



CITY COUNCIL

REGULAR MEETING

AGENDA

OCTOBER 12, 2020
CONVENING AT 7:30 P.M.

Submitted By
The City Manager

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 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.



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 or 248.524.3330 with questions.

Respectfully,

Mark F. Miller,
City Manager



CITY COUNCIL AGENDA

October 12, 2020 – 7:30 PM

View the Meeting Live at

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or on Local Access Cable (WOW – Ch 10,
Comcast – Ch 17, AT&T – Ch 99)

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A. CALL TO ORDER:**B. ROLL CALL:**

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

Excuse Absent Council Members:

Suggested Resolution

Resolution #2020-10-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Regular City Council Meeting of October 12, 2020, due to _____.

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

- C-1** Proclamation for Metastatic Breast Cancer Awareness Day – October 13, 2020, and Breast Cancer Awareness Month – October, 2020 (*Presented by: Mayor Ethan Baker*)

D. CARRYOVER ITEMS:

- D-1** No Carryover Items

E. PUBLIC HEARINGS:

- 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

I. REGULAR BUSINESS:

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

a) Mayoral Appointments: NoneSuggested Resolution

Resolution #2020-10-

Moved by

Seconded by

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

Downtown Development Authority

Appointed by Mayor

13 Regular Members

4 Year Term

Nominations to the Downtown Development Authority:**Term Expires: 9/30/2024****Tara Tomcsik-Husak**

Term currently held by: Dennis Bostick

Yes:

No:

b) City Council Appointments: None

I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority, Global Troy Advisory Committee, Local Development Finance Authority; b) City Council Nominations – Animal Control Appeal Board, Building Code Board of Appeals

a) Mayoral Nominations:Suggested Resolution

Resolution #2020-10-

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	4/28/2022	4/30/2023	
Noguez-Ortiz	Carolina	12/19/2019	4/30/2023	
Sweidan	Rami	4/28/2022	4/30/2023	
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	
McGerty	Ryan	9/18/2022	
Rahman	Mahfuzur	9/24/2022	
Swaminathan	Abiramasundari	3/6/2022	

Global Troy Advisory Committee

Appointed by Mayor
12 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
Baker	Ethan		1/1/2999	Council Member
Bica-Grodsky	Lisa	6/15/2019	10/30/2020	Requests Reappointment
Burrus	MiVida	7/15/2018	10/30/2022	
Fakhoury	Awni	4/28/2018	10/30/2021	
Francois	Cathleen	11/20/2019	10/30/2020	
Hao	Kaitlyn	9/10/2020	7/31/2020	Student - Graduates 2020
Mohideen	Syeda	8/24/2020	10/30/2021	
Nacy	Emily	11/8/2021	10/30/2022	
Natcheva	Daniela	11/8/2021	10/30/2022	
Noguez-Ortiz	Carolina	12/19/2019	10/30/2022	

Sekhri	Suneel	12/20/2021	10/30/2021	
Tholakapalli	Arjun	4/10/2021	7/31/2020	Student - Graduates 2021
Vacancy			10/30/2020	Rebecca Chamberlain-Creangă resigned 2/26/2020
Zhou	Yudong	10/23/2021	10/30/2022	

Nominations to the Global Troy Advisory Authority:**Unexpired Term Expiring:
10/30/2020**

Term currently held by: Vacancy–Rebecca Chamberlain-Creangă resigned 2/26/2020

Term Expires: 10/30/2023

Term currently held by: Lisa Bica Grodsky

Term Expires: 10/30/2023

Term currently held by: Cathleen Francois

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Aggarwal	Divya	8/12/2021	Student - Graduates 2020
Ali	Aleem	1/2/2021	
Cicchini	Philippe	4/28/2022	
DiFalco	Melissa	12/2/2021	
Fox	Tyler	11/15/2021	
Jones	Kelly	12/11/2021	
Rahman	Mahfuzur	9/24/2022	
Swaminathan	Abiramasundari	3/6/2022	

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
Baker	Ethan		11/13/2023	Alternate; City Council	

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			6/30/2024	Resident Member	D. Shield's term exp 6/30/2016 - No Reappointment
Vacancy			6/30/2024	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: 6/30/2024****Resident Member**

Term currently held by: Vacant

Term Expires: 6/30/2024**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	
D'Aoust	Allen	5/23/2021	
DiFalco	Melissa	12/2/2021	
Nacy	Emily	11/8/2021	
Pensa	Grant	10/1/2020	
Rahman	Mahfuzur	9/24/2022	
Schick	Michael	1/16/2021	
Shepherd	John	4/22/2021	
Sweidan	Rami	4/28/2022	
Yu	Fu-Shin	8/20/2021	

Yes:

No:

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

Resolution #2020-10-
 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:

Animal Control Appeal Board

Appointed by Council
 5 Regular Members
 3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2
Carolan	Patrick	8/28/2021	9/30/2022		
Floch	Patrick	9/10/2020	9/30/2021		
Petrulis	Al	6/16/2017	9/30/2021		Traffic Comm. exp 1/31/20; HDC exp 3/1/2020
Saeger	Jayne	6/15/2019	9/30/2020		Requests Reappointment
Waters	Gretchen	9/29/2019	9/30/2020		No Reappointment

Nominations to the Animal Control Appeal Board:

Term Expires: 9/30/2023

Term currently held by: Jayne Saeger

Term Expires: 9/30/2023

Term currently held by: Gretchen Waters-No Reappointment

Interested Applicants:

Last Name	First Name	App/Resume Expire	Notes 1
Green	Aaron	3/8/2021	

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
Ali	Aleem	1/2/2021	Engineering experience
Bertelsen	David	3/2/2022	
Chambers	Barbara	2/26/2021	Historic Dist Comm exp 3/1/2023

Yes:

No:

I-3 No Request for Closed Session

I-4 Recognizing Volunteer Firefighters for Service During COVID-19 (*Introduced by: Mark F. Miller, City*)

Suggested Resolution

Resolution #2020-10-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **RECOGNIZES** the work of volunteer firefighters who provided essential fire services throughout the community during the “Stay Home, Stay Safe” Executive Order and **APPROVES** a one-time increase to the fire station stipends in the amount of \$90,000, representing an additional \$15,000 per station and **APPROVES** a budget amendment in the amount of \$90,000 to the General Fund-Fire Department for the 2020/2021 Fiscal Year.

Yes:

No:

I-5 Schedule Special Meetings to Develop Budget Priorities (Introduced by: Mark F. Miller, City Manager)Suggested Resolution

Resolution #2020-10-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **SCHEDULES** two Special Meetings for the purpose of developing City Budget Strategies with City Staff. The meetings will be held on November ____, 2020, at ____ PM; and November ____, 2020, at ____ PM.

Yes:

No:

I-6 Welcoming America Membership (Introduced by: Mark F. Miller, City Manager)Suggested Resolution

Resolution #2020-10-

Moved by

Seconded by

BE IT RESOLVED, That City Council **APPROVES** membership to Welcoming America for the City of Troy at the _____ membership level at the rate of \$ _____.

Yes:

No:

J. CONSENT AGENDA:

J-1a Approval of "J" Items NOT Removed for DiscussionSuggested Resolution

Resolution #2020-10-

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:

J-1b Address of "J" Items Removed for Discussion by City Council

J-2 Approval of City Council Minutes

Suggested Resolution
Resolution #2020-10-

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

- a) City Council Minutes-Draft – September 21, 2020

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications – DPW Sectional Garage Door and Opener Replacement at the Parks Maintenance Garage**

Suggested Resolution
Resolution #2020-10-

RESOLVED, That Troy City Council hereby **AWARDS** a contract for the overhead door and opener replacement at the Department of Public Works, Parks Maintenance Garage to the low bidder meeting specifications, *KVM Door Systems of Clinton Township, MI* at prices contained in the bid tabulation opened October 1, 2020, a copy of which shall be **ATTACHED** to the original minutes of this meeting, for an estimated total of \$17,499 and a 10% contingency of \$1,750, not to exceed budgetary limitations.

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

- b) **Standard Purchasing Resolution 4: Cooperative Purchasing Contract – Niles Barnard Roof Replacement**

Suggested Resolution
Resolution #2020-10-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to *Schena Roofing & Sheet Metal Co. Inc. of Chesterfield, MI* for the Asphalt Roof Replacement for the Niles Barnard House; based on the Omnia Partners Cooperative Purchasing Contract 180901-MI-009 for an estimated total of \$19,064.61 with a not to exceed amount of \$6,500 for decking replacement for an estimated grand total of \$25,564.61.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the contractors' submission of properly executed bid documents, insurance certificates and all other specified requirements, and if additional work is required, such additional work is **AUTHORIZED** in an amount not to exceed 15% of the total contract.

J-5 Request for Acceptance of Two Permanent Easements From Square Lake Court, LLC – Sidwell #88-20-12-200-037Suggested Resolution

Resolution #2020-10-

RESOLVED, That Troy City Council hereby **ACCEPTS** two permanent easements for sanitary sewers and water mains from Square Lake Court, LLC, owner of the property having Sidwell #88-20-12-200-037, and

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

J-6 Request for Acceptance of Four Permanent Easements and a Warranty Deed, Timbercrest Drive Extension Site Condominium, Sidwell #88-20-24-201-015Suggested Resolution

Resolution #2020-10-

RESOLVED, That Troy City Council hereby **ACCEPTS** four permanent easements and a warranty deed for right-of-way from Patrick Bismack, owner of the property having Sidwell #88-20-24-201-015, and

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

J-7 Fiscal Year 2021 Municipal Credit and Community Credit ContractSuggested Resolution

Resolution #2020-10-

RESOLVED, That Troy City Council hereby **APPROVES** the agreement between the Suburban Mobility Authority for Regional Transportation (SMART) and the City of Troy for the Municipal Credit and Community Credit Agreement, which will be used for the Troy RYDE transportation service, and the Mayor and City Clerk are **AUTHORIZED** to execute the necessary documents; a copy of this agreement shall be **ATTACHED** to the original Minutes of this meeting.

J-8 CARES Act Funding Agreement Between SMART and City of TroySuggested Resolution

Resolution #2020-10-

RESOLVED, That Troy City Council hereby **APPROVES** the agreement between the Suburban Mobility Authority for Regional Transportation (SMART) and the City of Troy for the Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding for the Troy RYDE transportation service, and the Mayor and City Clerk are **AUTHORIZED** to execute the necessary documents; a copy of this agreement shall be **ATTACHED** to the original Minutes of this meeting.

J-9 Request for Approval of Grant Agreement and Authorization to Accept Funding – Center for Tech and Civic Life GrantSuggested Resolution

Resolution #2020-10-

RESOLVED, That Troy City Council hereby **APPROVES** the Center for Tech and Civic Life COVID-19 Response Grant Agreement and **AUTHORIZES** the City Clerk to sign the Agreement and accept grant funding in the amount of \$58,393, on behalf of the City of Troy.

J-10 Request for Approval of Grant Agreement and Authorization to Accept Grant Funding – Federal Help America Vote Act (HAVA) CARES Act GrantSuggested Resolution

Resolution #2020-10-

RESOLVED, That Troy City Council hereby **APPROVES** the Federal Help America Vote Act (HAVA) CARES Act Grant Agreement and **AUTHORIZES** the City Clerk to sign the Agreement and accept the grant funding in the amount of \$30,000 towards the purchase of the Verity Central Workstation purchased in July, 2020 from Hart Intercivic, Inc., on behalf of the City of Troy.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted**L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:****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. REPORTS:

O-1 Minutes – Boards and Committees:

- a) Civil Service Commission (Act 78)-Final – July 14, 2020
 - b) Civil Service Commission (Act 78)-Draft – September 10, 2020
-

O-2 Department Reports:

- a) Resumption of Certain Public Meetings
 - b) Library Millage Community Engagement Update
 - c) Grant Update Report
 - d) Response to Public Comment Concerning Prosecution
 - e) 3rd Quarter 2020 Litigation Report
 - f) Storybook Trail Addition to Raintree Park
 - g) Senate Bill 757 and Troy's Absent Voter Counting Board
-

O-3 Letters of Appreciation:

- a) To Aileen Dickson from The Rowling Family
-

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

P. COUNCIL COMMENTS:

P-1 No Council Comments Advanced

Q. CLOSED SESSION

Q-1 No Closed Session Requested

R. ADJOURNMENT:

Respectfully submitted,



Mark F. Miller
City Manager

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

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

**PROCLAMATION
METASTATIC BREAST CANCER AWARENESS DAY – OCTOBER 13, 2020
AND BREAST CANCER AWARENESS MONTH – OCTOBER 2020**

WHEREAS, Each year, 200,000 Americans are diagnosed with breast cancer. Six to ten percent of these diagnoses are metastatic, or stage 4. Another 30% progress from stages 0, 1, 2 and 3 to develop stage 4 – maybe immediately or maybe 30 years down the line; and

WHEREAS, Science has very few answers to the reason why cancer metastasizes and we don't yet have an effective treatment to arrest metastatic growth. What we do know is that a diagnosis of Stage 4 breast cancer is not considered survivable and that almost 40,000 men and women die of it each year; and

WHEREAS, The breast cancer that kills is often forgotten in the numerous pink ribbon campaigns around the world. Every year more than 600,000 people around the world die from breast cancer due to metastatic disease. When you die from breast cancer, you die from metastatic breast cancer. The median survival rate of two-three years for MBC has not changed significantly in decades and scientific advances for MBC have not kept pace with those for other cancers; and

WHEREAS, This is what METAvivor is fighting to change. METAvivor's research mission is two-fold: to increase awareness about the funding discrepancy that shortchanges metastatic research in the cancer world, and to directly fund the kind of research that is currently lacking. With the primary goal of extending life and ending death from MBC, METAvivor awards grants for research projects that have the potential to shift MBC from a terminal disease to a chronic condition with a decent quality of life; and

WHEREAS, **October 13** is recognized as the official **Metastatic Breast Cancer (MBC) Awareness Day**. This year over 100 landmarks in all 50 states in the U.S. as well as in other countries around the world will light up in the metastatic breast cancer colors of green, teal, and pink. This is done to shine a light on MBC, the most advanced stage of breast cancer, where the cancer has spread from the breast to other parts of the body; and

WHEREAS, The Pink ribbon is well-known for representing the fight against breast cancer but does not encapsulate the MBC experience. METAvivor designed a base ribbon of green and teal with a thin pink ribbon overlay. The base ribbon of green and teal represents green for the triumph of spring over winter, life over death, renewal, hope, and immortality; teal symbolizes healing and spirituality; and pink to signify the metastatic cancer originated in the breast;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby proclaims **October 13 as Metastatic Breast Cancer Awareness Day** and **October 2020 as Breast Cancer Awareness Month** in the City of Troy and joins with Beaumont Children's to honor all childhood cancer survivors for their strength and determination; and

BE IT FURTHER RESOLVED, That the City of Troy will illuminate City Hall's outside lights used during the holidays from October 1 - 31 at night in the color pink, the color representing **Breast Cancer Awareness Month** and on October 13 at night in the colors of green, teal, and pink, the colors representing **Metastatic Breast Cancer Awareness Day**; and

BE IT FURTHER RESOLVED, That the City Council of the City of Troy applaud the hard work of **METAvivor Research and Support, Inc.** to fund research, raise awareness, advocate for, and provide information and support to people living with MBC.

Presented this 12th day of October 2020.



500 West Big Beaver
Troy, MI 48084
troymi.gov

I-04

CITY COUNCIL AGENDA ITEM

Date: September 28, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Rob Maleszyk, Chief Financial Officer
Lisa Burnham, Controller
David Roberts, Fire Chief
Jeanette Menig, Human Resources Director

Subject: Recognizing volunteer firefighters for service during COVID-19

History

The State of Michigan created the First Responder Hazard Pay Premiums Program (FRHPPP) by Public Act 123 and amended by Public Act 144 to reimburse for qualifying first responder hazard pay premiums provided to first responders who performed hazardous duty or work involving physical hardship related to COVID-19. Our application for this program was approved and the City will receive reimbursement of \$148,000 from the FRHPPP for the hazard payments to 148 employees who qualified based on their job classification.

On August 24, 2020 the Troy City Council approved similar hazard pay premiums for City of Troy employees who worked substantial hours in-person during the "Stay Home, Stay Safe" Executive Order. Eligible employees will receive payments on October 9, 2020; the cost for this plan is \$115,000.

The City of Troy Fire Department continued to respond to calls for service, maintain their training requirements and provide essential fire services throughout the community during the "Stay Home, Stay Safe" Executive Order. However, volunteer firefighters, due to their status as volunteers (not employees), were not eligible for FRHPPP or the City of Troy hazard pay premiums.

City Management desires to recognize the volunteer firefighters for their continued service throughout the COVID-19 pandemic by increasing the FY2020/21 station stipends.

Financial

Each of the six stations will receive a \$15,000 one-time increase to their station stipend, representing a 23% increase for the current fiscal year. The total cost to recognize the volunteer firefighters in this manner is \$90,000.

This one-time increase to the station stipends will require a budget amendment in the amount of \$90,000 for the General Fund under the Fire Department for the 2021 Fiscal Year. The expenditures will be charged to 101.336.340.7955.060.



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CITY COUNCIL AGENDA ITEM

Recommendation

City management recommends approval to pursue a one-time increase to the fire station stipends with a maximum unreimbursed cost of \$90,000. It is also recommended that the City Council approve a budget amendment to the General Fund in the amount of \$90,000.

Legal Review

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



CITY COUNCIL AGENDA ITEM

Date: October 8, 2020

To: The Honorable Mayor and City Council

From: Mark F. Miller, City Manager
Lori Grigg Bluhm, City Attorney
Robert J. Bruner, Assistant City Manager
Robert Maleszyk, Chief Financial Officer
Lisa Burnham, Controller

Subject: Schedule Special Meetings to Develop Budget Priorities

City Administration would like to engage both City Council and the public regarding development of the City's budget. It is advantageous to get input and public engagement prior to each department preparing their budgets in January, February and March of 2021. Therefore, we are proposing City Council schedule two Special meetings in November of 2020 to develop budget priorities.

The General Election in November is Tuesday, November 3, 2020 and there are Regular City Council meetings scheduled for November 9 and 23, 2020 and December 7 and 14, 2020. We are proposing that City Council schedule two Special meetings exclusively to be educated regarding the City's budgets, receive public comment and identify priorities for the development of the budget 2021.

It is City Council's discretion to schedule the Special Meetings. With that being said, it appears that Mondays are the best day to meet. Looking at the calendar, November 16 and 30, 2020 are available dates. The downside to the November 16th date is deer hunting season.

It is City Council's discretion to select the day and time of a Special Meeting.



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Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: September 28, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Sarah R. Ames, Assistant to the City Manager

Subject: Welcoming America Membership

History

In 2017 the City of Troy purchased a one-year General membership to the Welcoming America Initiative. A membership with Welcoming America would allow the Global Troy Advisory Committee and city staff to continue their work of increasing the City of Troy's cultural competence through cultural knowledge, awareness and sensitivity, and the promotion of cultural diversity and inclusion, and enhancing community connections, resulting in a more inclusive community for the current and future residents of Troy. A membership would provide the Global Troy Advisory Committee and city staff tools, resources, technical assistance, and a global network to transform the community into a more welcoming place.

At the City Council meeting on September 21, 2020 there was a consensus to acquire membership to Welcome America.

Please find attached FAQ's provided by Welcoming America as well as network information.

Financial

There are three levels of memberships in which local governments can participate.

- **The General membership is \$200 and includes:**
 - Member-only forum, library, and quarterly newsletter
 - Discounts to conferences and merchandise
 - Participation in optional advocacy campaigns
 - Member rates for Welcoming Institute
 - Access to training and technical assistance opportunities
 - Member-only conference calls, webinars, and talking points
 - Access to Getting Started and Network Branding Toolkit
 - Priority access to Certified Welcoming Scholarship
- **The Core membership is \$1500 and includes:**
 - Member-only forum, library, and quarterly newsletter
 - Discounts to conferences and merchandise
 - Participation in optional advocacy campaigns
 - Member rates for Welcoming Institute
 - Access to training and technical assistance opportunities



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

- Member-only conference calls, webinars, and talking points
 - Access to Getting Started and Network Branding Toolkit
 - Priority access to Certified Welcoming Scholarship
 - Eligible to serve on Network Leadership Committee
 - Eligible for member spotlights and features on national webinars
 - Invitations to national/international partner events
 - Eligible for Community Exchange programs
 - Two free registrations to Network conferences
 - In-depth on-boarding call with Network staff
 - Priority access to training and technical assistance
 - Eligible for Spark Fellows Program
 - Priority eligibility to host Network conferences
 - Collaborative opportunities such as Core Member Day Core Only
 - Elect WE Global Steering Committee Core Only
- **The Premium membership is \$2500 and includes:**
 - Member-only forum, library, and quarterly newsletter
 - Discounts to conferences and merchandise
 - Participation in optional advocacy campaigns
 - Member rates for Welcoming Institute
 - Access to training and technical assistance opportunities
 - Member-only conference calls, webinars, and talking points
 - Access to Getting Started and Network Branding Toolkit
 - Priority access to Certified Welcoming Scholarship
 - Eligible to serve on Network Leadership Committee
 - Eligible for member spotlights and features on national webinars
 - Invitations to national/international partner events
 - Eligible for Community Exchange programs
 - Two free registrations to Network conferences
 - In-depth on-boarding call with Network staff
 - Priority access to training and technical assistance
 - Eligible for Spark Fellows Program
 - Priority eligibility to host Network conferences
 - Premium Welcoming Week Starter Kit

Membership fees are available in the City Budget - Memberships and Dues, account number 101.172.7958

WELCOMING NETWORK

FREQUENTLY ASKED QUESTIONS

WHAT IS THE WELCOMING NETWORK?

The Welcoming Network's membership program offers tools, resources, technical assistance, and a global network to help individuals, nonprofit and government partners transform communities into more welcoming places. Participating members connect with their peers to share good ideas and receive recognition for their efforts in local, national and global settings.



WHAT IS WELCOMING AMERICA?

A non-profit, non-partisan organization, Welcoming America is proud to support the many diverse communities and partners who are leading efforts to make their communities more vibrant places for all. Welcoming America provides the roadmap and support that communities need to become more inclusive toward immigrants and all residents.

WHERE DOES WELCOMING AMERICA WORK?

Through an array of programs and initiatives, including our Welcoming Network, Welcoming America helps local governments and nonprofit organizations build a welcoming infrastructure in more than 500 communities across the United States, and around the world.

WHAT DOES IT MEAN TO BE A MEMBER OF THE NETWORK AND WHO CAN JOIN?

Governments, nonprofits, and individual professionals working in immigrant inclusion are eligible to join the Welcoming Network. Members commit to advancing and institutionalizing welcoming efforts in their community, and they receive benefits including training, resources, networking, and leveraged funding.

WHAT IS THE WELCOMING ECONOMIES GLOBAL NETWORK?

The Welcoming Economies Global Network, a project of Welcoming America in partnership with Global Detroit, is a regional network of more than twenty initiatives from across the Rust Belt working to tap into the economic development opportunities created by immigrants. The WE Network strengthens the work, maximizes the impact, and sustains the efforts of these inclusive economic development initiatives. Learn more about the WE Network by visiting www.weglobalnetwork.org.

AS AN INDIVIDUAL CAN I JOIN THE WELCOMING NETWORK?

Yes! Individuals working in the immigrant inclusion field can join the Welcoming Network. This is a feature of our network that was launched in 2019 in response to a growing number of requests for support from individuals seeking to engage with the movement but working in organizations unable or ineligible to participate in the Welcoming Network. To join as an individual, members must commit to the values and vision of a welcoming community. Through the Welcoming Network, individuals can access tools and support to help them in their day-to-day immigrant inclusion work, and also help them catalyze their local organizations to join the Welcoming Network and increase their impact in their community.

LAST REVISED: 11/20/18

HOW DO I JOIN THE WELCOMING ECONOMIES GLOBAL NETWORK?

The WE Network invites local governments and nonprofits that welcome, retain, and empower immigrant communities in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, and Wisconsin to apply. Core member applications must demonstrate that organizations are leading in two or more areas of inclusive economic development work.

Organizations can join the WE Network at one level and the Welcoming Network at another. For example, at the premium dues rate, an organization can be a Welcoming Network premium member and a WE Network core member. WE Network membership is available at the general and core level only.

HOW MUCH DOES IT COST TO JOIN THE NETWORK?

The Welcoming Network has four levels reflecting specific benefits, with dues ranging from \$150 at the individual member level to \$2500 at the premium member level. As an organization that operates with a diversity and equity lens, we have built in a sliding scale and a robust scholarship program to help ensure that communities are able to access membership regardless of their ability to pay membership dues. We know fiscal calendars and internal processes vary from member to member, and staff will work with members to find solutions to barriers organizations may face when joining or renewing their membership. Full details on dues and our scholarship program can be found at www.welcomingnetwork.org.

WHAT IS THE WELCOMING INSTITUTE?

Beyond membership, Welcoming America offers customized trainings and coaching packages to advance your work. See www.welcominginstitute.org and contact us at info@welcomingamerica.org to discuss your training and coaching needs.

WHAT IS CERTIFIED WELCOMING?

Welcoming America's Certified Welcoming program provides an avenue for measuring, promoting, guiding, and validating your community's welcoming efforts. Through the Certified Welcoming process communities go through a formal evaluation of current work to identify local strengths and set a roadmap for areas of growth. Program participants complete a self-evaluation, participate in a multi-day inperson site visit, and receive an extensive written assessment of current work including local highlights and next steps. Those that work to meet the Welcoming Standard also receive the designation of Certified Welcoming. Past participants have used the program to strengthen current programming, bring on new partners, validate work, and attract businesses and new residents. Members may apply their annual membership dues to the Certified Welcoming fee. Visit www.certifiedwelcoming.org for more information.

WHAT DOES MY ORGANIZATION COMMIT TO DOING AS A MEMBER OF THE NETWORK?

By joining the Welcoming Network your primary commitment is to actively build a more inclusive community through the work of your organization. This means engaging partners, implementing programs, and communicating values. As part of that larger commitment to the work, Welcoming America asks members to pay dues to support the network, host an annual Welcoming Week event, participate in learning opportunities such as conferences, webinars, and workshops, complete the annual State of Welcoming survey, and assign at least one main point of contact and dedicated staff person for welcoming work. If your organization is joining as a core or premium member, you will be asked to complete a self-assessment when you join. If your organization is a local government, you will also commit to passing a Welcoming Resolution. Learn more about commitments and benefits of joining our Welcoming Network by visiting www.welcomingnetwork.org.

For a complete list of our most frequently asked questions, visit www.welcomingnetwork.org.

LAST REVISED: 11/20/18

WELCOMING NETWORK



JOIN THE GLOBAL MOVEMENT FOR INCLUSIVE AND PROSPEROUS COMMUNITIES

Apply Online

Talk with Us

Access our Network

ABOUT THE WELCOMING NETWORK

The Welcoming Network's membership program offers tools, resources, technical assistance, and a global network to help individuals, nonprofit and government partners transform communities into more welcoming places. Participating members connect with their peers to share good ideas and receive recognition for their efforts in local, national and global settings.



A diverse network of over 200 organizations and growing

Access to coaching and strategy sessions with our expert staff



Exclusive access to timely member resources, webinars, and calls

Opportunities for peer learning and community exchange programs



ABOUT THE WE GLOBAL NETWORK



The Welcoming Economies Global Network, a project of Welcoming America in partnership with Global Detroit, is a regional network of more than twenty initiatives across the Midwest working to tap into the economic development opportunities created by immigrants. Most member organizations come from the WE Global Network's 10-state region: IL, IN, IA, MI, MN, MO, NY, OH, PA and WI.



Diego Abente

Vice President & Director of Microenterprise Development, President of the International Institute Community Development Corporation of St. Louis

"I encourage my colleagues in other cities to join the network because it's a great place to learn about, develop, and validate best practice. The more communities we have in the network, the stronger we make our communities."

JOIN THE NETWORK
WELCOMINGNETWORK.ORG

CONTACT US: membership@welcomingamerica.org

WELCOMING
AMERICA





WELCOMING NETWORK MEMBER BENEFITS GUIDE

MEMBERSHIP DUES

Individual Professionals	\$150
General Membership	\$200-500
Core Membership	\$1,500
Premium Membership	\$2,500

 *WE Global Network membership is available at the general and core level. Both memberships include Welcoming Network membership. Organizations can also mix and match; for example, at the premium dues rate, an organization can be a premium Welcoming Network member and a core WE Global member.*

** Premium members receive highest priority for these opportunities pending level of match with the opportunity.*

	1 Hour	2 Hours	4 Hours	8 Hours
Phone Coaching and Strategy Sessions	●	●	●	●
Member-only forum, library, and quarterly newsletter	●	●	●	●
Discounts to conferences and merchandise	●	●	●	●
Participation in optional advocacy campaigns	●	●	●	●
Member rates for Welcoming Institute	●	●	●	●
Access to training and technical assistance opportunities	●	●	●	●
Member-only conference calls, webinars, and talking points	●	●	●	●
Access to Getting Started and Network Branding Toolkit	●	●	●	●
Priority access to Certified Welcoming Scholarship	●	●	●	●
Eligible to serve on Network Leadership Committee	●	●	●	●
Eligible for member spotlights and features on national webinars*	●	●	●	●
Invitations to national/international partner events*	●	●	●	●
Eligible for Community Exchange programs	●	●	●	●
Two free registrations to Network conferences	●	●	●	●
In-depth on-boarding call with Network staff	●	●	●	●
Priority access to training and technical assistance*	●	●	●	●
Eligible for Spark Fellows Program*	●	●	●	●
Priority eligibility to host Network conferences*	●	●	●	●
Premium Welcoming Week Starter Kit	●	●	●	●
Collaborative opportunities such as Core Member Day  Core Only	●	●	●	●
Elect WE Global Steering Committee  Core Only	●	●	●	●

Learn more and join online at welcomingnetwork.org, where you can find a complete list of membership benefits, details on our membership dues, and our membership scholarship program.

WELCOMING NETWORK MEMBERSHIP COMMITMENTS

Welcoming Network Members commit to:

- Follow general membership principles
- Pay dues to support the network
- Host a Welcoming Week event
- Participate in learning opportunities such as conferences, webinars, workshops, etc.
- Complete the annual State of Welcoming Survey
- Assign at least one main point of contact and a dedicated staff person for welcoming work
- Complete Certified Welcoming Self-Assessment (Core and Premium members)
- Pass a Welcoming Resolution (Core and Premium Government members)

ABOUT WELCOMING AMERICA

A non-profit, non-partisan organization, Welcoming America is proud to support the many diverse communities and partners who are leading efforts to make their communities more vibrant places for all. Welcoming America provides the roadmap and support that communities need to become more inclusive toward immigrants and all residents.

JOIN THE NETWORK
WELCOMINGNETWORK.ORG

CONTACT US: membership@welcomingamerica.org

WELCOMING AMERICA 

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held electronically on Monday, September 21, 2020. Mayor Baker called the meeting to order at 7:30 PM.

B. ROLL CALL:

Mayor Ethan Baker
 Edna Abraham
 Theresa Brooks
 Rebecca A. Chamberlain-Creangă
 Ann Erickson Gault
 Mayor Pro Tem David Hamilton
 Ellen Hodorek

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Proclamation in Recognition of Kaori Marikawa For Donating Her Time and Talents to Her Community During COVID-19 Pandemic *(Presented by: Mayor Ethan Baker)*

C-2 Service Commendation for Troy Historic Village Executive Director Loraine Campbell *(Presented by: Mayor Ethan Baker)*

C-3 Proclamation for Childhood Cancer Awareness Month – September, 2020 *(Presented by: Mayor Ethan Baker)*

C-4 Proclamation for Welcoming Week – September 12-20, 2020 *(Presented by: Mayor Ethan Baker)*

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:

Cynthia Green	Spoke in support of the Troy Family Aquatic Center
Manisha Bajwa	Spoke in support of the Troy Family Aquatic Center
Michelle Maleszyk	Spoke in support of the Troy Family Aquatic Center
Allison Case	Spoke in support of the Troy Family Aquatic Center
Thomas Templin	Spoke in support of the Troy Family Aquatic Center
John (A Concerned Citizen)	Spoke with concerns about developments removing trees
Kathryn Christy	Spoke in support of the Troy Family Aquatic Center

Lisa Cranfill	Spoke in support of the Troy Family Aquatic Center
Jon Gunnells	Spoke in support of the Troy Family Aquatic Center
Edmond & Axelle Megerian	Spoke in support of the Troy Public Library
Julia Genord	Spoke in support of the Troy Family Aquatic Center
Kristine Kelly	Spoke in support of the Troy Family Aquatic Center
Troy Resident	Spoke in support of the Troy Family Aquatic Center
Matt Barker	Spoke in support of the Troy Family Aquatic Center
Meg Kaatz	Spoke in support of the Troy Family Aquatic Center
Jyl Boehms	Spoke in support of the Troy Family Aquatic Center
Kristen Beesley	Spoke in support of the Troy Family Aquatic Center
Mary Lynn Bowen	Spoke in support of the Troy Public Library
A Concerned Citizen	Spoke supporting changes to the Troy Family Aquatic Center
Diana Williams	Spoke in support of the Troy Family Aquatic Center
Lisa Fairbourn	Spoke in support of the Troy Family Aquatic Center
Wallace Hinman	Spoke in support of the Troy Family Aquatic Center
Troy Resident	Spoke in support of the Troy Family Aquatic Center
Kristina Ottenwess	Spoke in support of the Troy Family Aquatic Center
Gerrit Allen	Spoke in opposition to the Troy Public Library millage
Shweta	Spoke in support of the Troy Public Library
Mario & Loraine Scussel	Spoke about loud I-75 traffic noise.
Todd Montri	Spoke in support of the Troy Family Aquatic Center
Angela Croci	Spoke in support of the Troy Family Aquatic Center
Susan Sevek	Spoke in support of the Troy Family Aquatic Center
Jim & Sue Kator	Spoke in support of the Troy Family Aquatic Center
Steven Fallon	Spoke in support of the Troy Family Aquatic Center
Diane McCormick	Spoke in support of the Troy Family Aquatic Center
Christopher Healy	Spoke in support of the Troy Family Aquatic Center
Donna Healy	Spoke in support of the Troy Family Aquatic Center
Carol James	Spoke in support of the Troy Family Aquatic Center
Eleni Dilis	Spoke in support of the Troy Family Aquatic Center
Alex Jakstys	Spoke in support of the Troy Family Aquatic Center
Emily Kays	Spoke in support of the Troy Family Aquatic Center
Lawrence Younan	Spoke in support of the Troy Family Aquatic Center
Lillian Karamanian	Spoke in opposition of the Troy Family Aquatic Center
Jodi Fisher	Spoke in support of the Troy Family Aquatic Center
Jennifer Henderson-Zaner	Spoke in support of the Troy Family Aquatic Center
Kristie Haerens	Spoke in support of the Troy Family Aquatic Center being open for Troy residents only.
Harry Mac Lean	Spoke in support of the Troy Family Aquatic Center
Dawn Turner	Spoke in support of the Troy Family Aquatic Center

Denise & Jerome Konchel	Spoke in support of the Troy Family Aquatic Center
Donna Modras	Spoke in support of the Troy Family Aquatic Center
Cindy Kaiser	Spoke in support of the Troy Family Aquatic Center
Adrienne Guilbert	Spoke in support of the Troy Family Aquatic Center
Troy Resident	Spoke in support of the Troy Family Aquatic Center
Randall Fournier	Spoke in support of the Troy Family Aquatic Center
Carole Kassab	Spoke in support of the Troy Family Aquatic Center
Shila Edwards	Spoke in support of the Troy Family Aquatic Center
Aaron Huffer	Spoke in support of the Troy Family Aquatic Center
Ashleigh Jennings	Spoke in support of the Troy Family Aquatic Center
Susan Becker	Spoke in support of the Troy Family Aquatic Center
Alex August	Spoke in support of the Troy Family Aquatic Center
Lauren Henderson	Spoke in support of the Troy Family Aquatic Center
Jennifer & Preston Egan	Spoke in support of the Troy Family Aquatic Center
Karen Guilbert	Spoke in support of the Troy Family Aquatic Center
Dorene Randall	Spoke in support of the Troy Family Aquatic Center
Leslie & Dave Fischer	Spoke in support of the Troy Family Aquatic Center
Heather Carr	Spoke in support of the Troy Family Aquatic Center
Renis Nushaj	Spoke about enforcement and prosecution of ordinance violations
William Guilbert	Spoke in support of the Troy Family Aquatic Center
Lisa Bica Grodsky	Spoke in support of the Troy Family Aquatic Center
Albert Zolton	Spoke in support of the Troy Family Aquatic Center
Bridget & Mark Bealin	Spoke in support of the Troy Family Aquatic Center
Cherie Hodges	Spoke in support of the Troy Family Aquatic Center
Margaret Richards	Spoke in support of the Troy Family Aquatic Center
Hiba Jumaah	Spoke in support of the Troy Family Aquatic Center
State Representative Padma Kuppa	Provided a legislative update.
State Senator Mallory McMorrow	Provided a legislative update
Matt (A Concerned Citizen)	Spoke in support of the Troy Family Aquatic Center
Natalie Rollinger	Spoke in support of the Troy Family Aquatic Center
Sayed (Troy Resident)	Spoke in support of Welcoming Michigan
Daniela Natcheva	Spoke in support of the Welcoming America membership
Syeda Mohiuddin	Spoke in support of the Welcoming America membership
Sheila Webster	Spoke in support of the Troy Family Aquatic Center
Resident	Spoke in support of the Troy Family Aquatic Center
Jeanne Stine	Spoke in support of the Troy Family Aquatic Center
Nina (Resident)	Spoke in support of the Troy Family Aquatic Center

Gabriella Grodsky	Spoke in support of the Troy Family Aquatic Center
Sandy Jegersky-Macknis	Spoke in support of the Troy Family Aquatic Center
Lisa Bica Grodsky	Spoke in support of the Welcoming America membership
Catherine Fleming	Spoke in support of the Troy Family Aquatic Center

The Meeting **RECESSED** at 8:50 PM.

The Meeting **RECONVENED** at 9:00 PM.

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

Mayor Baker thanked everyone for their support of the Troy Public Library and Library Director Cathy Russ.

Mayor Baker asked City Administration if they could address the comments from Mr. and Mrs. Scussel. City Manager Miller commented on the traffic noise and said he will have Mr. Huotari contact the residents.

Mayor Baker thanked State Senator Mallory McMorrow and State Representative Padma Kuppa for their legislative update.

Mayor Baker commented on the public comment from Mr. Nusaj. City Attorney Bluhm commented on her disappointment with his comment and will address this at a later time.

Mayor Baker thanked residents for their comments on the Troy Family Aquatic Center.

Mayor Pro Tem Hamilton thanked everyone who responded to Mayor Baker's post on Facebook and he thanked Mayor Baker for providing the information as a Late Submittal item.

Council Member Abraham commented that she knows the areas who have lost forests, and she appreciates those comments. She commented that the previous City Council approved a tree protection ordinance in 2016. She said that City Council cannot control what owners do with their property, but it can prevent wholesale clearcutting. She said she understands greenspace and overdevelopment are huge concerns for residents.

Council Member Hodorek commented that Lansing tried to pass a law to upend our tree ordinance, but City Council pushed back and was successful in protecting our greenspace.

Mayor Pro Tem Hamilton expressed thanks to Mayor Stine for her comments on the Troy Family Aquatic Center.

H. POSTPONED ITEMS:**H-1 No Postponed Items****I. REGULAR BUSINESS:****I-1 Board and Committee Appointments: a) Mayoral Appointments – Downtown Development Authority; b) City Council Appointments – Historic District Commission, Parks and Recreation Board****a) Mayoral Appointments: None**

Resolution #2020-09-130

Moved by Baker

Seconded by Hamilton

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

Downtown Development Authority

Appointed by Mayor

13 Regular Members

4 Year Term

Nominations to the Downtown Development Authority:**Term Expires: 9/30/2024****Cheryl Bush**

Term currently held by: Cheryl Bush

Term Expires: 9/30/2024**Laurence Keisling**

Term currently held by: Laurence Keisling

Term Expires: 9/30/2024**Alan Kiriluk**

Term currently held by: Alan Kiriluk

Yes: All-7

No: None

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

Resolution #2020-09-131

Moved by Hamilton

Seconded by Brooks

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

Historic District Commission

Appointed by Council

7 Regular Members

3 Year Term

Nominations to the Historic District Commission:**Term Expires: 3/1/2023****Susanne Forbes Dicker**

Term currently held by: Laurie Huber (No Reappointment)

Yes: All-7
No: None

MOTION CARRIED

Resolution #2020-09-132

Moved by Hamilton

Seconded by Brooks

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

Parks and Recreation Board

Appointed by Council

7 Regular Members and 1 Troy School Board of Education Representative

Regular Member: 3 Year Term / Troy School Board Member: 1 Year Term

Nominations to the Parks and Recreation Board:**Term Expires: 9/30/2023****Kelly Martin**

Term currently held by: Kelly Martin

Term Expires: 9/30/2023**Casey Colussi**

Term currently held by: Timothy McGee

Yes: All-7
No: None

MOTION CARRIED

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

a) Mayoral Nominations:

Resolution #2020-09-133

Moved by Baker

Seconded by Erickson Gault

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:

Downtown Development Authority

Appointed by Mayor
13 Regular Members
4 Year Term

Nominations to the Downtown Development Authority:

Term Expires: 9/30/2024

Tara Tomcsik-Husak

Term currently held by: Dennis Bostick

Yes: All-7

No: None

MOTION CARRIED

b) **City Council Nominations: None**

I-3 No Request for Closed Session

I-4 Approval of Bond Refunding Resolution (*Introduced by: Mark Miller, City Manager, Lori Grigg Bluhm, City Attorney, and Robert Maleszyk, Chief Financial Officer*)

Resolution #2020-09-134

Moved by Erickson Gault

Seconded by Chamberlain-Creangă

At a regular meeting of the City Council of the City of Troy, Oakland County, Michigan, held on September 21, 2020.

PRESENT: _____

ABSENT: _____

The following resolution was made by _____ and seconded by _____:

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED
\$11,000,000 GENERAL OBLIGATION LIMITED TAX
REFUNDING BONDS, SERIES 2020 (TAXABLE)

WHEREAS, pursuant to Act 197 of the Public Acts of Michigan of 1975, as amended (“Act 197”), which was subsequently repealed and recodified in 2018 as Part 2 of Act 57, Public Acts of Michigan, 2018 (“Act 57”), and Ordinance 78 adopted by the City Council of the City of Troy (the “City”) on July 12, 1993, the City Council created the Downtown Development Authority of the City of Troy (the “DDA”); and,

WHEREAS, pursuant to Act 197 and Ordinance 80 adopted by the City Council of the City of December 13, 1993, the City Council approved the Development Plan and Tax Increment Financing Plan (the “Plan”), which Plan, prior to 2013, was subsequently amended in 1998, 2000, 2002 (twice) and 2007; and,

WHEREAS, the DDA previously issued the following bonds pursuant to Act 197, secured solely by tax increment revenues, as defined in Act 197 (“Tax Increment Revenues”), received by the DDA to finance the implementation of a portion of the Plan: (i) Downtown Development Authority Development and Refunding Bonds, Series 2001 in the aggregate principal amount of \$24,000,000 to finance the cost of roadway and streetscape improvements to Big Beaver Road and to refinance a portion of the cost of the parking garage adjacent to Somerset North, (ii) Community Center Facility Bonds, Series 2002 in the aggregate principal amount of \$9,700,000 to finance a portion of the cost of constructing the Troy Community Center, and (iii) Community Facility Center Junior Lien Bonds, Series 2003 in the aggregate principal amount of \$4,025,000

to finance a portion of the cost of constructing the Troy Community Center (such bonds are collectively referred to as the “DDA Bonds”); and

WHEREAS, although the schedules prepared as part of each issue of DDA Bonds projected that there would be sufficient Tax Increment Revenues to cover all of the debt service on the DDA Bonds, there was an unanticipated decline in property values in the Plan’s Development Area beginning in 2008, and a corresponding decrease in the available Tax Increment Revenues to the extent that they would have been unable to pay the debt service on the DDA Bonds as of November 1, 2013; and

WHEREAS, in order to prevent a default on the DDA Bonds, the City Council, on August 12, 2013, approved amendments to the Plan that (i) extended the Plan to December, 2033 to allow for the capture of annual Tax Increment Revenues to ultimately pay off the indebtedness represented by the DDA Bonds, (ii) removed certain properties that had significantly decreased in value from the Plan’s Development Area to enable the DDA to realize a capture of Tax Increment Revenues from the revised Development Area in amounts sufficient to pay the annual debt service on the 2013 Bonds (as hereinafter defined) and (iii) contemplated that the City would issue general obligation bonds to refund the DDA Bonds, which would require the City to pledge its limited tax full faith and credit, but which would be secured primarily by the Tax Increment Revenues to be derived from the revised Development Area for the extended period of time(the Plan, as amended in 2013, the “Amended Plan”); and

WHEREAS, the DDA, by resolution adopted on July 24, 2013, approved and submitted to the City Council an estimate of the Tax Increment Revenues and other revenue available under Section 11 of Act 197 to be available for payment of principal and interest on the 2013 Bonds, and

WHEREAS, the City Council, on August 12, 2013, also adopted a resolution (the “2013 Bond Resolution”), which authorized the issuance of the City’s General Obligation Limited Tax

Bonds, Series 2013 (the “2013 Bonds”) pursuant to Act 197 and the Amended Plan for the purpose of paying all or part of the cost of implementing the Amended Plan and refunding the outstanding DDA Bonds in connection therewith and also approved the foregoing estimate of the DDA with respect to the Tax Increment Revenues and other revenue under Section 11 of Act 197 to be available for payment of the principal of and interest on the 2013 Bonds; and

WHEREAS, the 2013 Bonds were issued on September 30, 2013 in the aggregate principal amount of \$14,945,000 maturing on November 1 in the years 2014 through 2033; and

WHEREAS, the 2013 Bonds remain outstanding in the principal amount of \$13,385,000, and the City has been advised that certain of the 2013 Bonds could be redeemed and thereby secure savings for the City and benefit the taxpayers of the City; and

WHEREAS, Part VI of Act No. 34, Public Acts of Michigan, 2001, as amended (“Act 34”), authorizes the City to refund all or any part of its outstanding securities including the 2013 Bonds; and

WHEREAS, the City has received a proposal from Huntington Securities, Inc. (the “Underwriter”) to refund all or part of the outstanding 2013 Bonds; and

WHEREAS, it is in the best interests of the City that bonds be sold to refund the 2013 Bonds.

NOW, THEREFORE, BE IT RESOLVED that:

1. AUTHORIZATION OF 2020 BONDS – PURPOSE. Bonds of the City aggregating the principal sum of not to exceed Eleven Million Dollars (\$11,000,000) (the “2020 Bonds”), as determined by the City Manager at the time of sale, shall be issued and sold pursuant to the provisions of Act 34, and other applicable statutory provisions, for the purpose of refunding all or part of the outstanding 2013 Bonds (the “2013 Bonds To Be Refunded”). The City Manager shall determine which of the 2013 Bonds shall be refunded and the principal amount of the 2020 Bonds at the time of sale.

2. BOND DETAILS. The 2020 Bonds shall be designated “General Obligation Limited Tax Refunding Bonds, Series 2020 (Taxable);” shall be dated as of the date of delivery thereof to the Underwriter; shall be numbered from 1 upwards; shall be fully registered; shall be in the denomination of \$5,000 each or any integral multiple thereof not exceeding the aggregate principal amount for each maturity at the option of the purchaser thereof; shall bear interest at a rate or rates not exceeding 5.00% per annum as shall be determined by the City Manager at the time of sale, payable on each May 1 and November 1 as shall be determined by the City Manager at the time of sale; shall be mature on November 1 in such years and in such principal amounts as shall be determined by the City Manager at the time of sale; and shall be serial bonds and/or term bonds as shall be determined by the City Manager at the time of sale.

3. PAYMENT OF PRINCIPAL AND INTEREST. The principal of and interest on the 2020 Bonds shall be payable in lawful money of the United States. Principal shall be payable upon presentation and surrender of the 2020 Bonds to the bond registrar and paying agent as they severally mature. Interest shall be paid to the registered owner of each 2020 Bond as shown on the registration books at the close of business on the fifteenth day of the calendar month preceding the month in which the interest payment is due. Principal and interest shall be paid when due by wire transfer or by check or draft drawn upon and mailed by the bond registrar and paying agent to the registered owner at the registered address.

4. PRIOR REDEMPTION. The 2020 Bonds shall be subject to mandatory and/or optional redemption prior to maturity if so determined by the City Manager at the time of sale and if so determined, upon such terms and conditions as shall be approved by the City Manager.

5. BOOK-ENTRY SYSTEM. Initially, one fully-registered 2020 Bond for each maturity, in the aggregate amount of such maturity, shall be issued in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”) for the benefit of other parties (the “Participants”) in the book-entry-only transfer system of DTC. In the event the City determines

that it is in the best interest of the City not to continue the book-entry system of transfer or that the interests of the holders of the 2020 Bonds might be adversely affected if the book-entry system of transfer is continued, the City may notify DTC and the bond registrar and paying agent, whereupon DTC will notify the Participants of the availability through DTC of 2020 Bond certificates. In such event, the bond registrar and paying agent shall deliver, transfer and exchange 2020 Bond certificates as requested by DTC and any Participant or "beneficial owner" in appropriate amounts in accordance with this resolution. DTC may determine to discontinue providing its services with respect to the 2020 Bonds at any time by giving notice to the City and the bond registrar and paying agent and discharging its responsibilities with respect thereto under applicable law or the City may determine that DTC is incapable of discharging its duties and may so advise DTC. In either such event, the City shall use reasonable efforts to locate another securities depository. Under such circumstances (if there is no successor securities depository), the City and the bond registrar and paying agent shall be obligated to deliver 2020 Bond certificates in accordance with the procedures established by this resolution. In the event 2020 Bond certificates are issued, the provisions of this resolution shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of and interest on such certificates. Whenever DTC requests the City and the bond registrar and paying agent to do so, the City and the bond registrar and paying agent shall cooperate with DTC in taking appropriate action after reasonable notice to make available one or more separate certificates evidencing the 2020 Bonds to any Participant having 2020 Bonds credited to its DTC account or to arrange for another securities depository to maintain custody of certificates evidencing the 2020 Bonds.

Notwithstanding any other provision of this resolution to the contrary, so long as any 2020 Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of, interest on and redemption premium, if any, on such 2020 Bonds and all notices

with respect to the 2020 Bonds shall be made and given, respectively, to DTC as provided in the Blanket Issuer Letter of Representations between DTC and the City. The City has previously signed the Blanket Issuer Letter of Representations and the City Manager is authorized on behalf of the City to sign such additional documents as requested by DTC as he deems necessary or appropriate in order to accomplish the issuance of the 2020 Bonds in accordance with law and this resolution.

6. BOND REGISTRAR AND PAYING AGENT. The City Manager shall designate, and may enter into an agreement with, a bond registrar and paying agent for the 2020 Bonds which shall be a bank or trust company located in the State of Michigan that is qualified to act in such capacity under the laws of the United States of America or the State of Michigan. The City Manager from time to time as required may designate a similarly qualified successor bond registrar and paying agent.

7. EXECUTION, AUTHENTICATION AND DELIVERY OF 2020 BONDS. The 2020 Bonds shall be executed in the name of the City by the manual or facsimile signatures of the Mayor and the City Clerk and authenticated by the manual signature of an authorized representative of the bond registrar and paying agent, and the seal of the City (or a facsimile thereof) shall be impressed or imprinted on the 2020 Bonds. After the 2020 Bonds have been executed and authenticated for delivery to the original purchaser thereof, they shall be delivered by the City Treasurer or the City Manager to the purchaser of the 2020 Bonds upon receipt of the purchase price. Additional 2020 Bonds bearing the manual or facsimile signatures of the Mayor and the City Clerk may be delivered to the bond registrar and paying agent for authentication and delivery in connection with the exchange or transfer of the 2020 Bonds. The bond registrar and paying agent shall indicate on each 2020 Bond the date of its authentication.

8. EXCHANGE AND TRANSFER OF 2020 BONDS. Any 2020 Bond, upon surrender thereof to the bond registrar and paying agent with a written instrument of transfer satisfactory to

the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney, at the option of the registered owner thereof, may be exchanged for 2020 Bonds of any other authorized denominations of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered 2020 Bond.

Each 2020 Bond shall be transferable only upon the books of the City, which shall be kept for that purpose by the bond registrar and paying agent, upon surrender of such 2020 Bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney.

Upon the exchange or transfer of any 2020 Bond, the bond registrar and paying agent on behalf of the City shall cancel the surrendered 2020 Bond and shall authenticate and deliver to the transferee a new 2020 Bond or Bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered 2020 Bond. If, at the time the bond registrar and paying agent authenticates and delivers a new 2020 Bond pursuant to this Section, payment of interest on the 2020 Bonds is in default, the bond registrar and paying agent shall endorse upon the new 2020 Bond the following: "Payment of interest on this bond is in default. The last date to which interest has been paid is _____, ____."

The City and the bond registrar and paying agent may deem and treat the person in whose name any 2020 Bond shall be registered upon the books of the City as the absolute owner of such 2020 Bond, whether such 2020 Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such 2020 Bond and for all other purposes, and all payments made to any such registered owner, or upon his order, in accordance with the provisions of Section 3 of this resolution shall be valid and effectual to satisfy and discharge the liability upon such 2020 Bond to the extent of the sum or sums so paid, and neither the City nor the bond registrar and paying agent shall be affected by any notice to the contrary. The City

agrees to indemnify and save the bond registrar and paying agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

For every exchange or transfer of 2020 Bonds, the City or the bond registrar and paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

The bond registrar and paying agent shall not be required to transfer or exchange 2020 Bonds or portions of 2020 Bonds that have been selected for redemption.

9. FORM OF 2020 BONDS. The 2020 Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF TROY
GENERAL OBLIGATION LIMITED TAX REFUNDING BOND, SERIES 2020 (TAXABLE)

INTEREST RATE MATURITY DATE DATE OF ORIGINAL ISSUE CUSIP

Registered Owner:

Principal Amount:

The City of Troy, County of Oakland, State of Michigan (the "City"), acknowledges itself indebted to, and for value received hereby promises to pay to, the Registered Owner identified above, or registered assigns, the Principal Amount set forth above on the Maturity Date specified above, unless redeemed prior thereto as hereinafter provided, upon presentation and surrender of this bond at the corporate trust office of _____, the bond registrar and paying agent, located in _____, Michigan, or at such successor bond registrar and paying agent as may be designated pursuant to the Resolution (as hereinafter defined), and to pay to the Registered Owner, as shown on the registration books at the close of business on the 15th day of the calendar month preceding the month in which an interest payment is due, by wire transfer or by check or draft drawn upon and mailed by the bond registrar and paying agent by first class mail postage prepaid to the Registered Owner at the registered address, interest on such Principal Amount from the Date of Original Issue set forth above, or such later date through which interest has been paid, until the City's obligation with respect to the payment of such Principal Amount is discharged, at the rate per annum specified above. Interest is payable on the first days of May and November in each year, commencing on _____, 202_. Principal and interest are payable in lawful money of the United States of America.

This bond is one of a series of bonds aggregating the principal sum of _____ Dollars (\$_____) issued by the City under and pursuant to and in full conformity with the Constitution and Statutes of Michigan (especially Act No. 34, Public Acts of 2001, as amended ("Act 34") and Act No. 57, Public Acts of 2018 ("Act 57")) and a resolution adopted by the City Council of the City on September 21, 2020 (the "Resolution"), for the purpose of refunding the City's General Obligation Refunding Bonds, Series 2013 (the "2013 Bonds") maturing in the years _____ through 2033. The 2013 Bonds were issued by the City to pay part of the cost of implementing the Development Plan and Tax Increment Financing Plan (the "Plan") of the Downtown Development Authority of the City of Troy (the "DDA") and in connection therewith, refunding all of the outstanding bonds of the DDA originally issued to pay such cost. The tax increment revenues and other revenue received by the DDA pursuant to Section 211 of Act 57 and the full faith and credit of the City have been pledged to the prompt payment of the principal of and interest on this bond. In the event and to the extent that such tax increment revenues and other revenue are not sufficient to pay the principal of and interest on the bonds of this series, such principal and interest are payable as a

first budget obligation of the City from its general funds. Taxes imposed by the City are subject to constitutional, statutory and charter tax limitations.

This bond is transferable, as provided in the Resolution, only upon the books of the City kept for that purpose by the bond registrar and paying agent, upon the surrender of this bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the Registered Owner or his attorney duly authorized in writing. Upon the exchange or transfer of this bond a new bond or bonds of any authorized denomination, in the same aggregate principal amount and of the same interest rate and maturity, shall be authenticated and delivered to the transferee in exchange therefor as provided in the Resolution, and upon payment of the charges, if any, therein provided. Bonds so authenticated and delivered shall be in the denomination of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount for each maturity.

The bond registrar and paying agent shall not be required to transfer or exchange bonds or portions of bonds that have been selected for redemption.

MANDATORY PRIOR REDEMPTION

Bonds maturing in the year ____ are subject to mandatory prior redemption at par and accrued interest as follows:

<u>Redemption Date</u>	<u>Principal Amount of Bonds to be Redeemed</u>
------------------------	---

Bonds or portions of bonds to be redeemed by mandatory redemption shall be selected by lot.

(REPEAT IF MORE THAN ONE TERM BOND)

OPTIONAL PRIOR REDEMPTION

Bonds maturing prior to _____, _____, are not subject to redemption prior to maturity. Bonds maturing on and after _____, _____, are subject to redemption prior to maturity at the option of the City, in such order as shall be determined by the City, on any one or more interest payment dates on and after _____, _____. Bonds of a denomination greater than \$5,000 may be partially redeemed in the amount of \$5,000 or any integral multiple thereof. If less than all of the bonds maturing in any year are to be redeemed, the bonds or portions of bonds to be redeemed shall be selected by lot. The redemption price shall be the par value of the bond or portion of the bond called to be redeemed plus interest to the date fixed for redemption.

Not less than thirty but not more than sixty days' notice of redemption shall be given to the Registered Owner of bonds called to be redeemed by mail to each Registered Owner at the registered address. Bonds or portions of bonds called for redemption shall not bear interest on and after the date fixed for redemption, provided funds are on hand with the bond registrar and paying agent to redeem the same.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the bonds of this series, existed, have happened and have been performed in due time, form and manner as required by law, and that the total indebtedness of the City, including the series of bonds of which this bond is one, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Troy, State of Michigan, by its City Council, has caused this bond to be executed in its name by the manual or facsimile signatures of the Mayor and the City Clerk and its corporate seal (or a facsimile thereof) to be impressed or imprinted thereon. This bond shall not be valid unless the Certificate of Authentication has been manually executed by an authorized representative of the bond registrar and paying agent.

CITY OF TROY

(SEAL)

By: _____ By: _____
City Clerk Mayor

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within mentioned Resolution.

Bond Registrar and Paying Agent

By: _____
Authorized Representative

AUTHENTICATION DATE:

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____
(please print or type name, address and taxpayer identification number of transferee) the within
bond and all rights thereunder and hereby irrevocably constitutes and appoints

attorney to transfer the within bond on the books kept for registration thereof, with full power of
substitution in the premises.

Dated: _____

Signature Guaranteed: _____

Signature(s) must be guaranteed by an eligible guarantor institution participating in a
Securities Transfer Association recognized signature guarantee program.

END OF 2020 BOND FORM

10. SECURITY. The Tax Increment Revenues and other revenue received by the DDA under Section 211 of Act 57 (the recodification of Section 11 of Act 197) are pledged for the payment of the principal of and interest on the 2020 Bonds. The 2020 Bonds shall also be limited tax general obligations of the City, and the full faith and credit of the City are pledged for the prompt payment of the principal of and interest on the 2020 Bonds as the same shall become due. Each year the City shall be obligated, as a first budget obligation, to advance moneys from its general funds or to levy ad valorem property taxes on all taxable property within its corporate boundaries to pay such principal and interest as the same become due in the event and to the extent that the Tax Increment Revenues and other revenue to be available to the DDA under Section 211 of Act 57 are not sufficient to make such payment. The ability of the City to raise funds to pay such amounts is subject to applicable constitutional, statutory and charter limitations on the taxing power of the City.

11. DEFEASANCE. In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay, at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the 2020 Bonds, shall have been deposited in trust, this resolution shall be defeased and the owners of the 2020 Bonds shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest on the 2020 Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange 2020 Bonds as provided herein.

12. PRINCIPAL AND INTEREST FUND. There is hereby established for the 2020 Bonds a Principal and Interest Fund that shall be either a separate fund or part of a common fund as permitted by law. From the proceeds of the sale of the 2020 Bonds, there shall be set aside in the Principal and Interest Fund any accrued interest received from the purchaser at the time of

delivery of the same. The Tax Increment Revenues and other revenue available to the DDA under Section 211 of Act 57 and other available moneys of the City, if any, to be used to pay the payment of the principal of and interest on the 2020 Bonds shall be deposited in the Principal and Interest Fund and so long as the principal or interest on the 2020 Bonds remain unpaid, no moneys shall be withdrawn from such fund except to pay such principal and interest or to pay from any investment earnings on such fund the fees and expenses of the bond registrar and paying agent.

13. PAYMENT OF COSTS OF ISSUANCE -- ESCROW FUND. The remainder of the proceeds of the 2020 Bonds shall be used, together with available moneys of the DDA in the amount of not less than \$3,212,400, to pay the costs of issuance of the 2020 Bonds and to refund the 2013 Bonds To Be Refunded. After the costs of issuance have been paid or provided for, the remaining proceeds and available DDA moneys, in an amount determined by the City Manager at the time of sale of the 2020 Bonds, shall be used to establish an escrow fund (the "Escrow Fund") consisting of cash and investments in direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America or other obligations the principal of and interest on which are fully secured by the foregoing and used to pay the principal of and interest on the 2013 Bonds To Be Refunded. The Escrow Fund shall be held by an escrow agent (the "Escrow Agent") pursuant to an Escrow Agreement (the "Escrow Agreement"), which irrevocably shall direct the Escrow Agent to take all necessary steps to pay the principal of and interest on the 2013 Bonds To Be Refunded when due and to call the 2013 Bonds To Be Refunded for redemption at such time as shall be determined in the Escrow Agreement. The City Manager is authorized to select the Escrow Agent and enter into the Escrow Agreement on behalf of the City. The amounts held in the Escrow Fund shall be such that the cash and the investments and the income received on the investments will be sufficient without

reinvestment to pay the principal of and interest on the 2013 Bonds To Be Refunded when due at maturity or call for redemption as required by the Escrow Agreement.

14. APPROVAL OF DEPARTMENT OF TREASURY. The issuance and sale of the 2020 Bonds shall be subject to permission being granted therefor by the Department of Treasury of the State of Michigan as provided in Act 34. If necessary, the City Manager is authorized to file an application with the Department of Treasury for approval of the 2020 Bonds.

15. SALE, ISSUANCE, DELIVERY, TRANSFER AND EXCHANGE OF 2020 BONDS. The 2020 Bonds shall be sold pursuant to a negotiated sale as hereinafter provided, and it is hereby determined that such negotiated sale is in the best interests of the City and is calculated to provide the maximum flexibility in pricing the 2020 Bonds and to result in the lowest interest cost to the City. The City Manager is authorized to enter into a Bond Purchase Agreement with the Underwriter, which Bond Purchase Agreement shall set forth the principal amount of the 2020 Bonds, principal maturities and dates, interest rates and interest payment dates, redemption provisions, if any, purchase price to be paid by the Underwriter with respect to the 2020 Bonds and such other terms and provisions as the City Manager determines to be necessary or appropriate in connection with the sale of the 2020 Bonds. The Bond Purchase Agreement and the terms of the 2020 Bonds set forth therein shall be approved by an order adopted by the City Manager at the time of the sale of the 2020 Bonds. The Mayor, the City Clerk, the City Manager and the City Treasurer are each hereby authorized to do all things necessary to effectuate the sale, issuance, delivery, transfer and exchange of the 2020 Bonds in accordance with the provisions of this resolution. In making the determination in the order authorizing the sale of the 2020 Bonds and in the Bond Purchase Agreement with respect to principal maturities and dates, interest rates, purchase price of the 2020 Bonds and compensation to be paid to the Underwriter, the City Manager shall be limited as follows:

- (a) The interest rate on any 2020 Bond shall not exceed 5.00% per annum.

(b) The final maturity date of the 2020 Bonds shall not be later than November 1, 2033.

(c) The purchase price of the 2020 Bonds shall not be less than 99.00% of the principal amount thereof.

(d) The Underwriter's discount with respect to the 2020 Bonds or the compensation to be paid to the Underwriter shall not exceed 1.00% of the principal amount of the 2020 Bonds.

16. REPLACEMENT OF 2020 BONDS. Upon receipt by the City Clerk of proof of ownership of an unmatured 2020 Bond, of satisfactory evidence that the 2020 Bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity that complies with applicable law and is satisfactory to the City Clerk, the City Clerk may authorize the bond registrar and paying agent to deliver a new executed 2020 Bond to replace the 2020 Bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured 2020 Bond is lost, apparently destroyed or wrongfully taken, the City Clerk may authorize the bond registrar and paying agent to pay the 2020 Bond without presentation upon the receipt of the same documentation required for the delivery of a replacement 2020 Bond. The bond registrar and paying agent, for each new 2020 Bond delivered or paid without presentation as provided above, shall require the payment of expenses, including counsel fees, which may be incurred by the bond registrar and paying agent and the City in the premises. Any 2020 Bond delivered pursuant to the provisions of this Section 16 in lieu of any 2020 Bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the 2020 Bond in substitution for which such 2020 Bond was delivered.

17. OFFICIAL STATEMENT. The City Manager is authorized to cause the preparation of an official statement for the 2020 Bonds for purposes of enabling compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule") and to do all other things necessary to enable compliance with the Rule. After the award of the 2020 Bonds, the City will provide copies of a "final official statement" (as defined in paragraph (e)(3) of the Rule)

on a timely basis and in reasonable quantity as requested by the Underwriter to enable the Underwriter to comply with paragraph (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board.

18. CONTINUING DISCLOSURE. The Mayor and the City Clerk are authorized to execute and deliver in the name and on behalf of the City a continuing disclosure certificate to comply with the requirements for a continuing disclosure undertaking of the City pursuant to paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.

19. PROFESSIONAL SERVICES. The following are appointed to act in the following capacities with respect to the 2020 Bonds:

As registered municipal advisor: Bendzinski & Co., Municipal Finance Advisors
Grosse Pointe, Michigan

As Underwriter: Huntington Securities, Inc.
Southfield, Michigan

As bond counsel: Dickinson Wright PLLC
Troy, Michigan

20. CONFLICTING RESOLUTIONS. All resolutions and parts of resolutions insofar as they may be in conflict herewith are rescinded.

RESOLUTION DECLARED ADOPTED.

YEAS: _____

NAYS: _____

ABSTENTIONS: _____

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted at a regular meeting of the City Council of the City of Troy, Oakland County, Michigan, held on September 21, 2020, the original of which resolution is on file in my office. I further certify that notice of said meeting was given in accordance with the provisions of the Open Meetings Act, Act 267 of the Public Acts of Michigan of 1976, as amended, and the Governor's Executive Order No. 2020-154, as the same has been or may be amended, supplemented, replaced or otherwise made to remain effective from time to time.

M. Aileen Dickson, MMC, MiPMC II
Troy City Clerk

Yes: All-7
No: None

MOTION CARRIED

I-5 Budget Amendment and Standard Purchasing Resolution 4: Oakland County Purchasing Cooperative – Raptor House Exhibit Construction at the Stage Nature Center (*Introduced by: Kurt Bovensiepe, Public Works Director*)

Resolution #2020-09-135
Moved by Chamberlain-Creangă
Seconded by Hamilton

RESOLVED, That, in the best interest of the City, Troy City Council hereby **WAIVES** the bid process and **AWARDS** a contract to *National Restoration of Milford, MI*, for the Raptor House Exhibit Construction at the Stage Nature Center for a not to exceed total amount of \$130,000 as detailed in the proposal, a copy of which shall be **ATTACHED** to the original Minutes of the meeting, and as per the Oakland County Purchasing Cooperative Contract #005106 with a \$15,000 contingency for a grand total of \$145,000.

BE IT FINALLY RESOLVED, That Troy City Council hereby **APPROVES** amending the budget for the Capital account in the amount of \$20,000.

Yes: All-7
No: None

MOTION CARRIED

I-6 Troy Family Aquatic Center (*Introduced by: Robert J. Bruner, Assistant City Manager*)

Resolution #2020-09-136
Moved by Baker
Seconded by Hodorek

RESOLVED, That Troy City Council hereby **DIRECTS** City staff to proceed with the pool repairs contract awarded on February 10, 2020 (Resolution #2020-02-038).

Yes: All-7
No: None

MOTION CARRIED

I-7 Temporary Enclosures – A Resolution to Permit Temporary Enclosures to Expand Seating Capacity During COVID-19 (*Introduced by: Brent Savidant, Community Development Director*)

Resolution #2020-09-137
Moved by Brooks
Seconded by Hamilton

WHEREAS, The City of Troy, Michigan, has an ordinance that regulates temporary buildings, structures and uses in the City of Troy; and,

WHEREAS, The ordinance that regulates temporary buildings, structures and uses is Chapter 39 Zoning Ordinance in the City of Troy Code of Ordinances; and,

WHEREAS, The intent of Chapter 39 is to regulate temporary buildings, structures and uses in the City for many reasons including but not limited to public safety, community character and maintaining property values; and,

WHEREAS, Provisions in Chapter 39 that regulate temporary buildings, structures and uses in the City are restrictive in many ways including hours of operation and duration and the requirement that temporary enclosures are permitted during periods of construction or for special events; and,

WHEREAS, The coronavirus (COVID-19) is a respiratory disease that can result in serious illness and death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease; and,

WHEREAS, To protect Michigan residents from the coronavirus, the Governor of the State of Michigan issued numerous Executive Orders which negatively impacted businesses in the City of Troy; and,

WHEREAS, The City recognizes many of the challenges faced by Troy businesses as a result of Executive Orders, including reduced building capacity and limitations on gathering size; and,

WHEREAS, Numerous restaurant owners have reached out to City Council and City Administration, asking for assistance in keeping their businesses open during the coronavirus pandemic; and,

WHEREAS, The Troy City Council desires to assist local businesses to generate revenue, attract patrons and stay competitive in spite of reduced building capacity and limitations on gathering size; and,

WHEREAS, Many businesses in the City of Troy have outdoor patio space that is potentially convertible to indoor usable area via the construction of temporary enclosures; and,

WHEREAS, Temporary enclosures would have the effect of increasing seating capacity and revenue for Troy businesses during fall, winter and spring months;

NOW, THEREFORE, BE IT RESOLVED, City Council hereby **DIRECTS** City Administration to **NOT ENFORCE** provisions of Sections 7.13 and 7.14 of Chapter 39, specifically related to hours of operation and duration for temporary enclosures and the requirement that temporary enclosures are permitted during periods of construction or for special events, during the declared emergency.

BE IT FURTHER RESOLVED, Said temporary enclosures shall **REQUIRE** submittal and approval of a **COMPLETE** Temporary Building, Structure, Use and Outdoor Special Event Application and fee to the City of Troy Planning Department.

BE IT FURTHER RESOLVED, This option is available **ONLY** to businesses that have been affected by occupancy reduction associated with the coronavirus (COVID-19).

BE IT FURTHER RESOLVED, All temporary enclosures are **REQUIRED** to adhere to the Building Code and Fire Code and other laws related to public health, safety and welfare.

BE IT FURTHER RESOLVED, This resolution **DOES NOT MODIFY OR IMPACT** any private contractual agreements nor will the City be enforcing any private contractual rights.

BE IT FURTHER RESOLVED, City Administration **MAY INSPECT** temporary enclosures from time to time to ensure they are not a hazard or in violation of laws or regulations.

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** City Administration to initiate a process to inform Troy business owners of this temporary enclosure option.

Yes: All-7
No: None

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2020-09-138-J-1a

Moved by Hodorek

Seconded by Abraham

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

Yes: All-7

No: None

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2020-08-138-J-2a

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

- a) City Council Minutes-Draft – September 14, 2020

J-3 Proposed City of Troy Proclamations:

Resolution #2020-09-138-J-3

- a) Proclamation for Metastatic Breast Cancer Awareness Month Day – October 13, 2020, and Breast Cancer Awareness Month – October, 2020

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 2: Sole Bidder Meeting Specifications – TriCaster Equipment – Community Affairs Department**

Resolution #2020-09-138-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all equipment, material and labor to install TriCaster equipment for the City of Troy to the sole bidder, meeting all bid specifications; *Advanced Lighting and Sound of Troy, MI*, for an estimated total cost of \$26,399, at prices contained in the bid tabulation opened September 10, 2020, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

BE IT FINALLY 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.

b) Standard Purchasing Resolution 2: Award to Sole Bidder Meeting Specifications – Department of Public Works Window Replacement – Parks Maintenance Garage and Main Facility

Resolution #2020-09-138-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract for replacement windows at the Department of Public Works Parks Maintenance Garage and Main Facility; as per bid specifications to the sole bidder meeting specifications, *H&H Glass & Metal, Inc. of Detroit, MI*, for an estimated total cost of \$48,906 at unit prices contained in the bid tabulation opened September 3, 2020; a copy of which shall be **ATTACHED** to the original Minutes of the meeting, with a 10% contingency of \$4,900 for an estimated grand total amount of \$53,806 not to exceed budgetary limitations.

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

c) Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications – Department of Public Works Fleet Garage Unit Heater Replacement

Resolution #2020-09-138-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** a contract for the purchase of replacement unit heaters for the Fleet Garage located at the Department of Public Works; as per bid specifications to the low bidder meeting specifications, *The Macomb Group of Sterling Heights MI*, for an estimated total cost of \$45,255 at unit prices contained in the bid tabulation opened September 10, 2020; a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

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

d) Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications – Department of Public Works Gas Detection System

Resolution #2020-09-138-J-4d

RESOLVED, That Troy City Council hereby **AWARDS** a contract for the purchase and installation of a Gas Detection System located at the Department of Public Works; as per bid specifications to the low bidder meeting specifications; *Ino-Tec, Inc. of Ray, MI* for an estimated cost of \$64,927 at prices contained in the bid tabulation opened September 10, 2020; a copy of which shall be **ATTACHED** to the original Minutes of the meeting, with a 15% contingency of \$9,740 for an estimated grand total amount of \$74,667 not to exceed budgetary limitations.

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

J-5 Request for Acceptance of a Regrading and Temporary Construction Permit and Compensation Authorization – Big Beaver Relief Sewer Project #17.402.5

Resolution #2020-09-138-J-5

RESOLVED, That City Council hereby **ACCEPTS** a Regrading and Temporary Construction Permit from The Chaldean Catholic Church of the United States of America, owner of the properties having Sidwell #88-20-25-126-024 & 015.

BE IT FURTHER RESOLVED, That City Councils **AUTHORIZES** payment in the amount of \$14,000.00 for the temporary permit.

J-6 Bid Waiver – Grounds Maintenance Equipment

Resolution #2020-09-138-J-6

RESOLVED, That, in the best interest of the City, Troy City Council hereby **WAIVES** the formal bidding procedures and **AWARDS** a contract to *Spartan Distributors of Sparta, MI* for the purchase of four (4) pieces of Grounds Maintenance equipment for an estimated total cost of \$108,839.62; less a total trade-in amount of \$750.00 for a total estimated cost of \$108,089.62.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

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

L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

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. REPORTS:

O-1 Minutes – Boards and Committees:

- a) Civil Service Commission (Act 78)-Final – July 14, 2020
Noted and Filed

O-2 Department Reports:

- a) Late Tax Payments
b) Speed Humps
c) Oakland County Parks and Recreation Millage
d) Library Millage Community Engagement Plan Update
e) Welcoming America Membership
Noted and Filed

O-3 Letters of Appreciation: None Submitted

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

P. COUNCIL COMMENTS:

P-1 Council Comments

Council Member Chamberlain-Creangă thanked Administration for the Oakland County Parks and Recreation Millage Report, and she commented that the millage would provide grant money for our trails and pathways.

Council Member Chamberlain-Creangă commented that the Welcoming America hasn't been renewed since 2017. She would like to receive consensus from City Council to renew the membership at some level.

Mayor Baker seconded obtaining consensus from City Council to look into membership and leverage a relationship with our committee and our new liaison.

Council Member Chamberlain-Creangă commented that there is a local representative from the Welcoming Michigan Chapter who can help.

Mayor Baker obtained consensus from City Council to direct City Management to look into the Welcoming America membership.

Mayor Pro Tem Hamilton commented on speed humps and he would like to have a policy to bring these to Troy for traffic safety. He would like to obtain consensus from City Council to ask for more information from City Management.

City Manager Miller commented that the City Engineer can develop an outline of a program for City Council to consider, along with costs.

Mayor Pro Tem Hamilton commented if the Traffic Committee would be involved also.

Council Member Chamberlain-Creangă commented that her neighbors would like a study to see if speed humps would help control traffic in areas.

City Manager Miller said that it is important to develop a program, and he will have the City Engineer bring the latest info about this subject for City Council to review.

Council Member Hodorek commented that there used to be a dedicated City Traffic Engineer. She said there is a need to have a speed hump program and there's also the sound barrier issue on I-75.

City Manager Miller said the City has a contract with an engineering firm who also works on traffic. He said we do not have control over issues with I-75. Mayor Baker obtained consensus from City Council to look into developing a program regarding speed humps.

Mayor Pro Tem Hamilton commented that the City Clerk's Office is providing many options for voters to get their ballots. He said they are having a drive-thru ballot pick-up event on Saturday, September 26th, and Sunday, September 27th, from Noon–4:00 PM.

Council Member Erickson Gault commented on the retirement of Police Officer Sean Morse. She said he was hard working and well respected in Troy. She thanked the Troy Police Department, Chief Nastasi, and all of the officers.

Council Member Chamberlain-Creangă commented that the Global Troy Advisory Committee was very appreciative of the Welcoming Week proclamation. She also thanked City Administration for the proclamation for Childhood Cancer Month.

Mayor Baker thanked the residents who commented on the Troy Family Aquatic Center. He also thanked the healthcare heroes, frontline responders and frontline workers working so hard during the pandemic.

Q. CLOSED SESSION

Q-1 No Closed Session Requested

R. ADJOURNMENT:

The Meeting **ADJOURNED** at 11:02 PM.

Mayor Ethan Baker

M. Aileen Dickson, MMC, MiPMC II
City Clerk

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

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

J-04a

CITY COUNCIL AGENDA ITEM

Date: October 5, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Rob Maleszyk, Chief Financial Officer
Lisa Burnham, Controller
Kurt Bovensiep, Public Works Director
Dennis Trantham, Facilities and Grounds Operations Manager
MaryBeth Murz, Purchasing Manager

Subject: Standard Purchasing Resolution 2 – Award to Low Bidder Meeting Specifications -
DPW Sectional Garage Door and Opener Replacement at the Parks Maintenance
Garage

History

- The existing sectional doors and openers in the Parks Maintenance Garage at the Department of Public Works have reached the end of their useful life requiring frequent service calls and repairs.
- In an effort to conserve energy, the replacement sectional doors will be insulated.
- Openers and springs are commercial grade and have extended life.
- Doors and openers were identified in the Facilities Condition Assessment and Analysis.

Purchasing

- On October 1, 2020 a bid opening was conducted as required by the City Charter/Code for DPW Sectional Garage Door and Opener Replacement at the Parks Maintenance Garage.
- The bid was posted on the Michigan Intergovernmental Trade Network (MITN); www.mitn.info.
- One Hundred and ninety-two (192) vendors were notified via the MITN website. Four (4) bids were received. The summary of the vendor responses is detailed below.
- *KVM Door Systems Inc. of Clinton Township, MI* is the low bidder meeting specifications.

Companies notified via MITN	192
Troy Companies notified via MITN	7
Troy Companies - Active email Notification	7
Troy Companies - Active Free	0
Companies that viewed the bid	8
Troy Companies that viewed the bid	0

MITN provides a resourceful online platform to streamline the procurement process, reduce costs, and make it easier and more transparent for vendors to do business with the City of Troy.

Active MITN members with a current membership and paying annual dues receive automatic electronic notification which allows instant access to Bids, RFPS and Quote opportunities with the City.

Active MITN non-paying members are responsible to monitor and check the MITN website for opportunities to do business with the City. **Inactive MITN member** status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Financial

Funds are budgeted and available in the Public Works Capital Projects Fund under Project Number 2021C0047 for the 2021 fiscal year. Expenditures will be charged to account number 401.464.7975.900.

Recommendation

City Management recommends awarding a contract for the replacement of overhead garage doors and openers at the Department of Public Works, Parks Maintenance Garage to the low bidder meeting specifications; *KVM Door Systems Inc. of Clinton Township, MI* at prices contained in the bid tabulation opened October 1, 2020 for an estimated total of \$17,499 and a 10% contingency of \$1,750, not to exceed budgetary limitations.

CITY OF TROY
BID TABULATION
OVERHEAD DOORS

VENDOR NAME:	KVM Door Systems Inc.	Secure Door, LLC	Allied Building Service Company	McKernan Doors, Inc.
CITY:	Clinton Twp., MI	Mt. Clemens, MI	Detroit, MI	Roseville, MI
CHECK NUMBER:	4472500516	*No Check Submitted	*No Check Submitted	*No Check Submitted
CHECK AMOUNT:	\$1,000.00			

PROPOSAL: Purchase and Installation of Overhead Door Systems

DPW Parks Garage - South Elevation - **Two (2) Grounds Department Overhead Doors.**

1. Remove and dispose of the existing overhead door operators. Remove and dispose of two (2) obsolete overhead door systems.

2. Furnish and Install two (2) new Clopay Manufactured Commercial 3200 series overhead door systems with 2" thick sandwich insulated sections and "full view" lights in each door.

3. Furnish and install two (2) new commercial grade LiftMaster T51L5 operators with thru-beam upgraded NEMA-4 electric safety eyes.

Note: All new wiring shall be enclosed in conduit

Total Cost:		\$17,499.00	\$18,522.00	\$19,577.15	\$28,495.00
Descriptive Literature:	Y or N	Y	Y	Y	Y
Site Visit:	Y or N	Y - 1/15/2019	N	N	Y - 9/23/2020
Able to Meet Delivery Schedule:	Y or N	Y	Y	Y	N
Hours of Operation:		6AM - 5PM	7AM - 5PM	7AM - 5PM	M-F 8AM - 4:30PM
Contact Phone #:		586-790-4540	586-792-2402	248-773-6851	586-778-4666
Able to Comply with Subcontractor Requirement:	Y or N	Y	Y	Y	Y
References:	Y or N	Y	Y	Y	Y
Meet Insurance Requirements:	Y or N	Y	Y	Y	Y
Payment Terms:		Net 30	Net 30	Net 30	100% at completion
Warranty:		1 year parts; 1 year labor	1 year warranty	1 year workmanship	5 yr./1 yr.
Exceptions:	Y or N	N	The windows cannot be "full view" window section due to size	N	N
Allow Bid to be broken up by item	Y or N	Y	Y	N	N
Acknowledgement:	Y or N	Y	Y	Y	Y
Forms:	Y or N	Y	Y	Y	Y

Attest:

(*Bid Opening conducted via a Go-To Meeting)

Dennis Trantham

Kristine Kallek

Jodi Kolakowski

Jackie Ahlstrom

MaryBeth Murz,
Purchasing Manager



500 West Big Beaver
Troy, MI 48084
troymi.gov

J-04b

CITY COUNCIL AGENDA ITEM

Date: October 6, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Rob Maleszyk, Chief Financial Officer
Lisa Burnham, Controller
Kurt Bovensiepe, Public Works Director
Dennis Trantham, Facilities and Grounds Operations Manager
MaryBeth Murz, Purchasing Manager

Subject: Standard Purchasing Resolution 4: Cooperative Purchasing Contract – Niles Barnard Roof Replacement

History

- The Niles Barnard Home was donated to the City of Troy in 2004 and relocated to its current site in October of 2010.
- The Troy City Council awarded the renovation of the first floor and the addition of ADA accessible restrooms at the November 25, 2019 meeting of the Troy City Council (Resolution #2019-11-143).
- The Roof replacement was identified in the Facilities Condition Assessment and Analysis as having approximately 5 years of life remaining.
- During the renovation significant leaks were discovered in Area #2 which consists of the original portion of the house. Upon further investigation the roof decking is deteriorated and in need of replacement making this section “unrepairable”.

Purchasing

- Pricing for the Niles Barnard Roof Replacement has been secured from *Schena Roofing and Sheet Metal Co., Inc.*, of *Chesterfield, MI*, based on the Omnia Partners Purchasing Contract 180901-MI-009.
- City Council authorized participation in the Cooperative Purchasing Programs on November 11, 2019 (Resolution #2019-11-128).

Financial

Funds for the Niles Barnard Roof Replacement are available in the Capital Project Fund under the Historic Village Project Number 2021C0133 for the 2021 Fiscal Year. Expenditures will be charged to account number 401.804.804.7975.900.

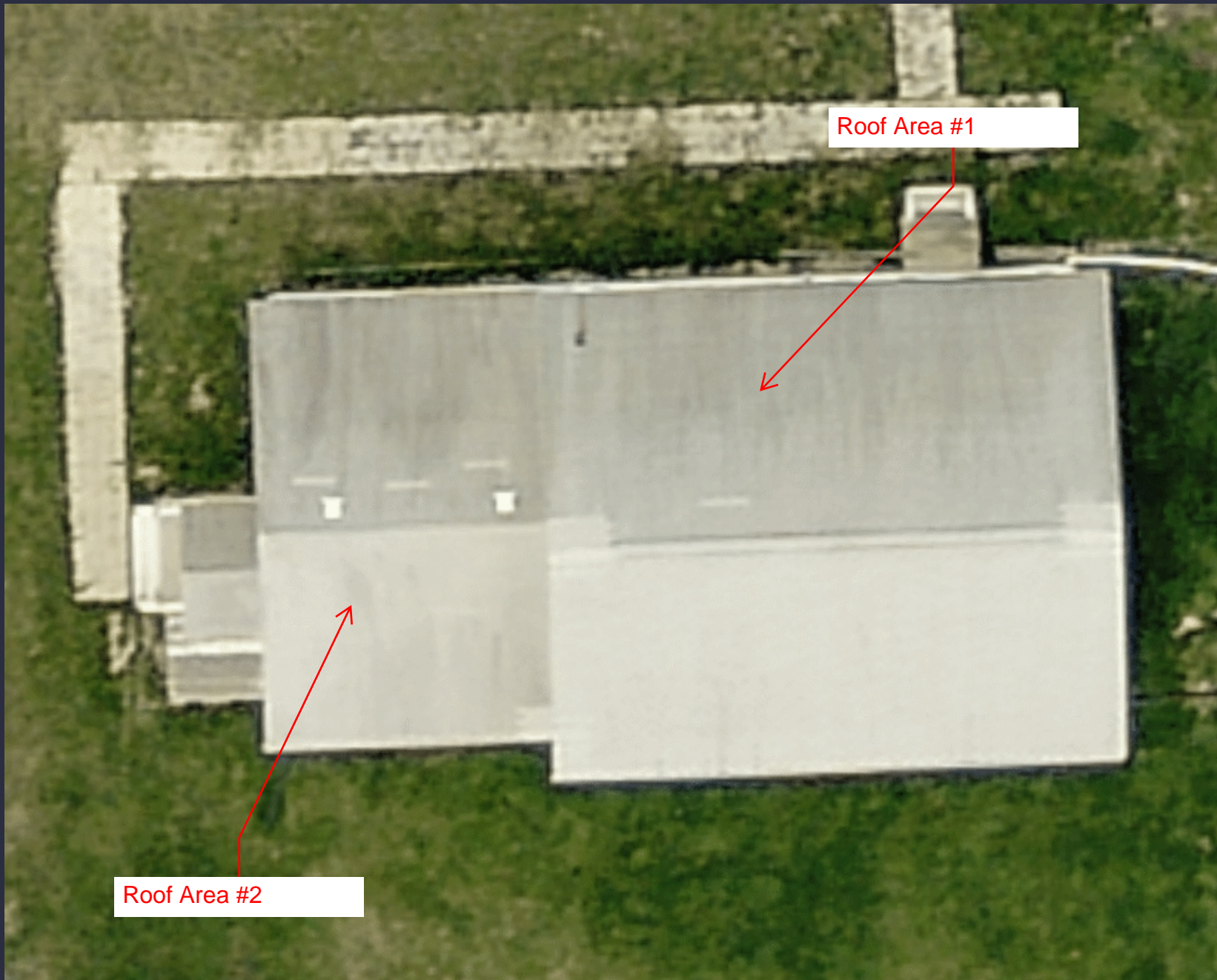
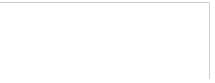
Recommendation

City Management recommends City Council award the Niles-Barnard House Roof Replacement contract to *Schena Roofing and Sheet Metal Co., Inc.*, of *Chesterfield, MI*, based on the Omnia Partners Purchasing Contract 180901 for an estimated total of \$19,064.61 with a not to exceed amount of \$6,500 for decking replacement for an estimated grand total of \$25,564.61. Also, it is recommended that if additional work is required, such additional work is authorized not to exceed 15% of the total contract.



GIS Online

Legend:



Notes:

Map Scale: 1=14

Created: October 5, 2020



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



CITY COUNCIL AGENDA ITEM

Date: September 21, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
R. Brent Savidant, Community Development Director
William J. Huotari, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of Two Permanent Easements from Square Lake Court, LLC - Sidwell #88-20-12-200-037

History

City Council previously accepted two easements for Square Lake Court Townhomes (Phase II) from Eureka Building Co. at their August 24, 2020 meeting (Resolution #2020-08-119-J-11). Shortly after signing the easements Eureka Building Co. transferred ownership of the real property to Square Lake Court, LLC. The easements from Eureka Building became unrecordable as it was no longer the rightful owner.

Staff worked with the developer and secured new easements for sanitary sewers and water mains from Square Lake Court, LLC. The developer, however, recorded these easements prior to Council’s acceptance.

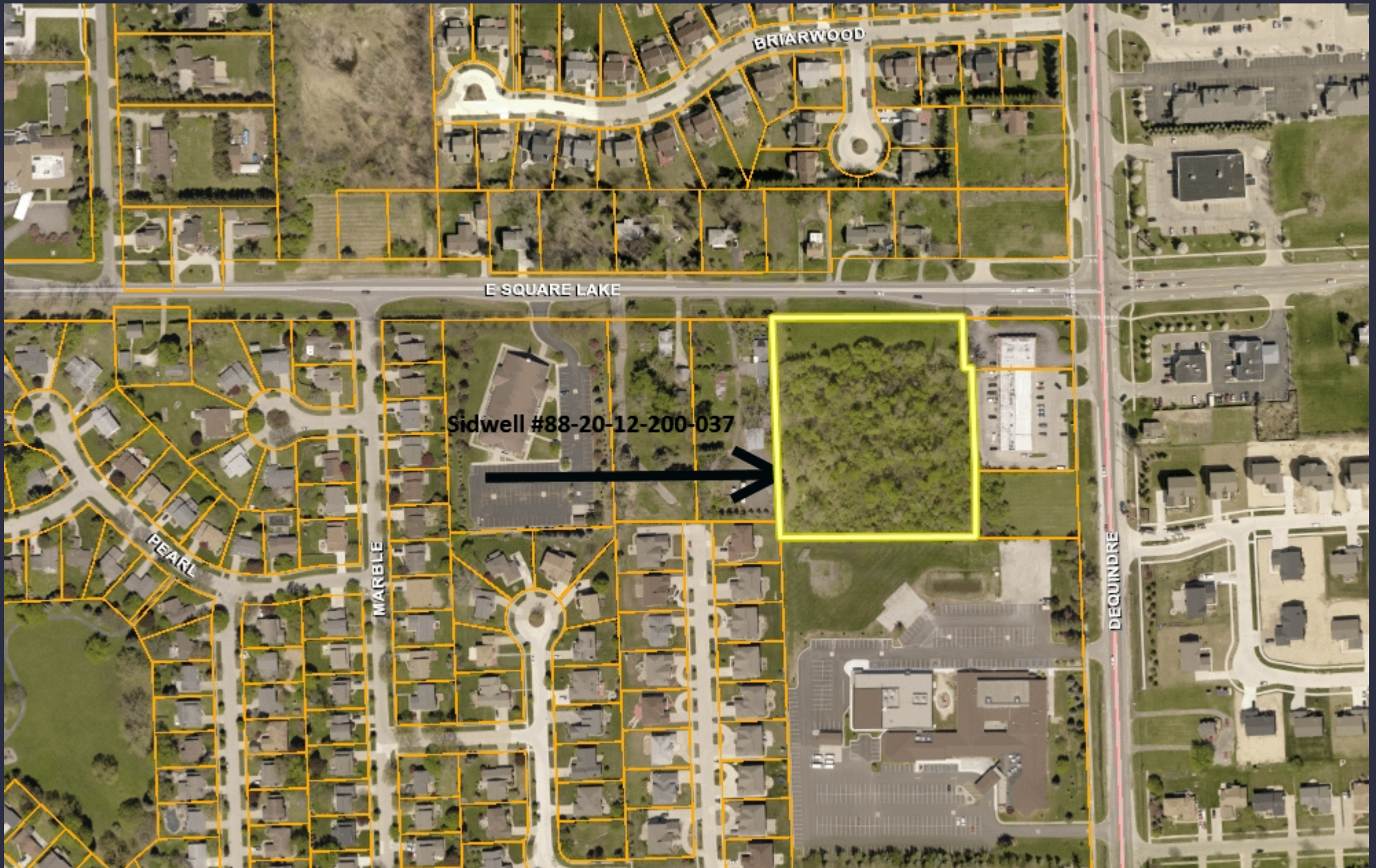
The Planning Commission granted Preliminary Site Plan approval at their April 28, 2020 meeting for Square Lake Court Townhomes (Phase II), a 48 unit multi-family residential development located on the south side of Square Lake, west of Dequindre. The property is zoned NN (Neighborhood Node).

Financial

The consideration amount on each document is \$1.00.

Recommendation

City Management recommends that City Council accept the attached permanent easements consistent with our policy of accepting easements for development and improvement purposes.



711 0 355 711 Feet



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

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS

2020 SEP -1 PM 2:19

175450
LIBER 54750 PAGE 523
\$26.00 MISC RECORDING
\$4.00 REMONUMENTATION
09/01/2020 02:36:18 P.M. RECEIPT# 136791
PAID RECORDED - OAKLAND COUNTY
LISA BROWN, CLERK/REGISTER OF DEEDS

PERMANENT EASEMENT FOR SANITARY SEWERS

Sidwell #88-20-12-200-037 (pt of)
Resolution #

SQUARE LAKE COURT, LLC, a Michigan limited liability company, Grantor(s), whose address 1985 West Big Beaver, Troy, MI 48084, for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge or remove and/or replace **sanitary sewers**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART OF

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

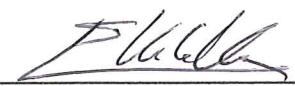
The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s)
this 25 day of August A.D. 2020.

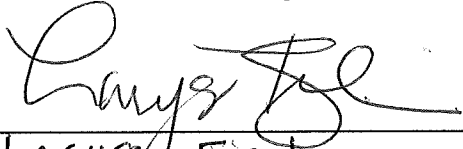
LARYSA FIGOL
Notary Public, State of Michigan
County of Oakland
My Commission Expires 03-02-2024
Acting in the County of Oakland

SQUARE LAKE COURT, LLC
a Michigan limited liability company

By  (L.S.)
*Erion Nikolla
Its: Member

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 25th day of August, 2020, by Erion Nikolla, Member of Square Lake, LLC, a Michigan limited liability company, on behalf of the company.



* Larysa Figol
Notary Public Oakland County, Michigan
My Commission Expires 03-02-2024
Acting in Oakland County, Michigan

Prepared by: Larysa Figol, SR/WA
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

**EXHIBIT A
LEGAL DESCRIPTION**

LEGAL DESCRIPTION – 20 FOOT WIDE SANITARY SEWER EASEMENT:

A 20 foot wide sanitary sewer easement over the previously described Parcel No. 20-12-200-037, being part of the Northeast 1/4 of Section 12, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, also being Part of Lots 6 and 7 of "Supervisor's Plat of Wilbrett Acres" as recorded in Liber 13, Page 54, Oakland County Records, said easement being more particularly described as:

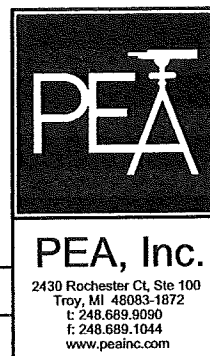
Commencing at the Northeast corner of said Section 12, thence along the East line of said Section 12, S00°00'04"W, 360.27 feet, thence N88°07'00"W, 60.03 feet to the West line of Dequindre Road (120 foot wide); thence N88°07'00"W, 199.98 feet; thence N00°00'00"W 19.98 feet to the POINT OF BEGINNING of the centerline of this 20' wide sanitary sewer easement;

thence along said centerline easement the following five (5) courses:

- 1) N88°07'00"W, 65.30 feet;
- 2) S01°57'59"W, 48.63 feet;
- 3) N88°02'01"W, 233.11 feet;
- 4) N01°57'59"E, 155.20 feet;
- 5) S88°02'01"E, 141.28 feet to the POINT OF ENDING.

Containing ±12,870 square feet of land.

Pt 20-12-200-037



CLIENT:
EUREKA BUILDING COMPANY
53976 DESANO
SHELBY TOWNSHIP, MI 48315

SCALE: —
DATE: 7-27-2020

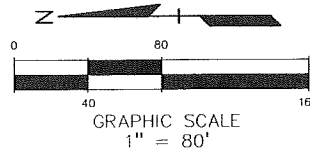
JOB No: 2018154c
DWG. No: 1 of 2

EXHIBIT B SKETCH OF PARCEL

NE CORNER
SECTION 12
T.2N., R.11E.

E1/4 CORNER
SECTION 12
T.2N., R.11E.

EAST LINE OF SECTION 12
S00°00'04"W 360.27'
DEQUINDRE ROAD
(PUBLIC-120'WIDE)
WEST LINE OF DEQUINDRE ROAD
N88°07'00"W 60.03'
S00°00'04"W 133.55'



NORTH LINE OF SECTION 12

E SQUARE LAKE
(PUBLIC-120'WIDE)

SOUTH LINE OF E SQUARE LAKE
S88°02'01"E 377.63'

PART OF
LOT 5
PARCEL NO.
20-12-200-026

PART OF
LOT 6
PARCEL NO.
20-12-200-028

S00°00'26"W
100.30'

SUPERVISOR'S PLAT OF
HUBBETT ACRES
R-10, P.34, OLD

PART OF
LOT 5

PART OF
LOT 6

PART OF
LOT 7

PARCEL
TAX ID. No.
20-12-200-037
(3.876 ACRES)

20' WIDE SANITARY
SEWER ESMT
(SEE EXHIBIT B)

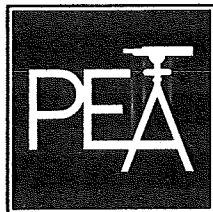
N00°03'21"E 434.92'

LOT 4
PARCEL NO.
20-12-200-031

N88°07'55"W 204.33'

N88°07'55"W 388.68'

N1/4 CORNER
SECTION 12
T.2N., R.11E.



PEA, Inc.

2430 Rochester Ct, Ste 100
Troy, MI 48063-1872
t: 248.689.9090
f: 248.689.1044
www.peainc.com

CLIENT:
EUREKA BUILDING COMPANY
53976 DESANO
SHELBY TOWNSHIP, MI 48315

SCALE: 1" = 80'

JOB No: 2018154c

DATE: 7-27-2020

DWG. No: 2 of 2

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS

2020 SEP -1 PM 2:19

175451
LIBER 54750 PAGE 527
\$26.00 MISC RECORDING
\$4.00 REMONUMENTATION
09/01/2020 02:36:18 P.M. RECEIPT# 136791
PAID RECORDED - OAKLAND COUNTY
LISA BROWN, CLERK/REGISTER OF DEEDS

**PERMANENT EASEMENT
FOR WATER MAINS**

Sidwell #88-2012-200-037 (pt of)
Resolution #

SQUARE LAKE COURT, LLC, a Michigan limited liability company, Grantor(s), whose address 1985 West Big Beaver, Troy, MI 48084, for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge or remove and/or replace **water mains**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART OF

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

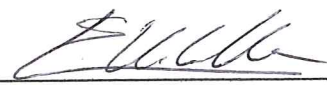
The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s)
this 25 day of August A.D. 2020.

LARYSA FIGOL
Notary Public, State of Michigan
County of Oakland
My Commission Expires 03-02-2024
Acting in the County of Oakland

SQUARE LAKE COURT, LLC
a Michigan limited liability company

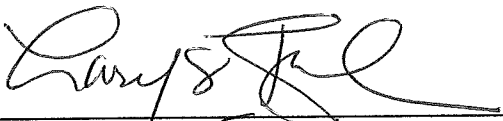
By  (L.S.)
*Erion Nikolla
Its: Member

Oakland 20-ESD

OK18

STATE OF MICHIGAN
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 25th day of August, 2020, by Erion Nikolla, Member of Square Lake, LLC, a Michigan limited liability company on behalf of the company.


* Larysa Figol
Notary Public, Oakland County, Michigan
My Commission Expires 03-02-2024
Acting in Oakland County, Michigan

Prepared by: Larysa Figol, SR/WA
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

**EXHIBIT A
LEGAL DESCRIPTION**

LEGAL DESCRIPTION – 20 FOOT WIDE WATER MAIN EASEMENT:

A 20 foot wide water main easement over the previously described Parcel No. 20-12-200-037, being part of the Northeast 1/4 of Section 12, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, also being Part of Lots 5 and 6 of "Supervisor's Plat of Wilbrett Acres" as recorded in Liber 13, Page 54, Oakland County Records, said easement being more particularly described as:

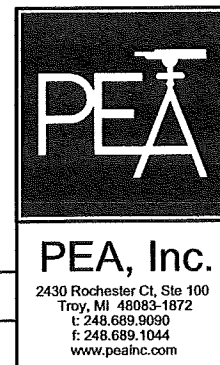
Commencing at the Northeast corner of said Section 12, thence along the East line of said Section 12, S00°00'04"W, 360.27 feet, thence N88°07'00"W, 60.03 feet to the West line of Dequindre Road (120 foot wide); thence N88°07'00"W, 199.98 feet; thence N00°00'00"W 10.00 feet to the POINT OF BEGINNING of the centerline of this 20' wide water main easement;

thence along said centerline easement the following seventeen (17) courses:

- 1) N88°03'25"W, 35.33 feet;
- 2) N43°02'01"W, 23.06 feet;
- 3) N46°57'59"E, 29.09 feet;
- 4) S46°57'59"W, 29.09 feet;
- 5) N43°02'01"W, 10.72 feet;
- 6) N88°02'00"W, 220.03 feet;
- 7) N01°57'59"E, 16.00 feet;
- 8) N43°02'01"W, 4.24' feet;
- 9) N88°02'01"W, 13.00 feet;
- 10) S88°02'01"E, 13.00 feet;
- 11) S43°02'01"E, 4.24 feet;
- 12) S01°57'59"W, 16.00 feet;
- 13) N88°02'01"W, 72.40 feet;
- 14) N43°59'20"W, 36.01 feet;
- 15) N00°03'21"E, 111.02 feet;
- 16) N01°57'59"E, 33.60 feet;
- 17) S88°02'01"E, 15.00 feet to the POINT OF ENDING.

Containing ±11,980 square feet of land.

Pt 20-12-200-037



CLIENT: EUREKA BUILDING COMPANY 53976 DESANO SHELBY TOWNSHIP, MI 48315	SCALE: —	JOB No: 2018154c
	DATE: 7-27-2020	DWG. No: 1 of 2

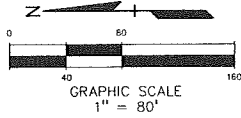
S:\PROJECTS\2018\2018-154C EUREKA RESIDENTIAL-JPB\SURVEY-DEPT\18154cBND\DWG\Phase II\18154C ESMT-WM.dwg; DLC

EXHIBIT B SKETCH OF PARCEL

NE CORNER
SECTION 12
T.2N., R.11E.

E1/4 CORNER
SECTION 12
T.2N., R.11E.

EAST LINE OF SECTION 12
S00°00'04"W 360.27'
N88°07'00"W 60.03'
DEQUINDRE ROAD
(PUBLIC-120'WIDE)
WEST LINE OF DEQUINDRE ROAD
S00°00'04"W 133.55'



NORTH LINE OF SECTION 12

E SQUARE LAKE
(PUBLIC-120'WIDE)

SOUTH LINE OF E SQUARE LAKE

S88°02'01"E 377.63'

PART OF
LOT 5
PARCEL NO.
20-12-200-026

PART OF
LOT 6
PARCEL NO.
20-12-200-028

S00°00'26"W
100.30'

S00°00'00"E 200.36'

S01°52'05"W 133.53'

S88°07'18"E
15.02'

SUPERVISOR'S PLAT OF
WISNETT ACRES
(L.12, P.54, Q.C.R.)

PART OF
LOT 5

PART OF
LOT 6

PART OF
LOT 7

PARCEL
TAX ID. No.
20-12-200-037
(3.876 ACRES)

20' WIDE WATER
MAIN EASEMENT
(SEE EXHIBIT B)

N00°03'21"E 434.92'

LOT 4
PARCEL NO.
20-12-200-031

N1/4 CORNER
SECTION 12
T.2N., R.11E.

N88°07'55"W 204.33'

N88°07'55"W 388.68'

POB



PEA, Inc.

2430 Rochester Ct, Ste 100
Troy, MI 48063-1872
t: 248.689.9090
f: 248.689.1044
www.peainc.com

CLIENT:
EUREKA BUILDING COMPANY
53976 DESANO
SHELBY TOWNSHIP, MI 48315

SCALE: 1" = 80'

JOB No: 2018154c

DATE: 7-27-2020

DWG. No: 2 of 2



500 West Big Beaver
Troy, MI 48084
troymi.gov

J-06

CITY COUNCIL AGENDA ITEM

Date: September 21, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
R. Brent Savidant, Community Development Director
William J. Huotari, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of Four Permanent Easements and a Warranty Deed, Timbercrest Drive Extension Site Condominium, Sidwell #88-20-24-201-015

History

Bismack Designs has proposed the 3-unit Timbercrest Drive Extension Site Condominium project located in Section 24, south of Wattles, west of Dequindre, between Fernleigh and Timbercrest Drive. The property is zoned R-1C.

Troy Planning Commission granted preliminary site plan approval on April 28, 2020.

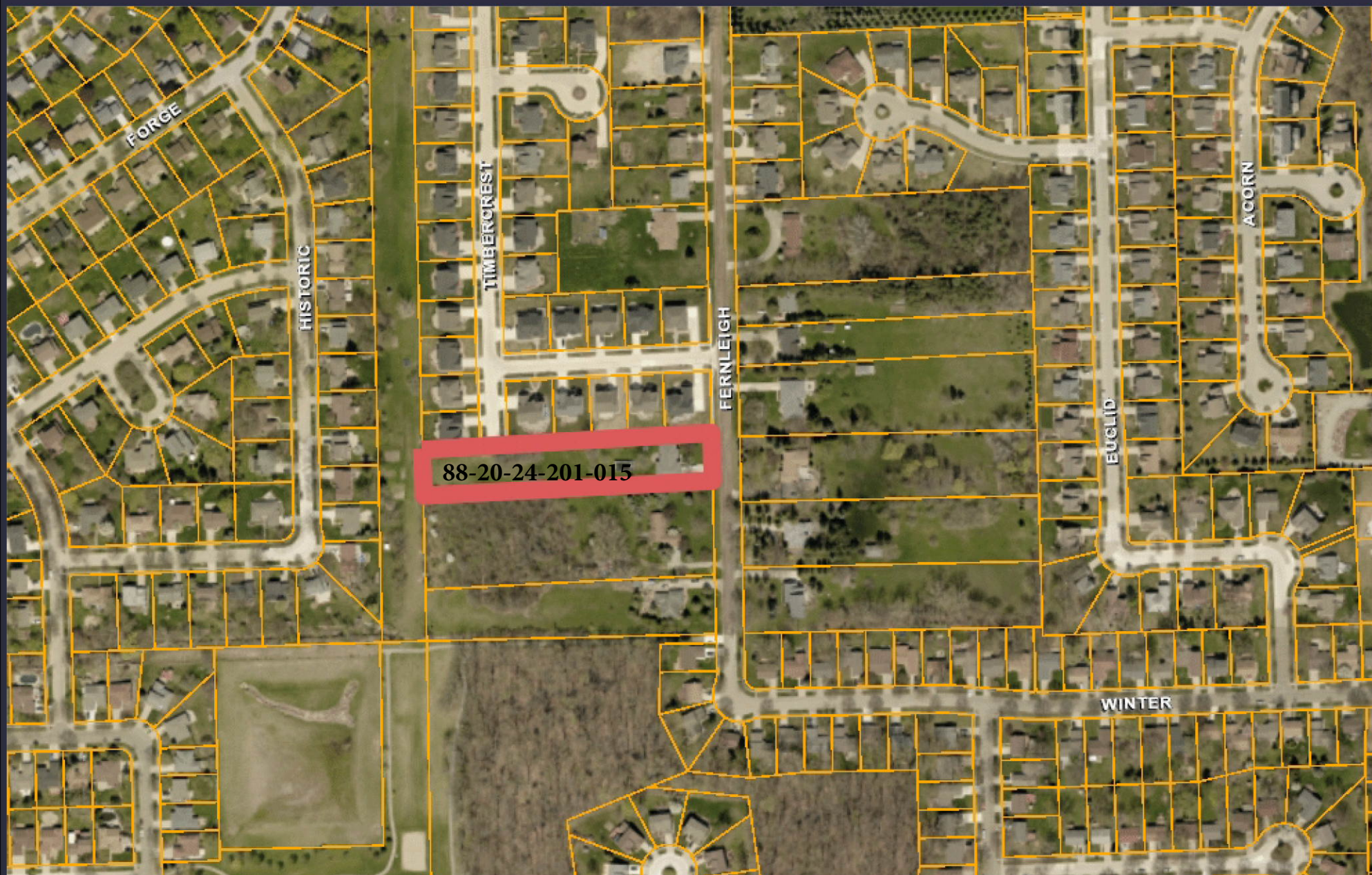
As part of the proposed development, the City of Troy received four permanent easements and a warranty deed for right-of-way from Patrick Bismack, owner of the property having Sidwell #88-20-24-201-015. The easements are for sanitary sewers and public utilities, storm sewers and surface drainage, and water mains.

Financial

The consideration amount on each document is \$1.00.

Recommendation

City Management recommends that City Council accept the permanent easements and warranty deed consistent with our policy of accepting easements and right-of-way for development and improvement purposes.



770 0 385 770Feet



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

**PERMANENT EASEMENT
FOR SANITARY SEWERS AND PUBLIC UTILITIES**

Sidwell #88-20-24-201-015 (part of)

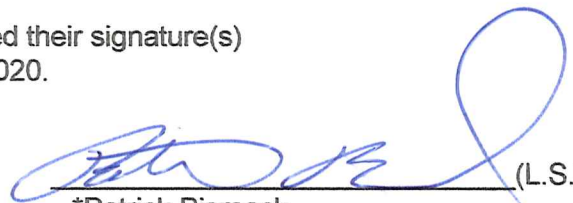
PATRICK BISMACK, a married man, Grantor, whose address is 2742 Powderhorn Ridge Road, Rochester Hills, MI 48309 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, MI 48084, grant to the Grantee the right to access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge or remove and/or replace **sanitary sewers and public utilities**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART OF

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

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

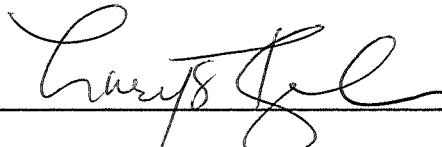
IN WITNESS WHEREOF, the undersigned hereunto affixed their signature(s)
this 21 day of SEPT, 2020.


_____(L.S.)
*Patrick Bismack

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 21st day of September 2020, by Patrick Bismack, a married man.

LARYSA FIGOL
Notary Public, State of Michigan
County of Oakland
My Commission Expires 03-02-2024
Acting in the County of Oakland


_____*
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

Prepared by: Larysa Figol
City of Troy
500 West Big Beaver
Troy, MI 48084

Return to: City Clerk
City of Troy
500 West Big Beaver
Troy, MI 48084

EXHIBIT A

DESCRIPTION OF CENTERLINE OF 20' WIDE SANITARY SEWER & PUBLIC UTILITIES EASEMENT

DESCRIPTION OF PROPERTY

PART OF LOT 9 OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5", BEING A PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 55 OF PLATS ON PAGE 58, OAKLAND COUNTY RECORDS. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF UNIT 1 OF "TIMBERCREST PRESERVES", OAKLAND COUNTY SUBDIVISION PLAN NO. 2039, AS RECORDED IN LIBER 45439 ON PAGE 691-694 OAKLAND COUNTY RECORDS; THENCE WEST 620.00 FEET ALONG THE SOUTH LINE OF SAID "TIMBERCREST PRESERVES" TO THE SOUTHWEST CORNER OF UNIT 6 OF SAID "TIMBERCREST PRESERVES" THENCE S01°35'00"W 100.00 FEET ALONG THE WEST LINE OF SAID LOT 9; THENCE EAST 620.00 FEET TO THE EAST LINE OF LOT 9; THENCE N01°35'00"E 100.00 FEET ALONG THE EAST LINE OF LOT 9 TO THE POINT OF BEGINNING. CONTAINING 1.423 ACRES OF LAND.

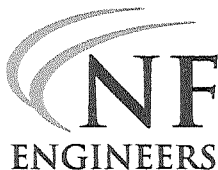
SIDWELL NO. 20-24-201-015

SUBJECT TO ANY EASEMENTS AND OR RIGHTS OF WAY RECORDED OR OTHER WISE.

CENTERLINE OF 20' WIDE SANITARY SEWER & PUBLIC UTILITIES EASEMENT

CENTERLINE OF 20 FOOT WIDE SANITARY SEWER AND PUBLIC UTILITIES EASEMENT LOCATED IN THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF UNIT 1 OF "TIMBERCREST PRESERVES", OAKLAND COUNTY SUBDIVISION PLAN NO. 2039, AS RECORDED IN LIBER 45439 ON PAGE 691-694 OAKLAND COUNTY RECORDS; THENCE WEST 505.45 FEET ALONG THE SOUTH LINE OF SAID "TIMBERCREST PRESERVES" TO THE POINT OF BEGINNING; THENCE SOUTH 99.96 FEET TO THE POINT OF ENDING.



NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL (248) 332-7931
FAX (248) 332-8257

PREPARED FOR:

BISMACK DESIGNS
2742 POWDERHORN RIDGE
ROCHESTER HILLS, MI 48309

SCALE
NTS

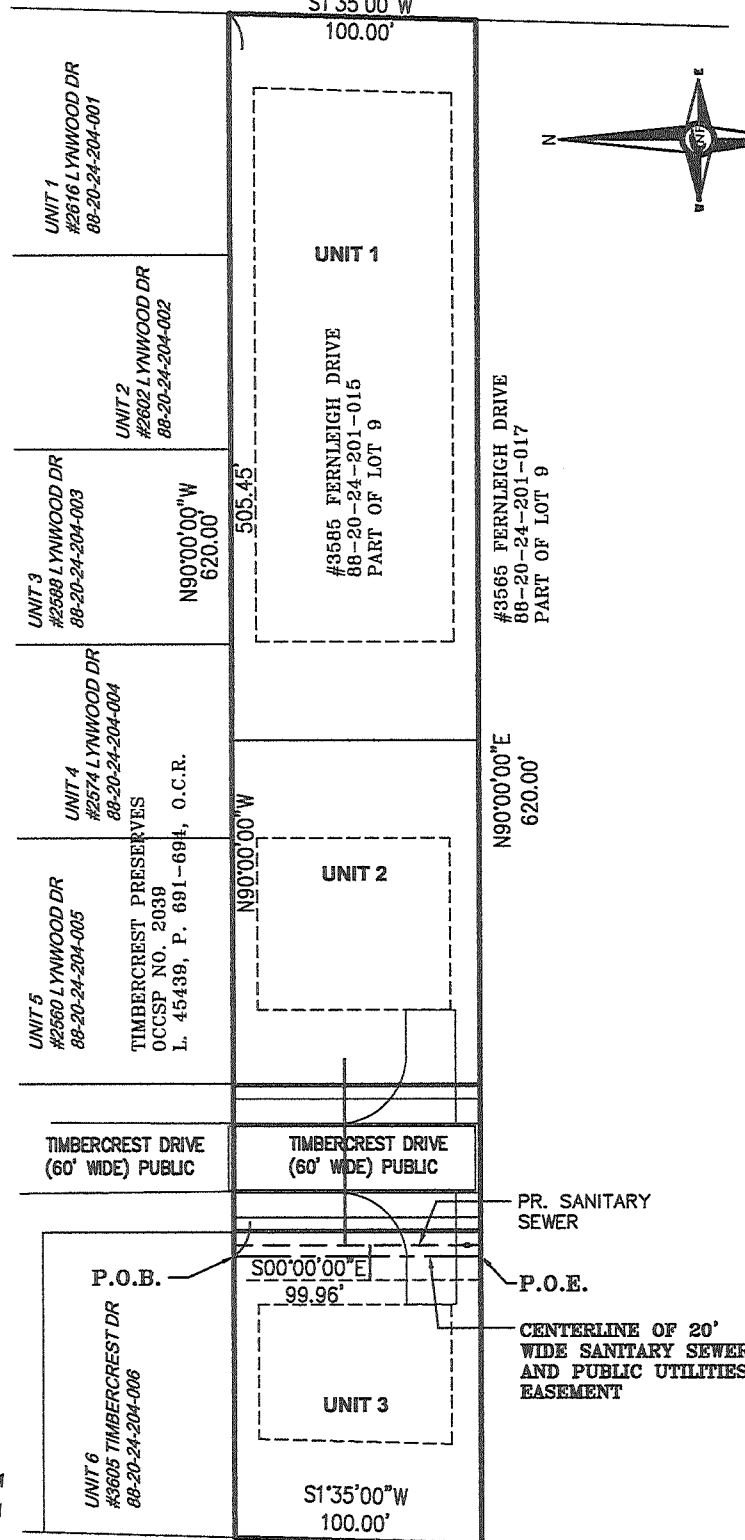
DATE
09-08-2020

DRAWN
M.L.

JOB NO. L556
SHEET 2 OF 2

**SKETCH OF CENTERLINE OF 20' WIDE SANITARY SEWER
& PUBLIC UTILITIES EASEMENT**

S1°35'00"W
100.00'



#3565 FERNLEIGH DRIVE
88-20-24-201-017
PART OF LOT 9


N90°00'00"E
620.00'

- PR. SANITARY
SEWER

-P.O.E.

**- CENTERLINE OF 20'
WIDE SANITARY SEWER
AND PUBLIC UTILITIES
EASEMENT**

OLDE FORGE SUB.
L. 130, P. 21-23, O.C.R.
OUTLOT A
88-20-24-180-025



NF
ENGINEERS

NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL (248) 332-7931
FAX (248) 332-8257

PREPARED FOR:

**BISMACK DESIGNS
2742 POWDERHORN RIDGE
ROCHESTER HILLS, MI 48309**

SCALE
1" = 60'

DATE
09-08-2020

DRAW
M.I.

JOB NO. SHEET
L556 1 OF 2

**PERMANENT EASEMENT
FOR WATER MAINS**

Sidwell #88-20-24-201-015 (part of)

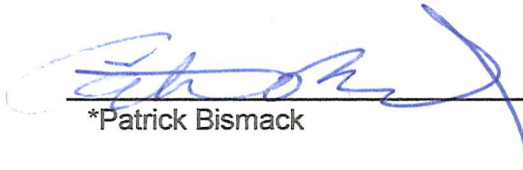
PATRICK BISMACK, a married man, Grantor, whose address is 2742 Powderhorn Ridge Road, Rochester Hills, MI 48309 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, MI 48084, grant to the Grantee the right to access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge or remove and/or replace **water mains**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART OF

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signature(s)
this 21 day of SEPT, 2020.


_____(L.S.)
*Patrick Bismack

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 21 day of September 2020, by Patrick Bismack, a married man.

LARYSA FIGOL
Notary Public, State of Michigan
County of Oakland
My Commission Expires 03-02-2024
Acting in the County of Oakland

Larysa Figol *
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

Prepared by: Larysa Figol
City of Troy
500 West Big Beaver
Troy, MI 48084

Return to: City Clerk
City of Troy
500 West Big Beaver
Troy, MI 48084

EXHIBIT A

DESCRIPTION OF CENTERLINE OF 2' WIDE WATERMAIN EASEMENT

DESCRIPTION OF PROPERTY

PART OF LOT 9 OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5", BEING A PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 55 OF PLATS ON PAGE 58, OAKLAND COUNTY RECORDS. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF UNIT 1 OF "TIMBERCREST PRESERVES", OAKLAND COUNTY SUBDIVISION PLAN NO. 2039, AS RECORDED IN LIBER 45439 ON PAGE 691-694 OAKLAND COUNTY RECORDS; THENCE WEST 620.00 FEET ALONG THE SOUTH LINE OF SAID "TIMBERCREST PRESERVES" TO THE SOUTHWEST CORNER OF UNIT 6 OF SAID "TIMBERCREST PRESERVES" THENCE S01°35'00"W 100.00 FEET ALONG THE WEST LINE OF SAID LOT 9; THENCE EAST 620.00 FEET TO THE EAST LINE OF LOT 9; THENCE N01°35'00"E 100.00 FEET ALONG THE EAST LINE OF LOT 9 TO THE POINT OF BEGINNING. CONTAINING 1.423 ACRES OF LAND.

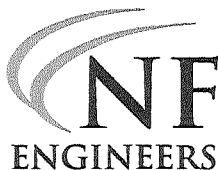
SIDWELL NO. 20-24-201-015

SUBJECT TO ANY EASEMENTS AND OR RIGHTS OF WAY RECORDED OR OTHER WISE.

LEGAL DESCRIPTION OF CENTERLINE OF 2' WIDE WATERMAIN EASEMENT

CENTERLINE OF 2 FOOT WIDE WATERMAIN EASEMENT LOCATED IN THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF UNIT 1 OF "TIMBERCREST PRESERVES", OAKLAND COUNTY SUBDIVISION PLAN NO. 2039, AS RECORDED IN LIBER 45439 ON PAGE 691-694 OAKLAND COUNTY RECORDS; THENCE WEST 434.45 FEET ALONG THE SOUTH LINE OF SAID "TIMBERCREST PRESERVES" TO THE POINT OF BEGINNING; THENCE SOUTH 99.96 FEET TO THE POINT OF ENDING.



NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL (248) 332-7931
FAX (248) 332-8257

PREPARED FOR:

BISMACK DESIGNS
2742 POWDERHORN RIDGE
ROCHESTER HILLS, MI 48309

SCALE
NTS

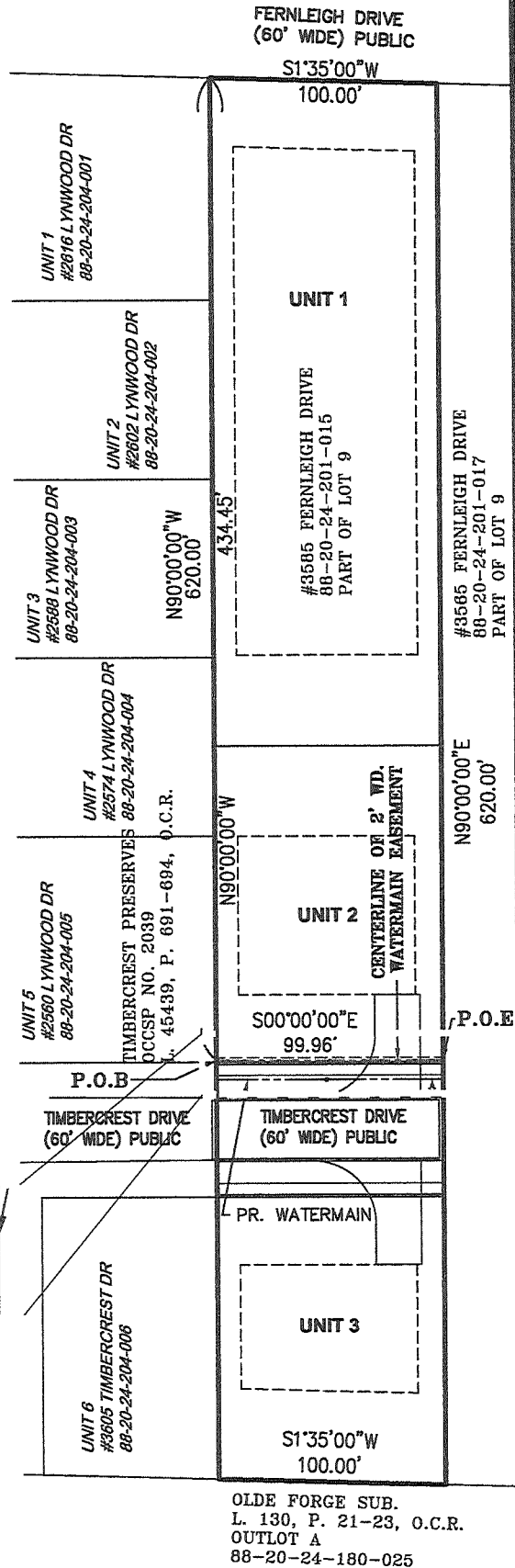
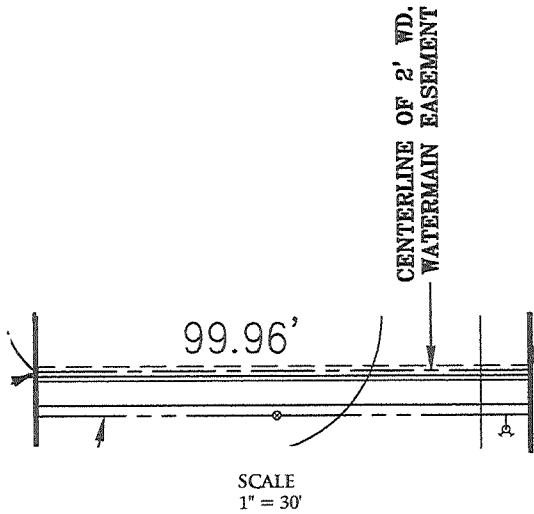
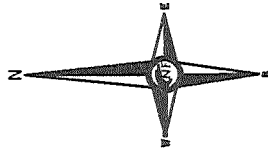
DATE
09-08-2020

DRAWN
M.L.

JOB NO. L556
SHEET 2 OF 2

EXHIBIT A

SKETCH OF CENTERLINE OF 2' WIDE WATER MAIN EASEMENT



NF
ENGINEERS

NOWAK & FRAUS ENGINEERS
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PONTIAC, MI 48342-5032
TEL (248) 332-7931
FAX (248) 332-8257

PREPARED FOR:

BISMACK DESIGNS
2742 POWDERHORN RIDGE
ROCHESTER HILLS, MI 48309

SCALE

1" = 60'

DATE

09-08-2020

DRAWN

M.I.

JOB NO.

L556

SHEET

1 OF 2

**PERMANENT EASEMENT
FOR STORM SEWERS AND SURFACE DRAINAGE**

Sidwell #88-20-24-201-015 (part of)

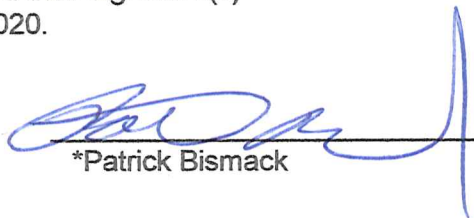
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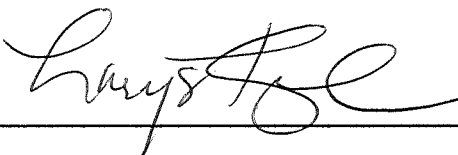
IN WITNESS WHEREOF, the undersigned hereunto affixed their signature(s)
this 21 day of SEPT, 2020.

 (L.S.)
*Patrick Bismack

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 21st day of September, 2020, by Patrick Bismack, a married man.

LARYSA FIGOL
Notary Public, State of Michigan
County of Oakland
My Commission Expires 03-02-2024
Acting in the County of Oakland


_____*
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

Prepared by: Larisa Figol
City of Troy
500 West Big Beaver
Troy, MI 48084

Return to: City Clerk
City of Troy
500 West Big Beaver
Troy, MI 48084

EXHIBIT A

DESCRIPTION OF CENTERLINE OF 20' WIDE STORM SEWER & SURFACE DRAINAGE EASEMENT

DESCRIPTION OF CENTERLINE OF 12' WIDE STORM SEWER & SURFACE DRAINAGE EASEMENT

DESCRIPTION OF PROPERTY

PART OF LOT 9 OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5", BEING A PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 55 OF PLATS ON PAGE 58, OAKLAND COUNTY RECORDS. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF UNIT 1 OF "TIMBERCREST PRESERVES", OAKLAND COUNTY SUBDIVISION PLAN NO. 2039, AS RECORDED IN LIBER 45439 ON PAGE 691-694 OAKLAND COUNTY RECORDS; THENCE WEST 620.00 FEET ALONG THE SOUTH LINE OF SAID "TIMBERCREST PRESERVES" TO THE SOUTHWEST CORNER OF UNIT 6 OF SAID "TIMBERCREST PRESERVES" THENCE S01°35'00"W 100.00 FEET ALONG THE WEST LINE OF SAID LOT 9; THENCE EAST 620.00 FEET TO THE EAST LINE OF LOT 9; THENCE N01°35'00"E 100.00 FEET ALONG THE EAST LINE OF LOT 9 TO THE POINT OF BEGINNING. CONTAINING 1.423 ACRES OF LAND.

SIDWELL NO. 20-24-201-015

SUBJECT TO ANY EASEMENTS AND OR RIGHTS OF WAY RECORDED OR OTHER WISE.

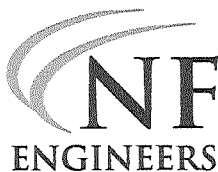
CENTERLINE OF 20' WIDE STORM SEWER & SURFACE DRAINAGE EASEMENT AND CENTERLINE OF 12 FOOT WIDE STORM SEWER AND SURFACE DRAINAGE EASEMENT

CENTERLINE OF 20 FOOT WIDE STORM SEWER AND SURFACE DRAINAGE EASEMENT LOCATED IN THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF UNIT 1 OF "TIMBERCREST PRESERVES", OAKLAND COUNTY SUBDIVISION PLAN NO. 2039, AS RECORDED IN LIBER 45439 ON PAGE 691-694 OAKLAND COUNTY RECORDS; THENCE WEST 305.45 FEET ALONG THE SOUTH LINE OF SAID "TIMBERCREST PRESERVES" TO POINT "A" AND TO POINT OF BEGINNING #1; THENCE SOUTH 99.96 FEET TO THE POINT OF ENDING #1.

CENTERLINE OF 12 FOOT WIDE STORM SEWER AND SURFACE DRAINAGE EASEMENT LOCATED IN THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT POINT "A"; THENCE WEST 298.55 FEET ALONG THE SOUTH LINE OF SAID "TIMBERCREST PRESERVES" TO THE POINT OF BEGINNING #2; THENCE SOUTH 01 DEGREES 35 MINUTES 00 SECOND WEST 100.00 FEET TO THE POINT OF ENDING #2.



NOWAK & FRAUS ENGINEERS PREPARED FOR:

46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL (248) 332-7931
FAX (248) 332-8257

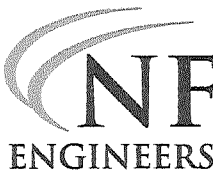
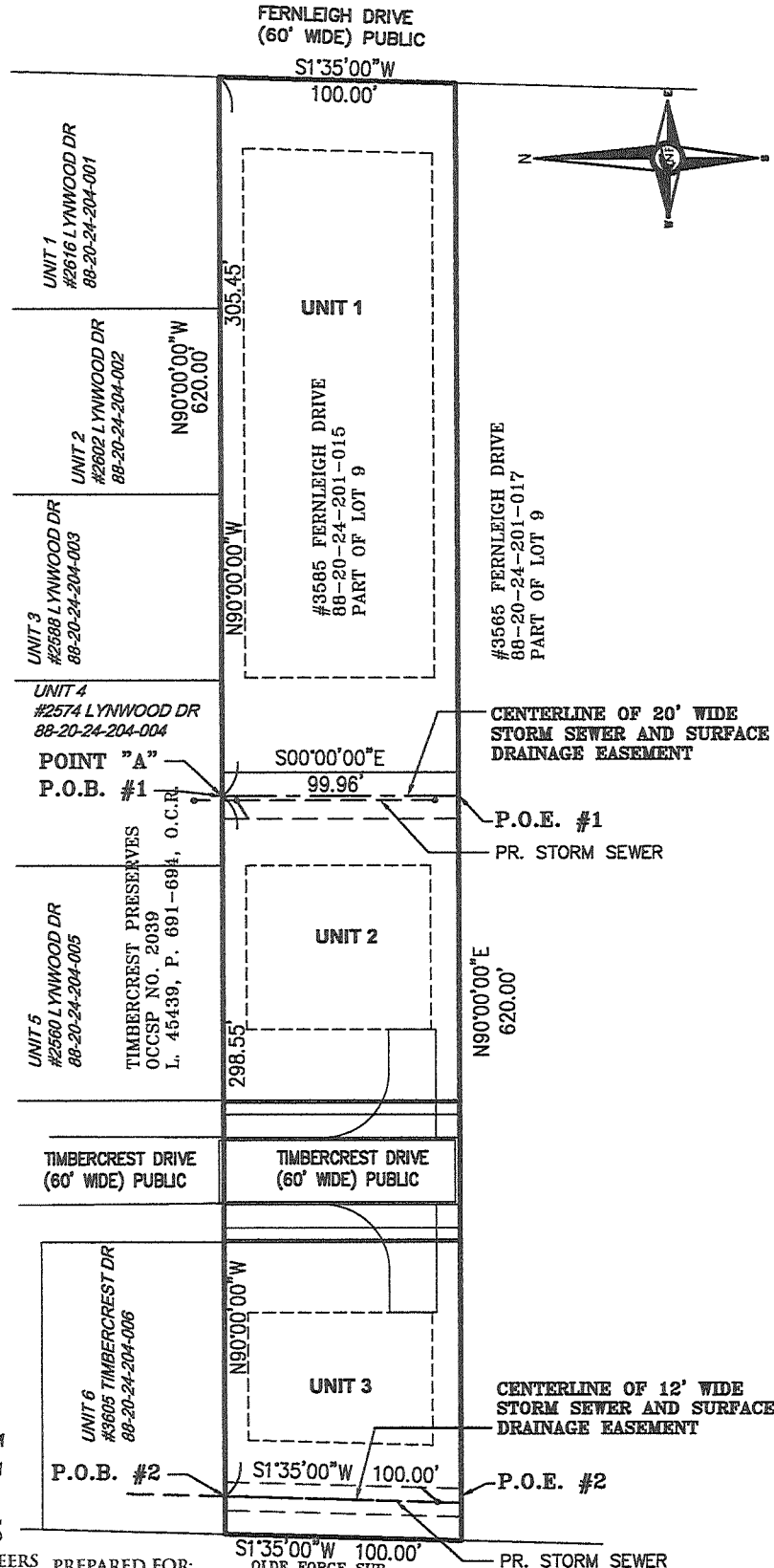
BISMACK DESIGNS
2742 POWDERHORN RIDGE
ROCHESTER HILLS, MI 48309

SCALE	DATE	DRAWN	JOB NO.	SHEET
NTS	09-08-2020	M.I.	L556	2 OF 2

EXHIBIT A

SKETCH OF CENTERLINE OF 20' WIDE STORM SEWER
& SURFACE DRAINAGE EASEMENT

SKETCH OF CENTERLINE OF 12' WIDE STORM SEWER
& SURFACE DRAINAGE EASEMENT



NOWAK & FRAUS ENGINEERS
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PONTIAC, MI 48342-5032
TEL (248) 332-7931
FAX (248) 332-8257

PREPARED FOR:

BISMACK DESIGNS
2742 POWDERHORN RIDGE
ROCHESTER HILLS, MI 48309

SCALE
1" = 60'

DATE
09-08-2020

DRAWN
M.I.

JOB NO. SHEET
L556 1 OF 2

**PERMANENT EASEMENT
FOR STORM SEWERS AND SURFACE DRAINAGE**

Sidwell #88-20-24-201-015 (part of)

PATRICK BISMACK, a married man, Grantor, whose address is 2742 Powderhorn Ridge Road, Rochester Hills, MI 48309 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, MI 48084, grant to the Grantee the right to access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge or remove and/or replace **storm sewers and surface drainage**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

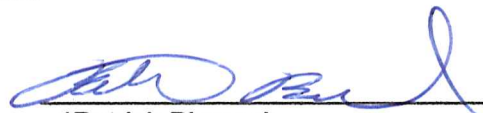
SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART OF

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signature(s)

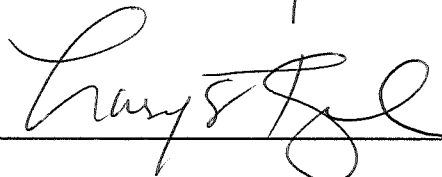
this 21 day of SEPT, 2020.

 (L.S.)
*Patrick Bismack

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 21 day of September, 2020, by Patrick Bismack, a married man.

LARYSA FIGOL
Notary Public, State of Michigan
County of Oakland
My Commission Expires 03-02-2024
Acting in the County of Oakland


_____*
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

Prepared by: Larysa Figol
City of Troy
500 West Big Beaver
Troy, MI 48084

Return to: City Clerk
City of Troy
500 West Big Beaver
Troy, MI 48084

EXHIBIT A

DESCRIPTION OF CENTERLINE OF 12' WIDE STORM SEWER & SURFACE DRAINAGE EASEMENTS

DESCRIPTION OF PROPERTY

PART OF LOT 9 OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5", BEING A PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 55 OF PLATS ON PAGE 58, OAKLAND COUNTY RECORDS. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF UNIT 1 OF "TIMBERCREST PRESERVES", OAKLAND COUNTY SUBDIVISION PLAN NO. 2039, AS RECORDED IN LIBER 45439 ON PAGE 691-694 OAKLAND COUNTY RECORDS; THENCE WEST 620.00 FEET ALONG THE SOUTH LINE OF SAID "TIMBERCREST PRESERVES" TO THE SOUTHWEST CORNER OF UNIT 6 OF SAID "TIMBERCREST PRESERVES" THENCE S01°35'00"W 100.00 FEET ALONG THE WEST LINE OF SAID LOT 9; THENCE EAST 620.00 FEET TO THE EAST LINE OF LOT 9; THENCE N01°35'00"E 100.00 FEET ALONG THE EAST LINE OF LOT 9 TO THE POINT OF BEGINNING. CONTAINING 1.423 ACRES OF LAND.

SIDWELL NO. 20-24-201-015

SUBJECT TO ANY EASEMENTS AND OR RIGHTS OF WAY RECORDED OR OTHER WISE.

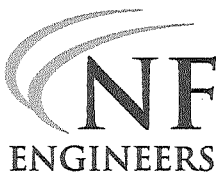
CENTERLINE OF 12 FOOT WIDE STORM SEWER AND SURFACE DRAINAGE EASEMENTS

CENTERLINE OF 12 FOOT WIDE STORM SEWER AND SURFACE DRAINAGE EASEMENTS LOCATED IN THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF UNIT 1 OF "TIMBERCREST PRESERVES", OAKLAND COUNTY SUBDIVISION PLAN NO. 2039, AS RECORDED IN LIBER 45439 ON PAGE 691-694 OAKLAND COUNTY RECORDS; THENCE WEST 295.45 FEET ALONG THE SOUTH LINE OF SAID "TIMBERCREST PRESERVES"; THENCE SOUTH 93.96 FEET TO THE POINT OF BEGINNING #1; THENCE WEST 140.00 FEET TO THE POINT OF ENDING #1.

CENTERLINE OF 12 FOOT WIDE STORM SEWER AND SURFACE DRAINAGE EASEMENT LOCATED IN THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF UNIT 1 OF "TIMBERCREST PRESERVES", OAKLAND COUNTY SUBDIVISION PLAN NO. 2039, AS RECORDED IN LIBER 45439 ON PAGE 691-694 OAKLAND COUNTY RECORDS; THENCE WEST 620.00 FEET ALONG THE SOUTH LINE OF SAID "TIMBERCREST PRESERVES"; THENCE SOUTH 01 DEGREES 35 MINUTES 00 SECOND WEST 94.00 FEET TO THE POINT OF BEGINNING #2; THENCE EAST 127.15 FEET TO THE POINT ENDING #2.



NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL (248) 332-7931
FAX (248) 332-8257

PREPARED FOR:

BISMACK DESIGNS
2742 POWDERHORN RIDGE
ROCHESTER HILLS, MI 48309

SCALE
NTS

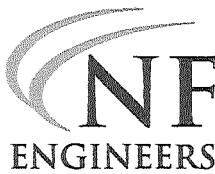
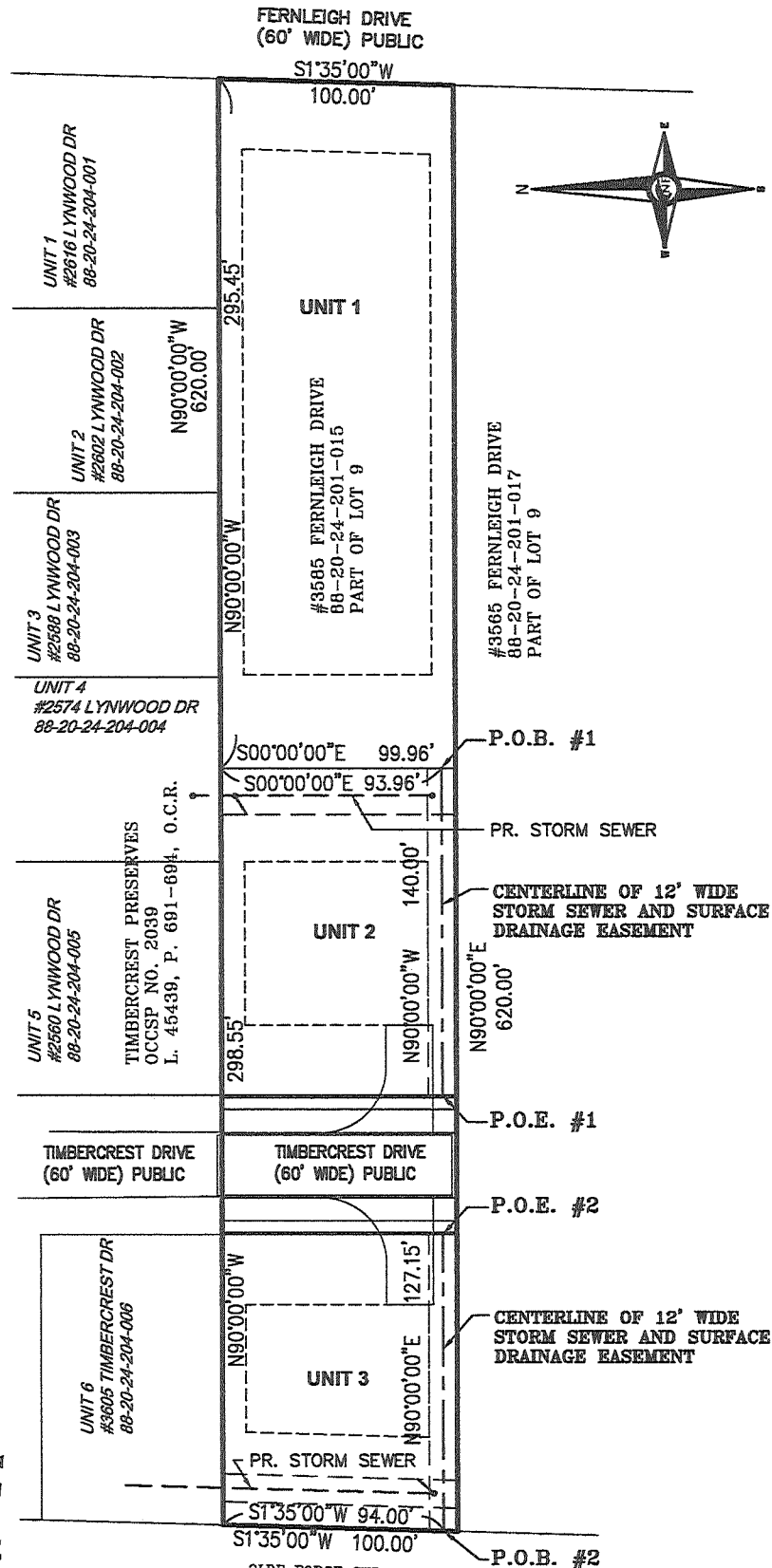
DATE
09-08-2020

DRAWN
M.I.

JOB NO. SHEET
L556 2 OF 2

EXHIBIT A

SKETCH OF CENTERLINE OF 12' WIDE STORM SEWER & SURFACE DRAINAGE EASEMENTS



NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL (248) 332-7931
FAX (248) 332-8257

PREPARED FOR:

BISMACK DESIGNS
2742 POWDERHORN RIDGE
ROCHESTER HILLS, MI 48309

SCALE
1" = 60'

DATE
09-08-2020

DRAWN
M.I.

JOB NO. SHEET
L556 1 OF 2

WARRANTY DEED

Sidwell #88-20-24-201-015 (pt)
Resolution #

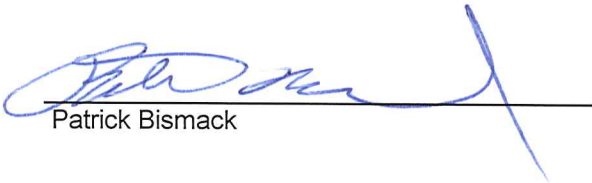
PATRICK BISMACK, a married man, Grantor, whose address is 2742 Powderhorn Ridge Road, Rochester Hills, MI 48309, conveys and warrants to the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, MI 48084 the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

For the sum of One Dollar (\$ 1.00).

This instrument is exempt from transfer tax pursuant to MCL §207.505(a) and MCL §207.526(a).

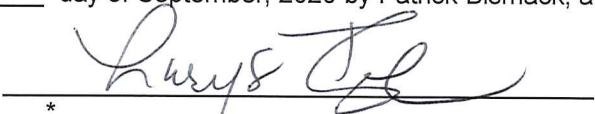
Dated this 21 day of September, 2020.


Patrick Bismack

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 21 day of September, 2020 by Patrick Bismack, a married man.

LARYSA FIGOL
Notary Public, State of Michigan
County of Oakland
My Commission Expires 03-02-2024
Acting in the County of Oakland


*
Notary Public, _____ County, MI
My commission expires: _____
Acting in _____ County, MI

County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel # 88-20-24-201-015 (pt) Recording Fee _____ Transfer Tax _____

EXHIBIT A

DESCRIPTION OF 60' WIDE RIGHT OF WAY

DESCRIPTION OF PROPERTY

PART OF LOT 9 OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5", BEING A PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 55 OF PLATS ON PAGE 58, OAKLAND COUNTY RECORDS. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF UNIT 1 OF "TIMBERCREST PRESERVES", OAKLAND COUNTY SUBDIVISION PLAN NO. 2039, AS RECORDED IN LIBER 45439 ON PAGE 691-694 OAKLAND COUNTY RECORDS; THENCE WEST 620.00 FEET ALONG THE SOUTH LINE OF SAID "TIMBERCREST PRESERVES" TO THE SOUTHWEST CORNER OF UNIT 6 OF SAID "TIMBERCREST PRESERVES" THENCE S01°35'00"W 100.00 FEET ALONG THE WEST LINE OF SAID LOT 9; THENCE EAST 620.00 FEET TO THE EAST LINE OF LOT 9; THENCE N01°35'00"E 100.00 FEET ALONG THE EAST LINE OF LOT 9 TO THE POINT OF BEGINNING. CONTAINING 1.423 ACRES OF LAND.

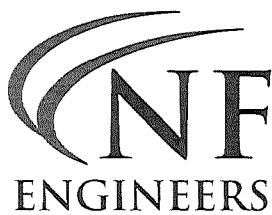
SIDWELL NO. 20-24-201-015

SUBJECT TO ANY EASEMENTS AND OR RIGHTS OF WAY RECORDED OR OTHER WISE.

60' WIDE RIGHT OF WAY

60' WIDE RIGHT OF WAY LOCATED IN THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

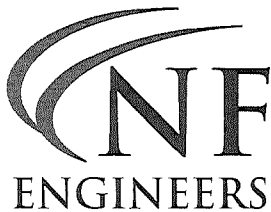
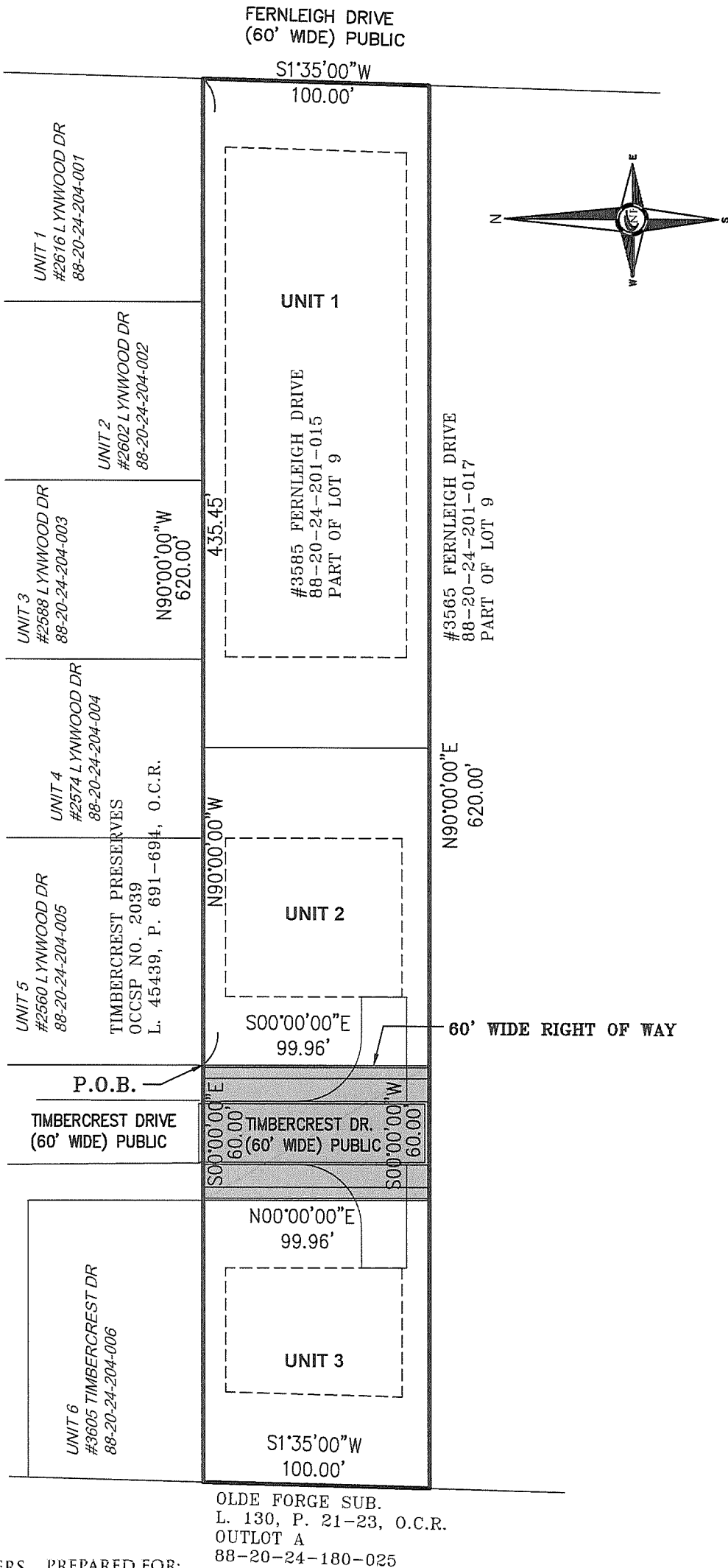
COMMENCING AT THE SOUTHEAST CORNER OF UNIT 1 OF "TIMBERCREST PRESERVES", OAKLAND COUNTY SUBDIVISION PLAN NO. 2039, AS RECORDED IN LIBER 45439 ON PAGE 691-694 OAKLAND COUNTY RECORDS; THENCE WEST 435.45 FEET ALONG THE SOUTH LINE OF SAID "TIMBERCREST PRESERVES" TO THE POINT OF BEGINNING; THENCE SOUTH 99.96 FEET; THENCE WEST 60.00 FEET; THENCE NORTH 99.96 FEET TO THE SOUTH LINE OF SAID "TIMBERCREST PRESERVES"; THENCE EAST 60.00 FEET TO THE POINT OF BEGINNING. CONTAINING 5,998 SQUARE FEET OR 0.138 ACRES.



NOWAK & FRAUS ENGINEERS	PREPARED FOR:						
46777 WOODWARD AVE.							
PONTIAC, MI 48342-5032	BISMACK DESIGNS	SCALE	DATE	DRAWN	JOB NO.	SHEET	
TEL. (248) 332-7931	2742 POWDERHORN RIDGE						
FAX. (248) 332-8257	ROCHESTER HILLS, MI 48309	NTS	09-08-2020	M.I.	L556	2 OF 2	

EXHIBIT A

SKETCH OF 60' WIDE RIGHT OF WAY



NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

PREPARED FOR:

BISMACK DESIGNS
2742 POWDERHORN RIDGE
ROCHESTER HILLS, MI 48309

SCALE
1" = 60'

DATE
09-08-2020

DRAWN
M.I.

JOB NO.
L556

SHEET
1 OF 2



500 West Big Beaver
Troy, MI 48084
troymi.gov

J-07

CITY COUNCIL AGENDA ITEM

Date: September 30, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Robert C. Maleszyk, Chief Financial Officer
Lisa Burnham, Controller
Kurt Bovensiep, Public Works Director

Subject: Fiscal Year 2021 Municipal Credit and Community Credit Contract

History

Community Municipal Credits are funds collected by the Suburban Mobility Authority for Regional Transportation (SMART) through property taxes from communities opting in to regional transportation. A portion of these funds are divided among every city, township and village in Oakland, Wayne and Macomb Counties based on the specialized services it provides. Prior to the city starting the Troy RYDE (Reach Your Destination Easily) program, Municipal Credit and Community Credit funds were distributed directly to Troy MediGo. The Troy RYDE program is now eligible to receive this funding as it is operating in accordance with SMART's Community Partnership Program. The available funding to the City of Troy for Municipal Credit is \$79,648 and \$122,169 for Community Credit, which is an increase of \$2,278 from the previous year.

Financial

The Municipal Credit and Community Credit funding for 2021 through SMART allows the City of Troy to use an additional \$201,817 towards the Troy RYDE service.

Recommendation

It is recommended that the City enter into a contract for the Municipal Credit and Community Credit with SMART for \$79,648 and \$122,169 respectfully. These funds are utilized for transportation service for senior citizens and persons with disabilities through the Troy RYDE service.

Legal Review

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

MUNICIPAL CREDIT and COMMUNITY CREDIT CONTRACT FOR FY2021

I, Ethan Baker, as the Mayor of **the City of Troy** (hereinafter, the “Community”) hereby apply to SMART and agree to the terms and conditions herein, for the receipt and expenditure of **Municipal Credits** available for the period **July 1, 2020 through June 30, 2021** (Section 1 below), and **Community Credits** available for the period **July 1, 2020 to June 30, 2021** (Section 2 below); and further agree that the **Municipal and Community Credits Master Agreement** between the parties is incorporated herein by reference. A description of the service the Community shall provide hereunder is set forth in **Exhibit A**, and the operating budget for that service is set forth in **Exhibit B**, both of which are attached hereto and incorporated herein.

1. The Community agrees to use **\$79,648.00** in **Municipal Credit** funds as follows:

- (a) Transfer to City of Troy Funding of: \$ 79,648.00
TRANSFeree COMMUNITY
- (b) Van/Bus Operations At the cost of: \$ _____
(Including Charter and Taxi services)
- (c) Services Purchased from SMART At the cost of: \$ _____
(Including Tickets, Shuttle Services/Dial-a-Ride)
- (d) Services Purchased from Subcontractor At the cost of: \$ _____
(NAME OF SUBCONTRACTOR)
(See attached Subcontractor Service Agreement)
- Total \$79,648.00**

SMART intends to provide Municipal Credit funds under this contract to the extent funds for the program are made available to it by the Michigan Legislature pursuant to Michigan Public Act 51 of 1951. Municipal Credit funds made available to SMART through legislative appropriation are based on the State’s approved budget. In the event that revenue actually received is insufficient to support the Legislature’s appropriation, it will result in an equivalent reduction in funding provided to the Community pursuant to this Contract. In such event, SMART reserves the right, without notice, to reduce the payment of Municipal Credit funds by the amount of any reduction by the legislature to SMART. All Municipal Credit funding must be spent by **June 30, 2022**; all funds not spent by that date will revert back to SMART pursuant to Michigan Public Act 51 of 1951, for expenditure consistent with Michigan law and SMART policy.

2. The Community agrees to use **\$122,169.00** in **Community Credit** funds available as follows:

- (a) Transfer to City of Troy Funding of: \$ 122,169.00
TRANSFeree COMMUNITY
- (b) Van/Bus Operations At the cost of: \$ _____
(Including Charter and Taxi services)
- (c) Services Purchased from SMART At the cost of: \$ _____
(Including Tickets, Shuttle Services/Dial-a-Ride)

(d) Capital Purchases At the cost of: \$ _____

(e) Services Purchased from Subcontractor At the cost of: \$ _____
(NAME OF SUBCONTRACTOR)
(See attached Subcontractor Service Agreement)

Total \$122,169.00

To the extent that this Contract calls for a payment of funds directly from SMART to a subcontractor, Community hereby acknowledges that it is the party entitled to receive such funds and is affirmatively authorizing and directing SMART to pay such funds directly to the subcontractor on its behalf. Capital purchases permitted with Community Credits are subject to applicable state and federal regulations, and SMART policy, including procurement guidelines. When advantageous, SMART may make procurements directly. Reimbursement for purchases made by Community requires submission of proper documentation to support the purchase (i.e. purchase orders, receiving reports, invoices, etc.). Community Credit dollars available in **FY2021**, may be required to serve local employer transportation needs per the coordination requirements set forth in the aforementioned Master Agreement. All Community Credit funds must be spent by **June 30, 2024**; any funds not spent by that date may revert back to SMART for expenditure consistent with SMART policy.

This agreement shall be binding once signed by both parties.

THE CITY OF TROY

By: _____

Date _____

Its: _____

By: _____

Date _____

Its: _____

**SUBURBAN MOBILITY AUTHORITY FOR
REGIONAL TRANSPORTATION**

By: _____

Date _____

Its: _____

EXHIBIT A

TROY PROJECT DESCRIPTION

Overall Project Description (Provide a descriptive narrative): The Troy Transportation Service shall provide transportation service to seniors (60 years and older) and persons with disabilities who are residents of the City of Troy. Transportation is available to locations within boundaries of the City of Troy with limited service outside the city limits.

The Troy Transportation Service shall provide door to door transportation for eligible riders. Riders will be picked up and returned to their originating location. Transportation to the following destinations include but are not limited to: doctor and other medical appointments, physical therapy, shopping areas, salon appointments, employment and other locations deemed appropriate by the City of Troy. This service will not accommodate children younger than 18 years of age.

The Troy Transportation Service is a shared ride service and scheduling is arranged on a “first-come, first-serve” basis. Reservations are made through the various means of communication announced and detailed by the City of Troy and must be made 24 hours prior to the requested pick up time. The City of Troy will prioritize rides with medical needs a priority and other requests will be granted accordingly.

Per special request, the Troy Transportation Service may be utilized for transporting the general public to specific community events. This will be a case by case decision made by the City of Troy and the Troy Transportation Service staff.

Service Area (Provide geographic boundaries): North - Auburn Road including Barclay Circle; South -12 Mile Road; East - Mound Road; West - Southfield Road, Adams Road

Service Times (Provide days and hours of service): Monday thru Friday 8am- 4pm

Eligible User Groups (Users eligible to use the service): Seniors (60 years and older) and persons with disabilities who are residents of the City of Troy.

Fare Structure (Cost to use service): \$0

Service Mode (Describe the amount and type of vehicles available, and whether they are wheelchair lift-equipped): Six 14 passenger busses and 1 van. All are wheelchair lift equipped.

EXHIBIT B

PROJECT OPERATING BUDGET

Municipality: City of Troy

Contract Period: July 1, 2020 through June 30, 2021

Account Number: 48249

OPERATING EXPENSES:

Administrative Fee: *(All employees
other than drivers and dispatchers)*

(10% max. of MC & CC funds) 82,250

Driver Wages 200,200

Fringe Benefits 49,950

Gasoline & Lubricants 30,000

Vehicle Insurance

Parts, Maintenance Supplies 20,000

Mechanic Wages 40,000

Fringe Benefits 18,000

Dispatch Wages 45,030

Other (Specify)- Computer and
software 22,862

Operation Supplies 11,500

Sub-Total (Operating Expenses) \$519,792

PURCHASED SERVICE:

Taxi Service

Charter Service

SMART Bus Tickets

SMART Shuttle Service

SMART Dial-A-Ride

Other (Specify)

Sub-Total (Purchased Service)

CAPITAL EQUIPMENT:

(Only list purchases to be made with Community Credits)

Computer Equipment

Software

Vehicle

Maintenance Equipment

Other (Specify)

Sub-Total (Capital Equipment)

TOTAL EXPENSES:

**Operating Expenses, Purchased Service,
and Capital Equipment**

\$519,792

Troy EXHIBIT B, continued (Page 2)

REVENUES:

Municipal Credit Funds	<u>\$ 79,648.00</u>
Community Credit Funds (FY19)	<u>\$122,169.00</u>
Specialized Services Funds	<u> </u>
General Funds	<u> </u>
Farebox Revenue	<u> </u>
In-Kind Service	<u> </u>
Special Fares (Contracted Service)	<u> </u>
Other (Specify)	<u> </u>
	<u> </u>
	<u> </u>
	<u> </u>

<u>TOTAL REVENUE:</u>	<u>\$201,817.00</u>
------------------------------	----------------------------

(Note: *TOTAL EXPENSES* must equal *TOTAL REVENUE*)



500 West Big Beaver
Troy, MI 48084
troymi.gov

J-08

CITY COUNCIL AGENDA ITEM

Date: September 16, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Rob Maleszyk, Chief Financial Officer
Lisa Burnham, Controller
Kurt Bovensiepe, Public Works Director

Subject: CARES Act Funding Agreement between SMART and City of Troy

History

The Coronavirus Aid, Relief, and Economic Security (CARES) Act provides grant opportunities to organizations that have been financially impacted by the pandemic. The Suburban Mobility Authority for Regional Transportation (SMART) received an allocated amount of CARES Act funds to assist in the loss of revenue that occurred since the pandemic began. The funds will allow SMART to recoup these losses and allow the organization to continue providing transportation in spite of the decline in revenue caused by lower ridership and free fares. SMART decided to extend a portion of these funds with its community partners. The CARES Act funding may be used for expenses incurred on or after January 20, 2020 to prevent, prepare for and/or respond to the COVID-19 pandemic. The City of Troy's allocated cap is \$62,880.

The community partnership program, Troy RYDE, has been in operation through the pandemic. Although services were reduced in the early stages of the pandemic we are experiencing an increase in demand for routes daily. This has been particularly challenging as we have reduced capacity on the busses to ensure proper social distancing. The service also requires regular cleaning and the use of personal protection equipment (PPE). The opportunity through SMART will allow the City of Troy to be reimbursed for some of these additional expenses.

Recommendation

City management recommends approving the Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding Agreement between Suburban Mobility Authority for Regional Transportation (SMART) and The City of Troy for a maximum allowable reimbursement request of \$62,880.

Legal Review

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

CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT FUNDING AGREEMENT

**BETWEEN
SUBURBAN MOBILITY AUTHORITY FOR REGIONAL TRANSPORTATION
AND
The CITY of TROY**

This Coronavirus Aid, Relief, and Economic Security Act Funding Agreement (hereinafter “Agreement”) is made between the Suburban Mobility Authority for Regional Transportation (hereinafter “SMART”), an entity organized under the provisions of Act 204 of the Public Acts of 1967, as amended, of 535 Griswold, Suite 600, Detroit, Michigan 48226 and **the City of Troy** (hereinafter “Sub-recipient”), a municipality, whose address is **500 W. Big Beaver Road, Troy, MI 48083**, for the use of grant funding provided by the Federal Transit Administration (hereinafter “FTA”), pursuant to the Coronavirus Aid, Relief, and Economic Security Act (hereinafter “CARES Act”). SMART and Sub-recipient are collectively referred to as the “Parties” herein.

WHEREAS, SMART, pursuant to the provisions of Act 204, has been vested with the authority to acquire, plan, construct, operate and maintain transportation systems and facilities within its jurisdiction; and

WHEREAS, Sub-recipient is within SMART’s jurisdiction and desires to manage and operate certain public transportation services for purposes consistent with §5307; and

WHEREAS, the CARES Act provides emergency assistance and health care response for individuals, families and businesses affected by the COVID-19 pandemic, including funding for transportation to support capital, operating, and other expenses generally eligible under those programs to prevent, prepare for, and respond to COVID-19; and

WHEREAS, the purpose of this Agreement is to state the responsibilities and obligations of Sub-recipient and SMART, as well as the conditions for the Sub-recipient’s use of the CARES Act funding distributed by SMART; and

NOW THEREFORE, in consideration of the mutual covenants, and representations contained herein, the Parties agree as follows:

1. FUNDING

SMART, as a direct recipient of CARES Act funding, shall pass through designated CARES Act funding to Sub-recipient in the amount of **\$62,880**. This funding shall be spent in accordance to the CARES Act Budget in **Exhibit A**. The funding will be distributed as approved by the SMART Board of Directors and in accordance with federal regulations and SMART’s policies and procedures, and subject to the terms and conditions of this Agreement. The Parties agree that SMART’s disbursement of the CARES Act funding is contingent upon SMART receiving the funding from FTA. SMART will periodically reimburse communities for eligible CARES Act expenses upon receipt of Sub-recipient’s required Quarterly Expense Report, and as described in the Community Transit Manual, and/or any and all required supporting documentation.

Eligible CARES Act expenses are those that are normally eligible under the Section 5307 programs that are incurred on or after January 20, 2020 to be in response to economic or other conditions caused by COVID-

19. CARES Act funding must be spent on or before June 30, 2023. If the CARES Act funds allocated as above are not spent in their entirety on or before that date, SMART reserves the right to reallocate those funds.

If Sub-recipient has requested reimbursement of Municipal Credit or Community Credit (“MC/CC”) funding for expenses that are also eligible for CARES Act funding, Sub-recipient may request that the funds be re-allocated from their MC/CC funding to their SMART share of CARES Act funding. Sub-recipient shall submit the re-allocation request via an email to the following email addresses: (1) FinanceAdmin@smartbus.org; (2) HShepherd@smartbus.org; and (3) MColson@smartbus.org. Sub-recipient shall specify and include in the email the following: (1) a revised Quarterly Expense Report indicating the quarter in which the reimbursement was requested for MC/CC funds that the Sub-recipient would like to be reallocated to CARES Act eligible funds (i.e., April 2020 – June 2020; (2) all relevant CARES Act eligible revenues; (3) all relevant CARES Act eligible expenses; (4) all relevant CARES Act eligible non-financial data; and (5) the amount of the CARES Act Funding eligible expense, specifically stating the entire expense amount is not CARES Act eligible. SMART’s Finance Department shall review the originally submitted Quarterly Expense Report(s) against the revised Quarterly Expense Report(s) the Community submitted in re-allocating eligible CARES Act Funding expense. Upon completion of the review, SMART’s Finance Department shall determine if the request for reimbursement is CARES Act eligible and if a transfer of the funds is permitted. A template of the Quarterly Expense Report can be obtained by your County ombudsperson. CARES Act funding cannot supplant existing grant local contribution requirements. Eligible expenditures reimbursed under MC/CC cannot also be reimbursed under CARES Act funding.

The Parties agree that should the CARES Act funding amount be reduced by the FTA from that which is anticipated, SMART shall reduce the CARES Act funding amount passed through to Sub-recipient. SMART may make reductions by project, by line item expenditure, or by dollar amount. SMART retains sole discretion to budget and spend all CARES Act funding dollars it receives. If the expenses applied for by Sub-recipient are found to be ineligible for funding, SMART will immediately notify Sub-recipient. Within thirty (30) days, Sub-recipient shall return all CARES Act funding for the ineligible expenses to SMART.

2. TERM OF THE AGREEMENT

This Agreement shall remain in effect as long as Sub-recipient receives CARES Act funding provided by this Agreement. SMART shall have sole discretion to terminate this Agreement upon written notice to Sub-recipient. Within thirty (30) days of receipt of written notice, Sub-recipient shall return all CARES Act funding for the terminated program to SMART for repayment to the FTA.

3. RECORDS AND AUDITS

Sub-recipient shall keep accurate financial and operating records for the project for at least six (6) years from the date of expenditure or request for reimbursement, whichever is later. Such records including but not limited to: records of all expenses paid for its operations, records of the use of its services (ridership), all accident reports, maintenance records, dispatch records, personnel records, and all other supporting documents. SMART may request, and Sub-recipient shall permit, SMART or its designee to review all records relating to the project either by formal audit or periodic administrative review.

4. SUBRECEPIENT REPORTING AND MONITORING

Pursuant to 2 CFR Part 900 (hereinafter “Super Circular”) §200.331, Sub-recipient agrees to complete all available information required by **Exhibit B** of this Agreement at the time of the Agreement’s execution, and Sub-recipient further agrees to supplement all additional information required by **Exhibit B** immediately as it becomes available following the execution of the Agreement. **Exhibit B** may be completed in one or more

counterparts, each of which shall be deemed to be an original, but all of which taken together shall constitute one and the same document.

5. INDEMNIFICATION

Notwithstanding anything to the contrary contained herein, Sub-recipient shall indemnify, defend and save harmless SMART, its officers, agents, employees, and members of its Board of Directors from any and all claims, losses and damages, including costs and attorney fees occurring or resulting from any act or omission of the Sub-recipient or its officers, agents, employees, subcontractors, successors and/or assigns arising out of or pursuant to this Agreement without regard to the negligence of the Sub-recipient.

This Agreement is not intended to alter or increase SMART or Grantee's liability for tort claims, to other third-parties. Nor is this indemnity provision intended to be a third-party beneficiary contract, and therefore it confers no rights or third-party status on anyone other than the parties hereto.

6. PROCUREMENT

The Sub-recipient's procurement of any property, supplies, services, or equipment using CARES Act funds must comply with the FTA procurement requirements at 49 CFR Part 18 if Sub-recipient is, or established by, a State or Local Government and 49 CFR Part 19 if Sub-recipient is a private, non-profit entity, and the guidance contained in the current FTA Circular 4220.1.

7. GENERAL

This Agreement may be executed and delivered (including by facsimile transmission) in two or more counterparts, each of which when executed shall be deemed to be an original and all of which taken together shall constitute one and the same instrument. This Agreement constitutes the entire agreement between the parties and supersedes all previous understandings and agreements between the parties, whether oral or written. This Agreement may be modified by SMART at its sole discretion and written notice to Sub-recipient.

Should any part of this Agreement be declared to be invalid, unconstitutional or beyond the authority of either party to enter into or carry out, such decision will not affect the validity of the remainder of this Agreement, which will continue in full force and effect.

This Agreement is not intended to be a third-party beneficiary Agreement and confers no rights on anyone other than SMART and the Sub-recipient.

Parties' failure to exercise or delay in exercising any right, power or privilege under this Agreement shall not operate as a waiver; nor shall any single or partial exercise of any right, power or privilege preclude any other or further exercise thereof.

The Parties agree that the responsibilities and benefits under this Agreement shall not be assigned unless such assignment is approved by SMART in advance in writing. This agreement does not and is not intended to confer any rights or remedies upon any person other than the parties.

The Sub-recipient shall, in the performance of this Agreement, comply with all applicable State, Federal and local statutes, ordinances and regulations. This Agreement shall be governed by the laws of the State of Michigan.

This Agreement shall become effective upon the date the Agreement is signed by SMART.

The Parties acknowledge and agree that this Agreement may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. The Parties agree that the electronic signatures appearing on this Agreement are the same as handwritten signatures for the purposes of validity, enforceability and admissibility. Without limitation, “electronic signature” shall include faxed versions of an original signature or electronically scanned and transmitted versions (e.g., via pdf) of an original signature.

THE PARTIES HEREBY ACKNOWLEDGE that they have read and understand this Agreement and that the signatories below have affixed their signatures and affirmed that they are authorized to execute this Agreement, for the purpose of binding their respective Parties.

**SUBURBAN MOBILITY AUTHORITY
FOR REGIONAL TRANSPORTATION**

The CITY of TROY

Signature

Signature

Printed Name

Printed Name

Title

Title

Date

Date

EXHIBIT A
CARES ACT FUNDING BUDGET

Sub-recipient: **The City of Troy**
Contract Period: January 20, 2020 - June 30, 2023
Account Number: _____

CARES ACT SMART ALLOCATION **\$62, 880.00** _____

CARES ACT ANTICIPATED EXPENSES

OPERATING EXPENSES:

State Administrative Wages	_____
Driver Wages	<u>\$31,828.87</u>
Fringe Benefits	<u>\$ 4,737.89</u>
Gasoline & Lubricants	_____
Vehicle Insurance	_____
Parts, Maintenance Supplies and Contractual Services*	<u>\$ 13,126.27</u>
Mechanic Wages	_____
Fringe Benefits	_____
Dispatch Wages	_____
Other (Specify)	_____
COVID Administrative Leave	<u>\$ 750.00</u>
COVID Admin Leave Fringes	<u>\$ 61.21</u>
Schedulers and Coordinators Wages	<u>\$12,302.75</u>
Schedulers and Coordinators Fringes	<u>\$ 3,813.92</u>
Sub-Total	<u><u>\$ 66,620.91</u></u>

PURCHASED SERVICE:

Taxi Service	_____
Charter Service	_____
SMART Bus Tickets	_____
SMART Shuttle Service	_____
SMART Dial-A-Ride	_____
Other (Specify) _____	_____
Sub-Total	_____

CAPITAL EQUIPMENT:

*(Only list purchases to be made with
CARES Act Funding)*

Computer Equipment	
Software	
Vehicle	
Maintenance Equipment	
Other (Specify)	
Sub-Total	
	\$66,620.91
<u>TOTAL EXPENSES:</u>	
<u>CARES ACT SMART</u>	
<u>ALLOCATION MINUS TOTAL</u>	\$ 3,740.91
<u>EXPENSES:</u>	

*Contractual Services– Please detail what services are being performed with an attachment to this budget.

Contractual services – Vehicle usage charges, Schedule Viewer and Verizon.

EXHIBIT B

- 1) **Sub-recipient Name:** City of Troy
- 2) **DUNS Number:** 076356302
- 3) **FAIN:**
- 4) **Fed Award Date:**
- 5a) **Sub-Award Start:**
- 5b) **Sub-Award End:**
- 6) **Fed Funds Obligated by this Action:**
- 7) **Total Fed Funds Obligated to Sub by FAIN:**
- 8) **Total Amount of Fed Award Committed:**
- 9) **Fed Award Project Description:**
- 10) **SMART Vehicle Number:**
- 11) **Name of Fed Awarding Agency:** Federal Transit Administration
- 12) **Name of Pass-Through Entity:** SMART
- 13) **Contact Information for Pass-Through Awarding Official:** Ryan Byrne, SMART Director of Finance
- 14) **CFDA Number & Name:** 20.507- Urbanized Area Formula Grants (CARES Act)
- 15) **R&D:** No
- 16) **Indirect Cost Rate for Federal Award:** N/A



CITY COUNCIL AGENDA ITEM

Date: October 6, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Rob Maleszyk, Chief Financial Officer
Lisa Burnham, Controller
M. Aileen Dickson, City Clerk

Subject: Request for Approval of Grant Agreement and Authorization to Accept Funding –
Center for Tech and Civic Life Grant

History

In early September, the Center for Tech and Civic Life announced that \$250 million in grant money was available to local clerks for the purpose of funding election-related expenses including supplies, election worker wages, overtime expenses for Clerk's Office staff, training expense for election workers, and many other expenses. The Michigan Secretary of State, as well as the Michigan Association of Municipal Clerks, encouraged all local clerks and election officials to apply for grant funding to assist with the increase in expenses related to unprecedented needs during the 2020 elections.

On September 9, the City Clerk submitted a grant application, and on September 20, CTCL approved the City of Troy for \$58,393 in grant funding to apply towards election expenses incurred between June 15, 2020 and December 31, 2020.

Recommendation

City Management requests that City Council approves the grant agreement, authorizes the acceptance of grant funding from the Center for Tech and Civic Life in the amount of \$58,393, and authorizes the City Clerk to sign the grant agreement.

Legal Review

This item was submitted to the City Attorney for review.



CENTER FOR
TECH AND
CIVIC LIFE

September 17, 2020

Troy City, Michigan

Municipal Clerk

500 W. Big Beaver Rd.

Troy, MI 48084

Dear M. Aileen Dickson,

I am pleased to inform you that based on and in reliance upon the information and materials provided by Troy City, and the special circumstances Troy City faces administering elections in 2020, the Center for Tech and Civic Life ("CTCL"), a nonprofit organization tax-exempt under Internal Revenue Code ("IRC") section 501(c)(3), has decided to award a grant to support the work of the Troy Municipal Clerk ("Grantee").

The following is a description of the grant:

AMOUNT OF GRANT: \$58,393.00 USD

PURPOSE: The grant funds must be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in Troy City in 2020 ("Purpose").

Before CTCL transmits these funds to Grantee, CTCL requires that Grantee review and sign this agreement ("Grant Agreement") and agree to use the grant funds in compliance with the Grant Agreement and with United States tax laws and the laws and regulations of your state and jurisdiction ("Applicable Laws"). Specifically, by signing this letter Grantee certifies and agrees to the following:

1. Grantee is a local government unit or political subdivision within the meaning of IRC section 170(c)(1).

2. This grant shall be used only for the Purpose described above, and for no other purposes.
3. Grantee has indicated that the amount of the grant shall be expended on the following specific election administration needs: Ballot drop boxes, Drive-through voting, Non-partisan voter education, Personal protective equipment (PPE) for staff, poll workers, or voters, Poll worker recruitment funds, hazard pay, and/or training expenses, Polling place rental and cleaning expenses for early voting or Election Day, Temporary staffing, and Vote-by-mail/Absentee voting equipment or supplies. Grantee may allocate grant funds among those needs, or to other public purposes listed in the grant application, without further notice to or permission of CTCL.
4. Grantee shall not use any part of this grant to make a grant to another organization, except in the case where the organization is a local government unit or political subdivision within the meaning of IRC section 170(c)(1) or a nonprofit organization tax-exempt under IRC section 501(c)(3), and the subgrant is intended to accomplish the Purpose of this grant. Grantee shall take reasonable steps to ensure that any such subgrant is used in a manner consistent with the terms and conditions of this Grant Agreement, including requiring that subgrantee agrees in writing to comply with the terms and conditions of this Grant Agreement.
5. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs may be applied to the grant. The Grantee shall expend the amount of this grant for the Purpose by December 31, 2020.
6. Grantee is authorized to receive this grant from CTCL and certifies that (a) the receipt of these grant funds does not violate any Applicable Laws, and (b) Grantee has taken all required, reasonable and necessary steps to receive, accept and expend the grant in accordance with the Purpose and Applicable Law.
7. The Grantee shall produce a brief report explaining and documenting how grant funds have been expended in support of the activities described in paragraph 3. This report shall be sent to CTCL no later than January 31, 2021 in a format approved by CTCL and shall include with the report a signed certification by Grantee that it has complied with all terms and conditions of this Grant Agreement.
8. This grant may not supplant previously appropriated funds. The Grantee shall not reduce the budget of the Municipal Clerk (“the Election Department”) or fail to appropriate or provide previously budgeted funds to the Election Department for the term of this grant. Any amount supplanted, reduced or not provided in contravention of this paragraph shall be repaid to CTCL up to the total amount of this grant.
9. CTCL may discontinue, modify, withhold part of, or ask for the return all or part of the grant funds if it determines, in its sole judgment, that (a) any of the above terms and conditions of this grant have not been met, or (b) CTCL is required to do so to comply with applicable laws or regulations.



10. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs for the Purpose may be applied to the grant.

Your acceptance of and agreement to these terms and conditions and this Grant Agreement is indicated by your signature below on behalf of Grantee. Please have an authorized representative of Grantee sign below, and return a scanned copy of this letter to us by email at grants@techandcivicliflife.org.

On behalf of CTCL, I extend my best wishes in your work.

Sincerely,



Tiana Epps Johnson

Executive Director

Center for Tech and Civic Life

GRANTEE

By: _____

Title: _____

Date: _____



CENTER FOR TECH & CIVIC LIFE
233 N. MICHIGAN AVE., SUITE 1800
CHICAGO, IL 60601
HELLO@TECHANDCIVICLIFE.ORG



CITY COUNCIL AGENDA ITEM

Date: October 7, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Rob Maleszyk, Chief Financial Officer
Lisa Burnham, Controller
M. Aileen Dickson, City Clerk

Subject: Request for Approval of Grant Agreement and Authorization to Accept Funding
– Federal Help America Vote Act (HAVA) CARES Act Grant

History

On July 13, 2020, City Council affirmed the emergency purchase of one Verity Central highspeed ballot scanning workstation for the Absent Voter Counting Board. On July 27, 2020, the City Clerk reported to City Council that the City of Troy would be receiving a \$30,000 credit towards that purchase from the CARES Act. On Friday, October 2, 2020, the City Clerk received the Federal Help American Vote Act (HAVA) CARES Act Grant Agreement in an email from the State of Michigan Bureau of Elections

In order to have the \$30,000 credit paid from the State of Michigan to the vendor, Hart Intercivic, Inc., City Council is asked to approve the Grant Agreement, and authorize the City Clerk to sign the Agreement on behalf of the City of Troy.

Recommendation

City Management requests that City Council approves the Federal Help America Vote Act (HAVA) CARES Act Grant Agreement, authorizes the acceptance of funding in the amount of \$30,000, and authorizes the City Clerk to sign the Agreement.

Legal Review

This item was submitted to the City Attorney for review.

**State of Michigan
Michigan Department of State
And
Oakland County
City of Troy**

**Help America Vote Act (HAVA) CARES Act Grant Agreement
Voting System Hardware, Firmware and Software
RE: Master Contracts**

071B7700120 – Hart InterCivic, Inc.

This Grant Agreement is the mechanism by which Counties, Cities, and Townships apply to the State of Michigan to receive Federal HAVA CARES Act and State-appropriated partially funded voting systems, including optical scan tabulators, adjudication software, to be used in an absent voter counting board to prevent, prepare for, and respond to coronavirus for the 2020 Federal election cycle.

Definitions:

“Contractor” means the voting system vendor selected by the county.

“County” means any county within the State of Michigan.

“Department” means the Michigan Department of State.

“Grantee” means the county or local jurisdiction entering into this *Grant Agreement*.

“Local Jurisdiction” means any city or township within the State of Michigan.

“Voting Systems” means optical scan tabulators, accessible voting devices (for use by voters with disabilities), and EMS software (as applicable) acquired by the counties and local jurisdictions statewide and partially funded by State-appropriated and Federal HAVA CARES Act funds.

1. Period of Agreement

The *Grant Agreement* process applies to voting system purchases occurring between January 20, 2020 and August 31, 2020.

2. Program, Budget and Agreement

This *Grant Agreement* is to establish a grant program to use State-appropriated and Federal HAVA CARES ACT funds to partially cover the costs of voting equipment needed to assist with the increase of voting by mail that is expected as a result of the coronavirus.

This grant program covers 50% of the cost of regular speed absentee voting tabulators and up to 50% of the cost up to \$30,000, whichever is less, for high speed tabulators and software necessary to operate high speed tabulators or to improve the efficiency of scanning ballots with

high speed tabulators. This agreement is for the purchase of one High Speed Tabulator + Software at a total expense of \$121,295.00 of which the Department will pay \$30,000.00 to the contractor. 25% of the total purchase is made with Federal HAVA CARES ACT funding.

The Michigan Department of Technology, Management and Budget has entered into a Master Contract with each approved Contractor, which has established maximum statewide prices for each voting system component. The Department has established the available level of grant funding for each component of each Contractor's voting system. State-appropriated and Federal HAVA CARES Act funding provided via this *Grant Agreement* partially covers the purchase of the voting system, the software license fee for the EMS software for the full 10-year contract term, and the *initial* service and maintenance period for all components (which covers the acquisition year, plus 4 additional years). The Master Contract includes an *extended* service and maintenance period beyond the *initial* service and maintenance period, for an additional five-year period. Costs for the *extended* service and maintenance period and other additional costs, if any, are the sole responsibility of each individual county / local jurisdiction.

All Contractors will be required to enter into a "purchase agreement" with each local jurisdiction and county in those counties that have selected that Contractor. Typically, this document is the purchase agreement provided by the Contractor. The terms and conditions of the local purchase agreements shall not contradict the Master Contract. The terms of the Master Contract will supercede any conflicting terms in the local purchase agreements.

3. General

The individual submitting the *Grant Agreement* must have the proper authority to do so, and must certify in Section 16 of this *Grant Agreement* that this authority has been granted. Examples of authority include, but are not limited to, a resolution from the Board of County Commissioners, City Council or Township Board authorizing the individual submitting the *Grant Agreement* to execute the *Grant Agreement* on behalf of the county, city or township.

4. Performance

Each Grantee will certify and sign the *Grant Agreement* and forward it to the Department per the instructions provided. The Department will review and, once approved, will provide the Grantee with a copy of this fully-executed *Grant Agreement*, which will serve as Notice of the Grant Award. Each grantee will initiate equipment orders directly with the Contractor through a signed quote, and will provide the *Acceptance Certificate & Payment Authorization Form*, which must be submitted by the Grantee to the Department within 10 business days of voting system delivery. This form indicates acceptance of equipment and payment authorization.

The Grantee is responsible for overseeing its contractual agreement with the Contractor and is responsible for ensuring Contractor performance. Any subsequent malfunction or performance issue with the voting system must be addressed by the Grantee directly with the Contractor. The Grantee is responsible for maintaining any and all Contractor performance records. The Grantee has the sole responsibility to verify Contractor compliance with delivery dates, terms and conditions of delivery, and equipment verification and testing in accordance with the statewide Master Contract for the Grantee's selected Contractor. The Grantee will be solely responsible for additional costs incurred that are not covered by service, maintenance and warranty provisions in the Master Contract.

Grant funding is not provided for the purchase of additional ("backup") voting systems. The Grantee will be responsible for developing and implementing a backup strategy to ensure

continued operation on Election Day, in the event of voting system failure in any individual precinct.

5. Testing, Acceptance and Payment

1. Successful acceptance testing of the voting system shall be completed within 10 business days from the date of delivery.
2. Upon completion of all acceptance testing, the Grantee must complete the State-issued *Acceptance Certificate & Payment Authorization Form* and forward the completed form to the Department.
3. This form will indicate the date of delivery, successful completion of acceptance testing, and will provide authorization to the Department to release funds to the Contractor.
4. Payment to the Contractor shall be made in accordance with the Master Contract with the Grantee's selected Contractor.

6. Ownership of Equipment and Software Purchases: Title

Any voting system purchased pursuant to this *Grant Agreement* is the property of the Grantee.

7. Optional Purchases

If the Grantee desires to purchase additional items beyond those authorized in this *Grant Agreement*, it may do so at its sole expense, outside of this *Grant Agreement*. No State or HAVA funds will be available for such purchases. Prices established via the Master Contract are extended to counties and local jurisdictions by the Contractors for these purposes.

8. Records Maintenance/Retention

The Grantee will maintain a complete set of records and files related to the ordering, delivery, testing, maintenance and repairs of voting systems. The Grantee shall assure all the terms of this *Grant Agreement* are adhered to and that records and detailed documentation regarding this grant shall be maintained for a period of not less than six (6) years from the date of Contract termination, the date of submission of the final expenditure report or until any litigation and audit findings have been resolved, whichever is later.

9. Management Requirements

Grantee must maintain property records that include a description of the property; a serial number or other identification number; acquisition date; cost of the property; location, use and condition of the property; and any ultimate disposition data including the date of disposal and sale price of the property (if any). Grantee must also maintain records showing 50% (or \$30,000, whichever is less) Federal participation in the cost of the property.

Grantee must perform a physical inventory of the property and reconcile the results with the property records at least once every two years.

Grantee must develop a control system to ensure adequate safeguards to prevent loss, damage or theft of the property. Any loss, damage or theft shall be investigated by the Grantee and reported to the Department.

Grantee must develop adequate maintenance procedures to keep the property in good condition. Grantee agrees to maintain extended service and maintenance coverage for the voting system in years 6-10 of the Master Contract, after the expiration of the initial service and maintenance period. If the Grantee fails to maintain extended service and maintenance coverage for the full

Contract period, the Department may require Grantee to pay the Department the full amount of voting system grant funds paid to the vendor for the Grantee's county, city or township.

10. Disposition.

When the voting system acquired under this grant is no longer needed, the Department must be notified. Disposition of the equipment will be made as follows:

- Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation to the Department.
- Disposition of EMS software must follow the terms of the Contractor's Software License Agreement.

11. Authorized Access

The Grantee will permit, upon reasonable notification and at reasonable times, access to all records regarding this *Grant Agreement* by the Department and other representatives duly authorized by State or Federal law.

12. Mandatory Conditions

A. Statutory or Regulatory Requirements

The Master contract for the Grantee's selected Contractor must be incorporated and made a part of the ensuing contract between the Grantee and the Contractor, as a condition for grant approval. The Grantee will comply with applicable Federal and State laws, guidelines, rules and regulations in carrying out the terms of this *Grant Agreement*.

Laws

This is a State of Michigan *Grant Agreement* and is governed by the laws of the State of Michigan. Any dispute arising as a result of this Agreement shall be resolved in the State of Michigan.

Funding

This *Grant Agreement* is subject to and contingent upon the availability and appropriation of Federal funds and any necessary State appropriation.

Costs

The State will not assume any responsibility or liability for costs incurred in relation to this grant.

Cancellation

The Department may cancel the *Grant Agreement* upon failure to comply with the terms of this grant.

Entire Agreement

The *Grant Agreement* shall represent the entire agreement between the State and Grantee and supercedes any prior oral or written agreements, and all other representations between the parties relating to this subject. The State reserves the right to require counties and local jurisdictions to attend required training sessions with regard to new equipment purchases made under HAVA.

Adherence to Terms

The failure of a party to insist upon strict adherence to any term of this *Grant Agreement* shall not be considered a waiver or deprive the party of the right thereafter to insist upon strict adherence to that term, or any other term of the *Grant Agreement*.

B. Other

Additional terms and conditions may be negotiated in the contract between the Grant Applicant and the Contractor as long as they do not conflict with the required terms and conditions of this *Grant Agreement* and Master Contract with the Grantee's selected Contractor.

13. Administration of Agreement

The Grant Manager on behalf of the Department for this *Grant Agreement* and the final *Grant Agreement* will be:

Jeremy Lange, Office of Financial Services
Michigan Department of State
430 W Allegan St., 4th Floor
Lansing, MI 48933
517.335.1952
LangeJ1@michigan.gov

All questions, comments and correspondence regarding this grant process, the *Grant Agreement* and the final *Grant Agreement* must be submitted in writing to the Grant Manager.

14. Completed Agreement

In order to complete this *Grant Agreement*, it must be filled out in its entirety by completing all indicated fields* below and must be signed by the individual authorized by the county or local jurisdiction to enter into this agreement. The signed grant must be scanned and submitted electronically to langej1@michigan.gov.

15. Voting Systems Authorization

Note: Grant Applicant to fill in all fields indicated (*) below:

This *Grant Agreement* is between the Michigan Department of State and:

**Oakland County
City of Troy**

*Grant Manager for County, City, or Township (point of contact for the State):

*Name	
*Title	
*Office Address	
*Office Phone	
*Office Email Address	

16. Special Certification/Signature

The following signatory certifies that the person signing is authorized to sign and enter into this *Grant Agreement*. Further, the signatory has reviewed and agrees to the conditions as outlined in this *Grant Agreement*, and has personally examined and is familiar with the information submitted here, as well as the requirements of the Help America Vote Act, under which this grant has been submitted.

For the COUNTY OR LOCAL JURISDICTION:

*Name: _____

*Title: _____ *Date: _____

*Signature

For the STATE OF MICHIGAN, DEPARTMENT OF STATE:

Cindy Paradine, Director, Office of Financial Services

Signature

Date

A Meeting of the Civil Service Commission (Act 78) was held Tuesday, July 14, 2020 electronically via GoToMeeting. Chairman/President McGinnis called the meeting to order at 8:30 AM.

A. ROLL CALL:

PRESENT: Chairman/President Donald E. McGinnis, Jr.
Commissioner David Cannon
Commissioner John Steele

ALSO PRESENT: Mark F. Miller, City Manager
Lori Grigg Bluhm, City Attorney
M. Aileen Dickson, City Clerk
Jeanette Menig, Human Resources Director
Frank Nastasi, Police Chief
Chris Stout, Police Lieutenant

B. APPROVAL OF MINUTES:

1. Approval of Minutes of Wednesday, July 1, 2020

Resolution #CSC-2020-07-11
Moved by Cannon
Seconded by Steele

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **APPROVES** the Minutes of the Wednesday, July 1, 2020, meeting as presented.

Yes: Cannon
No: Steele

MOTION CARRIED

C. PETITIONS AND COMMUNICATIONS: None

D. REPORTS: None

E. OLD BUSINESS: None

F. NEW BUSINESS:

1. Approval of Eligible List for Police Officer

Resolution #CSC-2020-07-12

Moved by Cannon

Seconded by Steele

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the eligible list for Police Officer as corrected and presented.

Yes: All-3

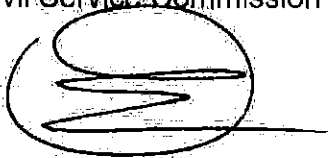
No: None

MOTION CARRIED

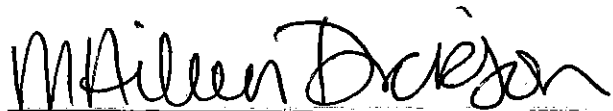
G. PUBLIC COMMENT: None

H. ADJOURNMENT:

The Civil Service Commission (Act 78) meeting **ADJOURNED** at 8:36 AM.

A stylized signature consisting of a circle with a horizontal line through it, and a wavy line below it.

Donald E. McGinnis, Jr., Chairman

A handwritten signature in cursive script.

M. Aileen Dickson, City Clerk

A Meeting of the Civil Service Commission (Act 78) was held Thursday, September 10, 2020 electronically via GoToMeeting. Chairman/President McGinnis called the meeting to order at 2:05 PM.

A. ROLL CALL:

PRESENT: Chairman/President Donald E. McGinnis, Jr.
Commissioner David Cannon
Commissioner John Steele

ALSO PRESENT: M. Aileen Dickson, City Clerk
Jeanette Menig, Human Resources Director
Frank Nastasi, Police Chief
Andy Satterfield, Police Captain
Destiney Bodnovich, Human Resources Specialist

B. APPROVAL OF MINUTES:

1. Approval of Minutes of Tuesday, July 14, 2020

Resolution #CSC-2020-09-13

Moved by Cannon

Seconded by Steele

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **APPROVES** the Minutes of the Tuesday, July 14, 2020, meeting as presented.

Yes: All-3

No: None

MOTION CARRIED

C. PETITIONS AND COMMUNICATIONS: None

D. REPORTS: None

E. OLD BUSINESS: None

F. NEW BUSINESS:

1. **Approval of Eligible List for Police Sargeant**

Resolution #CSC-2020-09-14

Moved by Cannon

Seconded by Steele

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the eligible list for Police Sargeant and presented.

Yes: All-3

No: None

MOTION CARRIED

G. **PUBLIC COMMENT:** None

H. **ADJOURNMENT:**

The Civil Service Commission (Act 78) meeting **ADJOURNED** at 2:10 PM.

Donald E. McGinnis, Jr., Chairman

M. Aileen Dickson, City Clerk



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CITY COUNCIL AGENDA ITEM

Date: October 8, 2020

To: Mark F. Miller, City Manager

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

Subject: Resumption of Certain Public Meetings

On March 10, 2020, the Governor issued Executive Order 2020-04 declaring a state of emergency across the State of Michigan. On March 13, 2020, the Governor issued Executive Directive 2020-02 directing public bodies to, "...consider postponing public meetings and/or agenda items that may be deferred until a later time." The March 16, 2020 City Council meeting was held in-person with social distancing measures. The March 17, 2020 Zoning Board of Appeals meeting was the last in-person public meeting held by the City. All subsequent public meetings scheduled in March were cancelled.

On March 18, 2020, the Governor issued Executive Order 2020-15 temporarily authorizing remote participation in public meetings. The April 13, 2020 regular City Council meeting was the City's first public meeting held electronically pursuant to Executive Order 2020-15. The City Council has continued to meet electronically pursuant to Executive Orders 2020-15, 2020-48, 2020-75, 2020-129, and 2020-154 while postponing agenda items that may be deferred pursuant to Executive Directive 2020-02. Most of the City's other public meetings were cancelled in the months that followed.

The last Building Code Board of Appeals meeting was held on January 8, 2020, the last Zoning Board of Appeals meeting was held on March 17, 2020, and the last Planning Commission meeting was held on April 28, 2020. Since then, the City has received requests from several applicants urging the City to hold these public meetings to process the pending applications. City staff have met several times during the state of emergency to consider whether these public meetings and agenda items should be deferred pursuant to Executive Directive 2020-02.

At our most recent meeting in September, City staff determined the Building Code Board of Appeals, Planning Commission, and Zoning Board of Appeals should meet in accordance with Executive Order 2020-154 as soon as feasible. Due to public notice requirements and publication timing, City staff is preparing for these meetings as follows:

Planning Commission	October 13, 2020
Building Code Board of Appeals	November 4, 2020
Zoning Board of Appeals	November 17, 2020

On October 2, the Michigan Supreme Court issued a ruling on the Governor's emergency powers that invalidated COVID-19 related executive orders. The Governor issued a statement including the following, "It is important to note that this ruling does not take effect for at least 21 days, and until then, my emergency declaration and orders retain the force of law. Furthermore, after 21 days, many of the



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CITY COUNCIL AGENDA ITEM

responsive measures I have put in place to control the spread of the virus will continue under alternative sources of authority that were not at issue in today's ruling." On October 4, the Michigan Attorney General issued a statement stating the Attorney General will no longer enforce the Governor's Executive Orders through criminal prosecution. On October 5, the Governor and Michigan Department of Health and Human Services (DHHS) Director filed a motion with the Michigan Supreme Court requesting that they clarify that their October 2 ruling does not take effect until Friday, October 30.

On October 5, the Director of the Michigan Department of Health and Human Services (MDHHS) issued an Emergency Order under MCL 333.2253 restricting gathering sizes, requiring face coverings in public spaces and placing limitations on bars and other venues. The order relies on authorities that were first enacted after the Spanish Flu of 1918, and were not at issue in the Michigan Supreme Court's decision. The order requires individuals to wear masks when in gatherings, defined as any occurrence where persons from multiple households are present in a shared space in a group of two or more, and requires businesses and government offices to enforce those requirements for gatherings on their premises.

Suffice it to say City staff was planning to hold these meetings in accordance with Executive Order 2020-154. Although it is unclear if the measures put in place by Executive Order 2020-154 will continue under alternative sources of authority, City staff will continue to prepare for these meetings as best we can. Agenda items for these meetings are planned as follows:

October 13, 2020 Planning Commission

- The Westington Apartments (SP JPLN2019-0045) - 108-unit apartment complex, located on east side of Crooks, south of Wattles.
- Regency of Troy (SP JPLN2020-0011) - 158-bed convalescent center/nursing home, located at northeast corner of Maple and Axtell.

November 4, 2020 Building Board Code of Appeals

- 2984 Cedar Ridge Drive – Fence variance
- 2904 Thames – Fence variance
- 4437 Yanich Drive – Fence variance
- 1538 Wrenwood – Fence variance
- 485 Booth – Fence variance
- 2949 Vineyards Drive – Fence variance
- 4988 Calvert – Fence variance
- 385 Cotswold – Fence variance
- 2374 Cumberland – Fence variance
- 4928 Park Manor Drive – Deck and gazebo
- 2385 Hillcrest – Fence variance



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CITY COUNCIL AGENDA ITEM

November 17, 2020 Zoning Board of Appeals

- 2970 E. Long Lake - A variance request to construct a building addition 13.61 feet from the west property line
- 4895 Park Manor - A variance request to construct an uncovered residential deck 3 feet from the rear property line
- 4062 Chatwal - Setback variance to build an in ground pool
- 1086 Shallowdale - Variance to keep a shed in the front yard when they are required to be in rear yard
- 2540 Kingston - Setback variance to build a residential sunroom
- 3990 Forge - Setback variance to build a residential addition

Some of these agendas are quite long because meetings have not been held in several months. If a body is unable to consider all the agenda items due to time or technical issues, the item(s) will be considered at the next regularly scheduled meeting.



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O-02b

CITY COUNCIL AGENDA ITEM

Date: October 5, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Cathleen A. Russ, Library Director
Jenna Fillmore, Marketing Specialist

Subject: Library Millage Community Engagement Update

History

- Voters approved a five-year, 0.7 mills dedicated Library millage on August 2, 2011 and again on November 3, 2015.
- The current Library millage will fund the Troy Public Library through June 30, 2021.
- Voters must renew or replace the Library millage in order for the City to continue operating and maintaining the Library after June 30, 2021.
- City Council held a special meeting to discuss Library funding on June 8, 2020.
- On August 10, 2020, City Council approved wording for a November 2020 ballot question for a rate of 1.1 mills and a ten-year term.

What follows is the most recent update of the community engagement plan first shared with City Council on July 13, 2020. The community engagement plan was divided into two phases. Phase 1 was completed when City Council approved ballot language on August 10. Phase 2 began on August 11 and continues until Election Day on November 3.

Phase 2

The second phase is intended to provide the public with information regarding the ballot proposal consistent with the Michigan Campaign Finance Act.

Week of September 14: City staff began receiving and answering millage-related question via email (LibraryDecision2020@troypil.org). R. Bruner and C. Russ have answered dozens of questions from more than a dozen residents at the time of this writing. Copies are attached. A press release with millage Town Hall meeting information was distributed to local press. An infographic was posted on City and Library social media channels. The Troy Public Library Update (weekly newsletter sent to patrons) featured a headline article regarding the Library millage and promotion of the Town Hall meetings.

Week of September 21: City staff conducted a virtual town hall meeting via Zoom on Wednesday, September 23 at 7 pm. Thirty-five (35) people attended. The meeting was broadcast live on Government Access TV (WTRY) and streamed live on YouTube. It will be replayed on WTRY in rotation with regular programming on Wednesdays at 3 pm, 7 pm and 11 pm; and Fridays at 9 pm. It can also



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CITY COUNCIL AGENDA ITEM

be viewed on the City's YouTube channel. R. Bruner and C. Russ spoke to the Troy Democratic Club about the library millage on Thursday, September 24 at 7 pm. The City Clerk's Office began distributing absentee ballots this week. Voting began.

- Week of September 28: The City Clerk's Office begin mailing absentee ballots this week. R. Bruner and C. Russ spoke to the Troy Rotary Club about the library millage on Wednesday, September 30, at noon. City staff conducted a second virtual town hall meeting via Zoom on Thursday, October 1 at 7 pm. Twenty-two (22) people attended. The meeting was broadcast live on Government Access TV (WTRY) and streamed live on YouTube. It will be replayed on WTRY in rotation with regular programming. It can also be viewed on the City's YouTube channel.
- Week of October 5: Press release with millage information distributed to local press. City newsletter sent to Homeowners' Associations with information regarding the Library millage and upcoming election.
- Week of October 12: City newsletter sent to all residents with information regarding the Library millage and upcoming election.
- Week of October 19: Troy Public Library newsletter sent to patrons with information regarding the Library millage and upcoming election.
- Week of October 26: Educational millage information post on Library social media channels.

Bob Bruner

From: Bob Bruner
Sent: Friday, September 11, 2020 11:51 AM
To: 'Harold Dallou'
Cc: Library Decision 2020
Subject: RE: Millage
Attachments: FS PA 269 with Plus.pdf

Good question. Thanks for asking!

Section 57 of the Michigan Campaign Finance Act limits how the City can use public resources (facilities, money, staff time, etc.) to campaign for ballot questions. Generally speaking, the City can use public resources to communicate factual information regarding the ballot question, and the effect of its approval or disapproval. We cannot use public resources to expressly advocate a vote for or against the ballot question. In other words, we can't say "Vote yes" or "Vote no" on the ballot question. Accordingly, we are educating the community about the new millage rather than "persuading" voters to approve it. Attached is a Fact Sheet about this topic from the Michigan Municipal League.

That said, the City and the Library are working hard to provide factual information on TPL's millage page (troypl.org/2020millage) including a Library Millage Estimator, intended to help voters in their self-guided research. Troy residents have also been sent a postcard with factual information about the new library millage and similar information will be shared across our social media channels in the coming weeks. Additionally, we will be hosting two virtual Troy Public Library Millage Town Hall sessions on September 23 and October 1 to answer questions from the public. The next issue of TPL's newsletter will also include information about the millage.

Thank you for your interest and please let me know if I can be of additional assistance.

Sincerely,

Robert J. Bruner, Assistant City Manager

-----Original Message-----

From: Harold Dallou [mailto:hdallou@yahoo.com]
Sent: Thursday, September 10, 2020 3:59 PM
To: Library Decision 2020 <LibraryDecision2020@troypl.org>
Cc: hdallou@yahoo.com
Subject: Millage

What will be the strategy of persuading the citizens to approve the new millage?

Campaigning by Public Officials/PA 269 Dos and Don'ts

Introduction

U.S. District Judge John Corbett O'Meara accepted an agreement between the Secretary of State's office and local governments and school groups, permanently keeping the Secretary of State from enforcing a law that prevented local officials from providing factual information on local ballot proposals. O'Meara's order, entered April 28, 2016, references his previous temporary injunction against enforcement of the law, saying that the local governments had "demonstrated a strong likelihood of success on the merits of their claim that (the law) is unconstitutionally vague and thus void." The gag order was part of a larger campaign finance bill that passed the Legislature with little debate in the final days of 2015's legislative session and was signed by Gov. Rick Snyder, becoming Public Act 269 of 2015.

Section 57 of the Michigan Campaign Finance Act limits how a public body can use public funds or property when it comes to campaigning for ballot questions or candidates.

Campaign Finance Act—Permitted Activities

Generally, public officials can issue communications to voters using public dollars if the communications contain factual information regarding the election, the proposal, and what impact either its passage or defeat will have on the public body. Moreover, the prohibition on using public monies to support or defeat a ballot proposal does not prevent certain high level officers and employees from expressing their opinions. For example, nothing prevents a municipal official from standing up at a public meeting and telling the gathering that, in his or her opinion, the municipality needs to ask for a millage increase and the voters need to support it.

Although there are opportunities to carefully use public time and money to further educate the electorate on a proposal, public employees and officials should also keep the following additional guidelines in mind:

- 1) Non-policy making staff may not take "official" time (i.e., time during their regular jobs) to participate in campaign committee activities, as this would constitute an inappropriate expenditure of public funds. Nothing would restrict the ability of these individuals to work in any way on the campaign on their own time.
- 2) A public body may provide information to individuals and/or a campaign committee that is publicly available in the same manner as it would provide information to anyone else requesting the information.
- 3) Campaign committees may meet at public facilities only to the extent that, and on the same terms as, any other group is permitted to use the same facilities. If the public body incurs any expense in providing meeting space to the committee, the committee must reimburse the public for that expense.

Campaign Finance Act Don'ts

- 1) Don't use city or village funds, municipal-owned office space, or other property to expressly advocate a vote for or against a candidate or ballot question. "Expressly advocate" means to state support for the passage or defeat of a ballot question or the election or defeat of a candidate—in other words, to say "Vote yes for" (or no) or "Support" (or defeat) a candidate or ballot question.
- 2) Don't put links on your municipal website to sites that expressly advocate only for or against one candidate, one slate of candidates, or one side of a ballot question.
- 3) A city or village council cannot authorize or use public resources for a payroll deduction plan to collect for a campaign committee.

Appendices

Appendix I USE OF PUBLIC FACILITIES, FUNDS, ETC. PROHIBITED

An injunction issued on February 5, 2016 by U. S. District Judge John Corbett O'Meara, from the U.S. District Court in Ann Arbor prevents the enforcement of PA 269 of 2015 as it affects Section 57 of the MCFA only.

PA 269 of 2015 signed by the Governor in January of 2016 with immediate effect made changes to the Michigan Campaign Finance Act relative to the use of public funds for communications prior to the election. See PA 269 of 2015 for details.

Section 57 of the Michigan Campaign Finance Act (MCFA) stipulates a public body or person acting for a public body **must not use or authorize the use of public funds or resources** to make a contribution or expenditure to further the nomination or election of a candidate or the qualification, passage or defeat of a ballot question. The inclusion of Section 57 in the MCFA does not restrict the constitutionally protected right to associate or to engage in political speech. It is intended to prevent those who control public resources from using those resources to influence the outcome of an election. It is up to the people and not public bodies to decide elections. This means that a public body is prohibited in participating in elections for:

- State and Local Ballot Questions
- Federal Candidates
- State Candidates
- Local Candidates

This means that a public body cannot contribute to or make expenditures on behalf of committee's registered to support or oppose candidates and ballot questions. This prohibition includes Candidate Committees, Ballot Question Committees, PACs, SuperPACs and Political Party Committees.

A public body is:

- A state agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government.
- The legislature or an agency, board, commission or council in the legislative branch of state government.
- A county, city, township, village, intercounty, intercity, or regional board; a council, school district, special district, or municipal corporation; or a board, department, commission, or council or an agency of a board, department, commission, or council.
- Any other body that is created by state or local authority or is primarily funded by or through state or local authority, which body exercises governmental or proprietary authority or performs a government or proprietary function.

EXAMPLES OF PROHIBITED USES

The prohibition includes, but is not limited to the use of personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, provide volunteer personal services or other public resources.

- A public body is prohibited from displaying political signs, brochures, pamphlets, etc in any governmental building or government property.
- Public officeholders and other public bodies are prohibited from using their office email and phones for campaign purposes.

Payroll Deduction Prohibition

The prohibition includes using or authorizing the use of public resources to establish or administer a payroll deduction plan to directly or indirectly collect or deliver a contribution to or make an expenditure for a committee. Advance payment or reimbursement to a public body does not cure a use of public resources.

EXEMPTIONS

The prohibition does not apply to any of the following:

- The expression of views by an elected or appointed public official who has policy-making responsibilities.
- The production or dissemination of factual information concerning issues relevant to the function of the public body.
- The production or dissemination of debates, interviews, commentary, or information by a broadcasting station, newspaper, magazine, or other periodical or publication in the regular course of broadcasting or publication. This exemption does not apply to the dissemination of an advertisement of a candidate.
- The use of a public facility owned or leased by or on behalf of a public body if any candidate or committee has an equal opportunity to use the public facility.
- The use of a public facility owned or leased by or on behalf of a public body if that facility is primarily used as a family dwelling and is not used to conduct a fund raising event.

On September 20, 2017, 2017 implements a num (MCFA). Click here to v

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B1 - Filing Requirements

C - The Reporting Waiver

D - Electronic Filing of Campaign Statements (State Level Commitment Only)

E - Late Filing Fees, Waivers and Reviews

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N - Penalties

O - Prohibited Contributions

O1 - Contributions Exemptions

O2 - Contributions Received by Partnership, LLC or PLLC

P - Special Primary, General and Recall Elections

Q - Individuals and the Michigan Campaign Finance Act (MCFA)

- An elected or appointed public official or an employee of a public body who, when not acting for a public body but is on his or her own personal time, is expressing his or her own personal views, is expending his or her own personal funds, or is providing his or her own personal volunteer services.

R - Incumbent Candidates
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T - Transfers
W - Dissolution of a Committee
X - Declaratory Rulings and Interpretive Statements
Y - The Complaint Process
Z - Reference Information

Special notes:

- The mere act of voting on a resolution that encompasses matters at a meeting does not constitute a misuse of public resources within the meaning of Section 57. A public body may record the resolution in the meeting minutes as required by the Open Meetings Act and may disseminate copies of those minutes in its regular course of publication.
- Public facilities that are rented to committees for use, may display the committee function on the facility marquee without violating section 57 as long as any candidate or committee has an equal opportunity to use the facility and the marquee is use equally for all events.
- Public facilities and resources can be used for public forums and public education on candidate elections and ballot questions provided the public resources are not used to influence the outcome of the election and views of all candidates and views of both supporters and opponents of a ballot question are treated equally.

Appendices:

☒ Include TOC

PENALTIES

A person who knowingly violates this section is guilty of a misdemeanor punishable, if the person is an individual, by a fine of not more than \$1,000.00 or imprisonment for not more than 1 year, or both, or if the person is not an individual, by one of the following, whichever is greater: (a.) A fine of not more than \$20,000.00 or (b.) A fine equal to the amount of the improper contribution or expenditure.

OTHER PROHIBITIONS OF THE MCFA

For a more complete listing of prohibitions covered under the MCFA see Appendix O; Prohibited Contributions.

COMPLAINTS

If you believe a violation of any provision of the MCFA has occurred, the law provides for a specific process that can be followed to file a complaint. A Complaint Process Form has been created to assist you with filing a complaint.

FAQs

What is a public body? A public body is:

- A state agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government.
- The legislature or an agency, board, commission or council in the legislative branch of state government.
- A county, city, township, village, intercounty, intercity, or regional board; a council, school district, special district, or municipal corporation; or a board, department, commission, or council or an agency of a board, department, commission, or council.
- Any other body that is created by state or local authority or is primarily funded by or through state or local authority, which body exercises governmental or proprietary authority or performs a government or proprietary function.

What activities are exempt from Section 57? Section 57 is not intended to squash the constitutional right to free speech by public officials or public bodies, but rather ensure that public resources are not used to influence elections. That decision must be left to the voters. Therefore, the prohibition does not apply to any of the following:

- The expression of views by an elected or appointed public official who has policy-making responsibilities.
- The production or dissemination of factual information concerning issues relevant to the function of the public body.
- The production or dissemination of debates, interviews, commentary, or information by a broadcasting station, newspaper, magazine, or other periodical or publication in the regular course of broadcasting or publication. This exemption does not apply to the dissemination of an advertisement of a candidate.
- The use of a public facility owned or leased by or on behalf of a public body if any candidate or committee has an equal opportunity to use the public facility.
- The use of a public facility owned or leased by or on behalf of a public body if that facility is primarily used as a family dwelling and is not used to conduct a fund raising event.
- An elected or appointed public official or an employee of a public body who, when not acting for a public body but is on his or her own personal time, is expressing his or her own personal views, is expending his or her own personal funds, or is providing his or her own personal volunteer services.

Can a public official use the office telephone for campaign purposes? No. A public official should not use his public office telephone or any phone paid for with public funds to campaign or advertise it as a way of contacting the public official for campaign purposes. Any time spent answering campaign phone calls diverts attention for the ordinary business of the public body and is permanently lost. Additionally, any staff time answering and transferring campaign related phone calls also causes the loss of time to the county. Any of this activity would result in a prohibited expenditure of public resources.

Can a public official use the office email for campaign purposes? No. A public official should not use his public office email system paid for with public funds to campaign or advertise it as a way of contacting the public official for campaign purposes. Any time spent answering emails calls diverts attention for the ordinary business of the public body and is permanently lost. Additionally, any staff time reading, handling or transferring campaign related emails also causes the loss of time to the county. Any of this activity would result in a prohibited expenditure of public resources.

Can a public official use pictures taken in the public office and/or wearing their official uniform? Maybe. A public body violates the MCFA by expending its resources for prohibited campaign activity. The expenditure of public funds must have “ascertainable monetary value” in order to meet this threshold. There is no ascertainable monetary value in connection with a picture being taken in a public office. In addition, section 57 of the MCFA contains an exception that allows the use of a public facility if any candidate has the same opportunity to use that facility.

Can a public official campaign in their uniform? Maybe. A public body violates the MCFA by expending its resources for prohibited campaign activity. The expenditure of public funds must have “ascertainable monetary value” in order to meet this threshold. There is no ascertainable monetary value in connection with a public official wearing a uniform. In addition, some public officials are asked to purchase their own uniforms. In this case, no public resources are involved.

Can a public official campaign using a publicly funded vehicle such as a patrol car? No. A publicly funded vehicle such as a patrol car must not be used to campaign. The prohibition would extend to attending campaign events, transporting campaign materials or any other exclusively campaign related use.

Can a public official campaign while on publicly paid time? No. At no time can a public official campaign when being paid to work. A public official must use personal time or accrued leave time to campaign during working hours. Public officials that are on call, but not actively working and not being paid are considered to be on personal time unless and until they are called to duty.

Can a public official use official letterhead for campaign purposes? No. A public official cannot use official letterhead of the public body to campaign for himself/herself or any other candidate.

Can a public official endorse another candidate? Yes. An endorsement in and of itself has no value. However, the public official cannot use public resources to promote or advertise the endorsement of himself or any other candidate.

Can a public official use public resources if the cost is reimbursed to the public body? No. A violation of the MCFA occurs at the point that the resources are used and reimbursement to the public body does not cure the violation.

Can campaign signs be placed on public property or displayed in public buildings? No. Campaign signs should not be placed on public owned or leased property. This extends to placing brochures in a public building.

I see signs on public property, can I take them down? No. You do not have the authority to remove signs from any property that you do not own or do not have permission to remove the signs from by the owner.

Can a public facility be used for a candidate meet and greet or ballot question informational meeting? Yes. Public facilities and resources can be used for public forums and public education on candidate elections and ballot questions provided the public resources are not used to influence the outcome of the election and views of all candidates and views of both supporters and opponents of a ballot question are treated equally.

I think a violation has occurred, can I file a complaint? Yes. If you believe a violation of any provision of the MCFA has occurred, the law provides for a specific process that can be followed to file a complaint. A Complaint Process Form has been created to assist you with filing a complaint.

Do I need evidence of the violation to file a complaint? Yes, a complaint that is not substantiated with evidence will be dismissed. Evidence can be in the form of pictures, videos, receipts or vouchers or anything else that substantiates the allegations.



CAMPAIGNING WITH A PURPOSE

Public Employees/
Officials Support
of Ballot Proposals

By Christopher Trebilcock

On August 5, 2014, Oakland County saw 45 ballot proposals, primarily for millage renewals or increases. Ten proposals failed to pass. Ingham County had ten ballot proposals. Two failed to pass, including the Fowlerville School Millage by one vote out of the reported 13 cast. In Kent County, voters cast ballots on 13 different proposals. All 13 proposals passed.

In general, ballot proposals are more likely to succeed if there is an

active campaign within the community voicing strong support for the measure. These campaigns typically include the traditional “yard sign” wars, direct mailers, and other direct voter contact. Often, leading public officials in the community who are supporting the proposal are asked or seek to take all steps necessary to ensure the passage of the proposal. When this happens, any public employee or official must proceed cautiously to ensure that he or she does not violate the Michigan Campaign Finance Act.

Until 1995, there were no statutes that expressly prohibited using public funds to support or oppose ballot proposals or candidates. Without statutory guidance, questions related to the use of public funds in election proposals were often referred to the attorney general of the state of Michigan. In 1987, the attorney general issued an opinion addressing a series of questions regarding the permissible interactions between a school district and independent political ballot or candidate committees relating to election proposals.¹ The following

year, the attorney general opined that a governmental unit “can expend public funds to inform their electors in a fair and objective manner of the facts surrounding an upcoming ballot proposal.”²

LEGISLATURE ADDRESSES PUBLIC CAMPAIGNING

In 1995, the Michigan Legislature amended the Campaign Finance Act to prohibit a public body from using public funds or resources to make a contribution to an individual candidate or a ballot question campaign. In 1996, the statute was amended to clarify what is permissible under the law by adding a list of activities that can be done without violating the Campaign Finance Act.

In essence, these Campaign Finance Act amendments codified much of the content of the old attorney general opinions. Section 57 of the Campaign Finance Act prohibits public employees from using funds, personnel, office space, computers, or other public resources to make a contribution or expenditure for political purposes. This prohibition, however, explicitly exempts opinions of public employees with policy making duties, the production of factual information regarding city services and



“...public officials can generally issue communications to voters using public dollars if the communications contain factual information regarding the election, the proposal, and what impact either its passage or defeat will have on the public body.”

functions, the leasing or use of public space by candidates provided that all candidates are given equal treatment, and public employees who engage in political activities during his or her personal time. To encourage compliance, Section 57 imposes significant fines and criminal penalties to individuals and public bodies for violations.

At first blush, the language above suggests that public officials are virtually banned from most campaign activities. However, public officials seeking to advocate for a proposal can find solace in the fact that “specifically excluded from the definition of expenditure is any expenditure on a communication on a subject or issue if the communication does not support or oppose a ballot question by name or clear inference.” MCL 169.206(2)(b). The secretary of state has consistently reaffirmed that it is required to “apply the express advocacy test to communications financed by public bodies.” *Interpretive Statement to David Morley* (Oct. 31, 2005). Under this test, com-

munications are outside the reach of regulation by the secretary of state unless it urges votes to “vote yes,” “vote no,” “elect,” “defeat,” “support,” or “oppose” a ballot question. The secretary of state will look solely at the substance of the communication and not examine the broader context or implication of the communication.

DOS AND DON'TS

Public officials can generally issue communications to voters using public dollars if the communications contain factual information regarding the election, the proposal, and what impact either its passage or defeat will have on the public body. Moreover, the prohibition on using public monies to support or defeat a ballot proposal does not prevent certain high level officers and employees from expressing their opinions. For example, nothing prevents a city council member or city manager from standing up at a public meeting and telling the gathering that, in his or her opinion, the city needs to ask for a



millage increase and the voters need to support it.


Although there are opportunities to carefully use public time and money to further educate the electorate on a proposal, public employees and officials should also keep the following additional guidelines in mind:

A Non-policy making staff may not take “official” time (i.e., time away from their regular jobs) to participate in campaign committee activities, as this would constitute an inappropriate expenditure of public funds. Nothing would restrict the ability of these individuals to work in any way on the campaign on their own time.

B The public body may provide information to individuals and/or a campaign committee which is publicly available in the same manner as it would

provide information to anyone else requesting the information.

C The campaign committees may meet at public facilities only to the extent that and on the same terms as any other group could use the same facilities. If the public body incurs any expense in providing meeting space to the committee, the committee must reimburse the public for that expense.

D The public body should not place links to campaign-related websites on its website. 

Christopher Trebilcock is a principal attorney with Miller Canfield. You may contact him at 313-496-7647 or trebilcock@millercanfield.com.

1 OAG Opinion No. 6423 (February 24, 1987).

2 OAG Opinion No. 6531 (August 8, 1988).



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Bob Bruner

From: Bob Bruner
Sent: Friday, September 18, 2020 4:16 PM
To: 'Dien-Tse Tsai'
Cc: Library Decision 2020
Subject: RE: TPL millage decision

Hi,

Thanks again for contacting the City regarding the new library millage. You vote on the November 3, 2020 ballot. You do not need to send the mail piece anywhere. Please recycle it.

If you have not already, I encourage you to visit the Library millage page at https://troypl.org/services/2020_millage.php. I also recommend you use the Library Millage Estimator at <http://apps.troypl.org/LibraryMillageEstimator>.

Sincerely,

Robert J. Bruner
Assistant City Manager | City of Troy

-----Original Message-----

From: Bob Bruner
Sent: Friday, September 18, 2020 9:02 AM
To: 'Dien-Tse Tsai' <blackjacky2k@hotmail.com>
Cc: Library Decision 2020 <LibraryDecision2020@troypl.org>
Subject: RE: TPL millage decision

Hi,

We received your email and I apologize for the delay in getting back to you. We are working on answering questions today. Thank you for your interest and patience.

Sincerely,

Bob Bruner

-----Original Message-----

From: Dien-Tse Tsai [mailto:blackjacky2k@hotmail.com]
Sent: Tuesday, September 15, 2020 6:27 PM
To: Library Decision 2020 <LibraryDecision2020@troypl.org>
Subject: TPL millage decision

How do I vote No? Do I send the mail piece in anywhere?? Is it going to be on the ballot in November?? Thanks.

Tim Tsai

Sent from my  iPhone  - please excuse any typos

Bob Bruner

From: hubercommerce@yahoo.com
Sent: Saturday, September 19, 2020 4:53 PM
To: Bob Bruner
Subject: RE: Troy Public Library 2020 Millage

Thank you!!!

[Sent from Yahoo Mail on Android](#)

On Fri, Sep 18, 2020 at 4:06 PM, Bob Bruner
<Bob.Bruner@troymi.gov> wrote:

Hi,

Thanks again for contacting the City regarding the new library millage.

Q: What did the library do with the money we have been charged the last few years?

A: The funding from the millage has been used to operate and maintain TPL.

Q: What will the library do with the money if the millage passes this time?

A: The Library will open on Fridays again (TPL has been closed Fridays since 2010); take care of necessary building maintenance, such as new windows (current windows are from 1984); a new HVAC system (nearing the end of its life) and maintenance that has been deferred due to lack of funds. The Library will also be able to upgrade the facility by purchasing new furniture (current furniture is from 1971 and 1984); creating a Teen Space, a Maker Space and install study rooms, all of which have been frequently requested by library users.

Q: Why won't the city even CONSIDER funding even a small portion of the library costs?

A: The City has funded Library capital expenditures. The Capital Projects Fund, not the Library Fund, funded approximately \$1.2 million for renovations and roof replacement in fiscal year 2019-2020. The City funded these projects because the Library Fund Balance could not cover the cost.

Q: Why is there no accountability for the money the library already receives?

A: There is accountability. Voters elect the City Council, the City Council appoints the City Manager, and the City Manager is responsible for directing the administration of the City government (including the Troy

Public Library). The City Council adopts the City's budget each year (including the Troy Public Library) each year, after holding a public hearing on the proposed budget. You can learn more about the budgeting process here: https://troymi.gov/departments/city_manager/financial_services/index.php

Q: How will the library be held accountable for the money they would receive in the future?


A: See above.

I hope this helps. If you have not already, I encourage you to visit the Library millage page at https://troypl.org/services/2020_millage.php. I also highly recommend you use the Library Millage Estimator at <http://apps.troymi.gov/LibraryMillageEstimator>. Please let me know if I can be of additional assistance.

Sincerely,



Robert J. Bruner
Assistant City Manager |

City of Troy
O: (248) 524-3326


From: Bob Bruner
Sent: Friday, September 18, 2020 9:01 AM
To: 'hubercommerce@yahoo.com' <hubercommerce@yahoo.com>
Cc: Library Decision 2020 <LibraryDecision2020@troypl.org>
Subject: Troy Public Library 2020 Millage

Hi,

We received your email about the library millage and I apologize for the delay in getting back to you. We are working on answering questions today. Thank you for your interest and patience.

Sincerely,

Bob Bruner



Robert J. Bruner
Assistant City Manager |

City of Troy
O: (248) 524-3326
[f](#) [@](#) [t](#) [v](#) [in](#)

Bob Bruner

From: Bob Bruner
Sent: Tuesday, September 22, 2020 2:16 PM
To: 'Dale Williams'
Cc: Library Decision 2020
Subject: RE: RE: Millage
Attachments: 2020_LM_Michigan_Public_Statistics_Operating_Income.pdf

Thanks again for contacting the City regarding the new library millage.

Q1. 61% tax increase on library millage is stiff ($\$137 - \85) / $\$85 = 61\%$.

A1. I will not argue with your math but I will encourage you to visit the Library Millage Estimator at <http://apps.troy.mi.gov/LibraryMillageEstimator>. It explains the City's millage rates in more detail and will estimate how much more you will pay if the new library millage is approved. Also keep in mind the new millage will allow us to increase library services.

Q2. The flyer failed to point out Troy currently spends \$85 per residential property. This is taken from troypl.org website.

A2. Yes, good point. We developed the flyer before we developed the graphic on the website. We are constantly looking for new ways to provide information.

Q3. What is the total funding for all the municipalities mentioned? Looks like Bloomfield and Birmingham spend a lot, but they lack the industry base of Troy.

A3. See attached. The Bloomfield Township Public Library has 313% more operating income per capita than The Troy Public Library. The Baldwin Public Library (serving Birmingham, Bloomfield Hills, and others) has 185% more operating income per capita than the Troy Public Library. Of the municipalities on the Troy Public Library 2020 Millage webpage (https://troypl.org/services/2020_millage.php), only the White Lake Township Library (\$41) has less operating income per capita than Troy Public Library (\$44).

Q4. Are you able to identify maintenance and upgrades and their cost?

A4. I can identify some of the maintenance and upgrades, but not the costs because the City has not solicited bids yet. Maintenance includes replacing the windows and repairing the elevator. Both are original equipment dating back to 1984. In addition, the heating, ventilation, and air conditioning (HVAC) systems also need to be replaced in the next few years. Some of the most frequently requested upgrades include things like replacing the furniture (also original equipment dating back to 1971 and 1984). Other examples include providing study rooms, creating a dedicated teen area, and establishing a maker space.

Q5. How much goes to Troy Brownfield Redevelopment Authority?

A4. Approximately \$5,275. This is required by state law. State law required disbursement of the current library millage (approved in 2015) to the Brownfield Redevelopment Authority (BRA), Downtown Development Authority (DDA), and Local Development Finance Authority (LDFA). State law has changed since then so the City is able opt-out of the DDA and LDFA tax capture but not the BRA.

I hope this helps. Please let me know if I can be of additional assistance.

Sincerely,

Bob Bruner, Assistant City Manager

From: Dale Williams [mailto:dale.e.williams.jr@gmail.com]
Sent: Friday, September 18, 2020 9:23 AM
To: Bob Bruner <Bob.Bruner@troymi.gov>
Subject: Re: RE: Millage

Bob - It will be appreciated. My wife and I are on the fence with this. The past votes were easy “yes” for us.

Sent from myMail for iOS

Friday, September 18, 2020, 9:02 AM -0400 from Bob.Bruner@troymi.gov <Bob.Bruner@troymi.gov>:

Hi,

We received your email and I apologize for the delay in getting back to you. We are working on answering questions today. Thank you for your interest and patience.

Sincerely,

Bob Bruner

From: Dale Williams [mailto:dale.e.williams.jr@gmail.com]
Sent: Tuesday, September 15, 2020 8:48 PM
To: Library Decision 2020 <LibraryDecision2020@troypl.org>
Subject: Millage

Received the flyer today and also reviewed the website. A few things:

1. 61% tax increase on library millage is stiff $(\$137 - \$85) / \$85 = 61\%$.

2. The flyer failed to point out Troy currently spends \$85 per residential property. This is taken from troypl.org website.

3. What is the total funding for all the municipalities mentioned? Looks like Bloomfield and Birmingham spend a lot, but they lack the industry base of Troy.

4. Are you able to identify maintenance and upgrades and their cost?

5. How much goes to Troy Brownfield Redevelopment Authority?

Some full disclosure please.

Sent from myMail for iOS

2018-2019 Operating Income

Location	Total Operating Income	Total Population Served	Total Operating Income Per Capita
Bloomfield Township Public Library	\$7,493,797	41,070	\$182
Baldwin Public Library	\$4,453,438	35,350	\$126
Southfield Public Library	\$7,671,843	75,814	\$101
West Bloomfield Township Public Library	\$5,740,768	71,755	\$80
Farmington Community Library	\$6,501,669	90,112	\$72
Orion Township Public Library	\$2,429,307	35,394	\$69
Clarkston Independence District Library	\$2,030,230	35,563	\$57
Troy Public Library	\$3,574,174	80,980	\$44
White Lake Township Library	\$1,244,010	30,019	\$41

Source: 2019-2020 Michigan Public Library Statistics provided by the Library of Michigan

https://www.michigan.gov/libraryofmichigan/0,9327,7-381-88855_89735_61707---,00.html

Bob Bruner

From: Bob Bruner
Sent: Tuesday, September 22, 2020 4:36 PM
To: 'Gene Ryder'; Library Decision 2020
Subject: RE: USE OF LIBRARY FUNDS
Attachments: 2020-2021 Library Budget.pdf

Thanks again for contacting the City regarding the new library millage.

Q: True or false? When a trucker is ticketed for being overweight, the fine money goes to the Troy Public Library.
A: True. Since 1835, Michigan's Constitution has contained a provision stating that income from penal fines shall be used for the support of public libraries. State statutes require that penalties collected for violations of the state penal laws be paid to the county treasurers. Therefore, penal fines are local funds, collected within each county, distributed to public libraries serving residents of the county. However, penal fines account for less than 5% of Library revenue under normal circumstances and have decreased 19% due to the COVID-19 pandemic.

Q: What was the budget given to the Troy Public Library for 2020?
A: Budgeted revenues are \$3,734,800 and expenditures are \$4,127,518. The \$392,718 shortfall will reduce the Library Fund balance to \$27,209. The 2020-2021 library budget is attached for more information.

I hope this helps. If you have not already, I encourage you to visit the Library millage page at https://troypl.org/services/2020_millage.php. I also highly recommend you use the Library Millage Estimator at <http://apps.troypl.org/LibraryMillageEstimator>. Please let me know if I can be of additional assistance.

Sincerely,

Bob Bruner, Assistant City Manager

-----Original Message-----

From: Bob Bruner
Sent: Friday, September 18, 2020 10:17 AM
To: 'Gene Ryder' <jugeryder@gmail.com>; Library Decision 2020 <LibraryDecision2020@troypl.org>
Subject: RE: USE OF LIBRARY FUNDS

Hi,

We received your email and I apologize for the delay in getting back to you. We are working on answering questions today. Thank you for your interest and patience.

Sincerely,

Bob Bruner

-----Original Message-----

From: Gene Ryder [mailto:jugeryder@gmail.com]
Sent: Wednesday, September 16, 2020 6:44 PM
To: Library Decision 2020 <LibraryDecision2020@troypl.org>
Subject: USE OF LIBRARY FUNDS

It is my understanding that when a trucker is ticketed the fine money, for being over weight, goes to the Troy library. Would this be true or false? The Troy Times had an article showing a trucker receiving a ticket some time ago. It was indicated that the fine money would be given to the Troy library. Further, what was the budget given to the Troy library for 2020?



Library

Library

Library Director.....Cathy Russ

MISSION STATEMENT

The mission of the Troy Public Library is to be the community's collection of knowledge and entertainment, a personal resource for lifeline learning, and a vibrant space for all.

DEPARTMENT FUNCTIONS

• *Technical Services*

- √ Orders and invoices new materials
- √ Catalogs materials
- √ Processes materials
- √ Maintains and updates inventory
- √ Runs acquisition and fund reports
- √ Monitors collection budget spending
- √ Acquires supplies and equipment and maintains AV equipment
- √ Cleans and repairs print and AV material
- √ Discards and recycles library materials
- √ Receives and routes deliveries

• *Circulation Services*

- √ Collects and reports statistics
- √ Administers the automation system
- √ Circulates materials
- √ Collects fines from patrons
- √ Registers borrowers
- √ Staffs telephone reception desk
- √ Coordinates statewide delivery service
- √ Acts as concierge for library services

• *Administrative and Support Services*

- √ Prepares and administers the department budgets
- √ Recommends and implements policies
- √ Coordinates and evaluates activities of staff
- √ Develops programs and priorities
- √ Coordinates and administers grants
- √ Serves as liaison to Friends of the Library
- √ Represents, promotes and markets the library to the community
- √ Implements new collections, programs and services
- √ Compiles, maintains, and analyzes statistics
- √ Serves as liaison to the Suburban Cooperative
- √ Serves as a liaison to City departments
- √ Coordinates staff development
- √ Provides bookkeeping service for library accounts
- √ Collects and reports statistics



Library

• **Youth Services**

- ✓ Maintains a current collection of print and AV material for children
- ✓ Advises patrons in choosing materials
- ✓ Assists students in locating materials
- ✓ Teaches basic research methods
- ✓ Oversees the youth computer area and Tech Farm, offering search strategy instructions
- ✓ Plans and presents a variety of programs for children and families
- ✓ Develops cooperative programs with schools and community groups, providing visits to schools for storytelling and tours of the library
- ✓ Creates bibliographies and displays
- ✓ Implements a summer reading program
- ✓ Compiles list of recommended titles to feature on library's website
- ✓ Manages the special needs collection
- ✓ Shelves all materials
- ✓ Collects and reports statistics
- ✓ Extends volunteer opportunities for students
- ✓ Educates patrons on use of databases and research methods

• **Teen Services**

- ✓ Performs reference and information retrieval
- ✓ Educates patrons on use of databases and research methods
- ✓ Coordinates teen multicultural services
- ✓ Advises patrons in selection of print and AV materials
- ✓ Manages teen social media
- ✓ Serves as liaison with high schools, vocational schools, colleges and the Teen Advisory Board
- ✓ Plans and conducts teen programming
- ✓ Creates displays and shelves materials
- ✓ Performs collection management
- ✓ Compiles lists of recommended titles to feature on library's website

• **Adult Services**

- ✓ Performs reference and information searches for patrons in person, electronically, and by telephone
- ✓ Maintains a current collection of print and audiovisual materials for adults
- ✓ Teaches patrons how to access downloadable digital resources (eBooks, magazines, music)
- ✓ Plans, coordinates and promotes adult programs
- ✓ Advises patrons in choosing materials
- ✓ Coordinates book discussion groups
- ✓ Performs collection management
- ✓ Shelves materials
- ✓ Creates displays
- ✓ Maintains periodicals
- ✓ Coordinates inter-library loans
- ✓ Coordinates adult multi-cultural services and the international collection
- ✓ Provides outreach services to homebound patrons
- ✓ Educates patrons on use of databases, software, and research methods
- ✓ Compiles list of recommended titles to feature on library's webpage
- ✓ Manages public Internet access and database use
- ✓ Maintains public events calendar
- ✓ Assists public in reserving meeting rooms
- ✓ Promotes electronic resources
- ✓ Troubleshoots library and patron computer hardware and software issues
- ✓ Assists visually-impaired patrons
- ✓ Coordinates Adult Services volunteers



Library

PERFORMANCE INDICATORS

Performance Indicator	2017/18 Actual	2018/19 Actual	2019/20 Projected	2020/21 Budget
Annual Library Visits	406,455	377,100	425,137	430,000
Items Circulated	1,190,812	1,264,109	1,300,000	1,325,000
Program Attendance	28,560	28,490	42,168	43,000
New Library Cards Added	9,344	15,691	22,023	20,000
Total Number Library Cards	58,598	52,282	58,000	60,000
Electronic Resources Usage	100,810	107,920	110,000	115,000
Annual Visits/Capita	5.02	4.66	5.25	5.35
Annual Circulation/Capita	15	16	16	16
Hits on Library Website	464,853	541,703	550,000	575,000
Social Media Followers	4,889	5,241	6,000	6,250
Number of Library Volunteers	175	175	175	175

Notes on Performance Indicators

- EBook circulation, AV streaming, and use of electronic resources from home and mobile devices is increasing; in person visits slightly decreased last year due to the popularity of eResources and the popularity of the drive up materials return. However, foot traffic has increased this year. Program attendance is fairly stable, with over 5,000 people attending Winter Wonderland.
- Number of new library cards increased this year, perhaps in part to the "use your library card and save" program offered every September, as well as the ConnectEd initiative with the Troy Schools, which allows students to use their Student Id number to access and use TPL's electronic resources.



Library

SUMMARY OF BUDGET CHANGES

• Significant Notes - 2020/21 Budget Compared to 2019/20 Budget

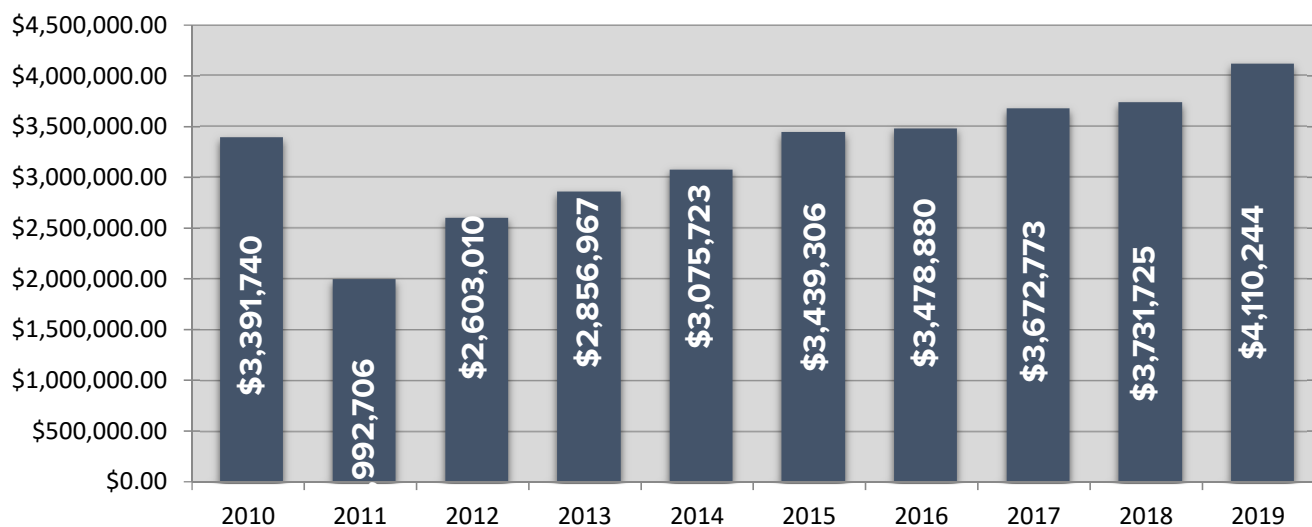
- FY20-21 is the last year of the Library's 5-year millage. The current millage expires June 30, 2021.

Personal Service

Personal Service increases are largely due to the ongoing yearly increase in the minimum wage, as well as longevity of many full time staff members and full marketing position.

Personnel Summary	2018 Budget		2019 Budget		2020 Budget		2021 Budget	
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time
Library	10.5	30.9	10.5	31.1	12.5	27.3	13	27.1
Total Department	10.5	30.9	10.5	31.1	12.5	27.3	13	27.1

• Operating Budget History




SPECIAL REVENUE
Recreation And Culture

Library Fund

	2018 Actual Amount	2019 Actual Amount	2020 Estimated Amount	2020 Amended Budget	2021 Proposed	% Change	2022 Proposed	2023 Proposed
Fund: 271 LIBRARY FUND								
<u>REVENUE</u>								
Taxes	\$ 3,179,008	\$ 3,280,407	\$ 3,403,431	\$ 3,407,000	\$ 3,452,000	1.32%	\$ 3,900,000	\$ 4,000,000
Grants	86,052	64,908	32,767	30,000	33,000	10.00%	33,000	33,000
Contributions From Local Units	170,772	175,217	173,967	176,000	169,000	-3.98%	169,000	169,000
Charges For Services	22,983	20,369	18,000	18,150	17,800	-1.93%	17,800	17,800
Fines And Forfeitures	83,987	49,427	52,000	45,000	50,000	11.11%	50,000	50,000
Interest & Rent	5,798	60,524	9,500	6,000	8,000	33.33%	5,000	5,000
Other Revenue	1,777	6,466	23,040	5,000	5,000	0.00%	5,000	5,000
Department Total: Revenue	3,550,376	3,657,318	3,712,705	3,687,150	3,734,800	1.29%	4,179,800	4,279,800
<u>EXPENDITURE</u>								
Department: 790 Library								
Personal Services	1,977,777	2,091,085	2,193,240	2,310,950	2,428,260	5.08%	2,484,150	2,541,700
Supplies	127,209	114,920	136,600	142,600	111,500	-21.81%	118,000	118,000
Other Service Charges	852,827	986,411	993,481	965,720	992,758	2.80%	999,995	1,010,625
OTHER FINANCING USES								
Other Financing Uses	773,912	917,827	595,000	595,000	595,000	0.00%	595,000	595,000
Department Total: Library	3,731,725	4,110,244	3,918,321	4,014,270	4,127,518	2.82%	4,197,145	4,265,325
Surplus (Use) of Fund Balance	(181,349)	(452,926)	(205,616)	(327,120)	(392,718)	20.05%	(17,345)	14,475
Beginning Fund Balance	1,259,817	1,078,468	625,543	625,543	419,927	-32.87%	27,209	9,864
Ending Fund Balance	\$ 1,078,468	\$ 625,543	\$ 419,927	\$ 298,423	\$ 27,209	-90.88%	\$ 9,864	\$ 24,339

Bob Bruner

From: Bob Bruner
Sent: Tuesday, September 22, 2020 9:58 AM
To: 'Kathleen Brett's'
Cc: Library Decision 2020
Subject: RE: Library mileage

Yes, we will try to make that clear without making it sound like a threat. People don't respond well to threats. We're trying to focus on the positive rather than the negative but this question is asked frequently so we will address it.

Thanks again,

Bob Bruner

From: Kathleen Brett's [mailto:kjbrett35@gmail.com]
Sent: Monday, September 21, 2020 6:48 PM
To: Bob Bruner <Bob.Bruner@troymi.gov>
Subject: Re: Library mileage

Will you be making that known at the Town Hall meetings coming up the 24th & 31 st? Some people may not realize that.

Kathleen Brett

On Sep 21, 2020, at 3:46 PM, Bob Bruner <Bob.Bruner@troymi.gov> wrote:

The Library will likely close if the new library millage is not approved. The current 0.6805 mills dedicated library millage generates approximately \$3.5 million and it is unlikely the City could reduce General Fund spending to replace it. That is why the first dedicated millage was approved in 2011.

Thanks,

Bob Bruner

From: Kathleen Brett's [mailto:kjbrett35@gmail.com]
Sent: Friday, September 18, 2020 6:04 PM
To: Bob Bruner <Bob.Bruner@troymi.gov>
Subject: Re: Library mileage

We would like to know, what happens if this millage does not pass? Don't you think you should let voters know that? By June 30th, there will be no millage, since the .7 will be gone, as I understand. Thank you.

Kathleen Brett

On Sep 18, 2020, at 4:11 PM, Bob Bruner <Bob.Bruner@troymi.gov> wrote:

Hi,

Thanks again for contacting the City regarding the new library millage. I encourage you to visit the Library Millage Estimator at <http://apps.troymi.gov/LibraryMillageEstimator>. It explains the City's millage rates in more detail and will estimate how much more you will pay if the new library millage is approved (about \$4).

If approved, the new library millage (1.1 mills) will replace the old library millage (0.6805 mills) that ends next year. In addition to the current library millage, the City's debt millage (0.3800 mills) also ends next year so the City's total millage rate will be reduced by 1.0605 mills (0.6805 + 0.3800). Replacing 1.0605 mills with the new library millage (1.1 mills) will increase the City's total millage rate by 0.4%.

I hope this helps. Please let me know if I can be of additional assistance.

Sincerely,

<image002.png>

Robert J. Bruner
Assistant City Manager I
City of Troy
O: (248) 524-3326

<image004.png>

<image006.png> <image008.png> <image010.png> <image012.png>

From: Bob Bruner

Sent: Friday, September 18, 2020 8:43 AM

To: 'kjbrettp35@gmail.com' <kjbrettp35@gmail.com>

Cc: City Council Email <CityCouncilEmail@troymi.gov>; Library Decision 2020

<LibraryDecision2020@troyp1.org>

Subject: Library mileage

Ms. Brett,

We received your email about the library millage and I apologize for the delay in getting back to you. We are working on answering questions today and yours is on the top of the list. Thank you for your interest and patience.

Sincerely,

Bob Bruner

<image019.png>

Robert J. Bruner
Assistant City Manager I
City of Troy
O: (248) 524-3326

<image020.png><image021.png> <image022.png> <image023.png> <image024.png>

Bob Bruner

From: Bob Bruner
Sent: Tuesday, September 22, 2020 9:13 AM
To: 'Michael Schafran'
Cc: Library Decision 2020
Subject: RE: Current mill moneys

Thanks again for contacting the City regarding the new library millage.

Q: What is the current millage that ends on June 30th 2021?

A: Voters approved a five-year, 0.7 mills dedicated library millage on November 3, 2015. However, the current library millage was reduced by Headlee rollbacks as follows: 0.6974 in 2015; 0.6989 in 2016; 0.6934 in 2017; 0.6884 in 2018; 0.6841 in 2019; and 0.6805 in 2020.

Q: Why did you close the library on Fridays when you already have a Millage?

A: Service was reduced from seven to six days a week in July 2010, BEFORE voters approved the first dedicated library millage on August 2, 2011. The 0.7 mills dedicated library millage was never intended to provide funding for seven-day service.

Q: Operating costs in 2020 must be lower than expected what are you doing with those savings?

A: While TPL has had some reduction in staff costs, utilities and office supply costs, it has seen a significant increase in cleaning/custodial costs due to COVID-19. TPL has also needed to purchase shields and other materials needed to keep staff and patrons safe, in addition to the ongoing purchase of personal protection equipment. So, while TPL has saved some money in some areas, it has had unforeseen expenses in others.

Q: What is the city budget for the Troy library without a millage?

A: There is no budget for the Troy Public Library without a dedicated library millage. The current 0.6805 mills dedicated library millage generates approximately \$3.5 million and it is unlikely the City could reduce General Fund spending to replace it. That is why the first dedicated millage was approved in 2011.

I hope this helps. If you have not already, I encourage you to visit the Library millage page at https://troypl.org/services/2020_millage.php. I also highly recommend you use the Library Millage Estimator at <http://apps.troymi.gov/LibraryMillageEstimator>. Please let me know if I can be of additional assistance.

Sincerely,

Bob Bruner, Assistant City Manager

-----Original Message-----

From: Bob Bruner
Sent: Monday, September 21, 2020 3:37 PM
To: 'Michael Schafran' <smschafran@aol.com>; Library Decision 2020 <LibraryDecision2020@troypl.org>
Subject: RE: Current mill moneys

Hi,

Thank you for your email. We received your questions and are working on answers. Thank you for your interest!

Sincerely,

Bob Bruner

-----Original Message-----

From: Michael Schafran [mailto:smschafran@aol.com]

Sent: Friday, September 18, 2020 6:41 AM

To: Library Decision 2020 <LibraryDecision2020@troypl.org>

Subject: Current mill moneies

#1. what is the current millage that ends on June 30th 2021?

#2. Why did you close the library on Fridays when you already have a Millage?

#3. Operating costs in 2020 must be lower than expected what are you doing with those savings?

#4. What is the city budget for the troy library without a millage?

I look forward to hearing these answers.

thank you

Sharon Schafran

Sent from my iPhone

Bob Bruner

From: Cissi Lin <cissi009@gmail.com>
Sent: Wednesday, September 23, 2020 9:18 AM
To: Cathleen A Russ
Cc: Library Decision 2020
Subject: Re: Library - concerns

Cathleen,

Thank you for taking the time to respond. I am sure there are so much challenges we all have to manage during this special time. We appreciate the curbside pick up service that Troy library offers, knowing it is not easy either. But the option to be able to walk into the library and surfing the books and checking them out offers so much more. I could understand the challenges all libraries facing, but if we could continue claiming Troy is a great city, these challenges should have been resolved timely. It has been almost 3 months since other library opening, it is hard to believe that these challenges got enough attentions. I am sure there are plenty of solutions available, such as opening for walking on limited days, hiring additional staff as library is doing, but we haven't seen much progress in past 3 months.

Thank you for responding.

Sincerely,
Cissi Lin

On Tue, Sep 22, 2020 at 1:37 PM Cathleen A Russ <C.Russ@troymi.gov> wrote:

Dear Ms. Lin,

Thank you very much for your email. I understand why you are disappointed that TPL is not open when some other libraries in the area are open to the public.

The Library is providing services via curbside pickup, with browsing assistance provided via phone from librarians, or via chat or email if you prefer. TPL's digital library is also open 24/7.

The Library building is not currently open because the Library is experiencing an unprecedented staff shortage (over 50% in circulation and 15% overall) and does not have the staffing levels adequate to provide curbside service and be open to the public. Curbside service takes priority as it is the only way we are able to provide service to everyone: it is the only option available to those who cannot or do not wish to wear a mask, or who are uncomfortable coming into the building.

We are working on filling the open positions, and as soon as we can safely open the building and provide curbside service, we will do so.

Many thanks for taking the time to write to me with your concern. I sincerely appreciate it.

Best wishes,

Cathy Russ



Cathleen Russ | Library Director

510 W Big Beaver
Troy, Michigan 48084
248.524.3544



From: Cissi Lin <cissi009@gmail.com>

Sent: Saturday, September 19, 2020 9:06 AM

To: Library Decision 2020 <LibraryDecision2020@troypl.org>

Subject: Library - concerns

Dear Troy Library,

It is very disappointing that Troy library still not open to citizens. While other libraries around us - Rochester, Birmingham opening for walkig in and pickup books since 07/06, 2 + month passed by, Troy library still not open.

Very disappointed.

Cissi Lin

Bob Bruner

From: Bob Bruner
Sent: Wednesday, September 23, 2020 9:42 AM
To: 'David Schafer'
Cc: Kurt Bovensiep; Paul D Trospen; Library Decision 2020
Subject: RE: Allocations of Funds

Mr. Schafer,

You are welcome. I'm happy I could help.

I'm also glad to hear about your positive experience with the Water & Sewer Division. I've copied Water & Sewer Operations Manager Paul Trospen (P.Trospen@troymi.gov) and Public Works Director Kurt Bovensiep (K.Bovensiep@troymi.gov) here to share your compliment with them.

Thanks again,

Bob Bruner

From: David Schafer <dschafer8@gmail.com>
Sent: Tuesday, September 22, 2020 6:45 PM
To: Bob Bruner <Bob.Bruner@troymi.gov>
Subject: Re: Allocations of Funds

Thank you, Mr. Bruner, for the prompt and very satisfactory reply to my questions!

This is the second gratifying contact I've had this year with an area of city government. The first was with the Water Department. Together they reinforce my feeling that Troy is THE BEST city to live in!

Be assured I will 'talk up' the Library Funding proposal among my neighbors and friends. To me, supporting the local library is a 'no brainer', making our neighborhoods and communities superior places to raise families.

Again - thanks for your individual and team efforts to keep Troy such a great place to live.

Dave Schafer

On Tue, Sep 22, 2020 at 4:43 PM Bob Bruner <Bob.Bruner@troymi.gov> wrote:

Thanks again for contacting the City regarding the new library millage.

I'm glad you liked the mailer. Although the new library millage is greater than the old millage, the City's debt millage (0.3800 mills) also ends next year so the City's total millage rate will be reduced by 1.0605 mills. I encourage you to visit the Library Millage Estimator at <http://apps.troymi.gov/LibraryMillageEstimator>. It explains the City's millage rates in more detail and will estimate how much more you will pay if the new library millage is approved (about \$4).

Question: Even though they may be preliminary, I would like to know the breakdown of the monies -- % for full service hours; % for maintenance, % for upgrades; % going Troy Brownfield Redevelopment Authority.

Answer: The last part of your question is the easiest to answer so I'll start there. Approximately \$5,275 (less than 1%) will go to the Brownfield Redevelopment Authority. This is required by state law. State law required disbursement of the current library millage (approved in 2015) to the Brownfield Redevelopment Authority (BRA), Downtown Development Authority (DDA), and Local Development Finance Authority (LDFA). State law has changed since then so the City is able to opt-out of the DDA and LDFA tax capture but not the BRA. Regarding the first part of your question, I prepared the attached.

Question: What, in broad strokes, what will the upgrades provide?

Answer: Some of the most frequently requested upgrades include things like replacing the furniture (original equipment dating back to 1971 and 1984). Other examples include providing study rooms, creating a dedicated teen area, and establishing a maker space, which are the upgrades most frequently requested by library patrons.

I hope this helps. If you have not already, I encourage you to visit the Library millage page at https://troypl.org/services/2020_millage.php. Please let me know if I can be of additional assistance.

Sincerely,

Bob Bruner, Assistant City Manager

From: Bob Bruner
Sent: Friday, September 18, 2020 10:16 AM
To: 'David Schafer' <dschafer8@gmail.com>; Library Decision 2020 <LibraryDecision2020@troypl.org>
Subject: RE: Allocations of Funds

Hi,

We received your email and I apologize for the delay in getting back to you. We are working on answering questions today. Thank you for your interest and patience.

Sincerely,

Bob Bruner

From: David Schafer [<mailto:dschafer8@gmail.com>]
Sent: Wednesday, September 16, 2020 4:23 PM
To: Library Decision 2020 <LibraryDecision2020@troypl.org>
Subject: Allocations of Funds

Your promotional flier came today. Well done. Thought the positioning against streaming service costs, and other city's rates, were valid. Wish you had noted that the rate up for approval is 57% higher than the current rate.

Question: Even though they may be preliminary, I would like to know the breakdown of the monies - - % for full service hours; % for maintenance, % for upgrades; % going Troy Brownfield Redevelopment Authority.

Question: What, in broad strokes, what will the upgrades provide? This could be a future 'selling point'.

Although retired and on a fixed income, I've always supported our library.

Dave Schafer

5593 Mandale Dr

Bob Bruner

From: Bob Bruner
Sent: Friday, September 25, 2020 11:05 AM
To: Gopal Doraiswamy
Cc: Library Decision 2020; Andrew C Heuser
Subject: RE: Library millage town hall - 23 Sep 2020

Thanks again for contacting the City regarding the new library millage.

Q1. With considerable economic distress due to the pandemic, why is the library unable to adjust budget and spending to operate without a new millage/tax?

A2. The current library millage does not cover the full cost of operating or maintaining the Library. Fiscal year 2020-2021 budgeted revenues are \$3.7 million and expenditures are \$4.1 million. The \$400,000 shortfall will reduce the Library Fund balance to less than \$28,000. The Capital Projects Fund, not the Library Fund, funded approximately \$1.2 million for renovations and roof replacement in fiscal year 2019-2020. Another \$228,000 of maintenance was deferred in fiscal year 2020-2021 due to lack of funds.

The library millage needed to increase just to maintain 6-day service and perform building maintenance. The City conducted a survey and hosted focus groups to collect public input on the costs and benefits of a new library millage of 0.9, 1.0, or 1.1 mills. The City Council approved ballot language including 1.1 mills based on that public input. Please visit the Library's Millage Information Page at https://troypl.org/services/2020_millage.php if you would like to view survey results, focus group feedback, and watch City Council discussions.

Q2. Why are we hiring someone to market the library to the community?

A2. TPL has had a Marketing Coordinator since 2014, a recommendation from the 2012-2015 TPL Strategic Plan. That plan was informed by feedback from the Troy community, who collectively indicated that TPL was not effectively getting the word out about all the great programs, collections and services for people of all ages. The Marketing Coordinator split responsibilities between TPL and the Troy Community Center. The community responded positively and both TPL and the Community Center have seen increases in usage. As a result of this increase in usage, the Marketing Coordinator's duties and responsibilities correspondingly increased to a level unsustainable by one person. TPL and the Community Center now each have a full-time Marketing Coordinator.

Q3. What changes in spending were implemented since Mar 2020 when Covid-19 related shutdown and changes were ordered by the State and federal government?

A3. Some library costs decreased: office supplies; some utilities, i.e. reduction in water and electricity; and a decrease in personnel costs, not due to COVID-19 shutdown so much as an unprecedented staff shortage, as many staff members resigned over concerns about working with the public. Some library costs increased: TPL must purchase PPE on a regular basis, and also had to purchase materials such as plexiglass (such as the kind you see at the grocery store) for public service desks. TPL has also seen a complete loss of revenue for overdue fines; penal fine revenue decreased by 19%; and miscellaneous revenue (sales of earbuds, faxing materials, etc.) is also at -0- for the fiscal year. Please keep in mind that staff worked (from home) during the quarantine by keeping digital services running, purchasing eBooks and other digital services, and planning and conducting virtual programs for adults, teens and children. TPL staff continues to work at all the above, as well as providing curbside pickup of items.

Q4. What is the total amount saved since Mar 2020 to the time when the library reopened?

A4. The Library closed on Thursday, March 12 and staff began working remotely on Tuesday, March 17. Some staff began working in-person on Monday, June 8 and curbside service began on Monday, June 15. There was no appreciable savings during this time. On the contrary, some costs increased because the City and the Library implemented safety measures to protect Library patrons and staff.

I hope this helps. If you have not already, I encourage you to visit the Library millage page at https://troypil.org/services/2020_millage.php. I also highly recommend you use the Library Millage Estimator at <http://apps.troy.mi.gov/LibraryMillageEstimator>. Please let me know if I can be of additional assistance.

Sincerely,

Bob Bruner, Assistant City Manager

From: Bob Bruner
Sent: Thursday, September 24, 2020 2:46 PM
To: Gopal Doraiswamy <gopal.doraiswamy@gmail.com>
Cc: Library Decision 2020 <LibraryDecision2020@troypil.org>; Andrew C Heuser <Andrew.Heuser@troy.mi.gov>
Subject: RE: Library millage town hall - 23 Sep 2020

Hi,

Thank you for your email. We received your questions and are working on answers. Thank you for your interest!

Sincerely,

Bob Bruner, Assistant City Manager

From: Andrew C Heuser
Sent: Thursday, September 24, 2020 1:16 PM
To: Gopal Doraiswamy <gopal.doraiswamy@gmail.com>
Cc: Library Decision 2020 <LibraryDecision2020@troypil.org>
Subject: Re: Library millage town hall - 23 Sep 2020

Thank you for your questions on the upcoming library millage. I've forwarded them on to our Library Director and the Assistant City Manager, who will respond to these.

Thank you!

Drew Heuser | Technology Librarian
510 W Big Beaver Rd
Troy, MI 48084
248.524.3542

From: Gopal Doraiswamy <gopal.doraiswamy@gmail.com>
Sent: Wednesday, September 23, 2020 6:59 PM
To: Andrew C Heuser
Subject: Re: Library millage town hall - 23 Sep 2020

Please forward the questions and have them answered via email. Thank you.
Gopal Doraiswamy

On Wed, Sep 23, 2020, 6:58 PM Andrew C Heuser <Andrew.Heuser@troymi.gov> wrote:

Good evening,

Thank you for these questions! I see that you're registered to attend the Town Hall tonight. If you do attend, there will be a Q&A box in the Zoom call where questions can be asked. If you are unable to attend tonight, please let me know, and I can forward these questions to the Library Director and Assistant City Manager, who can respond to them via email.

Thank you!

Drew Heuser | Technology Librarian

510 W Big Beaver Rd
Troy, MI 48084
248.524.3542

From: Gopal Doraiswamy <gopal.doraiswamy@gmail.com>

Sent: Wednesday, September 23, 2020 6:52 PM

To: Andrew C Heuser

Subject: RE: Library millage town hall - 23 Sep 2020

Hi Andrew

Good evening. I have 4 questions:

1. With considerable economic distress due to the pandemic, why is the library unable to adjust budget and spending to operate without a new millage/tax?
2. Why are we hiring someone to market the library to the community?
3. What changes in spending were implemented since Mar 2020 when Covid-19 related shutdown and changes were ordered by the State and federal government?
4. What is the total amount saved since Mar 2020 to the time when the library reopened?

Thank you.

Gopal Doraiswamy

Bob Bruner

From: Bob Bruner
Sent: Friday, September 25, 2020 11:17 AM
To: 'J Quinn'
Cc: Library Decision 2020; Cathleen A Russ
Subject: RE: What happens IF TPL Millage is not passed?

Thank you for that feedback. We will clearly communicate what will happen if voters do not approve the new library millage. We have received several questions about this and other topics so we plan to update the website next week and incorporate this into future communications.

The language about the Troy Brownfield Redevelopment Authority is confusing but it is required by state law. This is another area where I can provide more information. Approximately \$5,275 (less than 1%) will go to the Brownfield Redevelopment Authority in 2021. This is required by state law. State law required disbursement of the current library millage (approved in 2015) to the Brownfield Redevelopment Authority (BRA), Downtown Development Authority (DDA), and Local Development Finance Authority (LDFA). State law has changed since then so the City is able opt-out of the DDA and LDFA tax capture but not the BRA.

Thanks again and please let me know if I can be of additional assistance.

Sincerely,

Bob Bruner, Assistant City Manager

From: J Quinn <quinnjf@comcast.net>
Sent: Friday, September 25, 2020 11:02 AM
To: Bob Bruner <Bob.Bruner@troymi.gov>
Cc: Library Decision 2020 <LibraryDecision2020@troyp1.org>; Cathleen A Russ <C.Russ@troymi.gov>
Subject: RE: What happens IF TPL Millage is not passed?

Mr. Bruner, thank you very much for your response. That is what I inferred and feared.

In my opinion it would be beneficial to clearly state in your future TPL communications that if the new millage is not approved there is a strong likelihood that the library will be forced to close. The library is important to the citizens of Troy. That is demonstrated by the fact that many have voiced interest for some time now in the Library reopening for service every day. I imagine they would be VERY supportive of it not closing!

Again, in my opinion that is much more important than The "keeping up with the Jones" listing showing how our spending would rank compared to neighbors if the millage is passed, or how the cost compares to the cost of streaming services.

One other thing that I (and I expect other voters) am confused about is the meaning of and ramifications of the statement "State law also requires disbursement to the Troy Brownfield Redevelopment Authority" in the millage ballot question. It is not clear how that Authority is related to the Library and whether or not this means the funds will be shared between the Library and this entity.

Thank you for your time and consideration.

James Quinn

From: Bob Bruner <Bob.Bruner@troymi.gov>
Sent: Thursday, September 24, 2020 2:38 PM
To: 'quinnjf@comcast.net' <quinnjf@comcast.net>
Cc: Library Decision 2020 <LibraryDecision2020@troypl.org>
Subject: RE: What happens IF TPL Millage is not passed?

Thank you for contacting the City regarding the new library millage.

Yes, the Library will likely close if the new library millage is not approved. The current 0.6805 mills dedicated library millage generates approximately \$3.5 million annually and it is unlikely the City could reduce General Fund spending to replace it. That is why the first dedicated millage was approved in 2011.

Please let me know if I can be of additional assistance.

Sincerely,

Bob Bruner, Assistant City Manager

From: Cathleen A Russ
Sent: Wednesday, September 23, 2020 8:43 PM
To: Library Decision 2020 <LibraryDecision2020@troypl.org>
Subject: FW: What happens IF TPL Millage is not passed?

From: J Quinn <quinnjf@comcast.net>
Sent: Wednesday, September 23, 2020 4:28 PM
To: info@troypl.org
Subject: What happens IF TPL Millage is not passed?

All of the information you have distributed through email and the USPS clearly states what should happen if the millage is passed on Nov. 3. However, I find no mention of what happens if it doesn't. As I understand it the old millage assessment will not be continued. Does that mean the library will have to shut down?

Please clarify.

Thank you
James Quinn

Bob Bruner

From: Bob Bruner
Sent: Friday, September 25, 2020 8:14 AM
To: 'Glenjulie'
Cc: Cathleen A Russ
Subject: RE: questions about the millage

You're welcome! I'm glad it was helpful. I must also credit Library Director Cathy Russ for her input. We worked together to answer your questions.

Thanks again,

Bob Bruner

-----Original Message-----

From: Glenjulie <glenjulie@wowway.com>
Sent: Thursday, September 24, 2020 10:34 PM
To: Bob Bruner <Bob.Bruner@troymi.gov>
Subject: RE: questions about the millage

Dear Mr. Bruner,

Thank you very much for the time you took to thoroughly answer each of our questions and for the links you suggested for further information. We were unaware that the millage would need to be increased anyway to maintain the 6-day service and perform building maintenance. Thank you for explaining the financial reasons behind this millage proposal. Your reasoning was helpful to understand why voting for the millage increase is essential.
Thank you!

-----Original Message-----

From: Bob Bruner
Sent: Thursday, September 24, 2020 6:38 PM
To: Glenjulie <glenjulie@wowway.com>
Cc: Library Decision 2020 <LibraryDecision2020@troypil.org>; Andrew C Heuser <Andrew.Heuser@troymi.gov>
Subject: RE: questions about the millage

Thanks again for contacting the City regarding the new library millage.

Q1. Why in the advertising we received by mail (and see on the website) is it being stressed how much we will be paying (rank #6 from #17) instead of promoting the services you will offer? Why would we want to be higher ranked in how much we pay for library services as opposed to how many more benefits will be added?

A1. The information on the mailer and the website is intended to explain both the cost and the benefits of the new library millage. The benefits include restoring 7-day service, performing building maintenance, and implemented needed upgrades. Service was reduced from seven days a week (65 hours) to six days a week (55 hours) on July 1, 2010. More information about building maintenance and upgrades is included below (see A6).

Q2. When will the building be open again for patrons to do "grab and

go?" Among the Suburban Library Cooperative, 20 libraries are giving that service to its patrons. Only the Mt. Clemens library and Troy don't have that service, according to this website. Clinton Macomb Library also has that service. If the millage passes, will this be a service Troy residents will have?

A2: The Library is providing services via curbside pickup, with browsing assistance provided via phone from librarians, or via chat or email if you prefer. TPL's digital library is also open 24/7. The Library building is not currently open because the Library is experiencing an unprecedented staff shortage (over 50% in the circulation department, which handles checkouts, returns, library cards and curbside pickup; there are 6 part time staff members doing the work normally done by 14 part time staff members) and therefore does not have the staffing levels adequate to provide curbside service and be open to the public. Curbside service takes priority as it is the only way we are able to provide service to everyone: it is the only option available to those who cannot or do not wish to wear a mask, or who are uncomfortable coming into the building. We are working on filling the open positions, and as soon as we can safely open the building and provide curbside service, we will do so.

Q3. Why did the Council vote to increase the millage instead of keep it the same, especially in light of the higher percentage of citizens being unemployed because of COVID?

A3. The current library millage does not cover the full cost of operating or maintaining the Library. Fiscal year 2020-2021 budgeted revenues are \$3.7 million and expenditures are \$4.1 million. The \$400,000 shortfall will reduce the Library Fund balance to less than \$28,000. The Capital Projects Fund, not the Library Fund, funded approximately \$1.2 million for renovations and roof replacement in fiscal year 2019-2020.

Another \$228,000 of maintenance was deferred in fiscal year 2020-2021 due to lack of funds.

The library millage needed to increase just to maintain 6-day service and perform building maintenance. The City conducted a survey and hosted focus groups to collect public input on the costs and benefits of a new library millage of 0.9, 1.0, or 1.1 mills. The City Council approved ballot language including 1.1 mills based on that public input. Please visit the Library's Millage Information Page at https://troypl.org/services/2020_millage.php if you would like to view survey results, focus group feedback, and watch City Council discussions.

Q4. What happens if it doesn't pass? Will the library remain at 6 days per week? Or close in June?

Q4. The current millage which funds library operations ends June 30, 2021 so the Library cannot remain open 6 days per week if the new millage is not approved. The Library will likely close if the new library millage is not approved. The current 0.6805 mills dedicated library millage generates approximately \$3.5 million annually and it is unlikely the City could reduce its annual General Fund spending to replace it. That is why the first dedicated millage was approved in 2011.

Q5. Will Troy consider paying for a special election to change the amount of the millage?

A5. City Council could consider holding a special election but Michigan election law limits those to May, August, and November. May might be an option but August or November would be too late. In any event, a special election would cost approximately \$100,000.

Q6. Please be specific about needed upgrades and building maintenance.

A6. Maintenance includes replacing the windows and repairing the elevator. Both are original equipment dating back to 1984. The heating, ventilation, and air conditioning (HVAC) systems also need to be replaced.

Upgrades include furniture replacement. Most current furniture is original equipment dating back to 1971 and 1984. Other examples include providing study rooms, creating a dedicated teen area, and establishing a maker space, which are the upgrades most frequently requested by library patrons.

I hope this helps. If you have not already, I encourage you to visit the Library millage page at https://troypl.org/services/2020_millage.php. I also highly recommend you use the Library Millage Estimator at <http://apps.troy.mi.gov/LibraryMillageEstimator>. Please let me know if I can be of additional assistance.

Sincerely,

Bob Bruner, Assistant City Manager

-----Original Message-----

From: Bob Bruner

Sent: Thursday, September 24, 2020 2:45 PM

To: Glenjulie <glenjulie@wowway.com>

Cc: Library Decision 2020 <LibraryDecision2020@troypl.org>; Andrew C Heuser <Andrew.Heuser@troy.mi.gov>

Subject: RE: questions about the millage

Hi,

Thank you for your email. We received your questions and are working on answers. Thank you for your interest!

Sincerely,

Bob Bruner, Assistant City Manager

-----Original Message-----

From: Andrew C Heuser

Sent: Thursday, September 24, 2020 1:14 PM

To: Glenjulie <glenjulie@wowway.com>

Cc: Library Decision 2020 <LibraryDecision2020@troypl.org>

Subject: Re: questions about the millage

Good afternoon Julie,

Thank you for your questions on the upcoming library millage. I've forwarded them on to our Library Director and the Assistant City Manager, who will respond to these.

Thank you!

Drew Heuser | Technology Librarian

510 W Big Beaver Rd

Troy, MI 48084

248.524.3542

From: Glenjulie <glenjulie@wowway.com>

Sent: Wednesday, September 23, 2020 9:38 PM

To: Andrew C Heuser

Subject: questions about the millage

Thank you for holding the Town Hall on Oct. 1 and for entertaining these questions by email first:

1. Why in the advertising we received by mail (and see on the website) is it being stressed how much we will be paying (rank #6 from #17) instead of promoting the services you will offer? Why would we want to be higher ranked in how much we pay for library services as opposed to how many more benefits will be added? We'd rather see what the library will offer if we choose this higher millage?

2. When will the building be open again for patrons to do "grab and go?"

Among the Suburban Library Cooperative, 20 libraries are giving that service to its patrons. Only the Mt. Clemens library and Troy don't have that service, according to this website. Clinton Macomb Library also has that service. If the millage passes, will this be a service Troy residents will have?

<https://www.libcoop.net/wordpress/>

3. Why did the Council vote to increase the millage instead of keep it the same, especially in light of the higher percentage of citizens being unemployed because of COVID?

4. What happens if it doesn't pass? Will the library remain at 6 days per week? Or close in June?

5. Will Troy consider paying for a special election to change the amount of the millage?

6. Please be specific about needed upgrades and building maintenance.

Thank you so much.

Bob Bruner

From: Bob Bruner
Sent: Monday, September 28, 2020 1:15 PM
To: Andrew C Heuser; phoebe white
Cc: Library Decision 2020
Subject: RE: Townhall Questions

Thanks again for contacting the City regarding the new library millage.

Q: I understand the roof was leaking, how old is the roof? Does it need replacing?

A: The roof was replaced within the last year.

Q: Has anyone checked out the attic? Is there mold in the attic?

A: TPL does not have an attic.

Q: The library has a rather musty smell which could be both due to the leaking roof as well as the carpeting and possibly mold in the attic?

A: The Library is subject to water intrusion in its basement, the remedy to which has been the source of ongoing investigation and cost. TPL replaced the carpeting in the Youth Services area in January 2018 and in the rest of the Library in January 2019.

Q: Does the ventilation system need to be replaced or updated?

A: Yes! Replacing the heating, ventilation, and air conditioning (HVAC) systems is one of the largest and most important building maintenance projects the new library millage would fund.

Q: Could TPL install a drive-up material return and automatic sortation system like Bloomfield Township Library?

A: The location of TPL on the Civic Center Campus is not conducive to installing a drive-up window. An automatic sortation system costs more than \$100,000, which has been cost-prohibitive during the last 10 years. It could be investigated and potentially implemented if the new library millage is approved by voters.

I hope this helps. If you have not already, I encourage you to visit the Library millage page at https://troypl.org/services/2020_millage.php. I also highly recommend you use the Library Millage Estimator at <http://apps.troypl.org/LibraryMillageEstimator>. Please let me know if I can be of additional assistance.

Sincerely,

Bob Bruner, Assistant City Manager

From: Bob Bruner
Sent: Monday, September 28, 2020 12:44 PM
To: Andrew C Heuser <Andrew.Heuser@troypl.org>; phoebe white <pwhitemt@gmail.com>
Cc: Library Decision 2020 <LibraryDecision2020@troypl.org>
Subject: RE: Townhall Questions

Hi,

Thank you for your email. We received your questions and are working on answers. Thank you for your interest!

Sincerely,

Bob Bruner, Assistant City Manager

From: Andrew C Heuser
Sent: Monday, September 28, 2020 9:36 AM
To: phoebe white <pwhitemt@gmail.com>
Cc: Library Decision 2020 <LibraryDecision2020@troypl.org>
Subject: Re: Townhall Questions

Good morning Phoebe,

Thank you for your questions on the upcoming library millage. I've forwarded them on to our Library Director and the Assistant City Manager, who will respond to these.

Thank you!

Drew Heuser | Technology Librarian
510 W Big Beaver Rd
Troy, MI 48084
248.524.3542

From: phoebe white <pwhitemt@gmail.com>
Sent: Saturday, September 26, 2020 12:22 PM
To: Andrew C Heuser
Subject: Townhall Questions

Thank you for this Townhall.

I understand the roof was leaking, how old is the roof? Does it need replacing?

Has anyone checked out the attic? Is there mold in the attic?

The library has a rather musty smell which could be both due to the leaking roof as well as the carpeting and possibly mold in the attic?

The carpeting holds allergens and soil. It is not healthy. The library team need to find out what is best for the health of the patrons.

Does the ventilation system need to be replaced or updated? There should be an air purifier in place.

I was against removing the homey carved wood counter and wood art piece that had a very meaningful verse. Big mistake to replace with the cheap gaudy blue Walmart looking counter with a yellow cream top that are not compatible colors!. Those old, yellowed cracks floors should have been replaced instead.

I want the library. I always vote for the library. I am a champion of the library.

Maybe AFTER they fix the roof, the air and the floors, they could create a drive up drop off that is automatic like BTWP Library. The items would be checked in automatically and the employees wouldn't have to go out in the snow.

I also like to use the Troy Library computers and printers and to browse through the stacks. And I think it is particularly valuable for the students to be able to use for school. And as a a place to study.

Bob Bruner

From: laura <llweidle@hotmail.com>
Sent: Tuesday, September 29, 2020 6:15 PM
To: Cathleen A Russ; Library Decision 2020
Subject: Re: Library opening

Dear Ms. Russ,

Thank you so much for your reply. It was clear and despite its length, concise. Thank you for mentioning so many of the variables and staffing issues that you have had to consider in working toward safely reopening the library. I now feel reassured that our Millage approval will indeed be used wisely and well. I will be voting yes as I have for all of the library mileage votes of the last 25 years.

I will be voting yes regardless of when the library will open because I now know of the efforts to do so and the roadblocks that have arisen. Thank you for always being such a great librarian for our facility and city. Like many I love all libraries, have used regularly since a child, and always took my own children regularly to the library. The library provides a doorway to learning, perspective across cultures and times, and even introspection as it makes so many written works available to anyone.

As one who has worked straight through through this pandemic at a local hospital I do understand the fears of many in regards to working in different public spaces. Our daughter is a middle school principal and has dealt with many of the fears of both teachers and parents, These are difficult times. There are those with certain risk factors that should not be working outside of the home. They may be among those who left their jobs. I pray the right people are able to apply and stay in the job. I hope that the city administration also gives its proper support and remains flexible and responsive to the changing situation and needs.

Looking forward to an eventual reopening when it is safe to do so. I for one will be happy to use self checkout whenever possible so as to further decrease unneeded interaction with staff.

Thank you so much for all you do as our librarian,

Laura Weidle

From: Cathleen A Russ <C.Russ@troy.mi.gov>
Sent: Tuesday, September 29, 2020 8:06 PM
To: 'laura' <llweidle@hotmail.com>; Library Decision 2020 <LibraryDecision2020@troypl.org>
Subject: RE: Library opening

Dear Ms. Weidle,

Please forgive the long answer, but I thought your email and your questions warranted additional detail about the staffing situation in the Circulation department.

TPL had 3 open positions, across departments, at the time of quarantine; two of those positions were full time and one (in the Circulation department) was part time. When we were able to return to work in mid-June, we got to work on filling those open positions. However, at the same time, many library staff members opted not to return to work over concerns over working with the public. Seven staff members, in fact. We added those positions to the list of positions for which we need to hire. We posted the open positions and began interviewing as soon as the application deadline passed (keep in mind, please, that with 10 positions open, we had to prioritize and as always opted to prioritize public service, so had to identify interview times where we had adequate staff in some areas in order to pull other staff to conduct interviews).

We filled some of the open positions. When we fill open positions, we offer the candidate(s) the position. After they accept, they have to pass a background check and a drug screen/physical, so we can make sure we aren't hiring pedophiles, criminals, or someone on drugs. When we receive the results of those checks, the person is confirmed in the job offer. Then the person often has to give notice at their current position (usually 2 weeks) and then begins work @ TPL. No new employee, no matter how excellent, walks through the door fully trained and ready to go. We have to train them, and training staff on computer/detail-oriented jobs, such as those in the Circulation department, is a difficult thing to do in the age of COVID and social distancing.

In the midst of hiring some new staff members, we lost 5 more part time staff members to full time jobs at other organizations. Approximately 90% of all TPL staff is part time, and we frequently lose people to full time jobs. This set us back even more. We once again posted the open positions. We identified 6 candidates we wanted to interview, and asked them to take the required skills test, which involves testing to make sure that they are able to alphabetize and put numbers in correct order. Of the 6 we invited to take the test, only 2 actually took the test, and of the 2 who took the test, 1 person failed. I am sure you can appreciate that I do not want to hire someone who is not able to alphabetize or put numbers in order, because that does not bode well for that person's success in such a detail oriented job, nor does it bode well for TPL's customer service to our patrons. So, of the 6 candidates which we planned to interview, we were able to interview 1.

I agree with you that this is taking a long time. The bottom line is that right now, in the Circulation department, I have 6 trained part time staff members doing the work of 14. I suspect that any organization that lost over 50% of their labor force in one department would have to change the way they do things and cut back on their output. TPL is no different. Right now, I need to make sure that those 6 people do not burn out, get sick, or leave, because if they do, even our ability to provide curbside service will be limited.

We have hired five new staff members for the Circulation department. Three have started work and are in the midst of being trained. The other two have not started work yet as they had to give notice at their other jobs. We expect them to start work next week, and will commence training them immediately.

This leaves the Circulation department 3 (of 14) positions short. We have gone through all the applicants who originally applied and have hired candidates who are good fits. We plan to repost the position in order to gain new applicants and are working with HR on that.

We are not able to use volunteers because Michigan Privacy Laws prevent any public library from giving volunteers access to anything involving patron records. In short, I cannot allow a volunteer to check materials in, check materials out, pull holds, shelve holds or issue library cards. I can't have volunteers acting as runners for curbside pickup because of the liability issues we'd face if the volunteer was hit by a car in the parking lot, tripped and fell, etc.

I could go on, but I hope this conveys an idea of the challenges that we have faced. Please believe me when I say that the staff and I are doing the best we can, and we appreciate your patience, understanding and support. We'd like to be open as much as you would like us to be open. As soon as our staff numbers permit, TPL will open its doors. I hope to have an announcement for the public on that topic within the next week.

Sincerely,



Cathleen Russ | Library Director

510 W Big Beaver
Troy, Michigan 48084
248.524.3544



From: laura <llweidle@hotmail.com>

Sent: Tuesday, September 29, 2020 2:27 PM

To: Library Decision 2020 <LibraryDecision2020@troypl.org>

Subject: Fwd: Library opening

Hello, I have read this reply before . There is no date stated for opening of library . I have heard about the shortage of staff. However there are no jobs listed as open on the city of Troy site . I haven't been able to see any jobs listed on Indeed .com... a common site for job openings . There is however a job opening listed for associate marketing position . It is great to market our library... we have one of the best libraries around in one of the best cities you could live in . However said library is still not open and there seems to be no assurance about what is being done to hire people . It is stated that there is an unprecedented shortage of workers yet there is also an unprecedented amount of people out of work . Realizing that the federal pandemic aid had disincentivized working for a while.. since the unemployment bonus has been decreased to 300/ week there is the possibility that more people may be willing to return to work. If not there are other places to advertise that these positions are open and that the library will not be opened until those positions are filled . .. including the library web site and high school, university web sites . I am a staunch supporter of our library and our wonderful city . However the library's lack of response since the beginning of July to move as quickly toward reopening as possible has been very disappointing . It is hard to think that a virtual library requires the same mileage as an open library . Please address these issues for our community .. we need more staff and less marketing at this time . Thank you for your time .

Sent from my iPhone

On Sep 28, 2020, at 3:22 PM, Bob Bruner <Bob.Bruner@troymi.gov> wrote:

Thank you for contacting the City regarding the Library.

Q. When will the Library building reopen to patrons?

A: TPL librarians are providing remote browsing assistance via phone, email, and chat. Curbside pickup service is currently being provided five days (43 hours) a week and TPL's digital library is open 24/7. The building is not open to the public because TPL is currently experiencing an unprecedented staff shortage. More than 50% of the positions in the circulation department are currently vacant. These are the people who issue library cards and process checkouts, returns, and curbside pickup service. There are currently six (6) part-time staff members doing the work normally done by 14 part-

time staff members. Accordingly, we do not have adequate staff to provide both curbside pickup service and open the building to the public. Providing curbside pickup service is a higher priority because it is the only way we can serve everyone, including patrons who cannot or do not wish to wear a mask, and those who are uncomfortable coming into the building. We are working to fill the open positions as soon as possible and will reopen the building to the public as soon as we can safely do so.

I hope this helps. If you have not already, I encourage you to visit the Library millage page at https://troypil.org/services/2020_millage.php. I also highly recommend you use the Library Millage Estimator at <http://apps.troyil.gov/LibraryMillageEstimator>. Please let me know if I can be of additional assistance.

Sincerely,

Bob Bruner, Assistant City Manager

From: laura <llweidle@hotmail.com>

Sent: Monday, September 28, 2020 1:29 PM

To: Library Decision 2020 <LibraryDecision2020@troypil.org>

Subject: Library opening

Curious as to when the library will open. Rochester library has been open since early July.

Bob Bruner

From: Cathleen A Russ
Sent: Wednesday, September 30, 2020 3:28 PM
To: Susana Wong; Library Decision 2020
Subject: RE: Volunteers and phase three of reopening library limited

Hi Susana,

Thanks for coming to the first Town Hall meeting! The meeting tomorrow will be the same as the one you attended, so you are not missing any new information. I have answered your questions below in blue.

Could Volunteers return to the library building when we have 7-day opening? **If voters approve the millage and TPL is able to return to 7-day service, we will be even busier, so yes! We will still need volunteers.**

When is the phase three reopening (Grab and Go, Browsing, and Computer Appointments)?
I don't have the answer to that question right now. I am sorry, Susana. We're working on it.

Since the Steamers Cafe closed down in 2008, Cup and Chaucer Cafe has opened in 2009 with vending machines, study tables, and microwave when the millage passes. Will the cafeteria open in phase four?

The cafeteria probably will not open until there is a vaccine and it is safe for people to gather again. We are working on Phase Three right now. I will be better able to answer questions about Phase Four as we get closer to that.

Thanks for your questions! Hope you are doing well!

Cathy



Cathleen Russ | Library Director

510 W Big Beaver
Troy, Michigan 48084
248.524.3544



From: Susana Wong <susanawong88@gmail.com>
Sent: Wednesday, September 30, 2020 3:22 PM
To: Library Decision 2020 <LibraryDecision2020@troypl.org>
Subject: Volunteers and phase three of reopening library limited

Hi Cathy and Bob,

I will not be able to do again for town hall meeting tomorrow and did this. Here are the questions that you can answer:

Could Volunteers return to the library building when we have 7-day opening?

When is the phase three reopening (Grab and Go, Browsing, and Computer Appointments)?

Since the Steamers Cafe closed down in 2008, Cup and Chaucer Cafe has opened in 2009 with vending machines, study tables, and microwave when the millage passes. Will the cafeteria open in phase four?

Thanks,
Susana Wong

Bob Bruner

From: Cathleen A Russ
Sent: Thursday, October 1, 2020 9:44 AM
To: evalinks@aol.com
Cc: Library Decision 2020
Subject: RE: Upcoming Virtual Event with Author Madeline Miller & New Curbside Pickup System

Dear Ms. Veller,

I am sorry to hear of your disappointment in the Troy Public Library.

Although the building is closed to the public, the Library is providing service. TPL librarians are providing remote browsing assistance via phone, email, and chat. Curbside pickup service is currently being provided five days (43 hours) a week and TPL's digital library is open 24/7.

The building is not open to the public because TPL is currently experiencing an unprecedented staff shortage. More than 50% of the positions in the circulation department are currently vacant. These are the people who issue library cards and process checkouts, returns, and curbside pickup service. There are currently six (6) part-time staff members doing the work normally done by 14 part-time staff members. Accordingly, we do not have adequate staff to provide both curbside pickup service and open the building to the public. Providing curbside pickup service is a higher priority because it is the only way we can serve everyone, including patrons who cannot or do not wish to wear a mask, and those who are uncomfortable coming into the building. We are working to fill the open positions as soon as possible and will reopen the building to the public as soon as we can safely do so.

This is a short-term problem, which will eventually be resolved. Troy Public Library's current millage, which funds all library operations, expires on June 30, 2021, and unless that funding is replaced, which is what the library millage proposal is designed to do, TPL will cease all operations at some point prior to June 30, 2021.

If you have not already, I encourage you to visit the Library millage page at https://troypl.org/services/2020_millage.php. I also highly recommend you use the Library Millage Estimator at <http://apps.troypl.org/LibraryMillageEstimator>. Please let me know if I can be of additional assistance.

Sincerely,

Cathleen Russ



Cathleen Russ | Library Director

510 W Big Beaver
Troy, Michigan 48084
248.524.3544



From: EVA VELLER <evalinks@aol.com>
Sent: Wednesday, September 30, 2020 5:09 PM
To: info@troypl.org
Subject: Re: Upcoming Virtual Event with Author Madeline Miller & New Curbside Pickup System

Just to let you know, I am very disappointed in the Troy Library.
For the first time ever, I will vote against the proposal in November.

Why can Birmingham Library manage to be open and not Troy?

Sad state of add affairs...

Sent from my iPhone

On Sep 30, 2020, at 3:02 PM, Troy Public Library <info@troypl.org> wrote:

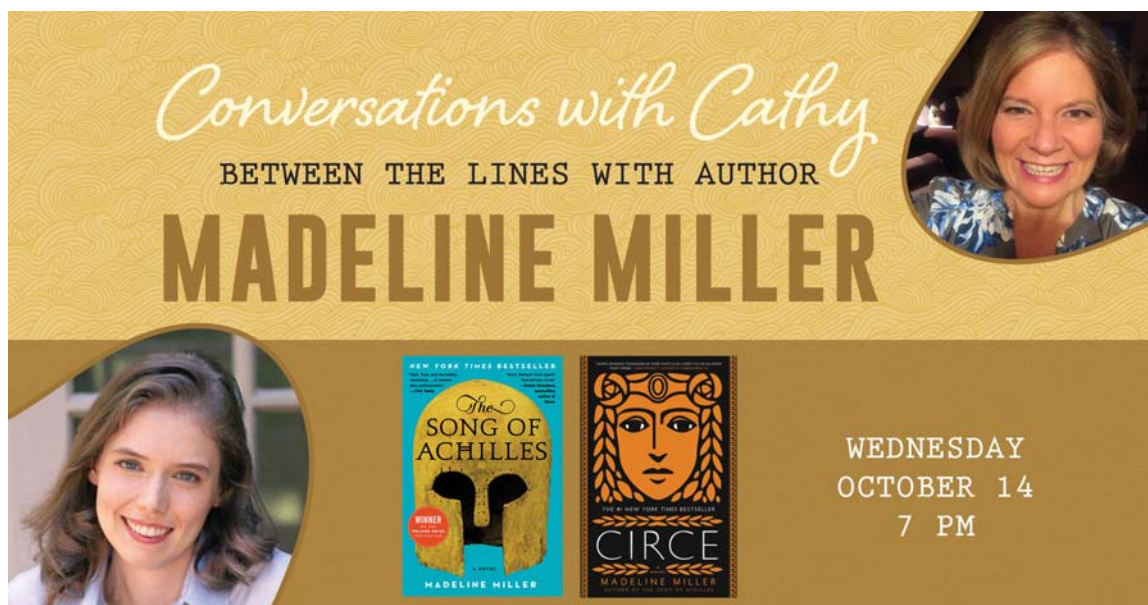
[View this email in your browser](#)



troy public library

never stop learning

Upcoming Virtual Event with Author Madeline Miller & New Curbside Pickup System



Upcoming Virtual Event: Conversations with Cathy, Between the Lines with Author Madeline Miller

Wednesday, October 14 | 7 pm

Click [HERE](#) or the button below to register and reserve your virtual seat!

Madeline Miller grew up in New York City and Philadelphia. She attended Brown University, where she earned her BA and MA in Classics. She has taught and tutored Latin, Greek, and Shakespeare to high school students for over 15 years.

The Song of Achilles, her first novel, was awarded the 2012 Orange Prize for Fiction and was a *New York Times* Bestseller. Her second novel, ***Circe***, was an instant number 1 *New York Times* bestseller, and won the Indies Choice Best Adult Fiction of the Year Award and the Indies Choice Best Audiobook of the Year Award. *Circe* also won an American Library Association Alex Award (adult books of special interest to teen readers). It is **currently being adapted for a series with HBO Max**.

Miller's novels have been translated into over twenty-five languages including Dutch, Mandarin, Japanese, Turkish, Arabic and Greek, and her essays have appeared in a number of publications including the *Guardian*, *Wall Street Journal*, *Washington Post*, *Telegraph*, *Lapham's Quarterly* and NPR.org. She currently lives outside Philadelphia, Pennsylvania.

CLICK HERE TO REGISTER!

New Curbside Pickup Software & System

We are using a new software to schedule Curbside Pickup appointments!

As soon as you get a notice saying that your hold is ready, [click here](#) to schedule your pickup. It's quick, easy, and streamlined! This link and information is also posted in our [Curbside Pickup](#) section for future reference.



A few things to keep in mind:

- You will need your library barcode and PIN handy. If you've forgotten your PIN and need to reset it, please click [here](#).
- To make an appointment, you must have an item with a "Held" status on your TPL account.
- To pick up materials for family members, please put their library barcode numbers in the "Notes to Library Staff" field.
- Please make sure your scheduled appointment falls before your hold's expiration date. You can check your hold's expiration date by [logging in to your TPL account](#).

If you have questions or need help making your appointment, please give us a call at 248.524.3534.

News & Announcements

TPL Millage Town Hall Meeting Tomorrow



Attend Troy's next virtual TPL Millage Town Hall Meeting tomorrow evening to **learn about the Troy Public Library millage question on the November 3, 2020 ballot**. Zoom registration form is linked on the date below:

– **Thursday, Oct 1, 2020 at 7 pm**

Please Note: *This Town Hall Meeting is intended for Troy residents and contains the same agenda items as the September 23, 2020 Town Hall Meeting.*

Saturday Service



Did you hear the news? We are now offering **Saturday service!** Saturday services include:

- Curbside Pickup
- Walk-Up Dropbox Returns
- Phone Reference

Saturday service hours are 10 am–5 pm.

Weekday service hours and days remain the same.

Troy City Clerk's Office Voting Resources



The Clerk's Office is working hard on this year's Presidential Election! They want to ensure everyone can exercise their right to VOTE. Visit their [elections page](#) for special events, important dates, and voting-related forms. Follow City of Troy on [Facebook](#) or [Nextdoor](#) for updates.

Have Questions? Call 248.524.3316.

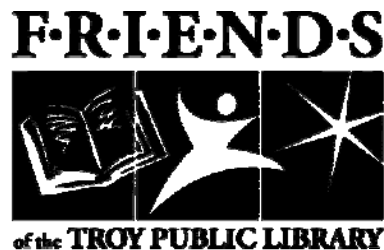
Friends of the Troy Public Library

Friends in Action: Promoting and Supporting the TPL

The mission of the Friends of the Troy Public Library has always been to promote and support the library, and that means even in the midst of a pandemic! While our shops have been closed and **we cannot accept donations**, we are still hard at work providing support for the programs and initiatives of the Library.

The Friends are proud to sponsor the new [Storybook Trail](#) to be installed at Raintree Park, and we cannot wait to walk through the pages of an amazing children's picture book. We are thrilled to be able to help bring the renowned author, Madeline Miller, to the homes of TPL patrons as she participates in a [Conversations with Cathy Zoom](#) virtual event.

These activities are possible with the revenue we've made from our shops, from memberships, and from donations. You can be a part of the legacy of the Friends and the TPL by joining us! **Consider becoming a member or donating to our mission today!** We can never have too many Friends!



Upcoming Virtual Events

Adult

Teen

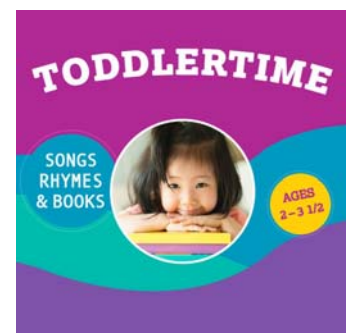
Youth



Getting The Garden Ready For Winter
TONIGHT! Wed, Sep 30, 7–8 pm
Master gardener Lori Smith



Teen Murder Mystery Night
Sat, Oct 24, 6–7 pm, Ages 13–18
A murder mystery night for



Toddlertime
Tue, Oct 6, 10:30–11 am, 24–42 Months
Join us for stories, songs, rhymes, and fun!

is back to help us prepare the garden for winter. She has been a member of the St. Clair Shores Yardeners Groups since 2011, where she volunteers in the Selensky Green Farmhouse gardens. [Register Here](#)

A Virtual Tour of Detroit: Past, Present, and Future

Thu, Oct 1, 6–7 pm

Join Jon Chezick, owner of Urb Appeal Tours, for a virtual tour of Detroit. He will be sharing photos, facts, and stories about Detroit's complex past, exciting present, and unlimited future. [Register Here](#)

World War II in the Mediterranean: The Fighting in Sicily and Italy with Steve Mrozek

Tue, Oct 6, 6:30–8 pm

Referred to as the “soft under belly of Europe” by Churchill, the fighting on Sicily and in Italy proved to be some of the fiercest battles during WWII. This program will take a close look at the operations in the Mediterranean and explain what happened and why. [Register Here](#)

Cutting the Cord: Alternatives to Cable TV

Mon, Oct 12, 1–2 pm

Have you been considering canceling your cable television package but aren't sure how to access your favorite content without it? This program will provide an overview of some of the most popular

teens! A body has been found and it is clear that something fishy is going on. Teens are encouraged to use their sleuthing skills by interviewing suspects and analyzing the clues to get down to the bottom of this baffling mystery. [Register Here](#)

Teen Introduction to Python Programming

Wed, Nov 4, 6–8 pm,

Grades 6–12

Python is one of the fastest growing coding languages of many to not only build web applications but also to use in data analytics and data science. Join us for this introductory workshop. [Register Here](#)

Family FAFSA Workshop

Wed, Nov 11, 6–7 pm, All Ages

Students are encouraged to complete the FAFSA October 1 or as soon as possible thereafter, beginning in their senior year of high school. Come to this FAFSA workshop to learn about completing and submitting FAFSA.

[Register Here](#)

Teen Winter Craft Activity

Sat, Dec 5, All Day, All Ages

Want to make some winter themed crafts? Join us for a virtual tutorial session from the Teen Advisory Board YouTube channel. Learn how to make DIY ornaments from everyday household items that everyone can do from home easily. [Register Here](#)

Registration is for the entire 3-week session, and opens 1 week before the first storytime of the session. [Register Here](#)

Preschool Storytime

Wed, Oct 7, 10:30–11 am, Ages 3–5

Stories, songs and rhymes for preschoolers.

Registration applies to the entire three-week session, and begins 1 week before the session starts. [Register Here](#)

Bouncing Babies

Thu, Oct 8, 10:30–11 am, 0–18 Months

Stories, rhymes, bounces and songs for the littlest ones and their caregivers. Registration applies to the entire three-week session, and begins 1 weeks before the session starts. [Register Here](#)

Autumn Bingo

Wed, Oct 14, 5–5:45 pm, Ages 8–12

Join us for an autumn themed game of Bingo! Participants will be sent a link for a fully interactive online bingo card, no printing necessary. Get a bingo and win a digital badge. [Register Here](#)

Preschool Storybook Craft

Mon, Oct 19, 6–6:45 pm, Ages 3–5

Preschoolers will create their own monster crown after a brief story 'Monster Party' by Annie Bach! [Register Here](#)

and user-friendly cable
alternatives. [Register Here](#)

Connect



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You are receiving this newsletter because you are a Troy Public Library cardholder or a City of Troy employee.

Our mailing address is:

Troy Public Library

510 W. Big Beaver

Troy, MI 48084

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Troy, MI 48084
troymi.gov

O-02c

CITY COUNCIL AGENDA REPORT

Date: October 7, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Rob Maleszyk, Chief Financial Officer
Lisa Burnham, Controller

Subject: Grant Update Report

The City of Troy has taken advantage of many grant opportunities occurring due to COVID-19. The primary grants are as follows:

State of Michigan:

The Michigan Department of Treasury is administering three local government grant programs associated with funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act. These programs include:

- First Responder Hazard Pay Premiums Program (FRHPPP). The City has submitted and received \$148,000 from this program. This program was discussed at previous Council meetings.
- Public Safety and Public Health Payroll Reimbursement (PSPHPR) Program. The City has submitted costs totaling \$3,176,391. We have received a payment of \$1,588,195 which represents 50% of the amount requested. The state Treasury Department is in the process of reviewing applications for compliance. Upon review, a final award announcement will be made and additional payments issued. The state Treasury Department is anticipating issuing payments to applicants less than the amount requested due to limits on program funding.
- Coronavirus Relief Local Government Grants (CRLGG) Program. The City received \$115,785 on August 31, 2020. We reviewed the Grant Requirement Packet for eligibility. We completed and returned to Treasury the Grant Opening Certification in order to retain the CRLGG Program funding. We now need to fulfill additional reporting requirements that have yet to be determined.

We will stay vigilant to take advantage of any additional State of Michigan programs that may occur.

Oakland County:

Oakland County is a recipient of the CARES Act and is administering several programs that the City is planning on participating in. These programs include:

- The County's City, Town, Village (CVT) Program has allocated \$1,916,771 to the City of Troy for their program. We have met with the County to analyze eligibility and are in the process of submitting enough costs to get reimbursed for the whole amount. These costs would include



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CITY COUNCIL AGENDA REPORT

Public Safety costs associated with COVID, Personal Protection equipment, and other costs that are deemed to be substantially COVID in nature including some election equipment.

- The County Library & Recreation Program. The City has submitted for \$142,535 on September 29, 2020. This will be reviewed by the County and we will have another chance to submit for additional costs through November 30, 2020, if funds are available.
- The County Elections Program. We are in the process of submitting items such as Election Hazard Pay and other election expenses.

We continue to work with the County and will stay vigilant to take advantage of any additional Oakland County programs that may occur.

Other Grants:

The City of Troy continues to look for additional grants and funding sources such as SMART grants (\$62,880), election grants (several different grants), Michigan State Police grants, and reimbursement from the Federal Emergency Management Agency (FEMA). The FEMA reimbursement will take time due to the workload at that Agency, but we continue to collect reimbursable costs that total over \$1.4 million as of this date. There are no guarantees as to the amounts we will receive on any of these programs.



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Troy, MI 48084
troymi.gov

O-02d

CITY COUNCIL AGENDA ITEM

Date: October 7, 2020

To: Mayor and City Council Members

From: Lori Grigg Bluhm

Subject: Response to Public Comment Concerning Prosecution

Clawson City attorney Renis Nushaj submitted a public comment for the last City Council meeting. He is a Troy resident and business owner, and also serves as defense counsel for a number of criminal and traffic cases brought by the City of Troy. His comments were unexpected and surprising, and I am glad for the opportunity to provide clarification.

First, Mr. Nushaj asserted that the City of Troy has “antiquated laws and policies.” He implies that the City of Troy ordinances “disproportionately affect minorities and residents of modest means,” and he faults the City of Troy for criminally pursuing persons who had no automobile insurance coverage or no valid driver’s license. These are criminal charges that are authorized under state statute, and to the best of my knowledge, the City of Clawson is one of the only communities that has modified the state law, and passed an ordinance making no insurance a civil infraction. Our office does not recommend modifying the no insurance provision for Troy, since there is a negative impact to those who purchase auto insurance when persons drive without it. The State of Michigan has also seen many instances of fraudulent insurance certificates, and there is a task force in the Michigan Attorney General’s Office devoted to this issue. Similarly, our office does not recommend any change to the criminal charge of driving without a valid driver’s license. We have prosecuted numerous cases where persons were driving, even when his/her license was suspended based on a drunk driving charge. These persons are driving in a manner that draws the attention of the police officers to them.

Mr. Nushaj then incorrectly stated that the City of Troy criminalizes those cases where a person has merely left his/her valid license at home. If a person is stopped in the City of Troy, and has a valid license, they are provided with an opportunity to present their valid license, and there are no criminal consequences.

Mr. Nushaj faults the City Attorney’s Office, as the prosecutor for the “People of the City of Troy,” for zealous prosecution. The professionals in the City Attorney’s Office are committed to the health, safety, and welfare of its citizenry, and we take an oath that we will enforce the laws as written. The City Attorney staff enjoys an excellent reputation, which is due in part to years of trial and motion experience, as well as diligence and discernment in researching and responding to various motions filed by defense attorneys and individuals. Even so, we understand that as prosecutors, we are criticized by defendants and defense attorneys, especially when motions or the requested relief is ultimately denied by the judge.



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CITY COUNCIL AGENDA ITEM

We know that Mr. Nushaj has vocally opposed the City Attorney Office policy for addressing traffic tickets, and other attorneys have also voiced complaints. Our policy was fairly recently enacted to improve efficiencies and provide consistency. Other communities have requested our policy, and upon information and belief, have adopted similar policies. Under Troy's policy, when a person challenges a traffic ticket the Court first sets the matter for a pre-formal. At that time, our staff reviews the driver's history, and if there are any citations during the past five years, this is factored into the decision on a requested reduction. Additionally, the policy requires a review of the charge written, and whether or not the police officer gave the driver a significant break on the road. Most of the traffic ticket cases are resolved at this pre-formal stage, whether the driver is represented by an attorney or challenges the ticket without counsel. There are a few cases that end up being set for a formal hearing, where the police officers are required to appear and testify, and the Court decides whether the driver committed the traffic infraction. Our policy is uniformly applied to all traffic tickets, and has probably resulted in less legal work for those attorneys who regularly practice in this area. There are always persons who are concerned about the impact that the traffic ticket will have on the cost of insurance, and so they proceed to formal hearing, hoping that the Judge will dismiss or reduce the ticket. For many of these formal hearings, the Court necessarily informs the driver that under our adversarial system, our office is vested with prosecutorial discretion, and neither the Court nor the police have the power to dismiss or reduce the ticket unless and until the case was not proven by a preponderance of the evidence (just over 50%).

Thank you for the opportunity to address Mr. Nushaj's accusations in writing, and the chance to extol the professionalism and dedication of the Troy City Attorney Office staff.



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Date: October 1, 2020

To: Honorable Mayor and City Council Members

From: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
Julie Quinlan Dufrane, Assistant City Attorney
Nicole F. MacMillan, Assistant City Attorney

Subject: 3rd Quarter 2020 Litigation Report

The following is the quarterly report of pending litigation and other matters of interest. **Developments during the THIRD quarter of 2020 are in bold.**

A. ANATOMY OF THE CASE

Once a lawsuit has been filed against the City or City employees, the City Attorney's office prepares a memo regarding the allegations in the complaint. At that time, our office requests authority from Council to represent the City and/or the employees. Our office then engages in the discovery process, which generally lasts for several months, and involves interrogatories, requests for documents, and depositions. After discovery, almost all cases are required to go through case evaluation (also called mediation). In this process, three attorneys evaluate the potential damages, and render an award. This award can be accepted by both parties, and will conclude the case. However, if either party rejects a case evaluation award, there are potential sanctions if the trial result is not as favorable as the mediation award. In many cases, a motion for summary disposition will be filed at the conclusion of discovery. In all motions for summary disposition, the Plaintiff's version of the facts are accepted as true, and if the Plaintiff still has failed to set forth a viable claim against the City, then dismissal will be granted. It generally takes at least a year before a case will be presented to a jury. It also takes approximately two years before a case will be finalized in the Michigan Court of Appeals and/or the Michigan Supreme Court.

B. ZONING CASES

These are cases where the property owner has sued for a use other than that for which the land is currently zoned and/or the City is suing a property owner to require compliance with the existing zoning provisions.

1. International Outdoor, Inc. v City of Troy. On February 3, 2017, International Outdoor, Inc. filed this lawsuit in the Federal District Court for the Eastern District of Michigan challenging the constitutionality of the City's sign ordinance. International argues, among other things, that since the City does not require permits for temporary signs or special event signs, the permit requirement to erect a billboard is a content based restriction, allegedly in violation of the 2015



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Reed v. Town of Gilbert U.S. Supreme Court case. According to International, the ordinance is unconstitutional and should not have been applied as a basis to deny the permits for its requested billboards. International states it is seeking injunctive and declaratory relief and money damages, but the complaint does not request any specific remedy. However, the case was filed under 42 U.S.C. Section 1983, which allows for the recovery of attorney fees if the plaintiff prevails on any aspect of the case. The lawsuit was assigned to Judge George Caram Steeh. The City filed a motion to dismiss. A hearing on the motion was scheduled for June 26, 2017. On June 30, 2017, the Court entered its order granting in part and denying in part the City's motion to dismiss. The Court granted the City's motion to dismiss Count II of the complaint, which alleged the Sign Ordinance contained content based restrictions imposed without a compelling government interest. However, the Court denied the City's motion as to Count I, which alleged the variance provisions of the Sign Ordinance constituted an unconstitutional prior restraint because it gives the Building Code Board of Appeals unbridled discretion in deciding a variance request. The City filed a motion for reconsideration, which is still pending with the Court. On December 20, 2017, the Court entered its order denying the motion for reconsideration, but clarifying that the Court had not made a final decision on the validity of Troy's Sign Ordinance. The City must now file an answer to Count I of the complaint. The City filed its answer, and the parties are now engaging in discovery. Discovery is continuing. Plaintiffs scheduled depositions of former and select current members of the Building Code Board of Appeals, and the City objected. Plaintiff then filed a motion to compel the depositions, to which the City responded. The Court issued an order stating that there would not be oral argument on the motion, so we are now waiting for the Court's decision concerning these depositions. The Court denied Plaintiff's motion to compel depositions. Plaintiff has now filed a motion for summary judgment, and the City's response is due October 11th. The City filed a response to the motion for summary judgment and a cross motion for summary judgment in favor of the City. A hearing on both the Plaintiff's motion and the City's motion was held on January 16, 2019. On January 18, 2019, the Court issued its opinion and order denying Plaintiff's motion for summary judgment and granting the City's motion for summary judgment. The Court entered a final judgment in the case in favor of the City. Plaintiff has now filed an appeal with United States Court of Appeals for the Sixth Circuit in Cincinnati, Ohio. Plaintiff also filed a motion in the District Court, claiming entitlement to attorney fees based on the Court's rulings, some of which were favorable to the Plaintiff, even though the case was dismissed in favor of the City. The City timely responded to this motion, which is still pending. As required by the Sixth Circuit Court of Appeals, the parties participated in an unfruitful mediation conference call on March 6, 2019. Afterwards, the Sixth Circuit established its appellate briefing schedule, requiring Plaintiff's brief to be filed on or before April 29, 2019, and the City's response is due May 28, 2019. On April 1, 2019, District Court Judge Steeh issued his opinion and order denying the Plaintiff's motion for attorney fees. Plaintiff has filed a second appealing to challenge the denial of attorney fees. On motion of the Plaintiff, the second appeal was consolidated with the initial appeal and the briefing schedule was amended. Plaintiff filed its appellate brief, and the City timely filed its response. The case has been scheduled for oral argument on October 16, 2019 before the U.S. Court of Appeals for the Sixth Circuit in Cincinnati. The Court heard oral arguments on October 16, 2019, and the parties are now waiting for the Court to issue its opinion. As of March 31, 2020, the Court had not yet issued an opinion. The parties are still waiting for the Court to issue an opinion.



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On September 4, 2020, the U.S. Court of Appeals issued an opinion affirming the dismissal of Count I of Plaintiff's complaint, but reversing the lower court's dismissal of Count II and remanding the case. Two judges joined the majority opinion, and the third judge issuing a dissenting opinion, indicating he would have affirmed the dismissal of Count II. The City has filed a motion for rehearing en banc, requesting rehearing before the entire panel of U.S. Sixth Circuit Court of Appeals judges, seeking an affirmation of the dismissal of Count II.

2. Tollbrook, LLC v City of Troy. Tollbrook submitted an application for a rezoning of three parcels on McClure, from one family residential zoning to Big Beaver Form Based District zoning. This application was proposed as a straight rezoning request, and was denied by Troy City Council, consistent with the recommendation from the Planning Commission. Tollbrook then submitted a use variance application, asking the Troy Zoning Board of Appeals to grant a use variance, allowing the properties to be used for any use permitted under the Big Beaver zoning district. The Zoning Board of Appeals denied the requested use variance on November 19, 2019. Tollbrook then filed a combined Claim of Appeal and Complaint, which was assigned to Oakland County Circuit Court Judge Jeffrey Matis. The Claim of Appeal section of Tollbrook's pleading challenges the Zoning Board of Appeals denial of the requested use variances. Judge Matis immediately issued an Order Dismissing the Complaint, allowing only the Claim of Appeal to proceed under the Court's appellate jurisdiction. Tollbrook then filed a Motion for Reconsideration of the dismissal of the Complaint, and the City responded. The City also filed a Motion for Consolidation of this case with a similar case filed by Tollbrook West (see below), which was granted, and the cases were consolidated by court order. The parties fully briefed Tollbrook's Motion for Reconsideration and oral argument is scheduled for May 13, 2020. The Court issued an Opinion and Order affirming the dismissal of Plaintiff's Complaint. The appeal portion of the case will proceed in the normal course, which includes both parties filing briefs in accordance with the Michigan Court Rules. Plaintiff's brief is due 28 days after the record on appeal is transmitted to the Circuit Court; the City's brief will be due 21 days after Plaintiff's brief is filed. Plaintiff also filed and served a new complaint alleging the claims that were dismissed as a result of Court's motion severing the appeal and the substantive claims. **On September 22, 2020, Judge Matis of the Oakland County Circuit Court issued an Opinion and Order affirming the decision of the Troy Zoning Board of Appeals denying the requested use variance. Plaintiff's Complaint concerning the alleged substantive due process violations is pending in United States District Court (Judge Goldsmith). Plaintiff's motion to remand to transfer the case back to the Oakland County Circuit Court was briefed by the parties, and is pending.**
3. Tollbrook West LLC. v City of Troy. Tollbrook West submitted an application to rezone two parcels located at 3109 Alpine and an adjacent vacant parcel from R-1B to Big Beaver District zoning. This straight rezoning application was denied by the Troy City Council on July 22, 2019, consistent with the Planning Commission recommendation. Tollbrook West then submitted a use variance application, asking the Troy Zoning Board of Appeals to grant a use variance, allowing the properties to be used for any use



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permitted under the Big Beaver zoning district. The Zoning Board of Appeals denied the requested use variance on November 19, 2019. Tollbrook West then filed a combined Claim of Appeal and Complaint, which was assigned to Oakland County Circuit Court Judge Daniel P. O'Brien. The Appeal section of Tollbrook West's pleading challenges the Zoning Board of Appeals denial of the requested use variances. In the Complaint portion of its pleading, Tollbrook West alleges three claims that stem from the City Council's denied rezoning- a takings claim in violation of the Fifth Amendment of the Constitution, a substantive due process violation (Count II) claim, and a claim under 42 U.S.C. Section 1983 (Count III). The City of Troy filed a motion to consolidate this case with the case assigned to Judge Matis (see above) which was ultimately accomplished. Subsequently, the City filed a Motion to Dismiss which has been fully briefed by the parties and is pending before Judge Matis with a hearing date of May 13, 2020. The Court issued an Opinion and Order dismissing Plaintiff's Complaint. The appeal portion of the case will proceed in the normal course, which includes both parties filing briefs in accordance with the Michigan Court Rules. Plaintiff's brief is due 28 days after the record on appeal is transmitted to the Circuit Court; the City's brief will be due 21 days after Plaintiff's brief is filed. Plaintiff also filed and served a new complaint alleging the claims that were dismissed as a result of Court's motion severing the appeal and the substantive claims. **On September 22, 2020, Judge Matis of the Oakland County Circuit Court issued an Opinion and Order affirming the decision of the Troy Zoning Board of Appeals denying the requested use variance. Plaintiff's Complaint concerning the alleged substantive due process violations is pending in United States District Court (Judge Goldsmith). Plaintiff's motion to remand to transfer the case back to the Oakland County Circuit Court was briefed by the parties, and is pending.**

4. Eureka Building Inc. v City of Troy. Eureka Building Inc. challenges the recent denial of a requested rezoning. Eureka owns three parcels of property located at 5395 Rochester Road in the City of Troy, and desires to have the current zoning changed. Initially, Eureka submitted a conditional rezoning request, requesting rezoning from R-1C (one family residential) to RT (medium density attached residential). With this request, Eureka wanted three separate buildings with up to four attached units in each building, but they would construct no more than ten total attached units. The Troy City Council denied the conditional rezoning request in July 2019. After the denial of this conditional rezoning request, Eureka submitted an application for a straight rezoning of the three parcels from one family residential zoning (R-1C) to one family attached zoning (RT). The Troy City Council denied the straight rezoning request at its February 10, 2020 meeting. This lawsuit follows that denial. Plaintiff's lawsuit alleges that the City of Troy violated its substantive due process rights under the Michigan Constitution and also the 5th and 14th Amendments of the United States Constitution. Plaintiff also alleges that City Council's decision was arbitrary and capricious and not rationally related to the governmental interest of protecting public health, safety, and welfare. Plaintiff asserts that its rezoning request is consistent with the City's Master Plan and satisfies all of the criteria set forth in the City's Zoning Ordinance concerning rezoning, specifically



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Section 16.03(C)(1-5). Plaintiff also argues that the current zoning is “unconstitutional” because it “interferes with Plaintiff’s legitimate use” of the property.

This case was filed in Oakland County Circuit Court and assigned to Judge Leo Bowman. However, due to the nature of the issues raised, where Eureka relies on federal law, the City intends to remove this case to the United States District Court in compliance with the Court rules. That removal is due on or before April 9, 2020. This case was timely removed to United States District Court on April 3, 2020. In lieu of filing an Answer to the Complaint, the City filed a Motion to Dismiss the Complaint as its first responsive pleading. **The parties are still waiting for the Court to schedule oral argument on the City’s motion and/or issue a decision on the City’s motion to dismiss.**

C. EMINENT DOMAIN CASES

These are cases in which the City wishes to acquire property for a public improvement and the property owner wishes to contest either the necessity or the compensation offered. In cases where only the compensation is challenged, the City obtains possession of the property almost immediately, which allows for major projects to be completed.

There are no pending eminent domain cases for this quarter.

D. CIVIL RIGHTS CASES

These are cases that are generally filed in the federal courts, under 42 U.S.C. Section 1983. In these cases, the Plaintiffs argue that the City and/or police officers of the City of Troy somehow violated their civil rights.

1. Adam Community Center v. City of Troy et. al. and U.S. v. City of Troy- Plaintiff filed this lawsuit against the City of Troy, the Troy City Council, the Troy Planning Commission, the Troy Zoning Board of Appeals, and each of the individual members of the Troy Zoning Board of Appeals, challenging the ZBA denial of significant variance requests for the property at 3565 Rochester Road. Plaintiff needed these variances to have a place of worship, plus a library, gym, and banquet center. Plaintiff’s eleven count complaint argues that the City of Troy, the Troy City Council and the Troy Planning Commission, as the entities responsible for Troy’s zoning ordinance, violated ADAM’s Constitutional First and Fourteenth Amendment rights (Exercise of Religion, Freedom of Speech and Freedom of Assembly), ADAM’s Fifth Amendment Rights, the Religious Land Use and Institutionalized Persons Act (RLUIPA), and also ADAM’s Michigan Constitutional Rights. ADAM argues that there is no other Islamic house of worship in the City, and therefore the City and/or the Defendants violated their First Amendment Rights and RLUIPA. Plaintiff’s lawsuit also alleges that the City and the individual ZBA members engaged in discrimination in denying ADAM’s variance requests. Plaintiff also asserts that there were procedural irregularities at the June 19,



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2018 public hearing which allegedly entitle ADAM to injunctive and declaratory relief, as well as compensatory and punitive damages. Specifically, ADAM is seeking a Court order overriding the ZBA's variance denials and the City's zoning regulations for churches, plus damages. The City filed a motion to dismiss as its first responsive pleading, seeking dismissal of the entire case, and/or dismissal of some of the claims and defendants. On March 12, 2019, the Court entertained oral argument on the motion, and the parties are now waiting for a written decision from U.S. District Court Judge Nancy Edmunds, who is the presiding judge for this case. On April 4, 2019, the Court granted in part and denied in part the City's Motion for Dismissal. Plaintiff's state law claims were dismissed by Court order. The case is now proceeding through discovery. On September 19, 2019, the United States of America filed a lawsuit against the City in the United States District Court for the Eastern District of Michigan alleging RLUIPA violations. In its complaint, the United States claims it is basing its claim on the City's treatment of Adam Community Center in its effort to establish a place of worship in the City. The U.S. is seeking injunctive and declaratory relief. The case was assigned to Federal District Court Judge Paul Borman, and then consolidated with the ADAM case, handled by Judge Nancy Edmunds. The Court scheduled a settlement conference for the two consolidated cases for December 17, 2019. On October 16, 2019 and October 21, 2019, two of the individual ZBA members were dismissed from the case with Plaintiff's consent. Motions to dismiss the remaining individual ZBA members were filed on November 25, 2019 and November 26, 2019, and the Court scheduled its hearing on the summary judgment motions for January 15, 2020. The Court cancelled the hearing date on the motion to dismiss the individual defendants and rescheduled the hearing for March 4, 2020. After the oral argument, the parties are waiting a decision from the Court. Discovery is continuing on the case filed by the United States. The parties are continuing with discovery, including the scheduling of depositions. **On August 26, 2020, Judge Edmunds granted the motion for summary judgment filed on behalf of the individual ZBA member defendants and dismissed those defendants from the case, finding that they were entitled to dismissal based on qualified immunity. Adam has filed a motion for rehearing with regard to the dismissal of ZBA member Glenn Clark only. The Court has indicated it will decide the motion without oral argument but is allowing a response to the motion to be filed by October 13.**

E. PERSONAL INJURY AND DAMAGE CASES

These are cases in which the Plaintiff claims that the City or City employees were negligent in some manner that caused injuries and/or property damage. The City enjoys governmental immunity from ordinary negligence, unless the case falls within one of four exceptions to governmental immunity: a) defective highway exception, which includes sidewalks and road way claims; b) public building exception, which imposes liability only when injuries are caused by a defect in a public building; c) motor vehicle exception, which imposes liability when an employee is negligent when operating their vehicle; d) proprietary exception, where liability is imposed when an activity is conducted primarily to create a profit, and the activity somehow causes injury or damage to another; e) trespass nuisance exception, which imposes liability for the flooding cases.



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1. Barnwell v. City of Troy et al. This suit was filed in Oakland County Circuit Court, and assigned to Judge Phyllis McMillen. Troy is one of several municipalities to be sued as a result of the massive rainstorm that occurred on August 11, 2014. Plaintiffs have asked for a class action certification to allow all Troy persons damaged by flooding to also make claims. In this lawsuit, the named Defendants are Troy and the Oakland County Water Resources Commissioner (and especially the George W. Kuhn Retention facility (GWK RTF). This lawsuit is very similar to lawsuits filed against Royal Oak, Madison Heights, Clawson, Oak Park, Hazel Park, Berkley, Huntington Woods, Ferndale, and Pleasant Ridge. The City filed a timely answer to the complaint, and the case is now in the discovery phase. The Court has issued a discovery order, governing all of the currently pending Oakland County flooding cases. The parties are currently engaging in the discovery process. This case is still in the discovery phase. The first phase of discovery is complete, and the City has reviewed all notice of claims. The Court has set a deadline for raising any legal issues about the claims that cannot be resolved prior to that time. After the latest status conference, the Court issued a scheduling order, setting deadlines for the parties to file motions concerning notices of claims. On November 2, 2018, the Court heard oral argument on a motion filed by Oakland County challenging the notice of claims. On November 20, 2018, the Court filed an opinion and order, denying Oakland County's Motion. On December 7, 2018, Oakland County filed a claim of appeal, which is pending. Oakland County's appeal is still pending, but the parties are also exploring facilitation of the case, as required by the Court's order staying the proceedings. The parties have scheduled a facilitation starting September 16, 2019. The City participated in the facilitation, which did not resolve the claims. Although Troy's case is stayed at this time, the Court held a conference on December 10, 2019 for all attorneys on a companion case involving most of the other municipal defendants. Although Troy's case remains stayed, several of the other municipal defendants have companion cases filed by Hanover Insurance Company that are not stayed. All of the parties continue the settlement dialogue. The parties have verbally negotiated a proposed global settlement of all cases, and are preparing a written document for presentation to the municipal defendants for approval. **Written documentation to effectuate a proposed global class action settlement is being reviewed and revised.**
2. Tschirhart v. Troy- Plaintiff filed this wrongful death lawsuit against the City, claiming that the City and individual City employees and contractors were responsible for the drowning death of Plaintiff's son, Shaun Tschirhart, at the Community Center pool on April 15, 2015. Shaun was a swimming in the pool that day as part of a Friendship Club activity, and unfortunately suffered a seizure while swimming. Plaintiff's complaint alleges gross negligence, and an alleged failure to properly screen, train, and supervise City employees. The case is assigned to Oakland County Circuit Court Judge Daniel O'Brien. As its first responsive pleading, the City filed a motion for dismissal, arguing that Plaintiff had failed to assert a viable claim against the City. This motion is pending before the Court. The Court denied the City's motion, and the City immediately filed a claim of appeal with the Michigan Court of Appeals, challenging the denial of governmental immunity. A timely brief on appeal will be filed once the Court issues a briefing schedule. The City's brief on appeal is due February 7, 2019. A timely brief on appeal was filed by the City of Troy Defendants. Plaintiff's brief on appeal is expected to be filed by April 12, 2019. The briefs have been submitted, and the parties are waiting for the Court to



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schedule oral argument. Oral argument was held on December 6, 2019 in the Court of Appeals. On December 17, 2019, the Court issued an Opinion and Order reversing the trial court's decision, agreeing with the City that summary disposition should have been granted to the City of Troy and the individually named Troy defendants. The Court, however, remanded the case to the trial court, allowing Plaintiff an opportunity to seek leave to amend her Complaint. Plaintiff filed an application for leave to appeal with the Michigan Supreme Court. The parties fully briefed the issues presented and are now awaiting the Court's decision whether or not to grant Plaintiff's requested application for leave to appeal. The Supreme Court has not yet issued a decision on the application for leave. **On July 22, 2020, the Supreme Court issued an Order directing the parties to file supplemental briefs, which were timely submitted. An amicus brief on the supplemental issue will also be filed by the Michigan Municipal League's Legal Defense Fund and Government Law Section of the State Bar of Michigan. The parties are now waiting for the Court to issue an order scheduling oral argument.**

3. Cioroiu v. City of Troy – Plaintiff's mother, acting as next of friend, has filed a Complaint against the City of Troy alleging negligent maintenance of a sidewalk at/near Big Beaver and Livernois. The claim stems from an incident that occurred on May 26, 2018, where Plaintiff alleges that he flipped his bike as a result of a discontinuity in the sidewalk. Plaintiff alleges that he fractured his clavicle and suffered kidney pain. The case is assigned to Judge Hala Jarbou in Oakland County Circuit Court. The parties have commenced the discovery process. The parties have completed depositions in this case. The City filed a motion for summary disposition, requesting that the Court dismiss the case under the open and obvious doctrine. It is scheduled for hearing on October 9, 2019. The Court granted the City's Motion for Summary Disposition under the open and obvious doctrine, and dismissed the case. Plaintiff subsequently filed an appeal with the Michigan Court of Appeals. Plaintiff—Appellant's brief is due in April. The City will file a timely response thereafter. Mr. Cioroiu filed his brief and reply brief to the City's timely response. The parties are waiting for the Court of Appeals to schedule oral argument. **The Court of Appeals has not yet scheduled its date for oral argument.**

F. MISCELLANEOUS CASES

1. Michigan Association of Home Builders; Associated Builders and Contractors of Michigan; and Michigan Plumbing and Mechanical Contractors Association v. City of Troy – The Plaintiffs filed a complaint for Declaratory and Injunctive Relief in the Oakland County Circuit. On the date of filing the Plaintiffs also filed a Motion for Preliminary Injunction and Order to Show Cause. The Plaintiffs allege that the City of Troy has violated Section 22 of Michigan's Stille-DeRossett Hale Single State Construction Code Act by collecting fees for building department services that are not reasonably related to the cost of providing building department services. They are alleging that the City of Troy has illegally entered into a contract with Safe Built of Michigan, Inc. for building services that provides that 20% of each building permit fee be returned to the City to cover services that are not "reasonably related to the cost of building department services," as required by state statute. The Plaintiffs also assert a violation of the



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Headlee Amendment, arguing that the 20% returned to the City is a disguised tax that was not approved by voters. The Plaintiffs are asking for a declaratory judgment, as well as a return of any “surplus” building department service funds collected to date. Plaintiffs also request an order requiring the City to reduce its building department fees. The City of Troy was served with the Complaint and the Motion for Preliminary Injunction and Order for Show Cause on Wednesday, December 15, 2010. The parties were required to appear at Court on Wednesday, December 22, 2010, but the Court did not take any action at that time. Instead, the Court adjourned the matter to January 19, 2011. In the interim, the parties may engage in preliminary discovery in an attempt to resolve this matter. The parties are conducting discovery. The parties have completed discovery. Trial in this matter is scheduled for January 30, 2012. After being presented with motions for summary disposition, the Court ordered the parties to engage in mediation with a neutral municipal audit professional. Financial documents concerning this case are now being reviewed by an independent CPA. It is expected that the April 19, 2012 trial date will be postponed until after this review is complete. Mediation was unsuccessful in resolving this case, and therefore the Court is expected to issue an order on the pending Summary Disposition Motions. The trial date has been adjourned. On November 13, 2012, Oakland County Circuit Court Judge Shalina Kumar issued her order in favor of the City, and dismissed this case. Plaintiffs filed an appeal, which is now pending in the Michigan Court of Appeals. Appellant’s brief is expected to be filed soon. The parties timely filed their appellate briefs, and are now waiting for the Court of Appeals to schedule a date for oral argument. The Court of Appeals has not yet scheduled oral argument for this case. The parties are still waiting for a date for oral argument. Oral argument was held on March 4, 2014. On March 13, 2014, the Court of Appeals issued its opinion ruling in the City’s favor and affirming the Circuit Court’s decision dismissing the case. On April 23, 2014, Plaintiff Home Builders filed an Application for Leave to Appeal with the Michigan Supreme Court. Troy’s response was filed on May 19, 2014. The Michigan Supreme Court considered the application for leave to appeal and ordered that the matter be scheduled for oral argument. The Court also permitted the parties to submit supplemental briefs, which are due October 29, 2014. The City timely filed its supplemental brief with the Michigan Supreme Court. The parties are now waiting for the Court to set a date for oral argument on the application. The Michigan Supreme Court entertained oral arguments on the application for leave to appeal on March 11, 2015. On June 4, 2015, the Michigan Supreme Court reversed the decisions of the Court of Appeals and the Circuit Court and ruled there was no requirement for Plaintiffs to exhaust their administrative remedies. The case was remanded to Circuit Court for further proceedings. A status conference was held on June 18, 2015 with Judge Kumar. During the status conference, Judge Kumar scheduled a hearing for September 2, 2015, allowing the parties to address the issues that were previously raised in the motion for summary disposition but were not decided since the case was initially dismissed for failure to exhaust administrative remedies. At the hearing on September 2, 2015, Judge Kumar allowed Plaintiffs to request additional discovery within 30 days. Thereafter, both parties are allowed to file supplemental briefs. Supplemental briefs have been filed and we are awaiting a decision. On February 5, 2015, Judge Kumar issued her opinion and order ruling in favor of the City and dismissing the case. Plaintiffs filed a Claim of Appeal with the Michigan Court of Appeals on February 23, 2016. The Plaintiffs and the City have both filed appellate briefs. Based on our request, the Michigan Municipal League Legal Defense Fund, Public Corporations Section of



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the State Bar of Michigan, Michigan Townships Association and also Safe Built have filed a motion asking for permission to file amicus briefs supporting the City's position. The Michigan Association of Realtors has sought permission to file an amicus brief supporting Plaintiffs' position. The Plaintiffs filed a reply brief. We are waiting for the Court of Appeals to rule on the motions for amicus briefs and to schedule a date for oral argument. Oral argument has not yet been scheduled. The parties presented oral arguments on September 7, 2017. On September 28, 2017, the Court of Appeals entered a two to one decision affirming the Circuit Court's grant of summary disposition in favor of the City. The Plaintiffs have filed an application for leave to appeal to the Michigan Supreme Court. The City timely filed an answer to the application. Additionally, the Michigan Municipal League's Legal Defense Fund, the Government Law Section of the State Bar of Michigan, and the Michigan Townships Association filed a motion to file an amicus curiae brief with the Supreme Court, supporting the City's position and asking for a denial of the application for leave to appeal. The Court granted the request for MML's amicus brief on January 5, 2018, and the brief was accepted for filing. The Michigan Realtor's Association filed a motion to file an amicus brief on behalf of Plaintiff Home Builders on February 23, 2018. On June 20, 2018, the Michigan Supreme Court entered an order granting the Michigan Realtor's Association's motion to file a brief amicus curiae. The Court also ordered that oral arguments be scheduled on Plaintiff's application for leave to appeal, and established a schedule for submitting supplemental written briefs. The Court accepted an amicus brief from the Michigan Health and Hospital Association and the Michigan Society of Association Executives, which was drafted by the attorney representing the Home Builders. The parties are now waiting for the Supreme Court to schedule oral argument. On December 19, 2018, the Michigan Manufacturers Association filed a motion to file a brief amicus curiae, and attached its proposed brief to the motion. On December 21, 2018, the Supreme Court granted the motion and accepted the brief that was submitted on December 19, 2018 for filing. The Michigan Supreme Court presided over the oral argument on March 7, 2019. After oral argument, the Court granted a motion to file a late amicus curiae brief. The City filed a response seeking to address the arguments raised in that brief and attached a proposed response. On April 5, 2019, the Court granted the City's motion to file a response to the amicus curiae brief and accepted the City's response for filing. The parties are now waiting for the Supreme Court to issue its opinion. On July 11, 2019, the Michigan Supreme Court entered its decision holding that the use of the revenue generated by the City's building inspection fees to pay the Building Department's budgetary shortfalls in previous year's violates the State Construction Code Act. The Court reversed the decisions of the Court of Appeals and the Circuit Court and remanded the case back to the Circuit Court for further proceedings. On remand the City can still present evidence to justify the retention of a portion of the fees. The Court permitted additional discovery, as requested by Plaintiff, and the City has responded to the numerous discovery requests. The Plaintiffs sought additional discovery, which the City objected to. The Plaintiffs then filed a motion to compel additional discovery and the City filed a response to the motion. The parties resolved the motion without a hearing with a stipulated order in which the City agreed to provide some additional information, which has now been provided. The Plaintiffs have now indicated they would like to take some depositions. Because of the Emergency Declaration, and the difficulty in conducting depositions, Plaintiff filed a motion to extend the discovery deadline, and the City has not objected to this Motion. The Court has scheduled a new trial date. **Plaintiffs filed a motion**



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for summary disposition. The Court issued a scheduling order, requiring the City to respond on or before November 18, 2020, and scheduling the hearing for December 2.

2. Roumayah Consulting, LLC and Kevin Roumayah v City of Troy. Plaintiff Roumayah LLC is the master tenant for property at 33611 Dequindre Road in Troy that it subleases for use by caregivers registered under the Michigan Medical Marihuana Act (MMMA) to cultivate medical marihuana. Plaintiff Kevin Roumayah is a registered caregiver under MMMA and uses one of the suites at 33611 for a medical marihuana grow operation. The Plaintiffs filed a lawsuit in Oakland County Circuit Court challenging the validity of the City of Troy Medical Marihuana Grow Operation License Ordinance, Chapter 104 that went into effect May 3, 2018. Plaintiffs claim they are entitled to injunctive relief because: 1) the ordinance is a zoning ordinance that was not adopted in accordance with the Michigan Zoning Enabling Act (MZEA); 2) the Plaintiffs have a valid nonconforming use under the MZEA; 3) the ordinance results in a taking of Plaintiffs property without just compensation and due process; 5) the ordinance deprives Plaintiffs of equal protection under the law; and 6) the ordinance is invalid because it is preempted by the MMMA. The Plaintiffs are seeking a declaratory judgment that the ordinance is invalid and an injunction to preclude enforcement of the ordinance. The case was assigned to Oakland County Circuit Court Judge Leo Bowman. Plaintiffs' request for a temporary restraining order and/or preliminary injunction was denied by the Court on June 13, 2018. The case is now in the discovery phase. During the pendency of this case, the Michigan Court of Appeals issued an opinion in a separate case that directly addressed the issue of whether a municipal ordinance is preempted by the MMMA. That case was appealed to the Michigan Supreme Court. The Supreme Court's decision on that appeal will have a direct impact on the outcome of this case. Thus, the Plaintiff and the City stipulated to a stay of proceedings pending the outcome of the appeal to the Michigan Supreme Court. On December 12, 2018, Judge Bowman issued an order to stay the proceedings. On January 23, 2019, the Michigan Supreme Court granted the township's application for leave to appeal in the other case, as mentioned above, so the Supreme Court will likely determine whether a municipal ordinance is preempted by the MMMA. The parties are still waiting for the Michigan Supreme Court to issue its decision in the Byron Township case. The oral argument in the Byron Township case was scheduled for October 3, 2019. The Supreme Court has not yet issued its opinion in this case. As of March 31, 2020, the Supreme Court has not issued its opinion in the Byron Township case. The Supreme Court issued its opinion in *DeRuiter v. Byron Township* on April 27, 2020, which was favorable to the municipal defendant. **Roumayah's attorney has not yet responded to the City's inquiry about Plaintiff's plans and/or potential reinstatement of the case after the *DeRuiter* decision.**
3. Thomas Darling v. City of Troy. Plaintiff Thomas Darling filed this Whistleblower lawsuit against the City of Troy on October 10, 2019. It is assigned to Oakland County Circuit Court Judge Daniel P. O'Brien. Darling was the City's former finance director, and was terminated on July 15, 2019. He argues that his termination resulted from his participation in the 2016 Craig Lange investigation of Brian Kischnick and his assistance with the Plante & Moran forensic engagement. This case will be primarily handled by outside labor counsel/ insurance counsel. The City timely filed its answer to the complaint. The parties are conducting discovery. The parties are continuing with the exchange of discovery and scheduling depositions. **After filing motions for summary disposition, one of**



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Plaintiff's counts is dismissed, and the other remains pending. The City filed a motion for reconsideration as to the remaining count. The trial date is re-scheduled for January 2021.

- 4. Malloy v City of Troy. This claim and delivery action was filed by Plaintiff seeking a return of a firearm that was confiscated when Plaintiff was arrested for operating a vehicle under the influence of a controlled substance. The City filed an answer to the complaint and the motion for possession pending judgment. On August 26, 2020, 52-4 Judicial District Court Judge Maureen McGinnis denied the motion for possession pending judgment and scheduled the case for a pretrial conference, which is set for October 7, 2020.**

G. CRIMINAL APPEALS/ DISTRICT COURT APPEALS

These are cases involving an appeal from a decision of the 52-4 District Court in an ordinance prosecution case.

There are no pending Criminal Appeals/ District Court Appeals at this time.

H. ADMINISTRATIVE PROCEEDINGS

There are no pending administrative proceedings at this time.

If you have any questions concerning these cases, please let us know.



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O-02f

CITY COUNCIL AGENDA ITEM

Date: September 29, 2020

To: Mark F. Miller, City Manager

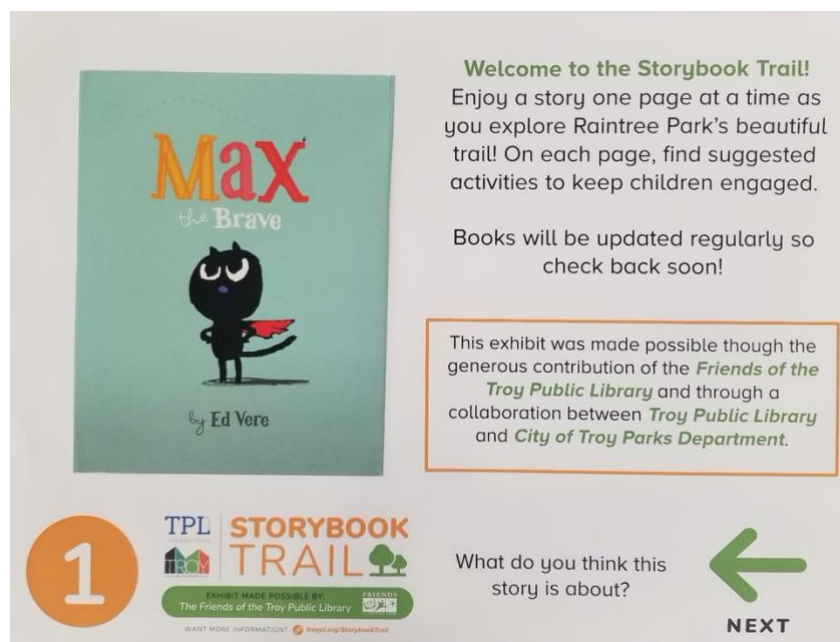
From: Robert J. Bruner, Assistant City Manager
Kurt Bovensiepe, Director of Public Works
Cathleen Russ, Library Director

Subject: Storybook Trail addition to Raintree Park

The Friends of the Troy Public Library, the Troy Public Library, and the Department of Public Works, Grounds Division, have collaborated to bring a Storybook Trail to Raintree Park. This trail features 18 permanent aluminum post-mount frames with book pages that allow users to read an entire book while exploring one of the City's beautiful outdoor spaces. These hand-picked stories shared between children and their caregivers include suggested activities to keep everyone engaged between pages and to support the five pillars of early literacy: talk, sing, read, write, and play. Stories will be swapped out regularly so families can make visiting the trail a regular activity.

DPW Grounds Division installed the posts and frames, leaving ample space for maintenance of the trail and for other users of the trail to pass while families are reading the story. The first featured story, *Max the Brave* by Ed Vere, will be installed on Friday, October 2.

The Storybook Trail was funded through the generous contribution of the Friends of the Troy Public Library. Updates on the trail and the current story will be made available at troypl.org/StorybookTrail.





CITY COUNCIL AGENDA ITEM

Date: October 6, 2020

To: Mark F. Miller, City Manager

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

Subject: Senate Bill 757 and Troy's Absent Voter Counting Board

On September 14, 2020, City Council approved a resolution encouraging the Michigan Legislature to support Senate Bill 757, that would allow Absentee Voter Counting Boards to convene on Monday, November 2 from 10:00 am – 8:00 pm to pre-process absentee ballots, among other amendments to Election Law. The Michigan Legislature subsequently approved SB757 in the weeks that followed.

On October 6, 2020, Governor Whitmer signed SB757 into law, amending Michigan Election Law in a number of ways. Some particular points to note:

- Absent Voter Counting Boards (AVCB) can convene on Monday, November 2, 2020 from 10:00 am to 8:00 pm to pre-process absentee ballots. Pre-processing entails verifying the count of ballots, slicing the envelopes, removing the ballot in the secrecy sleeve. The City Clerk must notify the Secretary of State not later than 20 days prior to the election, and the Election Commission must approve the list of inspectors who will perform the pre-processing.
- The last time a voter can spoil an absentee ballot and obtain a new ballot is now 10:00 am instead of 4:00 pm the day before the election.
- Clerks are required to notify voters of signature issues on absentee ballot return envelopes within 48 hours of receipt of the ballot for ballots received before 8:00 pm on the day before the election.
- For absentee ballots received between 8:00 pm on the day before the election until 8:00 pm on Election Day, Clerks are to mark ballots "Rejected" if the voter's signature is missing or does not match the signature on file.

The Troy Election Commission will meet on Thursday, October 8, 2020 to approve the list of Election Inspectors appointed to work in the AVCB on Monday, November 2, and Tuesday, November 3. The City Clerk will notify the Secretary of State that the City of Troy intends to convene the AVCB for the full time allowed in order to pre-process absentee ballots on Monday, November 2, and process absentee ballots on Tuesday, November 3.

There are other sections of SB757 that Troy is already in compliance with, such as drop box regulations and ballot envelope container regulations. The section of SB757 that addresses the ability for Election Inspectors to work in shifts is more of a clarification of procedures that were already allowed, rather than an amendment to the law.

As of this writing, the City Clerk's Office has issued 29,800 absentee ballots, with more applications being processed every day. We are grateful to City Council and City Administration for supporting



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Senate Bill 757 and all of our efforts to provide a secure, safe, and accurate Election Day for Troy voters and election workers.

Aileen Dickson

From: Mark F Miller
Sent: Tuesday, October 6, 2020 3:19 PM
To: Bob Bruner
Cc: Aileen Dickson
Subject: FW: Aileen Dickson

-----Original Message-----

From: Rowling, James Alan
Sent: Tuesday, October 6, 2020 3:12 PM
To: Mark F Miller <Mark.Miller@troymi.gov>
Cc: Jean Rowling
Subject: RE: Aileen Dickson

Mark,

I echo my wife's comments. Truly above and beyond. Actually, unimaginable these days! I was gobsmacked when I got her first email a few weeks ago. Now, I don't even know what to say. THANKS.

Best,

James (Jim) A. Rowling

-----Original Message-----

From: Jean Rowling

Sent: Tuesday, October 6, 2020 11:28 AM

To: mark.miller@troymi.gov

Cc: Rowling, James Alan

Subject: Aileen Dickson

>

> Dear Mr. Miller:

>

> My husband, son and I have lived outside the United States for many years due to my husband's job. We lived in Troy for several years before that first as renters then as homeowners. Our son attended kindergarten and first grade there. We have always voted in federal elections and have gotten information through various sources to get that done.

>

> As this year's election and voting process has been under attack, we were extremely anxious that our ballots could be successfully submitted and counted and were particularly concerned with the slowness of both Canada Post and the US Postal Service.

>

> On Sunday, September 13, my husband wrote an email to the Troy election site and on Wednesday, his email was forwarded to Aileen and within half an hour, she had written to him having already checked our voter registration files and forwarded all of the links and information we would need. A couple more emails were exchanged.

>

> We were stunned by the speed, professionalism and courtesy of Aileen's replies to us. It immediately put us at ease and we were able to complete and mail the ballots. This morning we received emails from her to say they had arrived. You have no idea the relief we feel to know that our votes will be counted.

>

> In lieu of the size of the City of Troy and the normal challenges of a federal election - compounded by the chaos of this year - we in no way expected to be treated as (once) neighbors and friends but that was the feeling we got and it has somewhat restored hope in us.

>

> We all felt strongly that we wanted to call attention to Aileen's work and our gratitude to her.

>

> Thank you for your time and attention.

>

>

> Jean, Jim and Mark Rowling

>