

# TROY CITY COUNCIL

## REGULAR MEETING AGENDA

OCTOBER 17, 2011  
CONVENING AT 7:30 P.M.

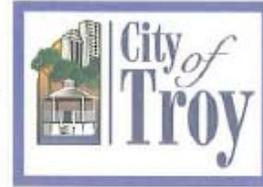
Submitted By  
The City Manager

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

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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, flowing 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**

October 17, 2011 – 7:30 PM  
 Council Chambers  
 City Hall - 500 West Big Beaver  
 Troy, Michigan 48084  
 (248) 524-3317

**INVOCATION: Talitha Pennington – Community of Christ-Troy Oaks** **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 of the 2011 State Competition Trophy, for the Ninth Consecutive Year, to the Troy Police Pistol Team – Sergeant Wolfe, Sergeant Nastasi, Officer Bragg, Officer Cascioli, Officer Fitzpatrick, Officer Minton, Officer Stansbury and Officer Stopczynski..... 1
- b) City of Troy Employees’ Casual for a Cause Presentation – July and August, 2011 – Cindy Stewart to Present \$600.05 to Mary Ellen Kearney with Cystic Fibrosis Foundation..... 1
- c) Troy Community Coalition 20<sup>th</sup> Anniversary & Appointment of Nancy Morrison as Executive Director..... 1

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|           |  |           |
|-----------|--|-----------|
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|------------------|--|------------------|
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| Monday, December 5, 2011  | Regular Meeting ..... | 19 |
| Monday, December 19, 2011 | Regular Meeting ..... | 19 |

**SCHEDULED SPECIAL CITY COUNCIL MEETINGS:** **19**

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**INVOCATION: Talitha Pennington – Community of Christ-Troy Oaks****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 #2011-10-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the Regular City Council Meeting of October 17, 2011 due to \_\_\_\_\_

Yes:

No:

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:****C-1 Certificates of Recognition and Special Presentations**

- a) Presentation of the 2011 State Competition Trophy, for the Ninth Consecutive Year, to the Troy Police Pistol Team – Sergeant Wolfe, Sergeant Nastasi, Officer Bragg, Officer Cascioli, Officer Fitzpatrick, Officer Minton, Officer Stansbury and Officer Stopczynski
- b) City of Troy Employees' Casual for a Cause Presentation – July and August, 2011 – Cindy Stewart to Present \$600.05 to Mary Ellen Kearney with Cystic Fibrosis Foundation
- c) Troy Community Coalition 20<sup>th</sup> Anniversary & Appointment of Nancy Morrison as Executive Director

**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 Dialogue Marketing, Inc. at 300 E. Big Beaver**Suggested Resolution

Resolution #2011-10-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as 300 E. Big Beaver, Troy, MI. 48083, Parcel #88-20-27-126-027, 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:

No:

**E-2 Public Hearing for the Granting of an Industrial Facilities Exemption Certificate (IFEC) for Dialogue Marketing, Inc. at 300 E. Big Beaver**Suggested Resolution

Resolution #2011-10-

Moved by

Seconded by

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on October 17, 2011, established an Industrial Development District (IDD) for property known as 300 E. Big Beaver, Troy, MI. 48083, Parcel # 88-20-27-126-027; and

WHEREAS, An Application has been submitted by Dialogue Marketing, Inc., for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 300 E. Big Beaver, Troy, MI. 48083, for eight (8) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on October 17, 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 Dialogue Marketing, Inc., at 300 E. Big Beaver, Troy, MI. 48083 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 Dialogue Marketing, Inc., at 300 E. Big Beaver, Troy, MI. 48083 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 to for an Industrial Facilities Exemption Certificate (IFEC) for Dialogue Marketing, Inc., at 300 E. Big Beaver, Troy, MI. 48083, Parcel # 88-20-27-126-027, for personal property for a term of eight (8) years, after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Dialogue Marketing, Inc., 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 Dialogue Marketing, Inc., 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:

## 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

### a) Mayoral Appointments: Downtown Development Authority; Economic Development Corporation

Suggested Resolution

Resolution #2011-10-

Moved by

Seconded by

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

#### Downtown Development Authority

**Appointed by Mayor (13-Regular) – 4-Year Term**

Ernest Reschke (At Large)

Term Expires 09/30/2014

Douglas Schroeder (At Large)

Term Expires 09/30/2014

Ward Randol (In District)

Term Expires 09/30/2014

#### Economic Development Corporation

**Appointed by Mayor (9-Regular) – 6-Year Term**

Charles Salgat

Term Expires 04/30/2016

Mark Miller

Term Expires 04/30/2017

Yes:

No:

### b) City Council Appointments: Animal Control Appeal Board; Charter Revision Committee; Election Commission; Historic District Commission; Liquor Advisory Committee; Municipal Building Authority; Parks and Recreation Board; Personnel Board; Traffic Committee; Zoning Board of Appeals

1. **Reconsidered Motion:**

Suggested Resolution

Resolution #2011-10-

Moved by

Seconded by

RESOLVED, That the attached Resolution #2011-10-227, moved by Kerwin and seconded by McGinnis, be **RECONSIDERED** by City Council in order to adjust term expiration dates in the Charter Revision Committee, Liquor Advisory Committee, and Parks and Recreation Board.

Yes:

No:

2. **Resolution to Amend City Council Nominations**

Suggested Resolution

Resolution #2011-10-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** the attached Reconsidered Resolution #2011-10-227, to adjust Term Expiration Dates in the nominations for Charter Revision Committee, Liquor Advisory Committee and Parks and Recreation Board in order to maintain continuity of terms, as presented.

Yes:

No:

3) **Amended Resolution – City Council Nominations**

Suggested Resolution

Resolution #2011-10-

Moved by

Seconded by

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

**Animal Control Appeal Board**

Appointed by Council (5-Regular) – 3-Year Term

|                             |                         |
|-----------------------------|-------------------------|
| Patrick Carolan             | Term Expires 09/30/2013 |
| Jayne Saeger                | Term Expires 09/30/2014 |
| Gretchen Waters, Steve Toth | Term Expires 09/30/2014 |

**Charter Revision Committee**

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

|                       |                         |
|-----------------------|-------------------------|
| Shirley Kanoza        | Term Expires 04/30/2013 |
| Bob Berk, Jerry Bloom | Term Expires 04/30/2013 |
| Mark Solomon          | Term Expires 04/30/2014 |
| Cynthia Wilsher       | Term Expires 04/30/2014 |

**Election Commission**

Appointed by Council – (2-Regular &amp; 1-Charter) – 1-Year Term

|                |                         |
|----------------|-------------------------|
| David Anderson | Term Expires 01/31/2012 |
| Timothy Dewan  | Term Expires 01/31/2012 |

**Historic District Commission**

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

|               |                         |
|---------------|-------------------------|
| W. Kent Voigt | Term Expires 03/01/2013 |
|---------------|-------------------------|

**Liquor Advisory Committee**

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

|                   |                         |
|-------------------|-------------------------|
| Patrick Hall      | Term Expires 01/31/2013 |
| W. Stan Godlewski | Term Expires 01/31/2014 |
| Dan Ukraineec     | Term Expires 01/31/2014 |
| Jesse Pappas      | Term Expires 07/31/2012 |
| Eunjoo Scherlinck | Term Expires 07/31/2012 |

**Municipal Building Authority**

Appointed by Council – (5-Regular) – 3-Year Term

|                |                         |
|----------------|-------------------------|
| Victor Freliga | Term Expires 01/31/2014 |
|----------------|-------------------------|

**Parks & Recreation Board**

Appointed by Council – (7-Regular) - 3 Year Term; (1-Troy School Board) - 1-Year Term

|                |                        |
|----------------|------------------------|
| Kathleen Fejes | Term Expires 9/30/2013 |
|----------------|------------------------|

|                                |                        |
|--------------------------------|------------------------|
| Tod Gazetti and JoAnn Thompson | Term Expires 9/30/2013 |
| Jeff Stewart                   | Term Expires 9/30/2013 |
| Meaghan Kovacs                 | Term Expires 9/30/2014 |
| Jan Zikakis                    | Term Expires 9/30/2014 |
| Gary Hauff                     | Term Expires 7/31/2012 |

**Personnel Board**

Appointed by Council – (5-Regular) – 3-Year Term

|              |                        |
|--------------|------------------------|
| Ann Comiskey | Term Expires 4/30/2014 |
|--------------|------------------------|

**Traffic Committee**

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

|                    |                        |
|--------------------|------------------------|
| Al Petrusis        | Term Expires 1/31/2014 |
| Richard Kilmer     | Term Expires 1/31/2014 |
| Peter Ziegenfelder | Term Expires 1/31/2014 |

**Zoning Board of Appeals**

Appointed by Council (7-Regular) - 3-Year Term

|                 |                         |
|-----------------|-------------------------|
| A. Allen Kneale | Term Expires 04/30/2014 |
| David Lambert   | Term Expires 04/30/2014 |

Yes:

No:

**4) Tally Vote of City Council Nominee Choices****Animal Control Appeal Board****Appointed by Council (5-Regular) - 3-Year Terms****Tally of City Council Nominee Choices:**

Each City Council Member should indicate two nominees to fill the vacancies on the Animal Control Appeal Board from the following list of individuals placed into nomination at the October 3, 2011 Regular City Council meeting:

| NOMINEES:       | COUNCIL MEMBERS: 2 Selections for Nominations |
|-----------------|---|
| Jayne Saeger    |   |
| Steve Toth      |   |
| Gretchen Waters |   |

**Charter Revision Committee**

**Appointed by Council – (7-Regular) – 3-Year Term**

**Tally of City Council Nominee Choices:**

Each City Council Member should indicate two nominees to fill the vacancies on the Charter Revision Committee from the following list of individuals placed into nomination at the October 3, 2011 Regular City Council meeting:

| NOMINEES:      | COUNCIL MEMBERS: 3 Selections for Nominations |
|----------------|---|
| Bob Berk       |   |
| Jerry Bloom    |   |
| Shirley Kanoza |   |

**Parks & Recreation Board**

**Appointed by Council – (7-Regular) - 3 Year Term; (1-Troy School Board) - 1-Year Term**

**Tally of City Council Nominee Choices:**

Each City Council Member should indicate three nominees to fill the vacancies on the Parks and Recreation Board from the following list of individuals placed into nomination at the October 3, 2011 Regular City Council meeting:

| NOMINEES:      | COUNCIL MEMBERS: 3 Selections for Nominations |
|----------------|---|
| Kathleen Fejes |   |
| Tod Gazetti    |   |
| Jeff Stewart   |   |
| JoAnn Thompson |   |

**5) City Council Appointments**

Suggested Resolution

Resolution #2011-10-

Moved by

Seconded by

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

**Animal Control Appeal Board**

**Appointed by Council (5-Regular) - 3-Year Terms**

Patrick Carolan

Term Expires 09/30/2013

(as Determined by Tally Vote)

Term Expires 09/30/2014

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(as Determined by Tally Vote)

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Term Expires 09/30/2014

**Charter Revision Committee**  
**Appointed by Council – (7-Regular) – 3-Year Term**

(as Determined by Tally Vote)

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Term Expires 04/30/2013

(as Determined by Tally Vote)

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Term Expires 04/30/2013

Mark Solomon

---

Term Expires 04/30/2014

Cynthia Wilsher

---

Term Expires 04/30/2014

**Election Commission**  
**Appointed by Council – (2-Regular & 1-Charter) - 1-Year Term**

David Anderson

---

Term Expires 01/31/2012

Timothy Dewan

---

Term Expires 01/31/2012

**Historic District Commission**  
**Appointed by Council – (7-Regular) – 3-Year Term**

W. Kent Voigt

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Term Expires 03/01/2013

**Liquor Advisory Committee**  
**Appointed by Council – (7-Regular) – 3-Year Term**

Patrick Hall

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Term Expires 01/31/2013

W. Stan Godlewski

---

Term Expires 01/31/2014

Dan Ukrainec

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Term Expires 01/31/2014

Jesse Pappas

---

Term Expires 07/31/2012

Eunjoo Scherlinck

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Term Expires 07/31/2012

**Municipal Building Authority**  
**Appointed by Council – (5-Regular) – 3-Year Term**

Victor Freliga

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Term Expires 01/31/2014

**Parks & Recreation Board** \*City Management Recommends the Parks & Recreation Board Retain Its Current Title  
**Appointed by Council – (7-Regular) - 3 Year Term; (1-Troy School Board) - 1-Year Term**

(as Determined by Tally Vote) Term Expires 9/30/2013

(as Determined by Tally Vote) Term Expires 9/30/2013

(as Determined by Tally Vote) Term Expires 9/30/2013

Meaghan Kovacs Term Expires 9/30/2014

Jan Zikakis Term Expires 9/30/2014

Gary Hauff Term Expires 7/31/2012

**Personnel Board**  
**Appointed by Council – (5-Regular) – 3-Year Term**

Ann Comiskey Term Expires 4/30/2014

**Traffic Committee**  
**Appointed by Council – (7-Regular) – 3-Year Term**

Al Petrusis Term Expires 1/31/2014

Richard Kilmer Term Expires 1/31/2014

Peter Ziegenfelder Term Expires 1/31/2014

**Zoning Board of Appeals**  
**Appointed by Council (7-Regular) - 3-Year Term**

A. Allen Kneale Term Expires 04/30/2014

David Lambert Term Expires 04/30/2014

Yes:

No:

**I-2 Board and Committee Nominations:**

a) **Mayoral Nominations: None Submitted**

b) **City Council Nominations: Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan and Trust; Zoning Board of Appeals**

Suggested Resolution  
Resolution #2011-10-  
Moved by  
Seconded by

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

**Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan and Trust**

Appointed by Council - City Council Representative

Maureen McGinnis **City Council Representative**

Unexpired Term 04/15/2012

**Zoning Board of Appeals**

Appointed by Council (7-Regular) - 3-Year Term

**Alternate** Term Expires 04/30/2014

**Alternate** Term Expires 04/30/2014

Yes:  
No:

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

**I-4 Application for Transfer of Class C License to Troy Sports Restaurant**

Suggested Resolution  
Resolution #2011-10-  
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.

|                                    |   |
|------------------------------------|---|
| <b>Liquor License Applicant :</b>  | <b>Troy Sports Restaurant, LLC</b>  |
| <b>Type of License Requested :</b> | <b>Transfer Class C Liquor License with Entertainment Permit, Outdoor Service (2 Areas) and Official Permit (Food) from Joseph Koolisky's, LLC to Troy Sports Restaurant, LLC</b> |
| <b>Located at :</b>                | <b>1835 E. Big Beaver Road, Troy, MI 48083</b>  |
| <b>MLCC Request # :</b>            | <b>620592</b>   |

and

**(b) Agreement**

Suggested Resolution

Resolution #2011-

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

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

Yes:

No:

**I-5 Winter Maintenance Agreement – Road Commission for Oakland County**

Suggested Resolution

Resolution #2011-10-

Moved by

Seconded by

RESOLVED, That the 2011-2012 Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy for Snow and Ice Control of certain primary and local roads, which are described and outlined in Exhibit A, is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the necessary documents. A copy of this agreement, which is authorized by the provisions of 1951 PA 51 (MCL 247.651 et seq.), shall be **ATTACHED** to the original Minutes of this Meeting.

Yes:

No:

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**J. CONSENT AGENDA:**

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

Resolution #2011-10-

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 #2011-10-

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

**a) Regular City Council Meeting of October 3, 2011**

---

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

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**J-4 Standard Purchasing Resolutions****a) Standard Purchasing Resolution 4: National Intergovernmental Purchasing Alliance (NIPA) Disk Based Backup System**Suggested Resolution

Resolution #2011-10-

WHEREAS, The Information Technology Department has utilized a tape based backup system as the primary backup-and-restore medium for off-site data storage; and

WHEREAS, The tape based backup system is very labor intensive to manage and relatively slow, and with increasing data storage needs, shrinking backup windows, the need to recover critical applications quickly and declining disk costs have moved the technology market into a disk based solution;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** a contract to replace the old tape backup system and purchase a new disk based system which provides

faster restores, greater reliability, ease of management, and data de-duplication from CDW-G through the NIPA Technology Solutions Contract #083052-01 competitively solicited and awarded by Tucson, AZ for an estimated cost of \$21,800.00 and recurring costs estimated at \$3,000.00 per year.

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#### **J-5 Public Works Consolidation Renovations**

Suggested Resolution  
Resolution #2011-10-

RESOLVED, That City Staff is hereby **AUTHORIZED** to complete office space renovations at the Public Works facility for the consolidation of DPW Divisions, as described in Attachment A, Proposed Floor Plan; and to expend an estimated \$43,910.00 in accordance with Attachment B, Detailed Pricing, utilizing in-house personnel and materials, approved contracts and standard purchasing procedures.

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#### **J-6 Request to Abandon a Portion of an Existing Sanitary Sewer Easement and Acceptance of a Permanent Sanitary Sewer Easement – Sidwell #88-20-32-200-032, Cambridge Crossings Shops #2, LLC**

Suggested Resolution  
Resolution #2011-10-

WHEREAS, The City of Troy has received a request from Cambridge Crossings Shops #2, LLC, owners of the property having Sidwell #88-20-32-200-032, to abandon a portion of a permanent sanitary sewer easement as recorded in Liber 21432, Pages 290 with Oakland County Register of Deeds; and

WHEREAS, The City of Troy has received in its' place a permanent easement for sanitary sewer from the property owners of Sidwell #88-20-32-200-032, Cambridge Crossings Shops #2, LLC, and

BE IT RESOLVED, That the portion of the permanent sanitary sewer easement as recorded in Liber 21432, Page 290 is hereby **ABANDONED**, and that City Council **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** a Quit Claim Deed to the property owners Cambridge Crossings Shops #2, LLC for that portion of the abandoned sanitary sewer easement; and

BE IT FURTHER RESOLVED, That the permanent easement for sanitary sewer from Cambridge Crossings Shops #2, LLC, owners of the property having Sidwell #88-20-32-200-032 is hereby **ACCEPTED**; and

BE IT FINALLY RESOLVED, That the City Clerk shall **RECORD** both the Quit Claim Deed and permanent easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**J-7 Purchase of Pre-Cast Concrete Restroom – Milverton Park**Suggested Resolution

Resolution #2011-10-

RESOLVED, That Troy City Council hereby **AUTHORIZES** the purchase of one (1) new Denali Pre-cast Concrete Restroom Facility at Milverton Park to the product manufacturer, CXT, Inc., an LBFoster Company of Spokane, WA as detailed in quote #GZEN900NOL-1, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, for an estimated total cost of \$61,250.00.

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

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**J-8 Expansion and Purchase of Self-Checkout Stations for Troy Public Library**Suggested Resolution

Resolution #2011-10-

WHEREAS, On January 26, 2009, Troy City Council approved the purchase of an integrated library system solution for the Troy Public Library to the highest rated bidder, Polaris Library Systems of Syracuse, NY, as a result of a best value process (Resolution #2009-01-025-F4b); and

WHEREAS, In an effort to continually improve service delivery and provide greater efficiencies to the patrons of the library, the system should now be expanded to include self-checkout stations; and

WHEREAS, Due to the complexity of the system, it is desirable to allow the company who installed and currently maintains the system to expand it, thus avoiding corruption of the software;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DETERMINES** it to be in the public's best interest to **AUTHORIZE** the City of Troy to utilize the services of Polaris Library Systems of Syracuse, NY, to purchase and install three (3) Polaris Library System Self-Checkout stations for an estimated total cost of \$36,481.00, in accordance with their quotation #2011-0732 dated 8/10/2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-9 Voting Delegate for the National League of Cities (NLC) Congress of Cities and Exposition – November 2011**Suggested Resolution

Resolution #2011-10-

BE IT RESOLVED, That City Council **APPOINTS** Robin Beltramini to be the voting delegate at the November 9, 2011 National League of Cities (NLC) Congress of Cities and Exposition.

**J-10 Private Agreement for Evaline Extension Phase II – Project No. 06.909.3**

Suggested Resolution  
Resolution #2011-10-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Murray Deagle, is hereby **APPROVED** for the installation of sanitary sewer, paving, water main, sidewalks and soil erosion on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-11 Private Agreement – Granite City Food and Brewery – Project No. 08.911.3**

Suggested Resolution  
Resolution #2011-10-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Granite City Food and Brewery, is hereby **APPROVED** for the installation of Water Main and Storm & Sanitary Sewer Connections, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-12 Request for Approval of Robert Smith Relocation Claim – John R Road Improvement Project, Square Lake to South Boulevard – Project No. 02.204.5 – Parcel 44 – Sidwell #88-20-02-230-011**

Suggested Resolution  
Resolution #2011-10-

RESOLVED, That as required by Michigan Laws and Federal Regulations, the City Council of the City of Troy hereby **APPROVES** the Relocation Claim from Robert Smith, pertaining to the City of Troy's acquisition of property at 6695 John R, having Sidwell #88-20-02-230-011, and **AUTHORIZES** payment in the amount of \$650.

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**J-13 Municipal Credit and Community Credit Agreement**

Suggested Resolution  
Resolution #2011-10-

RESOLVED, That the City of Troy hereby **APPROVES** the attached Municipal Credit and Community Credit Contract for FY 2012, which transfers Municipal Credit funds in the amount of \$79,648 and Community Credit funds in the amount of \$88,586 to Troy Medi-Go Plus, for the operation of transportation service for senior citizens and persons with disabilities.

BE IT FURTHER RESOLVED, That the Mayor and City Council are **AUTHORIZED** to execute the contract, with copies to be **ATTACHED** to the original Minutes of the meeting.

---

**J-14 Request to Waive Recapture of Community Development Block Grant 2009 Funds**Suggested Resolution

Resolution #2011-10-

WHEREAS, The U.S. Department of Housing and Urban Development (HUD) mandates that Community Development Block Grant (CDBG) balances not exceed 1.5 times the current program year allocation sixty (60) days prior to the end of the program year (February 28<sup>th</sup>); and

WHEREAS, The Oakland County Board of Commissioners adopted a policy allowing communities to protect funds from their two most recent program years to help comply with this regulation; and

WHEREAS, All unobligated 2009 and older funds are at risk of recapture December 31, 2011; and

WHEREAS, The City of Troy may protect unobligated 2009 funds from recapture for one additional year by requesting a waiver; and

WHEREAS, A separate Waiver request form must be submitted for each 2009 line item to the Manager of the Oakland County Community & Home Improvement Division no later than December 1, 2011.

NOW THEREFORE, BE IT RESOLVED, That the City of Troy hereby requests to waive recapture of 2009 CDBG funds as follows:

| <b>Account Number</b> | <b>Project Name</b>             | <b>Amount</b> |
|-----------------------|---------------------------------|---------------|
| 172170-730744         | Flood Drain Improvements        | \$119,279.00  |
| 172160-732170         | Public Services (Yard Services) | \$ 52,191.00  |
| 172160-730789         | General Program Admin           | \$ 2,500.00   |

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


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

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

**L. COUNCIL REFERRALS:**

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

**L-1 No Council Referrals Submitted****M. COUNCIL COMMENTS**

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**M-1 No Council Comments Advanced****N. REPORTS**

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

- a) Election Commission-Final-September 1, 2011
  - b) Planning Commission-Draft-September 13, 2011
  - c) Election Commission-Draft-October 13, 2011
- 

**N-2 Department Reports:**

- a) Status of ICMA Recommendations – Fire Department
  - b) ICMA Implementation Plan and Progress Report – Police Department
  - c) ICMA Recommendations and Status Update – Department of Public Works
  - d) Evaluation of Building Operations Efficiencies
- 

**N-3 Letters of Appreciation:**

- a) Card of Appreciation from the Daughters of the American Revolution to Mayor Pro Tem Kerwin
  - b) Letter of Appreciation and Congratulations to Cindy Stewart from Cheryl Whitton-Kaszubski with Leadership Troy on Being Selected the 2011 Outstanding Volunteer for the Boys & Girls Club of Troy
  - c) Letter of Appreciation to Chief Mayer from Sarah Davis with Operation Homefront Thanking the Troy Police Honor Guard and K-9 Officers
  - d) Letter of Appreciation and Congratulations to Sergeant Zielinski from Leadership Troy on Being Selected the 2011 Outstanding Volunteer for Troy Youth Assistance
- 

**N-4 Proposed Proclamations/Resolutions from Other Organizations:**

- a) Resolution from the Daughters of the American Revolution Expressing Appreciation to Mayor Pro Tem Kerwin
- 

**N-5 Michigan Association of Municipal Attorneys Press Release – Lori Grigg Bluhm Elected Vice President for 2011-2012**

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**N-6 2011 Third Quarter Litigation Report**

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**O. STUDY ITEMS**

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**O-1 Troy's Organizational Evolution to Economic Sustainability**

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**P. CLOSED SESSION:**

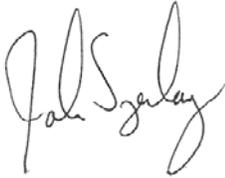
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**P-1 No Closed Session Requested**

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**Q. ADJOURNMENT**

Respectfully submitted,



John Szerlag, City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

**SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

- 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:**

**PROCLAMATION  
TROY COMMUNITY COALITION 20<sup>TH</sup> ANNIVERSARY &  
APPOINTMENT OF NANCY MORRISON AS EXECUTIVE DIRECTOR**

**WHEREAS**, The **Troy Community Coalition for the Prevention of Drug and Alcohol Abuse** was created in 1991, as a non-profit organization dedicated to improving the quality of life for all who live or work in Troy, by promoting a lifestyle free from the abuse of alcohol, tobacco and other drugs; and

**WHEREAS**, Since its inception 20 years ago, the **Troy Community Coalition (TCC)** has developed and implemented prevention strategies based on our community's needs; influencing and promoting community norms to those supporting a lifestyle free from the abuse of alcohol, tobacco and other drugs through environmental strategies affecting the total population; and

**WHEREAS**, Troy is a community that establishes and supports policies and practices that promote substance abuse prevention such as **Troy Community Coalition's** programs: Operation Medicine Cabinet, Parents Who Host Lose the Most, and Project Sticker Shock; and

**WHEREAS**, Troy is a community which recognizes that substance abuse prevention efforts are most successful when understood and initiated across all communities and where a comprehensive system monitors indicators of community attitudes, conditions and alcohol, tobacco and other drug patterns; and

**WHEREAS**, Troy is a community where a variety of alcohol, tobacco and other drug-free activities are available to all such as Celebrity Night Dinner, Interfaith Prayer Breakfast, Rochester Villas Summer Camp, Spring Break Troy Style and Youth Rock 'N Bowl; and

**WHEREAS**, Troy is a community where training is provided to develop the skills necessary to prevent the abuse of alcohol, tobacco and other drugs such as Seven Habits of Highly Effective Teens, Tar Wars, Teens Taking Action, Training for Intervention Procedures, Choose Wisely and Teens Against Tobacco Use; and

**WHEREAS**, The **Troy Community Coalition** recently appointed **Nancy Morrison, MA, LLP, CPS** as the new Executive Director to carry on its mission and goals for the comprehensive community prevention plan. Nancy aims to carry forward the legacies of past executive director Ann Comiskey and founding director Mary Ann Solberg;

**NOW, THEREFORE BE IT RESOLVED**, That the Troy City Council does hereby congratulate the **Troy Community Coalition** on their 20<sup>th</sup> **Anniversary** and the recent appointment of **Executive Director Nancy Morrison** and recognizes the Coalition's positive impact upon our community; and

**BE IT FURTHER RESOLVED**, That the City Council joins the citizens of this community in appreciation and celebration of the **Troy Community Coalition** on this important 20<sup>th</sup> **Anniversary** milestone.

Presented this 17<sup>th</sup> day of October 2011



## CITY COUNCIL AGENDA ITEM

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Date: October 17, 2011

To: John Szerlag, City Manager

From: Nino Licari, City Assessor

Subject: Public Hearing for the establishment of an Industrial Development District (IDD) for Dialogue Marketing, Inc. – 300 E. Big Beaver

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### Background:

Dialogue Marketing, Inc., is expanding their operations in Troy at 300 E. Big Beaver. As part of their expansion, they intend to purchase machinery and equipment valued at \$2,843,362.00. They will also add 150 new jobs to the 330 existing jobs they have in Troy. They are asking for Personal Property Tax Abatement, which they qualify for under City Council Policy Resolution #2010-08-173 (attached).

The Industrial Facility Exemption Certificate (IFEC) would be for eight (8) years.

In order to grant the IFEC, an Industrial Development District must first be established, as the City Council has not designated all non-residential areas to be IDD's. This is the reason for the back to back Public Hearings.

### Financial Considerations:

The projected amount of the investment is \$2,843,362.00. Over the eight (8) year life of the abatement, the estimated total taxes would be \$107,817.06, of which \$34,488.38 would be City Taxes.

A 50% abatement amounts to a total savings to the taxpayer of \$53,908.53, of which \$17,244.19 would be abated City taxes.

### Legal Considerations:

The application meets all requirements of Public Act 198 of 1974 (as amended), the Plant Rehabilitation and Industrial Development Districts legislation.



## CITY COUNCIL AGENDA ITEM

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### Policy Considerations:

The application is in compliance with City Council Tax Abatement Policy Resolution #2010-08-173.

City Council goal;

**Attract and retain business investment**, including:  
Clearly articulate an economic investment plan.  
Clarify, reduce and streamline investment hurdles,

Is met with this abatement.

### Recommendation:

Since both legal and policy considerations are met, staff would recommend establishing the district, and granting the tax abatement for the subsequent Public Hearing.

### Options:

City Council may establish the IDD (and approve the tax abatement). Or, City Council may choose to not establish a district at this site. In which case, the Council must then deny any tax abatement.

NI/nl H:IFT\DialogueMktg\Memo IDD 10.17.11

# Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

**INSTRUCTIONS:** File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

| To be completed by Clerk of Local Government Unit |  |
|---|--|
| Signature of Clerk                                | Date received by Local Unit<br><b>8/5/11</b> |
| STC Use Only                                      |  |
| Application Number                                | Date Received by STC                         |

## APPLICANT INFORMATION

All boxes must be completed.

|  |   |                                 |
|--|---|---------------------------------|
| 1a. Company Name (Applicant must be the occupant/operator of the facility)<br><b>Dialogue Marketing, Inc.</b>  | 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code)<br><b>7389</b> |                                 |
| 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location)<br><b>300 E. Big Beaver Road</b>   | 1d. City/Township/Village (indicate which)<br><b>Troy</b>   | 1e. County<br><b>Oakland</b>    |
| 2. Type of Approval Requested<br><input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Transfer (1 copy only)<br><input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Rehabilitation (Sec. 3(1))<br><input type="checkbox"/> Research and Development (Sec. 2(9)) | 3a. School District where facility is located<br><b>Troy</b>                                      | 3b. School Code<br><b>63150</b> |
| 4. Amount of years requested for exemption (1-12 Years)<br><b>12 QUALIFIES FOR 8</b>   |   |                                 |

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

The project is an expansion of the company's existing call center operations, including technology development, custom software development, and support services for the companies retail, health insurance, and business services client base.

|   |  |
|---|--|
| 6a. Cost of land and building improvements (excluding cost of land) .....<br>* Attach list of improvements and associated costs.<br>* Also attach a copy of building permit if project has already begun. | Real Property Costs                              |
| 6b. Cost of machinery, equipment, furniture and fixtures .....<br>* Attach itemized listing with month, day and year of beginning of installation, plus total   | \$2,843,362.00<br>Personal Property Costs        |
| 6c. Total Project Costs .....<br>* Round Costs to Nearest Dollar  | \$2,843,362.00<br>Total of Real & Personal Costs |

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

|                                  |                           |                         |   |
|----------------------------------|---------------------------|-------------------------|---|
|                                  | <u>Begin Date (M/D/Y)</u> | <u>End Date (M/D/Y)</u> |   |
| Real Property Improvements ▶     | 7/1/11                    | 9/1/11                  | ▶ <input type="checkbox"/> Owned <input type="checkbox"/> Leased            |
| Personal Property Improvements ▶ |                           |                         | ▶ <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased |

8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption.  Yes  No

|   |   |
|---|---|
| 9. No. of existing jobs at this facility that will be retained as a result of this project.<br><b>330</b> | 10. No. of new jobs at this facility expected to create within 2 years of completion.<br><b>150</b> |
|---|---|

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

|  |  |
|--|--|
| a. TV of Real Property (excluding land) .....          |  |
| b. TV of Personal Property (excluding inventory) ..... |  |
| c. Total TV .....                                      |  |

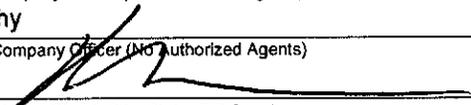
12a. Check the type of District the facility is located in:  
 Industrial Development District       Plant Rehabilitation District

|  |   |
|--|---|
| 12b. Date district was established by local government unit (contact local unit) | 12c. Is this application for a speculative building (Sec. 3(8))?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|--|---|

**APPLICANT CERTIFICATION - complete all boxes.**

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

|   |  |  |   |
|---|--|--|---|
| 13a. Preparer Name<br><b>Ben Smith</b>  | 13b. Telephone Number<br><b>(248) 223-3275</b> | 13c. Fax Number<br><b>(248) 327-8225</b>       | 13d. E-mail Address<br><b>ben.smith@plantemoran.com</b>   |
| 14a. Name of Contact Person<br><b>Patrick Murphy</b>  | 14b. Telephone Number<br><b>(248) 836-8626</b> | 14c. Fax Number<br><b>(248) 836-2601</b>       | 14d. E-mail Address<br><b>pmurphy@dialogue-marketing.</b> |
| ▶ 15a. Name of Company Officer (No Authorized Agents)<br><b>Patrick Murphy</b>  |  |  |   |
| 15b. Signature of Company Officer (No Authorized Agents)<br> |  | 15c. Fax Number<br><b>(248) 836-2601</b>       | 15d. Date<br><b>02/18/11</b>                              |
| ▶ 15a. Mailing Address (Street, City, State, ZIP Code)<br><b>3252 University Drive, Auburn Hills, MI 48326</b>                                |  | 15f. Telephone Number<br><b>(248) 836-8626</b> | 15g. E-mail Address<br><b>pmurphy@dialogue-marketing.</b> |

**LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.**

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

|  |   |
|--|---|
| ▶ 16. Action taken by local government unit<br><input type="checkbox"/> Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12)<br>After Completion <input type="checkbox"/> Yes <input type="checkbox"/> No<br><br><input type="checkbox"/> Denied (Include Resolution Denying)   | 16b. The State Tax Commission Requires the following documents be filed for an administratively complete application:<br><b>Check or Indicate N/A if Not Applicable</b><br><input checked="" type="checkbox"/> 1. Original Application plus attachments, and one complete copy<br><input checked="" type="checkbox"/> 2. Resolution establishing district<br><input checked="" type="checkbox"/> 3. Resolution approving/denying application.<br><input checked="" type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant)<br><input checked="" type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant)<br><input checked="" type="checkbox"/> 6. Building Permit for real improvements if project has already begun<br><input checked="" type="checkbox"/> 7. Equipment List with dates of beginning of installation<br><input checked="" type="checkbox"/> 8. Form 3222 (if applicable)<br><input type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable) |
| 16a. Documents Required to be on file with the Local Unit<br><b>Check or Indicate N/A if Not Applicable</b><br><input checked="" type="checkbox"/> 1. Notice to the public prior to hearing establishing a district.<br><input checked="" type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing.<br><input checked="" type="checkbox"/> 3. List of taxing authorities notified for district and application action.<br><input checked="" type="checkbox"/> 4. Lease Agreement showing applicants tax liability. |   |
| 16c. LUCI Code<br><b>7389</b>  | 16d. School Code<br><b>63150 TROY</b>   |
| 17. Name of Local Government Body<br><b>CITY OF TROY</b>   | ▶ 18. Date of Resolution Approving/Denying this Application   |

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

|  |  |  |
|--|--|--|
| 19a. Signature of Clerk<br> | 19b. Name of Clerk<br><b>M. AILEEN BITTNER</b> | 19c. E-mail Address<br><b>BITTNER@TROYMI.GOV</b> |
| 19d. Clerk's Mailing Address (Street, City, State, ZIP Code)<br><b>500 W BIG BEAVER TROY MI 48064-5254</b>     |  |  |
| 19e. Telephone Number<br><b>248 524-3316</b>   | 19f. Fax Number<br><b>248 524-1770</b>         |  |

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

**State Tax Commission  
Michigan Department of Treasury  
P.O. Box 30471  
Lansing, MI 48909-7971**

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

| STC USE ONLY |                   |                       |                 |                     |
|--------------|-------------------|-----------------------|-----------------|---------------------|
| ▶ LUCI Code  | ▶ Begin Date Real | ▶ Begin Date Personal | ▶ End Date Real | ▶ End Date Personal |

Dialogue Marketing - Summary of Personal Property Investment

| Capital Investment              | Qty | Cost    | 2011             | Purchase | Install  | 2012          | Purchase | Install  | 2013          | Purchase | Install  | Total            |
|---------------------------------|-----|---------|------------------|----------|----------|---------------|----------|----------|---------------|----------|----------|------------------|
| Chairs                          | 300 | 100     | 23,400           | 09/15/11 | 10/01/11 | 4,000         | 06/15/12 | 07/01/12 | 2,600         | 06/15/13 | 07/01/13 | 193,784          |
| Computers                       | 2   | 18,575  | 37,150           | 09/15/11 | 10/01/11 |               |          |          |               |          |          | 118,768          |
| Desktop Licensing               | 1   | 24,168  | 24,168           | 09/15/11 | 10/01/11 |               |          |          |               |          |          | 105,786          |
| Interaction Optimizer Pathfind  | 1   | 24,000  | 24,000           | 12/01/11 | 12/31/11 |               |          |          |               |          |          | 105,786          |
| Phone switch                    | 1   | 150,000 | 150,000          | 12/01/11 | 12/31/11 |               |          |          |               |          |          | 231,786          |
| Run Cabling                     | 3   | 24,370  | 73,109           | 08/01/11 | 08/30/11 |               |          |          |               |          |          | 154,650          |
| Servers                         | 5   | 26,090  | 78,272           | 11/15/11 | 11/30/11 | 26,090        | 11/15/12 | 11/30/12 | 26,090        | 11/15/13 | 11/30/13 | 294,662          |
| Switches                        | 1   | 22,376  | 22,376           | 12/01/11 | 12/31/11 |               |          |          |               |          |          | 104,162          |
| Work Stations (Cubicles)        | 300 | 500     | 117,000          | 09/15/11 | 10/01/11 | 20,000        | 06/15/12 | 07/01/12 | 13,000        | 06/15/13 | 07/01/13 | 313,784          |
| Desktop Computers               | 300 | 800     | 187,200          | 09/15/11 | 10/01/11 | 32,000        | 06/15/12 | 07/01/12 | 20,800        | 06/15/13 | 07/01/13 | 403,784          |
| Conference Tables               | 2   | 10,000  | 20,000           | 08/01/11 | 08/30/11 |               |          |          |               |          |          | 101,541          |
| Leasehold Improvements          | 1   | 400,000 | 400,000          | 08/01/11 | 08/30/11 |               |          |          |               |          |          | 481,541          |
| Office furniture                | 10  | 1,000   | 10,000           | 08/01/11 | 08/30/11 |               |          |          |               |          |          | 91,541           |
| Interaction Optimizer Add-on    | 1   | 60,000  | 60,000           | 12/01/11 | 12/31/11 |               |          |          |               |          |          | 141,786          |
| <b>Total Capital Investment</b> |     |         | <b>1,226,676</b> |          |          | <b>82,090</b> |          |          | <b>62,490</b> |          |          | <b>2,843,362</b> |

|  |
|--|
| Applicant Name<br>Dialogue Marketing Inc |
|--|

### Fiscal Statement (to be completed by local unit)

|  | <u>YES</u>               | <u>NO</u>                |
|--|--------------------------|--------------------------|
| Is this project:   |                          |                          |
| Real Property?   | <input type="checkbox"/> | <input type="checkbox"/> |
| Personal Property?   | <input type="checkbox"/> | <input type="checkbox"/> |
| Both Real and Personal Property - New Facility?            | <input type="checkbox"/> | <input type="checkbox"/> |
| Both Real and Personal Property - Rehabilitation Facility? | <input type="checkbox"/> | <input type="checkbox"/> |
| Both New and Replacement Facility?                         | <input type="checkbox"/> | <input type="checkbox"/> |

Estimated Project Investment (not assessed value):

|               |                   |       |
|---------------|-------------------|-------|
| Real Property | Personal Property | Total |
|---------------|-------------------|-------|

|  | <u>YES</u>               | <u>NO</u>                | <u>REMARKS</u> |
|--|--------------------------|--------------------------|----------------|
| 1. A. Has the proper local authority reviewed the plan?  | <input type="checkbox"/> | <input type="checkbox"/> | _____          |
| B. Is the project located in a certified industrial park?  | <input type="checkbox"/> | <input type="checkbox"/> | _____          |
| C. Is this a renovation or expansion of an existing building?  | <input type="checkbox"/> | <input type="checkbox"/> | _____          |
| 2. Will this project require improvement of your road service?   | <input type="checkbox"/> | <input type="checkbox"/> | _____          |
| 3. Will this project require improvement of your sanitary sewer services?  | <input type="checkbox"/> | <input type="checkbox"/> | _____          |
| 4. Will this project require improvement of your storm sewer services?   | <input type="checkbox"/> | <input type="checkbox"/> | _____          |
| 5. Will this project require improvement of your water services?   | <input type="checkbox"/> | <input type="checkbox"/> | _____          |
| 6. Will this project require additional police personnel, police equipment or a need for new police building expansion?                            | <input type="checkbox"/> | <input type="checkbox"/> | _____          |
| 7. Will this project require the need for additional fire personnel, additional or specialized fire equipment or the need for a new fire building? | <input type="checkbox"/> | <input type="checkbox"/> | _____          |
| 8. Will this project require other costs?  | <input type="checkbox"/> | <input type="checkbox"/> | _____          |
| 9. Are costs of infrastructure elements to be provided through Local Development Finance Authority or Tax Increment Finance Authority Bonds?       | <input type="checkbox"/> | <input type="checkbox"/> | _____          |

If you answered yes to any of questions 2 through 8, the appropriate sections of the Supplement to Fiscal Statement form must be completed and accompany the IFT application. Call (517) 373-3272 to obtain that form.

#### LOCAL UNIT CERTIFICATION

This is to certify that the following has been provided as accurately as possible.

|           |  |
|-----------|--|
| Signature | Name and Title of Local Governmental Unit Official |
|-----------|--|

**Nino A Licari**

---

**From:** Benjamin Smith [Benjamin.Smith@plantemoran.com]  
**Sent:** Wednesday, May 11, 2011 11:11 AM  
**To:** Nino A Licari  
**Cc:** Patrick Murphy  
**Subject:** Dialogue Marketing IFT/IDD Request

Nino,

As discussed, this correspondence is to inform you that Dialogue Marketing, Inc. wishes to apply for a tax abatement (as required by the MEGA statute) relative to its expansion at 300 E. Big Beaver Road in Troy. Accordingly, we request that the City Council establish an Industrial Development District (IDD) at 300 E. Big Beaver Road so that we may complete the application and apply for the abatement.

Please also note that, as part of our MEGA Credit award process, we are in receipt of a letter of support for this abatement from Mr. John Szerlag, dated February 10, 2011.

We thank you very much for your support, and please do not hesitate to contact me with any questions.

Kind Regards,

Ben Smith

Benjamin R. Smith | Vice President  
Plante Moran CRESA, 26300 Northwestern Highway, Southfield, MI 48076  
Direct Dial: 248.223.3275 | Mobile: 248.631.7520 | Fax: 248.327.8225  
[www.pmcresa.com](http://www.pmcresa.com)

**RECEIVED**

**MAY 11 2011**

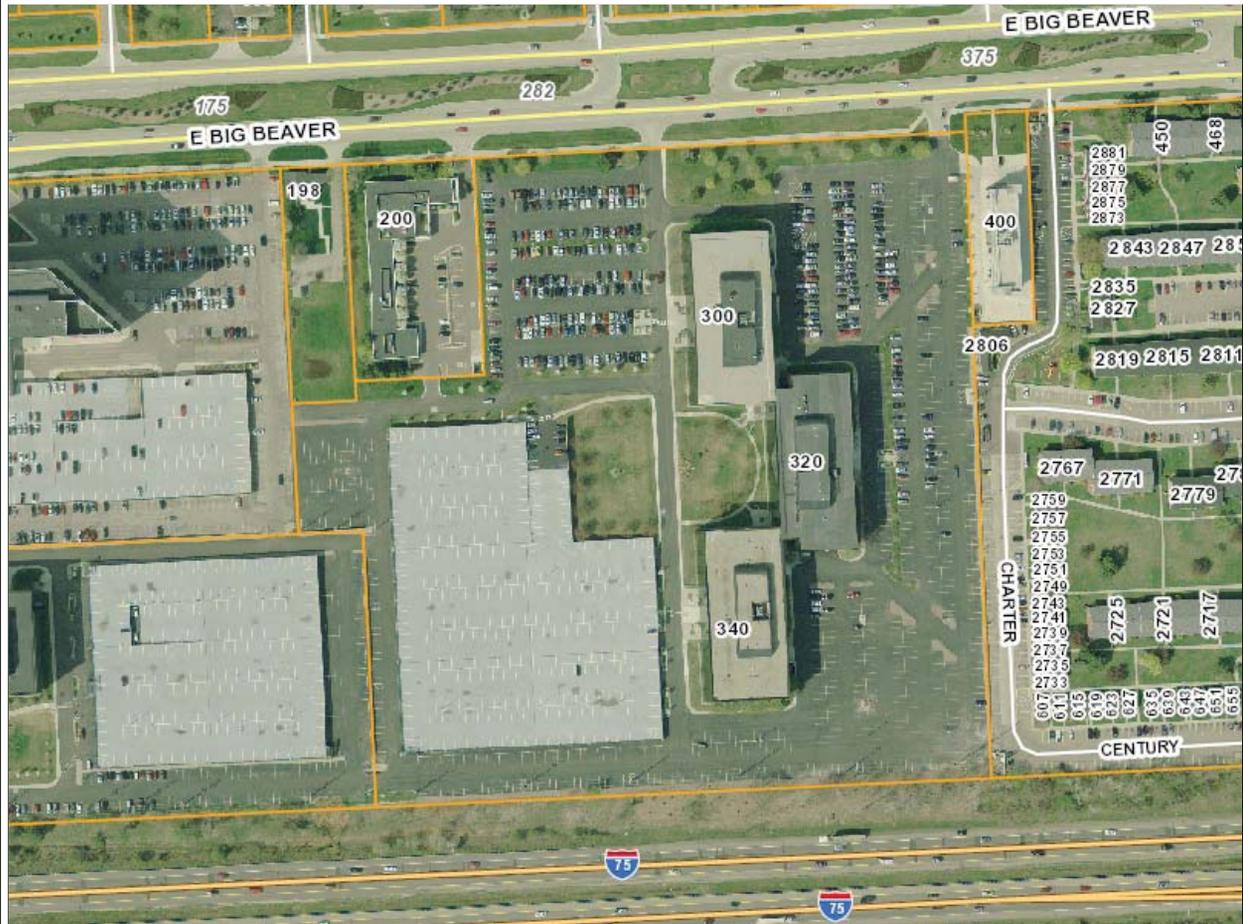
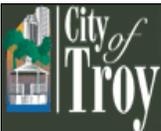
**CITY OF TROY  
ASSESSING DEPT.**

**Celebrating 12 Years as one of FORTUNE Magazine's "100 Best Companies to Work For"**

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This email, including any attachments, may contain confidential information and is intended solely for use by the individual to whom it is addressed. If you received this email in error, please notify the sender, do not disclose its contents to others, and delete it from your system. Any other use of this email and/or attachments is prohibited. This message is not meant to constitute an electronic signature or intent to contract electronically.

Dialogue Marketing, Inc.  
IDD & IFEC  
300 E Big Beaver  
88-20-27-126-027  
08/10/11



Dialogue Marketing, Inc.  
IDD & IFEC  
300 E Big Beaver, Troy, MI 48083  
88-20-27-126-027

Legal Description:

T2N, R11E, SEC 27  
FROST SUNNY ACRES  
S 200 FT OF LOT 10,  
S 230 FT OF LOTS 11 & 12, &  
LOTS 13 TO 20 INCL  
EXC N 42 FT TAKEN FOR RD, ALSO  
LOTS 1 TO 18 INCL &  
LOTS 67 TO 102 INCL &  
ALL OF VAC ROYALDALE AVE,  
ALL OF VAC TALBOT ST &  
VAC N 50 FT OF SOPERTON AVE  
ADJ TO SAME OF  
'BEAVER HEIGHTS' SUB  
01/14/85 FR 001 TO 026 INCL,  
BLK 101-010 TO 015 INCL &  
-038 TO 054 INCL & 059, &  
BLK 103-007 TO 011 INCL &  
-017 TO 021 INCL

**City of Troy - Assessing Department**  
**Dialogue Marketing, Inc.**  
**Estimate of Total Taxes and Tax Savings for IFEC Application**

|                      |           |             |             |             |             |             |             |             |             |
|----------------------|-----------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>Market Value</b>  | 2,843,362 | 2,530,592   | 1,923,250   | 1,288,578   | 773,147     | 417,499     | 204,575     | 92,059      | 38,665      |
| <b>50% of Value</b>  | 1,421,681 | 1,265,296   | 961,625     | 644,289     | 386,573     | 208,750     | 102,287     | 46,029      | 19,332      |
| <b>Year</b>          |           | <b>2012</b> | <b>2013</b> | <b>2014</b> | <b>2015</b> | <b>2016</b> | <b>2017</b> | <b>2018</b> | <b>2019</b> |
| <b>Depreciation</b>  |           | 0.8900      | 0.7600      | 0.6700      | 0.6000      | 0.5400      | 0.4900      | 0.4500      | 0.4200      |
| <b>Taxable Value</b> |           | 1,265,296   | 961,625     | 644,289     | 386,573     | 208,750     | 102,287     | 46,029      | 19,332      |

| <b>Taxes</b>            | <b>100% of Millage</b> | <b>Taxes</b> |
|-------------------------|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| <b>Trans County Zoo</b> | 0.59000                | \$746.52     | \$567.36     | \$380.13     | \$228.08     | \$123.16     | \$60.35      | \$27.16      | \$11.41      |
| <b>Int Schools</b>      | 4.64610                | \$5,878.69   | \$4,467.81   | \$2,993.43   | \$1,796.06   | \$969.87     | \$475.24     | \$213.86     | \$89.82      |
| <b>Comm Coll</b>        | 0.10000                | \$126.53     | \$96.16      | \$64.43      | \$38.66      | \$20.87      | \$10.23      | \$4.60       | \$1.93       |
| <b>State Ed</b>         | 3.36900                | \$4,262.78   | \$3,239.71   | \$2,170.61   | \$1,302.37   | \$703.28     | \$344.61     | \$155.07     | \$65.13      |
| <b>School Op</b>        | 1.58440                | \$2,004.74   | \$1,523.60   | \$1,020.81   | \$612.49     | \$330.74     | \$162.06     | \$72.93      | \$30.63      |
| <b>Sch Debt</b>         | 0.00000                | \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$0.00       |
| <b>Hold Harmless</b>    | 0.00000                | \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$0.00       |
| <b>Admin</b>            | 4.70000                | \$5,946.89   | \$4,519.64   | \$3,028.16   | \$1,816.89   | \$981.12     | \$480.75     | \$216.34     | \$90.86      |
| <b>City</b>             | 5.03810                | \$6,374.69   | \$4,844.76   | \$3,245.99   | \$1,947.59   | \$1,051.70   | \$515.33     | \$231.90     | \$97.40      |
| <b>Total</b>            | 0.14990                | \$189.66     | \$144.14     | \$96.58      | \$57.95      | \$31.29      | \$15.33      | \$6.90       | \$2.90       |
| <b>Total</b>            | 9.49000                | \$12,007.66  | \$9,125.82   | \$6,114.30   | \$3,668.58   | \$1,981.03   | \$970.71     | \$436.82     | \$183.46     |
| <b>Total</b>            | 29.66750               | \$37,538.17  | \$28,529.01  | \$19,114.43  | \$11,468.66  | \$6,193.08   | \$3,034.61   | \$1,365.57   | \$573.54     |

**Total Taxes 8 Yrs** \$107,817.06

**Total City Taxes 8 Yrs** \$34,488.38

|                                   |             |                                    |
|-----------------------------------|-------------|------------------------------------|
| <b>50% Total Taxes 8 Yrs</b>      | \$53,908.53 | <b>Net Total Taxes Abated</b>      |
| <b>50% Total City Taxes 8 yrs</b> | \$17,244.19 | <b>Net Total City Taxes Abated</b> |
| <b>2% Total City 8 Yrs</b>        | \$344.88    | <b>Application Fee (2% total c</b> |

**FOURTH AMENDMENT TO OFFICE LEASE**

THIS FOURTH AMENDMENT TO OFFICE LEASE ("Fourth Amendment") is made on 04/29/11, by and between Osprey-Troy Officentre, LLC, a Michigan limited liability company ("Landlord") whose address is 7600 Grand River Avenue, Suite #210, Brighton, MI 48114 and DIALOGUE MARKETING, INC., a Michigan corporation ("Tenant"), whose address is 3252 University Drive, Auburn Hills, MI 48326.

**WITNESSETH**

This Fourth Amendment is based upon the following:

WHEREAS, Landlord and Tenant are parties to that certain Office Lease dated November 30, 2009 as amended by the First Amendment dated January 8, 2010, Second Amendment dated August 16, 2010 and Third Amendment dated January 20, 2011 (collectively, the "Lease"), which expires June 30, 2015, subject to Tenant's earlier termination rights herein for office space described as Suite 400 of the **Troy Officentre, Bldg A**. Building ("Building") located at 300 East Big Beaver, Troy, MI 48083.

WHEREAS, the Tenant had requested an expansion area and that the Lease be accordingly amended, and the Landlord agreed to such request, all upon the terms set forth in this Amendment:

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree to the following effective upon execution of this Amendment unless stipulated otherwise:

**A. Premises.** Consisting of the Original Premises, Suite 400, approximately 32,199 rentable square feet ("rsf") in Building A and a portion of the fourth (4th) floor in Building B, consisting of approximately 10,000 rsf ("First Expansion Premises") for a total of 42,199 rsf. As of July 1, 2011, the Premises shall expand to include an expansion area also on the fourth (4th) floor of Building B consisting of approximately 12,131 rsf ("Second Expansion Premises"). As of July 1, 2011, the combined Premises now total 54,330 rsf.

**B. Base Rental** shall be amended to read:

**Original Premises, approximately 32,199 rsf.**

| Period               | S/R SF/YR | Total | Monthly |
|----------------------|-----------|-------|---------|
| 7/1/2011 - 6/30/2012 |           |       |         |
| 7/1/2012 - 6/30/2013 |           |       |         |
| 7/1/2013 - 6/30/2014 |           |       |         |
| 7/1/2014 - 6/30/2015 |           |       |         |

**First Expansion Premises, approximately 10,000 rsf.**

| Period                 | S/R SF/YR | Total | Monthly |
|------------------------|-----------|-------|---------|
| 5/1/2011 - 6/30/2011   |           |       |         |
| 7/1/2011 - 10/31/2011  |           |       |         |
| 11/1/2011 - 10/31/2012 |           |       |         |
| 11/1/2012 - 10/31/2013 |           |       |         |
| 11/1/2013 - 10/31/2014 |           |       |         |
| 11/1/2014 - 6/30/2015  |           |       |         |

**Second Expansion Premises, approximately 12,131 rsf.**

| Period                 | S/R SF/YR | Total | Monthly |
|------------------------|-----------|-------|---------|
| 7/1/2011 - 10/31/2011  |           |       |         |
| 11/1/2011 - 10/31/2012 |           |       |         |
| 11/1/2012 - 10/31/2013 |           |       |         |
| 11/1/2013 - 10/31/2014 |           |       |         |
| 11/1/2014 - 6/30/2015  |           |       |         |

**Rental Abatement Period.** Provided that Tenant is not then in default of the covenants and conditions in this Lease beyond the Notice and Cure Period, on Tenant's part to be performed, and no events have occurred which with the passage of time or the giving of notice, or both, would constitute a default by Tenant under the Lease, then Tenant shall not be obligated to pay Base Rental for the First Expansion Premises and the Second Expansion Premises for the months of July, August, September and October 2011. Tenant shall be required to pay suite electricity during the Rental Abatement Period.

**C. Premises Term.** The combined Premises which includes the Original, First and Second Expansion Premises shall have an Expiration Date of June 30, 2015.

**D. Early Access.** Tenant shall also have the right fourteen (14) days prior to Commencement during the installation of the Leasehold Improvements period to come onto the Premises to install its fixtures and prepare the Premises for the operation of Tenant's business. Notwithstanding the fact that foregoing activities by Tenant will occur prior to the scheduled Commencement Date, Tenant agrees that all of Tenant's obligations provided for in this Lease shall apply during such period with the exception of any obligation to pay Rent. Tenant shall be solely responsible for the installation, maintenance or repairs to phone lines, cabling and any communication wiring or cable in the Demised Premises regardless of whether such communication wiring or cabling is new or existing.

**E. Tenant's Pro Rata Share.** Section 1. P. of the Lease shall be amended to read 11.9371% (53,199/445,662).

**F. Right of First Offer.** Provided Tenant is not in default of the Lease beyond the notice and cure period, Tenant shall have the first right to lease the remaining portion of the 4<sup>th</sup> floor in Bldg B which is 9,018 rsf (Third Expansion Premises) under the same terms and conditions in the Lease. Landlord shall notify Tenant prior to issuing a proposal to a third party

LANDLORD

OSPREY-TROY OFFICENTRE, LLC  
A Michigan limited liability company

FIRST WITNESS

Signature: \_\_\_\_\_

Print name: \_\_\_\_\_

By: Michael G. Cottrell

Title: Chief Financial Officer

Date: \_\_\_\_\_

SECOND WITNESS

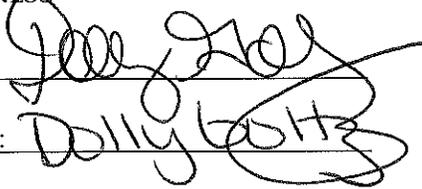
Signature: \_\_\_\_\_

Print name: \_\_\_\_\_

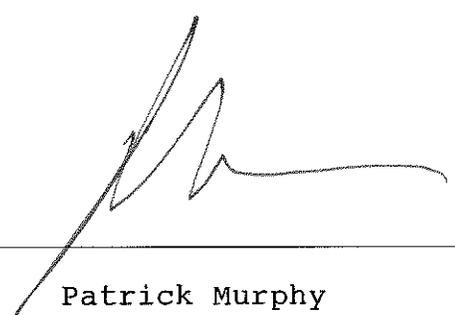
TENANT

DIALOGUE MARKETING, INC.  
A Michigan corporation

FIRST WITNESS

Signature:  \_\_\_\_\_

Print name: Dolly Boltz

By:  \_\_\_\_\_  
Patrick Murphy

Title: CFO

Date: 04/29/11

SECOND WITNESS

Signature: \_\_\_\_\_

Print name: \_\_\_\_\_

**I-4 Amending the Personal Property Tax Abatement Policy**

Resolution #2010-08-173

Moved by Beltramini

Seconded by Kerwin

WHEREAS, The City of Troy has the economic objective of (a) increasing employment opportunities, (b) diversifying and stabilizing the tax base of the community, (c) reducing economic obsolescence, (d) providing homogenous industrial areas, (e) encouraging expansion, (f) providing for improved public facilities, and (g) encouraging attractive, viable building sites and (h) enhancing our economic development tools to attract and retain businesses; and

WHEREAS, The Industrial Facilities Tax Act (P.A. 1974 No. 198), as amended, empowers cities to establish Industrial Development Districts (IDD) and to grant tax abatements for eligible properties established by the Act;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADOPTS** the following minimum criteria, as authorized by the Industrial Facilities Tax Act (P.A. 1974 No. 198):

1. An Industrial Facilities Exemption Certificate (IFEC) tax abatement shall not be granted until there is compliance with MCL 207.559; and
2. Any real and/or personal property tax abatement at a minimum must be revenue neutral to the City of Troy.
3. Leasehold property shall not qualify for an IFEC tax abatement unless applicant is responsible for payment of the property taxes, and can demonstrate timely payment of property taxes upon the City's request; and
4. An IFEC tax abatement shall not be issued for a period or term exceeding 12 years; and
5. An IFEC tax abatement shall not be issued unless an Applicant will create more than 10 jobs and/or has a personal property investment of at least \$750,000.00, and/or owns the underlying real property or has a lease for the underlying property for a minimum term of 5 years, as long as two of the three criteria are satisfied.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the use of the following matrix to calculate the length of an IFEC tax abatement, where the increase in the number of jobs created will increase the term of the IFEC abatement, and similarly the increase in the personal property investment and the ownership/lease conditions on the real property will increase the term of the IFEC abatement:

| Tax Abatement Matrix for Real and Personal Property |         |                |         |                         |         |
|---|---------|----------------|---------|-------------------------|---------|
| Job Creation  |         | Building Terms |         | RP and/or PP Investment |         |
| 10 - 24   | 1 year  | Own            | 4 years | \$ 750,000              | 1 year  |
| 25 - 49   | 2 years | Lease          |         | \$ 2,000,000            | 2 years |
| 50 - 99   | 3 years | 5 year         | 1 Year  | \$ 5,000,000            | 3 years |
| 100 - 149   | 4 years | 6 - 9 year     | 2 years | \$ 10,000,000           | 4 years |
| 150 - 199   | 5 years | 10 + year      | 4 years | \$ 20,000,000           | 5 years |
| 200 +   | 6 years |                |         |                         |         |

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the implementation of an application fee equal to 2% of the estimated personal property taxes abated under the terms of the IFEC tax abatement, or the actual costs of processing the application, whichever is less, and the City of Troy will not charge or collect any other fees for the application, in keeping with MCL 207.555 (3).

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

No: Howrylak

**MOTION CARRIED**

August 10, 2011

To: State Tax Commission  
P. O. Box 30471  
Lansing, MI 48909-7971

From: Leger A. (Nino) Licari, City Assessor

Re: Affidavit of Application Fees For IFEC

This affidavit attests to the fact that the City of Troy has charged an application fee in the amount of \$344.88, equal to 2% of the estimated abated City taxes for the life of the exemption for Dialogue Marketing, Inc., 300 E. Big Beaver, Troy, MI. 48083.

Further, no other fee or concession has been charged or accepted in regards to this application, or consideration thereof.

---

Signed: Leger A. (Nino) Licari, City Assessor

---

Dated:

**CITY OF TROY  
INDUSTRIAL FACILITIES EXEMPTION  
CERTIFICATE LETTER OF AGREEMENT**

This agreement between **Dialogue Marketing, Inc.**, (“Company”) and the **City of Troy**, is for the purpose of fulfilling the requirements of Public Act 198, as amended in Public Act 334, Section 22.

In consideration of approval of an Industrial Facilities Exemption Certificate (IFEC), **Dialogue Marketing, Inc.**, understands that through its investment of \$2,843,362.00 ~~and its qualification for Michigan Economic Growth Authority incentives~~, and the **City of Troy**, by its investment of the Industrial Facilities Exemption Certificate, are mutually investing in and benefiting from this economic development project, and furthermore, agree to the following:

- 1.) The length of time for which the abatement is approved is **8** years after either completion of construction of the facilities, or December 31, 2021, whichever is sooner.
- 2.) At the end of two (2) years or no later than December 31, 2013, **Dialogue Marketing, Inc.**, will report to the Assessing Department of the City of Troy the actual cost of this project and indicate any differences and the reason for any differences in the cost or scope of the project as compared to the IFEC application submitted by the Company.
- 3.) **Dialogue Marketing, Inc.**, agrees to remain within the City of Troy for the period of the Industrial Facilities Tax (IFT) abatement in order to retain the benefits of the IFT, unless permission for relocation is granted by the **City Council of the City of Troy**.

**Dialogue Marketing, Inc.**, further understands that if it chooses to leave the City of Troy without permission for relocation prior to the end of the term of the IFT, the **City Council of the City of Troy** has the right to recapture from the Company the total amount of taxes abated by the IFT.

- 4.) **Dialogue Marketing, Inc.**, understands that the City of Troy may reduce the term of the IFEC, revoke the IFEC and/or recover from the Company, the amount of taxes which were abated if the project has not been completed, expenditures made, as represented by the Company, in Section 12’C of its application, by sending a copy of this Agreement along with a copy of the City Council Resolution authorizing such action to the State Tax Commission.

- 5.) **Dialogue Marketing, Inc.**, agrees that it will operate the Project in accordance with all applicable Federal, State and Local laws or regulations, including but not limited to zoning, outside storage, industrial waste disposal, air and water quality, noise control, other environmental regulations, and all of the terms and conditions of any Consent Judgment governing the parcel.
- 6.) By execution of the Agreement, it is understood that the Company's investment in the Project, and the City of Troy's investment in the granting of the IFEC is to encourage economic growth within the City of Troy.

The City of Troy acknowledges that in some instances economic conditions may prevent the Company from complying fully with this Agreement, and the terms of the Application. The City of Troy will give the Company an opportunity to explain the reasons for any variations from the representations contained in the Application and will evaluate the Company's situation prior to taking any action authorized by Paragraph 4 and 5 of this Letter of Agreement.

- 7.) This Agreement constitutes the entire Agreement between the parties and there are no other remedies for breach of this Agreement other than as specified in this Agreement or as provided for in Public Act 198.

This agreement may only be altered upon mutual consent of both parties.

**CITY OF TROY**  
**INDUSTRIAL FACILITIES EXEMPTION**  
**CERTIFICATE LETTER OF AGREEMENT**  
(Signature page)

Signed: \_\_\_\_\_ (date) \_\_\_\_\_

Name:

Title:

Signed: \_\_\_\_\_ (date) \_\_\_\_\_  
Louise E. Schilling , Mayor  
City of Troy  
500 W Big Beaver  
Troy, MI 48084-5285

Signed: \_\_\_\_\_ (date) \_\_\_\_\_  
M. Aileen Bittner  
City Clerk

**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, October 17, 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 Dialogue Marketing, at the following location:

88-20-27-126-027 300 E. Big Beaver, Troy, MI. 48083  
T2N, R11E, Section 27 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, 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](mailto: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 COUNTY PTA  
1200 N TELEGRAPH Dept 479  
PONTIAC MI 48341-0479

PLANTE MORAN CRESA  
Attn: BENJAMIN R SMITH  
26300 NORTHWESTERN HWY  
SOUTHFIELD MI 48076

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

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

OAKLAND INTERMEDIATE  
SCHOOLS  
2111 PONTIAC LAKE  
WATERFORD MI 48328

DIALOGUE MARKETING  
Attn: PATRICK MURPHY  
3252 UNIVERSITY  
AUBURN HILLS MI 48326

---

**E-01 Establishment of an Industrial Development District (IDD) at 300 E. Big Beaver**

Suggested Resolution

Resolution #2011-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as 300 E. Big Beaver, Troy, MI. 48083, Parcel #88-20-27-126-027, 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:

No:



## CITY COUNCIL AGENDA ITEM

---

Date: October 17, 2011

To: John Szerlag, City Manager

From: Nino Licari, City Assessor

Subject: Public Hearing for the granting of an Industrial Facilities Exemption Certificate (IFEC) for Dialogue Marketing, Inc. at 300 E. Big Beaver

---

### Background:

Dialogue Marketing, Inc, is expanding their operations in Troy at 300 E. Big Beaver. As part of their expansion, they intend to purchase machinery and equipment valued at \$2,843,362.00. They will also add 150 new jobs to the 330 existing jobs they have in Troy. They are asking for Personal Property Tax Abatement, which they qualify for under City Council Policy Resolution #2010-08-173

### Financial Considerations:

The projected amount of the investment is \$2,843,362.00. Over the eight (8) year life of the abatement, the estimated total taxes would be \$107,817.06, of which \$34,488.38 would be City Taxes.

A 50% abatement amounts to a total savings to the taxpayer of \$53,908.53, of which \$17,244.19 would be abated City taxes.

### Legal Considerations:

The application meets all requirements of Public Act 198 of 1974 (as amended), the Plant Rehabilitation and Industrial Development Districts legislation.



## CITY COUNCIL AGENDA ITEM

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### Policy Considerations:

The application is in compliance with City Council Tax Abatement Policy Resolution #2010-08-173.

City Council goal;

**Attract and retain business investment**, including:  
Clearly articulate an economic investment plan.  
Clarify, reduce and streamline investment hurdles,

Is met with this abatement.

### Recommendation:

Since both legal and policy considerations are met, staff would recommend granting the tax abatement.

### Options:

City Council may approve the tax abatement. Or, City Council may choose not to grant the abatement. In which case, the Petitioner may appeal that decision to the State Tax Commission (STC).

NI/nl H:IFT\DialogueMktg\Memo IFEC 10.17.11

**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, October 17, 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 Dialogue Marketing, at the following location:

88-20-27-126-027 300 E. Big Beaver, Troy, MI. 48083  
T2N, R11E, Section 27 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, 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](mailto: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  
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OAKLAND COUNTY PTA  
1200 N TELEGRAPH Dept 479  
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PLANTE MORAN CRESA  
Attn: BENJAMIN R SMITH  
26300 NORTHWESTERN HWY  
SOUTHFIELD MI 48076

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

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

OAKLAND INTERMEDIATE  
SCHOOLS  
2111 PONTIAC LAKE  
WATERFORD MI 48328

DIALOGUE MARKETING  
Attn: PATRICK MURPHY  
3252 UNIVERSITY  
AUBURN HILLS MI 48326

**E - 02 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC) for Dialogue Marketing, Inc. – 300 E. Big Beaver**

Suggested Resolution

Resolution # 2011-

Moved by:

Seconded by:

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on October 17, 2011, established an Industrial Development District (IDD) for property known as 300 E. Big Beaver, Troy, MI. 48083, Parcel # 88-20-27-126-027; and

WHEREAS, An Application has been submitted by Dialogue Marketing, Inc., for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 300 E. Big Beaver, Troy, MI. 48083, for Eight (8) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on October 17, 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 Dialogue Marketing, Inc., at 300 E. Big Beaver, Troy, MI. 48083 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 Dialogue Marketing, Inc., at 300 E. Big Beaver, Troy, MI. 48083 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 to for an Industrial Facilities Exemption Certificate (IFEC) for Dialogue Marketing, Inc., Inc., at 300 E. Big Beaver, Troy, MI. 48083, Parcel # 88-20-27-126-027, for personal property for a term of eight (8) years, after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Dialogue Marketing, Inc., 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 Dialogue Marketing, Inc., 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 ITEM

Date                    October 12, 2011

TO:                     Mayor Schilling and City Council

FROM:                 John Szerlag, City Manager  
Mark F. Miller, Director of Economic and Community Development  
Aileen Bittner, City Clerk

SUBJECT:             Reconsideration of and Amendments to I-01b Appointments to Boards and  
Committees – City Council Nominations

In order to correct term expiration dates in the nominations to the Charter Revision Committee, the Liquor Advisory Committee and the Parks and Recreation Board, City Council is advised to Reconsider the Resolution #2011-10-227, Moved by Mayor Pro Tem Kerwin, Seconded by Council Member McGinnis, from the October 3, 2011, City Council Meeting.

Should the Reconsideration motion pass, the motion to Amend and the Amended motion are presented for consideration as well.

City Council Appointments to the Charter Revision Committee, the Liquor Advisory Committee and the Parks and Recreation Board can be considered immediately afterwards.

**I-01 Appointments to Boards and Committees**

- b) City Council Appointments: Animal Control Appeal Board; Charter Revision Committee; Election Commission; Historic District Commission; Liquor Advisory Committee; Municipal Building Authority; Parks and Recreation Board; Personnel Board; Traffic Committee; Zoning Board of Appeals**

**1) Resolution to be Reconsidered:**

Resolution #2011-10-227

Moved by Kerwin

Seconded by McGinnis

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

Animal Control Appeal Board

**Appointed by Council (5-Regular) - 3-Year Terms**

|                                    |                                |
|------------------------------------|--------------------------------|
| <b>Patrick Carolan</b>             | <b>Term Expires 09/30/2013</b> |
| <b>Jayne Saeger</b>                | <b>Term Expires 09/30/2014</b> |
| <b>Gretchen Waters, Steve Toth</b> | <b>Term Expires 09/30/2014</b> |

Charter Revision Committee

**Appointed by Council – (7-Regular) – 3-Year Term**

|                                 |                                |
|---------------------------------|--------------------------------|
| <b>Shirley Kanoza</b>           | <b>Term Expires 04/30/2013</b> |
| <b>Bob Berk and Jerry Bloom</b> | <b>Term Expires 04/30/2014</b> |
| <b>Mark Solomon</b>             | <b>Term Expires 04/30/2014</b> |
| <b>Cynthia Wilsher</b>          | <b>Term Expires 04/30/2014</b> |

Election Commission

**Appointed by Council – (2-Regular & 1-Charter) - 1-Year Term**

|                       |                                |
|-----------------------|--------------------------------|
| <b>David Anderson</b> | <b>Term Expires 01/31/2012</b> |
| <b>Timothy Dewan</b>  | <b>Term Expires 01/31/2012</b> |

Historic District Commission

**Appointed by Council – (7-Regular) – 3-Year Term**

|                      |                                |
|----------------------|--------------------------------|
| <b>W. Kent Voigt</b> | <b>Term Expires 03/01/2013</b> |
|----------------------|--------------------------------|

Liquor Advisory Committee

**Appointed by Council – (7-Regular) – 3-Year Term**

|                     |                                |
|---------------------|--------------------------------|
| <b>Patrick Hall</b> | <b>Term Expires 01/31/2014</b> |
|---------------------|--------------------------------|

|                          |                                |
|--------------------------|--------------------------------|
| <b>W. Stan Godlewski</b> | <b>Term Expires 01/31/2014</b> |
|--------------------------|--------------------------------|

|                     |                                |
|---------------------|--------------------------------|
| <b>Dan Ukrainec</b> | <b>Term Expires 01/31/2014</b> |
|---------------------|--------------------------------|

|                     |                                |
|---------------------|--------------------------------|
| <b>Jesse Pappas</b> | <b>Term Expires 07/31/2012</b> |
|---------------------|--------------------------------|

|                          |                                |
|--------------------------|--------------------------------|
| <b>Eunjoo Scherlinck</b> | <b>Term Expires 07/31/2012</b> |
|--------------------------|--------------------------------|

Municipal Building Authority

**Appointed by Council – (5-Regular) – 3-Year Term**

|                       |                                |
|-----------------------|--------------------------------|
| <b>Victor Freliga</b> | <b>Term Expires 01/31/2014</b> |
|-----------------------|--------------------------------|

Parks & Recreation Board

**Appointed by Council – (7-Regular) - 3 Year Term; (1-Troy School Board) - 1-Year Term**

|                       |                               |
|-----------------------|-------------------------------|
| <b>Kathleen Fejes</b> | <b>Term Expires 9/30/2013</b> |
|-----------------------|-------------------------------|

|                                       |                               |
|---------------------------------------|-------------------------------|
| <b>Tod Gazetti and JoAnn Thompson</b> | <b>Term Expires 9/30/2013</b> |
|---------------------------------------|-------------------------------|

|                       |                               |
|-----------------------|-------------------------------|
| <b>Meaghan Kovacs</b> | <b>Term Expires 9/30/2014</b> |
|-----------------------|-------------------------------|

|                    |                               |
|--------------------|-------------------------------|
| <b>Jan Zikakis</b> | <b>Term Expires 9/30/2014</b> |
|--------------------|-------------------------------|

|                     |                               |
|---------------------|-------------------------------|
| <b>Jeff Stewart</b> | <b>Term Expires 9/30/2014</b> |
|---------------------|-------------------------------|

|                   |                               |
|-------------------|-------------------------------|
| <b>Gary Hauff</b> | <b>Term Expires 7/31/2012</b> |
|-------------------|-------------------------------|

Personnel Board

**Appointed by Council – (5-Regular) – 3-Year Term**

**Ann Comiskey**

**Term Expires 4/30/2014**

Traffic Committee

**Appointed by Council – (7-Regular) – 3-Year Term**

**Al Petrulis**

**Term Expires 1/31/2014**

**Richard Kilmer**

**Term Expires 1/31/2014**

**Peter Ziegenfelder**

**Term Expires 1/31/2014**

Zoning Board of Appeals

**Appointed by Council (7-Regular) - 3-Year Term**

**A. Allen Kneale**

**Term Expires 04/30/2014**

**David Lambert**

**Term Expires 04/30/2014**

Yes: All-7

No: None

**MOTION CARRIED**

Yes:

No:

**2) Proposed Amendments to Reconsidered Resolution #2011-10-227:**

Animal Control Appeal Board

**Appointed by Council (5-Regular) - 3-Year Terms**

**Patrick Carolan**

**Term Expires 09/30/2013**

**Jayne Saeger**

**Term Expires 09/30/2014**

**Gretchen Waters, Steve Toth**

**Term Expires 09/30/2014**

Charter Revision Committee

**Appointed by Council – (7-Regular) – 3-Year Term**

**Shirley Kanoza**

**Term Expires 04/30/2013**

---

**Bob Berk, Jerry Bloom**

**Term Expires 04/30/2013**

---

**Mark Solomon**

**Term Expires 04/30/2014**

---

**Cynthia Wilsher**

**Term Expires 04/30/2014**

Election Commission

**Appointed by Council – (2-Regular & 1-Charter) - 1-Year Term**

---

**David Anderson**

**Term Expires 01/31/2012**

---

**Timothy Dewan**

**Term Expires 01/31/2012**

Historic District Commission

**Appointed by Council – (7-Regular) – 3-Year Term**

---

**W. Kent Voigt**

**Term Expires 03/01/2013**

Liquor Advisory Committee

**Appointed by Council – (7-Regular) – 3-Year Term**

---

**Patrick Hall**

**Term Expires 01/31/2013**

---

**W. Stan Godlewski**

**Term Expires 01/31/2014**

---

**Dan Ukrainec**

**Term Expires 01/31/2014**

---

**Jesse Pappas**

**Term Expires 07/31/2012**

---

**Eunjo Scherlinck**

**Term Expires 07/31/2012**

Municipal Building Authority

**Appointed by Council – (5-Regular) – 3-Year Term**

---

**Victor Freliga**

**Term Expires 01/31/2014**

Parks & Recreation Board

**Appointed by Council – (7-Regular) - 3 Year Term; (1-Troy School Board) - 1-Year Term**

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**Kathleen Fejes**

**Term Expires 9/30/2013**

---

**Tod Gazetti and JoAnn Thompson**

**Term Expires 9/30/2013**

|                       |                               |
|-----------------------|-------------------------------|
| <b>Meaghan Kovacs</b> | <b>Term Expires 9/30/2014</b> |
| <b>Jan Zikakis</b>    | <b>Term Expires 9/30/2014</b> |
| <b>Jeff Stewart</b>   | <b>Term Expires 9/30/2013</b> |
| <b>Gary Hauff</b>     | <b>Term Expires 7/31/2012</b> |

Personnel Board  
**Appointed by Council – (5-Regular) – 3-Year Term**

|                     |                               |
|---------------------|-------------------------------|
| <b>Ann Comiskey</b> | <b>Term Expires 4/30/2014</b> |
|---------------------|-------------------------------|

Traffic Committee  
**Appointed by Council – (7-Regular) – 3-Year Term**

|                           |                               |
|---------------------------|-------------------------------|
| <b>Al Petrulis</b>        | <b>Term Expires 1/31/2014</b> |
| <b>Richard Kilmer</b>     | <b>Term Expires 1/31/2014</b> |
| <b>Peter Ziegenfelder</b> | <b>Term Expires 1/31/2014</b> |

Zoning Board of Appeals  
**Appointed by Council (7-Regular) - 3-Year Term**

|                        |                                |
|------------------------|--------------------------------|
| <b>A. Allen Kneale</b> | <b>Term Expires 04/30/2014</b> |
| <b>David Lambert</b>   | <b>Term Expires 04/30/2014</b> |



## CITY COUNCIL AGENDA ITEM

Date: September 29, 2011

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police *GM 1002*  
 Captain Gerard Scherlinck *GS 1001*  
 Sergeant George Zielinski *G Zielinski*

Subject: Application for Transfer of Class C License to Troy Sports Restaurant

### Background

Troy Sports Restaurant, LLC requests to Transfer Ownership of 2011 Class C License with Entertainment Permit, Outdoor Service (2 Areas) and Official Permit (Food) located at 1835 E. Big Beaver, Troy, MI 48083, Oakland County, from Joseph Koolisky's LLC {MLCC Req. #620592}.

Owners Ronald Bostick and Dennis Bostick were present to answer questions from the Liquor Advisory Committee on September 12, 2011. The owners advised the Committee that they have owned the restaurant building for years and have acted as landlord. Now they are purchasing the business. The name and staff will remain the same.

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 approved the request.

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

### Recommendation

Recommend approval of the request for Transfer of Class C License to Troy Sports Restaurant.

Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, September 12, 2011 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Committee member Timothy P. Payne called the meeting to order at 7:03 p.m.

**ROLL CALL:**

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

**ABSENT:** Max K. Ehlert, Chairman  
Patrick C. Hall

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

**Resolution to Excuse Committee Members Ehlert & Hall**

Resolution #LC2011-09-26  
Moved by Kaltsounis  
Seconded by Ukrainec

RESOLVED, That the absence of Committee members Ehlert and Hall at the Liquor Advisory Committee meeting of September 12, 2011 be **EXCUSED**.

Yes: 5  
No: 0  
Absent: Ehlert, Hall

---

**Resolution to Approve Minutes of August 8, 2011 Meeting**

Resolution #LC2011-09-27  
Moved by Ukrainec  
Seconded by Godlewski

RESOLVED, That the Minutes of the August 8, 2011 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 5  
No: 0  
Absent: Ehlert, Hall

---

### Agenda Items

1. **Kamel Management, Inc.** requests new SDM License to be located at 186 West Maple, Troy, MI 48084, Oakland County {MLCC Req. #614894}. *This is Troy Smokers on Maple Road.*

Present to answer questions from the Committee was business owner Wassim Kamel.

Mr. Kamel advised the Committee that he has been in business at this location for two years and owns a liquor store in New Baltimore. He is requesting SDM license in order to sell beer and wine. He is aware that TIPS/TAMS training is required.

There were no issues from either the Police Department or the City Attorney's Office.

Resolution #LC2011-09-28  
Moved by Ukraineec  
Seconded by Godlewski

RESOLVED, That the Liquor Advisory Committee recommends that the request of Kamel Management, Inc. for a new SDM License to be located at 186 West Maple, Troy, MI 48084, Oakland County be **APPROVED**.

Yes: 5  
No: 0  
Absent: Ehlert, Hall

---

2. **Troy Sports Restaurant, LLC** requests to Transfer Ownership of 2011 Class C License with Entertainment Permit, Outdoor Service (2 Areas) and Official Permit (Food) located at 1835 E. Big Beaver, Troy, MI 48083, Oakland County, from Joseph Koolisky's LLC {MLCC Req. #620592}. *This is currently Joe Kool's Bar and Grill.*

Present to answer questions from the Committee were Ronald and Dennis Bostick.

The owners advised the Committee that they have owned the restaurant building for years and have acted as landlord. Now they are purchasing the business. The name and staff will remain the same.

Officer Feld informed the Committee that the Police Department has no objections to this license transfer. They have received Building Department approval. Approval is pending from the Fire Department and the Health Department.

Resolution #LC2011-09-29  
Moved by Kaltsunis  
Seconded by Ukrainec

RESOLVED, That the Liquor Advisory Committee recommends that the request of **Troy Sports Restaurant, LLC** to Transfer Ownership of 2011 Class C License with Entertainment Permit, Outdoor Service (2 Areas) and Official Permit (Food) located at 1835 E. Big Beaver, Troy, MI 48083, Oakland County, from Joseph Koolisky's LLC be **APPROVED**.

Yes: 5  
No: 0  
Absent: Ehlert, Hall

---

Assistant City Attorney Lancaster advised the Committee that her office will be reviewing the City Ordinance regarding smoke shops and researching possible amendments.

Ms. Lancaster also advised the Committee that another Class C quota liquor license may be available in view of the 2010 Census.

The meeting adjourned at 7:40 p.m.

---

Timothy P. Payne

---

Patricia A. Gladysz, Secretary II

**AGREEMENT REGARDING LIQUOR LICENSE REQUEST**

Re: Applicant: TROY SPORTS RESTAURANTS, LLC  
Address: 1819 BIG BEAVER,  
City/State/Zip: Troy, MI 480

Date: 8/24/11  
Type of License/s: CLASS C  
MLCC Request ID: 620592

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: Vicki L. Mour By: [Signature]  
Marilyn Zigler

Subscribed and sworn to before me this 24 day of August 2011  
Notary Public, Oakland County, MI  
Acting in the County of Macomb  
My commission expires: Oct. 15, 2011  
[Signature]

**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 # 620592  
 Business ID # 226809

**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:**

TROY SPORTS RESTAURANT, LLC REQUESTS TRANSFER OWNERSHIP 2011 CLASS C LICENSE WITH ENTERTAINMENT PERMIT, OUTDOOR SERVICE (2 AREAS) AND OFFICIAL PERMIT (FOOD) LOCATED AT 1835 E BIG BEAVER, TROY, MI 48083, OAKLAND COUNTY FROM JOSEPH KOOLISKY'S, L.L.C.

**Section 1. APPLICANT INFORMATION**

|   |  |
|---|--|
| APPLICANT #1: RONALD C. BOSTICK 2740 BROWNING DRIVE, LAKE ORION, MI 48360 H: 248-393-2042 B: 248-709-4000 | APPLICANT #2: DENNIS K. BOSTICK 1780 DUTTON, ROCHESTER, MI 48306 H: 248-652-8582 B: 586-939-5500 |
|---|--|

|  |  |
|--|--|
| DATE FINGERPRINTED**: NO FINGERPRINTS NEEDED | DATE FINGERPRINTED**: NO FINGERPRINTS NEEDED |
|--|--|

|  |  |
|--|--|
| DATE OF BIRTH:<br>Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No*<br>*Does the applicant have permanent Resident Alien status?<br><input type="checkbox"/> Yes <input type="checkbox"/> No*<br>*Does the applicant have a Visa? Enter status: | DATE OF BIRTH:<br>Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No*<br>*Does the applicant have permanent Resident Alien status?<br><input type="checkbox"/> Yes <input type="checkbox"/> No*<br>*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\*\***

|   |   |
|---|---|
| <b>ARREST RECORD:</b> <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor<br>Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed) | <b>ARREST RECORD:</b> <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor<br>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 # 620592

Business ID # 226809

**LAW ENFORCEMENT RECOMMENDATION**

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

August 18, 2011

TO: TROY POLICE DEPARTMENT

Re: TROY SPORTS RESTAURANT, LLC

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.

**OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: (FOOD) (recommendation required)**

Weekdays \_\_\_\_\_ A.M. to \_\_\_\_\_ A.M. \_\_\_\_\_

Sundays 10 A.M. to 12 P.M. \_\_\_\_\_

Recommended  Recommended, subject to final inspection  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.

**OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:**

Weekdays \_\_\_\_\_ A.M. to \_\_\_\_\_ A.M. \_\_\_\_\_

Sundays \_\_\_\_\_ A.M. to \_\_\_\_\_ A.M./P.M. \_\_\_\_\_

Recommended  Recommended, subject to final inspection  Not Recommended

**DANCE PERMIT**

Recommended  Recommended, subject to final inspection  Not Recommended

**ENTERTAINMENT PERMIT (recommendation required)**

Recommended  Recommended, subject to final inspection  Not Recommended

**TOPLESS ACTIVITY PERMIT**

Recommended  Recommended, subject to final inspection  Not Recommended

|   |
|---|
| <input checked="" type="checkbox"/> <b>OUTDOOR SERVICE (2 AREAS) (recommendation required)</b>  |
| <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 PERMIT  |
| <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: \_\_\_\_\_

een



## CITY COUNCIL AGENDA ITEM

---

Date: October 12, 2011  
To: John Szerlag, City Manager  
From: Timothy L. Richnak, Public Works Director  
Subject: Winter Maintenance Agreement, Road Commission for Oakland County

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### Background

Since 2001 the City of Troy has serviced all county roads in Troy for snow and ice control. The amount of compensation to the City has not increased since the 2007/2008 Winter Maintenance Contract, which does not cover costs but does provide for a higher level of service by the City of Troy.

Attached are copies of the proposed 2011/2012 Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy.

It is evident that this agreement is beneficial to all parties with regards to the level and timeliness of service. The City is able to administer Snow & Ice Control in a more timely and uniform manner to its high priority roads, while allowing the County to concentrate on its highest priority roads, I-75 and M-59.

### Recommendation

City Management is in agreement with the measured lane mile figures as presented, and with the calculations used to determine the level of compensation for each road configuration; therefore we recommend that the proposed maintenance agreement be approved with funding that is attached to the road segment selected by City Council.

### Fund Availability

Funds shall be made available in the operating budgets of the Streets Division for snow and ice control for county roads.

### City Attorney's Review as to Form and Legality

Approved as to Form and Legality:

\_\_\_\_\_  
Lori Grigg Bluhm, City Attorney

September 16, 2011

Mr. Timothy Richnak  
Director of Public Works  
City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084-5285

RE: 2011-2012 Winter Maintenance Agreement

Dear Mr. Richnak:

Attached are two copies of a Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy.

If this agreement is satisfactory, please return the two-signed copies and the resolution of approval by your City Council. One fully signed copy will be returned to you upon approval by the Board of Road Commissioners.

Please furnish proof that your liability insurance covers this agreement, and particularly covers your personnel and equipment working on county roads under the jurisdiction of the Board of Road Commissioners. If there are any changes in this coverage during the term of this agreement, we must be notified of these changes. We will also need a current certificate of membership in the Michigan Municipal Workers Compensation Fund.

The Board of Road Commissioners and I extend our appreciation to you, the City Council, and your personnel for the fine work that has been done. We will continue to cooperate in any way to provide our citizens with the best road system possible.

Sincerely,



Darryl M. Heid, P.E.  
Director of Highway Maintenance

/sll

Attachment



QUALITY LIFE THROUGH GOOD ROADS:  
ROAD COMMISSION FOR OAKLAND COUNTY  
"WE CARE"

*Board of Road Commissioners*

*Ronald J. Fowkes*  
Commissioner

*Gregory C. Jamian*  
Commissioner

*Eric S. Wilson*  
Commissioner

---

*Brent O. Bair*  
Managing Director

*Dennis G. Kolar, P.E.*  
Deputy Managing Director  
County Highway Engineer

Highway Maintenance  
Department  
Office of the Director

2420 Pontiac Lake Road  
Waterford, MI  
48328

248-858-4881

FAX  
248-858-7607

TDD  
248-858-8005

[www.rcocweb.org](http://www.rcocweb.org)

2011-2012 WINTER MAINTENANCE AGREEMENT  
CITY OF TROY

Under 1951 PA 51, As Amended

This Winter Maintenance Agreement ("Agreement") is made this \_\_\_\_ day of \_\_\_\_\_, 2011, between the Board of County Road Commissioners of the County of Oakland, State of Michigan, a public body corporate, hereinafter referred to as the "Board," and the City of Troy, Oakland County Michigan, a Michigan municipal corporation hereinafter referred to as the "City."

WHEREAS, certain county primary and local roads more specifically set forth in Exhibit A, attached hereto, are under the jurisdiction and control of the Board and are located within or adjacent to the City; and

WHEREAS, The City desires to be responsible for certain winter maintenance of said roads under the terms of this Agreement, and the Board is willing to participate in the cost thereof as provided in Section III of this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants set forth herein as provided, it is hereby agreed as follows:

I

The City hereby agrees to be responsible for performing Winter Maintenance of certain roads under the terms of this Agreement, and the Board agrees to participate in the cost thereof as provided in Section III of this Agreement. "Winter Maintenance," herein required to be performed by the City, shall mean snow removal and ice control, on all roads listed in Exhibit A, as follows: Snow removal by blading, plowing and other methods necessary to make the roads reasonably safe for public travel, and ice control by salting, sanding, scraping and other methods necessary to make the roads reasonably safe for public travel, together with such other work and services, such as recordkeeping and insurance, required by this Agreement. All Winter Maintenance work and services performed by the City shall be in accordance with the Board's maintenance guidelines, including the Board adopted Winter Maintenance Guidelines, the Board's standard practices and this Agreement.

II

The City shall keep accurate and uniform records of all Winter Maintenance work performed pursuant to this Agreement. The Board shall have the right to audit City accounts and records insofar as such documents concern this Agreement and the work and services performed and to be performed hereunder.

III

In consideration of the assumption of Winter Maintenance by the City, the Board hereby agrees to pay to the City the sum of \$249,691.36, as set forth in Exhibit A, attached hereto and made a part hereof. Such amounts are to be used by the City for Winter Maintenance. Payments are to be made by the Board to the City as follows:

35% in December, 2011  
65% in March, 2012

The making of said payments shall constitute the Board's entire obligation in reference to Winter Maintenance.

#### IV

The City hereby agrees to hold harmless, represent, defend and indemnify the Board, the Road Commission for Oakland County, its officers, and employees the County of Oakland; the Oakland County Drain Commissioner and applicable drainage districts(s); the Michigan State Department of Transportation and the Transportation Commission; and any and all local units(s) of government within which the roads subject to this Agreement are located, against any and all claims, charges, complaints, damages, or causes of action for (a) public or private property damage, (b) injuries to persons, or (c) other claims, charges, complaints, damages or causes of action arising out of the performance or non-performance of the activities which are the subject matter of this Agreement, specifically those activities set out in Section I, both known and unknown, whether during the progress or after the completion thereof. However, this hold harmless provision does not apply in so far as any claim or suit is alleged to be, or demonstrated to be, the result of a defect in highway design or condition and not related to the Winter Maintenance activities set out in Section I. Further, since the Board has the statutory responsibility for maintenance of the roads under this Agreement, it is the intent of the parties that the delegation by this Agreement of those maintenance responsibilities to the City provide immunity to the City as an agent of the County. Therefore, the City falls within the governmental immunity protection of the County.

During that part of the year that the City is providing Winter Maintenance under Section I, the City agrees to promptly notify the Board as soon as possible, but not longer than 10 days, should it become aware of defects or maintenance requirements in the roads set forth in Exhibit A, if said defects or maintenance requirements are not Winter Maintenance subject to this Agreement.

#### V

The City shall acquire and maintain, during the term of the Agreement, statutory worker's compensation insurance, automobile and comprehensive general liability insurance coverage, as described in Exhibit B attached hereto, covering the Board's liability for any and all claims arising out of the City's performance or non-performance of the activities which are the subject matter of this Agreement.

Without the prior written consent of the Board, the City shall not cancel, reduce, or fail to renew the insurance coverage required by this Agreement. Certificates of insurance for each policy of insurance required by this Agreement shall provide for 30 days actual (not "endeavor to"), prior, written notice to the RCOC by the insurance carrier of any cancellation, termination, reduction or other material change of the policy; and the City shall deliver such certificates to the RCOC.

#### VI

The City further agrees to comply with all applicable laws and regulations, including laws and regulations of the State of Michigan for safeguarding the air and waters of the State. In particular, City facilities and operations must meet the provisions of Part 5 (Spillage of Oil and Polluting Materials) rules promulgated pursuant to Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. (Rules R324.2001 through R324.2009 address release prevention planning, secondary containment, surveillance, and release reporting requirements).

#### VII

In accordance with Michigan 1976 Public Acts No. 220 and 453, being MCLA §§37.1209 and 37.2209, as the same may be amended, the City and its subcontractors shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or matter directly or indirectly related to employment, because of race, color, religion, national

origin, age, sex, height, weight, or marital status; or because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position.. A breach of this covenant may be regarded as a material breach of this Agreement.

VIII

It is the intention of the parties hereto that this Agreement is not made for the benefit of any third party.

It is anticipated that subsequent agreements regarding Winter Maintenance activities will be executed annually by the Parties hereto.

The terms and conditions of this Agreement shall become effective on October 1, 2011, and shall continue in full force and effect until a subsequent Winter Maintenance agreement has been executed by the parties hereto or until this Agreement is terminated, as set forth below.

In the event that a subsequent Winter Maintenance agreement has not been executed by the parties hereto on or before September 1, 2012, either party may terminate this Agreement by providing the other party hereto with written notice of intent to terminate, at least thirty (30) days prior to the date of termination.

This Agreement is executed by the Board at its meeting of \_\_\_\_\_, and by the City by authority of a resolution of its governing body, adopted \_\_\_\_\_, (copy attached as Exhibit C).

Witnesses:

CITY OF TROY  
A Municipal Corporation

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Witnesses:

BOARD OF COUNTY ROAD COMMISSIONERS  
OF THE COUNTY OF OAKLAND,  
A Public Body Corporate

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

WINTER MAINTENANCE  
2011-2012  
CITY OF TROY

EXHIBIT A

Long Lake Road

Extending from Adams to Dequindre

|                                   |                    |
|-----------------------------------|--------------------|
| 1.54 miles at \$3,252.78 per mile | \$ 5,009.28        |
| 0.16 miles at \$4,615.14 per mile | \$ 738.42          |
| 3.47 miles at \$5,692.38 per mile | \$ 19,752.56       |
| 0.86 miles at \$7,020.96 per mile | <u>\$ 6,038.03</u> |
| TOTAL                             | \$ 31,538.29       |

John R Road

Extending from Fourteen Mile Road to South Boulevard

|                                      |                    |
|--------------------------------------|--------------------|
| 1.15 miles at \$3,252.78.00 per mile | \$ 3,740.70        |
| 0.32 miles at \$4,615.14 per mile    | \$ 1,476.84        |
| 4.37 miles at \$5,692.38 per mile    | \$ 24,875.70       |
| 0.38 miles at \$7,020.96 per mile    | <u>\$ 2,667.96</u> |
| TOTAL                                | \$ 32,761.20       |

Big Beaver

Extending from Adams to Dequindre

|                                   |                     |
|-----------------------------------|---------------------|
| 3.40 miles at \$5,692.38 per mile | \$ 19,354.09        |
| 2.61 miles at \$7,020.96 per mile | <u>\$ 18,324.71</u> |
| TOTAL                             | \$ 37,678.80        |

Crooks Road

Extending from Maple Road to South Boulevard

|                                   |                    |
|-----------------------------------|--------------------|
| 0.38 miles at \$3,252.78 per mile | \$ 1,236.06        |
| 0.26 miles at \$4,615.14 per mile | \$ 1,199.94        |
| 3.08 miles at \$5,692.38 per mile | \$ 17,532.53       |
| 1.40 miles at \$7,020.96 per mile | <u>\$ 9,829.34</u> |
| TOTAL                             | \$ 29,797.87       |

Livernois Road

Extending from Maple Road to South Boulevard

|                                   |                    |
|-----------------------------------|--------------------|
| 1.31 miles at \$3,252.78 per mile | \$ 4,261.14        |
| 0.34 miles at \$4,615.14 per mile | \$ 1,569.15        |
| 3.05 miles at \$5,692.38 per mile | \$ 17,361.76       |
| 0.43 miles at \$7,020.96 per mile | <u>\$ 3,019.01</u> |
| TOTAL                             | \$ 26,211.06       |

CITY OF TROY  
EXHIBIT A  
(Continued)

Maple Road

Extending from Dequindre to Coolidge  
5.01 Miles at \$5,692.38 per mile \$ 28,518.83

South Boulevard

Extending from Dequindre to Adams  
5.96 Miles at \$3,252.78 per mile \$ 19,386.57

Dequindre Road

Extending from Fourteen Mile to South Boulevard  
2.16 Miles at \$3,252.78 per mile \$ 7,026.00  
3.98 Miles at \$5,692.38 per mile \$ 22,655.67  
TOTAL \$ 29,681.67

Adams Road

Extending from South Troy City Limits to South Boulevard  
4.34 Miles at \$3,252.78 per mile \$ 14,117.07

TOTAL \$249,691.36

CITY OF TROY  
 EXHIBIT A  
 (Continued)

TWO LANES

(\$3,252.78 per mile)

|                   |                     |
|-------------------|---------------------|
| 1.54 miles        | \$ 5,009.28         |
| 1.15 miles        | \$ 3,740.70         |
| 0.38 miles        | \$ 1,236.06         |
| 1.31 miles        | \$ 4,261.14         |
| 5.96 miles        | \$ 19,386.57        |
| 2.16 miles        | \$ 7,026.00         |
| <u>4.34 miles</u> | <u>\$ 14,117.07</u> |
| 16.84 miles       | \$ 54,776.82        |

THREE LANES

(\$4,615.14 per mile)

|                   |                    |
|-------------------|--------------------|
| 0.16 miles        | \$ 738.42          |
| 0.32 miles        | \$ 1,476.84        |
| 0.26 miles        | \$ 1,199.94        |
| <u>0.34 miles</u> | <u>\$ 1,569.15</u> |
| 1.08 miles        | \$ 4,984.35        |

FOUR OR FIVE LANES

(\$5,692.38 per mile)

|                   |                     |
|-------------------|---------------------|
| 3.47 miles        | \$ 19,752.56        |
| 4.37 miles        | \$ 24,875.70        |
| 3.40 miles        | \$ 19,354.09        |
| 3.08 miles        | \$ 17,532.53        |
| 3.05 miles        | \$ 17,361.76        |
| 5.01 miles        | \$ 28,518.83        |
| <u>3.98 miles</u> | <u>\$ 22,655.67</u> |
| 26.36 miles       | \$150,051.14        |

SIX OR MORE LANES

(\$7,020.96 per mile)

|                   |                    |
|-------------------|--------------------|
| 0.86 miles        | \$ 6,038.03        |
| 0.38 miles        | \$ 2,667.96        |
| 2.61 miles        | \$ 18,324.71       |
| 1.40 miles        | \$ 9,829.34        |
| <u>0.43 miles</u> | <u>\$ 3,019.01</u> |
| 5.68 miles        | \$ 39,879.05       |

TOTAL 49.96 miles \$249,691.36

|                       |                     |
|-----------------------|---------------------|
| 35% in December, 2011 | \$ 87,391.98        |
| 65% in March, 2012    | <u>\$162,299.38</u> |
|                       | \$249,691.36        |

**EXHIBIT B**

**2011-2012 WINTER MAINTENANCE AGREEMENT**

**ROAD COMMISSION FOR OAKLAND COUNTY**

**SPECIAL PROVISION FOR INSURANCE**

Insurance Coverage:

The City, prior to execution of the maintenance agreement, shall file with the Road Commission for Oakland County, copies of completed certificates of insurance as evidence that he carries adequate insurance satisfactory to the Board. Insurance coverage shall be provided in accordance with the following:

- a. Workmen's Compensation Insurance: The insurance shall provide protection for the City's employees, to the statutory limits of the State of Michigan and \$500,000 employer's liability. The indemnification obligation under this section shall not be limited in any ways by any limitation on the amount or type of damages, compensation or benefits payable by or for the City under worker's disability compensation coverage established by law.
- b. Bodily Injury and Property Damage Other than Automobile: The insurance shall provide protection against all claims for damages to public or private property, and injuries to persons arising out of and during the progress and to the completion of the work, and with respect to product and completed operations for one year after completion of the work.

|                            |             |                                 |
|----------------------------|-------------|---------------------------------|
| 1. Bodily Injury Liability |             | or: Single Limit: Bodily Injury |
| Each Person:               | \$1,000,000 | and Property Damage             |
| Each Occurrence            | \$1,000,000 | Each Occurrence: \$1,000,000    |
| Aggregate                  | \$2,000,000 | Aggregate: \$2,000,000          |

Property Damage Liability:

|                  |           |
|------------------|-----------|
| Each Occurrence: | \$250,000 |
| Aggregate:       | \$250,000 |

Such insurance shall include: 1) explosion, collapse, and underground damage hazards (x,c,u), which shall include, but not be limited to coverage for (a) underground damage to facilities due to drilling and excavating with mechanical equipment; and (b) collapse or structural injury to structures due to blasting or explosion, excavation, tunneling, pile driving, cofferdam work, or building moving or demolition; (2) products and completed operations; (3) contractual liability; and (4) independent contractors coverages.

- 2. Bodily Injury Liability and Property Damage Liability - Automobiles (Comprehensive Auto Liability) – The minimum limits of bodily injury liability and property damage liability shall be:

|                         |             |                               |
|-------------------------|-------------|-------------------------------|
| Bodily Injury Liability |             | Single Limit: Bodily Injury   |
| Each Person             | \$ 500,000  | and Property Damage Liability |
| Each Occurrence         | \$1,000,000 | Each Occurrence: \$2,000,000  |

Property Damage Liability:

|                  |             |
|------------------|-------------|
| Each Occurrence: | \$1,000,000 |
|------------------|-------------|

Such insurance shall include coverage for all owned, hired, and non-owned vehicles.

- c. Excess and Umbrellas Insurance – The City may substitute corresponding excess and/or umbrella liability insurance for a portion of the above listed requirements in order to meet the specified minimum limits of liability.
- d. The City shall provide for and in behalf of the Road Commission for Oakland County and all agencies specified by the Road Commission, as their interest may appear, Owner’s Protective Public Liability Insurance. Such insurance shall provide coverage and limits the same as the City’s Public Liability Insurance.
- e. Notice – The City shall not cancel, renew, or non-renew the coverage of any insurance required by this Section without providing 30 day prior written notice to the Road Commission for Oakland County. All such insurance shall include an endorsement whereby the insurer shall agree to notify the Road Commission for Oakland County immediately of any reduction by the City. The City shall cease operations on the occurrence of any such cancellation or reduction, and shall not resume operations until new insurance is in force. If the City cannot secure the required insurance within 30 days, the Board reserves the right to terminate the Contract.
- f. Reports – The City or his insurance carrier shall immediately report all claims received which relate to the Contract, and shall also report claims investigations made, and disposition of claims to the County Highway Engineer.

See provisions of the maintenance agreement to which this Exhibit B is attached.

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

## **A. CALL TO ORDER:**

A Regular Meeting of the Troy City Council was held Monday, October 3, 2011, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the meeting to order at 7:30 PM.

## **B. ROLL CALL:**

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

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

### **C-1 Certificates of Recognition and Special Presentations**

- a) City Manager's Presentation of the Performance Dashboard Required by the State of Michigan**
- b) I/ACT Presentation – Linda Shears**

## **D. CARRYOVER ITEMS:**

### **D-1 No Carryover Items**

## **E. PUBLIC HEARINGS:**

### **E-1 Community Development Block Grant (CDBG) 2012 Application and Public Hearing**

Resolution #2011-10-224  
 Moved by Beltramini  
 Seconded by Howrylak

Mayor Schilling **OPENED** the Public Hearing.  
 Mayor Schilling **CLOSED** the Public Hearing after receiving no public comment.

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs; and

WHEREAS, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan; and

WHEREAS, The City of Troy has duly advertised and conducted a public hearing on October 3, 2011 for the purpose of receiving public comments regarding the proposed use of FY 2012 Community Development Block Grant funds (CDBG) in the approximate amount of \$143,525.00; and

WHEREAS, The City of Troy found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need.

| Account Number | Project Name                    | Amount       |
|----------------|---------------------------------|--------------|
| 172160-732170  | Public Services (Yard Services) | \$ 21,528.00 |
| 172170-730744  | Flood Drain Improvements        | \$121,997.00 |

THEREFORE, BE IT RESOLVED, That the City of Troy CDBG application is hereby **AUTHORIZED** to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that the Mayor is hereby **AUTHORIZED** to execute all documents, agreements, or contracts which result from this application to Oakland County.

Yes: All-7

No: None

## MOTION CARRIED

### F. PUBLIC COMMENT:

|                   |   |
|-------------------|---|
| Walters, Roger    | Spoke about traffic issues on Boyd Street.  |
| Schepke, Gordon   | Spoke about damaging or removing political campaign signs.  |
| Peters, Richard   | Spoke about various topics.   |
| Savage, James     | Commended and thanked Council Member Howrylak for his years of dedicated service on City Council. |
| DeBacker, Deborah | Spoke about transparency and campaign finances.   |

### 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:

#### a) Mayoral Nominations

Resolution #2011-10-225

Moved by Schilling  
 Seconded by Beltramini

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

**Downtown Development Authority**

Appointed by Mayor (13-Regular) – 4 Year Term

|                              |                         |
|------------------------------|-------------------------|
| Ernest Reschke (At Large)    | Term Expires 09/30/2014 |
| Douglas Schroeder (At Large) | Term Expires 09/30/2014 |
| Ward Randall (In District)   | Term Expires 09/30/2014 |

**Economic Development Corporation**

Appointed by Mayor (9-Regular) – 6 Year Term

|                |                         |
|----------------|-------------------------|
| Charles Salgat | Term Expires 04/30/2016 |
| Mark Miller    | Term Expires 04/30/2017 |

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

**MOTION CARRIED**

**b) City Council Nominations**

Moved by Kerwin  
 Seconded by McGinnis

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

**Animal Control Appeal Board**

Appointed by Council (5-Regular) - 3-Year Terms

|                             |                         |
|-----------------------------|-------------------------|
|                             | Term Expires 09/30/2012 |
| Patrick Carolan             | Term Expires 09/30/2013 |
| Jayne Saeger                | Term Expires 09/30/2014 |
| Gretchen Waters, Steve Toth | Term Expires 09/30/2014 |

**Charter Revision Committee**

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

---

Shirley Kanoza Term Expires 04/30/2013

---

Bob Berk Term Expires 04/30/2014

---

Mark Solomon Term Expires 04/30/2014

---

Cynthia Wilsher Term Expires 04/30/2014**Election Commission**

Appointed by Council – (2-Regular &amp; 1-Charter) - 1-Year Term

---

David Anderson Term Expires 01/31/2012

---

Timothy Dewan Term Expires 01/31/2012**Historic District Commission**

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

---

W. Kent Voigt Term Expires 03/01/2013**Liquor Advisory Committee**

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

---

Patrick Hall Term Expires 01/31/2014

---

W. Stan Godlewski Term Expires 01/31/2014

---

Dan Ukrainec Term Expires 01/31/2014

---

Jesse Pappas Term Expires 07/31/2012

---

Eunjoo Scherlinck Term Expires 07/31/2012**Municipal Building Authority**

Appointed by Council – (5-Regular) – 3-Year Term

---

Victor Freliga Term Expires 01/31/2014

**Parks & Recreation Board**

Appointed by Council – (7-Regular) - 3 Year Term; (1-Troy School Board) - 1-Year Term

|                |                        |
|----------------|------------------------|
| Kathleen Fejes | Term Expires 9/30/2013 |
| Tod Gazetti    | Term Expires 9/30/2013 |
| Meaghan Kovacs | Term Expires 9/30/2014 |
| Jan Zikakis    | Term Expires 9/30/2014 |
| Jeff Stewart   | Term Expires 9/30/2014 |
| Gary Hauff     | Term Expires 7/31/2012 |

**Personnel Board**

Appointed by Council – (5-Regular) – 3-Year Term

|              |                        |
|--------------|------------------------|
| Ann Comiskey | Term Expires 4/30/2014 |
|--------------|------------------------|

**Traffic Committee**

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

|                    |                        |
|--------------------|------------------------|
| Al Petrulis        | Term Expires 1/31/2014 |
| Richard Kilmer     | Term Expires 1/31/2014 |
| Peter Ziegenfelder | Term Expires 1/31/2014 |

**Zoning Board of Appeals**

Appointed by Council (7-Regular) - 3-Year Term

|                 |                         |
|-----------------|-------------------------|
| A. Allen Kneale | Term Expires 04/30/2014 |
| David Lambert   | Term Expires 04/30/2014 |

**Resolution to Amend to Add Nominations to Charter Revision Committee and Parks & Recreation Board**

Resolution #2011-10-226

Moved by Howrylak

Seconded by Fleming

**Charter Revision Committee**

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

|                          |                         |
|--------------------------|-------------------------|
| Shirley Kanoza           | Term Expires 04/30/2013 |
| Bob Berk and Jerry Bloom | Term Expires 04/30/2014 |
| Mark Solomon             | Term Expires 04/30/2014 |
| Cynthia Wilsher          | Term Expires 04/30/2014 |

**Parks & Recreation Board**

Appointed by Council – (7-Regular) - 3 Year Term; (1-Troy School Board) - 1-Year Term

|                                |                        |
|--------------------------------|------------------------|
| Kathleen Fejes                 | Term Expires 9/30/2013 |
| Tod Gazetti and JoAnn Thompson | Term Expires 9/30/2013 |
| Meaghan Kovacs                 | Term Expires 9/30/2014 |
| Jan Zikakis                    | Term Expires 9/30/2014 |
| Jeff Stewart                   | Term Expires 9/30/2014 |
| Gary Hauff                     | Term Expires 7/31/2012 |

Yes: All-7

No: None

**MOTION CARRIED****Vote on Resolution I-2 Board and Committee Nominations: b) City Council Nominations**

Resolution #2011-10-227

Moved by Kerwin

Seconded by McGinnis

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

**Animal Control Appeal Board**

Appointed by Council (5-Regular) - 3-Year Terms

---

 Term Expires 09/30/2012

---

 Patrick Carolan

---

 Term Expires 09/30/2013

---

 Jayne Saeger

---

 Term Expires 09/30/2014

---

 Gretchen Waters, Steve Toth

---

 Term Expires 09/30/2014

### **Charter Revision Committee**

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

---

 Shirley Kanoza

---

 Term Expires 04/30/2013

---

 Bob Berk and Jerry Bloom

---

 Term Expires 04/30/2014

---

 Mark Solomon

---

 Term Expires 04/30/2014

---

 Cynthia Wilsher

---

 Term Expires 04/30/2014

### **Election Commission**

Appointed by Council – (2-Regular & 1-Charter) - 1-Year Term

---

 David Anderson

---

 Term Expires 01/31/2012

---

 Timothy Dewan

---

 Term Expires 01/31/2012

### **Historic District Commission**

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

---

 W. Kent Voigt

---

 Term Expires 03/01/2013

### **Liquor Advisory Committee**

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

---

 Patrick Hall

---

 Term Expires 01/31/2014

---

 W. Stan Godlewski

---

 Term Expires 01/31/2014

---

 Dan Ukrainec

---

 Term Expires 01/31/2014

---

 Jesse Pappas

---

 Term Expires 07/31/2012

---

 Eunjoo Scherlinck

Term Expires 07/31/2012

---

**Municipal Building Authority**

Appointed by Council – (5-Regular) – 3-Year Term

---

 Victor Freliga

Term Expires 01/31/2014

---

**Parks & Recreation Board**

Appointed by Council – (7-Regular) - 3 Year Term; (1-Troy School Board) - 1-Year Term

---

 Kathleen Fejes

Term Expires 9/30/2013

---

 Tod Gazetti and JoAnn Thompson

Term Expires 9/30/2013

---

 Meaghan Kovacs

Term Expires 9/30/2014

---

 Jan Zikakis

Term Expires 9/30/2014

---

 Jeff Stewart

Term Expires 9/30/2014

---

 Gary Hauff

Term Expires 7/31/2012

---

**Personnel Board**

Appointed by Council – (5-Regular) – 3-Year Term

---

 Ann Comiskey

Term Expires 4/30/2014

---

**Traffic Committee**

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

---

 Al Petrusis

Term Expires 1/31/2014

---

 Richard Kilmer

Term Expires 1/31/2014

---

 Peter Ziegenfelder

Term Expires 1/31/2014

---

**Zoning Board of Appeals**

Appointed by Council (7-Regular) - 3-Year Term

---

 A. Allen Kneale

Term Expires 04/30/2014

---

 David Lambert

Term Expires 04/30/2014

Yes: All-7  
 No: None

## MOTION CARRIED

---

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

---

### I-4 Ordinance Revisions in Accordance with Troy City Council Resolution Requesting Expunging of Boards and Committees

Resolution #2011-10-228  
 Moved by Kerwin  
 Seconded by McGinnis

#### a) Resolution to Amend Chapter 9 – Troy Public Library

RESOLVED, That Troy City Council hereby **AMENDS** Chapter 9, Troy Public Library, of the Troy City Code in accordance with the proposal prepared by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

#### b) Resolution to Strike Chapter 12 – Historical Commission

RESOLVED, That Troy City Council hereby **STRIKES** in totality Chapter 12, Historical Commission, of the Troy City Code in accordance with the proposal prepared by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

#### c) Resolution to Amend Chapter 13 – Historic Preservation

RESOLVED, That Troy City Council hereby **AMENDS** Chapter 13, Historic Preservation, of the Troy City Code in accordance with the proposal prepared by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

## MOTION CARRIED

## J. CONSENT AGENDA:

---

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

Resolution #2011-10-229  
 Moved by McGinnis  
 Seconded by Slater

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

Yes: All-7  
No: None

**MOTION CARRIED**

---

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

---

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

Resolution #2011-10-229-J-2a

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

- a. Regular City Council Meeting of September 26, 2011

---

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

---

**J-4 Standard Purchasing Resolutions**

- a) **Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications – Ice Melt Compounds**

Resolution #2011-10-229-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide one (1) year requirements of ice melt compounds with an option to renew for one (1) additional year for the City of Troy and participating MITN (Michigan Intergovernmental Trade Network) Purchasing Cooperative Members to the lowest bidder meeting specifications for both proposals A) and B) - Washington Elevator Co, Inc of Washington, MI, at unit prices contained in the bid tabulation opened September 21, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring October 31, 2012.

---

**J-5 Traffic Committee Recommendations and Minutes – September 21, 2011**

---

Resolution #2011-10-229-J-5

**Item 3: Changing Existing YIELD Sign to STOP Sign – Southbound Milburn at Prescott**

RESOLVED, That the Traffic Committee recommends changing the existing **YIELD** sign on southbound Milburn at Prescott to a **STOP** sign.

**Item 4: Changing Existing YIELD Sign to STOP Sign – Northbound Milburn at Brinston**

RESOLVED, That the Traffic Committee recommends changing the existing **YIELD** sign on northbound Milburn at Brinston to a **STOP** sign.

**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:****a) Lifelong Learning Committee as Advanced by Mayor Pro Tem Kerwin**

Resolution #2011-10-230  
Moved by Kerwin  
Seconded by Beltramini

WHEREAS, Troy Futures/Vision 2020 Lifetime Learning Committee recommended the formation of a committee to achieve a preferred future; and

WHEREAS, The Lifelong Learning Committee would be responsible for determining community lifetime learning needs, coordinating learning opportunity content and communicating opportunities at the Troy Library to people who live and work in Troy; and

WHEREAS, The Lifelong Learning Committee would ensure that the Library's learning opportunities are provided in user-friendly formats compatible with the skills and resources of users and adapt to change as needed; and

WHEREAS, The Lifelong Learning Committee would have wide community representation of key community stakeholders who meet as needed with the Library Director to ensure the realization and utilization of a superior 21<sup>st</sup> century library; and

WHEREAS, The Lifelong Learning Committee would include representatives from public and private schools within Troy; colleges and institutions of higher education; PTA, PTO and Boosters; Student Councils; Troy Chamber of Commerce; I/ACT; Troy businesses; Troy Library, Recreation, Historic Village, and Nature Center; Friends of the Troy Public Library; Service clubs; and should include ethnic and age diversity and library and non-library cardholders; and

WHEREAS, The Lifelong Learning Committee's responsibilities include those iterated by the Lifetime Learning Task Force and any other responsibilities deemed important by the Library Director, and will be a vital conduit for community input; and

WHEREAS, The Committee should be involved in the strategic planning process and subsequent implementation of the plan, and continue to work with the Library Director afterward to provide stakeholder input and community involvement; and

WHEREAS, The Library Director will report committee recommendations and achievements to Council on a quarterly basis;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DIRECTS** staff to establish a Lifelong Learning Committee which fulfills the goals described herein.

Yes: All-7

No: None

## **MOTION CARRIED**

## **M. COUNCIL COMMENTS**

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### **M-1 No Council Comments Advanced**

Mayor Schilling announced that the Troy Police Department Pistol Team won the State Governors Cup for the 9<sup>th</sup> consecutive year.

Mayor Schilling announced that she represented the community by attending William Beaumont Hospital-Troy 11<sup>th</sup> Annual Silent Witness Commemorative.

Mayor Pro Tem Kerwin applauded City Council for meeting City Council Vision Statement and Goals #3 – Build a Sense of Community.

Council Member Beltramini commented on the Traffic.

Council Member Beltramini thanked Mayor Pro Tem Kerwin for her hard work on Item L-1 a) Lifelong Learning Committee as Advanced by Mayor Pro Tem Kerwin.

Council Member Beltramini commented on AARP tax service for seniors.

## **N. REPORTS**

---

### **N-1 Minutes – Boards and Committees:**

- a) Traffic Committee-Final-June 15, 2011
  - b) Zoning Board of Appeals-Final (Revised)-June 21, 2011
  - c) Zoning Board of Appeals-Final-August 16, 2011  
Noted and Filed
- 

### **N-2 Department Reports: None Submitted**

---

### **N-3 Letters of Appreciation:**

- a) Letter Appreciation from Jeff Williams to Gary Bowers, Thanking the Planning Department and Ordinance Enforcement Inspectors for Their Quick Response  
Noted and Filed
- 

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

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**N-5 Notice of Hearing for the Natural Gas Customers of Consumers Energy Company  
Case No. U-16855**

Noted and Filed

The meeting **RECESSED** at 9:15 PM.

The meeting **RECONVENED** at 9:25 PM.

**O. STUDY ITEMS**

---

**O-1 Economic and Community Development Division Update**

---

**O-2 IMLA/ICMA Report – Troy City Attorney’s Office**

**P. CLOSED SESSION:**

---

**P-1 No Closed Session Requested**

**Q. ADJOURNMENT**

The meeting **ADJOURNED** at 10:35 PM.

---

Mayor Louise E. Schilling

---

M. Aileen Bittner, CMC  
City Clerk



## CITY COUNCIL AGENDA ITEM

---

October 10, 2011

TO: John Szerlag, City Manager

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

SUBJECT: Standard Purchasing Resolution 4: National Intergovernmental Purchasing Alliance (NIPA)  
Disk Based Backup System

---

### **Background**

The City has always utilized a tape based backup system as the primary backup-and-restore medium for off-site data storage. This hardware is located in City Hall and backs up all systems in the City incrementally each day and then fully each weekend. Over the course of a week approximately 14 tapes are utilized to accommodate upwards of 5.35 terabytes of backup data which continues to grow each week.

Although this system has served the city well, it is very labor intensive to manage, and relatively slow. Every week the tape jukebox must be emptied and tapes are sent to our off site location at the DPW. A new set of tapes are received and reloaded for the next week's backups. This process involves the IT Department and the Motor Pool who manages the offsite tapes. As our storage needs expand so do the number of tapes required and the storage space to house those tapes. Additionally, throughout the week IT routinely receives requests to restore files from backup. If that backup is off-site the restore is delayed as it necessitates retrieval of tapes from DPW.

Tape-based backup solutions have been the default medium for offsite storage for the last 50 years. However, increasing data storage needs, shrinking backup windows, the need to recover critical applications quickly, and declining disk costs have combined to push tape out of the spotlight in favor of disk-based solutions.

There are several advantages to a disk-based solution:

- Faster restores. All backups will be available immediately on-line. No need to search for the appropriate tapes. Also the nature of tapes is that they are sequential. You have to search through the tape to find the files needed, whereas disks are randomly accessible allowing quicker access to files.
- Greater reliability. Tapes are notorious for failures. Statistically a tape recovery can fail 10%-70% of the time. Disks in a RAID configuration are much more reliable and resilient to failure. In addition, they are self contained with less sensitivity to environmental conditions and have less moving parts that can jam or breakdown.
- Easier management. Requires no physical access and much less human intervention to manage. Nothing has to be sent off site or reloaded on a regular basis. Simply monitoring success of the backups and storage capacity are all that are required. This also allows the device to be placed in a location such that files are immediately backed up to an off-site area for disaster recovery purposes.
- Data de-duplication. This is a data compression technique offered by most disk-based backup systems that reduces the amount of storage needed for a given set of files by eliminating redundant data. This allows for much more efficient use of the hardware.

It is the intention of the IT Department to place this device at the Troy School District Service Center to establish an offsite server/data recovery location. The City currently has a rack in that location containing equipment that connects the DPW, the Police/Fire Training Center and City Hall via fiber optic cable. This



## CITY COUNCIL AGENDA ITEM

---

October 10, 2011

To: John Szerlag, City Manager  
Re: Disk Based Backup System

would simply be additional hardware in that same rack. The TSD Service Center would serve as an ideal recovery site. The rack is already in an established controlled environment, and there are multiple pathways to the data in the event of a disaster.

### **Recommendation**

City management recommends the current 6-year old tape backup system be replaced with an EXAGRID EX5000 disk-based system from CDW-G through the NIPA technology solutions contract #083052-01 competitively solicited and awarded by Tucson, AZ for a cost of \$21,800.00 with an annual recurring maintenance cost of approximately \$3,000.00. Purchase of this system would eliminate annual maintenance on the tape based system of \$1,135.00 resulting in a net increase in annual maintenance of \$1,865.00.

### **Fund Availability**

Funds are available in the Information Technology budget for the 2011/2012 fiscal year.

G:\Bid Award 10-11 New Format\Award Standard Purchasing Resolution 4 - Disk Based Backup System10-11.doc



# SALES QUOTATION

| QUOTE NO. | ACCOUNT NO. | DATE      |
|-----------|-------------|-----------|
| CGVT047   | 6360514     | 8/17/2011 |

**BILL TO:**  
 GERTRUDE PARASKEVIN  
 500 W BIG BEAVER RD

**SHIP TO:**  
 CITY OF TROY  
 Attention To: GERTRUDE PARASKEVIN  
 500 W BIG BEAVER RD

Accounts Payable  
 TROY , MI 48084-5254

TROY , MI 48084-5254  
 Contact: STEVE  
 POIRIER 248.680.7235

Customer Phone #248.524.3416

Customer P.O. # EXAGRID EX5000

| ACCOUNT MANAGER         | SHIPPING METHOD          | TERMS              | EXEMPTION CERTIFICATE |
|-------------------------|--------------------------|--------------------|-----------------------|
| JEFF JONES 866.668.9487 | Drop Ship Common Carrier | Master Card / VISA | GOVT-EXEMPT           |

| QTY | ITEM NO. | DESCRIPTION  | UNIT PRICE | EXTENDED PRICE |
|-----|----------|--|------------|----------------|
| 1   | 2321316  | EXAGRID EX5000 RAW13TB W/GRID&REPL<br>Mfg#: EXD-EX-13TB-DB<br>Contract: National IPA Tech Solutions<br>083052-01 | 21,800.00  | 21,800.00      |
| 1   | 2321317  | EXAGRID EX5000 1Y 8X5 SUPPORT<br>Mfg#: EXD-EX-13TB-1YR-8X5<br>Contract: National IPA Tech Solutions<br>083052-01 | 3,000.00   | 3,000.00       |
|     |          |  | SUBTOTAL   | 24,800.00      |
|     |          |  | FREIGHT    | 0.00           |
|     |          |  | TAX        | 0.00           |

US Currency

**TOTAL** 24,800.00

CDW Government  
 230 North Milwaukee Ave.  
 Vernon Hills, IL 60061  
 Phone: 847.371.5000

Fax: 312-752-3557

**Please remit payment to:**  
 CDW Government  
 75 Remittance Drive  
 Suite 1515  
 Chicago, IL 60675-1515



## CITY COUNCIL AGENDA ITEM

---

October 12, 2011

To: John Szerlag, City Manager  
From: Susan Leirstein, Purchasing Director  
Tim Richnak, Public Works Director  
Subject: Public Works Consolidation Renovations

---

### Background

The ICMA report recommended the consolidation of the Parks and Building Operations Divisions into the Public Works Department. This has been incorporated organizationally but staff has not been brought together into the Public Works facility. In order to bring staff together to most effectively interact, communicate, and assist each other it is important we provide suitable office and meeting space. This will require some renovation to the existing Public Works facility.

To accomplish this we are moving our sign shop operations to the Parks Maintenance building behind the main DPW facility. The space vacated will then be converted to office space as illustrated in Attachment A. This work will be completed through a combination of in-house and contract work. All office furniture needs are being filled with current city materials as shown in Attachment B.

The converted office space will contain stations for 5 Leaders, 2 Field Supervisors, 2 Division Supervisors, 1 Project Manager and 1 Cross Connection Inspector. This will allow all management and office staff to be brought into the Public Works facility with adequate meeting, records and office space.

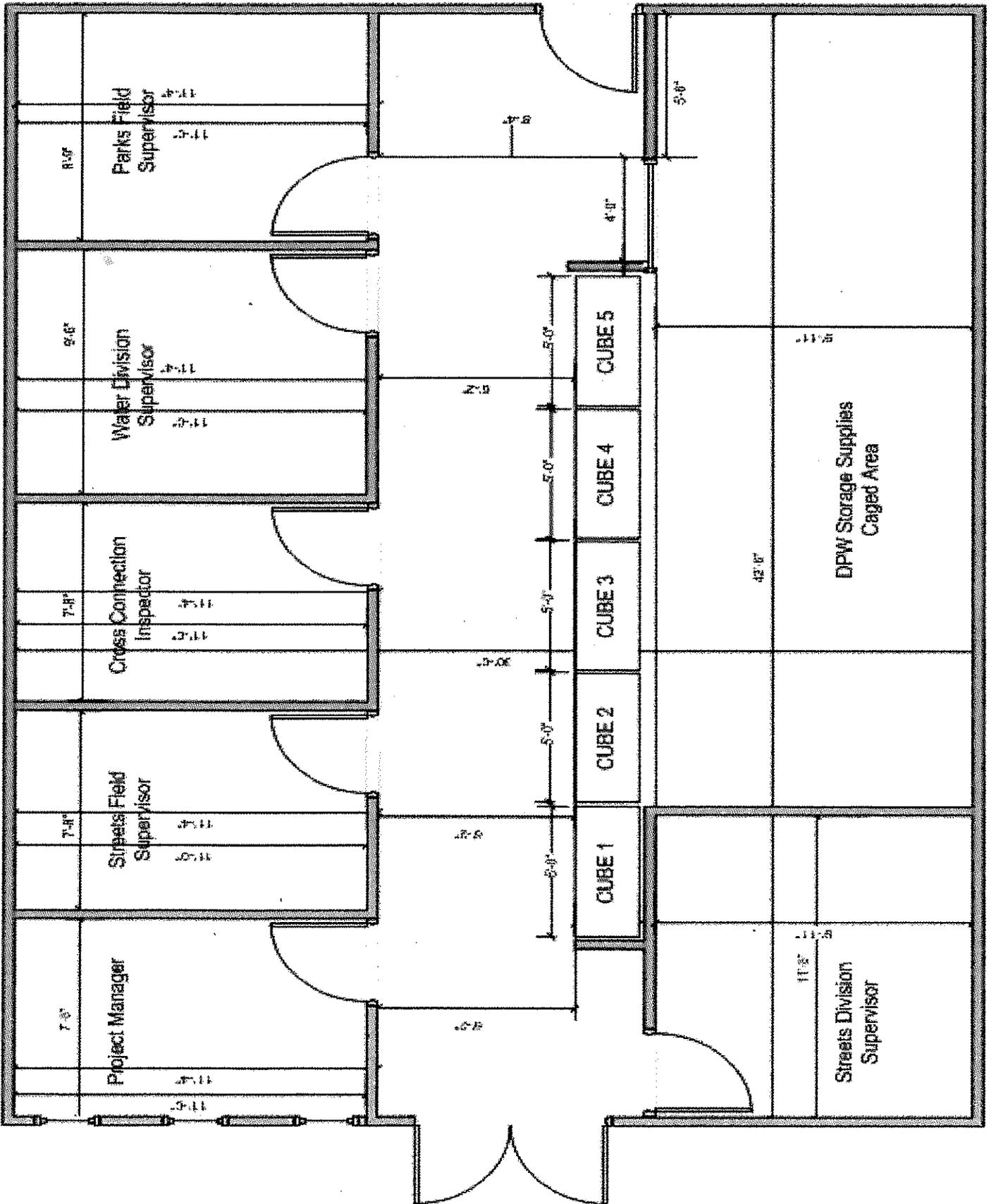
### Recommendation

City management requests approval and authorization to complete the renovations to the Public Works facility in accordance with the proposed floor plan, Attachment A and detailed pricing, Attachment B.

### Fund Availability

Funds have been budgeted and are available in the Water and Sewer Capital and Public Works Capital accounts for an estimated total cost of \$43,910.00.

# Attachment A



# Attachment B

**DETAILED COST ESTIMATES**

**Renovation for DPW FIELD PERSONEL OFFICE - Square Footage 1260**

|   | <b>Price</b>       |
|---|--------------------|
| Base Cove   | \$450.00           |
| Blinds  | \$500.00           |
| Carpet with Glue \$30.00 per sq. yard X 110 sq. yards   | \$3,300.00         |
| ( 6 ) Wood Hollow Entry Doors with frames, hardware and locksets  | \$3,000.00         |
| Drywall includes complete wall construction   | \$2,000.00         |
| Electrical  | \$1,200.00         |
| Lighting includes additional lights, exit signs and emergency lighting  | \$200.00           |
| Paint ( 2 ) coats with primer   | \$1,000.00         |
| Misc. Items   | \$750.00           |
| Install new window on South Exterior Wall to match existing replacing rusted out door.<br>Material and Labor will be provided by others | \$5,200.00         |
| Shelving Units ( Material Only ) provided by Shelving Inc.  | \$2,286.32         |
| <b>TOTAL ESTIMATED MATERIAL COST</b>  | <b>\$19,886.32</b> |
| In house labor cost estimated based at \$37.00 per hour   | \$15,000.00        |
| <b>ESTIMATED COST WITH LABOR</b>  | <b>\$34,886.32</b> |
| <b>Communications ( Pricing provided from IT Department )</b>   | <b>\$7,023.71</b>  |
| <b>Furniture</b>  |                    |
| Workstations ( reuse existing inventory from Field Engineering Office )   | <b>\$0.00</b>      |
| In house labor cost to tear down, move and re-install workstations  | <b>\$2,000.00</b>  |
| <b>Estimated Total Cost for the Entire Project</b>  | <b>\$43,910.03</b> |



## CITY COUNCIL AGENDA ITEM

---

Date: October 10, 2011

To: John Szerlag, City Manager

From: Mark F. Miller, Assistant City Manager/Economic Development Services  
Steven J. Vandette, City Engineer  
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request to Abandon a Portion of an Existing Sanitary Sewer Easement and Acceptance of a Permanent Sanitary Sewer Easement – Sidwell #88-20-32-200-032, Cambridge Crossings Shops #2, LLC

---

### Background

As part of a redevelopment project located in the Cambridge Crossings Shopping Mall (WalMart and Marshall's), located in Section 32 on the south side of Fifteen Mile at Maplelawn the Engineering Department has received proposed plans to redesign a portion of the public utilities to accommodate a reconfiguration of the existing facilities.

The City Engineering department has reviewed all proposed plans and has no objection to the abandonment of part of the existing sanitary sewer easement previously granted to the City and recorded with Oakland County Register of Deeds in Liber 21432, Page 290.

In its' place, the Engineering department has received a new sanitary sewer easement granted by Cambridge Crossings Shops #2, LLC, owner of the property having Sidwell #88-20-32-200-032 to the City of Troy.

### Recommendations

Staff recommends that City Council approve the request for abandonment of a portion of an existing sanitary sewer easement by way of a quit claim deed to the current property owner. In addition, staff recommends that City Council accept the attached easement, consistent with our policy of accepting easements for development and improvement purposes.

LIBER 21432 PAGE 290  
\$11.00 MISC RECORDING  
\$2.00 REORDUMENTATION  
05/30/2000 01:46:59 P.M. RECEIPT# 38404  
PAID RECORDED - OAKLAND COUNTY  
G. WILLIAM CARDELL, CLERK/REGISTER OF DEEDS

PERMANENT EASEMENT

Sidwell #88-20-

Cambridge Crossing Shops #1, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is C/O The Nelson Companies Incorporated, 6060 Orchard Lake Road, Suite 200, West Bloomfield, Michigan 48322 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 Sanitary Sewer over, under & across the real property situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed \_\_\_\_\_ signature(s) this 10 day of May A.D. 192000

In presence of:  
WITNESS

Cambridge Crossings Shops #1, L.L.C.,  
a Michigan limited liability company

By: Wellington Properties I, L.L.C., a  
Michigan limited liability company,  
Member

By [Signature] (L.S.)  
\*David R. Nelson  
Its: Member

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 10 day of May, 2000, by David R Nelson, Manager of Wellington Properties I, L.L.C., a Michigan limited liability company, Member of Cambridge Crossings Shops #1, L.L.C., a Michigan Limited Liability Company, on behalf of the company.

(a)

[Signature]  
\*Catherine Kim Shierk  
Notary Public, Oakland County, Michigan

My Commission Expires 7-30-01

Prepared by: Dennis C. Stephens  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

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

O.K.

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

241712ST

13

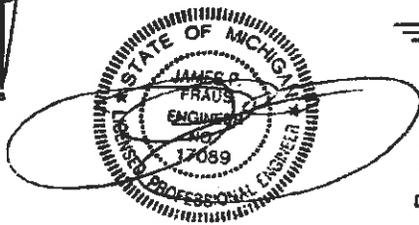
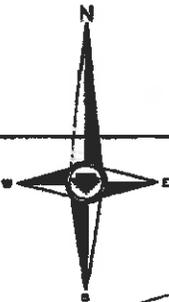
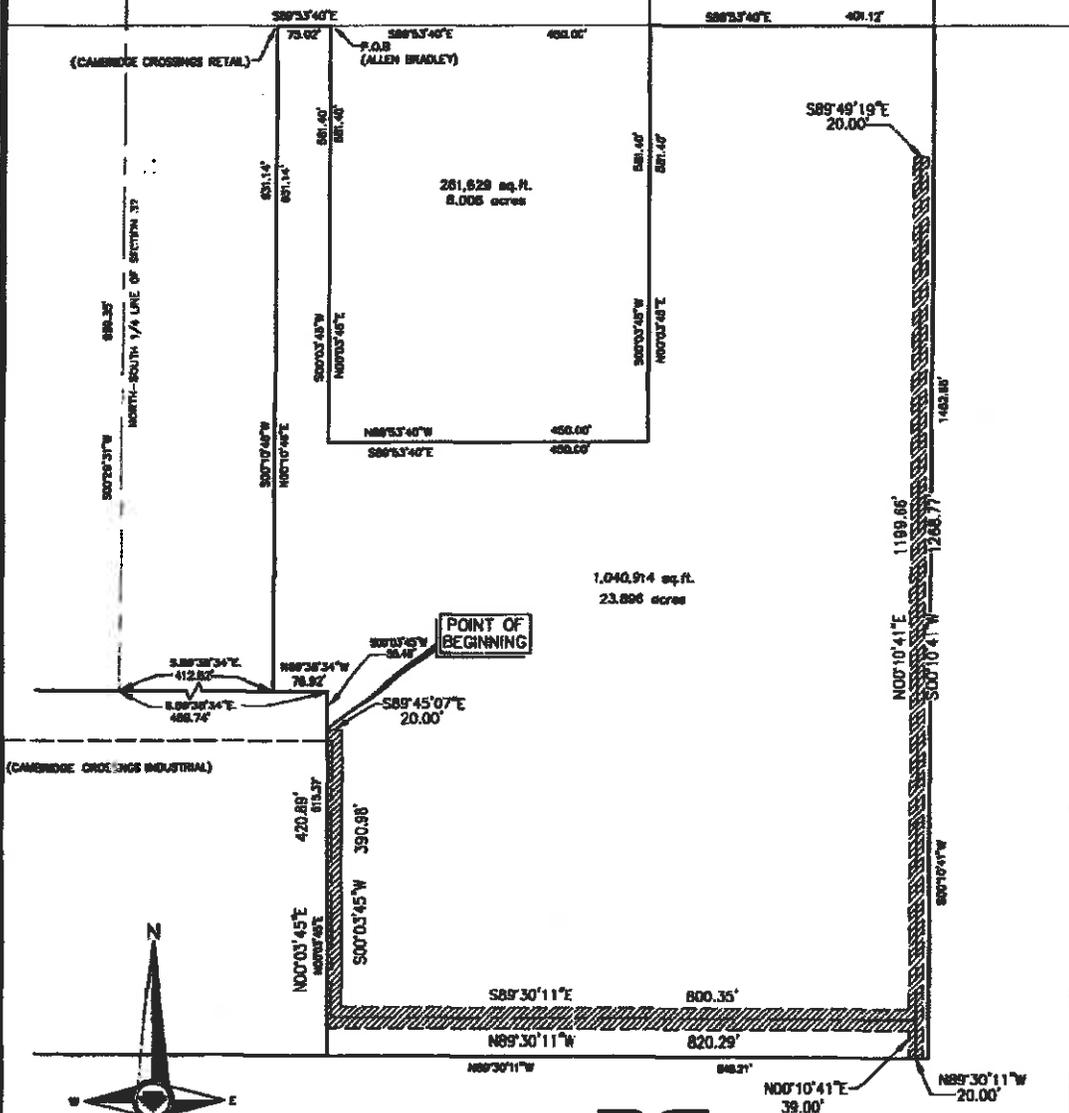
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**Exhibit A**

NORTH 1/4 CORNER  
OF SECTION 32  
T.2N., R.11E.

**PROPOSED SANITARY SEWER EASEMENT**

**MAPLE ROAD (120.00 FT. WD.)**



**NOWAK & FRAUS**

Civil Engineers Land Surveyors

1310 N. Stephenson Highway Tel. (248) 399-0886  
Royal Oak, Michigan 48067-1508 Fax. (248) 399-0805

DRAWN: SCALE: DATE: JOB No. SHEET  
MPS 1" = 200' 04-25-00 8-8217 1 of 2  
REV. 04-28-00

8'4  
20

41  
0'

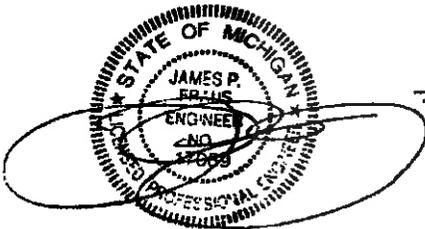
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inc

**Exhibit B**  
**PROPOSED SANITARY SEWER EASEMENT**

**LEGAL DESCRIPTION**

An easement for sanitary sewer which is described as being located in part of the Northeast 1/4 of Section 32, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, being more particularly described as commencing at the North 1/4 Corner of said Section 32; thence S.00°29'31"W., 989.35 feet along the North and South 1/4 line of said Section 32; thence S.89°38'34"E., 489.74 feet; thence S.00°03'45"W., 55.48 feet to the point of beginning; thence S.89°45'07"E., 20.00 feet; thence S.00°03'45"W., 390.98 feet; thence S.89°30'11"E., 800.35 feet; thence N.00°10'41"E., 1199.66 feet; thence S.89°49'19"E., 20.00 feet; thence S.00°10'41"W., 1268.77 feet; thence N.89°30'11"W., 20.00 feet; thence N.00°10'41"E., 39.00 feet; thence N.89°30'11"W., 820.29 feet; thence N.00°03'45"E., 420.89 feet to the point of beginning.

*PART OF 20-32-200-030*



**NOWAK & FRAUS**

Civil Engineers Land Surveyors

1310 N. Stephenson Highway  
 Royal Oak, Michigan 48067-1508

Tel. (248) 399-0886  
 Fax. (248) 399-0805

|        |        |               |         |        |
|--------|--------|---------------|---------|--------|
| DRAWN: | SCALE: | DATE:         | JOB No. | SHEET  |
| MPS    | None   | 04-25-00      | 8-8217  | 2 of 2 |
|        |        | REV. 04-28-00 |         |        |

**PERMANENT EASEMENT**

Sidwell #88-20-32-200-032

CAMBRIDGE CROSSINGS SHOPS #2, LLC, a Delaware limited liability company, Grantor(s), whose address is 3333 New Hyde Park Road, New Hyde Park, NY 11042 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 sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART OF

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed HIS signature(s) this 17th day of AUGUST A.D. 2011.

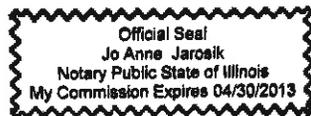
CAMBRIDGE CROSSINGS SHOPS #2, LLC  
a Delaware limited liability company

By: Kimco Preferred Investor X, Inc., a  
Delaware corporation, its Managing  
Member

By Robert Nadler (S.)  
\* ROBERT NADLER  
Its Vice-President  
VICE-PRESIDENT

STATE OF ILLINOIS )  
COUNTY OF WILL )

The foregoing instrument was acknowledged before me this 17th day of AUGUST, 2011, by ROBERT NADLER, the VICE PRESIDENT, of Kimco Preferred Investor X., Inc., a Delaware limited liability company, on behalf of the company.



Jo Anne Jarosik  
\*  
Notary Public, WILL County, IL  
My Commission Expires 4-30-2013  
Acting in COOK County, IL

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

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

**SANITARY SEWER EASEMENT:**

**EXHIBIT 'A'**

Part of the Northeast ¼ of Section 32, T2N-R11E, situated in the City of Troy, County of Oakland and State of Michigan, and being part of lands dedicated to Cambridge Crossing Shops #2, LLC in liber 28689, page 246, and being more particularly described as follows:

Commencing at a 5/8" iron pin, with cap stamped D11, in monument box, said point being the North ¼ corner of Section 32, Town 2 North, Range 11 East;

Thence South 00° 29' 31" West, a distance of 60.00 feet to ~~a point in~~ the southerly right of way line of West Maple Road;

Thence following along the southerly right of way line of said West Maple Road, South 89° 53' 40" East, a distance of 402.74 feet to the northwesterly corner of said Cambridge lands;

Thence following along the westerly line of said Cambridge lands for the following courses:

South 00° 10' 46" West, a distance of 931.12 feet;

South 89° 38' 34" East, a distance of 81.92 feet;

South 00° 03' 45" West, a distance of 55.48 feet to the northerly line of an Existing Sanitary Sewer Easement;

Thence following along the northerly and easterly lines of said Existing Easement for the following courses:

South 89° 45' 07" East, a distance of 20.00 feet;

South 00° 03' 45" West, a distance of 390.98 feet;

South 89° 30' 11" East, a distance of 174.67 feet to the northerly line of a New Sanitary Sewer Easement, said point being the POINT OF BEGINNING;

Thence following along the edge of said New Easement for the following courses:

South 44° 21' 06" East, a distance of 28.96 feet;

South 89° 32' 50" East, a distance of 191.75 feet;

North 46° 01' 23" East, a distance of 29.09 feet;

South 04° 19' 26" West, a distance of 30.07 feet;

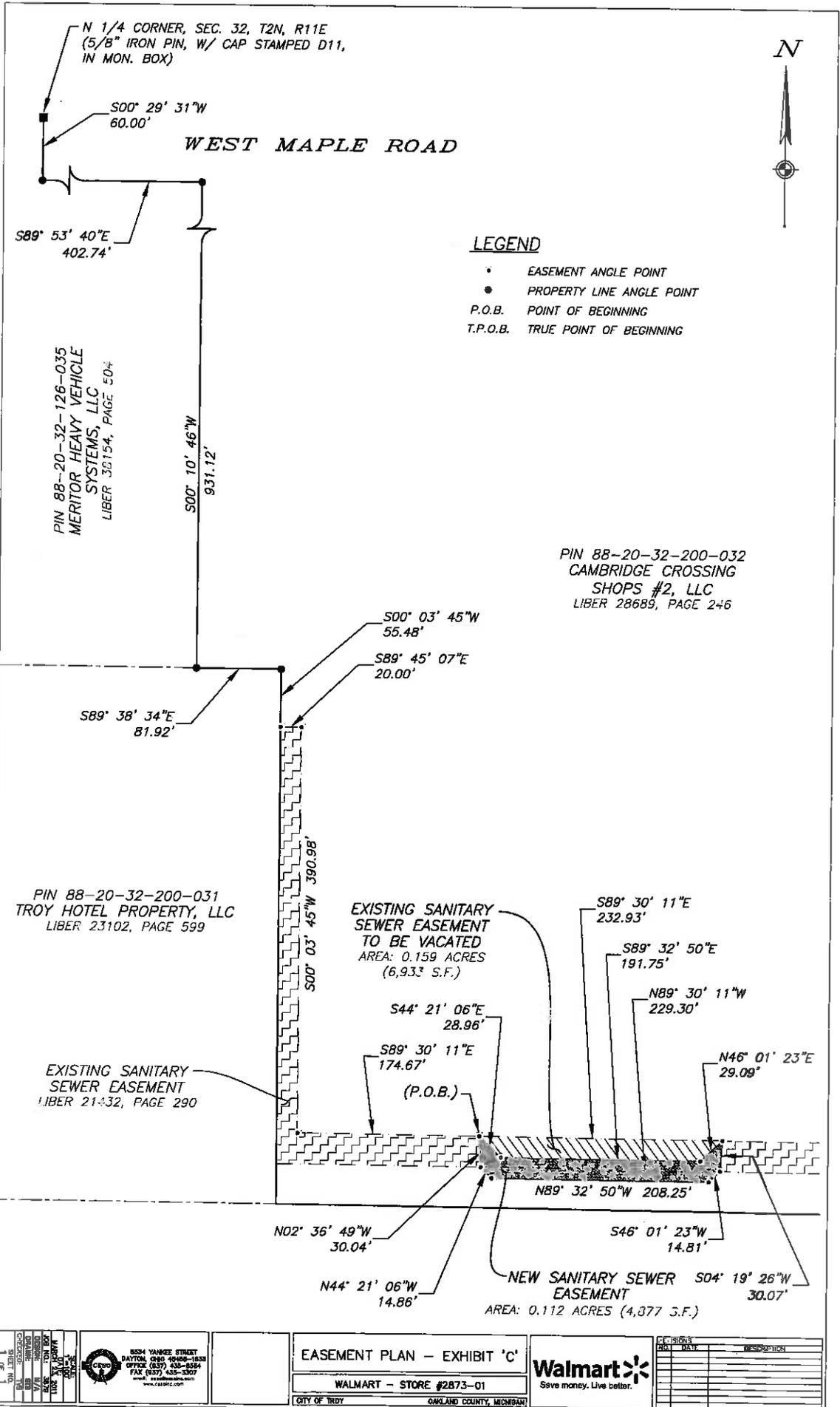
South 46° 01' 23" West, a distance of 14.81 feet;

North 89° 32' 50" West, a distance of 208.25 feet;

North 44° 21' 06" West, a distance of 14.86 feet;

North 02° 36' 49" West, a distance of 30.04 feet to the POINT OF BEGINNING.

Containing 0.112 acres (4,877 square feet) more or less.



N 1/4 CORNER, SEC. 32, T2N, R11E  
(5/8" IRON PIN, W/ CAP STAMPED D11,  
IN MON. BOX)

S00° 29' 31"W  
60.00'

WEST MAPLE ROAD

S89° 53' 40"E  
402.74'

PIN 88-20-32-126-035  
MERITOR HEAVY VEHICLE  
SYSTEMS, LLC  
LIBER 36754, PAGE 504

S00° 10' 46"W  
931.12'

**LEGEND**

- EASEMENT ANGLE POINT
- PROPERTY LINE ANGLE POINT
- P.O.B. POINT OF BEGINNING
- T.P.O.B. TRUE POINT OF BEGINNING

PIN 88-20-32-200-032  
CAMBRIDGE CROSSING  
SHOPS #2, LLC  
LIBER 28689, PAGE 246

S00° 03' 45"W  
55.48'

S89° 45' 07"E  
20.00'

S89° 38' 34"E  
81.92'

PIN 88-20-32-200-031  
TROY HOTEL PROPERTY, LLC  
LIBER 23102, PAGE 599

EXISTING SANITARY  
SEWER EASEMENT  
TO BE VACATED  
AREA: 0.159 ACRES  
(6,933 S.F.)

S89° 30' 11"E  
232.93'

S89° 32' 50"E  
191.75'

N89° 30' 11"W  
229.30'

EXISTING SANITARY  
SEWER EASEMENT  
LIBER 21432, PAGE 290

S44° 21' 06"E  
28.96'

S89° 30' 11"E  
174.67'

(P.O.B.)

N46° 01' 23"E  
29.09'

N02° 36' 49"W  
30.04'

S46° 01' 23"W  
14.81'

N44° 21' 06"W  
14.86'

NEW SANITARY SEWER  
EASEMENT  
AREA: 0.112 ACRES (4,877 S.F.)

S04° 19' 26"W  
30.07'

N89° 32' 50"W 208.25'

|      |    |             |
|------|----|-------------|
| DATE | BY | DESCRIPTION |
|      |    |             |
|      |    |             |

8534 YANKEE STREET  
DAYTON, OHIO 45424-1521  
OFFICE (937) 433-5584  
FAX (937) 433-5307  
www.sabco.com



EASEMENT PLAN - EXHIBIT 'C'  
WALMART - STORE #2873-01  
CITY OF TROY      OAKLAND COUNTY, MICHIGAN

**Walmart**  
Save money. Live better.

| DATE | BY | DESCRIPTION |
|------|----|-------------|
|      |    |             |
|      |    |             |

QUIT CLAIM DEED

Sidwell # 20-32-200-032 (pt)  
Resolution #

The Grantor(s), The City of Troy, a Michigan municipal corporation, Grantor, whose address is 500 West Big Beaver, Troy, MI 48084 quit claims to Cambridge Crossings Shops #2, LLC, a Delaware limited liability company, Grantee, whose address is 3333 New Hyde Park Road, New Hyde Park, NY 11042, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART OF

For the sum of One Dollar (\$ 1.00)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

CITY OF TROY  
a Michigan municipal corporation

By \_\_\_\_\_  
\* Louise E. Schilling, Mayor

By \_\_\_\_\_  
\* M. Aileen Bittner, City Clerk

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2011 by Louise E. Schilling, Mayor and M. Aileen Bittner, City Clerk of The City of Troy, a Michigan municipal corporation, on behalf of the municipal corporation.

\_\_\_\_\_  
\*  
Notary Public, \_\_\_\_\_ County  
My commission expires: \_\_\_\_\_  
Acting in \_\_\_\_\_ County, \_\_\_\_\_

|   |  |  |
|---|--|--|
| County Treasurer's Certificate  |  | City Treasurer's Certificate   |
| When recorded return to:<br>City Clerk<br>City of Troy<br>500 West Big Beaver<br>Troy, MI 48084 | Send subsequent tax bills to:<br>Grantee | Drafted by:<br>Larysa Figol<br>City of Troy<br>500 West Big Beaver<br>Troy, MI 48084 |

Tax Parcel # \_\_\_\_\_ Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_

\*TYPE OR PRINT NAMES UNDER SIGNATURES

**EXISTING SANITARY EASEMENT TO BE VACATED:**

**EXHIBIT 'A'**

Part of the Northeast  $\frac{1}{4}$  of Section 32, T2N-R11E, situated in the City of Troy, County of Oakland and State of Michigan, and being part of lands dedicated to Cambridge Crossing Shops #2, LLC in liber 28689, page 246, and being more particularly described as follows:

Commencing at a 5/8" iron pin, with cap stamped D11, in monument box, said point being the North  $\frac{1}{4}$  corner of Section 32, Town 2 North, Range 11 East;

Thence South  $00^{\circ} 29' 31''$  West, a distance of 60.00 feet to the southerly right of way line of West Maple Road;

Thence following along the southerly right of way line of said West Maple Road, South  $89^{\circ} 53' 40''$  East, a distance of 402.74 feet to the northwesterly corner of said Cambridge lands;

Thence following along the westerly line of said Cambridge lands for the following courses:

South  $00^{\circ} 10' 46''$  West, a distance of 931.12 feet;

South  $89^{\circ} 38' 34''$  East, a distance of 81.92 feet;

South  $00^{\circ} 03' 45''$  West, a distance of 55.48 feet to the northerly line of an Existing Sanitary Sewer Easement;

Thence following along the northerly and easterly lines of said Existing Easement for the following courses:

South  $89^{\circ} 45' 07''$  East, a distance of 20.00 feet;

South  $00^{\circ} 03' 45''$  West, a distance of 390.98 feet;

South  $89^{\circ} 30' 11''$  East, a distance of 174.67 feet to the northerly line of an Existing Sanitary Sewer Easement To Be Vacated, said point being the POINT OF BEGINNING;

Thence following along the edge of said Existing Easement To Be Vacated for the following courses:

South  $89^{\circ} 30' 11''$  East, a distance of 232.93 feet;

South  $04^{\circ} 19' 26''$  West, a distance of 30.07 feet;

North  $89^{\circ} 30' 11''$  West, a distance of 229.30 feet;

North  $02^{\circ} 36' 49''$  West, a distance of 30.04 feet to the POINT OF BEGINNING.

Containing 0.159 acres (6,933 square feet) more or less.

Part of sidwell # 88-20-32-200-032.





## CITY COUNCIL ACTION REPORT

October 13, 2011

TO: John Szerlag, City Manager

FROM: Susan A. Leirstein, Purchasing Director  
Timothy Richnak, Public Works Director  
Kurt Bovensiepe, Superintendent Parks, Streets, & Drains

SUBJECT: Purchase of Pre-Cast Concrete Restroom – Milverton Park

### **Background**

On October 12, 2011, bids were received for one (1) new Pre-cast Concrete Restroom Building at Milverton Park at the general location described in the Parks Master Plan. Eighty-eight (88) vendors were notified via the MITN website along with forty calls made to qualified vendors across the United States. Unfortunately no bid responses were received.

ITB-COT 11-21 for one (1) new Pre-cast Concrete Restroom Building at Milverton Park was competitively bid as required by City Charter and Code. As no bids were received, the City contacted the manufacturer of the product directly to obtain a price quote for the product specified in the bid document.

The development of Milverton Park was accomplished using Community Development Block Grant (CBDG) funds. The Pre-Cast Restroom facility qualifies as an improvement to the park to use these funds. The maintenance cost to operate this facility will be augmented from the closure of the restrooms at the Troy Farm beginning spring of 2012. It is not expected that the new restroom facility at Milverton Park will increase maintenance time or expenses because of the Troy Farm restroom facility closure. Furthermore, the Troy Farm restroom facility serviced approximately 80 individuals, where Milverton Park can service this amount daily, resulting in a better use of maintenance funds.

Milverton Park has used CBDG funds to install pathways around the park including a pathway to the abutting senior housing, benches, installation of a parking lot, climbing rocks and swings, a picnic shelter, and installation of Life Trails outdoor senior exercising stations. The restroom facility will provide park patrons the ability to enjoy the park amenities for a longer period of time.

### **Recommendation**

City management and the Department of Public Works requests authorization to purchase the Denali Pre-Cast Restroom Facility from the manufacturer of the product, CXT, Inc of Spokane, Washington for an estimated total cost of \$61,250.00

The award is contingent upon the recommended bidder's submission of properly executed contracts including bonds, insurance certificates and all other specified requirements.

### **Funds Availability**

Funds are available in the Parks and Recreation Park Development Section 36 Land Improvements Capital Account.

VENDOR NAME:

|                         |  |  |
|-------------------------|--|--|
| <b>NO BIDS RECEIVED</b> |  |  |
|                         |  |  |
|                         |  |  |
|                         |  |  |

Check #  
 Amount

PROPOSAL: *FURNISH ONE (1) NEW PRE-CAST CONCRETE RESTROOM BUILDING INCLUDING DELIVERY AND PLACEMENT ON FOUNDATION AT MILVERTON PARK*

Milverton Park Pre-Cast Restroom Building

**Complete for the Sum of:**

Product Manufacturer:  
 Product Model #:

**COMPLETION DATE:**

**December 21, 2011**

Calendar days to Complete:

**CONTACT INFORMATION:**

Name  
 Hours of Operation  
 24 Hr Phone #

**SITE INSPECTION:**

Y or N  
 Date

**VENDOR QUESTIONNAIRE:**

Attached: Y or N

**INSURANCE**

CAN MEET  
 CANNOT MEET

**EXCEPTIONS:**

**ACKNOWLEDGEMENT: Signed**

Y or N

**TWO FORMS COMPLETED:**

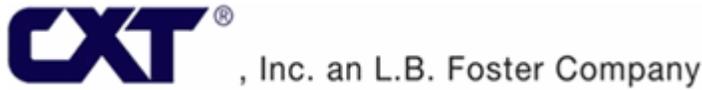
Legal Status Y or N  
 Non-Collusion Y or N

ATTEST:

Susan Riesterer  
Kurt Bovensiep  
Julie Hamilton

\_\_\_\_\_  
 Susan Leirstein CPPO, CPPB  
 Purchasing Director

Quote #: **GZEN900NOL-1**



**Mailing Address:**

CXT Incorporated, an LBFoster Co.  
3808 North Sullivan Road Bldg. #7  
Spokane Valley, WA 99216

**To:** **City of Troy**  
4693 Rochester Road  
Troy, MI 48085

**Attention:** Kurt Bovensiep  
**Phone:** (248) 524-3410

**Phone:** (800) 696-5766  
**Fax:** (509) 928-8270  
**Date:** 10/12/2011

**Re:** MI-Troy-City of Troy-Milverton Park

Our quotation for the Denali Flush Building building is as follows:

Per Building

Denali double flush toilet building with standard simulated ribbed metal roof and board and batt with napa valley rock wall texture, three 16-guage galvanized steel doors and frames, vitreous china plumbing fixtures (2-lavatories, 2-water closets), two skylights, two fast-air hand dryers, two insta-hot hot water heaters, two 3-roll toilet paper holders, two exhaust fans, three GFI outlets, three floor drains, two s/s mirrors, ADA grab bars, ADA signs, one hose bib in chase area, MI wet stamped drawings and motion controlled interior lights and photo cell controlled exterior lights, delivered, offloaded & set on customer prepared site in Troy, MI.

\$61,250.00

Note: Quote for City of Troy, Milverton Park Project

Freight

\$61,250.00

**FOB:** Freight FOB Plant Prepaid and Add.

**Terms:** Net 30 with Credit Approval.

**Notes:** Sales tax not included  
Number of Units: \_\_\_\_

This quotation is subject to the conditions on the attached sheet and the terms hereof shall constitute the exclusive agreement of the parties and all conflicting or additional terms in Buyer's purchase order or any other such documents of Buyer shall have no force or effect.

**L.B. FOSTER COMPANY**

By \_\_\_\_\_

Gregg Zentarsky  
GZentarsky@lbfoster.com

Accepted this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

By: \_\_\_\_\_ (Customer Name)

\_\_\_\_\_ (Signed)

**CONDITIONS OF SALE**

1. Taxes

Prices exclude all Federal/State/Local taxes. Tax will be charged where applicable if customer is unable to provide proof of exemption.
2. Payment Terms

Payment to CXT by the purchaser shall be made net 30 days after the submission of the invoice to the purchaser. Interest at a rate equal to the lower of (i) the highest rate permitted by law; or (ii) 1.5% per month will be charged monthly on all unpaid invoices beginning the 35th day (includes 5 day grace period) from the date of the invoice. Under no circumstances can a retention be taken and purchaser shall pay the full invoiced amount without offset or reduction. These terms are available upon approval of credit. If CXT initiates legal proceeding to collect any unpaid amount, purchaser shall be liable for all of CXT's costs, expenses and attorneys fees associated with such litigation, including the fees and costs of any appeal.
3. Quotation Term

This offer is subject to acceptance within 60 days from the date of this quotation. After that time, prices are subject to change without notice.
4. Drawings

Prices do not include any documentation other than standard drawings, packing lists, and invoices, unless otherwise stated in quote. Special documentation, reports, or submittals can be supplied at an additional cost. If additional engineering, engineering seals, state approvals, drawings, or insinias are required additional charges may incur.
5. Delivery

Delivery will be scheduled immediately upon receipt of written customer approval of all building submittals, building worksheet(s) and signed contract/purchase order. In the event delivery of the buildings ordered is/are not completed within 30 days of the agreed to schedule through no fault of CXT, an invoice for the full contract value (excluding shipping and installation costs) will be submitted for payment, the terms of which will be as per item 2 in our quotation. Delivery and installation charges will be invoiced at the time of delivery and installation. Should the delivery and installation costs increase due to changes in the delivery period, this increase in cost will be added to the price originally quoted, and will be subject to the contract payment terms. In the event that the delivery is delayed more than 45 days after the agreed to schedule and through no fault of CXT, then in addition to the remedies above, a storage fee of ½% of contract price per month or part of any month will be charged.
6. Fuel Costs

Fuel costs for crane and freight have been quoted at fuel prices furnished at the time of quotation. If at the time of delivery and installation these costs have risen, CXT reserves the right to adjust the freight and crane costs to reflect the fuel costs furnished at the time of delivery.
7. Responsibilities of the Customer
  - A. Stake exact location building is to be set, including orientation.
  - B. Provide clear and level site, free of overhead and/or underground obstructions.
  - C. Provide site accessible to normal highway trucks and sufficient area for the crane to install and other equipment to perform the contract requirements.
  - D. Customer shall provide notice in writing of low bridges, roadway width or grade, unimproved roads or any other possible obstacles from State highway and/or main county road to site. CXT reserves the right to charge the customer for additional costs incurred for special equipment required to perform delivery and installation.
  - E. Customer is responsible for all permits required.
8. Access to Site

Delivery will be made in normal highway trucks and trailers. If at the time of delivery conditions of access are hazardous or unsuitable for truck equipment for any reason, CXT will negotiate extra costs to ensure a safe and quality installation to the chosen site or will agree to an alternative site with better access.

To safely offload the facility referred to within this quotation, CXT must have clear and unobstructed access next to the gravel pad or hole where the facility will be placed. CXT is not responsible for cracked or damaged roads, driveways, sidewalks or aprons that are in the path of the delivery trucks or cranes at the final offloading site. Should CXT be required to obtain a larger crane than quoted due to site amenities or hardscapes, CXT will charge the customer the difference between the crane originally quoted, and the one that was hired in order to successfully offload the facility safely and efficiently.
9. Installation
  - A. If the customer opts to have full installation of their new building, CXT will provide a backhoe trailered into the site, and prepare the customer site at the marked hole/pad area. The crane will arrive and set up next to the hole/pad. Any requirements to lift the building over obstacles or not having the ability of the crane to be right next to the hole could incur additional charges. The size of the crane varies however most cranes require an area of 18'x18' for their outriggers. Truck(s) carrying the vaults and the building systematically pull up right next to the crane and are offloaded onto the site. Any requirements to lift the building over obstacles or not having the ability of the truck to be right next to the crane could incur additional charges. Installation crew then performs all necessary excavation, backfill, compaction, site grading, and connection of utilities (if applicable). Please note: additional time and any special equipment needed by the installation crew for unscheduled site work will be billed to the customer. This work must be approved by Customer Field Representative by signing the Additional Work Required section on the Building Acceptance Form.
  - B. If the customer opts to prepare the hole, and do earthwork preparation for the site, the customer will move all excess dirt to allow access by the crane and semi-truck. The crane will arrive and set up next to the hole/pad. Any requirements to lift the building over obstacles or not having the ability of the crane to be right next to the hole could incur additional charges. The size of the crane varies however most cranes require an area of 18'x18' for their outriggers. Truck(s) carrying the vaults and the building systematically pull up right next to the crane and are offloaded onto

the site. Any requirements to lift the building over obstacles or not having the ability of the truck to be right next to the crane could incur additional charges. Customer performs all necessary excavation, backfill, compaction, site grading, connection of utilities (if applicable).

- C. If customer opts to self-install their building CXT can provide a drawing of the recommended lifting/rigging arrangement plus the four special lifting plates for the buildings itself with a **refundable deposit of \$1,000.00** payable by credit card **only**. The customer must return lifting plates and hardware to CXT (at customers cost) within 2 weeks (14) days or a \$1,000.00 fee will be charged to the customer credit card. Please note: It is highly recommended that you use our lifting/rigging arrangements. The CXT arrangements will help prevent damage to the building. *CXT will not take responsibility for any damage/accidents to the building or workers during the use or non-use of our recommended lifting/rigging arrangements.*

#### 10. Transportation

Your building(s) will be transported from our plant to your installation site via semi-truck with trailer. The length and clearance vary with the style of trailer used to accommodate your building model(s) and must be taken into consideration when determining access to site.

If you ordered a(n)....

**Cascadian/Rocky Mountain** - Requires 1 truck: When shipped in 2-pieces (standard) the building with vault is shipped on a flatbed trailer. The length of the tractor-trailer can be up to 75' long. Must have a 14' height clearance to access site.

**Gunnison** - Requires 1 truck: Shipped with its vault, this building is typically shipped on a step-deck trailer. The length of the tractor-trailer can be up to 75' long. Must have 14' height clearance to access site.

**Tioga Special** - Requires 2 trucks: 1 to transport the building and 1 to transport vaults. The building is typically shipped on a step-deck trailer and 2 vaults are typically transported on a flatbed trailer. The length of the tractor-trailer can be up to 75' long. Must have 14' height and 14' width clearance to access site.

**Dbi Cascadian/Dbi Rocky Mountain** - Requires 2 trucks: 1 to transport the building and 1 to transport the vaults. The building is typically shipped on a dbi-drop or low boy trailer (approximate ground clearance of 4 to 6") and the 2 vaults are typically transported on a flatbed trailer. The length of the tractor-trailer can range from 75' to 80'. Must have 14' height and 14' width clearance to access site.

**Cortez/Ozark I/Teton/Pioneer** - Requires 1 truck: Generally shipped on a step-deck trailer. The length of the tractor-trailer can be up to 75' long. Must have a 14' height and 14' width clearance to access site.

#### **Large Flush, Sectional, or Custom Bldgs -**

**(Arapahoe/OzarkII/Cheyenne/Montrose/Taos/Rainier/Pomona/Navajo/Malibu/Kodiak/Fontana/Diablo/Denali)**

Requires 2-4 trucks, depending on size of building. Each section will be shipped on an RGN trailer (approximate ground clearance of 4 to 6 "). The length of the tractor-trailer can range from 80' to 115'. Must have 14' height and 14' width clearance to access site. The Denali model could ship on either an RGN trailer or a dbi-drop.

**Schweitzer/Mendocino** - Requires 1-2 trucks, depending on size of building. Generally shipped on a step-deck trailer. The length of the tractor-trailer can be up to 75' long. Must have 14' height and 14' width clearance to access site.

#### 11. CXT Warranty

CXT warrants that all structures sold pursuant hereto will, when delivered, conform to specifications of the building listed on the quote. Structures shall be deemed accepted and meeting specifications unless notice identifying the nature of any non-conformity is provided to CXT in writing within one (1) year of delivery. It is specifically understood that CXT's obligation hereunder is for credit or repair only. CXT will repair structural defects against materials and workmanship for one (1) year from date of delivery provided CXT is first given the opportunity to inspect said structure. CXT warranties all components sold within all structures pursuant here to when delivered within structures. Components deemed accepted and meeting specifications shall be warranted for a period of one (1) year against defects in the materials and/or workmanship from said date of delivery. CXT is not responsible for components that are damaged due to misuse, acts of violence, negligence, acts of God, or accidents. Shipping, handling, installation or other incidental or consequential costs, unless otherwise agreed to in writing by CXT, are not included.

#### This warranty shall not apply to:

- 1) Any goods which have been repaired or altered without CXT's express written consent, in such a way as in the reasonable judgment of CXT, to adversely effect the stability or reliability thereof;
- 2) To any goods which have been subject to misuse, negligence, acts of God, or accidents;
- 3) To any goods which have not been installed to manufacturer's specifications and guidelines, improperly maintained, or used outside of the specifications for which such goods were designed.

#### 12. Disclaimer of Other Warranties

THE WARRANTY SET FORTH ABOVE IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED. ALL OTHER WARRANTIES ARE HEREBY DISCLAIMED. CXT MAKES NO OTHER WARRANTY EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR USE.

#### 13. Limitation of Remedies

In the event of any breach of any obligations hereunder; breach of any warranty regarding the goods, or any negligent act or omission of any party, the parties agree to submit all claims to binding arbitration. Any settlement reached shall include all reasonable costs including attorney fees. In no event shall CXT be subject to or liable for any incidental or consequential damages. Without limitation on the foregoing, in no event shall CXT be

liable for damages in excess of the purchase price of the goods herein offered.

14. Acceptance

The foregoing terms will be deemed accepted in full by signature and return of one copy to CXT, subject to customer credit approval. A copy of any applicable form of payment security device (i.e. payment bonds) available to CXT shall be included with the signed copy of this agreement.

15. Timing of Billing to Buyer

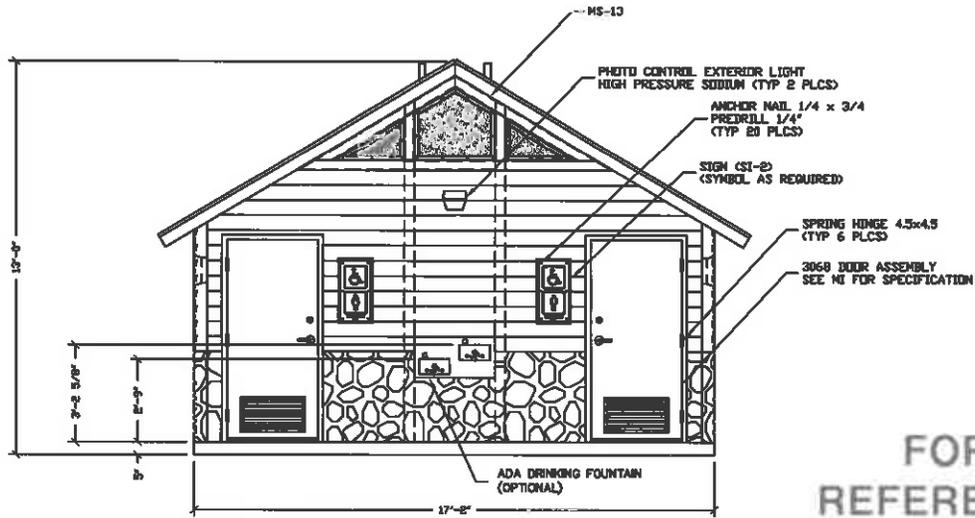
Seller will invoice Buyer upon shipment from its supplier or facility, unless otherwise indicated on the face of this document.

16. Storage of Material For Buyer

If, at Buyer's request, goods covered by this document are held at Seller's facility or service provider for more than 21 days after they are available for shipment, Buyer shall accept Seller's invoice and pay said invoice based on payment terms set forth herein.

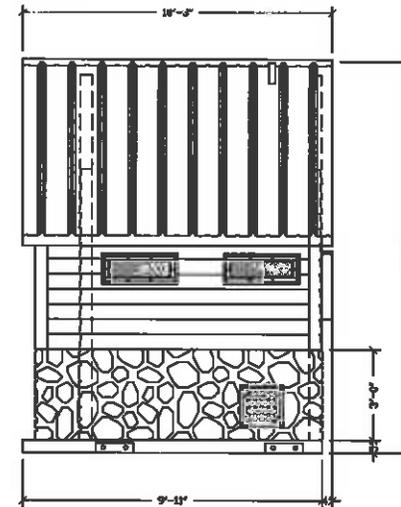
17. Material Reservation

Seller will only reserve material for 30 days with receipt of an executed purchase order, quote or order acknowledgement acceptable to Seller. After that time, material availability, price and shipment date may be adjusted, at Seller's option.

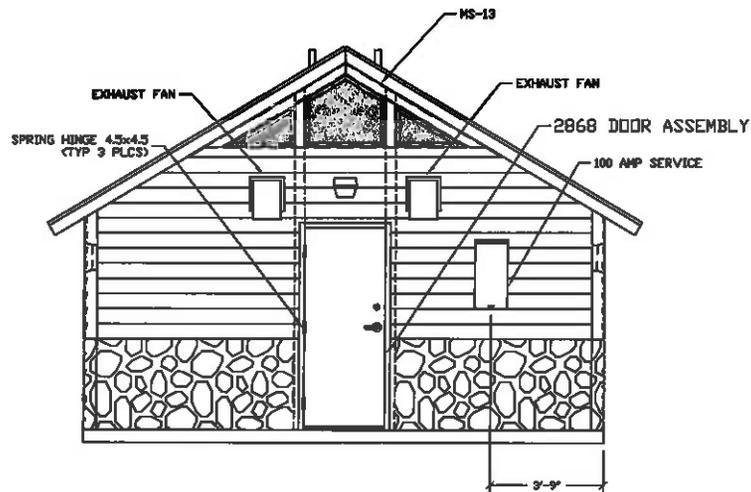


FRONT ELEVATION

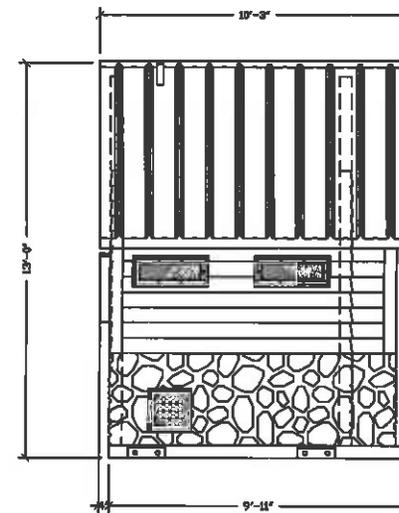
FOR  
REFERENCE  
ONLY



RIGHT SIDE ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION

| NO.   | QTY | UNIT | DESCRIPTION |
|---|-----|------|-------------|
| MS-13   | 2   |      |             |
| PHOTO CONTROL EXTERIOR LIGHT HIGH PRESSURE SODIUM | 2   |      |             |
| ANCHOR NAIL 1/4 x 3/4 PREDRILL 1/4"               | 20  |      |             |
| SIGN CSI-20                                       | 1   |      |             |
| SPRING HINGE 4.5x4.5                              | 6   |      |             |
| 2068 DOOR ASSEMBLY                                | 1   |      |             |
| ADA DRINKING FOUNTAIN (OPTIONAL)                  | 1   |      |             |
| EXHAUST FAN                                       | 2   |      |             |
| 100 AMP SERVICE                                   | 1   |      |             |

48 PL. 0000 00 PL. 0000 000000 0000

2000 N. Dallas Hwy, #7 Spicewood, TX 78680



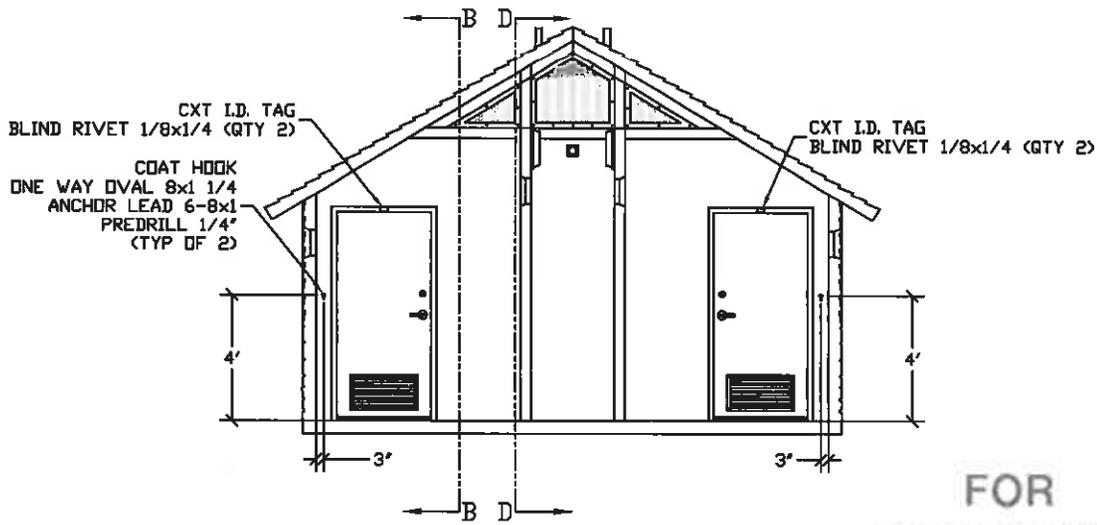
FOR THE  
DENALI  
CITY STANDARD BUILDING

NOTE  
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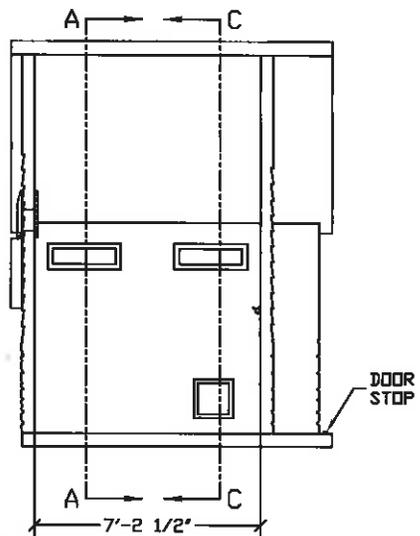
| NO. | QTY | UNIT | DESCRIPTION |
|-----|-----|------|-------------|
|     |     |      |             |
|     |     |      |             |
|     |     |      |             |

EXTERIOR ELEVATIONS

DN-02

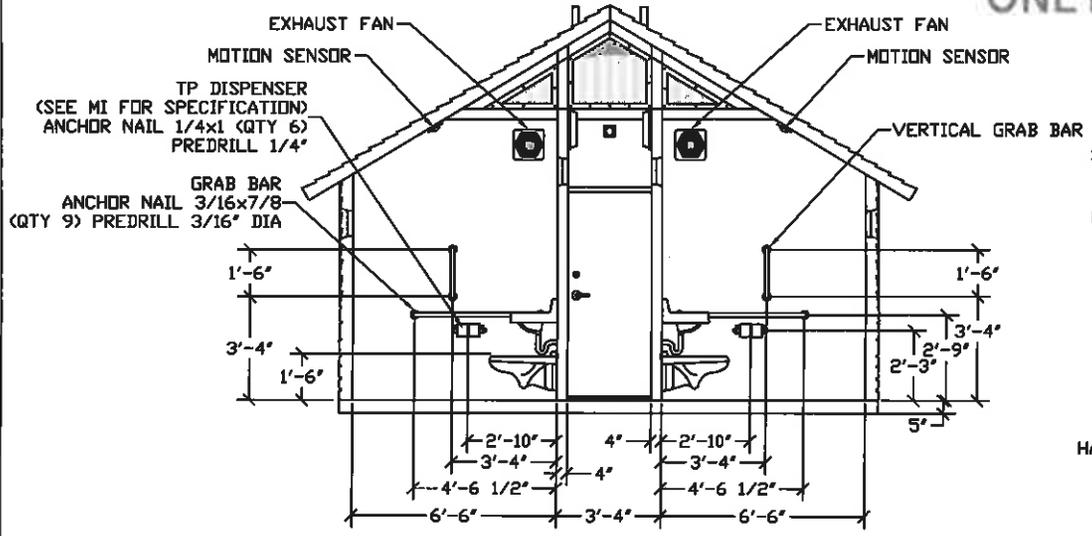


SECTION A - A

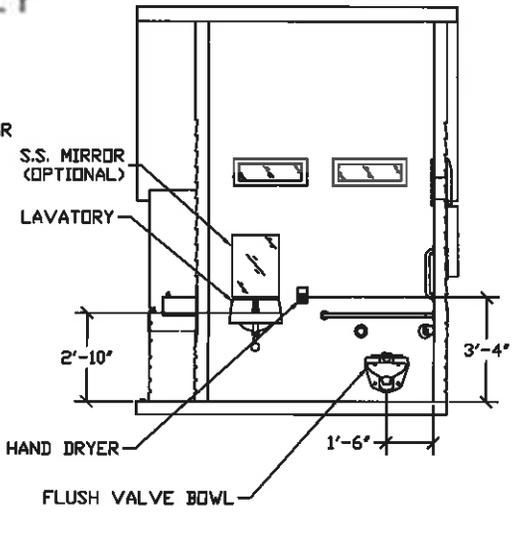


SECTION B - B

FOR  
REFERENCE  
ONLY



SECTION C - C



SECTION D - D

| EMBEDDED MATERIALS   |     |               |                    |
|----------------------|-----|---------------|--------------------|
| ITEM                 | QTY | ITEM          | QTY                |
| BLIND RIVET 1/8x1/4  | 4   |               |                    |
| GRAB BAR             | 2   |               |                    |
| TP DISPENSER         | 2   |               |                    |
| TOILET PAPER ROLL    | 4-8 |               |                    |
| COAT HOOK            | 2   |               |                    |
| DOOR STOP            | 2   |               |                    |
| ONE WAY OVAL 8x1 1/4 | 4   |               |                    |
| ANCHOR LEAD 6-8x1    | 4   |               |                    |
| CXT I.D. TAG         | 2   |               |                    |
| ANCHOR NAIL 1/4x1    | 12  |               |                    |
| ANCHOR NAIL 1/4x3/4  | 8   |               |                    |
| ANCHOR NAIL 3/16x7/8 | 18  |               |                    |
| DL. FT. CONC.        |     | DL. FT. STUF. | APPROXIMATE WEIGHT |



PROJECT NAME  
**DENALI**  
CXT STANDARD BUILDING

NOTICE  
The information contained herein is proprietary and the exclusive property of CXT Incorporated. The information may only be used by the original recipient for the purpose intended. Reproduction or distribution of this information is strictly prohibited without the prior written consent of CXT Incorporated. By allowing use of this information, CXT Incorporated grants no warranty, express or implied, including a warranty of merchantability or of fitness for a particular purpose.

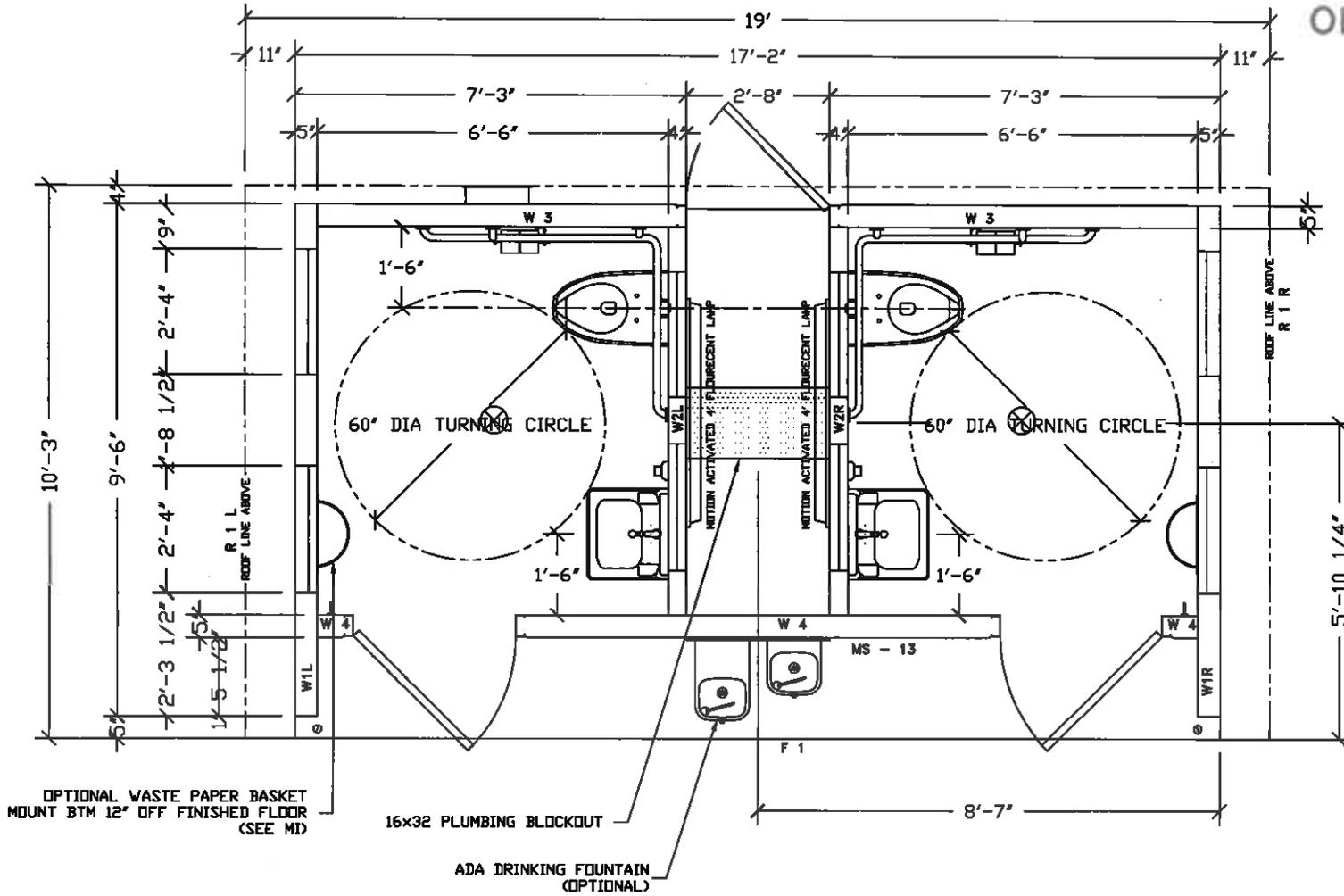
|                  |  |  |  |
|------------------|--|--|--|
| CXT Incorporated |  |  |  |
|                  |  |  |  |
|                  |  |  |  |
|                  |  |  |  |

|         |              |          |          |
|---------|--------------|----------|----------|
| SCALE   | 1/4" = 1'-0" | DATE     | 04-28-08 |
| DRAWN   | D BRESSLER   | FILE NO. | PD-DN03  |
| CHECKED |              | PLOT     | 48       |

INTERIOR ELEVATIONS

|         |       |      |
|---------|-------|------|
| DWG NO. | SHEET | REV. |
| DN-03   |       |      |

FOR  
REFERENCE  
ONLY



2000 N. Gilman Blvd., #7 Spokane, WA 99205

**CCT**  
Precast Products  
901 N. Highway 77 Wabers, TX 75066

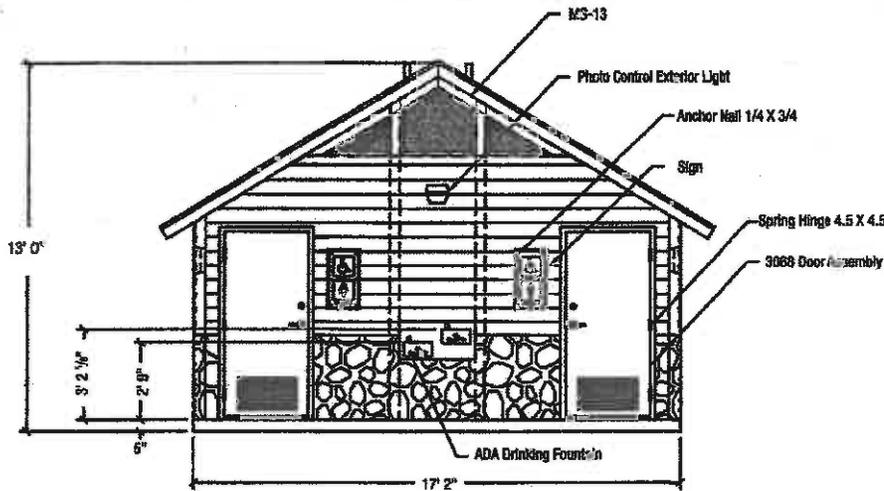
PROJECT  
**DEHALI**  
CCT SHIPPING BUILDING

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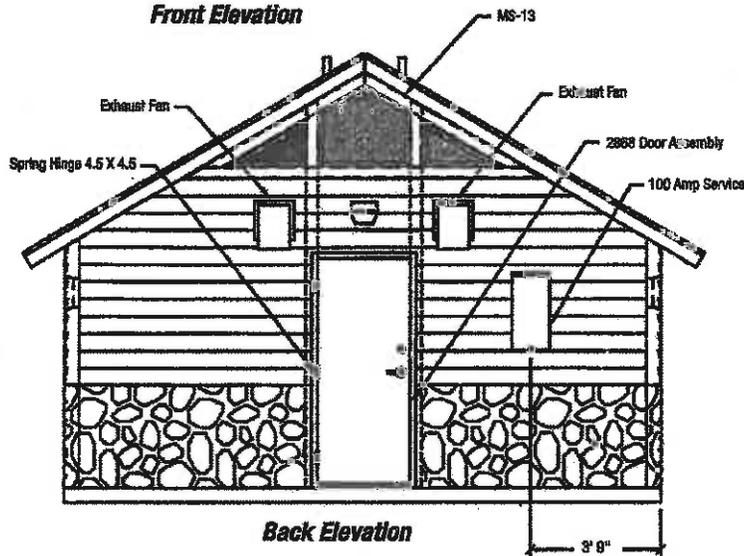
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FLOOR PLAN

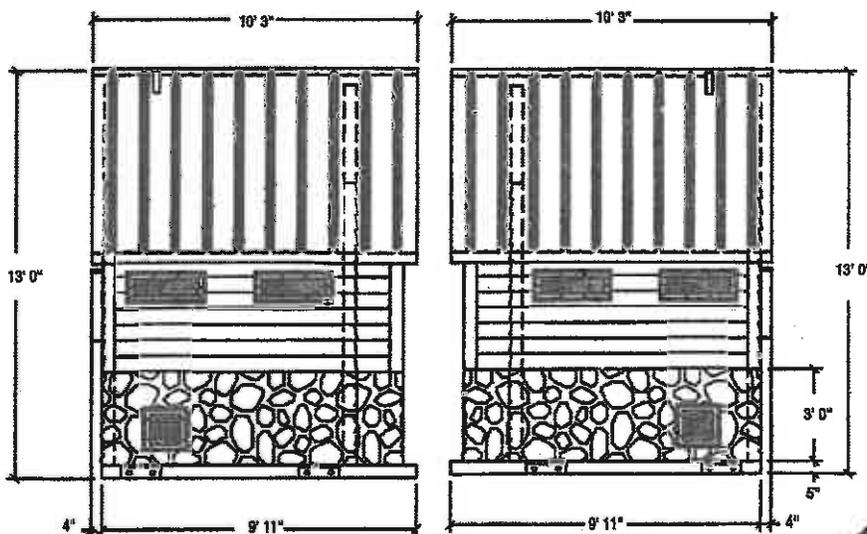
DN-04



**Front Elevation**



**Back Elevation**

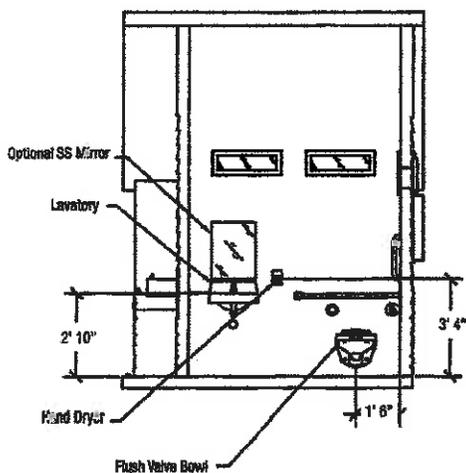
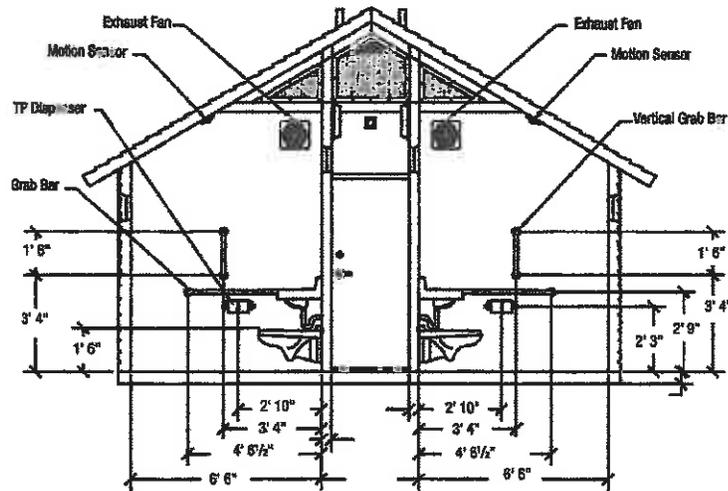
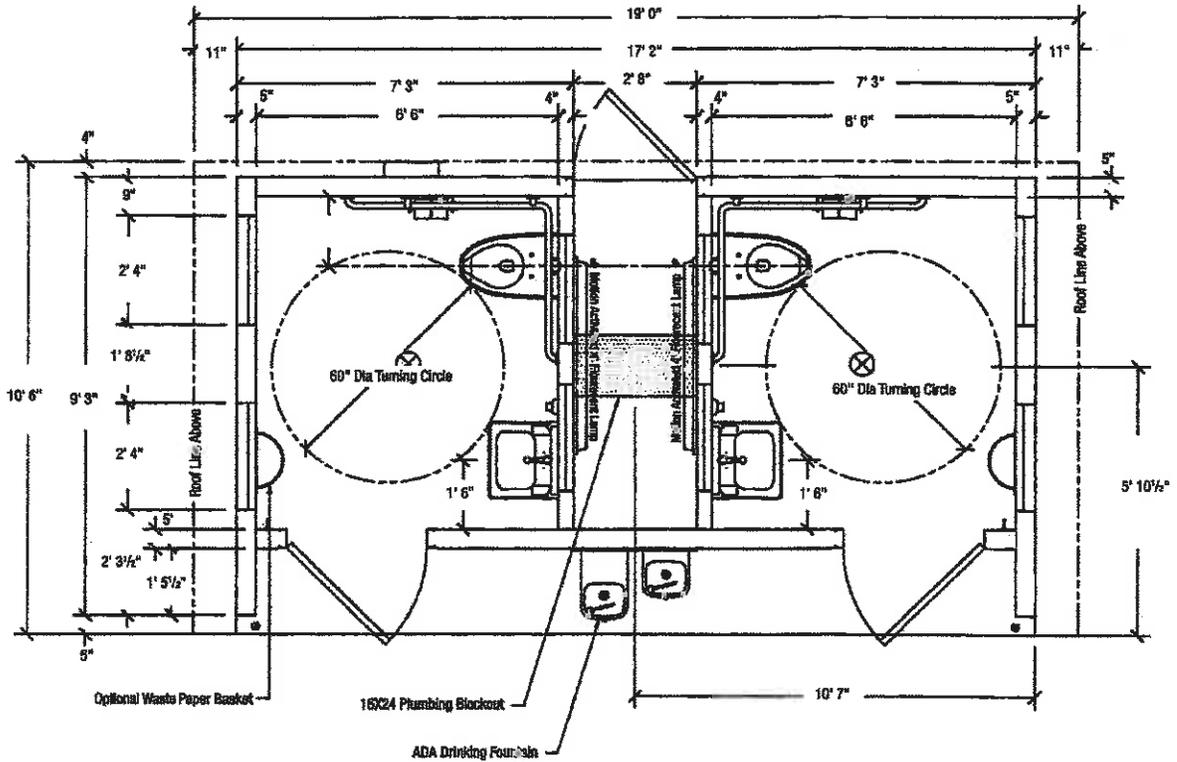


**Left Side Elevation**

**Right Side Elevation**

### Standard Equipment

- Galvanized Doors & Frames
- Door Stops
- Mortise Cylinder Deadbolt - Keyed Exterior / Blank Interior
- 12" x 12" Mechanical Wall Vents
- 3-roll Stainless Toilet Paper Holders
- Photocell Controlled HPS Metal Halide Mercury Exterior Lights
- Floor Drains
- Polished Stainless Steel spring loaded door hinges
- ADA Privacy Latch
- Pebbled Lexan Windows
- Stainless Steel Coat Hooks
- Exhaust Fans
- Adjustable brush type door sweeps
- Locking ADA Chase door latch
- Unisex Separate Sex ADA compliant Accessible Exterior Signs
- Stainless Steel ADA Grab Bars
- 100-amp Electrical Service Panel
- Motion Controlled Interior Lights (fixtures in Chase area)
- Stainless Steel Unframed Mirror



Interior Elevation

**LB Foster**

CXT® Concrete Buildings

CXT Incorporated  
An L.B. Foster Company

Spokane Industrial Park  
3808 N. Sullivan Road Bldg. #7  
Spokane, WA 99216

Telephone 509-921-8766  
Fax 509-928-8270  
Toll Free 800-696-5766

[www.cxtinc.com](http://www.cxtinc.com)

FM57026  
ISO 9001 Certified





## CITY COUNCIL AGENDA ITEM

---

October 3, 2011

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic & Community Development  
Susan A. Leirstein, Purchasing Director  
Gert Paraskevin, IT Director  
Cathleen Russ, Library Director

Subject: Expansion and Purchase of Self-checkout Stations for Troy Public Library

---

### Background

On January 26, 2009, Troy City Council approved the purchase of an integrated library system solution for the Troy Public Library to the highest rated bidder, Polaris Library Systems of Syracuse, NY, as a result of a best value process (Resolution #2009-01-025-F4b).

Since then, the Polaris system has been operational and managed by in-house personnel. Our withdrawal from the Suburban Library Cooperative's shared system has saved the City over \$252,000 over the last two years. In an effort to continually improve service delivery and provide greater efficiencies to the patrons of the library, the system should now be expanded to include self-checkout stations.

Self-checkout stations are in use by most public libraries in the Detroit metro area. Much like U-Scan machines in grocery stores, self-checkout stations allow patrons who have a small number of items to check-out to do so themselves, as opposed to waiting in line at the library's circulation desk.

Two years ago, prior to changing to the Polaris system, the Troy Public Library had three "home grown" self-checkout machines, which allowed patrons to check out only print material. The Polaris stations have significantly greater functionality. Patrons will be able to check out audio-visual items, and at some point, when the library is able to accept debit and credit cards for payment of fines, these stations can be customized to accept those forms of payment. Patrons will also be able to renew their items, and view the items currently checked out to them.

Patrons who prefer a more personal touch will of course be able to check out their materials at the circulation desk, with the assistance of a library staff member. Self-checkout stations will minimize the wait time for patrons to check-out their materials. This time savings will also allow library staff members to be cross-trained to perform other library functions.

Due to the complexity of the system, it is desirable to allow Polaris, the company who installed and currently maintains the system to expand it, thus avoiding corruption of the software.



## CITY COUNCIL AGENDA ITEM

---

October 3, 2011

To: John Szerlag, City Manager

Re: Self-checkout Stations

### Recommendation

No benefit would be derived from soliciting additional bids. City management is requesting authorization to utilize the services of Polaris Library Systems to furnish and install three (3) self-checkout stations at an estimated total cost of \$36,481.00, as detailed on the attached quotation #2011-0732 dated 8/10/2011.

### Fund Availability

The purchase of three (3) self-checkout stations was included in the Troy Public Library's Capital Budget for fiscal year 2011-12 and approved by Troy City Council on Monday, September 26, 2011 (Resolution #2011-09-216).

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**F-3 Proposed City of Troy Proclamation(s): None Submitted**

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**F-4 Standard Purchasing Resolutions****a) Standard Purchasing Resolution 4: Western Tel-Com State Contract – Purchase of Cable Materials and Installation Services – Carport Data Drops**

Resolution #2009-01-025-F-4a

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase cable materials and installation services for carport network connectivity from Western Tel-Com Inc of Livonia, MI, through the State of Michigan MiDEAL program for an estimated total cost of \$12,025.00; and

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

**b) Standard Purchasing Resolution 8: Best Value Award – New Automation System for Troy Public Library**

Resolution #2009-01-025-F-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide an integrated library system solution for the Troy Public Library to the highest rated bidder, Polaris Library Systems of Syracuse, NY, as a result of a best value process, for an estimated total system cost of \$202,375.00 with ongoing annual maintenance, support, subscription and licensing fees; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the purchase of server hardware and software through the Regional Education Media Center (REMC) or other competitively bid contracts at an estimated cost of \$30,270.00; and hereby **REJECTS** Option #2 for hardware purchases through Polaris; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the contract when in acceptable form, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**c) Standard Purchasing Resolution 3: Exercise Renewal Option – Community Center Catering**

Resolution #2009-01-025-F-4c

WHEREAS, On February 26, 2007, a contract to provide two-year requirements of Catering Services at the Troy Community Center with an option to renew for two (2) additional years was awarded to Sankofa Housing of Detroit, MI, as a result of a best value process at an 18% return on gross revenue expiring March 31, 2009 (Resolution #2007-02-058-E4d); and

WHEREAS, Sankofa Housing (aka A&S Catering) has agreed to exercise the two-year option to renew their catering contract under the same pricing, terms and conditions;

PO Box 4903  
Syracuse, NY  
13221-4903  
Phone: 800.272.3414  
Fax: 315.457.5883  
www.polarislibrary.com

|           |             |                           |
|-----------|-------------|---------------------------|
| Date      | Quotation # | Quotation Expiration Date |
| 8/10/2011 | 2011-0732   | 10/31/2011                |

# Quotation

**This is not an invoice  
PLEASE DO NOT PAY FROM THIS QUOTE**

|  |  |
|--|--|
| <b>Name / Address</b>  | <b>Ship To</b>   |
| Troy Public Library<br>Attn: Cathleen Russ<br>510 W. Big Beaver<br>Troy, Michigan 48084-5289 | Troy Public Library<br>Attn: Cathleen Russ<br>510 W. Big Beaver<br>Troy, MI 48084-5289 |

| Description  | Qty | Cost     | Total     |
|--|-----|----------|-----------|
| Polaris ExpressCheck Countertop Self Service Checkout Kiosk<br>NCR Self Serve Model 60 - Polaris Version, includes:<br>17 in. high brightness, high contrast LCD touch screen monitor with proven Capacitive Touch Screen Technology<br>Built-in omni-directional bar code scanner attached to monitor<br>Intel Core 2 Duo processor<br>Speed-controlled CPU fan for lower noise<br>4GB DDR2 memory<br>80GB Serial ATA (SATA) hard drive<br>USB bidirectional ISO 3-track magnetic swipe reader<br>Stereo speakers<br>2 powered serial ports<br>7 type-A USB connectors<br>DVI-I connector on I/O board supports DVI and VGA displays<br>Audio in, audio out, ADA audio out for kiosk applications<br>MIC input & headphone output<br>High-speed Gigabit Ethernet<br>Windows 7 Pro OS<br>3 Month Manufacturer's Warranty | 3   | 4,770.00 | 14,310.00 |

|  |                         |
|--|-------------------------|
| <b>Actual shipping charges will be added to invoice.<br/>All quotes are valid for 30 days. FOB Shipping Point.</b>   | <b>Subtotal</b>         |
| Quotation Submitted by: John Lytle   | <b>Sales Tax (0.0%)</b> |
| For additional information contact:<br>John Lytle: john.lytle@polarislibrary.com, 800.272.3414x4538 or<br>Vince Messina: vince.messina@polarislibrary.com, 800.272.3414x4528 | <b>Total</b>            |

|                            |                          |
|----------------------------|--------------------------|
| <b>Approval Signature:</b> |                          |
| <b>Date:</b>               | <b>Purchase Order #:</b> |

**Please fax  
approved orders to  
315.457.5883**

PO Box 4903  
Syracuse, NY  
13221-4903  
Phone: 800.272.3414  
Fax: 315.457.5883  
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|           |             |                           |
|-----------|-------------|---------------------------|
| Date      | Quotation # | Quotation Expiration Date |
| 8/10/2011 | 2011-0732   | 10/31/2011                |

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|--|--|
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| Troy Public Library<br>Attn: Cathleen Russ<br>510 W. Big Beaver<br>Troy, Michigan 48084-5289 | Troy Public Library<br>Attn: Cathleen Russ<br>510 W. Big Beaver<br>Troy, MI 48084-5289 |

| Description   | Qty | Cost     | Total     |
|---|-----|----------|-----------|
| NCR - Extended Mfr. Warranty<br>5-Year 4-hr response M-F 8am-5pm  | 3   | 1,040.00 | 3,120.00  |
| Polaris ExpressCheck Client Access License: \$1,500<br>Annual Support & Maintenance \$250/yr/license prorated and billed separately. Not included in this quote.                    | 3   | 1,500.00 | 4,500.00  |
| Star Micronics Thermal receipt printer series 700II USB with autocut, and power supply. Black/Dark Gray.<br>3 Year mfg warranty.  | 3   | 388.00   | 1,164.00  |
| Windows 2008 Client Access Device License: 1 needed per self service checkout, or library can supply. Minimum order 5 licenses  | 5   | 8.00     | 40.00     |
| 3M RFID Antenna & Reader: plugs in to Polaris Expresscheck kioskk to enable reading RFID tags on books and media.<br>3M Model 4310 Selfcheck Upgrade Kit for Polaris 75-4700-3126-3 | 3   | 3,604.00 | 10,812.00 |
| 3M Annual service/support for 3M RFID Antenna & Reader.   | 3   | 355.00   | 1,065.00  |
| Onsite Installation of 3M RFID reader and Antenna. Per kiosk  | 3   | 340.00   | 1,020.00  |

|  |                         |
|--|-------------------------|
| <b>Actual shipping charges will be added to invoice.<br/>All quotes are valid for 30 days. FOB Shipping Point.</b>   | <b>Subtotal</b>         |
| Quotation Submitted by: John Lytle   | <b>Sales Tax (0.0%)</b> |
| For additional information contact:<br>John Lytle: john.lytle@polarislibrary.com, 800.272.3414x4538 or<br>Vince Messina: vince.messina@polarislibrary.com, 800.272.3414x4528 | <b>Total</b>            |

|                            |                          |
|----------------------------|--------------------------|
| <b>Approval Signature:</b> |                          |
| <b>Date:</b>               | <b>Purchase Order #:</b> |

**Please fax  
approved orders to  
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PO Box 4903  
Syracuse, NY  
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| Description  | Qty | Cost   | Total  |
|--|-----|--------|--------|
| Shipping/Handling Charges: TBD. Estiamted to be approx \$100-150 but actual shipping charges will be added to invoice. | 3   | 150.00 | 450.00 |

|  |                                |
|--|--------------------------------|
| <b>Actual shipping charges will be added to invoice.<br/>All quotes are valid for 30 days. FOB Shipping Point.</b>   | <b>Subtotal</b> \$36,481.00    |
| Quotation Submitted by: John Lytle   | <b>Sales Tax (0.0%)</b> \$0.00 |
| For additional information contact:<br>John Lytle: john.lytle@polarislibrary.com, 800.272.3414x4538 or<br>Vince Messina: vince.messina@polarislibrary.com, 800.272.3414x4528 | <b>Total</b> \$36,481.00       |

|                            |                          |
|----------------------------|--------------------------|
| <b>Approval Signature:</b> |                          |
| <b>Date:</b>               | <b>Purchase Order #:</b> |

**Please fax  
approved orders to  
315.457.5883**

**I-6 Proposed Troy Public Library Budget for Fiscal Years Ending 2012-2014**

Moved by Kerwin  
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the Troy Public Library's annual budget for fiscal year July 1, 2011 through June 30, 2012, as recommended by City Management, which amends the City of Troy's 2011-12 budget, as shown on Attachment 1; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the Troy Public Library's three-year budget from July 1, 2012 through June 30, 2014, as recommended by City Management, which amends the City of Troy's three-year budget, as shown on Attachment 2.

**Vote on Resolution to Postpone I-6 Proposed Troy Public Library Budget for Fiscal Years 2012-2014**

Resolution #2011-09-215  
Support by Howrylak  
Seconded by Fleming

RESOLVED, That City Council hereby **POSTPONES** *Item I-6 Proposed Troy Public Library Budget for Fiscal Years 2012-2014* until the October 17, 2011 Regular City Council Meeting.

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

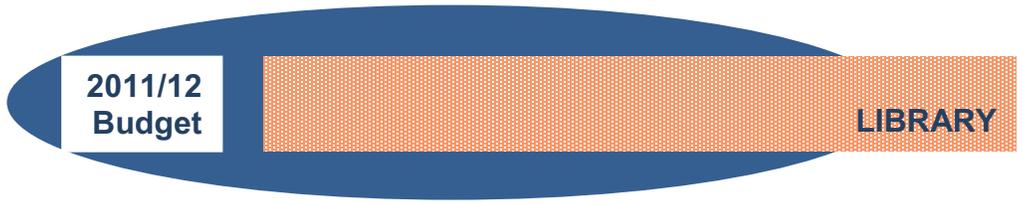
**MOTION FAILED****Vote on Resolution to Approve I-6 Proposed Troy Public Library Budget for Fiscal Years Ending 2012-2014**

Resolution #2011-09-216  
Moved by Kerwin  
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the Troy Public Library's annual budget for fiscal year July 1, 2011 through June 30, 2012, as recommended by City Management, which amends the City of Troy's 2011-12 budget, as shown on Attachment 1; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the Troy Public Library's three-year budget from July 1, 2012 through June 30, 2014, as recommended by City Management, which amends the City of Troy's three-year budget, as shown on Attachment 2.

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



- *Library Director*.....**Cathleen Russ**

# Expense Annual Budget by Organization Report

## Detail

|   | 2010 Actual<br>Amount | 2011 Estimated<br>Amount | 2011 Amended<br>Budget | 2012 Approved<br>Budget | 2012 Amended<br>Budget | % Change From Prior Year |
|---|-----------------------|--------------------------|------------------------|-------------------------|------------------------|--------------------------|
| <b>Fund: 271 Library</b>                          |                       |                          |                        |                         |                        |                          |
| <b>Revenue</b>                                    |                       |                          |                        |                         |                        |                          |
| TAXES   |                       |                          |                        |                         | \$3,060,593.00         |                          |
| FINES AND FEES                                    |                       |                          |                        |                         | \$156,000.00           |                          |
| OTHER REVENUE                                     |                       |                          |                        |                         | \$114,481.00           |                          |
| <b>TOTAL- 271 REVENUES</b>                        |                       |                          |                        |                         | <b>\$3,331,074.00</b>  |                          |
| <b>Fund: 271 Library</b>                          |                       |                          |                        |                         |                        |                          |
| <b>Expenditures</b>                               |                       |                          |                        |                         |                        |                          |
| PERS - PERSONAL SERVICES                          | \$2,559,519.31        | \$1,364,950.00           | \$1,492,599.80         | \$373,150.00            | \$1,542,635.00         | 3%                       |
| SUP - SUPPLIES                                    | \$49,321.63           | \$39,000.00              | \$58,000.00            | \$14,500.00             | \$59,000.00            | 2%                       |
| OTH - OTHER SERVICE CHARGES                       | \$782,898.99          | \$696,130.00             | \$709,070.00           | \$274,900.00            | \$774,360.00           | 8%                       |
| Department Total: Library                         | \$3,391,739.93        | \$2,100,080.00           | \$2,259,669.80         | \$662,550.00            | \$2,375,995.00         | 5%                       |
| <b>Fund: 271 LIBRARY- CAPITAL</b>                 |                       |                          |                        |                         |                        |                          |
| <b>Capital Expenditures</b>                       |                       |                          |                        |                         |                        |                          |
| BUILDING AND IMPROVEMENTS                         | \$62,406.00           | \$0.00                   | \$0.00                 | \$0.00                  | \$40,000.00            | 400%                     |
| OFFICE EQUIPMENT                                  | \$51,735.00           | \$1,000.00               | \$0.00                 | \$0.00                  | \$37,500.00            | 375%                     |
| BOOKS/MATERIALS                                   | \$709,227.00          | \$300,000.00             | \$425,000.00           | \$106,250.00            | \$520,000.00           | 18%                      |
| Capital Total: Library                            | \$823,368.00          | \$301,000.00             | \$425,000.00           | \$106,250.00            | \$597,500.00           | 29%                      |
| <b>TOTAL- 271 LIBRARY EXPENSES</b>                | <b>\$4,215,107.93</b> | <b>\$2,401,080.00</b>    | <b>\$2,684,669.80</b>  | <b>\$768,800.00</b>     | <b>\$2,973,495.00</b>  | <b>10%</b>               |
| <b>Fund 271: LIBRARY- Unassigned Fund Balance</b> |                       |                          |                        |                         |                        |                          |
| <b>Fund Balance</b>                               |                       |                          |                        |                         |                        |                          |
| Year-end Total                                    |                       |                          |                        |                         | \$357,579.00           |                          |



## CITY COUNCIL AGENDA ITEM

---

October 11, 2011

To: The Honorable Mayor and City Council Members

From: John Szerlag, City Manager

Subject: Voting Delegate for the National League of Cities (NLC) Congress of Cities and Exposition – November, 2011

---

It is requested that City Council appoint a voting delegate for the National League of Cities (NLC) Congress of Cities and Exposition, November 9-12, 2011 which will be held at the Convention Center in Phoenix, AZ.

Council Member Robin Beltramini will be in attendance at this event, and therefore is available to fill this appointment.

## Congress of Cities & Exposition



### Actor, Author, Hill Harper Joins Speaker Line-up

Hill Harper, a mentor, author, actor and activist, has joined the lineup for the opening general session at the Congress of Cities and Exposition the afternoon of November 10 in Phoenix.

1 2 3

This year's Congress of Cities, to be held at the Phoenix convention center, offers four concurrent conferences to offer more in-depth exploration of the most pressing challenges facing cities.

One registration fee gets you access to all concurrent conference and other activities at the Congress of Cities - no separate concurrent conference registration fee required!

All conference programming will incorporate keynote speakers, workshops, and peer networking sessions. In addition, the conference will weave the topic of **immigrant integration** across the program. Attendees can choose one of the concurrent conferences or sample from all workshops and sessions. [Read more](#)

### Concurrent Conferences

**NLC PHOENIX 2011 ECONOMIC DEVELOPMENT** The Economic Development Conference will help local leaders foster global economic linkages and encourage entrepreneurship and small business — both critical ingredients to more competitive cities in a 21st century economy. [More](#)

**NLC PHOENIX 2011 GREEN CITIES** The Green Cities Conference will offer attendees an opportunity to explore and network across several topics fundamental to building and maintaining strong sustainability programs. Cities are clear and essential leaders in the promotion, development, and implementation of sustainability activities, programs, and policies. [More](#)

**NLC PHOENIX 2011 INFRASTRUCTURE** The Infrastructure Conference will explore several topics fundamental to building and maintaining strong communities and regions. Programming and activities have been designed to focus on practical skills, tools and resources geared toward cities of all population sizes. [More](#)

**NLC PHOENIX 2011 YOUR CITY'S FAMILIES** The National Summit on Your City's Families offers city officials a unique opportunity to learn effective and promising approaches for ensuring that every child has opportunities to learn and grow, a safe neighborhood to call home, a healthy lifestyle and environment, and a financially fit family in which to thrive. [More](#)



A message from NLC President, James Mitchell, Jr.

### Special Thanks to our Sponsors!



### Arizona Cities Sponsors



### PiperJaffray

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## CITY COUNCIL ACTION REPORT

October 10, 2011

TO: John Szerlag, City Manager

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

SUBJECT: Private Agreement for Evaline Extension Phase II  
Project No. 06.909.3

### Background:

Evaline extension phase I was approved and constructed in 2009. The Engineering Department has reviewed the plans for this project and recommends approval. The plans include sanitary sewer, paving, water main sidewalks and soil erosion.

The Owner has provided a cash bond for escrow and cash fees in the amount of the estimated cost of public improvements, as required.

### Recommendation:

Approval is recommended.

cc: Aileen Bittner, Acting City Clerk (Original Agreement)  
Financial Department

Prepared by: G. Scott Finlay, PE

# City Of Troy

## Contract for Installation of Municipal Improvements (Private Agreement)

Project No.: **06.909.3**

Project Location: **SW 1/4 Section 15**

Resolution No: \_\_\_\_\_

Date of Council Approval: \_\_\_\_\_

This Contract, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and **Murray Deagle** whose address is **328 Evaline, Troy, MI 48085** and whose telephone number is **248-770-5009** hereinafter referred to as "Owners", provides as follows:

**FIRST:** That the City agrees to permit the installation of **Sanitary Sewer, Paving, Water Main Sidewalks and Soil Erosion** in accordance with plans prepared by **Nowak & Fraus** whose address is **46777 Woodward Ave., Pontiac, MI 48342** and whose telephone number is **248-332-7931** and approved prior to construction by the City in accordance with City of Troy specifications.

**SECOND:** That the Owners agree to provide the following securities to the City prior to the start of construction, in accordance with the Detailed Summary of Required Deposits & Fees (attached hereto and incorporated herein):

Refundable escrow deposit equal to the estimated construction cost of \$ **74,995.00**. This amount will be deposited with the City in the form of (check one):

- Cash
- Certificate of Deposit & 10% Cash
- Irrevocable Bank Letter of Credit & 10% Cash
- Check
- Performance Bond & 10% Cash

Refundable cash deposit in the amount of \$ **14,121.00**. This amount will be deposited with the City in the form of (check one):

- Cash
- Check

Non-refundable cash fees in the amount of \$ **10,875.00**. This amount will be paid to the City in the form of (check one):

- Cash
- Check

Said refundable escrow deposits shall be disbursed to the Owners after approval by the City. The City reserves the right to retain a minimum of ten (10) percent for each escrowed item until the entire site/development has received final inspection and final approval by all City departments. Refundable cash deposits shall be held until final approval has been issued. Disbursements shall be made by the City within a reasonable time, after request for refund of deposits is made by the Owners.

## **City Of Troy**

### **Contract for Installation of Municipal Improvements (Private Agreement)**

**THIRD:** The owners shall contract for construction of said improvement with a qualified contractor. Owners, or their agents, and contractor(s) agree to arrange for a pre-construction meeting with the City Engineer prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, in accordance with the approved plans. Revisions to approved plans required by unexpected or unknown conflicts in the field shall be made as directed by the City.

**FOURTH:** Owners agree that if, for any reason, the total cost of completion of such improvements shall exceed the sums detailed in Paragraph SECOND hereof, that Owners will immediately, upon notification by the City, remit such additional amounts in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sums as detailed in Paragraph SECOND hereof, City will refund to the Owners the excess funds remaining after disbursement of funds.

**FIFTH:** Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements and/or right-of-way for such public utilities as required by the City Engineer.

**City Of Troy**

**Contract for Installation of Municipal Improvements  
(Private Agreement)**

**IN WITNESS WHEREOF**, the parties hereto have caused this agreement to be executed in duplicate on this 9th day of October, 2011.

OWNERS

CITY OF TROY

By:

By:

Murray David Deagle  
Murray David Deagle  
Please Print or Type

\_\_\_\_\_  
Louise E. Schilling, Mayor

~~\_\_\_\_\_  
Please Print or Type~~

\_\_\_\_\_  
M. Aileen Bittner, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 9th day of October, A.D. 2011, before me personally appeared Murray David Deagle known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

Cheryl A Stewart  
\_\_\_\_\_  
NOTARY PUBLIC, Oakland County, Michigan

CHERYL A. STEWART  
Notary Public, Oakland County, MI  
My Commission Expires May 3, 2012  
Acting In Oakland County

My commission expires: May 3, 2012

Detailed Summary of Required Deposits & Fees  
 Evaline Extension Phase II  
 3 Units - Section 15

**ESCROW DEPOSITS or PERFORMANCE BOND:**

|   |          |
|---|----------|
| Sanitary Sewers   | \$15,421 |
| Water Mains   | \$2,987  |
| Storm Sewers  | \$12,715 |
| Pavement - CONCRETE   | \$32,832 |
| Grading   | \$2,500  |
| Detention Basin   | \$2,500  |
| Deposit for the Repair of Damage to Existing Public Streets Used for Access | \$6,000  |

**TOTAL ESCROW DEPOSITS or PERFORMANCE BOND (REFUNDABLE):** \$74,955

(Circle One)

**CASH FEES (NON-REFUNDABLE):**

|   |         |
|---|---------|
| Street Name and Traffic Signs (SUB 4)                   | \$79    |
| Maintenance of Detention Basin (20 year)                | \$2,400 |
| Soil Erosion and Sedimentation Control Permits (SUB 10) | \$1,200 |
| Testing Services (SUB 11)                               | \$1,124 |
| Engineering Review and Inspection (PA 1)                | \$6,072 |

**(PA 3) TOTAL CASH FEES (NON-REFUNDABLE):** \$10,875

**CASH DEPOSITS (REFUNDABLE):**

|  |         |
|--|---------|
| Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access | \$2,000 |
| Landscape Deposit  | \$3,300 |
| Punchlist & Restoration Deposit  | \$8,321 |
| Deposit for Repair, Replacement or Maintenance of SESC                   | \$500   |

**(PA 3) TOTAL CASH DEPOSITS (REFUNDABLE):** \$14,121

Stormwater detention for this development will be provided by:  
 New Onsite Public Pond  
 Engineer: Nowak & Fraus  
 Developer: Murray Deagle



## CITY COUNCIL AGENDA ITEM

---

Date: October 13, 2011

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Steven Vandette, City Engineer

Subject: Private Agreement – Granite City Food and Brewery  
Project No. 08.911.3

---

### Background

The Planning Commission granted preliminary site plan approval for the above referenced project on 7/28/2011. The Engineering Department has reviewed the plans for this project and recommends approval. The plans include Water Main and Storm & Sanitary Sewer Connections.

The Owner has provided a check for the escrow in the amount of the estimated cost of public improvements, as required.

### Recommendation

Approval is recommended

cc: Aileen Bittner, Acting City Clerk (Original Agreement)  
Financial Department

# City Of Troy

## Contract for Installation of Municipal Improvements (Private Agreement)

Project No.: **08.911.3**

Project Location: **NW 1/4 Section 28**

Resolution No: \_\_\_\_\_

Date of Council Approval: \_\_\_\_\_

This Contract, made and entered into this **10th** day of **October, 2011** by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and **Granite City Food & Brewery** whose address is **5402 Parkdale, Suite 101, St. Louis Park, MN 55416** and whose telephone number is **(952) 697-2394** hereinafter referred to as "Owners", provides as follows:

**FIRST:** That the City agrees to permit the installation of **Water Main and Storm & Sanitary Sewer Connections** in accordance with plans prepared by **Professional Engineering Associates, Inc.** whose address is **2430 Rochester Ct., Suite 100, Troy, MI 48083** and whose telephone number is **(248) 689-9090** and approved prior to construction by the City in accordance with City of Troy specifications.

**SECOND:** That the Owners agree to provide the following securities to the City prior to the start of construction, in accordance with the Detailed Summary of Required Deposits & Fees (attached hereto and incorporated herein):

Refundable escrow deposit equal to the estimated construction cost of \$ **38,098.00**. This amount will be deposited with the City in the form of (check one):

|  |                                     |
|--|-------------------------------------|
| Cash   | <input type="checkbox"/>            |
| Certificate of Deposit & 10% Cash            | <input type="checkbox"/>            |
| Irrevocable Bank Letter of Credit & 10% Cash | <input type="checkbox"/>            |
| Check  | <input checked="" type="checkbox"/> |
| Performance Bond & 10% Cash                  | <input type="checkbox"/>            |

Refundable cash deposit in the amount of \$ **7,310.00**. This amount will be deposited with the City in the form of (check one):

|      |                          |       |                                     |
|------|--------------------------|-------|-------------------------------------|
| Cash | <input type="checkbox"/> | Check | <input checked="" type="checkbox"/> |
|------|--------------------------|-------|-------------------------------------|

Non-refundable cash fees in the amount of \$ **4,545.00**. This amount will be paid to the City in the form of (check one):

|      |                          |       |                                     |
|------|--------------------------|-------|-------------------------------------|
| Cash | <input type="checkbox"/> | Check | <input checked="" type="checkbox"/> |
|------|--------------------------|-------|-------------------------------------|

Said refundable escrow deposits shall be disbursed to the Owners after approval by the City. The City reserves the right to retain a minimum of ten (10) percent for each escrowed item until the entire site/development has received final inspection and final approval by all City departments. Refundable cash deposits shall be held until final approval has been issued. Disbursements shall be made by the City within a reasonable time, after request for refund of deposits is made by the Owners.

**City Of Troy**  
Contract for Installation of Municipal Improvements  
(Private Agreement)

**THIRD:** The owners shall contract for construction of said improvement with a qualified contractor. Owners, or their agents, and contractor(s) agree to arrange for a pre-construction meeting with the City Engineer prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, in accordance with the approved plans. Revisions to approved plans required by unexpected or unknown conflicts in the field shall be made as directed by the City.

**FOURTH:** Owners agree that if, for any reason, the total cost of completion of such improvements shall exceed the sums detailed in Paragraph SECOND hereof, that Owners will immediately, upon notification by the City, remit such additional amounts in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sums as detailed in Paragraph SECOND hereof, City will refund to the Owners the excess funds remaining after disbursement of funds.

**FIFTH:** Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements and/or right-of-way for such public utilities as required by the City Engineer.

**City Of Troy**  
Contract for Installation of Municipal Improvements  
(Private Agreement)

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

OWNERS

CITY OF TROY

By:

  
\_\_\_\_\_  
James G. Gilbertson, CFO  
Please Print or Type Granite City Food & Beverage

By:

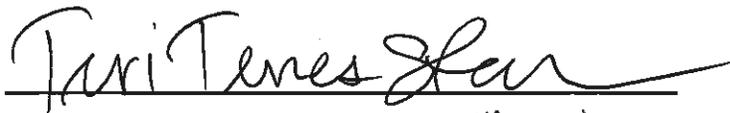
\_\_\_\_\_  
Louise E. Schilling, Mayor

\_\_\_\_\_  
Please Print or Type

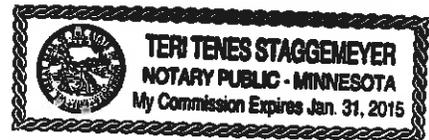
\_\_\_\_\_  
M. Aileen Bittner, City Clerk

STATE OF <sup>Minnesota</sup> MICHIGAN, COUNTY OF <sup>Wright</sup> OAKLAND

On this 10<sup>th</sup> day of October, A.D. 2011, before me personally appeared James G. Gilbertson known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

  
\_\_\_\_\_  
NOTARY PUBLIC, Oakland County, <sup>Minnesota</sup> Michigan

My commission expires: 01/31/2015



**Detailed Summary of Required Deposits & Fees  
Granite City Food and Brewery  
08.911.3**

**ESCROW DEPOSITS (PUBLIC):**

|   |          |
|---|----------|
| Sanitary Sewers   | \$2,600  |
| Water Mains   | \$29,998 |
| Storm Sewer Connection  | \$2,500  |
| Underground Detention System/Restricted Outlet/Sewer Tap/Oil & Gas Trap | \$3,000  |

TOTAL ESCROW DEPOSITS (Refundable): **\$38,098**

**CASH FEES (Non-Refundable):**

|   |          |
|---|----------|
| Engineering Review Fee (Private Improvements)(PA1)                      | \$3,143  |
| Water Main Testing and Chlorination (PA 2)                              | \$650    |
| Plan Review and Construction Inspection Fee (Public Improvements) (PA1) | \$3,086  |
| Less Initial Engineering Review Fee (Public & Private)(1.1%)            | -\$2,334 |

TOTAL CASH FEES (Non-Refundable): **\$4,545**

**CASH DEPOSITS (Refundable):**

|  |         |
|--|---------|
| Street Cleaning/Road Maintenance                                   | \$2,500 |
| Soil Erosion/Sedimentation Control Repair, Replace, or Maintenance | \$1,000 |
| Punchlist & Restoration  | \$3,810 |

TOTAL CASH DEPOSITS (Refundable): **\$7,310**

Total Escrow & Cash Deposits (Refundable): **\$45,408**

Total Cash Fees (Non-Refundable): **\$4,545**

Total Amount: **\$49,953**



## CITY COUNCIL AGENDA ITEM

---

**Date:** October 11, 2011

**To:** John Szerlag, City Manager

**From:** Mark F. Miller, Director of Economic and Community Development  
 Steven J. Vandette, City Engineer  
 Patricia A. Petitto, Real Estate Consultant, Greenstar & Associates, LLC *PAP*

**Subject:** Request for Approval of Robert Smith Relocation Claim  
 John R Road Improvement Project, Square Lake to South Boulevard  
 Project No. 02.204.5 – Parcel 44 – Sidwell #88-20-02-230-011

---

### Background

As part of the proposed John R Road Improvement Project – Square Lake to South Boulevard, City Council previously authorized the purchase of the property at 6695 John R from Elizabeth Strichick. This parcel is located on the west side of John R Road, between Lyster Lane and Chancery Avenue in the northeast ¼ of Section 2. City Council also previously approved a Relocation Claim from Ms. Strichick. The basement of this property was occupied by a long term guest, Robert Smith. After discussing Mr. Smith's eligibility for relocation benefits with the Local Public Agency Coordinator of the Michigan Department of Transportation Real Estate Division, he was issued a Relocation Eligibility Notice allowing him to claim moving costs of \$650 for one room based on a fixed rate schedule.

### Recommendation

City Management recommends that City Council approve the attached Relocation Claim and authorize payment for reimbursement of moving expenses in the amount of \$650.

### Fund Availability

Eighty percent of these costs will be reimbursed from Federal funds. Funds for the City of Troy's share are available in the Major Roads Fund.

# RELOCATION CLAIM

## RESIDENTIAL

Information required by Act 31, P.A. 1970 as amended, and Act 277  
P.A. of 1972, to process payment.

DISPLACEE'S NAME  
Robert Smith

ACQUIRED PROPERTY ADDRESS AND PHONE  
6695 John R, Troy, MI 48085

REPLACEMENT PROPERTY ADDRESS AND PHONE

11545 HENSELL Rd  
Holly mi. 48442-8550

### CONTROLLING DATES

|                         |                                  |   |
|-------------------------|----------------------------------|---|
| DATE OF MOVE<br>8-29-11 | DATE OF FINAL PAYMENT<br>8-29-11 | DATE OF ESTIMATED JUST COMPENSATION DEPOSIT |
|-------------------------|----------------------------------|---|

### MUST OCCUPY REPLACEMENT PROPERTY BY:

|   |                 |
|---|-----------------|
| If Tenant, 12 months after date of move   | DATE<br>8/30/12 |
| If Secured Owner, 12 months after date of final payment                         | DATE<br>_____   |
| If Unsecured Owner, 12 months after date of estimated just compensation deposit | DATE<br>_____   |

### MUST FILE CLAIM FOR PAYMENT BY:

|   |                |
|---|----------------|
| If Tenant, 18 months after date of move                                     | DATE<br>3/1/13 |
| If Owner, 18 months after date of move or final payment, whichever is later | DATE<br>_____  |

### RELOCATION PAYMENTS

|   |               |
|---|---------------|
| Replacement Housing Supplement                      | 0             |
| Incidental Closing Costs                            | 0             |
| Increased Interest Differential                     | 0             |
| Replacement Rental Supplement/Purchase Down Payment | 0             |
| Moving Expenses                                     | \$ 650        |
| <b>AMOUNT DUE:</b>                                  | <b>\$ 650</b> |

MOVE VERIFIED BY ~~MDOT~~ CITY OF TROY

I/WE AGREE PAYMENT WILL BE SENT TO  
6705 JOHN R., TROY, MI 48085

### I/WE CERTIFY THAT:

- All information submitted is true and correct.
- I/We have purchased or rented and occupied, or will purchase or rent and occupy, a replacement dwelling which is decent, safe, and sanitary within the standards prescribed by the Michigan Department of Transportation.
- I/We have vacated or will vacate the state acquired property.
- I/We have not submitted any other claim, or received reimbursement from any other source, for expenses itemized on this claim.
- I/We agree if the amount of compensation is increased in an administrative settlement or condemnation action, the Housing Supplement shall be recalculated based upon the increased compensation award, and any overpayment in the Housing Supplement shall be deducted by the department from the final payment.
- I/We are a legal resident of the United States.

|  |                |                       |      |
|--|----------------|-----------------------|------|
| DISPLACEE'S SIGNATURE<br><i>Robert Smith</i> | DATE<br>9-2-11 | DISPLACEE'S SIGNATURE | DATE |
|--|----------------|-----------------------|------|

I/We certify that I/We have examined this claim and the substantiating documentation and have found it to conform to the applicable State and Federal laws and the operating procedures of the Michigan Department of Transportation.

|   |                  |                                       |                  |
|---|------------------|---------------------------------------|------------------|
| RECOMMENDED BY:<br><i>Patricia A. Pettito</i> | DATE<br>10/11/11 | APPROVED BY:<br><i>Stacy VanLette</i> | DATE<br>10/11/11 |
|---|------------------|---------------------------------------|------------------|

|                               |                   |              |      |
|-------------------------------|-------------------|--------------|------|
| CONTROL SECTION<br>EDCF 63544 | JOB NO.<br>56247C | PARCEL<br>44 | NAME |
|-------------------------------|-------------------|--------------|------|



## CITY COUNCIL AGENDA ITEM

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Date: October 10, 2011

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Tom Darling, Darling and Associates  
Jeff Biegler, Recreation Director

Subject: Municipal Credit and Community Credit Agreement

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### Background:

Municipal credits are state-authorized funds that are given directly to the Suburban Mobility Authority for Regional Transportation (SMART) to be divided among every city, township and village in Oakland, Wayne and Macomb Counties on a per capita basis. Community credits are a direct result of the SMART millage that provides opt-in communities with additional funds.

Troy's municipal and community credit dollars have been used to support the community based Troy Medi-Go Plus service. Medi-Go Plus provided over 14,000 rides to senior and disabled riders in 2010.

### Recommendation:

It is recommended that the City enter into a contract for Municipal and Community Credits with SMART for \$79,648 and \$88,586 respectively. This fund is utilized for transportation service for senior citizens and persons with disabilities.

### City Attorney's Review as to Form and Legality

Approved as to Form and Legality:

\_\_\_\_\_  
Lori Grigg Bluhm, City Attorney

# MUNICIPAL CREDIT and COMMUNITY CREDIT CONTRACT FOR FY 2012

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I, \_\_\_\_\_, on behalf of the **City of Troy** apply to SMART for our Municipal and Community Credits for the period of July 1, 2011 through June 30, 2012, and agree that the Municipal and Community Credits Master Agreement, which is incorporated herein by reference, will form part of this agreement. Specific terms, conditions and budgetary projections are set forth in Exhibits A and B as necessary.

Our community agrees to use the **\$79,648** in **Municipal Credit** funds available to us as follows:

(1) Transfer of \$ \_\_\_\_\_ to \_\_\_\_\_  
TRANSFeree COMMUNITY

At the cost of \$ \_\_\_\_\_

(2) Transportation program operated/administered by the community  
(Includes Charters, Van/Bus Program, Taxi Reimbursement)

At the cost of \$ 79,648

(3) Transportation service purchased from SMART  
(Includes SMART Tickets/Passes, Shuttle Service, Dial-A-Ride)

At the cost of \$ \_\_\_\_\_

**Municipal Credit Total \$79,648**

Pursuant to Act 51, SMART intends to provide Municipal Credit funds under this contract to the extent funds for the program are made available to it by the Michigan Legislature. Municipal Credit funds made available to SMART through legislative appropriation are based on projected revenue estimates. In the event that revenue actually received is insufficient to support the Michigan Legislature's appropriation, it may necessitate a reduction in the amount of funds available to the **City of Troy**. In such event, SMART reserves the right, without notice, to reduce the payment of Municipal Credit funds by the amount of any reduction by the Michigan Legislature to SMART.

Our community agrees to use the **\$88,586** in **Community Credit** funds available to us as follows:

(1) Transfer of \$ \_\_\_\_\_ to \_\_\_\_\_

TRANSFeree COMMUNITY

At the cost of \$ \_\_\_\_\_

(2) Transportation program operated/administered by the community  
(Includes Charters, Van/Bus Program, Taxi Reimbursement)

At the cost of \$ 88,586

(3) Transportation service purchased from SMART  
(Includes SMART Tickets/Passes, Shuttle Service, Dial-A-Ride)

At the cost of \$ \_\_\_\_\_

(4) Capital Purchases

At the cost of \$ \_\_\_\_\_

**Community Credit Total \$88,586**

Capital purchases permitted with *Community Credits* are subject to applicable state and federal regulations and SMART procurement guidelines. When advantageous, SMART may make procurements directly. Reimbursement for purchases made by a community requires presentation of proper documentation to support the purchase (i.e. purchase orders, receiving reports, invoices, etc.). *Community Credit* dollars, available in FY 2012, may be required to serve local employer transportation needs per the coordination requirements set forth in the aforementioned Master Agreement.

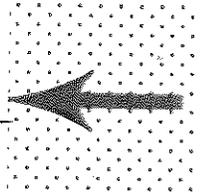
**City of Troy**

By: \_\_\_\_\_

Louise Schilling

Its: Mayor

Dated \_\_\_\_\_



**Suburban Mobility Authority for  
Regional Transportation**

Dated \_\_\_\_\_

By: \_\_\_\_\_

John C. Hertel, General Manager



## CITY COUNCIL AGENDA ITEM

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Date: October 13, 2011

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic & Community Development  
Cindy Stewart, Community Affairs Director

Subject: Request to Waive Recapture of Community Development Block Grant 2009 Funds

### Background

The U.S. Department of Housing and Urban Development (HUD) mandates that Community Development Block Grant (CDBG) balances not exceed 1.5 times the current program year allocation sixty (60) days prior to the end of the program year (February 28<sup>th</sup>).

The Oakland County Board of Commissioners adopted a policy allowing communities to protect funds from their two most recent program years to help comply with this regulation

All unobligated 2009 and older funds are at risk of recapture December 31, 2011. The City of Troy may protect unobligated 2009 funds from recapture for one additional year by requesting a waiver. A separate Waiver request form must be submitted for each 2009 line item to the Manager of the Oakland County Community & Home Improvement Division no later than December 1, 2011.

### Recommendation

It is recommended that Council authorize to waive recapture of the Community Development Block Grant (CDBG) 2009 Funds. We have not spent the 2009 funds as of this date in order to accumulate a large amount to be able to pay for the Flood Drain Improvement project in Section 36.

**ELECTION COMMISSION MINUTES – Final****September 1, 2011**

A meeting of the Troy Election Commission was held September 1, 2011, at City Hall, 500 W. Big Beaver Road. Acting City Clerk Bittner called the Meeting to order at 8:15 AM.

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**ROLL CALL:**

PRESENT: David Anderson, Timothy Dewan, M. Aileen Bittner – Acting City Clerk

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**Minutes: Regular Meeting of June 29, 2011**

Resolution #EC-2011-09-010

Moved by Anderson

Seconded by Dewan

RESOLVED, That the Election Commission hereby **APPROVES** the Minutes of June 29, 2011 as presented.

Yes: Anderson, Dewan, Bittner

No: None

**MOTION CARRIED**

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**Approval of Consolidation of Precincts**

Resolution #EC-2011-09-011

Moved by Dewan

Seconded by Anderson

RESOLVED, That the Election Commission of the City of Troy hereby **AUTHORIZES** that applicable precincts servicing qualified electors in the City of Troy be **CONSOLIDATED** for the November 8, 2011 Election in accordance with MCL 168.659.

Yes: Anderson, Dewan, Bittner

No: None

**MOTION CARRIED**

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**Adjournment:**

The meeting was adjourned at 8:20 AM.

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M. Aileen Bittner  
Acting City Clerk

Chair Hutson called the Regular Meeting of the Troy City Planning Commission to order at 7:30 p.m. on September 13, 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-2011-09-054**

Moved by: Schultz

Seconded by: Strat

RESOLVED, To approve the Agenda as prepared.

Yes: All present (8)

Absent: Sanzica

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2011-09-055**

Moved by: Schultz

Seconded by: Maxwell

**RESOLVED**, To approve the minutes of the August 23, 2011 Special/Study meeting as prepared.

Yes: Edmunds, Hutson, Krent, Maxwell, Schultz, Strat, Tagle

Abstain: Ullmann

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 (File Number SU 388 A) – Expansion of an existing Adult Foster Care Small Group Home, From nine (9) residents to ten (10) residents, North Side of Square Lake, East of Beach (2420 W. Square Lake), Section 6, Currently Zoned R-1A (One Family Residential) District

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution # PC-2011-09-056**

Moved by: Schultz

Seconded by: Strat

**RESOLVED**, That Special Use Approval for ten (10) residents in the Adult Foster Care Small Group Home, located on the north side of Square Lake and east of Beach Road, at 2420 W. Square Lake, Section 6, within the R-1A zoning district, be granted.

Yes: All present (8)

Absent: Sanzica

**MOTION CARRIED**

**OTHER BUSINESS**

6. SUSTAINABLE DEVELOPMENT CHECKLIST

**Resolution # PC-2011-09-057**

Moved by: Edmunds

Seconded by: Schultz

**WHEREAS**, The City of Troy Zoning Ordinance included a Sustainable Design Option, which is intended to promote environmentally sustainable and energy efficient design and development practices for the construction of new and the rehabilitation of existing buildings and sites within the City; and,

**WHEREAS**, Section 12.01 of the City of Troy Zoning Ordinance established the requirement of a separate Sustainable Development Checklist; and,

**WHEREAS**, The Planning Commission developed the Sustainable Development Checklist.

**THEREFORE BE IT RESOLVED**, The Planning Commission hereby recommends to City Council that the Sustainable Development Checklist be approved.

Yes: All present (8)  
Absent: Sanzica

**MOTION CARRIED**

7. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

There was general discussion on Revisions to Chapter 85, Signs.

8. PLANNING COMMISSION COMMENTS

There was general Planning Commission discussion.

The Regular Meeting of the Planning Commission adjourned at 8:25 p.m.

Respectfully submitted,

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Michael W. Hutson, Chair

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Kathy L. Czarnecki, Recording Secretary

**ELECTION COMMISSION MINUTES – Draft****October 13, 2011**

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A meeting of the Troy Election Commission was held October 13, 2011, at City Hall, 500 W. Big Beaver Road. Acting City Clerk Bittner called the Meeting to order at 8:00 AM.

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**Roll Call:**

PRESENT: David Anderson, Timothy Dewan, M. Aileen Bittner – City Clerk

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**Minutes: Regular Meeting of September 1, 2011**

Resolution #EC-2011-10-012

Moved by Dewan

Seconded by Anderson

RESOLVED, That the Election Commission hereby **APPROVES** the Minutes of September 1, 2011 as presented.

Yes: Anderson, Dewan, Bittner

No: None

**MOTION CARRIED**

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**Approval of Election Inspector Assignments – November 8, 2011 Election**

Resolution # EC-2011-10-013

Motion by Anderson

Seconded by Dewan

RESOLVED, That Election Inspectors be **APPOINTED** for the November 8, 2011 Election, as presented by the City Clerk.

Yes: Dewan, Anderson, Bittner

No: None

**MOTION CARRIED**

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**Adjournment:**

The meeting was adjourned at 8:05 AM.

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M. Aileen Bittner, CMC  
City Clerk



## Fire Department

500 West Big Beaver Road

Troy, Michigan 48084

Phone: 248-524-3419

Fax: 248-689-7520

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Date: October 7, 2011

To: John Szerlag, City Manager

From: William S. Nelson, Fire Chief

Subject: Status of ICMA Recommendations

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The following is a status report on the fire department efforts to implement the recommendations contained in the ICMA report.

**1. Conduct community risk assessment and hazard analysis based on RHAVE model developed by Commission on Fire Accreditation International.**

The department has acquired the software program from FEMA and is exploring the ability to integrate the software with the CLEMIS Fire Records Management System. Implementing the RHAVE program as a standalone application would require duplication of approximately 4000 structure records and considerable staff time for redundant data entry.

**2. Implement lessons learned from nonprofit organizations in developing strategies to recruit and retain volunteers.**

Staff has begun researching recruitment and retention strategies utilized by non-governmental organizations. The fire department, however, already maintains a five year average of 172.6 volunteer firefighters or 96% of its authorized number of volunteer firefighters.

**3. Reorganize, starting with a three-tier command. There should be a chief, captains and lieutenants (or some similar titles), which would allow for more command at a similar price. It would also provide a transition for firefighters who move from volunteer ranks into the paid command with associated training and testing.**

Over the past 4 years the fire career staff has transitioned from:

1 Chief

2 Division Assistant Chiefs

10 Staff Lieutenants

13 Total sworn staff

To

1 Chief

1 Division Assistant Chief

5 Staff Lieutenants

3 Fire staff Technicians

10 Total Sworn staff

We have eliminated 1 Division Assistant Chief position and 5 Staff Lieutenant positions and will continue to transition Staff Lieutenant positions to fire staff technician positions as we continue to evaluate the career staffing component of the fire department.

- 4. Chief Officers of the volunteers should be appointed, not elected. This avoids popularity contests that dilute management effectiveness.**

Assistant Chief Roberts and I have been meeting with the station Assistant Chiefs and Captains for the past three months to address this issue. To date we have validated the number and ranks of volunteer officers in the department, updated and revised the position descriptions for all station officers, created an officer selection process and methodology. Our objective is to have the program in place in January 2012.

- 5. Proposed cuts in the future come largely from prevention; research from outside the U.S. that is slowly finding its way into the U.S. Fire Service shows this is the last place that cuts should take place. Prevention efforts should be strengthened, using a multi-tier approach. The City should look at charges for inspections, particularly in the area of sprinkler systems, which are mandated by insurance companies and that can be provided as part of a regular program.**

The Fire Department currently charges for fire protection system permits which are issued for the installation or modification of sprinkler, fire alarm and similar systems. The department also charges for hazardous materials permits which are issued to businesses that use, produce or store hazardous materials and occupancy permits which are required for new business occupancies in the city. The Fire Department also charges fee for fireworks permits, special event permits, and fire alarm user registrations. The fees charged for these permits are reviewed periodically and reflect the costs incurred in processing, plan review, and inspections as well of administrative overhead required to manage the program. The department does not charge for routine fire inspections due to the variety of occupancies that are inspected as well as the difficulty in setting standard fees when the amount of time required per inspection may vary greatly.

- 6. The incentive program for volunteers should be amended to preclude lump sum payouts, which have swelled the annual contributions required from the City. The cost of this program is less than what the average fire department pays “volunteers” but, by allowing lump sums, the fund requires larger yearly payments to remain solvent.**

The City Manager and finance staff has met with the actuary staff to discuss the current impact of the lump sum payout option and its impact on the Incentive Plan fund. This item will be discussed further with the Incentive Committee that represents the volunteer firefighters.

- 7. Develop quantitative performance measures for all program areas that link goals to specific target rates or percentages.**

The department staff is reviewing the data currently collected in the CLEMIS Fire Records Management System and the reports available to determine the most efficient method of collecting and displaying performance data.



INTEGRITY \* RESPECT \* LAWS AND THE CONSTITUTION \* ACCOUNTABILITY \* PROBLEM SOLVING \* PROFESSIONALISM

## MEMORANDUM

DATE: October 6, 2011

TO: John Szerlag, City Manager *JS*

FROM: Gary G. Mayer, Chief of Police *Gary G. Mayer*

RE: ICMA Implementation Plan and Progress Report / Police Department

Included with this memo, please find the latest Police Department ICMA Progress Report. This report was compiled by Lieutenant Thomas Gordon. In addition to his regular duties he has been appointed as the change manager for the Department.

The report details the continuing progress that the Police Department is making to achieve the milestones presented by the ICMA report. What this report does not convey is the impact the reduction of staff has had on the people of this Department or the community we serve.

The Police Department is clearly in transition to becoming smaller as we are in the midst of staff reductions. The most significant impact of these reductions has been in the command officer ranks. These supervisory positions tend to be support for the direct service delivery function. They are the individuals responsible for achieving the multi-pronged roles of keeping Troy a safe community, keeping costs down, managing the changes Troy PD is experiencing, and providing the leadership of police officers and civilian employees. We are fortunate to have dedicated, well-trained, and professional sergeants, lieutenants, and captains. They have been very cooperative and accepting as duty assignments have changed and additional duties and responsibilities have been added.

In addition to points mentioned in the ICMA Progress Report, I offer the following areas where reductions or changes have occurred since the last report.

- The reduction of the number of police officers continues as we move towards the deadline for the ERIP. The number remains to be determined.
- Civilian staff numbers have been reduced.
- The new records management system has been implemented and has caused problems associated with the change.

While there have been changes within the Police Department with regard to some services, we are still at the initial stages of a comprehensive change in the type and scope of police services that will remain upon completion of the staff reduction plan. It is probable at this point that the average citizen has not noticed a significant deviation from the traditional service

levels the Police Department provided in the past, especially in the areas of response to calls for service or the handling of routine incidents. While this may be the present case, it is important to note some of the reductions that have already transpired, as well as to prepare the community for more significant changes that will occur as we reach our final staffing levels.

Examples of services that have already been impacted include the elimination of Animal Control services; the reduction of public walk-up service hours at the Police Records Section from five to four days per week; the elimination of several youth related prevention and education programs, such as Jam Fest and the Police Explorers Program; and changes in deployment of our uniformed patrol officers, especially involving our Traffic Safety Unit, which has led to fewer resources available to address neighborhood traffic issues that we were once able to deploy. Our public information and media relations are not as robust as they were. Community services and crime prevention programs are being reduced. Our participation in prevention programs with the Troy Community Coalition for the Prevention of Alcohol and Drug Abuse has been significantly reduced. Juvenile officers in the schools have been eliminated.

In response to some of these reductions, we have successfully implemented a citizen volunteer program to fill some of the gaps. One aspect of that program anticipates fewer uniformed patrols in neighborhoods, schools, and businesses and features citizens patrolling their own neighborhoods and acting as our eyes and ears. In another area, volunteers are providing some routine call-back services and case updates to complainants on criminal cases where detectives are no longer available to perform that service. Finally, some volunteers are providing routine clerical and technological support in our Police Records Section and Investigations Section.

We will soon be entering the point of the change process where there will be a more significant and noticeable impact on the services we have traditionally provided. Many of these changes are summarized in the ICMA report to City Council. They involve the reduction and possible elimination of response to routine medical calls, eliminating our response to property damage crashes, significant reductions in the types of criminal cases that will be assigned for investigation, and the reduction and possible elimination of response to burglar alarms. In addition, many routine reports and reports of minor crimes will require citizens to either respond to the station or file those reports on-line rather than having police officers dispatched to their residences or businesses to take those reports. These changes and others are presently being analyzed. A key aspect of the initial stage of this analysis is the current attempt to identify and include key stakeholders in the community that will be impacted by these changes in an effort to gather their input.

Although the mandated reductions will impact the types of police services available in this community, we are a professional organization made up of dedicated people. Reduced service does not equate to poor service. Although there will be less services than in the past, we remain committed to providing this community with professional public safety by effectively and efficiently utilizing the resources that we are allocated.

The Troy Police Department remains committed to our mission to enhance the quality of life in our community by forming partnerships that provide for the protection of life and property and maintain the peace through police service.

# ICMA Recommendations

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October 6, 2011

## **Implementation Plan and Progress Report – Troy Police Department:**

### Immediate to 6 months:

- 1) Appoint “Change Agent”. DONE 4APR11. Captain Mott is now the Administration Captain with “change agent” responsibilities. Effective 01JUL11, Lt. Gordon is new change manager. DONE
- 2) Maintain four patrol shifts and ten-hour tours. DONE
- 3) Reorganize the Professional Standards and Community Services Division and transfer the duties, responsibilities, and personnel to other Divisions. In progress. Transitional Organization Chart completed. Captains have been reassigned; personnel to follow. Updated organization chart completed and distributed 24JUN11. Reassignment of personnel continue; redistribution of workload ongoing. Effective 15SEP11, PIO/CSS Lieutenant and responsibilities transferred to Operations Division – Road Patrol. Transitional Organizational Chart updated. DONE
- 4) Transition a captain position. DONE 4APR11. One captain transitioned to “change agent” position. Effective 30JUN11, Captain Mott retires. Two division captains remain. DONE
- 5) Establish Intelligence Dissemination Program for Operations Division Supervisor Use. In progress. Crime Mapping program established and reviewed at each shift’s daily roll call. More to follow. As of 1 AUG11, On-line Crime Mapping program is fully operational and used by supervisors at each roll call. DONE
- 6) Review of police vehicle markings. Most vehicles now marked. DONE
- 7) Address CLEMIS deficiencies. In progress. Research is being conducted to identify more efficient data collection methods. As of 20SEP11, the new TalonMDC, and CLEAR report writing systems have been fully implemented. The CAD Log model proved cumbersome, and has been replaced with TalonMDC based on-line Activity Logs. This new program is expected to begin implementation in November 2011.
- 8) Empanel internal “re-engineering” sessions to communicate organizational modifications to all employees. In progress. Volunteers identified and assigned to

## ICMA Recommendations

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various committees (see below). Committee responsibilities will include regular progress reports/communications to Department members disseminated through Lt. Gordon. As of 26SEP11, all committees have been assigned Chairpersons; work continues.

9) **Broader use of volunteers. Continuing.** Volunteers, as well as the Citizens on Patrol program, continue to provide valuable service. Hours volunteered by these citizens are being tracked and reported to City Management and Council through the Office of the Chief of Police.

10) **Establish Calls for Service Committee to explore workload reduction possibilities, including:**

- a. **Eliminate response to routine medical calls. Committee selection in progress.** Chairperson (Sgt. Ostrowski) is gathering data, bringing in community stakeholders, and identifying possible response options.
- b. **Eliminate response to property-damage-only motor vehicle accidents. Committee selection in progress.** A recent retirement necessitated selection of a new Chairperson (Sgt. Szuminski). Community stakeholders have been identified, and additional committee volunteers have been identified.
- c. **Establish a burglary alarm reduction program to drastically reduce response to these calls. Committee selection in progress.** Chairperson (Lt. Redmond) has been appointed, exploring possible change to alarm ordinance. More to follow.
- d. **Eliminate response to animal calls. DONE.** Oakland County Animal Control in place as of 15APR11. Sgt. Szuminski assigned remaining ACO oversight duties (e.g., Liaison w/OCAC, permit oversight, ACO general order re-write). DONE

11) **Examination of dispatch times and code priorities to reduce dispatch times. In progress. DONE.** CAD priorities reviewed and changed so that only incidents that are always priorities (e.g., PI accidents and B&E in progress) are included in data for future review (Brandimore). Note: This will be continuously monitored for quality assurance purposes. DONE

## ICMA Recommendations

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- 12) Empanel a committee to examine amount of time spent on administrative and other out-of-service activities. Committee is in place; progress is ongoing and coupled with other Operations Division goals. **Note: This will be continuously monitored for quality assurance purposes. DONE**

### **6 months to 1 year:**

- 1) Six-month evaluation of the Department's progress accompanied by a meeting with City Administration to review implementation of ICMA recommendations. Communication between Lt. Gordon and Police Administration is continual. Tracking of activities which contribute to the implementation of ICMA recommendations is also continual.
- 2) Begin implementation of committee recommendations. In process.
- 3) Automated Report Taking. In progress. Hardware is in place for on-line and police lobby report taking. The new CLEAR report writing system will include an automated report-taking component and is expected to be available fall of 2011 (Wolf). In progress.
- 4) Create a new division called the Investigations and Administrative Division. This division will combine the duties and responsibilities of the former Investigations Division and administrative duties. Organizational chart updated. **DONE**
- 5) Eliminate the Juvenile Unit. School Resource Officers to be eliminated June of 2011. The remainder of the Juvenile Unit will be reassigned to general investigations. **DONE**
- 6) Recall and reassign officers assigned to specialized task forces. Being studied (Frye)
- 7) Alter work schedules of investigators to cover weekends. Being studied (Frye)
- 8) Needs assessment of existing building. Explore feasibility of shutdowns, space sharing or subletting of space. Preliminary discussions

### **1 year to 2 years:**

- 1) Merge the Special Investigations, Criminal Intelligence, and Directed Patrol Units.
- 2) Transfer the Community Services Section to the Operations Division; re-align duties. In progress.
- 3) Reduce and relocate the Training Unit. Review/revise training schedules and plans. Training Unit has been relocated to police headquarters. In progress.
- 4) Continue implementation of committee recommendations.

## ICMA Recommendations

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- 5) Evaluate and implement differential police response options (e.g., eliminate response to minor property crimes; refer to on-line or in-person police lobby reporting options, reports by appointment; referrals for juvenile retail frauds; elimination of response)
- 6) Evaluate and report on progress. Adjust as necessary.

### **2 years plus:**

- 1) Eliminate the Traffic Unit and redistribute these responsibilities to patrol. While maintaining Traffic Unit duties, the officers have been redeployed from the Special Operations Section to the road patrol shifts.
- 2) Adopt a generalist approach to all police activities, as opposed to current specialist approach. In progress (Juvenile Unit, Traffic Safety Unit).
- 3) Continue implementation of committee recommendations.
- 4) Team-led enforcement by patrol officers (led by a supervisor directed at specific crime or disorder situations) to replace the activity of specialized units.
- 5) Streamline and improve the warrant process.
- 6) Evaluate and report on progress. Adjust as necessary.



## Public Works Department

To: John Szerlag, City Manager  
 From: Timothy Richnak, Public Works Director  
 Date: October 12, 2011  
 Re: ICMA Recommendations and Status Update

The Public Works Department continues implementation of ICMA recommendations. As we proceed with this process it will be coordinated with staff replacement and training, service and labor contracts, and the budget development and review process.

### Administration

#### **1. Restructure to include Parks and Building Operations into Department of Public Works.**

The organizational inclusion of Parks and Building Operations Divisions into Department of Public Works has occurred. The physical reorganization of staff into office space has been evaluated and a request for the corresponding required capital expense has been requested.

#### **2. Combine Streets/Drains and Parks administration and support services.**

The administration of the Streets/Drains and Parks has been combined under the newly renamed position of Superintendent of Parks, Streets and Drains. The Public Works Department will provide support services as there were none available or transferred from the previous Parks and Recreation Department.

#### **3. Review contracted maintenance specifications for service delivery monitoring (quality and customer service) with penalties for non-compliance or possible bonuses for exceptional performance.**

Many contracts are multiyear and completion of this recommendation will coincide as contracts expire.

#### **4. Develop inventory/condition formal report(s) for all assigned assets.**

This is being developed through and conjunction with Engineering, Planning, and Consultants.

**5. Establish a formal annual division or “business unit” operational review to evaluate current performance and plans for the following year(s).**

This review will be incorporated and coincide with the annual budget process.

**6. Conduct periodic “business unit” benchmarking with other similar cities and “best-in-class” private sector companies.**

This process will be incorporated with the formal “business unit” review.

**7. Establish a formal Public Works policies and procedures manual, in addition to administrative memos in place, especially as related to standards for maintenance operations.**

The separate divisions have begun looking at its operations to collect information to achieve this goal. The full recommendation will be addressed in the second year of implementation of the ICMA recommendations once we are able to stabilize management staff who will be involved in the public information programs.

**8. Evaluate the broad banding (both vertically and horizontally) of maintenance worker positions to allow increased productivity with the same or less personnel- must negotiate contracts.**

We will address broad banding of maintenance positions before labor contracts expire and negotiations begin.

**9. Promote and participate in external and internal customer surveys for all divisions.**

We will look to incorporate this with city wide initiatives as has been performed in the past.

**10. Continue to focus efforts on all energy savings and “green” efforts to decrease operational costs over the long term.**

This focus will be continued in all aspects of the Public Works operations as reviews of maintenance operations are completed and projects are developed.

**11. Continue utilization of City Works GIS infrastructure management system. Explore utilization of hand-held devices for field work.**

The Public Works Department continues to use and expand the use of hand held devices for field work. This process is in conjunction with the IT and Purchasing Departments as technology advances and as expiring contracts are reviewed.

**12. Develop a public information program (for Council, administration, citizens and employees) that outlines the benefits and impacts of all Public Works services, including efficiency metrics and standards.**

This will be addressed in the second year of implementation of the ICMA recommendations once we are able to stabilize management staff who will be involved in the public information programs.

## **Refuse and Recycling Division**

**1. Continue as an outsourced service with regular cycle of review.**

These services are being regularly reviewed in three different approaches. They are reviewed daily by the Refuse and Office coordinator. As members of SOCRRA and SOCRRA administering these contracts, city staff attends monthly Recycling Committee meetings with

all other SOCRRA members and SOCRRA administration. The third review process includes the City of Troy administration having a voting member on the SOCRRA board. The board also meets monthly to review and approve contracts, policies, operations and expenditures.

## **2. Complete the internal reorganization as planned.**

The internal reorganization involved combining the Refuse and Recycling Coordinator and Office Coordinator positions into one position. This has been completed and titled as the Refuse and Office Coordinator.

## **Streets and Drains Division**

### **1. Do not execute the 5 year plan, and modify Option 1 to include 5 more Equipment Operators.**

City Council had taken action to reduce the Street Division field staff reductions from 10 as outlined in Option 1 to 5. The ICMA recommendation believes this will create sustainability for the division.

### **2. Develop enhanced coordination of efforts with the Park Maintenance Division if transferred to Public Works.**

Enhanced coordination has been maximized between the Parks Division and the Streets and Drains Division by combining them under one Superintendent of Parks, Streets, and Drains.

### **3. Consider addition of front- or side-mounted wing plows (up to 25 percent increase in productivity) for large trucks, and other possible equipment enhancements, to increase plowing efficiency.**

This equipment and recommendation currently has not been addressed because the Department of Public Works was working under the premise that it would not be involved in winter maintenance of RCOC roads which comprise the majority of potential use of this equipment. If a long term commitment to maintain RCOC roads for winter maintenance is established this recommendation will be investigated further.

### **4. Consider the utilization of GPS tracking units on snowplow equipment to assist in maximizing the efficiency of plow routes.**

GPS tracking unit review has been done in the past. It was determined that the ongoing cost of the service was excessive. It will be reevaluated in the future.

### **5. Accelerate the use of florescent induction or LED light change-outs on city-owned streetlights (savings of 50 percent or more electric use per light).**

With the replacement of approximately 120 street lights to LED as part of the EECDBG program we will be requesting that the energy savings be used to install additional LED replacements in future budgets to achieve long term sustainability of street lighting.

## **Water and Sewer Division**

### **1. Outsource specific tasks during peak workload periods, particularly if staff numbers are frozen or reduced.**

We will continue the practice to outsource specific tasks during peak workload periods as in the past and continue to increase in-sourcing during nonpeak periods.

**2. Offer to provide water and sewer maintenance services to other jurisdictions as determined by a feasibility process.**

We have provided these maintenance services to the Troy Community Schools in the past and will be expanding our cooperative ventures with future inter-local agreements.

**3. Consider the enhanced coordination of efforts with the Park Maintenance Division if it is transferred to Public Works.**

The Parks Division has been incorporated into the Public Works Department and we continue to investigate opportunities to enhance coordination between the two divisions.

**4. Pursue additional coordination of efforts with the Streets and Drains Division, particularly if the Three Year Budget (Option 1) personnel reductions are implemented.**

We have and will continue to pursue coordination efforts between all divisions in the Department of Public Works

**Parks and Recreation**

**1. Conduct competitive contracting analysis to determine optimal level of in-house and outsourced service delivery.**

ICMA has recommended and the city has retained two positions in the Parks Division to make it sustainable. We will continue to evaluate all services in the division and determine which are best performed in-house or outsourced.

**2. Restructure with the transfer of this division to Public Works, either as a separate division or combined with the Street and Drains Division.**

The restructuring transfer of the Parks Division to the Public Works Department has been completed as a separate budgeted division under the Parks, Streets, and Drains Superintendent.

**3. Consider retaining at least one tree specialist to act as an in-house resource, and inspect contracted tree services.**

City Council has taken action to retain two positions in the Parks Division to keep it sustainable. One of those two positions is a tree specialist and has begun administering the city's forestry contract.

**4. Consider retaining one additional full-time maintenance employee to serve as a contracted maintenance inspector and customer service representative.**

City Council has taken action to retain two positions in the Parks Division to keep it sustainable. One of those two positions is a full-time maintenance employee.

**5. Complete park system Master Plan.**

There is a completed park system Master Plan (5 year) that is current through 2012. It will be addressed at that time.

**6. Develop a formal assets inventory/condition ratings report.**

This is being developed through and in conjunction with Engineering Department, Planning Department, and Consultants.

**7. Review contracted maintenance specifications for service delivery monitoring (quality and customer service), with penalty and bonus provisions.**

Many contracts are multiyear and completion of this recommendation will coincide as contracts expire.

**8. Develop formal park maintenance policies and procedures especially related to standards for maintenance operations.**

This will be addressed in the second year of implementation of the ICMA recommendations once we are able to stabilize management staff who will be involved in the formalization of this document.

**9. Consider energy efficiency initiatives such as fluorescent induction or LED lighting where feasible, in coordination with building operations.**

The consolidation plan includes the Department of Public Works having the Building Operations Division spearhead green initiatives.

**Fleet Maintenance**

**1. Continue to seek in-sourcing opportunities.**

We are continuing this practice until saturation of work is limited by our facilities and staff availability.

**2. Continue aggressive review of vehicle and equipment utilization for disposal and/or conversion to rental.**

We are continuing this long standing aggressive vehicle and equipment review.

**Building Operations**

**1. Service delivery at current levels is sustainable if Option 1 reductions are made, but concerns exist.**

An evaluation of the Building Operation Department has been completed to provide staffing levels. Building Operations also has become part of the Department of Public Works and the organizational restructuring will assist in mitigating these sustainability concerns.

**2. Alternative service delivery options- Conduct competitive contracting analysis to determine optimal level of in-house and outsourced service delivery.**

An evaluation of the Building Operation Department has been completed delineating in-house operations with peak work contracted out.

**3. Reorganizing/restructuring- Restructure and transfer this function to become a division of Public Works.**

Reorganization has been completed but the physical relocation of the Building Operations Department into the Public Works building when office space becomes available.

**4. Continue and potentially accelerate energy savings initiatives (LED lighting) and capital projects.**

This initiative will continue and will be address during the budget process requesting the use of saving to advance LED lighting.

**5. Develop formal building operations policies and procedures especially related to standards of maintenance.**

This will be addressed in the second year of implementation of the ICMA recommendations once we are able to stabilize management staff who will be involved in the formalization of this document.

**6. Develop a formal assets inventory/condition report**

This is being developed through and conjunction with the Engineering Department, Planning Department, and Consultants.



# CITY COUNCIL REPORT

October 11, 2011

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager  
 Mark F. Miller, Director of Economic & Community Development  
 Timothy L. Richnak, Public Works Director  
 Susan A. Leirstein, Purchasing Director  
 Monica Irelan, Coordinator of Continuous Improvements

Subject: Evaluation of Building Operations Efficiencies

**Background**

The three-year approved budgets of 2010/11-2012/13 and 2011/12-2013/14 called for the elimination of three (3) full time positions from the Building Operations department by fiscal year 2011/12. Those three (3) building maintenance specialists were eligible and retired under the Early Retirement Incentive Program ERIP. This represents a 37.5% reduction in staff since FY 09/10. The City now operates with five (5) full time and (1) part time maintenance workers, one (1) secretary, and one (1) working director. All positions are budgeted in the current fiscal year.

The ICMA report found this department provides essential building operations maintenance to other departments. The department operates as an internal service (similar to Fleet Maintenance), which charges users based on actual break-even costs for occupied building space, and has proven to be competitive in cost comparisons with contracting vendors and other cities. As recommended by ICMA, the department has been reorganized and functions as a separate division out of the public works facility.

**Comparative Analysis**

An analysis has been done to determine the optimal level of in-house and outsourced service delivery and how Troy compares with other cities and the private sector.

| Organization | # of Employees                                    | In-source   | Outsource   |
|--------------|---|---|---|
| Troy         | 7 FT / 1PT<br>(1) employee licensed<br>mechanical | Renovations, electrical,<br>plumbing, painting,<br>carpentry, HVAC,<br>preventative maintenance,<br>moving of<br>furniture/equipment,<br>minor/major construction<br>work, building automation,<br>pool maintenance, roof<br>repairs, locks & security,<br>computer room<br>environments (IT/Police),<br>specification development. | Custodial<br>Elevator maintenance<br>Fire suppression systems<br>Large capital projects |



# CITY COUNCIL REPORT

| Organization                                  | # of Employees    | In-source   | Outsource  |
|---|-------------------|---|--|
| Sterling Heights                              | 11 FT / 6 PT      | Custodial, painting, minor repairs moving of furniture, maintenance related issues (light bulbs etc) and preventative maintenance services – No staff are licensed trades   | Electrical / HVAC work                             |
| Rochester Hills                               | 5 FT / 1 Seasonal | All preventative maintenance, minor construction work, painting, electrical, plumbing, machinery repairs, irrigation repairs (generators). No licensed personnel  | Custodial / HVAC work / All large capital projects |
| Kirco - Class A Office Properties Maintenance | 4 FT              | HVAC maintenance and repairs, electrical maintenance and repairs, plumbing maintenance and repairs, roof maintenance and repair, fire safety, general carpentry and hardware, flooring repairs, emergency generator testing and maintenance, etc. | Custodial / Elevator maintenance / Remodeling      |

| Organization  | # of SQ FT | 2011/12 Budget | Cost per SQ FT | Cost/sqft/FTE |
|---|------------|----------------|----------------|---------------|
| Sterling Heights  | 360,823    | \$1,341,800    | \$3.72         | \$.266        |
| Rochester Hills   | 315,247    | \$1,650,840    | \$5.24         | \$.953        |
| Kirco – Maintenance   | 506,598    | \$ 754,831     | \$1.23         | \$.3075       |
| Kirco – Custodial   | 506,598    | \$ 519,770     | \$1.03         |               |
| Kirco – Elevators (14)  |            |                | \$ .26         |               |
| <b>Kirco Total</b>  |            |                | <b>\$2.52</b>  |               |
| Troy (w/o court & golf courses)   | 506,608    | \$935,800      | \$1.84         |               |
| Court   | 32,600     | \$7,000 **     | \$ .21         | \$.273        |
| Custodial w/court   | 539,208    | \$423,131      | \$ .79         |               |
| <b>Troy Total</b>   |            |                | <b>\$2.84</b>  |               |
| Building Operation's internal service fee to departments(FY 11/12) - \$1.84/sqft<br>Building Operations maintains 54 buildings<br>Building Operations charges Billy Casper Golf as services are rendered – Time/Materials |            |                |                |               |
| **NOTE: Even though the District Court pays the City a flat service fee of \$50,000/year; BOPs incurs an additional \$7,000 each year (averaged) to perform the necessary services.                                       |            |                |                |               |

The leading reasons why managers contract services are to focus on saving money and providing professional expertise and management. As the table illustrates, the city is achieving optimal results by retaining a core number of people and outsourcing custodial work and specialized skilled trades.



## CITY COUNCIL REPORT

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While making comparisons in cost per square foot to the private sector, it must be kept in mind that municipal facilities will vary greatly when compared to Class A Office space. Class A Office space may get higher traffic volumes requiring for example higher custodial services. However, the inventory of municipal facilities will have a greater variance in size, construction type, lighting, materials, and use and needs all affecting cost.

### **Next Steps**

After the City fills the one (1) vacant full time position and retains the equivalent of one (1) part time position, the personnel reductions will leave this department sustainable and the service levels adequate. A survey performed in 2011 by American City and County magazine confirms respondents steadfastly maintain the top two reasons why they would not contract for services is that it does not improve the quality of service nor operations.

### **Intangibles**

During 2011, the City has had three events occur where city staff was able to keep facilities open or re-opened quickly due to historical knowledge, municipal contacts and having technical staff on site. While hosting a beauty pageant at the community center, the Detroit Edison electrical feed to the facility failed. Building Operations management was able to contact the Detroit Edison Municipal Liaison and brainstorm to back feed the facility and keep it open. The main electrical feed was restored two (2) days later.

During the nearly 100 degree heat, the air conditioning at the community center was taxed to the point it could not cool the facility down in order to keep it open for use. Staff on hand quickly ran water hoses to the roof then stayed on the roof to spray down the condensers keeping the facility open and comfortable. It is important to note that many of the patrons inside were families and seniors that did not have air conditioning of their own, and this is one of our emergency housing facilities.

The City had one of the main underground electrical feeds fail that provided electricity to the City Hall campus. Again, working with the Detroit Edison Municipal Liaison we were able to get Detroit Edison out to identify the location of the break with their specialized equipment. We then were able to use one of their contractors to make the repair within twelve (12) hours. If we were to go outside and contract these services, it is estimated that the facility may have been closed for two (2) days. Additional staff was dispatched immediately to shut down equipment and avoid additional financial loss due to damage to our equipment.

October 3, 2011

Dear Mary,

It was a delight to meet you and have you as a special guest from III to State Conference at the Troy Marriott.

Thank you for bringing Greetings and I wish you the best.

Most Sincerely

Pat



**Leadership Troy**  
Your Community Connection

*Leading The Best To Better The Community*

1120 E. Long Lake, Suite 205 Troy, Michigan 48099-9335 248-680-9411

30 September 2011

Ms. Cindy Stewart  
City of Troy  
500 W. Big Beaver  
Troy, MI 48084

Dear Cindy:

Congratulations on being selected as the 2011 Outstanding Volunteer for Boys & Girls Club of Troy. The banquet honoring the Distinguished Citizen; Terry Knight and the Outstanding Volunteers from the various organizations of Troy will be held on 19th of October 2011 beginning at 6:00 PM. This year's event will be held at St. Nicholas Greek Cultural Center at 760 W. Wattles Road, Troy, MI.

As one of the 2011 Outstanding Volunteer Award Recipients you are entitled to two dinner ticket(s) courtesy of Boys & Girls Club of Troy. Please fill out the enclosed dinner reservation with your name and dinner selection. If other members of your organization or family would like to attend the banquet, their names can be added to this form or the form sent to your organization. Additional dinner tickets can be purchased for \$45.00 each. Please return the enclosed form to Leadership Troy.

Again let us congratulate you for all that you have given to the Troy community.

Sincerely,

LEADERSHIP TROY

*Cheryl A. Whitton-Kaszubski*

Cheryl A. Whitton-Kaszubski

RECEIVED  
CHIEF OF POLICE

9/13/11

THANK YOU

Chief Mayer,

Thank you so much for  
Supporting the Krav Maga  
Sponsored 9/11 Memorial!  
Community support is very  
Significant to events like these!  
Thank you more importantly  
for your service to the citizens  
of Troy! Thanks! Sarah Davis  
Operation Homefront

9-30-11

THANKS TO ALL OF YOU WHO REPRESENTED TROY PD AT THIS EVENT. IT IS  
A VERY WORTHY CAUSE. OPERATION HOMEFRONT'S MISSION OF PROVIDING EMERGENCY ASSISTANCE  
TO OUR TROOPS AND WOUNDED WARRIORS IS COMMENDABLE.

ANDY SATTERFIELD DID A TERRIFIC JOB COORDINATING AND BEING ON THE HONOR GUARD.  
HONOR GUARD - PAT BROWNE, RUSS BRAGG, JOSH JONES, PETE MINTON, MIKE VILBERT,  
CRAIL FITZPATRICK, JASON CLARK, JOE MARORANO

K-9 DEMO - STEVE BRAZEL, RUSS BARROWS

HOT ROD DISPLAY - JOE HADDAD.

I APPRECIATE YOUR EFFORTS.

Greg Mayer



**Leadership Troy**  
Your Community Connection

***Leading The Best To Better The Community***

1120 E. Long Lake, Suite 205 Troy, Michigan 48099-9335 248-680-9411

30 September 2011

Det. Sgt. George Zielinski  
c/o Troy Police Department  
500 W. Big Beaver  
Troy, MI 48084

Dear George:

Congratulations on being selected as the 2011 Outstanding Volunteer for Troy Youth Assistance. The banquet honoring the Distinguished Citizen; Terry Knight and the Outstanding Volunteers from the various organizations of Troy will be held on 19th of October 2011 beginning at 6:00 PM. This year's event will be held at St. Nicholas Greek Cultural Center at 760 W. Wattles Road, Troy, MI.

As one of the 2011 Outstanding Volunteer Award Recipients you are entitled to one dinner ticket(s) courtesy of Troy Youth Assistance. Please fill out the enclosed dinner reservation with your name and dinner selection. If other members of your organization or family would like to attend the banquet, their names can be added to this form or the form sent to your organization. Additional dinner tickets can be purchased for \$45.00 each. Please return the enclosed form to Leadership Troy.

Again let us congratulate you for all that you have given to the Troy community.

Sincerely,

LEADERSHIP TROY

*Cheryl A. Whitton-Kaszubski*

Cheryl A. Whitton-Kaszubski



SERGEANT ZIELINSKI

GEORGE- CONGRATULATIONS ON BEING  
RECOGNIZED AS THE OUTSTANDING VOLUNTEER  
FOR TROY YOUTH ASSISTANCE. I APPRECIATE  
YOU EFFORTS ALSO, YOUR INVOLVEMENT  
MAKES TROY A BETTER PLACE.

*Gay*

Leadership Troy consists of representatives from various Community organizations, businesses and individuals that strive to promote Troy community improvement programs, the exchange of community information, and provide a venue to recognize volunteers and corporate citizens that positively impact the quality of life in Troy.



**Courtesy Resolutions**  
**111<sup>th</sup> State Conference**  
**Michigan Society, Daughters of the American Revolution**  
**September 22-24, 2011**  
**Troy Marriott Hotel, Troy, Michigan**

**RESOLVED**, That the Daughters of the American Revolution of Michigan express their appreciation to

Mary Kerwin, Mayor Pro Tem of Troy; Mike Mullins, Executive Director, of Hindman Settlement School; for his informative and inspiring program; Shari Thorne-Sulima, State Regent of District of Columbia; Ruann George, State Regent of Maryland; Janet Whittington, State Regent of Mississippi; Hope Daniel, Senior State President and Teresa Jones, Senior State Vice President and Nathan LeMarbe, State President Michigan Society, Children of the American Revolution; Mary Ellen Crusoe Byrne, Honorary Senior National President; Elizabeth Steward Garner, Honorary Senior National Vice President Melanie Bernson Brim, Senior National Chairman for National Merit Award National Society Children of the American Revolution; Mr. Richard Steele, State Secretary, Michigan Society Sons of the American Revolution; for their attendance at this, the 111<sup>th</sup> Annual State Conference.

**RESOLVED**, That the Daughters of the American Revolution of Michigan express their gratitude to the Hostess Chapters and Regents: Barbara Spolnicki, Regent, Alexander Macomb Chapter and General Conference Chairman; Nancy Marshall, Regent, Grand River Trail Chapter; Cynthia Tenerovich, Regent, John Sackett Chapter; Carol LeMarbe, Regent, Lydia Barnes Potter Chapter; and Jacqueline Crandall, Regent, Monguagon Chapter; for their courtesy, efficiency and hospitality; State Conference Pages, Julea Dodd Moats, Chairman and Rebecca Cook, Vice Chairman; Eva Collins, State Parliamentarian Pro Tem; Arlene Robertson and Friends, for their moving musical contribution to the Memorial Service; Celtic Cross for their musical performance on Thursday evening; The Honorable Judge Michael Warren for his Friday morning Breakfast Program; Sgt. Ernest Matthews and the Pontiac High School ROTC Color Guard for leading Friday evenings processional; Jack Blovits for his awesome musical program and Tribute to 9/11 on Friday Evening; Susan Wood for her Saturday morning Breakfast Program; Ashley Picklo and Jackson for their inspiring Leader Dog for the Handicapped Saturday Luncheon Program; Bonnie Krueger & Phyllis Webb, pianists; Lynn Popa, trumpeter; to Nicole Quinn, Director of Event Planning, Michael Gibson and all the staff of the Troy Marriott Hotel; the Press, Radio and Television; to all our distinguished members and to all who contributed so much to the success of the 111<sup>th</sup> State Conference.



## Press Release

1675 Green Road  
Ann Arbor, MI 48105  
Ph: 734-662-3246  
Fax: 734-662-8083

**FOR IMMEDIATE RELEASE**

Contact: Matt Bach

Michigan Municipal League

[mbach@mml.org](mailto:mbach@mml.org); (734) 669-6317

### **Randall L. Brown Elected President of Michigan Association of Municipal Attorneys**

**Grand Rapids, MICHIGAN, October 4, 2011** – The Michigan Association of Municipal Attorneys is pleased to announce that Portage City Attorney Randall L. Brown has been elected as President of the organization at its Annual Meeting held in Grand Rapids.

Brown has been on the Board of Directors of the Michigan Association of Municipal Attorneys and on the Board of the Michigan Municipal League Legal Defense Fund since 1999. For the past two years Mr. Brown has served as Vice President of the Municipal Attorneys association. He has been legal counsel for Portage for the past 26 years and the city attorney since 1993. In 2010, Brown was awarded the Portage City Attorney contract for another five years. He is also a member of the Legislative Concerns Committee and has been involved in other committee work dealing with issues affecting municipalities in Michigan.

He graduated from Cooley Law School cum laude with distinction in 1981 and received the Most Distinguished Student award and was the law school's first editor-in-chief of the Law Review. Brown was a law clerk for the Honorable C.H. Mullen before entering private practice in 1984 and now employs two associate attorneys in his law firm, Randall L. Brown & Associates, PLC, in Portage. Besides municipal law, the firm represents clients in the areas of real estate, domestic relations, business entities, criminal law, probate/estate planning and bankruptcy.

As a long-standing and dedicated public official, City Attorney Brown addresses a broad range of legal issues on a regular basis, including matters concerning the Freedom of Information Act, Open Meetings Act, contract and land use issues among many others. He is also the village attorney for the Village of Mendon in St. Joseph County, Michigan. He lives with his wife Cindy in Portage and they have two children, Sarah and Jason.

Troy City Attorney Lori Grigg Bluhm was elected vice president of MAMA for the 2011-2012 term at the Annual Meeting.

###



**TO:** Members of the Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney *LG*  
 Allan T. Motzny, Assistant City Attorney *ATM*  
 Susan M. Lancaster, Assistant City Attorney *SM*  
**DATE:** October 6, 2011  
**SUBJECT:** 2011 Third Quarter Litigation Report

The following is the quarterly report of pending litigation and other matters of interest. **Developments during the THIRD quarter of 2011 are in bold.**

#### A. ANATOMY OF THE CASE

Once a lawsuit has been filed against the City or City employees, the City Attorney's office prepares a memo regarding the allegations in the complaint. At that time, our office requests authority from Council to represent the City and/or the employees. Our office then engages in the discovery process, which generally lasts for several months, and involves interrogatories, requests for documents, and depositions. After discovery, almost all cases are required to go through case evaluation (also called mediation). In this process, three attorneys evaluate the potential damages, and render an award. This award can be accepted by both parties, and will conclude the case. However, if either party rejects a case evaluation award, there are potential sanctions if the trial result is not as favorable as the mediation award. In many cases, a motion for summary disposition will be filed at the conclusion of discovery. In all motions for summary disposition, the Plaintiff's version of the facts are accepted as true, and if the Plaintiff still has failed to set forth a viable claim against the City, then dismissal will be granted. It generally takes at least a year before a case will be presented to a jury. It also takes approximately two years before a case will be finalized in the Michigan Court of Appeals and/or the Michigan Supreme Court.

#### B. ZONING CASES

These are cases where the property owner has sued for a use other than that for which the land is currently zoned and/or the City is suing a property owner to require compliance with the existing zoning provisions.

1. *Grand Sakwa v. City of Troy*- Grand Sakwa filed this case, seeking relief from the Court, which had jurisdiction of the matter based on a Consent Judgment that allowed for the highly intense commercial and residential development on approximately 77 acres of property known as Midtown. The Consent Judgment provided that a small parcel to the rear of the shopping center was donated to the City for transportation center purposes. The Consent Judgment required the transportation center to be "funded" on or before June 2, 2010. If this condition was not satisfied, then the property would revert to Grand Sakwa. Shortly after the June

2, 2010 date, Grand Sakwa filed this action, seeking a Court ordered reversion of the property. Grand Sakwa argued that the transit center was not funded by June 2, 2010, as required by the Consent Judgment. The City countered by relying on the City's budgetary allocations since 2006, and also the federal funding, where 8.4 million dollars was awarded under the American Recovery Reinvestment Recovery Act of 2009- High Speed Intercity Passenger Rail Program (HSIPR) and 1.3 million dollars was appropriated in the December 16, 2009 Transportation, Housing and Urban Development Appropriations Act, Bus and Bus Facility Program. The City also argued that the language of the consent judgment did not require "full funding" or "irrevocable funding" or preclude the use of a reimbursable grant in satisfaction of the terms of the judgment. On May 25, 2011, the Oakland County Circuit Court entered an order in favor of the City, and denied Grand Sakwa's request for a reversion of property. On June 15, 2011, Grand Sakwa filed a Motion for Reconsideration. **The Court ordered the City to file a response to the Motion for Reconsideration. On September 22, 2011, the Court denied the Plaintiff's Motion for Reconsideration. On September 29, 2011, Plaintiff filed an appeal with the Michigan Court of Appeals.**

2. Lamar Advertising v. City of Troy. Plaintiff Lamar Advertising unsuccessfully requested variances from the Troy Building Code Board of Appeals, in order to allow the erection of two separate billboards along I-75. Plaintiff has filed an appeal of the Building Code Board of Appeals decision and a simultaneous lawsuit, arguing that Troy's ordinances are unconstitutional. The City has timely supplied the record to the Court for the appeal. **The Court has scheduled the date for oral argument on the appeal for February 1, 2011. Discovery has commenced on the remaining claims.**

### C. EMINENT DOMAIN CASES

These are cases in which the City wishes to acquire property for a public improvement and the property owner wishes to contest either the necessity or the compensation offered. In cases where only the compensation is challenged, the City obtains possession of the property almost immediately, which allows for major projects to be completed.

**There are no pending condemnation cases for this quarter.**

### D. CIVIL RIGHTS CASES

These are cases that are generally filed in the federal courts, under 42 U.S.C. Section 1983. In these cases, the Plaintiffs argue that the City and/or police officers of the City of Troy somehow violated their civil rights.

1. M. Amelia (Neal) Jermano v City of Troy Police Department - Plaintiff M. Amelia (Neal) Jermano filed a lawsuit against the City of Troy Police Department and individual officers, as well as Troy Civil Service Commission Member David

Cannon (improperly identified in the lawsuit as the Troy Police Commissioner) and several other individuals and entities from other jurisdictions. The Plaintiff is not represented by an attorney. The lawsuit alleges 25 separate counts based on various legal theories. Her claims against Troy all relate to a valid arrest made on February 20, 2009 after a traffic stop on Coolidge Road near Big Beaver Road. Plaintiff was arrested after the officers received verification of a felony warrant out of Oak Park for Plaintiff's arrest on the charge of aggravated stalking. Essentially, Plaintiff's claims against Troy are based on an allegation the arrest was improper and that she was threatened and harassed by Troy Police officers. The case was filed in the United States District Court for the Eastern District of Michigan and assigned to Judge Avern Cohn. The City has filed a motion to dismiss and/or summary judgment as its first responsive pleading. The Court ordered the Plaintiff to file a response to the motion by July 5, 2011. **Plaintiff failed to timely file her response. The parties are waiting for further direction from the Court.**

#### E. PERSONAL INJURY AND DAMAGE CASES

These are cases in which the Plaintiff claims that the City or City employees were negligent in some manner that caused injuries and/or property damage. The City enjoys governmental immunity from ordinary negligence, unless the case falls within one of four exceptions to governmental immunity: a) defective highway exception, which includes sidewalks and road way claims; b) public building exception, which imposes liability only when injuries are caused by a defect in a public building; c) motor vehicle exception, which imposes liability when an employee is negligent when operating their vehicle; d) proprietary exception, where liability is imposed when an activity is conducted primarily to create a profit, and the activity somehow causes injury or damage to another; e) trespass nuisance exception, which imposes liability for the flooding cases.

1. *Robert and Michelle Riddle v. City of Troy*. Plaintiff Robert Riddle alleges that he fell off his bicycle when the tires got caught in a gap in the sidewalk in front of Firefighter's Park. He alleges injuries to his left shoulder, left hand and his elbow and wrists. His wife, Michelle Riddle, claims damages for loss of Robert Riddle's services, companionship and consortium. The City has filed an Answer and Affirmative Defenses, and have commenced discovery. **The case is in the discovery phase.**
2. *Margaret and Robert Black v. City of Troy*. Plaintiff Margaret Black alleges that she tripped and fell on a raised portion of sidewalk at 4637 Fairmont injuring her left shoulder, right hip and lumbar spine. Robert Black is claiming damages for loss of Margaret Black's services, companionship and consortium. This lawsuit is filed under the defective highway exception to governmental immunity. **The parties are requesting discovery.**

## F. MISCELLANEOUS CASES

1. Frank Lawrence v City of Troy – Mr. Lawrence is the brother of Thomas Lawrence who was issued two civil infraction traffic citations on October 4, 2008 for “no proof of insurance” and “failure to change address on driver’s license”. Frank Lawrence filed a FOIA request with Troy Police Department asking for a number of items, including but not limited to: all video recordings, radio transmissions, records and the officer’s disciplinary file (if any), and the police policy on issuing “quota’ tickets. Under Michigan Court Rule 2.303 (A)(3) discovery is not permitted in civil infraction actions. Additionally, FOIA does not require the release of information which would constitute an unwarranted invasion of personal privacy or law enforcement information such a, but not limited to, disciplinary files of police officers, personal telephone numbers, and operational manuals. Mr. Lawrence’s FOIA was denied for these reasons. Instead of filing an appeal of the FOIA denial to the City Manager, Mr. Lawrence appealed the denial to the Oakland County Circuit Court. Mr. Lawrence filed a Motion for Summary Disposition and the City responded. Without requiring oral arguments, Judge Steven Andrews denied Mr. Lawrence’s Motion for Summary Disposition in an Opinion and Order dated December 1, 2008. Judge Andrews also granted Summary Disposition in the City’s favor. Mr. Lawrence filed a Claim of Appeal with the Michigan Court of Appeals on December 22, 2008. The Court of Appeals in an unpublished opinion partially reversed the trial court, and remanded the matter for further proceedings including a determination by the trial court of whether or not specific documents are exempt from disclosure. The parties are waiting for the Court to schedule a court date. The Court held an evidentiary hearing on June 17, 2010, and has indicated that a written opinion will be issued. The Court granted in part, denied in part Plaintiff’s request for information. Plaintiff also filed a Motion for Reconsideration, which the Court denied. The Court entered a final order, which was appealed by Plaintiff to the Michigan Court of Appeals. The parties have filed appellate briefs, and are now waiting for an oral argument date. **Oral argument was held on August 3, 2011. The parties are now waiting for the Court’s opinion.**
2. Sean Steven Seyler v. City of Troy and Troy Police Department. Mr. Seyler filed this Freedom of Information Act case against the City, seeking the police report and his lab test results, which were also simultaneously requested as criminal discovery within 48 hours of Mr. Seyler’s drunk driving arrest. The City has filed a Motion for Summary Disposition, arguing that the documents requested were either already provided as criminal discovery or are otherwise exempt from disclosure. The Court will issue a scheduling order setting the date for oral argument. The Court entertained oral arguments on March 24, 2010, and granted our motion for dismissal. The Plaintiff filed an application for leave to appeal with the Michigan Court of Appeals on April 14, 2010. The parties are waiting for the Michigan Court of Appeals to schedule the date for oral argument. The Court heard oral argument on June 14, 2011, and is expected to issue a written decision. **The parties are still waiting for the Court’s decision.**

3. Michigan Association of Home Builders; Associated Builders and Contractors of Michigan; and Michigan Plumbing and Mechanical Contractors Association v. City of Troy – The Plaintiffs filed a complaint for Declaratory and Injunctive Relief in the Oakland County Circuit. On the date of filing the Plaintiffs also filed a Motion for Preliminary Injunction and Order to Show Cause. The Plaintiffs allege that the City of Troy has violated Section 22 of Michigan's Stille-DeRossett Hale Single State Construction Code Act by collecting fees for building department services that are not reasonably related to the cost of providing building department services. They are alleging that the City of Troy has illegally entered into a contract with Safe Built of Michigan, Inc. for building services that provides that 20% of each building permit fee be returned to the City to cover services that are not "reasonably related to the cost of building department services," as required by state statute. The Plaintiffs also assert a violation of the Headlee Amendment, arguing that the 20% returned to the City is a disguised tax that was not approved by voters. The Plaintiffs are asking for a declaratory judgment, as well as a return of any "surplus" building department service funds collected to date. Plaintiffs also request an order requiring the City to reduce its building department fees. The City of Troy was served with the Complaint and the Motion for Preliminary Injunction and Order for Show Cause on Wednesday, December 15, 2010. The parties were required to appear at Court on Wednesday, December 22, 2010, but the Court did not take any action at that time. Instead, the Court adjourned the matter to January 19, 2011. In the interim, the parties may engage in preliminary discovery in an attempt to resolve this matter. The parties are conducting discovery. **The parties have completed discovery. Trial in this matter is scheduled for January 30, 2012.**
4. T.R. Pieperzak v. City of Troy. This case has been filed by the successful bidder for the Section 9 water main replacement contract, seeking approximately \$900,000 over the contract bid for alleged additional work, unanticipated conditions and delays that Plaintiff attributes to the City of Troy. Plaintiff filed a Motion for Partial Summary Disposition, which the City responded to. Argument on this Motion is scheduled for July 6, 2011. **The Court denied Plaintiff's Motion for Partial Summary Disposition. The case is now in discovery.**
5. CitiMortgage, Inc. v. RBS Citizens and City of Troy et. al. In this lawsuit, the Plaintiff, CitiMortgage, is seeking clarity as to the property rights of the City, the Mortgage companies, and individuals in the property at 650 Quill Creek Drive, in the City of Troy. Plaintiff filed a Motion for Partial Summary Disposition and a Motion for Preliminary Injunction, which were denied by the Court on June 29, 2011. **The parties are now seeking discovery.**
6. James F. Cichy and Diane Rzepecki v City of Troy. This claim and delivery action was filed in the Oakland County Circuit Court on December 2, 2010 and assigned to Judge Edward Sosnick. The Plaintiffs are seeking the return of a pistol, 2 shotguns, 3 rifles and ammunition that were confiscated from Plaintiff James F. Cichy when the police responded to the Plaintiffs home, at the request

of Plaintiff Diane Rzepecki. The City has filed an answer and is awaiting a court date for a pretrial or trial. **A pretrial/settlement conference was held on August 4, 2011. The parties agreed to a settlement and stipulated to a consent judgment, allowing the firearms to be returned to a relative of the Plaintiffs, but prohibiting the Plaintiffs from possessing them. The consent judgment does allow the firearms to be sold and allows the proceeds of the sale to be given to the Plaintiffs. The case is now closed.**

7. **Mel J. Dylewski v Troy. This claim and delivery action was filed in the 52-4 District Court and assigned to Judge Dennis C. Drury. The Plaintiff is seeking the return of three rifles that were confiscated from the Plaintiff's son when the police responded to Plaintiff's home on a 911 call. Based on conduct at the scene and after further investigation, the police removed the guns for the protection of persons and property. The case was scheduled for a hearing on August 2, 2011. Prior to the hearing, the parties negotiated a consent judgment, allowing the guns to be returned to a family member and securely stored at a location other than Plaintiff's residence. The case is now closed.**

#### G. CRIMINAL APPEALS

These are cases involving an appeal from a decision of the 52-4 District Court in an ordinance prosecution case.

1. **People of the City of Troy v Jennie Yi. The Defendant is charged with possession and/or use of marijuana. The Defendant's motor vehicle was stopped by Troy Police for suspicion of operating a motor vehicle while intoxicated. After the traffic stop, a Troy Police Officer conducted a pat down search of Defendant for weapons, and discovered that Defendant had marijuana in her coat pocket. The Defendant filed a motion in the District Court to suppress the marijuana claiming that it was discovered as a result of an unlawful search. After an evidentiary hearing, District Court Judge Dennis C. Drury denied the motion. The Defendant has now filed a Delayed Application for Interlocutory Leave to Appeal the decision of Judge Drury. The appeal was assigned to Oakland County Circuit Court Judge Rae Lee Chabot. A hearing was held on March 16, 2011 on the Application for Leave to Appeal. The Court granted the Application for Leave to Appeal, which allows the Defendant to pursue the appeal. The parties will each file an appellate brief and the case will be scheduled for oral argument. After oral argument, the Court will enter a decision to either affirm or reverse the decision of Judge Drury. Based on Defendant's plea to a criminal charge, this matter will likely be dismissed after sentencing.**
2. **People v Steve Habib. The Defendant is charged with operating a motor vehicle while intoxicated. The Defendant filed a motion in the District Court to suppress evidence and dismiss the case. The Defendant claimed that there was no valid**

reason for the traffic stop. Additionally, the Defendant claimed his due process rights were violated because the in car video that he was provided showed only a portion of the defendant's driving, as observed by the police officer. After an evidentiary hearing, the District Court Judge granted the Defendant's motion and dismissed the case. The City has filed a claim of appeal. The City has filed its Brief on Appeal. **The case is scheduled for oral argument on October 12, 2011.**

3. **People v. Michael Maluzhinsky.** The Defendant is charged with operation of a motor vehicle while intoxicated. The Defendant filed a motion in the District Court to suppress evidence and dismiss the case. The Defendant claimed that there was no valid reason for the traffic stop and the field sobriety tests, including the preliminary breath test, should be excluded as improperly performed. After an evidentiary hearing, the District Court Judge granted the Defendant's motion in part, suppressing the preliminary breath test and some of the field sobriety tests. Although the Judge found that there was probable cause for the stop of the vehicle, the Judge held that there was no evidence to establish reasonable suspicion for an arrest for operating while intoxicated and dismissed the case. The City appealed the decision of the court to the Oakland County Circuit Court. **The Court scheduled oral argument for October 5, 2011.**
4. **People v. Munley.** The Defendant is charged with operating a motor vehicle while intoxicated. The Defendant filed a motion in the District Court to suppress evidence and dismiss the case. The Defendant claimed that there was no valid reason for the traffic stop or the subsequent arrest. After an evidentiary hearing, the District Court Judge denied the Defendant's motion. Defendant filed a claim of appeal. **The Court dismissed and closed the case.**
5. **People v John Haggarty.** **The Defendant was arrested for operating while intoxicated after he was found in a parked vehicle with its engine running near the vacuum stations at a car wash. Police investigation revealed the Defendant was intoxicated. The Defendant filed a motion to dismiss, claiming there was insufficient evidence the Defendant operated the vehicle on a public road or any place open to the general public or generally accessible to motor vehicles. After an evidentiary hearing, District Court Judge Bolle denied the Defendant's motion, allowing the criminal case to proceed to a jury trial. The Defendant appealed that decision to the Oakland County Circuit Court. The assigned judge, Judge Rae Lee Chabot, denied Defendant's requested relief on July 20, 2011. The Defendant has now filed an Application for Leave to Appeal in the Michigan Court of Appeals. The City timely filed its response by the September 27, 2011 deadline.**
6. **People v Richard Pedigo.** **The Defendant was arrested and charged with possession of marijuana. The Defendant filed a motion to suppress evidence claiming the marijuana that was found on his person was seized**

as the result of an unlawful search. After an evidentiary hearing, District Court Judge Bolle denied the Defendant's motion. The Defendant has filed an application for leave to appeal in Oakland County Circuit Court, which is assigned to Judge Nanci J. Grant. At the initial hearing of July 20, 2011, the Court adjourned the matter so that the evidentiary hearing transcript could be reviewed. The Court, after reviewing the transcript, remanded the case to allow the Court to provide additional detail as to the basis for its ruling.

### ADMINISTRATIVE PROCEEDINGS

1. *In the matter of the Petitions on National Pollution Discharge Elimination Systems (NPDES Phase II General Permits)*. The City has joined several other municipalities in challenging several of the mandates in the NPDES Phase II General Permit, which was recently issued by the MDEQ. The new NPDES permit requires some storm water management techniques that exceed the federal mandates, and/or are not justified, based on the high cost of the mandate, in relation to the nominal environmental benefits. A status conference for the parties is set for October 1, 2008. The municipalities are currently exploring the coordination of efforts with other parties. Community representatives are meeting with representatives from the MDEQ to discuss possible resolutions of this matter without the necessity of a full blown administrative hearing. The parties are continuing to negotiate with the MDEQ. The City of Riverview filed a class action complaint in the Ingham County Circuit Court, challenging the permit requirements as unfunded mandates. The petitioners to the NPDES permit administrative proceeding are named as participants in the proposed class action lawsuit. As a result, the class action determination may have an impact on the administrative proceeding. The motion for class certification is scheduled for October 15, 2009. Class certification was granted. Hearings regarding the procedure for the new class action are set for January 2010. The Court granted class action status, and the administrative proceedings are now being delayed. Status reports have been filed and reviewed, and we continue to monitor any new developments. On October 14, 2010, the Michigan Court of Appeals reversed the order granting a stay of the contested cases. On November 19, 2010, the Ingham County Circuit Court (the class action lawsuit) entered an order granting in part the dismissal of some of the claims. The remaining claims, including a Headlee claim, will be decided by the Court. Subsequently, the Assistant Attorney General, on behalf of the Michigan Department of Natural Resources and Environment (MDNRE) attempted to withdraw all of the remaining NPDES permits, which would mean that the whole process would need to be started from scratch. Since this action would likely result in a significant delay and a duplication of all efforts to date, several municipalities filed objections to this unilateral action. The MDNRE was given until December 22, 2010 to file a formal motion seeking a dismissal of the

remaining NPDES permits. **On August 9, 2011, the Administrative Law Judge held the case in abeyance, due to pending case at the Michigan Court of Appeals. The parties will continue to provide status reports in the interim.**

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