



# **TROY CITY COUNCIL**

## **REGULAR MEETING AGENDA**

**JULY 8, 2024**

**CONVENING AT 7:30 P.M.**

**Submitted By  
The City Manager**

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***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](mailto:clerk@troymi.gov) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.***

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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:

This meeting agenda was prepared according to the City Council's Rules of Procedure. It provides detailed information to help facilitate informed deliberations. Many agenda items also include City staff recommendations for your consideration.

Many City staff members contributed to preparing this agenda, and I thank them for their efforts. We have attempted to provide accurate and detailed information. However, City staff can answer questions or provide additional information whenever necessary.

Please contact the City Manager's Office at [CityManager@troymi.gov](mailto:CityManager@troymi.gov) or (248) 524-3330 to ask questions or request additional information.

Respectfully,

A handwritten signature in blue ink, reading "Robert Bruner".

Robert J. Bruner  
Acting 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.

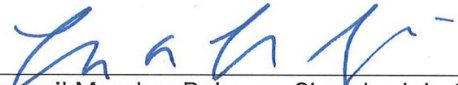
Signed this 4<sup>th</sup> day of December, 2023.

  
\_\_\_\_\_  
Mayor Ethan Baker

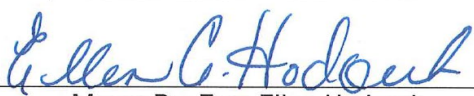
  
\_\_\_\_\_  
Council Member Theresa Brooks

  
\_\_\_\_\_  
Council Member Hirak Chanda

  
\_\_\_\_\_  
Council Member David Hamilton

  
\_\_\_\_\_  
Council Member Rebecca Chamberlain-Creanga

  
\_\_\_\_\_  
Council Member Mark Gunn

  
\_\_\_\_\_  
Mayor Pro Tem Ellen Hodorek





# CITY COUNCIL AGENDA

July 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](http://www.troymi.gov/webcast)

or on Local Access Cable Channels

(WOW – Ch 10, Comcast – Ch 17, AT&T – Ch 99)

**INVOCATION:** 1

**PLEDGE OF ALLEGIANCE:** 1

**A. CALL TO ORDER:** 1

**B. ROLL CALL:** 1

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

C-1 No Certificates of Recognition and Special Presentations 1

**D. CARRYOVER ITEMS:** 1

D-1 No Carryover Items 1

**E. PUBLIC HEARINGS:** 1

E-1 No Public Hearings 1

**F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:** 1

**G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:** 2

**H. POSTPONED ITEMS:** 2

H-1 No Postponed Items 2

**I. REGULAR BUSINESS:** **2**

I-1	Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – None	2
I-2	Board and Committee Nominations: a) Mayoral Nominations – Downtown Development Authority, Local Development Finance Authority; b) City Council Nominations – None	3
I-3	No Closed Session Requested	5
I-4	Contract Ratification – Troy Command Officers Association (TCOA) <i>(Introduced by: Jeanette Menig, Human Resources Director)</i>	5
I-5	Contract Ratification – Troy Fire Staff Officers Association (TFSOA) <i>(Introduced by: Jeanette Menig, Human Resources Director)</i>	6

**J. CONSENT AGENDA:** **6**

J-1a	Approval of “J” Items NOT Removed for Discussion	6
J-1b	Address of “J” Items Removed for Discussion by City Council	6
J-2	Approval of City Council Minutes	6
	a) City Council Special Meeting Minutes-Draft – June 24, 2024 .....	6
	b) City Council Minutes-Draft – June 24, 2024.....	6
J-3	Proposed City of Troy Proclamations: None Submitted	6
J-4	Standard Purchasing Resolutions: None Submitted	6
J-5	Traffic Committee Recommendations and Minutes – June 19, 2024	7

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:** **7**

K-1	Announcement of Public Hearings: None Submitted	7
K-2	Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted	7

<b><u>L.</u></b>	<b><u>PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:</u></b>	<b><u>7</u></b>
<b><u>M.</u></b>	<b><u>CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:</u></b>	<b><u>7</u></b>
<b><u>N.</u></b>	<b><u>COUNCIL REFERRALS:</u></b>	<b><u>7</u></b>
N-1	No Council Referrals Submitted	7
<b><u>O.</u></b>	<b><u>REPORTS:</u></b>	<b><u>7</u></b>
O-1	Minutes – Boards and Committees:	7
	a) Personnel Board-Final – June 7, 2023 .....	7
	b) Civil Service Commission (Act 78)-Final – May 20, 2024 .....	7
O-2	Department Reports: None Submitted	7
	a) Second Quarter 2024 Litigation Report .....	7
O-3	Letters of Appreciation:	7
	a) To Recreation from Laura Hutt Regarding Jeanne Stine Park .....	7
O-4	Proposed Proclamations/Resolutions from Other Organizations: None Submitted	7
<b><u>P.</u></b>	<b><u>COUNCIL COMMENTS:</u></b>	<b><u>8</u></b>
P-1	No Council Comments Submitted	8
<b><u>Q.</u></b>	<b><u>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):</u></b>	<b><u>8</u></b>
<b><u>R.</u></b>	<b><u>CLOSED SESSION</u></b>	<b><u>8</u></b>
R-1	No Closed Session	8
<b><u>S.</u></b>	<b><u>ADJOURNMENT:</u></b>	<b><u>8</u></b>
	<b><u>2024 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:</u></b>	<b><u>9</u></b>

**2024 SCHEDULED REGULAR CITY COUNCIL MEETINGS:****9**

July 22, 2024 Regular Meeting .....	9
August 12, 2024 Regular Meeting.....	9
August 26, 2024 Regular Meeting.....	9
September 16, 2024 Regular Meeting .....	9
September 30, 2024 Regular Meeting .....	9
October 14, 2024 Regular Meeting .....	9
October 28, 2024 Regular Meeting .....	9
November 11, 2024 Regular Meeting .....	9
November 25, 2024 Regular Meeting .....	9
December 9, 2024 Regular Meeting .....	9
December 16, 2024 Regular Meeting .....	9

**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 #2024-07-

Moved by

Seconded by

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

Yes:

No:

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

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**C-1** No Certificates of Recognition and Special Presentations

**D. CARRYOVER ITEMS:**

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**D-1** No Carryover Items

**E. PUBLIC HEARINGS:**

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**E-1** No Public Hearings

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

**In accordance with the Rules of Procedure for the City Council:**

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. **NOTE TO THE PUBLIC:** *City Council requests that if you do have a question or concern, to bring it to the attention of the*

*appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

- Petitioners of items that are included in the pre-printed agenda booklet shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any Public Hearing item.
- Any member of the public, not a petitioner of an item, does not have the right to engage in discussion or debate with City Council during the Public Comment portions of the meeting.
- All members of the public who wish to address the Council at a meeting shall be allowed to speak only if they have signed up to speak within thirty minutes before or within fifteen minutes after the meeting's start time. Signing up to speak requires each speaker provide his or her name. If the speaker is addressing an item(s) that appears on the pre-printed agenda, then the speaker shall also identify each such agenda item number(s) to be addressed.
- City Council may waive the requirements of this section by a consensus of the City Council.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a special meeting for that specific purpose.

Prior to Public Comment, the Mayor may provide a verbal notification of the rules of decorum for City Council meetings or refer to the pre-printed agenda booklet, which will include the following language, as approved by City Council:

Please direct your comments to the City Council as a whole rather than to any individual. Please do not use expletives or make derogatory or disparaging comments about any individual or group. If you do, there may be immediate consequences, including being muted and having your comments omitted from any re-broadcast of the meeting. Please abide by these rules in order to minimize the possibility of disrupting the meeting.

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

**H. POSTPONED ITEMS:**

**H-1 No Postponed Items**

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**I. REGULAR BUSINESS:**

**I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – None**

**a) Mayoral Appointments: None**

**b) City Council Appointments: None**

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**I-2 Board and Committee Nominations: a) Mayoral Nominations – Downtown Development Authority, Local Development Finance Authority; b) City Council Nominations – None**

**a) Mayoral Nominations:**

Suggested Resolution

Resolution #2024-07-

Moved by

Seconded by

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

**Downtown Development Authority**

Appointed by Mayor  
13 Regular Members  
4 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2
Baker	Ethan		Mayor per State Statute	At Large	
Blair	Timothy	6/17/2017	9/30/2027	In District	
Keisling	Laurence	9/11/2022	9/30/2024	At Large	
Kiriluk	Alan	9/29/2022	9/30/2024	In District	
Knollenberg	Martin	6/28/2021	9/30/2027	In District	
Koza	Kenny	9/18/2019	9/30/2025	In District	
Kuppa	Padma		9/30/2026	At Large	
MacLeish	Daniel	6/28/2023	9/30/2025	In District	
Reschke	Ernest	7/5/2024	9/30/2026	At Large	
Richards Jr.	John	2/13/2025	9/30/2026	Resident Member	
Stone	David	3/11/2023	9/30/2027	In District	
Tomcsik-Husak	Tara	9/22/2022	9/30/2024	In District	
Vacancy			9/30/2024	In District	Cheryl Bush resigned 9/22/21

**Nominations to the Downtown Development Authority:**

**Unexpired Term Expiring:  
9/30/2024****In District**

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

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1	Notes 2
Aceves Jr.	Alfonso	12/11/2025	At Large	
Battle	Timothy	10/28/2024	At Large	
Beyer	Joseph	12/13/2024	In District	
Comiskey	Ann	1/20/2026	At Large	
Dicker	Susanne F.	1/3/2025	At Large	
Faiz	Iqbal	6/7/2025	At Large	
Kenkre	Mahendra	1/19/2025	At Large	
Kornacki	Rosemary	2/24/2025	At Large	Brownfield Redev Auth exp 4/30/26
Pettinato	Jillian	11/27/2025	At Large	
Smieliauskas	Fabrice	4/9/2026	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	6/30/2028	Resident Member	
Smieliauskas	Fabrice	9/7/2025	6/30/2028	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	
Vassallo	Joseph	12/20/2024	Brownfield Redev Auth exp 4/30/24

Yes:

No:

**b) City Council Nominations: None****I-3 No Closed Session Requested****I-4 Contract Ratification – Troy Command Officers Association (TCOA) (*Introduced by: Jeanette Menig, Human Resources Director*)****Suggested Resolution**

Resolution #2024-07-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **RATIFIES** the collective bargaining agreement between the City of Troy and the Troy Command Officers Association (TCOA) for the period July 1, 2024 through June 30, 2027, and the Mayor and City Clerk are **AUTHORIZED** to execute the final agreement; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

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**I-5 Contract Ratification – Troy Fire Staff Officers Association (TFSOA) (Introduced by: Jeanette Menig, Human Resources Director)**Suggested Resolution

Resolution #2024-07-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **RATIFIES** the collective bargaining agreement between the City of Troy and the Troy Fire Staff Officers Association (TFSOA) for the period July 1, 2024 through June 30, 2029, and the Mayor and City Clerk are **AUTHORIZED** to execute the final agreement; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

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**J. CONSENT AGENDA:**

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

Resolution #2024-07-

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:

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

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**J-2 Approval of City Council Minutes**Suggested Resolution

Resolution #2024-07-

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

- a) City Council Special Meeting Minutes-Draft – June 24, 2024
- b) City Council Minutes-Draft – June 24, 2024

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**J-3 Proposed City of Troy Proclamations: None Submitted**

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**J-4 Standard Purchasing Resolutions: None Submitted**

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**J-5 Traffic Committee Recommendations and Minutes – June 19, 2024**

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Suggested Resolution  
Resolution #2024-07-

**4. Request for Traffic Control – Northfield Parkway – Troy High School**

RESOLVED, That a School Zone **BE ESTABLISHED** on Northfield Parkway at Troy High School, between Long Lake Road and Wintergreen Drive for the purpose of reducing the speed limit in accordance with the Michigan Vehicle Code.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**K-1 Announcement of Public Hearings: None Submitted**

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

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**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

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**N-1 No Council Referrals Submitted**

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**O. REPORTS:**

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**O-1 Minutes – Boards and Committees:**

- a) Personnel Board-Final – June 7, 2023
  - b) Civil Service Commission (Act 78)-Final – May 20, 2024
- 

**O-2 Department Reports: None Submitted**

- a) Second Quarter 2024 Litigation Report
- 

**O-3 Letters of Appreciation:**

- a) To Recreation from Laura Hutt Regarding Jeanne Stine Park
- 

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

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**P. COUNCIL COMMENTS:**

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**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**

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**R-1** No Closed Session

**S. ADJOURNMENT:**

Respectfully submitted,



Robert J. Bruner  
Acting City Manager

**2024 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

**2024 SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

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



# CITY COUNCIL AGENDA ITEM

Date: June 25, 2024

To: Robert J. Bruner, Acting City Manager

From: Megan E. Schubert, Assistant City Manager  
Robert C. Maleszyk, Chief Financial Officer  
Frank Nastasi, Police Chief  
Jeanette Menig, Human Resources Director  
Jennifer Lee, Deputy Human Resources Director

Subject: Contract Ratification – Troy Command Officers Association (TCOA)  
(Introduced by: Jeanette Menig, Human Resources Director)

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**History**

The Troy Command Officers Association (TCOA) currently represents 24 sworn police officers.

In April of this year, the City and the TCOA started negotiating a successor collective bargaining agreement to replace the contract that expires on June 30, 2024. We held three bargaining sessions and reached a tentative agreement at the end of May.

**Financial**

As seen in the attached summary, the three-year agreement provides annual wage increases, enhances clothing/cleaning allowances, increases shift differentials and provides the most senior officers an additional week of vacation time. Additionally, employees in this bargaining unit are now eligible to participate in our enhanced dental plan, consistent with other groups in the City. These benefits mirror many of the enhancements in the Police Officers’ agreement ratified last year.

The estimated additional cost for the first year of the agreement is \$293,365. The significant driver of the cost is wages, resulting from the impact of last year’s increase to the top pay for Police Officers and the need to maintain appropriate pay separation between the positions of Officer and Sergeant, Sergeant and Lieutenant, and Lieutenant and Captain.

Additional administrative and non-financial changes are also included in this agreement.

**Recommendation**

City management recommends approval of this agreement between the City of Troy and TCOA for a three-year collective bargaining agreement for the period July 1, 2024 to June 30, 2027.

A summary of contract changes and copies of the tentative agreements are attached. For reference, the current collective bargaining agreement is available on the [City website](#).

**Legal Review**

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

City of Troy and TCOA  
2024-2027 Collective Bargaining Agreement  
Tentative Agreement Summary

<b><u>ISSUE</u></b>	<b><u>CURRENT</u></b>	<b><u>AGREEMENT</u></b>
Cleaning Allowance	\$660/year	\$ 700/year
Clothing Allowance	\$800/year	\$1000/year
Dental Insurance	Standard dental coverage provided with no premium share by employees.	Additional option for enhanced dental insurance will be offered. Employees who select standard or enhanced dental insurance will pay 5% of the premium cost of plan selected.
	No defined "opt out" incentive is identified in the agreement.	Employees who do not enroll in dental coverage will receive \$25/month.
Holidays & Overtime		Clarifies that the starting time of the shift determines eligibility for holiday rate.
Retirement		Include new option for Deferred Retiree Health Care for those already eligible to earn credit toward retiree health care.
Sick Leave	Previously no banked sick time paid out for resignations (only at retirement)	Will pay a percent of banked sick time based on years of service: 15 yrs = 50%, 20 yrs = 75%, 25 yrs = 100%
Shift Premium	Afternoons \$ .80/hour Midnights \$ 1.00/hour	Afternoons \$1.50/hour Midnights \$1.75/hour
Vacation		Employees will accrue an additional week of vacation at 20 years of service.
Wages		Wages retroactive to 7/1/2024 Sgt start 7% over Police Officer max Sgt max 10% over Police Officer max Lieutenant 20% over Sergeant max Captain 15% over Lieutenant  July 1, 2024      Based on % above July 1, 2025      Based on % above July 1, 2026      3.00% if TPOA not settled by 7/1/2026
Language clarifications and non-financial / procedural		Miscellaneous language clean-up and procedures defined in several sections



TENTATIVE AGREEMENT  
City of Troy and TCOA  
May 22, 2024

The City and the Union agree to a three-year agreement, July 1, 2024 – June 30, 2027.

FOR THE UNION:



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Date:

6/3/24

FOR THE CITY:



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Date:

6/3/24

TENTATIVE AGREEMENT  
City of Troy and TCOA  
May 21, 2024

26. HOLIDAYS      Status Quo regarding identified designated holidays.

34. CLOTHING AND CLEANING ALLOWANCE

- A. Each fiscal year, every officer shall be allotted a basic clothing allowance of ~~\$600.00~~ **\$1000.00**. ~~Said clothing allowance shall be placed in an account in the officer's name and shall be disbursed to the officer upon submittal of receipts for approved clothing and personal equipment purchases. Such receipts must be original receipts which will be returned to the officer after being duplicated.~~ **The allowance shall be issued to each active officer, less applicable payroll tax deductions, via direct deposit during the month of July of each year.**

It is clearly understood that clothing allowance has a prospective application and is intended to cover purchases for the entire fiscal year. ~~In the event that employment is interrupted for such reasons as retirement, or leave of absence or injury leave in excess of six (6) months, the City shall have the right to adjust such payments on a prorated basis and make adjustments in payments for the following fiscal year based on overpayments in the current year.~~

- B. Any command officer assigned to or from a non-uniform investigative assignment for a period in excess of six consecutive months shall receive an additional ~~\$150.00~~ **\$200.00** in his clothing allowance. ~~A command officer assigned to a non-uniform investigative assignment shall be allowed to charge purchases of civilian clothing up to \$150 as soon as he is assigned to a non-uniform investigative assignment, provided that if the officer's assignment is insufficient in duration to qualify him for the additional \$150 allowance, his clothing allowance for the following year will be reduced by the amount of purchases of civilian clothing.~~ **The additional allowance will be issued, less applicable payroll tax deductions, via direct deposit.**
- C. Any Police Sergeant promoted to the rank of Police Lieutenant shall be provided the following uniform items, at no cost to the officer: Two trousers, two long-sleeved shirts, two short-sleeved shirts, and one winter coat.
- ~~D. \$25 of unused funds from the basic clothing allowance may be carried forward each fiscal year.~~
- ~~E-D.~~ The amount and type of uniforms and equipment shall be as determined by the Police Chief. Changes in uniforms and/or personal equipment will be discussed with the officers of the Association, and all officers will be notified of any mandatory change at least 30 days in advance of the fiscal year.
- ~~F-E.~~ Each officer shall receive an annual cleaning allowance of up to ~~\$500~~ **\$700.00** on or before May 20th of each year which shall be comprised of twelve (12) monthly

payments prorated for each full month that the officer was actively working in the previous twelve-month period. **The allowance shall be issued to each active officer, less applicable payroll tax deductions, via direct deposit.**

35. LONGEVITY Status Quo

37. WAGES

Police Sergeant start step will be 7% increase over Police Officer (highest step).  
Police Sergeant top step will be 20% increase over Police Officer (highest step).  
Police Lieutenant base pay will be 10% increase over Police Sergeant (highest step).  
Police Captain base pay will be 15% increase over Police Lieutenant pay.

	<u>July 1, 2024</u>	<u>July 1, 2025</u>	<u>July 1, 2026*</u>
Sergeant (Start)	\$ 97,926	\$ 100,865	\$ 103,891
Sergeant (6 mo.)	\$109,824	\$ 113,119	\$ 116,513
Lieutenant	\$120,806	\$ 124,431	\$ 128,164
Captain	\$138,927	\$ 143,096	\$ 147,389

\* If the TPOA agreement is not ratified by July 1, 2026 wages will be as indicated above for July 1, 2026; if the TPOA agreement is ratified on or before July 1, 2026 wages indicated above for July 1, 2026 will be replaced with the percent spread indicated (7%, 20%, 10%, 15%) as computed from the highest step for Police Officer.

FOR THE UNION:

Ekaterina Kulesza  
[Signature]

Date: 5-21-2024

FOR THE CITY:

Jeanette Mewg  
[Signature]

Date: 5/21/24

TENTATIVE AGREEMENT  
City of Troy and TCOA  
May 21, 2024

4. NON-DISCRIMINATION

The Employer and the Association agree that the provisions of this Agreement shall be applied equally to all employees without discrimination as to **race, religion, color, sex, sexual orientation, gender identity or expression, height, weight, marital status, national origin, age, disability, or veteran status or any other basis protected by federal and state law**. ~~sex, marital status, race, color, creed, national origin, religious, or political affiliations. Within this Agreement, all references to "he" shall also be interpreted as "she", and all references to "his" shall also be interpreted as "her", etc.~~

—  
*Also, the agreement will be updated to be gender-neutral.*

FOR THE UNION:

Shuster Kulesza  
[Signature]

Date: 5-21-2024

FOR THE CITY:

Jeanette Meng  
[Signature]

Date: 5/21/24



TENTATIVE AGREEMENT

City of Troy and TCOA

May 21, 2024

14. DISCIPLINE

I. ~~At the conclusion of any investigation conducted, the employee who is the subject of the complaint shall be notified in writing of the outcome of that investigation and a copy of the file supplied to the employee, if requested.~~

**At the conclusion of any investigation conducted, the employee who is the subject of a complaint shall be notified in writing of the outcome of that investigation and be allowed to review the complete file. If an investigation results in discipline, a copy of the discipline investigation file will be supplied to the officer and a TCOA representative, if requested. If confidential sources of information are withheld, the Police Chief will provide the Union President with written reasons for the confidentiality. It should be noted that any privileged information, which is prohibited from being disclosed to the officer, cannot be utilized as a basis for disciplinary measures against the officer.**

FOR THE UNION:

*Shester Kulesza*  
*[Signature]*

Date: *5-21-2024*

FOR THE CITY:

*Jeanette Meunz*  
*[Signature]*

Date: *5/21/24*

TENTATIVE AGREEMENT  
City of Troy and TCOA  
April 22, 2024

21. SICK LEAVE

(add I.)

I. Effective July 1, 2024, upon resignation in good standing and with a minimum of two weeks' notice, unused sick leave credits will be paid to the employee to a maximum of 480 hours based on the following schedule:

15 years of credited full-time City of Troy service = 50%

20 years of credited full-time City of Troy service = 75%

25 years of credited full-time City of Troy service = 100%

FOR THE UNION:

Eket Kulesza  
[Signature]

Date: 4-22-2024

FOR THE CITY:

Jeannette Mung  
[Signature]

Date: 4/22/24

## TENTATIVE AGREEMENT

City of Troy and TCOA

May 21, 2024

### 26. HOLIDAYS

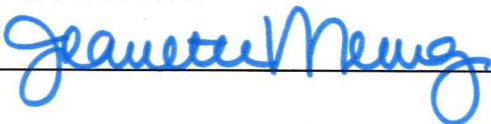
- A. On January 1, each officer shall be allotted 110 hours of future holiday leave.
- B. Designated holidays shall be New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas Eve Day, Christmas Day, Easter, and New Year's Eve Day. The designated holiday shall apply to one specific calendar day for each of the designated holidays.
- C. Any Operations Division command officer working on a designated holiday shall receive one and one-half times his regular hourly rate for all hours worked that day. All overtime hours worked on a designated holiday shall be paid at the rate of two times his regular hourly rate. **The starting time of the shift determines eligibility for holiday overtime.**
- D. Unused holiday leave as of December 31 of each year shall be paid to the officer on a straight time basis by means of direct deposit.
- E. Investigative and Administrative Services Division command officers may work a designated holiday, if it is their scheduled work day, upon providing seven days' written notice to the Division Captain. An officer working under this section will be paid straight time only **one and one half times the regular rate.**
- F. Investigative and Administrative Services Division command officers ordered to work on a designated holiday ~~that falls on their regularly scheduled work day and work hours shall be paid one and one-half~~ **two** times the regular rate. ~~All such overtime hours worked on a designated holiday that falls outside of an officer's regularly scheduled work day and work hours shall be paid at the rate of two times his regular hourly rate.~~
- G. Upon death or retirement, unused holiday leave accrued that year will be paid at the rate of 100% of the unused hours.
- H. **In the event that an employee terminates employment with the Employer having used more holiday leave than had actually been observed in the calendar year plus floating holiday, the employee's last paycheck will be reduced by the excess amount of holiday leave the employee has taken. In the event that an employee terminates employment with the Employer having used less holiday leave than had actually been observed in the calendar year plus floating holiday(s), the employee's last paycheck will include payment for the holidays not taken**

FOR THE UNION:


Date: 5-21-2024

FOR THE CITY:



Date: 5/21/24



TENTATIVE AGREEMENT  
City of Troy and TCOA  
April 22, 2024



27. VACATION

- A. All officers shall qualify for vacation leaves on January 1 of each calendar year according to the following schedule:
1. For all months worked in the previous calendar year prior to the ~~third~~ service date with the City, an officer shall ~~accumulate vacation leave at the rate of 6 2/3 hours for each month worked.~~
  2. ~~For all months worked in the previous calendar year beyond the third and prior to the eighth service date with the City, an officer shall accumulate vacation leave at the rate of 10 hours for each month worked.~~
  - ~~3.~~ For all months worked in the previous calendar year beyond the eighth and prior to the ~~thirteenth~~ **fifth** service date with the City, an officer shall accumulate vacation leave at the rate of 13 1/3 hours for each month worked. **(12 months = 160 hours)**
  - ~~4.~~ For all months worked in the previous calendar year beyond the ~~thirteenth~~ service date with the City, an officer shall ~~accumulate vacation leave at the rate of 15 hours for each month worked.~~
  - ~~5.~~ **2.** For all months worked in the previous calendar year beyond the ~~eighteenth~~ **fifth** service date with the City, an officer shall accumulate vacation leave at the rate of 16 2/3 hours for each month worked. **(12 months = 200 hours)**

**Effective the first full month following ratification:**



- 3. For all months worked in the previous calendar year beyond the twentieth service date with the City, an officer shall accumulate vacation leave at the rate of 20 hours for each month worked. (12 months = 240 hours)**

FOR THE UNION:

Date: 4.22-2024

FOR THE CITY:

Date: 4/22/24



TENTATIVE AGREEMENT  
City of Troy and TCOA  
May 21, 2024

The City and the Union agree to modify Article 27, C, 1 as follows:

27. VACATION

C. For Sergeants and Lieutenants, the following provisions shall apply:


1. ~~Officers may use up to 80 hours of accrued vacation leave time on a one-day-at-a-time basis.~~ Vacation leave time taken on a one-day-at-a-time basis must be utilized in a regular full shift block (8 or 10 hours depending on work assignment). A maximum of 80 hours of unused vacation leave time as of December 31st of each year shall be paid to the officer on a straight time basis.

FOR THE UNION:

Shirley Kulesza  


Date: 5-21-2024

FOR THE CITY:

Janette Mung  


Date: 5/21/24

TENTATIVE AGREEMENT  
City of Troy and TCOA  
May 21, 2014

The City and the Union agree to replace Article 29 with the following:

Article 29. WORKERS' COMPENSATION

- A. The City will provide benefits pursuant to the current Michigan Workers' Compensation law for an employee who suffers an accidental injury or a disabling occupational disease arising out of and in the course of employment with the City. If the Michigan Workers' Compensation law changes, the policy will mirror the changes.

The parties to this Agreement understand that Workers' Compensation benefits are paid in accordance with applicable Workers' Compensation laws of the State of Michigan, but that supplemental payments are made subject to the employee based upon the following. The employee must:

1. Be full-time in order to receive supplemental benefits;
2. Immediately, upon reasonable knowledge of the injury, report the injury to their immediate supervisor;
3. Complete an incident report on the injury and cause of the injury;
4. Obtain treatment with the City-designated clinic for the initial treatment and up to the following twenty-eight (28) days after the initial treatment;
5. Provide periodic updates from the employee's physician if requested by the City;
6. Perform in a light duty status, consistent with the recommendation of the attending physician, if directed by the City;
  - a. With the exception of excluding those duties listed in Article 21A.
7. Follow the processes required by Workers' Compensation laws if there is a disagreement between the treating physician and another provider or the insurer, which may include consenting to an independent medical examination as necessitated by the and insurance carrier or following a medical dispute process.

It is further understood that the denial of supplemental benefits, benefits under another Article, and/or other benefit plans does not affect the receipt of Workers' Compensation benefits.

- B. In accordance with Workers' Compensation law, there is a 7-day waiting period for wage loss benefit payments from the Workers' Compensation insurance carrier. If the disability lasts beyond one-week (seven (7) consecutive, calendar days), the worker is entitled to benefits as of the eighth (8th) day after the injury. If a disability continues for two weeks (fourteen (14) consecutive, calendar days) or longer, then the worker is entitled to be paid compensation for the first (1st) week of disability from the date of disablement. There is no waiting period for medical benefits; coverage begins at the time of the injury.
- C. For the first thirty (30) days following the date of disability, the employee shall receive a check from the City in an amount sufficient to augment appropriate Workers' Compensation insurance to provide the employee with their regular,

base wage. Employees shall not incur any loss of accrued leave time during this 30-day period.

After the 30-day period has been completed, an employee shall receive, if otherwise eligible, Workers' Compensation as provided by law and a benefit equal to the difference between such Workers' Compensation benefit and approximately eighty percent (80%) of the employee's base wage. In order to be eligible for such benefit, an employee must supplement such benefits by using up to a maximum of four (4) hours per pay period of paid leave time.

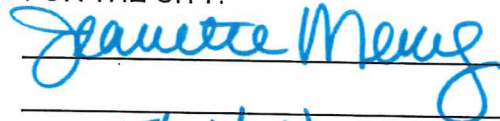
- D. Upon the retirement of a member of this Union due to their disability as provided in Chapter 10 of the City Code, they shall receive a pension of not less than two-thirds (2/3) of their Final Average Compensation during the period they are in receipt of Workers' Compensation due to this disability arising out of and in the course of their City employment.
- E. The employee agrees to refund any overpayments to the City, per provisions of Article 37 (E).

FOR THE UNION:



Date: 5-21-2024

FOR THE CITY:



Date: 5/21/24



TENTATIVE AGREEMENT  
City of Troy and TCOA  
June 12, 2024

31. HEALTH INSURANCE

- A. The Employer shall provide hospitalization and medical insurance for employee and family equal to or better than the following:
1. Blue Cross Community Blue Plan 1 (Modified) to include: \$10/\$40 drug rider with mandatory generic, prior authorization, step therapy, 2xMOPD; \$30 office visit co-pay; \$30 chiropractic office visit co-pay; \$50 emergency room co-pay (waived if admitted); and \$250/\$500 basic deductible.
  2. Dental Insurance **A basic dental program**, including Class I and Class II benefits with a 10% employee co-payment of claims and a maximum benefit of \$1000 per person per year, beginning each January 1 and orthodontic coverage with a 50% employee co-payment of claims and a \$2,000 maximum lifetime benefit per person to age 19.
  3. **Effective January 1, 2025 employees will have the opportunity to select an enhanced dental plan, including orthodontic coverage.**
- B. An employee who elects to be covered by health insurance shall contribute 5.0% of the total premium cost by means of a pretax payroll deduction. **Effective January 1, 2025 employees who choose to enroll in dental insurance (basic or enhanced) shall contribute 5% of the premium for dental insurance.**
- C. Employees who, after July 1, 2006, choose not to subscribe to health insurance will receive \$250 per month. For current bargaining unit members who, prior to July 1, 2006, opted not to subscribe to medical insurance, the amount of "cash-in-lieu" payment is frozen at the amount they were being paid as of July 1, 2006. Employees entering the bargaining unit after August 11, 2014 who are receiving "cash in lieu" at the time they entered the unit, will continue to receive the same amount or \$250 per month, whichever is less.
- Effective January 1, 2025, officers who choose not to subscribe to dental insurance shall receive \$25 per month.**

*Highlighted sections D – G to be relocated to Article 36 Retirement under a new section C titled Medical Insurance in Retirement and D titled Retirement Health Savings*

- D. Upon regular retirement, early retirement, or disability retirement, employees will be eligible for health insurance if they meet the age and service requirements whether they participate in the Defined Benefit or Defined Contribution Pension Plan (unless they participate in the Retirement Health Savings (RHS) plan per section G, below). Such insurance will be provided for two-person coverage for retiree and spouse (or dependent child) at the time of retirement, at the rate of 4% per complete year of retirement service to the City of Troy (maximum 100%).



For employees who retire after July 1, 2014, the insurance described in Blue Cross Blue Shield Group # 007-001-0020 will be provided, except for employees who participate in the Retirement Health Savings (RHS) plan.

As an option, retirees may elect to enroll in Medicare Part B (medical insurance), at the retiree's expense, and must notify the employer that they enrolled. The employer shall then provide supplemental insurance benefits to equal the above level of insurance benefits, as described in Paragraph 2 of this subsection, for two-person coverage for retiree and spouse (or dependent child) at the time of retirement, at the rate to be computed per the subsection D., above (except for employees who participate in the Retirement Health Savings (RHS) plan). A retiree may pay, at his/her own expense, the difference between a two-person and family rates.


- E. Effective February 27, 2006, employees who promote into the unit shall not be eligible for retiree dental/orthodontic coverage. For those employees who were in the unit prior to February 27, 2006, the Employer will provide dental/orthodontic coverage in retirement, consistent with that received by active employees, for retiree and spouse, at the rate of 4% per complete year of retirement service as a Police Officer to the City of Troy if said retired employee or spouse is drawing benefits or a pension pursuant to the City of Troy Retirement Ordinance. A retiree may pay, at his/her own expense, the difference between a two-person and family rate.
- F. For members receiving a non-duty disability retirement on or after May 7, 2001, hospitalization coverage provided in subsection D. above will be at the rate of \$400 per month or 4% per complete year of retirement service as a Police Officer to the City of Troy whichever is greater.
- G. Employees promoting into the bargaining unit who participate in the Retirement Health Savings (RHS) plan to fund the cost of health care in retirement shall continue to participate in the RHS plan in lieu of retiree health insurance.
- H.D. Employees who are married to each other are not permitted to both subscribe to health or dental insurance provided by the City of Troy. One employee must opt out of health/dental insurance and receive the cash-in-lieu payment. The employee (who is married to another City employee) who opts out of employer provided health/dental insurance after March 16, 2009 is not eligible for the cash-in-lieu payment.

FOR THE UNION:



Date: 6-12-2024

FOR THE CITY:



Date: 6/12/24

TENTATIVE AGREEMENT  
City of Troy and TCOA  
May 21, 2024

33. EDUCATION BONUS/TUITION REIMBURSEMENT

- A. ~~An Education Bonus will be paid as follows to members of the Association who were hired prior to July 1, 1984:~~
- ~~1. Such members who possessed an Associate's Degree (or 60 credit hours) in Law Enforcement or a Bachelor's Degree in a field not related to Law Enforcement prior to July 1, 1986, and who had been paid a bonus of \$850 (prior to July 1, 1986) shall continue to receive \$850 for that achievement.~~
  - ~~2. All members who were hired after July 1, 1984 will be ineligible for any payments for educational bonus under this article.~~
  - ~~3. The bonus will be payable on the first pay day in October of each payment year.~~

*Re-letter the rest of the section detailing Tuition Reimbursement.*

FOR THE UNION:

*Chester Kulaga*  
*[Signature]*

Date: 5-21-2024

FOR THE CITY:

*Janette Meung*  
*[Signature]*

Date: 5/21/24

TENTATIVE AGREEMENT  
City of Troy and TCOA  
June 12, 2024

36. RETIREMENT

A. Defined Benefit Plan

1. All officers (except as noted in Sec. 36.B.) shall participate in the Retirement System Pension Program, as explained in Chapter 10 of the Troy City Code. The Straight Life Pension and the Age and Service Retirement shall continue as provided in sections 6.1(A) and 6.1(B) except that the benefit computation shall be 2.8% for each year of service up to a maximum of 25 years. For each year of service over 25 years, the benefit computation shall be 1.0%. Under no circumstances, however, shall the total benefit computation for all years of service rendered on behalf of the City of Troy exceed 75.0% of Final Average Compensation.

The computation of Final Average Compensation shall include payments for salary, overtime, holidays, annual sick leave pay, annual vacation pay, and longevity pay, but shall not include payments for education bonus, clothing allowance, cleaning allowance, cash-in-lieu of health insurance, payouts at retirement of sick leave or vacation leave.

No current employee (as of July 1, 2006) with more than twenty-five (25) years of service to the City and whose current benefit computation exceeds 75.0% shall have his total benefit computation reduced as a result of this Agreement. Future service shall, however, accrue at the rate of 1.0% for each year of service for said employee.

2. Association members shall contribute 4.0% of their gross payroll towards funding of retirements under the Retirement System Pension Program.
3. The pension formula shall determine average final compensation by utilizing the three (3) best years of service of the last ten (10) years of service.
4. Paragraph 8 of Chapter 10, the Troy City Code, shall provide a minimum 50% duty death benefit to a surviving spouse, based upon a member's final average compensation.

B. Defined Contribution Plan

Employees transferring into the bargaining unit who are participating in another City Defined Contribution plan at the time of such transfer shall participate in an IRS §401(a) Defined Contribution (DC) Pension Program as a member of this unit. The Defined Contribution plan is available as an option for employees who were members of the unit before June 15, 2000. Effective July 1, 2001, officers promoting into the unit with a Defined Benefit (DB) Pension Program will have the option of selecting the DC plan within 31 days of completion of probation.

1. Contribution rates:      Employee - 4%  
   Employer - 12%



2. Vesting schedule for Employer Contributions: Employees hired after June 15, 2000, shall be 50% vested at three years, 75% vested at four years and 100% vested at five years.
3. Participants in the defined contribution plan shall also participate in a disability plan equivalent to the defined benefit disability plan as set forth in the retirement ordinance. The City's liability for the disability benefit shall be offset (1) by an amount which may be payable pursuant to the Workers' Compensation Act, if applicable, and (2) by the lifetime annuity value of the employee's 401 (a) defined contribution retirement account, determined as of the effective date of the employee's disability-related separation from service. Defined contributions shall include all contributions and income accumulated in the plan account whether derived by the contributions made by the employee or employer, including any amounts transferred into the plan. While the employee is receiving disability benefits or is receiving workers' compensation, the City of Troy shall contribute the employer rate, as contained in subsection 1 above, of the disabled employee's taxable wage for deposit in the defined contribution plan for the employee's benefits.
4. Participants in the defined contribution plan shall also be covered in the event of death, including non-duty death, with a benefit equivalent to the defined benefit plan as set forth in the retirement ordinance. The City's liability for a death benefit shall be offset (1) by an amount which may be payable pursuant to the workers' compensation act, if applicable, and (2) by the lifetime annuity value of the employee's 401(a) defined contribution retirement account, determined as of the effective date of the employee's death.

*(relocated from Article 31 Health Insurance)*

**C. Medical Insurance in Retirement**

- D.1.** Upon regular retirement, early retirement, or disability retirement, employees will be eligible for health insurance if they meet the age and service requirements whether they participate in the Defined Benefit or Defined Contribution Pension Plan (unless they participate in the Retirement Health Savings (RHS) plan per section G, below). Such insurance will be provided for two-person coverage for retiree and spouse (or dependent child) at the time of retirement, at the rate of 4% per complete year of retirement service to the City of Troy (maximum 100%). For employees who retire after July 1, 2014, the insurance described in Blue Cross Blue Shield Group # 007-001-0020 will be provided, except for employees who participate in the Retirement Health Savings (RHS) plan.

~~As an option, retirees may elect to enroll in~~ **Retirees and covered spouses must enroll in** Medicare Parts **A and B** (medical insurance), at the retiree's expense, and must notify the employer that they enrolled. The employer shall then provide supplemental insurance benefits to equal the above level of insurance benefits, as described in Paragraph 2 of this subsection, for two-person coverage for retiree and spouse (or dependent child) at the time of retirement, at the rate to be computed per the subsection **D.1**, above (except for employees who participate in the Retirement Health Savings (RHS) plan). A retiree may pay, at his/her own expense, the difference between a two-person and family rates.



- E. **2.** Effective February 27, 2006, employees who promote into the unit shall not be eligible for retiree dental/orthodontic coverage. For those employees who were in the unit prior to February 27, 2006, the Employer will provide dental/orthodontic coverage in retirement, consistent with that received by active employees, for retiree and spouse, at the rate of 4% per complete year of retirement service as a Police Officer to the City of Troy if said retired employee or spouse is drawing benefits or a pension pursuant to the City of Troy Retirement Ordinance. A retiree may pay, at his/her own expense, the difference between a two-person and family rate.
- F. **3.** For members receiving a non-duty disability retirement on or after May 7, 2001, hospitalization coverage provided in subsection D. above will be at the rate of \$400 per month or 4% per complete year of retirement service as a Police Officer to the City of Troy whichever is greater.
- 4. Employees who participate in the Defined Contribution Plan and who qualify for medical insurance in retirement may select a Deferred Retiree Health Care option with ten (10) or more years of service and any age. The computation for retiree health care paid by the City shall be 4% per complete year of retirement service.**



**Deferred Retiree Health Care will be available to enroll in upon attainment of age 60 and provide 1-person (retiree) or 2-person (retiree and spouse or eligible dependent) at the calculation in section 4 above. Only spouse or eligible dependent on record at the time of separation are eligible to be covered on the retiree plan.**

**D. Retirement Health Savings**

- G. **1.** Employees promoting into the bargaining unit who participate in the Retirement Health Savings (RHS) plan to fund the cost of health care in retirement shall continue to participate in the RHS plan in lieu of retiree health insurance.
- 2. Contribution Rates: Employee 2%  
Employer 4%**
- 3. Vesting Schedule for Employer contributions: Employees shall be 50% vested at three years, 75% vested at four years, and 100% vested at five years of full-time City service.**

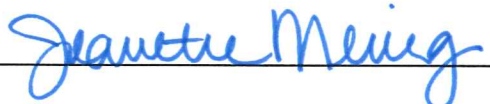
--  
*Also, the City and Union agree to a re-opener to align terminology which may be required after the City completes the updates to Chapter 10 of the City Code. Benefit substance shall not change but terms such as "early retirement" or "regular retirement" may need to be updated.*

FOR THE UNION:

  
\_\_\_\_\_  


Date: 6-12-2024

FOR THE CITY:

  
\_\_\_\_\_

Date: 6/12/24

TENTATIVE AGREEMENT

City of Troy and TCOA

April 22, 2024

37. WAGES

- C. Employees regularly scheduled by the City to work on the second or third shift (commonly referred to as the Afternoon and Midnight shifts, respectively) shall receive a shift bonus as provided below for each regularly scheduled day. Shift premium shall be paid bi-weekly to officers who qualify for it as follows:

Second Shift (Afternoons)	<del>\$.80/hr</del>	<b>\$1.50/hr.</b>
Third Shift (Midnights)	<del>\$1.00/hr</del>	<b>\$1.75/hr.</b>

FOR THE UNION:

Bret Kulesza  
[Signature]

Date: 4-22-2024

FOR THE CITY:

Janette Mang  
[Signature]

Date: 4/22/24

TENTATIVE AGREEMENT  
City of Troy and TCOA  
April 22, 2024

37. WAGES

Add section E

E. The employee agrees to refund any overpayment(s) to the City. In the case of significant repayments, the City will work with the employee on a repayment schedule. The repayment plan will be an agreement between the employee and the City. If a plan cannot be agreed to, the City will apply applicable State or Federal laws to determine the repayment schedule.

FOR THE UNION:

Phil Kulesza  
[Signature]

Date: 4-22-2024

FOR THE CITY:

Janetta Mung  
[Signature]

Date: 4/22/24

TENTATIVE AGREEMENT

City of Troy and TCOA

April 22, 2024

39. EXIT INTERVIEWS **OFFBOARDING**

Any employee terminating active employment with the City will be given **the opportunity to schedule an offboarding meeting with** an exit interview by an employee of the Human Resources Department and/or Finance Department during which time an explanation of all rights and benefits, as well as an accounting of all sums due, will be provided to the employee or, in the case of death, this information will be provided to his or her spouse.

FOR THE UNION:

Chet Kulcsza  
JS

Date: 4-22-2024

FOR THE CITY:

Janette Mung

Date: 4/22/24

TENTATIVE AGREEMENT  
City of Troy and TCOA  
April 22, 2024  
Revised May 23, 2024


Add new section:

**# PERSONNEL RECORDS**

- A. Contents of an officer's departmental file and official personnel file in the Human Resources Department shall be treated with confidentiality. Representatives of the Chief of Police and City Administration shall have access to an officer's files for authorized purposes. Information contained within an officer's personnel file may be released without the officer's permission for:
  - 1. Verification of employment and salary.
  - 2. Civil litigation when directed by a lawful subpoena. In such instances, the officer will be notified.
  - 3. Internal investigations conducted by or for the Employer.
  - 4. Use by an official law enforcement agency during the course of any legitimate criminal investigation. In such instances, the officer shall be notified unless such notification may impair the investigation.
- B. During regular City Hall hours and within 72 hours of his request, an officer shall have the right to review his personnel file. If released by his supervisor during regular City Hall hours, an officer may review his personnel file during his regular duty hours without loss of pay, but not more than five (5) times per calendar year. An officer may comment in writing about any adverse material in his personnel file, and such comment shall be included in the file.
- C. The department will regularly utilize performance and conduct management software (Guardian Tracking or similar program) to provide direct and clear feedback on job performance. This system replaces annual performance evaluations.

- D. All records placed in Guardian Tracking (or similar program) which are over twelve (12) months old **from the date of entry**, may be requested in writing by the officer to be removed. Such records will be deleted by the Division Commander **or Chief** unless there is litigation pending wherein such records would be used as supporting documentation.

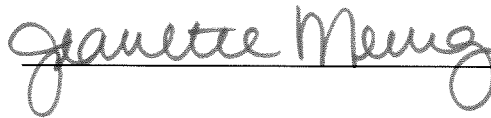
FOR THE UNION:



---

Date: 6/3/24

FOR THE CITY:



---

Date: 6/3/24

TENTATIVE AGREEMENT  
City of Troy and TCOA  
June 10, 2024

The City and the Union agree that wages and shift premiums will be retroactive to July 1, 2024 in the event the agreement is not ratified by City Council<sup>n</sup> by 7/1/24.

FOR THE UNION:

Christa Kulesza  
[Signature]

Date: 6/12/24

FOR THE CITY:

Janette Menez  
[Signature]

Date: 6/12/24

TENTATIVE AGREEMENT

City of Troy and TCOA

May 21, 2024

The City shall make diligent efforts to produce a final completed document representing all changes to the collective bargaining agreement within 90 days of ratification by City Council. If additional time is needed, the City shall request an extension with a new proposed completion date.

FOR THE UNION:

Bhuster  
[Signature]

Date: 5-21-2024

FOR THE CITY:

Janette Menig  
[Signature]

Date: 5/21/24





500 West Big Beaver  
Troy, MI 48084  
troymi.gov

I-05

## CITY COUNCIL AGENDA ITEM

Date: June 25, 2024

To: Robert J. Bruner, Acting City Manager

From: Megan E. Schubert, Assistant City Manager  
Robert C. Maleszyk, Chief Financial Officer  
Peter Hullinger, Fire Chief  
Jeanette Menig, Human Resources Director  
Jennifer Lee, Deputy Human Resources Director

Subject: Contract Ratification – Troy Fire Staff Officers Association (TFSOA)  
(Introduced by: Jeanette Menig, Human Resources Director)

---

### **History**

The Troy Fire Staff Officers Association (TFSOA) currently represents 12 career members.

In May of this year, the City and the TFSOA started negotiating a successor collective bargaining agreement to replace the contract that expires on June 30, 2024. We held three bargaining sessions and reached a tentative agreement in mid-June.

### **Financial**

As seen in the attached summary, the five-year agreement provides annual wage increases, enhances the clothing allowance, increases the life insurance benefit and provides an accelerated vacation accrual schedule. The calculation for paid health care in retirement (that affects only one eligible member) was returned to a previous calculation. Additionally, employees in this bargaining unit are now eligible to participate in our enhanced dental plan, consistent with other groups in the City.

The estimated additional cost for the first year of the agreement is \$54,915.

Additional administrative and non-financial changes are also included in this agreement; including an option for a re-opener on issues specifically related to retirement definitions and benefits.

### **Recommendation**

City management recommends approval of this agreement between the City of Troy and TFSOA for a five-year collective bargaining agreement for the period July 1, 2024 to June 30, 2029.

A summary of contract changes and copies of the tentative agreements are attached. For reference, the current collective bargaining agreement is available on the [City website](#).

**Legal Review**

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

City of Troy and TFSOA  
2024-2029 Collective Bargaining Agreement  
Tentative Agreement Summary

<u>ISSUE</u>	<u>CURRENT</u>	<u>AGREEMENT</u>
Clothing Allowance	\$1300/year	\$1500/year
Dental Insurance	Standard dental coverage provided with no premium share by employees.	Additional option for enhanced dental insurance will be offered. Employees who select standard or enhanced dental insurance will pay 5% of the premium cost of plan selected.
	No defined “opt out” incentive is identified in the agreement.	Employees who do not enroll in dental coverage will receive \$25/month.
Life Insurance	\$45,000	\$50,000
Retirement	Calculation for those eligible for paid healthcare in retirement 3% per year of service for years effective 7/1/2006) and capped at 90%	Return to calculation which was in place prior to 2006: 4% per year of service for all years of service, capped at 100%.
Sick Leave	Previously no banked sick time paid out for resignations (only at retirement)	Will pay a percent of banked sick time based on years of service: 15 yrs = 50%, 20 yrs = 75%, 25 yrs = 100%
Tuition Reimbursement	Applicable for Associate, Bachelor, Master Degrees or a certification program that is organizationally related.	Adding Doctorate program to the eligible degrees.
Vacation	No vacation available upon hire; vacation accrual increases on service date anniversaries as follows: 3, 8, 13, and 18 years.	New employees will receive 1 or 2 weeks of vacation upon hire (based on month of hire); vacation accrual increases at an accelerated pace on service date anniversary as follows: 2, 5, 10, and 15 years.
Wages		Wages retroactive to 7/1/2024 Elimination of current step 6 for Fire Staff Lieutenant step progression  July 1, 2024            5.00% July 1, 2025            5.00% July 1, 2026            3.75% July 1, 2027            3.00% July 1, 2028            3.00%
Language clarifications and non-financial / procedural		Miscellaneous language clean-up and procedures defined in several sections.

TENTATIVE AGREEMENT  
City of Troy and TFSA  
June 13, 2024

Five-year contract

Wages: 5%, 5%, 3.75%, 3%, 3%

Fire Staff Lieutenant computations based on the chart below with adjustments to START, Step 1 and (new) Step 5.

Fire Staff Lieutenant

base 2024 wages calculation on:

Start	57,000
Step 1	60,000
Step 2	63,782
Step 3	72,252
Step 4	80,726
Step 5	90,000
Step 6	97,671

If the agreement is ratified after July 1, 2024 all wages will be retroactive to July 1, 2024.

Clothing and Cleaning: increase to \$1500



Life Insurance: increase to \$50,000

Vacation:


New hires receive 2 weeks upon hire if hired before July 1, 1 week if hired on or after July 1, and receive 2 weeks in year two. Effective January 1, 2025 all members will start accruing vacation according to the new accrual schedule: 3 weeks at 2<sup>nd</sup> anniversary, 4 weeks at 5<sup>th</sup> anniversary, 4.5 weeks at 10<sup>th</sup> anniversary and 5 weeks at 15<sup>th</sup> anniversary.

In addition, current employees hired between November 1, 2023 and the date of ratification will receive 1 week (40 hours of vacation time to use in 2024 in addition to any time already accrued and credited).

FOR THE UNION:

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Date: 6/17/24

FOR THE CITY:

  
\_\_\_\_\_  
\_\_\_\_\_  
Date: 6/17/24

TENTATIVE AGREEMENT  
City of Troy and TFSOA  
June 13, 2024

The City and the Union agree to modify the agreement as follows:

The agreement will be updated to be gender-neutral, and:

ARTICLE 4. NON-DISCRIMINATION

- 4.1 The Employer and the Association agree that the provisions of this Agreement shall be applied equally to all employees without discrimination as to **race, religion, color, sex, sexual orientation, gender identity or expression, height, weight, marital status, national origin, age, disability, or veteran status or any other basis protected by federal and state law** ~~age, sex, marital status, race, color, creed, national origin, disability, or religious or political affiliations~~; provided, however, that the parties are desirous of having a single response to claims arising under this Article and hereby agree that all claims for any alleged violations under this Article shall be referred by the Union to the appropriate administrative agency charged with statutory authority to administer the relevant civil rights statutes.

ARTICLE 16. PERSONAL BUSINESS TIME

- 16.1 **After completion of their initial probationary period, an An** employee may be granted up to twenty (20) hours of personal business time in any one calendar year with the prior approval of the Fire Chief or his designee. Such personal business time must be requested three days in advance and must be for a specific purpose which the employee could not normally accomplish on his/her own time.

ARTICLE 19. CIVIL LEAVE

- 19.1 **An A-seniority** employee may be given time off at straight time wages for actual time lost from work while performing Jury Duty or serving as a non-party witness under subpoena or while he is a party defendant in an action originating out of the performance of his regular duties for the Employer. This leave will not be permitted if the employee is a plaintiff in an action or a defendant in an action originating from his personal activities. Witness or Jury Duty fees as authorized for such services shall be paid to the Employer, less specific allowances for meals or travel. The maximum amount of hours payable under this section shall be a normal forty (40) hours per week.

ARTICLE 21. HOLIDAYS

- 21.6 Any employee called in to work on a City-designated holiday will be compensated at **double time time-and-a-half**. *(note: correcting an error from the previous contract where this section conflicted with changes made the Article 14 Hours of Work/Overtime)*

## ARTICLE 22. VACATION

22.3 Upon retirement, death, or resignation, all unused vacation leave will be paid to the employee or spouse/beneficiary at the rate of one-hundred percent (100%) unless one or more of the following applies:

- 1) An employee fails to give at least ~~14 calendar~~ ~~ten (10) working~~ days notice in advance of his termination date; or 2) an employee leaves the City prior to completion of his original probationary period. Payments for unused vacation leave at retirement shall be excluded from the computation of Final Average Compensation (FAC) for pension purposes for all members of this bargaining unit.

## ARTICLE 27. TUITION REIMBURSEMENT

27.1 An employee who has completed their probationary period is eligible for tuition reimbursement under the following conditions:

- a. Reimbursement is for one hundred percent (100%) of the tuition cost only (not including other fees, books, or other expenses), and cannot duplicate any financial aid such as scholarships, grants and aids, GI Bill, etc.
- b. Courses must be required for an Associate, Bachelor ~~or~~ Master, **or Doctorate** degree or a certificate program that is organizationally related, and be approved by the Department Director and the Human Resources Director before enrolling in the class.

FOR THE UNION:

  
\_\_\_\_\_

Date: 6/17/24

FOR THE CITY:

  
\_\_\_\_\_

Date: 6/17/24



Tentative Agreement  
City of Troy and TFSOA  
June 13, 2024

The City and the Union agree to replace Article 24 as follows:

**Article 24 WORKER'S COMPENSATION**

- A. The City will provide benefits pursuant to the current Michigan Workers' Compensation law for an employee who suffers an accidental injury or a disabling occupational disease arising out of and in the course of employment with the City. If the Michigan Workers' Compensation law changes, the policy will mirror the changes.

The parties to this Agreement understand that Workers' Compensation benefits are paid in accordance with applicable Workers' Compensation laws of the State of Michigan, but that supplemental payments are made subject to the employee based upon the following. The employee must:

1. Be full-time in order to receive supplemental benefits;
2. Immediately, upon reasonable knowledge of the injury, report the injury to their immediate supervisor;
3. Complete an incident report on the injury and cause of the injury;
4. Obtain treatment with the City-designated clinic for the initial treatment and up to the following twenty-eight (28) days after the initial treatment;
5. Provide periodic updates from the employee's physician if requested by the City;
6. Perform in a light duty status, consistent with the recommendation of the attending physician, if directed by the City;
  - a. With the exception of excluding those duties listed in Article 21A.
7. Follow the processes required by Workers' Compensation laws if there is a disagreement between the treating physician and another provider or the insurer, which may include consenting to an independent medical examination as necessitated by the insurance carrier or following a medical dispute process.

It is further understood that the denial of supplemental benefits, benefits under another Article, and/or other benefit plans does not affect the receipt of Workers' Compensation benefits.

- B. In accordance with Workers' Compensation law, there is a 7-day waiting period for wage loss benefit payments from the Workers' Compensation insurance carrier. If the disability lasts beyond one-week (seven (7) consecutive, calendar days), the worker is entitled to benefits as of the eighth (8th) day after the injury. If a disability continues for two weeks (fourteen (14) consecutive, calendar days) or longer, then the worker is entitled to be paid compensation for the first (1st) week of disability from the date of disablement. There is no waiting period for medical benefits; coverage begins at the time of the injury.

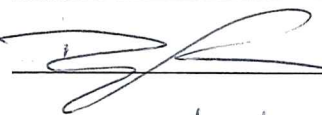
- C. For the first thirty (30) days following the date of disability, the employee shall receive a check from the City in an amount sufficient to augment appropriate Workers' Compensation insurance to provide the employee with their regular, base wage. Employees shall not incur any loss of accrued leave time during this 30-day period.

After the 30-day period has been completed, an employee shall receive, if otherwise eligible, Workers' Compensation as provided by law and a benefit equal to the difference between such Workers' Compensation benefit and approximately eighty percent (80%) of the employee's base wage. In order to be eligible for such benefit, an employee must supplement such benefits by using up to a maximum of four (4) hours per pay period of paid leave time.

- D. Upon the retirement of a member of this Union due to their disability as provided in Chapter 10 of the City Code, they shall receive a pension of not less than two-thirds (2/3) of their Final Average Compensation during the period they are in receipt of Workers' Compensation due to this disability arising out of and in the course of their City employment.

- E. The employee agrees to refund any overpayments to the City.

FOR THE UNION:



Date: 6/17/24

FOR THE CITY:



Date: 6/17/24



Tentative Agreement  
City of Troy and TFSOA  
May 30, 2024

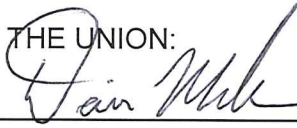

ARTICLE 26. HEALTH INSURANCE

- 26.1 The Employer shall provide the following health insurance for employee and family equal to or better than the following:
- a. Blue Cross Community Blue Plan 1 (Modified) to include: \$10/\$40 drug rider with mandatory generic, prior authorization, step therapy, 2xMOPD; \$30 office visit co-pay; \$30 chiropractic office visit co-pay; \$50 emergency room co-pay (waived if admitted); and \$250/\$500 basic deductible.
  - b. ~~Dental Insurance~~ **A basic dental plan**, including routine, preventative and basic benefits with a 10% employee co-payment of claims and a maximum benefit of \$1,000 per person per year, beginning each January 1<sup>st</sup>. **and orthodontic**
  - ~~c. Orthodontic~~ coverage with a 50% employee co-payment of claims and a \$2,000 maximum lifetime benefit per person to age 19.
  - c. Effective January 1, 2025 employees will have the opportunity to select an enhanced dental plan, including orthodontic coverage.**
  - d. Vision Insurance including benefits for eye exams and corrective lenses every 12 months.
- 26.2 The Employer shall have the option of self-funding and self-administering a dental benefit program providing that the benefits shall be identical or better than those provided in Section 26.1, B & C, of this Article.
- 26.3 If the employee subscribes to any of these plans, they will receive a complete description of the plan.
- 26.4 An employee who elects to be covered by medical insurance shall contribute 5.0% of the total premium cost by means of a pretax payroll deduction. **Effective January 1, 2025 employees who choose to enroll in dental insurance (basic or enhanced) shall contribute 5% of the premium for dental insurance.**
- 26.5 Employees who choose not to subscribe to medical insurance will receive \$200 per month. **Effective January 1, 2025 employees who choose not to subscribe to dental insurance will receive \$25 per month.**
- 26.6 Employees who are married to each other are not permitted to both subscribe to health or dental insurance provided by the City of Troy. Notwithstanding the provision in section 26.5.2 above, the employee who chooses to opt out of employer provided health insurance is not eligible for the cash-in-lieu payment. **If a full-time employee is an eligible dependent of another full-time employee they may**

each separately enroll in coverage, or the dependent may remain on the other employees' plan in which case the dependent may not receive cash in lieu of coverage while covered by the City plan.


- 26.7 The Union and the City agree to participate in a Health Insurance Committee (comprised of representatives from all employee groups) for the purpose of reviewing current health insurance plans and making recommendations regarding City-offered health insurance.

FOR THE UNION:

  
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Date: 5/30/2024

FOR THE CITY:

  
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Date: 5/30/24



Tentative Agreement  
City of Troy and TFSOA  
May 30, 2024

ARTICLE 32. USE OF FIRE DEPARTMENT STAFF VEHICLES

32.1 The policy governing the use of Fire Department vehicles will be determined through Administrative Directives.


**32.2 If vehicle benefits are eliminated or authorization for personal use is substantially reduced from what is in effect on May 30, 2024, Deputy Chiefs and Fire Staff Lieutenants will be given no less than 6 months' notice and the City and the Union agree to reopen the contract at that time to negotiate related compensation.**

FOR THE UNION:

Date: 5/30/2024

FOR THE CITY:



Date: 5/30/24

Tentative Agreement  
City of Troy and TFSOA  
May 30, 2024

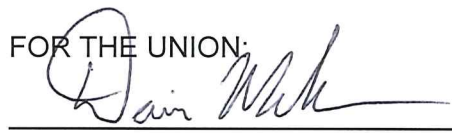
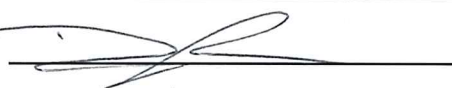
ARTICLE 29. RETIREMENT

29.3 Health Care for Retirees:

1. For employees hired prior to July 1, 2006, **and retire after (RATIFICATION DATE)**, upon regular retirement, early retirement, or disability retirement, the City will pay for health insurance as described in Article 26.1.a. above (less optical) at the rate of 4% per complete year of credited service ~~(effective 7/1/14, 3% per each future year of service)~~, to a maximum of ~~90%. 100%~~ ~~Current employees who, as of 7/1/14, would be eligible for 90% or more shall not have this amount reduced as a result of this paragraph.~~ Coverage is for 2-person coverage for retiree and spouse (or dependent child) at the time of retirement, provided that the retiree shall apply for Medicare or its equivalent when eligible, and the Employer shall then provide supplemental insurance benefits. However, in the case of a duty disability retiree, the computation shall be not less than the amount it would be if the member had 10 years of credited service. A retiree may pay, at his/her own option and expense, the difference between a two-person and family rate.


Employees who participate in the Defined Contribution Pension Plan must meet the age and service requirements specified in the retirement ordinance in order to be eligible for paid retiree health insurance.

FOR THE UNION:

  
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Date: 5/30/2024

FOR THE CITY:

  
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Date: 5/30/24



Tentative Agreement  
City of Troy and TFSOA  
June 17, 2024

The City and Union agree to add the following:

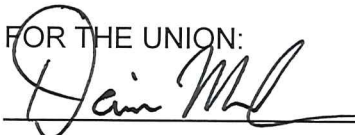
ARTICLE 35. INITIAL APPOINTMENT AND PROMOTIONS

- 35.1 Eligible lists for Fire Staff Lieutenant and Deputy Chief shall be in accordance with Act 78 of the Michigan Public Acts of 1935, as amended and the Rules and Regulation of the Act 78 Commission, with the following exception:

The appointing authority, the City Manager, shall have the authority to select any one (1) of the top three (3) eligibles on the list (commonly known as the "Rule of Three"). In the case of promotion to Deputy Chief, if the City Manager promotes a candidate who ranked lower on the eligible list than another candidate, the City Manager or designee must provide the by-passed candidate with the reason for his action; however, the action of the City Manager shall not be grievable.

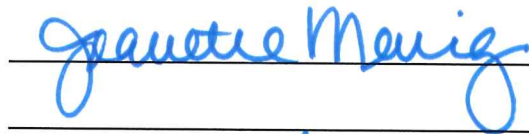
*The current Article 35 will be renumbered to 36.*

FOR THE UNION:

  
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Date: 6/17/24

FOR THE CITY:

  
\_\_\_\_\_

Date: 6/17/24

Tentative Agreement  
City of Troy and TFSOA  
May 30, 2024

**APPENDIX B**

**MINIMUM REQUIREMENTS FOR ADVANCEMENT  
FIRE STAFF LIEUTENANT**

<u>Step</u>	<u>Requirement</u>
Start	Current active City of Troy volunteer firefighter with 5 years of service and meets all other requirements per Act 78
Step 1	Six months as Fire Staff Lieutenant/Alternate Start* Completion of probationary period Fire Officer 1 Certification
Step 2	One year as a Fire Staff Lieutenant Completion of probationary period Fire Inspector 1 Certification
Step 3	Two years as a Fire Staff Lieutenant <del>including one year at Step 2</del> Fire Officer 2 Certification
Step 4	Three years as a Fire Staff Lieutenant <del>including one year at Step 3</del> Fire Inspector 2 Certification
<del>Step 5</del>	<del>Four years as a Fire Staff Lieutenant including one year at Step 4 Completed 30 college credit hours toward an Associate Degree in Fire Science or related field</del>
Step <del>6</del> <b>5</b>	<del>Five</del> <b>Four</b> years as a Fire Staff Lieutenant <del>including one year at Step 5</del> Fire Code Official (Act 54) Certification
Step <del>7</del> <b>6</b>	<del>Five</del> <b>Four</b> years as a Fire Staff Lieutenant <del>including one year at Step 5</del> Fire Code Official (Act 54) Certification Associate Degree in Fire Science or related field

\* A Fire Staff Lieutenant with a Fire Officer 1 Certification at the time of hire will start at Step 1.

Note: An employee not attaining a particular step's requirements will remain at their current step and will not advance to the next step until such requirements are attained.


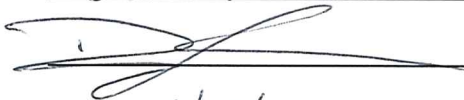
MINIMUM REQUIREMENTS FOR ADVANCEMENT  
**DEPUTY ASSISTANT FIRE CHIEF**

<u>Step</u>	<u>Requirement</u>
Start	Meets the educational/certification requirements of Fire Staff Lieutenant Steps 1 – <b>6</b> <b>7</b> ** and all other requirements per Act 78.
Step 1	Six month at <b>Deputy Assistant Fire</b> Chief Start and successful completion of probationary period.

\*\* For employees hired into the bargaining unit before 7/01/2006, the minimum requirements are:

- Fire Instructor Certification or Inspector I Certification (depending on assignment)
- Fire Officer I Certification
- Fire Officer II Certification
- Successful completion of fourth year of service
- 30 credit hours of fire science core courses from an accredited college

FOR THE UNION:

  
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Date: 6/17/24

FOR THE CITY:

  
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\_\_\_\_\_

Date: 6/17/24



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

LETTER OF UNDERSTANDING  
City of Troy and TFSOA

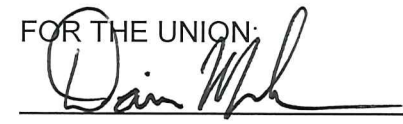

June 13, 2024

The City and the Union agree to a reopener on Article 29 Retirement in the 2024 – 2029 agreement, when the City completes revisions to Chapter 10 of the City Code or earlier if necessary.

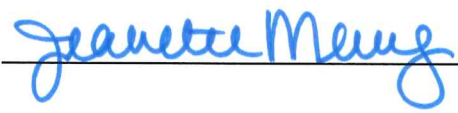
The reopener shall include a discussion of retirement eligibility and consideration for modifications to retirement benefits currently available including but not limited to: sick time payouts upon retirement or separation, Retirement Health Savings Plan, and Defined Contribution (401) Plan.

In addition, if in the course of the 2024 – 2029 collective bargaining agreement, another bargaining unit reopens an existing or opens a new Defined Benefit retirement plan to current employees (including the opportunity to change from Defined Contribution to Defined Benefit) the reopener shall include Defined Benefit retirement, as well.

FOR THE UNION:

  
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Date: 6/17/24

FOR THE CITY:

  
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Date: 6/17/24



**A. CALL TO ORDER:**

A Special Meeting of the Troy City Council was held on Monday, June 24, 2024, at City Hall, 500 W. Big Beaver Rd. Mayor Baker called the meeting to order at 6:00 PM.

**B. ROLL CALL:**

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

- (b) Absent Council Members:

Resolution #2024-06-079

Moved by Baker

Seconded by Chamberlain-Creanga

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Hamilton at the Special City Council Meeting of June 24, 2024, due to health reasons.

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

No: None

Absent: Hamilton

**MOTION CARRIED**

*Council Member Hamilton joined the meeting via Zoom, and participated in discussion only.*

**C. PUBLIC COMMENT:****D. BUSINESS STATED IN THE SPECIAL MEETING NOTICE:****D-1 Troy Public Library Strategic Plan**

Acting City Manager Bruner introduced the topic, and stated that the purpose of this meeting is to provide a question and answer session for City Council regarding the Strategic Plan and the Troy Public Library.

City Council discussed funding options for a new library building. There was consensus of City Council to request that City Management provide funding options and examples of bond proposals from other communities.

**E. OTHER BUSINESS:**

**F. ADJOURNMENT:**

The Meeting **ADJOURNED** at 6:55 PM.

---

Mayor Ethan Baker

---

M. Aileen Dickson, MMC, MiPMC II  
City Clerk

Rev. Myra Moreland from Troy First United Methodist Church performed the Invocation. Boy Scout Alex Nelson from Troop 1707 led The Pledge of Allegiance to the Flag.

## A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on Monday, June 24, 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-Absent
- Ellen Hodorek

Excuse Absent Council Members:

Resolution #2024-06-080

Moved by Baker

Seconded by Gunn

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Hamilton at the Regular City Council Meeting of June 10, 2024, due to medical reasons.

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

No: None

Absent: Hamilton

## MOTION CARRIED

### **Proposed Resolution to Suspend Rules of Procedure for the City Council, Rule #7 – Proclamations and Congratulatory Certificates**

Resolution #2024-06-081

Moved by Baker

Seconded by Chamberlain-Creanga

RESOLVED, That Troy City Council hereby **WAIVES** Rules of Procedure for the City Council, Rule #7 *Proclamations and Congratulatory Certificates* in order to approve and present a Proclamation at the June 24, 2024 Regular City Council Meeting.

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

No: None

Absent: Hamilton

## MOTION CARRIED

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

- C-1** Service Commendation – City Manager’s Department Office Manager Beth Tashnick  
(Introduced by: Mayor Ethan Baker)

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**D. CARRYOVER ITEMS:**

- D-1** No Carryover Items

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**E. PUBLIC HEARINGS:**

- E-1** No Public Hearings

---

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

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

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**H. POSTPONED ITEMS:**

- H-1** No Postponed Items

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**I. REGULAR BUSINESS:**

- I-1** Board and Committee Appointments: a) Mayoral Appointments – Brownfield Redevelopment Authority, Local Development Finance Authority; b) City Council Appointments – None

**a) Mayoral Appointments:**

Resolution #2024-06-082

Moved by Baker

Seconded by Brooks

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:

**Brownfield Redevelopment Authority**

Appointed by Mayor

6 Regular Members

3 Year Term

**Nominations to the Brownfield Redevelopment Authority:**

**Term Expires: 4/30/2027**

**Joseph Beyer**

---

Term currently held by: Joseph Beyer

**Term Expires: 4/30/2027****Joseph Vassallo**

Term currently held by: Joseph Vassallo

**Local Development Finance Authority (LDFA)**Appointed by Mayor  
5 Regular Members  
Staggered 4 Year Term**Nominations to the Local Development Finance Authority (LDFA):****Term Expires: 6/30/2028****Jim Schmitz****Resident Member**

Term currently held by: Jim Schmitz

**Term Expires: 6/30/2028****Fabrice Smieliauskas****Resident Member**

Term currently held by: Fabrice Smieliauskas

Yes: Chamberlain-Creanga, Chanda, Gunn, Hodorek, Baker, Brooks  
No: None  
Absent: Hamilton**MOTION CARRIED**b) **City Council Appointments: None****I-2 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – None**a) **Mayoral Nominations: None**b) **City Council Nominations: None****I-3 Request for Closed Session**Resolution #2024-06-083  
Moved by Baker  
Seconded by Chamberlain-CreangaBE IT RESOLVED, That City Council **SHALL MEET** in Closed Session as permitted by MCL 15.268 (c) (Troy Command Officers Association and Troy Fire Staff Officers Association).Yes: Chanda, Gunn, Hodorek, Baker, Brooks, Chamberlain-Creanga  
No: None  
Absent: Hamilton

**MOTION CARRIED****I-4 Fiscal Year 2024 Budget Amendments (Introduced by: Dee Ann Irby, Controller)**

Resolution #2024-06-084

Moved by Hodorek

Seconded by Chanda

RESOLVED, that Troy City Council hereby **AUTHORIZES** City Management to amend the Current Fiscal Year 2024 General Fund Budget as detailed below:

**General Fund:****Transfers Out:**

Other Financing Uses - Transfer to Transit Center Fund .....	\$ 20,000
<b>Net General Fund Change:</b> .....	<b>\$ (20,000)</b>

BE IT FURTHER RESOLVED, that Troy City Council Herby **AUTHORIZES** City Management to amend the Current Fiscal Year 2024 Transit Center Fund Budget as follows:

**Transit Center:**

Other Financing Sources – Transfer in from General Fund.....	\$ 20,000
<b>Net Transit Center Fund Change:</b> .....	<b>\$ 20,000</b>

BE IT FURTHER RESOLVED, that Troy City Council Herby **AUTHORIZES** City Management to amend the Current Fiscal Year 2024 Community Development Block Grant Fund Budget as follows:

**Community Development Block Grant:**

Home Chore Program.....	\$20,000
Federal Revenue Increase (Offset).....	(20,000)
<b>Net Community Development Block Grant Change:</b> .....	<b>\$ -</b>

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

No: None

Absent: Hamilton

**MOTION CARRIED****J. CONSENT AGENDA:****J-1a Approval of “J” Items NOT Removed for Discussion**

Resolution #2024-06-085-J-1a

Moved by Hodorek

Seconded by Chamberlain-Creanga



RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) J-5, which shall be **CONSIDERED** after Consent Agenda (J) items, as printed.

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

No: None

Absent: Hamilton

## MOTION CARRIED

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

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### **J-2 Approval of City Council Minutes**

Resolution #2024-06-085-J-2

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

- a) City Council Minutes-Draft – June 10, 2024

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### **J-3 Proposed City of Troy Proclamations: None Submitted**

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### **J-4 Standard Purchasing Resolutions:**

- a) **Standard Purchasing Resolution 1: Award to Sole Bidder – Acoustic Panel Replacement in the Senior Dining Room at the Troy Community Center**

Resolution #2024-06-085-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract for removal, replacement, and installation of the acoustic panels in the Senior Dining Room at the Troy Community Center, to the sole bidder meeting specifications, *ISCG Inc. of Royal Oak, MI*, for a total estimated price of \$66,240 at unit price as contained in the bid tabulation opened on June 13, 2024, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; not to exceed budgetary limitations.

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

- b) **Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications – Demolition of Buildings and Structures at 3500 John R, 5371 Rochester Road and Troy Farm Complex (Partial) at 3305 and 3321 W. South Boulevard**

Resolution #2024-06-085-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract for the demolition of buildings and structures at 3500 John R Road. 5371 Rochester Road and Troy Farm Complex (partial) at 3305 and 3321 W South Blvd. to the low bidder meeting specifications, *Oakwood Building Company, Inc. of Shelby Twp., MI*, for an estimated total cost of \$48,324 at prices contained in the bid tabulation opened June 13, 2024; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; not to exceed budgetary limitations.

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

c) **Standard Purchasing Resolution 4: Oakland County Extended Purchasing Contracts – Troy Farm Complex Large Barn and Horse Barn Exterior Repairs, Painting, and Electrical Installation**

Resolution #2024-06-085-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** a contract to *National Restoration of Milford, MI*, for the Troy Farm Complex Large Barn and Horse Barn Exterior Repairs and Painting for an estimated cost of \$48,600, as detailed in the proposal and per the Oakland County Extended Purchasing Contract #009849, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; not to exceed budgetary limitations.

BE IT FURTHER RESOLVED, That Troy City Council **AWARDS** a contract to *Shaw Systems of Southfield, MI*, for the Troy Farm Complex Large Barn and Horse Barn Electrical Installation, for an estimated cost of \$38,933 plus additional fees per DTE, as detailed in the proposal and per the Oakland County Extended Purchasing Contract #010460, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; not to exceed budgetary limitations.

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

d) **Standard Purchasing Resolution 4: MITN Cooperative Purchasing Agreement – Hook Lift Truck with Body Attachments**

Resolution #2024-06-085-J-4d

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase one (1) Freightliner 108SD Truck Chassis from *Wolverine Freightliner Inc. of Mount Clemens, Michigan*, as per the MITN Cooperative Contract RFP-RH-20-023 for an estimated total cost of \$107,165.00; not to exceed budgetary limitations.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase and install a SwapLoader Hooklift Hoist with Body Attachments from *Truck and Trailer Specialties Inc. of Howell, Michigan*, as per the MITN Cooperative Contract RFP-RH-20-023 for an estimated total cost of \$232,900.00; not to exceed budgetary limitations.

e) **Standard Purchasing Resolution 4: MITN Purchasing Cooperative – As-Needed Catch Basin Stabilization Services**

Resolution #2024-06-085-J-4e

RESOLVED, That Troy City Council hereby **AWARDS** a one (1) year contract with four (4) one-year renewal options to the low bidder, *Havener Tech of Troy, MI*, for Injections to Stabilize Storm Water Catch Basins, Storm Water Pipes and Concrete Slabs on as needed and as scheduled basis as per the MITN cooperative bid hosted by City of Farmington Hills at the unit pricing listed below, but not to exceed budgetary limitations; contract expiring June 10, 2029.

ITEM #	DESCRIPTION	UNIT	UNIT PRICE
1.	Injection stabilization of Storm Water Catch Basin	Each	\$575.00
2.	Injection stabilization of Storm Water Pipe or Concrete Slab	Pound	\$3.00
3.	Mobilization	Lump Sum	\$0.00

f) **Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Public Library Technology Center Interior Design Services**

Resolution #2024-06-085-J-4f

RESOLVED, That Troy City Council hereby **APPROVES** expending budgeted Capital funds to *OHM Advisors, of Livonia, MI*, for Interior Design Services at the Troy Public Library Technology Center for a total estimated cost of \$79,000 and a \$7,900 contingency, for a total estimated project cost of \$86,900.

g) **Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds and Capital Re-Appropriation – Fuel Island Renovations – Construction Management**

Resolution #2024-06-085-J-4g

RESOLVED, That Troy City Council hereby **APPROVES** City Management to re-appropriate contingency funds in the amount of \$275,000 from account number 661.571.565.981 to account number 661.549.565.975.900 to fund the unexpected contingency required to fully accept and complete the Fuel Island Renovations at the Department of Public Works and City Hall locations.

h) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Member Travel – 2024 Michigan Municipal League Convention**

Resolution #2024-06-085-J-4h

RESOLVED, That Council **AUTHORIZES** City Council Member travel expenses for the Michigan Municipal League 2024 Convention, in accordance with accounting procedures of the City of Troy.

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**J-6 Classified and Exempt Classification and Pay Plans**

Resolution #2024-06-085-J-6

WHEREAS, The Classification Plan for Classified Employees, Classification Plan for Exempt Employees and the Pay Plan for Classified and Exempt Employees were last revised July 2023; and,

WHEREAS, The City has added, removed, and updated Exempt and Classified positions since the last revision; and,

WHEREAS, The Personnel Board has reviewed and approved the revised Classification Plan for Classified employees;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the July 1, 2024 Classification Plan for Classified Employees, Classification Plan for Exempt Employees and the Pay Plan for Classified and Exempt Employees.

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**J-7 Authorization for Grant Submittal – Michigan Shared Streets and Spaces Grant Program – Bike Repair Station Installation**

Resolution #2024-06-085-J-7

WHEREAS, The City of Troy is an incorporated municipality of the State of Michigan and therefore an eligible applicant to apply for the one-time appropriation of Shared Streets and Spaces Grant (SSSG) funding through the Michigan Department of Transportation; and,

WHEREAS, The City of Troy strives for a more walkable, bikeable, and transit-friendly community, and is submitting an application for funding for the installation of Bike Repair Stations throughout various city parks and city-owned properties; and,

WHEREAS, The City of Troy finds that this project uses *innovation* and forward-thinking project planning, design, and construction, considers *equity and accessibility* in the selection of the project, and meets program goals; and,

WHEREAS, The City of Troy has worked across municipal departments to gain broader agency support and *coordination* for *ease of implementation* as desired by the program goals;

NOW, THEREFORE BE IT RESOLVED, That Troy City Council **AUTHORIZES** G. Scott Finlay, PE, City Engineer as representative on behalf of the City to sign a contract upon receipt of a grant funding award.

BE IT FURTHER RESOLVED, That the City of Troy hereby **SUBMITS** to the State of Michigan an application for the Shared Streets and Spaces Grant program for the project described

herein, and **COMMITTS** to additional funding that may be required over and beyond the grant amount.

BE IT FINALLY RESOLVED, That the City of Troy hereby **AGREES** to the implementation and continued maintenance of the resulting Shared Streets and Spaces Grant project.

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**J-8 Request for Approval of a Purchase Agreement and Permanent Utility Easement, Rochester Road, Barclay to Trinway, Project No. 02.206.5, Parcel #86, Sidwell #88-20-11-301-016, Vicki L. Brown**

Resolution #2024-06-085-J-8

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Vicki L. Brown, owner of the property having Sidwell #88-20-11-301-016, and the City of Troy for the Rochester Road Improvement Project, Barclay to Trinway, #02.206.5, and **AUTHORIZES** a compensation of amount of \$17,300.00.

BE IT FURTHER RESOLVED, That City Council **ACCEPTS** a permanent easement for Public Utilities and Public Service Facilities and **AUTHORIZES** a compensation amount of \$10,603.00.

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

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.

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**J-9 Request for Authorization to Make Unconditioned Offer to Purchase Property, Rochester Road, Barclay to Trinway, Project No. 02.206.5, Parcel #79, Kreger-T, LLC, Sidwell #88-20-11-351-006, and a Request to Institute Court Action If Necessary**

**a) Request for Authorization to Make Unconditioned Offer to Purchase Property, Rochester Road, Barclay to Trinway, Project No. 02.206.5, Parcel #79, Kreger-T, LLC, Sidwell #88-20-11-351-006**

Resolution #2024-06-085-J-9a

RESOLVED, That City Council **AUTHORIZES** an unconditioned offer for the purchase of right of way to Kreger-T, LLC, owner of property having Sidwell #88-20-11-351-006 in the amount of \$181,070.00.

BE IT FURTHER RESOLVED, That City Council **AUTHORIZES** closing and recording costs not to exceed \$10,000.00.

BE IT FINALLY RESOLVED, That City Staff shall **RECORD** the Warranty Deed with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

- b) **Request for Authorization to Institute a Condemnation Lawsuit, Rochester Road, Barclay to Trinway, Project No. 02.206.5, Parcel #79, Kreger-T, LLC, Sidwell #88-20-11-351-006**

Resolution #2024-06-085-J-9b

RESOLVED, That Troy City Council **DECLARES** that the completion of Rochester Road, Barclay to Trinway, Project #02.206.5, is a public improvement within the scope of the City's powers, since this improvement is for the use or benefit of the public, and therefore it is permissible for the City to initiate condemnation proceedings to facilitate the completion of this project.

RESOLVED, That Troy City Council **AUTHORIZES** the City Attorney to institute a condemnation lawsuit for the acquisition of real estate for public purposes for the completion of Rochester Road, Barclay to Trinway, Project #02.206.5, and **AUTHORIZES** the Mayor and City Clerk to execute any documents needed for the condemnation lawsuit.

BE IT FURTHER RESOLVED, That City Council **AUTHORIZES** the City Attorney to expend any needed funds to acquire the necessary real estate for public purposes.

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- J-10** **Request for Authorization to Make Unconditioned Offer to Purchase Property, Rochester Road, Barclay to Trinway, Project No. 02.206.5, Parcel #118, Rocky and Noor Denha, Sidwell #88-20-10-427-047, and a Request to Institute Court Action If Necessary**

- a) **Request for Authorization to Make Unconditioned Offer to Purchase Property, Rochester Road, Barclay to Trinway, Project No. 02.206.5, Parcel #118, Rocky Denha and Noor Denha, Sidwell #88-20-10-427-047**

Resolution #2024-06-085-J-10a

RESOLVED, That Troy City Council **AUTHORIZES** an unconditioned offer for the acquisition of right of way, a permanent easement and temporary permit to Rocky Denha and Noor Denha, owners of the property having Sidwell #88-20-10-427-047, in the amount of \$190,000.00.

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** closing and recording costs not to exceed \$10,000.00.

BE IT FINALLY RESOLVED, That City Staff shall **RECORD** the Warranty Deed with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

- b) **Request for Authorization to Institute a Condemnation Lawsuit, Rochester Road, Barclay to Trinway, Project No. 02.206.5, Parcel #118, Rocky Denha and Noor Denha, Sidwell #88-20-10-427-047**

Resolution #2024-06-085-J-10b

RESOLVED, That Troy City Council **DECLARES** that the completion of Rochester Road, Barclay to Trinway, Project #02.206.5, is a public improvement within the scope of the City's



powers, since this improvement is for the use or benefit of the public, and therefore it is permissible for the City to initiate condemnation proceedings to facilitate the completion of this project.

RESOLVED, That Troy City Council **AUTHORIZES** the City Attorney to institute a condemnation lawsuit for the acquisition of real estate, a permanent utility easement and temporary permit for public purposes for the completion of Rochester Road, Barclay to Trinway, Project #02.206.5, and **AUTHORIZES** the Mayor and City Clerk to execute any documents needed for the condemnation lawsuit.

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** the City Attorney to expend any needed funds to acquire the necessary real estate, easement and temporary permit for public purposes.

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**J-11 Request for Authorization to Make Unconditioned Offer to Purchase Property, Rochester Road, Barclay to Trinway, Project No. 02.206.5, Parcel #119 and #120, Sidwell #88-20-10-427-064 and #88-20-10-427-044, and a Request to Institute Court Action If Necessary**

a) **Request for Authorization to Make an Unconditioned Offer to Purchase Property, Rochester Road, Barclay to Trinway, Project No. 02.206.5, Parcel #119 & #120, Sidwell #88-20-10-427-064 and #88-20-10-427-044**

Resolution #2024-06-085-J-11a

RESOLVED, That City Council **AUTHORIZES** an unconditioned offer and cumulative compensation in the amount of \$53,552.00 for needed right of way, permanent easements and temporary permit to Glenn David and Michell Potts, owners of the properties identified by Sidwell #88-20-10-427-064 and #88-20-427-044.

BE IT FURTHER RESOLVED, That City Council **AUTHORIZES** closing and recording costs not to exceed \$10,000.00.

BE IT FINALLY RESOLVED, That City Staff shall **RECORD** the Warranty Deed with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

b) **Request for Authorization to Institute a Condemnation Lawsuit, Rochester Road, Barclay to Trinway, Project No. 02.206.5, Parcel #119 & #120, Sidwell #88-20-10-427-064 and #88-20-10-427-044, Glenn David and Michell Potts**

Resolution #2024-06-085-J-11b

RESOLVED, That City Council **DECLARES** that the completion of Rochester Road, Barclay to Trinway, Project #02.206.5, is a public improvement within the scope of the City's powers, since this improvement is for the use or benefit of the public, and therefore it is permissible for the City to initiate condemnation proceedings to facilitate the completion of this project.

RESOLVED, That City Council **AUTHORIZES** the City Attorney to institute a condemnation lawsuit for the acquisition of real estate, permanent utility easements and a temporary permit for

public purposes for the completion of Rochester Road, Barclay to Trinway, Project #02.206.5, and **AUTHORIZES** the Mayor and City Clerk to execute any documents needed for the condemnation lawsuit.

BE IT FURTHER RESOLVED, That City Council **AUTHORIZES** the City Attorney to expend any needed funds to acquire the necessary real estate, easement and temporary permit for public purposes.

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**J-12 Request for Acceptance of a Permanent Easement, Rochester Road, Barclay to Trinway, Project No. 02.206.5, Sidwell #88-20-14-151-020, Ali Saad and Albertine Salami**

Resolution #2024-06-085-J-12

RESOLVED, That Troy City Council **ACCEPTS** a Permanent Easement for Public Utilities and Public Service Facilities from Ali Saad and Albertine Salami, owners of the property identified by Sidwell #88-20-14-151-020, and **AUTHORIZES** a compensation amount of \$11,322.00.

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** closing and recording costs not to exceed \$2,000.00.

BE IT FINALLY RESOLVED, That City Staff shall **RECORD** the Permanent Easement with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-13 Request for Acceptance of a Permanent Easement from Todd L. Bossenberger and Marcia K. Bossenberger, Sidwell #88-20-03-302-025**

Resolution #2024-06-085-J-13

RESOLVED, That Troy City Council **ACCEPTS** a permanent easement for storm sewers and surface drainage from Todd L. Bossenberger and Marcia K. Bossenberger, owners of the property having Sidwell #88-20-03-302-025.

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

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**J-14 Request for Acceptance of a Permanent Easement from GFA Development, Inc., Sidwell #88-20-11-276-013**

Resolution #2024-06-085-J-14

RESOLVED, That Troy City Council **ACCEPTS** a permanent easement for storm sewers and surface drainage from GFA Development, Inc., owner of the property having Sidwell #88-20-11-276-013.

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

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**J-15 Request for Acceptance of a Permanent Easement from Stacy Ann Green, Sidwell #88-20-03-302-031**

Resolution #2024-06-085-J-15

RESOLVED, That Troy City Council **ACCEPTS** a permanent easement for storm sewers and surface drainage from Stacy Ann Green, owner of the property having Sidwell #88-20-03-302-031.

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

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**J-16 Private Agreement – Contract for Installation of Municipal Improvements, Holm Street Extension, Project No. 23.917.3**

Resolution #2024-06-085-J-16

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and GFA Development, Inc. for the installation of Water Main, Sanitary Sewer, Storm Sewer, and Asphalt Pavement, 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.

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**J-17 Private Agreement – Contract for Installation of Municipal Improvements, Westington Phase II and Hills West, Project No. 23.912.3**

Resolution #2024-06-085-J-17

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Troy Westington LLC for the installation of Water Main, Sanitary Sewer, Storm Sewer, Underground Detention Storage, Concrete Road and 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.

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**J-5 City Manager Employment Agreement**

Resolution #2024-06-086

Moved by Baker

Seconded by Gunn

RESOLVED, That Troy City Council hereby **POSTPONES** the presentation of the City Manager Employment Agreement to the first meeting after successful completion of the negotiation process and the Labor Attorney has submitted a final contract for City Council's consideration.

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

No: None

Absent: Hamilton

## **MOTION CARRIED**

### **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:**

Walter Storrs	Commented on his interactions with City Council and City Staff
Mary Lynn Bowen	Commented on the need for the Troy Public Library funding for a new library building
Dale Murrish	Commented in opposition to building a new library and thinks the existing building should be renovated/expanded.

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

Council Member Gunn replied that the Study Session discussion was just a first discussion on the topic of funding a new library building, and the dollar amounts mentioned are only preliminary estimates, not actual numbers.

Mayor Baker replied that the Special Study Meeting discussion on the library strategic plan is available to watch on YouTube.

### **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) Troy Brownfield Redevelopment Authority-Final – October 17, 2023
- b) Traffic Committee-Final – April 17, 2024

Noted and Filed

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**O-2 Department Reports:**

- a) 2024 Assessment Roll and Board of Review Report
- b) League Sports Update

Noted and Filed

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**O-3 Letters of Appreciation:**

- a) To the Troy Fire Department from the Franklin-Bingham Fire Department
- b) To Assessing Department Staff from Taimur Tallu

Noted and Filed

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

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**O-5 Public Hearing for the Gas Customers of DTE Gas Company Case No. U-21576**

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**P. COUNCIL COMMENTS:**

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**P-1 Council Comments**

Council Member Chamberlain-Creanga congratulated Beth Tashnick on her retirement.

**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):**

The Meeting **RECESSED** at 8:12 PM.

The Meeting **RECONVENED** at 8:19 PM.

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**R. CLOSED SESSION**

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**R-1 Closed Session**

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**S. ADJOURNMENT:**

The Meeting **ADJOURNED** at 9:00 PM.

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Mayor Ethan Baker

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M. Aileen Dickson, MMC, MiPMC II  
City Clerk

**2024 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

June 24, 2024 ..... Troy Public Library Strategic Plan

**2024 SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

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





500 West Big Beaver  
Troy, MI 48084  
troymi.gov

J-05

## CITY COUNCIL AGENDA ITEM

Date: July 3, 2024

To: Robert J. Bruner, Acting City Manager

From: Megan E. Schubert, Assistant City Manager  
G. Scott Finlay, City Engineer/Traffic Engineer

Subject: Traffic Committee Recommendations and Minutes – June 19, 2024

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At the Traffic Committee meeting of June 19, 2024 the following recommendations were made for City Council approval:

### **4. Request for Traffic Control – Northfield Parkway - Troy High School**

RESOLVED, that a School Zone be established on Northfield Parkway at Troy High School, between Long Lake Road and Wintergreen Drive for the purpose of reducing the speed limit in accordance with the Michigan Vehicle Code.

Minutes of the meeting are attached.

A regular meeting of the Troy Traffic Committee was held Wednesday, June 19, 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: Dale Christiansen  
Shama Kenkre  
Cindy Nurak  
Al Petrulis  
Justin Rose  
Abi Swaminathan  
Pete Ziegenfelder

Absent: Deputy Fire Chief, Michael Koehler  
Angela Zhou, Student Representative

Also present: G. Scott Finlay, City Engineer  
Lori Bluhm, City Attorney  
Merissa Clark, Administrative Assistant  
Sgt. Brian Warzecha, Police Department

**2. Minutes – April 17, 2024 Traffic Committee**

Resolution # 2024-06-11  
Moved by Petrulis  
Seconded by Swaminathan

RESOLVED, that the Traffic Committee approve the April 17, 2024 minutes as presented.

Yes: Christiansen, Kenkre, Nurak, Petrulis, Rose, Swaminathan, Ziegenfelder  
No: None  
Absent: None

**MOTION CARRIED****PUBLIC HEARINGS****3. No Public Hearing****REGULAR BUSINESS****4. Request for Traffic Control – Northfield Parkway – Troy High School**

There were two vehicle/pedestrian accidents this year on Northfield Parkway at Troy High School. Troy Police Department asked if a School Zone could be established to lower the speed limit during school arrival and departure, similar to Hamilton Elementary north of Troy High School on Northfield Parkway. A sign and pavement marking review of all schools in

done was completed in February 2022, establishing a school zone was a recommendation.

Principal Remo Roncome stated that he has worked there for 20 years and the traffic is excessive in the morning with 2100 kids/parents coming and going each morning and with 2 elementary school close by. They've had 2 serious accidents recently and he just wants it to be safer for walkers and bikers.

Todd Gilevich works at the school in security and works a lot with Troy P.D. and they are just looking to get the area safer for the kids.

Julie Mills has children that attend Troy High and she said she witnesses how awful it is and agrees with the previous statements made by Todd and Remo.

Sgt. Warzecha stated the he spoke with Scott Finlay about getting this taken to the Traffic Committee.

Scott Finlay mentioned that at the request of the Troy School District, a review of signs and pavement markings was completed at all schools in Troy, in February of 2022.

Justin Rose asked what the current speed limit is, he was informed that it is 35 MPH right now. He asked if we've considered crossing beacons & explained what that entails.

Scott Finlay stated that we do have those in place.

Pete asked if the resolution would be just the school area? Or if it would be Long Lake to Wintergreen;

Al thinks that would be logical.

Dale asked what the time restrictions would be.

Scott explained that we do not determine the time restrictions, DPW would get in contact the school district/administration for time frames on the signs.

Resolution # 2024-06-12

Moved by Rose

Seconded by Petrulis

RESOLVED, that a School Zone be established on Northfield Parkway at Troy High School, between Long Lake Road and Wintergreen Drive for the purpose of reducing the speed limit in accordance with the Michigan Vehicle Code.

Yes: Christiansen, Kenkre, Nurak, Petrulis, Rose, Swaminathan, Ziegenfelder

No: None

Absent: None

**MOTION CARRIED**

## 5. Request for Traffic Control – Connolly Drive & Corbin Drive

Kalpit Kadia of 1984 Connolly Drive requested that the intersection of Connolly Drive and Corbin Drive be reviewed for purposes of traffic control at the uncontrolled intersection. He believed the existing uncontrolled intersection was dangerous and that a stop sign was needed on Connolly. The study indicated that a stop sign was warranted for Corbin, not Connolly. Mr. Kadia indicated that his concern was to control speed on Connolly, a stop sign on Corbin would not help.

This traffic study was requested by the resident, Scott Finlay decided to send the results forward because the study indicated that a stop sign was warranted for Corbin.

Justin stated that this seems to be more speed mediation and there isn't a high accident rate, so to go along with what Scott said he thinks P.D. may be able to assist, but would support no change at the intersection.

Abi asked if there was a stop sign at the entrance off of Coolidge, we checked GIS, it is a yield sign.

Resolution # 2024-06-13

Moved by Rose

Seconded by Christiansen

RESOLVED, that **NO CHANGE** be made to the Connolly Drive & Corbin Drive intersection.

Yes: Christiansen, Kenkre, Nurak, Petrulis, Rose, Swaminathan, Ziegenfelder

No: None

Absent: None

## MOTION CARRIED

## 6. Request for Traffic Control – Troyvally Drive & Herbmoor Street

Jyh-Shin Chen of 6275 Riverton requested that the intersection of Troyvally Drive and Herbmoor Street be reviewed for purposes of changing the stop control on Troyvally at Herbmoor to uncontrolled. He states Herbmoor faces a dead end and Troyvally has more traffic. The stop sign should face Herbmoor instead of Troyvally to reduce vehicle stops and reduce greenhouse gases.

William Willams – “As a resident of Herbmoor south of Troyvally, I am in favor of Herbmoor gaining stop control. While the north spur of Herbmoor is a dead end, I regularly see traffic from the north traveling well in excess of the 25 MPH speed limit from my office window. I hope that this change will reduce the average speeds of the handful of repeat offenders residing on the north section of Herbmoor.

I am not, however, in favor of Troyvally LOSING stop control, for three reasons.

First and foremost, Troyvally is a relatively steep downhill grade from Riverton to Vernmoor (east to west). If the stop control is removed from Herbmoor, there will be no traffic control from Canmoor to the terminus at Vernmoor. I would expect this removal to result in significantly increased speeds further down the hill, decreasing the safety of any non-vehicular

users in the neighborhood. This increased speed would particularly be an issue in the winter – I would expect to see an increase of cars in ditches along, and at the end of, Troyvally.

Second, the eastern corners of Herbmoor and Troyvally are the site of bus stops for all levels of the Troy School District – the northeast corner of Troy High, and the southeast corner for Smith and Martell. Removing stop control from Troyvally would make this crossing more dangerous for students.

Finally, the assessment of this proposed changes notes that there is limited visibility to the east, from cars approaching the intersection on Herbmoor from the south due to “the hill on the southeast corner of the intersection.” The opposite is then necessarily true – that there is a sight distance obstruction traveling west on Troyvally approaching Herbmoor, and the same safe approach speed should apply. There is also a hill – permanent sight distance obstruction, though somewhat less impactful, on the southwest corner, as evidenced from Photograph #6 in the agenda. While the study notes that there were no accidents at this intersection in the last 5 years, the combination of sight distance obstruction, downhill grade, and, in the mornings, direct sunlight in the drivers’ faces, would dramatically increase the chances of an eastbound vehicle turning south at Herbmoor colliding with a vehicle approaching Troyvally on Herbmoor from the south. I would be interested to know if the Committee has any statistics on accidents for Troyvally at Elmoor, which would closely resemble what is proposed for Troyvally at Herbmoor.

As a result of all of this, I would be in favor of not only retaining the stop control on Troyvally at Herbmoor, but adding it at Elmoor as well – or, if the Traffic Committee approves this request to remove stop control on Troyvally, at the very minimum adding other kinds of speed-limiting devices such as speed humps at strategic locations east of Canmoor along Troyvally.

Thank you for your consideration.”

Julie Mills lives at 500 Troyvally explained that she thinks the stop sign is needed, and agreed with Mr. Williams. She wanted to make sure the Traffic Committee is aware they do not have sidewalks in the subdivision and believes it would be very unsafe for the children and walkers. She also brought up that every winter, cars are getting stuck in the ditch and changing it would not help. She believes a 4-way stop would be more beneficial or no change. She also pointed out that the requestor does not live near this intersection and is most likely asking for this because they don’t want to slow down at the stop sign.

Dale Christiansen asked if any kind of change like this has caused confusion & was wondering what happens if the City were to flip the signs.

Scott Finlay explained it has not happened recently.

Justin Rose explained that his concern would be that people not used to the change may not pay attention and the Troyvally drivers may be expecting them to stop & they may not.

Sgt. Warzecha stated that he does not think anything should be removed.

Pete Ziegenfelder stated he is in favor of Traffic Control at all intersections.

Just Rose stated that it seems like it is okay the way it is now – doesn’t think that the sight distance would cause an issue unless speeding.

Dale Christiansen stated that no sidewalks, speeding, winters, and kids being out at the bus stops does raise a red flag. He mentioned that Elmoor came up with virtually the same thing and asked if it's a disservice to not do the same thing there, or at every intersection.

Al Petrulis explained that excessive stop signs can cause more speeding, or rolling stops. He agrees that Herbmooor is a good point to break up traffic.

Justin Rose added that the stop signs give other drivers a false sense of security.

Pete Ziegenfelder also added, that the drivers may think it's unwarranted and ignore it all together.

Justin Rose asked Scott Finlay if we looked at all 3 intersections in the area since they are similar.

Scott Finlay stated that the requestor wanted to remove signage, so that was what the study reflects. Went on to explain how we have traffic studies done when subdivisions are built and that they have check with the Troy Police Department on accidents in the area.

Justin Rose understands that we can't study all intersections and that it was studied previously.

Abi Swaminathan motioned for No Change.

Justin Rose seconded it.

Dale Christiansen added that he thinks a sign should be placed because of the lack of sidewalks and amount of bus stops/children in the area.

Al Petrulis pointed out that we received the request for a swap not to add a 4-way stop. Could this be an issue since this is not what was requested?

Dale Christiansen pointed out that some of the emails the TC received were in favor of a 4-way stop.

Julie Mills & William Williams stated that they believe everyone in the area would be okay with that outcome.

Justin Rose is not in favor of a swap and doesn't believe we have a reason to change it right now.

Lori Bluhm added that we have the option to postpone this item and give residents proper notification about a 4-way stop option.

Julie Mills asked if it was possible to make no change and bring back to the board at a later date.

Pete Ziegenfelder explain the different options.



Dale Christiansen added that if the residents want to come back for a 4-way stop sign they can bring it back to the board and maybe we can make the changes then.

Al Petrulis asked if the intersection would need to be restudied?

Scott Finlay stated it would not be restudied.

Resolution # 2024-06-14  
Moved by Swaminathan  
Seconded by Rose

RESOLVED, that **NO CHANGE** be made to the Troyvally Drive Approach at Herbmoor Street.

Yes: Christiansen, Kenkre, Nurak, Petrulis, Rose, Swaminathan, Ziegenfelder  
No: None  
Absent: None

**MOTION CARRIED**

**7. Public Comment**

No public comment.

**8. Other Business**

Troy Traffic Committee Training – Presentation – Slides – 1-29 Attached - Presented by Lori Bluhm, City Attorney

**9. Adjourn**

The meeting adjourned at 9:20 PM.

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Pete Ziegenfelder -Chairperson

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G. Scott Finlay, City Engineer/Traffic Engineer



# Troy Traffic Committee Training

TROY CITY ATTORNEY'S OFFICE, JUNE 2024

# CREATION OF TRAFFIC COMMITTEE

- ▶ The makeup, authority, and standards of Troy's Traffic Committee are found in Chapter 35 of the City's Code.
- ▶ The Traffic Committee has 7 citizens who serve three year terms.
- ▶ The Traffic Engineer, Fire Chief and Police Chief or designee(s) are ex-officio members (non-voting)
- ▶ A student representative may be appointed as an ex-officio member for a one year term (non-voting)

# DUTIES OF THE TROY TRAFFIC COMMITTEE

- ▶ Advisory powers with respect to proposed traffic regulations and traffic safety issues
- ▶ Final authority for sidewalk variances after public hearing



# BYLAWS OF THE TROY TRAFFIC COMMITTEE

- ▶ Chair is a voting member
- ▶ Election of the Chair and Vice Chair happens at February annual meeting
- ▶ Regular Meetings held 3<sup>rd</sup> Wednesday each month
- ▶ Special meetings are permitted
- ▶ Traffic Engineer prepares agendas and keeps minutes, provides meeting notices, and other correspondence
- ▶ "Committee shall use its best efforts to make decisions and/or recommendations within 3 consecutive official meetings." Article IV, Section 7

# ORDER OF BUSINESS- ARTICLE V

- ▶ A. Roll Call
- ▶ B. Approval of Minutes of Previous Meeting
- ▶ C. Public Hearings
- ▶ D. Tabled Items
- ▶ E. Regular Business
- ▶ F. Public Comment
- ▶ G. Member Comment
- ▶ H. Adjournment
- ▶ Message To Visitors, Delegations and Citizens



# SITE VISITS

- ▶ If possible, Committee members should view the property before the meeting.
- ▶ Avoid discussion with applicant or any other person while visiting the site.
- ▶ The site should be visited independently - not with other Committee members (and NOT a quorum).
- ▶ Committee members should wear Identification Badge from City.

# SIDEWALK WAIVERS/ VARIANCES

- ▶ A variance excuses someone from complying with the law.
- ▶ Variances should be sparingly granted- after consistent application of the standards. Otherwise, it undermines the City's Ordinance and the ability to enforce it.
- ▶ Sidewalk variance request is initially filed with Director of Public Works. The requestor should specify why the variance is necessary (leads to no where, landmark trees, ditches, etc.)
- ▶ Upon filing of application, property owner is temporarily relieved of the obligation to install the sidewalk, unless the Director of Public Works determines that it would cause imminent peril of life or property.
- ▶ Requires public hearing; Notice sent to property owners within 300 feet.



# Traffic Safety Recommendations

- ▶ The Traffic Committee is vested with advisory powers with respect to proposed traffic regulations and traffic safety issues. Traffic Committee facilitates public input and makes a recommendation to the Troy City Council.
- ▶ State Statute- Michigan Vehicle Code- Act 300 of 1949, MCL 257.606
  - ▶ (1) This chapter does not prevent a local authority... with respect to streets or highways under the jurisdiction of the local authority and within the reasonable exercise of the police power from doing:
    - ▶ Regulating the standing or parking of vehicles...
    - ▶ Regulating traffic by means of police officers or traffic control signals...
    - ▶ Designating any intersection as a stop intersection and requiring all vehicles to stop at 1 or more entrances to the intersection; or designating any intersection as a yield intersection....

# Michigan Vehicle Code- Act 300 of 1949

- ▶ Michigan Vehicle Code- Act 300 of 1949, MCL 257.606
  - ▶ (2) All traffic regulations described in subsection (1) SHALL be based on standard and accepted engineering practices as specified in the Michigan Manual On Uniform Traffic Control Devices (MMUTCD)



# Michigan Vehicle Code- Act 300 of 1949

- ▶ Michigan Vehicle Code- Act 300 of 1949, MCL 257.610
  - ▶ (1) Local authorities.. Shall place and maintain the traffic control devices upon highways under their jurisdiction that they consider necessary to indicate and to carry out the provisions of this chapter or local traffic ordinances or to regulate, warn, or guide traffic. All traffic control devices SHALL conform to the Michigan manual on uniform traffic control devices.
  - ▶ (2) The state transportation department SHALL withhold from any City that fails to comply with the statute the share of fuel and vehicle tax revenue that would otherwise be due to the City. Notice of failure to comply, and 1 year's time to comply after notice, shall first be given.

# Michigan Manual on Uniform Traffic Control Devices (MMUTCD)

- ▶ Generally, the starting premises is an uncontrolled intersection
- ▶ STOP Signs
  - ▶ At the intersection of a less important road with a main road where application of the normal right of way rule is unduly hazardous
  - ▶ On a street entering a through highway or street
  - ▶ At an unsignalized intersection in a signalized area
  - ▶ At other intersections where a combination of high speed, restricted view, or crash records indicate a need for control by the STOP sign
  - ▶ STOP signs are NOT to be used for speed control (Section 2B.04)



# Michigan Manual on Uniform Traffic Control Devices (MMUTCD)

- ▶ All Way STOP sign warrants
  - ▶ Five or more reported crashes within a 12 month period that are susceptible to correction by a multi-way stop installation
  - ▶ Minimum volumes\*
    - ▶ At least 300 vehicles per hour average from the major street for any eight hours of an average day (total of both approaches)
    - ▶ Combined vehicular, pedestrian, and bicycle volume entering from the minor street averaging at least 200 units per hour for the same 8 hours, with an average delay to minor street vehicular traffic of at least 30 seconds during the highest hour; BUT
- \* If the 85<sup>th</sup> percentile approach speed of the major street traffic EXCEEDS 40 mph, the minimum volume standards are reduced to 70%
- \* Can be combination of crashes and 80% of minimum volumes

# Michigan Manual on Uniform Traffic Control Devices (MMUTCD)

More from the Reference Guide on Traffic Control Determination in the State of Michigan (provided in your agenda materials)

- ▶ “In many cases, STOP signs are installed where they may not be warranted. Traffic experts agree that unnecessary STOP signs:
  - ▶ Cause accidents they are designed to prevent.
  - ▶ Breed contempt for other necessary STOP signs.
  - ▶ Waste millions of gallons of gasoline annually.
  - ▶ Create added noise and air pollution.
  - ▶ Increase, rather than decrease, speeds between intersections.
  - ▶ Explicit restriction- STOP signs are not to be used for speed control



# DECISION

- ▶ A variance may only be granted if supported by evidence.
- ▶ A resolution to approve or deny a sidewalk waiver/ variance can be based on information or material provided by the applicant, City staff, or members of the public.
- ▶ The Committee may consider public comment as relevant evidence, but unsubstantiated or speculative public comment does not provide competent evidence to grant or deny a variance.
- ▶ A variance should not be granted solely because nobody from the public objected.
- ▶ A variance should not be denied solely because several members of the public objected.
- ▶ Committee may grant, deny, partially grant a variance or postpone.
- ▶ If granted, any condition required by the Committee shall be incorporated into the sidewalk and driveway approach permit.

# DELIBERATION AND RESOLUTIONS

- ▶ Avoid discussions, debates, or negotiations with applicant during the meeting.
- ▶ Avoid redesigning the project or trying to convince applicant of alternatives.
- ▶ If presented with new information or material at the meeting, it is acceptable to postpone to another meeting to have time to review new information.
- ▶ Not necessary to read verbatim agenda item description – may state “as printed in the agenda,” as long as you specify grant or deny.
- ▶ Be clear and concise as possible.
- ▶ It is acceptable to ask person making the resolution to provide clarification.
- ▶ It is acceptable to state reasons why you will approve or deny request.
- ▶ Be aware of body language – avoid frowns, gestures, head hanging, dozing off.



# TROY BOARD AND COMMITTEE APPOINTEE ETHICS

- ▶ Council adopted Chapter 14A in 2021, which is an ordinance that governs elected and appointed officials.
- ▶ Respect the confidentiality of privileged information;
- ▶ Recognize that an individual board or committee member has no authority to speak or act for the Troy City Council, the City of Troy, or their respective Committee;
- ▶ Work with other appointees to further the board or committee goals;
- ▶ Encourage the free expression of opinion by all committee members;
- ▶ Communicate to City Council and staff as to issues of concern or requiring study or action;

# TROY BOARD AND COMMITTEE APPOINTEE ETHICS

- ▶ Render all decisions based on the available facts and independent judgment;
- ▶ Make every effort to attend all meetings and prepare;
- ▶ Become informed concerning the issues to be considered at each meeting;
- ▶ Avoid conflicts of interest or the appearance thereof;
- ▶ Refrain from using position for personal benefit, or for the benefit of family members or business associates;
- ▶ Avoid use of derogatory language;
- ▶ Treat all people fairly and with dignity and respect.
- ▶ Abstain from harassing or discriminatory behavior.



# TROY BOARD AND COMMITTEE APPOINTEE ETHICS

- ▶ *Freed v. Lindke* was decided by the United States Supreme Court in 2024.
  - ▶ A public official's social-media activity constitutes state action under §1983 only if the official (1) possessed actual authority to speak on the State's behalf, and (2) purported to exercise that authority when he spoke on social media.
- ▶ What this means for Committee members:
  - ▶ Posting about what happens at a meeting is discouraged, since the board member's interpretation may be challenged, but board members are able to share a link so that persons can view the agenda materials.
  - ▶ Disclaimers expressly indicating that the views expressed are the board member's alone is encouraged.

# CONFLICTS OF INTEREST

- Officials should avoid participating in any matter where he or she has a conflict of interest.
- Conflict of interest is generally described as having a financial interest- but it may be a personal interest too. This could include those officials who have real property in close proximity to the applicant- where the property value could be impacted.
- Minor relationship with applicant is not a conflict unless it impacts ability to be fair and impartial.
- When in doubt- disclosure is critical. After such disclosure, the decision can be left to the Board.
- If the Committee votes that there is a conflict, the individual member should NOT be in the room when the matter is discussed, and should not participate in the discussions or deliberations.



# OPEN MEETINGS ACT AND FREEDOM OF INFORMATION ACT

- Michigan adopted the current versions of the Open Meetings Act (OMA) and the Freedom of Information Act (FOIA) after Watergate (effective March 31, 1977). The core purpose of OMA and FOIA is best served through information about the workings of government or information concerning whether a public body is performing its core function.
- OMA and FOIA are applicable to the Traffic Committee, since it is a “public body,” empowered by State Statute and City Charter and City Ordinance to exercise governmental authority.

# OPEN MEETINGS ACT

- **“All meetings of a public body shall be open to the public and shall be held in a place available to the public.” MCL 15.263**
- This includes virtual meetings.
- The following may constitute a meeting under OMA:
  - E-mail chain of discussion using “reply to all” feature
  - Social gathering or educational session w/ quorum and discussion or deliberation
  - Site visit w/quorum and discussion or deliberation
  - Sub-committee meeting w/quorum and discussion or deliberation
  - Round robin telephonic or e-mail discussion



# OPEN MEETINGS ACT

- Open to the public means that all persons are entitled to record, televise, videotape, or broadcast a public meeting.
- Meetings shall be in open facilities and preferably easy for the public to access.
- If there is an unexpected crowd, the public body must try to accommodate if possible.
- All persons shall be permitted to attend- and address the public body on any item.
  - Can't restrict to residents only
  - Can't limit subject matter without good justification and written rules
  - Can have time limits imposed uniformly- and at the beginning of a meeting- do not restrict based on subject matter or opinion
  - May ask the speaker to voluntarily disclose their address when speaking, since it goes to the weight of the comments, but cannot deny a speaker if they refuse

# OPEN MEETINGS ACT

- Reasonable rules can be enacted to minimize the possibility of disruption- but should be written and uniformly applied.
  - Public comment can be limited to a specific time on the agenda- and should be prohibited during deliberations.
  - Time limits- per speaker or per item or per meeting- must be reasonable and not based on the subject matter.
- In the event that a speaker becomes unruly, the chair should provide a warning if possible before taking any adverse action.
- Recess requests may assist with an orderly meeting. During a recess, do not discuss any matters with other Committee members to avoid appearance of OMA violation.
- Purpose of public meeting- discuss public business- not deal with individual personalities. However, comments pertaining to job performance cannot be prohibited.



# Open Meetings Act – Remote Attendance by Member of Committee

- ▶ During Covid Pandemic there were OMA amendments allowing for remote participation by board members and the public.
- ▶ Many of the Covid provisions were temporary and have now expired.
- ▶ The OMA now requires all board members to be physically present except a member on military duty.
- ▶ A board must have a procedure to allow a board member on military duty to participate remotely by an electronic procedure that allows two-way communication,
- ▶ A board member participating in a meeting remotely because of military duty must disclose at the onset of the meeting that he or she is attending remotely but the member is not required to specifically identify their physical location.

# Open Meetings – Remote Participation by Member of Public

- ▶ A board is not required to provide electronic access to the public or others (attorney, consultant, staff) not a member of the board, but may do so.
- ▶ If a board has chosen to provide electronic access to the public and has authorized electronic participation for public comment, members of the public attending a meeting remotely may address the board during a public hearing or public comment period.
- ▶ The Rules of Procedure do not authorize members of the public to participate remotely, but do allow members of the public to submit written comments that are read or summarized at the meeting.



# Freedom of Information Act

- ▶ Requires disclosure and access to public records.
- ▶ Public records are writings prepared by, owned, used, in the possession of, or retained by a public body in the performance of an official function- from the time it is created.
- ▶ Writing is broadly defined to include all types of recordings, letters, words, pictures, sounds, papers, maps, photographic film, prints, punch card, discs... or other means of recording or retaining meaningful content.
- ▶ Includes letters, e-mails, text messages in course of performance of duties - even if on private devices (BYOD).
- ▶ Public body has 5 business days to respond to a FOIA request unless expressly asking for a 10 day extension due to unusual circumstances.
- ▶ The public body has the burden of justifying an exemption

# Freedom of Information – Communications Received by Committee Members

- ▶ If a Committee member receives a letter or email from applicant or any member of the public, do not respond other than to indicate the communication has been forwarded to City Administration.
- ▶ If the communication has relevance, City Administration may provide copy to all Committee members in an agenda packet.
- ▶ Committee members should not engage in any communications with applicant or other members of the public concerning a matter that is pending before the Committee outside the meeting.
- ▶ Any written communications with applicants or members of the public may be subject to disclosure under FOIA.
- ▶ Committee members may want to establish a dedicated email for Traffic Committee matters.

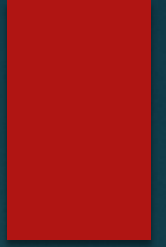


# Appeals from Committee Decisions

- ▶ For sidewalk variance/ waiver decisions, there is an appeal as of right to circuit court by any person aggrieved by a decision of the Committee.
- ▶ The appeal must be filed within 21 days of the date the board certifies the minutes of the meeting at which the decision on the variance was made.
- ▶ The circuit court may affirm, reverse, or modify the decision of the board of appeals, or may remand the item to the Committee.



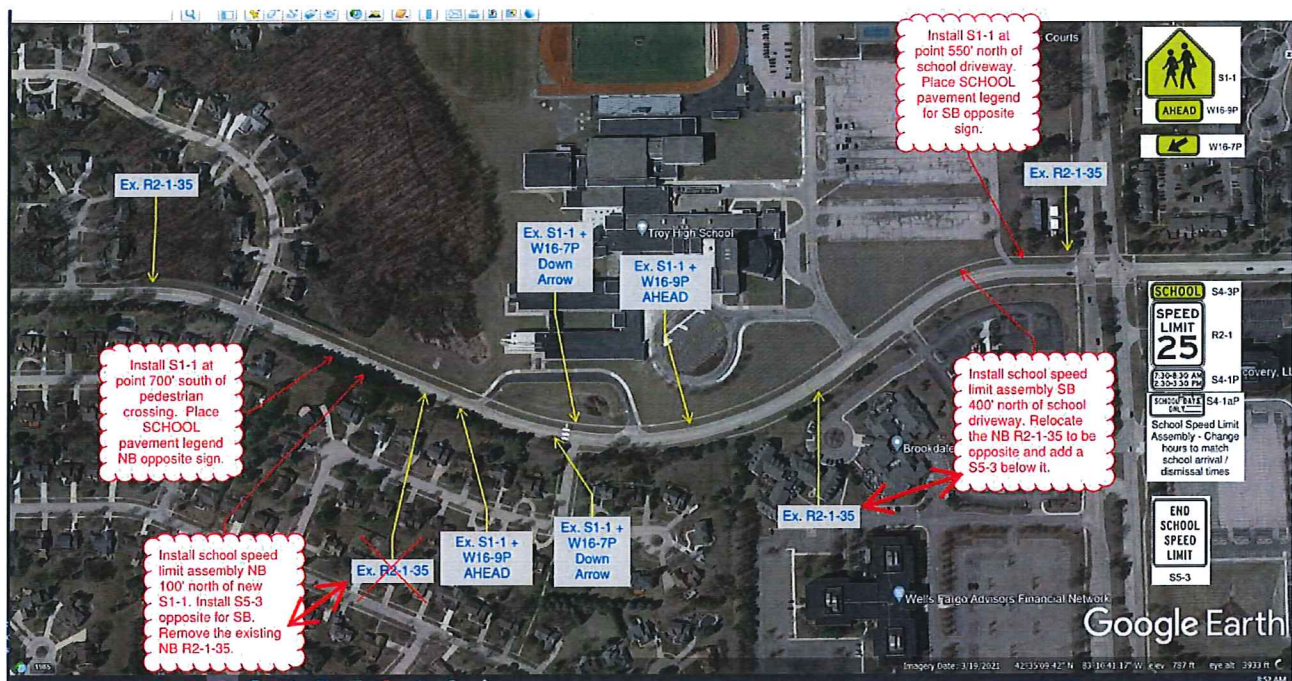
# Questions





### Troy High School:

Located on Long Lake Rd at Northfield Pkwy. The main recommendations for this school include installing new signs and replacing speed limit signs. There are two locations provided on the plans where new pedestrian signs should be installed. At these locations, the "SCHOOL" pavement marking legend should also be implemented. Additionally, instead of the current speed limit signs, school speed limit assembly signs should be installed. These new assembly locations are shown in the plans. Once these new assemblies have been installed, the existing speed limit signs should be removed/relocated.



April 24, 2024

Mr. Scott G Finlay, PE  
City Engineer  
City of Troy  
500 W. Big Beaver Rd  
Troy, MI 48084

RE: Traffic Control Recommendation for  
Troyvally Drive at Herbmoor Drive

Dear Mr. Finlay:

As requested, we have reviewed the intersection of Troyvally Drive at Herbmoor Drive to determine the proper traffic control. Troyvally Drive at Herbmoor Drive is a 4-legged intersection located in the City of Troy. The speed limit on both streets under investigation is 25 mph. Under existing conditions, both Troyvally Drive approaches are under stop control. Attached are aerial and intersection photos.

### **Types of Roadways**

Both Troyvally Drive at Herbmoor Drive are considered local streets. Troyvally Drive runs east to west providing access throughout the neighborhood. Herbmoor Drive runs north to south offering access to the neighborhood off of Square Lake Road.

The surrounding land use is entirely single-family residential. There are no existing parking restrictions on either Troyvally Drive or Herbmoor Drive. There is no clear major versus minor street. However, the placement of the existing controls presupposes that Troyvally Drive is the minor road and Herbmoor Drive is the major. It is not self-evident that this is correct, so for the purpose of our analysis Troyvally Drive is presumed to be the major road, while Herbmoor Drive is considered the minor road. Both Troyvally Drive and Herbmoor Drive serve as key routes throughout the neighborhood.

### **Traffic Control Analyses**

Traffic control analyses described herein adheres to the requirements presented in the Michigan Manual on Uniform Traffic Control Devices (MMUTCD) that are considered mandates of state law. A reference document explaining the background behind the analyses is attached to this memo.

### **Crash Analysis**

Based on information obtained through the Traffic Improvement Association of Michigan, there were no crashes recorded in the past full five (5) years within a 250' radius of the intersection. The crash history does not constitute a compelling case for modifying the existing controls.





### Traffic Volumes

Traffic counts were not collected in the vicinity of the intersection. Traffic volumes in residential areas are predominantly driven by the number of single-family residential homes in the neighborhood. Based on the residential nature and the number of homes in the surrounding area it is highly improbable that this location would satisfy any of the minimum volume warrants for an all-way STOP (see attached Reference Guide).

It is therefore extremely unlikely that Troyvally Drive meets and sustains the 300 vehicles per hour threshold for a minimum of 8 hours. The combined vehicular, pedestrian, and bicycle volumes entering from Herbmoor Drive is similarly unlikely to average at least 200 units for any 8 hours. Additionally, since the posted speed limit is only 25 mph, it is reasonable to assume that the 85<sup>th</sup> percentile approach speed does not exceed 40 mph on either road; thus, the minimum vehicular volume warrants cannot be discounted to 70 percent of the values described previously. Finally, the study intersection is likely to fall significantly shy even of the reduced 80 percent volumes, based on expected trip generation for this neighborhood. Therefore, the minimum volume criteria for an all-way STOP has not likely been met.

### Approach Speed Limits

The approach speed limit on all study streets is 25mph. Speed limits alone cannot be used in this case to determine which direction of traffic should be assigned the right-of-way. However, we note that Herbmoor Drive is a long, uninterrupted straightaway while Troyvally Drive has been stopped at Canmoor Drive, just a short block to the west. This is a factor in determining which set of approaches should be subject to intersection controls for Troyvally Drive at Herbmoor Drive. If any two-way controls are merited, they should be assessed against Herbmoor Drive, not Troyvally Drive.

### Sight Distance

The major potential sight distance obstruction at the intersection of Troyvally Drive at Herbmoor Drive for a motorist traveling northbound on Herbmoor Drive would be the hill on the southeast corner of the intersection. This obstruction impacts the calculated safe approach speeds for the intersection. The safe approach speed is the speed at which a vehicle can approach an intersection and still stop in time to avoid a collision with a vehicle seen on the cross street.

When the safe approach speed is found to be 10 mph or less, a STOP sign is recommended. When the safe approach speed is found to be more than 10 mph, a YIELD sign is recommended. In this case, the safe approach speed for northbound vehicles on Herbmoor Drive is 9.5 mph due to the permanent sight distance obstruction from the hill on the southeast quadrant. Thus, based on the safe approach speed calculations, STOP-control is the computed right-of-way control for Herbmoor Drive approach. The safe approach speed calculation spreadsheet for the intersection is attached for reference.

### Recommendation

The preceding analysis did not determine that any criteria were met for all-way STOP-control. The safe approach speed calculations suggested STOP-control would be appropriate for the minor street (Herbmoor Drive) approach.

OHM recommends implementing STOP signs on the Herbmoor Drive approaches and removing the STOP signs on the Troyvally Drive approaches. Under existing conditions, drivers are used to the STOP signs on Troyvally Drive and expect to stop. Similarly, drivers on Herbmoor Drive are not used to stopping at this intersection and therefore do not expect to stop. Due to this change in driver expectation, there



could be an increase in crashes at this intersection. To help counteract this change, additional warning signs should be provided including W23-2 "NEW TRAFFIC PATTERN AHEAD" on all four approaches along with W4-4P "CROSS TRAFFIC DOES NOT STOP" on both new STOP signs. Additionally, once the new STOP signs are in place flags should be added to help warn drivers. The W23-2 signs and flags should remain in place for a minimum of 6 months. The intersection should be reevaluated if traffic volumes increase, or crashes begin to occur.

Sincerely,

**OHM Advisors**

---

Lauren Hull, EIT  
Traffic Engineer

Attachments:

- Aerial Photo
- Safe Approach Speed Calculation Spreadsheet
- Intersection Photos
- Traffic Control Determination Reference Guide





Trevelly Dr

Pleasant Dr

# Safe Approach Speed Calculation

**Troyvally and Herbmoor**  
City of Troy

Date: 3/20/2024  
Analyst: Lauren & Alyssa

## Measured:

Width of Roads

Road 1 = 26 (ft)

Road 2 = 26 (ft)

Distance to Obstructions

a = 59 (ft)

b = 15 (ft)

c = 64 (ft)

d = 43 (ft)

e = 88 (ft)

f = 53 (ft)

g = 30.5 (ft)

h = 14 (ft)

Angle of Intersection

Delta = 80 (degrees, measure counterclockwise)

Road 1 Posted

Speed Limit = 25 (mph)

## Assumed:

Speed of Vehicle A = Speed of Vehicle C  
= Posted Speed Limit on Road 1

+ 5 (mph)

$V_1 = 30$  (mph)

Perception / Reaction Time (AASHTO)

t = 2.5 (sec)

Deceleration rate (AASHTO)

A = 11.20

Clearance distance in excess of safe stopping distance (AAA)

EC = 0 (ft)

## Calculated Safe Approach Speed for Vehicle B

Approaching on Road 2

$V_2 = 15.2$  (mph) [Based on Veh. A]

or  $V_2 = 18.5$  (mph) [Based on Veh. C]

## Calculated Safe Approach Speed for Vehicle D

Approaching on Road 2

$V_3 = 9.5$  (mph) [Based on Veh. A]

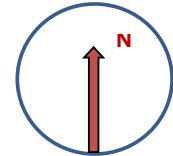
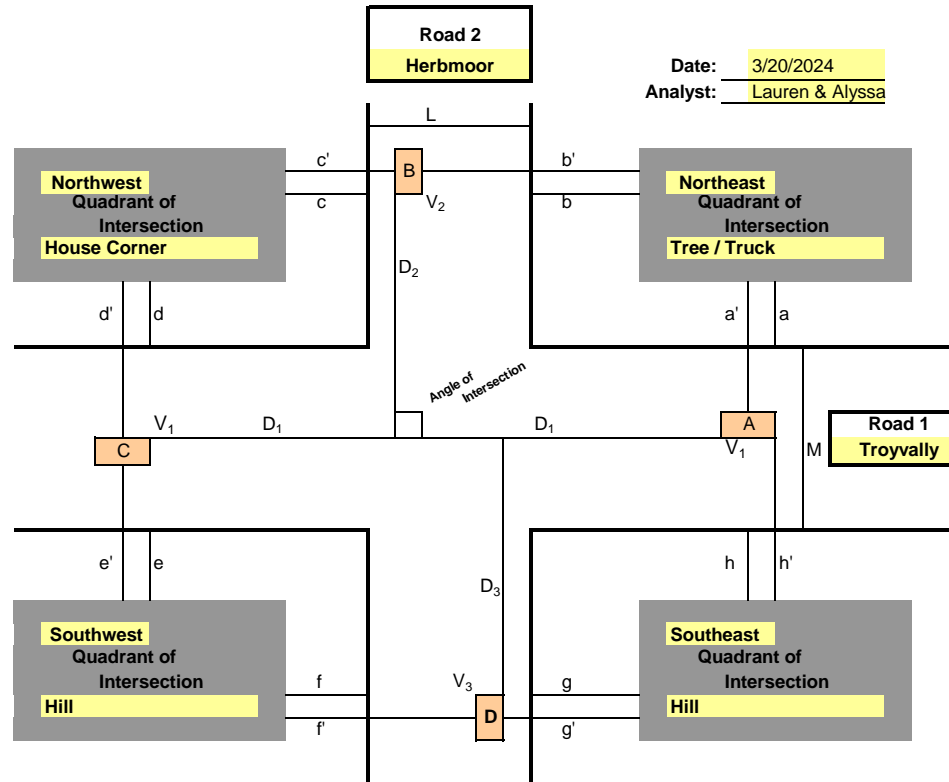
or  $V_3 = 24.3$  (mph) [Based on Veh. C]

## Threshold of Safe Approach Speed (AAA, FHWA & NSC)

to Recommend STOP Control 10.0 (mph),

to Recommend YIELD Control 25.0 (mph),

Otherwise Recommends NO CONTROL.



## Intermediate Calculations:

$D_1 = 196$

$a' = 65$

$e' = 94$

$D_{2A} = 77.6$

$b' = 29$

$f' = 67$

$D_{2C} = 100.8$

$c' = 70$

$g' = 36.5$

$D_{3A} = 43.3$

$d' = 57$

$h' = 28$

$D_{3C} = 146$

$$\text{Based On } D_1 = (1.075 V_1^2 / A) + 1.4667 V_1 t + EC$$

$$D_{2A} = \frac{a' * D_1}{(D_1 - b')} \text{ or } D_{2C} = \frac{c' * D_1}{(D_1 - d')} \text{ or } D_{3A} = \frac{g' * D_1}{(D_1 - h')} \text{ or } D_{3C} = \frac{e' * D_1}{(D_1 - f')}$$

Notes: Enter field measurements in yellow highlighted area.

Blue fields are std. default values; change only for cause.

Calculated by spreadsheet

Recommended ROW control for Road 2

based on safe approach speed :

**STOP Sign**





**Photograph No. 1:** Herbmoor Drive - Heading North Looking Left  
**Date:** 03/21/2024 **Photographer:** Lauren Hull



**Photograph No. 2:** Herbmoor Drive - Heading North  
**Date:** 03/21/2024 **Photographer:** Lauren Hull





**Photograph No. 3:** Herbmoor Drive - Heading North Looking Right  
**Date:** 03/21/2024 **Photographer:** Lauren Hull



**Photograph No. 4:** Troyvally Drive – Heading East Looking Left  
**Date:** 03/21/2024 **Photographer:** Lauren Hull





**Photograph No. 5:** Troyvally Drive – Heading East  
**Date:** 03/21/2024 **Photographer:** Lauren Hull



**Photograph No. 6:** Troyvally Drive – Heading East Looking Right  
**Date:** 03/21/2024 **Photographer:** Lauren Hull





**Photograph No. 7:** Hermoor Drive - Heading South Looking Left  
**Date:** 03/21/2024 **Photographer:** Lauren Hull



**Photograph No. 8:** Hermoor Drive - Heading South  
**Date:** 03/21/2024 **Photographer:** Lauren Hull





**Photograph No. 9:** Hermoor Drive - Heading South Looking Right  
**Date:** 03/21/2024 **Photographer:** Lauren Hull



**Photograph No. 10:** Troyvally Drive - Heading West Looking Left  
**Date:** 03/21/2024 **Photographer:** Lauren Hull





**Photograph No. 11:** Troyvally Drive - Heading West  
**Date:** 03/21/2024 **Photographer:** Lauren Hull



**Photograph No. 12:** Troyvally Drive - Heading West Looking Right  
**Date:** 03/21/2024 **Photographer:** Lauren Hull

## **Reference Guide on Traffic Control Determination in the State of Michigan**

### **Background**

This document is intended to be used as a reference guide for performing intersection traffic control studies of intersections on public roadways in Michigan. The document explains the procedure and requirements necessary to implement traffic control at an intersection as stipulated by the Michigan Manual on Uniform Traffic Control Devices (MMUTCD). Act 300 of Public Acts of 1949 (as amended) requires the adoption of this Manual, and further requires conformance to the manual for all state highways, county roads and local streets open to public travel.

Generally, the starting premise is an uncontrolled intersection. The first step would then be to verify if the intersection should remain uncontrolled or if YIELD or STOP controls on the minor street approach(es) should be provided. For locations with higher traffic volumes and /or crash issues, then an evaluation of the location for all-way STOP warrants would be performed. The appropriate analysis for each level of control described below.

### **YIELD Traffic Control Guidance**

The use of a YIELD sign is intended to assign the right-of-way at intersections where it is not usually necessary to stop before proceeding into the intersection. Conversely, the STOP sign is intended for use where it is usually necessary to stop before proceeding into the intersection.

The following conditions should be fully evaluated to determine how the right-of-way should be assigned:

- Traffic Volumes: Normally, the heavier volume of traffic should be given the right-of-way.
- Approach Speeds: The higher speed traffic should normally be given the right-of-way.
- Types of Highways: When a minor highway intersects a major highway, it is usually desirable to control the minor highway.
- Sight Distance: Sight distance across the corners of the intersection is the most important factor and is critical in determining safe approach speeds.

### **STOP Traffic Control Guidance**

Based on the MMUTCD there are four conditions where STOP signs may be warranted:

- At the intersection of a less important road with a main road where application of the normal right-of-way rule is unduly hazardous.
- On a street entering a through highway or street.
- At an unsignalized intersection in a signalized area.
- At other intersections where a combination of high speed, restricted view, or crash records indicate a need for control by the STOP sign.

In many cases STOP signs are installed where they may not be warranted. Traffic experts agree that unnecessary STOP signs:

- Cause accidents they are designed to prevent.
- Breed contempt for other necessary STOP signs.
- Waste millions of gallons of gasoline annually.
- Create added noise and air pollution.
- Increase, rather than decrease, speeds between intersections.



There is also an explicit restriction in the MMUTCD that STOP signs are not to be used for speed control, in Section 2B.04.

Evaluation of All-Way STOP Traffic Control

Based on the MMUTCD there are four conditions where **all-way** STOP signs may be warranted:

- A. *Where traffic control signals are justified, the multi-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.*
- B. *Five or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop installation. Such crashes include right-turn and left-turn collisions as well as right-angle collisions.*
- C. *Minimum volumes:*
  - 1. *The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day; and*
  - 2. *The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour; but*
  - 3. *If the 85th-percentile approach speed of the major-street traffic exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the values provided in Items 1 and 2.*
- D. *Where no single criterion is satisfied, but where Criteria B, C.1, and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.*

May 23, 2024

Mr. Scott G Finlay, PE  
City Engineer  
City of Troy  
500 W. Big Beaver Rd  
Troy, MI 48084

RE: Traffic Control Recommendation for  
Connolly Dr at Corbin Dr

Dear Mr. Finlay:

As requested, we have reviewed the intersection of Connolly Dr at Corbin Dr to determine the proper traffic control. Connolly Dr at Corbin Dr is a 3-legged intersection located in the City of Troy. The speed limit on both streets under investigation is 25 mph. The intersection does not have any stop-controlled approaches. Attached are aerial and intersection photos.

### **Types of Roadways**

Both Connolly Dr and Corbin Dr are considered local streets. Connolly Dr runs north to south providing access to the neighborhood off of Coolidge Hwy. Corbin Dr runs east to west offering access to the neighborhood from Coolidge Hwy as well.

The surrounding land use is entirely single-family residential. On-street parking is permitted on the east side of Connolly Dr and on the north side of Corbin Dr. There is no clear major versus minor street. However, for the purpose of analysis Connolly Dr is presumed to be the major road, while Corbin Dr is considered the minor road. Both Connolly Dr and Corbin Dr serve as key routes throughout the neighborhood.

### **Traffic Control Analyses**

Traffic control analyses described herein adheres to the requirements presented in the Michigan Manual on Uniform Traffic Control Devices (MMUTCD) that are considered mandates of state law. A reference document explaining the background behind the analyses is attached to this memo.

### **Crash Analysis**

Based on information obtained through the Traffic Improvement Association of Michigan, there were no crashes recorded in the past full five (5) years within a 250' radius of the intersection. The crash history does not constitute a compelling case for modifying the existing controls.



### Traffic Volumes

Traffic counts were not collected in the vicinity of the intersection. Traffic volumes in residential areas are predominantly driven by the number of single-family residential homes in the neighborhood. Based on the residential nature and the number of homes in the surrounding area it is highly improbable that this location would satisfy any of the minimum volume warrants for an all-way STOP (see attached Reference Guide).

It is therefore extremely unlikely that Corbin Dr meets and sustains the 300 vehicles per hour threshold for a minimum of 8 hours. The combined vehicular, pedestrian, and bicycle volumes entering from Connolly Dr is similarly unlikely to average at least 200 units for any 8 hours. Additionally, since the posted speed limit is only 25mph, it is reasonable to assume that the 85<sup>th</sup> percentile approach speed does not exceed 40mph on either road; thus, the minimum vehicular volume warrants cannot be discounted to 70 percent of the values described previously. Finally, the study intersection is likely to fall significantly shy even of the reduced 80 percent volumes, based on expected trip generation for this neighborhood. Therefore, the minimum volume criteria for an all-way STOP have likely not been met.

### Approach Speed Limits

The approach speed limit on all study streets is 25mph. Speed limits alone cannot be used in this case to determine which direction of traffic should be assigned the right-of-way.

### Sight Distance

The major potential sight distance obstruction at the intersection of Connolly Dr at Corbin Dr for a motorist traveling westbound on Corbin Dr would be the large tree on the southeast quadrant of the intersection and the trees and brush on the northeast corner of the intersection. These obstructions impact the calculated safe approach speeds for the intersection. The safe approach speed is the speed at which a vehicle can approach an intersection and still stop in time to avoid a collision with a vehicle seen on the cross street.

When the safe approach speed is found to be 10 mph or less, a STOP sign is recommended. When the safe approach speed is found to be more than 10 mph, a YIELD sign is recommended. In this case, the safe approach speed for westbound vehicles on Corbin Dr is 7.2 mph due to the permanent sight distance obstruction from the trees and brush on the northeast and southeast quadrants. Thus, based on the safe approach speed calculations, STOP-control is the computed right-of-way control for the Corbin Dr approach. The safe approach speed calculation spreadsheet for the intersection is attached for reference.

### Recommendation

The preceding analysis determined that the criteria were met for STOP-control on the minor street (Corbin Dr) approach, based on the safe approach speed calculations.

OHM recommends implementing a STOP sign on the Corbin Dr approach. The intersection should be reevaluated if traffic volumes increase, or crashes begin to occur.



Sincerely,  
**OHM Advisors**

*Lauren Hull*

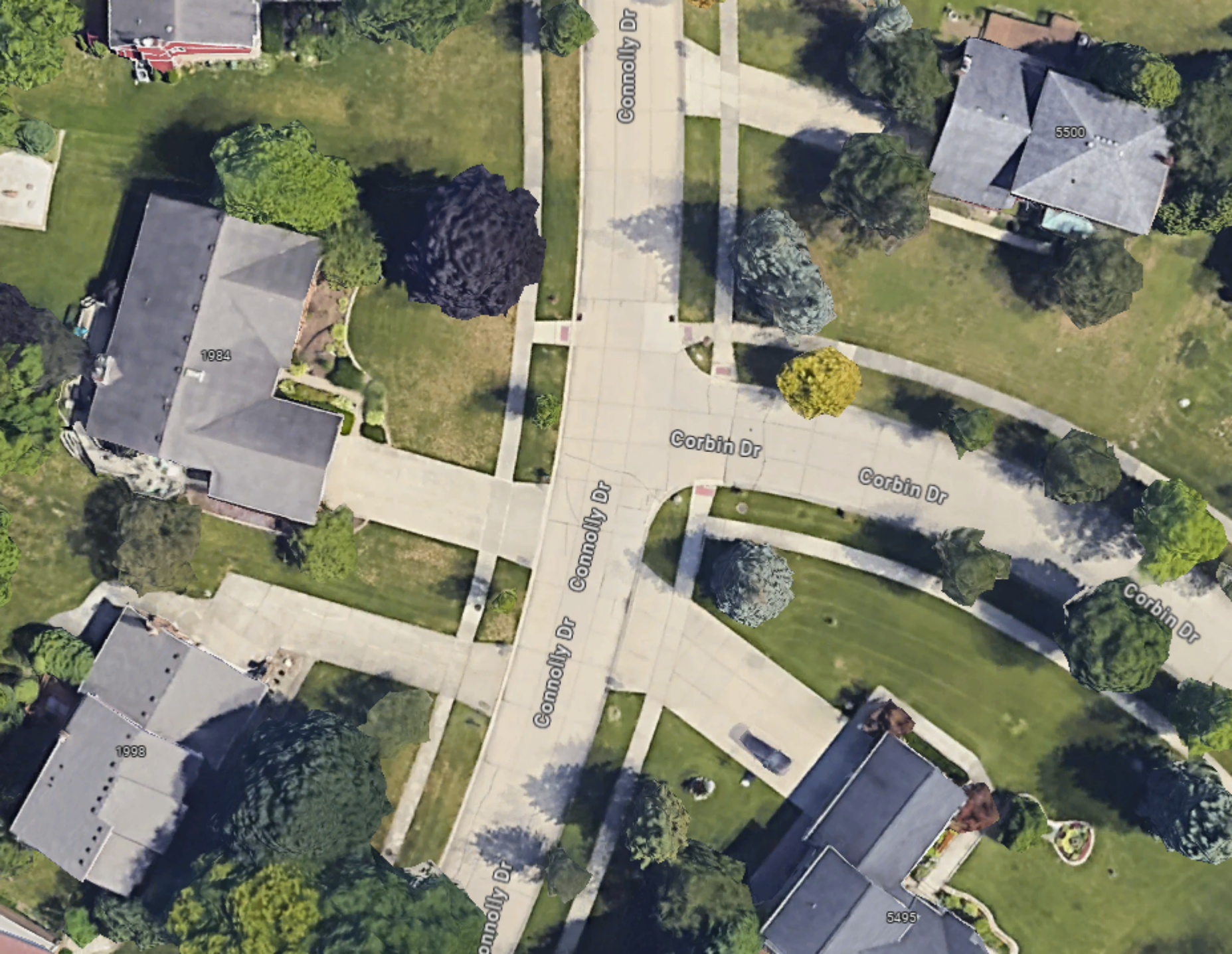
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Laure Hull  
Traffic Engineer

Attachments:

- Aerial Photo
- Safe Approach Speed Calculation Spreadsheet
- Intersection Photos
- Traffic Control Determination Reference Guide





Connolly Dr

5500

1984

Corbin Dr

Corbin Dr

Connolly Dr

Corbin Dr

1998

Connolly Dr

5495

## Safe Approach Speed Calculation

Connolly Dr and Corbin Dr  
City of Troy

Date: 3/27/2024  
Analyst: Lauren & Alyssa

### Measured:

Width of Roads

Road 1 = 26 (ft)

Road 2 = 26 (ft)

Distance to Obstruction

a = 21 (ft)

b = 13.5 (ft)

c = 16 (ft)

d = 18 (ft)

Angle of Intersection

Delta = 90 (degrees, measure counterclockwise)

Road 1 Posted

Speed Limit = 25 (mph)

### Assumed:

Speed of Vehicle A = Speed of Vehicle B  
= Posted Speed Limit on Road 1

+ 5 (mph)

$V_1 = 30$  (mph)

Perception / Reaction Time (AASHTO)

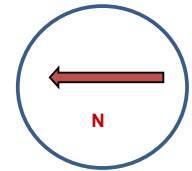
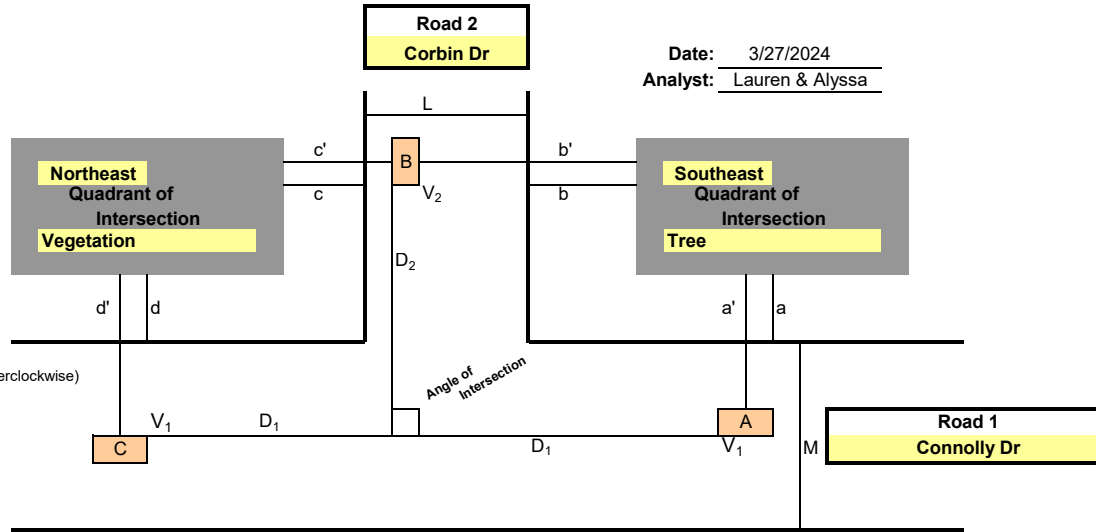
t = 2.5 (sec)

Deceleration rate (AASHTO)

A = 11.20

Clearance distance in excess of safe stopping distance (AAA)

EC = 0 (ft)



Intermediate Calculations:

$D_1 = 196$

$D_{2A} = 31.4$

$D_{2C} = 26.3$

$a' = 27$

$b' = 27.5$

$c' = 22$

$d' = 32$

Based On  $D_1 = (1.075 V_1^2 / A) + 1.4667 V_1 t + EC$

$D_{2A} = \frac{a' * D_1}{(D_1 - b')}$  or  $D_{2C} = \frac{c' * D_1}{(D_1 - d')}$

Calculated Safe Approach Speed for Vehicle B

Approaching on Road 2

FALSE 7.2 (mph) [Based on Veh. A]

or  $V_2 = 6.2$  (mph) [Based on Veh. C]

Notes: Enter field measurements in yellow highlighted area.

Blue fields are std. default values; change only for cause.

Calculated by spreadsheet

Threshold of Safe Approach Speed (AAA, FHWA & NSC)

to Recommend STOP Control 10.0 (mph)

to Recommend YIELD Control 25.0 (mph)

Otherwise Recommends NO CONTROL.

Recommended ROW control for Road 2

based on safe approach speed : STOP Sign





**Photograph No. 1:** Connolly Dr -Heading North  
**Date:** 03/27/2024 **Photographer:** Lauren Hull



**Photograph No. 2:** Connolly Dr - Heading North looking left  
**Date:** 03/27/2024 **Photographer:** Lauren Hull



**Photograph No. 3:** Connolly Dr - Heading South  
**Date:** 03/27/2024 **Photographer:** Lauren Hull



**Photograph No. 4:** Connolly Dr - Heading South looking right  
**Date:** 03/27/2024 **Photographer:** Lauren Hull





**Photograph No. 5:** Cordin Dr - Heading West  
**Date:** 03/27/2024 **Photographer:** Lauren Hull



**Photograph No. 6:** Cordin Dr - Heading West looking right  
**Date:** 03/27/2024 **Photographer:** Lauren Hull



**Photograph No. 7:** Cordin Dr - Heading West looking left  
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  - 3. *If the 85th-percentile approach speed of the major-street traffic exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the values provided in Items 1 and 2.*
- D. *Where no single criterion is satisfied, but where Criteria B, C.1, and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.*



A Regular Meeting of the Troy Personnel Board was held June 7, 2023, at City Hall, 500 W. Big Beaver Road. Member Parpart called the meeting to order at 6:00 PM.

**A. ROLL CALL:**

**PRESENT:** Chair Jane Parpart  
Member Jeffrey Forster  
Member David Haight

**ALSO PRESENT:** Jeanette Menig, Human Resources Director  
Cheryl A. Stewart, Deputy City Clerk  
Jennifer Lee, Human Resources Specialist

**ABSENT:** Member Pamela Gordon  
Member Anne Sackrison

**B. APPROVAL OF MINUTES:**

**1. Approval of Minutes of May 26, 2022:**

PB-#2023-06-001  
Moved by Parpart  
Seconded by Forster

RESOLVED, That the Personnel Board hereby **APPROVES** the minutes of May 26, 2022 as presented.

Yes: Parpart, Forster, Hamilton  
No: None  
Absent: Gordon, Sackrison

**MOTION CARRIED**

**C. OLD BUSINESS: None**

**D. NEW BUSINESS:**

**1. Recommendations for Classification Plan:**

Suggested Resolution  
PB-#2023-06-002  
Moved by Parpart  
Seconded by Forster

RESOLVED, That the Personnel Board hereby **APPROVES** the proposed recommendations for the *Classification Plan - Classified Positions (effective July 1, 2023)* as submitted.

Yes: Parpart, Forster, Hamilton  
No: None  
Absent: Gordon, Sackrison

**E. PUBLIC COMMENT:**

There was no one present for public comment.

**F. ADJOURNMENT:**

The meeting **ADJOURNED** at 6:21 PM.

  
Jane Parpart, Chairperson

  
Cheryl A. Stewart, Deputy City Clerk

A Meeting of the Civil Service Commission (Act 78) was held Monday, May 20, 2024 at Troy City Hall, 500 W. Big Beaver Road in the Lower Level Conference Room. Chairman/President McGinnis called the meeting to order at 12:31 PM.

A. **ROLL CALL:** Chairman/President Donald E. McGinnis, Jr.  
Commissioner David Cannon  
Commissioner John Steele

B. **APPROVAL OF MINUTES:**

1. **Approval of Minutes of Thursday, May 9, 2024**

Resolution #CSC-2024-05-008

Moved by Cannon

Seconded by Steele

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **APPROVES** the Minutes of the Thursday, May 9, 2024, meeting as presented.

Yes: All-3

No: None

**MOTION CARRIED**

C. **PETITIONS AND COMMUNICATIONS:** None

D. **REPORTS:** None

E. **OLD BUSINESS:** None

F. **NEW BUSINESS:**

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

Resolution #CSC-2024-05-009

Moved by Cannon

Seconded by Steele

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

Yes: All-7

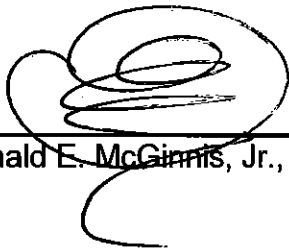
No: None

**MOTION CARRIED**

G. PUBLIC COMMENT:

H. ADJOURNMENT:

The Civil Service Commission (Act 78) meeting **ADJOURNED** at 12:34 PM.



Donald E. McGinnis, Jr., Chairman



Cheryl A. Stewart, Deputy City Clerk





500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM

Date: July 1, 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: Second Quarter 2024 Litigation Report

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The following is the quarterly report of pending litigation and other matters of interest.  
**Developments during the SECOND 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.



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM

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. **Plaintiff/Appellant filed its Brief on Appeal on June 4, 2024. The City will file a timely Brief on Appeal.**

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



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## CITY COUNCIL AGENDA ITEM

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 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. **Plaintiff/Appellant filed its Brief on Appeal on June 4, 2024. The City will file a timely Brief on Appeal.**

3. 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. **The City timely filed a Motion to Dismiss. Plaintiff subsequently filed a Motion for Temporary Restraining Order/Preliminary Injunction concerning one of its projects. The City filed a response and the parties are now awaiting a decision from the Court. After receipt of the City's Motion to Dismiss, Judge Goldsmith gave the Plaintiff the option to submit an amended complaint, and Plaintiff availed itself of that opportunity. On June 28, 2024, the City filed a Motion to Dismiss the Amended Complaint for failure to state a claim.**



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### 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.**

### 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 Aide'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. **The Appellee filed a corrected Brief on Appeal on May 30, 2024.**





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2. **Melvin Matsey v. Troy, et al.** - Melvin Matsey was a suspect in some burglaries in the area and had been under surveillance by the Troy Police Department Special Investigations Unit (SIU). On March 9, 2022, at approximately 8:30pm, Matsey was observed running away from a closed business carrying something under his arm. He quickly got into his parked car and drove away. SIU officers followed him, and used a boxing maneuver to stop him. Officers then got Matsey out of his car, and took him in for questioning. Plaintiff's complaint alleges there was no legal basis for the boxing maneuver, and that he was falsely arrested. He alleges injuries, pain and psychological trauma resulted. Plaintiff's complaint is brought under 42 USC, Section 1983 and it asserts claims under the 5<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendments of the United States Constitution. Plaintiff also asserts state law claims against the individual officers for assault and battery, intentional infliction of emotional distress and alleged gross negligence. He is seeking damages in an amount exceeding \$75,000, plus interest, costs and attorney fees. On June 26, 2024, Judge Kumar, the U.S. District Court Judge assigned to this case, entered a scheduling order.

### **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.

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



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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 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. **The trial court lifted the stay in this matter and the parties have filed their Answers to the Complaint and are proceeding with discovery.**

### 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



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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 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



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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 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





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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. Oral argument was held on the summary disposition motion on December 2<sup>nd</sup>. 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 30<sup>th</sup>. 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 30<sup>th</sup>, 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



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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 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. **The Michigan Court of Appeals has scheduled oral argument for July 11, 2024.**

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



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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 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. **The parties continue to wait for the Court to rule on the Defendants' pending motions for summary disposition. The parties submitted a stipulated order to the Court seeking an extension of discovery while the motions for summary disposition are pending, but the Court denied the request. The parties filed their Witness and Exhibit Lists, as required by the Court's scheduling order.**

3. **Whall v Troy Police Department.** This is a claim and delivery action assigned to Judge Hartig in the 52-4 District Court. The Plaintiff is seeking the return of two firearms that were turned over to the Police Department as a condition of bond when Defendant after Defendant was arrested for domestic assault. The domestic assault case was dismissed by the State law prosecutor. On April 10, 2024 the Court entered an order allowing the return of the firearms, subject to a condition that Plaintiff shall not keep the firearms in a locked box or container if there is anyone under 18 years of age, or otherwise keep the firearms locked with a device so that they are inoperable by any individual other than the Plaintiff. This case is now concluded.
4. **Scott Stoglin, John Milliron, Peter Dungjen & Joel Barthlow v. COT.** Stoglin, Milliron, Dungjen and Barthlow are retired volunteer firefighters who filed a Freedom of Information Act request, seeking information pertaining to the required closure of the Voluntary Fire Fighter Incentive Plan and the benefits they received. There was a partial denial, since some of the requested information is protected from disclosure, and Plaintiffs filed this lawsuit challenging that determination.
5. **Yu v Troy Police Department.** This is a claim and delivery action assigned to Judge Hartig in the 52-4 District Court. Plaintiff is seeking the return of two firearms that were turned over to the Police Department pursuant to a court order issued in a domestic assault case that was decided in Louisiana.



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Plaintiff's motion seeking immediate possession of the firearms was scheduled for June 5, 2024, but since the City was not properly served the hearing was adjourned. The City filed a response to the motion and a new hearing date was scheduled for June 26, 2024. On that day, Plaintiff provided additional documentation to show the Louisiana case was officially dismissed. Based on this additional information, the Court entered an order allowing the return of the firearms to Plaintiff. This case is now concluded.

6. **Sullivan v Troy Police Department.** This is a claim and delivery action assigned to Judge Hartig in the 52-4 District Court. The Plaintiff was seeking the return a pistol that was confiscated from her 14-year-old son who was charged with a juvenile offense for unlawfully possessing a concealed weapon. Plaintiff's motion seeking immediate possession of the firearms was scheduled for June 26, 2024. The City filed a response to the motion. Plaintiff failed to appear for the hearing and as a result, Plaintiff's motion for immediate possession was denied.
7. **Blakely v Troy Police Department.** This is a claim and delivery action assigned to Judge Hartig in the 52-4 District Court. Plaintiff is seeking the return a pistol that was confiscated when she was arrested for unlawful possession of a controlled substance, operating while intoxicated, and possession of a firearm while under the influence of a controlled substance. Plaintiff's motion seeking immediate possession of the firearms is scheduled for July 31, 2024. The City has filed a response to the motion.

### **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





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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. **The Circuit Court held a hearing on May 22, 2024. At the hearing, the Court ordered the parties to file additional legal briefs, setting briefing deadlines and scheduling another hearing for July 24, 2024.**

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. **The Court held a hearing on May 22, 2024 and subsequently entered an order affirming Judge Hartig's dismissal of the criminal case. This case is now closed.**

### 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.

#### 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. **The Tribunal scheduled the hearing in this case to start on October 7, 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



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scheduled a prehearing conference for May 2, 2024. **The Tribunal scheduled the hearing in this case to start on or about October 9, 2024 (after the conclusion of Office Ventures Troy).**

### **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. **The parties stipulated to a consent judgment, which the Tribunal Judge approved on April 8, 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. **The parties stipulated to a proposed consent judgment, which the Tribunal Judge approved on April 11, 2024.**

### **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 granted an extension of time. The valuation disclosure and prehearing statement are now due April 19, 2024. The parties continue to exchange information. **The parties stipulated to a proposed consent judgment, which the Tribunal Judge approved on April 11, 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. **Petitioner filed a motion seeking to add the 2024 tax year to this pending case. The City filed a response concurring in the relief, and the Tribunal granted the motion. The parties timely filed the Pre-Hearing Statements and Valuation Disclosures for both 2023 and 2024 on June 20, 2024.**

### **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. **Petitioner filed a motion seeking to add the 2024 tax year to this pending case. The City filed a response concurring in the relief, and the Tribunal granted the motion.**



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## CITY COUNCIL AGENDA ITEM

**The parties timely filed the Pre-Hearing Statements and Valuation Disclosures for both 2023 and 2024 on June 20, 2024.**

### **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. **The parties stipulated to a proposed consent judgment, which the Tribunal Judge approved on June 24, 2024.**

### **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. **The parties stipulated to a dismissal of this case, and the Tribunal dismissed it on June 20, 2024.**

### **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. **Petitioner filed a motion seeking to add the 2024 tax year to this pending case. The City filed a response concurring in the relief, and the Tribunal granted the motion. The parties timely filed the Pre-Hearing Statements and Valuation Disclosures for 2023 and 2024 on May 7, 2024.**

### **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. **Based on Petitioner's and Respondent's joint motion to withdraw case, the Tribunal entered an order dismissing the case on May 14, 2024.**

### **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. **The Pre-Hearing Statements and Valuation Disclosures are due on or before July 5, 2024.**



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## CITY COUNCIL AGENDA ITEM

### **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. **The parties stipulated to a proposed consent judgment, which the Tribunal Judge approved on June 25, 2024.**

### **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. **The parties stipulated to a proposed consent judgment, which the Tribunal Judge approved on April 17, 2024.**

### **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. **The parties stipulated to a proposed consent judgment, which the Tribunal entered on May 22, 2024.**

### **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. **The parties stipulated to a proposed consent judgment, which the Tribunal entered on June 11, 2024.**

### **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. **Petitioner filed a motion seeking to add the 2024 tax year to this pending case. The City filed a response, concurring in the requested relief, and the Tribunal granted the motion. The parties stipulated to a partial proposed consent judgment for one of the two parcels where the assessments were challenged, and the Tribunal entered an Order of Partial Summary Judgment on June 20, 2024. The parties timely filed the Pre-Hearing Statements and Valuation Disclosures as to the remaining claims on June 20, 2024.**

### **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





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## CITY COUNCIL AGENDA ITEM

disclosure are now due on June 4, 2024. The prehearing conference is scheduled for the docket starting October 1, 2024. **The parties stipulated to a proposed consent judgment, which the Tribunal Judge approved on April 11, 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. **Based on Petitioner's withdraw of this case, the Tribunal entered an order dismissing the case on April 25, 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. **Based on Petitioner's withdraw of this case, the Tribunal entered an order dismissing the case on April 26, 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. **The parties stipulated to a proposed consent judgment, which the Tribunal Judge approved on April 11, 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. **Based on Petitioner's withdraw of this case, the Tribunal entered an order dismissing the case on April 26, 2024.**

### **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. **The parties timely filed the Valuation Disclosures and Pre-Hearing Statements on June 4, 2024.**



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## CITY COUNCIL AGENDA ITEM

### **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. **The parties continue to review the documentation and work towards a possible settlement.**

### **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. **Petitioner filed a motion seeking to add the 2024 tax year to this pending case. The City filed a response, concurring in the requested relief, and the Tribunal granted the motion. The new deadline for the Pre-Hearing Statement and Valuation Disclosures for 2023 and 2024 is August 5, 2024.**

### **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. **Respondent City timely filed its Pre-Hearing Statement and Valuation Disclosure on June 20, 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. **Petitioner filed a motion seeking to add the 2024 tax year to this pending case. The City filed a response, concurring in the requested relief, and the Tribunal granted the motion. The parties requested and were granted an extension of deadlines.**

### **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. **Petitioner filed a motion seeking to add the 2024 tax year to this pending case. The City filed a response, concurring in the requested relief, and the Tribunal granted the motion. The parties requested and were granted an extension of deadlines.**



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## CITY COUNCIL AGENDA ITEM

### **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. **Petitioner requested an adjournment of the scheduling dates, and the City concurred in the request, which was submitted to the Tribunal.**

### **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. **Based on Petitioner's and Respondent's joint motion to withdraw case, the Tribunal entered an order dismissing the case on May 20, 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. **The parties stipulated to a consent judgment, which the Tribunal Judge approved on May 9, 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. **On April 17, 2024, Petitioner filed a motion for summary judgment. The City timely responded on May 8, 2024. The parties are now waiting for a decision from the Tribunal on the pending motion.**

### **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. **The City continues to work on the summary disposition motion pleading, and also the Pre-Hearing Statement and Valuation Disclosure.**



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## CITY COUNCIL AGENDA ITEM

### **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. **Petitioner filed a motion to add a challenge to the 2024 tax year to this case, and the City filed a response concurring in the requested relief. The Tribunal granted the motion. Petitioner requested an adjournment of the scheduling dates, and the City concurred in the request, which was submitted to the Tribunal.**

### **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. **Petitioner has not yet taken any action to comply with the Tribunal's order.**

### **2024 Cases**

#### **1401 Troy Associates, LP, Case No. 24-000795**

This petition was timely filed prior to the May 31, 2024 deadline. The City timely filed its answer and affirmative defenses on June 11, 2024. The parties will commence the discovery process.

#### **Athens Plaza, LLC, Case No. 24-000951**

This petition was filed prior to the May 31, 2024 deadline. The City timely filed its answer and affirmative defenses on June 4, 2024. The parties will commence the discovery process.

#### **Kilmer Plaza, LLC, Case No. 24-000796**

This petition was filed prior to the May 31, 2024 deadline. The City timely filed its answer and affirmative defenses on June 11, 2024. The parties will commence the discovery process.

#### **Macomb Residential Opportunities, Case No. 24-001160**

This petition was timely filed prior to the May 31, 2024 deadline. The City timely filed its answer and affirmative defenses on May 16, 2024. The parties will commence the discovery process.

#### **Mich Troy Technology Inc., Case No. 24-002244**

This case was filed prior to the May 31, 2024 deadline, and subsequently served on the City. The City timely filed its answer and affirmative defenses on June 4, 2024. The parties will commence the discovery process.





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## **CITY COUNCIL AGENDA ITEM**

### **Northfield Point Retail, LLC, Case No. 24-000832**

This case was filed prior to the May 31, 2024 deadline, and subsequently served on the City. The City timely filed its answer and affirmative defenses on June 11, 2024. The parties will commence the discovery process.

### **Pantero, Inc., Case No. 24-000933**

This case was filed prior to the May 31, 2024 deadline, and subsequently served on the City. The City timely filed its answer and affirmative defenses on June 4, 2024. The parties will commence the discovery process.

### **Reddy Office Center, LLC, Case No. 24-000954**

This case was filed prior to the May 31, 2024 deadline, and subsequently served on the City. The City timely filed its answer and affirmative defenses on June 4, 2024. The parties will commence the discovery process.

### **Saks Troy, LLC, Case No. 24-000561**

This case was filed prior to the May 31, 2024 deadline, and subsequently served on the City. The City timely filed its answer and affirmative defenses on June 4, 2024. The parties will commence the discovery process.

### **Somerset Place LLC and Frankel Associates, Case No. 24-000814**

This case was filed prior to the May 31, 2024 deadline, and subsequently served on the City. The City timely filed its answer and affirmative defenses on May 14, 2024. The parties will commence the discovery process.

### **Troy Crossing, LLC, Case No. 24-000844**

This case was filed prior to the May 31, 2024 deadline, and subsequently served on the City. The City timely filed its answer and affirmative defenses on June 11, 2024. The parties will commence the discovery process.

### **Timberland 5545, Case No. 24-001350**

This case was filed prior to the May 31, 2024 deadline, and subsequently served on the City. The City timely filed its answer and affirmative defenses on June 24, 2024. The parties will commence the discovery process.



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## **CITY COUNCIL AGENDA ITEM**

### **MK Oakland Mall, Case No. 24-001352**

This case was filed prior to the May 31, 2024 deadline, and subsequently served on the City. The City timely filed its answer and affirmative defenses on June 24, 2024. The parties will commence the discovery process.

### **501 Stephenson, LLC, Case No. 24-001351**

This case was filed prior to the May 31, 2024 deadline, and subsequently served on the City. The City timely filed its answer and affirmative defenses on June 24, 2024. The parties will commence the discovery process.

### **14 Mile/ John R Road LLC, Case No. 24-001354**

This case was filed prior to the May 31, 2024 deadline, and subsequently served on the City. The City timely filed its answer and affirmative defenses on June 24, 2024. The parties will commence the discovery process.

Our office is also handling another administrative case against the City, which has been filed with the State of Michigan Office of Administrative Hearings. This proceeding, filed by Edward Ross, alleges unlawful political retaliation. The City's answer to this complaint is due on or before August 23, 2024.

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

**Beth L Tashnick**

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**Subject:** FW: Comment Card Submission

**From:** Laura Hutt

**Sent:** Monday, July 1, 2024 11:04 AM

**To:** Corey A Clark

**Cc:** Parks and Rec Online

**Subject:** Comment Card Submission

issue = Took my daughter to the new roller rink park and we loved it! We love the rink, that there was music playing and thought all the plants around and in it were beautiful. We will be coming to the next family night.

Laura Hutt