O-01

City of Troy

CITY COUNCIL REPORT

November 18, 2011

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Lori Bluhm, City Attorney
Mark Miller, Director of Economic and Community Development
Steve Vandette, City Engineer
Bill Huotari, Deputy City Engineer

SUBJECT: Troy Multi-Modal Transit Facility

Over the last decade, the City's vision of a Transit Center has evolved from the acquisition of land for transit purposes by consent judgment with Grand Sakwa, to the imminent start of construction in 2012.

On September 12, 2011 City Council approved an MDOT Capital Contract for $8,485,212 for the specific purpose of designing and building the Transit Facility at no cost to the City of Troy. These funds require that the project be designed, bid, built and opened by October 1, 2013. Accordingly, a contract for Architect and Engineering services will be presented to City Council and must be awarded no later than December 19, 2011 in order to meet the stringent funding and construction time lines.

If a majority of City Council wishes to terminate the transit center project, this would require a resolution to rescind, which should be voted on at the earliest opportunity. If this occurred, then the federal funds would be returned to the Federal government for disbursement to another project elsewhere in the country, possibly to another state. These funds have been programmed for use under the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) and the American Recovery and Reinvestment Act of 2009 (ARRA) for the purposes of high-speed and intercity passenger rail capital improvements. These funds could not be used for any other non-transit related purpose or other City of Troy projects.

None of the $8,485,212 in federal funds has been spent at this time. The $350,000 MDOT grant awarded to the project previously was for planning purposes and does not require repayment should the project not move forward. Significant MDOT, Federal Rail Administration and City staff time and resources to date have been expended; these are not future financial liabilities.

Attached is a synopsis of the project as well as a memo detailing the legal proceedings involving the Transit Center parcel. These items are meant to supplement a presentation by staff at the study session on November 21, 2011.

City of Troy
Multi-Modal Transit Center Synopsis
1999 to 2011

Summary of City Council and Planning Commission Actions:

1999 - Council approves Consent Judgment with Grand Sakwa and acquires 2.4 acre parcel for transit use, Council Resolution #99-227, May 3, 1999; This subsequently set the date to fund the Transportation Center within ten (10) years of June 2, 2000

1999 - Council approves Amendment to Consent Judgment with Grand Sakwa, Council Resolution #99-587, December 20,1999

2000 - Council approves Brownfield Redevelopment Plan #1 for remediation, reuse and redevelopment of the Ford/New Holland Tractor facility, Council Resolution # 2000-312, July 10, 2000

2001 - Council approves First Amendment to the First Amended and Restated Consent Judgment with Grand Sakwa, Council Resolution #2001-04-216, April 23, 2001

2002 - Planning Commission adopts Future Land Use Plan, which includes a Transit Center in the proposed location, January 8, 2002

2006 - Council approves $350,000 grant funding agreement with MDOT for conceptual and preliminary design of an Inter-Modal Transit Facility, Council Resolution #2006-08-341-E-15, August 28, 2006

2007 - Council approves contract with Wendel Duchscherer, Architects and Engineers for planning and engineering consulting services for an Inter-Modal Transit Facility, Council Resolution #2007-04-129, April 16, 2007

2008 - Planning Commission adopts Master Plan which calls for the Transit Center in the proposed location and proposes a mixed-use Transit Center area in the southwest corner of the City, October 14, 2008

2008 - City of Troy Planning Commission and City of Birmingham Planning Board pass statement of support resolution at a joint meeting of the bodies, December 2, 2008

2008 - Council approves Interlocal agreement between Troy & Birmingham approving Clark Hill, LLC to act as the project manager for the Transit Center project, Council Resolution # 2008-12-365, December 15, 2008

2009 - Council approves an Interlocal Cost Sharing Agreement between Troy and Birmingham for Professional Engineering and Design Services by Hubbell, Roth and Clark (HRC) Consulting for the Inter-Modal Transit Facility, Council Resolution #2009-03-078, March 2, 2009

2010 - Council approves Preliminary Site Plan, Council Resolution #2010-09-202, September 20, 2010

2010 - Council approves agreement to abide by Restrictive Covenants on the Midtown Square site, Council Resolution #2010-12-285, December 13, 2010

2011 - Council approves MDOT Capital Contract for $8,485,212 from Federal Rail Administration for Final Design and Construction at a cost of $0 to the City of Troy, Council Resolution #2011-09-210, September 12, 2011

Planning, Design, Site Plan Development and Funding Synopsis:

1999

- May 1999, Council approves Consent Judgment with Grand Sakwa for the planned unit development of Midtown Square at Coolidge and Maple roads and acquires 2.4 acre parcel for transit use

- December 1999, Council approves Amendment to Consent Judgment with Grand Sakwa

2000 to 2007

- July 2000, Brownfield Redevelopment Plan #1 for remediation, reuse and redevelopment of the Ford/New Holland Tractor facility (Midtown Square Site) approved by City Council

- April 2001, First Amendment to the First Amended and Restated Consent Judgment with Grand Sakwa approved by City Council

- January 2002, Planning Commission adopts Future Land Use Plan, which includes a Transit Center on the 2.4 acre parcel, acquired by consent judgment, within the Midtown Square

- August 2006, $350,000 grant funding agreement with MDOT was approved by City Council for the preparation of conceptual and preliminary design plans to replace the Amtrak station in Birmingham, which consisted of a concrete platform, a semi-enclosed bus type shelter, pay phone, 4 parking spaces and no connection with any other public transportation systems, with a new transit facility

- April 2007, Concept and Preliminary Engineering Design Services contract with Wendel Duchscherer (WD) of Amherst, New York was awarded by City Council

- August, 2007 WD began work on the Transit Center with kickoff meeting with staff and stakeholders from Troy & Birmingham

2008 to 2010

- February, 2008 WD submitted its Major Considerations & Design Report for review

- October 2008 – Planning Commission adopts Master Plan which calls for the Transit Center in the proposed location on the Midtown Square site and proposes a mixed-use Transit Center area in the southwest corner of the City

- December, 2008 at a joint meeting of the City of Troy Planning Commission and the City of Birmingham Planning Board, the bodies passed this statement of support resolution:

  The City of Birmingham Planning Board and City of Troy Planning Commission hereby support the following:

  - Designation of the boundaries for the Birmingham/Troy Multi-Modal Transit Center Study Area, as attached.
  - Joint development of appropriate Transit Oriented Design standards to apply to all or a part of the Birmingham/Troy Multi-Modal Transit Center Study Area.
  - Cooperation between the City of Birmingham and the City of Troy on planning issues within all or a part of the Birmingham/Troy Multi-Modal Transit Center Study Area.
  - Establishment of a Joint Birmingham/Troy Planning Commission for all or a part of the Birmingham/Troy Multi-Modal Transit Center Study Area, including defining composition, powers and duties, membership requirements, terms of office, operating procedures, and other related matters.
  - Joint planning for the appropriate redevelopment of all or a part of the Birmingham/Troy Multi-Modal Transit Center Study Area.

- December 2008 – Interlocal Agreement between Troy & Birmingham approving Clark Hill, LLC to act as the project manager for securing funding for the Transit Center project approved by City Council

- March, 2009 Council approved an Interlocal Agreement between Troy and Birmingham for Hubbell, Roth and Clark (HRC) Consulting Engineers to refine WD's preliminary plans, assist with preparing Environment Assessment document, and assist with site plan approval from Troy and Birmingham Planning Commissions. The Interlocal Agreement divided Engineering costs equally between Troy and Birmingham

- April 2009 to September 2010, Troy and Birmingham Planning and Engineering staffs worked to further refine the site plan and address issues raised by the Troy and Birmingham Planning Commissions

  - The project team coordinated with the Detroit Regional Mass Transit Plan (DRMT), and thus the approved regional transit plan currently includes the Transit Center as a regional hub with future connections to the proposed Woodward Avenue Light Rail system. Additionally, Suburban Mobility Authority for Regional Transportation (SMART) officials delineated the facility as hub for the regional bus system.

- The core mission of the DRMT plan is to repair and upgrade existing facilities and provide improved transit opportunities, while laying out a plan for future mass transit development

- Troy Multi-Modal Transit Center is intended to contribute to the regional effort to improve the attractiveness, reliability, safety and economic efficiency of transportation service in the metropolitan Detroit region

- The Transit Center proposes to co-ordinate all existing transit services in the area through this site, and to add new connections that will provide substantial improvements to the reliability and efficiency of the existing transit system

- The project team worked with SMART to ensure that the design of the site will be appropriate for a regional transit hub, and to ensure that SMART's needs are met onsite. A drop-off area with four (4) bus slips for SMART buses is proposed for the site

- The cities of Birmingham and Troy collaborated with SMART on the development of the Transit Center, and SMART agreed to coordinate all Birmingham and Troy bus routes through the Transit Center, thereby creating a regional hub, to provide enhanced local and regional connections and to improve access to jobs

- Federal funds in the amount of $1.3 million were included in the Fiscal Year 2010 Transportation, Housing and Urban Development Appropriations Act, signed by the President on December 16, 2009

- January 2010, DELEG awarded $250,000 grant for LED site lighting, building and tunnel lighting (Grant was rescinded by the State based on schedule of the project not meeting grant timelines after Birmingham withdrew from the project)

- January 2010, federal funding was approved for $8,485,212 from the Federal Rail Administration (FRA) as authorized by the American Recovery and Reinvestment Act of 2009 (ARRA)

- Environmental Assessment submitted to FRA, May 15, 2010

- December 2010, agreement to abide by Restrictive Covenants (related to Brownfield Environmental Remediation at Midtown Square) approved by City Council

January 2011 to Present

- September 2011, Council approves Preliminary Site Plan

- April 2011, Environmental Assessment is near ready to be approved by FRA, Birmingham drops out of the project due to its inability acquire land adjacent to the CN tracks

- April to September 2011, site plan and Environmental Assessment revised to reflect elimination of tunnel and addition of a bridge over tracks to the platform on Birmingham side

- September 2011, revised Environmental Assessment without Birmingham approved by the FRA

- September 2011, Council approved funding agreement with MDOT for $8.4 million from FRA for final design and construction. Funding restrictions requires the entire project be completed in two (2) years, no later than October 1, 2013

- October 2011, Request for Proposals issued for Architectural/ Engineering (A/E) Services to prepare final plans and bid documents

- November 2, 2011 five (5) proposals received for A/E Services

- City Administration scheduled to submit A/E contract to City Council for approval no later than December 19, 2011.

TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: November 17, 2011
SUBJECT: Transit Center Parcel Litigation Involving Grand Sawka

The City acquired the Transit Center parcel through the Consent Judgment for the 77 acre Midtown Development at Maple and Coolidge, which was entered on May 4, 1999. This Consent Judgment was subsequently amended and restated on June 2, 2000. Pursuant to the terms of this Consent Judgment, Grand Sakwa was permitted to construct its proposed mixed commercial and residential development, even though our zoning ordinance at the time did not allow for planned unit developments, and also did not allow for the proposed intensity of the development. The Consent Judgment required Grand Sakwa to conditionally transfer the Transit Center property to the City of Troy. The Transit Center property is the triangle piece of property that is located adjacent to the City of Birmingham, and is to the west of the commercial development. The location of the railroad tracks made this location ideal for a transportation center.

Under the terms of the negotiated Consent Judgment, Grand Sakwa was to convey the land to the City for use as a Transportation Center. If the property was not used for a Transportation Center, then it would revert to Grand Sakwa. The Consent Judgment required the City to "fund" the Transportation Center within ten years from the date of the Judgment (June 2, 2010). The City has been the legal owner of this property since June 22, 2001, when the warranty deed was recorded with the Register of Deeds.

Grand Sakwa filed a post judgment motion with the Oakland County Circuit Court in June 2010, arguing that the City did not comply with the terms of the Consent Judgment, since it did not "fund" the Transportation Center by June 2, 2010. The Oakland County Circuit Court ultimately ruled against Grand Sakwa, and dismissed the matter in May 2011. This ruling was based, in part, on the project award of 8.4 million dollars under the American Reinvestment Recovery Act of 2009- High Speed Intercity Passenger Rail Program (HSIPR) and the 1.3 million dollar federal appropriation for the project through the December 2009 Transportation, Housing, and Urban Development Appropriations Act, Bus and Bus Facility Program. Grand Sakwa then filed a Motion for Reconsideration, which was denied by the Oakland County Circuit Court.

More recently, Grand Sakwa filed an appeal of right in the Michigan Court of Appeals, seeking a return of the Transit Center parcel. The Michigan Court of Appeals dismissed this appeal, since there is no appeal of right for post-judgment motions. Grand Sakwa has now filed a Motion for Reconsideration of this decision, which is now pending. If the Michigan Court of Appeals upholds its earlier dismissal, then Grand Sakwa has the option of filing an Application for Leave to Appeal with the Michigan Court of Appeals.

I will keep you updated on the status of this matter.

Approval of Consent Judgement - Grand/Sakwa v City of Troy **C-2**

Resolution #99-227
Moved by Pallotta
Seconded by Thompson

RESOLVED, that the Consent Judgment in the matter of Grand/Sakwa v the City of Troy is hereby approved, and a copy shall be attached to the original minutes of this meeting.

Yes: All-7

Amendment to Consent Judgment and Approval of the Final Site Plan in the Matter of Grand/Sakwa v City of Troy F-3

Resolution #99-587
Moved by Pallotta
Seconded by Thompson

RESOLVED, that the request from Grand/Sakwa to amend the Consent Judgment and approve the Final Site Plan for Troy Town Center at the southwest corner of Maple and Coolidge is hereby approved, subject to completion of text and exhibits acceptable to the City Manager and City Attorney, 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.

Yes: All-7

Brownfield Redevelopment Plan #1 C-2

Resolution #2000-312
Moved by Pallotta
Seconded by Allemon

RESOLVED, That the Resolution approving Brownfield Redevelopment Plan #1 for the City of Troy pursuant to and in accordance with the provisions of Act 381 of the Public Acts of the State of Michigan of 1996 as amended is hereby approved, copy of which shall be attached to the original minutes of the meeting.

Yes:	Stine, Allemon, Kaszubski, Pallotta, Stevens
No:	Howrylak
Absent:	Schilling

F-7 Grand/Sakwa Consent Judgment Amendments

Resolution #2001-04-216
Moved by Pallotta
Seconded by Kaszubski

RESOLVED, That the First Amendment to the First Amended and Restated Consent Judgment between the City of Troy and Grand Sakwa is hereby approved, and the City Attorney is authorized to execute the Consent Judgment, which shall be attached to the original Minutes of this meeting.
Yes: All-7

MOTION CARRIED

7. PUBLIC HEARING – FUTURE LAND USE PLAN & TRANSPORTATION PLAN

Mr. Miller stated, in accordance with the Municipal Planning Act (Public Act 285, 1931 as amended) the Planning Commission is required to conduct one public hearing prior to the adoption of the Future Land Use Plan and Transportation Plan. The notification process included a public hearing notice in the Troy-Somerset Gazette and registered mail notice to the City's public utility and railroad companies. The adoption of the Plans shall be by resolution of the Planning Commission carried by the affirmative votes of not less than six (6) members of the Planning Commission. The resolution shall refer expressly to the maps and text intended by the Planning Commission to form the whole or part of the Plan. An attested copy of the Plan shall then be certified to City Council and to the Register of Deeds. Mr. Miller then summarized the Future Land Use Plan and its components.

Mr. Chamberlain stated that the Natural Features Map should be cross-referencing flood plain information and strike revisions on the Transportation Plan, and to leave the Natural Features Map dates blank.

Mr. Storrs commented on the fact that the Transportation Plan was never made available to SEMCOG and that we might recommend after we adopt the Master Plan, that we send it to them.

Mr. Waller commented on the Transportation Plan related to the 10 ft. safety and walkway path, and asked if anyone has corresponded or communicated with those who own property in the proposed location.

Mr. Miller stated there has been no staff communication.

Public hearing opened.

Mary Bogush of 5916 Patterson, Troy asked why the fire pots or preservation areas referenced were to be removed.

Mr. Chamberlain stated they were not necessarily located correctly. Natural Features Map will achieve the same goal as the fire pots or preservation areas.

Mr. Storrs stated if you look at it another way, the fire pots were the totality of the natural features designation, while the Natural Features Map is very specific.

Public hearing closed.

Mr. Chamberlain stated that we should delete all revision dates on the Maps and Plans.

He further stated the following:

1. Revise Date on Transportation Plan.
2. Flood Plan notation provided.
3. Delete draft date on all maps.

RESOLUTION

Moved by Pennington Seconded by Reece

RESOLVED, the Future Land Use Plan of the City of Troy consists of goals, objectives, policies and graphic representations which serve as a guide for the development of the City.

BE IT FURTHER RESOLVED, that the Future land Use Plan includes a text document and three graphic maps that include the Future Land Use Plan, Transportation Plan and Natural Features Map.

BE IT FURTHER RESOLVED, by it's nature, the Future Land Use Plan must be flexible so that it can be sensitive and responsive to the social, economic and physical development trends and realities of the City as well as the total region of which Troy is a part.

BE IT FURTHER RESOLVED, that the Future Land Use Plan be adopted in accordance with the Municipal Planning Act, Public Act 285, 1931, as amended.

Yeas:	Nays:	Absent:
All Present (8)		Littman

MOTION APPROVED

E-15 Approval of MDOT Intermodal Passenger Station Capital Contract No. 2006-0537

Resolution #2006-08-341-E-15

RESOLVED, That MDOT Contract No. 2006-0537 between the City of Troy and the Michigan Department of Transportation, for the planning and design of an intermodal transportation facility in the City of Troy, with participation from the MDOT in the amount of $350,000.00, is hereby **APPROVED** 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.

Yes: All-6
No: None
Absent: Howrylak

MOTION CARRIED

F-9 Qualification Based Selection (QBS) – Engineering/Design Services – Inter-Modal Transit Center

Resolution #2007-04-129
Moved by Stine
Seconded by Beltramini
RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide planning and engineering consulting services, to include conceptual and preliminary design for an Inter-Modal Transit Facility to Wendel Duchscherer of Amherst, NY, the firm with the highest score as a result of a qualification based selection process, as directed by MDOT, at prices contained in the derivation of cost proposal, a copy of which shall be **ATTACHED** to the original Minutes of this meeting for an estimated total cost of $415,814.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the consultant's submission of proper contract and proposal documents, including insurance certificates and all other specified requirements; and

THEREFORE, BE IT FINALLY RESOLVED, The Mayor and City Clerk are hereby **AUTHORIZED** to execute the agreement when in acceptable form.

Yes: All-4
No: None
Absent: Fleming, Howrylak, Lambert

MASTER PLAN

5. PUBLIC HEARING – CITY OF TROY MASTER PLAN – 2008 City of Troy Master Plan

Mr. Miller introduced the agenda item.

Messrs. Miller and Savidant expressed their enthusiasm in the forward thinking that went into the creation of what they believe is a cutting edge document.

Chair Schultz commented on the fairly quick timeframe taken to complete the document.

Zak Branigan of Carlisle/Wortman Associates gave an overall review of the proposed Master Plan. He specifically addressed the extensive public input that went into the completion of the document.

Chair Schultz advised the audience of the Public Hearing ground rules.

Mr. Hutson explained the intent and function of a Master Plan. The document incorporates the vision of future improvement within the City and is a guideline used by the Planning Commission for future land use and community development. Mr. Hutson stated that existing zoning of all property would remain the same and approval of the Master Plan would not change zoning classifications.

PUBLIC HEARING OPENED

Present to speak were:
Neil Fletcher of 1120 Jefferson, Troy
Frank Kilcullen of 1222 W. Wattles, Troy
Trevor Babi of 4067 Penrose, Troy
Tom Duff of 1102 Jefferson, Troy
Tonia Babi of 4067 Penrose, Troy
Amar Majjhoo of 1084 Jefferson, Troy
David Donnellon of 755 W. Big Beaver Road, Troy

Mr. Miller addressed the specific neighborhood node of Crooks and Wattles, and read the paragraph in the proposed Master Plan that correlates to that specific node.

Mr. Vleck commented positively on the recent development within walking distance from his home.

Mr. Strat addressed the need for walkability within the City.

Discussion followed specifically on the wording on page 93 of the proposed Master Plan relating to the Crooks and Wattles neighborhood node: "Industrial uses and single-family residential will not be permitted in the Neighborhood Nodes."

Mr. Branigan explained how the Master Plan is created with layers and addressed the general character of the Master Plan. He assured that nothing in the Plan would prohibit property to be used as it is currently zoned.

PUBLIC HEARING CLOSED

8. STATEMENT OF SUPPORT FOR JOINT PLANNING FOR A TRANSIT CENTER DISTRICT – Proposed Resolution to Formalize Joint Planning

Mr. Savidant addressed a proposed Resolution and Statement of Support as relates to the joint planning boards moving forward in the development of the transit center.

A brief discussion followed.

Resolution # PC-2008-12-142
Moved by: Williams
Seconded by: Sanzica

WHEREAS, The City of Birmingham and City of Troy are partnering on the development of the Birmingham/Troy Multi-Modal Transit Center Study Area; and

WHEREAS, The City of Birmingham Planning Board and the City of Troy Planning Commission recognize the need for cooperative joint planning efforts in the Birmingham/Troy Multi-Modal Transit Center Study Area; and,

NOW, THEREFORE BE IT RESOLVED, The City of Birmingham Planning Board and the City of Troy Planning Commission hereby support joint planning efforts between the City of Birmingham and the City of Troy within the Birmingham/Troy Multi-Modal Transit Center Study Area.

BE IT FURTHER RESOLVED, The City of Birmingham Planning Board and the City of Troy Planning Commission hereby adopt the City of Birmingham/City of Troy Joint Planning Statement of Support.

The Statement of Support

The City of Birmingham Planning Board and City of Troy Planning Commission hereby support the following:

- Designation of the boundaries for the Birmingham/Troy Multi-Modal Transit Center Study Area, as attached.
- Joint development of appropriate Transit Oriented Design standards to apply to all or a part of the Birmingham/Troy Multi-Modal Transit Center Study Area.
- Cooperation between the City of Birmingham and the City of Troy on planning issues within all or a part of the Birmingham/Troy Multi-Modal Transit Center Study Area.
- Establishment of a Joint Birmingham/Troy Planning Commission for all or a part of the Birmingham/Troy Multi-Modal Transit Center Study Area, including defining composition, powers and duties, membership requirements, terms of office, operating procedures, and other related matters.
- Joint planning for the appropriate redevelopment of all or a part of the Birmingham/Troy Multi-Modal Transit Center Study Area.

MOTION CARRIED

D-1 Transit Center Cost Sharing Agreement

Resolution #2008-12-365
Moved by Kerwin
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Agreement between the City of Troy and the City of Birmingham, which equally divides the cost of a Project Manager for the proposed Troy/Birmingham Intermodal Transit Center; and

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

Yes: Eisenbacher, Fleming, Kerwin, Schilling, Beltramini, Broomfield
No: Howrylak

MOTION CARRIED

E-6 Cost Sharing Agreement for Troy/Birmingham Intermodal Transit Facility Professional Engineering and Design Services

Resolution #2009-03-078
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Agreement between the City of Troy and the City of Birmingham, which equally divides the cost of Professional Engineering and Design Services for the Troy/Birmingham Intermodal Transit Facility; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the Interlocal Service Agreement on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.
Yes: Eisenbacher, Fleming, Kerwin, Schilling, Beltramini, Broomfield
No: Howrylak

MOTION CARRIED

I-4 Preliminary Site Plan Approval (File Number SP 957) – Troy/Birmingham Intermodal Transit Facility – South of Maple Road, West of Coolidge, Section 31, Zoned M-1 (Light Industrial) – Controlled by Consent Judgment

Resolution
Moved by Schilling
Seconded by Slater

RESOLVED, That Troy City Council hereby **GRANTS** Preliminary Site Plan Approval, as requested for the proposed Troy/Birmingham Intermodal Transit Facility, located south of Maple Road, west of Coolidge Highway, in Section 31, within the M-1 Zoning District and controlled by Consent Judgment.

Vote on Resolution to Amend Proposed Resolution A – *As Recommended by City Management* by Substitution

Resolution #2010-09-202
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AMENDS** proposed Resolution A – *As Recommended by City Management* by **STRIKING** it in its entirety and **SUBSTITUTING** it with Resolution B – *As Recommended by the Planning Commission*.

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

MOTION CARRIED

Vote on Resolution to Amend Proposed Resolution B – *As Recommended by the Planning Commission*

Resolution #2010-09-203
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AMENDS** Resolution B - As Recommended by the Planning Commission by **INSERTING** "after the results of the environmental assessment so that changes required by the environmental assessment may be made in conjunction with any enhancements outlined at the workshop and then presented as a whole to Troy City Council and Birmingham's Planning Board prior to Final Site Plan Approval" **AFTER** "workshop" and **STRIKE** "so that the results of the workshop can be presented to the Troy City Council and Birmingham's Planning Board prior to Final Site Plan Approval in the second "BE IT FURTHER RESOLVED".

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

Absent: Howrylak

MOTION CARRIED

Vote on Resolution as Amended by Substitution

Resolution #2010-09-204
Moved by Schilling
Seconded by Slater

RESOLVED, That Troy City Council hereby **GRANTS** Preliminary Site Plan Approval, requested for the proposed Troy/Birmingham Intermodal Transit Facility, located south of Maple Road, west of Coolidge Highway, in Section 31, within the M-1 Zoning District and controlled by Consent Judgment; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** City Management to conduct a design workshop prior to final approval, with members of the Planning Commission, the Planning Board, the Hubbell, Roth & Clark team and staff from the Cities of Birmingham and Troy. The goal of the workshop would be to discuss and incorporate further design enhancements into the plans for improved aesthetics and functionality of the project. In general, the enhancements will address:

- Building façade articulation to create a greater visual interest;
- A more identifiable building entrance;
- Enhancing the sense of arrival by focusing on a major point of interest;
- Establishing visual interest with human-scale elements at the building;
- Creating transitional features between the building, the ground plane and retaining wall; and
- Offering additional, cost effective, sustainable design features.

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** City Management to schedule the workshop after the results of the environmental assessment so that changes required by the environmental assessment may be made in conjunction with any enhancements outlined at the workshop and then presented as a whole to Troy City Council and Birmingham's Planning Board prior to Final Site Plan Approval; and

BE IT FINALLY RESOLVED, That the project **SHALL** be developed so that the construction cost does not exceed the approved funding amount.

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

MOTION CARRIED

I-7 Agreement to Abide by Restrictive Covenants for Transit Center Property & Easement

Resolution #2010-12-285
Moved by McGinnis
Seconded by Slater

RESOLVED, That the Troy City Council hereby **AGREES** to abide by the terms contained in the attached Declaration of Restrictive Covenant for the City's sewer easement for the Midtown Shopping Center and also the Transit Center parcel, located in the southwest corner of Coolidge and Maple, as required by the Michigan Department of Natural Resources and Environment as part of the final remedial action plan, which includes the prohibition of residential uses on the Transit Center property and the City's easement; the prohibition of the use of groundwater from the Transit Center parcel and City's sewer easement, and the City's responsibility for proper disposition and management of any soil excavated by the City from the City's easement or the Transit Center parcel and the replacement of any of the existing clay plugs, if subsequently removed or disturbed on the Transit Center parcel or the City's sewer easement, as described in the attached document.

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

MOTION CARRIED

I-7 Approval of MDOT Capital Contract for the Troy Multi-Modal Transit Facility, MDOT Contract No. 2011-0231, Project No. 113143

Resolution #2011-09-210
Moved by Schilling
Seconded by Beltramini

WHEREAS, A 2.41 acre site was deeded to the City of Troy as part of a Consent Judgment, with the condition that it be developed as a transit facility;

WHEREAS, The City of Troy received a $8,485,212 federal grant to fund the transit facility project through the American Recovery and Reinvestment Act (ARRA) High-Speed Intercity Passenger Rail (HSIPR) Program, Federal Rail Administration (FRA), secured through a TIGER grant; and

WHEREAS, The City of Troy received a $1,300,000 Federal Congressional Bus & Bus Facilities earmark to fund the project through the Federal Transit Administration (FTA), secured by Congressman Gary Peters; and

WHEREAS, The facility will be served by AMTRAK and the Suburban Mobility Authority for Regional Transportation (SMART), which will utilize the Troy Multi-Modal Transit Facility as a central hub for their bus network; and

WHEREAS, The Troy Multi-Modal Transit Facility complements transit oriented initiatives throughout southeast Michigan, including the Woodward Light Rail and Detroit Region Aerotropolis projects; and

WHEREAS, Studies show that investment in public transit yields economic benefit to the surrounding area; and

WHEREAS, Public transportation provides transportation options, allows for mobility for underserved populations, provides congestion mitigation, creates jobs, assists in retaining young talent and helps regions to be competitive in the global economy.

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** MDOT Capital Contract No. 2011-0231 between the City of Troy and the Michigan Department of Transportation for the final design and construction of the Troy Multi-Modal Transit Facility at an estimated cost to the City of Troy of $0.00, and **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED