



TROY CITY COUNCIL

REGULAR MEETING AGENDA

APRIL 25, 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 Theresa Brooks



Council Member Rebecca Chamberlain-Creanga



Mayor Pro Tem Ann Erickson Gault



Council Member David Hamilton



Council Member Ellen Hodorek



CITY COUNCIL AGENDA

April 25, 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: 1

PLEDGE OF ALLEGIANCE: 1

A. CALL TO ORDER: 1

B. ROLL CALL: 1

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS: 1

C-1 Proclamation in Recognition of Athens High School 2021-2022 Student Council 1

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D-1 No Carryover Items 1

E. PUBLIC HEARINGS: 1

E-1 No Public Hearings 1

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H-1 No Postponed Items 2

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INVOCATION:**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 #2022-04-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Special City Council Meeting and the Regular City Council Meeting of April 25, 2022, due to _____.

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Proclamation in Recognition of Athens High School 2021-2022 Student Council

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:

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 – Charter Revision Committee, Zoning Board of Appeals

a) Mayoral Appointments: None

b) City Council Appointments:

Suggested Resolution

Resolution #2022-04-

Moved by

Seconded by

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

Charter Revision Committee

Appointed by Council

7 Regular Members

3 Year Term

Nominations to the Charter Revision Committee:**Term Expires: 4/30/2025****Robin Beltramini**

Term currently held by: Robin Beltramini

Zoning Board of Appeals

Appointed by Council

7 Regular Members; 2 Alternates

3 Year Term

Nominations to the Zoning Board of Appeals:**Term Expires: 4/30/2025****David Eisenbacher**

Term currently held by: David Eisenbacher

Term Expires: 4/30/2025**Aaron Green**

Term currently held by: Aaron Green

Yes:

No:

I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority, Civil Service Commission (Act 78), Downtown Development Authority, Global Troy Advisory Committee, Local Development Finance Authority, Volunteer Firefighter Incentive Plan Board; b) City Council Nominations – Charter Revision Committee, Employees Retirement System Board of Trustees/Retiree Health Care Benefits Plan and Trust, Historic District Commission, Liquor Advisory Committee, Southeastern Michigan Council of Governments (SEMCOG), Traffic Committee

a) Mayoral Nominations:Suggested Resolution

Resolution #2022-04-

Moved by

Seconded by

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

Brownfield Redevelopment Authority

Appointed by Mayor
6 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2
Beyer	Joseph	10/26/2022	4/30/2024	
Gottlieb	Steven	11/24/2016	4/30/2022	
Kornacki	Rosemary	12/14/2022	4/30/2023	
Noguez-Ortiz	Carolina	12/19/2019	4/30/2023	BRA exp 4/30/2023; GTAC exp 10/30/2022
Sweidan	Rami	4/28/2022	4/30/2023	
Vassallo	Joseph	3/27/2020	4/30/2024	

Nominations to the Brownfield Redevelopment Authority:

Term Expires: 4/30/2025

Term currently held by: Steven Gottlieb

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 2
Chanda	Hirak	12/30/2022	HDC exp 5/15/2024
Marrero-Laureano	Alexander	10/26/2022	
McGerty	Ryan	9/18/2022	
Rahman	Mahfuzur	9/25/2022	
Swaminathan	Abi	11/22/2023	
Voglesong	Cheryl	1/10/2024	

Civil Service Commission (Act 78)

Appointed by Mayor
3 Regular Members:
1-Council; 1-Police/Fire Rep; 1-Civil Service
6 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
Cannon	David	3/12/2020	4/30/2024	Council Appointment	
McGinnis	Donald	3/3/2024	4/30/2022	Endorsed by All Police/Fire Unions	Requests Reappointment
Steele	John	1/6/2016	4/30/2026	Civil Service Appointment	

Nominations to the Civil Service Commission (Act 78):**Term Expires: 4/30/2028****Endorsed by Police/
Fire Unions**

Term currently held by: Donald McGinnis

Interested Applicants:

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

Downtown Development Authority

Appointed by Mayor
13 Regular Members
4 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2
Baker	Ethan		11/13/2023	At Large	City Council exp. 11/13/23
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
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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	
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:**Term Expires: 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	
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
Bachert	Sandra	11/18/2023	6/30/2023	Resident Member	Paul V. Hoef resigned 4/27/21

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	
Vacancy			6/30/2024	Resident Member	David Shield's term exp 6/30/16 - No Reappointment
Vacancy			6/30/2024	Resident Member	John Sharp resigned 11/1/19; Term exp 6/30/20.
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

Term Expires: 6/30/2024**Resident Member**

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

Term Expires: 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
Mudaliar	Vinodh Kumar	3/2/2024	
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

Volunteer Firefighter Incentive Plan BoardAppointed by **Mayor**/City Council

7 Regular Members

3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
Brooks	Theresa		11/13/2023	City Council Term exp 11/13/2023
Foster	John	2/12/2022	12/31/2022	Retiree Representative
Kniffen	Charles	2/24/2022	12/31/2022	Active Volunteer Firefighter
Maleszyk	Robert		12/31/2099	ERS/RHCBP&T; VFIP
Miller	Mark F.		12/31/2099	BCBA; ERS/RHCBP&T; VFIP
Rosenblum	Anthony	2/28/2021	4/30/2022	Citizen (Mayor Appointed)
Soriano	Al		12/31/2022	Active Volunteer Firefighter

Nominations to the Volunteer Firefighter Incentive Plan Board:

Term Expires: 4/30/2025

Citizen (Mayor Appt'd)

Term currently held by: Anthony Rosenblum

Interested Applicants:

No interested applicants on file.

Yes:

No:

b) City Council Nominations:

Suggested Resolution

Resolution #2022-04-

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:

Charter Revision 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
Bartnik	Mark	3/19/2020	4/30/2024		
<i>Beltramini</i>	<i>Robin</i>	<i>3/1/2024</i>	<i>4/30/2022</i>	<i>LDFA exp 6/30/2022; Charter Rev exp 4/30/2022</i>	<i>Requests Reappointment</i>

Buechner	Toby	3/22/2023	4/30/2024		
Howrylak	Frank	4/28/2022	4/30/2023		
Kanoza	Shirley	2/26/2021	4/30/2022		NO Reappointment
Matthews	Susan	11/26/2021	4/30/2024		
Wilsher	Cynthia	4/28/2022	4/30/2023	Traffic Comm exp 1/31/2024	

Nominations to the Charter Revision Committee:**Term Expires: 4/30/2025**

Term currently held by: Shirley Kanoza – No Reappointment

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Comiskey	Ann	12/14/2022	Liquor Adv Comm exp 1/31/2024

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**Council Appointed Citizen**

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	

Historic District Commission

Appointed by Council

7 Regular Members

3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
Adams	John Howard	3/8/2023	5/15/2024		
Chambers	Barbara	12/5/2021	3/1/2023	HC Recommendation	
Chanda	Hirak	3/22/2023	5/15/2024		
Dicker	Susanne Forbes	8/15/2022	3/1/2023		
McGee	Timothy S	3/23/2020	5/15/2024		
Petrulis	Al	12/16/2021	3/1/2023	ACAB exp 9/30/2024; Traffic Comm. exp 1/31/2023; HDC exp 3/1/2023	
Voigt	W. Kent	11/18/2023	3/1/2022	HC Recommendation	Requests Reappointment

Nominations to the Historic District Commission:**Term Expires: 3/1/2025**

Term currently held by: W. Kent Voigt

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Cicchini	Philippe	4/13/2023	
Jennings	Janet	8/12/2022	
MacDonell	Sharon	4/13/2023	

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
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 Member
Appointed Every Odd-Year Election

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

Alternate

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	1/31/2025		
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: Sunil Sivaraman

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Abdullah	Nehar	2/3/2023	
Chanda	Hirak	12/30/2022	Hist. Dist. Comm. exp 5/15/2024
Gill	Jasper	1/10/2024	
MacDonell	Sharon	4/13/2023	
Rose	Justin	11/5/2023	
Sahu	Akshitha	9/28/2022	Student - Graduates 2023
Shah	Aanya	11/30/2023	Student - Graduates 2024

Yes:

No:

I-3 Request for Closed Session**Suggested Resolution**

Resolution #2022-04-
Moved by
Seconded by

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (e) Pending Litigation – *DOJ v. Troy/Adam v. Troy, et. al.*

Yes:
No:

I-4 Bid Waiver – Cummins Engine Repairs and Maintenance (Introduced by: Chuck Riesterer, Fire Chief)

Suggested Resolution
Resolution #2022-04-
Moved by
Seconded by

RESOLVED, That in the best interest of the City, Troy City Council hereby **WAIVES** the bid process and **APPROVES** an ongoing contract for the repair and maintenance of Cummins engines directly from the manufacturer, *Cummins Sales and Service*; not to exceed budgetary limitations.

Yes:
No:

J. CONSENT AGENDA:

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

Suggested Resolution
Resolution #2022-04-
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 #2022-04-

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

- a) City Council Minutes-Draft – April 11, 2022

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 2: Award to Low Bidders Meeting Specifications – Transit Mixed Concrete**

Suggested Resolution

Resolution #2022-04-

RESOLVED, That Troy City Council hereby **AWARDS** a one (1) year contract to provide Transit Mixed Concrete with an option to renew for one (1) additional year to the low bidder meeting specifications; *Superior Materials, LLC of Farmington Hills, MI*, as the primary supplier and *Protocon RM of Sterling Heights, MI*, as the secondary supplier as per the unit prices contained in the bid tabulation opened March 31, 2022, a copy of which shall be **ATTACHED** to the original minutes of this meeting, to be ordered on as-needed basis; contracts expiring April 30, 2024.

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

- b) **Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications – Asphalt Patching Material - Cold**

Suggested Resolution

Resolution #2022-04-

RESOLVED, That Troy City Council hereby **AWARDS** a contract for seasonal requirements of Asphalt Patching Material – Cold Patch to local low bidder meeting specifications, *Ajax Materials Corporation of Troy, MI*, for an estimated total cost of \$30,812.50, at the per ton unit price contained in the bid tabulation opened March 31, 2022, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, the cost of which shall not exceed annual budgetary limitations, with the contract expiring April 30, 2024.

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

- c) **Standard Purchasing Resolution 2: Award to Low Bidders Meeting Specifications - Aggregates**

Suggested Resolution

Resolution #2022-04-

RESOLVED, That Troy City Council hereby **AWARDS** one (1) year contracts to provide Aggregates with an option to renew for one (1) additional year to the following low bidders;

Company	Items	Estimated Total
<i>Proposal A</i>		
Maloney Trucking	2	\$12,040.00
Osburn Industries	3, 4, 7	\$23,590.00
AMS Grounds	6, 9	\$ 3,361.00
Edwin C. Levy	1, 8	\$12,437.00
Tri-City Aggregates Inc.	5	\$25,625.00
<i>Proposal B</i>		
Osburn Industries	1, 2	\$ 5,725.00
Estimated Total Cost		\$82,778.00

All aggregates to be purchased on as-needed basis; at unit prices contained in the bid tabulation opened March 31, 2022, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring April 30, 2024.

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

d) Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications – Hauling and Disposal of Dirt and Debris

Suggested Resolution

Resolution #2022-04-

RESOLVED, That Troy City Council hereby **AWARDS** contracts for one-year requirements of Hauling and Disposal of Dirt and Debris services with an option to renew for one (1) additional year to the low bidders meeting specifications; *Maloney Trucking, LLC of Troy, MI*, for line items 2 and 4, *Ahern Contracting Inc. of Chesterfield, MI*, for item 1, and *Universal Consolidated Enterprises of Roseville, MI*, for item 3, for an estimated total cost of \$173,520.00 at unit prices contained in the bid tabulation opened March 31, 2022; a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contracts expiring April 30, 2024.

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

e) Standard Purchasing Resolution 4: Sourcewell Purchasing Cooperative – Vermeer CTX160 Mini Skid Steer and Attachments

Suggested Resolution

Resolution #2022-04-

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase one (1) Vermeer CTX160 Mini Skid Steer and attachments from *Vermeer Midwest of Fowlerville, MI*,

per the Sourcewell Purchasing Cooperative Contract #031721-VRM for an estimated total cost of \$57,200.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** City Administration to roll any unused funds from the 2022 budget specific for this project to the 2023 Capital Fund.

- f) **Standard Purchasing Resolution 4: Oakland County Purchasing Cooperative – Historic Village Wagon Shop – Structural Repairs; and Standard Purchasing Resolution 4: OMNIA Partners Purchasing Cooperative – Historic Village Wagon Shop Roof Replacement**

Suggested Resolution
Resolution #2022-04-

RESOLVED, That in the best interest of the City, Troy City Council hereby **WAIVES** the bid process and **AWARDS** contracts to *National Restoration of Milford, MI*, for the Historic Village Wagon Shop Structural Repairs for an estimated cost of \$30,000 per the Oakland County Purchasing Cooperative Contract #005106, and to *Schena Roofing and Sheet Metal Co., Inc. of Chesterfield, MI*, for the Historic Village Wagon Shop Roof Replacement for an estimated cost of \$48,121.35 per the OMNIA Purchasing Cooperative Contract #R180901, for an estimated project cost of \$78,121.35 with a 20% contingency not to exceed budgetary limitations.

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

- g) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Member Travel – 2022 US Conference of Mayors 90th Annual Meeting**

Suggested Resolution
Resolution #2022-04-

RESOLVED, That Troy City Council hereby **AUTHORIZES** City Council member travel expenses for the 2022 US Conference of Mayors 90th Annual Meeting, in accordance with accounting procedures of the City of Troy.

J-5 Application to De-List 54 E. Square Lake Road

Suggested Resolution
Resolution #2022-04-

WHEREAS, The Final Report to De-List 54 E. Square Lake was prepared by an Architectural Historian and found that 54 E. Square Lake is not historically significant; and,

WHEREAS, The Historic District Study Committee approved the Final Report to De-List 54 E. Square Lake Road; and,

WHEREAS, The Historic District Study Committee made a finding that 54 E. Square Lake was not historically significant;

THEREFORE, BE IT RESOLVED, That Troy City Council **APPROVES** the Final Report to De-List 54 E. Square Lake Road.

BE IT FURTHER RESOLVED, That Troy City Council **FINDS** that 54 E. Square Lake Road is not historically significant.

BE IT FINALLY RESOLVED, That Troy City Council **APPROVES** the amendment to Section 3 of Chapter 13 of the City Code which eliminates 54 E. Square Lake as an historic district; a copy of the ordinance amending Chapter 13 shall be **ATTACHED** to the original Minutes of this meeting, and a copy of that ordinance shall be **RECORDED** with the Oakland County Register of Deeds as required by State Statute.

J-6 Request for Acceptance of Two Permanent Easements from Affinity 6 Investments, LLC, Sidwell #88-20-32-101-025

Suggested Resolution
Resolution #2022-04-

RESOLVED, That Troy City Council hereby **ACCEPTS** two permanent easements for sidewalks and water mains from *Affinity 6 Investments, LLC*, owner of the property having Sidwell #88-20-32-101-025.

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

J-7 Request for Acceptance of a Quit Claim Deed from Noor International Academy, Sidwell #88-20-17-351-028

Suggested Resolution
Resolution #2022-04-

RESOLVED, That Troy City Council hereby **ACCEPTS** a Quit Claim Deed from Noor International Academy, owners of the property having Sidwell 388-20-17-351-028 for Coolidge right-of-way.

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

J-8 Traffic Committee Recommendations and Minutes – April 20, 2022

Suggested Resolution
Resolution #2022-04-

4. Request for Signage – Wattles Elementary School

RESOLVED, That a “DO NOT BLOCK DRIVEWAY” sign be **PLACED** at 525 Colebrook and

554 Ellenboro and a “NO STOPPING/STANDING/PARKING HERE TO CORNER” sign be **PLACED** on the existing NO PARKING sign post on the east side of Ellenboro, north of Colebrook.

5. Request for Traffic Control – Avalon Drive at Cedar Crest Drive

RESOLVED, That the intersection of Avalon Drive at Cedar Crest Drive be **MODIFIED** from NO traffic control to a STOP sign on the Cedar Crest Drive approach to the intersection.

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 No Council Referrals

O. REPORTS:

O-1 Minutes – Boards and Committees:

- a) Civil Service Commission (Act 78)-Final – March 3, 2022
 - b) Planning Commission-Final – March 22, 2022
-

O-2 Department Reports:

- a) 1st Quarter 2022 Litigation Report
-

O-3 Letters of Appreciation: None Submitted

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 Closed Session

S. ADJOURNMENT:

Respectfully submitted,

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

Mark F. Miller
City Manager

2022 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

April 25, 2022.....Special Meeting (TDDA Landscaping)

2022 SCHEDULED REGULAR CITY COUNCIL MEETINGS:

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

**PROCLAMATION IN RECOGNITION OF
ATHENS HIGH SCHOOL 2021-2022 STUDENT COUNCIL**

WHEREAS, The **Athens High School Student Council** is a very active and dedicated group of 53 students and two advisors, committed to giving back to their community as well as the region; and

WHEREAS, Each year the **Athens High Student Council** puts in countless hours, as well as blood, sweat and tears to help raise money for a charity of their choice during Charity Week. Charity Week is all about generosity, activism, collaboration, and service leadership. Students have fun and make meaningful memories while giving of themselves for the benefit of others. Unfortunately, they had to cancel last year's event due to the pandemic, but they came together again this year in full force; and

WHEREAS, The **Athens High Student Council** selected **Alex's Saints Foundation**, a local organization that combats the opioid epidemic with Athens ties. Named in memory of 2013 Athens graduate Alex St. Pierre who passed away from an overdose in 2019, this group raises awareness of this important issue while providing support, narcotic rehabilitation financial assistance, helping families who have a loved one suffering from drug addiction; and

WHEREAS, This year the Athens High Student Council gave back in a way that many teens and even most adults could not do by organizing a full week of activities, including carnival night, ice skating, "Jail-n-Bail," a belly flop contest, hypnosis show, pancake breakfast, coin stalls in the classrooms, film festival, parent cook-off, restaurant nights, a volleyball tournament, Mr. Athens Pageant, a pep rally, a euchre tournament for parents, and an "Espresso Yourself" talent show; and

WHEREAS, **Athens High Student Council raised \$117,706.46 for Alex's Saints**. They raised a school record of **\$180,024.40** in 2020 for Elli's House; **\$130,035.71** in 2019 for Focus Detroit; and **\$148,813.77** in 2018 for Detroit Street Care; and

WHEREAS, The **Student Council** generates excitement throughout the School's 1,600 students as well as within the community. Council meetings take place prior to school starting, and after a full day of classes members stay after school to count the money raised from the day's activities, set up for the night events, run those events, and then go home to complete their homework. There is not a lot of sleep for Student Council members during Charity Week;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council extends special recognition to the **Athens High School Student Council**, for their selfless and tireless service and dedication to so many worthwhile organizations over the years; and

BE IT FURTHER RESOLVED, That the Troy City Council and all of Troy's residents congratulate the **Athens High Student Council** for being a shining example of how to give back to the community, as well as the region, and wish all of the **Athens High School Students** continued success in all future endeavors.

Presented this 25th day of April 2022.



500 West Big Beaver
Troy, MI 48084
troymi.gov

I-04

CITY COUNCIL AGENDA ITEM

Date: April 25, 2022

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Dee Ann Irby, Controller
Richard C. Riesterer, Fire Chief
Kurt Bovensiepe, Public Works Director
Brian D. Varney, Fleet Operations Manager
Emily Frontera, Purchasing Manager

Subject: Bid Waiver – Cummins Engine Repairs and Maintenance

History

The Fire Department maintains a 24/7 response model which includes a fleet of 18 large-vehicular apparatus. This includes engines, 75' and 100' aerial apparatus, and specialty vehicles. The fleet is made up of different manufacturers and parts. The bulk of the large vehicles within the fleet have Cummins brand engines, while others have Detroit Diesel brand engines.

Regrettably, over the last two years, two (2) of the aerial platform ladder trucks, which were outfitted with Detroit Diesel engines, experienced catastrophic engine failures. Replacement apparatus have already been approved and are on order. Deliveries are expected later this year for Ladder 4, and early next year for Ladder 2.

After these breakdowns occurred, the Fire Department met with the City of Troy Fleet Division to discuss these failures, and what options are available to minimize future losses. It was determined that the best practice would be to take each apparatus to the coordinating engine manufacturer for evaluation. This was conducted over a several month period and a report was developed and returned for each vehicle. The remaining apparatus with Detroit Diesel engines came back with minor to no repairs needed. However, the Cummins engine evaluations were not as positive. Seven (7) of these vehicles need attention, with a total estimated cost of \$68,343.05.

Due to the need to maintain the readiness of the fire apparatus fleet, and the variable cost to maintain and repair the Cummins engines, it is in the City's best interest to have a blanket contract with *Cummins Sales and Service* as a sole source provider. This is particularly important during instances of unforeseen issues that require immediate maintenance.

Purchasing

- A blanket contract would cover both scheduled and unforeseen repairs, replacements, and maintenance on Cummins engines.
- It is not possible to secure competitive bids because Cummins Sales and Service is the sole source manufacturer for Cummins brand engines and parts.



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Purchasing (continued)

- A bid waiver is requested to authorize maintenance and repairs as needed, from *Cummins Sales and Service* on an ongoing basis, not to exceed budgetary limitations.

Financial

Funds are budgeted annually for fire apparatus repairs and maintenance in the Fire Department Contractual Services Contractor - Equipment Maintenance operating budget. Expenditures will be charged to account number 101.336.344.7802.150.

Recommendation

City Management recommends in the best interest of the City, that the bid process be waived and an ongoing contract be established with *Cummins Sales and Service* for repairs and maintenance associated to Cummins engines on an as needed basis, not to exceed budget limitations.

Pastor Simion Timbuc from Bethesda Romanian Pentecostal Church performed the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on April 11, 2022, at City Hall, 500 W. Big Beaver Rd. Mayor Baker called the meeting to order at 7:31 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 for National Public Safety Telecommunicators Week – April 10-16, 2022

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 – None; b) City Council Appointments – Traffic Committee****a) Mayoral Appointments: None****b) City Council Appointments:**

Resolution #2022-04-048

Moved by Erickson Gault

Seconded by Brooks

RESOLVED, That Troy City Council 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: 1/31/2025****Cindy Nurak**

Term currently held by: Cindy Nurak

Yes: All-7

No: None

MOTION CARRIED**I-2 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – Charter Revision Committee, Zoning Board of Appeals****a) Mayoral Nominations: None****b) City Council Nominations:**

Resolution #2022-04-049

Moved by Erickson Gault

Seconded by Chamberlain-Creanga

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

Charter Revision Committee

Appointed by Council

7 Regular Members

3 Year Term

Nominations to the Charter Revision Committee:**Term Expires: 4/30/2025****Robin Beltramini**

Term currently held by: Robin Beltramini

Yes: All-7

No: None

MOTION CARRIED

Resolution #2022-04-050

Moved by Erickson Gault

Seconded by Hodorek

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:

Zoning Board of Appeals

Appointed by Council

7 Regular Members; 2 Alternates

3 Year Term

Nominations to the Zoning Board of Appeals:**Term Expires: 4/30/2025****David Eisenbacher**

Term currently held by: David Eisenbacher

Term Expires: 4/30/2025**Aaron Green**

Term currently held by: Aaron Green

Yes: All-7

No: None

MOTION CARRIED**I-3 Request for Closed Session**

Resolution #2022-04-051

Moved by Baker

Seconded by Erickson Gault

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (e) Pending Litigation – *DOJ v. Troy/Adam v. Troy, et. al.*

Yes: All-7
No: None

MOTION CARRIED

I-4 Request for Salary Increases (*Introduced by: Mark F. Miller, City Manager*)

Resolution #2022-04-052

Moved by Baker

Seconded by Abraham

- A. RESOLVED, That as a result of a favorable personnel evaluation, the City Manager's salary **SHALL BE INCREASED** 3.5% effective July 1, 2022.
- B. RESOLVED, That as a result of a favorable personnel evaluation, the City Attorney's salary **SHALL BE INCREASED** 3.5% effective July 1, 2022.

Yes: All-7
No: None

MOTION CARRIED

I-5 Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Sylvan Glen Lake Park Improvements; Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Sylvan Glen Lake Park Improvements – Construction Administration and Budget Amendment (*Introduced by: Kurt Bovensiepe, Public Works Director*)

Resolution #2022-04-053

Moved by Hodorek

Seconded by Abraham

RESOLVED, That Troy City Council hereby **AWARDS** a contract to install the proposed improvements in Sylvan Glen Lake Park to the low bidder meeting specification; *WCI Contractors, Inc. of Detroit, MI*, at unit prices contained in the bid tabulation opened March 3, 2022, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with an estimated total of \$886,900 and with a 15% contingency totaling \$133,000 but not to exceed budgetary limitations.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** expending budgeted capital funds to *OHM Advisors of Livonia, MI*, which is one of the City's professional service engineering firms (Resolution #2017-06-105-J-4a), for the construction administration of improvements at Sylvan Glen Lake Park for a total estimated cost of \$127,000 and with a 15% contingency totaling \$19,000 but not to exceed budgetary limitations.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** a budget amendment of \$916,000 to the Capital Fund- Park Development- Sylvan Glen Lake Park.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** City Administration to roll any unused funds from the 2022 budget specific for this project to the 2023 Capital Fund.

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

Yes: All-7

No: None

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2022-04-054-J-1a

Moved by Abraham

Seconded by Brooks

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) J-6, which has been removed from the Agenda at the request of City Administration.

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 #2022-04-054-J-2

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

- a) City Council Minutes-Draft – March 21, 2022
- b) Special City Council Minutes-Draft – March 23, 2022
- c) Special City Council Minutes-Draft – April 4, 2022

J-3 Proposed City of Troy Proclamations: None Submitted

Resolution #2022-04-054-J-3

- a) Proclamation in Recognition of Athens High School 2021-2022 Student Council

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Renewals Over \$10,000 – Michigan Municipal League**

Resolution #2022-04-054-J-4a

RESOLVED, That Troy City Council **AUTHORIZES** payment for annual membership dues to the Michigan Municipal League, for the time period of May 1, 2022 through April 30, 2023, in the amount of \$13,413.

- b) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 22-03 – 2022A Joint & Crack Seal Program**

Resolution #2022-04-054-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 22-03, 2022A Joint & Crack Seal Program, to *Scodeller Construction, Inc., 51722 Grand River Avenue, Wixom, MI 48393*, for their adjusted low bid of \$150,000.00.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements.

J-5 Authorization to Request Reimbursement from Oakland County West Nile Virus Fund

Resolution #2022-04-054-J-5

RESOLVED, That Troy City Council hereby **AUTHORIZES** the City of Troy Facilities and Grounds Division to seek reimbursement for an amount not-to-exceed \$11,582.15 from the Oakland County West Nile Virus Fund for the expenditures incurred while instituting proactive public health measures used to reduce the population of mosquitoes in the environment.

J-6 Application to De-List 54 E. Square Lake Road

This item was removed from the Agenda at the request of City Administration.

J-7 Private Agreement – Contract for Installation of Municipal Improvements – Eden Gardens Site Condominiums – Project No. 19.925.3

Resolution #2022-04-054-J-7

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Mondrian Properties for the installation of Water Main, Sanitary Sewer, Storm Sewer, Concrete Pavement

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

J-8 Stormwater Management Operations and Maintenance Agreement and Permanent Easement for Storm Sewers and Surface Drainage, Mod Dent Holdings, LLC, Sidwell #88-20-11-101-022

Resolution #2022-04-054-J-8

RESOLVED, That Troy City Council hereby **APPROVES** a *Stormwater Management Operations and Maintenance Agreement* between the City of Troy and Mod Dent Holdings, LLC, outlining a plan to install, maintain, and operate a private stormwater system on the property owned by Mod Dent Holdings, LLC, and identified with Sidwell #88-20-11-101-022.

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** the Mayor and City Clerk to execute the Agreement.

BE IT FURTHER RESOLVED, That Troy City Council **ACCEPTS** a permanent easement for storm sewers and surface drainage from Mod Dent Holdings, LLC, owner of the property having Sidwell #88-20-11-101-022.

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

J-9 Act 51 Mileage Certification for 2021

Resolution #2022-04-054-J-9

WHEREAS, It is necessary to furnish certain road information to the state of Michigan for the purpose of obtaining funds under Act 51, P.A. 1951, as amended; and,

WHEREAS, The center line of said streets are described as:

(*Meadowlark*) Part of the Southeast $\frac{1}{4}$ of Section 1, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. The centerline of road being more particularly described as follows: Commencing at the Southeast Corner of said Section 1; thence North 89 degrees 56 minutes 43 seconds West, along the South line of said Section 1, 2592.36 feet to the South $\frac{1}{4}$ Corner of said Section 1 and North 89 degrees 56 minutes 43 seconds West 34.14 feet and North 01 degrees 36 minutes 23 seconds West 427.74 feet and South 89 degrees 56 minutes 44 seconds East 157.48 feet and North 00 degrees 19 minutes 25 seconds East 13.08 feet to the point of beginning of the centerline of Meadowlark; thence North 00 degrees 19 minutes 25 seconds East 214.92 feet to the point of ending of said road. Said centerline of road is 214.92 feet in length more or less.

(*Virgilia*) Part of the Southeast $\frac{1}{4}$ of Section 16, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. The centerline of road being more particularly described as follows: Commencing at the East $\frac{1}{4}$ Corner of said Section 16; thence North 87 degrees 29 minutes 38 seconds West, along the East and West Quarter line of said Section 16, 1362.16 feet and

South 02 degrees 23 minutes 01 seconds West 768.82 feet to the point of beginning of the centerline of Virgilia; thence on a curve to the left having a radius of 39.00 feet, an arc length of 46.94 feet, and a chord bearing and distance of North 36 degrees 52 minutes 02 seconds East 44.16 feet; thence North 02 degrees 23 minutes 01 seconds East 470.41 feet; thence on a curve to the right having a radius of 39.00 feet, an arc length of 30.43 feet, and a chord bearing and distance of North 24 degrees 43 minutes 35 seconds East 29.66 feet to the point of ending of said road. Said centerline of road is 547.78 feet in length more or less.

(Webb) Part of the Southeast ¼ of Section 16, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. The centerline of road being more particularly described as follows: Commencing at the East ¼ Corner of said Section 16; thence North 87 degrees 29 minutes 38 seconds West, along the East and West Quarter line of said Section 16, 1362.16 feet and South 02 degrees 23 minutes 01 seconds West 768.82 feet and on a curve to the left having a radius of 39.00 feet, an arc length of 46.94 feet, and a chord bearing and distance of North 36 degrees 52 minutes 02 seconds East 44.16 feet and North 02 degrees 23 minutes 01 seconds East 63.29 feet to the point of beginning of the centerline of Webb; thence South 87 degrees 22 minutes 03 seconds East 70.00 feet to the point of ending of said road. Said centerline of road is 70.00 feet in length more or less.

(Hart) Part of the Southeast ¼ of Section 16, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. The centerline of road being more particularly described as follows: Commencing at the East ¼ Corner of said Section 16; thence North 87 degrees 29 minutes 38 seconds West, along the East and West Quarter line of said Section 16, 1362.16 feet and South 02 degrees 23 minutes 01 seconds West 310.55 feet and South 87 degrees 36 minutes 59 seconds East 25.00 feet and North 02 degrees 23 minutes 01 seconds East 48.54 feet and on a curve to the right having a radius of 39.00 feet, an arc length of 30.43 feet, and a chord bearing and distance of North 24 degrees 43 minutes 35 seconds East 29.66 feet to the point of beginning of the centerline of Hart; thence on a curve to the right having a radius of 39.00 feet, an arc length of 30.43 feet, and a chord bearing and distance of North 69 degrees 25 minutes 17 seconds East 29.66 feet; thence South 88 degrees 14 minutes 08 seconds East 73.43 feet to the point of ending of said road. Said centerline of road is 103.86 feet in length more or less.

WHEREAS, The above said streets are located within the City of Troy; right of way is under the control of the City of Troy; said streets are public streets and are for public street purposes and were open to the public prior to December 31, 2021;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ACCEPTS** the following non-platted streets: Meadowlark, Virgilia, Webb, and Hart into the City of Troy local street system.

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 No Council Referrals**O. REPORTS:**

O-1 Minutes – Boards and Committees:

- a) Historical District Study Committee-Final – October 5, 2021
- b) Civil Service Commission (Act 78)-Final – November 9, 2021
- c) Election Commission-Final – February 16, 2022
- d) Election Commission-Draft – April 6, 2022

Noted and Filed

O-2 Department Reports:

- a) Transportation Improvement Association 2021 Review

Noted and Filed

O-3 Letters of Appreciation:

- a) To the Troy Fire Department from the Detroit Lions

Noted and Filed

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

P-1 Council Comments

Council Member Chamberlain-Creanga thanked City Council for their support during her recent trip to Romania and Ukraine. She commented on the conflict and the humanitarian efforts in the area, and she thanked Troy residents, Nicolai Ianos, Borys Potapenko, and Mihaela Mitrofan, for their assistance in providing contacts overseas and their humanitarian aid to Ukraine.

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):

There was a consensus of City Council to allow the person to speak who did not sign up to speak during public comment.

Dawud Walid, Executive Director on Council on Islamic-American Relations, spoke about the Muslim community in Troy and the Closed Session topic.

The Meeting **RECESSED** at 8:07 PM.

The Meeting **RECONVENED** into Closed Session at 8:20 PM.

R. CLOSED SESSION

R-1 Closed Session

S. ADJOURNMENT:

The Meeting **ADJOURNED** at 9:35 PM.

Mayor Ethan Baker

Cheryl A. Stewart, CMC, MiPMC II
Deputy City Clerk

2022 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

April 25, 2022.....Special Meeting (TDDA Landscaping)

2022 SCHEDULED REGULAR CITY COUNCIL MEETINGS:

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



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CITY COUNCIL AGENDA ITEM

Date: April 25, 2022

To: Mark F. Miller, City Manager

From: Bob Bruner, Assistant City Manager
Dee Ann Irby, Controller
Kurt Bovensiepe, Public Works Director
Emily Frontera, Purchasing Manager

RE: Standard Purchasing Resolution 2: Award to Low Bidders meeting Specifications – Transit Mixed Concrete

History

- Transit mix concrete is concrete mixed at a plant and brought to a job site by a concrete truck. The Department of Public Works uses transit mixed concrete throughout the year for repairs to the City's infrastructure, which includes sidewalks, curbs, and roads.
- The City of Troy uses the most current mix design to ensure Alkali Silica Reactivity (ASR) is avoided in all new concrete placed.
- Transit mixed concrete is purchased on an as needed basis throughout the year.
- The current contract expires April 30, 2022.

Purchasing

On March 31, 2022, a bid opening was conducted as required by City Charter and Code for Transit Mixed Concrete. The bid was posted on the MITN Purchasing Group website; www.bidnetdirect.com/mitn/city-of-troy-mi. Two Hundred and Ten (210) vendors were notified of the bid opportunity via the MITN website. Two (2) bid proposals were received. Below is a detailed summary of potential vendors for both bid opportunities.

Companies notified via MITN	210
Troy Companies notified via MITN	5
Troy Companies notified Active email Notification	5
Troy Companies Active Free	0
Companies that viewed the bid	3
Troy Companies that viewed the bid	0

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

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

Active MITN non-paying members are responsible to monitor and check the MITN website for opportunities to do business with the City.

Inactive MITN member status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.

- The award will include a primary and secondary supplier. In the event the primary supplier is unable to provide materials as specified, the secondary supplier will be contacted.
- The award is contingent upon contractors' submission of properly executed bid documents, insurance certificates, and all other specified documents.



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CITY COUNCIL AGENDA ITEM

Financial

Funds are budgeted and available in the General Fund under the Public Works Department operating budgets for the Streets, Water, and Parks Divisions.

Recommendation

City management recommends awarding a one (1) year contract to provide Transit Mixed Concrete with an option to renew for one (1) additional year to the low bidder *Superior Materials, LLC of Farmington Hills, MI* as the primary supplier and *Protocon RM of Sterling Heights, MI* as the *secondary supplier* as per the unit prices listed in the attached bid tabulation opened March 31, 2022; to be ordered on as needed basis; contracts expiring April 30, 2024.

VENDOR NAME:	Protocon RM	Superior Materials LLC
CITY:	Sterling Heights, MI	Farmington Hills, MI

PROPOSAL: One (1) Year Requirements of Transit Mixed Concrete with an Option to Renew for One (1) Additional Year

ITEM	EST QTY		DESCRIPTION		UNIT PRICE	UNIT	TOTAL PRICE	UNIT PRICE	UNIT	TOTAL PRICE
PROPOSAL A - WEEKDAY DELIVERY										
1	600	Yds	6 Sack Mix		\$132.50	Cu Yd	\$79,500.00	\$133.00	Cu Yd	\$79,800.00
2	200	Yds	7 Sack Mix		\$138.50	Cu Yd	\$27,700.00	\$139.00	Cu Yd	\$27,800.00
3	50	Yds	12 Hour 300 PSI Mix- Flexural Strength/7 Sack		\$146.00	Cu Yd	\$7,300.00	\$146.00	Cu Yd	\$7,300.00
SPLIT LOAD CHARGES										
4a	20	Times	2 Locations		\$80.00	Ea	\$1,600.00			
4b	5	Times	3 Locations		\$80.00	Ea	\$400.00			
5	20	Times	Below Minimum Load Charge		\$80.00	Ea	\$1,600.00	\$95.00	Ea	\$1,900.00
6	20		Cold Weather Protection		\$8.00	Cu Yd	\$160.00	\$9.00	Cu Yd	\$180.00
ESTIMATED TOTAL PROPOSAL A:					\$118,260.00			\$116,980.00		
PROPOSAL B - SATURDAY DELIVERY										
1	25	Yds	6 Sack Mix		\$139.00	Cu Yd	\$3,475.00	\$140.00	Cu Yd	\$3,500.00
2	25	Yds	7 Sack Mix		\$146.00	Cu Yd	\$3,650.00	\$146.00	Cu Yd	\$3,650.00
3	25	Yds	12 Hour 300 PSI Mix- Flexural Strength/7 Sack		\$152.50	Cu Yd	\$3,812.50	\$153.00	Cu Yd	\$3,825.00
SPLIT LOAD CHARGES										
4a	5	Times	2 Locations		\$80.00	Ea	\$400.00			
4b	5	Times	3 Locations		\$80.00	Ea	\$400.00			
5	5	Times	Below Minimum Load Charge		\$80.00	Ea	\$400.00	\$95.00	Ea	\$475.00
6	5		Cold Weather Protection		\$8.00	Cu Yd	\$40.00	\$9.00	Cu Yd	\$45.00
ESTIMATED TOTAL PROPOSAL B:					\$12,177.50			\$11,495.00		
ESTIMATED GRAND TOTAL:					\$130,437.50			\$128,475.00		

Unloading Time Per Cubic Yard:	6 Minutes	6 Minutes
Minimum Load:	1 CY	2 Yards
Hours of Operation:	6-5 M-F 6-12 Sat.	7AM- 5PM
24 Hour Emergency Phone No:	586-612-3272	Dave Maralitt 248-804-4939 Shally Darland 248-640-0029
References:	Y or N	Y
Insurance Met:	Y or N	Not Specified
Warranty:	Y or N	1 Year
Payment Terms:		Net 30
Delivery Time:		6-5 M-F 6-12 Sat.
Exceptions:		None
Acknowledgement:	Y or N	Y
Forms:	Y or N	Y
Secondary Vendor		Primary Vendor

ATTEST:
(*Bid Opening conducted via a Zoom Meeting)

Scott Carruthers

Andrew Chambliss

Beth Zaccardelli

Emily Frontera

Jackie Ahlstrom

Emily Frontera
Purchasing Manager



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CITY COUNCIL AGENDA ITEM

Date: April 25, 2022

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Dee Ann Irby, Controller
Kurt Bovensiep, Public Works Director
Emily Frontera, Purchasing Manager

Subject: Standard Purchasing Resolution 2: Award to Low Bidder meeting Specifications
– Asphalt Patching Material – COLD

History

- Asphalt Patching Material – Cold Patch is used on a seasonal basis during colder weather as a temporary patching repair to paved surfaces as needed.
- Usage history for patching material is as follows:

	<u>Quantity (tons)</u>	<u>Price/Ton</u>	<u>Total</u>
2016	150	\$89.79	\$13,442.47
2017	153	\$89.79	\$13,693.87
2018	148	\$100.25	\$14,858.06
2019	160	\$101.00	\$16,168.08
2020	50	\$95.00	\$4,924.80
2021	193	\$95.00	\$18,395.80

- The current contract expires on April 30, 2022.

Purchasing

- On March 31, 2022, a bid opening was conducted as required by City Charter/Code and bid proposals were received at the City's request from companies interested in providing seasonal requirements of Asphalt Patching Material – COLD Patch with an option to renew for one (1) additional year.
- The bid was posted on the MITN Purchasing Group website www.bidnetdirect.com/mitn/city-of-troy-mi. One hundred and four (104) vendors were notified via the MITN website.
- Two (2) bid responses were received. Below is a detailed summary of the vendor responses:

Companies notified via MITN	104
Troy Companies notified via MITN	2
Troy Companies notified Active email Notification	2
Troy Companies - Active Free	0
Companies that viewed the bid	7
Troy Companies that viewed the bid	2

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

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

Active MITN non-paying members are responsible to monitor and check the MITN website for opportunities to do business with the City.

Inactive MITN member status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.

- The Asphalt Patching Material – COLD Patch will be ordered as required and on an as needed basis at the price of \$123.25/ton



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CITY COUNCIL AGENDA ITEM

Financial

Funds are budgeted and available in the General Fund under the Public Works operating budgets for the Streets and Water Divisions for the 2022 and 2023 Fiscal Years.

Recommendation

City Management recommends awarding a contract for seasonal requirements of Asphalt Patching Material – COLD, to the low bidder meeting specifications, *Ajax Materials Corporation of Troy, MI*, to be purchased on an as needed basis for an estimated total cost of \$30,812.50 at the unit price contained in the bid tabulation opened March 31, 2022, not to exceed annual budget limitations.

Opening Date - 03/31/2022
Date Reviewed - 03/31/2022

CITY OF TROY
BID TABULATION
ASPHALT PATCHING MATERIAL - COLD PATCH

ITB-COT 22-14
Pg 1 of 1

VENDOR NAME:

Cadillac Asphalt

Ajax Materials Corporation

CITY:

Farmington Hills

Troy

PROPOSAL: To furnish SEASONAL REQUIREMENTS OF ASPHALT PATCHING MATERIAL - COLD PATCH with a one year renewal

Proposal A - WEEK DAY DELIVERY

Description	EST QTY (Tons)	Unit Price	Ext Price	Unit Price	Ext Price
QPR/UPM or Approved Alternate - Delivered	250	\$125.00	\$ 31,250.00	\$ 123.25	\$30,812.50
Please State Material QPR/ UPM or Approved Alternate:	Blank		Blank (Verbally confirmed- UPM)		
Minimum Load Requirement:	50 Tons		50 Ton train loads		
Contact Information:					
Hours of Operation:	Tues - Fri 7A - 2P		Mon - Friday 8:00AM - 2:00PM		
24 Hour Emergency Phone Number:	248-228-6281		248-388-1687		
References:	Y or N	Y	Y		
Insurance Met:	Y or N	Y	Y -forms not included		
Delivery Time:		7A - 2P	24 - 48 hours		
Payment Terms:		Net 30	Net 30		
Warranty:		N/A	As Per UPN Requirements		
Exceptions:		None	None		
Acknowledgement:		Signed	Signed		
Forms:		Included	Included		

Low bid as specified

ATTEST:

(*Bid Opening conducted via Zoom)

Scott Carruthers

Jackie Ahlstrom

Emily Frontera

Beth Zaccardelli

Andrew R. Chambliss

Emily Frontera,

Purchasing Manager



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CITY COUNCIL AGENDA ITEM

Date: April 25, 2022

To: Mark F. Miller, City Manager

From: Bob Bruner, Assistant City Manager
Dee Ann Irby, Controller
Kurt Bovensiepe, Public Works Director
Emily Frontera, Purchasing Manager

Subject: Standard Purchasing Resolution 2: Award to Low Bidder meeting Specifications –
Aggregates

History

- Aggregate material is used by the Department of Public Works to maintain City infrastructure including underground systems.
- These systems require specific materials to meet different compaction ratings.
- The type of project or maintenance will dictate what type of aggregate is required.
- Aggregates are purchased on an as needed basis throughout the year to meet these demands and to replenish an inventory located at the Public Works yard.
- The current contract expires April 30, 2022.

Purchasing

- On March 31, 2022, a bid opening was conducted as required by City Charter/Code for one (1) year requirements of aggregates with an option to renew for one (1) additional year.
- The bid was posted on the MITN Purchasing Group website www.bidnetdirect.com/mitn/city-of-troy-mi
- Two hundred and thirty-one (231) vendors were notified via the MITN website.
- Seven (7) bid responses were received.
- Below is a detailed summary of potential vendors for the bid opportunity:

Companies notified via MITN	231
Troy Companies notified via MITN	7
Troy Companies notified - Active email Notification	7
Troy Companies - Active Free	0
Companies that viewed the bid	11
Troy Companies that viewed the bid	1

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

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

Active MITN non-paying members are responsible to monitor and check the MITN website for opportunities to do business with the City.

Inactive MITN member status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.



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CITY COUNCIL AGENDA ITEM

Purchasing (continued)

- Upon review of the bid proposals, it was determined that the bid from *Maloney Trucking, LLC a Troy, MI* vendor for Proposal A- Item 2, 22A Gravel, met the local preference bid language which states:

“The City of Troy reserves the right to award a contract to a local business, one which pays City of Troy taxes (real and/or personal), if the bid of a local vendor is within 5% of the lowest responsive and responsible non-local bidder, then the local vendor is given one chance to match the low bid.”

- Maloney Trucking, LLC* agreed to meet the low bid pricing by line for Proposal A- Item 2 and is therefore being recommended for award of this item as specified and as per the pricing listed below.
- After reviewing the bid proposals, it is being recommended to award contracts to the following five (5) low bidders meeting specifications by line item at the unit prices as detailed below:

Proposal A:

Item	Est Qty per Ton	Price per Ton	Est Total Cost
Maloney Trucking 2. 22A Gravel	700	\$17.20	\$12,040.00
Osburn Industries Inc. 3. Pea Gravel	300	\$23.00	\$6,900.00
4. 60/40 Gravel	100	\$26.90	\$2,690.00
7. 21AA Limestone	700	\$20.00	\$14,000.00
AMS Grounds 6. Crushed Concrete 1"-3"	100	\$18.80	\$1,808.00
9. Mason Sand	100	\$15.53	\$1,553.00
Edwin. C. Levy Co. 1. 6A Slag	350	\$25.02	\$8,757.00
8. 2NS Sand	200	\$18.40	\$3,680.00
Tri-City Aggregates Inc. 5. Fill Sand	2500	\$10.25	\$25,625.00
Proposal A Estimated Total Cost			<u>\$77,053.00</u>

Proposal B:

Item	Est Qty per Ton	Price per Ton	Est Total Cost
Osburn Industries Inc. 1. 30A Ball Diamond Slag	100	\$24.25	\$2,425.00
2. Athletic Meal	100	\$33.00	\$3,300.00
Proposal B Estimated Total Cost			<u>\$5,725.00</u>



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CITY COUNCIL AGENDA ITEM

Financial

Funds are budgeted and available through the Public Works operating budgets for the Streets, Parks and Water Divisions for the 2022 and 2023 Fiscal Years.

Recommendation

City Management recommends awarding one (1) year contracts with the option to renew for one (1) additional year to the low bidders meeting specifications and local preference requirements, *Maloney Trucking, LLC of Troy, MI* for line item 2 Proposal A, *Osburn Industries of Taylor, MI* for items 3, 4, and 7 from Proposal A and item 1 and 2 from Proposal B, *AMS Grounds of Ypsilanti, MI* for items 6 and 9 from Proposal A, *Edw. C. Levy Co. of Dearborn, MI* for item 1 and 8 from Proposal A, and *Tri-City Aggregates Inc. of Holly, MI* for item 5. Line items 3, 4, and 5 in Proposal B received no bids and will be purchased on an as needed basis using the informal three-quote process. Aggregates are to be purchased as specified on as needed basis and as per unit bid prices listed in the bid tabulation opened March 31, 2022; contracts to expire April 30, 2024.

<u>Company</u>	<u>Items</u>	<u>Estimated Total Cost</u>
<i>Proposal A</i>		
Maloney Trucking	2	\$12,040.00
Osburn Industries	3, 4, 7	\$23,590.00
AMS Grounds	6, 9	\$3,361.00
Edwin C. Levy	1, 8	\$12,437.00
Tri-City Aggregates Inc.	5	\$25,625.00
<i>Proposal B</i>		
Osburn Industries	1, 2	\$5,725.00
Estimated Total Cost		\$82,778.00

CITY OF TROY
BID TABULATION
AGGREGATES

VENDOR NAME:	Osburn Industries, Inc.	AMS Grounds	Edw. C. Levy Co.	Maloney Trucking Inc.
CITY:	Taylor, MI	Ypsilanti, MI	Dearborn, MI	Troy, MI

PROPOSAL: One-Year Requirements of Aggregates with an Option to Renew for one (1) additional year.

Proposal A: GENERAL DPW AGGREGATES										
Item	Est. Qty. (Tons)	Description	Price/ Ton	Extension Price	Price/ Ton	Extension Price	Price/ Ton	Extension Price	Price/ Ton	Extension Price
1.	350	6A SLAG	NO BID		NO BID		\$25.02	\$8,757.00	\$27.55	\$9,642.50
2.	700	22A GRAVEL	\$19.50	\$13,650.00	\$17.20	\$12,040.00	NO BID		\$17.35	\$12,145.00
3.	300	PEA GRAVEL	\$23.00	\$6,900.00	\$26.49	\$7,947.00	\$24.35	\$7,305.00	\$25.85	\$7,755.00
4.	100	60/40 GRAVEL	\$26.90	\$2,690.00	\$27.25	\$2,725.00	NO BID		\$28.95	\$2,895.00
5.	2,500	FILL SAND	\$11.25	\$28,125.00	\$10.50	\$26,250.00	\$12.77	\$31,925.00	\$12.75	\$31,875.00
6.	100	CRUSHED CONCRETE, 1" - 3"	\$18.35	\$1,835.00	\$18.08	\$1,808.00	NO BID		\$20.00	\$2,000.00
7.	700	21AA LIMESTONE	\$20.00	\$14,000.00	\$20.99	\$14,693.00			\$23.10	\$16,170.00
8.	200	2NS SAND	\$18.50	\$3,700.00	\$20.16	\$4,032.00	\$18.40	\$3,680.00	\$20.00	\$4,000.00
9.	100	MASON SAND	\$15.75	\$1,575.00	\$15.53	\$1,553.00	NO BID		\$20.00	\$2,000.00
Discount if Awarded All Items:			\$0.00		Not Specified		\$0.00		Not Specified	
ESTIMATED TOTAL PROPOSAL A:			\$72,475.00		\$71,048.00		\$51,667.00		\$88,482.50	

Proposal B: ATHLETIC FIELD MATERIALS										
Item	Est. Qty. (Tons)	Description	Price/ Ton	Extension Price	Price/ Ton	Extension Price	Price/ Ton	Extension Price	Price/ Ton	Extension Price
1.	100	30A BALL DIAMOND SLAG	\$24.25	\$2,425.00	\$33.50	\$3,350.00	NO BID		\$25.70	\$2,570.00
2.	100	ATHLETIC MEAL	\$33.00	\$3,300.00	\$40.65	\$4,065.00			\$38.25	\$3,825.00
3.	100	INFIELD MIX	NO BID		NO BID				NO BID	
4.	100	CLAY TRACKER SURFACER CTS-20								
5.	100	CRUSHER DUST								
Discount if Awarded All Items:			\$0.00		Not Specified		\$0.00		Not Specified	
ESTIMATED TOTAL PROPOSAL B:			\$5,725.00		\$7,415.00		\$0.00		\$6,395.00	
ESTIMATED GRAND TOTAL:			\$78,200.00		\$78,463.00		\$51,667.00		\$94,877.50	

Minimum Order Requirements:	50 tons approx.	45 tons	50 tons	50 tons
# of Hours Within Request:	48 hours	24 hours	24 hours	As Needed
Contact Information:				
Hrs. of Operation	8-5	24/7	6AM - 5PM	7AM - 5PM
24 Hr. Phone No.	313-363-0080	734-330-0000	313-429-2200	248-379-6565
References:	Y or N	Y	Y	Y
Insurance Met:	Y or N	Y	Y	Y
Warranty:	Not Specified	Not Specified	Not Specified	Not Specified
Payment Terms:	Net 30	Net 30	Net 30	Net 30
Delivery Time:	48 hours	Not Specified	8AM - 5PM	As Needed
Exceptions:	Items not bid are not available	None	Pricing not valid during frost days. Fuel surcharges will apply after diesel fuel Midwest average reaches 4.101. Based on product availability.	None
Acknowledgement:	Y or N	Y	Y	Y
All or None Award:	Y or N	N	N	N
Forms:	Y or N	Y	Y	Y

Awarded Bid

Local Preference Within 5%

VENDOR NAME:			Latigo Transport Inc.		Richmond Transport, Inc.		Tri-City Aggregates Inc.	
CITY:			Imlay City, MI		Lenox, MI		Holly, MI	
PROPOSAL: One-Year Requirements of Aggregates with an Option to Renew for one (1) additional year.								
Proposal A: GENERAL DPW AGGREGATES								
Item	Est. Qty. (Tons)	Description	Price/ Ton	Extension Price	Price/ Ton	Extension Price	Price/ Ton	Extension Price
1.	350	6A SLAG	NO BID		NO BID		NO BID	
2.	700	22A GRAVEL	\$19.00	\$13,300.00	\$20.25	\$14,175.00		
3.	300	PEA GRAVEL	\$26.00	\$7,800.00	\$27.00	\$8,100.00		
4.	100	60/40 GRAVEL	\$28.25	\$2,825.00	\$28.25	\$2,825.00		
5.	2,500	FILL SAND	\$15.00	\$37,500.00	\$13.00	\$32,500.00	\$10.25	\$25,625.00
6.	100	CRUSHED CONCRETE, 1" - 3"	\$26.00	\$2,600.00	\$21.00	\$2,100.00	NO BID	
7.	700	21AA LIMESTONE	\$22.40	\$15,680.00	\$22.90	\$16,030.00		
8.	200	2NS SAND	\$19.00	\$3,800.00	\$20.30	\$4,060.00		
9.	100	MASON SAND	\$18.00	\$1,800.00	\$19.50	\$1,950.00		
Discount if Awarded All Items:			\$0.00		Not Specified		Not Specified	
ESTIMATED TOTAL:			\$85,305.00		\$81,740.00		\$25,625.00	
Proposal B: ATHLETIC FIELD MATERIALS								
Item	Est. Qty. (Tons)	Description	Price/ Ton	Extension Price	Price/ Ton	Extension Price	Price/ Ton	Extension Price
1.	100	30A BALL DIAMOND SLAG	NO BID		NO BID		NO BID	
2.	100	ATHLETIC MEAL						
3.	100	INFIELD MIX						
4.	100	CLAY TRACKER SURFACER CTS-20						
5.	100	CRUSHER DUST						
Discount if Awarded All Items:								
ESTIMATED TOTAL:								
ESTIMATED GRAND TOTAL:			\$85,305.00		\$81,740.00		\$25,625.00	
Minimum Order Requirements: # of Hours Within Request: Contact Information: Hrs. of Operation 24 Hr. Phone No. References: Y or N Insurance Met: Y or N Warranty: Payment Terms: Delivery Time: Exceptions: Acknowledgement: Y or N All or None Award: Y or N Forms: Y or N			50 tons		50 tons		50 tons	
			48 hours		24 hours		48 hours	
			As Needed		7AM - 5PM		6AM - 4PM	
			810-343-3371		586-727-1627		248-634-8276	
			Y		Y		Y	
			Y		Y		Y	
			Not Specified		N/A		Not Specified	
			Net 30		Net 30 Days		30 Days	
			48 hours		Within 24 hours		48 hours	
			None		None		None	
			Y		Y		Y	
			N		N		N	
			Y		Y		Y	

ATTEST:

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

Scott Carruthers
Andrew Chambliss
Beth Zaccardelli

Emily Frontera
Purchasing Manager



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: April 25, 2022

To: Mark F. Miller, City Manager

From: Bob Bruner, Assistant City Manager
Dee Ann Irby, Controller
Kurt Bovensiepe, Public Works Director
Emily Frontera, Purchasing Manager

Subject: Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications - Hauling and Disposal of Dirt and Debris

History

- The work includes the hauling and disposal of broken concrete and asphalt, fill dirt excavated from water and sewer repairs, and catch basin sludge and street sweepings.
- The current contract expires April 30, 2022.

Purchasing

- On March 31, 2022, a bid opening was conducted as required by City Charter/Code for one (1) year requirements of Hauling Disposal of Dirt and Debris with an option to renew for one (1) additional year.
- The bid was posted on the MITN Purchasing Group website www.bidnetdirect.com//city-of-troy-mi. Two hundred and forty-one (241) vendors were notified via the MITN website.
- Six (6) bid responses were received. Below is a detailed summary of potential vendors for the bid opportunity:

Companies notified via MITN	241
Troy Companies notified via MITN	10
Troy Companies notified - Active email Notification	9
Troy Companies - Active Free	1
Companies that viewed the bid	18
Troy Companies that viewed the bid	0

MITN provides a resourceful online platform to streamline the procurement process, reduce costs, and make it easier and more transparent for vendors to do business with the City of Troy. **Active MITN** members with a current membership and paying annual dues receive automatic electronic notification which allows instant access to Bids, RFPS and Quote opportunities with the City. **Active MITN non-paying** members are responsible to monitor and check the MITN website for opportunities to do business with the City. **Inactive MITN member** status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.

- After reviewing the bid proposals, it is being recommended to award contracts to the following three (3) low bidders meeting specifications by line item at the unit prices as detailed below:



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Purchasing (continued)

Item	Est Qty per Ton	Price per Ton	Est Total Cost
Maloney Trucking			
2. Broken Asphalt	5000	\$8.50	\$42,500.00
4. Catch Basin Sludge and Street Sweeping	1500	\$22.70	\$34,050.00
Ahern Contracting Inc.			
1. Broken Concrete	3000	\$7.94	\$23,820.00
Universal Consolidated Enterprises			
3. Fill Dirt	7000	\$10.45	\$73,150.00
Estimated Total Cost			<u>\$173,520.00</u>

Financial

Funds are budgeted and available through the Public Works operating budgets for the Streets and Water Divisions for the 2022 and 2023 fiscal years.

Recommendation

City Management recommends awarding one (1) year contracts with the option to renew for one (1) additional year to the low bidders meeting specifications, *Maloney Trucking, LLC of Troy, MI* for line items 2 and 4, *Ahern Contracting Inc. of Chesterfield, MI* for item 1, and *Universal Consolidated Enterprises of Roseville, MI* for line item 3 for an estimated total cost of \$173,520.00, at unit prices contained in the bid tabulation opened March 31, 2022; contracts to expire on April 30, 2024.

CITY OF TROY
BID TABULATION
HAULING/DISPOSAL OF DIRT AND DEBRIS

VENDOR NAME:	Ahern Contracting Inc	Jackie's Transport	Latigo Transport
CITY:	Chesterfield, MI	Northville, MI	Imlay City, MI

PROPOSAL: One (1) year requirements of Hauling and Disposal of Dirt and Debris with an option to renew for one (1) additional year.

ITEM #	EST QTY (TONS)	DESCRIPTION	PRICE/ TON	EXTENSION PRICE	PRICE/ TON	EXTENSION PRICE	PRICE/ TON	EXTENSION PRICE
1	3,000	Broken concrete with and without wire, possibly mixed with fill dirt.	\$7.94	\$23,820.00	\$10.64	\$31,920.00	\$11.35	\$34,050.00
2	5,000	Broken asphalt possibly mixed with fill dirt.	\$9.94	\$49,700.00	\$10.64	\$53,200.00	\$11.35	\$56,750.00
3	7,000	Fill Dirt, material excavated from water and sewer repairs as well as ditching operations. Material may include culverts, excessively large stumps, logs, and wood materials that contain unsegregatable impurities such as cement, dirt and metal.	\$13.99	\$97,930.00	\$10.64	\$74,480.00	\$16.00	\$112,000.00
4	1,500	Catch basin sludge and street sweepings.	\$29.00	\$43,500.00	\$29.89	\$44,835.00	\$26.95	\$40,425.00
ESTIMATED TOTAL:			\$214,950.00		\$204,435.00		\$243,225.00	

Can Meet Disposal Schedule:	Y or N	Y	Y	Y
Contact Information:	Hrs of Operations:	7:00a.m. - 5:00p.m.	7AM-5PM	8AM - 5PM
	24 Hour Phone #:	810-343-0403	248-344-0047	810-343-3371
Site Visit Date:		03/30/22	Did not visit	Did Not Visit
Disposal Site:		Pine Tree Acres Landfill	Arbor Hills Northville	Pine Tree Acres - Eagle Valley Landfill
Approved Site:	Y or N	Y	Y	Y
EPA Permit #:		4169	475946	Blank
References:	Y or N	Y	Y	Y
Insurance Met:	Y or N	Y	Y	Y
All or None Award:	Y or N	N	N	N
Payment Terms:		Net 60	Net 30	Net 30
Warranty:		N/A	No	Blank
Delivery Time:		48 hours	48 hour notice	48 hours
Exceptions:	Y or N	Blank	Blank	Blank
Acknowledgement:	Y or N	Y	Y	Y
Equipment List Provided:	Y or N	Y	Y	Y
Forms:	Y or N	Y	Y	Y

CITY OF TROY
BID TABULATION
HAULING/DISPOSAL OF DIRT AND DEBRIS

VENDOR NAME:

Maloney Trucking

S.A. Torello Inc.

Universal Consolidated
Enterprises

CITY:

Troy, MI

Port Huron, MI

Roseville, MI

PROPOSAL: One (1) year requirements of Hauling and Disposal of Dirt and Debris with an option to renew for one (1) additional year.

ITEM #	EST QTY (TONS)	DESCRIPTION	PRICE/ TON	EXTENSION PRICE	PRICE/ TON	EXTENSION PRICE	PRICE/ TON	EXTENSION PRICE
1	3,000	Broken concrete with and without wire, possibly mixed with fill dirt.	\$8.50	\$25,500.00	\$12.00	\$36,000.00	\$11.20	\$33,600.00
2	5,000	Broken asphalt possibly mixed with fill dirt.	\$8.50	\$42,500.00	\$18.00	\$90,000.00	\$12.85	\$64,250.00
3	7,000	Fill Dirt, material excavated from water and sewer repairs as well as ditching operations. Material may include culverts, excessively large stumps, logs, and wood materials that contain unsegregatable impurities such as cement, dirt and metal.	\$14.00	\$98,000.00	\$18.00	\$126,000.00	\$10.45	\$73,150.00
4	1,500	Catch basin sludge and street sweepings.	\$22.70	\$34,050.00	\$29.00	\$43,500.00	\$22.75	\$34,125.00
ESTIMATED TOTAL:			\$200,050.00		\$295,500.00		\$205,125.00	

Can Meet Disposal Schedule: Y or N

Y

Y

Y

Contact Information:

Hrs of Operations:

7:00AM -5:00PM

7:00AM-5:00PM

7:00AM - 7:00PM

24 Hour Phone #:

248-379-6565

810-602-6475

586-248-2250

Site Visit Date:

Visited but date blank

Did not visit

3/29/2022

Disposal Site:

Oakland Heights Landfill

Eagle Valley

Oakland Heights
Development

Approved Site:

Y or N

Y

Y

Y

EPA Permit #:

Blank

MIG000015055

Blank

References:

Y or N

Y

Y

Y

Insurance Met:

Y or N

Y

Y

Y

All or None Award:

Y or N

N

N

N

Payment Terms:

Net 30

Net 30

Net 30

Warranty:

Blank

Blank

N/A

Delivery Time:

As needed

Upon Request

48 hours or less

Exceptions:

Y or N

Blank

Yes

Blank

Acknowledgement:

Y or N

Y

Y but not signed

Y

Equipment List Provided:

Y or N

Y

Y

Y

Forms:

Y or N

Y

Y

Y

Low bidder meeting specifications by line item

ATTEST:

(*Bid Opening conducted via a Zoom Meeting)

Scott Carruthers

Beth Zaccardelli

Andrew Chambliss

Emily Frontera

Jackie Ahlstrom

Emily Frontera

Purchasing Manager



500 West Big Beaver
Troy, MI 48084
troymi.gov

J-04e

CITY COUNCIL AGENDA ITEM

Date: April 25, 2022

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Rob Maleszyk, Chief Financial Officer
Dee Ann Irby, Controller
Kurt Bovensiepe, Public Works Director
Paul Trosper, Water/Sewer Operations Manager
Emily Frontera, Purchasing Director

Subject: Standard Purchasing Resolution 4: Sourcewell Purchasing Cooperative - Vermeer CTX160 Mini Skid Steer and Attachments

History

- The Water & Sewer Division maintains water and sewer infrastructure assets both in the Right-of-Way and easement that are often in the rear of private property.
- Equipment is often used to maintain the water and sewer infrastructure and is important that the piece of equipment is versatile enough to access some of the rear yard easements.
- The Vermeer CTX160 Mini Skid loader will allow the Water & Sewer Division staff to work safely, efficiently, and cause very little ground impact while performing maintenance on water and sewer assets.

Purchasing

- Pricing to purchase one (1) Vermeer CTX160 Mini Skid Steer with attachments has been secured from *Vermeer Midwest of Fowlerville, MI*, through the Sourcewell Purchasing Cooperative Contract #031721-VRM as detailed in quote #Q-10259-1.
- City Council authorized participation in the Cooperative Purchasing Programs on November 8, 2021 (Resolution #2020-11-160).

Financial

Funds are budgeted and available in the Water and Sewer General Equipment Capital Fund under Project Numbers 2022C0086 and 2022C0093 for the 2022 fiscal year. Expenditures will be charged to account numbers 590.527.535.7978.010 and 591.537.555.7978.010. The lead time for receiving this equipment will require the capital funds to be rolled over to the following fiscal year.

Recommendation

City management recommends awarding a contract to *Vermeer Midwest of Fowlerville, MI* for the purchase of one (1) Vermeer CTX160 Mini Skid Steer with attachments as detailed in the attached quote #Q-10259-1 and as per the Sourcewell Purchasing Cooperative Contract #031721-VRM for an estimated total cost of \$57,200. City management also recommends the authority to roll the funds to the 2023 Fiscal Year.



940 Garden Lane
Fowlerville, MI 48836
517-915-0555
www.vermeermidwest.com

4/6/2022

Quote #: Q-10259-1
PO #:

Bill To:
City of Troy
Paul Trosper
4693 Rochester Rd.
500 W. Big Beaver
Troy, MI 48085
2485243395

Ship To:
City of Troy
Paul Trosper
4693 Rochester Rd.
500 W. Big Beaver
Troy, MI 48085
2485243395

To Whom It May Concern:

I would like to submit this quote to you.

1 New 2022 Vermeer CTX160	\$45,446.90
~ Kohler 40hp Tier 4F KDI 1903 Diesel Engine	
~ 92.5" Long & 59" Tall	
~ Width of 42" w/ 9" Tracks	
~ Machine Weight (no attachments): 3,850 lbs.	
~ Ground Pressure 4.2 psi w/ 9" Tracks	
~ 1,600 lbs of Operating Capacity	
~ 88" Height to Hinge Pin	
~ 4.4 MPH Ground Speed	
~ Pilot Operated Ground Drive Control System	
~ Stand up Ride on Operator Platform, Spring Cushioned	
~ 12 Volt Power Port	
~ Duel Fuel Tanks 14.5 Gallon Capacity	
~ 12 Gallon Hydraulic Tank Capacity	
~ 16.7 GPM at 3,045 PSI Hydraulic Flow	
~ Flat Faced Hydraulic Quick Disconnects	
~ 2 Year/2,000 Hour Standard Kohler Engine Warranty	
~ 3 Year/3,000 Hour Warranty on the Loader Arms and Main Frame	
~ 1 Year/1,000 Hour Parts and Labor Standard Limited Vermeer Warranty	
~ Sourcewell Contract #031721-VRM	
1 New Berlon 42" Bucket	\$771.03
1 New Berlon 42" Forks	\$946.22
1 New Paladin Harley Rake W/ Diverter	\$9,248.69

Untaxed Machine	\$56,412.84
Freight and Prep	\$787.00
Grand Total	\$57,199.84

Total Due	\$57,199.84

Initials: _____

Quote #:Q-10259

Finance Options with Approved Credit

Payment Details	Monthly Payment
Approximate payment on 60 months based on \$0 down	\$1,088.87

Additional Options

Quantity	Product Name	Net Total	Additional Price Per Month
1.00	CONFIDENCE PLUS 3 YEARS (CTX160) - PREMIUM COV W/M	\$4,228.00	\$79.79
CONFIDENCE PLUS 3 YEARS (CTX160) - PREMIUM COV W/M			

Proposal good for 30 days; we reserve the right at any time prior to acceptance to revoke this quotation.

Accepted by: _____

Date: _____

Thank you for your consideration.

Sincerely,

Brent Martin
brent.martin@vermeermidwest.com

Initials: _____

Quote #:Q-10259



500 West Big Beaver
Troy, MI 48084
troymi.gov

J-04f

CITY COUNCIL AGENDA ITEM

Date: April 25, 2022

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Robert C. Maleszyk, Chief Financial Officer
Dee Ann Irby, Controller
Kurt Bovensiepe, Public Works Director
Brian Goul, Recreation Director
Dennis Trantham, Facilities and Grounds Operations Manager
Emily Frontera, Purchasing Manager

Subject: Standard Purchasing Resolution 4: Oakland County Purchasing Cooperative – Historic Village Wagon Shop – Structural Repairs and Standard Purchasing Resolution 4: OMNIA Partners Purchasing Cooperative – Historic Village Wagon Shop Roof Replacement

History

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

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

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

Phase one, the structural analysis of the Wagon Shop by OHM was approved at the October 11, 2021 meeting of the Troy City Council (Resolution #2021-10-148-J-e). On January 21, 2022 an onsite review of the report occurred and recommendations were made. The report revealed the need to remove the added loft area along with repairing and reinforcing structural elements that have failed for various reasons over time.



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

History (continued)

Phase two, completion of construction documents based on the findings of the structural analysis on the Wagon Shop by OHM was approved at the February 14, 2022 meeting of the Troy City Council (Resolution #2022-02-028-J-5). The construction documents developed a plan to correct the structural deficiencies with the least amount of impact while preserving the historical story of the facility.

Purchasing

- Pricing to provide the labor, materials, and equipment for the Historic Village structural repairs has been secured from *National Restoration, of Milford, MI* through the Oakland County Purchasing Cooperative Contract #005106 for an estimated cost of \$30,000 as per the attached quote.
- Pricing for the Historic Village Wagon Shop Roof Replacement has been secured from *Schena Roofing and Sheet Metal Co., Inc. of Chesterfield, MI*, based on the Omnia Partners Purchasing Contract #R180901 for an estimated cost of \$48,121.35 as per the attached quote.
- City Council authorized participation in the Cooperative Purchasing Programs on November 8, 2021 (Resolution #2021-11-160).

Financial

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

Recommendation

City Management recommends awarding contracts to *National Restoration, of Milford, MI* for the Historic Village Wagon Shop Structural Repairs for an estimated amount of \$30,000 per the Oakland County Purchasing Cooperative Contract #005106 and to *Schena Roofing and Sheet Metal Co., Inc. of Chesterfield, MI*, for the Historic Village Wagon Shop Roof Replacement for an estimated cost of \$48,121.35, per the Omnia Partners Purchasing Contract #R180901, for an estimated total project cost of \$78,121.35 with a 20% contingency not to exceed budgetary limitations.

NATIONAL RESTORATION INC

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

2165 Fyke Dr.

Milford, MI 48381

248-318-0609 Fax 248-714-6323

johnf@nationalrestoration.net

April 13, 2022

Its Not Luck, Its know How!

Licensed Builder

Mr. Dennis Trantham

Operations Manager, Facilities and Grounds

City of Troy, MI

500 West Big Beaver Road

Troy, MI 48084

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

Dennis.trantham@troymi.gov

RE: Wagon Shop Budget

Mr. Trantham,

Per our onsite meeting and the drawings provided, we are proposing to provide, all material, labor and equipment needed to complete the following items of work. Note:

This is based from the preliminary drawings and a follow up site visit.

Scope of Work:

- Provide needed permits.
- Mobilize
- Provide shoring as required.
- Remove the two knee walls and properly dispose of offsite.
- Remove the existing joists per plans. We ill try to repurpose this wood in on other areas.
- Install new cross bracing per plans.
- Fabricate and install new gusset plates per plans.
- Install lateral bracing from gable to gable.
- Install new hurricane straps to the end of the rafters to the top plate. The new straps will be painted black.
- Upgrade the fastening of the rafter tie splices per plans.
- Install new knee bracket to help support the bellows.
- Jobsite cleanup.
- We recommend budgeting up to \$30,000.00 for this project. It is to be completed on a time and material basis per our publicly bid annual contract with Oakland County.

Exclusions:

- Cost for permits and inspections.

- Prevailing wages
- Premium time
- Lawn damage

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

Sincerely,
John Fletcher, President



April 15, 2022

City of Troy
500 W Big Beaver Road
Troy, MI 48084

Re: Building G – Wagon Shop, 60 W Wattles Road, Troy, MI 48098
NRP CPN: 180901-MI-021

To Whom It May Concern:

National Roofing Partners (NRP) and its local partner, Schena Roofing & Sheet Metal, have developed the following pricing proposal for the Building G – Wagon Shop project. This pricing proposal was developed in compliance with NRP's contract number R180901 with OMNIA Partners and includes the total cost to remove the existing roof and install a new cedar shake roof system.

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

Based on this scope of work, pricing to complete the Building G – Wagon Shop project is **\$ 48,121³⁵**. This pricing is compliant with the OMNIA Partners' unit pricing.

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

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

1. The purchase order will be issued to Schena Roofing & Sheet Metal.
2. The purchase order should be clearly marked "**Per OMNIA Contract #180901-MI-021**"
3. E-mail the purchase order and tax-exempt certificate, if applicable, in PDF format to:
 - a. tfrisch@schenaroofting.com
 - b. Cc: OMNIAPartners@NationalRoofingPartners.com
4. Once we receive a P.O., a notice to proceed will be issued and work can begin at the member's discretion.

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

Best Regards,

Tim Frisch
Schena Roofing & Sheet Metal
28299 Kehrig Dr
Chesterfield, MI 48047
586-292-1661



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

Approximate Roof Area: 1,100 square feet

SCOPE OF WORK:

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

Wood deck work

- During the re-roofing process, we will remove and salvage the existing decking as required. This will allow structural work to be performed By Others.
- Once structural work has been completed, we will re-install the salvaged wood decking material and continue with the re-roofing process.

PRICING:

PRICE FOR SCOPE OF WORK ABOVE:	\$ 47,311³⁵
TAX:	\$ 810⁰⁰
TOTAL PRICE:	\$ 48,121³⁵

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

EXCLUSIONS:

-Mechanical, electrical, plumbing, communications, or data equipment modification, removal, or reinstallation work unless specifically noted above. -Premium time or overtime unless specifically stated in scope of work. -Protection or necessary modification of such items as electrical substations, transformers, or powerlines shall be the responsibility of the owner to provide a safe working condition. -Structural changes to building and lightning protection systems. - ACM abatement or testing. -Interior protection or cleaning of interior contents prior to, during, or after roofing

operations. -Any damage to building components under the roof decking because of mechanically fastening components of this roof assembly as required by the manufacturer. -Engineering reports or investigations. -Mold, fungus, or mildew remediation. -FM Global approval unless specifically listed in scope of work above. -Ponding water. -Permits, unless specifically named above. -Any work or materials not specifically and clearly named above.

SAFETY:

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

MISCELLANEOUS:

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

TERMS & CONDITIONS:

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

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

City of Troy
500 W Big Beaver Road
Troy, MI 48084



621 East State Highway 121
Suite 400
Coppell, TX 75019

15-Apr-2022

LINE ITEM PRICE ESTIMATE

CPN: 180901-MI-021



Project Name: Building G - Wagon Shop
Project Address: 60 W Wattles Road Troy, MI 48098



Pricing Summary by Category			
Category	Water Resistant Roofing	Subtotal	\$ -
Category	Insulation	Subtotal	\$ -
Category	Roof Tiles and Shingles	Subtotal	\$ -
Category	Roofing and Roof Restoration	Subtotal	\$ -
Category	Masonry	Subtotal	\$ -
Category	Metal Work	Subtotal	\$ -
Category	Woodwork	Subtotal	\$ -
Category	Standing Seam Metal Roof System	Subtotal	\$ -
Category	Roof Specialties and Accessories	Subtotal	\$ -
Category	Roof Services	Subtotal	\$ 47,887.22
Category	General Cost Factors	Subtotal	\$ -
Category	Additional Line Items	Subtotal	\$ -
		Line Item Total	\$ 47,887.22
		Discount	\$ (575.87)
		Proposal Price	\$ 47,311.35

Detailed Line Item Breakdown					
Item No.	Description	UOM	Price	Qty	Total
Water Resistant Roofing					
			-		\$ -
Insulation					
			-		\$ -
Roof Tiles and Shingles					
			-		\$ -
Roofing and Roof Restoration					
			-		\$ -
Masonry					
			-		\$ -
Metal Work					
			-		\$ -
Woodwork					
			-		\$ -
Standing Seam Metal Roof System					
			-		\$ -
Roof Specialties and Accessories					
			-		\$ -
Roof Services					
48	Additional and occasional supplies, materials, equipment and services				
48a	Additional and occasional services Roofing supplies Discount off Retail	% of discount	5%	14,597.50	\$ 13,867.63
56	Labor Rate for Roofer	Per Hour	90.00	200	\$ 18,000.00
19-45	Equipment; other	%	25%	1,350	\$ 1,687.50
19-46	Multiplier; project safety and fall restriction	%	7%	36,555.13	\$ 2,558.86
19-50	Multiplier; total roof area < 5,000 sq ft	%	24%	36,555.13	\$ 8,773.23
21-28	Field Personnel				
21-28c	Project Manager	Day	500.00	6	\$ 3,000.00
General Cost Factors					
			-		\$ -
Additional Line Items					
			-		\$ -
				Line Item Total	\$ 47,887.22



500 West Big Beaver
Troy, MI 48084
troymi.gov

J-04g

CITY COUNCIL AGENDA ITEM

Date: April 25, 2022

To: Honorable Mayor and City Council Members

From: Mark F. Miller, City Manager
Robert J. Bruner, Assistant City Manager
Robert C. Maleszyk, Chief Financial Officer
Beth Tashnick, Office Manager

Subject: Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Member Travel – 2022 US Conference of Mayors 90th Annual Meeting

History

In advance of conferences and workshops city council members have expressed interest, management prepares a standard purchasing resolution that will authorize the travel expenses that may be incurred.

Purchasing

Administrative memo 1-PU-9 "Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Requests – Standard Purchasing Resolution 10" requires approval by resolution of travel by council members.

Financial

Registration for this event is \$1,500 (early bird discount) plus any additional activities selected. Airfare or mileage, car rental, lodging and food are additional expenses that may be incurred. Funds are available in the 2021/22 City Council Budget.

Recommendation

It is recommended that City Council authorize and approve the expenditure of funds on travel expenses for Council Members who wish to attendance this event.



THE UNITED STATES
CONFERENCE OF MAYORS

Summary Fees Key Information Agenda

Register Now

THE UNITED STATES CONFERENCE OF MAYORS

90th Annual Meeting

June 3, 2022—June 6, 2022

About The Meeting

The 90th Annual Meeting of The United States Conference of Mayors will take place June 3-6 in Reno, Nevada. It will be presided over by Miami Mayor Francis Suarez and is hosted by Reno Mayor Hillary Schieve.

The 90th Annual Meeting of The United States Conference of Mayors is being developed around the following areas:

1. Priorities identified by the 80th President of The United States Conference of Mayors Miami Mayor Francis X. Suarez for the Annual Meeting, including: the intersection of public safety and technology; the new crypto economy; and economic opportunities for cities of all sizes resulting from the new remote workforce and bringing emerging and digital-based businesses to cities.
2. A Mayors-Only Session on Friday afternoon focused on the threat of disinformation and effective communications strategies.
3. A special discussion on the leadership being provided by mayors to address the state of mental health for all ages in our nation - joined by the U.S. Surgeon General.
4. Engagement with many high-level Biden Administration officials on priorities such as implementation of the \$1.2 trillion infrastructure law, as well as other key policy and thought leaders.
5. The increasing issue of state preemption of cities which impacts their residents on major issues.
6. Numerous opportunities for direct mayor to mayor



6. Numerous opportunities for direct mayor-to-mayor engagement on a wide range of topics impacting cities of all sizes and in all regions of our Nation; and the sharing of best practices and innovative projects among mayors.
7. The consideration, debate and adoption of policy resolutions submitted by member mayors. This will take place during the meetings of the 10 policy Standing Committees on Friday, June 3 and Saturday, June 4, and then during the official Annual Business Session on Monday morning, June 6.
8. Networking opportunities with USCM Platinum Partners and Mayors Business Council Members.
9. Evening events arranged by Mayor Hillary Schieve and her host committee will highlight the very best of Reno - and give all attendees the opportunity to talk, share stories, and be together again as part of the USCM family. You can see all that is happening by checking out the [Host City Website](#).



Countdown to the Event



Register Now

[Already registered?](#)

Contact Us

Follow us on:



THE UNITED STATES
CONFERENCE OF MAYORS

[Summary](#) **[Fees](#)** [Key Information](#) [Agenda](#)

[Register Now](#)

THE UNITED STATES CONFERENCE OF MAYORS

90th Annual Meeting

June 3, 2022—June 6, 2022

Fees

Below is all of the pricing information for the event.

Admission Items

Event Registration

Additional Business Council Member -
Platinum Sponsor

\$2,500.00

Changes to **\$2,800.00** after Saturday, May 28, 2022

[Refund policy](#)

Member Mayor

\$1,500.00

Changes to **\$2,000.00** after Saturday, May 28, 2022

[Refund policy](#)

Member City Official



CITY COUNCIL AGENDA ITEM

Date: April 19, 2022

To: Mark F. Miller, City Manager

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

Subject: APPLICATION TO DE-LIST 54 E. SQUARE LAKE ROAD

54 E. Square Lake Road is listed as a historic property in the City's Historic Preservation Ordinance (Chapter 13). Property owner Renis Nushaj of 5960 Livernois LLC submitted an application to de-list the property. A statement indicating reasons for eliminating the designation was provided with the application. A two-story house presently sits on the property, which is zoned NN (Neighborhood Node "Q") Zoning District.

To de-list a property, City Council should make a finding that the subject property meets one or more of the following standards:

1. The historic district has lost those physical characteristics that enabled establishment of the district.

The City has no historic records on file for this property. The reasons for establishing the property as a historic property cannot be determined. The Historic District Study Committee determined that the property is not historically significant.

2. The historic district was not significant in the way previously defined.

The reasons for establishing the property as a historic property cannot be determined. The property is not historically significant based on research findings. The Historic District Study Committee determined that the property is not historically significant.

3. The historic district was established pursuant to defective procedures.

Based on the information available, it seems the property was listed simply because it was an older building. The age of a building does not make it historically significant.

On March 22, 2022 the Planning Commission considered the application and took no action. On March 28, 2022 the Historic District Study Committee recommended 3-0 that the property be de-listed.

City Council has final authority to approve the de-listing of 54 E. Square Lake Road.



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Legal Review

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

Attachments:

1. Chapter 13 Historic Preservation amendment
2. Map
3. Minutes from March 28, 2022 Historic District Study Committee meeting
4. Minutes from March 22, 2022 Planning Commission Regular meeting
5. Final Report to De-List 54 E. Square Lake, prepared by 313 Historic Preservation
6. Application to De-List.
7. Letter from SHPO, dated February 10, 2022.
8. SHPO Staff Comments, dated November 30, 2021.

**CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 13 OF THE CODE
OF THE CITY OF TROY**

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 13 – Historic Preservation of the Code of the City of Troy.

Section 2. Amendment

Section 3.A. of Chapter 13 – Historic Preservation is amended to eliminate the historic district located at 54 E. Square Lake. As amended, Section 3. A. of Chapter 13 shall read as follows:

(Strike through denotes the language to be eliminated)

3. REGULATION OF RESOURCES AND ESTABLISHED HISTORIC DISTRICTS

- A. There shall be no construction, alteration, repair, moving or demolition of the exterior features of a Historic Resource unless a certificate of appropriateness or a notice to proceed is issued in accordance with this chapter. The following Historic Districts are hereby established.

Troy Union Cemetery, 1199 E. Square Lake (Tax ID: 88-20-02-301- 009) T2N, R11E, SEC 2, PART OF SW ¼ OF SW ¼ BEG AT PT DIST S 89-44-00 E 750 FT FROM SW COR SEC 2, TH S 89-44-00 E 573.57 FT, TH N 00-24-30 W 446.10 FT, TH N 88-46-00 W 365.25 FT, TH S 40-53-00 W 133.60 FT, TH S 89-27-30 W 29.8 FT, TH S 14-06-00 W 360.89 FT TO BEG 4.66 A

6890 Norton (Tax ID: 88-20-03-226-033) T2N, R11E, SEC 3 PART OF NE ¼ BEG AT PT DIST S 01-15-30 E 809.30 FT & S 88-59-30 W 276.15 FT FROM N 1/8 COR, TH S 88-59-30 W 250 FT, TH N 01-35-15 W 136.63 FT, TH N 88-59-30 E 250 FT, TH S 01-35-15 E 136.63 FT TO BEG 0.78 A

770 W. Square Lake (Tax ID: 88-20-04-354-011) T2N, R11E, SEC 4 PART OF SW ¼ BEG AT PT DIST N 00-17-56 E 259.88 FT & S 89-45-00 E 160 FT & S 79-23-48 E 273.17 FT & S 69-02-36 E 300 FT & S 79-29-59 E 232.30 FT & S 89-57-22 E 136.66 FT FROM SW SEC COR, T N 00-12-04 E 226.40 FT, TH N 73-29-54 E 14.90 FT TH ALG CURVE TO RIGHT, RAD 60 FT, CHORD BEARS N 86-20-14 E 26.67 FT, DIST OF 26.89 FT, TH ALG CURVE TO LEFT, RAD 60 FT, CHORD BEARS N 74-27-32 E 50.18 FT, DIST OF 51.77 FT, TH S 40-15-30 E 40.45 FT, TH S 89-57-22 E 9.96 FT, TH S 00-06-01 W 215 FT, TH N 89-59-22 W 125.75 FT, TO BEG 0.67 A5-3-90 FR 008

330 W. Square Lake (Tax ID: 88-20-04-451-029) T2N, R11E, SEC 4 E 169.92 FT of W 856.08 FT OF S 300 FT OF SE ¼, EXC S 60 FT TAKEN FOR RD 0.941A 2-6-93 FR 025

6091 Livernois (Tax ID: 88-20-04-478-013) T2N, R11E, SEC 4 TROY ACRES S 70 FT OF LOT 1

6059 Livernois (Tax ID: 88-20-04-478-018) T2N, R11E, SEC 3, 4, 9 & 10, SUPERVISOR'S PLAT NO. 7 LOT 2

90 West Square Lake (Tax ID: 88-20-04-478-022) T2N, R11E, SEC 4, TROY ACRES NO. 1 SLY 150 FT OF LOT 20 EXC BEG AT SW LOT COR, TH N 89-30-00 E 93 FT, TH N 41 FT, TH S 88-15-21 W 93.04 FT, TH S 38.98 FT TO BEG 6-13-96 CORR

Former Stone School, 3995 South Boulevard (Tax ID: 88-20-06-101-001) T2N, R11E, SEC 6 W 165 FT OF N 264 FT OF NW FRC $\frac{1}{4}$ EXC PART TAKEN FOR HWY DESC AS BEG AT NW SEC COR, TH ELY 91 FT ALG SEC LINE, TH SWLY TO PT IN W SEC LINE DIST OF 91 FT SLY FROM BEG, TH NLY 91 FT ALG SEC LINE TO BEG 0.90 A

Beach Road Cemetery (Tax ID: 88-20-07-451-001) T2N, R11E, SEC 7 N 147 FT OF 167 FT OF SW $\frac{1}{4}$ OF SE $\frac{1}{4}$ 0.57A 5875 Livernois (Tax ID: 88-20-09-232-005) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISORS PLAT NO. 7 LOT 13

46 East Square Lake Road (Tax ID: 88-20-10-101-002) T2N, R11E, SEC 3, 4, 9 & 10 SUPERVISORS PLAT NO. 7, PART OF LOT 26 BEG AT NW COR, T S 89-43-00 E 1.32 FT ALG N LOT LINE, TH S TO PT ON S LOT LINE 6 FT E OF SW LOT COR, TH S 89-15-00 W 6 FT ALG S LOT LINE, TH NLY 116.30 FT TO BEG, ALSO ALL OF LOT 27

~~**54 East Square Lake Road** (Tax ID: 88-20-10-101-003) T2N, R11E, SEC 3, 4, 9 & 10 SUPERVISORS PLAT NO. 7 LOT 26 EXC BEG AT NW LOT COR, TH S 89-43-00 E 1.32 FT ALG N LOT LINE, TH S TO PT ON S LOT LINE 6 FT E OF SW LOT COR, TH S 89-15-00 W 6 FT ALG S LOT LINE, TH NLY 116.30 FT ALG W LOT LINE TO BEG~~

90 East Square Lake Road and 110 East Square Lake Road (Tax ID 88-20-10-101-004) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISORS PLAT NO. 7 LOT 25

126 East Square Lake Road (Tax ID: 88-20-10-101-005) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISOR'S PLAT NO. 7 LOT 24

138 East Square Lake Road (Tax ID: 88-20-10-101-006) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISORS PLAT NO. 7 LOT 23

160 East Square Lake Road (Tax ID: 88-20-10-101-043) T2N, R11E, SEC 10 PART OF NW $\frac{1}{4}$ BEG AT PT DIST N 00-14-00 W 33 FT FROM NE COR OF LOT 23 OF 'SUPERVISOR'S PLAT NO 7', TH S 89-43-00 E 145 FT, TH S 00-14-00 E 300 FT, TH N 89-43-00 W 145 FT, TH N 00-14-00 W 300 FT TO BEG 1 A

101 East Square Lake Road (Tax ID: 88-20-03-301-077) T2N, R11E, SEC 3, SUPERVISOR'S PLAT NO. 7 E 30 FT OF LOT 20 EXC S 41 FT TAKEN FOR RD, ALSO LOT 21 EXC S 41 FT TAKEN FOR RD, ALSO N 73.43 FT OF LOT 22

Sylvan Glen Clubhouse, 5725 Rochester Road (Tax ID: 88-20-10- 200-001) T2N, R11E, SEC 10 NE $\frac{1}{4}$ 160 A

5871 Hilmore (Tax ID: 88-20-11-103-014) T2N, R11E, SEC 11 PART OF NW ¼ BEG AT PT DIST S 01-33-00 E 833 FT FROM NE COR OF W ½ OF NW ¼, TH S 88-55-00 W 330 FT, TH S 01-33-00 E 200 FT, TH N 88-55-00 E 330 FT, TH N 01-33-00 W 200 FT TO BEG 1.55 A

Hill House, 4320 John R (Tax ID: 88-20-13-303-014) T2N, R11E, SEC 13 PART OF SW ¼ BEG AT PT DIST N 00-49-43 E 1544.71 FT FROM SW SEC COR, TH S 89-10-17 E 220 FT, TH N 00-49-43 E 200 FT, TH N 89-10-17 W 220 FT, TH S 00-49-43 W 200 FT TO BEG EXC W 50 FT TAKEN FOR RD 0.77 A

Emerson Church – Unitarian Universalist, 4320 Livernois (Tax ID: 88-20-15-351-002) T2N, R11E, SEC 15 & 16 MC CORMICK & LAWRENCE LITTLE FARMS SUB LOTS 46 & 47 EXC W 27 FT TAKEN FOR RD, ALSO ALL OF LOT 48, ALSO W 85.58 FT OF LOT 49

Troy Museum & Historic Village - Caswell House, Poppleton School, Old City Hall, Old Troy Church and Parsonage, Log Cabin and Wagon, Shop 60 W. Wattles (Tax ID: 88-20-16-478-033) T2N, R11E, SEC 16 LAKEWOOD SUB LOT 89 TO 92 INCL, ALSO LOTS 131 TO 134 INCL EXC S 27 FT TAKEN FOR RD, ALSO N 30.75 FT OF LOT 138, ALSO LOTS 139 TO 142 INCL, EXC E 27 FT TAKEN FOR LIVERNOIS RD, and 100 W WATTLES (Tax ID 88-20-16-478-027) T2N, R11E, SEC 16 LAKEWOOD SUB LOT 130 EXC S 20 FT TAKEN FOR WATTLES RD., and 109 LANGE (Tax ID: 88-20-16-478-026) T2N, R11E, SEC 16 LAKEWOOD SUB LOT 93

Crooks Road Cemetery (Tax ID: 88-20-20-226-022) T2N, R11E, SEC 20 PART OF NE ¼ BEG AT PT DIST N 00-43-30 E 1101.84 FT FROM E ¼ COR, TH N 88-08-30 W 310.03 FT, TH ALG CURVE TO RIGHT, RAD 100 FT, CHORD BEARS N 43-08-30 W 141.42 FT, DIST OF 157.08 FT, TH N 01-51-30 E 180 FT, TH ALONG CURVE TO LEFT, RAD 180 FT, CHORD BEARS N 43-08-30 W 254.56 FT, DIST OF 282.74 FT, TH N 01-51-30 E 179.31 FT, TH S 87-06-30 E 577.09 FT, TH S 00-43-30 E 629.54 FT TO BEG 6.71 A

3864 Livernois (Part of Tax ID: 88-20-22-101-005) Part of the NW ¼ of Sec 22, T.2N R11E, City of Troy, Oakland County, Michigan beginning at the point which is N 00°20'25" E 1771.60 ft. along the West line of Sec. 22 from the West ¼ corner of Sec 22, T2N R11E; thence, continuing along the West line of Sec. 22 N 00°20'25" E 330.00 ft.; thence S 89°25'55" E 225.00 ft.; thence S 00° 20'25" W 330.00 ft.; thence N 89°25'55" W 225 ft. to the point of beginning. Containing 74,247 square feet – 1.705 acres, and subject to an easement over the North 30 ft. for ingress and egress and public utilities.

36551 Dequindre (Tax ID: 88-20-25-230-032) T2N, R11E, SEC 25 PART OF NW ¼ BEG AT PT DIST S 00-00-08 E 1028.22 FT & S 89-23-59 W 60 FT FROM NE SEC COR, TH S 00-00-08 E 300 FT, TH S 89-23-59 W 245 FT, TH N 00-00-08 W 300 FT, TH N 89-23-59 E 245 FT TO BEG 1.69 A

1934 Livernois (Tax ID: 88-20-27-351-016) T2N, R11E, SEC 27 ADDISON HEIGHTS SUB N 81 FT OF W 108 FT OF LOT 53

Perrin Cemetery (Coolidge) (Tax ID: 88-20-32-152-002) T2N, R11E, SEC 32 PART OF W ½ BEG AT W ¼ COR, TH N 00-03-00 E 165 FT, TH E 140 FT, TH S 00-03-00 W 165 FT, TH S 88-44-30 E 25 FT, TH S 01-06-30 W 67.5 FT, TH N 88-31-00 W 165 FT, TH N 00-03-00 E 66 FT TO BEG 0.78

- B. Except as provided in subsection C, all of the Historic Districts established as of July 21, 2003 shall be exempt from the requirements and provisions of Section 14 of this Chapter entitled "Establishment, Modification or Elimination of a Historic District". Such exempt Historic Districts shall not be within the purview of any Historic District Study Committee and shall remain under the sole jurisdiction of the Historic District Commission, except to the extent otherwise provided in Section 5 of this Chapter for the Historic Districts included in the Troy Museum and Historic Village.
- C. A person or entity that owns a resource within an Historic District established as of July 21, 2003, may submit a request to the Commission to modify or eliminate such Historic District. In such cases, the Historic District may only be eliminated or modified in accordance with Section 14.

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2022.

Ethan Baker, Mayor

Aileen Dickson, City Clerk



297 0 149 297 Feet



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

The Historic District Study Committee meeting began at 6:00 p.m. on March 28, 2022, in Niles-Barnard House, Troy Historic Village.

1. ROLL CALL

Present:

Barb Chambers

Timothy McGee

Kent Voigt

Also Present:

R. Brent Savidant, Community Development Director

Jackie Ferencz, Administrative Assistant

2. APPROVAL OF AGENDA

Moved by: McGee

Seconded by: Voigt

RESOLVED, To approve the Agenda as prepared.

Yes: All present (3)

MOTION CARRIED

3. APPROVAL OF MINUTES

Moved by: Voigt

Seconded by: Chambers

RESOLVED, To approve minutes of October 5, 2021, as presented.

Yes: All present (3)

MOTION CARRIED

4. PUBLIC HEARING – PRELIMINARY REPORT, APPLICATION TO DE-LIST A HISTORIC PROPERTY – 54 E SQUARE LAKE

Mr. Savidant summarized the Preliminary Report to De-List 54 E. Square Lake Road and presented an update.

Report sent to the State of Michigan.

Planning Commission discussed and no action taken.

General discussion followed.

Ms. Chambers opened the public hearing

No one present to comment

Ms. Chambers closed the public hearing

RESOLVED, The Historic District Study Committee hereby approves the Final Report to De-List 54 E Square Lake; and,

BE IT FURTHER RESOLVED, The Historic District Study Committee finds that 54 E Square Lake is not historically significant; and,

BE IT FINALLY RESOLVED, The Historic District Study Committee hereby recommends to City Council that 54 E Square Lake be delisted from Chapter 13 Historic Preservation.

Yes: All Present (3)

MOTION CARRIED

5. PUBLIC COMMENT

There was no one present who wished to speak.

Chairperson Chambers adjourned the meeting at 6:45 pm

G:\Historic District Study Committee\54 E Square Lake\Minutes\HDSC Minutes 2022 03 28 Draft.docx

6. APPLICATION TO DE-LIST 54 E. SQUARE LAKE

Mr. Savidant reviewed the procedure to remove a historic designation of a property. He stated the City has no file on record for the property located at 54 E. Square Lake and reported an outside source was contracted to prepare a Preliminary Report which was reviewed by the Historic District Study Committee (HDSC) at their October 5, 2021 meeting. Mr. Savidant read findings of the report and advised the Board that a deed research could not be accomplished because the Register of Deeds office is closed due to the pandemic. He stated the applicant affirms the request to de-list is to allow flexibility for renovating the property and there is no intent to demolish the building.

Mr. Savidant advised the Board its options are to recommend or deny the de-listing request or to take no action.

Discussion followed. Some of the comments related to:

- Reasons one might want to remove a historic designation.
- Current zoning designation of the property (Neighborhood Node).
- Improbability to obtain deed research.
- Approval process for exterior renovations; interior renovations are permitted.
- Exterior of home; modern look with vinyl siding and windows.
- Proximity of home to right-of-way; concerns with safety, minimal front yard, parking.

The consensus of the Board was to take no action.

Mr. Savidant advised the Board this evening's draft minutes would be provided to the HDSC at their March 28, 2022 meeting.

FINAL REPORT

HISTORIC DISTRICT STUDY COMMITTEE

APPLICATION TO DE-LIST

54 E. SQUARE LAKE, TROY MI 48085

Michigan SHPO Architectural Properties Identification Form

Property Overview and Location

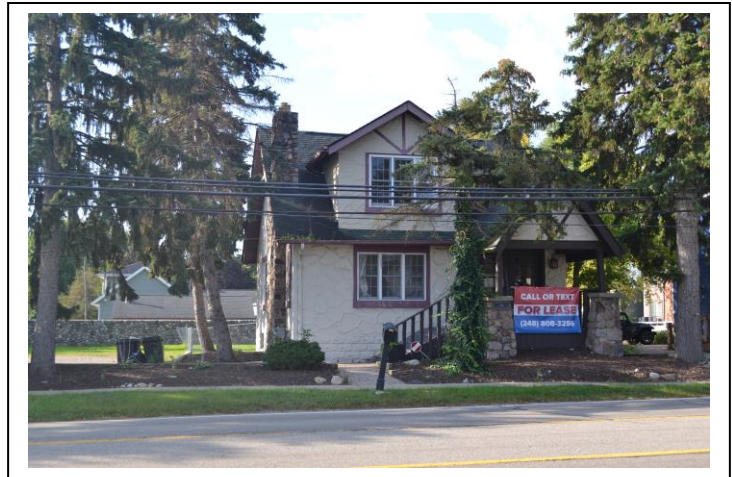


Street Address	54 E. Square Lake Road				
City/Township, State, Zip Code	Troy, Michigan 48085				
County	Oakland				
Assessor's Parcel #	88-20-10-101-003				
Latitude/Longitude (to the 6 th decimal point)	Lat: 42.606464	Long: 83.148630			
Ownership	Private <input checked="" type="checkbox"/>	Public-Local <input type="checkbox"/>	Public-State <input type="checkbox"/>	Public-Federal <input type="checkbox"/>	Multiple <input type="checkbox"/>

Property Type

(Insert primary photograph below.)

Building <input checked="" type="checkbox"/> select sub-type below	Structure <input type="checkbox"/>
Commercial <input checked="" type="checkbox"/>	Object <input type="checkbox"/>
Residential <input checked="" type="checkbox"/>	
Industrial <input type="checkbox"/>	
Other <input type="checkbox"/>	



Architectural Information

Construction Date	c. 1910-1915
Architectural Style	
Building Form	Square
Roof Form	Gable
Roof Materials	Asphalt Shingle
Exterior Wall Materials	Stucco
Foundation Materials	Masonry block
Window Materials	Vinyl
Window Type	Double-hung
Outbuildings	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Number/Type:	

Eligibility

Individually Eligible	Criterion A <input type="checkbox"/>	Criterion B <input type="checkbox"/>	Criterion C <input type="checkbox"/>	Criterion D <input type="checkbox"/>
Criteria Considerations:	a. <input type="checkbox"/> b. <input type="checkbox"/> c. <input type="checkbox"/> d. <input type="checkbox"/> e. <input type="checkbox"/> f. <input type="checkbox"/> g. <input type="checkbox"/>			
Component of a Historic District	Contributing to a district <input checked="" type="checkbox"/>	Non-contributing to a district <input type="checkbox"/>	Historic District Name	54 E. Square Lake Road
Not Eligible <input type="checkbox"/>				
Area(s) of Significance	Unknown			
Period(s) of Significance	c. 1910-1915			
Integrity – Does the property possess integrity in all or some of the 7 aspects?				
Location <input type="checkbox"/>	Design <input checked="" type="checkbox"/>	Materials <input type="checkbox"/>	Workmanship <input type="checkbox"/>	Setting <input type="checkbox"/> Feeling <input type="checkbox"/> Association <input type="checkbox"/>
General Integrity:	Intact <input type="checkbox"/>	Altered <input checked="" type="checkbox"/>	Moved <input type="checkbox"/>	Date(s):
Historic Name	N/A			
Current/Common Name	54 E. Square Lake Road			
Historic/Original Owner	Unknown			
Historic Building Use	Residential			
Current Building Use	Commercial – Vacant			
Architect/Engineer/Designer	Unknown			
Builder/Contractor	Unknown			

Survey Date	9-9-2021	Recorded By	Dawn A. Bilobran	Agency Report #	
-------------	----------	-------------	------------------	-----------------	--

For SHPO Use Only	SHPO Concurrence?: Y / N	Date:	
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Narrative Architectural Description

Provide a detailed description of the property, including all character-defining features and any accessory resources. This is required for all properties.

See continuation sheet.

History of the Resource

Provide information on previous owners, land use(s), and construction and alteration dates in a narrative format. This is required for all intensive level surveys, NRPQs, and nominations, and recommended for other identification efforts.

See continuation sheet.

Statement of Significance/Recommendation of Eligibility

Provide a detailed explanation of the property's eligibility for the National Register. Include an evaluation under at least one of the four National Register Criteria and one Area of Significance. Include a discussion of the seven aspects of integrity, and make a recommendation about eligibility. This is required for all properties.

See continuation sheet.

References

List references used to research and evaluate the individual property. For NRPQ's include copies of key documents.

See continuation sheet.

54 E. Square Lake Road - Architectural Properties Identification Form Continuation Sheet

Narrative Architectural Description

Provide a detailed description of the property, including all character-defining features and any accessory resources. This is required for all properties.

54 E. Square Lake Road is one and a half story building with a side-gable roof with projecting eaves. It is constructed on a raised foundation of rusticated concrete block. The building has a square footprint and is positioned near the northern lot line facing Square Lake Road. It was originally constructed as a residence.

A projecting front porch is positioned at western end of the front façade, covered by a steeply pitched front gable roof decorated with wooden boards to convey half-timbering. The porch roof supported by wooden posts above tapered piers covered in split field stone. The entry is accessed via a raised porch with wooden stairs parallel to the front elevation. On the first floor of the façade, three double-hung six-over-six windows are positioned to the left of the front porch and entry. On the second floor, a gabled dormer is punctuated by three six-over-six double-hung windows. Windows on all four elevations are surrounded with flat wood trim.

The façade is embellished with English Tudor Revival elements to elevate the Bungalow style building. Front facing gables are decorated with boards to mimic half-timbering and have protruding open eaves edged with oversize wood boards. Exterior walls are finished in a faux stucco replicating a rustic stone and mortar pattern. The chimney is finished in the same split stone treatment as the front porch piers.

At the rear elevation, a secondary entry to the first floor is accessed via a set of wood stairs and ramp. Entry to the building's second floor is gained via an enclosed exterior stairway with three square fixed window openings. The shed dormer and stairway are faced with vertically oriented painted wood boards.

History of the Resource

Provide information on previous owners, land use(s), and construction and alteration dates in a narrative format

54 East Square Lake Road is located in the City of Troy in Oakland County Michigan. Square Lake Road runs east and west between Pine Lake Country Club in West Bloomfield and terminating at Van Dyke Avenue and the Clinton River in Sterling Heights, Michigan. It alternates between a two lane and four lane roadway, occasionally with center turn lanes to accommodate traffic patterns. Square Lake Road is named 19 Mile Road east of John R Road. Historically at Troy Corners Square Lake Road was called Troy Road and Livernois Road was also known as Main Street.

The land commonly known as 54 E. Square Lake Road was constructed was originally territory of the Anishinabewaki, Potawatomi and Mississauga tribes. In 1821, New York native Johnson Niles purchased a 160 acre tract in the northwest part of Section 9 from the United States government. Troy Township is formally established in 1827 and in 1838 Johnson Niles platted sixteen blocks in Sections 4, 9, and 10 to form the Village of Hastings, including the property commonly known as 54 E. Square Lake Road in Section 10. A 1872 map indicates the Niles family owed the majority land surrounding Troy Corners in Sections 4, 9, and 10 however by 1896 land ownership has been greatly diversified amongst a number of families and individuals. Ownership information for 54 E. Square Lake Road is not included in the historic maps.

There are no records in the Troy Historical Commission archives to indicate the year built, architect, builder, or original owner for 54 E. Square Lake Road. It is estimated the building was constructed between 1910 and 1915. City of Troy assessor records assign 1915 as the year of construction. In

September 1926, Supervisor's Plat No. 7 was approved by Troy Township and 54 E. Square Lake was assigned Lot 26.

City of Troy records reveal that the resource has undergone multiple exterior and interior alterations. In 1965 a change of occupancy from residential to commercial use was approved and it is at this time the building is connected to utility gas service. In 1973 a change of occupancy was again sought from residential to commercial use and alterations included a new roof, mechanical and electrical upgrades, repairs to the front porch and stairs and refinishing of interior ceilings and walls. In 1979 major improvements included grading and installation of gravel parking lot, new first floor restroom and the addition of a new wooden ramp and porch railings at the primary entry. In 1988 a six foot high masonry screening wall was erected to provide a barrier between neighbors and the business use of the property.

After 54 E. Square Lake Road was converted from residential to commercial use, retail operations have dominated the businesses located at the building, with the majority focused in the antique, floral and gift genres. The historic buildings of Troy Corners that were converted into commercial use were dominated by small antique shops for several decades and the following businesses were located at 54 East Square Lake Road: Horse's Mouth Antiques & Gifts (1960s); Acorn Antiques & Gifts (1980s); Schaefer Florist, Inc. (1990s); Sense of Thyme Herbs (2000s). Later businesses included a real estate firm and State Farm insurance brokerage.

Statement of Significance/Recommendation of Eligibility

Provide a detailed explanation of the property's eligibility for the National Register. Include an evaluation under at least one of the four National Register Criteria and one Area of Significance. Include a discussion of the seven aspects of integrity, and make a recommendation about eligibility. This is required for all properties.

The resource at 54 E. Square Lake Road is designated as an individual historic district under City of Troy Code Chapter 13. A review of building records, Troy Historical Commission designation and survey files and Troy Historical Village archives revealed no information regarding the individual significance, original owner or year built for 54 E. Square Lake Road. There is no indication the building or any below-ground resources were researched or examined further prior to the listing 54 E. Square Lake Road as an individual historic district. The site in question was included in a listing of existing properties nominated for designation by member Dorothy Scott for the Troy Historical Commission in the early 1970s. The listing criteria was most likely only established due to the building's age, exceeding the 50-year historic designation threshold at time of survey. To a lesser degree, significance was likely derived due to proximity and association with the second wave of development that took place between 1900-1930 at Troy Corners.

In 1955, Troy Township became the thirty-three square mile City of Troy and suburban population swells paired with the advanced age of the buildings created an environment ripe for expansion. Aerial photographs of the land immediately surrounding Livernois and Square Lake Roads taken between 1949 and 2020 reveal a consistent pattern of development, resulting in the removal of architectural and agricultural resources significant in their connection to the nineteenth and twentieth century community development of Troy. The church and parsonage originally sited west of 54 E. Square Lake Road was relocated to the Troy Historical Village in 2003, joining a blacksmith shop moved from the northwest corner of Livernois and Square Lake Roads in 1978. Where resources are no longer extant, land reuse includes both new commercial construction and parcels void of development. In 2020, the Michigan State Historic Preservation Office advised the removal of a Michigan Historical Site marker for Troy Corners due to the loss of integrity, namely a lack of existing resources providing tangible connections to the 1820s settlement. The context originally provided by its location at time of listing has been altered to a degree where integrity is lost.

The setting at 54 E. Square Lake Road has changed over time with the removal of trees and growth, addition of a masonry wall along the southern lot line and grading to construct a gravel parking lot for

commercial customers. There are no outbuildings on the property. A modern chain-link fence separates the gravel parking lot from a grassed area behind the building. Immediately west of 54 E. Square Lake is 46 E. Square Lake Road, an individual historic district listed without a year of construction in the Troy Historical Commission documents but likely built prior to 1900. In the view of the resource is the intersection of Square Lake and Livernois Roads, a modern bank and a modern one-story masonry block convenience store and vacant parcels are visible.

While 54 E. Square Lake Road does demonstrate the Bungalow architectural style, it does not prove significant in construction methods or level of workmanship nor a connection to an important person or event. There is no information regarding an architect or builder in historical records. Original materials and configurations have been replaced and altered over time, including replacement vinyl windows, new entries and new porch railings and stairs.

While the individual historic district at 54 E. Square Lake Road is identifiable as a historic building, it does not convey a particular sense of time or significance due to the alteration of the materials and setting. The resource at 54 E. Square Lake Road is not individually eligible for the National Register of Historic Places due to a lack of demonstrated integrity and significance. Any association with the evolution of Troy Corners from agricultural crossroads to suburban intersection is depleted due to a lack of extant historic resources at this location, and no longer supports a connection to the founding or community development of the City of Troy. The previous density of Troy Corners has been eroded in favor of commercial development and thus the building's association with its evolution is also eroded and the resource and setting have been altered to a point that integrity is confused or compromised. As a result, it is recommended that the City of Troy approve the request to delist the resource located at 54 E. Square Lake Road.

References

- Campbell, Loraine, Ed. Troy: A City from the Corners. Charleston S.C., Arcadia: 2004.
- City of Troy Building Department records, various dates.
- Detroit Free Press*, various dates.
- McAlester, Virginia Savage. A Field Guide to American Houses. New York, Random House: 1984.
- Seeley, Thaddeus D. History of Oakland County Michigan, Vol. 1., Chicago, Lewis Publishing Co.: 1912.
- State of Michigan Department of Licensing and Regulatory Affairs, Subdivision Plat Records, https://www.michigan.gov/lara/0,4601,7-154-89334_10575_17394_17565-46660--,00.html. Accessed September 12, 2021.
- Troy Historical Village <https://www.troyhistoricvillage.org/>. Accessed September 9, 2021.
- Troy Historical Commission Records, Series I: Box 1. Troy Historic Village Institutional History Collection, Troy Historical Village, Troy, MI.
- Troy Township 1838 survey by Bela Hubbard. <https://www.ocphs.org/wp-content/uploads/2020/05/20-2N11E-Troy-Township-scaled.jpg>. Accessed September 9, 2021.
- Troy Township 1872 map. <https://cms6.revize.com/revize/troymi/departments/maps/1872.pdf>. Accessed September 9, 2021.
- Troy Township 1896 map. <https://cms6.revize.com/revize/troymi/departments/maps/1896.pdf>. Accessed September 9, 2021.
- Troy Township 1906 map. <https://cms6.revize.com/revize/troymi/departments/maps/1906.pdf>. Accessed September 9, 2021.
- Troy Township 1916 map <https://cms6.revize.com/revize/troymi/departments/maps/1916.pdf>. Accessed September 9, 2021.

54 E. Square Lake Road – Exterior Photographs



Front façade, image taken facing south - 09-08-21



East elevation, image taken facing west - 09-08-21



Rear elevation, image taken facing north - 09-08-21



West elevation, image taken from neighboring property facing southeast - 09-08-21



Setting along E. Square Lake Road, image taken facing southeast - 09-08-21



Setting along E. Square Lake Road, image taken facing southwest, intersection of Livernois Road is visible at far right - 09-08-21

TROY LAW CENTER

Attorneys and Counselors

Renis Nushaj, Esq.

July 15, 2021

City of Troy Planning Department
Attn: Mr. Brent Savidant
500 W. Big Beaver Rd.
Troy, MI 48084

Re: Application to Eliminate a Historic District
54 E. Square Lake Rd. Troy, MI 48085

Mr. Savidant.

Attached you'll find the following regarding 5960 Livernois LLC's Application to Eliminate a Historic District for the above referenced property:

1. Application to Eliminate or Modify a Historic District;
2. Statement Indicating the Reason for the Elimination of the Historic District;
3. Photographs of the property.

I thank you for your time in this matter. Should you wish to contact me please do not hesitate to do so.

Sincerely,



RENIS NUSHAJ
Attorney at Law
Renis@Nushajlaw.com

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TROY LAW CENTER

Attorneys and Counselors

Renis Nushaj, Esq.

July 15, 2021

Historical District Commission
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Statement Indicating the Reason for the Elimination of the Historic District

The information available to us indicates that the home in question was constructed in 1915. There is no historic survey that scrivener could find relating to the home. It appears that there was never in-depth research conducted to give the house an appropriate historic designation and it seems that the house was considered on account of the fact that at the time of designation it was more than 50 years old.

We could find no other paperwork suggesting an ostensible reason as to why this building is historically significant. The building appears to be something in between a craftsman style home or a vernacular farmhouse. It has seen visible substantial updates over the years altering both the inside as well as outside of the building on the front, sides and back. The house has been utilized as an office by a local business until recently. When the house was accorded the current designation at the establishment of Chapter 13 no statement of any kind was offered with respect to the reason why the house was historically significant nor was any procedure followed linking the property with the intent of Chapter 13.

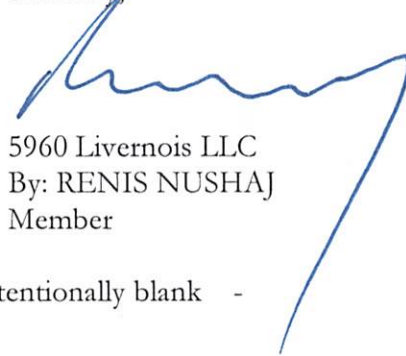
The City of Troy has a few surviving homes from that era. Recently, the Commission dealt with the Application to Eliminate the Historical Designation of 6071 Livernois Rd. which is similarly, if not identically, situated. That building was constructed in 1905. Similarly, we could find no definitive evidence based on our research to link the house at 54 E. Square Lake back to the original Troy Corners settlement and as such there is probably little historic value to consider. For all the aforementioned reasons we respectfully request that the Historic District Designation for 54 E. Square Lake be eliminated.

TROY LAW CENTER

Attorneys and Counselors

Renis Nushaj, Esq.

Sincerely,

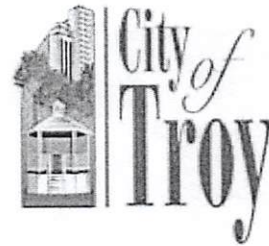


5960 Livernois LLC
By: RENIS NUSHAJ
Member

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**APPLICATION TO
ELIMINATE OR MODIFY A HISTORIC DISTRICT**

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER
TROY, MICHIGAN 48084
248-524-3364
planning@troymi.gov



NOTICE TO THE APPLICANT

APPLICATIONS SHALL CONFORM TO THE REQUIREMENTS CONTAINED IN CHAPTER 13 HISTORIC PRESERVATION ORDINANCE.

EMAIL SCANNED OR DIGITAL COPIES OF THE COMPLETED APPLICATION AND ALL SUPPORTING DOCUMENTS TO planning@troymi.gov.

REQUIRED INFORMATION

1. ADDRESS OF THE SUBJECT PROPERTY: 54 E. Square Lake Rd. Troy, MI 48085
2. REASON FOR SEEKING ELIMINATION OF HISTORIC DISTRICT: No historical component to the property. Just an old home in need to be rehabilitated .

3. APPLICANT INFORMATION:

NAME Renis Nushaj
COMPANY Troy Law Center
ADDRESS 5960 Livernois Rd.
CITY Troy STATE MI ZIP 48098
TELEPHONE (248) 649-1000
E-MAIL Renis@Nushajlaw.com

OWNER OF THE SUBJECT PROPERTY:

NAME Renis Nushaj
COMPANY 5960 Livernois LLC
ADDRESS 5960 Livernois Rd.
CITY Troy STATE MI ZIP 48098
TELEPHONE (248) 649-1000
E-MAIL Renis@Nushajlaw.com

4. THE APPLICANT BEARS THE FOLLOWING RELATIONSHIP TO THE OWNER OF THE SUBJECT PROPERTY:

Same.

5. SIGNATURE OF APPLICANT [Signature] DATE 7.13.2021

6. SIGNATURE OF PROPERTY OWNER [Signature] DATE 7.13.2021

REQUIRED INFORMATION

ONE (1) HARD COPY AND ONE (1) ELECTRONIC COPY (IN PDF FORMAT) OF THE FOLLOWING SHALL BE PROVIDED:

- ☒ A COMPLETED APPLICATION FORM
- ☐ REQUIRED FEE
- ☒ A STATEMENT INDICATING THE REASON FOR THE ELIMINATION OF THE HISTORIC DISTRICT CLASSIFICATION
- ☒ INFORMATION DEMONSTRATING ONE OR MORE OF THE FOLLOWING:
 1. THE HISTORIC DISTRICT HAS LOST THOSE PHYSICAL CHARACTERISTICS THAT ENABLED ESTABLISHMENT OF THE DISTRICT.
 2. THE HISTORIC DISTRICT WAS NOT SIGNIFICANT IN THE WAY PREVIOUSLY DEFINED.
 3. THE HISTORIC DISTRICT WAS ESTABLISHED PURSUANT TO DEFECTIVE PROCEDURES.
- ☒ PHOTOGRAPHS OF THE PROPERTY, INCLUDING ALL PRINCIPAL AND ACCESSORY BUILDINGS
- ☐ ANY ADDITIONAL REQUIREMENTS AS DETERMINED BY THE PLANNING DIRECTOR, HISTORIC DISTRICT STUDY COMMITTEE OR OTHER REVIEWING ORGANIZATION TO DETERMINE IF THE REQUIREMENTS OF CITY OF TROY CODE CHAPTER 13 ARE MET.

Beds N/A	Baths N/A	Sale Price N/A	Sale Date N/A
MLS Sq Ft 1,300	Lot Sq Ft 13,504	Yr Built 1915	Type MISC COM SVCS

OWNER INFORMATION

Owner Name	Varkle Richard	Taxpayer Zip	48105
Taxpayer Address	4720 Noah Dr	Taxpayer Address ZIP + 4 Code	0500
Taxpayer Address City & State	Ann Arbor, MI	Owner Occupied	No

LOCATION INFORMATION

School District	Troy	City/Village/Township	Troy
School District Name	Troy	Township	02N
Subdivision	Suprvrs 7 - Troy	Section	3
Census Tract	1962.00	Range	11E
Census Block	2	Lot #	26
Property Zip	48085	Flood Zone Code	X
Zip + 4	3105	Flood Zone Date	09/29/2006
Property Carrier Route	C097	Flood Zone Panel	26125C0532F
Zoning	B-1		

TAX INFORMATION

Property ID	2010101003	Summer Tax	\$2,423
Assessment Year	2020	Winter Tax Year	2020
Total Assessed Value	\$72,270	Winter Tax	\$895
State Equalized Value (SEV)	\$72,270	Prior Summer Tax Year	2019
Taxable Value	\$66,250	Prior Year Summer Tax	\$2,398
Tax Year	2020	Prior Winter Tax Year	2019
Annual Tax	\$3,318	Prior Year Winter Tax	\$871
Summer Tax Year	2020	Prior Year Tax Amount	\$3,269
Legal Description	T2N, R11E, SEC 3, 4, 9 & 10 SUPE RVISORS PLAT NO. 7 LOT 26 EXC BEG AT NW LOT COR, TH S 89-43- 00 E 1.32 FT ALG N LOT LINE, TH S TO PT ON S LOT LINE 6 FT E OF SW LOT COR, TH S 89-15-00 W 6 F T ALG S LOT LINE, TH NLY 116.30 FT ALG W LOT LINE TO		

ASSESSMENT & TAX

Assessment Year	2020	2019	2018
Assessed Value - Total	\$72,270	\$71,040	\$64,860
Market Value - Total	\$144,540	\$142,080	\$129,720
State Equalized Value (SEV)	\$72,270		
Total Tax	Tax Year	Change (\$)	Change (%)
\$3,200	2018		
\$3,269	2019	\$69	2.16%
\$3,318	2020	\$49	1.49%

Period	Tax Year	Tax Amount	Change (\$)	Change (%)	Administrative Fee
Winter	2019	\$871			
Summer	2019	\$2,398			
Total	2019	\$3,269			
Winter	2020	\$895	\$23	2.69%	
Summer	2020	\$2,423	\$25	1.05%	
Total	2020	\$3,318	\$49	1.49%	

Period	Ad Valorem Tax
Winter	
Summer	
Total	
Winter	

Summer
Total

CHARACTERISTICS

# of Buildings	1	Total Building Sq Ft	Tax: 1,298 MLS: 1,300
Lot Frontage	116.34	Year Built	1915
Lot Depth	116.85	Stories	2
Acres	0.31	Sewer	Public Service
Lot Sq Ft	13,504	Water	Type Unknown
Lot Shape	Irregular	Heat Type	Package
Basement Type	Basement	Foundation	Concrete
Basement Sq Ft	780	Building Type	Apartments & Residential
Unfinished Basement Area	780	Land Use - CoreLogic	Misc Commercial Services
Living Area Sq Ft	Tax: 1,298 MLS: 1,300	Property Category	201
Ground Floor Area	780		

ESTIMATED VALUE

Value As Of 07/05/2021

LISTING INFORMATION

MLS List Number	58000021709	MLS List Price	\$2,000
MLS Status	Expired	MLS Original Price	\$2,000
MLS Status Date	08/29/2006	MLS List. Agent	58000000030447-Boyd C. Kraft
MLS List Date	06/22/2006	MLS List. Office	PILOT PROPERTY GROUP - RESIDENTIAL LLC

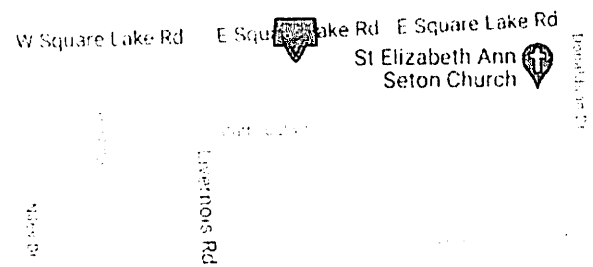
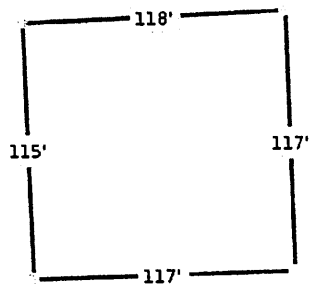
MLS Number	58000021381	58000030373
MLS Status	Expired	Expired
MLS List Price	\$2,000	\$2,000
MLS List Date	02/28/2006	10/17/2005
MLS Orig Price	\$2,000	\$2,000
MLS Listing Expiration Date	05/28/2006	02/28/2006

LAST MARKET SALE & SALES HISTORY

Owner Name Varkle Richard

Recording Date	11/02/2018
Document Date (Sales History)	10/23/2018
Nominal	Y
Grantee	Varkle Richard P Living Trust
Grantor	Varkle Richard P
Liber/Page	52322-656
Deed Type	Quit Claim Deed

E Square Lake Rd E Square Lake Rd



Smith Middle School



*Lot Dimensions are Estimated

25 yards
Map data ©2021

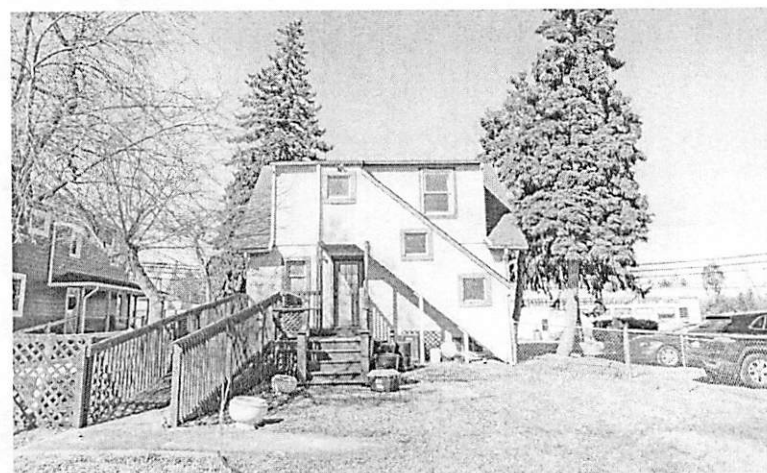
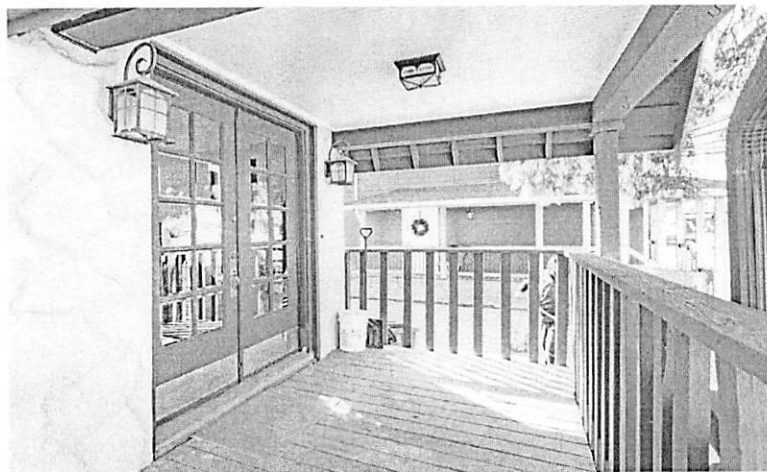
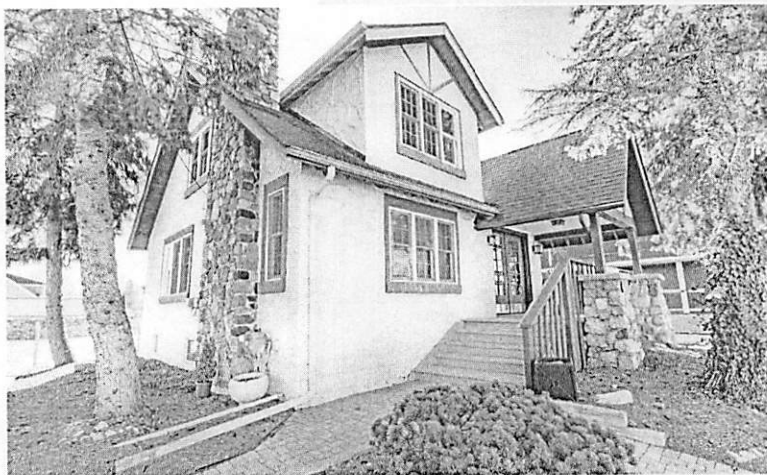


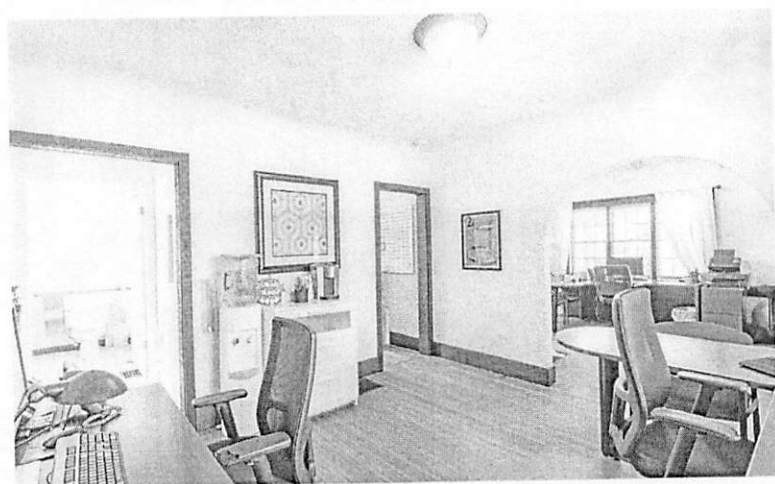
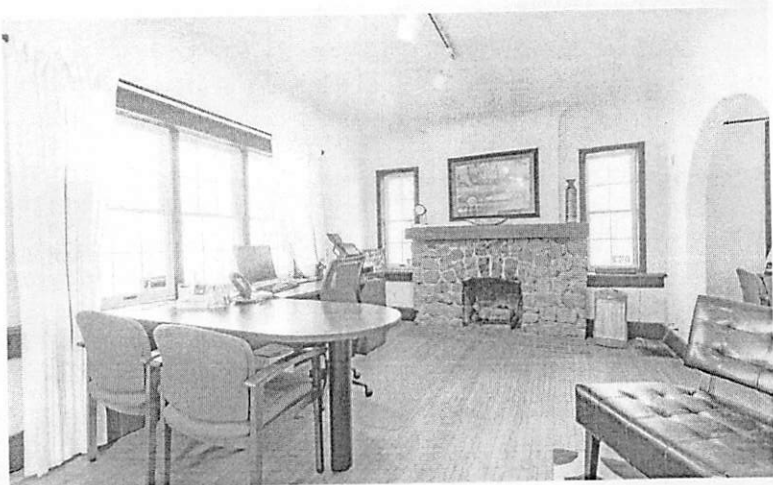
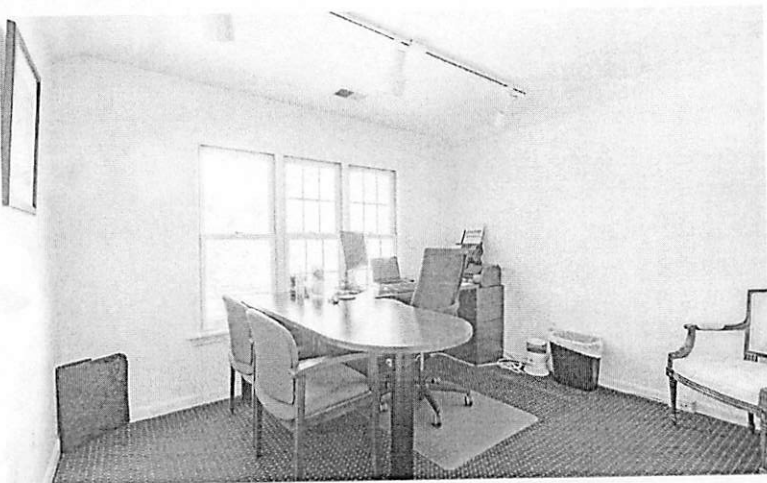
200 yards
Map data ©2021



FOR SALE

Ron Goldstone
Brandon Ben-Sara
248 353 0500







GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
MICHIGAN STRATEGIC FUND
STATE HISTORIC PRESERVATION OFFICE

QUENTIN L. MESSER, JR.
PRESIDENT

February 10, 2022

Mr. R. Brent Savidant
Community Development Director
City of Troy
SavidantB@troymi.gov

Dear Ms. Davis:

Staff members of the State Historic Preservation Office (SHPO) have reviewed the preliminary historic district study committee report for the elimination of 54 E. Square Lake Road local historic district. Our comments are enclosed. We offer these comments in order to assist communities to prepare final study committee reports that meet the requirements of Michigan's Local Historic Districts Act. These comments and recommendations are based on our experiences working with local historic districts. The SHPO lacks authority to give legal advice to any person or agency, public or private.

The report was presented to the State Historic Preservation Review Board at their January 27th meeting. They concurred with the SHPO and had no further comments. The Michigan Historical Commission (MHC) will provide their comments directly to the community. If you have questions regarding the MHC comments please contact Michelle Davis at DavisM1@michigan.gov.

We appreciate the City of Troy's efforts to protect Michigan's historic resources. If the SHPO can assist you further, please contact me at ArnoldA@michigan.gov.

Sincerely,

Preservation Planner





**State Historic Preservation Office
Staff Comments, November 30, 2021**

**De-List 54 E. Square Lake Road, Troy
Local Historic District Study Committee Report**

The report that was submitted to de-list 54 E. Square Lake is a historic resource survey form not a complete study committee report. It does not include the elements required in PA 169 for inclusion in a study committee report such as the charge of the committee, committee membership, the boundary on a map, etc. When requesting to eliminate a designated local historic district, Section 399.214 of Public Act 169 of 1970 states that study committees shall “comply with the procedures set forth in section 3” of the Act.

The report hints that the resource was related to Troy Corners early 20th century history but provides no background information about what was happening at the time or how the resource related to it. The report states that building records, survey files, and the Troy Village archives were reviewed for information, but deed research could also have been undertaken to determine the names of the building’s owners and their relationship to Troy’s early settlement period.

Section 399.214 (2) of Public Act 169 requires that the report show that the resource meets at least one of three criteria for elimination. The report should state the exact language of the elimination criterion being used to de-list the resource and a statement and documentation that justify that claim.



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: April 12, 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 for Acceptance of Two Permanent Easements from Affinity 6 Investments, LLC – Sidwell #88-20-32-101-025

History

As part of the redevelopment of a commercial property zoned MR, Maple Road, the City of Troy received two permanent easements for sidewalks and water mains from Affinity 6 Investments, LLC, owner of the property having Sidwell #88-20-32-101-025.

The property is located in the northeast ¼ of Section 32, on the east side of Coolidge road, south of Maple. Redevelopment of the site will accommodate a new Panera Bread location.

Financial

The consideration amount on each document is \$1.00.


Recommendation

City Management recommends that City Council accept the attached quit claim deed consistent with our policy of accepting easements and right-of-way for public use.



GIS Online

Legend:

 Tax Parcel

Sidwell #88-20-32-101-025



COOLIDGE HWY

W MAPLE

Notes:

#88-20-32-101-025
Affinity 6 Investments, LLC
Easements

Map Scale: 1=424

Created: April 12, 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.

**PERMANENT EASEMENT
FOR SIDEWALKS**

Sidwell #88-20-32-101-025 (pt of)

AFFINITY 6 INVESTMENTS, LLC, a Michigan limited liability company, Grantor, whose address 4512 South Shore Street, Waterford, MI 48328 , 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 **sidewalks** said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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


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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s)
this 30 day of March, 2022.

AFFINITY 6 INVESTMENTS, LLC, a Michigan
limited liability company

By  (L.S.)
Hamdoon Hannawa
Its: Member

[ACKNOWLEDGEMENT ON NEXT PAGE]

STATE OF MICHIGAN)

COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 30 day of March, 2022,
by Hamdoon Hannawa, Member, of AFFINITY 6 INVESTMENTS, LLC, a Michigan limited liability
company, on behalf of the company.

Jack Berke
*
Notary Public, Jack Berke County, Oakland
My Commission Expires Jan 29, 2024
Acting in Oakland County, Hamdoon

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

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

JACK BERKE
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Jan 29, 2024
ACTING IN COUNTY OF Oakland

Jack Berke

Exhibit A

LEGAL DESCRIPTIONS

LEGAL DESCRIPTION: SIDEWALK EASEMENT

Fifteen (15.00) foot wide sidewalk easement being described as: The West 15.00 feet of the following described parcel:

Part of Lot 18 and all of Lots 19 and 20, of Maple Coolidge Estates Subdivision. A division of part of the Northwest 1/4 of Section 32, Township 2 North, Range 11 East, City of Troy, Oakland County Michigan as recorded in Liber 47, Page 51, of Plats. More particularly described as beginning at a point distant S. 00° 20' 40" E. 589.87 feet and N. 89° 59' 00" E. 59.54 feet from the Northwest corner of said section 32; thence N. 00° 32' 41" W., 200.00 feet; thence N. 89° 59' 00" E., 378.32 feet; thence S. 00° 04' 36" E., 300.00 feet; thence S. 89° 59' 00" W., 124.00 feet; thence N. 00° 04' 36" W., 100.00 feet; thence S. 89° 59' 00" W., 252.69 feet to the point of beginning. Containing 87,901 square feet or 2.018 acres. And subject to easements of record.

LEGAL DESCRIPTION: PARCEL

Part of Lot 18 and all of Lots 19 and 20, of Maple Coolidge Estates Subdivision. A division of part of the Northwest 1/4 of Section 32, Township 2 North, Range 11 East, City of Troy, Oakland County Michigan as recorded in Liber 47, Page 51, of Plats. More particularly described as beginning at a point distant S. 00° 20' 40" E. 589.87 feet and N. 89° 59' 00" E. 59.54 feet from the Northwest corner of said section 32; thence N. 00° 32' 41" W., 200.00 feet; thence N. 89° 59' 00" E., 378.32 feet; thence S. 00° 04' 36" E., 300.00 feet; thence S. 89° 59' 00" W., 124.00 feet; thence N. 00° 04' 36" W., 100.00 feet; thence S. 89° 59' 00" W., 252.69 feet to the point of beginning. Containing 87,901 square feet or 2.018 acres. And subject to easements of record.

Property Address: 1484 Coolidge Hwy., Troy, Michigan, 48084

Tax Parcel No.: 20-32-101-025

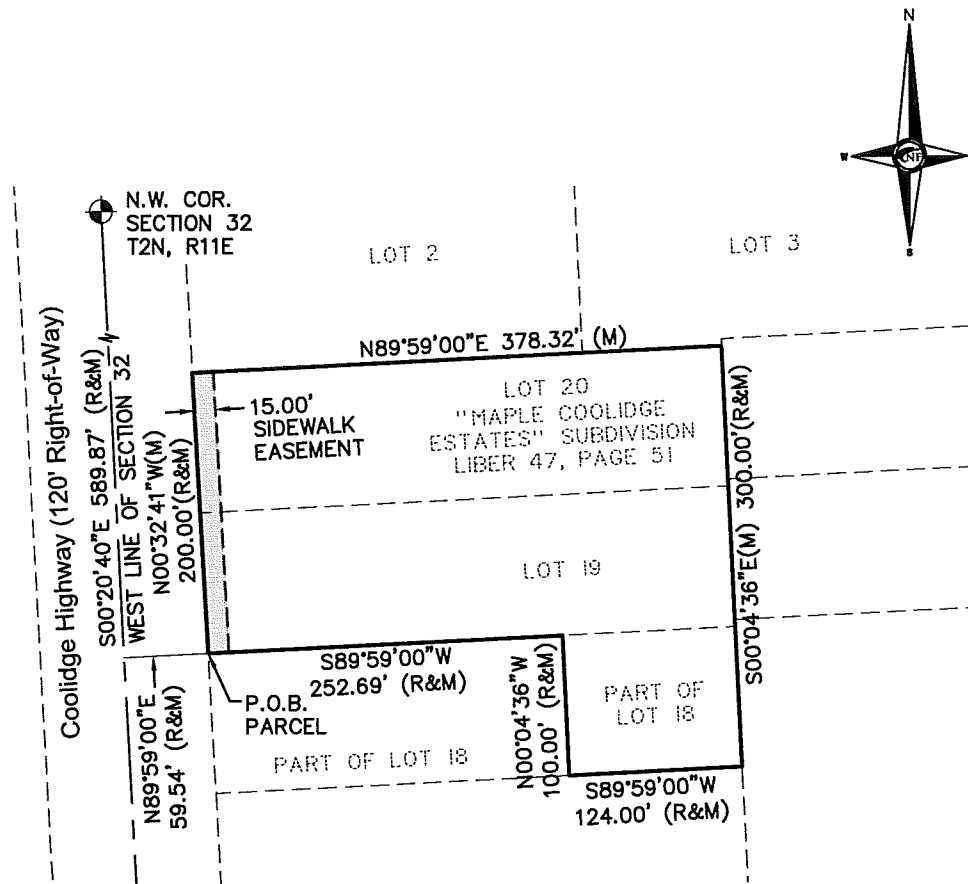


NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

SCALE	DATE	DRAWN	JOB NO.	SHEET
	03-07-2022	N.N.	E156-03	2 of 2

Exhibit A

FIFTEEN (15.00) FOOT WIDE SIDEWALK EASEMENT



ENGINEERS
 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'	03-07-2022	N.N.	E156-03	1 of 2

**PERMANENT EASEMENT
FOR WATER MAINS**

Sidwell #88-20-32-101-025 (pt of)

AFFINITY 6 INVESTMENTS, LLC, a Michigan limited liability company, Grantor, whose address 4512 South Shore Street, Waterford, MI 48328 , 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 **water mains** said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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


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

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

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

IN WITNESS WHEREOF the undersigned hereunto affixed 1 signature(s)
this 30 day of March, 2022.

AFFINITY 6 INVESTMENTS, LLC, a Michigan
limited liability company

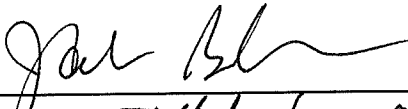
By  (L.S.)
Hamdoon Hannawa
Its: Member

[ACKNOWLEDGEMENT ON NEXT PAGE]

STATE OF MICHIGAN)

COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 30 day of March, 2022,
by Hamdoon Hannawa, Member, of AFFINITY 6 INVESTMENTS, LLC, a Michigan limited liability
company, on behalf of the company.


* Notary Public, Jack Berke County, Oakland
My Commission Expires Jan 29, 2024
Acting in Oakland County, Michigan

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

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

JACK BERKE
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Jan 29, 2024
ACTING IN COUNTY OF Oakland

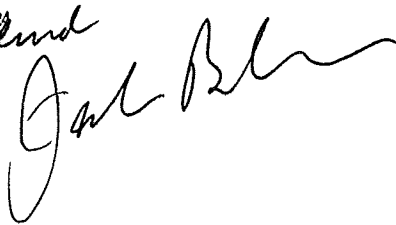


Exhibit A

LEGAL DESCRIPTIONS

LEGAL DESCRIPTION: WATERMAIN EASEMENT

The centerline of a twenty (20.00) foot wide watermain easement being part of Lots 19 and 20, of Maple Coolidge Estates Subdivision, part of the Northwest 1/4 of Section 32, T. 2 N., R. 11 E., City of Troy, Oakland County Michigan as recorded in Liber 47, Page 51, of Plats. More particularly described as: Beginning at a point distant S. 00° 20' 40" E. 589.87 feet and N. 89° 59' 00" E. 71.54 feet from the Northwest corner of said section 32; thence N. 00° 32' 41" W., 95.20 feet; thence N. 89° 27' 19" E., 31.23 feet; thence S. 89° 27' 19" W., 31.23 feet; thence N. 00° 32' 41" W., 104.81 feet to the point of ending.

LEGAL DESCRIPTION: PARCEL

Part of Lot 18 and all of Lots 19 and 20, of Maple Coolidge Estates Subdivision. A division of part of the Northwest 1/4 of Section 32, Township 2 North, Range 11 East, City of Troy, Oakland County Michigan as recorded in Liber 47, Page 51, of Plats. More particularly described as beginning at a point distant S. 00° 20' 40" E. 589.87 feet and N. 89° 59' 00" E. 59.54 feet from the Northwest corner of said section 32; thence N. 00° 32' 41" W., 200.00 feet; thence N. 89° 59' 00" E., 378.32 feet; thence S. 00° 04' 36" E., 300.00 feet; thence S. 89° 59' 00" W., 124.00 feet; thence N. 00° 04' 36" W., 100.00 feet; thence S. 89° 59' 00" W., 252.69 feet to the point of beginning. Containing 87,901 square feet or 2.018 acres. And subject to easements of record.

Property Address: 1484 Coolidge Hwy., Troy, Michigan, 48084

Tax Parcel No.: 20-32-101-025

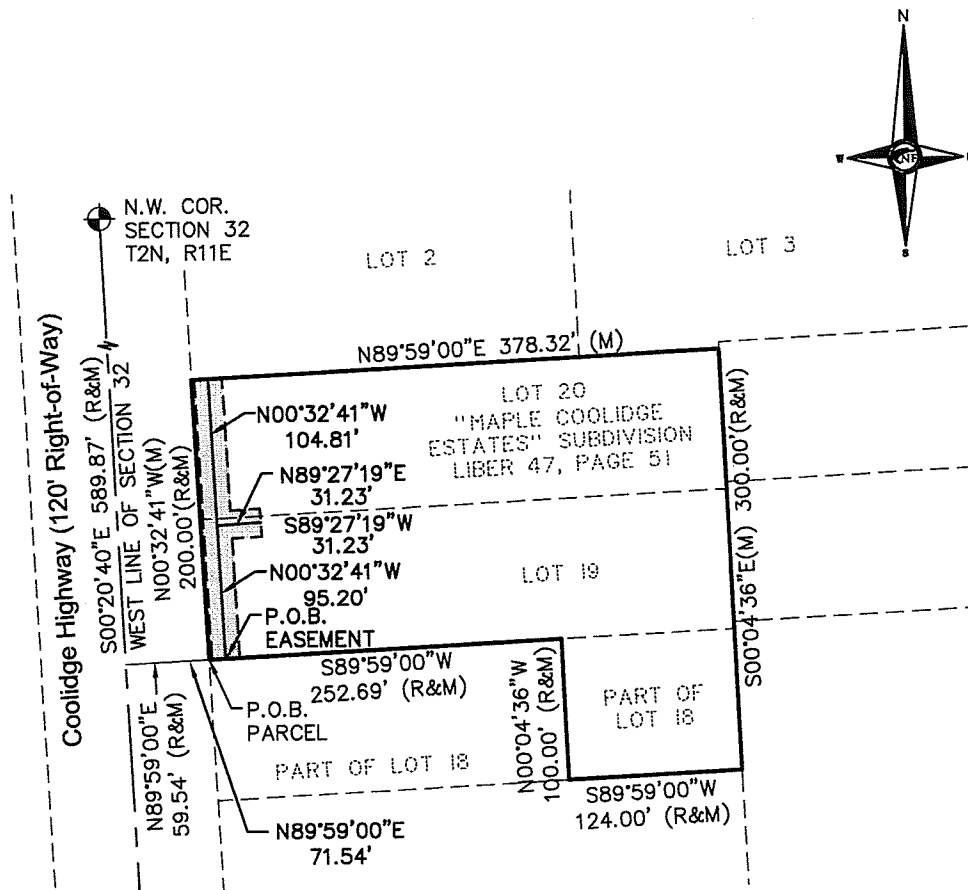


NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

SCALE	DATE	DRAWN	JOB NO.	SHEET
	03-07-2022	N.N.	E156-03	2 of 2

Exhibit A

TWENTY (20.00) FOOT WIDE WATERMAIN EASEMENT



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'	03-07-2022	N.N.	E156-03	1 of 2



500 West Big Beaver
Troy, MI 48084
troymi.gov

J-07

CITY COUNCIL AGENDA ITEM

Date: April 12, 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 for Acceptance of a Quit Claim Deed from Noor International Academy, Sidwell #88-20-17-351-028

History

The City of Troy received a Quit Claim Deed for Coolidge Road right-of-way. Noor International Academy, new owners of a vacant parcel identified with Sidwell #88-20-17-351-028, located on the east side of Coolidge, north of Wattles Road, asked the City to accept a portion of right of way located in the existing Coolidge Road. Granting 33 feet will remove exceptions from the legal description of the remaining parcel and exclude the road description from the parcel.

Financial

The consideration amount on this document is \$1.00.

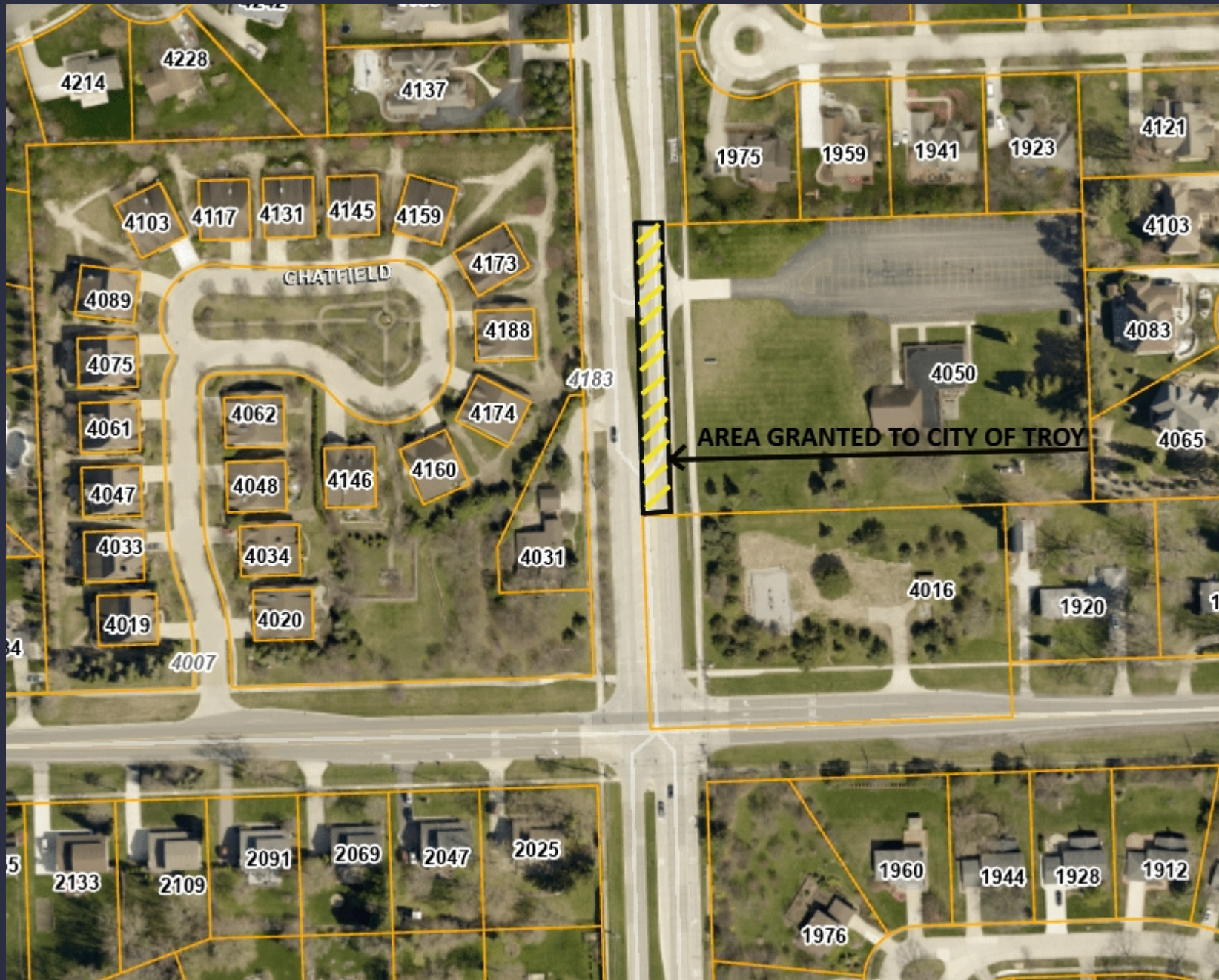
Recommendation

City Management recommends that City Council accept the attached quit claim deed consistent with our policy of accepting right-of-way for public use.



GIS Online

Legend:



Notes:

88-20-17-351-028 (PT)
ROW granted to City of Troy by
QCD

Map Scale: 1=212

Created: April 12, 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

GRANTOR: Noor International Academy, a Michigan public school academy
and a Michigan non-profit corporation

WHOSE ADDRESS IS: 6919 N. Waverly Street, Dearborn Heights, Michigan 48127

QUIT CLAIMS TO: City of Troy, a Michigan municipal corporation

WHOSE ADDRESS IS: 500 West Big Beaver Road, Troy, Michigan 48084

the property situated in the City of Troy, County of Oakland, State of Michigan, described on Exhibit A attached hereto, together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining thereto.

For the full consideration of Ten and 00/100 Dollars (\$10.00).

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Grantor grants to Grantee the right to make zero (0) divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

Exempt from County Real Estate Transfer Tax by virtue of MCL 207.505(a) and (l). Exempt from State Real Estate Transfer Tax by virtue of MCL 207.526(a) and (n).

[the balance of this page is intentionally left blank.]

Dated as of the 5th day of April, 2022.

NOOR INTERNATIONAL ACADEMY,
a Michigan public school academy and a Michigan
non-profit corporation

By: [Signature]
Print Name: Hassen Hijazi
Its: President

STATE OF MICHIGAN)
)
COUNTY OF Wayne)

The foregoing instrument was acknowledged before me this 5th day of April, 2022, by Hassen Hijazi, the President of Noor International Academy, a Michigan public school academy and a Michigan non-profit corporation, on behalf of said public school academy and non-profit corporation.

[Signature]
Print Name: HAIDAR NEMER
Notary Public, Wayne County, MI
Acting in Wayne County, MI
My Commission Expires: Aug 15, 2025

Drafted by and when recorded, return to:
Dawn Faxon Singer
Dickinson Wright PLLC
2600 W. Big Beaver Road, Suite 300
Troy, MI 48084
(248) 433-7240



EXHIBIT A

The West 33 feet only of the following described parcel:

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

Part of the Southwest 1/4 of Section 17, Town 2 North, Range 11 East, described as beginning at a point in the West line of said Section 17, a distance due North on Section line 233.0 feet from the Southwest corner of said Section 17; thence due North on Section line 330.0 feet to a point; thence South 89 degrees 44 minutes 00 seconds East 890.30 feet; thence South 0 degrees 12 minutes 30 seconds West 330.0 feet; thence North 89 degrees 44 minutes 00 seconds West 889.10 feet to the point of beginning. EXCEPT Part of the Southwest 1/4 of Section 17, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point which is North 02 degrees 57 minutes 04 seconds West 551.00 feet along the West line of Section 17 and North 87 degrees 19 minutes 00 seconds East 60.00 feet from the Southwest corner of Section 17; Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan; thence North 02 degrees 57 minutes 04 seconds West 12.00 feet; thence North 87 degrees 19 minutes 00 seconds East 831.00 feet; thence South 02 degrees 57 minutes 04 seconds East 330.00 feet; thence South 87 degrees 19 minutes 00 seconds West 396.00 feet; thence North 02 degrees 57 minutes 04 seconds West 318.00 feet; thence South 87 degrees 19 minutes 00 seconds West 435.00 feet to the point of beginning. EXCEPT the East 27 feet of the West 60 feet of the North 310 feet deeded to the City of Troy, as disclosed by instrument recorded in Liber 6756, page 127, Oakland County Records, and EXCEPT the East 27 feet of the West 60 feet of the South 20 feet deeded to the City of Troy, as disclosed by instrument recorded in Liber 6756, page 132, Oakland County Records.

Commonly known as: 4050 Coolidge Highway, Troy, Michigan

Tax Id No.: 88-20-17-351-028

4872-7691-9061 v3 [50642-8]



500 West Big Beaver
Troy, MI 48084
troymi.gov

J-08

CITY COUNCIL AGENDA ITEM

Date: April 21, 2022

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
William J. Huotari, City Engineer/Traffic Engineer

Subject: Traffic Committee Recommendations and Minutes – April 20, 2022

At the Traffic Committee meeting of April 20, 2022, the following recommendations were made for City Council approval:

4. Request for Signage – Wattles Elementary School

RESOLVED, that a “DO NOT BLOCK DRIVEWAY” sign be placed at 525 Colebrook and 554 Ellenboro and a “NO STOPPING/STANDING/PARKING HERE TO CORNER” sign be placed on the existing NO PARKING sign post on the east side of Ellenboro, north of Colebrook.

5. Request for Traffic Control – Avalon Drive at Cedar Crest Drive

RESOLVED, that the intersection of Avalon Drive at Cedar Crest Drive be **MODIFIED** from NO traffic control to a STOP sign on the Cedar Crest Drive approach to the intersection.

Minutes of the meeting are attached.

A regular meeting of the Troy Traffic Committee was held Wednesday, April 20, 2022 in the Council Boardroom at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

1. Roll Call

Present: Richard Kilmer
Cindy Nurak
Sunil Sivaraman
Abi Swaminathan
Cynthia Wilsher
Pete Ziegenfelder
Tyler Koralewski, Student Representative

Absent: Al Petrulis

Also present: Sgt. Brian Warzecha, Police Department
Ofc. Gail Parra, Police Department
Lt. Chuck Roberts, Fire Department
Hafsa Usman 2450 Avalon
Divya Jha 2952 Ashbury
Bill Huotari, City Engineer/Traffic Engineer

2. Minutes – March 16, 2022

Resolution # 2022-04-06

Moved by Kilmer

Seconded by Wilsher

To approve the March 16, 2022 minutes as printed.

Yes: Kilmer, Nurak, Sivaraman, Swaminathan, Wilsher, Ziegenfelder

No: None

Absent: Petrulis

MOTION CARRIED**PUBLIC HEARINGS****3. No Public Hearings****REGULAR BUSINESS****4. Request for Signage – Wattles Elementary School**

At the October 20, 2021, the Traffic Committee recommended and City Council ultimately approved that a NO PARKING ZONE be posted for the west side of Ellenboro Avenue, between Trombley and Colebrook Avenue, from 8AM – 9AM and 3PM – 4PM, school days

only.

Since that time, Troy Police have continued to patrol and look for ways to improve the situation around Wattles Elementary.

Troy Police Officer G. Parra was assigned to assess traffic issues around Wattles Elementary School. Officer Parra has identified two internal processes Troy Police Department can continue to provide to help mitigate the issue:

- Traffic Safety Unit to provide intermittent enforcement.
- SROs/ School employees occasionally sending out reminders to parents/ families of Crossing Guard etiquette. Mary does an excellent job and tries her hardest, although 10% of the drivers do not listen or aren't paying attention to her.

Officer Parra has also identified and documented three signage and lane marking suggestions to implement:

1. Crosswalks and stop bars need to be repainted for the safety of pedestrians and so drivers can clearly see where their vehicles should or shouldn't be stopping/ standing/ parking.
2. Place a "DO NOT BLOCK DRIVEWAY" sign at 525 Colebrook and 554 Ellenboro. While at the school I was made aware of this consistent issue from these residents.
3. Add a sign stating "NO STOPPING/STANDING/PARKING FROM HERE TO CORNER" on the existing NO PARKING sign post on the east side of Ellenboro, north of Colebrook. A major problem and concern of the Wattles Crossing Guard is that she has parents blocking this corner while they are waiting (standing) to pick their children up from school. It also poses a problem for buses trying to turn left (south to east) coming from the school.

Item #1 is a maintenance item and will be addressed by DPW as weather allows.

Item #2 and Item #3 require review by the Traffic Committee.

As noted by Officer Parra, the street was never designed for the amount of traffic now caused by the elementary school. This is not unlike similar traffic issues that we have seen popup around schools built within dense residential areas in our city and others around us. It is unlikely we will be able to completely solve these traffic issues through any amount of enforcement or signage but we can, and should, ensure we are doing our part to mitigate them as best as possible, which we will continue to do.

One (1) email was received in support of the recommended measures.

Officer Parra was in attendance at the meeting and spent a week in this area reviewing traffic operations. There is heavy traffic during arrival and dismissal times. Driveways are blocked during these times with parents waiting to get into the school parking lot area to drop off or pick up students. Parents will also block the cross walk while waiting to pick up their student(s). There is a crossing guard, but she also has difficulties dealing with the traffic. Arrival and dismissal last about 10 minutes and the majority of the day the area operates

well. She did talk with several residents in the area when she was on site and discussed concerns and options that may help mitigate issues in the area.

Mr. Kilmer agreed with the officer. He has been out to the site as well and observed many children and parents walking. There are no sidewalks in this area.

Mr. Sivaraman has talked to residents in this area to discuss their concerns about traffic.

Resolution # 2022-04-07

Moved by Kilmer

Seconded by Wilsher

RESOLVED, that a “DO NOT BLOCK DRIVEWAY” sign be placed at 525 Colebrook and 554 Ellenboro and a “NO STOPPING/STANDING/PARKING HERE TO CORNER” sign be placed on the existing NO PARKING sign post on the east side of Ellenboro, north of Colebrook.

Yes: Kilmer, Nurak, Sivaraman, Swaminathan, Wilsher, Ziegenfelder

No: None

Absent: Petrulis

MOTION CARRIED

5. Request for Traffic Control – Avalon Drive at Cedar Crest Drive

Hafsa Usman of 2450 Avalon requests that the intersection of Avalon Drive at Cedar Crest Drive be reviewed for purposes of traffic control at the intersection. He stated that the lack of traffic control signage creates a hazardous situation for drivers and pedestrians.

One (1) email was received in support of traffic control at the intersection.

Ms. Usman was in attendance at the meeting at discussed that this is a dangerous intersection. There is no signage at the intersection. There are a lot of kids in the neighborhood who walk on the streets. This area also has school bus stops. It is near the entrance to Beaver Trail subdivision. There is limited visibility at the intersection due to the houses and especially when cars are parked in the driveway at the houses on the corner.

Divya Jha of 2952 Ashbury was also in attendance at the meeting. Ms. Jha supported the statements made. She reiterated that there are a lot of children walking on the road in the Avalon area. There are two school bus stops in the immediate area. Cars do not yield the right-of-way at the intersection and signs would help.

Mr. Kilmer made a motion for All-Way Stop that did not receive support.

Mr. Ziegenfelder added that he supports traffic control signs at an intersection and his preference is Stop signs.

Ms. Nurak stated that All-Way Stop at this intersection could create ambiguity. She stated that

a Yield sign would be appropriate as there is good visibility at this intersection.

Ofc. Parra discussed Stop vs Yield signs.

Mr. Ziegenfelder lives in the immediate area and believes that there should be signage at all intersections to assign right-of-way.

Resolution # 2022-04-08

Moved by Sivaraman

Seconded by Swaminathan

RESOLVED, that the intersection of Avalon Drive at Cedar Crest Drive be **MODIFIED** from NO traffic control to a STOP sign on the Cedar Crest Drive approach to the intersection.

Yes: Kilmer, Nurak, Sivaraman, Swaminathan, Wilsher, Ziegenfelder

No: None

Absent: Petrulis

MOTION CARRIED

6. Public Comment

There was no further public comment at the meeting.

7. Other Business

Mr. Kilmer discussed concerns about left turns from northbound Livernois to Town Center. Traffic Engineering will discuss with RCOC regarding future plans for traffic signal modernization.

Ms. Wilsher stated that the new Stop signs on Hickory have helped traffic in this area.

A general discussion regarding traffic and upcoming construction ensued.

8. Adjourn

The meeting adjourned at 8:26 PM.

Pete Ziegenfelder, Chairperson

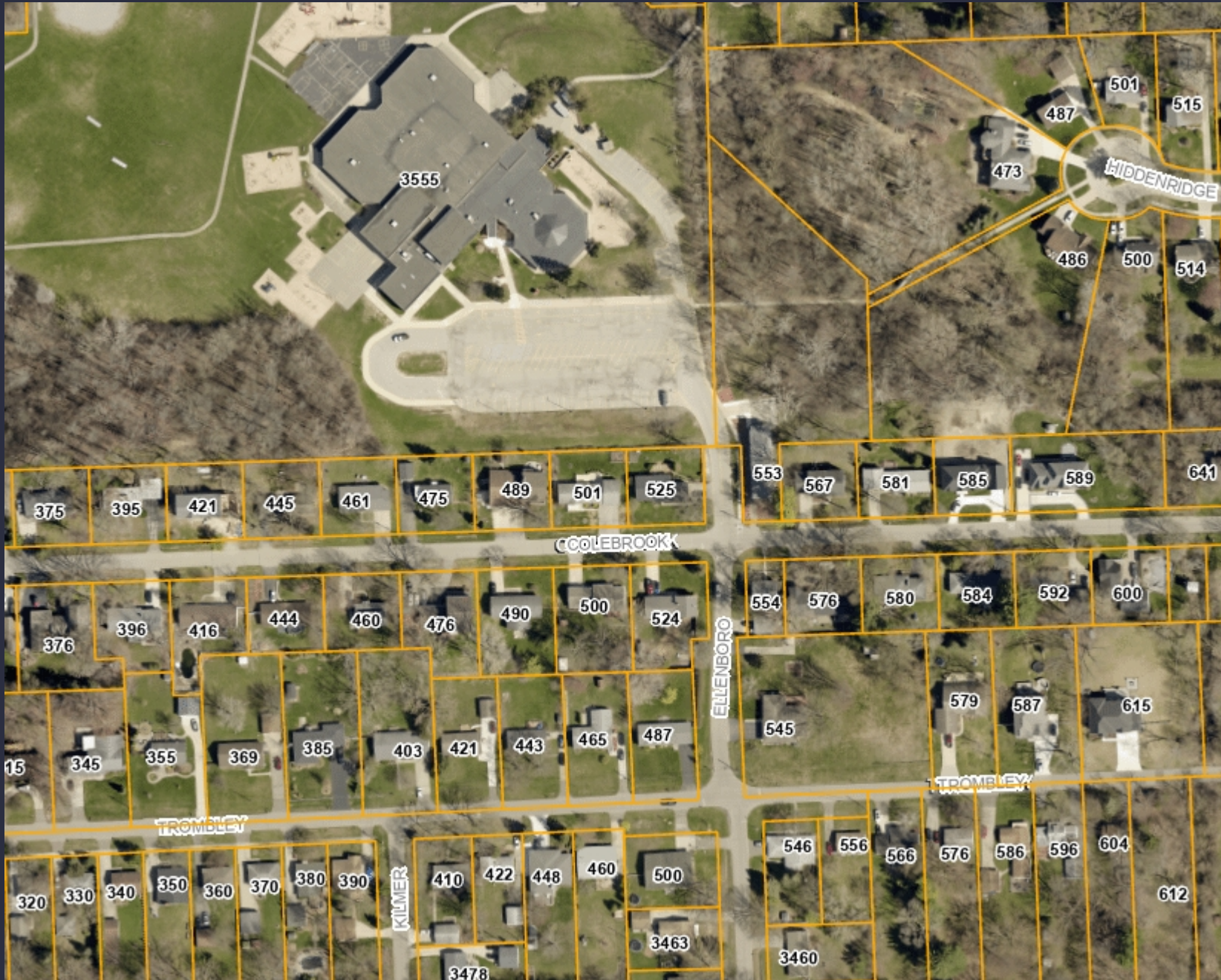
William J. Huotari, City Engineer/Traffic Engineer



GIS Online

Legend:

Road Centerline Text



Notes:

Map Scale: 1=252

Created: April 4, 2022



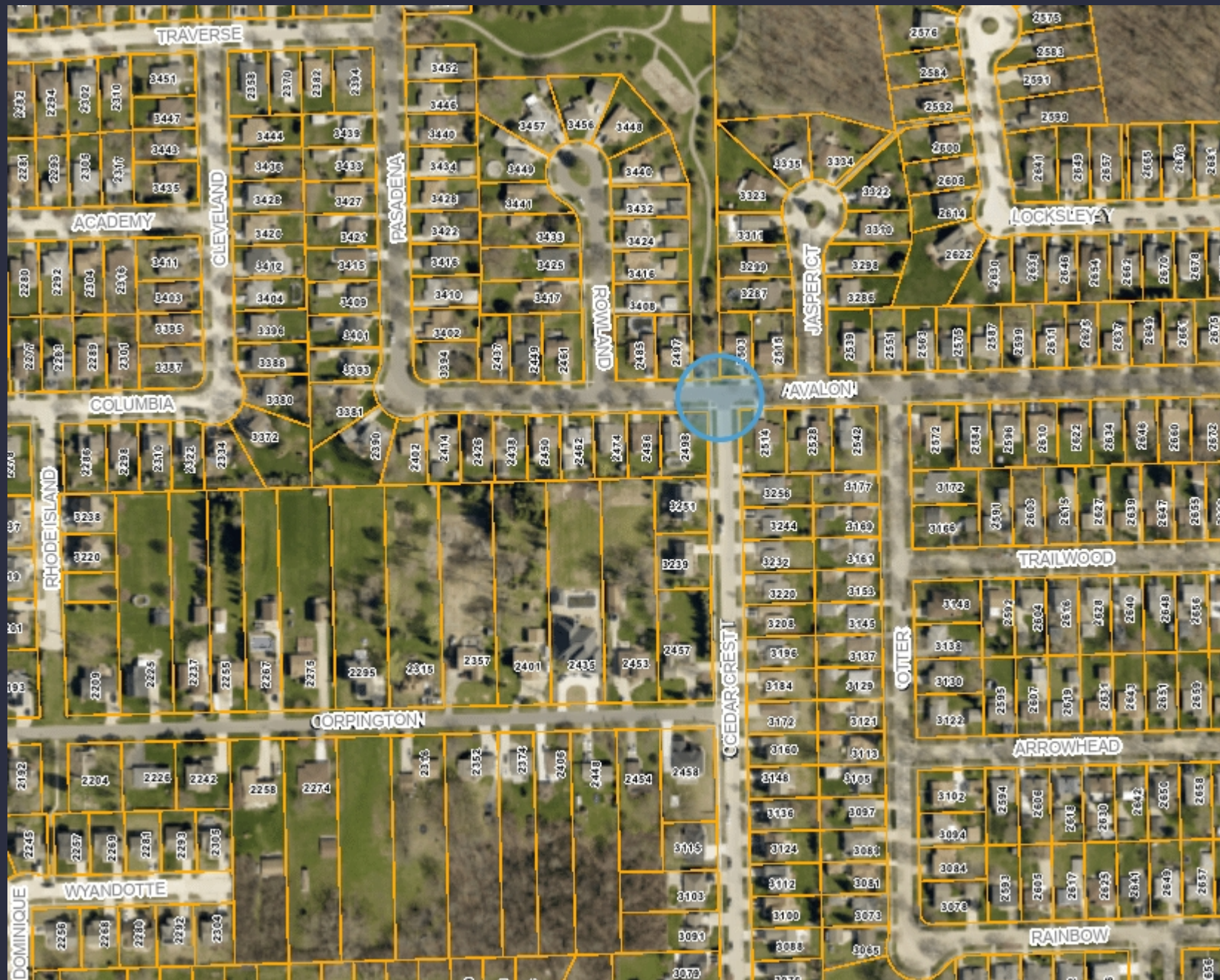
Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



GIS Online

Legend:

Road Centerline Text



Notes:

Map Scale: 1=358

Created: March 3, 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.

A Meeting of the Civil Service Commission (Act 78) was held Thursday, March 3, 2022 at Troy City Hall, 500 W. Big Beaver Road in the Council Boardroom. Chairman/President McGinnis called the meeting to order at 7:30 AM.

A. ROLL CALL:

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

ALSO PRESENT: Lori Grigg Bluhm, City Attorney
Frank Nastasi, Police Chief
Jeanette Menig, Human Resources Director
Thomas Gordon, Police Captain
M. Aileen Dickson, City Clerk
Jennifer Lee, Human Resources Specialist

B. APPROVAL OF MINUTES:

1. Approval of Minutes of Tuesday, November 9, 2021

Resolution #CSC-2022-03-001

Moved by Cannon

Seconded by McGinnis

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **APPROVES** the Minutes of the Tuesday, November 9, 2021, meeting as presented.

Yes: Cannon, McGinnis

No: None

Absent: Steele

MOTION CARRIED

C. PETITIONS AND COMMUNICATIONS: None

D. REPORTS: None

E. OLD BUSINESS: None

F. NEW BUSINESS:

1. **Appointment of President/Chair**

Resolution #CSC-2022-03-002

Moved by Cannon

Seconded by McGinnis

WHEREAS, Section 38.502 of Act 78 of 1935 requires that the three members of the commission annually appoint one of their number to act as president for a term of one year;

THEREFORE BE IT RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **REAPPOINTS** Don McGinnis as President/Chair of the Civil Service Commission (Act 78) for a period of one year.

Yes: McGinnis, Cannon

No: None

Absent: Steele

MOTION CARRIED

2. **Approval of Job Qualifications, Posting and Test Battery for Recruitment of Police Officer**

Resolution #CSC-2022-03-003

Moved by Cannon

Seconded by McGinnis

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the job qualifications, the posting and the test battery for the recruitment of Police Officer as **PRESENTED**.

Yes: Cannon, McGinnis

No: None

Absent: Steele

MOTION CARRIED

3. **Approval of Job Qualifications, Posting and Test Battery for Recruitment of Police Cadet**

Resolution #CSC-2022-03-004

Moved by McGinnis

Seconded by Cannon

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the job qualifications, the posting and the test battery for the recruitment of Police Cadet as **PRESENTED**.

Yes: Cannon, McGinnis
No: None
Absent: Steele

MOTION CARRIED

G. PUBLIC COMMENT:

H. ADJOURNMENT:

The Civil Service Commission (Act 78) meeting **ADJOURNED** at 7:32 AM.



Donald E. McGinnis, Jr., Chairman



M. Aileen Dickson, City Clerk

cc: Act 78 Commissioners
Mark F. Miller, City Manager
Bob Bruner, Assistant City Manager
Lori Grigg Bluhm, City Attorney
Jeanette Menig, Human Resources Director
Aileen Dickson, City Clerk
Destiney Bodnovich, Human Resources Specialist
Bridget Hefner, Human Resources Specialist
Jennifer Lee, Human Resources Specialist
Frank Nastasi, Police Chief
Thomas Gordon, Police Captain
Andy Satterfield, Police Captain

Joshua Jones, Police Captain
Chuck Riesterer, Fire Chief
Paul Firth, Assistant Fire Chief
Peter Hullinger, TFSOA President
Shawn Hugg, TFSOA Union Steward (Alternate)
Fire Dept. Bulletin Board
TPOA Bulletin Board
Officer Timothy Daniels, TPOA President
Lieutenant Frank Shuler, TCOA President
TCOA Bulletin Board
McGraw Morris-Stacy Belisle (sbelisle@mcgrawmorris.com)

Chair Lambert called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on March 22, 2022, in the Council Chamber of the Troy City Hall. Chair Lambert and Vice Chair Perakis presented opening remarks relative to the role of the Planning Commission and procedure of tonight's meeting.

1. ROLL CALL

Present:

Toby Buechner
Carlton M. Faison
Michael W. Hutson
Tom Krent
David Lambert
Lakshmi Malalahalli
Marianna Perakis
Sadek Rahman

Absent:

John J. Tagle

Also Present:

R. Brent Savidant, Community Development Director
Ben Carlisle, Carlisle Wortman Associates
Julie Quinlan Dufrane, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

Mr. Buechner gave a brief introduction of himself and said he was looking forward to participating in the Planning Commission decision making.

2. APPROVAL OF AGENDA

Resolution # PC-2022-03-018

Moved by: Perakis
Support by: Malalahalli

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)
Absent: Tagle

MOTION CARRIED

3. APPROVAL OF MINUTES – March 8, 2022

Resolution # PC-2022-03-019

Moved by: Rahman
Support by: Krent

RESOLVED, To approve the minutes of the March 8, 2022 Regular meeting as submitted.

Yes: All present (8)

Absent: Tagle

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

PLANNED UNIT DEVELOPMENT

5. POTENTIAL PLANNED UNIT DEVELOPMENT (PUD) APPLICATION – Concept Plan Discussion, East side of Stephenson Highway, North of Fourteen Mile (750 Stephenson), Section 35, Currently Zoned RC (Research Center) District

Mr. Carlisle reviewed the proposed site improvements of the PUD (Planned Unit Development) concept plan for 750 Stephenson. He addressed the current zoning as relates to the proposed uses, the Smart Zone Master Plan designation, Standards of the PUD option and displayed renderings provided by the applicant. Mr. Carlisle said the applicant has not identified potential users at this time and is seeking Planning Commission feedback on the concept plan.

Mr. Savidant provided an explanation of the intent of the RC zoning district. He said the district has a campus-like design with open space. He noted that recently businesses and property owners are looking to incorporate amenities such as restaurants and shopping. Mr. Savidant identified the range of uses in the RC zoning district. He shared with the Board that a PUD application is a negotiated process, and their input would be of great value to the applicant.

Present were Joe Latozas and Mike Pizzola of Designhaus Architecture and Steven Kalabat of REalta Group.

Mr. Latozas reported a market study revealed a need for climate-controlled storage units for use by corporate office and commercial users. He said their intent is to continue with the campus-like design, reduce asphalt and incorporate green space, add landscaping, and create connectivity for users within the project. He addressed shared parking among the various users. Mr. Latozas said at this time they do not know what improvements, if any, might be made to the existing 7-story office building.

Mr. Kalabat said the existing 7-story office building has been vacant for the past 2.5 years. He expressed confidence in the market study findings that climate-controlled storage units and warehousing are in demand. Mr. Kalabat said their intent is to make a cohesive project and accommodate the architectural design of users.

There was discussion on:

- Shared parking and access.
- Cohesiveness of project; consistency in building materials, colors.
- Connectivity within project; provide public pathways.
- Market study results.
 - Consideration of alternative options; residential, hotel.
- Flexibility in PUD agreement; option to revert to office use if market indicative.
- Taproom/brewery.
 - Location and visibility in relationship to I-75 Interchange.
 - Consideration to locate inside office building.
 - Brewery equipment on site.
- Architectural design.
 - Maintain bones of office building.
 - Keep integrity of RC zoning, office building.
 - Characteristics of storage facility as relates to color, logos, etc.
- Shared (mobile) office space in existing office building.
- Application options discussed with applicant; PUD, Text Amendment, Conditional Rezoning.

Mr. Savidant addressed the approval process of a PUD application.

OTHER ITEMS

6. APPLICATION TO DE-LIST 54 E. SQUARE LAKE

Mr. Savidant reviewed the procedure to remove a historic designation of a property. He stated the City has no file on record for the property located at 54 E. Square Lake and reported an outside source was contracted to prepare a Preliminary Report which was reviewed by the Historic District Study Committee (HDSC) at their October 5, 2021 meeting. Mr. Savidant read findings of the report and advised the Board that a deed research could not be accomplished because the Register of Deeds office is closed due to the pandemic. He stated the applicant affirms the request to de-list is to allow flexibility for renovating the property and there is no intent to demolish the building.

Mr. Savidant advised the Board its options are to recommend or deny the de-listing request or to take no action.

Discussion followed. Some of the comments related to:

- Reasons one might want to remove a historic designation.
- Current zoning designation of the property (Neighborhood Node).
- Improbability to obtain deed research.
- Approval process for exterior renovations; interior renovations are permitted.
- Exterior of home; modern look with vinyl siding and windows.
- Proximity of home to right-of-way; concerns with safety, minimal front yard, parking.

The consensus of the Board was to take no action.

Mr. Savidant advised the Board this evening's draft minutes would be provided to the HDSC at their March 28, 2022 meeting.

7. PUBLIC COMMENT – For Items on the Agenda

There was no one present who wished to speak.

8. PLANNING COMMISSION COMMENT

A warm welcome was extended to newly appointed Commissioner Buechner.

Mr. Savidant announced that City Council at their March 14, 2022 meeting granted approval of the Conditional Rezoning for Pine View Condominiums, a 25-unit townhome development located on the west side of Dequindre and north of Long Lake.

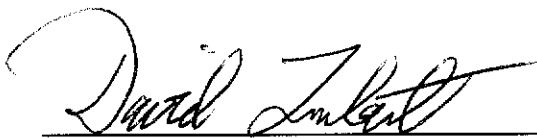
Mr. Savidant announced meeting dates scheduled for the Neighborhood Node Subcommittee. Meeting dates are April 5, April 13 and April 27, at 6:00 p.m. to be held in the Council Chambers. Meeting notices are posted.

Mr. Carlisle reported on City Council participation of the Neighborhood Nodes tour conducted on March 12.

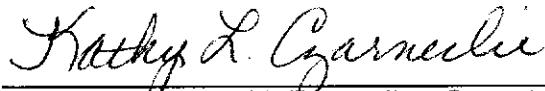
9. ADJOURN

The Regular meeting of the Planning Commission adjourned at 8:34 p.m.

Respectfully submitted,



David Lambert, Chair



Kathy L. Ozarnecki, Recording Secretary



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O-02a

CITY COUNCIL AGENDA ITEM

Date: April 20, 2022

To: Honorable Mayor and City Council Members

From: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
Julie Quinlan Dufrane, Assistant City Attorney
Nicole F. MacMillan, Assistant City Attorney

Subject: 1st Quarter 2022 Litigation Report

The following is the quarterly report of pending litigation and other matters of interest.
Developments during the FIRST quarter of 2022 are in bold.

A. ANATOMY OF THE CASE

Once a lawsuit has been filed against the City or City employees, the City Attorney's office prepares a memo regarding the allegations in the complaint. At that time, our office requests authority from Council to represent the City and/or the employees. Our office then engages in the discovery process, which generally lasts for several months, and involves interrogatories, requests for documents, and depositions. After discovery, almost all cases are required to go through case evaluation (also called mediation). In this process, three attorneys evaluate the potential damages, and render an award. This award can be accepted by both parties, and will conclude the case. However, if either party rejects a case evaluation award, there are potential sanctions if the trial result is not as favorable as the mediation award. In many cases, a motion for summary disposition will be filed at the conclusion of discovery. In all motions for summary disposition, the Plaintiff's version of the facts are accepted as true, and if the Plaintiff still has failed to set forth a viable claim against the City, then dismissal will be granted. It generally takes at least a year before a case will be presented to a jury. It also takes approximately two years before a case will be finalized in the Michigan Court of Appeals and/or the Michigan Supreme Court.

B. ZONING CASES

These are cases where the property owner has sued for a use other than that for which the land is currently zoned and/or the City is suing a property owner to require compliance with the existing zoning provisions.

1. International Outdoor, Inc. v City of Troy - On February 3, 2017, International Outdoor, Inc. filed this lawsuit in the Federal District Court for the Eastern District of Michigan challenging the constitutionality of the City's sign ordinance. International argues, among other things, that since the City does not require permits for temporary signs or special event signs, the permit requirement to erect a billboard is a content-based restriction, allegedly in violation of the 2015 Reed v. Town of Gilbert U.S. Supreme Court case. According to International, the ordinance is unconstitutional and should not



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have been applied as a basis to deny the permits for its requested billboards. International states it is seeking injunctive and declaratory relief and money damages, but the complaint does not request any specific remedy. However, the case was filed under 42 U.S.C. Section 1983, which allows for the recovery of attorney fees if the plaintiff prevails on any aspect of the case. The lawsuit was assigned to Judge George Caram Steeh. The City filed a motion to dismiss. A hearing on the motion was scheduled for June 26, 2017. On June 30, 2017, the Court entered its order granting in part and denying in part the City's motion to dismiss. The Court granted the City's motion to dismiss Count II of the complaint, which alleged the Sign Ordinance contained content based restrictions imposed without a compelling government interest. However, the Court denied the City's motion as to Count I, which alleged the variance provisions of the Sign Ordinance constituted an unconstitutional prior restraint because it gives the Building Code Board of Appeals unbridled discretion in deciding a variance request. The City filed a motion for reconsideration, which is still pending with the Court. On December 20, 2017, the Court entered its order denying the motion for reconsideration, but clarifying that the Court had not made a final decision on the validity of Troy's Sign Ordinance. The City must now file an answer to Count I of the complaint. The City filed its answer, and the parties are now engaging in discovery. Discovery is continuing. Plaintiffs scheduled depositions of former and select current members of the Building Code Board of Appeals, and the City objected. Plaintiff then filed a motion to compel the depositions, to which the City responded. The Court issued an order stating that there would not be oral argument on the motion, so we are now waiting for the Court's decision concerning these depositions. The Court denied Plaintiff's motion to compel depositions. Plaintiff has now filed a motion for summary judgment, and the City's response is due October 11th. The City filed a response to the motion for summary judgment and a cross motion for summary judgment in favor of the City. A hearing on both the Plaintiff's motion and the City's motion was held on January 16, 2019. On January 18, 2019, the Court issued its opinion and order denying Plaintiff's motion for summary judgment and granting the City's motion for summary judgment. The Court entered a final judgment in the case in favor of the City. Plaintiff has now filed an appeal with United States Court of Appeals for the Sixth Circuit in Cincinnati, Ohio. Plaintiff also filed a motion in the District Court, claiming entitlement to attorney fees based on the Court's rulings, some of which were favorable to the Plaintiff, even though the case was dismissed in favor of the City. The City timely responded to this motion, which is still pending. As required by the Sixth Circuit Court of Appeals, the parties participated in an unfruitful mediation conference call on March 6, 2019. Afterwards, the Sixth Circuit established its appellate briefing schedule, requiring Plaintiff's brief to be filed on or before April 29, 2019, and the City's response is due May 28, 2019. On April 1, 2019, District Court Judge Steeh issued his opinion and order denying the Plaintiff's motion for attorney fees. Plaintiff has filed a second appealing to challenge the denial of attorney fees. On motion of the Plaintiff, the second appeal was consolidated with the initial appeal and the briefing schedule was amended. Plaintiff filed its appellate brief, and the City timely filed its response. The case has been scheduled for oral argument on October 16, 2019 before the U.S. Court of Appeals for the Sixth Circuit in Cincinnati. The Court heard oral arguments on October 16, 2019,



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and the parties are now waiting for the Court to issue its opinion. As of March 31, 2020, the Court had not yet issued an opinion. The parties are still waiting for the Court to issue an opinion. On September 4, 2020, the U.S. Court of Appeals issued an opinion affirming the dismissal of Count I of Plaintiff's complaint, but reversing the lower court's dismissal of Count II and remanding the case. Two judges joined the majority opinion, and the third judge issuing a dissenting opinion, indicating he would have affirmed the dismissal of Count II. The City has filed a motion for rehearing en banc, requesting rehearing before the entire panel of U.S. Sixth Circuit Court of Appeals judges, seeking an affirmation of the dismissal of Count II. On December 21st, the Sixth Circuit Court of Appeals entered an order denying the City's motion for rehearing en banc. The case was remanded to the District Court. Judge Steeh directed the parties to file supplemental briefs on remand. The City filed its supplementary brief and a reply to Plaintiff's supplementary brief. We are awaiting a decision from the Court. On April 6, 2021, the Court entered an Order Dismissing Count II of Plaintiff's Complaint and Denying Plaintiff's Motion for Attorney Fees and it entered a Judgment in favor of the City. On April 19, 2020, the Plaintiff filed a motion for reconsideration of the Court's April 6, 2021 decision. On May 5, 2021, the Court denied Plaintiff's motion for reconsideration. On June 1, 2021, Plaintiff filed an appeal in United States Court of Appeals for the Sixth Circuit. Plaintiff filed its appellate brief, and the City timely responded. The parties are now waiting for the Sixth Circuit U.S. Court of Appeals to either grant oral argument or take other action. **The Court has not scheduled oral argument or taken other action.**

2. Tollbrook, LLC v City of Troy - Tollbrook submitted an application for a rezoning of three parcels on McClure, from one family residential zoning to Big Beaver Form Based District zoning. This application was proposed as a straight rezoning request, and was denied by Troy City Council, consistent with the recommendation from the Planning Commission. Plaintiff filed this Complaint, alleging substantive due process violations. Plaintiff filed it in Oakland County Circuit Court, and the City removed it to federal court, since the parties previously litigated a very similar case before Judge Goldsmith. Plaintiff then filed a motion to request a transfer of the case back to the Oakland County Circuit Court. This motion was briefed by the parties, and is pending. The motion is still under advisement. On March 5, 2021, Judge Goldsmith entered an Order, remanding the case to the Oakland County Circuit Court. Plaintiff submitted a proposed confidential settlement offer that was considered and rejected by City Council. The City subsequently filed a Motion for Consolidation and Request for Transfer which was denied by the Circuit Court. This case is now in the discovery phase. The City of Troy filed a motion to dismiss with oral argument scheduled for March 9, 2022. **The Court adjourned oral argument on its own motion. The parties are waiting for the Court to either reschedule argument or issue an opinion and order.**
3. Tollbrook West LLC. v City of Troy - Tollbrook West submitted an application to rezone two parcels located at 3109 Alpine and an adjacent vacant parcel from R-1B to Big Beaver District zoning. This straight rezoning application was denied by the Troy City Council on July 22, 2019, consistent with the Planning Commission recommendation.



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Plaintiff filed this Complaint, alleging substantive due process violations. Plaintiff filed it in Oakland County Circuit Court, and the City removed it to federal court, since the parties previously litigated a very similar case before Judge Goldsmith. Plaintiff then filed a motion to request a transfer of the case back to the Oakland County Circuit Court. This motion was briefed by the parties, and is pending. The motion is still under advisement. On March 5, 2021, Judge Goldsmith entered an Order, remanding the case to the Oakland County Circuit Court. Plaintiff submitted a proposed confidential settlement offer that was considered and rejected by City Council. The City subsequently filed a Motion for Consolidation and Request for Transfer which was denied by the Circuit Court. This case is now in the discovery phase. The City of Troy filed a motion to dismiss with oral argument scheduled for March 9, 2022. **The Court adjourned oral argument on its own motion. The parties are waiting for the Court to either reschedule argument or issue an opinion and order.**

4. Safet Stafa v. City of Troy- Plaintiff's case against the City of Troy seeks equitable relief from the Oakland County Circuit Court. Specifically, Plaintiff asks for a writ of mandamus or alternatively superintending control, requiring the City to grant Plaintiff's preliminary site plan application for a townhome project located on the northwest corner of Crooks and Wattles Roads. The Troy Planning Commission denied the preliminary site plan application because it found that the site plan was not compatible with adjacent properties and that it did not provide adequate transition to adjacent properties. Plaintiff appealed the Planning Commission's denial to the Troy Zoning Board of Appeals (ZBA). In a split vote of 4-3, the ZBA affirmed the Planning Commission decision. The City initially filed a Motion to Dismiss, but instead of responding to that motion directly, Plaintiff was allowed to file an Amended Complaint, which the City will ask to dismiss. Five Troy citizens, including one current member of the Troy Planning Commission, filed a Motion to Intervene in the lawsuit. The Court has scheduled oral argument for the residents' motion to intervene and the motion to dismiss for October 27, 2021. The City of Troy filed its Motion to Dismiss Plaintiff's Amended Complaint, which was granted by the Court on November 17, 2021. Plaintiff subsequently filed a Claim of Appeal with the Court of Appeals, which is in the process of being perfected. **Plaintiff is continuing to complete the preliminary matters in the Court of Appeals.**

C. EMINENT DOMAIN CASES

These are cases in which the City wishes to acquire property for a public improvement and the property owner wishes to contest either the necessity or the compensation offered. In cases where only the compensation is challenged, the City obtains possession of the property almost immediately, which allows for major projects to be completed.

There are no pending eminent domain cases for this quarter.



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D. CIVIL RIGHTS CASES

These are cases that are generally filed in the federal courts, under 42 U.S.C. Section 1983. In these cases, the Plaintiffs argue that the City and/or police officers of the City of Troy somehow violated their civil rights.

1. Adam Community Center v. City of Troy et. al. and U.S. v. City of Troy - Plaintiff filed this lawsuit against the City of Troy, the Troy City Council, the Troy Planning Commission, the Troy Zoning Board of Appeals, and each of the individual members of the Troy Zoning Board of Appeals, challenging the ZBA denial of significant variance requests for the property at 3565 Rochester Road. Plaintiff needed these variances to have a place of worship, plus a library, gym, and banquet center. Plaintiff's eleven count complaint argues that the City of Troy, the Troy City Council and the Troy Planning Commission, as the entities responsible for Troy's zoning ordinance, violated ADAM's Constitutional First and Fourteenth Amendment rights (Exercise of Religion, Freedom of Speech and Freedom of Assembly), ADAM's Fifth Amendment Rights, the Religious Land Use and Institutionalized Persons Act (RLUIPA), and also ADAM's Michigan Constitutional Rights. ADAM argues that there is no other Islamic house of worship in the City, and therefore the City and/or the Defendants violated their First Amendment Rights and RLUIPA. Plaintiff's lawsuit also alleges that the City and the individual ZBA members engaged in discrimination in denying ADAM's variance requests. Plaintiff also asserts that there were procedural irregularities at the June 19, 2018 public hearing which allegedly entitle ADAM to injunctive and declaratory relief, as well as compensatory and punitive damages. Specifically, ADAM is seeking a Court order overriding the ZBA's variance denials and the City's zoning regulations for churches, plus damages. The City filed a motion to dismiss as its first responsive pleading, seeking dismissal of the entire case, and/or dismissal of some of the claims and defendants. On March 12, 2019, the Court entertained oral argument on the motion, and the parties are now waiting for a written decision from U.S. District Court Judge Nancy Edmunds, who is the presiding judge for this case. On April 4, 2019, the Court granted in part and denied in part the City's Motion for Dismissal. Plaintiff's state law claims were dismissed by Court order. The case is now proceeding through discovery. On September 19, 2019, the United States of America filed a lawsuit against the City in the United States District Court for the Eastern District of Michigan alleging RLUIPA violations. In its complaint, the United States claims it is basing its claim on the City's treatment of Adam Community Center in its effort to establish a place of worship in the City. The U.S. is seeking injunctive and declaratory relief. The case was assigned to Federal District Court Judge Paul Borman, and then consolidated with the ADAM case, handled by Judge Nancy Edmunds. The Court scheduled a settlement conference for the two consolidated cases for December 17, 2019. On October 16, 2019 and October 21, 2019, two of the individual ZBA members were dismissed from the case with Plaintiff's consent. Motions to dismiss the remaining individual ZBA members were filed on November 25, 2019 and November 26, 2019, and the Court scheduled its hearing on the summary judgment motions for January 15, 2020. The Court cancelled the hearing date on the motion to dismiss the individual defendants and



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rescheduled the hearing for March 4, 2020. After the oral argument, the parties are waiting a decision from the Court. Discovery is continuing on the case filed by the United States. The parties are continuing with discovery, including the scheduling of depositions. On August 26, 2020, Judge Edmunds granted the motion for summary judgment filed on behalf of the individual ZBA member defendants and dismissed those defendants from the case, finding that they were entitled to dismissal based on qualified immunity. Adam has filed a motion for rehearing with regard to the dismissal of ZBA member Glenn Clark only. The Court has indicated it will decide the motion without oral argument but is allowing a response to the motion to be filed by October 13. On December 20th, the Court entered its Order Denying Adam's Motion for Reconsideration, so all individual defendants remain dismissed. The City filed a motion for summary judgment in both the Adam and USA case seeking a dismissal of all remaining claims against the City. Adam and the USA also filed motions for summary judgment. The City filed its responses to Adam's and USA's motions for summary judgment and has received Adam's and the USA's responses. The City then filed replies to the responses from Adam and USA. The Court issued an order declaring that all the motions for summary judgment will be decided without oral argument. The parties are now awaiting a decision by the Court. The parties continue to wait for a decision from the Court. **On March 18, 2022, the Court entered an Order Denying the City's Motion for Summary Judgment in the USA case and Granting the Motion for Summary Judgment in favor of the USA. The Court has not yet issued an opinion on the Motions for Summary Judgment filed in the Adam v. Troy case. The Court has ordered the Parties in the Adam case to appear for a settlement conference on April 18th.**

2. Carter v. Shearer et. al. and Louis Vuitton et.al. – On Friday, April 16, 2021, a lawsuit was filed against two Troy Police Officers (one identified, the other named as “John Doe”) as well as the Louis Vuitton store and a Louis Vuitton sales clerk (identified as “Jane Doe”). It was filed in the federal court (Eastern District of Michigan), and assigned to Judge Terrence Berg. The lawsuit alleges that the individual Troy police officers violated her constitutional rights (4th and 14th Amendment), and also a separate claim under state law of false arrest. As its first responsive pleading, the City filed a motion to dismiss, alleging that Plaintiff's Complaint has failed to state a valid claim. Plaintiff filed a motion to amend her complaint, and the City filed a response in opposition, arguing that even with the proposed amendments, the complaint still fails to state a claim. Louis Vuitton also filed a motion to dismiss, which made similar arguments that were made by the City. The Court issued an order eliminating oral argument on the briefs. The parties are now awaiting the Court's decision on the pending motions. **The Court granted Plaintiff's Motion to Amend and then granted the City's Motion for Summary Judgement, thereby dismissing the Troy defendants from the case, but denying the Motion for Summary Judgment filed on behalf of the Co-Defendants.**
3. Viau v. Troy- Ms. Viau filed this lawsuit in federal court (Judge Mark Goldsmith), alleging that her 10-year daughter was discriminated against in a summer soccer program when the



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participants were divided into groups to scrimmage. She alleges that the City and its employees are liable, based on a 14th Amendment Equal Protection Claim, and also a State law claim that her daughter was denied public accommodation because she felt compelled to withdraw from the soccer camp. Our office has submitted an agenda item for the July 12, 2021 City Council meeting, asking for the authority to represent the City. The City filed a motion for summary judgment. The Court has scheduled the case for a status conference on September 24, 2021. At the status conference, the Judge granted Plaintiff 14 days to file an amended complaint. If Plaintiff files an amended complaint, the City may then file another summary judgment motion. If Plaintiff does not file an amended complaint, Plaintiff must respond to the City's original motion. On September 30, 2021, the Court referred the case to a magistrate for a settlement conference. The Plaintiff then filed an amended complaint, adding the Troy School District as a defendant. The City filed a motion to dismiss the amended complaint and a motion for summary judgment. The Plaintiff filed a response to the motion and the City filed a reply. A hearing date has not been scheduled for the motion. The Court scheduled a settlement conference with Magistrate Judge David Grand for November 18, 2021. However, on the eve of the settlement conference, Ms. Viau filed a motion to have her attorneys withdraw from the case. In light of this development, Magistrate Judge Grand adjourned the settlement conference. **The Court scheduled a hearing on the City's motion to dismiss and for summary judgment and on Plaintiff's motion to terminate her attorney's representation in this case for April 21, 2022.**

4. Gillman v. Troy et. al- Steven Gillman filed this lawsuit on November 29, 2021, as the Personal Representative of the Estate of Megan Miller. Ms. Miller died after being detained in the City's lock up facility on an alleged parole violation and also because Troy police officers wanted to speak with her about the death of her infant child. The Complaint alleges that while Miller was in custody, the City and its employee knew or should have known that she was suffering from a serious medical need associated with recent drug use. The Complaint alleges that the City and its employee were deliberately indifferent to Miller's serious medical needs, and that the City maintained an unconstitutional custom, policy, practice or custom and/or inadequately trained its personnel which resulted in the wrongful death of Miller while she was in the City's custody. Plaintiff's 42 U.S.C. Section 1983 claims are asserted under the Eighth and Fourteenth Amendments of the United States Constitution. Plaintiff also asserts a state law claim against the individual employee for alleged gross negligence. The City timely filed its answer to the Complaint. **The Court held a scheduling conference and the parties are engaging in the discovery process.**

E. PERSONAL INJURY AND DAMAGE CASES

These are cases in which the Plaintiff claims that the City or City employees were negligent in some manner that caused injuries and/or property damage. The City enjoys governmental immunity from ordinary negligence, unless the case falls within one of four exceptions to governmental immunity: a) defective highway exception, which includes sidewalks and road way claims; b) public building exception, which imposes liability only when injuries are caused by a defect in a public building; c) motor vehicle exception, which imposes liability when an employee is negligent when operating their vehicle; d) proprietary exception, where liability is imposed when an activity is



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conducted primarily to create a profit, and the activity somehow causes injury or damage to another;
e) trespass nuisance exception, which imposes liability for the flooding cases.

1. Tschirhart v. Troy - Plaintiff filed this wrongful death lawsuit against the City, claiming that the City and individual City employees and contractors were responsible for the drowning death of Plaintiff's son, Shaun Tschirhart, at the Community Center pool on April 15, 2015. Shaun was swimming in the pool that day as part of a Friendship Club activity, and unfortunately suffered a seizure while swimming. Plaintiff's complaint alleges gross negligence, and an alleged failure to properly screen, train, and supervise City employees. The case is assigned to Oakland County Circuit Court Judge Daniel O'Brien. As its first responsive pleading, the City filed a motion for dismissal, arguing that Plaintiff had failed to assert a viable claim against the City. This motion is pending before the Court. The Court denied the City's motion, and the City immediately filed a claim of appeal with the Michigan Court of Appeals, challenging the denial of governmental immunity. A timely brief on appeal will be filed once the Court issues a briefing schedule. The City's brief on appeal is due February 7, 2019. A timely brief on appeal was filed by the City of Troy Defendants. Plaintiff's brief on appeal is expected to be filed by April 12, 2019. The briefs have been submitted, and the parties are waiting for the Court to schedule oral argument. Oral argument was held on December 6, 2019 in the Court of Appeals. On December 17, 2019, the Court issued an Opinion and Order reversing the trial court's decision, agreeing with the City that summary disposition should have been granted to the City of Troy and the individually named Troy defendants. The Court, however, remanded the case to the trial court, allowing Plaintiff an opportunity to seek leave to amend her Complaint. Plaintiff filed an application for leave to appeal with the Michigan Supreme Court. The parties anticipate that oral argument will be scheduled for March or April 2021. The Michigan Supreme Court did not schedule this matter for its March, April, or May docket, so the parties are hoping that oral argument on the application will happen in June 2021. The parties are still waiting for the Michigan Supreme Court to schedule oral argument in this matter. The Michigan Supreme Court scheduled oral arguments for November 9. The Supreme Court issued its opinion, remanding this case back to the Oakland County Circuit Court for a decision consistent with part of the Court of Appeals' decision. **Plaintiff filed a motion in Oakland County Circuit Court to lift the stay entered in this matter which was granted by the Court on March 23, 2022. Subsequently, Plaintiff filed a motion seeking leave to file an amended Complaint in this matter. The City filed a motion opposing this request. The Court will hear oral argument on this motion on April 20, 2022.**
2. Grier v. City of Troy, et al - On November 19, 2019, Ms. Grier was in a U.S. post office vehicle parked on Robart Street. She reports that she was making a delivery, and a City of Troy truck was plowing snow, and the wing plow on the City's truck accidentally sideswiped the postal truck, causing a large indentation spanning the length of the postal vehicle. Plaintiff filed a complaint against the City, the City employee who was operating the snow plow, her auto insurance company, and the Michigan assigned



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claims fund. The case is assigned to Oakland County Circuit Court Judge Phyllis McMillen. The City has filed a timely answer to the complaint, and the parties are now engaged in the discovery process. The discovery process is still ongoing. The parties met with the Court for a status conference, and the Court ordered the parties to participate in facilitation in lieu of the case evaluation process. Discovery is still on going. Court ordered facilitation has been scheduled for July 27, 2021. The City filed a motion for summary disposition, which was granted as it relates to the employee Defendant, but not the City. The parties participated in facilitation and were not able to resolve the matter. Trial is scheduled for April 2022. **The April trial date is likely to be adjourned based on the backlog of cases in Oakland County Circuit Court.**

3. Jeffrey Martin v. Troy - Mr. Martin was a pedestrian travelling on Coolidge Highway near Maple Road on September 14, 2020. He alleges that he stepped into a pothole on the roadway, injuring his right foot. The complaint asserts a state statutory claim of failing to maintain the roadway in reasonable repair; a public nuisance claim; and a negligence claim, where he argues that governmental immunity is not applicable. This case was filed in the Oakland County Circuit Court, and assigned to Judge Poles. The City filed a motion for summary disposition, and the court will hear argument on the issue on August 18, 2021. The Court took the motion for summary disposition under advisement, and the parties are waiting for the Court to issue her decision. The Court ruled in favor of the City of Troy and dismissed the Complaint, but allowed Plaintiff to submit an Amended Complaint. Plaintiff subsequently filed an Amended Complaint, and the parties are now doing discovery. **Discovery is now closed, and case evaluation is scheduled for April 15, 2022.**

F. MISCELLANEOUS CASES

1. Michigan Association of Home Builders; Associated Builders and Contractors of Michigan; and Michigan Plumbing and Mechanical Contractors Association v. City of Troy. - The Plaintiffs filed a complaint for Declaratory and Injunctive Relief in the Oakland County Circuit. On the date of filing the Plaintiffs also filed a Motion for Preliminary Injunction and Order to Show Cause. The Plaintiffs allege that the City of Troy has violated Section 22 of Michigan's Stille-DeRossett Hale Single State Construction Code Act by collecting fees for building department services that are not reasonably related to the cost of providing building department services. They are alleging that the City of Troy has illegally entered into a contract with Safe Built of Michigan, Inc. for building services that provides that 20% of each building permit fee be returned to the City to cover services that are not "reasonably related to the cost of building department services," as required by state statute. The Plaintiffs also assert a violation of the Headlee Amendment, arguing that the 20% returned to the City is a disguised tax that was not approved by voters. The Plaintiffs are asking for a declaratory judgment, as well as a return of any "surplus" building department service funds collected to date. Plaintiffs also request an order requiring the City to reduce its building department fees. The City of Troy was served with the Complaint and the Motion for Preliminary Injunction and Order for Show Cause on Wednesday, December



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15, 2010. The parties were required to appear at Court on Wednesday, December 22, 2010, but the Court did not take any action at that time. Instead, the Court adjourned the matter to January 19, 2011. In the interim, the parties may engage in preliminary discovery in an attempt to resolve this matter. The parties are conducting discovery. The parties have completed discovery. Trial in this matter is scheduled for January 30, 2012. After being presented with motions for summary disposition, the Court ordered the parties to engage in mediation with a neutral municipal audit professional. Financial documents concerning this case are now being reviewed by an independent CPA. It is expected that the April 19, 2012 trial date will be postponed until after this review is complete. Mediation was unsuccessful in resolving this case, and therefore the Court is expected to issue an order on the pending Summary Disposition Motions. The trial date has been adjourned. On November 13, 2012, Oakland County Circuit Court Judge Shalina Kumar issued her order in favor of the City, and dismissed this case. Plaintiffs filed an appeal, which is now pending in the Michigan Court of Appeals. Appellant's brief is expected to be filed soon. The parties timely filed their appellate briefs, and are now waiting for the Court of Appeals to schedule a date for oral argument. The Court of Appeals has not yet scheduled oral argument for this case. The parties are still waiting for a date for oral argument. Oral argument was held on March 4, 2014. On March 13, 2014, the Court of Appeals issued its opinion ruling in the City's favor and affirming the Circuit Court's decision dismissing the case. On April 23, 2014, Plaintiff Home Builders filed an Application for Leave to Appeal with the Michigan Supreme Court. Troy's response was filed on May 19, 2014. The Michigan Supreme Court considered the application for leave to appeal and ordered that the matter be scheduled for oral argument. The Court also permitted the parties to submit supplemental briefs, which are due October 29, 2014. The City timely filed its supplemental brief with the Michigan Supreme Court. The parties are now waiting for the Court to set a date for oral argument on the application. The Michigan Supreme Court entertained oral arguments on the application for leave to appeal on March 11, 2015. On June 4, 2015, the Michigan Supreme Court reversed the decisions of the Court of Appeals and the Circuit Court and ruled there was no requirement for Plaintiffs to exhaust their administrative remedies. The case was remanded to Circuit Court for further proceedings. A status conference was held on June 18, 2015 with Judge Kumar. During the status conference, Judge Kumar scheduled a hearing for September 2, 2015, allowing the parties to address the issues that were previously raised in the motion for summary disposition but were not decided since the case was initially dismissed for failure to exhaust administrative remedies. At the hearing on September 2, 2015, Judge Kumar allowed Plaintiffs to request additional discovery within 30 days. Thereafter, both parties are allowed to file supplemental briefs. Supplemental briefs have been filed and we are awaiting a decision. On February 5, 2015, Judge Kumar issued her opinion and order ruling in favor of the City and dismissing the case. Plaintiffs filed a Claim of Appeal with the Michigan Court of Appeals on February 23, 2016. The Plaintiffs and the City have both filed appellate briefs. Based on our request, the Michigan Municipal League Legal Defense Fund, Public Corporations Section of the State Bar of Michigan, Michigan Townships Association and also Safe Built have filed a motion asking for permission to file amicus briefs supporting the City's position. The Michigan Association



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of Realtors has sought permission to file an amicus brief supporting Plaintiffs' position. The Plaintiffs filed a reply brief. We are waiting for the Court of Appeals to rule on the motions for amicus briefs and to schedule a date for oral argument. Oral argument has not yet been scheduled. The parties presented oral arguments on September 7, 2017. On September 28, 2017, the Court of Appeals entered a two to one decision affirming the Circuit Court's grant of summary disposition in favor of the City. The Plaintiffs have filed an application for leave to appeal to the Michigan Supreme Court. The City timely filed an answer to the application. Additionally, the Michigan Municipal League's Legal Defense Fund, the Government Law Section of the State Bar of Michigan, and the Michigan Townships Association filed a motion to file an amicus curiae brief with the Supreme Court, supporting the City's position and asking for a denial of the application for leave to appeal. The Court granted the request for MML's amicus brief on January 5, 2018, and the brief was accepted for filing. The Michigan Realtor's Association filed a motion to file an amicus brief on behalf of Plaintiff Home Builders on February 23, 2018. On June 20, 2018, the Michigan Supreme Court entered an order granting the Michigan Realtor's Association's motion to file a brief amicus curiae. The Court also ordered that oral arguments be scheduled on Plaintiff's application for leave to appeal, and established a schedule for submitting supplemental written briefs. The Court accepted an amicus brief from the Michigan Health and Hospital Association and the Michigan Society of Association Executives, which was drafted by the attorney representing the Home Builders. The parties are now waiting for the Supreme Court to schedule oral argument. On December 19, 2018, the Michigan Manufacturers Association filed a motion to file a brief amicus curiae, and attached its proposed brief to the motion. On December 21, 2018, the Supreme Court granted the motion and accepted the brief that was submitted on December 19, 2018 for filing. The Michigan Supreme Court presided over the oral argument on March 7, 2019. After oral argument, the Court granted a motion to file a late amicus curiae brief. The City filed a response seeking to address the arguments raised in that brief and attached a proposed response. On April 5, 2019, the Court granted the City's motion to file a response to the amicus curiae brief and accepted the City's response for filing. The parties are now waiting for the Supreme Court to issue its opinion. On July 11, 2019, the Michigan Supreme Court entered its decision holding that the use of the revenue generated by the City's building inspection fees to pay the Building Department's budgetary shortfalls in previous year's violates the State Construction Code Act. The Court reversed the decisions of the Court of Appeals and the Circuit Court and remanded the case back to the Circuit Court for further proceedings. On remand the City can still present evidence to justify the retention of a portion of the fees. The Court permitted additional discovery, as requested by Plaintiff, and the City has responded to the numerous discovery requests. The Plaintiffs sought additional discovery, which the City objected to. The Plaintiffs then filed a motion to compel additional discovery and the City filed a response to the motion. The parties resolved the motion without a hearing with a stipulated order in which the City agreed to provide some additional information, which has now been provided. The Plaintiffs have now indicated they would like to take some depositions. Because of the Emergency Declaration, and the difficulty in conducting depositions, Plaintiff filed a motion to extend the discovery deadline, and the City has not objected to



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this Motion. The Court has scheduled a new trial date. Plaintiffs filed a motion for summary disposition. The Court issued a scheduling order, requiring the City to respond on or before November 18, 2020, and scheduling the hearing for December 2. Oral argument was held on the summary disposition motion on December 2nd. We are awaiting a decision from the Court. The Court granted Plaintiffs' motion to file supplemental information. Plaintiffs then filed a supplementary brief, and the City filed its response. We are awaiting a decision by the Court on the summary disposition motion. On May 26, 2021, the Court entered its opinion and order denying both requests for summary disposition. The Court ruled that the Michigan Association of Home Builders had standing to pursue a claim under the Headlee Amendment but it dismissed the Headlee Amendment claims of Associated Builders and Contractors of Michigan and Michigan Plumbing and Mechanical Contractors Association on the basis those Plaintiffs did not establish standing. The case will now proceed to trial unless otherwise resolved through facilitation. The Court has scheduled a status conference for June 30th. The Court ordered facilitation, which was unsuccessfully accomplished on September 15, 2021. The Court also allowed the Plaintiff to take a late deposition of the City's Chief Financial Officer Rob Maleszyk, who was not employed during by the City prior to the discovery cut-off date. The case will now proceed to trial, and the Court has scheduled a status conference for October 19, 2021. The Court adjourned the status conference to November 2, 2021 and subsequently adjourned it to January 14, 2022. **The case was re-assigned to visiting Judge Sosnick since Judge Kumar was appointed to serve as a Judge in Federal Court. The status conference was then adjourned to March 1, 2022. However, the case was then re-assigned to the newly appointed Judge Cohen and the status conference was rescheduled for April 5, 2022.**

2. Roumayah Consulting, LLC and Kevin Roumayah v City of Troy - Plaintiff Roumayah LLC is the master tenant for property at 33611 Dequindre Road in Troy that it subleases for use by caregivers registered under the Michigan Medical Marihuana Act (MMMA) to cultivate medical marihuana. Plaintiff Kevin Roumayah is a registered caregiver under MMMA and uses one of the suites at 33611 for a medical marihuana grow operation. The Plaintiffs filed a lawsuit in Oakland County Circuit Court challenging the validity of the City of Troy Medical Marihuana Grow Operation License Ordinance, Chapter 104 that went into effect May 3, 2018. Plaintiffs claim they are entitled to injunctive relief because: 1) the ordinance is a zoning ordinance that was not adopted in accordance with the Michigan Zoning Enabling Act (MZEa); 2) the Plaintiffs have a valid nonconforming use under the MZEa; 3) the ordinance results in a taking of Plaintiffs property without just compensation and due process; 5) the ordinance deprives Plaintiffs of equal protection under the law; and 6) the ordinance is invalid because it is preempted by the MMMA. The Plaintiffs are seeking a declaratory judgment that the ordinance is invalid and an injunction to preclude enforcement of the ordinance. The case was assigned to Oakland County Circuit Court Judge Leo Bowman. Plaintiffs' request for a temporary restraining order and/or preliminary injunction was denied by the Court on June 13, 2018. The case is now in the discovery phase. During the pendency of this case, the Michigan Court of Appeals issued an opinion in a separate



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case the directly addressed the issue of whether a municipal ordinance is preempted by the MMMA. That case was appealed to the Michigan Supreme Court. The Supreme Court's decision on that appeal will have a direct impact on the outcome of this case. Thus, the Plaintiff and the City stipulated to a stay of proceedings pending the outcome of the appeal to the Michigan Supreme Court. On December 12, 2018, Judge Bowman issued an order to stay the proceedings. On January 23, 2019, the Michigan Supreme Court granted the township's application for leave to appeal in the other case, as mentioned above, so the Supreme Court will likely determine whether a municipal ordinance is preempted by the MMMA. The parties are still waiting for the Michigan Supreme Court to issue its decision in the Byron Township case. The oral argument in the Byron Township case was scheduled for October 3, 2019. The Supreme Court has not yet issued its opinion in this case. As of March 31, 2020, the Supreme Court has not issued its opinion in the Byron Township case. The Supreme Court issued its opinion in *DeRuiter v. Byron Township* on April 27, 2020, which was favorable to the municipal defendant. Roumayah's attorney has not yet responded to the City's inquiry about Plaintiff's plans and/or potential reinstatement of the case after the *DeRuiter* decision.

3. Thomas Darling v. City of Troy - Plaintiff Thomas Darling filed this Whistleblower lawsuit against the City of Troy on October 10, 2019. It is assigned to Oakland County Circuit Court Judge Daniel P. O'Brien. Darling was the City's former finance director, and was terminated on July 15, 2019. He argues that his termination resulted from his participation in the 2016 Craig Lange investigation of Brian Kischnick and his assistance with the Plante & Moran forensic engagement. This case will be primarily handled by outside labor counsel/ insurance counsel. The City timely filed its answer to the complaint. The parties are conducting discovery. The parties are continuing with the exchange of discovery and scheduling depositions. After filing motions for summary disposition, one of Plaintiff's counts is dismissed, and the other remains pending. The City filed a motion for reconsideration as to the remaining count. The trial date is re-scheduled for January 2021. Due to COVID restrictions, the Court adjourned the trial date from January to May 2021. Because of COVID, all jury trials were temporarily postponed at the Oakland County Circuit Court. The jury trial has now been adjourned until October 25, 2021. The Court adjourned the trial date to March 31, 2022. **The Court again adjourned the trial to a new date of June 27, 2022.**
4. Jack Wolfe v City of Troy – Plaintiff Jack Wolfe filed this lawsuit against the City. It was initially assigned to visiting Oakland County Judge Edward Sosnick. Plaintiff challenges the City's Medical Marihuana Grow Operation License Ordinance (Chapter 104 of Troy City Code), alleging it was enacted in violation of the Michigan Zoning Enabling Act, and also argues that the ordinance is preempted by the Michigan Medical Marihuana Act. He is seeking \$250,000 in damages, plus injunctive and declaratory relief. The City was alerted to an alleged caregiver operating without a license at 979 Badder Street, and the City issued a notice to quit to the property owner. Plaintiff then applied for a license, but was placed on the wait list, since the City already had over its cap of 36 caregivers. As of July 7, 2021, there was no unlicensed marihuana caregiver operation at the property. In addition to the complaint, Plaintiff filed a motion seeking preliminary injunctive relief. The City filed a response, and the



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hearing on the motion was scheduled for August 18, 2021, but adjourned at Plaintiff's request. In the meantime, the City filed an answer to the complaint and a motion for summary disposition seeking a dismissal of the case in its entirety. The case has now been assigned to newly appointed Oakland County Circuit Court Judge Kwamé L. Rowe, who scheduled the motion for summary disposition for December 8, 2021. The hearing on the motion for summary disposition was rescheduled to January 5, 2022. **After oral argument, the Court took the matter under advisement and indicated a written opinion and order would be issued. On February 23, 2022, the Court issued its Opinion and Order granting summary judgment in favor of the City and dismissing the case. On March 17, 2022, the Plaintiff filed a motion for reconsideration, which is still pending.**

5. Johnson v. Troy Police Department – Plaintiff filed this civil suit against the Troy Police Department, alleging a violation of MCL 752.11 (a criminal statute). This lawsuit stems from Mr. Johnson's disagreement with Troy School District's enforcement of the mask policy mandated by the Oakland County Health Department. Mr. Johnson's son is a third grader at one of the elementary schools, and he was not permitted to attend class in-person without a mask. Mr. Johnson alleges that the Troy Police Department failed to uphold the law, since it did not take action to stop the Troy School District from enforcing the mask mandate. The case was filed in 52-4 District Court, and was assigned to Judge Maureen McGinnis. The City filed a motion for summary disposition as its first responsive pleading. The Court scheduled oral argument for March 2, 2022. **Judge McGinnis granted the Police Department's motion for summary disposition, and this case is now concluded.**
6. 3385 Rochester Road LLC v. Oakland County and the City of Troy- Plaintiff filed this suit in the Eastern District of Michigan, and it was assigned to the Honorable Judith Levy. The Complaint stems from the foreclosure of the property in 2018, which Plaintiff unsuccessfully tried to quash in the Oakland County Circuit Court. Subsequently, the City purchased the property from the County and demolished the building, which had been unoccupied for nearly 20 years. After the building was demolished, the City used the competitive bid process to sell the property to a sole bidder for the appraised value. Aside from the staffing and out of pocket costs spent by the City to acquire and demolish the property, the remaining proceeds were remitted to Oakland County, pursuant to state law. Plaintiff's Complaint essentially alleges four separate violations under various different 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. **Based on a request from Plaintiff, who wanted to preserve the right to file this case, but also recognized that there was a pending Michigan Supreme Court case that would likely provide clarity as to the law, the parties stipulated to a dismissal of the case without prejudice. Plaintiff will be able to bring this case at a later time, should the Michigan Supreme Court decision be favorable.**



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7. **Tompkins v City of Troy** - Plaintiff filed this claim and delivery action seeking a return of a handgun that was seized by the police when Plaintiff was arrested for domestic assault, operating while intoxicated, carrying a concealed pistol while under the influence of alcoholic liquor, and open intoxicants in a motor vehicle. The City filed an answer to the complaint and the motion for possession. The case was assigned to Judge McGinnis. At a hearing on February 9, 2022 the Court denied Plaintiff's motion for possession and scheduled the case for a pretrial on March 30, 2022. On March 7, 2022, a consent order was entered allowing the firearm to be returned to a third party. This case is now concluded.
8. **Hoggarth v City of Troy** - Plaintiff filed this claim and delivery action seeking a return of a shotgun that was seized by the police when Plaintiff was arrested for possession of a firearm while under the influence of alcoholic liquor. The City filed an answer to the complaint and the motion for possession. The case was assigned to Judge McGinnis. At the hearing on March 23, 2022 the Court denied the motion for possession. The case is now scheduled for a pretrial on May 4, 2022.
9. **Williams v City of Troy** - Plaintiff filed this claim and delivery action seeking a return of a handgun that he turned over to the police as a condition of bond when he was charged with careless discharge of a firearm. The City filed an answer to the complaint and the motion for possession. The case was assigned to Judge Hartig and is scheduled for a hearing on April 20, 2022 on the motion for possession.

G. CRIMINAL APPEALS/ DISTRICT COURT APPEALS

These are cases involving an appeal from a decision of the 52-4 District Court in an ordinance prosecution case.

1. **City of Troy v. Tierra Posey** - In 2016, Defendant pled guilty to possession of marijuana. Defendant failed to appear for her sentence date later in 2016, and remained in bench warrant status until July 2020. In the interim, the Michigan Regulation and Taxation of Marihuana Act was passed in 2018 (recreational marihuana). Defendant argued in District Court that although she was guilty of a crime in 2016, she could not be punished since marihuana is now legal. Judge McGinnis denied the Defendant's motion to dismiss the charge. Defendant filed an appeal with the Oakland County Circuit Court. The case has been assigned to Judge Rae Lee Chabot. The City filed a timely response to the appeal. The parties are waiting for the Court to issue an opinion on the appeal. The Court granted Defendant's application for leave to appeal. It issued a scheduling order, which has oral argument scheduled in October 2021. The briefing is now complete, and the parties are awaiting oral argument, which is scheduled for October 20, 2021. The Court waived oral argument, and the parties are now awaiting a written opinion. **The Court issued a written opinion that held that Defendant may not be punished for possession of marijuana under the City's ordinance, based on the MRTMA, even though she pled guilty to the offense before MRTMA passed. Therefore, the criminal case against Defendant was dismissed.**



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2. City of Troy v Aubrey and Kagan - These two intoxicated driving cases were consolidated. Defendants challenged the admission of breath alcohol test results from the City's DataMaster instrument, based on the alleged fraud committed by the Michigan State Police contractor who conducted the mandatory 120- day inspections of the instrument in February, June, and September of 2019. That contractor faced a criminal investigation for alleged fraud on 120- day Data Master inspection certifications in other jurisdictions in Michigan. Troy's DataMaster instrument was not implicated as one of the instruments involved in the alleged fraudulent conduct. After a lengthy evidentiary hearing over three separate days, on December 23, 2020, 52-4 District Court Judge Kirsten Nielsen Hartig issued an opinion and order suppressing the breath test results. Judge Hartig opined that the City could not show its DataMaster instrument was reliable at the time the breath tests were administered to the defendants. The City filed an application for leave to appeal the decision of Judge Hartig with the Oakland County Circuit Court, and the appeals were assigned to Judge Phyllis C. McMillen. The Defendants filed a response to Troy's application for leave to appeal. On February 9, 2021, Judge McMillen granted the City's application for leave to appeal in both cases. As a result, the District Court files will need to be provided to the Circuit Court, and then the parties will file appellate briefs. All parties have filed appellate briefs. The cases have been consolidated with another criminal appeal filed by Defendant Kyla Marcial appealing a decision of Judge McGinnis denying a motion to suppress breath test results involving the same arguments made in the Aubrey and Kagan cases. Oral argument on the consolidated appeals has been scheduled for August 25, 2021. Prior to the date scheduled for oral argument, the Defendants each filed a motion to stay the proceedings pending the outcome of a case now before the Michigan Supreme Court – *People v Fontenot*. The basis for the motion to stay is that the *Fontenot* case may have some bearing on the outcome of these cases. At the hearing on August 25, 2021, the Circuit Court adjourned the matter to allow Defendants an opportunity to file delayed applications for leave to appeal, based on the *Fontenot* case. The Defendants subsequently filed delayed applications for leave to file a cross appeal, which the Court granted. Defendants also filed motions to enlarge the record to include testimony from other cases related to the challenges to breath test results that took place in other courts. The Defendants filed briefs in support of their cross-appeal and the City filed a response for each Defendant. The parties are awaiting a hearing date on the City's appeal and the Defendants cross- appeal or an order on the motion for a stay. **On January 7, 2022, the Court issued its Opinion and Order in favor of the City and denied the Defendant's motions to stay the proceedings and to enlarge the record, and reversed the District Court decision suppressing the breath test results.**
3. City of Troy v Kyla Marcial- This case contains similar legal issues as presented in the above matters, Kagan and Aubrey. Defendant Marcial was charged with operating a vehicle while intoxicated, and she challenged the admission of breath alcohol test results from the City's DataMaster instrument, based on the alleged fraud committed by the Michigan State Police contractor who conducted the mandatory 120- day inspections of the instrument in February, June, and September of 2019. That



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contractor faced a criminal investigation for alleged fraud on 120- day Data Master inspection certifications in other jurisdictions in Michigan. Troy's Data Master instrument was not implicated as one of the instruments involved in the alleged fraudulent conduct. The case involving Defendant Marcial was litigated in front of Judge McGinnis, and after a lengthy evidentiary hearing, Judge McGinnis issued an opinion and order allowing the breath test results to be admitted. Defendant Marcial filed an application for leave to appeal the decision with the Oakland County Circuit Court. For judicial economy purposes, this case was later consolidated with the Kagan and Aubrey matters (above) and re-assigned to Judge Phyllis C. McMillen. All parties have filed briefs on appeal, and oral argument has been scheduled for August 25, 2021. This case has been consolidated with the Aubrey case. The parties are awaiting a hearing date for the appeal. **On January 7, 2022, the Court issued its Opinion and Order in favor of the City, denying the Defendant's motions to stay the proceedings and to enlarge the record. The Court also affirmed the District Court's decision concerning admission of the Data Master test results.**

H. ADMINISTRATIVE PROCEEDINGS

There are no pending administrative proceedings at this time.

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