



TROY CITY COUNCIL

REGULAR MEETING AGENDA

APRIL 8, 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". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mark F. Miller,
City Manager



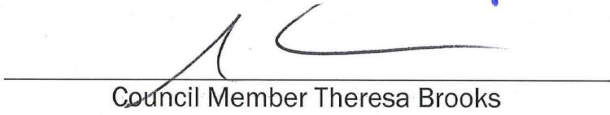
Chapter 14A – Elected and Appointed Persons’ Ethics Ordinance
Section 14.3 Annual Training and Acknowledgement

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 Hiram Chanda



Council Member Mark Gunn



Council Member David Hamilton



Mayor Pro Tem Ellen Hodorek



CITY COUNCIL AGENDA

April 8, 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: **1**

PLEDGE OF ALLEGIANCE: **1**

A. CALL TO ORDER: **1**

B. ROLL CALL: **1**

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(Presented by: Mayor Ethan Baker) 1

C-2 Recreation Senior Programming Presentation *(Presented by: Brian Goul,
Recreation Director)* 1

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INVOCATION:

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 #2024-04-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Regular City Council Meeting of April 8, 2024, due to _____.

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Proclamation in Recognition of Athens High School 2023-2024 Student Council
(Presented by: Mayor Ethan Baker)

C-2 Recreation Senior Programming Presentation *(Presented by: Brian Goul, Recreation Director)*

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 – Global Troy Advisory Committee; b) City Council Appointments – None

a) Mayoral Appointments:

Suggested Resolution

Resolution #2024-04-

Moved by

Seconded by

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

Global Troy Advisory Committee

Appointed by Mayor

12 Regular Members

3 Year Term

Nominations to the Global Troy Advisory Authority:

Term Expires: 7/31/2024

Vinaya Gunasekar

Term currently held by: Sharanya Swaminathan (graduated)

Yes:

No:

b) City Council Appointments: None

I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority, Civil Service Commission (Act 78), Downtown Development Authority, Local Development Finance Authority; b) City Council Nominations – Charter Revision Committee, Liquor Advisory Committee, Personnel Board, Traffic Committee, Zoning Board of Appeals

a) Mayoral Nominations:

Suggested Resolution

Resolution #2024-04-

Moved by

Seconded by

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

Brownfield Redevelopment Authority

Appointed by Mayor
6 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2	Notes 3
Beyer	Joseph	10/26/2022	4/30/2024		
Gottlieb	Steven	11/24/2016	4/30/2025		
Kornacki	Rosemary	2/24/2025	4/30/2026		
Noguez-Ortiz	Carolina	4/3/2025	4/30/2026	BRA exp 4/30/26; GTAC exp 10/30/25	
Tadepalli	Hemanth	11/7/2025	4/30/2026		
Vassallo	Joseph	12/20/2024	4/30/2024		

Nominations to the Brownfield Redevelopment Authority:

Term Expires: 4/30/2027

Term currently held by: Joseph Beyer

Term Expires: 4/30/2027

Term currently held by: Joseph Vassallo

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Aceves	Alfonso Jr	12/11/2025	
Battle	Timothy	10/28/2024	
Comiskey	Ann	1/20/2026	
Garmo	Kathleen	6/17/2024	
von Oeyen	Schuyler	7/20/2024	

Civil Service Commission (Act 78)

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

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
Cannon	David	3/12/2020	4/30/2024	Council Appointment	

McGinnis	Donald	3/3/2024	4/30/2028	Endorsed By All Police/Fire Unions	
Steele	John	1/6/2016	4/30/2026	Civil Service Appointment	

Nominations to the Civil Service Commission (Act 78):

Term Expires: 4/30/2030

Term currently held by: David Cannon

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Dahmer	Theresa	5/23/2024	ACT 78 Affidavit on file.
Hack	Kurt	9/14/2024	ACT 78 Affidavit on file.

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	

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	
Baker	Ethan		City Council Term	Alternate; City Council	City Council exp. 11/2027; DDA; GTAC, LDFA
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 #2024-04-

Moved by

Seconded by

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

Charter Revision Committee

Appointed by Council

7 Regular Members

3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 3
Bartnik	Mark	4/6/2023	4/30/2024	

Beltramini	Robin	3/1/2024	4/30/2025	
Buechner	Toby	3/22/2023	4/30/2024	
Burns	Timothy	3/20/2025	4/30/2025	
Evans	Laurie	3/13/2025	4/30/2024	
Fukuzawa	David	4/17/2025	4/30/2026	
Howrylak	Frank	3/22/2025	4/30/2026	

Nominations to the Charter Revision Committee:

Term Expires: 4/30/2027

Term currently held by: Mark Bartnik

Term Expires: 4/30/2027

Term currently held by: Toby Buechner

Term Expires: 4/30/2027

Term currently held by: Laurie Evans

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Comiskey	Ann	12/22/2024	

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	
Gorcycyca	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	

Personnel Board

Appointed by Council

5 Regular Members

3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2	Notes 3
Forster	Jeffrey	1/22/2026	4/30/2024	ZBA ALT exp 1/31/27	
Gordon	Pamela	4/2/2020	4/30/2024		
Haight	David	7/17/2022	4/30/2026		
Parpart	Jane	3/8/2023	4/30/2024		Requests Reappointment
Sackrison	Anne	2/23/2025	4/30/2026		

Nominations to the Personnel Board:

Term Expires: 4/30/2027

Term currently held by: Jeffrey Forster

Term Expires: 4/30/2027

Term currently held by: Pamela Gordon

Term Expires: 4/30/2027

Term currently held by: Jane Parpart

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Faiz	Iqbal	6/7/2025	
Wit	Callie	4/22/2024	

Traffic Committee

Appointed by Council
7 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
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	Deceased
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
Rose	Justin		1/31/2027	
Swaminathan	Abi	9/2/2025	1/31/2027	
Zhou	Angela	9/18/2025	7/31/2024	Student - Graduates 2025
Ziegenfelder	Peter	12/14/2024	1/31/2026	

Nominations to the Traffic Committee:

Unexpired Term Expiring:
1/31/2026

Term currently held by: Richard Kilmer (deceased)

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
Sabaj	Noah	2/29/2026	
Tadepalli	Hemanth	11/7/2025	

Zoning Board of Appeals

Appointed by Council
 7 Regular Members; 2 Alternates
 3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2	Notes 3
Bossenbroek	Michael	3/7/2025	4/30/2026			
Chambers	Barbara	1/23/2026	1/31/2027	Alternate	Historic Dist exp 3/1/2026; HDSC	
Desmond	Thomas	5/7/2017	4/30/2024			
Eisenbacher	David	3/16/2018	4/30/2025			
Forster	Jeffrey	1/22/2026	1/31/2027	Alternate	Personnel Bd exp 4/30/24; ZBA ALT exp 1/31/27	
Green	Aaron	4/13/2024	4/30/2025			
Kenkre	Mahendra	1/4/2023	4/30/2024			
Mccauley	James	3/7/2025	4/30/2026			

Nominations to the Zoning Board of Appeals:

Term Expires: 4/30/2027

Term currently held by: Thomas Desmond

Term Expires: 4/30/2027

Term currently held by: Mahendra Kenkre

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Abdullah	Neharunnessa	1/19/2025	
Hack	Kurt	9/14/2024	
Hashmi	Amin	7/31/2025	
Sabaj	Noah	2/28/2026	
Walters	Kelly	11/27/2025	

Yes:

No:

I-3 No Closed Session Requested

I-4 Appointment of City Manager (*Introduced by: Lori Grigg Bluhm, City Attorney*)

Suggested Resolution

Resolution #2024-04-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPOINTS** _____ as City Manager, contingent upon the approval of an employment agreement negotiated between the appointed candidate and McGraw Morris, the City's outside labor and employment counsel. The employment agreement **SHALL INCLUDE** the starting date and compensation, and **SHALL BE PRESENTED** to Troy City Council at the April 29, 2024 City Council meeting.

Yes:

No:

I-5 Request for Salary Increase (*Introduced by: Lori Grigg Bluhm, City Attorney*)

Suggested Resolution

Resolution #2024-04-

Moved by

Seconded by

RESOLVED, That as a result of a favorable personnel evaluation, as of July 1, 2024, the City Attorney's salary **SHALL BE INCREASED** in an amount commensurate with the percentage increase provided to all other classified and exempt employees receiving personnel evaluation scores that fall within the highest tier.

Yes:

No:

I-6 Standard Purchasing Resolution 4: Sourcewell Cooperative Contract – Water Slide Repairs at the Troy Community Center, and Budget Amendment (*Introduced by: Brian Goul, Recreation Director*)

Suggested Resolution

Resolution #2024-04-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all equipment, material, and labor to repair the water slides at the Troy Community Center to *Rain Drop, LLC*

of Ashland, OH, for an estimated total cost of \$110,000 and a 20% contingency for a not to exceed total amount of \$132,000 at prices contained in proposal #1910211 and as per Sourcewell Cooperative Contract #010521-RDP; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That Troy City Council **APPROVES** a budget amendment to the Community Center Buildings and Improvement Annex Renovation Capital Fund and Project Number 2024C0053 in the amount of \$42,000.

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

Yes:
No:

J. CONSENT AGENDA:

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

Suggested Resolution
Resolution #2024-04-
Moved by
Seconded by

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

Yes:
No:

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

J-2 Approval of City Council Minutes

Suggested Resolution
Resolution #2024-04-

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

- a) City Council Minutes-Draft – March 18, 2024
- b) City Council Special Meeting Minutes-Draft – April 1, 2024

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions:

a) **Standard Purchasing Resolution 2: Award to Low Bidders Meeting Specifications – Department of Public Works Employee Parking Lot Maintenance and Fence Replacement**

Suggested Resolution
Resolution #2024-04-

RESOLVED, That in the best interest of the City, Troy City Council hereby **AWARDS** contracts for the Parking Lot Maintenance and Fence Replacement to the lowest responsive bidders meeting specifications; *Peake Asphalt, Inc. of Shelby Twp., MI* for Proposal A, for an estimated cost of \$118,385.00, plus a 20% contingency, and *Kimberly Fence and Supply of Warren, MI* for Proposal B and Alternate Proposal B, for an estimated cost of \$35,557.80, plus a 20% contingency, for an estimated total project cost of \$185,000; at unit prices contained in the bid tabulation opened on March 14, 2024, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

b) **Standard Purchasing Resolution 4: Sourcewell Purchasing Cooperative – Haulmark Cargo Trailer**

Suggested Resolution
Resolution #2024-04-

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase one (1) Haulmark GRHD716T4 Cargo Trailer from *Trailer Capital USA LLC of Middlebury, IN*, the authorized dealer for American Cargo Group, as per the Sourcewell Cooperative Purchasing Contract 092922-AGO for an estimated total cost of \$14,053.00, not to exceed budgetary limitations; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-5 Bid Waiver – Golf Course Equipment

Suggested Resolution
Resolution #2024-04-

RESOLVED, That in the best interest of the City, Troy City Council hereby **WAIVES** the bid process and **APPROVES** a contract to *Midwest Golf and Turf of Commerce Township* for the purchase of three (3) pieces of golf course equipment for Sanctuary Lake Golf Course for an estimated total cost of \$55,178.39, utilizing the TROON National Account pricing; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-6 2024 Specialized Services Operating Assistance Program

Suggested Resolution
Resolution #2024-04-

RESOLVED, That Troy City Council hereby **APPROVES** the agreement between SMART and the City of Troy for the Specialized Services Operating Assistance Program that includes \$30,676 in revenue, which will be used for the Troy R.Y.D.E 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-7 Safet and Arban Stafa and Tollbrook et. al v City of Troy

Suggested Resolution
Resolution #2024-04-

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of *Safet Stafa et. al. v Troy* (Case No. 2:24-cv-10419).

BE IT FURTHER RESOLVED, That the City Attorney is also **AUTHORIZED** to pay necessary costs and fees in the defense of the action.

J-8 Authorization for Grant Submittal – Local Bridge Program

Suggested Resolution
Resolution #2024-04-

WHEREAS, The City of Troy wishes to submit Local Bridge Program Application; and,

WHEREAS, The City of Troy wishes to actively seek participation in the replacement and/or repair of the Beach Road bridge, structure #13611; and,

WHEREAS, The City of Troy believes it to be appropriate to apply to the Local Bridge Program in the amount of 95% of construction and the City Council has identified sources of funding to contribute the required local match and any cost overruns;

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy hereby **RESOLVES** to take all actions necessary to apply to the Michigan Department of Transportation Local Bridge Program in connection with the above referenced bridge on Beach Road, as outlined in the application.

J-9 Request to Grant an Underground Utility Easement Over a City-Owned Property to DTE Electric Company, Sidwell #88-20-27-402-027, Robinwood Park

Suggested Resolution
Resolution #2024-04-

RESOLVED, That City Council hereby **GRANTS** an underground easement to DTE Electric Company over the City of Troy owned property identified by Sidwell #88-20-27-402-027.

BE IT FURTHER RESOLVED, That Troy City Council **DIRECTS** the Mayor and City Clerk to **EXECUTE** the easement document on behalf of the City.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

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

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

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

N. COUNCIL REFERRALS:

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

N-1 No Council Referrals Submitted

O. REPORTS:

O-1 Minutes – Boards and Committees:

- a) Planning Commission-Final – January 23, 2024
 - b) Planning Commission-Final – February 13, 2024
 - c) Traffic Committee-Final – February 21, 2024
-

O-2 Department Reports:

- a) First Quarter 2024 Litigation Report
-

O-3 Letters of Appreciation:

- a) To Chief Nastasi and Troy PD Staff from Kellie Bauss, Clawson Chief of Police
 - b) To Brian Goul from Lori Palmer
-

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

P. COUNCIL COMMENTS:

P-1 No Council Comments Submitted

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,

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

Mark F. Miller
City Manager

2024 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

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:

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

**PROCLAMATION IN RECOGNITION OF
ATHENS HIGH SCHOOL 2023-2024 STUDENT COUNCIL**

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

WHEREAS, Each year the **Athens High Student Council** puts in countless hours, as well as blood, sweat and tears to help raise money for a charity of their choice during Charity Week. Charity Week is all about generosity, activism, collaboration, and service leadership. Students have fun and make meaningful memories while giving of themselves for the benefit of others; and

WHEREAS, The **Athens High Student Council** selected **Love for a Child**, a local organization founded in 2012 that serves children, youth, and families within Michigan’s foster care system. The group focuses on helping children who have experienced trauma in the forms of abuse, abandonment, and neglect; and

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

WHEREAS, **Athens High Student Council** raised **\$166,439.53** for **Love for a Child**. In 2023 they raised **\$115,184.24** for Carol’s Angels and Warriors; and in 2022 they raised **\$117,706.46** for Alex’s Saints Foundation. They raised a school record of **\$180,024.40** in 2020 for Elli’s House; and **\$130,035.71** in 2019 for Focus Detroit; and

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

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

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

Presented this 8th day of April 2024.



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA REPORT

Date: April 8, 2024

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Deputy City Manager
Megan E. Schubert, Assistant City Manager
Brian Goul, Recreation Director

Subject: Recreation Senior Programming Presentation (Backup Information)

The Recreation Department offers a variety of programming and resources to meet the community's needs. The Recreation Department also works with the Friends of Troy Seniors to provide events and to assist with programming needs. Troy Public Library, Troy Historical Society, and Troy Nature Society now advertise their programs in the Recreation Newsletters, and the Community Center offers space (as needed) for their programming needs. After COVID, these groups met, and it was found that we were duplicating many programs and events. We worked together to determine what types of programming each of us would offer to ensure no conflicts.

During COVID, most recreation programming was on hold until the pandemic ended. Since then, many of those programs and resources have returned, and new programs have also been added to meet the community's needs.

Philosophy on Adding Programs

- The program is part of the recreation mission.
- It does not duplicate services. Recreation, Nature Center, Library, Historic Village, or Troy Schools Continuing Education do not already offer a similar program.
- Program fills a gap and a need. The program is not widely available in Troy already.
- There is adequate facility space.
- There is adequate staff available to supervise and coordinate the program.
- A qualified instructor or staff member is available to run the program.

Philosophy on Removing Programs

- The program was advertised in 1 Guide and canceled due to no registrations.
- The program has been advertised in 2-3 Guides and was canceled each time due to insufficient enrollment (not meeting the minimum).
- Poor customer feedback.
- Poor instructor performance.
- Lack of staffing.
- Lack of facility space.
- Duplication of services. Does not fill a gap.
- Does not meet the Recreation mission.



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CITY COUNCIL AGENDA REPORT

Program offerings by time

A complete comparison of senior offerings before COVID-19 to today's offerings can be found in Attachment A at the end of this report.

The programs or services offered before COVID-19 that are no longer offered today are listed below.

Ask the Financial Advisor	Biking Tours	Coffee Morning Concert
Bridge Lessons	Brunch and Learns	Coffee Meet and Greet
Cooking Demonstration	Monthly Movies	Craft Supply Loan Closet
Creative Endeavors Store	Drop-in Computer Lab	Drop-in Line Dance
Intro to Beekeeping	Bingo (Weekly)	Massage
Microsoft Word Class	Piano, Guitar, Voice Lessons	Special Pizza Lunches
Shall We Dance Ballroom	Square Dance Lessons/Events	Support Group
Community Garage Sale (FOTS)	Euchre Party (FOTS)	Monthly Blood Pressure

Additional Programs that have been added since COVID based on surveys and requests:

Tuesday Tunes Afternoon Concerts (Monthly)	Evening Concerts (6/year)
Expanding Horizons Lecture Series (Monthly)	1 on 1 Computer Tutoring
Memory Café	Health Topics with DMC
Tennis Leagues	Newbie 50+ Program Orientation
Valentine's Luncheon	DMC Health Assessments
Indian Folk-Art Classes	Spring Fling (FOTS)
Tai Chi	Tap Lessons

Evening concerts have been the most successful addition, with an average of 150 people participating in these events.

Oakland County Senior Centers Matching Grant Program

The City of Troy received \$250,000 toward remodeling the Senior Dining Room and refurbishing the bocce and shuffleboard courts at the Community Center. Renovations of the senior dining room include paint, new flooring around the perimeter, new blinds, adding a coffee/book nook, new acoustic paneling, new furniture, and a smart TV in room 402A. Due to the multiple elections over the past year, the work for this project is currently being planned, and it is expected to be completed by the end of summer. This space will be DEDICATED to Seniors Only, and the room will not be used for any other reason than elections. It is expected to be open from Monday – Friday from 7 am-4 pm, with additional senior programming in the evenings and weekends in the future.



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CITY COUNCIL AGENDA REPORT

Some of the additional programming expected to take place in that space are below:

Prize Bingo (Monthly)	Low-Cost Chair Exercise Classes	Blood Pressure Checks
Afternoon Movies	Small Group Presentations	Book Nook
Drop in Cards and Games		

Future programming for the shuffleboard and bocce courts is to have leagues and clubs offered.

New 50+ Drop in Card and Game Room

The 50+ Drop Card and Game room opened last September in the former Creative Endeavors Store area. The room includes different card games, board games, and puzzles provided by the Recreation Department. Use has steadily increased since the area was opened.

Future Programming based on the 2023 Senior Survey

Troy Recreation’s 50+ Programs Survey is conducted annually and is open for feedback from mid-November to mid-December. A web link is advertised in the Fifty Forward newsletter, and e-newsletters and paper copies are available at the Troy Community Center front desk and the Friends of Troy Seniors office. There was also a poster outside of room 402 advertising the survey.

Two hundred eighty-one individuals participated in the survey. The takeaways from this survey were:

- Local day trips to places other than casinos and sporting events are desired.
- Speakers who teach new things, talk about resources in the community, and talk about physical health are the most desired.
- Of all the options given, respondents would like more opportunities to learn something new, take trips, and spend time with those with similar interests.

The entire senior survey synopsis is available as Attachment B at the end of this report. The results include the events added based on the 2022 survey and the participation numbers for those programs and events.

Program and Facility Comparisons to Other Communities

The Recreation Department collected information regarding programming and facilities from Farmington Hills, Madison Heights, OPC, Royal Oak, and Sterling Heights for comparison.

Programs

Troy's offerings are similar to those of other communities. All the communities charge a fee for their programs—some of the things offered by many different communities that we do not are listed below.

Language Classes (TPL to program)	Lunch and Learns
Support Groups	Veteran-Specific Classes
Book Club (TPL)	Cooking Classes
Senior Craft Show (Offer Senior Expo instead)	Card Tournaments
Adult Daycare Service	Blood Pressure Checks (coming fall)
Bingo (coming fall)	Woodshop Classes



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CITY COUNCIL AGENDA REPORT

Troy has offerings that many other communities do not offer.

Golf Leagues	Memory Café
Personal Training	Physical Therapy
Pickleball Classes and Ladders	50+ Softball Leagues
50+ Soccer Leagues	Computer Tutoring
Swim Lessons and Water Aerobics	1 on 1 Attorney Appointments

While many communities offer SMART bus transportation, the City of Troy is one of the only ones that provides this in-house with Troy RYDE. The complete program comparison can be found in Attachment C at the end of this report.

Trips

The Recreation Department offers day and extended trips. Our most extensive trip of the year is the Grand Experience trip to Mackinac. This trip used to provide a bus for transportation; however, the transportation was eliminated due to increased bus prices. This trip still sells out every year. Day trips are not as abundant as before COVID-19, and companies are not offering as many as in the past due to increased bus prices, staffing issues, and lower participation numbers. The staff works with companies and communities to coordinate a certain number of spots to ensure some trips occur. This upcoming summer, seven-day trips will be available.

Recreation currently works with Rybicki Tours and has also reached out to a few new companies in hopes of building a relationship and adding more day trips in the future. The City does not own a bus, so it must look elsewhere for transportation.

Facilities

Although the city does not have a designated senior center like many comparable communities, the renovated senior dining room and card room will create approximately 4,000 square feet of space assigned to seniors in the building. In addition, the room signage will be updated. Senior programs, events, groups, and clubs will also be able to continue to use other Community Center rooms as they do now and more if needed. Communities vary in whether fees are charged to drop into their facilities. We plan not to charge any fees to use the renovated senior room or the drop-in card and game room unless it is an offered program.

The Community Center also offers a leisure pool, therapy pool, gym, exercise equipment, fitness room, and a computer lab, which many of our surrounding communities do not provide these options. A complete facility comparison can be found in Attachment C at the end of the report.

Summary

The Recreation Department has many offerings for seniors in the community. Staff looks forward to continuing to work with the Council and the senior community to expand available options.

Troy Recreation Senior Program Offerings – Attachment A

Programs Offered Before and Have Returned Since COVID

• 50+ Golf League	• Senior Safety Lectures
• 50+ Softball League	• Mahjongg Lessons
• 50+ Soccer Leagues	• Open Gym Pickleball
• 50+ Pickleball Ladders	• Open Gym Basketball
• AARP Smart Driving Class	• Pickleball Lessons
• Acrylic and Oil Painting	• Senior Mondays and Fridays
• Aquatic Exercise Class	• Yoga Classes
• Ask the Attorney	• AARP Tax Aide (FOTS)
• Physical Health Lectures	• Ice Cream Social (FOTS)
• Mackinaw Island Trip	• Daytime Concerts
• Mosaics Class	• DIA Trips
• Open Gym Badminton	• Flu Shot Clinic
• Swim Lessons	• Community Gardens
• Senior Expo	• Groups and Clubs (13)
• Personal Training	• Jewelry Making Classes
• Frightful 5K	• Knitting Classes
• Senior Picnic (FOTS)	• Brain Health Lectures
• Ballroom Lessons	• Law Lectures
• Basket Weaving Classes	• Me and My Grand Events
• Birthday Party Lunches	• Open Gym Volleyball
• Drop in Bocce and Shuffleboard	• Physical Therapy Clinic
• Chair Exercise Classes	• Private Computer Lessons
• Art and Pottery Classes	• Fitness Classes
• Computer Classes	• Document Shredding
• Day Trips	• Purse and Jewelry Sale (FOTS)

New Programs Offered Since COVID

• Tuesday Tunes Afternoon Concerts (Monthly)	• Health Topics with DMC
• Expanding Horizons Lecture Series (Monthly)	• Newbie 50+ Program Orientation
• Memory Cafe	• DMC Health Assessments
• Tennis Leagues	• Tai Chi
• Valentine’s Luncheon	• Tap Lessons
• Indian Folk Art Classes	• Evening Concerts (Bi-monthly)
• one on 1 Computer Training	• Spring Fling (FOTS)
• Drop in Card and Game Room	

Future Programming

• Physical Health Lectures	• Brain Health Lectures
• Senior Safety Lectures	• Law Lectures
• Prize Bingo (Monthly)	• Afternoon Movies (Monthly)
• Low-Cost Chair Exercise Classes	• Small Group Presentations
• Blood Pressure Checks	• Book Nook
• Drop in Cards and Groups	• Senior Speed Dating

Resources and Services Provided for Seniors in Partnership with The Recreation Department

- Troy Ryde
- Hot Congregate Lunch
- Meals on Wheels Food Delivery
- Equipment Loan Closet
- Hard Drive Erasure
- Home Chore Assistance
- Friends of Troy Seniors
- Focus Hope Food Delivery
- AgeWays
- Michigan 2-1-1
- Oakland Livingston Human Service Agency
- Supplemental Nutritional Assistance Program
- Operated by DPW
- Western Oakland Meals on Wheels
- Western Oakland Meals on Wheels
- Hospital equipment available for free use
- Computer Volunteers
- SHARP
- Volunteer/ Advocating Group for seniors
- Friends of Troy Seniors
- Formerly AAA 1-B
- Community Help and Support
- Services for low-income seniors
- Food Services for low-income households

Programs That Have Not Returned Since COVID

Program Title	Reason for Termination
Biking Events	Low participation
Coffee Concert Event (Monthly)	Low participation
Piano, Guitar, and Voice Lessons	Low participation
Coffee Meet and Greet	Low participation
Square Dance Events and Classes	Instructor needed
Bridge Lessons	Instructor needed
Introduction to Beekeeping	Instructor needed
Drop in Line Dance	Took cash at the door – not policy.
Shall We Dance Drop-in Dance	Took cash at the door – not policy.
Blood Pressure Screenings (Monthly)	Will return when the grant project is complete
Movies (Monthly)	Will return when the grant project is complete
Euchre Party (FOTS)	FOTS
Introduction to Social Media	TPL Offers
Ask the Financial Advisor	Not enough interest
Cooking Demonstration	Unable to use the kitchen
Manicures and Massage	Don't meet Rec criteria.
Drop in Computer Lab	Volunteers not available
Pizza lunches	Offered on holidays when staff is off
Brunch and Learn (FOTS)	Have replaced with Expanding Horizons Lectures
Bingo (Weekly)	Prize Bingo monthly when grant work is complete
Community Garage Sale (FOTS)	Required Parks staff for events and lower numbers

The Troy Public Library, Troy Historical Society, and Troy Nature Society offer senior programming, which is also advertised in our Fifty Forward.

50+ Programs Survey – Attachment B

Troy Recreation's 50+ Programs Survey is conducted annually and is open for feedback from mid-November to mid-December. The Fifty Forward newsletter and e-newsletter advertise a web link; paper copies are available at the Troy Community Center front desk. A poster advertising the survey was also posted outside of room 402.

Two hundred eighty-one respondents ages 50+ completed the 2023 survey.

Some key data points from the 2022 survey that were kept in mind when planning for 2023 were as follows:

- About 71% of the surveyed were interested in attending concerts.
 - See concert data below
- About 52% surveyed were interested in attending movies.
 - Movies will return in 2024 once the Grant Project is complete
- About 45% surveyed were interested in attending recreation-based lectures.
 - See lecture data below
- About 44% were interested in health screenings (hearing, blood pressure, etc.).
 - See health screening data below

Monthly afternoon concerts started in September 2023; evening concerts are offered throughout the year.

Concert	Date	Participation
The Music of New Orleans & Swing	1/12/2023	56
Sweetheart Dinner & Concert	2/8/2023	Canceled
Blackthorn	3/15/2023	227
Crooning with Cookies	4/19/2023	75
70's Night Concert	6/3/2023	67
New Orleans Swing	6/29/2023	58
Heritage Band Concert	8/2/2023	96
Tuesday Tunes: Vanessa Carr	9/12/2023	47
Shout! Beatles Tribute Concert	9/29/2023	140
Tuesday Tunes: Sheila Landis & Rick Matle	10/10/2023	52
Captain Fantastic Concert	10/20/2023	160
Tuesday Tunes: Kevin Wills	11/14/2023	51
Heritage Band Concert	12/6/2023	107
Tuesday Tunes: Matthew Ball	12/12/2023	61

In summary: 14 concerts offered – over 1,100 participants

Monthly health assessments started in September 2023 in partnership with DMC.

Assessment	Date	Participation
Balance/Fall Screenings	9/18/2023	11
Blood Pressure Checks	10/16/2023	9
Vision Check-ins	11/20/2023	5

In summary: 3 assessments offered – 25 participants

Monthly lectures started in September 2023 with our Expanding Horizons Lecture Series.

Lecture Topic	Date	Participation
Fire Safety with Keith Young	9/7/2023	5
Safety with Officer Greg Pokley	10/5/2023	CANCELLED by speaker

Lectures will continue monthly in 2024.

The results of 2023's 281 total respondents will guide department programming and offerings over the next year (four publications).

Demographics:

- The majority of respondents are between the ages of 60 and 79.
 - 60-69, about 39%
 - 70-79 about 43%
- 73% of respondents are retired.
- 21% of respondents are still working.

Participation Levels:

- About 33% have never participated before.
- About 12% have participated for less than one year.
- About 30% have participated for 1-5 years.
- About 25% have participated for more than five years.
- About 25% said programs are not at a convenient time for them.
- About 29% said programs do not appeal to them.
- About 15% said programs are too expensive.
- About 17% said they are too busy.

Tuesday, Thursday, and Wednesday are the top three days that respondents said they'd be most likely to participate in a program.

- 55% of respondents noted that they will most likely attend a program in the morning.
- 35% of respondents noted that they will most likely attend a program in the afternoon.
- 11% of respondents noted that they will most likely attend a program in the evening.

The top three ways respondents hear about our programs are Fifty Forward Newsletter (e-mailed), Troy Recreation Guide, and Fifty Forward Newsletter (Hard Copy Picked Up).

Because I participate in 50+ Programs, I . . .

- About 47% agree they see friends more/make new friends.
- About 57% agree they take better care of their health.
- About 69% agree they have something to look forward to.
- About 56% feel more able to stay independent.
- About 61% feel the 50+ programs have positively affected their lives.
- About 64% agree they learn new things.
- About 55% agree they are more physically active.
- About 65% would recommend the 50+ programs to a friend or family member.

Please check the box that best matches your response for each statement.

- About 84% agree the Troy Community Center is clean and attractive.
- About 76% agree the staff is friendly and courteous.
- About 71% agree that the staff is knowledgeable about activities and services.
- About 43% are happy with the health and wellness programs offered.
- About 42% are happy with the enrichment programs offered.

Interest in Local Trips:

More than half of respondents are interested in the following kinds of trips:

- Detroit Tours (Theaters, Famous Restaurants, Churches, etc.)
- Museums/Zoos
- Further Day Trips (Frankenmuth, Lansing, Port Huron)
- Narrated Bus Tours

Less than half of respondents are interested in the following kinds of trips:

- Metro Detroit Outings (Sanders, Local Parks)
- Sporting Events (Tigers Games, Hockey Games, Jimmy Johns Field Games, etc.)
- Casinos

60% of respondents would like to depart the Community Centers for trips before 10:00 AM.

Expanding Horizons Lecture Series Topics:

The top three kinds of speakers that respondents would like to see during our Expanding Horizons Lecture Series are Speakers who teach new skills, Speakers who talk about resources in our community, and Speakers who talk about physical health.

Does the Community Center offer sufficient opportunities in the following areas?

The majority of respondents are happy with the amount of exercise classes that are offered.

Most respondents wish more opportunities were offered in the following areas: Learning something new, being creative, having opportunities to spend time with people with similar interests, taking trips, and being educated on community resources.

Most respondents are not interested in opportunities to celebrate holidays/events.

Takeaways for 2023 – 2024 Planning:

- Local day trips to places other than casinos and sporting events are desired.
- Speakers who teach new things, talk about resources in the community, and talk about physical health are the most desired.
- Of all the options given, respondents would like more opportunities to learn something new, take trips, and spend time with those with similar interests.

Facility/Operations and Program Comparisons – Attachment C

Facility/Operations and Program Comparisons

	Farmington Hills	Madison Heights	OPC	Royal Oak	Sterling Heights	Troy
Dedicated Senior Center	●	●	●	●	●	
Sq Foot	65,000	15,000	90,000	N/A	46,700	127,000
Senior Store	●		●			
Pool	●		●			●
Fitness Equipment		●	●		●	●
Indoor Walking Track		●	●		●	
Loan Closet	●	●	●	●		●
Bus for Travel		●	●	●		
Billiards		●	●	●		
Computer Lab		●				●

Program Comparisons

	Farmington Hills	Madison Heights	OPC	Royal Oak	Sterling Heights	Troy
Attorney Advisors	●			●		●
AARP Taxes	●	●		●	●	●
Adult Daycare Service	●		●			
Afternoon Concerts			●	●	●	●
Art Classes	●	●	●	●	●	●
Basketball League			●			
Bingo	●	●	●	●	●	
Card Tournaments			●		●	
Computer Classes	●	●	●	●	●	●
Craft shows		●	●	●		

(Program Comparisons Continued)

	Farmington Hills	Madison Heights	OPC	Royal Oak	Sterling Heights	Troy
Dance Classes	●	●	●	●	●	●
Drop-In Cards/Games	●	●	●	●	●	●
Estate Planning Lectures		●	●	●	●	●
Evening Concerts		●	●	●	●	●
Focus Hope Food	●	●			●	●
Golf League	●	●				●
Grandparent Events		●	●	●	●	●
Groups/Clubs	●	●	●	●	●	●
Congregate Lunch	●	Sometimes	●	●	●	●
Language Classes	●		●	●	●	TPL
Day Trips	●	●	●	●	●	●
Lunch and Learns		●	●	●		
Meals on Wheels		●	●	●	●	●
Medicare Counseling		●	●	●	●	●
Memory Cafe			●			●
Movies	●	●	●			
Personal Training			●	●		●
Physical Therapy Clinic			●			●
Pickleball Classes			●		●	●
Pickleball Ladder			●		●	●
Home Repair Program		●	●	●	●	●
SMART Transportation		●	●	●	●	Troy Ryde
Softball League						●

(Program Comparisons Continued)

	Farmington Hills	Madison Heights	OPC	Royal Oak	Sterling Heights	Troy
Soccer League						●
Support Groups	●	●	●	●	●	
Swim Classes			●			●
Water Aerobics			●			●
Themed Luncheons	●	●	●	●	●	●
Woodshop Classes			●			
Veteran Specific Classes	●		●	●	●	



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: April 3, 2024
To: Honorable Mayor and Troy City Council Members
From: Lori Grigg Bluhm, City Attorney
Subject: Appointment of City Manager

Current City Manager Mark Miller announced his retirement as of May 31, 2024, which provided the Troy City Council with some time to complete a search process for a new Troy City Manager. City Council hired GovHR, a national search firm, to assist with the process. City Council scheduled City Manager candidate interviews for Saturday, April 6, 2024. The two internal candidates invited to interview are Kurt Bovensiep and Robert J. Bruner (listed alphabetically). The interviews are going to be held in an Open Meeting, with a public comment period, and will also be livestreamed and recorded for future viewing. Additionally, the two invited candidate's application materials were posted on the City's webpage as of March 20, 2024. At that time, there was also a link on the City's webpage, allowing City employees and members of the public to provide comments on the City Manager candidates, which were required to be submitted prior to noon on April 8, 2024. GovHR is collecting any and all comments, and will provide this information to City Council prior to the deliberations.

It is anticipated that City Council may deliberate and make a hiring decision at the April 8, 2024 Regular City Council meeting, and therefore a proposed resolution is included for your consideration. The resolution proposed for City Council's consideration contains a blank line. The maker of the motion to appoint the new City Manager will need to fill in the name of the desired City Manager candidate. The proposed resolution makes the appointment of the new City Manager contingent upon the mutual approval of an employment agreement, negotiated between the candidate and the McGraw Morris law firm, the City's outside labor and employment attorneys. At a minimum, the employment agreement will contain the start date and compensation. It is hoped that the employment agreement will be included as an action item for Council's consideration at the April 29, 2024 City Council Regular meeting.

Please let me know if you have any questions or concerns.



CITY COUNCIL AGENDA ITEM

Date: April 2, 2024
To: Mayor and Troy City Council Members
From: Lori Grigg Bluhm, City Attorney
Subject: Request for Salary Increase

With the assistance of independent contractor GovHR, the Troy City Council completed its most recent personnel evaluation for one of its direct report- the City Attorney. This is something that is required by the employment agreement. Under paragraph 5 of the agreement, Council is required to complete an evaluation on or around April 1 of each year, and set the annual salary of the City Attorney prior to May 1 of each year, with a July 1 effective date for any salary increase.

Based on my recent positive personnel evaluation, I am requesting a salary increase that is commensurate with the 2024-2025 raises for Troy's classified and exempt employees receiving favorable reviews.

A resolution has been prepared. Thank you for your consideration and your support.



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: April 1, 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
Dennis Trantham, Deputy Public Works Director
Brian Goul, Recreation Director
Emily Frontera, Purchasing Manager

Subject: Standard Purchasing Resolution 4: Sourcewell Cooperative Contract – Water Slide Repairs at the Troy Community Center and Budget Amendment (Introduced by Brian Goul, Recreation Director)

History

- The Community Center was constructed in 2001 and is approaching 23 years old.
- The water slides require repairs and painting to ensure the safety of our patrons and staff.
- Miracle Slides (manufacturer of the slides) informed owners that any slides over ten years old should have the bolts replaced which will be part of this project.
- The water slides require routine maintenance to be in compliance with the State of Michigan. During the 2023 inspection the slide bolts and step structure was noted by the inspector as needing to be remedied prior to the next inspection.
- When reviewing the slides, it was found additional repairs are needed which increases the cost and will require a budget amendment for the project.

Purchasing

- Pricing for the Community Center Water Slide Repairs has been secured from *Rain Drop, LLC of Ashland, OH* as detailed in the attached proposal #1910211 through the Sourcewell Cooperative Contract #010521-RDP.
- City Council authorized participation in the Cooperative Purchasing Programs on February 5, 2024 (Resolution #2024-02-031-J-5).

Financial

Funds for this project were budgeted in the amount of \$90,000. The estimated total cost of the project is \$110,000 with a 20% contingency amount of \$22,000 for a not to exceed amount of \$132,000. The proposed maintenance and repair will require a budget amendment in the amount of \$42,000 to the Community Center Buildings and Improvements Annex Renovation Capital Fund under Project Number 2024C0053 for the 2024 fiscal year. Expenditures will be charged to Account Number 401.756.755.975.125.



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Recommendation

City Management recommends awarding a contract to furnish all equipment, material, and labor to repair the waterslides at the Troy Community Center to *Rain Drop Products, LLC of Ashland, OH*, at prices contained in the attached proposal, as per Sourcewell Cooperative Contract #010521-RDP, for an estimated total cost of \$110,000 with a 20% contingency for a not to exceed total amount of \$132,000

It is also recommended that City Council approve a budget amendment to the Community Center Building and Improvements Annex Renovation Capital Fund and Project Number 2024C0053 in the amount of \$42,000.

PROPOSAL



Reference: 1910211
 Project Name: TROY COMMUNITY CENTER
 Salesperson: Rain Drop Products, LLC

Date: 3/12/2024

To: JOSHUA LONES
 Purchaser: SAFE SLIDE RESTORATION
 Billing Address: PLEASE CONFIRM ADDRESS

First Shipment Address:
 TROY COMMUNITY CENTER
 ATTN:MORGAN THRASHER
 3179 LIVERNOIS RD
 Troy, MI 48083

Quantity	Item # <i>Click on item # to view cut sheet</i>	Item Description	GPM (Ea) <i>(If Applicable)</i>	Unit Price	Extended Amt
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1.00	/RESTORATION-LEVE	RESTORATION-LEVEL 6-1910211		\$137,500.00	\$137,500.00
------	-------------------	-----------------------------	--	--------------	--------------

SLIDE DESCRIPTION:
 -OPEN FLUME BODY SLIDE-IVORY
 -OPEN FLUME KIDDIE SLIDE-IVORY
 WORK DESCRIPTION:
 COMMON FIBERGLASS REPAIRS:
 -REPAIR ALL COMMON FIBERGLASS REPAIRS IN RIDE PATH (I.E. A CHIP OR GOUGE WITH A SHARP EDGE)*
 -ALL REPAIRS WILL BE DONE WITH VINYL-ESTER RESIN
 -RECAULK SEAMS AS NEEDED (RECAULKING IS NOT A GUARANTEE TO STOP LEAKING SEAMS)**
 -SEAMS WILL BE SEALED WITH PREMIUM CAULK
 POLISH AND WAX-INTERIOR:
 -CLEAN START TUB AND ALL OPEN FLUME SECTIONS
 -POLISH START TUB AND ALL OPEN FLUME SECTIONS
 -WAX START TUB AND ALL OPEN FLUME SECTIONS
 PAINT-EXTERIOR
 -WASH EXTERIOR OF SLIDE WITH INTERNALLY FORMULATED CLEANER
 -PRIME-COAT BARE AREAS AS NEEDED
 -PAINT EXTERIOR WITH POLY-SILOXANE PAINT
 -PAINT RAL COLOR _____ INIT: _____
 REPLACE BOLT HARDWARE-COUNT: 637
 -REMOVE AND REPLACE BOLT HARDWARE ON SLIDES
 -CAULK BOLT HOLES AS NEEDED (SIKAFLEX 1A)
 -THE HARDWARE WILL BE PROVIDED BY SAFE SLIDE RESTORATION
 -A STANDARD MAN-LIFT (35'-85' ARTICULATION BOOM LIFT) IS INCLUDED IN THE BELOW COST
 --IF THE BOLTS ARE NOT REACHABLE BY A STANDARD MAN-LIFT AND REQUIRE SCAFFOLDING AND/OR ROPE ACCESS, WE WILL SWITCH TO A TIME AND MATERIAL CHARGE (\$120/HR)
 STEEL STRUCTURE DESCRIPTION:
 -SLIDE TOWER SUPPORTING LARGE SLIDE-RED
 -SLIDE TOWER SUPPORTING SMALL SLIDE-RED
 WORK DESCRIPTION:
 PAINT: STEEL PORTIONS ONLY
 -HOT WATER/HIGH PRESSURE WASH STRUCTURE, (5,000 PSI) PER NACE SSPC-SP1
 -HAND TOOL RUSTED AREAS AS NEEDED, PER NACE SSPC-SP2
 -POWER TOOL RUSTED AREA AS NEEDED, PER NACE SSPC-SP3
 -REMOVE AND REPLACE RUSTED STAIR RISER UNDER FIRST STEP

PROPOSAL



Reference: 1910211
Project Name: TROY COMMUNITY CENTER
Salesperson: Rain Drop Products, LLC

- PRIME COAT WITH 2-PART AS NEEDED
-APPLY FINISH COAT WITH POLY-SILOXANE PAINT
REPLACE BOLT HARDWARE
-REMOVE AND REPLACE BOLT HARDWARE ON STEEL STRUCTURES AND PVC PIPING AS NEEDED
-THE HARDWARE WILL BE PROVIDED BY SAFE SLIDE RESTORATION
-A STANDARD MAN-LIFT (35'-85' ARTICULATION BOOM LIFT) IS INCLUDED IN THE BELOW COST
--IF THE BOLTS ARE NOT REACHABLE BY A STANDARD MAN-LIFT AND REQUIRE SCAFFOLDING AND/OR ROPE ACCESS, WE WILL SWITCH TO A TIME AND MATERIAL CHARGE (\$120/HR)
STEEL STRUCTURE DESCRIPTION:
PLAY FEATURES
-HOT WATER/HIGH PRESSURE WASH STRUCTURE, (5,000 PSI) PER NACE SSPC-SP1
-HAND TOOL RUSTED AREAS AS NEEDED, PER NACE SSPC-SP2
-POWER TOOL RUSTED AREA AS NEEDED, PER NACE SSPC-SP3
-PRIME COAT WITH 2-PART AS NEEDED
-APPLY FINISH COAT WITH POLY-SILOXANE PAINT
PAINT RAL COLOR:
PAYMENT TERMS: 50% DUE PRIOR TO MOBILIZATION AND 50% NET 30
SOURCEWELL CONTRACT #010521-RDP

Quote Duration-60 Days



Contract #-010521-RDP

Inquire about our nationwide cooperative purchasing programs!

Payment Terms: 35% Dep, 65% prior shipment

Estimated Delivery Date upon placement of Order:

See the following pages for General Terms, Conditions and Warranty related to this Proposal

Table with 2 columns: Description and Amount. Rows include Total Order (\$137,500.00), Less discount at a rate of 20.00% (-\$27,500.00), Freight to Troy, MI (\$0.00), Taxes - See General Terms, Conditions and Warranty (\$0.00), and Net Order (\$110,000.00).

PROPOSAL



Reference: 1910211
Project Name: TROY COMMUNITY CENTER
Salesperson: Rain Drop Products, LLC

Warranty Details Click Here

GENERAL TERMS AND CONDITIONS

- 1) **Purchase:** By executing this proposal (the "Proposal"), or submitting a purchase order pursuant to this Proposal (which shall incorporate the terms of this Proposal into such purchase order specifically by reference) which is accepted by Rain Drop Products, LLC ("Rain Drop") the purchaser identified above ("you" or the "Purchaser") agrees to purchase the products as detailed in this Proposal (the "Products"), or in the purchase order accepted by Rain Drop, for use by Purchaser or for installation by Purchaser on behalf of a third-party who will be the ultimate owner of the features and/or equipment (the ultimate owner of the features and/or equipment, whether Purchaser or a third-party, being the "Owner").
- 2) **Proposal:** The above proposal is valid for sixty days from the date first set forth above. After sixty days Rain Drop reserves the right to increase prices due to the rise in costs of raw material, fuel or other cost increases.
- 3) **Short Ship Claims:** Purchaser has fifteen days from receipt of the Products to file a short ship report in writing to its sales representative. Rain Drop will not honor claims made after this time.
- 4) **Standard Exclusions:** Unless specifically included and detailed in this Proposal, this Proposal does not include, and Rain Drop will not provide services, labor or materials for any of the following work: (a) removal or disposal of any materials containing asbestos or any hazardous materials as defined by the EPA; (b) moving Owner's property around the installation site; (c) repair or replacement of any materials supplied by Purchaser or Owner; (d) repair of concealed underground utilities not located on prints, supplied to Rain Drop by Owner during the bidding process, or physically staked out by Owner, and which are damaged during construction; or (e) repair of damage to existing surfaces that could occur when construction equipment and vehicles are being used in the normal course of construction.
- 5) **Bonding Guidelines:** If Purchaser uses or provides the Products for an Owner other than Purchaser (including, without limitation, as a subcontractor of Purchaser), Purchaser will include the following statement in Purchaser's contract with Owner: "The manufacturer's warranty for the Rain Drop Products brand water components is a separate document between Rain Drop Products, LLC and the ultimate owner of the Rain Drop brand water components, which will be provided to the ultimate owner at the time of final shipment for products manufactured by Rain Drop. Due to surety requirements, any performance and/or payment bond will cover only the first year of Rain Drop Products, LLC warranty."
- 6) **Insurance Requirements:** Rain Drop will not provide any insurance coverage in excess of its standard insurance, a copy of which is available for your review prior to acceptance of this Proposal.
- 7) **Payment:** Terms of payment are defined in the "Payment Terms" section of this Proposal and are specific to this contract. All payments must be made to Rain Drop Products, LLC, 2121 Cottage Street, Ashland, Ohio 44805. If the Purchaser or Owner fails or delays in making any scheduled milestone payments, Rain Drop may cease continued

PROPOSAL



Reference: 1910211
Project Name: TROY COMMUNITY CENTER
Salesperson: Rain Drop Products, LLC

manufacturing until such payments with penalties are made, or Rain Drop may be relieved of its obligations hereunder if payment is more than sixty days past due. Rain Drop shall be entitled to certain payments previously made as liquidated damages. Rain Drop may use all remedies available to it under current laws, including but not limited to filing of liens against the property and using a collection agency or the courts to secure the collection of the outstanding debt. All payments made pursuant to the installment payment process shall not be available to be recovered by Purchaser so long as Rain Drop Products is not in default under the agreement. Transactions over \$5,000 paid via credit card will be subject to a 3% surcharge.

8) **Taxes:** Unless otherwise specifically included and detailed in this Proposal, prices do not include any taxes, including sales, use or excise taxes. It is the Purchaser's responsibility to furnish evidence of any sales tax exemption in the appropriate states and have compliance documents, where applicable, on file at Rain Drop.

9) **Lien Releases:** Upon request by Owner, Rain Drop will issue appropriate partial lien releases as corresponding payments are received from Purchaser, but prior to receiving final payment from Purchaser or Owner. Rain Drop will provide a full release of liens upon receipt of final payment. In accordance with state laws, Rain Drop reserves the right to place a lien on the property if final payment has not been received ten days prior to the filing deadline for liens.

10) **Site-plan Approval, Permit/s, Permit Fees, Plans, Engineering Drawings and Surveying:** Site-plan approval, permits, permit fees, plans, engineering drawings and surveying are specifically excluded from this Proposal unless specifically detailed herein. Rain Drop does not in any way warrant or represent that a permit or site plan approval for construction will be obtained.

11) **Manufacturing & Delivery:** Manufacturing lead-time from Rain Drop's receipt of this Proposal executed by Purchaser, or submittal by Purchaser of a purchase order pursuant to this Proposal (which shall incorporate the terms of this Proposal specifically by reference) which is accepted by Rain Drop is approximately twelve (12) to sixteen (16) weeks depending on the size and complexity of the components ordered.

12) **Changes in the Work:** During the course of this project, Purchaser may order changes consisting of additions and deductions in the work. The cost of these changes will be determined by Rain Drop, and a change order form must be completed and signed by both Purchaser and Rain Drop, which will detail the scope of the change order. Should any change order be essential to the completion of the project, and the Purchaser refuses to authorize such change order, then Rain Drop will be deemed to have performed its part of the project, and the project will be terminated. Upon such termination, Rain Drop will submit a final billing to Purchaser for payment, less a labor allowance for work not performed but including additional charges incurred due to the stoppage. No credit will be allowed for materials sold and supplied, which will remain the property of Purchaser.

13) **Restocking Fee** There will be a 30% restocking fee applied to all Products returned by Purchaser. Prior approval must be obtained from Rain Drop before any product is to be returned. All returns are at Rain Drop's discretion.

14) **Indemnification:** To the fullest extent permitted by law, Purchaser shall indemnify, defend and hold harmless Rain Drop and its consultants, agents and employees or any of them from and against claims, damages, losses and

PROPOSAL



Reference: 1910211
Project Name: TROY COMMUNITY CENTER
Salesperson: Rain Drop Products, LLC

expenses, including but not limited to attorneys' fees, related to the installation of products manufactured and supplied by Rain Drop, provided that such claim, damage, loss or expense is attributable to bodily injury to, sickness, disease or death of a person or to injury to or destruction of tangible property, but only to the extent caused by the negligent acts or omissions of the Purchaser or its agents, employees, or subcontractors or anyone directly or indirectly employed by them or anyone for whose acts they may be liable, regardless of whether or not such claim, damage, loss or expense is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge or reduce other rights or obligations of indemnity that would otherwise exist as to a party or person described in this Section..

15) **Intellectual Property Rights** Purchaser acknowledges and agrees that Rain Drop will remain the owner of any and all intellectual property rights, including, but not limited to, copyrights, service marks, and trademarks in, on or to the Products.

16) **Assembly/Installation:** Rain Drop does not provide installation services. If requested and specifically detailed in this Proposal, construction site services are intended to imply supervision and consulting services only. All labor required for the assembly, construction or removal of Products manufactured and supplied by Rain Drop will be the Purchaser's and/or Owner's responsibility.

17) **Site/Use Review by Purchaser:** Rain Drop relies on the Purchaser to determine that the Products are appropriate and safe for the Owner's installation site and/or intended use.

18) **Dispute Resolution:** Any controversy or claim arising out of or related to this Proposal must be settled by binding arbitration administered in Ashland, Ohio by a single arbitrator selected by the parties or by the American Arbitration Association, and conducted in accordance with the construction industry arbitration rules. Judgment upon the award may be entered in any court having jurisdiction thereof.

19) **Entire Agreement; No Reliance:** This Proposal, if accepted by Purchaser, represents and contains the entire agreement between the parties. Prior discussion or verbal representations by the parties that are not contained in this Proposal are not part of this Proposal. Purchaser hereby acknowledges that it has not received or relied upon any statements or representations by Rain Drop or its agents which are not expressly stipulated herein, including, without limitation any statements as to the Products, warranties provided hereunder.

20) **No Third-Party Beneficiaries:** This Proposal, if accepted by Purchaser, creates no third party rights or obligations between Rain Drop and any other person, including any Owner who is not also a purchaser. It is understood and agreed that the parties do not intend that any third party should be a beneficiary of this Proposal.

21) **Governing Law:** The Proposal will be construed and enforced in accordance with the laws of the State of Ohio. Notwithstanding any other law or venue available in any country or jurisdiction, the parties specifically reject all other venues and jurisdictions other than the United States of America, State of Ohio.

22) **Assignment:** Purchaser may not assign this Proposal, by operation of law or otherwise, without the prior written consent of Rain Drop. The Proposal, if accepted by Purchaser, shall be binding upon and inure to the benefit of Rain

PROPOSAL



Reference: 1910211
Project Name: TROY COMMUNITY CENTER
Salesperson: Rain Drop Products, LLC

Drop and the Purchaser, and their successors and permitted assigns.

23) **Miscellaneous:** Rain Drop objects to the inclusion of any different or additional terms in Purchaser's acceptance of this Proposal and if such terms are included in Purchaser's acceptance, Purchaser agrees that a contract of sale will nevertheless result only on the original terms stated in this Proposal. If any portion of this Agreement shall be declared invalid or unenforceable, the remainder of this Agreement shall remain in full force and effect. This Agreement shall be binding upon the parties hereto and their respective successors and assigns. This Agreement may be executed in one or more counterparts, either of which may be deemed an original, but all of which shall constitute one and the same document. Each person executing this Agreement for and on behalf of Purchaser represents and warrants that that person has the authority to execute this Agreement and all corporate action necessary to authorize the execution delivery of this Agreement.

PROPOSAL



Reference: 1910211
Project Name: TROY COMMUNITY CENTER
Salesperson: Rain Drop Products, LLC
Order Amount: \$ 110,000.00

Executed to be effective as of the date executed by the Company:

PURCHASER:

Signature: _____

By: (Print Name) _____

Title: _____

Date: _____

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

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on March 18, 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 #2024-03-041
Moved by Baker
Seconded by Chanda

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Hodorek at the Regular City Council Meeting of March 18, 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** Turtle Woods Nature Preserve Grant Application Presentation *(Presented by: Melissa Prowse, Manager – Planning & Development, Oakland County Parks)*
-
- C-2** County Commissioner’s Update *(Presented by: Ann Erickson Gault, County Commissioner, and Penny Luebs, County Commissioner)*

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 – None; b) City Council Appointments – Traffic Committee

a) **Mayoral Appointments:** None

b) **City Council Appointments:**

Resolution #2024-03-042
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

Justin Rose

Term currently held by: Cynthia Wilsher – No Reappointment

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

MOTION CARRIED

I-2 Board and Committee Nominations: a) Mayoral Nominations – Global Troy Advisory Committee; b) None

a) **Mayoral Nominations:**

Resolution #2024-03-043
Moved by Baker
Seconded by Chamberlain-Creanga

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:

Global Troy Advisory Committee

Appointed by Mayor
12 Regular Members
3 Year Term

Nominations to the Global Troy Advisory Authority:

Term Expires: 7/31/2024

Vinaya Gunasekar

Term currently held by: Sharanya Swaminathan (graduated)

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

MOTION CARRIED

b) **City Council Nominations:** None

I-3 No Closed Session Requested

I-4 Resolution in Support of Turtle Woods Nature Preserve Grant Application by Oakland County Parks (Introduced by: Robert J. Bruner, Deputy City Manager)

Resolution #2024-03-044
Moved by Chanda
Seconded by Hamilton

WHEREAS, The City of Troy acknowledges the significance of natural areas in fostering the health, well-being, and enjoyment of its residents and the broader community; and,

WHEREAS, Turtle Woods Nature Preserve presents a notable opportunity to conserve and enrich biodiversity, aid endangered species such as the spotted turtle, and offer educational and recreational amenities for public benefit; and,

WHEREAS, The preservation of Turtle Woods as an Oakland County Nature Preserve is consistent with the City of Troy's dedication to environmental stewardship, sustainability, and the enhancement of residents' quality of life; and,

WHEREAS, Oakland County Parks has devised a comprehensive strategy to acquire and manage the Turtle Woods property as a county nature preserve within Troy, ensuring its conservation and accessibility for future generations; and,

WHEREAS, The endorsement of local municipalities is integral to the success of grant applications aimed at securing funding for the acquisition, management, and enhancement of natural areas within Oakland County;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXPRESSES ITS FIRM ENDORSEMENT** for the grant application submitted by Oakland County Parks concerning the acquisition and development of Turtle Woods as an Oakland County Nature Preserve.

BE IT FURTHER RESOLVED, That Troy City Council **ENCOURAGES** the Michigan Natural Resources Trust Fund and all pertinent entities and authorities to give favorable consideration and approval to the grant application for Turtle Woods, recognizing the substantial environmental, educational, and recreational advantages this endeavor will provide to the residents of Troy, Oakland County, and the State of Michigan.

BE IT FINALLY RESOLVED, That a copy of this resolution **BE TRANSMITTED** to Oakland County Parks, the Michigan Natural Resources Trust Fund, and other relevant stakeholders to convey the City of Troy's support for the Turtle Woods Nature Preserve grant application.

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

MOTION CARRIED

I-5 Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Troy Union Corners Cemetery Retaining Wall and Budget Amendment (*Introduced by: Mike Verstraete, Streets and Drains Operations Manager*)

Resolution #2024-03-045
 Moved by Chamberlain-Creanga
 Seconded by Gunn

RESOLVED, That Troy City Council hereby **AWARDS** a contract for the removal and replacement of the Retaining Wall at the Troy Union Corners Cemetery to the low bidder meeting specifications; *DiLisio Contracting, Inc. of Clinton Township, MI*, at unit prices contained in the bid tabulation opened February 29, 2024, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; for an estimated total cost of \$175,000 and a 10% contingency for a not to exceed amount of \$192,500.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** a budget amendment in the amount of \$67,500 to the Park Development – Land Improvement Various Capital Fund.

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

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

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2024-03-046-J-1a
Moved by Hamilton
Seconded by Chanda

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

Yes: Hamilton, Baker, Brooks, Chamberlain-Creanga, Chanda, Gunn
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 #2024-03-046-J-2

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

- a) Special City Council Minutes-Draft – March 4, 2024
 - b) City Council Minutes-Draft – March 4, 2024
 - c) Special City Council Minutes-Draft – March 13, 2024
-

J-3 Proposed City of Troy Proclamations:

Resolution #2024-03-046-J-3

- a) Proclamation in Recognition of Athens High School 2023-2024 Student Council
-

J-4 Standard Purchasing Resolutions:**a) Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications – Mowing and Yard Assistance Services**

Resolution #2024-03-046-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** contract for seasonal requirements of lawn and yard services for Troy residents using the Yard Assistance Program with an option to renew for one (1) additional season to the low total bidder meeting specifications, *Zimmerman Lawn & Snow of Roseville, MI*, at unit prices contained in the bid tabulation opened February 22, 2024; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; contract to expire December 31, 2025.

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

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

Resolution #2024-03-046-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract for seasonal requirements of Asphalt Patching Material – Cold Patch to local low bidder meeting specifications, *Ajax Materials Corporation of Troy, MI*, for an estimated total cost of \$31,775 at the per ton unit price contained in the bid tabulation opened February 15, 2024, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; the cost of which shall not exceed annual budgetary limitations.

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

c) Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications – 2024 Joint and Crack Seal Program

Resolution #2024-03-046-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** a contract to *Scodeller Construction Inc. of Wixom, MI*, for the 2024 Joint and Crack Seal Program for an estimated not to exceed project total amount of \$160,000; at unit prices contained in the bid tabulation opened February 29, 2024, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

d) **Standard Purchasing Resolution 4: OMNIA Partners Cooperative Purchase – TrafficJet Printer and Laminator for the Department of Public Works**

Resolution #2024-03-046-J-4d

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase one (1) TrafficJet Xpert TJ 1368 Printer and one (1) TrafficJet 64” Media Width Laminator for an estimated cost of \$55,081 to *Traffic and Parking Control CO., Inc. (TAPCO) of Brown Deer, WI*, for the Department of Public Works Sign Shop as detailed in the attached quote and as per the OMNIA Partners Cooperative Contract #2020-200; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; not to exceed budgetary limitations.

e) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Member Travel – 2024 US Conference of Mayors 92nd Annual Meeting**

Resolution #2024-03-046-J-4e

RESOLVED, That Troy City Council hereby **AUTHORIZES** City Council Member travel expenses for the 2023 US Conference of Mayors 92nd Annual Meeting, in accordance with accounting procedures of the City of Troy.

J-5 Request for Approval of a Purchase Agreement and Acceptance of Permanent Easement, Rochester Road, Barclay to Trinway, Project No. 02.206.5, Sidwell #88-20-10-476-072, Aleemullah Khan and Ameena Khan

Resolution #2024-03-046-J-5

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Aleemullah Khan and Ameena Khan, owners of the property having Sidwell #88-20-10-476-072, and the City of Troy for the Rochester Road Improvement Project, Barclay to Trinway, #02.206.5, and **AUTHORIZES** a compensation of amount of \$66,700.00.

BE IT FURTHER RESOLVED, That City Council **AUTHORIZES** City Staff to expend the necessary closing costs to complete this purchase in an amount not to exceed \$8,000.00.

BE IT FURTHER RESOLVED, That City Council **ACCEPTS** a permanent easement for Public Utilities and Public Service Facilities and **AUTHORIZES** a compensation amount of \$11,400.00.

BE IT FINALLY RESOLVED, That City Staff shall **ENSURE** and **CONFIRM** that the Warranty Deed and Permanent Easement are recorded with Oakland County Register of Deeds; copies of which shall be **ATTACHED** to the original Minutes of this meeting.

J-6 Ashton Parc of Troy Preservation Easement

Resolution #2024-03-046-J-6

WHEREAS, As part of a City Council approved cluster development, the Troy Zoning Ordinance requires the developer to execute a recordable document permanently preserving the dedicated open space; and,

WHEREAS, The development known as Ashton Parc of Troy is nearing completion of final site plan review, but prior to the issuance of Certificates of Occupancy for the homes, City Council must approve the document that sets aside the required open space; and,

WHEREAS, The attached Open Space Preservation Easement has been negotiated with the Developer, and if approved by City Council, would be recorded at the Oakland County Register of Deeds to require Developer and/or his successors to permanently maintain the dedicated open space.

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Open Space Preservation Easement for the cluster development known as Ashton Parc, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-7 Private Agreement – Contract for Installation of Municipal Improvements – Estates of Brook Hollow No. 3 – Project No. 23.911.3

Resolution #2024-03-046-J-7

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

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

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

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

Barb Yagley	Spoke regarding peace and conflict in the Middle East
Kira Taylorellms	Spoke regarding the need for a ceasefire resolution for Gaza
Sarwat Siddiqui	Spoke regarding the need for a ceasefire resolution for Gaza
Ian McClure	Spoke regarding the need for a ceasefire resolution for Gaza

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

N. COUNCIL REFERRALS:

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

N-1 No Council Referrals Submitted

O. REPORTS:

O-1 Minutes – Boards and Committees:

- a) Civil Service Commission (Act 78)-Final – October 17, 2023
- b) Election Commission-Final – January 24, 2023
Noted and Filed

O-2 Department Reports:

- a) 2023 Advance Status Report
Noted and Filed

O-3 Letters of Appreciation:

- a) To Building Department Staff from William Trapezona
- b) To Chief Nastasi from Deborah Baughman
Noted and Filed

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

O-5 Notice of Hearing for the Electric Customers of DTE Electric Company Case No. U-18091

Noted and Filed

P. COUNCIL COMMENTS:

P-1 Council Comments

Council Member Chanda thanked City Administration for the quick turnaround preparing the resolution of support of the Turtle Woods Grant Application for Oakland County Parks.

Mayor Baker commented on supporting the holy holidays celebrated by many residents in Troy. He said he appreciates being part of a community that recognizes many faiths celebrated in our community.

Mayor Baker commented that the upcoming weeks will be very busy. He said on Saturday, April 6th at 9:00 AM, Troy City Council will hold public interviews for the City Manager position and the two finalists are Deputy City Manager Robert Bruner and Public Works Director Kurt Bovensiepe. He said there will be a public comment online portal available starting on March 20th

for everyone to share their comments and thoughts. He urged everyone to attend the meeting or watch the meeting online. He said City Council will appoint the next City Manager at their regular City Council Meeting on April 8, 2024. Mayor Baker said there is a Special Meeting scheduled on April 8th at 6:00 PM for City Council Orientation that will cover public safety. He said that a Special Budget Study Meeting is scheduled on April 15th with an additional meeting scheduled on April 17th, if needed. Mayor Baker said the State of the City Address is scheduled for May 8, 2024.

Mayor Baker reminded everyone to be safe and be kind to your neighbors.

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

R. CLOSED SESSION

R-1 No Closed Session

S. ADJOURNMENT:

The Meeting **ADJOURNED** at 8:28 PM.

Mayor Ethan Baker

M. Aileen Dickson, MMC, MiPMC II
City Clerk

A. CALL TO ORDER:

A Special Meeting of the Troy City Council was held on Monday, April 1, 2024, at City Hall, 500 W. Big Beaver Rd. Mayor Baker called the meeting to order at 6:02 PM.

B. ROLL CALL:

- a) Mayor Ethan Baker
- Theresa Brooks
- Rebecca A. Chamberlain-Creanga
- Hirak Chanda
- Mark Gunn – Arrived at 6:15 PM
- David Hamilton
- Ellen Hodorek

C. PUBLIC COMMENT:

Vote on Resolution to Adjourn into Closed Session

Resolution #2024-04-047

Moved by Baker

Seconded by Hodorek

BE IT RESOLVED, That Troy City Council **SHALL ADJOURN** into Closed Session, as permitted by MCL 15.268 (a).

Yes: Baker, Brooks, Chamberlain-Creanga, Chanda, Hamilton, Hodorek

No: None

Absent: Gunn

MOTION CARRIED

D. BUSINESS STATED IN THE SPECIAL MEETING NOTICE:

D-1 City Attorney Evaluation

E. OTHER BUSINESS:

F. ADJOURNMENT:

The Meeting **ADJOURNED** at 7:45 PM.

Mayor Ethan Baker

M. Aileen Dickson, MMC, MiPMC II
City Clerk



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: April 1, 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
Mike Verstraete, Streets and Drains Operations Manager
Nick Herzek, Project Manager
Emily Frontera, Purchasing Manager

Subject: Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications
Department of Public Works Employee Parking Lot Maintenance & Fence Replacement

History

The employee parking lot at the Department of Public Works provides parking for approximately 149 frontline staff, as well as providing a location for residents to obtain compost, and at different times throughout the year, serves as a cardboard recycling location. The existing parking lot is 22 years old and has reached the point of requiring rehabilitation. The rehabilitation entails removing the top inch and a half to two inches of asphalt by milling the surface and then overlaying with new asphalt. Additionally, this project includes the restriping of the employee parking lot and replacement of the fence and gates around the north and east ends of the parking lot.

Purchasing

- On March 14, 2024, a bid opening was conducted as required by the City Charter/Code to furnish all material, labor and equipment for the Parking Lot Maintenance and Fence Replacement at the City of Troy Department of Public Works Employee Parking Lot.
- The bid was posted on the MITN Purchasing Group website; www.BidnetDirect.com/city-of-troy-mi
- Five hundred and forty-four (544) vendors were notified via the MITN website. Seven (7) bid responses were received. Below is a detailed summary of potential vendors for the bid opportunity.

Companies notified via MITN	544
Troy Companies notified via MITN	10
Troy Companies notified - Active email Notification	10
Troy Companies notified - Active non-paying	0
Companies that viewed the bid	46
Troy Companies that viewed the bid	1

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



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Purchasing (continued)

- Based upon the bid responses and as per the attached bid tabulation; it is in the best interest of the City to award the bid to the *lowest responsive bidder* meeting bid specifications for each proposal.
- *Peake Asphalt, Inc of Shelby Township, MI* is the low responsible bidder meeting bid specifications for Proposal A and included a 2-year warranty and is therefore, being recommended for award for Proposal A.
- *Kimberly Fence and Supply of Warren, MI* is the lowest bidder meeting specifications and included an Alternate Proposal B for a bottom rail installation and is being recommended for award for Proposal B.

Financial

Funds are budgeted and available in the Public Works Land Improvements and Municipal Parking Lots Fund under project number 2024C0035 for the 2024 fiscal year. Expenditures will be charged to account number 401.464.974.165

Recommendation

City Management recommends awarding contracts for the Parking Lot Maintenance and Fence Replacement at the Department of Public Works to the lowest responsible bidders meeting specifications, *Peake Asphalt, Inc. of Shelby Twp., MI* for Proposal A for an estimated cost of \$118,385.00, plus a 20% contingency, and *Kimberly Fence and Supply of Warren, MI* for Proposal B and Alternate Proposal B for an estimated total cost of \$35,557.80, plus a 20% contingency; at unit prices contained in the bid tabulation opened March 14, 2024; for an estimated total project cost of \$185,000.

VENDOR NAME:	True North Asphalt LLC	Peake Asphalt, Inc.	Hutch Paving, Inc.	T & M Asphalt Paving, Inc.
CITY:	Madison Heights, MI	Shelby Twp., MI	Warren, MI	Milford, MI
CHECK AMOUNT:	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
CHECK #:	2017497434	1867810089	988725	001780919

PARKING LOT MAINTENANCE & FENCING

ITEM	DESCRIPTION	EST. QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
PROPOSAL A: PARKING LOT MAINTENANCE - DPW Employee Parking Lot - 4693 ROCHESTER ROAD											
1	Cold Milling Pavement, 1.5 inch	51,250	SF	\$0.35	\$17,937.50	\$0.50	\$25,625.00	0.32	\$16,400.00	\$0.80	\$41,000.00
2	Full Depth Asphalt Removal	500	SF	\$3.00	\$1,500.00	\$2.50	\$1,250.00	5	\$2,500.00	\$2.10	\$1,050.00
3	Subgrade Undercutting- Remove and replace with 1X3	25	CY	\$125.00	\$3,125.00	\$50.00	\$1,250.00	75	\$1,875.00	\$80.00	\$2,000.00
4	Aggregate Base, 21AA, Limestone, 6"	50	CY	\$90.00	\$4,500.00	\$75.00	\$3,750.00	35	\$1,750.00	\$70.00	\$3,500.00
5	HMA, 5e1, 2 inch	125	Ton	\$136.00	\$17,000.00	\$140.00	\$17,500.00	175	\$21,875.00	\$146.45	\$18,306.25
6	HMA 5e1, 1.5 inch	380	Ton	\$136.00	\$51,680.00	\$140.00	\$53,200.00	180	\$68,400.00	\$142.41	\$54,115.80
7	Concrete curb replacement	100	LF	\$45.00	\$4,500.00	\$60.00	\$6,000.00	75	\$7,500.00	\$54.00	\$5,400.00
8	HMA, Hand Patching	10	Ton	\$350.00	\$3,500.00	\$250.00	\$2,500.00	150	\$1,500.00	\$250.00	\$2,500.00
9	Joint and Crack Cleanout	150	LF	\$1.00	\$150.00	\$10.00	\$1,500.00	9	\$1,350.00	\$8.00	\$1,200.00
10	Rebuild/Reset Catch Basin Structure w/ 8' x 8' x8" concrete collar	3	Each	\$1,600.00	\$4,800.00	\$1,500.00	\$4,500.00	850	\$2,550.00	\$3,000.00	\$9,000.00
11	Pavt. Mrkg., Waterborne, 4 inch, Yellow	2600	LF	\$3.10	\$8,060.00	\$0.45	\$1,170.00	0.25	\$650.00	\$0.25	\$650.00
12	Pavt. Mrkg., Waterborne, 4 inch, Blue	200	LF	\$3.50	\$700.00	\$0.45	\$90.00	0.25	\$50.00	\$0.30	\$60.00
13	Pavt. Mrkg., Waterborne, Blue Acc. Symbol	1	Each	\$50.00	\$50.00	\$50.00	\$50.00	250	\$250.00	\$40.00	\$40.00
14	Turf Restoration	Included		No Cost		No Cost		No Cost		No Cost	
15	Traffic Maintenance Control	Included		No Cost		No Cost		No Cost		No Cost	
Proposal A Total:				\$117,502.50		\$118,385.00		\$126,650.00		\$138,822.05	

PROPOSAL B: FENCE REPLACEMENT - DPW Employee Parking Lot - 4693 ROCHESTER ROAD											
1	6' Chainlink Fence	530	LF	No Bid		Incomplete		41	\$21,730.00	\$50.00	\$26,500.00
2	6' Tall x 5' Wide Gate	1						840	\$840.00	\$1,500.00	\$1,500.00
3	6' Tall Double Gates 19' 6" Rough Opening	2						3200	\$6,400.00	\$2,500.00	\$5,000.00
4	6' Tall Double Gate 16' Rough Opening	1						2450	\$2,450.00	\$2,000.00	\$2,000.00
5	Fence Removal	530	LF					6.3	\$3,339.00	\$13.00	\$6,890.00
Proposal B Total:								\$34,759.00		\$41,890.00	
Proposal Grand Total A & B:				\$117,502.50		\$118,385.00		\$161,409.00		\$180,712.05	
Alternate Proposal B:											

DISCOUNT OFFERED IF AWARDED BOTH PROJECTS:	Y OR N	N	N	N	N
If Discount is offered, DEDUCT:		N/A	N/A	N/A	N/A
SITE INSPECTION:	Y OR N	Y	Y	N	Y
CONTACT INFORMATION: Hrs. of Operation:		8am-4pm	Not Specified	7am-6pm	7am-6pm
24 Hr. Phone Number:		(517) 819-9396	(586) 306-4523	(248) 514-6923	(248) 724-6126
PROPOSED PAYMENT SCHEDULE:		DUR	Not Specified	TBD upon being awarded contract	Invoices at Completion; Net 30
REFERENCES:	Y OR N	Y	Y	Y	Y
ABILITY TO MEET COMPLETION DATE:	Y OR N	Y	Y	Y	Y
INSURANCE:	Y OR N	Y	Y	Y	Y
WARRANTY:		1 Year	2 Years	Per Contract	Not Specified
COMPLETION:		Jun-24	Not Specified	Per Contract	Not Specified
EXCEPTIONS:		None	None	None	None
ACKNOWLEDGEMENTS:	Y OR N	Y	Y	Y	Y
VENDOR QUESTIONNAIRE INCLUDED:	Y OR N	Y	Y	Y	Y
FORMS:	Y OR N	Y	Y	Y	Y

Attest:
(*Bid Opening conducted via a Zoom Meeting)
Mike Verstraete

Nick Herzek

Andrew Chambliss

Nellie Bert

Martinique Gates

Emily Frontera
Purchasing Manager

VENDOR NAME:	Asphalt Specialists LLC	Kimberly Fence and Supply	Nationwide Construction Group
CITY:	Pontiac, MI	Warren, MI	Richmond, MI
CHECK AMOUNT:	\$5,000.00	\$5,000.00	\$5,000.00
CHECK #:	2017533458	518757845-4	500321073

PROPOSAL: THE CITY OF TROY PARKING LOT MAINTENANCE & FENCING

ITEM	DESCRIPTION	EST. QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
PROPOSAL A: PARKING LOT MAINTENANCE - DPW Employee Parking Lot - 4693 ROCHESTER ROAD									
1	Cold Milling Pavement, 1.5 inch	51,250	SF	\$0.50	\$25,625.00	No Bid		No Bid	
2	Full Depth Asphalt Removal	500	SF	\$14.50	\$7,250.00				
3	Subgrade Undercutting- Remove and replace with 1X3	25	CY	\$55.00	\$1,375.00				
4	Aggregate Base, 21AA, Limestone, 6"	50	CY	\$55.00	\$2,750.00				
5	HMA, 5e1, 2 inch	125	Ton	\$165.00	\$20,625.00				
6	HMA 5e1, 1.5 inch	380	Ton	\$165.00	\$62,700.00				
7	Concrete curb replacement	100	LF	\$100.00	\$10,000.00				
8	HMA, Hand Patching	10	Ton	\$300.00	\$3,000.00				
9	Joint and Crack Cleanout	150	LF	\$15.00	\$2,250.00				
10	concrete collar	3	Each	\$3,000.00	\$9,000.00				
11	Pav. Mrkg., Waterborne, 4 inch, Yellow	2600	LF	\$0.50	\$1,300.00				
12	Pav. Mrkg., Waterborne, 4 inch, Blue	200	LF	\$0.50	\$100.00				
13	Pav. Mrkg., Waterborne, Blue Acc. Symbol	1	Each	\$38.00	\$38.00				
14	Turf Restoration	Included		No Cost					
15	Traffic Maintenance Control	Included		No Cost					
Proposal A Total:					\$146,013.00				

PROPOSAL B: FENCE REPLACEMENT - DPW Employee Parking Lot - 4693 ROCHESTER ROAD									
1	6' Chainlink Fence	530	LF	48	\$25,440.00	\$38.26	\$20,277.80	\$40.00	\$21,200.00
2	6' Tall x 5' Wide Gate	1		950	\$950.00	\$800.00	\$800.00	\$700.00	\$700.00
3	6' Tall Double Gates 19' 6" Rough Opening	2		3150	\$6,300.00	\$3,000.00	\$6,000.00	\$2,000.00	\$4,000.00
4	6' Tall Double Gate 16' Rough Opening	1		2500	\$2,500.00	\$2,300.00	\$2,300.00	\$1,600.00	\$1,600.00
5	Fence Removal	530	LF	12.5	\$6,625.00	\$6.00	\$3,180.00	\$14.00	\$7,420.00
Proposal B Total:					\$41,815.00	\$32,557.80	\$34,920.00		
Proposal Grand Total A & B:					\$187,828.00	\$32,557.80	\$34,920.00		
Alternate Proposal B:						+\$3,000	+\$4,000		

DISCOUNT OFFERED IF AWARDED BOTH PROJECTS:	Y OR N	N	N	N
If Discount is offered, DEDUCT:		N/A	N/A	N/A
SITE INSPECTION:	Y OR N	Y	Y	Y
CONTACT INFORMATION: Hrs. of Operation:		7:30-4:30	8am-4pm	8am-5:30pm
24 Hr. Phone Number:		(248) 334-4570	(586) 920-2014	(586) 484-6027
PROPOSED PAYMENT SCHEDULE:		Monthly	Net 15 upon completion	30 Days
REFERENCES:	Y OR N	Y	Y	Y
ABILITY TO MEET COMPLETION DATE:	Y OR N	Y	Y	Yes - as long as not delayed by the Paving Operation
INSURANCE:	Y OR N	Y	Y	Y
WARRANTY:		N/A	1 yr labor; 12 yrs material	One Year
COMPLETION:		To be mutually agreed upon	13 days to do work	by June 30, 2024
EXCEPTIONS:	Y OR N	None	None	None
ACKNOWLEDGEMENTS:	Y OR N	Y	Y	Y
VENDOR QUESTIONNAIRE INCLUDED:	Y OR N	Y	Y	Y
FORMS:	Y OR N	Y	Y	Y



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: April 1, 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: Sourcewell Purchasing Cooperative – Haulmark Cargo Trailer

History

- On September 11, 2023 City Council approved the purchase of a replacement stump cutter machine for the Department of Public Works (Resolution #2023-09-129-J-4b)
- The trailer being purchased will be used to transport the current tree stump cutter machine to job sites as well as shelter the machine from the weather.
- The trailer will also be used to store tools and equipment related to stump cutting and cleanup procedures.
- This purchase is for an additional trailer and will increase the size of the existing Department of Public Works motor pool fleet.

Purchasing

- Pricing to purchase one (1) Haulmark Cargo Trailer has been secured by American Cargo Group Trailers of Elkhart, IN as detailed in the attached quote number HM009305.
- *American Cargo Group Trailers* is the awarded bidder of the Sourcewell Cooperative Purchasing Program, contract #092922-AGO. Pricing is valid thru December 20, 2026 on the selected Haulmark Cargo Trailer.
- *Trailer Capital USA LLC of Middlebury, IN* is the Authorized Selling Dealer for American Cargo Group in the State of Indiana and is a participant in the Sourcewell Contract 092922-AGO.
- City Council authorized participation in the Cooperative Purchasing Programs on February 5, 2024 (Resolution number 2024-02-031-J-5)

Financial

- Funds are budgeted and available in the Public Works Fleet Division Capital Fund under Project Number 2024C0103 for the 2024 fiscal year. Expenditures of \$14,053.00 will be charged to account number 661.571.565.981.

Recommendation

City Management requests authorization to purchase one (1) Haulmark GRHD716T4 Cargo Trailer from *Trailer Capital USA LLC of Middlebury, IN*, the American Cargo Group authorized dealer; as priced per Sourcewell Cooperative Contract 092922-AGO, for an estimated total cost of \$14,053.00; not to exceed budgetary limitations.



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM



Not actual trailer – Example only



QUOTE

Quote #: HM009305

Quote Title: GRHD716T4

Quote Date: 03/19/2024

Modified Date: 03/20/2024

DEALER

AMERICAN CARGO GROUP TRAILERS 092922-AGO (HM)

1503 McNAUGHTON AVE

ELKHART, IN 46514

SALESPERSON: Valerie Burleigh

PHONE: 254-386-6702

EMAIL: valerie.burleigh@americancargogroup.com

WEB: WWW.HAULMARK.COM

CUSTOMER

NAME: BRIAN VARNEY

COMPANY: CITY OF TROY

ADDRESS: 4693 ROCHESTER RD

CITY/ST/ZIP: TROY, MI 48085

PHONE:

EMAIL:



STANDARD EQUIPMENT:

- ✓ Grizzly HD
- ✓ Steel Frame
- ✓ Flat Front
- ✓ Tag
- ✓ 16ft Long
- ✓ Flat Roof
- ✓ 7ft Wide
- ✓ Dust-Resistant Frame Design
- ✓ 2-5/16" 20,000lb Adjustable Coupler - 3 Position
- ✓ 2in x 8in Tube Main Rails
- ✓ Tube Roof Bows 16in On Center
- ✓ 5/16" x 30" G7 Safety Chains w/ Clevis Safety Hook
- ✓ Vertical Posts 16in On Center
- ✓ 8,000lb Side Wind Drop Leg Jack
- ✓ 48in A-Frame with Center Drawbar
- ✓ ArmorTech on A-Frame
- ✓ Breakaway Kit Assembly w/Charger
- ✓ 6K Torflex Ele Brake Axle, 10Up,8b,EZ Lube
- ✓ Tandem Axle
- ✓ ST235/80R16E Radial 8B Silver Mod Wheel
- ✓ Chrome Center Caps on Wheels
- ✓ 3/8in PlexCore Sidewall Liner
- ✓ 5,000lb Square D-Ring with Welded Plate

TRAILER

BRAND: Haulmark

MODEL: GRHD716T4

COLOR: Polar White

REAR DOOR: Heavy Duty Rear Ramp Door (8'H Max) w/Ramp Extn.

INTERIOR HEIGHT: 7' 0"

OF AXLES: 2

GVWR: 12,000

OPTIONAL EQUIPMENT: QTY UOM MSRP

OPTIONAL EQUIPMENT:	QTY	UOM	MSRP
✓ UPG - Full Height C Crossmembers 12in OC	16	FT	\$208.00
✓ UPG - 7'0" Approximate Inside Height	16	FT	\$352.00
✓ UPG - 86-3/4in Tube Posts	16	FT	\$0.00
✓ UPG - Heavy Duty Rear Ramp Door (8'H Max) w/Ramp Extn.	1	EA	\$184.00
✓ UPG - 36 x 78 Side Premium Heavy Duty Door - RH Hinge	1	EA	\$0.00
✓ UPG - Double 3/4in PlexCore Decking	16	FT	\$464.00
✓ Heavy Duty Steel Ramp Door Transition	1	EA	\$288.00
✓ PT Door Bar Lock Assembly	1	EA	\$55.00
✓ Recessed Horizontal E-Track	32	FT	\$576.00
✓ 2-1/2" Pintle Eye ONLY, (DO NOT ADD AS UPGRADE)	1	EA	\$90.00

WWW.HAULMARK.COM

Quote good for 30 days.



QUOTE

Quote #: HM009305

Quote Title: GRHD716T4

Quote Date: 03/19/2024

Modified Date: 03/20/2024

DEALER

AMERICAN CARGO GROUP TRAILERS 092922-AGO (HM)

1503 McNAUGHTON AVE

ELKHART, IN 46514

SALESPERSON: Valerie Burleigh

PHONE: 254-386-6702

EMAIL: valerie.burleigh@americancargogroup.com

WEB: WWW.HAULMARK.COM

CUSTOMER

NAME: BRIAN VARNEY

COMPANY: CITY OF TROY

ADDRESS: 4693 ROCHESTER RD

CITY/ST/ZIP: TROY, MI 48085

PHONE:

EMAIL:

STANDARD EQUIPMENT:

- ✓ 12 Volt LED Dome Light (Requires 12v Wall Switch)
- ✓ License Plate Holder w/ Separate Light
- ✓ LED Fender Mount Clearance Lights
- ✓ LED Rear ID/Loading Light Bar Combo
- ✓ LED Slim Line Smoked Lens Tail Lights
- ✓ LED Smoked Lens Amber Clearance Lights
- ✓ LED Smoked Lens Red Clearance Lights
- ✓ 12v Surface-Mount Switch
- ✓ Polished Aluminum Cap
- ✓ Polished Aluminum Front Corners
- ✓ Truck Body Style Top Front Corner Castings
- ✓ Top Rear Corner Castings
- ✓ DOT Tape
- ✓ 1-Piece Aluminum Roof
- ✓ Bonded Exterior Sidewalls
- ✓ Smooth Aluminum Fenders
- ✓ 24in ATP Stoneguard
- ✓ Sidewall Flow-Thru Vents
- ✓ Polar White .030 Aluminum Exterior
- ✓ Polar White .030 Aluminum Exterior



QUOTE

Quote #: HM009305

Quote Title: GRHD716T4

Quote Date: 03/19/2024

Modified Date: 03/20/2024

DEALER

AMERICAN CARGO GROUP TRAILERS 092922-AGO (HM)
 1503 McNAUGHTON AVE
 ELKHART, IN 46514

SALESPERSON: Valerie Burleigh

PHONE: 254-386-6702

EMAIL: valerie.burleigh@americancargogroup.com

WEB: WWW.HAULMARK.COM

CUSTOMER

NAME: BRIAN VARNEY

COMPANY: CITY OF TROY

ADDRESS: 4693 ROCHESTER RD

CITY/ST/ZIP: TROY, MI 48085

PHONE:

EMAIL:

YOUR TRAILER	
MODEL BASE PRICE	\$12,900.00
TOTAL PACKAGES	\$0.00
TOTAL OPTIONS	\$2,217.00
TRAILER TOTAL	\$15,117.00

DEALER CHARGES

DESTINATION CHARGES	\$600.00
DEALER SUPPLIED OPTIONS	\$0.00
MISC (DOC FEE)	\$150.00
MSRP SAVINGS	\$0.00
SOURCEWELL DISCOUNT 12%	\$1,814.00
TAX	\$0.00
GRAND TOTAL	\$14,053.00
DEPOSIT	\$0.00
BALANCE DUE	\$14,053.00

PO NUMBER:

Trailer Capital USA LLC, the authorized selling dealer, must follow Indiana cargo trailer sales guidelines.

- Sales tax must be collected from residents of Arizona, California, Florida, Hawaii, Indiana, Massachusetts, Michigan, North Carolina, and South Carolina (unless the entity is tax-exempt*). All other states will have sales tax deferred to their home state for collection upon registration.
- *If the customer is tax-exempt, all legal documentation (proof) must be provided to Trailer Capital USA LLC before the completion of the sale.
- Doc fee includes the completion of the Manufacturer's Certificate of Origin, tax documentation, temporary license plate, and shipment of paperwork to the customer.
- Preferred payment methods are ACH or check. Cards are accepted and carry a 3% processing fee.

PONUM: N/A



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: April 1, 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
Brian Goul, Recreation Director
Emily Frontera, Purchasing Manager

Subject: Bid Waiver: Golf Course Equipment

History

- The average age of the current golf equipment at the City of Troy Sanctuary Lake Golf course is 15-20 years.
- The City is eligible to utilize the TROON National Account pricing in order to purchase replacement golf equipment for the golf course at the most advantageous prices for the City.
- TROON Golf has acquired pricing for three new pieces of machinery to replace this deteriorating equipment.
- This golf course equipment needs to be replaced as it has reached the end of its lifecycle and is necessary to maintain the range and serve the patrons on the course.

Purchasing

- The City has the ability to purchase this equipment cooperatively utilizing the OMNIA Partners Cooperative Contract or through TROON National Account pricing.
- Upon analysis of the OMNIA Partners Contract and TROON National Account pricing, these purchases are recommended for award utilizing the TROON National Account pricing as detailed and summarized below.
- The equipment in total of \$55,178.39 will be purchased based on the TROON Golf National contract pricing.
- Purchasing this equipment utilizing the Troon contract pricing will save the City an additional \$5,617.49.

Financial

Funds are budgeted and available in the Sanctuary Lake Capital General Equipment Fund for the 2024 fiscal year. Expenditures will be charged to Account Number 585.768.978.010.

	Qty.	Equipment	OMNIA Pricing	TROON Pricing	Project#
Sanctuary Lake	1	Café Express Proposal	\$24,513.00	\$22,178.39	2024C0079
Sanctuary Lake	2	Carryall 500 Gasoline w/ Range Enclosure Cab	\$36,282.88	\$33,000	2024C0079
TOTAL PURCHASE PRICE			<u>\$60,795.88</u>	<u>\$55,178.39</u>	



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Recommendation

City Management recommends that the bid process be waived and a contract be awarded to *Midwest Golf and Turf of Commerce Township, MI* for the purchase of three (3) pieces of golf course equipment for Sanctuary Lake Golf Course for an estimated total cost of \$55,178.39 as detailed in the attached quotes and as per the TROON National Account pricing.



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Submitted on:
2/8/2024

Instant Refreshment, Instant Revenue

The Café Express has been redesigned to hold more products—and drive more impulse buys. Its new shelving system presents an appealing display, helping generate additional sales, while ample space for refreshments (and ice!) means less time lost on trips back to the clubhouse to restock.



Standard Colors



Premium Colors





GASOLINE

ENGINE/MOTOR TYPE	4-cycle with EFI
CONTROLLER	
DISPLACEMENT	404 cc
CYLINDERS	Single
VALVING	Overhead cam
COOLING	Air cooled
HORSEPOWER (RATED)	14.0 hp (10.3kW) rated @ 3,600 rpm per SAE J1940
MAX TORQUE	19.91 ft lb (27.0 N-m) rated @ 2,400 rpm
LUBRICATION	Splash lubrication
GOVERNOR	Ground speed
TRANSMISSION	Continuously Variable Transmission (CVT)
FRONT/REAR DIFFERENTIAL	N/A
GEAR SELECTION	Forward/Neutral/Reverse
GEAR RATIO	11.47:1 forward; 15.63:1 reverse
IGNITION	Electronic
BATTERY	12-volt 500 CCA 105 min reserve
CHARGER	N/A
HEADLIGHTS	Two 37.5 watt halogen
FUEL DELIVERY SYSTEM	Electronic Fuel Injection (EFI)
FUEL CAPACITY	5.5 gal (20.8 L)
STEERING MECHANISM	Self-adjusting rack & pinion
SUSPENSION (FRONT)	Independent leaf springs with dual hydraulic shocks
SUSPENSION (REAR)	Semi-independent leaf spring with dual hydraulic shocks
BRAKES	4-wheel, mechanical drum
PARK BRAKE	Foot-operated, multi-lock
BODY (FRONT & FINISH)	ArmorFlex™ with automotive paint/clearcoat
BODY (FRAME & REAR)	Aluminum
TIRES (FRONT)	20 x 10-10, 6-ply rated
TIRES (REAR)	20 x 10-10, 6-ply rated
WHEELBASE	78.1 in (198.3 cm)
OVERALL HEIGHT	70.7 in (179.5 cm)
OVERALL LENGTH	125.5 in (318.7 cm)
BED L X W X H (CARGO BOX)	OVERALL WIDTH: 51.4 in (130.5 cm)
DIFFERENTIAL GROUND CLEARANCE	5.2 in (13.2 cm)
TRACK WIDTH (FRONT)	36.6 in (92.9 cm)
TRACK WIDTH (REAR)	39.5 in (100.3 cm)
MAX WIDTH (W/O MIRRORS)	N/A
CURB WEIGHT (W/ BATTERIES)	N/A
TOTAL VEHICLE CAPACITY	850 lb (385.6 kg)
BED LOAD CAPACITY	450 lb (204.1 kg)
TOWING CAPACITY	N/A
COMBINED GROSS VEHICLE CAPACITY	256 cans, 110 lbs. consumable ice
SPEED	12-14 mph
TURNING RADIUS	
WARRANTY	3-year/3,000 hour limited powertrain and frame 2-year limited remaining vehicle

EFI OVERHEAD CAM ENGINE

At the heart of Carryall hums our new power plant, sporting a 14 horsepower rated engine. The overhead cam engine with electronic fuel injection (EFI) delivers a 30% power boost and still reduces fuel consumption by up to 50%.

SAVE ON MORE THAN JUST FUEL COSTS.

- Build quality, including case-hardened steel timing chain, lowers maintenance costs
- Runs cooler, quieter, with lower emissions
- Weathers all conditions; starts fast even on the coldest mornings
- Automatically adjusts for higher altitudes
- No carburetor or choke to master or maintain
- No oil filter to change; splash lubrication reduces maintenance
- Backed by the industry's best warranty



PORTABLE REFRESHMENT CENTER (PRC)

Here's another easy way to generate instant revenue: add the Portable Refreshment Center (PRC) to your Carryall 500. Simply drop it into the Carryall bed, fill it with drinks and snacks from the clubhouse, and bring refreshment directly to your guests.



OPTIONS & ACCESSORIES

More accessories available, ask your Club Car sales representative for details.



Air Pot



Hot Box



Food Warmer



Beverage Containers

Visit clubcar.com for more on Carryall's warranty.



Café Express Options

To: City of Troy/Sanctuary Golf Course

Date: 2/8/2024

Quantity	Description	Per Unit	Extension
1	2024 Café Express Beverage & Snack Center Gas Powered EFI Please see above specs	\$22,178.39	\$22,178.39
		Total:	\$22,178.39
		Omnia Contract Pricing:	\$24,513.69
Terms	F.O.B.	Approx. Delivery Date	Shipped Via
COD/Lease	Troy, MI	Spring 2024	Club Car Truck

Please Note: Due to the extended time periods between proposal agreements, deliveries of new fleets ordered, and the rate lockdown period of 60 days prior to a lease commencement by our lenders, monthly payments quoted may increase due to changes in lending rates. Changes, if any, will be communicated when lease documents are finalized. Furthermore, Midwest Golf & Turf's intent is to hold pricing as agreed upon in this proposal. However, pricing is subject to change based on potential commodity surcharges or pricing adjustments due to volatile market conditions and extended lead times.

Accepted By:

City of Troy/Sanctuary Lake Golf Course

Midwest Golf & Turf

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____



Special Considerations

All service will be provided by Midwest Golf & Turf out of Commerce Township

Accepted By:

City of Troy/Sanctuary Golf Course

By: _____

Title: _____

Date: _____

Midwest Golf & Turf

By: _____

Title: _____

Date: _____

The City of Troy/Sanctuary Lake Golf Course Range Picker Car W/Cab

Presented by Midwest Golf & Turf | midwestgt.com
Paul Wiltsie, Territory Manager | 248-953-1199 | pwiltsie@midwestgt.com



2.7.2024

By
Paul Wiltsie
Territory Sales Manager
Midwest Golf and Turf
Cell: 248.953.1199
Fax: 248.624.6562
pwiltsie@midwestgt.com


MIDWEST
GOLF & TURF



What to know about the 2024 Carryall 500



AlumiCore™ Frame

Most golf cars are still built on steel frames, which can corrode. Club Car golf cars are built on our AlumiCore™ frame. This light frame is rustproof even in salt air, and it's shaped to be more impact resistant than steel. It preserves the life of your car and enhances its stability, ride and performance.

Boosted Performance with an EFI Engine

You'll get more power and efficiency from your Carryall utility vehicle with our new Kohler 429cc overhead valve engine with electronic fuel injection. It boosts horsepower by more than 30 percent and increased fuel efficiency by almost 50 percent over our previous gasoline engines.



VersAttach- Bed Attachment System

Check out our new bed, designed with accessories in mind. Our portfolio of accessories includes the all new, configurable and removable track-based bed attachment system for carrying tools and equipment. Whether you're carrying racks, trimmers, fuel containers, water coolers, leaf blowers, ladders or cargo, we've got the holders and bed-dividers you need to get the job done.

- Multi Tool Holder (shovel and rake)
- Leaf Blower Holder (not pictured)
- Flex Grip Tool Holder (Trimmers)
- Aluminum Tool Box (not pictured)
- Bucket Holder (Water bucket)





500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: March 19, 2024

To: Mark F. Miller, City Manager

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

Subject: 2024 Specialized Services Operating Assistance Program

History

Community Municipal Credits are funds collected by the Suburban Mobility Authority for Regional Transportation (SMART) through property taxes. A portion of these funds are divided among every city, township and village in Oakland, Wayne and Macomb Counties based on the specialized services it provides. Troy R.Y.D.E. is eligible to receive this funding as it is operating in accordance with SMART's Community Partnership Program.

Financial

The Specialized Services funding through SMART allows the City of Troy to use an additional \$30,676.00 towards the Troy R.Y.D.E. service. The City of Troy received \$27,692 in FY 2023.

Recommendation

It is recommended that the City enter into a contract for the Specialized Services Operation Assistance Program with SMART for \$30,676. These funds are utilized for transportation service for senior citizens and persons with disabilities through the new Troy R.Y.D.E service.

Legal Review

The subject contract or agreement was submitted to the City Attorney and approved with respect to its form and legality pursuant to City Charter Section 12.2 (Contracts).

**SPECIALIZED SERVICES OPERATING ASSISTANCE PROGRAM
THIRD-PARTY CONTRACT- FY 2024**

THIS AGREEMENT (“Agreement” or “Contract”) is made and entered between the Suburban Mobility Authority for Regional Transportation (hereinafter referred to as “**AUTHORITY**”), whose address is 535 Griswold Suite 600, Detroit, Michigan 48226, and _____City of Troy____ (hereinafter referred to as “**SUBRECIPIENT**”), whose address is _____.

SECTION 1. - DEFINITIONS

PROGRAM	Means the Michigan Specialized Services Operating Assistance Program designed primarily for seniors and persons with disabilities as defined under Section 10e(4)(c)(i) of Act 51, of the Public Acts of 1951, as amended; MCL 247.660e(4)(c)(i).
DEPARTMENT	Means the Michigan Department of Transportation.
BUREAU	Means the Bureau of Urban and Public Transportation of the Michigan Department of Transportation.
AUTHORITY	Means the Suburban Mobility Authority for Regional Transportation (SMART).
PROJECT	Means the providing of SPECIALIZED SERVICES.
SPECIALIZED SERVICES	Means public transportation services primarily designed for persons with disabilities or who are sixty-five (65) years of age or older.
STATE	Means the State of Michigan.
SUBRECIPIENT	Means City of Troy_, which will provide the transit services with funds received under this Contract.
APPLICATION	Means the AUTHORITY ’s application, submitted in cooperation with the SUBRECIPIENT , for funding from this PROGRAM for the period from October 1, 2023, to September 30, 2024.

SECTION 2. - PURPOSE

The purpose of this Contract is to pass through operating assistance funding received from the DEPARTMENT PROGRAM, to the SUBRECIPIENT. The transit services provided shall be as described in the APPLICATION submitted by the SUBRECIPIENT through the AUTHORITY and approved for funding by the DEPARTMENT.

SECTION 3. - FUNDING

The AUTHORITY is only obligated to provide funds under this Contract to the extent that funds for the PROGRAM are made available to it and approved by the DEPARTMENT as outlined in the Contract Authorization provided to us by the DEPARTMENT.

The SUBRECIPIENT is eligible for contract costs in the amount of **\$30,676**.

The maximum amount of the AUTHORITY funds to be given the SUBRECIPIENT shall not be increased without a prior written amendment to this Contract. DEPARTMENT funds made available to the AUTHORITY, through legislative appropriation, are based on projected revenue estimates. In the event that revenue actually received is insufficient to support the appropriation, it may necessitate a reduction in the maximum amount of said funds available to the SUBRECIPIENT. In such event, the AUTHORITY reserves the right, without notice, to reduce the maximum obligation of funds for the SUBRECIPIENT by the amount of any reduction by the DEPARTMENT to the AUTHORITY.

SECTION 4. - BUDGET ADJUSTMENTS

Budget adjustments must be requested in writing by the SUBRECIPIENT. Upon receipt of the request, the AUTHORITY shall have thirty-five (35) business days to provide written approval or disapproval of the budget adjustment. If no action is taken within thirty-five (35) working days, the budget adjustment shall be deemed approved. Expenditure of funds in excess of any line-item will not be considered an eligible PROJECT cost. The addition of any new line-item, or any line-item changes which represent a deviation from the PROJECT as described in the APPLICATION, shall require a prior written amendment to this Contract.

SECTION 5. - PROJECT COSTS AND REVENUES

The SUBRECIPIENT shall complete and submit to the AUTHORITY the information required by the DEPARTMENT, on the quarterly reporting form (available online at SMARTbus.org), within ten (10) days after the end of each state of Michigan fiscal year quarter. Failure to provide the quarterly report within thirty (30) days after the end of each state of Michigan fiscal year quarter, may result in a loss of a portion of or all funding. The AUTHORITY reserves the right to withhold payment of PROJECT funds if the SUBRECIPIENT fails to file reports as required in this paragraph.

If the SUBRECIPIENT also receives funding under 1951 P.A. 51, Section 10e(4)(a); MCL 247.660e(4)(a), as amended as its cost allocation plans must be submitted to the BUREAU for approval. Any PROJECT costs in excess of revenues reported on the quarterly reporting form will **not** be eligible under any other state and federal program administered by the AUTHORITY or the DEPARTMENT.

Section 6. - BILLING, PAYMENTS AND QUARTERLY REPORTS

Notwithstanding the provisions set-forth in Section 3 of this Contract, the AUTHORITY shall provide to the SUBRECIPIENT the STATE funds designated for the eligible project costs incurred in performance of this Contract within ten (10) business days of the receipt of said funds from the DEPARTMENT.

The AUTHORITY may appropriately reduce payments if written reports submitted by the SUBRECIPIENT as required under this section indicate that the level of service described in the APPLICATION has been reduced.

Actual reimbursement shall be based on a rate per mile, or one-way passenger trips of SPECIALIZED SERVICES up to the maximum amount provided for herein.

The actual reimbursement method selected by the SUBRECIPIENT is \$1.76 per mile, but subject to change.

Should the per-mile rate method be selected by SUBRECIPIENT, actual reimbursement may be subject to change, per DEPARTMENT and/or BUREAU reimbursement rate modifications.

SECTION 7. - TERMINATION OR SUSPENSION

For any violation of this Contract or legislative change, the AUTHORITY may, by thirty (30) days written notice, suspend any and all of the rights and obligations under this Contract until such time as the event or condition resulting in such suspension has ceased or been corrected, or the AUTHORITY may, by thirty (30) days written notice to the SUBRECIPIENT, terminate any and all of the rights and obligations under this Contract.

- ACCOUNTING RECORDS, AUDITS, AND DOCUMENTATION

(a) Establishment and Maintenance of Accounting Records

The SUBRECIPIENT shall maintain books, records, documents, and other accounting records in accordance with generally accepted governmental accounting principles. Said records shall be sufficient to properly reflect all costs of whatever nature claimed to have been incurred or anticipated to be incurred in the performance of the identified PROJECT. To facilitate the administration of the PROJECT, separate records shall be established and maintained. The SUBRECIPIENT shall assure that the records to support the miles traveled and the passengers carried as reported pursuant to Section 6 of this Contract are established and maintained.

(b) Audit

The SUBRECIPIENT shall permit the AUTHORITY and/or the DEPARTMENT or the authorized representatives of the AUTHORITY to audit all data and records relating to the performance of this contract. The SUBRECIPIENT shall retain and allow access to, and require its contractors to retain and allow access to all data and records pertaining to the PROJECT for a period of not less than six (6) years after the final payment by the AUTHORITY pursuant to the Contract.

The period of access, examination, and retention of data and records which relate to litigation or the settlement, of claims arising out of the performance of this Contract, or costs of this Contract as to which exception has been taken by the AUTHORITY or the DEPARTMENT or the authorized representative of the AUTHORITY or the DEPARTMENT, shall continue until such litigation, claims, or exceptions have been disposed of.

(c) Costs Supported by Documentation

PROJECT costs shall be supported by properly executed canceled checks, invoices or vouchers evidencing the nature and propriety of the charges.

(d) Accuracy of Financial Documentation

If a third-party contract is required for rendering of the services herein, then the SUBRECIPIENT is responsible for the accuracy of the financial and non-financial data and reports submitted for reimbursement.

(e) Revenue Expense Guidelines

If the SUBRECIPIENT also receives funding under 1951 P.A. 51, Section 10e(4)(a); MCL 247.660e(4)(a), as amended, determination of PROJECT costs shall be in conformity with the criteria set forth in the DEPARTMENT'S Office of Passenger Transportation's "Local Public Transit Revenue and Expense Manual." All other providers of service shall use the "Specialized Services Manual" (effective October 1, 2015, and any subsequent revisions, amendments and replacements).

SECTION 9. - THIRD-PARTY CONTRACT PROCEDURE

The SUBRECIPIENT shall **not** enter into contracts with third parties for provision of services herein without prior written approval from the AUTHORITY; notice of potential third-party contracts shall be submitted to the AUTHORITY for approval in writing. Approval or denial of said third-party contract will be submitted, in writing, to SUBRECIPIENT by the AUTHORITY. The AUTHORITY shall approve any third-party contracts at its sole discretion.

Approval does not constitute an assumption of liability, a waiver or an estoppel to enforce any of the requirements of this Contract, nor shall any such approval by the AUTHORITY be construed as a warranty of the third-party's qualifications, professional standards, ability to perform the work being subcontracted, or financial integrity.

SECTION 10 - ACCESS

SUBRECIPIENT agrees to provide, and will require its contractors to provide, access by the AUTHORITY and/or the DEPARTMENT to all technical data, reports, documents and work in progress pertaining to the PROJECT. Copies of technical data and reports shall be provided by the SUBRECIPIENT or its contractors to the AUTHORITY upon request.

SECTION 11. - INDEMNIFICATION

Notwithstanding any other provision in this Agreement, SUBRECIPIENT shall indemnify, defend and save harmless AUTHORITY, its officers, agents, employees, 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 the SUBRECIPIENT or its officers, agents, employees, subcontractors, successors or assigns arising out of and/or pursuant to this Agreement without regard to the negligence of the SUBRECIPIENT.

This Agreement is not intended to alter or increase SMART or SUBRECIPIENT'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.

SECTION 12. - ENTIRE AGREEMENT

This Contract, along with any exhibits, addendums, schedules, and amendments hereto, merges and concludes the entire agreement of SUBRECIPIENT and the AUTHORITY. Any previous communications, whether oral or written, are superseded through by this document. The SUBRECIPIENT and AUTHORITY acknowledge, by

executing this document that said parties have not relied on any representation, assertion, guarantee, warranty, ancillary contract or other assurance, except those set out in this AGREEMENT. SUBRECIPIENT hereby waives all rights and remedies, at law or in equity, which may arise as the result of said party's reliance on such representation, assertion, guarantee, warranty, ancillary contract or other assurance, provided that no clause herein shall be construed as a restriction or limitation of said party's right to remedies associated with the gross negligence, willful misconduct or fraud of any person or party taking place prior to, or contemporaneously with, the execution of this Agreement.

SECTION 13. - PROHIBITED DISCRIMINATION

The SUBRECIPIENT shall not discriminate against any passenger because of race, color, sex, age, handicap, religion, ancestry, marital status, national origin, place of birth or sexual orientation in accordance with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", dated August of 1985, which is hereby incorporated by reference.

The SUBRECIPIENT shall not discriminate based upon race, color, creed, national origin, sex, age, disability, height, weight, familial status, marital status, or sexual orientation, in accordance with Civil Rights Act of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6, 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 SUBRECIPIENT 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.

The SUBRECIPIENT shall require similar covenants on the part of any contractor or subcontractor employed in the performance of the PROJECT for which this Contract is made.

SECTION 14. - MBE/WBE

In accordance with 1980 P.A. 278, MCL 423.321 at seq; MCL 445.901 et seq, the SUBRECIPIENT, in the performance of this Agreement, shall not enter into a Contract with a subcontractor, manufacturer, or supplier listed in the register maintained by the STATE, Department of Labor, of employers who have been found in contempt of court by a federal court of appeals, on not less than three (3) occasions involving different violations during the preceding seven (7) years, for failure to correct an unfair labor practice, as prohibited by Section 8 of Chapter 372 of the National Labor Relations Act, 29 U.S.C. 158. The AUTHORITY may void this Contract if the name of the SUBRECIPIENT, or the name of a subcontractor, manufacturer, or supplier utilized by the SUBRECIPIENT in the performance of this Contract subsequently appears in the register during the performance period of this Contract.

SECTION 15. - MISCELLANEOUS PROVISIONS

(a) If any provision of this contract is held invalid, the remainder of this Contract shall not be affected, if any such remainder continues to conform to the provisions and requirements of applicable law.

(b) The SUBRECIPIENT shall commence, carry on, and complete the PROJECT in accordance with all applicable laws. Nothing in this Contract shall require the SUBRECIPIENT to observe, comply, or do any other thing in contravention of any STATE, Local or Federal law.

(c) The SUBRECIPIENT warrants that it has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of SPECIALIZED SERVICES required to be performed under this Contract. The SUBRECIPIENT further warrants that in the performance of this Contract, no person having any such interest shall be employed.

(d) None of the funds, materials, property, or services obtained by the AUTHORITY or the SUBRECIPIENT under this Contract shall be used for any partisan political activity, or to further the election or defeat of any political activity or candidate for public office.

(e) The SUBRECIPIENT shall not assign any interest in this Contract without the prior written approval of the AUTHORITY, however, that compensation due to the SUBRECIPIENT under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment shall be furnished promptly to the AUTHORITY in writing. Any such assignment does not relieve the SUBRECIPIENT of its obligations under this Contract.

(f) If the SUBRECIPIENT enters into any contracts with other governmental agencies for the purposes of providing SPECIALIZED SERVICES outside of its jurisdictional boundaries, as defined and provided by law, it shall immediately provide the BUREAU with a copy of any contracts and true copies of any resolutions passed by its governing board which relate to the providing of service under such contracts.

SECTION 16. - TERM OF CONTRACT

Upon execution, this Contract shall cover the period commencing October 1, 2023, and extending through September 30, 2024.

The SUBRECIPIENT agrees to notify the AUTHORITY of any event which may have significant potential impact on PROJECT progress, direction, control or cost.

SECTION 17. - EXECUTION

This Contract shall become binding on the parties hereto upon the execution thereof by the duly authorized official(s) for the SUBRECIPIENT and the AUTHORITY; and upon the adoption of a resolution approving said Contract and authorizing the signatures thereto of the respective official(s) of the SUBRECIPIENT, a certified copy of which resolution shall be attached to this Contract.

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 HEREBY 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 Parties.

**SUBURBAN MOBILITY AUTHORITY
FOR REGIONAL TRANSPORTATION**

City of Troy

Signature

Signature

Printed Name

Printed Name

Title

Title

Date

Date

Suburban Mobility Authority for Regional Transportation

**EEO COMPLIANCE REPORT A
COMMUNITY PARTNERSHIP FORM**

Agency/Community Information

Program Type: Community Partnership Program (CPP) Specialized Service New Freedom JARC 5310

Name of Agency/Community: City of Troy

Address: 500 W. Big Beaver

City: Troy

State: MI

Zip: 48084

Agency/Community Data

1) Has your agency/community completed in excess of \$1,000,000 in

DOT federally-funded contracts from SMART in the past year?

Yes No

2) Does your agency/community employ over fifty (50) transit related employees?

Yes No

If the answers to the previous two questions were both "Yes", Please forward your agency's/community's Affirmative Action plan to the address below:

Buhl Building
535 Griswold Street, Suite 600
Detroit, MI 48226

Attn: EEO Coordinator

Have all subcontractors been informed of their responsibility to file an EEO Compliance Report A form? Yes No N/A

Drug and Alcohol Testing Program Requirements

Does your agency/community have a DOT Drug and Alcohol testing program for Safety-sensitive employees? (Vehicle operators, dispatchers, mechanics and armed security)

Yes No

Name of drug and alcohol testing manager?

Danielle Carpenter

Title: Human Resources Specialist

Phone Number: 248.680.7282

Ext:

Email: Danielle.Carpenter@troymi.gov

Please Proceed to Employment Data Section on Back



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: April 2, 2024

To: Honorable Mayor and Members of the Troy City Council

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

Subject: Safet and Arban Stafa and Tollbrook et. al v City of Troy

The City was served with the attached lawsuit (without exhibits) filed by Plaintiffs Safet “Sam” Stafa; Tollbrook LLC; Tollbrook West LLC; Tollbrook North LLC; and Arban Stafa against the City of Troy. This lawsuit was filed in the U.S. District Court for the Eastern District of Michigan, and assigned to Federal Judge Nancy Edmunds.

In this complaint, Plaintiff seeks damages and also declaratory and injunctive relief. Plaintiffs argue that the City allegedly violated the First Amendment by treating them differently than other developers, based on their filing of multiple lawsuits against the City. They also assert a second equal protection count, alleging that the City treated Plaintiffs differently than other developers.

A proposed resolution authorizing our office to represent the City’s interest in this matter is proposed for your consideration.

Please let us know if you have any questions concerning this matter.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

Safet Stafa, et al.,

Plaintiff,

v.

Case No. 2:24-cv-10419-NGE-APP
Hon. Nancy G. Edmunds

City of Troy, Michigan,

Defendant.

SUMMONS IN A CIVIL ACTION

To: City of Troy, Michigan

A lawsuit has been filed against you.

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

Cindy Rhodes Victor
29777 Telegraph Road
Suite 2410
Southfield, MI
48034

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

KINIKIA D. ESSIX, CLERK OF COURT

By: s/ L. Granger
Signature of Clerk or Deputy Clerk

Date of Issuance: February 23, 2024



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

**SAFET STAFA, TOLLBROOK, LLC,
a Michigan limited liability company,
TOLLBROOK WEST LLC, a
Michigan limited liability
company, TOLLBROOK
NORTH, LLC, a Michigan limited
liability company, and ARBAN
STAFA,**

Plaintiffs,

Case No.

v.

**CITY OF TROY, MICHIGAN, a
Michigan municipal corporation,**

JURY TRIAL REQUESTED

Defendant.

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

Plaintiffs Safet Stafa, Tollbrook, LLC, Tollbrook West LLC,
Tollbrook North, LLC, and Arban Stafa, by and through their counsel,
hereby state for their complaint against defendant the City of Troy,
Michigan as follows:

NATURE OF THE ACTION AND JURISDICTION

This is a civil action:

(a) arising under the Constitution and laws of the United States and this Court has original federal jurisdiction pursuant to 28 U.S.C. §1331 and 18 U.S.C. §1964;

(b) to redress the deprivation, under the color of law, of the rights, privileges and immunities of plaintiffs secured by the Constitution of the United States providing for equal rights of its citizens and of all persons of any jurisdiction of the United States, and this Court has original jurisdiction pursuant to 28 U.S.C. §1343(3); and

(c) for monetary and declaratory judgment and injunctive relief pursuant to 42 U.S.C. §1983, and this Court has jurisdiction pursuant to 28 U.S.C. §1343(4).

The principal events giving rise to the claims stated herein occurred in this District, and venue is therefore proper in this District pursuant to 28 U.S.C. §1391(b).

This Court has authority to issue declaratory and injunctive relief pursuant to 28 U.S.C. §2201 and §2202.

THE PARTIES

1. Plaintiff Safet Stafa (“Sam Stafa”) is an individual who resides in Oakland County, Michigan. Sam Stafa is Muslim.

2. Plaintiff Tollbrook, LLC (“Tollbrook”) is a Michigan limited liability company organized and existing under the laws of Michigan, with its principal office and place of business located in Oakland County, Michigan.

3. Plaintiff Tollbrook West LLC (“Tollbrook West”) is a Michigan limited liability company organized and existing under the laws of Michigan, with its principal office and place of business located in Oakland County, Michigan.

4. Plaintiff Tollbrook North, LLC (“Tollbrook North”) is a Michigan limited liability company organized and existing under the laws of Michigan, with its principal office and place of business located in Oakland County, Michigan.

5. Plaintiff Arban Stafa (“Arban Stafa”) is an individual who resides in Oakland County, Michigan. Arban Stafa is Muslim.

6. Defendant the City of Troy, Michigan (“the City”) is a municipal corporation with its principal offices in Oakland County, Michigan.

GENERAL ALLEGATIONS

7. Plaintiff Sam Stafa is the managing member of Tollbrook, Tollbrook West and Tollbrook North and many other companies, including Sterling Construction, Inc. (“Sterling Construction”). Sam Stafa, through his companies, has developed numerous properties in the City since at least 2008.

8. Prior to 2016, Sam Stafa and his companies interacted with City staff, the Planning Commission and City Council for development of each of the projects for many years, and the interaction was professional and in accordance with City ordinances, without any incident or difficulty in obtaining approvals or building the projects. Sam Stafa and his companies had a good reputation with the City and its representatives because of the quality of their projects and construction.

9. Sam Stafa, through another one of his companies, Tollbrook, acquired three parcels of property located on the east side of McClure Road, north of Big Beaver, in the City of Troy, which totaled 2.57 acres (“McClure Property”).

10. On June 14, 2016, Tollbrook submitted a request to the City to conditionally rezone the McClure Property from R-1B (One

Family Residential) District to the BB (Big Beaver) District for the purpose of developing the McClure Property as a multi-family housing project called "The Lofts."

11. The McClure Property is located within the area designed as BB (Big Beaver) District on the City Master Plan.

12. The Master Plan designation of BB District responds to the recommendations set forth in the City's Big Beaver Corridor Study, which promotes flexibility with land use relationships including higher density, vertically integrated mixed-use commercial, office and residential towers.

13. The City's Big Beaver Corridor Study and Master Plan promote redevelopment with a greater mix of land uses, particularly new residences, but also encourages the use of prominent ground floor retail, restaurants and cafes allowing visual interest and activity for visitors and residents.

14. City representatives solicited Sam Stafa and promised him that if he and his company, Tollbrook, followed their direction, he would be the trailblazer for the establishment of the Big Beaver Corridor concept by constructing a high-density residential development.

15. City representatives advised Sam Stafa and Tollbrook on what to do to put together the concept for The Lofts.

16. By this time, the City had approved in the same area a tall tower, Monarch, with high-density residential development, which was so tall it had to obtain approval from the Federal Aviation Administration because of a nearby airport. The Monarch project, which consisted of two high-rise towers and townhomes, was approved, but not completely built. The property was sold to another developer and the City approved a Planned Unit Development which allowed a one-story strip mall and a row of detached site-condominiums, even though this was not consistent with the City's Master Plan or the Big Beaver Corridor concept.

17. Tollbrook received comments and ideas from the City Planning Commission and resubmitted its conditional rezoning request to the City on July 27, 2016, December 9, 2016 and January 30, 2017.

18. Each time Tollbrook resubmitted its conditional rezoning request, it made substantive changes to the proposed site plan for The Lofts to accommodate the comments and ideas it received from the City and its representatives.

19. Among other changes which Tollbrook made to the Lofts site plan at the request of the Planning Commission, City staff and planning consultants, before the final request for conditional rezoning and approval of the Lofts site plan, Tollbrook also:

(a) reduced the number of stories from six to three along the northern edge of the building and transitioning to five stories further south;

(b) reduced the number of residential units to 140;

(c) increased the building set back as an additional transitional feature along the northern property line, which is adjacent to single family residential, from 60 feet to 131.12 feet;

(d) revised the mix of units to provide 63 efficiency units;

(e) added to the site plan 24 onsite parking spaces; and

(f) agreed to remove the landscaping along the northern and eastern property lines in order to accommodate additional onsite parking.

20. The final Lofts conditional rezoning request and request for site plan approval, which was submitted to the City on January 30, 2017, showed a tiered three-story to five-story, 140-unit multi-family project with 223 designed parking spaces.

21. Tollbrook also submitted a traffic study that demonstrated that the Lofts project as proposed would have no negative impact on surrounding area roads, land uses or the public in general.

22. Sam Stafa and Tollbrook ensured that the Lofts project complied with all local zoning requirements for the BB District, including parking, as well as the City and Oakland County requirements and standards relating to civil engineering, traffic engineering, environmental concerns, infrastructure, police, fire and emergency rescue.

23. The City Planning Commission met on February 14, 2017, and voted 7-0 to recommend to the City Council that it approve Tollbrook's conditional rezoning request and request for approval of the site plan for The Lofts pursuant to the City Zoning Ordinance Section 16.04.C (Exhibit 1 at 2-4).

24. The City Planning Commission determined that The Lofts project met the requirements of City Zoning Ordinance Section 16.04.C, which require consideration of these factors:

(a) Site design, and specifically the conditions offered by the applicant through the site plan, protects public health, safety and welfare.

(b) The application is consistent with the Master Plan.

(c) Conditions offered by the applicant are consistent with the zoning district proposed.

(d) The site can be serviced with public facilities.

(e) Conditions offered by the applicant ensure compatibility with adjacent land uses and provide the appropriate transition features to mitigate impact of use, intensity and massing.

(Id.).

25. Sam Stafa's religion had never been raised at any time in his interactions with the City and its representatives prior to this point.

26. But after the February 14, 2017 meeting, a local politician, Andrew "Rocky" Raczkowski, who unsuccessfully opposed plaintiffs' project at the Planning Commission meeting, began lobbying the City Council to vote against the conditional rezoning request and approval of the site plan for The Lofts, as he had a professional political relationship with some of them, and incited others living in the surrounding area to join him in these activities.

27. Raczkowski had hired one of Sam Stafa's companies, Sterling Construction, a few years earlier to build his house, but misrepresented the square footage of the house to try to decrease

the price of the house and then refused to pay for it, causing Sterling Construction to have to file suit against Raczkowski (Exhibit 2).

28. Raczkowski told Sam Stafa that he would “bleed [him] to death” and continued making such statements despite receiving a cease-and-desist letter from Sterling Construction’s attorney to Raczkowski’s attorney to stop Raczkowski from disparaging Sam Stafa (Exhibit 3).

29. Raczkowski referred to Sam Stafa as “that Muslim builder” and Sam Stafa began to hear that expression from others as he worked to advance the Lofts project.

30. Raczkowski organized a “Go Fund Me” page to raise money in opposition to the Lofts project (Exhibit 4), created robocalling campaigns against the project, circulated a petition (Exhibit 5) and placed an advertisement against the project in the local newspaper.

31. At the April 10, 2017, City Council meeting, after a public hearing that included incendiary and not fact-based opposition to The Lofts project, the City Council voted 4-3 to deny approval of The Lofts requests, despite the fact that the original proposed motion was to approve the project, and it was pointed out at the meeting that

plaintiffs voluntarily offered and would pay for a number of improvements for the City, listed as conditions in the proposed Conditional Rezoning Agreement, that the proposed rezoning was supported by the Master Plan and advanced the general and specific development policies of the Master Plan, and that the proposed site design mitigated the potential impacts on adjacent properties (Exhibit 6 at 4-7).

32. Plaintiffs were completely blindsided by this decision, and attempted to find out what it could do to remedy the situation, to no avail.

33. After the denial, Sam Stafa wanted to get feedback from then City Council member and now Mayor Ethan Baker, who voted against the project. This surprised Sam Stafa as Baker had voiced no concerns during a telephone conversation regarding the Lofts project before the project was considered.

34. Sam Stafa met with Baker to discuss the denial of the project. Baker told Sam Stafa that if Sam Stafa could not get the project approved if Raczkowski was opposed to him.

35. In discussions Sam Stafa had with Planning Director R. Brent Savidant, Sam Stafa was told that if Raczkowski had not

opposed the Lofts project, Sam Stafa would already be building by that time.

36. Believing that it had no other recourse, on May 4, 2017, Tollbrook filed a complaint alleging violation of its constitutional right to substantive due process pursuant to 42 U.S.C. §1983, among other claims.

37. Once Tollbrook filed suit, the City made it clear, through the actions taken against all plaintiffs from that date to the present, that Sam Stafa and any company he owned and his son, Arban Stafa, would be stopped and delayed and hindered in any building project that any of the plaintiffs attempted in the City, in retaliation for plaintiffs having exercised their First Amendment rights by seeking redress through the courts.

38. The City's actions, as detailed below, are retaliatory actions in violation of plaintiffs' constitutional rights, as guaranteed by the First Amendment to the U.S. Constitution, and a deprivation of plaintiffs' rights to equal protection of the law, as guaranteed by the Fourteenth Amendment to the U.S. Constitution.

39. After the denial by the City Council on April 10, 2017, plaintiffs again applied to re-zone to BB zoning the McClure Property

and properties nearby that plaintiffs owned on Alpine Drive ("the Alpine Drive Property"), but without any rezoning conditions (the City refers to these types of requests as "straight" rezoning requests).

40. The City initially would not take plaintiffs' rezoning requests, for no legitimate reason, but finally placed the McClure Property and the Alpine Property projects on the agenda of the May 28, 2019 meeting of the Planning Commission, which denied the request (Exhibit 7 at 2-8).

41. In correspondence to the City Council regarding the McClure Property dated July 15, 2019, Robert J. Bruner, Assistant City Manager, and R. Brent Savidant, Planning Director, stated the standards to be met for a proposed rezoning:

1. The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following:
 - a. A change in policy since the Master Plan was adopted.
 - b. A change in conditions since the Master Plan was adopted.
 - c. An error in the Master Plan.
2. The proposed rezoning will not cause nor increase any non-conformity.

3. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by the use of the development.
4. The rezoning will not impact public health, safety, or welfare.
5. The rezoning will ensure compatibility with adjacent uses of land.

(Exhibit 8).

42. Almost identical correspondence was sent to the City Council regarding the Alpine Drive Property (Exhibit 9).

43. When Tollbrook submitted its rezoning application for the McClure Property, it proposed to construct two structures, a three-story mixed use office/residential building and a three-story apartment building, which was clearly spelled out in the application (Exhibit 10).

44. When Tollbrook West submitted its rezoning application for the Alpine Drive Property, it proposed a three-story mixed use office/residential building, which was clearly spelled out in the application (Exhibit 11).

45. As noted in the correspondence to City Council, the City's zoning ordinance requires the applicant to indicate a proposed use of the property, but it is not binding on the applicant and the City has no

ability to take any action on the concept plan as part of the rezoning application process (Exhibits 8 and 9).

46. On July 22, 2019, the City Council denied the “straight” rezoning requests of both Tollbrook and Tollbrook West (Exhibit 12).

47. The City Council’s reasons for both denials were almost identical (*Id.*).

48. While the City Council admitted that the rezoning was compatible with the Master Plan, it denied the rezoning applications primarily on the basis that the future use of the properties was unknown, despite the fact that plaintiffs had clearly identified their intended future use (*Id.*).

49. The City’s actions in blocking and preventing plaintiff from developing the McClure Property and the Alpine Drive Property were unwarranted and wrongful and part of a municipal policy to wrongfully harass plaintiffs and were in retaliation for plaintiffs having exercised their First Amendment rights to seek redress from the courts and contrary to plaintiffs’ rights to equal protection of the law.

50. On November 12, 2019, Sam Stafa entered into an Agreement of Sale conditioned on site plan approval, to purchase a 5.72-acre parcel on the west side of Crooks Road, just north of

Wattles Road, in the City of Troy (“Crooks Road Townhomes Project”).

51. Given what had occurred with the McClure Property and the Alpine Drive Property, Sam Stafa confirmed that the proposed use was permitted as a right. Multi-family residences were permitted by right in the Neighborhood Node (“NN”) Zoning District.

52. Plaintiffs made sure that the site plans that they submitted to the City Planning Commission complied with the NN District requirements and that they and their consultants were responsive to any request from the City.

53. Despite these efforts, the City made it clear to plaintiffs that the Crooks Road Townhomes Project would never be approved.

54. The City continually delayed consideration of the Crooks Road Townhomes Project.

55. Every time plaintiffs requested consideration of the Crooks Road Townhomes Project, the City found some way to delay or not schedule that consideration.

56. The City forced plaintiffs to meet with the neighbors and send them a mailing piece, even though that is not required by the City Zoning Ordinance.

57. The City created a special group called the “Development Review Committee” to meet about the Crooks Road Townhomes Project, even though no such committee was authorized by the Zoning Ordinance, and refused to allow plaintiffs to attend the Development Committee meeting, at which there was no agenda (Exhibit 13).

58. After having had plaintiffs’ plans for several months, the City intentionally delayed informing plaintiffs of something readily apparent to the City - that plaintiffs’ initial site plans included a parcel that was not zoned “NN” which would have to be removed, causing the entire site plan to be configured; otherwise, plaintiffs would have to submit a new application to rezone the property (Exhibit 14).

59. The City waited until there was a meeting of the so-called “Development Review Committee,” which allegedly involved multiple City departments such as fire, assessment and City management, to advise plaintiffs of this issue (*Id.*)

60. It became apparent to plaintiffs and their outside planning and design professionals that the City would use any tactic it could to kill the project, so that plaintiffs’ planning professional advised plaintiffs, “It is really lousy that they waited months before saying

anything and they are either horrible planners or just plain vindictive”
(*Id.*).

61. After repeated requests by plaintiffs, the Crooks Road Townhomes Project was finally placed on the Planning Commission’s agenda on September 24, 2019.

62. At the meeting on September 24, 2019, the Planning Commission tabled the decision on approving the site plan for the Crooks Road Townhomes Project (Exhibit 15 at 2-4).

63. Plaintiffs then purchased a three (3) acre parcel to the south of the Crooks Road Townhomes Project to avoid the access issue on which the City had raised.

64. Immediately thereafter, Sam Stafa commissioned architectural and engineering firms to make modifications to a preliminary site plan for the Crooks Road Townhomes Project, which was submitted to the City in November, 2019 and placed on the agenda of the Planning Commission for its meeting scheduled for January 14, 2020 (Exhibit 16).

65. Plaintiffs’ preliminary site plan for the Crooks Road Townhomes Project was for the construction of 74 townhomes in 13 buildings, a permitted use under the existing Neighborhood Node

(NN) District zoning. The plan required no variances, waivers or exceptions. Moreover, the planned project was modest in size and scope and met all the requirements under the applicable NN ordinance.

66. The City's planning consultant, Benjamin Carlisle, issued a report dated January 7, 2020, which found that the proposed use was appropriate for the site (Exhibit 17). It set forth a few requests and recommended postponing consideration of the project so that plaintiffs could address the requests (*Id.*).

67. Because plaintiffs had been delayed so long, their planning professional immediately addressed the concerns, sending email correspondence to R. Brent Savidant and Benjamin Carlisle to confirm this, so that the Crooks Road Townhomes Project could be considered at the January 14, 2020 Planning Commission Meeting (Exhibit 18).

68. Yet at its January 14, 2020 meeting, the Planning Commission raised different issues, causing plaintiffs to have to seek to have consideration of the Crooks Road Townhomes Project postponed "to allow an opportunity to respond to and investigate comments made this evening (Exhibit 19).

69. The minutes of the January 14, 2020 Planning Commission meeting state that “[Assistant City Attorney] Dufrane interjected the discussion to state the proposed development is permitted by right on the subject property (Exhibit 19 at 5).

70. At this same Planning Commission meeting, the next agenda item, “Square Lake Court Townhomes,” was also a three-story townhome project in a Neighborhood Node (NN) District. The Planning Commission approved this project’s site plan at this first meeting and allowed it to address any technicalities administratively (*Id.* at 6).

71. Square Lake Court Townhomes was objectively more intense than the Crooks Road Townhomes on a unit per-acre basis. The City Planning Department received email correspondence from Arban Stafa outlining a comparison between the project on January 15, 2020, which showed:

	<u>Crooks Rd Townhomes</u>	<u>Square Lake Court</u>
Application Type	Preliminary Site Plan	Preliminary Site Plan
Proposed Use	Townhome Attached	Townhome Attached
Zoning	NN-I Site Type B, Street Type A	NN-N Site Type B, Street Type A
Setback (Adjacent to Single Family)	40 ft	34.54 ft
Height	33-1 Ft	34-4 ft
Stories	3	3
Guest Parking	34	No Dedicated Guest Parking as per submitted plans
Acres	5.72	0.87
Units	74	14
Density Units/Acre	13 per acres	16 an acres
Site Landscaping	55%	30%

(Exhibit 20).

72. Additionally, the comments of the Planning Commission were drastically different between the two projects, even though the two projects were very similar. As Arban Stafa stated in his January 15, 2020 email correspondence:

Certain planning members had issues with our height, density, impact, compatibility adjacent to single family, lack of "park like features" while, a Square Lake Court a similar denser project with less green space and adjacent to single family residential was approved at the Planning Commission meeting yesterday 1/14/2020 with no issues at all brought up by the Planning Commission members other than a cross access with another property.

(Id.).

73. At its January 13, 2020 meeting, the City Council appointed an opponent of plaintiffs, Marianna Perakis, as a Planning

Commission member (Exhibit 21 at 2). Perakis was a vocal opponent of plaintiffs' McClure and Alpine projects, angrily speaking at multiple public hearings and even appearing on a WXYZ-TV Channel 7 news clip (<https://www.youtube.com/watch?v=nNtS2vD11Ew>)

74. Perakis uses an aggressive tone against any project of plaintiffs, and plaintiffs have requested her recusal on multiple occasions at public meetings, but she has refused to recuse herself (Exhibit 19).

75. The Oakland County Sheriff's Department has investigated Perakis and others for placing fake signatures on petitions (Exhibit 22).

76. The City's retaliation against plaintiffs did not stop with rejection of the Crooks Road Townhomes Project.

77. In December, 2019, plaintiffs submitted a site plan application for a project called "The Westington" ("the Westington Project").

78. This site was also located in the southeast corner of Wattles Road and Crooks Road and was also zoned Neighborhood Node (NN) District, a district in which multi-family residences are permitted by right.

79. To try to stir up controversy and public backlash from the public for plaintiffs' the Westington Project, the City singled out the project and initially placed a "Site Plan Application" A-frame sign in front of the property, even though, at the time, signage was only mostly placed on properties that involved public hearings, which this application did not require (Exhibit 23).

80. Sam Stafa returned the sign to the City Planning Department, notifying the City that it did not consent to the placement of an A-frame sign, as the Site Plan Application form did not contain language which gave the City permission to place a sign on the property, unlike other applications which required a public hearing and which contained language allowing the City to place signs on the subject property (Exhibit 24).

81. The City then created installed a custom-made mounted metal sign it made for the Westington Project, but then came back and removed the sign.

82. The neighbors in the front of the property told Sam Stafa that they were amused by the back-and-forth games the City was playing with signage on plaintiffs' property.

83. The City then stated it would revise the Site Plan Application form after Sam Stafa pointed out that there was no language in the application that allowed the City to post signs on plaintiffs' property (*Id.*).

84. The City continued its pattern of unreasonable delays in considering the Westington Project.

85. Plaintiffs made several requests for the status of when the Westington Project would be placed on the Planning Commission's agenda, but were told it was still "under review" (Exhibit 25).

86. The City finally advised plaintiffs that the request for approval of the site plan for the Westington Project would be placed on the February 25, 2020 agenda of the Planning Commission.

87. However, contrary to past practice with other applicants, the City refused to provide plaintiffs with its planning consultant's report to give the time and opportunity to make corrections and revisions, as required before being considered by the Planning Commission. Instead, the report was withheld from plaintiffs and only released with the distribution of the public agenda, which is released on the afternoon of the Friday immediately preceding the Tuesday meeting, which is one business day prior to the meeting.

88. Having been through this routine before, plaintiffs asked to have the request for approval of the site plan for the Westington Project removed from the February 25, 2020 Planning Commission agenda so that revisions and corrections could be made to the plans (Exhibit 26).

89. As to the Crooks Road Townhomes Project, plaintiffs made changes to the site plan based on the comments of the Planning Commission and the public at the January 14, 2020 meeting and submitted a revised plan on March 16, 2020.

90. The City refused to reschedule the hearing on the Westington Project in March, 2020, and did not schedule the hearing until the April 14, 2020 Planning Commission meeting.

91. Then, on April 7, 2020, citing the Governor's "Stay at Home" order, the City cancelled the Planning Commission meeting (Exhibit 27), and refused to hold the meeting through remote access, even though City Council meetings, which had significant public comment, were being held through remote access.

92. On May 11, 2020, the City advised plaintiffs that it would not hold a remote access hearing on the Westington Project because

of challenges providing resident input during remote public meetings (Exhibit 28).

93. Plaintiffs wrote back to the City about this decision, since the agenda item was just for a site plan which did not require a noticed public hearing (Exhibit 29).

94. On May 13, 2020, the City responded that the Westington Project was being treated differently because it was in a Neighborhood Node district which would bring significant public participation (Exhibit 30).

95. Yet on April 28, 2020, the City Planning Commission held its meeting through remote access and approved a site plan for another developer's project which was also in a Neighborhood Node District (Preliminary Site Plan Review File Number SPJPN2020-0004), which was similarly-situated to plaintiffs' Westington Project (Exhibit 31 at 4-5).

96. On May 26, 2020, plaintiffs sent email correspondence to the City, pointing out the differences in treatment of another similarly-situated project, Square Lake Court, and plaintiffs' Westington Project (Exhibit 32).

97. The City delayed consideration of the Westington Project for eight months, refusing to hold a Planning Commission meeting to consider the project for a variety of changing reasons, while holding City Council meetings by remote access (Exhibit 33).

98. For example, having finally scheduled the Westington Project for the October 13, 2020 Planning Commission meeting, the City canceled it on October 12, 2020, claiming that the decision of the Michigan Supreme Court striking down the Governor's emergency orders made it not possible for the City to hold a meeting through remote access (Exhibit 34).

99. Yet on the evening of October 12, 2020, the City held its City Council meeting by remote access, *after* having notice of the Michigan Supreme Court decision.

100. The City finally placed the Westington Project's preliminary site plan on the Planning Commission's agenda for the October 27, 2020 meeting after waiting since March 2020 for placement of the Westington Project on the agenda.

101. The City finally placed the Crooks Road Townhomes Project's preliminary site plan on the Planning Commission's agenda

for the November 10, 2020 meeting even though the revised preliminary site plan had been submitted on March 16, 2020.

102. As part of the City's attempt to further stir up controversy and try to bring public attention to the Westington Project, Mayor Baker posted on his Facebook, Instagram, and Twitter regarding that the Westington Project would be going before the City Planning Commission.

103. Mayor Baker had never posted on his social media platforms in the past regarding any similar project seeking site plan review at a Planning Commission meeting.

104. When Arban Stafa sent email correspondence to Mayor Baker on October 11, 2020, regarding this unusual behavior, Mayor Baker stated that he "wanted to make sure the public was aware of the meeting(s)..." (Exhibit 35).

105. Despite repeated requests over the eight months that the City had the Westington Project's preliminary site plan submittal, plaintiffs only received the report of the planning consultant one business day before the Planning Commission meeting.

106. Plaintiffs learned that now the City was claiming that there were issues as to compatibility and transition.

107. On November 10, 2020, the Planning Commission denied Stafa's request for approval of the preliminary site plan for the Crooks Road Townhomes Project, first using safety as a reason, and then when it was pointed out that plaintiffs met the safety requirement, it was changed to the unsubstantiated statements of "lack of compatibility and inadequate transition" (Exhibit 36 at 6-9).

108. The Crooks Road Townhomes Project is the first time a permitted-by-right site plan application, which sought no variances, had ever been denied in the history of the City.

109. Instead of administering its site plan "design standards" to plaintiffs' site plan, the Planning Commission used its "design standards" as a purported basis to deny approval of a site plan that was permitted as of right under the Zoning Ordinance, even though there is no statute or City ordinance which permits this action or which permits the Planning Commission to legislate, in effect, by denying a use granted as of right under the Zoning Ordinance.

110. Plaintiffs appealed the decision to the City Zoning Board of Appeals ("ZBA"), which denied the appeal on January 19, 2021 (Exhibit 37).

111. The City finally approved the Westington Project on December 8, 2020.

112. The City Council then appointed Gerald Rauch to the Planning Commission, with his first Planning Commission meeting occurring on January 12, 2021. Mr. Rauch was known as an outspoken opponent of the Crooks Road Townhomes Project. Mr. Rauch also filed a motion to intervene to be named as a co-defendant with the City in a prior lawsuit related to the Crooks Road Townhomes Project.

113. After Mariana Perakis, Mr. Rauch is the most well-known and outspoken opponent of plaintiffs' projects.

114. With the appointment of Ms. Perakis and Mr. Rauch, the City intentionally placed two well-known opponents of any project brought by plaintiffs on the City Planning Commission.

115. Knowing what plaintiffs intended to do with their properties adjacent to the Westington Project, the City took steps to ensure that the projects would not be economically feasible and to hinder plaintiffs' development of their projects.

116. In May, 2021, the City scheduled a public hearing before the City Council on a Zoning Ordinance text amendment ("ZOTA

255”). The text amendment set forth in ZOTA 255 substantially changed Section 5.06.E.3 of the Zoning Ordinance. Section 5.06.E.3(c) added a new restriction that buildings on parcels abutting a one-family residentially zoned parcel could not exceed 2.5 stories and 30 feet in height (Exhibit 38). It also added Section 5.06.E.3(d), “Setback and Greenbelt,” which were not part of Section 5.06.E.3 before (*Id.*).

117. ZOTA 255 was directed to and specifically affected plaintiffs’ properties.

118. Plaintiffs had properties adjacent to the Westington Project for which they were preparing new site plan applications for submittal to the City and the City was aware of this fact as early as the pre-application meeting for the Westington Project.

119. One of the projects for which plaintiffs were preparing an application - Hills West, located at 3902 Crooks Road in the City of Troy - has no one-family homes adjacent to it, but it was adversely affected by ZOTA 255 because there was allegedly a one-family residentially zoned parcel adjacent to it, which actually was an unbuildable private road.

120. ZOTA 255 used the word “parcel” - which includes all parcels whether buildable or non-buildable - instead of “lot,” which the Zoning Ordinance defines as “parcel of land occupied, or intended to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance” (Exhibit 39 at page marked 20).

121. Article 2 of the Zoning Ordinance, which sets forth definitions, does not contain a definition of “parcel” (Exhibit 39).

122. ZOTA 255 was not narrowly tailored and was intentionally drafted in an overbroad way to adversely affect plaintiffs’ property as the plaintiffs owned the only property in the NN District that was not adjacent to any buildable one-family lot but was located next to a private road, Barilane Drive.

123. ZOTA 255 drastically reduced the permitted scale and units allowable on the Hills West property.

124. ZOTA 255, as applied, is invalid as it only targets 3902 Crooks Road - the Hills West Project, as it is the only property in a Neighborhood Node District that is not adjacent to one-family lots.

125. The City has continued its retaliatory actions against plaintiffs.

126. On September 8, 2021, Sam Stafa sent email correspondence to the City Engineering Department asking when the building permit for Building “D” of the Westington Project would be released (Exhibit 40).

127. The City Engineer responded to this email correspondence by stating, “The engineering department will recommend building permit issuance for individual buildings on a project site when the buildings in question have utility service and unrestricted paved access” (*Id.*).

128. Arban Stafa sent email correspondence to the City Engineer on September 10, 2021, advising that there was another project, “The Regency of Troy,” on Maple Road just east of Axwell that was currently being built vertically where there is no “unrestricted paving access” and no “utility service,” and providing a picture of this construction (*Id.*).

129. It was only after it was clear that there was disparate treatment did the City release the building permits for Building D of the Westington Project.

130. Plaintiffs submitted the Hills West and Westington Phase II Preliminary Site Plan application on October 14, 2021 for a combined 60-unit, two and one-half story multi-family apartments in four buildings. Multi-family apartments are permitted by right in the Neighborhood Node (NN) District.

131. The Hills West and Westington Phase II properties were adjacent to the approved Westington Project, which was under construction at that time.

132. The Planning Commission on January 25, 2022 reviewed plaintiffs' site plan application and denied the application for Hills West and Westington Phase II based on subjective and vague reasoning without explanation or support, even though the project fully complied with the NN zoning standards as well as the newly enacted ZOTA 255 (Exhibit 41).

133. At this point in time, the only projects in the history of the City of Troy that were permitted uses by right that were denied were plaintiff's projects - the Crooks Road Townhomes Project, Hills West and Westington Phase II.

134. On March 3, 2022, the City sent plaintiffs' then-counsel a letter demanding all communication by plaintiffs with the City must be

directed solely to the City Attorney's office, unlike the way other developers in the City could communicate with the City (Exhibit 42). The City's letter even stated that plaintiffs could not communicate with anyone else in the City because they had brought litigation against the City (*Id.*). Any planning related questions had to be brought to the City Attorney's office instead of the Planning Director, unlike the manner in which the City treated other developers.

135. Plaintiffs' then-counsel responded to the City Attorney regarding this letter on March 8, 2022, pointing out the disparity, to no avail (Exhibit 43).

136. Arban Stafa then sent email correspondence on March 16, 2022 to City representatives about the City's difference in the treatment of plaintiffs contrasted to the treatment of others (Exhibit 44).

137. Because the City refused to have communication with plaintiffs other than through the City Attorney's office, correspondence between plaintiffs and the City departments would often be delayed and it would take longer to get a response than it would have had the City department been able to correspondence directly with plaintiffs.

138. In 2022 the City announced that it was amending its master plan as to the Neighborhood Node Districts, the districts in which the majority of plaintiffs' properties are located, and set up a sub-committee of a few Planning Commission members to discuss the changes to the master plan.

139. On April 13, 2022, plaintiff Arban Stafa sent email correspondence to the City, requesting that the subcommittee meetings be recorded and uploaded to YouTube, just as the City did for its Planning Commission meetings (Exhibit 45).

140. The City did not respond until April 29, 2022, stating that the City could not do that because, "The City only has limited IT staff available to record and broadcast meetings, and the priority is to record City Council meetings and those meetings authorized to be recorded by City Council such as regular meetings of ZBA and Planning Commission" (Exhibit 46).

141. After the Hills West and Westington Phase II site plans were denied on January 25, 2022, plaintiffs submitted new site plan applications and was seeking clear feedback from the City on how they would comply with the zoning ordinance, as the site plan applications were for developments that were permitted as of right.

142. Plaintiffs noticed, through their attendance at Planning Commission meetings, that when the Planning Department reports for projects ended in a “recommendation,” the Planning Commission subsequently approved the projects.

143. The City Planning Director confirmed this occurrence in an interview reported in a news article, in which he stated, “Generally speaking, if they meet all of the requirements, we recommend approval and they can get approval at the first meeting” (Exhibit 47). In that same article, the Planning Director stated, “When you have a high degree of predictability, investors like that” (*Id.*).

144. Plaintiffs realized that, as to their site plan applications for the Crooks Road Townhomes Project, Hills West and the Westington Phase II properties, the City’s analysis did not end with a recommendation.

145. On May 9, 2022, plaintiffs asked the City if they could expect a recommendation if the plans were revised and updated according to the comments in the reports provided by the City (Exhibit 48).

146. In an attempt to seek transparency and put an end to the “hide the ball” games which the City was playing with plaintiffs as to

the zoning ordinance requirements for a by-right site plan application, Arban Stafa requested what plaintiffs would need to do to receive a recommendation from the planning department (*Id.*).

147. Arban Stafa asked, in multiple subsequent email correspondence, what plaintiffs would need to do to the plans obtain a recommendation from City Planning Department (*Id.*).

148. The City refused to provide any straightforward answers as to how plaintiffs could update the plans to obtain a recommendation from the Planning Department.

149. Then, in the next month, June 2022, plaintiffs noticed that the City's reports for the items on the agenda had been changed so that all recommendations were withheld.

150. The City enacted the policy change of removing any and all recommendations from reviews of site plan applications in June, 2022 without notice and without any discussion or vote at a Planning Commission meeting or City Council meeting.

151. Shocked by this abrupt change in policy which occurred only after plaintiffs requested feedback on the site plan applications,

plaintiffs researched this matter and learned that the City had an extensive history of providing recommendations for site plan review letters and had been issuing recommendations for over 33 years.

152. Arban Stafa sent to the City email correspondence on August 24, 2022 regarding this radical change from the pattern and history of how the City acted as to site plan applications, and even included a portion of a site plan review from the Planning Commission meeting of December 12, 1989, showing that recommendations were included as far back as that date (Exhibit 49).

153. At a meeting on August 23, 2022, among plaintiffs, the Assistant City Attorney, the City Planning Director and the City planning consultant, the City representatives told plaintiffs that the deletion of recommendations was a “change in policy.” Arban Stafa summarized this meeting in email correspondence to the City sent on August 24, 2022 (*Id.*).

154. In response, the City sent plaintiffs email correspondence which stated, “The decision to discontinue providing recommendations evolved over a period of time based on feedback from members of Troy’s Planning Commission. It is not

unconstitutional to refrain from providing a recommendation concerning a preliminary site plan review” (Exhibit 50).

155. However, review of the City records shows that there is no evidence of any Planning Commission discussions, notices or requests for the removal of recommendations, a common City policy for over the past 33 years.

156. The Michigan Zoning Enabling Act, M.C.L. 125.3303(2), provides that “The zoning commission shall consider any information and **recommendations** furnished by appropriate public officials, departments or agencies” (emphasis added).

157. Under M.C.L. 125.3303(2), the Planning Commission shall consider recommendations from the planning professionals, not request that their recommendations be removed as the Planning Commission began to do as of mid-2022.

158. The City continued to harass plaintiffs by whatever means it could. For example, on November 18, 2022, David Barkeley and Sam Stafa sent correspondence to the City of Troy Building Department regarding the extensive costly delays, unprofessional, disrespectful and condescending treatment which they received from

one of the City's inspectors, Jeff Sargent (Exhibit 51, with cover email correspondence dated November 21, 2022).

159. The City Council agenda for August 21, 2023 indicated that it would consider releasing a draft amended City of Troy Master Plan for a 63-day public review period (Exhibit 52).

160. On August 14, 2023, Robert J. Bruner, Deputy City Manager, Meg Schubert, Assistant City Manager and R. Brent Savidant, Community Development Director sent to the City Council regarding "CITY OF TROY MASTER PLAN - Release Draft Master Plan for Public Review" (Exhibit 53).

161. Plaintiffs' McClure and Alpine Drive properties were not included as part of the revised City Master Plan.

162. Yet on August 21, 2023, just before the City Council meeting, at the direction of Mayor Baker, there was a late submittal to "adjust" the Big Beaver boundary line, removing plaintiffs' McClure and Alpine Drive properties from the BB (Big Beaver) District (Exhibit 54).

163. The revised Future Land Use Map was not even approved by the Planning Commission, yet it was presented to the City Council on August 21, 2023.

164. This action was directed solely against plaintiffs, as the August 21, 2023 late submittal demonstrates, as it refers only to the areas owned by plaintiffs on Alpine and McClure and on the intersection of Crooks Road and Wattles (*Id.*).

165. On December 11, 2023, plaintiffs attempted to submit a rezoning application to the City, in the same manner as would any other developer, but R. Brent Savidant advised plaintiffs that they could not submit the rezoning application to the City Planning Department but instead had to submit it to Assistant City Attorney Julie Q. Dufrane.

166. On December 11, 2023, Arban Stafa sent email correspondence to Assistant City Attorney Dufrane, with the applications attached.

167. On December 27, 2023, Arban Stafa sent the applications with payment for the required City fee to the City Attorney's office by Federal Express (Exhibits 55 and 56).

168. On January 4, 2024, Assistant City Attorney Dufrane sent email correspondence to plaintiffs' counsel, indicating that the applications were being returned unprocessed because there was an appeal before the Michigan Court of Appeals as to the properties,

without reviewing the applications as to what the rezoning requests constituted (Exhibit 57).

169. The City has also taken other retaliatory actions against plaintiffs, including not issuing permits to which they were entitled on other projects in the City, and after a history of issuing recommendations, ceasing to do that when it is a project of plaintiffs.

170. The City has no legitimate basis for its actions against plaintiffs.

171. The City's actions in blocking and preventing plaintiffs from developing their properties were unwarranted and wrongful and part of a municipal policy to wrongfully harass plaintiffs and were in retaliation for plaintiffs having exercised their First Amendment rights to seek redress from the courts.

172. Because of the City's actions, plaintiffs have been significantly damaged, including but not limited to the loss of the income from the development of the properties, the loss of the increased asset valuation of the properties once they were developed, the loss of goodwill and reputation and other damages.

173. By treating plaintiffs differently than similarly-situated property owners and developers to plaintiffs' detriment, the City has

violated plaintiffs' right to equal protection of the law, as guaranteed under the Fourteenth Amendment of the United States Constitution.

174. By depriving plaintiffs of their right to petition the government and speak to the Township's staff and elected officials, and by taking retaliatory actions against plaintiffs, the City has violated plaintiffs' constitutional rights, as guaranteed under the First Amendment of the United States Constitution.

175. The City's actions toward plaintiffs are harassing and have made it unfeasible for a successful development of plaintiffs' properties.

176. The City's actions have caused plaintiffs to suffer injury and economic loss, and to incur other compensable damages.

177. The City's actions have had a negative impact on plaintiffs' goodwill and reputation.

178. The City has made it clear that it will never let plaintiffs develop their properties.

179. Because of the nature of the injuries which the City has inflicted and will continue to inflict on plaintiffs, plaintiffs may not have a complete remedy at law and therefore seek injunctive relief from this Honorable Court.

180. The incidents set forth in the preceding paragraphs are just a few examples of the unlawful harassment directed by the City against plaintiffs.

181. The City's policy to unlawfully harass plaintiffs and deny plaintiffs their fundamental rights has caused plaintiffs injury in their business and property.

182. The City has knowingly and intentionally caused plaintiffs to be unable to recoup anything from the large amount of money and time plaintiffs have invested in their properties or obtain the profits which they would have received upon development of the properties.

183. The City's wrongful and harassing activities are municipal actions and are inherently arbitrary and a deliberate misuse of governmental power.

COUNT I

Deprivation of Rights under the First Amendment Brought Pursuant To 42 U.S.C. §1983

184. The allegations set forth in paragraphs 1 through 183 are incorporated herein by reference.

185. The City, through its actions, has deprived and continue to deprive plaintiffs of federally protected rights, privileges and immunities provided by federal law and the United States

Constitution, and plaintiffs are thereby entitled to damages for the City's deprivation of plaintiffs' constitutional rights under the First Amendment to the United States Constitution, for which plaintiffs can bring a claim through the mechanism of 42 U.S.C. §1983.

186. The United States Supreme Court has held that the First Amendment protects against retaliation for speech on matters of public concern and affords citizens the right to petition their government for redress.

187. The United States Supreme Court has held that a government may not deny a benefit to a person on the basis that infringes on his constitutionally protected interests, including the right to criticize the government on matters of public concern.

188. Plaintiffs had the right to petition the government by filing suit against the City.

189. Plaintiffs had the right to petition the governing body of the City Council for redress without retaliation.

190. Plaintiffs had the right to criticize the City's actions and bring to their attention matters of public concern.

191. The retaliatory actions of the City against plaintiffs based on plaintiffs' exercise of their rights under the First Amendment to the

United States Constitution deprived plaintiffs of their constitutionally-protected rights under the First Amendment to the United States Constitution.

192. The policies and actions of the City were based on considerations other than those proper to the good-faith administration of justice and lay far outside the scope of legitimate action.

193. As a direct and proximate result of the actions of the City, plaintiffs have suffered and continue to suffer injury, including irreparable harm.

194. Because of the nature of the actions of the City, which had the effect of destroying the business opportunities of plaintiffs, plaintiffs do not have a complete and adequate remedy at law, and injunctive relief is necessary.

195. Because of the retaliatory actions by the City against plaintiffs for their exercise of their rights under the First Amendment to the United States Constitution, and because the City's actions show reckless disregard and callous indifference for plaintiffs' federally protected rights, plaintiffs are entitled to all compensatory and other

damages incurred, including costs and attorney fees pursuant to 42 U.S.C. §1988.

WHEREFORE, plaintiffs respectfully request that this Honorable Court enter an order granting the relief requested in the Request for Relief below and enter a judgment in their favor and against the City for their damages, plus costs, interest and attorney fees.

COUNT II

Deprivation of Rights to Equal Protection of the Law Brought Pursuant To 42 U.S.C. §1983

196. The allegations set forth in paragraphs 1 through 195 are incorporated herein by reference.

197. The City, through its actions, have deprived and continues to deprive plaintiffs of federally protected rights, privileges and immunities provided by federal law and the United States Constitution, and plaintiffs are thereby entitled to damages for the City's deprivation of plaintiffs' constitutional rights to equal protection of the laws, for which plaintiffs can bring a claim through the mechanism of 42 U.S.C. §1983.

198. The City's actions in selectively targeting plaintiffs and their properties, as set forth in the preceding paragraphs, for enforcement of alleged internal procedures and for not approving site plans for plaintiffs' properties deprived plaintiffs of their constitutionally-protected right to equal protection of the law under the Fourteenth Amendment of the United States Constitution.

199. Plaintiffs were selectively treated in adverse ways by the City, as set forth in the preceding paragraphs.

200. Plaintiffs were treated adversely and differently than other property owners, who were similarly situated to plaintiffs, based on plaintiffs' religion, as Stafa is Muslim.

201. The City has a pattern and practice of treating Muslims differently than others similarly-situated and adversely.

202. Plaintiffs were treated adversely and differently than other property owners, who were similarly situated to plaintiffs, and plaintiffs constitute a class of one.

203. The policies and actions of the City were based on considerations other than those proper to the good-faith administration of justice and lay far outside the scope of legitimate action.

204. As a direct and proximate result of the City's actions, plaintiffs have suffered and continue to suffer injury, including irreparable harm.

205. Because of the nature of the City's actions, which had the effect of destroying the business opportunities of plaintiffs, plaintiffs do not have a complete and adequate remedy at law, and injunctive relief is required.

206. Because of the City's deprivation of plaintiffs' rights to equal protection of the law, and because its actions show reckless disregard and callous indifference for plaintiffs' federally protected rights, plaintiffs are entitled to all compensatory and other damages incurred, including costs and attorney fees pursuant to 42 U.S.C. §1988.

WHEREFORE, plaintiffs respectfully request that this Honorable Court enter an order granting the relief requested in the Request for Relief below and enter a judgment in their favor and against the City for their damages, plus costs, interest and attorney fees.

REQUEST FOR RELIEF

Plaintiffs Safet Stafa, Tollbrook, LLC, Tollbrook West LLC, Tollbrook North, LLC and Arban Stafa respectfully request that this Honorable Court enter a judgment for actual, compensatory, incidental and consequential damages on all of plaintiffs' claims in an amount to be determined by a jury and entered by this Honorable Court, plus costs, interest, exemplary damages, and attorney fees, and that this Honorable Court also enter an order that:

A. Preliminary and permanently enjoins the City of Troy and its agents, successors, representatives, assigners or any or person or entity acting for or on its behalf, from depriving plaintiffs of their constitutional rights in retaliation for their exercise of their rights under the First Amendment of the United States Constitution and from denying plaintiffs equal protection of the laws and their rights under the Fourteenth Amendment of the United States Constitution;

B. Preliminary and permanently enjoins the City of Troy and its agents, successors, representatives, assigns or any other person or entity acting for or on its behalf, from conspiring to violate plaintiffs' constitutionally-protected rights;

C. Awards plaintiffs, pursuant to 42 U.S.C. §1988, their costs, attorney fees, interest, lost profits, and all other damages as against the City of Troy.

D. Awards plaintiffs their attorney fees for having to bring this action;

E. Awards plaintiffs both pre-judgment and post judgment interest on each and every damage award; and

F. Awards any other and further relief to plaintiffs as this Honorable Court deems just and proper.

Respectfully submitted,

/s/ Cindy Rhodes Victor
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cvictor@victorfirm.com

Dated: February 19, 2024

Attorneys for Plaintiffs

DEMAND FOR JURY

Plaintiffs Safet Stafa, Tollbrook, LLC, Tollbrook West LLC,
Tollbrook North, LLC and Arban Stafa, by and through their counsel,
hereby demand a trial by jury on their causes of action against
defendant the City of Troy.

Respectfully submitted,

/s/ Cindy Rhodes Victor
CINDY RHODES VICTOR (P33613)
The Victor Firm, PLLC
29777 Telegraph Road, Suite 2410
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cvictor@victorfirm.com

Dated: February 19, 2024

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**SAFET STAFA, TOLLBROOK, LLC,
a Michigan limited liability company,
TOLLBROOK WEST LLC, a
Michigan limited liability
company, TOLLBROOK
NORTH, LLC, a Michigan limited
liability company, and ARBAN
STAFA,**

Plaintiffs,

Case No.

v.

**CITY OF TROY, MICHIGAN, a
Michigan municipal corporation,**

JURY TRIAL REQUESTED

Defendant.

INDEX OF EXHIBITS

- Exhibit 1 Minutes of the Planning Commission Meeting, February 14, 2017
- Exhibit 2 Complaint, *Sterling Construction, Inc. v Andrew "Rocky" Raczkowski and Adler Associates, Inc.*, Case No. 14-C01525 GC, 52-4 District Court
- Exhibit 3 Correspondence to Mark Robert Dundon from Renis Nushaj, July 28, 2014
- Exhibit 4 GoFundMe Page created by Andrew Raczkowski

- Exhibit 5 Petition circulated by Andrew Raczkowski
- Exhibit 6 Minutes of the City Council Meeting, April 10, 2017
- Exhibit 7 Minutes of the Planning Commission Meeting, May 28, 2019
- Exhibit 8 Correspondence to Mark F. Miller, City Manager from Robert J. Bruner, Assistant City Manager and R. Brent Savidant, Planning Director, July 15, 2019, Subject: Public Hearing - Rezoning Application (File Number Z JPLN2019-0015)
- Exhibit 9 Correspondence to Mark F. Miller, City Manager from Robert J. Bruner, Assistant City Manager and R. Brent Savidant, Planning Director, July 15, 2019, Subject: Public Hearing - Rezoning Application (File Number Z JPLN2019-0010)
- Exhibit 10 City of Troy Rezoning Request Application for 3142, 3114 & 3086 McClure, February 8, 2019
- Exhibit 11 City of Troy Rezoning Request Application for 3109 Alpine Rd, February 21, 2019
- Exhibit 12 Minutes of the City Council Meeting, July 22, 2019
- Exhibit 13 Email correspondence chain between Carmine P. Avantini, AICP and Brent Savidant, July 30-31, 2019
- Exhibit 14 Email correspondence chain among Carmine P. Avantini, AICP, Sam Stafa, Arban Stafa and Brent Savidant, July 30-31, 2019
- Exhibit 15 Minutes of the Planning Commission Regular Meeting, September 24, 2019
- Exhibit 16 Preliminary Site Plan Submission for Crooks Road Townhomes Project, November, 2019

- Exhibit 17 Preliminary Site Plan Review, Project Name: Crooks Road Townhomes, Carlisle Wortman Associates, Inc., January 7, 2020
- Exhibit 18 Email correspondence to Brent Savidant and Ben Carlisle from Carmine P. Avantini, AICP, January 13, 2020
- Exhibit 19 Minutes of the Planning Commission Regular Meeting, January 14, 2020
- Exhibit 20 Email correspondence to Brent Savidant, Benjamin Carlisle and Carmine Avantini from Arban Stafa, January 15, 2020
- Exhibit 21 Minutes of the City Council Regular Meeting, January 13, 2020
- Exhibit 22 Oakland County Sheriff's Office, Case Report, August 14, 2017
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- Exhibit 24 Email correspondence chain between Sam Stafa and Brent Savidant, January 10-13, 2020
- Exhibit 25 Email correspondence chain among Mike Pizzola, Sam Stafa, Arban Stafa and Brent Savidant, January 15-16, 2020
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- Exhibit 27 Email correspondence to Arban Stafa from Brent Savidant, April 7, 2020
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- Exhibit 31 Minutes of the Planning Commission Regular Meeting, April 28, 2020
- Exhibit 32 Email correspondence to Brent Savidant and Benjamin Carlisle from Arban Stafa, May 12, 2020
- Exhibit 33 Correspondence to Julia Quinlan Dufrane from Robert M. Carson, July 13, 2020, Re: Westington Site Plan
- Exhibit 34 Email correspondence to Peter Stuhlreyer, Arban Stafa and Sam Stafa from Brent Savidant, October 12, 2020
- Exhibit 35 Email correspondence chain between Arban Stafa and Mayor Ethan Baker, October 11, 2020
- Exhibit 36 Minutes of the Planning Commission Regular Meeting, November 10, 2020
- Exhibit 37 Minutes of the Zoning Board of Appeals Meeting, January 19, 2021
- Exhibit 38 City of Troy, An Ordinance to Amend Chapter 39 of the Code of the City of Troy, City Council Public Hearing Draft
- Exhibit 39 Article 2, City of Troy Zoning Ordinance
- Exhibit 40 Email correspondence chain among Sam Stafa, Antonio Cicchetti and Arban Stafa, September 8-10, 2021
- Exhibit 41 Minutes of the Planning Commission Regular Meeting, January 25, 2022
- Exhibit 42 Correspondence to Henry N. Sandweiss from Julie Quinlan Dufrane, March 2, 2022

- Exhibit 43 Correspondence to Julie Q. Dufrane from Henry N. Sandweiss, March 8, 2022
- Exhibit 44 Email correspondence to City Council, City Management and City Attorney from Arban Stafa, March 16, 2022
- Exhibit 45 Email correspondence to Brent Savidant, Julie Dufrane and Lori G. Bluhm from Arban Stafa, April 13-29, 2022
- Exhibit 46 Email correspondence to Arban Stafa from Julie Q. Dufrane, April 29, 2022
- Exhibit 47 “How 3 Metro Detroit communities are turning commercial districts into new downtowns,” Micah Walker, January 23, 2019
- Exhibit 48 Email correspondence chain among Arban Stafa, Brent Savidant, Benjamin Carlisle, Julie Dufrane and Lori G. Bluhm, May 9-24, 2022
- Exhibit 49 Email correspondence to Julie Dufrane, Benjamin Carlisle and Brent Savidant from Arban Stafa, August 24, 2022
- Exhibit 50 Email correspondence to Arban Stafa from Julie Dufrane, August 26, 2022
- Exhibit 51 Email correspondence to Salim Huerta, Tommaso Caporuscio, Sam Stafa and Arban Stafa from David Barkeley, November 21, 2022, with attached correspondence from David Barkeley and Sam Stafa to City of Troy Building Department, November 18, 2022
- Exhibit 52 Agenda for the City Council Regular Meeting, August 21, 2023
- Exhibit 53 Memorandum to Mark F. Miller, City Manager, from Robert J. Bruner, Deputy City Manager, Meg Schubert, Assistant City Manager and R. Brent Savidant, Community Development Director, August 14, 2023, Subject: CITY OF TROY MASTER PLAN - Release Draft Master Plan for Public Review

- Exhibit 54 Memorandum to Mayor and City Council Members from Mark F. Miller, City Manager, Robert J. Bruner, Deputy City Manager, Meg Schubert, Assistant City Manager and R. Brent Savidant, Community Development Director, August 21, 2023, Subject: City Council Agenda Questions & Answers - 08.21.23
- Exhibit 55 City of Troy Rezoning Request Application for 3142, 3114 & 3086 McClure, December 11, 2023
- Exhibit 56 City of Troy Rezoning Request Application for 3109 Alpine Rd, December 11, 2023
- Exhibit 57 Email correspondence to Cindy Rhodes Victor from Julie Q. Dufrane, January 4, 2024



CITY COUNCIL AGENDA ITEM

Date: March 25, 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 Bovensiep, Public Works Director
G. Scott Finlay, City Engineer/Traffic Engineer

Subject: Authorization for Grant Submittal – Local Bridge Program

History

In 2019, the federal government used the general fund to supplement highway infrastructure funding. Michigan received \$93.5 million of the \$2.5 billion, from the Highway Infrastructure Program. The Michigan Department of Transportation (MDOT) has established a Local Bridge Bundling Program that utilizes the local share of the Fiscal Year Highway Infrastructure Program (HIP) to improve critical bridges in Michigan.

This is an opportunity to fund some bridges that might not otherwise find funding. Over the last 10 years, local agencies had been able to maintain the percent of bridges in good or fair condition, but recently conditions have started to decline, and the local agencies have not been able to make a significant reduction in the bridges in serious or critical condition. At the current condition level, Michigan lags behind its neighboring Great Lakes States, and the national average, in the percentage of good or fair bridges. Without increased funding, statistical forecasts predict bridge conditions will continue to decline.

The City of Troy engages OHM Advisors, a current Engineering Consultant, to perform all of the City's annual bridge inspections. The Beach Road mill & overlay project in 2023 revealed significant top deck delamination that was repaired with the project, the repairs are a temporary measure until funding can be secured to replace the beams and top deck

Attached is the application prepared by OHM Advisors and reviewed by City Staff for the pursuit of Local Bridge Funding.

Financial

The Local Bridge Program requires a 5% match from the submitting agency. Currently there is no requirement to obligate the necessary funds. City Staff will include funding during the appropriate budget year. Based on the bridge cost estimate worksheet \$914,000 is the total cost, the City's share would be \$45,700.

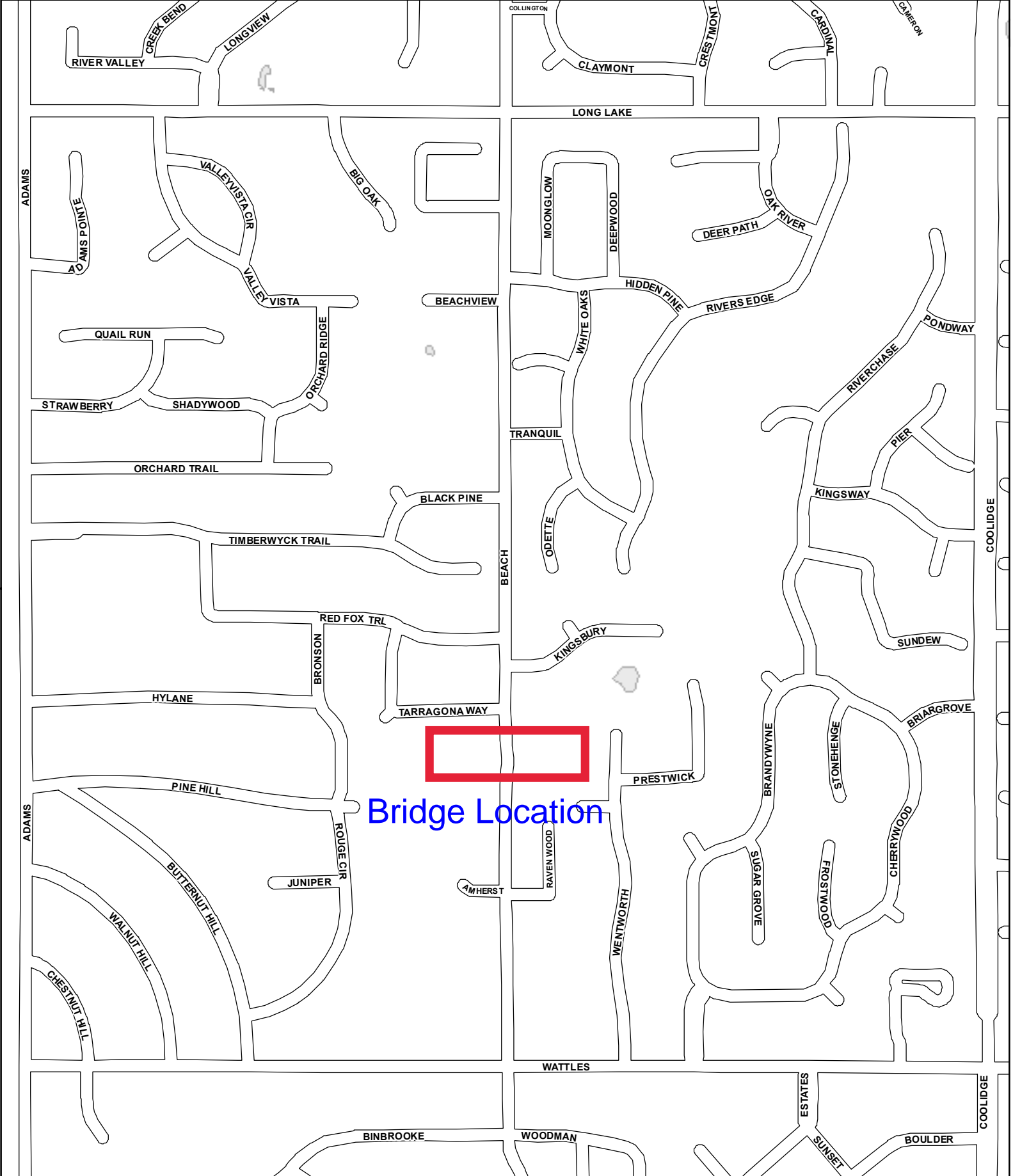


500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Recommendation

City Staff recommends the authorization to submit a grant application through the Michigan Department of Transportation Local Bridge Program to pursue funding for the replacement of the beams and top deck at an estimated cost of \$914,000 of which the City of Troy will be responsible for 5% or \$45,700.



Bridge Location



MICHIGAN DEPARTMENT OF TRANSPORTATION

STR 13611

BRIDGE SAFETY INSPECTION REPORT

Facility BEACH ROAD	Latitude / Longitude 42.581 / -83.1976	MDOT Structure ID 634679200079B01	Structure Condition Fair Condition(5)	
Feature ROUGE RIVER	Length / Width / Spans 24 / 39.9 / 1	Owner City: TROY(6792)		
Location 0.3 MI N OF WATTLES	Built / Recon. / Paint / Ovly. 1981 / / / 2012	TSC Oakland(23)	Operational Status A Open, no restriction(A)	
Region / County Metro(7) / Oakland(63)	Material / Design 5 Prestressed Concrete / 05 Box Bm/Gird- Multiple	Last NBI Inspection 04/20/2023 / O85G	Scour Evaluation 5 Stable w/in footing	

NBI INSPECTION

O85G

Inspector Name	Agency / Company Name	Insp. Freq.	Insp. Date
Adam Rychwalski	Orchard, Hiltz & McCliment Inc	24	04/20/2023

GENERAL NOTES

2023 inspection assisted by Nick Aukerman.

Concrete Box Beam w/ Timber Railings retrofitted with Concrete Barrier on the east side with Sidewalk and guardrail along the west side. Road construction happening at time of 2023 inspection. HMA milled through bridge, approaches, and beyond.

Repairs made to top of beams during road construction project in spring 2023 while road was closed. Approximately 75% of the top flanges were repaired. repairs included chipping deteriorated concrete and re-casting the top flanges of the adjacent box beams. Roadway was repaved after beam repairs. Recommend applying for superstructure replacement at next call for projects.

DECK

	04/19	04/21	04/23	
1. Surface (SIA-58A)	6	6	6	Transverse crack at both the north and south abutments. Cracks partially sealed. Longitudinal crack at centerline at cold joint partially sealed with 2'x1' pothole at midspan filled with cold patch. Spider web cracking in northwest quadrant mostly unsealed. Some random cracking at isolated locations. HMA surface milled at time of 2023 inspection. Potholes appear to be from deck deterioration. See deck comments for more detail. (EDIT 8-31-23 - see general comments on repairs made after inspection, surface repaved after repairs) (04/23) Transverse crack at both the north and south abutments. Cracks partially sealed. Longitudinal crack at centerline at cold joint partially sealed with 2'x1' pothole at midspan filled with cold patch. Spider web cracking in northwest quadrant mostly unsealed. Some random cracking at isolated locations. (04/21) Transverse crack at both the north and south abutments. Cracks sealed. Longitudinal crack at centerline at cold joint partially sealed with 2'x1' pothole at midspan. Spider web cracking in northwest quadrant mostly unsealed (04/19)
2. Expansion Joints	N	N	N	(04/23) (04/21) (04/19)
3. Other Joints	N	N	N	(04/23) (04/21) (04/19)
4. Railings	7	7	6	Jersey barrier on east side with vertical cracks. Guardrail on west side with no issues. West concrete barrier posts cracking with exposed rebar on north end. (04/23) Jersey barrier on east side with vertical cracks. Guardrail on west side with no issues. (04/21) Jersey barrier on east side with vertical cracks. Guardrail on west side with no issues. (04/19)
5. Sidewalks or Curbs	7	7		Minor cracking. Some settling at ends in approaches. (04/23) Minor cracking. Some settling at ends in approaches creating potential trip hazard. (04/21) Minor cracking. Some settling at ends in approaches creating potential trip hazard. (04/19)
6. Deck Bottom Surface (SIA-58B)	N	N		Side-by-side box beams. See deck and stringer comments. (04/23) Side-by-side box beams. See deck and superstructure comments. (04/21) Side-by-side box beams. See deck and superstructure comments. (04/19)

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7. Deck (SIA-58) 6 6 5 Surface in fair condition and stringers in fair condition. No deck on side-by-side box beams see surface and stringer comments. Large spalls in top of beams at midspan of west curbline and at north reference line. Rebar exposed in tops of beams 3 & 4 west. (EDIT 8-31-23 - see general comments on repairs made after inspection, surface repaved after repairs. Deck rating remains at fair due to beam condition at the time of inspection and construction) (04/23)
Surface in fair condition and stringers in fair condition. No deck on side-by-side box beams see surface and superstructure comments. (04/21)
Surface in fair condition and stringers in good condition. No deck on side-by-side box beams see surface and superstructure comments. (04/19)

8. Drainage Positive drainage present. Road crowns on bridge and slopes away on north and south side. Two catch basins along south approach. (04/23)
Positive drainage present. Road crowns on bridge and slopes away on north and south side. Two catch basins along south approach. (04/21)
Positive drainage present. Road crowns on bridge and slopes away on north and south side. Two catch basins along south approach. (04/19)

SUPERSTRUCTURE

04/19 04/21 04/23

9. Stringer (SIA-59) 6 6 5 13 adjacent box beams. Evidence of previous drainage from box weep holes and from between boxes. East fascia post tensioning duct grout pocket is spalled and has vegetation growing from it. Beam 7W has delamination 3/4 length along the north end 1' wide. Beam 5W middle half delaminated 1' wide. Beams 5W & 7W have 2 broken strands at delamination areas. Leaking with stalactites at most joints. For details on top of beams see deck comments. (EDIT 8-31-23 - see general comments on repairs made after inspection. No change to bottom flange condition) (04/23)
13 adjacent box beams. Evidence of previous drainage from box weep holes and from between boxes. Fascia post tensioning duct grout pocket is spalled and has vegetation growing from it. Beam 7W has delamination 5' long by 1' wide at mid span of joint 6W and delamination at north end. Beam 5W middle third delaminated 1' wide. Leaking with stalactites at most joints (04/21)
Evidence of previous drainage from box weep holes and from between boxes. North fascia post tensioning duct grout pocket is spalled and has vegetation growing from it. Beam 7W has delamination 5' long by 1' wide at mid span of joint 6W and delamination at north end. Beam 5W middle third delaminated 1' wide. Leaking with stalactites at most joints (04/19)

10. Paint (SIA-59A) N N N (04/23)
(04/21)
(04/19)

11. Section Loss N N N (04/23)
(04/21)
(04/19)

12. Bearings 7 7 7 Functioning as intended. Some debris and leaching (at curb lines) and staining. (04/23)
Functioning as intended. Some debris and leaching (at curb lines) and staining. (04/21)
Functioning as intended. Some debris and leaching (at curb lines) and staining. (04/19)

SUBSTRUCTURE

04/19 04/21 04/23

13. Abutments (SIA-60) 7 7 7 Some leaching stains from leakage from backwall. A few minor hairline cracks. Separate ~2" at all abutment/wingwall interfaces and no joint sealer in place. Tree growing between abutment and wingwall on SW quadrant trimmed but not removed. Cracking south abutment beam 7W bearing area. (04/23)
Some leaching stains from leakage from backwall. A few minor hairline cracks. Separate ~2" at all abutment/wingwall interfaces and no joint sealer in place. Tree growing between abutment and wingwall on SW quadrant trimmed but not removed. (04/21)
Some leaching stains from leakage from backwall. Area was dry at the time of inspections. A few minor hairline cracks. Separate ~2" at all abutment/wingwall interfaces and no joint sealer in place. Tree growing between abutment and wingwall on SW quadrant trimmed but not removed. (04/19)

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14. Piers (SIA-60)	N	N	N	(04/23) (04/21) (04/19)
15. Slope Protection	N	N	N	(04/23) (04/21) (04/19)
16. Channel (SIA-61)	4	4	4	Channel meanders with several grass/mud islands on the east. Several fallen trees/branches on east side have dammed the direct flow through the channel and creating new paths for the water flow. Channel turns sharply south on west side of bridge. Poor alignment. (04/23) Channel meanders with several grass/mud islands on the east. Several fallen trees/branches on east side have dammed the direct flow through the channel and creating new paths for the water flow. Channel turns sharply south on west side of bridge. Poor alignment. (04/21) Channel meanders with several grass/mud islands on the east. Several fallen trees/branches on east side have dammed the direct flow through the channel and creating new paths for the water flow. Channel turns sharply south on west side of bridge. Poor alignment. (04/19)
17. Scour Inspection	5	5	5	Flow is deeper along south abutment down to riparap. Material buildup along north abutment. No scour noted noted but uneven channel. Steel sheet piling along north banks both east and west sides. Silted in riprap along south abutment (04/23) Flow is deeper along south abutment down to riparap. Material buildup along north abutment. No scour noted noted but uneven channel. Steel sheet piling along north banks both east and west sides. Silted in riprap along south abutment (04/21) Flow is deeper along south abutment down to riparap. Material buildup along north abutment. No scour noted noted but uneven channel. Steel sheet piling along north banks both east and west sides. Silted in riprap along south abutment (04/19)

APPROACH

	04/19	04/21	04/23	
18. Approach Pavement	7	7	7	HMA approaches milled at time of inspection. (04/23) HMA Approaches with hairline cracks. Most cracks are sealed. (04/21) HMA Approaches with hairline cracks. Most cracks are sealed (04/19)
19. Approach Shoulders Sidewalks	7	7	7	Sidewalk approach slabs have heaved on one side and settled on the other, creating a trip hazard. Sidewalk has a few cracks. HMA shoulders milled at time of inspection. (04/23) Sidewalk approach slabs have heaved on one side and settled on the other, creating a trip hazard. Sidewalk has a few cracks. HMA shoulders are in condition. (04/21) Sidewalk approach slabs have heaved on one side and settled on the other, creating a trip hazard. Sidewalk has a few cracks. HMA shoulders are in condition (04/19)
20. Approach Slopes				Steel sheet piling on north bank, but has heavy pack rust and some holes in the sheets. South bank is stable. (04/23) Steel sheet piling on north bank, but has heavy pack rust and some holes in the sheets. South bank is stable. (04/21) Steel sheet piling on north bank, but has heavy pack rust and some holes in the sheets. South bank is stable. (04/19)
21. Utilities				Two storm catch basins on south side approach. Utility poles/lines running north/south along west side and cross (east/west) just south of bridge. Water main running along east side of road. (04/23) Two storm catch basins on south side approach. Utility poles/lines running north/south along west side and cross (east/west) just south of bridge. Water main running along east side of road. (04/21) Two storm catch basins on south side approach. Utility poles/lines running north/south along west side and cross (east/west) just south of bridge. Water main running along east side of road. (04/19)

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22. Drainage Culverts

12" outlet pipe in SW wingwall w/ some sediment build up right at outlet. Invert at waterline.
 36" outlet pipe in NW wingwall w/ stones (debris on bottom of pipe). Invert approx. halfway below water line. Welded rebar screen on 36" outlet, steel is severely corroded (thin and broken off in some spots) at water line. (04/23)
 12" outlet pipe in SW wingwall w/ some sediment build up right at outlet. Invert at waterline.
 36" outlet pipe in NW wingwall w/ stones (debris on bottom of pipe). Invert approx. halfway below water line. Welded rebar screen on 36" outlet, steel is severely corroded (thin and broken off in some spots) at water line. (04/21)
 12" outlet pipe in SW wingwall w/ some sediment build up right at outlet. Invert at waterline.
 36" outlet pipe in NW wingwall w/ stones (debris on bottom of pipe). Invert approx. halfway below water line. Welded rebar screen on 36" outlet, steel is severely corroded (thin and broken off in some spots) at water line. (04/19)

MISCELLANEOUS

Guard Rail

Item	Rating
36A. Bridge Railings	1
36B. Transitions	1
36C. Approach Guardrail	1
36D. Approach Guardrail Ends	0

Other Items

Item	Rating
71. Water Adequacy	7
72. Approach Alignment	7
Temporary Support	0 No Temporary Supports
High Load Hit (M)	No
Special Insp. Equipment	2
Underwater Insp. Method	1

False Decking (Timber) Removed to Complete Inspection

N/A - No False Decking


Critical Feature Inspections (SIA-92)

	Freq	Date
92A. Fracture Critical		
92B. Underwater		
92C. Other Special		
92D. Fatigue Sensitive		

MICHIGAN DEPARTMENT OF TRANSPORTATION

STR 13611

STRUCTURE INVENTORY AND APPRAISAL

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Bridge History, Type, Materials

27 - Year Built	1981
106 - Year Reconstructed	
202 - Year Painted	
203 - Year Overlay	2012
43 - Main Span Bridge Type	5 05
44 - Appr Span Bridge Type	
77 - Steel Type	0
78 - Paint Type	0
79 - Rail Type	1
80 - Post Type	1
107 - Deck Type	2
108A - Wearing Surface	6
108B - Membrane	2
108C - Deck Protection	0

Structure Dimensions

34 - Skew	0
35 - Struct Flared	N
45 - Num Main Spans	1
46 - Num Apprs Spans	0
48 - Max Span Length	22
49 - Structure Length	24
50A - Width Left Curb/SW	4.8
50B - Width Right Curb/SW	7.8
33 - Median	0
51 - Width Curb to Curb	24
52 - Width Out to Out	39.9
112 - NBIS Length	Y

Inspection Data

90 - Inspection Date	04/20/2023
91 - Inspection Freq	24
92A - Frac Crit Req/Freq	N
93A - Frac Crit Insp Date	
92B - Und Water Req/Freq	N
93B - Und Water Insp Date	
92C - Oth Spec Insp Req/Freq	N
93C - Oth Spec Insp Date	
92D - Fatigue Req/Freq	N
93D - Fatigue Insp Date	
176A - Und Water Insp Method	1
58 - Deck Rating	5
58A/B - Deck Surface/Bottom	6
59 - Superstructure Rating	5
59A - Paint Rating	N
60 - Substructure Rating	7
61 - Channel Rating	4
62 - Culvert Rating	N

Navigation Data

38 - Navigation Control	0
39 - Vertical Clearance	0
40 - Horizontal Clearance	0
111 - Pier Protection	
116 - Lift Brgd Vert Clear	0

Route Carried By Structure(ON Record)

5A - Record Type	1
5B - Route Signing	5
5C - Level of Service	1
5D - Route Number	00000
5E - Direction Suffix	0
10L - Best 3m Unclr-Lt	
10R - Best 3m Unclr-Rt	99 99
PR Number	
Control Section	
11 - Mile Point	1.14
12 - Base Highway Network	0
13 - LRS Route-Subroute	0000006263 01
19 - Detour Length	1
20 - Toll Facility	3
26 - Functional Class	19
28A - Lanes On	2
29 - ADT	3500
30 - Year of ADT	1981
32 - Appr Roadway Width	24
32A/B - Ap Pvt Type/Width	5 24.02
42A - Service Type On	5
47L - Left Horizontal Clear	0
47R - Right Horizontal Clear	24.0
53 - Min Vert Clr Ov Deck	99 99
100 - STRAHNET	0
102 - Traffic Direct	2
109 - Truck %	0
110 - Truck Network	0
114 - Future ADT	4025
115 - Year Future ADT	2001
Freeway	0

Structure Appraisal

36A - Bridge Railing	1
36B - Rail Transition	1
36C - Approach Rail	1
36D - Rail Termination	0
67 - Structure Evaluation	5
68 - Deck Geometry	2
69 - Underclearance	N
71 - Waterway Adequacy	7
72 - Approach Alignment	7
103 - Temporary Structure	
113 - Scour Criticality	5

Miscellaneous

37 - Historical Significance	5
98A - Border Bridge State	
98B - Border Bridge %	
101 - Parallel Structure	N
EPA ID	
Stay in Place Forms	
143 - Pin & Hanger Code	
148 - No. of Pin & Hangers	

Route Under Structure (UNDER Record)

5A - Record Type	
5B - Route Signing	
5C - Level of Service	
5D - Route Number	
5E - Direction Suffix	
10L - Best 3m Unclr-Lt	
10R - Best 3m Unclr-Rt	
PR Number	
Control Section	
11 - Mile Point	
12 - Base Highway Network	
13 - LRS Route-Subroute	
19 - Detour Length	
20 - Toll Facility	
26 - Functional Class	
28B - Lanes Under	
29 - ADT	
30 - Year of ADT	
42B - Service Type Under	5
47L - Left Horizontal Clear	
47R - Right Horizontal Clear	
54A - Left Feature	
54B - Left Underclearance	99 99
54C - Right Feature	
54D - Right Clearance	99 99
Under Clearance Year	
55A - Reference Feature	N
55B - Right Horiz Clearance	
56 - Left Horiz Clearance	
100 - STRAHNET	
102 - Traffic Direct	
109 - Truck %	
110 - Truck Network	
114 - Future ADT	
115 - Year Future ADT	
Freeway	

Proposed Improvements

75 - Type of Work	
76 - Length of Improvement	
94 - Bridge Cost	
95 - Roadway Cost	
96 - Total Cost	
97 - Year of Cost Estimate	


Load Rating and Posting

31 - Design Load	6
41 - Open, Posted, Closed	A
63 - Fed Oper Rtg Method	6
64F - Fed Oper Rtg Load	3.09
64MA - Mich Oper Rtg Method	6
64MB - Mich Oper Rtg	3.04
64MC - Mich Oper Truck	18
65 - Inv Rtg Method	6
66 - Inventory Load	1.85
70 - Posting	5
141 - Posted Loading	
193 - Overload Class	

MICHIGAN DEPARTMENT OF TRANSPORTATION

STR 13611

WORK RECOMMENDATIONS

Facility BEACH ROAD	Latitude / Longitude 42.581 / -83.1976	MDOT Structure ID 634679200079B01	Structure Condition Fair Condition(5)	
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WORK RECOMMENDATIONS

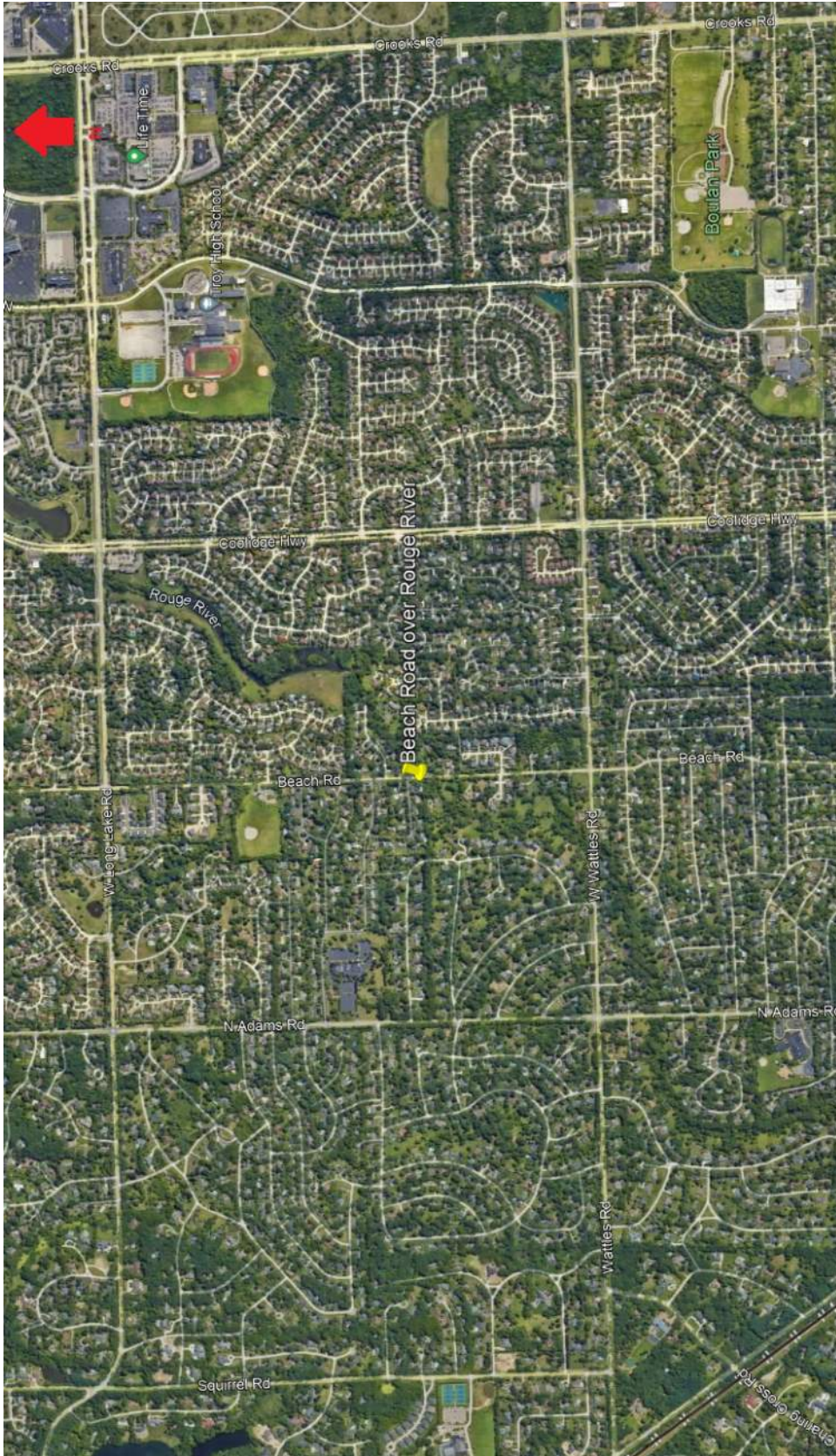
O85G

Inspector Name	Agency / Company Name	Insp. Freq.	Insp. Date
Adam Rychwalski	Orchard, Hiltz & McCliment Inc	24	04/20/2023

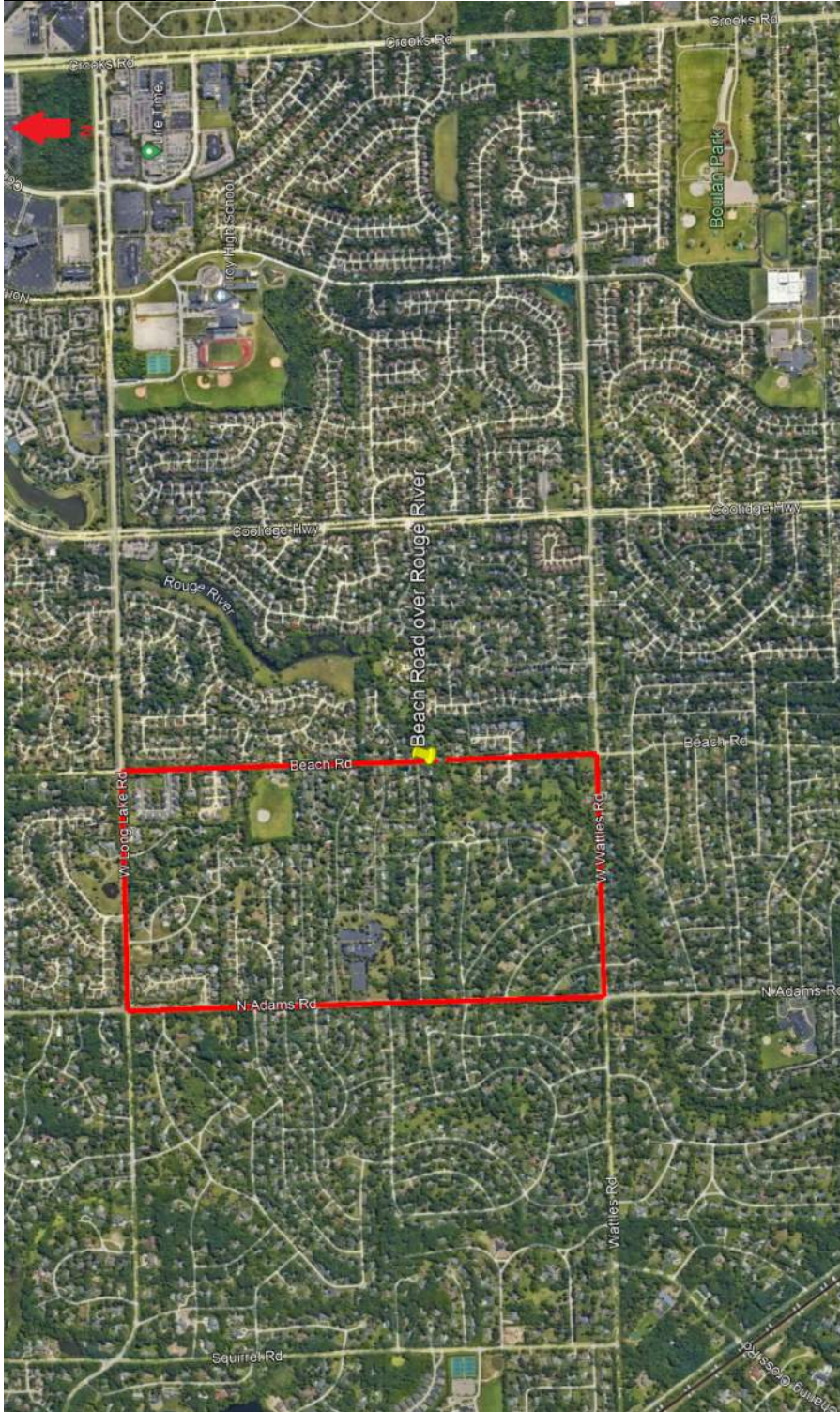
RECOMMENDATIONS & ACTION ITEMS

Recommendation Type	Priority	Description
Super Repl.	M	Superstructure deteriorating. Replacement in the next few years recommended.

1a. Situation Map



2b. Detour Map



Beach Rd to Long Lake Rd

To N Adams Rd

To Wattles Rd

To Beach Rd

Detour: 3.0 miles (Note: Beach Rd is a NFC major collector and detour utilizes NFC major collector or greater road classifications.)

3. Photographs



Typical Approach



Typical Surface



Typical Elevation



Typical Abutment



Top Flange of Box Beam Deterioration



Top Flange of Box Beam Deterioration



Top Flange of Box Beam Deterioration



Top Flange of Box Beam Deterioration



Typical Leaching Joint Between Box Beams



Beam 5W Cracking



Beam 7W Delamination and Broken Strand

4. Application Requirements for Beach Rd over Rouge River

A. Local Agency Contact Person

Scott Finlay - City Engineer
City of Troy
500 W. Big Beaver Rd
Troy, MI 48084

B. The purpose of this application is for the rehabilitation of the bridge carrying Beach Road over Rouge River. Funding requested for a superstructure replacement, approach roadway and guardrail, and maintenance of traffic.

C. Economic Importance of the Structure

This structure is located in a residential area of Troy 0.33 miles north of Wattles Road. Beach Road Park is 0.33 miles north of the bridge.

Although there are no schools in the immediate area of the bridge, Beach Road is utilized by the school district for bussing purposes. If bus traffic is not able to cross the bridge it will put a financial burden on the already tight school budgets because of increased length of bus routes. Emergency vehicles would also be impacted by the closing as well, increasing response times. The bridge is also used by local residents to access Beach Road Park and the main roads of the area.

The structure is an adjacent prestressed concrete box beam structure with 1 24' span. The bridge is overall in fair condition and rated a 5. During a road rehabilitation in 2023 where the HMA surface was replaced, it was found that 75% of the top flanges of the beams had deteriorated and crumbled away. The unsound concrete was removed and recast. However, this is considered a temporary fix, and only providing cover to the existing rebar in the beams. Additionally, beam 7W has a delamination $\frac{3}{4}$ of the length along the north end that is 1' wide. Beams 5W and 7W have 2 broken strands at delamination areas. There is no structural deck and the surface is newly paved HMA. The abutments are in good condition and rated a 7. There are small hairline cracks, cracking at south abutment beam 7W bearing area, some leaching stains, and a 2" gap between all abutment and wingwall interfaces with no joint sealer.

The recommended repair for the bridge is a superstructure replacement. The condition of the box beams warrants replacement due to the broken strands and deteriorated top flanges of the beams. Broken strands compromise the structural integrity and load carrying capacity of the beams. The deteriorated top flange of the beams has a temporary concrete patch with an unknown service life. The only way to repair the structure is to replace the beams. The substructure is in fair condition and rehabilitated, so a full replacement is not needed. The approaches should be replaced as well to provide a smooth

transition to the bridge deck from the approach. A smooth transition is important as it will prevent excess impact loads, which can result in damage to the superstructure of the bridge.

D. If there is a current detour, what does it affect?

Currently the bridge is open to traffic and there is no detour.

E. If the structure were to be closed, what would the detour affect?

If the structure were to be closed, the detour would affect the residents in the area. The school system, with its already tight budget, will have cost increases because of the need to reroute its buses. Emergency vehicles would have to take a longer route to reach emergencies in the area. As seconds matters in an emergency, this could become a public safety issue. Access to Beach Road Park would be impacted as well by the closure of the bridge.

F. The structure is not currently closed.

G. Maintenance of the Structure

The HMA surface was replaced in 2023 as part of a road rehabilitation job. During the job, 75% of the top flanges of the box beams were found to have deteriorated. The deteriorated concrete was removed and the top flanges were recast.

5. Estimated Rehabilitation Costs

<u>Superstructure Replacement and Approach Work</u>	
A. Approach Construction	\$ 390,000.00
B. Structure Construction	\$ 524,000.00
Total (A & B)	\$ 914,000.00

For a breakdown of construction costs see Appendix A.

6. Priority List

1. Beach Rd over Rouge River

7. Resolution

The resolution is attached in Appendix B.

8. Previous Applications

It is understood that all previous applications have been discarded and that this application will be used to select funding.

APPENDIX A

Exhibit 4 - Cost Estimating Worksheet

2024

BRIDGE COST ESTIMATE WORKSHEET
- CPM, REHAB, REPLACE -

REV. 02/6/2024

OWNER: TROY	FISCAL YEAR: 2027	Out to Out	Curb to Curb	DATE: 3/6/2024
REGION: Metro		LENGTH 24.0	WIDTH 39.9	ENGINEER: AJR
TSC: Oakland	PR: 626301 MP: 1.138		WIDTH 24.0	STRUCTURE ID: 13611
				BRIDGE ID: N/A
LOCATION: BEACH ROAD over ROUGE RIVER		DECK AREA: 958	SFT	STR. TYPE: Prestressed Concrete
PRIMARY WORK ACTIVITY Superstructure Replacement		CLEAR ROADWAY: 576	SFT	Box Beam or Girders - Mu
OTHER WORK:				

WORK ACTIVITY	MDOT Bridge Design Guides	QUANTITY	UNIT	UNIT COST	TOTAL
NEW BRIDGE (increase deck area based on design standards and hydraulic requirements)					
Single or Multiple Spans, Grade Separation	(add demo, approach, MOT)		SFT	\$435.00/SFT	
Single Span, Over Water	Length < 100ft (add demo, approach, MOT)		SFT	\$525.00/SFT	
Multiple Spans, Over Water	Length > 100ft (add demo, approach, MOT)		SFT	\$470.00/SFT	
Precast Culvert	Length < 40ft (add demo, approach, MOT)		SFT	\$565.00/SFT	
NEW SUPERSTRUCTURE					
New Superstructure, Grade Separation	(incl. remove exist deck/super; add MOT & approach)		SFT	\$310.00/SFT	
New Superstructure, Over Water	(incl. remove exist deck/super; add MOT & approach)	1,008.0	SFT	\$315.00/SFT	\$317,520.00
WIDENING					
Structure Widening, ft	(incl. deck/super/sub widening, add approach transition)		SFT	\$630.00/SFT	
NEW DECK					
New Bridge Deck & Barrier	(incl. remove exist deck/railing, add approach, MOT)		SFT	\$150.00/SFT	
DEMOLITION					
Entire Structure, Grade Separation			SFT	\$75.00/SFT	
Entire Structure, Over Water			SFT	\$95.00/SFT	
DECK REPAIR / TREATMENTS					
Bridge Railing Replacement	(incl. removal and replacement)		FT	\$750.00/FT	
Concrete Brush Block / Curb Patch	(incl. hand chipping and formwork)		FT	\$29.00/FT	
Concrete Barrier Patch	(incl. hand chipping and formwork)		SFT	\$85.00/SFT	
Concrete Deck Patch	(incl. hand chipping)		SFT	\$68.00/SFT	
Deep Overlay	(incl. joint repl & hydro)		SFT	\$46.00/SFT	
Epoxy Overlay	(incl. warranty)		SYD	\$48.00/SYD	
Expansion Joint Gland Replacement	(remove and replace elastomeric gland)		FT	\$125.00/FT	
Expansion Joint Replacement	(incl. removal)		FT	\$860.00/FT	
Full Depth Patch			SFT	\$140.00/SFT	
Healer / Sealer	(penetrates cracks in bridge deck)		SYD	\$30.00/SYD	
HMA Overlay with WP membrane			SYD	\$60.00/SYD	
Overlay Removal	(Epoxy: \$22/syd Latex: \$26/syd HMA: \$7/syd)		SYD	\$22.00/SYD	
Reseal Bridge Joints			FT	\$28.00/FT	
Shallow Overlay	(incl. joint repl & hydro)		SFT	\$46.00/SFT	
SUPERSTRUCTURE REPAIR					
Bearing Realignment / Replacement	(incl. temporary supports)		EA	\$6,450.00/EA	
Heat Straightening	(incl. clean and coat)		EA	\$57,000.00/EA	
Pack Rust Repair	(greater than 3/8" separation)		FT	\$1,150.00/FT	
Paint - Complete	(incl. clean & coat)		SFT	\$30.00/SFT	
Paint - Partial / Spot / Zone	(incl. clean & coat - \$20k minimum)		SFT	\$60.00/SFT	
PCI Beam End Blockout	(incl. temporary supports)		EA	\$7,200.00/EA	
Pin & Hanger Replacement	(incl. temporary supports)		EA	\$17,000.00/EA	
Structural Steel Repair	(based on 6ft repair length)		EA	\$4,000.00/EA	
Structural Steel Repair - Stiffener	(includes each side of beam)		EA	\$1,500.00/EA	
SUBSTRUCTURE REPAIR					
Substructure Patching	(measured x 2) replace if repair area > 30%		CFT	\$360.00/CFT	
Substructure Replacement	(incl. temporary supports, excavation)		CFT	\$375.00/CFT	
Substructure Horizontal Surface Sealer			SYD	\$75.00/SYD	
Temporary Supports	(add Structural Steel Repair - Stiffener for ea steel beam)		EA	\$4,000.00/EA	
MISCELLANEOUS					
Articulating Concrete Block System (ACB)			SYD	\$320.00/SYD	
Concrete Surface Coating			SYD	\$47.00/SYD	
Culvert Cleanout			FT	\$125.00/FT	
Epoxy Crack Injection	(structural crack repair)		FT	\$70.00/FT	
Metal Mesh Panels	(48" width, max 6'-6" length)		SFT	\$28.00/SFT	
Pressure Relief Joint	(use when approach concrete roadway exceeds 1,000ft)		FT	\$110.00/FT	
Riprap	(assume 10ft distance around perimeter of substructure)	133.3	SYD	\$275.00/SYD	\$36,666.67
Silane Treatment	(penetrating sealer for concrete surfaces)		SFT	\$7.00/SFT	
Slope Protection Repairs			SYD	\$150.00/SYD	
Other					
STRUCTURE CONSTRUCTION BUDGET					\$354,187

ROAD WORK					
Approach Pavement, 12" RC	(incl. removal; add curb, gutter, guardrail) 20' ea. end	106.7	SYD	\$230.00/SYD	\$24,533.33
Approach Curb & Gutter	(incl. removal) 20' ea. quadrant	80.0	FT	\$57.00/FT	\$4,560.00
Guardrail Anchorage to Bridge	(each quadrant)	4.0	EA	\$2,540.00/EA	\$10,160.00
Guardrail	(incl. removal) < 200ft beyond reference line	100.0	FT	\$41.00/FT	\$4,100.00
Guardrail Terminal	(each quadrant)	4.0	EA	\$3,900.00/EA	\$15,600.00
Roadway Approach Work	(beyond approach pavement)	1.0	LSUM	\$150,000.00/LSUM	\$150,000.00
Utilities		1.0	LSUM	\$25,000.00/LSUM	\$25,000.00
TRAFFIC CONTROL <i>Unit Cost to be determined by Region or TSC Traffic & Safety</i>					
Part Width Construction			LSUM		
Crossovers			EA	/EA	
Temporary Traffic Signals			set	/set	
RR Flagging			LSUM	LSUM	
Detour		1.0	LSUM	\$30,000.00/LSUM	\$30,000.00
RELATED ROAD/TRAFFIC CONSTRUCTION BUDGET					\$263,953

CONTINGENCY	(10% - 20%) (use higher contingency for small projects)	20	%	\$618,000.00	\$124,000
MOBILIZATION	(estimate at 10%)	10	%	\$742,000.00	\$74,000
INFLATION	(assume 4% per year, beginning in 2025)	12	%	\$816,000.00	\$98,000

(Does not include PE or CE)

TOTAL CONSTRUCTION BUDGET **\$914,000**

APPENDIX B



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: March 20, 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
G. Scott Finlay, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request to Grant an Underground Utility Easement Over a City Owned Property to DTE Electric Company, Sidwell #88-20-27-402-027, Robinwood Park

History

The City of Troy received a request to grant an underground utility easement over a portion of Robinwood Park, adjacent to three residential properties fronting Cook Court. The 10-foot wide easement would extend approximately 170 feet south from Cherry Street. The easement will be used to service the development of a vacant residential lot. The most efficient route for the service line is along the west boundary of the park.

Engineering and Public Works staff have reviewed the proposed plans and recommend granting the easement to DTE Electric Company.

Financial

There is no financial consideration on this document.

Recommendation

City Management recommends that Troy City Council grant the attached permanent easement consistent with our policy of granting easements for development and improvement purposes.



GIS Online

Legend:



Notes:

Proposed DTE Easement
Robinwood Park
88-20-27-402-027

Map Scale: 1=178

Created: April 2, 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.

DTE Electric Company Underground Easement (Right of Way) No. #70739730 SRW#70739731

On _____, 2024, for the consideration of system betterment, Grantor grants to Grantee a permanent, non-exclusive underground easement ("Right of Way") in, on, and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is City of Troy, a Michigan municipal corporation, whose address is 500 W. Big Beaver Rd, Troy, MI 48084

"Grantee" is: DTE Electric Company, a Michigan corporation, One Energy Plaza, Detroit, Michigan 48226

"Grantor's Land" is in the SW & SE 1/4, Section 27, Town 2N, Range 11E, City of Troy, County of Oakland, and State of Michigan, and is described as follows:

T2N, R11E, SEC 27 COUNCIL HEIGHTS LOTS 148 TO 158 INCL, ALSO LOTS 165 TO 177 INCL, ALSO VAC PARTS OF LARCHWOOD ST & EASTPORT ST, ALSO PART OF SE 1/4 ALL IN PCL DESC AS BEG AT PT DIST N 00-27-00 E 1150 FT FROM S 1/4 COR, TH N 00-27-00 E 78 FT, TH N 89-45-23 W 198.30 FT, TH N 00-14-17 E 142 FT, TH N 89-45-23 W 235 FT, TH N 00-14-17 E 831 FT, TH S 89-45-23 E 437.20 FT, TH N 00-27-00 E 246.43 FT, TH N 89-51-00 E 345 FT, TH S 00-16-00 W 262 FT, TH N 89-51-00 E 50 FT, TH S 00-16-00 W 629.44 FT, TH N 89-40-00 W 30 FT, TH S 00-16-00 W 409.45 FT, TH N 89-38-47 W 369.14 FT TO BEG 2-4-03 FR 026, 328-013, 329-003, 332-013 & 333-012 (tax description)

Tax Identification Number(s): 20-27-402-027

More commonly known as: Robinwood Park, Robinwood Dr, Troy, MI 48084

The "Right of Way Area" is a **Six (6') foot wide easement** on part of Grantor's Land. The centerline of the Right of Way Area shall be established in the as-built location of the centerline of Grantee's facilities, and shall be installed on Grantor's Land in the approximate location described on Exhibit A, attached hereto and made a part hereof.

- Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, repair, replace, inspect, operate and maintain underground utility line facilities, which may consist of poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers and accessories.
- Access:** Grantee has the right of pedestrian and vehicular ingress and egress to and from the Right of Way Area over and across Grantor's Land.
- Buildings or other Permanent Structures:** No buildings or other permanent structures or improvements may be constructed or placed in the Right of Way Area without Grantee's prior, written consent. Grantor agrees, at its own expense, to remove any improvement that interferes with the safe and reliable operation, maintenance and repair of Grantee's facilities upon the written demand of Grantee. If Grantor fails to comply with such demand, Grantor agrees that Grantee may remove any such improvement and bill Grantor for the cost thereof, which cost Grantor shall pay within thirty (30) days after demand therefor.
- Excavation:** Pursuant to 2013 Public Act 174, MISS DIG (1-800-482-7171 or 811 in some areas) must be called before any excavation in the Right of Way Area may proceed.
- Trees, Bushes, Branches, Roots, Structures and Fences:** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches and roots growing or that could grow or fall in the Right of Way Area and remove any structures, improvements, fences, buildings or landscaping in the Right of Way Area that Grantee believes could interfere with the safe and reliable construction, operation, maintenance and repair of Grantee's facilities. No landscaping, trees, plant life, structures, improvements or fences may be planted, grown or installed within 8 feet of the front door, or within 2 feet of the other sides, of transformers or switching cabinet enclosures, and Grantee shall not be responsible for any damage to, or removal of, landscaping, trees, plant life, structures, improvements and/or fences located in such areas.

6. **Restoration:** If Grantee's agents, employees, contractors, subcontractors, vehicles or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee will restore Grantor's Land as nearly as is reasonably practicable to the condition in which it existed prior to such damage. Restoration with respect to paved surfaces shall consist of asphalt cold patching of the damaged portion of any asphalted surfaces when the weather conditions suggest such use and the cement patching of the damaged portion of any cemented surfaces. Grantee shall have no liability, however, for the restoration or cost of any improvements located within the Right of Way Area, including, but not limited to, parking islands, gutters, fences or landscaping such as trees, bushes, or flowers (but not a simple lawn which, if damaged, will be patched and re-seeded by Grantee) that are damaged by Grantee in the course of constructing, reconstructing, modifying, adding to, repairing, replacing, operating or maintaining its facilities as described in paragraph 1 above.

7. **Successors and Assigns:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors and assigns.

8. **Exemptions:** This Right of Way is exempt from transfer tax pursuant to MCL 207.505(a) and MCL 207.526(a).

9. **Governing Law:** This Right of Way shall be governed by the laws of the State of Michigan.

Grantor: City of Troy, a Michigan municipal corporation

By: _____

Name: Ethan D. Baker

Title: Mayor

Acknowledged before me in _____ County, Michigan, on _____, 2024, by

Ethan D. Baker, It's: Mayor for City of Troy, a Michigan municipal corporation.

Notary's Stamp _____

Notary's Signature _____

Acting in _____ County, Michigan

Print Name _____

Grantor: City of Troy, a Michigan municipal corporation

By: _____

Name: M. Aileen Dickson

Title: City Clerk

Acknowledged before me in _____ County, Michigan, on _____, 2024, by

M. Aileen Dickson, It's: City Clerk for City of Troy, a Michigan municipal corporation.

Notary's Stamp _____

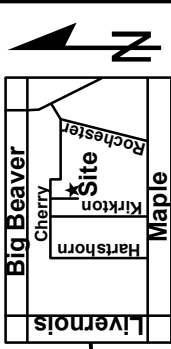
Notary's Signature _____

Acting in _____ County, Michigan

Print Name _____

DTE

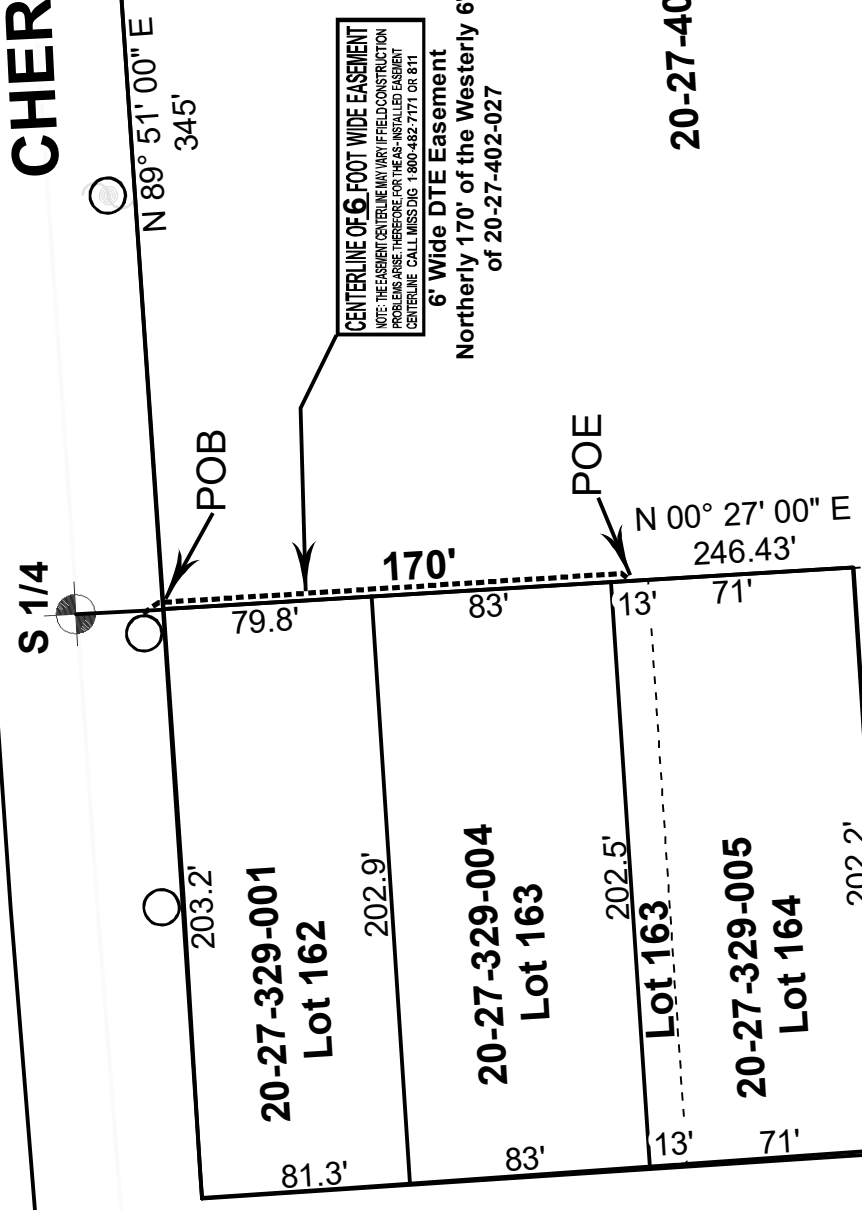
EXHIBIT "A"



CHERRY ST

ROBINWOOD DR

COOK CT



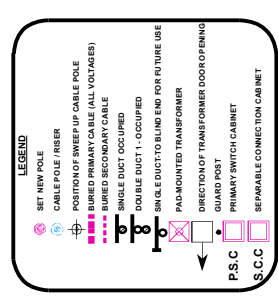
REPORT OF R/W FACILITATOR.
 R/W SECURED AS INDICATED ON THIS SKETCH

BY: _____
 DATE: _____
 DATE WANTED: _____
 FACILITATOR: _____

PERMITS TO:
 RECORD CENTER _____
 R/W FILES _____
 TELEPHONE _____
 ORIGINATOR _____
 TOTAL _____

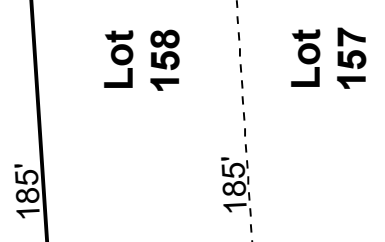
NOTICE

LOCATIONS OF UNDERGROUND FACILITIES ON THIS DRAWING ARE ONLY APPROXIMATE. EXACT LOCATIONS MUST BE DETERMINED BY THE UTILITY COMPANIES. FOR EXACT LOCATIONS, TELEPHONE MISS/DIG ON 1-800-482-7171 AS REQUIRED BY PUBLIC ACT 53 OF 1974 BEFORE DOING ANY POWER EXCAVATING.



Work Order #	70739727	Work Order Description	2146 Cook Ct. Troy - UG Easement
Service Center	PON	Circuit #2	APACE9014
Worksites City	Troy city, Oakland County	Worksites Iwp.	
Town	02N11E27	Section	
Range		Planner Name	Sawman, Matthew D
		Version	1
		Plot Date	3/18/2024
		Scale	None
GIS-DSN	70739730	SRW	70739731
COH		COS	
		CUG	
		RSD	
		PH	
		PLC	
		CUL	
		CUS	70393075
		SCMAT	

Council Heights
 20-27-402-027



Chair Perakis called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on January 23, 2024, in the Council Chamber of the Troy City Hall. Chair Perakis and Vice Chair Malalahalli presented opening remarks relative to the role of the Planning Commission and procedure of tonight’s meeting.

1. ROLL CALL

Present:

- Toby Buechner
- Carlton M. Faison
- Tyler Fox
- Michael W. Hutson
- Tom Krent
- David Lambert
- Lakshmi Malalahalli
- Marianna Perakis
- John J. Tagle

Also Present:

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

2. APPROVAL OF AGENDA

Resolution # PC-2024-01-004

Moved by: Faison
Support by: Buechner

RESOLVED, To approve the Agenda as prepared.

Yes: All present (9)

MOTION CARRIED

3. APPROVAL OF MINUTES – January 9, 2024

Resolution # PC-2024-01-005

Moved by: Lambert
Support by: Faison

RESOLVED, To approve the minutes of January 9, 2024 Regular meeting as submitted.

Yes: All present (9)

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

PRELIMINARY SITE PLAN

5. PRELIMINARY SITE PLAN APPROVAL (JPLN2023-0028) – Proposed John R Commons Townhome Development, West side of John R, North of Big Beaver (PIN 88-20-23-476-017), Section 23, Zoned MF (Multi-Family Residential) Zoning District

Mr. Savidant announced three dimensional (3-D) color renderings requested of the applicant are displayed in the visual presentation this evening.

Mr. Carlisle gave a brief history of a previous 2019 application of the John R Commons Townhome Development in which the applicant requested a rezoning of the parcels and was denied by the City Council. Mr. Carlisle stated the application before the Board this evening is a by-right development and not for a rezoning change. He identified the significant changes to the application as relates to a reduction in the number of units, alignment of five apartment buildings along the south property line, reconfiguration of the detention pond, a reduction of size/massing of the buildings abutting the northern property line, elimination of recreational area and clubhouse, reduction of building height to 25 feet and adding outdoor amenity spaces.

Mr. Carlisle addressed site arrangement, setbacks, building height, buffers along both the north and south property lines, access and circulation, mitigation of trees, trash removal, elevations, landscaping, and parking. He asked the applicant to consider some type of physical screening and/or additional landscaping to improve the buffer adjacent to the commercial uses. Mr. Carlisle asked the applicant to provide color renderings and to address building materials, specifically the type of siding.

Mr. Carlisle announced that the City Traffic Consultant Stephen Dearing of OHM Advisors is present this evening to address any traffic concerns.

In summary, Mr. Carlisle asked the Planning Commission to consider in its deliberations if the application meets Site Plan Review Design Standards (Section 8.06) and that the applicant consider additional screening options including a screen wall with additional landscaping as part of the Final Site Plan submittal.

Some of the comments during discussion among the administration related to:

- Ingress and egress.
- Width of typical residential streets and private roads.
- Public stub street off John R.
- Bicycle parking.
- Green space.
- Recreational amenities.

Property owner/applicant Dennis Bostick, Civil Engineer Greg Bono of PEA and Project Architect Brian Neeper were present.

Mr. Bostick addressed the proposed rezoning that the City Council denied in 2019. He said the 2019 townhome project offered more amenities than the proposed development for Planning Commission consideration this evening. He identified properties he owns, including five acres behind the San Marino Club zoned for single family residential.

There was discussion, some comments related to:

- Ingress and egress.
 - Nancy Bostick Drive
 - Commercial center to the south.
- Buffer/screening on both the north side adjacent to residential and the south side adjacent to the commercial uses.
 - Solid screening (brick wall) to buffer residential to north.
 - Additional landscaping.
 - Difference of north and south density of buffering.
 - Applicant prefers landscaping.
- Potential for light spillage and noise pollution from commercial uses.
- Pedestrian circulation within development; pattern of sidewalks.
- Pedestrian access to commercial uses.
- Commercial entrances; both front and rear.
- Retention pond, as relates to aesthetics.
- Green space, amenities offered; i.e., outdoor seating, dog park, internal sidewalk loops, optional recreational uses.
- Concerns with traffic circulation, traffic pattern.
 - Internal circulation.
 - Access points.
 - Safety of children and pedestrians (nearby soccer fields and commercial parking).
 - Traffic calming devices.
 - Emergency vehicular access (EVA).
- Bicycle parking, location of bicycle spaces.
- Marketing of townhomes; option to rent or own.
- Building materials and color scheme.
- Site arrangement; soften with green space, vertical landscaping.
- Tree survey; removal of landmark tree.
- Architectural features as relates to Site Plan Design Standards.

Mr. Bostick indicated he is amenable to the Planning Commission comments.

City Traffic Consultant Stephen Dearing addressed the ingress and egress accesses off Nancy Bostick Drive and the commercial center to the south. He said the traffic impact study completed for the previously proposed development in 2019 determined that access off Nancy Bostick Drive should be signalized. Mr. Dearing said the reduced density of the proposed development before the Board this evening would generate less traffic. He indicated a rudimentary analysis of generated traffic during peak hours would go either way; to signalize Nancy Bostwick Drive or install an EVA. He addressed traffic calming techniques that might ease concerns for safety.

Chair Perakis opened the floor for public comment. Acknowledging there was no one present who wished to speak, Chair Perakis closed the floor for public comment.

Resolution # PC-2024-01-006

Moved by: Lambert
 Seconded by: Fox

RESOLVED, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed John R Commons Townhome Development, located on the West side of John R, North of Big Beaver, Section 23, Zoned MF (Multi-Family Residential) District, be postponed for the following reasons to address the Planning Commission comments:

1. Landscape buffer on the south side of the development.
2. Landscape enhancements.
3. Pedestrian amenities.
4. Vehicular access at the southwest entrance.
5. Recreational amenities.
6. Consideration of saving additional trees.

Yes: All present (9)

MOTION CARRIED

OTHER ITEMS

6. **PLANNING COMMISSION 2023 ANNUAL REPORT**

Mr. Savidant acknowledged Mr. Lambert and Mr. Krent brought to his attention a few corrections to the 2023 Annual Report. He said he would submit a corrected version of the report to the City Council.

7. PUBLIC COMMENT – For Items on the Agenda

There was no one present who wished to speak.

8. PLANNING COMMISSION COMMENT

There were general Planning Commission comments, some relating to:

- Upcoming Oakland County online webinar on stormwater standards.
- Administrative review of tree surveys submitted by applicants.
- Review/consideration of the Master Plan is scheduled on the City Council January 29, 2024 meeting.
- Setback requirements in relation to the number of variance requests going before the Zoning Board of Appeals (ZBA).

Ms. Dufrane clarified the procedure that the Board is required to follow for Resolutions that recommend approval and/or denial of an application for action by the City Council.

9. ADJOURN

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

Respectfully submitted,



Marianna Perakis, Chair



Kathy L. Czarniecki, Recording Secretary

Chair Perakis called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on February 13, 2024, in the Council Chamber of the Troy City Hall. Chair Perakis and Vice Chair Malalahalli presented opening remarks relative to the role of the Planning Commission and procedure of tonight’s meeting.

1. ROLL CALL

Present:

- Carlton M. Faison
- Tyler Fox
- Michael W. Hutson
- Tom Krent
- David Lambert
- Lakshmi Malalahalli
- Marianna Perakis
- John J. Tagle

Absent:

- Toby Buechner

Also Present:

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

2. APPROVAL OF AGENDA

Resolution # PC-2024-02-007

Moved by: Faison

Support by: Fox

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)

Absent: Buechner

MOTION CARRIED

3. APPROVAL OF MINUTES – January 23, 2024

Resolution # PC-2024-02-008

Moved by: Fox

Support by: Malalahalli

RESOLVED, To approve the minutes of January 23, 2024 Regular meeting as submitted.

Yes: All present (8)
 Absent: Buechner

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

PRELIMINARY SITE PLAN

5. PRELIMINARY SITE PLAN APPROVAL (JPLN2023-0033) – Proposed Premier Academy Troy Daycare Center and Preschool, Northwest Corner of Crooks and Wattles (PIN 88-20-17-476-056, -057 and -061), Section 17, Zoned NN (Neighborhood Node “I”) Zoning District

Mr. Lambert disclosed that his daughter is employed at a competing daycare center located about two miles from the proposed development. Board members agreed there was no reason for Mr. Lambert to recuse himself from discussion or deliberation of the item.

Mr. Savidant announced the petitioner will be presenting a PowerPoint presentation following the Planning Consultant review.

Mr. Carlisle provided background information in his review of the Preliminary Site Plan application for the Academy Troy Daycare Center and Preschool. He addressed natural features as relates to the existing wetland area, floodplain and drain on site. Mr. Carlisle reported the applicant would be required to obtain a Letter of Map Amendment (LOMA) and possibly a wetland permit if EGLE (Environment, Great Lakes, Energy) requires one prior to Final Site Plan approval.

Mr. Carlisle addressed site access, internal circulation and parking. He noted the site is overparked by 61% over the Zoning Ordinance requirements. Mr. Carlisle said the applicant will present parking data to substantiate the proposed number of 44 parking spaces but noted removal of the 11 parking spaces located to the north of the building might lessen impact on the existing floodplain and wetland area. Mr. Carlisle addressed student drop-off/pick-up areas, lighting, landscaping, retaining wall around the playground, elevations and renderings.

Mr. Carlisle asked the Planning Commission in its deliberation (1) to discuss with the applicant consideration to remove the 11 parking spaces on the north side of the building and/or landbank the spaces and (2) to consider if the application meets Section 8.06 Site Plan Review Design Standards.

Mr. Carlisle stated any approval of the site plan application would be subject to conditions identified in his report dated February 8, 2024.

Some of the comments during discussion among the administration related to:

- Requirement of LOMA.
- Location of bicycle parking.
- Consideration of pervious parking surface.
- State regulations as relates to mitigation of wetland area.
- City Traffic Consultant (OHM) review of traffic impact and site circulation.
- Traffic generation of daycare use in comparison to office/retail use.

Project Architect Jeff Klatt of Krieger Klatt Architects introduced the project development team: Jennifer Damman of JS Capitol Group, Civil Engineer John Houser of PEA Group and property owner Kamal Shouhayib.

Ms. Damman addressed the following in a PowerPoint presentation.

- Premier Academy locally owned and operated with 15 years of experience.
- Premier Academy campuses; Rochester Hills, Macomb, Northville, Oakland Township.
- Ages of students; 6 weeks through preschool age.
- Degreed and certified teaching staff.
- Ratio of students to teaching staff.
- Typical daily classroom times and routine.
- Hours of operation as relates to staff arrival, student drop-off/pick-up times.
- Traditional and Montessori methods of teaching.
- Parking data as relates to typical 12-hour traffic, 12-hour traffic patterns by campus and number of parking spaces per campus.
- Traffic generation, internal traffic flow and pattern.

Mr. Klatt addressed the following in a PowerPoint presentation.

- Site plan design.
- Site access.
- Parking spaces; determination in the number of spaces.
- Playground area.
- Bicycle parking.
- Floor plan.
- Architectural design, building materials and color scheme.

Mr. Klatt, Ms. Damman and Angela Innaimo, also of JS Capitol Group, addressed concerns expressed by the Board members related to traffic, internal circulation, number of parking spaces, and student drop-off/pick-up hours and procedure.

There was discussion, some comments related to:

- Traffic flow/circulation; concerns relating to stacking of vehicles, impact on already busy intersection, single site access, deceleration lane.
- Procedure to drop-off/pick-up students.
- Reserved parking spaces for parents; number and location in relation to entrance.
- Student drop-off and pick-up times.
- Concerns/mitigation of impact on floodplain and wetland area.
- Lighting of building after school hours.

Several Board members commented favorably on the architectural design of the building and pedestrian sidewalk improvements.

Mr. Houser said FEMA standards would be met. He said there would be no adverse impact on the floodplain and wetland area, noting the infill would most likely improve existing stormwater management. Mr. Houser said the floodplain would still need to be filled even with the elimination of the 11 parking spaces as suggested by the administration.

Chair Perakis opened the floor for public comment.

- Jerry Rauch, 4181 Penrose; addressed concerns with traffic and infill of floodplain and wetland area. He referenced his letter to the Planning Commission dated February 10, 2024, that is attached and *herein a part of the minutes*.
- Mike Lipinski, 4233 Carson, representing Woodlands of Troy subdivision; addressed traffic concerns and impact on stormwater management, asked that a traffic study be completed prior to a determination by the Board.
- Tom Reiss, 1400 Bradbury; addressed concerns with traffic as relates to deceleration lane and stacking of vehicles and concerns with impact on floodplain and wetland area.
- Bob Quigley, 1091 Fountain; addressed concerns with traffic pattern, inefficiency of deceleration lane, impact on floodplain and wetland area, retaining wall.

Chair Perakis closed the floor for public comment.

Discussion continued among Board members and administration.

- Concerns with traffic; OHM review/no comments noted on traffic circulation.
- Impact on floodplain and wetland area; Engineering review at Final Site Plan approval.
- Zoning Ordinance requirement relating to providing dedicated student pick-up/drop-off areas.
- Zoning Ordinance requirement relating to building fronting on a major or minor arterial street.

Jeffery Schmitz, owner of JS Capitol Group and Premier Academy, addressed the Board's concerns on traffic and the development's impact on existing floodplain and wetland area. He said data and experience demonstrates the academies have minimal impact on the overall traffic with a single access and that the internal traffic pattern and number of parking spaces proposed for the Troy location are essential to the academy's success.

Resolution # PC-2024-02-009

Moved by: Krent
Seconded by: Fox

RESOLVED, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Premier Academy Troy Daycare Center and Preschool, located on the northwest corner of Crooks and Wattles (PIN 88-20-17-476-056, -057 and -061), Section 17, Zoned NN (Neighborhood Node “I”) Zoning District, be granted, subject to the following:

1. Obtain LOMA prior to Final Engineering approval.
2. Obtain EGLE wetland permit, if necessary, prior to Final Engineering approval.

Discussion on the motion on the floor.

Mr. Lambert said after hearing comments from the project team his initial concerns on the impact on the existing floodplain and wetland area have been addressed. He said the proposed use is of a lesser intensity than what uses are permitted by right in the Neighborhood Node zoning district.

Ms. Malalahalli agreed the application is a lesser intense use and that her traffic concerns have been addressed by the statements made this evening by the project team.

Mr. Faison said he would like to have evidence that the traffic concerns expressed this evening are not a problem. He said if the traffic is a concern with this development, the traffic would most likely be a concern with a higher intense use.

Chair Perakis agreed she would like to see evidence that the parking and traffic patterns are not a concern, but accepts the experience and data provided by the applicant.

Mr. Fox expressed favorable comments on the pedestrian improvement.

Vote on the motion on the floor.

Yes: Fox, Hutson, Krent, Lambert, Malalahalli, Perakis, Tagle
No: Faison
Absent: Buechner

MOTION CARRIED

OTHER ITEMS

6. **PUBLIC COMMENT** – For Items on the Agenda

The following comments relate to Agenda item #5.

- Paul Balas, 4087 Parkstone; addressed concerns with traffic, losing green space in the City, responsibility of County/City roads.
- James Guisinger, 1471 Brookdale, President of Somerset North subdivision; questioned if there is potential to widen the Crooks and Wattles intersection.

Mr. Savidant said there is 120 foot right-of-way that would accommodate widening the intersection but noted it has not been budgeted to date or warranted at this time. He said it would be a responsibility of the civil engineer.

7. PLANNING COMMISSION COMMENT

There were general Planning Commission comments, some relating to:

- Review and consideration of the Master Plan by City Council; February 19, 2024 agenda.
- Oakland County Planners' Gathering; February 28, 2024, 10 to 11 am, online webinar on Sidewalk System Maintenance Program.
- Citizen Planner presentation by Mr. Lambert.

8. ADJOURN

The Regular meeting of the Planning Commission adjourned at 8:43 p.m.

Respectfully submitted,



Marianna Perakis, Chair



Kathy L. Czarnecki, Recording Secretary

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Traffic Committee Minutes – February 21, 2024**FINAL**

A regular meeting of the Troy Traffic Committee was held Wednesday, February 21, 2024 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

1. Roll Call

Present: Cindy Nurak
Abi Swaminathan
Cynthia Wilsher
Pete Ziegenfelder
Angela Zhou, Student Representative

Absent: Shama Kenkre
Richard Kilmer
Al Petruilis
Deputy Fire Chief, Michael Koehler

Also present: G. Scott Finlay, City Engineer
Sgt. Brian Warzecha, Police Department
Merissa Clark, Administrative Assistant

2. Minutes – January 17, 2023 Traffic Committee

Resolution # 2024-02-03
Moved by Nurak
Seconded by Wilsher

To approve the January 17, 2023 minutes as printed.

Yes: Nurak, Swaminathan, Wilsher, Ziegenfelder
No: None
Absent: Kenkre, Kilmer, Petruilis

MOTION CARRIED**PUBLIC HEARINGS****3. No Public Hearings****REGULAR BUSINESS****4. Request for Traffic Control – Hearthside & Country Ridge Drive**

Cheryl Gonda of 6113 Hearthside Drive requested that the intersection of Hearthside Drive and Country Ridge Drive be reviewed for purposes of traffic control at the uncontrolled intersection. She states: I live in cul-de-sac on Hearthside Drive and the existing uncontrolled intersection is dangerous, cars turning off Country Ridge Drive turn without looking. This creates a hazardous situation for drivers, there have been several near misses recently.

The Traffic Committee received 1 email in support, and 1 phone call opposed.

We live at 6071 Hearthside Drive, Troy, MI 48098.

We fully support the controlled intersection proposal. We have four children and cars come flying thru all the time. It's dangerous.

*Troy C. Otto
Owner/Broker
Otto Family Properties, LLC
Licensed Attorney (P67448)
(248) 515-2753
troy@ottofamilyproperties.com*

Traffic Engineering received a call from Pat DeFilippis at 6069 Country Ridge in opposition to any traffic control at this location, big waste of money.

Mike & Cheryl Gouda – stated they have lived at 6113 Hearthside for 30 years, and the speeding in the subdivision has gotten worse. They have a lot of little kids living near by and they've had a close call recently and are scared an accident will happen with all the kids in the area. People cut thru the subdivision to avoid the light at Square Lake and Coolidge, especially during rush hour. He mentioned a neighbor also sees people driving like crazy, sometimes going 30-40 MPH. He really thinks that a stop or yield sign would deter people from cutting thru all the time, and make the subdivision safer.

Cynthia Wilsher mentioned that OHM's report doesn't think it would be affective for a yield sign to be installed, and explained that it may do the opposite, causing more speeding at the corner.

Sgt. Warzecha explained it will fix one problem, but may cause more problems in the long run and mentioned maybe a stop sign being more beneficial. He also added that the corner did have a good clearance and good visibility, Wilsher agreed.

Mr. Gouda explained that when he leaves the street he has been almost hit by cars taking the turn from Country Ridge onto Hearthside and not looking before turning.

MOTION CARRIED

Resolution # 2024-02-04
Moved by Ziegenfelder
Seconded by Nurak

Yes: Nurak, Swaminathan, Ziegenfelder
No: Wilsher
Absent: Kenkre, Kilmer, Petrulis

RESOLVED, that the Country Ridge Approach at Hearthiside be modified from UNCONTROLLED, to STOP CONTROLLED.

7. Public Comment

8. Other Business

9. Adjourn

The meeting adjourned at 7:53 PM.



Pete Ziegenfelder -Chairperson



G. Scott Finlay, City Engineer/Traffic Engineer

G:\Traffic\aaa Traffic Committee\2024\21_February_2024\221_Minutes_Traffic Committee DRAFT



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CITY COUNCIL AGENDA ITEM

Date: April 4, 2024
To: Honorable Mayor and City Council Members
From: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
Julie Quinlan Dufrane, Assistant City Attorney
Nicole F. MacMillan, Assistant City Attorney
Subject: First Quarter 2024 Litigation Report

The following is the quarterly report of pending litigation and other matters of interest. **Developments during the FIRST quarter of 2024 are in bold.**

A. ANATOMY OF THE CASE

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

B. ZONING CASES

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

1. Tollbrook, LLC v City of Troy - Tollbrook submitted an application for a rezoning of three parcels on McClure, from one family residential zoning to Big Beaver Form Based District zoning. This application was proposed as a straight rezoning request, and was denied by Troy City Council, consistent with the recommendation from the Planning Commission. Plaintiff filed this Complaint, alleging substantive due process violations. Plaintiff filed it in Oakland County Circuit Court, and the City removed it to federal court, since the parties previously litigated a very similar case before Judge Goldsmith.



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Plaintiff then filed a motion to request a transfer of the case back to the Oakland County Circuit Court. This motion was briefed by the parties, and is pending. The motion is still under advisement. On March 5, 2021, Judge Goldsmith entered an Order, remanding the case to the Oakland County Circuit Court. Plaintiff submitted a proposed confidential settlement offer that was considered and rejected by City Council. The City subsequently filed a Motion for Consolidation and Request for Transfer which was denied by the Circuit Court. This case is now in the discovery phase. The City of Troy filed a motion to dismiss with oral argument scheduled for March 9, 2022. The Court adjourned oral argument on its own motion. The parties are waiting for the Court to either reschedule argument or issue an opinion and order. The Court entered an Order reassigning this case to Judge Matis of the Oakland County Circuit Court. Plaintiff subsequently filed a motion objecting to the reassignment which will be argued on July 6, 2022. The Court also scheduled a pre-trial conference for the same date to discuss scheduling the City's outstanding Motion to Dismiss. At the pre-trial, Plaintiff's counsel asked the Court for permission to file a supplemental brief. The Court granted that request. Plaintiff then filed a brief which included some additional affidavits, and the City timely responded. The Court scheduled oral argument for October 12, 2022. The Court issued an opinion on December 13, 2022 granting in part and denying in part the City's Motion to Dismiss. The Court dismissed Plaintiff's Substantive Due Process claim, but ruled that Plaintiff's Takings Claim could proceed. The parties will engage in the discovery process pursuant to a scheduling order to be entered by the Court. Discovery continues in this case. Discovery continues in this case and will close on July 17, 2023. Thereafter, the City plans to file a motion to dismiss. The City timely filed its motion for summary disposition, which is scheduled for argument on October 18, 2023. In the interim, the Court ordered the parties to participate in a mandatory settlement conference, which was unsuccessful. The Court then granted the City's motion for summary disposition as to all of Plaintiff's remaining claims on October 25, 2023. Plaintiff subsequently filed a timely appeal to the Michigan Court of Appeals. **Plaintiff/Appellant filed the transcript of proceedings on March 12, 2024, which triggers the deadline for Appellant's brief.**

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



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filed a motion to dismiss with oral argument scheduled for March 9, 2022. The Court adjourned oral argument on its own motion. The parties are waiting for the Court to either reschedule argument or issue an opinion and order. The Court entered an Order reassigning this case to Judge Matis of the Oakland County Circuit Court. Plaintiff subsequently filed a motion objecting to the reassignment which will be argued on July 6, 2022. The Court also scheduled a pre-trial conference for the same date to discuss scheduling the City's outstanding Motion to Dismiss. At the pre-trial, Plaintiff's counsel asked the Court for permission to file a supplemental brief. The Court granted that request. Plaintiff then filed a brief which included some additional affidavits, and the City timely responded. The Court scheduled oral argument for October 12, 2022. The Court issued an opinion on December 13, 2022 granting in part and denying in part the City's Motion to Dismiss. The Court dismissed Plaintiff's Substantive Due Process claim, but ruled that Plaintiff's Takings Claim could proceed. The parties will engage in the discovery process pursuant to a scheduling order to be entered by the Court. Discovery continues in this case. Discovery continues in this case and will close on July 17, 2023. Thereafter, the City plans to file a motion to dismiss. The City timely filed its motion to dismiss, which is scheduled for oral argument on October 18, 2023. In the interim, the Court ordered the parties to participate in a mandatory settlement conference, which was unsuccessful. The Court then granted the City's motion for summary disposition as to all of Plaintiff's remaining claims on October 25, 2023. Plaintiff subsequently filed a timely appeal to the Michigan Court of Appeals. **Plaintiff/Appellant filed the transcript of proceedings on March 12, 2024, which triggers the deadline for Appellant's brief.**

- Stafa et. al v. Troy- This federal case was served on the City on March 20, 2024. It was filed by Safet Stafa, Tollbrook LLC, Tollbrook West LLC, Tollbrook North LLC and Arban Stafa against the City. It is currently assigned to Judge Nancy Edmunds. In the complaint, Plaintiffs argue that the City's actions in denying various rezoning requests was in retaliation for the numerous lawsuits Plaintiffs filed against the City, allegedly in violation of the First Amendment. The complaint also asserts an allegation that the City treated Plaintiffs differently than other developers and land owners, depriving Plaintiffs of rights to equal protection of the law. The case seeks damages, injunctive relief, and attorney fees under 42 U.S.C. Section 1983. The City's first responsive pleading is due on or before April 10, 2024.**

C. EMINENT DOMAIN CASES

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

There are no pending eminent domain cases for this quarter.



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D. CIVIL RIGHTS CASES

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

1. Gillman v. Troy et. al - Steven Gillman filed this lawsuit on November 29, 2021, as the Personal Representative of the Estate of Megan Miller. Ms. Miller died after being detained in the City's lock up facility on an alleged parole violation and also because Troy police officers wanted to speak with her about the death of her infant child. The Complaint alleges that while Miller was in custody, the City and its employee knew or should have known that she was suffering from a serious medical need associated with recent drug use. The Complaint alleges that the City and its employee were deliberately indifferent to Miller's serious medical needs, and that the City maintained an unconstitutional custom, policy, practice or custom and/or inadequately trained its personnel which resulted in the wrongful death of Miller while she was in the City's custody. Plaintiff's 42 U.S.C. Section 1983 claims are asserted under the Eighth and Fourteenth Amendments of the United States Constitution. Plaintiff also asserts a state law claim against the individual employee for alleged gross negligence. The City timely filed its answer to the Complaint. The Court held a scheduling conference and the parties are engaging in the discovery process. The discovery process continues. Discovery continues. Plaintiff filed a Motion to Extend Discovery which was granted by the Court, so discovery continues and depositions have been scheduled. Discovery closed in this matter on February 10, 2023. The City timely filed its Motion for Summary Judgment on February 17, 2023. The parties are waiting for the Court to issue an opinion in this matter. The Court also issued a new scheduling order in this case moving trial to March of 2024. On July 25, 2023, Judge Goldsmith granted the City's Motion for Summary Judgment, but denied the individual Police Service Aid's motion. The Police Service Aide then timely filed an appeal of this decision with the Sixth Circuit Court of Appeals on August 21, 2023. The Court issued a briefing schedule. Appellant's brief is due on November 1, 2023; Appellee's brief is due December 3, 2023. **The Court granted extensions of time to file the appellate briefs. Appellant's brief was timely filed on February 26, 2024. Appellee's brief is due on March 27, 2024.**

E. PERSONAL INJURY AND DAMAGE CASES

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



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1. Tschirhart v. Troy - Plaintiff filed this wrongful death lawsuit against the City, claiming that the City and individual City employees and contractors were responsible for the drowning death of Plaintiff's son, Shaun Tschirhart, at the Community Center pool on April 15, 2015. Shaun was swimming in the pool that day as part of a Friendship Club activity, and unfortunately suffered a seizure while swimming. Plaintiff's complaint alleges gross negligence, and an alleged failure to properly screen, train, and supervise City employees. The case is assigned to Oakland County Circuit Court Judge Daniel O'Brien. As its first responsive pleading, the City filed a motion for dismissal, arguing that Plaintiff had failed to assert a viable claim against the City. This motion is pending before the Court. The Court denied the City's motion, and the City immediately filed a claim of appeal with the Michigan Court of Appeals, challenging the denial of governmental immunity. A timely brief on appeal will be filed once the Court issues a briefing schedule. The City's brief on appeal is due February 7, 2019. A timely brief on appeal was filed by the City of Troy Defendants. Plaintiff's brief on appeal is expected to be filed by April 12, 2019. The briefs have been submitted, and the parties are waiting for the Court to schedule oral argument. Oral argument was held on December 6, 2019 in the Court of Appeals. On December 17, 2019, the Court issued an Opinion and Order reversing the trial court's decision, agreeing with the City that summary disposition should have been granted to the City of Troy and the individually named Troy defendants. The Court, however, remanded the case to the trial court, allowing Plaintiff an opportunity to seek leave to amend her Complaint. Plaintiff filed an application for leave to appeal with the Michigan Supreme Court. The parties anticipate that oral argument will be scheduled for March or April 2021. The Michigan Supreme Court did not schedule this matter for its March, April, or May docket, so the parties are hoping that oral argument on the application will happen in June 2021. The parties are still waiting for the Michigan Supreme Court to schedule oral argument in this matter. The Michigan Supreme Court scheduled oral arguments for November 9. The Supreme Court issued its opinion, remanding this case back to the Oakland County Circuit Court for a decision consistent with part of the Court of Appeals' decision. Plaintiff filed a motion in Oakland County Circuit Court to lift the stay entered in this matter which was granted by the Court on March 23, 2022. Subsequently, Plaintiff filed a motion seeking leave to file an amended Complaint in this matter. The City filed a motion opposing this request. The Court will hear oral argument on this motion on April 20, 2022. On April 20, 2022, the Court denied plaintiff's motion seeking leave to amend the Complaint, dismissing the case. Plaintiff filed an appeal of this decision. Plaintiff filed a motion to extend the time for filing the brief on appeal with the Court of Appeals, and then timely filed her appellate brief on September 23, 2022. The City will file a timely Brief on Appeal. The City timely filed its Brief on Appeal, and the parties are waiting for the Court of Appeals to schedule oral argument. The Court of Appeals scheduled oral argument for May 2, 2023. The Court of Appeals reversed the lower court's decision and remanded the case to the Oakland County Circuit Court to permit Plaintiff to file an Amended Complaint. On July 27, 2023, Plaintiff filed a Motion to Lift the Stay in the case. Plaintiff then filed another amended complaint on September 28, 2023. The Court re-opened the case, but there has been a delay in entering the Court order



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memorializing this action. **There is a hearing scheduled for April 3, 2024 on Plaintiff's motion to lift the stay and file an amended complaint against the individual defendants only.**

2. Angela Blanchard v. City of Troy, et al. – Plaintiff filed a lawsuit against the City and an individual police officer, alleging that she sustained injuries from an automobile accident. The officer driving approximately 10 mph through the intersection crossing Big Beaver Road, in pursuit of another speeding vehicle. Although he activated his overhead lights, there was a collision with Plaintiff's vehicle. Plaintiff alleges negligence and gross negligence, and damages in excess of \$25,000. The case is assigned to Oakland County Circuit Court Judge Jeffrey S. Matis. The City timely filed its answer to the complaint and asserted affirmative defenses. The parties are currently engaged in discovery. The City filed a motion for summary disposition, which is scheduled for a hearing in November. The parties participated in mandatory case evaluation, as well. The City accepted the case evaluation award of \$30,000, but Plaintiff rejected it by not timely filing a response. Prior to the City's motion for summary disposition being heard, the parties negotiated a settlement offer for less than the case evaluation award, which will be presented to City Council on January 8, 2024. **The settlement offer was authorized by City Council and this case is now concluded.**

F. MISCELLANEOUS CASES

1. Michigan Association of Home Builders; Associated Builders and Contractors of Michigan; and Michigan Plumbing and Mechanical Contractors Association v. City of Troy - The Plaintiffs filed a complaint for Declaratory and Injunctive Relief in the Oakland County Circuit. On the date of filing the Plaintiffs also filed a Motion for Preliminary Injunction and Order to Show Cause. The Plaintiffs allege that the City of Troy has violated Section 22 of Michigan's Stille-DeRossett Hale Single State Construction Code Act by collecting fees for building department services that are not reasonably related to the cost of providing building department services. They are alleging that the City of Troy has illegally entered into a contract with Safe Built of Michigan, Inc. for building services that provides that 20% of each building permit fee be returned to the City to cover services that are not "reasonably related to the cost of building department services," as required by state statute. The Plaintiffs also assert a violation of the Headlee Amendment, arguing that the 20% returned to the City is a disguised tax that was not approved by voters. The Plaintiffs are asking for a declaratory judgment, as well as a return of any "surplus" building department service funds collected to date. Plaintiffs also request an order requiring the City to reduce its building department fees. The City of Troy was served with the Complaint and the Motion for Preliminary Injunction and Order for Show Cause on Wednesday, December 15, 2010. The parties were required to appear at Court on Wednesday, December 22, 2010, but the Court did not take any action at that time. Instead, the Court adjourned the matter to January 19, 2011. In the interim, the parties may engage in preliminary discovery in an attempt to resolve this matter. The parties are conducting discovery. The parties have completed discovery. Trial in this matter is



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



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arguments on September 7, 2017. On September 28, 2017, the Court of Appeals entered a two to one decision affirming the Circuit Court's grant of summary disposition in favor of the City. The Plaintiffs have filed an application for leave to appeal to the Michigan Supreme Court. The City timely filed an answer to the application. Additionally, the Michigan Municipal League's Legal Defense Fund, the Government Law Section of the State Bar of Michigan, and the Michigan Townships Association filed a motion to file an amicus curiae brief with the Supreme Court, supporting the City's position and asking for a denial of the application for leave to appeal. The Court granted the request for MML's amicus brief on January 5, 2018, and the brief was accepted for filing. The Michigan Realtor's Association filed a motion to file an amicus brief on behalf of Plaintiff Home Builders on February 23, 2018. On June 20, 2018, the Michigan Supreme Court entered an order granting the Michigan Realtor's Association's motion to file a brief amicus curiae. The Court also ordered that oral arguments be scheduled on Plaintiff's application for leave to appeal, and established a schedule for submitting supplemental written briefs. The Court accepted an amicus brief from the Michigan Health and Hospital Association and the Michigan Society of Association Executives, which was drafted by the attorney representing the Home Builders. The parties are now waiting for the Supreme Court to schedule oral argument. On December 19, 2018, the Michigan Manufacturers Association filed a motion to file a brief amicus curiae, and attached its proposed brief to the motion. On December 21, 2018, the Supreme Court granted the motion and accepted the brief that was submitted on December 19, 2018 for filing. The Michigan Supreme Court presided over the oral argument on March 7, 2019. After oral argument, the Court granted a motion to file a late amicus curiae brief. The City filed a response seeking to address the arguments raised in that brief and attached a proposed response. On April 5, 2019, the Court granted the City's motion to file a response to the amicus curiae brief and accepted the City's response for filing. The parties are now waiting for the Supreme Court to issue its opinion. On July 11, 2019, the Michigan Supreme Court entered its decision holding that the use of the revenue generated by the City's building inspection fees to pay the Building Department's budgetary shortfalls in previous year's violates the State Construction Code Act. The Court reversed the decisions of the Court of Appeals and the Circuit Court and remanded the case back to the Circuit Court for further proceedings. On remand the City can still present evidence to justify the retention of a portion of the fees. The Court permitted additional discovery, as requested by Plaintiff, and the City has responded to the numerous discovery requests. The Plaintiffs sought additional discovery, which the City objected to. The Plaintiffs then filed a motion to compel additional discovery and the City filed a response to the motion. The parties resolved the motion without a hearing with a stipulated order in which the City agreed to provide some additional information, which has now been provided. The Plaintiffs have now indicated they would like to take some depositions. Because of the Emergency Declaration, and the difficulty in conducting depositions, Plaintiff filed a motion to extend the discovery deadline, and the City has not objected to this Motion. The Court has scheduled a new trial date. Plaintiffs filed a motion for summary disposition. The Court issued a scheduling order, requiring the City to respond on or before November 18, 2020, and scheduling the hearing for December 2.



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Oral argument was held on the summary disposition motion on December 2nd. We are awaiting a decision from the Court. The Court granted Plaintiffs' motion to file supplemental information. Plaintiffs then filed a supplementary brief, and the City filed its response. We are awaiting a decision by the Court on the summary disposition motion. On May 26, 2021, the Court entered its opinion and order denying both requests for summary disposition. The Court ruled that the Michigan Association of Home Builders had standing to pursue a claim under the Headlee Amendment but it dismissed the Headlee Amendment claims of Associated Builders and Contractors of Michigan and Michigan Plumbing and Mechanical Contractors Association on the basis those Plaintiffs did not establish standing. The case will now proceed to trial unless otherwise resolved through facilitation. The Court has scheduled a status conference for June 30th. The Court ordered facilitation, which was unsuccessfully accomplished on September 15, 2021. The Court also allowed the Plaintiff to take a late deposition of the City's Chief Financial Officer Rob Maleszyk, who was not employed during by the City prior to the discovery cut-off date. The case will now proceed to trial, and the Court has scheduled a status conference for October 19, 2021. The Court adjourned the status conference to November 2, 2021 and subsequently adjourned it to January 14, 2022. The case was re-assigned to visiting Judge Sosnick since Judge Kumar was appointed to serve as a Judge in Federal Court. The status conference was then adjourned to March 1, 2022. However, the case was then re-assigned to the newly appointed Judge Cohen and the status conference was rescheduled for April 5, 2022. On April 5, 2022, Judge Cohen held a status conference, and he scheduled trial for August 2, 2022. The trial commenced on August 2, 2022 and the testimony was concluded on August 3, 2022. Rather than hear closing arguments, the Court directed the parties to submit closing argument briefs within two weeks after a transcript of the testimony is prepared. The Court reporter has notified the parties the transcript will not be available until late October, 2022. The transcript of the trial was filed with the Court, and the parties were then required to simultaneously file written closing arguments, which were timely filed. Afterwards, the City filed a motion asking for permission to file a supplemental response to Plaintiff's closing argument and the Plaintiff opposed that motion. On November 30th, Judge Cohen granted the City's motion, and allowed Plaintiff to file a supplemental response too, and these were timely filed. We are now awaiting a decision from the Court. On February 2, 2023, Judge Cohen issued his opinion and order after bench trial. He found in favor of the Plaintiff on its Construction Code claim and enjoined the City from considering the work of non-building department employees in the calculation of building department expenses when determining what to charge for building permits. However, the Court ruled in favor of the City on Plaintiff's Headlee Amendment claim and ruled the Plaintiff did not establish standing and dismissed that claim. Plaintiff then filed a motion to amend the judgment or for a new trial, and the City responded. The trial Court denied Plaintiff's motion. On March 2, 2023, Plaintiff filed a claim of Appeal in the Michigan Court of Appeals appealing Judge Cohen's decision to dismiss Plaintiff's Headlee Amendment Claim and his denial of the motion to amend judgment. On March 9, 2023, the City filed a Claim of Cross Appeal appealing the previous decision of Judge Kumar denying the City's request for summary disposition and Judge Cohen's decision finding in favor of Plaintiff on the



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Construction Code claim. On July 3, 2023, the City filed its Brief on Cross Appeal. On July 28, 2023, the Plaintiff filed its Appellate Brief. On August 2, 2023, the Plaintiff filed its Brief in Response to the City's Cross Appeal. On August 23, 2023, the City filed its Reply to Plaintiff's Response to the City's Cross Appeal. The City filed its Appellee Brief on September 1, 2023 and Plaintiff filed its Reply on September 15, 2023. The parties are now waiting for the Court of Appeals to schedule oral argument. **The parties are still waiting for the Court to schedule oral argument.**

2. West Maple Realty v. CE Gleeson- This case was filed in Oakland County Circuit Court and assigned to Judge Warren. Plaintiff owns property located at 2565 and 2585 W. Maple Road, in the City of Troy. Co-Defendant Troy Senior Leasing owns the property to the west of Plaintiff's property, at 2785 W. Maple Road. In 2021, the City approved the plans submitted by Troy Senior Leasing for senior citizen apartments to be built on the property. Troy Senior Leasing hired Defendant C.E. Gleeson Constructors to build the apartments. Plaintiff's lawsuit alleges that CE Gleeson and Troy Senior Leasing changed the grade of the property at 2785 W. Maple Road, causing water to flow onto Plaintiff's property, resulting in damage. Specifically, Plaintiff filed this trespass claim for water damage that occurred on/about August 25, 2023. Plaintiff's Complaint is requesting the Court to require Troy Senior Leasing and C.E. Gleeson Constructors to take steps to prevent further flooding to Plaintiff's property. Plaintiff is also asking for an order preventing the City from issuing a certificate of occupancy. The City timely filed an answer to the Complaint, and will now begin engaging in discovery. At the Court's urging, the parties agreed to facilitation on January 23, 2024. In the interim, the City issued a temporary certificate of occupancy to Troy Senior Leasing. Additionally, Troy Senior Leasing filed a motion for summary disposition arguing that the previous lawsuit between the parties precluded this lawsuit, and Plaintiff filed a response. The City was not a party in the previous lawsuit. The Court has not yet set a hearing date on the motion. **Shortly before Troy Senior Leasing filed its motion for summary disposition, Plaintiff filed an amended complaint, adding in more details about its allegations. After the amended complaint was filed, the parties participated in facilitation without success. Both C.E. Gleeson and the City of Troy filed motions for summary disposition. The City's motion primarily argued governmental immunity, and that the amended complaint failed to state a valid claim. After these motions were filed, Plaintiff requested and was granted permission to amend its complaint for a second time, adding two additional Defendants—PH7 and Kleingers Group. PH7 was the architect for the project and Kleingers Group was the engineer for the project. As a result of the second amended complaint, the Court issued an opinion finding that technically all of the motions for summary disposition that were filed before the second amended complaint were moot. The City, Troy Senior Leasing, and C.E. Gleeson then refiled their motions for summary disposition, based on the newly amended complaint. PH7 also filed a motion for summary disposition. The Court issued an order indicating that it will hear PH7's motion for summary disposition at some point after April 7, 2024, but has not issued an order on any of the other pending motions for summary disposition. The Judge also indicated that he might decide the motions without**



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oral argument. In the meantime, the Court has directed the parties to participate in discovery. The Court also set a trial date of June 9, 2025.

G. CRIMINAL APPEALS/ DISTRICT COURT APPEALS

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

1. People of the City of Troy v Theodore Joseph Pierfelice. The Defendant Theodore Joseph Pierfelice was charged with domestic assault and battery. The case proceeded to jury trial and he was found guilty on June 26, 2023. Defendant was sentenced to 93 days in jail on July 25, 2023. Defendant requested court appointed counsel for an appeal on July 25, 2023 and the Oakland County Indigent Defense Services Office (IDSO) appointed an attorney to represent him on appeal. A claim of Appeal was filed in the Oakland County Circuit Court on August 17, 2023, and the appeal was assigned to Judge Daniel P. O'Brien. The City Attorney's Office has filed an appearance. On September 27, 2023, the Defendant timely filed his Brief on Appeal. The City's brief is due October 19, 2023. Oral argument is scheduled for October 25, 2023. The City timely filed its Appellee Brief on October 19, 2023. The Court adjourned the hearing to allow for Appellant to respond, and to facilitate the 52-4 District Court's submission of the entire record. At the oral argument on December 20, 2023, Defendant argued that his criminal conviction should have been reversed because the Court should not have allowed certain statements made by the victim to be admitted at trial. He also argued that the trial defense attorney was ineffective for failing to request a specific jury instruction concerning the victim as a missing witness. Judge O'Brien affirmed the trial court's decision admitting the victim's statements, but remanded the case back to allow the trial court judge to determine if the defendant's trial attorney was ineffective. **On remand, District Judge McGinnis conducted an evidentiary hearing and ruled that Defendant did not establish that his trial attorney was ineffective. The transcript of this hearing will be sent to the Circuit Court Judge, who may then schedule the appeal for further argument or enter a final decision either affirming or reversing the District Court ruling.**
2. People of the City of Troy v Arthur Dore. The Defendant, Arthur Dore, is charged with Operating While Intoxicated (OWI). Defendant filed a motion to suppress and dismiss challenging the constitutionality of the traffic stop that was initiated by a Troy police officer. The District Court granted Defendant's motion, essentially requiring a dismissal of the criminal charges. The City timely filed an appeal of this ruling to the Oakland County Circuit Court. **The City timely filed its appellate brief. Defendant filed a response and the parties are now waiting for the Court to schedule oral argument or issue an order.**



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H. ADMINISTRATIVE PROCEEDINGS

The City Attorney's Office is working with the City Assessor in the following Tax Tribunal cases, where Property owners challenge the City Assessor's property valuation determinations or other determinations.

2022 CASES

JC Penney (CTL Propco I LLC), Case No. 22-000353

City timely filed an Answer and Affirmative Defenses, as well as a Prehearing Statement and Valuation Disclosure. City also filed responses to motions filed by Petitioner. The parties have also participated in three pre-hearing conferences to date. The Tribunal has scheduled this for hearing starting May 6, 2024. One of the issues in this case is the uncapping of Property. Petitioner was contemplating a motion on this issue, but is not pursuing this because the values in its appraisal are similar to the amounts as capped. The City is preparing its case for hearing. **This case was resolved with a stipulated Consent Judgement, entered by the Tax Tribunal on March 25, 2024.**

Woodbridge v. Troy- Case No. 22-001463

City timely filed its answer to the petition. The parties engaged in discovery. City timely submitted its prehearing statement and valuation disclosure. The Tribunal held a prehearing conference and scheduled this case for hearing, starting February 22, 2024. **The parties continued to negotiate a settlement, and agreed to resolve the matter with a stipulated order. The Tax Tribunal dismissed this case on February 15, 2024.**

2023 CASES

Office Ventures Troy I LLC, Case No. 23-000537

The City timely filed its answer and affirmative defenses. The prehearing statement and valuation discovery are due January 3, 2024. The City submitted discovery to Petitioner. The City timely filed its prehearing statement and valuation disclosure on December 28, 2023. **The Tax Tribunal has scheduled a prehearing conference for May 2, 2024.**

OVT Wilshire Owner LLC, Case No. 23-000536

The City timely filed its answer and affirmative defenses. The prehearing statement and valuation discovery are due January 3, 2024. The City submitted discovery to Petitioner. The City timely filed its prehearing statement and valuation disclosure on December 28, 2023. **The Tax Tribunal has scheduled a prehearing conference for May 2, 2024.**



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Liberty Investments I LLC, Case No. 23-000697

The City timely filed its answer and affirmative defenses. The prehearing statement and valuation discovery are due February 5, 2024. The parties will commence the discovery process. The City is preparing the prehearing statement and valuation disclosure for timely submission. **The parties continued to negotiate a settlement, and agreed to resolve the matter with a stipulated order. The Tax Tribunal dismissed this case on March 20, 2024.**

Saks Troy, LLC. Case No. 23-000835

The City timely filed its answer and affirmative defenses. The parties will commence the discovery process. The Tribunal granted an extension of time. The prehearing statement and valuation disclosure are now due May 7, 2024. **The parties continued to negotiate a settlement, and agreed to resolve the matter with a stipulated order. The Tax Tribunal dismissed this case on March 21, 2024.**

JC Penney (CTL Propco I LLC), Case No. 23-000917

The City timely filed its answer and affirmative defenses on July 14, 2023. The parties will commence the discovery process. The Tribunal has held this case in abeyance pending a decision on the 2022 Tax Tribunal matter between the parties. **In connection with the settlement discussions for the 2022 tax year, the parties have stipulated to values, and the Tax Tribunal is expected to enter an order resolving the 2023 and 2024 tax years after the April 1, 2024 filing commencement.**

Somerset Inn, LLC, Case No. 23-001014

The City timely filed its answer and affirmative defenses. The parties will commence the discovery process. The City is responding to the Petitioner's formal discovery request, and Petitioner has provided information requested by the City. The prehearing statement and valuation disclosure are due April 19, 2024. **The parties continued to negotiate a settlement, and agreed to resolve the matter with a stipulated order. The Tax Tribunal dismissed this case on March 4, 2024.**

Long Lake 2 LLC, Case No. 23-001209

The City timely filed its answer and affirmative defenses. The prehearing statement and valuation discovery are due January 18, 2024. The parties will commence the discovery process. The Tribunal granted an extension of time. The valuation disclosure and prehearing statement are now due April 19, 2024. **The parties continue to exchange information.**

Long Lake 2 LLC, Case No. 23-001212

The City timely filed its answer and affirmative defenses. The prehearing statement and valuation discovery are due January 3, 2024. The parties will commence the discovery process. The Tribunal



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granted an extension of time. The valuation disclosure and prehearing statement are now due April 19, 2024. **The parties continue to exchange information.**

1330 Coolidge Ventures, Case No. 23-001233

The City timely filed its answer and affirmative defenses. The prehearing statement and valuation disclosure is due February 5, 2024. The parties will commence the discovery process. The parties have exchanged some information, and submitted a joint motion to extend deadlines. **The parties have negotiated an order resolving this case. The Tax Tribunal entered its order of dismissal on March 25, 2024.**

Troy KS Development LLC, Case No. 23-001272

The City timely filed its answer and affirmative defenses on July 18, 2023. The parties will commence the discovery process. The prehearing statement and valuation disclosure are due March 19, 2024. **The parties agreed to an extension of time, which the Tribunal granted. The parties continue to exchange information.**

Troy KS Development LLC, Case No. 23-001274

The City timely filed its answer and affirmative defenses on July 18, 2023. The parties will commence the discovery process. The prehearing statement and valuation disclosure are due March 19, 2024. **The parties agreed to an extension of time, which the Tribunal granted. The parties continue to exchange information.**

Troy KS Development LLC, Case No. 23-001276

The City timely filed its answer and affirmative defenses on July 18, 2023. The parties will commence the discovery process. The prehearing statement and valuation disclosure are due March 19, 2024. **The parties agreed to an extension of time, which the Tribunal granted. The parties continue to exchange information.**

Troy KS Development LLC, Case No. 23-001277

The City timely filed its answer and affirmative defenses on July 18, 2023. The parties will commence the discovery process. The prehearing statement and valuation disclosure are due March 19, 2024. **The parties agreed to an extension of time, which the Tribunal granted. The parties continue to exchange information.**

Warrior Baseball Complex, Case No. 23-001282

The City timely filed its answer and affirmative defenses. The parties will commence the discovery process. The Tribunal granted an extension of time. The prehearing statement and valuation disclosure are now due May 7, 2024. **The parties continue to exchange information.**



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MT Troy Associates LLC, Case No. 23-001353

The City timely filed its answer and affirmative defenses. The parties will commence the discovery process. The prehearing statement and valuation disclosure are due on February 5, 2024. **The parties stipulated to an extension of time, which the Tribunal granted.**

Troy Crossing LLC, Case No. 23-001405

The City timely filed its answer and affirmative defenses on July 18, 2023. The parties will commence the discovery process. The prehearing statement and valuation disclosure are due April 4, 2024. **The parties stipulated to an extension of time, which the Tribunal granted. The parties continue to exchange information.**

Flagstar Bank FSB, Case No. 23-001461

The City timely filed its answer and affirmative defenses. The parties will commence the discovery process. The City's prehearing statement and valuation disclosure are due March 19, 2024. **The parties stipulated to an extension of time, which the Tribunal granted.**

Troy 500 Stephenson, Case No. 23-001505

The City timely filed its answer and affirmative defenses. The parties will commence the discovery process. The prehearing statement and valuation disclosure are due June 20, 2024. **The parties continue to exchange information.**

Troy 750 Stephenson, Case No. 23-001512

The City timely filed its answer and affirmative defenses. The parties will commence the discovery process. The prehearing statement and valuation disclosure are due June 20, 2024. **The parties continue to exchange information.**

501 Stephenson, Case No. 23-001514

The City timely filed its answer and affirmative defenses. The prehearing statement and valuation disclosure is due February 5, 2024. The parties will commence the discovery process. The parties have exchanged some information, and submitted a joint motion to extend deadlines. **The parties continue to exchange information.**

Pentacentre, LLC, Case No. 23-001517

The City timely filed its answer and affirmative defenses. The parties will commence the discovery process. The prehearing statement and valuation disclosure are due June 20, 2024. **The parties continue to exchange information.**



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BBS Maple Research, Case No. 23-001544

The City timely filed its answer and affirmative defenses. The prehearing statement and valuation disclosure is due February 5, 2024. The parties will commence the discovery process. The Tribunal granted the parties' motion for an extension of deadlines. The prehearing statement and valuation disclosure are now due on June 4, 2024. **The prehearing conference is scheduled for the docket starting October 1, 2024.**

BBS Maple Research, Case No. 23-001546

The City timely filed its answer and affirmative defenses. The prehearing statement and valuation disclosure is due February 5, 2024. The parties will commence the discovery process. The Tribunal granted the parties' motion for an extension of deadlines. The prehearing statement and valuation disclosure are now due on June 4, 2024. **The prehearing conference is scheduled for the docket starting October 1, 2024.**

BBS Maple Research, Case No. 23-001547

The City timely filed its answer and affirmative defenses. The prehearing statement and valuation disclosure is due February 5, 2024. The parties will commence the discovery process. The Tribunal granted the parties' motion for an extension of deadlines. The prehearing statement and valuation disclosure are now due on June 4, 2024. **The prehearing conference is scheduled for the docket starting October 1, 2024.**

BBS Maple Research, Case No. 23-001548

The City timely filed its answer and affirmative defenses. The prehearing statement and valuation disclosure is due February 5, 2024. The parties will commence the discovery process. The Tribunal granted the parties' motion for an extension of deadlines. The prehearing statement and valuation disclosure are now due on June 4, 2024. **The prehearing conference is scheduled for the docket starting October 1, 2024.**

Troy Portfolio LLC, Case No. 23-001549

The City timely filed its answer and affirmative defenses on July 14, 2023. The parties will commence the discovery process. The Tribunal granted an extension of time. The prehearing statement and valuation disclosure are now due June 4, 2024. **The parties continue to exchange information.**

Timberland 5455, Case No. 23-001670

The City timely filed its answer and affirmative defenses. The parties will commence the discovery process. The City has been provided with some requested information. The prehearing statement and valuation disclosure are due June 4, 2024. **The parties continue to exchange information.**



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Integris Ventures-TCC DE LLC, Case No. 23-001671

The City timely filed its answer and affirmative defenses. The parties will commence the discovery process. The City's prehearing statement and valuation disclosure are due on April 19, 2024. **The prehearing statement and valuation disclosure was timely filed on March 26, 2024.**

Troy Beaver Realty, Case No. 23-001745

The City timely filed its answer and affirmative defenses. The parties will commence the discovery process. The prehearing statement and valuation disclosure are due June 20, 2024. **The parties stipulated to an extension of time, which the Tribunal granted.**

Troy Lodging LLC, Case No. 23-001831

The City timely filed its answer and affirmative defenses on July 20, 2023. The parties will commence the discovery process. The prehearing statement and the valuation disclosure are due June 20, 2024. **Discovery continues.**

2075 Associates Limited Partnership, Case No. 23-001835

The City timely filed its answer and affirmative defenses. The prehearing statement and valuation disclosure is due February 5, 2024. The parties will commence the discovery process. The City is preparing its prehearing statement and valuation disclosure for timely submission. **The parties negotiated a settlement in this case, and the Tribunal dismissed it on February 1, 2024.**

Nemer Troy, et al., Case No. 23-001877

The City timely filed its answer and affirmative defenses on July 14, 2023. The parties will commence the discovery process. The prehearing statement and valuation disclosure are due June 20, 2024, and the prehearing conference scheduled for the docket starting October 16, 2024. **Discovery continues.**

Nemer Troy, et al., Case No. 23-001880

The City timely filed its answer and affirmative defenses on July 14, 2023. The parties will commence the discovery process. The prehearing statement and valuation disclosure are due June 20, 2024, and the prehearing conference scheduled for the docket starting October 16, 2024. **Discovery continues.**



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Universal Property TMP LLC, Case No. 23-002023

The City timely filed its answer and affirmative defenses on August 2, 2023. The parties will commence the discovery process. The prehearing statement and valuation disclosure are due July 5, 2024. **Discovery continues.**

Ubiquity Holdings LLC, Case No. 23-002072

The City timely filed its answer and affirmative defenses on July 14, 2023. The parties will commence the discovery process. The prehearing statement and valuation disclosure are due April 19, 2024. **The prehearing statement and valuation disclosure was timely filed on March 26, 2024.**

Shankar Real Estate Holdings LLC, Case No. 23-002088

The City timely filed its answer and affirmative defenses. The parties will commence the discovery process. The prehearing statement and valuation disclosure are due February 5, 2024. **The parties stipulated to an extension of time, which the Tribunal granted. The City timely filed its Prehearing Statement and Valuation Disclosure on March 26, 2024.**

Woodbridge Sales & Engineering, Inc., Case No. 23-002102

The City timely filed its answer and affirmative defenses. The parties will commence the discovery process. The prehearing statement and the valuation disclosure are due June 4, 2024. **The parties were able to negotiate a settlement in connection with the 2022 case. The Tribunal entered an order of dismissal on February 15, 2024.**

Quality Behavioral Health, Case No. 23-002182

The Tribunal dismissed the Petitioner's first two petitions for defects, but accepted the third petition, even though it also was defective. The City timely filed its answer and affirmative defenses on November 13, 2023. The Tribunal scheduled a status conference for January 11, 2024. **Subsequent to the status conference, the Tribunal entered a scheduling order for motions to be filed.**

Noor International Academy, Case No. 23-002393

The City timely filed its answer and affirmative defenses on October 17, 2023. The parties will commence the discovery process. The prehearing statement and valuation disclosure are due July 5, 2024. The parties are preparing motions for summary disposition, based on the tax exemption dispute between the parties. **Initial work has commenced on the summary disposition motion.**

Troy Westington, Case No. 23-002586

The City timely filed its Answer and Affirmative Defenses. The Prehearing Statement and Valuation Disclosure are due July 5, 2024. **The parties have exchanged information and discovery.**



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Penske Vehicle Service Inc, Case No. 23-002615

The City timely filed its answer and affirmative defenses on August 3, 2023. The parties will commence the discovery process. The prehearing statement and valuation disclosure are due July 5, 2024. **Based on Petitioner's withdraw of this case, the Tribunal entered an order dismissing the case on March 15, 2024.**

Akm Hasan, Case No. 23-002734

Petitioner was defaulted in this case, but the Tribunal entered an order reinstating the case on November 30, 2023. **Petitioner has not yet taken any further action on this case.**

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



CITY OF CLAWSON

POLICE DEPARTMENT

425 N MAIN STREET ✦ CLAWSON, MI 48017

KELLIE K. BAUSS

Chief of Police

Troy Police Department

500 W. Big Beaver Rd

Troy, MI 48084

Dear Chief Nastasi,

One of my main goals in becoming Chief of Police for the City of Clawson was to establish a Peer Support Team for my staff. In December 2023, I corresponded with Lieutenant Clark regarding the Troy Police Department's Peer Support Team. He was gracious in taking time to collaborate with me and provide resources to assist with getting our team up and running.

In February 2024, I reached out to Lt. Clark again to see if members of the Troy PD Peer Support Team could speak about best practices and the use of your team at our upcoming Peer Support Team In-service training. On March 7th Ofc. Giordano and Ofc. Lane discussed with my staff how the TPD team had been used this past year and the benefits that a Peer Support Team provides for members of the department. This was the first opportunity that our Clawson PD Peer Support Team had to interact with and learn from members of another team. I received a great deal of positive feedback from my staff regarding the information Officer Giordano and Officer Lane shared. The courtesy and professionalism they showed was exceptional and much appreciated.

I would like to extend my gratitude and thanks for the support the Troy Police Department provided us, especially during a difficult time for your department given the recent tragedy that Troy PD experienced days prior. Thank you for always being there! We value the partnership we have with you and Clawson PD is here if you need us.

Sincerely,

A handwritten signature in blue ink that reads "Kellie Bauss".

Kellie K. Bauss, Chief of Police

Beth L Tashnick

Subject: FW: Flex into Fitness - For what it's worth....

-----Original Message-----

From: Lorraine Palmer

Sent: Monday, March 25, 2024 8:38 PM

To: Brian Goul ;Nikki C McEachern

Subject: Flex into Fitness - For what it's worth....

Hi,

There have been lots of nice changes at TCC over the past several months. Thank you for taking action on input from members.

Regarding Flex into Fitness, Ellen's Monday 9:00 class is always well attended (24 participants today). Is there any way this (or Barb's) could be offered 2x per week?

Kelly did a great job filling in for Barb's Wednesday 9:00 class while she was gone. These are all strong instructors, and based on the post-class chatter, you would make many participants happy if you offered a weight/toning class (such as Ellen's, Barb's, or Kelly's) at 9:00 on M-W-F. (Toni's class has also gotten positive feedback.)

Also, the Tuesday/Thursday Pilates is missed—not sure about instructor availability for that since Linda left.

We have not yet seen the new schedule, but hope you are able to maintain some of these morning classes and dedicated instructors. I know it's always a puzzle, and that you receive many suggestions. Thanks for considering mine.

Lori Palmer