



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM



Date: May 2, 2023

To: Honorable Mayor and Members of the Troy City Council

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

Subject: Adler Cove Open Space Preservation Easement

On February 14, 2022, City Council approved a 20-unit detached single family condominium cluster development proposed by Adler Cove LLC for property located on the south side of Long Lake Road, east of John R which is zoned R-1C, one family residential. Under the City's Zoning Ordinance and as a condition of final site plan approval, a Developer who chooses to use the Cluster Option must permanently set aside dedicated open space through an irrevocable conveyance (Troy Zoning Ordinance 10.04.D.7).

For this project, the Developer proposes to preserve thirty-eight percent (38%) of the ten (10) acres it owns. The City's Zoning Ordinance provides that the irrevocable conveyance must be perpetually maintained by those with an ownership interest in the open space, delineated in the landscape plan and the proposed open space agreement. It further provides that if the owners fail to maintain the open space such that it becomes a public nuisance, then the City may undertake maintenance and annually assess costs. Finally, the open space must forever remain open space as approved on the Final Site Plan, except that accessory structures are permitted as long as they do not exceed one percent (1%) of the total open space area. Troy's Zoning Ordinance also specifically requires that the recorded document preserving open space shall prohibit dumping or storing of material or refuse, activity that causes soil erosion, cutting live plant material except for dying or diseased vegetation, and the use of motorized vehicles on the property.

As the development project nears completion, the Developer must have an approved Open Space Preservation Easement so that it can be recorded with the Oakland County Register of Deeds.

Recommendation

The City Attorney's office has reviewed the attached Open Space Preservation Easement and determined that it satisfies the criteria.

Attachments:
City Council Minutes February 14, 2022
Open Space Preservation Easement with Exhibits

OPEN SPACE PRESERVATION EASEMENT

THIS OPEN SPACE PRESERVATION EASEMENT made this _____ day of _____, 2023, by and between Adler Cove, LLC, a Michigan limited liability company, whose address is 20215 Schoenherr Road, Shelby Township, Michigan 48315, (hereinafter the "Developer"), and the City of Troy, and its successors or assigns, whose address is 500 West Big Beaver Road, Troy, Michigan 48084 (hereinafter the "City").

RECITALS

A. Developer owns a certain parcel of land situated in the City of Troy, Oakland County, Michigan, as described in Exhibit A, attached hereto and made a part hereof (the "Property"). Developer has received final site plan approval for construction of a single-family residential site condominium on the Property using the One-Family Cluster Option pursuant to Troy's Zoning Ordinance, Chapter 39, Section 10.04 which requires that certain portions of the Property be permanently preserved as open space areas. Developer desires to grant such an easement in order to preserve the required open space areas.

B. The designated open space areas (hereinafter the "Easement Areas") situated on the Property are more particularly described on Exhibit B, attached hereto and made a part hereof, the second page of which contains a drawing depicting the Easement Areas.

C. The designated Easement Areas fulfill the following open space benefit consistent with Chapter 39, Section 10.04(D)(4):

1. Significant Natural Features. Preservation of significant natural features contained on the site, as long as it is in the best interest of the City to preserve the natural features that might be negatively impacted by conventional residential development. The determination

of whether the site has significant natural features shall be made by the City Council, after review of a Natural Features Analysis, prepared by the applicant that inventories these features. The Natural Features include Open Space Areas, the Tree Preservation Areas, the Wetland Preservation Areas, the Natural Grass Areas, the Gibson Renshaw Drain, and the Concrete Sidewalk between Units 10 and 11, as depicted on Exhibit C – Natural Features Plan, attached hereto.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), the receipt and adequacy of which are hereby acknowledged, Developer hereby reserves, conveys and grants the following perpetual Open Space Preservation Easement, which shall be binding upon the Developer, and its respective heirs, successors, assigns and/or transferees and shall be for the benefit of the City, all Developers and purchasers of the Property and their respective heirs, successors, assigns and/or transferees.

1. The purpose of this Open Space Preservation Easement is to preserve the Easement Areas as identified and depicted in the final site plan approved by the City of Troy and as areas that qualify as "open space" in accordance with Chapter 39, Section 10.04(D) of the One-Family Cluster Option. The designated Easement Areas shall be perpetually preserved as open space, and uses of the open space are limited to parks, playgrounds, fields, walking trails, nature areas and other approved uses as permitted in accordance with the One-Family Cluster Option.

2. The following uses and activities are expressly prohibited in the Easement Areas;

- a. dumping or storing any material or refuse,
- b. any activity that may cause risk of soil erosion or threaten any living plant material,
- c. cutting or removing live plant material except for the removal of dying or diseased vegetation,
- d. using motorized off-road vehicles,

3. The dedicated open space shall be perpetually maintained by any party or parties that have an ownership interest in the open space. Initially, the responsible party shall be Developer and thereafter the

responsible party shall be any association of co-owners responsible for the portion of the Property in which the one or more of the Easement Areas are located (each an "Association"). The Easement Areas shall be maintained and repaired in the condition required by the final approved site plan, including but not limited to maintenance of landscaped areas and amenities, if any, therein. Once the master deed for the condominium project is recorded and the association of co-owners is incorporated to own and operate the condominium project including the dedicated Easement Areas, and it shall also be the association's responsibility to maintain and repair the Easement Areas

4. This Open Space Preservation Easement does not grant or convey to City, or any member of the general public, any right of ownership, possession or use of the Easement Area, except that, upon reasonable written notice to Developer, City and its authorized employees and agents (collectively, "City's Representatives") may enter upon and inspect the Easement Area to determine whether the Easement Area is being maintained in compliance with the terms of this Open Space Preservation Easement.

5. The Easement Areas consist mainly of undeveloped wooded wetland areas, lawn areas, utilities, and storm sewer. The wooded and wetland areas (except the utilities, and storm sewer) shall remain perpetually in their natural undeveloped state. The Easement Areas shall be carefully inspected on a weekly basis by the Association. The Association shall immediately remove any garbage and debris that is found in the Easement Areas. The Association shall hire a professional landscaping company to mow the lawn areas. The lawn shall be maintained in accordance with all City Ordinances and shall be cut at a minimum on a weekly basis (or more often if necessary) during the appropriate seasons when the lawn will be growing.

6. In the event that the Developer or the successor Association shall at any time fail to carry out the responsibilities specified within this Open Space Preservation Easement and/or fail to preserve and/or maintain the open space areas in reasonable order and condition or such that it becomes a public nuisance, the City may serve written notice upon the responsible Developer or Association setting forth the deficiencies in maintenance and/or

preservation. Notice shall also set forth a demand that the deficiencies be cured within a stated reasonable time period. If the identified deficiencies are not timely cured administratively, the City may issue citations for violation of any City Code. If the deficiency concerns any provision of this Open Space Preservation Easement then, after a reasonable time allowed for curing any deficiencies, a hearing may be held before the City Council, or such other Council, body or official delegated by the City Council, for the purpose of allowing the responsible Developer or Association to be heard as to why the City should not proceed with the maintenance and/or preservation which has not been undertaken. At the hearing, the time for curing the deficiencies and the hearing itself may be extended and/or continued to a date certain. If, following the hearing, the City Council, or other body or official, designated to conduct the hearing, shall determine that maintenance and/or preservation have not been undertaken within the time specified in the notice, the City shall have the power and authority but not the obligation to enter upon the Property, or cause its agents or contractors to enter upon the Property and perform such maintenance and/or preservation as reasonably found by the City to be appropriate. The cost and expense of making and financing such maintenance and/or preservation including the cost of notices by the City and reasonable legal fees incurred by the City, plus an administrative fee in the amount of 25% of the total of all costs and expenses incurred, shall be paid by the responsible Developer or Association, and such amount shall constitute a lien on an equal pro rata basis as to all of the units of the condominium within which the Easement Areas are located. In the event one or more of the affected Easement Areas are not located within a condominium, the lien shall be against the portion of the Property in which the Easement Area is located. The City may require the payment of such monies prior to the commencement of work. If Developer or Association has not paid the billed costs and expenses within 30 days all unpaid amounts may be placed on the delinquent tax roll of the City, pro rata, as to each unit, and shall accrue interest and penalties, and shall be collected as, and shall be deemed delinquent real property taxes, according to the laws made and provided for the collection of delinquent real property taxes. In the discretion of the City, such costs and expenses may be collected by suit initiated against the responsible Developer/Association, and, in such event, the responsible Developer/Association shall pay all court

costs and reasonable attorney fees incurred by the City in connection with such suit.

7. This Open Space Preservation Easement has been made and given for a consideration of a value less than One Hundred (\$100.00) Dollars, and, accordingly, is (i) exempt from the State Transfer Tax, pursuant to MCL 207.526(6)(a); MSA 7.456(26)(2) and (ii) exempt from the County Transfer Tax, pursuant to MCL 207.505(a); MSA 7.456(5)(a).

8. This Open Space Preservation Easement shall be recorded with the Oakland County Register of Deeds. Adler Cove, LLC shall be responsible for recordation of this Agreement including all costs and applicable fees.

DEVELOPER

ADLER COVE, LLC,
a Michigan limited liability company

By: _____
Joseph Maniaci, Member

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Joseph Maniaci, as Manager of ADLER COVE, LLC, limited liability company, on its behalf.

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

[SIGNATURES CONTINUE ON NEXT PAGE]

CITY OF TROY,
a Michigan municipality

By: _____
Ethan Baker
Its: Mayor

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____
day of _____, 2023, by Ethan Baker, Mayor of the City of Troy, a
Michigan municipal corporation, on behalf of the Corporation.

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

By: _____
M. Aileen Dickson
Its: Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____
day of _____, 2023, by M. Aileen Dickson, City Clerk of the City of
Troy, a Michigan municipal corporation, on behalf of the Corporation.

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

When Recorded Return To:

Mark J. Abdo, Esq.
12900 Hall Road, Suite 403
Sterling Heights, Michigan 48313
Office Telephone number: (586) 412-1900

EXHIBIT A - LEGAL DESCRIPTION

LEGAL DESCRIPTION (Per PEA Group)

PROPOSED PARCEL A

A parcel of land over part of the Northwest 1/4 of said Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, and being more particularly described as:

Commencing at the Northwest corner of said Section 13;
thence along the north line of said Section 13, S87°08'40"E, 320.00 feet; thence S05°03'06"W, 60.04 feet to the south line of Long Lake Road (60 foot half width) and the POINT OF BEGINNING;
thence along said south line, S87°08'40"E, 558.39 feet;
thence S02°46'18"W, 718.55 feet; thence N87°08'42"W, 215.86 feet;
thence S02°45'40"W, 474.45 feet; thence N87°08'40"W, 90.07 feet to the surveyed centerline of the Gibson-Renshaw Drain;
thence Northerly 1288.75 feet along said drain centerline, the surveyed centerline of said drain being described as the following seven (7) courses: 1) N18°30'05"W, 356.40 feet and 2) 487.37 feet along an arc of a curve to the right, having a radius of 1488.70 feet and a chord that bears N01°14'18"W, 485.19 feet and 3) 252.79 feet along an arc of a curve to the left, having a radius of 390.16 feet and a chord that bears N08°53'25"W, 248.39 feet and 4) N14°39'01"W, 46.15 feet and 5) N49°20'57"W, 18.81 feet and 6) N09°27'26"W, 58.15 feet and 7) N07°44'52"E, 21.66 feet to aforementioned south line of Long Lake Road and the POINT OF BEGINNING

EXCEPT that portion of land being more particularly described as:

Commencing at the Northwest corner of said Section 13;
thence along the north line of said Section 13, S87°08'40"E, 320.00 feet; thence S05°03'06"W, 60.04 feet to the south line of Long Lake Road (60 foot half width); thence along said south line, S87°08'40"E, 321.47 feet to the west line of a proposed road (Adler Court - 40 foot wide); thence along said west line the following six (6) courses:
1) S02°51'20"W, 55.14 feet and 2) 111.40 feet along an arc of a curve to the left, having a radius of 250.00 feet and a chord that bears S09°54'35"E, 110.48 feet and 3) S22°40'31"E, 28.80 feet and 4) 93.27 feet along an arc of a curve to the right, having a radius of 210.00 feet and a chord that bears S09°57'06"E, 92.50 feet and 5) S02°46'18"W, 178.31 feet and 6) 34.71 feet along an arc of a curve to the right, having a radius of 210.00 feet and a chord that bears S07°30'26"W, 34.67 feet to the POINT OF BEGINNING;
thence continuing along said west line of a proposed road, 31.94 feet along an arc of a curve to the right, having a radius of 210.00 feet and a chord that bears S16°36'00"W, 31.91 feet;
thence N69°55'54"W, 149.11 feet; thence S33°39'46"W, 72.67 feet;
thence N36°08'32"W, 41.34 feet; thence N03°10'58"E, 154.29 feet;
thence N21°18'29"E, 65.16 feet; thence N11°42'15"W, 29.68 feet;
thence N01°46'40"E, 75.59 feet; thence N74°14'35"E, 52.02 feet;
thence S15°45'25"E, 21.46 feet; thence S19°56'32"E, 59.36 feet;
thence S07°22'13"E, 50.97 feet; thence S02°46'18"W, 60.00 feet;
thence S02°47'25"W, 60.00 feet; thence S04°01'20"W, 55.89 feet;
thence S77°45'25"E, 114.94 feet to the aforementioned west line of a proposed road and the POINT OF BEGINNING.

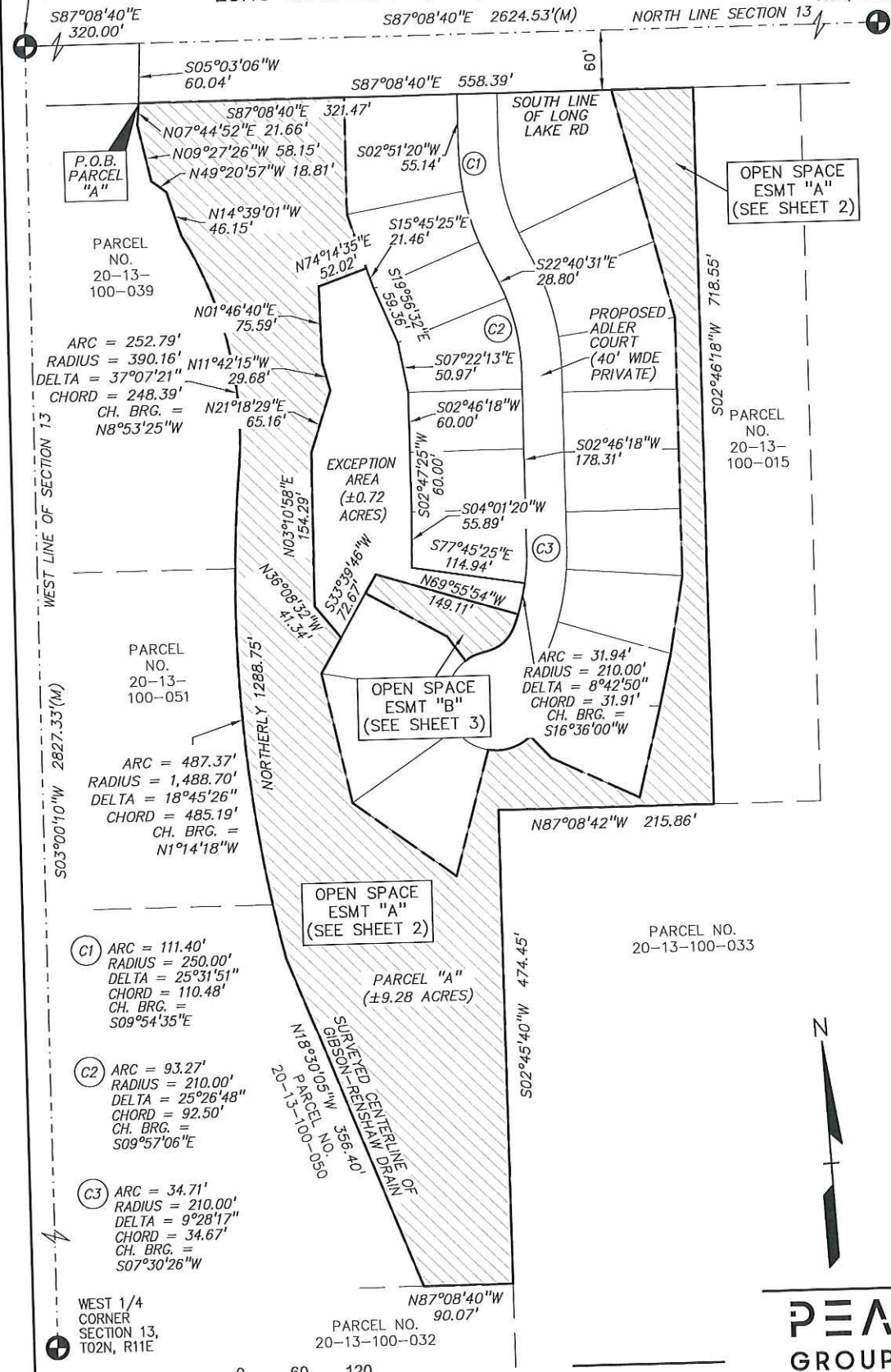
Containing 9.28 acres of land, more or less.

EXHIBIT B - SKETCH OF OPEN SPACE EASEMENTS "A" & "B"

NORTHWEST
CORNER
SECTION 13,
T02N, R11E

NORTH 1/4
CORNER
SECTION 13,
T02N, R11E

LONG LAKE ROAD (60' 1/2 WIDTH - PUBLIC)



MONDRIAN
PROPERTIES
50215 SCHOENHERR
SHELBY TWP, MI 48315

0 60 120
SCALE: 1" = 120'

SHEET 2 OF 6
NOVEMBER 10, 2022
2016-266

PEA
GROUP

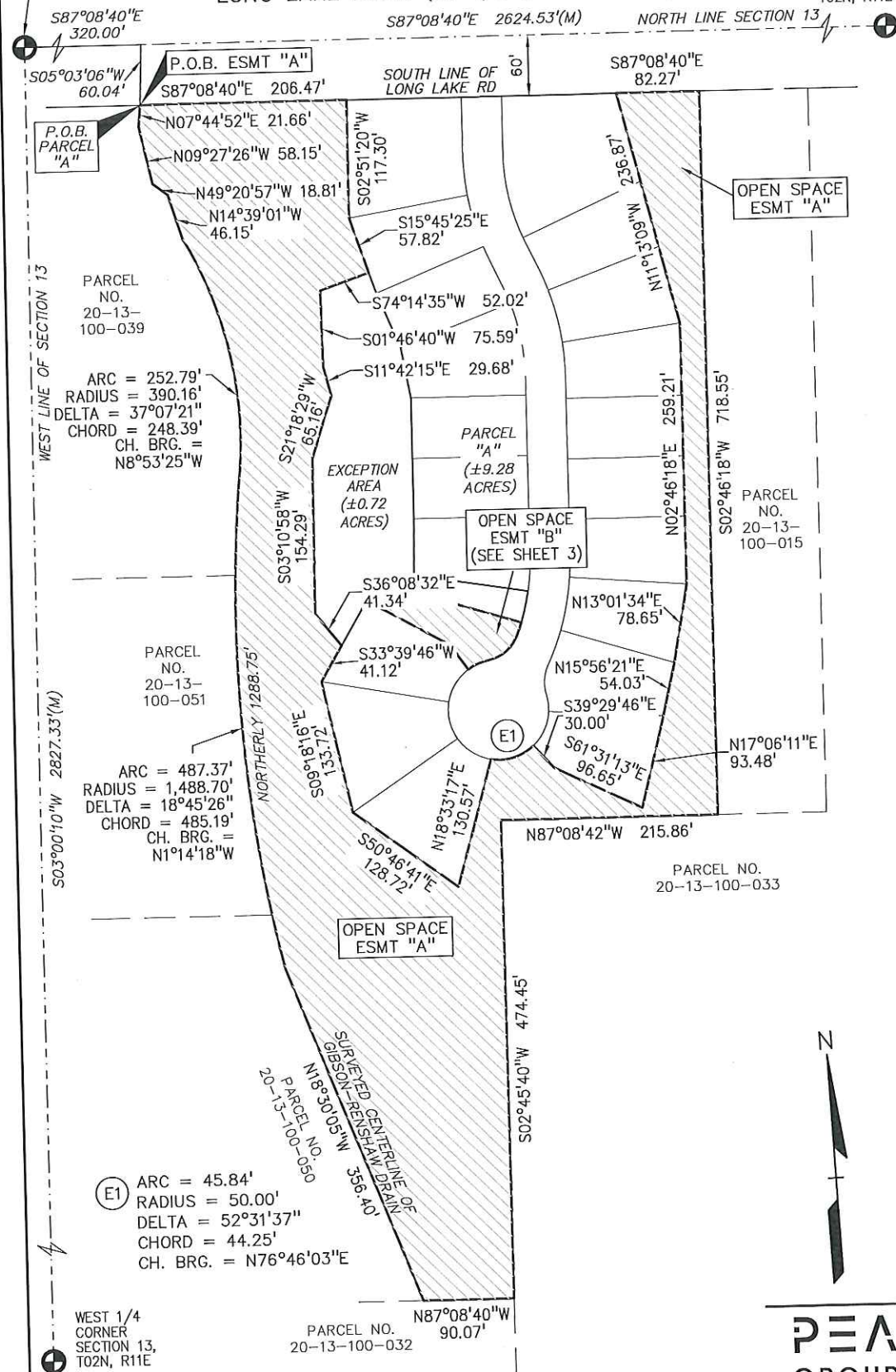
t: 844.813.2949
www.peagroup.com

EXHIBIT B - SKETCH OF OPEN SPACE EASEMENTS "A" & "B"

NORTHWEST
CORNER
SECTION 13,
T02N, R11E

NORTH 1/4
CORNER
SECTION 13,
T02N, R11E

LONG LAKE ROAD (60' 1/2 WIDTH - PUBLIC)



MONDRIAN
PROPERTIES
50215 SCHOENHERR
SHELBY TWP, MI 48315

0 60 120
SCALE: 1" = 120'

SHEET 3 OF 6
NOVEMBER 10, 2022
2016-268

PEA
GROUP

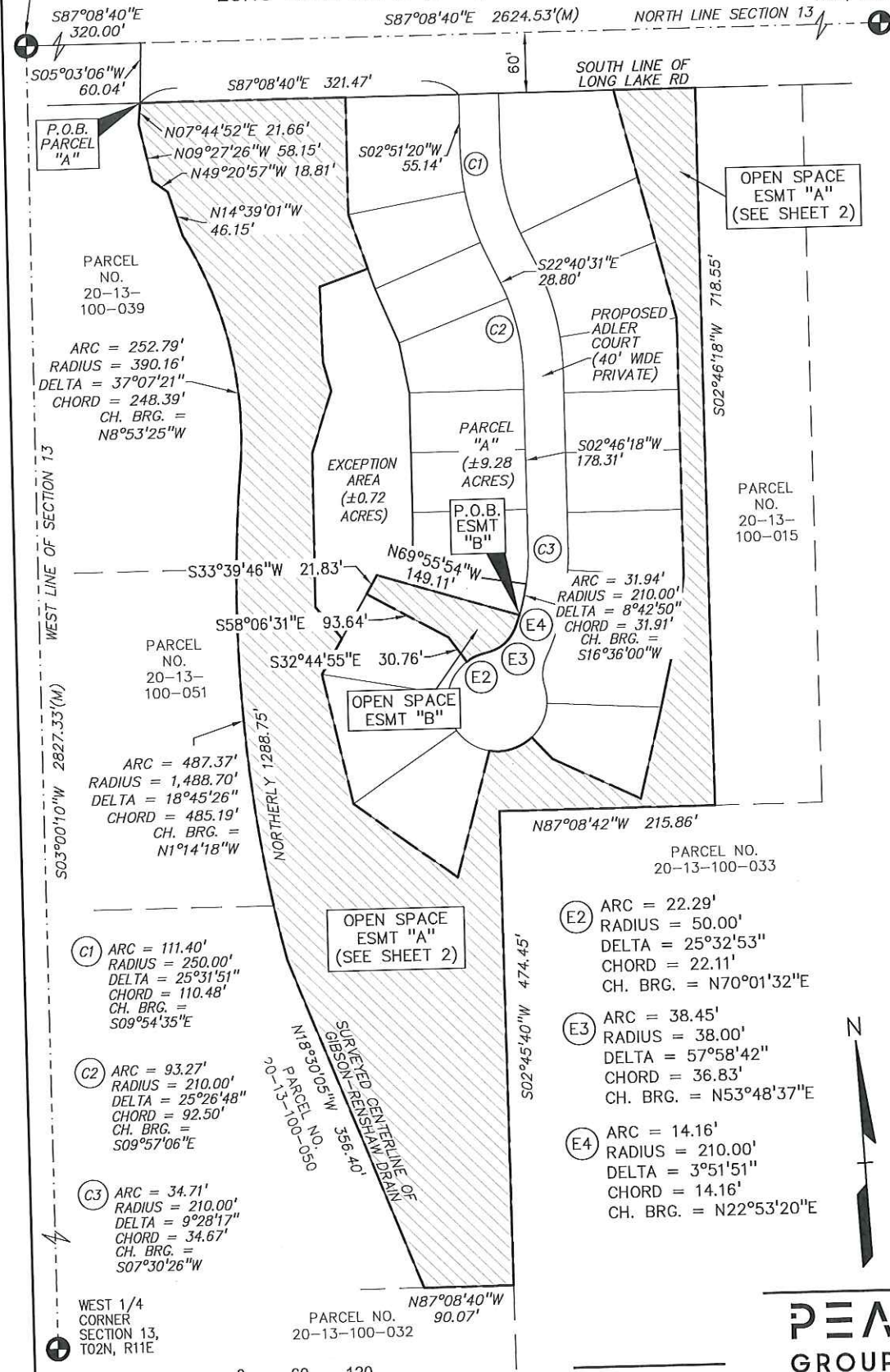
t: 844.813.2949
www.peagroup.com

EXHIBIT B - SKETCH OF OPEN SPACE EASEMENTS "A" & "B"

NORTHWEST
CORNER
SECTION 13,
T02N, R11E

NORTH 1/4
CORNER
SECTION 13,
T02N, R11E

LONG LAKE ROAD (60' 1/2 WIDTH - PUBLIC)



MONDRIAN
PROPERTIES
50215 SCHOENHERR
SHELBY TWP, MI 48315

0 60 120
SCALE: 1" = 120'

SHEET 4 OF 6
NOVEMBER 10, 2022
2016-266

PEA
GROUP

t: 844.813.2949
www.peagroup.com

S:\PROJECTS\2016\2016-266\2112, 2124 & 2132 E. LONG LAKE - TROY - gis\SURVEY\DEPT 1626\ESMT DWG 1626-ESMT-OPEN SPACE.dwg E1

EXHIBIT B - LEGAL DESCRIPTION OF EASEMENTS "A" & "B"

LEGAL DESCRIPTION (Per PEA Group)

OPEN SPACE EASEMENT "A"

An open space easement over part of the Northwest 1/4 of said Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, said easement being more particularly described as:

Commencing at the Northwest corner of said Section 13;
thence along the north line of said Section 13, S87°08'40"E, 320.00 feet; thence S05°03'06"W, 60.04 feet to the south line of Long Lake Road (60 foot half width) and the POINT OF BEGINNING;
thence along said south line, S87°08'40"E, 206.47 feet;
thence S02°51'20"W, 117.30 feet;
thence S15°45'25"E, 57.82 feet;
thence S74°14'35"W, 52.02 feet;
thence S01°46'40"W, 75.59 feet;
thence S11°42'15"E, 29.68 feet;
thence S21°18'29"W, 65.16 feet;
thence S03°10'58"W, 154.29 feet;
thence S36°08'32"E, 41.34 feet;
thence S33°39'46"W, 41.12 feet;
thence S09°18'16"E, 133.72 feet;
thence S50°46'41"E, 128.72 feet;
thence N18°33'17"E, 130.57 feet to a point on the right-of-way line of a proposed road (Adler Court - 40 foot wide);
thence along said line, 45.84 feet along an arc of a curve to the left, having a radius of 50.00 feet and a curve that bears N76°46'03"E, 44.25 feet;
thence S39°29'46"E, 30.00 feet;
thence S61°31'13"E, 96.65 feet;
thence N17°06'11"E, 93.48 feet;
thence N15°56'21"E, 54.03 feet;
thence N13°01'34"E, 78.65 feet;
thence N02°46'18"E, 259.21 feet;
thence N11°13'09"W, 236.87 feet to the aforementioned south line of Long Lake Road;
thence along said south line, S87°08'40"E, 82.27 feet;
thence S02°46'18"W, 718.55 feet;
thence N87°08'42"W, 215.86 feet;
thence S02°45'40"W, 474.45 feet;
thence N87°08'40"W, 90.07 feet to the surveyed centerline of the Gibson-Renshaw Drain;
thence Northerly 1288.75 feet along said drain centerline, the surveyed centerline of said drain being described as the following seven (7) courses: 1) N18°30'05"W, 356.40 feet and 2) 487.37 feet along an arc of a curve to the right, having a radius of 1488.70 feet and a chord that bears N01°14'18"W, 485.19 feet and 3) 252.79 feet along an arc of a curve to the left, having a radius of 390.16 feet and a chord that bears N08°53'25"W, 248.39 feet and 4) N14°39'01"W, 46.15 feet and 5) N49°20'57"W, 18.81 feet and 6) N09°27'26"W, 58.15 feet and 7) N07°44'52"E, 21.66 feet to aforementioned south line of Long Lake Road and the POINT OF BEGINNING.
Containing 199,488 square feet of land, more or less.

LEGAL DESCRIPTION (Per PEA Group)

OPEN SPACE EASEMENT "B"

An open space easement over part of the Northwest 1/4 of said Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, said easement being more particularly described as:

Commencing at the Northwest corner of said Section 13;
thence along the north line of said Section 13, S87°08'40"E, 320.00 feet; thence S05°03'06"W, 60.04 feet to the south line of Long Lake Road (60 foot half width); thence along said south line, S87°08'40"E, 321.47 feet to the west line of a proposed road (Adler Court - 40 foot wide); thence along said west line the following six (6) courses:
1) S02°51'20"W, 55.14 feet and 2) 111.40 feet along an arc of a curve to the left, having a radius of 250.00 feet and a chord that bears S09°54'35"E, 110.48 feet and 3) S22°40'31"E, 28.80 feet and 4) 93.27 feet along an arc of a curve to the right, having a radius of 210.00 feet and a chord that bears S09°57'06"E, 92.50 feet and 5) S02°46'18"W, 178.31 feet and 6) 34.71 feet along an arc of a curve to the right, having a radius of 210.00 feet and a chord that bears S07°30'26"W, 34.67 feet; thence continuing along said west line of a proposed road, 31.94 feet along an arc of a curve to the right, having a radius of 210.00 feet and a chord that bears S16°36'00"W, 31.91 feet to the POINT OF BEGINNING;
thence N69°55'54"W, 149.11 feet;
thence S33°39'46"W, 21.83 feet;
thence S58°06'31"E, 93.64 feet;
thence S32°44'55"E, 30.76 feet to the aforementioned west line of a proposed road;
thence along said west line the following three (3) courses:
1) 22.29 feet along an arc of a curve to the right, having a radius of 50.00 feet and a chord that bears N70°01'32"E, 22.11 feet;
2) 38.45 feet along an arc of a curve to the left, having a radius of 38.00 feet and a chord that bears N53°48'37"E, 36.83 feet and
3) 14.16 feet along an arc of a curve to the left, having a radius of 210.00 feet and a chord that bears N22°53'20"E, 14.16 feet to the POINT OF BEGINNING.
Containing 5575 square feet of land, more or less.

MONDRIAN
PROPERTIES
50215 SCHOENHERR
SHELBY TWP, MI 48315

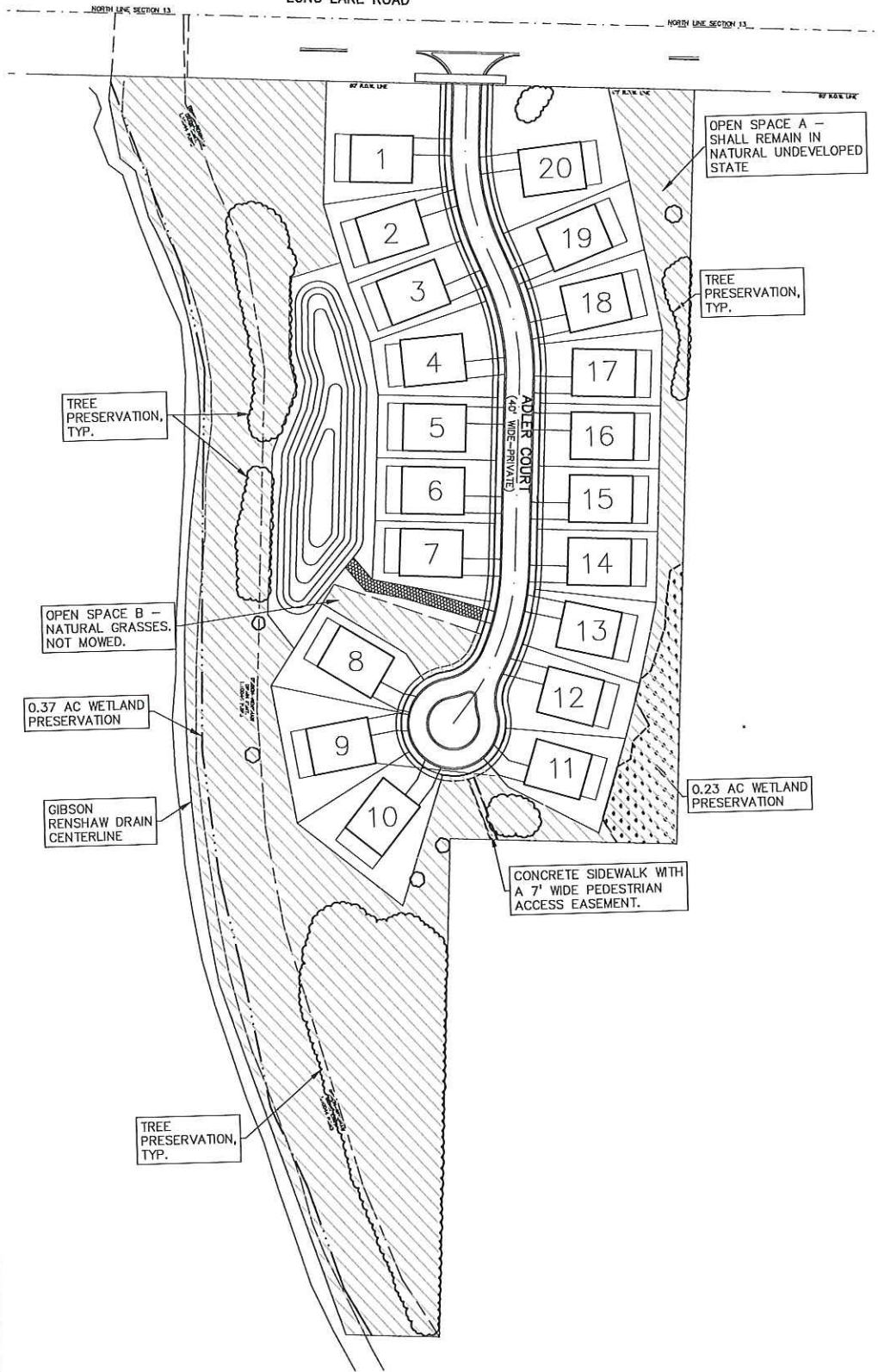
SHEET 5 OF 6
NOVEMBER 10, 2022
2016-266

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EXHIBIT C - NATURAL FEATURES PLAN

LONG LAKE ROAD



Rev. Ginger Luke from Beacon Unitarian Universalist Congregation 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 February 14, 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-Absent
- David Hamilton
- Ellen Hodorek-Absent

Excuse Absent Council Members:

Resolution #2022-02-019
Moved by Baker
Seconded by Hamilton

RESOLVED, That Troy City Council hereby **EXCUSES** the absences at the Regular City Council Meeting of February 14, 2022 of Council Member Hodorek due to being out of the county, and Mayor Pro Tem Erickson Gault, who will participate remotely in discussion only, due to a medical emergency.

Yes: Baker, Abraham, Brooks, Chamberlain-Creanga, Hamilton
No: None
Absent: Erickson Gault, Hodorek

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

- C-1 Proclamation to Max and Sophia Pollak for Organizing Holiday Food Drives to Feed the Needy (*Presented by: Mayor Ethan Baker*)
- C-2 Update on Recent Oakland County Grant Received by Stage Nature Center and Troy Nature Society (*Presented by: Dave Lambert and Stage Nature Center Executive Director Carla Reeb*)

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

Resolution #2022-02-020
Moved by Baker

Seconded by Abraham

RESOLVED, That Troy City Council hereby **WAIVES** the Rules of Procedure for the City Council Rule #8 *Proclamations and Congratulatory Certificates* to approve and present a Proclamation to Celebrate Black History Month – February 2022 in the City of Troy on February 14, 2022.

Yes: Abraham, Brooks, Chamberlain-Creanga, Hamilton, Baker
No: None
Absent: Erickson Gault, Hodorek

MOTION CARRIED

C-3 Proclamation to Celebrate Black History Month – February 2022 (*Presented by: Mayor Ethan Baker*)

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Preliminary Site Plan Review (File Number SP 2021-0020) – Proposed Adler Cove (One Family Residential Cluster), South Side of Long Lake, East of John R, Currently Zoned R-1C (One Family Residential) Zoning District (*Introduced by: Brent Savidant, Community Development Director*)

The Mayor opened the Public Hearing. The Mayor closed the Public Hearing after receiving no Public Comment.

Resolution #2022-02-021
Moved by Hamilton
Seconded by Brooks

WHEREAS, The City is in receipt of a proposed preliminary site plan application for Adler Cove, a 20-unit detached single family condominium One Family Cluster development; and,

WHEREAS, The base density under the R-1C (One-Family Residential) District as determined by the submission of a parallel plan is 16 units; and,

WHEREAS, In exchange for 4 additional units above the base density established by the parallel plan, the applicant is providing 38% open space, for a total of 20 units; and,

WHEREAS, The cluster development better protects the site's natural resources than if the site were not developed as a cluster; and,

WHEREAS, The cluster development better protects the adjacent properties than if the site were not developed as a cluster; and,

WHEREAS, The cluster development is compatible with adjacent properties; and,

WHEREAS, The site can be adequately served with municipal water and sewer; and,

WHEREAS, The proposed cluster development was recommended for approval by the Planning Commission by an 8-0 vote;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed Adler Cove Site Condominium, 20-units/lots, located south side of Long Lake, east of John R, Section 13, currently zoned R-1C (One Family Residential) District, including providing regulatory flexibility for setbacks as per Section 10.04.E.5, as recommended by the Planning Commission.

Yes: Brooks, Chamberlain-Creanga, Hamilton, Baker, Abraham

No: None

Absent: Erickson Gault, Hodorek

MOTION CARRIED

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

Stephen Dunn	Commented on item O-02b
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G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

Mayor Baker commented that the City of Troy cannot do anything further regarding small wireless communication devices because State law does not allow it. Mayor Baker commented that comments and complaints should be directed to Verizon Wireless, State Senator McMorro or State Representative Kuppa. He said that the law, and the situation, is very frustrating because the local government and residents have no options.

Council Member Chamberlain-Creanga commented that this is in her own neighborhood, and she was very surprised to learn that there had been another meeting. She said that when she read the report, she felt that the City had fought for residents; however, DTE denied the request to use the utility pole nearby. She said that she is disappointed with DTE for denying the request, and she is disappointed with Verizon Wireless for not trying to find a better location for the pole. She said that she will be reaching out to Verizon to find out why they need to place the pole exactly in that spot.

Mayor Baker commented that Council tasks City Management with many projects and reports, and that this is the proper procedure for informing Council by placing reports on the agenda. He said that this disappointment is more with the State law than with Verizon. He said that elections are important for this reason among many.

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 – Election Commission****a) Mayoral Appointments: None****b) City Council Appointments:**

Resolution #2022-02-022

Moved by Baker

Seconded by Chamberlain-Creanga

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

Election Commission

Appointed by Council

2 Regular Members and 1 Charter Member

1 Year Term

Nominations to the Election Commission:**Term Expires: 1/31/2023****Stephen Sadlier****Democrat**

Term currently held by: Stephen Sadlier

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

Term currently held by: Ray Watts

Yes: Chamberlain-Creanga, Hamilton, Baker, Abraham, Brooks

No: None

Absent: Erickson Gault, Hodorek

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

Resolution #2022-02-023

Moved by Baker

Seconded by Abraham

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:

Planning Commission

Appointed by Mayor
9 Regular Members
3 Year Term

Nominations to the Planning Commission:

Term Expires: 12/31/2023

Toby Buechner

Term currently held by: Gerald (Jerry) Rauch

Yes: Hamilton, Baker, Abraham, Brooks, Chamberlain-Creanga
No: None
Absent: Erickson Gault, Hodorek

MOTION CARRIED

b) City Council Nominations: None

I-3 No Closed Session Requested

I-4 Contract Extension – Concrete Slab Replacement (*Introduced by: Kurt Bovensiepe, Public Works Director*)

Resolution #2022-02-024
Moved by Abraham
Seconded by Chamberlain-Creanga

RESOLVED, That in the best interest of the City, Troy City Council hereby **AWARDS** a one (1) year contract extension to *DiLisio Construction Inc., of Clinton Township, MI*, that will include a 3% increase to its bid totals as detailed in the bid tabulation from the contract approved by City Council in 2019 (Resolution #2019-06-062); a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

Yes: Baker, Abraham, Brooks, Chamberlain-Creanga, Hamilton
No: None
Absent: Erickson Gault, Hodorek

MOTION CARRIED

I-5 Bid Waiver – Additional Election Equipment for New Voting Precincts (*Introduced by: Aileen Dickson, City Clerk*)

Resolution #2022-02-025
Moved by Chamberlain-Creanga

Seconded by Abraham

WHEREAS, The City Clerk's Office will be proposing amendments to the City of Troy Precinct Map at the Regular City Council Meeting of February 28, 2022; and,

WHEREAS, The amendments to the Precinct Map include the addition of 6 new voting precincts and 2 new polling locations. These new voting precincts will need to be equipped with the appropriate voting machines and supplies in order to be operational by the next election, which is August 2, 2022. Due to concerns with supply chain demands and delays in delivery times, City Management is requesting the approval of this purchase at the February 14, 2022 Regular City Council Meeting; and,

WHEREAS, In 2017, Troy City Council authorized the purchase of a new voting system from *Hart Intercivic, Inc. of Austin, TX*, after this vendor was chosen by the Oakland County Clerk as the supplier of the voting systems for all of Oakland County. Troy City Council also authorized additional election equipment purchases from *Hart Intercivic, Inc.* in 2019 and 2020;

THEREFORE, BE IT RESOLVED, That Troy City Council **DEEMS** it is in the best interest of the City to **WAIVE** the competitive bid process, and **AUTHORIZES** the City of Troy to **AWARD** a contract to *Hart Intercivic, Inc. of Austin TX*, for the purchase of six (6) additional Verity Scan devices for an estimated cost of \$33,000, and three (3) additional Verity Touch Writer devices for an estimated cost of \$13,500, the total cost for all equipment being \$46,500, which includes a 5-year warranty. Funds budgeted in the City Clerk-Elections-Capital Fund.

BE IT FINALLY RESOLVED, That Troy City Council hereby **APPROVES** the purchase of annual service and maintenance for years six through ten for the six (6) Verity Scan devices and three (3) Verity Touch Writer devices for a total cost of \$24,645, as detailed in Quote #9585 which is attached. Funds will be budgeted in the City Clerk-Elections budget in future years.

Yes: Abraham, Brooks, Chamberlain-Creanga, Hamilton, Baker
No: None
Absent: Erickson Gault, Hodorek

MOTION CARRIED

I-6 2022 City Council Meeting Schedule (Introduced by: Robert J. Bruner, Assistant City Manager)

Moved by Baker
Seconded by Hamilton

RESOLVED, That Troy City Council **SCHEDULES** a Special Meeting for a Neighborhood Node Walk & Talk at the Troy Community Center at 4:00 PM on:

Wednesday, March 16, 2022

BE IT FURTHER RESOLVED, That Troy City Council **SCHEDULES** a Special Meeting for the 2022 City of Troy Advance at the Troy Community Center at 8:00 AM on:

Saturday, December 3, 2022

BE IT FURTHER RESOLVED, That Troy City Council **MAY RESCHEDULE** and/or **SCHEDULE** additional Special Meetings in accordance with the City Charter and Michigan Open Meetings Act.

Motion to Amend Item I-6 2022 City Council Meeting Schedule by Substitution

Resolution #2022-02-026

Moved by Baker

Seconded by Chamberlain-Creanga

RESOLVED, That Troy City Council hereby **AMENDS Item I-6 2022 City Council Meeting Schedule** to **REMOVE** "Wednesday, March 16, 2022" and to **REQUEST** that City Management provide new date options for the Special Meeting for a Neighborhood Node Walk & Talk at the Troy Community Center; and to **SUBSTITUTE** "Saturday, November 19, 2022" in place of "Saturday, December 3, 2022" for the Special Meeting for the 2022 City of Troy Advance at the Troy Community Center at 8:00 AM.

Yes: Brooks, Chamberlain-Creanga, Hamilton, Baker, Abraham

No: None

Absent: Erickson Gault, Hodorek

MOTION CARRIED

Motion to Approve Item I-6 2022 City Council Meeting Schedule as Amended

Resolution #2022-02-027

Moved by Baker

Seconded by Chamberlain-Creanga

RESOLVED, That Troy City Council **REQUESTS** that City Management provide additional dates to City Council for the Special Meeting for a Neighborhood Node Walk & Talk at the Troy Community Center.

BE IT FURTHER RESOLVED, That Troy City Council **SCHEDULES** a Special Meeting for the 2022 City of Troy Advance at the Troy Community Center at 8:00 AM on:

Saturday, November 19, 2022

BE IT FURTHER RESOLVED, That Troy City Council **MAY RESCHEDULE** and/or **SCHEDULE** additional Special Meetings in accordance with the City Charter and Michigan Open Meetings Act.

Yes: Chamberlain-Creanga, Hamilton, Baker, Abraham, Brooks

No: None

Absent: Erickson Gault, Hodorek

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2022-02-028-J-1a

Moved by Abraham

Seconded by Brooks

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

Yes: Hamilton, Baker, Abraham, Brooks, Chamberlain-Creanga

No: None

Absent: Erickson Gault, Hodorek

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2022-02-028-J-2

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

- a) City Council Minutes-Draft – January 24, 2022

J-3 Proposed City of Troy Proclamations: None Submitted

Resolution #2022-02-028-J-3

- a) Service Commendation for Economic Development Specialist Glenn Lapin

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications – sUAS/Drone with Camera – Police Department**

Resolution #2022-02-028-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to the low bidder meeting specifications *NOAR Technologies of Clawson, MI*, for the purchase of a DJI Matrice 300 RTK with Zenmuse H20T camera for an estimated total cost of \$27,240.30 at the unit prices contained in the bid tabulation opened January 20, 2022, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

b) **Standard Purchasing Resolution 2: Sole Bidder Meeting Specifications – Vehicle Graphic Materials**

Resolution #2022-02-028-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** a two (2) year contract to provide and/or install Vehicle Graphic Materials with an option to renew for two (2) additional years to the sole bidder; *Majik Graphics, Inc. of Clinton Township, MI*, for an estimated total of \$44,999.00 not to exceed budgetary limitations at unit prices contained in the bid tabulation opened January 20, 2022, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; contract to expire December 31, 2025.

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

c) **Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications - Fire Hose and Ground Ladder Testing**

Resolution #2022-02-028-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** a two (2) year contract with an option to renew for one (1) additional year to the low bidder meeting specifications, *Fire Catt, LLC of Troy, MI*, to provide annual fire hose and ground ladder testing services for an estimated total cost of \$17,600 in year 2022 and \$21,695 in year 2023 at the unit prices contained in the bid tabulation opened January 27, 2022, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; contract to expire December 31, 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.

d) **Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Wagon Shop Repair Design and Construction Documents**

Resolution #2022-02-028-J-4d

RESOLVED, That Troy City Council hereby **APPROVES** expending budgeted capital funds to *OHM Advisors of Livonia, MI*, for the Wagon Shop Repair Design and Construction Documents for a total estimated cost of \$17,000 not to exceed budgetary limitations.

J-5 **Cost Participation Agreement for Road Work on Livernois, Long Lake to South Boulevard**

Resolution #2022-02-028-J-5

RESOLVED, That Troy City Council hereby **APPROVES** the Cost Participation Agreement between the City of Troy and the Board of County Road Commissioners for Oakland County for Road Work on Livernois Road, Long Lake Road to South Boulevard at an estimated cost to the

City of Troy of \$91,667, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

RESOLVED, That funds for Troy's share of the work are included in the proposed 2023 Major Roads Fund, Account # 401.447.479.7989.15.105.6.

J-6 Request for Acceptance of Two Permanent Easements from GFA Development, Inc., Sidwell #88-20-25-351-072 and -073

Resolution #2022-02-028-J-6

RESOLVED, That Troy City Council hereby **ACCEPTS** two permanent easements for storm sewers and surface drainage from GFA Development, Inc., owner of the properties having Sidwell #88-20-25-351-072 and -073.

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

J-7 Request for Acceptance of a Permanent Easement from Meelad and Mirvat Hannawa, Sidwell #88-20-25-351-074

Resolution #2022-02-028-J-7

RESOLVED, That Troy City Council hereby **ACCEPTS** a permanent easement for storm sewers and surface drainage from Meelad and Mirvat Hannawa, owners of the property having Sidwell #88-20-25-351-074.

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

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

The Meeting **RECESSED** at 9:02 PM.

The Meeting **RECONVENED** at 9:09 PM.

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

Vinodh Mudaliar	Commented on the need for cricket fields, especially for youth cricket teams to practice.
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M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

Council Member Chamberlain-Creanga	Commented on the request for cricket fields, and that she is pleased it is now a part of the Recreation Department program.
Council Member Hamilton	Commented to request that cricket fields be included in the upcoming budget discussions.
Mayor Baker	Commented that City Council has cricket fields on the radar for discussion. He said City Council uses the Parks and Recreation Advisory Board's recommendations on how to address park needs.

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) Planning Commission-Final – January 11, 2022
 - b) Planning Commission-Final – January 25, 2022
- Noted and Filed

O-2 Department Reports:

- a) Federal Funding for Rochester Road, Barclay to Trinway
 - b) Verizon Small Cell Updates
 - c) Interim Financial Report – 2nd Quarter For The Three Months Ended December 31, 2021
 - d) Fiscal Year 2022-2023 Budget Proposals
- Noted and Filed

O-3 Letters of Appreciation: None Submitted

- a) To DPW Staff from Paul Tennes Regarding Watermain Repairs
 - b) To Assessing Staff from Troy Resident Forwarded by Mayor Baker
- Noted and Filed

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

O-5 Notice of Hearing for the Electric Customers of DTE Electric Company Case No. U-20836

Noted and Filed

P. COUNCIL COMMENTS:

P-1 No Council Comments

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

R. CLOSED SESSION


R-1 No Closed Session

S. ADJOURNMENT:

The Meeting **ADJOURNED** at 9:19 PM.



Mayor Ethan Baker



M. Aileen Dickson, MMC, MiPMC II
City Clerk