



CITY COUNCIL

REGULAR MEETING

AGENDA

JANUARY 10, 2022

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



Chapter 14A – Elected and Appointed Persons' Ethics Ordinance Section 14.3 Annual Training and Acknowledgement

We, the undersigned Members of Troy City Council, have reviewed *Chapter 14A – Elected and Appointed Persons' Ethics Ordinance*, understand its contents, and agree to be bound by its provisions.

Signed this 8th day of November, 2021.



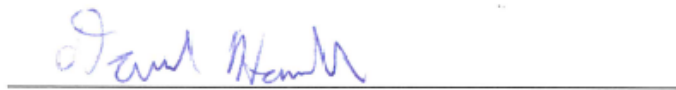
Mayor Ethan Baker



Council Member Edna Abraham



Council Member Rebecca Chamberlain-Creanga



Council Member David Hamilton



Council Member Theresa Brooks



Mayor Pro Tem Ann Erickson Gault



Council Member Ellen Hodorek



CITY COUNCIL AGENDA

January 10, 2022 – 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 Chris Brooks from Woodside Bible Church **1**

PLEDGE OF ALLEGIANCE: **1**

A. CALL TO ORDER: **1**

B. ROLL CALL: **1**

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

C-1 No Certificates of Recognition and Special Presentations 1

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D-1 No Carryover Items 1

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(Big Beaver) Zoning District 1

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INVOCATION: Pastor Chris Brooks from Woodside Bible Church

PLEDGE OF ALLEGIANCE:

A. CALL TO ORDER:

B. ROLL CALL:

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

Excuse Absent Council Members:

Suggested Resolution

Resolution #2022-01-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Regular City Council Meeting of January 10, 2022, due to _____.

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 No Certificates of Recognition and Special Presentations

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Zoning Ordinance Text Amendment (File Number ZOTA 256) – Apartments in BB (Big Beaver) Zoning District

Suggested Resolution

Resolution #2022-01-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** Article 5 of Chapter 39 of the Code of the City of Troy, which includes provisions related to permitted uses in the BB (Big Beaver) Zoning District, to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 256),

City Council Public Hearing Draft, as recommended by the Planning Commission; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

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

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 FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

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 – None**a) **Mayoral Appointments:** Noneb) **City Council Appointments:** None**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 – Building Code Board of Appeals, Election Commission, Employees' Retirement System Board of Trustees/Retiree Health Care Benefits Plan and Trust, Liquor Advisory Committee, Southeast Michigan Council of Governments (SEMCOG), Traffic Committee**a) **Mayoral Nominations:**Suggested Resolution

Resolution #2022-01-

Moved by

Seconded by

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

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	
Shoan	Michele	7/22/2023	1/31/2022	
Strahl	Frank	1/4/2023	1/31/2024	

Nominations to the Board of Review:**Term Expires: 1/31/2025**

Term currently held by: Michele Shoan

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Cicchini	Philippe	4/28/2022	
Sekhri	Arun	9/24/2022	

Downtown Development Authority

Appointed by Mayor
13 Regular Members
4 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2
Baker	Ethan		11/13/2023	At Large	City Council exp. 11/13/23
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	
Koza	Kenny	9/18/2019	9/30/2025	In District	
MacLeish	Daniel	6/28/2023	9/30/2025	In District	
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
Beyer	Joseph	10/26/2022	In District	
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	11/5/2023	At Large	
Sekhri	Arun	9/24/2022	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	
Chezick	Edward		10/30/2022	
Fakhoury	Awni	4/28/2018	10/30/2024	Requests Reappointment
Liu	Allison	10/1/2022	7/31/2022	Student
Mohideen	Syeda	8/24/2020	10/30/2024	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	10/30/2024	
Swaminathan	Sharanya		7/31/2022	Student
Vacancy			10/30/2023	Rebecca Chamberlain-Creanga 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:
10/30/2023**

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

Term Expires: 10/30/2023

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

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Cicchini	Philippe	4/13/2023	
Faiz	Iqbal	12/4/2022	
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		City Council Term	Alternate; City Council	City Council exp 11/10/2025
Starks	Louis			Oakland County Designee	

Bachert	Sandra		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 – 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

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Bachert	Sandra	11/18/2023	
Rahman	Mahfuzur	9/24/2022	
Schick	Michael	12/22/2022	
Sweidan	Rami	4/28/2022	Brownfield Redev Auth exp 4/30/23
Vassallo	Joseph	3/4/2023	Brownfield Redev Auth exp 4/30/24

Yes:

No:

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

Resolution #2022-01-

Moved by

Seconded by

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

Building Code Board of Appeals

Appointed by Council

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

5 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
Abitheira	Gary	1/20/2014	1/1/2022	Resident w/Construction / Engineering Experience	Requests Reappointment
Brooks	Teresa	1/4/2019		Oakland County Health Department Sanitarian	
Dziurman	Matthew	3/6/2021	1/1/2025		
Frisen	Sande	12/4/2021	1/1/2025	Architectural Engineer	
Miller	Mark			Chapter 79, Sect. 116.2	

Nominations to the Building Code Board of Appeals:**Term Expires: 1/1/2027**

Term currently held by: Gary Abitheira

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Bertelsen	David	3/2/2022	
Sweidan	Rami	3/2/2023	Brownfield Redev. Auth. exp 4/30/2023

Election Commission

Appointed by Council

2 Regular Members and 1 Charter Member

1 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
Dickson	M. Aileen		City Charter		
Sadlier	Stephen	11/19/2023	1/31/2022	Democrat	Requests Reappointment
Watts	Ray	11/22/2023	1/31/2022	Republican	Requests Reappointment

Nominations to the Election Commission:

Term Expires: 1/31/2023 **Stephen Sadlier** **Democrat**

Term currently held by: Stephen Sadlier

Term Expires: 1/31/2023 **Ray Watts** **Republican**

Term currently held by: Ray Watts

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 2	Notes 3
Comiskey	Ann	12/14/2022	Liquor Adv Comm. exp 1/31/2024	Election Affidavit on File
Gunn	Mark	3/4/2023		NO Election Affidavit on File

Employees Retirement System Board of Trustees / Retiree Health Care Benefits Plan and Trust

Appointed by Council

7 Regular Members and 2 Ordinance Member

3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
Bovensiep	Kurt		12/31/2024	DC-Employee Rep.- Elected	
Brooks	Theresa		Council Term	City Council Member	
Calice	Mark	8/29/2020	12/31/2021	Council Appointed Citizen	NO Reappointment
Dungjen	Peter		12/31/2023	DB Employee Rep.- Elected	
Gordon II	Thomas	9/17/2015	12/31/2022	DB Employee Rep.- Elected	
Maleszyk	Robert			Chapter 10 (DC)	
Miller	Mark			Chapter 10 (DC)	
Owczarzak	Mark	11/14/2021	12/31/2022	City of Troy Retiree (DB)	

Nominations to the Employees Retirement System Board of Trustees / Retiree Health Care Benefits Plan and Trust:

Term Expires: 12/31/2024

Term currently held by: Mark Calice

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Baughman	Deborah	4/28/2022	
Faiz	Iqbal	12/4/2022	
Jennings	Janet	8/12/2022	

Liquor Advisory Committee

Appointed by Council
7 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2	Notes 3
Ashland	David	12/14/2022	1/31/2024		
Comiskey	Ann	2/5/2020	1/31/2024		
Ehlert	Max	1/8/2023	1/31/2024		
Giorgi	Lynn				
Gorcyca	David	12/4/2021	1/31/2023		
Haight	David	7/17/2022	1/31/2022	Personnel Bd. exp 4/30/2023	
Jones	Kelly	12/11/2021	1/31/2023		
Kaltsounis	Andrew	1/14/2021	1/31/2022		

Nominations to the Liquor Advisory Committee:**Term Expires: 1/31/2025**

Term currently held by: David Haight

Term Expires: 1/31/2025

Term currently held by: Andrew Kaltsounis

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Gunn	Mark	3/4/2023	

Southeastern Michigan Council of Governments (SEMCOG)

Appointed by Council
1 Regular Member and 1 Alternate Members
Appointed Every Odd-Year Election

Nominations to the Southeastern Michigan Council of Governments (SEMCOG):**Term Expires: 11/13/2023****Alternate**

Term currently held by: Glenn Lapin

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 3
Huotari	William		Ex-Officio Member		
Kilmer	Richard	1/9/2019	1/31/2023		
Koralewski	Tyler	11/12/2023	7/31/2022	Student	
Nastasi	Frank		Ex-Officio Member		
Nurak	Cindy	1/16/2021	1/31/2022		Requests Reappointment
Petrulis	Al	12/16/2021	1/31/2023		
Riesterer	R. Chuck		Ex-Officio Member		
Sivaraman	Sunil	12/22/2020	1/31/2022		Requests Reappointment
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: 1/31/2025**

Term currently held by: Cindy Nurak

Term Expires: 1/31/2025

Term currently held by: Sunil Sivaraman

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1	Notes 2
Abdullah	Nehar	2/3/2023		
Chanda	Hirak	12/30/2022		HDC exp 5/15/2024

MacDonell	Sharon	4/13/2023		
Rose	Justin	11/5/2023		
Sahu	Akshitha	9/28/2022	Graduates 2023	
Shah	Aanya	11/30/2023	Graduates 2024	

Yes:

No:

I-3 No Closed Session Requested

I-4 Budget Amendment – Troy Downtown Development Authority (*Introduced by: Kurt Bovensiep, Public Works Director*)

Suggested Resolution

Resolution #2022-01-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** a budget amendment of \$125,000 to the Parks Maintenance Street Island Maintenance - DDA Contractual Services General account to move forward with a contract with *OHM Advisors, of Livonia, MI*, and the Troy Downtown Development Authority to redesign the landscaping and associated improvements to the publicly owned property within the district.

Yes:

No:

I-5 Bid Waiver and Standard Purchasing Resolution 7: Proprietary Maintenance Service Contract – Vermont Systems Recreation and Parks Software (*Introduced by: Brian Goul, Recreation Director*)

Suggested Resolution

Resolution #2022-01-

Moved by

Seconded by

RESOLVED, That Troy City Council, in the best interest of the City, hereby **WAIVES** formal bidding procedures and **AWARDS** the proprietary maintenance service contract to *Vermont Systems, Inc. of Essex Junction, VT* to provide software maintenance for RecTrac and WebTrac for the Recreation Department for an estimated amount of \$10,182.58.

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** the ongoing usage of the Vermont Systems proprietary software as needed by the Recreation Department.

Yes:

No:

**I-6 Seventh Order Amending Meritor and Nelson Companies Consent Judgment
(Introduced by: Lori Grigg Bluhm, City Attorney)**Suggested Resolution

Resolution #2022-01-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the attached Seventh Order Amending Consent Judgment in the *Meritor Automotive, Inc. and The Nelson Companies, Inc. v City of Troy* lawsuit, Case Number 94-948784 CZ. This proposed amendment would facilitate the development as proposed on a revised Preliminary Site Plan.

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** the Mayor, City Clerk and City Attorney to execute the document on behalf of the City after all other necessary parties have executed it. If approved, Warrior Baseball Complex LLC is responsible for recording the executed Stipulation and Seventh Order Amending Consent Judgment with the Oakland County Register of Deeds; a copy of which shall be attached to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That Troy City Council also **APPROVES** the Preliminary Site Plan for the proposed Warrior Baseball Indoor Hitting Facility, including other site improvements, located at 1735 and 1515 Equity, Section 32. This Preliminary Site Plan was prepared by Integrated Design Solutions, and revises and updates the exhibits to the Consent Judgment in the *Meritor Automotive, Inc. and The Nelson Companies, Inc. v City of Troy* lawsuit, Case Number 94-948784 CZ, and reflects the parties' agreement as to the proposed development on the property.

Yes:

No:

J. CONSENT AGENDA:

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

Resolution #2022-01-

Moved by

Seconded by

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

Yes:

No:

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

J-2 Approval of City Council Minutes

Suggested Resolution

Resolution #2022-01-

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

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

J-3 Proposed City of Troy Proclamations:

Suggested Resolution

Resolution #2022-01-

- a) Service Commendation for Information Technology Director Gert Paraskevin
b) Proclamation Celebrating Max and Sophia Pollack for Organizing Holiday Food Drives to Feed the Needy

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Snow Removal Services**

Suggested Resolution

Resolution #2022-01-

RESOLVED, That Troy City Council hereby **AUTHORIZES** City of Troy Administration to extend prices established in Proposal A and Proposal B as identified in Resolution #2021-10-148-J4b to additional vendors meeting requirements for snow and ice removal on City-owned facilities and grounds.

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

J-5 Recommended Pay Ranges for Part-time Classifications - Correction

Suggested Resolution

Resolution #2022-01-

WHEREAS, The Pay Ranges for Part-time Classifications dated January 1, 2022 have been updated to correct for an error on the previously approved version.

THEREFOER, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the corrected version of the Pay Ranges for Part-time Classifications dated January 1, 2022.

J-6 Contract Extension - Police IT ResourcesSuggested Resolution

Resolution #2022-01-

WHEREAS, On December 4, 2017, Troy City Council awarded a two-year contract to provide Police IT Resources with an option to renew for two (2) additional years to sole bidder BPI Information Systems of Farmington Hills, MI (Resolution #2017-12-192-J-4b); and,

WHEREAS, BPI Information Systems has met all expectations and contract terms and conditions in accordance with RFP-COT 17-14; and,

WHEREAS, BPI Information Systems has agreed to extend its contract for one (1) additional year under the same prices, terms and conditions; and,

WHEREAS, A market survey was conducted which verified that the current contract pricing provided by BPI continues to be competitive and the best value for the City;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DEEMS** it to be in the City's best interest to **APPROVE** and **EXTEND** the contract with *BPI Information Services of Farmington Hills, MI* for one (1) additional year to provide Police IT Resources to the Troy Police Department for an estimated annual cost of \$89,000 under the same contract prices, terms and conditions as the original bid; not to exceed budgetary limitations with the contract expiring December 31, 2022.

J-7 Private Agreement – Contract for Installation of Municipal Improvements – Meadows of Troy Detached Condominiums – Project No. 19.917.3Suggested Resolution

Resolution #2022-01-

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

J-8 3385 Rochester Road LLC v. Oakland County and the City of TroySuggested Resolution

Resolution #2022-01-

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney's Office to represent the City of Troy in the matter of *3385 Rochester Road LLC v. Oakland County and the City of Troy*, Eastern District of Michigan Federal Case Number 21-cv-12785, and **AUTHORIZES** the payment of necessary costs and expenses that are required to adequately represent the Troy Defendant.

J-9 Request to Vacate a Portion of Sanitary Sewer Easement – Sidwell #88-20-21-352-016 and for Acceptance of Two Permanent Easements – Sidwell #88-20-21-352-016 and -017

Suggested Resolution

Resolution #2022-01-

RESOLVED, That Troy City Council hereby **VACATES A PORTION** of sanitary sewer previously granted to the City of Troy and recorded in Liber 8548 Page 846, Oakland County Register of Deeds.

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** a Quit Claim Deed returning the City of Troy's interest in a portion of sanitary sewer recorded in Liber 8548 Page 846 to Zen Troy, LLC, owner of the property having Sidwell #88-20-21-352-016.

BE IT FURTHER RESOLVED, That Troy City Council **ACCEPTS** a sanitary sewer easement from Zen Troy, LLC, owner of the property having Sidwell #88-20-21-352-016.

BE IT FURTHER RESOLVED, That Troy City Council **ACCEPTS** a sanitary sewer easement from Troy 888, LLC, owner of the property having Sidwell #88-20-21-352-017.

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** the Quit Claim Deed and two permanent easements with Oakland County Register of Deeds, copies 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. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

N. COUNCIL REFERRALS:

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

N-1 Council Referral from Council Member Ellen Hodorek – Proclamation Affirming Importance of Ongoing Efforts to Address Sound Issues from the Modernize I-75 ProjectSuggested Resolution

Resolution #2022-01-

Moved by

Seconded by

WHEREAS, The Troy City Council first issued a proclamation a year ago to express our unanimous concern and request for help to address the adverse impact the Modernize I-75 project is having on the quality of life of a significant number of residents in our community; and,

WHEREAS, The City pursued and exhausted any options available to it jurisdictionally to address this on behalf of its affected property owners; and,

WHEREAS, We know our elected officials both at the state and federal levels understand the issue, and we were appreciative when Senator Mallory McMorrow and Representative Padma Kuppa provided information that funds had been secured through the state budget to conduct another sound study to comprehend the sound levels post construction; and,

WHEREAS, Until that study is completed we continue to hear from numerous residents, including hundreds who have signed a petition reaffirming the noise level continues to adversely impact their quality of life and who are frustrated at both the length of time it takes to address their concern and the fact that the State of Michigan does not have a state-funded, highway noise abatement program to address local issues;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council **REAFFIRMS** its resolution of a year ago and wishes to express its support for the hundreds of residents — including those who signed the petition attached to this proclamation — seeking a solution for this frustrating issue even as we await the results of the follow up sound study.

BE IT FURTHER RESOLVED, That Troy City Council is **APPRECIATIVE** of the efforts and ongoing attention to this matter on the part of all of our elected officials because addressing it is in the best interest of the City of Troy to do so.

Yes:

No:

O. REPORTS:

O-1 Minutes – Boards and Committees:

- a) Parks and Recreation Board-Final – September 16, 2021
- b) Parks and Recreation Board-Final – October 7, 2021
- c) Parks and Recreation Board-Draft – November 18, 2021

O-2 Department Reports: None Submitted

O-3 Letters of Appreciation: None Submitted

- a) From Eureka Building Company Regarding Excellent Customer Service

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

P. COUNCIL COMMENTS:

P-1 No Council Comments

Q. PUBLIC COMMENT FOR ITEMS ON OR NOT ON THE AGENDA FROM MEMBERS OF THE PUBLIC OUTSIDE OF TROY (NOT RESIDENTS OF TROY AND NOT FROM TROY BUSINESSES):

R. CLOSED SESSION

R-1 No Closed Session

S. ADJOURNMENT:

Respectfully submitted,



Mark F. Miller
City Manager

2022 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

April 4, 2022..... Special Budget Study Meeting
April 6, 2022..... Special Budget Study Meeting

2022 SCHEDULED REGULAR CITY COUNCIL MEETINGS:

January 24, 2022 Regular Meeting
February 14, 2022..... Regular Meeting
February 28, 2022..... Regular Meeting
March 14, 2022 Regular Meeting
March 21, 2022 Regular Meeting
April 11, 2022 Regular Meeting
April 25, 2022 Regular Meeting
May 9, 2022 Regular Meeting
May 23, 2022 Regular Meeting
June 13, 2022 Regular Meeting
June 27, 2022 Regular Meeting
July 11, 2022..... Regular Meeting
July 25, 2022..... Regular Meeting
August 15, 2022..... Regular Meeting
August 22, 2022..... Regular Meeting
September 12, 2022 Regular Meeting
September 19, 2022 Regular Meeting
October 3, 2022 Regular Meeting
October 24, 2022 Regular Meeting
November 14, 2022 Regular Meeting
November 21, 2022 Regular Meeting
December 5, 2022 Regular Meeting
December 12, 2022 Regular Meeting



500 West Big Beaver
Troy, MI 48084
troymi.gov

E-01

CITY COUNCIL AGENDA ITEM

Date: January 4, 2022

To: Mark F. Miller, City Manager

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

Subject: PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 256)
– Apartments in BB (Big Beaver) Zoning District

This item was initiated by Staff based on input from a developer and discussion with the Planning Commission. The intent of the amendment is to provide flexibility for developers when renovating existing multistory buildings and constructing new multistory buildings in the BB Big Beaver Zoning District. Specifically, the amendment would permit some residential use in appropriate locations on the first floor subject to Special Use Approval, for multi-story buildings located on Big Beaver Road and arterials. Presently, residential uses are permitted on upper floors only.

The draft provision mandates that the transparency requirements for at-grade elevations facing the road and the parking area would need to be met.

The Planning Commission considered this item on October 26, 2021. The Planning Commission draft proposed that residential uses would be permitted by right. After some discussion, it was determined that permitting first floor residential subject to Special Use Approval would be appropriate. The Planning Commission recommended approval of the text amendment by a 9-0 vote.

A City Council public hearing has been scheduled for January 10, 2022.

Attachments:

1. Draft text amendment.
2. Email from Jordan Jonna of AF Jonna, dated July 13, 2021.
3. Memo prepared by Carlisle/Wortman Associates, Inc. dated July 27, 2021.
4. Minutes from September 14, 2021 Planning Commission Regular meeting (excerpt).
5. Minutes from October 26, 2021 Planning Commission Regular meeting (excerpt).

CITY OF TROY

AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY

CITY COUNCIL PUBLIC HEARING DRAFT

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39, Zoning Ordinance, of the Code of the City of Troy.

Section 2. Amendment

Chapter 39 of the Code of the City of Troy is amended as follows:

Revise Table 5.04.C-1 to read as follows:

Use Group (Table 5.03-1)	Site Type BB: A Major Sites			Site Type BB: B Medium Sites			Site Type BB: C: Minor Sites		
	Street BB: A: Big Beaver	Street BB: B: Arterials	Street Type BB: C: Collectors	Street BB: A: Big Beaver	Street BB: B: Arterials	Street Type BB: C: Collectors	Street BB: A: Big Beaver	Street BB: B: Arterials	Street Type BB: C: Collectors
1 Residential	NP	NP	NP	NP	NP	NP	NP	NP	NP
2 Residential/Lodging	UP <u>/S</u>	UP <u>/S</u>	P	UP <u>/S</u>	UP <u>/S</u>	P	UP <u>/S</u>	UP <u>/S</u>	P
3 Office/Institution	P	P	P	P	P	P	P	P	P
4* Auto/Transportation	NP	NP	NP	NP	NP	NP	NP	NP	NP
5** Retail/ Entertainment / Service	P	P	P	P	P	P	P	P	P
6 Misc. Commercial	NP	NP	NP	NP	NP	NP	NP	NP	NP
7 Industrial	NP	NP	NP	NP	NP	NP	NP	NP	NP

P - Permitted Use Groups
UP / S - Permitted use groups in upper stories only for portion of building that fronts on public right of way / Special Use Approval required for any portion of the building that does not front on a public right of way.
S - Special Use Approval Groups
*Drive-through uses for Financial Institutions are allowed under special use in compliance with Section 5.04.5.d
**Lodging uses are permitted subject to Special Use Approval

Section 3. 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 4. 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 5. Effective Date

This amendment to the Zoning Ordinance shall take effect seven (7) days after publication, which shall be published within 15 days of adoption, as required the Michigan Zoning Enabling Act (Act 110 of 2006).

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 _____, 2022.

Ethan Baker, Mayor

Aileen Dickson, City Clerk

From: [Jordan Jonna](#)
To: [Brent Savidant](#)
Cc: jasong@tower-construct.com; "Williams, Eric"
Subject: Big Beaver
Date: Tuesday, July 13, 2021 1:27:16 PM
Attachments: [image001.png](#)

CAUTION: This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Brent,

This is a formal request to the Planning Commission to consider amending Table 5.04.C-1 in the BB Big Beaver section of the Zoning Ordinance. Specifically, footnote "UP" in Table 5.04.C-1 as it relates to Use Groups for Site Type BB:B and permitting Residential/Lodging in upper stories only. I believe the intent of the BB Big Beaver Form Based District is for buildings located in close proximity to Big Beaver to engage the street through building placement and transparency. I do not believe it is the intent of the BB Big Beaver Zoning District to totally prohibit residential on the first floor, particularly when there are building facades that do not have a relationship with the street.

I propose amending the footnote in Table 5.04.C-1 from "UP - Permitted Use Groups in Upper Stories Only" to "**UP – Permitted on Upper Floors and on the First Floor, provided Transparency Requirements are met**", or something to that effect. The intent would be to permit some residential/lodging on the first floor in the Big Beaver District but not at the expense of good design and the relationship between the building and the street.

It appears that repurposing vacant office buildings to apartments and condominiums will be a market trend as we recover from the pandemic. There will likely be more new residential buildings proposed, as Big Beaver continues to evolve. This simple amendment will assist property owners and developers with future design by affording the opportunity for some residential units on the first floor along Big Beaver.

The proposed amendment is also consistent with the City of Troy Master Plan and the Big Beaver Corridor Study.

Thank you,
Jordan

Jordan Jonna

4036 Telegraph Road, Suite 201
Bloomfield Hills, MI 48302
Ph: (248) 593-6200 Ext. 103
Cell: (248) 431-0350
JJonna@AFJonna.com

To View Our Properties, please visit our website: www.afjonna.com



Carlisle | Wortman
ASSOCIATES, INC.

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

To: Troy Planning Commission
Brent Savidant, AICP

From: Ben Carlisle, AICP

Date: July 27, 2021

RE: Residential uses on first floor in Big Beaver District

Recently the City of Troy was asked to consider an amendment to the BB Big Beaver Form Based District regarding allowing residential uses on the first floor. Table 5.04.C-1 states that residential/lodging is permitted on upper floors only, for Street Type A Big Beaver and street type B Collector. The purpose of requiring a non-residential first floor use only is to provide for transparency and visual interest from the street. Residential uses on the first floor will want privacy and cover windows with blinds and curtains, thus defeating the purpose of transparency.

However, the Master Plan encourages and the Zoning Ordinance permits the repurposing of underutilized buildings along Big Beaver for residential uses. As discussed with developers, and evidenced by the recent email (see Jordan Jonna's July 13th email), requiring buildings to have their entire first floor as non-residential is a hinderance to repurposing these buildings.

As briefly discussed with the Planning Commission, we are proposing a text amendment that maintains non-residential uses where appropriate to provide visual interest along Big Beaver from the street, but allows for portions of the first floor to be utilized by residential uses.

Proposed Language:

New language is red:

Table 5.04.C-1 Use Groups Permitted									
Use Group (Table 5.03-1)	Site Type BB: A Major Sites			Site Type BB: B Medium Sites			Site Type BB: C: Minor Sites		
	Street BB: A: Big Beaver	Street BB: B: Arterials	Street Type BB: C: Collectors	Street BB: A: Big Beaver	Street BB: B: Arterials	Street Type BB: C: Collectors	Street BB: A: Big Beaver	Street BB: B: Arterials	Street Type BB: C: Collectors
1 Residential	NP	NP	NP	NP	NP	NP	NP	NP	NP
2 Residential/Lodging	UP / P	UP / P	P	UP / P	UP / P	P	UP / P	UP / P	P
3 Office/Institution	P	P	P	P	P	P	P	P	P
4* Auto/Transportation	NP	NP	NP	NP	NP	NP	NP	NP	NP
5** Retail/ Entertainment /Service	P	P	P	P	P	P	P	P	P
6 Misc. Commercial	NP	NP	NP	NP	NP	NP	NP	NP	NP
7 Industrial	NP	NP	NP	NP	NP	NP	NP	NP	NP
P-Permitted Use Groups UP / P - Permitted use groups in upper stories only for portion of building that fronts on public ROW. Permitted use group for any portion of the building that does not front on a public ROW. S-Special Use Approval Groups *Drive-through uses for Financial Institutions are allowed under special use in compliance with Section 5.04.5.d **Lodging uses are permitted subject to Special Use Approval									


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

OTHER ITEMS**6. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 256) – Residential Uses in BB Zoning District**

Mr. Savidant addressed a recent email message from a developer for consideration to provide flexibility for developers when renovating existing multistory buildings and constructing new multistory buildings in the Big Beaver zoning district. The intent of the amendment would permit some residential use in appropriate locations on the first floor for sites located on Big Beaver Road and arterials.

There was discussion on:

- Transparency requirements; administrative role.
- Permit residential on building/parking lot side only, not on right of way.
- Opportunity to utilize/repurpose public buildings, vacancy, underutilized parking lots.
- Special Use approval versus permit by right; function of Special Use approval.
- Consideration of more definitive role by Planning Commission in approval process.
- Residential use less intense than commercial.
- Apply amendment to existing and/or new buildings.
- Investment / marketing strategy determination of developer.
- Residential would attract walkability in Big Beaver area.
- Maintain integrity of Master Plan and Zoning Ordinance.
- Opportunity for unique housing types.

The administration will take into consideration Board comments and bring the proposed amendment back for discussion at a future meeting.

ZONING ORDINANCE TEXT AMENDMENT

5. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 256) – Residential Uses in BB Zoning District

Mr. Savidant said the intent of the proposed Zoning Ordinance Text Amendment is to provide flexibility for developers when renovating existing multi-story buildings and constructing new multi-story buildings in the Big Beaver zoning district. He said the amendment would permit some residential use in appropriate locations on the first floor for sites located on Big Beaver and arterials, which presently residential uses are permitted only on upper floors.

PUBLIC HEARING OPENED

There was no one present to speak.

PUBLIC HEARING CLOSED

Ms. Perakis expressed opposition to the proposed text amendment. She said it is clearly a contradiction to the Master Plan, that she sees no unique circumstances that would warrant a rezoning, that we are not permitted to rezone property simply to make a more valuable use, and we are not permitted to rezone property to reassure a developer is able to maximize their profits. Ms. Perakis said she had hoped the developer who initiated the email message was present to address the Board.

Mr. Rauch said he supports the proposed text amendment with a Special Use requirement. He does not think one solution fits all. Mr. Rauch asked what would happen to parking lots if residential is developed. He addressed office vacancy, walkability in downtown area and potential opportunity for developers.

Mr. Savidant said it would be a simple change to the proposed text amendment to change the first floor lodging to a Special Use requirement. He said a Special Use application would add an additional layer to the application process and Special Use standards would apply. He said it could be a better step in direction for the developer. Mr. Savidant said approval of a Special Use by the Planning Commission would be subjective.

There was discussion on:

- Potential of residential development attracting more commercial development.
- Viable walkability throughout City.
- Existing buildings with residential on first floor; relationship to Big Beaver.
- Consensus to revise amendment to require Special Use application.

Resolution # PC-2021-10-076

Moved by: Lambert

Support by: Hutson

RESOLVED, To recommend that Chapter 39 of the Code of the City of Troy be amended to revise Table 5.04.C-1, Line 2 for Residential Lodging, to amend that “P” be changed to “S” for the items that are listed on the line and the footnote to be revised as well.

Yes: All present (9)

MOTION CARRIED



500 West Big Beaver
Troy, MI 48084
troymi.gov

I-04

CITY COUNCIL AGENDA ITEM

Date: January 10, 2022

To: Mark F. Miller, City Manager

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

Subject: Budget Amendment – Troy Downtown Development Authority

History

Michigan law (PA 197 of 1975) provides local governments with a unique tool to encourage the revitalization of downtowns and business districts. A Downtown Development Authority or DDA may be established by a city, village, or township to capture a portion of taxes generated within the identified business district and use those funds to construct or improve streets, plazas, pedestrian malls, bridges, parks, parking facilities, recreational facilities, and utilities.

The Troy Downtown Development Authority (DDA) was established in the City of Troy in 1993 to engage in long-range planning for the downtown area. Several improvements to the 3.5-mile-long corridor has been successfully accomplished since its creation, which include the construction of the Somerset North Parking Deck and Troy Community Center, widening of Big Beaver and other infrastructure improvements, and upgraded street lighting and landscaping.

The current landscaping in the DDA is reaching its end of life. The landscaping had several current deficiencies that require consideration in a redesign effort.

- Lacks consistency because it was developed in two phases and bisected by I-75.
- Used methodology to create a corridor feel in the median so travelers could not see opposing traffic, which has created visual obstructions for business along each side.
- Designed to have high maintenance annual flowers that need regular irrigation.
- Spruce trees have pitch borer mass and needle cast.
- Vegetation and trees are beginning to encroach on themselves and the road.
- Landscaping in the Diverging Diamond Intersection (DDI) was not contemplated by MDOT during the I-75 modernization.
- Hardscape, specifically the brick paver sidewalk approaches, is at the end of its useful life.

In August of 2021, the City of Troy released an opportunity for interested consultant firms to submit a Statement of Qualifications to redesign the landscaping in the DDA. Proposals were evaluated by City Management and the DDA Chair. Consultants meeting all the necessary qualifications were then evaluated through an interview/presentation process and finally evaluated based on rates to perform the various services. OHM Advisors, of Livonia, MI, will be recommended to the DDA Board on



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

January 19, 2022 at the regularly scheduled meeting to establish a contract to begin the redesign of the landscaping and hardscape in the DDA corridor.

Financial

Currently funds are not budgeted for this service and requires a budget amendment for an estimated total of \$125,000 to the Parks Maintenance Street Island Maintenance- DDA Contractual Services General account.

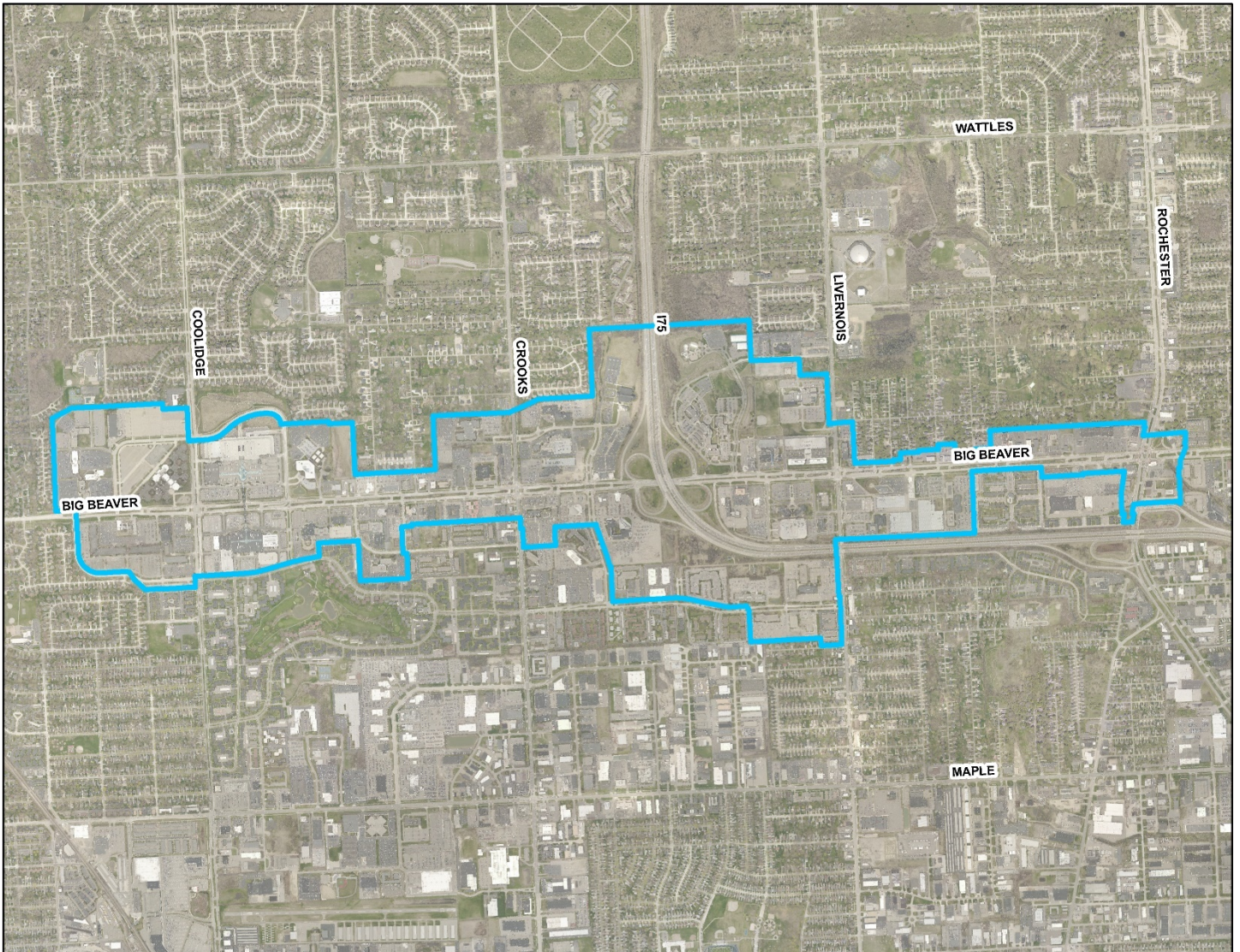
Recommendation

City Management recommends approving a budget amendment of \$125,000 to the Parks Maintenance Street Island Maintenance- DDA Contractual Services General account to move forward with a contract with OHM Advisors, of Livonia, MI, and the Troy Downtown Development Authority to redesign the landscaping and associated improvements to the publicly owned property within the district.



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM





December 28, 2021

Mark Miller, City Manager
Troy Downtown Development Authority
500 West Big Beaver
Troy, MI 48084

RE: Troy Downtown Development Authority
Proposal for Landscape Architecture Consulting Services

Dear Mr. Miller:

OHM Advisors is pleased to submit this proposal for professional services. We are excited for the opportunity to further work with the City of Troy and in this new opportunity with the DDA.

UNDERSTANDING

OHM Advisors understands that the Troy Downtown Development Authority (TDDA) desires to conduct improvements to the Big Beaver Corridor as well as other properties within the TDDA limits. The extent of these improvements will be focused on placemaking, beautification and enhanced pedestrian walkability/connectivity. Study, design and implementation of these improvements may happen through multiple phases. This proposal includes tasks for an initial phase which will include study of the corridor and identification and prioritization of potential site improvements. Future work will be determined by the outcomes of this first phase.

Meetings and Stakeholders

OHM Advisors understands that the City of Troy and the TDDA will assemble a core team of members (Troy Project Team) that will provide feedback and guide project development. This group will meet on a bi-weekly basis, and City staff will invite additional attendees as it sees pertinent for the given meeting agenda. The larger Troy DDA will be engaged in preliminary data gathering and will be consulted on draft final recommendations.

Schedule

OHM Advisors understands that the TDDA desires to have recommendations for potential projects and associated costs completed in time for the end of the City's fiscal year (June 30). This proposal and schedule is constructed to respect and maintain this timeframe.

SCOPE OF SERVICES

With the understanding above, OHM proposes the following scope of services:

Task 1 – Project Launch (1 Month) and Project Management (Ongoing)

This task will formally begin the project and set the groundwork for successful project delivery. Additionally, OHM Advisors will employ a rigorous approach to project management to maintain project schedule and budget.

- **Kick-off Meeting**
 - Finalize project schedule.



- Establish core working group and meeting dates.
 - Conduct Corridor Tour with Troy Project Team
- **Troy DDA Meeting**
 - Prepare material and attend meeting with Troy DDA to introduce the project and provide opportunity for members to provide input on project opportunities and challenges.
- **Goals Setting**
 - Develop goals and objectives as well as critical outcomes for the scope of work. Review and refine these items with the Troy Project Team.
 - Identify project opportunities and challenges; review hot button items.
- **Bi-Weekly City Progress Meetings**
 - Meetings with the core City team to provide project updates and coordinate progress.
- **Monthly Progress Reports**
 - OHM Advisors will prepare updates monthly. These updates can be used to share progress with the DDA and City of Troy.

Deliverables:

- *Kick-off Meeting*
- *Project Goals Document*
- *Bi-weekly Meetings (Up to Ten)*
- *Monthly Progress Reports (Up to Three)*

Task 2 – Inventory and Analysis (1-2 Months)

OHM Advisors will study the Big Beaver Road corridor and subject DDA properties through a variety of perspectives, which will lead to the identification of project opportunities.

- **Previous Document Review**
- **Aerial Imagery of Corridor**
 - Conduct drone aerial imagery of corridor. This can be made available to the City in a variety of formats.
- **Inventory and Analysis**
 - Conditions Assessment of Landscape and Hardscape
 - Access and Circulation
 - Non-motorized & Transit Connectivity
 - Zoning and Land Use / Economic Development Trends and Opportunities
 - Regulatory Restrictions (RCOC, MDOT)
- **Stakeholder Interviews**
 - Conduct up to 5 stakeholder interviews with individuals as identified by the Troy Project team.
- **Documentation of Findings**

Deliverables:

- *Aerial Drone Imagery*
- *Stakeholder Interviews (Up to Five)*
- *Inventory and Analysis Findings*

Task 3 – Opportunities Mapping (1-2 Months)

During this task, OHM Advisors will synthesize findings from the previous task to generate a map of potential projects and improvements, and opportunities for further study.



- **Preliminary Opportunities Map**
 - Identification of potential project opportunities and next steps for detailed design.
- **Stakeholder Review of Opportunities Map**
- **Finalization of Opportunities Map**
- **Action Plan**
 - Prioritization of Improvement Projects
 - Action required
 - Party responsible
 - Timeline
 - Order of Magnitude Cost and Resources

Deliverables

- *Preliminary and Final Opportunities Map*
- *Stakeholder Review*
- *Action Plan*

FEE AND SCHEDULE

A summary of cost and schedule per task is as follows:

Phase	Fee	Contract Type
Task 1: Project Launch and Project Management	\$25,000	Hourly Not to Exceed
Task 2: Inventory and Analysis	\$50,000	Hourly Not to Exceed
Task 3: Opportunities Mapping	\$50,000	Hourly Not to Exceed
TOTAL	\$125,000	

CLARIFICATIONS AND ASSUMPTIONS

1. Fees were determined based on the noted assumptions. OHM Advisors proposes to confirm these assumptions with the Client prior to commencing services.
2. The cost associated with each task assumes authorization and execution of all tasks.
3. See attached for preliminary project schedule.
4. “Hourly (Estimated Fee)” represents the budget estimate for the. Budget estimate shall serve as a maximum. Any requested work beyond this fee must be approved by the TDDA prior to proceeding
5. OHM will provide documents in PDF format. Live drawings, such as GIS, will be provided in raw data format. OHM can provide live files in an online portal or other format, however this time is not accounted for within this scope of work.
6. Project fee includes printing for 24” x 36” full color printouts and smaller. Larger format prints must be completed out of house and will be charged to the project.



We hope that the above information is helpful in communicating our understanding of the project. If there are any areas that you have questions, please do not hesitate to contact us.

We greatly appreciate the opportunity to assist you and look forward to working together on this project.

Sincerely,
OHM Advisors

A handwritten signature in black ink, reading "Rhett Gronevelt", positioned above a horizontal line.

Rhett Gronevelt, PE | Principal

cc: Kurt Bovensiep, Public Works Director
Mark Loch, PE | Project Manager
Chris Riggert PLA | Landscape Architect



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: January 10, 2022

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Lisa Burnham, Accounting Manager
Alex Bellak, Information Technology Director
Brian Goul, Recreation Director
Emily Frontera, Purchasing Manager

Subject: Standard Purchasing Resolution 7: Proprietary Maintenance Service Contract – Vermont Systems Recreation and Parks Software

History

- The Recreation Department has used Vermont Systems Recreation and Parks Software, including RecTrac and WebTrac, for our Recreation Software Management since the mid 1990's.
- The Vermont System's software provides activity registration, pass management, facility and pavilion registrations, POS sales, league management, and reporting module.
- *Vermont Systems, Inc. of Essex Junction, VT* is the manufacturer of all of the software used for these tasks and the sole provider of ongoing software maintenance and updates.
- The Vermont Systems maintenance contract has now exceeded \$10,000 on an annual basis due to software maintenance cost increases and the addition of an additional module.
- The IT Department maintains the software and works with Vermont Systems for updates and software support.

Purchasing

It is in the best interest of the City to waive the bid process and continue to utilize the existing Vermont Systems Recreation and Parks software.

Financial

Funds are budgeted and available in the Community Center operating budget, account number 101.752.31.755.7740.010.

Recommendation

City management, in the best interest of the City, recommends waiving the formal bidding procedures and requests authorization to award the proprietary maintenance service contract to *Vermont Systems, Inc., of Essex Junction, VT* to provide software maintenance for RecTrac and WebTrac for an estimated amount of \$10,182.58. City management further requests the authorization of the *ongoing* usage of the Vermont Systems proprietary software as needed by the Recreation Department.

CITY COUNCIL AGENDA ITEM

Date: January 4, 2022

To: Honorable Mayor and City Council Members

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

Subject: Seventh Order Amending Meritor and Nelson Companies Consent Judgment

In February of 2012 and May of 2013, City Council approved, respectively, the Fifth and Sixth Orders Amending the Consent Judgment in the *Meritor Automotive, Inc and the Nelson Companies, Inc*, case, Oakland County Circuit Court case number 1994-94878 CZ. Together, these amendments allowed for the construction of a baseball facility, known as Warrior Park, to be used by the Brother Rice High School varsity baseball program. The baseball field was constructed on two parcels located at 1525 and 1735 Equity in accordance with site plans that were approved by the Planning Commission in January of 2012.

In March of 2021, the Warrior Park parcels were acquired by Warrior Baseball Complex LLC, ("WBC"). WBC seeks to expand the baseball facility by constructing a two-story addition adjacent to the existing stadium. The addition will include a hitting facility, parent lounge, bathrooms, electrical/mechanical rooms, a mezzanine viewing lounge, office space, and a rooftop deck. Batting cages and a bullpen will be relocated on the site, and a small practice area will be removed.

The current consent judgment provides that any additions to the site plan such as "facilities for storage, maintenance equipment and baseball equipment, additional bleachers, concession stands, outbuildings, press boxes, scoreboards, restroom facilities, and those structures normally associated with a premium high school baseball facility" may be administratively approved without the necessity of amending the consent judgment. However, due to the extent of the proposed changes to the site, the site plan was reviewed by the Troy Planning Commission at its June 8, 2021 meeting. The Planning Commission recommended approval, subject to certain conditions, including but not limited to the requirement to present a plan to demonstrate adequate parking.

The attached consent judgment incorporates the revised site plan and addresses the Planning Commission conditions. The proposed resolution approves and authorizes the Mayor, City Clerk, and the City Attorney to sign the Seventh Amended Consent Judgment. Please let us know if you have any questions or concerns.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MERITOR AUTOMOTIVE, INC.,
a Delaware corporation, and
THE NELSON COMPANIES, INC.,
a Michigan corporation,

Plaintiffs,

v.

CITY OF TROY, a Michigan municipal
corporation,

Defendant.

Case No.: 94-487484-CZ
Hon. Denise Langford Morris

STIPULATION AND
SEVENTH ORDER
AMENDING
CONSENT JUDGMENT

WARRIOR BASEBALL COMPLEX LLC
SUCCESSOR IN INTEREST TO CAMBRIDGE
CROSSINGS #2, L.L.C. as to Units 3, 4, and 5 of the
Business Park at Cambridge Crossings only
Ronald A. Deneweth (P27680)
Alexander Choi (P84544)
1175 W. Long Lake Road, Suite 202
Troy, MI 48098
(248) 290-0408

CITY OF TROY
Lori Grigg Bluhm (P46908)
Julie Quinlan Dufrane (P59000)
City of Troy City Attorney's
Office Attorneys for City of Troy
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3324

STIPULATION AND SEVENTH ORDER AMENDING CONSENT JUDGMENT

At a session of said court held in the
Courthouse in the City of Pontiac, Oakland County, Michigan on:

PRESENT: THE HONORABLE _____
Hon. Denise Langford Morris
Circuit Court Judge

The parties, through their respective counsel and by themselves, hereby stipulate and agree to this Stipulation and Seventh Order Amending Consent Judgment (“Seventh Amendment”) as follows:

WHEREAS, this matter was resolved through the entry of a Consent Judgment on May 10, 1999 (the “Original Consent Judgment”), and the Original Consent Judgment was modified on March 26, 2002 by the entry of a Stipulation and Order Amending Consent Judgment (the “First Amendment”); on November 25, 2002 by entry of a Stipulation and Second Order Amending Consent Judgment (the “Second Amendment”); on March 20, 2003 by the entry of a Stipulation and Third Order Amending Consent Judgment (the “Third Amendment”); on August 11, 2011 by the entry of a Stipulation and Fourth Order Amending Consent Judgment (the “Fourth Amendment”); on February 2, 2012 by the entry of a Stipulation and Fifth Order Amending Consent Judgment (the “Fifth Amendment”); and on May 29, 2013 by the entry of a Stipulation and Sixth Order Amending Consent Judgment (the “Sixth Amendment”). The Original Consent Judgment, the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment, and the Sixth Amendment are referred to collectively as “the Consent Judgment”;

WHEREAS, the land identified as Parcel B in the Original Consent Judgment described in Exhibit B incorporated therein, and which is described in the attached Exhibit A to this Seventh Amendment, was permitted to be developed, used and occupied for the purposes set forth in Article XXVIII, M-1 Light Industrial District, within the meaning of Chapter 39, Section 28.00.00, et seq., of the Troy City Code, in effect at that time of the Original Consent Judgment except as specifically modified by the terms of the Consent Judgment; and

WHEREAS, subsequent to the entry of the Original Consent Judgment, Plaintiff, Cambridge Crossing Shops #1, LLC (“Cambridge Crossing #1”) acquired Parcel A from Meritor Heavy Vehicle Systems, LLC, a wholly owned subsidiary of Meritor Automotive, Inc. and Developed Parcel A into an operating retail shopping center with various retail tenants as permitted by the Consent Judgment; and

WHEREAS, on or about January 31, 2003, Cambridge Crossing Shops #2, LLC (“Cambridge Crossing #2”) acquired Parcel A from Cambridge Crossing #1 who continued to operate Parcel A as a retail shopping center with various retail tenants as permitted by the Consent Judgment; and

WHEREAS, subsequent to the entry of the Original Consent Judgment, Cambridge Crossing #2 acquired and became the successor in interest to Plaintiffs in the Subject Property and thereafter PB MI OREO, LLC acquired and became the successor in interest in the Subject Property as defined herein from Cambridge Crossing #2; and

WHEREAS, The Christian Brothers Institute of Michigan d/b/a Brother Rice High School (“Brother Rice”), a domestic non-profit corporation qualified to do business in the State of Michigan, acquired a portion of the land included on Parcel B, specifically Units 3, 4, and 5 of The Business Park at Cambridge Crossings a condominium according to the Master Deed as amended and recorded in liber 32631 page four hundred nine (409) as more fully described in Exhibit B. This property is hereafter referred to as “the Subject Property”; and

WHEREAS, on March 10, 2021, Warrior Baseball Complex LLC (“WBC”), a Michigan limited liability company, a domestic limited liability company qualified to do business in the State of Michigan, acquired from Brother Rice the Subject Property; and

WHEREAS, WBC submitted an application for approval of a site plan to the planning commission for the City of Troy (“Planning Commission”) which was approved in a meeting on June 8, 2021 (“Site Plan”) and the Planning Commission recommended approval of the Site Plan subject to certain conditions concerning parking (City of Troy File No. SP2021-0005) relating to the Subject Property which lies within Parcel B; and

WHEREAS, the City Council of the City of Troy at its _____, **2022** Regular Meeting approved the Site Plan in accordance with its regular procedures and further approved and authorized the entry of this Seventh Amendment on behalf of the City of Troy to allow the Subject Property to be used in accordance with the Site Plan; and

WHEREAS, WBC has requested approval from the City of Troy to allow the Subject Property to be improved and allow WBC to construct and maintain the Subject Property to include the improvements reflected within the attached Exhibit C inclusive in addition to all improvements and construction allowed by previous approvals and the Consent Judgment subject to the conditions set forth below (“Conditions”).

IT IS HEREBY ORDERED that notwithstanding anything to the contrary in the Consent Judgment, that the Site plan and the improvements and construction reflected in Exhibit C inclusive and attached hereto are hereby approved and deemed to comport with all applicable legal requirements of the Consent Judgment, the City of Troy Ordinances, and applicable law; and the Plaintiffs, their successors and assigns, hereby have the right, but not the obligation, to construct all or any part of the improvements set forth and depicted in Exhibit C, subject to the following Conditions and obtaining all applicable sign, building and engineering permits required for such construction in the ordinary course:

1. Hitting Facility.
2. Relocated Exterior Batting Cages to the southeast corner of the Subject Property.
3. Relocated bullpen along first base line.
4. Strength and Conditioning Building.

5. Parking. WBC is authorized to use the parking lot of Global Collision Center/Lincoln of Troy Collision Center on an as needed basis as outlined in the Parking Agreement between WBC and RCMC Properties LLC attached as Exhibit D. If the Parking Agreement between WBC and RCMC Properties LLC is terminated by either party for any reason, the City of Troy shall be notified immediately. If the Parking Agreement is terminated, no baseball games or scrimmages that require parking in excess of the available parking on the Subject Property shall take place until alternate parking arrangements are made to the satisfaction of the Troy City Attorney.
6. Parking lot lighting and walkway lighting between the parking lot to hitting facility.
7. Additional hardscape and landscaping.

IT IS FURTHER ORDERED that the City of Troy allow the Subject Property to be developed, used, and operated consistent with the Site Plan.

IT IS FURTHER ORDERED that to the extent additional review, approvals, variances, or consents are required by the City of Troy with respect to any element of the Site Plan to give appropriate meaning and effect to the Site Plan or to the terms of the Consent Judgment, and this Seventh Amendment, such review, approvals, variances, or consents shall not be unreasonably delayed, conditioned, or denied by the City of Troy.

IT IS FURTHER ORDERED that every provision of the Original Consent Judgment, the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment, and the Sixth Amendment on file with this Court, whether expressly referenced in this Seventh Amendment, are incorporated herein by reference.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction in all matters concerning the development and use of Parcels A and B including the Subject Property and the implementation of the Orders of this Court related to Parcels A and B and the matters covered by the Consent Judgment and this Seventh Amendment.

IT IS FURTHER ORDERED that the parties may hereafter amend the Original Consent Judgment, the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment, the Sixth Amendment, or this Seventh Amendment by written agreement which shall be effective upon the signature of the parties to such amendment and of this Court.

IT IS FURTHER ORDERED and the parties acknowledge that there may be modifications to the Site Plan that are dependent on issues that arise after the approval of this Seventh Amendment and that are concerned with minor modifications or other issues that occur in the actual building process or later, and further, that these minor modifications to the Site Plan, not inconsistent with the spirit of the Consent Judgment and this Seventh Amendment, may be made without the necessity of amending this Seventh Amendment, with the approval of the City Administration. The City Administration shall have the discretion to determine whether a modification is "minor" in accordance with this paragraph.

IT IS FURTHER ORDERED that this Seventh Amendment shall control to the extent there are any conflicts with the Original Consent Judgment, the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment, and the Sixth Amendment.

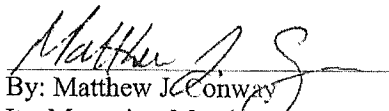
IT IS FURTHER ORDERED that a certified copy of this Seventh Amendment shall be recorded with the Oakland County Register of Deeds.

HON. DENISE LANGFORD MORRIS
Circuit Court Judge


Stipulated to for entry by:

WARRIOR BASEBALL COMPLEX LLC

CITY OF TROY


By: Matthew J. Conway
Its: Managing-Member

By: Ethan Baker, Mayor


Ronald A. Deneweth (P27680)
Alexander Choi (P84544)
Deneweth, Dugan & Parfitt, P.C.
1175 W. Long Lake Road, Suite 202
Troy, MI 48098

By: Aileen Dickson, City Clerk

Lori Grigg Blum (P46908)
Julie Quinlan Dufrane (P59000)
City of Troy
City of Troy Attorney's Office
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3324

Drafted by and after recording return to:
Ronald A. Deneweth (P27680)
Alexander Choi (P84544)
Deneweth, Dugan & Parfitt, P.C.
1175 W. Long Lake Road, Suite 202
Troy, MI 48098

5553.3/122321 7th Amendment (clean)

EXHIBIT A

EXHIBIT A

(Exhibit B to the Original Consent Judgment)

EXHIBIT 'B'

Situated in the City of Troy, County of Oakland and State of Michigan, and being part of lands dedicated to Cambridge Crossing Shops #2, LLC in liber 28689, page 246, and being more particularly described as follows:

Beginning at a 5/8" iron pin, with cap stamped D11, in monument box, said point being the North ¼ corner of Section 32, Town 2 North, Range 11 East;

Thence South 00° 29' 31" West, a distance of 60.00 feet to a point in the southerly right of way line of West Maple Road;

Thence following along the southerly right of way line of said West Maple Road, South 89° 53' 40" East, a distance of 402.74 feet to a point at the northwesterly corner of said Cambridge lands;

Thence following along the westerly line of said Cambridge lands for the following courses:

South 00° 10' 46" West, a distance of 931.12 feet to a point;

South 89° 38' 34" East, a distance of 81.92 feet to a point;

South 00° 03' 45" West, a distance of 55.48 feet to a point in the northerly line of an Existing Sanitary Sewer Easement;

Thence following along the northerly and easterly lines of said Existing Easement for the following courses:

South 89° 45' 07" East, a distance of 20.00 feet to a point;

South 00° 03' 45" West, a distance of 390.98 feet to a point;

South 89° 30' 11" East, a distance of 174.67 feet to a point on the northerly line of an Existing Sanitary Sewer Easement To Be Vacated, said point being the TRUE POINT OF BEGINNING;

Thence following along the edge of said Existing Easement To Be Vacated for the following courses:

South 89° 30' 11" East, a distance of 232.93 feet to a point;

South 04° 19' 26" West, a distance of 30.07 feet to a point;

North 89° 30' 11" West, a distance of 229.30 feet to a point;

North 02° 36' 49" West, a distance of 30.04 feet to the TRUE POINT OF BEGINNING.

Containing 0.159 acres (6,933 square feet) more or less.

EXHIBIT B

LEGAL DESCRIPTION

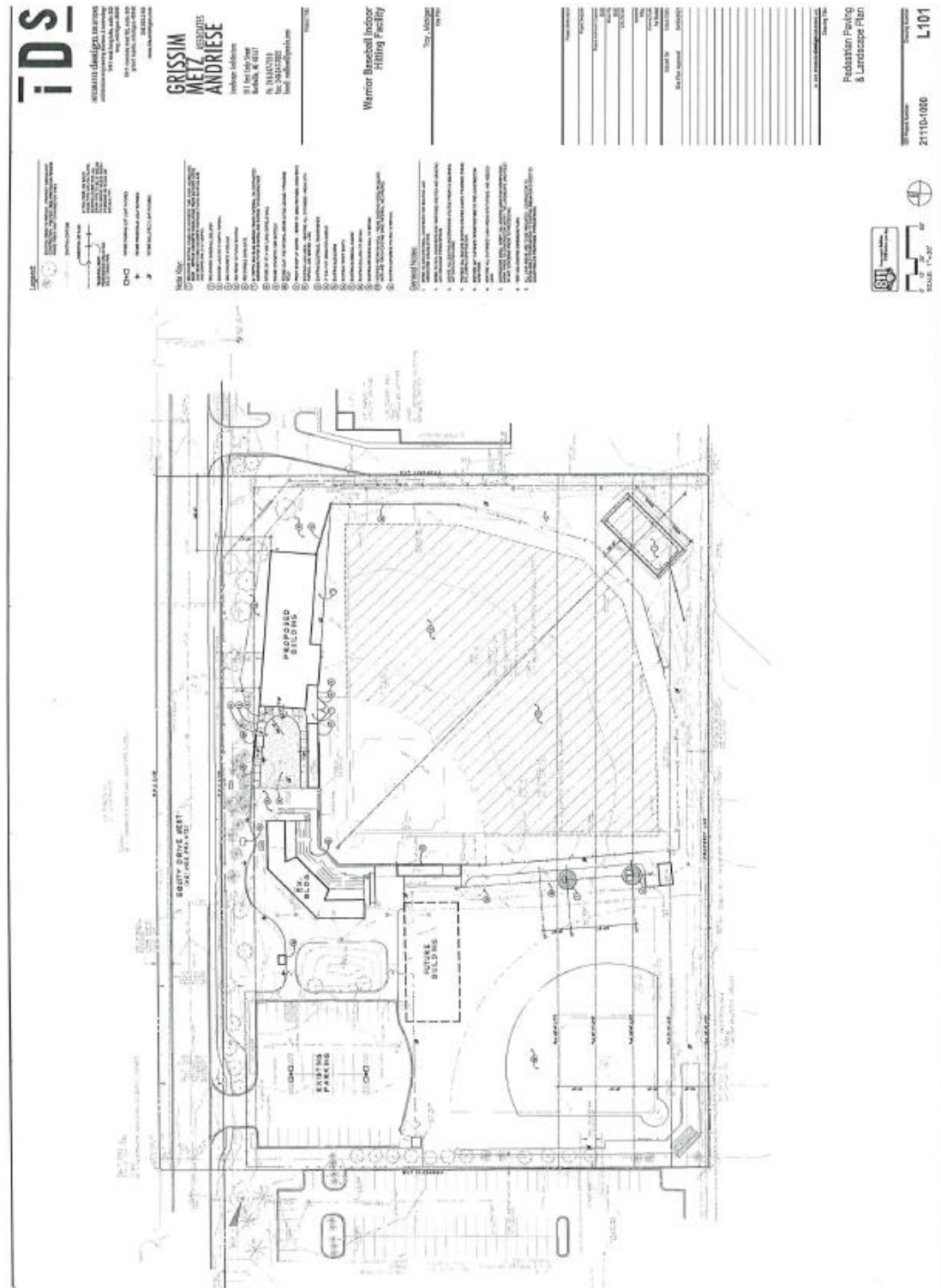
Land situated in the City of Troy, County of Oakland, State of Michigan, more particularly described as:

Unit 3, Unit 4 and Unit 5, of “The Business Park at Cambridge Crossings”, a condominium according to the Master Deed recorded in Liber 21432 Page 305, Oakland County Records, as amended, and designated as Oakland County Condominium Subdivision Plan Number 1266, together with rights in common elements and limited common elements as shown on the Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

Tax Parcel Nos.:	20-32-126-031 Unit 3
	20-32-126-032 Unit 4
	20-32-126-033 Unit 5

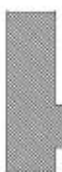
Commonly known as:	1525 Equity Drive, Troy, MI 48084
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EXHIBIT C



[illegible][illegible]Warrior Baseball Indoor
Hitting Facility

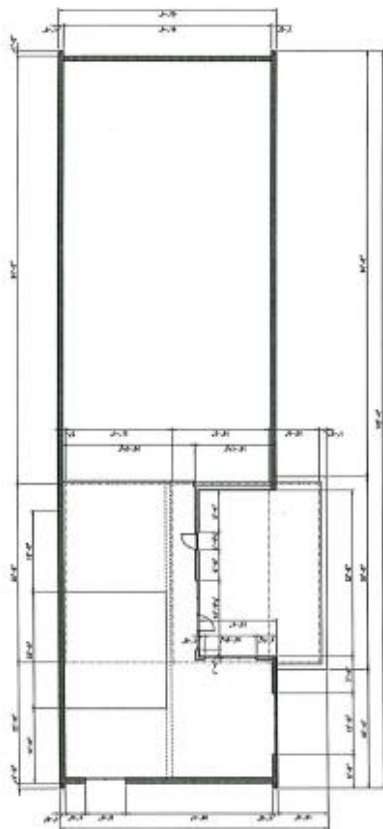
Trp, Million tons
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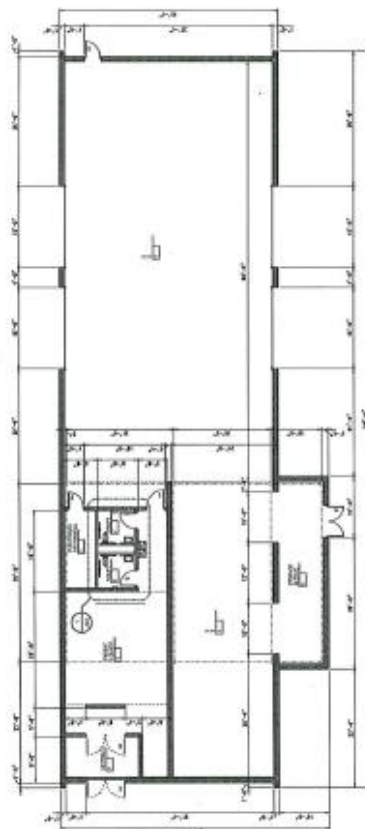
1. Name of the institution P. Ramabai Medical College Hospital and Research Centre No. 25/25-1/2 2. Address M. K. Road 3. City 4. State 5. Pin Code 6. District 7. Country 8. Telephone 9. Fax 10. E-mail 11. Website	12. Date of receipt of the letter	13. Date of receipt of the letter
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1st and 2nd Floor Plans
and Enlarged Plan Details

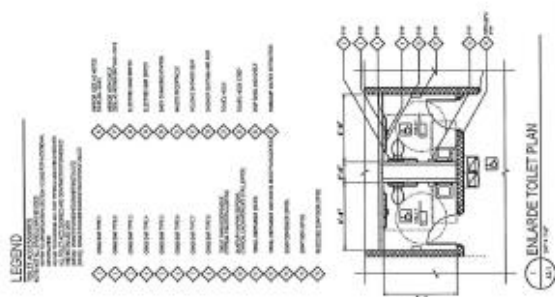
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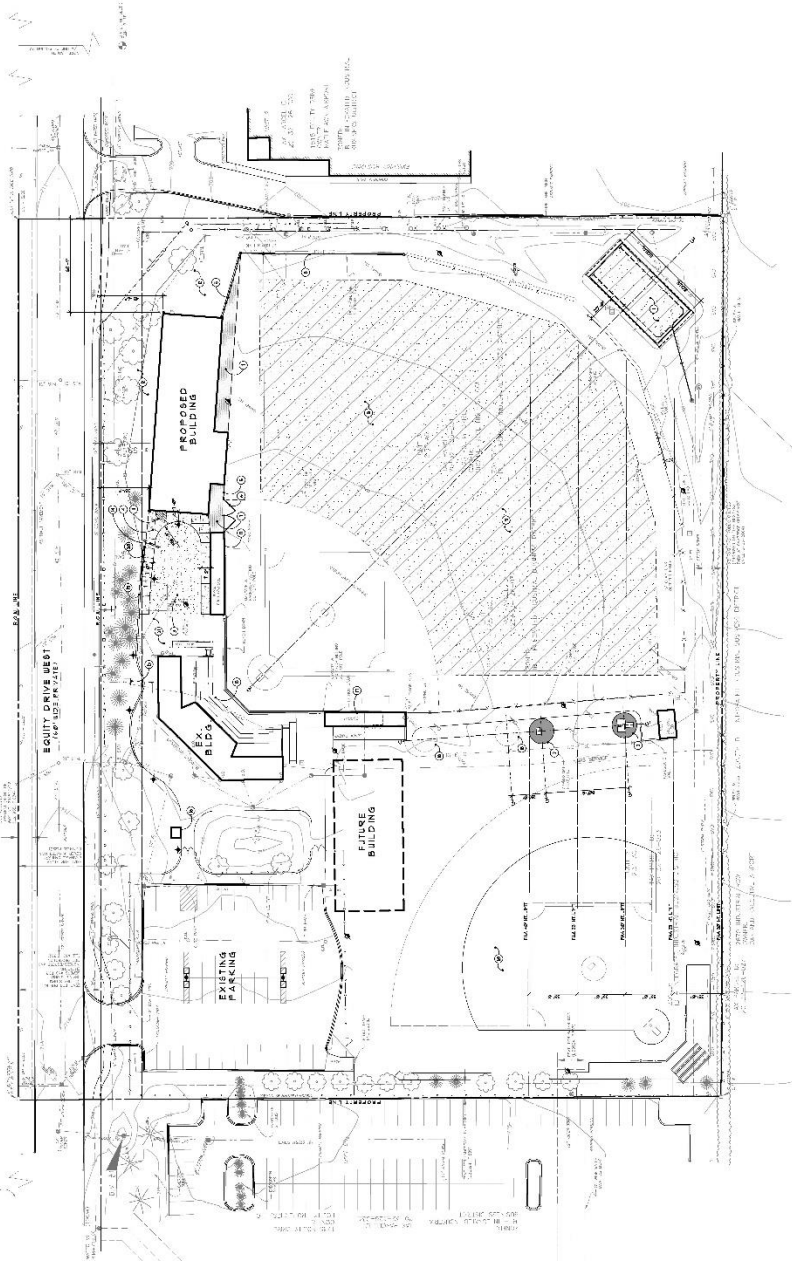
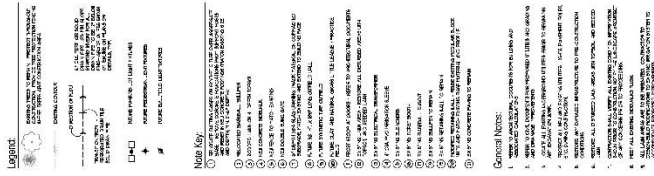
SECOND FLOOR PLAN
8' x 10'



6/2
FIRST FLOOR PLAN



ENLARDE TOILET PLAN



GENERAL NOTES

- PROJECT PLAN**
1. **DEVELOP A PROJECT PLAN** AND A PROJECT CHARTER. THE PROJECT CHARTER IS A DOCUMENT THAT AUTHORIZES THE PROJECT AND PROVIDES THE PROJECT MANAGER WITH THE AUTHORITY TO APPLY ORGANIZATIONAL RESOURCES TO THE PROJECT.
 2. **DEFINE THE PROJECT SCOPE** AND IDENTIFY THE PROJECT DELIVERABLES. THE PROJECT SCOPE IS THE WORK THAT MUST BE COMPLETED TO DELIVER THE PROJECT'S OBJECTIVES. THE PROJECT DELIVERABLES ARE THE TANGIBLE RESULTS OF THE PROJECT.
 3. **DEVELOP A PROJECT SCHEDULE** AND IDENTIFY THE PROJECT MILESTONES. THE PROJECT SCHEDULE IS A TIMELINE OF THE PROJECT'S ACTIVITIES AND MILESTONES. THE PROJECT MILESTONES ARE THE KEY EVENTS IN THE PROJECT.
 4. **DEVELOP A PROJECT BUDGET** AND IDENTIFY THE PROJECT COSTS. THE PROJECT BUDGET IS A PLAN OF THE PROJECT'S FINANCIAL RESOURCES. THE PROJECT COSTS ARE THE EXPENSES INCURRED BY THE PROJECT.
 5. **DEVELOP A PROJECT RISK MANAGEMENT PLAN** AND IDENTIFY THE PROJECT RISKS. THE PROJECT RISK MANAGEMENT PLAN IS A DOCUMENT THAT IDENTIFIES THE PROJECT RISKS AND PROVIDES A FRAMEWORK FOR MONITORING AND CONTROLLING THE RISKS. THE PROJECT RISKS ARE THE UNCERTAINTIES THAT CAN AFFECT THE PROJECT'S SUCCESS.
 6. **DEVELOP A PROJECT COMMUNICATIONS PLAN** AND IDENTIFY THE PROJECT STAKEHOLDERS. THE PROJECT COMMUNICATIONS PLAN IS A DOCUMENT THAT IDENTIFIES THE PROJECT STAKEHOLDERS AND PROVIDES A FRAMEWORK FOR COMMUNICATING WITH THEM. THE PROJECT STAKEHOLDERS ARE THE INDIVIDUALS OR ORGANIZATIONS THAT ARE INTERESTED IN THE PROJECT'S SUCCESS.
 7. **DEVELOP A PROJECT QUALITY MANAGEMENT PLAN** AND IDENTIFY THE PROJECT QUALITY REQUIREMENTS. THE PROJECT QUALITY MANAGEMENT PLAN IS A DOCUMENT THAT IDENTIFIES THE PROJECT QUALITY REQUIREMENTS AND PROVIDES A FRAMEWORK FOR MONITORING AND CONTROLLING THE QUALITY. THE PROJECT QUALITY REQUIREMENTS ARE THE CHARACTERISTICS THAT THE PROJECT DELIVERABLES MUST HAVE TO MEET THE PROJECT'S OBJECTIVES.
 8. **DEVELOP A PROJECT RESOURCE MANAGEMENT PLAN** AND IDENTIFY THE PROJECT RESOURCES. THE PROJECT RESOURCE MANAGEMENT PLAN IS A DOCUMENT THAT IDENTIFIES THE PROJECT RESOURCES AND PROVIDES A FRAMEWORK FOR MONITORING AND CONTROLLING THE RESOURCES. THE PROJECT RESOURCES ARE THE INDIVIDUALS, EQUIPMENT, AND MATERIALS THAT ARE USED TO COMPLETED THE PROJECT.
 9. **DEVELOP A PROJECT CLOSURE PLAN** AND IDENTIFY THE PROJECT CLOSURE ACTIVITIES. THE PROJECT CLOSURE PLAN IS A DOCUMENT THAT IDENTIFIES THE PROJECT CLOSURE ACTIVITIES AND PROVIDES A FRAMEWORK FOR MONITORING AND CONTROLLING THE CLOSURE. THE PROJECT CLOSURE ACTIVITIES ARE THE ACTIVITIES THAT MUST BE COMPLETED TO CLOSE THE PROJECT.

LEGEND

FLOOR PLAN:
NOTE: NOT ALL TOOLS MAY BE USED

NO TIME ALLOWED
TO ONE ON STAIRS
DURING EXC.

SHALL COMPLY WITH
LATEST EDITION OF
OSHA REGULATIONS
FOR SAFETY

Project Title

Warrior Baseball Indoor Hitting Facility

Troy, Michigan
Key Plan

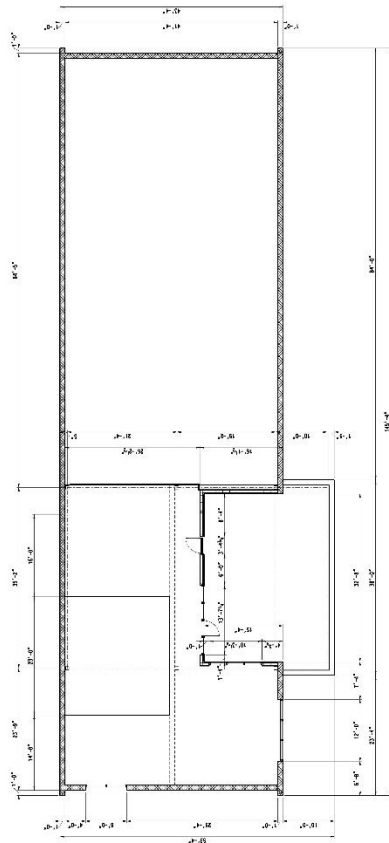
Project Number	Project Name	Project Manager	Project Status	Project Start Date	Project End Date	Project Budget	Project Location	Project Description
P-2019-001	Project Alpha	M. J. Smith	Completed	2019-01-01	2019-03-31	\$1,000,000	New York, NY	Development of a new software application for data analysis.
P-2019-002	Project Beta	M. J. Smith	In Progress	2019-04-01	2019-06-30	\$2,500,000	Los Angeles, CA	Construction of a new office building in downtown Los Angeles.
P-2019-003	Project Gamma	M. J. Smith	On Hold	2019-07-01	2019-09-30	\$500,000	San Francisco, CA	Research and development of a new medical device.
P-2019-004	Project Delta	M. J. Smith	Completed	2019-10-01	2019-12-31	\$750,000	Chicago, IL	Marketing campaign for a new product line.
P-2019-005	Project Epsilon	M. J. Smith	In Progress	2020-01-01	2020-03-31	\$1,200,000	Seattle, WA	Development of a new mobile application for customer service.

As Noted	Issued for	Issued Date
	1	2

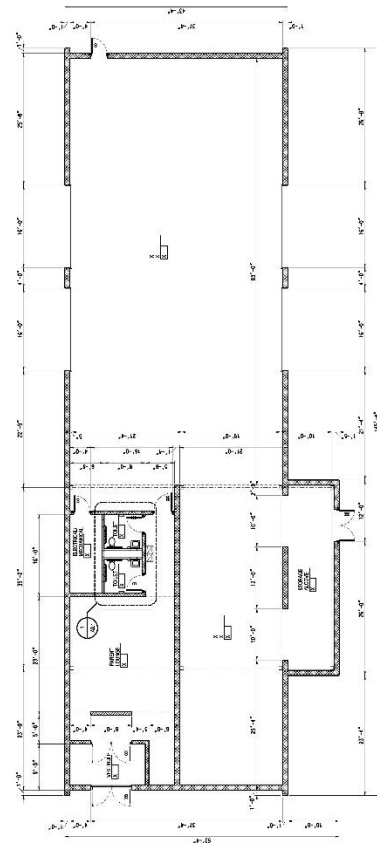
© 2005 Pearson Education, Inc.
Design File

1st and 2nd Floor Plans and Enlarged Plan Details

108 Project Number
21110-1000
Drawing Number
A2.1



SECOND FLOOR PLAN

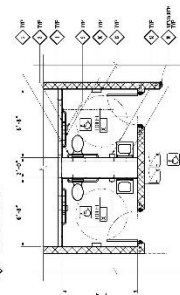


FIRST FLOOR PLAN

LEGEND

TO LEAD ADDRESSES
 1000 N. W. 11TH ST., MAY 28, 1980
 NEED TO POST ON SECTION 19 2800 1200-0000
 INFORMATION
 8-10 1000 1000-0000 11 1000 1000-0000 12 1000
 ALL 1000 1000-0000 13 1000 1000-0000 14 1000
 AND 1000 1000-0000 15 1000 1000-0000 16 1000
 1000 1000-0000 17 1000 1000-0000 18 1000 1000-0000

- [illegible]



ENLARDE TOILET PLAN

Warrior Park Development
Indoor Hitting Facility
Exterior Lighting Calculation Plan

Schedule		Quantity		Description		Number of Luminaire		Luminaire Wattage	
Symbol	Label	0	1	2	3	4	5	6	7
	H	0	1	2	3	4	5	6	7
	OA	2	1	2	3	4	5	6	7
	OB	3	1	2	3	4	5	6	7
	OC	2	1	2	3	4	5	6	7

Luminaire Locations		Location		Aim	
No.	Label	X	Y	Z	Orientation
1	OA	5023.39	4992.06	9.00	270.00
2	OA	5023.76	5004.04	9.00	270.00
1	OB	4974.15	5005.29	20.00	0.00
2	OB	4918.27	5019.24	20.00	180.00
3	OB	4792.41	4984.10	20.00	180.00
1	OC	4684.42	4974.80	20.00	90.00
2	OC	4686.04	4904.33	20.00	90.00

Statistics		Symbol		Avg		Max		Min		Max/Min		Avg/Min	
Description		Symbol		Avg		Max		Min		Max/Min		Avg/Min	
Walkway		+		3.1 fc		9.1 fc		0.5 fc		18.2:1		6.2:1	
Warrior Parking Lot		+		2.9 fc		10.9 fc		0.2 fc		54.5:1		14.5:1	



Plan View

Plan View - A
Scale - 1" = 10ft

EXHIBIT D

AGREEMENT BETWEEN WARRIOR BASEBALL COMPLEX LLC AND RMCM PROPERTIES LLC FOR THE USE OF A PORTION OF GLOBAL COLLISION CENTER/LINCOLN OF TROY COLLISION CENTER

This agreement is made this 23 day of December 2021, by and between Warrior Baseball Complex LLC, a Michigan limited liability company, whose address is 1525 Equity Drive, Troy, Michigan 48084 ("WBC"), and RMCM Properties LLC, a Michigan limited liability company, whose address is 1950 W. Maple Road, Troy, Michigan 48084 ("Global Collision") for the purposes of WBC's use of Global Collision's parking lot ("Agreement").

RECITALS

- A. WBC is the fee simple owner of a certain parcel of land located in the City of Troy, Oakland County, Michigan, more particularly described on Exhibit A attached hereto and incorporated herein ("WBC's Property"). WBC's Property is used for baseball related activities.
- B. Global Collision is the fee simple owner of a certain parcel of land located in the City of Troy, Oakland County, Michigan, more particularly described on Exhibit B attached hereto and incorporated herein ("Global Collision's Property"). Global Collision's Property is used as an automotive collision center.
- C. WBC's Property provides forty-one (41) parking spots.
- D. WBC has requested to use Global Collision's Property in the event that its invitees require additional parking.
- E. WBC may use Global Collision's Property on an as needed basis for parking purposes.
- F. WBC may use up to seventy-five (75) parking spots on Global Collision's Property for an annual fee of one dollar and 00/100 (\$1.00).
- G. WBC's use of Global Collision's Property shall be limited to parking purposes only.

NOW, THEREFORE, WBC and Global Collision agree to the following terms and conditions for WB's as needed basis use of Global Collision's Property.

- 1. The above Recitals are hereby incorporated by reference.
 - 2. Use of Global Collision's Property for Parking. For consideration set forth in this Agreement, Global Collision agrees to allow WBC to use Global Collision's Property on an as needed basis for parking under the following limited terms:
 - A. WBC is permitted to use up to seventy-five (75) parking spots on Global Collision's Property (the "Parking Spots"). All federal, state and/or local laws, including traffic laws, shall be enforced against WBC and its vehicles on Global Collision's Property.
 - B. WBC's use of the Parking Spots shall be for parking purposes only. Actions by WBC and its invitees to the contrary are not permitted.
-

3. User Fee. On an annual basis, WBC shall pay Global Collision one dollar and 00/100 (\$1.00) no later than September 1 (the "Fee"). The Fee is due to Global Collision each year WBC requires the use of Global Collision's Property for the purposes stated in this Agreement.
4. Amendment and Modification. This Agreement may only be amended, modified, or supplemented by an agreement in writing signed by each party hereto.
5. Signage. WBC may place temporary signage on Global Collision's Property designating Global Collision's Property as a parking area beginning on the day of an event. If signage of this nature is placed on Global Collision's Property, then WBC shall remove the signage by the end of day.
6. Indemnification and Hold Harmless. To the fullest extent permitted by law, WBC agrees to defend, pay on behalf of, indemnify and hold harmless Global Collision, its members, employees and volunteers and others working on behalf of Global Collision against any and all claims, demands, suits, loss, including all costs and attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from Global Collision, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with WBC's use of Global Collision's Property under this Agreement.
7. Responsibility for Damage to Vehicles or Theft or Loss from Vehicles. Global Collision shall not be responsible for damage to any vehicles, or for any theft from or loss from a vehicle while that vehicle is parked on Global Collision's Property.
8. Termination of this Agreement. Global Collision may terminate this Agreement at any time for good cause upon 30 days written notice. Global Collision shall send a courtesy notice to Matthew J. Conway of WBC indicating that Global Collision is terminating this Agreement, and that WBC's use of Global Collision's Property on an as needed basis shall cease.
9. Notices. Notices required hereunder shall be in writing and shall be delivered or sent by certified mail or overnight delivery by a reputable national carrier to Matthew J. Conway, 4603 Tonawanda Avenue, Royal Oak, Michigan 48073.
10. Governing Laws. This Agreement shall be construed in accordance with the laws of the State of Michigan and any applicable federal laws and regulations.
11. Exhibits. All exhibits referred to herein and attached hereto shall to shall be deemed part of this Agreement.
12. Severability. If any term, provision or condition contained in this Agreement shall to any extent, be invalid or unenforceable, the remainder of this Agreement (or the application of such term, provision or condition to persons or circumstances other than those in respect of which it is invalid or unenforceable) shall not be affected

thereby, and each term, provision or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

13. Assignment. WBC shall not assign any of its rights or delegate any of its obligations hereunder without the prior written consent of Global Collision, which consent shall not be unreasonably withheld, conditioned, or delayed. Any purported assignment or delegation in violation of this Section shall be null and void. No assignment or delegation shall relieve the assigning or delegating party of any of its obligations hereunder.

[SIGNATURES ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

WARRIOR BASEBALL COMPLEX LLC,
a Michigan limited liability company,

Matthew J. Conway

By: Matthew J. Conway
Its: Managing-Member

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 28th day of December, 2021, by **Matthew J. Conway**, Manager of Warrior Baseball Complex LLC, a Michigan limited liability company, on behalf of said company.

Kate Hannah
Kate Hannah, Notary Public
Oakland County, Michigan
Acting in Oakland County, Michigan
My commission expires: 10/05/2023

KATE HANNAH
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Oct 5, 2023
ACTING IN COUNTY OF Oakland



RMCM PROPERTIES LLC,
a Michigan limited liability company,

Michael Sabatini

By: Michael Sabatini
Its: Member

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 28th day of December, 2021, by **Michael Sabatini**, Manager of RMCM Properties LLC, a Michigan limited liability company, on behalf of said company.

Carrie Nickel
Carrie Nickel, Notary Public
Livingston County, Michigan
Acting in Oakland County, Michigan
My commission expires: March 27, 2023

5553.3/072221 Parking Agreement

Drafted by and when recorded,
return to:

Ronald A. Deneweth (P27680)
Alexander Chpi (P84544)
Deneweth, Dugan & Parfitt, P.C.
1175 W. Long Lake Road, Suite 202
Troy, MI 48098

EXHIBIT A

LEGAL DESCRIPTION

Land situated in the City of Troy, County of Oakland, State of Michigan, more particularly described as:

Unit 3, Unit 4 and Unit 5, of "The Business Park at Cambridge Crossings", a condominium according to the Master Deed recorded in Liber 21432 Page 305, Oakland County Records, as amended, and designated as Oakland County Condominium Subdivision Plan Number 1266, together with rights in common elements and limited common elements as shown on the Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

Tax Parcel Nos.: 20-32-126-031 Unit 3
 20-32-126-032 Unit 4
 20-32-126-033 Unit 5

Commonly known as: 1525 Equity Drive, Troy, MI 48084

EXHIBIT B

LEGAL DESCRIPTION

Land situated in the City of Troy, County of Oakland, State of Michigan, more particularly described as:

Unit 6 of "The Business Park at Cambridge Crossings", a condominium according to the Master Deed recorded in Liber 21432 Page 305, Oakland County Records, as amended, and designated as Oakland County Condominium Subdivision Plan Number 1266, together with rights in common elements and limited common elements as shown on the Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

Tax Parcel No.: 20-32-126-034

Commonly known as: 1735 Equity Drive, Troy, MI 48084

Mayor Baker performed the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on Monday, December 13, 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
- Theresa Brooks
- Rebecca A. Chamberlain-Creanga
- Ann Erickson Gault
- David Hamilton
- Ellen Hodorek

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Proclamation to Celebrate Troy High Student Reagan Choi on Earning a Perfect Score on AP Physics Exam *(Presented by: Mayor Ethan Baker)*

C-2 Oakland County Update from County Commissioners Penny Luebs and Tom Kuhn

C-3 Independent Auditor's Communication

C-4 Audit Presentation

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

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

G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – Local Development Finance Authority, Planning Commission; b) City Council Appointments – Southeastern Michigan Council of Governments (SEMCOG), Traffic Committee

a) Mayoral Appointments:

Resolution #2021-12-193

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:

Local Development Finance Authority (LDFA)

Appointed by Mayor
5 Regular Members
Staggered 4 Year Term

Nominations to the Local Development Finance Authority (LDFA):**Term Expires: City Council
Term**

Ellen Hodorek

Alternate

Term currently held by: Ellen Hodorek's term expired
11/8/2021

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

Sandra Bachert

Resident Member

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

Yes: All-7
No: None

MOTION CARRIED

Resolution #2021-12-194

Moved by Baker

Seconded by Hodorek

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

Planning Commission

Appointed by Mayor
9 Regular Members
3 Year Term

Nominations to the Planning Commission:**Term Expires: 12/31/2024****Michael Hutson**

Term currently held by: Michael Hutson

Term Expires: 12/31/2024**Dave Lambert**

Term currently held by: Dave Lambert

Term Expires: 12/31/2024**John Tagle**

Term currently held by: John Tagle

Yes: All-7

No: None

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

Resolution #2021-12-195

Moved by Erickson Gault

Seconded by Brooks

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

Southeastern Michigan Council of Governments (SEMCOG)

Appointed by Council

1 Regular Member and 1 Alternate Members

Appointed Every Odd-Year Election

Nominations to the Southeastern Michigan Council of Governments (SEMCOG):**Term Expires: 11/13/2023****David Hamilton****Delegate**

Term currently held by: David Hamilton

Yes: All-7

No: None

MOTION CARRIED

Resolution #2021-12-196

Moved by Erickson Gault

Seconded by Abraham

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

Traffic Committee

Appointed by Council

7 Regular Members

3 Year Term

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

Term currently held by: Alankar Shende - Graduates 2021

Yes: All-7
No: None

MOTION CARRIED

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

I-3 Request for Closed Session

Resolution #2021-12-197

Moved by Baker

Seconded by Hamilton

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (h) (MCL 15.243 (g)).

Yes: All-7
No: None

MOTION CARRIED

I-4 Budget Amendment and Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Replacement of Pump Station Located at the Sanctuary Lake Golf Course (*Introduced by: Nikki McEachern, Assistant Recreation Director*)

Resolution #2021-12-198

Moved by Erickson Gault

Seconded by Abraham

RESOLVED, That Troy City Council hereby **AWARDS** a contract for the Replacement of the Pump Station at Sanctuary Lake Golf Course to low bidder meeting specification, *Mid-Ohio Electric Company of Columbus, OH*, at prices contained in the bid tabulation opened December 2,

2021, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, for an estimated total cost of \$154,967.49 and a 10% contingency not to exceed amount of \$170,500.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** a budget amendment in the amount of \$170,500 to the Sanctuary Lake Golf Course Buildings and Improvements General Repairs Capital Fund.

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

Yes: All-7

No: None

MOTION CARRIED

I-5 Bid Waiver - 12 Inch Cla-Val Pressure Reducing Valve and Controls (*Introduced by: Kurt Bovensiep, Public Works Director*)

Resolution #2021-12-199

Moved by Chamberlain-Creanga

Seconded by Erickson Gault

RESOLVED, That in the best interest of the City, Troy City Council hereby **WAIVES** the bid process and **AWARDS** a contract to *Jett Pump & Valve, LLC of Waterford, MI*, for the purchase of one (1) Cla-Val 12 inch model #90-01BCVSY Pressure Reducing Valve as per the prices detailed in the quote for an estimated total cost of \$22,161.00; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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.

Yes: All-7

No: None

MOTION CARRIED

I-6 Business Engagement and Priority Study (Introduced by: Robert J. Bruner, Assistant City Manager)

J. CONSENT AGENDA:

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

Resolution #2021-12-200-J-1a

Moved by Abraham

Seconded by Erickson Gault

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

Yes: All-7
No: None

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2021-12-200-J-2

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

- a) City Council Minutes-Draft – December 6, 2021

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Tee Shirts for Various City Departments**

Resolution #2021-12-200-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a two (2) year contract with an option to renew for three (3) additional years to provide Tee Shirts for the City of Troy on an as-needed basis to the low bidder meeting specifications, *Express Press of Springfield, MO*, at unit prices contained in the bid tabulation opened December 2, 2021, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; with all expenses not to exceed budgetary limitations; contract to expire November 30, 2026.

- b) **Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Pool Maintenance/Repair Services and Opening/Closing of the Troy Family Aquatic Center**

Resolution #2021-12-200-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide maintenance and repair services, and opening and closing of the Troy Family Aquatic Center for two (2) years at the City of Troy outdoor and indoor pools (excluding pumps), with two (2), one-year renewal options to the low bidder meeting specifications, *B & B Pool Service & Supply of Livonia, MI*, for an estimated annual cost of \$40,000, at prices contained in the bid tabulation dated December 2, 2021, a copy of which shall be **ATTACHED** to the Minutes of this meeting; contract to expire December 31, 2025.

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

J-5 Request for Acceptance of Four Quit Claim Deeds and Twelve Permanent Easements for Eden Gardens Site Condominium, Section 27, Sidwell #88-20-27-451-141, -142 and -143

Resolution #2021-12-200-J-5

RESOLVED, That Troy City Council **ACCEPTS** two Quit Claim Deeds and six permanent easements for storm sewers and surface drainage, water mains, sidewalks, and sanitary sewers from H & C Construction, LLC, the owner of three parcels having Sidwell #88-20-27-451-141, -142 and -143.

BE IT FURTHER RESOLVED, That Troy City Council **ACCEPTS** two Quit Claim Deeds and six permanent easements for storm sewers and surface drainage, water mains, sidewalks, and sanitary sewers from GFA Eden Gardens, LLC, a land contract vendee to a land contract.

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

J-6 2022 Poverty Exemption Guidelines

Resolution #2021-12-200-J-6

WHEREAS, The adoption of guidelines for poverty exemptions is required of the City Council; and,

WHEREAS, The principal residence of persons, who the Assessor and Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or in part from taxation under Public Act 390 of 1994 (MCL 211.7u); and,

WHEREAS, Pursuant to PA 390 of 1994, the City of Troy, Oakland County adopts the following guidelines for the Board of Review to implement. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year;

WHEREAS, To be eligible, a person shall do all the following on an annual basis:

- 1) Be an owner of and occupy as a principal residence the property for which an exemption is requested.
- 2) File a claim with the assessor or Board of Review, accompanied by federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns filed in the immediately preceding year or in the current year or a signed State Tax Commission Form 4988, Poverty Exemption Affidavit.

- 3) File a claim reporting that the combined assets of all persons do not exceed the current guidelines. Assets include but are not limited to, real estate other than the principal residence, personal property, motor vehicles, recreational vehicles and equipment, certificates of deposit, savings accounts, checking accounts, stocks, bonds, life insurance, retirement funds, etc.
- 4) Produce a valid driver's license or other form of identification if requested.
- 5) Produce, if requested, a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.
- 6) Meet the federal poverty income guidelines as defined and determined annually by the United States Department of Health and Human Services or alternative guidelines adopted by the governing body providing the alternative guidelines do not provide eligibility requirements less than the federal guidelines.
- 7) The application for an exemption shall be filed after January 1, but one day prior to the last day of the December Board of Review. The filing of this claim constitutes an appearance before the Board of Review for the purpose of preserving the right of appeal to the Michigan Tax Tribunal.

The following are the 2022 federal poverty income guidelines which are updated annually by the United States Department of Health and Human Services. The annual allowable income includes income for all persons residing in the principal residence.

Size of Family Unit	Poverty Guidelines
1	\$12,880
2	\$17,420
3	\$21,960
4	\$26,500
5	\$31,040
6	\$35,580
7	\$40,120
8	\$44,660
For each additional person	\$4,540

Asset Test Guidelines

Used in the Determination of Poverty Exemptions for 2022.

As required by PA 390 of 1994, all guidelines for poverty exemptions established by the governing body of the local assessing unit **SHALL** include an asset level test. The purpose of an asset test is to determine the resources available (cash and fixed assets and property that could be converted to cash) that could be used to pay property taxes in the year the poverty exemption is filed.

The following asset test shall apply to all applications for poverty exemption:

- All household members shall **NOT** have ownership interest in any real estate other than the principal residence for which the poverty exemption is requested.

- The applicant(s) shall not have assets exceeding the amount shown in the chart below based on the size of the family unit.
- The asset Guideline (test) shall exclude the value of the principal residence subject to the poverty exemption request and exclude the value of one automobile. If multiple automobiles are owned, then the least valuable automobile will be excluded from the asset guideline.
- The applicant(s) shall not have total assets (excluding the value of the principal residence subject to the exemption request and excluding the value of one automobile) more than the guidelines set below. Assets exceeding the amounts stated below will result in a denial of the poverty exemption.

Size of Family Unit	Asset Guidelines
1	\$5,000
2	\$10,000
3	\$15,000
4	\$20,000
5	\$20,000
6	\$20,000
7	\$20,000
8	\$20,000
For each additional person	N/A

All asset information, as requested in the Application for Poverty Exemption, must be completed in total. The Board of Review may request additional information and verification of assets, if the Board of Review determines it to be necessary and may deny an application if the assets are not properly identified.

Cash and other assets include but are not limited to:

- Bank accounts i.e., savings, checking.
- Stocks and bonds, pensions, IRAs and other investment accounts
- Withdrawals of bank deposits and borrowed money.
- Gifts, loans, lump-sum inheritances, and one-time insurance payments
- Money received from the sale of property such as stocks, bonds, a house, or a car unless a person is in the specific business of selling such property.
- Second home, rental property, or building/property other than the residence.
- Excess or vacant land
- Extraordinary automobiles
- Jewelry, antiques, or artworks
- Recreational vehicles*
- Equipment or other personal property.
- Federal non-cash benefits programs such as Medicare, Medicaid, food stamps and school lunches
- Food or housing received in lieu of wages and the value of food and fuel produced and consumed on farms

* Recreational vehicles may include snowmobiles, boats, camping trailers, travel trailers, motor home, jet ski, motorcycles, off road vehicles, or anything which may be considered a recreational vehicle

NOW, THEREFORE, BE IT RESOLVED, That the Assessor and Board of Review **SHALL FOLLOW** the above stated policy, federal guidelines, and asset test in granting or denying an exemption.

J-7 Gillman as Personal Representative of the Estate of Megan Ann Miller v. Troy, et al.

Resolution #2021-12-200-J-7

RESOLVED, That the Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney's Office to represent Troy's interests in the matter of Gillman as Personal Representative of the Estate of Megan Ann Miller (Deceased) v. Troy *et al.* U.S. District Court, Eastern District of Michigan, Case Number 2:21-cv-12762, and **AUTHORIZES** the payment of necessary costs and expenses, including the retention of any witnesses (including experts) that are required for adequate representation.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

- a) January 10, 2022 - Zoning Ordinance Text Amendment (File Number ZOTA 256) – Apartments in BB (Big Beaver) Zoning District

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

L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

Gail Morrell	Commented about the noise level from I-75
Susan Saxton	Commented about the noise level from I-75
Luis Pugliese	Commented about the noise level from I-75
Lorraine Scussel	Commented about the noise level from I-75

M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

City Manager Miller	Commented that he has sent letters to the Governor and the Director of MDOT. The Director responded, and State Senator McMorro worked on providing additional funding. He said that City Engineer Huotari said that a study has not been ordered yet. Mr. Miller said that this is a State project. He said that this Wednesday, he has a meeting with State legislators and he will bring this up.
---------------------	---

Mayor Baker	Commented that the City wishes we could build the sound wall ourselves, however, the State owns the land and we are not allowed.
Council Member Hodorek	Commented that she assures residents that Council brings this up in every meeting with local and State officials. She said that she thinks it would be appropriate for Council to state that we support the residents' need for a sound wall. She said it takes time and patience, unfortunately. She said perhaps Council could do another proclamation to the State requesting the sound wall, and include the signatures that the residents have collected.
Mayor Baker	Stated that there is consensus of Council to consider a proclamation at the next Council meeting.
Council Member Hamilton	Thanked the residents for organizing and putting pressure on State officials to solve this problem. He said that this should not be paid for with Troy taxpayers' money, it should be paid for by the State since it is a problem the State caused.
Mayor Baker	Commented that this problem is talked about and thought about almost daily, and it is very frustrating for Council to not be able to take action. He said sometimes the only thing residents can do is continue to get community support, signatures, and pressuring the State officials. He said that he will reach out again to the officials at the State and County levels.

N. COUNCIL REFERRALS:

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

N-1 No Council Referrals

O. REPORTS:

O-1 Minutes – Boards and Committees:

- a) Employees' Retirement System Board of Trustees-Final – February 10, 2021
 - b) Employees' Retirement System Board of Trustees-Final – November 10, 2021
- Noted and Filed

O-2 Department Reports: None Submitted

O-3 Letters of Appreciation: None Submitted

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

P. COUNCIL COMMENTS:**P-1 Council Comments**

Mayor Baker wished everyone a Merry Christmas and Happy New Year. He said our next Council meeting is in January. He encouraged everyone to keep in mind those around them who may be struggling with mental health, and to reach out to them so they know they aren't alone during the holidays.

Q. PUBLIC COMMENT FOR ITEMS ON OR NOT ON THE AGENDA FROM MEMBERS OF THE PUBLIC OUTSIDE OF TROY (NOT RESIDENTS OF TROY AND NOT FROM TROY BUSINESSES):

Anand Pappuri	Commented that he would like to see the City of Troy adopt a clean energy policy, possibly utilizing the infrastructure bill funding.
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The Meeting **RECESSED** at 8:54 PM.

The Meeting **RECONVENED** at 9:07 PM.

R. CLOSED SESSION**R-1 Closed Session****S. ADJOURNMENT:**

The Meeting **ADJOURNED** at 9:53 PM.

Mayor Ethan Baker

M. Aileen Dickson, MMC, MiPMC II
City Clerk

2022 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

April 4, 2022 Special Budget Study Meeting
April 6, 2022 Special Budget Study Meeting

2022 SCHEDULED REGULAR CITY COUNCIL MEETINGS:

January 10, 2022 Regular Meeting
January 24, 2022 Regular Meeting
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December 5, 2022 Regular Meeting
December 12, 2022 Regular Meeting

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – Local Development Finance Authority, Planning Commission; b) City Council Appointments – Southeastern Michigan Council of Governments (SEMCOG), Traffic Committee

a) Mayoral Appointments:

Resolution #2021-12-193

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:

Local Development Finance Authority (LDFA)

Appointed by Mayor
5 Regular Members
Staggered 4 Year Term

Nominations to the Local Development Finance Authority (LDFA):**Term Expires: City Council
Term**

Ellen Hodorek

Alternate

Term currently held by: Ellen Hodorek's term expired
11/8/2021

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

Sandra Bachert

Resident Member

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

Yes: All-7
No: None

MOTION CARRIED

Resolution #2021-12-194

Moved by Baker

Seconded by Hodorek

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

Planning Commission

Appointed by Mayor
9 Regular Members
3 Year Term

Nominations to the Planning Commission:**Term Expires: 12/31/2024****Michael Hutson**

Term currently held by: Michael Hutson

Term Expires: 12/31/2024**Dave Lambert**

Term currently held by: Dave Lambert

Term Expires: 12/31/2024**John Tagle**

Term currently held by: John Tagle

Yes: All-7

No: None

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

Resolution #2021-12-195

Moved by Erickson Gault

Seconded by Brooks

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

Southeastern Michigan Council of Governments (SEMCOG)

Appointed by Council

1 Regular Member and 1 Alternate Members

Appointed Every Odd-Year Election

Nominations to the Southeastern Michigan Council of Governments (SEMCOG):**Term Expires: 11/13/2023****David Hamilton****Delegate**

Term currently held by: David Hamilton

Yes: All-7

No: None

MOTION CARRIED

Resolution #2021-12-196

Moved by Erickson Gault

Seconded by Abraham

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

Traffic Committee

Appointed by Council

7 Regular Members

3 Year Term

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

Term currently held by: Alankar Shende - Graduates 2021

Yes: All-7
No: None

MOTION CARRIED

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

I-3 Request for Closed Session

Resolution #2021-12-197

Moved by Baker

Seconded by Hamilton

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (h) (MCL 15.243 (g)).

Yes: All-7
No: None

MOTION CARRIED

I-4 Budget Amendment and Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Replacement of Pump Station Located at the Sanctuary Lake Golf Course (*Introduced by: Nikki McEachern, Assistant Recreation Director*)

Resolution #2021-12-198

Moved by Erickson Gault

Seconded by Abraham

RESOLVED, That Troy City Council hereby **AWARDS** a contract for the Replacement of the Pump Station at Sanctuary Lake Golf Course to low bidder meeting specification, *Mid-Ohio Electric Company of Columbus, OH*, at prices contained in the bid tabulation opened December 2,

2021, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, for an estimated total cost of \$154,967.49 and a 10% contingency not to exceed amount of \$170,500.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** a budget amendment in the amount of \$170,500 to the Sanctuary Lake Golf Course Buildings and Improvements General Repairs Capital Fund.

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

Yes: All-7

No: None

MOTION CARRIED

I-5 Bid Waiver - 12 Inch Cla-Val Pressure Reducing Valve and Controls (*Introduced by: Kurt Bovensiep, Public Works Director*)

Resolution #2021-12-199

Moved by Chamberlain-Creanga

Seconded by Erickson Gault

RESOLVED, That in the best interest of the City, Troy City Council hereby **WAIVES** the bid process and **AWARDS** a contract to *Jett Pump & Valve, LLC of Waterford, MI*, for the purchase of one (1) Cla-Val 12 inch model #90-01BCVSY Pressure Reducing Valve as per the prices detailed in the quote for an estimated total cost of \$22,161.00; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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.

Yes: All-7

No: None

MOTION CARRIED

I-6 Business Engagement and Priority Study (Introduced by: Robert J. Bruner, Assistant City Manager)

J. CONSENT AGENDA:

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

Resolution #2021-12-200-J-1a

Moved by Abraham

Seconded by Erickson Gault

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

Yes: All-7
No: None

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2021-12-200-J-2

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

- a) City Council Minutes-Draft – December 6, 2021

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Tee Shirts for Various City Departments**

Resolution #2021-12-200-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a two (2) year contract with an option to renew for three (3) additional years to provide Tee Shirts for the City of Troy on an as-needed basis to the low bidder meeting specifications, *Express Press of Springfield, MO*, at unit prices contained in the bid tabulation opened December 2, 2021, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; with all expenses not to exceed budgetary limitations; contract to expire November 30, 2026.

- b) **Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Pool Maintenance/Repair Services and Opening/Closing of the Troy Family Aquatic Center**

Resolution #2021-12-200-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide maintenance and repair services, and opening and closing of the Troy Family Aquatic Center for two (2) years at the City of Troy outdoor and indoor pools (excluding pumps), with two (2), one-year renewal options to the low bidder meeting specifications, *B & B Pool Service & Supply of Livonia, MI*, for an estimated annual cost of \$40,000, at prices contained in the bid tabulation dated December 2, 2021, a copy of which shall be **ATTACHED** to the Minutes of this meeting; contract to expire December 31, 2025.

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

J-5 Request for Acceptance of Four Quit Claim Deeds and Twelve Permanent Easements for Eden Gardens Site Condominium, Section 27, Sidwell #88-20-27-451-141, -142 and -143

Resolution #2021-12-200-J-5

RESOLVED, That Troy City Council **ACCEPTS** two Quit Claim Deeds and six permanent easements for storm sewers and surface drainage, water mains, sidewalks, and sanitary sewers from H & C Construction, LLC, the owner of three parcels having Sidwell #88-20-27-451-141, -142 and -143.

BE IT FURTHER RESOLVED, That Troy City Council **ACCEPTS** two Quit Claim Deeds and six permanent easements for storm sewers and surface drainage, water mains, sidewalks, and sanitary sewers from GFA Eden Gardens, LLC, a land contract vendee to a land contract.

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

J-6 2022 Poverty Exemption Guidelines

Resolution #2021-12-200-J-6

WHEREAS, The adoption of guidelines for poverty exemptions is required of the City Council; and,

WHEREAS, The principal residence of persons, who the Assessor and Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or in part from taxation under Public Act 390 of 1994 (MCL 211.7u); and,

WHEREAS, Pursuant to PA 390 of 1994, the City of Troy, Oakland County adopts the following guidelines for the Board of Review to implement. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year;

WHEREAS, To be eligible, a person shall do all the following on an annual basis:

- 1) Be an owner of and occupy as a principal residence the property for which an exemption is requested.
- 2) File a claim with the assessor or Board of Review, accompanied by federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns filed in the immediately preceding year or in the current year or a signed State Tax Commission Form 4988, Poverty Exemption Affidavit.

- 3) File a claim reporting that the combined assets of all persons do not exceed the current guidelines. Assets include but are not limited to, real estate other than the principal residence, personal property, motor vehicles, recreational vehicles and equipment, certificates of deposit, savings accounts, checking accounts, stocks, bonds, life insurance, retirement funds, etc.
- 4) Produce a valid driver's license or other form of identification if requested.
- 5) Produce, if requested, a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.
- 6) Meet the federal poverty income guidelines as defined and determined annually by the United States Department of Health and Human Services or alternative guidelines adopted by the governing body providing the alternative guidelines do not provide eligibility requirements less than the federal guidelines.
- 7) The application for an exemption shall be filed after January 1, but one day prior to the last day of the December Board of Review. The filing of this claim constitutes an appearance before the Board of Review for the purpose of preserving the right of appeal to the Michigan Tax Tribunal.

The following are the 2022 federal poverty income guidelines which are updated annually by the United States Department of Health and Human Services. The annual allowable income includes income for all persons residing in the principal residence.

Size of Family Unit	Poverty Guidelines
1	\$12,880
2	\$17,420
3	\$21,960
4	\$26,500
5	\$31,040
6	\$35,580
7	\$40,120
8	\$44,660
For each additional person	\$4,540

Asset Test Guidelines

Used in the Determination of Poverty Exemptions for 2022.

As required by PA 390 of 1994, all guidelines for poverty exemptions established by the governing body of the local assessing unit **SHALL** include an asset level test. The purpose of an asset test is to determine the resources available (cash and fixed assets and property that could be converted to cash) that could be used to pay property taxes in the year the poverty exemption is filed.

The following asset test shall apply to all applications for poverty exemption:

- All household members shall **NOT** have ownership interest in any real estate other than the principal residence for which the poverty exemption is requested.

- The applicant(s) shall not have assets exceeding the amount shown in the chart below based on the size of the family unit.
- The asset Guideline (test) shall exclude the value of the principal residence subject to the poverty exemption request and exclude the value of one automobile. If multiple automobiles are owned, then the least valuable automobile will be excluded from the asset guideline.
- The applicant(s) shall not have total assets (excluding the value of the principal residence subject to the exemption request and excluding the value of one automobile) more than the guidelines set below. Assets exceeding the amounts stated below will result in a denial of the poverty exemption.

Size of Family Unit	Asset Guidelines
1	\$5,000
2	\$10,000
3	\$15,000
4	\$20,000
5	\$20,000
6	\$20,000
7	\$20,000
8	\$20,000
For each additional person	N/A

All asset information, as requested in the Application for Poverty Exemption, must be completed in total. The Board of Review may request additional information and verification of assets, if the Board of Review determines it to be necessary and may deny an application if the assets are not properly identified.

Cash and other assets include but are not limited to:

- Bank accounts i.e., savings, checking.
- Stocks and bonds, pensions, IRAs and other investment accounts
- Withdrawals of bank deposits and borrowed money.
- Gifts, loans, lump-sum inheritances, and one-time insurance payments
- Money received from the sale of property such as stocks, bonds, a house, or a car unless a person is in the specific business of selling such property.
- Second home, rental property, or building/property other than the residence.
- Excess or vacant land
- Extraordinary automobiles
- Jewelry, antiques, or artworks
- Recreational vehicles*
- Equipment or other personal property.
- Federal non-cash benefits programs such as Medicare, Medicaid, food stamps and school lunches
- Food or housing received in lieu of wages and the value of food and fuel produced and consumed on farms

* Recreational vehicles may include snowmobiles, boats, camping trailers, travel trailers, motor home, jet ski, motorcycles, off road vehicles, or anything which may be considered a recreational vehicle

NOW, THEREFORE, BE IT RESOLVED, That the Assessor and Board of Review **SHALL FOLLOW** the above stated policy, federal guidelines, and asset test in granting or denying an exemption.

J-7 Gillman as Personal Representative of the Estate of Megan Ann Miller v. Troy, et al.

Resolution #2021-12-200-J-7

RESOLVED, That the Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney's Office to represent Troy's interests in the matter of Gillman as Personal Representative of the Estate of Megan Ann Miller (Deceased) v. Troy *et al.* U.S. District Court, Eastern District of Michigan, Case Number 2:21-cv-12762, and **AUTHORIZES** the payment of necessary costs and expenses, including the retention of any witnesses (including experts) that are required for adequate representation.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

- a) January 10, 2022 - Zoning Ordinance Text Amendment (File Number ZOTA 256) – Apartments in BB (Big Beaver) Zoning District

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

L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

Gail Morrell	Commented about the noise level from I-75
Susan Saxton	Commented about the noise level from I-75
Luis Pugliese	Commented about the noise level from I-75
Lorraine Scussel	Commented about the noise level from I-75

M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

City Manager Miller	Commented that he has sent letters to the Governor and the Director of MDOT. The Director responded, and State Senator McMorro worked on providing additional funding. He said that City Engineer Huotari said that a study has not been ordered yet. Mr. Miller said that this is a State project. He said that this Wednesday, he has a meeting with State legislators and he will bring this up.
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Mayor Baker	Commented that the City wishes we could build the sound wall ourselves, however, the State owns the land and we are not allowed.
Council Member Hodorek	Commented that she assures residents that Council brings this up in every meeting with local and State officials. She said that she thinks it would be appropriate for Council to state that we support the residents' need for a sound wall. She said it takes time and patience, unfortunately. She said perhaps Council could do another proclamation to the State requesting the sound wall, and include the signatures that the residents have collected.
Mayor Baker	Stated that there is consensus of Council to consider a proclamation at the next Council meeting.
Council Member Hamilton	Thanked the residents for organizing and putting pressure on State officials to solve this problem. He said that this should not be paid for with Troy taxpayers' money, it should be paid for by the State since it is a problem the State caused.
Mayor Baker	Commented that this problem is talked about and thought about almost daily, and it is very frustrating for Council to not be able to take action. He said sometimes the only thing residents can do is continue to get community support, signatures, and pressuring the State officials. He said that he will reach out again to the officials at the State and County levels.

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O-3 Letters of Appreciation: None Submitted

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Mayor Baker wished everyone a Merry Christmas and Happy New Year. He said our next Council meeting is in January. He encouraged everyone to keep in mind those around them who may be struggling with mental health, and to reach out to them so they know they aren't alone during the holidays.

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Anand Pappuri	Commented that he would like to see the City of Troy adopt a clean energy policy, possibly utilizing the infrastructure bill funding.
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R. CLOSED SESSION**R-1 Closed Session****S. ADJOURNMENT:**

The Meeting **ADJOURNED** at 9:53 PM.

Mayor Ethan Baker

M. Aileen Dickson, MMC, MiPMC II
City Clerk

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**SERVICE COMMENDATION
INFORMATION TECHNOLOGY DIRECTOR
GERT PARASKEVIN**

WHEREAS, Gert Paraskevin began her career with the City of Troy on January 6, 1997 as the Information Technology Director. Gert graduated from York University in Downsview, Ontario, Canada with a Bachelors of Business Administration with concentrations in Management Science and Finance. She began the Master's program in Computer Science at Oakland University to continue her education; and

WHEREAS, After being hired as the first City of Troy Information Technology Director, **Gert** worked to establish the IT department, which was initially a part of the Finance Department with only three employees. Now the IT Department has 12 dedicated employees; and

WHEREAS, As the **City's IT Director, Gert** and her Team implemented a City-wide network that was initially comprised of 12 Windows NT servers offering print and file services, Exchange email, and SMS to 350 users. The network currently contains over 40 Windows 2000/2003/2008 servers (including both physical and virtual) and 488 users in an Active Directory environment; and

WHEREAS, Gert purchased and put into production a new IBM AS/400 utilizing TCP/IP and a Microsoft SNA gateway for communication to the network; implemented a new financial software package (JD Edwards) residing on that system. As IT Director, Gert served as front line support for all applications including G/L, A/P, Purchasing, Human Resources and P/R; and developed a new City-wide budget system utilizing JD Edwards; and

WHEREAS, Gert worked hard to eliminate silos of data and processes within departments by using systems and IT staff to create shared data and workflows among departments. Some of the main systems implemented to help with that included JD Edwards and then New World/Tyler financial systems; ESRI Geographic Information Systems; BS&A Building, Tax, Assessing and Utility Billing; Hyland OnBase Document Imaging; Cityworks Customer Service and Asset Management; Kronos Time Management; and

WHEREAS, Working with an exceptional and dedicated staff and creating an environment that has resulted in the implementation of many great technical and creative ideas are what **Gert** is most proud of. She credits them with pushing her to move the IT Department forward and for the IT Department's success; and

WHEREAS, Gert will retire from the City of Troy on February 1, 2022 after 25 years of dedicated service, many commendation letters in her employee file, and the utmost respect from the Troy employees, City Council, residents, and the Troy business community; and

WHEREAS, Gert will now enjoy more time with her husband **Ken** (married 40 years on September 12, 2021), daughter **Emily**, son **Michael** and his fiancé **Chelsea**, as well as enjoy traveling around the country and beyond, especially trips to San Diego to visit their daughter. In retirement, **Gert** plans to workout, relax for a while and if she gets bored consider volunteering or finding a part-time job in the technology field;

NOW, THEREFORE, BE IT KNOWN, That the Mayor and City Council of the City of Troy take this opportunity to express their appreciation to **City of Troy Information Technology Director Gert Paraskevin** for her professionalism and her many contributions to the City of Troy for the betterment of the community; and

BE IT FURTHER KNOWN, That the Mayor and City Council of the City of Troy, City Management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Gert** during her well-deserved retirement years.

Presented the 24th day of January 2022.

**PROCLAMATION CELEBRATING
MAX AND SOPHIA POLLACK
FOR ORGANIZING HOLIDAY FOOD DRIVES TO FEED THE NEEDY**

WHEREAS, Troy residents **Max** (8 years old) and **Sophia Pollack** (10 years old) are third and fifth graders at Hamilton Elementary School and they were truly in the Christmas spirit in 2020 and 2021; and

WHEREAS, In 2020, **Max and Sophia** when traveling throughout the Metro Detroit area saw people on the side of the road that did not have food and were homeless, and they wanted to find a way to help them; and

WHEREAS, **Max and Sophia** had the idea to start collecting food for the homeless so they started by making flyers and distributing them throughout their neighborhood in December 2020. **Mom Aimee and Dad Todd** agreed to have their home serve as the drop-off location with a collection box on their front porch. In 2020 the brother and sister team collected 2000 pounds of food that they donated to Neighborhood House in Rochester; and

WHEREAS, From December 11, 2021 through January 7, 2022, **Max and Sophia** again spread the word with flyers that they distributed in and around their Long Lake and Coolidge neighborhood about their holiday collection for the homeless. They asked for non-perishable food items, baby food, formula, and diapers. They were even spotlighted on FOX 2 TV which greatly helped their collection efforts; and

WHEREAS, This year's collection, over 3000 pounds of food, was donated to Saint Vincent de Paul Food Bank in Detroit;

NOW, THEREFORE, BE IT RESOLVED, That the Mayor and City Council of the City of Troy hereby applaud and sincerely thank **Max and Sophia Pollack** for organizing a 2020 and a 2021 holiday food drive to help those in need; and

BE IT FURTHER RESOLVED, That the Mayor and City Council of the City of Troy invite all residents to recognize and celebrate the generosity and dedication of **Max and Sophia Pollack**, true heroes in our Troy community.

Presented this 24th Day of January 2022



500 West Big Beaver
Troy, MI 48084
troymi.gov

J-04a

CITY COUNCIL AGENDA ITEM

Date: January 10, 2022

To: Mark F. Miller, City Manager

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

Subject: Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – 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 sidewalks.
 - Sidewalks are cleared when accumulations exceed 2 inches.
- On October 11, 2021, City Council approved a contract with Premier Group of Detroit, MI, to perform snow and ice removal services for city owned facilities, Proposal A, and Xpert Lawn and Snow of Warren, MI, to perform snow and ice removal services for city owned sidewalks, Proposal B (**RESOLUTION# 2021-10-148-J4b**).
- Much like most of the service industry, Premier Group and Xpert Lawn and Snow are having difficulty staffing its operations to meet the standards set forward in its contract.
 - Not fully staffing the operation is negatively impacting the city providing safe parking lots, sidewalks, and entryways.
- Services that require immediate action often have a secondary or alternate contractor to limit the disruption of services to residents.
 - Local Road snow removal has the same arrangement where the city can extend the contractor pricing to other available contractors.



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

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).

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

Companies notified via MITN	212	<i>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.</i> <i>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.</i> <i>Active MITN non-paying members are responsible to monitor and check the MITN website for opportunities to do business with the City.</i> <i>Inactive MITN member status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of</i>
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	

City Council approved a contract with, *Premier Group of Detroit, MI* for Proposal A and *Xpert Lawn and Snow of Warren, MI* for Proposal B (**RESOLUTION# 2021-10-148-J4b**).

Financial

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

Recommendation

City Management recommends the approval to allow City administration to extend the pricing established in Proposal A and Proposal B to other vendors for snow and ice removal on city owned facilities and grounds.

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	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-05

CITY COUNCIL AGENDA ITEM

Date: December 20, 2021

To: Mark F. Miller, City Manager

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

Subject: 2022 Pay Ranges for Part-time Classifications - correction

An error was identified on the 2022 Part-time Pay Ranges submitted to City Council for approval earlier in December 2021. The document was submitted with the classification Administrative Aide wages not updated from the previous (2019) version. The attached document corrects the pay range for Administrative Aide.

Recommendation

Approve the corrected Part-time Job Classifications and Pay Ranges, attached.



PAY RANGES

PART-TIME CLASSIFICATIONS

JANUARY 1, 2022

General Classifications

Administrative Aide	\$ 18.75 – 26.50	Library Aide or Substitute	\$ 14.00 – 21.50
Appraiser	25.50 – 35.25	Library Assistant or Substitute	12.00 – 19.00
Assistant Pool/Concession Manager	12.00 – 21.00	Library Page or Substitute	minimum wage – 15.00
Background Investigator	20.00 – 25.50	Marketing Associate	16.50 – 25.50
Cable Production Specialist	18.25 – 28.25	Office Assistant	13.00 – 20.00
Camera Operator	10.75 – 22.00	Ordinance Enforcement Officer	25.50 – 35.25
Community Affairs Associate	20.00 – 26.00	Parks Laborer or Substitute	15.50 – 20.00
Crossing Guard	11.00 – 18.75	Police Desk Attendant	20.00 – 25.50
Curbside Assistant	12.00 – 16.50	Police IT Assistant	20.00 – 25.50
Customer Service Assistant	10.50 – 18.75	Pool/Concession Manager	13.00 – 23.25
Election Aide	17.00	Pre-School Coordinator	16.00 – 26.00
Election Inspector	13.00	Public Works Assistant	minimum wage – 16.50
Engineering Inspector	27.50 – 36.50	Recreation Supervisor	18.00 – 29.00
Fire Staff Assistant	13.00 – 20.00	Seasonal Supervisor	15.00 – 22.00
Fitness/Wellness Specialist	16.50 – 44.00	Senior Parks Laborer	18.50 – 22.00
Grant Specialist	20.00 – 26.00	Student Enforcement Aide	minimum wage – 15.00
Housing and Zoning Inspector	25.50 – 35.25	Summer Laborer	13.50 – 18.00
Human Resources Assistant	16.00 – 27.50	Transportation Driver	13.00 – 24.00
Intern	11.00 – 20.00	Transportation Scheduler	13.00 – 22.00
Investigative Assistant	20.00 – 25.50	Umpire	14.00 – 23.00
Librarian	20.00 – 31.50	911 Operator	20.00 – 25.50
Librarian – Substitute	18.00 – 31.50		

Coordinators

minimum wage – 23.50

Adaptive Program	Safety Town
Basketball – Adult	Senior Program
Basketball – Youth	Soccer – Adult
Building Supervisor	Softball – Adult
Day Camp Leader	Softball – Youth
Day Porter	Sports – Youth
Recreation	Volleyball – Adult

Support

minimum wage – 16.00

Aide – Adaptive Program	Attendant – Pool
Aide – Pre-School	Babysitter
Aide – Recreation	Cashier
Aide – Safety Town	Lifeguard
Attendant – Community Center	Scorekeeper

Instructors and Lifeguards

minimum wage – 21.00

Dance	Safety Town
Day Camp Leader	Sports – Youth
Lifeguard	Water Safety
Physical Fitness	Water Safety – Private
Pre-School	

Officials/Referees

minimum wage – 20.50

Official – Basketball – Youth
Referee – Hockey

Note: Michigan Minimum Wage is \$9.65 as of December 2021; it is anticipated to increase to \$9.87 on January 1, 2022. Annual increases are scheduled until 2030, but are dependent on an unemployment rate less than 8.5% in the previous year.



500 West Big Beaver
Troy, MI 48084
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Date: January 10, 2022

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Robert C. Maleszyk, Chief Financial Officer
Lisa Burnham, Controller
Frank Nastasi, Police Chief
David Druyor, Police IT Manager
Michael Giorgi, Police Lieutenant
Emily Frontera, Purchasing Manager

Subject: Contract Extension – Police IT Resources

History

- On December 4, 2017, Troy City Council approved a two (2) year contract to provide Police IT Resources with an option to renew for two (2) additional years to sole bidder *BPI Information Systems of Farmington Hills, MI* as a result of a best value process; contract expiring December 31, 2021 (Resolution #2017-12-192-J-4b).
- The Research and Technology Division of the Troy Police Department supports the electronic and technological logistics that the Police Department utilizes in pursuit of its mission statement. BPI Information Systems has helped ensure that there are no staffing gaps within the Police IT Division allowing the department to maintain the excellence that has historically been demonstrated.

Purchasing

- *BPI Information Systems of Farmington Hills, MI* has expressed an interest in extending its contract to provide Police IT Resources for one (1) additional year under the same pricing, terms and conditions as the original bid pricing in 2017.
- BPI Information Systems has met all contract terms and conditions in accordance to RFP-COT 17-14 and continues to meet expectations delivering professional and responsive IT services.
- BPI Information Systems has been a trusted source of Information Technology personnel, assisting with regular operations and special projects. They have a trustworthy staff that is familiar with the City of Troy Police Department, business operations, and projects.
- Individuals assigned to the Police Department Research and Technology Division have been knowledgeable and of great assistance to the Police IT Division. BPI Management stays in close contact and offers insight gained from working with other agencies offering training to the on-sight employee to meet the specific needs of the department.
- A market survey was performed by the City of Troy IT Department and it was found that the contract rates provided by BPI are very competitive and in the best interest of the City to extend this contract for one (1) additional year.

CITY COUNCIL AGENDA ITEM



500 West Big Beaver
Troy, MI 48084
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Financial

Funds are available in the Police Department Research and Technology Personnel Budget for this service.

Recommendation

City management recommends City Council approve the one (1) year contract extension with *BPI Information Systems of Farmington Hills, MI* to provide IT Services to the Troy Police Department for an estimated total annual cost of \$89,000; not to exceed budgetary limitations under the same prices, terms and conditions contained in the original bid tabulation; contract to expire December 31, 2022.

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

Date: December 6th, 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
Meadows of Troy Detached Condominiums - Project No. 19.917.3

History

Robertson Meadows, LLC proposes to develop Meadows of Troy Detached Condominiums, located on the north side of E. Square Lake Road, between John R and Dequindre Roads.

City of Troy's City Council granted preliminary site plan approval of the cluster development on June 14, 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 Robertson Brothers Co. on behalf of the City of Troy and include: Water Main, Sanitary Sewer, Storm Sewer, Detention Pond, Asphalt Pavement, and Concrete 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, has been provided by Robertson Brothers Co. (see attached Private Agreement).

Financial

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

Recommendation

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

City Of Troy

Contract for Installation of Municipal Improvements (Private Agreement)

Project No.: **19.917.3**

Project Location: **SW 1/4 Section 1**

Resolution No:

Date of Council Approval:

This Contract, made and entered into this 6th day of December, 2021 by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and ROBERTSON MEADOWS, LLC whose address is 6905 TELEGRAPH ROAD, SUITE 200, BLOOMFIELD HILLS, MI 48301 and whose telephone number is 248.282.1428 hereinafter referred to as "Owners", provides as follows:

FIRST: That the City agrees to permit the installation of WATER MAIN, SANITARY SEWER, STORM SEWER, DETENTION POND, ASPHALT PAVEMENT AND CONCRETE SIDEWALK in accordance with plans prepared by PEA GROUP whose address is 2430 ROCHESTER COURT, STE. 100 and whose telephone number is 844.813.2949 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 \$ 897,045.00. This amount will be deposited with the City in the form of (check one):

Cash/Check	<input type="checkbox"/>	} 10% Cash <u>\$89,704.50</u>
Certificate of Deposit & 10% Cash	<input type="checkbox"/>	
Irrevocable Bank Letter of Credit & 10% Cash	<input checked="" type="checkbox"/>	
Performance Bond & 10% Cash	<input type="checkbox"/>	

Refundable cash deposit in the amount of \$ 218,924.00. This amount will be deposited with the City in the form of (check one):

Cash	<input type="checkbox"/>	Check	<input type="checkbox"/>
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Non-refundable cash fees in the amount of \$ 2,308.00. This amount will be paid to the City in the form of (check one):

Cash	<input type="checkbox"/>	Check	<input type="checkbox"/>
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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.

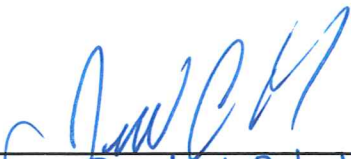
FIFTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time 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 10th day of December, 2021.

OWNERS

By:


* President Robertson Brothers
Its: Manager2 Robertson Holdings LLC

Please Print or Type

* _____
Its: _____

Please Print or Type

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 10th day of December, A.D. 2021, before me personally appeared James V. Clarke 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

My commission expires: July 26, 2024
Acting in Oakland County, Michigan

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: PPC19.917.3

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		Permittee/Owner
88-20-01-300-016	Lot: Schl	TROY SCHOOL DISTRICT
Subdivision: Acreage		4400 LIVERNOIS
Project No:		TROY MI 48085-4799
		(248) 823 4022

Issued:	Expires:	Applicant
		ROBERTSON BROS
<i>FOR INFORMATION REGARDING THE ISSUANCE OF THIS PERMIT, CONTACT THE CITY OF TROY ENGINEERING DEPARTMENT AT (248) 524-3383</i>		6905 TELEGRAPH ROAD SUITE 200
		BLOOMFIELD HILLS MI 48301
		(248) 644 3460

Work Description: Site Cluster Development
Meadows of Troy
Project # 19.917.3

Stipulations: [On site detention pond with forebay.](#)

Work will meet all codes and inspections.

Category	Permit Item	Acreage/Qty
Escrow Deposits	Sanitary Sewers	135,868.00
Escrow Deposits	Water Mains	193,052.00
Escrow Deposits	Storm Sewers	218,919.00
Escrow Deposits	Rear Yard Drains	19,686.00
Escrow Deposits	Pavement	90,658.00
Escrow Deposits	Grading	146,200.00
Escrow Deposits	Detention Basin	55,862.00
Escrow Deposits	Temporary Access Road	6,800.00
Escrow Deposits	Street Lights	30,000.00
Cash Deposits (Refundable)	Construction Engineering (CE)	890,245.00
Cash Deposits (Refundable)	Sidewalks	3,660.00
Cash Deposits (Refundable)	ROW Restoration	5,000.00
Cash Deposits (Refundable)	Repair & Maintenance-Public Streets	5,000.00
Cash Deposits (Refundable)	Wetland Mitigation	0.11
Cash Deposits (Refundable)	Punchlist & Restoration	890,245.00
Cash Fees (Non-Refundable)	Water Main Testing/Chlorination PA2	1,434.00
Cash Fees (Non-Refundable)	Signs	9.00
Cash Fees (Non-Refundable)	arkers - Full Range	6.00

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:

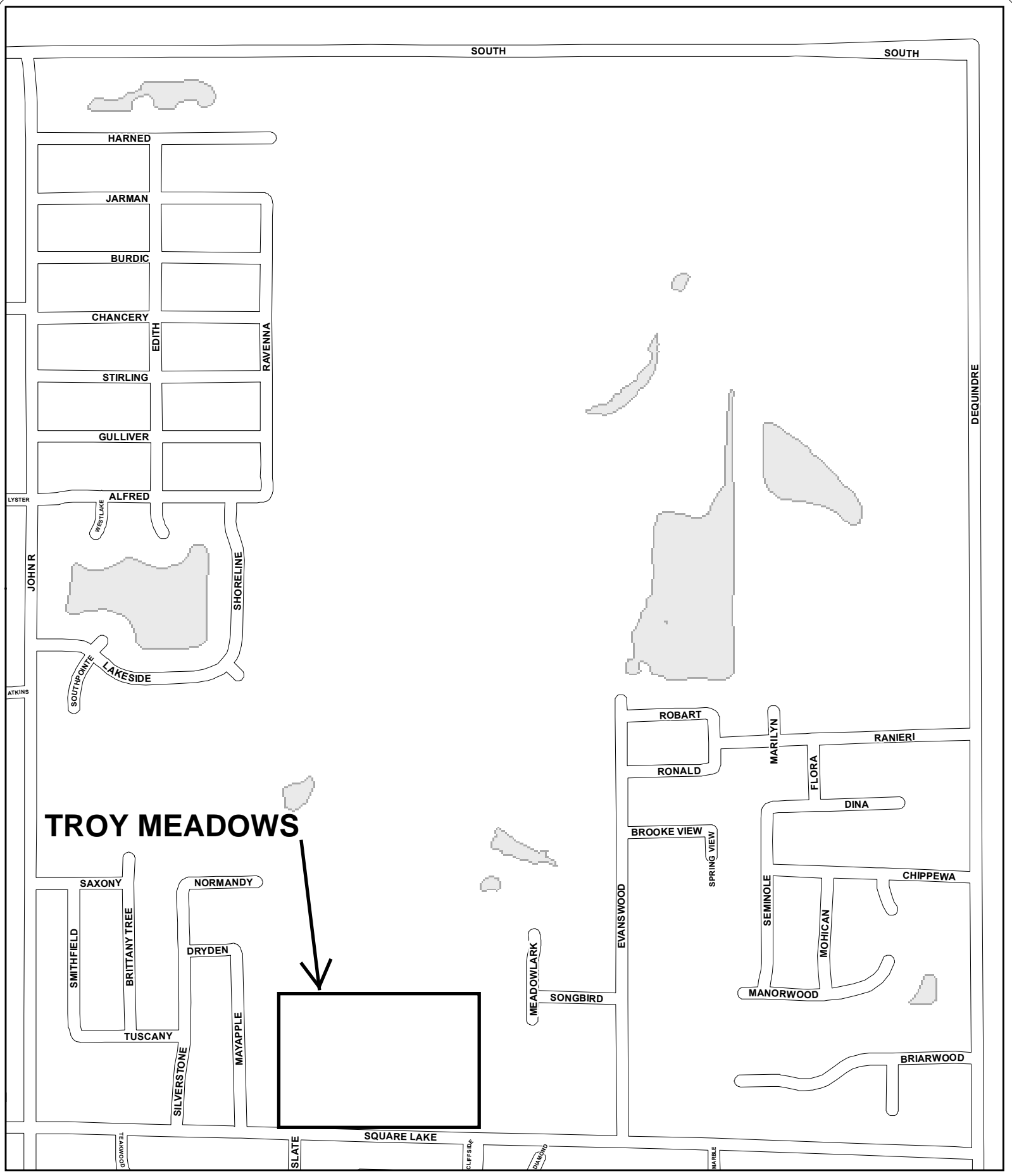
- 1) INTENT: Since a permit will have to be secured from the City prior to the start of any construction or maintenance operations proposed by this application, it is the intent of these supplemental specifications to be incorporated as part of the plans or specifications required for this proposed work.
- 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.



CITY COUNCIL AGENDA ITEM

Date: January 4, 2022

To: Honorable Mayor and City Council Members

From: Lori Grigg Bluhm, City Attorney
Nicole F. MacMillan, Assistant City Attorney

Subject: 3385 Rochester Road LLC v. Oakland County and the City of Troy

Plaintiff filed this federal lawsuit in the Eastern District of Michigan, and it was assigned to the Honorable Judith Levy. The Complaint stems from the foreclosure of the property (3385 Rochester Road) in 2018 for unpaid taxes. Plaintiff first unsuccessfully challenged the foreclosure in the Oakland County Circuit Court. After Plaintiff's case was dismissed, with the Court finding that Oakland County properly held title to the property, the City purchased it from Oakland County and demolished the building, which had been unoccupied for nearly 20 years and was blighted. After the building was demolished, the City went through a competitive auction process, but there was only one bidder. Aside from recouping the City's out of pocket costs to acquire and demolish the property and the administrative costs of the sale, the City remitted all remaining proceeds to Oakland County, pursuant to state law.

Plaintiff then filed this lawsuit against Oakland County and the City. Plaintiff's Complaint essentially alleges four separate violations against both defendants under various theories. First, Plaintiff alleges an illegal taking under the 5th and 14th Amendment, as well as under the Michigan Constitution and state law. Second, Plaintiff alleges excessive fines under the 8th and 14th Amendment, as well as under the Michigan Constitution. Third, Plaintiff alleges a procedural due process violation under the 14th Amendment. Lastly, Plaintiff asserts an unjust enrichment claim. A copy of the complaint is attached.

A proposed resolution authorizing our office to defend this action is attached for your consideration. Please let us know if you have any questions or concerns.

UNITED STATES DISTRICT COURT

for the
Eastern District of Michigan

3385 Rochester Road LLC,

Plaintiff,

'21 DEC 15 PM 2:37

v.

Case No. 5:21-cv-12785-JEL-APP

Hon. Judith E. Levy

County of Oakland, et al.,

Defendant.

SUMMONS IN A CIVIL ACTION

To: City of Troy

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) - or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) - you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Moheeb H. Murray
100 W. Big Beaver Road
Suite 400
Troy, MI
48084-3107

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

KINIKIA D. ESSIX, CLERK OF COURT

By: s/ K Brown
Signature of Clerk or Deputy Clerk



Date of Issuance: November 30, 2021

PROOF OF SERVICE

(This section should not be filed with the Court unless required by Fed. R. Civ. P. 4(1))

Case No. 5:21-cv-12785-JEL-APP

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____ a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other: *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under the penalty of perjury that this information is true.

Date: _____

Server's Signature

Printed Name and Title

Server's address

Additional information regarding attempted service, etc.:

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

3385 ROCHESTER ROAD LLC,

Plaintiff,

v.

COUNTY OF OAKLAND by
its BOARD OF COMMISSIONERS,
ANDREW E. MEISNER, in his
individual and official capacity, and
CITY OF TROY,

Defendants.

Case No. 21-CV-_____

Hon. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff 3385 Rochester Road LLC, through counsel, states as follows for its Complaint against the County of Oakland by its Board of Commissioners, Andrew E. Meisner, in both his individual and official capacities, and the City of Troy (“Defendants”):

1. This is a case of deliberate government overreach without regard to Plaintiff’s fundamental rights to property and due process. Simply put, Defendants have abused this State’s tax-foreclosure process to unjustly enrich themselves by foreclosing on Plaintiff’s property and illegally retaining proceeds far in excess of the amounts owed to them—to the tune of hundreds of thousands of dollars.

2. While Michigan law permits counties to foreclose on properties in order to satisfy unpaid property-tax obligations, neither it nor the federal or state Constitutions sanction Defendants' retention of funds generated from such foreclosures beyond the obligations owed by the property-owner.

3. Defendants are permitted to foreclose on a tax-delinquent property, sell that property at fair market value, and retain sufficient proceeds from that sale to satisfy any amounts owed and reasonable fees related to the sale. But they then must remit the remainder to Plaintiff.

4. Instead of following the law, Defendants foreclosed on Plaintiff's property, sold it well below fair market value, and *kept all the proceeds* from the sale. That is, they returned nothing to Plaintiff even though the proceeds from the sale is significantly greater than what Plaintiff owed in taxes. The result is a windfall for the county government—and a theft from Plaintiff.

5. Defendants' unlawful retention of these proceeds deprived Plaintiff of the entire equity value of its property. Their actions violate the Fifth, Eighth, and Fourteenth Amendments to the United States Constitution, Section 2 of Article X and Section 16 of Article I of the Michigan Constitution of 1963, and this State's inverse-condemnation laws.

PARTIES

6. Plaintiff 3885 Rochester Road LLC is a Michigan limited liability company with two members: Rahif Murray and Hussein Murray, each a Michigan citizen.

7. Plaintiff owned the property at 3385 Rochester Road, Troy, Michigan (Parcel # 88-20-22-401-067), or the “Property.”

8. Defendant County of Oakland is a political subdivision of the State of Michigan that is controlled or operated by its Board of Commissioners.

9. Defendant Andrew E. Meisner is the County Treasurer of Oakland County, a public office that she has held since 2009. Defendant Meisner resides, on information and belief, in Oakland County. He is sued in both his individual and official capacities.

10. Defendant City of Troy is a political subdivision of the State of Michigan and is located in Oakland County, Michigan that is controlled or operated by its City Council.

JURISDICTION AND VENUE

11. This Court has subject-matter jurisdiction over this action under 28 U.S.C. § 1331 as it presents questions arising under the laws and Constitution of the United States. Subject-matter jurisdiction is proper over the state-law claims based on supplemental jurisdiction under 28 U.S.C. § 1367.

12. This Court has personal jurisdiction over Defendants as they are residents of this District. Personal jurisdiction is also proper over Defendants because they regularly transact claim-related business in this District.

13. Venue is proper under 28 U.S.C. § 1391 because all Defendants reside in this District and also because a substantial part of the events or omissions giving rise to the claims occurred in this District.

GENERAL ALLEGATIONS

A. Michigan's Tax Foreclosure Scheme

14. In general, real property is subject to taxation. While various subdivisions of the State have taxing authority, Defendants are the ones charged with the foreclosure-and-auction process to recoup unpaid taxes on delinquent properties in Oakland County.

15. Specifically, Defendant Oakland County, through its Board of Commissioners, voluntarily chose Defendant Meisner, in his official capacity, to serve as the "foreclosing governmental unit" for Oakland County as that term is defined in Mich. Comp. Laws § 211.78(8)(i).

16. Where a property-owner has been delinquent in paying his property taxes, the property on which he is delinquent in his taxes may be forfeited to a county treasurer, like Defendant Meisner, and foreclosure proceedings can commence. *See generally* Mich. Comp. Laws § 211.78m.

17. Even though the amount of taxes that a property-owner is delinquent on for a given property is often far less than the fair market value of the property, Defendants have a policy and practice of retaining the entirety of proceeds generated from any post-foreclosure auction.

18. When a foreclosed-upon property is auctioned to generate revenue to pay delinquent property taxes, Defendants do not just keep the Taxes Owed.¹ Rather, they keep the entire auction amount from the auction sale and return *none* of the proceeds to the property-owner, thereby reaping the unjust rewards of Excess Proceeds² from that property.

19. But not only that, because Defendants (as they did here) often sell property for below fair-market value, they also destroy the entirety of the Equity³ in that property.

20. The effect of this consistent practice is that Defendants unlawfully retain monies far in excess of the Taxes Owed. That is, the auction satisfies the delinquent taxes, and this case is concerned with the actions following the

¹ As used in this Complaint, "Taxes Owed" is defined as the past due taxes owed on a parcel of property together with any interest, fees, penalties, and costs.

² As used in this Complaint, "Excess Proceeds" is defined as the auction sale price of a parcel of property less Taxes Owed.

³ As used in this Complaint, "Equity" is defined as the fair-market value of a parcel of property less Taxes Owed.

satisfaction of taxes—namely, the unlawful retention or destruction of proceeds beyond the Taxes Owed.

B. The Property and Plaintiff's Efforts to Redevelop It

21. The Property is a commercial property that included a vacant building, which at one time, housed a Taco Bell restaurant. The Property is very valuable due to its location on a busy stretch of Rochester Road between Big Beaver and Wattles Roads in Troy, Michigan. It is a prime candidate for redevelopment.

22. Plaintiff originally purchased the property in 1997. Rahif Murray has been a member of Plaintiff since its organization, while Hussein Murray came on as a member of Plaintiff in 2007.

23. Over the years, Plaintiff made numerous attempts to rehabilitate and redevelop the Property.

24. In 2004, Plaintiff made plans to open a restaurant at the Property, even going so far as to purchase various restaurant equipment which, on information and belief, remained in the building. That restaurant never came to fruition as the then-sole member of Plaintiff Rahif Murray was diagnosed with cancer.

25. Several years later, after Hussein Murray joined as a member, Plaintiff explored the possibility of demolishing the vacant building and constructing a new building with approximately 5,200 square feet of space for commercial and retail

use. Plaintiff hired architects and other professionals to assist with this project, but plans unraveled when the economy soured and they were unable to obtain financing.

26. In 2015, Plaintiff again pursued an opportunity to redevelop the Property through a potential buyer and invested a great deal of time and resources pursuing the deal. The Property was under contract for many months with a purchase price of \$675,000. But at the last minute, the buyer walked away.

27. Plaintiff's members had intended to use proceeds from the sale to help pay for the costs of caring for their nonagenarian mother. Both Rahif and Hussein spent a majority of their free time caring for their mother. Hussein even took out a home equity loan to pay off a high-interest mortgage on the Property.

28. Plaintiff never intended to let the Property fall into tax foreclosure.

29. While Plaintiff understood that there were some delinquent taxes on the Property, Plaintiff did not understand or actually see any notices that the property could be foreclosed.

30. At the time, neither Rahif nor Hussein regularly visited the Property and so did not see any foreclosure notices posted on a window or door there.

31. Plaintiff attempted to quash the foreclosure but was unsuccessful. *See In The Matter Of The Petition By The Oakland County Treasurer For Foreclosure*

Of Certain Lands For Unpaid Property Taxes (3385 Rochester Road, Troy),
No. 2017-159297-CZ (Oakland Cty. Cir. Ct.).

C. Defendants' Unlawful Retention of Plaintiff's Excess Proceeds and Destruction of Plaintiff's Equity in the Property.

32. The Property had delinquent taxes of approximately \$15,043.65. Because of this, Defendant Meisner foreclosed on and seized ownership of the Property on behalf of Defendant Oakland County on or about February 14, 2018.

33. Defendants did not initiate any condemnation proceedings related to the Property.

34. On or about July 12, 2018, Defendant City of Troy exercised its then statutory right to purchase the property under MCL 211.78m(1) for the minimum bid amount of \$22,797.82, being the delinquent taxes, interest and fees.

35. Following a September 2019 "auction" with only one bidder, Defendant City of Troy sold the Property for \$370,000.00 on or about June 1, 2020.

36. That sale price is \$347,202 greater than the Taxes Owed on the Property. Instead of remitting this nearly \$350,000 in Excess Proceeds to the Plaintiff, Defendants unlawfully retained it.

37. And because Defendants sold the Property well-below fair-market value, Defendants wiped out additional amounts of Plaintiff's Equity in the Property.

38. Defendants did not (and do not) provide any process or legal mechanism to seek, let alone recover, either the Equity destroyed by or the Excess Proceeds generated and retained by their actions in foreclosing and selling the Property.

39. Further, Defendants have refused (and refuse) to pay Plaintiff just compensation in the amount of Plaintiff's Equity in the Property (or even the Excess Proceeds in the Property). Indeed, Defendants have failed to provide any mechanism for compensation at all.

D. Plaintiff is Not Alone; Defendants Have Perpetuated this Process Repeatedly as a Matter of Practice and Policy.

40. The actions described above related to Plaintiff's Property are not a one-off. Rather, upon information and belief, they reflect a policy, custom, and/or practice voluntarily undertaken by Defendant Oakland County and/or its final policymaker in conjunction with other cities, such as the City of Troy.

41. This voluntary practice or policy of Defendant Oakland County and/or its final policymaker meets the criteria for liability pursuant to *Monell v. New York City Department of Social Services*, 436 U.S. 658 (1978).

42. In particular, Defendant Oakland County chose to designate its county treasurer, Defendant Meisner, as its foreclosing governmental unit under Michigan law. And then through legislative action, official governmental policies or regulation, and/or other actions taken by official(s) with final decision-making

authority, Defendants have established a scheme whereby they foreclose and sell tax-delinquent properties and retain *all proceeds* from such sales—never returning any funds to the original property-owner—regardless of the fair-market value, sale price, or Taxes Owed on the property. Nor do Defendants provide any mechanism for property-owners to secure the return of their Equity, or even the Excess Proceeds.

43. The General Property Tax Act, including Mich. Comp. Laws § 211.78m(8), neither requires nor permits the practices outlined above. *See generally Rafaeli, LLC v. Oakland Cty.*, 505 Mich. 429, 442 (2020). Rather, the actions undertaken by Defendants were intentionally and wantonly designed to harm Plaintiff and others in their constitutionally protected property rights.

CAUSES OF ACTION

COUNT I: SECTION 1983 TAKING CLAIM UNDER THE FIFTH & FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION

44. Paragraphs 1–43 are incorporated as if stated verbatim herein.

45. The Fifth Amendment is incorporated against the states through the Fourteenth Amendment and requires payment of just compensation upon a taking. *See Knick v. Twp. of Scott*, 139 S. Ct. 2162 (2019).

46. Defendants have taken Plaintiff's property, in the form of their Equity, and have appropriated that property for public use without paying of just compensation.

47. Defendants have not paid, will not pay, and do not intend to pay Plaintiff just compensation.

48. Defendants have refused to take any action for the payment of just compensation for their theft of Equity from the Plaintiff.

49. Defendants, therefore, have deprived Plaintiff of its constitutional right to just compensation.

50. All actions undertaken by Defendants in relation to these takings were done under color of state law.

51. All actions undertaken by Defendants in relation to these takings were further done pursuant to official policy, practice, or custom of Defendants or their final policymakers.

52. Defendants' actions were intentional and wanton as to Plaintiff's constitutional rights.

53. These actions, as violations of the U.S. Constitution, are redressable under 42 U.S.C. §§ 1983, 1988.

54. As a direct and proximate result of the Defendants' actions, Plaintiff has been injured by and suffered damages, including but not limited to the deprivation of Equity, Excess Proceeds, or other just compensation.

**COUNT II: TAKING CLAIM DIRECTLY ARISING UNDER THE
FIFTH & FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION**

55. Paragraphs 1–43 are incorporated as if stated verbatim herein.

56. The Fifth Amendment is a self-executing provision of the United States Constitution and requires payment of just compensation upon a taking.

57. Defendants have taken Plaintiff's property, in the form of their Equity, and have appropriated that property for public use without paying of just compensation.

58. Defendants have not paid, will not pay, and do not intend to pay Plaintiff just compensation.

59. Defendants have refused to take any action for the payment of just compensation for their seizure of Equity from the Plaintiff.

60. Defendants, therefore, have deprived Plaintiff of its constitutional right to just compensation.

61. Defendants' actions were intentional and wanton as to Plaintiff's constitutional rights.

62. As a direct and proximate result of the Defendants' actions, Plaintiff has been injured by and suffered damages, including but not limited to the deprivation of Equity, Excess Proceeds, or other just compensation.

**COUNT III: TAKING CLAIM UNDER SECTION 2 OF
ARTICLE X OF THE MICHIGAN CONSTITUTION OF 1963**

63. Paragraphs 1–43 are incorporated as if stated verbatim herein.

64. Defendants have taken Plaintiff’s property, in the form of their Equity, and have appropriated that property for public use without paying of just compensation.

65. Defendants have not paid, will not pay, and do not intend to pay Plaintiff just compensation.

66. Defendants have refused to take any action for the payment of just compensation for their seizure of Equity from the Plaintiff.

67. Defendants, therefore, have deprived Plaintiff of its right to just compensation in violation of Article X, Section 2 of the Michigan Constitution of 1963.

68. As a direct and proximate result of the Defendants’ actions, Plaintiff has been injured by and suffered damages.

**COUNT IV: INVERSE CONDEMNATION/*DE FACTO*
TAKING CLAIM UNDER STATE LAW**

69. Paragraphs 1–43 are incorporated as if stated verbatim herein.

70. Defendants have taken Plaintiff’s property, in the form of their Equity, and have appropriated that property for public use without paying of just compensation.

71. Defendants have done so without using any direct condemnation process, including those provided for in Mich. Comp. Laws § 213.51 *et seq.*

72. Defendants did not and do not provide any process, legal mechanism, or opportunity to seek recovery of either the Equity destroyed by or the Excess Proceeds generated by their actions in foreclosing and selling property. Indeed, Defendants have failed to provide any mechanism for compensation at all.

73. Defendants have not paid, will not pay, and do not intend to pay Plaintiff just compensation.

74. Defendants have refused to take any action for the payment of just compensation for their seizure of Equity from the Plaintiff.

75. An inverse condemnation or *de facto* taking has therefore occurred.

76. As a direct and proximate result of the Defendants' actions, Plaintiff has been injured by and suffered damages, including but not limited to the deprivation of Equity, Excess Proceeds, or other just compensation.

**COUNT V: SECTION 1983 EXCESSIVE-FINES CLAIM
UNDER THE EIGHTH & FOURTEENTH AMENDMENT
TO THE U.S. CONSTITUTION**

77. Paragraphs 1–43 are incorporated as if stated verbatim herein.

78. The Eighth Amendment is incorporated against the states through the Fourteenth Amendment and forbids the imposition of excessive fines. *See Timbs v. Indiana*, 139 S. Ct. 682 (2019).

79. By imposing an excessive fine through the retention of the Equity in Plaintiff's property, Defendants have violated Plaintiff's constitutional rights.

80. Because Equity is, definitionally, amounts beyond the Taxes Owed, its retention is necessarily punitive.

81. All actions undertaken by Defendants in relation to these fine impositions were done under color of state law.

82. All actions undertaken by Defendants in relation to these fine impositions were further done pursuant to official policy, practice, or custom of Defendants or their final policymakers.

83. Defendants' actions were intentional and wanton as to Plaintiff's and constitutional rights.

84. These actions, as violations of the U.S. Constitution, are redressable under 42 U.S.C. §§ 1983, 1988.

85. As a direct and proximate result of the Defendants' actions, Plaintiff has been injured by and suffered damages, including but not limited to the deprivation of Equity or Excess Proceeds.

**COUNT VI: EXCESSIVE-FINES CLAIM UNDER SECTION 16 OF
ARTICLE I OF THE MICHIGAN CONSTITUTION OF 1963**

86. Paragraphs 1–43 are incorporated as if stated verbatim herein.

87. Section 16 of Article I of the Michigan Constitution forbids the imposition of excessive fines.

88. By imposing an excessive fine through the retention of the Equity in Plaintiff's property, Defendants have violated Plaintiff's constitutional rights.

89. Because Equity is, definitionally, amounts beyond the Taxes Owed, its retention is necessarily punitive.

90. Defendants' actions were intentional and wanton as to Plaintiff's and constitutional rights.

91. As a direct and proximate result of the Defendants' actions, Plaintiff has been injured by and suffered damages, including but not limited to the deprivation of Equity or Excess Proceeds.

**COUNT VII: SECTION 1983 PROCEDURAL DUE-PROCESS CLAIM
UNDER THE FOURTEENTH AMENDMENT TO
THE U.S. CONSTITUTION**

92. Paragraphs 1–43 are incorporated as if stated verbatim herein.

93. The Fourteenth Amendment guarantees, among other things, the right to procedural due process for Plaintiff. *See, e.g., Mathews v. Eldridge*, 424 U.S. 319 (1976).

94. Plaintiff has a constitutionally protected property interest in the Equity of its Property.

95. Defendants did not and do not provide any process, legal mechanism, or opportunity to seek recovery of either the Equity destroyed by their actions in foreclosing and selling the Property. Indeed, Defendants have failed to provide

any mechanism for compensation at all—before the seizure, before the sale, or after the sale.

96. All actions undertaken by Defendants in relation to this utter lack of process were done under color of state law.

97. All actions undertaken by Defendants in relation to this utter lack of process were further done pursuant to official policy, practice, or custom of Defendants or their final policymakers.

98. Defendants' actions were intentional and wanton as to Plaintiff's constitutional rights.

99. These actions, as violations of the U.S. Constitution, are redressable under 42 U.S.C. §§ 1983, 1988.

100. As a direct and proximate result of the Defendants' failure to provide adequate procedural due process, Plaintiff has been injured and have suffered damages.

COUNT VIII: UNJUST ENRICHMENT CLAIM UNDER MICHIGAN LAW

101. Paragraphs 1–43 are incorporated as if stated verbatim herein.

102. Defendants have illegally seized Equity from Plaintiff and unlawfully retained Excess Proceeds from the sale of the Property. This unlawful seizure and retention has unjustly enriched Defendants Oakland County and City of Troy.

103. It is inequitable for Defendants Oakland County and City of Troy to retain the Excess Proceeds from the sale of the Property at auction as those definitionally exceed the Taxes Owed for the Property.

104. Plaintiff has no adequate remedy at law, except as asserted in this Complaint.

105. As a direct and proximate result of the Defendants' actions, Plaintiff has been injured and have suffered damages, including but not limited to the deprivation of Excess Proceeds.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests this Court grant it:

- A. Any and all damages and/or compensation as is deemed proper, together with interest and costs, including such interest as provided for by *Knick v. Twp. of Scott*;
- B. A declaration that Defendants' conduct was and is unlawful and/or unconstitutional, even if purportedly being undertaken consistent with Michigan's General Property Tax Act;
- C. Disgorgement from Defendants of any proceeds from the sales or auctions beyond the Taxes Owed on the Property;
- D. Any other damages available under federal or state law, including but not limited to an award of nominal and punitive damages;
- E. Attorney fees and expenses pursuant to all applicable laws, rules, or statutes, including but not limited to 42 U.S.C. § 1988; and
- F. All other legal and equitable relief which the Court deems proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury for all issues that are triable.

Respectfully submitted,

BUSH SEYFERTH PLLC

By: /s/ Moheeb H. Murray

Moheeb H. Murray (P63893)

Derek J. Linkous (P82268)

Mahde Y. Abdallah (P80121)

100 W. Big Beaver Rd., Ste. 400

Troy, MI 48084

Tel/Fax: (248) 822-7800

murray@bsplaw.com

linkous@bsplaw.com

abdallah@bsplaw.com

Attorneys for Plaintiff

Dated: November 30, 2021



CITY COUNCIL AGENDA ITEM

Date: January 5, 2022

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 to Vacate a Portion of Sanitary Sewer Easement - Sidwell #88-20-21-352-016 and for Acceptance of Two Permanent Easements – Sidwell #88-20-21-352-016 & 017

History

The extensive commercial expansion at the northeast corner of Big Beaver and Crooks Road required the reconfiguration of a sanitary sewer line. New utility plans were reviewed by the City’s Engineering Department who recommend that a portion of an easement previously granted and recorded in Liber 8548, Page 846 in Oakland County Records be vacated.

The City of Troy will return its’ interest in a portion of the sanitary sewer to Zen Troy, LLC, owner of the property having Sidwell #88-20-21-352-016. These rights will be returned by Quit Claim Deed executed by the Mayor and City Clerk.

To replace the vacated sanitary sewer line Zen Troy, LLC, owner of the property having Sidwell #88-20-21-352-016 and Troy 888, LLC, owner of the property having Sidwell #88-20-21-352-017 have each granted a sanitary sewer easement for the new service line.

Financial

The consideration amount on each document is \$1.00.

Recommendation

City Staff recommends that City Council vacate a portion of an existing sanitary sewer easement previously recorded in Liber 8548, Page 846 by recording a Quit Claim Deed executed by the Mayor and City Clerk with Oakland County Register of Deeds.

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



GIS Online

Legend:



Notes:

Troy 888, LLC - #
88-20-21-352-017
Zen Troy, LLC - #
88-20-21-352-016

Map Scale: 1=214
Created: January 5, 2022



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.

QUIT CLAIM DEED

Sidwell #88-20-21-352-016 (pt)
Resolution #

The **CITY OF TROY**, a Michigan municipal corporation, Grantor, whose address is 500 West Big Beaver, Troy, MI 48084 quit claims to **ZEN TROY, LLC**, a Florida limited liability company, Grantee, whose address is 7940 Via Dellagio Way, Suite 200, Orlando, FL 32819 the following described interest in land situated in the City of Troy, County of Oakland and State of Michigan and attached as Exhibit "A", a portion of which was previously recorded in an easement recorded in L8548, Page 846, Oakland County Register of Deeds:

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

For the sum of One Dollar (\$ 1.00)

Dated this _____ day of January, 2022.

CITY OF TROY
a Michigan municipal corporation

By _____
* Ethan D. Baker, Mayor

By _____
* M. Aileen Dickson, City Clerk

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____ day of January, 2022 by Ethan D. Baker, Mayor and M. Aileen Dickson, City Clerk of the City of Troy, a Michigan municipal corporation, on behalf of the municipal corporation.

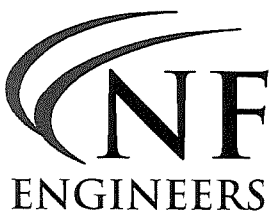
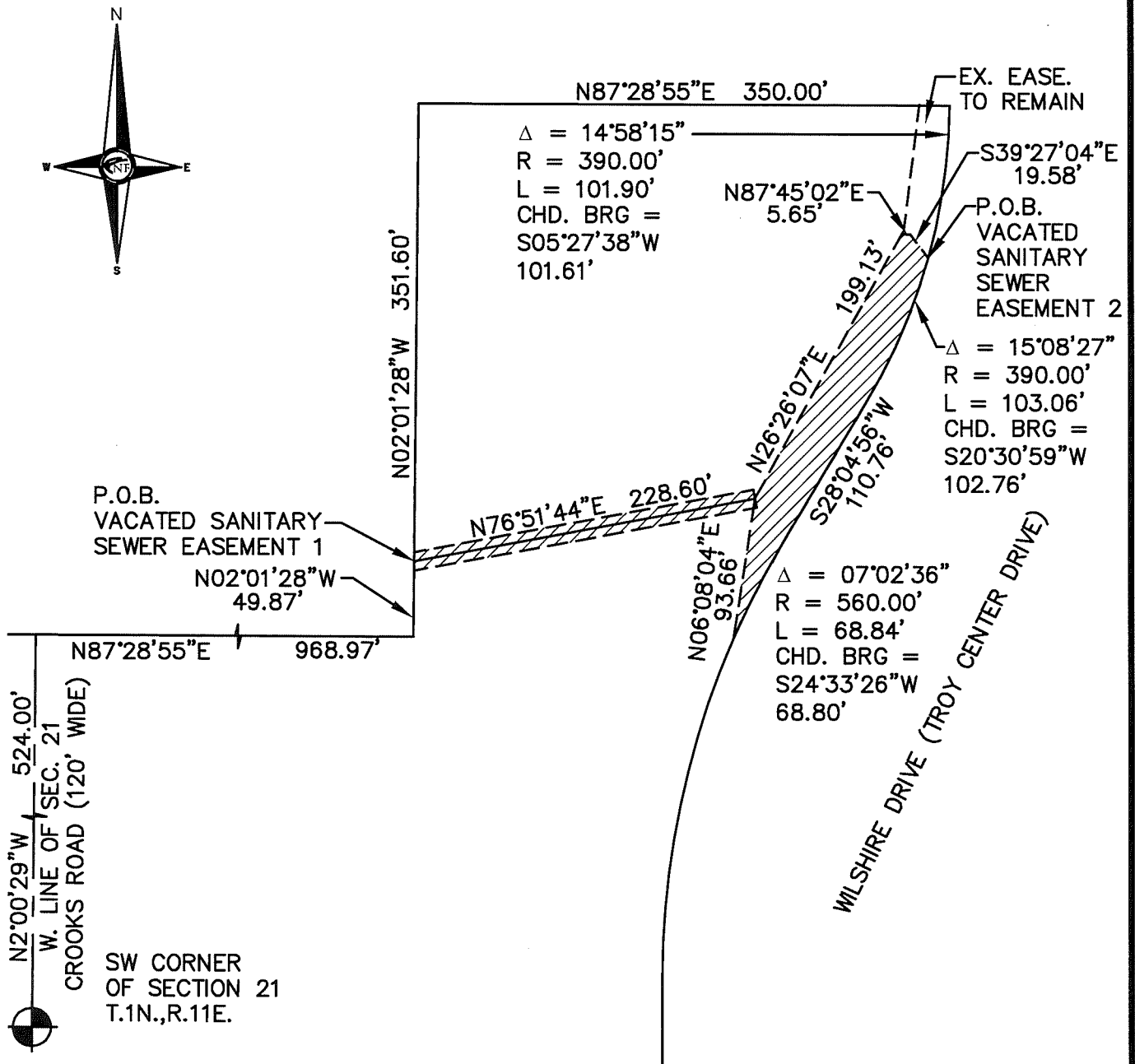
*
Notary Public, _____ County, MI
My commission expires: _____
Acting in _____ County, MI

County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: Amy Barnard 740 Via Dellagio Way Suite 200 Orlando, FL 32819	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel # 88-20-21-352-016 (pt) Recording Fee _____ Transfer Tax _____

Exhibit A

VACATED SANITARY SEWER EASEMENTS



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

SCALE
1" = 100'

DATE
04-06-2018

DRAWN
N.N.

JOB NO.
3916-05

SHEET
1 of 2

Exhibit A

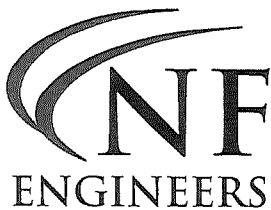
VACATED SANITARY SEWER EASEMENTS

Legal Description: Vacated Sanitary Sewer Easement 1

The centerline of a twelve (12.00) Sanitary sewer easement located in the Southwest ¼ of Section 21, Town 2 North, Range 11 East, City of Troy, Oakland County Michigan, described as: Commencing at the Southwest corner of said Section 21; thence North 02 degrees 00 minutes 29 seconds West, 524.00 feet along the West line of Section 21; thence North 87 degrees 28 minutes 55 seconds East, 968.97 feet; thence North 02 degrees 01 minutes 28 seconds West, 49.87 feet from the Southwest corner of said Section 21 to the point of beginning; thence North 76 degrees 51 minutes 44 seconds East, 228.60 feet to the point of ending.

Legal Description: Vacated Sanitary Sewer Easement 2

Sanitary sewer easement located in the Southwest ¼ of Section 21, Town 2 North, Range 11 East, City of Troy, Oakland County Michigan, described as: Commencing at the Southwest corner of said Section 21; thence North 02 degrees 00 minutes 29 seconds West, 524.00 feet along the West line of Section 21; thence North 87 degrees 28 minutes 55 seconds East, 968.97 feet; thence North 02 degrees 01 minutes 28 seconds West, 351.60 feet; thence North 87 degrees 28 minutes 55 seconds East, 350.00 feet; thence 101.90 feet along an arc of a curve to the right (radius 390.00 feet, central angle 14 degrees 58 minutes 15 seconds, chord bears South 05 degrees 27 minutes 38 seconds West, 101.61 feet) to the point of beginning; thence 103.06 feet along an arc of a curve to the right (radius 390.00 feet, central angle 15 degrees 08 minutes 27 seconds, chord bears South 20 degrees 30 minutes 59 seconds West, 102.76 feet); thence South 28 degrees 04 minutes 56 seconds West, 110.76 feet; thence 68.84 feet along an arc of a curve to the left (radius 560.00 feet, central angle 07 degrees 02 minutes 36 seconds, chord bears South 24 degrees 33 minutes 26 seconds West, 68.80 feet); thence North 06 degrees 08 minutes 04 seconds East, 93.66 feet; thence North 26 degrees 26 minutes 07 seconds East, 199.13 feet; thence North 87 degrees 45 minutes 02 seconds East, 5.65 feet; thence South 39 degrees 27 minutes 04 seconds East, 19.58 feet to the point of beginning.



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

SCALE	DATE	DRAWN	JOB NO.	SHEET
1" = 100'	04-06-2018	N.N.	3916-05	2 of 2

PERMANENT EASEMENT

Sidwell #88-20-21-352-016 (pt of)

ZEN TROY, LLC, a Florida limited liability company, Grantor(s), whose address is 7940 Via Dellagio Way, Suite 200, Orlando, Florida 32819, for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, MI 48084, grants to the Grantee the right to access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge or remove and/or replace **sanitary sewers** said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 5th day of January A.D. 2022.

Zen Troy, LLC,
a Florida limited liability company

By: Unicorp Investors III, LLC,
a Florida limited liability company,
its Sole Member

By: CW Family, LLLP,
a Florida limited liability limited partnership,
its Manager

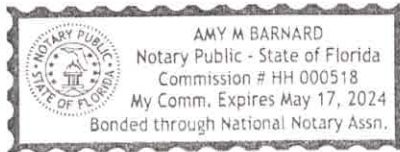
By: CW Family, LLC,
a Florida limited liability company,
its General Partner

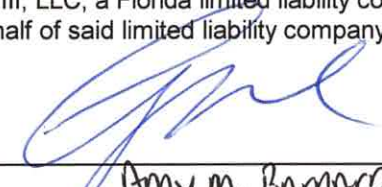
By: 
Charles Whittall, Manager

[NOTARY ON FOLLOWING PAGE]

STATE OF FLORIDA)
COUNTY OF Orange) SS.

The foregoing instrument was acknowledged before me this 5th day of January, 2022, by Charles Whittall, as General Partner of CW Family, LLC, a Florida limited liability company, as Manager of CW Family, LLLP, a Florida limited liability limited partnership, as Sole Member of Unicorp Investors III, LLC, a Florida limited liability company, and as Manager of Zen Troy, LLC, a Florida limited liability company on behalf of said limited liability company.




* Amy M. Barnard
Notary Public, Orange County, Florida
My Commission Expires 5/17/2024
Acting in Orange County, Florida

Prepared by: Larysa Figol
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

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

EXHIBIT "A"

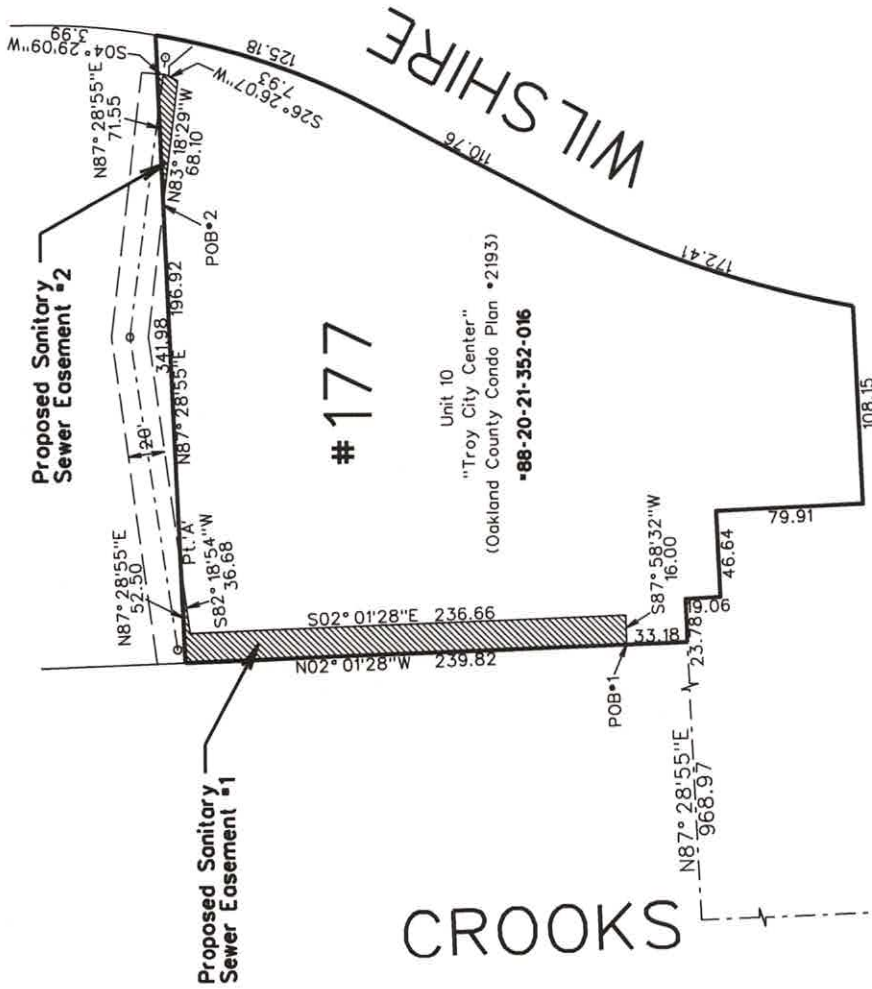
Section 21, Proposed Variable Width
Sanitary Sewer Easement
Parcel: 88-20-21-352-016
Owner: Zen Troy LLC
Address: 177 Wilshire

Tax Description of Parcel:

T2N, R11E, SEC 21 Oakland County Condominium Plan No 2193, Troy City
Center, Unit 10, L 53366 P 267

Proposed Variable Width Sanitary Sewer Easement:

Part of Unit 10 of "Troy City Center", Oakland County Condominium Plan #2193 as recorded in Liber 53366, Page 267, being more particularly described as: Commencing at the southwest corner of said Unit 10; thence North 02 degrees 01 minutes 28 seconds West, along the west line of said unit, 33.18 feet to the Point of Beginning of Sanitary Sewer Easement #1; thence continuing along said west line, North 02 degrees 01 minutes 28 seconds West 239.82 feet to the north line of Unit 10; thence North 87 degrees 28 minutes 55 seconds East, along said north line, 52.50 feet to Point A; thence South 82 degrees 18 minutes 54 seconds West 36.68 feet; thence South 02 degrees 01 minutes 28 seconds East 236.66 feet; thence South 87 degrees 58 minutes 32 seconds West 16.00 feet to the Point of Beginning and also Commencing at said Point A on the north line of said Unit 10, thence North 87 degrees 28 minutes 55 seconds East, along said north line, 196.92 feet to the Point of Beginning of Sanitary Sewer Easement #2; thence; continuing along said north line, North 87 degrees 28 minutes 55 seconds East, 71.55 feet; thence South 04 degrees 29 minutes 09 seconds West 3.99 feet; thence South 26 degrees 26 minutes 07 seconds West 7.93 feet; thence North 83 degrees 18 minutes 29 seconds West 68.10 feet to the Point of Beginning. Containing a total of 4,294 Square Feet or 0.099 Acres more or less.



CITY OF TROY OAKLAND COUNTY, MICHIGAN	
PROPOSED SANITARY SEWER EASEMENT DIAGRAM #88-20-21-352-016	
FILE: Easement Review.DGN	
SCALE	DRAWN BY
HOR. 1"=100'	CHECKED BY
VER. 1"=X'	SHEET NO.
WILLIAM HUOTARI, P.E.	JOB NO.
CITY ENGINEER	10F1
	N/A

DATE	REV.
CONTRACT NO.	
N/A	

Document Prepared By
 George J. Ballard III, P.S.
 Land Surveyor

PERMANENT EASEMENT

Sidwell #88-20-21-352-017 (pt of)

TROY 888, LLC, a Florida limited liability company, Grantor(s), whose address is 7940 Via Dellagio Way, Suite 200, Orlando, Florida 32819, for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, MI 48084, grants to the Grantee the right to access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge or remove and/or replace **sanitary sewers** said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 5th day of January A.D. 2022.

Troy 888, LLC,
a Florida limited liability company

By: Unicorp Investors III, LLC,
a Florida limited liability company,
its Sole Member

By: CW Family, LLLP,
a Florida limited liability limited partnership,
its Manager

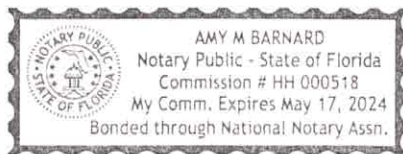
By: CW Family, LLC,
a Florida limited liability company,
its General Partner

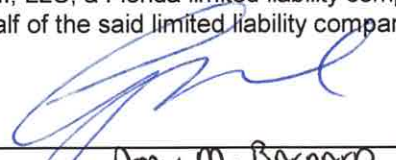
By: 
Charles Whittall, Manager

[NOTARY ON FOLLOWING PAGE]

STATE OF Florida)
COUNTY OF Orange) SS.

The foregoing instrument was acknowledged before me this 5th day of January, 2022, by Charles Whittall, as General Partner of CW Family, LLC, a Florida limited liability company, as Manager of CW Family, LLLP, a Florida limited liability limited partnership, as Sole Member of Unicorp Investors III, LLC, a Florida limited liability company, and as Manager of Troy 888, LLC, a Florida limited liability company on behalf of the said limited liability company.




* Amy M. Barnard
Notary Public, Orange County, Florida
My Commission Expires 5/17/2024
Acting in Orange County, Florida

Prepared by: Larysa Figol
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

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

EXHIBIT "A"

Section 21, Proposed Variable Width
Sanitary Sewer Easement
Parcel: 88-20-21-352-017
Owner: Troy 888 LLC

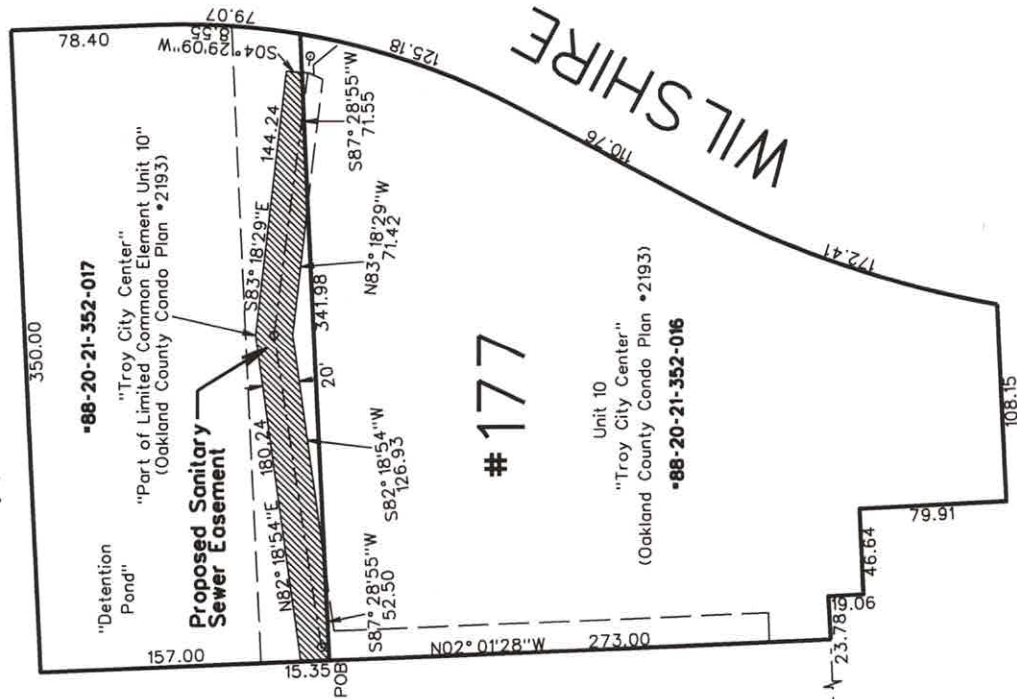
Tax Description of Parcel:

T2N, R11E, SEC 21 Oakland County Condominium Plan No 2193, Troy City Center General Common Element to be Assessed with all units in Condo, L 53366 P 267.

Proposed Variable Width Sanitary Sewer Easement:

Part of Limited Common Element - Unit 10 of "Troy City Center", Oakland County Condominium Plan #2193 as recorded in Liber 53366, Page 267, being more particularly described as: Commencing at the southwest corner of said Unit 10; thence North 02 degrees 01 minutes 28 seconds West, along the west line of said unit, 273.00 feet to the Point of Beginning of Sanitary Sewer Easement; thence, continuing North 02 degrees 01 minutes 28 seconds West 15.35 feet; thence North 82 degrees 18 minutes 54 seconds East 180.24 feet; thence South 83 degrees 18 minutes 29 seconds East 144.24 feet; thence South 04 degrees 29 minutes 09 seconds West 8.55 feet; thence South 87 degrees 28 minutes 55 seconds West 71.55 feet; thence North 83 degrees 18 minutes 29 seconds West 71.42 feet; thence South 82 degrees 18 minutes 54 seconds West 126.93 feet; thence South 87 degrees 28 minutes 55 seconds West 52.50 feet to the Point of Beginning. Containing a total of 5,935 Square Feet or 0.136 Acres more or less.

WILSHIRE



CROOKS

SW COR.
SEC. 21
T2N-R1E

BIG BEAVER



Graphic Scale: 1"=100'



CITY OF TROY
OAKLAND COUNTY, MICHIGAN

**PROPOSED SANITARY SEWER
EASEMENT DIAGRAM**
#88-20-21-352-017

FILE: Easement Review.DGN	NAME: GJBIII	DATE: 12-08-21
SCALE: 1"=100'	DRAWN BY: NAME GSF	DATE: XX-XX-XX
HOR. 1"=100'	CHECKED BY: WILLIAM HUOTARI, P.E.	SHEET NO. 10F1
VER. 1"=X'	CITY ENGINEER	JOB NO. N/A

DATE: _____ REV. _____
CONTRACT NO.
N/A

Document Prepared By
George J. Ballard III, P.S.
Land Surveyor

Parks and Recreation Advisory Board - Final

September 16, 2021

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, Casey Colussi, 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 – 004

RESOLVED, that the minutes of February 18, 2021 are approved 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 Stine 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 Stine.
- Board favored Jeanne M Stine 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 – 005

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 Bovensiepe 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 70 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

Parks and Recreation Advisory Board Special Meeting- Final
PARKS AND RECREATION ADVISORY BOARD

October 7, 2021 Q-01b

A Meeting of the Troy Parks and Recreation Advisory Board was held Thursday, October 7, 2021 in room 402 of the Troy Community Center.

Mike Brady called the meeting to order at 6:33 p.m.

Present: Mike Brady, Pam Brady, Kelly Martin, John Shepherd, Casey Colussi, Dennis Trantham, Brian Goul, Kurt Bovensiep

Absent: Govindrajan Thattai, Tim Fulcher, Akshitha Sahu

Visitors: None

Public Comments: None

Old Business – Naming of the new park located north of the Troy Community Center

- Public Hearing opened to the public
- No comments
- Public Hearing closed
- The naming recommendation will go to Council on October 25, 2021 as a regular business item.

Resolution # PR - 2021 - 10 – 07

RESOLVED, that the Parks and Recreation Advisory Board recommends to City Council that the parkland located on Town Center adjacent to the Community Center be named Jeanne M. Stine Community Park.

Moved by Kelly Martin
Seconded by Pam Brady

Yes: 5

No: 0

MOTION CARRIED

New Business- none

The meeting adjourned at 6:40 p.m.

Next meeting is scheduled for Thursday, November 18, 2021 at 6:30 pm.


Mike Brady, Chairperson


Shannon Louwaert, Recording Secretary

PARKS AND RECREATION ADVISORY BOARD

A Meeting of the Troy Parks and Recreation Advisory Board was held Thursday, November 18, 2021 in room 402 of the Troy Community Center.

Mike Brady called the meeting to order at 6:35 p.m.

Present: Mike Brady, Pam Brady, Tim Fulcher, Kelly Martin, John Shepherd, Casey Colussi, Hitesh Patel, Akshitha Sahu, Dennis Trantham, Brian Goul

Absent: Govindrajan Thattai

Visitors: None

Public Comments: None

Approval of Minutes

Resolution # PR - 2021 - 10 – 006

RESOLVED, that the minutes of September 16, 2021 are approved.

Moved by Mike Brady

Yes: 7

No: 0

MOTION CARRIED

Resolution # PR - 2021 - 10 – 007

RESOLVED, that the minutes of October 7, 2021 Special Meeting are approved.

Moved by Mike Brady

Yes: 7

No: 0

MOTION CARRIED

Old Business – Kristin Franklin's proposal of Redwood Park

- The Parks and Recreation Board agree the proposal was nice but the City is still in a place where there isn't funding.
- Tim Fulcher addressed there are larger parks with greater needs that could be updated and affect a greater amount of people.
- The Board agreed to follow what has already been established in the Master Plan.

Resolution # PR - 2021 - 10 – 008

Resolved that the Parks and Recreation Board rejects the proposed updates to Redwood Park.

Moved by Casey Colussi

Seconded by Kelly Martin

Yes: 7

No: 0

MOTION CARRIED

New Business-

Election of Officers

Tim Fulcher nominated Mike Brady to retain the position of President.
Pam Brady seconded.

John Shepherd nominated Kelly Martin for Vice Chair.
Pam Brady seconded.

Yes: 7

No: 0

MOTION CARRIED

Resolution # PR - 2021 - 10 – 008

Resolved that Mike Brady has been elected President of the Parks and Recreation Board,
and Kelly Martin has been elected Vice Chair of the Parks and Recreation Board.

Yes: 7

No: 0

MOTION CARRIED

Motion to accept proposed dates for 2022 meetings be February 10, 2022, April 28, 2022,
September 15, 2022, and November 17, 2022.

Resolution # PR - 2021 - 10 – 009

Resolved that the 2022 Parks and Recreation Board meetings will be held on February 10,
2022, April 28, 2022, September 15, 2022, and November 17, 2022.

Moved by Pam Brady
Seconded by John Shepherd

Yes: 7

No: 0

MOTION CARRIED

Member Comments - none

Staff Reports

Brian Goul

- City Department Directors and City Management had a meeting called Advance where they went over the needs of the city. This meeting was to give Council an idea of where each department is at.

- Troy Community Center memberships are starting to pick up. The gym is heavily used with badminton and pickle ball.
- Banquet rentals are starting to pick up as well.
- Therapy pool was closed for three weeks due to a pump needing repair.

Dennis Trantham

- Parks is continually short staffed.
- Starting this year the Parks department will try to employ 8 Part time staff year round.
- The Dog Park restroom and Boulan Park's south restroom will be heated so it can remain open year-round. Looking to add gas lines to other parks to keep them.
- With the Community interest money available through Federal Government, the City is moving forward with construction of new pavilion and ice-skating opportunity. Hoping to bring information to the board in February.
- Sylvan Glenn to be developed more in the future.
- Public Hearing on Monday to reprogram Community Development money from installing a walkway to the soccer fields at Firefighters Park to develop 4 parcels at Long Lake and I-75 into an inclusive park with cardboard sled hill. The costs of developing the pathway has become more than the Community Development Funds. The new park will be a park for everyone.
- Discussion on Green Space and the purchase of new land to keep Green Space in Troy.
- Discussion on the Nodes study in Troy. Nodes are the central area of a Community within a Community. The area that defines a section of the City. The study is to see what residents want.
- Discussion on Troy Family Aquatic Center. Kelly asked what the timeline of it and when would it need to be removed and replaced. Brian Goul explained it is on the radar of City Council. Brian also discussed the lack of being able to hire Lifeguards is one of our biggest obstacles. Dennis made note that he could repair anything at the Aquatic Center far less than the cost of replacing the entire center.
- Discussion of new play-structure at Jaycee Park this year and how replacements of play-structures are decided by the department and City year by year.
- Introduction of members to newest member Hitesh Patel.
- Discussion of the response from Jeanne Stine regarding the naming of the park after her.

The meeting adjourned at 7:20 p.m.

Next meeting is scheduled for Thursday, February 10, 2022 at 6:30 pm.

Mike Brady, Chairperson

Shannon Louwaert, Recording Secretary

Beth L Tashnick

Subject: LOA - Eureka Building Co.**From:** E. Nikolla**Sent:** Friday, December 10, 2021 3:23 PM**To:** City Manager Distribution Group**Subject:** LOA - Eureka Building Co.

To: Troy City Manager

Eureka Building has been involved with various developments within the City of Troy in the past years and would like to take the opportunity and provide feedback on the support it is getting from some city functions on various projects.

Understanding the uncertain work climate with the unprecedented Covid19 restrictions, the Building Department, through their actions, have enabled us to move forward with our projects with no to minimal impact. In particular Salim Huerta and SAFEBuilt team, Dana Self and Chris Loveless have been instrumental in navigating through various challenges to get projects moving forward. Additionally the Planning Department, in particular Brent Savidant and Ben Carlisle from Carlisle Wortman & Associates have been very accessible and transparent with various project planning reviews which has enabled us to provide robust project proposals for the future of the City.

We're currently involved with projects in various communities but would like to emphasize that City of Troy's performance during these challenging times with all our projects has been superior.

To conclude, we would like to Thank the departments / individuals referenced above for their continued support and trust this performance will continue in the future as it's the only way to ensure successful developments in the community.

--

E. Nikolla

Eureka Building Co.