB District zoning, therefore, it is difficult to adequately assess whether the capacity and operations of public roads, utilities, or other facilities and services will be significantly compromised. However, the BB District in general allows for more intense uses than R-1B zoning, therefore, it is reasonable to presume the impact on the adjacent road, Alpine, which is smaller and more narrow than other roads in the BB District and which does not have enough right-of-way to construct a sidewalk, will be compromised.

5. The need for the variance request is self-created by the applicant.

BE IT FURTHER RESOLVED, That this board is not addressing that portion of the application seeking to appeal the July 22, 2019 legislative decision of the Troy City Council denying Tollbrook West's request to rezone the property located at 3109 Alpine from R-1B, One Family Residential District, to BB, Big Beaver District, because this

Board does not have jurisdiction over such a request under Troy's Zoning Ordinance Section 15.04(B).

Moved by: Green  
Seconded by: Desmond

RESOLVED, that the public be permitted to comment on the three cases that were postponed from the October 2019 Zoning Board of Appeals Meeting.

Moved by: Bossenbroek  
Seconded by: Green

RESOLVED, to incorporate changes to the proposed resolution.

Yes: All

Vote on Mr. Green's motion:

Yes: All

Vote on Mr. Eisenbacher's motion:

Yes: All

B. VARIANCE REQUEST, SAFET STAFSA FOR TOLLBROOK, LLC, 3086, 3114, 3142 MCCLURE: A use variance in accordance with the Big Beaver Zoning District. If a use variance is not granted, applicant appeals the July 22, 2019 decision of the Troy City council to deny Tollbrook West's request to rezone the property from R-1B, One Family Residential District, to BB, Big Beaver District.

Moved by Green  
Second by Desmond

RESOLVED, that the use variance for the property located at 3086, 3114, and 3142 McClure currently zoned R-1B, One Family Residential, be DENIED. The Applicant has presented no evidence establishing an unnecessary hardship, and has failed to demonstrate satisfaction of all of the elements required to be considered for a use variance request.

The Zoning Board of Appeals makes the following findings and conclusions based on the written materials, comments, and testimony of the Applicant's representatives, other interested persons, professional consultants, and other factual material presented to the Board to assist with deliberation:

1. The applicant has not demonstrated that the site cannot reasonably be used for any other use allowed within the current zoning designation of R-1B. It is the explicit



finding of this Board that the property can be reasonably used for the purposes permitted in the current zoning district, R-1B.

2. There are no unique circumstances peculiar to this property. The applicant has not proven that there are certain features or conditions of the land that are generally applicable throughout the zone, nor has the applicant demonstrated, through expert testimony, that these features make it impossible to earn a reasonable return without some adjustment.

Specifically,

a. The parcel is not exceptionally narrow or shallow tending to prevent the site from being used for any other use allowed within the current zoning designation, R-1B.

b. There are no topographic conditions or other extraordinary situations on the parcel tending to prevent the site from being used for any other use allowed within the current zoning designation, R-1B.

3. Granting a use variance where the applicant would be allowed to develop the parcel with any allowable use under BB District zoning will alter the essential character of the adjacent neighborhood and be a detriment to adjacent properties.

4. The applicant has not identified a specific use for the property within the proposed BB District zoning, therefore, it is difficult to adequately assess whether the capacity and operations of public roads, utilities, or other facilities and services will be significantly compromised. However, the BB District in general allows for more intense uses than R-1B zoning, therefore, it is reasonable to presume the impact on the adjacent road, McClure, which is smaller and more narrow than other roads in the BB District and which does not have enough right-of-way to construct a sidewalk, will be compromised.

5. The need for the variance request is self-created by the applicant.

BE IT FURTHER RESOLVED, That this board is not addressing that portion of the application seeking to appeal the July 22, 2019 legislative decision of the Troy City Council denying Tollbrook LLC's request to rezone the property located at 3086, 3114, 3142 McClure from R-1B, One Family Residential District, to BB, Big Beaver District, because this Board does not have jurisdiction over such a request under Troy's Zoning Ordinance Section 15.04(B).

C. VARIANCE REQUEST, OLIMPIU JR. & ADRIANA L. APAHIDEAN, 826 MARENGO: A variance to allow a parcel of land to be divided into two parcels, each having 80 feet of width and frontage. The Zoning Ordinance requires the new parcels to have 100 feet of width and frontage.

Moved by Agauas

Second by Desmond

RESOLVED, to grant the request.

Moved by Bossenbroek

Second by Agauas

RESOLVED, to amend the motion that, before lot split approval, portions of the existing home be removed to comply with building setbacks for the proposed parcels.

Yes: All

MOTION PASSED

Vote on the Agauas motion:

Yes: All

MOTION PASSED

D. VARIANCE REQUEST, KENNETH SHAHEEN, 2395 KINGSBURY: 1) a variance to allow a 17 foot tall garage where 14 feet maximum is allowed, 2) a variance to allow a two story garage where only one story is allowed, 3) a variance to allow a 3 foot setback from the property line where 6 feet minimum setback is required, and 4) a variance to allow the building to be in the front yard where the Zoning Ordinance allows it only in the rear yard.

Moved by Eisenbacher

Second by Desmond

RESOLVED, to postpone the request to the next meeting.

Yes: Agauas, Desmond, Eisenbacher, Kaltsounis, Green, Bossenbroek

No: Clark

MOTION PASSED

E. VARIANCE REQUEST, BRENDA SCHLUTOW, 23 SHEFFIELD: A variance to allow an addition to the home that will be 7 feet from the rear property line. The Zoning Ordinance requires the addition to be 35 feet from the rear property line

Moved by Eisenbacher

Second by Desmond

RESOLVED, to grant the request.

Yes: Desmond, Eisenbacher, Kaltsounis, Clark  
No: Agauas, Green, Bossenbroek

MOTION PASSED

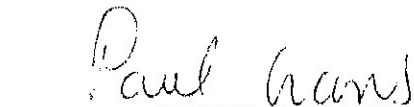
6. COMMUNICATIONS – None.
7. MISCELLANEOUS BUSINESS – None
8. PUBLIC COMMENT – One comment.
9. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 9:35 pm.

Respectfully submitted,



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Glenn Clark, Chair



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Paul Evans, Zoning and Compliance Specialist

## CITY COUNCIL AGENDA ITEM

Date: February 4, 2020

To: Honorable Mayor and City Council Members

From: Lori Grigg Bluhm, City Attorney  
Julie Quinlan Dufrane, Assistant City Attorney

Subject: Tollbrook West LLC v. City of Troy

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Enclosed please find a copy of a Claim of Appeal and Complaint that was recently filed against the City of Troy by Tollbrook West LLC.. Tollbrook West owns two parcels of property, located at 3109 Alpine, and an adjacent vacant parcel which is identified as Parcel No. 88-20-20-401-202. In 2017, after being denied conditional rezoning by the Troy City Council, Tollbrook filed a federal lawsuit against the City, which was unsuccessful. This case was appealed to the U.S. Sixth Circuit Court of Appeals, and ultimately decided in favor of the City. While the federal appeal was pending, Tollbrook submitted an application for a rezoning of these same parcels from R-1B to Big Beaver District. This straight rezoning application was also denied by the Troy City Council on July 22, 2019, consistent with the Planning Commission recommendation. Tollbrook then submitted a use variance application, asking the Troy Zoning Board of Appeals to grant a use variance, allowing the properties to be used for any use permitted under the Big Beaver zoning district. The Zoning Board of Appeals denied the requested use variance on November 19, 2019.

The Appeal section of Tollbrook's pleading challenges the Zoning Board of Appeals denial of the requested use variances, and it was timely filed with Oakland County Circuit Court Judge Daniel P. O'Brien. Tollbrook also alleges three claims that stem from the City Council's denied rezoning. Tollbrook asserts a takings claim, in violation of the Fifth Amendment of the Constitution, as well as a substantive due process violation (Count II), and a claim under 42 U.S.C. Section 1983 (Count III). They seek over \$25,000 in damages, which is the minimum jurisdictional limit for the Oakland County Circuit Court.

At this time, there has been no action taken by the Court to sever the appeal from the complaint, or to consolidate this case with the other Tollbrook case (McClure properties). If the cases are consolidated, they would be assigned to Judge Matis, who has the first case number.

Attached is a proposed resolution which authorizes our office to represent the City's interest in these matters. We have drafted the resolution to account for amended pleadings that separate the appeal and the complaint, or that consolidates the case with the McClure Tollbrook case.

Please let us know if you have any questions or concerns.



This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit [www.oakgov.com/efiling](http://www.oakgov.com/efiling).

20 JAN 24 PM 3:22  
2nd copy - Plaintiff  
3rd copy - Return

Approved, SCAO

Original - Court  
1st copy - Defendant

STATE OF MICHIGAN JUDICIAL DISTRICT 6th JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	CASE NO. 2020-178899-AA 20 - - AA JUDGE DANIEL P.
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Court address  
1200 N. Telegraph Road, Pontiac, Michigan 48340

O'BRIEN Court telephone no.  
248-858-0344

Plaintiff's name(s), address(es), and telephone no(s).  
Tollbrook West, LLC

Defendant's name(s), address(es), and telephone no(s).  
City of Troy  
500 W. Big Beaver Road  
Troy, Michigan 48084

v

Plaintiff's attorney, bar no., address, and telephone no.  
Carson Fischer, P.L.C.  
Robert M. Carson (P11682); David E. Schlackman (P58894)  
4111 Andover Road, West - Second Floor  
Bloomfield Hills, Michigan 48302  
(248) 644-4840

**Instructions:** Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

#### Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

#### Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ \_\_\_\_\_ Court, where

it was given case number \_\_\_\_\_ and assigned to Judge \_\_\_\_\_.

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

#### SUMMONS

**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party or **take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in the proceedings, please contact the court immediately to make arrangements.

Issue date 1/7/2020	Expiration date 1/27/2020	Court clerk Lisa Brown
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\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

**PROOF OF SERVICE****SUMMONS**

Case No. 20 -

- A.

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE**☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,  
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with

List all documents served with the summons and complaint

on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature

Name (type or print)

Title

Subscribed and sworn to before me on \_\_\_\_\_ Date \_\_\_\_\_ County, Michigan.

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Signature: \_\_\_\_\_ Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with

Attachments

on Friday, January 24, 2020 at 3:16pm  
Cheryl Stewart on behalf of City of Troy  
 Signature



This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit [www.oakgov.com/efiling](http://www.oakgov.com/efiling).

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

(ON APPEAL FROM THE CITY OF TROY  
ZONING BOARD OF APPEALS)

2020-178899-AA

TOLLBROOK WEST LLC,

Case No. JUDGE DANIEL P. O'BRIEN  
Hon. \_\_\_\_\_-AA

Plaintiff/Appellant,

v.

CITY OF TROY,

Defendant/Appellee.

---

CARSON FISCHER, P.L.C.  
ROBERT M. CARSON (P11682)  
DAVID E. SCHLACKMAN (P58894)  
Attorneys for Plaintiff/Appellant  
4111 Andover Road  
West - Second Floor  
Bloomfield Hills, MI 48302  
(248) 644-4840

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There is no other pending or resolved  
civil action arising out of the  
transaction or occurrence alleged in  
this complaint.

**CLAIM OF APPEAL AND COMPLAINT**

Plaintiff/Appellant, Tollbrook West LLC, by and through its counsel, CARSON FISCHER, P.L.C., claims an appeal from the November 19, 2019 decision by the City of Troy ("City") Zoning Board of Appeals ("ZBA") as memorialized in meeting minutes approved by the ZBA at its December 17, 2019 meeting, and for its Claim of Appeal and Complaint states as follows:

FILED Received for Filing Oakland County Clerk 1/7/2020 2:54 PM

### **PARTIES AND JURISDICTION**

1. Plaintiff/Appellant Tollbrook West LLC ("Tollbrook West"), a Michigan limited liability company, is the owner of two adjoining parcels of real property on Alpine Drive in Troy, Michigan, one having the common address of 3109 Alpine Drive (Parcel ID No. 88-20-20-401-019) and the other a vacant parcel without an address identified only as Parcel ID No. 88-20-20-401-020 (collectively the "Alpine Properties").

2. Defendant/Appellee City is a Michigan Municipal Corporation whose mailing address is 500 West Big Beaver, Troy, Michigan 48084.

3. City's ZBA was established by the City through its Zoning Ordinance and has such duties and responsibilities as are set forth in the City's Zoning Ordinance and the Michigan Zoning Enabling Act (MCL §125.3101, *et. seq.*), including the authority under City's Zoning Ordinance §15.04.F. to hear applications for use variances.

4. Jurisdiction of this Court exists in that this action arises under the Constitution and the laws of the State of Michigan, and the matter in controversy exceeds the sum or value of \$25,000, exclusive of interest and costs.

5. This case also involves an appeal as of right, pursuant to MCR 7.122(A)(1)-(3) and MCL §125.3606, from the decision of the ZBA denying Tollbrook West's application for a use variance. Under Michigan law, Tollbrook West may join with its appeal any other original claims that it may have arising out of the City's decisions at issue. *See e.g., Choe v Charter Twp of Flint*, 240 Mich App 662, 668 n2 (2000).

6. Venue in this Court is proper as the real property at issue in this matter is located in Oakland County.

### **FACTS GIVING RISE TO THE APPEAL AND CLAIMS AGAINST DEFENDANT**

7. The Alpine Properties are each currently zoned R-1B District (One Family Residential) under the Zoning Ordinance, but are designated as "Big Beaver Road" in the City's Master Plan.

8. The Alpine Properties abut a single-family home to the north, a restaurant and parking lot to the south which is zoned BB, Big Beaver District, single-family homes to the east in an area zoned Planned Unit Development and a stormwater detention pond to the west zoned BB, Big Beaver District.

9. The Planned Unit Development to the east of the Alpine Properties, which was approved in 2012, permits uses that are inconsistent with the City's Master Plan

10. The R-1B District zoning allows the following uses: one-family dwellings; public parks; family day care homes; adult foster care; adult day care home; agriculture; cemeteries; and wireless communication facilities.

11. BB, Big Beaver District, under the Zoning Ordinance, permits the following uses: one-family attached dwellings; publicly owned/operated office and service facilities; multiple-family dwellings facilities; live/work units; funeral homes; senior assisted/independent living; veterinary clinics or hospitals; child care centers; lodging; general office; financial institutions; professional and medical office; general retail; hospitals; retail, large-format; shopping centers; primary/secondary schools (private); post-secondary schools; fitness, gymnastics, and exercise centers; theatres and places of assembly; places of worship; indoor commercial recreation establishments; data centers; restaurant; technology centers/ office research; personal services; and business services.

12. The City's Planning Commission adopted the Big Beaver Road future land use for the Alpine Properties in 2008 as part of its restated Master Plan and the City reaffirmed this future land use designation for the Alpine Properties in 2016.

13. In February of 2019, Tollbrook West submitted its application to the City to rezone the Alpine Properties from R-1B District to BB, Big Beaver District, which request was also consistent with the City's Master Plan (the "Tollbrook West Rezoning Application"). A copy of the Tollbrook West Rezoning Application is in the City's possession.

14. Section 16.03.C. of the City's Zoning Ordinance sets for the criteria for approving a rezoning request:

Standards for Approval. A rezoning may only be approved upon a finding and determination that all of the following are satisfied:

1. The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following:

- a. A change in City policy since the Master Plan was adopted.
- b. A change in conditions since the Master Plan was adopted.
- c. An error in the Master Plan.

2. The proposed rezoning will not cause nor increase any non-conformity.

3. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.

4. The rezoning will not impact public health, safety, or welfare.

5. The rezoning will ensure compatibility with adjacent uses of land.

15. On or about May 28, 2019, the City's Planning Commission recommended denial of the Tollbrook West Rezoning Application.

16. Despite the fact that the Tollbrook West Rezoning Application sought to rezone the Alpine Properties consistent with the Master Plan and was in full conformance with all

objective standards of City's Zoning Ordinance, on July 22, 2019, the City's City Council denied the Tollbrook West Rezoning Application.

17. Instead of basing its decisions on the express, measurable and objective standards of its Zoning Ordinance, the City rejected the Tollbrook West Rezoning Application based upon improper standards, including but not limited to, its contention that because the future use of the Alpine Properties was unknown:

- a. Compatibility with the Master Plan cannot be determined;
- b. The impact of the development on the public health, safety, or welfare cannot be determined;
- c. The ability to provide services and facilities cannot be determined; and
- d. Determination of whether the rezoning will ensure compatibility with adjacent uses of land cannot be determined. The July 22, 2019 City Council Minutes are in the City's possession.

18. On or about August 19, 2019, Tollbrook West submitted to the ZBA its application for a use variance to use the Alpine Properties in accordance with the BB, Big Beaver District and appeal of the City Council's rejection of the Tollbrook West Rezoning Application (the "Use Variance Application"). A copy of the Use Variance Application is in the City's possession.

19. Section 15.04.F of the Zoning Ordinance provides the standard of review of a use variance:

F. Use Variances.

1. Use Variance Standards for Review. A use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing, and that all of the following conditions are met:

a. The applicant has demonstrated that the site cannot reasonably be used for any of the uses allowed within the current zoning district designation. The Zoning Board of Appeals may require submission of documentation from professionals or certified experts to substantiate this finding.

b. That the condition or situation of the specific parcel of property or the intended use of such property for which the variance is sought is unique to that property and not commonly present in the general vicinity or in the zoning district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment. Such unique conditions or situations include:

- i. Exceptional narrowness, shallowness or shape of a specific property on the effective date of the ordinance from which this chapter is derived.
- ii. Exceptional topographic conditions or other extraordinary situation on the land, building or structure.
- iii. The use or development of the property immediately adjoining the property in question.
- iv. Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary.

c. The use variance will not alter the essential character of the neighborhood or the intent of the Master Plan, or be a detriment to adjacent properties.

d. The capacity and operations of public roads, utilities, other facilities and services will not be significantly compromised.

e. The immediate practical difficulty causing the need for variance request was not self-created by the applicant.

20. On October 15, 2019, the ZBA conducted its public hearing on the Use Variance Application at which time the ZBA postponed the case until November 19, 2019 and instructed the City's attorney to prepare a resolution incorporating their comments for ZBA consideration at its November 19, 2019 meeting.

21. On November 19, 2019, the ZBA approved a resolution denying the Use Variance Application (the "ZBA Resolution") and on December 17, 2019 the ZBA formally approved the

minutes of the November 19, 2019 ZBA meeting at which it adopted the ZBA Resolution. A copy of the November 19, 2019 Minutes are attached hereto as Exhibit A.

22. Besides abusing its discretion based upon misapplying subjective standards, the ZBA Resolution was also not supported by competent, material and substantial evidence. In fact, the ZBA Resolution contained multiple “findings” which were contrary to evidence in the record, including:

- a. Finding that “[t]here is no unique circumstances peculiar to [these properties]”, while ignoring the use and development of the properties immediately adjoining the properties;
- b. Finding that “[g]ranting a use variance ... will alter the essential character of the adjacent neighborhood and be a detriment to the adjacent properties”, where the properties in question are designed as BB, Big Beaver District in the Master Plan and where the Alpine Properties abut a restaurant and parking lot to the south which is zoned BB, Big Beaver District, single-family homes to the east in an area zoned Planned Unit Development and a stormwater detention pond to the west zoned BB, Big Beaver District;
- c. Asserting that Tollbrook West failed to identify a specific use for the properties as if it was a requirement under the City’s Zoning Ordinance; and
- d. Baldly stating that the requested variance were created by the applicant. See Exhibit A.

23. The ZBA Resolution also declined to address the portion of the Use Variance Application seeking to appeal the July 22, 2019 decision on the Tollbrook West Rezoning Application stating that it did not have jurisdiction over such a request.



24. The Use Variance Application satisfied all objective standards and the ZBA's decision to reject the Use Variance Application, imposing unfettered subjective discretion to overrule those objective standards, was based upon findings that were directly contrary to the evidence in the record.

25. Tollbrook West has exhausted all of its administrative remedies.

#### **CLAIM OF APPEAL**

26. The allegations contained within all of the foregoing paragraphs are realleged and incorporated as if fully set forth herein.

27. The nature of the determinations being appealed from is a resolution of the ZBA.

28. The Zoning Ordinance authorizing the ZBA to hold the hearing which gave rise to the ZBA Resolution is §15.04.F.

29. This appeal is taken pursuant to the Michigan Zoning Enabling Act, including but not limited to MCL §125.3606, as well as MCR 7.103 and MCR 7.122.

30. Venue is based on the fact that the underlying dispute relates to an application for a use variance for properties located within Oakland County and that Appellee is located in Oakland County.

31. The grounds on which relief is sought is that the ZBA erred and its decision did not comply with the requirements of MCL §125.3606 when it issued its ZBA Resolution dated November 19, 2019 denying the Use Variance Application.

32. The decision of the ZBA were improper and should be reversed because it:

- a. Did not comply with the Constitution and laws of the State;
- b. Was not supported by competent, material, and substantial evidence on the record; and/or

- c. Did not represent the reasonable exercise of discretion granted by the law to the ZBA.

WHEREFORE, Appellant respectfully requests that upon consideration of this Appeal that the Court reverse the decision of the ZBA, declare and adjudge that City's rejection of the Use Variance Application was not supported by competent, substantial and material evidence, order City to grant the Use Variance Application and enjoin City from preventing the development of the Alpine Properties pursuant to the Application.

**COUNT I**  
**TAKING OF THE ALPINE PROPERTIES**

33. The allegations contained in the foregoing paragraphs are reasserted and incorporated as if fully set forth herein.

34. A land use restriction that fails to substantially advance a governmental interest constitutes a taking without compensation in violation of the United States Constitution, Amendments V and XIV and the Michigan Constitution of 1963, Art 10, Sec 2.

35. The development of the Alpine Properties in accordance with the R-1B District zoning will result in a loss of money to Tollbrook West and will not yield any return on its investment in purchasing the Alpine Properties.

36. As applied to the Alpine Properties, the R-1B District zoning does not substantially advance a legitimate state interest.

37. As applied to the Alpine Properties, the R-1B District zoning is inconsistent with the City's Master Plan.

38. The R-1B District zoning deprives Tollbrook West of the economically viable use of the Alpine Properties.

39. The R-1B District zoning has interfered with Tollbrook West's investment-backed

expectations with respect to the Alpine Properties.

40. The R-1B District zoning denies Tollbrook West of all economically beneficial or productive use of the Alpine Properties.

41. City's arbitrary and capricious application of its Zoning Ordinances and Master Plan has prevented the Alpine Properties from being developed and used as set forth in the Master Plan, denied Tollbrook West all economically beneficial or productive use of the Alpine Properties, and resulted in an unlawful taking without payment of just compensation.

WHEREFORE, Tollbrook West respectfully requests that the Court enter a judgment in its favor and award Tollbrook West damages in such amount in excess of \$25,000 as will fully compensate it for the damages it sustained, plus costs, interest and attorney fees so needlessly sustained.

**COUNT II**  
**VIOLATION OF SUBSTANTIVE DUE PROCESS**

42. The allegations contained within all of the foregoing paragraphs are realleged and incorporated as if fully set forth herein

43. As applied to the Alpine Properties, City's R-1B District zoning deprives Tollbrook West of its due process rights secured under the United States Constitution, Amendments V and XIV, and the Michigan Constitution of 1963, Art 1, §17.

44. The R-1B District zoning does not allow a reasonable use of the Alpine Properties.

45. As applied to the Alpine Properties, the R-1B District zoning does not bear a substantial relationship to the health, safety and welfare of the community as a whole.

46. The R-1B District zoning, as applied to the Alpine Properties, is unreasonable, arbitrary and capricious.

47. City's application of its Zoning Ordinances as applied to the Alpine Properties and its decision to reject the Tollbrook West Rezoning Application and the Use Variance Application by ignoring objective standards, imposing standards that are not within the Zoning Ordinances, and based upon findings that were directly contrary to the evidence in the record, was arbitrary, capricious and egregious.

48. City's application of its Zoning Ordinances as applied to the Alpine Properties and its decisions to reject the Tollbrook West Rezoning Application and the Use Variance Application has denied Tollbrook West due process of law, which is the proximate cause of substantial and continuing damages.

49. In the absence of equitable relief, Tollbrook West will be irreparably harmed.

50. Tollbrook West has no adequate remedy at law.

51. While Tollbrook West has no adequate remedy at law for future breaches, it has sustained damages resulting from City's actionable activity prior to the issuance of injunctive relief. Accordingly, damages should be assessed against City in connection with the actions it took prior to the issuance of injunctive relief and in connection with future violations of any injunction issued in this matter.

WHEREFORE, Tollbrook West respectfully requests that the Court: (a) declare and adjudge the R-1B District zoning, as applied to the Alpine Properties, to be unconstitutional and void; (b) declare and adjudge that City's rejection of the Tollbrook West Rezoning Application and the Use Variance Application constituted an arbitrary, capricious and unreasonable decision and was done in violation of Tollbrook West's constitutional rights (c) enjoin City from enforcing the R-1B District zoning against the Alpine Properties; (d) award Tollbrook West damages in such amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) as the Court deems just, as will

fully and fairly compensate it for its damages; (e) grant such other relief as this Court considers appropriate under the circumstances including, but not limited to, an award of damages, expenses and attorney fees in excess of \$25,000 pursuant to 42 USC 1983 and 42 USC 1988 against City; and (f) awards Tollbrook West such other relief as may be appropriate under the circumstances.

**COUNT III**  
**VIOLATION OF 42 USC 1983**

52. The allegations contained within all of the foregoing paragraphs are realleged and incorporated as if fully set forth herein.

53. The City's zoning and its conduct and actions, and the conduct and actions of its agents, employees and/or those acting in concert with or under City's authority, supervision and control, were carried out under the color of an ordinance, custom, policy or other law.

54. The City's zoning and its conduct and actions denied Tollbrook West of its right to the use and development of the Alpine Properties and its vested rights relating to the Alpine Properties.

55. Tollbrook West had a legitimate claim of entitlement to and justifiable expectation of the use and development of the Alpine Properties and all vested rights relating to the Alpine Properties.

56. City's zoning, conduct and actions have deprived Tollbrook West of its rights and privileges arising under the Constitution.

57. City's zoning, conduct and actions constitute a taking of the Alpine Properties in violation of Tollbrook West's civil rights.

58. City's zoning, conduct and actions constitute a denial of due process in violation of Tollbrook West's civil rights.

59. As a consequence of City's actions, Tollbrook West sustained monetary damages including, but not limited to, unnecessary delays, additional carrying costs and lost revenues that would have been generated by the development of the Alpine Properties.

60. Tollbrook West is entitled to recover damages under 42 USC 1983 against City for the violation of Tollbrook West's constitutional rights.

61. In addition to compensation for its damages, pursuant to 42 USC 1983, Tollbrook West is entitled to recover its attorney fees incurred in bringing this action pursuant to 42 USC 1988.

WHEREFORE, Tollbrook West respectfully requests that this Court enter judgment in favor of Tollbrook West and award Tollbrook West an amount in excess of \$25,000 against City as compensatory damages for City's violation of civil rights pursuant to 42 USC 1983, plus costs, interest and reasonable attorneys' fees pursuant to 42 USC 1988, along with such other relief as this Court considers just and appropriate.

Respectfully Submitted,

CARSON FISCHER, P.L.C.

/s/ Robert M. Carson

ROBERT M. CARSON (P11682)

DAVID E. SCHLACKMAN (P58894)

Attorneys for Plaintiffs/Appellants

4111 Andover Road

West - Second Floor

Bloomfield Hills, MI 48302

(248) 644-4840

Dated: January 7, 2020

# Exhibit “A”



On November 19, 2019, at 7:30 p.m., in the Council Chambers of Troy City Hall, Chair Clark called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

Daniel Agauas  
Michael Bossenbroek  
Glenn Clark  
Tommy Desmond  
David Eisenbacher  
Aaron Green  
Orestis Kaltounis

Also Present:

Paul Evans, Zoning and Compliance Specialist  
Lori Grigg-Bluhm, City Attorney

2. PROCEDURE

3. APPROVAL OF MINUTES – October 15, 2019

Moved by Green  
Seconded by Agauas

RESOLVED, to approve the October 15, 2019 meeting minutes.

Yes: All

MOTION PASSED

4. APPROVAL OF AGENDA – No changes.

5. HEARING OF CASES

A. VARIANCE REQUEST, SAFET STAFSA FOR TOLLBROOK WEST, LLC, 3109 ALPINE AND PARCEL 88-20-20-401-020: A use variance in accordance with the Big Beaver Zoning District. If a use variance is not granted, applicant appeals the July 22, 2019 decision of the Troy City council to deny Tollbrook West's request to rezone the property from R-1B, One Family Residential District, to BB, Big Beaver District.

Moved by: Eisenbacher  
Seconded by: Kaltounis

RESOLVED, that the use variance for the property located at 3109 Alpine currently zoned R-1B, One Family Residential, be DENIED. The Applicant has presented no

evidence establishing an unnecessary hardship, and has failed to demonstrate satisfaction of all of the elements required to be considered for a use variance request.

The Zoning Board of Appeals makes the following findings and conclusions based on the written materials, comments, and testimony of the Applicant's representatives, other interested persons, professional consultants, and other factual material presented to the Board to assist with deliberation:

1. The applicant has not demonstrated that the site cannot reasonably be used for any other use allowed within the current zoning designation of R-1B. It is the explicit finding of this Board that the property can be reasonably used for the purposes permitted in the current zoning district, R-1B.

2. There are no unique circumstances peculiar to this property. The applicant has not proven that there are certain features or conditions of the land that are generally applicable throughout the zone, nor has the applicant demonstrated, through expert testimony, that these features make it impossible to earn a reasonable return without some adjustment.

Specifically,

a. The parcel is not exceptionally narrow or shallow tending to prevent the site from being used for any other use allowed within the current zoning designation, R-1B.

b. There are no topographic conditions or other extraordinary situations on the parcel tending to prevent the site from being used for any other use allowed within the current zoning designation, R-1B.

3. Granting a use variance where the applicant would be allowed to develop the parcel with any allowable use under BB District zoning will alter the essential character of the adjacent neighborhood and be a detriment to adjacent properties.

4. The applicant has not identified a specific use for the property within the proposed BB District zoning, therefore, it is difficult to adequately assess whether the capacity and operations of public roads, utilities, or other facilities and services will be significantly compromised. However, the BB District in general allows for more intense uses than R-1B zoning, therefore, it is reasonable to presume the impact on the adjacent road, Alpine, which is smaller and more narrow than other roads in the BB District and which does not have enough right-of-way to construct a sidewalk, will be compromised.

5. The need for the variance request is self-created by the applicant.

BE IT FURTHER RESOLVED, That this board is not addressing that portion of the application seeking to appeal the July 22, 2019 legislative decision of the Troy City Council denying Tollbrook West's request to rezone the property located at 3109 Alpine from R-1B, One Family Residential District, to BB, Big Beaver District, because this

Board does not have jurisdiction over such a request under Troy's Zoning Ordinance Section 15.04(B).

Moved by: Green  
Seconded by: Desmond

RESOLVED, that the public be permitted to comment on the three cases that were postponed from the October 2019 Zoning Board of Appeals Meeting.

Moved by: Bossenbroek  
Seconded by: Green

RESOLVED, to incorporate changes to the proposed resolution.

Yes: All

Vote on Mr. Green's motion:

Yes: All

Vote on Mr. Eisenbacher's motion:

Yes: All

B. VARIANCE REQUEST, SAFET STAF A FOR TOLLBROOK, LLC, 3086, 3114, 3142 MCCLURE: A use variance in accordance with the Big Beaver Zoning District. If a use variance is not granted, applicant appeals the July 22, 2019 decision of the Troy City council to deny Tollbrook West's request to rezone the property from R-1B, One Family Residential District, to BB, Big Beaver District.

Moved by Green  
Second by Desmond

RESOLVED, that the use variance for the property located at 3086, 3114, and 3142 McClure currently zoned R-1B, One Family Residential, be DENIED. The Applicant has presented no evidence establishing an unnecessary hardship, and has failed to demonstrate satisfaction of all of the elements required to be considered for a use variance request.

The Zoning Board of Appeals makes the following findings and conclusions based on the written materials, comments, and testimony of the Applicant's representatives, other interested persons, professional consultants, and other factual material presented to the Board to assist with deliberation:

1. The applicant has not demonstrated that the site cannot reasonably be used for any other use allowed within the current zoning designation of R-1B. It is the explicit

finding of this Board that the property can be reasonably used for the purposes permitted in the current zoning district, R-1B.

2. There are no unique circumstances peculiar to this property. The applicant has not proven that there are certain features or conditions of the land that are generally applicable throughout the zone, nor has the applicant demonstrated, through expert testimony, that these features make it impossible to earn a reasonable return without some adjustment.

Specifically,

a. The parcel is not exceptionally narrow or shallow tending to prevent the site from being used for any other use allowed within the current zoning designation, R-1B.

b. There are no topographic conditions or other extraordinary situations on the parcel tending to prevent the site from being used for any other use allowed within the current zoning designation, R-1B.

3. Granting a use variance where the applicant would be allowed to develop the parcel with any allowable use under BB District zoning will alter the essential character of the adjacent neighborhood and be a detriment to adjacent properties.

4. The applicant has not identified a specific use for the property within the proposed BB District zoning, therefore, it is difficult to adequately assess whether the capacity and operations of public roads, utilities, or other facilities and services will be significantly compromised. However, the BB District in general allows for more intense uses than R-1B zoning, therefore, it is reasonable to presume the impact on the adjacent road, McClure, which is smaller and more narrow than other roads in the BB District and which does not have enough right-of-way to construct a sidewalk, will be compromised.

5. The need for the variance request is self-created by the applicant.

BE IT FURTHER RESOLVED, That this board is not addressing that portion of the application seeking to appeal the July 22, 2019 legislative decision of the Troy City Council denying Tollbrook LLC's request to rezone the property located at 3086, 3114, 3142 McClure from R-1B, One Family Residential District, to BB, Big Beaver District, because this Board does not have jurisdiction over such a request under Troy's Zoning Ordinance Section 15.04(B).

C. VARIANCE REQUEST, OLIMPIU JR. & ADRIANA L. APAHIDEAN, 826 MARENGO: A variance to allow a parcel of land to be divided into two parcels, each having 80 feet of width and frontage. The Zoning Ordinance requires the new parcels to have 100 feet of width and frontage.

Moved by Agauas

Second by Desmond

RESOLVED, to grant the request.

Moved by Bossenbroek

Second by Agauas

RESOLVED, to amend the motion that, before lot split approval, portions of the existing home be removed to comply with building setbacks for the proposed parcels.

Yes: All

MOTION PASSED

Vote on the Agauas motion:

Yes: All

MOTION PASSED

D. VARIANCE REQUEST, KENNETH SHAHEEN, 2395 KINGSBURY: 1) a variance to allow a 17 foot tall garage where 14 feet maximum is allowed, 2) a variance to allow a two story garage where only one story is allowed, 3) a variance to allow a 3 foot setback from the property line where 6 feet minimum setback is required, and 4) a variance to allow the building to be in the front yard where the Zoning Ordinance allows it only in the rear yard.

Moved by Eisenbacher

Second by Desmond

RESOLVED, to postpone the request to the next meeting.

Yes: Agauas, Desmond, Eisenbacher, Kaltsounis, Green, Bossenbroek

No: Clark

MOTION PASSED

E. VARIANCE REQUEST, BRENDA SCHLUTOW, 23 SHEFFIELD: A variance to allow an addition to the home that will be 7 feet from the rear property line. The Zoning Ordinance requires the addition to be 35 feet from the rear property line

Moved by Eisenbacher

Second by Desmond

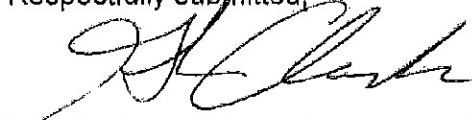
RESOLVED, to grant the request.

Yes: Desmond, Eisenbacher, Kaltsounis, Clark  
No: Agauas, Green, Bossenbroek

MOTION PASSED

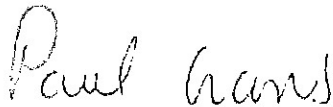
6. COMMUNICATIONS – None.
7. MISCELLANEOUS BUSINESS – None
8. PUBLIC COMMENT – One comment.
9. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 9:35 pm.

Respectfully submitted,



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Glenn Clark, Chair



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Paul Evans, Zoning and Compliance Specialist



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

K-01a

## **CITY COUNCIL AGENDA ITEM**

### **Announcement of Public Hearing**

Date: February 10, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
Robert C. Maleszyk, Chief Financial Officer  
Nino Licari, City Assessor

Subject: Announcement of Public Hearing to Transfer the final 2 years of a Plant Rehabilitation Exemption Certificate (PREC) – 1400 Rochester – from Axle Tech to Flex n Gate

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#### **History**

On October 19, 2009 City Council created an Industrial Development District (IDD), and granted a Plant Rehabilitation Exemption Certificate (PREC) to Axle Tech, at 1400 Rochester. The PREC freezes the existing Taxable Value of an obsolete building, and generates no new taxes on the renovation of same for up 12 years. This particular exemption lasts through 12/30/22.

Axle Tech spent \$3,673,155 to renovate and expand the structure.

Flex n Gate is a multi-national tier 1 supplier of a variety of products to the auto industry. As part of their expansion, and contractual obligations, they purchased the 1400 Rochester building. They will spend upwards of \$3,125,000 to fit the building to their needs. They will also be bringing in over \$50,000,000 in industrial Personal Property to the site.

Since the Manufacturing Personal Property Exemption laws of 2013, most new Personal Property is exempt, so no manufacturing entities qualify for an Industrial Facilities Exemption Certificate for their Personal Property.

The PREC exemption can be transferred for the remaining years, which Flex n Gate has requested. This is really the only local contribution we can make to help them receive MEDC incentives for this operation.

A Public Hearing is required to grant the transfer of the existing exemption.

#### **Financial**

The financial considerations are unchanged from the original exemption that was granted, and will expire on 12/30/22.





500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## **CITY COUNCIL AGENDA ITEM Announcement of Public Hearing**

### **Recommendation**

Staff recommends that a Public Hearing be held on March 16, 2020 to hear any public concerns, and to consider granting the transfer of the PREC.



## CITY COUNCIL AGENDA ITEM

Date: February 5, 2020

To: Honorable Mayor and City Council

From: Mark F. Miller, City Manager  
Lori Grigg Bluhm, City Attorney  
Robert Bruner, Assistant City Manager  
Robert Maleszyk, Chief Financial Officer  
Jeanette Menig, Human Resources Director  
David Roberts, Fire Chief

Subject: Changes to Volunteer Firefighters Incentive Program Update

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As Council may recall in a memo dated January 17, 2020, City Management described previous meetings with the Volunteer Firefighter Incentive Committee (VFIC) to discuss desired changes to the Volunteer Firefighters Incentive Plan (VFIP). After the last meeting with the VFIC on January 28, 2020, the proposals were presented and discussed. After a lengthy discussion, some additional language changes were made to the VFIP.

A proposed final draft of the VFIP was then sent to the VFIC to present to the volunteers within the stations. Since the stations meet on Monday and Tuesday evenings, enough time was thought to be available for the members to review before City Management's intended presentation to Council for action on February 10, 2020.

Since that time, however, and due in part to the fire at Belle Tire on Tuesday evening, February 4, 2020, not all of the stations had the opportunity to review the proposed changes. The VFIC, therefore, has requested a delay before Management presents to City Council for action in order to allow those remaining stations' members time to review the proposals.

Enclosed for Council review is the final draft of the VFIP with all of the proposed changes. Once all of the stations have reviewed the proposals, Management will present to Council for action.

# **AMENDED CITY OF TROY INCENTIVE PLAN FOR VOLUNTEER FIREFIGHTERS**

## **Chapter 1.** **GENERAL PROVISIONS**

### **1:100. Establishment and Purpose.**

This City of Troy Incentive Plan for Volunteer Firefighters is hereby restated, as amended, for the purpose of providing length of service incentive benefits for the City of Troy volunteer firefighters.

### **1:101. Short Title.**

This Plan may be known and cited as the City of Troy Incentive Plan for Volunteer Firefighters ("Plan").

### **1:102. Definitions.**

For the purposes of this Plan, the following words shall have the meanings respectively ascribed to them by this section:

- (1) *Annual Benefit Amount* means the annual dollar amount of the length of service incentive benefits which may be payable from the Plan to eligible Former Participants, as amended from time to time by City Council via a budget appropriations resolution.
- (2) *Break in service* shall mean an unapproved leave of absence or termination of service as a volunteer firefighter lasting more than one (1) year.
- (3) *City* means the City of Troy, Michigan.
- (4) *City Council* means the City Council of the City of Troy, Michigan.
- (5) *Code* means the Internal Revenue Code of 1986, as amended. Reference to any section or subsection of the Code includes reference to any comparable or succeeding provision of any legislation which amends or replaces such section or subsection and any regulations thereto.
- (6) *Contribution(s)* means the payments made to the Trust by the City for the purpose of providing length of service based incentive benefits to Former Participants and beneficiaries covered by the Plan.
- (7) *Deferred Former Participant* means a former volunteer firefighter and Former Participant who has ten (10) or more years of incentive service as a volunteer firefighter for the City, but has not reached the requisite age requirement for commencement of benefits from the Plan.
- (8) *Eligible Former Participant* means an individual who is (a) an active volunteer firefighter, who upon attaining eligibility, elected to commence receipt of incentive

benefits and is therefore no longer entitled to further benefit accruals under the provisions of this Plan; (b) a former volunteer firefighter, who upon termination of volunteer service was eligible for, and elected to commence receipt, of incentive benefits from the Plan; (c) a former volunteer firefighter, who is eligible for incentive benefits from the Plan but has not yet elected to commence receipt of incentive benefits from the Plan; or (d) a Deferred Former Participant.

- (9) *Incentive Service Credit* means personal service rendered to the City as a volunteer firefighter and credited to a Participant in accordance with the Plan.
- (10) *Ineligible Former Participant* shall mean an individual who ceases to be an active volunteer firefighter prior to attainment of eligibility for incentive benefits under the provisions of this Plan.
- (11) *Participant* means an individual who is an active volunteer firefighter eligible for benefit accruals under the provisions of the Plan and who has not elected to commence receipt of benefits under the terms of the Plan.
- (12) *Plan* means the City of Troy Incentive Plan for Volunteer Firefighters established by Ordinance as provided herein. A description of the incentive benefits provided to Eligible Former Participants, spouses and dependents under the Plan is maintained by the Plan Administrator.
- (13) *Plan Administrator* means the person, persons, firm, corporation or insurance company or companies, appointed by the City to administer the Plan. The Plan Administrator shall be responsible for the day-to-day operations of the Plan and shall carry out the directives of the City and the Board of Trustees.
- (14) *Service* shall mean personal service rendered to the City of Troy as a volunteer firefighter.
- (15) *Spouse* means a Participant's or Eligible Former Participant's spouse by legal marriage who is the Participant's or Eligible Former Participant's spouse on the earlier of the date the Participant terminates from volunteering with the City or elects to commence receipt of incentive benefits from the Plan.
- (16) *Station Officer* means a *Participant* who serves as Station Assistant Chief; Station Captain; or Station Lieutenant.
- (17) *Trust* means the City of Troy Incentive Trust for Volunteer Firefighters as established pursuant to the declaration of trust approved by the City Council and as may be amended from time to time.
- (18) *Trustee(s)* or *Board* means the Board of Trustees of the Trust or a member of the Board of Trustees of the Trust as provided for in the Trust.
- (19) *Voluntary Incentive Committee* means a committee comprised of representatives selected by each of the six fire stations in the City.

### **1:103. Interpretation and law; Construction.**

- (1) The Plan is hereby established and shall be administered consistent with applicable Federal and Michigan law, including, but not limited to the Public Employee Retirement System Investment Act, Public Act 314 of 1965, as amended (MCL §38.1132 et seq.).
- (2) The establishment of this Plan, any modification thereof, the creation of any fund or account, or the payment of any benefits, shall not be construed as giving to any person covered under the Plan, or any other person, any legal or equitable right against the City, its elected or appointed officials or employees, the Trustees or any individual Trustee, except as may otherwise be provided in this Plan document.
- (3) The headings and subheadings in this Plan are inserted for convenience of reference only and are not to be considered in the construction of any provision of the Plan.
- (4) Words herein in the masculine gender shall be construed to include the feminine gender where appropriate, and words used herein in the singular or plural shall be construed as being in the plural or singular where appropriate.
- (5) In resolving any conflict among provisions of this Plan or any uncertainty as to the meaning or intention of any provision of this Plan, the interpretation that causes both the Trust to be exempt from tax and the Trust to comply with all applicable requirements of the Code shall prevail over any different interpretation.
- (6) This Plan shall be binding upon all Participants and Eligible Former Participants under the Plan, or their applicable heirs, executors, administrators, successors, and assigns.

***1:104. Administrative Regulations.***

The provisions of this Plan are subject to relevant provisions of any administrative regulations that the City may have for volunteer firefighters and any volunteer service contracts between the City and an individual Participant, if any. The provisions of any administrative regulations or service contracts for volunteer firefighters relative to incentive benefits are controlling in the event of a conflict between the terms of the administrative regulations or applicable service contract and the Plan.

***1:105. Notice.***

Notice given to all interested parties shall, unless otherwise specified in this Plan, be sufficient if in writing and delivered or sent by prepaid first class mail. Except as otherwise noted, the distribution or delivery of any statements or documents required under the Plan shall be sufficient if delivered in person or prepaid first class mail.

***1:106. Reporting and Disclosure.***

The Plan Administrator shall complete and provide to Participants, Eligible Former Participants, Spouses and Dependents, and to the appropriate government agencies any reports as may be required by the Code, applicable federal, state or local law.

***1:107. Amendment and Termination.***

- (1) The provisions of the Plan may be amended at any time by the City Council in accordance with applicable law. The Voluntary Incentive Committee will be notified at least thirty (30) days in advance that a proposed amendment or revision will be submitted to the City Council for consideration. The City Council shall hold a public hearing prior to any action to reduce Plan benefits or terminate the Plan.
- (2) The City reserves the right to modify or terminate the Plan and/or the benefits payable under the Plan at any time in its sole discretion after the requisite public hearing. Such a termination shall not affect the amount of any incentive payments made prior to the effective date of termination of the Plan or incentive payments otherwise payable at the time of such termination for which assets remain in the Trust. The Voluntary Incentive Committee will be notified at least ninety (90) days in advance that a proposed Plan termination will be submitted to the City Council for consideration.

## **Chapter 2.**

### **INCENTIVE PLAN FOR VOLUNTEER FIREFIGHTERS**

#### ***1:200. Participation.***

- (1) Except as otherwise provided herein, each active volunteer firefighter of the City shall be a Participant in the Plan.
- (2) Participation shall terminate upon the earlier of termination of duties as a volunteer firefighter or commencement of incentive benefits under the provisions of this Plan.

#### ***1:201. Service Credit.***

- (1) A Participant shall be credited with one month of incentive service credit for each calendar month the Participant is an active volunteer firefighter and meets or exceeds the attendance requirements as identified in the Troy Fire Department Policy Directive 103.07 provided that ten (10) or more days of service are rendered by the Participant for that calendar month. Service shall be totaled in years and months.
- (2) For each full month of station officer service starting July 1, 2020, active volunteer firefighters who serve as a station officer shall be credited with 1.3 months of service. This 1.3 multiplier shall only be used as a means to calculate the incentive benefits once the participant is eligible to receive incentive benefits in accordance with Section 1:202(2).
- (3) Should any Participant cease to be an active volunteer firefighter prior to attaining ten (10) or more years of continuous service as a volunteer firefighter, he or she shall immediately cease to be a Participant in this Plan and all incentive service credit shall be forfeited, unless otherwise provided herein.
- (4) Incentive service credit shall be restored to an Ineligible Former Participant upon returning to active duty as a volunteer firefighter within five (5) years from the date he or she ceased to be an active volunteer firefighter, and so long as he/she remains an active volunteer firefighter and a Participant in the Plan for five (5) consecutive years after returning to active service. In the event an Ineligible Former Participant returns to service as an active volunteer firefighter after a break in service lasting five (5) or more

years, incentive service credit shall be restored upon remaining an active volunteer firefighter and a Participant in the Plan for ten (10) consecutive years after returning to service.

- (5) In the event a Deferred Former Participant returns to service as an active volunteer firefighter, prior incentive service credit shall not be combined with new incentive service credit until after returning for five (5) consecutive years of active service as a volunteer firefighter. Payments will be in accordance with Section 1:202.

### ***1:202. Benefits.***

- (1) An eligible Participant or Eligible Former Participant, upon written application filed with the Board of Trustees and the receipt of approval, shall be paid incentive benefits pursuant to the provisions of this Plan. The incentive benefits due an eligible Participant or Eligible Former Participant shall be determined at the time he or she terminates participation, as provided in the Plan. Credited service under Section 1.201 shall be combined for benefit eligibility purposes only after a Participant's return to active service as a volunteer firefighter for five (5) consecutive years.
- (2) Except as otherwise set forth in the Plan, a Participant shall be eligible for incentive benefit payments upon his termination of Participation in the Plan and satisfaction of the following eligibility criteria as may be amended from time to time by resolution of City Council:
  - (a) Ten (10) years of incentive service credit with at least five consecutive years as a participant after returning (if applicable), and is at least age fifty-five (55);
  - (b) Twenty-five (25) or more years of incentive service credit as a volunteer firefighter with at least five consecutive years as a participant after returning (if applicable) and has attained fifty (50) years of age; or
  - (c) A Participant having attained thirty (30) years of incentive service credit as a volunteer firefighter regardless of age, with at least five consecutive years as a participant after returning (if applicable).
- (3) Eligible Former Participants with ten (10) or more years of service as a volunteer firefighter, but who separated from volunteer service prior to meeting the foregoing age requirements, are eligible to commence receipt of incentive benefit payments from the Plan upon attainment of age sixty (60).
- (4) Incentive benefits shall be made in monthly installments on the last day of each month during the life of the Eligible Former Participant.
- (5) Effective July 1, 2020, the amended annual incentive benefit shall be equal to \$ 819, multiplied by the eligible years of service. This annual benefit amount shall be positively adjusted for each subsequent fiscal year by the percentage change in the Consumer Price Index (for the Metropolitan Detroit/Ann Arbor area), as published by the U.S. Bureau of Labor Standards, or its successor index ("CPI"), as of June 30 of the preceding fiscal year. However, in no event shall any annual adjustment exceed a maximum increase of 5%, and there shall be no negative adjustment. The amount may also be amended from time to time by a City Council budget appropriations resolution. In the event a Deferred



Former Participant separates from service as an active volunteer firefighter prior to attaining immediate eligibility for incentive benefit payments under this Plan, he or she shall be entitled to an annual incentive benefit calculated in accordance with the provisions of this Plan in effect at the time of said Deferred Former Participant's separation from service as an active volunteer firefighter.

- (6) In the event a Participant has one or more breaks in service, incentive benefits payable under this Plan shall be calculated in accordance with the provisions of the Plan in effect at the time of each separation of service as an active volunteer firefighter.
- (7) Prior to the date of the first incentive benefit payment, but not thereafter, a Participant or an Eligible Former Participant may elect to receive his incentive benefits payable throughout his life, or receive his incentive benefits in a reduced amount payable throughout his life, and nominate a beneficiary, in accordance with one of the Options as set forth below:

Option A: 100% Joint and Survivor: Upon the death of an Eligible Former Participant, who elected Option A, his reduced incentive payment shall be continued throughout the life of and paid to such person having an insurable interest in his life, as he shall have nominated; or

Option B: 50% Joint and Survivor: Upon the death of an Eligible Former Participant, who elected Option B, one-half of his reduced incentive benefits shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated.

Option C: 100 % Joint and Survivor Pension w/ Pop-up (Pop-up Option A): Upon the death of an Eligible Former Participant who elected Option C, his reduced incentive benefits shall be continued through the life and paid to such person having an insurable interest in his life, as he shall have nominated. If the selected beneficiary predeceases the Eligible Former Participant, the incentive benefits shall revert to a straight-life payment payable throughout the remainder of the Eligible Former Participant's life.

Option D: 50% Modified Joint and Survivor Pension with Pop-up (Pop-up Option B): Upon the death of an Eligible Former Participant who elected Option D, one-half of his reduced incentive benefits shall be continued throughout the life of and paid to such person having an insurable interest in his life, as he shall have nominated. If the selected beneficiary predeceases the Eligible Former Participant, the incentive benefits shall revert to a straight-life payment payable throughout the remainder of the Eligible Former Participant's life.

- (8) In the event a Participant dies who has ten or more years of incentive service, his Spouse shall receive an incentive benefit computed in the same manner in all respects as if the Participant had terminated Participation on the day preceding his death, elected Option A, and nominated his Spouse as beneficiary. In the event a Deferred Former Participant dies who has ten or more years of incentive service, his Spouse shall immediately receive an incentive benefit computed in the same manner in all respects as if the Deferred Former Participant was a Participant who terminated Participation on the day preceding his death,

elected Option A, and nominated his Spouse as beneficiary. The beneficiary is not required to meet any additional eligibility requirements, such as reaching age 60. In the event there is no surviving Spouse and the Participant or Deferred Former Participant is survived by one or more legally recognized children, a lump sum equal to 60% of the actuarial present value of the accrued annual incentive benefit shall be payable to the Participant's or Deferred Former Participant's designated legal representative. If there is no surviving spouse or children or designated legal representative, then this lump sum amount shall be paid to his/her estate.

***1:203. Miscellaneous.***

- (1) Each Participant and Eligible Former Participant shall be deemed to have assented to the terms and conditions of the Plan. An individual may not sell, assign or hypothecate, in any manner, all or any part of the individual's potential payments under the Plan.
- (2) Nothing in this Plan shall in any way affect the rights of the City or a Participant to terminate the volunteer firefighter relationship between them.

**IN WITNESS WHEREOF**, this document has been signed and sealed on behalf of the City of Troy by its duly authorized officers, on this \_\_\_\_ day of \_\_\_\_\_, 2020.

**CITY OF TROY**

**BY:** \_\_\_\_\_

**ITS:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**ITS:** \_\_\_\_\_

A meeting of the Troy Election Commission was held September 26, 2019, at City Hall, 500 W. Big Beaver Road. City Clerk Dickson called the Meeting to order at 8:00 AM.

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**Roll Call:**

PRESENT: David Anderson, M. Aileen Dickson, Harry Philo

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**Approval of Minutes**

Resolution # EC-2019-09-04

Motion by Anderson

Seconded by Philo

RESOLVED, That the Election Commission Meeting Minutes of August 30, 2019, are **APPROVED** as submitted.

Yes: All-3

No: None

**MOTION CARRIED**

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**Approval of Election Inspector Assignments – November 5, 2019 General Election**

Resolution # EC-2019-09-05

Motion by Philo

Seconded by Anderson

RESOLVED, That Election Inspectors be **APPOINTED** for the November 5, 2019 General Election, as presented by the City Clerk.

BE IT FURTHER RESOLVED, That the City Clerk is hereby **AUTHORIZED** to make emergency appointments as necessary.

Yes: All-3

No: None

**MOTION CARRIED**

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**Adjournment:**

The meeting was **ADJOURNED** at 8:05 AM.

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M. Aileen Dickson, MMC, CMMC  
City Clerk

Chair Faison called the Regular meeting of the Troy City Planning Commission to order at 7:01 p.m. on January 14, 2020 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Ollie Apahidean  
Karen Crusse  
Carlton M. Faison  
Michael W. Hutson  
Tom Krent  
David Lambert  
Marianna Perakis  
Sadek Rahman  
John J. Tagle

Also Present:

R. Brent Savidant, Community Development Director  
Ben Carlisle, Carlisle Wortman Associates  
Julie Quinlan Dufrane, Assistant City Attorney  
Jackie Ferencz, Planning Department Administrative Assistant  
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2020-01-001**

Moved by: Lambert  
Support by: Rahman

**RESOLVED**, To approve the Agenda as prepared.

Yes: All present (9)

**MOTION CARRIED**

3. APPROVAL OF MINUTES

Mr. Krent asked the minutes to reflect a correction in the time of adjournment.

**Resolution # PC-2020-01-002**

Moved by: Krent  
Support by: Tagle

**RESOLVED**, To approve the minutes of the December 10, 2019 Regular meeting as revised.

Yes: All present (9)

**MOTION CARRIED**

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

PUBLIC HEARING

5. PUBLIC HEARING – REZONING REQUEST (File Number Z 2019-0039) – Proposed Addison Heights Subdivision Rezoning, East of Livernois, South side of Arthur (88-20-27-307-033), Section 27, From P (Vehicular Parking) District to R-1E (One Family Residential) District

Mr. Savidant explained what a rezoning request is and its approval process. He provided a history of the zoning of the property. Mr. Savidant addressed the request as relates to the Rezoning Standards and Master Plan. Mr. Savidant said the applicant wants to construct a residential home on the site. It was recommended that the Planning Commission recommends to the City Council to grant approval of the rezoning request.

The applicant Ross Martin was present.

PUBLIC HEARING OPENED

There was no one present who wished to speak.

PUBLIC HEARING CLOSED

There was discussion on:

- Ownership of adjacent parcels.
- Potential development in the future along Livernois and the right of way.

**Resolution # PC-2020-01-003**

Moved by: Hutson

Support by: Tagle

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the P (Vehicular Parking) District to R-1E (One Family Residential) District rezoning request, as per Section 16.03 of the City of Troy Zoning Ordinance, located on the south side of Arthur, East of Livernois, within Section 27, being approximately 0.24 acres in size, be **GRANTED** for the following reasons:

1. The proposed rezoning is consistent with the Master Plan.
2. The proposed rezoning does not appear to cause or increase any nonconformity.
3. If rezoned the property will be capable of accommodating service and facility loads caused by use of the development.
4. The rezoning does not appear to impact public health, safety, or welfare.
5. The rezoning will ensure compatibility with adjacent uses of land.

Yes: All present (9)

**MOTION CARRIED**

**PRELIMINARY SITE PLAN APPROVALS**

6. PRELIMINARY SITE PLAN REVIEW (File Number SP2019-0022) – Proposed Crooks Road Townhomes, West side of Crooks, North of Wattles, Section 17, Currently Zoned NN (Neighborhood Node “I”) District

Ms. Perakis disclosed she formerly lived in the Woodlands subdivision from 2008 to 2014 and her home on Parkstone backed up to the subject property. She also disclosed that the applicant is a current neighbor of hers and she was in opposition to the applicant's proposed apartment project that was formerly considered by the City. Ms. Perakis said there is no conflict of interest and that she can be objective in her consideration of the application.

Mr. Carlisle outlined the revisions the applicant proposes to the application based on discussion from the Planning Commission, staff and the public when considered at the September 24, 2019 meeting. He noted the site plan revisions are identified on page 5 of his report dated January 7, 2020. Mr. Carlisle reported there are significant outstanding site plan items on the revised site plan, as relates to screening/landscaping along adjacent residential property lines, tree removal loss due to the stormwater facility and lighting impact to adjacent property.

Mr. Carlisle recommended to postpone the application to allow the applicant to address site plan items.

Present were Carmine Avantini, AICP, of Community Image Builders, Arvin Stafa, Brandon Bronikowski, James Butler and Greg Bono, both of Professional Engineering Associates (PEA).

Mr. Avantini presented a PowerPoint presentation and addressed the additional acreage, decrease in density, increase in guest parking, traditional two-car garages, increased setback, screening and buffer to residential, building height, line of sight visual, grade difference, location of EVA, parking and pedestrian traffic. Mr. Avantini indicated several site plan issues identified by the Planning Consultant have been addressed. He asked for a favorable vote conditioned on the remaining issues that could be administratively addressed through engineering and final site plan processes.

Mr. Stafa addressed building height, grading, outlots and public engagement. Mr. Bronikowski addressed building materials and circulated building material samples. Mr. Bono addressed stormwater management. Mr. Butler said concerns relating to floodplain and wetlands would be addressed through the engineering process.

Chair Faison opened the floor for public comment.

The following spoke in opposition, voicing concerns with grade difference, drainage, flooding, compatibility, property values, application process, no public engagement, traffic impact and safety.

- James Chang, 4397 Bender
- Latish Adnani, 4219 Crooks
- Tom Reiss, 1400 Bradbury
- Jerry Rauch, 4187 Penrose
- Doug and Linda Gerard, 4197 Carson
- Mike and Laura Lipinski, 4233 Carson
- Thomas Mikulski, 4408 Cahill
- Daphne (Ntiri) and Jean-Claude Quenum, 4198 Carson
- JinMing Xu, 4179 Carson
- Bob Laudicina, 1286 Fountain
- Paul Balas, 4087 Parkstone
- Nadwa Gowda, 4412 Lehigh (*illegible*)
- Trevor Babi, 4537 Cahill
- Jeff Silagy, Whisper Way
- Raghav Kashi, 4420 Cahill

David Donnellon, architect and municipal planner; represented the seller of the property. He stated the development is permitted by right in the Neighborhood Node zoning district and addressed the balance between the Neighborhood Node and Single Family Residential zoning districts.

Chair Faison closed the floor for public comment.

There was discussion on:

- Grading difference, as relates to drainage and engineering design process.
- Stormwater management.
- Outlots; ownership, potential to build, property lines.
- Wetland and floodplain, as relates to MDEQ and engineering design process.
- Compatibility and transition to residential, as relates to landscape buffer, building height, line of vision, building materials.
- Line of vision scale and calculations.
- Neighborhood Node districts as relates to Master Plan, philosophy.
- Traffic impact; study.
- “Real” density.
- Engagement with neighbors; strongly encouraged.
- Intent of Master Plan.
- Joint meeting with City Council to discuss Neighborhood Node zoning districts.



Ms. Dufrane interjected the discussion to state the proposed development is permitted by right on the subject property.

Mr. Avantini asked the Board's consideration to postpone the item to allow an opportunity to respond to and investigate comments made this evening and to possibly gain insight from the joint meeting.

**Resolution # PC-2020-01-004**

Moved by: Krent

Support by: Lambert

**RESOLVED**, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Crooks Road Townhomes, located on the west side of Crooks, North of Wattles, Section 17, within the NN (Neighborhood Node "I") District, be postponed, for the following reasons:

1. Allow the applicant time to digest comments made by residents, Planning Commission and staff and to address the site plan items identified in the Planning Consultant report and staff review.

Yes: Apahidean, Crusse, Lambert, Faison, Krent, Rahman, Tagle

No: Hutson, Perakis

**MOTION CARRIED**

Chair Faison called for a recess at 9:33 p.m. The meeting reconvened at 9:50 p.m.

7. PRELIMINARY SITE PLAN REVIEW (File Number SP JPLN2019-0040) – Proposed Square Lake Court Townhomes, South side of Square Lake Road, West of Dequindre, Section 12, (88-20-12-200-025), Currently Zoned NN (Neighborhood Node "N") District

Mr. Carlisle reviewed the Preliminary Site Plan application for Square Lake Court Townhomes. He addressed the need for a dedicated guest parking area, a cross-access easement along the southern property line, additional trees along the west property line, shielding light fixtures and architectural detail on elevations.

Mr. Carlisle recommended to postpone the Preliminary Site Plan application to allow the applicant to address the guest parking, architectural detailing and other site plan concerns identified in his report dated January 7, 2020.

Present were Renis Nushaj, Erion Nikolla of Eureka Building Company and James Butler of Professional Engineering Associates (PEA).

Mr. Butler addressed the outstanding site plan issues relating to the photometric plan, landscaping and guest parking. He said the additional trees would be added and the light fixture shielded. Mr. Butler indicated 10 to 12 parallel spaces could be dedicated for guest parking along the southern property line.

Mr. Nikolla addressed design and architectural features of the elevations, building materials and colors. Building material samples were circulated.

Mr. Nushaj addressed the City's requirement for a cross-access easement. Mr. Nushaj believes a cross-access easement agreement should be a private contract among involved parties, not a requirement of the City, and views the City's requirement as an encumbrance on private property.

There was discussion on:

- Guest parking; accommodation and layout.
- Ownership of property to south.
- Cross-access easement and EVA requirements.
- Traffic circulation; no comments from Engineering review.
- Recent revisions to site plan.

Ms. Dufrane referenced Zoning Ordinance sections that relate to the requirement of a cross-access easement and exceptions to that requirement; i.e., if it is demonstrated that there are either physical limitations or functional circumstances that prevent such access from being installed.

Mr. Carlisle said the EVA is noted on the site plan; the cross-access easement is not noted on the site plan.

Mr. Savidant stated that both the Fire Department and Engineering Department recommend a cross-access easement, but it is the authority of the Planning Commission to place a cross-access easement on a property.

**Resolution # PC-2020-01-005**

Moved by: Krent  
Seconded by: Crusse

**RESOLVED**, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Square Lake Court Townhomes, 14 units, located on the South side of Square Lake, West of Dequindre (PIN 88-20-12-200-025), Section 12, Zoned NN (Neighborhood Node "N"), be granted, subject to the following:

1. Add dedicated guest parking.
2. Provide cross-access easement along southern property line.
3. Add additional trees along west property line.
4. Replace light fixture with shielded one.
5. Identify all materials.
6. Add additional architectural details to the side elevations.

Yes: Crusse, Lambert, Faison, Krent, Rahman, Tagle

No: Apahidean, Hutson, Perakis

**MOTION CARRIED**

**OTHER BUSINESS****8. PLANNING COMMISSION 2020 MEETING SCHEDULE – REVISION**

Mr. Savidant asked for the Board's consideration to revise the 2020 Planning Commission meeting calendar by removing the March 10, 2020. He explained an election is being held that day and there could be a conflict in reserving a meeting room.

**Resolution # PC-2020-01-006**

Moved by: Lambert

Seconded by: Rahman

**RESOLVED**, To revise the 2020 Planning Commission Schedule and remove the March 10, 2020 date.

Yes: All present (9)

**MOTION CARRIED****9. ELECTION OF OFFICERS**

Chair Faison opened the floor for nominations of Chair. Ms. Crusse nominated Mr. Faison. Mr. Hutson nominated Mr. Krent. There were no further nominations placed on the floor.

Mr. Faison said he would be happy to serve another year or happy to step down to allow the opportunity to another member.

Mr. Krent accepted the nomination.

**Roll call vote on the nomination of Mr. Faison for Chair**

Yes: Crusse, Lambert, Faison, Rahman

No: Apahidean, Hutson, Krent, Perakis, Tagle

**MOTION FAILED****Roll call vote on the nomination of Mr. Krent for Chair**

Yes: Apahidean, Lambert, Faison, Hutson, Krent, Perakis, Rahman, Tagle

No: Crusse

**MOTION CARRIED**

Mr. Krent is the newly elected Chair.

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Chair Faison opened the floor for nominations of Vice Chair. Mr. Tagle nominated Mr. Lambert. There were no further nominations placed on the floor.

Mr. Lambert accepted the nomination and is the newly elected Vice Chair.

There was discussion on the role, structure and formation of the Planning Commission representative to the Zoning Board of Appeals; consideration might be given to making revisions.

Chair Faison opened the floor for nominations of Zoning Board of Appeals (ZBA) Representative. Mr. Apahidean nominated Mr. Rahman. There were no further nominations placed on the floor.

Mr. Rahman accepted the nomination and is the newly elected ZBA Representative.

10. PUBLIC COMMENT

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENT

There were general Planning Commission comments, some relating to:

- Compatibility, transition of Neighborhood Nodes to single family residential.
- Opening the floor for public comment following a Public Hearing.
- 2020 Michigan Regional Future City Competition at Novi Showplace on January 28.

Chair Faison was acknowledged and thanked for a good job as Chair!

A warm welcome was extended to Ms. Perakis.

The Regular meeting of the Planning Commission adjourned at 11:19 p.m.

Respectfully submitted,



FOR CARLTON FAISON

Carlton Faison, Chair



Kathy L. Czarnecki, Recording Secretary

Chair Krent called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on January 28, 2020 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Ollie Apahidean  
Karen Crusse  
Michael W. Hutson  
Tom Krent  
David Lambert  
Marianna Perakis  
Sadek Rahman  
John J. Tagle

Absent:

Carlton M. Faison

Also Present:

R. Brent Savidant, Community Development Director  
Ben Carlisle, Carlisle Wortman Associates  
Julie Quinlan Dufrane, Assistant City Attorney  
Jackie Ferencz, Planning Department Administrative Assistant  
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2020-01-007**

Moved by: Hutson  
Support by: Apahidean

**RESOLVED**, To approve the Agenda as prepared.

Yes: All present (8)  
Absent: Faison

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2020-01-008**

Moved by: Lambert  
Support by: Rahman

**RESOLVED**, To approve the minutes of the January 14, 2020 Regular meeting as submitted.

Yes: All present (8)  
Absent: Faison

**MOTION CARRIED**

4. PUBLIC COMMENT – Items not on the Agenda

Avis Landmesser, 568 Ottawa, asked if the number of residential units could be included in the Planning Commission Annual Report.

**CONDITIONAL REZONING**

5. PUBLIC HEARING – CONDITIONAL REZONING REQUEST (File Number CR 2019-001 – Proposed MNK TROY 1, LLC, East of Rochester, South of Shallowdale (88-20-14-152-001 and 88-20-14-301-031), Section 14, From R-1C (One Family Residential), RT (One Family Attached Residential) and EP (Environmental Protection) Districts to RT (One Family Attached Residential) District

Mr. Carlisle stated the proposed Conditional Rezoning previously considered by the Planning Commission at its October 22, 2019 meeting is revised to seek approval to rezone all portions of the two parcels to RT (One Family Attached Residential). He referenced the voluntary conditions offered by the applicant and specifically addressed the Open Space Preservation Area proposed for the EP-zoned portion. Mr. Carlisle said if the rezoning application is granted approval, additional details of the Open Space Preservation Area would need to be provided.

Mr. Carlisle briefly reviewed the initial application and comments both from the Planning Commission and the public.

Mr. Carlisle addressed the split zoning of the northern parcel and front portion of the southern parcel. He said the proposed rezoning to RT is consistent with the Master Plan, noting the site has been master planned for medium density and multiple family residential for the past 20 years. Mr. Carlisle indicated the applicant is providing increased setbacks along the northern and eastern property lines to provide additional buffer.

Mr. Carlisle addressed the eastern portion of the southern parcel that is zoned EP. He explained the applicant is seeking to use the parcel for overall density and stormwater management. He said the proposed detention pond is utilitarian in design and the double row of trees to screen is insufficient. Mr. Carlisle said that both the detention area and tree screening would not serve as an amenity to future residents of the development or adjacent residents. Mr. Carlisle said a naturalized pond area such as a bio-swale or raingarden would enhance the development.

Mr. Carlisle recommended that the Planning Commission consider the revised application, take into consideration public comments this evening and provide direction to the applicant.

John Thompson of Professional Engineering Associates distributed a handout incorporating changes in the voluntary conditions offered by the applicant. He referenced condition #3 relating to the detention basin design as a dry pond and the addition of condition #8 relating to rear yard relationship and setbacks to existing houses and condition #9 enhancement to the screening of the Open Space Easement.

Mr. Thompson stated the revisions to the application and to the conditions offered by the applicant are a result of the feedback received from the neighbors and the Planning Commission. Mr. Thompson said a major concern of the neighbors is vehicular headlights shining toward adjacent single family homes. He said the additional row of screening trees and the orientation of the buildings would address that concern. Also, Mr. Thompson said the neighbors want a dry pond. The neighbors hope a dry pond improves the existing geese problem they are having as well eliminate insects drawn to standing water. He said a utilitarian design of the dry pond is preferred both by the neighbors and City departments for easier maintenance. Mr. Thompson addressed the proposed development as relates to the Rezoning Standards.

#### PUBLIC HEARING OPENED

- Naresh Gupta, 4337 Bennett Park Circle; addressed overall development along Rochester Road corridor from I-75 to the southern border of Troy as relates to the Master Plan and density, addressed concerns with traffic impact from development.
- Jim McCauley, 4435 Harold; representative of Shallowbrook Homeowners' Association. Mr. McCauley said the neighbors met with the builders since the application was considered in October and they are in support of the proposed development at this point in time. He referenced condition #8 offered by the applicant. Mr. McCauley said the intent with the rear yard relationship and a minimum of 35 feet building setbacks to existing houses on Shallowdale is to serve as a buffer, similar to the buffer of the existing EP-zoned parcel. He said the setbacks and additional screening will alleviate the concern of vehicular lights shining into the homes. Mr. McCauley said the neighbors want a dry detention basin to distract geese from their homes. Mr. McCauley asked that the applicant explore further turning either Building 3 or Building 4 to a rear yard setback to the dry detention pond; he was told it's not feasible but he is asking the applicant to research that matter further.
- Jon Hughes, 4495 Harold; expressed disappointment that they are losing the natural environment with the proposed development.

Mr. Savidant clarified for the record that Mr. McCauley was granted additional time to speak because he is spoke on behalf of the homeowners' association.

#### PUBLIC HEARING CLOSED

There was discussion on:

- Landscaped screening of adjacent single family residential.
- Density; calculations, increase in number of units.
- History of EP-zoned parcel(s).
- Detention pond; as amenity, dry versus wet.
- Stormwater management; consideration of underground.
- Orientation of Buildings 3 or 4 to mitigate neighbors' concern with vehicular lights; if not feasible, additional landscaping for screening.
- Building height; no higher than what is permitted in R-1C residential.
- Dry pond.
  - Neighbors' concern with existing geese; preference of neighbors.
  - Utilitarian pond; DPW and Engineering preference for maintenance.
  - Location, depth, slope, shape, size.

Ms. Dufrane addressed the voluntary conditions offered by the applicant in relation to a conceptual plan and not an actual site plan. Ms. Dufrane said it would be best to meet with the applicant, the homeowners' association representative, Planning Consultant and administration to craft and/or wordsmith the conditions associated with the Conditional Rezoning request prior to consideration by City Council.

Mr. Savidant informed the audience the role of the Planning Commission is to make a recommendation to City Council. The public would have an opportunity to speak at the time City Council considers the item, and again during Site Plan consideration if the Conditional Rezoning is granted.

The applicant was advised to update the concept plan to show the rotation of buildings and additional screening prior to consideration by City Council.

**Resolution # PC-2020-01-009**

Moved by: Lambert

Support by: Rahman

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the R-1C, RT and EP to RT Conditional Rezoning request, as per Section 16.04 of the City of Troy Zoning Ordinance, located on the east side of Rochester, south of Shallowdale, within Section 14, being approximately 1.877 acres in size, be **GRANTED** for the following reasons:

1. The request complies with the Master Plan.
2. The RT District would permit greater flexibility in use and development of the property.
3. The conditions offered by the applicant this evening reasonably protect the adjacent properties.
4. The rezoning would be compatible with surrounding zoning and land use.
5. The site can be adequately served with municipal water and sewer.
6. The development of the property should not unreasonably impact adjacent properties.



Yes: All present (8)  
Absent: Faison

**MOTION CARRIED**

**OTHER BUSINESS**

6. **PLANNING COMMISSION 2019 ANNUAL REPORT**

Mr. Savidant said the 2019 Planning Commission annual report indicates that 2019 was a very busy year. Mr. Savidant said he would look into the suggestion by Ms. Landmesser to include the number of residential units in the report.

7. **PUBLIC COMMENT**

There was no one present who wished to speak.

8. **PLANNING COMMISSION COMMENT**

There were general Planning Commission comments, some relating to

- Positive outcome of communication between developer and neighbors to resolve concerns.
- Update on Tollbrook lawsuit.
- Joint City Council and Planning Commission meeting; February 4, Community Center Room 303, agenda, public engagement.
- 2020 Michigan Regional Future City Competition.

The Regular meeting of the Planning Commission adjourned at 8:43 p.m.

Respectfully submitted,

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Tom Krent, Chair

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Kathy L. Czarnecki, Recording Secretary

A meeting of the Troy Election Commission was held January 30, 2020, at City Hall, 500 W. Big Beaver Road. City Clerk Dickson called the Meeting to order at 8:00 AM.

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**Roll Call:**

PRESENT: David Anderson, M. Aileen Dickson, Harry Philo

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**Approval of Minutes**

Resolution # EC-2020-01-001

Motion by Philo

Seconded by Anderson

RESOLVED, That the Election Commission Meeting Minutes of September 26, 2019, are **APPROVED** as submitted.

Yes: All-3

No: None

**MOTION CARRIED**

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**Approval of Election Inspector Assignments – March 10, 2020 Presidential Primary Election**

Resolution # EC-2020-01-002

Motion by Anderson

Seconded by Philo

RESOLVED, That Election Inspectors be **APPOINTED** for the March 10, 2020 Presidential Primary Election, as presented by the City Clerk.

BE IT FURTHER RESOLVED, That the City Clerk is hereby **AUTHORIZED** to make emergency appointments as necessary.

Yes: All-3

No: None

**MOTION CARRIED**

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**Adjournment:**

The meeting was **ADJOURNED** at 8:15 AM.

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M. Aileen Dickson, MMC, CMMC  
City Clerk



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P-02a

## CITY COUNCIL AGENDA ITEM

Date: February 4, 2020

To: Honorable Mayor and City Council

From: Mark F. Miller, City Manager  
Lori Grigg Bluhm, City Attorney

Subject: City of Troy's Regulation of Medical and Recreational Marihuana

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City Council received a request from an industrial property owner in the City, requesting a change to the City's long standing stance on prohibiting commercial marihuana facilities in the City of Troy. In response to that request, we were asked to provide a brief history of the City's actions under the Michigan Medical Marihuana Act (MMMA), which was passed as an initiative in 2008, and also the Medical Marihuana Facilities Licensing Act (MMFLA), which was the State Statute that expressly allowed commercial marihuana facilities for medical marihuana purposes, as well as the more recently passed Adult Use/ Recreational Marihuana Act (MRTMA), passed as a Michigan voter initiative in 2018. Michigan law uses the spelling "marihuana" rather than "marijuana."

**Michigan Medical Marihuana Act (MMMA)-** This state initiative act allowed for doctors to certify that patients with certain medical ailments would benefit from the use of marihuana. Upon receipt of this certification, the patient would apply for a medical marihuana card. Patients could grow their own marihuana (up to 12 plants), or they could designate a caregiver to grow marihuana for them. Caregivers are limited to growing 12 plants per patient, and cannot serve more than 6 patients. Since 2008, there were approximately 78 caregivers that were issued occupancy permits, which allowed them to grow up to 72 marihuana plants in industrial buildings. There were numerous complaints about these operations, and Council enacted a moratorium to prevent any additional occupancy permits from being issued. In April 2018, City Council passed a local ordinance that required caregivers to obtain licensing from the City (Chapter 104, Medical Marihuana Grow Operation License Ordinance). As of today's date, there are 46 MMGOL licenses, with three additional applications pending. When drafting this ordinance, City Administration knew that licensed caregivers would be prohibited from operating commercial businesses under the other state marihuana laws. There was a belief that there would be attrition with several of Troy's caregiver operations. City Administration was directed to limit the production of marihuana in the City, and therefore drafted the ordinance allowing all existing caregiver operations to continue, but prohibiting transfers of caregiver licenses and prohibiting any new caregiver licenses until there were less than 36 licenses in the City. Three separate lawsuits were filed, challenging this ordinance. The City prevailed on one of the lawsuits, and on the requests for injunctive relief in all of them. Two of the lawsuits are pending, waiting for the Michigan Supreme Court to issue its opinion in the *DeRuiter v. Byron Township* case, which discusses allowable municipal regulations under the MMMA.

**Michigan Medical Marihuana Facilities Licensing Act (MMFLA)-** The MMMA was limited, and did not allow for commercial establishments to produce or sell marihuana. As a result, the Michigan legislature passed this law in 2016. For those municipalities that affirmatively opted in,



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## CITY COUNCIL AGENDA ITEM

there was a promised share in 3% of the revenue received from provisioning centers (stores). This benefit was eliminated with the passage of the Adult Use Marihuana initiative. Other than personal property tax, municipalities were not afforded any other monetary benefits from the industry. The City of Troy did not take any action to opt in to the MMFLA, and there are no commercial medical marihuana facilities here. Commercial facilities would include large scale grow operations, processing facilities, transporting facilities, testing facilities, and provisioning centers or sales operations.

**Michigan Regulation and Taxation of Marihuana Act (MRTMA), or Adult/ Recreational Use-** In November 2018, the Michigan electorate passed the MRTMA, allowing for adult use marihuana use and commercial facilities. On November 12, 2018, the Troy City Council directed City Administration to draft an ordinance to opt out of recreational marihuana facilities, noting that the Troy electorate was not in favor of this initiative (19,508 no votes to 18,528 yes votes). With this adult use recreational law, municipalities needed to take affirmative action to prohibit commercial facilities within its borders. After the passage of this initiative, the State of Michigan developed regulations, and after the publication of the temporary rules, the City of Troy passed an ordinance officially opting out of the MRTMA, which prohibits any recreational adult use marihuana commercial facilities in the City of Troy (Chapter 105). This ordinance can be revisited by the Troy City Council. However, there are still many unknowns with the MRTMA, and most of our surrounding communities have also opted out. There are lawsuits filed in other Michigan communities, challenging municipal regulations under the MRTMA.

The MRTMA expressly allows for delivery of marihuana, and transportation of marihuana products through the City. As a result, City of Troy residents can acquire marihuana through home delivery from licensed facilities in other communities, can buy marihuana from licensed commercial stores in other communities, and also can grow up to 12 plants per home. City Administration predicts that with the passage of the MRTMA, there will be a reduced demand for the licensed caregivers under the City's MMGOL ordinance, especially since those persons over 21 who were previously registered as medical marihuana patients can now obtain recreational marihuana.

City Administration recommends no revision to Chapter 105, and would be happy to expound upon the numerous reasons if City Council was interested in opting in to the MRTMA, allowing adult use recreational marihuana facilities.