



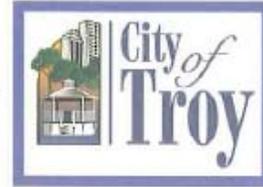
TROY CITY COUNCIL

REGULAR MEETING AGENDA

**AUGUST 8, 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". The signature is written in a cursive style.

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**

August 8, 2011 – 7:30 PM
 Council Chambers
 City Hall - 500 West Big Beaver
 Troy, Michigan 48084
 (248) 524-3317

INVOCATION: Pastor Talitha Pennington – Community of Christ Church 1

PLEDGE OF ALLEGIANCE: 1

A. CALL TO ORDER: 1

B. ROLL CALL: 1

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS: 1

C-1 Certificates of Recognition and Special Presentations 1

a) Presentation to Library Director Cathy Russ – Michigan Library Association
 2011 Loleta D. Fyan Award Honoree 1

D. CARRYOVER ITEMS: 1

D-1 No Carryover Items 1

E. PUBLIC HEARINGS: 1

E-1 No Public Hearings 1

F. PUBLIC COMMENT: 1

G. RESPONSE / REPLY TO PUBLIC COMMENT 2

H. POSTPONED ITEMS: 2

H-1 No Postponed Items 2

<u>I.</u>	<u>REGULAR BUSINESS:</u>	<u>2</u>
I-1	Board and Committee Appointments: None Scheduled	2
I-2	Board and Committee Nominations: None Scheduled	2
I-3	Request for Closed Session – No Closed Session Requested	2
I-4	Application for Transfer of Resort Class C License to Hot Rock Pizza	2
I-5	Reconsideration and Substitution of Resolutions Approving Industrial Facilities Tax Exemption Certificate (IFEC) and Industrial Facilities Tax Exemption Certificate (IFEC) for Plant Rehabilitation for Meritor Heavy Vehicles, LLC	3
I-6	Contract Modification: Drive Approach Replacements - Section 35 Water Main Replacement Project	9
I-7	Application for Transfer of Stock for A&S Babi, Inc. (John’s Party Store)	9
<u>J.</u>	<u>CONSENT AGENDA:</u>	<u>10</u>
J-1a	Approval of “J” Items NOT Removed for Discussion	10
J-1b	Address of “J” Items Removed for Discussion by City Council	10
J-2	Approval of City Council Minutes	10
J-3	Proposed City of Troy Proclamations: None Submitted	10
J-4	Standard Purchasing Resolutions	11
	a) Standard Purchasing Resolution 4: MITN Cooperative Award – Purchase of Fire Apparatus	11
	b) Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – Michigan Municipal League’s Annual Convention – October 4-7, 2011 Grand Rapids.....	11
J-5	Request for Acceptance of a Storm Sewer and Surface Drainage Easement from Gary A. and Brenda F. Abitheira – Sidwell #88-20-27-481-024	11
J-6	Paul Garfield v. City of Troy	11

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS: 12

K-1 Announcement of Public Hearings: 12

a) Announcement of Public Hearings for Industrial Development District (IDD) and Industrial Facilities Exemption Certificate (IFEC) for Inteva Products, LLC at 1401 Crooks 12

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted 12

L. COUNCIL REFERRALS: 12

L-1 No Council Referrals Advanced 12

M. COUNCIL COMMENTS 12

M-1 No Council Comments Advanced 12

N. REPORTS 12

N-1 Minutes – Boards and Committees: 12

a) Zoning Board of Appeals-Final-May 17, 2011 12
b) Zoning Board of Appeals-Study-Final-May 17, 2011 12
c) Zoning Board of Appeals-Draft-June 21, 2011 12
d) Planning Commission-Draft-July 12, 2011 12
e) Planning Commission-Final-July 12, 2011 12

N-2 Department Reports: None Submitted 12

N-3 Letters of Appreciation: 12

a) Letter of Appreciation from Meghan Shea-Keenan and Cory Miglio to the Troy Fire Department 12
b) Letter of Appreciation from Jon Pascal of Krav Maga Worldwide, Inc. to Sergeant Ostrowski Regarding Officer Fitzpatrick and Officer Zagacki..... 12
c) Letter of Appreciation from Claudia Mills of Home Instead to Chief Mayer Regarding Officer Reynolds 12

N-4 Proposed Proclamations/Resolutions from Other Organizations: None Proposed 13

O. STUDY ITEMS **13**

O-1 No Study Items Presented 13

P. CLOSED SESSION: **13**

P-1 No Closed Session Requested 13

Q. ADJOURNMENT **13**

FUTURE CITY COUNCIL PUBLIC HEARINGS: **13**

SCHEDULED REGULAR CITY COUNCIL MEETINGS: **13**

Monday, August 22, 2011 Regular Meeting	13
Monday, August 29, 2011 Regular Meeting	13
Monday, September 12, 2011 Regular Meeting	13
Monday, September 26, 2011 Regular Meeting	13
Monday, October 3, 2011 Regular Meeting	13
Monday, October 17, 2011 Regular Meeting	13
Monday, November 14, 2011 Regular Meeting	13
Monday, November 21, 2011 Regular Meeting	13
Monday, November 28, 2011 Regular Meeting	13
Monday, December 5, 2011 Regular Meeting	13
Monday, December 19, 2011 Regular Meeting	13

SCHEDULED SPECIAL CITY COUNCIL MEETINGS: **13**

INVOCATION: Pastor Talitha Pennington – Community of Christ Church

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 #2011-06-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Regular City Council Meeting of August 8, 2011 due to _____

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Certificates of Recognition and Special Presentations

- a) Presentation to Library Director Cathy Russ – Michigan Library Association 2011 Loleta D. Fyan Award Honoree

D. CARRYOVER ITEMS:

-
- D-1 No Carryover Items**

E. PUBLIC HEARINGS:

-
- E-1 No Public Hearings**

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: None Scheduled

I-2 Board and Committee Nominations: None Scheduled

I-3 Request for Closed Session – No Closed Session Requested

I-4 Application for Transfer of Resort Class C License to Hot Rock Pizza

Suggested Resolution

Resolution #2011-08-

Moved by

Seconded by

(a) Transfer Class C License

Suggested 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 :	Hot Rock Pizza, LLC
Type of License Requested :	Transfer Ownership of Escrowed 2011 Resort Class C License issued under MCL 436.1531(2) (Original 550 Resort at its' Original Location, no Seating or Food Requirements) & SDM Licensed Business with Dance Permit, located at 35100 Twenty Three Mile, New Baltimore, MI 48047, Macomb County from J.V. Inc.; Transfer Location & Governmental Unit to 1893 E. Big Beaver, Troy, MI 48083, Oakland County. The Dance Permit will be removed from the license.
Located at :	1893 E. Big Beaver Road, Troy, MI 48083, Oakland County
MLCC Request # :	607312

and

(b) Agreement

Suggested Resolution
Resolution #2011-08-

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 Reconsideration and Substitution of Resolutions Approving Industrial Facilities Tax Exemption Certificate (IFEC) and Industrial Facilities Tax Exemption Certificate (IFEC) for Plant Rehabilitation for Meritor Heavy Vehicles, LLC

- a) **Reconsideration Resolution #2011-01-007 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC to Meritor Heavy Vehicles, LLC – 2135 W. Maple, Troy, MI 48084**

Suggested Resolution
Resolution #2011-08-

Moved by
Seconded by

RESOLVED, That Troy City Council hereby **RECONSIDERS** Resolution #2011-01-007 *Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC to Meritor Heavy Vehicles, LLC – 2135 W. Maple, Troy, MI 48084, Moved by Beltramini and Seconded by Fleming, as it appears below:*

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on January 24, 2011, established an Industrial Development District (IDD) for property known as 2135 W. Maple, Troy, MI 48084, Parcel # 88-20-32-126-035;

WHEREAS, An Application has been submitted by Meritor Heavy Vehicles, LLC, for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 2135 W. Maple, Troy, MI 48084, for twelve (12) years, after completion; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on January 24, 2011, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for Meritor Heavy Vehicles, LLC, at 2135 W. Maple, Troy, MI 48084 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

*NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has hereby **FOUND** that the granting of an Industrial Facilities Exemption Certificate (IFEC) for Meritor Heavy Vehicles, LLC, at 2135 W. Maple, Troy, MI 48084 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND** that the granting of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and*

*BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for an Industrial Facilities Exemption Certificate (IFEC) for Meritor Heavy Vehicles, LLC, Inc., at 2135 W. Maple, Troy, MI 48084, Parcel # 88-20-32-126-035, for personal property for a term of twelve (12) years, after completion, contingent upon the execution of a Letter of Agreement between the City of Troy and Meritor Heavy Vehicles, LLC, and payment of the application fee established in accordance with Public Act 198 of 1974, as amended; and*

*BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED** to execute the Letter of Agreement between the City of Troy and Meritor Heavy Vehicles, LLC, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and*

*BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED** to complete the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.*

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

Yes:
No:

- b) Reconsideration of Resolution #2011-01-008 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC for Plant Rehabilitation, to Meritor Heavy Vehicles, LLC, 2135 W. Maple, Troy, MI 48084**

Suggested Resolution

Resolution #2011-08-
Moved by
Seconded by

RESOLVED, That Troy City Council **RECONSIDERS** Resolution #2011-01-008 *Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC for Plant Rehabilitation, to Meritor Heavy Vehicles, LLC, 2135 W. Maple, Troy, MI 48084*, Moved by Slater and Seconded by McGinnis, as it appears below:

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on January 24, 2011, established a Plant Rehabilitation District (PRD) for property known as 2135 W. Maple, Troy, MI 48084, Parcel # 88-20-32-126-035;

WHEREAS, An Application has been submitted by Meritor Heavy Vehicles, LLC, for an Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation, for real property at 2135 W. Maple, Troy, MI 48084, for twelve (12) years after completion; and

WHEREAS, After due an proper notice by the City Clerk, the City Council, on January 24, 2011, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of a Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation, for Meritor Heavy Vehicles, LLC, at 2135 W. Maple, Troy, MI 48084 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

*NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has hereby **FOUND** that the granting of a Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation, for Meritor Heavy Vehicles, LLC, at 2135 W. Maple, Troy, MI 48084 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND** that the granting of the Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation, will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and*

*BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for a Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation, for Meritor Heavy Vehicles, LLC, Inc., at 2135 W. Maple, Troy, MI 48084, Parcel # 88-20-32-126-035, for real property for a term of twelve (12) years after completion, contingent upon the execution of a Letter of Agreement between the City of Troy and Meritor Heavy Vehicles, LLC, and in accordance with Public Act 198 of 1974, as amended; and*

*BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED** to execute the Letter of Agreement between the City of Troy and Meritor Heavy Vehicles, LLC, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and*

*BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED** to complete the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.*

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

No: Howrylak

Yes:

No:

- c) **Proposed Resolution to Amend Reconsidered Resolution #2011-01-007 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC to Meritor Heavy Vehicles, LLC – 2135 W. Maple, Troy, MI 48084, as Directed by the State Tax Commission**

Suggested Resolution

Resolution #2011-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2011-01-007, *Establishment of an Industrial Facilities Exemption Certificate (IFEC)* by **STRIKING** it in its entirety and **SUBSTITUTING** it with the following:

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on January 24, 2011, established an Industrial Development District (IDD) for property known as 2135 W. Maple, Troy, MI. 48084, Parcel # 88-20-32-126-035; and

WHEREAS, An Application has been submitted by Meritor Heavy Vehicles, LLC, for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 2135 W. Maple, Troy, MI. 48084, for six (6) years, after completion; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on January 24, 2011, held a Public Hearing giving opportunity for comment by all

taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for Meritor Heavy Vehicles, LLC, at 2135 W Maple, Troy, MI 48084 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit; and

WHEREAS, The aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Troy, after granting this certificate will not exceed 5% of an amount equal to the sum of the SEV of the City of Troy, plus the SEV of real and personal property thus exempted;

*NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for Meritor Heavy Vehicles, LLC, at 2135 W. Maple, Troy, MI 48084 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and*

*BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for an Industrial Facilities Exemption Certificate (IFEC) for Meritor Heavy Vehicles, LLC, Inc., at 1235 W. Maple, Troy, MI 48084, Parcel # 88-20-32-126-035, for personal property for a term of twelve (12) years, after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Meritor Heavy Vehicles, LLC, and payment of the application fee established in accordance with Public Act 198 of 1974, as amended; and*

*BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Letter of Agreement between the City of Troy and Meritor Heavy Vehicles, LLC, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and*

*BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED TO COMPLETE** the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.*

Yes:

No:

- d) **Proposed Resolution to Amend Reconsidered Resolution #2011-01-008 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation, to Meritor Heavy Vehicles, LLC 2135 W. Maple, Troy, MI 48084, as Directed by the State Tax Commission**

Suggested Resolution

Resolution #2011-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2011-01-008, *Establishment of an Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation* by **STRIKING** it in its entirety and **SUBSTITUTING** it with the following:

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on January 24, 2011, established a Plant Rehabilitation District (PRD) for property known as 2135 W. Maple, Troy, MI 48084, Parcel # 88-20-32-126-035; and

WHEREAS, An Application has been submitted by Meritor Heavy Vehicles, LLC, for an Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation, for real property at 2135 W. Maple, Troy, MI 48084, for twelve (12) years after completion; and

WHEREAS, After due an proper notice by the City Clerk, the City Council, on January 24, 2011, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of a Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation, for Meritor Heavy Vehicles, LLC, at 2135 W. Maple, Troy, MI 48084 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit; and

WHEREAS, The aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Troy, after granting this certificate will not exceed 5% of an amount equal to the sum of the SEV of the City of Troy, plus the SEV of real and personal property thus exempted;

*NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of a Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation, for Meritor Heavy Vehicles, LLC, at 2135 W. Maple, Troy, MI 48084 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation, will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and*

*BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for an Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation for Meritor Heavy Vehicles, LLC, at 1235 W. Maple, Troy, MI 48084, Parcel # 88-20-32-126-035, for real property for a term of twelve (12) years, after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Meritor Heavy Vehicles, LLC, and in accordance with Public Act 198 of 1974, as amended; and*

*BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Letter of Agreement between the City of Troy and Meritor Heavy Vehicles, LLC, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and*

*BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED TO COMPLETE** the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.*

Yes:
No:

I-6 Contract Modification: Drive Approach Replacements - Section 35 Water Main Replacement Project

Suggested Resolution

Resolution #2011-08-

Moved by

Seconded by

RESOLVED, That a contract modification to Dilisio Contracting, Inc., of Clinton Township, MI for residential drive approach and concrete curb replacements in the Section 35 Water Main Replacement project area be **APPROVED** to Dilisio Contracting, Inc., of Clinton Township, MI at an estimated total cost of \$131,400.

BE IT FURTHER RESOLVED, That if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 10% of the contract modification amount.

Yes:
No:

I-7 Application for Transfer of Stock for A&S Babi, Inc. (John’s Party Store)

Suggested Resolution

Resolution #2011-08-

Moved by

Seconded by

(a) 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 :	A & S Babi, Inc. (John’s Party Store)
Type of License Requested :	Transfer All Stock Interest in 2010 SDD and SDM Licensed Corporation, wherein existing stockholder Adel H. Babi Transfers 1,000 Shares of Stock to New Stockholder Sana Thomas Babi.
Located at :	4009 Livernois, Troy, MI 48098, Oakland County
MLCC Request # :	607015

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 #2011-08-

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 #2011-08-

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

- a. Regular City Council Meeting of July 25, 2011

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 4: MITN Cooperative Award – Purchase of Fire Apparatus**Suggested Resolution

Resolution #2011-08-

RESOLVED, That Troy City Council hereby **APPROVES** a contract for the purchase of two (2) PUC fire apparatus pumpers from the lowest acceptable bidder, Pierce Manufacturing Inc. of Wisconsin c/o Halt Fire Inc. of Wixom, MI, through a MITN Cooperative Award hosted by the Brighton Area Fire Department (BAFD) for an estimated total cost of \$1,025,345.00.

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

b) Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – Michigan Municipal League's Annual Convention – October 4-7, 2011 Grand RapidsSuggested Resolution

Resolution #2011-08-

RESOLVED, That Council members are **AUTHORIZED** to attend the Michigan Municipal League's Annual Convention on October 4 – 7, 2011 in Grand Rapids, Michigan, in accordance with accounting procedures of the City of Troy.

J-5 Request for Acceptance of a Storm Sewer and Surface Drainage Easement from Gary A. and Brenda F. Abitheira – Sidwell #88-20-27-481-024Suggested Resolution

Resolution #2011-08-

RESOLVED, That Troy City Council hereby **ACCEPTS** the storm sewer and surface drainage easement from Gary A. and Brenda F. Abitheira, owners of the property having Sidwell #88-20-27-481-024, 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-6 Paul Garfield v. City of TroySuggested Resolution

Resolution #2011-08-

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 *Paul Garfield v. City of Troy* (Oakland County Circuit Court Case No. 11-120353-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.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

- a) Announcement of Public Hearings for Industrial Development District (IDD) and Industrial Facilities Exemption Certificate (IFEC) for Inteva Products, LLC at 1401 Crooks

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 Advanced

M. COUNCIL COMMENTS

M-1 No Council Comments Advanced

N. REPORTS

N-1 Minutes – Boards and Committees:

- a) Zoning Board of Appeals-Final-May 17, 2011
- b) Zoning Board of Appeals-Study-Final-May 17, 2011
- c) Zoning Board of Appeals-Draft-June 21, 2011
- d) Planning Commission-Draft-July 12, 2011
- e) Planning Commission-Final-July 12, 2011

N-2 Department Reports: None Submitted

N-3 Letters of Appreciation:

- a) Letter of Appreciation from Meghan Shea-Keenan and Cory Miglio to the Troy Fire Department
- b) Letter of Appreciation from Jon Pascal of Krav Maga Worldwide, Inc. to Sergeant Ostrowski Regarding Officer Fitzpatrick and Officer Zagacki
- c) Letter of Appreciation from Claudia Mills of Home Instead to Chief Mayer Regarding Officer Reynolds

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

O. STUDY ITEMS

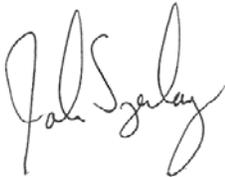
O-1 No Study Items Presented

P. CLOSED SESSION:

P-1 No Closed Session Requested

Q. ADJOURNMENT

Respectfully submitted,



John Szerlag, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

SCHEDULED REGULAR CITY COUNCIL MEETINGS:

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:



Michigan Library Association

MICHIGAN LIBRARY ASSOCIATION • 1407 RENSEN STREET • SUITE 2 • LANSING, MI 48910
PH. (517) 394-2774 • FAX: (517) 394-2675 • www.mla.lib.mi.us

June 29, 2011

Ms. Cathleen A. Russ, Director
Troy Public Library
510 W. Big Beaver Rd.
Troy, MI 48084

Dear Cathy,

Congratulations Cathy on being selected as the Michigan Library Association 2011 Loleta D. Fyan Award honoree. What a great testimonial this award is to your library career and the leadership you have provided for the City of Troy citizens over the last eighteen months.

The MLA Awards committee members were impressed with your letters of support, especially your communication efforts during a very difficult time in the City of Troy. You have encountered a challenge faced by few librarians. In facing this challenge, the writer of a letter of support stated, "She has rallied to create an atmosphere with the remaining staff that is both honest and encouraging. She established new ways to communicate with staff each day to share information in a constantly changing landscape, to quell rumors and establish solid communication with staff to share with patrons." It takes a great deal of effort to keep communication on a solid ground when under such adversity.

In the near future you should receive a communication from Denise Cook, MLA Director of Professional Development and Meeting Planning. Denise will provide you with information on the date, time, and place of the award ceremony, ticket options, reserve tables, etc.

Again, Congratulations Cathy and I look forward to seeing you at the ceremony.

Sincerely,

A handwritten signature in black ink, appearing to read 'Margaret E. Auer'. The signature is fluid and cursive.

Margaret E. Auer, Chairperson
MLA Awards
and Dean, University Libraries/Instructional Design Studio
University of Detroit Mercy

cc. Marian Rafal



CITY COUNCIL AGENDA ITEM

Date: July 22, 2011

To: John Szerlag, City Manager

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

Subject: Application for Transfer of Resort Class C License to Hot Rock Pizza

Background

Hot Rock Pizza LLC, requests to Transfer Ownership of Escrowed 2011 Resort Class C License, issued under MCL 436.1531(2), (original 550 Resort at its' original location, no seating or food requirements) & SDM Licensed Business with Dance Permit, located at 35100 Twenty Three Mile, New Baltimore, Michigan, 48047, Macomb County from J.V., Inc.; transfer location & governmental unit to 1893 E. Big Beaver, Troy, MI 48083, Oakland County. {MLCC Req. #607312}.

Attorney Frank Palazzola and business partners Michele Aluia and Vincenzo Militello were present to answer questions from the Liquor Advisory Committee on July 11, 2011. Mr. Palazzola explained to the Committee that this new restaurant is requesting this transfer to serve beer and wine to their customers. The applicants also intend to serve spirits to their customers on occasion when they hold a special event/banquet at their restaurant. TIPS/TAMS training will be immediately offered to all employees. The dance permit on the license will be relinquished, as requested by the applicant.

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, under the condition that the dance permit be removed from the license. The applicant requested that the dance permit be removed from the license.

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

Recommendation

Recommend approval of the request for Transfer of Resort Class C License to Hot Rock Pizza, under the condition that the dance permit be removed from the license.

Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, July 11, 2011 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Patrick C. Hall
Andrew Kaltsounis
David S. Ogg
Timothy P. Payne
Bohdan L. Ukraineec

ABSENT: W. Stan Godlewski

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

Resolution to Excuse Committee Member Godlewski

Resolution #LC2011-07-20
Moved by Hall
Seconded by Kaltsounis

RESOLVED, That the absence of Committee member Godlewski at the Liquor Advisory Committee meeting of July 11, 2011 be **EXCUSED**.

Yes: 6
No: 0
Absent: Godlewski

Resolution to Approve Minutes of June 13, 2011 Meeting

Resolution #LC2011-07-21
Moved by Hall
Seconded by Payne

RESOLVED, That the Minutes of the June 13, 2011 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 6
No: 0
Absent: Godlewski

Agenda Items

1. **A & S Babi, Inc.** requests to Transfer All Stock Interest in 2010 SDD and SDM licensed corporation located at 4009 Livernois, Troy, MI 48098, Oakland County, wherein existing stockholder, Adel H. Babi transfers 1,000 shares of stock to new stockholder, Sana Thomas Babi {MLCC Req. #607015}. *This is John’s Party Store on Livernois, just north of Wattles.*

Present to answer questions from the Committee were Adel Babi and Trevor Babi.

Mr. Adel Babi explained to the Committee that he is retiring from the business and wants to transfer shares to his wife, Sana Babi. His son, Trevor Babi, stated that he is active in the business. Day-to-day business operations will not change.

Resolution #LC2011-07-22

Moved by Hall

Seconded by Kaltsounis

RESOLVED, That the Liquor Advisory Committee recommends that the request of A & S Babi, Inc. to Transfer All Stock Interest in 2010 SDD and SDM licensed corporation located at 4009 Livernois, Troy, MI 48098, Oakland County, wherein existing stockholder, Adel H. Babi transfers 1,000 shares of stock to new stockholder, Sana Thomas Babi be **APPROVED**.

Yes: 6
No: 0
Absent: Godlewski

2. **Hot Rock Pizza, LLC** requests to Transfer Ownership of escrowed 2011 Resort Class C License, issued under MCL 436.1531(2), (original 550 Resort at its original location, no seating or food requirements) & SDM licensed business with Dance Permit, located at 35100 Twenty Three Mile, New Baltimore, MI 48047, Macomb County from J.V., Inc.,; transfer location & governmental unit to 1893 E. Big Beaver, Troy, MI 48083, Oakland County {MLCC Req. #607312}.

Present to answer questions from the Committee were attorney Frank Palazzola and business partners Michele Aluia and Vincenzo Militello.

Mr. Palazzola explained to the Committee that this new restaurant is requesting this transfer to serve beer and wine to their customers. Alcohol will be offered only at special events. TIPS/TAMS training will be immediately offered to all employees. The dance permit on the license will be relinquished.

Resolution #LC2011-07-23

Moved by Ukrainec

Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Hot Rock Pizza, LLC to Transfer Ownership of escrowed 2011 Resort Class C License, issued under MCL 436.1531(2), (original 550 Resort at its original location, no seating or food requirements) & SDM licensed business with Dance Permit, located at 35100 Twenty Three Mile, New Baltimore, MI 48047, Macomb County from J.V., Inc.,; transfer location & governmental unit to 1893 E. Big Beaver, Troy, MI 48083, Oakland County be **APPROVED** under the condition that the dance permit be removed from the license.

Yes: 6
No: 0
Absent: Godlewski

Officer Feld advised the Committee on the following:

Gaucha II, LLC

This is a Brazilian steakhouse restaurant planned for the former Designer Shoe Warehouse located on Rochester Road. Uncertain if this item will be ready for an August meeting.

Kamel Management, Inc.

The Maple Market has closed and the former owner had placed the license in escrow. This is the new owner. Uncertain if this item will be ready for an August meeting.

Clawson-Troy Elks Lodge, No. 2169

This request was heard and approved by City Council. The Elks Lodge was very appreciative that we resolved this issue so quickly.

Assistant City Attorney Lancaster advised the Committee on the following:

Sanctuary Lakes Golf Course - Catering Vendor

There is a delay at the State level in transferring the liquor license from Kosch Catering to Sanctuary Lake Golf Management, LLC.

Troy Community Center - Catering Vendor

Alpha-Doni, Inc. d/b/a Encore Catering was approved as the new caterer by City Council. They will be applying for a Class C quota license which will remain with the City at termination of the agreement.

Camp Ticonderoga

A new lease was signed. Renovations will be made by the owners of Camp Ticonderoga under the new agreement.

The meeting adjourned at 7:28 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

Re: Applicant: Hot Rock Pizza, LLC
Address: 1893 E. Big Beaver Road
City/State/Zip: Troy, MI 480

Date: June 16, 2011
Type of License/s: Class C and SDM
MLCC Request ID: 607312

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:

Frank J. Palazzolo

Kristy M. Schulwitz

By:

Mike Aluia

Subscribed and sworn to before me this 16th day of June 20011

Notary Public, Macomb County, MI

Acting in the County of Macomb

My commission expires: January 15, 2017

Kristy M. Schulwitz
KRISTY M. SCHULWITZ

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 Licensing and Regulatory Affairs
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive, P.O. Box 30005
 Lansing, Michigan 48909-7505

FOR MLCC USE ONLY	
Request ID #	<u>607312</u>
Business ID #	<u>225770</u>

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:

HOT ROCK PIZZA, LLC, REQUESTS TO TRANSFER OWNERSHIP OF ESCROWED 2011 RESORT CLASS C LICENSE, ISSUED UNDER MCL 436.1531(2), (ORIGINAL 550 RESORT AT ITS' ORIGINAL LOCATION, NO SEATING OR FOOD REQUIREMENTS) & SDM LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 35100 TWENTY THREE MILE, NEW BALTIMORE, MI 48047, MACOMB COUNTY FROM J.V., INC.; TRANSFER LOCATION & GOVERNMENTAL UNIT TO 1893 E. BIG BEAVER, TROY, MI 48083, OAKLAND COUNTY.

Section 1. APPLICANT INFORMATION

APPLICANT #1: MICHELE ALUIA - MEMBER 5889 JACKELYN WASHINGTON, MI 48094 H (586) 677-3597 / B (248) 250-9434	APPLICANT #2: VINCENZO MILITELLO - MEMBER 53568 CHERRYWOOD SHELBY TWP., MI 48315 H (586) 786-6448 / B (248) 250-9434
--	---

DATE FINGERPRINTED:	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 Licensing and Regulatory Affairs
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive, P.O. Box 30005
 Lansing, Michigan 48909-7505

FOR MLCC USE ONLY	
Request ID #	<u>607312</u>
Business ID #	<u>22770</u>

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

MAY 20, 2011

TO:

Re:

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your recommendation to the offices of the MLCC at the above address. Questions about this request should be directed to Unit 3 of the Retail Licensing Division at (517) 636-0204.

<input type="checkbox"/> OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: Weekdays _____ A.M. to _____ A.M. _____ Sundays _____ A.M. to _____ P.M.	
<input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended	
NOTE: If the applicant is requesting two separate extended hours permits and the permits are for different hours you must complete the box below. If additional space is needed please use reverse side of this form.	
<input type="checkbox"/> OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: Weekdays _____ A.M. to _____ A.M. _____ Sundays _____ A.M. to _____ P.M.	
<input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended	
<input type="checkbox"/> OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: Weekdays _____ A.M. to _____ A.M. _____ Sundays _____ A.M. to _____ P.M.	
<input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended	
<input checked="" type="checkbox"/> DANCE PERMIT	<i>applicant withdrew request for Dance Permit</i>
<input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input checked="" type="checkbox"/> Not Recommended	

Law Enforcement Recommendation (cont'd)

Page 2

MAY 20, 2011

<input type="checkbox"/> ENTERTAINMENT PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> TOPLESS ACTIVITY PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> OUTDOOR SERVICE <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> PARTICIPATION PERMIT <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> ADDITIONAL BAR <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended
<input type="checkbox"/> OTHER <input type="checkbox"/> Recommended <input type="checkbox"/> Recommended, subject to final inspection <input type="checkbox"/> Not Recommended

Signed:

Signature and Title

Print Name and Title

TROY POLICE DEPARTMENT

Date: _____

rlb



CITY COUNCIL AGENDA ITEM

Date: August 8, 2011

To: John Szerlag, City Manager

From: Nino Licari, City Assessor

Subject: Reconsideration and Substitution of Resolutions Approving Industrial Facilities Tax Exemption Certificate (IFEC) and Industrial Facilities Tax Exemption Certificate (IFEC) for Plant Rehabilitation for Meritor Heavy Vehicles, LLC

Background

Meritor Heavy Vehicle Systems, LLC, received approval for both an IFEC and an IFEC for Plant Rehabilitation from City Council on January 24, 2011.

There were a few different issues with the data submitted with the applications, and, as of this date, the State Tax Commission (STC) has not approved the exemptions.

One of the issues that the City can help with is new language required by the STC in the approval resolutions. Part of the tax exemption law requires Department of Treasury approval for an abatement that causes the total abated roll to exceed 5% of the unabated roll.

While Troy's total abated roll is less than 2 tenths of 1% of our normal roll, the STC now requires a statement in the resolution specifying that we do not exceed the 5% number.

This is a "WHEREAS" clause (the 4th WHEREAS in the substituted resolutions), and has no material effect on the adopted resolutions.

Recommendation

In order to complete the process of granting the exemptions, City Council should Reconsider, and Substitute the 2 resolutions presented.

NL/nl: H:\IFT\ArvinMeritor\Substitution.08.08.11

Proposed Reconsideration of Resolutions #2011-01-007 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC to Meritor Heavy Vehicles, LLC – 2135 W. Maple, Troy, MI 48084 and #2011-01-008 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC for Plant Rehabilitation, to Meritor Heavy Vehicles, LLC 2135 W. Maple, Troy, MI 48084

a) Reconsideration Resolution #2011-01-007 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC to Meritor Heavy Vehicles, LLC – 2135 W. Maple, Troy, MI 48084

Suggested Resolution

Resolution #2011-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **RECONSIDERS** Resolution #2011-01-007 *Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC to Meritor Heavy Vehicles, LLC – 2135 W. Maple, Troy, MI 48084*, Moved by Beltramini and Seconded by Fleming, as it appears below:

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on January 24, 2011, established an Industrial Development District (IDD) for property known as 2135 W. Maple, Troy, MI 48084, Parcel # 88-20-32-126-035;

WHEREAS, An Application has been submitted by Meritor Heavy Vehicles, LLC, for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 2135 W. Maple, Troy, MI 48084, for twelve (12) years, after completion; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on January 24, 2011, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for Meritor Heavy Vehicles, LLC, at 2135 W. Maple, Troy, MI 48084 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

*NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has hereby **FOUND** that the granting of an Industrial Facilities Exemption Certificate (IFEC) for Meritor Heavy Vehicles, LLC, at 2135 W. Maple, Troy, MI 48084 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND** that the granting of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and*

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for an Industrial Facilities Exemption Certificate (IFEC) for Meritor Heavy Vehicles, LLC, Inc., at 2135 W. Maple, Troy, MI 48084, Parcel # 88-20-32-126-035, for personal property for a term of twelve (12) years, after completion, contingent upon the execution of a Letter of Agreement between the City of Troy and Meritor Heavy Vehicles, LLC, and payment of the application fee established in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED** to execute the Letter of Agreement between the City of Troy and Meritor Heavy Vehicles, LLC, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED** to complete the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971

Yes: Beltrami, Fleming, Kerwin, McGinnis, Slater, Schilling
No: Howrylak

Yes:
No:

b) Reconsideration of Resolution #2011-01-008 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC for Plant Rehabilitation, to Meritor Heavy Vehicles, LLC 2135 W. Maple, Troy, MI 48084

RESOLVED, That Troy City Council **RECONSIDERS** Resolution #2011-01-008 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC for Plant Rehabilitation, to Meritor Heavy Vehicles, LLC 2135 W. Maple, Troy, MI 48084, Moved by Slater and Seconded by McGinnis, as it appears below:

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on January 24, 2011, established a Plant Rehabilitation District (PRD) for property known as 2135 W. Maple, Troy, MI 48084, Parcel # 88-20-32-126-035;

WHEREAS, An Application has been submitted by Meritor Heavy Vehicles, LLC, for an Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation, for real property at 2135 W. Maple, Troy, MI 48084, for twelve (12) years after completion; and

WHEREAS, After due an proper notice by the City Clerk, the City Council, on January 24, 2011, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of a Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation, for Meritor Heavy Vehicles, LLC, at 2135 W. Maple, Troy, MI 48084 may

have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has hereby **FOUND** that the granting of a Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation, for Meritor Heavy Vehicles, LLC, at 2135 W. Maple, Troy, MI 48084 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND** that the granting of the Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation, will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for a Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation, for Meritor Heavy Vehicles, LLC, Inc., at 2135 W. Maple, Troy, MI 48084, Parcel # 88-20-32-126-035, for real property for a term of twelve (12) years after completion, contingent upon the execution of a Letter of Agreement between the City of Troy and Meritor Heavy Vehicles, LLC, and in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED** to execute the Letter of Agreement between the City of Troy and Meritor Heavy Vehicles, LLC, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED** to complete the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.

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

Yes:
No:

c) Proposed Resolution to Amend Reconsidered Resolution #2011-01-007 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC to Meritor Heavy Vehicles, LLC – 2135 W. Maple, Troy, MI 48084, as Directed by the State Tax Commission

Suggested Resolution
Resolution #2011-08-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2011-01-007, *Establishment of an Industrial Facilities Exemption Certificate (IFEC)* by **STRIKING** it in its entirety and **SUBSTITUTING** it with the following:

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on January 24, 2011, established an Industrial Development District (IDD) for property known as 2135 W Maple, Troy, MI. 48084, Parcel # 88-20-32-126-035; and

WHEREAS, An Application has been submitted by Meritor Heavy Vehicles, LLC, for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 2135 W Maple, Troy, MI. 48084, for six (6) years, after completion; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on January 24, 2011, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for Meritor Heavy Vehicles, LLC, at 2135 W Maple, Troy, MI. 48084 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Troy, after granting this certificate will not exceed 5% of an amount equal to the sum of the SEV of the City of Troy, plus the SEV of real and personal property thus exempted;

*NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for Meritor Heavy Vehicles, LLC, at 2135 W Maple, Troy, MI. 48084 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and*

*BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for an Industrial Facilities Exemption Certificate (IFEC) for Meritor Heavy Vehicles, LLC, Inc., at 1235 W. Maple, Troy, MI. 48084, Parcel # 88-20-32-126-035, for personal property for a term of twelve (12) years, after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Meritor Heavy Vehicles, LLC, and*

payment of the application fee established in accordance with Public Act 198 of 1974, as amended; and

*BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Letter of Agreement between the City of Troy and Meritor Heavy Vehicles, LLC, a copy of which shall be **ATTACHED** to the original minutes of this meeting; and*

*BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED TO COMPLETE** the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI. 48909-7971*

Yes:

No:

- d) Proposed Resolution to Amend Reconsidered Resolution #2011-01-008 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC for Plant Rehabilitation, to Meritor Heavy Vehicles, LLC 2135 W. Maple, Troy, MI 48084 as Directed by the State Tax Commission;**

Suggested Resolution

Resolution #2011-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2011-01-008, *Establishment of an Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation* by **STRIKING** it in its entirety and **SUBSTITUTING** it with the following:

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on January 24, 2011, established a Plant Rehabilitation District (PRD) for property known as 2135 W. Maple, Troy, MI. 48084, Parcel # 88-20-32-126-035; and

WHEREAS, An Application has been submitted by Meritor Heavy Vehicles, LLC, for an Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation, for real property at 2135 W. Maple, Troy, MI. 48084, for twelve (12) years after completion; and

WHEREAS, After due an proper notice by the City Clerk, the City Council, on January 24, 2011, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of a Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation, for Meritor Heavy Vehicles, LLC, at 2135 W. Maple, Troy, MI 48084 may have the effect of substantially

impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Troy, after granting this certificate will not exceed 5% of an amount equal to the sum of the SEV of the City of Troy, plus the SEV of real and personal property thus exempted;

*NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of a Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation, for Meritor Heavy Vehicles, LLC, at 2135 W. Maple, Troy, MI 48084 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation, will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and*

*BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for an Industrial Facilities Exemption Certificate (IFEC) for Plant Rehabilitation for Meritor Heavy Vehicles, LLC, Inc., at 1235 W. Maple, Troy, MI. 48084, Parcel # 88-20-32-126-035, for real property for a term of twelve (12) years, after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Meritor Heavy Vehicles, LLC, and in accordance with Public Act 198 of 1974, as amended; and*

*BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Letter of Agreement between the City of Troy and Meritor Heavy Vehicles, LLC, a copy of which shall be **ATTACHED** to the original minutes of this meeting; and*

*BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED TO COMPLETE** the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI. 48909-7971.*

Yes:

No:



CITY COUNCIL ACTION REPORT

July 25, 2011

TO: John Szerlag, City Manager

FROM: Mark F. Miller, Director of Planning and Economic Development
Steven J. Vandette, City Engineer

SUBJECT: Agenda Item – Contract Modification: Drive Approach Replacements
Section 35 Water Main Replacement Project

Recommendation:

It is recommended that City Council approve a contract modification to Dilisio Contracting Inc. of Clinton Township, MI for residential drive approach and concrete curb replacements in the Section 35 Water Main Replacement project area. This contract modification in the amount of \$131,400 is for additional work to be done under the 2011-12 Concrete Pavement Repair Program.

In addition, we are requesting authorization to approve additional work, if needed, not to exceed 10% of the original project cost. Enterprise (water) funds are being used to fund this work, which can only be used for water system improvements, maintenance and operation of the water system.

Background:

On July 25, 2011 City Council approved a contract with Dilisio Contracting, Inc. in the amount of \$3,279,320 for the 2011-12 Concrete Pavement Repair Program. This program includes various concrete slab, curb, approach, and sidewalk replacements on the City's major and local roads and on county roads under the Tri-Party Program.

On July 26, 2010 City Council approved a construction contract for the replacement of the 50 year old, 6-inch and 8-inch water mains in Section 35. The water mains were replaced last fall and winter and restoration work is currently nearing completion. Scheduled next is a pavement repair and resurfacing project to repair the existing roads due to damage caused by the water main construction.

All drive approaches that were impacted by the water main work were replaced under the water main contract; the balance, 195 approaches, are proposed to be replaced under the 2011-12 Concrete Pavement Repair Program. Replacement of these approaches is necessary to correct drainage problems prior to paving. The replacement cost under the Concrete Repair Program contract is \$6 less per square yard than under the water main contract, saving a total of \$17,400. The curb replacement cost is \$4 less per liner feet, saving \$6,000. Total savings is \$23,400.

Funding for this work is included in the 2011-12 Water Capital budget as a continuation of the water main replacement project. Water funds are used to repair the existing roads due to damage caused

by the water main construction. The existing asphalt (over concrete) roads will be milled (ground off) and an asphalt pavement overlay will be placed as the new road surface. By completing all drive approach replacements ahead of the paving project, the paving work will be done in less time and completion of all work, including restoration, can be assured by November. If drive approaches were to be done under the asphalt paving contract, there would not be time to do the asphalt overlay this construction season.

The asphalt mill and overlay project is anticipated to start in mid September and be complete by November.

Financial Considerations:

Funds for this work are included in the 2011-12 Water Fund. The budgeted amount includes funds for construction, inspection and contingencies.

Legal Considerations:

The contract modification is contingent upon contractor execution of the contract modification documents, and subject to all insurance, bonds and all specified requirements of the 2011/12 Concrete Repair Program.



CITY COUNCIL AGENDA ITEM

Date: July 21, 2011

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police *JMM*
Captain Gerard Scherlinck *GS*
Lieutenant Robert Redmond *308*

Subject: Application for Transfer of Stock for A & S Babi, Inc. (John's Party Store)

Background

A & S Babi, Inc. (John's Party Store) requests to Transfer All Stock Interest in 2010 SDD and SDM Licensed Corporation located at 4009 Livernois, Troy, MI 48098, Oakland County, wherein existing stockholder Adel H. Babi Transfers 1,000 Shares of Stock to new stockholder Sana Thomas Babi {MLCC Req. #607015}.

Mr. Adel Babi and Trevor Babi were present to answer questions from the Liquor Advisory Committee on July 11, 2011. Mr. Adel Babi explained to the Committee that he is retiring from the business and wants to transfer shares to his wife, Sana Babi. His son, Trevor Babi, stated that he is active in the business. Day-to-day business operations will not change.

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 pending the Health Department inspection.

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

Recommendation

Recommend approval of the request from A & S Babi, Inc. to Transfer Stock, pending the Health Department inspection.

Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, July 11, 2011 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Patrick C. Hall
Andrew Kaltsounis
David S. Ogg
Timothy P. Payne
Bohdan L. Ukraineec

ABSENT: W. Stan Godlewski

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

Resolution to Excuse Committee Member Godlewski

Resolution #LC2011-07-20
Moved by Hall
Seconded by Kaltsounis

RESOLVED, That the absence of Committee member Godlewski at the Liquor Advisory Committee meeting of July 11, 2011 be **EXCUSED**.

Yes: 6
No: 0
Absent: Godlewski

Resolution to Approve Minutes of June 13, 2011 Meeting

Resolution #LC2011-07-21
Moved by Hall
Seconded by Payne

RESOLVED, That the Minutes of the June 13, 2011 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 6
No: 0
Absent: Godlewski

Agenda Items

1. **A & S Babi, Inc.** requests to Transfer All Stock Interest in 2010 SDD and SDM licensed corporation located at 4009 Livernois, Troy, MI 48098, Oakland County, wherein existing stockholder, Adel H. Babi transfers 1,000 shares of stock to new stockholder, Sana Thomas Babi {MLCC Req. #607015}. *This is John's Party Store on Livernois, just north of Wattles.*

Present to answer questions from the Committee were Adel Babi and Trevor Babi.

Mr. Adel Babi explained to the Committee that he is retiring from the business and wants to transfer shares to his wife, Sana Babi. His son, Trevor Babi, stated that he is active in the business. Day-to-day business operations will not change.

Resolution #LC2011-07-22

Moved by Hall

Seconded by Kaltsounis

RESOLVED, That the Liquor Advisory Committee recommends that the request of A & S Babi, Inc. to Transfer All Stock Interest in 2010 SDD and SDM licensed corporation located at 4009 Livernois, Troy, MI 48098, Oakland County, wherein existing stockholder, Adel H. Babi transfers 1,000 shares of stock to new stockholder, Sana Thomas Babi be **APPROVED**.

Yes: 6
No: 0
Absent: Godlewski

2. **Hot Rock Pizza, LLC** requests to Transfer Ownership of escrowed 2011 Resort Class C License, issued under MCL 436.1531(2), (original 550 Resort at its original location, no seating or food requirements) & SDM licensed business with Dance Permit, located at 35100 Twenty Three Mile, New Baltimore, MI 48047, Macomb County from J.V., Inc.; transfer location & governmental unit to 1893 E. Big Beaver, Troy, MI 48083, Oakland County {MLCC Req. #607312}.

Present to answer questions from the Committee were attorney Frank Palazzola and business partners Michele Aluia and Vincenzo Militello.

Mr. Palazzola explained to the Committee that this new restaurant is requesting this transfer to serve beer and wine to their customers. Alcohol will be offered only at special events. TIPS/TAMS training will be immediately offered to all employees. The dance permit on the license will be relinquished.

Resolution #LC2011-07-23

Moved by Ukrainec

Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Hot Rock Pizza, LLC to Transfer Ownership of escrowed 2011 Resort Class C License, issued under MCL 436.1531(2), (original 550 Resort at its original location, no seating or food requirements) & SDM licensed business with Dance Permit, located at 35100 Twenty Three Mile, New Baltimore, MI 48047, Macomb County from J.V., Inc.,; transfer location & governmental unit to 1893 E. Big Beaver, Troy, MI 48083, Oakland County be **APPROVED** under the condition that the dance permit be removed from the license.

Yes: 6
No: 0
Absent: Godlewski

Officer Feld advised the Committee on the following:

Gaucha II, LLC

This is a Brazilian steakhouse restaurant planned for the former Designer Shoe Warehouse located on Rochester Road. Uncertain if this item will be ready for an August meeting.

Kamel Management, Inc.

The Maple Market has closed and the former owner had placed the license in escrow. This is the new owner. Uncertain if this item will be ready for an August meeting.

Clawson-Troy Elks Lodge, No. 2169

This request was heard and approved by City Council. The Elks Lodge was very appreciative that we resolved this issue so quickly.

Assistant City Attorney Lancaster advised the Committee on the following:

Sanctuary Lakes Golf Course - Catering Vendor

There is a delay at the State level in transferring the liquor license from Kosch Catering to Sanctuary Lake Golf Management, LLC.

Troy Community Center - Catering Vendor

Alpha-Doni, Inc. d/b/a Encore Catering was approved as the new caterer by City Council. They will be applying for a Class C quota license which will remain with the City at termination of the agreement.

Camp Ticonderoga

A new lease was signed. Renovations will be made by the owners of Camp Ticonderoga under the new agreement.

The meeting adjourned at 7:28 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

Re: Applicant: A+S Babi Inc. Date: _____
Address: 4009 Livernois Type of License/s: _____
City/State/Zip: Troy, MI 480 MLCC Request ID: 607015

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.

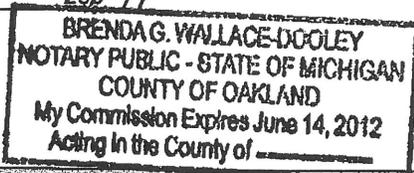
1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the requested Liquor License to be located as indicated above in Troy Michigan.
2. In consideration of the City of Troy's 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: Paris Nabri By: Sury T. Babi
P. Nabri

Subscribed and sworn to before me this 24th day of May 2011
Notary Public, Oakland County, MI
Acting in the County of _____
My commission expires: 6-14-2012

Brenda G. Wallace-Dooley



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 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 # 607015

Business ID # 10207

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:

A & S BABI, INC. REQUESTS TO TRANSFER ALL STOCK INTEREST IN 2010 SDD AND SDM LICENSED CORPORATION LOCATED AT 4009 LIVERNOIS, TROY MI 48098, OAKLAND COUNTY WHEREIN EXISTING STOCKHOLDER, ADEL H. BABI TRANSFERS 1,000 SHARES OF STOCK TO NEW STOCKHOLDER, SANA THOMAS BABI

Section 1. APPLICANT INFORMATION

APPLICANT #1: SANA THOMAS BABI 4067
 PENROSE, TROY, MI 48098 H: 248-952-5453 B:
 248-689-3712

APPLICANT #2:

DATE FINGERPRINTED**:

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 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

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held Monday, July 25, 2011, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the meeting to order at 6:30 PM.

B. ROLL CALL:

Mayor Louise E. Schilling
 Robin Beltramini
 Wade Fleming
 Martin Howrylak – Arrived at 7:30 PM
 Mayor Pro Tem Mary Kerwin
 Maureen McGinnis – Arrived at 6:31PM
 Dane Slater

Proposed Resolution to Reconvene in Closed Session as Allowed by Resolution #2011-07-167 and MCL15.268(a) – City Manager Evaluation

Resolution #2011-07-168
 Moved by Slater
 Seconded by McGinnis

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by Resolution #2011-07-167 and MCL15.268(a) – City Manager Evaluation.

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

The meeting **RECESSED** at 6:32 PM.

The meeting **RECONVENED** at 6:33 PM.

City Council met in Closed Session.

The meeting **RECESSED** at 7:20 PM.

The meeting **RECONVENED** at 7:30 PM.

Pastor Simion Timbuc, Bethesda Romanian Pentecostal Church, gave the Invocation. The Pledge of Allegiance to the Flag was given.

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 No Certificates of Recognition and Special Presentations Scheduled

D. CARRYOVER ITEMS:**D-1 No Carryover Items****E. PUBLIC HEARINGS:****E-1 Public Hearing for the Establishment of an Industrial Development District (IDD) for US Farathane Corporation – 754 W. Maple**

Resolution #2011-07-169
Moved by Fleming
Seconded by Beltramini

The Mayor OPENED the public hearing.
The Mayor CLOSED the public hearing after receiving no comment from the public.

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as 754 W. Maple, Troy, MI 48084-5315, Parcel #88-20-28-304-023, in accordance with City Council Policy Resolution #2010-08-173; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to forward a copy of this resolution to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.

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

MOTION PASSED**E-2 Public Hearing for the Transfer of an Industrial Facilities Exemption Certificate (IFEC) for US Farathane Corporation from Madison Heights to 754 W. Maple**

Resolution #2011-07-170
Moved by McGinnis
Seconded by Kerwin

The Mayor OPENED the public hearing.
The Mayor CLOSED the public hearing after receiving no comment from the public.

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on July 25, 2011, established an Industrial Development District (IDD) for property known as 754 W Maple, Troy, MI 48084-5315, Parcel # 88-20-28-304-023; and

WHEREAS, An application has been submitted by US Farathane Corporation, to transfer an Industrial Facilities Exemption Certificate (IFEC) for personal property from Madison Heights to 754 W. Maple, Troy, MI 48084-5315, for four (4) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on July 25, 2011, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that

the transfer of an Industrial Facilities Exemption Certificate (IFEC) for US Farathane Corporation, at 754 W. Maple, Troy, MI 48084-5315 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

WHEREAS, The aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Troy, after granting this certificate will not exceed 5% of an amount equal to the sum of the SEV of the City of Troy, plus the SEV of real and personal property thus exempted;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE TRANSFER** of an Industrial Facilities Exemption Certificate (IFEC) for US Farathane Corporation, at 754 W. Maple, Troy, MI 48084-5315 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE TRANSFER** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application to transfer an Industrial Facilities Exemption Certificate (IFEC) for US Farathane Corporation, Inc., at 754 W. Maple, Troy, MI 48084-5315, Parcel # 88-20-28-304-023, for personal property for a term of four (4) years, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and US Farathane Corporation in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Letter of Agreement between the City of Troy and US Farathane Corporation, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED TO COMPLETE** the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI. 48909-7971.

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

MOTION PASSED

E-3 Public Hearing for the Granting of an Industrial Facilities Exemption Certificate (IFEC) for US Farathane Corporation at 754 W. Maple

Resolution #2011-07-171
Moved by Kerwin
Seconded by McGinnis

The Mayor OPENED the public hearing.
The Mayor CLOSED the public hearing after receiving no comment from the public.

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on July 25, 2011, established an Industrial Development District (IDD) for property known as 754 W. Maple, Troy, MI 48084-5315, Parcel # 88-20-28-304-023; and

WHEREAS, An Application has been submitted by US Farathane Corporation, for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 754 W. Maple, Troy, MI 48084-5315, for three (3) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on July 25, 2011, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for US Farathane Corporation, at 754 W. Maple, Troy, MI 48084-5315 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

WHEREAS, The aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Troy, after granting this certificate will not exceed 5% of an amount equal to the sum of the SEV of the City of Troy, plus the SEV of real and personal property thus exempted;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for US Farathane Corporation, at 754 W. Maple, Troy, MI 48084-5315 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for an Industrial Facilities Exemption Certificate (IFEC) for US Farathane Corporation, Inc., at 754 W. Maple, Troy, MI 48084-5315, Parcel # 88-20-28-304-023, for personal property for a term of three (3) years, after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and US Farathane Corporation, and the payment of the fees in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Letter of Agreement between the City of Troy and US Farathane Corporation, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED TO COMPLETE** the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI. 48909-7971.

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

No: Howrylak

MOTION PASSED

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business

Resolution #2011-07-172

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: McGinnis, Slater, Schilling, Beltramini, Howrylak, Kerwin

No: Fleming

MOTION PASSED

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

Resolution #2011-07-173

Moved by Schilling

Seconded by Beltramini

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: Slater, Schilling, Beltramini, Kerwin, McGinnis

No: Howrylak, Fleming

MOTION PASSED

F. PUBLIC COMMENT:

Kleinschmidt, James	Discussed political propaganda.
Daniels, Janice	Discussed opposition to the millage increase.
Reinhardt, Marvin	Discussed opposition to the millage increase and various topics.
Peters, Richard	Discussed support of the millage increase and various topics.
Bloomingtondale, Bruce	Discussed master plan and other various topics.
Brady, Pam	Discussed support of the millage increase on behalf of the League of Women Voters – Troy Area.
Zembrzusi, Audre	Discussed opposition to the millage increase.
Graczyk, Ed	Discussed opposition to the millage increase.
Staeger, Gerard	Discussed opposition to the millage increase.
Grix, E. James	Discussed opposition to the millage increase.
Sharkey, Kent	Discussed support of the millage increase on behalf of the Troy Chamber of Commerce.
Savage, James,	Discussed the transit center.
Kulesza, Christopher	Discussed concerns with comments made at 7/11/2011 City Council Meeting.
Verhelle, Carole	Discussed support of the millage increase.
Hill, Christine	Discussed support of the millage increase.
Brake, Dan	Discussed opposition to the millage increase.
Hinson, Shane	Discussed support of the millage increase.

Burke, Thomas	Discussed opposition to the millage increase.
Martin, Susan	Discussed support of the millage increase.

G. RESPONSE / REPLY TO PUBLIC COMMENT

The Mayor left the meeting at 9:05 PM.

The meeting **RECESSED** at 9:06 PM.

The meeting **RECONVENED** at 9:14 PM.

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: Mayoral Appointments – Local Development Finance Authority

a) Mayoral Appointments

Resolution to RECONSIDER the Mayoral Appointments to the Local Development Finance Authority

Resolution #2011-07-174

Moved by Schilling

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **RECONSIDERS** the following resolution:

Resolution #2011-07-157

Moved by Schilling

Seconded by Kerwin

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

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

MOTION CARRIED

Yes: All-7
 No: None

MOTION PASSED

Resolution #2011-07-175
 Moved by Schilling
 Seconded by Kerwin

RESOLVED, That the Mayor of the City of Troy hereby **APPOINTS** the following persons to serve on the Board or Committee as indicated:

Local Development Finance Authority (LDFA)
Appointed by Mayor (5-Regular) – Staggered 4 Year Term

Maureen Donohue Krauss	Oakland County Designee
John Szerlag	City Manager
John Sharp Michael Kidder (reappointed)	Term Expires 06/30/2015
Nick Vitale	Term Expires 06/30/2015
Robin Beltramini	Term Expires 06/30/2014

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

MOTION PASSED

I-2 Board and Committee Nominations: None Scheduled

I-3 Request for Closed Session: None Requested

I-4 Agreement to Provide Fleet Maintenance Services – City of Madison Heights

Resolution #2011-07-176
 Moved by Beltramini
 Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Service Agreement for the City of Troy to provide fleet maintenance services to the City of Madison Heights; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and Acting City Clerk to execute the Agreement; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7
No: None

MOTION PASSED

I-5 Ratification of 2011-2013 Contract and Approval of Early Retirement Incentive Program – Troy Communications Supervisors Association (TCSA)

Resolution #2011-07-177

Moved by Schilling

Seconded by Kerwin

WHEREAS, A tentative agreement has been reached between the City of Troy and TCSA for the period July 1, 2011 through June 30, 2013; 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, One Troy Communications Supervisors Association (TCSA) member will meet the eligibility criteria for retirement from City employment as of June 30, 2011; and three Troy Communications Supervisors Association (TCSA) 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 Communications Supervisors Association (TCSA) 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 collective bargaining agreement between the City of Troy and TCSA for the period July 1, 2011 through June 30, 2013 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: All-7

No: None

MOTION PASSED

I-6 Amendment of Consent Judgment and Preliminary Site Plan Approval (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 #2011-07-178

Moved by Fleming

Seconded by Beltramini

RESOLVED, That the Troy City Council hereby **APPROVES** the revised Preliminary Site Plan for the addition of a drive-through, including other site improvements, located at the northeast corner of Long Lake and Livernois, Section 10, as indicated on a Site Plan prepared by NORR, LLC. This revised site plan revises and updates the exhibits to the Consent Judgment in the

Sunset Plaza Limited Partnership v. City of Troy lawsuit, Case Number 70-68045-CZ, and reflects the parties' agreement as to the proposed development on the property.

BE IT FURTHER RESOLVED, That the Troy City Council also **APPROVES** a Stipulation and Fifth Amendment to the Consent Judgment in the *Sunset Plaza Limited Partnership v. City of Troy Lawsuit*, Case Number 70-68045-CZ, to facilitate the development as proposed, and **AUTHORIZES** the Mayor and City Clerk to execute the document which incorporates the updated and revised Preliminary Site Plan, after all other necessary parties have executed it. A copy of the executed document shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7
No: None

MOTION PASSED

I-7 Proposed Amendment to Chapter 10 – Employees Retirement System of the Code of the City of Troy

Resolution #2011-07-179
Moved by Kerwin
Seconded by Slater

RESOLVED, That Troy City Council hereby **APPROVES** an amendment to Chapter 10 of the Troy City Code (Employee Retirement System), a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION PASSED

J. CONSENT AGENDA:

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

Resolution #2011-07-180
Moved by Fleming
Seconded by McGinnis

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

Yes: All-7
No: None

MOTION PASSED

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

J-2 Approval of City Council Minutes

Resolution #2011-07-180-J-2

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

- a. Regular City Council Meeting of July 11, 2011

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions

- b. **Standard Purchasing Resolution 4: Award – Macomb County Cooperative Purchasing Agreement – Fleet Vehicles**

Resolution #2011-07-180-J-4b

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase six (6) 2011 Ford Crown Victorias from Signature Ford of Owosso, MI, through a Macomb County Cooperative Purchasing Agreement for an estimated total cost of \$129,822.00.

- c. **Standard Purchasing Resolution 4: State of Michigan – MiDEAL Program – Fleet Vehicles**

Resolution #2011-07-180-J-4c

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase two (2) 2012 Dodge Chargers from Bill Snethkamp - Dodge of Lansing, MI, through the State of Michigan MiDEAL Program for an estimated total cost of \$45,104.00.

J-5 Request for Recognition as a Nonprofit Organization Status from Nancy Papet, Board of Directors, Troy Nature Society

Resolution #2011-07-180-J-5

RESOLVED, That Troy City Council hereby **APPROVES** the request from *Troy Nature Society*, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license as recommended by City Management.

J-6 Request for Approval of Purchase Agreement and Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Square Lake Road to South Boulevard Project No. 02.204.5 – Parcels #29 & 30 – Sidwell #88-20-02-427-016 & -017

Resolution #2011-07-180-J-6

RESOLVED, That the Agreement to Purchase Realty for Public Purposes between Ramarao V. and Ramadevi Cherukuri, Lakshmi Gontina, and Vemula Panduranga and Chandralekha P. Rao, owners of property having Sidwell #88-20-02-427-016 and -017, 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 \$21,700, 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 FURTHER RESOLVED, That the Grading and Temporary Construction Permit in the amount of \$700 from Ramarao V. and Ramadevi Cherukuri, Lakshmi Gontina, and Vemula Panduranga and Chandralekha P. Rao, owners of property having Sidwell #88-20-02-427-016 and -017 is hereby **ACCEPTED**; and

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

J-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 1: Award to Low Bidder – Concrete Pavement Repair Program

Resolution #2011-07-181
Moved by Beltramini
Seconded by Slater

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Concrete Pavement Repair Program FY 2011/12 with an option to renew for two (2) additional one (1) year periods to the low total bidder, Dilisio Contracting Inc. of Clinton Township, MI, at unit prices contained in the bid tabulation opened July 7, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting based on the scope of work, and the ability to add additional locations up to, but not exceeding amounts budgeted; 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.

Yes: All-7
No: None

MOTION PASSED

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 Council Referrals: No Council Referrals Submitted

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business

Resolution #2011-07-182
Moved by Beltramini
Seconded by Howrylak

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: All-7
No: None

MOTION PASSED

Proposed Resolution to Reconvene in Closed Session as Allowed by MCL15.268(a) – City Manager Evaluation

Resolution #2011-07-
Moved by Beltramini
Seconded by Fleming

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268(a) – City Manager Evaluation.

Yes: All-7
No: None

MOTION PASSED

M. COUNCIL COMMENTS

M-1 Council Comments

Mayor Schilling discussed Item N-3a Letter of Appreciation from Kelly Services to Mayor Schilling Regarding the Troy Police Department and commended the Police and Fire Departments for response to the 2-alarm fire at Sunnymede Apartments.

Mayor Pro Tem Kerwin discussed N-2a Police Department – 2011 Mid-Year Calls for Police Service Report.

N. REPORTS

N-1 Minutes – Boards and Committees:

- a) Liquor Advisory Committee-Final-May 9, 2011
 - b) Election Commission-Final-May 26, 2011
 - c) Liquor Advisory Committee-Final-June 13, 2011
 - d) Zoning Board of Appeals-Draft-June 21, 2011
 - e) Planning Commission Special/Study-Final-June 28, 2011
 - f) Election Commission-Draft-June 29, 2011
 - g) Liquor Advisory Committee-Draft-July 11, 2011
 - h) Employees' Retirement System Board of Trustees-Draft-July 13, 2011
- Noted and Filed
-

N-2 Department Reports:

- a) Police Department – 2011 Mid-Year Calls for Police Service Report
- Noted and Filed
-

N-3 Letters of Appreciation:

- a) Letter of Appreciation from Kelly Services to Mayor Schilling Regarding the Troy Police Department
- Noted and Filed
-

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

Noted and Filed

N-5 Transit Center Status Report

Noted and Filed

O. STUDY ITEMS

O-1 No Study Items Presented

P. CLOSED SESSION:

P-1 Closed Session

Q. ADJOURNMENT

The meeting **RECESSED** at 9:44PM.

The meeting **RECONVENED** at 9:50 PM.

The meeting **ADJOURNED** at 10:20 PM.

Mayor Louise E. Schilling

M. Aileen Bittner
Acting City Clerk



CITY COUNCIL ACTION REPORT

August 1, 2011

TO: John Szerlag, City Manager

FROM: Susan A. Leirstein, Purchasing Director
William S. Nelson, Fire Chief

SUBJECT: Standard Purchasing Resolution 4 – MITN Cooperative Award
Purchase of Fire Apparatus

Background

The Fire Department operates a fleet of nine pumping engines to accomplish the mission of providing fire protection and related services to the citizens of Troy. Six of these engines are classified as rescue pumpers because, in addition to carrying fire suppression and related equipment, they also carry rescue equipment to effect vehicle and similar extrications at traffic crashes and industrial accidents.

In order to provide for timely replacement and uniformity of apparatus, a program was developed to replace five engines over a six year period beginning with the 2009 budget year. Two replacement rescue pumpers were purchased in 2009 using funds budgeted over a two year period. The pumpers purchased were manufactured by Pierce Manufacturing Inc. and utilized an innovative design called the PUC (Pump under Cab.) This design offers significant advantages compared to conventional fire apparatus design:

- Easily accessible pump location under the cab which greatly simplifies maintenance and repair.
- Larger storage capacity than comparable apparatus while maintaining a shorter wheelbase to permit maneuvering on boulevards and in apartment/business complexes.
- Power takeoff pump drive which eliminates the typical pump transmission which requires maintenance and occupies space that could otherwise be utilized for equipment storage.

The engines that are being replaced are Engine 3-2 placed in service in 1991, and Engine 1-2 placed in service in 1992. As these apparatus reach 20 years of front line service, a number of performance issues have arisen:

- Both units have failed the annual pump performance tests requiring trouble shooting, repairs, and retesting.
- Both units are experiencing corrosion in various body substructure areas.
- The electrical systems have been taxed by the addition of various components required as the operational capabilities of the rescue pumpers were increased in order to maintain the required vehicle extrication capabilities as automobile design has changed.

Bid Process

The City of Troy participated in a cooperative bid with six other municipalities or fire protection authorities for the purchase of up to eleven fire apparatus. Seventy-three vendors were notified via the MITN system. On July 6, 2011, seven (7) bids were received by the Brighton Area Fire Department (BAFD) from which Troy received two (2) competitive bids. However, Pierce Manufacturing c/o Halt Fire was the only company that met the specifications as described above. The bid submitted by Alexis Fire Apparatus did not meet specifications as it utilizes a conventional fire pump with a pump transmission and has less total storage space than the specifications required.

The cost and discount summary for two pumpers is below:

Bid price	\$1,176,990	1 st unit \$591,645, 2 nd unit \$585,345
Multi group discount	(\$40,000)	(5 or more municipalities)
Multi unit discount	(\$72,000)	(5 or more apparatus)
Prepayment discount	(\$39,645)	(Interest discount)
Total Bid Cost	\$1,025,345	\$512,672.50 for each pumper

As a comparison, the last two PUC pumpers purchased in 2009 cost \$490,268 each. The current bid price per unit is a 4.6% increase in total cost over a two-year period. In addition, more stringent federal emission requirements took effect in the interim period since the last pumpers were purchased. It is estimated that the new emission requirements alone increased the cost of a diesel engine by \$15,000 each.

Financial Considerations

Funds are budgeted and available in the Capital –Fire Apparatus Replacement account for the two apparatus.

Policy Considerations

The purchase of two Pierce PUC pumpers supports the volunteer firefighters who help to make this a safe community. (Vision Statement and Goals – Feb 2011)

Recommendation

City management recommends awarding a contract to purchase Two (2) PUC fire apparatus pumpers from Pierce Manufacturing Inc c/o Halt Fire Inc for \$512,672.50 each or \$1,025,345 total, utilizing the upfront payment discount option.

Bid Tabulation											
Vendor	Brighton Area, Mid-Mount Aerial	Pre-Payment Options BAFD Aerial	BAFD Multi Department Discount	Multi-Department Discount (5 or More)	BAFD Trade In Value	BAFD Total Aerial Cost	Brighton Area, Mid Mount, Exceptions	Brighton Area, Tanker One Unit	Brighton Area, Tanker price if two units	BAFD Trade In Tanker	Pre-Payment Options BAFD 2 Tanker
Alexis Fire Equipment (Illinois)	No Bid										
Apollo Fire Equipment	\$ 1,130,694.00				None	\$ 1,130,694.00	Yes				
B and B Truck Equipment	No Bid										
HME	No Bid							No Bid	No Bid		
J ad J Fleet and Fire Truck	\$ 956,634.00				None	\$ 956,634.00	Yes	No Bid	No Bid		
Spencer Manufacturing	No Bid										
Halt Fire Inc (Wixom) / Pierce Mfg (Wisconsin)	\$ 1,297,199.00	\$ (48,201.00)	\$ (109,000.00)	\$ (20,000.00)	\$ (75,000.00)	\$ 1,044,998.00	Yes	\$ 414,732.00	\$ 829,464.00	\$ (40,000.00)	\$ (30,907.00)

Bid Tabulation												
Vendor	BAFD 5 or More Purchase	BAFD Total Two Tankers	HDFA Engine Pumper	HDFA Engine Pumper Exceptions	HDFA Pumper/Engine, Two Units	City of Troy Engine/Pumper	City of Troy Multi Dept Discount	City of Troy If Five or More trucks are awarded to Pierce	City of Troy If Two Are Purchased	City of Troy Pre-Payment for Two Units Discount	Total for Troy Two Units	City of Troy Exceptions
Alexis Fire Equipment (Illinois)			\$ 580,021.00			\$ 529,910.00 => DMS				\$ (40,000.00)	\$ 1,019,820.00	No Exceptions (Includes 2) trips to Illinois)
						Bid Deposit -	Ch #0788503912		\$20,000			
						Delivery	330 days ARO					
						Terms	Blank					
						Warranty	One-year					
						Acknowledgement	signed - Yes					
						Indemnification included	- No					
Apollo Fire Equipment B and B Truck Equipment HME			\$ 533,288.00			No Bid						
J ad J Fleet and Fire Truck			\$ 562,346.00	Yes	\$ 562,346.00	No Bid						
Spencer Manufacturing												
Halt Fire Inc (Wixom) / Pierce Mfg (Wisconsin)	\$ (32,000.00)	\$ 726,557.00	\$ 740,869.00	Yes		\$ 591,645.00	\$ (72,000.00)	\$ (40,000.00)	\$ (6,300.00)	\$ (39,645.00)	\$ 1,025,345.00	Attached To Bid
						Bid Deposit -	Ch #9494151918		\$20,000.00			
						Delivery	7-8 months after the order is placed with Pierce Mfg					
						Terms	Net due at final inspection in Appleton Wisconsin					
						Warranty	One-year					
						Acknowledgement	signed - Yes					
						Indemnification included	- Yes					
						BOLDFACE TYPE DENOTES RECOMMENDED BIDDER						
	DMS:											
	Alexis Fire Equipment \$1,019,820.00 Re: PUC (pump under cab) design not available as specified											

Bid Tabulation													
Vendor	City of Troy Pre-Payment One Unit	City of Troy Pre-Payment Two Units	City of Birmigham Engine Pumper	City of Birmingham Multi-Group Discount	City of Birmingham if 5 Communitis Buy	City of Birmingham Total Engine Pumper All Discounts	City of Birmigham Engine Pumper, Exceptions?	Clearwater Township, Quick Attack Unit	Multi-Unit Discount if Five or More Are Purchased	Clearwater Township, Quick Attack Unit Exceptions	Clearwater Township, Engine/ Pumper	Clearwater Township, Engine/ Pumper Multi- Unit Discount	Clearwater Township, Engine/ Pumper, Exceptions?
Alexis Fire Equipment (Illinois)	\$ (20,000.00)	\$ (40,000.00)											
Apollo Fire Equipment			\$ 482,141.00				Yes						
B and B Truck Equipment								No Bid			\$ 270,800.00		Yes
HME			No Bid					\$ 151,176.00		Yes	\$ 268,290.00		Yes
J ad J Fleet and Fire Truck			\$ 558,283.00				Yes	No Bid			No Bid		
Spencer Manufacturing								\$ 152,005.00		Yes	\$ 244,664.00		Yes
Halt Fire Inc (Wixom) / Pierce Mfg (Wisconsin)	\$ 19,924.00	\$ 39,645.00	\$ 653,861.00	\$ (36,000.00)	\$ (20,000.00)	\$ 597,861.00	Yes	\$ 171,471.00	\$ (9,000.00)	Yes	\$ 259,057.00	\$ (12,000.00)	Yes

Bid Tabulation				
Vendor	Grand Blanc Township, Engine/Pumper	Grand Blanc Twp Multi-Group Discount	GBFD if More than 5 Municipalities Purchase	Grand Blanc Township, Engine/Pumper Exceptions
Alexis Fire Equipment (Illinois)				
Apollo Fire Equipment				
B and B Truck Equipment				
HME	No Bid			
J ad J Fleet and Fire Truck	No Bid			
Spencer Manufacturing				
Halt Fire Inc (Wixom) / Pierce Mfg (Wisconsin)	\$ 575,061.00	\$ (36,000.00)	\$ (20,000.00)	Yes



CITY COUNCIL AGENDA ITEM

Date: August 4, 2011

To: John Szerlag, City Manager

From: Beth Tashnick, Manager's Office Coordinator

Subject: Standard Purchasing Resolution #10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – Michigan Municipal League's Annual Convention – October 4-7, 2011 Grand Rapids

Background

The Michigan Municipal League's Annual Convention is scheduled to take place October 4 – 7, 2011 in Grand Rapids, Michigan.

Recommendation

A resolution has been provided so that City Council may authorize and approve the expenditure of funds on travel expenses for any Council members interested in attending this conference.

MICHIGAN MUNICIPAL LEAGUE



CONVENTION

OCT. 4-7, 2011

*** GRAND RAPIDS ***



BEAT THE DRUM WITH YOUR FELLOW LEAGUE MEMBERS AT THE 2011 CONVENTION IN GRAND RAPIDS AND LET YOUR VOICE BE HEARD. SESSIONS WILL ADDRESS THE MAJOR ISSUES FACING MICHIGAN COMMUNITIES AND HOW WE CAN FIND OUR RHYTHM IN TODAY'S ECONOMY. TAKE THIS OPPORTUNITY TO ARM YOURSELF WITH KNOWLEDGE THAT WILL ROCK THE HOUSE!

PART OF THE LEAGUE'S
2011  **TOUR**



////// TICKETS AVAILABLE JUNE 1 AT TOUR.MML.ORG ////

TWITTER: #MMLTOUR

Taking it to the Streets * * * * *

ANNUAL CONVENTION • OCTOBER 4-7, 2011 • GRAND RAPIDS, MICHIGAN



REGISTER @ TOUR.MML.ORG

From comprehensive media coverage to testimony in Lansing, the League has been beating the drum loud and clear to make sure both our legislative leaders and our citizens understand *Why Place Matters*. We can all help build better communities for people—places with unique identities and assets that truly put people first.

But we need YOUR voice if we want to be heard above the background noise. This year we've seen a shift in legislative priorities and attitude that threatens the ability of local leaders to drive the change our communities need to compete on a national scale in the 21st century.

That's why we're Taking It to the Streets at this year's Convention. Our impassioned presenters are bringing a powerful message on how YOU can find your rhythm in today's embattled economy.

It's time for Michigan municipalities to band together and show the world we are the people and places of Michigan.

Inspire. Innovate. Engage. Empower.

Four days in October. That's all it takes to put the power back in your hands.

////////////////// SPEAKERS SCHEDULED TO PRESENT INCLUDE //////////////////



Sadicka White
President, Sadicka & Associates
Physical Design & Walkability



Ernesto Sirolli, PhD
Founder & CEO, Sirolli Institute
Entrepreneurship



Josh McManus
Co-Founder & Creative
Strategist, CreateHere
Placemaking



Toby Barlow
Co-President & Executive
Creative Director,
JWT Team Detroit
Messaging & Technology

Host City Reception • Taste of ArtPrize

Wednesday, October 5, 6:00 pm
Secchia Lobby, DeVos Place, 200 Monroe Avenue

The cities of the Urban Metro Mayors and Managers (Grand Rapids, Wyoming, Kentwood, Walker, Grandville, and East Grand Rapids) and event sponsors invite you to downtown Grand Rapids for a party in the middle of the ArtPrize District. We promise an experience that cannot be duplicated anywhere in the world. The ArtPrize vibe is electric and you'll be at its center. During the evening, you'll be entertained by members of Grand Rapids' talent-rich local music scene while you relax and mingle with friends.

ArtPrize, local food, your favorite refreshments, an interesting venue, and great musicians will create an unforgettable evening that will introduce you to the full ArtPrize experience.

Pre-Convention Sessions

Tuesday, October 4

The Michigan Medical Marijuana Act (MMMA) Two Years Later

1:00-4:00 pm

The MMMA has been in effect for two years now, yet there are still many unanswered questions. How and where is medical marijuana dispensed? What are the implications for a municipality as an employer? On average, the state Department of Community Health is receiving 70+ medical marijuana patient applications a day. Attend this session and discover the likely impacts of the Act on local units of government. There will be discussion on issues surrounding the right to farm, dispensaries, ongoing ACLU cases, zoning, and more.

Meetings R' Us

1:00-4:00 pm

Do your meetings run smoothly? Is your council or board debating issues until late into the night? By using parliamentary procedure, you can gain control and have more productive meetings. This basic guide to fair and orderly meeting procedures will help keep discussions focused and allow you to accomplish the business on the agenda. This session will focus on council meetings and all of the problems and interruptions that can complicate them, including dealing with difficult people.

Festivals – Insurance and Liability Issues

1:00-4:00 pm

Few activities define your hometown more than the festivals, parades, fireworks, and other special events that celebrate your local history, current achievements, or civic pride. Without proper planning, organization and experience, the chances increase that your special event will result in a bodily injury or property damage to your residents or visitors, and a financial loss to your municipality. Join a panel of risk management professionals to learn about how liability exposures can affect your special event and how these exposures can be identified and controlled.

Local Government Finance: Guarding the Public Checkbook

1:00-4:00 pm

NLC Competency: Competent Practitioner – 2 credits

Learn strategies and techniques to increase your proficiency and comfort in dealing with financial oversight responsibilities. Gain knowledge of budget management, financial crisis warning signs, the perils of micro-management, and establishing an adequate fund balance. Participants will also receive the book *Local Government Dollars & Sense: 225 Financial Tips for Guarding the Public Checkbook*.

Michigan Association of Municipal Attorneys' (MAMA)

Municipal Law Program

9:00 am-4:30 pm

The MAMA is presenting a full-day workshop designed for attorneys to sharpen their skills in municipal law. The topics will include the Enforcing Charter Violations; Insourcing; Outsourcing; Downsizing and Elimination of Services; Collective Bargaining Issues; Current Issues in Social Media; and Survival Techniques for Local Government Attorneys. The 2011 MAMA Awards Luncheon will be held immediately following the annual meeting. Tickets to attend only the awards luncheon and annual meeting will be available.

AGENDA AT-A-GLANCE

/// Tuesday, October 4, 2011 ///

9:00 am-4:30 pm MAMA Municipal Law Program
1:00-4:00 pm Pre-Convention Workshops

/// Wednesday, October 5, 2011 ///

8:00 am-5:00 pm Registration Hours
9:00-10:00 am Governance Committee Meeting
10:00 am Board of Trustees Meeting
1:00-2:00 pm Annual Business Meeting
2:00-4:15 pm Welcoming General Session
Parade of Flags
• Community Excellence Awards
• Keynote Presentation
•
4:15-4:30 pm Networking Break
4:30-5:30 pm Breakout Sessions
6:00 pm Host City Reception

/// Thursday, October 6, 2011 ///

7:00 am-5:00 pm Registration Hours
8:30-10:15 am General Session
10:15-10:45 am Networking Break
10:15 am-3:00 pm Silent Auction Bidding
10:45 am-12:00 pm Breakout Sessions
12:00-12:15 pm Networking Break
12:15-1:15 pm Luncheon
1:15-2:45 pm General Session
2:45-3:15 pm Networking Break
3:15-4:30 pm Breakout Sessions
5:30-8:30 pm Reception & Annual Awards Banquet

/// Friday, October 7, 2011 ///

9:00-11:00 am Closing Breakfast & General Session
Community Excellence Award "Race for the Cup" Winner Announced



REGISTER ONLINE @
TOUR.MML.ORG

Community Excellence Award

YOU BE THE JUDGE

Wednesday, October 5, 2:00 pm

Join us in this good-natured competition and cheer for Michigan's best. See the Community Excellence Award regional finalists unveil their winning presentations.



You are the official judges. Your votes will alone decide which community takes home the Cup. After the general session, cast your vote at the official Community Excellence Award Voting Booth.

Don't miss the Cup Presentation Breakfast on Friday, October 7, where you can enjoy breakfast with new friends and be part of the fifth annual Community Excellence Award Cup Presentation.

League Foundation & Silent Auction

Contribute to the silent auction by bidding or donating an item. This annual event presents a great opportunity to bring home unique gifts representing communities across Michigan, or you can highlight your community, local businesses, and local talent by donating an item. We will again offer the online feature to our auction process. You will have the option to contribute and bid for donated items online prior to the live actual silent auction event. For more information on donating an item, call Deborah Walton-Medley at 734-662-3246.

Funds raised through the League Foundation's auctions help support the League's mission to enhance and develop leadership in local government.



REGISTER ONLINE @
TOUR.MML.ORG

Sponsorship Information

Sponsoring the Annual Convention provides you with a unique opportunity for communicating with professionals from local government. Event attendees are typically high-level decision makers representing Michigan municipalities, and many participants are repeat attendees who know each other. This creates a relaxed and informal atmosphere with the right settings for meeting new people.

When becoming our sponsor, we will do our utmost to satisfy your needs for involvement and exposure. Are you looking for networking and relationship building? Presentation opportunities? Company branding? Our sponsor packages offer pre-defined exposure opportunities, but don't hesitate to bring us your personal requests. Contact Terri Murphy at 734-669-6342 or tmurphy@mml.org for more information.

Convention General Information

/// HOW CAN I REGISTER? ///

Online!

In order to reduce the amount of printed paper and increase member privacy, the League will no longer accept credit card payments on printable registration forms for League events. All credit card payments are to be completed online via My League (www.mml.org). My League is your secure, interactive online League account. It's available to all members and nonmembers, with a quick and easy sign-up process.

Via Printable Form

Visit tour.mml.org to download and print a faxable registration form. Complete and fax to 734-669-4223, then mail with check payable to: Michigan Municipal League PO Box 7409 Ann Arbor, MI 48107-7409.

/// HOUSING ///

Host Hotel – Amway Grand Plaza Hotel, Grand Rapids
Phone: 800-253-3590 or 616-774-2000

Housing Reservation Process

Housing reservations will only be accepted for those who have registered for Convention. After registering for Convention, a confirmation email will be sent to you within 48 hours. The confirmation email will contain your registration information and your personalized housing registration code. The hotel requires that you provide this code in order to make reservations during the League's Annual Convention.

Housing Rates

\$124 (plus an 8% occupancy tax and 6% state tax)

Parking

\$10 self-parking per day/night
\$20 valet per day/night





CITY COUNCIL AGENDA ITEM

Date: July 22, 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 Storm Sewer and Surface Drainage Easement from Gary A. and Brenda F. Abitheira - Sidwell #88-20-27-481-024

Background

As part of the development of a property located at 1106-1108 Birchwood, located in Section 27, the Engineering department has received an easement for storm sewer and surface drainage purposes.

The easement was granted to the City of Troy by Gary F. and Brenda A. Abitheira, owners of the property having Sidwell #88-20-27-481-024.

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 #88-20-27-481-024

Gary F. Abitheira and Brenda A. Abitheira, husband and wife, Grantors, whose address is 3301 Mirage , Troy, MI 48083 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace **storm sewer and surface drainage**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

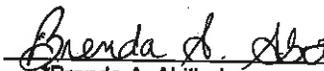
The south 10 feet of Lots 211 and 212, "STUMPF'S BEECH GROVE SUBDIVISION", as recorded in Liber 32, Pages 11 through 12 of Plats, Oakland County Recrds.

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

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.

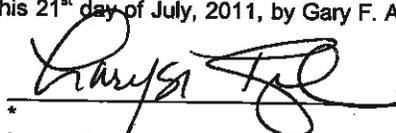
IN WITNESS WHEREOF, the undersigned hereunto affixed their signature(s) this 21st day of July, 2011.


_____(L.S.)
*Gary F. Abitheira


_____(L.S.)
*Brenda A. Abitheira

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 21st day of July, 2011, by Gary F. Abitheira and Brenda A. Abitheira, husband and wife.



*
Notary Public, _____ County, Michigan

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2012

My Commission Expires _____
Acting in _____ County, Michigan

Prepared by: Larysa Figol
City of Troy
500 West Big Beaver
Troy, MI 48084

Return to: City Clerk
City of Troy
500 West Big Beaver
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LG*
Susan M. Lancaster, Assistant City Attorney *smL*
DATE: July 28, 2011
SUBJECT: Paul Garfield v. City of Troy

Enclosed please find a copy of a lawsuit that was recently filed against the City of Troy by Paul Garfield. Mr. Garfield claims that the City violated the Freedom of Information Act by not responding to his FOIA request. The City sent a ten (10) day extension letter on April 26, 2011 and a denial of his FOIA request on May 3, 2011, indicating that the information requested was exempt under FOIA. Mr. Garfield is demanding that the City provide his requested documentation, and is also asking for \$500 in damages, plus attorney fees and costs and punitive damages.

A resolution authorizing our office to defend the City's interest in this matter is proposed for your consideration. If you have any questions concerning the above, please let us know.

STATE OF MICHIGAN

JUDICIAL DISTRICT
JUDICIAL CIRCUIT
COUNTY PROBATE

SUMMONS AND COMPLAINT

OAKLAND
COUNTY

11-120353-AA



JUDGE LEO BOWMAN
GARFIELD, PAUL v TROY CITY

Court address

Plaintiff name(s), address(es), and telephone no(s).
 PAUL GARFIELD
 154 ROTH
 CLAWSON, MI. 48017
 248 906-5132

Plaintiff attorney, bar no., address, and telephone no.
 SAME AS ABOVE

Defendant name(s), address(es), and telephone no(s).
 CITY OF TROY
 500 W. BIG BEAVER
 TROY, MI 48084
 248 524-3300

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 7-13-11	This summons expires 10-12-11	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) PAUL GARFIELD 154 ROTH CLAWSON, MI 48017	Defendant(s) residence (include city, township, or village) CITY OF TROY 500 W. BIG BEAVER TROY, MI 48084 248 524-3300
Place where action arose or business conducted	

Date 7/13/2011

Signature of attorney/plaintiff Paul Garfield

if you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.



STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

Paul Garfield

Plaintiff

v

Case Number

Hon.

City of Troy

Defendant

Paul Garfield

154 Roth

Clawson, Mi. 48017

(248) 906-5132

City of Troy

500 w. Big Beaver

Troy, MI. 48084

(248) 524-3300

CLERK OF COURT

2011 JUL 13 PM 4:51

CLERK OF COURT

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint.

COMPLAINT

Plaintiff by counsel says:

1. Plaintiff is a resident of Oakland County Michigan.
2. Defendant has its principal place of business in Oakland County, Michigan and is a "public body" as defined by Michigan's Freedom of Information Act MCLA 15.231 et seq.



CITY COUNCIL AGENDA ITEM

Date: August 8, 2011

To: John Szerlag, City Manager

From: Nino Licari, City Assessor

Subject: Announcement of Public Hearings for Industrial Development District (IDD) and Industrial Facilities Exemption Certificate (IFEC) for Inteva Products, LLC at 1401 Crooks

Background

Inteva Products, LLC, has submitted applications for tax abatement for their expansion of activities at 1401 Crooks. They will be spending \$3,000,000 and creating 35 new jobs.

Recommendation

State law dictates that City Council hold a public hearing for the IDD & IFEC. This memo is the formal notification of the setting of the Public Hearings. The hearings will occur on August 29, 2011.

CITY OF TROY
PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, August 29, 2011 at 7:30 P.M. to consider the establishment of an Industrial Development District (IDD), the granting of an Industrial Facilities Exemption Certificate (IFEC), for Inteva Products, LLC, at the following location:

88-20-32-226-037 1401 Crooks, Troy, MI. 48084-7155
T2N, R11E, Section 32 part of NE 1/4

You may express your comments regarding this matter by writing to this office, or by attending the Public Hearing.

M. Aileen Bittner, Deputy Clerk
Acting City Clerk

NOTICE: *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@ci.troy.mi.us or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

TROY SCHOOL DISTRICT
MARK RAJTER
4400 LIVERNOIS
TROY MI 48098-4799

OAKLAND COMMUNITY COLLEGE
CLARENCE E BRANTLEY
2480 OPDYKE
BLOOMFIELD HILLS MI 48304-2266

OAKLAND INTERMEDIATE
SCHOOLS
2111 PONTIAC LAKE
WATERFORD MI 48328

OAKLAND COUNTY PTA
1200 N TELEGRAPH Dept 479
PONTIAC MI 48341-0479

OAKLAND COUNTY EQUALIZATION
Attn: DAVID HIEBER
250 ELIZABETH LAKE RD 1000 W
PONTIAC MI 48341

INTEVA PRODUCTS LLC
Attn: DHIREIN PATEL
1401 CROOKS
TROY MI 48084-7155

OAKLAND COUNTY ZOO AUTH
1200 N TELEGRAPH Dept 479
PONTIAC MI 48341-0479

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 NOMINATE MR. LAMBERT FOR CHAIR AND MR. BARTNIK FOR VICE CHAIR

Moved by Courtney
Seconded by Clark

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.

After extensive discussion among the Board members, the Chair ruled that there would not be a vote on the motion; he would accept nominations and hold an election for the Chair, and then accept nominations and hold an election for the Vice Chair.

Mr. Lambert asked for nominations for Chair.

Mr. Lambert and Mr. Bartnik were nominated for Chair.

MOTION TO CLOSE NOMINATIONS FOR CHAIRMAN

Moved by Clark
 Seconded by Lambert

Yes: All
 Absent: Fisher

VOTE ON THE ELECTION OF CHAIR

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

Mr. Lambert and Mr. Bartnik nominated for position of chair.

MOTION TO CLOSE NOMINATIONS FOR CHAIR

Moved by Clark
 Second by Strat

Yes: All
 Absent: Fisher

SECOND VOTE ON THE ELECTION OF CHAIR -

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

Mr. Lambert and Mr. Bartnik nominated for position of chair.

MOTION TO CLOSE NOMINATIONS FOR CHAIR

Moved by Clark
 Second by Neale

Yes: All
 Absent: Fisher

THIRD VOTE ON THE ELECTION OF CHAIR

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.

Mr. Lambert asked for nominations for Vice Chair.

Mr. Bartnik was nominated for Vice Chair.

Mr. Bartnik declined his nomination, he believes Officer seats should be rotated annually.

Mr. Neale was nominated for Vice Chair

MOTION TO CLOSE NOMINATIONS FOR VICE CHAIR

Moved by Clark
 Second by Lambert

Yes: Courtney, Lambert, Strat, Bartnik, Clark
 No: Neale
 Absent: Fisher

MOTION PASSED

Moved by Clark
 Seconded by Lambert

VOTE ON THE ELECTION OF VICE CHAIR -

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.

5. 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,

A handwritten signature in black ink that reads "David Lambert". The signature is written in a cursive, flowing style.

David Lambert, Chair

A handwritten signature in blue ink that reads "M. Aileen Bittner". The signature is written in a cursive, flowing style.

M. Aileen Bittner, Administrative Aide

G:\BZAMinutes\2011\Final\2011 05 17 ZBA Minutes Study_Final.doc

The Zoning Board of Appeals meeting was called to order by Chair Lambert at 7:30 p.m. on June 21, 2011, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Michael Bartnik
 Kenneth Courtney
 Thomas Strat
 Allen Kneale
 William Fisher
 David Lambert

Also Present:

Paul Evans, Zoning and Compliance Specialist
 Allan Motzny, Assistant City Attorney

Absent:

Glenn Clark

2. APPROVAL OF MINUTES – May 17, 2011 Study Session and Regular Meeting

Moved by Lambert
 Seconded by Bartnik

RESOLVED, To postpone approval of the May 17, 2011 meeting minutes to July 19, 2011 to allow proposed corrections to be presented to the Board.

Yes: All present (6)

Absent: Clark

MOTION PASSED

3. HEARING OF CASES

A. 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 Fisher

RESOLVED, That the City of Troy Zoning Board of Appeals hereby POSTPONES to the July 19, 2011, Regular Meeting the Variance Request from Minal Gada and Ashish Manek, 4820 Livernois.

Yes: Courtney, Fisher, Kneale, Lambert, Bartnik
No: None
Abstain: Strat
Absent: Clark

MOTION PASSED

4. HEARING OF CASES

A. VARIANCE REQUEST, TOM KASZUBSKI, EXECUTIVE DIRECTOR, NORTH WOODWARD COMMUNITY FOUNDATION, 3668 LIVERNOIS

Chair Lambert OPENED the Public Hearing.

No one spoke.

Chair Lambert CLOSED the Public Hearing.

Motion to GRANT the variance as requested.

Moved by Bartnik
Seconded by Strat

RESOLVED, That the City of Troy Zoning Board of Appeals hereby GRANTS the variance for Tom Kaszubski, Executive Director, North Woodward Community Foundation, 3668 Livernois.

Yes: All Present (6)
Absent: Clark

MOTION PASSED

B. VARIANCE REQUEST, RICHARD ADAMS, 926 NORWICH DRIVE

Chair Lambert OPENED the Public Hearing.

No one spoke.

Chair Lambert CLOSED the Public Hearing.

Motion to Grant variance as requested.

Moved by Strat
Seconded by Courtney

RESOLVED, That the City of Troy Zoning Board of Appeals hereby GRANTS the variance for Richard Adams, 926 Norwich Drive.

Yes: All Present (6)
Absent: Clark

MOTION PASSED

5. COMMUNICATIONS

Mr. Evans advised the Board that at the June 28, 2011 Planning Commission Special/Study Session there will be a “Stormwater 101” Presentation by Kelly Sanzica, Director of the Wayne Count Department of the Environment. All Board Members and public are invited to attend.

6. PUBLIC COMMENT – No one was present to speak.

7. MISCELLANEOUS BUSINESS

The Board discussed revising their Rules of Procedure. The Board has received some Member comments and some proposed amendments. The Board agreed to further analyze this information and continue discussion at the next regular meeting.

Mr. Strat advised the Board that the Planning Commission was working on Sustainable Development Options.

8. ADJOURNMENT

The Zoning Board of Appeals meeting ADJOURNED at 8:30 p.m.

Respectfully submitted,

David Lambert, Chair

Paul Evans, Zoning and Compliance Specialist

Chair Hutson called the Regular Meeting of the Troy City Planning Commission to order at 7:30 p.m. on July 12, 2011 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
 Michael W. Hutson
 Tom Krent
 Mark Maxwell
 Robert Schultz
 Thomas Strat
 John J. Tagle
 Lon M. Ullmann

Absent:

Philip Sanzica

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-2011-07-041

Moved by: Schultz
 Seconded by: Edmunds

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)
 Absent: Sanzica

MOTION CARRIED

3. APPROVAL OF MINUTES

Mr. Maxwell requested that the PowerPoint presentation on Public Libraries is attached and made a part of the original minutes.

Resolution # PC-2011-07-042

Moved by: Edmunds
 Seconded by: Krent

RESOLVED, To approve the minutes of the June 28, 2011 Special/Study meeting as revised.

Yes: All present (8)
Absent: Sanzica

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

SPECIAL USE REQUEST

5. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 188 A) – Proposed First Romanian Baptist Church Building Addition, East Side of John R, North of Big Beaver (3244 John R), Section 24, Currently Zoned R-1D (One Family Residential) District

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2011-07-043

Moved by: Schultz
Seconded by: Edmunds

RESOLVED, The Planning Commission hereby approves a reduction in the number of required parking spaces for the proposed First Romanian Baptist Church Building Addition, to 98 when a total of 129 spaces are required on the site based on off-street parking space requirements. This 31-space reduction is justified provided the worship facility and social hall are used exclusively of one another at all times.

BE IT FURTHER RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed First Romanian Baptist Church Building Addition, located on the east side of John R Road, north of Big Beaver, at 3244 John R, Section 24, within the R-1D zoning district, be granted, subject to the following:

1. Add a sidewalk and safe pedestrian crossing between John R and the main entrance of the building.
2. Add a bicycle rack accommodating a minimum of two (2) bicycles.
3. Provide large deciduous trees every 30 feet along the east property line.
4. Eliminate one (1) additional parking space in the event that adding a sidewalk necessitates that.

Yes: All present (8)
Absent: Sanzica

MOTION CARRIED

STUDY ITEM

6. POTENTIAL REZONING AND PRELIMINARY SITE PLAN REVISION (File Number SP 924) – Briggs Park Condominium, East Side of Rochester, North Side of Lamb, Section 14, Currently Zoned RT (One Family Attached Residential), EP (Environmental Protection) and R-1C (One Family Residential) Districts, Potential Rezoning to R-1 E (One Family Residential)

OTHER BUSINESS

7. SUSTAINABLE DEVELOPMENT PROCESS
8. PUBLIC COMMENTS – Items on Current Agenda
There was no one present who wished to speak.
9. PLANNING COMMISSION COMMENTS
There was general Planning Commission discussion.

The Regular Meeting of the Planning Commission adjourned at 8:40 p.m.

Respectfully submitted,

Michael W. Hutson, Chair

Kathy L. Czarnecki, Recording Secretary

Chair Hutson called the Regular Meeting of the Troy City Planning Commission to order at 7:30 p.m. on July 12, 2011 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
Michael W. Hutson
Tom Krent
Mark Maxwell
Robert Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann

Absent:

Philip Sanzica

Also Present:

R. Brent Savidant, Planning Director
Allan Motzny, Assistant City Attorney
Zachary Branigan, Carlisle/Wortman Associates, Inc.
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2011-07-041

Moved by: Schultz
Seconded by: Edmunds

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)
Absent: Sanzica

MOTION CARRIED

3. APPROVAL OF MINUTES

Mr. Maxwell requested that the PowerPoint presentation on Public Libraries is attached and made a part of the original minutes.

Resolution # PC-2011-07-042

Moved by: Edmunds
Seconded by: Krent

RESOLVED, To approve the minutes of the June 28, 2011 Special/Study meeting as revised.

Yes: All present (8)
Absent: Sanzica

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

SPECIAL USE REQUEST

5. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 188 A) – Proposed First Romanian Baptist Church Building Addition, East Side of John R, North of Big Beaver (3244 John R), Section 24, Currently Zoned R-1D (One Family Residential) District

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2011-07-043

Moved by: Schultz
Seconded by: Edmunds

RESOLVED, The Planning Commission hereby approves a reduction in the number of required parking spaces for the proposed First Romanian Baptist Church Building Addition, to 98 when a total of 129 spaces are required on the site based on off-street parking space requirements. This 31-space reduction is justified provided the worship facility and social hall are used exclusively of one another at all times.

BE IT FURTHER RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed First Romanian Baptist Church Building Addition, located on the east side of John R Road, north of Big Beaver, at 3244 John R, Section 24, within the R-1D zoning district, be granted, subject to the following:

1. Add a sidewalk and safe pedestrian crossing between John R and the main entrance of the building.
2. Add a bicycle rack accommodating a minimum of two (2) bicycles.
3. Provide large deciduous trees every 30 feet along the east property line.
4. Eliminate one (1) additional parking space in the event that adding a sidewalk necessitates that.

Yes: All present (8)
Absent: Sanzica

MOTION CARRIED

STUDY ITEM

- 6. POTENTIAL REZONING AND PRELIMINARY SITE PLAN REVISION (File Number SP 924) – Briggs Park Condominium, East Side of Rochester, North Side of Lamb, Section 14, Currently Zoned RT (One Family Attached Residential), EP (Environmental Protection) and R-1C (One Family Residential) Districts, Potential Rezoning to R-1 E (One Family Residential)

OTHER BUSINESS

- 7. SUSTAINABLE DEVELOPMENT PROCESS
- 8. PUBLIC COMMENTS – Items on Current Agenda
There was no one present who wished to speak.
- 9. PLANNING COMMISSION COMMENTS
There was general Planning Commission discussion.

The Regular Meeting of the Planning Commission adjourned at 8:40 p.m.

Respectfully submitted,



Michael W. Hutson, Chair



Kathy L. Czarnecki, Recording Secretary

Dear Troy Fire Department,

Thank you so much for your response to the Sunnymede fire on July 22, 2011. We really appreciate your efforts. Mostly, we would like to thank you for searching

for our cats until you found them. They truly are a part of our family. We are so grateful that you saved them. Also, thank you for your kindness during this ordeal.

God Bless You,

(Apt 14) Meghan Shea-Keenan & Cory Miglio

June 9, 2011

Sergeant Don Ostrowski
Troy Police Department
4850 John R. Road
Troy, MI 48085

Re: Letter of Commendation for:

Officer Craig Fitzpatrick
Officer Steve Zagacki

*CRAIG/STEVE - THANKS FOR YOUR
CONTINUED GOOD WORK IN TRAINING.
THANKS FOR MAKING SUCH A GOOD
IMPRESSION ON MR. PASCAL.*

Dear Sergeant Ostrowski,

My name is Jon Pascal and I am the Director of the Krav Maga Force Training Division. From May 2-6, 2011, we conducted a Krav Maga Defensive Tactics Law Enforcement Instructor Certification Course at Krav Maga Detroit in Troy, Michigan.

During this course we had the pleasure of working with Officer Craig Fitzpatrick and Officer Steve Zagacki. Our instructor was very impressed by their professionalism, dynamic work ethic and commitment to excellence in training. During my 15 years of defensive tactics training, I have taught personnel from over 500 agencies and academies throughout the United States. Your agency should be proud to have sent Officer Fitzpatrick and Officer Zagacki as representatives. During this physically demanding course we saw their passion and uncompromising commitment to bringing the very best in law enforcement training to your agency personnel as exemplified by their hard work throughout the week.

I encourage you to take the opportunity to personally view some of the recently learned Krav Maga training methods in a dynamic demonstration. These training methods are designed to give your sworn personnel the ability to use the appropriate level of force in a time of need, and build the skills and attributes desired in your officers.

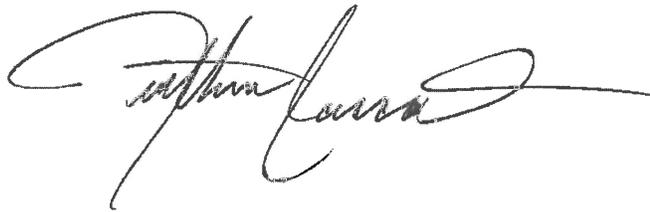


KRAV MAGA
FORCE TRAINING DIVISION

The mission of the Krav Maga Worldwide Force Training Division is "to save lives by providing the best law enforcement training possible."

Again, it was a pleasure to work with such fine representatives of your staff. I look forward to fostering this relationship.

Sincerely,



Jon Pascal
Krav Maga Worldwide, Inc.
Force Training Division
1500 Olympic Blvd. Suite 545
Los Angeles, CA 90064
(310) 477-9977
(310) 477-9722 (fax)
jpascal@kravmaga.com



KRAV MAGA
FORCE TRAINING DIVISION

A Division of Krav Maga Worldwide

11500 west olympic boulevard * suite 150 * los angeles * california * 90064
ph: 310.477.9977 * 800.KRAV.MAGA * www.kravmaga.com * fax: 310 477 9722

Dear Chief Mayer, I'd like to thank you for allowing Officer Reynolds to participate in last Tues's presentation of 'Safe Driving for Mature Operators.' Officer Reynolds put a lot of fouthought into his presentation which turned out well organized effective and also entertaining.

He spoke of his father and grandfather and how they played a role in his life - especially driving - and talked about his own personal experience with discussing 'taking the keys away' from his Dad.

I hope to have the opportunity to work with Officer Reynolds again. His compassion and professionalism were an asset to our presentation!

Best regards,

Claudia Mills, Home Instead

RECEIVED
CHIEF OF POLICE

JGM 7-1-11

P.O. Jay Reynolds:

THANKS FOR DOING SUCH A GREAT JOB ON THIS
PRESENTATION.

GARY MAYER