



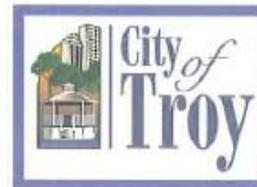
TROY CITY COUNCIL

REGULAR MEETING AGENDA

JULY 11, 2011
CONVENING AT 7:30 P.M.

Submitted By
The City Manager

NOTICE: Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3316 or via e-mail at clerk@troymi.gov at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.



TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

This booklet provides a summary of the many reports, communications and recommendations that accompany your Agenda. Also included are suggested or requested resolutions and/or ordinances for your consideration and possible amendment and adoption.

Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

As always, we are happy to provide such added information as your deliberations may require.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Szerlag".

John Szerlag, City Manager



TROY CITY COUNCIL

VISION STATEMENT AND GOALS

Adopted: Monday, February 7, 2011

VISION:

To honor the legacy of the past and build a strong, vibrant future and be an attractive place to live, work, and grow a business.

GOALS:

Provide a safe, clean, and livable city

- Practice good stewardship of infrastructure
- Maintain high quality professional community oriented police and fire protection
- Conserve resources in an environmentally responsible manner
- Encourage development toward a walkable, livable community

Provide effective and efficient local government

- Demonstrate excellence in community services
- Maintain fiscally sustainable government
- Attract and support a committed and innovative workforce
- Develop and maintain efficiencies with internal and external partners
- Conduct city business and engage in public policy formation in a clear and transparent manner

Build a sense of community

- Communicate internally and externally in a timely and accurate manner
- Develop platforms for transparent, deliberative and meaningful community conversations
- Involve all stakeholders in communication and engagement activities
- Encourage volunteerism and new methods for community involvement
- Implement the connectedness of community outlines in the Master Plan 2008

Attract and retain business investment

- Clearly articulate an economic development plan
 - Create an inclusive, entrepreneurial culture internally and externally
 - Clarify, reduce and streamline investment hurdles
 - Consistently enhance the synergy between existing businesses and growing economic sectors
 - Market the advantages of living and working in Troy through partnerships
-



**CITY COUNCIL
AGENDA**
July 11, 2011 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

INVOCATION: Pastor Dennis Wegner – Troy Church of the Nazarene **1**

PLEDGE OF ALLEGIANCE: **1**

A. CALL TO ORDER: **1**

B. ROLL CALL: **1**

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

C-1 Certificates of Recognition and Special Presentations 1

- a) State Representative Marty Knollenberg - Legislative Update 2
- b) Service Commendation – Rod Bovensiep 2
- c) Service Commendation – Keith Lenderman 2
- d) Service Commendation – Joe LaGarde 2
- e) Service Commendation – Sam Lamerato 2
- f) Public Sector Fleet Manager of the Year Award – Presented to Sam Lamerato from Government Fleet Magazine 2
- g) Top 100 Best Elite Fleet in North America Award – Presented to City of Troy Fleet Division 2

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SCHEDULED SPECIAL CITY COUNCIL MEETINGS: 16

INVOCATION: Pastor Dennis Wegner – Troy Church of the Nazarene

PLEDGE OF ALLEGIANCE:

A. CALL TO ORDER:

B. ROLL CALL:

- a) Mayor Louise E. Schilling
Robin Beltramini
Wade Fleming
Martin Howrylak
Mayor Pro Tem Mary Kerwin
Maureen McGinnis
Dane Slater

- b) Excuse Absent Council Members:

Suggested Resolution

Resolution #2011-07-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Beltramini at the Special City Council Meeting of June 27, 2011 due to being out of the County.

Yes:
No:

Suggested Resolution

Resolution #2011-07-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Regular City Council Meeting of July 11, 2011 due to _____

Yes:
No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Certificates of Recognition and Special Presentations

- a) State Representative Marty Knollenberg - Legislative Update
- b) Service Commendation – Rod Bovensiep
- c) Service Commendation – Keith Lenderman
- d) Service Commendation – Joe LaGarde
- e) Service Commendation – Sam Lamerato
- f) Public Sector Fleet Manager of the Year Award – Presented to Sam Lamerato from Government Fleet Magazine
- g) Top 100 Best Elite Fleet in North America Award – Presented to City of Troy Fleet Division

D. CARRYOVER ITEMS:

- D-1 No Carryover Items

E. PUBLIC HEARINGS:

- E-1 Rezoning Application (File Number Z 738) – East Side of Stephenson, North of Fourteen Mile (466 Stephenson Highway), Section 35 – From RC Research Center to OM Office Mixed Use

Suggested Resolution

Resolution #2011-07-

Moved by

Seconded by

WHEREAS, The City is in receipt of a rezoning request, from RC to OM, File Number Z-738, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy and as illustrated in the attached Plat of Survey.

THEREFORE BE IT RESOLVED, The proposed rezoning from RC to OM is hereby **APPROVED**.

BE IT FINALLY RESOLVED, the Zoning District Map is hereby **AMENDED**.

Yes:

No:

F. PUBLIC COMMENT:

In accordance with the Rules of Procedure of the City Council, Article 16 – Members of the Public and Visitors:

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. *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 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 five (5) minutes to address any Public Hearing item.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to five minutes to address Postponed, Regular Business or Consent Agenda items or any other item as permitted under the Open Meetings Act during the Public Comment portion of the agenda.
- City Council may waive the requirements of this section by a majority of the City Council members.
- City Council may wish to schedule a Special Meeting for Agenda items that are related to topics where there is significant public input anticipated.
- Through a request of the Chair and a majority vote of City Council, public Comment may be limited when there are fifteen (15) or more people signed up to speak either on a Public Hearing item or for the Public Comment period of the agenda.

G. RESPONSE / REPLY TO PUBLIC COMMENT

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: Brownfield Redevelopment Authority, Local Development Finance Authority

a) Mayoral Appointments:

Suggested Resolution

Resolution #2011-06-

Moved by

Seconded by

RESOLVED, That the Mayor of the City of Troy hereby **APPOINTS** the following persons to serve on the Boards and Committees as indicated:

Brownfield Redevelopment Authority

Appointed by Mayor (7-Regular) – 3 Year Term

James Campbell	Term Expires 04/30/2013
Robert Swartz	Term Expires 04/30/2014
Bruce Wilberding	Term Expires 04/30/2014
Ramzi Dalloo	Term Expires 04/30/2014
A. Allen Kneale	Term Expires 04/30/2014

Local Development Finance Authority (LDFA)

Appointed by Mayor (5-Regular) – Staggered 4 Year Term

Maureen Donohue Krauss

Oakland County Designee

John Sharp

Term Expires 06/30/2014

Nick Vitale

Term Expires 06/30/2015

Robin Beltramini

Term Expires 06/30/2015

Yes:

No:

I-2 Board and Committee Nominations: None Scheduled**I-3 Request for Closed Session**Suggested Resolution

Resolution #2011-07-

Moved by

Seconded by

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (c) Strategy for Labor Negotiations, and MCL15.268 (a) City Attorney Evaluation.

Yes:

No:

I-4 Application Regarding Liquor License Transfer of Ownership for Hollywood Super Market, LLCSuggested Resolution

Resolution #2011-07-

Moved by

Seconded by

(a) Transfer of OwnershipSuggested Resolution

Resolution #2011-

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** a liquor license request as indicated below, and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Liquor License Applicant :	Hollywood Super Market No. 3, LLC
-----------------------------------	------------------------------------------

Type of License Requested :	Transfer Ownership of 2010 SDD and SDM licensed business from Hollywood Super Market, Inc.
Located at :	2670 W. Maple Road, Troy, MI 48084, Oakland County
MLCC Request # :	578974

and

(b) Agreement

Suggested Resolution

Resolution #2011-

WHEREAS, The Troy City Council deems it necessary to enter into agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with the liquor license applicant named in the approved resolution above, and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

I-5 Ratification of 2008-2013 Contract Extension to 2015, and Approval of Early Retirement Incentive Program – Troy Police Officers Association (TPOA)

Suggested Resolution

Resolution #2011-07-

Moved by

Seconded by

WHEREAS, A tentative agreement has been reached between the City of Troy and TPOA extending the 2008-2013 contract to June 30, 2015; and

WHEREAS, Michigan's continuing rising unemployment and reductions in the taxable value of real estate are adversely affecting the City of Troy's operating revenues;

WHEREAS, Michigan's continuing economic distress has led City management to project significant budget short-falls for fiscal years 2011, 2012; 2013;

WHEREAS, Economic uncertainty demands that the City of Troy government reduce operational expenses while improving efficiency and effectiveness;

WHEREAS, One recognized means of reducing operational expenses while simultaneously creating opportunities for reorganization and restructuring is to provide a voluntary separation incentive for City employees to retire;

WHEREAS, Approximately 14 Troy Police Officers Association (TPOA) members will meet the eligibility criteria for retirement from City employment as of June 30, 2011; and 14 Troy Police Officers Association (TPOA) members are within five years of meeting the eligibility criteria for retirement from City employment as of June 30, 2011; and

WHEREAS, The proposed *Early Retirement Incentive Program* has been reviewed and is recommended by City management as a mechanism to reduce workforce levels, create position vacancies, and provide City management with the opportunity to reduce costs, reorganize and restructure operations;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** implementation of the following *Early Retirement Incentive Program* to be offered to the Troy Police Officers Association (TPOA) members who will be eligible to retire, or are within five years of eligibility, on or before June 30, 2011, provided that the program is economically beneficial to the City of Troy; and

BE IT FURTHER RESOLVED, That the *Early Retirement Incentive Program* **MAY BE** offered during a minimum 45-day window of opportunity, with said incentive being the option of a lump sum payment of \$1,000 for each full year of retirement service as of June 30, 2011 or the conversion from a DC pension plan to a DB pension plan; and

BE IT FURTHER RESOLVED, That funding for the *Early Retirement Cash Incentive Program* **SHALL BE OBTAINED** from funds made available in the Departments' budgets, and funding for the Early Retirement DC to DB Program **SHALL BE** obtained from the funds contained in the members' DC accounts; and

BE IT FURTHER RESOLVED, That employees in the Defined Benefit and Defined Contribution retirement plans desiring to participate in the *Early Retirement Incentive Program* **MUST FILE** written application to retire no less than 30 days in advance of their requested retirement date which shall be no later than November 15, 2011 with the Employees' Retirement System on the appropriate form; and

BE IT FURTHER RESOLVED, That the lump sum Early Retirement Incentive pay **SHALL NOT** be included in the final average compensation (FAC) for employees on the Defined Benefit Plan. Contributions **WILL BE** made to an employee's Defined Contribution Plan or Defined Benefit Plan by the City of Troy and the employee as a result of this lump sum payment.

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** City Management to negotiate participation in the Early Retirement Incentive Program with represented Employees Retirement System members in collective bargaining proceedings; and

BE IT FINALLY RESOLVED, That a two-year extension to the 2008-2013 collective bargaining agreement between the City of Troy and TPOA for the period July 1, 2013 through June 30, 2015 as presented is hereby **RATIFIED** by the City Council of the City of Troy, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the final agreement.

Yes:

No:

I-6 Traffic Committee Recommendations and Minutes – June 15, 2011

Suggested Resolution

Resolution #2011-07-

Moved by

Seconded by

- a. **RESOLVED**, That Traffic Committee recommends no changes be made at the intersection of Rothwell at Provincial.

OR

- b. **RESOLVED**, That City Management recommends a STOP sign be installed on the Provincial northbound approach to Rothwell.

Yes:

No:

I-7 Application Regarding Transfer of Stock for Mr. Pizza, Inc.

Suggested Resolution

Resolution #2011-07-

Moved by

Seconded by

(a) Request To Transfer Stock

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** a liquor license request as indicated below, and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Liquor License Applicant :	Mr. Pizza, Inc.
Type of License Requested :	Transfer All Stock Interest in 2010 SDD and SDM Licensed Business, wherein Amira Shemami Transfers 10,000 shares of stock to new stockholder, Najib Jr. Najib Shemami.
Located at :	4973 Livernois, Troy, MI 48098, Oakland County
MLCC Request # :	572153

and

(b) Agreement

WHEREAS, The Troy City Council deems it necessary to enter into agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with the liquor license applicant named in the approved resolution above, and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

I-8 Application Regarding New Wholesale Liquor Licenses for Flats Distributing, LLC

Suggested Resolution

Resolution #2011-07-

Moved by

Seconded by

(a) New Wholesale Licenses

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** a liquor license request as indicated below, and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Liquor License Applicant :	Flats Distributing, LLC
Type of License Requested :	New Outstate Seller of Beer License, Outstate Seller of Mixed Spirit Drinks License, and Outstate Seller of Wine License
Located at :	201 W. Big Beaver Road, Suite 500, Troy, MI 48084, Oakland County
MLCC Request # :	611857

and

(b) Agreement

WHEREAS, The Troy City Council deems it necessary to enter into agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with the liquor license applicant named in the approved resolution above, and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

J. CONSENT AGENDA:**J-1a Approval of "J" Items NOT Removed for Discussion**Suggested Resolution

Resolution #2011-07-

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 (I) items, as printed.

Yes:

No:

J-1b Address of "J" Items Removed for Discussion by City Council**J-2 Approval of City Council Minutes**Suggested Resolution

Resolution #2011-07-

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

- a. Regular City Council Meeting of June 20, 2011
- b. Special City Council Meeting of June 21, 2011
- c. Special City Council Meeting of June 27, 2011

J-3 Proposed City of Troy Proclamations: None Submitted**J-4 Standard Purchasing Resolutions****a) Standard Purchasing Resolution 3: Exercise Renewal Option – Sidewalk Replacement and Installation Program**Suggested Resolution

Resolution #2011-07-

WHEREAS, On January 10, 2011, Troy City Council awarded a contract to complete the Sidewalk Replacement and Installation Program for FY 2010/11 with options to renew for two additional one-year periods to the low total bidder, Rotondo Construction Company of Farmington Hills, MI, (Resolution #2011-01-005-J4b); and

WHEREAS, Rotondo Construction Company has agreed to exercise the first of two one-year options to renew the contract under the same pricing, terms and conditions;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **EXERCISES** the first one-year option to renew the contract with Rotondo Construction Company to provide sidewalk replacement and installation for the 2011/12 construction season under the same prices, terms, and conditions as contained in the bid tabulation opened November 23, 2010, the cost of which shall not to exceed budgetary limitations to expire June 30, 2012.

b) Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Membership Renewals - Southeast Michigan Council of Governments (SEMCOG)

Suggested Resolution
Resolution #2011-07-

RESOLVED, That approval is **GRANTED** to pay membership dues to the Southeast Michigan Council of Governments (SEMCOG) in the amount of \$9,841.00, which covers the time period of July 15, 2011 to July 15, 2012.

c) Standard Purchasing Resolution 3: Exercise Renewal Option – MITN Cooperative Premium Laser Compatible Ink and Toner Cartridges

Suggested Resolution
Resolution #2011-07-

WHEREAS, On November 8, 2010, Troy City Council awarded a contract to purchase premium laser compatible ink and toner cartridges with an option to renew for two (2) additional one (1) year periods to the lowest bidder meeting specifications, Preferred Toner Solutions of Canton, MI (Resolution #2010-11-247-J-4a);

WHEREAS, Preferred Toner Solutions has agreed to exercise the first one-year option to renew and the City of Ann Arbor has administratively approved the contract under the same pricing structure, terms, and conditions for participating members of the MITN (Michigan Intergovernmental Trade Network) Cooperative;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the first one-year option to renew the contract with Preferred Toner Solutions to provide premium laser compatible ink and toner cartridges under the same pricing, terms, and conditions expiring July 6, 2012.

d) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 11-1 – Beach Road Pavement Rehabilitation

Suggested Resolution
Resolution #2011-07-

RESOLVED, That contract No. 11-1, Beach Road Pavement Rehabilitation, be **AWARDED** to Cadillac Asphalt, LLC, 4751 White Lake Road, Clarkston, MI 48346 for their low total bid amount of \$1,760,391.88.

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

requirements, and if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 25% of the total project cost.

e) Standard Purchasing Resolution 11: Rejection of Bids – Lloyd A. Stage Nature Center Boardwalk Replacement Project

Suggested Resolution

Resolution #2011-07-

RESOLVED, That Troy City Council hereby **REJECTS** all bid proposals for ITB-COT 11-12, the Lloyd A. Stage Nature Center Boardwalk replacement project opened June 8, 2011, and that the scope of the project be changed to allow for completion by City personnel utilizing an informal quote process and standard purchasing procedures for the procurement of necessary building materials.

f) Standard Purchasing Resolution 3: Exercise Renewal Option – Quarterly Newsletter – Troy Today

Suggested Resolution

Resolution #2011-07-

WHEREAS, On July 12, 2010, Troy City Council approved a one-year contract to provide printing services for the Troy Today, Quarterly Newsletter with two, one (1) year options to renew to Grand Blanc Printing Co, Inc. of Grand Blanc, MI, the vendor with the lowest bid and highest weighted final score, as a result of a best value process (Resolution # 2010-07-157-I-4a); and

WHEREAS, Grand Blanc Printing Co, Inc. has agreed to exercise the first one-year option to renew the contract for the printing of the 2011/2012 Troy Today under the same pricing structure, terms, and conditions;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the first one-year option to renew the contract for the 2011/2012 printing and distribution of the Troy Today, Quarterly Newsletter with Grand Blanc Printing Co. Inc. of Grand Blanc, MI, for an estimated total cost of \$39,008.00, at unit prices as originally bid on May 24, 2010, plus the actual cost of bulk rate postage and additional charges if needed not to exceed 10% of the original contract amount or \$3,900.00, with all other contract requirements the same to expire July 1, 2012.

J-5 Request for Approval of Purchase Agreement – John R Road Improvements, Square Lake Road to South Boulevard, Project No. 02.204.5 – Parcels #31 & 32 – Sidwell #88-20-02-427-008 & -009

Suggested Resolution

Resolution #2011-07-

RESOLVED, That the Agreement to Purchase Realty for Public Purposes between Rama Rao Cherukuri and Ramadevi Cherukuri, owners of property having Sidwell #88-20-02-427-008 & -009, and the City of Troy, for the acquisition of right-of-way for John R Road Improvements,

Square Lake Road to South Boulevard is **APPROVED** in the amount of \$31,850, plus closing costs; and

BE IT FURTHER RESOLVED, That the Engineering Department is hereby **AUTHORIZED** to expend the necessary closing costs to complete this purchase according to the agreement; and

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

J-6 Request for Acceptance of a Warranty Deed from Orion Homes, Inc. – Sidwell #88-20-04-276-043

Suggested Resolution
Resolution #2011-07-

RESOLVED, That Troy City Council hereby **ACCEPTS** the Warranty Deed from Orion Homes, Inc., owner of the property having Sidwell #88-20-04-276-043; and

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

J-7 Approval of Cost Participation Agreement for the Resurfacing of Dequindre Road, from South Boulevard to Auburn Road – Project No. 11.103.6

Suggested Resolution
Resolution #2011-07-

RESOLVED, That the Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County for the resurfacing of Dequindre Road, from South Boulevard to Auburn Road is hereby **APPROVED** at an estimated cost of \$38,500 to the City of Troy with the actual local match to be determined upon completion of State financial audits, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-8 Approval of Cost Participation Agreement for the Resurfacing of Crooks Road, from Banmoor to Fountain – Project No. 11.102.6

Suggested Resolution
Resolution #2011-07-

RESOLVED, That the Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County for the resurfacing of Crooks Road, from Banmoor to Fountain is hereby **APPROVED** at an estimated cost of \$129,000 to the City of Troy with the actual local match to be determined upon completion of State financial audits, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-9 Margaret and Robert Black v City of Troy

Suggested Resolution
Resolution #2011-07-

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of *Margaret Black and Robert Black v. City of Troy* (Oakland County Circuit Court Case No. 11-119571-NO). Furthermore, the City Attorney is **AUTHORIZED** to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City.

J-10 Oakland County's Urban County Community Development Block Grant Cooperation Agreement for Program Years 2012-2014

Suggested Resolution
Resolution #2011-07-

WHEREAS, The City of Troy has been participating in Oakland County's Urban County Community Development Block Grant Program since 1982; and

WHEREAS, The City of Troy receives approximately \$171,966 in Oakland County Community Development Block funds each year; and

WHEREAS, Currently, Oakland County handles the majority of the federal paperwork involved in administering the Community Development Block Grant Program, helping to maximize the benefit of each dollar received at the local level;

THEREFORE, BE IT RESOLVED, That the City of Troy **CONTINUE** its participation in Oakland County's Urban County Community Development Block Grant Program for program years 2012, 2013 and 2014, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the City of Troy to terminate the Cooperative Agreement.

J-11 Request for Acceptance of a Water Main Easement – DBT Troy Properties, LLC - Sidwell #88-20-34-152-011

Suggested Resolution
Resolution #2011-07-

RESOLVED, That Troy City Council hereby **ACCEPTS** the water main easement from DBT Troy Properties, LLC, owner of the property having Sidwell #88-20-34-152-011; and

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

J-12 CitiMortgage, Inc. et. al. v. RBS Citizens, City of Troy, et. All-7.

Suggested Resolution

Resolution #2011-07-

RESOLVED, That the City Attorney's Office is hereby **DIRECTED** to defend the City of Troy in the *CITIMORTGAGE, INC. v. CITY OF TROY* (Oakland County Circuit Court Case No. 11-119801 CH), Furthermore, the City Attorney is **AUTHORIZED** to pay necessary costs and fees in the defense of the action.

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. COUNCIL REFERRALS:

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

L-1 No Council Referrals Submitted

M. COUNCIL COMMENTS

M-1 No Council Comments Advanced

N. REPORTS

N-1 Minutes – Boards and Committees:

- a) Traffic Committee-Final-March 16, 2011
 - b) Employees' Retirement System Board of Trustees-Final-April 13, 2011
 - c) Employees' Retirement System Board of Trustees-Draft-May 11, 2011
 - d) Zoning Board of Appeals-Draft-May 17, 2011
 - e) Zoning Board of Appeals-Study-Draft-May 17, 2011
 - f) Employees' Retirement System Board of Trustees-Draft-June 8, 2011
 - g) Planning Commission-Draft-June 14, 2011
 - h) Planning Commission-Final-June 14, 2011
-

N-2 Department Reports:

- a) City Council Expense Report - July, 2011
-

N-3 Letters of Appreciation: None Submitted

N-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) Troy Chamber of Commerce – Resolution of Support for Troy Public Library Millage Proposal August 2, 2011
-

N-5 Smart Meters / Radio Frequencies

N-6 Laja, LLC v City of Troy

N-7 2011 Second Quarter Litigation Report

O. STUDY ITEMS

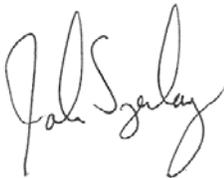
O-1 No Study Items Presented

P. CLOSED SESSION:

P-1 Strategy for Labor Negotiations and City Attorney Evaluation

Q. ADJOURNMENT

Respectfully submitted,



John Szerlag, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

SCHEDULED REGULAR CITY COUNCIL MEETINGS:

Monday, July 25, 2011	Regular Meeting
Monday, August 8, 2011	Regular Meeting
Monday, August 22, 2011	Regular Meeting
Monday, August 29, 2011	Regular Meeting
Monday, September 12, 2011	Regular Meeting
Monday, September 26, 2011	Regular Meeting
Monday, October 3, 2011	Regular Meeting
Monday, October 17, 2011	Regular Meeting
Monday, November 14, 2011	Regular Meeting
Monday, November 21, 2011	Regular Meeting
Monday, November 28, 2011	Regular Meeting
Monday, December 5, 2011	Regular Meeting
Monday, December 19, 2011	Regular Meeting

SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

Service Commendation
ROD BOVENSIEP

WHEREAS, Rod Bovensiep began his career with the City of Troy in May 1973 and worked in the Engineering, Water, and Assessing Departments. He joined Fire Station 3 as a Volunteer Firefighter in February 1976 where he served as a Lieutenant, Captain and Assistant Chief; and

WHEREAS, The City of Troy is honored to have had **Rod** as an employee for 38 years. He started his career service with the Fire Department in 1987 when he was promoted to Staff Lieutenant working in the Fire Prevention Division where he served as an inspector and plan reviewer; and

WHEREAS, Rod served as the Fire Department Emergency Management Coordinator and developed the first emergency management plan for the City; and Rod was also a member of the Special Response Unit and a member of the Fire Investigation Team.

WHEREAS, Rod's most recent position was in Fire Operations where he assisted in training and developed the Probationary Firefighter Task Book. He received numerous awards and many thank you letters and letters of recognition from citizens and organizations; and

WHEREAS, Rod retired from the City of Troy on February 16, 2011 after 38 years of dedicated service; and

WHEREAS, Rod will now enjoy more time with his wife, **Mary** and daughter **Cheryl**, son In-law **Denny**, grandchild **Elli**; son **Kurt**, daughter-in-law **Robin**, grandchildren **Caleigh and Wyatt**; daughter **Theresa**, son-in-law **Peat**, and a new granddaughter due in November;

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy takes this opportunity to express its appreciation to **Rod Bovensiep** for his many contributions to the betterment of the City; and

BE IT FURTHER KNOWN That the City Council of the City of Troy, on behalf of themselves, City management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Rod** during his retirement years.

Presented the 11th day of July 2011.

Service Commendation
KEITH LENDERMAN

WHEREAS, Keith Lenderman started with the Troy Fire Department as a volunteer firefighter in October 1975 at Station 4, where he served as Lieutenant and Captain. Keith transferred to Station 5 in March 1984; and

WHEREAS, The City of Troy is honored to have had **Keith** as an employee for 31 years. He started his career service with the Fire Department in 1980 as a Staff Lieutenant. He served as a fire inspector, fire investigator, and fire instructor, and also specialized in plan review and construction inspection; and

WHEREAS, Keith was an original member of the Special Response Unit and served as a leader of the unit. In October 2007 he was promoted to Division Assistant Chief assigned to the Operations Division; and

WHEREAS, Keith has been instrumental in developing and enhancing department training programs and computer applications. **Keith** served as a lead investigator for the Fire Department and is a court qualified expert witness. He has numerous awards and a file full of thank you letters and letters of recognition; and

WHEREAS, Keith retired from the City of Troy on January 5, 2011 after 31 years of dedicated service; and

WHEREAS, Keith will now enjoy more time with his wife, **Diane**; his daughter **Jaime** and son-in-law **Adam Sinutko** and grandsons **Zachary and Ethan**; and daughter **Kristin** and son-in-law **Shawn McConnell** and granddaughters **Molly and Matilda**;

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy takes this opportunity to express its appreciation to **Keith Lenderman** for his many contributions to the betterment of the City; and

BE IT FURTHER KNOWN That the City Council of the City of Troy, on behalf of themselves, City management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Keith** during his retirement years.

Presented the 11th day of July 2011.

Service Commendation
JOE LAGARDE

WHEREAS, Joe LaGarde began his career with the City of Troy on July 17, 1976 as a part-time Weekend Mechanic. On November 15, 1978 he was hired full-time as MSE-D Equipment Serviceman; and

WHEREAS, The City of Troy is honored to have had **Joe** as an employee for 35 years. He was promoted to MSE-F Trade Specialist I on December 3, 1984 and once again promoted to MSE-G Trade Specialist II on November 3, 1986; and

WHEREAS, Joe was promoted 10/28/00 to Field Supervisor on October 28, 2000 where he has served until his retirement with the utmost dedication and loyalty. **Joe's** expertise is in welding and fabricating tools and automotive parts. He always stepped up to every challenge within the Fleet Division, fully researching the situations to come up with workable, cost efficient solutions; and

WHEREAS, Joe's dedication to the City of Troy has been outstanding both with the Fleet Division and as a volunteer Firefighter at Station 6 since 1996; and

WHEREAS Joe retired from the City of Troy on June 30, 2011 after more than 35 years of dedicated service; and

WHEREAS, Joe will now enjoy more time with his wife of 31 years **Cindy**; son **Joe** (also a Troy Firefighter), daughter-in-law **Stephanie** and grandson **Brandon**; sons **Ed** and **Nick**; daughter **Jennifer**, son-in-law **Ben** and grandson **Benjamin**; as well as find time for camping, 4x4 off roading, working on restoring classic cars, and driving his own classic 1970 Chevelle SS;

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy takes this opportunity to express its appreciation to **Joe LaGarde** for his many contributions to the betterment of the City; and

BE IT FURTHER KNOWN That the City Council of the City of Troy, on behalf of themselves, City management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Joe** during his retirement years.

Presented the 11th day of July 2011.

Service Commendation
SAM LAMERATO

WHEREAS, After graduating from the MOTECH Automotive Education Center, **Sam Lamerato** began his career with the City of Troy in September 1974 as a service person and quickly moved through the roles of mechanic, leader, heavy equipment mechanic and foreman. In 1982 he was promoted to his current position of Superintendent of Fleet Maintenance; and

WHEREAS, The City of Troy has been honored to have **Sam** as a dedicated employee. The City of Troy has a population of 80,980 and encompasses 36 square miles. **Sam** oversees a fleet operation with over 500 pieces of equipment, including 90 police vehicles, 36 fire apparatus, and 56 pieces of snow removal equipment. Troy's Fleet Division maintains a two-shift operation in two locations with 17 employees; and

WHEREAS, **Sam** has been an active member of the American Public Works Association (APWA) since 1982 and is the Michigan Chapter APWA Co-chair of Education. He also founded the SE Oakland County Motor Pool Association in 1983; was President of SE Oakland County Superintendents Association in 2000; and Equipment Maintenance Council Vice-President for 2001/2002; and

WHEREAS, Nationally **Sam** has been appointed APWA Fleet Services Committee Chairperson for 2002/2004 and was appointed to the Chrysler Fleet Advisory Council in 2004. **Sam** received the Michigan APWA 2005 Professional Manager of the Year – Fleet Management Award in recognition of his outstanding career service achievements of public sector fleet management, operation, and maintenance and for exceptional performance in fleet maintenance education; and

WHEREAS, The City of Troy Fleet Division was named the **Third Best Fleet in North America** in October 2006 and **Sam** received the APWA Certified Public Fleet Professional Certification (CPFP) in September 2007; and

WHEREAS, The City of Troy Fleet Division was named the Top 20 of the 100 Best Fleet in North America in June 2008 & 2009 and received the Blue Seal of Excellence from the National Institute for Automotive Service Excellence 2004 – 2010, the only municipal repair facility in Michigan to receive the award; and

WHEREAS, 2010 and 2011 were monumental years for **Sam Lamerato and Troy's Fleet Division**. The City of Troy's Fleet was named the **Top 100 Best Fleet in North America** in June, 2010 and in August, 2010 **Sam received the APWA's Professional Manager of the Year - Public Fleet**. In April 2011 **Sam** was named as a top three finalist for the Government Fleet Magazine - Public Sector Fleet Manager of the year. **In June 2011 Sam was named Government Fleet Magazine - Public Sector Fleet Manager of the year and Troy's Fleet was named the Top 100 Best Elite Fleet in North America**; and

WHEREAS, **Sam retired from the City of Troy on June 30, 2011 after 38 years of dedicated service**; and

WHEREAS, **Sam** will now enjoy more time with **Meg**, his wife of 36 years; son **Sam**; daughter **Amanda**, son-in-law **Greg**, and grandchildren **Grace and Owen**; daughter **Sarah**, son-in-law **David**, and grandchildren **Alex & Amelia**; as well as find time for restoring his 1966 Ford Mustang, traveling, fishing and home improvements;

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy takes this opportunity to express its appreciation to **Sam Lamerato** for his many contributions to the betterment of the City; and

BE IT FURTHER KNOWN That the City Council of the City of Troy, on behalf of themselves, City management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Sam** during his retirement years.

Presented the 11th day of July 2011.



CITY COUNCIL AGENDA ITEM

Date: June 27, 2011

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic and Community Development
R. Brent Savidant, Planning Director

Subject: PUBLIC HEARING - REZONING APPLICATION (File Number Z 738) – East side of Stephenson, North of Fourteen Mile (466 Stephenson Highway), Section 35 – From RC Research Center to OM Office Mixed Use

Background

The applicant FAS Hotels LLC seeks to rezone the subject property from RC Research Center to OM Office Mixed Use. The application indicates a Holiday Inn Express Hotel & Suites is intended for the site. The RC district does not permit lodging establishments. The OM district permits lodging establishments subject to special use approval. The applicant will be required to submit a special use application following rezoning of the property.

The Master Plan classifies this property as being within the Smart Zone future land use category, which contemplates knowledge economy uses and supporting uses. The rezoning is consistent with the Master Plan. The attached report prepared by Carlisle/Wortman Associates, Inc. summarizes the application.

The Planning Commission held a public hearing on this item on June 28, 2011, and recommended approval of the rezoning.

Recommendation

The rezoning is consistent with the general character of the area and compatible with adjacent zoning districts and land uses. City Management recommends approval of the rezoning request from RC Research Center to OM Office Mixed Use.

Attachments:

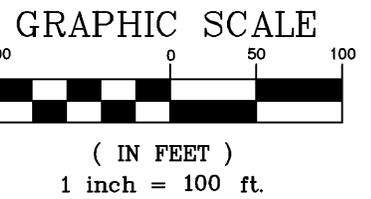
1. Maps
2. Draft Planning Commission Minutes from the June 28, 2011 Special/Study Meeting (excerpt)
3. City of Troy Master Plan (excerpt)
4. Report prepared by Carlisle/Wortman Associates, Inc.

cc: Richard Carlisle, Carlisle/Wortman Associates, Inc.

PLAT OF SURVEY

JOB No. 11-063

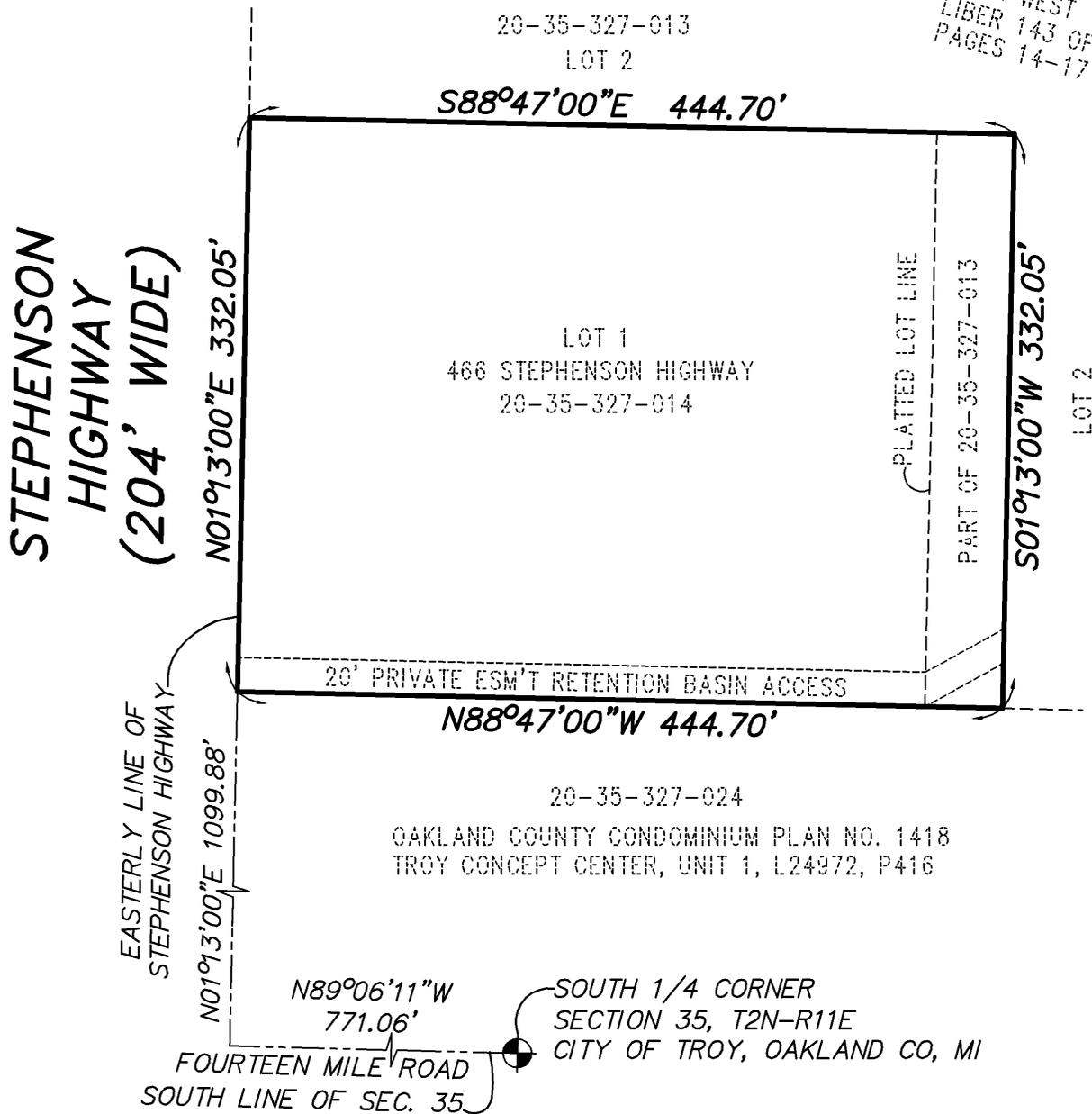
For: TROY HOTELS, LLC c/o AMERILODGE GROUP
 1040 WEST HAMLIN ROAD
 ROCHESTER HILLS, MI 48309



PROPERTY DESCRIPTION PROVIDED

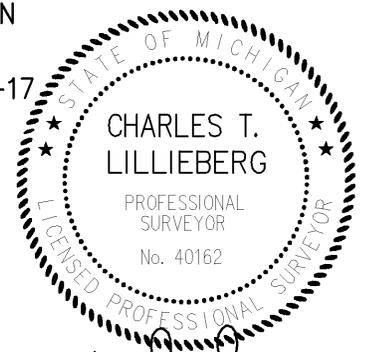
LOT 1 AND A PART OF LOT 2, ROBBINS EXECUTIVE PARK WEST, SECTION 35, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 143 OF PLATS, PAGES 14, 15, 16 AND 17, OAKLAND COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 35; N. 89° 06' 11" W., 771.06 FEET ALONG THE SOUTH LINE OF SECTION 35; THENCE N. 01° 13' 00" E., 1,099.88 FEET ALONG THE EASTERLY LINE OF STEPHENSON HIGHWAY (204 FEET WIDE) AND EXTENSION THEREOF, TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EASTERLY LINE OF STEPHENSON HIGHWAY N. 01° 13' 00" E., 332.05 FEET; THENCE S. 88° 47' 00" E., 444.70 FEET; THENCE S. 01° 13' 00" W., 332.05 FEET; THENCE N. 88° 47' 00" W., 444.70 FEET TO THE POINT OF BEGINNING. CONTAINING 3.39 ACRES MORE OR LESS AND SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHT OF WAYS OF RECORD.

ROBBINS EXECUTIVE
 PARK WEST
 LIBER 143 OF PLATS
 PAGES 14-17



NO TITLE WORK HAS BEEN PROVIDED, OTHER EASEMENTS OR RESTRICTIONS NOT SHOWN
 BEARINGS ARE REFERENCED TO:
 RECORDED PLAT OF ROBBINS EXECUTIVE PARK WEST, LIBER 143 OF PLATS, PAGES 14-17

I hereby certify that this survey was prepared by me or under my direct supervision, that I am a duly Licensed Professional Surveyor under the laws of the State of Michigan, that this survey complies with the requirements of Section No. 3, P.A. No. 132 of 1970, and that the error of closure is no greater than 1 in 5000. The ratio of closure of the unadjusted field observations of this survey was 1/5000.



DAVISON LAND SURVEYING INC.

1063 S. State, Suite 9 Davison, MI 48423
 Phone: 810-653-5969 Fax: 810-658-9388

Charles T. Lillieberg
 CHARLES T. LILLIEBERG P.S. No. 40162

LEGEND: ○=IRON SET, ●=IRON FOUND, ■=MONUMENT FOUND, x-x=FENCE, (R)=RECORDED, (M)=MEASURED

DATE: 6/27/11	SCALE: 1" = 100'	DRAWN BY: RJV	CREW CHIEF: CTL	CHECKED BY: CTL	SHEET: 1 OF 1
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Legend

-  I-75
- Road Centerline**
 -  Major Road
 -  Industrial Road
 -  Local Road
- Form Based Zoning (Current)**
 -  (PUD) Planned Unit Development
 -  (CF) Community Facilities District
 -  (EP) Environmental Protection District
 -  (BB) Big Beaver Road (Form Based)
 -  (MRF) Maple Road (Form Based)
 -  (NN) Neighborhood Nodes (A-U)
 -  (CB) Community Business
 -  (GB) General Business
 -  (IB) Integrated Industrial Business District
 -  (O) Office Building District
 -  (OM) Office Mixed Use
 - (P) Vehicular Parking District
 - (R-1A) One Family Residential District
 - (R-1B) One Family Residential District
 - (R-1C) One Family Residential District
 - (R-1D) One Family Residential District
 - (R-1E) One Family Residential District
 - (RT) One Family Attached Residential District
 - (MR) Multi-Family Residential
 - (MHP) Manufactured Housing
 - (UR) Urban Residential
 - (RC) Research Center District
 - (PV) Planned Vehicle Sales
-  Ponds and Basins
-  Streams and Creeks
-  Parcels
- Aerial Photos - 2010**
 -  Red:Band_1
 -  Green:Band_2
 -  Blue:Band_3

187 0 94 187Feet

Scale 1: 1,123



REZONING REQUEST

8. **PUBLIC HEARING – REZONING APPLICATION (File Number Z 738) –**
Proposed Holiday Inn Express Hotel & Suites, East side of Stephenson Hwy,
North of 14 Mile (466 Stephenson Highway), Section 35, From RC (Research
Center) District to OM (Office Mixed Use) District

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution #2011-06-040**

Moved by: Schultz

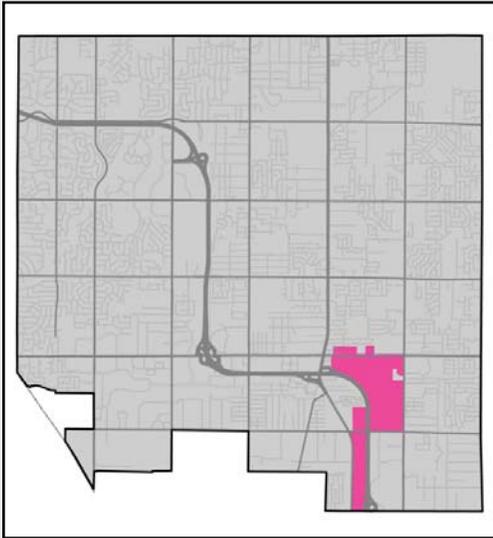
Seconded by: Strat

WHEREAS, That the Planning Commission hereby recommends to the City Council that the RC to OM rezoning request, located on the east side of Stephenson Highway, north of 14 Mile (466 Stephenson Highway), within Section 35, being approximately 3.05 acres in size, be granted.

Yes: All present (9)

MOTION CARRIED

The Smart Zone: Big Beaver and Beyond



- *A special focus on high-technology uses that complement one another*
- *Potential high-density housing in proximity of 21st Century knowledge economy employers*
- *Regionally prominent location for technologically advanced companies*

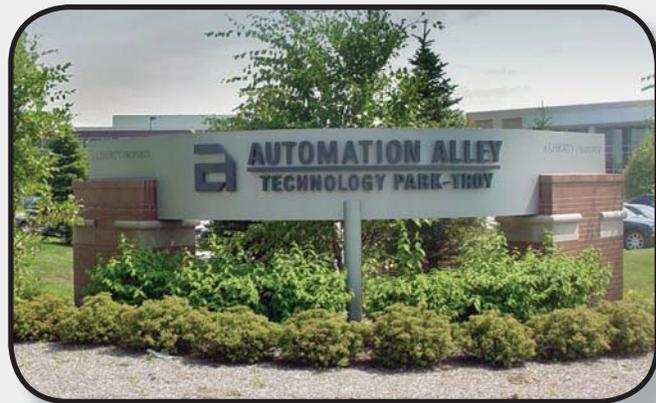
The Smart Zone was strongly emphasized in the Big Beaver Corridor Study and is the only proposed district within the Study to be called out specifically as a future land use category in the Master Plan. **The Study envisions the Smart Zone as a unique area dominated by high-technology uses which are at the cutting edge of innovation.** The Study calls this location a “paragon of innovation” and prescribes a combination of “signature” light industrial, research and development, and office uses.

The Master Plan uses this category in an area expanded beyond the boundaries shown in the Big Beaver Corridor Study. **The area south of the main Smart Zone area, situated around Interstate 75 provides an opportunity to foster additional Smart Zone uses and development.**

Furthermore, much of this area is occupied by vacant or underutilized office and industrial facilities that could be readily redeveloped into Knowledge Economy uses, or into uses that work in direct support of those uses. This area is highly visible from Interstate 75. Business-to-business functions, such as materials suppliers or office support uses also represent an ideal fit in this southern section of the Smart Zone.



Ford Rouge LEED Rated Assembly Plant and Visitor Center



Automation Alley Technology Park in Troy; Photo by Brent Savidant

DESIGN CONCEPT

- New construction and redeveloping properties should be set in an integrated campus environment.
- Paths, generous landscaping, water features and similar features found in first-class business parks should be infused throughout the site.
- Mass-transit stops should be located along routes to accommodate the workforce.

SITE DESIGN ATTRIBUTES

- Primary parking areas will be within rear or interior side yards and separated into modest-sized components by storm water management and landscaping.
- All parking should be screened from view by landscaping or walls.

- Walks should connect businesses, adjacent developments and the public sidewalks.
- Storm water detention should be captured in pedestrian friendly landscaped designs.
- Mass transit stops should be provided on the exterior and within the interior of the district.

ARCHITECTURAL ATTRIBUTES

- Height should be encouraged in cases where the development makes unique contributions to the area.
- Non-industrial portions of businesses should face the street system.
- Durable metal, glass, masonry and other materials should be used to promote the scientific image of emerging technology.
- Entries should be well-defined.



High-tech industry within the Smart Zone; Photos by Brent Savidant



CARLISLE/WORTMAN ASSOCIATES, INC.
Community Planners /Landscape Architects

605 S. Main, Suite 1
Ann Arbor, MI 48104
734-662-2200
fax 734-662-1935

6401 Citation Drive, Suite E
Clarkston, MI 48346
248-625-8480
fax 248-625-8455

Date: June 22, 2011

Rezoning Analysis For City of Troy, Michigan

Applicant: Asad Malik

Project Name: Holiday Inn Express Hotel and Suites Rezoning

Location: 466 Stephenson Highway

Current Zoning: RC, Research Center District

Action Requested: To rezone Tax Parcels #20-35-327-014 and part of 20-35-327-013 to OM, Office Mixed Use District

Required Information: As noted in review.

BACKGROUND

The purpose of this analysis is to assist the City in determining the appropriateness of rezoning a site on the east side of Stephenson Highway, ultimately for the purpose of permitting a hotel to be developed on the site. This application is not for conditional rezoning, however; consequently, the site plan is not a bonding agreement with the City in the event of an approval. The site is located just north of 14 Mile Road. The two parcels are zoned RC, Research Center District, and the applicant seeks a rezoning to OM, Office Mixed Use District.

The RC District is intended “..to provide areas for industrial-research and office uses in planned developments. Such districts are to be located and developed so as to complement the significant light industrial character of the community, while at the same time providing for the necessary related non-manufacturing uses such as corporate office and research facilities. The RC District is intended to encourage the development of uses and services that will support and enhance the office environment in the RC District, primarily for the benefit of tenants and local residents. Further, the Research Center District is intended to provide for those major industrial-research, and office, and training uses which require proximity to major non-residential areas, rather than office uses serving a local market, which could reasonably be located in commercial and service areas elsewhere in the community.”

The RC District permits a wide variety of office and light industrial uses such as conventional offices, medical offices, laboratories, financial institutions, accessory uses and buildings by right. It does not permit lodging facilities or residential uses.

The proposed OM District would permit a wider list of uses that still generally support the same type of overall intent of the RC District, albeit with a less focused purpose. The OM District is intended “...to provide areas for large office uses which serve large numbers of people, as well as the retail, service, restaurant, lodging, and residential options that should be provided to support such large employment centers. A major purpose of this District is to provide areas for buildings of greater height and more intensive land use activity in an otherwise low-density community, while providing amenities on-site or within the same immediate area to foster a walkable, compact, dense urban environment. The OM District is also intended to encourage the development of uses and services that will support and enhance the marketability of the City of Troy as a vibrant and desirable place to work where a high quality of life can be offered for both workers and residents. As such, it is a primary role of the OM District, along with the IB, RC, CB and GB Districts to preserve the economic vitality of the area.”

The OM District permits a wide variety of uses that are permitted in the RC District, but adds retail, restaurant, and lodging uses to support the high-density employment base encouraged by the Ordinance (and Master Plan, as we will demonstrate later in this report).

Items to be Addressed: None.

SITE DESCRIPTION AND SURROUNDING USES

We visited the site on June 21, 2011. The site is currently occupied by a vacant light industrial building and supporting site improvements. The site is not well maintained, and has overgrown landscaping, a downed light pole, and several other features that suggest a site in neglect.

To the north and south are large office developments that house a variety of large tenants. Across Stephenson Highway to the west are a collection of light industrial uses, and to the east is Interstate 75.

Items to be Addressed: None.

NATURAL RESOURCES

The site is previously developed and is essentially devoid of natural features, with the exception of some existing overgrown landscaping materials.

Items to be Addressed: None.

ZONING/LAND USE/MASTER PLAN

The zoning, land use and Master Plan designations for the surrounding parcels are shown in Table 1 below:

**Table 1
Zoning, Land Use and Master Plan Designations**

	North	South	East	West (across Stephenson Highway)
Zoning	RC	OM	I-75	O-1
Land Use	Office	Office	I-75	Office, light industrial
Master Plan	Smart Zone District	Smart Zone District	I-75	21 st Century Industrial

The subject site lies in the Smart Zone future land use category. The intent of the Smart Zone future land use category is described in the Master Plan as follows:

The Smart Zone was strongly emphasized in the Big Beaver Corridor Study and is the only proposed district within the Study to be called out specifically as a future land use category in the Master Plan. The Study envisions the Smart Zone as a unique area dominated by high-technology uses which are at the cutting edge of innovation. The Study calls this location a “paragon of innovation” and prescribes a combination of “signature” light industrial, research and development, and office uses.

The Master Plan uses this category in an area expanded beyond the boundaries shown in the Big Beaver Corridor Study. The area south of the main Smart Zone area, situated around Interstate 75 provides an opportunity to foster additional Smart Zone uses and development. Furthermore, much of this area is occupied by vacant or underutilized office and industrial facilities that could be readily redeveloped into Knowledge Economy uses, or into uses that work in direct support of those uses. This area is highly visible from Interstate 75. Business-to-business functions, such as materials suppliers or office support uses also represent an ideal fit in this southern section of the Smart Zone.

While the existing RC District is well suited to the Smart Zone future land use category in that it allows and encourages high-technology research and light industrial uses, it is not alone in supporting the Smart Zone Concept. The proposed OM category, as stated previously, also permits nearly the same uses as are permitted in the more specific RC District, but also allows the kind of supporting uses encouraged by the Master Plan. While OM may not be the most suitable district in more remote areas of the Smart Zone, or those adjacent less intense residential areas, it does have a place along major roads like Stephenson Highway.

The applicant intends to use the property to develop lodging. The Smart Zone also supports this concept in that it specifically mentions “uses that work in direct support of those uses” in reference to Knowledge Economy uses. It goes on to support business-to-business functions in the south area of the Smart Zone, and recognizes the area’s unique visibility from Interstate 75. In short, we feel the proposed OM District is in keeping with the Master Plan, and supports the surrounding office, research, and light industrial uses. We also recognize the compatible presence of existing OM properties immediately north of the site, and the desirable visibility of this site along Stephenson Highway and Interstate 75.

Items to be Addressed: None.

TRAFFIC IMPACT AND SITE ACCESS

The proposed rezoning would not necessarily increase traffic volume from what is permitted within the RC District already. In fact, if used as intended for a Holiday Inn Express, the traffic would be likely spread over a less intense period than a conventional office or research use that would be permitted under current zoning. These uses tend to have more acute peak traffic periods around the morning and late afternoon.

Items to be Addressed: None.

SUMMARY

The proposed OM District has potential to support the goals and policies of the Master Plan. It is a logical category when considering the site’s characteristics, the surrounding categories and uses, and the policies contained within the Master Plan. Therefore, we support the applicant’s request and recommend that the Planning Commission recommend to the City Council that the proposed rezoning be approved.



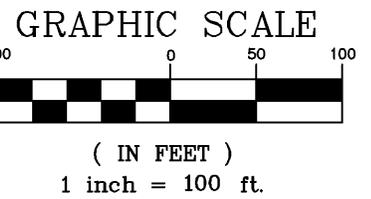
CARLISLE/WORTMAN ASSOCIATES, INC.
Zachary G. Branigan, LEED AP, AICP
Associate

225-02-1109

PLAT OF SURVEY

JOB No. 11-063

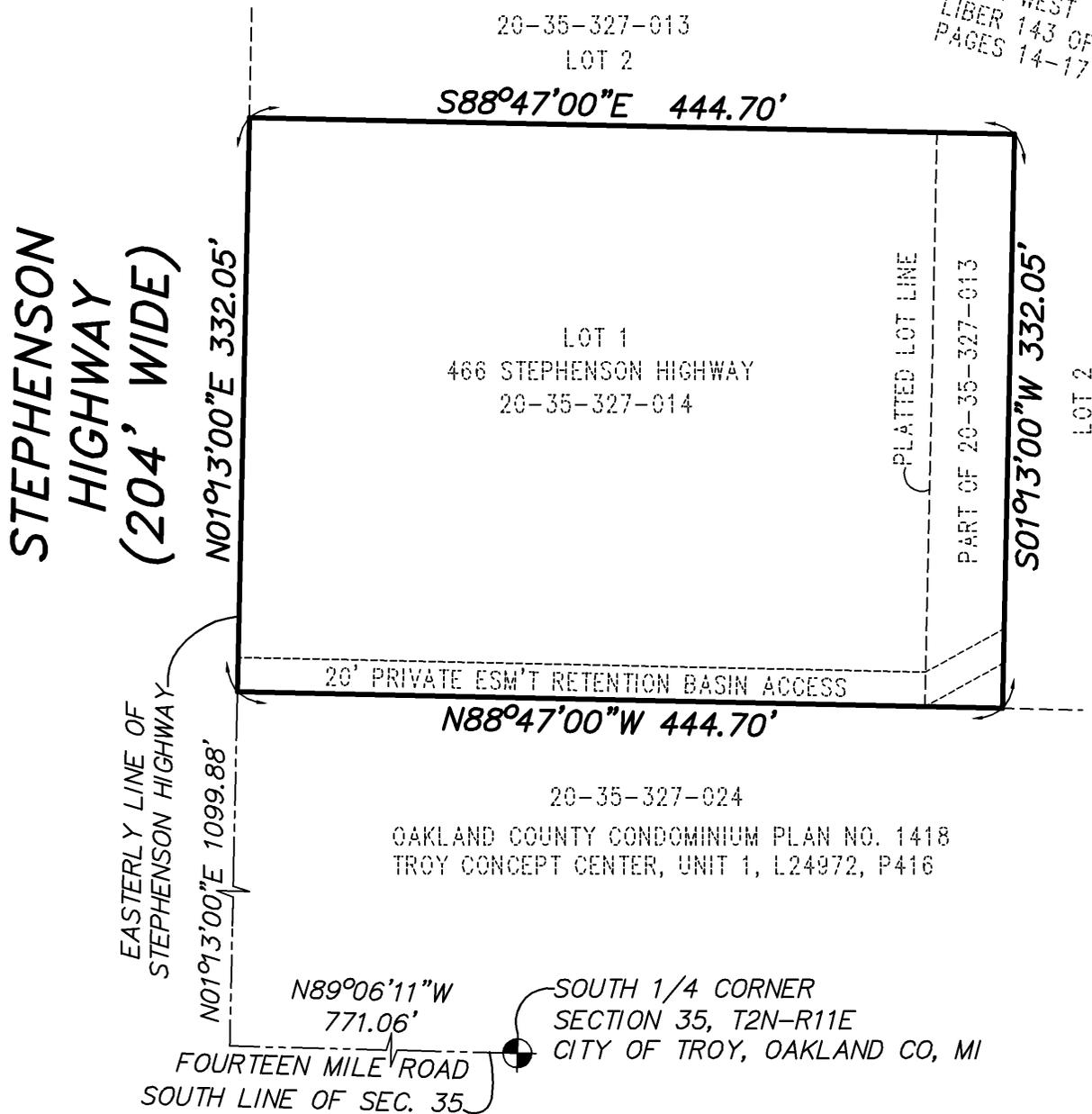
For: TROY HOTELS, LLC c/o AMERILODGE GROUP
 1040 WEST HAMLIN ROAD
 ROCHESTER HILLS, MI 48309



PROPERTY DESCRIPTION PROVIDED

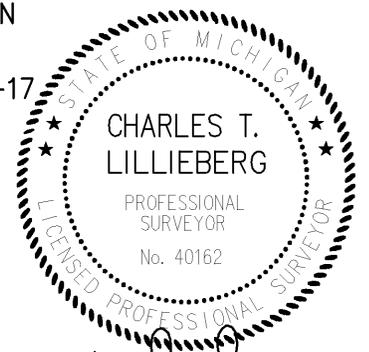
LOT 1 AND A PART OF LOT 2, ROBBINS EXECUTIVE PARK WEST, SECTION 35, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 143 OF PLATS, PAGES 14, 15, 16 AND 17, OAKLAND COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 35; N. 89° 06' 11" W., 771.06 FEET ALONG THE SOUTH LINE OF SECTION 35; THENCE N. 01° 13' 00" E., 1,099.88 FEET ALONG THE EASTERLY LINE OF STEPHENSON HIGHWAY (204 FEET WIDE) AND EXTENSION THEREOF, TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EASTERLY LINE OF STEPHENSON HIGHWAY N. 01° 13' 00" E., 332.05 FEET; THENCE S. 88° 47' 00" E., 444.70 FEET; THENCE S. 01° 13' 00" W., 332.05 FEET; THENCE N. 88° 47' 00" W., 444.70 FEET TO THE POINT OF BEGINNING. CONTAINING 3.39 ACRES MORE OR LESS AND SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHT OF WAYS OF RECORD.

ROBBINS EXECUTIVE
 PARK WEST
 LIBER 143 OF PLATS
 PAGES 14-17



NO TITLE WORK HAS BEEN PROVIDED, OTHER EASEMENTS OR RESTRICTIONS NOT SHOWN
 BEARINGS ARE REFERENCED TO:
 RECORDED PLAT OF ROBBINS EXECUTIVE PARK WEST, LIBER 143 OF PLATS, PAGES 14-17

I hereby certify that this survey was prepared by me or under my direct supervision, that I am a duly Licensed Professional Surveyor under the laws of the State of Michigan, that this survey complies with the requirements of Section No. 3, P.A. No. 132 of 1970, and that the error of closure is no greater than 1 in 5000. The ratio of closure of the unadjusted field observations of this survey was 1/5000.



DAVISON LAND SURVEYING INC.

1063 S. State, Suite 9 Davison, MI 48423
 Phone: 810-653-5969 Fax: 810-658-9388

Charles T. Lillieberg
 CHARLES T. LILLIEBERG P.S. No. 40162

LEGEND: ○=IRON SET, ●=IRON FOUND, ■=MONUMENT FOUND, x-x=FENCE, (R)=RECORDED, (M)=MEASURED

DATE: 6/27/11	SCALE: 1" = 100'	DRAWN BY: RJV	CREW CHIEF: CTL	CHECKED BY: CTL	SHEET: 1 OF 1
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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as the _____ amendment to the Zoning District Map of the Code of the City of Troy.

Section 2. Amendment

Section 4.02 of Chapter 39 is hereby amended to permit the zoning map of said code to be, and the same is hereby amended to delineate the subject parcel as OM (Office Mixed Use), as described in the attached Plat of Survey.

The subject property is located on the east side of Stephenson Highway, north of Fourteen Mile Road, in section 35, within the RC (Research Center) Zoning District, being approximately 3.39 acres in size.

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings

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

Section 5. Severability Clause

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

Section 6. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, Michigan, on Monday, the 11th day of July, 2011.

Louise E. Schilling, Mayor

M. Aileen Bittner
Acting City Clerk

PUBLISHED: _____

a) **Mayoral Appointments**

Suggested Resolution

Resolution #2011-06-

Moved by

Seconded by

RESOLVED, That the Mayor of the City of Troy hereby **APPOINTS** the following persons to serve on the Boards and Committees as indicated:

Brownfield Redevelopment Authority

Appointed by Mayor (7-Regular) – 3 Year Term

James Campbell	Term Expires 04/30/2013
Robert Swartz	Term Expires 04/30/2014
Bruce Wilberding	Term Expires 04/30/2014
Ramzi Dalloo	Term Expires 04/30/2014
A. Allen Kneale	Term Expires 04/30/2014

Local Development Finance Authority (LDFA)

Appointed by Mayor (5-Regular) – Staggered 4 Year Term

Maureen Donohue Krauss	Oakland County Designee
John Sharp	Term Expires 06/30/2014
Nick Vitale	Term Expires 06/30/2015
Robin Beltramini	Term Expires 06/30/2015

Yes:

No:



CITY COUNCIL AGENDA ITEM

Date: June 15, 2011

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police *GM*
 Captain Gerard Scherlinck *GS*
 Lieutenant Robert Redmond *LR*

Subject: Application regarding Liquor License Transfer of Ownership for Hollywood Super Market, LLC, pending final inspections

Background

Hollywood Super Market No. 3, LLC (Hollywood Holding Company, LLC), requests to Transfer Ownership of 2010 SDD & SDM Licensed Business located at 2670 West Maple, Troy, MI 48084, Oakland County, from Hollywood Super Market, Inc. {MLCC Req. #578974}.

On June 13, attorney John Carlin was present to answer questions from the Liquor Advisory Committee. Mr. Carlin explained to the Committee that this transfer is merely an estate and succession planning effort made by his client to divide the business into various entities throughout the family. There is no actual change in ownership or daily operations.

The Police Department did not find any disqualifying factors for this request. In addition, the Liquor Advisory Committee unanimously approved their request.

The request complies with all applicable Troy City Ordinances and Michigan Liquor Control Commission Rules.

Recommendation

Recommend approval of the request from Hollywood Super Market No. 3, LLC to Transfer Ownership from Hollywood Super Market, Inc., pending final inspections

Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, June 13, 2011 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Committee member Patrick C. Hall called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: W. Stan Godlewski
Patrick C. Hall
Andrew Kaltsounis
David S. Ogg
Timothy P. Payne
Bohdan L. Ukrainec

ABSENT: Max K. Ehlert

ALSO PRESENT: Officer James Feld
Susan Lancaster, Assistant City Attorney
Pat Gladysz

Resolution to Excuse Committee Member Ehlert

Resolution #LC2011-06-016
Moved by Kaltsounis
Seconded by Godlewski

RESOLVED, That the absence of Committee member Ehlert at the Liquor Advisory Committee meeting of June 13, 2011 be **EXCUSED**.

Yes: 6
No: 0
Absent: Ehlert

Resolution to Approve Minutes of May 9, 2011 Meeting

Resolution #LC2011-06-017
Moved by Ukrainec
Seconded by Kaltsounis

RESOLVED, That the Minutes of the May 9, 2011 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 6
No: 0
Absent: Ehlert

Agenda Items

1. **Flats Distributing, LLC** requests a new Outstate Seller of Beer License, Outstate Seller of Mixed Spirit Drinks License, and Outstate Seller of Wine License to be located at 201 W. Big Beaver Rd., Suite 500, Troy, MI 48084, Oakland County {MLCC Req. #611857}. *This is in the Columbia Center building.*

Present to answer questions from the Committee was attorney John Carlin.

Mr. Carlin explained to the Committee that this item is brought before the Committee to satisfy an administrative issue with the MLCC. The storage of beer, spirits, and wine will be at a warehouse in Highland Park with no storage at the Troy address. The Troy office is merely the importer/wholesaler's business address.

Resolution #LC2011-06-018

Moved by Ukrainec

Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Flats Distributing, LLC for a new Outstate Seller of Beer License, Outstate Seller of Mixed Spirit Drinks License, and Outstate Seller of Wine License to be located at 201 W. Big Beaver Rd., Suite 500, Troy, MI 48084, Oakland County be **APPROVED.**

Yes: 6
No: 0
Absent: Ehlert

2. **Hollywood Super Market No. 3, LLC** (Hollywood Holding Company, LLC), requests to Transfer Ownership of 2010 SDD & SDM Licensed Business located at 2670 West Maple, Troy, MI 48084, Oakland County, from Hollywood Super Market, Inc. {MLCC Req. #578974}

Present to answer questions from the Committee was attorney John Carlin.

Mr. Carlin explained to the Committee that this transfer is merely an estate and succession planning effort made by his client to divide the business into various entities throughout the family. There is no actual change in ownership or daily operations.

Resolution #LC2011-06-019
Moved by Godlewski
Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Hollywood Super Market No. 3, LLC (Hollywood Holding Company, LLC), to Transfer Ownership of 2010 SDD & SDM Licensed Business located at 2670 West Maple, Troy, MI 48084, Oakland County, from Hollywood Super Market, Inc. be **APPROVED**.

Yes: 6
No: 0
Absent: Ehlert

-
3. **Clawson-Troy Elks Lodge, No. 2169** requests to Transfer Location of escrowed 2011 Club Licensed Business with Dance Permit and Official Permit (Bowling) from 1451 E. Big Beaver, Troy, MI 48083, Oakland County to 2549 Elliott, Troy, MI 48083, Oakland County {MLCC Req. #611134}.

Present to answer questions from the Committee were Jerry McCorkle and Dennis Iskin.

Mr. McCorkle informed the Committee that 2-1/2 years ago, the building at 1451 East Big Beaver was sold and the liquor license was placed in escrow. They recently learned that they must apply to transfer the license to 2549 Elliott. This is an 8,900 square foot light industrial building that is currently being renovated. There will be no bowling at the new location.

Resolution #LC2011-06-019
Moved by Ukraineec
Seconded by Godlewski

RESOLVED, That the Liquor Advisory Committee recommends that the request of Clawson-Troy Elks Lodge, No. 2169 to Transfer Location of escrowed 2011 Club Licensed Business with Dance Permit from 1451 E. Big Beaver, Troy, MI 48083, Oakland County to 2549 Elliott, Troy, MI 48083, Oakland County be **APPROVED**, with the condition that the bowling permit be removed.

Yes: 6
No: 0
Absent: Ehlert

Officer Feld advised the Committee on the following:

Gaucha II, LLC

This is a Brazilian steakhouse restaurant planned for the former Designer Show Warehouse located on Rochester Road.

Hot Rock Pizza, LLC

This is a Class C license that may be changed to a tavern license.

Kamel Management, Inc.

The Maple Market has closed and the former owner had placed the license in escrow. This is the new owner.

Hotel Management Advisors-Troy LLC

This is a transfer of ownership of the MET Hotel. There is a delay in the paperwork.

A & S Babi, Inc.

This is a transfer of ownership of John's Party Store.

Smoker's Outlet

After being denied by City Council, the applicant appealed to the MLCC and they were successful.

The meeting adjourned at 7:45 p.m.

Patrick C. Hall, Committee Member

Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

Re: Applicant: Hollywood Super Market No. 3, LLC Date: April, 2011
Address: 2670 W. Maple Type of License/s: SDM & SDD
City/State/Zip: Troy, MI 48084 MLCC Request ID: 578973

This Agreement, made by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan 48084, hereinafter known as THE CITY, and the Applicant as indicated above, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the requested Liquor License to be located as indicated above in Troy, Michigan.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68, Chapter No. 98 and Chapter 101, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
 - (c) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon a violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

LICENSEE AUTHORIZED REPRESENTATIVE

Witnesses: [Signature] By: [Signature]
Charlene Cepelovich WILLIAM D WEICH PRESIDENT

Subscribed and sworn to before me this 22 day of May, 2011
Notary Public, Oakland County, MI
Acting in the County of Oakland
My commission expires: 11/5/11
[Signature]
Scott Edwards

CITY OF TROY

Witnesses: _____ By: _____
Louise Schilling, Mayor
By: _____
Tonni Bartholomew, City Clerk

Subscribed and sworn to before me this _____ day of _____, 20____
Notary Public, _____ County, MI
Acting in the County of Oakland
My commission expires: _____



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive, P.O. Box 30005
 Lansing, Michigan 48909-7505

POLICE INVESTIGATION REPORT
 [Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY
Request ID # <u>578974</u>
Business ID # <u>225488</u>

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC.

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

HOLLYWOOD SUPER MARKET NO. 3, LLC REQUESTS TRANSFER OWNERSHIP 2010 SDD & SDM LICENSED BUSINESS LOCATED AT 2670 W MAPLE, TROY, MI 48084, OAKLAND COUNTY, FROM HOLLYWOOD SUPER MARKET, INC

Section 1. APPLICANT INFORMATION

APPLICANT #1: HOLLYWOOD HOLDING COMPANY, LLC 2670 W MAPLE RD, TROY, MI 48084 B: 248-643-6770	APPLICANT #2:
DATE FINGERPRINTED**: NO FINGERPRINTS NEEDED	DATE FINGERPRINTED**:
DATE OF BIRTH: Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have a Visa? Enter status:	DATE OF BIRTH: Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have a Visa? Enter status:
Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission	
ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)	ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?
 No Yes, complete LC-1636

Are motor vehicle fuel pumps at or directly adjacent to the establishment? No Yes, explain relationship:

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? Yes No If No, indicate which state and local ordinances the location does not meet: Building Plumbing Zoning Fire Sanitation Health

Section 4. RECOMMENDATION

1. Is this applicant qualified to conduct this business if licensed? Yes No*

2. Should the MLCC grant this request? Yes No*

*If any of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.

3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances? Yes No

4. Is this recommendation subject to any other conditions? Yes No

If Yes, list the conditions below or on an attached signed and dated sheet if more space is needed

Signature (Sheriff or Chief of Police) _____ Date _____
 TROY POLICE DEPARTMENT



Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

March 8, 2011

TROY POLICE DEPARTMENT
CHIEF OF POLICE
500 W BIG BEAVER ROAD
TROY, MI 48084-5285

Request ID #: 578974

Applicant: HOLLYWOOD SUPER MARKET NO. 3, LLC REQUESTS TRANSFER OWNERSHIP 2010 SDD & SDM LICENSED BUSINESS LOCATED AT 2670 W MAPLE, TROY, MI 48084, OAKLAND COUNTY, FROM HOLLYWOOD SUPER MARKET, INC.

CONTACT:

SCOTT EDWARDS 2855 COOLIDGE HIGHWAY, SUITE 203, TROY, MI 48084 B:248-816-3205

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission. ****Please ensure that section D of the card has been completed prior to submission.****

If you have any questions, contact Unit #3 of the Licensing Division at (517)636-0204.

een

LC-1972(Rev. 09/05)
Authority: MCL 436.1201(4)
Completion: Mandatory
Penalty: No License

DELEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities. Michigan Liquor Control Commission 7150 Harris Drive • P.O. Box 30005 • Lansing, Michigan 48909-7505 www.michigan.gov/lcc • (517) 322-1345 Lansing Office



CITY COUNCIL AGENDA ITEM

DATE: July 5, 2011

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager
Gary Mayer, Police Chief
Peggy Sears, Human Resources Director

SUBJECT: **AGENDA ITEM** – Ratification of 2008-2013 Contract Extension to 2015, and Approval of Early Retirement Incentive Program – Troy Police Officers Association (TPOA)

RECOMMENDATION

City management recommends approval of the tentative agreement between the City of Troy and the Troy Police Officers Association (TPOA) which extends the 2008-2013 collective bargaining agreement to June 30, 2015. City management further supports and recommends approval to offer the Early Retirement Incentive Program (ERIP) to TPOA employees.

BACKGROUND

On June 27, 2011, the Troy Police Officers Association ratified a tentative agreement between the City of Troy and TPOA for a two year extension to the contract that expires on June 30, 2013.

As directed by City Council, this agreement achieves a 10% savings calculated on payroll costs that include base pay, pension, workers compensation and FICA. This tentative agreement incorporates savings in wages, unpaid furlough time, deferment of contractual pay increases, reduced costs in cleaning allowance and health insurance, and reduced paid leave time.

The last component of the tentative agreement is the offering of an Early Retirement Incentive Program (ERIP). A description of the program recommended by city

Agenda Item-Ratification of 2008-2013 Contract Extension to 2015 and Early Retirement Incentive Program - TPOA
Page Two

administration and the actuarial valuation are attached. The proposed program is consistent with the ERIP previously offered to the AFSCME, MAP, TCOA, TFSSOA and Classified and Exempt employees. Two options would be offered: a cash incentive of \$1,000 per complete year of credited retirement service with the City of Troy, or the option to convert from a Defined Contribution Pension Plan to a Defined Benefit Pension Plan. This Early Retirement Incentive Program must be cost neutral. The DC to DB Program would be funded directly from the members' DC accounts. The cost associated with the cash incentive program will be covered by the department.

PES/

Attachments

PROPOSED AGREEMENT SUMMARY
City of Troy and TPOA
2008-2013 Contract Reopener & Extension to 2015

<u>ISSUE</u>	<u>SOLUTION</u>
Duration	Extended from June 30, 2013 to June 30, 2015
Wage Concession	<ul style="list-style-type: none">a. Wages reduced 1.5% for the period 7/1/2011 through 6/30/2012b. Pay raises originally scheduled to take effect on July 1, 2011 (1.5%) and July 1, 2012 (1.5%) are postponed until June 30, 2015, with no retroactivity.c. Use of furlough days (50 hours per year)d. Reduced leave time (61 holiday or vacation hours per year)
Cleaning Allowance	Eliminated (\$375 per employee) for contract duration
Health Insurance	<ul style="list-style-type: none">a. Employee co-pay for health insurance premium changed from \$20/mo. to \$50/mo.b. \$5/\$10 drug rider copay replaced with \$10/\$20
Miscellaneous	<ul style="list-style-type: none">a. Early Retirement Incentive Plan (ERIP) to be offered to TPOA members if it is cost neutralb. Modified requirements for how vacation time is utilized and administered

TPOA NEGOTIATIONS - Reopener for Contract Expiring 6/30/2013
 PROPOSED SETTLEMENT SAVINGS
 (As % of Payroll)

ISSUE	ANNUAL SAVINGS 2011-12
Wage Reduction	1.50%
Deferment of Contractual Pay Raises	1.50%
Unpaid Furlough Time	2.40%
Eliminate Cleaning Allowance	0.43%
Replace \$5/\$10 Drug Rider with \$10/\$20	0.92%
\$50/mo. Insurance Premium Copay	0.33%
Reduced Paid Leave Time	2.92%
<hr/>	
Total Annual Savings	
Savings as Percent of Base Pay + Rollups [Pension, Work. Comp., FICA] (\$8,131,029)	10.00%
Savings as Percent of Base Pay Only (\$6,379,014)	12.75%

EARLY RETIREMENT INCENTIVE PROGRAM 2011

TPOA Employees

PROGRAM DESCRIPTION:

The City of Troy is implementing an Early Retirement Incentive Program (ERIP) in the form of two options, a cash incentive or a DC to DB conversion, in order to reduce personnel costs to accommodate budget constraints. The Program is being offered to eligible employees if the employee signs a Letter of Understanding with the City of Troy and, in the case of a union employee, that union agrees to the terms and conditions of the Program. Participation in the Program is entirely voluntary. Interested eligible employees in either the DB Pension Plan or the DC Pension Plan may elect to participate, but can only select one of the available options. Participating employees must retire on or before the date specified in the Plan.

INCENTIVE OPTIONS:

Cash Incentive

Eligible employees in either the Defined Benefit or Defined Contribution Pension Plan may elect to receive a cash incentive that is equal to \$1,000 for each actual complete year of credited service with the City of Troy as of June 30, 2011. The cash incentive will be issued not later than three weeks after the employees' designated retirement date. The number of years for which the cash incentive is made shall not include years of service granted for prior government service from an employer other than the City of Troy.

For those employees participating in the Defined Benefit Pension Plan, the incentive will not be included in any computation of Final Average Compensation (FAC) under any provisions of the Retirement System. Both the City and the employee will make the required contributions to the plan.

For those employees participating in the Defined Contribution Pension Plan, the employee and the City of Troy will each contribute their appropriate percentage to the plan.

DC to DB Conversion

Eligible employees in the Defined Contribution Pension Plan may elect to transfer their total accumulated balance (including all employee contributions and interest thereon) to the City of Troy Employees Retirement System-Defined Benefit Plan. Their pension will be based solely on the value of their accumulated DC account balance at the date of transfer as determined by the Retirement System's actuary.

GENERAL CONDITIONS:

Employees who are eligible to participate in the Early Retirement Incentive Program will be sent notification following approval of the program by City Council. The notice will include the Early Retirement Incentive Program Voluntary Resignation Agreement and Release of Claims form, a Receipt form and a Waiver of Review Period form. Employees will have a minimum of

45 days in which to consider the Release in order to seek counsel regarding their rights. If the employee chooses to waive the 45-day review period, he/she must submit the signed Waiver. Employees who elect to participate in the Program must submit the signed Release not later than the end of the window period and will have seven (7) days after signing to revoke their decision. Retirement dates are subject to approval, and retirement must occur not later than November 15, 2011.

ELIGIBILITY REQUIREMENTS:

The Program will be available to TPOA employees who meet the age and service requirements for normal or early retirement as of June 30, 2011, or are within five years of eligibility, as defined by the Employee Retirement System Ordinance or by the respective collective bargaining agreement. These eligibility requirements are as follows:

<p><u>GROUP A</u> <i>Regular Retirement</i></p> <p>25 years of service; or Age 60 with 10 years of service</p> <p><i>Early Retirement</i> Age 55 with 10 years of service</p> <p><u>GROUP B</u> Those within five (5) years of eligibility as stated above</p>

EFFECTIVE DATES:

Window Period (45-days minimum):	July 20, 2011 through October 18, 2011
Revocation Period Ends (7 days):	October 25, 2011
Retirement Not Later Than:	November 15, 2011

June 30, 2011

CONFIDENTIAL

Ms. Monica Irelan
Assistant City Manager
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

**Re: A Supplemental Valuation of the Effect of a Proposed Early Retirement
Incentive Plan (ERIP) for the City of Troy-TPOA**

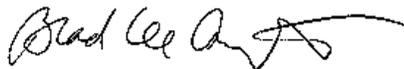
Dear Ms. Irelan:

This report presents the results of a supplemental valuation of the potential impact of a proposed Early Retirement Incentive Plan on the City of Troy Employees Retirement System (ERS) and Retiree Health Plan. A summary of the Early Retirement Incentive Plan provisions is shown on the following page.

Except where indicated, this valuation was based on the actuarial assumptions and methods used in the most recent ERS and Other Postemployment Benefits annual actuarial valuations.

Both of the undersigned are Members of the American Academy of Actuaries (MAAA) and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained herein.

Sincerely,



Brad Armstrong, ASA, EA, MAAA



Randall J. Dziubek, ASA, EA, MAAA

BLA/RJD:lr
Enclosures

CITY OF TROY
EMPLOYEES RETIREMENT SYSTEM (ERS)-TPOA
EARLY RETIREMENT INCENTIVE PLAN (ERIP)
PROPOSED PROVISIONS

ERIP

Eligibility: Member is eligible or within five years of eligibility for regular or early retirement as of June 30, 2011. Members of both the ERS and the Defined Contribution Plan (DC) are eligible for the ERIP.

Benefits provided by the ERIP:

- ERS Members – Immediate commencement of unreduced retirement benefit based on accrued service as of June 30, 2011.
- ERS and DC Members - Immediate commencement of retiree health benefits based on accrued service as of June 30, 2011.
- ERS and DC Members – All eligible members as of June 30, 2011 will receive a lump sum payment of \$1,000 for each complete year of service as of the same date. These lump sums will not be funded by the Retirement System. In the case of DC members, the eligibility for the lump sum is contingent on not converting their DC balance to a DB annuity under the Retirement System.

CITY OF TROY
EMPLOYEES RETIREMENT SYSTEM (ERS)-TPOA
EARLY RETIREMENT INCENTIVE PLAN (ERIP)
PROPOSED PROVISIONS

DATA PROVIDED TO THE ACTUARY: The City provided a listing of all of the active members that are believed to be eligible for the ERIP. The listing was reviewed for reasonableness, but was not audited by the actuary.

A summary of individuals deemed eligible for the ERIP and included in this report is shown below:

Group	Data as of June 30, 2011				
	Number Count	Total Annual Payroll	Average Age	Average Service Benefit Eligibility	
ERS					
NR Eligible	6	\$ 465,047	53.8 yrs.	22.6 yrs.	22.6 yrs.
ER Eligible	3	\$ 286,554	57.0	22.5	22.5
Eligible within 5 yrs.	12	997,211	48.5	21.5	21.5
Total ERS	21	\$ 1,748,812	51.2 yrs.	22.0 yrs.	22.0 yrs.
DC Plan					
NR Eligible	5	\$ 403,513	57.0 yrs.	34.3 yrs.	34.3 yrs.
ER Eligible	-	-			
Eligible within 5 yrs.	2	101,927	47.5	23.7	23.7
Total DC Plan	7	\$ 505,440	54.3 yrs.	31.3 yrs.	31.3 yrs.

RESULTS OF THE VALUATION

The estimated impact of the proposed ERIP as of June 30, 2011 is shown below, assuming 100% of eligible members retire. The “Retiree Health” results represent the impact of immediate retirement for both ERS and DC Plan members.

Annual contribution results shown below were determined by amortizing the increase in the present value of benefits over a five-year period as a level percent of pay. These contribution results are not the expected increases in the Annual Required Contributions (ARC) that will be determined in the actuarial valuations following the ERIP, but are a good representation of the expected overall costs of the ERIP if paid off over a five-year period.

The results below reflect the assumption that absent the ERIP, members would continue working based on the assumptions used in the most recent actuarial valuation.

	Increase in Present Value (PV) of Projected Benefits	Annual Contribution Required to Amortize PV Increase Over 5 Years						
Pension	\$ 346,044	\$ 75,549						
Retiree Health	427,563	93,346						
Sub-Total	\$ 773,607	\$ 168,895						
\$1,000 x Service *	559,000	NA						
Total	\$ 1,332,607	\$ 168,895						
 Reduced Member DB Contributions	 \$ 281,437	 \$ 61,444						
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 35%;">Increased Benefits Plus Reduced</td> <td style="width: 30%;"></td> <td style="width: 35%;"></td> </tr> <tr> <td>Member DB Contributions</td> <td style="text-align: right;">\$ 1,614,044</td> <td style="text-align: right;">\$ 230,339</td> </tr> </table>			Increased Benefits Plus Reduced			Member DB Contributions	\$ 1,614,044	\$ 230,339
Increased Benefits Plus Reduced								
Member DB Contributions	\$ 1,614,044	\$ 230,339						

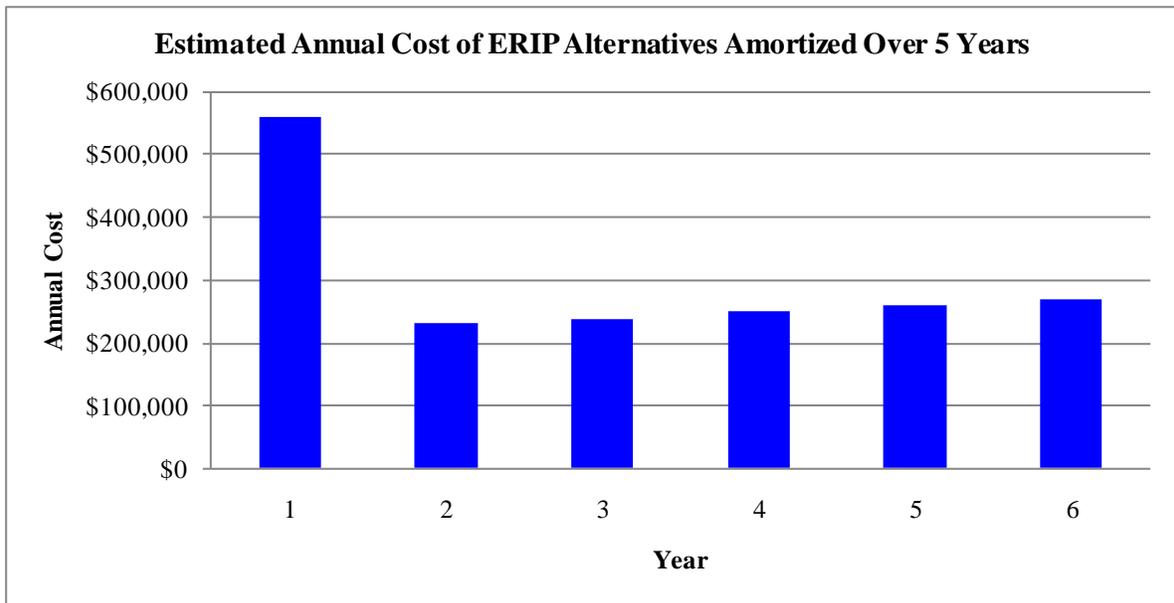
* The \$1,000 x Service amounts shown above are based on accrued service as of June 30, 2011. These lump sum payments will not be funded by the Retirement System. The cost to amortize over 5 years is not shown since it is assumed these payments will be made immediately following the retirement of participating members.

Increase in Annual Required Contribution (ARC) for Retiree Health Benefits

The Annual Required Contribution for retiree health benefits is currently based on the Entry-Age Normal (EAN) actuarial cost method. The expected increase in the actuarial accrued liability (AAL) for retiree health benefits under the EAN cost method due to the proposed ERIP is \$1,179,502. Under current methods, 30-year amortization of the increase in the AAL under the EAN cost method will be included in the calculation of the ARC in the OPEB valuation following the ERIP.

RESULTS OF THE VALUATION

The chart below illustrates the total expected cost of the additional pension and retiree health benefits provided under the ERIP alternatives if spread over a five year period. These results do not reflect the potential savings associated with the ERIP due to decreased payroll and fringe benefit costs and other factors. For an overall measure of the estimated cost/savings associated with the ERIP, the costs shown below should be combined with any expected savings due to decreased payroll and other factors. If the expected savings due to these factors over the next five years is equal to the costs shown below, the ERIP can be considered cost neutral to the City.



The estimated cost of the \$1,000 x service benefit is shown in Year 1. The 5-year amortization of additional costs under the ERIP is shown in Years 2-6. Year 1 represents the fiscal year ending June 30, 2011. We assumed that 50% of the eligible DC Plan members will elect to convert their DC balance to a DB annuity under the Retirement System thereby forgoing any lump sum payment.

RESULTS OF THE VALUATION

It is likely that less than 100% of eligible members will choose to retire under this ERIP. In the table below, we show the estimated increase in the present value of benefits and the 5-year amortization payment of these increases based on various election percentages (please refer to Comment 4 on page 6). Each of the sets of results shown assume 50% of the eligible DC Plan members will elect to convert their DC balance to a DB annuity under the Retirement System thereby forgoing any lump sum payment.

	Percentage of Eligible Members Assumed to Retire Under the Program			
	100%	75%	50%	25%
Number Assumed to Retire from ERS	21	16	11	5
Number Assumed to Retire from DC Plan	7	5	4	2
Increase in PV of Benefits Plus Reduced Member DB Contributions				
Pension	\$ 346,044	\$ 259,533	\$ 173,022	\$ 86,511
Retiree Health	427,563	320,672	213,782	106,891
\$1,000 x Service	559,000	419,250	279,500	139,750
Reduced Member DB Contributions	281,437	211,078	140,719	70,359
Total	\$ 1,614,044	\$ 1,210,533	\$ 807,023	\$ 403,511
5-Year Amortization of Above (In addition to One-Time Cost of \$1,000 x Service)				
Pension	\$ 75,549	\$ 56,662	\$ 37,775	\$ 18,887
Retiree Health	93,346	70,010	46,673	23,337
Reduced Member DB Contributions	61,444	46,083	30,722	15,361
Total	\$ 230,339	\$ 172,755	\$ 115,170	\$ 57,585

Please see the Comments on pages 6 and 7 for important information that is essential to understanding this report.

COMMENTS

Comment 1: This report is based on an assumption that individuals reported by the City as eligible for the ERIP, elect the ERIP and then retire on June 30, 2011. Data used for this report was based on the data provided by the City regarding eligible members as of June 30, 2011. Pay data and service provided for the December 31, 2010 annual actuarial valuation of the ERS was used to estimate pensionable earnings at retirement.

Comment 2: This report is based on the data and assumptions noted above and the proposed ERIP provisions shown on page 1. If you have reason to believe that the assumptions that were used are unreasonable, that the plan provisions are incorrectly described, that important and relevant plan provisions are not described, or that conditions have changed since the calculations were made, you should contact the authors of this report prior to relying on information in the report.

Comment 3: This report shows the potential impact of the proposed ERIP on ERS pension and retiree health care costs as of June 30, 2011. The non-retirement costs/savings in other areas (payroll savings, fringe benefit savings, employer contributions to new hire defined contribution accounts, etc.) are not included in this report.

Comment 4: The cost of the proposed ERIP has been developed assuming that all of the individuals shown in this report are eligible for the ERIP and will elect to retire on June 30, 2011. Please be aware that the cost of the ERIP will vary for each individual member. For example, if half of the eligible employees elect to retire, and these employees are the ones who would benefit most from the incentive, the cost would be more than 50% of the “100% retire” cost shown in this report. In other words, in the examples of 75%, 50%, and 25% election percentages on page 5, the cost would be increased if the employees electing to retire are the employees who would benefit most from the proposal.

Comment 5: Under an early retirement incentive program, such as the proposed program, a member will commence benefits prior to when they were otherwise eligible (or assumed) to commence benefits. If the accrued benefits are not changed as part of the program (as is the case for some of the members included in this study) members will forfeit future accruals as a result of the earlier commencement. If the earlier commencement is more valuable than the forfeiture of accruals (the more common case) a cost increase will result. However, if the forfeiture of future accruals is more valuable than the earlier commencement, a cost savings can result. It is important to note that, which is more valuable (the earlier commencement or the future accruals) varies from person to person. For some of the eligible members included in this study, an expected cost savings for pension and/or retiree health benefits results if they were assumed to retire immediately under the ERIP. In order to provide an estimate of the maximum cost of this proposed ERIP, the results provided do not include the potential cost savings associated with the retirement of these individuals. Actual costs of the ERIP could be lower than those provided here, if one or more of these members do in fact retire under the program.

COMMENTS

Comment 6: The Government Finance Officers Association (GFOA) recommended practice for evaluating the use of early retirement incentives has been included in the Appendix of this report. The GFOA recommends the use of a short amortization period (such as 3-5 years) to finance the incremental cost of an early retirement incentive plan. Since savings are typically realized over a short period, the costs should also be recognized over a similar period. Regardless of the time period selected for funding, we recommend that policy makers carefully consider the 5 year results shown in this correspondence in the decision making process.

Comment 7: The calculations are based upon assumptions regarding future events, which may or may not materialize. They are also based upon present and proposed plan provisions that are outlined in the report. If you have reason to believe that the assumptions that were used are unreasonable, that the plan provisions are incorrectly described, that important plan provisions relevant to this proposal are not described, or that conditions have changed since the calculations were made, you should contact the authors of this report prior to relying on information in the report.

Comment 8: If you have reason to believe that the information provided in this report is inaccurate, or is in any way incomplete, or if you need further information in order to make an informed decision on the subject matter of this report, please contact the authors of the report prior to making such decision.

Comment 9: No statement in this report is intended to be interpreted as a recommendation in favor of the changes, or in opposition to them.

Comment 10: This report is intended to describe the financial effect of the proposed plan changes on the retirement system. Except as otherwise noted, potential effects on other benefit plans were not considered.

Comment 11: The reader of this report should keep in mind that actuarial calculations are mathematical estimates based on current data and assumptions about future events (which may or may not materialize). Please note that actuarial calculations can and do vary from one valuation year to the next, sometimes significantly if the group valued is very small (less than 30 lives). As a result, the cost impact of a benefit change may fluctuate over time, as the demographics of the group changes.

APPENDIX



GFOA Recommended Practice

Evaluating Use of Early Retirement Incentives - 2004

Background. Governments occasionally offer early retirement incentives (ERIs)¹ to employees as a strategy to reduce payroll costs or stimulate short-term turnover among staff. ERIs are temporary, offered during a window that usually covers a period of months. They increase the economic value of the standard retirement benefit. Historically, ERIs rarely have succeeded, since costs are often greater than initially anticipated by the government offering the incentive, and savings are lower than projected.

Recommendation. GFOA recommends that governments exercise extreme caution if considering ERIs. Governments should take several actions prior to the decision to offer an ERI in terms of (1) goal-setting, (2) cost/benefit analysis, and (3) budgetary analysis. Governments should also develop an implementation plan.

1. Goal-Setting for ERIs

Governments should be explicit in setting documented goals for the ERI. Goals can be financial in nature, such as realizing permanent efficiencies in staffing or achieving budgetary objectives. ERIs can also be designed to achieve human resource goals, such as creating vacancies that allow for additional promotion opportunities and allowing management to bring in new staff. Any ERI goals should not conflict with other retirement plan goals (e.g., features to reduce turnover or increase retention).

An explicit statement of goals is needed to judge the ultimate success of the initiative and to develop performance measures. Further, having a statement of goals promotes transparency. Inappropriate goals such as rewarding a select group of staff should be explicitly rejected. Potential conflicts of interest among decision-makers who design an ERI should be monitored closely, since any self-dealing is costly and could harm the long-term credibility of the government entity.

2. Cost/benefit analysis

In judging whether an ERI should be offered, governments should assess the potential costs and benefits of ERI proposals, and the cost/benefit analysis should be linked to the goals of the ERI. For example, if a government sets a financial goal of obtaining long-term staffing efficiencies, then an independent cost/benefit analysis should determine whether the ERI will actually bring about such

¹ The scope of this recommended practice does not cover deferred retirement option plans (DROP) or partial lump-sum option plans (PLOP), which often promote employee retention. The CORBA Committee may address this issue separately.

staffing efficiencies. A cost/benefit analysis should be comprehensive. It should take into account direct and indirect impacts, such as the impact on the government for providing retiree health care and additional contractor costs. In addition, it should take into account the effect upon both the plan sponsor and the pension fund (if the pension fund is a separate organization). Governments should retain an actuary to assist in conducting a cost/benefit analysis.

Material changes to the ERI proposal during the legislative process should trigger adjustments to the cost/benefit and budgetary analyses.

Regarding financially-driven ERIs, a cost/benefit analysis should compare long-term benefits and costs against the “default” scenario of a hiring freeze. Most financially-driven ERIs project financial benefits based on payroll savings related to staff departures. However, any such savings should be discounted, because a hiring freeze also creates payroll savings (owing to the normal rate of staff departures). Thus, the ERI benefit is limited to the marginal increase in staff departures attributable to the ERI. Governments that attribute all staff departures to an ERI would over-state the ERI benefit, thus distorting the cost/benefit analysis.

Financially-driven ERIs may also obtain savings by replacing highly compensated staff with lower-paid staff. Analysis of such ERIs must take into account the fact that newly hired staff tend to experience faster salary increases than other employees.

If early retirement incentives are offered, they should be offered very infrequently and without a predictable schedule to avoid the expectation that another ERI will be offered. Such an expectation would distort normal employee retirement patterns.

The incremental costs of an ERI should be amortized over a short-term payback period, such as three to five years. This payback period should match the period in which the savings are realized. To calculate the incremental costs of an ERI, governments should conduct an actuarial analysis that discloses the present value of the liabilities associated with an ERI. Governments that have over-funded pension plans should avoid allocating any actuarial surplus to finance the incremental costs of the ERI.

3. Budgetary considerations

In order to develop accurate budgetary estimates for the ERI, it is necessary to estimate the incremental cost of the ERI, which will vary according to the level of employee participation. Any budgetary analysis should project multiple scenarios for employee participation levels.

A budgetary analysis should be comprehensive. It should take into account direct and indirect impacts, such as the impact on the government for providing retiree health care and additional contractor costs.

Because a collective bargaining agreement may affect potential ERI costs and benefits, it should be reviewed prior to developing budgetary estimates.

4. Implementation considerations

If implementing an ERI, at a minimum, governments should take into account the following points:

- A communication plan is desirable to help employees understand the ERI in the context of overall retirement planning;
- It may be necessary to gain input from collective bargaining units;
- Governments should consider the impact upon service delivery after employees retire, with identification of critical personnel whose services must be maintained;
- The duration of the window should take into account the ability of retirement staff to manage retirement application workloads, among other factors; and
- Performance measures should be used to ensure ERI goals are met. For financially-driven ERIs, governments should track and report direct and indirect costs and benefits to determine if goals are met, such as for vacancies and contract costs.

References:

A Primer on Early Retirement Incentives, GFOA, 2004.

Approved by the GFOA Executive Board, October 15, 2004.



CITY COUNCIL AGENDA ITEM

Date: July 1, 2011

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic & Community Development
Steven J. Vandette, City Engineer
William J. Huotari, Deputy City Engineer/Traffic Engineer

Subject: Traffic Committee Recommendations and Minutes
June 15, 2011

Background

The Traffic Committee considered a request to install a Stop sign on eastbound Rothwell at Provincial. This item was considered at the June 15, 2011 meeting (minutes attached).

Recommendations

There are two recommendations:

1. The Traffic Committee recommends no change.

OR

2. City Management recommends installation of a stop sign on the Provincial approach to Rothwell. Supporting documentation is attached.

C: Traffic Committee
Traffic Committee meeting attendees
Neil Fletcher

A regular meeting of the Troy Traffic Committee was held Wednesday, June 15, 2011 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: Sarah Binkowski
Ted Halsey
Richard Kilmer
Pete Ziegenfelder

ABSENT: John Diefenbaker
Jan Hubbell
Gordon Schepke

Also present: Bill Huotari, Deputy City Engineer/Traffic Engineer
Lt. David Livingston, Troy Police Dept.

And: Suzie Wanstreet, 1141 Provincial
Nicole Gearty, 1066 Salma
Lou Wassel, 1221 Rothwell

2. **Minutes – March 16, 2011**

RESOLUTION # 2011-06-09

Moved by Kilmer
Seconded by Halsey

To approve the March 16, 2011 minutes as printed.

YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Hubbell, Schepke)

MOTION CARRIED

REGULAR BUSINESS

3. **Install STOP sign on Eastbound Rothwell at Provincial**

Susie Wanstreet, 1141 Provincial, opposes the installation of a Stop sign on Provincial. Concerns stated are relative to speeding on Rothwell by residents living in the area. Lou Wassel, 1221 Rothwell, reiterated support for no changes at the intersection as well as concerns about speeding on Rothwell. Specifically during the a.m. and p.m. peak hours.

Install STOP sign on Eastbound Rothwell at Provincial (continued)

Lt. Livingston offered to place the radar trailer on site and to provide select enforcement of the area.

Discussion ensued among Traffic Committee members, Traffic Engineer, Lt. Livingston and residents. Residents were informed that they could come back to Traffic Committee if issue persists.

RESOLUTION # 2011-06-10

Moved by Halsey

Seconded by Binkowski

Recommend no changes at the intersection of Rothwell at Provincial.

YES: All-4

NO: None

ABSENT: 3 (Diefenbaker, Hubbell, Schepke)

MOTION CARRIED

4. **Public Comment**

No one wished to address the committee.

5. **Other Business**

Mr. Halsey observed that the Stop sign on the southeast corner of Hartland at Talbot or Kilmer is obstructed by a tree. The Traffic Engineer will investigate and resolve the issue.

6. **Adjourn**

The meeting adjourned at 8:03 p.m.

Pete Ziegenfelder, Chairperson

Bill Huotari, Recording Secretary



TRAFFIC COMMITTEE REPORT

May 19, 2011

TO: Traffic Committee

FROM: Bill Huotari, Deputy City Engineer/ Traffic Engineer *UBH*

SUBJECT: Rothwell at Provincial
Stop Sign Request

Background:

- Neil Fletcher of 1120 Jefferson requested that a STOP sign be installed on eastbound Rothwell at Provincial.
- The posted speed limit on both streets is 25 mph.
- Rothwell is considered the major road at this location due to its continuous nature, while Provincial is considered the minor road due to its termination at Rothwell.
- 24 hour traffic volumes were collected by city staff and indicate that the average daily traffic (ADT) on Rothwell was 139 with Provincial at 151.
- The highest peak hour volumes are 16 along each road.
- The volumes are well below the threshold levels for multi-way STOP sign warrants.
- There have been no crashes recorded at this intersection in the past four (4) years.
- 85th percentile speeds, are approximately 29 mph on Rothwell and 25 mph on Provincial.
- There are sight distance concerns with trees and landscaping, on private property, in the southeast quadrant.
- The city requested that our traffic engineering consultant (OHM) review the request and provide a report of their findings and recommendations (copy attached).
- The report recommends that a STOP sign be placed on the Provincial northbound approach to the intersection, based on their review and findings that the safe approach speed on Provincial is less than 10 mph.

Recommendations:

- Staff concurs with our consultant's recommendation to modify the intersection control from "no traffic control" to a STOP sign on the Provincial northbound approach to Rothwell.

Suggested Resolutions:

- a. Recommend installation of a STOP sign on the Provincial northbound approach to Rothwell.
- b. Recommend no changes at the intersection of Rothwell at Provincial.



Legend

I-75

Road Centerline

- Major Road
- Industrial Road
- Local Road

Ponds and Basins

Streams and Creeks

Parcels

Aerial Photos - 2010

- Red:Band_1
- Green:Band_2
- Blue:Band_3

1: 4,416



736 0 368 736 Feet

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

Notes
 Rothwell at Provincial - STOP SIGN Request

May 12, 2011



Mr. William Huotari, PE
Deputy City Engineer
City of Troy
500 W Big Beaver Road
Troy, MI 48084

Subject: Traffic Control Recommendation for the intersection of Rothwell Drive and Provincial Drive
OHM JN: 0128-11-0020

Dear Mr. Huotari:

As requested, we have reviewed the Rothwell Drive/Provincial Drive intersection to determine the proper traffic control. The subject intersection is a T-intersection located in the City of Troy, in the Stone Haven Woods Subdivision, south of Wattles Road and west of Crooks Road. Provincial Drive is a local street, which runs north-south forming a T-intersection at the north end with Rothwell Drive. Rothwell Drive is a local street running in the east-west direction. The speed limit on both streets is 25 mph. There is currently no traffic control on any of the approaches. Reference the attachments for an aerial and intersection photos.

Background on Traffic Control Determination

Based on the *Michigan Manual of Uniform Traffic Control Devices (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.

Many times 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.

The use of "multiway-STOP" or "all-way" STOP sign installation is discouraged. The multiway-STOP warrant requires the volumes of traffic per approach leg on intersecting roads to be approximately equal.

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.

Traffic Volumes

24-Hour traffic volumes were provided by the City of Troy. The counts indicate the average daily traffic (ADT) on Rothwell Drive to be 139 with Provincial Drive at 155. The highest peak hour volumes along each road are 16 for Rothwell Drive and 16 on Provincial Drive. The MMUTCD indicates that multi-way STOP control could be warranted if there were at least 300 vehicles per hour from the major street approaches and 200 units (vehicles, pedestrians and bicycles) per hour from the minor street approaches for the same eight hours on an average day. Based on the peak hour volumes alone, the option of multi-way STOP control does not meet warrants.

With the pedestrian and vehicular traffic added together (assuming less than 20 pedestrians per hour) this location is still far below warrant thresholds for multi-way STOP control. All traffic counts are provided as an attachment to this letter. Pedestrian traffic has not been counted at the intersection.

Crash Analysis

Based on information provided by the City of Troy there have been no crashes reported at this intersection in the past four years.

Approach Speeds

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

Types of Highways

Although both Rothwell Drive and Provincial Drive are considered local streets, Rothwell Drive should be assigned right of way in this case, as it is the continuing road and Provincial Drive terminates at Rothwell Drive. Driver expectation is that the continuing road does not have to stop and the terminating road must at a minimum slow to make the turn.

Sight Distance

The major sight distance obstructions at the intersection are the trees and landscaping in southeast quadrant. The trees, landscaping and sight distance come into play when determining the 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 on the cross street. Safe approach speeds are determined through calculations.

When the safe approach speed is found to be less than 10 mph for the minor road, a STOP sign is commonly used. In this case, the safe approach speed on Provincial Drive was found to be less than 10 mph; therefore a STOP sign is the recommended treatment. The safe approach speed calculation spreadsheet is attached for your reference.

Recommendation

OHM recommends that the intersection control be modified from "no traffic control" to a STOP sign on the Provincial Drive northbound approach to the intersection. We recommend against modifying the intersection to multi-way STOP control.

Sincerely,
Orchard Hiltz & McCliment, Inc.

A handwritten signature in black ink, appearing to read "S. Loveland".

Steven M. Loveland, PE, PTOE
Traffic Project Engineer

Attachments:

- Aerial and Intersection Photos
- Traffic Counts
- Safe Approach Speed Calculation Spreadsheet



Northbound Provincial



Eastbound Rothwell



Northbound Provincial



Westbound Rothwell



Eastbound Rothwell

Safe Approach Speed Calculation

Rothwell at Provincial
City of Troy, MI

Major = Rothwell
Local = Provincial

Date: 5/12/2011
Analyst: S. Loveland

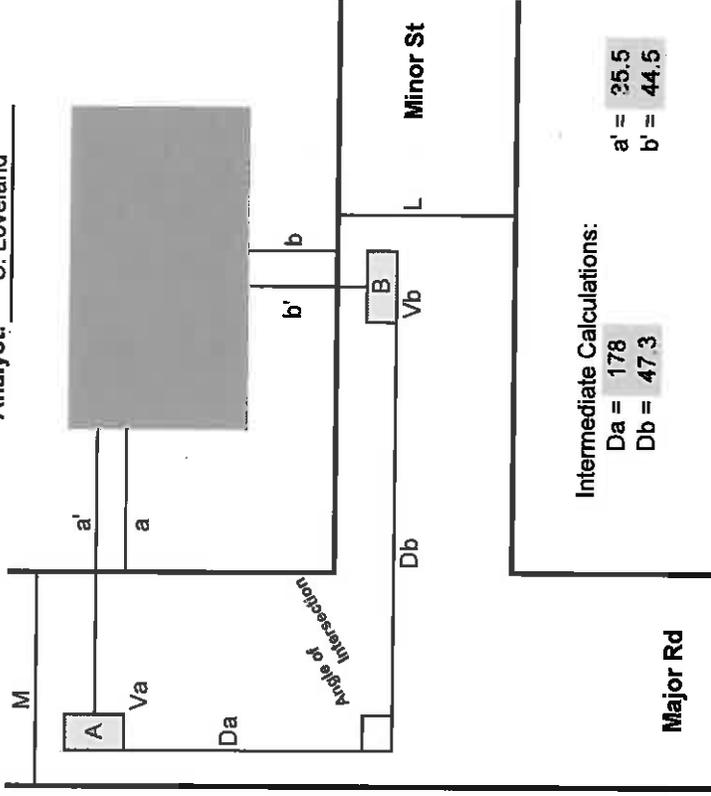
Measured:

Width of Roads
Major: M = 29 (ft)
Local: L = 29 (ft)

Distance to Obstruction
a = 24 (ft)
b = 27 (ft)

Angle of Intersection
Delta = 90 (degrees)

Major Rd Posted
Speed Limit = 25 (mph)



Intermediate Calculations:
Da = 178
Db = 47.3
a' = 25.5
b' = 44.5

Assumed:

Speed of Vehicle A = Posted Speed Limit
on Major Road + 5 (mph)
Va = 30 (mph)

Perception / Reaction Time (AASHTO)
t = 2.0 (sec)

Coefficient of friction (AASHTO)
f = 0.40

Clearance distance in excess of safe stopping distance (AAA)
C = 15 (ft)

Calculated Safe Approach Speed for Vehicle Approaching on Local Rd	Vb = 8.8 (mph)
--------------------------------------------------------------------	----------------

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 local street
based on safe approach speed :

STOP Sign



CITY COUNCIL AGENDA ITEM

Date: June 28, 2011

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police *GM*
 Captain Gerard Scherlinck *GS*
 Lieutenant Robert Redmond *LR*

Subject: Application regarding Transfer Of Stock for Mr. Pizza, Inc.

Background

Mr. Pizza, Inc. requests to Transfer All Stock Interest in 2010 SDD and SDM Licensed Business, located at 4973 Livernois, Troy, Michigan, 48098, Oakland County, wherein Amira Shemami transfers 10,000 shares of stock to new stockholder, Najib Jr. Najib Shemami {MLCC Req. #572153}.

On March 14, 2011 Najib Jr. Najib (Jimmy) Shemami was present to answer questions from the Liquor Advisory Committee. Mr. Shemami informed the Committee that this is a family business. He has been involved in the business for approximately 12 years and is purchasing it from his mother whose health has declined. Troy Police Officer James Feld reported that the Police Department's investigation of this request resulted in several concerns. Officer Feld also reported that there have been two sales-to-minors violations since 1996 when the current owners purchased the business. There were several fines from the MLCC for non-sufficient fund checks against the current licensee. The Police Department contacted the MLCC regarding these issues, as they related to transactions between the licensee and the Commission. The MLCC investigator advised they would review these issues as part of their consideration of this request. Mr. Shemami explained that these were the result of poor bookkeeping practices when his mother became ill. The Police Department investigation also revealed that in August 2010 the license was suspended and placed in escrow for failure to provide proof of financial responsibility. The issue was resolved, and on August 25, 2010 the license was released from escrow to the licensee. There have been no issues with the licensee since August, 2010.

The Police Department conducted an investigation into this application. The investigation did not reveal any issues that would cause us to recommend against this request based upon the guidelines outlined by the MLCC and the Troy City Ordinance Chapter 101. In addition, the Liquor Advisory Committee unanimously approved the request.

The request complies with all applicable Troy City Ordinances and Michigan Liquor Control Commission Rules.

Recommendation

We recommend approval of the request from Mr. Pizza, Inc. regarding Transfer of Stock.
 Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, March 14, 2011 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Committee member Patrick C. Hall called the meeting to order at 7:10 p.m.

ROLL CALL:

PRESENT: Patrick C. Hall
Andrew Kaltsounis
David S. Ogg
Timothy P. Payne

ABSENT: Max K. Ehlert, Chairman
W. Stan Godlewski
Bohdan L. Ukraineec

ALSO PRESENT: Officer James Feld
Susan Lancaster, Assistant City Attorney
Dane Lepola, student representative
Pat Gladysz

Resolution to Excuse Committee Members Ehlert, Godlewski, Ukraineec

Resolution #LC2011-03-005
Moved by Payne
Seconded by Kaltsounis

RESOLVED, That the absence of Committee members Ehlert, Godlewski, and Ukraineec at the Liquor Advisory Committee meeting of March 14, 2011 be **EXCUSED.**

Yes: 4
No: 0
Absent: Ehlert, Godlewski, Ukraineec

Resolution to Approve Minutes of February 7, 2011 Meeting

Resolution #LC2011-03-006
Moved by Kaltsounis
Seconded by Payne

RESOLVED, That the Minutes of the February 7, 2011 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 4
No: 0
Absent: Ehlert, Godlewski, Ukrainec

Agenda Items

1. **Mr. Pizza, Inc.** requests to Transfer All Stock Interest in 2010 SDD and SDM Licensed Business, located at 4973 Livernois, Troy, MI 48098, Oakland County, wherein Amira Shemami transfers 10,000 shares of stock to new stockholder, Najib Jr. Najib Shemami {MLCC Req. #572153}. *Mr. Pizza is on the southwest corner of Long Lake and Livernois.*

Present to answer questions from the Committee was Najib Shemani, Jr.

Mr. Shemani informed the Committee that this is a family business. He has been involved in the business for approximately 12 years and is purchasing it from his mother whose health has declined.

Officer Feld reported that the Police Department’s investigation of Mr. Shemani resulted in various items. There were several fines from the MLCC for non-sufficient fund checks. Mr. Shemani explained that these were the result of poor bookkeeping practices when his mother became ill. The investigation also showed that Mr. Shemani was arrested a few times, but there were no convictions on any of the charges. Officer Feld also stated that in August of 2010 the MLCC issued a violation which could have resulted in a suspension of the liquor license. The business resolved the matter in a timely fashion and no action was taken against the license.

Officer Feld also reported that there have been two sales-to-minors violations since 1996 when the current owners purchased the business.

Resolution #LC2011-03-007
Moved by Kaltsounis
Seconded by Payne

RESOLVED, That the Liquor Advisory Committee recommends that the request of Mr. Pizza, Inc. to Transfer All Stock Interest in 2010 SDD and SDM Licensed Business, located at 4973 Livernois, Troy, MI 48098, Oakland County, wherein Amira Shemami transfers 10,000 shares of stock to new stockholder, Najib Jr. Najib Shemami be **APPROVED**.

Yes: 4
No: 0
Absent: Ehlert, Godlewski, Ukrainec

Officer Feld advised the Committee on the following:

Simbad, Inc.

This request for new permit will likely be withdrawn.

Capital Grille Holdings, Inc.

This outdoor service area should appear on next month's Agenda.

Billy Casper Golf – Sanctuary Lake

This is a license transfer and should appear on next month's Agenda.

Assistant City Attorney Lancaster advised the Committee that City Council elected to not hold liquor violation hearings this year. The City Attorney's office sent letters to each of the businesses that had received violations. They are required to re-train their employees in either TIPS or TAMS, and forward verification of that training to Officer Feld.

Ms. Lancaster also stated that Crank's Catering was apparently the low, qualified bidder for the City Caterer bid, and the proposed bid and agreement are scheduled to go to City Council for approval at either the March 28, 2011 meeting or shortly thereafter. It is her understanding that an Open House will be held for the community.

The meeting adjourned at 7:25 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

Re: Applicant: Mr. Pizza Inc
Address: 4473 Livernois
City/State/Zip: Troy, MI 48098

Date: 12-14-10
Type of License/s: _____
MLCC Request ID: 592153

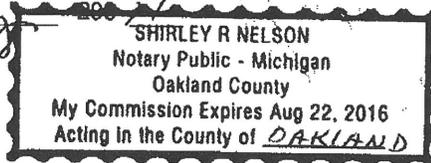
This Agreement, made by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and the Applicant as indicated above, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the requested Liquor License to be located as indicated above in Troy Michigan.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68, Chapter No. 98 and Chapter No. 101, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
 - (c) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

LICENSEE AUTHORIZED REPRESENTATIVE

Witnesses: Margaret Halba By: Shirley R Nelson
Shirley R Nelson

Subscribed and sworn to before me this 6th day of January, 2011
Notary Public, OAKLAND County, MI
Acting in the County of OAKLAND SHIRLEY NELSON
My commission expires: 8-22-2016



CITY OF TROY

Witnesses: [Signature] By: _____
By: Louise Schilling, Mayor
By: _____
Tonni Bartholomew, City Clerk

Subscribed and sworn to before me this _____ day of _____, 200____
Notary Public, _____ County, MI
Acting in the County of Oakland
My commission expires: _____



FOR MLCC USE ONLY

Request ID # 572153

Business ID # 10348

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC.

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

MR. PIZZA, INC. REQUESTS TO TRANSFER ALL STOCK INTEREST IN 2010 SDD AND SDM LICENSED BUSINESS, LOCATED AT 4973 LIVERNOIS, TROY, MI 48098, OAKLAND COUNTY, WHEREIN AMIRA SHEMAMI TRANSFERS 10,000 SHARES OF STOCK TO NEW STOCKHOLDER, NAJIB SHEMAMI.

Section 1. APPLICANT INFORMATION

APPLICANT #1:
 NAJIB SHEMAMI – STOCKHOLDER
 2008 BARON
 ROCHESTER HILLS, MI 48307
 H&B(248)721-0510

APPLICANT #2:

DATE FINGERPRINTED**
 DATE OF BIRTH:
 Is the applicant a U.S. Citizen: Yes No*
 *Does the applicant have permanent Resident Alien status?
 Yes No*
 *Does the applicant have a Visa? Enter status:

DATE FINGERPRINTED**:
 DATE OF BIRTH:
 Is the applicant a U.S. Citizen: Yes No*
 *Does the applicant have permanent Resident Alien status?
 Yes No*
 *Does the applicant have a Visa? Enter status:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission

ARREST RECORD: Felony Misdemeanor
 Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

ARREST RECORD: Felony Misdemeanor
 Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?
 No Yes, complete LC-1636
 Are motor vehicle fuel pumps at or directly adjacent to the establishment? No Yes, explain relationship:

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? Yes No If No, indicate which state and local ordinances the location does not meet: Building Plumbing Zoning Fire Sanitation Health

Section 4. RECOMMENDATION

1. Is this applicant qualified to conduct this business if licensed? Yes No*
 2. Should the MLCC grant this request? Yes No*
- *If any of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.
3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances? Yes No
 4. Is this recommendation subject to any other conditions? Yes No
- If Yes, list the conditions below or on an attached signed and dated sheet if more space is needed

Signature (Sheriff or Chief of Police)

Date

TROY POLICE DEPARTMENT



Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive, P.O. Box 30005
 Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST
 [Authorized by MCL 436.1201(4)]

November 22, 2010

TROY POLICE DEPARTMENT
 CHIEF GARY G MAYER
 500 WEST BIG BEAVER
 TROY MI 48084

*Tomg
 11-30-10*

Request ID #: 572153

Applicant:

MR. PIZZA, INC. REQUESTS TO TRANSFER ALL STOCK INTEREST IN 2010 SDD AND SDM LICENSED BUSINESS, LOCATED AT 4973 LIVERNOIS, TROY, MI 48098, OAKLAND COUNTY, WHEREIN AMIRA SHEMAMI TRANSFERS 10,000 SHARES OF STOCK TO NEW STOCKHOLDER, NAJIB SHEMAMI.

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission. ****Please ensure that section D of the card has been completed prior to submission.****

If you have any questions, please contact Unit 3 of the Retail Licensing Division at (517) 636-0204.

sfs

LC-1972 (Rev. 09/05)
 Authority: MCL 436.1201(4)
 Completion: Mandatory
 Penalty: No License

DELEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities. Michigan Liquor Control Commission 7150 Harris Drive • P.O. Box 30005 • Lansing, Michigan 48909-7505 www.michigan.gov/lcc • (517) 322-1345 Lansing Office



CITY COUNCIL AGENDA ITEM

Date: June 15, 2011

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police *YM*
 Captain Gerard Scherlinck *SS 1/20/11*
 Lieutenant Robert Redmond *M*

Subject: Application regarding New Wholesale Liquor Licenses for Flats Distributing, LLC

Background

Flats Distributing, LLC requests a new Outstate Seller of Beer License, Outstate Seller of Mixed Spirit Drinks License, and Outstate Seller of Wine License to be located at 201 W. Big Beaver Rd., Suite 500, Troy, MI 48084, Oakland County {MLCC Req. #611857}.

The licenses that are requested for Flats Distributing are wholesaler licenses and do not require any premises set aside for this specific use. The Troy location is actually the office suite of the applicant, David C. Stone, in the law offices of the Bodman law firm in Troy (of which Mr. Stone is a partner). The actual alcoholic beverages will be located at the Great Lakes Wine & Spirits warehouse in Highland Park or elsewhere and there will really be no "work" at this Troy office, or anywhere else in Troy, other than communications to and from Mr. Stone.

On June 13, attorney John B. Carlin was present to answer questions from the Liquor Advisory Committee. Mr. Carlin explained to the Committee the licenses requested for Flats Distributing are to satisfy an administrative issue with the MLCC. The storage of beer, spirits, and wine will be at a warehouse in Highland Park with no storage at the Troy address. The Troy office is merely the importer/ wholesaler's business address.

The Police Department conducted an investigation into this application. The investigation did not reveal any issues that would cause us to recommend against this request based upon the guidelines outlined by the MLCC and the Troy City Ordinance Chapter 101. In addition, the Liquor Advisory Committee unanimously approved the request.

The request complies with all applicable Troy City Ordinances and Michigan Liquor Control Commission Rules.

Recommendation

Recommend approval of the request from Flats Distributing, LLC for New Wholesale Liquor Licenses.

Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, June 13, 2011 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Committee member Patrick C. Hall called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: W. Stan Godlewski
Patrick C. Hall
Andrew Kaltsounis
David S. Ogg
Timothy P. Payne
Bohdan L. Ukraineec

ABSENT: Max K. Ehlert

ALSO PRESENT: Officer James Feld
Susan Lancaster, Assistant City Attorney
Pat Gladysz

Resolution to Excuse Committee Member Ehlert

Resolution #LC2011-06-016
Moved by Kaltsounis
Seconded by Godlewski

RESOLVED, That the absence of Committee member Ehlert at the Liquor Advisory Committee meeting of June 13, 2011 be **EXCUSED**.

Yes: 6
No: 0
Absent: Ehlert

Resolution to Approve Minutes of May 9, 2011 Meeting

Resolution #LC2011-06-017
Moved by Ukraineec
Seconded by Kaltsounis

RESOLVED, That the Minutes of the May 9, 2011 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 6
No: 0
Absent: Ehlert

Agenda Items

1. **Flats Distributing, LLC** requests a new Outstate Seller of Beer License, Outstate Seller of Mixed Spirit Drinks License, and Outstate Seller of Wine License to be located at 201 W. Big Beaver Rd., Suite 500, Troy, MI 48084, Oakland County {MLCC Req. #611857}. *This is in the Columbia Center building.*

Present to answer questions from the Committee was attorney John Carlin.

Mr. Carlin explained to the Committee that this item is brought before the Committee to satisfy an administrative issue with the MLCC. The storage of beer, spirits, and wine will be at a warehouse in Highland Park with no storage at the Troy address. The Troy office is merely the importer/wholesaler's business address.

Resolution #LC2011-06-018

Moved by Ukrainec

Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Flats Distributing, LLC for a new Outstate Seller of Beer License, Outstate Seller of Mixed Spirit Drinks License, and Outstate Seller of Wine License to be located at 201 W. Big Beaver Rd., Suite 500, Troy, MI 48084, Oakland County be **APPROVED.**

Yes: 6
No: 0
Absent: Ehlert

2. **Hollywood Super Market No. 3, LLC** (Hollywood Holding Company, LLC), requests to Transfer Ownership of 2010 SDD & SDM Licensed Business located at 2670 West Maple, Troy, MI 48084, Oakland County, from Hollywood Super Market, Inc. {MLCC Req. #578974}

Present to answer questions from the Committee was attorney John Carlin.

Mr. Carlin explained to the Committee that this transfer is merely an estate and succession planning effort made by his client to divide the business into various entities throughout the family. There is no actual change in ownership or daily operations.

Resolution #LC2011-06-019
Moved by Godlewski
Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Hollywood Super Market No. 3, LLC (Hollywood Holding Company, LLC), to Transfer Ownership of 2010 SDD & SDM Licensed Business located at 2670 West Maple, Troy, MI 48084, Oakland County, from Hollywood Super Market, Inc. be **APPROVED**.

Yes: 6
No: 0
Absent: Ehlert

3. **Clawson-Troy Elks Lodge, No. 2169** requests to Transfer Location of escrowed 2011 Club Licensed Business with Dance Permit and Official Permit (Bowling) from 1451 E. Big Beaver, Troy, MI 48083, Oakland County to 2549 Elliott, Troy, MI 48083, Oakland County {MLCC Req. #611134}.

Present to answer questions from the Committee were Jerry McCorkle and Dennis Iskin.

Mr. McCorkle informed the Committee that 2-1/2 years ago, the building at 1451 East Big Beaver was sold and the liquor license was placed in escrow. They recently learned that they must apply to transfer the license to 2549 Elliott. This is an 8,900 square foot light industrial building that is currently being renovated. There will be no bowling at the new location.

Resolution #LC2011-06-019
Moved by Ukrainec
Seconded by Godlewski

RESOLVED, That the Liquor Advisory Committee recommends that the request of Clawson-Troy Elks Lodge, No. 2169 to Transfer Location of escrowed 2011 Club Licensed Business with Dance Permit from 1451 E. Big Beaver, Troy, MI 48083, Oakland County to 2549 Elliott, Troy, MI 48083, Oakland County be **APPROVED**, with the condition that the bowling permit be removed.

Yes: 6
No: 0
Absent: Ehlert

Officer Feld advised the Committee on the following:

Gaucha II, LLC

This is a Brazilian steakhouse restaurant planned for the former Designer Show Warehouse located on Rochester Road.

Hot Rock Pizza, LLC

This is a Class C license that may be changed to a tavern license.

Kamel Management, Inc.

The Maple Market has closed and the former owner had placed the license in escrow. This is the new owner.

Hotel Management Advisors-Troy LLC

This is a transfer of ownership of the MET Hotel. There is a delay in the paperwork.

A & S Babi, Inc.

This is a transfer of ownership of John's Party Store.

Smoker's Outlet

After being denied by City Council, the applicant appealed to the MLCC and they were successful.

The meeting adjourned at 7:45 p.m.

Patrick C. Hall, Committee Member

Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

Re: Applicant: DAVID C. STONE
Address: 201 W. BIG BEAVER, STE 500
City/State/Zip: Troy, MI 48084

Date: 5.2.11
Type of License/s: OUTSTATE SELLER BEER WINE MIXED SPIRIT
MLCC Request ID: #611857 TRINIS

This Agreement, made by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and the Applicant as indicated above, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the requested Liquor License to be located as indicated above in Troy Michigan.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68, Chapter No. 98 and Chapter No. 101, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
 - (c) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

LICENSEE AUTHORIZED REPRESENTATIVE

Witnesses: _____ By: David C. Stone

Subscribed and sworn to before me this _____ day of _____ 200 _____
Notary Public, _____ County, MI
Acting in the County of _____
My commission expires: _____

CITY OF TROY

Witnesses: _____ By: _____
Louise Schilling, Mayor
By: _____
Tonni Bartholomew, City Clerk

Subscribed and sworn to before me this _____ day of _____ 200 _____
Notary Public, _____ County, MI
Acting in the County of Oakland
My commission expires: _____



Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive, P.O. Box 30005
 Lansing, Michigan 48909-7505

FOR MLCC USE ONLY	
Request ID #	611857
Business ID #	226094

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC.

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

Flats Distributing, LLC requests a new Outstate Seller of Beer License, Outstate Seller of Mixed Spirit Drinks License, and Outstate Seller of Wine License to be located at 201 W Big Beaver Rd, Suite 500, Troy, MI 48084, Oakland County.

Section 1. APPLICANT INFORMATION

APPLICANT #1: David C Stone 20 Newberry Place, Grosse Pointe Farms, MI 48231 (313) 882-8085 (home) or (248) 743-6000 (work)	APPLICANT #2:
DATE FINGERPRINTED**: <u>NO FINGERPRINTS REQUIRED</u>	DATE FINGERPRINTED**:
DATE OF BIRTH: October 24, 1947 Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have a Visa? Enter status:	DATE OF BIRTH: Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No* *Does the applicant have a Visa? Enter status:
Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission	
ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)	ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?
 No Yes, complete LC-1636

Are motor vehicle fuel pumps at or directly adjacent to the establishment? No Yes, explain relationship:

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? Yes No If No, indicate which state and local ordinances the location does not meet: Building Plumbing Zoning Fire Sanitation Health

Section 4. RECOMMENDATION

1. Is this applicant qualified to conduct this business if licensed? Yes No*

2. Should the MLCC grant this request? Yes No*

*If any of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.

3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances? Yes No

4. Is this recommendation subject to any other conditions? Yes No

If Yes, list the conditions below or on an attached signed and dated sheet if more space is needed

Signature (Sheriff or Chief of Police)

Date

Troy Police Department



Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

April 19, 2011

To: Troy Police Department
500 W Big Beaver Rd
Troy, MI 48084-5285

Request ID #:611857

Applicant: Flats Distributing, LLC

Contact: Rick Perkins
(517) 321-4642 or rperkins@cebhlaw.com

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission.

*****NO FINGERPRINTS REQUIRED WITH THIS REQUEST*****

If you have any questions, contact the Manufacturers & Wholesalers at (517) 322-1415 or (517) 322-1416.

LC-1972(Rev. 09/05)
Authority: MCL 436.1201(4)
Completion: Mandatory
Penalty: No License

The Department of Energy, Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

Pastor Dan Lewis, Troy Christian Chapel, gave the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held Monday, June 20, 2011, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the meeting to order at 7:31 PM.

B. ROLL CALL:

Mayor Louise E. Schilling
 Robin Beltramini (Absent)
 Wade Fleming
 Martin Howrylak
 Mayor Pro Tem Mary Kerwin
 Maureen McGinnis
 Dane Slater

Vote on Resolution to Excuse Council Member Robin Beltramini

Resolution #2011-06-133
 Moved by Fleming
 Seconded by McGinnis

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Beltramini at the Regular City Council Meeting of June 20, 2011 due to family commitments.

Yes: Schilling, Fleming, Howrylak, McGinnis, Slater
 No: Kerwin
 Absent: Beltramini

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Certificates of Recognition and Special Presentations

- a) On behalf of the City of Troy Employees' Casual for a Cause Program for the months of March and April 2011, Community Affairs Director Cindy Stewart presented a check in the amount of \$880.00 to the Troy Community Lions Club.
- b) On behalf of the City of Troy, Mayor Louise Schilling presented proclamations to honor Dedicated Volunteers, Staff and Consultants for the Master Plan and Zoning Ordinance.

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:**E-1 No Public Hearings****Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business**

Resolution #2011-06-134

Moved by Schilling

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 *Order of Business* to take action on an item that does not appear on the Agenda.

Yes: Kerwin, McGinnis, Slater, Schilling

No: Fleming, Howrylak

Absent Beltramini

MOTION CARRIED**Vote on Resolution to Reduce Public Comment, Rule #16 – Members of the Public & Visitors**

Resolution #2011-06-135

Moved by Schilling

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **REDUCES** Public Comment, Council Rule #16, *Members of the Public & Visitors*, from five minutes to three minutes at the request of the Chair and by majority vote of City Council members elect.

Yes: Kerwin, McGinnis, Slater, Schilling

No: Fleming, Howrylak

Absent: Beltramini

MOTION CARRIED**F. PUBLIC COMMENT:**

Peters, Richard	Spoke in support of keeping the library open and various topics.
Spillers, Ed	Spoke on behalf of the Troy Democratic Club in support of the library millage proposal and keeping the library open.
Yashinsky, Neil	Spoke in support of the library millage proposal and keeping the library open.
Martin, Susan S.	Spoke in support of the library millage proposal.
Reinhardt , Marvin	Spoke about various topics.
Kantamaneni, Vennela	Spoke in support of the keeping the library open and presented a cloth signed by students at her elementary school.

Ragan, John	Spoke about the development of the Troy Nature Society.
Kotubey, Jordan	Spoke in support of funding the library to promote lifelong learning.
Welch, Kathleen	Spoke in support of the library millage proposal.
D'Aoust, Allen	Spoke in support of the library millage proposal.
Brake, Dan	Spoke in opposition of City spending and leadership.
Savage, James,	Spoke in opposition of the cost incurred with utilizing.
Grix, E. James	Spoke in opposition of the library millage proposal.
Kajma, Linda	Spoke in support of the library millage proposal.
Kowalski, Roger	Spoke about the development of the Troy Nature Society.
Hodorek, Ellen	Spoke in support of the library millage proposal and the Communications Strategy.
Zembrzuski, Audre	Spoke in support of the library staff; opposition of the library millage proposal.

G. RESPONSE / REPLY TO PUBLIC COMMENT

H. POSTPONED ITEMS:

H-1 Approval of City Council Minutes

Resolution #2011-06-136

Moved by Howrylak

Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as amended.

a. Regular City Council Meeting of May 16, 2011

Yes: Howrylak, Kerwin, McGinnis, Slater, Schilling, Fleming

No: None

Absent: Beltramini

MOTION CARRIED

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: None Scheduled

I-2 Board and Committee Nominations: Brownfield Redevelopment Authority, Local Development Finance Authority

a) Mayoral Nominations

Resolution #2011-06-137

Moved by Schilling

Seconded by Kerwin

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

Brownfield Redevelopment Authority

Appointed by Mayor (7-Regular) – 3 Year Term

James Campbell	Term Expires 04/30/2013
Robert Swartz	Term Expires 04/30/2014
Bruce Wilberding	Term Expires 04/30/2014
Ramzi Dalloo	Term Expires 04/30/2014
A. Allen Kneale	Term Expires 04/30/2014

Local Development Finance Authority (LDFA)

Appointed by Mayor (5-Regular) – Staggered 4 Year Term

Maureen Donohue Krauss	Oakland County Designee
John Sharp	Term Expires 06/30/2014
Nick Valente	Term Expires 06/30/2015
Robin Beltramini	Term Expires 06/30/2015

Yes: Kerwin, McGinnis, Slater, Schilling, Fleming, Howrylak
 No: None
 Absent: Beltramini

MOTION CARRIED

I-3 Request for Closed Session

Resolution #2010-06-138
 Moved by McGinnis
 Seconded by Slater

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (c) - Labor Negotiations.

Yes: McGinnis, Slater, Schilling, Fleming, Howrylak, Kerwin
 No: None

Absent: Beltramini

MOTION CARRIED

The Meeting **RECESSED** at 8:51 PM.

The Meeting **RECONVENED** at 8:59 PM.

I-4 Financial Administration Services Agreement with Darling & Associates, C.P.A.

Resolution #2011-06-139

Moved by Schilling

Seconded by Slater

RESOLVED, That the Troy City Council authorizes the City Manager's temporary engagement of Thomas E. Darling, Managing Partner of Darling and Associates, CPA, under the terms as set forth in the attached proposal.

Yes: Slater, Schilling, Fleming, Kerwin, McGinnis

No: Howrylak

Absent: Beltramini

MOTION CARRIED

I-5 Application Regarding Transfer of Club License for Clawson-Troy Elks Lodge No. 2169, Pending Final Inspections

Resolution #2011-06-140

Moved by Kerwin

Seconded by Howrylak

(a) Transfer Club License

RESOLVED, That Troy City Council hereby **CONSIDERS** for **APPROVAL** a liquor license request as indicated below, and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Liquor License Applicant :	Clawson-Troy Elks Lodge #2169
Type of License Requested :	Transfer location of escrowed 2011 Club Licensed Business with Dance Permit from 1451 East Big Beaver, Troy to 2549 Elliott, Troy
Located at :	2549 Elliott, Troy, MI 48083
MLCC Request # :	611134

and

(b) Agreement

WHEREAS, The Troy City Council deems it necessary to enter into agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with the liquor license applicant named in the approved resolution above, and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Schilling, Fleming, Howrylak, Kerwin, McGinnis, Slater
No: None
Absent: Beltramini

MOTION CARRIED

I-6 2010/11 Budget Amendment No. 2

Resolution #2011-06-141
Moved by Kerwin
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** the 2010/11 Budget Amendment No. 2 as submitted, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Fleming, Howrylak, Kerwin, McGinnis, Slater, Schilling
No: None
Absent: Beltramini

MOTION CARRIED

I-7 Agreement Between the City of Troy and the Troy Nature Society for Programming at the Lloyd A. Stage Nature Center

Resolution #2011-06-142
Moved by Slater
Seconded by Fleming

RESOLVED, That City Management recommends approval of an attached Agreement with the Troy Nature Society for a two (2) year period effective July 1, 2011-August 31, 2013, with an option to renew the Agreement for an additional two (2) year period. The Troy Nature Society proposes to offer limited programming for the months of July and August, 2011; and will try to continue with various programming thereafter.

NOW, THEREFORE, BE IT RESOLVED, That the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the attached Agreement and a copy shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Fleming, Howrylak, Kerwin, McGinnis, Slater, Schilling

No: None
Absent: Beltramini

MOTION CARRIED

I-8 Approval of a Communications Strategy RFP

Resolution #2011-06-143
Moved by Kerwin
Seconded by McGinnis

Option B:

WHEREAS, Troy City Council hereby adopted a Vision Statement and Goals on February 7, 2011, and directed City Administration to develop objectives to facilitate Council's goals for Council's consideration at a future date (Resolution #2011-02-023); and

WHEREAS, Troy City Council directed management and staff to develop a formal statement of qualifications / request for proposals in order to meet the City's Vision Statement and Goals;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **AUTHORIZES** the release of RFP-COT 11-13, as amended, to solicit formal statement of qualifications/request for proposals for a communications strategy in order to meet the City's Vision Statement and Goals at an estimated total cost of \$100,000.00, the process which may take up to ninety (90) days to complete.

Yes: Kerwin, McGinnis, Slater, Schilling
No: Howrylak, Fleming
Absent: Beltramini

MOTION CARRIED**J. CONSENT AGENDA:**

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

Resolution #2011-06-144
Moved by Kerwin
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) J-4b, which **SHALL BE CONSIDERED** after Consent Agenda (I) items, as printed.

Yes: Kerwin, McGinnis, Slater, Schilling, Fleming, Howrylak
No: None
Absent: Beltramini

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2011-06-144-J-2

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

- a. Regular City Council Meeting of June 6, 2011

J-3 Proposed City of Troy Proclamations:

Resolution #2011-06-144-J-3

- a) Proclamation Celebrating 50 Years – Tony's Pizzeria and Family Restaurant
- b) Proclamation Honoring Dedicated Volunteers, Staff and Consultants for the Master Plan and Zoning Ordinance

J-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 3: Option to Renew – General Consulting Engineering Services Contract**

Resolution #2011-06-144-J-4a

WHEREAS, On July 21, 2008, Troy City Council approved a three (3) year contract, effective through June 30, 2011, to provide General Consulting Engineering Services as required by the City and to assist the Engineering Department as needed, with the option to renew the contract for an additional three (3) year period under the same terms and conditions based on mutual consent of both parties, to the highest rated bidders as a result of a best value process, Hubbell, Roth and Clark, Inc., Spalding DeDecker Associates, Inc and Orchard Hiltz and McCliment, Inc, at rates contained in the bid tabulation opened June 18, 2008 (Resolution #2008-07-239-F-4b); and

WHEREAS, Hubbell, Roth & Clark, Inc. has offered to renew their contract for three (3) additional years under the same terms and conditions as the 2008 contract, except as provided by their revised pricing schedule, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

WHEREAS, Spalding DeDecker Associates, Inc. has offered to renew their contract for three (3) additional years under the same terms and conditions as the 2008 contract, except as provided by their revised pricing schedule, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

WHEREAS, Orchard Hiltz and McCliment, Inc. has offered to renew their contract for three (3) additional years under the same terms and conditions as the 2008 contract, except as provided by their revised pricing schedule, a copy of which shall be **ATTACHED** to the original Minutes of this meeting;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **EXERCISES** the three-year option to renew the contracts for general consulting engineering services with Hubbell, Roth & Clark, Inc., Spalding DeDecker Associates, Inc., and Orchard Hiltz and McCliment, Inc. under the same terms and conditions as the 2008 contract, at their respective revised pricing schedules effective July 1, 2011 through June 30, 2014.

c) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 11-4 – Northfield Hills Pavement Rehabilitation

Resolution #2011-06-144-J-4c

RESOLVED, That contract No. 11-4, Northfield Hills Pavement Rehabilitation, be awarded to ProLine Asphalt Paving, 11797 29 Mile Road, Washington, MI 48095 for their low total bid amount of \$564,139.58.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 25% of the total project cost.

J-5 Robert and Michelle Riddle v. City of Troy

Resolution #2011-06-144-J-5

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of *Robert Riddle and Michelle Riddle v. City of Troy* (Oakland County Circuit Court Case No. 11-119346-NO). Furthermore, the City Attorney is **AUTHORIZED** to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City.

J-6 Lamar Advertising of Michigan v. City of Troy

Resolution #2011-06-144-J-6

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of *Lamar Advertising of Michigan Inc. v. City of Troy* (Oakland County Circuit Court Case No. 11-119339 AA). Furthermore, the City Attorney is **AUTHORIZED** to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City.

J-7 Private Agreement – First Baptist Church of Troy Lot Improvements Project No. 09.903.3

Resolution #2011-06-144-J-7

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and First Baptist Church of Troy, is hereby **APPROVED** for the installation of Storm Sewer and Detention Basin on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-4 Standard Purchasing Resolutions

b) Standard Purchasing Resolution 6: Grant Approval and Authorization to Expend City Funds – MACP Grant Award – Traffic Crash Investigation Software and Motorcycle Radar Unit Purchases

Resolution #2011-06-145

Moved by Kerwin

Supported by Fleming

RESOLVED, That the Troy City Council hereby **AUTHORIZES** the Troy Police Department to receive a Michigan Association of Chiefs of Police (MACP) Grant and expend City funds for the purchase of the Total Station Data Collector equipment including necessary accessories from Visual Statements and to purchase four (4) motorcycle RADAR units from Kustom Signals, Inc as detailed in Appendix I, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, for an estimated total cost of \$17,438.35.

BE IT FURTHER RESOLVED, That the Police Department budget is hereby **AMENDED** to receive the grant funding of \$15,000.00 and that the remaining cost of the equipment in the amount of \$2,438.35 will be paid from available funds in the Police department operating accounts.

Yes: McGinnis, Slater, Schilling, Fleming, Howrylak, Kerwin

No: None

Absent: Beltramini

MOTION CARRIED

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

- a) Announcement of Public Hearings – July 25, 2011 - Industrial Development District (IDD) and Transfer of Industrial Facilities Exemption Certificate (IFEC) from Madison Heights, and new Industrial Facilities Exemption Certificate (IFEC) for US Farathane Corporation at 754 W. Maple
- b) Announcement of Public Hearing – July 11, 2011 – Rezoning Application (File Number Z 738) – East Side of Stephenson, North of Fourteen Mile (466 Stephenson Highway), Section 35 – From RC Research Center to OM Office Mixed Use

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

L. COUNCIL REFERRALS:

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

L-1 Mayor Schilling’s Request to Meet in Closed Session on July 11, 2011 and July 25, 2011 for the Annual Performance Evaluations of the City Attorney and City Manager

a) Closed Session for Annual Performance Evaluation of the City Manager

Resolution #2011-06-146
Moved by Schilling
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** a Closed Session for Monday, July 25th, 2011 in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan for the purpose of performance evaluation of the City Manager, pursuant to MCL 15.268 (a).

Yes: Slater, Schilling, Fleming, Howrylak, Kerwin, McGinnis
No: None
Absent: Beltramini

MOTION CARRIED

b) Closed Session for Annual Performance Evaluation of the City Attorney

Resolution #2011-06-147
Moved by Schilling
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** a Closed Session for Monday, July 11th, 2011 in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan for the purpose of performance evaluation of the City Attorney, pursuant to MCL 15.268 (a).

Yes: Slater, Schilling, Fleming, Howrylak, Kerwin, McGinnis
No: None
Absent: Beltramini

MOTION CARRIED

L-2 Mayor Schilling's Request for a Content Neutral Flyer for the August 2nd Election

Resolution #2011-06-148

Moved by Schilling

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the August 2, 2011 Special Election Informational Proposed Library Millage Ballot Question Brochure as amended by **STRIKING** the closure date "Friday, August 12, 2011" and **INSERTING** "Friday, August 5, 2011" and **STRIKING** the Library informational box on page two (2) in its entirety and **INSERTING** "For more information on the Troy Public Library, visit www.troylibrary.info," a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** City Administration to mail the August 2, 2011 Special Election Informational Proposed Library Millage Ballot Question Brochure to all Troy households.

Yes: Schilling, Kerwin, McGinnis, Slater

No: Fleming, Howrylak

Absent: Beltramini

MOTION CARRIED**M. COUNCIL COMMENTS**

M-1 No Council Comments Advanced

Mayor Schilling announced that she will give her State of the City Address for the residents on July 13, 2011 at 7:00 PM at the Troy Community Center.

Mayor Schilling discussed the Special Meeting scheduled for Tuesday, June 21, 2011 at 10:00 AM in the Council Boardroom to speak with Members of the Business Community.

Mayor Kerwin discussed providing an opportunity for the business community to have casual conversations regarding business and library matters without the need for quorum of City Council.

N. REPORTS

N-1 Minutes – Boards and Committees:

a) Planning Commission-Special/Study/Draft – May 24, 2011

b) Planning Commission-Special/Study/Final – May 24, 2011

c) Liquor Advisory Committee-Draft – June 13, 2011

Noted and Filed

N-2 Department Reports: None Submitted

Noted and Filed

N-3 Letters of Appreciation:

- a) Letter of Appreciation from De Ji Rong to Chief Mayer Thanking Troy Police Officers Daniels, Morse and Strong for Assistance
Noted and Filed

N-4 Proposed Proclamations/Resolutions from Other Organizations: None Proposed
Noted and Filed

N-5 Reduction in Service Delivery – Planning Department
Noted and Filed

O. STUDY ITEMS

-
- O-1 No Study Items Presented**

P. CLOSED SESSION:

-
- P-1 Closed Session**

Q. ADJOURNMENT

The meeting **ADJOURNED** at 10:11 PM.

Mayor Louise E. Schilling

M. Aileen Bittner
Deputy City Clerk

A. CALL TO ORDER:

A Special Meeting of the Troy City Council was held Tuesday, June 21, 2011, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the meeting to order at 10:05 AM.

Council Member Howrylak arrived at 10:07 AM.

B. ROLL CALL:

Mayor Louise E. Schilling
Robin Beltramini (Absent)
Wade Fleming
Martin Howrylak
Mayor Pro Tem Mary Kerwin
Maureen McGinnis
Dane Slater

Also Present:

Neal Doshi - Doshi Group
Alan Kiriluk - Kirco Management
Tom Perring - Altair Engineering
Nancy Negohosian - HMS Manufacturing Co.
Robert Pelachyk - Heller Machine Tools

Vote on Resolution to Excuse Council Member Robin Beltramini

Resolution #2011-06-149
Moved by Schilling
Seconded by Fleming

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Beltramini at the City Council Special Meeting of Tuesday, June 21, 2011 due to being out of the county.

Yes: Schilling, Fleming, Howrylak, McGinnis, Slater
No: Kerwin
Absent: Beltramini

MOTION CARRIED**C. DISCUSSION ITEM:**

C-1 Economic Business Roundtable Discussion with City Business Leaders

D. PUBLIC COMMENT: No Public Comment

E. ADJOURNMENT:

The meeting **ADJOURNED** at 11:29 AM.

Mayor Louise E. Schilling

M. Aileen Bittner
Deputy City Clerk

A. CALL TO ORDER:

A Special Meeting of the Troy City Council was held Monday, June 27, 2011, at City Hall, 500 W. Big Beaver Road. Mayor Pro Tem Kerwin called the meeting to order at 3:00 PM.

B. ROLL CALL:

- a) Mayor Louise E. Schilling-Absent
- Robin Beltramini-Absent
- Wade Fleming
- Martin Howrylak
- Mayor Pro Tem Mary Kerwin
- Maureen McGinnis
- Dane Slater

C. DISCUSSION ITEM:**C-1 Application for Liquor License Transfer for Sanctuary Lake Golf Management, LLC****(a) Transfer Ownership**

Resolution #2011-06-150
 Moved by Fleming
 Seconded by Slater

RESOLVED, That the Troy City Council hereby **APPROVES** the Transfer of Ownership to Sanctuary Lake Golf Management, LLC from Kosch Special Events, LLC of a 2011 Class C Liquor License for 1450 E. South Boulevard, Troy, Michigan 48085, Oakland County, Michigan as fully set out in its application as follows:

Liquor License Applicant :	Sanctuary Lake Golf Management, LLC
Type of License Requested :	Transfer Ownership of 2011 Class C, issued under MCL 436.1515(1) non-transferable and SDM Licensed Business with Official Permit (Food, Golf), Outdoor Service (1 Area) and 3 Bars from Kosch Special Events, LLC, and requests to Add New Outdoor Service (2nd Area).
Located at :	1450 E. South Boulevard, Troy, MI 48085, Oakland County
MLCC Request # :	614151

and

(b) Agreement

WHEREAS, The Troy City Council deems it necessary to enter into agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with the liquor license applicant named in the approved resolution above, and hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Fleming, Howrylak, Kerwin, McGinnis, Slater

No: None

Absent: Beltramini, Schilling

MOTION CARRIED

D. PUBLIC COMMENT: No Public Comment

E. ADJOURNMENT:

The meeting **ADJOURNED** at 3:05 PM.

Mayor Pro Tem Mary Kerwin

M. Aileen Bittner
Deputy City Clerk



CITY COUNCIL AGENDA ITEM

July 1, 2011

To: John Szerlag, City Manager

From: Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

Subject: Standard Purchasing Resolution 3: Exercise Renewal Option –
Sidewalk Replacement and Installation Program

Background

On January 10, 2011, Troy City Council approved a contract to complete the Sidewalk Replacement and Installation Program for FY 2010/11 with an option to renew for two additional one-year periods to the low total bidder, Rotondo Construction Company of Farmington Hills, MI. {Resolution #2011-01-005-J4b} Rotondo has offered to exercise the first option to renew the contract under the same prices, terms and conditions

Since the Sidewalk Replacement and Installation Program was competitively bid recently and opened with eight (8) bidders responding, no market survey was warranted. Moving this work forward improves public safety and reduces the City's liability and allows the contractor to continue their work utilizing funds from the 2011/12 capital budget.

Recommendation

City management and the Public Works department recommend exercising the first option to renew for one-year to low total bidder Rotondo Construction Company of Farmington Hills, at the same unit prices contained in the bid tabulation with any additional work not to exceed budgetary limitations of \$500,000.00.

Fund Availability

Funds are available in 2011/12 Capital Accounts for Sidewalk, under Public Works Construction.

Prepared by: Marina Basta-Farouk, Project Construction Manager



Date: June 1, 2011

ATTN: Mr. Joseph Rotondo
Rotondo Construction Company
20771 Randall
Farmington Hills, MI 48336

Dear Mr. Joseph Rotondo

On January 10, 2011 the City of Troy entered into contract # 2011-00000580 OB with Rotondo Construction Company, to provide one-year contract for Sidewalk Replacement and Installation Program for fiscal year 2010/11. This contract contained an option to renew for Two (2) additional one-year periods at the same prices, terms, and conditions as the original contract, and through mutual consent of both parties.

Please fax this letter back indicating if Rotondo Construction Company, wishes to renew this contract until June 30, 2012 our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3595.

CHECK ONE:

(Rotondo Construction Company) is interested in renewing the contract
Under the same prices, terms, and conditions: (4)

(Rotondo Construction Company) is not interested in renewing
the contract: ()

X Joseph Rotondo - ROTONDO CONST.
Signed: Authorized Company Representative

Date: _____

Thank you,
Marina Basta Farouk
City of Troy
Public Works Department

J. CONSENT AGENDA:

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

Resolution #2011-01-005
Moved by McGinnis
Seconded by Slater

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

Yes: Kerwin, McGinnis, Slater, Schilling, Beltramini, Fleming, Howrylak
No: None

MOTION CARRIED

J-2 Approval of City Council Minutes

Resolution #2011-01-005-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the Regular City Council Meeting of December 13, 2010 as submitted.

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 4: Cooperative Programs - Server Upgrade and SAN Expansion Project**

Resolution #2011-01-005-J-4a

WHEREAS, The Police and Fire Departments’ utilization of digital technology in day-to-day operations continues to grow, and

WHEREAS, Six (6) servers are at or near their end of life and need to be replaced by utilizing server virtualization uploaded on two physical servers with the ability to run up to twenty “virtual” servers, which will reduce operating and hardware purchase costs over time;

NOW, THEREFORE, BE IT RESOLED, That the Troy City Council hereby **APPROVES** contracts to purchase hardware and software from approved cooperative programs at estimated costs of \$72,200.00 per Attachment A; and recurring costs estimated at \$3,925.00 per year.

b) Standard Purchasing Resolution 1: Award to Low Bidder – Sidewalk Replacement and Installation Program

Resolution #2011-01-005-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Sidewalk Replacement and Installation Program for FY 2010/11 with options to renew for two additional one-year periods to the low total bidder, Rotondo Construction, Co of Farmington Hills, MI, at unit prices contained in the bid tabulation opened November 23, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, the cost of which shall not exceed budgetary limitations; and

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

J-6 Removal of Overhead “Keep Right” Sign – Square Lake Road, East of Crooks Road

Resolution #2011-01-005-J-6

RESOLVED, That the Troy City Council hereby **APPROVES** the Road Commission for Oakland County agreement for the removal of the overhead “Keep Right” sign located on Square Lake Road, east of Crooks Road at no cost to the City of Troy, and **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-7 Scheduling of Public Hearing on January 31, 2011 for Community Development Block Grant (CDBG) Program Years 2008 and 2009 Reprogramming of Funds

Resolution #2011-01-005-J-7

Reconsidered: January 11, 2011 Res #2011-01-012

RESOLVED, That the Troy City Council hereby **SCHEDULES** a Public Hearing on January 31, 2011 at 7:30 PM, or as soon thereafter as possible, for the purpose of hearing public comments on reprogramming 2008 and 2009 Community Development Block Grant (CDBG) funds to the Section 36 Park Project.

J-8 David J. Smith v. Troy Police Officer Gregory Stopczynski

Resolution #2011-01-005-J-8

RESOLVED, That the Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent Troy Police Officer Gregory Stopczynski and the City of Troy in any and all claims and damages in the matter of *David J. Smith v. Officer Gregory Stopczynski* (52-4th District court Case No. 2010-C03095-GC); furthermore, the City Attorney is authorized to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City’s interest.

J-9 Application for New SDM License for Picano Restaurant, Inc.

a) New License

Resolution #2011-01-005-J-9a



CITY COUNCIL AGENDA ITEM

December 8, 2010

To: John Szerlag, City Manager

From: Mark F. Miller, Acting Assistant City Manager / Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

Subject: Standard Purchasing Resolution 1: Award To Low Bidder – Sidewalk Replacement and Installation Program

Background

On November 23, 2010, bids were received to complete the Sidewalk Replacement and Installation Program for fiscal year 2010/11. 299 vendors were notified of the bid opportunity via the MITN system with eight (8) bid responses received. Rotondo Construction Company of Farmington Hills, MI, was the low total bidder. Moving this work forward improves public safety and reduces the City's liability.

ITB-COT 10-29 to complete the Sidewalk Replacement and Installation Program was competitively bid as required by City Charter and Code. The award is contingent upon the recommended bidder's submission of proper contracts and bid documents, including bonds, insurance certificates and all other specified requirements.

Recommendation

City management and the Public Works department recommend awarding a contract to complete the Sidewalk Replacement and Installation Program for FY2010/11 to the low total bidder, Rotondo Construction, Company of Farmington Hills, MI for an estimated total cost of \$470,407.40 at unit prices contained in the bid tabulation with additional work not to exceed budgetary limitations.

Fund Availability

Funds are available in 2010/11 Capital Accounts for Sidewalk, under Public Works Construction. Each year, the amount of work completed on sidewalks is similar; and the dollar savings over the last contract bid in 2007 is approximately 8.5% or \$43,408.00.

VENDOR NAME:	sl	Rotondo Construction Corp	S & A Concrete
CHECK #:		000242775	17395017
CHECK AMOUNT:		\$3,000.00	\$3,000.00

PROPOSAL A: Sidewalk Replacement

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Remove and Replace 4" Concrete	S.F.	100,000	\$ 2.58	\$ 258,000.00	\$ 2.69	\$ 269,000.00
2	Remove and Replace 6" Concrete	S.F.	21,000	\$ 3.08	\$ 64,680.00	\$ 2.98	\$ 62,580.00
3	Remove and Replace 8" Concrete	S.F.	5,000	\$ 3.58	\$ 17,900.00	\$ 3.98	\$ 19,900.00
4	Adjusting Drainage Structure	Ea	20	\$ 125.00	\$ 2,500.00	\$ 50.00	\$ 1,000.00
5	Reconstruct Drainage Structure	L.F.	20	\$ 125.00	\$ 2,500.00	\$ 50.00	\$ 1,000.00
6	Reconstruct Sanitary Manhole	L.F.	10	\$ 375.00	\$ 3,750.00	\$ 75.00	\$ 750.00
7	Handicap Ramps MDOT R-28-F	S.F.	5,400	\$ 8.53	\$ 46,062.00	\$ 12.50	\$ 67,500.00
8	Handicap Ramps MDOT (Retrofit)	S.F.	180	\$ 17.12	\$ 3,081.60	\$ 13.95	\$ 2,511.00
9	Tree Root Grind	Ea	350	\$ 12.00	\$ 4,200.00	\$ 10.00	\$ 3,500.00
10	Traffic Maintenance	Included		Included	Included	Included	Included
11	Soil Erosion Control	Included		Included	Included	Included	Included
12	Restoration	Included		Included	Included	Included	Included
Est. Total Cost - Proposal A - Replacement					\$ 402,673.60		\$ 427,741.00

PROPOSAL B: New Sidewalk Installation

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Removing Trees 3" - 7"	Ea	2	\$ 200.00	\$ 400.00	\$ 75.00	\$ 150.00
2	Removing Trees 8" - 18"	Ea	2	\$ 600.00	\$ 1,200.00	\$ 100.00	\$ 200.00
3	Removing Sidewalk & Driveway App.	S.Y.	50	\$ 8.00	\$ 400.00	\$ 4.32	\$ 216.00
4	Relocate Hydrant, If needed	Ea	1	\$ 2,800.00	\$ 2,800.00	\$ 2,500.00	\$ 2,500.00
5	Relocate Flag Pole, If needed	Ea	1	\$ 245.00	\$ 245.00	\$ 150.00	\$ 150.00
6	Relocate Sign & Posts, If needed	Ea	1	\$ 100.00	\$ 100.00	\$ 25.00	\$ 25.00
7	Remove/Replace Concrete Curb/Gutt	L.F.	20	\$ 23.00	\$ 460.00	\$ 24.00	\$ 480.00
8	Class A Culvert, 12", If needed	L.F.	10	\$ 40.00	\$ 400.00	\$ 32.00	\$ 320.00
9	6" Edge Drain	L.F.	20	\$ 11.00	\$ 220.00	\$ 6.75	\$ 135.00
10	Adjust Drainage Structure	Ea	2	\$ 125.00	\$ 250.00	\$ 100.00	\$ 200.00
11	Drainage Structure Covers	Lbs	2,000	\$ 1.15	\$ 2,300.00	\$ 0.98	\$ 1,960.00
12	Install Concrete Sidewalk 4"	S.F.	15,000	\$ 2.95	\$ 44,250.00	\$ 2.80	\$ 42,000.00
13	Install Concrete Sidewalk 6"	S.F.	1,000	\$ 3.45	\$ 3,450.00	\$ 3.10	\$ 3,100.00
14	Install Concrete Sidewalk 8"	S.F.	500	\$ 3.95	\$ 1,975.00	\$ 4.00	\$ 2,000.00
15	Install Handicap Ramps MDOT R-28F	S.F.	360	\$ 8.83	\$ 3,178.80	\$ 13.50	\$ 4,860.00
16	Traffic Maintenance	Lump Sum	1	\$ 1,700.00	\$ 1,700.00	\$ 500.00	\$ 500.00
17	Soil Erosion Control	Lump Sum	1	\$ 1,500.00	\$ 1,500.00	\$ 500.00	\$ 500.00
18	Class "A" Sod	S.Y.	500	\$ 3.75	\$ 1,875.00	\$ 6.00	\$ 3,000.00
19	Watering Lawn Areas (1,000 Gal/Unit)	Units	1	\$ 450.00	\$ 450.00	\$ 250.00	\$ 250.00
20	Mowing Grass Areas	Times	4	\$ 145.00	\$ 580.00	\$ 50.00	\$ 200.00
21	Restoration	Included		Included	Included	Included	Included
Est. Total Cost - Proposal B - Installation					\$ 67,733.80		\$ 62,746.00

ESTIMATED GRAND TOTAL - PROPOSALS A & B:		\$ 470,407.40	\$ 490,487.00
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VENDOR NAME:

Rotondo Construction Corp	S & A Concrete

INSURANCE: Can Meet
 Cannot Meet

XX	XX

CONTACT INFORMATION:
 Hours of Operation
 24 Hr Phone #

8:00AM - 5:00PM	7AM - 5PM
(248) 763-0420	(810) 343-0045

PROGRESS PAYMENTS:
 Identified as

Every Two (2) Weeks	Blank
Blank	Blank

PAYMENT TERMS:

Every Two Weeks	Blank
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WARRANTY:

1 Year	Blank
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EXCEPTIONS:

Blank	Blank
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TWO FORMS COMPLETED:
 Legal Status Y or N
 Non-Collusion Y or N

Y	Y
Y	Y

ACKNOWLEDGEMENT: Signed Y or N

Y	Y
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ATTEST:

Diane Fisher
Tom Rosewarne
Marina Basta-Farouk
Julie Hamilton

Proposal - Sidewalk Replacement/Installation Program for 2010/2011 Fiscal Year with an Option to Renew for Two(2)Additional One-Year Periods

BOLDFACE TYPE DENOTES LOW TOTAL BIDDER

 Susan Leirstein CPPO CPPB
 Purchasing Director

VENDOR NAME:

	Koala-T Construction	Audia Construction
CHECK #:	190018	17385151
CHECK AMOUNT:	\$3,000.00	\$3,000.00

PROPOSAL A: Sidewalk Replacement

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Remove and Replace 4" Concrete	S.F.	100,000	\$ 2.82	\$ 282,000.00	\$ 2.93	\$ 293,000.00
2	Remove and Replace 6" Concrete	S.F.	21,000	\$ 3.20	\$ 67,200.00	\$ 3.15	\$ 66,150.00
3	Remove and Replace 8" Concrete	S.F.	5,000	\$ 3.80	\$ 19,000.00	\$ 3.80	\$ 19,000.00
4	Adjusting Drainage Structure	Ea	20	\$ 350.00	\$ 7,000.00	\$ 195.00	\$ 3,900.00
5	Reconstruct Drainage Structure	L.F.	20	\$ 150.00	\$ 3,000.00	\$ 155.00	\$ 3,100.00
6	Reconstruct Sanitary Manhole	L.F.	10	\$ 400.00	\$ 4,000.00	\$ 155.00	\$ 1,550.00
7	Handicap Ramps MDOT R-28-F	S.F.	5,400	\$ 7.55	\$ 40,770.00	\$ 8.00	\$ 43,200.00
8	Handicap Ramps MDOT (Retrofit)	S.F.	180	\$ 30.00	\$ 5,400.00	\$ 23.00	\$ 4,140.00
9	Tree Root Grind	Ea	350	\$ 35.00	\$ 12,250.00	\$ 25.00	\$ 8,750.00
10	Traffic Maintenance	Included		Included	Included	Included	Included
11	Soil Erosion Control	Included		Included	Included	Included	Included
12	Restoration	Included		Included	Included	Included	Included
Est. Total Cost - Proposal A - Replacement					\$ 440,620.00		\$ 442,790.00

PROPOSAL B: New Sidewalk Installation

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Removing Trees 3" - 7"	Ea	2	\$ 400.00	\$ 800.00	\$ 450.00	\$ 900.00
2	Removing Trees 8" - 18"	Ea	2	\$ 1,200.00	\$ 2,400.00	\$ 800.00	\$ 1,600.00
3	Removing Sidewalk & Driveway App.	S.Y.	50	\$ 9.00	\$ 450.00	\$ 9.00	\$ 450.00
4	Relocate Hydrant, If needed	Ea	1	\$ 3,500.00	\$ 3,500.00	\$ 4,200.00	\$ 4,200.00
5	Relocate Flag Pole, If needed	Ea	1	\$ 1,700.00	\$ 1,700.00	\$ 3,000.00	\$ 3,000.00
6	Relocate Sign & Posts, If needed	Ea	1	\$ 180.00	\$ 180.00	\$ 300.00	\$ 300.00
7	Remove/Replace Concrete Curb/Gutt	L.F.	20	\$ 40.00	\$ 800.00	\$ 30.00	\$ 600.00
8	Class A Culvert, 12", If needed	L.F.	10	\$ 45.00	\$ 450.00	\$ 40.00	\$ 400.00
9	6" Edge Drain	L.F.	20	\$ 15.00	\$ 300.00	\$ 15.00	\$ 300.00
10	Adjust Drainage Structure	Ea	2	\$ 200.00	\$ 400.00	\$ 200.00	\$ 400.00
11	Drainage Structure Covers	Lbs	2,000	\$ 1.10	\$ 2,200.00	\$ 1.10	\$ 2,200.00
12	Install Concrete Sidewalk 4"	S.F.	15,000	\$ 3.00	\$ 45,000.00	\$ 2.95	\$ 44,250.00
13	Install Concrete Sidewalk 6"	S.F.	1,000	\$ 3.50	\$ 3,500.00	\$ 3.15	\$ 3,150.00
14	Install Concrete Sidewalk 8"	S.F.	500	\$ 4.00	\$ 2,000.00	\$ 3.80	\$ 1,900.00
15	Install Handicap Ramps MDOT R-28F	S.F.	360	\$ 7.55	\$ 2,718.00	\$ 9.00	\$ 3,240.00
16	Traffic Maintenance	Lump Sum	1	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
17	Soil Erosion Control	Lump Sum	1	\$ 400.00	\$ 400.00	\$ 1,000.00	\$ 1,000.00
18	Class "A" Sod	S.Y.	500	\$ 5.00	\$ 2,500.00	\$ 7.00	\$ 3,500.00
19	Watering Lawn Areas (1,000 Gal/Unit)	Units	1	\$ 500.00	\$ 500.00	\$ 650.00	\$ 650.00
20	Mowing Grass Areas	Times	4	\$ 200.00	\$ 800.00	\$ 600.00	\$ 2,400.00
21	Restoration	Included		Included	Included	Included	Included
Est. Total Cost - Proposal B - Installation					\$ 71,598.00		\$ 75,440.00

ESTIMATED GRAND TOTAL - PROPOSALS A & B:

\$ 512,218.00	Amount Corrected	\$ 518,230.00
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VENDOR NAME:

	Koala-T Construction	Audia Construction
INSURANCE: Can Meet Cannot Meet	XX	XX
CONTACT INFORMATION: Hours of Operation 24 Hr Phone #	8AM - 5PM (248) 322-2751	M-F 9:00AM - 4:30PM (248) 431-0985
PROGRESS PAYMENTS: Identified as	Monthly Pay Applications Blank	Blank Blank
PAYMENT TERMS:	30 Days	Every 30 Days
WARRANTY:	1 Year	1 yr excluding salt damage & misuse
EXCEPTIONS:	Blank	Blank
TWO FORMS COMPLETED: Legal Status Y or N Non-Collusion Y or N	N N	Y Y
ACKNOWLEDGEMENT: Signed Y or N	Y	Y

Proposal - Sidewalk Replacement/Installation Program for 2010/2011 Fiscal Year with an Option to Renew for Two(2)Additional One-Year Periods

VENDOR NAME:

Hard Rock Concrete, Inc.	Dominic Gaglio Construction, Inc
530406370-3	17394742
\$3,000.00	\$3,000.00

CHECK #:
CHECK AMOUNT:

PROPOSAL A: Sidewalk Replacement

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Remove and Replace 4" Concrete	S.F.	100,000	\$ 3.00	\$ 300,000.00	\$ 3.10	\$ 310,000.00
2	Remove and Replace 6" Concrete	S.F.	21,000	\$ 3.13	\$ 65,730.00	\$ 3.50	\$ 73,500.00
3	Remove and Replace 8" Concrete	S.F.	5,000	\$ 3.90	\$ 19,500.00	\$ 4.75	\$ 23,750.00
4	Adjusting Drainage Structure	Ea	20	\$ 150.00	\$ 3,000.00	\$ 195.00	\$ 3,900.00
5	Reconstruct Drainage Structure	L.F.	20	\$ 175.00	\$ 3,500.00	\$ 100.00	\$ 2,000.00
6	Reconstruct Sanitary Manhole	L.F.	10	\$ 175.00	\$ 1,750.00	\$ 100.00	\$ 1,000.00
7	Handicap Ramps MDOT R-28-F	S.F.	5,400	\$ 8.00	\$ 43,200.00	\$ 6.50	\$ 35,100.00
8	Handicap Ramps MDOT (Retrofit)	S.F.	180	\$ 4.00	\$ 720.00	\$ 14.00	\$ 2,520.00
9	Tree Root Grind	Ea	350	\$ 45.00	\$ 15,750.00	\$ 15.00	\$ 5,250.00
10	Traffic Maintenance	Included		Included	Included	Included	Included
11	Soil Erosion Control	Included		Included	Included	Included	Included
12	Restoration	Included		Included	Included	Included	Included
Est. Total Cost - Proposal A - Replacement					\$ 453,150.00		\$ 457,020.00

PROPOSAL B: New Sidewalk Installation

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Removing Trees 3" - 7"	Ea	2	\$ 300.00	\$ 600.00	\$ 1,500.00	\$ 3,000.00
2	Removing Trees 8" - 18"	Ea	2	\$ 500.00	\$ 1,000.00	\$ 2,700.00	\$ 5,400.00
3	Removing Sidewalk & Driveway App.	S.Y.	50	\$ 6.00	\$ 300.00	\$ 13.50	\$ 675.00
4	Relocate Hydrant, If needed	Ea	1	\$ 3,000.00	\$ 3,000.00	\$ 3,500.00	\$ 3,500.00
5	Relocate Flag Pole, If needed	Ea	1	\$ 250.00	\$ 250.00	\$ 4,000.00	\$ 4,000.00
6	Relocate Sign & Posts, If needed	Ea	1	\$ 100.00	\$ 100.00	\$ 150.00	\$ 150.00
7	Remove/Replace Concrete Curb/Gutt	L.F.	20	\$ 25.00	\$ 500.00	\$ 30.00	\$ 600.00
8	Class A Culvert, 12", If needed	L.F.	10	\$ 50.00	\$ 500.00	\$ 60.00	\$ 600.00
9	6" Edge Drain	L.F.	20	\$ 20.00	\$ 400.00	\$ 18.00	\$ 360.00
10	Adjust Drainage Structure	Ea	2	\$ 190.00	\$ 380.00	\$ 250.00	\$ 500.00
11	Drainage Structure Covers	Lbs	2,000	\$ 1.10	\$ 2,200.00	\$ 1.25	\$ 2,500.00
12	Install Concrete Sidewalk 4"	S.F.	15,000	\$ 3.30	\$ 49,500.00	\$ 3.00	\$ 45,000.00
13	Install Concrete Sidewalk 6"	S.F.	1,000	\$ 3.50	\$ 3,500.00	\$ 3.45	\$ 3,450.00
14	Install Concrete Sidewalk 8"	S.F.	500	\$ 3.75	\$ 1,875.00	\$ 4.50	\$ 2,250.00
15	Install Handicap Ramps MDOT R-28F	S.F.	360	\$ 8.00	\$ 2,880.00	\$ 6.50	\$ 2,340.00
16	Traffic Maintenance	Lump Sum	1	\$ 1,000.00	\$ 1,000.00	\$ 4,000.00	\$ 4,000.00
17	Soil Erosion Control	Lump Sum	1	\$ 1,000.00	\$ 1,000.00	\$ 2,500.00	\$ 2,500.00
18	Class "A" Sod	S.Y.	500	\$ 7.00	\$ 3,500.00	\$ 10.00	\$ 5,000.00
19	Watering Lawn Areas (1,000 Gal/Unit)	Units	1	\$ 300.00	\$ 300.00	\$ 4,000.00	\$ 4,000.00
20	Mowing Grass Areas	Times	4	\$ 50.00	\$ 200.00	\$ 1,000.00	\$ 4,000.00
21	Restoration	Included		Included	Included	Included	Included
Est. Total Cost - Proposal B - Installation					\$ 72,985.00		\$ 93,825.00

ESTIMATED GRAND TOTAL - PROPOSALS A & B:

\$ 526,135.00	\$ 550,845.00
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VENDOR NAME:

Hard Rock Concrete, Inc.	Dominic Gaglio Construction, Inc

INSURANCE: Can Meet
 Cannot Meet

XX	XX
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CONTACT INFORMATION:
 Hours of Operation
 24 Hr Phone #

7:00AM - 8:00PM (734) 564-0925	7:30AM - 5PM (734) 216-2051
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PROGRESS PAYMENTS:
 Identified as

Bi-Weekly Blank	Every Two Weeks Blank
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PAYMENT TERMS:

Bi-Weekly	2 Weeks
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WARRANTY:

Blank	As Specified
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EXCEPTIONS:

Blank	N/A
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TWO FORMS COMPLETED:

Legal Status Y or N
 Non-Collusion Y or N

N	Y
N	Y

ACKNOWLEDGEMENT: Signed Y or N

Y	Y
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Proposal - Sidewalk Replacement/Installation Program for 2010/2011 Fiscal Year with
 an Option to Renew for Two(2)Additional One-Year Periods

VENDOR NAME:

Fiore Enterprises, LLC	Merlo Construction Co., Inc.
362607	000242337
\$3,000.00	\$3,000.00

CHECK #:
 CHECK AMOUNT:

PROPOSAL A: Sidewalk Replacement

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Remove and Replace 4" Concrete	S.F.	100,000	\$ 3.60	\$ 360,000.00	\$ 4.00	\$ 400,000.00
2	Remove and Replace 6" Concrete	S.F.	21,000	\$ 4.40	\$ 92,400.00	\$ 4.85	\$ 101,850.00
3	Remove and Replace 8" Concrete	S.F.	5,000	\$ 5.70	\$ 28,500.00	\$ 6.50	\$ 32,500.00
4	Adjusting Drainage Structure	Ea	20	\$ 350.00	\$ 7,000.00	\$ 500.00	\$ 10,000.00
5	Reconstruct Drainage Structure	L.F.	20	\$ 125.00	\$ 2,500.00	\$ 500.00	\$ 10,000.00
6	Reconstruct Sanitary Manhole	L.F.	10	\$ 250.00	\$ 2,500.00	\$ 500.00	\$ 5,000.00
7	Handicap Ramps MDOT R-28-F	S.F.	5,400	\$ 9.70	\$ 52,380.00	\$ 20.00	\$ 108,000.00
8	Handicap Ramps MDOT (Retrofit)	S.F.	180	\$ 28.70	\$ 5,166.00	\$ 40.00	\$ 7,200.00
9	Tree Root Grind	Ea	350	\$ 75.00	\$ 26,250.00	\$ 100.00	\$ 35,000.00
10	Traffic Maintenance	Included		Included	Included	Included	Included
11	Soil Erosion Control	Included		Included	Included	Included	Included
12	Restoration	Included		Included	Included	Included	Included
Est. Total Cost - Proposal A - Replacement					\$ 576,696.00		\$ 709,550.00

PROPOSAL B: New Sidewalk Installation

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Removing Trees 3" - 7"	Ea	2	\$ 125.00	\$ 250.00	\$ 250.00	\$ 500.00
2	Removing Trees 8" - 18"	Ea	2	\$ 400.00	\$ 800.00	\$ 500.00	\$ 1,000.00
3	Removing Sidewalk & Driveway App.	S.Y.	50	\$ 9.50	\$ 475.00	\$ 18.00	\$ 900.00
4	Relocate Hydrant, If needed	Ea	1	\$ 1,100.00	\$ 1,100.00	\$ 4,500.00	\$ 4,500.00
5	Relocate Flag Pole, If needed	Ea	1	\$ 700.00	\$ 700.00	\$ 2,500.00	\$ 2,500.00
6	Relocate Sign & Posts, If needed	Ea	1	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
7	Remove/Replace Concrete Curb/Gutt	L.F.	20	\$ 22.00	\$ 440.00	\$ 35.00	\$ 700.00
8	Class A Culvert, 12", If needed	L.F.	10	\$ 32.50	\$ 325.00	\$ 75.00	\$ 750.00
9	6" Edge Drain	L.F.	20	\$ 11.50	\$ 230.00	\$ 15.00	\$ 300.00
10	Adjust Drainage Structure	Ea	2	\$ 350.00	\$ 700.00	\$ 350.00	\$ 700.00
11	Drainage Structure Covers	Lbs	2,000	\$ 1.25	\$ 2,500.00	\$ 3.00	\$ 6,000.00
12	Install Concrete Sidewalk 4"	S.F.	15,000	\$ 3.20	\$ 48,000.00	\$ 3.50	\$ 52,500.00
13	Install Concrete Sidewalk 6"	S.F.	1,000	\$ 4.65	\$ 4,650.00	\$ 4.15	\$ 4,150.00
14	Install Concrete Sidewalk 8"	S.F.	500	\$ 5.75	\$ 2,875.00	\$ 7.00	\$ 3,500.00
15	Install Handicap Ramps MDOT R-28F	S.F.	360	\$ 9.70	\$ 3,492.00	\$ 20.00	\$ 7,200.00
16	Traffic Maintenance	Lump Sum	1	\$ 1,500.00	\$ 1,500.00	\$ 5,000.00	\$ 5,000.00
17	Soil Erosion Control	Lump Sum	1	\$ 750.00	\$ 750.00	\$ 500.00	\$ 500.00
18	Class "A" Sod	S.Y.	500	\$ 4.50	\$ 2,250.00	\$ 5.00	\$ 2,500.00
19	Watering Lawn Areas (1,000 Gal/Unit)	Units	1	\$ 400.00	\$ 400.00	\$ 1,500.00	\$ 1,500.00
20	Mowing Grass Areas	Times	4	\$ 250.00	\$ 1,000.00	\$ 500.00	\$ 2,000.00
21	Restoration	Included		Included	Included	Included	Included
Est. Total Cost - Proposal B - Installation					\$ 72,937.00		\$ 97,200.00

ESTIMATED GRAND TOTAL - PROPOSALS A & B:

\$ 649,633.00	Amount Corrected	\$ 806,750.00
---------------	------------------	---------------

VENDOR NAME:

	Fiore Enterprises, LLC	Merlo Construction Co., Inc.
INSURANCE: Can Meet Cannot Meet	XX	XX
CONTACT INFORMATION: Hours of Operation 24 Hr Phone #	M-F 8AM-5PM (248) 838-8699	Blank Blank
PROGRESS PAYMENTS: Identified as	Blank Blank	Blank Blank
PAYMENT TERMS:	Blank	Blank
WARRANTY:	Blank	Blank
EXCEPTIONS:	Blank	Blank
TWO FORMS COMPLETED: Legal Status Y or N Non-Collusion Y or N	N N	N N
ACKNOWLEDGEMENT: Signed Y or N	Y	Y

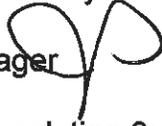
Proposal - Sidewalk Replacement/Installation Program for 2010/2011 Fiscal Year with
 an Option to Renew for Two(2)Additional One-Year Periods



CITY COUNCIL AGENDA ITEM

June 24, 2011

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager 

SUBJECT: Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Membership Renewals: Southeast Michigan Council of Governments (SEMCOG)

As southeast Michigan's regional planner, SEMCOG's essential functions include:

- Assisting local governments in planning for common needs and in recognizing regional opportunities.
- Facilitating cooperation among local governments, educational institutions, and state and federal agencies for mutual benefit.
- Advocating for changes in public policy when state or federal legislative action is necessary.

The City of Troy has been a member of SEMCOG since 1968.

Staff recommends authorization of the expenditure of funds for membership dues to SEMCOG in the amount of \$9,841.00 for the period of July 15, 2011 - July 15, 2012.

SEMCOG
Southeast Michigan Council of Governments
535 Griswold Street • Suite 300 • Detroit, Michigan 48226
(313) 961-4266 • FAX (313) 961-4869

Sales Order # : 2011

City Of Troy
 500 W. Big Beaver Road
 Troy, MI 48084

MEMBERSHIP NOTICE

	Invoice Date	
LOCAL-A	07/01/2011	07/01/2011
2011 Membership Dues		Invoice Amount \$9,841.00

SEMCOG, serving local units of government and education in the seven-county region of Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw and Wayne

INVOICE
Annual Membership in
Southeast Michigan Council of Governments

For the Period	From	July 15, 2011
	To	July 15, 2012

[The annual contribution is established by the by-laws and action of the General Assembly]

Membership Fee	\$9,841.00
----------------	------------

Balance Due	\$9,841.00
-------------	------------

Please enclose yellow copy with remittance to insure proper credit

SEMCOG
Southeast Michigan Council of Governments
535 Griswold Street • Suite 300 • Detroit, Michigan 48226
(313) 961-4266 • FAX (313) 961-4869

Sales Order # :

2011

City Of Troy
 500 W. Big Beaver Road
 Troy, MI 48084

MEMBERSHIP NOTICE

	Invoice Date	
LOCAL-A	07/01/2011	07/01/2011
2011 Membership Dues		Invoice Amount \$9,841.00

SEMCOG, serving local units of government and education in the seven-county region of Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw and Wayne

INVOICE
Annual Membership in
Southeast Michigan Council of Governments

For the Period	From	July 15, 2011
	To	July 15, 2012

[The annual contribution is established by the by-laws and action of the General Assembly]

Membership Fee **\$9,841.00**

Balance Due **\$9,841.00**

Please enclose yellow copy with remittance to insure proper credit

June 16, 2011

Mary Redden, Admin Assist to City Manager
City of Troy
500 W Big Beaver Road
Troy, MI 48084

Dear Ms.Redden:

Thank you for your membership, your continued support, and your involvement in SEMCOG. While we all continue to face unprecedented challenges, SEMCOG continues to work with our membership to position ourselves for the opportunities of the future. You may know that we have reduced our staff and reorganized our departments, I am confident that you will find our member service and support stronger than ever. We seized the opportunity to reorganize in a way that will allow us to serve our membership in a more holistic way, creating multi-faceted solutions to your most pressing challenges. SEMCOG services include:

- access to free consulting services for fiscal assessments and budget analysis, developing collaborative arrangements, and organizational restructuring;
- access to individualized assistance on a range of local transportation, environmental, and community and economic development projects;
- a strong advocate for Southeast Michigan with state and federal legislators and agencies for the good of the region and our citizens; and
- free training on a variety of topics important to the future of Southeast Michigan.

SEMCOG continues to monitor member satisfaction with our services. While satisfaction levels remain strong, we know that many members are adjusting priorities to meet fiscal challenges. SEMCOG is committed to serving your needs. I am happy to report that with membership renewal, your 2011 dues will be frozen at 2010 rates.

For additional information on making your SEMCOG membership work for you, visit www.semco.org/members.aspx, or contact Amy Malmer at 313/324-3308 or by e-mail at malmer@semco.org.

It is an honor to serve your community. Please let us know if we can better serve you.

Sincerely,



Paul Tait, CAE
Executive Director
SEMCOG

MEMO

Southeast Michigan Council of Governments
535 Griswold Street, Suite 300
Detroit, Michigan 48226
(313) 961-4266
Fax (313) 961-4869
www.semcog.org

May 10, 2011

TO: SEMCOG Members
FROM: Finance Department
SUBJECT: Payment Options

As technology advances, the options available for everyday business processing expand. One of those more common advances is the ability to make payments through Electronic Funds Transfer (EFT). If you have the ability and would like to pay your dues through electronic funds transfer, our banking information is as follows:

Comerica Bank
Routing Number: 072000096
Account Number: 1840109027

If you have any questions, please feel free to contact Carmil Quick at (313) 961-4266 or email at quick@semcog.org.



CITY COUNCIL AGENDA ITEM

June 28, 2011

To: John Szerlag, City Manager

From: Gertrude Paraskevin, IT Director
Susan A. Leirstein, Purchasing Director

Subject: Standard Purchasing Resolution 3 – Exercise Renewal Option – MITN Cooperative Premium Laser Compatible Ink and Toner Cartridges

Background

On November 8, 2010, Troy City Council approved a contract for the purchase of premium laser compatible ink and toner cartridges on an as needed basis with Preferred Toner Solutions, which included an option to renew for two (2) additional one (1) year periods (Res# 2010-11-247-J-4a).

Troy's IT department tested the cartridges in various City printers for three (3) months with satisfactory results. Since October 2010 the City has been purchasing their laser cartridges from Preferred Toner with a total accumulated savings to date of approximately \$11,700.00 over the OEM products.

A market survey is not deemed necessary as Purchasing has continually monitored the cost of OEM brands compared to the compatible cartridges offered by Preferred Toner since the inception of this contract. Since the start of this contract the cartridges from Preferred Toner have averaged between 30% - 50% less than the OEM product.

Recommendation

City management recommends accepting the first one-year option exercised by the host City, Ann Arbor, for the MITN (Michigan Intergovernmental Trade Network) Cooperative of which Troy is a member City. The contract will expire on July 6, 2012, under the same terms, conditions and pricing as originally bid.

Fund Availability

Funds for these cartridges are available through the 2011-2012 office supply accounts for each department.



CITY OF ANN ARBOR, MICHIGAN

100 North Fifth Avenue, P.O. Box 8647, Ann Arbor, Michigan 48107

Date: June 16, 2011

TO: Bill Barber, Preferred Toner Solutions

RE: City of Ann Arbor Bid No. ITB-4023
For Premium Compatible Toner Cartridges

Dear Mr. Barber:

On July 7, 2009, your company was awarded the bid for the following:

**PREMIUM COMPATIBLE TONER CARTRIDGES - NOT REFURBISHED
OR REFILLED - ITB-4023**

The contract period was for two years.

The terms of the Bid allow for the extension of the contract period for up to two 1-year periods if both parties agree to an extension under the same terms and conditions as exist in the current contract.

This letter serves as the City's request to extend the contract under the current terms and conditions as provided for in the Bid. By signing and returning the Acknowledgement and Consent form below you agree to the extension of current contract for one year, beginning July 7, 2011 and ending July 6, 2012, at which time the option to renew for the additional 1-year period will be considered.

Should you wish to discuss this further, please contact Dee Lumpkin at (734) 794-6576.

Sincerely,

Dee Lumpkin / ddh
Dee Lumpkin
Procurement Assistant

ACKNOWLEDGEMENT AND CONSENT

I, William Barber, OWNER
Name of Authorized Officer Title

On Behalf of Preferred Toner Solutions, LLC
Company

acknowledge receipt of the City's request and agree to extend the contract for:

**PREMIUM COMPATIBLE TONER CARTRIDGES - NOT REFURBISHED
OR REFILLED - ITB-4023**

for a period of one year, effective July 7, 2011 under the same terms and conditions as the current contract. I further warrant that I have the requisite authority to agree to such an extension for the contract period and terms and conditions stated.

Date: June 16, 2012

Preferred Toner Solutions, LLC
Company Name

By William Barber

Its: OWNER / PRESIDENT

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, *Troy v Ida Rudack Trust*, as permitted by MCL15.268 (e), Pending Litigation.

Yes: Slater, Schilling, Beltramini, Fleming, Howrylak, Kerwin, McGinnis
No: None

MOTION CARRIED

I-4 City of Troy Investment Policy and Establishment of Investment Accounts

Resolution #2010-11-246
Moved by Beltramini
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** the *Investment Policy and Establishment of Investment Accounts* as outlined in the memorandum and revised from Assistant City Manager-Finance and Administration, John M. Lamerato dated November 2, 2010; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Schilling, Beltramini, Fleming, Howrylak, Kerwin, McGinnis, Slater
No: None

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2010-11-247
Moved by Beltramini
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Items J-4e and J-2, which **SHALL BE CONSIDERED** after Consent Agenda (I) items, as printed.

Yes: Beltramini, Fleming, Howrylak, Kerwin, McGinnis, Slater, Schilling
No: None

MOTION CARRIED

J-3 Proposed City of Troy Proclamations: None proposed

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 4: MITN Purchasing Cooperative – City of Ann Arbor – Premium Laser Compatible Ink and Toner Cartridges**

Resolution #2010-11-247-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract for the purchase of premium laser compatible ink and toner cartridges on an as needed basis, with an option to renew for two (2) additional one (1) year periods to the lowest bidder meeting specifications, from Preferred Toner Solutions of Canton, MI, through a MITN Cooperative Award hosted by the City of Ann Arbor at unit prices contained in Appendix A, a copy of which shall be **ATTACHED** to the original Minutes of this meeting expiring July 31, 2011; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AWARDS** the contract for purchase **CONTINGENT** upon the contractor's submission of properly executed contract documents, including insurance certificates and all other specified requirements.

b) Standard Purchasing Resolution 1: – Award to Low Bidder – Water System Materials

Resolution #2010-11-247-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide one-year requirements of Water System Materials to the following low bidders: Gunners Meters & Parts of Pontiac, MI; SLC Meter Service, Inc of Davisburg, MI and HD Supply Waterworks of Shelby Township, MI at unit prices contained in the bid tabulation opened September 30, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

RESOLVED, That Troy City Council hereby **REJECTS** bids for Item #5. Manhole Frames and Covers due to budgetary limitations; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AWARDS** Gunners Meters & Parts Item.6 – Mueller Improved Fire Hydrant Parts at prices as contained on the Hydraflo Replacement Parts List dated March 2008.

c) Standard Purchasing Resolution 1: – Award to Low Bidder – Water Pressure Reducing Valve (PRV) Vault #9 Replacement Rochester Road South of South Boulevard

Resolution #2010-11-247-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** contract No. 10-4, Water Pressure Reducing Valve (PRV) Vault #9 Replacement, Rochester Road South of South Boulevard, to Dan's Excavating, Inc., 12955 23 Mile Road, Shelby Township, Michigan 48315 for their low total bid amount of \$328,629.39; and

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

d) Standard Purchasing Resolution 3: – Exercise Renewal Option – Tax Bill Printing Services

Resolution #2010-11-247-J-4d



CITY COUNCIL AGENDA ITEM

October 29, 2010

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager/Finance & Administration
Susan A. Leirstein, Purchasing Director
Gertrude Paraskevin, IT Director

Subject: Standard Purchasing Resolution 4: MITN Purchasing Cooperative – City of Ann Arbor – Premium Laser Compatible Ink and Toner Cartridges

Background

On May 21, 2009, the City of Ann Arbor obtained bids for premium laser compatible ink and toner cartridges (ITB-4023) via the Michigan Intergovernmental Trade Network (MITN) website of which the City of Troy is a member. The bid stated that the cartridges could not be refurbished or refilled. Additionally, all inner components had to be new. No reused parts were allowed except for the outer hard shell of the cartridges.

The City of Ann Arbor reviewed the specifications for the cartridges bid by each company. After careful review it was determined that Preferred Toner Solutions was the lowest bidder meeting specifications and provided the best product and service guarantees.

In July 2009, the City of Ann Arbor administratively awarded a two (2) year contract with an option to renew for two (2) additional one (1) year periods to Preferred Toner Solutions of Canton, MI to provide premium laser compatible ink and toner cartridges.

For the past three (3) months, Troy's IT department has conducted testing of these cartridges in various City printers and is satisfied the cartridges perform to the standards of the OEM brand.

The City spends, on average, \$38,000.00 per year on laser jet toner cartridges. By switching to the compatible cartridges the City will save an average of 27% or \$10,000.00 per year.

Recommendation

City management recommends awarding a contract for the purchase of premium laser compatible ink and toner cartridges to the lowest bidder meeting specifications, Preferred Toner Solutions of Canton, MI, as a result of a MITN Cooperative award hosted by Ann Arbor for an estimated total cost of \$28,000.00 at unit prices contained in attached Appendix A.

Fund Availability

Funds for these materials are available through the 2010-2011 office supply accounts for each department.

ITB-4023 Toner Contract Price List

APPENDIX A

Hewlett Packard Laser Compatible Black Cartridges - Monochrome				
MFG#	PP#	Machine Model	Pg. Yield	Price
C3900A	00A	4V, 4MV	8100	\$ 79.95
C3903A	03A	5P, 6P	4000	\$ 46.95
CE505A	05A	P2035, P2055	2300	\$ 66.95
C3906A	06A	5L, 6L, 3100, 3150	2500	\$ 44.95
C3909A	09A	5si, 8000	15,000	\$ 84.95
Q2610A	10A	2300	6000	\$ 64.95
Q6511A	11A	2400 (low yield)	6000	\$ 89.95
Q6511X	11X	2400 (high yield)	12,000	\$ 124.95
Q2612A	12A	1010 - 1022 3015 - 3055	2000	\$ 49.95
Q2613X	13X	1300	4000	\$ 54.95
C7115X	15X	1000, 1200, 3330, 3380	3500	\$ 56.95
Q7516A	16A	5200	12,000	\$ 121.95
Q2624A	24A	1150	2500	\$ 49.95
C4127X	27X	4000, 4050	10,000	\$ 56.95
C4129X	29X	5000, 5100	10,000	\$ 99.95
CB435A	35A	P1005, P1006	1500	\$ 49.95
CB436A	36A	P1505, M1522n	2000	\$ 54.95
Q1338A	38A	4200	12,000	\$ 87.95
Q1339A	39A	4300	18,000	\$ 109.95
Q5942A	42A	4240, 4250, 4350	10,000	\$ 87.95
Q5942X	42X	4250, 4350 only	20,000	\$ 109.95
C8543X	43X	9000, 9050	30,000	\$ 159.95
Q5945A	45A	MFP 4345	18,000	\$ 124.95
Q5949A	49A	1160, 1320, 3390	2500	\$ 59.95
Q5949X	49X	1320, 3390	6000	\$ 76.95
Q7551A	51A	P3005, M3035MFP	6500	\$ 84.95
Q7551X	51X	P3005, M3035MFP	15,000	\$ 124.95
Q7553A	53A	P2015	3000	\$ 64.95
Q7553X	53X	P2015	7000	\$ 99.95
C8061X	61X	4100	10,000	\$ 62.95
CC364A	64A	P4014, P4015, P4515	10,000	\$ 114.95
Q7570A	70A	M5025, M5035 MFP	12,000	\$ 129.95
92274A	74A	4L, 4ML, 4P, 4MP	3350	\$ 49.95
C4182X	82X	8100, 8150	20,000	\$ 99.95
C4092A	92A	1100, 3200	2500	\$ 42.95
C4096A	96A	2100, 2200	5000	\$ 57.95
92298A	98A	4, 4Plus, 5, 5N	6800	\$ 49.95
92298X	98X	4, 4Plus, 5, 5N	8800	\$ 59.95

Hewlett Packard Laser Compatible Cartridges - Color				
MFG#	PP#	Machine Model		
C9700A	1500B	HP 1500, 2500, Black	5000	\$ 64.95
C9701A	1500C	HP 1500, 2500, Cyan	4000	\$ 64.95
C9702A	1500Y	HP 1500, 2500, Yellow	4000	\$ 64.95
C9703A	1500M	HP 1500, 2500, Magenta	4000	\$ 64.95
Q6000A	1600B	1600, 2600 CM1015 Black	2500	\$ 62.95

ITB-4023 Toner Contract Price List

Q6001A	1600C	1600, 2600 CM1015 Cyan	2000	\$ 65.95
Q6002A	1600Y	1600, 2600 CM1015 Yellow	2000	\$ 65.95
Q6003A	1600M	1600, 2600 CM1015 Magenta	2000	\$ 65.95
Q3960A	1500B	2550, 2884, 2840 Black	5000	\$ 64.95
Q3961A	1500C	2550, 2884, 2840 Cyan	4000	\$ 64.95
Q3962A	1500Y	2550, 2884, 2840 Yellow	4000	\$ 64.95
Q3963A	1500M	2550, 2884, 2840 Magenta	4000	\$ 64.95
Q7560A	3000B	3000 Black	6500	\$ 104.95
Q7561A	3000C	3000 Cyan	3500	\$ 99.95
Q7562A	3000Y	3000 Yellow	3500	\$ 99.95
Q7563A	3000M	3000 Magenta	3500	\$ 99.95
Q2670A	3500/3700B	3500, 3550 Black	6000	\$ 104.95
Q2671A	3500C	3500, 3550 Cyan	4000	\$ 99.95
Q2672A	3500Y	3500, 3550 Yellow	4000	\$ 99.95
Q2673A	3500M	3500, 3550 Magenta	4000	\$ 99.95
Q6470A	3600/3800B	3600 Black	6000	\$ 89.95
Q6471A	3600C	3600 Cyan	4000	\$ 99.95
Q6472A	3600Y	3600 Yellow	4000	\$ 99.95
Q6473A	3600M	3600 Magenta	4000	\$ 99.95
Q2670A	3500/3700E	3700 Black	6000	\$ 104.95
Q2681A	3700C	3700 Cyan	6000	\$ 114.95
Q2682A	3700Y	3700 Yellow	6000	\$ 114.95
Q2683A	3700M	3700 Magenta	6000	\$ 114.95
Q6470A	3600/3800B	3800 Black	6000	\$ 89.95
Q7581A	3800C	3800 Cyan	6000	\$ 106.95
Q7582A	3800Y	3800 Yellow	6000	\$ 106.95
Q7583A	3800M	3800 Magenta	6000	\$ 106.95
C4191A	4500B	4500, 4550 Black	9000	\$ 59.95
C4192A	4500C	4500, 4550 Cyan*	6000	\$ 76.95
C4193A	4500M	4500, 4550 Magenta*	6000	\$ 76.95
C4194A	4500Y	4500, 4550 Yellow*	6000	\$ 76.95
C9720A	4600B	4600, 4650 Black	9000	\$ 104.95
C9721A	4600C	4600, 4650 Cyan	8000	\$ 119.95
C9722A	4600Y	4600, 4650 Yellow	8000	\$ 119.95
C9723A	4600M	4600, 4650 Magenta	8000	\$ 119.95
Q5950A	4700B	4700 Black	11,000	\$ 119.95
Q5951A	4700C	4700 Cyan	10,000	\$ 159.95
Q5952A	4700Y	4700 Yellow	10,000	\$ 159.95
Q5953A	4700M	4700 Magenta	10,000	\$ 159.95
Q6460A	4730B	CM4730 MFP Black	12,000	\$ 119.95
Q6461A	4730C	CM4730 MFP Cyan	12,000	\$ 159.95
Q6462A	4730Y	CM4730 MFP Yellow	12,000	\$ 159.95

ITB-4023 Toner Contract Price List

Q6463A	4730M	CM4730 MFP Magenta	12,000		\$ 159.95
C9730A	5500B	5500, 5550 Black	20,000	Xerox cpt	\$ 179.95
C9731A	5500C	5500, 5550 Cyan	12,000	Xerox cpt	\$ 239.95
C9732A	5500Y	5500, 5550 Yellow	12,000	Xerox cpt	\$ 239.95
C9733A	5500M	5500, 5550 Magenta	12,000	Xerox cpt	\$ 239.95

Lexmark Laser Compatible Cartridges

MFG#	PP#	Machine Model	Price
69G8256	Optra E	Optra E, E+, EP	\$ 44.95
1282925	Optra S	Optra S 1250, 1620, 1650, 1855, 2420, 2450	\$ 99.95
12A8400	Opt 230/330	Optra E230, 232, 234, 238, 240, 330, 332, 340, 342	\$ 84.95
12A5849	Optra T	Optra T 610, 612, 614, 616	\$ 139.95
12015SA	E120	E120 - 2000 pp.	\$ 59.95
E250A11A	E250	E250 - 3500 pp.	\$ 91.95
E352H11A	E350/352	E350, 352 - 9000 pp.	\$ 129.95
12A6735	T522	T 520, 522 - 20,000 pp.	\$ 159.95
12A6765	T620	T 620, 622 - 30,000 pp.	\$ 179.95
12A7362	T630	T 630, 632, 634 HY - 21,000 pp.	\$ 179.95
12A7365	T632/634	T 632,634 XHY - 32,000 pp.	\$ 179.95
64035HA	T640	T 640, 642, 644 - 21,000 pp.	\$ 189.95

IBM Laser Compatible Cartridges

28P2494	IBM1120	Infoprint 1120/1125	\$ 149.95
28P2010	IBM1130	Infoprint 1130/1140	\$ 169.95
75P5711	IP1412	Infoprint 1412/1512	\$ 79.95
75P6961	IBM1552	1532/1552/1572	\$ 189.95

Brother Laser Compatible Cartridge

MFG#	PP#	Machine Model	Price
TN-250	TN250	DCP 1000/MFC 4800	\$ 24.95
TN-350	TN350	2820, 2920, MFC7220	\$ 42.95
TN-360	TN360	HL 2140/2170W/MFC7840	\$ 49.95
TN-460	TN460	TN-430, TN-460	\$ 49.95
TN-560	TN560	MFC-8420, DCP-8020	\$ 49.95
TN-570	TN570	TN-540, TN-570	\$ 49.95
TN-580	TN580	HL 5240, 5250, 5280	\$ 59.95
DR-350	DR350	DR-350 compatible drum	\$ 82.95
DR-400	DR400	DR-400 compatible drum	\$ 109.95
DR-500	DR500	MFC-8420, DCP-8020	\$ 99.95

Canon Laser Compatible Cartridges

MFG#	PP#	Machine Model	Price
Can. 104	Can 104	L120/MF4150	\$ 59.95
Can. 106	Can 106	MF6530, 6550, 6560, 6580	\$ 119.95
H11-6321-220	FX-2	L 5000, 5500, 7500	\$ 49.95
H11-6381-220	FX-3	IC 1100, LC 2060, L 3500, LC 4000, LC 4500, L 600	\$ 49.95
H11-6401-220	FX-4	LC 8500, 9000, 9500	\$ 54.95
H11-6431-220	FX-6	LC 3170, 3175	\$ 69.95

ITB-4023 Toner Contract Price List

7621A001AA	FX-7	LC 710, 720, 730	\$	64.95
8955A001AA	FX-8	LC 510	\$	64.95
F41-8801-710	E-40	PC 710, 720, 730, 740, 745, 770, 775	\$	79.95
8489A001AA	X25	ICMF 5500	\$	67.95
7833A001AA	S35	D 320, D 340	\$	74.95
6812A001AA	L50	PC 1060, PC 1080, ICD 660, D 680	\$	84.95

Sharp Fax Compatible Cartridges

MFG#	PP#	Compatible Cartridge		Price
FO45ND	45ND	FO 4500, 5500, 5600, 6500, 6600	\$	49.95
FO47ND	47ND	FO 4700	\$	59.95
FO50ND	50ND	FO 440, DC500, DC600	\$	59.95

Dell Compatible Cartridges

MFG#	PP#	Machine Model		Price
GC502	Dell 1100	1100, 1110**	2000	\$ 64.95
310-3543	Dell P1500	P1500	6000	\$ 79.95
X5015	Dell 1600	1600n**	5000	\$ 69.95
X5009	Dell 1700	1700, 1710**	6000	\$ 72.95
310-8709	Dell 1720	1720	6000	\$ 89.95
310-7945	Dell 1815	1815	5000	\$ 67.95
D1851	5200/5300LY	5200N/5300N (low yield)	21,000	\$ 124.95
W2989	5200/5300HY	5200N/5300N (high yield)	27,000	\$ 154.95
UG216	5210/5310	5210N/5310N		\$ 159.95



October 28, 2010

Susan Leirstein
Purchasing Director
City of Troy
500 W. Big Beaver
Troy, MI 48084

Dear Ms. Leirstein:

On April 30, 2009 the City of Ann Arbor, MI, Procurement Unit issued ITB-4023 for Premium Compatible Toner Cartridges – NOT Refurbished or Refilled. Bids were received from 22 companies on the deadline date of May 21, 2009, 2:00 p.m.

Due to very bad experiences in the past with non-OEM cartridges, the specification in the bid was very stringent and required 100% new internal parts. The only component allowed to be recycled/reused is the outer core. HP and other companies also re-use the outer core.

The Procurement Unit reviewed each bid carefully and in many cases called the plant directly to determine what percentage of internal parts were actually new. Many of the vendors were eliminated at this point because they did not meet the bid specification.

Preferred Toner Solutions, was awarded this bid for the best product, service and rebate program. They are a Michigan-based company and meet or exceed all specifications of the bid. The City had previously tested toner cartridges for approximately 15 months.

Contracts for award must be approved by City Council at the \$25,000 and up level. Since the City's procurement is decentralized, each Service Area/Unit orders separately and none of the Service Areas/Units reach that dollar level in a fiscal year. In fact, the estimated bid received from Preferred Toner Solutions was approximately \$23,000 for all Service Area/Units combined.

Additionally, a purchase order is not required unless the total individual order is \$3,000 or above, per the City Administrator's Administrative Policy. This level has never been reached.

The City is very satisfied with Preferred Toner Solutions and the Procurement Unit will renew their contract unless there is an unforeseen problem.

Sincerely,

Dee Lumpkin
Procurement Assistant
City of Ann Arbor, MI

A SUMMARY OF ITB-4023

ISSUED APRIL 29, 2009

The City of Ann Arbor is soliciting bids for the purchase of premium **laser compatible** toner cartridges and supplies for a two (2) year period, with an option to renew two (2) additional 1-year periods. The City will not accept bids for **refurbished or refilled** products, either in whole or in part....

ADDENDUM #1 (May 11, 2009)

PLEASE BE ADVISED THAT THE ONLY COMPONENT OF THE CARTRIDGES YOU SUBMIT YOUR BID FOR THAT CAN BE "REUSED" IS THE OUTER HARD SHELL OF THE CARTRIDGE; NO INNER COMPONENTS ARE TO BE REUSED PARTS AND NO "REFILLED" CARTRIDGES.

Extension of Award to the MITN Purchasing Cooperative and Other Governmental and Non-Profit Entities.

All vendors awarded contracts from this Bid may, upon mutual agreement, extend pricing to the Michigan Governmental Trade Network (MITN) Purchasing Cooperative and other Governmental and Non-Profit Entities. Each entity is responsible for its own payments and is to be considered individually for billing and collection purposes. Each entity will provide its own purchase order and delivery location(s) and must be invoiced separately to the address indicated on their purchase order.

OUR HISTORY WITH CITY OF ANN ARBOR

January 2007 – September 2007

City of Ann Arbor begins evaluation of PrecisePrint cartridges/Preferred Toner Solutions.

October 2007 – June 2009

Preferred Toner Solutions is a non-contract laser cartridge vendor for City of Ann Arbor.

July 2009

Preferred Toner Solutions is awarded the contract under ITB-4023.



CITY OF ANN ARBOR - INVITATION TO BID

PREMIUM LASER COMPATIBLE INK AND TONER CARTRIDGES (NOT REMANUFURBISHED OR REFILLED) AND MISCELLANEOUS PRINTER PARTS

ITB-4023

ISSUED APRIL 29, 2009 – DUE MAY 21, 2009

The City of Ann Arbor is soliciting bids for the purchase of premium laser **compatible** ink and toner cartridges and supplies for a two (2) year period, with an option to renew two (2) additional 1-year periods. The City will not accept bids for **refurbished or refilled** products, either in whole or in part. The City of Ann Arbor has numerous locations throughout the City that will be serviced under this bid. The Vendor will be required to deliver their products to each of these locations on an as-needed basis. Cost includes delivery to various City-owned buildings located in Ann Arbor and to various Service Area Units located at the Ann Arbor Municipal Building. The City reserves the right to split or abstract any or all bids and award multiple contracts for the same bid, based on price, availability and service when, in its judgment, best serves the City of Ann Arbor; therefore, it is necessary that you provide pricing for every item.

Sealed bids must be received by the Procurement Unit, 100 N. Fifth Ave., Fifth Floor, P.O. Box 8647, Ann Arbor, MI no later than 2:00 p.m. May 21, 2009. Bids must be clearly identified as **ITB-4023, Premium Laser Compatible Ink and Toner Cartridges**, and should be directed to the attention of Dee Lumpkin, Procurement Assistant, Phone: 734.794.6576; E-Mail: dlumpkin@a2gov.org. Bids will be opened and read publicly aloud at that time. Late bids will not be accepted.

Questions must be received in writing prior to May 14, 2009 at 3:00 p.m. Any questions received after the date and time above will not be considered. Vendors are encouraged to include product specifications and information sheets with their submittals. All materials are to be shipped to various City-owned buildings in the City of Ann Arbor.

The City of Ann Arbor officially posts bids on the Michigan Intergovernmental Trade Network (MITN) www.govbids.com. Copies of bid documents obtained from any other private source are not considered official copies. Only those vendors who obtain bid documents from the MITN System are guaranteed access to receive addendum information, if such information is issued. Bid documents and amendments may also be obtained on the City of Ann Arbor Purchasing webpage at www.a2gov.org. Final bid results will be posted on the Purchasing website and on the MITN website.

Definitions.

1. Owner or City shall refer to the City of Ann Arbor.
2. Service Company, Vendor, Contractor or Proposer shall refer to the company providing a bid, quote or proposal for the work outlined in the bid specifications.

General Conditions.

No bid will be accepted from, or contract awarded to any person, firm or corporation that is in arrears or is in default to the City of Ann Arbor upon any debt or contract, or that is in default as surety or otherwise, or failed to perform faithfully any previous contract with the City of Ann Arbor.

All vendors are held to prices as proposed for 90 days or award, whichever comes first, except the successful proposer, whose prices shall remain firm through the contract expiration.

Any deviation from the scope of work must be noted in the bid document.

Each delivered package shall be properly identified with an outside label with appropriate information to deliver product to end user and a packing slip. Acceptance of the total delivery and signature based upon piece count and manifest does not represent a transfer of responsibility to the City for the content of each package. In the event shortage, overage or damage exists within the packages, the Vendor will accept City documentation for resolution.

There is no guarantee that the City will purchase any/all of the items listed; the City reserves the right to purchase product(s) at the proposed price during the contract period. Additionally, the products listed are not all inclusive and the City may purchase additional related items.

No contract will be automatically renewed at the end of any contract term.

No gas or fuel surcharges will be billed to or paid by the City at any time.

All pricing and information regarding this ITB is public information.

Specifications.

The City of Ann Arbor is soliciting quotations for the purchase of premium compatible ink and toner cartridges and supplies for a two (2) year period, with an option to renew for two (2) additional 1-year periods. The City of Ann Arbor has numerous locations throughout the City that will be serviced under the contract awarded. The Vendor will be required to deliver its products to each of these locations on an as-needed basis. Cost includes delivery to various City-owned buildings located in Ann Arbor and to various units located at the Ann Arbor Municipal Building.

The City reserves the right to split or abstract any or all quotations and award multiple contracts for the same quotation, based on price, availability and service when, in its judgment, best serves the City of Ann Arbor; therefore, it is not necessary that you provide pricing for every item.

Vendor shall provide all new materials in original packaging where applicable.

****THE CITY WILL NOT ACCEPT BIDS FOR
REFURBISHED OR REFILLED CARTRIDGES****

Vendor shall indicate on the Bid Form a minimum order amount, if any, and service charge for any order below the minimum, if applicable.

Prices shall be stated in units of quantity specified in the Bid Document. In case of a discrepancy in computing the amounts of the quotation, or other mathematical error, the unit price quotation will govern.

It is recommended, but not required, that the Vendor be able to provide the City with a number of computer-generated reports by service area unit, individual location and by the City as a total as applicable.

It is recommended, but not required, that the Vendor designate an individual to support the supply system and provide a primary interface between the City and the Vendor.

All vendors shall include with their bid, a list of at least three (3) current references to whom comparable items have been sold. This list shall include company name, person to contact, address and telephone number. Failure to include references may be ample cause for rejection of your bid as non-responsive.

Warranty/Guarantee

All warranties by manufacturer shall apply. Proposer shall, as part of its bid, **furnish its warranty/guarantee** for all goods to be furnished hereunder. Proposer shall be obligated to replace all defects in material, which are discovered or exist during the warranty period; all transportation shall be at Proposer's expense.

Award of Purchase Order

The City reserves the right to reject any and all bids, and to waive any defect or irregularity in the bids. The City reserves the right to accept and separate items in the bid; and to accept the bid that, in the opinion of the City, is to the best advantage and interest of the public it serves.

The bid will be awarded to the responsible, responsive vendor whose bid, conforming to this solicitation, will be the most advantageous to the City, with qualifications, experience, comparable projects, work plan and price considered in the evaluation process and award of a contract.

Invoice and Payment Terms

Payments will be made after the merchandise has been:

- Received in full.
- Inspected and found to comply with all specifications and be free of damage or defect.
- Properly invoiced.

All invoices, packing lists and correspondence associated with a purchase should reference the purchase order number. Invoices should be submitted to the attention of the Accounts Payable, City of Ann Arbor, P.O. Box 8647, Ann Arbor, Michigan, 48107.

Payment will be mailed within thirty (30) days of the receipt and acceptance of merchandise and properly completed invoice. Partial payments are not authorized on individual written purchase orders issued for this procurement. Advanced payments will not be authorized. Products delivered that fail to meet specifications will be replaced or credited. Items that must be returned to the Vendor due to damage, miss pick, ordering error, etc. will be documented by the Service Area Unit, indicating the reason for the return. Upon return to the Vendor, a credit memo will be provided to the City or alternatively, the product may be exchanged with a correct and/or undamaged cartridge. The City will **not** be assessed restocking or any other form of return charges for items.

Taxes

The City of Ann Arbor is exempt from all sales, excise and transportation taxes; do not include such taxes in the bid document. Any unit prices in the quotation shall be exclusive of all such taxes and will be so construed. The City will furnish the successful vendor with a tax exemption certificate when requested.

Fiscal Non-Appropriation Clause

In the event sufficient budgeted funds are not available for a new fiscal period, the City shall notify the vendor of such occurrence and the contract shall terminate on the last day of the current fiscal period without penalty or expense to the City.

Bankruptcy or Insolvency

In the event bankruptcy proceedings are commenced by or against the awarded Vendor or under any provisions of the United States Bankruptcy Act or for the appointment of a receiver or trustee or a general assignment for the benefit of creditors of either party, the City shall be entitled to terminate without further cost or liability. The City may cancel the Agreement/Contract or affirm the Contract and hold the Vendor responsible for damages.

Michigan Freedom of Information Act (FOIA)

All costs incurred in the preparation and presentation of this bid, in any way whatsoever, shall be wholly absorbed by the prospective firm. All supporting documentation shall become the property of the City of Ann Arbor unless requested otherwise at the time of submission.

Michigan FOIA requires the disclosure, upon request, of all public records that are not exempt from disclosure under Section 13 of the Act, which are subject to disclosure under the Act. Therefore, confidentiality of information submitted in response to this Quotation is not assured.

Material Safety Data Sheets

All purchases that require a Material Safety Data Sheet (MSDS), where applicable, must be in compliance with the MIOSHA "Right to Know" Law. A MSDS must be provided for each required item.

Termination

The City of Ann Arbor reserves the right to terminate the contract without penalty upon thirty (30) days written notice due to poor performance or for reasons deemed to be in its best interest. A designated representative of the City of Ann Arbor will be solely responsible for determining acceptable performance levels. The City of Ann Arbor reserves the right to re-award the contract to the second most qualified bid, re-bid the contract or do whatever is deemed to be in its best interest.

Assignment

This agreement shall be binding on the parties and their heirs, successors and assigns. Neither party may assign, transfer or subcontract its interests, in whole or in part, without first obtaining the written prior approval of the City of Ann Arbor before any consent is given, the successful vendor and its assignee shall bring current all monies owing to the City. No consent shall be given by the City unless the assignee agrees to be liable for any payment outstanding on this agreement at time of assignment.

Subcontractors and Assignment of Agreement and other Contractors

No contract may be sublet without the written consent of the City of Ann Arbor. Any subcontractor, so approved, shall be bound by the terms and conditions of this contract. The contractor shall be fully liable for all acts or omissions. The Vendor shall not assign the Agreement or any part thereof without the written consent of the City. The City reserves the right to let other agreements in connection with this work, even if of like character, for work under an agreement. The Vendor shall coordinate his/her work with theirs. If any part of the Vendor's work depends on the proper execution of any other contractor, the Vendor shall inspect and promptly report to the City any defects in such work that renders it unsuitable for such proper execution. Failure to inspect and report shall constitute an acceptance of the other Vendor's work.

COMPLIANCE REQUIREMENTS

Nondiscrimination

The Consultant agrees to comply with the nondiscrimination provisions of Chapter 112 of the Ann Arbor City Code and to take affirmative action to assure that applicants are employed and that employees are treated during employment in a manner which provides equal employment opportunity and tends to eliminate any inequality based upon race, national origin or sex. The Consultant agrees to comply with the provisions of Section 9:161 of Chapter 112 of the Ann Arbor City Code, Exhibit A

Wages

Under this Contract, the Contractor shall conform to Chapter 14 of Title I of the Code of the City of Ann Arbor as amended; which in part states "...that all craftsmen, mechanics and laborers employed directly on the site in connection with said improvements, including said employees of subcontractors, shall receive the prevailing wage for the corresponding classes of craftsmen, mechanics and laborers, as determined by statistics for the Ann Arbor area compiled by the United States Department of Labor. At the request of the City, any contractor or subcontractor shall provide satisfactory proof of compliance with the contract provisions required by the Section." Where the Contract and the Ann Arbor City Ordinance are silent as to definitions of terms required in determining contract compliance with regard to prevailing wages, the definitions provided in the Davis-Bacon Act as amended (40 U.S.C. 278-a to 276-a-7) for the terms shall be used.

Further, to the extent that any employees of the Contractor providing services under this contract are not part of the class of craftsmen, mechanics and laborers who receive a prevailing wage in conformance with Section 1:319 of Chapter 14 of Title I of the Code of the City of Ann Arbor, the Contractor agrees to conform to Chapter 23, Living Wage, of Title I of the Code of the City of Ann Arbor, as amended. The Contractor agrees to pay those employees providing Services to the City under this Agreement a "living wage," as defined in Section 1:815 of the Ann Arbor City Code; to post a notice approved by the City of the applicability of Chapter 23 in every location in which regular or contract employees providing services under this agreement are working; to maintain records of compliance; if requested by the City, to provide documentation to verify compliance; to take no action that would reduce the compensation, wages, fringe benefits, or leave available to any employee or person contracted for employment in order to pay the living wage required by Section 1:815; and otherwise to comply with the requirements of Chapter 23. A copy of selected provisions of Chapter 23 of the Ann Arbor City Code is attached as Exhibit B. The current living wage rates under Section 1:815 of the Ann Arbor City Code, as adjusted in accordance with Section 1:815(3) of the Ann Arbor City Code, is \$11.71 an hour for a covered employer that provides employee health care to its employees and \$13.06 an hour for a covered employer that does not provide health care to its employees.

INSURANCE; INDEMNIFICATION

The Contractor shall procure and maintain during the life of this Contract, including the guarantee period and during any warranty work, such insurance policies, including those set forth below, as will protect itself from all claims for bodily injuries, death or property damage which may arise under this Contract; whether the acts were made by the Contractor or by any subcontractor or anyone employed by them directly or indirectly. The following insurance policies are required:

1. Worker's Compensation Insurance in accordance with all applicable state and federal statutes. Further, Employers Liability Coverage shall be obtained in the following minimum amounts:

Bodily Injury by Accident - \$500,000 each accident
Bodily Injury by Disease - \$500,000 each employee
Bodily Injury by Disease - \$500,000 each policy limit

2. Commercial General Liability Insurance equivalent to, as a minimum, Insurance Services Office form CG 00 01 07 98. The City of Ann Arbor shall be an additional insured. There shall be no added exclusions or limiting endorsements including, but not limited to: Products and Completed Operations, Explosion, Collapse and Underground coverage or Pollution. Further, the following minimum limits of liability are required:

\$1,000,000 Each occurrence as respect Bodily Injury Liability or Property Damage Liability, or both combined.

\$2,000,000 Per Job General Aggregate

\$1,000,000 Personal and Advertising Injury

\$2,000,000 Products and Completed Operations Aggregate

Additional Products

Additional products may be added to or deleted from the list during the contract term at the discretion of the City. Vendor shall provide a percentage (%) discount off manufacturer's list.

Points Not Addressed

Vendors are encouraged to list any points not addressed in these specifications that they feel will improve or enhance this bid.

PREFERRED TONER

Extension of Award to the MITN Purchasing Cooperative and Other Governmental and Non-Profit Entities.

All vendors awarded contracts from this Bid may, upon mutual agreement, extend pricing to the Michigan Governmental Trade Network (MITN) Purchasing Cooperative and other Governmental and Non-Profit Entities. Each entity is responsible for its own payments and is to be considered individually for billing and collection purposes. Each entity will provide its own purchase order and delivery location(s) and must be invoiced separately to the address indicated on their purchase order.

William W. Barber, Jr
(Contractor Signature)
Preferred Toner Solutions, LLC
Company Name (Printed)
May 20, 2009
(Dated)

Manufacturer Warranty information:

Describe your return/warranty policy:
We offer a "no-questions-asked" warranty on every cartridge.
All cartridges come with a 100% satisfaction guarantee. Defective
cartridges are replaced promptly, typically next business day.

Acknowledge that the City will not be assessed restocking or any other form of return charges for items. WB (initial here). Comments:
No restocking or return charges will be assessed to the City.

Describe your policy in the event that a defective cartridge causes needed repairs or cleaning of a printer:
In the rare event that a cartridge damages a printer, we promptly
dispatch an HP- and Brother-certified technician to clean and/or
repair the printer. We have a technician assigned to our customer base
in the Ann Arbor area, so we are able to offer prompt emergency response as needed.

Do you require a minimum order dollar amount? Yes ___ or No X

If yes, what is the minimum order dollar amount: \$ —

Do you require an "Additional Charge" for orders less than minimum?
Yes ___ or No X

If yes, what is the dollar amount of the "Additional Charge?"
\$ —

Do you publish your own full-line catalog? Yes X or No _____

If not, what catalog do you use? _____

What is the catalog discount to the City? 10%-30% (depending on specific cartridge model)

Please include one (1) copy of the catalog you are using with your bid – additional copies may be requested at a later date. Yes X or No _____

Additional products may be added to or deleted from the list during the contract term at the discretion of the City. For items not specified, provide a percentage (%) discount off manufacturer's list: 10%-30% off list or provide comments:

The City (and other MITN partners) will receive a 10%-30% discount off manufacturer's list pricing. The percentage of discount is typically greater as the list price increases.

List the various methods for ordering products (i.e., telephone, fax, e-mail, on-line):

- ① ONLINE : www.PreferredTonerSolutions.com/a2gov (customized order site for the City)
- ② EMAIL : sales@preferredtonersolutions.com
- ③ PHONE : 734-751-4180
- ④ FAX (if requested)

Do you offer on-line ordering? Yes X or No _____

If yes, provide information on your Internet capability, including availability of on-line pricing.

We have a customized online order page for City of Ann Arbor. The page includes on-line pricing; drop-down menus of city departments and "ship to" addresses of all City departments.

How are Material Safety Data Sheets (MSDS) provided to the City?

Material Safety Data Sheets are available for all of our compatible cartridges. They are provided electronically upon request of the customer.

What types of computer-generated reports are available to the City and how will they be provided (i.e., via Internet, mailed to City, etc.)? If none, indicate "none."

We are pleased to provide reports to the City or an individual department upon request. Reports may be requested for cartridge volume, total dollars spent, and names of personnel who ordered. Reports are delivered by email using spreadsheet attachments.

What is the time from placing order to on-site delivery?

Orders are delivered next day when order is received by 2:00 pm.

All products under this Bid are to be delivered no more than three (3) days after receipt of order. Deliveries will be made between 8:00 a.m. and 5:00 p.m., local time, Monday through Friday.

Describe your method of delivery and guaranteed delivery (example: your truck, common carrier, etc.)

Delivery via company vehicles; FedEx or UPS. Tracking numbers available on request.

Note: If delivery is by your truck, the City requires insurance, naming the City of Ann Arbor as Additional Insured.

Cost includes delivery to various City-owned buildings located in Ann Arbor and Service Units located at the Ann Arbor Municipal Building. Acknowledge that the above pricing includes delivery WB (initial here).

Do you offer "desk-top" delivery to various departments located at City of Ann Arbor Building? Yes or No Comments: _____

Does your company accept Purchasing Card transactions?
Yes or No

Does your company offer a rebate of any type to the City of Ann Arbor for sales volume, on-line ordering or additional contracts to your company under the Extended Contract clause? Yes or No

If Yes, please describe in detail the rebate program:

For additional contracts that result from this contract with City of Ann Arbor (e.g. MITN Purchasing Cooperative partners), we will issue a rebate credit to City of Ann Arbor in the amount of \$3.00 per PrecisePrint compatible ordered. The rebate will be issued quarterly and reported to City of Ann Arbor's Procurement Assistant or her representative.

Does your company offer a credit for returned cartridges? Yes or No

If Yes, please describe the credit program:

We issue a credit of \$2.00 per empty PrecisePrint laser cartridge that is returned to us. The credit is applied to the account of the department that returns the cartridge.

Describe the method for returning used cartridges:

We pick up empty cartridges directly from each department at the time we deliver a new order. Departments may also request a pick-up at any time. We also currently pick up empties from the lobby on 1st floor at City Hall at least once a week.

Indicate the name and phone number of the account representative that will serve as the primary interface between the City and the Vendor. If none, indicate "none."

(Name and local office address)

Bill Barber
2006 Bellingham St.
Canton, MI 48188

Office Tel: 734-751-4180 Cellular Tel: 734-751-4180

Fax: 734-397-2847

Can the vendor periodically visit the City on-site to provide information concerning products and/or services upon request? Yes or No

Provide at least three (3) references (including name and phone number):

- ① Annette Clark - Panalpina on 6 Continents, Inc. - Van Buren Twp., MI
- ② Nicole O'Dea - 48th District Court
- ③ Rosie Gomez - Option Care (Walgreens) Specialty Pharmacy - Ann Arbor, MI

* Note: Please see attached "REFERENCES" sheet for full contact information.

Can you meet the City's Insurance requirements? Yes No

State any exceptions, substitutions or deviations from the City specifications along with reason for same below:

Additional value-added offers/programs not addressed above:

- ① Same-day delivery in cases of emergency orders
- ② 30% parts & labor discount on all "break/fix" service calls
- ③ \$25,000 Equipment Protection Policy (see attached brochure)

The Vendor should submit with the bid the latest printed literature and detailed specifications on items the Vendor offers to furnish. This literature is for informational purposes only.

Has literature been provided? Yes No

The City of Ann Arbor is a member of the MITN Purchasing Cooperative. If your company is awarded item(s) referenced in the Invitation to Bid, the MITN cooperative governmental entities, may wish to use this contract and will issue a purchase order for the item(s) awarded in the quotation. Each entity is responsible for its own payments and is to be considered individually for billing and collection purposes. Each entity will provide their own purchase order and delivery location(s) and must be invoiced separately to the address indicated on their purchase order. If an award is made by the City of Ann Arbor, it is agreed that the contract will be extended to the MITN Purchasing Cooperative and other agreed upon Government Entities and Non-Profit Agencies under the same prices, terms and conditions.

YES Our Company agrees to extend the contract.
Our Company is NOT interested in extending the contract.

Contract prices are firm through the initial 2-year contract and are then subject to adjustment with maximum allowable increase of 5 % for subsequent renewal periods.

Vendor Information

It is understood that all bid prices shall remain in effect for at least ninety (90) days from the date of the quote opening or the award, whichever comes first, except for the successful proposer whose prices are to remain firm through contract.

The proposer affirms that he/she is duly authorized to execute bid, that this company, corporation, firm partnership or individual has not prepared this bid in collusion with any other proposer and that the contents of this bid as to prices, terms or conditions have not been communicated by the undersigned, nor by any employee or agent, to any competitor, and will not be, prior to the award and the proposer has full authority to execute any resulting contract awarded as a result of, or on basis of the quotation.

The submission of a bid hereunder shall be considered evidence that the proposer is satisfied with respect to the conditions to be encountered and the character, quantity and quality of the work to be performed.

COMPANY NAME: Preferred Toner Solutions, LLC

ADDRESS: 2006 Bellingham St.

CITY: Canton STATE: MI ZIP: 48188

TELEPHONE: 734-751-4180 FAX: 734-397-2847

EMAIL: sales@preferredtonersolutions.com WEBSITE: www.preferredtonersolutions.com

AUTHORIZED REPRESENTATIVE'S NAME:

Bill Barber

SIGNATURE: 

TITLE: owner DATE: 5/20/09

The City reserves the right to split or abstract any or all quotations and award multiple contracts for the same quotation, based on price, availability and service when, in its judgment, best serves the City of Ann Arbor; therefore, it is necessary that you provide pricing for every item.

TERMS AND CONDITIONS

1. The right is reserved to cancel this order if not filled within the time and in accordance with the terms specified.
2. Invoices, Bills of Lading, Shipping Documents and all correspondence relating to this order must show the Purchase Order Number.

Preferred Toner Solutions Customer References

Ms. Annette Clark
Panalpina on 6 Continents, Inc.
8500 Haggerty Rd., Suite 100
Van Buren Twp., MI 48111
734-784-2219

Ms. Nicole O'Dea, Mr. James Harkins
48th District Court
4280 Telegraph Rd.
Bloomfield Hills, MI 48302
248-647-1141

Ms. Rosie Gomez, Ms. Christine Rose
OptionCare Walgreen's Specialty Pharmacy
1143 Highland Dr., Suite D
Ann Arbor, MI 48108
734-929-1741

Ms. Carole LeBlanc
City of Farmington Public Safety
23600 Liberty St.
Farmington, MI 48335
248-474-5500

Ms. Shryl Samborn
15th District Court
101 E. Huron St.
Ann Arbor, MI 48104
734-222-3393

Ms. Amanda Furca
Tishkoff & Associates
107 N. Main St.
Ann Arbor, MI 48104
734-663-4077

*PrecisePrint laser compatible cartridges are also used by University of Michigan Law School, The Ann Arbor News, Eastern Michigan University Computer Labs, Wayne State University Purchasing Dept., City of Novi, University of Michigan Hospital (multiple depts.), et al

PREFERRED TONER SOLUTIONS

"The PrecisePrint™ Advantage"

MADE IN MICHIGAN

PrecisePrint laser compatibles are manufactured by Precision Printer Services in Portage, MI. PPS has been in business for 18 years, virtually since the beginning of the laser imaging revolution.

PPS is an HP Business Partner and our technicians are HP- and Brother-certified.

PPS builds compatibles for virtually every HP laser printer. They also build compatibles for the most popular business printers by Brother, Lexmark, Dell, Canon and Sharp.

Cartridge Manufacturing and Quality

1. PrecisePrint cartridges are *premium laser compatibles*. Unlike most remanufactured laser products, our cartridges are **neither "refurbished"** (i.e., visually inspected and only certain components are replaced) **nor "refilled"** (i.e., cleaned and refilled with toner).
2. The only part of our cartridge that is reused is the OEM outer shell. This is a non-wearable, non-consumable part. **All internal components are replaced with 100% new components**, including photo-sensitive drum, magnetic rollers, wiper blades, etc.
3. Our cartridges are built to meet or exceed OEM specifications, so our customers can expect our cartridges to be **functionally identical to OEMs in print quality and page yield.**
4. Our warranty rate is approximately 2% on monochrome cartridges, and slightly higher on color cartridges. Our **"no-questions-asked" replacement guarantee** makes the switch to PrecisePrint a no-risk decision.

Who is Currently Using PrecisePrint Laser Compatibles?

City of Ann Arbor
City of Portage
University of Michigan Law School
Eastern Michigan University Computer Labs
Wayne State University
University of Michigan Hospital
48th District Court (Bloomfield Hills)
Michigan State University
Booth Newspapers

...along with hundreds of businesses, law firms, banks, hospitals, school districts and auto dealerships across Michigan.

Cartridge Manufacturing Overview



Premium Compatible Toner Cartridges

PrecisePRINT Cartridge Manufacturing Information

Overview

PrecisePrint compatible cartridges are manufactured through a multiple step process of inspection, manufacturing and testing. Our unique process ensures quality by allowing us to quickly recognize and remedy any problems that may develop in the manufacturing and testing process.

Pre-Inspection

The first step in our manufacturing process is the inspection of all incoming toner cartridges. During this step all cartridges are thoroughly examined to ensure that the exterior cases are not damaged. If the cartridges pass this inspection process they are retained and are ready for manufacturing. If the cartridges fail our initial inspection, the cartridges are disassembled and sent to a local recycling center.

Compatible Cartridge Manufacturing

After the toner cartridges pass our initial inspection process, they are ready to be manufactured. All cartridges are completely disassembled. Any waste or remaining toner is removed with clean, dry, refrigerated air to reduce the amount of static build-up during the remanufacturing process. After the cartridges are completely cleaned, and the internal components are removed, the cartridge casings are then given a second inspection to insure that they are free of cracks or other defects. Next, **the internal components of the cartridges are replaced with 100% new internal components.** These components include the optical imaging drum, the wiper blade, the metering blade, the magnetic roller, the primary charge roller, and various mylar blades and foam seals. The cartridges are then filled with pre-bottled, engine specific toner, ensuring that each cartridge is receiving the OEM-specified amount of toner every time. Finally, the cartridges are re-assembled, cleaned with an anti-static toner cloth, labeled with tracking information, and sent to our cartridge testing area.

Cartridge Post Testing

Upon completion of our manufacturing process, a member of our quality control team tests each cartridge. The first step in our testing process is a visual inspection to ensure that every cartridge is correctly assembled, all external components are present, and that there are no cracks or other defects to the cartridge case. The next step is to test each cartridge on a specially designed cartridge analyzer, which tests the internal operating components of the cartridge. The analyzer also tests the OPC drum, the magnetic roller, and the primary charge roller coating thickness to ensure that no mid-cycle failures will occur. The final step in our testing process is to run a variety of print tests in a laser printer to ensure that the quality of each cartridge meets or exceeds our rigorous quality standards.

Packaging

After each cartridge has been tested and has passed our quality control process, it is then sent to the packaging area. The first step at the packing area is to wipe the cartridge with an anti-static cloth and apply the specified labels. Then the appropriate smart chip technology is added to the cartridge. Next, the cartridge is placed in a heat sealed mylar bag, which protects the cartridge from exposure to light and moisture. Finally, the cartridge is then fitted with specially designed protective foam inserts and placed into our private-label packaging.

Cartridge Tracking

After each cartridge has been remanufactured it is marked with a tracking label that includes the cartridge number, build date, and batch number of the toner. In addition to this information, a detailed database is maintained to track which technician built the cartridges and a detailed listing of all the new components that were installed during the remanufacturing of the cartridges.

Manufacturing Process

Inspection of incoming empty cartridges

OEM Compatible Cartridge



Emptied and Cleaned

Internal Parts Replaced

Filled with Toner

Reassembled and cleaned

Post Testing



Visually

Cartridge Analyzer

Print Tests

Packaging



Wipe off Cartridge

Apply appropriate labels

Place in heat sealed Mylar bag

PPS Quality

Quality Control Testing

To ensure that our cartridges perform as good as their OEM equivalents, we test the yields of the cartridges monthly, following the industry standard 5% page coverage (see page 10). Example - the HP 4000 (27X cartridge) uses a 500 Gram load from a pre-measured bottle of toner and with a new Fuji drum, which yields 10,500 pages, based on 5% coverage. After the cartridges are boxed and put into inventory, a percentage of the cartridges are then randomly pulled and tested to ensure our quality standards.

Quality Control of Incoming Goods Used in Production

When cartridge components are received, our Quality Control team pulls a sample lot and conducts specific tests to ensure that the components meet or exceed our quality standards. If the components are accepted, they are put into inventory. If the components do not meet our standards, they are refused and sent back to our vendor. Some of the tests we perform include weighing the pre-measured bottles of toner to ensure that they are filled properly, and testing the coating thickness on the OPC drum, magnetic rollers, and primary charge rollers.

Reliability Assurances

PPS has an approximate warranty rate of 2.0%. This compares to an approximate OEM fail rate of 0.75%. Most customers are quite comfortable with that differential, considering the amount of money that they can save by purchasing our compatibles. We will exchange or credit back any cartridge that experiences a quality issue. We also have a warranty program that if a printer is damaged from a cartridge and a service technician needs to be called, we will pay for the service call and repair. In over 17 years of selling cartridges, we have had to pay for 2 service calls due to cartridge issues. PrecisePrint guarantees that all cartridges will meet or exceed OEM yield, reliability, and quality standards.

Vendor Information

It is understood that all bid prices shall remain in effect for at least ninety (90) days from the date of the quote opening or the award, whichever comes first, except for the successful proposer whose prices are to remain firm through contract.

The proposer affirms that he/she is duly authorized to execute bid, that this company, corporation, firm partnership or individual has not prepared this bid in collusion with any other proposer and that the contents of this bid as to prices, terms or conditions have not been communicated by the undersigned, nor by any employee or agent, to any competitor, and will not be, prior to the award and the proposer has full authority to execute any resulting contract awarded as a result of, or on basis of the quotation.

The submission of a bid hereunder shall be considered evidence that the proposer is satisfied with respect to the conditions to be encountered and the character, quantity and quality of the work to be performed.

COMPANY NAME: _____

ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

TELEPHONE: _____ **FAX:** _____

EMAIL: _____ **WEBSITE:** _____

AUTHORIZED REPRESENTATIVE'S NAME:

SIGNATURE: _____

TITLE: _____ **DATE:** _____

The City reserves the right to split or abstract any or all quotations and award multiple contracts for the same quotation, based on price, availability and service when, in its judgment, best serves the City of Ann Arbor; therefore, it is necessary that you provide pricing for every item.

TERMS AND CONDITIONS

1. The right is reserved to cancel this order if not filled within the time and in accordance with the terms specified.
2. Invoices, Bills of Lading, Shipping Documents and all correspondence relating to this order must show the Purchase Order Number.

3. The prices indicated on this order are not subject to change without written notification in advance.

4. All shipments must be accompanied by Packing Slips and containers properly marked with Purchase Order Number, Invoice Number, etc. No charges will be allowed for boxing or packing unless agreed herein.

5. Acceptance of this order includes specifications, prices, delivery and conditions included herein. Material is subject to inspection on our property. If rejected, we agree to first advise Vendor before returning goods. All freight and extra handling charges derived from any rejection shall be borne by the Vendor.

6. Purchase Order is subject to correction of typographical errors.

7. The City of Ann Arbor is a Michigan Municipal Corporation and as such is exempt from Federal Excise and Michigan Sales Taxes.

8. All orders are F.O.B. destination, unless otherwise indicated.

9. To the fullest extent permitted by law, the Vendor agrees to defend, pay in behalf of, indemnify, and hold harmless the City of Ann Arbor, its elected and appointed officials, employees and volunteers and others working in behalf of the City of Ann Arbor against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Ann Arbor, its elected and appointed officials, employees, volunteers or others working in behalf of the City of Ann Arbor, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this contract.

10. The vendor shall carry insurance as follows: 1) Workers Compensation in accordance with all laws of the State of Michigan; 2) Commercial General Liability insurance, including contractual liability, products and completed operations, and independent contractors coverages, and 3) Vehicle Liability insurance, including Michigan No-Fault coverages, covering all owned, non-owned and hired vehicles. Certificates of insurance for all coverages shall be furnished to the City of Ann Arbor upon request. Limits of liability shall be determined solely by the City of Ann Arbor. The vendor shall name the City of Ann Arbor as additional insured.

11. Invoice orders promptly and separately.

12. For all applicable items, Material Safety Data Sheets must be shipped with each product.

13. The Purchase Order number shall appear on all invoices and shippers associated with the Purchase Order.

14. The Terms and Conditions on the front and reverse side of the City of Ann Arbor purchase order and bid submittal are the only Terms and Conditions that will be accepted and no other terms and conditions will be accepted.

15. The Vendor, on this purchase order, will provide guaranteed, certified delivery.

PURCHASE ORDER TERMS AND CONDITIONS

1. No changes may be made in this order without written authorization of the purchasing agent.
2. The purchasing agent may in writing grant additional time for delivery when the buyer is at fault or if he is satisfied the delay is beyond the control of the vendor.
3. In case of default of the contractor, the buyer may procure the articles or services from other sources and the contractor will be liable for increased costs or any other damages caused by the default.
4. Quantities specified in the order are not to be exceeded.
5. Inspection of delivered goods will be made at the delivery point, materials must be properly packaged. Damaged material will not be accepted.
6. The purchaser is exempt from the provisions of the Robinson-Patman Act and from Federal Transportation and Excise Taxes and from State Sales Tax.
7. All prices must be F.O.B. delivery point. The vendor shall prepay shipping charges and add same to invoice where specified purchase is negotiated F.O.B. shipping point.
8. Unless otherwise specified all containers or reels shall become the property of the purchaser.
9. At the vendor's risk and expense, all rejected material will be returned to the vendor.
10. All claims for payment must be submitted in duplicate. Claims for partial deliveries must be so indicated.
11. It is agreed that materials, goods, and services delivered shall comply with all Federal, State or Local Laws relative thereto.
12. FAIR EMPLOYMENT PRACTICE - The vendor agrees not to discriminate against any employee or applicant for employment based upon that persons race, religion, national origin, age or sex and to comply with the affirmative action provisions of Chapter 112 of the Ann Arbor City Code.
13. INDEMNITY CLAUSE - Vendor agrees to indemnify, defend and hold harmless the City of Ann Arbor and its agents and employees from any claims as a result of any personal injury or property damage which may occur as a result of the vendor's performance of any activity undertaken pursuant to this agreement.
14. All materials and supplies shall meet the requirements of OSHA and MOSHA.

**ITB-4023
ADDENDUM NO. 2**

Questions and City's Responses:

1. Can you provide me with any current pricing information that you are paying for these items? If this was bid out last year, a copy of last years bid tabulation would suffice

Response: These cartridges were not bid out last year. I do not have a prepared list of current pricing information.

2. Do you require Cartridges to be STMC or ASTM Certified. (These are specific certifications in our industry that pertain to compatible cartridges. They ensure that the cartridges are constructed with the highest quality and meet all OEM specifications)

Response: Cartridges that are quoted must be guaranteed to perform as stated in your bid response so certifications should be included, if applicable.

REVISED BID LIST INCLUDES COLUMN FOR YIELD PER CARTRIDGE.

Dee Lumpkin
Procurement Assistant
City of Ann Arbor
TEL: 734-794-6576
FAX: 734-994-1795



CITY COUNCIL AGENDA ITEM

Date: July 1, 2011

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic & Community Development
Steven J. Vandette, City Engineer

Subject: Agenda Item – Standard Purchasing Resolution #1: Award to Low Bidder
Contract 11-1 – Beach Road Pavement Rehabilitation

Background

Pavement rehabilitation on three (3) miles of Beach Road from Wattles to South Blvd. is necessary due to the pavement's deteriorated condition. Full depth reclamation (FDR) was the rehabilitation method chosen after considering several other more conventional options. FDR is a process where a set depth of asphalt pavement and a portion of the underlying granular base material is uniformly pulverized and blended to provide an upgraded, homogeneous base material. Once a stabilizing additive is introduced into the blended material it is then graded, shaped, and compacted to design parameters. Once completed, a final asphalt surface is placed over the upgraded homogeneous base material to complete the pavement rehabilitation process. FDR significantly reduces the project's environmental impact and energy (oil) consumption compared to other conventional pavement rehabilitation methods. Although this method has not previously been used in Troy, it has been successfully used elsewhere in Michigan and the United States following a growing trend to conserve resources by recycling existing pavements. FDR is consistent with many of the tenants of "Green Construction" such as sustainability, reuse, conservation of non-renewable natural resources, preservation of the environment, and reduction in pollution & landfill requirements.

This project conforms with the Scenic Parkway Design Standard that was established in 1976 by the Beach Road Study and used when the road went from gravel to asphalt. The goal of that standard was to minimize negative effects on the environment by following the existing topography and preserving existing vegetation. This project conforms with that by not changing the road's horizontal or vertical alignment, not adding any lanes and not removing any trees. There will be very little disturbance beyond the edge of the road as the existing pavement is being recycled in place and overlaid with hot mix asphalt that will match the existing grade of all driveways; thus preserving the road's elevation and the natural vegetation that provides screening for homes fronting onto Beach.

The work is anticipated to start in August and be complete by mid-November.

Bids were received and publicly read on June 29, 2011. The low bid of \$1,760,391.88 was submitted by Cadillac Asphalt, LLC, as can be seen in the attached bid tabulation summary. The engineer's estimate at the time of bidding was \$1,700,000.00. The low bid is therefore \$60,391.88 or 3.4% higher than the engineer's estimate.



CITY COUNCIL AGENDA ITEM

Recommendation

It is recommended that City Council award a contract for the Beach Road Pavement Rehabilitation project to Cadillac Asphalt, LLC, 4751 White Lake Road, Clarkston, MI 48346 for their low total bid amount of \$1,760,391.88.

In addition, we are requesting authorization to approve additional work, if needed, not to exceed 25% of the original project cost due to unknown road conditions exposed after the pulverization operation and prior to placement of the asphalt overlay.

Fund Availability

Funds for this work are included in the 20011/12 Major Road Fund. The budgeted amount includes funds for construction, inspection and contingencies.

Legal Considerations

Work was competitively bid and publicly opened with four (4) bidders responding. The award is contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

G:\Contracts\Contracts - 2011\11-1 - Beach Road Pavement Rehabilitation\Correspondence\Bid Award.doc

BID TABULATION
CONTRACT 11-1
Beach Road Pavement Rehabilitation
City of Troy
Oakland County, Michigan

Bids Due: June 29, 2011
Project # 10.105.5

Total Bid Amount

Cadillac Asphalt, LLC	\$	1,760,391.88
Ajax Paving Industries, Inc.	\$	1,778,428.31
Barrett Paving Materials, Inc.	\$	1,866,232.83 *
Pro-Line Asphalt Paving Corp.	\$	1,968,200.39

* Corrected by Engineer



CITY COUNCIL AGENDA ITEM

June 22, 2011

To: John Szerlag, City Manager

From: Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director
Jeffrey Biegler, Recreation Director
Steven A. Pallotta, Building Operations Director

Subject: Standard Purchasing Resolution 11: Rejection of Bids – Lloyd A. Stage Nature Center Boardwalk Replacement Project

Background

On June 8, 2011, bids were solicited for replacing sections of boardwalk at the Lloyd A. Stage Nature Center due to age and deterioration. The bid called for replacing approximately 776 lineal feet of the wooden boardwalk. Six bids were received for the completion of this project. After reviewing the bids received and completing a site inspection by City management, it was determined the project could be scaled back by replacing only the most critical sections. Based on these changes, the labor for this project will be completed by Building Operation staff members and an informal quote process will be utilized for the procurement of the necessary building materials. The project is scheduled for completion by 12/31/2011.

Recommendation

City management recommends Troy City Council reject ITB-COT 11-12 for the boardwalk replacement project at the Lloyd A. Stage Nature Center, and the project be completed utilizing City personnel for all labor, and an informal quote process and standard purchasing procedures for the procurement of necessary building materials.

Fund Availability

Funds for this project are available in the 2010 / 2011 capital account for Land Improvements at the Outdoor Education Center. A budget amendment will be required to move these funds forward to the 2011 / 2012 fiscal year.

VENDOR NAME:

Brock & Associates Inc.	Diversified Const & Stainless, Inc.	Plan B Contracting
9468404280	502018576	224864
\$1,235.00	\$1,400.00	\$1,436.00

Check #
 Amount

RECOMMEND REJECTION OF ALL BIDS

PROPOSAL: FURNISH ALL LABOR, MATERIALS, AND EQUIPMENT TO REMOVE AND DISPOSE OF EXISTING BOARDWALK AND INSTALL NEW BOARDWALK AS INDICATED IN THE SPECIFICATIONS

Lloyd A. Stage Nature Center Boardwalk Replacement

Complete for the Sum of:

\$ 24,700.00	\$ 28,000.00	\$ 28,720.00
--------------	--------------	--------------

SCHEDULE OF VALUES:

Attached: Y or N

Y	Y	Y
---	---	---

SITE INSPECTION:

Y or N
 Date

Y	Y	Y
5/21/2011	6/1/2011	6/2/2011

COMPLETION DATE:

Can meet
 Cannot Meet
 Offers:

August 31, 2011		
XX	XX	XX
		Must start by 8/1

CONTACT INFORMATION:

Name
 Hours of Operation
 24 Hr Phone #

Ken Brock	Chad Roggenbuck	Greg Bliss
8-5 M-F	7AM-4PM M-F	7-5
(248) 760-7117	(586) 243-8158	(248) 217-3897

PROGRESS PAYMENTS:

50% on material drop, balance on completion	50% upon delivery/ balance on completion	Net 10 days after completion
------------------------------------------------	---------------------------------------------	---------------------------------

VENDOR QUESTIONNAIRE:

Attached: Y or N

Y	Y	Y
---	---	---

INSURANCE

CAN MEET
 CANNOT MEET

XX	XX	XX
----	----	----

EXCEPTIONS:

See document Titled Bid Clarification / Qualifications	None	Blank
-----------------------------------------------------------	------	-------

ACKNOWLEDGEMENT: Signed

Y or N

Y	Y	Y
---	---	---

TWO FORMS COMPLETED:

Legal Status Y or N
 Non-Collusion Y or N

Y	Y	Y
Y	Y	Y

NO BIDS:
Deck Works

ATTEST:
Diane Fisher
Stuart Alderman
Julie Hamilton

 Susan Leirstein CPPO, CPPB
 Purchasing Director

VENDOR NAME:

Check #
 Amount

LC Construction, LLC	Thomas Bridge Construction	Jerry N Son Construction
353252	261442	105529
\$1,600.00	\$2,140.00	\$2,595.00

RECOMMEND REJECTION OF ALL BIDS

PROPOSAL: FURNISH ALL LABOR, MATERIALS, AND EQUIPMENT TO REMOVE AND DISPOSE OF EXISTING BOARDWALK AND INSTALL NEW BOARDWALK AS INDICATED IN THE SPECIFICATIONS

Lloyd A. Stage Nature Center Boardwalk Replacement

Complete for the Sum of:

\$ 32,000.00	\$ 42,800.00	\$ 51,900.00
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SCHEDULE OF VALUES:

Attached: Y or N

Y	Y	Y
---	---	---

SITE INSPECTION:

Y or N
 Date

Y	Y	Y
6/3/2011	5/23/2011	6/3/2011

COMPLETION DATE:

Can meet
 Cannot Meet
 Offers:

August 31, 2011		
XX	XX	XX

CONTACT INFORMATION:

Name
 Hours of Operation
 24 Hr Phone #

Eric Carbajo	John Griffiths	Dariusz Gabrel
8AM-5PM	7AM-5PM	8-8 M-S
(734) 732-5904	(248) 496-1550	(586) 219-4480

PROGRESS PAYMENTS:

30 days	Invoice once monthly for work completed	Bi-weekly, per L.F. completed
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VENDOR QUESTIONNAIRE:

Attached: Y or N

Y	Y	Y
---	---	---

INSURANCE

CAN MEET
 CANNOT MEET

XX	XX	XX
----	----	----

EXCEPTIONS:

Doesn't include bridge rplc across river from blackbird to fox trail	Subst AWP/MDOT for ACQ - deduct \$2900	Blank
----------------------------------------------------------------------	----------------------------------------	-------

ACKNOWLEDGEMENT: Signed

Y or N

Y	Y	Y
---	---	---

TWO FORMS COMPLETED:

Legal Status Y or N
 Non-Collusion Y or N

Y	Y	Y
Y	Y	Y



CITY COUNCIL AGENDA ITEM

July 6, 2011

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic & Community Development
Susan A. Leirstein, Purchasing Director
Cindy Stewart, Community Affairs Director

Subject: Standard Purchasing Resolution 3: Exercise Renewal Option –
Quarterly Newsletter – Troy Today

Background

On July 12, 2010, a contract to provide one-year requirements of printing services for the Troy Today, the City's quarterly newsletter, was approved with two one-year renewal options to Grand Blanc Printing Co, Inc of Grand Blanc, MI, the vendor with the lowest bid and highest weighted final score as a result of a best value process. (Resolution #2010-07-157-I-4a).

Grand Blanc Printing has offered to renew the contract under the same pricing, terms and conditions for the next four issues even though paper prices have increased 6.6% from last year. Grand Blanc Printing has done an excellent job of handling the printing services for the Troy Today. They have printed and delivered the Troy Today on-time for the four issues under this contract.

Due to the best value process used in evaluating the request for proposal, a market survey was not deemed necessary. The City utilizes an evaluation process in which bidders are required to meet minimum specified requirements, along with a weighted score for samples of their work from similar projects.

Recommendation

City management recommends the Troy City Council exercise the first option to renew for one additional year for the printing of the 2011/2012 Troy Today for an estimated total cost of \$39,008.00, under the same pricing structure, terms and conditions, plus the actual cost of bulk rate postage, to expire July 1, 2012, in accordance with contract requirements.

Fund Availability

Funds are available from the printing accounts of the City Manager and Recreation departments operating budgets.



7-5-2011

Dear Cindy,

In accordance with the current contract, Grand Blanc Printing would like to renew the printing agreement for Troy Today, for the 2011-2012 year. GBP will continue printing under the same pricing, terms and conditions for the next 4 issues beginning August 2011.

Sincerely, Greg Care'

Gregory M. Care'

Account Executive

I. CONSENT AGENDA:

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

Resolution #2010-07-157
Moved by Beltramini
Seconded by McGinnis

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items I-7 and I-9 which **SHALL BE CONSIDERED** after Consent Agenda (I) items, as printed.

Yes: Kerwin, McGinnis, Slater, Schilling, Beltramini, Howrylak
No: None
Absent: Fleming

MOTION CARRIED

I-2 Approval of City Council Minutes

Resolution #2010-07-157-I-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of June 21, 2010 and the Minutes of the 7:30 PM Special Study Meeting of June 28, 2010 as submitted.

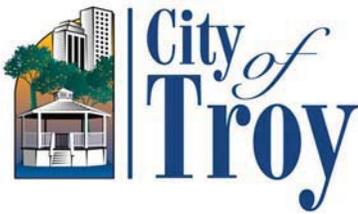
I-3 Proposed City of Troy Proclamations: None Submitted

I-4 Standard Purchasing Resolutions:**a) Standard Purchasing Resolution 8: Best Value Award – Printing of Troy Today, Quarterly Newsletter:**

Resolution #2010-07-157-I-4a

RESOLVED, That Troy City Council hereby **AWARDS** a one-year contract to provide printing services for the Troy Today quarterly newsletter with an option to renew for two additional one-year periods to the highest scoring respondent, Grand Blanc Printing Company, Inc. of Grand Blanc, MI, as a result of a best value process, which the Troy City Council determines to be in the public interest for an estimated annual cost of \$39,008.00 for Proposals A & C, plus the actual cost of bulk rate postage, and additional charges if needed not to exceed 10% of the total contract cost or \$3,900.00, at unit prices contained on the RFP tabulation opened May 24, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of July 1, 2011; and

BE IT FURTHER RESOLVED, Troy City Council hereby **REJECTS** optional Proposal B.



CITY COUNCIL ACTION REPORT

June 24, 2010

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
Susan A. Leirstein, Purchasing Director
Cindy Stewart, Community Affairs Director

SUBJECT: Standard Purchasing Resolution 8: Best Value Award – Printing of *Troy Today*, Quarterly Newsletter

Background

- On May 24, 2010, Requests for Qualifications/Proposals were received and opened to provide one-year requirements for the Printing of the *Troy Today* newsletter with an option to renew for two additional one-year periods.
- One-Hundred Fifty-One (151) vendors were notified via the Michigan Intergovernmental Trade Network (MITN) website with four (4) proposals received. One vendor was disqualified for not providing the proper proposal surety and two (2) statements of no bids were received.
- All responsive bidders met the pass/fail criteria.
- A committee consisting of Cindy Stewart, Community Affairs Director; Loraine Campbell, Museum Manager; and Elaine Bo, Recreation Supervisor, evaluated the proposals.
- Interviews of the three companies were also conducted.
- Based on the scoring criteria of the proposal, price and interview process, the committee recommends awarding the contract to the highest rated respondent, Grand Blanc Printing Company, Inc. of Grand Blanc, Michigan.

Financial Considerations

- Funds are available in the Community Affairs printing account #101.172.7901; Parks and Recreation Printing account #101.751.752.7901 and the Library Printing account #101.790.7901.
- The total estimated cost for these services has decreased approximately \$35,500.00 over last year in large part due to the reduced weight of the paper, changing from 60# white offset to 35# groundwood, and a reduction in the number of pages for the newsletter.

Legal Considerations

- RFP-COT 10-19 Printing of the *Troy Today*, quarterly newsletter was competitively bid as required by City Charter and Code.
- All bidders were given the opportunity to respond with their level of interest in printing services for the City of Troy.
- Award is contingent upon the recommended bidder's submission of properly executed contract and proposal documents, including insurance certificates and all other specified requirements.

Recommendation

- City management recommends awarding a one-year contract for printing of the *Troy Today*, quarterly newsletter with an option to renew for two additional one-year periods to the highest scoring respondent, Grand Blanc Printing Company, Inc. of Grand Blanc, Michigan, as a result of a best value process for an estimated one year total cost of \$39,008.00 for Proposals A & C, at unit prices contained in the RFP tabulation opened May 24, 2010, with a contract expiration of July 1, 2011.



EXECUTIVE SUMMARY

PRINTING OF THE TROY TODAY

STATISTICS:

- ◆ One hundred fifty-one (151) companies were notified via the MITN e-procurement website
- ◆ Four (4) proposals were received. One of the vendors was disqualified for not providing the proper proposal surety and two (2) statements of no bids were received.
- ◆ All three (3) companies met the pass/fail criteria
- ◆ Grand Blanc Printing Company, Inc. received the highest score as a result of a best value process

The following three (3) companies received the indicated final scores as a result of the proposal, pricing and interview scores. All three (3) companies participated in an interview.

Company	SCORE
Grand Blanc Printing Co. Inc.	87.6
Grand River Printing & Imaging	86.8
Mignon Communications, Inc.dba Phillips Brothers Printing	69.0

Attachments:

- ✓ **Weighted Final Scoring of 100% includes Proposal, Price and Interview**
- ✓ **Evaluation Process**
- ✓ **Original Tabulation**



**WEIGHTED FINAL SCORING
PRINTING OF THE TROY TODAY**

Final Score Calculation:

40% Proposal Score (100 point base)
 40% Price Score (100 point base)
 20% Interview Score (100 point base)
 100% = Final Weighted Score

In order to equate the price to the weighted evaluation process scoring, the prices had to be converted into a score with the base of 100. **NOTE:** Vendors are listed in the order of their summary score for the proposal and price, from highest to lowest. For the final score the vendors are listed in the order of rating from highest to lowest.

Weighted Average Score for Proposals: 40%

Raters:	1	2	3	Average	Final Weighted Score (x .40)
Vendors:					
Grand Blanc Printing Co. Inc.	92.0	67.0	66.0	75.0	30.0
Grand River Printing & Imaging	96.0	69.0	96.0	87.0	34.8
Mignone Communications, Inc. dba Phillips Brothers Printing	73.0	75.0	77.0	75.0	30.0

Weighted Average Score for Price: 40%

	Weighted Criteria – Difference in Costs [1-(Proposal Price – Lowest Proposal Price) / lowest proposal price] x available points	Final Weighted Score (x .40)
Vendors:		
Grand Blanc Printing Co. Inc.	$(1-(38,608.40-38,608.40)/38,608.40) \times 100 = 100.0$	40.0
Grand River Printing & Imaging	$(1-(45,971.36-38,608.40)/38,608.40) \times 100 = 81$	32.4
Mignone Communications, Inc. dba Phillips Brothers Printing	$(1-(48,380.00-38,608.40)/38,608.40) \times 100 = 74.7$	29.9

Summary: Proposal and Price Scores

	Proposal Score	Price Score	Score
Vendors:			
Grand Blanc Printing Co. Inc.	30.0	40.0	70.0
Grand River Printing & Imaging	34.8	32.4	67.2
Mignone Communications, Inc. dba Phillips Brothers Printing	30.0	29.9	59.9

Weighted Average Score for Interview: 20%

Raters:	1	2	3	Average	Final Weighted Score (x .20)
Vendors:					
Grand Blanc Printing Co. Inc.	92.0	90.0	82.5	88.2	17.6
Grand River Printing & Imaging	100.0	94.5	100.0	98.2	19.6
Mignone Communications, Inc. dba Phillips Brothers Printing	42.0	46.5	47.5	45.3	9.1

Interviews were conducted with all three (3) companies (Maximum # of points – 20)



FINAL SCORE:

VENDORS:	Grand Blanc Printing Co, Inc.	Grand River Printing & Imaging	Mignone Communications, Inc. dba Phillips Brothers Printing
Proposal Score	30.0	34.8	30.0
Price Score	40.0	32.4	29.9
Interview Score	17.6	19.6	9.1
FINAL SCORE	87.6	86.8	69.0

****HIGHEST RATED VENDOR – RECOMMENDED AWARD**

G:/ Bid Award 10-11 New Format / Best Value SR8 – RFP – Troy Today Printing – WeightedRatingSummary 6.10.doc



SELECTION PROCESS

CRITERIA FOR SELECTION

An Evaluation Committee will review the proposals. The City of Troy reserves the right to award this proposal to the company considered the most qualified based upon a combination of factors including but not limited to the following:

- A. Compliance with qualifications criteria
- B. Completeness of the proposal
- C. Financial strength and capacity of the company
- D. Correlation of the proposals submitted to the needs of the City of Troy
- E. Any other factors which may be deemed to be in the City's best interest
- F. Evaluation Process

Phase 1: Minimum Qualifications Evaluation

Companies will be required to meet minimum established criteria in order to go to the second phase of the process.

Phase 2: Evaluation of Samples

Each Committee member will independently use a weighted score sheet to evaluate the samples of the "City" type newsletters and paper stock submitted as required. Each Committee Member will calculate a weighted score. The scores of the Committee Members will be averaged into one score for each company for this phase of the process.

Phase 3: Interview Score – (Optional)

The City, at their option, will invite the short-listed companies to participate in an interview. Each Committee Member will independently use a weighted score sheet to evaluate the Interview; each Committee Member will calculate a weighted score. The scores of the Committee Members will be averaged into one score for each company for this phase of the process. Those being interviewed may be supplied with further instructions and requests prior to the interview.

Phase 4: Price

Points for price will be calculated as follows:

FORMULA: $\{1 - (\text{Proposal Price} - \text{Lowest Proposal Price}) / \text{lowest proposal price}\} \times \text{available points (100 base points)}$

Phase 5: Final Scoring and Selection

The company with the highest final weighted score will be recommended to the Troy City Council for Award.

40%	Sample Evaluation Score	(100 point base)
40%	Price Score	(100 point base)
<u>20%</u>	Interview Score	(100 point base) - optional
	100%	

Note: The City of Troy reserves the right to change the order or eliminate an evaluation phase if deemed in the City's best interest to do so.

Opening Date -- 5/24/10
 Date Reviewed - 6/24/10

**CITY OF TROY
 TABULATION
 PRINTING OF TROY TODAY**

sl VENDOR NAME:		Grand Blanc Printing Co Inc	Grand River Printing
CHECK #		31237969	On File
CHECK AMOUNT		\$2,000.00	\$2,000.00

PROPOSAL: FURNISH ALL LABOR, MATERIALS, AND EQUIPMENT TO PROVIDE ONE YEAR REQUIREMENTS OF OFFSET PRINTING AND DELIVERY OF TROY TODAY WITH AN OPTION TO RENEW FOR TWO ADDITIONAL ONE-YEAR PERIODS

QTY	DESCRIPTION		
Four (4) Copies of bid proposal	Y or N	Y	Y
Vendor Questionnaire Completed	Y or N	Y	Y
Samples of Newsletters	Y or N	Y	Y

PROPOSAL A: PRINTING OF TROY TODAY

Four Times per Year (144,000 Copies/Year)

BASE BID (glossy cover only)

36,000 Copies per Printing	76 Total Pages	Issue x 4 / Year	\$ 9,652.10	\$ 11,492.84
			\$ 38,608.40	\$ 45,971.36
Paper Manufactured by:	Cover	Sonoma Gloss	Sappi	
	Inside	Electrastar 80	Abitibi Bowater	
Additional Charges:				
1) Cost per each additional 4-page spread				
60 lb Gloss text #3 enamel/gloss		\$810.40 (+ or -)	(+) \$170.38 / (+) \$309.80	
35 lb Groundwood		\$306.95 (+ or -)	(+) \$170.38 / (+) \$309.80	
2) Changes once proof is produced		\$50.00/Hour	\$80.00/Hour	

PROPOSAL B: PRINTING OF TROY TODAY - (Optional)

Four Times per Year (144,000 Copies/Year)

BASE BID (glossy pages cover/inside)

36,000 Copies per Printing	76 Total Pages	Issue x 4 / Year	\$ 14,142.60	\$ 16,791.93
			\$ 56,570.40	\$ 67,167.72
Paper Manufactured by:	Cover	Sonoma Gloss	Sappi	
	Inside	Sonoma Gloss	Abitibi Bowater	
Additional Charges:				
1) Cost per each additional 4-page spread				
60 lb Gloss text #3 enamel/gloss		\$810.40 (+ or -)	(-) \$1,653.73 / (+) \$722.29	
40 lb. Gloss		\$455.20 (+ or -)	(-) \$1,653.73 / (+) \$722.29	
2) Changes once proof is produced		\$50.00/Hour	\$80.00/Hour	

PROPOSAL C: FLIP PAGE NEWSLETTER FOR WEBSITE

Flip Page Newsletter for posting on City's Web	\$100.00/Issue	\$600.00/Issue
------------------------------------------------	-----------------------	----------------

Completion Schedule:

Can meet 10 BUSINESS DAYS	XX	XX
Cannot meet		

Contact Information

Hours of Operations	M-F 8:30am - 5pm	24/7
24 Hr Phone No.	(810) 694-1155	(734) 394-1400

Payment Terms

	2% 10 / Net 30	2% 10 or Net 30
--	----------------	-----------------

Delivery

	10 BUSINESS DAYS	
--	-------------------------	--

VENDOR NAME:		Grand Blanc Printing Co Inc	Grand River Printing
Exceptions:		Blank	Proposal A & B, 1/2 day of training is included in file preparation and electronic file transmission
Acknowledgement	Signed Y or N	Y	Y
Addendum #1	Attached Y or N	N	N

DISQUALIFIED:

Inco Graphics (did not submit proposal surety check with original documents as specified)

NO BIDS:

ID Enterprises
 Dearborn Lithograph, Inc.

HIGHLIGHTED VENDOR DENOTES BEST VALUE

ATTEST:

Ellen Hodorek
 Diane Fisher
 Julie Hamilton

 Susan Leirstein CPPO CPPB
 Purchasing Director

VENDOR NAME:

Mignone Communications, Inc
 dba Phillips Brothers Printers

CHECK #

47396

CHECK AMOUNT

\$2,000.00

PROPOSAL: FURNISH ALL LABOR, MATERIALS, AND EQUIPMENT TO PROVIDE ONE YEAR REQUIREMENTS OF OFFSET PRINTING AND DELIVERY OF TROY TODAY WITH AN OPTION TO RENEW FOR TWO ADDITIONAL ONE-YEAR PERIODS

QTY	DESCRIPTION		
Four (4) Copies of bid proposal	Y or N	Y	
Vendor Questionnaire Completed	Y or N	Y	
Samples of Newsletters	Y or N	Y	
PROPOSAL A: PRINTING OF TROY TODAY			
Four Times per Year (144,000 Copies/Year)			
BASE BID (glossy cover only)			
36,000 Copies per Printing	76 Total Pages	Issue x 4 / Year	\$ 12,095.00
			\$ 48,380.00
Paper Manufactured by:	Cover Inside	Somerset	
		AbiBow 65 Brite	
Additional Charges:			
1) Cost per each additional 4-page spread	60 lb Gloss text #3 enamel/gloss		\$1,625.00 (+ or -)
	35 lb Groundwood		(-) \$234.00 / (+) \$405.00
2) Changes once proof is produced			\$90.00/Hour
PROPOSAL B: PRINTING OF TROY TODAY - (Optional)			
Four Times per Year (144,000 Copies/Year)			
BASE BID (glossy pages cover/inside)			
36,000 Copies per Printing	76 Total Pages	Issue x 4 / Year	\$ 15,445.00
			\$ 61,780.00
Paper Manufactured by:	Cover Inside	Somerset	
		AbiBow Gloss 76	
Additional Charges:			
1) Cost per each additional 4-page spread	60 lb Gloss text #3 enamel/gloss		\$1,625.00 (+ or -)
	40 lb. Gloss		(-) \$400.00 / (+) \$575.00
2) Changes once proof is produced			\$90.00/Hour
PROPOSAL C: FLIP PAGE NEWSLETTER FOR WEBSITE			
Flip Page Newsletter for posting on City's Web		No Bid	
Completion Schedule:			
Can meet	10 BUSINESS DAYS	XX	
Cannot meet			
Contact Information			
Hours of Operations		24Hrs-3 pressroom/2 bindery shifts	
24 Hr Phone No.		(260) 358-0266	
Payment Terms			
		Net 30	
Delivery			
10 BUSINESS DAYS			

Opening Date -- 5/24/10
Date Reviewed - 6/24/10

CITY OF TROY
TABULATION
PRINTING OF TROY TODAY

VENDOR NAME:		Mignone Communications, Inc dba Phillips Brothers Printers	
Exceptions:		Blank	
Acknowledgement	Signed Y or N	Y	
Addendum #1	Attached Y or N	Y	



CITY COUNCIL AGENDA ITEM

Date: June 20, 2011

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic and Community Development
 Steven J. Vandette, City Engineer
 Patricia A. Petitto, Real Estate Consultant, Greenstar & Associates, LLC

Subject: Request for Approval of Purchase Agreement
 John R Road Improvements, Square Lake Road to South Boulevard
 Project No. 02.204.5 – Parcels #31 & 32 – Sidwell #88-20-02-427-008 & -009

Background

In connection with the proposed improvements to John R Road, from Square Lake Road to South Boulevard, we reached an agreement to acquire right-of-way from Rama Rao Cherukuri and Ramadevi Cherukuri. These parcels are located on the west side of John R Road, between Square Lake Road and Atkins Road in the southeast $\frac{1}{4}$ of Section 2.

An appraisal was prepared by Andrew Reed, State Certified General Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser, and Larysa Figol, Limited Real Estate Appraiser. Staff believes that \$31,850, plus closing costs for the acquisition of the property described in the purchase agreement is a justifiable amount for this acquisition.

Recommendation

City Management recommends that City Council approve the attached Purchase Agreement from Rama Rao Cherukuri and Ramadevi Cherukuri so that the City can proceed with the acquisition of this right-of-way.

Fund Availability

Eighty percent of these costs will be reimbursed from Federal funds. Funds for the City of Troy's share are available in the Major Roads Fund.

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Rama Rao Cherukuri and Ramadevi Cherukuri, husband and wife (the "Sellers"), the following described premises (the "Property"):

SEE ATTACHED EXHIBIT "A"

for a public project within the City of Troy and to pay the sum of Thirty-One Thousand, Eight Hundred, Fifty and no/100 Dollars (\$31,850) under the following terms and conditions:

1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.
2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property prior to the conveyance.
3. Seller shall deliver the Warranty Deed upon payment of the purchase money by check drawn upon the account of the City of Troy.
4. Buyer shall, at its own expense, provide title insurance information, and the Seller shall disclose any encumbrances against the property.
5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date that all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is for the preparation and authorization of purchase money.
6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.
7. The City of Troy's sum paid for the property being acquired represents the property being free of all environmental contamination. Although the City of Troy will not withhold or place in escrow any portion of this sum, the City reserves its rights to bring Federal and/or State and/or local cost recovery actions against the present owners and any other potentially responsible parties, arising out of a release of hazardous substances at the property.
8. Seller acknowledges that this offer to purchase is subject to final approval by Troy City Council.
9. Seller grants to Buyer temporary possession and use of the property commencing on this date and continuing to the date of closing in order that the Buyer may proceed with the public project.
10. Additional conditions, if any:

SELLER HEREBY ACKNOWLEDGES THAT NO PROMISES WERE MADE EXCEPT AS CONTAINED IN THIS AGREEMENT.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this
20th day of ~~12-31~~, 2010.
JUNE 2011.

In presence of:

SREENIVAS D. CHERUKURI
SREENIVAS D. CHERUKURI
B. Scott Finlay
B. SCOTT FINLAY

CITY OF TROY (BUYER)

Patricia A. Petitto
PATRICIA A. PETITTO

SELLERS:

Rama Rao Cherukuri
Rama Rao Cherukuri
Ramadevi Cherukuri
Ramadevi Cherukuri

Exhibit "A"

Section 2, John R Widening Project

Parcel: 88-20-02-427-009

PARCEL #31

PARENT PARCEL #31 DESCRIPTION:

T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF SOUTHEAST 1/4 BEGINNING AT POINT DISTANT SOUTH 739.89 FT FROM EAST 1/4 CORNER, THENCE S 84°08'00" W 168 FT, THENCE SOUTH 129.65 FT, THENCE N 84°08'00" E 168 FT, THENCE NORTH 129.65 FT TO BEGINNING, THE EAST 33 FEET OF WHICH IS CURRENTLY BEING USED FOR ROADWAY PURPOSES. CONTAINING 0.50 ACRES.

REMAINDER PARCEL DESCRIPTION:

T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF SOUTHEAST 1/4 BEGINNING AT POINT DISTANT SOUTH 739.89 FT AND S 84°08'00" W 60.32 FT FROM EAST 1/4 CORNER OF SECTION 2, THENCE S 84°08'00" W 107.68 FT, THENCE SOUTH 129.65 FT, THENCE N 84°08'00" E 107.68 FT, THENCE NORTH 129.65 FT TO BEGINNING. CONTAINING 0.32 ACRES.

PROPOSED RIGHT OF WAY ACQUISITION:

T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF SOUTHEAST 1/4 BEGINNING AT POINT DISTANT SOUTH 739.89 FT FROM EAST 1/4 CORNER, THENCE S 84°08'00" W 60.32 FT, THENCE SOUTH 129.65 FT, THENCE N 84°08'00" E 60.32 FT, THENCE NORTH 129.65 FT TO BEGINNING, THE EAST 33 FEET OF WHICH IS CURRENTLY BEING USED FOR ROADWAY PURPOSES. CONTAINING 7,779 SQUARE FEET; 0.18 ACRES (GROSS) OR 3,501 SQUARE FEET; 0.08 ACRES (NET).

AND

Section 2, John R Widening Project

Parcel: 88-20-02-427-008

Parcel #32

PARENT PARCEL #32 DESCRIPTION:

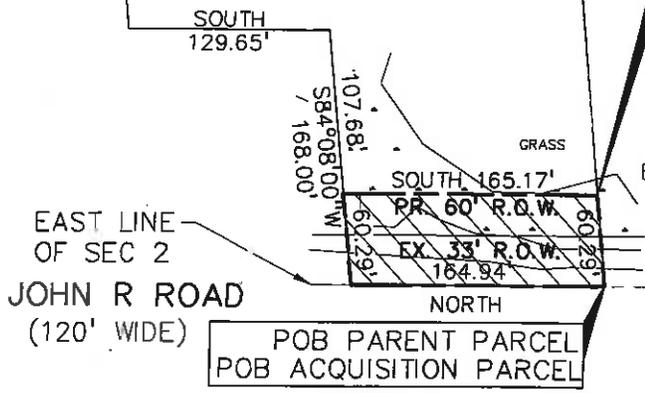
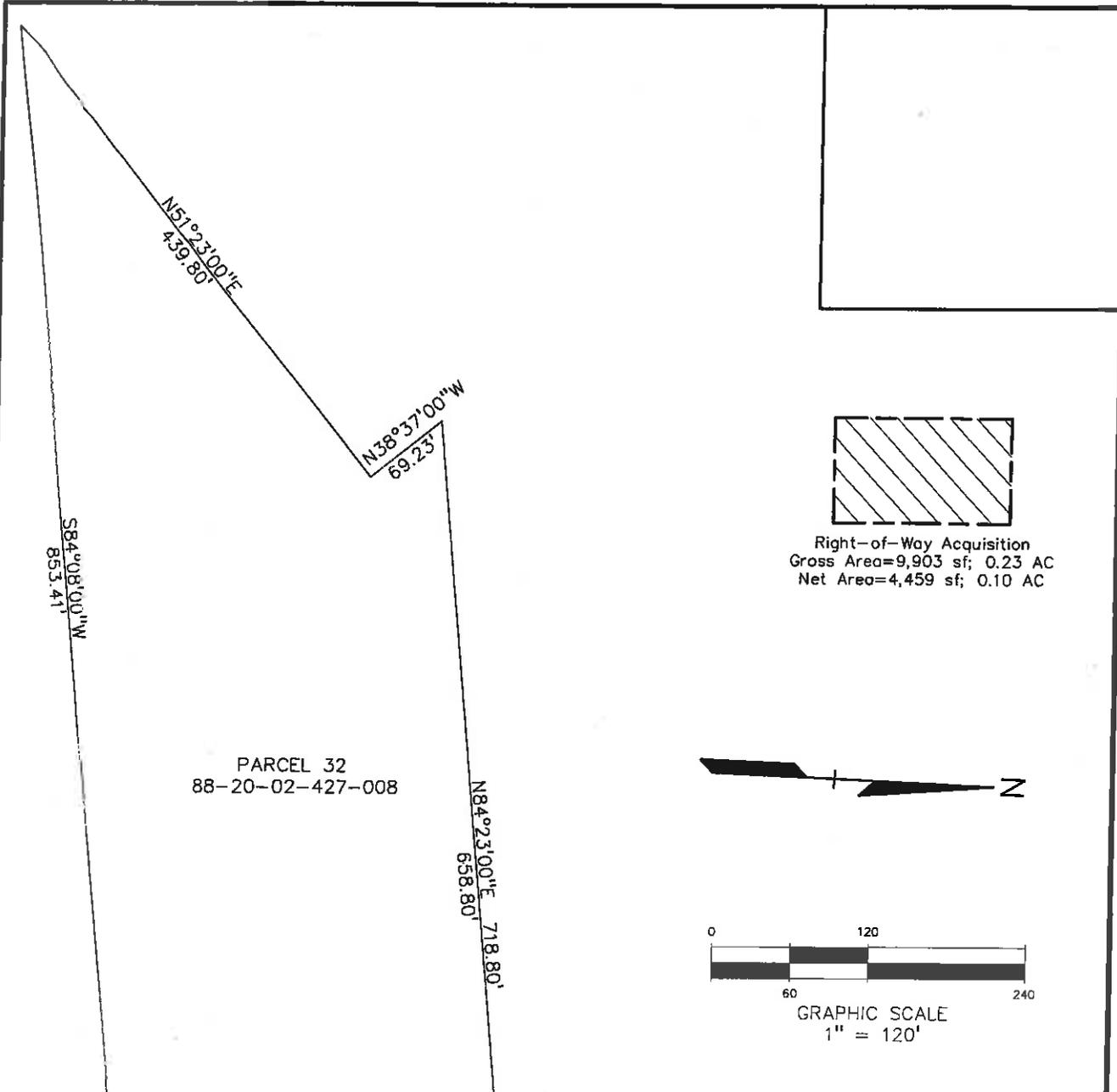
T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF SOUTHEAST 1/4 BEGINNING AT A POINT DISTANT SOUTH 574.95 FT FROM EAST 1/4 CORNER, THENCE SOUTH 164.94 FT, THENCE S 84°08'00" W 168 FT, THENCE SOUTH 129.65 FT, THENCE S 84°08'00" W 853.41 FT, THENCE N 51°23'00" E 439.80 FT, THENCE N 38°37'00" W 69.23 FT, THENCE N 84°23'00" E 718.80 FT TO BEGINNING, THE EAST 33 FEET OF WHICH IS CURRENTLY BEING USED FOR ROADWAY PURPOSES. CONTAINING 5.10 ACRES.

REMAINDER PARCEL DESCRIPTION:

T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF SOUTHEAST 1/4 BEGINNING AT A POINT DISTANT SOUTH 574.95 FT & S 84°23'00" W 60.29 FT FROM EAST 1/4 CORNER OF SECTION 2, THENCE SOUTH 165.17 FT, THENCE S 84°08'00" W 107.68 FT, THENCE SOUTH 129.65 FT, THENCE S 84°08'00" W 853.41 FT, THENCE N 51°23'00" E 439.80 FT, THENCE N 38°37'00" W 69.23 FT, THENCE N 84°23'00" E 658.80 FT TO BEGINNING. CONTAINING 4.87 ACRES.

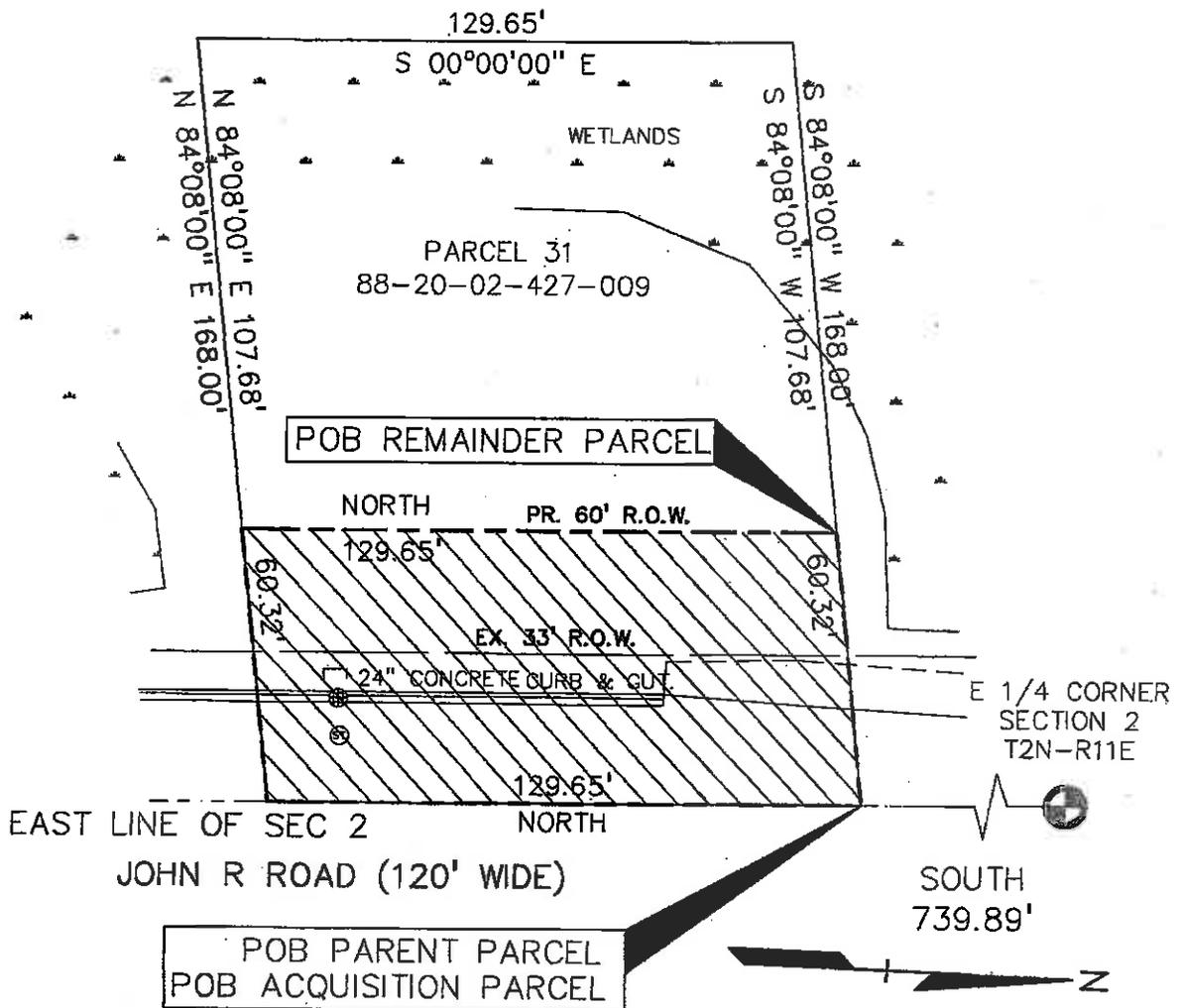
PROPOSED RIGHT OF WAY ACQUISITION:

T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF SOUTHEAST 1/4 BEGINNING AT A POINT DISTANT SOUTH 574.95 FT FROM EAST 1/4 CORNER, THENCE S 84°23'00" W 60.29 FT, THENCE SOUTH 165.17 FT, THENCE N 84°08'00" E 60.29 FT, THENCE NORTH 164.94 FT TO THE POINT OF BEGINNING, ALSO KNOWN AS R.O.W. PARCEL #32, THE EAST 33 FEET OF WHICH IS CURRENTLY BEING USED FOR ROADWAY PURPOSES. CONTAINING 9,903 SQUARE FEET; 0.23 ACRES (GROSS) OR 4,459 SQUARE FEET; 0.10 ACRES (NET).



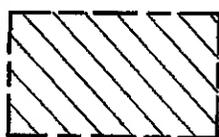
POB REMAINDER PARCEL		PARCEL 32	
ORCHARD, HILTZ & McCLIMENT, INC. 34000 Plymouth Road Livonia, MI 48150 (734)522-8711			
		500 W. Big Beaver Rd. Troy, Michigan 48084 (248) 524-3594 www.ci.troy.mi.us	
88-20-02-427-008 Right-of-Way Acquisition Sketch			
SCALE:	DRAWN BY:	CHECK BY:	FILE
1" = 120'	JRV	GWC	P32-SEC2 ROW
	1-27-06	2-17-06	
CONTRACT No.		SHEET No.	JOB No.
STEVEN J. VANDETTE CITY ENGINEER		1 of 2	2002-234

Document Prepared by
 Professional Engineering
 Associates, Inc.



PARCEL 31

Thomas G. Smith



Right-of-Way Acquisition
Gross Area=7,779 sf; 0.18 AC
Net Area=3,501 sf; 0.08 AC

Document Prepared by
Professional Engineering
Associates, Inc.

3-06 DATE 1 REV.

CONTRACT No.

ORCHARD, HILTZ & McCLIMENT, INC.
34000 Plymouth Road
Livonia, MI, 48150 (734)522-6711



500 W. Big Beaver Rd.
Troy, Michigan 48064
(248) 524-3584
www.ci.troy.mi.us

88-20-02-427-009
Right-of-Way
Acquisition Sketch

SCALE: 1" = 40'	DRAWN BY: JRV	CHECK BY: GWC	FILE P31-SEC2_ROW
	1-27-06	2-3-06	
STEVEN J. VANDETTE CITY ENGINEER		SHEET No. 1 of 2	JOB No. 2002-234



CITY COUNCIL AGENDA ITEM

Date: June 29, 2011

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of a Warranty Deed from Orion Homes, Inc.
– Sidwell #88-20-04-276-043

Background

As part of the development of *Lamb's End Subdivision* located in Section 4, the Engineering department has received a Warranty Deed for a detention basin.

The Warranty Deed was granted to the City of Troy by Orion Homes, Inc., owner of the property having Sidwell #88-20-04-276-043.

The format and content of this Warranty Deed is consistent with conveyances previously accepted by City Council. The consideration amount on this document is \$1.00.

Recommendation

City Management recommends that City Council accept the attached Warranty Deed consistent with our policy of accepting warranty deeds for development and improvement purposes.

WARRANTY DEED

Sidwell #88-20-04-276-043
Resolution #

The Grantor(s), ORION HOMES, INC., a Michigan corporation whose address is 327 Evaline, Troy, MI 48085, convey(s) and warrant(s) to the City of Troy, Grantee, whose address is 500 West Big Beaver, Troy, MI 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

Outlot "A" of Lamb's End Subdivision, according to the plat thereof as recorded in Liber 15054, Page 763 of Plats, Oakland County Records, Part of the Northeast 1/4 of Section 4, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan.

For the sum of One Dollar and 00/100 Dollars (\$1.00)

subject to easements and building and use restrictions of record and further subject to

Dated this 29th day of JUNE, 2011.

ORION HOMES, INC. a Michigan corporation

By: Michael J. Lamb
Michael J. Lamb
Its: President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 29th day of June, 2011, by Michael J. Lamb, President of Orion Homes, Inc., a Michigan corporation, on behalf of the corporation.

JANET M PARSONS
Notary Public, State of Michigan
County of Oakland
My Commission Expires 10-14-2016
Acting in the County of OAKLAND

Janet M Parsons
Notary Public, _____ County, MI
My commission expires: _____
Acting in _____ County, MI

County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to:	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel # 88-20-04-276-043 Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES IN BLACK INK UNDER SIGNATURES



CITY COUNCIL ACTION REPORT

June 14, 2011

TO: John Szerlag, City Manager

FROM: Mark Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer

SUBJECT: Approval of Cost Participation Agreement for the Resurfacing of Dequindre Road, from South Boulevard to Auburn Road – Project No. 11.103.6

Recommendation:

Staff recommends that City Council approve the attached Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County (Board) for the resurfacing of Dequindre Road, from South Boulevard to Auburn at an estimated cost to the City of Troy of \$38,500. Furthermore, staff recommends that the Mayor and City Clerk be authorized to execute the agreements.

Background:

The Board was able to move this project up from 2013 to 2011 due to a funded project being deferred in another area of the County, freeing up federal funds for the Dequindre project. The project will provide for a resurfacing of Dequindre Road, from South Boulevard to Auburn. The project also includes pedestrian crosswalk upgrades to comply with the Americans with Disabilities Act (ADA).

The Cities of Troy and Rochester Hills requested that the pavement along South Boulevard, to a point approximately 500' west of Dequindre, be included in the project as the pavement is in dire need of repairs. The Board and MDOT agreed to this request and as such the work will be completed as part of the Dequindre project.

The project will be bid through the Michigan Department of Transportation (MDOT) in July. Construction is anticipated to start in September and be open to traffic by late November.

Financial Considerations:

The estimated project cost is \$1,620,000. Federal funds in the amount of \$1,127,000 are available for the project. The local share of \$493,000 is split between Troy, Macomb County Department of Roads, City of Rochester Hills, Shelby Township, the Board and the County of Oakland in accordance with Exhibit A of the agreement. The City of Troy share of the project is estimated at \$38,500.

The total actual local match will be determined from the records of the Board upon completion of the State financial audits of the project and a final determination of the total federal funds used on the project. Final adjustments in the financial obligations of the parties will be made upon completion of the required audits.

Funds for this work are available in the 2011-12 Major Road Fund.

Legal Considerations:

The format and content of the agreement is consistent with previously approved Cost Participation Agreements between the city and Board as approved by the Legal Department and City Council.

Dequindre Road Resurfacing

Road Commission for Oakland County Project #50681





QUALITY LIFE THROUGH GOOD ROADS.
ROAD COMMISSION FOR OAKLAND COUNTY
"WE CARE"

Board of Road Commissioners

Gregory C. Jamian
Commissioner

Ronald Fowkes
Commissioner

Eric S. Wilson
Commissioner

Brent O. Bair
Managing Director

Dennis G. Kolar, P.E.
Deputy Managing Director

Programming Division
Engineering Department

31001 Lahser Road
Beverly Hills, MI
48025

248-645-2000

FAX
248-645-0618

TDD
248-645-9923

www.rcocweb.org

June 7, 2011

City of Troy
Bill Huotari, Deputy City Engineer
500 West Big Beaver Road
Troy, MI 48084-5285

RE: Dequindre Road, South Boulevard to Auburn Road
RCOC Project #50681
Cost Participation Agreement

Dear Mr. Huotari:

Enclosed for your review and approval are two original sets of the cost participation agreement for the above referenced project.

Please arrange for signatures on, but **do not date**, both original sets and mail them back to me. Our Board will return a fully executed original to you after their action.

Please call me at 248 645-2000, extension 2213, if you should have any questions.

Respectfully,

Shauna Knight, Engineering Aide
Programming Division

Enclosures (2)

RECEIVED

JUN 08 2011

ENGINEERING

COST PARTICIPATION AGREEMENT

CONSTRUCTION

Dequindre Road

South Boulevard to Auburn Road

City of Troy

BOARD PROJECT NO. 50681

This Agreement, made and entered into this _____ day of _____, 2011, by and between the Board of Road Commissioners for the County of Oakland, Michigan, hereinafter referred to as the BOARD, and the City of Troy, hereinafter referred to as TROY, provides as follows:

WHEREAS, the BOARD, TROY, Macomb County Department of Roads, hereinafter referred to as MACOMB, the City of Rochester Hills, hereinafter referred to as ROCHESTER HILLS and Shelby Township, hereinafter referred to as SHELBY, in cooperation with the Michigan Department of Transportation, hereinafter referred to as MDOT, have programmed the resurfacing of Dequindre Road from South Boulevard to Auburn Road, described in Exhibit "A", attached hereto and made a part hereof. The improvements involve roads under the jurisdiction of the BOARD, and are hereinafter referred to as the PROJECT; and

WHEREAS, the estimated total cost of the PROJECT is \$1,620,000; and

WHEREAS, the BOARD will enter into a contract with MDOT for partial funding of the PROJECT with federal program dollars under the Federal Surface Transportation Program Fund in the amount of \$1,127,000; and

WHEREAS, the BOARD, as the requesting party therein, will be the party financially responsible to MDOT to bear all costs of the PROJECT in excess of federal funds, hereinafter referred to as the LOCAL MATCH; and

WHEREAS, all the parties hereto have reached a mutual understanding regarding the cost sharing for the LOCAL MATCH and wish to commit that understanding to writing in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and in conformity with applicable law, it is hereby agreed between TROY and the BOARD that:

1. TROY, MACOMB, ROCHESTER HILLS and SHELBY approve of the PROJECT, declare its public necessity, and authorize the BOARD to perform or cause to be performed, and complete the PROJECT along with all administration in reference thereto.
2. The PROJECT shall include construction engineering, force account and total payments to the contractor.
3. The BOARD shall enter into a separate contract with MDOT for partial funding of the PROJECT with federal funds, estimated in the amount of \$1,127,000.
4. The BOARD shall contribute \$185,000 to the LOCAL MATCH for the construction engineering and the force account work.
5. The remaining LOCAL MATCH amount of \$308,000 shall be shared equally between the BOARD and the aforementioned communities, as detailed in Exhibit A.
6. Upon execution of this Agreement, the BOARD shall submit an invoice to TROY in the amount of \$19,250 (being 50% of the TROY'S share).
7. As costs of the PROJECT are incurred, the BOARD shall invoice TROY for the remaining 50% of TROY'S share of the LOCAL MATCH.
8. The total actual LOCAL MATCH will be determined from the records of the BOARD upon completion of State financial audits of the PROJECT and a final determination of the total federal funds used on the PROJECT. Final adjustments in the financial obligations of the parties hereto will be made upon completion of the required audits.
9. Upon receipt of said invoice(s), TROY shall pay to the BOARD the full amount thereof, within thirty (30) days of such receipt.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and date first written above.

BOARD OF ROAD COMMISSIONERS FOR THE
COUNTY OF OAKLAND
A Public Body Corporate

By _____

Its _____

CITY OF TROY

By _____

Its _____

EXHIBIT A
2011
Dequindre Road
South Boulevard to Auburn Road
In the
City of Troy
BOARD PROJECT NO. 50681

The resurfacing of Dequindre Road from South Boulevard to Auburn Road.

ESTIMATED PROJECT COST

Contractor Payments	\$1,435,000
Construction Engineering	\$ 175,000
Force Account	\$ 10,000
Less Federal Funds	(\$1,127,000)
LOCAL MATCH	\$ 493,000

COST PARTICIPATION BREAKDOWN

	TROY	MACOMB	ROCHESTER	SHELBY	BOARD	COUNTY	TOTAL
Tri-Party	\$ 0	\$ 0	\$ 12,833	\$ 0	\$ 12,834	\$ 12,833	\$ 38,500
Contribution	0	0	0	0	185,000	0	\$ 185,000
Local Match	38,500	38,500	0	38,500	154,000	0	\$ 269,500
TOTAL	\$ 38,500	\$ 38,500	\$ 12,833	\$ 38,500	\$351,834	\$ 12,833	\$ 493,000



CITY COUNCIL ACTION REPORT

June 15, 2011

TO: John Szerlag, City Manager

FROM: Mark Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer

SUBJECT: Approval of Cost Participation Agreement for the Resurfacing of Crooks Road, from Banmoor to Fountain – Project No. 11.102.6

Recommendation:

Staff recommends that City Council approve the attached Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County (Board) for the resurfacing of Crooks Road, from Banmoor to Fountain at an estimated cost to the City of Troy of \$129,000. Furthermore, staff recommends that the Mayor and City Clerk be authorized to execute the agreements.

Background:

The project will provide for a resurfacing of Crooks Road, from Banmoor to Fountain. The project also includes pedestrian crosswalk upgrades to comply with the Americans with Disabilities Act (ADA).

The project will be bid through the Michigan Department of Transportation (MDOT) in July. Construction is anticipated to start in September and be open to traffic by late November.

Financial Considerations:

The estimated project cost is \$1,386,000. Federal funds in the amount of \$947,000 are available for the project. The local share of \$439,000 is split between Troy and the Board in accordance with Exhibit A of the agreement. The City of Troy share of the project is estimated at \$129,000.

The total actual local match will be determined from the records of the Board upon completion of the State financial audits of the project and a final determination of the total federal funds used on the project. Final adjustments in the financial obligations of the parties will be made upon completion of the required audits.

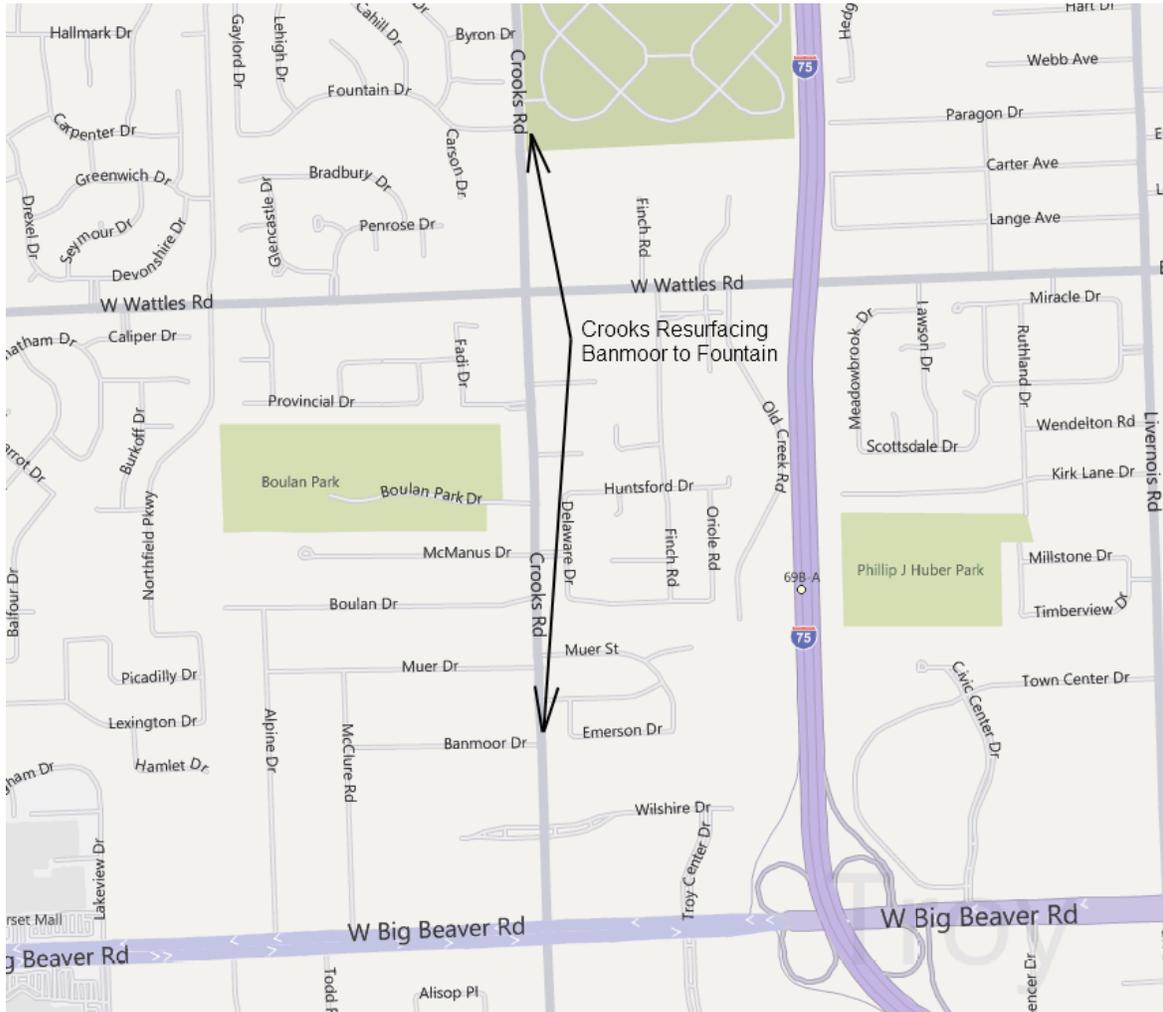
Funds for this work are available in the 2011-12 Major Road Fund.

Legal Considerations:

The format and content of the agreement is consistent with previously approved Cost Participation Agreements between the city and Board as approved by the Legal Department and City Council.

Crooks Road Resurfacing

Road Commission for Oakland County Project #50671



William J Huotari

From: Shauna Knight [sknight@rcoc.org]
Sent: Tuesday, June 07, 2011 7:30 AM
To: William J Huotari
Cc: Tom Noechel
Subject: Cost Participation Agreement
Attachments: CP.50671.Crooks.Troy.MDOT.doc

Mr. Huotari:

Attached is the cost participation agreement for Crooks Road from south of Banmoor Street to south of Fountain Street.

Please print two (2) copies and arrange for signature(s) but do not date them. Once they have been signed, please mail them back me and our Board will mail you a fully executed contract after they approve it.

If you have any questions, please call me.

Respectfully,

Shauna Knight
Engineering Aide - Programming Division
Road Commission for Oakland County
31001 Lahser Road
Beverly Hills, MI 48025
(248) 645-2000 ext. 2213
sknight@rcoc.org
FAX - (248) 645-1083

COST PARTICIPATION AGREEMENT

CONSTRUCTION

Crooks Road

South of Banmoor Street to South of Fountain Street

City of Troy

BOARD PROJECT NO. 50671

This Agreement, made and entered into this _____ day of _____, 2011, by and between the Board of Road Commissioners for the County of Oakland, Michigan, hereinafter referred to as the BOARD, the City of Troy, hereinafter referred to as the COMMUNITY, provides as follows:

WHEREAS, the BOARD and the COMMUNITY, in cooperation with the Michigan Department of Transportation, hereinafter referred to as MDOT, have programmed the resurfacing of Crooks Road from south of Banmoor Street to south of Fountain Street, described in Exhibit "A", attached hereto and made a part hereof. The improvements involve roads under the jurisdiction of the BOARD, and within the COMMUNITY, and are hereinafter referred to as the PROJECT; and

WHEREAS, the estimated total cost of the PROJECT is \$1,386,000; and

WHEREAS, the BOARD will enter into a contract with MDOT for partial funding of the PROJECT with federal program dollars under the Federal Surface Transportation Program Fund in the amount of \$947,000; and

WHEREAS, the BOARD shall contribute \$175,000 for the construction engineering and \$6,000 for the force account work.

WHEREAS, the BOARD, as the requesting party therein, will be the party financially responsible to MDOT to bear all costs of the PROJECT in excess of federal funds, hereinafter referred to as the LOCAL MATCH; and

WHEREAS, said LOCAL MATCH involves a certain designated and approved amount of \$439,000 which shall be comprised of contributions by the BOARD, and the COMMUNITY, as detailed in Exhibit A; and

WHEREAS, the parties hereto have reached a mutual understanding regarding the cost sharing for the LOCAL MATCH and wish to commit that understanding to writing in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and in conformity with applicable law, it is hereby agreed between the COMMUNITY and the BOARD that:

1. The COMMUNITY approves of the PROJECT, declares its public necessity, and authorizes the BOARD to perform or cause to be performed, and complete the PROJECT along with all administration in reference thereto.
2. The PROJECT shall include construction engineering, force account and total payments to the contractor.
3. The BOARD shall enter into a separate contract with MDOT for partial funding of the PROJECT with federal funds, estimated in the amount of \$947,000.
4. The BOARD shall contribute \$181,000 to the LOCAL MATCH for the construction engineering and the force account work.
5. The remaining LOCAL MATCH amount of \$258,000 shall be shared equally between the BOARD and the COMMUNITY, as detailed in Exhibit A.
6. Upon execution of this Agreement, the BOARD shall submit an invoice to the COMMUNITY in the amount of \$64,500 (being 50% of the COMMUNITY'S share).
7. As costs of the PROJECT are incurred, the BOARD shall invoice the COMMUNITY for the remaining 50% of the COMMUNITY'S share of the LOCAL MATCH.
8. The total actual LOCAL MATCH will be determined from the records of the BOARD upon completion of State financial audits of the PROJECT and a final determination of the total federal funds used on the PROJECT. Final adjustments in the financial obligations of the parties hereto will be made upon completion of the required audits.

9. Upon receipt of said invoice(s), the COMMUNITY shall pay to the BOARD the full amount thereof, within thirty (30) days of such receipt.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and date first written above.

BOARD OF ROAD COMMISSIONERS FOR THE
COUNTY OF OAKLAND
A Public Body Corporate

By _____

Its _____

CITY OF TROY

By _____

Its _____

EXHIBIT A

2011

Crooks Road

South of Banmoor Street to South of Fountain Street

In the

City of Troy

BOARD PROJECT NO. 50641

The resurfacing of Crooks Road from south of Banmoor Street to south of Fountain Street.

ESTIMATED PROJECT COST

Contractor Payments	\$1,205,000
Construction Engineering	\$ 175,000
Force Account	\$ 6,000
Less Federal Funds	(\$ 947,000)
LOCAL MATCH	<u>\$ 439,000</u>

COST PARTICIPATION BREAKDOWN

	COMMUNITY	BOARD	TOTAL
TOTAL SHARE	\$129,000	\$310,000	\$439,000



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LGB*
Susan M. Lancaster *SM*
DATE: June 27, 2011
SUBJECT: Margaret and Robert Black v. City of Troy

Enclosed please find a copy of a lawsuit that was recently filed against the City of Troy by Margaret and Robert Black. According to the complaint, Margaret Black was allegedly injured on September 21, 2010 when she tripped over a raised sidewalk in front of 4637 Fairmont and fell.

Plaintiffs seek damages in excess of \$25,000 for alleged injuries to Margaret Black's left shoulder, right hip and lumbar spine. Robert Black is claiming damages for the loss of Margaret Black's services, companionship and consortium.

Absent objections from City Council, our office will represent the City's interests. As always, please let us know if you have any questions.

OAKLAND COUNTY 11-119571-NO
 JUDGE Nanci J. Grant
 BLACK, MARGARET v TROY CITY

STATE OF MICHIGAN
 6th JUDICIAL DISTRICT
 JUDICIAL CIRCUIT
 COUNTY PROBATE

SUMMONS AND COMPLAINT

Court Address 1200 N. Telegraph Road, Pontiac, Michigan

Plaintiff name(s), address(es) and telephone no(s).
MARGARET BLACK and ROBERT BLACK

Plaintiff attorney, bar no., address, and telephone no.
 LOREN D. BLUM (P38557)
 25505 W. 12 Mile Road, Suite 1000
 Southfield, Michigan 48034
 (248) 353-5595

Defendant name(s), address(es), and telephone no(s).
CITY OF TROY

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan, you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued JUN 07 2011	This summons expires SEP 06 2011	Court clerk BILL BULLARD JR.
------------------------------	--------------------------------------------	----------------------------------------

*This summons is invalid unless served on or before its expiration date.

COMPLAINT Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

Family Division Cases

There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
 An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.
 The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

General Civil Cases

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
 A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.
 The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

VENUE

Plaintiff(s) residence (include city, township, or village) County of Oakland	Defendant(s) residence (include city, township, or village) County of Oakland
Place where action arose or business conducted City of Troy, County of Oakland	

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

6/3/2011
Date

[Signature]
Signature of attorney/plaintiff

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MARGARET BLACK, and
ROBERT BLACK,

Plaintiffs,

Case No:

OAKLAND COUNTY 11-119571-NO



JUDGE NANJI J. GRANT
BLACK, MARGARET v TROY CITY

vs.

CITY OF TROY,
a municipal corporation,

Defendant.

RECEIVED
CITY OF TROY
2011 APR -7 PM 2:31
CLERK

LOREN D. BLUM (P38557)
Attorney for Plaintiff
25505 W. 12 Mile Road, Suite 1000
Southfield, Michigan 48034
(248) 353-5595

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES the Plaintiffs, MARGARET BLACK and ROBERT BLACK, by and through their attorneys, MINDELL, MALIN, KUTINSKY, STONE & BLATNIKOFF, and for their Complaint against the Defendant states as follows:

1. That the Plaintiffs are and have been at all times pertinent hereto, residents of the City of Troy, County of Oakland, State of Michigan.
2. That the Defendant, City of Troy, is a municipal corporation located in the County of Oakland, State of Michigan.
3. That the amount in controversy is in excess of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS or is otherwise within the jurisdiction of this court.
4. That this claim is brought pursuant to the provisions of MCLA 691.104, better known as the sidewalk exception to governmental immunity.

MINDELL, MALIN, KUTINSKY,
STONE & BLATNIKOFF
Attorneys & Counselors
25505 WEST TWELVE MILE RD, SUITE 1000
SOUTHFIELD, MI 48034-1677
(248) 353-5595

5. That jurisdiction exists in this court by virtue of an incident which occurred on or about September 21, 2010, at approximately 7:00 pm, on a public sidewalk located in front of 4637 Fairmont Street in the City of Troy, County of Oakland, State of Michigan involving all parties to this action.

6. That on September 21, 2010, the Plaintiff, MARGARET BLACK, was walking upon the sidewalk at the above location when she tripped over a defect in the sidewalk, to wit: raised concrete which was raised over two inches in height causing her to sustain serious injuries as more specifically set forth below.

7. That the Defendant, City of Troy, owed to the Plaintiff, MARGARET BLACK, certain duties and obligations of care which Defendant violated and that violation of these duties and obligations consisted of, but were not limited to, the following:

- a. The duty to provide a safe place for a pedestrian, such as Plaintiff, MARGARET BLACK, in which to walk and move about.
- b. The duty to remove, eliminate or repair any obstacle, impediment or other defect found to exist, or which should have been found in and about the sidewalk owned and operated by the City of Troy.
- c. The duty to take precautions and warn pedestrians such as Plaintiff, MARGARET BLACK, of all dangers on the sidewalk or dangers which should have been known to exist upon the sidewalk upon a reasonable inspection.
- d. The duty to provide regular inspections and maintenance programs of said sidewalk and to provide people in said area to clean, inspect, supervise or move dangerous and defective conditions which include the defect which caused Plaintiff's fall.

8. That said Defendant, in violation of the above duties and obligations, did herein fail in each of the above duties and as a direct and proximate result of the negligence of the Defendant, Plaintiff, MARGARET BLACK, fell and sustained serious, grievous and permanent injuries as is more particularly stated hereinafter:

9. That the Plaintiff, MARGARET BLACK, was a healthy, able-bodied person capable of performing all of the normal functions of a person of her age prior to the Defendant's acts of negligence herein complained of, and that since that time she has become injured and unable to perform her normal functions by reason of her injuries.

10. That the injuries sustained by Plaintiff, MARGARET BLACK, include injuries to her left shoulder, right hip and lumbar spine and injuries generally throughout the body and aggravations of preexisting conditions whether known or unknown at this time.

11. That as a result of the injuries sustained by Plaintiff, MARGARET BLACK, she has suffered and will continue to suffer for the balance of her life extreme and intense bodily pain and mental anguish and embarrassment and the loss of normal ability of herself in a normal fashion for a person of her age and condition and psychological distress and pain.

12. That as a result of the injuries sustained to the Plaintiff, MARGARET BLACK, she has been compelled to expend large sums of money for medical and hospital expenses and prescriptions items and will be compelled to expend further sums in the future.

13. That as a result of the Defendant's acts of negligence the Plaintiff has suffered and will continue to suffer an impairment of his earning capacity.

14. That the injuries sustained by the Plaintiff are of a permanent nature and incurable character and that these conditions remain with the Plaintiff, MARGARET BLACK, for the balance of her normal life.

15. That as a result of the injuries suffered by Plaintiff, MARGARET BLACK, the Plaintiff, ROBERT BLACK, has suffered a loss of companionship, services and conjugal relationships formerly enjoyed with his wife and that these relationships have been permanently effected and that the Plaintiff, ROBERT BLACK, has suffered a loss of consortium.

WHEREFORE, Plaintiff, seeks judgment against the Defendant in such amount in excess of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS as may be determined to be fair, just and equitable, together with interest, court costs and attorney fees

Respectfully submitted,

MINDELL, MALIN & KUTINSKY

BY: 

LOREN D. BLUM (P38557)
Attorney for Plaintiff
25505 W. 12 Mile Road, Suite 1000
Southfield, Michigan 48034
(248) 353-5595

DEMAND FOR JURY TRIAL

NOW COMES the Plaintiffs, MARGARET BLACK and ROBERT BLACK, by and through their attorneys, MINDELL, MALIN, KUTINSKY, STONE & BLATNIKOFF and hereby demands a trial by jury of the within matters.

Respectfully submitted,

MINDELL, MALIN & KUTINSKY

BY: 

LOREN D. BLUM (P38557)
Attorney for Plaintiff
25505 W. 12 Mile Road, Suite 1000
Southfield, Michigan 48034
(248) 353-5595

Dated: May 27, 2011

MINDELL, MALIN, KUTINSKY,
STONE & BLATNIKOFF
Attorneys & Counselors
25505 WEST TWELVE MILE RD, SUITE 1000
SOUTHFIELD, MI 48034-1811
(248) 353-5595



CITY COUNCIL ACTION REPORT

July 5, 2011

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager
Mark Miller, Director of Economic & Community Development
Timothy Richnak, Public Works Director
Cindy Stewart, Community Affairs Director

SUBJECT: Oakland County's Urban County Community Development Block Grant Cooperation Agreement for Program Years 2012-2014

Oakland County Community and Home Improvement Division are requesting the City of Troy's continued participation in Oakland County's Urban County Community Development Block Grant program for program years 2012-2014. The U.S. Department of Housing and Urban Development requires Oakland to renew the Cooperation Agreement every three years. The City of Troy has been participating in Oakland County's Urban County CDBG Program since 1982. Oakland County handles the majority of the federal paperwork involved in administering the CDBG program. The reduction in administrative burden helps maximize the benefit of each dollar at the local level.

The City of Troy should receive approximately \$171,966 in CDBG funds through the "Urban County" program this year. During the past three years approximately \$515,900 has funded such programs as Section 36 Drainage Improvements, Section 36 Walking Path Project, Public Services (Home Chore), Minor Home Repairs and General Program Administration.

It is recommended that Council approve the resolution for the City of Troy to continue its participation in Oakland County's Urban County Community Development Block Grant Program for program years 2012-2014, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the City of Troy to terminate the Cooperative Agreement.

June 3, 2011

The Honorable Louise E. Schilling, Mayor
City of Troy
500 W Big Beaver Road
Troy MI 48084-5285

RE: 2012 - 2014 Cooperation Agreements

Dear Mayor Schilling:

We invite the City of Troy to continue its participation in Oakland County's Urban County Community Development Block Grant (CDBG) program for program years 2012-2014. The City has participated in the County's program during the past three years and during this period approximately \$515,900 has funded flood drain improvement and public service programs to address the needs of low income residents. The U. S. Department of Housing and Urban Development (HUD) requires Oakland County to renew Cooperation Agreements every three years. Your participation is essential to the County and the other participating cities, townships, and villages that combine their demographics to achieve the most federal funding for local projects.

Although Troy has a population of more than 50,000 and is eligible to apply directly for HUD funding, we would like to point out several reasons for the City to consider remaining in the County program. The City receives approximately \$171,966 in CDBG funds through the Urban County program each year. Besides an annual CDBG allocation, the City benefits from the County's federally funded HOME Investment Partnerships Program. Approximately \$1 million in HOME funds is combined with CDBG funds each year to improve local housing stock. As a participating community, Troy will automatically be included in the County HOME program, which provides low income residents with access to our award winning Home Improvement Program. Participating units, however, cannot apply for HUD Administered Small Cities or State CDBG programs. Another benefit is that Oakland County takes care of a majority of the federal paperwork involved in the CDBG and HOME programs. The reduction in administrative burden maximizes the benefit of each dollar at the local level.

As a current participant, there is a Cooperation Agreement between the City and the County on file. The only requirement to continue participating is a resolution. **The resolution language specifically designed to meet HUD requirements is attached for your use. Please ensure that the original resolution is signed, dated, and certified by the Clerk. Alternatively, the original resolution can be signed and dated by the Clerk and embossed with a seal. Please send us the original resolution and keep a copy for your records.** If you choose **not** to participate, a letter signed by the chief executive officer is required. Due to federal requirements, you must submit this letter to the County **and** to HUD. The letter should state that the City does not intend to participate with Oakland County, and will either apply directly to HUD or not seek funding. Please mail HUD's copy of the letter to: U.S. Department of Housing and Urban Development, Keith E. Hernandez, AICP, Director, Community Planning and Development, Patrick V. McNamara Building, 477 Michigan Ave., Suite 1710, Detroit MI, 48226-2592 by **Friday, July 1, 2011**. The County's copy of the letter should be mailed to: Carla Spradlin, Grant Compliance & Program Coordinator, by **Friday, July 1, 2011**. If you have questions, please contact Carla at (248) 858-5312. We look forward to three more years of productive partnership.

Sincerely,

Karry L. Rieth Manager

cc: Cynthia A. Stewart, Community Affairs Director



CITY COUNCIL AGENDA ITEM

Date: July 5, 2011

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of a Water Main Easement – DBT Troy Properties, LLC
Sidwell #88-20-34-152-011

Background

As part of the redevelopment of a property located at 966 Livernois, located in Section 34, the Engineering department has received a water main easement.

The easement was granted to the City of Troy by DBT Troy Properties, LLC, owner of the property having Sidwell #88-20-34-152-011.

The format and content of this easement is consistent with conveyances previously accepted by City Council. The consideration amount on this document is \$1.00.

Recommendation

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

PERMANENT EASEMENT

Sidwell #88-20-34-152-011

DBT TROY PROPERTIES, LLC, a Michigan limited liability company, Grantor(s), whose address is 966 Livernois, Troy, MI 48084, for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 5th day of July A.D. 2011.

DBT TROY PROPERTIES, LLC, a Michigan limited liability company

By Robert G. Nickoloff (L.S.)
* Robert G. Nickoloff
Its Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 5th day of July, 2011, by Robert G. Nickoloff, Member of DBT TROY PROPERTIES, LLC, a Michigan limited liability company on behalf of the company.

LARYSA FIGOL
Notary Public, Oakland County, Michigan *
Acting in Oakland County, Michigan
My Commission Expires 03/02/2012

Larysa Figol

County, _____
My Commission Expires _____
Acting in _____ County, _____

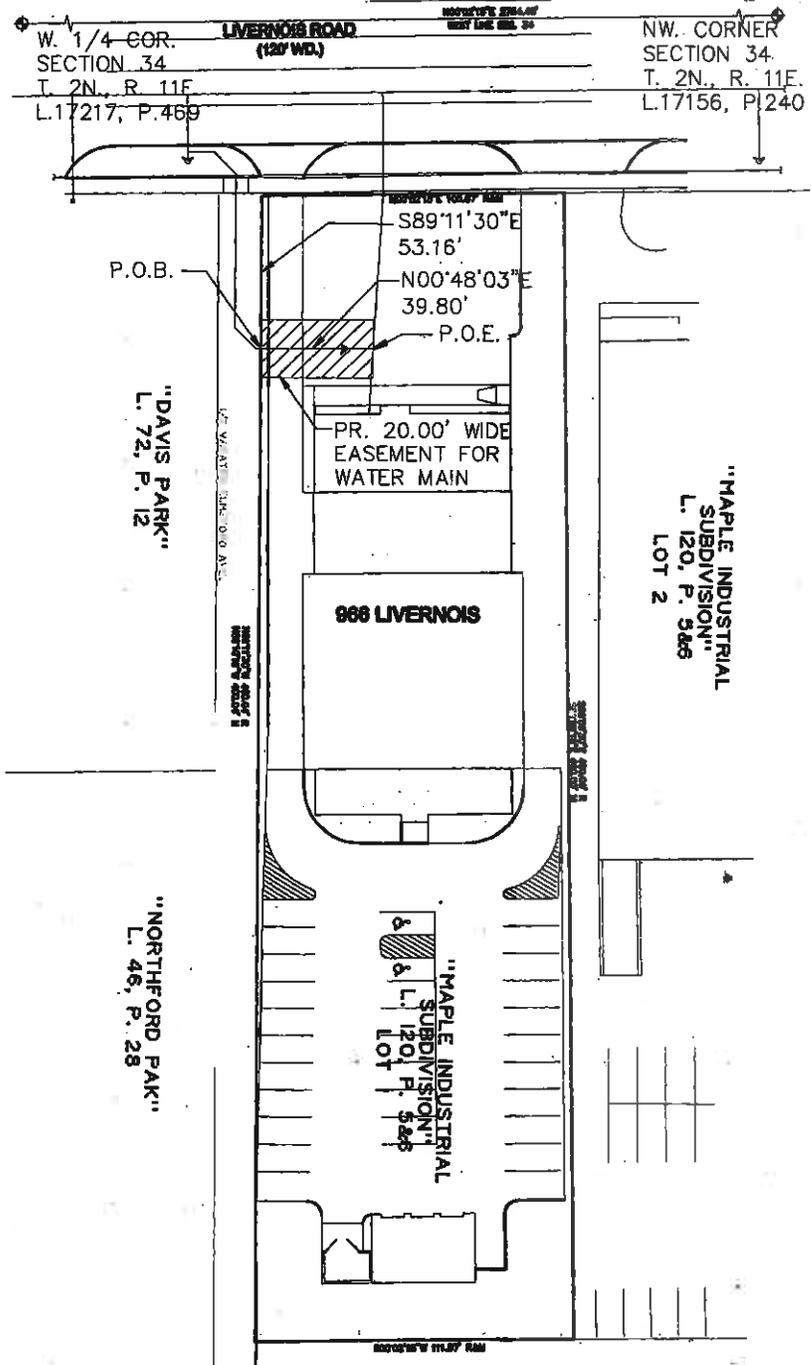
Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

Exhibit A

WATER MAIN EASEMENT



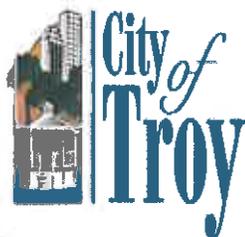
LEGAL DESCRIPTION

A TWENTY (20.00) FOOT WIDE EASEMENT FOR WATERMAIN BEING PART OF LOT 1 OF "MAPLE INDUSTRIAL SUBDIVISION", PART OF THE WEST 1/2 OF THE NW 1/4 OF SECTION 34, T.2N., 11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN. RECORDED IN LIBER 120 OF PLATS, PAGE 5 AND 6 OF OAKLAND COUNTY RECORDS. THE CENTERLINE OF WHICH IS DESCRIBED AS; COMMENCING AT THE SW CORNER OF SAID LOT 1 OF "MAPLE INDUSTRIAL SUBDIVISION"; THENCE S.89°11'30"E. 53.16 FEET TO THE POINT OF BEGINNING; THENCE N.00°48'03"E., 39.80 FEET TO THE POINT OF ENDING.

NF

ENGINEERS
NOWAK & FRAUS ENGINEERS
 4677 WOODWARD AVE.
 PONTIAC, MI 48342-3032
 TEL (248) 332-7931
 FAX (248) 332-8257

SCALE	DATE	DRAWN	JOB NO.	SHEET
1" = 50'	06-30-11	APW	G262	1 of 1



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LGB*
DATE: July 6, 2011
SUBJECT: CitiMortgage, Inc. et. al. v. RBS Citizens, City of Troy, et.al

Enclosed please find a copy of a lawsuit that was recently filed against RBS Citizens NA, a national banking association, Terry L. Stamper, an individual, and the City of Troy. This lawsuit was filed by CitiMortgage, Inc., f/k/a ABN AMRO Mortgage Group, Inc.. to settle property ownership rights and senior and junior lien status for the property at 650 Quill Creek Drive, Troy, MI 48085. The Plaintiffs also filed a Motion for a Preliminary Injunction to Toll the Redemption Period During the Pendency of Action and also a Motion for Partial Summary Disposition.

The complaint sets forth two counts. The first count is a request for an Order to Quiet Title to the Property. The City was the recipient of a portion of the property in 2005, which was voluntarily conveyed as part of a road improvement project. The second count sets forth an alleged breach of contract, which does not involve the City.

A resolution authorizing our office to defend the City's interest is proposed for your consideration. If you have any questions, please let me know.

Recd 4/27/2
via mail.
Lgi

STATE OF MICHIGAN

IN THE 6TH CIRCUIT COURT FOR THE COUNTY OF OAKLAND

CITIMORTGAGE, INC., a New York Corporation
f/k/a ABN AMRO MORTGAGE GROUP, INC.,

Plaintiff,

v

RBS CITIZENS, NA, a national banking association,
and TERRY L. STAMPER, an individual, and
CITY OF TROY, a Michigan municipal corporation,

Defendants.

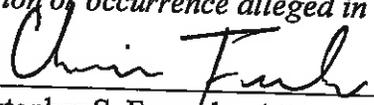
OAKLAND COUNTY 11-119801-CH

JUDGE LEO BOWMAN
CITIMORTGAGE v RBS CITIZENS

FAUSONE BOHN, LLP
Christopher S. Frescoln (P63175)
Andrea E. Hayden (P71976)
Attorneys for Plaintiff
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Northville, Michigan 48168
(248) 380-0000
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There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in this Complaint.



Christopher S. Frescoln, Attorney for Plaintiff

COMPLAINT

NOW COMES Plaintiff, CITIMORTGAGE, INC., formerly known as ABN AMRO MORTGAGE GROUP, INC., by and through its attorneys, FAUSONE BOHN, LLP, and for its Complaint against Defendants, RBS CITIZENS, NA, TERRY L. STAMPER and CITY OF TROY, states:

FAUSONE
BOHN, LLP
1700 W. Six Mile
Suite 101
Northville, MI 48168

(48) 380-0000 tel
(48) 380-3434 fax

Parties, Jurisdiction and Venue

1. Plaintiff, CITIMORTGAGE, INC., is a New York corporation that is the successor by merger of ABN AMRO MORTGAGE GROUP, INC. ("ABN AMRO") with and into CITIMORTGAGE, INC.

2. Plaintiff is the holder, or successor to ABN AMRO, relative to all right, title and interest in a mortgage described in this Complaint as the "ABN Mortgage."

3. ABN AMRO was an operating subsidiary of STANDARD FEDERAL BANK ("Standard Federal"), formerly a Federal Savings Bank, at all times relevant to the transactions and occurrences alleged in this Complaint.

4. Plaintiff claims the ABN Mortgage is an encumbrance on the title to a parcel of real property situated in the City of Troy, Oakland County, Michigan, commonly known as 650 Quill Creek Drive, Troy, 48085 Michigan ("Parcel 064") and more particularly described as:

A parcel of land situated in the Southeast $\frac{1}{4}$ of Section 3, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan and being more particularly described as follows: Beginning at point distant North 89 degrees 39 minutes 08 seconds West 1875.71 feet and South 01 degrees 37 minutes 20 second East 25.01 feet and North 89 degrees 39 minutes 08 seconds West 33.24 feet from the East $\frac{1}{4}$ corner to the point of beginning; thence South 01 degrees 37 minutes 20 seconds East 136.34 feet; thence North 89 degrees 36 minutes 33 seconds West 128.76 feet; thence North 00 degrees 20 minutes 52 seconds East 131.16 feet; thence South 89 degrees 39 minutes 08 second East 10.06 feet along a curve to the left, a radius of 244 feet and a chord that bears North 86 degrees 21 minutes 54 seconds East 33.89 feet, a distance of 33.92 feet; thence North 82 degrees 22 minutes 52 seconds East 19.10 feet; thence South 89 degrees 39 minutes 08 seconds East 61.29 feet to the point of beginning.

Permanent Parcel No.: 20-03-401-064.

5. On information and belief Defendant, TERRY L. STAMPER ("Stamper"), resides in Oakland County, Michigan in the home situated on Parcel 064.

6. On information and belief Stamper claims a fee simple interest in Parcel 064 or a right of redemption of Parcel 064 from the foreclosure of the mortgage described in this Complaint as the "Charter Mortgage."

7. Defendant, RBS CITIZENS, NA ("Citizens"), is a national banking association that conducts business in Oakland County, Michigan and that maintains its primary office at 10561 Telegraph Road, Glen Allen, Virginia 23059.

8. On information and belief Citizens is the successor by merger to CHARTER ONE BANK, F.S.B. ("Charter One").

9. On information and belief Citizens claims a fee simple interest in Parcel 064, subject to the right of redemption of Parcel 064 from the foreclosure described in the Sheriff's Deed issued to Citizens on the foreclosure of the Charter Mortgage.

10. Plaintiff claims that the ABN Mortgage is or was senior and superior to the Charter Mortgage and is thereby unaffected by the Sheriff's Deed issued on the foreclosure of the Charter Mortgage, as more fully alleged herein.

11. On information and belief Citizens claims, or may claim, that the ABN Mortgage is junior and subordinate to the Charter Mortgage and that the ABN Mortgage is subject to the Sheriff's Deed issued on the foreclosure of the Charter Mortgage, as more fully alleged herein.

12. The Sheriff's Deed on which Citizens relies, or may rely, includes within its land description an additional parcel of real property (the "City Property") that is situated in the City of Troy, Oakland County, Michigan and that is particularly described as:

A parcel of land situated in the Southeast $\frac{1}{4}$ of Section 3, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan and being more particularly described as follows: Beginning at point distant North 89 degrees 39 minutes 08 seconds West 1875.71 feet and South 01 degrees 37 minutes 20 second East 25.01 feet from the East $\frac{1}{4}$ corner to the point of beginning; thence South 01 degrees 37 minutes 20 seconds East 136.37 feet (previously described as S 01°31'00" E) to a

point on the North line of "Golf Estates," a subdivision as recorded in Liber 58 of Plats, Page 23, Oakland County Records; thence North 89 degrees 36 minutes 33 seconds West 33.24 feet along the North line of said "Golf Estates" (previously described as N 89°23'00" W); thence North 01 degrees 37 minutes 20 seconds West 136.34 feet; thence South 89 degrees 39 minutes 08 seconds East 33.24 feet to the point of beginning.

Permanent Parcel No.: 20-03-401-065.

13. On information and belief the City Property was conveyed from Defendant Stamper to the City of Troy, and accepted by the City of Troy, pursuant to a warranty deed of conveyance dated August 1, 2005 and recorded on March 7, 2006 at Liber 37210, Page 736, Oakland County Records (the "City Property Deed").

14. On information and belief the City of Troy owns an additional parcel of real property (the "Roadway Property") that is subject to the ABN Mortgage and that is situated in the City of Troy, Oakland County, Michigan and that is particularly described as:

A parcel of land situated in the Southeast $\frac{1}{4}$ of Section 3, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan and being more particularly described as follows: Beginning at point distant North 89 degrees 39 minutes 08 seconds West 1875.71 feet from the East $\frac{1}{4}$ corner along the East-West $\frac{1}{4}$ line of said Section 3 to the point of beginning; thence South 01 degrees 37 minutes 20 seconds East 25.01 feet; thence North 89 degrees 39 minutes 08 seconds West 94.52 feet; thence South 82 degrees 23 minutes 00 seconds West 19.10 feet; thence 33.92 feet along a curve concave to the North of radius 244.00 feet, with a chord bearing South 86 degrees 21 minutes 56 seconds West 33.89 feet; thence North 89 degrees 39 minutes 08 seconds West 357.93 feet; thence North 00 degrees 56 minutes 26 seconds West 30.01 feet to a point on the East-West $\frac{1}{4}$ line of said Section 3, also being the South line of "Bassett & Smith Flowing Spring Acres," a subdivision as recorded in Liber 37 of Plats, Page 9, Oakland County Records; thence South 89 degrees 39 minutes 08 seconds East 504.99 feet (recorded on Plat as S 89°20'30" E) along the East-West $\frac{1}{4}$ line of said Section 3 to the point of beginning.

15. On information and belief the Roadway Property was dedicated and conveyed from Stamper in favor of the City of Troy as a public roadway pursuant to a warranty deed of

conveyance dated August 1, 2005 that was recorded on October 27, 2005 at Liber 36517, Page 718, Oakland County Records (the "Roadway Deed").

16. The City of Troy (the "City") is a Michigan municipal corporation that is incorporated in Oakland County, Michigan.

17. On information and belief the City claims an interest in the City Property and the Roadway Property that is, or may be, affected by the prosecution and disposition of this action.

18. The amount in controversy exceeds \$25,000.00 and this Circuit Court has jurisdiction of all claims made herein pursuant to MCL 600.605.

19. The equitable claims described herein will require the Court's determination of the parties' respective rights and interests in Parcel 064, the City Property and the Roadway Property that are located in Oakland County, Michigan, and these claims are exclusively within the jurisdiction of this Circuit Court pursuant to MCL 600.605 and MCL 600.2932.

20. Venue is proper in this Oakland County Circuit Court pursuant to MCL 600.1605.

21. Plaintiff knows of no other parties claiming an interest in these parcels or the claims made in this Complaint.

COUNT I **QUIET TITLE**

22. On or about June 26, 1979 Defendant Stamper acquired fee title to a parcel of real property that was known by the permanent parcel number 20-03-401-002 pursuant to a warranty deed of conveyance that was recorded on June 29, 1979 at Liber 7550, Page 452, Oakland County Records (the "Stamper Deed"). A copy of the Stamper Deed is attached to this Complaint at Exhibit 1.

23. The parcel described in the Stamper Deed, parcel number 20-03-401-002, was known by the common address 6399 Norton, Troy, Michigan 48098 (the "Parent Parcel").

24. On or about September 22, 1998 Defendant Stamper granted a mortgage (the "Standard Mortgage") in favor of Standard Federal that encumbered the Parent Parcel in the principal amount of \$260,000.00 and that secured Stamper's obligation for repayment of the indebtedness described in the Standard Mortgage instrument. The Standard Mortgage was recorded on December 11, 1998 at Liber 19267, Page 809, Oakland County Records. A copy of the Standard Mortgage is attached to this Complaint at Exhibit 2.

25. On or about June 22, 2000 Defendant Stamper granted a future advance mortgage (the "Charter Mortgage") in favor of First Federal of Michigan, the Michigan operating name of Charter One Bank, F.S.B., that encumbered the Parent Parcel in the maximum principal amount of \$60,750.00 and that secured Stamper's obligation for repayment of the indebtedness described in the Charter Mortgage instrument. The Charter Mortgage was recorded on July 31, 2000 at Liber 21645, Page 542, Oakland County Records. A copy of the Charter Mortgage is attached to this Complaint at Exhibit 3.

26. On or about July 15, 2003 Defendant Stamper refinanced his obligations and indebtedness owed to Standard Federal and granted a mortgage (the "ABN Mortgage") in favor of ABN AMRO, an operating subsidiary of Standard Federal, as a replacement for the Standard Mortgage. The ABN Mortgage encumbered the Parent Parcel in the principal amount of \$322,700.00 and secured Stamper's obligation for repayment of the indebtedness described in the ABN Mortgage instrument. The ABN Mortgage was recorded on October 9, 2003 at Liber 31079, Page 277, Oakland County Records. A copy of the ABN Mortgage is attached to this Complaint at Exhibit 4.

27. ABN AMRO paid a portion of the proceeds from the ABN Mortgage to itself in the amount of \$240,321.65 and applied the proceeds to the discharge of the Standard Mortgage.

28. On August 12, 2003 Standard Federal issued its Certificate of Discharge (the "Standard Discharge") that removed the Standard Mortgage from the title to the Parent Parcel. The Standard Discharge was recorded on April 1, 2004 at Liber 32656, Page 125, Oakland County Records. A copy of the Standard Discharge is attached to this Complaint at Exhibit 5.

29. On and around August 1, 2005 and April 21, 2006 Defendant Stamper obtained approval from Oakland County and/or the City for the division and reconstitution of the Parent Parcel into six separate parcels.

30. On information and belief the land division described in the preceding paragraph was part of a common plan and application for a common land division of the Parent Parcel into six separate parcels, and the plan and application will generally be referenced in this Complaint as the "Land Division."

31. The Roadway Property was one of the six parcels that was split off from the Parent Parcel and conveyed on or around August 1, 2005 pursuant to the Land Division.

32. The Roadway Property was conveyed from Stamper to the City pursuant to the Roadway Deed that is attached to this Complaint at Exhibit 6.

33. On information and belief the parties to the Roadway Deed did not request a partial discharge of the Roadway Property from the lien of the ABN Mortgage, nor did they request or demand any other disposition of the ABN Mortgage relative to the Roadway Property.

34. ABN AMRO received no consideration relative to the conveyance of the Roadway Property and it did not discharge the ABN Mortgage from the Roadway Property.

35. The ABN Mortgage remains undischarged from the title to the Roadway Property that is now vested in the City.

36. The City Property was one of the six parcels that was split off from the Parent Parcel and conveyed on or around August 1, 2005 pursuant to the Land Division.

37. The City Property was conveyed from Stamper to the City pursuant to the City Property Deed that is attached to this Complaint at Exhibit 7.

38. On information and belief the parties to the City Property Deed did not request a partial discharge of the Roadway Property from the lien of the ABN Mortgage, nor did they request or demand any other disposition of the ABN Mortgage relative to the City Property.

39. ABN AMRO received no consideration relative to the conveyance of the City Property and it did not discharge the ABN Mortgage from the City Property.

40. The ABN Mortgage remains undischarged from the title to the City Property that is now vested in the City.

41. On April 21, 2006 Defendant Stamper conveyed the title to three parcels of real property that were split from the Parent Parcel as part of the Land Division in favor of Milano Building Company, Inc. pursuant to a Warranty Deed of conveyance that was recorded on May 3, 2006 at Liber 37504, Page 76, Oakland County Records (the "Milano Deed"). A copy of the Milano Deed is attached to this Complaint at Exhibit 8.

42. The parcels described in the Milano Deed are designated as "Parcel 2," which is now known by the parcel number 20-03-401-063 ("Parcel 063"); "Parcel 3," which is now known by the parcel number 20-03-401-062 ("Parcel 062"); and "Parcel 4," which is now known by the parcel number 20-03-401-061 ("Parcel 061").

43. On or about November 23, 2010 Citizens issued a Partial Discharge (the "Citizens Partial Discharge") of the Charter Mortgage that contains descriptions of Parcel 061, Parcel 062, Parcel 063 and the Roadway Property as the parcels that were released from the lien of the

Charter Mortgage. A copy of the Citizens Partial Discharge is attached to this Complaint at Exhibit 9.

44. On February 1, 2011 Citizens received a Sheriff's Deed on Mortgage Sale (the "Sheriff's Deed") from Thomas Rabette, Deputy Sheriff in and for Oakland County, Michigan, which purports to vest in Citizens the title to Parcel 064 and the City Property by the foreclosure of the Charter Mortgage by advertisement. A copy of the Sheriff's Deed is attached to this Complaint at Exhibit 10.

45. Plaintiff brings this Count in equity and pursuant to MCL 600.2932 primarily for the purpose of challenging the efficacy of the Sheriff's Deed and the priority of the Charter Mortgage relative to the ABN Mortgage, and to obtain a determination from the Court of the parties' respective interests in Parcel 064, the Roadway Property and the City Property.

46. For assistance in identifying the Parent Parcel and the parcels that were subject to the Land Division described herein, Plaintiff has attached an Oakland County public record at Exhibit 11 that represents the Parent Parcel as a solid rectangle superimposed over Parcel 061, Parcel 062, Parcel 063, Parcel 064 and Parcel 065.

47. The Sheriff's Deed is deficient and void or voidable for its erroneous reference to the parcel identification number for Parcel 064 while providing the common address 6399 Norton, Troy, Michigan 48098 that is not associated with Parcel 064.

48. The Sheriff's Deed is deficient and void or voidable for the unreasonable, arbitrary and unofficial description of Parcel 064 that Citizens gave in its advertisement and in the Sheriff's Deed.

49. The advertisement and the Sheriff's Deed did not provide a reasonable or accurate description of the parcel or parcels that Citizens attempted to acquire by foreclosure.

50. The deficiencies apparent in the advertisement and the Sheriff's Deed caused a failure or omission of the notice Citizens was required to give pursuant to MCL 600.3201, et seq.

51. Due to the deficiencies apparent in the both the advertisement and the Sheriff's Deed, the Sheriff's Deed is void or voidable and should be set aside from the title to Parcel 064, and any other parcels that may be affected by the Sheriff's Deed.

52. The foreclosure attempted by Citizens is void or voidable for the reason that the Sheriff's Deed purports to effect its foreclosure as against Parcel 064 and the City Property.

53. Because Parcel 064 remains encumbered by the ABN Mortgage, Citizens was required by law to marshal its assets and foreclose its mortgage as against the City Property before proceeding against Parcel 064.

54. Citizens failed to marshal its assets and its foreclosure should be deemed void or voidable and the Sheriff's Deed should be rendered null and void and set aside from the title to Parcel 064 and any other parcels that may be affected by the Sheriff's Deed.

55. Citizens should be denied any relief, rights, title or interest in Parcel 064 or the City Property through the Sheriff's Deed because Citizens voluntarily discharged its interests in Parcel 061, Parcel 062 and Parcel 063 and on information and belief it did so without receiving consideration for its discharge of those parcels from the lien of the Charter Mortgage.

56. To the extent that Citizens claims that it did not intend to foreclose the Charter Mortgage as against the City Property, the inclusion of the City Property in the property described in the Sheriff's Deed is a sufficient irregularity to cause the setting aside of the Sheriff's Deed in its entirety.

57. Independent of the deficiencies in the foreclosure process that are evident in the Sheriff's Deed, the ABN Mortgage was unaffected by the foreclosure by Citizens because the

ABN Mortgage was a replacement mortgage for the prior Standard Mortgage that was held by Standard Federal and its operating subsidiary, ABN AMRO, on the dates of the originations of both the Charter Mortgage and the ABN Mortgage.

58. ABN AMRO was not a volunteer to the ABN Mortgage transaction, but instead held a prior interest in the Parent Parcel that was replaced in the form of the ABN Mortgage.

59. Pursuant to the foregoing facts and circumstances, the ABN Mortgage was or is senior and superior to the Charter Mortgage and the Sheriff's Deed by equitable subrogation, or the ABN Mortgage should be determined senior and superior to the Charter Mortgage and the Sheriff's Deed by the Court's imposition of equitable subrogation in Plaintiff's favor.

60. Plaintiff's predecessor held a prior mortgage, the Standard Mortgage, that was senior and superior to the Charter Mortgage when Charter One acquired its interest under the Charter Mortgage.

61. Charter One accepted the Charter Mortgage on June 22, 2000 with notice and knowledge of the prior and senior Standard Mortgage that was held by Plaintiff's predecessor, the Charter Mortgage was junior and subordinate to the Standard Mortgage pursuant to race-notice principles and the Charter Mortgage and the Sheriff's Deed should remain junior and subordinate to the ABN Mortgage pursuant to equitable subrogation and race-notice principles.

62. The existence of the Sheriff's Deed in the Oakland County public land records jeopardizes and diminishes Plaintiff's interest in the parcels described in this Complaint.

63. These Defendants should be compelled to come forward and claim their interests in Parcel 064, the Roadway Property and/or the City Property or be forever barred from claiming any interest in these parcels that would be inconsistent with the claims made by Plaintiff.

WHEREFORE, Plaintiff, CITIMORTGAGE, INC., respectfully requests that the Court enter a Declaratory Judgment and/or a Judgment or Order to Quiet Title to Parcel 064 in favor of Plaintiff ordering, adjudging and determining that the ABN Mortgage is senior and superior to the Charter Mortgage and the Sheriff's Deed, that the Court order the Sheriff's Deed null and void and set aside from the title to Parcel 064 and the City Property, that the Court order, adjudge and determine that Plaintiff is subrogated to the prior lien status and senior position of the Standard Mortgage as against Citizens and the Charter Mortgage and the Sheriff's Deed, that the Court determine the respective rights of all parties in Parcel 064, the City Property and the Roadway Property, and that the Court grant such other relief as the Court may deem just and equitable under the circumstances.

COUNT II

BREACH OF ABN MORTGAGE CONTRACT AND ABN MORTGAGE COVENANTS AND ACTION FOR SPECIFIC PERFORMANCE OF ABN MORTGAGE CONTRACT

64. Plaintiff incorporates all allegations set forth in this Complaint in this Count.

65. This Count is made in the alternative to Plaintiff's Count I to quiet title and for declaratory relief.

66. Defendant Stamper voluntarily executed the ABN Mortgage on July 15, 2003.

67. Defendant Stamper made the conveyance of the Parent Parcel in favor of ABN AMRO pursuant to the ABN Mortgage with certain covenants and warranties in favor of ABN AMRO.

68. Pursuant to paragraph 4 of the ABN Mortgage, Defendant Stamper agreed, warranted, promised and covenanted that he would pay all taxes, assessments, charges, fines and impositions attributable to the Property which can attain priority of the ABN Mortgage.

69. Pursuant to paragraph 4 of the ABN Mortgage, Defendant Stamper agreed, warranted, promised and covenanted that he would promptly discharge any lien which has priority over the ABN Mortgage.

70. Defendant Stamper made multiple other representations and promises to ABN AMRO in the form of affidavits given and agreements made at the closing of the ABN Mortgage loan on or around July 15, 2003.

71. On information and belief the affidavits and agreements referenced in the foregoing paragraph are in the possession of Defendant Stamper and are therefore not attached as exhibits to this Complaint.

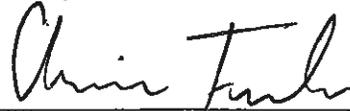
72. On information and belief, Defendant Stamper has defaulted on the Charter Mortgage account, he has failed to promptly redeem the property described in the Sheriff's Deed from the foreclosure of the Charter Mortgage, he has failed to discharge the Charter Mortgage and he has therefore failed to perform the agreements, warranties, promises and covenants he made in favor of ABN AMRO, and its successors and assigns, including this Plaintiff, and Defendant Stamper is in breach of the ABN Mortgage contract and the multiple other agreements and affidavits he made out in favor of ABN AMRO on or around July 15, 2003.

73. Plaintiff has suffered damages as a result of Defendant Stamper's failure to perform these agreements, warranties, promises and covenants he made in favor of ABN AMRO, and its successors and assigns, including this Plaintiff, and Defendant Stamper should be ordered to render specific performance of the ABN Mortgage contract and judgment should enter against him for any and all damages that Plaintiff has suffered, or will suffer, as a result of Defendant Stamper's breaches of the ABN Mortgage contract.

WHEREFORE, Plaintiff, CITIMORTGAGE, INC., respectfully requests that the Court enter a Judgment or Order in Plaintiff's favor and against Defendant, TERRY L. STAMPER, for an amount in excess of \$25,000.00 to which the Court may find Plaintiff entitled and as the Court may deem just and equitable, and that the Court grant such other relief as the Court may deem just and equitable under the circumstances, including the entry of an order for specific performance of the ABN Mortgage contract against Defendant Stamper and in favor of Plaintiff, and that the Court enter an award of Plaintiff's costs and attorney fees.

Respectfully Submitted:

FAUSONE BOHN, LLP
Attorneys for Plaintiff



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41700 West Six Mile Road, Suite 101
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CFrescoln@FB-Firm.com

Dated: June 15, 2011

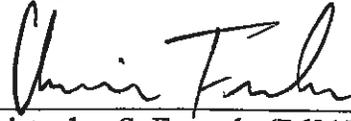
PLAINTIFF'S STATEMENT OF TITLE

This Statement of Title is submitted pursuant to MCR 3.411(C)(2).

Plaintiff, CITIMORTGAGE, INC., claims it is the holder and mortgagee relative to a mortgage referenced in this Complaint as the "ABN Mortgage." Plaintiff claims that the ABN Mortgage is a first-priority mortgage that fully encumbers the title to Parcel 064, the City Property and the Roadway Property, and that the ABN Mortgage is senior and superior to any rights, title or interests claimed by any party in this action, or as referenced in this Complaint.

Respectfully Submitted:

FAUSONE BOHN, LLP
Attorneys for Plaintiff



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(248) 380-0000
(248) 380-3434 (Fax)
CFrescoln@FB-Firm.com

Dated: June 15, 2011

TRAFFIC COMMITTEE MINUTES MARCH 16, 2011 FINAL

A regular meeting of the Troy Traffic Committee was held Wednesday, March 16, 2011 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: John Diefenbaker
 Ted Halsey
 Gordon Schepke
 Pete Ziegenfelder

ABSENT: Sarah Binkowski
 Jan Hubbell
 Richard Kilmer

Also present: Bill Huotari, Deputy City Engineer/Traffic Engineer
 Lt. David Livingston, Troy Police Dept.

2. Minutes – January 19, 2011**RESOLUTION 2011-03-07**

Moved by Diefenbaker

Seconded by Halsey

To approve the January 19, 2011 minutes as printed.

YES: All-4

NO: None

ABSENT: 3 (Binkowski, Hubbell, Kilmer)

MOTION CARRIED

REGULAR BUSINESS**3. Right Turn Only Request at 3331 Rochester Road (Tim Hortons)**

Mr. Halsey has observed motorists leaving Tim Hortons and driving straight across three lanes of traffic to get to the turnaround. Police officers and the Traffic Engineer have observed this dangerous behavior and recommend installing signs at the Tim Hortons driveway and in the median directing all traffic to turn right only. See attached report.

RESOLUTION 2011-03-08

Moved by Halsey

Seconded by Schepke

To recommend installation of signage directing all traffic to turn right when exiting the Tim Horton's driveway (3331 Rochester Road) to southbound Rochester Road, and in the median area at the crossover.

YES: All-4

NO: None

ABSENT: 3 (Binkowski, Hubbell, Kilmer)

MOTION CARRIED

4. Public Comment

No one wished to address the committee.

5. Other Business

There was no other business.

6. Adjourn

The meeting adjourned at 7:38 p.m.

Pete Ziegenfelder, Chairperson

Laurel Nottage, Recording Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, April 13, 2011, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:05 p.m.

Trustees Present: Mark Calice
Thomas J. Gordon, II
John M. Lamerato
William R. Need (Ex-Officio)
Steve Pallotta
Mary Kerwin

Trustees Absent: Thomas Rosewarne
John Szerlag

Also Present: Lori Grigg Bluhm
Tim McLean
Monica Irelan
Marla A Linderman, Linderman Law, P.C.
John Grant, UBS

Minutes

Resolution # ER – 2011-4-16

Moved by Pallotta

Seconded by Lamerato

RESOLVED, That the Minutes of the March 9, 2011 meeting be approved.

Yeas: All – 5

Absent: Rosewarne, Szerlag

Other Business – Prior Government Service Request

The Board received and filed the prior government service request of Diane Salter of 3 years, 4 months.

Other Business – Kocenda Disability Retirement Request

City Attorney Lori Bluhm was present and gave a brief procedural summary of this matter, which included the following:

On 3/10/2010, the Board denied the 7/29/2009 request of David Kocenda for a duty disability retirement, based in part on the opinion of the Board's attorney, Michael VanOverbeke, that David Kocenda was not an employee, eligible for such a duty disability retirement.

On 4/27/2010, David Kocenda's attorney Marla Linderman filed a Request for Reconsideration. The Board considered all of the material she submitted, including a Request for Reconsideration of Medical Duty Disability Defined Contribution Retirement Disbursement and Conversion Decisions (included as part of the record), and some additional documentation from Michigan Commission on Law Enforcement Standards and letters from David Kocenda dated January 7, 2007 and August 1, 2007, which were handed out at the meeting and included as part of the record. The Board postponed this matter and rescheduled it for the first available date after the conclusion of David Kocenda's worker's compensation case.

The worker's compensation case was concluded on January 26, 2011, where the Magistrate found, after medical testimony, that although David Kocenda injured his knee on the job, he was not totally disabled from employment.

At the meeting, Attorney Linderman handed out a Supplemental Brief Regarding Request for Reconsideration of Medical Disability Defined Contribution Retirement Disbursement and Conversion Decision, which is now part of the record. Ms. Linderman was provided an opportunity to make an oral argument raised by Ms. Linderman.

Although requested, the Board did not take any action to Reconsider its earlier decision concerning the duty disability retirement request. Since the matter was not presently before the Board, there was no action on any potential deferred retirement for David Kocenda.

Other Business – Retirement Request

Resolution # ER – 2011-4-17

Moved by Lamerato
 Seconded by Kerwin

RESOLVED, That the following retirement requests be approved:

Name	Gary L. Bowers	Orville R. Allen Jr.	Barbara J. Myhal	Carla Vaughan
Pension Program	DB	DC	DC	DB
Retirement Date	6/11/11	6/25/11	6/25/11	5/28/11
Department	Planning	Building Operations	Human Resources	Recreation
Service Time	21 years, 1 month	31 years, 10 months	10 years, 2 months	37 years, 9 months
Name	David F. Lapine	Wendell B. Moore		
Pension Program	DB	DC to DB		
Retirement Date	6/11/11	7/1/11		
Department	Building Operations	Police		
Service Time	30 years, 7 months	34 years, 3 months		

Yeas: All – 5
 Absent: Rosewarne, Szerlag

investments

Resolution # ER – 2011-4-18

Moved by Lamerato

Seconded by Gordon

RESOLVED, That the board buy and sell the following:

- Sell: Berkshire Hathaway.B
- Buy: 2,000 shares Fastenal
- 5,000 shares McKesson
- 3,000 shares Panera Bread
- 5,000 Shares Manitowoe
- 5,000 Shares Copano Energy
- \$500,000 Eaton Vance Floating Rate Fund

Yeas: All – 5

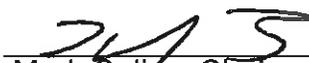
Absent: Rosewarne, Szerlag

Public Comment

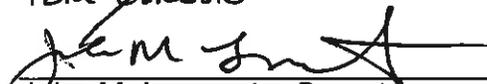
None.

The next meeting is May 11, 2011 at 1:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 1:35 p.m.



 Mark Gajice, Chairman
Tom Gordon



 John M. Lamerato, Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, May 11, 2011, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 1:00 p.m.

Trustees Present: Thomas J. Gordon, II
John M. Lamerato
William R. Need (Ex-Officio)
Steve Pallotta
Mary Kerwin
John Szerlag (Departed at 1:35 pm)
Mitchell Lenczewski

Trustees Absent: Mark Calice

Also Present: Tim McLean
Monica Irelan
John Grant, UBS
Rebecca Sorensen, UBS

Minutes

Resolution # ER – 2011-5-19

Moved by Pallotta

Seconded by Lamerato

RESOLVED, That the Minutes of the April 13, 2011 meeting be approved.

Yeas: All –6

Absent: Mark Calice

Other Business – Retirement Request

Resolution # ER – 2011-5-20

Moved by Szerlag

Seconded by Pallotta

RESOLVED, That the following retirement requests be approved:

Name	Kim Antoine	Loraine M. Campbell	Barbara G. Rupas	Suzanne Stroinski
Pension Program	DB	DC	DC	DC
Retirement Date	July 1, 2011	July 1, 2011	July 1, 2011	July 1, 2011
Department	Building Operations	Museum	Parks & Recreation	Police
Service Time	22 years, 6 months	15 years	18 years, 2 months	11 years, 6 months
Yeas:	All –6			
Absent:	Mark Calice			

Other Business – Election Results

The Board received and filed the election results for the new board trustee. The board welcomed Mitchell Lenczewski to the board.

Other Business – March 31, 2011 Investment Report

Rebecca Sorensen, UBS went over the investment report with the board.

Investments

Resolution # ER – 2011-5-21

Moved by Pallotta

Seconded by Kerwin

RESOLVED, That the board buy and sell the following:

Sell: Brown & Brown
Logitech
Sears Holdings

Yeas: All –5

Absent: Mark Calice, John Szerlag

Public Comment

Martin Howrylak was present. None.

The next meeting is June 8, 2011 at 12:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 1:45 p.m.

Mark Calice, Chairman

John M. Lamerato, Secretary

The Zoning Board of Appeals meeting was called to order by Chair Lambert at 7:30 p.m. on May 17, 2011, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Michael Bartnik
Glenn Clark
Kenneth Courtney
Thomas Strat
A. Allen Kneale
David Lambert

Also Present:

Paul Evans, Zoning and Compliance Specialist
Susan Lancaster, Assistant City Attorney
Aileen Bittner, City Clerk's Office Administrative Aide

Absent:

William Fisher

2. APPROVAL OF MINUTES

Moved by Clark
Seconded by Courtney

RESOLVED, To approve the April 19, 2011 Regular meeting minutes as corrected.

Yes: All present (6)

Absent: Fisher

MOTION PASSED

3. HEARING OF CASES

B. VARIANCE REQUEST, MINAL GADA AND ASHISH MANEK, 4820 LIVERNOIS

Motion to Postpone Variance Request from Minal Gada and Ashish Manek, 4820 Livernois

Moved by Courtney
Seconded by Clark

RESOLVED, That the City of Troy Zoning Board of Appeals hereby **POSTPONES** to the June 21, 2011, Regular Meeting the Variance Request from Minal Gada and Ashish Manek, 4820 Livernois.

Yes: All Present (6)
No: None
Absent: Fisher

MOTION PASSED

A. VARIANCE REQUEST, MONSIGNOR ZOUHAIR TOMA KAJBOU, 2442 E. BIG BEAVER ROAD, ST. JOSEPH CHALDEAN CATHOLIC CHURCH

Motion to Postpone *Variance Request, Monsignor Zouhair Toma Kajbou, 2442 E. Big Beaver Road, St. Joseph Chaldean Catholic Church*

Moved by Clark
Seconded by Courtney

RESOLVED, That the City of Troy Zoning Board of Appeals hereby **POSTPONES** to the June 21, 2011, Regular Meeting the *Variance Request, Monsignor Zouhair Toma Kajbou, 2442 E. Big Beaver Road, St. Joseph Chaldean Catholic Church*

Yes: Lambert Bartnik, Courtney
No: Kneale, Strat, Clark
Absent: Fisher

MOTION FAILED

Chair Lambert **OPENED** the Public Hearing at 7:53 p.m.

Public Comment was **RECEIVED** from:
Mr. Philip Sanzica
Mr. Ed Piche

Chair Lambert **CLOSED** the Public Hearing at 8:00 p.m.

Vote on Main Motion *Variance Request, Monsignor Zouhair Toma Kajbou, 2442 E. Big Beaver Road, St. Joseph Chaldean Catholic Church*

Moved by Bartnik
Seconded by Kneale

WHEREAS, In order to construct an addition to the church and a new driveway: 1) An 8 foot variance from the requirement that the addition be set back 50 feet from the west property line; 2) a 43 foot variance from the requirement that the proposed driveway be set back at least 50 feet from the west property line; and 3) a variance from the requirement that a landscaped berm be provided between the proposed driveway and the west property line.

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy Zoning Board of Appeals hereby **DENIES** the Variance Request from Monsignor Zouhair Toma Kajbou, 2442 E. Big Beaver Road, St. Joseph Chaldean Catholic Church.

Yes: All Present (6)
No: None
Absent: Fisher

MOTION PASSED

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

There was no Public Comment.

6. MISCELLANEOUS BUSINESS

A. ELECTION OF OFFICERS

MOTION TO ELECT MR. LAMBERT FOR CHAIR

Moved by Courtney
Seconded by Clark

RESOLVED, That the City of Troy Zoning Board of Appeals hereby **ELECTS** Mr. Lambert to serve as Chair.

MOTION FOR DIVISION OF THE QUESTION FOR THE ELECTION OF OFFICERS

Moved by Bartnik
Seconded by Strat

RESOLVED, That the City of Troy Zoning Board of Appeals hereby **BIFORCATES** the election of Chair and Vice Chair.

Yes: Strat, Bartnik, Kneale, Lambert
No: Clark, Courtney
Absent: Fisher

MOTION PASSED

VOTE ON THE ELECTION OF CHAIR

Moved by Clark
 Seconded by Lambert

RESOLVED, That the City of Troy Zoning Board of Appeals hereby **NOMINATES** Mr. Lambert and Mr. Bartnik to serve as Chair, and **CLOSES** nominations.

Yes: All Present (6)
 No: None
 Absent: Fisher

MOTION PASSED

POLLING OF THE BOARD MEMBERS PRESENT

Election of Chair of the Zoning Board of Appeals.

Name	Lambert	Bartnik
Mr. Clark	X	
Mr. Courtney	X	
Mr. Fisher	Absent	Absent
Mr. Kneale		X
Mr. Lambert	X	
Mr. Strat		X
Mr. Bartnik		X

MOTION FAILED

SECOND VOTE ON THE ELECTION OF CHAIR -

Moved by Clark
 Seconded by Strat

RESOLVED, That the City of Troy Zoning Board of Appeals hereby **NOMINATES** Mr. Lambert and Mr. Bartnik to serve as Chair, and **CLOSES** nominations.

Yes: All Present (6)
 No: None
 Absent: Fisher

MOTION PASSED

POLLING OF THE BOARD MEMBERS PRESENT

Election of Chair of the Zoning Board of Appeals.

Name	Lambert	Bartnik

Mr. Courtney	x	
Mr. Fisher	Absent	Absent
Mr. Kneale		X
Mr. Lambert	x	
Mr. Strat		X
Mr. Bartnik		X
Mr. Clark	x	

MOTION FAILED

THIRD VOTE ON THE ELECTION OF CHAIR

Moved by Clark
 Seconded by Kneale

RESOLVED, That the City of Troy Zoning Board of Appeals hereby **NOMINATES** Mr. Lambert and Mr. Bartnik to serve as Chair, and **CLOSES** nominations.

Yes: All Present (6)
 No: None
 Absent: Fisher

MOTION PASSED

POLLING OF THE BOARD MEMBERS PRESENT

Election of Chair of the Zoning Board of Appeals.

Name	Lambert	Bartnik
Mr. Lambert	x	
Mr. Strat		X
Mr. Bartnik		X
Mr. Clark	x	
Mr. Courtney	x	
Mr. Fisher	Absent	Absent
Mr. Kneale	x	

MOTION PASSED

Mr. Lambert is hereby **ELECTED** to serve as Chair of the Zoning Board of Appeals.

VOTE ON THE ELECTION OF VICE CHAIR -

Moved by Clark
 Seconded by Lambert

RESOLVED, That the City of Troy Zoning Board of Appeals hereby **NOMINATES** Mr. Kneale to serve as Vice Chair, and **CLOSES** nominations.

Yes: All Present (6)
 No: None
 Absent: Fisher

MOTION PASSED

POLLING OF THE BOARD MEMBERS PRESENT

Election of Vice Chair of the Zoning Board of Appeals.

Name	Kneale	None
Mr. Lambert	x	
Mr. Strat	X	
Mr. Bartnik	X	
Mr. Clark	x	
Mr. Courtney	x	
Mr. Fisher	Absent	Absent
Mr. Kneale	x	

MOTION PASSED

Mr. Kneale is hereby **ELECTED** to serve as Vice Chair of the Zoning Board of Appeals.

Mr. Strat exited the meeting at 8:38 p.m.

B. **CONTINUATION OF 5-17-2011 ZBA STUDY SESSION**

Mr. Evans and Mrs. Lancaster summarized changes to the Zoning Ordinance as they relate to the Zoning Board of Appeals, and answered Board Member questions.

7. **ADJOURNMENT**

The Zoning Board of Appeals meeting **ADJOURNED** at 9:03 p.m.

Respectfully submitted,

David Lambert, Chair

M. Aileen Bittner, City Clerk's Office Administrative Aide

The Zoning Board of Appeals Study Session was called to order by Chair Lambert at 6:38 p.m. on May 17, 2011, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Michael Bartnik
Kenneth Courtney
Thomas Strat
A. Allen Kneale
David Lambert

Also Present:

Paul Evans, Zoning and Compliance Specialist
Susan Lancaster, Assistant City Attorney
Aileen Bittner, Administrative Aide

Absent:

Glenn Clark
William Fisher

2. SUMMARY OF NEWLY ADOPTED ZONING ORDINANCE

Mr. Evans and Mrs. Lancaster summarized changes to the Zoning Ordinance as they relate to the Zoning Board of Appeals, and answered Board Member questions.

3. REVISIONS TO RULES OF PROCEDURE

Mr. Evans and Mrs. Lancaster advised Zoning Ordinance changes would necessitate changes to the Rules of Procedure. It was agreed by everyone present that this would be a good time to address any other desired changes to the rules. Mr. Evans will forward an electronic copy of the rules to the Board members and they can propose suggested changes for Staff to incorporate in a future draft.

4. PUBLIC COMMENT

There was no one present who wished to speak.

7. ADJOURNMENT

Due to time constraints, the Board and Staff agreed to continue the Study Session under Public Comment for the Zoning Board of Appeals Regular Meeting immediately following. The Zoning Board of Appeals Study Session **POSTPONED** at 7:26 p.m.

Respectfully submitted,

David Lambert, Chair

M. Aileen Bittner, Administrative Aide

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, June 8, 2011, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 1:08 p.m.

Trustees Present: Mark Calice
Thomas J. Gordon, II
John M. Lamerato
William R. Need (Ex-Officio)
Steve Pallotta
Mary Kerwin
Mitchell Lenczewski

Trustees Absent: John Szerlag

Also Present: Tim McLean
Monica Irelan

Minutes

Resolution # ER – 2011-6-22

Moved by Pallotta
Seconded by Kerwin

RESOLVED, That the Minutes of the May 11, 2011 meeting be approved.

Yeas: All –6
Absent: John Szerlag

Investments

Resolution # ER – 2011-6-23

Moved by Pallotta
Seconded by Kerwin

RESOLVED, That the board buy and sell the following:

Sell: Entire holdings of Frontier Communication
Buy: 3,750 shares of 3M
5,000 shares of Alcoa
5,000 shares of Bed Bath & Beyond
4,920 shares of DirecTV

Yeas: All –6
Absent: John Szerlag

Other Business – Retirement Request**Resolution # ER – 2011-6-24**

Moved by Lamerato

Seconded by Gordon

RESOLVED, That the following retirement requests be approved:

Name	James W. Clark	Charles T. Pappas	William L. Avery	Michael F. Bjork
Pension Program	DC	DC	DB	DB
Retirement Date	7-1-11	7-1-11	6-25-11	6-11-11
Department	Police	Police	Police	Police
Service Time	39 years 7 months	32 years 6 months	28 years 10 months	26 years 2 months
Name	John Schaufler	Robert L. Kowalski	JoAnn Green	Stuart J. Alderman
Pension Program	DB	DB	DB	DB
Retirement Date	7-1-11	6-11-11	6-24-11	7-1-11
Department	Police	Police	Treasurer	Recreation
Service Time	25 years 5 months	25 years 10 months	31 years 3 months	25 years 9 months
Name	Joseph K Lagarde	Russell A. Weipert	Tonni L. Bartholomew	Colleen Anne Mott
Pension Program	DB	DB	DB	DB
Retirement Date	7-1-11	7-1-11	7-1-11	7-1-11
Department	Motor Pool	Police	Clerk's	Police
Service Time	33 years 6 months	29 years 8 months	11 years 5 months	25 years 10 months
Name	AnnMarie Scherlinck	James A. Nash	Joseph M. Falcon	Karen J Livingston
Pension Program	DB	DB	DC	DB
Retirement Date	6-25-11	7-1-11	6-25-11	7-1-11
Department	Police	Finance	Police	Police
Service Time	26 years 6 months	11 years 5 months	37 years 1 month	26 years 7 months
Name	John D. Lapine			
Pension Program	DC			
Retirement Date	6-18-11			
Department	Public Works			
Service Time	41 years 1 month			

Yeas: All –6

Absent: John Szerlag

Other Business – Retirement Request

Resolution # ER – 2011-6-25

Moved by Gordon

Seconded by Lenczewski

RESOLVED, That the following retirement requests be approved:

Name	John M. Lamerato	Samuel P. Lamerato	
Pension Program	DB	DB	
Retirement Date	6-21-11	7-1-11	
Department	City Manager	Motor Pool	
Service Time	17 years 5 months	38 years 5 months	

Yeas: All –5

Absent: John Szerlag

Abstain: John Lamerato

Public Comment

None.

The next meeting is July 13, 2011 at 12:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 1:54 p.m.

Mark Calice, Chairman

_____, Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 7:30 p.m. on June 14, 2011, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
Michael W. Hutson
Tom Krent
Philip Sanzica
Robert Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann

Absent:

Mark Maxwell

Also Present:

R. Brent Savidant, Acting Planning Director
Allan Motzny, Assistant City Attorney
Zachary Branigan, Carlisle/Wortman Associates, Inc.
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2011-06-032

Moved by: Schultz
Seconded by: Tagle

RESOLVED, To approve the Agenda as printed.

Yes: All present (8)
Absent: Maxwell

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2011-06-033

Moved by: Sanzica
Seconded by: Edmunds

RESOLVED, To approve the minutes of the May 24, 2011 Special/Study meeting as published.

Yes: All present (8)
Absent: Maxwell

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

POSTPONED ITEM

5. PRELIMINARY SITE PLAN REVIEW (File Number SP 186 A) – Proposed Sunset Plaza CVS Pharmacy Drive-Through, Northeast Corner of Long Lake and Livernois (125 E. Long Lake), Section 10, Currently Zoned Neighborhood Node M District (Controlled by Consent Judgment)

Resolution # PC-2011-06-034

Moved by: Schultz
 Seconded by: Edmunds

RESOLVED, That the Planning Commission hereby recommends that Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Sunset Plaza CVS Pharmacy Drive-Through, located on the Northeast Corner of Long Lake and Livernois (125 E. Long Lake), in Section 10, within the Neighborhood Node Form-Based Zoning District, controlled by Consent Judgment be granted, subject to the following conditions:

1. Relocate existing watermain and provide a new easement and abandon existing easement.
2. Arborvitae shall be replaced with a more street hardy species to be administratively approved by Planning Department.
3. That both landscaped islands shall be irrigated.

Resolution # PC-2011-06-035

Moved by: Krent
 Seconded by: Strat

RESOLVED, To amend motion on the floor to add the following condition:

Extend the width of the island near the drive-through to the end of the existing 17-foot parking spaces, basically adding 1 or 2 feet to the south of that southern edge of the island by the drive-through, to delineate for the driver coming through to direct vehicle away from handicapped spaces.

Vote on amendment on the floor.

Yes: Edmunds, Krent, Sanzica, Strat, Tagle, Ullmann
 No: Hutson, Schultz
 Absent: Maxwell

MOTION CARRIED

Vote on the original motion as amended.

Resolution # PC-2011-06-034 (as amended)

Moved by: Schultz
Seconded by: Edmunds

RESOLVED, That the Planning Commission hereby recommends that Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Sunset Plaza CVS Pharmacy Drive-Through, located on the Northeast Corner of Long Lake and Livernois (125 E. Long Lake), in Section 10, within the Neighborhood Node Form-Based Zoning District, controlled by Consent Judgment be granted, subject to the following conditions:

1. Relocate existing watermain and provide a new easement and abandon existing easement.
2. Arborvitae shall be replaced with a more street hardy species to be administratively approved by Planning Department.
3. That both landscaped islands shall be irrigated.
4. Extend the width of the island near the drive-through to the end of the existing 17-foot parking spaces, basically adding 1 or 2 feet to the south of that southern edge of the island by the drive-through, to delineate for the driver coming through to direct vehicle away from handicapped spaces.

Yes: Edmunds, Krent, Sanzica, Schultz, Strat, Tagle, Ullmann
No: Hutson
Absent: Maxwell

MOTION CARRIED

SPECIAL USE REQUESTS

6. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 388) – Proposed Adult Foster Care Home, North Side of Square Lake, East of Beach (2420 W Square Lake), Section 6, Currently Zoned R-1A (One Family Residential) District

PUBLIC HEARING OPENED

David Bardlow, 2460 W. Square Lake, support.
John Weisgerber, 2475 Charnwood, oppose.
Larry English, 6140 Beach Road, oppose.

PUBLIC HEARING CLOSED

Resolution # PC-2011-06-036

Moved by: Edmunds

Seconded by: Strat

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed Adult Foster Care Small Group Home, located on the north side of Square Lake and east of Beach Road, at 2420 W. Square Lake, Section 6, within the R-1A zoning district, be granted, subject to the following:

1. The maximum number of adult foster care residents shall be 9.
2. Sheet 1 shall be corrected as per the recommendation of the report prepared by CWA.
3. An opaque screen fence or landscaping shall be provided to obscure the trash storage area on the east façade.

Yes: All present (8)

Absent: Maxwell

MOTION CARRIED

7. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 389) – Proposed Trainers Academy LLC, North Side of Maple, East of Crooks (950 W Maple), Section 28, Currently Zoned MR (Maple Road) District

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Chair Hutson requested a recess at 8:53 p.m.

The meeting reconvened at 9:02 p.m.

Resolution # PC-2011-06-037

Moved by: Schultz

Seconded by: Sanzica

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed Trainer’s Academy LLC, located on the north side of Maple, east of Crooks, at 950 W. Maple, Section 28, within the MR zoning district, be granted, subject to the following:

1. Add a 3-foot landscape hedge to screen the parking area from Maple Road.
2. Add not less than 329.3 square feet of landscape area to mitigate for the outdoor relief area.
3. Add 7 greenbelt trees within the existing greenbelt.
4. Add landscape screening to the outdoor enclosure to buffer the appearance of the proposed fence from the east.

Yes: All present (8)
Absent: Maxwell

MOTION CARRIED

OTHER BUSINESS

8. SUSTAINABLE DEVELOPMENT PROCESS

Mr. Branigan briefly presented and distributed copies of the Sustainable Development Project Process and Regulations draft dated June 14, 2011.

9. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

10. PLANNING COMMISSION COMMENTS

There was general Planning Commission discussion.

The Regular Meeting of the Planning Commission adjourned at 9:34 p.m.

Respectfully submitted,

Michael W. Hutson, Chair

Kathy L. Czarnecki, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 7:30 p.m. on June 14, 2011, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
Michael W. Hutson
Tom Krent
Philip Sanzica
Robert Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann

Absent:

Mark Maxwell

Also Present:

R. Brent Savidant, Acting Planning Director
Allan Motzny, Assistant City Attorney
Zachary Branigan, Carlisle/Wortman Associates, Inc.
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2011-06-032

Moved by: Schultz
Seconded by: Tagle

RESOLVED, To approve the Agenda as printed.

Yes: All present (8)
Absent: Maxwell

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2011-06-033

Moved by: Sanzica
Seconded by: Edmunds

RESOLVED, To approve the minutes of the May 24, 2011 Special/Study meeting as published.

Yes: All present (8)
Absent: Maxwell

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

POSTPONED ITEM

5. PRELIMINARY SITE PLAN REVIEW (File Number SP 186 A) – Proposed Sunset Plaza CVS Pharmacy Drive-Through, Northeast Corner of Long Lake and Livernois (125 E. Long Lake), Section 10, Currently Zoned Neighborhood Node M District (Controlled by Consent Judgment)

Resolution # PC-2011-06-034

Moved by: Schultz
Seconded by: Edmunds

RESOLVED, That the Planning Commission hereby recommends that Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Sunset Plaza CVS Pharmacy Drive-Through, located on the Northeast Corner of Long Lake and Livernois (125 E. Long Lake), in Section 10, within the Neighborhood Node Form-Based Zoning District, controlled by Consent Judgment be granted, subject to the following conditions:

1. Relocate existing watermain and provide a new easement and abandon existing easement.
2. Arborvitae shall be replaced with a more street hardy species to be administratively approved by Planning Department.
3. That both landscaped islands shall be irrigated.

Resolution # PC-2011-06-035

Moved by: Krent
Seconded by: Strat

RESOLVED, To amend motion on the floor to add the following condition:

Extend the width of the island near the drive-through to the end of the existing 17-foot parking spaces, basically adding 1 or 2 feet to the south of that southern edge of the island by the drive-through, to delineate for the driver coming through to direct vehicle away from handicapped spaces.

Vote on amendment on the floor.

Yes: Edmunds, Krent, Sanzica, Strat, Tagle, Ullmann
No: Hutson, Schultz
Absent: Maxwell

MOTION CARRIED

Vote on the original motion as amended.

Resolution # PC-2011-06-034 (as amended)

Moved by: Schultz
Seconded by: Edmunds

RESOLVED, That the Planning Commission hereby recommends that Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Sunset Plaza CVS Pharmacy Drive-Through, located on the Northeast Corner of Long Lake and Livernois (125 E. Long Lake), in Section 10, within the Neighborhood Node Form-Based Zoning District, controlled by Consent Judgment be granted, subject to the following conditions:

1. Relocate existing watermain and provide a new easement and abandon existing easement.
2. Arborvitae shall be replaced with a more street hardy species to be administratively approved by Planning Department.
3. That both landscaped islands shall be irrigated.
4. Extend the width of the island near the drive-through to the end of the existing 17-foot parking spaces, basically adding 1 or 2 feet to the south of that southern edge of the island by the drive-through, to delineate for the driver coming through to direct vehicle away from handicapped spaces.

Yes: Edmunds, Krent, Sanzica, Schultz, Strat, Tagle, Ullmann
No: Hutson
Absent: Maxwell

MOTION CARRIED

SPECIAL USE REQUESTS

6. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 388) – Proposed Adult Foster Care Home, North Side of Square Lake, East of Beach (2420 W Square Lake), Section 6, Currently Zoned R-1A (One Family Residential) District

PUBLIC HEARING OPENED

David Bardlow, 2460 W. Square Lake, support.
John Weisgerber, 2475 Charnwood, oppose.
Larry English, 6140 Beach Road, oppose.

PUBLIC HEARING CLOSED

Resolution # PC-2011-06-036

Moved by: Edmunds

Seconded by: Strat

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed Adult Foster Care Small Group Home, located on the north side of Square Lake and east of Beach Road, at 2420 W. Square Lake, Section 6, within the R-1A zoning district, be granted, subject to the following:

1. The maximum number of adult foster care residents shall be 9.
2. Sheet 1 shall be corrected as per the recommendation of the report prepared by CWA.
3. An opaque screen fence or landscaping shall be provided to obscure the trash storage area on the east façade.

Yes: All present (8)

Absent: Maxwell

MOTION CARRIED

7. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 389) – Proposed Trainers Academy LLC, North Side of Maple, East of Crooks (950 W Maple), Section 28, Currently Zoned MR (Maple Road) District

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Chair Hutson requested a recess at 8:53 p.m.

The meeting reconvened at 9:02 p.m.

Resolution # PC-2011-06-037

Moved by: Schultz

Seconded by: Sanzica

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed Trainer’s Academy LLC, located on the north side of Maple, east of Crooks, at 950 W. Maple, Section 28, within the MR zoning district, be granted, subject to the following:

1. Add a 3-foot landscape hedge to screen the parking area from Maple Road.
2. Add not less than 329.3 square feet of landscape area to mitigate for the outdoor relief area.
3. Add 7 greenbelt trees within the existing greenbelt.
4. Add landscape screening to the outdoor enclosure to buffer the appearance of the proposed fence from the east.

Yes: All present (8)
Absent: Maxwell

MOTION CARRIED

OTHER BUSINESS

8. SUSTAINABLE DEVELOPMENT PROCESS

Mr. Branigan briefly presented and distributed copies of the Sustainable Development Project Process and Regulations draft dated June 14, 2011.

9. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

10. PLANNING COMMISSION COMMENTS

There was general Planning Commission discussion.

The Regular Meeting of the Planning Commission adjourned at 9:34 p.m.

Respectfully submitted,

Michael W. Hutson, Chair

Kathy L. Czarnecki, Recording Secretary

CITY COUNCIL EXPENSE REPORT
Month of July, 2011

<u>Council Person</u>	<u>Expense Date</u>	<u>Purpose</u>	<u>Amount</u>	<u>Totals</u>
Beltramini, Robin	7/1/2011	Quarterly Fax & DSL Line July, August, Sept. 2011	\$ 123.72	
				\$ 123.72
Maureen McGinnis	7/1/2011	Quarterly DSL Line July, August, Sept. 2011	\$ 137.85	
				\$ 137.85
Wade Fleming	7/1/2011	Quarterly Fax & DSL Line July, August, Sept. 2011	\$ 215.70	
				\$ 215.70
Howrylak, Martin F.			\$ -	
				\$ 0.00
Kerwin, Mary	7/1/2011	Quarterly Fax & DSL Line July, August, Sept. 2011	\$ 212.85	
				\$ 212.85
Schilling, Louise E.	7/1/2011	Quarterly Fax & DSL Line July, August, Sept. 2011	\$ 117.90	
				\$ 117.90
Dane Slater			\$ -	
				\$ -
Total for Month				\$ 808.02

NOTE: This report is presented in compliance with Rules of Procedure for the City Council,
Item 18. Miscellaneous Expenses

Date Prepared: 6/20/2011
Final Preparation By: T. Darling

**Troy Chamber of Commerce
Resolution of support for Troy Public Library millage
proposal August 2, 2011**

WHEREAS, it is in the best interest of Troy's businesses and the community as a whole to have a financially sound public library equipped to meet the knowledge requirements of the 21st Century.

AND WHEREAS, continued operation of a public library in the City of Troy is consistent with the Troy Chamber of Commerce mission to "promote an environment that builds successful businesses and a thriving community."

THEREFORE, BE IT RESOLVED that we of the Troy Chamber of Commerce, upon the unanimous recommendation of the Chamber's Economic Development Committee, support passage of the City of Troy's millage request, scheduled for an August 2, 2011 special election, of .7 mil for five years to sustain the Troy Public Library's operations.

AND BE IT FURTHER RESOLVED that the Troy Chamber of Commerce supports the library millage with the expectation that the Troy Public Library will use the time given by passage of the five-year millage to conduct a strategic planning process that will evaluate its business model. This planning process shall take into account that libraries' functions have changed in recent years and that the Troy Public Library needs to adapt intentionally and effectively to these changes.

SO RESOLVED on this 21st day of June 2011,

by the Board of Directors of the Troy Chamber of Commerce



CITY COUNCIL AGENDA ITEM

Date: July 5, 2011

To: John Szerlag, City Manager *JS*

From: Timothy Richnak, Public Works Director *TR*

Subject: Smart Meters / Radio Frequencies

Background

The City of Oak Park through resolution is asking the Michigan Public Service Commission to review health concerns of Smart Meters that transmit readings by way of low radio frequencies.

The City of Troy is currently using a radio reading system on its 27,000 plus water meters. At the time of the purchase of this radio read system six years ago there were no health concerns noted.

The most recent study found has been done in California and published in March of 2011. It notes the following.

California Utility Addresses Smart Meter Health Concerns

Utilities throughout the United States and around the world are using smart meter technology, with more than 90 million advanced metering devices deployed worldwide at the end of 2010. The federal government and the international health community, including the World Health Organization, have deemed the low-level radio frequency on which Smart Meters rely to be completely safe. In California, a recent independent study found that Smart Meters meet every known health standard.



City of Oak Park

"The Family City"

Tonni L. Bartholomew, City Clerk

Mayor
Gerald E. Naftaly
Mayor Pro Tem
Michael M. Seligson
Council Members
Angela Diggs Jackson
Paul H. Levine
Emile Duplessis

RESOLUTION

CM-06-178-11 **RESOLUTION TO MICHIGAN PUBLIC SERVICE COMMISSION REGARDING DTE ENERGY SMART METERS - ADOPTED**

Motion by Jackson, seconded by Duplessis, **CARRIED UNANIMOUSLY**: To adopt the following resolution to the Michigan Public Service Commission expressing Council's concern with the installation of DTE Energy Smart Meters and a request to explore the health and safety effects:

CITY OF OAK PARK OAKLAND COUNTY, MICHIGAN

At a Regular Meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held in the Council Chambers located at 13600 Oak Park Boulevard, Oak Park, Michigan 48237 at 7:30 P.M. Eastern Daylight Time, on the 20th day of June, 2011

The meeting was called to order by: Mayor Gerald Naftaly

Present: Mayor Naftaly, Mayor Pro Tem Seligson, Council Member Duplessis, Council Member Jackson, Council Member Levine, City Manager Fox, City Clerk Bartholomew, City Attorney Carlson.

Absent: None.

The following resolution offered by Jackson and seconded by Duplessis.

WHEREAS, DTE Energy has begun the installation of new meters to customers in the City of Oak Park, replacing existing meters with so-called "smart meters", that is, electric meters which will broadcast information to the utility company using radio frequencies; and

WHEREAS, Smart meters provide a benefit to utilities by allowing remote meter reading, eliminating the need for someone to go onto each utility customer's property to read a meter; and

WHEREAS, A significant number of persons, including residents of the City of Oak Park, have expressed their concerns to this Council about potential health effects of the smart meters, as well as other concerns regarding their universal deployment in the City; and

WHEREAS, Although the Council is informed that it is without jurisdiction to directly regulate smart meters, exclusive jurisdiction over them residing with the Michigan Public Service Commission (“MSPC”), the Council believes it is appropriate to assist its citizens in obtaining consideration of their issues by requesting careful review thereof by the MPSC.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Michigan Public Commission is hereby requested to perform a careful analysis of the potential health and safety effects which may result from the universal installation of smart meters for electric and gas utilities.
2. The MPSC is further requested to consider delaying the deployment of smart meters pending a conclusion by the MPSC, following careful study and review, that such meters are safe and will not have short-term or long-term negative consequences to the health of the citizens of Oak Park and the State of Michigan generally.
3. The MPSC is asked to carefully examine other concerns regarding the deployment of smart meters as may be submitted to them by residents of Oak Park and the State of Michigan, so as to insure that all aspects of the issues are considered before final determination is made with respect to such deployment.
4. The MPSC is further asked to consider requiring public utilities to allow customers with appropriate medical documentation of their individualized risks to opt out of smart meter installation at their homes.
5. All resolutions inconsistent with the foregoing resolution be and the same hereby are repealed to the extent of such inconsistency.

AYES: Seligson, Duplessis, Jackson, Levine, Naftaly
NAYS: None
ABSENT: None

RESOLUTION DECLARED ADOPTED.


Tonni L. Bartholomew, City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City of Oak Park, County of Oakland, State of Michigan, at a Regular Meeting held on June 20, 2011, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.


Tonni L. Bartholomew, City Clerk



TO: Mayor and Members of Troy City Council
Members of the Zoning Board of Appeals
FROM: Lori Grigg Bluhm, City Attorney *LGB*
Allan T. Motzny, Assistant City Attorney
DATE: June 22, 2011
SUBJECT: Laja, LLC v City of Troy

On June 22, 2011, Oakland County Circuit Court Judge Daniel Patrick O'Brien denied the appeal of Laja, LLC.. Laja filed its appeal to challenge three variances that were granted by the Troy Board of Zoning Appeals for the property at 405 E. Maple. These variances, granted on February 15, 2011 for petitioner Dr. Camelia Sandulache, allowed the expansion of a 915 square foot single family residence into a dental office. The residence was a nonconforming structure, since it was situated in an O-1 (Office) zoning district. The variances included: 1) a 16 foot variance from the required 20 foot side yard setback for the east yard; 2) an 11 foot variance from the required 30 foot front yard setback for the west yard; and 3) a 10 foot variance from the requirement that the proposed handicapped ramp be set back 20 feet from the west property line. The Appellant, Laja, LLC, is the owner of a medical building located on the adjacent parcel at 415 E. Maple. Laja filed this appeal in Oakland County Circuit Court as a "party aggrieved" by the decision of the BZA pursuant to the Michigan Zoning Enabling Act.

The parties, including intervening petition Dr. Sandulache, filed extensive briefs, and argued their positions before the Court on June 22, 2011. Both Troy and the Petitioner argued that the BZA decision should be affirmed, since it complied with the applicable laws, it was based on proper procedure, it was supported by competent, material, and substantial evidence on the record, and it was not an abuse of the BZA's discretion. The Petitioner also argued the Appellant did not have standing to appeal on the basis the Appellant did not qualify as an "aggrieved" party. The Appellant, on the other hand, claimed the BZA did not apply the appropriate standards in reaching its decision and also argued that the decision was not supported by the evidence presented.

The Court found that the Appellant did have standing to appeal. However, the Court agreed with the substantive arguments made by Troy and Petitioner and affirmed the decision of the BZA. Although the Appellant can file an application for leave to appeal the Circuit Court's decision to the Michigan Court of Appeals, the filing of an application does not prevent Petitioner from initiating the proposed construction in accordance with the approved site plan. An application for leave to appeal must be filed within 21 days of the Circuit Court's decision.

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



TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LeBo*
 Allan T. Motzny, Assistant City Attorney *ATM*
 Susan M. Lancaster, Assistant City Attorney *smk*
DATE: July 6, 2011
SUBJECT: 2011 Second Quarter Litigation Report

The following is the quarterly report of pending litigation and other matters of interest. **Developments during the SECOND quarter of 2011 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. Laja, LLC v City of Troy. This case involves an appeal of a decision of the City of Troy Board of Zoning Appeals (BZA). On February 15, 2011, the BZA granted three variances to the property owner of 405 E. Maple, which will allow the owner to enlarge an existing building proposed to be used as a dental office. The Appellant in this case is Lala, LLC, the owner of an adjacent parcel located at 415 E. Maple. The attorney for Lala, LLC appeared at the BZA meeting and objected to the variances. The Appellant filed a Claim of Appeal with the Oakland County Circuit

Court on February 23, 2011 challenging the granting of the variances. The case has been assigned to Judge Daniel P. O'Brien. The City will be filing an appellate brief in support of the BZA decision. Thereafter, the case will be scheduled for oral argument before the Judge. **The City and Dr. Sandulache, who was permitted to intervene in the lawsuit, have filed briefs on appeal. The Court entertained oral argument on June 22, 2011, and after the hearing, Judge O'Brien affirmed the decision of the BZA. This case is now concluded.**

2. Grand Sakwa v. City of Troy-

Grand Sakwa filed this case, seeking relief from the Court, which had jurisdiction of the matter based on a Consent Judgment that allowed for the highly intense commercial and residential development on approximately 77 acres of property known as Midtown. The Consent Judgment provided that a small parcel to the rear of the shopping center was donated to the City for transportation center purposes. The Consent Judgment required the transportation center to be "funded" on or before June 2, 2010. If this condition was not satisfied, then the property would revert to Grand Sakwa. Shortly after the June 2, 2010 date, Grand Sakwa filed this action, seeking a Court ordered reversion of the property. Grand Sakwa argued that the transit center was not funded by June 2, 2010, as required by the Consent Judgment. The City countered by relying on the City's budgetary allocations since 2006, and also the federal funding, where 8.4 million dollars was awarded under the American Recovery Reinvestment Recovery Act of 2009- High Speed Intercity Passenger Rail Program (HSIPR) and 1.3 million dollars was appropriated in the December 16, 2009 Transportation, Housing and Urban Development Appropriations Act, Bus and Bus Facility Program. The City also argued that the language of the consent judgment did not require "full funding" or "irrevocable funding" or preclude the use of a reimbursable grant in satisfaction of the terms of the judgment. **On May 25, 2011, the Oakland County Circuit Court entered an order in favor of the City, and denied Grand Sakwa's request for a reversion of property. On June 15, 2011, Grand Sakwa filed a Motion for Reconsideration.**

3. Lamar Advertising v. City of Troy. Plaintiff Lamar Advertising unsuccessfully requested variances from the Troy Building Code Board of Appeals, in order to allow the erection of two separate billboards along I-75. Plaintiff has filed an appeal of the Building Code Board of Appeals decision and a simultaneous lawsuit, arguing that Troy's ordinances are unconstitutional. The City has timely supplied the record to the Court for the appeal.

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.

ROCHESTER ROAD IMPROVEMENT PROJECT

1. City of Troy v Safeway Acquisition Co. After obtaining a possession and use agreement, the City was unable to voluntarily purchase the necessary property required for the Rochester Road Improvement Project from the gas station at 3990 Rochester Road. The City therefore filed this condemnation action on January 19, 2010. The City has acquired title to the subject property and the only remaining issue is the amount of just compensation to be paid. The case is now in the discovery phase. Discovery is continuing. Case evaluation is scheduled for September 2010. Trial is scheduled for January 4, 2011. Discovery continues. The Court granted a motion filed by Defendants to adjourn the trial and delay case evaluation. Case evaluation is now scheduled to take place in April 2011. The trial is now scheduled for June 20, 2011. The Court scheduled case evaluation for April 13, 2011. **A consent judgment, reflecting the case evaluation award, was entered on June 8, 2011. This case is now closed.**

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. David J. Smith v. Gregory Stopczynski – Plaintiff filed this lawsuit in the 52-4th District Court against Troy Police Officer Gregory Stopczynski, who stopped Mr. Smith on October 5, 2009. Stopczynski completed an investigation to determine whether Plaintiff was a drunk driver. Although Plaintiff was not charged with drunk driving, he was issued a citation for disobeying a stop sign and failing to yield. Mr. Smith unsuccessfully challenged the traffic tickets in a formal hearing, which was held on January 11, 2010. Judge Drury found Mr. Smith responsible for both traffic violations. Mr. Smith has now filed this lawsuit, seeking damages under 42 U.S.C. Section 1983 for an alleged civil rights violation. **The Court granted the City's Motion to Dismiss this case on April 29, 2011. This case is now closed.**
2. M. Amelia (Neal) Jermano v City of Troy Police Department - Plaintiff M. Amelia (Neal) Jermano filed a lawsuit against the City of Troy Police Department and individual officers, as well as Troy Civil Service Commission Member David Cannon (improperly identified in the lawsuit as the Troy Police Commissioner) and several other individuals and entities

from other jurisdictions. The Plaintiff is not represented by an attorney. The lawsuit alleges 25 separate counts based on various legal theories. Her claims against Troy all relate to a valid arrest made on February 20, 2009 after a traffic stop on Coolidge Road near Big Beaver Road. Plaintiff was arrested after the officers received verification of a felony warrant out of Oak Park for Plaintiff's arrest on the charge of aggravated stalking. Essentially, Plaintiff's claims against Troy are based on an allegation the arrest was improper and that she was threatened and harassed by Troy Police officers. The case was filed in the United States District Court for the Eastern District of Michigan and assigned to Judge Avern Cohn. The City has filed a motion to dismiss and/or summary judgment as its first responsive pleading. The Court ordered the Plaintiff to file a response to the motion by July 5, 2011.

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. *Nancy Huntley, Legal Guardian of Carolyn Huntley, a Protected Person v. City of Troy*- This lawsuit was filed in the Oakland County Circuit Court. Plaintiff alleges that on June 29, 2007, Carolyn Huntley was walking on the sidewalk located in front of 511 Cardinal, Troy, Michigan when she tripped and fell on an elevated concrete slab. Plaintiff alleges that Troy was negligent in failing to maintain the sidewalk; to provide adequate inspections; to give notice of a dangerous condition; and to use reasonable care in the design of the sidewalk. The City filed an Answer and Affirmative Defenses and also filed a Motion for Summary Disposition, arguing that Plaintiff failed to provide notice, as required by MCL 691.1404. Plaintiff's response to this motion is due on October 7, 2009, and Judge Rudy Nichols has scheduled oral argument for October 28, 2009. The parties are waiting on the Court's decision on the motion. On March 9, 2010, the Court issued its written opinion, granting in part and denying in part our motion for summary disposition. As a result, the public nuisance and nuisance per se claims are now dismissed. The parties are conducting discovery on the alleged defective highway claim. Jury trial is scheduled for December 6, 2010. The parties are now preparing for trial in this matter. The Court subsequently

mandated case evaluation (date to be scheduled) and adjourned the jury trial to March 28, 2011. **After another adjournment, this case proceeded to jury trial, and the jury found in favor of the City. An order dismissing this case was entered by the Court on April 21, 2011. This case is now closed.**

F. MISCELLANEOUS CASES

1. Frank Lawrence v City of Troy – Mr. Lawrence is the brother of Thomas Lawrence who was issued two civil infraction traffic citations on October 4, 2008 for “no proof of insurance” and “failure to change address on driver’s license”. Frank Lawrence filed a FOIA request with Troy Police Department asking for a number of items, including but not limited to: all video recordings, radio transmissions, records and the officer’s disciplinary file (if any), and the police policy on issuing “quota’ tickets. Under Michigan Court Rule 2.303 (A)(3) discovery is not permitted in civil infraction actions. Additionally, FOIA does not require the release of information which would constitute an unwarranted invasion of personal privacy or law enforcement information such a, but not limited to, disciplinary files of police officers, personal telephone numbers, and operational manuals. Mr. Lawrence’s FOIA was denied for these reasons. Instead of filing an appeal of the FOIA denial to the City Manager, Mr. Lawrence appealed the denial to the Oakland County Circuit Court. Mr. Lawrence filed a Motion for Summary Disposition and the City responded. Without requiring oral arguments, Judge Steven Andrews denied Mr. Lawrence’s Motion for Summary Disposition in an Opinion and Order dated December 1, 2008. Judge Andrews also granted Summary Disposition in the City’s favor. Mr. Lawrence filed a Claim of Appeal with the Michigan Court of Appeals on December 22, 2008. The Court of Appeals in an unpublished opinion partially reversed the trial court, and remanded the matter for further proceedings including a determination by the trial court of whether or not specific documents are exempt from disclosure. The parties are waiting for the Court to schedule a court date. The Court held an evidentiary hearing on June 17, 2010, and has indicated that a written opinion will be issued. The Court granted in part, denied in part Plaintiff’s request for information. Plaintiff also filed a Motion for Reconsideration, which the Court denied. **The Court entered a final order, which was appealed by Plaintiff to the Michigan Court of Appeals. The parties have filed appellate briefs, and are now waiting for an oral argument date.**
2. Sean Steven Seyler v. City of Troy and Troy Police Department. Mr. Seyler filed this Freedom of Information Act case against the City, seeking the police report and his lab test results, which were also simultaneously requested as criminal discovery within 48 hours of Mr. Seyler’s drunk driving arrest. The City has filed a Motion for Summary Disposition, arguing that the documents requested were either already provided as criminal discovery or are otherwise exempt from disclosure. The Court will issue a scheduling order setting the date for oral argument. The Court entertained oral arguments on March 24, 2010, and granted our motion for dismissal.

The Plaintiff filed an application for leave to appeal with the Michigan Court of Appeals on April 14, 2010. The parties are waiting for the Michigan Court of Appeals to schedule the date for oral argument. **The Court heard oral argument on June 14, 2011, and is expected to issue a written decision.**

3. *James F. Cichy and Diane Rzepecki v City of Troy*. This claim and delivery action was filed in the Oakland County Circuit Court on December 2, 2010 and assigned to Judge Edward Sosnick. The Plaintiffs are seeking the return of a pistol, 2 shotguns, 3 rifles and ammunition that were confiscated from Plaintiff James F. Cichy when the police responded to the Plaintiffs home, at the request of Plaintiff Diane Rzepecki. The City has filed an answer and is awaiting a court date for a pretrial or trial. **The Court entered a conditional order returning the firearms to a relative of Mr. Cichy. This case is now concluded.**

4. *Michigan Association of Home Builders; Associated Builders and Contractors of Michigan; and Michigan Plumbing and Mechanical Contractors Association v. City of Troy* – The Plaintiffs filed a complaint for Declaratory and Injunctive Relief in the Oakland County Circuit. On the date of filing the Plaintiffs also filed a Motion for Preliminary Injunction and Order to Show Cause. The Plaintiffs allege that the City of Troy has violated Section 22 of Michigan’s Stille-DeRossett Hale Single State Construction Code Act by collecting fees for building department services that are not reasonably related to the cost of providing building department services. They are alleging that the City of Troy has illegally entered into a contract with Safe Built of Michigan, Inc. for building services that provides that 20% of each building permit fee be returned to the City to cover services that are not “reasonably related to the cost of building department services,” as required by state statute. The Plaintiffs also assert a violation of the Headlee Amendment, arguing that the 20% returned to the City is a disguised tax that was not approved by voters. The Plaintiffs are asking for a declaratory judgment, as well as a return of any “surplus” building department service funds collected to date. Plaintiffs also request an order requiring the City to reduce its building department fees. The City of Troy was served with the Complaint and the Motion for Preliminary Injunction and Order for Show Cause on Wednesday, December 15, 2010. The parties were required to appear at Court on Wednesday, December 22, 2010, but the Court did not take any action at that time. Instead, the Court adjourned the matter to January 19, 2010. In the interim, the parties may engage in preliminary discovery in an attempt to resolve this matter. **The parties are conducting discovery.**

5. *Michael Joseph Burns v City of Troy*. Plaintiff Michael Joseph Burns filed a claim and delivery lawsuit against the City of Troy and the Troy Police Department. It was filed in the 52-4 District Court and assigned to Judge Bolle. The Plaintiff is seeking return of a pistol that is presently in the possession of the Police Department. Plaintiff’s wife, Debra Burns, asked the Police Department to hold the gun until after her divorce proceeding is final. In her statement, she states that she “didn’t want the gun in our house for safety issues.” The Plaintiff appeared at the Troy Police Department and requested

the weapon be returned to him. Based on the circumstances (the concern of Mrs. Burns for her safety), the Plaintiff was advised the gun would not be returned in the absence of a court order. The Plaintiff then filed this law suit and a motion seeking possession of the pistol pending a final resolution of the case. The hearing on the motion is scheduled for April 21, 2011. **On April 21, 2011, the Court entered a judgment, allowing for the return of the gun to the Plaintiff, subject to the condition that he can never possess the gun at the residence of Debra Burns, and the gun must be stored in a locked case with a trigger lock when not in use. The case is now closed.**

5. **Walter N. Ament v City of Troy.** Plaintiff Walter N. Ament filed a claim and delivery lawsuit against the City of Troy. It was filed in the 52-4 District Court and assigned to Judge Hartig. The Plaintiff is seeking the return of four pistols, two pellet guns, three shotguns and three long rifles that belong to Plaintiff's 41 year old son Mark Ament. The weapons were confiscated by the Troy Police Department after they were dispatched to Plaintiff's home on a report of irrational behavior by Mr. Ament. Upon arrival at the residence, the officers were confronted with an individual who exhibited a high state of mental agitation leading to involuntary commitment. All the weapons that were seized by the Troy police belonged to Mark Ament. The Plaintiff filed this lawsuit along with a motion seeking possession of the weapons pending final resolution of the case. A hearing on the motion was scheduled for May 16th. After the initial hearing, the Court denied the Plaintiff's motion for return of the firearms. The Judge agreed to reconsider the motion if Plaintiff returned to Court with his son Mark Ament so she could question him. The Plaintiff appeared at Court on May 17th with his son, and the Court conducted another hearing. After the hearing, the Court entered an Order allowing the weapons to be returned to Plaintiff subject to the condition the weapons be kept in a locked case and secured in a location that is not accessible to Mark Ament, and subject to an additional condition prohibiting Plaintiff from allowing the weapons to be possessed by his son. The case is now closed.
6. **T.R. Pieperzak v. City of Troy.** This case has been filed by the successful bidder for the Section 9 water main replacement contract, seeking approximately \$900,000 over the contract bid for alleged additional work, unanticipated conditions and delays that Plaintiff attributes to the City of Troy. Plaintiff filed a Motion for Partial Summary Disposition, which the City responded to. Argument on this Motion is scheduled for July 6, 2011.
7. **Robert and Michelle Riddle v. City of Troy.** Plaintiff Robert Riddle alleges that he fell off his bicycle when the tires got caught in a gap in the sidewalk in front of Firefighter's Park. He alleges injuries to his left shoulder, left hand and his elbow and wrists. His wife, Michelle Riddle, claims damages for loss of Robert Riddle's services, companionship and consortium. The

City has filed an Answer and Affirmative Defenses, and have commenced discovery.

8. **Lloyd Peach v. City of Troy-** This is another claim and delivery lawsuit seeking a return of firearms that were confiscated from a defendant in a domestic assault and battery case. The Defendant successfully completed probation, and therefore the Court entered a conditional order returning the firearms to the Defendant.
9. **Margaret and Robert Black v. City of Troy.** Plaintiff Margaret Black alleges that she tripped and fell on a raised portion of sidewalk at 4637 Fairmont injuring her left shoulder, right hip and lumbar spine. Robert Black is claiming damages for loss of Margaret Black's services, companionship and consortium. This lawsuit is filed under the defective highway exception to governmental immunity.
10. **CitiMortgage, Inc. v. RBS Citizens and City of Troy et. al.** In this lawsuit, the Plaintiff, CitiMortgage, is seeking clarity as to the property rights of the City, the Mortgage companies, and individuals in the property at 650 Quill Creek Drive, in the City of Troy. Plaintiff filed a Motion for Partial Summary Disposition and a Motion for Preliminary Injunction, which were denied by the Court on June 29, 2011.

G. CRIMINAL APPEALS

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

1. **People of the City of Troy v Jennie Yi.** The Defendant is charged with possession and/or use of marijuana. The Defendant's motor vehicle was stopped by Troy Police for suspicion of operating a motor vehicle while intoxicated. After the traffic stop, a Troy Police Officer conducted a pat down search of Defendant for weapons, and discovered that Defendant had marijuana in her coat pocket. The Defendant filed a motion in the District Court to suppress the marijuana claiming that it was discovered as a result of an unlawful search. After an evidentiary hearing, District Court Judge Dennis C. Drury denied the motion. The Defendant has now filed a Delayed Application for Interlocutory Leave to Appeal the decision of Judge Drury. The appeal was assigned to Oakland County Circuit Court Judge Rae Lee Chabot. A hearing was held on March 16, 2011 on the Application for Leave to Appeal. The Court granted the Application for Leave to Appeal, which allows the Defendant to pursue the appeal. The parties will each file an appellate brief and the case will be scheduled for oral argument. After oral argument, the Court will enter a decision to either affirm or reverse the decision of Judge Drury. **Based on Defendant's**

plea to a criminal charge, this matter will likely be dismissed after sentencing.

2. **People v Steve Habib.** The Defendant is charged with operating a motor vehicle while intoxicated. The Defendant filed a motion in the District Court to suppress evidence and dismiss the case. The Defendant claimed that there was no valid reason for the traffic stop. Additionally, the Defendant claimed his due process rights were violated because the in car video that he was provided showed only a portion of the defendant's driving, as observed by the police officer. After an evidentiary hearing, the District Court Judge granted the Defendant's motion and dismissed the case. The City has filed a claim of appeal. The City has filed its Brief on Appeal.
3. **People v. Michael Maluzhinsky.** The Defendant is charged with operation of a motor vehicle while intoxicated. The Defendant filed a motion in the District Court to suppress evidence and dismiss the case. The Defendant claimed that there was no valid reason for the traffic stop and the field sobriety tests, including the preliminary breath test, should be excluded as improperly performed. After an evidentiary hearing, the District Court Judge granted the Defendant's motion in part, suppressing the preliminary breath test and some of the field sobriety tests. Although the Judge found that there was probable cause for the stop of the vehicle, the Judge held that there was no evidence to establish reasonable suspicion for an arrest for operating while intoxicated and dismissed the case. The City appealed the decision of the court to the Oakland County Circuit Court.
4. **People v. Munley.** The Defendant is charged with operating a motor vehicle while intoxicated. The Defendant filed a motion in the District Court to suppress evidence and dismiss the case. The Defendant claimed that there was no valid reason for the traffic stop or the subsequent arrest. After an evidentiary hearing, the District Court Judge denied the Defendant's motion. Defendant filed a claim of appeal.

ADMINISTRATIVE PROCEEDINGS

1. **In the matter of the Petitions on National Pollution Discharge Elimination Systems (NPDES Phase II General Permits).** The City has joined several other municipalities in challenging several of the mandates in the NPDES Phase II General Permit, which was recently issued by the MDEQ. The new NPDES permit requires some storm water management techniques that exceed the federal mandates, and/or are not justified, based on the high cost of the mandate, in relation to the nominal environmental benefits. A status conference for the parties is set for October 1, 2008. The municipalities are currently exploring the coordination of efforts with other parties. Community representatives are meeting with representatives from the MDEQ to discuss

possible resolutions of this matter without the necessity of a full blown administrative hearing. The parties are continuing to negotiate with the MDEQ. The City of Riverview filed a class action complaint in the Ingham County Circuit Court, challenging the permit requirements as unfunded mandates. The petitioners to the NPDES permit administrative proceeding are named as participants in the proposed class action lawsuit. As a result, the class action determination may have an impact on the administrative proceeding. The motion for class certification is scheduled for October 15, 2009. Class certification was granted. Hearings regarding the procedure for the new class action are set for January 2010. The Court granted class action status, and the administrative proceedings are now being delayed. Status reports have been filed and reviewed, and we continue to monitor any new developments. On October 14, 2010, the Michigan Court of Appeals reversed the order granting a stay of the contested cases. On November 19, 2010, the Ingham County Circuit Court (the class action lawsuit) entered an order granting in part the dismissal of some of the claims. The remaining claims, including a Headlee claim, will be decided by the Court. Subsequently, the Assistant Attorney General, on behalf of the Michigan Department of Natural Resources and Environment (MDNRE) attempted to withdraw all of the remaining NPDES permits, which would mean that the whole process would need to be started from scratch. Since this action would likely result in a significant delay and a duplication of all efforts to date, several municipalities filed objections to this unilateral action. The MDNRE was given until December 22, 2010 to file a formal motion seeking a dismissal of the remaining NPDES permits.

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