



TROY CITY COUNCIL

REGULAR MEETING AGENDA

FEBRUARY 19, 2024

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,

A handwritten signature in black ink, appearing to read "Mark F. Miller", written in a cursive style.

Mark F. Miller,
City Manager



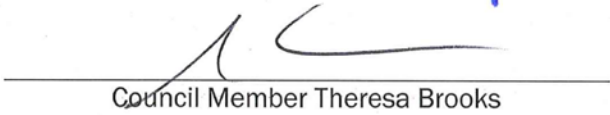
Chapter 14A – Elected and Appointed Persons’ Ethics Ordinance
Section 14.3 Annual Training and Acknowledgement

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 4th day of December, 2023.



Mayor Ethan Baker



Council Member Theresa Brooks




Council Member Rebecca Chamberlain-Creanga



Council Member Hira Chanda



Council Member Mark Gunn



Council Member David Hamilton



Mayor Pro Tem Ellen Hodorek



CITY COUNCIL AGENDA

February 19, 2024 – 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: Rev. Dr. Tara Gay from Big Beaver United Methodist Church 1

PLEDGE OF ALLEGIANCE: 1

A. CALL TO ORDER: 1

B. ROLL CALL: 1

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS: 1

C-1 Service Commendation – Deputy Fire Chief Paul Firth *(Presented by: Mayor Ethan Baker)* 1

C-2 Service Commendation – Water & Sewer Operations Manager Paul Trospen *(Presented by: Mayor Ethan Baker)* 1

C-3 Avondale Youth Assistance Annual Update *(Presented by: Michael Kazyak, Chairman)* 1

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2024 SCHEDULED REGULAR CITY COUNCIL MEETINGS: **16**

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INVOCATION: Rev. Dr. Tara Gay from Big Beaver United Methodist Church

PLEDGE OF ALLEGIANCE:

A. CALL TO ORDER:

B. ROLL CALL:

- a) Mayor Ethan Baker
- Theresa Brooks
- Rebecca A. Chamberlain-Creanga
- Hirak Chanda
- Mark Gunn
- David Hamilton
- Ellen Hodorek

Excuse Absent Council Members:

Suggested Resolution

Resolution #2024-02-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Regular City Council Meeting of February 19, 2024, due to _____.

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Service Commendation – Deputy Fire Chief Paul Firth (*Presented by: Mayor Ethan Baker*)

C-2 Service Commendation – Water & Sewer Operations Manager Paul Trospen (*Presented by: Mayor Ethan Baker*)

C-3 Avondale Youth Assistance Annual Update (*Presented by: Michael Kazyak, Chairman*)

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings Requested

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 – Zoning Board of Appeals

a) Mayoral Appointments: None

b) City Council Appointments:

Suggested Resolution

Resolution #2024-02-

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:

Zoning Board of Appeals

Appointed by Council

7 Regular Members; 2 Alternates

3 Year Term

Nominations to the Zoning Board of Appeals:

Term Expires: 1/31/2027

Barbara Chambers

Alternate

Term currently held by: Barbara Chambers

Term Expires: 1/31/2027

Jeffrey Forster

Alternate

Term currently held by: Jeffrey Forster

Yes

No:

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

a) Mayoral Nominations:

Suggested Resolution

Resolution #2024-02-

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:

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		Mayor per State Statute	At Large	
Blair	Timothy	6/17/2017	9/30/2027	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	9/30/2027	In District	
Koza	Kenny	9/18/2019	9/30/2025	In District	
Kuppa	Padma		9/30/2026	At Large	
MacLeish	Daniel	6/28/2023	9/30/2025	In District	
Reschke	Ernest	7/5/2024	9/30/2026	At Large	
Richards Jr.	John	2/13/2025	9/30/2026	Resident Member	
Stone	David	3/11/2023	9/30/2027	In District	
Tomcsik-Husak	Tara	9/22/2022	9/30/2024	In District	
Vacancy			9/30/2024	In District	Cheryl Bush resigned 9/22/21

Nominations to the Downtown Development Authority:

Unexpired Term Expiring:
9/30/2024

In District

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

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1	Notes 2
Aceves Jr.	Alfonso	12/11/2025	At Large	
Battle	Timothy	10/28/2024	At Large	
Beyer	Joseph	12/13/2024	In District	
Comiskey	Ann	1/20/2026	At Large	
Dicker	Susanne F.	1/3/2025	At Large	
Faiz	Iqbal	6/7/2025	At Large	
Kenkre	Mahendra	1/19/2025	At Large	

Kornacki	Rosemary	2/24/2025	At Large	Brownfield Redev Auth exp 4/30/26
Pettinato	Jillian	11/27/2025	At Large	
Thattai	Govindrajan	5/20/2024	At Large	
von Oeyen	Schuyler	7/20/2024	At Large	

Global Troy Advisory Committee

Appointed by Mayor
12 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
<i>Baker</i>	<i>Ethan</i>		<i>City Council Term Expiration</i>	
<i>Bica-Grodsky</i>	<i>Lisa</i>	<i>9/23/2022</i>	<i>10/30/2023</i>	<i>Requests Reappointment</i>
<i>Burrus</i>	<i>MiVida</i>	<i>7/15/2018</i>	<i>10/30/2025</i>	
<i>Cheriguene</i>	<i>Sadia</i>	<i>10/20/2024</i>	<i>10/30/2023</i>	
<i>Chezick</i>	<i>Edward</i>	<i>12/20/2024</i>	<i>10/30/2025</i>	
<i>Cicchini</i>	<i>Phillippe</i>	<i>4/13/2023</i>	<i>10/30/2023</i>	<i>Requests Reappointment</i>
<i>Fakhoury</i>	<i>Awni</i>	<i>9/28/2023</i>	<i>10/30/2024</i>	
<i>Mohideen</i>	<i>Syeda</i>	<i>9/28/2023</i>	<i>10/30/2024</i>	
<i>Natcheva</i>	<i>Daniela</i>	<i>11/8/2021</i>	<i>10/30/2025</i>	
<i>Noguez-Ortiz</i>	<i>Carolina</i>	<i>12/20/2024</i>	<i>10/30/2025</i>	
<i>Swaminathan</i>	<i>Sharanya</i>		<i>7/31/2023</i>	<i>Student - Graduated 2023</i>
<i>Zhou</i>	<i>Yudong</i>	<i>12/7/2024</i>	<i>10/30/2025</i>	

Nominations to the Global Troy Advisory Authority:

Term Expires: 7/31/2024

Term currently held by: Sharanya Swaminathan (graduated)

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Comiskey	Ann M.	12/22/2024	
Dicker	Susanne Forbes	1/3/2025	
Emerson	Rosalyn	7/20/2024	
Gunasekar	Vinaya	1/8/2026	
Haight	Michelle	10/8/2025	
Kadoura	Lailas M	9/24/2024	

Lee	Seojin Sarah	4/21/2025	Student - Graduates 2026
McGee	Timothy	12/19/2024	HDC exp 5/15/2024
Mehta	Susheilla	1/20/2025	
Wit	Callie	4/22/2024	

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	6/30/2027	Resident Member	
<i>Baker</i>	<i>Ethan</i>		<i>City Council Term</i>	<i>Alternate; City Council</i>	<i>City Council exp. 11/2027; DDA; GTAC, LDFA</i>
Hodorek	Ellen		City Council Term	Alternate; City Council	City Council exp 11/2025
Rosenblum	Anthony	11/10/2024	6/30/2026	Resident Member	
Schmitz	Jim	9/14/2024	6/30/2024	Resident Member	
Smieliauskas	Fabrice	9/7/2025	6/30/2024	Resident Member	
Starks	Louis			Oakland County Designee	
Vacancy			6/30/2027	Resident Member	Nickolas Vitale resigned 7/17/21 (Term expired 6/30/2023)

Nominations to the Local Development Finance Authority (LDFA):

Term Expires: 6/30/2027

Resident Member

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

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Battle	Timothy	10/28/2024	
Christiansen	Dale	11/22/2024	

Faiz	Iqbal	6/7/2025	
Mudaliar	Vinodh Kumar	3/2/2024	
Vassallo	Joseph	12/20/2024	Brownfield Redev Auth exp 4/30/24

Yes:
No:

b) City Council Nominations:

Suggested Resolution
Resolution #2024-02-
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:

Liquor Advisory Committee

Appointed by Council
7 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 3
Bluhm	Annalisa Esposito	10/2/2025	1/31/2024	
Comiskey	Ann	1/20/2026	1/31/2024	
Ehlert	Max	1/8/2023	1/31/2024	
Giorgi	Lynn		12/31/2099	
Gorcyca	David	12/4/2021	1/31/2026	
Haight	David	4/11/2024	1/31/2025	
Jones	Kelly	12/20/2024	1/31/2026	
Martin	Matthew	5/11/2024	1/31/2025	Requests Reappointment

Nominations to the Liquor Advisory Committee:

Term Expires: 1/31/2027

Term currently held by: Analisa Bluhm

Term Expires: 1/31/2027

Term currently held by: Ann Comiskey

Term Expires: 1/31/2027

Term currently held by: Max Ehlert

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Kaltsounis	Andrew	8/28/2025	

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
Finlay	G. Scott		Ex-Officio Member		
Hullinger	Peter		Ex-Officio Member		
Kenkre	Shama	8/23/2024	1/31/2025		
Kilmer	Richard	12/21/2024	1/31/2026		
Nastasi	Frank		Ex-Officio Member		
Nurak	Cindy	1/28/2024	1/31/2025		
Petrulis	Al	2/10/2025	1/31/2026	ACAB exp 9/30/2024	
Swaminathan	Abi	9/2/2025	1/31/2027		
Wilsher	Cynthia	2/4/2023	1/31/2024		No Reappointment
Zhou	Angela	9/18/2025	7/31/2024	Student - Graduates 2025	
Ziegenfelder	Peter	12/14/2024	1/31/2026		

Nominations to the Traffic Committee:

Term Expires: 1/31/2027

Term currently held by: Cynthia Wilsher – No Reappointment

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Chambers	Barbara	1/18/2025	
Christiansen	Dale	11/22/2024	
Eisenbacher	David	4/6/2024	ZBA exp 4/30/2025
Gill	Jasper	1/10/2024	

Jeeda	Swathi	7/2/2025	GRADUATES 2026
Swaminathan	Abi	9/2/2025	
Tadepalli	Hemanth	11/7/2025	

Yes:
No:

I-3 No Closed Session Requested

I-4 Amendment to Chapter 98 - Criminal Code (Introduced by: Lori Grigg Bluhm, City Attorney)

Suggested Resolution
Resolution #2024-02-
Moved by
Seconded by

BE IT RESOLVED, That Troy City Council hereby **APPROVES** and **ENACTS** the Ordinance amending the provisions of Chapter 98 of the City Code as recommended by the City Attorney’s Office, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

I-5 Master Plan Adoption or Rejection (Introduced by: Brent Savidant, Community Development Director)

Resolution A:

Suggested Resolution
Resolution #2024-02-
Moved by
Seconded by

WHEREAS, The Municipal Planning Enabling Act, PA 33 of 2008, provides that a municipal planning commission shall develop and amend a Master Plan for the physical development of the community; and,

WHEREAS, A Master Plan is a long-range, broad policy document used to guide decision-making related to land use and community development; and,

WHEREAS, The Planning Commission has determined that it would be in the public interest to make amendments to the City of Troy Master Plan; and,

WHEREAS, The Planning Commission notified each municipality contiguous to the City, the County Planning Commission, each public utility company and railroad company owning or

operating a public utility or railroad within the City, for purposes of notification, of its intent to adopt a new Master Plan; and,

WHEREAS, Relying upon public input, the City's Planning Commission, Planning Department staff, and the City's Planning Consultant developed the proposed amended City of Troy Master Plan; and,

WHEREAS, The Planning Commission encouraged public participation during the planning process including a survey, Neighborhood Node Walk and Talks and numerous public meetings; and,

WHEREAS, The proposed amended City of Troy Master Plan was submitted to City Council, which authorized distribution of the proposed plan; and,

WHEREAS, The proposed amended City of Troy Master Plan was distributed to each municipality contiguous to the City, the County Planning Commission, each public utility company and railroad company owning or operating a public utility or railroad within the City, for purposes of notification, for review and comment; and,

WHEREAS, The Planning Commission received comment in reference to the proposed Master Plan from the Oakland County Coordinating Zoning Committee which endorsed the proposed amended Master Plan, finding that the proposed Plan is not inconsistent with the Plan of any surrounding communities; and,

WHEREAS, The Planning Commission has determined that the draft amended City of Troy Master Plan 2040 represents the long-range vision of the City of Troy.

THEREFORE BE IT RESOLVED, Troy City Council hereby **APPROVES** the amended City of Troy Master Plan 2040, as per the requirements of the Municipal Planning Enabling Act, PA 33 of 2008.

BE IT FINALLY RESOLVED, That within the next five years, the Planning Commission **SHALL REVIEW** the City of Troy Master Plan 2040 and **DETERMINE** whether or not to commence the procedure to amend the Plan or adopt a new Plan.

Yes:

No:

OR

Resolution B:

Suggested Resolution

Resolution #2024-02-

Moved by

Seconded by

WHEREAS, Troy City Council has asserted the right to approve or reject the proposed master plan;

THEREFORE, BE IT RESOLVED, Troy City Council hereby **REJECTS** the proposed Master Plan pursuant to Section 43(4) of the Municipal Planning Enabling Act, PA 33 of 2008.

BE IT FINALLY RESOLVED, That Troy City Council **ADOPTS** the following statement of its objections to the proposed Master Plan:

Some developments in the Neighborhood Nodes have been controversial. Specifically, residents have opposed developments in Neighborhood Nodes F and L because they believe the developments incompatible with the abutting neighborhoods. Therefore, City Council **OBJECTS** to Neighborhood Node F (Crooks Road and Wattles Road) and Neighborhood Node L (Livernois Road and Square Lake Road) and **REQUESTS** the Planning Commission review them to determine whether they should remain in the Master Plan, be modified in some manner, or eliminated from the Master Plan.

Yes:

No:

J. CONSENT AGENDA:

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

Suggested Resolution

Resolution #2024-02-

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 #2024-02-

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

- a) City Council Minutes-Draft – February 5, 2024

J-3 Proposed City of Troy Proclamations:

Suggested Resolution

Resolution #2024-02-

- a) Proclamation to Celebrate the Larson Middle School All-Girls Robotics Team Girl Botz 22918
- b) Proclamation to Celebrate Troy Residents Halo Caezo, Kyle Winnie, Viktoria Chernolutskiy and Sophia Derocha on their Exceptional Accomplishments in the Sport of Taekwondo

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 4: State of Michigan MiDEAL Cooperative Purchasing Agreement – Police and DPW Fleet Vehicles**

Suggested Resolution

Resolution #2024-02-

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase three (3) 2024 Chevrolet Silverado Pickup Trucks and two (2) 2024 Chevrolet Blazer SUV's from *Berger Chevrolet of Grand Rapids, MI*, as per the State of Michigan MiDEAL Cooperative Purchasing contract #071B7700177 for an estimated total cost of \$207,321.00; not to exceed budgetary limitations.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase (1) 2024 Ford Edge SUV, one (1) 2024 Ford Transit Passenger Van, two (2) 2024 Ford Transit Cargo Vans, one (1) 2024 Ford Maverick Pickup Truck and one (1) 2024 Ford F250 Pickup Truck with Plow from *Gorno Ford of Woodhaven, MI*, as per the State of Michigan MiDEAL Cooperative Purchasing contract #071B7700181 for an estimated total cost of \$293,306.00; not to exceed budgetary limitations.

- b) **Standard Purchasing Resolution 4: Sourcewell Cooperative Purchasing Contract – Raintree and Firefighters Park Play Structure Replacements**

Suggested Resolution

Resolution #2024-02-

RESOLVED, That in the best interest of the City, Troy City Council hereby **WAIVES** the bid process and **AWARDS** contracts to *We Build Fun of Allen, TX*, for the Raintree and Firefighters Park Play Structure Replacements for an estimated cost of \$444,858.49 as detailed in the attached quotes and per the Sourcewell Cooperative Purchasing Contract #010521-LTS-3, copies of which shall be **ATTACHED** to the original Minutes of this meeting; not to exceed budgetary limitations.

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

- c) **Standard Purchasing Resolution 4: Oakland County Extended Purchasing Contract – City Hall East and West Storefront Door Replacements**

Suggested Resolution

Resolution #2024-02-

RESOLVED, That Troy City Council **AWARDS** a contract to *National Restoration, of Milford, MI*, for the City Hall East and West Storefront and Door Replacements for an estimated amount of \$70,900 and a contingency of \$3,100 as detailed in the attached proposal and per the Oakland County Extended Purchasing Contract #006325; not to exceed budgetary limitations.

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

J-5 5310 SMART and City of Troy Vehicle Lease Agreement

Suggested Resolution
Resolution #2024-02-

RESOLVED, That Troy City Council hereby **APPROVES** the agreement between the Suburban Mobility Authority for Regional Transportation (SMART) and the City of Troy for the 5310 Vehicle Lease Agreement, which will be used for the Troy RYDE transportation service, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the necessary documents; a copy of this agreement shall be **ATTACHED** to the original Minutes of this meeting.

J-6 Request for Acceptance of Two Permanent Easements from Gary Abitheira – Sidwell #88-20-27-432-022

Suggested Resolution
Resolution #2024-02-

RESOLVED, That Troy City Council **ACCEPTS** two permanent easements for storm sewers and surface drainage, and sidewalks from Gary Abitheira, owner of the property having Sidwell #88-20-27-432-022.

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 Renewal of Membership in the Traffic Improvement Association (TIA)

Suggested Resolution
Resolution #2024-02-

RESOLVED, That Troy City Council hereby **AUTHORIZES** payment to renew the City of Troy's membership in the Traffic Improvement Association for the year 2024, in the amount of \$29,800; Funds are available in the 2024-2025 Police Department Operating Funds, Membership and Dues.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

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

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

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

N. COUNCIL REFERRALS:

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

N-1 Council Referral From Council Member Chanda

We have received a lot of input from residents about senior programs and senior services. I am asking my Council colleagues if we can get consensus for the City Administration to look into our senior programs and compare them with similar cities to understand where we are doing better and where we can improve.

O. REPORTS:

O-1 Minutes – Boards and Committees: None Submitted

O-2 Department Reports:

- a) Second Quarter Financial Report for the Six Months Ended December 31, 2023
- b) Troy Fire Department 2023 Summary

O-3 Letters of Appreciation: None Submitted

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

O-5 Oakland County Treasurer’s Office Foreclosure Prevention

P. COUNCIL COMMENTS:

P-1 Mayor’s State of the City 2024 Announcement

My fellow Troy City Council Members, City Manager Miller, and City Attorney Bluhm:

I am excited to announce this year’s State of the City Address (“SOTC”) for the residents and businesses of Troy. The 2024 SOTC will be in the evening on Wednesday, May 8, 2024, with an official start time and location to be determined.

As it was the past three years, this will be a partnership between the City of Troy and the Troy Chamber of Commerce. I have been working with Tara Tomcsik-Husak, President and CEO of the Troy Chamber and Cindy Stewart, Community Affairs Director for the City of Troy for the planning and execution of this community event. It is my hope that you all will be able to attend in person again this year, and we will be including in-person invitations for the broader community.

The SOTC will address this last year in the City of Troy, including our execution of the FY 2023/24 budget, and will discuss the City's plans for FY 2024/25. It is my expectation that we will be on the precipice of approving our FY 2024/25 budget, which will give a good opportunity to discuss our upcoming priorities.

Cindy, Tara, and I have already been working on the plans for this SOTC and we will ensure it is a great representation of our wonderful city. I look forward to working with each of you to enhance the SOTC address and the presentation of our priorities.

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

R. CLOSED SESSION

R-1 No Closed Session

S. ADJOURNMENT:

Respectfully submitted,



Mark F. Miller
City Manager

2024 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

March 4, 2024 City Council Orientation
March 13, 2024 City Manager Recruitment
April 1, 2024 City Attorney Evaluation
April 6, 2024 City Manager Recruitment Interviews
April 8, 2024 City Council Orientation
April 15, 2024 Special Budget Study Meeting
April 17, 2024 Special Budget Study Meeting (as needed)

2024 SCHEDULED REGULAR CITY COUNCIL MEETINGS:

March 4, 2024 Regular Meeting
March 18, 2024 Regular Meeting
April 8, 2024 Regular Meeting
April 29, 2024 Regular Meeting
May 13, 2024 Regular Meeting
May 20, 2024 Regular Meeting
June 10, 2024 Regular Meeting
June 24, 2024 Regular Meeting
July 8, 2024 Regular Meeting
July 22, 2024 Regular Meeting
August 12, 2024 Regular Meeting
August 26, 2024 Regular Meeting
September 16, 2024 Regular Meeting
September 30, 2024 Regular Meeting
October 14, 2024 Regular Meeting
October 28, 2024 Regular Meeting
November 11, 2024 Regular Meeting
November 25, 2024 Regular Meeting
December 9, 2024 Regular Meeting
December 16, 2024 Regular Meeting

**SERVICE COMMENDATION
DEPUTY FIRE CHIEF PAUL FIRTH**

WHEREAS, On December 21, 1987, **Paul Firth** began his volunteer service with the Troy Fire Department at Station 1. He was selected as Station One Member of the Year in 2008. He served as a volunteer in Troy until December 31, 2012. **Paul** was hired by the Troy Fire Department on August 13, 2001 as a Fire Staff Lieutenant. He was promoted to Assistant Fire Chief and Fire Marshal on February 6, 2021. His title was changed to Deputy Chief on July 1, 2022; and

WHEREAS, For many years, **Paul** was the Fire Department Training Officer and facilitated the Firefighter Academy. Once joining the staff **Paul** also joined the Oakland County Hazardous Materials Response Team where he became an invaluable member and eventually a Team Leader. Because of **Paul's** expertise in hazardous materials, he then transitioned from training to the Department Hazardous Materials Inspector, where he worked with businesses on a daily basis; and

WHEREAS, **Paul** has received numerous commendations during his career in Troy. He received two Unit Commendations, in 2008 for meeting 100% of the Fire Department's training objectives for two consecutive years, and in 2012 for his role in an extrication incident to stabilize and lift a vehicle to free a victim on Coolidge & one on E. Wattles. **Paul** received four Merit Service Awards, in 2009 for dedication and commitment to FD goals of professionalism, humility, honor, and integrity; in 2011 for work at the Sunnymead Apartments structure fire; in 2013 for the 2nd alarm structure fire on Park street; and in 2014 for the Canterbury Square structure fire; and

WHEREAS, **Paul** received two Departmental Unit Citations in 2021 for his role in a structure fire involving a 67,000+ square foot industrial building, and a fire involving a 14,000-gallon fuel hauler on NB I-75 south of Big Beaver; and two in 2017 helping to control a multi-residential structure fire at Northfield Hills Condominiums and a single-family residential structure fire on Hylane; and

WHEREAS, **Paul** retired from the City of Troy on January 5, 2024 and will now enjoy more time with his wife **Lisa**, daughter **Alyssa**, sons **Mike and Dave**, and daughter-in-law **Chelsea**, as well as traveling, fly fishing, and enjoying the opportunities provided by a planned retirement;

NOW, THEREFORE, BE IT KNOWN, That the Mayor and City Council of the City of Troy take this opportunity to express their appreciation to **Deputy Fire Chief Paul Firth** for his professionalism and his many contributions to the Troy Fire Department for the betterment of the community; and

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

Presented this 19th day of February 2024

**SERVICE COMMENDATION
WATER & SEWER OPERATIONS MANAGER
PAUL TROSPER**

WHEREAS, Paul Troesper grew up in Pontiac, Michigan and graduated from Pontiac Northern High School. He served in the United States Army from 1978 to 1984 in the Corps of Engineers as a Heavy Equipment Operator. He was stationed at Ft. Carson, Colorado; Kitzingen, Germany; and Ft. Benning, Georgia; and

WHEREAS, Paul began his career with the City of Troy on January 26, 1987 as an Equipment Operator I in the Water Division. He was promoted on October 24, 1994 to Equipment Operator II in the Water Division; and

WHEREAS, Paul was promoted to Superintendent of Water & Sewer on May 9, 2015. On July 1, 2016, Paul's title was changed to Water & Sewer Operations Manager. During his career with the City of Troy, Paul participated in the Troy Safety Committee to promote a safe work environment. He also received multiple Safety Awards from the Safety Committee for safe work performance and received recognition from the City Manager's Office for a positive attitude and being an inspiration to his colleagues; and

WHEREAS, In 2005, when **Paul** was the coach for the Troy Tapping Team, they took 5th place at nationals in San Francisco, and in 2006 took 5th place at nationals in San Antonio. When he started at the City of Troy, Big Beaver, Crooks, Livernois, and Long Lake were all two-lane roads. Working with an exceptional and dedicated team, being part of the growth this City has experienced, and helping to build this City are what **Paul** is most proud of; and

WHEREAS, Paul retired from the City of Troy on January 19, 2024 after 36 years of dedicated service, many commendation letters in his employee file, and the utmost respect from the Troy employees, City Council, residents, and the Troy business community; and

WHEREAS, Paul will now enjoy more time with his wife **Tina**, son **Arron**, daughter **Elaina**, son-in-law **Jordan**, and granddaughters **Ellie and Hollie**. In retirement, **Paul** has not made definitive plans but he wants to continue to be involved in off road motorcycling, a hobby he has been doing for most of his life. **Paul** doesn't race anymore, but he still promotes and organize races, and non-competitive events;

NOW, THEREFORE, BE IT KNOWN, That the Mayor and City Council of the City of Troy take this opportunity to express their appreciation to **City of Troy Water & Sewer Operations Manager Paul Troesper** for his professionalism and many contributions to the City of Troy for the betterment of the community; and

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

Presented the 19th day of February 2024.



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Date: February 12, 2024
To: Honorable Mayor and Members of Troy City Council
From: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
Julie Quinlan Dufrane, Assistant City Attorney
Nicole MacMillan, Assistant City Attorney
Isha Chincholkar, City Attorney Intern
Subject: Amendments to Chapter 98

Based on new state legislation concerning criminal offenses charged under municipal ordinances, as well as some decisions in recent cases, the City Attorney’s Office is proposing amendments to Chapter 98 of the City Code – Criminal Code. Although many of these provisions remain on the books, they were not able to be enforced for different reasons. Our office has finally had a chance to complete a comprehensive review of Chapter 98 to incorporate developments since the enactment of the ordinance. We have attached a redlined version showing the proposed amendments we recommend and a clean copy showing Chapter 98 as it would appear if City Council approves it.

PROVISIONS AFFECTED BY CONSTITUTIONAL LAW RULINGS AND PREVIOUS REPEALS

Sections 98.03.03 and 98.14.02

Sections 98.03.03 and 98.14.02 make it illegal to “utter vile, profane or obscene language in any public place” and to “use profane, indecent, vulgar, or immoral language or indulge in indecent or immoral conduct on school property.” Both Federal and Michigan court decisions have held that such provisions are unconstitutionally vague because they fail to provide sufficient notice as to what is specifically prohibited. Thus, to strengthen the validity of these provisions, the proposed amendments would make such language or conduct illegal only if it also causes a disturbance of the peace, which is consistent with Michigan case law.

Section 98.05.16

Section 98.05.16 previously provided regulations related to fireworks. As a result of the Michigan Fireworks Safety Act, MCL 28.451, the City placed all its fireworks provisions in different sections - 98.15.01 – 03. However, the reference to Section 98.05.16 was not removed. Instead it was amended to read “See Section 98.15.01.” The proposed comprehensive amendment would remove the reference to Section 98.15.01 and then continue to keep the section numbers sequential and renumber the following provisions accordingly.



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Section 98.05.17

This section of Chapter 98 makes it illegal to “beg in public.” This provision should be deleted based on case law. The proposed comprehensive amendment would repeal this provision but keep the section numbers sequential and renumber the following provisions accordingly.

Section 98.10.04

Section 98.10.04 has the heading “Under 21 Refuse PBT” and underneath there is language indicating this section was deleted in November 2009. It was deleted as a result of a Michigan Court of Appeals case that specifically invalidated the City’s ordinance provisions related to minors refusing to take a preliminary breath test (PBT). At that time, the City revised Section 98.10.03(3) to set forth allowable regulations to request minors submit to a PBT. The proposed comprehensive amendment removes the heading and language in Section 98.10.04 but keeps the section numbers sequential and renumbers the following sections accordingly. The proposed amendment also changes the references in the following sections to refer to the appropriate sections based on the renumbering.

PROVISIONS AFFECTED BY CHANGES IN MARIHUANA LAWS

Section 98.11.01

Section 98.11.01 prohibits the use and possession of marihuana and imposes misdemeanor penalties for a violation. The proposed comprehensive amendment revises this section based on the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, *et seq.*, (MRTMA) and the Michigan Medical Marihuana Act, MCL 33.26421 *et seq.*, (MMA). As revised, this section no longer prohibits the general use and possession of marihuana by adults. Consistent with state law, the use and possession of marijuana by persons under 21 and the possession of more than 2.5 ounces of marihuana, plus the visible growing of plants are now civil infractions. Consumption of marihuana in a vehicle on a public road or way, and possession or use of marihuana on school grounds is a misdemeanor, consistent with the state statutes. Under MRTMA, there are also more serious sanctions for repeat offenders and for persons possessing larger quantities, but these are not incorporated, since these would likely be prosecuted under state law, rather than city ordinance.

PROVISIONS AFFECTED BY CHANGES IN TOBACCO LAWS

As a result of amendments to the Youth Tobacco Act, MCL 722.642 *et seq.*, the age that a person can legally use tobacco, alternative nicotine products, and vapor products has changed from age 18 to age 21. To be consistent with state law, the proposed comprehensive amendment to Chapter 98 includes the revisions outlined below.

Section 98.01.02.1 – Definitions

The proposed comprehensive amendment adds definitions for “Alternative Nicotine Product,” “Tobacco Product” and “Vapor Product” consistent with the Youth Tobacco Act.



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Section 98.12.01

The proposed amendment to Section 98.12.01 reflects the statutory change prohibiting persons under 21 from possessing and using tobacco. The penalty for a violation remains a misdemeanor subject to a \$50 fine, but as amended, this section authorizes the Court to impose participation in a health program and/or community service as a sanction for a violation.

Section 98.12.01a

The proposed amendment adds a new Section 98.12.01a, specifically identifying vapor and alternative nicotine products as part of the prohibition for persons under 21 years old. Possession or use would be a civil infraction but the Court could also require participation in a health program and/or community service as a sanction for a violation. A third offense would be a misdemeanor subject to a \$50 fine, and possible participation in a health program and/or community service.

Section 98.12.02

The proposed amendment to 98.12.02 would make it a misdemeanor to sell or furnish tobacco, a vapor product, or a nicotine product to a person under the age of 21. The penalty for a first offense would be \$100 and \$500 for a second offense and up to \$2,500 for a third offense, consistent with state law.

CHANGES TO FIREARM LAWS

Our comprehensive review required a look at the firearms laws, which have been recently amended in the state statutes. Pursuant to MCL 132.1102, local units of government are prohibited from imposing, enacting, or enforcing any ordinance regulating the ownership, purchase, sale, transfer, transportation, or possession of pistols, other firearms or pneumatic guns, or ammunition except as provided by federal or state law. Although MCL 132.1103 allows municipalities to adopt ordinances related to firearms, a municipality cannot adopt any firearm regulation that would prohibit any use or possession of a firearm that is permitted under state law. Recent changes include:

Licensing of Firearms

Under current state law, a person may not purchase, carry, or transport a pistol without first obtaining a license from a police department. The license is commonly referred to as a pistol permit. There are exemptions from this requirement for persons who have a concealed pistol license (CPL), for law enforcement and correctional officers, members of the armed forces, federally licensed firearm dealers, and persons who purchase a pistol from a federally licensed firearm dealer who completes a federal criminal background check not more than five days before the purchase. If a police department determines there is probable cause to believe that a pistol license applicant poses a threat to himself/herself or to other individuals, or is likely to commit a criminal offense with a pistol, the permit application should be denied, and the Troy Police Department has established guidelines for carrying out this responsibility. The current provision, where there is no requirement to get a Michigan license or permit for a rifle or shotgun, was modified by Public Acts 18, 19, and 22 of 2023,



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which amends provisions of MCL 28.421 – 28.434(a), MCL 750.232 -233, and MCL 777.11. Now, persons seeking to purchase a rifle or a shotgun must first obtain a license from a police department unless they are exempt from doing so under the new statute. The new law, which takes effect on February 13, 2024, essentially extends the regulations currently applicable to pistol licensing to rifles and shotguns. Under the amended legislation, firearms acquired before February 13, 2024 are exempt. The new law also eliminates the exemption for those purchasing from federally licensed firearms dealers who complete background checks.

New Safe Storage Provisions for Firearms

Public Acts 79 – 82, which also takes effect on February 13, 2024, amends MCL 28.435, MCL 777.11B, and MCL 205.51 - MCL 205.78 by imposing new requirements for the safe storage of firearms if it is known that a minor (under the age of 18) is likely to be on a premise. The new law prohibits a person from leaving a firearm at a property where there are minors unless it is in a locked box or container or kept unloaded and locked with a locking device to make the firearm inoperable by any individual other than the owner or an authorized user. The law also applies to any person who enters the premises of another where a minor may be present. In such case, the law requires the individual to either store the firearm in a locked box or keep it unloaded with a locking device installed, or they must leave the firearm in a locked vehicle. The penalties for violation depend on what the minor does after obtaining a firearm not properly stored. If a minor exhibits the firearm in public, the penalty for the non-compliant firearm owner is up to 93 days in jail and a fine up to \$500. If the minor uses the firearm and causes an injury, the penalty could be up to 10 years in prison and/or a fine of up to \$7,500, and if a minor uses the firearm and causes a death, the penalty is up to 15 years in prison and a fine of up to \$10,000.

The new law also imposes requirements on federally licensed firearm dealers to provide brochures or pamphlets informing all firearm purchasers of the new safe storage laws.

The new legislation also amends the sales and use tax laws to exempt firearm safety devices from the sales and use tax.

Extreme Risk Protection Orders (Red Flag Law)

Public Act 38 of 2023 is new legislation (MCL 691.1805) that allows specified individuals (petitioners) to file an action in circuit court seeking an extreme risk protection order (ERPO) to prohibit any person posing a significant risk of personal injury to himself or herself or others from possessing firearms. This law, which is known as a “red flag” law, is similar to legislation passed in several other states that require a person who is served with such a petition to demonstrate that he or she is not a significant risk to themselves or others if they possess a firearm. A petition seeking an ERPO can be filed by any person who has a familial or dating relationship with the respondent, or a guardian, a mental health professional or a law enforcement officer. If the Court issues an ERPO, the respondent will be required to turn in any firearms he or she owns to a police department and file proof with the court verifying the firearms have been surrendered. Failure to do so would subject the respondent to criminal penalties and penalties for contempt of court. An ERPO expires one year after issuance but



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may be extended upon the request of the petitioner if it is shown that the respondent still poses a significant risk of personal injury to themselves or others.

Senate Bill 208

There is no current state or federal law that would prohibit a person from openly carrying a firearm in a holster outside of his or her clothing. Accordingly, local units of government cannot prohibit the open carry of firearms in public buildings, except as noted below. Pursuant to MCL 28.425o and Administrative Orders of the Michigan Supreme Court, there are some locations where individual(s) are prohibited from concealed and open carry of a firearm. They include:

- 1) Schools or school property.
- 2) Public or private day care facilities.
- 3) Sports arena or stadiums.
- 4) Bars or taverns.
- 5) Property owned or operated by a church, synagogue, mosque, or other place of worship, unless the presiding official allows the firearms to be carried on the premises.
- 6) Entertainment facilities with a seating capacity of 2,500.
- 7) Hospitals.
- 8) A dormitory or classroom of a community college, college, or university.
- 9) Casinos.
- 10) Any courtroom, office, or other space used for official court business.

On March 16, 2023, Senate Bill 208 was introduced in the State Legislature. This proposed law would amend MCL 123.1103 to allow local units of government to pass an ordinance prohibiting firearms on any property owned or leased by the local unit of government. If this bill were to pass and become law, then the City could amend its ordinances to prohibit firearms on City owned property. However, there has been no further action taken on this proposed legislation since its introduction.

House Bill 4184

Under state law, pneumatic guns (BB and pellet guns) are not considered firearms and are not subject to the same regulations. Thus, there is no requirement to obtain a license in order to use and possess a pneumatic gun. Under MCL 123.1103, a local unit of government may regulate the possession of pneumatic guns within the local unit of government by requiring that an individual below the age of 16 who is in possession of a pneumatic gun be under the supervision of a parent, a guardian, or an individual 18 years of age or older. Under the current state law, however, an ordinance cannot regulate possession of a pneumatic gun on or within private property if an individual below the age of 16 is authorized by a parent or guardian or another adult that owns the subject to possess the pneumatic gun. In March 2023, House Bill 4148 was introduced and if enacted, it would prohibit any individual less than 18 years of age from using or possessing a pneumatic gun outside the individual's residence unless accompanied by another individual over 18 years of age. Similar to Senate Bill 208, there has been no further action since the bill's introduction.



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Proposed Amendments to Firearm Provisions of Chapter 98

Following the changes in state law, we recommend the following specific ordinance revisions to remove conflicts with the state law, and also to provide additional protections for the health, safety, and welfare of the community, as allowed under the firearms laws.

Section 98.01.02.1 – Definitions

The proposed amendment would revise the definition section to be consistent with the definitions provided under state law firearm regulations. The amendment would revise the definition of the term “firearm” and provide new definitions for the terms brandish, pistol, and pneumatic gun.

Section 98.13.01 – Transport or Possess Firearms in Vehicle

The proposed amendment specifies how firearms and pneumatic guns may be transported. As revised, this section would be consistent with the state law.

Section 98.13.02 – Firearm License Requirement

The proposed amendment clarifies that any person who possesses a firearm in Troy must have a license as required by the recent amendment to the state law or otherwise be exempt from licensure. Any person who acquired a firearm, other than a pistol, before February 13, 2024 is exempt, as required by state law. The amendment to this section also removes the language related to possessing a firearm in “public” since that language could imply that the City prohibits possession of all firearms in public, which it is not authorized to do.

Section 98.13.03 – Person Under 18 – Possess Firearms

The proposed amendment clarifies that a person under the age of 18 may not carry or possess a firearm in public unless they are under the direct supervision of an individual 18 years or older.

Sections 98.13.06 and 98.13.07

The proposed amendments adding Sections 98.13.06 and 98.13.07 provide regulations for pneumatic guns. The City has authority to prohibit using such guns in a dangerous or threatening manner and to require persons under the age of 16 to only use such guns under the supervision of an adult or within private property as authorized by a parent, guardian or property owner. We recommend adding these provisions since our office has received many inquiries regarding whether pneumatic guns are subject to the same regulations as firearms. These provisions provide notice that even though pneumatic guns are not subject to the same regulations applicable to firearms, there are some limitations on their use.



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Sections 98.13.08 and 98.13.09 – Brandishing and Pointing Firearm Without Malice

The new sections 98.13.08 and 98.13.09 would add provisions prohibiting the brandishing of firearms and intentionally pointing a firearm at a person without malice.

We considered proposing some amendments for safe storage of firearms and ERPO's. However, most of the significant violations of the new safe storage laws are felonies or juvenile cases, brought by the Oakland County prosecutor, rather than the City prosecutor. The ERPO violations are enforced through civil penalties and private actions in circuit court, rather than a district court misdemeanor prosecution. Thus, we do not believe there is any reason to incorporate these state law provisions or the new ERPO law provisions into the City's misdemeanor ordinance.

PROVISIONS AFFECTING CONDUCT ON SCHOOL PROPERTY

Based on some court challenges to the school property provisions in Chapter 98, we propose amendments to those provisions. The proposed amendment also amends the provisions related to tobacco on school property to be consistent with revisions to state law.

Proposed Amendments to School Property Provisions of Chapter 98

Section 98.14.02

Section 98.14.02 prohibited indecent language or conduct on school property. The proposed amendment adds additional language that would only prohibit such language or conduct if it causes a disturbance.

Section 98.14.03

Section 98.14.03 states that anyone on school property violates the ordinance unless the presence is authorized by a school administrator. The proposed amendment clarifies that it is only a violation when an individual is previously notified by a school administrator that they are not allowed on the property, or if they refuse to depart after being requested to leave by a school administrator.

Section 98.14.05

Section 98.14.03 makes it a misdemeanor to use tobacco on school property. The proposed amendment prohibits the use of vapor products (vapes) and alternative nicotine products in addition to tobacco. Persons over 21 years old are still allowed to use tobacco or vapor products or alternative nicotine products on school property at scheduled outdoor events on Saturdays or Sundays or after 6 pm. This is consistent with the state law.

These proposed amendments were included in the February 5, 2024 City Council Regular Meeting Agenda as a report. Since there was limited input, the proposed ordinance revisions are now being recommended for approval.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 98 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 98 of the Code of the City of Troy.

Section 2. Amendment

Sections 98.01.02.1, 98.03.03, 98.10.10, 98.10.11, 98.10.14, 98.11.01, 98.12.01, 98.12.02, 98.13.01, 98.13.02, 98.13.03, 98.13.05, 98.14.02, 98.14.03, 98.14.05 are amended, and Sections 98.12.01a, 98.13.06, 98.13.07, 98.13.08 and 98.13.09 are added, Sections 98.05.16, 98.05.17, 98.10.04 are repealed, and Sections 98.05.18, 98.10.06, 98.10.07, 98.10.08, 98.10.09, 98.10.10, 98.10.11, 98.10.12, 98.10.13, and 98.10.14 are renumbered as follows: (*Red insertion and strikeout denote changes*)

HEADINGS, DEFINITIONS, PENALTIES AND AID AND ABET

98.01.02.1 Definitions. The following definitions are to be used in this Chapter:

“Alternative nicotine product” means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by other means. Alternative nicotine product does not include a tobacco product, a vapor product, food, or a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360fff-7.

“Brandish” means to point, wave about, or display in a threatening manner with the intent to induce fear in another person.

“Domestic assault and battery” includes an individual who assaults or assaults and batters his or her spouse or former spouse, an individual which whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household.

"Firearm" includes any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.

“Pistol” means a loaded or unloaded firearm that is 26 inches or less in length, or a loaded or unloaded firearm that by its construction and appearance conceals itself as a firearm.

“Pneumatic gun” means any implement, designed as a gun that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

“Tobacco product” means a product that contains tobacco and is intended for human consumption, including, but not limited to, a cigarette, noncigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the tobacco products tax act, 1993 PA 327, MCL 205.422, and a cigar.

“Vapor product” means a noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine or any other substance, and the use or inhalation of which simulates smoking. Vapor products includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine or other substance in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360ff-7.

INDECENT CONDUCT

98.03.03 Obscene Language. No person shall utter vile, profane or obscene language in any public place **if doing so disturbs the public peace and quiet**. A person who violates this section is guilty of a misdemeanor

DISORDERLY CONDUCT

~~98.05.16 See Section 98.15.01~~

~~98.05.17 Beg in Public. No person shall beg in any public place. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.~~

98.05.16 Targeted Residential Picketing. The City Council declares that:

- a. The protection and preservation of the home is fundamental to democratic government.

- b. The public health, safety and welfare and good order of the community require that residents of the City be able to enjoy a feeling of well-being, peacefulness, tranquility, safety, and privacy in their homes, and when absent from their homes carry with them the sense of security inherent to the assurance that they may return to the enjoyment of their homes.
- c. Protecting the safety of the occupants of each home and their guests as they enter their home is of paramount importance.
- d. The practice of picketing in front of or about residences causes emotional disturbance and distress to the occupants and guests, as well as to the occupants of adjacent residences, and obstructs and interferes with the free use of public sidewalks and that such practice destroys the well being, peacefulness, tranquility, safety, and privacy associated with the home and neighborhood.
- e. The picketing of residences has as its object the harassing of occupants, and without resort to picketing of residences full opportunity exists under the terms and provisions of this ordinance, for the exercise of freedom of speech and other constitutional rights.
- f. The practice of picketing directed or focused at a particular residence, has by its nature as its true objective the harassing of occupants, which is not consistent with a citizen's right to privacy or the government's interest in ensuring peaceful and safe residential neighborhoods.

No person shall engage in picketing in front of, about or adjacent to a residence. Nothing in this section shall prohibit picketing, to the extent that such activity is protected under the Michigan or United States Constitutions. Nothing in this section shall prohibit a person from proceeding in a residential area along a defined route provided the person does not stop at or repeatedly pass any particular residence. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.05.17 Price Gouging During Declared Emergency. No person, during an emergency declared by City Council or the City Manager, shall charge more than the normal average retail price for any merchandise sold. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

ALCOHOL

~~98.10.04 Under 21 - PBT Refusal.~~

98.10.04 Person Under 21 - Transport Alcohol in Motor Vehicle. A person under 21 years of age shall not knowingly transport or possess alcoholic liquor, in a motor vehicle, unless authorized by law. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

98.10.05 Furnish or Sell Alcohol to Person Under 21. No person shall willfully give, furnish or sell alcoholic liquor to any person under the age of 21, except pursuant to a prescription from a licensed physician. Except as set forth in Section 98.10.13, a person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.10.06 Furnish False ID. No person shall furnish identification to any person under the age of 21 where the person knows or should know that the identification is to be used for fraudulent purposes. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.10.07 Use of False ID. No person shall use fraudulent identification to purchase or attempt to purchase alcoholic liquor. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.10.08 Purchase Alcohol by Intoxicated Person. No person who is intoxicated or impaired by alcohol or drugs shall purchase or solicit any other person to purchase alcoholic liquor on his or her behalf. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.10.09 Sell Alcohol to Intoxicated Person. No person employed by, or any agent or owner of, any business or establishment that sells, serves, distributes, or gives away alcoholic liquor, shall sell, serve, furnish, or give away alcoholic liquor to any visibly intoxicated person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the

county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.10.10 Fail to Inquire as to Age. No person shall sell or furnish alcoholic liquor to any person less than 21 years of age and no person shall fail to make diligent inquiry as to whether a person attempting to obtain alcoholic liquor is less than 21 years of age. Except as set forth in Section 98.10.13, a person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.10.11 Bring Alcohol into Licensed Liquor Establishment. No person, other than the owner, licensee or agent of a licensed liquor establishment, shall bring any alcoholic liquor into any establishment licensed to sell alcoholic liquor. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.10.12 Display of Alcohol. No person shall display spirits, containing an alcoholic content of over 21 percent by volume, in an area that is open to persons under the age of 21. Such displays shall be behind a counter or similar fixture. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.10.13 Furnishing, Sale To Persons Under 21 and/or Failure to Inquire As To Age During Enforcement Action. If an employee, clerk, or agent of an establishment that has been issued a license to sell or serve alcoholic liquor by the Michigan Liquor Control Commission violates either Section 98.10.05 or 98.10.10, and those violations result from an undercover operation in which the minor is under the direction of the Troy Police Department as part of an enforcement action, then that employee, clerk, or agent is responsible for a Civil Infraction and may be ordered to pay a civil fine of not more than \$100.

DRUGS

98.11.01 Possession or Use of Marijuana **Marihuana. The following provisions are applicable to the possession and/or use of marihuana;**

- a) **No person under the age of 21 shall consume or have in his/her possession or under his/her control, marihuana or cannabis as defined by Section 3 of the Michigan Regulation and Taxation of**

Marihuana Act, MCL 333.27953, unless that person is a qualifying patient who has been issued and possesses a registry identification card for the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.*

- b) No person shall transfer marihuana or marihuana accessories to a person under the age of 21 unless that person is a qualifying patient who has been issued and possesses a registry identification card for the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.*
- c) No person shall consume marihuana in a public place or smoke marihuana where prohibited by the person who owns, occupies or manages the property, except for purposes of this subdivision, a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age.
- d) No person shall cultivate marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area.
- e) No person shall smoke marihuana within a vehicle upon a public way.
- f) No person shall possess marihuana accessories or possess or consume marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, or in a school bus.
- g) No person shall possess more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.
- h) A person who violates subsection (a), (b), (c), (d) or (g) of this section shall be responsible for a civil infraction and shall be punished by a fine of not more than \$100.00 plus forfeiture of the marihuana;
- i) A person who violates subsection (e) or (f) of this section shall be guilty of a misdemeanor punishable by imprisonment in the county

jail for not more than 90 days or by a fine of not more than \$500, or both.

- b. Manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research or teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists and embalmers in the normal legal course of their respective business or profession.

TOBACCO

98.12.01 Person Under 21 - Possess or Purchase Tobacco. No person under the age of 21 shall purchase, attempt to purchase, possess or use tobacco in any form or any product that is used for the formation of a smoking device. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each offense. In addition, the court may also require an individual who violates this section to participate in a health promotion and risk reduction assessment program and/or to complete community service hours as follows: not more than 16 hours of community service for a first offense, not more than 32 hours of community service for a second offense, and not more than 48 hours of community service for a third or subsequent offense.

98.12.02 Person Under 21- Possess or Purchase a Vapor Product or Alternative Nicotine Product. No person under the age of 21 shall purchase, attempt to purchase, possess, or attempt to possess, or use a vapor product or alternative nicotine product. A person who violates this section is responsible for a civil infraction or guilty of a misdemeanor as follows:

- a. For the first violation, the individual is responsible for a civil infraction and shall be fined not more than \$50.00. In addition, the court may order the individual to participate in a health promotion and risk reduction assessment program and/or the court may order the individual to perform not more than 16 hours of community service.
- b. For the second violation, the individual is responsible for a civil infraction and shall be fined not more than \$50.00. In addition, the court may order the individual to participate in a health promotion and risk reduction assessment program and/or the court may order the individual to perform not more than 32 hours of community service. _

- c. For a third or subsequent violation, the individual is guilty of a misdemeanor punishable by a fine of not more than \$50.00. In addition, the court may order the individual to participate in a health promotion and risk reduction assessment program and/or the court may order the individual to perform not more than 48 hours of community service.

98.12.03 Sell or Furnish Tobacco, Vapor, or Alternative Nicotine Product to Person Under 21. No person shall sell, furnish, give or deliver a tobacco product, vapor product, or alternative nicotine product, in any form or any product that is used for the formation of a smoking device, to any person under the age of 21. A person who violates this section is guilty of a misdemeanor, punishable by a fine ~~as follows: of not more than \$50.00 for each offense.~~ not more than \$100.00 for a first offense, not more than \$500.00 for a second offense, and not more than \$2,500.00 for a third or subsequent offense.

FIREARMS

98.13.01 Transport or Possess Firearms in Vehicle. Except as otherwise permitted by state or federal law, no person shall transport or possess in or upon a motor vehicle, or any self-propelled vehicle designed for land travel either of the following:

(a) A firearm, other than a pistol, unless the firearm is unloaded and is one or more of the following:

- (i) Taken down.
- (ii) Enclosed in a case.
- (iii) Carried in the trunk of the vehicle.
- (iv) Inaccessible from the interior of the vehicle.

(b) A pneumatic gun that expels a metallic BB or metallic pellet greater than .177 caliber unless the pneumatic gun is unloaded and is 1 or more of the following:

- (i) Taken down.
- (ii) Enclosed in a case.
- (iii) Carried in the trunk of the vehicle.
- (iv) Inaccessible from the interior of the vehicle.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.13.02 Firearm License Requirement. Except as permitted by state or federal law_a person shall not purchase, carry or possess a firearm in the City unless the person has obtained a license for the firearm as prescribed by state law_or is otherwise permitted to purchase, carry or possess the firearm under state or federal law. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.13.03 Person Under 18 – Possess Firearms. Except as permitted by state or federal law, no person under 18 years of age shall carry or transport a firearm in any public place except under the direct supervision of an individual 18 years of age or older. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.13.05 Discharge of Firearms. No person shall discharge a pistol or any other firearm or bow and arrow in the City. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

Exception. This section does not apply to persons lawfully acting in the defense of persons or property or the enforcement of law or as otherwise authorized by this Chapter, or at an established range that has been approved by the Troy City Council.

98.13.06 Pneumatic Guns – Prohibited Conduct. No person shall point, wave about, or display a pneumatic gun in a threatening manner with the intent to induce fear in another individual. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.13.07 Pneumatic Guns – Person Under 16. A person under the age of 16 shall not possess a pneumatic gun unless the person is under the supervision of a parent or guardian, or an individual 18 years of older, except if the individual is on or within private property and is authorized by a parent or guardian and the property owner or legal possessor to possess the pneumatic gun. A violation of this section is a municipal civil infraction subject to the penalties of Chapter 100 of the Troy City Code.

98.13.08 Brandishing Firearm in Public. A person shall not knowingly brandish a firearm in public. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

Exception. This section does not apply to persons lawfully acting in the defense of persons or property or the enforcement of law or as otherwise authorized by this Chapter.

98.13.09 Pointing or Aiming Firearm at Another. A person who intentionally but without malice points or aims a firearm at or towards another person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500, or both.

Exception. This section does not apply to persons lawfully acting in the defense of persons or property or the enforcement of law or as otherwise authorized by this Chapter.

SCHOOL PROPERTY

98.14.02 Profane Language on School Property. No person shall use profane, indecent, vulgar, or immoral language or indulge in indecent or immoral conduct on school property **if doing so causes a disturbance or improper diversion by which the peace and quiet or good order of any class gathering or other function in any school building is disturbed.** A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.14.03 Unauthorized Use of School Property. No person shall enter or remain on school property without lawful authority **after having been forbidden to do so by a school administrator or after being notified to depart by a school administrator.** A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.14.05 Tobacco, Vapor, or Alternative Nicotine Products on School Property. No person shall use any tobacco product, **vapor product, or alternative nicotine product** on school property. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00.

Exception. This section does not apply to **individuals who are 21 years or older who are on** ~~these~~ parts of school property consisting of outdoor areas including, but not limited to, an open-air stadium, during either of the following time periods:

- a. Saturdays, Sundays, and other days on which there are no regularly scheduled school hours.

- b. After 6 p.m. on days during which there are regularly scheduled school hours.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

This 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 _____, 2024.

Ethan Baker, Mayor

Aileen Dickson, City Clerk

Chapter 98 – Criminal Code

HEADINGS, DEFINITIONS, PENALTIES AND AID AND ABET

98.01.01 **Section Headings and Ordinance Titles.** Section headings and ordinance titles provided in bold are not part of this Chapter are not to be used in the interpretation of this ordinance.

98.01.02.1 **Definitions.** The following definitions are to be used in this Chapter:

“Alcoholic liquor” includes any spirituous, vinous, malt, or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing ½ of 1% or more of alcohol by volume, which are fit for use for beverage purposes.

“Alternative nicotine product” means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by other means. Alternative nicotine product does not include a tobacco product, a vapor product, food, or a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360fff-7.

“Brandish” means to point, wave about, or display in a threatening manner with the intent to induce fear in another person.

“Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.

“Domestic assault and battery” includes an individual who assaults or assaults and batters his or her spouse or former spouse, an individual which whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household.

"Firearm" includes any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.

“Hunt” includes seeking, provoking, pursuing or taking any animal.

“Normal average retail price” is that price at which similar merchandise was sold during the ninety (90) days immediately preceding a declared emergency, or at a mark-up which is a larger percentage over wholesale cost than was added to wholesale cost prior to a declared emergency.

“Person” includes any individual, co-partnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

“Picket” or picketing” includes, standing, sitting, lying, walking, running, or otherwise moving, on a public right-of-way, to convey an opinion or message. These terms also include posting a person at a particular place to communicate to the public vocally or by any other means an opinion or message.

“Pistol” means a loaded or unloaded firearm that is 26 inches or less in length, or a loaded or unloaded firearm that by its construction and appearance conceals itself as a firearm.

“Pneumatic gun” means any implement, designed as a gun that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

“Public place” includes any street, alley, park, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to the public view, or to which the public has access.

“Principal” is a person who commits an offense punishable by this code.

"School property" includes any public, private, or parochial school building or any building owned, occupied, or otherwise utilized by any public, private, or parochial school, and expressly includes the grounds, outbuildings, fences, trees, shrubbery, equipment, personal property, or other appurtenances, fixtures, or improvements, attached or in any way belonging thereto.

“Telecommunications device” means any instrument, equipment, machine, or device that facilitates telecommunications, including but not limited to a computer, computer chip or circuit, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables use of a modem.

“Tobacco product” means a product that contains tobacco and is intended for human consumption, including, but not limited to, a cigarette, noncigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the tobacco products tax act, 1993 PA 327, MCL 205.422, and a cigar.

“Trap” includes hunting, confining, taking or entrapping any animal by means of any trap, snare, bait, hook or other device.

“Vapor product” means a noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine or any other substance, and the use or inhalation of which simulates smoking. Vapor products includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine or other substance in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360fff-7.

98.01.03 Penalties. In addition to the penalties provided in each section of Chapter 98, the court may impose any sanction or remedial measure provided in state law for misdemeanor offenses.

98.01.04 Aid and Abet. A person who aids, abets, counsels, commands, or procures the commission of a violation of this code shall be punished as if that person were the principal.

ASSAULTS

98.02.01 Domestic Assault and Battery. No person shall commit a domestic assault or domestic assault and battery on another person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.02.02 Assault and Battery. No person shall commit an assault or an assault and battery on another person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.02.03 Assault and Battery on a Police Officer. No person shall commit an assault and battery on any police officer, animal control officer, police service aide, or peace officer in the performance of his or her duties. A person who violates this section is guilty of a misdemeanor punishable by imprisonment

in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

INDECENT CONDUCT

- 98.03.01 Indecent Exposure. No person shall make any indecent exhibition or exposure of his or her person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.03.02 Indecent Conduct. No person shall engage in any indecent or obscene conduct in any public place. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.03.03 Obscene Language. No person shall utter vile, profane or obscene language in any public place if doing so disturbs the public peace and quiet. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.03.04 Urinate in Public. No person shall urinate in any public place other than a designated lavatory. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.03.05 Window Peeping. No person shall peep in the windows of any inhabited place without the consent of the occupant. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.03.06 Prostitution. No person shall engage in prostitution. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.03.07 Maintain Gaming Room. No person shall keep or maintain a gaming room, gaming tables, or any policy or pool tickets, used for gaming. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

- 98.03.08 Permit Gaming Room on Premises. No person shall knowingly permit a gaming room, gaming tables, or any policy or pool tickets to be kept, maintained, played or sold on any premises occupied or controlled by him or her. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.03.09 Engage in Illegal Business. No person shall engage in prostitution, gambling, the illegal sale of intoxicating liquor, or any other illegal or immoral business or occupation. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.03.10 Transport to Place of Illegal Acts. No persons shall knowingly transport any person to a place where prostitution or gambling is practiced, encouraged, or allowed for the purpose of enabling a person to engage in gambling, prostitution, or any illegal or immoral act. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.03.11 Frequent Place of Illegal Business. No person shall knowingly attend, frequent, operate or be an occupant, or resident of any place where any illegal business or occupation is permitted or conducted by the owner or occupant of the premises. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.03.12 Solicit Illegal Acts. No person shall solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

DESTRUCTION OF PROPERTY

- 98.04.01 Malicious Destruction of Property. No person shall willfully destroy, remove, damage, alter or in any manner deface any property not his or her own. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.04.02 Tamper With Water Meter. No person shall disturb, tamper with, disconnect or damage any City water meter without proper authority. A person who violates this section is guilty of a misdemeanor punishable by imprisonment

in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.04.03 Tamper With Drinking Fountain. No person shall disconnect or deface any drinking fountain. Nor shall a person deposit any harmful substance in a drinking fountain or pollute the water in the basin of any fountain. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.04.04 Malicious Destruction of Turf and Shrubs. No person shall maliciously destroy, or injure any tree, shrub, grass, turf, plant, crop, or soil of another person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.04.05 Malicious Interference with Closed Circuit Television Cameras. Except when permitted by proper authority, no person shall knowingly touch, alter, damage, obstruct, or otherwise interrupt the normal operation of any closed circuit television camera. This shall include placing any object over the lens or altering the direction of the camera. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.04.06 Tamper Or Meddle With Motor Vehicle. Except when authorized by the owner, no person shall:

- a) Enter any motor vehicle or open any door, trunk, hood or window of a motor vehicle.
- b) Start the motor of any vehicle or shift or change the starting device or gears of any motor vehicle.
- c) Release the brake of any motor vehicle.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

DISORDERLY CONDUCT

98.05.01 Trespass by Willful Entry. No person shall willfully enter upon the lands or premises of another, without lawful authority, after have been forbidden to do so by the owner or occupant, agent or servant of the owner or occupant.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

- 98.05.02 Trespass by Refusing to Depart. No person, except a person with lawful authority, shall neglect or refuse to depart from the land or premises of another, after having been notified to depart by the owner or occupant, or agent or servant of either. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.03 Enter Without Permission. No person shall enter an occupied dwelling or garage, whether attached or unattached, without permission of the owner, owner's agent or occupant. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.04 Fight in Public. No person shall engage in any disturbance or fight in any public place. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.05 Loud Conduct. No person shall disturb the peace and quiet by loud boisterous or vulgar conduct. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.06 Permit or Allow Loud Conduct. No person shall permit or allow any noisy, boisterous, or disorderly persons to be in any place occupied or controlled by him or her. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.07 Furnish or Provide Location for Illegal Purposes. No person shall furnish or provide any location for another person with reason to know that the location may be used to commit an illegal act, including but not limited to the illegal use or possession of a controlled substance or alcohol. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.08 Congregate for Illegal Purpose. No person shall collect or stand in a crowd or encourage others to stand or collect in a crowd for an illegal purpose in any public place. A person who violates this section is guilty of a

misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

- 98.05.09 Roughly Crowd Another Person. No person shall intentionally push or bump or roughly crowd another person in any public place. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.10 Obstruct Passage of Another Person. No person shall intentionally obstruct the free and uninterrupted passage of another person in any public place. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.11 Obstruct Traffic. No person shall play any game or congregate on any public street or sidewalk so as to interfere with the regular flow of traffic. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.12 Throw Object From Vehicle. No person shall throw or propel any snowball, missile or object from any moving motor vehicle. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.13 Throw Object at Vehicle. No person shall throw or propel any snowball, missile or object at a motor vehicle. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.14 Spit in Public. No person shall spit on any floor or seat of any public carrier, or on any floor, wall, seat or equipment of any place of public assemblage. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.15 Contribute to Delinquency of Minor. No person shall by act, or word, encourage, contribute to, cause or tend to cause, any person under the age of 17 years to become neglected or delinquent. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the

county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.05.16 Targeted Residential Picketing. The City Council declares that:

- a. The protection and preservation of the home is fundamental to democratic government.
- b. The public health, safety and welfare and good order of the community require that residents of the City be able to enjoy a feeling of well-being, peacefulness, tranquility, safety, and privacy in their homes, and when absent from their homes carry with them the sense of security inherent to the assurance that they may return to the enjoyment of their homes.
- c. Protecting the safety of the occupants of each home and their guests as they enter their home is of paramount importance.
- d. The practice of picketing in front of or about residences causes emotional disturbance and distress to the occupants and guests, as well as to the occupants of adjacent residences, and obstructs and interferes with the free use of public sidewalks and that such practice destroys the well being, peacefulness, tranquility, safety, and privacy associated with the home and neighborhood.
- e. The picketing of residences has as its object the harassing of occupants, and without resort to picketing of residences full opportunity exists under the terms and provisions of this ordinance, for the exercise of freedom of speech and other constitutional rights.
- f. The practice of picketing directed or focused at a particular residence, has by its nature as its true objective the harassing of occupants, which is not consistent with a citizen's right to privacy or the government's interest in ensuring peaceful and safe residential neighborhoods.

No person shall engage in picketing in front of, about or adjacent to a residence. Nothing in this section shall prohibit picketing, to the extent that such activity is protected under the Michigan or United States Constitutions. Nothing in this section shall prohibit a person from proceeding in a residential area along a defined route provided the person does not stop at or repeatedly pass any particular residence. A person

who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

- 98.05.17 Price Gouging During Declared Emergency. No person, during an emergency declared by City Council or the City Manager, shall charge more than the normal average retail price for any merchandise sold. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

HINDER, OBSTRUCT, RESIST POLICE

- 98.06.01 Hinder, Obstruct or Resist Police. No person shall willfully obstruct, resist, hinder or oppose any police officer, animal control officer, communication supervisor, police service aide or any other peace officer in the legal performance of his or her duties. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.06.02 Hinder Police by False Identification. No person shall make misrepresentations as to his or her identity, whether by statement, through the use of false, forged or altered identification or the use or presentation of identification of another, with intent to hinder or obstruct any police officer, animal control officer, communication supervisor, police service aide or any other peace officer in the legal performance of his or her duties. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.06.03 False Statement or Report to Police. No person shall willfully make any false statement or report, to any police officer, animal control officer, communication supervisor, police service aide or any other peace officer in the legal performance of his or her duties, with the intent to mislead the peace officer or obstruct an investigation. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.06.04 Falsely Summon Public Services. No person shall summon the police department, fire department or any public or private ambulance without good reason. A person who violates this section is guilty of a

misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

- 98.06.05 Injure Police Dog. No person shall willfully or knowingly torture, torment, beat, kick, strike, injure, disable or kill any dog used by the City of Troy Police Department or interfere with or meddle with any police dog in the performance of its duties. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

HUNTING

- 98.07.01 Hunting. No person shall hunt any animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both. Exception. Police Officers and Animal Control Officers and any other individuals given written authorization by the Police Chief or his/her designee who are in compliance with the City's policy are authorized to use shell crackers or other noise making devices to control geese and migratory waterfowl.

- 98.07.02 Trapping. No persons shall trap any animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

Exceptions: This section shall not apply to the following:

- a. Persons may trap small rodents such as mice, rats and moles with any type of trap.
- b. Persons licensed by the State to trap may trap subject to the following:
 1. Only live traps that cannot kill or injure animals or persons may be used.
 2. All traps must be permanently marked with the owner's name and a telephone number where the owner or owner's agent can be contacted 24 hours a day.
 3. All traps must be checked at least every 24 hours.
- c. Persons authorized by State law or regulation may trap animals.

- d. Police Officers and Animal Control Officers are authorized to use traps to capture wild or domestic birds or animals that are running at large or have become a public nuisance.

THEFT AND FRAUD OFFENSES

98.08.01 Larceny. No person shall commit the offense of larceny by stealing the personal property of another. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.08.02 Retail Fraud. No person shall commit the offense of retail fraud. A person who does any of the following in a store or in its immediate vicinity is guilty of retail fraud:

- a. While a store is open to the public, alters, transfers, removes and replaces, conceals, or otherwise misrepresents the price at which property is offered for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale.
- b. While a store is open to the public, steals property of the store that is offered for sale.
- c. With intent to defraud, obtains or attempts to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.08.03 Receive and Conceal Stolen Property. No person shall buy, receive, conceal, aid in the concealing, possess or transport, any money, goods, or property of another, knowing the same to have been stolen, embezzled or converted. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.08.04 Fail to Pay for Goods or Services. No person shall, with the intent to defraud, procure services, goods, accommodations, or entertainment from another person or establishment without paying such person or establishment. A person who violates this section is guilty of a

misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

- 98.08.05 Obtain Goods or Services by Fraud. No person shall obtain money, property or services by fraud or false pretense. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

TELECOMMUNICATIONS DEVICES

- 98.09.01 Illegal Use of Telecommunications Devices. No person shall use any electronic telecommunications device with the intent to:
- a. Terrorize, frighten, intimidate, threaten physical harm or damage to property, harass or disturb the peace and quiet of any other person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
 - b. Falsely and deliberately report that any person has been injured, taken ill, died, been the victim of a crime, or in an accident. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
 - c. Communicate any vulgar, indecent, obscene or offensive language or suggest any lewd or lascivious act to a person who has not consented to the communication. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

ALCOHOL

- 98.10.01 Public Intoxication. No person shall be intoxicated in a public place and endanger another person or property or act in a manner that causes a public disturbance. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.10.02 Consume Alcohol in Public. No alcoholic liquor shall be consumed in a public place, unless the public place possesses a Michigan Liquor Control

Commission license for the premises. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the County Jail for not more than 90 days or by a fine of not more than \$500, or both.

98.10.03 (1) Under 21 – Purchase, Consume or Possess Alcohol. A person less than 21 years of age shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor, or have any bodily alcohol content. A person who violates this section is responsible for a civil infraction or guilty of a misdemeanor as follows:

- a. For the first violation, the person is responsible for a civil infraction and shall be fined not more than \$100.00, and the court may order all applicable sanctions and programs provided in the State of Michigan minor in possession of alcohol statutes. A person may be found responsible or admit responsibility only once under this subsection.
- b. If a violation of this section or a local ordinance or state law which substantially corresponds to this section occurs after 1 prior judgment, the person is guilty of a misdemeanor and shall be fined not more than \$200.00 and the court may order all applicable sanctions and programs provided in the State of Michigan minor in possession of alcohol statutes.
- c. If a violation of this section or a local ordinance or state law which substantially corresponds to this section occurs after 2 or more prior judgments, the person is guilty of a misdemeanor and shall be fined not more than \$500.00 and the court may order all applicable sanctions and programs provided in the State of Michigan minor in possession of alcohol statutes.

(2) “Prior judgment” as used in this section means a conviction, juvenile adjudication, finding of responsibility, or admission of responsibility for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

- a. This section or a local ordinance or state law which substantially corresponds to this section, MCL 436.1701 or 436.1707.
- b. Section 624a, 625b or 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.624a, 257.624b, and 257.625.

c. Section 80176, 81134, or 82127 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, 324.81134, and 324.82127.

d. Section 167a or 237 of the Michigan penal code, 1939 PA 328, MCL 750.167a and 750.237.

(3) A police officer who has reasonable cause to believe a person less than 21 years of age has consumed alcoholic liquor or has any bodily alcohol content may request the person to submit to a preliminary Chapter 98 – Criminal Code 98-14 chemical breath analysis. If a person under 21 years of age does not consent to a preliminary chemical breath analysis, the analysis shall not be administered without a court order, but a police officer may seek to obtain a court order. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a civil infraction proceeding or criminal prosecution to determine whether the person has consumed or possessed alcoholic liquor or had any bodily alcohol content.

(4) A police officer who witnesses a violation of this ordinance may stop and detain the person for purposes of obtaining satisfactory identification, seizing illegally possessed alcoholic liquor, and issuing an appearance ticket.

(5) This section does not prohibit a person less than 21 years of age from possessing alcoholic liquor where permitted by state law.

98.10.04 Person Under 21 - Transport Alcohol in Motor Vehicle. A person under 21 years of age shall not knowingly transport or possess alcoholic liquor, in a motor vehicle, unless authorized by law. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

98.10.05 Furnish or Sell Alcohol to Person Under 21. No person shall willfully give, furnish or sell alcoholic liquor to any person under the age of 21, except pursuant to a prescription from a licensed physician. Except as set forth in Section 98.10.13, a person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

- 98.10.06 Furnish False ID. No person shall furnish identification to any person under the age of 21 where the person knows or should know that the identification is to be used for fraudulent purposes. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.10.07 Use of False ID. No person shall use fraudulent identification to purchase or attempt to purchase alcoholic liquor. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.10.08 Purchase Alcohol by Intoxicated Person. No person who is intoxicated or impaired by alcohol or drugs shall purchase or solicit any other person to purchase alcoholic liquor on his or her behalf. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.10.09 Sell Alcohol to Intoxicated Person. No person employed by, or any agent or owner of, any business or establishment that sells, serves, distributes, or gives away alcoholic liquor, shall sell, serve, furnish, or give away alcoholic liquor to any visibly intoxicated person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.10.10 Fail to Inquire as to Age. No person shall sell or furnish alcoholic liquor to any person less than 21 years of age and no person shall fail to make diligent inquiry as to whether a person attempting to obtain alcoholic liquor is less than 21 years of age. Except as set forth in Section 98.10.13, a person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.10.11 Bring Alcohol into Licensed Liquor Establishment. No person, other than the owner, licensee or agent of a licensed liquor establishment, shall bring any alcoholic liquor into any establishment licensed to sell alcoholic liquor. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.10.12 Display of Alcohol. No person shall display spirits, containing an alcoholic content of over 21 percent by volume, in an area that is open to persons

under the age of 21. Such displays shall be behind a counter or similar fixture. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

- 98.10.13 Furnishing, Sale To Persons Under 21 and/or Failure to Inquire As To Age During Enforcement Action. If an employee, clerk, or agent of an establishment that has been issued a license to sell or serve alcoholic liquor by the Michigan Liquor Control Commission violates either Section 98.10.05 or 98.10.10, and those violations result from an undercover operation in which the minor is under the direction of the Troy Police Department as part of an enforcement action, then that employee, clerk, or agent is responsible for a Civil Infraction and may be ordered to pay a civil fine of not more than \$100.

DRUGS

- 98.11.01 Possession or Use of Marihuana. The following provisions are applicable to the possession and/or use of marihuana;

- a) No person under the age of 21 shall consume or have in his/her possession or under his/her control, marihuana or cannabis as defined by Section 3 of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27953, unless that person is a qualifying patient who has been issued and possesses a registry identification card for the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.*
- b) No person shall transfer marihuana or marihuana accessories to a person under the age of 21 unless that person is a qualifying patient who has been issued and possesses a registry identification card for the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.*
- c) No person shall consume marihuana in a public place or smoke marihuana where prohibited by the person who owns, occupies or manages the property, except for purposes of this subdivision, a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age.

- d) No person shall cultivate marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area.
- e) No person shall smoke marihuana within a vehicle upon a public way.
- f) No person shall possess marihuana accessories or possess or consume marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, or in a school bus.
- g) No person shall possess more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.
- h) A person who violates subsection (a), (b), (c), (d) or (g) of this section shall be responsible for a civil infraction and shall be punished by a fine of not more than \$100.00 plus forfeiture of the marihuana;
- i) A person who violates subsection (e) or (f) of this section shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.11.02 Possession of Drug Paraphernalia. No person shall possess a hypodermic syringe or needle or any other instrument or implement adapted for the use of narcotic or dangerous drugs. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

Exceptions. This section does not apply to the following:

- a. Possession where authorization was issued by a licensed physician within a period of one (1) year.
- b. Manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research or teaching institutions, clinical laboratories, medical doctors, osteopathic physicians,

dentists, chiropractors, veterinarians, pharmacists and embalmers in the normal legal course of their respective business or profession.

98.11.03 Loiter with Intent to Use or Sell Drugs. No person shall loiter, frequent or live in any place with the intent to use, sell, dispense, furnish, give away, store or keep illegal drugs, hypodermic syringes, needles, empty gelatin capsules or narcotic paraphernalia. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.11.04 Unlawful Possession of Chemical Agent. No person shall possess a chemical agent, including nitrous oxide, with the intent to breathe, inhale, or ingest for the purpose of causing a condition of intoxication, elations, euphoria, dizziness, or dulling of the senses or for the purpose of changing, distorting, or disturbing the audio, visual, or mental processes. This section shall not prohibit the possession of a chemical agent, including nitrous oxide, for the purpose of administering anesthesia for medical or dental purposes by a licensed practitioner. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.11.05 Unlawful Use of Chemical Agent. No person shall intentionally breath, inhale or ingest any chemical agent, including nitrous oxide, for the purpose of causing a condition of intoxication, elations, euphoria, dizziness or dulling of the senses or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes. This section shall not prohibit the inhalation of any anesthesia for medical or dental purposes administered by a licensed practitioner. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.11.06 Unlawful Delivery of Chemical Agent. No person shall possess a chemical agent, including nitrous oxide, with the intent to deliver to another person knowing or having reason to know that the other person will use the chemical agent in violation of Section 98.11.04 or 98.11.05. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

TOBACCO

98.12.01 Person Under 21 - Possess or Purchase Tobacco. No person under the age of 21 shall purchase, attempt to purchase, possess or use tobacco in any form or any product that is used for the formation of a smoking device. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each offense. In addition, the court may also require an individual who violates this section to participate in a health promotion and risk reduction assessment program and/or to complete community service hours as follows: not more than 16 hours of community service for a first offense, not more than 32 hours of community service for a second offense, and not more than 48 hours of community service for a third or subsequent offense.

98.12.01a Person Under 21- Possess or Purchase a Vapor Product of Alternative Nicotine Product. No person under the age of 21 shall purchase, attempt to purchase, possess, or attempt to possess, or use a vapor product or alternative nicotine product. A person who violates this section is responsible for a civil infraction or guilty of a misdemeanor as follows:

- a. For the first violation, the individual is responsible for a civil infraction and shall be fined not more than \$50.00. In addition, the court may order the individual to participate in a health promotion and risk reduction assessment program and/or the court may order the individual to perform not more than 16 hours of community service.
- b. For the second violation, the individual is responsible for a civil infraction and shall be fined not more than \$50.00. In addition, the court may order the individual to participate in a health promotion and risk reduction assessment program and/or the court may order the individual to perform not more than 32 hours of community service.
- c. For a third or subsequent violation, the individual is guilty of a misdemeanor punishable by a fine of not more than \$50.00. In addition, the court may order the individual to participate in a health promotion and risk reduction assessment program and/or the court may order the individual to perform not more than 48 hours of community service.

98.12.02 Sell or Furnish Tobacco, Vapor, or Alternative Nicotine Product to Person Under 21. No person shall sell, furnish, give or deliver a tobacco product, vapor product, or alternative nicotine product, in any form or any product that is used for the formation of a smoking device, to any person under the age of 21. A person who violates this section is guilty of a misdemeanor, punishable by a fine as follows: not more than \$100.00 for

a first offense, not more than \$500.00 for a second offense, and not more than \$2,500.00 for a third or subsequent offense.

FIREARMS

98.13.01 Transport or Possess Firearms in Vehicle. Except as otherwise permitted by state or federal law, no person shall transport or possess in or upon a motor vehicle, or any self-propelled vehicle designed for land travel either of the following:

(a) A firearm, other than a pistol, unless the firearm is unloaded and is one or more of the following:

- (i) Taken down.
- (ii) Enclosed in a case.
- (iii) Carried in the trunk of the vehicle.
- (iv) Inaccessible from the interior of the vehicle.

(b) A pneumatic gun that expels a metallic BB or metallic pellet greater than .177 caliber unless the pneumatic gun is unloaded and is 1 or more of the following:

- (i) Taken down.
- (ii) Enclosed in a case.
- (iii) Carried in the trunk of the vehicle.
- (iv) Inaccessible from the interior of the vehicle.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.13.02 Firearm License Requirement. Except as permitted by state or federal law a person shall not purchase, carry or possess a firearm in the City unless the person has obtained a license for the firearm as prescribed by state law or is otherwise permitted to purchase, carry or possess the firearm under state or federal law. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.13.03 Person Under 18 – Possess Firearms. Except as permitted by state or federal law, no person under 18 years of age shall carry or transport a firearm in any public place except under the direct supervision of an individual 18 years of age or older. A person who violates this section is

guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.13.04 Sell Firearms to Person Under 18. No person shall sell a firearm to any person under 18 years of age. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.13.05 Discharge of Firearms. No person shall discharge a pistol or any other firearm or bow and arrow in the City. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

Exception. This section does not apply to persons lawfully acting in the defense of persons or property or the enforcement of law or as otherwise authorized by this Chapter, or at an established range that has been approved by the Troy City Council.

98.13.06 Pneumatic Guns – Prohibited Conduct. No person shall point, wave about, or display a pneumatic gun in a threatening manner with the intent to induce fear in another individual. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.13.07 Pneumatic Guns – Person Under 16. A person under the age of 16 shall not possess a pneumatic gun unless the person is under the supervision of a parent or guardian, or an individual 18 years of older, except if the individual is on or within private property and is authorized by a parent or guardian and the property owner or legal possessor to possess the pneumatic gun. A violation of this section is a municipal civil infraction subject to the penalties of Chapter 100 of the Troy City Code.

98.13.08 Brandishing Firearm in Public. A person shall not knowingly brandish a firearm in public. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

Exception. This section does not apply to persons lawfully acting in the defense of persons or property or the enforcement of law or as otherwise authorized by this Chapter.

98.13.09 Pointing or Aiming Firearm at Another. A person who intentionally but without malice points or aims a firearm at or towards another person is

guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500, or both.

Exception. This section does not apply to persons lawfully acting in the defense of persons or property or the enforcement of law or as otherwise authorized by this Chapter.

SCHOOL PROPERTY

- 98.14.01 Cause Disturbance on School Property. No person shall willfully or maliciously make or assist in making any noise, disturbance or improper diversion by which the peace and quiet or good order of any class, gathering or other function in any school building is disturbed. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.14.02 Profane Language on School Property. No person shall use profane, indecent, vulgar, or immoral language or indulge in indecent or immoral conduct on school property if doing so causes a disturbance or improper diversion by which the peace and quiet or good order of any class gathering or other function in any school building is disturbed. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.14.03 Unauthorized Use of School Property. No person shall enter or remain on school property without lawful authority after having been forbidden to do so by a school administrator or after being notified to depart by a school administrator. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.14.04 Use or Possession of Alcohol on School Property. No person shall use or possess alcoholic liquor on school property unless authorized by law or a school administrator. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.14.05 Tobacco, Vapor, or Alternative Nicotine Products on School Property. No person shall use any tobacco product, vapor product, or alternative nicotine product on school property. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00.

Exception. This section does not apply to individuals who are 21 years or older who are on parts of school property consisting of outdoor areas including, but not limited to, an open-air stadium, during either of the following time periods:

- a. Saturdays, Sundays, and other days on which there are no regularly scheduled school hours.
- b. After 6 p.m. on days during which there are regularly scheduled school hours.

98.15.01 Fireworks. An individual shall not fire, discharge, display, or possess any fireworks, except as permitted by state law and this ordinance. There shall be no ignition, discharge or use of consumer fireworks on all days except for the following days:

- December 31 until 1 am on January 1
- The Saturday and Sunday immediately preceding Memorial Day
- June 29 to July 4
- July 5, if that date is a Friday or a Saturday
- The Saturday and Sunday immediately preceding Labor Day

On these dates only, persons are permitted to ignite, discharge, or use fireworks between the hours of 11:00 am to 11:45 pm, except as set forth above, in accordance with state and local law. A person who ignites, uses or discharges a consumer firework at any time except as set forth above is responsible for a municipal civil infraction, which is punishable by a fine of up to \$1000, with \$500 required to be remitted to the Troy agency enforcing the ordinance. A person who violates any other portion of this section is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 90 days or by a fine or not more than \$500, or both.

98.15.02 Ignition, Use, Discharge of Fireworks While Under Influence of Alcohol or Controlled Substances. An individual shall not discharge, ignite, or use consumer fireworks or low impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance, which are defined under the Michigan vehicle code, 1949 PA 300 and any amendments. A person who ignites, uses, or discharges fireworks in violation of this section is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.15.03 Discharge of Fireworks on Public Property. An individual shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises. A person who ignites, uses or discharges fireworks in violation of this section is guilty of a municipal civil infraction, punishable by a fine of up to \$500.

EFFECTIVE DATE

98.16.01 Effective Date. This Chapter shall become effective at 12:01 a.m. on February 1, 2001.



500 West Big Beaver
Troy, MI 48084
troymi.gov

COUNCIL AGENDA ITEM

Date: February 15, 2024

To: Mark F. Miller, City Manager

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

Subject: Master Plan Adoption or Rejection

The procedure for preparation and adoption of a master plan is set forth in Article III of the Michigan Planning Enabling Act (MPEA), Act 33 of 2008. The City Council approved the distribution of the proposed master plan in accordance with section 41(2) on August 21, 2023. Oakland County Department of Economic Development, Division of Planning & Local Business Development submitted comments on the proposed master plan to the Planning Commission in October 2023 in accordance with section 41(3). The deadline for comment under section 41(3) expired in November 2023.

The Planning Commission held a public hearing on the proposed master plan on December 12, 2023 in accordance with section 43(1) and approved the proposed master plan with the affirmative votes of eight (8) members in accordance with section 43(2). One member was absent.

Approval of the proposed master plan by the planning commission under section 43(2) is the final step for adoption of the master plan, unless the legislative body by resolution has asserted the right to approve or reject the master plan. In that case, after approval of the proposed master plan by the planning commission, the legislative body shall approve or reject the proposed master plan.

City Council took no action on a suggested resolution to approve the proposed master plan on January 29, 2024. Council Members had an opportunity to submit objections to the City Attorney and City Manager via email. Several Council Members expressed concerns about the Neighborhood Nodes. The Neighborhood Node concept comes from the "Troy Futures – Vision 2020" report published in 2005. The Image and Feel Task Force adopted Preferred Future 4 stating, "In 2020 Troy has implemented 'villaging' development concepts to create a connected sense of place and community with a variety of activity nodes." The comprehensive Master Plan update of 2008 established the Neighborhood Node land use classification and describes them as "the concentrated, commercial and mixed-use centers situated at major intersections of Troy thoroughfares that serve as the center of the City's Economic Neighborhoods." The City Council subsequently amended the Zoning Ordinance in 2011 and established the Neighborhood Node zoning district.

A suggested resolution to reject the proposed master plan was prepared based on those emails. The suggested resolution to approve the proposed master plan is also included.

Rev. Myra Moreland from Troy First United Methodist 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 Monday, February 5, 2024, at City Hall, 500 W. Big Beaver Rd. Mayor Baker called the meeting to order at 7:32 PM.

B. ROLL CALL:

- a) Mayor Ethan Baker
- Theresa Brooks
- Rebecca A. Chamberlain-Creanga
- Hirak Chanda
- Mark Gunn
- David Hamilton
- Ellen Hodorek - Absent

Excuse Absent Council Members:

Resolution #2024-02-023
Moved by Baker
Seconded by Chamberlain-Creanga

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Hodorek at the Regular City Council Meeting of February 5, 2024, due to being out of the county.

Yes: Baker, Brooks, Chamberlain-Creanga, Chanda, Gunn, Hamilton
No: None
Absent: Hodorek

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 No Certificates of Recognition and Special Presentations

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings Requested

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 – Board of Review; b) City Council Appointments – Election Commission, Employees Retirement System Board of Trustees / Retiree Health Care Benefits Plan and Trust / Volunteer Firefighter Incentive Plan Board, Traffic Committee

a) Mayoral Appointments:

Resolution #2024-02-024
Moved by Baker
Seconded by Chamberlain-Creanga

Board of Review
Appointed by Mayor
3 Regular Members
3 Year Term

Nominations to the Board of Review:

Term Expires: 1/31/2027

Karen Greenwood

Term currently held by: Karen Greenwood

Yes: Brooks, Chamberlain-Creanga, Chanda, Gunn, Hamilton, Baker
No: None
Absent: Hodorek

MOTION CARRIED

b) City Council Appointments:

Resolution #2024-02-025
Moved by Hamilton
Seconded by Chanda

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: 1/31/2025 Stephen Sadlier **Democrat**
Term currently held by: Stephen Sadlier

Term Expires: 1/31/2025 Ray Watts **Republican**
Term currently held by: Ray Watts

Yes: Chamberlain-Creanga, Chanda, Gunn, Hamilton, Baker, Brooks
No: None
Absent: Hodorek

MOTION CARRIED

Resolution #2024-02-026
Moved by Hamilton
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:

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

Appointed by Council
7 Regular Members and 2 Ordinance Member
3 Year Term

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

Term Expires: City Council Term Council Member Theresa Brooks **City Council Member**
Term currently held by: Council Member Theresa Brooks

Yes: Chanda, Gunn, Hamilton, Baker, Brooks, Chamberlain-Creanga
No: None
Absent: Hodorek

MOTION CARRIED

Resolution #2024-02-027
Moved by Hamilton
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: 1/31/2027

Abi Swaminathan

Term currently held by: Abi Swaminathan

Yes: Gunn, Hamilton, Baker, Brooks, Chamberlain-Creanga, Chanda
No: None
Absent: Hodorek

MOTION CARRIED

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

a) **Mayoral Nominations: None**

b) **City Council Nominations:**

Resolution #2024-02-028
Moved by Hamilton
Seconded by Chanda

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: 1/31/2027	Barbara Chambers	Alternate
Term currently held by: Barbara Chambers		

Term Expires: 1/31/2027	Jeffrey Forster	Alternate
Term currently held by: Jeffrey Forster		

Yes: Hamilton, Baker, Brooks, Chamberlain-Creanga, Chanda, Gunn
 No: None
 Absent: Hodorek

MOTION CARRIED

I-3 No Request for Closed Session

I-4 Amendments to Troy City Code – Chapter 93: Fire Prevention (Introduced by: Pete Hullinger, Fire Chief)

Resolution #2024-02-029
 Moved by Gunn
 Seconded by Hamilton

RESOLVED, That Troy City Council hereby **AMENDS** Chapter 93, Fire Prevention, of the Code of the City of Troy, as recommended by City Administration; a copy of this amendment shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Baker, Brooks, Chamberlain-Creanga, Chanda, Gunn, Hamilton
 No: None
 Absent: Hodorek

MOTION CARRIED

I-5 Standard Purchasing Resolution #1: Award to Low Bidder and Budget Amendment – Contract 23-11 – Stephenson Highway Rehabilitation (Introduced by: Scott Finlay, City Engineer)

Resolution #2024-02-030
 Moved by Brooks
 Seconded by Chamberlain-Creanga

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 23-11, *Stephenson Highway Rehabilitation*, to *Pro-Line Asphalt Paving Corp., 11797 29 Mile Rd., Washington, MI 48095*, for their low bid of \$4,354,957.41.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work **IS AUTHORIZED** in an amount not to exceed 10% of the total project cost.

BE IT FINALLY RESOLVED, That City Council **APPROVES** a budget amendment to the 2024 Major Road Capital Fund in the amount of \$654,000 for the Stephenson Highway Rehabilitation project to provide for inspection, testing and contingencies should unforeseen work be required.

Yes: Brooks, Chamberlain-Creanga, Chanda, Gunn, Hamilton, Baker
No: None
Absent: Hodorek

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2024-02-031-J-1a
Moved by Hamilton
Seconded by Brooks

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

Yes: Chamberlain-Creanga, Chanda, Gunn, Hamilton, Baker, Brooks
No: None
Absent: Hodorek

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2024-02-031-J-2

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

- a) Special City Council Meeting Minutes-Draft – January 29, 2024
- b) City Council Minutes-Draft – January 29, 2024

J-3 Proposed City of Troy Proclamations:

Resolution #2024-02-031-J-3

- a) Service Commendation – Deputy Fire Chief Paul Firth
- b) Service Commendation – Water & Sewer Operations Manager Paul Trosper

J-4 Standard Purchasing Resolutions:**a) Standard Purchasing Resolution 4: Cooperative Contract Award – MITN Purchasing Cooperative – Gasoline and Diesel Fuel**

Resolution #2024-02-031-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** two-year cooperative contracts to purchase gasoline and diesel fuel in truck transport and tank wagon deliveries, on as-needed basis with an option to renew for two (2) additional years to the low bidders meeting specifications, *RKA Petroleum Companies of Romulus, MI, Marathon Flint Oil Company of Flint, MI, and Gen Oil Company of Clawson, MI*, as a result of a bid process through the City of Sterling Heights for MITN Purchasing Cooperative members including Troy at factors and prices contained in the bid tabulation opened November 13, 2023, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; with a contract expiration of February 1, 2028.

b) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Sylvan Glen Lake Park Improvements Phase II – Design and Engineering Services

Resolution #2024-02-031-J-4b

RESOLVED, That Troy City Council hereby **APPROVES** expending budgeted funds to *OHM Advisors of Livonia, MI*, for the Sylvan Glen Lake Park Improvements Phase II Design and Engineering Services for an estimated cost of \$159,000 as detailed in the attached proposal, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; not to exceed budgetary limitations.

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

J-5 Cooperative Purchasing Programs Resolution

Resolution #2024-02-031-J-5

WHEREAS, City Administration recommends participation in the Cooperative Purchasing Programs when in the best interest of the City;

THEREFORE, BE IT RESOLVED, That Troy City Council **AUTHORIZES** participation in the Cooperative Purchasing Programs (listed below) to satisfy bid requirements when in the best interest of the City:

MiDEAL – State of Michigan

Oakland County Extended Purchasing Program

Suburban Library Cooperative

REMC – Regional Media Center Association of Michigan

Sourcewell - *formally* NJPA – National Joint Power Alliance

MiCTA – Michigan Collegiate Telecommunications Association

OMNIA Partners – *formally* National IPA – National Intergovernmental Purchasing Alliance, and NIGP – US Communities

BE IT FURTHER RESOLVED, That Troy City Council **APPROVES** *Blanket Authorizations(s)* to administratively approve purchases for operating supplies and services above the \$10,000 limit obtained through an approved Cooperative; **EXCEPT** for those Capital (401 Fund) purchases which shall be presented to Troy City Council for review and approval.

J-6 Bid Waiver – Fire Apparatus Repairs - Sole Source Repairs

Resolution #2024-02-031-J-6

RESOLVED, That in the best interest of the City, Troy City Council hereby **WAIVES** the formal bid process and **AWARDS** a contract to *Halt Fire, Inc of Wixom, MI*, the authorized sales and service dealer for Pierce fire vehicles in Michigan, for the repairs to Engine 4 for an estimated cost of \$32,024.90 with a contingency of \$10,000.00 for a total not to exceed amount of \$42,024.90, as detailed in the attached estimate; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-7 Request to Approve Payment of a Relocation Claim, Rochester Road, Barclay to Trinway, Project #02.206.5 – Parcel #121 – Sidwell #88-20-10-427-043

Resolution #2024-02-031-J-7

RESOLVED, That Troy City Council **APPROVES** payment of the relocation claim submitted by Dorothy Elizabeth Clendening in the amount of \$3,844.94, as dictated by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The Federal Regulatory Reference is 49 CFR Part 24.

J-8 Fireworks Permit for Mon Jin Lau 2024

Resolution #2024-02-031-J-8

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Mon Jin Lau of Troy, Michigan, for the public display of fireworks during the annual celebration of Chinese New Year; fireworks to be discharged, on Sunday February 18, 2024, from 7:00PM to 10:00PM.

BE IT FURTHER RESOLVED, That the Troy Fire Department **WILL INSPECT** the fireworks to be displayed in advance, and **WILL ALSO REVIEW** the proposed discharge location(s) and site, and **MAY TAKE ANY ACTION** to assure safety and compliance with applicable codes and standards for such a fireworks display.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

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

- a) Amendments to Chapter 98: Criminal Code

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

Ridaa Khan	Requested that City Council introduce and pass a cease fire resolution regarding the conflict in Gaza
Zahra Ahmad	Requested that City Council introduce and pass a cease fire resolution regarding the conflict in Gaza
Qudsia Lone	Requested that City Council introduce and pass a cease fire resolution regarding the conflict in Gaza
Barb Yagley	Commented in opposition to a City Council passing a ceasefire resolution
Kathleen O’Laughlin	Requested the City Council pass a resolution in support of the Troy Police Department
Joey Colby	Requested that City Council discuss the issue of homelessness in the City of Troy and solutions to help those who are homeless
Iman Manzoor	Requested that City Council introduce and pass a cease fire resolution regarding the conflict in Gaza
Ismail Manzoor	Requested that City Council introduce and pass a cease fire resolution regarding the conflict in Gaza
Sarwat Siddiqui	Requested that City Council introduce and pass a cease fire resolution regarding the conflict in Gaza

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

Council Member Gunn responded that he understands the pain that the residents at Public Comment expressed, and the efforts would be more effective at meetings with federal elected officials since they are making the decisions affecting international funding that utilizes income taxes. He clarified that tax money paid to the City of Troy is from property tax, and stays in the City of Troy.

Mayor Baker responded that several Council Members spoke regarding this matter at the January 8th City Council Meeting, and he encourages everyone to watch that meeting available on YouTube. He said the passion and the pain expressed during public comment pulls at his heart strings and he hears them clearly and understands why they are attending and commenting at the local level. He said the City supports all of its residents and when one group in the community is hurting, it affects all of us. He said he stands by the Rules of Procedure. He

commented that the speakers' efforts would be better served applied to federal elected lawmakers who are involved in making decisions regarding international funding.

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 Submitted

O. REPORTS:

O-1 Minutes – Boards and Committees: None Submitted

O-2 Department Reports: None Submitted

O-3 Letters of Appreciation: None Submitted

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

P. COUNCIL COMMENTS:

P-1 Council Comments

Council Member Brooks wished everyone a Happy Black History Month.

Council Member Brooks commented that she recently spoke with a resident who lives on an unpaved road, and she asked if the City should look again at funding the paving of unpaved roads. City Manager Miller commented that there could be a Study Session this year when City Council can discuss providing funding in the Budget for paving projects, and the revision of the Special Assessment policy. Council Member Chamberlain-Creanga commented that she also has spoken to the resident, and she would like to have the Study Session sooner. There was consensus of City Council to request that City Management start working on scheduling a Study Session to discuss the Special Assessment policy and Budget funding.

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):

Sara Winn Kline	Requested that City Council introduce and pass a cease fire resolution regarding the conflict in Gaza
Christian Grant	Requested that City Council introduce and pass a cease fire resolution regarding the conflict in Gaza
Michael Kowalski	Spoke about various topics.

R. CLOSED SESSION

R-1 No Closed Session Requested

S. ADJOURNMENT:

The Meeting **ADJOURNED** at 8:31 PM.

Mayor Ethan Baker

M. Aileen Dickson, MMC, MiPMC II
City Clerk

**PROCLAMATION TO CELEBRATE
THE LARSON MIDDLE SCHOOL
ALL-GIRLS ROBOTICS TEAM GIRL BOTZ 22918**

WHEREAS, The Girl Botz, Team 22918, an all-girls robotics team from Larson Middle School finished their first year with a trip to the state championships. They advanced to the Michigan FIRST Tech Challenge Robotics State Championship at Macomb Community College, December 8-10, 2023. FIRST stands for “For Inspiration and Recognition of Science and Technology;” and

WHEREAS, The **Girl Botz Team 22918** members are eighth graders Ella Bunao, Emmelyn Lauder, and Christel Mathew; and sixth graders Keerthana Chandra, Jianna Cruz, Eliza Debusschere, Varna Jayaraman, Hanuel Kim, Ishita Pedapati, and Ashleysha Thakare; and

WHEREAS, One of nine FTC Robotics teams from Larson Middle School, the **Girl Botz Team** distinguished themselves by winning several high-profile awards this season. One was the Inspire Award, earned at the Oakland County Competitive Robotics Association regional championship at Pontiac International Technology Academy on December 2, 2023. The Inspire Award is the highest robotics award, given to a team that best embodies the ideals of FIRST; and

WHEREAS, The **Girl Botz Team** also won one of the highest honors at the State Championship called the Motivate Award, for the team that best made FIRST known in the community. It involves bringing FIRST and STEM awareness to the young, schools, communities, and local businesses and informing them about the ideals and mission of FIRST, the Team really makes an effort to collaborate and work with the parents on the team. Nine awards overall are given out during tournaments, so winning these awards proves that they are not only one of the top contending teams but the most well-rounded team; and

WHEREAS, Mentor Judy Bunao also won the Compass Award for her tireless leadership and volunteerism. As a mentor she has consistently been a compass through creativity and mentorship. With insight and dedication, Judy has steered the team through the challenges of technology with brilliance and grace. The Compass Award sets its course for a mentor who’s not just about bots but about building futures;

NOW, THEREFORE, BE IT RESOLVED, That the Mayor and City Council of the City of Troy hereby congratulate **Girl Botz Team** Members Ella Bunao, Emmelyn Lauder, Christel Mathew, Keerthana Chandra, Jianna Cruz, Eliza Debusschere, Varna Jayaraman, Hanuel Kim, Ishita Pedapati, Ashleysha Thakare, and Mentor/Coach Judy Bunao for working tirelessly to excel in the field of Robotics, bringing pride and positive recognition to the City of Troy; and

BE IT FURTHER RESOLVED, that the Mayor and City Council of the City of Troy invite all residents to celebrate **The Girl Botz, Team 22918’s** achievements, wish them much success in all future endeavors, and thank them for being great role models for our community and exceptional advocates for the field of Robotics.

Presented this 4th day of March 2024

**PROCLAMATION TO CELEBRATE TROY RESIDENTS
HALO CAEZO, KYLE WINNIE, VIKTORIA CHERNOLUTSKIY, AND SOPHIA DEROCHA
ON THEIR EXCEPTIONAL ACCOMPLISHMENTS IN THE SPORT OF TAEKWONDO**

WHEREAS, The Taekwondo community in the United States is abuzz with excitement as four outstanding athletes emerge as frontrunners in their groups, positioning themselves as top contenders on the national stage; and

WHEREAS, **Halo Caezo**, National Athlete of the Year and a freshman at Troy High School, is a force to be reckoned with. Ranked number one in North and South America, she clinched victory at the prestigious Pan American Series Competition in Costa Rica, securing a gold medal. Not only is she a back-to-back member of the USA National Team, but she will also represent our nation at the upcoming event in Mexico, showcasing her exceptional skills once again on an international stage; and

WHEREAS, Joining Halo in Mexico is fellow national team member **Kyle Winnie**, ranked number one in the nation, whose remarkable talent and dedication have earned him a spot among the country's elite Taekwondo athletes. Together, they aim to demonstrate the strength and prowess of Everest Taekwondo on the global stage. **Kyle** is a sixth grader at Parkway Christian School; and

WHEREAS, **Viktoria Chernolutskiy's** meteoric rise to prominence within the Taekwondo community is nothing short of remarkable. Securing her place on the 2024 USA National Team with a stunning victory at the Team Trials, she is poised to represent the USA at the Junior World Taekwondo Championship in Korea later this year. As a testament to her exceptional skills and unwavering determination, the junior at Troy's International Academy, **Viktoria** not only qualified for the World Taekwondo Championships, but also made history as the first junior (15-17-year-old age bracket) in the State of Michigan to achieve this prestigious milestone; and

WHEREAS, To showcase her dominance in the sport, **Sophia Derocha**, an eighth grader at Larson Middle School, hailed as the 2023 USA National Champion in the Cadet +58kg division. Her triumph at the national level underscores her talent and potential as she continues to excel on her Taekwondo journey; and

WHEREAS, Adding to the prestige of the team is **Anmol Gorkhali**, 2023 National Coach of the Year, current AAU National Team Coach, and the youngest in the history of Taekwondo in the USA. His guidance and leadership will undoubtedly play a crucial role as the team heads to Mexico to compete against the best in the world; and

WHEREAS, As these four exceptional athletes gear up to represent the United States on the international stage, they embody the spirit of excellence and determination that defines American Taekwondo. Their achievements serve as inspiration to aspiring athletes nationwide, highlighting the boundless possibilities that await those who dare to dream and strive for greatness;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Troy hereby congratulate **Halo Caezo, Kyle Winnie, Viktoria Chernolutskiy, and Sophia Derocha** for working tirelessly to excel in the sport of Taekwondo, bringing pride and positive recognition to the City of Troy; and

BE IT FURTHER RESOLVED, that the Mayor and City Council of the City of Troy invite all residents to celebrate **Halo Caezo, Kyle Winnie, Viktoria Chernolutskiy, and Sophia Derocha's** achievements; wish them much success in all future endeavors; and thank them for being a great role model for our community and exceptional advocate for the sport of Taekwondo.

Presented this 4th day of March 2024



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: February 15, 2024

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Deputy City Manager
Megan E Schubert, Assistant City Manager
Rob Maleszyk, Chief Financial Officer
Dee Ann Irby, Controller
Kurt Bovensiep, Public Works Director
Brian D Varney, Fleet Operations Manager
Emily Frontera, Purchasing Manager

Subject: Standard Purchasing Resolution 4: State of Michigan MiDEAL Cooperative Purchasing Agreement – Police and DPW Fleet Vehicles

History

- Five (5) vehicles being purchased are planned replacement vehicles used by the Police Department.
- Six (6) vehicles being purchased are planned replacement vehicle used by the Department of Public Works.
- Eleven (11) obsolete vehicles will be removed from service and sold at auction with estimated proceeds of \$60,500.00.
- This purchase replaces eleven (11) existing vehicles that have reached intended life expectancy and will not increase the size of the existing Department of Public Works or Police Department vehicle fleets.

Purchasing

- *Berger Chevrolet of Grand Rapids, MI* is the low total bidder in the State of Michigan MiDEAL Cooperative Bid. The MiDEAL Contract ID #071B7700177 pricing is valid thru November 30, 2024 on selected Chevrolet vehicles.
- *Gorno Ford of Woodhaven, MI* is the total low bidder in the State of Michigan MiDEAL Cooperative Bid. The MiDEAL Contract ID # 071B7700181 pricing is valid thru November 30, 2024 on selected Ford vehicles - passenger, patrol, trucks and vans.
- City Council authorized participation in the Cooperative Purchasing Programs on February 5, 2024 (Resolution #2024-02-031-J-5)

Financial

- On February 10, 2014 City Council authorized departments to utilize sites such as GovDeals.com to dispose of city owned surplus items (Resolution #2014-02-017-J-4a). Therefore, note that the City will utilize and market eleven (11) obsolete vehicles on GovDeals.com site for optimal trade-in value and transparency.
- Funds are budgeted and available in the Public Works Capital Fund for the 2024 fiscal year with associated project numbers below.
- Expenditures of \$500,627.00 will be charged to Account Number 661.571.565.981.



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CITY COUNCIL AGENDA ITEM

Berger Chevrolet	Unit Cost	Est. Total	Project#
(1) Silverado Pickup Truck - Police	\$51,827.00	\$51,827.00	2024C0090
(2) Blazer SUV - Police	\$38,524.00	\$77,048.00	2024C0090
(2) Silverado Pickup Trucks - DPW	\$39,223.00	<u>\$78,446.00</u>	2024C0096
Berger Chevrolet Total		\$207,321.00	
Gorno Ford	Unit Cost	Est. Total	Project#
(1) Edge SUV - Police	\$37,995.00	\$37,995.00	2024C0090
(1) Transit Passenger Van - Police	\$55,978.00	\$55,978.00	2024C0091
(2) Transit Cargo Vans - DPW	\$54,012.00	\$108,024.00	2024C0097
(1) Maverick AWD Pickup Truck - DPW	\$32,790.00	\$32,790.00	2024C0098
(1) F250 Pickup Truck w/ Plow - DPW	\$58,519.00	<u>\$58,519.00</u>	2024C0098
Gorno Ford Total		\$293,306.00	
Grand Total		\$500,627.00	

Recommendation

City Management requests authorization to purchase three (3) 2024 Chevrolet Silverado Pickup Trucks and two (2) 2024 Chevrolet Blazer's from *Berger Chevrolet of Grand Rapids, MI* as per the State of Michigan MiDEAL Cooperative Purchasing contract #071B7700177 for an estimated total cost of \$207,321.00 as detailed above; not to exceed budgetary limitations.

City Management further requests authorization to purchase (1) 2024 Ford Edge SUV, one (1) 2024 Ford Transit Passenger Van, two (2) 2024 Transit Cargo Vans, one (1) 2024 Ford Maverick Pickup Truck and one (1) 2024 Ford F250 Pickup Truck with Plow from *Gorno Ford of Woodhaven, MI* as per the State of Michigan MiDEAL Cooperative Purchasing contract #071B7700181 for an estimated total cost of \$293,306.00 as detailed above; not to exceed budgetary limitations.



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CITY COUNCIL AGENDA ITEM



Ford Maverick Pickup - DPW



Chevrolet Blazer - Police



Ford Edge - Police



Ford Transit Passenger Van - Police



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CITY COUNCIL AGENDA ITEM



Ford Transit Cargo Van - DPW



Ford F250 Pickup Truck - DPW



Chevrolet Silverado Pickup – DPW



Chevrolet Silverado Pickup – Police

(Not Actual Vehicles, Examples Only)

BID PER ENCLOSED SPECIFICATIONS

Cost per vehicle \$39,223.00

Number of units 2

Total Bid Amount \$78,446.00

Vehicle Description:

Year 2024

Make Chevrolet

Model 1500 Silverado w/t
dbl cab 2wd

Vendor:

Berger Chevrolet Inc.

Address 2525 28th Street S.E.

Grand Rapids, MI 49512

Phone (616) 949-5200

Fax (616) 988-9178

Bid Prepared For :

City of Troy

Price includes title fee and delivery. Price based on
Municipal discount in the State of Michigan.

Signature *Robert Evans*

Printed Signature Robert M. Evans

Date 1/16/2024

Vehicle number

BID PER ENCLOSED SPECIFICATIONS

Cost per vehicle \$51,827.00

Number of units 1

Total Bid Amount \$51,827.00

Vehicle Description:

Year 2024

Make Chevrolet

Model 1500 Silverado LT
crew cab 4wd

Vendor:

Berger Chevrolet Inc.

Address 2525 28th Street S.E.

Grand Rapids, MI 49512

Phone (616) 949-5200

Fax (616) 988-9178

Bid Prepared For :

Troy

Price includes title fee and delivery. Price based on
Municipal discount in the State of Michigan.

Signature *Robert Evans*

Printed Signature Robert M. Evans

Date 1/22/2024

Vehicle number

BID PER ENCLOSED SPECIFICATIONS

Cost per vehicle \$38,524.00

Number of units 1

Total Bid Amount \$38,524.00

Vehicle Description:

Year 2024

Make Chevrolet

Model Blazer AWD LT

Vendor:

Berger Chevrolet Inc.

Address 2525 28th Street S.E.

Grand Rapids, MI 49512

Phone (616) 949-5200

Fax (616) 988-9178

Bid Prepared For :

City of Troy

Price includes title fee and delivery. Price based on
Municipal discount in the State of Michigan.

Signature *Robert Evans*

Printed Signature Robert M. Evans

Date 1/17/2024

Vehicle number

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

2.12.24

BRIAN VARNEY
TROY DPW/.
248-524-3390 Email brian.varney@troymi.com

MIDEAL CONTRACT NO 71B7700181

2024 FORD EDGE AWD, SUV
2.0L GAS/8 SPD AUTO, TILT WHEEL, A/C, AM/FM STEREO, , BUCKETS W/CONSOLE,
POWER GROUP, BACK UP CAMERA, CRUISE CONTROL, 18" ALUMINUM WHEELS,
PRIVACY GLASS,, 12" DISPLAY

CHANGES, ON THE GROUND UNITS , BLACK, SILVER, & GRAY.
MINI SPARE TIRE, MULTI ADJUSTABLE DRIVER'S SEAT,

MUNI PRICE \$37,995.00, EACH

SINCERELY
EDDIE WILLIAMS
GOVERNMENT SALES
CELL 313-319-3431

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

2.12.24

BRIAN VARNEY
TROY DPW/.
248-524-3390 Email brian.varney@troymi.com

MIDEAL CONTRACT NO 71B7700181

2024 FORD F250 4WD .PICKUP, 8' BED
6.8L GAS V8, 10 SPD AUTO TRANS, TILT WHEEL, A/C, AM/FM STEREO, , VINYL
FLOORS, 40/20/40 BENCH SEAT, 10,000 GVW PKG, POWER GROUP, BACK UP
CAMERA, CRUISE CONTROL TOW PKG W/ELETRONIC BRAKE CONTROLLER

WHITE, EXT
(4) LT245 X 17 A/T TIRES
3.73 LIMITED SLIP REAR AXPPPLE
SNOW PLOW/CAMPER PREP PKG
STEP BOARDS
ICC LIGHTSP
SPLASH GUARDS-FRT & REAR
410 AMP DUAL ALTERNATOR
DUAL BATTERIES
AUX SWITCHES
CHROME BUMPERS & FOG LIGHTS
WESTERN 8' PRO PLUS SNOW PLOW

MUNI PRICE \$58,519.00

SUBJECT TO FORD ACCEPTING ORDER FOR BUILD

SINCERELY
EDDIE WILLIAMS
GOVERNMENT SALES
CELL 313-319-3431

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

2.12.24

BRIAN VARNEY
TROY DPW/.
248-524-3390 Email brian.varney@troymi.com

MIDEAL CONTRACT NO 71B7700181

2024 FORD MAVERICK FWD PICKUP
2.0L GAS/8 SPD AUTO, TILT WHEEL, A/C, AM/FM STEREO, , VINYL FLOORS,
BUCKETS W/CONSOLE, POWER GROUP, BACK UP CAMERA, CRUISE CONTROL, XLT
TRIM PKG

WHITE, EXT
FULL SIZE SPARE, MULTI ADJUSTABLE DRIVER'S SEAT, ALL WEATHER FLR MATS,
TRAILER HITCH, CO-PILOT 360 SENSING SYSTEM, BED TIE DOWN SYSTEM, SPLASH
GUARDS, REAR PARKING SENSORS

MUNI PRICE	\$29,995.00
CHANGE TO HYBRID SYSTEM, ADD	1,595.00
OR	
CHANGE TO AWD	2,795.00

SUBJECT TO FORD ACCEPTING ORDER FOR BUILD

SINCERELY
EDDIE WILLIAMS
GOVERNMENT SALES
CELL 313-319-3431

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

2.13.24

BRIAN VARNEY
TROY DPW/
248-524-3390 Email brian.varney@troymi.com

MIDEAL CONTRACT NO 71B7700181

2024 FORD TRANSIT WAGON, LOW ROOF, BLAKC EXT, RWD
3.5L V6, 10 SPEED AUTO, TILT WHEEL, A/C, AM/FM STEREO, , POWER GROUP,
BACK UP CAMERA, CRUISE CONTROL, VINYL FLOORING, (5) 235/65R X 16C A/S TIRE

PRIVACY GLASS,,
12 PASS. CAPACITY (INCLLUDES DRIVER),
REAR A/C & HEAT,
TOW PKG, W/HITCH,
SLIDING SIDE DOOR STEP,
DUAL BATTERIES,,
4.10 L/S REAR AXLE
SYNC 3
9400 LB GVW PKG

MUNI PRICE \$55,978.00

SINCERELY
EDDIE WILLIAMS
GOVERNMENT SALES
CELL 313-319-3431



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: February 12, 2024

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Megan E. Schubert, Assistant City Manager
Robert C. Maleszyk, Chief Financial Officer
Dee Ann Irby, Controller
Kurt Bovensiep, Public Works Director
Dennis Trantham, Deputy Public Works Director
Emily Frontera, Purchasing Manager

Subject: Standard Purchasing Resolution 4: Sourcewell Cooperative Purchasing Contract – Raintree and Firefighters Park Play Structure Replacements

History

Raintree Park:

- Raintree Park is one of nine Community Parks in the City of Troy.
- The park is 41 acres in size providing opportunities for both passive and active recreation.
- Parking is provided for 122 vehicles.
- Raintree Park includes a mix of active and passive recreation amenities including swings, two play structures (one for children ages 2-5 and another for children ages 5-12), sand volleyball, soccer fields, and a ball diamond.
- The 2020-2024 Parks and Recreation Master Plan revealed that 98.9% of the respondents listed maintaining the existing recreation facilities as important or very important to their families.
- The 2020-2024 Parks and Recreation Master Plan also identified playground structures in the top 5 requests.
- The existing play structure (for children 5-12 years old) has reached the end of life, frequently requiring costly repairs.
- The existing sand surface will be replaced with a natural turf-like safety surface providing 8' of fall protection.

Firefighters Park:

- Firefighters Park is one of nine Community Parks in the City of Troy.
- The park is 96 acres in size providing opportunities for both passive and active recreation.
- Parking is provided for 368 vehicles.
- Firefighters Park includes a mix of active and passive recreation amenities including swings, two play structures (one for children ages 2-5 and another for children ages 5-12), sand volleyball, soccer fields, a ball diamond, practice football field, and an 18-hole disc golf course.
- The 2020-2024 Parks and Recreation Master Plan revealed that 98.9% of the respondents listed maintaining the existing recreation facilities as important or very important to their families.



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CITY COUNCIL AGENDA ITEM

- The 2020-2024 Parks and Recreation Master Plan also identified playground structures in the top 5 requests.
- The existing play structure (for children 2-5 years old) has reached the end of life, frequently requiring costly repairs.
- The existing sand surface will be replaced with a natural turf-like safety surface providing 8' of fall protection.

Purchasing

- Pricing has been secured from *We Build Fun of Allen, TX*, based on the Miracle Recreation – PlayPower, Inc. Sourcewell Purchasing Cooperative Contract #010521-LTS-3, for the materials, engineered drawings, delivery, and installation of the Play Structures at Raintree and Firefighters Park as detailed in the attached quotes and renderings.
- Play structures have up to a 14-week lead time.
- City Council authorized participation in the Cooperative Purchasing Program on February 5, 2024 (Resolution #2024-02-031-J-5).

Financial

Funds are budgeted and available in the Park Development Capital Fund under Project Number 2024C0044 for the 2024 fiscal year. Expenditures will be charged to account number 401.770.771.974.130.

Recommendation

City Management recommends the bid process be waived and contracts be awarded to *We Build Fun of Allen, TX* for the Raintree and Firefighters Park Play Structure Replacements for an estimated cost of \$444,858.49 as detailed in the attached quotes and per the Sourcewell Purchasing Cooperative Contract #010521-LTS-3; not to exceed budgetary limitations.



PO Box 29 | Allen, TX 75013



CONSULTANT	
Keith Alexander	(734) 560-5537

CUSTOMER INFORMATION

Customer: **City of Troy**
 Contact: **Dennis Trantham**
 Contact Info: **586-219-7461** **dennis.trantham@troymi.gov**
 Project Name: **Raintree Park Playground Revised**
 Site Address: **3775 John R Rd., Troy, MI 48083**
 End User: **City of Troy**
 Ship To:

QUOTE	
Quote Date	Valid Until
2/8/2024	3/9/2024
Est. Delivery:	Est. Install
6-8 Weeks	

ITEM	DESCRIPTION	QTY	EACH	TOTAL
MIRACLE	Miracle playground equipment design R0061_45316464783	1	\$129,423.00	\$129,423.00
FREIGHT	Shipping of Miracle equipment	1	\$4,538.75	\$4,538.75
DISCOUNT	Sourcewell discount #010521-LTS-3	1	-\$36,238.44	-\$36,238.44
INSTALL	Unloading and installation of Miracle equipment listed above. Does not include removal and excavation of existing safety surfacing. Does not include any permits or inspections, if necessary. Does not include soil erosion prevention or site restoration. Does not include prevailing wage. Install 212 linear feet of concrete curbing around the playground area, 6" wide x 8" deep	1	\$42,483.00	\$42,483.00
Safety Surfacing	3,915 square feet of Playground Grass Academy. Includes perimeter boards, limestone base, 3 inch Safety Foam Pro & 2 inch Safety Foam Pro, crumb rubber infill and installation materials.	1	\$70,577.00	\$70,577.00

TAX	Estimated Sales Tax (please provide tax exemption certificate to remove sales tax)	6.00%
Final Prices Subject to State and Local Sales Tax and Use Tax Rate		TOTAL \$220,058.31

Make Payable to: **webuildfun, Inc PO Box 29, Allen, TX 75013**
 Payment Terms **Net 30** To be invoiced in full upon completion of project.

Prices reflected on quote assumes all site work to be done by others unless noted above.

* All drainage within the playground border and away from the play area to be done by "other" unless noted above. * Price assumes border by "other" unless noted above.
 * No site restoration is included unless noted above. * Additionally, no bond or special insurance coverages are included unless noted above.

Pricing may not be guaranteed beyond 30 days. We are attempting to hold pricing when possible, but due to material and labor costs, price increases have unfortunately become unavoidable. We value our customers and appreciate your understanding during these unprecedented times. All finalized contracts and/or purchase orders must be accompanied by a valid quote within 30 days of issue. Please request a requote when beyond the 30 days.

Approval Signature _____ Date _____ PO Number _____

Send completed quote and purchase order to: **keith@webuildfun.com**

PLEASE RETURN ALL PAGES OF THIS QUOTE UPON ORDERING



CUSTOMER INFORMATION

Customer: **City of Troy**
 Contact: **Dennis Trantham**
 Contact Info: **586-219-7461** **dennis.trantham@troymi.gov**
 Project Name: **Raintree Park Playground Revised**
 Site Address: **3775 John R Rd., Troy, MI 48083**
 End User: **City of Troy**
 Ship To:

Price assumes all site work, drainage away from play area & border to be provided by "other" at no cost to webuildfun unless specified otherwise in the quote above. This includes site prep, grade work, drainage, construction fencing, concrete borders and site restoration. All additional services can be quoted upon request. webuildfun, inc warrants the labor for replacement parts for 1 year, if webuildfun, inc provided the original installation. In the event rock is encountered, additional charges may be assessed. It is the responsibility of the owner to obtain permit(s) unless specified above. It is the responsibility of the owner to locate all underground utility lines. webuildfun, Inc will assist with this by requesting a line locate from Dig Tess, at the owner's request. webuildfun, Inc will make every reasonable effort to respect all marked utility lines, and will repair damage(s) caused by webuildfun, Inc to marked utilities. webuildfun, Inc will not be responsible for damage to unmarked utilities. Prices are guaranteed for 30 days from the date listed on quote.

CONSULTANT	
Keith Alexander	(734) 560-5537

QUOTE	
Quote Date	Valid Until
2/8/2024	3/9/2024
Est. Delivery:	Est. Install
6-8 Weeks	



CONSULTANT	
Keith Alexander	(734) 560-5537

QUOTE	
Quote Date	Valid Until
2/8/2024	3/9/2024
Est. Delivery:	Est. Install
6-8 Weeks	

CUSTOMER INFORMATION

Customer: **City of Troy**
 Contact: **Dennis Trantham**
 Contact Info: **586-219-7461** **dennis.trantham@troymi.gov**
 Project Name: **Raintree Park Playground Revised**
 Site Address: **3775 John R Rd., Troy, MI 48083**
 End User: **City of Troy**
 Ship To:

Project Total
\$220,058.31

Please provide the following information:

Project Name: **Raintree Park Playground Revised**

Est Project Start Date: _____ Bond Required _____
 Est Project Completion Date: _____ Contract Required _____

Purchase Order # _____

Add'l Details: _____

PROJECT DETAILS

SHIPPING INFO		INVOICE INFO	
Company		Company	
Street Address		Street Address	
City, State, Zip		City, State, Zip	
Contact:		Contact:	
Phone #		Phone #	
Email:		Email:	

Initial here to approve colors shown above

PLEASE RETURN ALL PAGES OF THIS QUOTE UPON ORDERING



Decks



Grey

Metals



Dark Brown



Forest Green



Beige

Plastics



Beige



Forest Green



Green

Actual colors may vary. We work hard to ensure our renderings are as life like as possible.

Raintree Park
 Troy, MI
 R0061_45316464783





Decks



Grey

Metals



Dark Brown
Forest Green
Beige

Plastics



Beige
Forest Green
Green

Actual colors may vary. We work hard to ensure our renderings are as life like as possible.

Raintree Park
Troy, MI
R0061_45316464783





CONSULTANT	
Keith Alexander	(734) 560-5537

CUSTOMER INFORMATION

Customer: **City of Troy**
 Contact: **Dennis Trantham**
 Contact Info: **586-219-7461** **dennis.trantham@troymi.gov**
 Project Name: **Firefighters Park Playground 2-5 yrs**
 Site Address: **3775 John R Rd., Troy, MI 48083**
 End User: **City of Troy**
 Ship To:

QUOTE

Quote Date	Valid Until
2.8/24	#VALUEI
Est. Delivery:	Est. Install
6-8 Weeks	

ITEM	DESCRIPTION	QTY	EACH	TOTAL
MIRACLE	Miracle playground equipment design R0061_4523841802	1	\$66,715.92	\$66,715.92
FREIGHT	Shipping of Miracle equipment	1	\$5,335.00	\$5,335.00
DISCOUNT	Sourcewell discount #010521-LTS-3	1	-\$18,680.46	-\$18,680.46
UPC	2-5 Firetruck, Spiders Lair with Fire Hydrants, Small hop rock, medium hop rock, includes Freight.	1	\$65,243.85	\$65,243.85
INSTALL	Unloading and installation of Miracle and UPC equipment listed above. Does not include removal and excavation of existing safety surfacing. Does not include any permits or inspections, if necessary. Does not include soil erosion prevention or site restoration. Does not include prevailing wage.	1	\$45,771.00	\$45,771.00
	Install 185 linear feet of concrete curbing around the playground area, 6" wide x 8" deep	1	\$8,093.75	\$8,093.75
	Install 42 cubic yards of fill to bring playground area up to correct depth.	1	\$3,750.00	\$3,750.00
Safety Surfacing	2,835 square feet of Playground Grass Academy. Includes perimeter boards, limestone base, 1.5 inch Safety Foam Pro, crumb rubber infill and installation materials.	1	\$48,571.12	\$48,571.12

TAX	Estimated Sales Tax (please provide tax exemption certificate to remove sales tax)	6.00%
	<i>Final Prices Subject to State and Local Sales Tax and Use Tax Rate</i>	TOTAL \$224,800.18

Make Payable to: **webuildfun, Inc PO Box 29, Allen, TX 75013**
 Payment Terms: **Net 30 To be invoiced in full upon completion of project.**

Prices reflected on quote assumes all site work to be done by others unless noted above.

* All drainage within the playground border and away from the play area to be done by "other" unless noted above. * Price assumes border by "other" unless noted above.
 * No site restoration is included unless noted above. * Additionally, no bond or special insurance coverages are included unless noted above.

Pricing may not be guaranteed beyond 30 days. We are attempting to hold pricing when possible, but due to material and labor costs, price increases have unfortunately become unavoidable. We value our customers and appreciate your understanding during these unprecedented times. All finalized contracts and/or purchase orders must be accompanied by a valid quote within 30 days of issue. Please request a requote when beyond the 30 days.



CUSTOMER INFORMATION

Customer: **City of Troy**
 Contact: **Dennis Trantham**
 Contact Info: **586-219-7461** **dennis.trantham@troymi.gov**
 Project Name: **Firefighters Park Playground 2-5 yrs**
 Site Address: **3775 John R Rd., Troy, MI 48083**
 End User: **City of Troy**
 Ship To:

Please provide the following information:

Project Name: **Firefighters Park Playground 2-5 yrs**

Est Project Start Date: _____ Bond Required _____

Est Project Completion Date: _____ Contract Required _____

Add'l Details: _____

CONSULTANT	
Keith Alexander	(734) 560-5537

QUOTE	
Quote Date	Valid Until
2.8/24	#VALUE!
Est. Delivery:	Est. Install
6-8 Weeks	

Project Total
\$224,800.18

Purchase Order # _____

PROJECT DETAILS

SHIPPING INFO		INVOICE INFO	
Company		Company	
Street Address		Street Address	
City, State, Zip		City, State, Zip	
Contact:		Contact:	
Phone #		Phone #	
Email:		Email:	

Initial here to approve colors shown above

PLEASE RETURN ALL PAGES OF THIS QUOTE UPON ORDERING



Decks



Red

Metals



Red Metallic Tropical
Grey Yellow

Plastics



Red Tropical Grey
Yellow

Actual colors may vary. We work hard to ensure our renderings are as life like as possible.

Firefighters Park
Troy, MI
R0061_45238471802





Decks



Red

Metals



Red Metallic Tropical
Grey Yellow

Plastics



Red Tropical Grey
Yellow

Actual colors may vary. We work hard to ensure our renderings are as life like as possible.

Firefighters Park
Troy, MI
R0061_45238471802





Decks



Red

Metals



Red Metallic Tropical
Grey Yellow

Plastics



Red Tropical Grey
Yellow

Actual colors may vary. We work hard to ensure our renderings are as life like as possible.

Firefighters Park
Troy, MI
R0061_45238471802





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Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: February 15, 2024

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Deputy City Manager
Megan E. Schubert, Assistant City Manager
Robert C. Maleszyk, Chief Financial Officer
Dee Ann Irby, Controller
Kurt Bovensiepe, Public Works Director
Dennis Trantham, Deputy Public Works Director
Emily Frontera, Purchasing Manager

Subject: Standard Purchasing Resolution 4: Oakland County Extended Purchasing Contract – City Hall East and West Storefront and Door Replacements

History

- The existing sliding doors located at the City Hall east and west entrances along with the storefronts have reached the end of life and need replacement.
- Over the last several years the sliding doors have failed on multiple occasions leading to costly repairs and downtime.
- Many of the components required to repair the door are no longer manufactured leading to only temporary fixes.

Purchasing

- Pricing to provide the labor, materials, and equipment for the City Hall East and West Storefront and Door Replacements has been secured from *National Restoration, of Milford, MI* through the Oakland County Extended Purchasing Contract #006325 as detailed in the attached proposal dated February 5, 2024.
- City Council authorized participation in the Cooperative Purchasing Programs on February 05, 2024 (Resolution # 2024-02-031-J-5).

Financial

Funds are budgeted and available in City Hall Capital Fund under project number 2023C0007 for the 2024 fiscal year. Expenditures will be charged to account number 401.265.265.975.165.

Recommendation

City Management recommends awarding a contract to *National Restoration, of Milford, MI* for the City Hall East and West Storefront and Door Replacements for an estimated cost of \$70,900 with and a contingency of \$3,100 as detailed in the attached proposal and as per the Oakland County Extended Purchasing Contract #006325; not to exceed budgetary limitations.

NATIONAL RESTORATION INC

RECIPIENT OF THE GOVERNOR'S AWARD FOR HISTORIC PRESERVATION!

2165 Fyke Dr.

Its Not Luck, Its know How!

Milford, MI 48381

Licensed Builder

248-318-0609 Fax 248-714-6323

johnf@nationalrestoration.net

February 5, 2024

Mr. Dennis Trantham

Deputy Public Works Director

City of Troy, MI

500 West Big Beaver Road

Troy, MI 48084

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

Dennis.trantham@troymi.gov

RE: Automated Entry Door Replacement @ City Hall

Mr. Trantham,

Per your request, we are proposing to provide, all material, labor and equipment needed to complete the following items of work. During the listed work we will need to use the single wide entry door at the side of each entry. Work to be completed during normal business hours.

Scope of Work:

- Mobilize.
- Provide any needed permits.
- Provide signage and a worker to direct people to the side door for entry and egress.
- Remove the outer entry doors, transom glass, sidelights, and frames at each side of the building.
- Provide and install, 2- TC9200AC FSL/OSS 181" x 111"/ 119" Nom O-SX-SX-O bipart slider packages, with transoms & 2 vertical DKB w/narrow stile panels, 10" bottom rails. 4.5 SX muntins/midrails, 1" insulated clear tempered glass, A.C. electric lock and flush panics, standard lock & safety/activation sensors, modular full continuous double bevel & rec. threshold, I/O board for access control auto unlock schedule, HD 2401 drive assembly.
- Reuse the existing power supply.
- Install new decals to match the existing decals and any signage on the doors.
- Jobsite cleanup.
- Cost is time and material not to exceed \$70,900.00 per our publicly bid contract with Oakland County

Note: I have included \$2,500.00 in the quote to cover any unforeseen conditions that could arise during the above work.

Exclusions:

- Access control system auto unlock wire run, tie in or programming (Wadsworth).

- Prevailing wages
- Premium time

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

Sincerely,
John Fletcher, President



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: February 12, 2024

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Deputy City Manager
Megan E. Schubert, Assistant City Manager
Kurt Bovensiep, Public Works Director
Ashely Tebedo, Administrative Services Manager

Subject: 5310 SMART and City of Troy Vehicle Lease Agreement

History

The Suburban Mobility Authority for Regional Transportation's (SMART) goal is to improve mobility for seniors and individuals with disabilities by removing barriers to transportation services and expanding the available transportation mobility options. SMART administers both financial and technical assistance through various federal and state funding sources.

The Federal Transit Authority (FTA) section 5310 – Enhanced Mobility of Seniors and Individuals with Disabilities Program is authorized by Act 49 United States Code. 5310 funding aims to improve the mobility of seniors and those with disabilities by removing barriers to transportation services. Troy R.Y.D.E utilizes funding from the 5310 program, as well as other funding initiatives such as Municipal and Community Credits, Specialized Services Operating Assistance Program, and general fund monies.

Through the 5310 program, municipalities were provided an opportunity to apply for various capital, operating, or mobility management resources. In 2021 Troy applied for one replacement transit van (Ford Transit 350) and one replacement bus. These vehicles were intended to replace and upgrade the van and bus Troy R.Y.D.E currently operates.

SMART experienced several delays in receiving request vehicles due to Covid-related manufacturing setbacks. Troy has been notified the replacement van has been scheduled for delivery between January and March. Upon executing the attached agreement, Troy will be able to receive the new van as soon as SMART receives it from the manufacturer. Troy will then turnover the van currently in our possession. Troy R.Y.D.E. is anticipating receiving the replacement bus in early 2025 and another lease agreement with be forthcoming.

There will be no disruptions in service during this time.

Recommendation

It is recommended that the City approve the 5310 Vehicle Lease Agreement with Suburban Mobility Authority for Regional Transportation (SMART) for the lease of a Ford Transit 350 van.

Legal Review

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

49 U.S.C. § 5310

VEHICLE LEASE AGREEMENT

AGREEMENT BETWEEN SUBURBAN MOBILITY AUTHORITY FOR REGIONAL TRANSPORTATION AND CITY OF TROY

THIS AGREEMENT is made between the Suburban Mobility Authority for Regional Transportation (hereinafter “SMART”), an entity organized under the provisions of Act 204 of the Public Acts of 1967, as amended, whose address is 535 Griswold, Suite 600, Detroit, Michigan 48226, and **CITY OF TROY** (hereinafter “Grantee”), a **City**, whose address is **4693 Rochester Road, Troy, MI 48085**, for the use of grant funding for the leasing of vehicles from SMART provided by the Federal Transit Administration (hereinafter “FTA”), pursuant to 49 U.S.C. 5310 for formula grants for the enhanced mobility of seniors and individuals with disabilities (hereinafter “§5310”). SMART and Grantee are collectively referred to as the “Parties” herein.

WHEREAS, SMART, pursuant to the provisions of Act 204, has been vested with the authority to acquire, plan, construct, operate and maintain transportation systems and facilities within its jurisdiction; and

WHEREAS, Grantee is within SMART’s jurisdiction and desires to manage and operate certain public transportation services for purposes consistent with §5310 and consistent with SMART’s Program Management Plan;

WHEREAS, SMART is engaged in the trade or business of renting or leasing motor vehicles for a period greater than thirty (30) days, and Grantee is renting or leasing certain motor vehicles owned by SMART during the terms of this Agreement.

WHEREAS, the purpose of this Agreement is to state the responsibilities and obligations of Grantee and SMART, as well as the conditions for the Grantee’s use of the §5310 Project Vehicles distributed by SMART;

NOW THEREFORE, the Parties agree as follows:

1. PROJECT VEHICLES

SMART shall lease to Grantee for Grantee’s use SMART vehicle(s) as indicated in “**Exhibit A**” hereinafter referred to as “Project Vehicle(s),” in accordance with the terms and conditions of this Agreement. The forms making up **Exhibit A** shall be updated prior to delivery of the Project Vehicle(s) to include VIN number(s) and the acknowledgement that the Grantee has taken possession of the Project Vehicle(s). The Parties further agree that **Exhibit A** will be updated as necessary to reflect any changes to the Project Vehicle(s). All updates to **Exhibit A** shall become a part of this Agreement. SMART shall retain title to Project Vehicles. As a direct Recipient of §5310 funds, SMART is authorized to reassign and/or replace Project Vehicles as

SMART deems necessary to achieve the desired outcome of §5310 grant funding. No Project Vehicles shall be disposed of or reassigned without prior written approval by SMART. Project Vehicles are provided on an “As Is” basis.

2. THE PROJECT

Grantee shall undertake and complete the public transportation services of the Project as detailed in Grantee’s Project Submittal, which is incorporated into this Agreement, and in accordance with the terms and conditions of this Agreement. Grantee agrees to use Project Vehicles for the purposes as stated in Grantee’s Project Submittal and in the priority permitted in FTA Circular C 9070.1G, as may be amended or updated, which include transportation for other federal programs or transferring Project Vehicles to another §5310 sub-recipient if such transfer is approved by SMART. Grantee agrees to provide management of all facets of the Project, project assets and any staff (e.g. driver(s)), necessary for the efficient and safe operation of the transportation services provided. The Project is to be operated in compliance with the “Community Transit Manual” as amended, which is incorporated into this Agreement, FTA guidance, and all federal, state and local regulations and statutes.

3. TERM OF THE AGREEMENT

This Agreement shall be effective from the time of signing and shall remain in effect as long as Project Vehicles are leased by the Grantee. SMART shall have sole discretion to terminate this Agreement upon written notice to Grantee. Within thirty (30) days of receipt of written notice, Grantee shall return all §5310 Project Vehicles.

4. REVIEW AND APPROVAL OF SUB-CONTRACTORS

The Grantee shall submit any proposal to subcontract any portion of the Project to SMART for its review and approval prior to the execution of the subcontract by the Grantee. Approval by SMART will not be construed to relieve the Grantee of any responsibility for the fulfillment of this Agreement. If Grantee leases the Project Vehicles to another entity it must do so consistent with the requirements of FTA Circular C 9070.1G as may be amended or updated, including, but not limited to, Chapter 6, §6, and it shall only do so with the express, written permission of SMART in its sole discretion and under such conditions and terms agreed to by SMART.

5. INDEPENDENT CONTRACTOR

The Parties agree that Grantee is wholly independent in relation to the rights and responsibilities set forth in this Agreement. The Grantee retains the right to exercise full control and supervision over its employees, their compensation and discharge. Grantee further agrees to be solely responsible for all matters relating to payment of such employees, including compliance with social security, withholding, and all other regulations governing such matters. The Grantee agrees to be responsible for its own acts and dishonest or fraudulent misconduct of, or torts, intentional or unintentional, committed by its employees during the life of this Agreement.

6. MAINTENANCE OF RECORDS

Grantee shall keep accurate financial and operating records for the project for at least seven (7) years from the date of return or disposal of Project Vehicles. Such records shall include, but are not limited to: records of all expenses paid for its operations, records of the use of its services (ridership), all accident reports, maintenance records, dispatch records, personnel records, and all other supporting documents pertaining to the project operation. SMART may request, and Grantee shall permit, SMART or its designee to review all records relating to the project either by formal audit or periodic administrative review.

7. SUBRECEPIENT REPORTING AND MONITORING

Pursuant to 2 CFR Part 200 (hereinafter "Super Circular") §200.331, Grantee agrees to provide to SMART all available information required by **Exhibit B** of this Agreement at the time of the Agreement's execution to allow SMART to complete the information required by **Exhibit B**, and Grantee further agrees to provide to SMART all additional and supplemental information required by **Exhibit B** immediately as it becomes available following the execution of the Agreement. **Exhibit B** may be completed in one or more counterparts, each of which shall be deemed to be an original, but all of which taken together shall constitute one and the same document.

8. NON-DISCRIMINATION

Grantee shall not discriminate against any passenger because of race, color, sex, age, disabled, religion, ancestry, marital status, national origin, place of birth or sexual orientation. Grantee shall comply with the State of Michigan publication "Prohibition of Discrimination in State Contracts," the Civil Rights Act of 1964 (78 Stat. 241), and the Michigan Civil Rights Acts of 1976 (45 P.A. 1976).

The Grantee agrees that it will not discriminate based upon race, color, creed, national origin, sex, age, disability, height, weight, familial status, marital status, or sexual orientation, in accordance with Title VI of the Civil Rights Act of 1964, section 303 of the Age Discrimination Act of 1975, section 202 of the Americans with Disabilities Act of 1990, 49 U.S.C. section 5332, the Michigan Elliot-Larsen Civil Rights Act, MCLA 37.2101 et seq., and SMART policy. The forgoing shall include, without limitation, employment upgrading, demotion, transfer, recruitment advertising, layoff or termination, rates of pay or other forms of compensation and/or the selection of training, including apprenticeship.

Grantee shall comply with FTA Circular C 9070.1G, as may be amended or updated, with respect to all provisions on Civil Rights and discrimination including, but not limited to, Chapter VIII, §9.

Grantee shall require similar covenants on the part of any consultant and/or sub-contractor employed in the performance of this Agreement.

9. DRIVER TRAINING

All drivers (including mechanics) of Project Vehicle(s) shall be properly licensed, including but not limited to a CDL or chauffeur license if necessary. All drivers of Project Vehicle(s) designed to transport sixteen or more passengers (including the driver) or of vehicles which have a gross combination weight rating of 26,001 pounds or more must have a CDL.

10. MAINTENANCE

Grantee is solely responsible for maintenance and shall maintain all Project Vehicles in good working condition for the Project Vehicles' full useful life, unless it is mutually determined that specific items are no longer feasible to maintain. Grantee agrees that it will not allow any Project Vehicle to be out of service for a period of time in excess of seven (7) days, unless this results from conditions beyond its control. Maintenance shall be carried out in accordance with specifications for the Project Vehicles as may be available either from the manufacturer or the maintenance procedures specified by SMART, including but not limited to the procedures outlined in the Community Transit Manual.

Upon Grantee's request, SMART, at its sole discretion, may provide all or any portion of the maintenance for a Project Vehicle. Maintenance services provided by SMART shall not relieve the Grantee of its duty to maintain all Project Vehicles in good working condition. The maintenance will be performed according to specifications for such Project Vehicles, as may be available either from the manufacturer or the maintenance procedures specified by SMART.

SMART shall charge the Grantee only for actual maintenance performed as follows:

If the Grantee receives SMART Community Credits, then SMART shall charge the Grantee the actual cost to SMART for parts used, without markup, and shall not charge for labor costs.

If the Grantee does not receive SMART Community Credits, then SMART shall charge the Grantee the actual cost to SMART for parts used without markup. In addition, SMART shall charge the Grantee the actual cost to SMART for labor costs, which are based on the hourly wage of the employee(s) performing the work, together with a percentage of that rate for the fringe benefits SMART pays.

11. INDEMNIFICATION

Notwithstanding any other provision in this Agreement, Grantee shall indemnify, defend and save harmless SMART, its officers, agents, employees, attorneys and members of its Board of Directors from any and all claims, losses and damages, including costs and attorney fees occurring or resulting from any act or omission of the Grantee or its officers, agents, employees, subcontractors, successors and/or assigns arising out of or pursuant to this Agreement or related in any way to operation, maintenance, or possession of the Project Vehicle(s) without regard to the negligence of the Grantee.

This Agreement is not intended to alter or increase SMART or Grantee's liability for tort claims, to other third-parties. Nor is this indemnity provision intended to be a third-party beneficiary contract, and therefore it confers no rights or third-party status on anyone other than the parties hereto.

12. INSURANCE

Grantee shall provide insurance with the coverage, limits and conditions described below. Any and all insurance must be written with an insurer admitted and licensed in the State of Michigan and approved by SMART's Manager of Risk Management. Proposed insurance carriers should have a Best's rating of "A VI" or above; however, SMART reserves the right to accept or reject any proposed carrier. SMART must be provided with certificates of insurance prior to the Grantee's use of the Project Vehicle(s) and the effective date of said coverage. In addition, SMART must be provided a complete copy of the insurance policy(ies) within the thirty (30) days following their effective date.

Coverage must be primary and non-contributory and must provide a waiver of subrogation in favor of SMART. If the Grantee is self-insured, a certificate from the appropriate State agency must be furnished by such agency to SMART. If during the term of the contract, the insurance certificate or any required coverage expires or is otherwise modified, the Grantee is responsible for immediately providing a renewed certificate of insurance to SMART. The purchase of insurance coverage or furnishing the aforesaid certificate to SMART shall not be a satisfaction of the Grantee's indemnification of SMART.

Physical Damage

Grantee shall purchase vehicle physical damage insurance, including comprehensive and collision coverage, for the Project Vehicle(s) for the greater of actual cash value or book value of the Project Vehicles. SMART shall be named as Loss Payee on the policy, and shall be provided with a minimum of thirty (30) days prior written notice of cancellation. Grantee shall be responsible for the payment of any deductible and SMART will not be obligated to pay for repairs to the vehicle.

Vehicle Liability Coverage

Grantee shall purchase vehicle liability insurance for SMART owned vehicles, including \$5,000,000 per occurrence Bodily Injury/Property Damage (CSL is acceptable), and Michigan No-Fault protection. SMART shall be named as Additional Insured on the liability policy and shall be provided a minimum of thirty (30) days prior written notice of cancellation.

Workers' Compensation

Grantee shall maintain statutory Workers' Compensation and \$500,000 Employer's Liability insurance for all employees, and shall require such insurance for all employees of any sub-contractors.

General Liability

Grantee shall maintain comprehensive general liability insurance with a limit not less than \$1,000,000, including contractual liability. Said policy shall name SMART as an Additional Insured.

Other State or Federally Funded Vehicles

Grantee shall maintain insurance on any vehicle not titled or registered to SMART, but for which \$5310 dollars are used to support the purchase of the non-SMART-owned vehicle, including vehicle liability with a limit not less than \$5,000,000 combined single limit. Said policy shall name SMART as an Additional Insured.

13. PRIORITY

Each of the following documents are incorporated by reference into the Agreement. In the event and to the extent of any inconsistency between two or more documents which form part of the Agreement, those documents will be interpreted in the following order of priority:

The Agreement
Applicable FTA Circulars
Program Management Plan
Program of Projects
Community Transit Manual (as amended)
Grantee Project Submittal

14. COUNTERPARTS

This Agreement may be executed and delivered (including by facsimile transmission) in two or more counterparts, each of which when executed shall be deemed to be an original and all of which taken together shall constitute one and the same instrument. This Agreement constitutes the entire agreement between the parties and supersedes all previous understandings and agreements between the parties, whether oral or written. This Agreement may be modified by SMART at its sole discretion and written notice to Grantee.

15. SEVERABILITY AND INTENT

The invalidity or unenforceability of any provisions of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement, which shall remain in full force and effect.

16. WAIVER

Parties' failure to exercise or delay in exercising any right, power or privilege under this Agreement shall not operate as a waiver; nor shall any single or partial exercise of any right, power or privilege preclude any other or further exercise thereof.

17. ASSIGNMENT

The Parties agree that the responsibilities and benefits under this Agreement shall not be assigned unless such assignment is approved by SMART in advance in writing. This agreement does not and is not intended to confer any rights or remedies upon any person other than the parties.

18. VENUE

Parties agree to follow all applicable State and Federal laws. This Agreement shall be governed by the laws of the State of Michigan.

19. ELECTRONIC SIGNATURE

The Parties acknowledge and agree that this Agreement may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. The Parties agree that the electronic signatures appearing on this Agreement are the same as handwritten signatures for the purposes of validity, enforceability and admissibility. Without limitation, “electronic signature” shall include faxed versions of an original signature or electronically scanned and transmitted versions (e.g., via pdf) of an original signature.

The Parties acknowledge that they have read and understand this Agreement and that the signatories below have affixed their signatures and affirmed that they are authorized to execute this Agreement, for the purpose of binding their respective Principals. This Agreement shall become effective upon the date the Agreement is signed by both Parties.

**SUBURBAN MOBILITY AUTHORITY
FOR REGIONAL TRANSPORTATION**

CITY OF TROY

Signature

Signature

Printed Name

Printed Name

Title

Title

Date

Date

CONTRACT #: _____

EXHIBIT A

Grantee: CITY OF TROY

SMART shall procure and provide, to Grantee and for Grantee’s use, the vehicle as indicated below:

Vehicle eligible for replacement under State and Federal Guidelines:36006

New SMART Vehicle Number: 44025

Make:Ford **Model:**Transit 350 **Fuel Type:** Gasoline

To be completed at Vehicle Hand-Off:

New Vehicle Identification Number (VIN):1FDVU4X84PKB62818

I have received keys and vehicle manual.
There were no vehicle issues on the walk-around.
I reviewed the fuel type with the SMART representative.

I, _____, hereby state that I have authority to accept the above referenced Project Vehicle on behalf of the Grantee and that by signing below I acknowledge receipt of the above referenced Project Vehicle:

Signature of Grantee Representative: _____

Print Name Grantee Representative: _____

Title of Grantee Representative: _____

Date: _____

Signature of SMART Representative: _____

Print Name SMART Representative: _____

Title of SMART Representative: _____

Date: _____

EXHIBIT B

- 1) **Subrecipient Name:** CITY OF TROY
- 2) **UEI Number:** QYPCKM4J5K81
- 3) **FAIN MI-2021-051**
- 4) **Fed Award Date** 9/2/2021
- 5a) **SubAward Start** 9/2/2021
- 5b) **SubAward End** 3/30/2027
- 6) **Fed Funds Obligated by this Action** \$37,828
- 7) **Total Fed Funds Obligated to Sub by FAIN** \$37,828
- 8) **Total Amount of Fed Award Committed** \$0
- 9) **Fed Award Project Desc.** 1- replacement van 36006
- 10) **SMART Vehicle Number** 44025
- 11) **Name of Fed Awarding Agency:** Federal Transit Administration
- 12) **Name of Pass-Through Entity:** SMART
- 13) **Contact Information for Pass-Through Awarding Official:** Ryan Byrne, SMART Director of Finance
- 14) **CFDA Number & Name:** 20.513-Enhanced Mobility of Seniors and Individuals with Disabilities
- 15) **R&D?** No
- 16) **Indirect Cost Rate for Federal Award:** N/A



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: February 13, 2024

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Deputy City Manager
Megan E. Schubert, Assistant City Manager
G. Scott Finlay, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of Two Permanent Easements from Gary Abitheira, Sidwell #88-20-27-432-022

History

As part of the redevelopment of a vacant residential property zoned R-T, One Family Attached, the City of Troy received two permanent easements for storm sewers and surface drainage, and sidewalks from Gary Abitheira, owner of the property having Sidwell #88-20-27-432-022. The property is located in southeast ¼ of Section 27, on Woodslee, east Rochester Road.

Financial

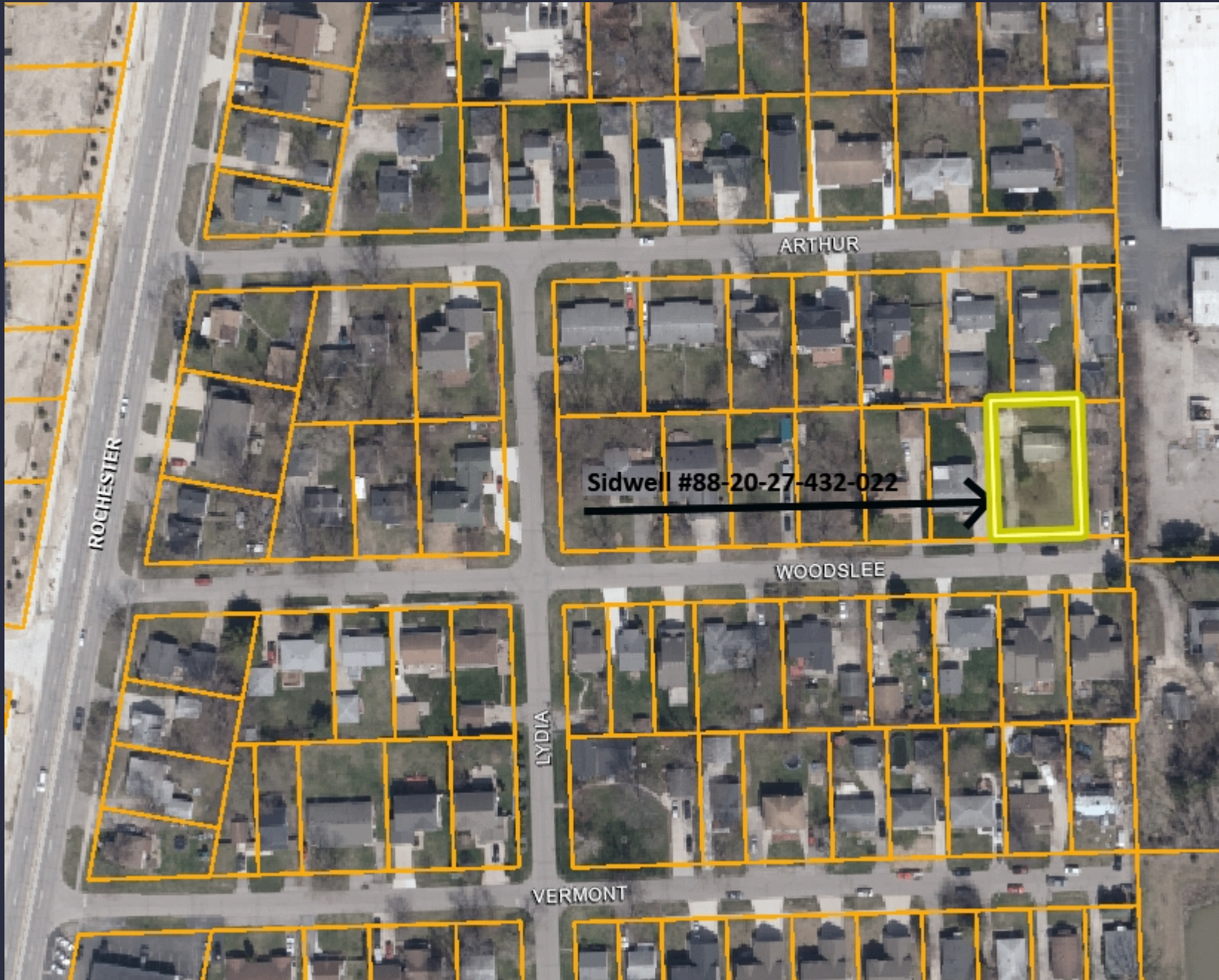
The consideration amount on each document is \$1.00.

Recommendation

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

Legend:

Tax Parcel



Notes:

88-20-27-432-022
Abitheira, Gary
Easements

Map Scale: 1=178

Created: February 13, 2024



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

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

Sidwell #88-20-27-432-022 (pt)

Gary Abitheira, a married man, Grantor, whose address is 3301 Mirage Drive, Troy, MI 48083, for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge or remove and/or replace **storm sewers and surface drainage**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

The East 6.00 feet and the North 6.00 feet of the following described property:


Lots 317 and 318 of, "Stumpf's Beech Grove Subdivision", as recorded in Liber 32, Pages 11-12, being Part of the Southeast ¼ of Section 27, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan records.

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

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

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

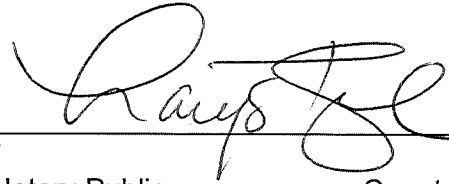
IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s)
this 1st day of February A.D. 2024.

By  (L.S.)
Gary Abitheira

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 1st day of February, 2024, by Gary Abitheira, a married man.

LARYSA FIGOL
Notary Public, State of Michigan
County of Oakland
My Commission Expires 03-02-2024
Acting in the County of Oakland


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

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

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

**PERMANENT EASEMENT
FOR SIDEWALKS**

Sidwell #88-20-27-432-022 (pt)

Gary Abitheira, a married man, Grantor, whose address is 3301 Mirage Drive, Troy, MI 48083, for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge or remove and/or replace **sidewalks**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

The South 5.00 feet of the following described property:


Lots 317 and 318 of, "Stumpf's Beech Grove Subdivision", as recorded in Liber 32, Pages 11-12, being Part of the Southeast ¼ of Section 27, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan records.

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

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

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

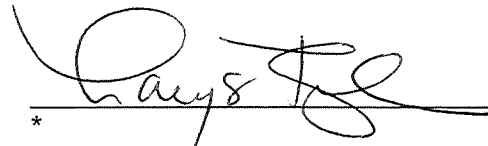
IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s) this 1st day of February A.D. 2024.

By  _____ (L.S.)
Gary Abitheira

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 1st day of February, 2024, by Gary Abitheira, a married man.

LARYSA FIGOL
Notary Public, State of Michigan
County of Oakland
* My Commission Expires 03-02-2024
Acting in the County of Oakland


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

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

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



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: January 25, 2024

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Deputy City Manager
Megan E. Schubert, Assistant City Manager
Emily Frontera, Purchasing Manager
Frank A. Nastasi, Chief of Police
Sergeant Brian Warzecha

Subject: Renewal of Membership in the Traffic Improvement Association (TIA)

History

The City of Troy has been a member of the TIA since 1975. The TIA is a private non-profit organization that is responsive to the problems and needs of local traffic officials. They are a source for traffic facts, including traffic crashes and traffic operations data. The City of Troy obtains citywide traffic crash statistics including intersection and road segment crash reports and ranking, county traffic crash trends, location-specific crash details, and alcohol-related statistics from the TIA. As a TIA member, they are provided without charge.

The TIA works with the Troy Police Department on several enforcement-related projects and grants, including recent and ongoing speed limit studies in order for the City of Troy to be compliant with Public Act 85. They facilitated the Police Department in obtaining \$37,679 in the past year for federal grants. The TIA also works with our adjacent communities to improve traffic in the general area which can be a secondary benefit to the City.

Purchasing

N/A

Financial

The renewal membership fee for the year 2024 is \$29,800. Funds are available in the Police Department's Operating Funds, Membership and Dues.

Recommendation

It is recommended that the City of Troy renew its membership with the Transportation Improvement Association. The partnership the City has developed with the TIA over the past 40 years has led to many collaborative efforts that have enhanced traffic safety in our community.



**Interim Financial Report
2nd Quarter
For The Six Months Ended
December 31, 2023**

CITY OF TROY
QUARTERLY REPORT
SIX MONTHS ENDED DECEMBER 31, 2023
HIGHLIGHTS

General Fund

Revenues

Total revenues are \$51.6 million to date and represent 77.3% of total budgeted revenues and other sources. This is an increase of \$2.9 million or 5.9% compared to the same time period in the prior year and includes recognition of total property tax revenues of \$41.1 million. Tax revenue increased \$2.7 million or 7.0%. Grant revenue is currently at \$3.1 million, which is down \$1.1 million from the prior year. This is expected to increase and be in line with the budgeted amount as this is primarily made up of State Shared Revenues which involves the reversal of accruals and the State's timing of payments.

Expenditures

Total General Fund expenditures to date are \$30.3 million or 43.3% of the annual budget. This is an increase of \$0.1 million compared to the same time period in the prior year. Currently, all departments appear to be within expected budgetary parameters to date.

Capital Fund

Revenues

Total revenues are \$14.0 million to date and represent 47.9% of total budgeted revenues and other sources. Grant revenue is currently at \$0.8 million; however, this will see a significant increase as the fiscal year progresses due to the MDOT Rochester Road Project and the remaining ARPA funds will be expended and recognized as revenue.

Expenditures

Expenditures for capital projects of \$14.2 million represent 30.4% of budgeted projects. This is up approximately \$4.2 million from the prior year as expected due to the construction at Stine Community Park and the purchase of a Fire Ladder Truck with the ARPA Grant Funds.

Major Streets Fund

Revenues

Total revenues of \$2.7 million represent 35.1% of total budgeted revenues. This is an increase of \$0.1 million from the prior year and the amount is consistent with expectations. Current trends indicate that the fund will generate budgeted amounts by the end of the fiscal year.

Expenditures

Total expenditures of \$4.2 million represent 40.9% of total budgeted expenditures. This is an increase of approximately \$1.1 million over the prior year amount or 34.5% as expected due to the increase in transfers to the Capital Fund.

Local Streets Fund

Revenues

Total revenues of \$1.8 million represent 40.7% of total budgeted revenues. This is an increase of \$0.1 million from the prior year and the amount is consistent with expectations. Current trends indicate that the fund will generate budgeted amounts by the end of the fiscal year.

Expenditures

Total expenditures of \$2.6 million represent 39.1% of total budgeted expenditures. This is up approximately \$0.6 million from the prior year as expected due to the increase in transfers to the Capital Fund.

Aquatic Center

Revenues

Total revenues of \$334 thousand represent 44.8% of total budgeted revenues. This is a decrease of approximately 5.1% from the prior year based on lower usage.

Expenses

Expenses of \$528 thousand or 46.2% compared to budget are higher than the prior year amount to date of \$336 thousand due to timing of budgeted capital expenses.

Sanctuary Lake Golf Course

Revenues

Revenues of \$1.4 million are down \$0.1 million or 4.4% compared to the prior year for the same time period. Total year to date rounds are 23,754 representing a decrease of approximately 2,446 rounds from the prior year. Average revenue per round is \$58.35 compared to prior year of \$55.34.

Expenses

Total expenditures of \$1.2 million are down \$0.2 million or 11.7% compared to the prior year. The Golf Course operating expenses are covered by the day-to-day revenues; however, similar to previous years, the fund cannot cover its annual debt payments. As a result, the General Fund covers the remaining portion. As of 12/31/23, the cash advance from the General Fund to Sanctuary Lake is \$7.1 million.

Sylvan Glen Golf Course

Revenues

Revenues of \$1.1 million are flat compared with the prior year to date amounts. Total year to date rounds are 27,149 representing a decrease of approximately 2,033 rounds from the prior year. Average revenue per round is \$35.30 compared to prior year of \$34.16.

Expenses

Total expenditures of \$0.7 million are flat compared to prior year but are in line with expectations. As of 12/31/23, the cash advance to Sanctuary Lake is \$3.3 million which is an increase of \$0.5 million from the prior year.

Sanitary Sewer Fund

Revenues

Sanitary Sewer fund revenues of \$8.8 million are up \$0.4 million or 5.2% from the prior year to date. Although consumption was down 2.6% (sold 256,165 mcf, down 6,874 mcf), this was offset by an increase in rates. Note: Sewer disposal charges are based upon water consumption.

Expenses

Sanitary Sewer fund expenses of \$6.8 million are down \$3.3 million from the prior year or 32.9%. The decrease is primarily due to less capital work performed to date compared to the same time period of the prior year. In the prior year, \$4.0 million was expensed by this time for the Sewer System Ev-Frm Corrective Action Plan, whereas that did not occur in the current year.

Water Fund

Revenues

Water fund revenues of \$13.1 million are up \$0.5 million or 3.9% from the prior year to date. Although consumption was down 2.6% (sold 256,165 mcf, down 6,874 mcf), this was offset by an increase in rates. Weather patterns can have a significant impact on consumption over the summer months.

Expenses

Water fund total expenses of \$8.8 million are down \$0.6 million. The decrease is primarily due to less capital work performed to date compared to the same time period of the prior year. These capital expenses are expected to increase according to the budget in the Spring and Summer months as planned.

**Quarterly Financial Report
Aquatic Center Fund
For the Period Ending December 31, 2023**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
Aquatic Center Fund Revenues							
CHARGES FOR SERVICES	587,452	563,000	341,978	60.74	717,000	325,278	45.37
INTEREST & RENT	-10,037	29,100	9,946	34.18	28,100	9,159	32.59
OTHER REVENUE	-445	0	-445	0.00	0	-763	0.00
	576,969	592,100	351,478	59.36	745,100	333,674	44.78
Aquatic Center Fund Expenditures							
Aquatic Center	603,829	908,255	335,885	36.98	1,142,532	528,300	46.24
	603,829	908,255	335,885	36.98	1,142,532	528,300	46.24

**Quarterly Financial Report
Capital Projects Fund
For the Period Ending December 31, 2023**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
Capital Projects Fund Revenues							
TAXES	6,852,591	6,800,000	6,867,612	100.99	7,200,000	7,334,968	101.87
GRANTS	1,609,485	13,851,545	201,455	1.45	9,528,000	758,436	7.96
CONTRIBUTIONS FROM LOCAL UNITS	0	210,000	0	0.00	210,000	0	0.00
CHARGES FOR SERVICES	248,427	460,000	143,116	31.11	460,000	168,758	36.69
INTEREST & RENT	-661,787	35,000	193,294	552.27	35,000	264,002	754.29
OTHER REVENUE	9,623	114,000	40	0.04	30,000	43,494	144.98
OTHER FINANCING SOURCES	7,463,636	9,718,000	3,632,086	37.37	11,725,000	5,398,728	46.04
	15,521,976	31,188,545	11,037,603	35.39	29,188,000	13,968,387	47.86
Capital Projects Fund Expenditures							
Capital Outlay	20,154,321	43,310,603	9,981,603	23.05	46,648,822	14,181,266	30.40
	20,154,321	43,310,603	9,981,603	23.05	46,648,822	14,181,266	30.40

**Quarterly Financial Report
General Fund
For the Period Ending December 31, 2023**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
General Fund Revenues							
TAXES	38,623,851	38,239,200	38,435,799	100.51	40,715,450	41,137,686	101.04
LICENSES AND PERMITS	2,778,941	3,336,610	1,302,445	39.03	2,895,060	1,787,529	61.74
GRANTS	11,823,279	10,124,100	4,201,568	41.50	10,408,603	3,080,230	29.59
CONTRIBUTIONS FROM LOCAL UNITS	322,016	32,000	225,683	705.26	56,500	43,437	76.88
CHARGES FOR SERVICES	8,211,163	7,457,050	2,432,367	32.62	8,286,400	2,378,799	28.71
FINES AND FORFEITURES	660,427	706,000	353,347	50.05	736,750	352,668	47.87
INTEREST & RENT	-174,961	1,338,780	780,529	58.30	1,370,500	1,676,389	122.32
OTHER REVENUE	1,596,665	1,324,200	674,956	50.97	1,365,700	881,050	64.51
OTHER FINANCING SOURCES	646,644	827,060	263,399	31.85	849,330	226,335	26.65
	64,488,024	63,385,000	48,670,093	76.78	66,684,293	51,564,123	77.33
General Fund Expenditures							
General government	10,238,829	11,567,484	4,794,486	41.45	11,458,991	4,971,160	43.38
Public Safety	36,399,532	39,339,030	17,241,939	43.83	40,311,076	16,913,851	41.96
Public Works	2,057,018	2,319,121	1,102,085	47.52	2,448,877	946,020	38.63
Community Development	4,094,766	4,655,464	2,007,693	43.13	4,638,822	2,018,000	43.50
Recreation and Culture	7,964,705	8,628,928	3,998,273	46.33	9,037,172	4,434,911	49.07
Transfers Out & Other Uses	11,360,000	11,370,000	1,000,000	8.80	2,000,000	1,000,000	50.00
	72,114,849	77,880,027	30,144,477	38.71	69,894,938	30,283,943	43.33

**Quarterly Financial Report
Library Fund
For the Period Ending December 31, 2023**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
Library Fund Revenues							
TAXES	6,185,677	6,100,000	6,201,966	101.67	6,550,000	6,648,608	101.51
GRANTS	173,537	53,000	129,587	244.50	120,000	132,637	110.53
CONTRIBUTIONS FROM LOCAL UNITS	117,893	141,000	800	0.57	141,600	100	0.07
CHARGES FOR SERVICES	7,745	1,250	2,889	231.15	4,100	4,898	119.47
FINES AND FORFEITURES	15,585	2,000	7,191	359.53	10,000	7,754	77.54
INTEREST & RENT	-137,008	3,000	48,586	1619.53	42,000	108,457	258.23
OTHER REVENUE	146,139	7,000	107,998	1542.83	8,000	22,619	282.74
	6,509,568	6,307,250	6,499,016	103.04	6,875,700	6,925,073	100.72
Library Fund Expenditures							
Recreation and Culture	5,337,282	7,216,220	2,491,411	34.53	7,063,436	2,927,075	41.44
	5,337,282	7,216,220	2,491,411	34.53	7,063,436	2,927,075	41.44

**Quarterly Financial Report
Local Street Fund
For the Period Ending December 31, 2023**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
Local Street Fund Revenues							
GRANTS	3,072,448	2,900,000	1,006,216	34.70	3,000,000	1,048,126	34.94
INTEREST & RENT	-99,380	32,000	25,746	80.46	32,000	44,220	138.19
OTHER FINANCING SOURCES	1,500,000	1,500,000	750,000	50.00	1,500,000	750,000	50.00
	4,473,068	4,432,000	1,781,962	40.21	4,532,000	1,842,346	40.65
Local Street Fund Expenditures							
Public Works	1,669,731	2,602,262	654,102	25.14	2,793,617	698,997	25.02
Recreation and Culture	753,243	758,260	372,798	49.16	943,980	435,414	46.13
Transfers Out & Other Uses	2,000,000	2,000,000	1,000,000	50.00	3,000,000	1,500,000	50.00
	4,422,974	5,360,522	2,026,901	37.81	6,737,597	2,634,410	39.10

**Quarterly Financial Report
Major Street Fund
For the Period Ending December 31, 2023**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
Major Street Fund Revenues							
GRANTS	7,832,511	7,500,000	2,565,381	34.21	7,700,000	2,668,254	34.65
INTEREST & RENT	-75,009	35,000	17,940	51.26	35,000	46,157	131.88
	7,757,501	7,535,000	2,583,322	34.28	7,735,000	2,714,411	35.09
Major Street Fund Expenditures							
Public Works	2,621,966	3,294,675	1,046,748	31.77	3,567,718	855,163	23.97
Recreation and Culture	83,829	114,327	51,695	45.22	133,920	63,025	47.06
Transfers Out & Other Uses	4,000,000	4,000,000	2,000,000	50.00	6,500,000	3,250,000	50.00
	6,705,796	7,409,002	3,098,443	41.82	10,201,638	4,168,189	40.86

**Quarterly Financial Report
Refuse Fund
For the Period Ending December 31, 2023**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
Refuse Fund Revenues							
TAXES	6,083,763	6,050,000	6,097,843	100.79	6,425,000	6,515,971	101.42
GRANTS	86,058	30,000	86,058	286.86	60,000	88,914	148.19
CHARGES FOR SERVICES	404	500	157	31.43	500	342	68.47
INTEREST & RENT	-99,862	10,000	39,751	397.51	20,000	79,830	399.15
	6,070,363	6,090,500	6,223,809	102.19	6,505,500	6,685,057	102.76
Refuse Fund Expenditures							
Sanitation	5,950,275	6,006,570	2,474,593	41.20	6,473,350	2,825,541	43.65
	5,950,275	6,006,570	2,474,593	41.20	6,473,350	2,825,541	43.65

**Quarterly Financial Report
Sanctuary Lake Golf Course
For the Period Ending December 31, 2023**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
Sanctuary Lake Golf Course Revenues							
CHARGES FOR SERVICES	2,608,823	1,824,609	1,449,794	79.46	2,033,740	1,386,033	68.15
	2,608,823	1,824,609	1,449,794	79.46	2,033,740	1,386,033	68.15
Sanctuary Lake Golf Course Expenditures							
Sanctuary Lake	2,552,772	2,802,322	1,325,672	47.31	2,904,863	1,170,991	40.31
	2,552,772	2,802,322	1,325,672	47.31	2,904,863	1,170,991	40.31

**Quarterly Financial Report
Sewer Fund
For the Period Ending December 31, 2023**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
Sewer Fund Revenues							
CHARGES FOR SERVICES	13,839,768	14,871,000	8,223,868	55.30	15,999,000	8,619,574	53.88
INTEREST & RENT	-277,050	200,000	96,761	48.38	200,000	130,667	65.33
OTHER REVENUE	300,938	0	0	0.00	0	0	0.00
	13,863,656	15,071,000	8,320,628	55.21	16,199,000	8,750,241	54.02
Sewer Fund Expenditures							
Sewer	15,881,121	21,301,235	10,070,997	47.28	19,639,439	6,752,821	34.38
	15,881,121	21,301,235	10,070,997	47.28	19,639,439	6,752,821	34.38

**Quarterly Financial Report
Sylvan Glen Golf Course
For the Period Ending December 31, 2023**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
Sylvan Glen Golf Course Revenues							
CHARGES FOR SERVICES	1,783,091	1,222,600	996,983	81.18	1,227,800	958,420	78.06
INTEREST & RENT	153,320	182,400	115,760	63.46	182,400	122,298	67.05
	1,936,411	1,405,000	1,112,743	79.20	1,410,200	1,080,717	76.64
Sylvan Glen Golf Course Expenditures							
Sylvan Glen	1,609,538	1,365,423	725,744	53.15	1,533,133	744,545	48.56
	1,609,538	1,365,423	725,744	53.15	1,533,133	744,545	48.56

**Quarterly Financial Report
Water Fund
For the Period Ending December 31, 2023**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
Water Fund Revenues							
CHARGES FOR SERVICES	21,368,989	22,605,000	12,574,855	55.63	23,695,500	13,091,513	55.25
INTEREST & RENT	602,955	104,400	52,315	50.11	104,400	28,805	27.59
OTHER REVENUE	430,796	100,100	0	0.00	100,100	0	0.00
	22,402,741	22,809,500	12,627,170	55.36	23,900,000	13,120,318	54.90
Water Fund Expenditures							
Water	22,129,368	27,785,542	9,386,526	33.78	28,090,150	8,790,307	31.29
	22,129,368	27,785,542	9,386,526	33.78	28,090,150	8,790,307	31.29

City of Troy
Schedule of Cash and Investments
12/31/2023

Fund	Financial Institution	Type of Investment	Rate	G/L Account	Balance per Bank (cost)	Deposits in Transit	Outstanding Checks	Transfers	Other Items	Balance per Books
Pooled Investment Fund	Comerica	Checking Account	-	751.001.001	\$ 490,724.84	\$ 19,937.21	\$ (3,843,393.18)	\$ (96,396.33)	\$ (1,908,425.25)	\$ (5,337,552.71)
Pooled Investment Fund	Comerica Jfund	Cash & Cash Equivalents	5.19	751.013	\$ 8,439,113.79					\$ 8,439,113.79
Pooled Investment Fund	Comerica	Cash & Cash Equivalents	4.98	751.001.230	\$ 159,269.43					\$ 159,269.43
Pooled Investment Fund	Comerica	Government & Municipal Bonds	3.11	751.180	\$ 29,214,592.22					\$ 29,214,592.22
Pooled Investment Fund	Fifth Third Bank	Cash & Cash Equivalents	5.22	751.001.230	\$ 3,284,132.66					\$ 3,284,132.66
Pooled Investment Fund	Fifth Third Bank	Government & Municipal Bonds	2.23	751.180	\$ 51,957,855.04					\$ 51,957,855.04
Pooled Investment Fund	Huntington Investment Co	Cash & Cash Equivalents	4.83	751.001.230	\$ 91,337.61					\$ 91,337.61
Pooled Investment Fund	Huntington Investment Co	Government Bonds	0.10	751.180	\$ 1,118,447.14					\$ 1,118,447.14
Pooled Investment Fund	Huntington	Money Market	3.04	751.001.140	\$ 3,901,936.87					\$ 3,901,936.87
Pooled Investment Fund	MBIA-Class	Money Market	5.55	751.180	\$ 29,683,448.90					\$ 29,683,448.90
Pooled Investment Fund	PNC Bank	Money Market	5.06	751.180	\$ 5,578,227.65					\$ 5,578,227.65
Pooled Investment Fund	Robinson Capital	Cash & Cash Equivalents	5.22	751.001.230	\$ 270,460.64					\$ 270,460.64
Pooled Investment Fund	Robinson Capital	Government & Municipal Bonds	3.54	751.180	\$ 10,124,914.60					\$ 10,124,914.60
Sanctuary Lake Golf Course	Fifth Third Bank	Checking Account	-	585.001.100	\$ 340,715.43	\$ 1,984.56	\$ (3,479.85)			\$ 339,220.14
Sanctuary Lake Golf Course	Fifth Third Bank	Checking Account	-	585.001.130	\$ 2,143.73	\$ -	\$ (430.47)			\$ 1,713.26
Sylvan Glen Golf Course	Fifth Third Bank	Checking Account	-	584.001.100	\$ 255,137.88	\$ 2,388.01	\$ (2,953.51)			\$ 254,572.38
Sylvan Glen Golf Course	Fifth Third Bank	Checking Account	-	584.001.130	\$ 21,465.51	\$ -	\$ (313.43)			\$ 21,152.08
Trust & Agency Fund	Comerica	Checking Account		703.001.001	\$ 1,489,973.97	\$ 240,337.34	\$ (54,031.53)	\$ 96,396.33	\$ (223,436.02)	\$ 1,549,240.09
Trust & Agency Fund	MBIA-Class	Money Market	5.55	703.180	\$ 14,766,736.38					\$ 14,766,736.38
Total					\$ 161,190,634.29	\$ 264,647.12	\$ (3,904,601.97)	\$ -	\$ (2,131,861.27)	\$ 155,418,818.17



Troy Fire Department

2023 Summary

O-02b



1,412
TOTAL CALLS



Total Firefighters
133

57 Structure Fires
30 Vehicle Fires
612 Fire Alarms



6

Academy
Graduates



9 Vehicle
Extractions



Average # of Responders:

- All Calls = 10
- Structure Fires = 27

9,171

EMS Requests for Service



20,098

Total Hours of Training



3,981

Building Inspections



703 Plans Reviewed
341 Permits Issued



151 Smoke
Alarms Installed

200 PubEd
Events





1200 N. Telegraph Road, Dept. 479
Pontiac, MI 48341-0479
(248) 858-0611
oakgov.com/treasurer

Robert Wittenberg, Treasurer

Jody Weissler DeFoe, Chief Deputy Treasurer

Oakland County Treasurer's Office Foreclosure Prevention

The Oakland County Treasurer's Office is in the final stretch of our Foreclosure Prevention efforts. The tax foreclosure deadline for the 2021 or prior year taxes is on April 1, 2024. That means if these taxes aren't paid off by April 1st or any interested party hasn't entered into a repayment schedule with the Treasurer's office by then, the property will be foreclosed.

Since December of 2023, the Treasurer's office has conducted over a thousand Taxpayer Assistance Meetings to assist taxpayers with keeping their properties by working with them to get on a repayment schedule and/or by identifying resources that may be beneficial to them and their situation. We are here to help and strongly encourage taxpayers to contact us before the tax foreclosure deadline if they have delinquent taxes for 2021 or prior tax years. Taxpayers interested in scheduling a Taxpayer Assistance Meeting may call us at 248-858-0611 or they may visit www.oakgov.com/treasurer

Some of the resources available to assist taxpayers include:

- **Financial Empowerment Center** in the Treasurer's Office which provides one-on-one financial coaching and services to help taxpayers achieve their financial goals. Contact Reda at nafsor@oakgov.com or 248-807-5287.
- **Lakeshore Legal Aid** provides free legal services to people who are low income and seniors. 1-888-783-8190 is the number for new clients.

Again, we are here to help and strongly encourage taxpayers to contact the Treasurer's office if they have delinquent taxes for 2021 or prior tax years. If taxpayers are interested in scheduling a Taxpayer Assistance Meeting, they may call us at 248-858-0611 or they may visit www.oakgov.com/treasurer.

Thank you!

A handwritten signature in black ink, appearing to read "Robert Wittenberg", written over a white background.

Robert Wittenberg
Oakland County Treasurer