



CITY COUNCIL

REGULAR MEETING

AGENDA

JANUARY 11, 2021
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

January 11, 2021 – 7:30 PM

View the Meeting Live at

www.troymi.gov/currentagenda

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

A. CALL TO ORDER: 1

B. ROLL CALL: 1

Update to Resolution Allowing for Electronic Meetings 1

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS: 2

C-1 No Certificates of Recognition and Special Presentations 2

D. CARRYOVER ITEMS: 2

D-1 No Carryover Items 2

E. PUBLIC HEARINGS: 2

E-1 No Public Hearings 2

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA: 2

G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT: 3

H. POSTPONED ITEMS: 3

H-1 No Postponed Items 3

I. REGULAR BUSINESS: **3**

- I-1 Board and Committee Appointments: a) Mayoral Appointments – Global Troy Advisory Committee; b) City Council Appointments – None 3
- I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority, Downtown Development Authority, Global Troy Advisory Committee, Local Development Finance Authority; b) City Council Nominations – Historic District Study Committee, Building Code Board of Appeals, Election Commission, Parks and Recreation Board 4
- I-3 No Closed Session Requested 12
- I-4 Confirmation of Appointment of Richard C. Riesterer for Fire Chief (*Introduced by: Mark F. Miller, City Manager*) 12
- I-5 Standard Purchasing Resolution 1: Award to Low Bidder – Contract 20-03 – Big Beaver Relief Sanitary Sewer and Budget Amendment (*Introduced by: William Huotari, City Engineer*) 13

J. CONSENT AGENDA: **13**

- J-1a Approval of “J” Items NOT Removed for Discussion 13
- J-1b Address of “J” Items Removed for Discussion by City Council 14
- J-2 Approval of City Council Minutes 14
- a) City Council Minutes-Draft – December 14, 2020..... 14
- J-3 Proposed City of Troy Proclamations: 14
- a) Proclamation to Recognize Celebration of “Yoga for Health, Health for Humanity Surya Namaskar Yajna 2021” – January 16-31, 2021 14
- J-4 Standard Purchasing Resolutions: 14
- a) Standard Purchasing Resolution 2: Award to Low Bidders Meeting Specifications - Asphalt Paving Materials - Hot Patch 14
- b) Standard Purchasing Resolution 4: Cooperative Purchasing Contract – Play Structure Replacement - Jaycee Park 15
- J-5 Barnwell v. City of Troy 15
- J-6 2021 Poverty Exemption Guidelines 15

J-7	Request for Acceptance of Two Permanent Easements from Harbinder Barring and Garima Kuman, Sidwell #88-20-22-354-027	15
J-8	Request for Acceptance of Two Permanent Easements from Pavilion Homes, Sidwell #88-20-22-354-026	16
J-9	Request for Acceptance of a Permanent Easements from Enkel Muci, Sidwell #88-20-27-430-024	16
J-10	Request for Acceptance of a Warranty Deed from Eureka Building Co., Sidwell #88-20-10-426-029 and -031	16
J-11	The United States Conference of Mayors 2021 Membership Dues	17
<u>K.</u>	<u>MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:</u>	<u>17</u>
K-1	Announcement of Public Hearings: None Submitted	17
K-2	Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted	17
<u>L.</u>	<u>PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:</u>	<u>17</u>
<u>M.</u>	<u>CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:</u>	<u>17</u>
<u>N.</u>	<u>COUNCIL REFERRALS:</u>	<u>17</u>
N-1	No Council Referrals	17
<u>O.</u>	<u>REPORTS:</u>	<u>17</u>
O-1	Minutes – Boards and Committees:	17
	a) Civil Service Commission (Act 78)-Final – November 13, 2020.....	17
	b) Civil Service Commission (Act 78)-Draft – December 29, 2020.....	17
O-2	Department Reports:	17
	a) PA 202 of 2017 – The Protecting Local Government Retirement and Benefits Act	17
	b) Fourth Quarter 2020 Litigation Report	17

O-3	Letters of Appreciation:	18
a)	In Appreciation and Honor of Constance Doherty from Mary McGrath.....	18
b)	To Department of Public Works from Sjanna Young Regarding Boulan Park Maintenance.....	18
c)	To Cindy Stewart from The Hahn Family Regarding Troy's Best Holiday Decorated Homes.....	18

O-4	Proposed Proclamations/Resolutions from Other Organizations: None Submitted	18
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P. COUNCIL COMMENTS: **18**

P-1	No Council Comments Advanced	18
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Q. CLOSED SESSION **18**

Q-1	No Closed Session Requested	18
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R. ADJOURNMENT: **18**

2021 SCHEDULED SPECIAL CITY COUNCIL MEETINGS: **19**

February 1, 2021	City Council Code of Ethics	19
March 23, 2021	Personnel Evaluations	19
April 19, 2021	Budget Discussions	19
April 22, 2021	Budget Discussions	19

2021 SCHEDULED REGULAR CITY COUNCIL MEETINGS: **19**

January 25, 2021	Regular Meeting.....	19
February 8, 2021	Regular Meeting	19
February 22, 2021	Regular Meeting	19
March 8, 2021	Regular Meeting	19
March 22, 2021	Regular Meeting	19
April 12, 2021	Regular Meeting	19
April 26, 2021	Regular Meeting	19
May 10, 2021	Regular Meeting.....	19
May 24, 2021	Regular Meeting.....	19
June 14, 2021	Regular Meeting.....	19
June 28, 2021	Regular Meeting.....	19
July 12, 2021	Regular Meeting	19
July 26, 2021	Regular Meeting	19
August 9, 2021	Regular Meeting	19
August 30, 2021	Regular Meeting	19
September 13, 2021	Regular Meeting	19
September 27, 2021	Regular Meeting	19
October 11, 2021	Regular Meeting.....	19
October 25, 2021	Regular Meeting.....	19

November 8, 2021	Regular Meeting	19
November 22, 2021	Regular Meeting	19
December 6, 2021	Regular Meeting	19
December 13, 2021	Regular Meeting	19

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

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

Excuse Absent Council Members:

Suggested Resolution

Resolution #2021-01-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Regular City Council Meeting of January 11, 2021, due to _____.

Yes:

No:

Update to Resolution Allowing for Electronic MeetingsSuggested Resolution

Resolution #2021-01-

Moved by

Seconded by

RESOLVED, That Troy City Council **REAFFIRMS** its resolutions to Amend the Council Rules of Procedure (Resolutions 2020-04-054 and 2020-10-147), retroactive to March 18, 2020, and as allowed by Council Rules of Procedure Rule 21, the Troy City Council hereby **ALLOWS** all Troy City Council Members to electronically participate in any Council meeting consistent with Public Act 254 of 2020 until March 31, 2021, since in-person meetings could detrimentally increase exposure of City Council members and the general public to COVID-19, and would also be difficult to facilitate in light of recent epidemic orders designed to protect public health and safety. During any such virtual or electronic meeting, Council Members shall not use email, texting, instant messaging, or any other internet communication during the meeting. Additionally, as allowed by Council Rules of Procedure 18, the Troy City Council hereby **AMENDS** the Rules of Procedure for any virtual or electronic meeting to modify the Order of the Agenda, as set forth in Rule 5b, to consolidate the Public Comment sections of the meeting, and **AMENDS** Council Rule of Procedure 15 to provide for two methods for receiving Public Comment for virtual meetings. For virtual or electronic Troy City Council meetings, public comments can be submitted for the City Council meeting through email sent to: Public Comment@TroyMI.Gov, and timely emails will be administratively read at the City Council

meeting. Public comments can also be submitted by calling and leaving a voicemail on the following phone number: 248-524-3302. Voicemails received prior to 4 pm on the day of a City Council meeting will be played at the meeting, in compliance with the Rules of Procedure.

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 No Certificates of Recognition and Special Presentations

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 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 – Global Troy Advisory Committee; b) City Council Appointments – None

a) Mayoral Appointments:

Suggested Resolution

Resolution #2021-01-

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:

Global Troy Advisory Committee

Appointed by Mayor

12 Regular Members

3 Year Term

Nominations to the Global Troy Advisory Committee:

Unexpired Term Expiring:
10/30/2022

Kaitlyn Hao

Term currently held by: Vacancy–Emily Collins Nacy resigned
9/27/2020

Yes:

No:

b) City Council Appointments: None

I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority, Downtown Development Authority, Global Troy Advisory Committee, Local Development Finance Authority; b) City Council Nominations – Historic District Study Committee, Building Code Board of Appeals, Election Commission, Parks and Recreation Board

a) Mayoral Nominations:

Suggested Resolution

Resolution #2021-01-

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	GTAC exp 10/30/2022
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	
Beyer	Joseph	10/26/2022	
Marrero-Laureano	Alexander	10/26/2022	
McGerty	Ryan	9/18/2022	
Rahman	Mahfuzur	9/24/2022	
Swaminathan	Abiramasundari	3/6/2022	

Downtown Development Authority

Appointed by Mayor
13 Regular Members
4 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2
Baker	Ethan		11/13/2023	At Large	City Council exp. 11/13/2023; DDA; LDFA
Blair	Timothy	6/17/2017	9/30/2023	In District	
Bush	Cheryl	7/13/2022	9/30/2024	In District	
Keisling	Laurence	9/11/2022	9/30/2024	At Large	
Kiriluk	Alan	9/29/2022	9/30/2024	In District	
Knollenberg	Martin	6/28/2021	9/30/2023	In District	
Koza	Kenny	9/18/2019	9/30/2021	In District	
MacLeish	Daniel	6/15/2019	9/30/2021	In District	
Randol Jr.	Ward	9/28/2020	9/30/2022	At Large	
Reschke	Ernest	10/4/2020	9/30/2022	At Large	
Schroeder	Douglas	10/23/2016	9/30/2022	At Large	
Tomcsik-Husak	Tara	9/22/2020	3/30/2024	In District	
Vacancy			9/30/2023	In District	Brian Mioduszewski resigned 12/15/2020

Nominations to the Downtown Development Authority:

Term Expires: 9/30/2023

Term currently held by: Vacancy – B. Mioduszewski resigned 12/15/2020

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1	Notes 2
Ashland	David	11/14/2021	At Large	Liquor Adv Comm exp 1/31/2021
Beyer	Joseph	10/26/2022	In District	
Crawford	Timothy	6/26/2021	At Large	
Forster	Jeffrey	12/26/2021	At Large	Personnel Bd exp 4/30/2021
Kornacki	Rosemary	4/28/2022	At Large	Brownfield Redev Auth exp 4/30/2023
Malalahalli	Jayalakshmi	11/20/2021	At Large	
McGerty	Ryan	2/25/2022	At Large	
Schick	Michael	1/16/2021	At Large	
Sekhri	Suneel	12/20/2021	At Large	
Sekhri	Arun	9/24/2022	At Large	
Shepherd	John	4/22/2021	At Large	
Singh	Inderpal	11/12/2021	At Large	

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	10/30/2023	
Burrus	MiVida	7/15/2018	10/30/2022	
Fakhoury	Awni	4/28/2018	10/30/2021	
Lu	Allison		7/31/2021	Student
Mohideen	Syeda	8/24/2020	10/30/2021	
Natcheva	Daniela	11/8/2021	10/30/2022	
Noguez-Ortiz	Carolina	12/19/2019	10/30/2022	Brownfield Redev Auth exp 4/30/2023
Sekhri	Suneel	12/20/2021	10/30/2021	
Tholakapalli	Arjun	4/10/2021	7/31/2020	Student
Vacancy– Kaitlin Hao nominated			10/30/2022	Emily Collins Nacy resigned 9/27/2020

Vacancy			10/30/2020	Rebecca Chamberlain-Creangă resigned 2/26/2020
Vacancy			10/30/2020	Cathleen Francois requested No Reappointment
Zhou	Yudong	10/23/2021	10/30/2022	

Nominations to the Global Troy Advisory Authority:**Unexpired Term Expiring:
10/30/2023**

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

Term Expires: 10/30/2023

Term currently held by: Vacancy – Cathleen Francois – No Reappointment

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
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	Liquor Adv Comm exp 1/31/2023
Marrero-Laureano	Alexander	10/26/2022	
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	Charter Rev Comm exp 4/30/2022
Hodorek	Ellen		11/8/2021	Alternate; City Council	City Council, LDFA exp 11/8/2021

Hoef	Paul V.	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	Brownfield Redev Auth exp 4/30/2023
Yu	Fu-Shin	8/20/2021	

Yes:

No:

b) City Council Nominations:**Establishment of Historic District Study Committee****Suggested Resolution**

Resolution #2021-01-

Moved by

Seconded by

WHEREAS, The Planning Department received a request from a resident to de-list a historic property; and,

WHEREAS, Chapter 13 Historic Preservation requires City Council to establish and appoint an ad-hoc Historic District Study Committee to process applications to de-list historic properties;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ESTABLISHES** an ad-hoc Historic District Study Committee of not less than three (3) members, in accordance with the provisions of Chapter 13 of the Troy City Code and MCL 399.214(1), which shall be **DISSOLVED** after all pending applications are finalized.

Yes:

No:

City Council Nominations

Suggested Resolution

Resolution #2021-01-

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:

Historic District Study Committee

Appointed by Council

3 Members

Ad Hoc

Nominations to the Historic District Study Committee:

Term Expires: Ad-Hoc

Term Expires: Ad-Hoc

Term Expires: Ad-Hoc

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Chambers	Barbara	12/5/2021	
McGee	Timothy	3/23/2020	
Voigt	W. Kent	1/16/2021	

Yes:

No:

Suggested Resolution

Resolution #2021-01-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Building Code Board of Appeals

Appointed by Council

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

5 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
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	Requests Reappointment
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

Election Commission

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

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
Dickson	M. Aileen				
Philo	Harry	1/2/2021	1/31/2021	Democrat	Requests Reappointment
Watts	Ray	6/17/2022	1/31/2021	Republican	

Nominations to the Election Commission:**Term Expires: 1/31/2022**

Term currently held by: Ray Watts

Term Expires: 1/31/2022

Term currently held by: Harry Philo

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Hashmi	Amin	12/16/2021	

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

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
Baker	Julia (Judy)	8/8/2021	9/30/2022		
Bo	Elaine		12/31/2099		
Brady	Pamela	10/4/2020	9/30/2022		
Brady	Michael	10/4/2020	9/30/2021		
Colussi	Casey	8/20/2022	9/30/2023		
Franklin	Kristin Lane	8/8/2021	9/30/2022		

Fulcher	Timothy	8/9/2021	7/31/2020	Troy School Board of Education Rep.	Requests Reappointment
Martin	Kelly	7/11/2021	9/30/2023		
Sahu	Akshitha	9/28/2022	7/31/2021	GRADUATES 2023	
Vacancy			9/30/2021	Laurie Huber resigned 12/5/2020	

Nominations to the Parks and Recreation Board:**Term Expires: 7/31/2021****Troy School Board of Education Rep.**

Term currently held by: Tim Fulcher

Term Expires: 9/30/2021

Term currently held by: Vacancy- Laurie Huber resigned 12/5/2020

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 2
Ashland	David	11/14/2021	Liquor Adv Comm exp 1/31/2021
Chanda	Hirak	11/25/2021	Hist. Dist. Comm exp 3/1/2021
Cicchini	Philippe	4/28/2022	
Dicker	Susanne Forbes	8/15/2022	Hist. Dist. Comm. exp 3/1/2023
DiFalco	Melissa	12/2/2021	
Dziurman	Matthew J.	3/6/2021	BCBoA exp 1/1/2025
Faiz	Iqbal	12/4/2022	
Forster	Jeffrey D.	1/13/2022	Personnel Bd exp 4/30/2021
Fox	Tyler	11/15/2021	
Hoef	Paul V.	3/4/2021	EDC exp 4/30/2015; LDFA exp 6/30/2023
Nacy	Emily	11/8/2021	
Shepherd	John Chuck	4/22/2021	
Yu	Fu-Shin X.	8/20/2021	

Yes:

No:

I-3 No Closed Session Requested**I-4 Confirmation of Appointment of Richard C. Riesterer for Fire Chief (*Introduced by: Mark F. Miller, City Manager*)**

Suggested Resolution

Resolution #2021-01-

Moved by

Seconded by

WHEREAS, The City Manager has the authority to appoint the Fire Chief with confirmation by the City Council Under Section 3.9 of the City Charter; and,

WHEREAS, The ACT 78 Board met on December 29, 2020 and certified the eligibility of Assistant Fire Chief Richard C. Riesterer to Fire Chief;

THEREFORE, BE IT RESOLVED, That Troy City Council **CONFIRMS** the City Manager's Appointment of Richard C. Riesterer as Fire Chief effective as of February 5, 2021.

Yes:

No:

I-5 Standard Purchasing Resolution 1: Award to Low Bidder – Contract 20-03 – Big Beaver Relief Sanitary Sewer and Budget Amendment (*Introduced by: William Huotari, City Engineer*)

Suggested Resolution

Resolution #2021-01-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 20-03, Big Beaver Relief Sanitary Sewer contract to *Pamar Enterprises, Inc., 31604 Pamar Court, New Haven, MI 48048*, for their low bid of \$6,012,822.47.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 15% of the total project cost.

BE IT FINALLY RESOLVED, That City Council **APPROVES** a budget amendment to the 2021 Sewer Fund in the amount of \$3,500,000 for the Big Beaver Relief Sanitary Sewer, Project No. 2021C0069 (Account No. 590.527.535.7973.174025).

Yes:

No:

J. CONSENT AGENDA:

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

Suggested Resolution

Resolution #2021-01-

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 #2021-01-

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

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

J-3 Proposed City of Troy Proclamations:

Suggested Resolution

Resolution #2021-01-

- a) Proclamation to Recognize Celebration of “Yoga for Health, Health for Humanity Surya Namaskar Yajna 2021” – January 16-31, 2021

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 2: Award to Low Bidders Meeting Specifications - Asphalt Paving Materials - Hot Patch**

Suggested Resolution

Resolution #2021-01-

RESOLVED, That Troy City Council hereby **AWARDS** a one (1) year contract to provide Asphalt Paving Materials – Hot Patch with an option to renew for one (1) additional year to the lowest bidder(s) by line item to *Cadillac Asphalt of Shelby Township, MI*, as the primary supplier for items #1, #2, #3, #4, #5, #6, #7, #8, and #11 at unit prices contained in the bid tabulation opened December 17, 2020, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; to be ordered on an as needed basis and based on proximity; contracts expiring December 31, 2022.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City to use secondary suppliers, *Ajax Materials Corporation of Troy, MI* for items #1, #2, #3, #4, #5, #6, #7, #8, and #11 in the event that the primary supplier is unable to provided materials as specified under the same pricing, terms and conditions as originally bid; to be ordered on an as needed basis and based on proximity.

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

b) Standard Purchasing Resolution 4: Cooperative Purchasing Contract – Play Structure Replacement - Jaycee Park

Suggested Resolution
Resolution #2021-01-

RESOLVED, That, in the best interest of the City, Troy City Council hereby **WAIVES** the bid process and **AWARDS** a contract for the Jaycee Park Play Structure Replacement to *Miracle Midwest of Holly, MI*, based on quote #12072020kja; a copy of which shall be **ATTACHED** to the original Minutes of this meeting, as per the Sourcwell Cooperative Purchasing Contract #030117-LTS for an estimated cost of \$137,152; with a 10% contingency and not to exceed budgetary limitations.

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

J-5 Barnwell v. City of Troy

The complete Agenda Item is available at: <https://apps.troymi.gov/meetings/currentagenda>

Suggested Resolution
Resolution #2021-01-

RESOLVED, That Troy City Council hereby **APPROVES** the proposed settlement agreement in the matter of Barnwell v. City of Troy, including any minor modifications that may be needed to effectuate the settlement, as long as the monetary settlement amount of \$34,333 is not changed, and the agreed to amount for future improvements remains at \$17,348, and **AUTHORIZES** the City Manager and City Attorney to execute the documents on behalf of the City.

J-6 2021 Poverty Exemption Guidelines

Suggested Resolution
Resolution #2021-01-

RESOLVED, That, pursuant to MCL 211.7u, the City Council of the City of Troy hereby **APPROVES** the proposed "Poverty Exemption Guidelines" for 2021, as presented by the City Assessor in a memorandum dated January 11, 2021, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-7 Request for Acceptance of Two Permanent Easements from Harbinder Barring and Garima Kuman, Sidwell #88-20-22-354-027

Suggested Resolution

Resolution #2021-01-

RESOLVED, That Troy City Council hereby **ACCEPTS** two permanent easements for storm sewers and surface drainage, and sidewalks from Harbinder Barring and Garima Kuman, owners of the property having Sidwell #88-20-22-354-027.

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-8 Request for Acceptance of Two Permanent Easements from Pavilion Homes, Sidwell #88-20-22-354-026

Suggested Resolution

Resolution #2021-01-

RESOLVED, That Troy City Council hereby **ACCEPTS** two permanent easements for storm sewers and surface drainage, and sidewalks from Pavilion Homes, owner of the properties having Sidwell #88-20-22-354-026.

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-9 Request for Acceptance of a Permanent Easements from Enkel Muci, Sidwell #88-20-27-430-024

Suggested Resolution

Resolution #2021-01-

RESOLVED, That Troy City Council hereby **ACCEPTS** a permanent easement for storm sewers and surface drainage from Enkel Muci, owner of the property having Sidwell #88-20-27-430-024.

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

J-10 Request for Acceptance of a Warranty Deed from Eureka Building Co., Sidwell #88-20-10-426-029 and -031

Suggested Resolution

Resolution #2021-01-

RESOLVED, That Troy City Council hereby **ACCEPTS** a warranty deed for Rochester Road right-of-way from Eureka Building Co., owner of the parcels identified with Sidwell #88-20-10-426-029 & -031.

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

J-11 The United States Conference of Mayors 2021 Membership Dues

Suggested Resolution
Resolution #2021-01-

RESOLVED, That approval is **GRANTED** to pay membership dues to the United States Conference of Mayors in the amount of \$5,269.00, which covers the time period of January 1, 2021 to December, 2021.

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 – November 13, 2020
- b) Civil Service Commission (Act 78)-Draft – December 29, 2020

O-2 Department Reports:

- a) PA 202 of 2017 – The Protecting Local Government Retirement and Benefits Act
- b) Fourth Quarter 2020 Litigation Report

O-3 Letters of Appreciation:

- a) In Appreciation and Honor of Constance Doherty from Mary McGrath
- b) To Department of Public Works from Sjanna Young Regarding Boulan Park Maintenance
- c) To Cindy Stewart from The Hahn Family Regarding Troy's Best Holiday Decorated Homes

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

2021 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

February 1, 2021	City Council Code of Ethics
March 23, 2021	Personnel Evaluations
April 19, 2021	Budget Discussions
April 22, 2021	Budget Discussions

2021 SCHEDULED REGULAR CITY COUNCIL MEETINGS:

January 25, 2021	Regular Meeting
February 8, 2021	Regular Meeting
February 22, 2021	Regular Meeting
March 8, 2021	Regular Meeting
March 22, 2021	Regular Meeting
April 12, 2021	Regular Meeting
April 26, 2021	Regular Meeting
May 10, 2021	Regular Meeting
May 24, 2021	Regular Meeting
June 14, 2021	Regular Meeting
June 28, 2021	Regular Meeting
July 12, 2021	Regular Meeting
July 26, 2021	Regular Meeting
August 9, 2021	Regular Meeting
August 30, 2021	Regular Meeting
September 13, 2021	Regular Meeting
September 27, 2021	Regular Meeting
October 11, 2021	Regular Meeting
October 25, 2021	Regular Meeting
November 8, 2021	Regular Meeting
November 22, 2021	Regular Meeting
December 6, 2021	Regular Meeting
December 13, 2021	Regular Meeting



500 West Big Beaver
Troy, MI 48084
troymi.gov

I-04

CITY COUNCIL AGENDA ITEM

Date: January 11, 2021

To: The Honorable Mayor and City Council Members

From: Mark F. Miller, City Manager
Robert J. Bruner, Assistant City Manager
Sarah Ames, Assistant to the City Manager

Subject: Confirmation of Appointment of Richard C. Riesterer to Fire Chief
(Introduced by Mark Miller)

History

According to Section 3.9 of the City Charter, all administrative officers of the City except the City Manager and Attorney shall be appointed by the City Manager for an indefinite period subject to confirmation by the Council. Such officers shall be responsible to the City Manager, and the City Manager shall fix the compensation therefore in accordance with the budget appropriations and subject to the approval of the Council. Such officers may be discharged by the City Manager with approval of the City Council.

In addition, the City of Troy maintains a Civil Service Commission, also known as the Act 78 Board as established by the Firemen and Policemen Civil Service System Act 78 of 1935. This board is charged to provide a civil service system based upon examination and investigation as to merit, efficiency, and fitness for appointment, employment, and promotion of all full-time paid members of the Police and Fire departments.

The ACT 78 Board met on December 29, 2020 and certified the eligibility of Assistant Fire Chief Richard C. Riesterer for Fire Chief. As such, Mr. Riesterer has been offered employment in the capacity of Fire Chief subject to Council confirmation. His appointment would be effective as of February 5, 2021

Recommendation

It is recommended to approve the confirmation of Richard C. Riesterer to the position of Fire Chief effective as of February 5, 2021.



500 West Big Beaver
Troy, MI 48084
troymi.gov

I-05

CITY COUNCIL AGENDA ITEM

Date: December 16, 2020

To: Mark F. Miller, City Manager

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

Subject: Standard Purchasing Resolution #1: Award to Low Bidder
Contract 20-03 – Big Beaver Relief Sanitary Sewer and Budget Amendment

History

The Sanitary Sewer Master Plan describes a necessary improvement for a relief sewer along Big Beaver from Crooks to the 48-inch interceptor located halfway between John R and Dequindre and from Big Beaver to 14 Mile Road. The relief sewer along Big Beaver was constructed in the mid 80's. Several restudies of the sanitary system along with projects to eliminate inflow and infiltration into the sanitary sewer system were completed since the original study. As a result, the scope of the necessary relief sewer has been narrowed down to a half mile stretch from Big Beaver to Paris Dr.

Reported sewer backups have generally occurred in sewers tributary to the existing 48-inch Interceptor north of Paris Dr. This portion of the existing system is very sensitive to Interceptor surcharging, which is overloading a sewer's capacity beyond design causing backups. The goal is to use this proposed 36-inch relief sewer as an overflow for the times when the existing interceptor surcharges and to provide needed capacity for future development along Big Beaver. The various interconnections between the 48-inch and 36-inch interceptors have been set at specific elevations so that any surcharging in the 48-inch interceptor will overflow into the 36-inch relief sewer before it backs up into the local sanitary sewers. In addition, the proposed relief sewer will allow flow to be diverted from the 48-inch interceptor to the 36-inch relief sewer while the 48-inch interceptor is undergoing maintenance.

Engineering consultant Hubbell, Roth & Clark (HRC) prepared bid documents and construction plans for this project. HRC also confirmed the bid tabulation, reviewed the contractor's work schedule, subcontractors, and has provided the attached recommendation. City staff and HRC held a pre-award meeting with Pamar Enterprises, Inc. to discuss their bid proposal and schedule and agree that Pamar Enterprises, Inc. provided an acceptable low bid for this work meeting the schedule and requirements for the project.

Purchasing

Bids were received and publicly read on November 19, 2020. The low bid of \$6,012,822.47 was submitted by Pamar Enterprises, Inc., 31604 Pamar Court, New Haven, MI 48048 as shown on the attached bid tab.



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Work was competitively bid and publicly opened with three (3) bidders responding. The award is contingent upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements.

Financial

The scope of work requires slow moving construction, primarily through residential areas, and is the primary factor in all bidders' prices received being higher than anticipated. All three bidders were in the same range exceeding \$6,000,000 showing that each had a similar understanding of the scope as bid and meaning that plans and specifications were complete and provided a reasonable expectation of the work the contractor is to provide. Therefore, the total recommended budget amount for the work bid is approximately \$7,500,000 based on a \$6,012,822.47 bid price plus 10% construction engineering fee and 15% contingency. A budget amendment in the amount of \$3,500,000.00 is therefore required in the 2021 Sewer Fund. Funds are available in the Sewer Fund as this project has been planned for several years and accounted for within the Sewer Fund. The appropriate financial planning continues to allow the City of Troy to have no debt as it relates to both water and sewer projects.

Recommendation

It is recommended that City Council award the Big Beaver Relief Sanitary Sewer contract to Pamar Enterprises, Inc., 31604 Pamar Court, New Haven, MI 48048, for their low bid of \$6,012,822.47.

In addition, we are requesting authorization to approve additional work, if needed, not to exceed 15% of the original project cost due to unknown conflicts with existing underground utilities that may arise during construction.

It is also recommended that City Council approve a budget amendment to the 2021 Sewer Fund in the amount of \$3,500,000.00, Project No. 2021C0069 (Account No. 590.527.535.7973.174025).

A copy of the bid tab and recommendation shall be attached to the original Minutes of this meeting.

December 15, 2020

City of Troy
Engineering Department
500 W. Big Beaver Road
Troy, MI 48084

Attn: Mr. William Huotari, P.E., City Engineer/Traffic Engineer

Re: Section 25 Relief Sewer Project
Recommendation of Award

HRC Job No. 20170762

Dear Mr. Huotari:

Hubbell, Roth & Clark, Inc (HRC) has reviewed the bids received on November 19, 2020 for the subject project. There were three (3) contractors that submitted proposals with the submitting company names being received, publicly opened and read at the time of the bid opening. All the submitting contractors provided bids for both the base and alternate bid options and as a result there were a total of six (6) bids to review and select from. The base bid designated concrete sewer pipe to be installed while the alternate bid designated polypropylene pipe be installed. The pricing for the six (6) bid options ranged from \$6,012,822.47 to \$6,922,115.08. Upon review of the bids and during discussions with the City it was determined that the polypropylene pipe included in the alternate bid best meets the City's operational and longevity needs. Therefore, the lowest responsive alternate bid submitted by Pamar Enterprises, Inc. of New Haven, Michigan. Copies of the Bid Tab are enclosed for your reference and distribution.

Each of the contractor submitted proposals were reviewed based on critical project parameters including; contractor work plan, bypass pumping and monitoring plan, experience with projects of similar complexity, size and scope, proposed sub-contractors, bid price and preliminary construction schedule. These proposals were reviewed and discussed by City and HRC staff members.

Due to the complexities and coordination involved in the work, a pre-award meeting was held on December 9, 2020 during which Pamar Enterprises Inc. indicated they are comfortable with their price proposal, are confident they will be able to complete the project in accordance with the bid documents for the total amount bid, the schedule provided and clearly conveyed their understanding of the project to us during the meeting.

Pamar Enterprises, Inc. has satisfied the requirements of the specifications and has submitted all the necessary information for the bid proposal to be considered complete and responsive. Pamar Enterprises, Inc. has extensive experience working in Southeast Michigan on a wide-range of underground utility projects both larger and smaller than the subject project. In addition, both HRC and the City have a long successful history of working with Pamar Enterprises, Inc. and each of the references contacted provided strong support of their abilities, including timeliness, responsiveness, workmanship, and communications.

On the basis of the above, we recommend award of the Section 25 Relief Sewer Project construction Contract to Pamar Enterprises Inc. at a total amount of \$6,012,822.47, subject to the Contractor supplying the requisite bonds and insurance certificates. Construction is anticipated to begin in mid-January 2020 and be completed by late-September 2020.

Delhi Township
2101 Aurelius Rd.
Suite 2A
Holt, MI 48842
517-694-7760

Detroit
535 Griswold St.
Buhl Building, Ste 1650
Detroit, MI 48226
313-965-3330

Grand Rapids
1925 Breton Road SE
Suite 100
Grand Rapids, MI 49506
616-454-4286

Howell
105 W. Grand River
Howell, MI 48843
517-552-9199

Jackson
401 S. Mechanic St.
Suite B
Jackson, MI 49201
517-292-1295

Kalamazoo
834 King Highway
Suite 107
Kalamazoo, MI 49001
269-665-2005

Lansing
215 S. Washington SQ
Suite D
Lansing, MI 48933
517-292-1488

If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.



Bradley Shepler, P.E., CCCA
Associate

Attachment

pc: S. Finlay, P. Trosper, M. Schlegelmann, K. Bovensiepe
HRC; M. MacDonald, E. Ause, File

Accepted By:

Signature: _____

Written Name: _____

Title: _____

Dated: _____

BID TABULATION
SECTION 25 RELIEF SEWER
CITY OF TROY, MICHIGAN

Bids Due: 11/19/2020 @ 10:00 AM
HRC Job No. 20170762

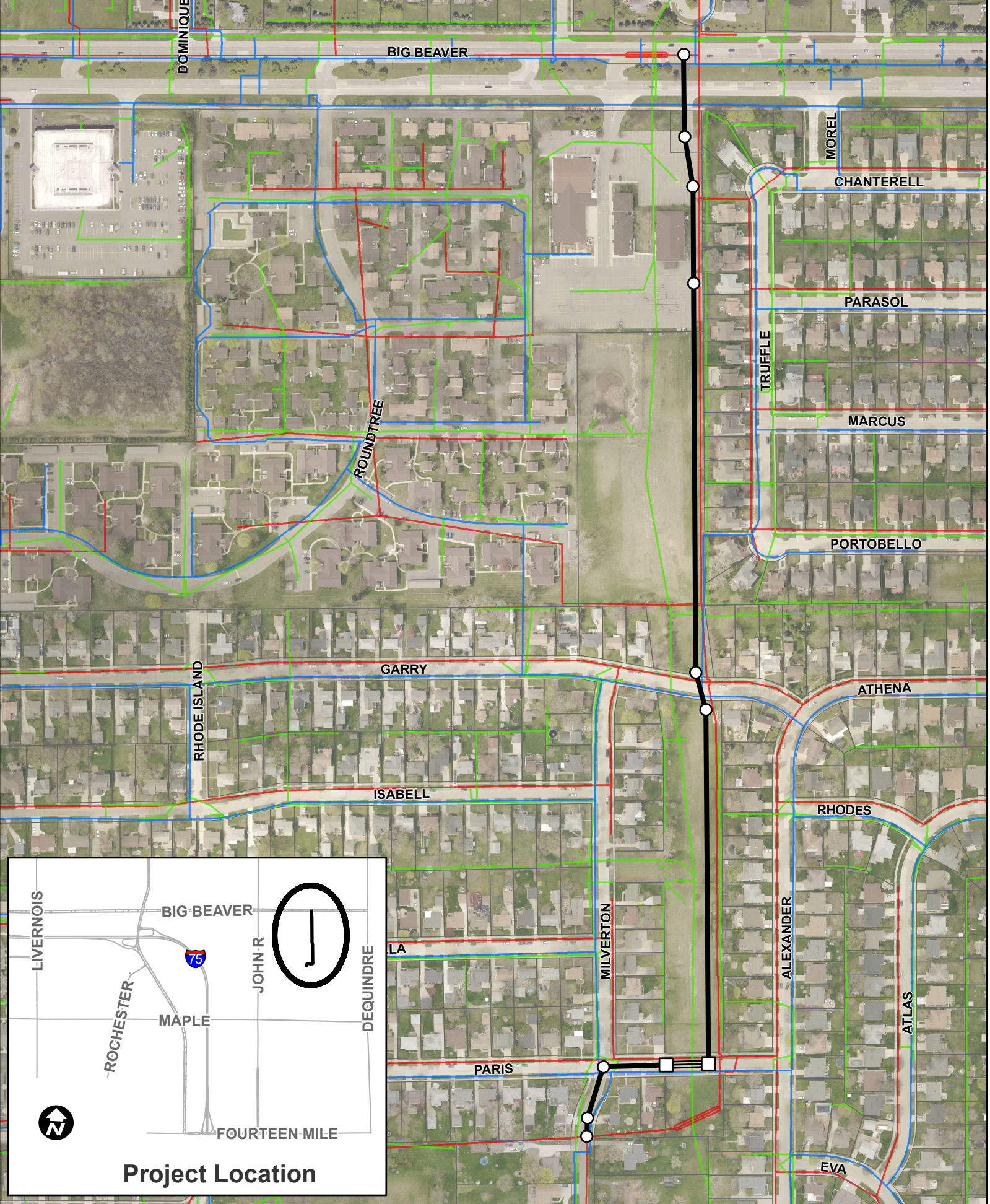
Ric-Man Construction, Inc
38600 Van Dyke, #100
Sterling Heights, MI 48312
P (586) 739-5210

Pamar Enterprises Inc
31604 Pamar Court
New Haven, MI 48048
P (586) 749-8593

L. D'Agostini & Sons, Inc
15801 23 Mile Rd
Macomb, MI 48042
P (586) 781-5800

Item	Total Cost	Total Cost	Total Cost
TOTAL AMOUNT OF BASE BID	<u>\$ 6,045,951.60</u>	<u>\$ 6,062,319.47</u>	<u>\$ 6,922,115.08</u>
TOTAL AMOUNT OF ALTERNATE #1 BID	<u>\$ 6,163,118.60</u>	<u>\$ 6,012,822.47</u>	<u>\$ 6,842,944.58</u>

ENGINEER: Bradley Shepler, P.E.
Hubbell, Roth & Clark, Inc.
555 Hulet Drive
P.O. Box 824
Bloomfield Hills, MI 48083-0824



- Proposed Relief Drain
- Water
- Storm
- Sewer

Big Beaver Relief Drain



A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held electronically on Monday, December 14, 2020. Mayor Baker called the meeting to order at 7:30 PM.

B. ROLL CALL:

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

Vote on Resolution to Waive the Rules of Procedure for the City Council, Rule #8 Proclamations and Congratulatory Certificates

Resolution #2020-12-175
Moved by Baker
Seconded by Hodorek

RESOLVED, That Troy City Council hereby **WAIVES** the Rules of Procedure for the City Council Rule #8 *Proclamations and Congratulatory Certificates* to approve and present a Proclamation for City of Troy Employee Appreciation Day - December 18, 2020 at the December 14, 2020 City Council Meeting.

Yes: All-7
No: None

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

C-1 Independent Auditor's Communication (*Presented by: Robert Maleszyk, Chief Financial Officer, and Nate Baldermann, Rehmann*)

C-2 Audit Presentation (*Presented by: Robert Maleszyk, Chief Financial Officer, and Nate Baldermann, Rehmann*)

C-3 Proclamation for City of Troy Employee Appreciation Day – December 18, 2020

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings**F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:****G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:****H. POSTPONED ITEMS:**

H-1 No Postponed Items**I. REGULAR BUSINESS:**

I-1 Board and Committee Appointments: a) Mayoral Appointments – Global Troy Advisory Committee, Planning Commission; b) City Council Appointments – Traffic Committee**a) Mayoral Appointments:**

Resolution #2020-12-176

Moved by Baker

Seconded by Erickson Gault

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:

Global Troy Advisory Committee

Appointed by Mayor

12 Regular Members

3 Year Term

Nominations to the Global Troy Advisory Committee:**Term Expires: 7/31/2021****Arjun Tholakapalli**

Term currently held by: Arjun Tholakapalli (Student)

Yes: All-7

No: None

MOTION CARRIED

Resolution #2020-12-177

Moved by Baker

Seconded by Brooks

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:

Planning Commission

Appointed by Mayor
9 Regular Members
3 Year Term

Nominations to the Planning Commission:

Term Expires: 12/31/2023

Jayalakshmi Malalahalli

Term currently held by: Ollie Apahidean

Term Expires: 12/31/2023

Gerald (Jerry) Rauch

Term currently held by: Karen Crusse

Term Expires: 12/31/2023

Carlton Faison

Term currently held by: Carlton Faison

Yes: All-7
No: None

MOTION CARRIED

b) City Council Appointments:

Resolution #2020-12-178
Moved by Brooks
Seconded by Hamilton

Traffic Committee

Appointed by Council
7 Regular Members
3 Year Term

Nominations to the Traffic Committee:

Term Expires: 7/31/2021

Alankar Shende

Term currently held by: Alankar Shende

Yes: All-7
No: None

MOTION CARRIED

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

Resolution #2020-12-179

Moved by

Seconded by

RESOLVED, That the Mayor of the City of Troy hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Global Troy Advisory Committee

Appointed by Mayor

12 Regular Members

3 Year Term

Nominations to the Global Troy Advisory Committee:**Unexpired Term Expiring:
10/30/2022****Kaitlyn Hao**

Term currently held by: Vacancy–Emily Collins Nacy resigned
9/27/2020

Yes: All-7

No: None

MOTION CARRIED**b) City Council Nominations: None**

I-3 Request for Closed Session

Resolution #2020-12-180

Moved by Baker

Seconded by Hamilton

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268(e) - pending litigation – United States of America v. City of Troy and ADAM v. City of Troy; Barnwell v. City of Troy.

Yes: All-7

No: None

MOTION CARRIED

I-4 Budget Amendment and Standard Purchasing Resolution 2 - Award to Sole Bidder Meeting Specifications – Flooring Replacement at 52-4 District Court in Courtrooms B, C, and D and the Troy Community Center in Banquet Rooms, Preschool Rooms, Kids Corner, and Senior Dining Room (Introduced by: Kurt Bovensiep, Public Works Director)

Resolution #2020-12-181

Moved by Erickson Gault

Seconded by Chamberlain-Creanga

RESOLVED, That Troy City Council hereby **AWARDS** a contract for flooring replacement at the 52-4 District Court, Courtrooms B, C, and D; as per bid specifications to the sole bidder meeting specifications, *Flooring Services Inc.*, of *Livonia, MI*, for an estimated cost of \$51,800 with a 20% contingency for a not to exceed amount of \$62,160 at prices contained in the bid tabulation opened November 19, 2020; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** a budget amendment in the amount of \$62,160 for the Building Operations District Court Capital Projects Fund.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AWARDS** a contract for flooring replacement at the Troy Community Center in the Banquet Rooms, Preschool Rooms, Kids Corner and the Senior Dining Room as per bid specifications to the sole bidder meeting specifications, *Flooring Services Inc.*, of *Livonia, MI* for an estimated cost of \$103,050 with a 10% contingency for a not to exceed amount of \$113,360 at prices contained in the bid tabulation opened November 19, 2020.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** a budget amendment in the amount of \$53,360 for the Recreation Capital Projects Fund.

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

Yes: All-7

No: None

MOTION CARRIED

I-5 Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Trails and Pathway – Jaycee Park (Introduced by: Kurt Bovensiep, Public Works Director)

Resolution #2020-12-182

Moved by Chamberlain-Creanga

Seconded by Hodorek

RESOLVED, That Troy City Council hereby **APPROVES** expending budgeted capital funds to *Anderson, Eckstein, and Westrick, Inc. (AEW)* of *Shelby Township, MI*, which is one of the

City's professional service engineering firms (Resolution #2017-06-105-J-4a), for the design of a trail and pathway at Jaycee Park for a total estimated cost of \$60,500.

Yes: All-7
No: None

MOTION CARRIED

I-6 Budget Amendment and Standard Purchasing Resolution 4: Cooperative Purchasing Contract – Historic Village General Store, Poppleton School and Troy Town Hall – Roof Replacements (Introduced by: Kurt Bovensiepe, Public Works Director)

Resolution #2020-12-183
Moved by Abraham
Seconded by Erickson Gault

RESOLVED, That in the best interest of the City, Troy City Council hereby **WAIVES** the bid process and **AWARDS** contracts for the Historic Village General Store, Poppleton School and Troy Town Hall Roof Replacements to *Schena Roofing and Sheet Metal Co., Inc. of Chesterfield, MI*, based on the US Communities/OMNIA Partners Purchasing Contract #180901 for an estimated cost of \$94,703; and to *Garland/DBS, Inc. of Cleveland, OH* based on the US Communities/OMNIA Partners Cooperative Purchasing Contract #14-5903 for an estimated cost of \$19,675 with a 20% total contingency.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** a budget amendment in the amount of \$13,260 to the Historic Village Capital Fund Account.

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

Yes: All-7
No: None

MOTION CARRIED

I-7 Budget Amendment and Standard Purchasing Resolution 2: Award to Sole Bidder Meeting Specifications and Standard Purchasing Resolution 4 – Cooperative Purchasing Contract – US Communities/OMNIA – Public Address System - Library (Introduced by: Phillip J. Kwik, Interim Library Director)

Resolution #2020-12-184
Moved by Erickson Gault
Seconded by Abraham

RESOLVED, That Troy City Council hereby **AWARDS** a contract for the installation of the Public Address System at the Troy Public Library; as per all bid specifications to the sole bidder meeting specifications, *Sound Planning Communications of Redford, MI*, for an estimated total

cost of \$21,107.00 at unit prices contained in the bid tabulation opened November 19, 2020; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That Troy City Council hereby **WAIVES** the bid process and **AWARDS** a contract to *Graybar Electric Company, Inc. of Grand Rapids, MI* based on the US Communities/OMNIA Cooperative Partners Purchasing Contract # EV2370 for \$14,152.34 for an estimated grand total amount of \$35,259.34.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** a budget amendment to the Library's Capital Account in the amount of \$8,000.

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

Yes: All-7

No: None

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2020-12-185-J-1a

Moved by Abraham

Seconded by Hodorek

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

Yes: All-7

No: None

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2020-12-185-J-2

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

- a) City Council Minutes-Draft – December 7, 2020

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions: None Submitted

J-5 Request for Acceptance of Six Permanent Easements from GFA Development, Inc., Sidwell #88-20-27-307-042, -043, -044

Resolution #2020-12-185-J-5

RESOLVED, That Troy City Council hereby **ACCEPTS** six permanent easements for storm sewers and surface drainage, and sidewalks from GFA Development, Inc., owner of the properties having Sidwell #88-20-27-307-042, -043 & -044.

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 Renewal of PROTEC Membership

Resolution #2020-12-185-J-6

RESOLVED, That Troy City Council hereby **APPROVES** the City's annual membership for PROTEC (the Michigan Coalition to Protect Public Rights of Way) for the fiscal year beginning July 1, 2020 as recommended by City Administration, and **AUTHORIZES** payment of membership dues in the amount of \$10,122.50.

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: None Submitted

O-2 Department Reports:

- a) Resident Engagement and Priority Study
- b) Troy Historic Village Annual Report FY Ending June 30, 2020
- c) Troy Historic Village Unaudited Financial Report FY Ending June 30, 2020
- d) Troy Historic Village Annual Collections Report FY Ending June 30, 2020
- e) Post-Election Audit – November 3, 2020 General Election

Noted and Filed

O-3 Letters of Appreciation:

- a) To Fire Station 5 from Dorothy Lawson
- b) To Aileen Dickson from Ashley Pace

Noted and Filed

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

O-5 Notice of Hearing for the Electric Customers of DTE Electric Company Case No. U-20851

Noted and Filed

P. COUNCIL COMMENTS:

P-1 Council Comments

Council Member Erickson Gault commented that applications open tomorrow for State of Michigan Small Business Relief Initiative to assist small businesses financially due to the pandemic. Information is available on the City of Troy website and through Oakland County. She said there is also a financial relief program for restaurants in Oakland County, and the information is posted on Oakland County's website www.oakgov.com.

Mayor Pro Tem Brooks commented that she also wanted to announce the small business relief program applications are available promptly at 9:00 AM tomorrow. She also commented that Global Troy is hosting a virtual event of winter holiday traditions from around the world on Thursday, December 17, 2020 at 7:00 PM.

Mayor Pro Tem Brooks commented that she is very excited to see the COVID-19 vaccines rolling out, but she reminds everyone that it is still important to keep wearing masks and social distance until the general population has access to the vaccine.

Council Member Chamberlain-Creanga commented that the Global Troy Advisory Committee will host an online celebration of international holiday traditions. She thanked the Global Troy Advisory Committee for being a light in celebrating the diversity in Troy.

Council Member Chamberlain-Creanga thanked the Troy Historic Village for finding creative ways to stay open, as well as finding sources of funding during this difficult time.

Council Member Hodorek commented about the Troy Fire Department's fantastic video posted on their social media page to participate with Beaumont's Moon Beams for Sweet Dreams events. She wished everyone a safe and happy holidays.

Council Member Abraham reminded everyone to not drink and drive. She said that if there's someone in your life who is struggling with depression, especially during the holidays, to please reach out to them. She said kind words can make a difference.

Council Member Abraham thanked the residents of Troy for managing this difficult time with grace and for passing the library millage.

Council Member Abraham thanked City staff for pivoting seamlessly to helping residents virtually.

Council Member Hamilton commented that it's been a tough year, but he hopes everyone has a Merry Christmas and Happy New Year. He said that there are a lot of positive things coming up in 2021 such as reviewing the City Master Plan, expanding Library services to 7 days because of the millage, ribbon cuttings for new trails, and so much more. He said it will be so worth it to keep vigilant for a little while longer until the vaccine is rolled out to everyone.

Mayor Baker commented that he is looking forward to the Global Troy Advisory Committee virtual celebration of international holiday traditions. He thanked Chabad Jewish Center for inviting him to the wonderful Hanukkah celebration. He thanked City Administration and City staff for all their hard work during this past year.

The Meeting **RECESSED** at 8:49 PM.

The Meeting **RECONVENED** at 8:56 PM

Q. CLOSED SESSION

Q-1 Closed Session

R. ADJOURNMENT:

The Meeting **ADJOURNED** at 9:32 PM.

Mayor Ethan Baker

M. Aileen Dickson, MMC, MiPMC II
City Clerk

2021 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

February 1, 2021	City Council Code of Ethics
March 23, 2021	Personnel Evaluations
April 19, 2021	Budget Discussions
April 22, 2021	Budget Discussions

2021 SCHEDULED REGULAR CITY COUNCIL MEETINGS:

January 11, 2021	Regular Meeting
January 25, 2021	Regular Meeting
February 8, 2021	Regular Meeting
February 22, 2021	Regular Meeting
March 8, 2021	Regular Meeting
March 22, 2021	Regular Meeting
April 12, 2021	Regular Meeting
April 26, 2021	Regular Meeting
May 10, 2021	Regular Meeting
May 24, 2021	Regular Meeting
June 14, 2021	Regular Meeting
June 28, 2021	Regular Meeting
July 12, 2021	Regular Meeting
July 26, 2021	Regular Meeting
August 9, 2021	Regular Meeting
August 30, 2021	Regular Meeting
September 13, 2021	Regular Meeting
September 27, 2021	Regular Meeting
October 11, 2021	Regular Meeting
October 25, 2021	Regular Meeting
November 8, 2021	Regular Meeting
November 22, 2021	Regular Meeting
December 6, 2021	Regular Meeting
December 13, 2021	Regular Meeting

**PROCLAMATION TO RECOGNIZE
CELEBRATION OF “YOGA FOR HEALTH, HEALTH FOR HUMANITY
SURYA NAMASKAR YAJNA 2021”
JANUARY 16 – 31, 2021**

WHEREAS, YOGA is an ancient Hindu practice developed thousands of years ago in the Indian subcontinent for maintaining spiritual, mental, and physical wellbeing; and

WHEREAS, **Hindu Swayamsevak Sangh (HSS)** is a nonprofit charitable organization with over 235 branches in 173 cities and in 32 states including 4 branches in the state of Michigan, through which it conducts a Hindu values education program and community service activities such as food drives, providing hot meals to shelters and providing masks to senior care and first responders in several cities across Michigan; and

WHEREAS, The **Surya Namaskar** also known as **Sun Salutation**, integrates simple yoga postures that, along with breathing techniques, provide the practitioner with the key health benefits of yoga practice; and

WHEREAS, **HSS** is organizing the annual “**Health for Humanity Yogathon**” or “**Surya Namaskar Yajna - 2021**” with a goal to create awareness about Yoga and its advantages in achieving a healthy body, mind and spirit and thereby promote friendship, mutual understanding and good health among all members of the community; and

WHEREAS, **HSS** initiated this project in 2006 and participants from over 42 states in the United States of America have participated in this event regardless of individual faith and belief; and

WHEREAS, The **Bharatiya Temple** in the City of Troy has participated in this event for the past 14 years. Yoga enthusiasts, yoga studios, local schools, and community organizations from across the United States are committed to participating in this event; and

WHEREAS, Anyone, regardless of age, religion, gender, or race, is invited to include **Surya Namaskar** as part of their daily physical and spiritual practice to contribute to achieving this goal;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council recognizes **January 16 – 31, 2021**, as “**Yoga for Health, Health for Humanity - Surya Namaskar Yajna 2021**” in the City of Troy; and

BE IT FURTHER RESOLVED, That the City of Troy thanks **Hindu Swayamsevak Sangh** for organizing its annual Health for Humanity Yogathon to promote the spiritual, mental, and physical wellbeing of all members of the community; and for helping to preserve and promote the ancient heritage and cultural values around the world.

Presented this 25th day of January, 2021



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: January 4, 2021

To: Mark F. Miller, City Manager

From: Robert Bruner, Assistant City Manager
Lisa Burnham, Controller
Kurt Bovensiepe, Public Works Director
Scott Carruthers, Streets & Drains Operations Manager
Emily Frontera, Purchasing Manager

Subject: Standard Purchasing Resolution 2: Award to Low Bidders Meeting Specifications – Asphalt Paving Materials – Hot Patch

History

- Hot asphalt material is used in the patching and maintenance of the City's local and major roads, and drains.
- Asphalt Paving Materials – Hot Patch is purchased on an as needed basis throughout the year.
- The current contract expired December 31, 2020.

Purchasing

- On December 17, 2020 a bid opening was conducted as required by the City Charter/Code for one (1) year requirements of Asphalt Paving Materials – Hot Patch with an option to renew for one (1) additional year. The bid was posted on the Michigan Intergovernmental Trade Network (MITN); www.mitn.info. Eighty-Five (85) vendors were notified via the MITN website. Two (2) bids were received. Below is a detail summary of the vendor responses.

Companies notified via MITN	85
Troy Companies notified via MITN	0
Troy Companies - Active email Notification	0
Troy Companies - Active Free	0
Companies that viewed the bid	16
Troy Companies that viewed the bid	1

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.

- The award will include a primary and a secondary supplier in the event the primary supplier is unable to provide material as needed or if the proximity of the supplier is more advantageous for the specific patch job as approved and directed by the Streets and Drains Operations Manager.
- Based upon the bid responses and as per the attached bid tabulation, it is in the City's best interest to award the bid; *low bid as specified* by line item. The award is contingent upon contractors' submission of proper insurance certificates and all other specified requirements.



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Financial

Funds are available in the General Fund under the Public Works Department operating budget for the Streets Division.

Recommendation

City management recommends awarding a one (1) year contract to provide Asphalt Paving Materials – Hot Patch with an option to renew for one (1) additional year to the lowest bidder(s) by line item as detailed below, *Cadillac Asphalt of Shelby Township, MI* as the primary supplier and *Ajax Materials Corporation of Troy, MI* as the secondary supplier for items #1, #2, #3, #4, #5, #6, #7, #8, and #11. Items #9 and #10 received no bids; both of these items will be purchased on an as needed basis. All items will be awarded per the unit prices listed in the bid tabulation opened December 17, 2020; to be ordered on an as needed basis and based on proximity; contracts expiring December 31, 2022.

Opening Date: 12/17/2020
Date Reviewed: 12/17/2020

CITY OF TROY
BID TABULATION
ASPHALT PAVING MATERIALS - HOT PATCH

ITB-COT 21-18
Page 1 of 1

VENDOR NAME:	Cadillac Asphalt, LLC	Ajax Materials Corporation
CITY:	Canton, MI	Troy, MI

PROPOSAL: One-Year Requirements of Asphalt Paving Materials - Hot Patch; with an option to renew for one (1) additional year.

Item	Est. Qty	Unit	Description	Unit Price	Total Price	Unit Price	Total Price
1	100	Tons	1100T 36A Wearing	\$68.00	\$6,800.00	\$74.00	\$7,400.00
2	300	Tons	1100T 20AA Wearing	\$63.50	\$19,050.00	\$68.50	\$20,550.00
3	200	Tons	1100L 20AA Leveling	\$63.00	\$12,600.00	\$68.00	\$13,600.00
4	1200	Tons	Commercial Top	\$65.00	\$78,000.00	\$72.50	\$87,000.00
5	125	Tons	Commercial Base	\$63.00	\$7,875.00	\$68.00	\$8,500.00
6	500	Tons	0"-0.5" Crushed Reclaimed Asphalt Pavement	\$7.00	\$3,500.00	\$10.00	\$5,000.00
7	500	Gal	Bulk Tack Coat	\$5.50	\$2,750.00	\$6.50	\$3,250.00
8	100	Gal	Tack Coat	\$60.00	\$6,000.00	\$65.00	\$6,500.00
9	100	Gal	Biodiesel-Soybean Asphalt Release Agent 5-gallon pail	No Bid		No Bid	
10	165	Gal	Biodiesel-Soybean Asphalt Release Agent 55-gallon drum	No Bid		No Bid	
11	100	Gal	5E3 Asphalt Mix	\$75.00	\$7,500.00	\$75.75	\$7,575.00
ESTIMATED TOTAL:				\$144,075.00		\$159,375.00	

Hours of Operation:	7AM - 3PM	M-F 7:30AM - 4:30PM
Notice of Pick up M-F:	24 Hours	24 Hours
For Saturday:	7AM - 1PM	Call for availability (248)388-1687
Location of Closest Plant (Address & Zip Code):	2040 Barrett Dr. Troy, MI 48084	2240 Avon Industrial Dr. Rochester Hill, MI 48309
Distance from Plant to the DPW Yard:	4.4 Miles	6.0 Miles
References Provided:	Y or N	Y
Insurance Met:	Y or N	Y
Terms:	Y or N	Net 30 days upon receipt of invoice
Warranty:		N/A
Delivery Time:		N/A
Exceptions:	Y or N	N
Acknowledgement:	Y or N	Y
Forms:	Y or N	Y
Addendum Included:	Y or N	Y

Attest:
(*Bid Opening conducted via a Go-To Meeting)
Kaitlin Sackner
Beth Tashnick
Kristine Kallek
Jackie Ahlstrom

MaryBeth Murz,
Purchasing Manager



CITY COUNCIL AGENDA ITEM

Date: January 4, 2021

To: Mark F. Miller, City Manager

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

Subject: Standard Purchasing Resolution 4: Cooperative Purchasing Contract – Play Structure Replacement – Jaycee Park

History

- Jaycee Park is one of nine community parks in the City of Troy.
- The park is 43.6 acres in size.
- The initial park property was acquired in 1967 and expanded in 1980.
- Parking is provided for 200 vehicles.
- Other amenities found at the park are ball diamonds, soccer fields, sand volleyball, restrooms and a picnic shelter.
- The 2020-2024 Parks and Recreation Master Plan revealed that 98.9% of the respondents listed maintaining the existing recreation facilities as important or very important to their families.
- The 2020-2024 Parks and Recreation Master Plan also identified playground structures in the top 5 requests.
- The existing play structure has reached the end of its life, frequently requiring costly repairs.
- Replacement of existing safety surface with a natural turf-like safety surface providing 8' of fall protection.

Purchasing

- Pricing has been secured from *Miracle Midwest of Holly, MI*, based on the Sourcewell Purchasing Cooperative Contract #030117-LTS, for the materials, engineered drawings, delivery, and installation of the play structure (see attached rendering).
- Installation of the play structure is anticipated in the Spring of 2021.
- City Council authorized participation in the Cooperative Purchasing Program on November 9, 2020 (Resolution #2020-11-165-J-8).

Financial

Funds are budgeted and available in the Park Development Capital Project Fund under Project Number 2021C0049 for the 2021 Fiscal Year. Expenditures will be charged to account number 401.751.770.7974.040.



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Recommendation

City Management recommends awarding a contract to *Miracle Midwest of Holly, MI* for the Jaycee Park replacement playground structure as detailed in the attached quote #12072020kja and as per the Sourcewell Cooperative Purchasing Contract #030117-LTS for an estimated total cost of \$137,152 and a 10% contingency, not to exceed budgetary limitations.



CALL 800.722.8546

MiracleMidwest.com

Now Serving
Michigan, Indiana,
& Ohio!

QUOTATION 12072020kja

TO: City of Troy
Attention: Dennis Trantham
500 W. Big Beaver
Troy, Mi 48084

Ph: 1-586-219-7461

Fax:

Email:

DATE: December 7, 2020

SUBJECT: Jaycee Park Option 1

QUOTE FIRM: 30 Days

DELIVERY TIME ARO: 8 weeks

PRICES QUOTED: F.O.B: JOBSITE

TERMS: **ORDER CANNOT BE PLACED WITHOUT A SIGNED QUOTE OR PURCHASE ORDER. ORDERS OVER \$5,000 WILL REQUIRE A SIGNED PURCHASE ORDER BEFORE THEY WILL BE PLACED.** ORDER IS NET 30 DAYS WITH APPROVED CREDIT AND WITH PURCHASE ORDER OR LETTER OF PURCHASE. OTHERS NEED IRREVOCABLE LETTER OF CREDIT WITH PURCHASE ORDER. UNSATISFACTORY/NO CREDIT HISTORY: PAYMENT WITH ORDER.

QUANTITY	ITEM #	DESCRIPTION	TOTAL PRICE
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Miracle Drawing Option MMW200360A - Sourcewell Customer Number #120130

Miracle MMW 200360A – Structure #714S633J	\$47,999.00
7188522 2 bay arch swing w/ 2 belt, 1 tot and 1 generation seat	\$ 3,785.00

Equipment Sub Total	\$51,784.00
Miracle Discount	\$15,352.00
Total Equipment Cost	\$36,432.00
Freight	\$ 3,000.00

Total Equipment Cost	\$39,432.00
Sourcewell #120130	

Saf' Play Services – NOTE: Site Prep by customer (removal of equipment, excavation, Sidewalk or curb boarder)

Installation of Miracle Drawing MMW200360A	\$ 20,875.00
Take Delivery and unload at job site	\$ 500.00

Total Cost:

\$ 21,375.00

Forever Lawn

***4,515 sq feet Turf Safety Surfacing for 8' fall height, w/
Stone base and installation***

\$ 76,345.00

Total Project Cost

\$137,152.00

Thank you for the opportunity to provide this quotation.

Signed: Kimberly J. Alexander
Miracle Midwest

PLEASE NOTE THE FOLLOWING:

A Sales and Use Tax form is attached if applicable. Sales tax on this quote is only an estimate. Final sales tax will be added to your invoice if a current form is not on file in our office.

A Miracle Credit Application may be required and must be completed and returned before your order is placed. If credit is not issued, Cash in Advance is required with order.

Orders over \$5,000 will require a Purchase Order before they will be placed.

ORDERS OVER \$10,000.00 MAY REQUIRE 50% DEPOSIT BEFORE ORDER IS RELEASED.

See top of quote for terms

- ✓ This quote is to supply the equipment listed above only. Any other contractual requirements/needs are the responsibility of the contractor.
- ✓ Due to fluctuating fuel and steel prices, quotes are valid for only 30 days. After 30 days, cost is only an estimate and actual charges may differ.
- ✓ Price was quoted site unseen, it assumes the site is reasonably flat
- ✓ PLEASE DO NOT INSTALL Safety Surfacing or Edging until AFTER your play equipment has been installed
- ✓ PLEASE Add Sales Tax if appropriate or fax a copy of your Tax Exempt CERTIFICATE with Order
- ✓ THIS QUOTE **DOES NOT** INCLUDE:
 - ✓ Equipment, Services, Materials not specifically noted above
 - ✓ Removal of soils/excess excavated materials from site
 - ✓ Dewatering/excess water removal from footings, excavations, or any other installation processes where excess water may be present
 - ✓ Drainage Material for play area – aggregate for turf only
 - ✓ Accessible route to new play area
 - ✓ Supply of new topsoil, seeding, landscaping or site restoration
 - ✓ Demolition, removal OR disposal of existing equipment or debris
 - ✓ Any permits, if required
 - ✓ Repair of any utilities/irrigation system not marked by Miss Dig or the owner
 - ✓ Testing of soil conditions

Performance Bonds

NOTE: YOUR PLAYGROUND IS NOT ADA COMPLIANT UNLESS YOU HAVE ADA COMPLIANT SAFETY SURFACING. SAFETY SURFACING IS REQUIRED UNDER & AROUND ALL PLAYGROUND EQUIPMENT.

INSTALLATION PRICES ASSUME NORMAL SOIL CONDITIONS AND DO NOT INCLUDE ROCK EXCAVATION, TREE TRUNK EXCAVATION, ASPHALT OR CONCRETE REMOVAL. IF ANY SUCH MATERIAL IS DISCOVERED AT A PROJECT SITE A REMOVAL FEE WILL BE ASSESSED.

PLEASE READ CAREFULLY FOR ANY RETRO-FIT PROJECTS:

Adding these updated components to this structure increases the compliance of this equipment. However, this equipment was manufactured prior to current CPSC/ASTM guidelines/standards and therefore we cannot bring every item on the equipment to current guidelines/standards.

MMW Backcharge Policy:

Miracle Midwest (MMW) and it's represented equipment manufacturers will not be responsible for any back charges without prior written authorization based on a submitted written quotation for any work the contractor /customer deems necessary, including but not limited to alterations, removals, repair, painting and /or reinstallation of any product purchased through Miracle Midwest for any of its manufacturers/suppliers.

Any individual/contractor/company proceeding without written approval by MMW and or the manufacturer will assume all financial responsibility for incurred expenses & liability for any changes to the product & the project.

I hereby authorize Miracle Midwest to ship the equipment listed above for which I agree to pay the total amount specified. I will be responsible for receiving all merchandise from the truck. I agree with the Payment terms listed above. Non-taxable customers will provide proper tax exemption certificate.

THIS QUOTE IS LIMITED TO AND GOVERNED BY THE TERMS CONTAINED HEREIN. Miracle objects to any other terms proposed by Customer, in writing or otherwise, as material alterations, and all such proposed terms shall be void. Customer authorizes Miracle to ship the Equipment and agrees to pay Miracle the total amount specified. Shipping terms are FOB the place of shipment via common carrier designated by Miracle. Payment terms are Net-30 days from invoice date with approved credit and all charges are due and payable in full at Miracle Recreation Equipment, PO Box 734154, Dallas, TX 75373-4154, unless notified otherwise by Miracle in writing. Customer agrees to pay all additional service charges for past due invoices. Customer must provide proper tax exemption certificates to Miracle, and shall promptly pay and discharge all otherwise applicable taxes, license fees, levies and other impositions on the Equipment at its own expense. Purchase orders and payments should be made to the order of Miracle Recreation Equipment Company.

To confirm this order, please sign, complete all information below and fax to us at 517-349-1911 OR email to jeff.martinson@playpower.com

Signature _____

Date _____

Print this address on your PO, send quote/P.O. to fax number/email listed above.

P.O. to Miracle Recreation Equipment Co.
878 Hwy 60, Monett, MO 65708
(Required for orders over \$5,000)

PLEASE PROVIDE (NECESSARY FOR ORDER TO BE PLACED):

SHIP TO ADDRESS:

INVOICE TO ADDRESS:

END USER ADDRESS:

DELIVERY	INVOICING	END USER
CONTACT: _____	CONTACT: _____	CONTACT: _____
PHONE #: _____	PHONE #: _____	PHONE #: _____
E-MAIL: _____	E-MAIL: _____	E-MAIL: _____

MIRACLE COLOR CHOICES (COLOR CHOICES CAN BE FOUND IN THE BACK OF THE CATALOG):

(ADJUST AS NECESSARY- THIS NOTE IS NOT FOR CUSTOMER)

POSTS: _____	SLIDES: _____
DECKS: _____	_____
RAILS/CLIMBERS: _____	_____
ROOFS: _____	_____
PANELS: _____	BARREL: _____
_____	CANOPY: _____

IMPORTANT: PLEASE FAX OR EMAIL ALL PAGES OF QUOTE WHEN CONFIRMING ORDER.

THE FOREGOING QUOTE AND OFFER ARE HEREBY APPROVED AND ACCEPTED BY MIRACLE RECREATION EQUIPMENT COMPANY (dba MIRACLE MIDWEST).

By: _____	Date: _____
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This Quote shall not become a binding contract until signed and delivered by both Customer and Miracle Recreation Equipment Company ("Miracle"). Sales Representative is not authorized to sign this Quote on behalf of Miracle or Customer, and signed Quotes cannot be accepted from Sales Representative. To submit this offer, please sign below and forward a complete signed copy of this Quote directly to "Miracle Sales Administration" via fax (417) 235-3551 or email: orders@miraclerec.com. Upon acceptance, Miracle will return a fully-signed copy of the Quote to Customer (with copy to Sales Representative) via fax or email.

THIS QUOTE IS LIMITED TO AND GOVERNED BY THE TERMS CONTAINED HEREIN. Miracle objects to any other terms proposed by Customer, in writing or otherwise, as material alterations, and all such proposed terms shall be void. Customer authorizes Miracle to ship the Equipment and agrees to pay Miracle the total amount specified. Shipping terms are FOB the place of shipment via common carrier designated by Miracle. Payment terms are Net-30 days from invoice date with approved credit and all charges are due and payable in full Miracle Recreation Equipment, PO Box 734154, Dallas, TX 75373-4154, unless notified otherwise by Miracle in writing. Customer agrees to pay all additional service charges for past due invoices. Customer must provide proper tax exemption certificates to Miracle, and shall promptly pay and discharge all otherwise applicable taxes, license fees, levies and other impositions on the Equipment at its own expense. Purchase orders and payments should be made to the order of Miracle Recreation Equipment Company.

ADDITIONAL TERMS & CONDITIONS OF SALE

1. Use & Maintenance. Customer agrees to regularly inspect and maintain the Equipment, and to provide, inspect and maintain appropriate safety surfacing under and around the Equipment, in accordance with Miracle's product literature and the most current Consumer Product Safety Commission Handbook for Public Playground Safety.

2. Default, Remedies & Delinquency Charges. Customer's failure to pay any invoice when due, or its failure to otherwise comply with the terms of this Quote, shall constitute a default under all unsatisfied invoices ("Event of Default"). Upon an Event of Default, Miracle shall have all remedies available to it at law or equity, including, without limitation, all remedies afforded a secured creditor under the Uniform Commercial Code. Customer agrees to assist and cooperate with Miracle to accomplish its filing and enforcement of mechanic's or other liens with respect to the Equipment or its location or its repossession of the Equipment, and Customer expressly waives all rights to possess the Equipment after an Event of Default. All remedies are cumulative and not alternative, and no exercise by Miracle of a remedy will prohibit or waive the exercise of any other remedy. Customer shall pay all reasonable attorneys' fees plus any costs of collection incurred by Miracle in enforcing its rights hereunder. Subject to any limitations under law, Customer shall pay to Miracle as liquidated damages, and not as a penalty, an amount equal to 1.5% per month of any payment that is delinquent in such month and is not received by Miracle within ten (10) days after the date on which due.

3. Limitation of Warranty/ Indemnity. MIRACLE MAKES NO EQUIPMENT WARRANTIES EXCEPT FOR THOSE STANDARD WARRANTIES ISSUED WITH THE EQUIPMENT, WHICH ARE INCORPORATED HEREIN BY THIS REFERENCE. MIRACLE SPECIFICALLY DISCLAIMS ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE AND ANY LIABILITY FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES. CUSTOMER AGREES TO DEFEND, INDEMNIFY AND SAVE MIRACLE HARMLESS FROM ALL CLAIMS OF ANY KIND FOR DAMAGES OF ANY KIND ARISING OUT OF CUSTOMER'S ALTERATION OF THE EQUIPMENT, ITS FAILURE TO MAINTAIN THE EQUIPMENT, ITS FAILURE TO PROPERLY SUPERVISE EQUIPMENT USE, OR ITS FAILURE TO PROVIDE AND MAINTAIN APPROPRIATE TYPES AND DEPTHS OF SAFETY SURFACING BENEATH AND AROUND THE EQUIPMENT IN ACCORDANCE WITH MIRACLE'S INSTALLATION AND OWNER'S MANUALS AND THE MOST CURRENT CONSUMER PRODUCT SAFETY COMMISSION HANDBOOK FOR PUBLIC PLAYGROUND SAFETY.

4. Restrictions. Until all amounts due hereunder are paid in full, Customer shall not: (i) permit the Equipment to be levied upon or attached under any legal process; (ii) transfer title to the Equipment or any of Customer's rights therein; or (iii) remove or permit the removal of the Equipment to any location not specified in this Quote.

5. Purchase Money Security Interest. Customer hereby grants, pledges and assigns to Miracle, and Miracle hereby reserves a purchase money security interest in, the Equipment in order to secure the payment and performance in full of all of Customer's obligations hereunder. Customer agrees that Miracle may file one or more financing statements, in order to allow it to perfect, acquire and maintain a superior security interest in the Equipment.

6. Choice of Law and Jurisdiction. All agreements between Customer and Miracle shall be interpreted, and the parties' obligations shall be governed, by the laws of the State of Missouri without reference to its choice of law provisions. Customer hereby consents to the personal jurisdiction of the state and federal courts located in the city and county of St. Louis, Missouri.

7. Title; Risk of Loss; Insurance. Miracle Retains full title to all Equipment until full payment is received by Miracle. Customer assumes all risk of loss or destruction of or damage to the Equipment by reason of theft, fire, water, or any other cause, and the occurrence of any such casualty shall not relieve the Customer from its obligations hereunder and under any invoices. Until all amounts due hereunder are paid in full, Customer shall insure the Equipment against all such losses and casualties.

8. Waiver; Invalidity. Miracle may waive a default hereunder, or under any invoice or other agreement between Customer and Miracle, or cure such a default at Customer's expense, but shall have no obligation to do either. No waiver shall be deemed to have taken place unless it is in writing, signed by Miracle. Any one waiver shall not constitute a waiver of other defaults or the same kind of default at another time, or a forfeiture of any rights provided to Miracle hereunder or under any invoice. The invalidity of any portion of this Quote shall not affect the force and effect of the remaining valid portions hereof.

9. Entire Agreement; Amendment; Binding Nature. This fully-executed Quote, as supplemented by Change Orders and invoices containing exact amounts of estimates provided herein, constitutes the complete and exclusive agreement between the parties. A Change Order is a written instrument signed by the Customer and Miracle stating their agreement as to any amendment in the terms of this Quote. Customer acknowledges that Change Orders may result in delays and additional costs. The parties agree that all Change Orders shall include appropriate adjustments in price and time frames relating to any requested amendments. Upon full execution, this Quote shall be binding upon and inure to the benefit of the parties and their successors and assigns.

10. Counterparts; Electronic Transmission. This Quote, any invoice, and any other agreement between the parties, may be executed in counterparts, each of which shall constitute an original. The facsimile or other electronic transmission of any signed original document, and retransmission of any signed facsimile or other electronic transmission, shall be the same as the transmission of an original. At the request of either party, the parties will confirm facsimile or other electronically transmitted signatures by signing an original document.

Please return all pages of this quote upon ordering.

Thank You!





Jaycee Park - Option #1 - View 1
Troy, MI
MMW200360A





Jaycee Park - Option #1 - View 2

Troy, MI

MMW200360A





Jaycee Park - Option #1 - View 3
Troy, MI
MMW200360A





Jaycee Park - Option #1 - View 4

Troy, MI

MMW200360A



AREA: 4,250 SQ.FT.
PERIMETER: 261'

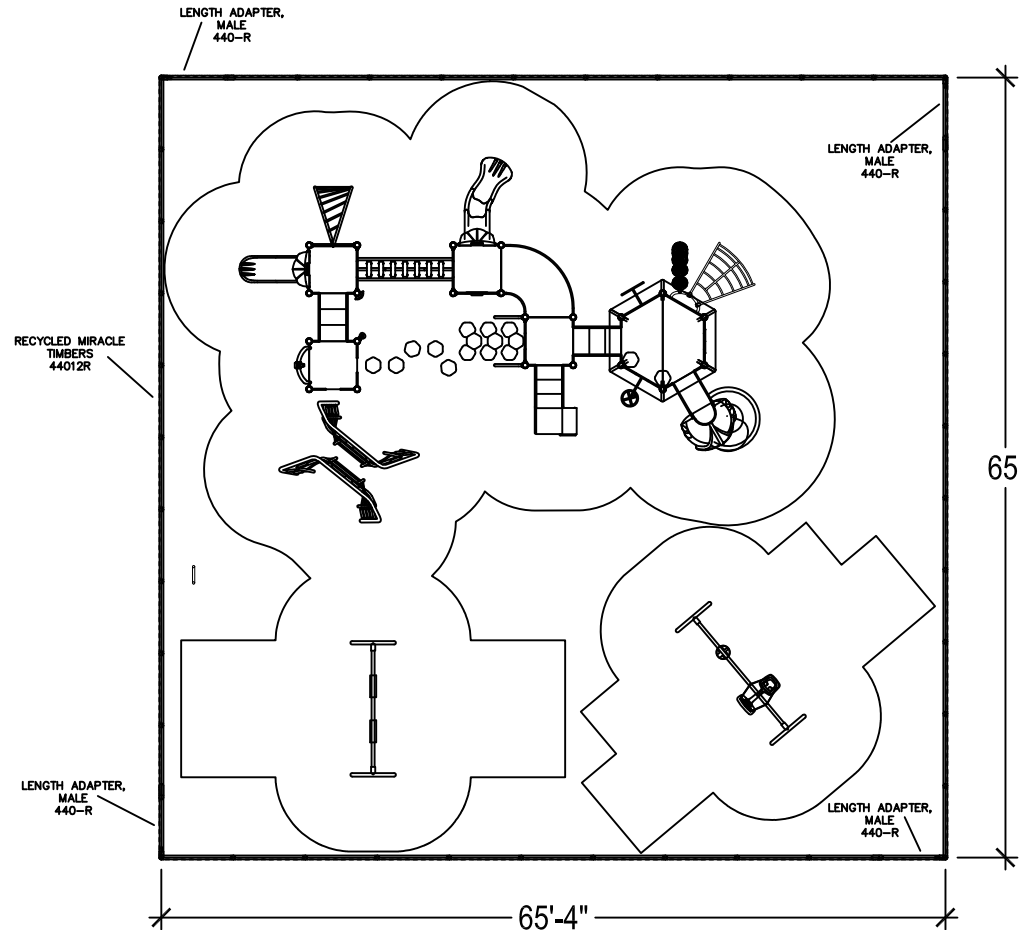
The information provided is for
estimation purposes only.

JAYCEE PARK - OPTION #1 - OVERALL LAYOUT CITY OF TROY, MI

5-12 PLAY AREA

ELEVATED PLAY ACTIVITIES - TOTAL	14	REQ'D	7
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY TRANSFER	14	REQ'D	0
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP	0	REQ'D	0
GROUND LEVEL ACTIVITY TYPE	5	REQ'D	3
GROUND LEVEL ACTIVITY QUANTITY	7	REQ'D	5

Play Area Capacity: 130 - 140



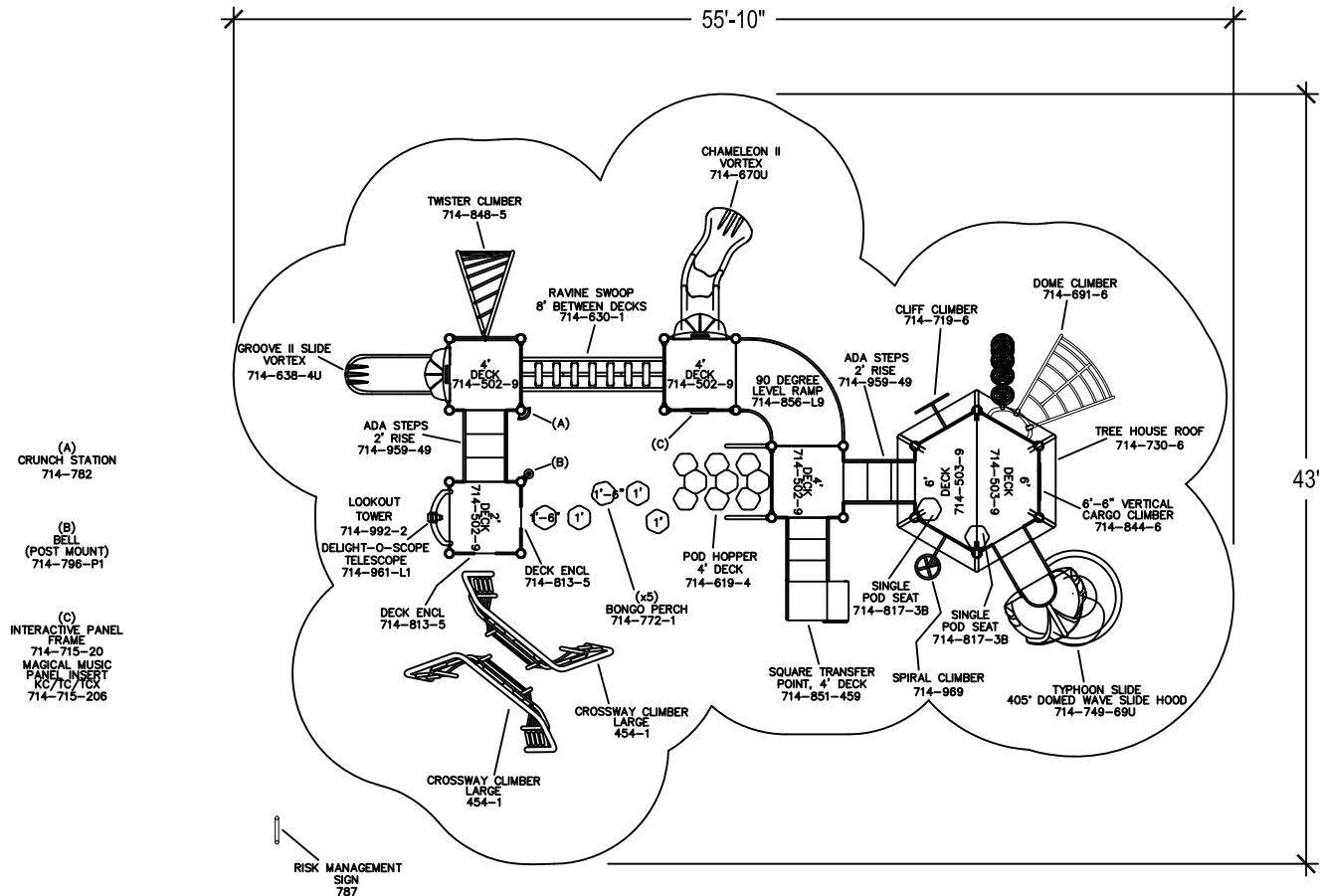
To promote safe and proper equipment use by children, Miracle recommends the installation of either a Miracle safety sign or other appropriate safety signage near each playsystem's main entry point(s) to inform parents and supervisors of the age appropriateness of the playsystem and general rules for safe play.



AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND ALL PLAY SYSTEMS.	MMW200360A-1A-1	✓	COMPLIES TO CPSC	DESIGNED FOR AGES 5-12	SCALE: 1/16" = 1'-0"	
	GROUND SPACE: PROTECTIVE AREA:	✓	COMPLIES TO ASTM		DATE: 12.02.2020	
		✓	COMPLIES TO ADA	ADDITIONAL GROUND LEVEL ACCESSIBLE ITEMS NEEDED FOR ADA COMPLIANCE TYPE: 0	QUANTITY: 0	BDS

JAYCEE PARK - OPTION #1 - PLAY EQUIPMENT DETAILS

CITY OF TROY, MI



To verify product certification, visit www.ipema.org

To promote safe and proper equipment use by children, Miracle recommends the installation of either a Miracle safety sign or other appropriate safety signage near each playsystem's main entry point(s) to inform parents and supervisors of the age appropriateness of the playsystem and general rules for safe play.



THE PLAY COMPONENTS IDENTIFIED IN THIS PLAN ARE IPEMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487.

AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND ALL PLAY SYSTEMS.

MMW200360A-1A-2

GROUND SPACE: N/A
PROTECTIVE AREA: NOTED

✓ COMPLIES TO CPSC

✓ COMPLIES TO ASTM

✓ COMPLIES TO ADA

DESIGNED FOR
AGES
5-12

ADDITIONAL GROUND LEVEL ACCESSIBLE
ITEMS NEEDED FOR ADA COMPLIANCE

TYPE:
0

QUANTITY:
0

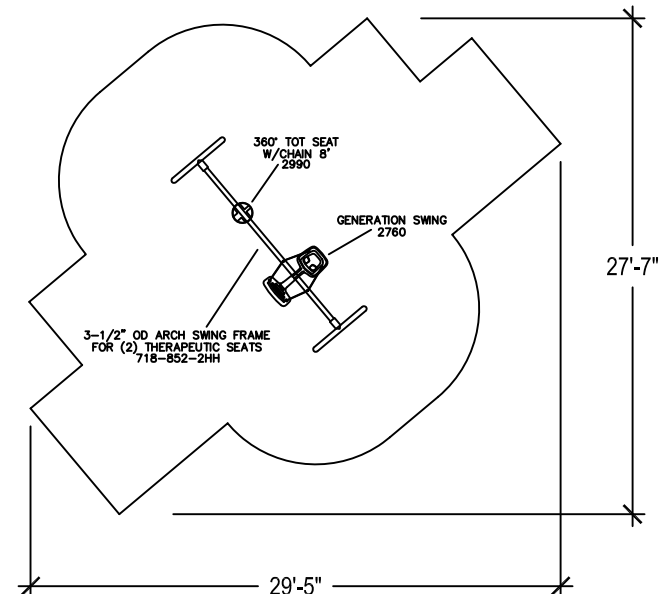
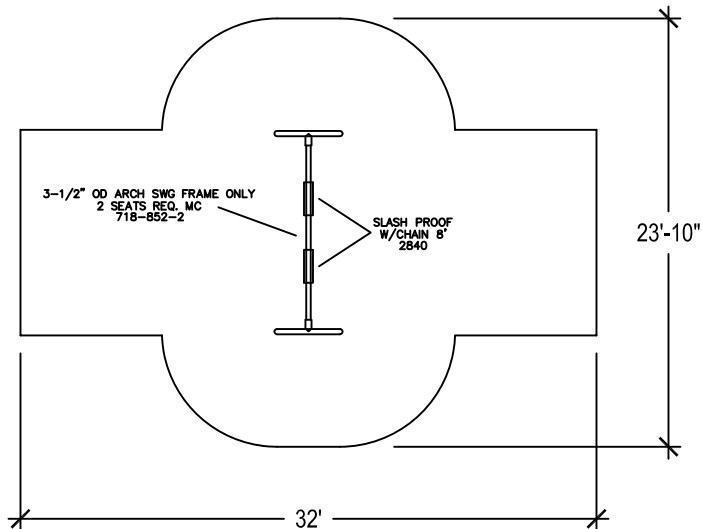
SCALE: 3/32" = 1'-0"

DATE: 12.02.2020

BDS

JAYCEE PARK - OPTION #1 - PLAY EQUIPMENT DETAILS

CITY OF TROY, MI



To verify product certification,
visit www.ipema.org

To promote safe and proper equipment use by children, Miracle recommends the installation of either a Miracle safety sign or other appropriate safety signage near each playsystem's main entry point(s) to inform parents and supervisors of the age appropriateness of the playsystem and general rules for safe play.



THE PLAY COMPONENTS IDENTIFIED IN THIS PLAN ARE IPEMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487.

AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND ALL PLAY SYSTEMS.

MMW200360A-1A-3

GROUND SPACE: N/A
PROTECTIVE AREA: NOTED

✓ COMPLIES TO CPSC

✓ COMPLIES TO ASTM

✓ COMPLIES TO ADA

DESIGNED FOR
AGES
5-12

ADDITIONAL GROUND LEVEL ACCESSIBLE
ITEMS NEEDED FOR ADA COMPLIANCE

TYPE:
0

QUANTITY:
0

SCALE: 3/32" = 1'-0"

DATE: 12.02.2020

BDS



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: January 5, 2020

To: Honorable Mayor and City Council Members

From: Mark F. Miller, City Manager
Lori Grigg Bluhm, City Attorney
Bob Bruner, Assistant City Manager
Robert C. Maleszky, Chief Financial Officer
Kurt Bovensiepe, Public Works Director
Nicole MacMillan, Assistant City Attorney

Subject: Barnwell v. City of Troy



History

On August 11, 2014, several cities in Oakland County, including the City of Troy, were hit by a 200+ year rain event. As a result, the City of Troy and eight other municipalities and Oakland County (George W. Kuhn Drainage District) were sued under MCL 691.1417 (the sewer exception to governmental immunity). Plaintiffs filed this as a proposed class action lawsuit, and primarily alleged that there was a defect in the sewer system that led to flooding, and that the City knew or should have known about this alleged defect, and that it proximately caused millions of dollars of damage to Troy residents.

After intense negotiations, the parties reached a proposed global settlement agreement (attached to this memo). This agreement is subject to approval from each Defendant's respective governing body. To date, Clawson, Berkley, Royal Oak, Hazel Park, Huntington Woods, Oak Park, George W. Kuhn Drainage District, and the Oakland County Water Resource Commission have all approved the agreement. The governing bodies for Ferndale, Madison Heights, Pleasant Ridge and Oakland County are expected to decide on the agreement the week of January 11, 2021.

Under the proposed settlement agreement, all Defendants will be paying a combined monetary amount of \$11.5 million. Additionally, the City Defendants will make at least \$1.5 million dollars in future sewer improvement repairs, projects, or increased maintenance.

Of the \$11.5 million monetary amount, \$8.5 million would come from the George W. Kuhn Drainage District, and the remaining \$3 million would be split amongst the City Defendants as depicted on the chart below. Specifically, the City of Troy will pay \$34,333, which must be paid within 60 days after the final approval order is signed by the Court.

Oakland County- George W. Kuhn	\$8.5 Million	City of Madison Heights	\$336,887
City of Berkley	\$385,308	City of Oak Park	\$641,024
City of Clawson	\$187,667	City of Pleasant Ridge	\$19,616
City of Ferndale	\$214,726	City of Royal Oak	\$807,493
City of Hazel Park	\$122,946	City of Troy	\$34,333
City of Huntington Woods	\$250,000	Total	\$11.5 Million



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Troy's share of the \$1.5 million in future improvements is \$17,348, as set forth in the chart below. The City Defendants have four (4) years to complete the future sewer improvement projects. Assuming approval of this settlement, Troy expects to complete its obligations in the next year or so.

Oakland County- George W. Kuhn	\$0	City of Madison Heights	\$171,124
City of Berkley	\$196,070	City of Oak Park	\$325,256
City of Clawson	\$50,000	City of Pleasant Ridge	\$10,094
City of Ferndale	\$109,221	City of Royal Oak	\$409,844
City of Hazel Park	\$62,292	City of Troy	\$17,348
City of Huntington Woods	\$148,751	Total	\$1.5 Million

Plaintiffs' counsel has approved the proposed settlement agreement. All Defendants need to approve the proposed settlement agreement before January 20, 2021. On that date, the Court will entertain Plaintiff's Motion for Preliminary Approval of the Proposed Class Settlement.

Recommendation

City Administration recommends approval of the Proposed Settlement Agreement, which is attached. The settlement would be paid from the sewer fund. Because of the number of municipalities, and the complexity of this class action lawsuit and the documents, it is possible that there would be additional claimants added to Exhibits 1-5, and some minor modifications to the document and the exhibits. Since any listed claim is essentially released, added flexibility would likely be beneficial to the Defendants, and therefore a resolution allowing City Administration to execute the final document is proposed.



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEMS

January 11, 2021

TO: Mark Miller, City Manager

FROM: Robert J. Bruner, Assistant City Manager
Robert C. Maleszyk, Chief Financial Officer
Nino Licari, City Assessor

SUBJECT: Agenda Item – 2021 Poverty Exemption Guidelines (changes from previous year)

History:

MCL 211.7u states: *“The real property of persons who in the opinion of the Supervisor (read Assessor for Cities) and Board of Review by reason of poverty are unable to contribute toward the public charges is exempt from taxation under this act.”*

In order to grant a Poverty Exemption, the Michigan Tax Tribunal (MTT) has ordered that each community develop a set of guidelines to determine whether the applicant qualifies for a one (1) year exemption from property taxes. (The exemption may be re-applied for each year)

The State Tax Commission (STC) has ruled that the Income Guidelines that are used as a portion of the guidelines may not be less than the Federal Poverty Guidelines established each year. Those guidelines have increased approximately 2% on average per set.

As the guidelines include an Assessed Value limit, a Total Asset limit, and changes to the Federal Poverty Income Guidelines, Council is presented with updated guidelines each year for their approval.

The total asset limit is \$155,730 based on the 1.4% Consumer Price Index for this year.

Financial Considerations:

- There were 13 exemptions applied for in 2019 at the March Board of Review. Twelve were granted, totaling \$1,532,180 in Taxable Value (T/V). This amounts to \$15,320.42 in exempted City taxes.

Since 2002, residents have been allowed to apply for Poverty Exemptions at the July and December Boards of Review.



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

This year, there were 5 exemptions granted (of 6 applied) at the July Board (\$444,560 T/V), which equaled \$4,445.20 in exempted taxes.

There were 2 exemptions granted (of 3 applied) at the December Board of Review (\$444,560 T/V). These additional exemptions accounted for exempted City taxes of \$2,110.70.

The total loss of City taxes for Poverty Exemptions in 2020 was \$21,876.32 (compared to \$11,036.97 in 2019).

Legal Considerations:

- The guidelines are required by the MTT and STC. The attached guidelines meet the requirements of these rulings.

Policy Considerations:

- The guidelines are a State mandated requirement. They do not conform to current Council goals.

Options:

- Council must adopt Poverty Guidelines. Council may adopt the guidelines as presented, or modify them

NL/nl G:\20200111Poverty Exemptions\2021\CouncilPak.docx

Size of Family Unit	Poverty Guidelines
1	\$12,760
2	\$17,240
3	\$21,720
4	\$26,200
5	\$30,680
6	\$35,160
7	\$39,640
8	\$44,120
For each additional person	\$4,480

Note: PA 390 of 1994 states that the poverty exemption guidelines established by the governing body of the local assessing unit shall also include an asset level test. An asset test means the amount of cash, fixed assets or other property that could be used, or converted to cash for use in the payment of property taxes. The asset test should calculate a maximum amount permitted and all other assets above that amount should be considered as available. Please see STC Bulletin 6 of 2017 for more information on poverty exemptions.

Note: PA 135 of 2012 changed the requirements for filing documentation in support of a poverty exemption to allow an affidavit (Treasury Form 4988) to be filed for all persons residing in the residence who were not required to file federal or state income tax returns in the current year or in the immediately preceding year. This does include the owner of the property who is filing for the exemption.

C. Sales Studies

Equalization study dates are as follows for 2021 equalization:

Two Year Study: April 1, two years prior through March 31, current year

Single Year Study: October 1, preceding year through September 30, current year

For 2020 studies for 2021 equalization the dates are as follows:

Two Year Study: April 1, 2018 through March 31, 2020

Single Year Study: October 1, 2019 through September 30, 2020

Note that the time period revisions apply to all equalization studies, that is: sales ratio studies, land value studies and economic condition factor studies for appraisals. Also note that the revised time period for two-year studies applies to all real property classifications.

Please be advised that the above sale study dates **are not** the same as the valuation date used in appeals before the Michigan Tax Tribunal. Evidence presented in a Tax Tribunal appeal should reflect the value of the property as of tax day (December 31). This means that sales occurring *after* March 31, 2020 and September 30, 2020 should still be considered and included when submitting evidence in a Tax Tribunal appeal involving the 2021 tax year.

**City of Troy – Assessing Department
POVERTY EXEMPTION GUIDELINES
INCOME STANDARDS 2021**

The following are the Poverty thresholds as of 12/31/20 for use in setting Poverty Exemption Guidelines for **2021** assessments:

Number of Persons	Poverty
<u>Residing in Homestead</u>	<u>Threshold</u>
1 Person	\$12,760
2 Persons	17,240
3 Persons	21,720
4 Persons	26,200
5 Persons	30,680
6 Persons	35,160
7 Persons	39,640
8 Persons	\$44,120
9 Persons (or more) add \$4,480 for each additional person	

CITY OF TROY
POVERTY EXEMPTION GUIDELINES – 2021

MCL 211.7u *The real property of persons who in the judgment of the Supervisor and Board of Review by reason of poverty are unable to contribute toward the public charges is exempt from taxation under this Act.*

The City of Troy's standard for approving an exemption under the statute is based on an individual determination of hardship.

This is an exemption from taxes. If you claim poverty under the statute, you must file your claim with a Poverty Exemption Affidavit. This exemption is good for one year.

STANDARD #1 Applicants must file a Poverty Exemption Affidavit in order to be considered for any exemption. Documentation such as, Federal/State Income Tax Forms, Homestead Property Tax Credit, W-2 Forms, Deeds or Land Contracts and personal identification is **mandatory**, and must be attached to the Affidavit.

STANDARD #2 A Poverty Exemption will not be granted if the household income is greater than the Income Standards Guideline.

STANDARD #3 Applicants total assets cannot exceed \$155,730.

*The Board of Review may require a home audit and inspection, done by the Assessing Department, as part of the exemption process.

* **The income of every person residing at the home must be reported.**

POVERTY EXEMPTION AFFIDAVIT (for 2021 A/V Year)

(Address)

(Parcel ID #)

1. Household Income: List all prior year income from:

- a) Wages/Tips _____
- b) Social Security _____
- c) Soc. Sec. for resident minors' _____
- d) Pensions _____
- e) Interest/Dividends _____
- f) Unemployment Compensation _____
- g) Sub-Pay _____
- h) Workman's Compensation _____
- i) Aid to Dependent Children _____
- j) Medical Disability Benefits _____
- k) Lottery/Contest/Raffle _____
- l) Annuities _____
- m) Governmental Assistance _____
- n) Insurance/Lawsuit Payouts _____
- o) Alimony/Child Support _____
- p) Rental Income _____

2. Supplemental Assistance: List monthly amount of:

- a) Food Stamps _____
- b) Surplus Food _____
- c) Transportation _____

3. Residence Information:

- Is your home paid for? Yes____ No____
- If No:
- What is your mortgage/land contract balance? _____
- What is your monthly payment? _____
- Who holds your mortgage/land contract? _____
- Do you own any other property? Yes____ No____
- If Yes: Attach a copy of your last tax bill.

4. Employment information:

- Are you or your spouse currently employed?
- Self: Yes____ No____ Spouse: Yes____ No____
- Are you or your spouse unable to work (disability, etc.) ?
- Self: Yes____ No____ Spouse: Yes____ No____
- If Yes: Is this condition permanent?
- Self: Yes____ No____ Spouse: Yes____ No____
- Provide medical documentation of the disability.

5. Children/Relatives/Boarders:

How many children, relatives, or non-related boarders share your home? _____

Do any of the above, or anyone outside of your home, contribute Financially to your living expenses? Yes ___ No ___

If Yes: How much: per month _____ year _____

6. Transportation:

Do you own any automobiles? Yes ___ No ___

If Yes: Please provide the following information:

Year & Make	Price to you	Balance	Monthly payment
_____	_____	_____	_____
_____	_____	_____	_____

7. Additional Assets:

Please provide information about any additional assets listed.

Checking Account: Yes ___ No ___ Current Balance _____

Savings Account: Yes ___ No ___ Current Balance _____

I.R.A. Yes ___ No ___ Current Balance _____

Keogh Yes ___ No ___ Current Balance _____

Deferred Comp Yes ___ No ___ Current Balance _____

Annuities Yes ___ No ___ Current Balance _____

Stocks/Bonds/Funds Yes ___ No ___ Current Balance _____

Money Market Yes ___ No ___ Current Balance _____

Treasury Bills Yes ___ No ___ Current Balance _____

Savings Bonds Yes ___ No ___ Current Balance _____

8. Attach copies of the following:

- a) Federal Income Form
- b) State Income Tax Form
- c) **Homestead Property Tax Credit form**
- d) Property Tax Credit Form
- e) W-2 Forms
- f) Copy of Deed or Land Contract
- g) Identification: Driver's License
- h) A listing of your household living expenses for the prior year.
(examples: heat, electric, insurance, etc.)

You must provide proof of income and other records of all residents of the dwelling to be considered for an exemption.

I (We), _____ [print name(s)]
the undersigned, do hereby affirm that the above information is,
to the best of my (our) knowledge, true.

(Signed)

Phone Number

(Signed)

Phone Number

Subscribed and sworn to me this _____ day of _____, _____.

My commission expires _____

Notary Public _____

APPROVED:

NOT APPROVED:

Assessor: _____

Assessor: _____

Board Chairperson _____

Board Chairperson _____

Board Member _____

Board Member _____

Board Member _____

Board Member _____

Year _____ Assessment _____ Board of Review A/V _____

For a March Board of Review Appeal, please submit by March 9

For a July Board of Review Appeal, please submit by July 16

**For a December Board of Review Appeal, please submit by
December 13**

*Please print the completed form and have your signature notarized. If you do not have access to a Notary Public, staff in the Assessing Department can provide this service for you. Bring or mail the completed application along with all supporting documentation to:

City of Troy
Assessing Department
500 W. Big Beaver
Troy, MI. 48084-5254



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: December 22, 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 Harbinder Barring and Garima Kuman, Sidwell #88-20-22-354-027

History

As part of the redevelopment of a residential parcel, the City of Troy received two permanent easements for storm sewers and surface drainage, and sidewalks from Harbinder Barring and Garima Kuman, owners of the property having Sidwell #88-20-22-354-027. The parcel is located in the southwest ¼ of Section 22, on Helena, north of Harland, west of Livernois Road.

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.



GIS Online

Legend:

 Tax Parcel



Notes:

Barring, Harbinder
20-22-354-027
Storm & Sidewalk Easements

Map Scale: 1=182

Created: December 22, 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.

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

Sidwell #88-20-22-354-027 (part of)

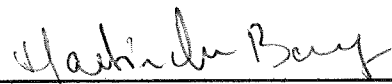
Harbinder Barring and Garima Kumar, husband and wife, whose address is 3740 Edenderry, Troy, MI, 48083 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge or remove and/or replace **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 17 day of December, 2020.

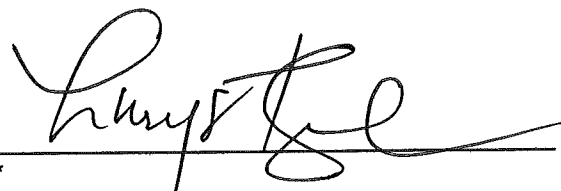
By:  (L.S.)
Harbinder Barring

By:  (L.S.)
Garima Kumar

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 17th day of December, 2020, by Harbinder Barring and Garima Kumar, husband and wife.

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: Larysta 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"

Centerline of a 10' Wide Storm Sewer Easement. Part of Lot 60 of "Eysters Beaver Gardens", a platted subdivision as recorded in Liber 26, Page 14 of Plats, Oakland County Records, being more particularly described as: Commencing at the Northeast corner of Lot 60 of said plat; thence S02°14'48"W, along the Westerly right-of-way line of Helena Drive as platted, 30.00 feet; thence N88°40'00"W 109.75 feet; thence S02°14'48"W, 65.00 feet to the Southerly property line and the Point of Beginning; thence continuing S02°14'48"W, 10.00 feet to the point of termination of 10' wide Storm Sewer Easement. Said easement contains 100.0 square feet more or less.

**PERMANENT EASEMENT
FOR SIDEWALKS**

Sidwell #88-20-22-354-027 (part of)


Harbinder Barring and Garima Kumar, husband and wife, whose address is 3740 Edenderry, Troy, MI, 48083 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 **sidewalks**, 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 17 day of December, 2020.

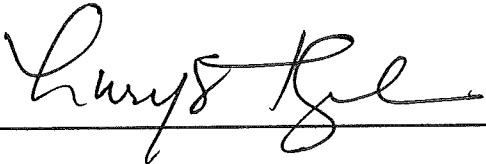
By:  (L.S.)
Harbinder Barring

By:  (L.S.)
Garima Kumar

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 17th day of December, 2020, by Harbinder Barring and Garima Kumar, husband and wife.

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"

5' Wide Sidewalk Easement. Part of Lot's 60 & 61 of "Eysters Beaver Gardens", a platted subdivision as recorded in Liber 26, Page 14 of Plats, Oakland County Records, being more particularly described as: Commencing at the Northeast corner of Lot 60 of said plat; thence S02°14'48"W, along the Westerly right-of-way line of Helena Drive as platted, 95.00 feet to the Point of Beginning; thence continuing S02°14'48"W along said right-of-way line 70.00 feet to the Southerly property line; thence N88°40'00"W, 5.00 feet along the Southerly property line; thence N02°14'48"E, 70.00 feet to the Northerly property line; thence S88°40'00"E, 5.00 feet along the Northerly property line to the Point of Beginning. Said easement contains 350 square feet more or less.



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: December 22, 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 Pavilion
Homes, Sidwell #88-20-22-354-026

History

As part of the development of residential lot, the City of Troy received two permanent easements for storm sewers and surface drainage, and sidewalks from Pavilion Homes, owner of the properties having Sidwell #88-20-22-354-026.

The parcel is located in the southwest ¼ of Section 22, on Helena, north of Harland, west of Livernois Road.

Financial

The consideration amount on each document is \$1.00.


Recommendation

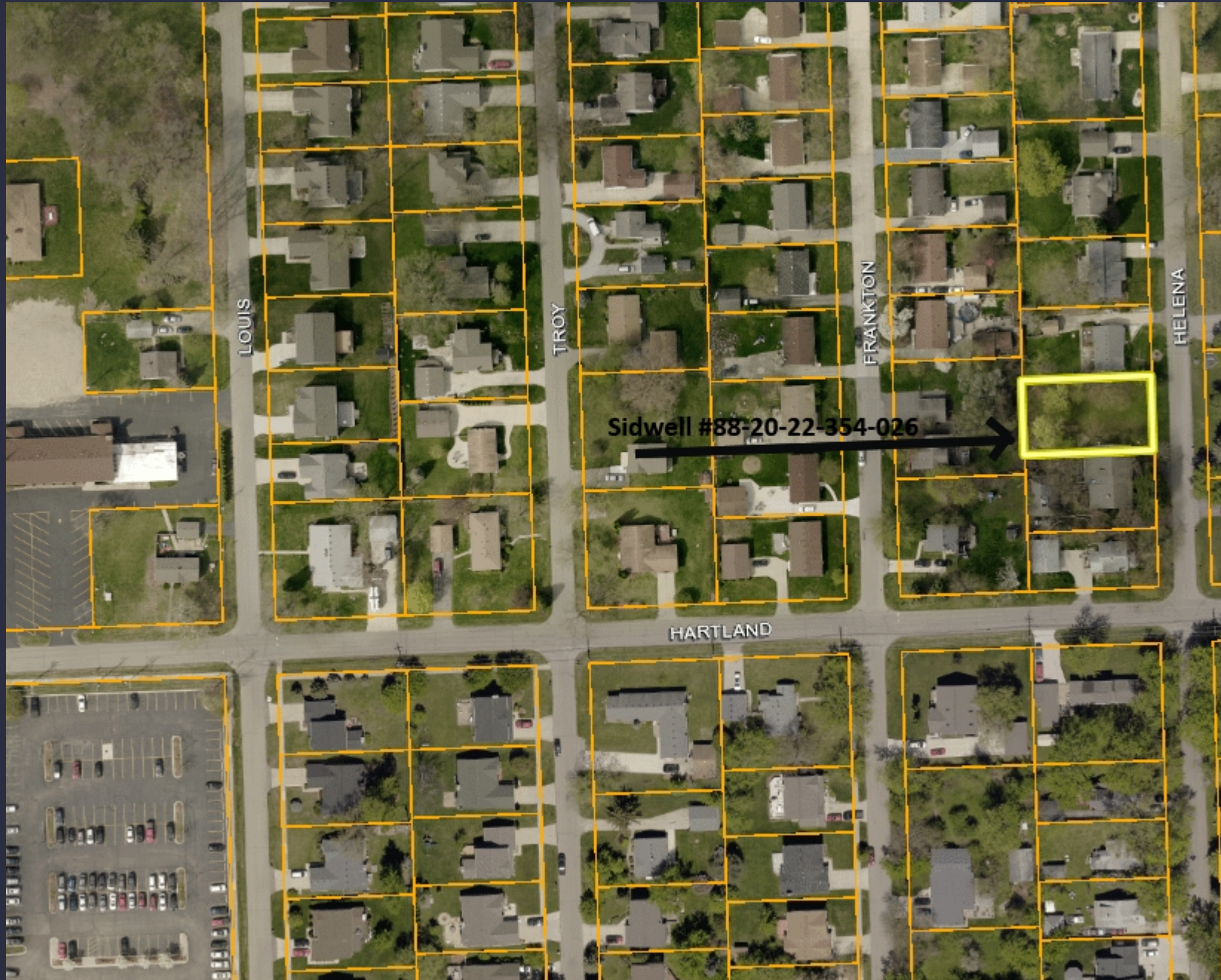
City Management recommends that City Council accept the attached permanent easements consistent with our policy of accepting easements for development and improvement purposes.



GIS Online

Legend:

 Tax Parcel



Notes:

Pavilion Homes
Storm & Sidewalk Easements
88-20-22-354-026

Map Scale: 1=182

Created: December 22, 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.

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

Sidwell #88-20-22-354-026

PAVILION HOMES, d/b/a KIZY SIGNATURE, a Michigan corporation, Grantor, whose address 6191 Sheldon Road, Rochester Hills, MI 48306, 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 **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.

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 17 day of December A.D. 2020.

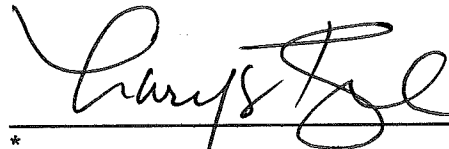
Pavilion Homes, d/b/a Kizy Signature,
a Michigan corporation

By Bahaa Kizy (L.S.)
Bahaa Kizy
Its: President

STATE OF MICHIGAN
COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 17th day of December, 2020, by Bahaa Kizy, President of Pavilion Homes, d/b/a Kizy Signature, a Michigan corporation, on behalf of the corporation.

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, 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"

5' Wide Sidewalk Easement. Part of Lot 60 of "Eysters Beaver Gardens", a platted subdivision as recorded in Liber 26, Page 14 of Plats, Oakland County Records, being more particularly described as: Commencing at the Northeast corner of Lot 60 of said plat; thence S02°14'48"W, along the Westerly right-of-way line of Helena Drive as platted, 25.00 feet to the Point of Beginning; thence S02°14'48"W along said right-of-way line 70.00 feet to the Southerly property line of Parcel "A"; thence N88°40'00"W, 5.00 feet along the Southerly property line; thence N02°14'48"E, 70.00 feet to the Northerly property line; thence S88°40'00"E, 5.00 feet along the Northerly property to the Point of Beginning. Said easement contains 350 square feet more or less.

**PERMANENT EASEMENT
FOR SIDEWALKS**

Sidwell #88-20-22-354-026

PAVILION HOMES, d/b/a KIZY SIGNATURE, a Michigan corporation, Grantor, whose address 6191 Sheldon Road, Rochester Hills, MI 48306, 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 **sidewalks**, 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 17 day of December A.D. 2020.

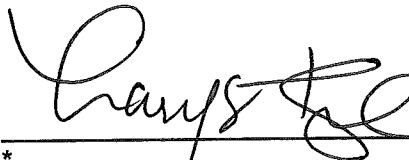
Pavilion Homes, d/b/a Kizy Signature,
a Michigan corporation

By Bahaa Kizy (L.S.)
Bahaa Kizy
Its: President

STATE OF MICHIGAN
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 17th day of December, 2020, by Bahaa Kizy, President of Pavilion Homes, d/b/a Kizy Signature, a Michigan corporation, on behalf of the corporation.

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, 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"

5' Wide Sidewalk Easement. Part of Lot 60 of "Eysters Beaver Gardens", a platted subdivision as recorded in Liber 26, Page 14 of Plats, Oakland County Records, being more particularly described as: Commencing at the Northeast corner of Lot 60 of said plat; thence S02°14'48"W, along the Westerly right-of-way line of Helena Drive as platted, 25.00 feet to the Point of Beginning; thence S02°14'48"W along said right-of-way line 70.00 feet to the Southerly property line of Parcel "A"; thence N88°40'00"W, 5.00 feet along the Southerly property line; thence N02°14'48"E, 70.00 feet to the Northerly property line; thence S88°40'00"E, 5.00 feet along the Northerly property to the Point of Beginning. Said easement contains 350 square feet more or less.



CITY COUNCIL AGENDA ITEM

Date: December 22, 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 a Permanent Easement from Enkel Muci,
Sidwell #88-20-27-430-024

History

As part of the redevelopment of a residential lot, the City of Troy received a permanent easement for storm sewers and surface drainage from Enkel Muci, owner of the property having Sidwell #88-20-27-430-024. The parcels are located in the southeast ¼ of Section 27, on the north side of Arthur, east of Rochester Road.

Financial

The consideration amount on this document is \$1.00.


Recommendation

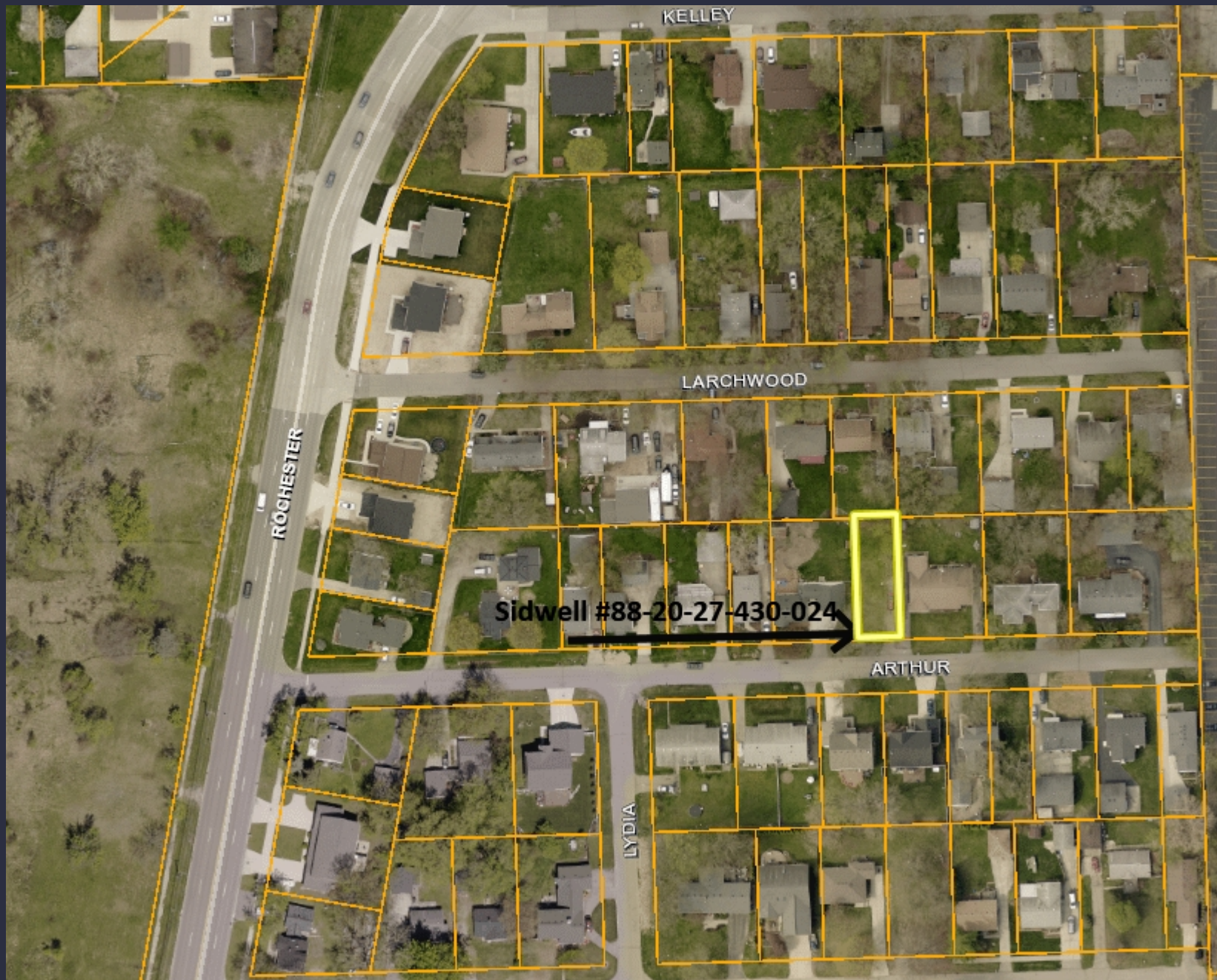
City Management recommends that City Council accept the attached permanent easement consistent with our policy of accepting easements for development and improvement purposes.



GIS Online

Legend:

 Tax Parcel



Notes:

Muci, Enkel
Surface Drainage & Storm
Esmt
88-20-27-430-024

Map Scale: 1=182
Created: December 22, 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.

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

Sidwell #88-20-27-430-024 (part of)

Enkel Muci, a married man, whose address is 1065 Arthur, Troy, MI, 48083 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 **storm sewers and surface drainage**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

The West 6.00 feet and the North 12.00 feet of Lot 347 of "Stumpf's Beech Grove Subdivision", being Part of the Southeast ¼ of Section 27, Town 2 North, Range 11 East, City of Troy, as recorded in Liber 32, Pages 11-12, Oakland County, Michigan records. Containing 1,098 Square Feet or 0.025 Acres more or less.

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.

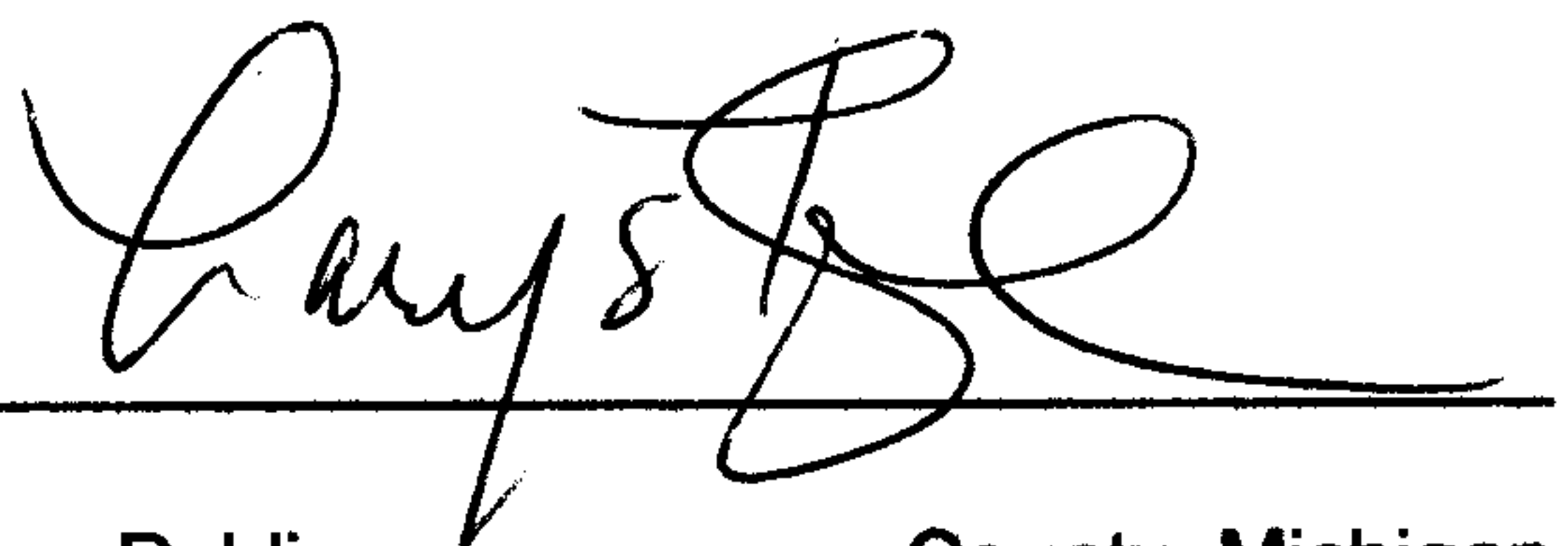
IN WITNESS WHEREOF, the undersigned hereunto affixed their signature(s)
this 12/24/20 day of December, 2020.

By: Enkel Muci (L.S.)
Enkel Muci

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 21st day of December, 2020, by Enkel Muci.

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: Enkel Muci
1065 Arthur
Troy, MI 48083

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



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: December 28, 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 a Warranty Deed from Eureka Building Co.,
Sidwell #88-20-10-426-029 & 031

History

The City of Troy received a Warranty Deed for Rochester Road right-of-way from Eureka Building Co., owner of the parcels identified with Sidwell #88-20-10-426-029 & 031.

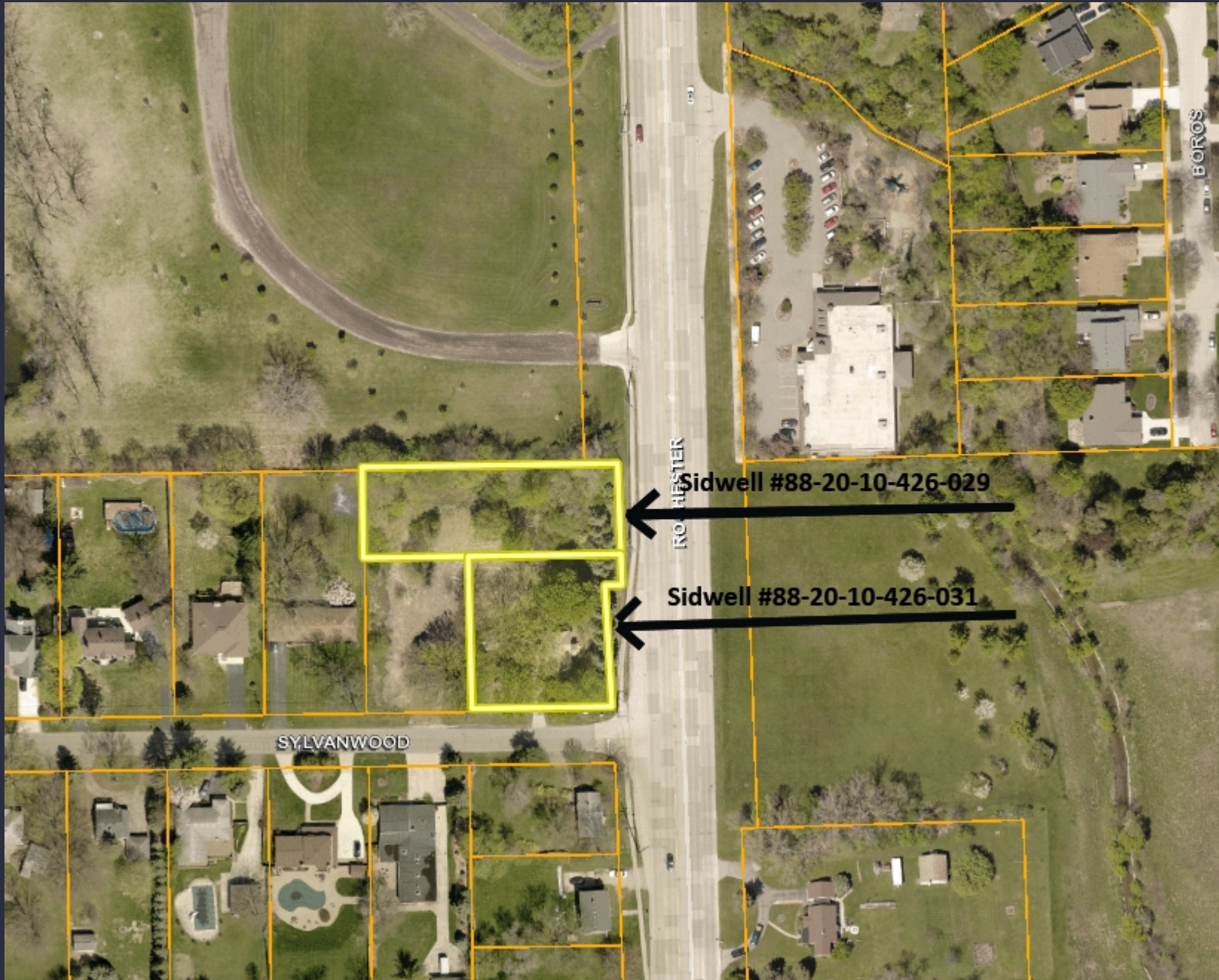
The parcels are located in the southeast $\frac{1}{4}$ of Section 10, at the northwest corner of Rochester Road and Sylvanwood. The grantor has submitted an application to split then combine parcels under R1-C, Single Family Residential requirements.

Financial

The consideration amount on this document is \$1.00.

Recommendation

Management recommends that City Council accept the attached warranty deed consistent with our policy of accepting right-of-way.



Notes:

Eureka Building Co.
Warranty Deed
88-20-10-426-029 & 031



WARRANTY DEED

Sidwell #88-20-10-426-029 & 031 (pt)
Resolution #

EUREKA BUILDING CO., a Michigan corporation, Grantor, whose address is 5960 Livernois, Troy, MI 48098 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:

A parcel of land in the SE ¼ of Section 10, T.2N., R.11E., City of Troy, Oakland County, Michigan and part of Lots 1 and 2, "Sylvanwood Gardens Subdivision," part of the SE ¼ of Section 10, T.2N., R.11E., City of Troy (formerly known as Troy Twp.), Oakland County, Michigan as recorded in Liber 13, Page 48 of Oakland County Records described as: Commencing at the East ¼ corner Section 10; thence S.89°55'48"W., 43.01 feet along the east/west ¼ line of Section 10 to the 43 foot right of way of Rochester Road and the Point of Beginning; thence along said line S.01°18'36"E., 115.01 feet; thence S.89°57'00"W., 17.00 feet; thence S.01°18'36"E., 113.85 feet; thence S.89°57'00"W., 15.00 feet to a point on the 75 foot right of way of Rochester Road thence N.01°18'36"W., 228.84 feet to a point on the east/west ¼ line of Section 10; thence along said line N.89°55'48"E., 32.00 feet to the Point of Beginning.

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).

[SIGNATURES AND ACKNOWLEDGMENT ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the date and year set forth below.

Dated this 28 day of December, 2020

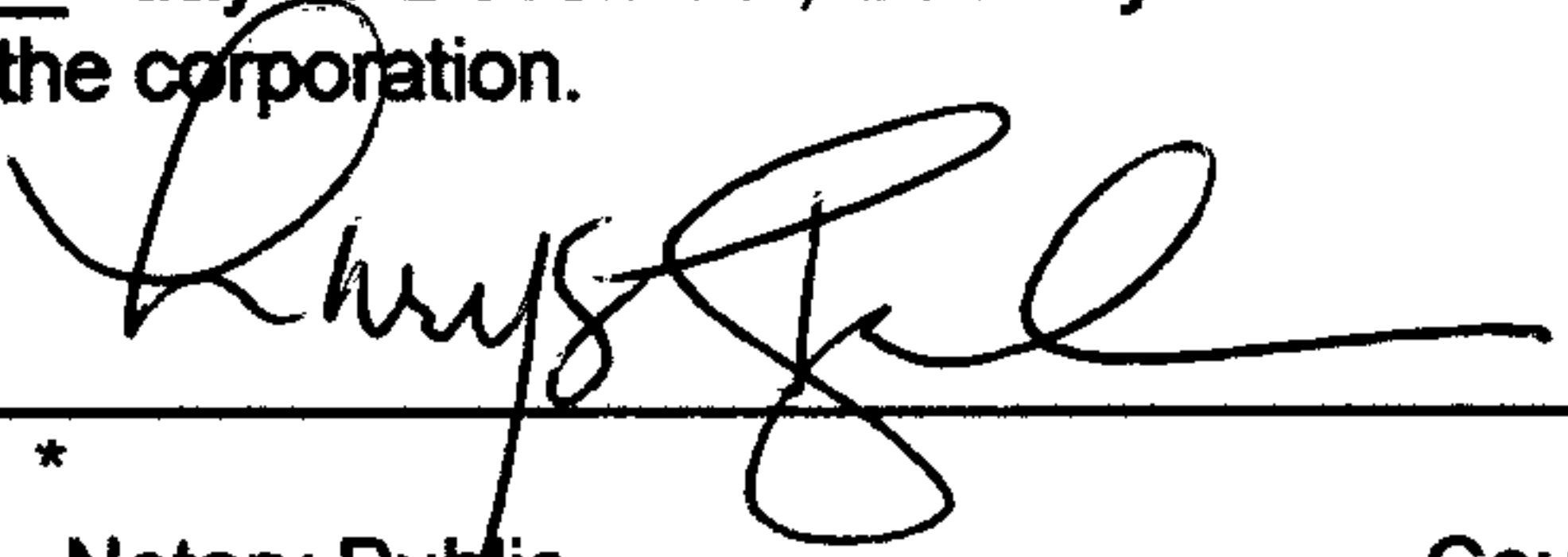
Eureka Building Co., a Michigan corporation

By 
*Erion Nikolla
Its: President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 28th day of December, 2020 by Erion Nikolla, the President of Eureka Building Co., a Michigan corporation, on behalf of the corporation.

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 # 88-20-10-426-029 & 031 (pt) Recording Fee 30 - Transfer Tax Exempt
MCL 207.505(a)
MCL 207.526(a)

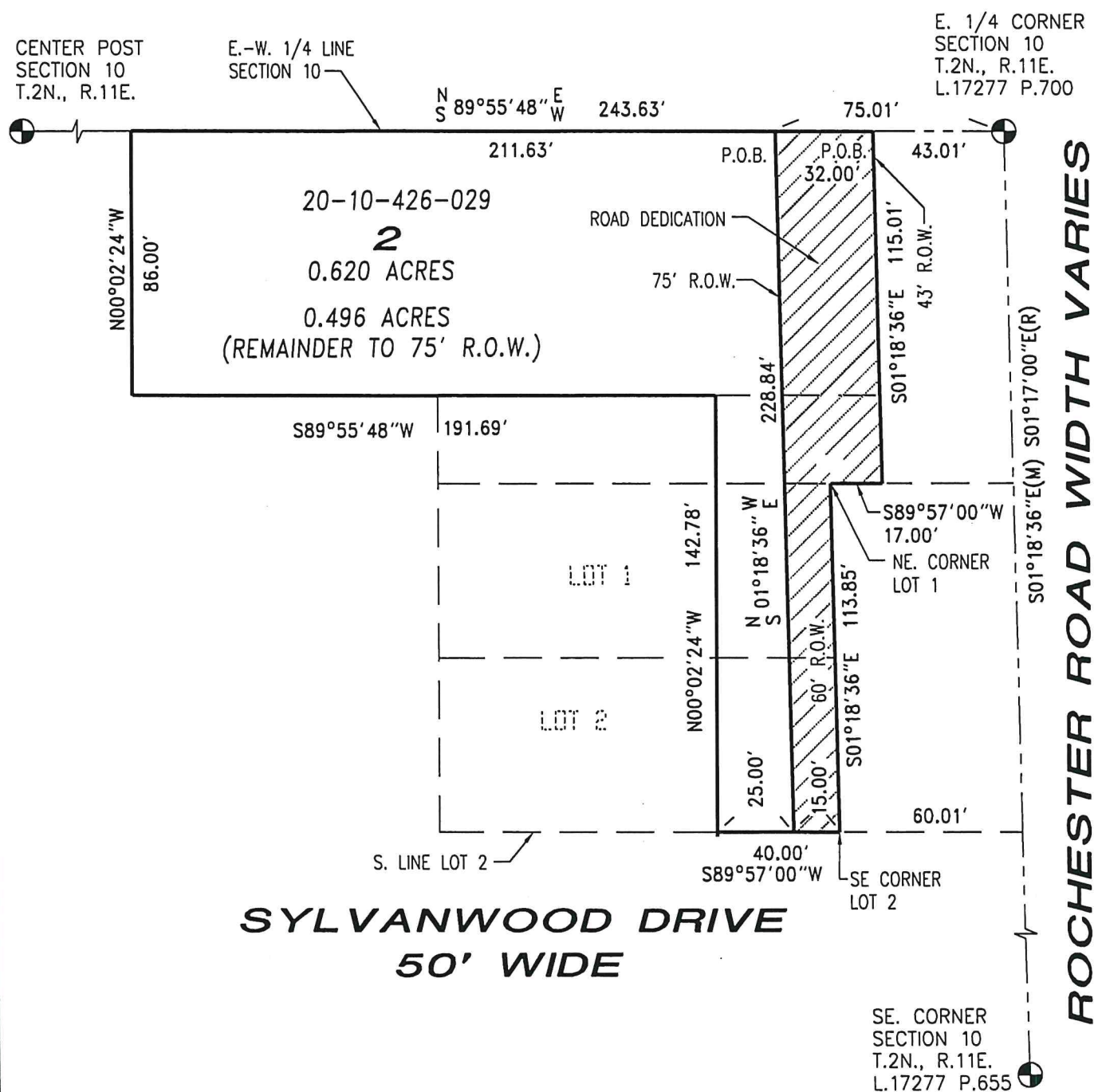
PROPOSED ROAD DEDICATION

NOTES:

- BEARINGS IN RELATION TO PLAT OF RECORD.



Scale : 1" = 50'



ROCHESTER ROAD WIDTH VARIES



URBAN
LAND
CONSULTANTS ©

CIVIL ENGINEERS	PLANNERS	LAND SURVEYORS
GPS CONSULTANTS		
8800 23 MILE ROAD	SHELBY TWP., MI	48316-4516

LEGEND

LEGEND

FIB = Found Bar ●
FIP = Found Pipe ●
SIB = Set Bar/Cap ○
SMN = Set Mag Nail ○
R = Record Distance
M = Measured Distance
RAD = Radial

EXHIBIT "A"
ROAD DEDICATION

Date 12-10-20
Drawn T.M.P.
Check W.C.A.
Sheet 1 of 2

Job No.
171109-8418



500 West Big Beaver
Troy, MI 48084
troymi.gov

J-11

CITY COUNCIL AGENDA ITEM

Date: December 23, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Rob Maleszyk, Chief Financial Officer
Beth Tashnick, Office Manager

Subject: The United States Conference of Mayors 2021 Membership Dues

History

Membership in the United States Conference of Mayors is a way cities across the United States stay connected with each other and engaged with issues at the national level. Full members of the Conference are entitled to participate in a policy-shaping process and are eligible for grant and award programs. They also receive discounts for meeting registration and other preferred benefits.

Mayors collectively work to adopt policy resolutions giving each city a voice. This is done by serving on one of eleven Standing Committees. Adopted policies are guided by the Executive Committee and Advisory Board. During our Annual Conference in June, Standing Committees recommend policy positions they believe should be adopted by the organization.

Through the Conference of Mayors, cities are invited to share their best practices on how they tackled challenges in a variety of issue areas. These best practices are collected and showcased in various reports, surveys, forums, and on the US Conference of Mayors website.

Financial

Funds are budgeted for FY 2021 under Council - Membership and Dues (101.102.7958)

Recommendation

Staff recommends authorization of the expenditure of funds for membership dues to the United States Conference of Mayors in the amount of \$5,269.00 for the period of January, 2021 – December, 2021.



THE UNITED STATES
CONFERENCE OF MAYORS

[Mayors](#)[The Conference](#)[Issues](#)[Programs](#)[Resources](#)[Meetings](#)[News](#)

Membership

Join Today

[JOIN TODAY](#)






Ready to become a full member? Join today and bring eligibility to your city to participate in grant and award programs, leadership positions, and policy adoption.

Become a Member

Membership in the United States Conference of Mayors is an important way cities across the United States stay connected with each other and engaged with issues at the national level. Full members of the Conference are entitled to participate in our policy-shaping process and are eligible for our grant and award programs. They also receive discounts for meeting registration and other preferred benefits.

Learn more about the Conference.

Why Join?

 Advocac 	Best Practices 	Business Connect 	Promote Your City 	Network
Mayors collectively work to adopt policy resolutions giving each city a voice. This is done by serving on one of eleven Standing Committees. Adopted policies are guided by the Executive Committee and Advisory Board. During our Annual Conference in June, Standing Committees recommend policy positions they believe should be	Through the Conference of Mayors, cities are invited to share their best practices on how they tackled challenges in a variety of issue areas. These best practices are collected and showcased in various reports, surveys, forums, and on our website. In addition, there is over \$1 million dollars available to cities through	The Conference works with business leaders through the Mayors Business Council. This membership organization within the Conference allows mayors and leaders in the business community to work together toward providing opportunities for both the city and the business. Our Council on Metro Economies and	Members of the Conference help tell the story of America’s cities. Public events, such as Play Ball gives cities attention and serve as an example for others. Using social media and the press, the Conference promotes the great things you are doing in your city.	Serving as mayor is like no other job in the world. Only at the Conference can you connect, network, and share with other mayors, who can appreciate the challenges that come with being the chief executive of a city. Building comradery and bonding with your colleagues not only helps you learn how to be a better mayor but will help build

adopted by the organization. The policy resolutions adopted represent the views of the nation's mayors and are distributed to the President of the United States and Congress. In addition to the work of the Standing Committees, mayors are organized into task forces to examine and act on issues that demand special attention. Both Standing Committees and Task Forces allow mayors to serve in leadership and be recognized as leaders in a specific issue area.

our awards programs where we provide grants in recognition for the creative and innovative solutions mayors and their teams are developing to solve our city challenges.

the New American City also examines economic development through their Metro Economies reports, measuring the size of metropolitan economies and comparing their outcomes against states and nations. This data helps our members better understand growth trends and showcases the competitiveness of our local economies.

lasting friendships. The Conference provides opportunities to dialogue with mayors on issues affecting all of America's cities. Regardless of the population of your city, there is a place for you at the Conference.

Membership Dues

City dues are for one year and can be set by calendar year or the fiscal year of the member city.

Population	Dues (billed annually)
Under 30,000	\$1,992
30,000 – 49,999	\$3,489
50,000 – 99,999	\$5,269
100,000 – 149,999	\$9,181
150,000 – 299,999	\$12,242
300,000 – 499,999	\$17,511
500,000 – 999,999	\$26,216
1,000,000 – 1,499,999	\$40,235
1,500,000 – 2,999,999	\$45,569
3,000,000 – 3,999,999	\$69,798
4,000,000 or greater	\$102,721

PAY DUES

New to the Conference?

Get started with the United States Conference of Mayors by setting up an account in USCM Community. Community allows members to update their contact information, manage staff access to your USCM Profile, change your committee and task force assignments, plus submit resolutions and sign-on to letters.

USCM COMMUNITY

Questions?

Luther Roberts
Director of Membership



ABOUT US

The United States Conference of Mayors is the official non-partisan organization of cities with a population of 30,000 or larger. Each city is represented by its chief elected official, the mayor.

CONTACT US

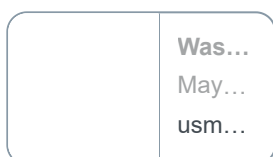
1620 I St. NW
 Washington, D.C.
 20006
 (202) 293-7330

FOLLOW US ON TWITTER



U.S. Mayors
 @usmayors

"The pandemic has shattered the budgets of local governments, and Washington's unwillingness to help has cost people jobs and made communities less safe."
mayo.rs/3mGZYLQ



Dec 22, 2020



U.S. Mayors

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> Washington Fails American Cities, Threatens Economic Recovery

> 14th Annual Climate Protection Awards Recognizes Mayors for Climate Action

> Mayors to Washington: You Have Abandoned American Cities As Virus Rages

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SEARCH

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> Nation's Mayors
Applaud Selection
of
Congresswoman
Marcia Fudge as
Next HUD
Secretary

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A Meeting of the Civil Service Commission (Act 78) was held Friday, November 13, 2020 electronically via GoToMeeting. Chairman/President McGinnis called the meeting to order at 10:30 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
David Roberts, Fire Chief
Richard C. Riesterer, Assistant Fire Chief
Pete Hullinger, Assistant Fire Chief

B. APPROVAL OF MINUTES:

1. Approval of Minutes of Thursday, September 10, 2020

Resolution #CSC-2020-11-15

Moved by Cannon

Seconded by Steele

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **APPROVES** the Minutes of the Thursday, September 10, 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 Job Qualifications, Posting and Test Battery for Recruitment of Fire Chief of the Fire Department

Resolution #CSC-2020-11-16

Moved by Cannon

Seconded by Steele

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the Job Qualifications, Posting and Test Battery for Recruitment of Fire Chief of the Fire Department as **PRESENTED**.

Yes: All-3

No: None

MOTION CARRIED

G. PUBLIC COMMENT: None

H. ADJOURNMENT:

The Civil Service Commission (Act 78) meeting **ADJOURNED** at 10:36 AM.



Donald E. McGinnis, Jr., Chairman



M. Aileen Dickson, City Clerk

A Meeting of the Civil Service Commission (Act 78) was held Tuesday, December 29, 2020 electronically via GoToMeeting. Chairman/President McGinnis called the meeting to order at 1:00 PM.

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
Cheryl A. Stewart, Deputy City Clerk
Jeanette Menig, Human Resources Director
Bridget Heffner, Human Resources Specialist
Richard C. Riesterer, Assistant Fire Chief
Pete Hullinger, Assistant Fire Chief

B. APPROVAL OF MINUTES:

1. Approval of Minutes of Friday, November 13, 2020

Resolution #CSC-2020-12-17

Moved by Cannon

Seconded by Steele

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **APPROVES** the Minutes of the Friday, November 13, 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. Resolution to Approve Participation in Electronic Meetings

Resolution #CSC-2020-12-18

Moved by Cannon

Seconded by Steele

RESOLVED, That, in compliance with Public Act 228 of 2020, the Troy Civil Service Commission (Act 78) **IS AUTHORIZED TO MEET** via video conferencing, and because of pressing business needs, the Troy Civil Service Commission **APPROVES** meeting through the use of GoToMeeting, allowing public bodies to conduct public meetings remotely during the ongoing COVID-19 pandemic.

Yes: All-3

No: None

MOTION CARRIED**2. Resolution to Allow Electronic Receipt of Public Comment**

Resolution #CSC-2020-12-19

Moved by Cannon

Seconded by McGinnis

RESOLVED, That after having advertised the electronic meeting and the methods for Public Comment on the City's website, and in the Public Notice, and as allowed Public Act 228 of 2020, Public Comment **MAY BE** received by the Civil Service Commission via two methods. Public Comment can be submitted for the Civil Service Commission (Act 78) through email sent to: cheryl.stewart@troymi.gov, and timely emails will be administratively read at the Civil Service Commission meeting. Public Comment can also be submitted by calling and leaving a voicemail on the following phone number: 248-524-3316. Voicemails received prior to 8 am on the day of a Civil Service Commission meeting will be played at the meeting.

Yes: All-3

No: None

MOTION CARRIED**3. Approval of Eligible List for Fire Chief**

The Fire Chief eligibility list will be available on the Human Resources [Civil Service Act 78 Postings](#) webpage at (https://troymi.gov/departments/human_resources/civil_service_act_78_postings.php) immediately following the Civil Service Commission (Act 78) Meeting.

Resolution #CSC-2020-12-20

Moved by Cannon

Seconded by McGinnis

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the eligible list for Fire Chief as **PRESENTED**.

Yes: All-3
No: None

MOTION CARRIED

G. **PUBLIC COMMENT:** None

H. **ADJOURNMENT:**

The Civil Service Commission (Act 78) meeting **ADJOURNED** at 1:03 PM.

Donald E. McGinnis, Jr., Chairman

Cheryl A. Stewart, Deputy City Clerk



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O-02a

CITY COUNCIL AGENDA ITEM

Date: January 5, 2021

To: Mark F. Miller, City Manager

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

Subject: PA 202 of 2017 – The Protecting Local Government Retirement and Benefits Act

The Michigan Legislature passed the Protecting Local Government Retirement and Benefits Act in December 2017. The forms and filing requirements are administered by the Michigan Department of Treasury and are required by local governments who offer a defined benefit pension and/or a defined benefit retirement health care system.

The requirements that relate to the City of Troy are as follows:

- Local governments must post the current year report on their website or in a public place.
- The local government must electronically submit the form to its governing body.
- Local governments must have had an actuarial experience study conducted by the plan actuary for each retirement system at least every five years.
- Local governments must have had a peer actuarial audit conducted by an actuary that is not the plan actuary OR replace the plan actuary at least every eight years.

Attached you will find our submission to the Michigan Department of Treasury. We are in compliance with the Act and none of our Systems trigger “underfunded status” as defined by PA 202 of 2017. Specifically, our Retiree Health Care is funded at 76.7% utilizing uniform assumptions against the State’s trigger of 40%. For Pensions, the trigger is 60% funded and a contribution requirement greater than 10% of the ratio of contribution to governmental fund revenues. Our Pension is overfunded at 115.8% utilizing uniform assumptions. The VFIP is funded at 49.4% but the contribution ratio is only 2.1%, thus gaining compliance with the Act.

In the near future the City of Troy will be conducting actuarial experience studies and a peer audit for all three plans.

Enter Local Government Name	City of Troy	Instructions: For a list of detailed instructions on how to complete and submit this form, visit michigan.gov/LocalRetirementReporting .
Enter Six-Digit Municode	632230	
Unit Type	City	
Fiscal Year End Month	June	
Fiscal Year (four-digit year only, e.g. 2019)	2020	
Contact Name (Chief Administrative Officer)	Rob Maleszyk	Questions: For questions, please email LocalRetirementReporting@michigan.gov . Return this original Excel file. Do not submit a scanned image or PDF.
Title if not CAO	CFO	
CAO (or designee) Email Address	robert.maleszyk@troymt.gov	
Contact Telephone Number	248-524-3319	
Pension System Name (not division) 1	Troy Employee Retirement System	If your pension system is separated by divisions, you would only enter one system. For example, one could have different divisions of the same system for union and non-union employees. However, these would be only one system and should be reported as such on this form.
Pension System Name (not division) 2	Troy Volunteer Firefighter Incentive Plan and Trust	
Pension System Name (not division) 3		
Pension System Name (not division) 4		
Pension System Name (not division) 5		

Line	Descriptive Information	Source of Data	System 1	System 2	System 3	System 4	System 5
1	Is this unit a primary government (County, Township, City, Village)?	Calculated	YES	YES	YES	YES	YES
2	Provide the name of your retirement pension system	Calculated from above	Troy Employee Retirement System	Troy Volunteer Firefighter Incentive Plan and Trust			
3	Financial Information						
4	Enter retirement pension system's assets (system fiduciary net position ending)	Most Recent Audit Report	196,393,768	11,224,175			
5	Enter retirement pension system's liabilities (total pension liability ending)	Most Recent Audit Report	160,435,319	25,398,965			
6	Funded ratio	Calculated	122.4%	44.2%			
7	Actuarially Determined Contribution (ADC)	Most Recent Audit Report	-	1,759,708			
8	Governmental Fund Revenues	Most Recent Audit Report	86,373,102	86,373,102			
9	All systems combined ADC/Governmental fund revenues	Calculated	2.0%	2.0%			
10	Membership						
11	Indicate number of active members	Actuarial Funding Valuation used in Most Recent Audit Report	47	155			
12	Indicate number of inactive members	Actuarial Funding Valuation used in Most Recent Audit Report	6	5			
13	Indicate number of retirees and beneficiaries	Actuarial Funding Valuation used in Most Recent Audit Report	327	129			
14	Investment Performance						
15	Enter actual rate of return - prior 1-year period	Actuarial Funding Valuation used in Most Recent Audit Report or System Investment Provider	3.86%	0.98%			
16	Enter actual rate of return - prior 5-year period	Actuarial Funding Valuation used in Most Recent Audit Report or System Investment Provider	7.22%	3.78%			
17	Enter actual rate of return - prior 10-year period	Actuarial Funding Valuation used in Most Recent Audit Report or System Investment Provider	9.25%				
18	Actuarial Assumptions						
19	Actuarial assumed rate of investment return	Actuarial Funding Valuation used in Most Recent Audit Report	6.50%	6.50%			
20	Amortization method utilized for funding the system's unfunded actuarial accrued liability, if any	Actuarial Funding Valuation used in Most Recent Audit Report	Other	Level Dollar			
21	Amortization period utilized for funding the system's unfunded actuarial accrued liability, if any	Actuarial Funding Valuation used in Most Recent Audit Report	0	25			
22	Is each division within the system closed to new employees?	Actuarial Funding Valuation used in Most Recent Audit Report	Yes	No			
23	Uniform Assumptions						
24	Enter retirement pension system's actuarial value of assets using uniform assumptions	Actuarial Funding Valuation used in Most Recent Audit Report	189,024,296	12,043,185			
25	Enter retirement pension system's actuarial accrued liabilities using uniform assumptions	Actuarial Funding Valuation used in Most Recent Audit Report	163,249,051	24,382,562			
26	Funded ratio using uniform assumptions	Calculated	115.8%	49.4%			
27	Actuarially Determined Contribution (ADC) using uniform assumptions	Actuarial Funding Valuation used in Most Recent Audit Report	-	1,789,885			
28	All systems combined ADC/Governmental fund revenues	Calculated	2.1%	2.1%			
29	Pension Trigger Summary						
30	Does this system trigger "underfunded status" as defined by PA 202 of 2017?	Primary government triggers: Less than 60% funded AND greater than 10% ADC/Governmental fund revenues. Non-Primary government triggers: Less than 60% funded	NO	NO	NO	NO	NO

Requirements (For your information, the following are requirements of P.A. 202 of 2017)

Local governments must post the current year report on their website or in a public place.

The local government must electronically submit the form to its governing body.

Local governments must have had an actuarial experience study conducted by the plan actuary for each retirement system at least every 5 years.

Local governments must have had a peer actuarial audit conducted by an actuary that is not the plan actuary OR replace the plan actuary at least every 8 years.

Enter Local Government Name	City of Troy	Instructions: For a list of detailed instructions on how to complete and submit this form, visit michigan.gov/LocalRetirementReporting
Enter Six-Digit Municode	632230	
Unit Type	City	
Fiscal Year End Month	June	
Fiscal Year (four-digit year only, e.g. 2019)	2020	Questions: For questions, please email LocalRetirementReporting@michigan.gov . Return this original Excel file. Do not submit a scanned image or PDF.
Contact Name (Chief Administrative Officer)	Rob Maleszyk	
Title if not CAO	CFO	
CAO (or designee) Email Address	robert.maleszyk@troymi.gov	
Contact Telephone Number	248-524-3319	
OPEB System Name (not division) 1	Troy Retiree Health Care Plan	If your OPEB system is separated by divisions, you would only enter one system. For example, one could have different divisions of the same system for union and non-union employees. However, these would be only one system and should be reported as such on this form.
OPEB System Name (not division) 2		
OPEB System Name (not division) 3		
OPEB System Name (not division) 4		
OPEB System Name (not division) 5		

Line	Descriptive Information	Source of Data	System 1	System 2	System 3	System 4	System 5
1	Is this unit a primary government (County, Township, City, Village)?	Calculated	YES	YES	YES	YES	YES
2	Provide the name of your retirement health care system	Calculated from above	Troy Retiree Health Care Plan				
3	Financial Information						
4	Enter retirement health care system's assets (system fiduciary net position ending)	Most Recent Audit Report	94,633,629				
5	Enter retirement health care system's liabilities (total OPEB liability)	Most Recent Audit Report	114,486,138				
6	Funded ratio	Calculated	82.7%				
7	Actuarially determined contribution (ADC)	Most Recent Audit Report	5,579,325				
7a	Do the financial statements include an ADC calculated in compliance with Numbered Letter 2018-3?	Most Recent Audit Report	YES				
8	Governmental Fund Revenues	Most Recent Audit Report	86,373,102				
9	All systems combined ADC/Governmental fund revenues	Calculated	6.5%				
10	Membership						
11	Indicate number of active members	Actuarial Funding Valuation used in Most Recent Audit Report	193				
12	Indicate number of inactive members	Actuarial Funding Valuation used in Most Recent Audit Report	-				
13	Indicate number of retirees and beneficiaries	Actuarial Funding Valuation used in Most Recent Audit Report	345				
14	Provide the amount of premiums paid on behalf of the retirants	Most Recent Audit Report or Accounting Records					
15	Investment Performance						
16	Enter actual rate of return - prior 1-year period	Actuarial Funding Valuation used in Most Recent Audit Report or System Investment Provider	4.69%				
17	Enter actual rate of return - prior 5-year period	Actuarial Funding Valuation used in Most Recent Audit Report or System Investment Provider	6.92%				
18	Enter actual rate of return - prior 10-year period	Actuarial Funding Valuation used in Most Recent Audit Report or System Investment Provider					
19	Actuarial Assumptions						
20	Assumed Rate of Investment Return	Actuarial Funding Valuation used in Most Recent Audit Report	6.50%				
21	Enter discount rate	Actuarial Funding Valuation used in Most Recent Audit Report	6.50%				
22	Amortization method utilized for funding the system's unfunded actuarial accrued liability, if any	Actuarial Funding Valuation used in Most Recent Audit Report	Level Dollar				
23	Amortization period utilized for funding the system's unfunded actuarial accrued liability, if any	Actuarial Funding Valuation used in Most Recent Audit Report	24				
24	Is each division within the system closed to new employees?	Actuarial Funding Valuation used in Most Recent Audit Report	Yes				
25	Health care inflation assumption for the next year	Actuarial Funding Valuation used in Most Recent Audit Report	7.00%				
26	Health care inflation assumption - Long-Term Trend Rate	Actuarial Funding Valuation used in Most Recent Audit Report	3.50%				
27	Uniform Assumptions						
28	Enter retirement health care system's actuarial value of assets using uniform assumptions	Actuarial Funding Valuation used in Most Recent Audit Report	94,264,106				
29	Enter retirement health care system's actuarial accrued liabilities using uniform assumptions	Actuarial Funding Valuation used in Most Recent Audit Report	122,858,891				
30	Funded ratio using uniform assumptions	Calculated	76.7%				
31	Actuarially Determined Contribution (ADC) using uniform assumptions	Actuarial Funding Valuation used in Most Recent Audit Report	3,711,791				
32	All systems combined ADC/Governmental fund revenues	Calculated	4.3%				
33	Summary Report						
34	Did the local government pay the retiree insurance premiums for the year?	Accounting Records	YES				
35	Did the local government pay the normal cost for employees hired after June 30, 2018?	Accounting Records	N/A				
36	Does this system trigger "underfunded status" as defined by PA 202 of 2017?	Primary government triggers: Less than 40% funded AND greater than 12% ARC/Governmental fund revenues. Non-Primary government triggers: Less than 40% funded	NO	NO	NO	NO	NO

Requirements (For your information, the following are requirements of P.A. 202 of 2017)
Local governments must post the current year report on their website or in a public place
The local government must electronically submit the form to its governing body.
Local governments must have had an actuarial experience study conducted by the plan actuary for each retirement system at least every 5 years
Local governments must have had a peer actuarial audit conducted by an actuary that is not the plan actuary OR replace the plan actuary at least every 8 years.



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O-02b

CITY COUNCIL AGENDA ITEM

Date: January 5, 2021

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: 4th Quarter 2020 Litigation Report

The following is the quarterly report of pending litigation and other matters of interest. **Developments during the FOURTH 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. **On December 21st, the Sixth Circuit Court of Appeals entered an order denying the City's motion for rehearing en banc.**

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. Plaintiff filed this Complaint, alleging substantive due process violations. Plaintiff filed it in Oakland County Circuit Court, and the City removed it to federal court, since the parties previously litigated a very similar case before Judge Goldsmith. Plaintiff then filed a motion to request a transfer of the case back to the Oakland County Circuit Court. This motion was briefed by the parties, and is pending. **The motion is still under advisement.**
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. Plaintiff filed this Complaint, alleging substantive due process violations. Plaintiff filed it in Oakland County Circuit Court, and the City removed it to federal court, since the parties previously litigated a very similar case before Judge Goldsmith. Plaintiff then filed a motion to request a transfer of the case back to the Oakland County Circuit Court. This motion was briefed by the parties, and is pending. **The motion is still under advisement.**
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



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CITY COUNCIL AGENDA ITEM

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 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. **On November 24, 2020, Federal Court Judge Michaelson issued an order and opinion granting 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



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CITY COUNCIL AGENDA ITEM

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, 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. **On December 20th, the Court entered its Order Denying Adam's Motion for Reconsideration, so all individual defendants remain dismissed. The City filed a motion for summary judgment in both the Adam and USA case seeking a dismissal of all remaining claims against the City. Adam and the USA have also filed motions for summary judgment.**



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CITY COUNCIL AGENDA ITEM

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.

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. **All municipal defendants are presenting the proposed global settlement agreement to their respective governing bodies. If all governing bodies approve, the settlement will go before the Court for acceptance on January 20, 2021.**



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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 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 anticipate that oral argument will be scheduled for March or April 2021.**
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. **The Court scheduled a virtual oral argument for February 4, 2021.**
4. Grier v. City of Troy, et al – On November 19, 2019, Ms. Grier was in a U.S. post office vehicle parked on Robert Street. She reports that she was making a delivery, and a City of Troy truck was plowing snow, and the wing plow on the City's truck accidentally sideswiped the postal truck, causing a large indentation spanning the length of the postal vehicle. Plaintiff filed a complaint against the City, the City employee who was operating the snow plow, her auto insurance



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

company, and the Michigan assigned claims fund. The case is assigned to Oakland County Circuit Court Judge Phyllis McMillen. The City has filed a timely answer to the complaint, and the parties are now engaged in the discovery process.

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 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



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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 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



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CITY COUNCIL AGENDA ITEM

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 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. **Oral argument was held on the summary disposition motion on December 2nd. We are awaiting a decision from the Court.**

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



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CITY COUNCIL AGENDA ITEM

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 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. **Due to COVID restrictions, the Court adjourned the trial date from January to May 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. **The parties negotiated a consent order for the return of the firearm. This case is now concluded.**
5. Kmiec v City of Troy. This claim and delivery action was filed by Plaintiff seeking a return of firearms turned over to the Police Department as a condition of bond when Plaintiff was charged with stalking. The City filed an answer to the complaint and the motion for possession pending judgment. The case was assigned 52-4 District Court Judge Maureen McGinnis. At the hearing on the motion for possession on December 2, 2020, the Court entered an order allowing for return of the firearms to the Plaintiff, who is no longer under the Court's jurisdiction. This case is now concluded.
6. Gregory v City of Troy. This claim and delivery action was filed by Plaintiff seeking a return of firearms confiscated when the Troy Police responded to a report that the Plaintiff was a potential harm to himself. The City filed an answer to the complaint and the motion for possession pending judgment. The case was assigned 52-4 District Court Judge Kirsten



500 West Big Beaver
Troy, MI 48084
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Nielsen Hartig, who ultimately entered an order allowing the firearms to be returned to Plaintiff in December, 2020. This case is now concluded.

- 7. Fambrough v City of Troy. This claim and delivery action was filed by Plaintiff seeking a return of firearms and a machete confiscated when the Troy Police responded to a report that the Plaintiff's husband armed himself against a phantom burglar. Plaintiff's husband has dementia. The City filed an answer to the complaint and the motion for possession pending judgment, which was pending before 52-4 District Court Judge Maureen McGinnis. On December 2, 2020, the Court entered a negotiated order allowing for return of the firearms and machete to a third party. This case is now concluded.**
- 8. Peeler v City of Troy. This claim and delivery action was filed by Plaintiff seeking a return of a firearm seized by the Troy Police Department when an individual carrying the Plaintiff's firearm was arrested for unlawfully possessing a concealed weapon. The City filed an answer to the complaint and the motion for possession pending judgment. 52-4 District Court Judge Maureen McGinnis denied the motion for possession on December 2, 2020, and scheduled the case for a pretrial on January 20, 2021.**
- 9. Cook v City of Troy. This claim and delivery action was filed by Plaintiff seeking a return of a shotgun turned over to the Police Department in accordance with a Personal Protection Order that prohibited Plaintiff from possessing a firearms. The case was filed in Oakland County Circuit Court and assigned to Judge Kumar. A hearing on the motion for possession was scheduled for January 6, 2021, but prior to the hearing, the parties agreed to entry of a consent judgment for return of the firearm. This case is now concluded.**

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.

- 1. City of Troy v. Tierra Posey- In 2016, Defendant pled guilty to possession of marijuana. Defendant failed to appear for her sentence date later in 2016, and remained in bench warrant status until July 2020. In the interim, the Michigan Regulation and Taxation of Marihuana Act was passed in 2018 (recreational marihuana). Defendant argued in District Court that although she was guilty of a crime in 2016, she could not be punished since marihuana is now legal. Judge McGinnis denied the Defendant's motion to dismiss the charge. Defendant filed an appeal with the Oakland County Circuit Court. The case has been assigned to Judge Rae Lee Chabot. The City filed a timely response to the appeal.**

H. ADMINISTRATIVE PROCEEDINGS

There are no pending administrative proceedings at this time.

If you have any questions concerning these cases, please let us know.

(14)
December 16, 2020

Troy Public Library

510 W. Big Beaver Rd.

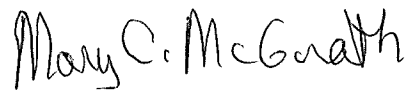
Troy, MI 48084

To Whom It May Concern:

Enclosed is a check for \$275.00. It is a donation in honor of Constance L. Doherty. I came to ask her help in buying books on CD by a certain author that is one of my absolute favorite authors. It was very late on a late November day in 2018. It was at the end of a very difficult day for me during a time when I was experience many severe health problems. It was also at the end of a very long day for Ms. Doherty. Her kindness, generosity, willingness to help me, and going way beyond what was really necessary will remain in my memory for a very long time. I am sending this donation as a thank you to her. Could it be used for her department and to acquire more books on CD for adults?

Please send a recognition letter for this donation that is suitable for tax purposes.

Sincerely,



Mary C. McGrath

Beth L Tashnick

Subject: FW: Snow clearance at Boulan park

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

From: Sjanna Young

Sent: Sunday, January 3, 2021 12:44 PM

To: Kurt Bovensiep

Subject: Snow clearance at Boulan park

Thank you so much for clearing the walking path at Boulan...it has been so nice to have a safer walk in the park free of snow and ice, especially in these COVID times.

Well done!

Sjanna Young

Sent from my iPad

Sjanna Young

January 6, 2021

Hi Cindy,

I wanted to thank you for putting together the “Troy’s Best Holiday Decorated Homes” this year. Our home was one that was selected as “Troy’s Best Holiday Decorated Home”. We really appreciated the honor. Our family also really enjoyed the Map you and your department put together! During the holiday season, our family took several trips (along with a bucket of popcorn!) around Troy to see the deferent displays. It certainly was a fun way to spend some time during the holidays!

Thank you and your department again for your time and effort putting this together! We certainly hope you will continue this in the future!

Sincerely,

The Hahn Family, Bob, Marcie, Nicole & Bobby

Troy, MI 48084