



# **CITY COUNCIL**

## **REGULAR MEETING**

### **AGENDA**

**FEBRUARY 24, 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 24, 2020 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

**INVOCATION: Rev. Jasmine Smart from First Presbyterian Church of Troy** **1**

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

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

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

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

C-1 No Certificates of Recognition and Special Presentations 1

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

D-1 No Carryover Items 1

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

E-1 No Public Hearings 1

**F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:** **1**

**G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:** **2**

**H. POSTPONED ITEMS:** **2**

H-1 No Postponed Items 2

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I-4	Interviews of Candidates for City Council Appointment ( <i>Introduced by: Aileen Dickson, City Clerk</i> )	8
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	• David Anderson .....	8
	• Rebecca Chamberlain-Creangă .....	8
	• Mahendra Kenkre .....	8
	• Sunil Sivaraman .....	8
	b) Resolution to Appoint City Council Member.....	8
I-5	Changes to the Volunteer Firefighter Incentive Program ( <i>Introduced by: Dave Roberts, Fire Chief</i> )	8

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J-3	Proposed City of Troy Proclamations: None Submitted	10
J-4	Standard Purchasing Resolutions:	10
	a) Standard Purchasing Resolution 4: Award – Oakland County Cooperative Purchasing Agreement – Fleet Vehicles .....	10

J-5	Private Agreement – Contract for Installation of Municipal Improvements – Starbucks Restaurant with Drive Through – Project No. 19.921.3	10
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<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>
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O-1	No Council Comments Advanced	12
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December 7, 2020 Regular Meeting .....	14
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**INVOCATION:** Rev. Jasmine Smart from First Presbyterian Church of Troy

**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 24, 2020, due to \_\_\_\_\_.

Yes:

No:

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

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**C-1** No Certificates of Recognition and Special Presentations

**D. CARRYOVER ITEMS:**

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**D-1** No Carryover Items

**E. PUBLIC HEARINGS:**

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**E-1** No Public Hearings

**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:**

### **H-1 No Postponed Items**

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**I. REGULAR BUSINESS:**

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

a) **Mayoral Appointments:** None

b) **City Council Appointments:** None

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

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	

**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	

### Liquor Advisory Committee

Appointed by Council  
7 Regular Members  
3 Year Term

#### **Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
Ashland	David	11/14/2021	1/31/2021	
Comiskey	Ann	2/5/2020	1/31/2021	
Ehlert	Max	1/26/2020	1/31/2021	
Gorcyca	David	12/4/2021	1/31/2023	
Jones	Kelly	12/11/2021	1/31/2023	
Kaltsounis	Andrew	1/14/2021	1/31/2022	
Oberski	Jeff			
Pendy	Michael	1/2/2021	1/31/2022	Resigned effective 3/1/2020

#### **Nominations to the Liquor Advisory Committee:**

#### **Term Expires: 1/31/2022**

Term currently held by: Michael Pendy – Resigned effective 3/1/2020

#### **Interested Applicants:**

No applications or resumes on file.

Yes:

No:

### **I-3 Request for Closed Session**

#### Suggested Resolution

Resolution #2020-02-

Moved by

Seconded by

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268(e) - pending litigation – *Troy v. Troy Zoning Board of Appeals and Crossroads Outdoor, LLC, et al v City of Troy*.

Yes:

No:

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**I-4 Interviews of Candidates for City Council Appointment (*Introduced by: Aileen Dickson, City Clerk*)**

**a) City Council Interviews**

- Daniel Agauas
- David Anderson
- Rebecca Chamberlain-Creangă
- Mahendra Kenkre
- Sunil Sivaraman

**Resolution to Table I-4b Resolution to Appoint City Council Member**

Suggested Resolution

Resolution #2020-02-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **TABLES** *I-4b Resolution to Appoint City Council Member* to the last item on the Agenda.

Yes:

No:

**b) Resolution to Appoint City Council Member**

Suggested Resolution

Resolution #2020-02-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPOINTS** \_\_\_\_\_ to the vacant City Council Member office with the partial term expiring August 10, 2020.

Yes:

No:

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**I-5 Changes to the Volunteer Firefighter Incentive Program (*Introduced by: Dave Roberts, Fire Chief*)**

Suggested Resolution

Resolution #2020-02-

Moved by

Seconded by

WHEREAS, The City of Troy greatly values the contributions of the volunteer members of the Troy Fire Department towards the safety and wellbeing of our community; and,

WHEREAS, In recognition of these benefits, and to encourage participation and retention in the Troy Fire Department's volunteer service, the City of Troy City Council provided incentive benefits since approximately 1980, and this was more formally accomplished in the City of Troy Incentive Trust for Volunteer Firefighters (Trust), and also the City of Troy Incentive Plan for Volunteer Firefighters (Plan), which was approved by the Troy City Council on April 4, 2016. Pursuant to the terms of the Trust, funding was limited to payment of volunteer firefighter incentives and the costs of administration; and,

WHEREAS, As of the start of the fiscal year following the approval of the Plan (July 1, 2017), the annual incentive benefit per year of credited service was \$769, and although the volunteer firefighters have annually requested modifications since that time, there were extenuating circumstances that delayed proposed amendments to the Plan; and,

WHEREAS, The Plan authorizes the Troy City Council to unilaterally amend the Plan in order to facilitate increases to the annual incentive benefit per year of credited service, as well as approve other amendments, including but not limited to an additional incentive in recognition of the additional time and energy spent by the volunteers who serve as station officers; and,

WHEREAS, City Administration has reviewed the fiscal implications of the proposed amendments to the Plan, and has attempted to balance the best interest of the City and the best interest of the volunteer firefighters, and recommends approval of the attached amendments, as indicated in a red line format in the attached document;

NOW THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the attached amendments to the Plan, and **AUTHORIZES** the Mayor and City Clerk to execute the Amended City of Troy Incentive Plan for Volunteer Firefighters on behalf of the City; a copy of the amended Plan shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

## **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 Minutes-Draft – February 10, 2020
- b) City Council Special Meeting Minutes-Draft – February 13, 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 4: Award – Oakland County Cooperative Purchasing Agreement – Fleet Vehicles**

Suggested Resolution

Resolution #2020-02-

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase two (2) 2019 Chevrolet Tahoe vehicles from *Berger Chevrolet of Grand Rapids, MI* as per the Oakland County Cooperative Contract Bid(s) for the Police Department for an estimated total cost of \$74,712.00.

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**J-5 Private Agreement – Contract for Installation of Municipal Improvements – Starbucks Restaurant with Drive Through – Project No. 19.921.3**

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Suggested Resolution

Resolution #2020-02-

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Troy Sports Center, LLC for the installation of Water Main, Sanitary Sewer, Storm Sewer, and Concrete Sidewalk, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-6 Open Space Preservation Easement for Chadbury Place**

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Suggested Resolution

Resolution #2020-02-

WHEREAS, As part of a City Council approved cluster development, the Troy Zoning Ordinance requires the developer to execute a recordable document permanently preserving the dedicated open space; and,

WHEREAS, The development known as Chadbury Place is nearing completion of final engineering site plan review, City Council must approve the document that sets aside the required open space; and,

WHEREAS, The attached Open Space Preservation Easement has been negotiated with the developer, and if approved by City Council, would be recorded at the Oakland County Register of Deeds to require the developer and/or his successors to permanently maintain the dedicated open space;

NOW THEREFORE, BE IT RESOLVED, That City Council hereby **APPROVES** the Open Space Preservation Easement for the cluster development known as Chadbury Place, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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#### **J-7 Open Space Preservation Easement for West Troy Meadows**

##### Suggested Resolution

Resolution #2020-02-

WHEREAS, As part of a City Council approved cluster development, the Troy Zoning Ordinance requires the developer to execute a recordable document permanently preserving the dedicated open space; and,

WHEREAS, The development known as West Troy Meadows is nearing completion of final site plan review, but prior to the issuance of Certificates of Occupancy for the homes, City Council must approve the document that sets aside the required open space; and,

WHEREAS, The attached Open Space Preservation Easement has been negotiated with the developer, and if approved by City Council, would be recorded at the Oakland County Register of Deeds to require the developer and/or his successors to permanently maintain the dedicated open space;

NOW THEREFORE, BE IT RESOLVED, That City Council hereby **APPROVES** the Open Space Preservation Easement for the cluster development known as West Troy Meadows, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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#### **J-8 PA 152 – Publicly Funded Health Care**

##### Suggested Resolution

Resolution #2020-02-

WHEREAS, Public Act 152 of 2011 allows for a Local Government Opt-Out alternative; and,

WHEREAS, Choosing the Opt-Out alternative allows the City to continue to offer medical insurance to all full-time employees with the premium contribution percent established in current collective bargaining agreements;

THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **SELECTS** the Local Unit Opt-Out for 2020/21.

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

---

**K-1 Announcement of Public Hearings: None Submitted**

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

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**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**

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**O. COUNCIL COMMENTS:**

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**O-1 No Council Comments Advanced**

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**P. REPORTS:**

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

- a) Sustainable Design Review Committee-Final – January 30, 2019
  - b) Retiree Healthcare Benefits Plan and Trust Board-Final – November 13, 2019
  - c) Volunteer Firefighters' Incentive Plan & Trust Board of Trustees-Final – November 13, 2019
  - d) Employees' Retirement System Board of Trustees-Final – December 11, 2019
  - e) Traffic Committee-Final – January 15, 2020
  - f) Zoning Board of Appeals-Final – January 21, 2020
  - g) Planning Commission-Final – January 28, 2020
  - h) Zoning Board of Appeals-Draft – February 18, 2020
  - i) Sustainable Design Review Committee-Draft – February 19, 2020
- 

**P-2 Department Reports:**

- a) Federal Funding for Major Road Work – Rochester Road, North of Long Lake (Trinway) to South Boulevard
  - b) Interim Financial Report 2<sup>nd</sup> Quarter For The Six Months Ended December 31, 2019
  - c) City Manager Status Report
  - d) Liquor Violation Hearings
- 

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

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

**Q. CLOSED SESSION**

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**Q-1** Closed Session

**R. ADJOURNMENT:**

Respectfully submitted,

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

Mark F. Miller  
City Manager

**2020 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

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:**

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

I-04

## CITY COUNCIL AGENDA ITEM

Date: February 20, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
M. Aileen Dickson, City Clerk

Subject: Interviews of Candidates for City Council Appointment

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At the Regular City Council Meeting of February 10, 2020, City Council selected 5 candidates to invite for interviews at the Regular City Council Meeting of February 24, 2020. The 5 candidates selected were Daniel Agauas, David Anderson, Rebecca Chamberlain-Creangă, Mahendra Kenkre, and Sunilkumar Sivaraman. The City Clerk's Office contacted the 5 candidates to invite them for interviews, and sent letters of thanks to the remaining candidates who were not invited for interviews.

The applications of the 5 candidates (redacted for privacy) are attached to this memo.

At the February 24<sup>th</sup> Meeting, the candidates will be sequestered in the Council Board Room until their interview time, so as to not give any unfair advantage to any candidate. The candidates will be called for interview in alphabetical order by last name, and the City Clerk will bring each candidate to Council Chambers at the time of their interview.

Each member of City Council was asked to provide one interview question. Each candidate will be asked the same questions. Upon completion of all the interviews, City Council will vote on a resolution to appoint a new Council Member. The new Council Member can be sworn in right away, if they are still present. If not, the City Clerk's Office will contact the newly appointed Council Member the following day to arrange for the oath.



CITY OF TROY | CITY CLERK'S OFFICE | 500 WEST BIG BEAVER | TROY, MI 48084  
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## Application for City Council Appointment

**APPLICATIONS DUE TO THE CITY CLERK BY FEBRUARY 7, 2020 at NOON**  
**PUBLIC INTERVIEWS TO BE HELD ON FEBRUARY 24, 2020 at 7:30 PM**

☐ Check box to keep application confidential

Thank you for your interest in serving on City Council. The purpose of this form is to provide the Mayor and City Council with basic information about applicants considered for appointment.

(PLEASE PRINT OR TYPE)

Date: 2/5/2020

Name: Daniel Agauas

Phone: [REDACTED]

Address: [REDACTED]

City/Zip Troy, 48083

Employer: Crawford & Winiarski

Phone: [REDACTED]

Address: [REDACTED]

City/Zip Detroit, 48226

E-Mail: [REDACTED]

How long have you lived continuously in the City of Troy? 6 Years

Are you a registered voter in the City of Troy?

Yes ☒ No ☐

(Verified by Clerk's Office)

Are you affiliated with any political party?

Yes ☐ No ☐

Are you a graduate of Troy's Citizen Academy?

Yes ☐ No ☒

Are you related to an elected official or employee of the City of Troy?

Yes ☐ No ☒

Insert your relationship to elected official or employee of the City of Troy:

n/a

Have you ever been convicted for anything other than a minor traffic violation?

Yes ☐ No ☒

City Administration utilizes electronic methods to disseminate information for meetings. Are you able to take advantage of electronic documents (email, Internet access, home computer)?

Yes ☒ No ☐

### Professional Qualifications and/or Work Experience:

I am a financial consultant with professional experience performing forensic investigations, calculating damages in commercial litigation matters, and appraising privately-owned companies. Many of these projects involve fraud or allegations of wrong-doing and require an accounting/financial investigation to restore financial justice for the victims.

### Community Activities and/or Other Experience:

I have enjoyed serving on the Zoning Board of Appeals since October 2016. Each variance request requires the understanding of Troy's zoning ordinance and applying the standards of practical difficulty, including protecting the City's "health, safety, and welfare." My community involvement also includes volunteer church activities, such as youth camps, clothing drives, and community outreach programs.

Educational Background:

Mathematics, BA - Oakland University (2005)

MBA, Finance - Oakland University (2007)

CFA Charterholder and Member of the CFA Detroit Society (2014)

Member of the American Society of Appraisers (2016)

References (Please list name and address):

Ray Watts - [REDACTED]

Henry Allemon - [REDACTED]

David Eisenbacher (ZBA) - [REDACTED]

Marianna Perakis - [REDACTED]

Indicate reasons for desiring to serve:

Not only was last year's City Council race fun, but I learned a lot from talking with our residents. Many of the City's greatest opportunities overlap with my professional and personal background. This includes renewing the library millage; rebuilding our financial integrity; approving a strong budget that protects our AAA bond rating; and protecting residents from over-aggressive developments. Troy is an amazing city and I am excited to continue to serve the community.

Applicant's Signature: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Received by: Cheryl A. Stewart Date: February 6, 2020

☒ Confirmed voter status

☒ Confirmed current *Full Disclosure Statement* on file

☒ Confirmed compliance with applicable federal, state and local statutes

Confirmed by: \_\_\_\_\_

Cheryl A. Stewart



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RECEIVED 4 AM 8:22

## Application for City Council Appointment

APPLICATIONS DUE TO THE CITY CLERK BY FEBRUARY 7, 2020 at NOON  
PUBLIC INTERVIEWS TO BE HELD ON FEBRUARY 24, 2020 at 7:30 PM

☐ Check box to keep application confidential

Thank you for your interest in serving on City Council. The purpose of this form is to provide the Mayor and City Council with basic information about applicants considered for appointment.

(PLEASE PRINT OR TYPE)

Date: 02/04/2020

Name: David Carl Anderson

Phone: [REDACTED]

Address: [REDACTED]

City/Zip Troy 48068

Employer: Law Office of David C. Anderson, P.C.

Phone: [REDACTED]

Address: [REDACTED]

City/Zip Troy 48068

E-Mail: [REDACTED]

How long have you lived continuously in the City of Troy? Since 1980

Are you a registered voter in the City of Troy?

Yes



No



(Verified by Clerk's Office)

Are you affiliated with any political party?

Yes



No



Are you a graduate of Troy's Citizen Academy?

Yes



No



Are you related to an elected official or employee of the City of Troy?

Yes



No



Insert your relationship to elected official or employee of the City of Troy:

Not Applicable

Have you ever been convicted for anything other than a minor traffic violation?

Yes



No



City Administration utilizes electronic methods to disseminate information for meetings. Are you able to take advantage of electronic documents (email, Internet access, home computer)?

Yes



No



Professional Qualifications and/or Work Experience:

See attached professional resume

Community Activities and/or Other Experience:

See attached professional resume

Educational Background:

See attached professional resume

References (Please list name and address):

Martin Knollenberg (Past Oakland County Commissioner & State Representative/Senator)

Maureen McGinnis (Troy District Court Judge)

Louise Schilling (Former City of Troy Mayor & Council Member)

Harry Philo (Past President of Troy Democratic Club)

Indicate reasons for desiring to serve:

See attached explanation

Applicant's Signature:

*David Carl Anderson*

**FOR OFFICE USE ONLY**

Received by: *Cheryl A Stewart*

Date: *February 4, 2020*

☒ Confirmed voter status

☒ Confirmed current *Full Disclosure Statement* on file

☒ Confirmed compliance with applicable federal, state and local statutes

Confirmed by:

*Cheryl A Stewart*

DAVID CARL ANDERSON

---

PERSONAL:

RESIDENCE; TROY, MICHIGAN

MARITAL STATUS; MARTHA D. ANDERSON, OAKLAND COUNTY  
CIRCUIT COURT JUDGE

EDUCATION:

DETROIT COLLEGE OF LAW  
DETROIT, MICHIGAN  
JURIS DOCTORATE (JD) 1977  
PUBLISHED MEMBER OF DETROIT COLLEGE OF LAW REVIEW

ADRIAN COLLEGE  
ADRIAN, MICHIGAN  
BA SUMMA CUM LAUDE 1974

EMPLOYMENT:

LAW OFFICE OF DAVID C. ANDERSON, P.C.

[REDACTED]  
TROY, MICHIGAN 48098  
[REDACTED]  
[REDACTED]

PRINCIPAL: JULY, 1997 TO PRESENT

## PRACTICE EXPERIENCE:

SPECIALTY IN TRIAL WORK WITH EMPHASIS ON PROPERTY LAW, ARSON AND FRAUD DEFENSE, FIRST AND THIRD-PARTY NO-FAULT DEFENSE, AND GENERAL LIABILITY DEFENSE.

## OTHER EXPERIENCE:

HAS SPOKEN AT NUMEROUS SEMINARS REGARDING ARSON AND FRAUD DEFENSE, PROPERTY DEFENSE, PREMISES LIABILITY DEFENSE, NO-FAULT INSURANCE DEFENSE, AND ADR PRACTICE. FREQUENT LECTURER TO INSURANCE INDUSTRY GROUPS IN AREAS OF EXPERTISE.

HAS SERVED AS A MEDIATOR AT THE DISTRICT COURT AND THE CIRCUIT COURT LEVEL. HAS SERVED AS AN ARBITRATOR IN COMPLEX CIVIL LITIGATION CASES AND AS A CLAIM REFEREE IN PROBATE COURT MATTERS.

CERTIFIED AS A MEDIATOR REGARDING CIVIL CASES, FAMILY LAW CASES, AND BUSINESS TO BUSINESS CASES

## PROFESSIONAL AND COMMUNITY MEMBERSHIPS AND AFFILIATIONS:

- (A) STATE BAR OF MICHIGAN (1977)  
NEGLIGENCE SECTION
- (B) ADR COMMITTEE MEMBER, STATE BAR OF MICHIGAN
- (C) AMERICAN BAR ASSOCIATION (1977)  
TORT AND INSURANCE PRACTICE SECTION
- (D) U.S. DISTRICT COURT, EASTERN DISTRICT OF MICHIGAN
- (E) U.S. DISTRICT COURT, WESTERN DISTRICT OF MICHIGAN
- (F) PRESIDENT, OAKLAND COUNTY BAR ASSOCIATION (2015 - 2016)
- (G) SUSTAINING MEMBER OF OAKLAND COUNTY BAR ASSOCIATION
- (H) CURRENT MEMBER OF OAKLAND COUNTY BAR ASSOCIATION BOARD OF DIRECTORS
- (I) RECIPIENT OF THE 2010 DISTINGUISHED SERVICE AWARD FROM THE OAKLAND COUNTY BAR ASSOCIATION
- (J) OAKLAND COUNTY BAR FOUNDATION LIFE FELLOW
- (K) CHAIRPERSON OF OAKLAND COUNTY BAR ASSOCIATION ADR COMMITTEE (2006-2007)
- (L) A MEDIATOR FOR THE WAYNE, OAKLAND, MACOMB, GENESEE, LENA WEE, AND WASHTENAW COUNTY CIRCUIT COURTS
- (M) MEMBER OF CLAIM AND LITIGATION MANAGEMENT ALLIANCE
- (N) FORMER ADJUNCT PROFESSOR AT DETROIT COLLEGE OF LAW
- (O) FORMER BOARD OF TRUSTEE FOR ADRIAN COLLEGE
- (P) MEMBER OF BLUE GOOSE INSURANCE GROUP
- (Q) MEMBER OF MICHIGAN ASSOCIATION OF VEHICLE THEFT INVESTIGATIONS
- (R) MEMBER OF MICHIGAN DEFENSE TRIAL COUNCIL
- (S) PAST PRESIDENT OF MARIAN HIGH SCHOOL DADS CLUB
- (T) PAST PRESIDENT OF STONERIDGE HOMEOWNERS ASSOCIATION
- (U) MEMBER OF CITY OF TROY ELECTIONS COMMITTEE

- (V) MEMBER OF ASSOCIATION FOR CONFLICT RESOLUTION
- (W) FORMER MEMBER OF NORTH WOODWARD COMMUNITY FOUNDATION BOARD OF DIRECTORS
- (X) MEMBER OF CLAIM AND LITIGATION MANAGEMENT ALLIANCE

#### MAJOR CLIENTS:

AUTO CLUB GROUP (AAA)  
FREMONT INSURANCE COMPANY  
INDIANA INSURANCE COMPANY  
LIBERTY MUTUAL INSURANCE COMPANY  
MEEMIC INSURANCE COMPANY  
STATE AUTO INSURANCE COMPANIES  
WAUSAU INSURANCE COMPANY

#### TRIAL RECORD:

IN THE PAST SEVERAL YEARS, OBTAINED MORE THAN TEN (10) "NO CAUSE OF ACTION" VERDICTS FOR DEFENDANTS IN UNITED STATES DISTRICT COURT, STATE CIRCUIT COURTS, AND STATE DISTRICT COURTS. HAVE SUCCESSFULLY DEFENDED NUMEROUS CASES INVOLVING SERIOUS PERSONAL INJURY CLAIMS, CATASTROPHIC PROPERTY LOSSES AND CONSTRUCTION LOSSES.

REFERENCES: AVAILABLE UPON REQUEST.



# Application for City Council Appointment

APPLICATIONS DUE TO THE CITY CLERK BY FEBRUARY 7, 2020 at NOON  
PUBLIC INTERVIEWS TO BE HELD ON FEBRUARY 24, 2020 at 7:30 PM

☐ Check box to keep application confidential

Thank you for your interest in serving on City Council. The purpose of this form is to provide the Mayor and City Council with basic information about applicants considered for appointment.

(PLEASE PRINT OR TYPE)

Date: 2/6/20

Name: Rebecca A. Chamberlain-Creangă, Ph.D. Phone: [REDACTED]

Address: [REDACTED] City/Zip Troy / 48084

Employer: The Kresge Foundation Phone: [REDACTED]

Address: [REDACTED] City/Zip Troy / 48084

E-Mail: [REDACTED]

How long have you lived continuously in the City of Troy? ~ 4 years

Are you a registered voter in the City of Troy? Yes ☒ No ☐ (Verified by Clerk's Office)  
Are you affiliated with any political party? Yes ☐ No ☒  
Are you a graduate of Troy's Citizen Academy? Yes ☐ No ☒

Are you related to an elected official or employee of the City of Troy? Yes ☐ No ☒

Insert your relationship to elected official or employee of the City of Troy: \_\_\_\_\_

Have you ever been convicted for anything other than a minor traffic violation? Yes ☐ No ☒

City Administration utilizes electronic methods to disseminate information for meetings. Are you able to take advantage of electronic documents (email, Internet access, home computer)? Yes ☒ No ☐

**Professional Qualifications and/or Work Experience:** My work experience in philanthropy and international development, and my decade-long commitment to being a bridge builder between constituents and decision-makers, makes me well suited not only to fulfil, but to bring value-added to this important public service position. My time at The Kresge Foundation – under the leadership and mentorship of CEO Rip Rapson (former deputy mayor of Minneapolis) – has taught me about the value and dynamics of building public-private and philanthropic partnerships to address socio-economic challenges at the municipal level. Kresge has also provided me with training in *municipal finance*, *membership with the Urban Land Institute* and exposure to cutting-edge thought leadership on community development through Kresge initiatives such as the *Shared Prosperity Partnership (SP2)*. SP2 is a collaboration of The Kresge Foundation, the Brookings Metropolitan Policy Program, the Urban Institute and Living Cities to support local leaders in strengthening inclusive growth for people of all races, ethnicities and incomes in America's cities. I have also had the opportunity to witness first-hand what municipal-level cross-sector collaboration looks like through Kresge's support of the *Working Cities Challenge with the Federal Reserve Bank of Boston* (\$1.021 million grant). Knowledge gained from these experiences can be helpfully applied to zoning and economic development matters in Troy – one of the most diverse cities in Michigan with a vibrant global community. Before moving back to my home state of Michigan, I worked as a

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conflict and social development specialist at the World Bank Group in Washington, D.C. My responsibilities included conducting program consultations with business associations, nonprofits, constituents and government officials (from municipal leaders to high-ranking central government ministers), as I authored social/political risk analyses, policy recommendations and stakeholder mappings to help internal and external clients make policies and operations successful and sustainable. My training in citizen engagement (e.g., citizen score cards, grievance redress mechanisms through cutting-edge information-communication technology) and collaboration with public authorities and the private-sector is invaluable for a position requiring regular engagement with these leaders and sectors. Overall, I look forward to bringing my expertise and background to aid the sustainability and impact of Troy's public services and community outreach.

---

**Community Activities and/or Other Experience:**

- I am an appointed member of the **Global Troy Advisory Committee** (2016 to present), utilizing my anthropology background and World Bank training on policies to promote social inclusion. I welcome the opportunity to combine and integrate this work with issues of economic development in the City of Troy.
- I am an appointed member of the **Troy Downtown Development Authority** (2016 to present).
- I am active in my **Troy neighborhood association**, Buckingham Woods-Cedar Ridge.
- I represent The Kresge Foundation on the **advisory board of LearnPhilanthropy of the Johnson Center for Philanthropy at Grand Valley State University**. In this capacity, I use my communications and knowledge management skills to expand the reach of learning resources for the sector. I look forward to applying my communications and knowledge management abilities to the work of the Troy City Council.
- I am an Associate Member of the **Urban Land Institute** (2016 to present).
- I served as an adjunct professor, teaching a course on performance evaluation as a part of **Oakland University's Nonprofit Management Certificate Program** (2016-2019). I welcome the opportunity to apply my evaluation background to decision-making on Troy City Council, where impact and evidence-based decision-making is important.
- **Member of Leadership Oakland Class XXIX**, a program for regional leaders that focuses on creating awareness of key issues affecting Oakland County and the entire metro Detroit region.

**Educational Background:** I hold a Ph.D. in economic anthropology from the London School of Economics. As a U.S. Marshall Scholar to Great Britain, I earned a master of arts from University College London and a master of science from the London School of Economics. I received a bachelor of arts in international relations and American politics from Wheaton College in Norton, Massachusetts. These educational pursuits have equipped me with understanding bottom-up and top-down elements important to socio-economic development and political decision-making in the United States and around the world.

---

**References (Please list name and address):**

- (1) Rip Rapson, President and CEO, The Kresge Foundation: [REDACTED]
- (2) Rev. Canon Dr. William J. Danaher, Jr., Rector, Christ Church, Cranbrook, [REDACTED]
- (3) Aly Rahim, Practice Manager, World Bank, [REDACTED]

**Indicate reasons for desiring to serve:** After working for more than a decade on socio-economic development in the United States and overseas, I want to contribute my hands-on experience with strategy and planning, ~~citizen engagement and good governance in the service of the City of Troy.~~ Using my skills, I want to be a part of a city council committed to social accountability and to funding services, such as the Troy Public Library, to advance Troy's social and economic wellbeing for all residents. Joining Troy City Council now, as it heads into budget season, is a special opportunity to leverage and apply my exposure to municipal finance gained at Kresge. It also continues to be an important time to re-imagine how Troy's civic commons can enhance social cohesion, inclusion and socio-economic development in the city. My own daily work and projects at The Kresge Foundation are committed to the belief that our public assets can boost social cohesion and development across socio-economic and cultural lines. Serving on the Troy City Council would be an extension of what I am already committed to in my everyday work. This public service opportunity also connects well with my Michigan upbringing, having been exposed at a young age to city council and municipal governance through my father's longtime service on city council, zoning board and planning commission. This Troy City Council position is the perfect opportunity to utilize my past and present experiences to help bring ongoing prosperity to all residents in Troy.

Applicant's Signature: \_\_\_\_\_

*[Handwritten Signature]*

**FOR OFFICE USE ONLY**

Received by: Cheryl A. Stewart

Date: February 7, 2020

☒ Confirmed voter status

☒ Confirmed current *Full Disclosure Statement* on file

☒ Confirmed compliance with applicable federal, state and local statutes

Confirmed by: \_\_\_\_\_

*[Handwritten Signature: Cheryl A. Stewart]*



CITY OF TROY | CITY CLERK'S OFFICE | 500 WEST BIG BEAVER | TROY, MI 48084  
248-524-3316 | FAX: 248-524-1770 | E-MAIL: [CLERK@TROYSMI.GOV](mailto:CLERK@TROYSMI.GOV)

## Application for City Council Appointment

**APPLICATIONS DUE TO THE CITY CLERK BY FEBRUARY 7, 2020 at NOON**

**~~PUBLIC INTERVIEWS TO BE HELD ON FEBRUARY 24, 2020 at 7:30 PM~~**

☐ Check box to keep application confidential

20 FEB 7 AM 9:09

Thank you for your interest in serving on City Council. The purpose of this form is to provide the Mayor and City Council with basic information about applicants considered for appointment.

(PLEASE PRINT OR TYPE)

Date: Feb 7, 2020

Name: Mahendra Kenkre

Phone: [REDACTED]

Address: [REDACTED]

City/Zip Troy, 48098

Employer: General Motors Retiree

Phone: [REDACTED]

Address: [REDACTED]

City/Zip Warren, 48090

E-Mail: [REDACTED]

How long have you lived continuously in the City of Troy? 19 years

Are you a registered voter in the City of Troy?

Yes ☒ No ☐

(Verified by Clerk's Office)

Are you affiliated with any political party?

Yes ☒ No ☐

Are you a graduate of Troy's Citizen Academy?

Yes ☐ No ☒

Are you related to an elected official or employee of the City of Troy?

Yes ☐ No ☒

Insert your relationship to elected official or employee of the City of Troy:

Have you ever been convicted for anything other than a minor traffic violation?

Yes ☐ No ☒

City Administration utilizes electronic methods to disseminate information for meetings. Are you able to take advantage of electronic documents (email, Internet access, home computer)?

Yes ☒ No ☐

### Professional Qualifications and/or Work Experience:

Retired after a professional career at General Motors in Engineering and Purchasing. Designed electrical systems for Buick, Cadillac, & electric/hybrid vehicles, working from concept to production to meet customer expectations and budget. Led cross-functional teams. Audited supplier plants & collaborated to improve cost efficiency. Have three patents & Boss Kettering Award (highest award in Engr).

### Community Activities and/or Other Experience:

Elected to three year term on Board of Trustees of Bharatiya Temple. I regularly listened to the aspirations and concerns of members of the congregation and acted upon them. I created a finance plan for the repayment of the Temple expansion construction loan.

As Chair of the Long-Range Planning Committee, I led the team in initiating and completing several projects by inviting bids, selecting contractors & supervising, e.g. resurfacing 70,000 sq. ft parking lot, building a meditation center, and installing an outdoor 30 ft tower.

**Educational Background:**

Master's in Mechanical Engineering, University of Maine

Master's in Computer Science, University of Louisiana

Master of Business Administration, Indiana University

**References (Please list name and address):**

Sadek Rahman (member of Troy Planning Commission & Zoning Board)

Steve Sadler (retired Troy School Teacher)

Anita Rajpal (Vice-President, Friends of Asian Arts and Culture Auxilliary at DIA)

Carlos Alberto Aguirre (Director of Information Systems, Meritor)

**Indicate reasons for desiring to serve:**

I am married with 2 kids who grew up in the Troy School District. A big part of our family values is volunteering and community service. With my primary responsibilities to the household, I had limited my involvement to kids' activities and place of worship, while my wife, Shama, has been involved in TFEE, Troy Community Coalition and other organizations. But with my recent retirement, I am able to dedicate time and engage more in community affairs. I feel I can contribute towards addressing community issues with the skills and competencies I have aquired over the years to make the City of Troy an even better place to live.

Applicant's Signature: \_\_\_\_\_

*Nemke*

**FOR OFFICE USE ONLY**

Received by: \_\_\_\_\_

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

☒ Confirmed voter status

☒ Confirmed current *Full Disclosure Statement* on file

☒ Confirmed compliance with applicable federal, state and local statutes.

Confirmed by: \_\_\_\_\_

*Cheryl Stewart*



TROY |

BIG BEAVER | TROY, MI 48084

248-524-3316 | FAX: 248-524-1770 | E-MAIL: [CLERK@TROYMI.GOV](mailto:CLERK@TROYMI.GOV)

## Application for City Council Appointment

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**PUBLIC INTERVIEWS TO BE HELD ON FEBRUARY 24, 2020 at 7:30 PM**

☐ Check box to keep application confidential

Thank you for your interest in serving on City Council. The purpose of this form is to provide the Mayor and City Council with basic information about applicants considered for appointment.

(PLEASE PRINT OR TYPE)

Date: Feb 6, 2020

Name: Sunilkumar Sivaraman

Phone: [REDACTED]

Address: [REDACTED]

City/Zip Troy 48084

Employer: Ford Motor Company

Phone: [REDACTED]

Address: [REDACTED]

City/Zip Dearborn 48126

E-Mail: [REDACTED]

How long have you lived continuously in the City of Troy? 14

Are you a registered voter in the City of Troy?

Yes ☒ No ☐

(Verified by Clerk's Office)

Are you affiliated with any political party?

Yes ☐ No ☒

Are you a graduate of Troy's Citizen Academy?

Yes ☐ No ☒

Are you related to an elected official or employee of the City of Troy?

Yes ☐ No ☒

Insert your relationship to elected official or employee of the City of Troy:

Have you ever been convicted for anything other than a minor traffic violation?

Yes ☐ No ☒

City Administration utilizes electronic methods to disseminate information for meetings. Are you able to take advantage of electronic documents (email, Internet access, home computer)?

Yes ☒ No ☐

### Professional Qualifications and/or Work Experience:

I am Computer Engineer by profession, currently working as an Information Technology manager at Ford Motor Credit.

I will bring 25 years of experience in Global Information Technology, People and System Management to Troy City Government

I am also a Certified Information Security professional who knows how to read between the lines and the value of ethics.

### Community Activities and/or Other Experience:

City of Troy's Traffic Committee and Financial Ideas Team 2017- Present,

Troy Youth Assistance Board Member, Chair of Mentoring Sub Committee, 2017 - Present

Trustee of the Troy Historic Village 2017 - Present , Member Friends of Troy Seniors 2016- Present

Troy School district Facilities board member 2015-2016

'20 FEB 6 PM 2:43

Educational Background:

Bachelor's in Computer Science and Engineering

Master's in Computer Science (Thesis pending)

References (Please list name and address):

Former Mayor & City Council Jeanne Stine,

Former Troy School Principal & Firefighter Gary Wood,

Pastor Mark Coffman, Evanswood Church,

Indicate reasons for desiring to serve:

I truly believe that I represent the Diverse Community of Troy and want to be the independent Voice. I am against overbuilding of Troy and am passionate about Protecting the Green Space. I will support our amazing Police and Fire Department. My end goal is to provide Troy a Clean, Transparent and Efficient government. I am parent who is an active participant of Troy Schools related activities. I promise a nonpartisan review of the facts of each situation, evaluate them, seek to understand the reading between the lines and come up with the best possible solution. Please see attached.

Applicant's Signature:



Feb 6, 2020

**FOR OFFICE USE ONLY**

Received by:

Cheryl A. Stewart

Date:

February 6, 2020

☒ Confirmed voter status

☒ Confirmed current *Full Disclosure Statement* on file

☒ Confirmed compliance with applicable federal, state and local statutes

Confirmed by:





500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM

Date: February 18, 2020

To: Honorable Mayor and Troy City Council Members

From: Mark F. Miller, City Manager  
Lori Grigg Bluhm, City Attorney  
Robert Maleszyk, Chief Financial Officer  
Jeanette Menig, Human Resources Director  
David Roberts, Fire Chief

Subject: Changes to Volunteer Firefighters Incentive Program

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### **History**

Prior to 2016, the Troy City Council passed resolutions, setting an annual amount that would be multiplied by years of service as a deferred incentive plan for City of Troy volunteer firefighters. In 2016, based on requests from the volunteer firefighters, City Council approved a Trust and an Incentive Plan which, upon information and belief, is unique and similar plans and amounts are not used in any other volunteer or paid-on-call fire department. However, the City of Troy wanted to demonstrate its appreciation for the dedication and commitment of our volunteer firefighters, and provided very generous benefits.

The trust and plan are based on Section 115 of the Internal Revenue Code, and patterned after the City's Retiree Health Care Trust. With a trust, the amounts set aside in the trust can only be used to pay the length of service benefits, in accordance with the incentive plan, which provided greater protection. Additionally, investment income could be realized through a trust.

Due to the unique nature of Troy's proposed volunteer firefighter trust and incentive plan, the City sought guidance from the Internal Revenue Service before approving the documents. This plan provides significantly greater benefits than the IRS provision that expressly allows for up to \$6,000 in deferred compensation for volunteer firefighters under Section 457 (e )(110), which is adjusted by the CPI increases. In order to comply with the IRS regulations, there must be a "risk of forfeiture." This is why the trust was drafted to provide ONLY the Troy City Council with the option of amending or terminating the Trust and/or the Plan (Section 1:107). As authorized under the Code, the Troy City Council has the ability, but not the responsibility, to increase or decrease the annual amounts for the length of service plan.

When the Trust and Plan were adopted in 2016, the Troy City Council increased the annual amounts through a resolution that provided increases through July 1, 2018. Although the volunteer firefighters requested an increase effective as of July 1, 2019, this was unavoidably temporarily put on hold. To avoid this situation in the future, the proposed Amended Plan automatically incorporates an annual CPI increase for the plan, and City Council asked that this be retroactive to July 1, 2019.



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## **CITY COUNCIL AGENDA ITEM**

City Administration has met with representatives from each of the fire stations, worked to understand their interests, and obtained their recommendation for financial increases to the benefit, which included more than a CPI increase. Upon information and belief, the volunteer firefighters have also met with individual City Council members, requesting greater annual increases than the CPI increase. Upon information and belief, the volunteer firefighters are relying on financial projections that they proposed in 2016. These proposed increases were not vetted by City Administration or City Council, however.

Of course, City Council retains the authority to amend the Incentive Plan for Volunteer Firefighters, and could increase the annual amounts above CPI increases. City Administration has not requested our actuaries perform any additional work, since there is a cost for this additional work, and City Administration feels very strongly that the Incentive Plan should be approved as proposed. It should also be noted that the proposed Amended Plan includes an additional incentive for those members serving as station officers; provides credit for partial months served; adds an option for surviving spouses to receive incentive benefits; and clarifies some of the language.

### **Financial**

City Administration is concerned that a commitment to increases greater than the CPI, as requested by the volunteer firefighters, could result in a significant financial hardship, especially since the City's income is essentially tied to the CPI. City Administration is charged with presenting a proposed budget for Troy City Council consideration. The CPI increases that are incorporated into the Amended Plan are already expected to cost approximately \$415,000, thereby increasing the Fire Department's operating budget by 7.5%, and will reduce the funded ratio of the Plan from 54.5 % funded to 48.3%. Any increase over and above this amount will also shift the funded ratio, and must also be balanced against other City needs, such as additional employees to provide desired City services or desired capital expenditures. Additionally, City Administration is concerned about providing bargaining powers to the volunteer firefighters, and/or removing the status as a "volunteer" as a result of the amounts paid through this plan and also provided to each station.

### **Recommendation**

Approval of the Amended Plan, as proposed by City Administration for City Council action, expresses appreciation for the dedication and commitment of our firefighters and addresses their concerns, while being fiscally responsible.

City Administration recommends approval of the attached Amended City of Troy Incentive Plan For Volunteer Firefighters.

# **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:** \_\_\_\_\_

Pastor Stephen Husava from Northfield Hills Baptist Church performed the Invocation. The Pledge of Allegiance to the Flag was given.

## A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on Monday, February 10, 2020, at City Hall, 500 W. Big Beaver Rd. Mayor Baker called the meeting to order at 7:30 PM.

## B. ROLL CALL:

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

## 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*)

The Mayor opened the Public Hearing.

The Mayor closed the Public Hearing after receiving Public Comment from

Eileen Roys	Opposed to the two-story building and ingress/egress on DeEtta
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Resolution #2020-02-033

Moved by Hamilton

Seconded by Erickson Gault

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: All-6  
No: None

## MOTION CARRIED

**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)**

The Mayor opened the Public Hearing.

The Mayor closed the Public Hearing after receiving Public Comment from

Don Tarr	Opposed to the rezoning
Matt Mikiczenko	Opposed to the rezoning
Michael Donahue	Opposed to the rezoning
Marcia Bossenberger	Opposed to the rezoning
April Orselli	Opposed to the rezoning
David Orselli	Opposed to the rezoning
Pierre Harik	Opposed to the rezoning
Linda Swenson	Opposed to the rezoning
Bruce Bloomingdale	Opposed to the rezoning

Resolution #2020-02-034

Moved by Erickson Gault

Seconded by Abraham

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: None  
No: All-6

## MOTION FAILED

Resolution #2020-02-035

Moved by Baker

Seconded by Hamilton

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 **DENIED**.

Yes: All-6

No: None

#### **MOTION CARRIED**

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

Aaron Green	Commented on Item J-5, consider what's best for society when deciding how to invest
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#### **G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

Mayor Pro Tem Hamilton	Commented that he is on the Retirement Board and will look into Mr. Green's suggestion
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#### **H. POSTPONED ITEMS:**

**H-1** No Postponed Items

#### **I. REGULAR BUSINESS:**

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

a) Mayoral Appointments: None

b) City Council Appointments:

Resolution #2020-02-036

Moved by Hamilton

Seconded by Abraham

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: All-6

No: None

**MOTION CARRIED****I-2 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – None****a) Mayoral Nominations: None****b) City Council Nominations: None****I-3 Request for Closed Session**

Resolution #2020-02-037

Moved by Erickson Gault

Seconded by Hodorek

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: All-6

No: None

**MOTION CARRIED****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: Brian Goul, Assistant Recreation Director*)**

Resolution #2020-02-038

Moved by Brooks

Seconded by Hamilton

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: All-6

No: None

## MOTION CARRIED

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

Resolution #2020-02-039

Moved by Abraham

Seconded by Hodorek

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: All-6

No: None

## MOTION CARRIED

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

The following candidates were invited by City Council for interviews during the Regular City Council Meeting of February 24, 2020:

Daniel Agauas  
David Anderson  
Rebecca Chamberlain-Creanga  
Mahendra Kenkre  
Sunilkumar Sivaraman

## **J. CONSENT AGENDA:**

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

Resolution #2020-02-040-J-1a

Moved by Abraham

Seconded by Hamilton

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

Yes: All-6  
No: None

## **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 #2020-02-040-J-2

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**

Resolution #2020-02-040-J-4a

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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Resolution #2020-02-040-J-5

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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Resolution #2020-02-040-J-6

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**

Resolution #2020-02-040-J-7

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**

Resolution #2020-02-040-J-8

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:**

Marv Reinhardt	Spoke about various topics
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**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 Council Comments**

Council Member Erickson Gault reminded everyone that this week is Charity Week at Troy Athens High School. This week, Athens High School is raising money for Elli's House. She encouraged everyone to donate and attend the many events this week.

Council Member Abraham commented that City Council and the Planning Commission had a joint session last week. She encouraged everyone to watch the video of the meeting, especially residents who have concerns about development in Troy. She thanked City Administration for leading that session and planning the discussion.

Mayor Pro Tem Hamilton commented that this Wednesday, February 12, is the State of the County address. He encouraged everyone to watch the address online.

Council Member Brooks commented that in honor of Black History Month, the Troy Public Library has displays of books for all ages to learn about the many American heroes.

Council Member Brooks announced that the Economic Development Department will be conducting a series of small business workshops at the Troy Public Library starting February 11, 2020. A list of upcoming workshops and topics are available on the City website.

Council Member Brooks commented on the coronavirus, and she reassured the public that the United States has protocols in place and is prepared for an emergency biologic outbreak. She commented that the flu is more of a concern than coronavirus in the United States.

Mayor Baker commented that this Thursday is the Strategy Session for City Council and City Administration. He encouraged residents to send Council or City Administration their ideas.

Mayor Baker commented that the interviews for the Council Member appointment will be conducted at the Regular City Council Meeting on February 24, 2020. He said that each member of City Council will ask one question to each candidate, and the questions will be the same for all candidates.

## **P. REPORTS:**

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### **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

Noted and Filed

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### **P-2 Department Reports:**

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

Noted and Filed

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### **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 10:12 PM.

The Meeting **RECONVENED** at 10:26 PM.

## **Q. CLOSED SESSION**

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### **Q-1 Closed Session**

## **R. ADJOURNMENT:**

The Meeting **ADJOURNED** at 10:52 PM.

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Mayor Ethan Baker

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M. Aileen Dickson, MMC  
City Clerk

**A. CALL TO ORDER:**

A Special Meeting of the Troy City Council was held on Thursday, February 13, 2020, at the Troy Community Center, 3179 Livernois Rd., Troy, MI 48083. 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

**C. PUBLIC COMMENT:**

Susanne Forbes-Dicker	Commented on the positivity of this session
Bruce Bloomingdale	Commented on the direction of the City

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

**D-1 Strategic Planning Discussion**

**E. OTHER BUSINESS:**

**E. ADJOURNMENT:**

The Meeting **ADJOURNED** at 8:36 PM.

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

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



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

J-04a

## CITY COUNCIL AGENDA ITEM

Date: February 14, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
Robert C. Maleszyk, Chief Financial Officer  
Lisa Burnham, Accounting Manager  
Kurt Bovensiep, Public Works Director  
Brian D. Varney, Fleet Operations Manager  
MaryBeth Murz, Purchasing Manager

Subject: Standard Purchasing Resolution 4: Award – Oakland County Cooperative Purchasing Agreement – Fleet Vehicles

---

### History

- On July 22, 2019 City Council approved the purchase of two (2) Dodge Charger Police Vehicles; (Resolution #2019-07-083-J-4a).
- Dodge has been experiencing production issues and will not be able to fill the order this fiscal year, therefore the vehicle order has been cancelled and purchase orders have been closed.
- The two (2) vehicles being purchased are replacement vehicles for the Police Department.
- The two (2) obsolete vehicles will be removed from service and sold at auction with estimated proceeds of \$9,000.00.
- This purchase replaces existing vehicles and does not increase the size of the existing Department of Public Works motor pool fleet.

### Purchasing

- The current automotive market offers very limited choices that meet the requirements of the City's Police Department.
- As mentioned above Chrysler is experiencing production issues for the Dodge Chargers.
- The current Ford Explorer; has limited room in the vehicle which would consequently force PD staff to prioritize what equipment could be stored in the CPV (Command Patrol Vehicle).
- Equipment needs to be easily accessible for distribution to officers during critical incidents.
- Some of this equipment is bulky and rigid, making storage a challenge in a tight space.
  - This limited space dictates the placement of gear by fit and not by priority.
  - Some equipment is subject to damage due to limited storage space.
  - The storage of that equipment should not compromise driver visibility.
- In the event the equipment needs to be delivered to an area without improved roadways (along the side of a building for example), four wheel drive and higher clearance is preferred.
- A larger vehicle with more storage space would allow the PD to have all the necessary gear on hand and easily accessible when needed.
- Larger vehicles afford more room when the CPV is utilized as a command post during an active critical incident.
- So therefore the Chevrolet Tahoe model is being recommended.



500 West Big Beaver  
Troy, MI 48084  
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## CITY COUNCIL AGENDA ITEM

### Purchasing (continued)

- *Berger Chevrolet of Grand Rapids, Michigan* is the low total bidder in the Oakland County Cooperative Bid. The Oakland County Contract ID #005218 pricing is valid thru September 30, 2020 on selected Chevrolet Tahoe vehicles.
- On February 10, 2014 City Council authorized departments to utilize sites such as GovDeals.com to dispose of city owned surplus items (Resolution# 2014-02-017-J-4a). Therefore note that the city will utilize and market the two (2) obsolete vehicles on GovDeals.com site for optimal trade-in value.

### Financial

- Funding is available in the Public Works Fleet Division Capital Account 661.549.565.7981.
- Total available budget \$54,505.00 in project # 2020C0081
- Total available budget \$26,508.00 in project # 2020C0091

	<u>Unit Cost</u>	<u>Estimated Total</u>
(2) 2019 Chevrolet Tahoe	\$ 37,356.00	\$ 74,712.00

### Recommendation

City management requests authorization to purchase two (2) 2019 Chevrolet Tahoe vehicles from *Berger Chevrolet of Grand Rapids, Michigan* as per the Oakland County Cooperative Contract Bid(s) for the Police Department for an estimated total cost of \$ 74,712.00.



*Not actual vehicle*



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## CITY COUNCIL AGENDA ITEM

Date: 2/17/20

To: Mark F. Miller, City Manager

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

Subject: Private Agreement – Contract for Installation of Municipal Improvements  
Starbucks Restaurant with Drive-Through - Project No. 19.921.3

### History

Troy Sports Center, LLC proposes to develop Starbucks Restaurant with Drive Through which is located at the NW Corner of John R and E. Big Beaver Roads.

Troy Planning Commission granted Special Use and Preliminary Site Plan Approval on July 9<sup>th</sup>, 2019.

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

### Financial

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

### Recommendation

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

# City Of Troy

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

Project No.: **19.921.3**

Project Location: **SE 1/4 Section 23**

Resolution No:

Date of Council Approval:

This Contract, made and entered into this **17th** day of **February, 2020** by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and **Troy Sports Center, LLC** whose address is **1819 E. Big Beaver Road, Troy, MI 48084** and whose telephone number is **248-709-4001** hereinafter referred to as "Owners", provides as follows:

**FIRST:** That the City agrees to permit the installation of **Water Main, Sanitary Sewer, Storm Sewer, and Concrete Sidewalk** in accordance with plans prepared by **Designhaus** whose address is **301 Walnut Blvd., Rochester, MI 48307** and whose telephone number is **248-601-4422** and approved prior to construction by the City in accordance with City of Troy specifications.

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

Refundable escrow deposit equal to the estimated construction cost of \$ **96,656.00**. This amount will be deposited with the City in the form of (check one):

Cash/Check



Certificate of Deposit & 10% Cash



Irrevocable Bank Letter of Credit & 10% Cash



Performance Bond & 10% Cash



10% Cash

Refundable cash deposit in the amount of \$ **33,665.00**. This amount will be deposited with the City in the form of (check one):

Cash



Check



Non-refundable cash fees in the amount of \$ **650.00**. This amount will be paid to the City in the form of (check one):

Cash



Check



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

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

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

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

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

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

**IN WITNESS WHEREOF**, the parties hereto have caused this agreement to be executed in duplicate on this 4th day of February, 2020.

**OWNERS**

By:

  
\_\_\_\_\_  
Dennis K Bostick

\*

Its: Managing Member

Please Print or Type

\*

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

Please Print or Type

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 4th day of February, A.D. 2020, before me personally appeared Dennis K Bostick known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

  
\_\_\_\_\_

NOTARY PUBLIC, Macomb, Michigan

My commission expires: March 10, 2021

Acting in Macomb County, Michigan

**EWA LEAHY**  
NOTARY PUBLIC, MACOMB COUNTY, MI  
MY COMMISSION EXPIRES MARCH 10, 2021

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

CITY OF TROY

By:

\_\_\_\_\_

Ethan Baker, Mayor

\_\_\_\_\_

M. Aileen Dickson, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

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

\_\_\_\_\_

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

My commission expires: \_\_\_\_\_

Acting in \_\_\_\_\_ County, Michigan



500 W Big Beaver Rd  
Troy, MI 48084

# Invoice For Permit PPC19.921.3

Date: 01/10/2020

TROY SPORTS CENTER - STARBUCKS

Pay In Full

**\$ 130,971.00**

## Detailed Summary of Required Deposits & Fees

ESCROW DEPOSITS	Payment Code	QTY	Amount
Sanitary Sewers	PA ESCROW	31,760.00	31,760.00
Water Mains	PA ESCROW	30,740.00	30,740.00
Storm Sewers	PA ESCROW	34,156.00	34,156.00
<b>Total Escrow Deposits</b>			<b>96,656.00</b>

**10% Cash for Escrow Deposits (Refundable): 9,665.60**

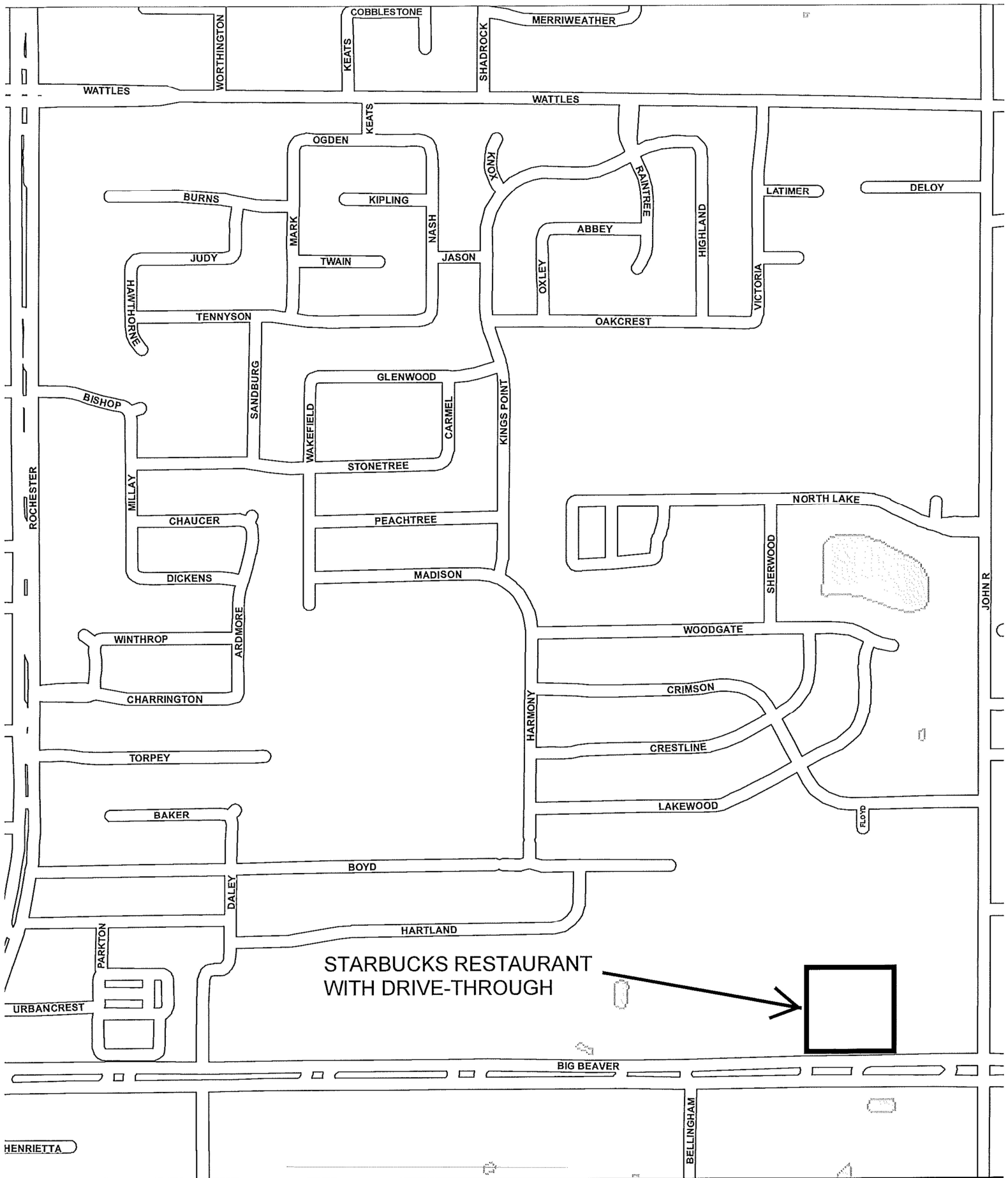
CASH FEES (NON-REFUNDABLE)	Payment Code	QTY	Amount
Water Main Testing/Chlorination PA2	SUB WATER TEST	267.00	650.00
<b>Total Cash Fees (Non-Refundable)</b>			<b>650.00</b>

CASH DEPOSITS (REFUNDABLE)	Payment Code	QTY	Amount
Construction Engineering (CE)	ENG BOND	96,656.00	15,000.00
ROW Restoration	SUB ESCROW	1,000.00	4,000.00
Repair & Maintenance-Public Streets	SUB ESCROW	1.00	5,000.00
Punchlist & Restoration	SUB ESCROW	96,656.00	9,665.00
<b>Total Cash Deposits (Refundable)</b>			<b>33,665.00</b>

Bond Holder: TROY SPORTS CENTER LLC

Stormwater detention for this development will be provided by: OFF-SITE PRIVATE DETENTION POND

**PAID**  
**FEB 05 2020**  
CITY OF TROY  
TREASURER'S OFFICE





500 West Big Beaver  
Troy, MI 48084  
troymi.gov

J-06

## CITY COUNCIL AGENDA ITEM

Date: February 17, 2020

To: Honorable Mayor and Members of the Troy City Council

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

Subject: Open Space Preservation Easement for Chadbury Place

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City Council approved a 16 unit cluster development proposed by Mondrian Properties, LLC at its May 20, 2019 Regular Meeting. As part of the approval process, the project, located south of Long Lake, between John R and Dequindre is zoned R-1B, one family residential. Under the City's Zoning Ordinance, a developer who chooses to use the Cluster Option must set aside dedicated open space through an irrevocable conveyance. (Troy Zoning Ordinance 10.04.D.7). As the development project nears completion, approval of the attached document must be accomplished so that it can be recorded with the Oakland County Register of Deeds and Certificates of Occupancy may be issued to new homeowners.

The City's Zoning Ordinance provides that the irrevocable conveyance must be perpetually maintained by the parties that have an ownership interest in the open space. It further provides that if the owners fail to maintain it such that it becomes a public nuisance, then the City may undertake maintenance and annually assess costs. Finally, the open space must forever remain open space as approved on the Final Site Plan, however, accessory structures are permitted as long as they do not exceed one percent (1%) of the open space area. The Zoning Ordinance also specifically requires that the conveyance shall prohibit dumping or storing of material or refuse, activity that causes soil erosion, cutting live plant material except for dying or diseased vegetation, and the use of motorized vehicles.

### **Recommendation**

The City Attorney's office has reviewed the attached Open Space Preservation Easement and recommends approval of the Open Space Preservation Easement for Chadbury Place Site Condominiums.

Attachments:  
City Council Minutes May 20, 2019  
Open Space Preservation Easement

## **DECLARATION OF OPEN SPACE PRESERVATION EASEMENT**

THIS DECLARATION OF OPEN SPACE PRESERVATION EASEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between Mondrian Properties, LLC, a Michigan limited liability company, whose address is 50215 Schoenherr, Shelby Township, Michigan 48315, (hereinafter the "Declarant").

### **RECITALS**

A. Declarant owns a certain parcel of land situated in the City of Troy, Oakland County, Michigan, more particularly described in Exhibit A, attached hereto and made a part hereof (the "Property"). Declarant is developing a single family residential site condominium project known as Chadbury Place using the One-Family Cluster Option pursuant to Troy's Zoning Ordinance, Chapter 39, Section 10.04 which requires that certain portions of the Property be permanently preserved and protected as open space areas. Declarant desires to declare such an easement in order to preserve the required open space areas.

B. The designated open space areas (hereinafter the "Easement Areas") situated on the Property are more particularly described on Exhibit B, attached hereto and made a part hereof, the second page of which contains a drawing depicting the Easement Areas.

C. The designated Easement Areas fulfill the open space benefit consistent with Chapter 39, Section 10.04(D)(4)(a) of the City's Zoning Ordinance for the following reason:

a. Significant Natural Features. Preservation of significant natural features contained on the site, including preserving the existing trees by providing a buffer along Long Lake Road, and the adjoining developments to the south and the west of the

property. Also, the common area will be enhanced with landscaping and berms to create natural features buffer.

THEREFORE, Declarant hereby reserves, conveys and declares the following perpetual Open Space Preservation Easement, which shall be binding upon the Declarant, and its respective heirs, successors, assigns and/or transferees and shall be for the benefit of the City, and purchasers of the Property and their respective heirs, successors, assigns and/or transferees.

1. The purpose of this Open Space Preservation Easement is to establish and preserve a perpetual, non-exclusive easement over, under, and on the Easement Areas as identified and depicted in the site plan approved by the City of Troy and as areas that qualify as “open space” in accordance with Chapter 39, Section 10.04(D) of the One-Family Cluster Option. The designated Easement Areas shall be perpetually preserved as open space, and uses of the open space are limited to parks, playgrounds, fields, walking trails, nature areas and other approved uses as permitted in accordance with the One-Family Cluster Option.

2. The following uses and activities are expressly prohibited in the Easement Areas;

- a. dumping or storing any material or refuse,
- b. any activity that may cause risk of soil erosion or threaten any living plant material,
- c. cutting or removing live plant material except for the removal of dying or diseased vegetation,
- d. using motorized off-road vehicles,

3. The dedicated open space shall be perpetually maintained by any party or parties that have an ownership interest in the open space. Initially, the responsible party shall be Declarant who shall be responsible for maintenance of the open space until the Declarant assigns such responsibilities to an association of co-owners (the “Condominium Association” or the “Association”) at which time the Association shall be

responsible for maintenance of the open space. The Easement Areas shall be maintained and repaired in the condition required by the final approved site plan, including but not limited to maintenance of landscaped areas and amenities, if any, therein. Once the master deed for the condominium project is recorded and the Association of co-owners is incorporated to own and operate the condominium project including the dedicated Easement Areas, it shall also be the association's responsibility to maintain and repair the Easement Areas.

4. This Open Space Preservation Easement does not grant or convey to any member of the general public any right of ownership, possession or use of the Easement Area, except that, upon reasonable written notice to Declarant or successors, the City of Troy and its authorized employees and agents may enter upon and inspect the Easement Areas to determine whether the Easement Areas is being maintained in compliance with the terms of this Open Space Preservation Easement.

5. The Easement Areas consist mainly of lawn areas. The Easement Areas shall be carefully inspected on a weekly basis initially by the Declarant, and then by the successors in interest. The Declarant shall immediately remove any garbage and debris that is found in the Easement Areas, and after a transfer of property to an Association, this task shall be performed by the Declarant's successor. A professional landscaping company shall be hired to mow the lawn areas, and the lawn shall be maintained in accordance with all City Ordinances and shall be cut at a minimum on a weekly basis (or more often if necessary) during the appropriate seasons when the lawn will be growing.

6. In the event that the Declarant or the successor Association shall at any time fail to carry out the responsibilities specified within this Open Space Preservation Easement and/or fail to preserve and/or maintain the open space areas in reasonable order and condition such that it becomes a public nuisance, the City may serve written notice upon the responsible party, either the Declarant or the Association setting forth the deficiencies in maintenance and/or preservation. Notice shall also set forth a demand that the deficiencies be cured within a stated reasonable time period. If the identified deficiencies are not timely cured administratively, the City may issue citations for violation of any City Code. If the deficiency concerns any provision of this Open

Space Preservation Easement then, after a reasonable time allowed for curing any deficiencies, a hearing may be held before the City Council, or such other Council, body or official delegated by the City Council, for the purpose of allowing the responsible Declarant or Association to be heard as to why the City should not proceed with the maintenance and/or preservation which has not been undertaken. At the hearing, the time for curing the deficiencies and the hearing itself may be extended and/or continued to a date certain. If, following the hearing, the City Council or other body or official designated to conduct the hearing determines that maintenance and/or preservation have not been undertaken within the time specified in the notice, the City shall have the power and authority but not the obligation to enter upon the Property, or cause its agents or contractors to enter upon the Property and perform such maintenance and/or preservation as reasonably found by the City to be appropriate. The cost and expense of making and financing such maintenance and/or preservation including the cost of notices by the City and reasonable legal fees incurred by the City, plus an administrative fee in the amount of 25% of the total of all costs and expenses incurred, shall be paid by the responsible Declarant or Association, and such amount shall constitute a lien on an equal pro rata basis as to all of the units of the condominium within which the Easement Areas are located. In the event one or more of the affected Easement Areas are not located within a condominium, the lien shall be against the portion of the Property in which the Easement Area is located. The City may require the payment of such monies prior to the commencement of work. If Declarant or Association has not paid the billed costs and expenses within 30 days all unpaid amounts may be placed on the delinquent tax roll of the City, pro rata, as to each unit, and shall accrue interest and penalties, and shall be collected as, and shall be deemed delinquent real property taxes, according to the laws made and provided for the collection of delinquent real property taxes. In the discretion of the City, such costs and expenses may be collected by suit initiated against the responsible Declarant/Association, and, in such event, the responsible Declarant/Association shall pay all court costs and reasonable attorney fees incurred by the City in connection with such suit.

7. Except as provided below, this Declaration may not be amended or otherwise modified without prior approval of Troy City Council. This Declaration is an integral component of the City's approval of the site plan

and development of the Condominium Project. Accordingly, the City shall be deemed a third party beneficiary of this Declaration and the City (or other governmental entity succeeding to the authority of the City (e.g. if the City is annexed into or becomes part of a city)) shall have the right to enforce the covenants and restrictions set forth in this Declaration. For purposes of the foregoing, the developer of the Condominium Project (Declarant) shall be deemed to be the owner of the Condominium Project during the period such developer owns any portion of the Condominium Project (including units therein) and thereafter the Condominium Association shall be deemed to be the owner of the Condominium Project for purposes of this subparagraph, upon demonstration of the transfer of property. An amendment to this Declaration shall be effective upon the recordation of such amendment with the Oakland County, Michigan Register of Deeds.

8. This Open Space Preservation Easement has been made and given for a consideration of a value less than One Hundred (\$100.00) Dollars, and, accordingly, is (i) exempt from the State Transfer Tax, pursuant to MCL 207.526(6)(a); MSA 7.456(26)(2) and (ii) exempt from the County Transfer Tax, pursuant to MCL 207.505(a); MSA 7.456(5)(a).

9. This Open Space Preservation Easement shall be recorded with the Oakland County Register of Deeds. Mondrian Properties, LLC shall be responsible for recordation of this Easement including all costs and applicable fees.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

MONDRIAN PROPERTIES, LLC,  
a Michigan limited liability company

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

Notary Public  
Acting in \_\_\_\_\_ County, Michigan  
My Commission Expires: \_\_\_\_\_

Mark J. Abdo, Esq.  
12900 Hall Road, Suite 403  
Sterling Heights, Michigan 48313  
Office Telephone number: (586) 412-1900

---

**E-3 Preliminary Site Plan Review (File Number SP JPLN2018-0001 – Proposed Chadbury Place, South of Long Lake, Between John R and Dequindre (Parcel #88-20-13-127-020), Section 13, Currently Zoned R-1C (*Introduced by: Brent Savidant, Planning Director*)**

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

Resolution #2019-05-054

Moved by Baker

Seconded by Henderson

WHEREAS, The City is in receipt of a proposed preliminary site plan application for Chadbury Place, a 16-unit detached single family condominium cluster development; and,

WHEREAS, The base density base under the R-1C (One-Family Residential) District as determined by the submission of a parallel plan is 14 units; and,

WHEREAS, As per the cluster ordinance, the applicant is seeking 2 additional units above the base density by providing additional open space above the 20% minimum, for a total of 16 units; and,

WHEREAS, In exchange for 2 additional units the applicant is able to provide 24% open space; and,

WHEREAS, The proposed cluster development was recommended for approval by the Planning Commission by a 7-0 vote;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed Chadbury Place Site Condominium, 16-units/lots, located south of Long Lake between John R and Dequindre, Section 13, currently zoned R-1C (One Family Residential) District, subject to the following:

1. Approval of Declaration of Open Space Preservation Easement prior to Final Site Plan approval.

Yes: All-7

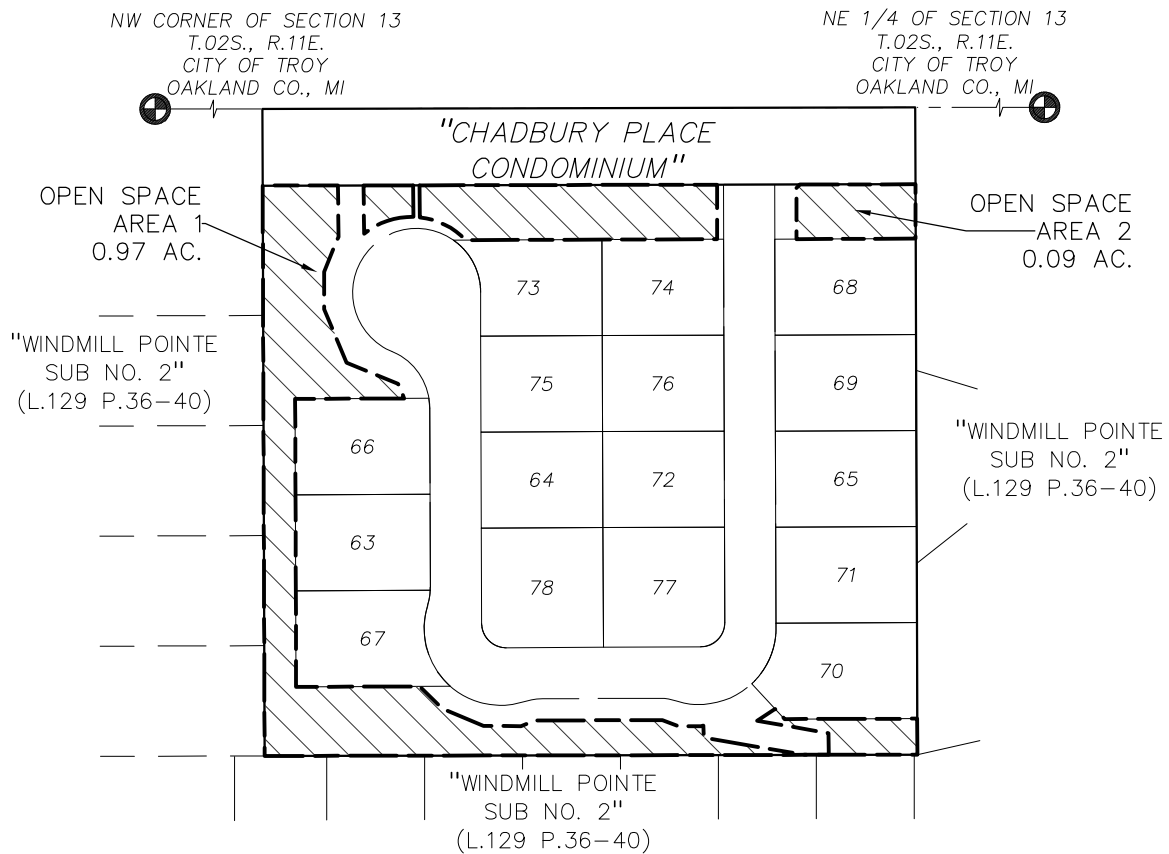
No: None

**MOTION CARRIED**

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

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

# EXHIBIT B SKETCH OF OPEN SPACE EASEMENT



## LEGAL DESCRIPTIONS

### LEGAL DESCRIPTION

(As Surveyed by PEA, Inc.)

#### PARCEL ID 20-13-127-020

Land in the City of Troy, Oakland County, Michigan, described as follows:

Part of the Northwest 1/4 of Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County Michigan, described as Commencing at the North 1/4 Corner of said Section 13, thence along the north line of said section S89°53'00"W, 493.35 feet, previously recorded as 492.80 feet; thence S00°11'12"E, 60.00 feet to the south line of East Long Lake Road (120 ft. wide) and the Point of Beginning; thence the following three courses along "Windmill Pointe Sub No. 2" as recorded in Liber 129, Page 36, Oakland County Records, S00°11'12"E, 445.60 feet and S89°53'00"W, 510.00 feet and N00°11'12"W, 445.60 feet to the aforementioned south line the East Long Lake Road; thence along said south line, N89°53'00"E, 510.00 to the Point of Beginning. Containing 5.217 acres of land more or less.

### LEGAL DESCRIPTION

(per PEA, Inc.)

#### OPEN SPACE EASEMENT "A"

An open space easement over part of the Northwest 1/4 of Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County Michigan, said easement being more particularly described as: Commencing at the North 1/4 Corner of said Section 13; thence along the north line of said section S89°53'00"W, 493.35 feet; thence S00°11'12"E, 60.00 feet to the south line of East Long Lake Road (120 ft. wide) to the POINT OF BEGINNING; thence along "Windmill Pointe Sub No. 2" as recorded in Liber 129, Page 36, Oakland County Records, S00°11'12"E, 42.50 feet; thence S89°48'48"W, 87.00 feet; thence N00°11'12"W, 42.61 feet to the aforementioned south line of East Long Lake Road; thence along the said south line, N89°53'00"E, 87.00 feet to the POINT OF BEGINNING.

#### OPEN SPACE EASEMENT "B"

An open space easement over part of the Northwest 1/4 of Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County Michigan, said easement being more particularly described as: Commencing at the North 1/4 Corner of said Section 13; thence along the north line of said section S89°53'00"W, 493.35 feet; thence S00°11'12"E, 60.00 feet to the south line of East Long Lake Road (120 ft. wide);

thence along said south line, S89°53'00"W, 165.00 feet to the POINT OF BEGINNING;

thence S00°11'12"E, 42.68 feet;

thence S89°48'48"W, 174.36 feet;

thence C1) 107.72 feet along an arc of a curve to the left, having a radius of 65.00 feet and a chord that bears N86°29'12"W, 95.81 feet;

thence S84°07'48"W, 12.05 feet;

thence C2) 135.03 feet along an arc of a curve to the left, having a radius of 73.00 feet and a chord that bears S14°22'49"E, 116.59 feet;

thence C3) 21.68 feet along an arc of a curve to the right, have a radius of 25.00 feet and a chord that bears S42°31'50"E, 21.01 feet;

thence S89°48'48"W, 80.95 feet;

thence S00°11'12"E, 225.00 feet;

thence N89°48'48"E, 90.44 feet;

thence C4) 108.38 feet along an arc of a curve to the left, having a radius of 83.00 feet and a chord that bears S70°26'25"E, 100.85 feet;

thence C5) 7.71 feet along an arc of a curve to the right, having a radius of 25.00 feet and a chord that bears N80°58'54"E, 7.68 feet;

thence N89°48'48"E, 90.02 feet;

thence C6) 7.57 feet along an arc of a curve to the right, having a radius of 25.00 feet and a chord that bears S81°30'41"E, 7.54 feet;

thence C7) 87.25 feet along an arc of a curve to the left, having a radius of 83.00 feet and a chord that bears N77°03'02"E, 83.28 feet;

thence S43°03'46"E, 14.77 feet;

thence N89°48'48"E, 103.48 feet;

thence the following three courses along "Windmill Pointe Sub No. 2" as recorded in Liber 129, Page 36, Oakland County Records, S00°11'12"E, 28.10 feet and S89°53'00"W, 510.00 feet and N00°11'12"W, 445.60 feet to the aforementioned south line of East Long Lake Road; thence along said south line, N89°53'00"E, 345.00 feet to the POINT OF BEGINNING.

CLIENT:

MONDRIAN PROPERTIES  
50215 SCHOENHERR  
SHELBY TWP, MI 48315

SCALE: 1" = 80'

JOB No: 2018237

DATE: 2-7-20

DWG. No: 2 of 2



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J-07

## CITY COUNCIL AGENDA ITEM

Date: February 17, 2020

To: Honorable Mayor and Members of the Troy City Council

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

Subject: Open Space Preservation Easement for West Troy Meadows

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City Council approved a 35 unit cluster development proposed by Mondrian Properties, LLC at its May 20, 2019 Regular Meeting. As part of the approval process, the project, located north of Wattles, west of Livernois is zoned R-1B, one family residential. Under the City's Zoning Ordinance, a developer who chooses to use the Cluster Option must set aside dedicated open space through an irrevocable conveyance. (Troy Zoning Ordinance 10.04.D.7). As the development project nears completion, approval of the attached document must be accomplished so that it can be recorded with the Oakland County Register of Deeds and Certificates of Occupancy may be issued to new homeowners.

The City's Zoning Ordinance provides that the irrevocable conveyance must be perpetually maintained by the parties that have an ownership interest in the open space. It further provides that if the owners fail to maintain it such that it becomes a public nuisance, then the City may undertake maintenance and annually assess costs. Finally, the open space must forever remain open space as approved on the Final Site Plan, however, accessory structures are permitted as long as they do not exceed one percent (1%) of the open space area. The Zoning Ordinance also specifically requires that the conveyance shall prohibit dumping or storing of material or refuse, activity that causes soil erosion, cutting live plant material except for dying or diseased vegetation, and the use of motorized vehicles. Mondrian Properties has also entered into an Agreement for Conservation Easement with the State of Michigan, Department of Environment, Great Lakes, and Energy ("EGLE") for the same easement areas. This Agreement is very similar to the Open Space Preservation Easement, and in the event of a conflict between the two, the more restrictive agreement will govern.

### **Recommendation**

The City Attorney's office has reviewed the attached Open Space Preservation Easement and recommends approval of the Open Space Preservation Easement for West Troy Meadows Site Condominiums.

### Attachments:

City Council Minutes May 20, 2019  
Open Space Preservation Easement  
Agreement for Conservation Easement with State of Michigan, EGLE

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** City Administration to reprogram funds from Program Year 2018 to the Non-Residential Historic Preservation account to complete the roofing project at the Troy Farm's barn.

Yes: All-7  
No: None

### MOTION CARRIED

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#### E-2 Troy Meadows, North of Wattles, West of Livernois, Section 16, Currently Zoned R-1B (One Family Residential) District *(Introduced by: Brent Savidant, Planning Director)*

The Mayor opened the Public Hearing. The Mayor closed the Public Hearing after receiving Public Comment from Avis Landmesser.

Resolution #2019-05-053  
Moved by Baker  
Seconded by Hodorek

WHEREAS, The City is in receipt of a proposed preliminary site plan application for West Troy Meadows, a 35-unit detached single family condominium cluster development; and,

WHEREAS, The base density base under the R-1B (One-Family Residential) District as determined by the submission of a parallel plan is 33 units; and,

WHEREAS, As per the cluster ordinance, the applicant is seeking 2 additional units above the base density by providing additional open space above the 20% minimum, for a total of 35 units; and,

WHEREAS, In exchange for 2 additional units the applicant is able to provide 42% open space, preservation of a 5.4 acre wetland and 8,067 inches of protected trees; and,

WHEREAS, The proposed cluster development was recommended for approval by the Planning Commission by a 7-0 vote;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed West Troy Meadows Site Condominium, 35-units/lots, located north of Wattles and west of Livernois, Section 16, currently zoned R-1B (One Family Residential) District, subject to the following:

1. Approval of Declaration of Open Space Preservation Easement prior to Final Site Plan approval.

Yes: All-7  
No: None

### MOTION CARRIED

## **DECLARATION OF OPEN SPACE PRESERVATION EASEMENT**

THIS DECLARATION OF OPEN SPACE PRESERVATION EASEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2020, is made by Mondrian Properties, LLC, a Michigan limited liability company, whose address is 50215 Schoenherr, Shelby Township, Michigan 48315, (hereinafter the "Declarant").

### **RECITALS**

A. Declarant owns a certain parcel of land situated in the City of Troy, Oakland County, Michigan, more particularly as described in Exhibit A, attached hereto and made a part hereof (the "Property"). Declarant is developing a single family residential site condominium project known as West Troy Meadows using the One-Family Cluster Option pursuant to Troy's Zoning Ordinance, Chapter 39, Section 10.04 which requires that certain portions of the Property be permanently preserved and protected as open space areas. Declarant desires to declare such an easement in order to preserve the required open space areas.

B. The designated open space areas (hereinafter the "Easement Areas") situated on the Property are more particularly described on Exhibit B, attached hereto and made a part hereof, the second page of which contains a drawing depicting the Easement Areas.

C. The designated Easement Areas fulfill the open space benefit consistent with Chapter 39, Section 10.04(D)(4)(a) of the City's Zoning Ordinance for the following reason:

a. Significant Natural Features. Preservation of significant natural features contained on the site, including preserving regulated wetland areas, open space areas and trees.

THEREFORE, Declarant hereby reserves, conveys and declares the following perpetual Open Space Preservation Easement, which shall be binding upon the Declarant, and its respective heirs, successors, assigns and/or transferees and shall be for the benefit of the City and purchasers of the Property and their respective heirs, successors, assigns and/or transferees.

1. The purpose of this Open Space Preservation Easement is to establish and preserve a perpetual, non-exclusive easement over, under, and on the Easement Areas as identified and depicted in the site plan approved by the City of Troy and as areas that qualify as “open space” in accordance with Chapter 39, Section 10.04(D) of the One-Family Cluster Option. The designated Easement Areas shall be perpetually preserved as open space, and uses of the open space are limited to parks, playgrounds, fields, walking trails, nature areas and other approved uses as permitted in accordance with the One-Family Cluster Option.

2. The following uses and activities are expressly prohibited in the Easement Areas;

- a. dumping or storing any material or refuse,
- b. any activity that may cause risk of soil erosion or threaten any living plant material,
- c. cutting or removing live plant material except for the removal of dying or diseased vegetation,
- d. using motorized off-road vehicles,

3. The dedicated open space shall be perpetually maintained by any party or parties that have an ownership interest in the open space. Initially, the responsible party shall be Declarant who shall be responsible for maintenance of the open space until the Declarant assigns such responsibilities to an association of co-owners (the “Condominium Association” or the “Association”) at which time the Association shall be responsible for maintenance of the open space. The Easement Areas shall be maintained and repaired in the condition required by the final approved site plan, including but not limited to maintenance of landscaped areas and

amenities, if any, therein. Once the master deed for the condominium project is recorded and the association of co-owners is incorporated to own and operate the condominium project including the dedicated Easement Areas, it shall also be the association's responsibility to maintain and repair the Easement Areas.

4. This Open Space Preservation Easement does not grant or convey to the City of Troy or any member of the general public any right of ownership, possession or use of the Easement Area, except that, upon reasonable written notice to Declarant or successor, the City of Troy by its authorized employees and may enter upon and inspect the Easement Area to determine whether the Easement Area is being maintained in compliance with the terms of this Open Space Preservation Easement.

5. The Easement Areas consist mainly of undeveloped wooded and wetland areas, lawn areas and a detention basin. The wooded and wetland areas shall remain perpetually in their natural undeveloped state. The Easement Areas shall be carefully inspected on a weekly basis by the Declarant or the Association once the property has been transferred. The Declarant or Association shall immediately remove any garbage and debris that is found in the Easement Areas. A professional landscaping company shall be hired to mow the lawn areas. The lawn shall be maintained in accordance with all City Ordinances and shall be cut at a minimum on a weekly basis (or more often if necessary) during the appropriate seasons when the lawn will be growing.

6. In the event that the Declarant or the successor Association shall at any time fail to carry out the responsibilities specified within this Open Space Preservation Easement and/or fail to preserve and/or maintain the open space areas in reasonable order and condition or such that it becomes a public nuisance, the City may serve written notice upon the responsible party, either the Declarant or Association, setting forth the deficiencies in maintenance and/or preservation. Notice shall also set forth a demand that the deficiencies be cured within a stated reasonable time period. If the identified deficiencies are not timely cured administratively, the City may issue citations for violation of any City Code. If the deficiency concerns any provision of this Open Space Preservation Easement then, after a reasonable time allowed for curing any deficiencies, a hearing may be held

before the City Council, or such other Council, body or official delegated by the City Council, for the purpose of allowing the responsible Declarant or Association to be heard as to why the City should not proceed with the maintenance and/or preservation which has not been undertaken. At the hearing, the time for curing the deficiencies and the hearing itself may be extended and/or continued to a date certain. If, following the hearing, the City Council, or other body or official, designated to conduct the hearing determines that maintenance and/or preservation has not been undertaken within the time specified in the notice, the City shall have the power and authority but not the obligation to enter upon the Property, or cause its agents or contractors to enter upon the Property and perform such maintenance and/or preservation as reasonably found by the City to be appropriate. The cost and expense of making and financing such maintenance and/or preservation, including the cost of notices by the City and reasonable legal fees incurred by the City, plus an administrative fee in the amount of 25% of the total of all costs and expenses incurred, shall be paid by the responsible Declarant or Association, and such amount shall constitute a lien on an equal pro rata basis as to all of the units of the condominium. In the event one or more of the affected Easement Areas are not located within a condominium, the lien shall be against the portion of the Property in which the Easement Area is located. The City may require the payment of such monies prior to the commencement of work. If Declarant or Association has not paid the billed costs and expenses within 30 days, all unpaid amounts may be placed on the delinquent tax roll of the City, pro rata, as to each unit, and shall accrue interest and penalties, and shall be collected as, and shall be deemed delinquent real property taxes, according to the laws made and provided for the collection of delinquent real property taxes. In the discretion of the City, such costs and expenses may be collected by suit initiated against the responsible Declarant/Association, and, in such event, the responsible Declarant/Association shall pay all court costs and reasonable attorney fees incurred by the City in connection with such suit.

7. Except as provided below, this Declaration may not be amended or otherwise modified without prior approval of Troy City Council. This Declaration is an integral component of the City's approval of the site plan and development of the Condominium Project. Accordingly, the City shall be deemed a third party beneficiary of this Declaration and the City (or other governmental entity succeeding to the authority of the City (e.g. if the City is

annexed into or becomes part of a city)) shall have the right to enforce the covenants and restrictions set forth in this Declaration. For purposes of the foregoing, the developer of the Condominium Project shall be deemed to be the owner of the Condominium Project during the period such developer owns any portion of the Condominium Project (including units therein) and thereafter the Condominium Association shall be deemed to be the owner of the Condominium Project for purposes of this subparagraph. An amendment to this Declaration shall be effective upon the recordation of such amendment with the Oakland County, Michigan Register of Deeds.

8. This Open Space Preservation Easement has been made and given for a consideration of a value less than One Hundred (\$100.00) Dollars, and, accordingly, is (i) exempt from the State Transfer Tax, pursuant to MCL 207.526(6)(a); MSA 7.456(26)(2) and (ii) exempt from the County Transfer Tax, pursuant to MCL 207.505(a); MSA 7.456(5)(a).

9. This Open Space Preservation Easement shall be recorded with the Oakland County Register of Deeds. Mondrian Properties, LLC shall be responsible for recordation of this Easement including all costs and applicable fees.

10. This Open Space Preservation Easement is for the same property that is bound by an Agreement for Conservation Easement between Mondrian Properties and the Michigan Department of Environment, Great Lakes, and Energy (EGLE). If a conflict arises between the two agreements, then the terms of the more restrictive agreement shall prevail.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

DECLARANT

MONDRIAN PROPERTIES, LLC,  
a Michigan limited liability company

By: \_\_\_\_\_  
Joseph Maniaci, Manager

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day  
of \_\_\_\_\_, 2020, by Joseph Maniaci, as Manager of Mondrian  
Properties, LLC, limited liability company, on its behalf.

\_\_\_\_\_  
Notary Public  
Acting in \_\_\_\_\_ County, Michigan  
My Commission Expires: \_\_\_\_\_

When Recorded Return To:

Mark J. Abdo, Esq.  
12900 Hall Road, Suite 403  
Sterling Heights, Michigan 48313  
Office Telephone number: (586) 412-1900

# EXHIBIT A LEGAL DESCRIPTIONS

## LEGAL DESCRIPTION

(as surveyed by PEA, Inc.)

### PARCEL ID 20-16-401-002

Part of Outlot A, of "Lakewood Subdivision", a subdivision located in the SE 1/4 of Section 16, T.2N., R.11E., City of Troy, Oakland County, Michigan, as recorded in Liber 28, Page 27 of Plats; being more particularly described as:

COMMENCING at the southeast corner of Lot 1 of "Larchmont Woods Sub'n" as recorded in Liber 124, Page 4 of Plats, said corner lying at the intersection of the north line of Paragon Avenue (50' wide) and the west line of Virgilia Avenue (50' wide); thence along the west line of Virgilia Avenue, as monumented per said "Larchmont Woods Sub'n", N01°51'29"E, 161.52 feet (recorded as 161.50 feet) to a found 4" diameter round concrete monument at the northeast corner of said "Larchmont Woods Sub'n"; thence N87°20'00"W, 9.92 feet along the north line of said "Larchmont Woods Sub'n" to the west line of Virgilia Avenue (50' wide) as monumented per the aforementioned "Lakewood Subdivision", and the POINT OF BEGINNING;

thence continuing along said north line N87°20'00"W, 921.90 feet (recorded as 931.87 feet) to the east line of "Walnut Forest Site Condominium", Oakland County Condominium Plan No. 1874; thence along said east line N02°37'32"E, 918.90 feet (recorded as N02°33'30"E, 917.94 feet) to the south line of "The Glens at Carlson Park No. 2", said line also being the East-West 1/4 line of Section 16, as recorded in Liber 258, Pages 7-9 of Plats; Thence along said south line S87°29'38"E, 918.01 feet (recorded as S87°44'46"E, 933.19 feet) to the aforementioned west line of Virgilia Avenue (50 feet wide) as monumented per the aforementioned "Lakewood Subdivision"; thence along said west line S02°23'01"W, 921.49 feet (recorded as S01°51'59"W, 924.48 feet) to the POINT OF BEGINNING. Containing 19.434 acres of land, more or less.

Line Table ESMT "A"		
Line #	Direction	Length
L1	N02°37'32"E	319.32'
L2	S50°20'15"E	102.02'
L3	N40°32'36"E	96.43'
L4	S82°44'13"E	23.97'
L5	N01°48'10"E	30.04'
L6	S87°35'44"E	132.56'
L7	S42°38'27"W	96.40'
L8	S47°21'33"E	52.56'
L9	S87°36'59"E	42.39'
L10	S02°23'01"W	173.90'
L11	N87°37'43"W	88.02'
L12	S02°22'39"W	62.37'
L13	N87°20'00"W	150.00'
L14	S02°40'00"W	88.00'
L15	N87°20'00"W	135.08'
L16	N05°27'26"W	103.05'
L17	S74°32'10"W	174.16'

Line Table ESMT "B"		
Line #	Direction	Length
L18	N87°36'59"W	142.22'
L19	N47°21'33"W	55.87'
L20	N02°30'22"E	130.79'
L21	S87°29'38"E	507.24'
L22	S02°23'01"W	290.55'

Curve Table ESMT "B"					
Curve #	Length	Radius	Delta	CH. BRG.	Chord
C5	196.73'	280.00'	40°15'26"	N67°29'16"W	192.71'
C6	155.79'	250.00'	35°42'19"	N65°12'43"W	153.28'

Curve Table ESMT "A"					
Curve #	Length	Radius	Delta	CH. BRG.	Chord
C1	129.78'	70.00'	106°13'33"	N60°47'43"E	111.97'
C2	139.14'	189.58'	42°03'13"	S66°42'30"E	136.04'
C3	116.22'	433.00'	15°22'41"	S55°02'54"E	115.87'
C4	126.44'	75.00'	96°35'45"	N47°09'33"W	111.99'

CLIENT:  
MONDRIAN PROPERTIES  
50215 SCHOENHERR  
SHELBY TWP, MI 48315

SCALE: 1" = 150'

JOB No: 2018-006

DATE: 2-10-20

DWG. No: 1 of 3



**PEA, Inc.**

2430 Rochester Ct., Ste. 100  
Troy, MI 48063-1872  
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**EXHIBIT B  
LEGAL DESCRIPTIONS**

**LEGAL DESCRIPTION (Per PEA, Inc.)**

**OPEN SPACE EASEMENT "A"**

An open space easement over part of Parcel No. 20-16-401-002, being part of Outlot A, of "Lakewood Subdivision", a subdivision located in the SE 1/4 of Section 16, T.2N., R.11E., City of Troy, Oakland County, Michigan, as recorded in Liber 28, Page 27 of Plats; said easement being more particularly described as:

COMMENCING at the southeast corner of Lot 1 of "Larchmont Woods Sub'n" as recorded in Liber 124, Page 4 of Plats, said corner lying at the intersection of the north line of Paragon Avenue (50' wide) and the west line of Virgilia Avenue (50' wide); thence along the west line of Virgilia Avenue, as monumented per said "Larchmont Woods Sub'n", N01°51'29"E, 161.52 feet to a found 4" diameter round concrete monument at the northeast corner of said "Larchmont Woods Sub'n"; thence N87°20'00"W, 9.92 feet along the north line of said "Larchmont Woods Sub'n" to the west line of Virgilia Avenue (50' wide) as monumented per the aforementioned "Lakewood Subdivision"; thence continuing along said north line N87°20'00"W, 921.90 feet to the east line of "Walnut Forest Site Condominium", Oakland County Condominium Plan No. 1874; thence along said east line N02°37'32"E, 312.07 feet to the POINT OF BEGINNING;

thence continuing L1) N02°37'32"E, 319.32 feet; thence L2) S50°20'15"E, 102.02 feet; thence L3) N40°32'36"E, 96.43 feet; thence L4) S82°44'13"E, 23.97 feet; thence C1) 129.78 feet along an arc of a curve to the left, having a radius of 70.00 feet and a chord that bears N60°47'43"E, 111.97 feet; thence L5) N01°48'10"E, 30.04 feet; thence L6) S87°35'44"E, 132.56 feet; thence C2) 139.14 feet along an arc of a curve to the right, having a radius of 189.58 feet and a chord that bears S66°42'30"E, 136.04 feet; thence L7) S42°38'27"W, 96.40 feet; thence L8) S47°21'33"E, 52.56 feet; thence C3) 116.22 feet along an arc of a curve to the left, having a radius of 433.00 feet and a chord that bears S55°02'54"E, 115.87 feet; thence L9) S87°36'59"E, 42.39 feet; thence L10) S02°23'01"W, 173.90 feet; thence L11) N87°37'43"W, 88.02 feet; thence L12) S02°22'39"W, 62.37 feet; thence L13) N87°20'00"W, 150.00 feet; thence L14) S02°40'00"W, 88.00 feet; thence L15) N87°20'00"W, 135.08 feet; thence C4) 126.44 feet along an arc of a curve to the left, having a radius of 75.00 feet and a chord that bears N47°09'33"W, 111.99 feet; thence L16) N05°27'26"W, 103.05 feet; thence L17) S74°32'10"W, 174.16 feet to the aforementioned east line of "Walnut Forest Site Condominium" and the POINT OF BEGINNING.

**LEGAL DESCRIPTION (Per PEA, Inc.)**

**OPEN SPACE EASEMENT "B"**

An open space easement over part of Parcel No. 20-16-401-002, being part of Outlot A, of "Lakewood Subdivision", a subdivision located in the SE 1/4 of Section 16, T.2N., R.11E., City of Troy, Oakland County, Michigan, as recorded in Liber 28, Page 27 of Plats; said easement being more particularly described as:

COMMENCING at the southeast corner of Lot 1 of "Larchmont Woods Sub'n" as recorded in Liber 124, Page 4 of Plats, said corner lying at the intersection of the north line of Paragon Avenue (50' wide) and the west line of Virgilia Avenue (50' wide); thence along the west line of Virgilia Avenue, as monumented per said "Larchmont Woods Sub'n", N01°51'29"E, 161.52 feet to a found 4" diameter round concrete monument at the northeast corner of said "Larchmont Woods Sub'n"; thence N87°20'00"W, 9.92 feet along the north line of said "Larchmont Woods Sub'n" to the west line of Virgilia Avenue (50' wide) as monumented per the aforementioned "Lakewood Subdivision"; thence along said west line N02°23'01"E, 630.94 feet to the POINT OF BEGINNING;

thence L18) N87°36'59"W, 142.22 feet; thence C5) 196.73 feet along an arc of a curve to the right, having a radius of 280.00 feet and a chord that bears N67°29'16"W, 192.71 feet; thence L19) N47°21'33"W, 55.87 feet;

thence C6) 155.79 feet along an arc of a curve to the left, having a radius of 250.00 feet and a chord that bears N65°12'43"W, 153.28 feet;

thence L20) N02°30'22"E, 130.79 feet to the East-West 1/4 line of Section 16, said line also being the south line of "The Glens at Carlson Park No. 2", as recorded in Liber 258, Pages 7-9 of Plats;

thence along said south line and the south line of "The Glens at Carlson Park No. 1", as recorded in Liber 253, Pages 31-40 of Plats, L21) S87°29'38"E, 507.24 feet to the aforementioned west line of Virgilia Avenue (50 feet wide); thence along said west line, L22) S02°23'01"W, 290.55 feet to the POINT OF BEGINNING.



**PEA, Inc.**

2430 Rochester Ct., Ste. 100  
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**CLIENT:**

**MONDRIAN PROPERTIES**  
50215 SCHOENHERR  
SHELBY TWP, MI 48315

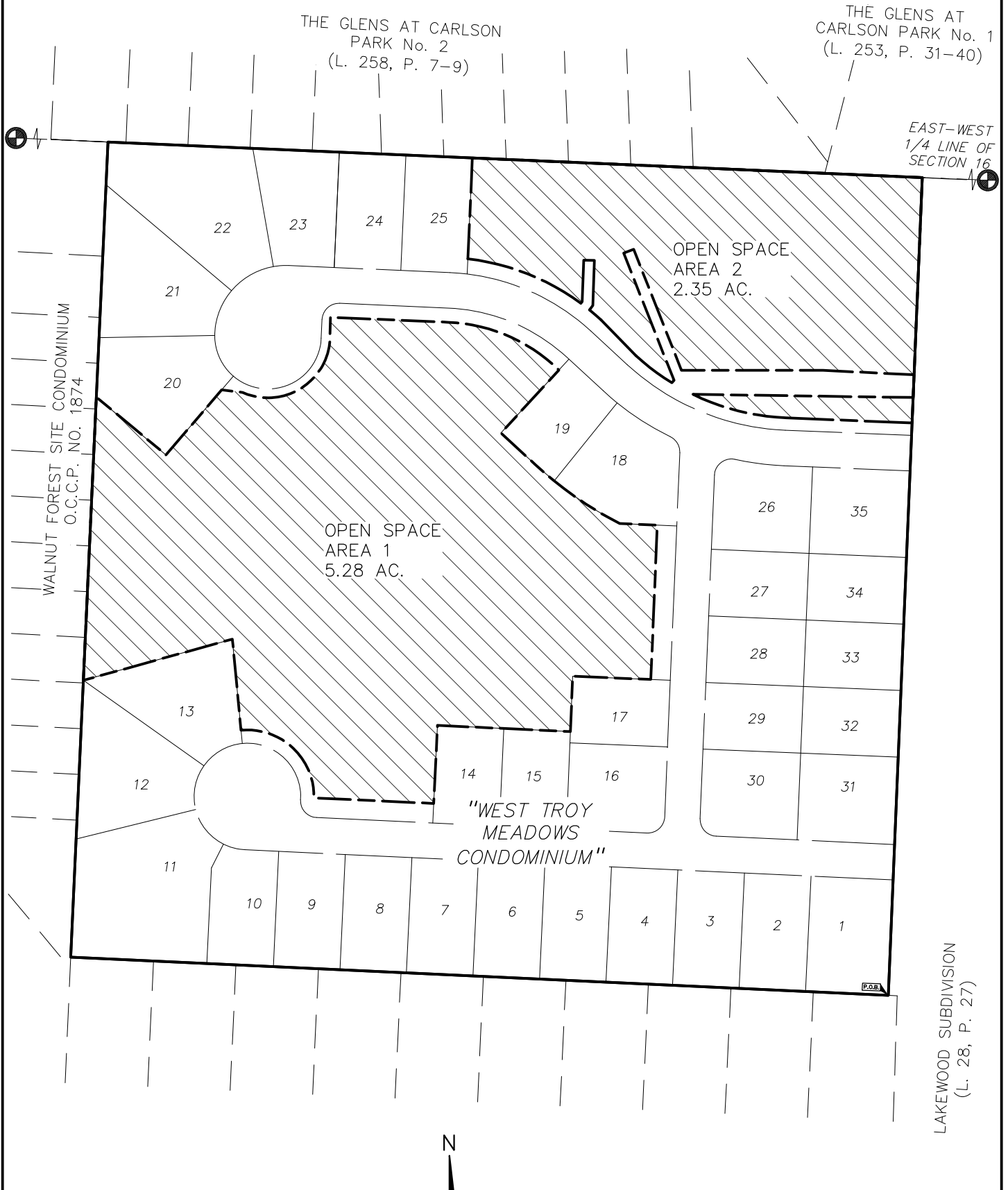
**SCALE:** 1" = 150'

**JOB No:** 2018-006

**DATE:** 2-10-20

**DWG. No:** 2 of 3

EXHIBIT B  
SKETCH OF OPEN SPACE EASEMENT



## AGREEMENT FOR CONSERVATION EASEMENT

(This instrument is exempt from County and State transfer taxes pursuant to MCL 207.505(a) and MCL 207.526(a), respectively)

This CONSERVATION EASEMENT is created on September 11<sup>th</sup>, 2019, by and between

Mondrian Properties (name) married/single individual[s] (*circle one*), or corporation, partnership, municipality, or limited liability company (*circle one*), whose address is 50215 Schoenherr Road, Shelby Township, MI 48315 (Grantor) and the Michigan Department of Environment, Great Lakes, and Energy (EGLE), whose address is P.O. Box 30458, Lansing, Michigan 48909-7958 or Constitution Hall, 3rd Floor South, 525 West Allegan Street, Lansing, Michigan 48933 (Grantee);

The Grantor is the fee simple title holder of real property located in (*circle one*) the Township/City of Troy, Oakland County, and State of Michigan, legally described in Exhibit A.

The EGLE is the agency charged with administering Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and

Permittee has applied for a Permit (EGLE File Number WRP-017-170-P), pursuant to Part 303, to authorize activities that will impact regulated wetland. The EGLE evaluated the permit application and determined that a permit could be authorized for certain activities within regulated wetlands provided certain conditions are met, and

As a condition of the above-referenced permit, Grantor has agreed to grant the EGLE a Conservation Easement that protects the wetland mitigation site and/or the remaining wetlands on the property and restricts further development to the area legally described in Exhibit B. The Conservation Easement (the Easement Premises) consists of approximately 6.3 acre(s). A survey map depicting the Easement Premises is attached as Exhibit C. The EGLE shall record this Agreement with the county register of deeds.

ACCORDINGLY, Grantor hereby conveys unto the Grantee, forever and in perpetuity, this Conservation Easement as set forth in this Agreement pursuant to Subpart 11 of Part 21, Conservation and Historic Preservation Easement, of the NREPA, MCL 324.2140 et seq., on the terms and conditions stated below.

### COVENANTS, TERMS, CONDITIONS AND RESTRICTIONS

1. The purpose of this Agreement is to protect the functions and values of existing or established wetlands and its natural resource values on the Easement Premises, consistent with the Permit, and the protection of the benefits to the public derived from wetlands and integral habitat, by requiring Grantor to maintain the Easement Premises in its natural and undeveloped condition.

2. Except as authorized under EGLE Permit Number WRP - 017 - 170 -P, issued on 08 / 15 /20 19 or as otherwise provided in this Agreement, Grantor shall refrain from, and prevent any other person from, altering or developing the Easement Premises in any way. This includes, but is not limited to:
- a) Alteration of the surface topography;
  - b) Creation of paths, trails, or roads;
  - c) The placement of fill material as defined in Part 303 of the NREPA, MCL 324.30301 et seq., as amended;
  - d) Dredging, removal or excavation of any soil or minerals;
  - e) Drainage of surface or groundwater;
  - f) Construction or placement of any structure;
  - g) Plowing, tilling, mowing or cultivating the soils or vegetation;
  - h) Alteration or removal of vegetation, including the planting of non-native species;
  - i) Ranching, grazing, farming;
  - j) Use of chemical herbicides, pesticides, fungicides, fertilizers, spraying with biocides, larvicides or any other agent or chemical treatments, unless as part of an EGLE-approved Management Plan;
  - k) Construction of unauthorized utility or petroleum lines;
  - l) Storage or disposal of ash, garbage, trash, debris, abandoned equipment or accumulation of machinery, bio-solids or other waste materials, including accumulated vegetative debris, such as grass clippings, leaves, yard waste or other material collected and deposited from areas outside the Easement Premises;
  - m) Use or storage of automobiles, trucks or off-road vehicles including, but not limited to, snowmobiles, dune buggies, all-terrain vehicles, and motorcycles;
  - n) Placement of billboards or signs, except as otherwise allowed in the Permit or this Agreement;
  - o) Use of the wetland for the dumping of untreated storm water or the directing of treated storm water to the easement premises at a volume that adversely impacts the hydrology of the wetland;
  - p) Actions or uses detrimental or adverse to water conservation and purity, and fish, wildlife or habitat preservation.
3. Cutting down, burning, destroying, or otherwise altering or removing trees, tree limbs, shrubs or other vegetation, whether living or dead, is prohibited within the Easement Premises, except with the written permission of Grantee, expressly for the removal of trees or limbs to eliminate danger to health and safety, to reduce a threat of infestation posed by diseased vegetation, invasive non-native plant species that endanger the health of native species or as otherwise provided in the EGLE-approved Management Plan for the Easement Premises.
4. Grantor is not required to restore the Easement Premises due to alterations resulting from causes beyond the owner's control, including, but not limited to, unauthorized actions by third parties that were not reasonably foreseeable; natural causes or natural disasters, such as unintentional fires, floods, storms, or natural earth movement.
5. Grantor, Permittee or its authorized agents or representatives may enter the Easement Premises to perform activities within the Easement Premises consistent with the Permit or the mitigation requirements. Grantor or Permittee shall provide 5 days notice to the Grantee of undertaking any mitigation activity, even if the mitigation project has been conceptually approved. Any activities undertaken pursuant to the Permit, a mitigation project or this Agreement, shall be performed in a manner to minimize the adverse impacts to existing wetland or mitigation areas.
6. Grantor covenants that Grantor has good and sufficient title to the Easement Premises described in Exhibit B.
7. Grantor covenants that any other existing interests or encumbrances in the Easement Premises have been disclosed to the EGLE.
8. Grantor covenants that to the best of Grantor's knowledge no hazardous substances or hazardous or toxic wastes have been generated, treated, stored, used, disposed of or deposited in or on the property.

9. This Agreement does not grant or convey to Grantee or members of the general public any right to possession or use of the Easement Premises.
10. Grantor shall continue to be responsible for the upkeep and maintenance of the Easement Premises to the extent it may be required by law.
11. Grantee and its authorized employees and agents, as shown in Exhibit D, may enter the Easement Premises at reasonable times to determine whether the Easement Premises are being maintained in compliance with the terms of this Agreement, mitigation, or other conditions of the Permit; and for purposes of taking corrective actions for failure to comply. If Grantee is entering the Easement Premises for purpose of taking corrective actions, Grantor shall be provided with 14 days notice to provide the opportunity to cure the failure to comply.
12. This Agreement shall be binding upon the successors and assigns of the parties and shall run with the land in perpetuity, unless modified or terminated by written agreement of the parties.
13. This Agreement may be modified only in writing through amendment of the Agreement. Any modification shall be consistent with the purpose and intent of the Agreement.
14. In addition to the right of the parties to enforce this Agreement, it is also enforceable by others against the owner of the land, in accordance with Part 21, Subpart 11 of the NREPA, MCL 324.2140 *et seq*, as amended.
15. Grantor shall indicate the existence of this Agreement on all future deeds, mortgages, land contracts, plats, and any other legal instrument used to convey an interest in the Easement Premises.
16. A delay in enforcement shall not be construed as a waiver of the Grantee's rights to enforce the conditions of this Agreement.
17. This Agreement shall be liberally construed in favor of maintaining the purpose of the Conservation Easement.
18. If any portion of this Agreement is determined to be invalid by a court of law, the remaining provisions will remain in force.
19. This Agreement will be construed in accordance with Michigan law. All legal action related to this conservation easement must be filed and pursued in Michigan state courts.
20. In addition to the terms of the Permit issued by Grantee, this document sets forth the entire agreement of the parties. It is intended to supersede all prior discussions or understandings.
21. Within 90 days after this Agreement is executed, Grantor shall place and maintain, at Grantor's expense, signs, fences, or other suitable markings along the Easement Premises to clearly demarcate the boundary of the Easement Premises, or as otherwise provided in the Permit.
22. The terms 'Grantor' and 'Grantee' wherever used in this Agreement, and any pronouns used in place thereof, shall include, respectively, the above-named Grantor and their personal representatives, heirs, successors, and assigns, and the above-named Grantee and their successors and assigns.

## LIST OF ATTACHED EXHIBITS

- Exhibit A:** A legal description of the Grantor's property, inclusive of the Easement Premises.
- Exhibit B:** A legal description of the Easement Premises.
- Exhibit C:** A survey map depicting the Easement Premises that also includes identifiable landmarks, such as nearby roads, to clearly identify the easement site.
- Exhibit D:** A legal description that provides a path of legal access to the Easement Premises and a map that indicates this access site that EGLE staff will use for ingress and egress to and from the Easement Premises or, if the Easement is directly connected to a publicly accessible point, such as a public road, a statement is required that authorizes EGLE staff ingress and egress to and from the Easement Premises with a map that clearly indicates the connection of the public access site to the Easement Premises.
- Exhibit E:** *If applicable*, a stewardship and/ or long-term management plan that includes baseline documentation and any vegetation and/or site management plans.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written. In signing this Agreement, the Signatory covenants that he or she has the authority to convey the Conservation Easement on behalf of the Grantor.

GRANTOR:

Signature: \_\_\_\_\_

\_\_\_\_\_ Joe Maniaci  
Type/Print Grantor's Name exactly as signed

\_\_\_\_\_ Owner  
Title (if signing on behalf of an organization)

\_\_\_\_\_ Mondrian Properties  
Organization Name (if signing on behalf of an organization)

STATE OF MICHIGAN }  
COUNTY OF Oakland } ss

IF SIGNING ON BEHALF OF AN ORGANIZATION, THIS MUST BE COMPLETED:

The foregoing instrument was acknowledged before me this 11th day of September, 2019  
by Joseph Maniaci, (name[s]) the owner, (title)  
of Mondrian Properties (Organization name) a Michigan, (state) corporation,  
partnership, municipality, or limited liability company (circle one), on behalf of the organization.

MARIA PETKOVSKI  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF MACOMB  
MY COMMISSION EXPIRES Sep 20, 2020  
ACTING IN COUNTY OF Oakland

\_\_\_\_\_ Maria Petkovski  
(Signature of Notary Public)  
\_\_\_\_\_ Maria Petkovski  
(Typed or Printed name of Notary Public)

My commission is in: Macomb County, Michigan

Acting in: Oakland County, Michigan

My Commission Expires: Sep 20, 2020

(OR) IF SIGNING AS AN INDIVIDUAL OR MARRIED PERSON, THIS MUST BE COMPLETED:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

by \_\_\_\_\_, (name[s]) \_\_\_\_\_ (marital status).

\_\_\_\_\_  
(Signature of Notary Public)

\_\_\_\_\_  
(Typed or Printed name of Notary Public)

My commission is in: \_\_\_\_\_ County, Michigan

Acting in: \_\_\_\_\_ County, Michigan

My Commission Expires: \_\_\_\_\_

GRANTEE:

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY  
WATER RESOURCES DIVISION

  
Teresa Seidel, Division Director

STATE OF MICHIGAN}

} ss

COUNTY OF INGHAM}

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of February, 2020,  
by Teresa Seidel, Division Director, Water Resources Division, State of Michigan, on behalf of the Michigan  
Department of Environment, Great Lakes, and Energy.

  
(Signature of Notary Public)

Laura Smith  
(Typed or Printed name of Notary Public)



Acting in: Ingham County, Michigan

My Commission is in Ingham County, Michigan

My Commission Expires: 8-2-25

Form Drafted By:

The Honorable Dana Nessel,  
Attorney General  
Department of Attorney General  
Environment, Natural Resources, and  
Agriculture Division  
P.O. Box 30755  
Lansing, Michigan 48909

**AFTER RECORDING, RETURN TO:**  
**Michigan Department of Environment, Great Lakes,  
and Energy**  
**Water Resources Division**  
**Constitution Hall, 3rd Floor South**  
**P.O. Box 30458**  
**Lansing, Michigan 48909-7958**

# EXHIBIT A LEGAL DESCRIPTIONS

## LEGAL DESCRIPTION

(as surveyed by PEA, Inc.)

### PARCEL ID 20-16-401-002

Part of Outlot A, of "Lakewood Subdivision", a subdivision located in the SE 1/4 of Section 16, T.2N., R.11E., City of Troy, Oakland County, Michigan, as recorded in Liber 28, Page 27 of Plats; being more particularly described as:

COMMENCING at the southeast corner of Lot 1 of "Larchmont Woods Sub'n" as recorded in Liber 124, Page 4 of Plats, said corner lying at the intersection of the north line of Paragon Avenue (50' wide) and the west line of Virgil Avenue (50' wide); thence along the west line of Virgil Avenue, as monumented per said "Larchmont Woods Sub'n", N01°51'29"E, 161.52 feet (recorded as 161.50 feet) to a found 4" diameter round concrete monument at the northeast corner of said "Larchmont Woods Sub'n"; thence N87°20'00"W, 9.92 feet along the north line of said "Larchmont Woods Sub'n" to the west line of Virgil Avenue (50' wide) as monumented per the aforementioned "Lakewood Subdivision", and the POINT OF BEGINNING;

thence continuing along said north line N87°20'00"W, 921.90 feet (recorded as 931.87 feet) to the east line of "Walnut Forest Site Condominium", Oakland County Condominium Plan No. 1874; thence along said east line N02°37'32"E, 918.90 feet (recorded as N02°33'30"E, 917.94 feet) to the south line of "The Glens at Carlson Park No. 2", said line also being the East-West 1/4 line of Section 16, as recorded in Liber 258, Pages 7-9 of Plats; Thence along said south line S87°29'38"E, 918.01 feet (recorded as S87°44'46"E, 933.19 feet) to the aforementioned west line of Virgil Avenue (50 feet wide) as monumented per the aforementioned "Lakewood Subdivision"; thence along said west line S02°23'01"W, 921.49 feet (recorded as S01°51'59"W, 924.48 feet) to the POINT OF BEGINNING. Containing 19.434 acres of land, more or less.

Line Table ESMT "A"		
Line #	Direction	Length
L1	N02°37'32"E	226.74'
L2	S87°20'00"E	118.95'
L3	N15°44'17"E	74.75'
L4	N55°19'28"E	48.66'
L5	N03°06'46"E	30.04'
L6	S87°35'44"E	131.87'
L7	S42°38'27"W	96.40'
L8	S47°21'33"E	52.56'
L9	S87°36'59"E	42.39'
L10	S02°23'01"W	173.90'
L11	N87°37'43"W	88.02'
L12	S02°22'39"W	62.37'
L13	N87°20'00"W	150.00'
L14	S02°40'00"W	88.00'
L15	N87°20'00"W	135.08'
L16	N05°27'26"W	103.05'
L17	S74°32'10"W	174.16'

Line Table ESMT "B"		
Line #	Direction	Length
L18	N87°20'00"W	64.76'
L19	S16°49'04"W	16.19'
L20	N90°00'00"W	180.01'
L21	N58°38'38"W	20.79'
L22	N21°34'56"W	91.39'
L23	N58°11'38"E	50.51'
L24	N49°32'17"E	117.90'
L25	N73°12'07"E	77.81'
L26	S87°29'38"E	102.24'
L27	S02°23'01"W	204.64'

Curve Table ESMT "A"					
Curve #	Length	Radius	Delta	CH. BRG.	Chord
C1	119.29'	70.00'	97°38'19"	N56°30'06"E	105.37'
C2	139.14'	189.58'	42°03'13"	S66°42'30"E	136.04'
C3	116.22'	433.00'	15°22'41"	S55°02'54"E	115.87'
C4	126.44'	75.00'	96°35'45"	N47°09'33"W	111.99'



**PEA, Inc.**

2430 Rochester Ct., Ste. 100  
Troy, MI 48063-1872  
T: 248.669.9990  
F: 248.669.1044  
www.peainc.com

CLIENT:  
**MONDRIAN PROPERTIES**  
50215 SCHOENHERR  
SHELBY TWP, MI 48315

SCALE: 1" = 150'

JOB No: 2018-006

DATE: 9-10-19

DWG. No: 1 of 3

# EXHIBIT B LEGAL DESCRIPTIONS

## LEGAL DESCRIPTION (Per PEA, Inc.)

### CONSERVATION EASEMENT "A"

A variable width conservation easement over part of Parcel No. 20-16-401-002, being part of Outlot A, of "Lakewood Subdivision", a subdivision located in the SE 1/4 of Section 16, T.2N., R.11E., City of Troy, Oakland County, Michigan, as recorded in Liber 28, Page 27 of Plats; said easement being more particularly described as:

COMMENCING at the southeast corner of Lot 1 of "Larchmont Woods Sub'n" as recorded in Liber 124, Page 4 of Plats, said corner lying at the intersection of the north line of Paragon Avenue (50' wide) and the west line of Virgilia Avenue (50' wide); thence along the west line of Virgilia Avenue, as monumented per said "Larchmont Woods Sub'n", N01°51'29"E, 161.52 feet to a found 4" diameter round concrete monument at the northeast corner of said "Larchmont Woods Sub'n"; thence N87°20'00"W, 9.92 feet along the north line of said "Larchmont Woods Sub'n" to the west line of Virgilia Avenue (50' wide) as monumented per the aforementioned "Lakewood Subdivision"; thence continuing along said north line N87°20'00"W, 921.90 feet to the east line of "Walnut Forest Site Condominium", Oakland County Condominium Plan No. 1874; thence along said east line N02°37'32"E, 312.07 feet to the POINT OF BEGINNING;

thence continuing L1) N02°37'32"E, 226.74 feet; thence L2) S87°20'00"E, 118.95 feet; thence L3) N15°44'17"E, 74.75 feet; thence L4) N55°19'28"E, 48.66 feet; thence C1) 119.29 feet along an arc of a curve to the left, having a radius of 70.00 feet and a chord that bears N56°30'06"E, 105.37 feet; thence L5) N03°06'46"E, 30.04 feet; thence L6) S87°35'44"E, 131.87 feet; thence C2) 139.14 feet along an arc of a curve to the right, having a radius of 189.58 feet and a chord that bears S66°42'30"E, 136.04 feet; thence L7) S42°38'27"W, 96.40 feet; thence L8) S47°21'33"E, 52.56 feet; thence C3) 116.22 feet along an arc of a curve to the left, having a radius of 433.00 feet and a chord that bears S55°02'54"E, 115.87 feet; thence L9) S87°36'59"E, 42.39 feet; thence L10) S02°23'01"W, 173.90 feet; thence L11) N87°37'43"W, 88.02 feet; thence L12) S02°22'39"W, 62.37 feet; thence L13) N87°20'00"W, 150.00 feet; thence L14) S02°40'00"W, 88.00 feet; thence L15) N87°20'00"W, 135.08 feet; thence C4) 126.44 feet along an arc of a curve to the left, having a radius of 75.00 feet and a chord that bears N47°09'33"W, 111.99 feet; thence L16) N05°27'26"W, 103.05 feet; thence L17) S74°32'10"W, 174.16 feet to the aforementioned east line of "Walnut Forest Site Condominium" and the POINT OF BEGINNING.

Containing 5.08 acres of land, more or less.

## LEGAL DESCRIPTION (Per PEA, Inc.)

### CONSERVATION EASEMENT "B"

A variable width conservation easement over part of Parcel No. 20-16-401-002, being part of Outlot A, of "Lakewood Subdivision", a subdivision located in the SE 1/4 of Section 16, T.2N., R.11E., City of Troy, Oakland County, Michigan, as recorded in Liber 28, Page 27 of Plats; said easement being more particularly described as:

COMMENCING at the southeast corner of Lot 1 of "Larchmont Woods Sub'n" as recorded in Liber 124, Page 4 of Plats, said corner lying at the intersection of the north line of Paragon Avenue (50' wide) and the west line of Virgilia Avenue (50' wide); thence along the west line of Virgilia Avenue, as monumented per said "Larchmont Woods Sub'n", N01°51'29"E, 161.52 feet to a found 4" diameter round concrete monument at the northeast corner of said "Larchmont Woods Sub'n"; thence N87°20'00"W, 9.92 feet along the north line of said "Larchmont Woods Sub'n" to the west line of Virgilia Avenue (50' wide) as monumented per the aforementioned "Lakewood Subdivision"; thence along said west line N02°23'01"E, 716.85 feet to the POINT OF BEGINNING;

thence L18) N87°20'00"W, 64.76 feet; thence L19) S16°49'04"W, 16.19 feet; thence L20) N90°00'00"W, 180.01 feet; thence L21) N58°38'38"W, 20.79 feet; thence L22) N21°34'56"W, 91.39 feet; thence L23) N58°11'38"E, 50.51 feet; thence L24) N49°32'17"E, 117.90 feet; thence L25) N73°12'07"E, 77.81 feet to the south line of "The Glens at Carlson Park No. 1", as recorded in Liber 253, Pages 31-40 of Plats, said line also being the East-West 1/4 line of Section 16, as recorded in Liber 258, Pages 7-9 of Plats; thence along said south line, L26) S87°29'38"E, 102.24 feet to the aforementioned west line of Virgilia Avenue (50 feet wide); thence along said west line, L27) S02°23'01"W, 204.64 feet to the POINT OF BEGINNING.

Containing 1.22 acres of land, more or less.



**PEA, Inc.**

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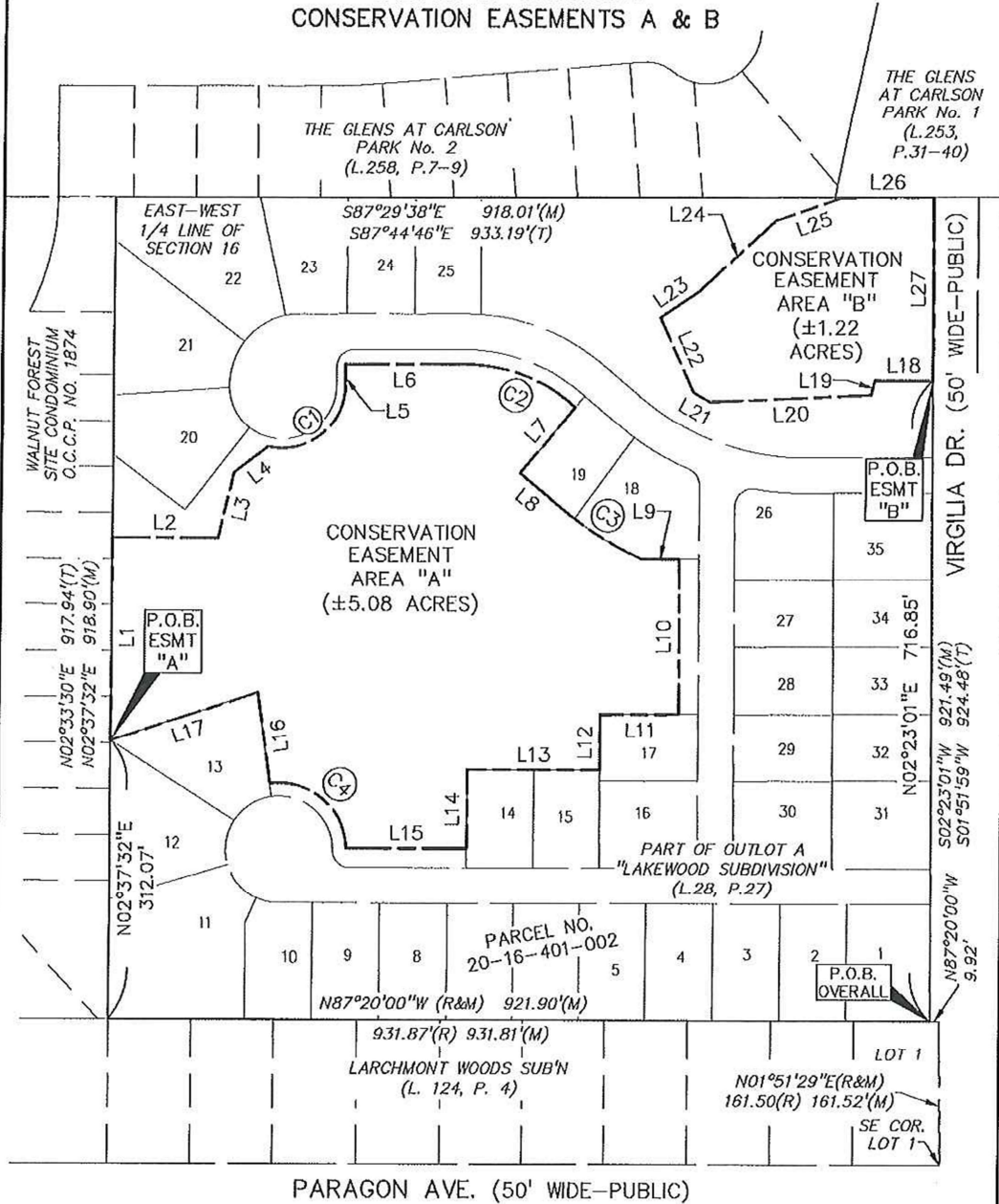
SCALE: 1" = 150'

JOB No: 2018-006

DATE: 9-10-19

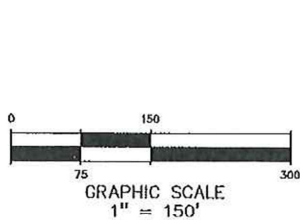
DWG. No: 2 of 3

# EXHIBIT C SKETCH OF EASEMENT CONSERVATION EASEMENTS A & B



EGL E ACCESS IS AUTHORIZED FROM THE PUBLIC ROADS

LINE & CURVE  
TABLES  
SEE SHEET 1



**PEA, Inc.**  
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CLIENT:  
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50215 SCHOENHERR  
SHELBY TWP, MI 48315

SCALE: 1" = 150'

JOB No: 2018-006

DATE: 9-10-19

DWG. No: 3 of 3



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

J-08

## CITY COUNCIL AGENDA ITEM

Date: February 18, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
Robert Maleszyk, Chief Financial Officer  
Jeanette Menig, Human Resources Director

Subject: PA 152 - Publicly Funded Health Care

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### **History**

Public Act 152 of 2011 established limits on the amount that public employers pay toward employee medical benefit plans. Coinciding with each medical insurance plan year (beginning April 1), we must address the alternatives and affirm the City's direction in this matter with a City Council resolution. The alternatives are:

- Hard Cap - The hard cap limits the amount a public employer can contribute to employee health insurance costs; the employer cannot pay more of the annual costs for health insurance than a total amount equal to:  
  
\$ 6,818.87 – times the number of employees with one-person coverage  
\$14,260.37 – times the number of employees with two-person coverage  
\$18,596.96 – times the number of employees with family coverage
- 80/20 - The 80/20 option states the employer may not pay more than 80% of the total annual costs of all the medical benefit plans it offers or contributes to for its employees.
- Opt-Out - The opt-out allows the local unit of government to exercise its discretion to determine what premium share contribution is desired for their organization.

Since the inception of PA 152, the Troy City Council has voted to opt-out each year.

### **Financial**

The financial impact of each option is estimated below:

#### **Estimated Cost Allocation by Option (FY 2020/21 Rates)**

PA 152 Option	Employee Share	City Share	Total
Opt-Out	260,979	4,958,606	5,219,585
Hard Cap	670,652	4,548,933	5,219,585
80/20	1,043,917	4,175,668	5,219,585

Note that our current medical plan is self-funded; accordingly, actual costs (experience) will differ from illustrative rates used in the above schedule.

While overall cost is one consideration, the impact on each individual is another. This year, the effect of PA 152 options on an individual City employee cost share would be as follows:

**Annual Employee Premium Share (FY 2020/21 Rates)**

<b>Type of Coverage</b>	<b>Current 5% (Opt-Out)</b>	<b>Hard Cap*</b>	<b>80/20</b>
1 person	352	224	1,409
2 person	844	2,626	3,377
Family	1,057	2,543	4,228

\* Hard Cap may be allocated alternatively

It should be noted that any option change would only affect non-union, full-time employees (currently 119 employees) until each union collective bargaining agreement expires and contribution rates can be changed for those groups.

**Recommendation**

We recommend that City Council continues to affirm the City's direction in this matter by selecting the PA 152 opt-out alternative for plan year 2020/21.

R. Brent Savidant called the meeting of the Sustainable Design Review Committee to order at 2:05 p.m. on January 30, 2019 in Council Boardroom of Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson, Planning Commission Representative

John Tagle, Planning Commission Representative

Scott Finlay, Civil Engineer (acting as the City Engineer)

Mitch Grusnick, Building Official

R. Brent Savidant, Planning Director (acting as the Zoning Administrator)

Also Present via speaker phone call:

Larry Barthelemy, PE, ADC Engineering

2. APPROVAL OF MINUTES

**Resolution # SDRC-2019-01-001**

Moved by: Grusnick

Seconded by: Finley

**RESOLVED**, To approve the minutes of the January 4, 2018 Sustainable Design Review Committee, as printed.

Yes: All present (5)

**MOTION CARRIED**

3. BUSINESS AGENDA

Schaeffler Parking Lot Improvements, located on southeast corner of Big Beaver and Bellingham (1750 E. Big Beaver), Section 28-Zoned RC

- Seeking SDP status to provide more than 50% of the site's required parking in front yard in RC

Chairman Savidant summarized the application.

Larry Barthelemy, representing the applicant, The Schaeffler Group, informed the Committee, the company is growing and seeks additional parking to accommodate the growth. The property has 2 front yards. The applicant will utilize pervious pavement being concrete or asphalt, a product choice not decided upon at this juncture. Areas of concern pointed out were; the waterline underneath the pavement, water runoff and drainage of water. The Schaeffler Group is committed to providing charging stations for electric vehicles and providing parking for fuel efficient vehicles. Native plant species will be planted on site, irrigation system already utilizes a rain sensor and the current lighting has LED parking lights, which meet the light pollution reduction standards.

The board discussed these items with the applicant.

**Resolution # SDRC-2019-01-002**

Moved by: Grusnick

Seconded by: Hutson

RESOLVED, The SDRC hereby grants Prequalified SDP status, to provide more than 50% of the site's required parking in front yard in RC, subject to the following:

1. Parking photometric plan approval
2. Handicap parking spots moved from N side to E side of building
3. Work with Engineering Department to determine pavement cross section above the water main
4. Applicant accepts responsibility of expense, NOT the City of Troy, for pervious pavement use

Yes: All present (5)

**MOTION CARRIED**

4. OTHER BUSINESS

There was consensus to appoint Mr. Finley as Vice Chair and mainain Mr. Savidant as Chair of the Sustainable Design Review Committee.

ADJOURN

The meeting of the Sustainable Design Review Committee adjourned at 2:41 p.m.

Respectfully submitted,



R. Brent Savidant, Planning Director

G:\Sustainable Development Option\SDRC Meetings\Minutes\Final\2019-01-30 SDRC Meeting\_FINAL.doc

# MINUTES



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## Retiree Healthcare Benefits Plan & Trust Board Meeting

November 13<sup>th</sup>, 2019 at 1:00 PM  
Troy City Hall City Council Board Room  
500 West Big Beaver Troy, Michigan 48084  
(248) 524-3330

### Roll Call

A meeting of the Retiree Healthcare Benefits & Trust Board of Trustees was held on **November 13<sup>th</sup>, 2019** at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 1:24 PM.

**Trustees Present:** Mark Calice  
Thomas Gordon II  
Robert C Maleszyk  
Justin Novak  
Mark F. Miller  
Mark Owczarzak

**Trustees Absent:** Milton Stansbury  
David Hamilton

**Also Present:** Rebecca Sorensen – UBS Financial Management  
Darin McBride - UBS Financial Management  
Lisa Burnham  
Shazia Fatima

### Minutes from the August 14<sup>th</sup>, 2019 Meeting

#### Resolution # ER-2019-11-09

Moved by: Gordon

Seconded by: Novak

**RESOLVED**, that the Minutes of the August 14<sup>th</sup>, 2019 meeting be **APPROVED**.

Yeas: - 5 -

Absent: - 2 -

**Motion Passes**

**Regular Business**

• **2020 RHC Board Meeting Dates**

- 1 PM on the following Wednesdays: Feb 12<sup>th</sup>, May 13<sup>th</sup>, Aug 12<sup>th</sup>, Nov 11<sup>th</sup>

**Resolution # ER – 2019-11-10**

Moved by: Miller

Seconded by: Maleszyk

**RESOLVED**, that the 2020 RHC Meeting Schedule be **APPROVED**.

Yeas: - 5 -

Absent: - 2 –

**Motion Passes**

• **RHC Actuarial Valuation Engagement Letter Jan-Dec 2020 – Gabriel, Roeder, Smith (GRS)**

- Robert Maleszyk presented the Actuarial Valuation Engagement Letter – Gabriel, Roeder, Smith (GRS)
- He reviewed the proposed services and actuarial fees for the City of Troy Retiree Health Care plan for the period beginning January 1, 2020 through December 31, 2020.

**Resolution # ER - 2019-11-11**

Moved: Miller

Seconded: Novak

**RESOLVED**, to engage Gabriel Roeder Smith to perform RHC actuarial services through December 31, 2020 using an assumed rate of return of 6.5% and using the most current mortality tables commonly used for municipal systems be **APPROVED**.

Yeas: - 5 -

Absent: - 2 –

**Investments**

• **Market and Investment Review – UBS Financial – Rebecca Sorensen**

- Becky gave a brief overview of the market noting that there is still volatility in the market. They are cautious and still want to maintain the 70-30 allocation.
- She discussed portfolio performance noting the YTD Net Returns Net of Fees as of September 30<sup>th</sup>, 2019 was 16.68%.
- She also presented the asset allocation and had some rebalancing recommendations.
- Darin presented the Manager Performance discussing the performance quartiles and upside / downside capture ratios for each manager.

**RETIREE HEALTHCARE BENEFITS PLAN & TRUST BOARD MINUTES – FINAL – November 13<sup>th</sup>, 2019**

• **Recommendations:**

- Purchase TCW Emerging Markets Income Fund- \$780,000
- Increase Inflation Protected Treasuries- \$1,170,000
- Reduce BlackRock High Yield- \$390,000
- Reduce BlackRock Strategic Income- \$390,000
- Reduce FCI All Corp- \$1,170,000

**Resolution # ER-2019-11-12**

Moved by: Novak

Seconded by: Maleszyk

**RESOLVED**, to purchase \$780,000 in TCW Emerging Markets Income Fund, Increase Inflation Protected Treasuries by \$1,170,000, reduce BlackRock High Yield by \$390,000, reduce BlackRock Strategic Income by \$390,000 and reduce FCI All Corp by \$1,170,000 be **APPROVED**.

Yeas: - 5 -

Absent: - 2 -

**Motion Passes**

**Other Business**

None

**Public Comment**

None

**Adjourn**

The meeting was adjourned at 1:49 PM.

The next meeting is Wednesday, February 12<sup>th</sup>, 2020 at 1:00 p.m. at Troy City Hall, Council Board Conference Room, 500 W. Big Beaver Road, Troy, MI 48084.

  
\_\_\_\_\_  
Mark Calice, Chairman

  
\_\_\_\_\_  
Thomas Gordon II, Vice Chairman

**VOLUNTEER FIREFIGHTERS' INCENTIVE PLAN AND TRUST BOARD OF  
TRUSTEES MINUTES – FINAL – November 13<sup>th</sup>, 2019**

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500 West Big Beaver  
Troy, MI 48084  
troymi.gov

**Minutes**

**Volunteer Firefighters'  
Incentive Plan & Trust  
Board Meeting**

**November 13<sup>th</sup>, 2019 at 11:00 AM  
City Council Board Room  
at Troy City Hall  
500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3330**

A meeting of the Troy Volunteer Firefighters' Incentive Plan & Trust Board was held on November 13<sup>th</sup>, 2019 at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 11:02 AM by Chairman Robert C Maleszyk.

**Trustees Present:** Robert C Maleszyk  
Mark F Miller  
Anthony Rosenblum  
Al Soriano  
David Hamilton

**Trustees Absent:** Jim Roll  
Tony Pabian

**Also Present:** Bob Alati – Graystone Consulting  
Tim Brice - Graystone Consulting  
Dave Roberts  
Lisa Burnham  
Shazia Fatima

**Motion to excuse absentees:**

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**Resolution # VFIP – 2019-11-10**

Moved by: Rosenblum

Seconded by: Hamilton

**RESOLVED**, that Jim Roll and Tony Pabian be excused from the meeting be **APPROVED**.

Yeas: - 5 -

Absent: - 2 -

**VOLUNTEER FIREFIGHTERS' INCENTIVE PLAN AND TRUST BOARD OF  
TRUSTEES MINUTES – FINAL – November 13<sup>th</sup>, 2019**

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**Motion to approve the Agenda:**

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**Resolution # VFIP – 2019-11-11**

Moved by: Hamilton

Seconded by: Soriano

**RESOLVED**, that the Agenda for the meeting be **APPROVED**.

Yeas: - 5 -

Absent: - 2 -

**Minutes from August 14<sup>th</sup>, 2019:**

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**Resolution # VFIP – 2019-11-12**

Moved by: Rosenblum

Seconded by: Miller

**RESOLVED**, that the Minutes of the August 14<sup>th</sup>, 2019 meeting be **APPROVED**.

Yeas: - 5 -

Absent: - 2 -

**Retirement Requests:**

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<b>Name</b>	Stephen Vaillancourt (Beneficiary – Susan Vaillancourt)
<b>Type</b>	Non-Duty Death
<b>Retirement Date</b>	11/12/2018
<b>Service Credit</b>	16 years, 7 months
<b>Age</b>	56

**Resolution # VFIP – 2019-11-13**

Moved by: Rosenblum

Seconded by: Soriano

**RESOLVED**, that the retirement requests be **APPROVED**.

Yeas: - 5 -

Absent: - 2 -

**Regular Business:**

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- **Christmas Luncheon**
  - Administrator Burnham announced that the Christmas Luncheon will be held on December 11<sup>th</sup>, 2019 and an email will be sent out regarding the final time and location.

**VOLUNTEER FIREFIGHTERS' INCENTIVE PLAN AND TRUST BOARD OF  
TRUSTEES MINUTES – FINAL – November 13<sup>th</sup>, 2019**

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- **2020 VFIP Board Meeting Dates**

- 11 AM on the following Wednesdays: Feb 12<sup>th</sup>, May 13<sup>th</sup>, Aug 12<sup>th</sup>, Nov 11<sup>th</sup>

**Resolution # VFIP – 2019-11-14**

Moved by: Hamilton

Seconded by: Rosenblum

**RESOLVED**, that the 2020 Meeting Schedule be **APPROVED**.

Yeas: - 5 -

Absent: - 2 -

- **VFIP Actuarial Valuation Engagement Letter Jan-Dec 2020 – Gabriel, Roeder, Smith (GRS)**

- Robert Maleszyk presented the Actuarial Valuation Engagement Letter – Gabriel, Roeder, Smith (GRS)
  - He reviewed the proposed services and actuarial fees for the City of Troy Incentive Plan for Volunteer Firefighters for the period beginning January 1, 2020 through December 31, 2020.

**Resolution # VFIP - 2019-11-15**

Moved: Hamilton

Seconded: Rosenblum

**RESOLVED** to engage Gabriel Roeder Smith to perform VFIP actuarial services through December 31, 2020 using an assumed rate of return of 6.5% and using the most current mortality tables commonly used for municipal systems be **APPROVED**.

Yeas: - 5 -

Absent: - 2 -

- **Graystone Consulting Group Presentation**

- **Market Review – Bob Alati and Tim Brice**

- Bob discussed the S&P, Emerging Markets, Industrial, Technology, and All World Index Charts noting that markets are moving up.
    - He also discussed the different types of Yield Curves – Inverted, Normal and Flat, noting that right now we are at the Normal or Steepening Yield Curve indicating that the markets are getting better and that we are still not near a recession.
    - Tim discussed the factors that led to this improvement in the market.

**VOLUNTEER FIREFIGHTERS' INCENTIVE PLAN AND TRUST BOARD OF  
TRUSTEES MINUTES – FINAL – November 13<sup>th</sup>, 2019**

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- **Investment Review – Tim Brice**
  - Tim presented the Third Quarter 2019 Performance Reports
    - Net Return Net of Fees YTD as of September 30<sup>th</sup>, 2019: 12.06%.
  - Performance Update Report as of October 31<sup>st</sup>, 2019
    - Net Return Net of Fees YTD as of October 31<sup>st</sup>, 2019: 13.31%.
- **Manager Performance Review – Tim Brice**
  - Tim presented the Manager Performance update discussing the risk and returns of Cambiar, Delaware and ClearBridge noting that Cambiar is struggling.
  - He recommended that Cambiar International Equity be replaced with ClearBridge International Growth and Delaware International Value Equities.
- **Asset Allocation Review – Tim Brice**
  - Tim presented the Capital Market Assumptions discussing the difference between Strategic Forecasts (first 7 years) and Secular Forecasts (Year 8 and up) for the various asset classes in the portfolio.
  - He also discussed the strategic asset allocation summary comparing the rate of return, volatility and sharpe ratios for the current portfolio versus the strategic and tactical mixes.
  - Tim will bring an analysis of REITs and MLP's in the future meetings.
- **Recommendation: Rebalancing the portfolio as of 11/1/2019**
  - Sell all positions in Cambiar International Equity \$1,084,072 and reallocate \$350,000 from cash to ClearBridge International Growth Equity \$592,036, Delaware International Value Equity \$592,036, iShares Emerging Markets Equity \$100,000 and PIMCO Real Return Domestic Fixed Income \$150,000.

**Resolution # VFIP – 2019-11-16**

Moved: Hamilton

Seconded: Soriano

**RESOLVED** to Sell all positions in Cambiar International Equity \$1,084,072 and reallocate \$350,000 from cash to ClearBridge International Growth Equity \$592,036, Delaware International Value Equity \$592,036, iShares Emerging Markets Equity \$100,000 and PIMCO Real Return Domestic Fixed Income \$150,000 be **APPROVED**.

Yeas: - 5 -

Absent: - 2 -

**VOLUNTEER FIREFIGHTERS' INCENTIVE PLAN AND TRUST BOARD OF  
TRUSTEES MINUTES – FINAL – November 13<sup>th</sup>, 2019**

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**Other Business:**

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- Fire Chief Dave Roberts announced that Tony Pabian and Jim Roll are no longer able to fulfill their obligation as Trustees on the VFIP Board.
- Tony Pabian was one of two active member representatives and Jim Roll was the retiree representative.
- Both these positions are now vacant and need to be filled.
- He will announce at all Fire Stations to seek nominations for anyone who is interested to be a Trustee on the Board, decide who will replace Tony and Jim, and forward those names to him before the next VFIP meeting to be held on February 12th, 2020.

**Public Comment:**

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None

**Motion to adjourn the meeting:**

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**Resolution # VFIP – 2019-11-17**

Moved by: Hamilton

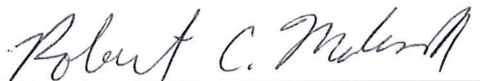
Seconded by: Rosenblum

**RESOLVED**, that the meeting adjournment be **APPROVED**.

Yeas: - 5 -

Absent: - 2 -

Meeting adjourned at 11:53 AM.



Robert C Maleszyk, Chairman



Lisa Burnham, System Administrator

**EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES MINUTES- FINAL- December 11<sup>th</sup>, 2019**

500 West Big Beaver  
Troy, MI 48084  
troyml.gov

**MINUTES****Employees' Retirement System Board Meeting**

December 11<sup>th</sup>, 2019 at 1:30 PM  
Troy City Hall Council Board Room  
500 West Big Beaver Troy, Michigan 48084  
(248) 524-3330

**Roll Call**

The monthly meeting for the Employees' Retirement System Board of Trustees was held on **December 11<sup>th</sup>, 2019** at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 1:32 PM.

**Trustees Present:** Mark Calice  
Thomas Gordon II  
Robert C Maleszyk  
Justin Novak  
Mark F Miller (left at 2:00 PM)  
David Hamilton  
Milton Stansbury

**Trustees Absent:** Mark Owczarzak

**Also Present:** Robert F. Alati – Graystone Consulting  
Timothy M. Brice – Graystone Consulting  
Rebecca Sorensen – UBS Financial Management  
Darin McBride - UBS Financial Management  
Jason Ashline - ICMA-RC  
Kevin Monds – ICMA-RC  
Rola Ismail – ICMA-RC  
Lisa Burnham  
Shazia Fatima

**Minutes from the November 13<sup>th</sup>, 2019 Meeting****Resolution # ER – 2019-12-41**

Moved by: Maleszyk

Seconded by: Hamilton

**RESOLVED**, that the Minutes of the November 13<sup>th</sup>, 2019 meeting be **APPROVED**.

Yeas: - 7 -

Absent: - 0 -

**Motion Passes**

**Retirement Requests**

Name	None			
Pension Program				
Retirement Date				
Department				
Service Time				

**Regular Business**

**• ICMA/RC Investment Review**

- Jason, Kevin and Rola from ICMA/RC introduced themselves.
- Kevin presented the Investment Review, reviewed the ICMA/RC Investment Objective and Philosophy and talked about the Active Vantagepoint and VT Funds and their performance.
- Jason talked about Employee Education and the three representatives from ICMA/RC that will work closely with employees and presented the Plan Health Monitor.

**Investments**

**Graystone Consulting Group Presentation**

**• Market Review – Bob Alati**

- Bob talked about profit margins, the Gold and Copper Charts and the S&P charts, highlighting the factors that are indicating that the markets are accelerating.
- He concluded that we are still in a bull market and there are no indications of a recession at this time.

**• Investment Review – Tim Brice**

- Tim discussed the On the Markets article indicating that they believe there will be a recovery in the global economy next year and that the US GDP growth will stabilize.
- He concluded that they will continue with the Reflation theme by being overweight to international equities and US Value stocks.
- He reviewed Portfolio Performance noting the YTD Net Returns Net of Fees for the combined accounts as of November 30<sup>th</sup>, 2019 was 16.24%.

**UBS Financial Presentation**

- **Market Review – Rebecca Sorensen / Darin McBride**
  - Darin talked about their key thoughts as we enter 2020 and for the next decade.
  - Increased coordination between governments and central banks could spur either greater global growth or end in inflationary catastrophe.
  - They anticipate lower returns and higher volatility for most financial assets.
  - Investors may need to increase their exposure to equities or accept lower returns.
  - Darin also discussed the Year Ahead 2020 article discussing investing decisions for 2020 and the key issues for investors.
  
- **Investment Review – Rebecca Sorensen / Darin McBride**
  - The performance as of November 30<sup>th</sup>, 2019 YTD Net Rate of Return Net of Fees was as follows: Combined 21.49%; ERS 20.29%; NAIC 25.98%.
  
- **Recommendations:**
  - ERS Portfolio:
    - Invest cash in Vanguard Mid-Cap Value ETF.
  - NAIC Portfolio:
    - Sell Air Lease Corporation and Meta Financial Group
    - Invest cash from sales in Vanguard Large Cap Value ETF
  - The ERS Rules and Regulations Manual was referenced by the Chairman in regards to his suggestion that no purchase or sales should be done in the NAIC account if it has not been recommended by the NAIC Investment Advisory Service report.
  - The Board agreed with the Chairman and decided not to take any action on the NAIC Portfolio recommendations by UBS at this time until further notice.

**Resolution # ER – 2019-11-42**

Moved by: Hamilton

Seconded by: Novak

**RESOLVED**, that the cash from the ERS Portfolio be used to invest in Vanguard Mid-Cap Value ETF and that no action be taken on the NAIC Portfolio recommendations by UBS until further notification be **APPROVED**.

Yeas: - 6 –

Absent: - 1 – Miller

**Motion Passes**

- UBS also had 4 option recommendations for the board to consider, and briefly outlined those options.

**Resolution # ER – 2019-11-43**

Moved by: Hamilton

Seconded by: Maleszyk

**RESOLVED**, that the option recommendations as presented by UBS be **APPROVED**.

Yeas: - 6 –

Absent: - 1 – Miller

**Motion Passes**

**Other Business**

- None

**Public Comment**

- None

**Adjourn**

The meeting adjourned at 3:22 PM.

The next meeting is Wednesday, February 12<sup>th</sup>, 2020 at 12:00 PM at Troy City Hall, Council Board Conference Room, 500 W. Big Beaver Road, Troy, MI 48084.

  
\_\_\_\_\_  
Mark Calice, Chairman  
\_\_\_\_\_  
Thomas Gordon II, Vice Chairman

**Traffic Committee Minutes – January 15, 2020****FINAL**

A regular meeting of the Troy Traffic Committee was held Wednesday, January 15, 2020 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

**1. Roll Call**

Present: Don Johnson  
Richard Kilmer  
Cindy Nurak  
Al Petrulis  
Pete Ziegenfelder  
Alankar Shende, Student Representative

Absent: Sunil Sivaraman  
Cynthia Wilsher

Also present: Marty and Joyce Binder, 1819 North Lake  
Kevin Ferguson, 1850 Woodgate  
Gerald and Barbara McKee, 1783 North Lake  
Hyung Choi and Jung Choi, 1734 North Lake  
Chad and Paula Halcom, 1759 North Lake  
Craig Chamberlain, 3785 Highland  
Sgt. Justin Novak, Police Department  
Bill Huotari, City Engineer/Traffic Engineer

**2. Minutes – November 20, 2019**

Resolution # 2020-01-01  
Moved by Kilmer  
Seconded by Nurak

To approve the minutes as printed.

Yes: Johnson, Kilmer, Nurak, Petrulis, Ziegenfelder  
No: None  
Absent: Sivaraman, Wilsher

**MOTION CARRIED****PUBLIC HEARINGS****3. No Public Hearings****REGULAR BUSINESS****4. Request for Traffic Control – North Lake Drive at Sherwood Drive**

Kevin Ferguson of 1850 Woodgate Drive states that the lack of traffic control at the intersection

of North Lake Drive and Sherwood Drive creates a hazardous condition now that Raintree Village on the Park has been developed.

Chad Halcom of 1759 North Lake Drive stated that he lives in the last house before the private road starts. His request was to place a speed bump or require the developer to place a speed bump on the private portion of North Lake Drive. His concern is about excessive speeds from the private road to the public road and out to John R. He did not feel that a Stop or Yield sign would be effective. His recommendation was to do something that can't be ignored. During the AM and PM peak hour, traffic control signs may create congestion and backups.

A discussion of speed bumps vs speed humps and private road vs public roads ensued.

Sgt. Novak added that Troy Police provide additional enforcement when new traffic control devices are installed. Portable radar trailers are currently not in use due to the weather. Troy Police have provided direct enforcement in this area within the past six months and found low volumes of traffic and low violation rates for speeding. However, he will schedule this area for a portable radar trailer in the spring as the weather allows.

Hyung Choi of 1754 North Lake reports that traffic drives very fast. UPS and other delivery trucks drive at high rates of speed. Residents are also driving too fast.

Kevin Ferguson of 1850 Woodgate reports that the bus stop for the area is just south of the intersection. The bus stops on northbound Sherwood just south of North Lake. North Lake is approximately ½ mile long and some drivers are driving too fast. This intersection was previously a curve for 40 years and only recently became a 3-way intersection with the development of the new subdivision to the west of the intersection. He supports Stop signs as drivers don't understand Yield signs. He suggests that eastbound North Lake should have a Stop sign. His preference is a Stop sign at minimum and suggests that All-Way Stop control would be the most effective.

Barb McKee of 1783 North Lake stated that a Yield sign would not work. She would like to see at least two Stop signs. The other issue in this area is parents that park on the road to drop off or pick up their kids from the bus. There used to only be a handful of school age children, but with the new subdivision there are over 20 people waiting for the bus on a daily basis. She also stated that delivery vehicles drive very fast in the subdivision. There is a lot of congestion during the times that the school bus is picking up or dropping off children.

Martin Bender of 1819 North Lake discussed the bus stop and its location relative to the intersection and the concerns about the number of parents who park with their children waiting for the bus.

The school bus picks up students around 8:50 AM and drops off around 4:30 PM.

There was discussion about the bus route through the subdivision and potential for relocating the bus stop further to the south away from the intersection and down by the park. Residents discussed calling the Troy School District to report their concerns and suggest that the bus stop be moved to the south.

Mr. Feguson stated that he has spoken with the bus driver and she said she has reported parking issues 3 or 4 times to the school district.

Sgt. Novak stated that Troy Police has a list of known bus stop locations with concerns and North Lake at Sherwood has not been on the list. Troy Police will have an officer in the area during pickup and/or drop off to review the situation.

Mr. Petrulis redirected the discussion back to the request for traffic control. He supports an All-Way Stop as it would help address the flow of traffic and assign right-of-way at the intersection.

Mr. Ziegenfelder stated that he prefers Stop signs to remove any ambiguity.

Mr. Johnson discussed that a sign on Sherwood would not address traffic flow issues. He also supports All-Way Stop control. He discussed that residents should contact the Troy School District to report their concerns and suggestions regarding the bus stop location as Troy School District has been very good to work with in the past.

Ms. Nurak stated that drivers on Sherwood are not used to the new traffic pattern with new traffic from the private road on North Lake. She discussed the bus stop location, parking and the safety of the children waiting for the bus. This may be a growing pain issue with the new subdivision that may require some additional enforcement to educate drivers.

A discussion amongst all ensued regarding the bus stop location, general flow of traffic and parking in the area.

Resolution # 2020-01-02

Moved by Kilmer

Seconded by Petrulis

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.

Yes: Johnson, Kilmer, Nurak, Petrulis, Ziegenfelder

No: None

Absent: Sivaraman, Wilsher

## **MOTION CARRIED**

### **5. Public Comment**

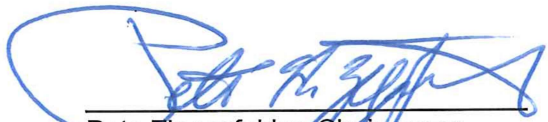
Chad Halcom of 1759 North Lake discussed the End of Public Street sign that is in front of his house. Packages are being left at his house as he assumes that delivery drivers are not willing to or don't know that they can go on the private road portion of North Lake Drive. He requested that the sign be reviewed to see if there were other options available to demarcate the end of the public road. Traffic Engineering will forward the request to DPW for review.

### **6. Other Business**

Mr. Kilmer reports that the traffic signal at Rochester and Bishop is not working correctly causing delays on Rochester Road. He reports that the green signal for Bishop is excessive and creating backups on Rochester Road. Traffic Engineering will forward to the RCOC Traffic Signal Engineer for investigation.

**7. Adjourn**

The meeting adjourned at 8:15 p.m.

  
Pete Ziegenfelder, Chairperson  
G:\Traffic\aaa Traffic Committee\2020\1\_January 15\01152020\_Minutes\_TC\_DRAFT.docx  
William J. Huotari, City Engineer/Traffic Engineer

On January 20, 2020 at 7:30 p.m., in the Council Chambers of Troy City Hall, Chairman Clark called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

Daniel Agauas  
Michael Bossenbroek  
Glenn Clark  
David Eisenbacher  
Orestis Kaltsounis

Also Present:

Paul Evans, Zoning and Compliance Specialist  
Allan Motzny, Assistant City Attorney

2. PROCEDURE

3. APPROVAL OF MINUTES – December 17, 2019

Moved by Eisenbacher  
Seconded by Kaltsounis

RESOLVED, to approve the December 17, 2019 meeting minutes.

Yes: All

MOTION PASSED

4. APPROVAL OF AGENDA – Item 5B withdrawn by applicant.

5. HEARING OF CASE

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 Agauas  
Second by Eisenbacher

RESOLVED, deny the request.

Yes: All

MOTION PASSED

6. COMMUNICATIONS – None.
7. MISCELLANEOUS BUSINESS – None.
8. PUBLIC COMMENT – Two people commented.
9. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 7:58 pm.

Respectfully submitted,

David Eisenbacher (GF)  
Glenn Clark, Chairman

Paul Evans  
Paul Evans, Zoning and Compliance Specialist

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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.

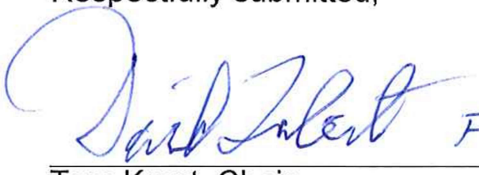
8. PLANNING COMMISSION COMMENT

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,

 FOR Tom KRENT  
\_\_\_\_\_  
Tom Krent, Chair

  
\_\_\_\_\_  
Kathy L. Czarnecki, Recording Secretary

On February 18, 2020 at 7:35 p.m., in the Council Chambers of Troy City Hall, Member Eisenbacher, acting Chairman, called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

Michael Bossenbroek  
Thomas Desmond  
David Eisenbacher  
Aaron Green  
James McCauley  
Sadek Rahman

Also Present:

Paul Evans, Zoning and Compliance Specialist  
Allan Motzny, Assistant City Attorney

2. PROCEDURE

3. APPROVAL OF MINUTES – January 21, 2020

Moved by McCauley  
Seconded by Desmond

RESOLVED, to approve the January 21, 2020 meeting minutes.

Yes: All

MOTION PASSED

4. APPROVAL OF AGENDA – No changes

5. HEARING OF CASES:

A. VARIANCE REQUEST, GARY ABITHEIRA, 1151 WOODSLEE: A variance request to construct a two dwelling residence on a property that has less than the 5,000 square foot minimum area per dwelling unit.

Moved by McCauley  
Second by Desmond

RESOLVED, grant the request.

Yes: All

MOTION PASSED

- B. VARIANCE REQUEST, AL MERIAN FOR AL MERIAN CONSTRUCTION LLC, 920 LONGFELLOW: A variance request to construct a home addition less than the 40 foot minimum required setback from the rear property line.

Moved by McCauley  
Second by Desmond

RESOLVED, grant the request.

Yes: Rahman, Desmond, Eisenbacher, McCauley  
No: Bossenbroek, Green

MOTION PASSED

6. COMMUNICATIONS – None.
7. MISCELLANEOUS BUSINESS – None.
8. PUBLIC COMMENT – One person commented.
9. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 8:39 pm.

Respectfully submitted,

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Glenn Clark, Chairman

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Paul Evans, Zoning and Compliance Specialist

R. Brent Savidant called the meeting of the Sustainable Design Review Committee to order at 11:02 am on February 19, 2020 in Conference Room C of Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson, Planning Commission Representative  
John Tagle, Planning Commission Representative  
Scott Finlay, Civil Engineer (acting as the City Engineer)  
Salim Huerta, Building Official  
R. Brent Savidant, Planning Director (acting as the Zoning Administrator)

2. APPROVAL OF MINUTES

**Resolution # SDRC-2019-01-003**

Moved by: Savidant

Seconded by: Hutson

**RESOLVED**, To approve the minutes of the January 30, 2018 Sustainable Design Review Committee, as printed.

Yes: All present (5)

**MOTION CARRIED**

3. BUSINESS AGENDA

**A. Depor Industries, Inc. to exceed maximum lot coverage, located on east side of Northwood, north of Maple (1902 Northwood), Section 28 – Zoned IB**

- Seeking SDP status to exceed maximum lot coverage

Chairman Savidant summarized the application.

Applicant, Nicole Rittenour, informed the Committee that they are seeking to do a 3,000 sq ft addition to the rear of the building. Depor has a new contract with Toyota and they are currently maxed out in their building. The new addition would house new equipment. There are six (6) loading docks and they would re-use three (3) of them for the addition. The applicant will remove 3,000 sq ft of asphalt paved area at the rear of the site and add new landscape as a buffer. The landscape would create natural filtration through grass and native plant species including Butterfly weeds. The new addition would also match the existing addition and include a SRI of 78.

The board discussed these items with the applicant.

**Resolution # SDRC-2020-02-001**

Moved by: Savidant  
Seconded by: Tagle

RESOLVED, The SDRC hereby grants Prequalified SDP status, to exceed maximum lot coverage, subject to the following:

1. Annual inspection of the landscaping

Yes: All present (5)

**B. Ark-Tec, to park in the front yard, located on west side of Maxwell, north of Maple (1715-1717 Stutz Dr.), Section 29 – Zoned IB**

- Seeking SDP status to park in the front yard in the IB district

Chairman Savidant summarized the application.

Applicant, Troy Chontos, informed the Committee that they are seeking to add two 380 sq ft parking areas at the front of the building. The current swale to the west would be improved and an additional swale to the east will be added. Applicant would add landscaping at the front of Stutz Drive with natural grasses. Three light fixtures at the front of the property will be switched out to LED lighting.

The board discussed these items with the applicant.

**Resolution # SDRC-2020-02-002**

Moved by: Savidant  
Seconded by: Tagle

RESOLVED, The SDRC hereby grants Prequalified SDP status, to park in the front yard, subject to the following:

1. Parking to meet Michigan Barrier Free standards as determined by the Building Official.
2. Outside lighting be put on timers or use photo-cell lighting.
3. Consideration of removing the wall pack and adding lighting near the parking.

Yes: All present (5)

**MOTION CARRIED**

#### 4. OTHER BUSINESS

There was a motion moved by Mr. Savidant to appoint Mr. Salim Heurta as Chair of the Sustainable Design Review Committee.

**Resolution # SDRC-2020-02-003**

Moved by: Savidant

Seconded by: Finley

RESOLVED, Salim Heurta will now Chair the Sustainable Design Review Committee meetings.

Yes: All present (5)

#### **MOTION CARRIED**

#### **ADJOURN**

The meeting of the Sustainable Design Review Committee adjourned at 11:28 a.m.

Respectfully submitted,

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R. Brent Savidant, Community Development Director

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## CITY COUNCIL REPORT

Date: February 12, 2020

To: Mark Miller, City Manager

From: Robert Bruner, Assistant City Manager  
Robert C. Maleszyk, Chief Financial Officer  
Lisa Burnham, Accounting Manager  
William J. Huotari, City Engineer

Subject: Federal Funding for Major Road Work  
Rochester Road, North of Long Lake (Trinway) to South Boulevard

At the Oakland County Federal Aid Funding Committee meeting of February 11, 2020, \$419,000 in federal funds were awarded for concrete pavement replacement on Rochester Road, from north of Long Lake (Trinway) to South Boulevard in 2024. The total project cost is estimated at \$524,000. The City share of this amount is 20% or \$105,000.

The intent is to include the concrete pavement replacement work as part of the future Rochester Road, north of Wattles (Barclay) to north of Long Lake (Trinway) reconstruction and widening project anticipated to start construction in the winter of 2023/24. Concrete pavement replacement work would be coordinated with the overall maintenance of traffic plan to address deteriorated pavement while traffic is switched for construction.

A future cost participation agreement will be presented to City Council for approval once the federal funds are available to obligate.

It is anticipated that additional City funds will be budgeted for additional concrete pavement replacement work so that we can address as much of the poor pavement north of the reconstruction project as possible at one time.

The project award of \$524,000, in 2024, brings the total approved amount of funding for major roads in Troy to approximately \$26,200,000. Troy's match to these funds is approximately \$4,700,000 with the remaining \$21,500,000 in federal, state, RCOC or other agency funds. Projects included in this total are:

- 2021 – Rochester, Barclay to Trinway – Right-of –Way
- 2021 – Adams, Long Lake to Square Lake – Construction
- 2022 – 14 Mile, I75 to Dequindre – Construction
- 2023 – Rochester, Barclay to Trinway – Construction
- 2024 – Rochester, Trinway to South Boulevard - Construction



**Interim Financial Report  
2<sup>nd</sup> Quarter  
For The Six Months Ended  
December 31, 2019**

**CITY OF TROY**  
**QUARTERLY REPORT**  
**SIX MONTHS ENDED DECEMBER 31, 2019**  
**HIGHLIGHTS**

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**General Fund**

***Revenues***

Total revenues are \$46.2 million to date and represent 73.3% of total budgeted revenues and other sources. This is an increase of \$2.1 million or 4.8% compared to the same time period in the prior year and includes recognition of total annual tax revenues of \$34.6 million. Tax revenue increased \$2.0 million or 6.1%.

***Expenditures***

Total General Fund expenditures to date are \$28.8 million or 43.7% of the annual budget. Majority of departments appear to be within expected budgetary parameters to date. The Nature Center and Historic Village amounts appear higher due to the City annual contributions at the beginning of the year, however total expenditures compared with the prior year are within expectations.

**Capital Fund**

***Revenues***

Total revenues are \$11.1 million to date and represent 70.4% of total budgeted revenues and other sources. This is an increase of approximately \$0.9 million from the prior year to date due primarily to the increase contributions from the general fund and library fund.

***Expenditures***

Expenditures for capital projects of \$6.8 million represent 42.8% of budgeted projects. This is up approximately \$0.4 million due to the roof replacement project and purchase of election equipment offset by a decrease in street improvements.

## **Debt Service Fund**

### **Revenues**

Total revenues of \$3.0 million are up \$88 thousand or 3.0% compared to the prior year as expected.

### **Expenditures**

Total expenditures of \$2.8 million represent 97.0% of annual debt service requirements.

## **Major Streets Fund**

### **Revenues**

Total revenues of \$3.2 million represent 48.7% of total budget revenues. This is a decrease of \$258 thousand or 7.4% from prior year. The decrease is due to \$484 thousand special appropriation from State Legislature last year offset by the normal increase in Act 51 appropriations (Gas and Weight Taxes). Current trends indicate that the fund will generate budgeted amounts by the end of the fiscal year.

### **Expenditures**

Total expenditures of \$3.1 million represent 43.3% of total budgeted expenditures. This is an increase of \$520 thousand over the prior year amount or 20.5% as expected.

## **Local Streets Fund**

### **Revenues**

Total revenues of \$2.0 million represent 49.1% of total budgeted revenues. This is an increase of \$338 thousand or 20.1% due primarily to the increase of \$250 thousand from the Major Street Fund. Current trends indicate that the fund will generate budgeted amounts by the end of the fiscal year.

### **Expenditures**

Total expenditures of \$1.6 million represent 39.6% of total budgeted expenditures. This is an increase of \$159 thousand over the prior year amount or 11.0% as expected.

## **Aquatic Center**

### **Revenues**

Revenues of \$350 thousand represent 58.6% of the fund's annual budgeted financial resources. This is up \$19 thousand or 5.6% compared to the prior year during the same time period. The increase is due primarily to daily passes and seasonal memberships. It should be noted that the majority of the revenue for membership passes comes in the months of May and June. Weather conditions can have a significant impact on financial results.

### **Expenses**

Expenses of \$380 thousand are down \$32 thousand or 7.7% primarily due to less personal service expenses. This is attributable to weather in summer 2019.

## **Sanctuary Lake Golf Course**

### **Revenues**

Revenues of \$1.1 million are up \$82 thousand or 8.1% compared to the prior year for the same time period. Total year to date rounds are 25,433 representing an increase of approximately 2,096 rounds from prior year. Average revenue per round is \$42.85 compared to prior year of \$43.14.

### **Expenses**

Total expenditures of \$1.08 million are up \$40 thousand or 3.9% compared to prior year.

As in prior years, it is not anticipated that income from operations will cover the entire debt service amount budgeted at \$894 thousand. Weather conditions can have a significant impact on financial results.

## **Sylvan Glen Golf Course**

### **Revenues**

Revenues of \$853 thousand are up \$103 thousand or 13.7% compared to the prior year to date amounts. Total year to date rounds are 28,589 representing an increase of approximately 3,850 rounds from the prior year. Average revenue per round is \$24.63 compared to prior year of \$24.77.

### **Expenses**

Total expenditures of \$752 thousand are up \$80 thousand or 11.8% compared to prior year. Weather conditions can have a significant impact on financial results.

## **Sanitary Sewer Fund**

### **Revenues**

Sanitary Sewer fund revenues of \$7.6 million are down \$684 thousand or 8.2% from the prior year to date due primarily from consumption (sold 263,852 mcf, down 26,864 mcf or 9.2%).

### **Expenses**

Sewer fund expenses of \$9.1 million are up \$1.8 million from the prior year to date due to capital purchase increases of almost \$1.7 million.

## **Water Fund**

### **Revenues**

Water fund revenues of \$11.4 million are down \$0.9 million or 7.4% primarily due to a decrease in consumption (sold 263,852 mcf, down 26,864 mcf or 9.2%). Rates increased to \$40.50 per mcf. Weather patterns can have a significant impact on consumption over the summer months.

### **Expenses**

Water fund total expenses of \$12.8 million are up \$1.1 million. The increase is primarily due to capital and maintenance of \$1.5 million offset by a decrease in current year operating costs \$0.4 million.

**Quarterly Financial Report  
Aquatic Center Fund  
For the Period Ending December 31, 2019**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>Aquatic Center Fund Revenues</b>							
CHARGES FOR SERVICES	532,805	620,000	327,887	52.89	588,000	344,404	58.57
INTEREST & RENT	26,459	8,500	3,064	36.04	8,500	5,973	70.27
OTHER REVENUE	244	100	26	25.92	0	82	0.00
	<b>559,507</b>	<b>628,600</b>	<b>330,977</b>	<b>52.65</b>	<b>596,500</b>	<b>350,459</b>	<b>58.75</b>
<b>Aquatic Center Fund Expenditures</b>							
Aquatic Center	700,470	622,050	412,177	66.26	637,930	380,439	59.64
Operations	700,470	557,050	412,177	73.99	537,930	380,439	70.72
Capital	0	65,000	0	0.00	100,000	0	0.00
	<b>700,470</b>	<b>622,050</b>	<b>412,177</b>	<b>66.26</b>	<b>637,930</b>	<b>380,439</b>	<b>59.64</b>

**Quarterly Financial Report  
Capital Fund  
For the Period Ending December 31, 2019**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
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**Capital Fund Revenues**

TAXES	6,860,470	6,865,190	6,859,638	99.92	6,927,000	6,919,706	99.89
GRANTS	839,799	2,160,000	634,506	29.38	160,000	11,777	7.36
CONTRIBUTIONS FROM LOCAL UNITS	334,620	570,000	169,928	29.81	570,000	0	0.00
CHARGES FOR SERVICES	211,466	331,000	80,836	24.42	326,000	157,901	48.44
INTEREST & RENT	369,823	11,600	37,198	320.67	11,600	91,506	788.84
OTHER REVENUE	455,520	111,610	39,670	35.54	83,000	23,408	28.20
OTHER FINANCING SOURCES	6,835,136	7,539,260	2,346,040	31.12	7,670,360	3,931,878	51.26
	<b>15,906,833</b>	<b>17,588,660</b>	<b>10,167,816</b>	<b>57.81</b>	<b>15,747,960</b>	<b>11,136,176</b>	<b>70.72</b>

**Capital Fund Expenditures**

Capital Outlay	12,866,494	18,528,270	6,414,050	34.62	15,860,660	6,781,669	42.76
Council/Executive Administration	12,665	27,670	0	0.00	315,000	265,305	84.22
Finance	8,361	15,000	520	3.47	5,000	-107	-2.14
City Buildings	42,315	230,000	5,632	2.45	1,671,290	939,473	56.21
Police	344,385	723,360	157,683	21.80	488,000	0	0.00
Fire	2,055,985	2,230,990	0	0.00	1,392,600	884,879	63.54
Streets	8,677,662	11,518,220	5,231,597	45.42	7,618,410	2,902,299	38.10
Public Works	396,238	570,000	381,238	66.88	491,000	4,198	0.85
Parks	217,284	1,600,540	183,888	11.49	642,000	103,742	16.16
Recreation	40,920	190,000	0	0.00	335,000	96,501	28.81
Nature Center	26,625	22,690	26,625	117.34	55,000	0	0.00
Library	933,001	940,000	346,040	36.81	2,017,360	1,547,884	76.73
Historic Village	11,791	399,800	11,791	2.95	830,000	37,495	4.52
Other	99,264	60,000	69,037	115.06	0	0	0.00
	<b>12,866,494</b>	<b>18,528,270</b>	<b>6,414,050</b>	<b>34.62</b>	<b>15,860,660</b>	<b>6,781,669</b>	<b>42.76</b>

**Quarterly Financial Report  
General Debt Service Fund  
For the Period Ending December 31, 2019**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>General Debt Service Fund Revenues</b>							
TAXES	2,866,822	2,868,800	2,866,620	99.92	2,890,000	2,954,811	102.24
GRANTS	0	33,190	0	0.00	0	0	0.00
INTEREST & RENT	28,411	1,000	2,234	223.44	1,000	6,250	625.00
	<b>2,895,233</b>	<b>2,902,990</b>	<b>2,868,854</b>	<b>98.82</b>	<b>2,891,000</b>	<b>2,961,061</b>	<b>102.42</b>
<b>General Debt Service Fund Expenditures</b>							
Debt Service	2,943,789	2,941,980	2,795,946	95.04	2,860,200	2,773,279	96.96
	<b>2,943,789</b>	<b>2,941,980</b>	<b>2,795,946</b>	<b>95.04</b>	<b>2,860,200</b>	<b>2,773,279</b>	<b>96.96</b>

**Quarterly Financial Report  
General Fund  
For the Period Ending December 31, 2019**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>General Fund Revenues</b>							
TAXES	33,008,708	32,879,130	32,610,208	99.18	34,283,700	34,637,801	101.03
LICENSES AND PERMITS	2,930,788	2,888,880	1,352,817	46.83	2,989,550	1,598,110	53.46
GRANTS	8,663,516	8,397,000	3,198,951	38.10	7,961,690	3,295,901	41.40
CONTRIBUTIONS FROM LOCAL UNITS	52,156	54,600	32,650	59.80	51,600	26,148	50.67
CHARGES FOR SERVICES	8,039,567	9,218,100	3,203,025	34.75	8,962,420	2,945,473	32.86
FINES AND FORFEITURES	1,369,202	930,500	721,776	77.57	1,036,500	573,916	55.37
INTEREST & RENT	2,362,894	1,094,300	645,867	59.02	1,172,780	834,942	71.19
OTHER REVENUE	1,173,146	1,157,900	570,633	49.28	1,177,900	558,348	47.40
OTHER FINANCING SOURCES	4,267,959	5,542,600	1,643,089	29.64	5,334,360	1,736,538	32.55
	<b>61,867,936</b>	<b>62,163,010</b>	<b>43,979,015</b>	<b>70.75</b>	<b>62,970,500</b>	<b>46,207,178</b>	<b>73.38</b>

**General Fund Expenditures**

General government	8,154,320	9,336,320	4,041,970	43.29	9,117,860	3,926,548	43.06
Council and Executive Administration	4,232,453	4,930,620	2,110,238	42.80	4,758,390	2,086,332	43.85
Finance	2,569,727	3,012,960	1,245,949	41.35	3,026,630	1,250,351	41.31
Other General Government	1,352,140	1,392,740	685,784	49.24	1,332,840	589,865	44.26
Public Safety	33,458,399	34,916,810	16,049,131	45.96	35,320,270	15,557,764	44.05
Police	25,583,852	26,922,800	11,846,759	44.00	27,493,450	11,870,222	43.17
Fire	5,529,091	5,652,420	3,272,700	57.90	5,548,570	2,593,751	46.75
Building Inspection	2,345,456	2,341,590	929,672	39.70	2,278,250	1,093,791	48.01
Public Works	5,946,527	7,601,820	2,336,939	30.74	7,523,770	2,709,677	36.01
Streets	5,722,967	7,355,400	2,228,960	30.30	6,997,110	2,570,979	36.74
Transportation	223,560	246,420	107,979	43.82	526,660	138,698	26.34
Community Development	3,865,877	3,794,900	1,776,418	46.81	3,828,650	1,890,459	49.38
Engineering	2,931,060	2,841,250	1,332,281	46.89	2,897,880	1,470,939	50.76
Planning	934,817	953,650	444,137	46.57	930,770	419,520	45.07
Recreation and Culture	7,895,971	8,309,230	4,003,077	48.18	8,069,370	3,726,530	46.18
Parks	2,942,696	3,072,510	1,471,520	47.89	3,115,770	1,414,513	45.40
Recreation	4,584,303	4,841,080	2,229,490	46.05	4,533,010	2,040,473	45.01
Nature Center	154,012	154,240	151,873	98.47	154,900	124,539	80.40
Historic Village	214,960	241,400	150,194	62.22	265,690	147,006	55.33
Transfers Out & Other Uses	1,635,410	1,635,410	0	0.00	2,000,000	1,000,000	50.00
Recreation and culture-OLD	0	0	0	0.00	0	0	0.00
	<b>60,956,503</b>	<b>65,594,490</b>	<b>28,207,535</b>	<b>43.00</b>	<b>65,859,920</b>	<b>28,810,979</b>	<b>43.75</b>

**Quarterly Financial Report  
Library Fund  
For the Period Ending December 31, 2019**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>Library Fund Revenues</b>							
TAXES	3,280,407	3,283,230	3,280,568	99.92	3,407,000	3,403,431	99.90
GRANTS	64,908	26,670	29,909	112.15	30,000	32,767	109.22
CONTRIBUTIONS FROM LOCAL UNITS	175,217	156,000	169,340	108.55	176,000	172,967	98.28
CHARGES FOR SERVICES	20,369	26,050	10,258	39.38	18,150	8,776	48.35
FINES AND FORFEITURES	49,427	90,000	23,031	25.59	45,000	26,537	58.97
INTEREST & RENT	60,524	4,000	10,436	260.91	6,000	16,066	267.77
OTHER REVENUE	6,466	5,000	4,243	84.85	5,000	21,871	437.43
	<b>3,657,318</b>	<b>3,590,950</b>	<b>3,527,786</b>	<b>98.24</b>	<b>3,687,150</b>	<b>3,682,417</b>	<b>99.87</b>
<b>Library Fund Expenditures</b>							
Recreation and Culture	4,110,244	4,253,000	1,903,651	44.76	4,014,270	2,231,543	55.59
Library	4,110,244	4,253,000	1,903,651	44.76	4,014,270	2,231,543	55.59
	<b>4,110,244</b>	<b>4,253,000</b>	<b>1,903,651</b>	<b>44.76</b>	<b>4,014,270</b>	<b>2,231,543</b>	<b>55.59</b>

**Quarterly Financial Report  
Local Street Fund  
For the Period Ending December 31, 2019**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>Local Street Fund Revenues</b>							
GRANTS	2,331,116	2,296,920	1,174,240	51.12	2,591,650	1,261,009	48.66
INTEREST & RENT	96,242	5,000	6,518	130.36	20,000	16,120	80.60
OTHER FINANCING SOURCES	1,000,000	1,000,000	500,000	50.00	1,500,000	750,000	50.00
	<b>3,427,357</b>	<b>3,301,920</b>	<b>1,680,758</b>	<b>50.90</b>	<b>4,111,650</b>	<b>2,027,129</b>	<b>49.30</b>
<b>Local Street Fund Expenditures</b>							
Transfers Out & Other Uses	3,396,933	4,193,100	1,441,606	34.38	4,043,500	1,600,934	39.59
	<b>3,396,933</b>	<b>4,193,100</b>	<b>1,441,606</b>	<b>34.38</b>	<b>4,043,500</b>	<b>1,600,934</b>	<b>39.59</b>

**Quarterly Financial Report  
Major Street Fund  
For the Period Ending December 31, 2019**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>Major Street Fund Revenues</b>							
GRANTS	6,871,404	5,830,430	3,457,326	59.30	6,566,100	3,193,620	48.64
INTEREST & RENT	148,805	5,000	7,923	158.45	14,000	24,510	175.07
	<b>7,020,210</b>	<b>5,835,430</b>	<b>3,465,249</b>	<b>59.38</b>	<b>6,580,100</b>	<b>3,218,131</b>	<b>48.91</b>
<b>Major Street Fund Expenditures</b>							
Transfers Out & Other Uses	5,640,530	6,133,300	2,539,133	41.40	7,071,210	3,059,063	43.26
	<b>5,640,530</b>	<b>6,133,300</b>	<b>2,539,133</b>	<b>41.40</b>	<b>7,071,210</b>	<b>3,059,063</b>	<b>43.26</b>

**Quarterly Financial Report  
Refuse Fund  
For the Period Ending December 31, 2019**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>Refuse Fund Revenues</b>							
TAXES	5,102,374	5,105,920	5,101,792	99.92	5,431,000	5,425,514	99.90
CHARGES FOR SERVICES	1,118	5,500	850	15.45	1,000	315	31.46
INTEREST & RENT	87,767	10,000	11,761	117.61	10,000	25,091	250.91
	<b>5,191,259</b>	<b>5,121,420</b>	<b>5,114,402</b>	<b>99.86</b>	<b>5,442,000</b>	<b>5,450,920</b>	<b>100.16</b>
<b>Refuse Fund Expenditures</b>							
Sanitation	5,250,788	5,312,510	2,195,406	41.33	5,427,190	2,209,066	40.70
	<b>5,250,788</b>	<b>5,312,510</b>	<b>2,195,406</b>	<b>41.33</b>	<b>5,427,190</b>	<b>2,209,066</b>	<b>40.70</b>

**Quarterly Financial Report  
Sanctuary Lake Golf Course  
For the Period Ending December 31, 2019**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>Sanctuary Lake Golf Course Revenues</b>							
CHARGES FOR SERVICES	1,778,488	1,635,910	1,006,776	61.54	1,684,470	1,089,861	64.70
OTHER REVENUE	23,983	0	1,000	0.00	0	0	0.00
	<b>1,802,470</b>	<b>1,635,910</b>	<b>1,007,776</b>	<b>61.60</b>	<b>1,684,470</b>	<b>1,089,861</b>	<b>64.70</b>
<b>Sanctuary Lake Golf Course Expenditures</b>							
Sanctuary Lake	1,959,693	2,365,350	1,033,144	43.68	2,401,540	1,073,680	44.71
Billy Casper	1,719,791	1,391,120	890,571	64.02	1,441,970	995,444	69.03
City Expenses	239,902	874,230	98,655	11.28	890,570	73,800	8.29
Capital	0	100,000	43,918	43.92	69,000	4,437	6.43
	<b>1,959,693</b>	<b>2,365,350</b>	<b>1,033,144</b>	<b>43.68</b>	<b>2,401,540</b>	<b>1,073,680</b>	<b>44.71</b>

**Quarterly Financial Report  
Sewer Fund  
For the Period Ending December 31, 2019**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>Sewer Fund Revenues</b>							
CHARGES FOR SERVICES	13,124,295	13,735,180	8,215,487	59.81	13,847,500	7,512,910	54.25
INTEREST & RENT	963,131	50,000	77,790	155.58	50,000	155,117	310.23
OTHER REVENUE	407,730	0	0	0.00	0	0	0.00
	<b>14,495,157</b>	<b>13,785,180</b>	<b>8,293,277</b>	<b>60.16</b>	<b>13,897,500</b>	<b>7,668,027</b>	<b>55.18</b>
<b>Sewer Fund Expenditures</b>							
Sewer	14,617,042	16,841,110	7,291,296	43.29	17,675,180	9,085,298	51.40
Administration & Cost of Sales	13,587,142	12,530,660	6,787,513	54.17	12,377,690	6,889,249	55.66
Maintenance	1,029,900	1,273,860	434,236	34.09	1,197,490	451,772	37.73
Capital	0	3,036,590	69,546	2.29	4,100,000	1,744,277	42.54
	<b>14,617,042</b>	<b>16,841,110</b>	<b>7,291,296</b>	<b>43.29</b>	<b>17,675,180</b>	<b>9,085,298</b>	<b>51.40</b>

**Quarterly Financial Report  
Sylvan Glen Golf Course  
For the Period Ending December 31, 2019**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>Sylvan Glen Golf Course Revenues</b>							
CHARGES FOR SERVICES	1,098,018	1,095,110	612,729	55.95	1,120,650	704,209	62.84
INTEREST & RENT	170,400	170,400	136,800	80.28	182,400	148,800	81.58
OTHER REVENUE	20,833	0	600	0.00	0	0	0.00
	<b>1,289,250</b>	<b>1,265,510</b>	<b>750,129</b>	<b>59.27</b>	<b>1,303,050</b>	<b>853,009</b>	<b>65.46</b>
<b>Sylvan Glen Golf Course Expenditures</b>							
Sylvan Glen	1,111,181	1,199,500	672,769	56.09	1,626,880	752,416	46.25
Billy Casper	1,092,150	1,052,600	534,139	50.74	1,064,790	683,473	64.19
City Expenses	19,031	-16,970	9,769	-57.56	27,890	-5,240	-18.79
Capital	0	163,870	128,861	78.64	534,200	74,183	13.89
	<b>1,111,181</b>	<b>1,199,500</b>	<b>672,769</b>	<b>56.09</b>	<b>1,626,880</b>	<b>752,416</b>	<b>46.25</b>

**Quarterly Financial Report  
Water Fund  
For the Period Ending December 31, 2019**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>Water Fund Revenues</b>							
CHARGES FOR SERVICES	19,673,616	19,806,000	12,140,445	61.30	20,473,500	11,217,939	54.79
INTEREST & RENT	501,806	14,000	64,334	459.53	24,200	92,745	383.24
OTHER REVENUE	657,425	100,100	50,352	50.30	100,100	56,238	56.18
	<b>20,832,848</b>	<b>19,920,100</b>	<b>12,255,130</b>	<b>61.52</b>	<b>20,597,800</b>	<b>11,366,922</b>	<b>55.19</b>
<b>Water Fund Expenditures</b>							
Water	20,442,263	22,192,930	11,663,424	52.55	25,915,659	12,757,305	49.23
Administration & Cost of Sales	17,317,535	14,672,200	9,295,020	63.35	14,854,680	8,870,905	59.72
Transmission & Distribution	668,026	578,880	333,404	57.59	704,600	340,615	48.34
Maintenance	2,228,774	2,448,890	1,072,376	43.79	2,508,700	1,102,491	43.95
Reading & Accounting	227,927	257,430	104,947	40.77	220,240	110,081	49.98
Capital	0	4,235,530	857,677	20.25	7,627,439	2,333,213	30.59
	<b>20,442,263</b>	<b>22,192,930</b>	<b>11,663,424</b>	<b>52.55</b>	<b>25,915,659</b>	<b>12,757,305</b>	<b>49.23</b>

City of Troy											
Schedule of Cash and Investments											
12/31/19											
Fund	Financial Institution	Type of Investment	Rate	Maturity Date	G/L Account	Balance per Bank (cost)	Deposits in Transit	Outstanding Checks	Transfers	Other Items	Balance per Books
Pooled Investment Fund	Chemical Bank	Money Market	0.50%		751.1120	\$ 5,127,539.63					\$ 5,127,539.63
Pooled Investment Fund	Comerica	Money Market	0.50%		751.1120	\$ 1,248,806.65					\$ 1,248,806.65
Pooled Investment Fund	Comerica	Checking Account	-		751.1001.001	\$ 47,737,651.36	\$ 7,824.07	\$ (402,923.42)	\$ (236,880.40)	\$ (1,896,383.87)	\$ 45,209,287.74
Pooled Investment Fund	Comerica	Cash & Cash Equivalents	0.78%		751.1001.230	\$ 5,148.16					\$ 5,148.16
Pooled Investment Fund	Comerica	Government & Municipal Bonds	1.90%		751.1120	\$ 11,335,530.70				\$ (12.00)	\$ 11,335,518.70
Pooled Investment Fund	Fifth Third Bank	Cash & Cash Equivalents	1.50%		751.1001.230	\$ 4,213,403.95					\$ 4,213,403.95
Pooled Investment Fund	Fifth Third Bank	Government & Municipal Bonds	2.77%		751.1120	\$ 37,837,945.13					\$ 37,837,945.13
Pooled Investment Fund	Flagstar	Certificate of Deposit	1.34%	08/13/20	751.1003	\$ 3,841,771.32					\$ 3,841,771.32
Pooled Investment Fund	Huntington Investment Co	Cash & Cash Equivalents	1.50%		751.1001.230	\$ 33,860.07					\$ 33,860.07
Pooled Investment Fund	Huntington Investment Co	Government Bonds	2.74%		751.1120	\$ 1,149,822.24					\$ 1,149,822.24
Pooled Investment Fund	Huntington Nat'l Bank	Money Market	0.15%		751.1001.140	\$ 614,973.93					\$ 614,973.93
Pooled Investment Fund	Independent Bank	Certificate of Deposit	2.47%	12/24/20	751.1003	\$ 5,744,617.02					\$ 5,744,617.02
Pooled Investment Fund	Level One Bank	Certificate of Deposit	2.20%	01/27/20	751.1003	\$ 218,144.80					\$ 218,144.80
Pooled Investment Fund	MBIA-Class	Money Market	1.82%		751.1120	\$ 1,803,650.80					\$ 1,803,650.80
Pooled Investment Fund	Morgan Stanley Smith Barney	Cash & Cash Equivalents	-		751.1001.230	\$ 3,828,675.59					\$ 3,828,675.59
Pooled Investment Fund	Morgan Stanley Smith Barney	Government & Municipal Bonds	0.43%		751.1120	\$ 7,628,388.21					\$ 7,628,388.21
Pooled Investment Fund	PNC Bank	Money Market	1.51%		751.1120	\$ 5,268,802.32					\$ 5,268,802.32
Sanctuary Lake Golf Course	Fifth Third Bank	Checking Account	-		583.1001.100	\$ 239,076.90	\$ 1,414.47	-		\$ -	\$ 240,491.37
Sanctuary Lake Golf Course	Fifth Third Bank	Checking Account	-		583.1001.130	\$ 1,643.80	\$ -	\$ (49.99)		\$ -	\$ 1,593.81
Sylvan Glen Golf Course	Fifth Third Bank	Checking Account	-		584.1001.100	\$ 206,054.29	\$ 448.00	\$ -			\$ 206,502.29
Sylvan Glen Golf Course	Fifth Third Bank	Checking Account	-		584.1001.130	\$ 2,376.79	\$ -	\$ (367.18)		\$ -	\$ 2,009.61
Trust & Agency Fund	Comerica	Checking Account	-		701.1001.001	\$ 16,743,253.03	\$ 30,829.82	\$ (95,715.24)	\$ 236,879.38	\$ (713,723.91)	\$ 16,201,523.08
Water Fund	Fifth Third Bank	Cash & Cash Equivalents	1.50%		591.1001.100	\$ 984,420.78					\$ 984,420.78
Water Fund	Fifth Third Bank	Government & Municipal Bonds	3.07%		591.1120	\$ 3,566,515.96					\$ 3,566,515.96
<b>Total</b>						<b>\$ 159,382,073.43</b>	<b>\$ 40,516.36</b>	<b>\$ (499,055.83)</b>	<b>\$ (1.02)</b>	<b>\$ (2,610,119.78)</b>	<b>\$ 156,313,413.16</b>



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P-02c

## FROM THE OFFICE OF THE CITY MANAGER

Date: February 20, 2020  
To: Troy City Council Members  
From: Mark F. Miller, City Manager  
Subject: City Manager Status Report

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### **Background**

On March 18, 2019 the City Council adopted Resolution #2019-03-031: RESOLVED, that Troy City Council hereby ADOPTS the 2019-2020 Strategies for the upcoming fiscal year as presented by City Management. The purpose of this memo is to provide a status report on the 2019-2020 Strategies and other important projects.

### **2019 – 2020 Strategies**

#### **1. Re-evaluate the Trails & Pathways program with a focus on public participation and creative problem-solving to build community support.**

Anderson, Eckstein, and Westrick, Inc. (AEW) has submitted the wetland application to the State of Michigan's Environment, Great Lakes and Energy Department (EGLE) for Sylvan Glen Lake Park. Some of the trail crosses through regulated wetlands and our proposal to the state is the least impactful to the area.

The City of Troy was approached by members of the Troy First Methodist Church located at 6363 Livernois (Livernois between South Boulevard and Square Lake) about allowing the church to connect its property to the subdivision to the east with a trail. This would require a partnership since the City of Troy owns the parcel between the church and the subdivision. This also presents an excellent opportunity since the city was having difficulty connecting the natural area to Livernois. After meeting with church members we set a date to walk the property and determine where the trail would best be positioned. The meeting was very energetic and all partners involved are excited to move forward. We will continue to work on this partnership with presenting a few options to the church as the next steps.

#### **2. Gather community input, reassess the most recent Town Center initiative, and develop a plan for the future of the Civic Center property.**

No change since the December report. The customer service needs of City Hall are being assessed through Strategy #3 and community input will be gathered through Strategy #10. Both are described below. Planning for the future of the Civic Center property will be discussed with the City Council during the fiscal year 2020-2021 strategic planning process.



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## FROM THE OFFICE OF THE CITY MANAGER

### **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.**

Department heads continued to meet with OHM in February to discuss the different uses of the areas within City Hall and if there are additional space needs for each department. OHM will be presenting its solutions based on the department heads' input to the steering committee in early March. Once the concept is agreed upon, OHM will present cost estimates to the city for future consideration.

### **4. Establish a comprehensive Capital Improvement Program and planning process that is reviewed and implemented on an annual basis.**

No change since the December report. City staff is establishing a capital improvements program consistent with the Michigan Planning Enabling Act, Act 33 of 2008. Special City Council meetings for presentation of the proposed budget are scheduled for Monday, April 20, 2020 and Wednesday, April 22, 2020. The City Council must adopt the fiscal year 2020-2021 budget on or before Monday, May 18, 2020 (City Charter Section 8.3).

### **5. Convene the Charter Revision Committee to evaluate charter language and millage limitations, and develop a strategy to fund the Library past 2021.**

No change since the December report. A report regarding library funding was included in the November 25, 2019 City Council agenda packet. City Council has scheduled a special meeting on Monday, June 8<sup>th</sup> to weigh its options and prepare ballot wording for the November 3, 2020 general election.

### **6. Determine public transportation service needs, and implement a revised plan for the Big Beaver Shuttle and Medi-Go.**

The City of Troy launched Troy R.Y.D.E. (Reach Your Destination Easily) on October 1, 2019. This service continues to grow with an increasing request for service. Staff will continue to monitor the demand for service to ensure we are meeting current service demands.

### **7. Update the Parks and Recreation Plan and incorporate the Green Space Subcommittee recommendations to protect and invest in the City's parks.**

City Council approved the plan during the January 27<sup>th</sup>, 2020, City Council Meeting. The plan was forwarded to the State of Michigan and SEMCOG. Staff has requested funding for some of the action plan items and will be vetted through the budgeting process.



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## **FROM THE OFFICE OF THE CITY MANAGER**

### **8. Evaluate the Volunteer Firefighters Incentive Plan to ensure the policy is reasonable and sustainable.**

An action item regarding the VFIP is included in this City Council agenda packet. City Council will be asked to take action at its February 24, 2020 regular meeting.

### **9. Study the feasibility of a Rochester Road Improvement District.**

A report regarding this strategy was included in the November 25, 2019 City Council agenda packet, with City Management recommending no additional action be taken at this time. Please let City Management know if you have any further comments or questions.

### **10. Develop a plan to effectively engage residents and businesses through community conversations.**

City Management has been researching various methods of community engagement, including a revised resident/business survey, City Branding and signage, and the development of a comprehensive Public Participation Plan as a part of this strategy. In addition, the Downtown Development Authority has begun discussions as to how to use its marketing budget to promote the Big Beaver Corridor.

Each of these various topics are still in the development stage, and City Management will provide additional updates in the coming months.

## **Other Projects**

### **Classification and Compensation Study**

Following the presentation by GovHR on December 12, 2019, employees and their supervisors had the opportunity to submit requests for appeal/reevaluation. Appeals were received and the review is in process to determine if changes should be made to prior to finalizing the report.

### **Forensic Accounting Investigation Corrective Action Plan (CAP)**

No change since the December report. A memo dated September 18, 2019 was included in the September 23, 2019 City Council agenda packet (P-02b) and a memo dated September 30, 2019 was included in the October 7, 2019 City Council agenda packet (P-02a). These memos summarized the corrective actions taken related to expenses and City Council agenda memos. Training on the new electronic agenda memo approval process was conducted during the week of November 11, 2019 and the process is being used for the November 25, 2019 City Council agenda packet.

Additional reports will be provided regarding the remaining corrective actions in the coming months.



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## **FROM THE OFFICE OF THE CITY MANAGER**

### **Citizens Academy**

A graduation ceremony was held during the November 25, 2019 City Council meeting. After considering the costs and feedback, City Management plans to hold Citizens Academy on an annual basis on the autumn of each year. Planning for the 2020 Citizens Academy will begin in late Q2 of 2020.

### **City Council Orientation**

The third and final orientation session was held on January 27. It is City Management's hope that the orientation sessions were helpful for both on-boarding new Council Members and expanding the knowledge and understanding of previously seated members. Please let City Management know if you have any additional questions or concerns, or desire additional training.

### **City Council Personnel Evaluations**

City Attorney and City Manager evaluation forms were distributed to City Council on February 10 and are due on February 24. The consultant will compile the results and distributed them on February 28. Special City Council meetings for personnel evaluations are scheduled for Monday, March 2, 2020 and Monday, March 23, 2020. However, it may be possible to conduct both evaluations on March 2 if evaluation forms are completed on time.

### **City Council & Planning Commission Joint Meeting**

City Council held a joint meeting with the Troy Planning Commission on February 4. City Management is working to address the issues discussed at the meeting. Many are likely to become goals for the coming fiscal year.

### **Strategy Development**

City Council held its annual strategy development meeting on February 13. City Management is preparing a list of strategies that reflect the outcomes of that meeting for City Council's consideration in March.

### **Capital Project Updates**

Through the budget process, City Council approves capital projects and then is presented with contracts to fulfill the budgeted projects using a competitive bid process. Some capital projects are subdivided using the Facilities and Ground Staff to manage the project in phases. The individual phases often do not meet the purchasing financial threshold to have City Council resolve on the expenditure. Therefore, we will report on these projects using this format to inform City Council of their progress.



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## **FROM THE OFFICE OF THE CITY MANAGER**

### **Capital Project 2020C0065 Sewer – Storage Building and Workshop**

Total Project cost - \$150,000

The Storage Building and Workshop project renovates 4,000 ft<sup>2</sup> that was shared between the Fleet Operation Division and the Water/Sewer Operation Division and repurposes it into usable heated storage and workshop space for the Water/Sewer Operation Division. The Facilities and Grounds Division has acted as the general contractor on this project and has performed a significant portion of the work with in-house staff. To date the following work has taken place:

- Unit Heater Replacement
- North Man Door Replacement
- Metal roofing repair
- Electrical plan
- Purchase of compressor and airline piping
- Installation of 3" of open cell spray on foam insulation (Expected to be completed 02/11/2020)
- Replacement of Electrical service panel and branch circuits
- Relocation of Unit Heater
- CMU Block Repairs
- Air Compressor has been installed
- Airline Piping has been installed
- Service panel has been replaced along with all branch circuits.

Forthcoming work to be completed

- Gas Line replacement
- Plumbing and sewer
- Steel Frame Painting
- Exterior metal paneling repairs
- Exterior painting
- Interior storage
- Equipment installation

The Facilities and Grounds Operations Division will continue perform as the general contractor for this project. This project is anticipated to be under budget and will be completed by June 30, 2020.

### **Capital Project 2020C0079 Motor Pool – Garage/Parts Room Renovation**

Total Project cost \$60,000

The Motor Pool – Garage/Parts Room Renovation project was created to renovate the 1,400 ft<sup>2</sup> new parts storage room, technician library and supervisor work space. The Facilities and Grounds Division will serve as the General Contractor on this project. Facilities will coordinate trades as



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needed with the intention to perform a portion of the work with in-house staff. To date the following work has taken place:

Completed to date:

- Painting
- Floor burnishing
- Shelving
- Work stations

Forthcoming work to be completed:

- Access control for vehicle and equipment keys
- Installation of:
  - Windows and doors

The Facilities and Grounds Operations Division will continue acting as the General Contractor for this project. This Project will be completed within the existing budget and will be completed by June 30, 2020.



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P-02d

## CITY COUNCIL AGENDA ITEM

Date: February 12, 2020

To: Honorable Mayor and City Council Members

From: Mark F. Miller, City Manager  
Lori Grigg Bluhm, City Attorney  
Frank Nastasi, Chief of Police  
Aileen Dickson, City Clerk

Subject: Liquor Violation Hearings

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### **On- Premises Liquor Licenses**

Michigan law (MCL 436.1501) and Troy's Liquor Ordinance (Chapter 101) allow for City Council to object to the otherwise automatic renewal of a liquor license for On-Premises licenses (sit down restaurants). However, before taking any adverse action against a liquor license, the City must provide due process to allow the licensee to challenge the violation and/or articulate mitigating circumstances. For this reason, in the past, City Administration has scheduled liquor violation hearings prior to the State's March 31 licensing deadline. For this year, the following on-premises liquor licenses had violations, where there were sales to minors, chronologically listed:

**Midori Sushi-** 1913 E. Big Beaver Road- 3/23/2019- MLCC imposed an \$800 fine- no priors  
**Bailey's-** 1965 W. Maple- 11/21/2019- MLCC violation pending- no priors under current owner  
**Kona Grill-** 30 E. Big Beaver- 11/21/2019- MLCC violation pending-no priors  
**Courtyard Marriott-** 1525 E. Maple- 11/23/2019- MLCC violation pending-last violation 2000  
**Sy Thai-** 459 E. Big Beaver Road- 12/10/2019- MLCC violation pending- no priors

For the past few years, based on similar violation records, the Troy City Council has required licensees to submit proof of additional server training, and has not objected to the automatic renewal. One of the issues raised in past liquor hearings is the punishment for the clerks that sold alcohol to minors. City Administration has confirmed that the sales clerks in each of the instances above were issued a ticket for the unlawful sale to a minor. The maximum punishment for this civil infraction violation under state law is \$100.

### **Off- Premises Liquor Licenses**

Michigan law limits a municipality's ability to take adverse actions against an off-premises liquor license (alcohol sold for consumption off the premises). The Michigan Liquor Control Commission will take no adverse action against an off premises liquor license unless there are three or more violations in a calendar year. None of the Troy violators, as set forth below, satisfy this threshold:

**BP Gas Station-** 2989 Crooks Road- 3/10/2019- MLCC imposed an \$800 fine- no priors



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## CITY COUNCIL AGENDA ITEM

**Citgo Gas Station-** 1654 Livernois- 3/10/2019- MLCC imposed a \$700 fine- no priors  
**Speedway Gas Station-** 880 E. Maple- 11/21/2019- MLCC violation pending- 2017 violation  
**Shell Gas Station-** 1489 E. Maple- 11/21/2019- MLCC violation pending- no priors  
**H Mart-** 2963 E. Big Beaver- 11/23/2019- MLCC violation pending- last violation 2015  
**John's Market-** 75 E. Square Lake- 12/10/2019- MLCC violation pending- last violation 2003

Two thirds of the off-premises violators for 2019 were gas stations. Effective January 2017, the State of Michigan relaxed its laws restricting gas stations, and the City then received a significant number of applications. Prior to that time, the City had an ordinance that restricted liquor sales at gas stations, but this ordinance is arguably pre-empted by the revised state law, which the City objected to prior to its passage.

All of the off premises sales clerks selling alcohol to a minor were issued a civil infraction ticket, which is the maximum penalty that can be imposed under state law.

### **Recommendation**

City Administration can request each on premises and off premises license produce proof of additional liquor sales training as a result of these violations, without the need for a formal City Council resolution. Most likely, this would be required by the Michigan Liquor Control Commission anyways if the violation is established. Following this, City Administration recommends that City Council forego the due process liquor violation hearings for violations in 2019, as set forth above.

If City Council believes that these public hearings should be scheduled, they should be scheduled in March 2020 to comply with the Michigan Liquor Control Commission's licensing calendar.