



CITY COUNCIL

REGULAR MEETING

AGENDA

OCTOBER 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



Troy City Council Code of Ethics

1. The Troy City Council shall:

- Respect the confidentiality of privileged information;
- Recognize that an individual council member has no authority to speak or act for Council;
- Work with other council members to establish effective policies;
- Delegate authority for the running of the City to the administrative staff;
- Encourage the free expression of opinion by all council members;
- Seek systematic communications between council, administrative staff, and all elements of the community;
- Render all decisions in a fair and impartial manner, based on the available facts and independent judgment rather than succumbing to the influence of individuals or special interest groups;
- Make every effort to attend all meetings;
- Become informed concerning the issues to be considered at each meeting;
- Avoid actual or apparent conflicts of interest, and make appropriate disclosures;
- Refrain from using this position for personal benefit, nor for the benefit of family members or business associates;
- Use the same care and caution when using electronic media as would be exercised when speaking face-to-face or through written memorandum;
- Avoid use of derogatory or denigrating language;
- Treat all people fairly and with dignity and respect;
- Abstain from harassing or discriminatory behavior of any kind;
- Participate in annual ethics training provided by City Administration or a qualified outside contractor.
- Avoid any situation that could undermine public confidence, and neither solicit nor accept gifts offered for any official actions. There may be times when unsolicited items of a trivial value (less than \$25) are provided to City Council members in connection with marketing of new businesses or economic development and organizations, and such items can be retained as long as the aggregate value of gifts per year does not exceed \$250. City Council members shall annually submit a report of all unsolicited items received to the Troy City Clerk as part of the mandatory disclosure statements. City Council members and/or their significant others can accept invitations for ribbon cutting/grand openings and other ceremonial or celebratory events where food and/or beverages will be consumed.
- Adhere to the following tenets in the ICMA Code of Ethics (revised June 2020):
 - Affirm the dignity and worth of local government services and maintain a deep sense of social responsibility as a trusted public servant. (Tenet 2)
 - Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order to merit the trust and respect of elected and appointed officials, employees, and the public. (Tenet 3)
 - Serve the best interest of the people. (Tenet 4)

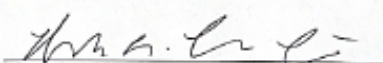
2. Any City Council member may detail a suspected violation of this Code of Ethics by another City Council member, and forward this to the Troy City Council for action. The accused City Councilmember shall have an opportunity to respond to the allegations. If after considering all of the information, the Troy City Council determines that there was a violation of this Code of Ethics, then City Council may censure the offending City Council member, or take any other action that is allowed under the law, including but not limited to a request for a criminal misconduct investigation.


Signed this 9th day of February, 2021.



Mayor Ethan D. Baker


Council Member Edna Abraham


Mayor Pro Tem Theresa Brooks


Council Member Rebecca Chamberlain-Creanga


Council Member Ann Erickson Gault


Council Member David Hamilton


Council Member Ellen Hodorek



CITY COUNCIL AGENDA

October 11, 2021 – 7:30 PM

City Council Chambers

500 W. Big Beaver Rd.

Troy, MI 48084

(248) 524-3316

View the Meeting Live at: www.troymi.gov/webcast

or on Local Access Cable Channels

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

INVOCATION: Pastor Mark Nowak from First Baptist Church of Troy **1**

PLEDGE OF ALLEGIANCE: **1**

A. CALL TO ORDER: **1**

B. ROLL CALL: **1**

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

C-1 Proclamation for Metastatic Breast Cancer Awareness Day – October 13, 2021,
and Breast Cancer Awareness Month – October 2021 (*Presented by: Mayor Ethan
Baker*) **1**

C-2 Proclamation for City of Troy Tree City USA / Arbor Day (*Presented by: Mayor
Ethan Baker*) **1**

D. CARRYOVER ITEMS: **1**

D-1 No Carryover Items **1**

E. PUBLIC HEARINGS: **1**

E-1 No Public Hearings **1**

<u>F.</u>	<u>PUBLIC COMMENT:</u>	<u>1</u>
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O-1	No Closed Session	15
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December 13, 2021	Regular Meeting	16

INVOCATION: Pastor Mark Nowak from First Baptist Church of Troy

PLEDGE OF ALLEGIANCE:

A. CALL TO ORDER:

B. ROLL CALL:

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

Excuse Absent Council Members:

Suggested Resolution

Resolution #2021-10-

Moved by

Seconded by

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

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Proclamation for Metastatic Breast Cancer Awareness Day – October 13, 2021, and Breast Cancer Awareness Month – October 2021 (*Presented by: Mayor Ethan Baker*)

C-2 Proclamation for City of Troy Tree City USA / Arbor Day (*Presented by: Mayor Ethan Baker*)

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT:

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

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. **NOTE TO THE PUBLIC:**

City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

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

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

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

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

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Animal Control Appeal Board, Parks and Recreation Board

a) Mayoral Appointments: None

b) City Council Appointments:

Suggested Resolution

Resolution #2021-10-

Moved by

Seconded by

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

Animal Control Appeal Board

Appointed by Council

5 Regular Members

3 Year Term

Nominations to the Animal Control Appeal Board:**Term Expires: 9/30/2024****Patrick Floch**

Term currently held by: Patrick Floch

Term Expires: 9/30/2024**Al Petrulis**

Term currently held by: Al Petrulis

Parks and Recreation Board

Appointed by Council

7 Regular Members and 1 Troy School Board of Education Representative

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

Nominations to the Parks and Recreation Board:**Term Expires: 7/31/2022****Timothy Fulcher****Troy School Board
of Education Rep**

Term currently held by: Timothy Fulcher

Term Expires: 7/31/2022**Akshitha Sahu****Student**

Term currently held by: Akshitha Sahu - Graduates 2023

Term Expires: 9/30/2022**Hitesh Patel**

Term currently held by: Kristin Franklin resigned 9/3/21

Term Expires: 9/30/2024**Michael Brady**

Term currently held by: Michael Brady

Term Expires: 9/30/2024**John Shepherd**

Term currently held by: John Shepherd

Yes:

No:

I-2 Board and Committee Nominations: a) Mayoral Nominations – Board of Review, Downtown Development Authority, Global Troy Advisory Committee, Local Development Finance Authority; b) City Council Nominations – Traffic Committee

a) Mayoral Nominations:

Suggested Resolution

Resolution #2021-10-

Moved by

Seconded by

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

Board of Review

Appointed by Mayor

3 Regular Members

3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
Adams	John	12/2/2021	1/31/2023	
Strahl	Frank	1/4/2023	1/31/2024	
Vacancy			1/31/2022	James Hatch resigned 9/22/21

Nominations to the Board of Review:

Unexpired Term Expiring:
1/31/2022

Term currently held by: Vacancy-James Hatch resigned 9/22/21

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Cicchini	Philippe	4/28/2022	
Sekhri	Arun	9/24/2022	
Shoan	Michele	7/22/2023	

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. 11/13/23; DDA; GTAC, LDFA
Blair	Timothy	6/17/2017	9/30/2023	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	
<i>Koza</i>	<i>Kenny</i>	<i>9/18/2019</i>	<i>9/30/2021</i>	<i>In District</i>	
<i>MacLeish</i>	<i>Daniel</i>	<i>6/28/2023</i>	<i>9/30/2021</i>	<i>In District</i>	
Reschke	Ernest	10/4/2020	9/30/2022	At Large	
Schroeder	Douglas	9/10/2020	9/30/2022	At Large	
Stone	David	3/11/2023	9/30/2023	In District	
Tomcsik-Husak	Tara	9/22/2022	3/30/2024	In District	
Vacancy			9/30/2022	At Large	Ward Randol Jr. resigned 2/1/21
Vacancy			9/30/2024	In District	Cheryl Bush resigned 9/22/21

Nominations to the Downtown Development Authority:**Unexpired Term Expiring: 9/30/2022**

Term currently held by: Vacancy–W. Randol Jr. resigned 2/1/21

Unexpired Term Expiring: 9/30/2024

Term currently held by: Vacancy-Cheryl Bush resigned 9/22/21

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1	Notes 2
Ashland	David	11/14/2021	At Large	Liquor Adv Comm exp 1/31/24
Beyer	Joseph	10/26/2022	In District	
Crawford	Timothy	6/26/2021	At Large	
Forster	Jeffrey	3/23/2023	At Large	Personnel Bd exp 4/30/24
Goetz	John	3/4/2023	At Large	
Kornacki	Rosemary	12/14/2022	At Large	Brownfield Redev Auth exp 4/30/23
McGerty	Ryan	2/25/2022	At Large	
Patel	Hitesh	3/23/2023	At Large	

Schick	Michael	12/22/2022	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	
Vassallo	Joseph	3/4/2023	At Large	Brownfield Redev Auth exp 4/30/24

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			Council Member
Bica-Grodsky	Lisa	9/23/2022	10/30/2023	
Burrus	MiVida	7/15/2018	10/30/2022	
Fakhoury	Awni	4/28/2018	10/30/2021	Requests Reappointment
Liu	Allison	10/1/2022	7/31/2022	Student
Mohideen	Syeda	8/24/2020	10/30/2021	Requests Reappointment
Natcheva	Daniela	11/8/2021	10/30/2022	
Noguez-Ortiz	Carolina	12/19/2019	10/30/2022	Brownfield Redev Auth exp 4/30/23
Sekhri	Suneel	12/20/2021	10/30/2021	
Swaminathan	Sharanya		7/31/2022	Student
Vacancy			10/30/2022	Kaitlin Hao resigned 8/20/21
Vacancy			10/30/2023	Rebecca Chamberlain-Creangă resigned 2/26/20
Vacancy			10/30/2023	Cathleen Francois requested No Reappointment
Zhou	Yudong	10/23/2021	10/30/2022	

Nominations to the Global Troy Advisory Authority:

Unexpired Term Expiring:
10/30/2022

Term currently held by: Vacancy - Kaitlin Hao resigned 8/20/21

**Unexpired Term Expiring:
10/30/2023**

Term currently held by: Vacancy–Rebecca Chamberlain-
Creangă resigned 2/26/20

Term Expires: 10/30/2023

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

Term Expires: 10/30/2024

Term currently held by: Awni Fakhoury

Term Expires: 10/30/2024

Term currently held by: Syeda Mohideen

Term Expires: 10/30/2024

Term currently held by: Suneel Sekhri

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Cicchini	Philippe	4/13/2023	
DiFalco	Melissa	12/2/2021	
Faiz	Iqbal	12/4/2022	
Fox	Tyler	11/15/2021	
Jones	Kelly	12/11/2021	Liquor Adv Comm exp 1/31/23
MacDonell	Sharon	4/13/2023	
Marrero-Laureano	Alexander	10/26/2022	
McGee	Timothy	3/2/2023	
Patel	Hitesh	2/2/2023	
Rahman	Mahfuzur	9/24/2022	
Swaminathan	Abiramasundari	3/6/2022	
Sweidan	Rami	3/2/2023	

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	City Council exp. 11/13/23; DDA; GTAC, LDFA
Beltramini	Robin	7/17/2021	6/30/2022	Resident Member	Charter Rev Comm exp 4/30/22
Hodorek	Ellen		11/8/2021	Alternate; City Council	City Council exp 11/8/21
Hunter	Daniel			Oakland County Designee	
Vacancy			6/30/2023	Resident Member	Paul V. Hoef resigned 4/27/21
Vacancy			6/30/2024	Resident Member	David Shield's term exp 6/30/16 - No Reappointment
Vacancy			6/30/2024	Resident Member	John Sharp's unexpired term
Vacancy			6/30/2023	Resident Member	Nickolas Vitale resigned 7/17/21

Nominations to the Local Development Finance Authority (LDFA):**Unexpired Term Expiring:
6/30/2023****Resident Member**

Term currently held by: Vacant – P. Hoef resigned 4/27/21

**Unexpired Term Expiring:
6/30/2023****Resident Member**

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

**Unexpired Term Expiring:
6/30/2024****Resident Member**

Term currently held by: Vacant– D. Shields–No Reappointment

**Unexpired Term Expiring:
6/30/2024****Resident Member**

Term currently held by: Vacant – J. Sharp resigned 11/1/19

**Term Expires: Oakland
County Representative****Ingrid Tighe****Oakland County
Representative**

Term currently held by: Daniel Hunter

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	
Rahman	Mahfuzur	9/24/2022	
Schick	Michael	12/22/2022	
Shepherd	John	4/22/2021	
Sweidan	Rami	4/28/2022	Brownfield Redev Auth exp 4/30/23
Vassallo	Joseph	3/4/2023	Brownfield Redev Auth exp 4/30/24
Yu	Fu-Shin	8/20/2021	

Yes:

No:

b) City Council Nominations:

Suggested Resolution

Resolution #2021-10-

Moved by

Seconded by

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

Traffic Committee

Appointed by Council

7 Regular Members

3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2
Huotari	William		12/31/2099	Ex-Officio Member	
Kilmer	Richard	1/9/2019	1/31/2023		
Nastasi	Frank		12/31/2099	Ex-Officio Member	
Nurak	Cindy	1/16/2021	1/31/2022		
Petrulis	Al	12/16/2021	1/31/2023		ACAB exp 9/30/21; HDC exp 3/1/23
Riesterer	R. Chuck		12/31/2099	Ex-Officio Member	
Shende	Alankar	7/18/2021	7/31/2021	Student	Graduates 2021
Sivaraman	Sunil	12/22/2020	1/31/2022		

Swaminathan	Abi	3/6/2022	1/31/2024		
Wilsher	Cynthia	1/18/2020	1/31/2024		
Ziegenfelder	Peter	12/4/2021	1/31/2023		

Nominations to the Traffic Committee:**Term Expires: 7/31/2022**

Term currently held by: Alankar Shende - Graduates 2021

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Sahu	Akshitha	9/28/2022	Student – Graduates 2023

Yes:

No:

I-3 No Closed Session Requested**I-4 Support Emergency Operations Plan (Introduced by: Lieutenant Russ Harden)****Suggested Resolution**

Resolution #2021-10-

Moved by

Seconded by

WHEREAS, The City of Troy elected to be incorporated into the Oakland County Emergency Management Program and that by becoming part of the Oakland County Emergency Management Program, the City of Troy, and Oakland County have certain responsibilities to each other; and,

WHEREAS, This Emergency Operations Support Plan has been developed to identify the responsibilities between the City of Troy and Oakland County in regards to emergency management activities; and,

WHEREAS, The plan provides a framework for the City to use in performing emergency functions before, during, and after a natural disaster, hostile attack, technological incident or other emergency; and,

WHEREAS, This support plan is to be used in concurrence with Oakland County's Emergency Operations Plan as it is a supporting document; and,

WHEREAS, The support plan will be maintained in accordance with the current standards of the Oakland County Emergency Operations Plan. Review of this plan shall be accomplished every four years;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADOPTS** this Emergency Operations Support Plan, in support to the Oakland County Emergency Operations Plan.

Yes:

No:

J. CONSENT AGENDA:

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

Resolution #2021-10-

Moved by

Seconded by

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

Yes:

No:

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

J-2 Approval of City Council MinutesSuggested Resolution

Resolution #2021-10-

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

- a) City Council Minutes-Draft – September 27, 2021

J-3 Proposed City of Troy Proclamations:Suggested Resolution

Resolution #2021-10-

- a) Proclamation to Celebrate Filipino American Heritage Month - October 2021
- b) Proclamation to Celebrate Hindu Heritage Month - October 2021
- c) Proclamation to Recognize Celebration of Diwali - The Festival of Lights - November 4, 2021

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 4: MiDeal Cooperative Purchasing Agreement – DPW Fleet Cargo Vans**

Suggested Resolution

Resolution #2021-10-

RESOLVED, That Troy City Council hereby **AWARDS** contracts to purchase three (3) 2022 Ford Transit Cargo Vans from *Gorno Ford of Woodhaven, MI*, for the Department of Public Works as per the MiDeal Cooperative Purchasing contract #071B7700181 for an estimated total cost of \$110,190.00.

b) Standard Purchasing Resolution 2: Low Bidders Meeting Specifications – Snow Removal Services

Suggested Resolution

Resolution #2021-10-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide seasonal requirements of Snow Removal Services with an option to renew for two (2) additional seasons to *Premier Group of Detroit, MI*, for Proposal A; *Xpert Lawn and Snow of Warren, MI*, for Proposal B; *DiPonio Contracting, Inc. of Shelby Township, MI*, for Front End Loader with a 3-yard capacity, Front End Loader with 5-yard capacity, Pickup with 8 foot blade, and Truck with 10 foot snowplow; *Premier Group of Detroit, MI*, for Pickup with 8 foot Blade and 20,000 GVW Road Grader; and *Xpert Lawn and Snow of Warren, MI*, for 20,000 GVW Road Grader for Proposal C, at prices detailed and contained in the bid tabulation opened on September 16, 2021, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** City of Troy Administration to extend prices established in Proposal C to additional vendors meeting requirements under emergency conditions for snow and ice removal.

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

c) Standard Purchasing Resolution 4: HBACBuy Purchasing Cooperative – 2021 Sewer Root Treatment

Suggested Resolution

Resolution #2021-10-

RESOLVED, That in the best interest of the City, Troy City Council hereby **WAIVES** the bid process and **AWARDS** a contract to *Duke's, 1020 Hiawatha Blvd., West Syracuse, NY 13204*, to furnish all labor, materials and equipment to provide sewer root treatment for an estimated cost of \$16,494.00 with a not to exceed amount of \$40,000.00 at the prices detailed in the proposal and per the HBACBuy Purchasing Cooperative Contract #SC01-21.

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

d) Standard Purchasing Resolution 4: Oakland County Purchasing Cooperative - Historic Village Exterior Painting and Repairs; and Standard Purchasing Resolution

4: Omnia Partners Purchasing Cooperative – Historic Village Caswell House Roof ReplacementSuggested Resolution

Resolution #2021-10-

RESOLVED, That in the best interest of the City, Troy City Council hereby **WAIVES** the bid process and **AWARDS** contracts to *National Restoration of Milford, MI*, for the Historic Village Exterior Painting and Repairs for an estimated total amount of \$113,000 per the Oakland County Purchasing Cooperative Contract #005106, and to *Schena Roofing and Sheet Metal Co., Inc of Chesterfield, MI*, for the Historic Village Caswell House Roof Replacement for an estimated cost of \$34,799.97, with a 20% contingency not to exceed budgetary limitations per the Omnia Purchasing Cooperative Contract #R180901.

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

e) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Wagon Shop Structural Analysis and AssessmentSuggested Resolution

Resolution #2021-10-

RESOLVED, That Troy City Council hereby **APPROVES** expending budgeted capital funds to *OHM Advisors of Livonia, MI*, for the Wagon Shop Structural Analysis and Assessment for a total estimated cost of \$11,500 not to exceed budgetary limitations.

J-5 Request for Acceptance of Two Permanent Easements from Srikanth Kunduri and Krithika Shetty, Sidwell #88-20-27-331-031Suggested Resolution

Resolution #2021-10-

RESOLVED, That Troy City Council hereby **ACCEPTS** a permanent easement for storm sewers and surface drainage, and sidewalks from Srikanth Kunduri and Krithika Shetty, owners of the property having Sidwell #88-20-27-331-031.

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

J-6 Request for Acceptance of Two Permanent Easements from GFA Development, Inc., Sidwell #88-20-27-331-027Suggested Resolution

Resolution #2021-10-

RESOLVED, That Troy City Council hereby **ACCEPTS** two permanent easements for storm sewers and surface drainage, and sidewalks from GFA Development, Inc., owner of the property having Sidwell #88-20-27-331-027.

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-7 Request for Acceptance of a Permanent Easement from Nancy Mosey, Sidwell #88-20-15-352-027

Suggested Resolution

Resolution #2021-10-

RESOLVED, That Troy City Council hereby **ACCEPTS** a permanent easement for storm sewers and surface drainage from Nancy Mosey, owner of the property having Sidwell #88-20-15-352-027.

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-8 Private Agreement – Contract for Installation of Municipal Improvements – Estates of Willowbrook II – Project No. 21.905.3

Suggested Resolution

Resolution #2021-10-

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

J-9 2021-2022 Winter Maintenance Agreement, Road Commission for Oakland County

Suggested Resolution

Resolution #2021-10-

RESOLVED, That Troy City Council hereby **APPROVES** the 2021-2022 Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy for Snow and Ice Control of county roads, which are described and outlined in Exhibit A, and the Mayor and City Clerk are **AUTHORIZED** to execute the necessary documents; a copy of this agreement, which is authorized by the provisions of 1951 PA 51 (MCL 247.651 et seq), shall be **ATTACHED** to the original Minutes of this meeting.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

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

- a) Proposed New Ethics Ordinance for Elected and Appointed Officials

L. COUNCIL REFERRALS:

Items Advanced to the City Manager by the Mayor and City Council Members for Placement on the Agenda

L-1 No Council Referrals

M. REPORTS:

M-1 Minutes – Boards and Committees:

- a) Global Troy Advisory Committee-Final – August 11, 2021
 - b) Parks and Recreation Board-Draft – September 27, 2021
-

M-2 Department Reports:

- a) Automation Alley Awarded U.S. Economic Development Administration Grant
 - b) Fire Station 5 HVAC Replacement – Fiscal Year 2022
 - c) Election Security Report
 - d) 3rd Quarter Litigation Report
-

M-3 Letters of Appreciation:

- a) To Cindy Stewart from Doc Young
-

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

N. COUNCIL COMMENTS:

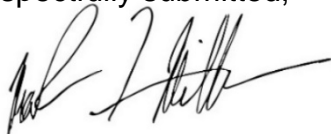
N-1 No Council Comments

O. CLOSED SESSION

O-1 No Closed Session

P. ADJOURNMENT:

Respectfully submitted,



Mark F. Miller
City Manager

2021 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

November 13, 2021 Special (Strategic Planning)

2021 SCHEDULED REGULAR CITY COUNCIL MEETINGS:

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
METASTATIC BREAST CANCER AWARENESS DAY – OCTOBER 13, 2021
AND BREAST CANCER AWARENESS MONTH – OCTOBER 2021

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby proclaims **October 13 as Metastatic Breast Cancer Awareness Day** and **October 2021 as Breast Cancer Awareness Month** in the City of Troy and joins with our local hospitals and health care organizations to honor all Breast Cancer survivors for their strength, courage, and determination; and to honor and remember those who courageously fought but lost their lives to Breast Cancer; and

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

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

Presented this 11th day of October 2021.

**PROCLAMATION
CITY OF TROY
TREE CITY USA / ARBOR DAY**

WHEREAS, The **City of Troy** has been certified as a **Tree City USA** for 31 years through the National Arbor Day Foundation and this prestigious certification proves the City of Troy is dedicated to the future of its urban forest; and

WHEREAS, The **City of Troy** wishes to acknowledge that **Troy's** urban forest reduces noise, air pollution, energy costs, reflected light, flooding, stabilizes soils, sequesters carbon, provides habitat for wildlife and improves the overall quality of life; and

WHEREAS, Trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, It is in the interest of all to plant and protect trees; and

WHEREAS, **Troy** desires to be recognized as a Tree City USA by The National Arbor Day Foundation and wishes to continue its tree planting ways;

THEREFORE BE IT RESOLVED, That the Troy City Council hereby **PROCLAIMS May 6, 2022, May 5, 2023, and May 3, 2024 as Arbor Day in the City of Troy**; and

BE IT FURTHER RESOLVED, That the Troy City Council urges all citizens to support our City's urban forestry program and to plant trees to gladden the hearts and promote the well-being of present and future generations.

Presented this 11th day of October 2021.



500 West Big Beaver
Troy, MI 48084
troymi.gov



CITY COUNCIL AGENDA ITEM

Date: October 5th, 2021

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Frank A. Nastasi, Chief of Police
Kristin Dayag, Emergency Management Specialist

Subject: Support Emergency Operations Plan

The City of Troy has developed a Support Emergency Operations Plan (EOP) in accordance to Administrative Rules for Section 19, 1976 Public Act 390, as amended. Municipalities with a population of 10,000 residents or above that have elected to incorporate into the County Emergency Management Program shall have a Support EOP that is consistent with the County Emergency Operations Plan. The plan is updated concurrently every four years, and was last updated in 2017.

The goal of the Support EOP is to coordinate emergency response efforts to save lives, reduce injuries, and preserve property. The Support EOP is an all-hazards plan for use in the event of disaster or severe emergency of natural, human, wartime, technological or terrorism origin. The City of Troy will plan, prepare and activate resources for emergencies that affect the local area and/or widespread disasters that affect the entire state and/or nation.

The plan increases emergency preparedness by defining the responsibilities of local departments and agencies, and assigns tasks that need to be accomplished before, during, and after an incident occurs. The plan is a graduated response strategy that is in proportion to the scope and severity of an emergency. It describes how local and county emergency management efforts are related.

Maintaining a current Support EOP also establishes eligibility to receive Section 19 funding in accordance with Section 19 of 1976 Public Act 390, as amended. If federal assistance does not become available after the Governor has declared a State of Disaster or Emergency, affected counties and municipalities can be eligible to receive state assistance up to \$100,000 or 10% of their operating budget, whichever is less, to cover certain disaster related expenses.

The Plan is official when it is signed and dated by the Chief Executive Official of the municipality each time it is updated. A copy of this plan is then forwarded to Oakland County Homeland Security Division where it is kept on file with the County EOP.

SUPPORT EMERGENCY OPERATIONS PLAN GUIDE

**A GUIDE TO ASSIST MUNICIPALITIES INCORPORATED INTO THE COUNTY
EMERGENCY MANAGEMENT PROGRAM TO DEVELOP A SUPPORT EMERGENCY
OPERATIONS PLAN.**

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INTRODUCTION TO THE GUIDE

I. Purpose

This document is designed to serve as a guide for municipalities with a population of 10,000 residents or above that have elected to incorporate into the County Emergency Management Program and need to develop a Support Emergency Operations Plan (EOP) following the Administrative Rules for Section 19, 1976 PA 390, as amended. In accordance with these rules, the Support EOP shall be consistent with the County Emergency Operations Plan and will become part of the county plan.

The preparation of a Support EOP will increase emergency preparedness through the definition of the responsibilities of local departments and agencies. The plan assigns tasks that need to be accomplished when an incident occurs, and describes how local and county emergency management efforts are related. Maintaining a current Support EOP also establishes eligibility to receive Section 19 funding in accordance with Section 19 of 1976 PA 390, as amended. If federal assistance does not become available after the Governor has declared a State of Disaster or Emergency, affected counties and municipalities can be eligible to receive state assistance up to \$100,000 or 10% of their operating budget, whichever is less, to cover certain disaster related expenses. To be eligible for Section 19 funding, municipalities with a population of 10,000 and above that do not maintain an independent emergency management program must develop and submit a Support EOP to the county, and implement that plan in a timely manner at the beginning of the incident.

II. Scope

This document provides basic guidance and a template for the development of a Support EOP. The template (Attachment B) contains general information that can be adapted to any municipality. The annexes specify how the municipality will carry out common emergency support functions.

Also included with this document is a sample Emergency Management Resolution (Attachment B) that appoints the County Emergency Management Coordinator as the Emergency Management Coordinator of the municipality, and outlines how emergency management efforts on the local level are organized in relation to the County Emergency Management Program.

If either template is used, it should be reviewed and adjusted to the specific needs of each municipality. Municipalities that do not utilize the templates can develop individual plans or resolutions. Other available guiding materials for the development of EOPs include MSP/EMSHD Pub 201 (Local Planning Workbook) and FEMA Comprehensive Preparedness Guide 101.

III. Maintenance

Pub 204 has been developed by MSP/EMHSD and is maintained to ensure compliance with current national planning standards and relevant state laws pertaining to emergency planning. This document was last updated in August 2015 and supersedes the October 2011 version. It will be updated every four years.

DEVELOPING THE PLAN

All stakeholders that are involved in the community response to emergencies and disasters should be involved in the development of the Support EOP. The County Emergency Management Program should work with the municipality to ensure that the plan is compatible with the County Emergency Operations Plan. A standardized planning approach can be used for the development of the Support EOP.

I. Plan requirements

The Administrative Rules for Section 19 of 1976 PA 390, as amended, establish four requirements for the development of Support EOPs. In accordance with these requirements, Support EOPs shall:

1. **Describe the relationship between the County Emergency Management Program and the municipality:**

The plan should state that the municipality has chosen to incorporate into the county program, coordinates emergency management related matters with the county program, and has assigned the County Emergency Management Coordinator as the responsible Emergency Management Coordinator for the municipality.

2. **Identify the municipality's response procedures in relation to the county response procedures:**

The plan should establish annexes that describe common tasks that need to be accomplished when responding to an emergency or disaster, and assign responsibility for these tasks to municipal departments and other local agencies. The annexes should identify the responsible agencies on the local level that coordinate and share information with at the county level, and clarify joint responsibilities. Annexes in the Support EOP should also identify which annex or annexes they relate to in the County EOP.

3. **Be maintained in accordance with the standards and currentness of the county plan, be consistent with the county plan:**

The efforts described in local and county plans should be consistent and complement each other. To maintain the Support EOP in currentness with the County EOP, updates to the local plan are necessary whenever the county plan is updated. When the County EOP is updated, the Support EOP should be revised to ensure that it is still compatible with the county plan.

4. **Contain the signature of the Chief Executive Official (CEO) of the municipality, be forwarded to the county:**

After a new Support EOP has been developed or an existing plan has been updated, the signature of the CEO (Mayor, Township Supervisor) needs to be obtained. If a change of the CEO occurs, the plan needs to be reviewed and the signature of the new official obtained. After the plan is signed, a copy must be forwarded to the County Emergency Management Program, where it should be filed with the County EOP.

II. Plan format

The plan should consist of a Basic Plan section and functional annexes.

The Basic Plan defines the purpose of the plan, provides a community profile, identifies hazards and community vulnerabilities, and describes the relationship between municipality and the County Emergency Management Program.

The annexes identify specific emergency management and response tasks that need to be accomplished before, during and after an incident, and assign responsibility for carrying out these tasks to local agencies. Annexes should be organized by emergency response functions or tasked agencies and can be written in narrative or bulleted style. While municipalities are not required to mirror the format used in the county plan, this can be beneficial. The template included with this document uses a bulleted "Emergency Action Guidelines" format for its annexes.

III. Planning process

The following seven step planning process also utilized in County EOP development should be used to develop a Support EOP. For additional information on the process steps, please refer to MSP/EMSHD Pub 201 (Local Planning Workbook).

1. **Form a collaborative planning team:**

The planning team is the group of individuals responsible for designing, developing, and implementing the Support EOP. It should include representatives from all agencies that are committed to participate in emergency response activities within the municipality. Other stakeholders that should be engaged in

the planning process include representation from the municipality's executive office, the County Emergency Management Program, agencies that can provide insight into necessary accommodations for groups or individuals requiring Functional Needs Support Services (FNSS), schools, etc.

2. Identify hazards and assess risks:

The hazard analysis is the foundation upon which the municipality's emergency planning efforts should be built. It identifies conditions or situations that have the potential to cause harm to people or property in the community. The hazard analysis process involves four steps.

Step 1: A profile of the community is developed (demographic and economic make-up, geography and land-use, key facilities, etc.).

Step 2: The development of a community profile is followed by the hazard identification, which should start with a review of the County Hazard Analysis or Hazard Mitigation Plan. Local resources should then be used to identify further hazards that are unique to the community and might not have been included in county documents.

Step 3: The assessment of risks explores how likely it is that a risk will manifest itself in an incident, how often this might occur, where it might occur, and what the severity of impact would be. Hazards should be ranked based on the expected frequency of occurrence and severity of impact.

Step 4: The vulnerability determination examines how susceptible citizens, property, infrastructure and critical systems are to the identified hazards.

3. Determine Goals and Objectives:

Developing clear goals and objectives will help the municipality to identify problems, issues and opportunities. Establishing goals outlines the vision of what the community wants to achieve. Goals can be pursued in the long-term, but need to be achievable. Objectives are specific and measurable strategies to achieve these goals. Often, multiple objectives will need to be established to support one goal.

4. Plan Development:

This step describes the conceptualization of the plan, which includes the generation and comparison of alternate strategies to achieve the established goals and objectives. This involves two tasks: Developing and analyzing courses of actions to be conducted during an incident, and identifying the resources that determine the capability of the municipality to take these actions. Developing actions allows planners to depict how an operation unfolds by building and working through a portrait of a potential event, including key decision points and participant activities. This helps to identify actions that occur and resources that will be required throughout the progression of an event.

After identifying potential strategies to achieve established goals, an important sub-step in the conceptualization of the plan is the evaluation of actions to ensure that the actions that are selected to be included in the plan are feasible. It is critical to determine if required resources are available or easily obtainable during an incident, and if actions are compliant with laws and regulations, such as local ordinances and resolutions, legal authorities, law enforcement standards, and Governor's orders and directives.

5. Plan Preparation, Review and Approval:

When writing the plan, a simple format should be used. The finished plan must be compatible with the County EOP. This can be achieved by including references to the county plan, utilizing a similar format, or organizing annexes after similar emergency response functions. Feedback should be solicited from all stakeholders that are tasked within the plan, the County Emergency Management Program, and local elected officials. After the review process, necessary adjustments should be implemented. The municipality should adopt the plan by resolution, obtain the signature of the CEO, and forward a signed copy of the plan to the County Emergency Management Program.

6. Plan implementation and update:

The last step is to implement, maintain and update the plan. Plan updates are required after change of the CEO or when the County EOP has been updated. Plan reviews should also be considered after plan activations (during incidents or exercises), changes in operational resources, and changes in the community and/or hazard profile of the municipality. Lessons learned from actual events and exercises are essential to the evaluation of a plan's effectiveness, and help to determine if the plan is:

- Adequate: The concept of operations identifies and addresses critical tasks effectively.
- Feasible: Critical tasks can be accomplished timely and with available resources.
- Acceptable: The needs and demand driven by an event are met, actions meet the expectation of local officials and the public, and are consistent with law.
- Complete: The plan includes all necessary tasks, steps and required capabilities to reach an identified desired end state.
- Compliant: The plan complies with guidance and doctrine to the highest extent possible.

FEMA Comprehensive Preparedness Guide 101 established adequacy, feasibility, acceptability, completeness and compliance as criteria that allow planners and decision makers to determine the efficiency and effectiveness of their plans.

EMERGENCY MANAGEMENT RESOLUTION

In addition to the development of a Support EOP, it is recommended that municipalities adopt a local Emergency Management Resolution (if they have not already done so). The Emergency Management Resolution should appoint the County Emergency Management Coordinator as the Emergency Management Coordinator responsible for the municipality, describe the local emergency management organization and its relationship to the County Emergency Management Program, and provide a means for the local legislative body to exercise the authority vested in them by 1976 PA 390, as amended. Attachment A provides a sample Emergency Management Resolution.

City of Troy

SUPPORT EMERGENCY OPERATIONS PLAN

An all-hazards plan supporting the Oakland County Emergency Operations Plan, for use in the event of disaster or severe emergency of natural, human, wartime, technological or terrorism origin.

[September 1, 2021](#)

The information contained in this template, developed by the Michigan State Police, Emergency Management and Homeland Security Division (MSP/EMHSD), should be used to assist in developing a Support Emergency Operations Plan which must then be reviewed by the Local Planning Team (LPT) and modified based on the community's emergency response capabilities.

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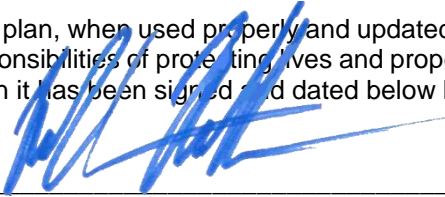
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Promulgation Document

Officials of the City of Troy, in conjunction with County and State Emergency Management (EM) agencies, have developed this Support Emergency Operations Plan that will enhance the local emergency response capability.

This plan, when used properly and updated, will assist local government officials with accomplishing their primary responsibilities of protecting lives and property in their community. This plan and its provisions will become official when it has been signed and dated below by the Chief Executive Official (CEO) of the municipality.



Chief Executive Official
City of Troy



Date

Approval and Implementation

The Support Emergency Operations Plan, referred to in this document as the Support EOP, describes how the City of Troy will handle emergency situations in cooperation with the Oakland County Emergency Management and Homeland Security Program. The Support EOP assigns responsibilities to agencies for coordinating emergency response activities before, during, and after any type of emergency or disaster. The Support EOP does not contain specific instructions as to how each department will respond to an emergency; these can be found in the plan annexes or separate Standard Operating Procedures (SOP).

The goal of the Support EOP is to coordinate emergency response efforts to save lives, reduce injuries, and preserve property. The Support EOP addresses emergency issues before and after an emergency, but its primary goals are to assemble, mobilize and coordinate a team of responders that can respond to any emergency, and describe response procedures in relation to the county response procedures.

The Support EOP will use a graduated response strategy that is in proportion to the scope and severity of an emergency. The City of Troy will plan, prepare and activate resources for local emergencies that affect the local area (or a specific site) and/or widespread disasters that affect the entire state and/or nation.

The Support EOP was developed by a Local Planning Team (LPT). The LPT consists of key departments covering emergency functions such as law enforcement, fire, public works, and public health. The team works to establish and monitor programs, reduce the potential for hazard events in the community through planning, review, and training, and assisting Oakland County in developing and maintaining the County EOP.

The Support EOP must be signed by the current CEO each time it is updated, with the exception of the following activities:

1. Minor updates e.g. changing system names, grammar, spelling or layout changes
2. Updates to the annexes

These activities may be updated in the plan without the CEO signature by the following individuals:

1. Emergency Management Liaison
2. Department head responsible for an annex

Homeland Security Presidential Directive (HSPD) 5 facilitates a standard management approach to major incidents, the National Incident Management System (NIMS). NIMS is administered as part of the National Response Framework (NRF) which integrates the federal government into a single, all discipline, and all-hazards plan. NIMS will provide a nationwide approach that enables federal, state, tribal and local government agencies to “work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity.” This Support EOP has integrated NIMS concepts, including the Incident Command System (ICS), and language to help incident management operate in accordance to the NIMS using the guidance provided by the Department of Homeland Security (DHS).

During an emergency, all response personnel will use the ICS to manage the incident and employ emergency resources at the site. The Emergency Operation Center (EOC) will coordinate additional resources when needed. This EOP will be used during community recovery after an emergency.

This plan supersedes all previous plans.
Record of Revisions

The following is a list of revisions made to the Support EOP. This chart tracks the date that changes were made, reason for the changes, updated pages, and who made the revision.

Date	Reason for Revision	Page Numbers	Revised By

Record of Distribution

The following is a list of the individuals and facilities that have been provided a copy of the Support EOP in order to conduct the assigned tasks addressed in this plan.

Title of Recipient	Name of Recipient	Agency	Date	Number of Copies
Chief Executive Official	Mark Miller	City of Troy		
City Council & Mayor	Ethan Baker	City of Troy		
Oakland County Emergency Management Coordinator	Thomas Hardesty	Oakland County		
City of Troy Emergency Management Liaison	Kristin Dayag	City of Troy		
Communications and Warning Official	Michael Giorgi	City of Troy		
Damage Assessment Official	R. Brent Savidant	City of Troy		
Fire Services Official	R. Chuck Riesterer	City of Troy		
Mass Care, Emergency Assistance, Housing, and Human Services Official	Brian Goul and Jeanette Menig	City of Troy		
Public Health and Medical Services Official	Vince Waryas	Alliance Mobile Health		
Public Information Official	Cindy Stewart	City of Troy		
City of Troy Public Information Center	Police Department	City of Troy		
City of Troy Emergency Operations Center	Police Department	City of Troy		

Basic plan

Purpose

The City of Troy has elected to incorporate into the Oakland County Emergency Management Program. As partners in the five phases of emergency management, mitigation, preparedness, prevention, response and recovery, The City of Troy and the County Emergency Management Program share joint responsibilities. The City of Troy Support EOP has been developed to identify these responsibilities. It is to be used in concurrence with the County EOP. In accordance with Section 19 of the Michigan Emergency Management Act (1976 PA 390, as amended), activation of this plan at the beginning of a disaster or emergency also establishes eligibility to receive state assistance for disaster related expenses incurred during a State of Emergency or Disaster declared by the Governor, for which federal assistance is unavailable.

Scope

The City of Troy Support EOP is an adaptable document that can be applied to all hazards. Due to the unique nature of emergencies, it may become necessary to deviate from the contents of the plan when responding to an incident. Agencies that have been assigned supporting roles in this plan have developed and will maintain SOPs that provide systematic instructions for accomplishing their assigned functions. The local government conducts additional activities, such as personnel training, participation in exercises, public information, land-use planning, etc., to support emergency preparedness, mitigation, and response efforts. To facilitate efficient emergency management operations, the City of Troy continues to implement the NIMS.

Authorities and References

A. Authority of local officials during an emergency:

1. 1976 PA 390, as amended
2. City of Troy, local Emergency Management resolution
3. City of Troy, adoption of the Support EOP
4. Executive Directive No. 2005-09, the state adoption of the NIMS
5. The Robert T. Stafford Disaster Relief and Emergency Assistance Act,
6. Emergency Planning and Community Right to Know Act of 1986 (EPCRA) also known as the Superfund Amendments and Reauthorizations Act (SARA), Title III
7. Good Samaritan Law and Right To Know Act of 1986

B. References used to develop the Support EOP:

1. NIMS
2. NRF
3. Michigan Emergency Management Plan (MEMP), Michigan State Police, Emergency Management and Homeland Security Division (MSP/EMSHD)
4. Pub 204, MSP/EMHSD

Plan Development and Maintenance

To ensure that this Support EOP addresses the needs of the community and is consistent with the Oakland County EOP, this document was developed in a cooperative, whole community effort between municipal government, local community, and the County Emergency Management Program. The Support EOP is updated after every change of the municipal CEO or when changes to the County EOP create inconsistencies.

After the plan is adopted by resolution of the Troy City Council and approved by the CEO, it is forwarded to the County Emergency Management Program. The plan will be implemented, tested through exercises in concurrence with county officials, and maintained in accordance with the standards and currentness of the Oakland County EOP.

This plan has been provided to all municipal departments, local elected officials, the County Emergency Management Program and all agencies tasked within the document. It includes this Basic Plan, which provides an overview of the municipality's preparedness and response strategies, and functional annexes that describe the actions, roles and responsibilities of participating organizations.

Situation Overview

- B. The City of Troy has taken various preparedness and incident management steps to enhance capabilities in responding to incidents including:

1. The mitigation of potential hazards.
2. Identification of emergency response agencies and mechanisms that will protect life and property before, during and after an emergency.
3. Tasking agencies, organizations, and individuals with specific functions and responsibilities relative to emergency operations. Assigned tasks are explained in further detail under "Organization and Assignment of Responsibilities."
4. Integration with the Oakland County EOP, Oakland County Hazard Mitigation Plan, MEMP, etc.

- C. Community profile:

The City of Troy is located in the east side of Oakland County. The community has a population of 84,092 (2019) residents. Approximately 4.7% of residents have been recognized as individuals with Access and Functional Needs. Many of the residents that require Functional Needs Support Services (FNSS) reside in congregate care centers, while others reside in non-group homes where support is provided as needed or on-call.

- D. Hazard and threat analysis:

According to the Oakland County Hazard Mitigation Plan, communities in the county are most vulnerable to: civil disturbances, criminal acts, arson, mass shootings, drought, earthquakes, extreme temperatures, fire hazards, flooding, fog, gas/oil shortages or supply disruption, hazmat incidents, infrastructure failure, nuclear power plant accidents, oil and gas well accidents, petroleum and natural gas line Accidents, public health emergencies, subsidence, thunderstorm hazards, tornadoes, transportation accidents, winter hazards, terrorism and sabotage, and weapons of mass destruction. More information about hazard vulnerability can be found in the County's Hazard Mitigation Plan/Analysis.

Areas within the City of Troy that are especially vulnerable to these hazards are: Chemical facilities, large commercial facilities, energy services, hospitals, transportation systems, water systems. Major industries are automotive, advanced manufacturing, financial services, health care, IT and communications. Additional hazards that have been identified as unique to the City of Troy include: potential manmade and natural disasters such as terrorism, infectious disease outbreaks, ability to communicate during crisis, network hardware and software systems, security, cyber-attacks, large-scale power outages, supply disruption, public health and safety.

58 sites that contain extremely hazardous materials are located in the City of Troy. Facility owners have reported the types of hazardous materials that are stored on-site, as required by the Emergency Planning and Community Right-To-Know Act (EPCRA). Pursuant to SARA Title III requirements, off-site emergency response plans have been developed by the Local Emergency Planning Committee (LEPC) to prepare fire departments for responding to the release of the specific hazardous materials on these sites.

E. Relationship between municipality and County Emergency Management Program:

Emergency management and response are primarily local responsibilities. However, disasters and emergencies might exhaust the resources and capabilities of local governments. Therefore, the City of Troy has chosen to incorporate into the Oakland County Emergency Management Program. To coordinate emergency management related matters with the County Emergency Management Program, the City of Troy has appointed the Emergency Management Specialist. The Emergency Management Specialist facilitates communication and coordination between the City of Troy and county, and is the local point of contact for the County Emergency Management Coordinator (EMC).

Planning Assumptions

- A. The proper implementation of this plan will result in saved lives, incident stabilization, and property protection in the City of Troy.
- B. Some incidents occur with enough warning that necessary notification can be issued to ensure the appropriate level of preparation. Other incidents occur with no advanced warning.
- C. Depending upon the severity and magnitude of the situation, local resources may not be adequate to deal with an incident. It may be necessary to request assistance through volunteer organizations, the private sector, mutual aid agreements (MAAs)/memorandums of understanding (MOUs), and/or county, state and federal sources. When provided, these will supplement, not substitute for, relief provided by local jurisdictions.
- D. All emergency response agencies within the City of Troy that have been tasked in the plan are considered to be available to respond to emergency incidents. Agencies will work to save lives, protect property, relieve human suffering, sustain survivors, stabilize the incident, repair essential facilities, restore services and protect the environment.
- E. When a jurisdiction receives a request to assist another jurisdiction, reasonable actions will be taken to provide the assistance as requested.
- F. Emergency planning is a work-in-progress; the Support EOP is consistently reviewed and updated.
- G. During an emergency or disaster, parts of the plan may need to be improvised or modified, if necessary, based on the situation.

Concept of Operations

- A. Activation of the Support EOP and declaration of a local state of emergency:

When a threat is perceived, the Emergency Management Liaison activates this Support EOP and the local Emergency Operations Center (EOC) to facilitate activities that ensure the safety of people, property and environment. Pursuant to 1976 PA 390, as amended, the City Manager may declare a local state of emergency for the City of Troy if circumstances indicate that the occurrence or threat of widespread or severe damage, injury, or loss of life or property exist. In the absence of the City Manager, pursuant to local legislation, the Mayor is authorized to declare a local state of emergency. Upon a local declaration, PA 390 authorizes the the City Manager to issue directives as to travel restrictions on local roads. To facilitate activities that ensure the safety of people, property and

environment, a local declaration also activates this Support EOP and the municipal Emergency Operations Center (EOC). A local state of emergency shall not be continued or renewed for a period in excess of seven days except with the consent of the governing body of the municipality.

- B. The following procedures are conducted and coordinated with the county in response to an incident:
1. The Emergency Management Liaison will perceive the threat, assess the hazard and ensure that municipal emergency response agencies, elected officials and County EMC are notified of the situation.
 2. Municipal agencies assess the nature and scope of the emergency or disaster.
 3. If the situation can be handled locally, the following guidelines are used:
 - a. The Emergency Management Liaison advises the CEO and coordinates all local emergency response actions.
 - b. The Emergency Management Liaison activates the EOC. The EOC is located at the Police Department at 500 W Big Beaver Troy, MI 48084. If this location is unavailable, the alternate EOC location is Troy Fire & Police Training Center.
 - c. The CEO declares a local state of emergency. The Emergency Management Liaison notifies the County EMC and forwards the declaration to the County Emergency Management Program.
 - d. Emergency Response Agencies are notified by the Emergency Management Liaison to report to the EOC through CodeRED.
 - e. The CEO directs departments/agencies to respond to the emergency in accordance with the guidelines outlined in this plan and its annexes, and issues directives as to protective actions and travel restrictions on local roads.
 - f. The Emergency Management Liaison keeps the County EMC informed of the situation and actions taken.
 4. If the emergency is beyond local control, municipal resources become exhausted, or special resources are needed, county assistance is requested through the County EMC.
 5. If county assistance is requested, the County EMC assesses the situation and makes recommendations on the type and level of assistance. The county may also take the following steps:
 - a. Activate County EOC and EOP
 - b. Respond with county resources
 - c. Activate MAA/MOUs to supplement county resources
 - d. Notify MSP/EMSHD District Coordinator
 - e. Make available incident information to MSP/EMSHD and statewide agencies via the Michigan Critical Incident Management System (MI CIMS) online platform, by submitting and maintaining applicable MI CIMS boards and logs.

6. If county resources and capabilities are exhausted, the county requests the Governor to declare a State of Emergency or State of Disaster in accordance with procedures set forth in 1976 PA 390, as amended. If the emergency occurs solely within the confines of the municipality, the county shall not request state assistance or the Declaration of a State of Disaster or Emergency unless requested to do so by the municipal CEO.

Organization and Assignment of Responsibilities

A. Emergency Management Organization:

1. The City of Troy emergency management organization is comprised of 21 agencies and departments that are responsible for conducting activities in response to emergencies within the community. To facilitate an effective emergency response, these departments have been assigned to specific emergency functions. All agencies are responsible for implementing pre-disaster activities to prevent, mitigate and prepare for the various hazards that the community is vulnerable to. These activities include awareness training and public education, exercising, preparing Standard Operating Procedures (SOPs) and job aides, hygienic practices to prevent spreading of infectious diseases, stockpiling equipment, regulating land-use, etc.
2. The following table lists the established emergency support functions, assigned agencies, primary points of contact, and phone numbers.

Function	Agency	Primary Contact	Phone
Direction, Control , and Coordination	City Manager's Office	Mark Miller	248-524-3351
Communications and Warning	Police & Fire Communications Section	Michael Giorgi	248-619-7648
Damage Assessment	Planning Department	R. Brent Savidant	248-524-3366
Fire Services	Fire Department	R. Charles Riesterer	248-524-3586
Mass Care, Emergency Assistance, Housing, and Human Services	Recreation Department and Human Resources	Brian Goul and Jeanette Menig	248-524-3529 248-680-7287
Public Health and Medical Services	Alliance Mobile Health	Vince Waryas	248-457-0344 x222
Public Information	Community Affairs	Cindy Stewart	248-524-1147
Public Safety	Police Department	Frank Nastasi	248-619-7661
Public Works	Department of Public Works	Kurt Boviensiep	248-524-3489

3. The following table lists the alternates designated to represent the emergency functions.

Agency	1 st Alternate	2 nd Alternate
Direction, Control , and Coordination	Assistant City Manager	Chief Financial Officer
Communications and Warning	Communications Supervisor Administrator	Communications Supervisor
Damage Assessment	City Appraiser	City Appraiser
Fire Services	Assistant Fire Chief	Station Assistant Chief
Mass Care, Emergency Assistance, Housing, and Human Services	Assistant Recreation Director	Recreation Supervisors
Public Health and Medical Services	Administrative Supervisor	On Duty Supervisor
Public Information	Police Chief	Fire Chief
Public Safety	Operations Division Captain	Investigation Division Captain
Public Works	Facilities and Grounds Operations Manager	Water and Sewer Operations Manager

4. The City of Troy maintains 20 fulltime departments. All departments contribute to the safety and welfare of the community. Each department employs qualified emergency personnel and maintains equipment that can be used in emergency response. A list of resources available for utilization during incidents can be requested through the Emergency Management Liaison. If resource needs exceed the capabilities of the community, the CEO may activate MAA/MOUs and pre-disaster contracts, or it may become necessary to request county assistance.

B. Responsibilities:

1. The following responsibilities have been assigned to each organization that has been assigned responsibility in this plan:
 - a. Assist in the development, review and maintenance of Support EOP and County EOP.
 - b. Report to the local EOC when activated for scheduled exercises or emergencies.
 - c. Build capabilities and develop/maintain SOPs for specific functions or actions identified in the plan. Continuously review and update procedures.
 - d. Maintain a list of resources available through the departments.
 - e. Establish MAA/MOUs and contracts with other jurisdictions and organizations to supplement municipal resources.

- f. Activate MAA/MOUs and contracts with other organizations to supplement response activities when local resources become exhausted.
 - g. Train personnel in emergency management functions and NIMS/ICS concepts.
 - h. Protect vital records and other resources deemed essential for continuing government functions and each agency's emergency operations in accordance to procedures and policies.
 - i. Ensure compliance with this plan and the County EOP, and any pertinent procedures and documents that impact the provision of emergency services in the municipality.
- 2. The annexes attached to this plan further describe nine emergency support functions and their associated responsibilities in mitigation, preparedness, prevention, response and recovery. Annexes include the organizations that are responsible for carrying out the emergency functions, and assign tasks associated with each function.

ANNEXES

The annexes attached to the Basic Plan describe all-hazard functions and include the roles and responsibilities that each responsible agency should consider during an emergency for which the Support EOP has been activated. Each annex contains: the agencies responsible for carrying out a function, their assigned tasks, and the concept of operations.

The annexes attached to this plan include the following functions:

Annex A, Direction, Control, and Coordination

Annex B, Damage Assessment

Annex C, Communications and Warning

Annex D, Fire Services

Annex E, Mass Care, Emergency Assistance, Housing, and Human Services

Annex F, Public Health and Medical Services

Annex G, Public Information

Annex H, Public Safety

Annex I, Public Works (Includes Appendix A – Debris Management Guidelines)

ANNEX A

DIRECTION, CONTROL, AND COORDINATION

The Direction, Control, and Coordination function is responsible for the activation, organization and operation of the local EOC, the facilitation of incident management, response, and recovery efforts, and coordination with the County Emergency Management Program.

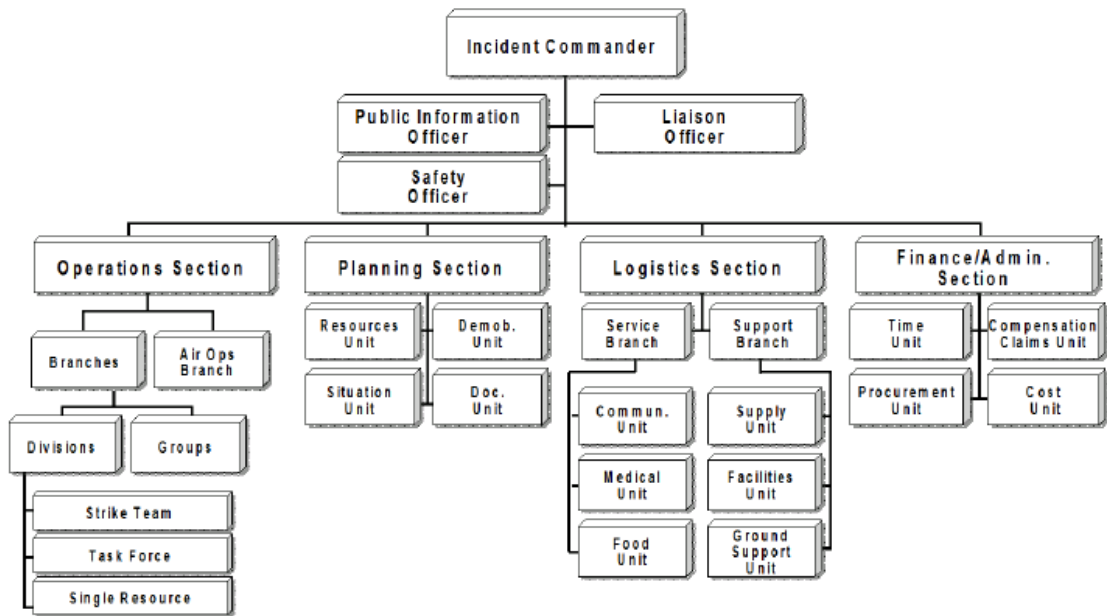
Direction, Control, and Coordination officials will maintain liaison and coordinate emergency management and response activities with the Direction, Control and Coordination function at the county level. This annex relates to the following annex(es) in the Oakland County EOP: ESF#5 - Emergency Management/Information & Planning, ESF#7 - Logistics and Resource Support.

Responsible Agency: Executive Office

Direction, Control, and Coordination Checklist

	Report to the EOC, when activated, for scheduled exercises and disasters, or delegate another representative from the agency to staff the EOC and implement the plan.
	EOC operations
	Activate the EOC and ensure that appropriate staff is notified.
	Establish a system of coordination, such as ICS (see Figure 1), within the EOC. (Field operations at the ICP are required to utilize ICS.)
	Maintain administrative materials for the EOC, i.e., pencils, paper, maps, and status boards.
	Ensure copies of the Support EOP and EOC SOPs are available to EOC staff.
	Coordinate with law enforcement officials for EOC security.
	Local authority
	Direct and coordinate response activities in accordance with this plan, including prioritizing allocation of scarce resources.
	Relieve jurisdiction employees of normal duties and temporarily reassign them to emergency duties, and employ temporary workers, as necessary.
	Declare a local state of emergency and notify the County
	Issue directives as to travel restrictions on municipal roads.
	Recommend appropriate protective measures to ensure the health and safety of people and property.
	Assistance to other agencies
	Advise the County Emergency Management Coordinator of the situation and maintain liaison with the County Emergency Management Program.
	Establish communications with and provide support to the Incident Command Post (ICP).
	Provide frequent staff briefings and ensure all groups function as planned.
	Inform legislative body of measures taken.
	Review and authorize the release of information to the public through the Public Information Officer (PIO).
	Logistics
	Ensure all resources are made available for response.
	Formulate specific assistance requests to adjacent jurisdictions and the county.
	Activate MAA/MOUs and contracts with other jurisdictions and organizations.
	Provide aid to other communities as provided for in MAA/MOUs.
	Ensure staff maintains logs of actions taken and financial records.

Figure 1. ICS Incident Management Structure



DIRECTION, CONTROL, AND COORDINATION

The following agency is responsible for this annex:

AGENCY	TITLE OF CONTACT
City Manager's Office	City Manager



The line of succession for the CEO for representing the Direction, Control, and Coordination function during a response to an emergency or disaster situation is:

TITLE	AGENCY
City Manager	City Manager's Office
Assistant City Manager	City Manager's Office
Chief Financial Officer	City Manager's Office

The line of succession for the Emergency Management Liaison for representing the Direction, Control, and Coordination function during a response to an emergency or disaster situation is:

TITLE	AGENCY
City Manager	City of Troy Police
Emergency Management Specialist	City of Troy Police
Professional Standards Lieutenant	City of Troy Police

The CEO and Emergency Management Liaison are responsible for reporting or delegating an individual from their agency to report to the EOC during scheduled exercises or emergencies to coordinate and represent the Direction, Control, and Coordination function.

SIGNATURE OF CHIEF EXECUTIVE OFFICIAL	DATE
	Aug 05 2021
SIGNATURE OF EMERGENCY MANAGEMENT SPECIALIST	DATE
	09/10/2021

ANNEX B

COMMUNICATIONS AND WARNING

The Communications and Warning function is responsible for alerting and notification of key officials, receiving and disseminating warning and critical emergency information to the public, and the establishment, maintenance, and coordination of communication protocols and links between the EOC and other incident facilities.

The Communications and Warning Official will maintain liaison and coordinate emergency management and response activities with the Communications and Warning functions at the county level. This annex relates to the following annex(es) in the Oakland County EOP: ESF#2 – Communications and Supporting Technologies, ESF#15 – External Affairs and Public Information.

Responsible Agency: [Troy Police & Fire Communications, IT & CSS](#)

Communications and Warning Checklist

	Report to the EOC, when activated, for scheduled exercises and disasters, or delegate another representative from the agency to staff the EOC and implement the plan.
	Communication links
	Ensure lines of communication have been established between all agencies represented in the local EOC, their department offices and their staff at the incident site. Available channels for establishing communications includes telephone, cell phone, radios
	Coordinate communications between municipal and county EOC. Available channels for establishing communications include telephone, cell phone, radios
	Establish communications links with the adjacent communities and higher levels of government.
	Coordinate warning frequencies and procedures with adjacent communities and other government agencies.
	Disaster warning and information
	Activate public warning systems when instructed to do so by the CEO or Emergency Management Liaison. Warning methods include social media, door-to-door notification, reverse 911, CodeRED Emergency Alert System, traditional news media
	Ensure that warning messages received through the Law Enforcement Information Network (LEIN), National Warning System (NAWAS), Emergency Alert System (EAS), local weather spotters, CodeRED Emergency Alert System, or other verifiable means are issued in a timely manner.
	Determine which facilities are endangered by the incident and contact those facilities. Ensure they are contacted when protective actions are rescinded.
	Notify special locations (e.g., schools, hospitals, nursing homes, major industries, institutions, and places of public assembly).
	Ensure that public warning systems provide notification to residents with Access and Functional Needs, such as the elderly, hearing impaired, non-English speakers, individuals with mobility limitations, etc.
	Official notification
	Ensure that all necessary officials have been notified and/or updated about the incident.
	Notify neighboring jurisdictions of impending hazard or hazardous situations when instructed to do so by the Chief Executive Official or Emergency Management Liaison.

COMMUNICATIONS AND WARNING

The following agency is responsible for this annex:

AGENCY	TITLE OF CONTACT
Troy Police Department Communications	Lt Michael Giorgi

The line of succession for representing the Communications and Warning function during a response to an emergency or disaster situation is:

TITLE	AGENCY
Communications Supervisor Admin	Troy PD
Sr. Communications Supervisor	Troy PD
Sr. Communications Supervisor	Troy PD

Troy Police Support Services Lieutenant is responsible for reporting or delegating another individual from their agency to report to the EOC during scheduled exercises or emergencies to coordinate and represent the Communications and Warning function.

SIGNATURE OF COMMUNICATIONS AND WARNING OFFICIAL	DATE
<i>Lt. Michael P. Giorgi #311</i>	<i>08/30/21</i>

ANNEX C**DAMAGE ASSESSMENT**

The Damage Assessment (DA) function is concerned with the process of documenting damage from emergencies in the community. Information gathered may be used to determine the extent of damage and impact on the community resulting from an incident to justify future federal funding, declarations of emergency, and disaster proclamations. An accurate damage assessment is a necessary part of the recovery phase and determines qualification for state and federal disaster aid.

The Damage Assessment Official will maintain liaison and coordinate emergency management and response activities with the DA function at the county level. This annex relates to the following annex(es) in the Oakland County EOP: ESF#5 - Emergency Management/Information Planning, ESF#14 – Recovery.

Responsible Agency: [Assessing Department](#)

Damage Assessment Checklist

	Report to the EOC, when activated, for scheduled exercises and disasters, or delegate another from the agency to staff the EOC and implement the plan.
	Damage assessment
	Maintain current list of DA field team members.
	Maintain damage assessment field team supplies for contingency purposes, i.e., MSP/EMSHD Pub 901 Michigan Damage Assessment Handbook, blank forms, flashlights, cameras, pencils, paper, maps, etc.
	Activate DA field teams.
	Collect both public and private damage assessment information.
	Record initial information on damages from first responders.
	Augment DA field teams, as the situation dictates.
	Dissemination of DA information
	Provide an initial DA to EOC staff.
	Provide and verify DA information to the CEO and, if necessary, assist in preparation of a local state of emergency declaration.
	Prominently display DA information in the EOC, including maps, situation updates and assessment data.
	Provide the PIO with current DA information for release to the public.
	Provide DA data to the Emergency Management Liaison. The Emergency Management Liaison will forward information to the County Emergency Management Program for submission in MI CIMS; MICIMS damage assessment data should be entered within 72 hours of incident onset.
	Logistics
	Maintain a status list of requested resources.
	Compile and maintain a record of expenditures for personnel, equipment, supplies, etc.

DAMAGE ASSESSMENT

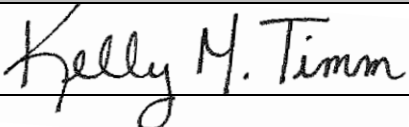
The following agency is responsible for this annex:

AGENCY	TITLE OF CONTACT
City of Troy	Assessor

The line of succession for representing the DA function during a response to an emergency or disaster situation is:

TITLE	AGENCY
Kelly M. Timm x3305	City of Troy, Assessor
Linda McMasters x3591	City of Troy, Appraiser
Wanda Boshman x3592	City of Troy, Appraiser

[The City of Troy Assessor](#) is responsible for reporting or delegating another individual from their agency to report to the EOC during scheduled exercises or emergencies to coordinate and represent the DA function.

SIGNATURE OF DAMAGE ASSESSMENT OFFICIAL	DATE
	06/17/2021

ANNEX D

FIRE SERVICES

The Fire Services function is concerned with detecting and suppressing wild land, rural, and urban fires and any of these that result from, or occur coincidentally with, an incident response. The Fire Services representative will also be responsible for coordinating with the Oakland County Hazmat Response Team (OCHMRT), when activated.

The Fire Services Official will maintain liaison and coordinate emergency management and response activities with the Fire Services function at the county level. This annex relates to the following annex(es) in the Oakland County EOP: ESF#4 – Firefighting, ESF#9 – Search & Rescue, ESF#10 – Hazardous Materials.

Responsible Agency: [Fire Department](#)

Fire Services Checklist

	Report to the EOC, when activated, for scheduled exercises and disasters, or delegate another representative from the agency to staff the EOC and implement the plan.
	Response activities
	Coordinate fire response and search and rescue activities with appropriate personnel at the County Emergency Management Program, including assistance to regional special teams such as Regional Response Teams, Michigan Task Force One (MI-TF1) Urban Search and Rescue, MABAS 3201, MABAS 3202, bomb squads, etc.
	Respond to hazardous materials release and spills.
	Coordinate with the County EMC and the State of Michigan in the decontamination of affected citizens and emergency workers after exposure to CBRNE hazards.
	Assistance to other agencies
	Advise EOC staff about fire, hazmat, and rescue activities.
	Provide communications and other logistical supplies, as needed.
	Assist with evacuations.
	Assist in damage assessment operations.
	Assist in warning the population. Loud speakers on fire vehicles or door-to-door warning may be utilized.
	Assist in salvage operations and debris clearance.

FIRE SERVICES

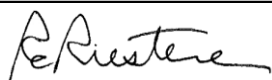
The following agency is responsible for this annex:

AGENCY	TITLE OF CONTACT
FIRE DEPARTMENT	FIRE CHIEF

The line of succession for representing the Fire Services function during a response to an emergency or disaster situation is:

TITLE	AGENCY
FIRE CHIEF	FIRE DEPARTMENT
ASSISTANT FIRE CHIEF	FIRE DEPARTMENT
STATION ASSISTANT CHIEF	FIRE DEPARTMENT

[The Fire Chief](#) is responsible for reporting to, or delegating another individual from their agency to report to, the EOC during scheduled exercises or emergencies to coordinate and represent the Fire Services Functions.

SIGNATURE OF FIRE SERVICES OFFICIAL	DATE
	06/16/2021

ANNEX E

MASS CARE, EMERGENCY ASSISTANCE, HOUSING, AND HUMAN SERVICES

This function is concerned with issues related to the provision of mass care, emergency assistance, housing, and human services to disaster survivors, including those that require Functional Needs Support Services, throughout the prevention, preparedness, mitigation, response, and recovery phases of disasters and emergencies.

The Mass Care, Emergency Assistance, Housing, and Human Services Official will maintain liaison and coordinate emergency management and response activities with the Mass Care functions at the county level. This annex relates to the following annex(es) in the Oakland County EOP: ESF#2 – Communications and Supporting Technologies, ESF#6 – Mass Care, Shelter and Human Services, ESF#17 – Animal Care.

Responsible Agency: [Recreation Department](#)

Mass Care, Emergency Assistance, Housing, and Human Services Checklist

	Report to the EOC, when activated, for scheduled exercises and disasters, or delegate another representative from the agency to staff the EOC and implement the plan.
	Disaster-related needs
	Coordinate activities of municipal departments that provide mass care and human services.
	Coordinate with the County Emergency Management Program, the American Red Cross (ARC) and other agencies to distribute food, water, and clothing, and meet other basic needs of disaster survivors and emergency responders.
	Coordinate to provide transportation for disaster survivors and emergency responders.
	Arrange for the provision of crisis counseling to disaster survivors and emergency responders.
	Coordinate procedures for the tracking of family members and reunification of families.
	Identify and account for personal property that may be lost during a disaster.
	Coordinate with the County EOC to establish procedures for the registration and management of volunteers and donations.
	Coordinate with agencies in the community that work with individuals with access and functional needs to ensure disaster related needs are met.
	Protective action
	Coordinate the provision of transportation for evacuation.
	Provide staff and resources to manage open shelters.
	Coordinate care for individuals at shelters and for those who have been sheltered-in-place.
	Determine whether shelters must be opened long or short-term.
	Provide guidance/policies for the care of household pets that are brought to shelters by evacuees (only service animals are allowed into ARC shelters).
	Pre-identified shelter locations include: Troy Community Center

MASS CARE, EMERGENCY ASSISTANCE, HOUSING, AND HUMAN SERVICES

The following agency is responsible for this annex:

AGENCY	TITLE OF CONTACT
City of Troy Recreation Department	Recreation Director

The line of succession for representing the Mass Care, Emergency Assistance, Housing, and Human Services function during a response to an emergency or disaster situation is:

TITLE	AGENCY
Assistant Recreation Director	City of Troy Rec Dept
Recreation Supervisors (3)	City of Troy Rec Dept
Front Office Manager	City of Troy Rec Dept

[Recreation Director](#) is responsible for reporting or delegating another individual from their agency to report to the EOC during scheduled exercises or emergencies to coordinate and represent the Mass Care, Emergency Assistance, Housing, and Human Services function.

SIGNATURE OF MASS CARE, EMERGENCY ASSISTANCE, HOUSING, AND HUMAN SERVICES OFFICIAL	DATE
	08/25/2021

ANNEX F**PUBLIC HEALTH AND MEDICAL SERVICES**

The Public Health and Medical Services function is responsible for assessing public health and medical needs, health surveillance, and provision of medical care personnel, supplies and equipment.

The Public Health and Medical Services Official will maintain liaison and coordinate emergency management and response activities with the Public Health and Medical Services function at the county level. This annex relates to the following annex(es) in the Oakland County EOP: ESF#8 – Public Health and Medical, ESF#17 – Animal Care.

Responsible Agency: Alliance Mobile Health [Emergency Medical Services](#)

Public Health and Medical Services Checklist

	Report to the EOC, when activated, for scheduled exercises and disasters, or delegate another representative from the agency to staff the EOC and implement the plan.
	Patient care
	Coordinate with medical providers and shelter managers to staff medical personnel at shelters.
	Identify the transportation resources and personnel needs to transport disaster survivors to temporary care centers.
	Provide transportation of patients and assist hospitals with transfer of patients.
	Ensure identification and notification of disaster survivors and emergency responders in need of crisis counseling and/or debriefing.
	Coordinate the monitoring of disaster survivors and emergency responders for exposure to chemical, radiological, or biological contaminants, and assist in their decontamination.
	Public health
	If necessary, identify a site for a temporary morgue. NOTE: The medical examiner is responsible for identifying the deceased. Law enforcement and EMS may provide additional support in collecting and transporting.
	Assist with animal and pet control and support the county Animal Control Unit in the quarantine and disposal of diseased and deceased animals.

PUBLIC HEALTH AND MEDICAL SERVICES


The following agency is responsible for this annex:

AGENCY	TITLE OF CONTACT
Alliance Mobile Health EMS	Vince Waryas - CEO

The line of succession for representing the Public Health and Medical Services function during a response to an emergency or disaster situation is:

TITLE	AGENCY
CEO	Alliance Mobile Health
On-Duty Supervisor	Alliance Mobile Health
Chief Operating Officer	Huron Valley Ambulance

(Title of individual or responsible department) is responsible for reporting or delegating another individual from their agency to report to the EOC during scheduled exercises or emergencies to coordinate and represent the Public Health and Medical Services function.

SIGNATURE OF HEALTH AND MEDICAL OFFICIAL	DATE
	08/25/2021

ANNEX G

PUBLIC INFORMATION

The Public Information function ensures accurate, coordinated, timely, and accessible information is disseminated to governments, media, the general public, and the private sector throughout the prevention, preparedness, mitigation, response, and recovery phases of disasters and emergencies.

The Public Information Official will maintain liaison and coordinate emergency management and response activities with the Public Information function at the county level. This annex relates to the following annex(es) in the Oakland County EOP: ESF#15 – External Affairs and Public Information.

Responsible Agency: Troy Police Department, Troy Fire Department, [Community Affairs](#)

Public Information Checklist

	Report to the EOC, when activated, for scheduled exercises and disasters, or delegate another from the agency to staff the EOC and implement the plan.
	Pre-disaster public education
	Assist the Emergency Management Liaison in developing educational materials on the hazards facing the community and explaining what people can do to protect themselves to recover from incidents.
	Ensure that written materials/social media are developed for non-English speaking individuals or others who require FNSS.
	Disaster warning and information
	Coordinate with the County to develop and release updated EAS messages based on incoming information.
	Coordinate with the County to document which EAS messages have been delivered over radio and television.
	Ensure that accurate information is disseminated describing such items as the locations of shelters, missing persons information hotline, volunteer hotline, rumor control hotline, etc.
	Distribute prepared public educational materials.
	Media coordination
	Establish and maintain contact with the EOC and/or the ICP.
	Prepare press releases and ensure that all press releases and official information is reviewed by City Manager.
	Verify that information is accurate before releasing it to the media.
	Schedule media briefings.
	Establish a Public Information Center as the central point from which municipal news releases are issued at City Hall.
	Assist the county in establishing a Joint Information Center (JIC; the JIC can be used by agency representatives for releasing information to the news media).
	Coordinate public information activities with the County PIO and the JIC.
	Schedule interviews between the CEO and media agencies.
	Monitor all forms of media, both traditional and social, for rumors, and address rumors as soon as possible

PUBLIC INFORMATION


The following agency is responsible for this annex:

AGENCY	TITLE OF CONTACT
City of Troy	Community Affairs Director

The line of succession for representing the Public Information function during a response to an emergency or disaster situation is:

TITLE	AGENCY
Police - Public Information Officer	City of Troy
Fire - Public Information Officer	City of Troy
Community Affairs Director	City of Troy

Community Affairs Director is responsible for reporting or delegating another individual from their agency to report to the EOC during scheduled exercises or emergencies to coordinate and represent the Public Information function.

SIGNATURE OF PUBLIC INFORMATION OFFICIAL	DATE
	08/11/21

ANNEX H

PUBLIC SAFETY

The Public Safety function is concerned with ensuring the safety of all citizens, maintaining law and order, protecting public and private property and providing protection for essential industries, supplies and facilities.

The Public Safety Official will maintain liaison and coordinate emergency management and response activities with the Public Safety function at the county level. This annex relates to the following annex(es) in the Oakland County EOP: ESF#13 – Public Safety and Security/Law Enforcement, ESF#17 – Animal Care, ESF#18 – Military/Defense Support to Civil Authorities.

Responsible Agency: [City of Troy Police & Fire Department, Alliance EMS](#)

Public Safety Checklist

	Report to the EOC, when activated, for scheduled exercises and disasters, or delegate another from the agency to staff the EOC and implement the plan.
	Response activities
	Provide security and access control at critical facilities and incident sites.
	Implement any curfews ordered by the governor or CEO.
	Enforce evacuation orders and assist in evacuations.
	Ensure prisons and jails are notified of potential threat and determine whether proper safety and security precautions are being taken.
	Fire Department implements urban search and rescue capabilities, including animals.
	Investigate incident and provide intelligence information to county, state and federal officials.
	Transportation
	Secure unusable roads. (Use Fire Services and Public Works for support, if necessary).
	Identify routes that need barricades and signs. Request necessary assistance from Public Works.
	Ensure vehicles on evacuation routes are removed. If necessary, request that Public Works agencies move vehicles off the road. Maintain record of where vehicles are being taken.
	Coordinate with the Road Commission or Public Works in rerouting traffic and putting the appropriate signs in place.
	Assistance to other agencies
	Assist Warning function in warning the public, when necessary.
	Alliance Mobile Health assists the medical examiner with mortuary services.
	Assist families isolated by the effects of the disaster.

PUBLIC SAFETY

The following agencies are responsible for this annex:

AGENCY	TITLE OF CONTACT
Troy Police Department	Lt. Russ Harden

The line of succession for representing the Public Safety function during a response to an emergency or disaster situation is:

TITLE	AGENCY
Chief of Police	City of Troy Police Department
Operations Division Captain	City of Troy Police Department
Investigation Division Captain	City of Troy Police Department
Administration Division Captain	City of Troy Police Department

The Chief of Police is responsible for reporting or delegating another individual from their agency to report to the EOC during scheduled exercises or emergencies to coordinate and represent the Public Safety function.

SIGNATURE OF PUBLIC SAFETY OFFICIAL	DATE
	08/26/2021

ANNEX I**PUBLIC WORKS**

The Public Works function is responsible for conducting pre- and post-incident assessments, ensuring critical services are met through existing contracts, providing technical assistance and engineering expertise and construction management, providing emergency repair of damaged public infrastructure and critical facilities, and the clearing of debris from public roads.

The Public Works Official will maintain liaison and coordinate emergency management and response activities with the Public Works function at the county level. This annex relates to the following annex(es) in the Oakland County EOP: ESF#1 – Transportation/Transportation Infrastructure, ESF#3 – Public Works and Engineering and ESF#12 – Energy and Energy Infrastructure.

Responsible Agency: [Public Works Department](#)

Public Works Checklist

	Report to the EOC, when activated, for scheduled exercises and disasters, or delegate another from the agency to staff the EOC and implement the plan
	Response activities
	Coordinate debris removal activities (see Appendix A for Debris Management Guidelines)
	Coordinate activities designed to control the flow of floodwater.
	Damage assessment
	Provide engineering expertise to inspect public structures and determine if they are safe to use.
	Provide DA information for roads, bridges, buildings, infrastructure, etc. to DA function.
	Transportation
	Provide barricades and signs for road closures and boundary identification (to include activating MAA/MOUs if additional barricades are needed).
	Provide technical expertise in road weight limits, road capacity, etc., to determine whether evacuation routes are adequate for traffic flow.
	Notify law enforcement of the location(s) of disabled vehicles.
	Contact appropriate Michigan Department of Transportation (MDOT) and county transportation officials to request travel restrictions on state and county roads, if necessary.
	Assistance to other agencies
	Assist in identifying access control areas.
	Assist with urban search and rescue activities, if necessary.
	Maintain contact with local utilities to determine the extent and cause of damage and outages. Report this information and restoration schedules to EOC staff.
	Coordinate with utility companies in the restoration of essential services.
	Logistics
	Provide vehicles and personnel to transport essential goods, such as food and medical supplies, when directed by the EOC staff.
	In conjunction with public health, help identify sources of potable water.
	Assist in identifying and obtaining the appropriate construction equipment to support disaster response and recovery operations.
	Provide emergency generators and lighting.

PUBLIC WORKS

The following agencies are responsible for this annex:

AGENCY	TITLE OF CONTACT
City of Troy- Department of Public Works	Public Works Director

The line of succession for representing the Public Works function during a response to an emergency or disaster situation is:

TITLE	AGENCY
Public Works Director	City of Troy- Department of Public Works
Facilities and Grounds Operations Manager	City of Troy- Facilities and Grounds
Water and Sewer Operations Manager	City of Troy- Water and Sewer

(Title of individual or responsible department) is responsible for reporting or delegating another individual from their agency to report to the EOC during scheduled exercises or emergencies to coordinate and represent the Public Works function.

SIGNATURE OF PUBLIC WORKS OFFICIAL	DATE
	8-25-2021

APPENDIX A

Debris Management Guidelines

The City of Troy is responsible for debris management activities. The following guidelines represent a checklist of actions that agency officials must consider for providing effective debris management.

Guidelines:

Debris Clearance – Occurs in the first 24-72 hours and generally focuses on clearing roadways for emergency vehicles & rescue operations to have unobstructed routes to critical facilities

- a. Maintain detailed record keeping (critical for possible reimbursement)
 - i. Document all expenses and time involved in the debris removal process
- b. Coordinate with public utilities and waste haulers
- c. Consider how to handle access to private property
 - i. Right-of-entry, hold-harmless agreements
- d. Consider health & safety concerns (obtain detailed safety plans from contractors)
- e. Obtain any necessary permits and/or waivers

Debris Removal – The management and disposal of accumulated debris after life-safety has been addressed

- f. Consider the following steps in the debris management process:
 - i. Removal
 - ii. Transportation/hauling routes
 - iii. Temporary storage/staging site selection & management
 1. Consider water tables, affected populations, terrain
 - iv. Monitoring/load tickets/weights & measures
 - v. Sorting/Processing
 - vi. Recycling of applicable materials
 - vii. Reduction (Chipping, grinding, burning)
 - viii. Final disposition/landfill or other

When Trash Removal Providers are Individually Contracted by Residents:

- a. If the jurisdiction does not provide trash removal services to residents under normal circumstances, after a large emergency, if the private company is unable or unwilling to remove the debris, it will become the responsibility of the local jurisdiction to ensure health and safety to their residents.
- b. Contact local private companies to see what, if any, services they will provide their contracted residents with debris removal caused by an emergency.
- c. Track all costs associated with the debris removal.
- d. Contact DPW (if applicable) to determine what equipment is owned by the jurisdiction and if any can be used for this purpose.
- e. Contact neighboring communities who provide trash removal on a daily basis. If they were unaffected by the disaster, see if they can provide some assistance for equipment, temporary storage locations and/or transport to landfill.

- f. Identify a location (possibly parking lot) that can be used for temporary storage site of garbage.
- g. Request guidance from DEQ on permits and licenses.
- h. Contact landfill to set-up contract, rates and drop off schedule.
- i. Set hours and map out pick-up locations of affected areas. Send out public messages regarding the services available and process.
- j. Consider requiring residents to drop off debris to one identified site. The jurisdiction won't need the trucks, staff or logistics for curb side removal but will have to load semi-trucks and take to landfill.

Mr. Ed Chezick from Troy Interfaith Group/Shir Tikvah performed the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on September 27, 2021, at City Hall, 500 W. Big Beaver Rd. Mayor Baker called the meeting to order at 7:32 PM.

B. ROLL CALL:

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

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Legislative Update *(Presented by: Senator Mallory McMorrow and Representative Padma Kuppia)*

C-2 Proclamation to Celebrate Hispanic Heritage Month – September 2021 *(Presented by: Mayor Ethan Baker to Consulado de México Fernando Gonzalez Saiffe)*

C-3 Proclamation to Celebrate Welcoming Week – September 10–19, 2021 *(Presented by: Mayor Ethan Baker)*

C-4 Proclamation for Childhood Cancer Awareness Month - September 2021 *(Presented by: Mayor Ethan Baker)*

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

Resolution #2021-09-137

Moved by Baker

Seconded by Brooks

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 to Declare September 2021 as National Kinship Care Month in the City of Troy on September 27, 2021.

Yes: All-7

No: None

MOTION CARRIED

-
- C-5** Proclamation to Declare September 2021 as National Kinship Care Month in the City of Troy (*Presented by: Mayor Ethan Baker*)

D. CARRYOVER ITEMS:

- D-1** No Carryover Items

E. PUBLIC HEARINGS:

- E-1** Troy Crossing Planned Unit Development (File Number PUD JPLN2021-0008) – Proposed Amendment to Troy Crossing PUD, North Side of Big Beaver, East of John R (Parcels 88-20-24-352-067 and -068), Section 24, Currently Zoned PUD 8 (Planned Unit Development 8) District (Introduced by: Brent Savidant, Community Development Director)

The Mayor opened the Public Hearing. The Mayor closed the Public Hearing after no public comment was offered.

Resolution #2021-09-138
Moved by Erickson Gault
Seconded by Hodorek

WHEREAS, The applicant Najor Companies submitted an application to amend Troy Crossing Planned Unit Development (PUD), AKA The Phoenix Troy Apartments, located on the north side of Big Beaver, east of John R, in Section 24, approximately 4.77 acres in area; and,

WHEREAS, Troy Crossing PUD was approved as a mixed use development including four 3-story apartment buildings and two retail/restaurant facilities; and,

WHEREAS, The applicant has proposed to replace the two approved 1-story retail/restaurant facilities with one 3-story building featuring 25 apartment units and 2,000 square feet of retail/restaurant on the ground floor; and,

WHEREAS, The proposed 3-story building is similar in design to the four buildings on site which are nearing completion; and,

WHEREAS, The proposed revision to the PUD meets the Standards for Approval set forth in Section 11.03; and,

WHEREAS, The proposed Planned Unit Development is comprised of parcels 88-20-24-352-067 and 88-20-24-352-068, as described in the attached ALTA/NSPS Land Title Survey drawing, and,

BE IT RESOLVED, That Troy City Council hereby **GRANTS** Concept Development Plan Approval and Preliminary Development Plan Approval for the proposed amendment to Troy Crossing PUD, AKA The Phoenix Troy Apartments.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the attached Planned Unit Development Agreement; and the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the Planned Unit Development Agreement for Troy Crossing Planned Unit

Development on behalf of the City; a copy shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** City Administration to record the executed Troy Crossing Planned Unit Development Agreement with the Oakland County Register of Deeds.

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the petitioner to submit the Final Development Plan pursuant to Section 11.08 of Chapter 39.

Yes: All-7

No: None

MOTION CARRIED

E-2 Conditional Rezoning (CR JPLN2021-001) – Proposed Pine View Condominiums, West Side of Dequindre, North of Long Lake (Parcel 88-20-12-476-070), Section 12, From NN (Neighborhood Node “J”) and EP (Environmental Protection) to NN (Neighborhood Node “J”) (Introduced by: Brent Savidant, Community Development Director)

Mayor Baker announced that the Petitioner for this item has requested the item be removed from the Agenda and returned to the Planning Commission for reconsideration.

The Mayor opened the Public Hearing. The following individuals offered public comment:

Paul Balas	Commented in opposition to the rezoning
Susan Neely	Commented in opposition to the rezoning.
Daniel Raubinger	Commented in opposition to the rezoning.
Michael Lipinski	Commented in opposition to the rezoning.
Pamela Prewitt	Commented in opposition to the rezoning.

F. PUBLIC COMMENT:

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

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

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

a) Mayoral Appointments:

Resolution #2021-09-139

Moved by Baker

Seconded by Chamberlain-Creanga

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

Downtown Development Authority

Appointed by Mayor

13 Regular Members

4 Year Term

Nominations to the Downtown Development Authority:**Term Expires: 9/30/2025****Kenny Koza**

Term currently held by: Kenny Koza

Term Expires: 9/30/2025**Daniel MacLeish**

Term currently held by: Daniel MacLeish

Yes: All-7

No: None

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

I-2 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – Animal Control Appeal Board, Parks & Recreation Board

a) Mayoral Nominations: None**b) City Council Nominations:**

Resolution #2021-09-140

Moved by Brooks

Seconded by Abraham

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

Animal Control Appeal Board

Appointed by Council

5 Regular Members

3 Year Term

Nominations to the Animal Control Appeal Board:**Term Expires: 9/30/2024****Patrick Floch**

Term currently held by: Patrick Floch

Term Expires: 9/30/2024**Al Petrulis**

Term currently held by: Al Petrulis

Yes: All-7

No: None

MOTION CARRIED

Resolution #2021-09-141

Moved by Brooks

Seconded by Chamberlain-Creanga

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:

Parks and Recreation Board

Appointed by Council

7 Regular Members and 1 Troy School Board of Education Representative

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

Nominations to the Parks and Recreation Board:**Term Expires: 7/31/2022****Timothy Fulcher****Troy School Board
of Education Rep**

Term currently held by: Timothy Fulcher

Term Expires: 7/31/2022**Akshitha Sahu****Student**

Term currently held by: Akshitha Sahu - Graduates 2023

Term Expires: 9/30/2022**Hitesh Patel**

Term currently held by: Kristin Franklin resigned 9/3/2021

Term Expires: 9/30/2024**Michael Brady**

Term currently held by: Michael Brady

Term Expires: 9/30/2024**John Shepherd**

Term currently held by: John Shepherd

Yes: All-7

No: None

MOTION CARRIED

I-3 No Closed Session Requested

I-4 Urgent Repairs – Fire Apparatus (Introduced by: Richard Riesterer, Fire Chief)

Resolution #2021-09-142

Moved by Baker

Seconded by Hamilton

RESOLVED, That Troy City Council hereby **WAIVES** the bid process, because it best serves the public interests, and **AFFIRMS** the purchase of repairs to Ladder 3 from *Apollo Fire Equipment, LLC of Romeo, MI*, for a cost of \$19,235.50 and Engine 2 from *Cummins Sales and Service of Mount Clemens, MI*, for a cost of \$23,860.49, both of whom are sole source vendors.

Yes: All-7

No: None

MOTION CARRIED**J. CONSENT AGENDA:**

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

Resolution #2021-09-143-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 #2021-09-143-J-2

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

- a) City Council Minutes-Draft – September 13, 2021

J-3 Proposed City of Troy Proclamations:

Resolution #2021-09-143-J-3

- a) Metastatic Breast Cancer Awareness Day – October 13, 2021, and Breast Cancer Awareness Month – October 2021
- b) Proclamation for City of Troy Tree City USA / Arbor Day

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 4: Cooperative Purchasing Contract – Troy Public Library – Administration Area Renovation**

Resolution #2021-09-143-J-4a

RESOLVED, That in the best interest of the City, Troy City Council hereby **WAIVES** the bid process and **AWARDS** a contract for Interior Renovation and Window Replacement at the Troy Public Library as per provided drawings to *National Restoration of Milford, MI*, for an estimated cost of \$138,000 as per the Oakland County Cooperative Purchasing Contract #005106.

BE IT FURTHER RESOLVED, That in the best interest of the City, Troy City Council hereby **WAIVES** the bid process and **AWARDS** a contract for New Furnishings and installation to *Library Design Associates of Plymouth, MI*, for an estimated cost of \$37,221 as per the Omnia Partners Cooperative Purchasing Contract #R191817.

BE IT FURTHER RESOLVED, That in the best interest of the City, Troy City Council hereby **WAIVES** the bid process and **AWARDS** a contract for Air Balancing and HVAC Duct Work to *Limbach Engineering of Pontiac, MI*, for an estimated cost of \$13,204 as per the Oakland County Cooperative Purchasing Contract #005013.

BE IT FURTHER RESOLVED, That in the best interest of the City, Troy City Council hereby **WAIVES** the bid process and **AWARDS** a contract for Architectural Services to *John Tagle Associates of Royal Oak, MI* estimated cost of \$5,500.

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** the expenditure of capital funds for the Troy Public Library Administration area renovation for an estimated cost of \$193,925, with a 10% contingency of \$19,392, for a not to exceed total of \$213,317.

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

- b) **Standard Purchasing Resolution 2: Award to Sole Bidder Meeting Specifications - Bay Floor Replacement at Fire Station 2 and 3**

Resolution #2021-09-143-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to the sole bidder meeting specifications *Great Lakes Concrete of Troy, MI* to remove the existing epoxy floor, repair any damaged concrete, and then prepare, refinish, and polish the concrete floors at Fire Station 2

and 3; for an estimated total cost of \$63,200.00 and a 20% contingency not to exceed amount of \$75,840.00.

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

c) Standard Purchasing Resolution 4: Oakland County Cooperative Purchase - LiveScan System Upgrade – Police Department

Resolution #2021-09-143-J-4c

WHEREAS, The Troy Police Department utilizes a fingerprinting system in conjunction with Oakland County CLEMIS that will no longer be supported after December 31, 2021 and requires replacement; and,

WHEREAS, Oakland County has provided annual system maintenance and preventative services for the LiveScan system;

NOW THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** the bid process and **AWARDS** a contract to purchase the IDEMIA LiveScan 5600 Fingerprinting System which includes equipment, installation and training from *IDEMIA Identity & Security USA LLC of Anaheim, CA*, through the Oakland County Cooperative Contract #006142 for an estimated total cost of \$16,712.

BE IT FURTHER RESOLVED, That Troy City Council **APPROVES** ongoing annual maintenance and preventative services for the LiveScan system with Oakland County for an estimated annual cost of \$2,880.

d) Standard Purchasing Resolution 4: Award – MiDeal Cooperative Purchasing Agreement - Police Fleet Vehicles

Resolution #2021-09-143-J-4d

RESOLVED, That Troy City Council hereby **AWARDS** contracts to purchase seven (7) 2022 Ford Explorer Interceptors from *Gorno Ford of Woodhaven, MI*, for the Police Department as per the MiDeal Cooperative Bid Contract ID number 071B7700181 for an estimated total cost of \$237,965.00.

e) Standard Purchasing Resolution 4: Sourcewell Purchasing Cooperative and Bid Waiver – Combination Sewer Jet/Catch-Basin Cleaning Vactor Truck and Easement Machine

Resolution #2021-09-143-J-4e

RESOLVED, That Troy City Council hereby **WAIVES** the bid process and **AWARDS** a contract to *Jack Doheny Co. of Northville, MI*, for the purchase of one (1) Trail Beast Easement Machine, One (1) 2022 Freightliner tandem axle cab/chassis with Vactor prep package and one (1) Vactor sewer/jetting combination module for an estimated total cost of \$540,534.73 less a

total trade-in amount of \$80,000.00 for a total estimated cost of \$460,534.73 as per the Sourcewell Cooperative Contract Pricing and Jack Doheny Co. pricing.

f) Standard Purchasing Resolution 4: Sourcewell Purchasing Cooperative - ClearSpan Freestanding Building

Resolution #2021-09-143-J-4f

RESOLVED, That in the best interest of the City, Troy City Council hereby **WAIVES** the bid process and **AWARDS** a contract to *ClearSpan Fabric Structures Inc. of South Windsor, CT*, for the purchase and installation of one (1) ClearSpan 42' x 60' Freestanding Building for an estimated cost of \$44,149.92 and a 20% contingency for a not to exceed amount of \$52,980.00 as per the Sourcewell Purchasing Cooperative #091319-CSS.

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

J-5 Request for Approval of Additional Times for AV Ballots for the November 2, 2021 General Election and Other Important Dates

Resolution #2021-09-143-J-5

RESOLVED, That Troy City Council hereby **APPROVES** City Management's request to authorize additional times for the City Clerk's Office to issue and receive absent voter ballots as detailed below, pursuant to requirements of Michigan Election Law:

Saturday, October 23 – 8:00am-12:00pm (Drive Thru Clerk's Office)

Friday, October 29 – 8:00am-5:00pm (regular service at the City Clerk's Office)

Saturday, October 30 – 8:00am-4:00pm (regular service at the City Clerk's Office)

J-6 Traffic Committee Recommendations and Minutes – September 15, 2021

Resolution #2021-09-143-J-6

4. Request for Traffic Control – Daniels Drive at McKinley Drive

RESOLVED, That the intersection of Daniels Drive at McKinley Drive be **MODIFIED** from no traffic control to **ADD** a STOP sign on the Daniels Drive approach to the intersection.

J-7 Private Agreement – Contract for Installation of Municipal Improvements – Regency at Troy Convalescent Center/Nursing Home – Project No. 17.903.3

Resolution #2021-09-143-J-7

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Ciena Health Care Management, Inc. for the installation of Water Main, Sanitary Sewer, Storm Sewer, and

Concrete Pavement & Sidewalk, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

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

L. COUNCIL REFERRALS:

Items Advanced to the City Manager by the Mayor and City Council Members for Placement on the Agenda

L-1 No Council Referrals

M. REPORTS:

M-1 Minutes – Boards and Committees:

- a) Employees' Retirement System-Final – August 11, 2021
 - b) Global Troy Advisory Committee-Final – August 11, 2021
- Noted and Filed
-

M-2 Department Reports:

- a) Master Plan Update
- Noted and Filed
-

M-3 Letters of Appreciation: None Submitted

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

N. COUNCIL COMMENTS:

N-1 Council Comments

Mayor Pro Tem Brooks commented on her experience attending the Michigan Municipal League Conference in Grand Rapids, along with Council Member Erickson Gault. She spoke of the creative and collaborative efforts being explored by many communities. She also commented that Council Member Chamberlain-Creanga was unanimously elected as a new MML Board Member.

Mayor Pro Tem Brooks commented that she is working with the Troy Nature Center's Uncorked event. She said the Uncorked organizers are still looking for advertisers and sponsors for the event to be held on Friday, November 5, 2021 at 6:00 PM at the Troy Community Center.

Council Member Chamberlain-Creanga commented that she registered for the Frightful 5K to be held on Sunday, October 24, 2021.

Council Member Chamberlain-Creanga asked City Administration about beaver statues from years ago. City Manager Miller commented that the City no longer has the beaver statues as they were auctioned off.

Council Member Chamberlain-Creanga called out Nikki McEachern from the Recreation Department, who was recently appointed to the Michigan Recreation and Park Association Board of Directors. She commented that there is a great profile of Nikki McEachern in the Recreation book.

Council Member Chamberlain-Creanga said she is honored to be appointed to the MML Board. She thanked Robin Beltramini for her encouragement. She said she looks forward to being a voice for communities and knowledge sharing with other municipalities.

O. CLOSED SESSION

O-1 No Closed Session

P. ADJOURNMENT:

The Meeting **ADJOURNED** at .

Mayor Ethan Baker

M. Aileen Dickson, MMC, MiPMC II
City Clerk

2021 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

November 13, 2021 Special (Strategic Planning)

2021 SCHEDULED REGULAR CITY COUNCIL MEETINGS:

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 CELEBRATE
FILIPINO AMERICAN HERITAGE MONTH
OCTOBER 2021**

WHEREAS, The heritage of the Filipino people enriches our own culture, and we welcome the history, culture, and contributions of the Filipino American community to our city, state, and the nation. The Filipino American community continues to accomplish its goal to foster understanding through the development, promotion, and preservation of Philippine values, culture, and tradition. These citizens have truly made a difference, and their professional and civic involvement will continue to enrich our communities far into the future; and

WHEREAS, It is our hope that the month of October will bring awareness and admiration to a proud group of our citizens, and through the awareness and contributions between the United States and Philippines as we hope to foster a friendship that will stand the test of time; and

WHEREAS, We also give special recognition to the United States Pinoys 4 Good Governance (USP4GG) Michigan for the many events and activities related to celebrating Filipino American Heritage Month each October. USP4GG is a non-profit, non-partisan organization that represents the advocacy work of Filipino American leaders; and

WHEREAS, During this month, Michigan's Filipino American community will celebrate **Filipino Heritage Month** through a series of special events featuring their history, food, dance, and art, celebrating the rich tradition and many contributions the Filipino community has made to our community and beyond; and

WHEREAS, We appreciate and honor the countless achievements of **Filipino Americans** and continue our efforts to ensure our community is a welcoming and inclusive place that provides just and equal opportunities for all;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Troy hereby proclaim the **Month of October 2021 as Filipino American Heritage Month**; and

BE IT FURTHER RESOLVED, That we invite all Troy residents to recognize and celebrate the vital role our Filipino population has played in our Nation's history, as well as their outstanding achievements today and into the future. We applaud our own Troy residents and business owners and celebrate their contributions to our community and beyond.

Presented this 25th day of October 2021.

**PROCLAMATION TO CELEBRATE
HINDU HERITAGE MONTH
OCTOBER 2021**

WHEREAS, According to the U.S. Census Bureau, Troy is a city with the second-largest percentage of foreign-born residents in Metro Detroit. The City of Troy is proud of our many Immigrants who call this community home and appreciate their valuable contributions in building and enriching our nation; and

WHEREAS, The City of Troy takes pride in celebrating significant milestones and events of historical importance. Therefore, during the month of October we join with our Hindu neighbors to come together and celebrate their rich culture and diverse spiritual traditions; and

WHEREAS, Hinduism is the third largest religion in the world, with one billion devotees worldwide and approximately six million in the United States. The Hindu heritage, culture, traditions, and values provide their followers invaluable solutions to many of life's problems and serve as a source of inspiration, reflection, and contemplation for the millions of individuals who look to the teaching of Hinduism for guidance; and

WHEREAS, Hindus represent one of the newest and fastest growing immigrant communities in the United States. The local community of people in the City of Troy who moved here from India or have ancestral ties to India, continually demonstrate the greatness in culture, arts, traditions, and beauty of their homeland, and their contributions are notable and reflect success in many areas including education, medicine, science, technology, and retail industry; and

WHEREAS, The leaders and members of the Hindu community throughout our region are to be commended for their active participation in our cultural, political, economic, and social life, as well as making profound and noteworthy contributions to our ongoing prosperity; and

WHEREAS, Our vibrant Hindu-American community has contributed tremendously to the City of Troy, the State of Michigan, and across our nation by enriching the lives of our citizens. During the month of October, the Hindu-American community will collectively celebrate its heritage by focusing on its culture and the diverse spiritual traditions rooted in India;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby proclaim the **Month of October 2021 as Hindu Heritage Month**; and

BE IT FURTHER RESOLVED, That we invite all Troy residents to recognize and celebrate the vital role our Hindu population has played in our Nation's history, as well as their outstanding achievements today and into the future. We applaud our own Troy residents and business owners and celebrate their contributions to our community and beyond.

Presented this 25th day of October 2021.

**PROCLAMATION TO RECOGNIZE
CELEBRATION OF DIWALI - THE FESTIVAL OF LIGHTS
NOVEMBER 4, 2021**

WHEREAS, Diwali, the “Festival of Lights” symbolizes the victory of dharma, and good over evil, and is one of the most celebrated festivals of Hindus, Sikhs and Jains; and

WHEREAS, Asian Indian immigrants are the largest ethnic group of immigrants in the metro area with close to 5,000 living in Troy, and Troy is also home to one of the oldest and largest Hindu Temples in Michigan, the **Bharatiya Temple of Metropolitan Detroit**; and

WHEREAS, More than one billion celebrants worldwide reverently observe the Holy Day of **Diwali** to mark the beginning of the Hindu New Year; and

WHEREAS, The US Congress and House of Representatives officially passed unanimous resolutions since 2007 recognizing the religious and historical significance of **Diwali**; and

WHEREAS, **Diwali** is a time for dana (charitable giving) and seva (selfless service) by bringing light in the form of wisdom, knowledge, nourishment, and shelter in order to alleviate the tangible forms of suffering, such as hunger, disease, and poverty; and

WHEREAS, The shared Indian holiday of **Diwali** signifies a special time of peace and serenity, with the hope of building bridges of understanding and tearing down barriers of intolerance;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council recognizes the religious and historical significance of **Diwali, the Festival of Lights** and **Diwali's** message of tolerance, compassion, and the victory of good over evil which resonates with the American spirit; and

BE IT FURTHER RESOLVED That the City of Troy proudly expresses its deepest respect for Indian Americans and South Asian Americans throughout the world and here in the Troy community, and all those who celebrate the **Festival of Diwali on November 4, 2021. Troy City Hall will be lit up in honor of the Festival of Lights on November 4, 2021.**

Presented this 25th day of October 2021



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM



Date: September 30, 2021

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Rob Maleszyk, Chief Financial Officer
Lisa Burnham, Controller
Kurt Bovensiepe, Public Works Director
Brian D Varney, Fleet Operations Manager
Emily Frontera, Purchasing Manager

Subject: Standard Purchasing Resolution 4: MiDeal Cooperative Purchasing Agreement – DPW
Fleet Cargo Vans

History

- The three (3) vehicles being purchased are planned replacement cargo vans used by the Department of Public Works.
- Three (3) obsolete vehicles will be removed from service and sold at auction with estimated proceeds of \$15,000.
- This purchase replaces existing vehicles and does not increase the size of the existing Department of Public Works motor pool fleet.

Purchasing

- *Gorno Ford of Woodhaven, MI* is the total low bidder in the State of Michigan Cooperative Bid. The MiDeal Contract (ID # 071B7700181) pricing is valid thru November 30, 2022 for Ford vehicles - passenger, patrol, trucks and vans.
- City Council authorized participation in the Cooperative Purchasing Programs on November 9, 2020 (Resolution#2020-11-165-J-8)
- On February 10, 2014 City Council authorized departments to utilize sites such as GovDeals.com to dispose of city owned surplus items (Resolution# 2014-02-017-J-4a). Therefore, note that the City will utilize and market the three (3) obsolete vehicles on GovDeals.com site for optimal trade-in value.

Financial

Funds are available and budgeted in the Public Works Fleet Division Capital Fund under project numbers 2022C0122 and 2022C0123 for the 2022 Fiscal Year. Expenditures will be charged to account number 661.549.565.7981.

	<u>Unit Cost</u>	<u>Estimated Total</u>	<u>Project#</u>
(1) Ford Transit Cargo Van	\$36,730.00	\$36,730.00	2022C0122
(2) Ford Transit Cargo Van	\$36,730.00	<u>\$73,460.00</u>	2022C0123
Total		\$110,190.00	



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CITY COUNCIL AGENDA ITEM

Recommendation

City management requests authorization to purchase three (3) 2022 Ford Transit Cargo Vans from *Gorno Ford of Woodhaven, MI* for the Department of Public Works as per the MiDeal Cooperative Purchasing contract #071B7700181 for an estimated total cost of \$110,190.00.



Ford Transit Cargo Van

EDDIE WILLIAMS
GOVERNMENT SALES
GORNO FORD
WOODHAVEN, MI
PH 734-671-4893, CELL 313-319-3431, FAX 734-671-4375

9/20/2021

BRIAN VARNEY email brian.varney@troymi.gov
CITY OF TROY
PH 248-524-3390, FAX 248-680-7281

2022 FORD TRANSIT T350, 148" WB, MID ROOF "MIDEAL #071B7700181"
3.5L V6, 10 SPD AUTO, A/C & HEAT, TINTED GLASS, AM/FM STEREO
BARN DOORS SIDE & REAR, 9500 GVW, AM/FM STEREO, BACK UP CAMERA
4:10 L/S, TINTED GLASS, SPARE TIRE,

BASE (WHITE EXT)
ADDITIONAL CHANGES
SYNC (BLUETOOTH)
FRONT SHELF
253% REAR OPENING DOORS
4.10 l/s
TOW PKG
TRAILER BRAKE CONTROLLER
LOAD AREA PROT
VINYL FLOORING FRT & REAR, INCLUDED W/LOAD PROT. PKG
SPEED CONTROL
DUAL BATTERIES
LONG ARM MIRRORS
(2) ADDITIONAL KEYS
AM/FM RADIO
110V/400 WATT INVERTER
BACK UP ALARM
SIDE STEP BOARD
TOTAL (PRICE EXPIRES 11/15/2021) \$36,730.00

WE APPRECIATE YOUR BUSINESS

SINCERELY,
EDDIE WILLIAMS
GOV'T SALES
GORNO FORD



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Troy, MI 48084
troymi.gov

J-04b

CITY COUNCIL AGENDA ITEM



Date: September 30, 2021

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Lisa Burnham, Controller
Kurt Bovensiepe, Public Works Director
Dennis Trantham, Facilities and Grounds Operations Manager
Scott Carruthers, Streets and Drains Operations Manager
Emily Frontera, Purchasing Manager

Subject: Standard Purchasing Resolution 2: Low Bidders Meeting Specifications – Snow Removal Services

History

- The Facilities and Grounds Division is responsible for the snow and ice removal on all municipal property, which includes parking lots, building entrances, and sidewalks.
 - Locations include; City Hall, Library, 52-4 District Court, Police Department, Community Center, Troy Historic Village, Stage Nature Center, Transit Center, Fire Stations, Fire and Police Training Center, Camp Ticonderoga.
- The Streets and Drains Division is responsible for the snow and ice removal on all municipal owned sidewalks at detention/retention ponds, vacant property, median crossings, park property, and cemeteries.
 - There are over 100 separate locations totaling 22 miles worth of City owned sidewalk.
 - Sidewalks are cleared when accumulations exceed 2 inches.
- The Streets and Drains Division is responsible for the snow and ice removal on subdivision roads (local roads) when accumulations exceed 4 inches and continued below freezing conditions are predicted.
 - Troy has over 265 miles of local roads.
 - Objective is to clear all local roads within 24-48 hours after the snow stops.
 - Contractors assist City of Troy crews in completing this objective.

Purchasing

On September 16, 2021, a bid opening was conducted as required by City Charter and Code for seasonal requirements of Snow Removal Services with an option to renew for two (2) additional seasons. The bid was posted on the Michigan Inter-governmental Trade Network (MITN) website; www.mitn.info. Two (2) bid responses were received for City Owned Properties (Proposal A), three (3) bid responses were received for City Owned Sidewalks (Proposal B), and three (3) bid responses were received for Local Roads (Proposal C).



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CITY COUNCIL AGENDA ITEM

Purchasing (Continued)

- Below is a detailed summary of potential vendors for the bid opportunity:

Companies notified via MITN	212	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
Troy Companies notified via MITN	4	
Troy Companies notified Active email Notification	3	
Troy Companies notified Active Free	1	
Companies that viewed the bid	31	
Troy Companies that viewed the bid	1	

After reviewing the bid responses, *Premier Group of Detroit, MI* was the low bidder meeting specifications for Proposal A, *Xpert Lawn and Snow of Warren, MI* was the low bidder meeting specifications for Proposal B, and *DiPonio Contracting of Shelby Township, MI*, *Premier Group of Detroit, MI* and *Xpert Lawn and Snow of Warren, MI* were low bidders for the individual pieces of equipment as indicated in the bid tab for Proposal C.

Financial

Funds are budgeted and available for snow and ice removal services through the Public Works operating budgets for Streets and Drains, and Facilities and Grounds Divisions.

Recommendation

City management recommends awarding a contract to provide seasonal requirements of snow removal services with an option to renew for two (2) additional seasons to *Premier Group of Detroit, MI* for Proposal A; *Xpert Lawn and Snow of Warren, MI* for Proposal B; *DiPonio Contracting of Shelby Township, MI* for Front End Loader with a 3-yard capacity, Front End Loader with 5-yard capacity, Pickup with 8 foot blade, and Truck with 10 foot snowplow; *Premier Group of Detroit, MI* for Pickup with 8 foot Blade and 20,000 GVW Road Grader with Minimum Size of 6 Wheels; and *Xpert Lawn and Snow of Warren, MI* for 20,000 GVW Road Grader with Minimum Size of 6 Wheels for Proposal C, at prices detailed and contained in the attached bid tabulation. In addition, City management is recommending the approval to allow City administration to extend the pricing established in Proposal C to other vendors for emergency conditions of snow and ice removal.

BID TABULATION
SNOW REMOVAL SERVICES
CITY OF TROY

VENDOR NAME:	Premier Group	Xpert Lawn and Snow,	Cardinal Clearing, LLC	DiPonio Contracting,
CITY:	Detroit, MI	Warren, MI	Troy, MI	Shelby Township, MI

PROPOSAL (A): City Owned Properties – Parking Lots, Building Entrances and Sidewalks

Item	Type of Equipment	Unit	# Dedicated to Troy	Cost (Hourly rates all inclusive)	# Dedicated to Troy	Cost (Hourly rates all inclusive)	# Dedicated to Troy	Cost (Hourly rates all inclusive)	# Dedicated to Troy	Cost (Hourly rates all inclusive)
Parking Lots:							Not Specified	Not Specified		
1	5-10 Yd. Capacity Truck w/Salting Capabilities	Hour	3	\$125.50	1	\$175.00				
2	Front End Loader - 5 yd. Capacity w/Snow Pusher	Hour	1	\$260.00	2	\$250.00				
3	Front End Loader - 3 yd. Capacity w/Snow Pusher	Hour	1	\$200.00	2	\$225.00				
4	Skid Steer with Snow Pusher	Hour	1	\$160.00	3	\$150.00				
5	Pickup with 8 ft. Blade	Hour	2	\$125.00	10	\$150.00				
6	Truck with 10 ft. Snowplow	Hour	1	\$200.00	1	\$150.00				
7	Parking Lot Salt	Ton	1	\$150.00	500	\$180.00				
Sidewalks:										
8	Utility Vehicle with 5' Snow Plow	Hour	2	\$180.00	3	\$150.00				
9	Utility Vehicle with Salt Spreader	Hour	2	\$170.00	3	\$150.00				
10	Utility Vehicle w/ 5' Snow Plow & Salt Spreader	Hour	1	\$200.00	3	\$150.00				
11	Utility Tractor Mounted Snow Blower	Hour	Not Specified		2	\$175.00				
12	Walk-Behind Snow Blower	Hour	5	\$85.00	10	\$75.00				
13	Snow Shovel and Operator	Hour	10	\$65.00	10	\$50.00				
14	Walk-Behind Salt Spreader with Operator	Hour	4	\$70.00	50	\$50.00				
15	Sidewalk Snow and Ice Melter	50lb Bag		\$25.00	2000	\$30.00				
ESTIMATED GRAND TOTAL - PROPOSAL A:			\$2,015.50		\$2,110.00					

Proposal (B): City Owned Properties - Sidewalks (Various locations within the City of Troy)

Item	Description	Unit	Sidewalks Deicing	Sidewalks Plowing	Sidewalks Deicing	Sidewalks Plowing	Sidewalks Deicing	Sidewalks Plowing	Sidewalks Deicing	Sidewalks Plowing
1	Less than One (1) inch or Icy Conditions, includes Ice Melting Product	LF.	\$3.00		\$0.10		\$0.75		Not Specified	
2	Two (2) inches to Six (6) inches	LF.	\$2.50	\$2.00	\$0.10	\$0.10	Not Specified	\$0.18		
3	Greater than Six (6) inches	LF.	\$2.50	\$3.75	\$0.10	\$0.20	Not Specified	\$0.22		
ESTIMATED GRAND TOTAL - PROPOSAL B:			\$8.00	\$5.75	\$0.30	\$0.30	\$0.75	\$0.40		

Proposal (C): Snow Removal Services - Local Roads Emergency Basis

Type of Equipment	# of Available Pieces of Equipment	Hourly Rate Per Single Piece of Equipment	# of Available Pieces of Equipment	Hourly Rate Per Single Piece of Equipment	# of Available Pieces of Equipment	Hourly Rate Per Single Piece of Equipment	# of Available Pieces of Equipment	Hourly Rate Per Single Piece of Equipment
Front End Loader: Minimum Size 3 Yards					Not Specified			
5 Yd Capacity	1	\$260.00	2	\$350.00		5	\$205.00	
3 Yd Capacity	1	\$200.00	2	\$325.00		1	\$190.00	
Other Size:	Not Specified		Not Specified			Not Specified		
Other Size:	Not Specified		Not Specified			Not Specified		
Pick up with Minimum 8 ft Blade (to assist loaders only)								
Pick up with minimum 8 ft Blade	2	\$125.00	10	\$250.00		1	\$125.00	
Road Grader with Minimum Size of 6 Wheels								
20,000 GVW Grader	1	\$450.00	1	\$450.00		Not Specified		
Other Size:	Not Specified		Not Specified					
Truck with 10 ft Snowplow								
Truck with 10 ft Snowplow	1	\$200.00	1	\$250.00		1	\$158.00	
ESTIMATED GRAND TOTAL - PROPOSAL C:		\$1,235.00		\$1,625.00		\$678.00		

SITE VISIT:	Y/N	N	Y	Y	N
DAYTIME PHONE #:		313-963-1700	248-721-0794	248-613-1566	810-240-6662
CONTACT NAME:		Katie Lanza	Nick Solomon	Drew Sackner	Mike Knapp
24-HOUR PHONE #:		586-339-6717	248-721-0794	248-613-1566	810-240-6662
CONTACT NAME:		Phill Lovati	Nick Solomon	Drew Sackner	Mike Knapp
INSURANCE MET:	Y/N	Y	Y	Y	Y
REFERENCES:	Y/N	Y	Y	Y	Y
PAYMENT TERMS:		Net 30	Net 30	Not Specified	30 Days
EXCEPTIONS:	Y/N	N	N	N	N
ALL OR NONE AWARD:	Y/N	N	N	N	N
ACKNOWLEDGEMENT:	Y/N	Y	Y	Y	Y
VENDOR QUESTIONNAIRE:	Y/N	Y	Y	Y	Y
FORMS:	Y/N	Y	Y	Y	Y

Attest:

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

Scott Carruthers
Andrew Chambliss
Jackie Ahlstrom
Heather Chomiak

Low Bidders Meeting Specifications

Emily Frontera
Purchasing Manager



500 West Big Beaver
Troy, MI 48084
troymi.gov



J-04c

CITY COUNCIL AGENDA ITEM

Date: October 4, 2021

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Rob Maleszyk, Chief Financial Officer
Lisa Burnham, Controller
Kurt Bovensiep, Public Works Director
Paul Trosper, Water & Sewer Operations Manager
Emily Frontera, Purchasing Manager
William J. Huotari, City Engineer

Subject: Standard Purchasing Resolution #4 – HGACBuy Purchasing Cooperative – 2021 Sewer Root Treatment

History

- City DPW staff proactively cleans and televises the sanitary sewers in the City. Sewer lines with extensive root intrusions have been identified for treatment.
- Sewer root treatment was planned and budgeted in FY22.

Purchasing

- Pricing for the 2021 Sewer Root Treatment per proposal SC01-21 including all labor, materials and equipment has been secured from *Duke's, 1020 Hiawatha Blvd., West | Syracuse, NY 13204* through the HGACBuy Purchasing Cooperative.
- City Council authorized participation in the Cooperative Purchasing Programs on November 9, 2020 (Resolution #2020-11-165-J-8).

Financial

Funds are budgeted and available in the Sewer Capital Fund under Project number 2022C0082 for the 2022 fiscal year. Expenditures will be charged to account number 590.572.535.7973.214025

Recommendation

It is recommended that City Council award the 2021 Sewer Root Treatment contract to *Duke's, 1020 Hiawatha Blvd., West | Syracuse, NY 13204* in the amount of \$16,494.50, as detailed in the attached proposal and as per the HGACBuy Purchasing Cooperative Contract #SC01-21.

In addition, we are requesting authorization to approve additional work, if needed, in the amount of \$23,505.50 for a not to exceed total amount of \$40,000.00 due to unknown condition of the existing sanitary sewers. A copy of the proposal and recommendation shall be attached to the original Minutes of this meeting.

Sewer Root Cleaning - Contract 21-07



Legend

Root Cleaning

**TOTAL LENGTH OF
PIPE FOR PROJECT
9,323 FT**

TOTAL LENGTH BY SECTION

Section	Length (ft)
7	505
10	2842
13	556
19	317
21	3089
36	2014





500 West Big Beaver
Troy, MI 48084
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J-04d

CITY COUNCIL AGENDA ITEM



Date: October 5, 2021

To: Mark F. Miller, City Manager

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

Subject: Standard Purchasing Resolution 4 – Oakland County Purchasing Cooperative – Historic Village Exterior Painting and Repairs; and Standard Purchasing Resolution 4: Omnia Partners Purchasing Cooperative – Historic Village Caswell House Roof Replacement

History

- Work will take place at many of the Historic Village locations in an effort to preserve the character of the buildings and significance in the City of Troy. Below you will find a brief history of some of the buildings including the Caswell House, Print Shop, Poppleton School, Main building – Township Hall.
- Caswell House
 - The first building moved into the Village in 1968.
 - Following the death of William Caswell, the house was sold to the North Hills Christian Reformed Church congregation, which donated the house to the Troy Historic Village. The Troy Historical Society raised \$8,400 to move the house in 1968.
 - Caswell House is one of two Troy buildings on the National Register of Historic Places. The other is the fieldstone Brooks farmhouse on Big Beaver Road, and is now the headquarters of the Kresge Foundation.
- Print Shop
 - Troy Township used this facility for many years to test water meters and equipment.
 - In 1978 the Troy Historical Society remodeled the shop and filled it with donated printing presses, type cases and supplies.
- Poppleton School House
 - Constructed in 1877 on the corner of Big Beaver and Crooks.
 - In the 1970's the Poppleton School house was slated for demolition to make way for the widening of Big Beaver.
 - Saving Poppleton School was a Troy Bicentennial Project. Moving the building presented financial and logistical challenges; because it was too heavy to move across the I-75 overpass and too tall to move under it, the building was carefully dismantled and reconstructed at the Troy Historic Village.
 - Following restoration, Poppleton School became the favorite destination for thousands of children who visit the Village on school fieldtrips each year.



500 West Big Beaver
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CITY COUNCIL AGENDA ITEM

History (continued)

- Main Building – Township Hall
 - The Township Hall was constructed in 1927 to replace the wooden one-room Township Hall on the opposite corner of Wattles and Livernois. The brick Dutch Revival building with slate roof was modeled after the buildings seen in New York in honor of the early settlers of Troy who came from that area via the Erie Canal. As Troy grew and became a city in 1955, the now city hall was bursting at the seams with more than 50 people working there daily. The city has been able to maintain the original slate roof, interior woodwork and frosted glass windows, and terrazzo floors.
 - Over the years the dormers have been painted and all the windows have been painted shut.
- Throughout this project numerous linear feet of wood will need to be repaired and/or replaced.
- Replacement of the Cedar Shake Roof at the Caswell House.
- The basement of the Caswell House will have a weep system installed to mitigate water infiltration.
- Repairs were identified in the Facilities Condition Assessment and Analysis.

Purchasing

- Pricing to provide the labor, materials, and equipment for the Historic Village exterior painting and repairs has been secured from *National Restoration, of Milford, MI* through the Oakland County Purchasing Cooperative Contract #005106.
- Pricing for the Historic Village Caswell House Roof Replacement has been secured from *Schena Roofing and Sheet Metal Co., Inc. of Chesterfield, MI*, based on the Omnia Partners Purchasing Contract #R180901.
- City Council authorized participation in the Cooperative Purchasing Programs on November 9, 2020 (Resolution #2020-11-165-J-8).

Financial

Funds are budgeted and available in the Museum Capital Fund under Project Number 2022C0073 for the 2022 fiscal year. Expenditures will be charged to account number 401.804.804.7975.900.

Recommendation

City Management recommends awarding contracts to *National Restoration, of Milford, MI* for the Historic Village Exterior Painting and Repairs for a not to exceed amount of \$113,000 per the Oakland County Purchasing Cooperative Contract #005106 and to *Schena Roofing and Sheet Metal Co., Inc. of Chesterfield, MI* for the Historic Village Caswell House Roof Replacement for an estimated cost of \$34,799.97 with a 20% contingency not to exceed budgetary limitations per the Omnia Partners Purchasing Contract #R180901.

NATIONAL RESTORATION INC

2021 RECIPIENT OF THE GOVERNOR'S AWARD FOR HISTORIC PRESERVATION!

2165 Fyke Dr.

Milford, MI 48381

248-318-0609 Fax 248-714-6323

johnf@nationalrestoration.net

July 20, 2021

Its Not Luck, Its know How!

Licensed Builder

Mr. Dennis Trantham

Operations Manager, Facilities and Grounds

City of Troy, MI

500 West Big Beaver Road

Troy, MI 48084

248-524-3503, cell 586-219-7461

Dennis.trantham@troymi.gov

RE: 2022 Budget for Exterior Painting and Repairs at the Historic Village

Mr. Trantham,

Per our onsite meeting, and the specifications provided by Sherwin Williams, we are proposing to provide, all material, labor and equipment needed to complete the following items of work.

Scope of Work: This scope of work applies to the Paint Shop, Poppleton School, Caswell House

- Mobilize
- Provide barricades and lawn protection as needed.
- Power wash all the existing wood that is painted on all elevations.
- Remove and replace any deteriorated or rotted wood.
- Sand the siding to blend edges of remaining paint, and to promote bonding.
- Cut out and tuck point any open or cracked mortar joints.
- Caulk all areas as needed.
- Prime all surfaces with an oil-based primer.
- Apply 2 coats of Sherwin Williams Emerald to all the surfaces.
- All paint and debris will be removed from the site daily.
- Jobsite cleanup
- NTE Budget:
- Paint Shop \$10,900.00 Budget
- Poppleton School \$20,500.00 Budget
- Caswell House \$39,900.00 Budget

Scope of Work: Township Hall Building

- Mobilize
- Power wash and scrape all the soffits and the basement windows.
- Remove and replace any glazing as needed on the basement windows.
- Abrasive blast the existing emergency exit stairs on the north elevation and the rails on the east elevation to a white metal condition.
- Install any corrective weld as required.
- Apply a rust inhibiting primer and two coats of Sherwin Williams DTM coating to the structure and rails.
- Jobsite cleanup.
- Cost \$19,000.00

Scope of Work: Caswell House Basement Internal Weep System

- Mobilize,
- At the basement outside perimeter wall, cut and remove a strip of the concrete floor from the wall out 18" and properly dispose of the concrete. Remove an 18" wide strip of concrete from the perimeter area to the sump pump.
- Dig out the existing soil a minimum of 12" in the work area.
- Drill through the exterior masonry wall at its base every 8" to allow water to flow from the wall into our drainage system.
- Install a 3" bed of pea gravel. Install a 2" perforated drainpipe along the wall and connect into the sump.
- Cover the drain line and fill the work area with pea gravel to the base of the concrete.
- Pour new concrete back into the work area, and finish to match the existing as close as possible.
- Jobsite cleanup.

Time and materials not to exceed \$19,550.00.

Exclusions:

- Cost for permits and inspections.
- Prevailing wages
- Premium time
- Lawn damage

We appreciate the opportunity to quote your work. If you have any questions or concerns, please contact me.

Sincerely,

John Fletcher, President



October 5, 2021

Laura Campbell
City of Troy
60 W Wattles Road
Troy, MI 48098

Re: Building C Roof Replacement, 60 W Wattles Rd., Troy, MI 48098
NRP CPN: 180901-MI-017

Ms. Campbell:

National Roofing Partners (NRP) and its local partner, Skena Roofing & Sheet Metal, have developed the following pricing proposal for the Building C Roof Replacement project. This pricing proposal was developed in compliance with NRP's contract number R180901 with OMNIA Partners and includes the total cost to remove the existing roof and install new Blue Label cedar shake roof.

Attached is the Proposal & Scope of Work which defines the work that Skena Roofing & Sheet Metal proposes to complete. The project scope includes a manufacturer's 20-year warranty, extended warranty options are available at an additional cost, provided upon request.

Based on this scope of work, pricing to complete the Building C Roof Replacement project is **\$34,799⁹⁷**. This pricing is compliant with the OMNIA Partners' unit pricing.

All material is guaranteed to be as specified. All work will be completed in a workmanlike manner according to standard roofing practices and in accordance with manufacturers specifications.

If this proposal is accepted, please see instructions for purchase order:

1. The purchase order will be issued to Skena Roofing & Sheet Metal.
2. The purchase order should be clearly marked "**Per OMNIA Contract #180901-MI-017**"
3. E-mail the purchase order and tax-exempt certificate, if applicable, in PDF format to:
 - a. tfrisch@skenaroofting.com
 - b. Cc: OMNIAPartners@NationalRoofingPartners.com
4. Once we receive a P.O., a notice to proceed will be issued and work can begin at the member's discretion.

If you have any questions or need additional information, please contact our office.

Best Regards,

Tim Frisch
Skena Roofing & Sheet Metal
28299 Kehrig Drive
Chesterfield, MI 48047
586-949-4777



Thank you for allowing us the opportunity to provide you with our proposal for the Building C Roof Replacement. We have included all necessary labor, equipment, and materials to complete the project in a safe and timely fashion.

Approximate Roof Area: 1.100 square feet

SCOPE OF WORK:

- Mobilize site location with all required equipment and related safety equipment required to perform all work under local and state safety guidelines.
- Remove and dispose of the existing cedar roofing materials and related underlayment and legally dispose of.
- At eave edge, furnish and install one layer of self-adhering ice and water shield waterproofing membrane.
- At rake edge, install 18" strip of self-adhering ice and water shield waterproofing membrane.
- At perimeter eave and rake edges, furnish and install 16oz copper drip and rake edge flashing.
- Over entire roof, furnish and install one layer of Cedar Breather material.
- At eave edge, furnish and install required cedar starter material.
- At any valley locations, furnish and install required 16oz copper valley flashing.
- At all sloped roof to vertical wall terminations, furnish and install required step flashings or apron flashing.
- Furnish and install 24" hand split cedar shakes. All shakes will be nailed in place using two nails per piece of cedar.
- During the installation of the cedar shake roof system, 18" non perforated organic roofing felt will be installed at each course of cedar shake.
- At ridge locations, furnish and install cedar ridge capping.
- Clean all debris created by scope of work listed above.

PRICING:

TOTAL PRICE FOR SCOPE OF WORK ABOVE:

\$ 34,799⁹⁷

Pricing is valid for 30 days. The prices listed in the preceding table are an estimate for the services discussed. Estimates are subject to change if project specifications are changed or costs for outsourced services change before a contract is executed. This proposal is based on the use of Standard AIA Contract Documents. Taxes are not included unless noted above. For tax exempt customers, tax amount listed above may be excluded from purchase order or contract.

EXCLUSIONS:

-Mechanical, electrical, plumbing, communications, or data equipment modification, removal, or reinstallation work unless specifically noted above. -Premium time or overtime unless specifically stated in scope of work. -Protection or necessary modification of such items as electrical substations, transformers, or powerlines shall be the responsibility of the owner to provide a safe working condition. -Structural changes to building and lightning protection systems. -ACM abatement or testing. -Interior protection or cleaning of interior contents prior to, during, or after roofing operations. -Any damage to building components under the roof decking because of mechanically fastening components of this roof assembly as required by the manufacturer. -Engineering reports or investigations. -Mold, fungus, or mildew remediation. -FM Global approval unless specifically listed in scope of work above. -Ponding water. -Permits, unless specifically named above. -Any work or materials not specifically and clearly named above.

SAFETY:

Site safety set up will comply with OSHA standards. A preliminary site inspection prior to commencement of the project will be completed to identify potential areas of hazard.

MISCELLANEOUS:

When installing highly reflective white roof coverings, construction debris, dust, or sediment will leave dirt on the new covering. Partner will take care to minimize debris and foot traffic over the new roof covering, but some inherent dirt will remain as a result of the construction process. Post-construction cleaning of the roof covering is not included in this proposal unless specifically stated in the scope of work. If this proposal does not clearly state and include the installation of a "full tapered" insulation assembly, ponding water may be present after completion of the roof system and Partner shall not be held liable to remedy ponding water situations. Certain products used in the installation of roofing materials emit odor. Products in this category include, but are not limited to, asphalt, adhesives, primers, etc. Mechanical units, intake vents and other air drawing equipment may be required to be shut down by the owner during certain times of construction if interior space is sensitive to odors.

TERMS & CONDITIONS:

This proposal packet is not intended to take the place of a construction contract. Contract and payment terms will be negotiated and agreed to separately by Partner and Owner. Any alteration or deviation from the scope of work or specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All warranties to be issued upon completion of contract. Those who work on your property or provide materials and services and are not paid in full may have a right to enforce their claim for payment against your property through a construction lien.

Thank you for taking to time to read and understand our proposal for this outstanding project and please do not hesitate to contact us at any time if you have any questions.



5-Oct-2021

LINE ITEM PRICE ESTIMATE

CPN: 180901-MI-017



Project Name: Troy Historic Building C
Project Address: 60 W Wattles Road Troy, MI 48098



Pricing Summary by Category			
Category	Water Resistant Roofing	Subtotal	\$ 209.00
Category	Insulation	Subtotal	\$ -
Category	Roof Tiles and Shingles	Subtotal	\$ 18,290.00
Category	Roofing and Roof Restoration	Subtotal	\$ -
Category	Masonry	Subtotal	\$ -
Category	Metal Work	Subtotal	\$ 932.60
Category	Woodwork	Subtotal	\$ -
Category	Standing Seam Metal Roof System	Subtotal	\$ -
Category	Roof Specialties and Accessories	Subtotal	\$ -
Category	Roof Services	Subtotal	\$ 16,286.75
Category	General Cost Factors	Subtotal	\$ -
Category	Additional Line Items	Subtotal	\$ -
Line Item Total			\$ 35,718.35
Discount			\$ (918.38)
Proposal Price			\$ 34,799.97

Detailed Line Item Breakdown					
Item No.	Description	UOM	Price	Qty	Total
Water Resistant Roofing					
19	Building paper, asphalt felt sheathing paper, 1 ply, 15#, in place	SF	0.19	1,100	\$ 209.00
Insulation					
			-		\$ -
Roof Tiles and Shingles					
4	Remove wood shingles and felts to decking	SF	0.40	1,100	\$ 440.00
7b	Replace/repair other shingles	Each	7.95	2,200	\$ 17,490.00
8	Self-adhering ice and water shield membrane for shingles, tiles, metal waterways, penetrations, valleys, ridges, edges, etc.	SF	1.80	200	\$ 360.00
Roofing and Roof Restoration					
			-		\$ -
Masonry					
			-		\$ -
Metal Work					
28	Remove metal counterflashing	LF	1.78	20	\$ 35.60
28a	Counterflashing, galvanized, 24 gauge, 6" width	LF	3.45	20	\$ 69.00
29	Remove metal edge, gravel stop, eave strip, or coping	LF	1.48	180	\$ 266.40
21-05	Standard drip edge, shingle roofs, up to 3" face	LF	3.12	180	\$ 561.60
Woodwork					
			-		\$ -
Standing Seam Metal Roof System					
			-		\$ -
Roof Specialties and Accessories					
			-		\$ -
Roof Services					
19-45	Equipment; other	%	25%	1,930	\$ 2,412.50
19-46	Multiplier; project safety and fall restriction	%	7%	23,044	\$ 1,613.09
19-49	Multiplier; roof with slope > 4:12 or non-standard architecture	%	24%	23,044	\$ 5,530.58
19-50	Multiplier; total roof area < 5,000 sq ft	%	24%	23,044	\$ 5,530.58
21-24	Warranty; minimum charge	Each	1,200.00	1	\$ 1,200.00
General Cost Factors					
			-		\$ -
Additional Line Items					
			-		\$ -
Line Item Total					\$ 35,718.35



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM



Date: October 4, 2021

To: Mark F. Miller, City Manager

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

Subject: Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Wagon Shop Structural Analysis and Assessment

History

During the 1800s blacksmith shops were as common and as important as gas stations are today. This simple board and batten workshop was built at Troy Corners before the Civil War. Blacksmiths used the shop for decades. However, in 1947 the old building and adjacent farmstead became Gow's Little Acre, a collection of popular antiques and gifts shop. In February 1972, fire destroyed the farmhouse and singed the old wagon shop. Five years later Alex Gow retired, sold the northwest corner to a developer, and donated the deteriorated wagon shop to the Troy Historical Society. The Society raised funds to relocate the building to the Village in February 1978. Today skilled artisans continue to shape metal and wood in the shop using centuries-old tools and techniques.

The Wagon Shop is one of multiple buildings located within the Troy Historic Village campus. The Wagon Shop is used primarily March through November annually as interpretative space and as an active blacksmith shop. Classes are also held in the building to teach the art of blacksmithing.

Roof replacement was identified in the Facilities Condition Assessment and Analysis, conducted in 2018. The initial assessment by the City of Troy Facilities Staff and the Troy Historical Society identified possible structural concerns, including bowing of walls and missing knee walls. To better understand the condition of the structure, Facilities reached out OHM for a proposal to conduct a structural analysis and provide an opinion on the necessary repairs prior to the replacement of the roof.

Purchasing

The current contract with OHM Advisors (OHM) was adopted by City Council in 2017 for engineering and design services (Resolution #2017-06-105-J-4a). Under the current contract pricing, OHM proposes a fee of \$11,500 per the attached detailed proposal.



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Financial

Funds are budgeted and available in the Museum Capital Fund under Project Number 2022C0074 for the 2022 fiscal year. Expenditures will be charged to account number 401.804.804.7975.900.

Recommendation

City Management recommends granting the authority to expend budgeted capital funds to OHM Advisors (OHM), which is one of the City's professional service engineering firms (Resolution #2017-06-105-J-4a), for the Wagon Shop Structural Analysis and Assessment for a total estimated cost of \$11,500 not to exceed budgetary limitations.

September 14, 2021

Mr. Dennis Trantham
City of Troy
Facilities and Grounds Operations Manager
4693 Rochester Rd.
Troy, MI 48085

RE: Proposal for Professional Services
Troy Historic Village – Wagon Shop

Dear Mr. Trantham:

Thank you for the opportunity to submit this proposal for assessment of the existing wagon shop building at the Troy Historic Village. This letter presents our understanding of the project and proposed scope of services, time schedule, fee, and Standard Terms and Conditions.

PROJECT UNDERSTANDING

The Wagon Shop is a wood framed building that was reported to have been constructed around the mid-1800s and relocated in the 1980s to the Troy Historic Village. The less than 1000 square foot building has a gable roof with the ridge parallel to the longer sides of the rectangular footprint. A loft floor is located on the front (south) half of the building and a brick masonry chimney extends through the roof level at the left (west) side wall. There are large window and door openings in the short end (front, south and back, north) walls, and smaller windows openings in the side walls.

The Wagon Shop is one of multiple buildings located within the Troy Historic Village campus. The Wagon Shop is used primarily March through November each year as interpretive space and as an active blacksmith shop. Classes are held within the building to teach the art of blacksmithing.

We understand there are plans to replace the cedar shake shingles with new roofing materials, potentially a metal roof system. Concerns regarding the capacity of the existing roof structure to complete the re-roofing project and visual observations of the timber loft beam and side wall bowing prompted the request for a limited structural assessment and conceptual repair recommendations, if warranted.

SCOPE OF SERVICES

Our Scope of Services for this work will be completed as one task:

TASK 1: Assessment and Findings

During this task our team will assess existing systems and deliver a written report that summarizes our pertinent observations and findings. This task will consist of the following:

- Perform site visit and collect data on existing structure.
 - Two-person, half-day visual assessment of the Wagon Shop to visually assess and document the general existing conditions of the structure.
 - Measure building and individual structural members to complete analysis.
 - Obtain wood samples to assist in identifying the species of wood.
- Limited Structural Analysis: Intent of analysis will be to better determine the applicable repair approaches.



- ▶ Perform limited structural analysis to determine an order of magnitude of stresses on select structural members.
- ▶ Complete cursory review of lateral wind loading of the building and roof uplift condition resulting from wind loads.
- ▶ Written Report.
 - ▶ Provide summary of pertinent observations and findings.
 - ▶ Include conceptual, narrative recommendations to address areas of concerns identified in the assessment or analysis efforts.
 - ▶ Commentary on the roofing material (cedar or metal systems)
- ▶ Owner Review Meeting: Review meeting to discuss treatment operations in report.

COMPENSATION AND SCHEDULE

OHM Advisors will perform the outlined services above based for a lump-sum fee of \$11,500, in accordance with our current contract with the City. OHM is able to begin work upon written authorization by the client with an estimated project schedule of 8 weeks.

No reimbursable expenses are expected or included in the fee. Neither the fee nor the schedule reflects unforeseen conditions that may arise. If unforeseen conditions are determined OHM will immediately notify owner if there is an impact to our fee.

ASSUMPTIONS, EXCLUSIONS & OWNER RESPONSIBILITIES

OHM Advisors is prepared to complete the work as outlined above per our understanding of the project, which includes the following assumptions, exclusions and identified Owner responsibilities.

- ▶ OHM Advisors point of contact for this project is Dennis Trantham
- ▶ Construction documents and specifications for repairs to building are not included.

ACCEPTANCE

Work will be done in accordance with the terms and conditions of the Continuing Services Agreement between OHM and the City. If this proposal is acceptable to you, please provide signature below or e-mail confirming us to proceed on the project.

Thank you for giving us the opportunity to be of service. We look forward to working with you on this project.

Orchard, Hiltz, & McCliment, Inc.
CONSULTANT



(Signature)

Christopher Ozog

(Name)

Project Architect

(Title)

September 14, 2021

(Date)

City of Troy
OWNER

(Signature)

(Name)

(Title)

(Date)

Cc: Rhett Gronevelt



500 West Big Beaver
Troy, MI 48084
troymi.gov



J-05

CITY COUNCIL AGENDA ITEM

Date: September 28, 2021

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 Srikanth Kunduri and Krithika Shetty, Sidwell #88-20-27-331-031

History

The City of Troy received a two permanent easements for storm sewers and surface drainage, and sidewalks from Srikanth Kunduri and Krithika Shetty, owners of the property having Sidwell #88-20-27-331-031. The parcel is located in the southwest ¼ of Section 27, on Kirkton street, north of Maple 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 improvement purposes.



GIS Online

Legend:

 Tax Parcel



Notes:

Kunduri, Srikanth & Shetty,
Krithika
Easements
88-20-27-331-031

Map Scale: 1=214

Created: September 28, 2021



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 #88-20-27-331-031 (pt)

Srikanth Kunduri and Krithika Shetty, husband and wife, Grantor(s), whose address 16196 Carlisle Drive, Macomb, MI 48044, 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 12.00 feet and the North 7.00 feet of the following described parcel:

The North 47.00 feet of Lot 76 and South 17.50 feet of Lot 77, Council Heights Subdivision, Troy Township, now City of Troy, Oakland County, Michigan. Plat recorded in Liber 18, Page 8, OCR.

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.

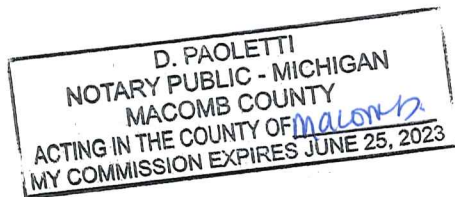
IN WITNESS WHEREOF, the undersigned hereunto affixed 2 signature(s)
this 8th day of September A.D. 2021.

By:  _____ (L.S.)
Srikanth Kunduri

By:  _____ (L.S.)
Krithika Shetty

STATE OF MICHIGAN)
COUNTY OF Macomb)

The foregoing instrument was acknowledged before me this 8 day of September, 2021, Srikanth Kunduri and Krithika Shetty, husband and wife.



D. Paoletti
*
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

**PERMANENT EASEMENT
FOR SIDEWALKS**

Sidwell #88-20-27-331-031 (pt)

Srikanth Kunduri and Krithika Shetty, husband and wife, Grantor(s), whose address 16196 Carlisle Drive, Macomb, MI 48044, 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:

The East 5.00 feet of the following described parcel:

The North 47.00 feet of Lot 76 and South 17.50 feet of Lot 77, Council Heights Subdivision, Troy Township, now City of Troy, Oakland County, Michigan. Plat recorded in Liber 18, Page 8, OCR.

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 2 signature(s)
this 8th day of September A.D. 2021.

By:  _____ (L.S.)
Srikanth Kunduri

By:  _____ (L.S.)
Krithika Shetty

STATE OF MICHIGAN)
COUNTY OF Macomb)

The foregoing instrument was acknowledged before me this 8 day of September, 2021, Srikanth Kunduri and Krithika Shetty, husband and wife.



D. Paoletti
*
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



500 West Big Beaver
Troy, MI 48084
troymi.gov



J-06

CITY COUNCIL AGENDA ITEM

Date: September 28, 2021

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 GFA
Development, Inc., Sidwell #88-20-27-331-027

History

As part of the development of a residential parcel, the City of Troy received two permanent easements for storm sewers and surface drainage, and sidewalks from GFA Development, Inc., owner of the property having Sidwell #88-20-27-331-027.

The parcel is located on Kirkton Street in the southwest $\frac{1}{4}$ of Section 27, east of Livernois Road and north of Maple.

Financial

The consideration amount on each document is \$1.00.


Recommendation

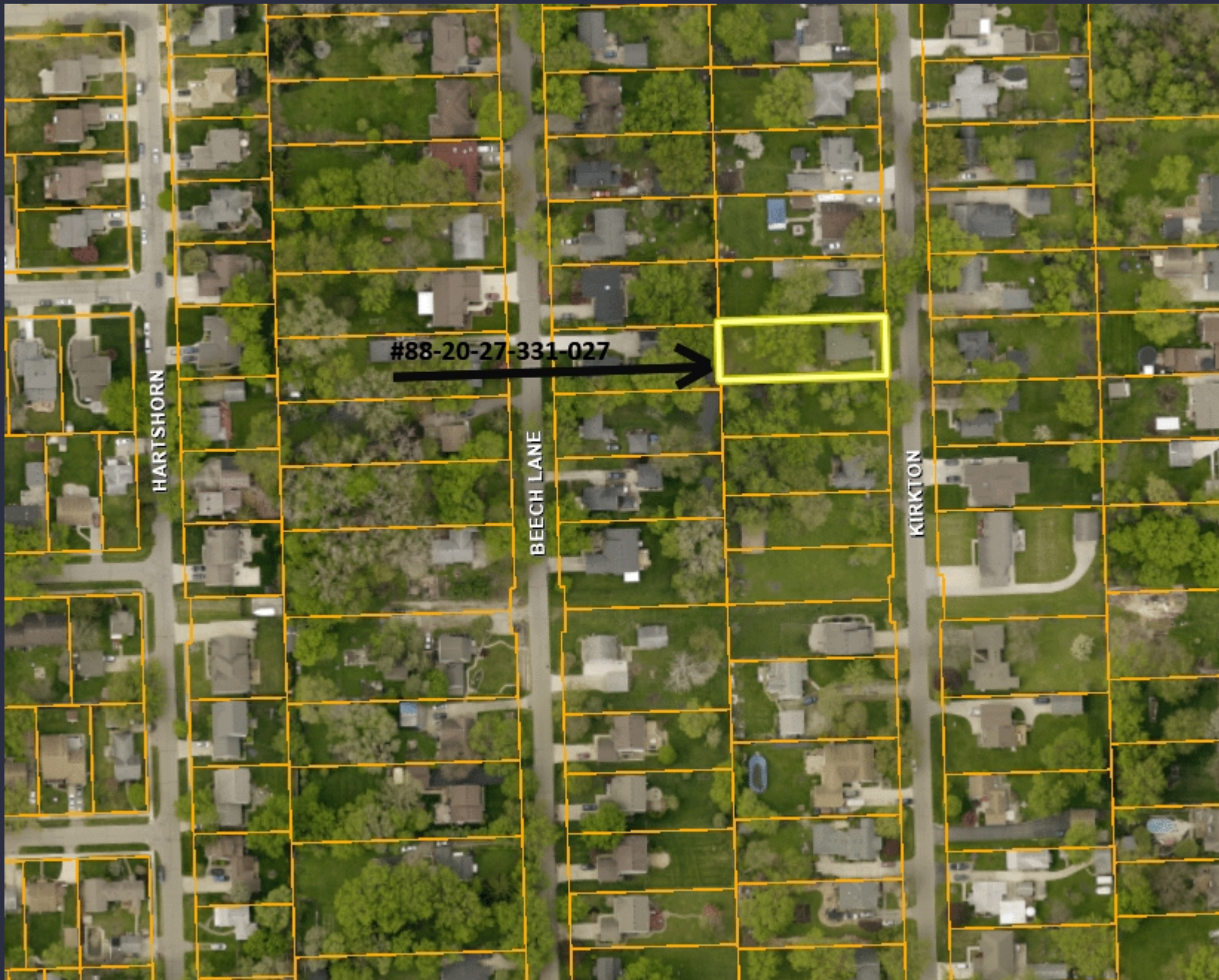
City Management recommends that City Council accept the attached permanent easements consistent with our policy of accepting easements for development and improvement purposes.



GIS Online

Legend:

 Tax Parcel



Notes:

Sidwell #88-20-27-331-027
GFA Development, Inc.
Easements

Map Scale: 1=214

Created: September 29, 2021



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 #88-20-27-331-027 (pt)

GFA DEVELOPMENT, INC., a Michigan corporation, Grantor, whose address 3301 Mirage Drive, 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 North 6.00 feet and West 12.00 feet of the following described parcel:

Lot 78 except the South 6.50 feet, Council Heights Subdivision, Troy Township, now City of Troy, Oakland County, Michigan. Plat recorded Liber 18, Page 8, OCR.


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 7 day of September A.D. 2021.

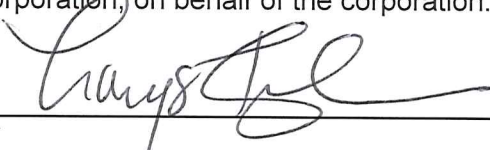
GFA Development, Inc.,
a Michigan corporation

By  (L.S.)
Gary Abitheira
Its: President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 7th day of September, 2021, by Gary Abitheira, President of GFA Development, Inc., 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

**PERMANENT EASEMENT
FOR SIDEWALKS**

Sidwell #88-20-27-331-027 (pt)

GFA DEVELOPMENT, INC., a Michigan corporation, Grantor, whose address 3301 Mirage Drive, 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:

The East 5.00 feet of the following described parcel:

Lot 78 except the South 6.50 feet, Council Heights Subdivision, Troy Township, now City of Troy, Oakland County, Michigan. Plat recorded Liber 18, Page 8, OCR.


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 7 day of September A.D. 2021.

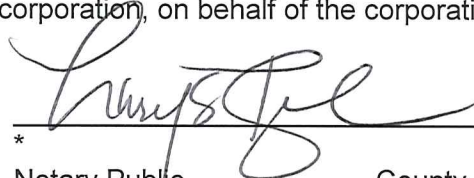
GFA Development, Inc.,
a Michigan corporation

By  (L.S.)
Gary Abitheira
Its: President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 7th day of September, 2021, by Gary Abitheira, President of GFA Development, Inc., 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



500 West Big Beaver
Troy, MI 48084
troymi.gov



J-07

CITY COUNCIL AGENDA ITEM

Date: October 6, 2021

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 Nancy Mosey,
Sidwell #88-20-15-352-027

History

The City of Troy received a permanent easement for storm sewers and surface drainage from Nancy Mosey, owner of the property having Sidwell #88-20-15-352-027. The parcel is located in the southwest $\frac{1}{4}$ of Section 15, on Leetonia Drive, east of Livernois 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 improvement purposes.



Notes:

88-20-15-352-027
Mosey, Nancy
Storm Sewers & Surface
Drainage Easement



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

Sidwell #88-20-15-352-027 (part of)

Nancy Mosey, whose address is 65 Leetonia Drive, Troy, MI, 48085 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 10 feet of the West 88.58 feet of Lot 81 McCormick & Lawrence Little Farms Subdivision, as recorded in Liber 20, Page 30 of Plats, Oakland County Records.

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 their signature(s)
this 6th day of October, 2021.

By:  (L.S.)
Nancy Mosey

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 6th day of October, 2021, by Nancy Mosey.

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: Nancy Mosey
 65 Leetonia
 Troy, MI 48085

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: October 1st, 2021

To: Mark F. Miller, City Manager

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

Subject: Private Agreement – Contract for Installation of Municipal Improvements
Estates of Willowbrook II - Project No. 21.905.3

History

Mondrian Properties proposes to develop the Estates of Willowbrook II Site Condominiums located at the NW Corner of Wattles and John R Roads.

Troy Planning Commission granted preliminary site plan approval on July 13th, 2021.

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

Financial

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

Recommendation

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

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

Project No.: **21.905.3**

Project Location: **NW 1/4 Section 24**

Resolution No:

Date of Council Approval:

This Contract, made and entered into this **1st** day of **October, 2021** by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and **Mondrian Properties** whose address is **50215 Schoenherr Rd., Shelby Twp., MI 48315** and whose telephone number is **(586) 726-7340** hereinafter referred to as "Owners", provides as follows:

FIRST: That the City agrees to permit the installation of **Water Main, Sanitary Sewer, Storm Sewer, Concrete Pavement & Sidewalk** in accordance with plans prepared by **Horizon Engineering LLC** whose address is **P.O. Box 182158, Shelby Twp., MI 48318** and whose telephone number is **(586) 453-8097** and approved prior to construction by the City in accordance with City of Troy specifications.

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

Refundable escrow deposit equal to the estimated construction cost of \$ **163,766.00**. This amount will be deposited with the City in the form of (check one):

Cash/Check	<input type="checkbox"/>	} 10% Cash \$16,376.60
Certificate of Deposit & 10% Cash	<input type="checkbox"/>	
Irrevocable Bank Letter of Credit & 10% Cash	<input type="checkbox"/>	
Performance Bond & 10% Cash	<input checked="" type="checkbox"/>	

Refundable cash deposit in the amount of \$ **43,855.00**. This amount will be deposited with the City in the form of (check one):

Cash	<input type="checkbox"/>	Check	<input checked="" type="checkbox"/>
------	--------------------------	-------	-------------------------------------

Non-refundable cash fees in the amount of \$ **1,356.40**. This amount will be paid to the City in the form of (check one):

Cash	<input type="checkbox"/>	Check	<input checked="" type="checkbox"/>
------	--------------------------	-------	-------------------------------------

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

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

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

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

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

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

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 28th day of SEPTEMBER, 2021.

OWNERS

By: MANERIA PROPERTIES
JOSEPH MANIACI

*

Its: MANAGER

Please Print or Type

*

Its: _____

Please Print or Type

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 28th day of September, A.D. 2021, before me personally appeared Joseph Maniaci known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

NOTARY PUBLIC, Oakland, Michigan
macomb

My commission expires: 7-19-2024
Acting in Oakland County, Michigan

K GOJCAJ NOTARY PUBLIC - STATE OF MICHIGAN COUNTY OF MACOMB My Commission Expires July 19, 2024 Acting in the County of <u>Oakland</u>
--

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

CITY OF TROY

By:

Ethan Baker, Mayor

M. Aileen Dickson, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

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

NOTARY PUBLIC, _____, Michigan

My commission expires: _____
Acting in _____ County, Michigan



Project Construction

Permit No: PPC21.905.3

Engineering Department

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

500 W. Big Beaver Road

Troy, Michigan 48084

Hours: Mon-Fri 8am - 4:30pm

Fax: (248) 524-1838

www.troymi.gov

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

Location
3790 JOHN R
88-20-24-100-013 Lot:
Subdivision: BigBeaver/Eysters/Pamela/SP19
Project No:

Permittee/Owner
LANGHAM INVESTMENTS LLC
50215 SCHOENHERR RD
SHELBY TOWNSHIP MI 48315

Issued: 09/28/2021 Expires:

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

Applicant
50215 SCHOENHERR RD
SHELBY TOWNSHIP MI 48315

Work Description: ESTATES OF WILLOWBROOK II

Stipulations: EXISTING OFF-SITE DETENTION POND

Work will meet all codes and inspections.

Category	Permit Item	Acreage/Qty
Escrow Deposits	Sanitary Sewers	26,415.00
Escrow Deposits	Water Mains	39,180.00
Escrow Deposits	Storm Sewers	13,188.00
Escrow Deposits	Rear Yard Drains	19,070.00
Escrow Deposits	Pavement	58,913.00
Escrow Deposits	Grading	6,000.00
Escrow Deposits	Temporary Access Road	1,000.00
Cash Fees (Non-Refundable)	Water Main Testing/Chlorination PA2	608.00
Cash Fees (Non-Refundable)	Signs	4.00
Cash Fees (Non-Refundable)	Markers - Full Range	5.00
Cash Deposits (Refundable)	Construction Engineering (CE)	160,553.00
Cash Deposits (Refundable)	Sidewalks	1,515.00
Cash Deposits (Refundable)	Monuments	17.00
Cash Deposits (Refundable)	Lot Corner Irons	12.00
Cash Deposits (Refundable)	Repair & Maintenance-Public Streets	1.00
Cash Deposits (Refundable)	Punchlist & Restoration	160,553.00

Amount Due: **0.00**
PAID IN FULL



Project Construction

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

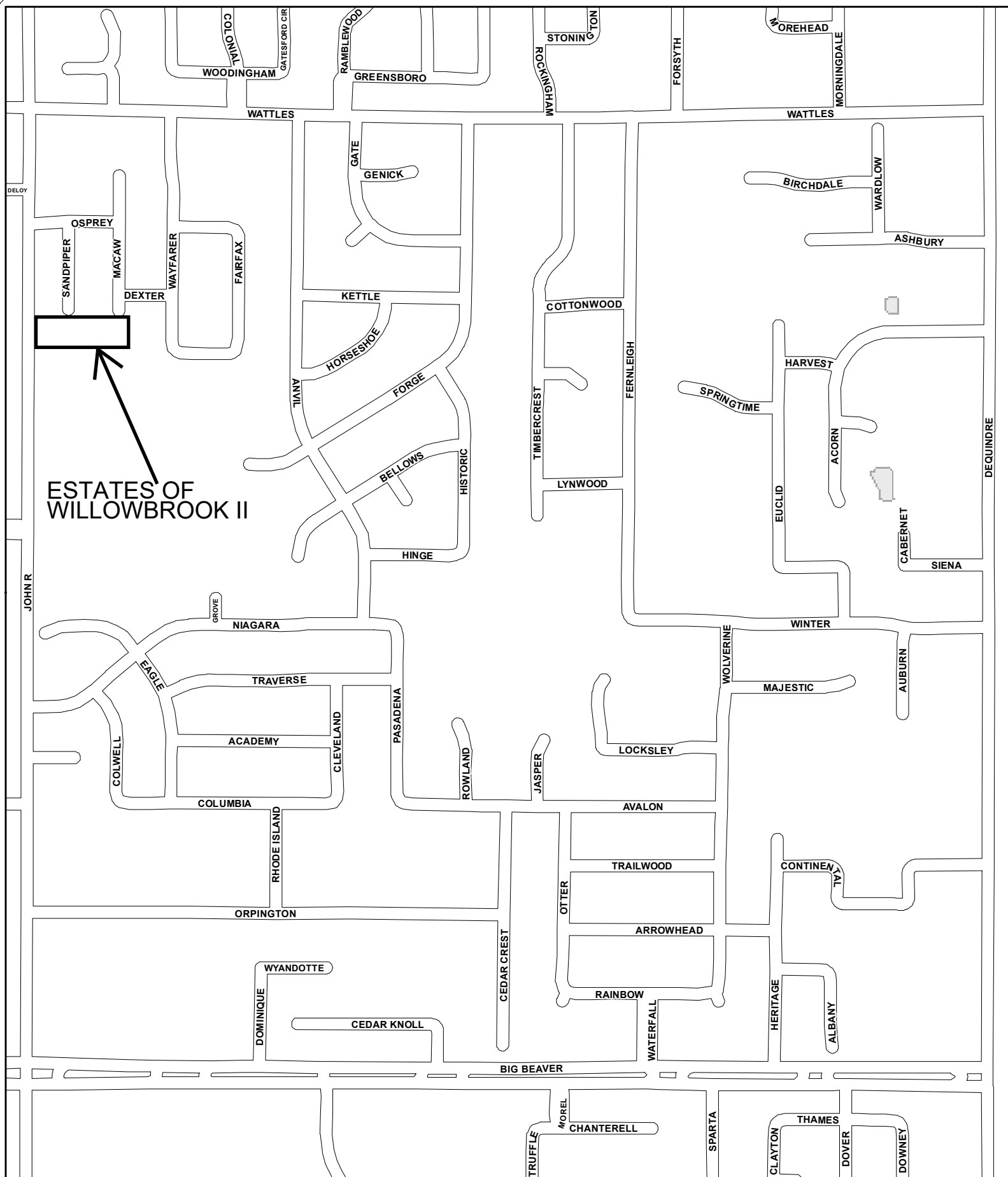
- 1) **INTENT:** Since a permit will have to be secured from the City prior to the start of any construction or maintenance operations proposed by this application, it is the intent of these supplemental specifications to be incorporated as part of the plans or specifications required for this proposed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

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

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

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

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





500 West Big Beaver
Troy, MI 48084
troymi.gov

J-09

CITY COUNCIL AGENDA ITEM

Date: October 11, 2021

To: Mark F. Miller, City Manager

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

Subject: 2021-2022 Winter Maintenance Agreement, Road Commission for Oakland County



History

Since 2001, the City of Troy has serviced all county roads in Troy for snow and ice control. The amount of the Winter Maintenance Agreement compensation to the City for the 2020-21 winter season totaled \$306,227.77. The 2021-22 Winter Maintenance Agreement contract is for \$312,352.33, which is a 2% increase from last year. Attached is a copy of the proposed 2021/2022 Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy.

Over the life of these contracts, compensation from the Road Commission of Oakland County seldom fully subsidizes all expenses but does provide a higher level of service by the City. The higher level of service has caused the City to subsidize this operation by an additional average of \$109,600 per year over the last 20 years. For detailed expense information, refer to the attached *County Road Snow Removal Revenue/Cost History* chart.

Taking advantage of the MiDeal cooperative purchasing agreement, current pricing for salt is \$45.99, which is a 9.3% decrease per ton from last year. MiDeal continues to provide this product below industry costs. See the attached *Salt Per Ton History* chart for historical salt price data.

It is evident that this agreement is beneficial to the residents, businesses and traveling public concerning the level and timeliness of service. The City is able to administer snow and ice control in a more timely and uniform manner to these high priority roads, while allowing the county to concentrate on its highest priority roads, I-75 and M-59.

Financial

Funds are budgeted and available in the County Road Winter Maintenance operating budgets 202.447.502

Recommendation

City Management is in agreement with the lane mile figures as presented, and calculations used to determine the compensation for each road configuration; therefore, we recommend that the proposed maintenance agreement be approved.

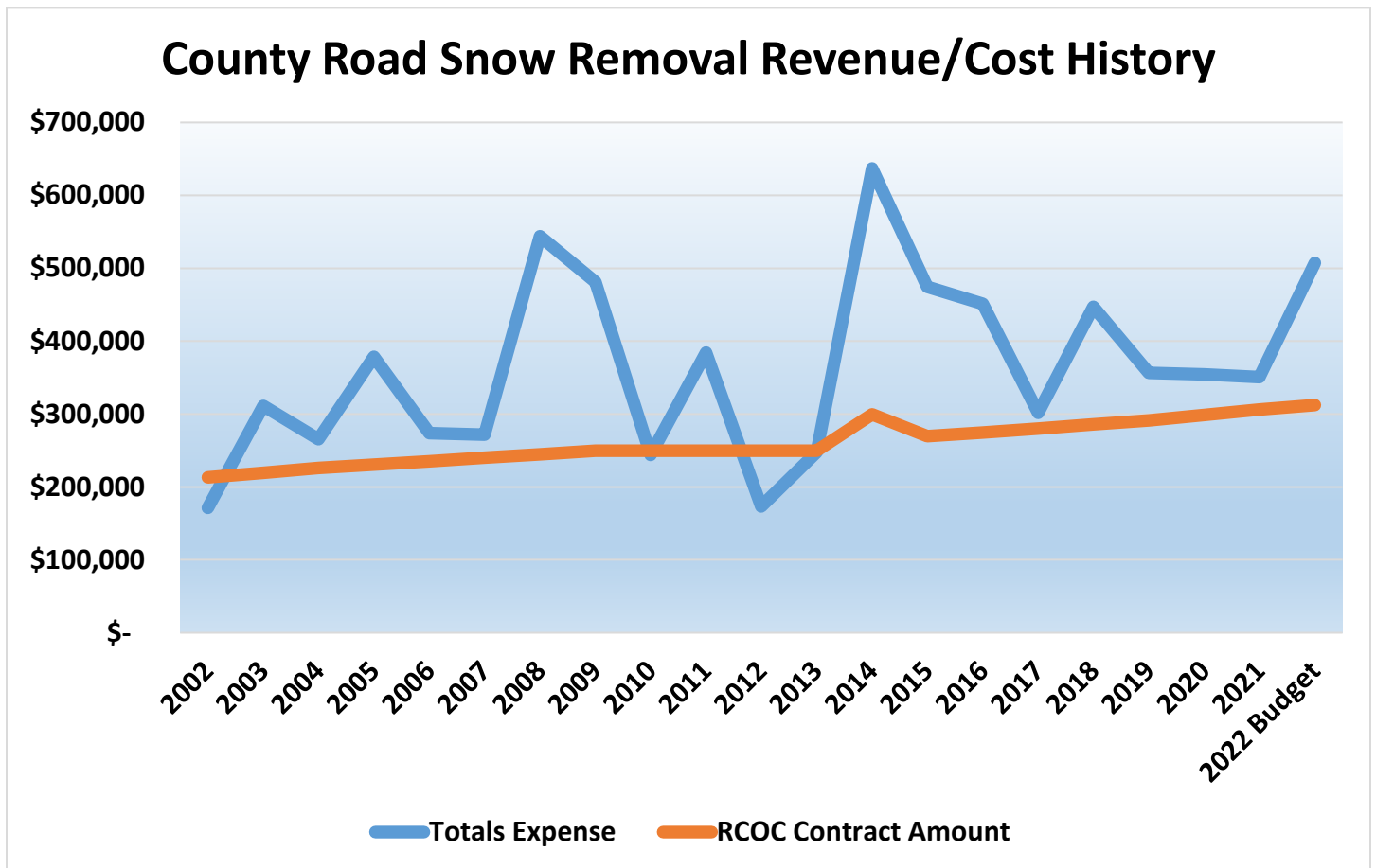


500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Legal Review

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

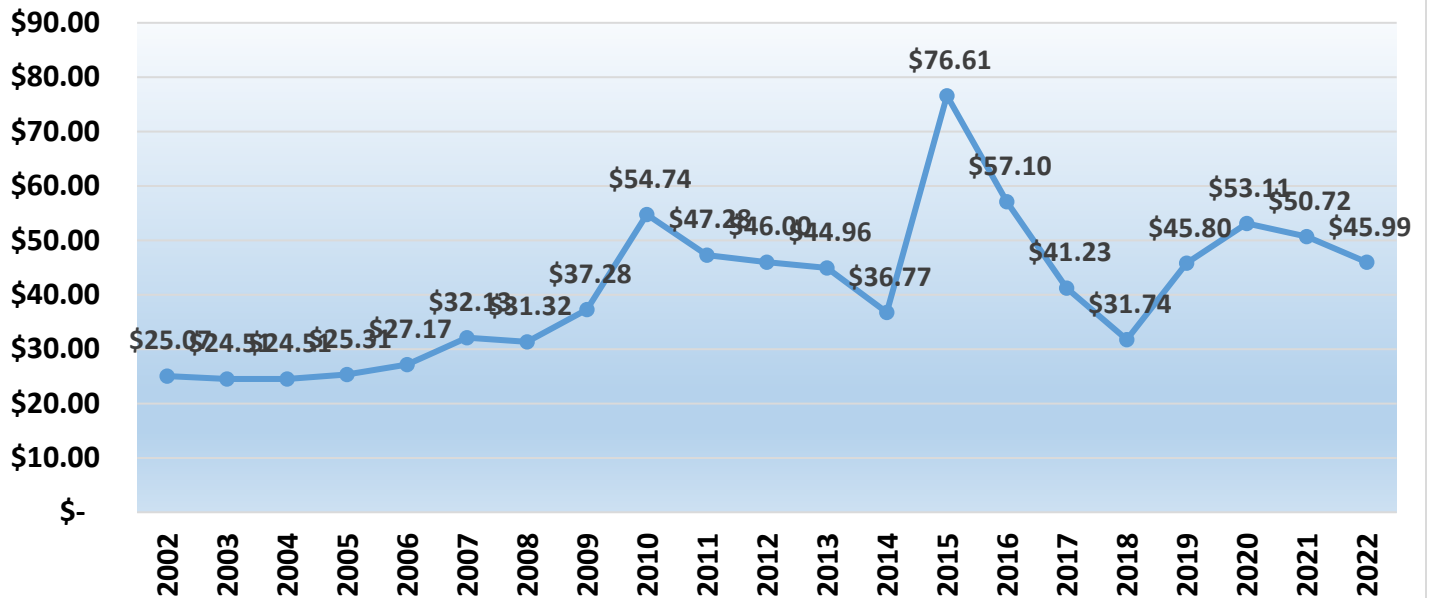




500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Salt Per Ton History





QUALITY LIFE THROUGH GOOD ROADS:
ROAD COMMISSION FOR OAKLAND COUNTY
"WE CARE."

Board of Road Commissioners

Ronald J. Fowkes
Commissioner

Andrea LaLonde
Commissioner

Nancy Quarles
Commissioner

Dennis G. Kolar, P.E.
Managing Director

Gary Piotrowicz, P.E., P.T.O.E.
Deputy Managing Director
County Highway Engineer

Highway Maintenance
Department

2420 Pontiac Lake Road
Waterford, MI 48328

248-858-4881

FAX
248-858-7607

www.rcocweb.org

September 20, 2021

Mr. Kurt Bovensiep
Public Works Director
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084-5285

RE: 2021-2022 Winter Maintenance Agreement

Dear Mr. Bovensiep:

Attached are two copies of a Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy.

This 2021-2022 agreement has an increase of 2%, which increases the amount from \$306,227.77 to \$312,352.33.

If this agreement is satisfactory, please return the two-signed copies and the resolution of approval by your City Council. One fully signed copy will be returned to you upon approval by the Board of Road Commissioners.

Please furnish proof that your liability insurance covers this agreement, and particularly covers your personnel and equipment working on county roads under the jurisdiction of the Board of Road Commissioners. If there are any changes in this coverage during the term of this agreement, we must be notified of these changes. We will also need a current certificate of membership in the Michigan Municipal Workers Compensation Fund.

The Board of Road Commissioners and I extend our appreciation to you, the City Council, and your personnel for the fine work that has been done. We will continue to cooperate in any way to provide our citizens with the best road system possible.

We request that your signed agreement be returned to us no later than the end of November, so that we may present the agreement to our Board prior to the end of the year, which will allow RCOC to make payments per the agreement.

Sincerely,

Darryl M. Heid, P.E.
Director of Highway Maintenance

/gg
Attachment

2021-20221 WINTER MAINTENANCE AGREEMENT
CITY OF TROY

Under 1951 PA 51, As Amended

This Winter Maintenance Agreement (“Agreement”) is made this ____ day of _____, 2021, between the Board of County Road Commissioners of the County of Oakland, State of Michigan, a public body corporate, hereinafter referred to as the “Board,” and the City of Troy, Oakland County Michigan, a Michigan municipal corporation hereinafter referred to as the “City.”

WHEREAS, certain county primary and local roads more specifically set forth in Exhibit A, attached hereto, are under the jurisdiction and control of the Board and are located within or adjacent to the City; and

WHEREAS, The City desires to be responsible for certain winter maintenance of said roads under the terms of this Agreement, and the Board is willing to participate in the cost thereof as provided in Section III of this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants set forth herein as provided, it is hereby agreed as follows:

I

The City will perform Winter Maintenance of certain roads under the terms of this Agreement, and the Board will participate in the cost thereof as provided in Section III of this Agreement. “Winter Maintenance,” herein required to be performed by the City, shall mean snow removal and ice control, on all roads listed in Exhibit A, as follows: Snow removal by blading, plowing and other methods necessary to make the roads reasonably safe for public travel, and ice control by salting, sanding, scraping and other methods necessary to make the roads reasonably safe for public travel, together with such other work and services, such as recordkeeping and insurance, required by this Agreement. All Winter Maintenance work and services performed by the City shall be in accordance with the Board’s maintenance guidelines, including the Board adopted Winter Maintenance Guidelines, the Board’s standard practices and this Agreement.

II

The City shall keep accurate and uniform records of all Winter Maintenance work performed pursuant to this Agreement. The Board shall have the right to audit City accounts and records insofar as such documents concern this Agreement and the work and services performed and to be performed hereunder.

III

In consideration of the assumption of Winter Maintenance by the City, the Board hereby agrees to pay to the City the sum of \$312,352.33 as set forth in Exhibit A, attached hereto and made a part hereof. Such amounts are to be used by the City for Winter Maintenance. Payments are to be made by the Board to the City as follows:

50% in December 2021
50% in March 2022

The making of said payments shall constitute the Board’s entire obligation in reference to Winter Maintenance.

IV

The City hereby agrees to hold harmless, represent, defend and indemnify the Board, the Road Commission for Oakland County, its officers, and employees of the County of Oakland; the Office of the Oakland County Water Resources Commissioner and applicable drainage districts(s); the Michigan State Department of Transportation and the Transportation Commission; and any and all local units(s) of government within which the roads subject to this Agreement are located, against any and all claims, charges, complaints, damages, or causes of action for (a) public or private property damage, (b) injuries to persons (including death), or (c) other claims, charges, complaints, damages or causes of action arising out of the performance or non-performance of the activities which are the subject matter of this Agreement, specifically those activities set out in Section I, both known and unknown, whether during the progress or after the completion thereof. However, this hold harmless provision does not apply in so far as any claim or suit is alleged to be, or demonstrated to be, the result of a defect in highway design or condition and not related to the Winter Maintenance activities set out in Section I. Further, since the Board has the statutory responsibility for maintenance of the roads under this Agreement, it is the intent of the parties that the delegation by this Agreement of those maintenance responsibilities to the City provide immunity to the City as an agent of the County. Therefore, the City falls within the governmental immunity protection of the County.

During that part of the year that the City is providing Winter Maintenance under Section I, the City agrees to promptly notify the Board as soon as possible, but not longer than 10 days, should it become aware of defects or maintenance requirements in the roads set forth in Exhibit A, if said defects or maintenance requirements are not Winter Maintenance subject to this Agreement.

V

The City shall acquire and maintain, during the term of the Agreement, statutory worker's compensation insurance, employer's liability insurance, automobile and comprehensive general liability insurance coverages, as more fully described in Exhibit B attached hereto, covering the Board's liability for any and all claims arising out of the City's performance or non-performance of the activities which are the subject matter of this Agreement.

VI

The City further agrees to comply with all applicable laws and regulations, including laws and regulations of the State of Michigan for safeguarding the air and waters of the State. In particular, City facilities and operations must meet the provisions of Part 5 (Spillage of Oil and Polluting Materials) rules promulgated pursuant to Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. (Rules R324.2001 through R324.2009 address release prevention planning, secondary containment, surveillance, and release reporting requirements).

VII

In accordance with Michigan 1976 Public Acts No. 220 and 453, being MCLA §§37.1209 and 37.2209, as the same may be amended, the City and its subcontractors shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status; or because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position.. A breach of this covenant may be regarded as a material breach of this Agreement.

VIII

It is the intention of the parties hereto that this Agreement is not made for the benefit of any third party.

It is anticipated that subsequent agreements regarding Winter Maintenance activities will be executed annually by the Parties hereto.

The terms and conditions of this Agreement shall become effective on October 1, 2021 and shall continue in full force and effect until a subsequent Winter Maintenance agreement has been executed by the parties hereto or until this Agreement is terminated, as set forth below.

In the event that a subsequent Winter Maintenance agreement has not been executed by the parties hereto on or before September 1, 2022, either party may terminate this Agreement by providing the other party hereto with written notice of intent to terminate, at least thirty (30) days prior to the date of termination.

This Agreement is executed by the Board at its meeting of _____,
and by the City by authority of a resolution of its governing body, adopted _____,
(copy attached as Exhibit C).

Witnesses:

CITY OF TROY
A Municipal Corporation

By: _____

Its: _____

By: _____

Its: _____

Witnesses:

BOARD OF COUNTY ROAD COMMISSIONERS
OF THE COUNTY OF OAKLAND,
A Public Body Corporate

By: _____

Its: _____

By: _____

Its: _____

WINTER MAINTENANCE

2021-2022

CITY OF TROY

EXHIBIT A

Long Lake Road

Extending from Adams to Dequindre

<u>Miles</u>	<u>Cost Per Mile</u>	
1.54	\$4,069.08	\$ 6,266.38
0.16	\$5,773.31	\$ 923.72
3.47	\$7,120.91	\$ 24,709.54
<u>0.86</u>	<u>\$8,782.89</u>	<u>\$ 7,553.28</u>
6.03		\$ 39,452.92

John R Road

Extending from Fourteen Mile Road to South Boulevard

<u>Miles</u>	<u>Cost Per Mile</u>	
1.15	\$4,069.08	\$ 4,679.44
0.32	\$5,773.31	\$ 1,847.45
4.37	\$7,120.91	\$ 31,118.37
<u>0.38</u>	<u>\$8,782.89</u>	<u>\$ 3,337.49</u>
6.22		\$ 40,982.75

Big Beaver

Extending from Adams to Dequindre

<u>Miles</u>	<u>Cost Per Mile</u>	
3.40	\$7,120.91	\$ 24,211.09
<u>2.61</u>	<u>\$8,782.89</u>	<u>\$ 22,923.34</u>
6.01		\$ 47,134.43

Crooks Road

Extending from Maple Road to South Boulevard

<u>Miles</u>	<u>Cost Per Mile</u>	
0.38	\$4,069.08	\$ 1,546.25
0.26	\$5,773.31	\$ 1,501.06
3.08	\$7,120.91	\$ 21,932.39
<u>1.40</u>	<u>\$8,782.89</u>	<u>\$ 12,296.03</u>
5.12		\$ 37,275.73

Livernois Road

Extending from Maple Road to South Boulevard

<u>Miles</u>	<u>Cost Per Mile</u>	
1.31	\$4,069.08	\$ 5,330.49
0.34	\$5,773.31	\$ 1,962.92
3.05	\$7,120.91	\$ 21,718.77
<u>0.43</u>	<u>\$8,782.89</u>	<u>\$ 3,776.64</u>
5.13		\$ 32,788.82

CITY OF TROY
EXHIBIT A
(Continued)

Maple Road

Extending from Dequindre to Coolidge

<u>Miles</u>	<u>Cost Per Mile</u>		
5.01	\$7,120.91	\$	35,675.75

South Boulevard

Extending from Dequindre to Adams

<u>Miles</u>	<u>Cost Per Mile</u>		
5.96	\$4,069.08	\$	24,251.71

Dequindre Road

Extending from Fourteen Mile to South Boulevard

<u>Miles</u>	<u>Cost Per Mile</u>		
2.16	\$4,069.08	\$	8,789.21
<u>3.98</u>	<u>\$7,120.91</u>	<u>\$</u>	<u>28,341.21</u>
6.14		\$	37,130.42

Adams Road

Extending from South Troy City Limits to South Boulevard

<u>Miles</u>	<u>Cost Per Mile</u>		
4.34	\$4,069.08	\$	17,659.80

Total Miles

49.96		TOTAL	<u>\$</u> 312,352.33
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TWO LANES (\$4,069.08 per mile)

<u>Miles</u>	<u>Cost Per Mile</u>		
1.54	\$4,069.08	\$	6,266.38
1.15	\$4,069.08	\$	4,679.44
0.38	\$4,069.08	\$	1,546.25
1.31	\$4,069.08	\$	5,330.49
5.96	\$4,069.08	\$	24,251.71
2.16	\$4,069.08	\$	8,789.21
<u>4.34</u>	<u>\$4,069.08</u>	<u>\$</u>	<u>17,659.80</u>
16.84		\$	68,523.28

CITY OF TROY
EXHIBIT A
(Continued)

THREE LANES (\$5,773.31 per mile)

<u>Miles</u>	<u>Cost Per Mile</u>		
0.16	\$5,773.31	\$	923.72
0.32	\$5,773.31	\$	1,847.45
0.26	\$5,773.31	\$	1,501.06
<u>0.34</u>	\$5,773.31	\$	<u>1,962.92</u>
1.08		\$	6,235.15

FOUR OR FIVE LANES (\$7,120.91 per mile)

<u>Miles</u>	<u>Cost Per Mile</u>		
3.47	\$7,120.91	\$	24,709.54
4.37	\$7,120.91	\$	31,118.37
3.40	\$7,120.91	\$	24,211.09
3.08	\$7,120.91	\$	21,932.39
3.05	\$7,120.91	\$	21,718.77
5.01	\$7,120.91	\$	35,675.75
<u>3.98</u>	\$7,120.91	\$	<u>28,341.21</u>
26.36		\$	187,707.12

SIX OR MORE LANES (\$8,782.89 per mile)

<u>Miles</u>	<u>Cost Per Mile</u>		
0.86	\$8,782.89	\$	7,553.28
0.38	\$8,782.89	\$	3,337.49
2.61	\$8,782.89	\$	22,923.34
1.40	\$8,782.89	\$	12,296.03
<u>0.43</u>	\$8,782.89	\$	<u>3,776.64</u>
5.68		\$	49,886.78

Total Miles

49.96

TOTAL

\$ 312,352.33

50% in December, 2021	\$ 156,176.17
50% in March, 2022	<u>\$ 156,176.16</u>
	<u>\$ 312,352.33</u>

EXHIBIT B

2021-2022 WINTER MAINTENANCE AGREEMENT

ROAD COMMISSION FOR OAKLAND COUNTY

INSURANCE PROVISION

(CITY)

Insurance Coverage:

The City, prior to execution of the maintenance agreement, shall file with the Road Commission for Oakland County, copies of completed certificates of insurance as evidence that he carries adequate insurance satisfactory to the Board. Insurance coverage shall be provided in accordance with the following:

- a. Worker's Compensation and Employer's Liability Insurance: The insurance shall provide worker's compensation protection for the City's employees, to the statutory limits of the State of Michigan, and provide Part B Employers Liability as follows:

Each Accident	\$500,000
Disease – Each Employee	\$500,000
Disease – Policy Limit	\$500,000

The indemnification obligation under this section shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the City under worker's disability compensation coverage established by law.

- b. Bodily Injury and Property Damage: The insurance shall provide protection against all claims for damages to public or private property, and injuries to persons arising out of and during the progress and to the completion of the work, and with respect to product and completed operation for one year, after completion of the work.

1. Bodily Injury and Property Damage Other Than Automobile: The minimum limits of property damage and bodily injury liability covering each contract shall be:

Bodily Injury and Property Damage Liability:	or: Combined Single Limit:
Each Person \$1,000,000	Aggregate \$2,000,000
Each Occurrence \$1,000,000	
Aggregate \$2,000,000	

Such insurance shall include: 1) explosion, collapse, and underground damage hazards (x,c,u), which shall include, but not be limited to coverage for (a) underground damage to facilities due to drilling and excavating with mechanical equipment; and (b) collapse or structural injury to structures due to blasting or explosion, excavation, tunneling, pile driving, cofferdam work, or building moving or demolition; (2) products and completed operations; (3) contractual liability; and (4) independent contractors coverages.

2. Bodily Injury Liability and Property Damage Automobiles: The minimum limits of bodily injury liability and property damage liability shall be:

Bodily Injury and Property Damage Liability:	or: Combined Single Limit:
Each Person \$1,000,000	Each Occurrence: \$1,000,000
Each Occurrence \$1,000,000	

Such insurance shall include coverage for all owned, hired, and non-owned vehicles.

- c. Excess and Umbrellas Insurance – The City may substitute corresponding excess and/or umbrella liability insurance for a portion of the above listed requirements in order to meet the specified minimum limits of liability.
- d. The City shall provide for and in behalf of the Road Commission for Oakland County and all agencies specified by the Road Commission, as their interest may appear, Owner's Protective Public Liability Insurance. Such insurance shall provide coverage and limits the same as the City's General Liability Insurance.
- e. Notice – The City shall not cancel, renew, or non-renew the coverage of any insurance required by this Section without providing 30-day prior written notice to the Road Commission for Oakland County. All such insurance shall include an endorsement whereby the insurer shall agree to notify the Road Commission for Oakland County 30 days in advance of any reduction by the City. The City shall cease operations on the occurrence of any such cancellation or reduction and shall not resume operations until new insurance is in force. If the City cannot secure the required insurance within 30 days, the Board reserves the right to terminate the Contract.
- f. Reports: Within thirty (30) days of receipt of each claim, the City or its insurance carrier shall report to the Road Commission a description of the claim received, the claim investigations made, and the disposition of claim.

See provisions of the maintenance agreement to which this Exhibit B is attached.



500 West Big Beaver
Troy, MI 48084
troymi.gov

K-02a

CITY COUNCIL AGENDA ITEMS

Date: October 6, 2021

To: Honorable Mayor and City Council Members

From: Lori Grigg Bluhm, City Attorney

Subject: Proposed New Ethics Ordinance for Elected and Appointed Officials

Enclosed please find a draft of a proposed new Ethics Ordinance for City officials (Chapter 14A), as well as a proposed amendment to Chapter 14 that removes the disclosure provisions that apply to City officials, since these are incorporated in the new proposed Chapter 14A.

This draft is a compilation of recent Ethics ordinances from other communities, as well as the incorporation of the most recent City Council and Board and Committee Code of Ethics. It also addresses some issues that have arisen in recent history.

This draft is being provided to you at this time as a report and communication. City Administration encourages any questions, comments and proposed revisions, which may come from City Management or from City Council, once there is an opportunity to thoroughly review the proposed new ordinance language. Questions prior to the meeting and discussion and/or consensus is also welcomed at the October 11, 2021 City Council meeting.

Any necessary additions, deletions, or amendments will be incorporated into a proposed new Ethics Ordinance, which is intended to be submitted as an action item for the October 25, 2021 regular City Council agenda.

Please let me know as soon as possible if you have any comments, questions, concerns, or proposed revisions.

Draft Elected and Appointed Persons Ethics Ordinance- Chapter 14A

CITY OF TROY

AN ORDINANCE TO ADOPT CHAPTER 14A- CITY OF TROY ORDINANCE- ELECTED AND APPOINTED PERSONS ETHICS ORDINANCE

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as Chapter 14A- City of Troy Ordinance- Elected and Appointed Persons Ethics Ordinance.

Section 2. Ordinance

Chapter 14A is adopted as follows:

14.1 Purpose. This Code of Ethics is adopted to allow all public officials to construe and implement ethical standards and guidelines, and require elected and appointed official's conduct be above reproach. Troy's elected and appointed officials shall carefully and conscientiously avoid any conduct that undermines public confidence, guided by the following principles:

- *Public interest.* City officials are delegated power from the public and are obliged to exercise that power as trustees of the public. The power and resources of government service therefore shall be used only to advance the public interest.
- *Objective judgment.* Loyalty to the public interest requires that all matters shall be decided with independent, objective judgment, free from avoidable conflicts of interest, improper influences, and competing loyalties.
- *Accountability.* Government affairs shall be conducted in an open, efficient, fair and honorable manner, which enables citizens to make informed judgments and to hold officials accountable.
- *Democratic leadership.* All City officials shall honor and respect the principles of representative democracy and will scrupulously observe the spirit as well as the letter of the law.
- *Respectfulness.* All City officials shall safeguard public confidence by being honest, fair and respectful of all persons and property with whom they have contact, by maintaining nonpartisanship in all official acts, and by avoiding conduct which may tend to undermine respect for City officials and employees and for the City as an institution.

14.2 Definitions. The following words and phrases shall have the following meaning:

City official is a person elected, appointed or otherwise serving in any capacity involving the exercise of a public power, trust or duty.

Compensation is any money, property, thing of value or benefit received by any person in return for services rendered.

Confidential Information is information obtained by a Public Official or Employee by reason of his or her position that is not available to members of the public pursuant to the Michigan Freedom of Information Act or other applicable laws, regulations, or procedures.

Conflict of interest is either a personal interest or a duty or loyalty to a third party that competes with or is adverse to a City official's duty to the public interest in the exercise of official duties or official actions.

Entity means any agents, agency, contractors, vendors, or entities operated for economic gain, whether professional, industrial, or commercial, and whether established to produce or deal with a product or service, including but not limited to entities operated in the form of a corporation, limited liability company, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, activity or other entities which is organized for profit.

Gift means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, travel, lodging, and honoraria for speaking engagements related to or attributable to government employment or an official position of an official. Gift does not include small tokens of a nominal value, or any reportable campaign contributions pursuant to State law.

Governmental decision means a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, ordinance, or measure on which a vote by the members of a legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, which is empowered to exercise authority or perform an official action, or formulate or effectuate public policy.

Immediate Family Member shall mean Public Official's spouse, significant other, parent, parent-in-law, step-parent, sibling, child, step-child, grandchild, step-grandchild or grandparent or any relative sharing the same household.

Official means a person who holds office, by election or appointment within the City, regardless of whether they are compensated for service in an official capacity,

including individuals appointed to a City board or commission. It does not include City employees for the purposes of this Ordinance.

Official duties or official actions are failures to act or decisions, recommendations, approvals, disapprovals or other actions which involve the use of discretionary authority.

Pecuniary Interest means the opportunity, directly or indirectly, to profit or share in any profit derived from a transaction.

Prohibited source means any person or entity who:

Is seeking official action by an official;

Does business or seeks to do business with the official;

Conducts activities regulated by the official or by a City employee, or another employee directing that employee; or

Has interests that may be substantially affected by the performance or nonperformance of the official duties of the official.

Publicly Disclose shall mean to disclose in such a manner as to ensure all involved in considering the decision, action or contract are aware of the conflict of interest or other situation requiring disclosure and the nature of same.

Relative means any relationship established by blood, marriage, or legal action.

Unethical Conduct means a violation of any prohibited conduct as described in this Ordinance or under State law.

14.3 Annual Training and Acknowledgement.

A. This Ethics Ordinance is intended to be self-enforcing and therefore becomes most effective when everyone is thoroughly familiar with and embraces its provisions. For this reason, ethical standards shall be included in the regular orientation for newly elected and appointed officials.

B. Prior to attending the first official meeting after election or appointment, City officials shall sign a statement affirming they have read and understood this Ethics Ordinance and agree to be bound by its provisions.

C. City officials shall participate in annual ethics training provided by City Administration or a qualified outside contractor.

D. This Ordinance shall be annually reviewed by the Troy City Council at the first regular meeting in November. At that time, Council may evaluate past operations and consider recommendations and make any necessary revisions.

14.4 Principal Ethical Responsibilities.

- A. City Officials are bound to uphold the Constitution of the United States and the Constitution of the State and to carry out impartially and comply with the laws of the United States, State of Michigan, and the City.
- B. City officials shall communicate only truthful and complete information. Public officials shall not knowingly make false or misleading statements or use false or misleading information as a basis to support a decision.
- C. City officials shall conduct themselves with respect and civility, and as role models for residents, business people and other stakeholders. City officials shall support the maintenance of a positive and constructive workplace environment for City employees, citizens and businesses dealing with the City.
- D. City officials agree to conduct public deliberations and processes openly, unless such deliberations are lawfully closed to the public. City officials also agree to become informed concerning the issues to be considered at each meeting.
- E. City officials shall exercise the public trust for the common good, and not for personal gain. City officials shall be guided by the principle that all official decisions and all official actions are intended to improve the quality of life in the community.
- F. Because of the value of independent advice of boards, commissions and committees to the public decision-making process, members of the Troy City Council shall refrain from using their official positions to unduly influence the deliberations, outcomes or recommendations of any other City board, commission or committee proceedings. To that end, City Council members shall not attend any board or committee meeting where the board or committee members are appointed or approved by the Troy City Council. However, this does not prevent a City Council member who is duly appointed to a board or committee from attending and participating at those board or committee meetings.
- G. When a City Council member represents the City on a regional or multijurisdictional board or commission and is confronted with an issue that pits or could pit the City's interests against the greater interests of the broader board or commission, the City Council representative shall make significant efforts to obtain direction and guidance from Troy City Council in advance of any required vote, in accordance with the Open Meetings Act provisions.
- H. In their official, professional and personal lives, City officials shall observe proper decorum, and not engage in offensive behavior or take any action that results in an appearance of impropriety. City officials should avoid the use of derogatory or denigrating language. While recognizing First Amendment rights, all City officials should refrain from abusive conduct and personal charges or verbal attacks upon the character or motives of other City officials, residents, employees, contractors, and officials from other governmental entities.

I. City officials shall support official Council or Board or Committee actions, resolutions, decisions, policies or positions. This does not preclude City officials from presenting individual opinions and positions in certain situations, as long as City officials explicitly state that they do not represent the Council, Board or Committee or the City as a whole.

J. City officials must not exceed their authority or breach the law or ask others to do so.

K. City officials shall safeguard public confidence by being honest, fair and respectful of all persons and property with whom they have contact, by maintaining non-partisanship in all official acts, and by avoiding official conduct which may tend to undermine respect for Public Officials and Employees and for the City as an institution.

L. City officials shall work with other City officials to establish effective policies.

M. City officials shall delegate the authority for the running of the City to the City's Administrative staff.

N. City officials should encourage free expression of opinion by all other City officials.

O. City officials should render decisions in a fair and impartial manner, based on the available facts and independent judgment, rather than succumbing to the influence of individual or special interest groups.

P. City officials should make every effort to attend all meetings.

Q. City officials should use the same care and caution when using electronic media as would be exercised when speaking face to face or through written memorandum or other communication.

14.5 Gifts

A. City officials shall not intentionally solicit or accept any gift or loan of money, goods, services or other things of value from any prohibited source or which is otherwise prohibited by law or ordinance. The following are not prohibited by law or ordinance:

1. Any contribution that is lawfully made under the Campaign Finance Laws of the State of Michigan.
2. Opportunities, benefits, and services that are extended to all participants in an event or activity that is open to the public.

3. Acceptance of promotional or logo material with a nominal value not exceeding \$25.00.
4. Anything for which the public official pays the fair market value.
5. A gift from an immediate family member or significant other.
6. Perishable or consumable gifts with a nominal value not exceeding \$25.00.
7. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position of the recipient and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether the individual who gave the gift also at the same time gave the same or similar gifts to other public officials.
8. Food, refreshments, lodging, transportation, and other benefits resulting from a City official's attendance at a relevant educational or training conference, such as a Michigan Municipal League conference, unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the unique official position of the recipient and not extended to other similarly situated officials.
9. Admission to a charitable or non-profit event or fundraiser when the City official is attending as a representative of the City or for which other public officials of other local governments have similarly been provided complimentary admission due to their status as governmental officials.
10. Admission to events honoring another public official or governmental official when the City Official is attending as a representative of the City or for which other public servants or officials of other local governments have similarly been provided complimentary admission due to their status as governmental officials.
11. Intra-governmental and inter-governmental gifts. An intra-governmental gift means any gift given to a City official from another official or employee, and an inter-governmental gift means any gift given to an official by an official or employee of another governmental entity.

B. A City official does not violate this section if they explain the City's policy against the acceptance of gifts and promptly take reasonable action to return a gift from a prohibited source or donate said gift to a non-profit organization.

14.6 Disclosure of Confidential Information.

A City official who acquires information in the course of his or her official duties, which by law or policy is confidential, shall not prematurely divulge shall not divulge that information to an unauthorized person, nor use the information to further the private interest of the City official or any third party.

14.7 Public resources.

A public official shall use personnel resources, property, and funds under their care and control judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal or political gain.

14.8 Personal Profit.

A. No City official shall intentionally take or refrain from taking any official action, or induce or attempt to induce any other City official from taking any official action on any matter before the City which would result in a financial benefit for the City official, an immediate family member, an outside employer, any business in which the City official or an immediate family member has a financial interest, or any business with which the City official or immediate family member is negotiating or seeking prospective employment or other business or other professional relationship.

B. No City Official shall use or attempt to use his or her official position to secure or request any special consideration, privilege, exemption, advantage, contract or preferential treatment for himself, herself, or others, beyond that which is available to every other citizen.

C. No Public Official or Employee shall acquire any financial benefit in or accept any employment concerning any project which has been granted approval by the City within one year of the Public Official's participation in any manner in considering or recommending the approval or disapproval of said project.

14.9 Incompatibility of Office and Conflicts of Interest

A. A public official shall not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the official's duties or when that employment may tend to impair his or her independence of judgment or action in the performance of official duties. The simultaneous holding of more than one public position under certain circumstances is contrary to the requirements of the Incompatible Public Offices Act, MCL 15.181 et seq. However, the simultaneous holding of certain public positions is permitted where specifically authorized by the Michigan Constitution of 1963 or state statute.

B. There is a rebuttable presumption that there is no prohibited conflict of interest when a City official is a member or serves on a board, without compensation, which is substantially affiliated with or controlled by the City or 501C(3) not-for-profit organization. However, the City official shall make a disclosure of his or her affiliation prior to any action on the matter.

C. City officials should err on the side of disclosure when there is a potential or perceived conflict of interest. Where there is any question about a potential conflict of

interest, even though it may not be an actual conflict, City officials should discuss the particular situation with the City Manager, City Attorney, City Clerk and/or City staff liaison to the board or committee (City Administration) in advance of any meeting concerning the matter. If after such discussion, City Administration recommends disclosure, considering the interests of the City and those of the individual involved, the City official would then be responsible to publicly disclose the potential conflict or situation to the entire Council, board or committee before any presentation or discussion on the matter. This process allows for the Council, board or committee to take affirmative action to recuse the public official from further participation upon the determination when it determines that there is a conflict of interest.

14.10 Annual Disclosure Statements

A. The Mayor and all members of the Troy City Council, and all candidates for these elected positions; as well as all members of the Troy Planning Commission and all applicants; all members of the Board of Zoning Appeals and all applicants; and all members of the Troy Liquor Committee and all applicants are required to timely file an Annual Disclosure Statement with the Troy City Clerk. The mandated Annual Disclosure Statement shall provide the information required Section 6.4 and 6.12 of the Troy Charter.

B. Any candidate for the elected offices of Mayor or City Council who fails to file the required full disclosure statement prior to the deadline for completing all other acts necessary to have his or her name placed on the ballot shall be ineligible to have his or her name placed upon said ballot.

C. Any applicant being considered for appointment to the Troy Planning Commission or the Board of Zoning Appeals or the Liquor Control Committee who fails to file a full disclosure statement prior to his or her official appointment shall be ineligible to serve on the board or committee.

D. Any elected or appointed City official that fails to timely submit the required full disclosure statement shall be subject to removal from office for misconduct. In such a case, the City Clerk shall send an official notice to the City official, giving them at least ten days to comply, and setting a date for a removal hearing at a regular Troy City Council meeting. If the City official fails to timely file the required full disclosure statement by the scheduled deadline, then the Troy City Council shall hold a hearing in order to provide the City official with an opportunity to present proof of compliance prior to being removed from office. There is a presumption of misconduct in office if the City Clerk states under oath that he or she has not timely received the required full disclosure statement from the City official. The City official will have the opportunity to rebut this presumption, and present all material factual evidence and testimony and/or cross examine witnesses. The City official can be represented by legal counsel at the hearing. If the City official failing to timely file the required full disclosure statement is a City Council member, they shall not participate in any decision. At the close of the hearing, a simple majority of the participating City Council

members shall determine if removal from office is appropriate (exclusive of any member whose removal is being considered).

E. A City official shall not participate, in the course of official duties, in any transaction which subsequently would be required to be disclosed in an annual disclosure statement or which would constitute a conflict of interest without disclosing the interest in the transaction prior to participating in the transaction.

14.11 Personal and financial interests

A City official shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation or supervision relating to any entity in which the City official has a financial interest, personal interest, or a *fiduciary duty*. For the purposes of this section *fiduciary duty* means the responsibility to act on behalf of a beneficiary as a director or executive board member of a corporation, for profit or otherwise.

14.12 Political Activities

- A. A City official or candidate for City Council shall not solicit contributions or endorsements from City appointees, employees, contractors or volunteers during the course of their official duty. This provision is not intended to interfere with an individual or group's right to endorse or contribute on their own, or to prohibit soliciting contributions or endorsements outside of the course of an official duty.
- B. City resources shall not be used for political benefit in accordance with the restrictions of the Michigan Campaign Finance Act, MCL 169.257 et. seq.. This does not prevent a City official or candidate's use of City property or facilities that are available to the general public on an equal basis, as long as due consideration is paid. A knowing violation of Section 57 of the Campaign Finance Act is a misdemeanor offense according to MCL 169.257(4).
- C. Any candidate or committee, as defined in the Michigan Campaign Finance Act, Act 388, Public Acts of Michigan, 1976, as amended, who receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of electors of the City in City elections shall timely file the statements or reports required to be filed in accordance with the Michigan Campaign Finance Act. Any candidate may file a duplicate copy of any such statement or report with the Troy City Clerk to supplement the information required by the annual disclosure statement.

14.13 Anti-Nepotism

No City official shall cause the employment or any favorable employment action of an immediate family member. No City official shall participate in any employment decision about that family member. This section shall not prevent a City official from preparing or approving a budget which includes compensation for an immediate family member,

so long as that immediate family member receives the same treatment as others in his/her classification.

14.14 Retaliation

A. A Public Official or Employee who reports or is about to report a violation of this Ordinance or who requests an advisory opinion shall not be retaliated against in any manner for such action or participation. Additional protections for City officials and employees who act as Whistleblowers are found in the State Ethics Act MCL 15.341 et. seq., and the Whistleblowers' Protection Act, 1980 PA 469, MCL 15.361 et. seq..

B. Any person who reports an alleged violation or files a complaint alleging a violation of this Ordinance, knowing that material information provided therein is not true or provides information in reckless disregard for the truth may be required to reimburse reasonable costs incurred by the City in investigating or responding to the allegations.

14.15 Violations

- A. Any person who believes that a City official has engaged in unethical conduct, in violation of this Ordinance or State law, can submit a written complaint to the Troy City Clerk, Troy City Manager, or Troy City Attorney.
- B. Within five days of receipt, the Troy City Clerk, Troy City Manager or Troy City Attorney will review the complaint and verify that there is procedural compliance with this Ordinance and jurisdiction over the matter and the individual identified in the Complaint, and if so, will forward a written notification of the suspected violation to the City official who allegedly violated the Ordinance and/or the proper investigating authority. This notification shall offer an opportunity to submit a written response to the allegations contained in the Complaint, and provide a deadline for any such response.
- C. When any person has a question or a complaint as to the applicability of any provision of this Ordinance to a particular situation, that question or complaint can also be submitted in writing to the Troy City Clerk, Troy City Manager, or Troy City Attorney.
- D. After the response deadline, the Troy City Clerk, Troy City Manager, or Troy City Attorney shall provide any complaint of a violation of this Ordinance or any request for an advisory opinion to the Troy City Council, in addition to all documentation submitted, including but not limited to any response.
- E. The Troy City Council, upon receipt or a request for an advisory opinion or a complaint that a City official engaged in unethical conduct, has the responsibility for determining the sufficiency of the complaint. To that end, the Troy City Council has all the following powers:
 - a. Refer the matter to an appropriate law enforcement agency or other authority authorized to act. If such action is taken, then the Troy City Council shall stay any further proceedings until there is a final adjudication.
 - b. Authorize the retention of an outside attorney to investigate the matter and make a recommendation to the Troy City Council.
 - c. Hold a public due process hearing where the City official will have the opportunity to refute the charges of unethical conduct. Any such hearing

shall be held as quickly as possible, but not less than fourteen days after written notification of the due process hearing date. The alleged offending City official will have the ability to be represented by legal counsel at any such due process hearing.

- d. Request assistance or opinion from Troy City Administration.
 - e. Issue an advisory opinion, either with or without identifying the named City official.
 - f. Provide guidance to the named City official.
 - g. Propose and monitor an ongoing program of education of City officials regarding ethical issues and concerns.
 - h. Declare no action is required.
 - i. Issue a written reprimand to the named City official.
 - j. Issue a formal censure to the named City official.
 - k. Pursue removal proceedings against the named City official. If it becomes necessary to seek the removal of a City official, the City Council shall follow the requirements for removal in accordance with the laws of the State of Michigan.
 - l. Impose any other authorized sanction on the offending City official.
- F. In addition to any action by the Troy City Council, a violation of this Ethics ordinance or a violation of State law may also be prosecuted by the appropriate law enforcement agency. Any violation of this Ordinance is a misdemeanor, punishable by imprisonment of up to 90 days and/or a fine of \$500, in the discretion of the court.

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 5. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 6. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2021.

Ethan D. Baker, Mayor

M. Aileen Dickson, MMC, City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 14 CITY OF TROY ORDINANCE

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 14-City of Troy Ordinance.

Section 2. Ordinance

Sections B, C, and D of Chapter 14 are amended as follows (deletions in strike through and additions in red):

- B. APPLICATION. This Chapter shall be specifically applicable to ~~the Mayor and to members of the City Council, candidates for the office of Mayor and for City Council, all members of the City Plan Commission, the Board of Zoning Appeals, and the Liquor Committee, and all candidates for appointment by the City Council to the City Plan Commission, the Board of Zoning Appeals and the Liquor Committee,~~ the City Attorney, the City Manager, all department heads and inspectors employed by the City; the above-named parties shall for purposes of this Chapter be referred to as "officers or employees" of the City of Troy; the provisions of this Chapter are intended to be construed so as to be consistent with Section 6.4 and 6.12 of the Charter.
- C. ~~CANDIDATES—FAILURE TO FILE FULL DISCLOSURE STATEMENT, DISQUALIFICATION.~~
1. ~~Any candidate for the office of Mayor or City Council who shall fail to file a full disclosure statement containing the information set forth in Section 6.12(f) subparagraphs 1 through 4 inclusive prior to expiration of time allowed for completing all other acts necessary to have his name placed on the ballot, shall be ineligible to have his name placed upon said ballot.~~
 2. Any candidate and/or applicant whose name is under consideration for appointment ~~to the City Plan Commission, the Board of Zoning Appeals and the Liquor Committee, the~~ **as the** City Attorney, the City Manager, all department head positions and inspector positions who shall fail to file a full disclosure statement containing the information set forth in Section 6.12(f), subparagraphs 1 through 4, inclusive, shall be ineligible for consideration for such positions by the City Council and/or those delegated with such appointive power.
- D. OFFICERS FAILURE TO FILE FULL DISCLOSURE STATEMENT, REMOVAL FROM OFFICE.
1. Definition. The term officer shall apply to the following positions: ~~Mayor,~~

~~City Councilman, all other Municipal elective offices, City Plan Commission, Board of Zoning Appeals and Liquor Committee, City Manager and City Attorney.~~

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 5. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 6. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, _____.

Ethan D. Baker, Mayor

M. Aileen Dickson, MMC, City Clerk

A meeting of the Global Troy Advisory Committee was held on August 11, 2021 in the Council Boardroom located at 500 W. Big Beaver, Troy, MI 48084. in compliance with physical-place and physical-presence requirements of the Open Meetings Act in order to allow electronic meetings.

1.) Call to Order

The meeting was called to order at 6:10 p.m.

2.) Roll Call

Present: **Lisa Bica-Grodsky
MiVida Burrus
Awni Fahkoury
Nas Mohideen
Daniela Natcheva
Sharanya Swaminathan (Student Representative)
Suneel Sekhri**

Absent: **Ethan Baker
Allison Liu (Student Representative)
Carolina Noguez Ortiz
Tom Zhou**

Also present: **Sarah Ames, Staff Liaison / Recording Secretary**

3.) Consent Agenda

A. Minutes from the June 9, 2021 Regular Meeting

Resolution # GT – 2021-8-01

Moved by: Awni Fakhoury
Seconded by: Nas Mohideen

RESOLVED, that the Minutes of the June 9, 2021 meeting be approved as amended.

Yeas: - 6 -
Nays: None
Absent: - 3 -

4.) Regular Business

A. Rules of procedures for GTAC

Staff Liaison Ames announced that the group was no longer going to be utilizing the GTAC email and voicemail for public comment. Meetings are in person. We should make a commitment to wear masks during meetings.

The group made the decision to wear masks in-person meetings to protect the the health, safety, and comfort of each individual member.

B. International Day Event update

Committee Member Bica Grodsky gave an overview of the performers that are going on and needed information from groups.

Student Representative Swaminathan noted she will reach out to Elise to confirm with the country fiddlers group leader that they will participate in the International Day event.

Committee Member Bica Grodsky said the International Day performances will be in a tent unless the Covid situation changes. If something changes they will have a mobile stage. She also mentioned that someone needs to do tables for groups (dance groups and performers)

Committee Member Natcheva said she would manage this with Committee Member Mohideen's help.

Committee Member Bica Grodsky said we have to be careful when looking for people to do these tables because people that aren't politically charged focuses.

Committee Member Sekhri we should stay focused on International Day and be careful to only invite performers so that we don't get into political issues. He mentioned that GTAC should be clear that we are opening the tables but we are picking people that aren't focused on political issues.

Committee Member Fakhoury asked if food can be allowed at the tables.

Committee Member Bica Grodsky noted that there will be no food allowed. Non-edible handouts only unless they are individually wrapped candies.

Committee Member Sekhri asked for the list and contacts for performers so he can manage the stage.

Committee Member Bica Grodsky asked Committee Member Burrus to MC but she won't be in the area on September 19th, Committee Member Bica Grodsky is going to ask Student Representative Liu for help.

Those who are interested in working with the International Day subcommittee can use the signup genius to sign up which can be found on Troy Family Daze website.

C. Develop a 3-year plan of alternating, highlighted events each year

Committee Member Sehkri we should hold certain things every year

Committee Member Burrus noted that it is up to the group members to pick the events that they identify and would like to celebrate from their culture to highlight what resonates and what is important for each one of us.

Committee Member Burrus noted that we can scale back events every few years. For instance, Awni can have an event in February where I have BHM that we can still focus on but doing something smaller.

We can reshare things from the past to highlight the events as well so that we can still highlight but don't have to be focusing on a huge event.

Staff Liaison Ames printed out the list of events that she has previously compiled. The group will look at the list, add events, and then next meeting (September 8, 2021) we will compile a list of focused events.

D. Other Business

Committee Member Natcheva discussed the need for a GTAC budget.

Staff Liaison Ames noted that the group has a budget that started July 2021 and that the group would have discussed the way the group would like to want to spend the money in the last meeting but we didn't have a quorum.

Committee Member Natcheva emphasized that the group should spend the money on the International Day Event performers.

Committee Member Burrus noted that she would prefer to spend it on the GTAC group, the t-shirts, events, etc. because she believes Troy Daze has the money to support the performers.

The group decided to buy T-shirts.

Committee Member Bica-Grodsky recommended utilizing OCTEES to purchase the shirts.

Staff Liaison Ames noted that an International Day Event with Troy Daze (or a welcoming week event) is a requirement for Welcoming America and supported the idea that GTAC hosts their own if they no longer wish to participate in Troy Daze's.

Committee Member Burrus asked about a summer event and did something international for a prelude to 2022 for the International Day Event in the Fall. GTAC could ask people to donate food. That could be a focus or effort each year.

Staff Liaison Ames asked what day works best for you to meet because the current time seems to conflict with others.

Committee Member Burrus noted that she forgot about the meeting and that she needs a group text as a reminder.

Committee Member Mohideen agreed.

Committee member Burrus also mentioned that the group can hold other accountable and do things like having the board chair check in with you if you miss more than two group meetings.

E. Public Comment

None

F. Adjourn

The meeting was adjourned at 7:20PM



Ethan Baker, Chairperson



Sarah Ames, Staff Liaison / Recording Secretary

PARKS AND RECREATION ADVISORY BOARD

A Meeting of the Troy Parks and Recreation Advisory Board was held Thursday, September 16, 2021 in room 402 of the Troy Community Center.

Mike Brady called the meeting to order at 6:34 p.m.

Present: Mike Brady, Pam Brady, Tim Fulcher, Kelly Martin, John Shepherd, Akshitha Sahu, Dennis Trantham, Brian Goul, Kurt Bovensiep, Ashely Tebedo

Govindrajan Thattai arrived at 6:40pm.

Absent: Kristin Franklin recently resigned.

Introduction of Parks and Recreation Board Members

Visitors: None

Public Comments: None

Approval of Minutes

Resolution # PR - 2021 - 9 – 001

RESOLVED, that the minutes of February 18, 2021 are approve with the change to Kristin Martin to Kristin Franklin in approval of # PR 2021 – 4 - 003.

Moved by Kelly Martin

Seconded by Casey Colussi

Yes: 7

No: 0

MOTION CARRIED

Old Business - none

New Business-

Park Naming Presentation – Kurt Bovensiep

- Requires City Staff to publish the city is accepting names for the new park for thirty days.
- Parks and Recreation Board is to discuss names submitted then a public hearing would be held at a later date
- After the public hearing the Parks and Recreation Board has a meeting to decide which name to recommend and forward to Council
- Today's meeting it is advised the Parks and Recreation Board discusses and review names submitted and come up with one or two names.
- Discussion as a group to name Community/Family Gathering Place

- Jeanne Stein Community Park came up often in submission of names due to her efforts to save and develop civic area.
- The board discussed ideas of adding Community, Gathering Place, Civic Park, in the name.
- The City may receive 1.5 million in grants for a pavilion and ice rink. The City will not know until winter if the City will receive it.
- Discussion of naming new park one name and later name the pavilion Jeanne Stein.
- Board favored Jeanne M Stein Community Park, but will wait until public hearing

Troy Family Aquatic Center Yearly Update

- Had the best year in a long time.
- Fiscal year is July 1 through June 30. We cut the season in half.
- Was very difficult to find staff again this year.
- Had to re-evaluate rate of pay and increase lifeguards \$2.00 per hour.
- HR is looking at the budget in January on rates of pay for part time.
- In the past when Red Oaks filled to capacity they sent patrons to TFAC, this year they kept capacity at 1000 so this may have contributed to more visitors.
- Weather being good this summer was also big contributor to increase in patronage.

Troy Community Center

- Senior groups are back to meeting at the Troy Community Center.
- Passes are down in numbers.
- Room rentals are down.
- New Roof done in three phases.
- New HVAC, replacing 4 units.

Member Comments

- Kelly Martin discussed she noticed other communities spending a lot of money to improve their parks and realizes some financed by community funding.
- Kelly made a motion to direct city council to increase the budget by 5 million in Parks for improvements and additional staff as a one-time increase.
- Discussion
 - Current budget is 3-3.5 million in parks.
 - Current expenditures were 2.2 million in Recreation and has been 4.5 in the past.
 - Asking for one time increase of 5 million.
 - Additional staff permanent increase.

Resolution # PR - 2021 - 9 – 002

RESOLVED, that the Parks and Recreation Board wishes to direct the Troy City Council to make a one-time increase in the Parks budget by five million for improvements and additional staff.

Moved by Kelly Martin

Seconded by John Shepherd

Yes: 7

No: 0

MOTION CARRIED

- John Shephard asked about the availability of reserving baseball diamonds and soccer fields, and the need to reserve so that people can make plans to go to the fields knowing they would be available.
- Pre-recession you could reserve fields. Due to loss of staff and not being able to maintain fields to excessive use we have not reserved fields since.
- Kurt Bovensiep acknowledged that staff sees the need and can look at reserving fields again.
- Tim explained how teams can reserve Troy schools reserve fields. Elementary and middle school fields are free. High school fields are \$10. Must be 60 percent troy residents on the roster.
- Travel teams have funding and can afford to pay for field use.

Staff Reports

Brian Goul

- Largest loss is in pass memberships.
- Revenue took a big hit. Went from \$120,000 to \$40,000 a month.
- Historical Society and Nature Center are now under Recreation Department.
- Goal is to work together with Historical Society and Nature Center and do events together instead of all three being separate entities.
- Fall Fest is October 2.
- Frightful 5k is October 24.
- There were more kids in day camps this year than pre-covid years.

Dennis Trantham

- New structure at Jaycee park.
- Phase 3 of trail system starting in Jaycee park.
- Tennis courts are repaved and added pickleball.
- Replaced lighting at Boulan Park and Flynn Park.
- Purchased new equipment for maintenance.
- Renovating bathrooms.
- Wants to retain people if we can get the applicants, so they would stay on 20hr per week in fall/winter 40 hr in summer.

The meeting adjourned at 7:45 p.m.

Next meeting is scheduled for Thursday, November 18, 2021 at 6:30 pm.

Mike Brady, Chairperson

Ariel Capaldi, Recording Secretary



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M-02a

CITY COUNCIL REPORT

Date: October 1, 2021

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Glenn Lapin, Economic Development Specialist

Subject: Automation Alley Awarded U.S. Economic Development Administration Grant

Automation Alley, Michigan's Industry 4.0 knowledge center and a World Economic Forum Advanced Manufacturing Hub (AMHUB) for North America, has been awarded a \$1.3 million grant from the U.S. Economic Development Administration's (EDA) Office of Innovation & Entrepreneurship through its *Build to Scale Program*. This is Automation Alley's first time receiving the grant.

EDA's *Build to Scale Program* presents grants to organizations that are aiding companies in developing the next generation of technologies. These organizations may be operating initiatives to unlock investment capital across a region or sector, operating programs to accelerate company growth, empowering the next generation of entrepreneurs, and/or enabling technology commercialization. Automation Alley's award is part of the Venture Challenge, which seeks to support entrepreneurship and accelerate company growth in communities, regions, or combinations of regions.

Automation Alley will use the money from the *Build to Scale Program* to grow the I4.0 Accelerator, aiming to attract best-in-class advanced manufacturing technology companies from around the world and find pathways for these firms to provide a meaningful impact to the domestic value chain, using Michigan's existing manufacturing base as a gateway catalyst. It will also work to provide high-value match-making and accelerated commercialization opportunities for domestic startups and small manufacturers to bring their I4.0 technologies directly into Michigan manufacturing operations.

The I4.0 Accelerator is powered by Lawrence Technological University's Centrepolis Accelerator and the Lean Rocket Lab. Its mission is to attract startups from around the world that are developing the next generation of manufacturing technologies. Manufacturing and technology startups that are accepted into the I4.0 Accelerator receive a combination of capital, programming, and contracted services from partner organizations.

The City of Troy, through its Joint Cities of Troy and Southfield Local Development Finance Authority (LDFA) and Automation Alley SmartZone, has been a major supporter of Automation Alley since the adoption of the Automation Alley SmartZone Agreement in 2003. As a full partner, Troy's LDFA has provided Automation Alley with operational, marketing and infrastructure support through Tax Increment Financing generated by the Automation Alley SmartZone.



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CITY COUNCIL REPORT

Date: September 29, 2021

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Robert C. Maleszyk, Chief Financial Officer
Lisa Burnham, Controller
Richard Riesterer, Fire Chief
Peter Hullinger, Assistant Fire Chief
Kurt Bovensiepe, Public Works Director
Dennis Trantham, Facilities and Grounds Operations Manager

Subject: Fire Station 5 HVAC Replacement – Fiscal Year 2022

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

Capital Project 2022C0025 Fire Halls – Fire Station 5 HVAC Replacement

Total Project cost \$12,000

The FY22 Capital Budget includes \$12,000 for the replacement of the Furnace, Air Conditioning Condensing Unit and the A-Coil also known as a split system. The replacement equipment will be procured from Lennox at an approximate cost of \$6,970. The current contract with Lennox Industries of Troy, MI was adopted by City Council in 2021 for HVAC equipment and parts (Resolution #2021-07-113). Installation will be performed by in-house staff.



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M-02c

CITY COUNCIL AGENDA ITEM

Date: October 5, 2021

To: Mark F. Miller, City Manager

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

Subject: Election Security Report

The security of all things election-related is a critical function that the City Clerk's Office is constantly evaluating, and making adjustments to procedures when needed. We are providing City Council with this report in advance of the November 2nd election, and to address questions about election security.

Election security encompasses multiple subdivisions: equipment and document storage, cybersecurity, election day security (including chain of custody), and the personal security of people who perform election work.

All election equipment is stored in City Hall. Election equipment includes precinct tabulators (Verity Scan), voter assist terminals (Verity Touch Writer), Electronic Poll Books (EPB), highspeed absentee ballot scanners (Verity Central), and the election results local report workstation (Verity Count). All areas that house equipment are restricted by key or security badge access. Only staff members authorized by the City Clerk have access to those areas, which includes City Clerk's Office staff and Election Aides employed by the City Clerk's Office during election seasons. Every election, a team of 8 employees from the Department of Public Works become sworn Election Assistants for the week around election day. This team is responsible for the delivery, set-up, and pick-up of all the election equipment to the precincts and absent voter counting board.

Ballot drop boxes are located on City property in 4 locations: 2 outside City Hall, 1 outside the Troy Public Library, and 1 outside the Troy Community Center. Only City Clerk's Office staff has keys to the drop boxes located at the Library and Community Center; and, only the City Clerk's Office staff and the Treasurer's Office staff have keys to the drop boxes located at City Hall. During election seasons, the City Clerk's Office staff empties all drop boxes at least once per day. The drop boxes at the Troy Public Library and Troy Community Center are bolted to the pavement, and are sealed closed until election season.

Election-related documents include ballots, absent voter envelopes, absent voter applications, precinct applications to vote, registered voters' master cards, along with various forms used during election seasons. There are three phases of document storage for election documents: pre-election, post-election, and retention.

In the months leading up to each election, all ballots are stored in City Hall in areas that are restricted by key or security badge access. Only City Clerk's Office staff and Election Aides have access to those



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areas. The absent voter envelopes and absent voter applications received from voters are also stored in the same restricted areas. Any blank forms, including applications to vote, are stored there as well.

On election night, the Chairperson from each precinct returns to City Hall, with one of their Election Inspectors from the opposite political party, and brings with them the sealed ballot bag and all election documents from that precinct sealed in a separate bag called a Transfer Container. Ballot bags and Transfer Containers are very specific styles of State-approved bags/containers that can only be used after they've been inspected and certified by the County Board of Canvassers. The Transfer Container includes results tapes from the tabulator, memory drives from the tabulator and voter assist terminal, completed applications to vote, and the paper Poll Book completed and signed by all the Election Inspectors from that precinct. The seal numbers from the ballot bag and the Transfer Container are recorded on a certificate sealed within each respective container, and in the paper Poll Book. The recording of the seal numbers and the sealing of the containers are signed and witnessed by Election Inspectors from both the Republican and Democratic parties who worked in that precinct.

Once the ballot bags are delivered to City Hall, they are stored in a restricted area until 30 days after the completion of the canvass, as required by Election Law. During that security period, the only time a ballot bag may be opened is by a member of the Oakland County Board of Canvassers during the canvass or an official recount. It is unlawful for the City Clerk or any other person to cut the seal on a ballot bag within the 30-day security post-election period.

The Transfer Container is opened by a member of the Receiving Board on election night. The Receiving Board are Election Inspectors appointed by the City Clerk, and approved by the Election Commission. The City Clerk by law is not allowed to participate or interfere with the work of the Receiving Board. The Receiving Board takes custody of the results tapes and the paper Poll Book directly from the precinct Chairperson of each precinct and absent voter counting board. Once the Receiving Board has verified the contents of the paper Poll Book, including seal numbers and signatures, they then seal the documents with copies of results reports printed from the memory drives into envelopes, and seal the envelopes with signed paper seals. The sealed envelopes and all memory drives are delivered to the Oakland County Elections Division for review by the Oakland County Board of Canvassers. All other contents of the Transfer Container are stored in a restricted area of the City Clerk's Office during the 30-day security period.

Once the 30-day security period expires, the City Clerk's Office is allowed to cut the seals on the ballot bags, and move the voted ballots to canvas bags for the retention period. All ballots are stored in a restricted area of City Hall during the retention period (which varies from 30-day security period to 22 months depending on the type of election). Applications to vote from precincts and absent voter applications are boxed and stored at the secure document storage facility for 6 years. Absent voter envelopes returned by voters are boxed and stored at the secure document storage facility for 2 years.

Each voter that is registered to vote in Troy has a hardcopy Master Card, with the voter's signature, that is kept on file within the City Clerk's Office for as long as the voter is registered to vote in Troy. When the voter is no longer registered in Troy (for example, a voter moves or is deceased), the card is pulled from the Active files and placed in the Cancelled files. Active cards and cards for voters cancelled



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within the calendar year are stored in the City Clerk's Office. Cancelled cards older than the current year are stored off-site at our secure storage facility for a retention of 6 years.

The safety of our election workers, in the precinct, the absent voter counting board, and in City Hall, is one of our major priorities. City Management takes any threats made toward City Clerk's Office staff and election workers very seriously. The Troy Police Department provides directed patrols to all locations involved in the election on election days. Troy Police Community Services also participates in our Election Inspector and Chairperson training to provide tips on staying safe in precincts. The Election Assistants also traverse the city on election day, with one of their priorities being to make sure the polling locations are secure.

Probably the most asked about security issue in elections is cybersecurity. First, to address the most commonly asked questions:

- Verity Scan, Verity Touch Writer, Verity Central, and Verity Count are never connected to the internet
- Electronic Poll Book is never connected to the internet on election day – the laptop is updated about 3-4 days before election day then the network connection is disabled; election data is not loaded to the laptop until after 4pm the day before the election
- Only City Clerk's Office staff members who have completed the State-required training classes have access to the Qualified Voter File (QVF) and utilize two-factor authentication; the City Clerk is required to review and re-certify the list of staff members with access every 30 days and whenever staff changes occur
- Every Verity Scan, Verity Touch Writer, and Verity Central is tested for logic and accuracy prior to each election before the majority of absent voter ballots are mailed

The City Clerk is the Election Official for the City and is required by Election Law to be an accredited election official with the State of Michigan. In the Troy City Clerk's Office, 4 of the 5 full-time employees (including the City Clerk and Deputy City Clerk) are accredited election officials with the State of Michigan. The remaining full-time employee and the part-time employee have been unable to attend accreditation class since they started employment in 2020, during which time the Bureau of Elections was not offering accreditation classes due to the pandemic. These two employees are expected to earn their accreditation sometime in 2021 or 2022 as in-person classes resume. Accreditation class is a thorough and intensive education on all aspects of election administration, with a final exam. Cybersecurity is addressed during many modules of the class.

The City of Troy is very fortunate to have an Information Technology Department that provides excellent cybersecurity education for employees. Many of the cybersecurity threats to election offices and election officials throughout the world have come from phishing emails, or other preventable sources. The City Clerk's Office works closely with our IT Department to make sure our systems are secure, and that we remain vigilant of the potential for threats.

The City Clerk will continue to monitor security updates and legislation in order to make sure that Troy's elections continue to be extremely secure for all our voters.



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M-02d

CITY COUNCIL AGENDA ITEM

Date: October 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: 3rd Quarter 2021 Litigation Report

The following is the quarterly report of pending litigation and other matters of interest.
Developments during the THIRD quarter of 2021 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 Reed v. Town of Gilbert U.S. Supreme Court case. According to International, the ordinance is unconstitutional and should not



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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,



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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. 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. The case was remanded to the District Court. Judge Steeh directed the parties to file supplemental briefs on remand. The City filed its supplementary brief and a reply to Plaintiff's supplementary brief. We are awaiting a decision from the Court. On April 6, 2021, the Court entered an Order Dismissing Count II of Plaintiff's Complaint and Denying Plaintiff's Motion for Attorney Fees and it entered a Judgment in favor of the City. On April 19, 2020, the Plaintiff filed a motion for reconsideration of the Court's April 6, 2021 decision. On May 5, 2021, the Court denied Plaintiff's motion for reconsideration. On June 1, 2021, Plaintiff filed an appeal in United States Court of Appeals for the Sixth Circuit. **Plaintiff filed its appellate brief, and the City timely responded. The parties are now waiting for the Sixth Circuit U.S. Court of Appeals to either grant oral argument or take other action.**

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. On March 5, 2021, Judge Goldsmith entered an Order, remanding the case to the Oakland County Circuit Court. **Plaintiff submitted a proposed confidential settlement offer that was considered and rejected by City Council. The City subsequently filed a Motion for Consolidation and Request for Transfer which was denied by the Circuit Court. This case is now in the discovery phase.**
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



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Court. This motion was briefed by the parties, and is pending. The motion is still under advisement. On March 5, 2021, Judge Goldsmith entered an Order, remanding the case to the Oakland County Circuit Court. **Plaintiff submitted a proposed confidential settlement offer that was considered and rejected by City Council. The City subsequently filed a Motion for Consolidation and Request for Transfer which was denied by the Circuit Court. This case is now in the discovery phase.**

4. **Safet Stafa v. City of Troy**- Plaintiff's case against the City of Troy seeks equitable relief from the Oakland County Circuit Court. Specifically, Plaintiff asks for a writ of mandamus or alternatively superintending control, requiring the City to grant Plaintiff's preliminary site plan application for a townhome project located on the northwest corner of Crooks and Wattles Roads. The Troy Planning Commission denied the preliminary site plan application because it found that the site plan was not compatible with adjacent properties and that it did not provide adequate transition to adjacent properties. Plaintiff appealed the Planning Commission's denial to the Troy Zoning Board of Appeals (ZBA). In a split vote of 4-3, the ZBA affirmed the Planning Commission decision. The City initially filed a Motion to Dismiss, but instead of responding to that motion directly, Plaintiff was allowed to file an Amended Complaint, which the City will ask to dismiss. Five Troy citizens, including one current member of the Troy Planning Commission, filed a Motion to Intervene in the lawsuit. The Court has scheduled oral argument for the residents' motion to intervene and the motion to dismiss for October 27, 2021.

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



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Planning Commission, as the entities responsible for Troy's zoning ordinance, violated ADAM's Constitutional First and Fourteenth Amendment rights (Exercise of Religion, Freedom of Speech and Freedom of Assembly), ADAM's Fifth Amendment Rights, the Religious Land Use and Institutionalized Persons Act (RLUIPA), and also ADAM's Michigan Constitutional Rights. ADAM argues that there is no other Islamic house of worship in the City, and therefore the City and/or the Defendants violated their First Amendment Rights and RLUIPA. Plaintiff's lawsuit also alleges that the City and the individual ZBA members engaged in discrimination in denying ADAM's variance requests. Plaintiff also asserts that there were procedural irregularities at the June 19, 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 also filed motions for summary judgment. The City



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filed its responses to Adam's and USA's motions for summary judgment and has received Adam's and the USA's responses. The City then filed replies to the responses from Adam and USA. The Court issued an order declaring that all the motions for summary judgment will be decided without oral argument. The parties are now awaiting a decision by the Court. **The parties continue to wait for a decision from the Court.**

2. Carter v. Shearer et. al. and Louis Vuitton et.al. – On Friday, April 16, 2021, a lawsuit was filed against two Troy Police Officers (one identified, the other named as “John Doe”) as well as the Louis Vuitton store and a Louis Vuitton sales clerk (identified as “Jane Doe”). It was filed in the federal court (Eastern District of Michigan), and assigned to Judge Terrence Berg. The lawsuit alleges that the individual Troy police officers violated her constitutional rights (4th and 14th Amendment), and also a separate claim under state law of false arrest. As its first responsive pleading, the City filed a motion to dismiss, alleging that Plaintiff's Complaint has failed to state a valid claim. **Plaintiff filed a motion to amend her complaint, and the City filed a response in opposition, arguing that even with the proposed amendments, the complaint still fails to state a claim. Louis Vuitton also filed a motion to dismiss, which made similar arguments that were made by the City. The Court issued an order eliminating oral argument on the briefs. The parties are now awaiting the Court's decision on the pending motions.**
3. Viau v. Troy- Ms. Viau filed this lawsuit in federal court (Judge Mark Goldsmith), alleging that her 10-year daughter was discriminated against in a summer soccer program when the participants were divided into groups to scrimmage. She alleges that the City and its employees are liable, based on a 14th Amendment Equal Protection Claim, and also a State law claim that her daughter was denied public accommodation because she felt compelled to withdraw from the soccer camp. Our office has submitted an agenda item for the July 12, 2021 City Council meeting, asking for the authority to represent the City. **The City filed a motion for summary judgment. The Court has scheduled the case for a status conference on September 24, 2021. At the status conference, the Judge granted Plaintiff 14 days to file an amended complaint. If Plaintiff files an amended complaint, the City may then file another summary judgment motion. If Plaintiff does not file an amended complaint, Plaintiff must respond to the City's original motion. On September 30, 2021, the Court referred the case to a magistrate for a settlement conference.**

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



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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. 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 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. The Michigan Supreme Court did not schedule this matter for its March, April, or May docket, so the parties are hoping that oral argument on the application will happen in June 2021. The parties are still waiting for the Michigan Supreme Court to schedule oral argument in this matter.
The Michigan Supreme Court scheduled oral arguments for November 9.
2. 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 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. The discovery process is still ongoing. The parties met with the Court for a status conference, and the Court ordered the parties to participate in facilitation in lieu of the case evaluation process. Discovery is still on going. Court ordered facilitation has been scheduled for July 27, 2021. **The City filed a motion for summary disposition, which was granted as it relates to the employee**



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Defendant, but not the City. The parties participated in facilitation and were not able to resolve the matter. Trial is now scheduled for April 2022.

3. Jeffrey Martin v. Troy - Mr. Martin was a pedestrian travelling on Coolidge Highway near Maple Road on September 14, 2020. He alleges that he stepped into a pothole on the roadway, injuring his right foot. The complaint asserts a state statutory claim of failing to maintain the roadway in reasonable repair; a public nuisance claim; and a negligence claim, where he argues that governmental immunity is not applicable. This case was filed in the Oakland County Circuit Court, and assigned to Judge Poles. The City filed a motion for summary disposition, and the court will hear argument on the issue on August 18, 2021. **The Court took the motion for summary disposition under advisement, and the parties are waiting for the Court to issue her decision.**
4. PolSELLI v. Troy- Mr. PolSELLI was riding his motorcycle on Maple Road on May 1, 2020. He alleges that he lost control of his motorcycle when trying to change lanes. He claims that there was construction in this area, but no warnings. Our office has submitted an agenda item for the July 12, 2021 City Council meeting, asking for the authority to represent the City. **The City filed a Motion for Summary Disposition as its first responsive pleading. Rather than responding to the City's Motion, Plaintiff agreed with the City's position, and stipulated to an order dismissing the City, which was entered by the Court on September 1, 2021. This case is now concluded as to the City.**

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



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discovery in an attempt to resolve this matter. The parties are conducting discovery. The parties have completed discovery. Trial in this matter is scheduled for January 30, 2012. After being presented with motions for summary disposition, the Court ordered the parties to engage in mediation with a neutral municipal audit professional. Financial documents concerning this case are now being reviewed by an independent CPA. It is expected that the April 19, 2012 trial date will be postponed until after this review is complete. Mediation was unsuccessful in resolving this case, and therefore the Court is expected to issue an order on the pending Summary Disposition Motions. The trial date has been adjourned. On November 13, 2012, Oakland County Circuit Court Judge Shalina Kumar issued her order in favor of the City, and dismissed this case. Plaintiffs filed an appeal, which is now pending in the Michigan Court of Appeals. Appellant's brief is expected to be filed soon. The parties timely filed their appellate briefs, and are now waiting for the Court of Appeals to schedule a date for oral argument. The Court of Appeals has not yet scheduled oral argument for this case. The parties are still waiting for a date for oral argument. Oral argument was held on March 4, 2014. On March 13, 2014, the Court of Appeals issued its opinion ruling in the City's favor and affirming the Circuit Court's decision dismissing the case. On April 23, 2014, Plaintiff Home Builders filed an Application for Leave to Appeal with the Michigan Supreme Court. Troy's response was filed on May 19, 2014. The Michigan Supreme Court considered the application for leave to appeal and ordered that the matter be scheduled for oral argument. The Court also permitted the parties to submit supplemental briefs, which are due October 29, 2014. The City timely filed its supplemental brief with the Michigan Supreme Court. The parties are now waiting for the Court to set a date for oral argument on the application. The Michigan Supreme Court entertained oral arguments on the application for leave to appeal on March 11, 2015. On June 4, 2015, the Michigan Supreme Court reversed the decisions of the Court of Appeals and the Circuit Court and ruled there was no requirement for Plaintiffs to exhaust their administrative remedies. The case was remanded to Circuit Court for further proceedings. A status conference was held on June 18, 2015 with Judge Kumar. During the status conference, Judge Kumar scheduled a hearing for September 2, 2015, allowing the parties to address the issues that were previously raised in the motion for summary disposition but were not decided since the case was initially dismissed for failure to exhaust administrative remedies. At the hearing on September 2, 2015, Judge Kumar allowed Plaintiffs to request additional discovery within 30 days. Thereafter, both parties are allowed to file supplemental briefs. Supplemental briefs have been filed and we are awaiting a decision. On February 5, 2015, Judge Kumar issued her opinion and order ruling in favor of the City and dismissing the case. Plaintiffs filed a Claim of Appeal with the Michigan Court of Appeals on February 23, 2016. The Plaintiffs and the City have both filed appellate briefs. Based on our request, the Michigan Municipal League Legal Defense Fund, Public Corporations Section of 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



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not yet been scheduled. The parties presented oral arguments on September 7, 2017. On September 28, 2017, the Court of Appeals entered a two to one decision affirming the Circuit Court's grant of summary disposition in favor of the City. The Plaintiffs have filed an application for leave to appeal to the Michigan Supreme Court. The City timely filed an answer to the application. Additionally, the Michigan Municipal League's Legal Defense Fund, the Government Law Section of the State Bar of Michigan, and the Michigan Townships Association filed a motion to file an amicus curiae brief with the Supreme Court, supporting the City's position and asking for a denial of the application for leave to appeal. The Court granted the request for MML's amicus brief on January 5, 2018, and the brief was accepted for filing. The Michigan Realtor's Association filed a motion to file an amicus brief on behalf of Plaintiff Home Builders on February 23, 2018. On June 20, 2018, the Michigan Supreme Court entered an order granting the Michigan Realtor's Association's motion to file a brief amicus curiae. The Court also ordered that oral arguments be scheduled on Plaintiff's application for leave to appeal, and established a schedule for submitting supplemental written briefs. The Court accepted an amicus brief from the Michigan Health and Hospital Association and the Michigan Society of Association Executives, which was drafted by the attorney representing the Home Builders. The parties are now waiting for the Supreme Court to schedule oral argument. On December 19, 2018, the Michigan Manufacturers Association filed a motion to file a brief amicus curiae, and attached its proposed brief to the motion. On December 21, 2018, the Supreme Court granted the motion and accepted the brief that was submitted on December 19, 2018 for filing. The Michigan Supreme Court presided over the oral argument on March 7, 2019. After oral argument, the Court granted a motion to file a late amicus curiae brief. The City filed a response seeking to address the arguments raised in that brief and attached a proposed response. On April 5, 2019, the Court granted the City's motion to file a response to the amicus curiae brief and accepted the City's response for filing. The parties are now waiting for the Supreme Court to issue its opinion. On July 11, 2019, the Michigan Supreme Court entered its decision holding that the use of the revenue generated by the City's building inspection fees to pay the Building Department's budgetary shortfalls in previous year's violates the State Construction Code Act. The Court reversed the decisions of the Court of Appeals and the Circuit Court and remanded the case back to the Circuit Court for further proceedings. On remand the City can still present evidence to justify the retention of a portion of the fees. The Court permitted additional discovery, as requested by Plaintiff, and the City has responded to the numerous discovery requests. The Plaintiffs sought additional discovery, which the City objected to. The Plaintiffs then filed a motion to compel additional discovery and the City filed a response to the motion. The parties resolved the motion without a hearing with a stipulated order in which the City agreed to provide some additional information, which has now been provided. The Plaintiffs have now indicated they would like to take some depositions. Because of the Emergency Declaration, and the difficulty in conducting depositions, Plaintiff filed a motion to extend the discovery deadline, and the City has not objected to this Motion. The Court has scheduled a new trial date. Plaintiffs filed a motion 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.



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Oral argument was held on the summary disposition motion on December 2nd. We are awaiting a decision from the Court. The Court granted Plaintiffs' motion to file supplemental information. Plaintiffs then filed a supplementary brief, and the City filed its response. We are awaiting a decision by the Court on the summary disposition motion. On May 26, 2021, the Court entered its opinion and order denying both requests for summary disposition. The Court ruled that the Michigan Association of Home Builders had standing to pursue a claim under the Headlee Amendment but it dismissed the Headlee Amendment claims of Associated Builders and Contractors of Michigan and Michigan Plumbing and Mechanical Contractors Association on the basis those Plaintiffs did not establish standing. The case will now proceed to trial unless otherwise resolved through facilitation. The Court has scheduled a status conference for June 30th. **The Court ordered facilitation, which was unsuccessfully accomplished on September 15, 2021. The Court also allowed the Plaintiff to take a late deposition of the City's Chief Financial Officer Rob Maleszyk, who was not employed during by the City prior to the discovery cut-off date. The case will now proceed to trial, and the Court has scheduled a status conference for October 19, 2021.**

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 the directly addressed the issue of whether a municipal ordinance is preempted by the MMMA. That case was appealed to the Michigan Supreme Court. The Supreme Court's decision on that appeal will have a direct impact on the outcome of this case. Thus, the Plaintiff and the City stipulated to a stay of proceedings pending the outcome of the appeal to the Michigan Supreme Court. On December 12, 2018, Judge Bowman issued an order to stay the proceedings. On January 23, 2019, the Michigan Supreme Court granted the township's application for leave to appeal in the other case, as mentioned above, so the Supreme Court will likely determine whether a municipal ordinance is preempted by the MMMA. The parties are still waiting for the Michigan



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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. Because of COVID, all jury trials were temporarily postponed at the Oakland County Circuit Court. The jury trial has now been adjourned until October 25, 2021. **The Court adjourned the trial date to March 31, 2022.**
4. Gillman v. Troy- Mr. Gillman filed this lawsuit, challenging the City's denial of his Freedom of Information Request. The City's denial was based on the fact that there was a pending investigation. This case was filed in the Oakland County Circuit Court, and assigned to Judge Daniel P. O'Brien. Plaintiff filed a Motion for Summary Disposition, and the City filed its response on July 7, 2021. The court scheduled oral argument for July 28, 2021. **After hearing argument on the issues presented, the Court dismissed Plaintiff's FOIA Complaint against the City. The Order of Dismissal was entered on July 29, 2021, and the case is now concluded.**
5. Nogoy v City of Troy – Plaintiff filed this claim and delivery action seeking a return of two handguns that were voluntarily turned over by the Plaintiff as he was departing his home. The police were called to the home because of a complaint by Plaintiff's wife. The City has filed an answer to the complaint and a motion for immediate possession of the firearms. The case was assigned to Judge Hartig and is scheduled for a hearing on the motion. **On July 8, 2021, the court entered an order allowing for the return of the firearms to Plaintiff. This case is now concluded.**
6. Coakley v City of Troy – Plaintiff filed this claim and delivery action seeking a return of a handgun that was seized by the police while on a mental health call. The City filed an answer to the complaint and the motion for immediate possession of the



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firearms. The case was assigned to Judge McGinnis and scheduled for a hearing on August 4, 2021. On that date, the Court denied the Plaintiff's motion and scheduled the case for a pretrial. The parties then stipulated to an order allowing the return of the firearm to Plaintiff, based on information received from Plaintiff's clinical social worker and mental health physician. This case is now concluded.

7. **Jack Wolfe v City of Troy** – Plaintiff Jack Wolfe filed this lawsuit against the City. It was initially assigned to visiting Oakland County Judge Edward Sosnick. Plaintiff challenges the City's Medical Marihuana Grow Operation License Ordinance (Chapter 104 of Troy City Code), alleging it was enacted in violation of the Michigan Zoning Enabling Act, and also argues that the ordinance is preempted by the Michigan Medical Marihuana Act. He is seeking \$250,000 in damages, plus injunctive and declaratory relief. The City was alerted to an alleged caregiver operating without a license at 979 Badder Street, and the City issued a notice to quit to the property owner. Plaintiff then applied for a license, but was placed on the wait list, since the City already had over its cap of 36 caregivers. As of July 7, 2021, there was no unlicensed marihuana caregiver operation at the property. In addition to the complaint, Plaintiff filed a motion seeking preliminary injunctive relief. The City filed a response, and the hearing on the motion was scheduled for August 18, 2021, but adjourned at Plaintiff's request. In the meantime, the City filed an answer to the complaint and a motion for summary disposition seeking a dismissal of the case in its entirety. The case has now been assigned to newly appointed Oakland County Circuit Court Judge Kwamé L. Rowe, who scheduled the motion for summary disposition for December 8, 2021.
8. **Wormack v City of Troy** – Plaintiff filed this claim and delivery action seeking a return of a handgun that was seized by the police when Defendant was arrested for operating while intoxicated and being in possession of a firearm while under the influence of alcohol. The Troy Police Department subsequently destroyed the firearm after notifying Plaintiff of the need and deadline to take action, since he failed to timely respond. The City filed an answer to the complaint and the motion for possession. The case was assigned to Judge McGinnis and is scheduled for a hearing on October 27, 2021.

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. The parties are waiting for the Court to issue an opinion on the appeal.



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The Court granted Defendant's application for leave to appeal. It issued a scheduling order, which has oral argument scheduled in October 2021. **The briefing is now complete, and the parties are awaiting oral argument, which is scheduled for October 20, 2021.**

2. City of Troy v Aubrey and Kagan - These two intoxicated driving cases were consolidated. Defendants challenged the admission of breath alcohol test results from the City's DataMaster instrument, based on the alleged fraud committed by the Michigan State Police contractor who conducted the mandatory 120- day inspections of the instrument in February, June, and September of 2019. That contractor faced a criminal investigation for alleged fraud on 120- day Data Master inspection certifications in other jurisdictions in Michigan. Troy's DataMaster instrument was not implicated as one of the instruments involved in the alleged fraudulent conduct. After a lengthy evidentiary hearing over three separate days, on December 23, 2020, 52-4 District Court Judge Kirsten Nielsen Hartig issued an opinion and order suppressing the breath test results. Judge Hartig opined that the City could not show its DataMaster instrument was reliable at the time the breath tests were administered to the defendants. The City filed an application for leave to appeal the decision of Judge Hartig with the Oakland County Circuit Court, and the appeals were assigned to Judge Phyllis C. McMillen. The Defendants filed a response to Troy's application for leave to appeal. On February 9, 2021, Judge McMillen granted the City's application for leave to appeal in both cases. As a result, the District Court files will need to be provided to the Circuit Court, and then the parties will file appellate briefs. All parties have filed appellate briefs. The cases have been consolidated with another criminal appeal filed by Defendant Kyla Marcial appealing a decision of Judge McGinnis denying a motion to suppress breath test results involving the same arguments made in the Aubrey and Kagan cases. Oral argument on the consolidated appeals has been scheduled for August 25, 2021. **Prior to the date scheduled for oral argument, the Defendants each filed a motion to stay the proceedings pending the outcome of a case now before the Michigan Supreme Court – *People v Fontenot*. The basis for the motion to stay is that the *Fontenot* case may have some bearing on the outcome of these cases. At the hearing on August 25, 2021, the Circuit Court adjourned the matter to allow Defendants an opportunity to file delayed applications for leave to appeal, based on the *Fontenot* case. The Defendants subsequently filed delayed applications for leave to appeal, which the Court granted. The parties are awaiting a decision on the Defendants' motions for a stay.**
3. City of Troy v Kyla Marcial- This case contains similar legal issues as presented in the above matters, Kagan and Aubrey. Defendant Marcial was charged with operating a vehicle while intoxicated, and she challenged the admission of breath alcohol test results from the City's DataMaster instrument, based on the alleged fraud committed by the Michigan State Police contractor who conducted the mandatory 120- day inspections of the instrument in February, June, and September of 2019. That contractor faced a criminal investigation for alleged fraud on 120- day Data Master inspection certifications in other jurisdictions in Michigan. Troy's DataMaster instrument



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was not implicated as one of the instruments involved in the alleged fraudulent conduct. The case involving Defendant Marcial was litigated in front of Judge McGinnis, and after a lengthy evidentiary hearing, Judge McGinnis issued an opinion and order allowing the breath test results to be admitted. Defendant Marcial filed an application for leave to appeal the decision with the Oakland County Circuit Court. For judicial economy purposes, this case was later consolidated with the Kagan and Aubrey matters (above) and re-assigned to Judge Phyllis C. McMillen. All parties have filed briefs on appeal, and oral argument has been scheduled for August 25, 2021. **This case has been consolidated with the Aubrey case.**

H. ADMINISTRATIVE PROCEEDINGS

There are no pending administrative proceedings at this time.

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

Beth L Tashnick

Subject: FW: Cindy Stewart**From:** Doc Young**Sent:** Friday, September 24, 2021 4:03 PM**To:** City Manager Distribution Group**Cc:** Cindy A Stewart**Subject:** Cindy Stewart

Good Day. I would like to commend Cindy Stewart for her work and knowledge, as well as her pleasant presentment in handling an issue with comcast cable.

For nearly 4 months, we have been at odds with comcast regarding overcharges and a requested cancellation of our account. (Nextdoor media would indicate we are one of many dealing with this same problem.)

Transcripted chats verified the overcharges. The amount required had been paid. As instructed by comcast, we ignored all further billing. Then the phone calls started, daily, sometimes in multiples. The caller's heavy accent made it impossible, at times, to understand the questions. My wife finally told them to stop calling. The calls stopped. But this past weekend, we received a letter from a collection agency regarding our "bill."

Monday last, I called your office regarding the matter, trying to establish the proper protocol. I was referred to Cindy Stewart. I made one call to her. We discussed the matter a bit and she said she would contact comcast. A short while later, we received a call from "Faye" at comcast. She profusely apologized on several occasions during our conversation. She stated the issue was a problem in their billing department, and not any fault of ours. Our account was paid in full. Further, she would contact the credit company and have the issue corrected. Two days later, I received an email from Faye with an attachment, a rather haughtily worded letter, indicating the issue was resolved in our favor.

I am sure you receive a lot of complaints about a lot of things from the citizens, but, equally, I am sure folks sometimes forget to call or message a "thank you." This is a thank you.

Further I want to commend Cindy for her quick and effective efforts in getting the issue quashed. It's always gratifying to see the proper workings of government, especially when one is directly involved in an unwarranted and frustrating issue. I hope you will all take note of Cindy's work and value to the City, not only on the governmental level, but the overall value to the community. Again, thanks Cindy for all your help. And thank you, City of Troy for having this type of employee on staff.

--

Doc Young

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