



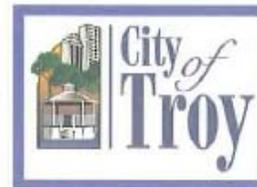
TROY CITY COUNCIL

REGULAR MEETING AGENDA

JANUARY 9, 2012
CONVENING AT 7:30 P.M.

Submitted By
The City Manager

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



TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Szerlag". The signature is written in a cursive style.

John Szerlag, City Manager



TROY CITY COUNCIL

VISION STATEMENT AND GOALS

Adopted: Monday, February 7, 2011

VISION:

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

GOALS:

Provide a safe, clean, and livable city

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

Provide effective and efficient local government

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

Build a sense of community

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

Attract and retain business investment

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



CITY COUNCIL AGENDA

January 9, 2012 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

INVOCATION: Pastor Steve Husava – Northfield Hills Baptist Church 1

PLEDGE OF ALLEGIANCE: 1

A. CALL TO ORDER: 1

B. ROLL CALL: 1

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Monday, February 20, 2012 Regular Meeting	12
Monday, March 5, 2012 Regular Meeting.....	12
Monday, March 19, 2012 Regular Meeting.....	12
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Monday, June 4, 2012 Regular Meeting.....	12
Monday, June 18, 2012 Regular Meeting.....	12
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Monday, July 23, 2012 Regular Meeting	12
Monday, August 13, 2012 Regular Meeting	12
Monday, August 27, 2012 Regular Meeting	12
Monday, September 10, 2012 Regular Meeting.....	12
Monday, September 24, 2012 Regular Meeting.....	12
Monday, October 8, 2012 Regular Meeting.....	12
Monday, October 22, 2012 Regular Meeting.....	12
Monday, November 12, 2012 Regular Meeting.....	12
Monday, November 26, 2012 Regular Meeting.....	12
Monday, December 3, 2012 Regular Meeting.....	12
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SCHEDULED SPECIAL CITY COUNCIL MEETINGS: **12**

Monday, April 23, 2012 Special Budget Study Session.....	12
Monday, April 30, 2012 Special Budget Study Session.....	12

INVOCATION: Pastor Steve Husava – Northfield Hills Baptist Church

PLEDGE OF ALLEGIANCE:

A. CALL TO ORDER:

B. ROLL CALL:

- a) Mayor Janice Daniels
Jim Campbell
Wade Fleming
Dave Henderson
Maureen McGinnis
Dane Slater
Doug Tietz

- b) Excuse Absent Council Members:

Suggested Resolution

Resolution #2012-01-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Regular City Council Meeting of January 9, 2012, due to _____

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Certificates of Recognition and Special Presentations

- a) Proclamation of Appreciation to Meritor, Inc. for Generous Donation to Troy Public Library

D. CARRYOVER ITEMS:

-
- D-1 No Carryover Items**

E. PUBLIC HEARINGS:

-
- E-1 Public Hearing to Receive Public Input on the City of Royal Oak Hospital Finance Authority Utilizing Tax-Exempt Bonds for William Beaumont Hospital - Troy**

Suggested Resolution

Resolution #2012-01-

Moved by

Seconded by

WHEREAS, The City of Royal Oak Hospital Finance Authority (the "Authority") proposes to make loans to William Beaumont Hospital (the "Hospital"), to be used, in part, by the Hospital to refinance indebtedness used to finance the construction, renovation and equipping of certain hospital facilities in the City of Troy, Michigan; and

WHEREAS, The Authority intends to issue City of Royal Oak Hospital Finance Authority Hospital Revenue Refunding Bonds (William Beaumont Hospital Obligated Group), in one or more series (the "Bonds") on behalf of the Hospital in the aggregate principal amount of not to exceed \$120,000,000 to provide funds with which to make loans to the Hospital; and

WHEREAS, The Bonds will be limited obligations of the Authority and will not constitute general obligations or debt of the City of Royal Oak, the City of Troy, the County of Oakland, the State of Michigan or any political subdivision thereof; and

WHEREAS, The City Council has held a public hearing after notice was published as provided in, and in satisfaction of the applicable public hearing requirements of, the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, A record of public hearing will be maintained with the City Clerk; and

WHEREAS, The Authority has requested that this City Council approve the issuance of the Bonds by the Authority; and

WHEREAS, The City Council of the City of Troy desires to express its approval of the issuance of the Bonds by the Authority.

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF TROY, AS FOLLOWS:

1. Solely for the purpose of fulfilling the public approval requirements of the Code, the City Council of the City of Troy hereby **APPROVES** the issuance, sale and delivery of not to exceed \$120,000,000 in aggregate principal amount of the Bonds by the Authority.
2. The City Clerk is hereby **DIRECTED** to provide three (3) certified copies of this resolution to the Secretary of the Authority.

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: None Scheduled

I-2 Board and Committee Nominations: None Scheduled

I-3 Closed Session to Discuss T.R. Pieprzak v Troy

Suggested Resolution

Resolution #2012-01-

Moved by

Seconded by

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (e) Pending Litigation – *T.R. Pieprzak v. Troy*.

Yes:

No:

I-4 Wireless Devices (Smartphones) and Service Plans US General Services Administration (GSA) Contract GS-35F-0119P

Suggested Resolution

Resolution #2012-01-

Moved by

Seconded by

WHEREAS, In an effort to provide greater efficiencies to department personnel to continually improve service delivery for the community, wireless devices have recently been tested with various providers the results of which found Verizon Wireless offered considerably higher data speed and reliability with their android Smartphone technology and 4G capability than any other service provider in this area; and

WHEREAS, GSA contract pricing contained in GS-35F-0119P with Verizon Wireless represents the best value and results in the lowest overall cost alternative solution when considering price, special features, and administrative costs;

NOW 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 purchase wireless devices (Smartphones) and service plans from Verizon Wireless through the GSA schedule contract GS-35F-0119P at rates as contained in Appendix I, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

I-5 Acceptance of the 2011 Assistance to Firefighters Grant

Suggested Resolution

Resolution #2012-01-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AUTHORIZES** the Troy Fire Department to receive a FEMA Assistance to Firefighters Grant and expend \$5,000 for the purchase of equipment and training in accordance with the award; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AMENDS** the Fire Department budget to receive the grant funding of \$20,000.

Yes:

No:

I-6 Postponement of the Hearing for the Revocation of a Massage Facility License – Recovery Spa, Inc. – 1975 E. Maple Rd.

Suggested Resolution

Resolution #2012-01-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **POSTPONES** the hearing for the revocation of a Massage Facility License for Recovery Spa, Inc. at 1975 E. Maple Rd. to the Regular City Council Meeting scheduled on Monday, January 23, 2012.

Yes:

No:

J. CONSENT AGENDA:

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

Suggested Resolution

Resolution #2012-01-

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 #2012-01-

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

- a) Regular City Council Meeting of December 19, 2011

J-3 Proposed City of Troy Proclamations:

- a) Proclamation of Appreciation to Meritor, Inc. for Generous Donation to Troy Public Library

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution #10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – National League of Cities' 2012 Congressional City Conference**

Suggested Resolution

Resolution #2012-01-

RESOLVED, That Council Members are **AUTHORIZED** to attend the National League of Cities' 2012 Congressional City Conference from March 10 - 14, 2012 in Washington, DC, in accordance with accounting procedures of the City of Troy.

- b) **Standard Purchasing Resolution #10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – Michigan Municipal League 2012 Capital Conference**

Suggested Resolution

Resolution #2012-01-

RESOLVED, That Council Members are **AUTHORIZED** to attend the Michigan Municipal League 2012 Capital Conference from March 20 - 21, 2012 in Lansing, Michigan, in accordance with accounting procedures of the City of Troy.

- c) **Standard Purchasing Resolution #4: Michigan Intergovernmental Trade Network (MITN) Purchasing Cooperative Award – Gasoline and Diesel Fuel**

Suggested Resolution

Resolution #2012-01-

RESOLVED, That Troy City Council hereby **AWARDS** two-year cooperative contracts to purchase gasoline and diesel fuel in truck transport and tank wagon deliveries with an option to renew for two (2) additional years from the low bidders meeting specifications – Petroleum Traders Corporation of Fort Wayne, IN, RKA Petroleum Companies of Romulus, MI, and Atlas Oil Company of Taylor, MI as a result of a bid process through the City of Sterling Heights for MITN Purchasing Cooperative members including Troy at factors and prices contained in the bid tabulation opened November 1, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with a contract expiration of January 31, 2014.

-
- J-5 Request to Abandon Right of Way and Utility Easements Previously Granted to the City of Troy – Sidwell #88-20-14-401-006, Athens Parc Site Condominium**

Suggested Resolution

Resolution #2012-01-

WHEREAS, The City of Troy has received a request from Linda and David Purvis, owners of the property having Sidwell #88-20-14-401-006, to abandon previously granted right-of-way and easements as recorded in L39522 P642, L39547 P696, L39547 P709, L39547 P712, L39547 P754 and L39547 P670.

THEREFORE, BE IT RESOLVED, That the right-of-way granted by warranty deed as recorded in L39522 P642 and the five easements as recorded in L39547 P696, L39547 P709, L39547 P712, L39547 P754, and L39547 P670 are hereby **ABANDONED**, and that City Council **AUTHORIZES** the Mayor and City Clerk to execute a Quit Claim deed conveying these interests back to the property owners David and Linda Purvis; and

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

J-6 Mon Jin Lau Annual Fireworks Use RequestSuggested Resolution

Resolution #2012-01-

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Mon Jin Lau, located at 1515 East Maple Rd., for the use of fireworks at its annual Chinese New Year celebration on February 7, 2012.

BE IT FURTHER RESOLVED, that the Troy Fire Department will inspect the fireworks to be used along with the site to assure compliance with applicable codes and standards for such a fireworks display.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

- a) Announcement of Public Hearing for Industrial Facilities Exemption Certificate (IFEC) for Tepel Brothers Printing, Inc. at 1725 John R – January 23, 2012

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

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

L-1 Mayor Daniels Referrals Regarding City Council Rules of Procedure

- a) 2008-2009 City Council Rules of Procedure
b) Recommended Rules of Procedures - Changes Outline

L-2 Mayor Daniels Requested Discussion Regarding the Creation of a Suicide Prevention Program Involving the City of Troy, City Council, City Management, Troy Youth Assistance, Troy School District and Perspectives of Troy

L-3 Council Member Slater Submitted Resolution for Approval of MDOT Sub-Contract with Hubbell, Roth & Clark, Inc. at a Reduced Amount for Architect & Engineering Services for the Final Design of the Troy Multi-Modal Transit Facility Not to Exceed \$6.272,500

Council Member Slater Requested This Item Be Removed From the Agenda

M. COUNCIL COMMENTS

M-1 No Council Comments Advanced

N. REPORTS

N-1 Minutes – Boards and Committees: None Submitted

N-2 Department Reports:

- a) 2011 Fourth Quarter Litigation Report
- b) Michigan Municipal Risk Management Authority (MMRMA) – Risk Avoidance Program (RAP) Grant
- c) Troy Multi-Modal Transit Facility, Operation and Maintenance Cost Estimate as Requested by Council Members Henderson and Tietz

N-3 Letters of Appreciation:

- a) Letter of Appreciation to Sergeant Haddad from Tawfik Alazem, Detroit Director of U.S. Committee for Refugees and Immigrants
- b) Letter of Appreciation to Chief Mayer from Daniel Fair, Thanking Captain Frye, Captain Scherlinck, Lieutenant Redmond, Officer Feld, Officer Rushton, Officer Barrows, Officer Bordo, Officer LaForest and Officer Browne for Assistance
- c) Letter of Appreciation to Chief Mayer from Tamara Jordan

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

N-5 Notice of Hearing for the Customers of Consumers Energy Company – Case No. U-16860

N-6 City of Troy Snow and Ice Control Procedures

N-7 Meet the Mayor at the Community Center – Dates, Times and Room Number

N-8 Local Area Unemployment Statistics Update

O. STUDY ITEMS

O-1 City Council Rules of Procedure

- a) 2010-11 City Council Rules of Procedure

P. CLOSED SESSION:

P-1 No Closed Session Requested

Q. ADJOURNMENT

Respectfully submitted,



John Szerlag, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

SCHEDULED REGULAR CITY COUNCIL MEETINGS:

Monday, January 23, 2012.....	Regular Meeting
Monday, February 6, 2012.....	Regular Meeting
Monday, February 20, 2012.....	Regular Meeting
Monday, March 5, 2012.....	Regular Meeting
Monday, March 19, 2012.....	Regular Meeting
Monday, April 2, 2012.....	Regular Meeting
Monday, April 16, 2012.....	Regular Meeting
Monday, May 7, 2012.....	Regular Meeting
Monday, May 14, 2012.....	Regular Meeting
Monday, June 4, 2012.....	Regular Meeting
Monday, June 18, 2012.....	Regular Meeting
Monday, July 9, 2012.....	Regular Meeting
Monday, July 23, 2012.....	Regular Meeting
Monday, August 13, 2012.....	Regular Meeting
Monday, August 27, 2012.....	Regular Meeting
Monday, September 10, 2012.....	Regular Meeting
Monday, September 24, 2012.....	Regular Meeting
Monday, October 8, 2012.....	Regular Meeting
Monday, October 22, 2012.....	Regular Meeting
Monday, November 12, 2012.....	Regular Meeting
Monday, November 26, 2012.....	Regular Meeting
Monday, December 3, 2012.....	Regular Meeting
Monday, December 17, 2012.....	Regular Meeting

SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

Monday, April 23, 2012.....	Special Budget Study Session
Monday, April 30, 2012.....	Special Budget Study Session

**PROCLAMATION OF APPRECIATION
TO MERITOR, INC
FOR GENEROUS DONATION TO TROY PUBLIC LIBRARY**

WHEREAS, Christmas came early to the Troy Public Library in the form of a substantial donation from **Meritor** employees and private individuals, for a collection of materials and equipment to enhance the Library's Special Needs Collection. The focus of this donation is visual impairments and reading disabilities, particularly those in children with albinism; and

WHEREAS, A generous monetary donation was given to the Troy Public Library to purchase large print materials, with emphasis on novels for ages 8-12; non-fiction books on visual impairments; and magnifiers to assist in reading; and

WHEREAS, The Friends of the Troy Public Library also contributed towards this project to purchase kits with special reading materials and magnifiers that children can use at home. The materials will help children who have visual impairments such as albinism, dyslexia, ADHD, traveling eye, an inability to see color, and more; and

WHEREAS, The initiative for the project came from a group of southeast Michigan businesswomen representing **Meritor, Henry Ford Health Systems, GM and Inforum**. These women are part of a leadership class that included a community service project. The project was to increase awareness and social acceptance of children with albinism. Their interaction with the children brought to light the vision difficulties that are common with these beautiful children; and

WHEREAS, The Library's Special Needs Collection was implemented in October 2007 by a gift from the Friends of the Troy Public Library. It includes traditional Library materials such as books and DVDs, as well as interactive items that children with disabilities can use to enhance and promote learning and skill-building. Children of all ages like to keep up with popular fiction and this enhanced Large Type book collection will enable those with visual impairments to do just that; and

WHEREAS, To introduce the community to the new collection, the Library has planned a story time event on **Saturday, January 21, at 11:15 a.m.** This story time is designed for pre-school-aged children, through 2nd graders. Following the story time, a tour of the new collections and materials will be given;

NOW, THEREFORE BE IT RESOLVED, That the Troy City Council does hereby thank the employees from Meritor for their generous donation which will benefit the entire Troy community; and

BE IT FURTHER RESOLVED, That the City Council joins the citizens of this community in appreciation and celebration of the generosity of the Meritor employees for the wonderful donation which will enhance the Library's Special Needs Collection and specifically help children who have visual impairments.

Presented this 9th day of January 2012



CITY COUNCIL AGENDA ITEM

January 5, 2012

TO: John Szerlag, City Manager

FROM: Tom Darling, Interim Director of Finance and Administrative Services

SUBJECT: Public Hearing to Receive Public Input on the City of Royal Oak Hospital Finance Authority Utilizing Tax-Exempt Bonds for William Beaumont Hospital - Troy

As required by the Internal Revenue Code of 1986, as amended (the "Code") the City of Troy is holding a public hearing to receive public input in advance of authorizing the City of Royal Oak Hospital Finance Authority to issue bonds that will be used to refund bond the proceeds of which were used to construct, acquire, renovate, equip, rehabilitate and/or improve the hospital facility of William Beaumont Hospital in the City of Troy.

It should be noted that approval of the issuance of bonds by the City of Royal Oak Hospital Finance Authority for the benefit of the City of Troy will not have any effect on the ability of the City of Troy to issue bonds, nor will it involve any liability to the City of Troy for the bonds.

Founded in 1852
by Sidney Davy Miller

MILLER CANFIELD

Kristin E. Nied
(734) 668-7705
nied@millercanfield.com

Miller, Canfield, Paddock and Stone, P.L.C.
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
TEL (313) 963-6420
FAX (313) 496-7500
www.millercanfield.com

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ILLINOIS: Chicago

MASSACHUSETTS: Cambridge

NEW YORK: New York

CANADA: Toronto • Windsor

POLAND: Gdynia
Warsaw • Wrocław

December 12, 2011

John Szerlag, City Manager
City of Troy
500 West Big Beaver
Troy, Michigan 48084

via e-mail to: j.szerlag@troymi.gov

RE: City of Royal Oak Hospital Finance Authority – William Beaumont Hospital

Dear Mr. Szerlag:

William Beaumont Hospital is anticipating a financing through the City of Royal Oak Hospital Finance Authority utilizing tax-exempt bonds. Miller Canfield is acting as bond counsel with respect to the bonds. Although all of the bonds will be issued by the City of Royal Oak Hospital Finance Authority, as permitted by State law, a portion of the proceeds of the bonds will be used to refund bonds the proceeds of which were used to construct, acquire, renovate, equip, rehabilitate and/or improve the hospital facility of William Beaumont Hospital in the City of Troy.

As required by the Internal Revenue Code of 1986, as amended (the “Code”), the City of Royal Oak must hold a public hearing and permit the issuance of the bonds. In addition, the Code requires, when proceeds of the bonds will be used outside of the jurisdiction issuing the bonds, that such other jurisdiction also hold a public hearing and authorize the issuance of the bonds.

To meet the requirements of the Code, we would like to request being placed on your City Council agenda for your January 9, 2012 meeting for the purpose of conducting a public hearing and approving the issuance of the bonds by the City of Royal Oak Hospital Finance Authority. I am attaching a draft of the notice that will be released for publication later this week. I am also attaching a draft of the proposed resolution that the City Council will consider. The format of the resolution is identical to ones that the City Council passed in 2009 and in other past years for financings of William Beaumont Hospital through the City of Royal Oak Hospital Finance Authority.

The approval of the bonds by the City Council of the City of Troy is solely for the purpose of meeting the public approval requirements of the Code. Such approval will not have any effect on the ability of the City of Troy (or affiliates) to issue bonds and will not involve any liability to the City of Troy (or affiliates).

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

Mr. John Szerlag

-2-

December 12, 2011

Please confirm that we can be placed on your agenda for your January 9, 2012, City Council meeting.

Very truly yours,

Miller, Canfield, Paddock and Stone, P.L.C.

By: /s/ Kristin E Nied
Kristin E. Nied

Enclosure

19,591,275.1\006839-00008
11/18/11 3:34 PM



CITY COUNCIL AGENDA ITEM

December 14, 2011

TO: John Szerlag, City Manager

FROM: Susan A. Leirstein, Purchasing Director
 Gert Paraskevin, Information Technology Director
 Gary G. Mayer, Police Chief
 William S. Nelson, Fire Chief
 Timothy L. Richnak, Public Works Director

SUBJECT: Wireless Devices (Smartphones) and Service Plans
 US General Services Administration (GSA) contract GS-35F-0119P

Background

The City of Troy has been authorized to utilize the State of Michigan contract for cellular service with Sprint/Nextel for the last ten years. Departments could request equipment upgrades and change in service plans with justified business cases. With the introduction of Smartphone technology, a new GSA contract with Verizon has proven to be a cheaper alternative to deliver wireless service.

The City has been utilizing wireless technology to improve communication and access to information in the field for several years. The Purchasing and IT departments have recently been working with a focus group to investigate the commercially available mobile data services to see how we can further improve efficiency and provide timely information to field personnel while reducing overall costs. The Police, Fire and Public Works departments have tested current wireless devices and services including Android Smartphone technology from T-Mobile, Sprint and Verizon; and found Verizon service to provide considerably higher data speed and reliability.

Advantages of utilizing Smartphones include:

- Uninterrupted productivity with quick and easy access to email or other city resources.
- Beneficial to staff on call 24/7
- Equip employees in the field with high resolution cameras. These pictures can then be sent via email for immediate feedback if necessary.
- Internet access
 - Provides quick and easy access to information
 - Allows access to any City developed web applications
- Will provide unlimited wireless access thereby eliminating the need for other external devices such as air cards. Combining two services into one will reduce monthly expenditures by approximately \$27.99 per device.
- Negates the need for a laptop in the field in some instances.
- Can take advantage of the thousands of Smartphone applications currently available. For example WeatherBug, Google Translate, Emergency Response Guidebook.

Under our current Sprint contract through the State of Michigan only 3G services were available and although useful have proven to be relatively slow. Of the providers tested only Verizon offered reliable high speed 4G service in Troy.

Under Cooperative Purchasing, state and local entities may purchase a variety of technology from contracts awarded under GSA Federal Supply Schedule 70, Information Technology. The GSA Schedule contract GS-35F-0119P with Verizon Wireless represents the best value and results in the lowest overall cost alternative solution when considering price, special features, administrative costs, etc, as detailed in Appendix I.

Recommendation

City management is requesting authorization to utilize the Federal GSA contract GS-35F-0119P with Verizon Wireless for the purchase of wireless devices (Smartphones) and service plans at rates as contained in Appendix I.

Fund Availability

Funds are budgeted each year in various departments under their respective communication accounts.

COST ANALYSIS BREAKDOWN

VENDOR	CONTRACT	DESCRIPTION OF SERVICE	PEAK / OFF PEAK	4G COVERAGE	CURRENT MONTHLY ACCESS RATES	EST QTY	ESTIMATED TOTAL MONTHLY CHARGES
Verizon	GSA Schedule 70	Nationwide, Unlimited N&W, Email/data	4000 shared minutes	Available	\$ 125.04	1	\$ 125.04
		Mobile-Mobile, Text messaging	400 minutes		\$ 49.99	30	\$ 1,499.70
		Wireless Access	Unlimited		\$ 10.00	30	\$ 300.00
							\$ 1,924.74

Verizon	State of Michigan	Nationwide, Unlimited N&W, Email/data	4000 shared minutes	Available	\$ 125.54	1	\$ 125.54
		Mobile-Mobile, Text messaging	400 minutes		\$ 56.24	30	\$ 1,687.20
		Wireless Access	Unlimited		\$ 29.99	30	\$ 899.70
							\$ 2,712.44

Sprint	State of Michigan	Nationwide, Unlimited N&W, Email/data	4000 shared minutes	Not Available in this area	\$ 112.49	1	\$ 112.49
		Mobile-Mobile, Text messaging	400 minutes		\$ 55.00	30	\$ 1,650.00
		Wireless Access	Unlimited		\$ 29.99	30	\$ 899.70
							\$ 2,662.19

HIGHLIGHTED VENDOR DENOTES BEST VALUE SOLUTION

ONE-TIME EQUIPMENT COSTS

Verizon

Android Smartphone Technology

Open market government pricing

Current Promotion - \$100/device

** Even though T-Mobile was tested, their pricing is not shown, as they were not a viable solution due to unreliable text messaging, a lack of coverage and dropped calls, and no push to talk technology.



CITY COUNCIL ACTION REPORT

January 3, 2012

TO: John Szerlag, City Manager

FROM: Tom Darling, Interim Financial Services Director
William S. Nelson, Fire Chief

SUBJECT: Acceptance of the 2011 Assistance to Firefighters Grant

Background

The Assistance to Firefighters Grant (AFG) program is a grant program administered by the Federal Emergency Management Agency that was created by Congress to assist local fire departments in purchasing needed equipment and training. Troy has submitted annual AFG grant applications since the inception of the program in 2001 and this is the fourth AFG grant that has been awarded to the Troy Fire Department. This grant was awarded to permit the fire department to purchase a standardized accountability system for incident scenes and provide Rapid Intervention Crew (RIC) training for department members.

Fire departments are required by national standards to maintain real time accountability of all personnel on scene at incidents. The MABAS mutual aid system utilizes a standardized system which permits multiple mutual aid fire departments to interoperate seamlessly at incidents. This system is different than the locally developed "tag" system that is currently utilized. This grant will permit the fire department to switch to the standardized system.

Fire departments are also required by national standards to provide a Rapid Intervention Crew (RIC) at any incidents where firefighters enter IDLH (Immediately Dangerous to Life and Health) atmospheres. The purpose of the RIC is to provide immediate rescue capability in the event firefighters in the IDLH area become trapped or are otherwise unable to self rescue. This grant will permit the fire department to provide specialized training for fire department personnel.

Financial Considerations

The grant is for \$25,000 and requires a local match of 20% or \$5,000. The fire department has budgeted funds in the current operating budget to for equipment and training which will be utilized for the match.

Legal Considerations

There are no legal considerations regarding the acceptance of this grant.

Policy Considerations

Acceptance of this grant and the purchase of the protective equipment supports the volunteer firefighters who help to make this a safe community. (Outcome Statement I)

Recommendation

City management recommends that the AFG grant be accepted in the amount of \$25,000 with a local match of \$5,000 which is budgeted in the Fire Department operating budget.

Lori G Bluhm

From: Stephanie Krystoff [stephanie@fusedfiber.us]
Sent: Friday, January 06, 2012 2:06 PM
To: Lori G Bluhm
Subject: Council meeting - license hearing

Hello:

We spoke yesterday regarding the council meeting and our hearing regarding my clients massage business license. We just had our interpreter cancel and our client speaks very little English. Would it be possible to move our hearing to the next available council meeting? Please advise.

Thank you.

Kind regards,
Stephanie Krystoff
Attorney at Law
J. Kim Welch, Attorneys at Law

Sent from my iPhone



CITY COUNCIL ACTION ITEM

Date January 6, 2012

TO: Mayor Daniels and City Council

FROM: John Szerlag, City Manager
Gary G. Mayer, Chief of Police
Keith Frye, Captain
Aileen Bittner, City Clerk

SUBJECT: Hearing for the Revocation of a Massage Facility License – Recovery Spa, Inc. – 1975 E. Maple Rd.

Background:

Recovery Spa, Inc. was issued a Massage Facility License on September 27, 2011, with Ms. Ok Suk An listed as the applicant owner. On or about October 24, 2011, the Troy Police Department received a tip indicating that employees at the Recovery Spa were performing sexual acts for money during business hours at that location. Further investigation substantiated this information.

A covert investigation was initiated. The investigation revealed that illegal acts were committed by employees of The Recovery Spa. Investigators executed a search warrant on November 14th, 2011, and found numerous ordinance violations pertaining to the licensed establishment. Appropriate citations were issued and warrants were sought. Three people await the outcome of the judicial process.

In addition to the charges listed on the Notice of Suspension and Hearing, the Recovery Spa, Inc. also violated Chapter 98-A *Massage Facility* by employing at least two unlicensed massage therapists.

Pursuant to Paragraph 11.b) – *Suspension or Revocation of License; Notice of Hearing of Chapter 98-A Massage Facility License*, the City Manager authorized the immediate suspension of the Massage Facility License for Recovery Spa, Inc. on December 19, 2011, based on the findings of the Police Department's investigation. The Notice of Suspension and Hearing is attached.

Section 11.c - *Suspension or Revocation of License; Notice of Hearing of Chapter 98-A Massage Facility License* entitles the applicant to a due process hearing before City Council in order for the applicant to offer testimony and show cause why the City Manager's suspension should be reversed or Massage Facility License not revoked.

The Massage Facility License for Recovery Spa, Inc. expired December 31, 2011. The outcome of the due process hearing, and the decision of City Council, will affect possible future renewals of the license.

Recommendation:

City Administration recommends the immediate revocation of the Massage Facility License issued to Recovery Spa, Inc.

NOTICE OF SUSPENSION AND HEARING

Pursuant to Paragraph 11.b) – *Suspension or Revocation of License; Notice of Hearing* of Chapter 98-A *Massage Facility License*, the City Manager has authorized the immediate suspension of the Massage Facility License for **Recovery Spa, Inc.** located at **1975 E. Maple Rd.**

This suspension is based on violations of Chapter 98-A *Massage Facility License*, including but not limited to, those detailed below:

- Paragraph 9 – *Posting of License*: Every Massage Facility Licensed under this Chapter shall be displayed in a prominent place at the Massage Facility.
- Paragraph 14.b) – *Operating Requirements*: The price rates for all services at the Massage Facility shall be prominently posted in the reception area in a location available to all prospective customers.
- Paragraph 18.a) – *Unlawful Acts*: It shall be unlawful for any person in a Massage Facility to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall also be unlawful for any person in a Massage Facility to expose the sexual or genital parts, or any portions thereof, of any other person.
- Paragraph 18.d) – *Unlawful Acts*: It shall be unlawful for any person owning, operating or managing a Massage Facility, or any agent, employee, or any other person under his or her control or supervision to perform such acts or allow the performance of such acts that are prohibited in subsections 19 (a), (b) or (c).

Pursuant to Section 11.c - *Suspension or Revocation of License; Notice of Hearing* of Chapter 98-A *Massage Facility License*, you are entitled to a due process hearing before Troy City Council at which time you may give testimony and show cause why the City Manager's suspension should be reversed or Massage Facility License not revoked.

This hearing is set for the Regular City Council Meeting on **January 9, 2012, at 7:30 PM**. The City Council meetings are held inside the Council Chambers on the second floor of City Hall – 500 W. Big Beaver Rd.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

OK SUK AN
 42354 Parkside Circle
 #206
 Sterling Heights MI
 48314

COMPLETE THIS SECTION ON DELIVERY

A. Signature X
 B. Received by (Printed Name) OK SUK AN
 C. Date of Delivery 12/21/11
 D. Is delivery address different from item 1? No
 If YES, enter delivery address below: Yes

3. Service Type
 Certified Mail
 Registered
 Insured Mail
 Express Mail
 Return Receipt for Merchandise
 C.O.D.
 Restricted Delivery? (Extra Fee) Yes

2. Article Number 7009 3410 0002 1727 9415
 (Transfer from service label)
 PS Form 3811, August 2001 Domestic Return Receipt 102585-02-M-1540

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information, visit our website at www.usps.com®

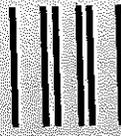
OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

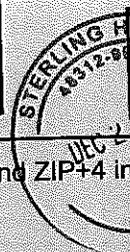
Sent To OK SUK AN
 Street, Apt. No., or PO Box No. 42354 Parkside Circle #206
 City, State, ZIP+4 Sterling Heights MI 48314
 PS Form 3800, August 2006 See Reverse for Instructions

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• Sender: Please print your name, address, and ZIP+4 in this box •

City Clerk's Office
 500 W. Big Beaver Rd
 Troy, MI 48084



City of Troy
City Clerk's Office
500 West Big Beaver
Troy, Michigan 48084
(248) 524-3331

License Expires: December 31, 2011

Ok Suk An
42354 Parkside Cir. Apt. 206
Sterling Heights, MI 48314

Facility Location:
Recovery Spa Inc.
1975 E. Maple Rd.
Troy, MI 48083

Massage Facility License 2011-005

(This License is Not Transferable)

This permit does not constitute an endorsement by the
City of Troy

Date of Issue: September 7, 2011

This is to certify that the facility listed is registered
as a Massage Facility in the City of Troy during the
current year.

M. Aileen Bittner

M. Aileen Bittner, Acting City Clerk

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

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held Monday, December 19, 2011, at City Hall, 500 W. Big Beaver Road. Mayor Daniels called the meeting to order at 7:30 PM.

B. ROLL CALL:

Mayor Janice Daniels
 Jim Campbell
 Wade Fleming
 Dave Henderson
 Maureen McGinnis
 Dane Slater
 Doug Tietz

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Certificates of Recognition and Special Presentations

- a) Continued Commitment to Traffic Safety Award Presented by Jim Santilli, Executive Director of the Traffic Improvement Association**

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

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

Resolution #2011-11-284
 Moved by Henderson
 Seconded by Tietz

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business to hear public comment and to address Item **I-6 Executive Summary – Transit Center**.

Yes: All-7
 No: None

MOTION CARRIED

F. PUBLIC COMMENT:

Hutson, Michael	Spoke in support of Item I-6 Executive Summary–Transit Center
Tagle, John	Spoke in support of Item I-6 Executive Summary–Transit Center
Lakin, Dave	Spoke in support of Item I-6 Executive Summary–Transit Center
Geiger, M.L.	Spoke in support of Item I-6 Executive Summary–Transit Center
Wengrow, Irv	Spoke in support of Item I-6 Executive Summary–Transit Center
Baxi, Minesh	Spoke in opposition to Item I-6 Executive Summary–Transit Center
Amann, Bryan	Spoke in opposition to Item I-6 Executive Summary–Transit Center
Crowl, Sam	Spoke in support of Item I-6 Executive Summary–Transit Center
Minnick, Dick	Spoke in opposition to Item I-6 Executive Summary–Transit Center
Vert, John	Spoke in opposition to Item I-6 Executive Summary–Transit Center
Nixon, Greta	Spoke in support of Item I-6 Executive Summary–Transit Center
Kilgore, Zach	Spoke in support of Item I-6 Executive Summary–Transit Center
Lukas, Paul	Spoke in support of Item I-6 Executive Summary–Transit Center
Bhatt, Kumar	Spoke in support of Item I-6 Executive Summary–Transit Center
Schepke, Gordon	Spoke in opposition to Item I-6 Executive Summary–Transit Center
Hodges, Michele	Spoke in support of Item I-6 Executive Summary–Transit Center
Strat, Thomas	Spoke in support of Item I-6 Executive Summary–Transit Center
Greenwall, Jenny	Spoke in opposition to Item I-6 Executive Summary–Transit Center
Lamers, Duane	Spoke in opposition to Item I-6 Executive Summary–Transit Center
Cowger, Bill	Spoke in support of Item I-6 Executive Summary–Transit Center
Eckhout, Fred	Spoke in opposition to Item I-6 Executive Summary–Transit Center
Staeger, Gerard	Spoke in opposition to Item I-6 Executive Summary–Transit Center
Peters, Richard	Spoke in support of Item I-6 Executive Summary–Transit Center
Ashcraft, John	Spoke in support of Item I-6 Executive Summary–Transit Center
Femminineo, Charlene	Spoke in opposition to Item I-6 Executive Summary–Transit Center
Murrish, Dale	Spoke in opposition to Item I-6 Executive Summary–Transit Center
Yashinsky, Neil	Spoke in support of Item I-6 Executive Summary–Transit Center
Grix, E. James	Spoke in opposition to Item I-6 Executive Summary–Transit Center
Cruz, Tony	Spoke in opposition to Item I-6 Executive Summary–Transit Center
Elder, Michelle	Spoke in support of Item I-6 Executive Summary–Transit Center
Martin, Susan S.	Spoke in support of Item I-6 Executive Summary–Transit Center
Krent, Tom	Spoke in support of Item I-6 Executive Summary–Transit Center
Kotubey, Jordan	Spoke in support of Item I-6 Executive Summary–Transit Center
DeBacker, Deborah	Spoke in opposition to Item I-6 Executive Summary–Transit Center
Haddad, Tony	Spoke in opposition to Item I-6 Executive Summary–Transit Center
Cherasaro, Nicholas	Spoke in opposition to Item I-6 Executive Summary–Transit Center

The meeting **RECESSED** at 9:52 PM.

The meeting **CONVENED** at 10:00 PM.

I-6 Executive Summary – Transit Center

- b) **Rejection of All Proposals for RFP-COT ENG 10-44, Architect and Engineering Services for the Final Design of the Troy Multi-Modal Transit Facility. Advise MDOT That City Council Rejects the \$8,485,212 Grant from the Federal Rail Administration**

and Forward This Resolution to the State of Michigan Department of Transportation and Federal Rail Administration.

Moved by Tietz
Seconded by Henderson

WHEREAS, On September 12, 2011, the Troy City Council passed the following Resolution (2011-09-210):

Resolution #2011-09-210:

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.

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

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.

WHEREAS, The Troy City Council has decided that it is not going to hire the highest rated firm as a result of a qualification based selection process, as directed by MDOT or any other architect to complete the final design for the Troy Multi-Modal Transit Facility, which is a tacit abandonment of the Project.

THEREFORE BE IT RESOLVED, The Troy City Council hereby **REJECTS ALL** proposals for RFP-COT ENG 10-44, Architect and Engineering Services, opened November 2, 2011, for the Final Design of the Troy Multi-Modal Transit Facility.

BE IT FURTHER RESOLVED, The City Council of the City of Troy **ADVISES** MDOT that City Council rejects the \$8,485,212 grant from the Federal Rail Administration and **FORWARDS** this resolution to the State of Michigan Department of Transportation and the Federal Rail Administration, as administrator of the \$8,485,212 ARRA grant funds.

Resolution to Amend Resolution *I-6 Executive Summary – Transit Center a) Approval of MDOT Sub-Contract with Hubbell, Roth & Clark, Inc. for Architect Engineering Services for the Final Design of the Troy Multi-Modal Transit Facility*

Moved by Fleming
Seconded by

Resolved, That City Council **AMENDS** Item *I-6 Executive Summary – Transit Center a) Approval of MDOT Sub-Contract with Hubbell, Roth & Clark, Inc. for Architect Engineering Services for the Final Design of the Troy Multi-Modal Transit Facility* to have a thorough value engineering review conducted by the architects and engineers already chosen for this project and have them give us a design that caps the total expenditures at no more than \$5 million dollars, including contingencies; in addition, if the revised resolution is passed for this project capping the total expenditures at no more than \$5 million dollars; a request that the business community through the Chamber of Commerce commit to finding ways to assist the City to pay for the annual operating expenses if, in fact, that the expenses are in excess of the revenue generated for this transit center to ensure that the operations for this facility are cost neutral to the City of Troy.

The motion to amend was not seconded.

Vote on Item *I-6 Executive Summary – Transit Center b) Rejection of All Proposals for RFP-COT ENG 10-44, Architect and Engineering Services for the Final Design of the Troy Multi-Modal Transit Facility. Advise MDOT That City Council Rejects the \$8,485,212 Grant from the Federal Rail Administration and Forward This Resolution to the State of Michigan Department of Transportation and Federal Rail Administration*

Resolution #2011-12-285
Moved by Tietz
Seconded by Henderson

WHEREAS, On September 12, 2011, the Troy City Council passed the following Resolution (2011-09-210):

Resolution #2011-09-210:

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.

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

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.

WHEREAS, The Troy City Council has decided that it is not going to hire the highest rated firm as a result of a qualification based selection process, as directed by MDOT or any other architect to complete the final design for the Troy Multi-Modal Transit Facility, which is a tacit abandonment of the Project.

THEREFORE BE IT RESOLVED, The Troy City Council hereby **REJECTS ALL** proposals for RFP-COT ENG 10-44, Architect and Engineering Services, opened November 2, 2011, for the Final Design of the Troy Multi-Modal Transit Facility.

BE IT FURTHER RESOLVED, The City Council of the City of Troy **ADVISES** MDOT that City Council rejects the \$8,485,212 grant from the Federal Rail Administration and **FORWARDS** this resolution to the State of Michigan Department of Transportation and the Federal Rail Administration, as administrator of the \$8,485,212 ARRA grant funds.

Yes: Tietz, Daniels

No: Campbell, Fleming, Henderson, McGinnis, Slater

MOTION FAILED

a) **Approval of MDOT Sub-Contract with Hubbell, Roth & Clark, Inc. for Architect Engineering Services for the Final Design of the Troy Multi-Modal Transit Facility**

Moved by Slater
Seconded by Campbell

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 for the final design and construction of the Troy Multi-Modal Transit Facility through the American Recovery and Reinvestment Act (ARRA) High-Speed Intercity Passenger Rail (HSIPR) Program, Federal Rail Administration (FRA), as secured through a TIGER grant; 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 Detroit Region Aerotropolis projects; and

WHEREAS, The purpose of the project is to benefit intercity passenger rail service, and the City is committed to helping achieve, the extent to which it is capable, the anticipated project benefits; and

WHEREAS, The highest rated bidder, Hubbell, Roth & Clark, Inc. of Pontiac, MI was selected using a Qualifications Based Selection process;

THEREFORE BE IT RESOLVED, That Troy City Council hereby **AWARDS** the MDOT sub-contract between the City of Troy and Hubbell, Roth & Clark, Inc. to provide architectural and engineering services for the final design of the Troy Multi-Modal Transit Facility at an estimated cost not to exceed \$904,489.03.

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT UPON** consultants' submission of properly executed proposal and contract documents, including agreements, insurance certificates and all other specified requirements.

BE IT FINALLY RESOLVED, The Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the agreements once in acceptable form and upon approval from the Michigan Department of Transportation.

Resolution to Amend Item [I-6 Executive Summary – Transit Center a\) Approval of MDOT Sub-Contract with Hubbell, Roth & Clark, Inc. for Architect Engineering Services for the Final Design of the Troy Multi-Modal Transit Facility](#)

Moved by Fleming
Seconded by

Resolved, That the preceding *Resolution to Amend by Substitution Item I-6 Executive Summary – Transit Center a) Approval of MDOT Sub-Contract with Hubbell, Roth & Clark, Inc. for Architect Engineering Services for the Final Design of the Troy Multi-Modal Transit Facility* be **AMENDED** to read as follow:

Resolved, That City Council **AMENDS** Item *I-6 Executive Summary – Transit Center a) Approval of MDOT Sub-Contract with Hubbell, Roth & Clark, Inc. for Architect Engineering Services for the Final Design of the Troy Multi-Modal Transit Facility* to have a thorough value engineering review conducted by the architects and engineers already chosen for this project and have them give us a design that caps the total expenditures at no more than \$6 million dollars, including contingencies; in addition, if the revised resolution is passed for this project capping the total expenditures at no more than \$6 million dollars; a request that the business community through the Chamber of Commerce commit to finding ways to assist the City to pay for the annual operating expenses if, in fact, that the expenses are in excess of the revenue generated for this transit center to ensure that the operations for this facility are cost neutral to the City of Troy.

The motion to amend was not seconded.

Vote on Motion to Amend *I-6 Executive Summary – Transit Center a) Approval of MDOT Sub-Contract with Hubbell, Roth & Clark, Inc. for Architect Engineering Services for the Final Design of the Troy Multi-Modal Transit Facility*

Resolution #2011-12-286

Moved by Slater

Seconded by McGinnis

Resolved, That the preceding *Resolution to Amend by Substitution Item I-6 Executive Summary – Transit Center a) Approval of MDOT Sub-Contract with Hubbell, Roth & Clark, Inc. for Architect Engineering Services for the Final Design of the Troy Multi-Modal Transit Facility* be **AMENDED** to read as follow:

Resolved, That City Council **AMENDS** Item *I-6 Executive Summary – Transit Center a) Approval of MDOT Sub-Contract with Hubbell, Roth & Clark, Inc. for Architect Engineering Services for the Final Design of the Troy Multi-Modal Transit Facility* to have a thorough value engineering review conducted by the architects and engineers already chosen for this project and have them give us a design that caps the total expenditures at no more than \$7.56 million dollars, with a contingency of \$700,000, to achieve a potential total cost of \$6.8 million dollars; in addition, if the revised resolution is passed for this project capping the total expenditures at no more than \$7.5 million dollars, with a contingency of \$700,000, a request that the business community through the Chamber of Commerce commit to finding ways to assist the City to pay for the annual operating expenses if, in fact, that the expenses are in excess of the revenue generated for this transit center to ensure that the operations for this facility are cost neutral to the City of Troy.

Yes: Slater, Campbell, McGinnis
No: Tietz, Daniels, Fleming, Henderson

MOTION FAILED

Vote on Motion [I-6](#) Executive Summary – Transit Center a) Approval of MDOT Sub-Contract with Hubbell, Roth & Clark, Inc. for Architect Engineering Services for the Final Design of the Troy Multi-Modal Transit Facility

Resolution #2011-12-287

Moved by Slater

Seconded by Campbell

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 for the final design and construction of the Troy Multi-Modal Transit Facility through the American Recovery and Reinvestment Act (ARRA) High-Speed Intercity Passenger Rail (HSIPR) Program, Federal Rail Administration (FRA), as secured through a TIGER grant; 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 Detroit Region Aerotropolis projects; and

WHEREAS, The purpose of the project is to benefit intercity passenger rail service, and the City is committed to helping achieve, the extent to which it is capable, the anticipated project benefits; and

WHEREAS, The highest rated bidder, Hubbell, Roth & Clark, Inc. of Pontiac, MI was selected using a Qualifications Based Selection process;

THEREFORE BE IT RESOLVED, That Troy City Council hereby **AWARDS** the MDOT sub-contract between the City of Troy and Hubbell, Roth & Clark, Inc. to provide architectural and engineering services for the final design of the Troy Multi-Modal Transit Facility at an estimated cost not to exceed \$904,489.03.

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT UPON** consultants' submission of properly executed proposal and contract documents, including agreements, insurance certificates and all other specified requirements.

BE IT FINALLY RESOLVED, The Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the agreements once in acceptable form and upon approval from the Michigan Department of Transportation.

Yes: McGinnis, Slater, Campbell

No: Henderson, Tietz, Daniels, Fleming

MOTION FAILED

F. PUBLIC COMMENT: continued

Sonneville, DuAnne	Spoke in regards to a comment made by Mayor Daniels.
Kruper, Eileen	Spoke in regards to a comment made by Mayor Daniels.
Savage, James	Spoke about the divisive political climate in Troy.
Kulesza, Christopher	Spoke about transit facilities and a comment made by Mayor Daniels.
Miller, Andrea	Spoke in regards to a comment made by Mayor Daniels.
Unknown Person	Spoke about opinion related to a comment made by Mayor Daniels.
Schepke, Gordon	Spoke about respect between City Council and residents.
Grix, James E.	Spoke about public comment.
Abraham, Edna	Spoke about respect between City Council and residents.
Clark, Glenn	Spoke about Home for the Holiday's Shop Troy campaign with the business community and also Item L-1 Council Referrals.

G. RESPONSE / REPLY TO PUBLIC COMMENT

H. POSTPONED ITEMS:

H-1 Resolution to Revoke an Industrial Facilities Exemption Certificate (IFEC) and Vacate an Industrial Development District (IDD) Previously Granted and Established: Faurecia Automotive Seating, Inc. – 2350 Meijer – Postponed from November 21, 2011

Resolution #2011-12-288

Moved by Fleming

Seconded by Henderson

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on September 22, 2008, established an Industrial Development District (IDD) for property known as 2350 Meijer, Troy, MI 48084, Parcel #; 88-20-32-200-018, in the name of Faurecia Automotive Seating, Inc.; and

WHEREAS, Per the Letter of Agreement, between Faurecia Automotive Seating, Inc. and the City of Troy, and per Public Act 198 of 1974, as amended, Faurecia Automotive Seating, Inc. was allowed until December 31, 2010 to purchase and install all of the personal property to be abated, as reported on their application for exemption; and

WHEREAS, Faurecia Automotive Seating, Inc. has not purchased and installed all of the personal property that was to be abated, contrary to the terms of the Letter of Agreement between Faurecia Automotive Seating, Inc. and the City of Troy, and in violation of Public Act 198 of 1974, as amended;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **REVOKES** the Industrial Facilities Exemption Certificate (IFEC), Certificate # 2008-507, and hereby **VACATES** the Industrial Development District (IDD) previously granted to Faurecia Automotive Seating, Inc.,

for property located at 2350 Meijer, Troy, MI 48084, Parcel # 88-20-32-200-018, effective December 31, 2011; and

BE IT ALSO RESOLVED, That Troy City Council hereby **DIRECTS** the City Treasurer to invoice Faurecia Automotive Seating, Inc. for the amount of the abated taxes as calculated by the City Assessor's spreadsheet, which shall be **ATTACHED** and become a part of the Regular Minutes of this meeting; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to forward, by certified mail, a copy of this Resolution to the State Tax Commission (STC), Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971, and to Faurecia Automotive Seating, Inc. at 2350 Meijer, Troy, MI 48084.

Yes: All-7

No: None

MOTION CARRIED

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: None Scheduled

I-2 Board and Committee Nominations: None Scheduled

I-3 No Closed Session Requested

I-4 Agreement to Provide Fleet Maintenance Services – City of Center Line

Resolution #2011-12-289

Moved by McGinnis

Seconded by Campbell

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Service Agreement for the City of Troy to provide fleet maintenance services to the City of Center Line; the City Clerk and Mayor are **AUTHORIZED** to execute the agreements.

Yes: All-7

No: None

MOTION CARRIED

I-5 Resolution to Schedule a Public Hearing for City of Royal Oak Hospital Finance Authority – William Beaumont Hospital

Resolution #2011-12-290

Moved by Fleming

Seconded by McGinnis

WHEREAS, William Beaumont Hospital is anticipating a financing through the City of Royal Oak Hospital Financing Authority utilizing tax-exempt bonds; and

WHEREAS, The Internal Revenue Code of 1986, as amended (the "Code"), requires a public hearing before authorizing the issuance of bonds by a hospital authority in all jurisdictions benefitting from the issuance; and

WHEREAS, A portion of the proceeds of the bonds will be used to construct, acquire, renovate, equip, rehabilitate and/or improve hospital facilities in the City of Troy as well as to refund bonds, the proceeds of which were used to construct an addition to William Beaumont Hospital – Troy.

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **SCHEDULES** a public hearing for Monday, January 9, 2012 at 7:30 PM in Council Chambers of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084 for the purpose of receiving public input on the City of Royal Oak Hospital Financing Authority issuing tax-exempt bonds for William Beaumont Hospital.

Yes: All-7
No: None

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2011-12-291
Moved by McGinnis
Seconded by Campbell

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 #2011-12-291-J-2

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

- a. Regular City Council Meeting of December 5, 2011

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions:**a) Standard Purchasing Resolution 1: Award to Low Bidder – Asphalt Paving Materials – Hot Patch**

Resolution #2011-12-291-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a one-year contract to provide asphalt paving materials hot patch to the lowest total bidder, Barrett Paving Materials, Inc. of Troy, for an estimated total cost of \$91,500.00 at unit prices contained in the bid tabulation opened November 23, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contract expiring December 31, 2012.

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

b) Standard Purchasing Resolution 2: Bid Award: Sole Bidder – Fuel Pump Replacement - DPW

Resolution #2011-12-291-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract for fuel pump replacements at the DPW facility to the sole bidder, Oscar W Larson Company of Clarkston, MI, for an estimated total cost of \$31,780.00.

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

J-5 Traffic Committee Recommendations and Minutes – November 16, 2011

Resolution #2011-12-291-J-5

Item 3: Barclay at Holly – Speed Study

RESOLVED, That the Traffic Committee **RECOMMENDS** no changes at the intersection of Barclay at Holly.

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

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #26 – Continued Agenda Items Not Considered Before 12:00 AM

Resolution #2011-12-292

Moved by Tietz

Seconded by Campbell

RESOLVED, That City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #26 - *Continued Agenda Items Not Considered Before 12:00 AM* and **AUTHORIZE** City Council to **EXTEND** the adjournment time to complete items on the Agenda.

Yes: All-7

No: None

MOTION CARRIED

L-1 Council Referrals:

a) Mayor Pro Tem McGinnis Submitted Proposed Resolution and Revised Troy City Council Code of Ethics

Resolution #2011-12-293

Moved by McGinnis

Seconded by Fleming

WHEREAS, The Troy City Council believes that all public officials need to be exemplary representatives of their community; and

WHEREAS, Guidelines for expected conduct clarify expectations; and

WHEREAS, On October 18, 2010, the Troy City Council adopted a Code of Ethics; and

WHEREAS, There is now an opportunity for the current City Council to again express its commitment to adhere to a revised Code of Ethics.

NOW THEREFORE, BE IT RESOLVED, That the Troy City Council **ADOPTS** the following Code of Ethics as the guideline for expected conduct of all Troy City Council Members:

TROY CITY COUNCIL
CODE OF ETHICS

The Troy City Council shall:

- Respect the confidentiality of privileged information;
- Recognize that an individual council member has no authority to speak or act for council;
- Work with other council members to establish effective policies;
- Delegate authority for the running of the city to the manager and staff;
- Encourage the free expression of opinion by all council members;
- Seek systematic communications between council, staff, and all elements of the community;
- Render all decisions based on the available facts and independent judgment rather than succumbing to the influence of individuals or special interest groups;
- Make every effort to attend all meetings;
- Become informed concerning the issues to be considered at each meeting;
- Avoid conflicts of interest or the appearance thereof;
- Refrain from using this position for personal benefit, nor for the benefit of family members or business associates;
- Use the same care and caution when using electronic media as would be exercised when speaking face-to-face or through written memoranda;
- Avoid use of derogatory or denigrating language.

Yes: All-7

No: None

MOTION CARRIED

M. COUNCIL COMMENTS

M-1 No Council Comments Advanced

Mayor Pro Tem McGinnis announced two City of Troy sponsored Red Cross Blood Drives to be held at the Troy Community Center in Room 305 on December 28, 2011 and December 29, 2011 from 9:00 AM – 3:00 PM. Please contact Community Affairs Department at (248) 524-1147 to schedule an appointment or at www.redcrossblood.org (access code is Troy).

Council Member Tietz would like a Study Session on January 23, 2012 to discuss Item **N-5** Publically Funded Health Insurance Contributions Act ("Public Act 152 of 2011").

Mayor Daniels requested confirmation of the Snow Removal Policy, and requests a tour of the City of Troy Department of Public Works Facility.

Mayor Daniels requests that City Council accompany her at the podium when presenting proclamations.

N. REPORTS

N-1 Minutes – Boards and Committees:

- a) Civil Service Commission (Act 78)-Final-October 14, 2010
 - b) Civil Service Commission (Act 78)-Final-September 22, 2011
 - c) Planning Commission-Special/Study-Draft-October 25, 2011
 - d) Planning Commission-Special/Study-Final-October 25, 2011
 - e) Civil Service Commission (Act 78)-Draft-December 8, 2011
- Noted and Filed
-

N-2 Department Reports:

- a) Building Department Report – November 2011
 - b) 2011 City, Village and Township Millage Rates
- Noted and Filed
-

N-3 Letters of Appreciation:

- a) Letter of Appreciation to Chief Mayer from Nancy Morrison – Troy Community Coalition Thanking Officer Feld for a Presentation
 - b) Letter of Appreciation to Chief Mayer from Agent Jeffrey Frost – United States Secret Service Thanking Lieutenant Gordon, Officer Stopcynski, Officer Minton, Officer Raczka, Officer Breidenich, and Officer Julian for Assistance
- Noted and Filed
-

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

Noted and Filed

N-5 Publically Funded Health Insurance Contributions Act (“Public Act 152 of 2011”)

Noted and Filed

O. STUDY ITEMS

O-1 No Study Items Submitted

P. CLOSED SESSION:

P-1 No Closed Session Requested

Q. ADJOURNMENT

The meeting adjourned at 12:06 AM.

Mayor Janice Daniels

M. Aileen Bittner, CMC
City Clerk



CITY COUNCIL AGENDA ITEM

January 4, 2012

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager
Beth Tashnick, Office Coordinator

SUBJECT: Standard Purchasing Resolution #10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – National League of Cities’ 2012 Congressional City Conference

The National League of Cities’ 2012 Congressional City Conference is scheduled to take place March 10 - 14, 2012 in Washington, DC.

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

News Center Events About NLC Ask NLC Search 2012 Congressional City Conference

The 2012 Congressional City Conference will be held March 10-14 in Washington, D.C. at the Marriott Wardman Park hotel. Registration is now open. Agenda information will be posted as available.



CITY COUNCIL AGENDA ITEM

January 4, 2012

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager
Beth Tashnick, Office Coordinator

SUBJECT: Standard Purchasing Resolution #10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – Michigan Municipal League 2012 Capital Conference

The Michigan Municipal League 2012 Capital Conference is scheduled to take place March 20 - 21, 2012 in Lansing, Michigan.

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



- Registration
- Speakers/Special Events
- Agenda
- Housing/Travel
- Students
- Expo/Sponsorships

CAPITAL CONFERENCE 2012: THE POLITICS OF PLACEMAKING

Everyone's talking about the fundamental role of placemaking in the economic revitalization of Michigan's communities. But the economics of place has to start with the *politics* of place. Without legislation that provides a framework for the necessary funding and policies, we can't move ahead on any of the initiatives that are so crucial to making our communities into the vibrant places where people want to live in the 21st century.

Capital Conference is where you'll hear about key state and federal issues that impact our communities, from the development of mass transit to the future fate of brownfield tax credits.

Take *your* place in Lansing at the **League's 2012 Capital Conference**.
REGISTRATION OPENS JANUARY 11, 2012!

General Sessions include:

Personal Property Tax
 Tying it all Together: Healthcare, EVIP, Labor
 Media Officials Talk Politics
 Transit's Gaining Momentum

Breakout Sessions include:

Governor's Environmental Message
 Brownfield Tax Credits: Now What?
 Legislative Ins and Outs

Pre-Conference Sessions Include:

Recreation Authorities and Other Funding for
 Parks & Recreation

Most Common Open Meetings Act and
 Freedom of Information Act Mistakes, and How
 to Avoid Them

Creative Consolidation: The Steps to Success
 in Shared Services

Saving Our Children--The Community's Role in
 Suicide Prevention

Michigan Association of Municipal Attorneys
 (MAMA) 26th Annual Advanced Institute

Plus...

Annual Expo

Regional Roundtables

Community Excellence Award
 Presentations

...and much more!



[Capital Conference home](#) [mml.org](#)

[Capital Conference Blog](#)

Stay Connected:

Conference hashtag: #mmlconf

The League's Capital Conference

MMLLeague #mmlconf An intriguing article on suicide prevention, a pre-con topic at the League's Capital Conference Mar 20. [bit.ly/vg2RSP](#)
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MMLLeague Michigan cities to share service success stories at @mmleague seminar March 20 in #Lansing at #mmlconf [bit.ly/zlmdmd](#) @dpgilmartin
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mattbach Michigan cities to share service success stories at @mmleague seminar March 20 in #Lansing at #mmlconf [bit.ly/zlmdmd](#) @dpgilmartin
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Join the conversation



CITY COUNCIL ACTION REPORT

January 3, 2012

TO: John Szerlag, City Manager

FROM: Susan A. Leirstein, Purchasing Director
 Timothy L. Richnak, Public Works Director
 Samuel P. Lamerato, Superintendent of Fleet Maintenance

SUBJECT: Standard Purchasing Resolution 4: Michigan Intergovernmental Trade Network (MITN) Purchasing Cooperative Award – Gasoline and Diesel Fuel

Background

On November 1, 2011, the City of Sterling Heights obtained six (6) qualifying bids for two-year requirements of gasoline and diesel fuel commencing February 1, 2012, on behalf of the MITN cooperative cities that include eighteen (18) member communities in Macomb, Oakland, and Wayne Counties. Through this cooperative bid, approximately three million gallons of gasoline and one million gallons of diesel fuel are purchased annually.

The bid is structured so MITN members pay for fuel based on the per gallon wholesale rack average as published daily by the Oil Price Information Service (OPIS), plus a delivery fee (bid factor) per gallon. The City of Sterling Heights based the award on the lowest factor quoted per type of fuel delivery plus the OPIS daily average for Detroit, Michigan. The Sterling Heights City Council approved the split award to Petroleum Traders, RKA, and Atlas Oil, the lowest bidders meeting specifications on December 6, 2011.

Troy forecasts usage for unleaded gasoline at 161,000 gallons and diesel fuel at 70,000 gallons per year. It should be noted that bid specifications included pricing for biodiesel and ethanol alternative fuel. Although municipal demand for these alternative fuels is presently low, it is anticipated that market conditions may result in a greater demand in the future.

Financial Considerations

Pricing is established by taking the OPIS average, which is a benchmark price used to fix the price of a gallon of gas on the day of delivery, and then adding the bid factor.

Example: OPIS average for unleaded gas on November 22 nd	\$2.5196
Bid factor	<u>.0078</u>
	\$2.5274 per gallon

Comparative Consumer Retail Price on 11/22/11: \$3.0500

Prices charged to municipalities through the bid will fluctuate based on market conditions, but are considerably lower than the consumer pump prices as indicated above. Since gasoline prices cannot be held firm, this method allows both parties to enter into an adjustable contract for a lengthy period of time. Funds for this contract are available in the Motor Pool Operating Budget.

January 3, 2012

To: John Szerlag, City Manager
 Re: MITN Cooperative Award – Gasoline and Diesel Fuel

Policy Considerations

By aggregating our gasoline consumption with neighboring communities, Troy utilizes economies of scale to add value and reduce costs to the City.

Recommendation

City management recommends the award of the lowest factors to the following acceptable bidders:

Petroleum Traders Corp for Truck Transport Delivery (minimum 5,000 gals)

TYPE	FACTOR (per gal)	OPTIONAL	FACTOR (per gal)
Unleaded Regular	+ .0078	Biodiesel B-5	+ .0431
Unleaded Mid-Grade	+ .0030	Biodiesel B-10	+ .0431
Unleaded Premium	+ .0025	Biodiesel B-20	+ .0431
ULS Premium Diesel #2	+ .0307	E85 Ethanol	+ .0283
ULS Diesel #1	+ .0168		
ULS Diesel #2	+ .0107		
Short Load Charges		\$50.00	
Split Order Charge		\$40.00	

RKA Petroleum Companies for Truck Transport Delivery (minimum 5,000 gals)

TYPE	FACTOR (per gal)	OPTIONAL	FACTOR (per gal)
Unleaded Regular	+ .0102	Biodiesel B-5	+ .0167
Unleaded Mid-Grade	+ .0210	Biodiesel B-10	(.0027)
Unleaded Premium	+ .0363	Biodiesel B-20	(.0198)
ULS Premium Diesel #2	+ .0200	E85 Ethanol	N/B
ULS Diesel #1	+ .0168		
ULS Diesel #2	+ .0027		
Short Load Charges		\$50.00	
Split Order Charge		\$35.00	

Atlas Oil Company for Tank Wagon Delivery (less than 5,000 gals)

TYPE	FACTOR (per gal)	OPTIONAL	FACTOR (per gal)
Unleaded Regular	+ .1100	ULS Diesel #1 Dyed	+ .00000
Unleaded Mid-Grade	+ .1100	Biodiesel B-5	+ .00000
ULS Premium Diesel #2	+ .1100	Biodiesel B-10	+ .00000
ULS Diesel #2	+ .1100	Biodiesel B-20	+ .00000
ULS Diesel #2 Dyed	+ .1100	E85 Ethanol	N/B
Minimum Delivery Qty		200 gallons	
Split Order Charge		\$35.00	



Business of the City Council
Sterling Heights, Michigan

City Clerk's Use
Item No:
Meeting: 12/06/11

AGENDA STATEMENT

OMB AS03 Rev. 11/04

Item Title: To split the award of a bid for truck transport and tank wagon deliveries of gasoline and diesel fuel at unit prices bid for a two-year period (Annual estimated cost of \$790,000).

Submitted By: Office of Purchasing

mc

Contact Person/Telephone: Mark Carufel, Purchasing / Risk Manager, 446-2741

Administration (initial as applicable)

Attachments

Table with 2 columns: Administration (initial as applicable) and Attachments. Rows include City Clerk, Finance & Budget Director, City Attorney (as to legal form), City Manager, Resolution, Ordinance, Contract, Minutes, Plan/Map, Other.

Check box if this agenda item requires billing/revenue collection (fees, etc.) by Treasury Office

Executive Summary:

- The City of Sterling Heights purchases approximately 225,000 gallons of gasoline and 100,000 gallons diesel fuel per year to power the City's fleet of automobiles, trucks, equipment and generators. The City is also the host community for a Michigan Intergovernmental Trade Network (MITN) cooperative bid for the purchase of gasoline and diesel fuel that includes 18 member communities in the Macomb, Oakland and Wayne County region. Through this cooperative bid, approximately three million gallons of gasoline and one million gallons of diesel fuel are purchased annually. The current pricing expires on February 1, 2012.
The bid is structured so that MITN members pay for fuel based on the per gallon wholesale rack average as published daily by the Oil Price Information Service (OPIS), plus a delivery fee (bid factor) per gallon. Gasoline and diesel fuel are purchased and delivered by truck transport for quantities of fuel greater than 5,000 gallons, and by tank wagon for quantities less than 5,000 gallons. On November 1, 2011, six bids were received for the cooperative purchase of truck transport and tank wagon deliveries of gasoline and diesel fuel for a two-year period.
Upon receipt and review of all bids, recommendation is being made to split the award of the bid among three bidders. For the truck transport portion of the bid, the recommendation is to award the bid to Petroleum Traders, Inc. and to RKA Petroleum, Inc, the two low bidders meeting bid specifications. As more fully explained in the attached Staff Report, by awarding to these two low bidders, participating cooperative members will be able to leverage favorable pricing based upon the type and quantity of fuel being purchased. For the tank wagon portion of the bid, recommendation is being made to award the bid to Atlas Oil, the low bidder meeting bid specifications.

- Prices charged to MITN members are considerably lower than prices consumers pay at the pumps. MITN members are purchasing gasoline and diesel fuel at wholesale pricing, which changes daily just like consumer pricing at the local gas station. Below is a breakdown of pricing per gallon for truck transport and tank wagon deliveries of fuel. Wholesale pricing was based on the OPIS Detroit Rack Average on November 22, 2011:

Truck Transport

<u>Fuel Type</u>	<u>OPIS Price per Gallon</u>	<u>Bid Factor Delivery Fees per Gallon</u>	<u>State & Federal Fees per Gallon</u>	<u>Total Delivered Price per Gallon</u>
Unleaded Reg. Gasoline (Petroleum Traders)	\$2.5196	\$0.0078	Included	\$2.5274 <i>Comparative Consumer Retail Price on 11/22/11: \$3.0500</i>
ULS Diesel #2 (RKA Petroleum)	\$3.0953	\$0.0027	Included	\$3.0980 <i>Comparative Consumer Retail Price on 11/22/11: \$3.9900</i>

Tank Wagon

<u>Fuel Type</u>	<u>OPIS Price per Gallon</u>	<u>Bid Factor Delivery Fees per Gallon</u>	<u>State & Federal Fees per Gallon</u>	<u>Total Delivered Price per Gallon</u>
Unleaded Reg. Gasoline (Atlas Oil)	\$2.5196	\$0.1100	Included	\$2.6296 <i>Comparative Consumer Retail Price on 11/22/11: \$3.0500</i>
ULS Diesel #2 (Atlas Oil)	\$3.0953	\$0.1100	Included	\$3.2053 <i>Comparative Consumer Retail Price on 11/22/11: \$3.9900</i>

- Prices charged to MITN members through the cooperative bid will fluctuate based on market conditions, but are considerably lower than the consumer pump prices as evidenced in the above examples. Qualifying governmental entities are tax exempt, however, certain state and federal fees are payable, at approximately \$0.01165 per gallon.
- RKA is the incumbent tank wagon vendor and their performance has been very good. RKA is also a current vendor for the State of Michigan. Atlas Oil has prior experience with this cooperative bid having been a successful bidder/vendor from 2003 to 2007. Atlas Oil performed well during this period. Petroleum Traders is the largest independent distributor of gasoline and diesel fuel in the country. They use local vendors, such as RKA and Atlas, to deliver on their behalf. References were checked with all three vendors and proved acceptable.
- As the lead municipality, the MITN cooperative members rely upon the recommendation of the city of Sterling Heights in awarding this bid. After this bid award by the city of Sterling Heights, the remaining 17 MITN cooperative members will purchase gasoline and diesel fuel using the bid pricing secured through this cooperative bid.
- Please see the attached Staff Report and supporting documentation for additional information.

Suggested Action:

MOVED BY:

SECONDED BY:

RESOLVED, to split the award of the bid for truck transport and tank wagon deliveries of unleaded gasoline and diesel fuel to the following vendors based on bid factors included in their respective bids for a two-year period, with the option to extend the terms and conditions an additional two years upon mutual consent:

Truck Transport deliveries:

1. Petroleum Traders, Inc., 7120 Pointe Inverness Way, Fort Wayne, IN 46804
2. RKA Petroleum Companies, 28340 Wick Rd., Romulus, MI, 48174

Tank Wagon deliveries:

1. Atlas Oil Company, 24501 Ecorse Rd., Taylor, MI, 48180

**CITY OF STERLING HEIGHTS
STAFF REPORT
December 6, 2011**

Prepared By: Mark Carufel, Purchasing/Risk Manager

Ext. No. 2741

GENERAL INFORMATION:

On November 1, 2011, bids were received in response to a MITN cooperative bid solicitation for the delivery of gasoline and diesel fuel. Invitations to Bid were advertised on SHTV, posted to the MITN website and published in the Source newspaper – Sterling Heights edition. Seven vendors responded with bids as outlined on the attached bid tabulation. One bid was rejected for failure to include the required bid bond, leaving six qualifying bids. Funds for the purchase of gasoline and diesel fuels are budgeted in Account #11717553-750000 (Fleet Maintenance - Fuels and Lubricants). It is estimated that the City of Sterling Heights will expend approximately \$790,000 for truck transport and tank wagon deliveries annually.

STAFF ANALYSIS AND FINDINGS:

Upon review and analysis of all qualifying bids received, the recommendation is being made to split the award of the bid among three vendors per the following analysis:

Truck Transport (deliveries of greater than 5,000 gallons): Recommendation is being made to award truck transport to the two overall low bidders, Petroleum Traders and RKA Petroleum.

Petroleum Traders is the low bidder overall. Its regular unleaded (10% ethanol) gasoline factor of \$0.0078 is 66% lower than the incumbent Mansfield. The unleaded midgrade (10% ethanol) bid factor of \$0.0030 is 25% lower than the incumbent Mansfield's expiring pricing. However, Petroleum Traders diesel fuel bid factor pricing is not as low as RKA Petroleum's pricing. RKA's bid factor pricing for ULS Premium Diesel #2 is 49% lower than the incumbent Mansfield, and the ULS Diesel #2 is 86% lower. Therefore, the Office of Purchasing is recommending an award to both vendors, and the purchasing entity can decide on its own where to purchase based on the best available pricing. An award in this fashion allows the purchasing entity to leverage the bid results and purchase fuel at the lowest cost, depending on the order placed. Also, in the event of an emergency, MITN cooperative members will have two truck transport vendors available.

Petroleum Traders is a new vendor. However, it uses local carriers for delivery, including RKA Petroleum and Atlas Oil. Lastly, Petroleum Traders offers a 0.005 per gallon reduction for Net 10 payment. RKA offers the same discount for Net 15.

Bid factor pricing for truck transport by the successful vendors follows below:

Petroleum Traders, Inc., 7120 Pointe Inverness Way, Fort Wayne, IN 46804:

Unleaded Regular	\$0.0078/gal	Unleaded Premium	\$0.0025/gal
Unleaded Mid-Grade	\$0.0030/gal	ULS Diesel #1	\$0.0168/gal
ULS Premium Diesel #2	\$0.0307/gal	Biodiesel B-5	\$0.0554/gal

ULS Diesel #2	\$0.0107/gal	Biodiesel B-10	\$0.0554/gal
		Biodiesel B-20	\$0.0554/gal
		E85 Ethanol	\$0.0283/gal

RKA Petroleum Companies, Inc., 28340 Wick Road, Romulus, MI 48174:

Unleaded Regular	\$0.0102/gal	Unleaded Premium	\$0.0363/gal
Unleaded Mid-Grade	\$0.0210/gal	ULS Diesel #1	\$0.0168/gal
ULS Premium Diesel #2	\$0.0200/gal	Biodiesel B-5	\$0.0167/gal
ULS Diesel #2	\$0.0027/gal	Biodiesel B-10	\$-0.0027/gal
		Biodiesel B-20	\$-0.0198/gal
		E85 Ethanol	N/B

Tank Wagon (deliveries of less than 5,000 gallons): The recommendation is to award to Atlas Oil, the low overall bidder. Its pricing is slightly lower (0.41%) than the incumbent RKA Petroleum. The minimum load is 200 gallons, before additional delivery charges apply. Atlas was a vendor under this contract from 2003 to 2007 and there were no reported problems during that period. One bidder, Michigan Fuels, was the lowest bidder for the tank wagon deliveries based on the delivery factor bid; however, its minimum delivery was 1,000 gallons. This vendor also failed to bid on unleaded midgrade gasoline, which eliminated its bid from further consideration.

Bid factor pricing for tank wagon transport by the successful vendor follows:

Atlas Oil Company, 24501 Ecorse Rd., Taylor, MI, 48180

Unleaded Regular	\$0.1100/gal	ULS Diesel #1 Dyed	\$0.0000/gal
Unleaded Mid-Grade	\$0.1100/gal	Biodiesel B-5	\$0.0000/gal
ULS Premium Diesel #2	\$0.1100/gal	Biodiesel B-10	\$0.0000/gal
ULS Diesel #2	\$0.1100/gal	Biodiesel B-20	\$0.0000/gal
ULS Diesel #2 Dyed	\$0.1100/gal	E85 Ethanol	N/B

MITN cooperative members purchase approximately three million gallons of gasoline and one million gallons of diesel fuel annually. MITN cooperative members include the governmental entities of Birmingham, Eastpointe, Farmington Hills, Grosse Pointe Woods, Livonia, Madison Heights, Novi, Oakland County, Rochester Hills, Royal Oak, St. Clair Shores, Southfield, Sterling Heights, Troy, Warren, Waterford, West Bloomfield and Westland. In addition, there are approximately 4-5 additional entities that may be included at a later date.

All vendors receiving an award must agree to indemnify and hold the MITN cooperative members harmless from liability and provide evidence of insurance with acceptable terms and coverage.

STAFF RECOMMENDATION:

Please see the suggested action on the Agenda Statement.

NOTIFICATION LIST

**Petroleum Traders, Inc.
7120 Pointe Inverness Way
Fort Wayne, IN 46804**

**RKA Petroleum Companies
28340 Wick Rd.
Romulus, MI 48174**

**Atlas Oil Company
24501 Ecorse Rd.
Taylor, MI 48180**

CITY OF STERLING HEIGHTS

BID TABULATION - NOVEMBER 1, 2011

**ITB-SH11-035: TRUCK TRANSPORT AND TANK WAGON
DELIVERIES OF UNLEADED GASOLINE, AND DIESEL FUEL
TRUCK TRANSPORT**

Item	Petroleum Traders Corp					RKA Petroleum Companies			Mansfield Oil Company		
	Est Gal	Rack Avg	Factor	Price/gal	Ext Total	Factor	Price/gal	Ext Total	Factor	Price/gal	Ext Total
Unleaded Regular	2,505,000	2.6801	+ .0078	2.6879	\$6,733,189.50	+ .0102	2.6903	\$6,739,201.50	+ .0244	2.7045	\$6,774,772.50
Unleaded Mid-Grade	434,000	2.7486	+ .0030	2.7516	\$1,194,194.40	+ .0210	2.7696	\$1,202,006.40	+ .0307	2.7793	\$1,206,216.20
ULS Premium Diesel #2	428,000	3.2108	+ .0307	3.2415	\$1,387,362.00	+ .0200	3.2308	\$1,382,782.40	- .0002	3.2106	\$1,374,136.80
ULS Diesel #2	657,000	3.1721	+ .0107	3.1828	\$2,061,099.60	+ .0027	3.1748	\$2,085,843.60	+ .0088	3.1789	\$2,088,537.30
Totals					\$11,405,845.50			\$11,409,833.90			\$11,443,662.80
Other Fuels											
Unleaded Premium	1,000	2.8994	+ .0025	2.9019	\$2,901.90	+ .0363	2.9357	\$2,935.70	+ .0379	2.9373	\$2,937.30
ULS Diesel #1	1,000	3.4232	+ .0168	3.4400	\$3,440.00	+ .0168	3.4400	\$3,440.00	+ .0071	3.4303	\$3,430.30
Biodiesel B-5 (Optional)	1,000	3.1915	+ .0431	3.2346	\$3,234.60	+ .0167	3.2082	\$3,208.20	N/B	N/B	N/B
Biodiesel B-10 (Optional)	1,000	3.2334	+ .0431	3.2617	\$3,261.70	- .0027	3.2307	\$3,230.70	N/B	N/B	N/B
Biodiesel B-20 (Optional)	1,000	3.0979	+ .0431	3.2137	\$3,213.70	- .0198	3.0781	\$3,078.10	N/B	N/B	N/B
E85 Ethanol (Optional)	1,000	2.9165	+ .0283	3.2137	\$3,213.70	Avail on Req.			N/B	N/B	N/B
Totals					\$11,425,111.10			\$11,425,726.60			\$11,450,030.40
Short load charge				\$50.00			\$50.00		\$65.00		
Volume, SE MI				3,179,000			99,331,483		10,000,000		
Terms				Net 30-No Discount/ Net 10 = .005/gal discount			Net 30-No Discount/ Net 15 = .005/gal discount		net 30		
Split order charge				\$40.00			\$35.00		\$35.00		
Accept Purchasing Card				Yes - 4.5% Processing Fee			Yes - 3% processing fee		No		



* Averages were adjusted to maintain continuity and to obtain a fair comparison price. Some totals may have changed. Additional totals were added by Purchasing to break out optional items.

CITY OF STERLING HEIGHTS

BID TABULATION - NOVEMBER 1, 2011

**ITB-SH11-035: TRUCK TRANSPORT AND TANK WAGON
DELIVERIES OF UNLEADED GASOLINE, AND DIESEL FUEL
TRUCK TRANSPORT**

Item	Atlas Oil Company					Spencer Oil Company			Michigan Fuels, Inc.		
	Est Gal	Rack Avg	Factor	Price/gal	Ext Total	Factor	Price/gal	Ext Total	Factor	Price/gal	Ext Total
Unleaded Regular	2,505,000	2.6801	+ .0235	2.7036	\$6,772,518.00	+ .03646	2.7166	\$6,804,982.80	+ .0300	2.7101	\$6,788,800.50
Unleaded Mid-Grade	434,000	2.7486	+ .0235	2.7721	\$1,203,091.40	+ .03646	2.7851	\$1,208,716.04	N/B	N/B	N/B
ULS Premium Diesel #2	428,000	3.2108	+ .0259	3.2396	\$1,386,548.80	+ .03665	3.2475	\$1,389,908.60	+ .0300	3.2408	\$1,387,062.40
ULS Diesel #2	657,000	3.1721	+ .0259	3.2703	\$2,148,587.10	+ .03665	3.2088	\$2,108,148.75	+ .0300	3.2021	\$2,103,779.70
Totals					\$11,510,745.30			\$11,511,756.19			\$10,279,642.60
Other Fuels											
Unleaded Premium	1,000	2.8994	+ .0000	2.8994	\$2,899.40	+ .03646	2.9359	\$2,835.86	N/B	N/B	N/B
ULS Diesel #1	1,000	3.4232	+ .0000	3.5048	\$3,504.80	+ .03665	3.4599	\$3,459.85	+ .0300	3.4632	\$3,453.20
Biodiesel B-5 (Optional)	1,000	3.1915	+ .0000	3.1915	\$3,191.50	N/B	N/B	N/B	N/B	N/B	N/B
Biodiesel B-10 (Optional)	1,000	3.2334	+ .0000	3.2334	\$3,233.40	N/B	N/B	N/B	N/B	N/B	N/B
Biodiesel B-20 (Optional)	1,000	3.0979	+ .0000	3.0979	\$3,097.90	N/B	N/B	N/B	N/B	N/B	N/B
E85 Ethanol (Optional)	1,000	2.9165	+ .0000	N/B	N/B	+ .04475	2.98125	\$2,961.25	N/B	N/B	N/B
Totals					\$11,526,672.30			\$11,521,113.15			\$10,283,095.80
Short load charge				\$35.00			none			\$35.00	
Volume, SE MI				200,000,000			40,000,000			200,000,000	
Terms				net 30			net 30			net 30	
Split order charge				\$35.00			None			\$35.00	
Accept Purchasing Card				N/A			No			No	

* Averages were adjusted to maintain continuity and to obtain a fair comparison price. Some totals may have changed. Additional totals were added by Purchasing to break out optional items.

CITY OF STERLING HEIGHTS

BID TABULATION - NOVEMBER 1, 2011

**ITB-SH11-035 TRUCK TRANSPORT AND TANK WAGON
DELIVERIES OF UNLEADED GASOLINE AND DIESEL FUEL
TANK WAGON**

<i>Item</i>	Atlas Oil Company					Spencer Oil Company		
	<i>Est Gal</i>	<i>Rack Avg</i>	<i>Factor</i>	<i>Price/gal</i>	<i>Ext Total</i>	<i>Factor</i>	<i>Price/gal</i>	<i>Ext Total</i>
Unleaded Regular	47,500	2.6801	+ .1100	2.7901	\$132,529.75	+ .11646	2.79856	\$132,836.60
Unleaded Mid-Grade	40,000	2.7486	+ .1100	2.8586	\$114,344.00	+ .11646	2.86506	\$114,602.40
ULS Premium Diesel #2	22,500	3.2108	+ .1100	3.3208	\$74,718.00	+ .11665	3.32745	\$74,867.63
ULS Diesel #2	77,000	3.1721	+ .1100	3.2821	\$252,721.70	+ .11665	3.28875	\$253,233.75
ULS Diesel #2 - Dyed	39,500	3.1801	+ .1100	3.2901	\$129,958.95	+ .11665	3.29675	\$130,221.63
ULS Diesel #1 - Dyed	200	3.4282	+ .0000	3.4282	\$685.64	N/B		
Totals					\$704,958.04			\$705,762.00
Biodiesel B-5 (Optional)	1,000	3.1915	+ .0000	3.1915	\$3,191.50	N/B	N/B	N/B
Biodiesel B-10 (Optional)	1,000	3.2334	+ .0000	3.2334	\$3,233.40	N/B	N/B	N/B
Biodiesel B-20 (Optional)	1,000	3.0979	+ .0000	3.0979	\$3,097.90	N/B	N/B	N/B
E85 Ethanol (Optional)	1,000	2.9165	N/B			+ .16475	3.08125	\$3,081.25
Grand Total					\$714,480.84			\$708,843.25
Minimum delivery qty.				200 gallons			250 gallons	
Volume, SE MI				200,000,000			40,000,000	
Terms				Net 30			net 30	
Split order charge				\$35.00			None	
Accept Purchasing Card				No			No	

No Tank Wagon Bids: Mansfield Oil & Petroleum Traders



* Averages were adjusted to maintain continuity and to obtain a fair comparison price. Some totals may have changed. Additional totals were added by Purchasing to break out optional items.

CITY OF STERLING HEIGHTS

BID TABULATION - NOVEMBER 1, 2011

**ITB-SH11-035 TRUCK TRANSPORT AND TANK WAGON
DELIVERIES OF UNLEADED GASOLINE AND DIESEL FUEL
TANK WAGON**

Item	Est Gal	Rack Avg	RKA Petroleum Companies			Michigan Fuels, Inc.		
			Factor	Price/gal	Ext Total	Factor	Price/gal	Ext Total
Unleaded Regular	47,500	2.6801	+ .1195	2.79960	\$132,981.00	+ .0700	2.7501	\$130,829.75
Unleaded Mid-Grade	40,000	2.7486	+ .1195	2.86810	\$114,724.00	N/B		
ULS Premium Diesel #2	22,500	3.2108	+ .1195	3.33030	\$74,931.75	+ .0700	3.2808	\$73,818.00
ULS Diesel #2	77,000	3.1721	+ .1195	3.29180	\$253,453.20	+ .0700	3.2421	\$249,641.70
ULS Diesel #2 - Dyed	39,500	3.1801	+ .1195	3.29960	\$130,334.20	+ .0700	3.2501	\$128,378.95
ULS Diesel #1 - Dyed	200	3.4282	+ .1975	3.62570	\$725.14	+ .0700	3.4982	\$699.64
Totals					\$707,149.29			\$583,168.04
Biodiesel B-5 (Optional)	1,000	3.1915	+ .1310	3.32250	\$3,322.50	N/B	N/B	N/B
Biodiesel B-10 (Optional)	1,000	3.2334	+ .1115	3.34490	\$3,344.90	N/B	N/B	N/B
Biodiesel B-20 (Optional)	1,000	3.0979	+ .0960	3.1939	\$3,193.90	N/B	N/B	N/B
E85 Ethanol (Optional)	1,000	2.9165	Avail on Req.			N/B	N/B	N/B
Grand Total					\$717,010.59			\$583,168.04
Minimum delivery qty.			150 gallons. If Under 150 gals. = \$100 charge			1,000 gallons		
Volume, SE MI			99,331,483			200,000,000 +		
Terms			Net 30-No Discount Net 15 = .005/gal discount			Net 30		
Split order charge			\$35.00			\$35.00		
Accept Purchasing Card			Yes - 3% Processing Fee			No		

No Tank Wagon Bids: Mansfield Oil & Petroleum Traders

* Averages were adjusted to maintain continuity and to obtain a fair comparison price. Some totals may have changed. Additional totals were added by Purchasing to break out optional items.



CITY COUNCIL AGENDA ITEM

Date: December 27, 2011

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request to Abandon Right of Way and Utility Easements Previously Granted to the City of Troy Sidwell #88-20-14-401-006, Athens Parc Site Condominium

Background

In 2006 the City of Troy approved plans for the Athens Parc Site Condominium project located in Section 14, west of Troy Athens High School on the north side of Rockfield Road. The City of Troy received, accepted and recorded a warranty deed for right-of-way and five easements for storm sewer, tree-line preservation, drainage, sanitary sewer and public utilities. Subsequently, the development of the project did not materialize and the real estate transferred ownership.

The property now has a new owner and developer. In addition to the current parcel, part of an adjacent property will be utilized to realign the proposed Apollo Drive in the site condominium project resulting in changes to several lot dimensions, thus rendering the existing easements ineffective in providing public utilities to the development.

The property owners and developers have asked that interest in the property as previously granted for right-of-way in L39522 P642 and in the easements recorded in L39547 P696, L39547 P709, L39547 P712, L39547 P754 and L39547 P670 be granted back to the property owners.

Once the new road alignment is approved by the City's Engineering department, the property owners will grant new easements and right-of-way to the City of Troy.

Recommendations

Staff recommends that City Council approve the request to abandon the right-of-way granted by warranty deed and the five permanent easements for storm sewer, tree-line preservation, drainage, sanitary sewer and public utilities. The right-of-way granted in fee and easement interests will be conveyed back to the current property owners, David and Linda Purvis, by means of a quit claim deed.

QUIT CLAIM DEED

Sidwell # 20-14-401-006 (pt)
Resolution #

The Grantor, CITY OF TROY, a Michigan municipal corporation whose address is 500 West Big Beaver, Troy, MI 48084 quit claims to David Purvis and Linda Purvis, husband and wife, whose address is 4461 Cynthia, Troy, MI 48085, the following described premises situated in the City of Troy, County of Oakland and State of Michigan as previously recorded in Liber 39547 Page 696, Liber 39547 Page 709, Liber 39547 Page 712, Liber 39547 Page 754, Liber 39547 Page 670 and Liber 39522 Page 642:

SEE EXHIBIT "A, B, C, D, E & F" ATTACHED HERETO AND BY REFERENCE MADE A PART OF

For the sum of One Dollar (\$ 1.00)

Dated this _____ day of January, 2012.

CITY OF TROY
a Michigan municipal corporation

By _____
* Janice L. Daniels, Mayor

By _____
* M. Aileen Bittner, City Clerk

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____ day of January 2012, by Janice L. Daniels, 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, MI
My commission expires: _____
Acting in _____ County, MI

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

Tax Parcel # 88-20-14-401-006 (pt) Recording Fee _____ Transfer Tax _____
EXEMPT FROM COUNTY & STATE REAL ESTATE TRANSFER TAX UNDER MSA 7.456 (26) (h) (g) & 7.456 (5) (h) (i)

OAKLAND COUNTY TREASURERS CERTIFICATE
I HEREBY CERTIFY that there are no TAX LIENS or TITLES held by the state or any individual against the within description and all TAXES on same are paid for five years previous to the date of this instrument: as appears by the records in the office except as stated.

LIBER: 39522 PAGE: 642

0191166

LIBER: 39522 PAGE: 642
\$16.00 DEED - COMBINED
\$4.00 REMONUMENTATION
08/30/2007 04:33:44 P.M. RECEIPT# 0090850
PAID RECORDED - OAKLAND COUNTY
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

Aug 30 2007

1.00 E-File Sec. 135, Act 206, 1893 as amended
PATRICK M. DOHANY, County Treasurer

EXHIBIT "A"

WARRANTY DEED

Sidwell # 88-20-14-401-006 (Part)
Resolution # 2007-08-250-E-10

The Grantor(s) Milano Development Inc., a Michigan Corporation, whose address is: 47858 Van Dyke, Ste 410, Shelby Township, MI 48317 convey(s) and warrant(s) to the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084, 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 HEREOF

This Deed is for Apollo Drive Right-of-Way

For the sum of One Dollar and no/100 (\$1.00)

subject to easements and building and use restrictions of record and further subject to

Dated this 7 day of December, 2006.

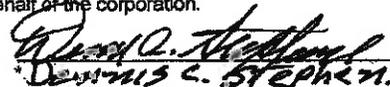
Milano Development Inc., a Michigan Corporation

By 
Franco Mancini
Its: President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 7 day of December, 2006, by Franco Mancini, President of Milano Development Inc., a Michigan corporation, on behalf of the corporation.

DENNIS C. STEPHENS
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 10/20/2010


Dennis C. STEPHENS
Notary Public, Oakland County, Michigan
My commission expires: 10/20/2010
Acting in Oakland Co., Michigan

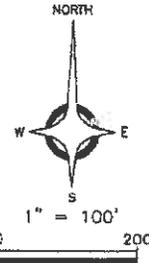
County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Dennis C. Stephens City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel #88-20-14-401-006 Part Recording Fee Transfer Tax

*TYPE OR PRINT NAMES UNDER SIGNATURES

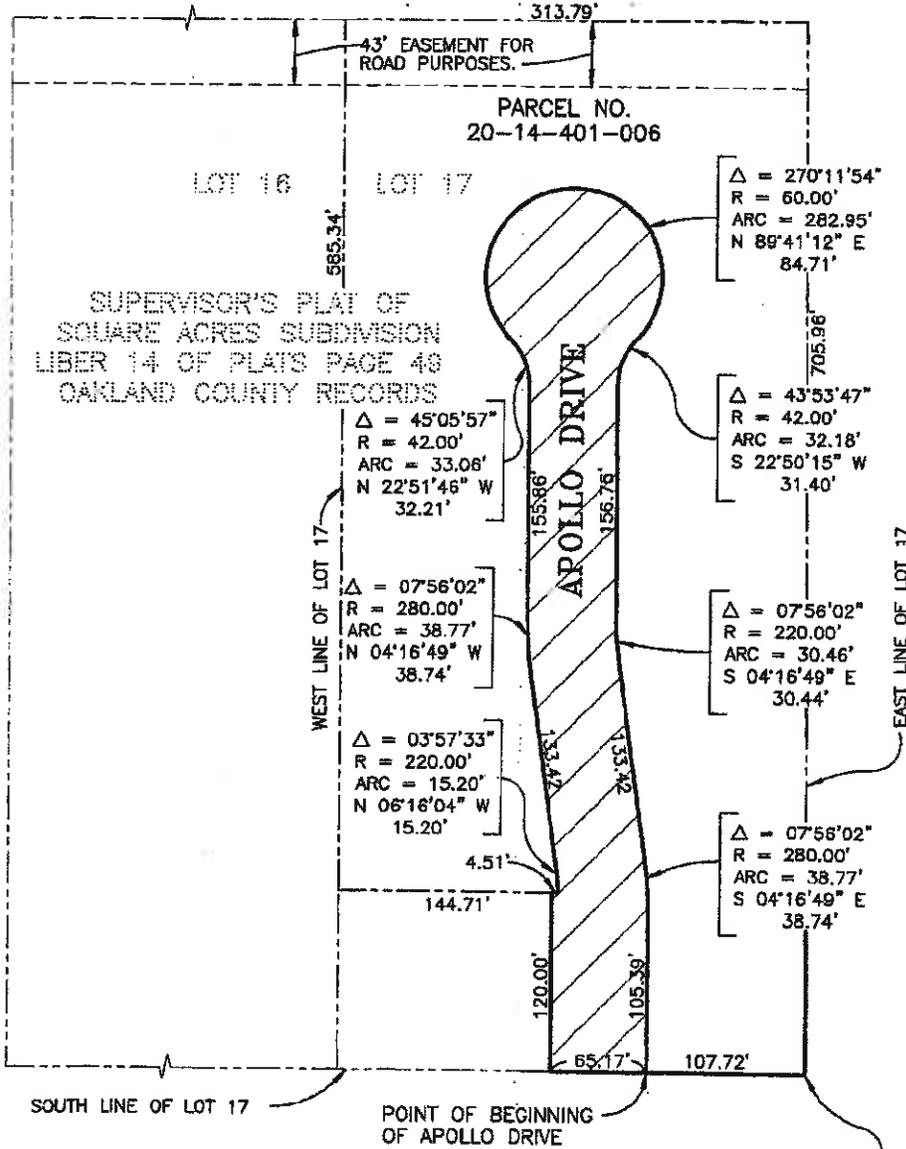
A. DERSON
 ECXSTEN AND WESTRICK, INC.
 51301 SCHOENHERR ROAD
 SHELBY TWP., MI. 48315
 PHONE: (586) 726-1234
 FAX: (586) 726-8780
 aewinc@aewinc.com
 www.aewinc.com

RIGHT OF WAY EXHIBIT "A"



LONG LAKE VILLAGE SUB
 LIBER 126 OF PLATS, PAGES 8-10
 OAKLAND COUNTY RECORDS

91 90 89 88

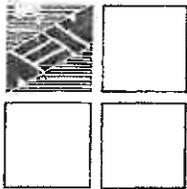


ROCKFIELD ROAD (60' WD.)

SOUTHEAST CORNER OF LOT 17
 OF SQUARE ACRES SUB. LIBER
 14, PAGE 49 OAKLAND COUNTY
 RECORDS

SEE ATTACHED SHEET FOR DESCRIPTION

GRANTEE (TO): CITY OF TROY			PARCEL I.D. NO.: 20-14-401-006	
ADDRESS: 500 WEST BIG BEAVER			GRANTOR (FROM): MILANO DEVELOPMENT CO., INC.	
CITY, ST., & ZIP: TROY, MI 48084			ADDRESS: 47858 VAN DYKE, SUITE 410	
			CITY, ST., & ZIP: SHELBY TWP., MI. 48317	
SEC. 14	TWP. CITY OF TROY	COUNTY: OAKLAND COUNTY	AEW NO. 808-001	BOOK NO.:
DRAWN BY: SEP	CHECKED BY: CPA	SCALE: 1" = 100'	EASEMENT NO.: APOLLO_DRIVE	CONST. PLAN PAGE NO.:
SHEET 1 OF 2			TITLE SEARCH:	



ANDERSON, ECKSTEIN AND WESTRICK, INC.

51301 Schoenherr Road, Shelby Township, Michigan 48315
Civil Engineers • Surveyors • Architects 586-726-1234

MAY 24, 2006
AEW 808-001
O:\808\808-001\DESCIAPOLLO.DOC
PAGE 2 OF 2

DESCRIPTION
APOLLO DRIVE
PARCEL 20-14-401-006

A PART OF LOT 17 OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB, AS RECORDED IN LIBER 14 OF PLATS, PAGE 49, OAKLAND COUNTY RECORDS, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 17 OF SUPERVISORS PLAT OF SQUARE ACRES SUB, AS RECORDED IN LIBER 14 OF PLATS, PAGE 49, OAKLAND COUNTY RECORDS; THENCE NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 107.72 FEET ALONG THE SOUTH LINE OF LOT 17 TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 65.17 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 120.00 FEET; THENCE SOUTH 89 DEGREES 42 MINUTES 44 SECONDS EAST 4.51 FEET; THENCE NORTHERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE WEST HAVING A CENTRAL ANGLE OF 3 DEGREES 57 MINUTES 33 SECONDS, A RADIUS OF 220.00 FEET, AN ARC DISTANCE OF 15.20 FEET AND WHOSE CHORD BEARS NORTH 06 DEGREES 16 MINUTES 04 SECONDS WEST 15.20 FEET; THENCE NORTH 08 DEGREES 14 MINUTES 50 SECONDS WEST 133.42 FEET; THENCE NORTHERLY ALONG A TANGENT CURVE CONCAVE TO THE EAST HAVING A CENTRAL ANGLE OF 7 DEGREES 56 MINUTES 02 SECONDS, A RADIUS OF 280.00 FEET, AN ARC DISTANCE OF 38.77 FEET AND WHOSE CHORD IS NORTH 04 DEGREES 16 MINUTES 49 SECONDS WEST 38.74 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 48 SECONDS WEST 155.86 FEET; THENCE NORTHWESTERLY ALONG A TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A CENTRAL ANGLE OF 45 DEGREES 05 MINUTES 57 SECONDS, A RADIUS OF 42.00 FEET, AN ARC DISTANCE OF 33.06 FEET AND WHOSE CHORD IS NORTH 22 DEGREES 51 MINUTES 46 SECONDS WEST 32.21 FEET; THENCE ALONG A TANGENT CURVE CONCAVE TO THE SOUTH HAVING A CENTRAL ANGLE OF 270 DEGREES 11 MINUTES 54 SECONDS, A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 282.95 FEET AND WHOSE CHORD IS NORTH 89 DEGREES 41 MINUTES 12 SECONDS EAST 84.71 FEET; THENCE SOUTHWESTERLY ALONG A TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A CENTRAL ANGLE OF 43 DEGREES 53 MINUTES 47 SECONDS, A RADIUS OF 42.00 FEET, AN ARC DISTANCE OF 32.18 FEET AND WHOSE CHORD IS SOUTH 22 DEGREES 50 MINUTES 15 SECONDS WEST 31.40 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 36 SECONDS EAST 156.75 FEET; THENCE SOUTHERLY ALONG A TANGENT CURVE CONCAVE TO THE EAST HAVING A CENTRAL ANGLE OF 7 DEGREES 56 MINUTES 02 SECONDS, A RADIUS OF 220.00 FEET, AN ARC DISTANCE OF 30.46 FEET AND WHOSE CHORD IS SOUTH 04 DEGREES 16 MINUTES 49 SECONDS EAST 30.44 FEET; THENCE SOUTH 08 DEGREES 14 MINUTES 50 SECONDS EAST 133.42 FEET; THENCE SOUTHERLY ALONG A TANGENT CURVE CONCAVE TO THE WEST HAVING A CENTRAL ANGLE OF 7 DEGREES 56 MINUTES 02 SECONDS, A RADIUS OF 280.00 FEET, AN ARC DISTANCE OF 38.77 FEET AND WHOSE CHORD IS SOUTH 04 DEGREES 16 MINUTES 49 SECONDS EAST 38.74 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 48 SECONDS EAST 105.39 FEET TO THE POINT OF BEGINNING. CONTAINING 0.935 ACRES, MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORDS OR OTHERWISE.

ANDERSON, ECKSTEIN AND WESTRICK, INC.

0196235

LIBER: 39547 PAGE: 696
\$16.00 DEED - COMBINED
\$4.00 RECORUMENTATION
09/07/2007 04:43:18 P.M. RECEIPT# 0083462
PAID - RECORDED - OAKLAND COUNTY
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

EXHIBIT "B"

PERMANENT EASEMENT

Sidwell # 83-20-14-401-006 (PH) RES. # 2007-07-250-E-10
Project #

Milano Development, Inc., a Michigan Corporation, Grantor, whose address is 47858 Van Dyke, Ste. 410 Shelby Township, MI 48317 for and in consideration of the sum of: One and no/100 (\$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 HEREOF

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 7 day of December A.D. 2006.

In presence of:
WITNESS

Milano Development, Inc.
A Michigan Corporation

By [Signature] (L.S.)
Franco C. Mancini, President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 7 day of December, 2006, by Franco C. Mancini, President of Milano Development, Inc., a Michigan Corporation, on behalf of the corporation.

[Signature]
DENNIS C. STEPHENS

Notary Public, Oakland County, Michigan

(Corporations)

DENNIS C. STEPHENS
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 10/20/2010

My Commission Expires 10/20/2010

Acting in Oakland Co Michigan

Prepared by:

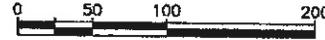
Dennis C. Stephens
City of Troy
500 West Big Beaver
Troy, Michigan 48084

Return to:

City Clerk
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

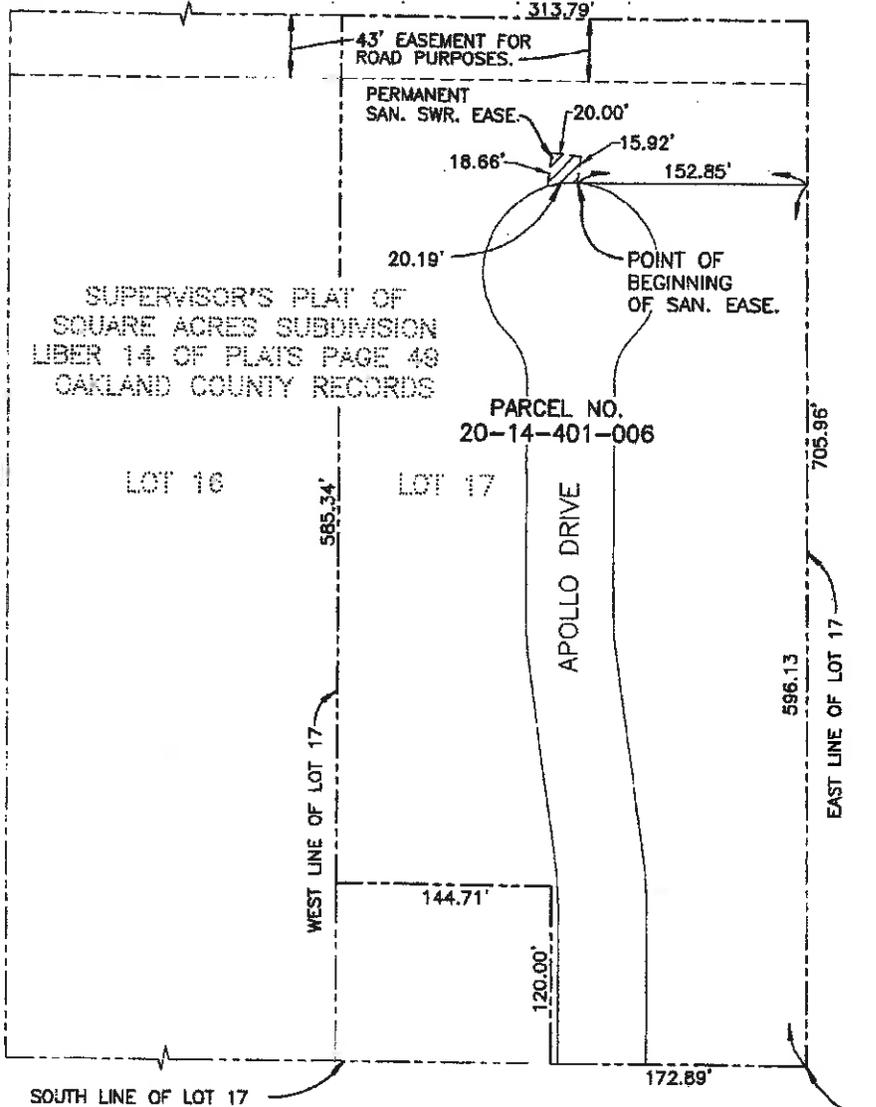
ANDERSON, ECKSTEIN AND WESTRICK, INC.
 51301 SCHOENHERR ROAD
 SHELBY TWP., MI. 48315
 PHONE: (586) 726-1234
 FAX: (586) 726-8780
 ae@awinc.com
 www.aewinc.com

LIBER 39547 PAGE 091
**EASEMENT
 EXHIBIT "A"**



LONG LAKE VILLAGE SUB
 LIBER 128 OF PLATS, PAGES 6-10
 OAKLAND COUNTY RECORDS

91 90 89 88



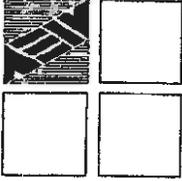
ROCKFIELD ROAD (60' WD.)

SOUTHEAST CORNER OF LOT 17
 OF SQUARE ACRES SUB. LIBER
 14, PAGE 49 OAKLAND COUNTY
 RECORDS

SEE ATTACHED SHEET FOR DESCRIPTION

GRANTEE (TO):			CITY OF TROY		PARCEL I.D. NO.:	20-14-401-008	
ADDRESS:			500 BIG BEAVER		GRANTOR (FROM):	MILANO DEVELOPMENT CO., INC.	
CITY, ST., & ZIP:			TROY, MI 48084		ADDRESS:	47858 VAN DYKE, SUITE 410	
					CITY, ST., & ZIP:	SHELBY TWP., MI. 48317	
SEC: 14	TWP: CITY OF TROY	COUNTY: OAKLAND COUNTY	AEW NO.:	808-001	BOOK NO.:		
DRAWN BY: SEP	CHECKED BY: CPA	SCALE: 1" = 100'	EASEMENT NO.:	SAN_EASE	CONST. PLAN PAGE NO.:		
SHEET 1 OF 3			TITLE SEARCH:				

G:\808\808-001\DWG\assessments\San_ease.dwg, Model, 7/5/2008 10:01:53 AM, HP 4050 SURVEY PLOTTER.pcs, 1:100



ANDERSON, ECKSTEIN AND WESTRICK, INC.
51301 Schoenherr Road, Shelby Township, Michigan 48315
Civil Engineers • Surveyors • Architects 586-726-1234

MAY 24, 2006
AEW 808-001
O:\808\808-001\DESC\SANITARY.DOC
PAGE 2 OF 2

DESCRIPTION
SANITARY SEWER EASEMENT
PARCEL 20-14-401-006 (part of)

A PERMANENT SANITARY SEWER EASEMENT, BEING A PART OF LOT 17 OF SUPERVISORS PLAT OF SQUARE ACRES SUB, AS RECORDED IN LIBER 14 OF PLATS, PAGE 49, OAKLAND COUNTY RECORDS, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN; BEING DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 17 OF SUPERVISORS PLAT OF SQUARE ACRES SUB, AS RECORDED IN LIBER 14 OF PLATS, PAGE 49, OAKLAND COUNTY RECORDS; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 596.13 FEET ALONG THE EAST LINE OF LOT 17; THENCE SOUTH 89 DEGREES 26 MINUTES 28 SECONDS WEST 152.85 FEET TO THE POINT OF BEGINNING; THENCE WESTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE SOUTH HAVING A CENTRAL ANGLE OF 19 DEGREES 22 MINUTES 09 SECONDS, A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 20.28 FEET AND WHOSE CHORD IS SOUTH 84 DEGREES 52 MINUTES 28 SECONDS WEST 20.19 FEET; THENCE NORTH 02 DEGREES 40 MINUTES 27 SECONDS EAST 18.66 FEET; THENCE SOUTH 87 DEGREES 19 MINUTES 33 SECONDS EAST 20.00 FEET; THENCE SOUTH 02 DEGREES 40 MINUTES 27 SECONDS WEST 15.92 FEET TO THE POINT OF BEGINNING.

SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR OTHERWISE.

ANDERSON, ECKSTEIN AND WESTRICK, INC.

0196241

LIBER: 39547 PAGE: 709
\$16.00 DEED - COMBINED
\$4.00 RECONCILIATION
09/07/2007 04:43:18 P.M. RECEIPT# 0093468
PAID RECORDED - OAKLAND COUNTY
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

EXHIBIT "C"

PERMANENT EASEMENT

Sidwell # 88-20-14-401-006 (pt A)
RES. # 2007-08-230-E-10

Milano Development, Inc., a Michigan Corporation, Grantor, whose address is 47858 Van Dyke, Ste. 410 Shelby Township, MI 48317 for and in consideration of the sum of: One and no/100 (\$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 Drainage, 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 HEREOF

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

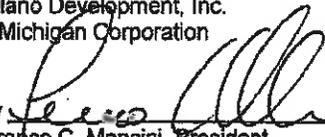
The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

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 7 day of December A.D. 2006.

In presence of:
WITNESS

Milano Development, Inc.
A Michigan Corporation

By  (L.S.)
Franco C. Mancini, President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 7 day of December, 2006, by Franco C. Mancini, President of Milano Development, Inc., a Michigan Corporation, on behalf of the corporation.


Dennis C. Stephens

Notary Public, Oakland County, Michigan

My Commission Expires 10/20/2010

Acting in Oakland Co., Michigan

(Corporations)

DENNIS C. STEPHENS
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 10/20/2010

Prepared by:

Dennis C. Stephens
City of Troy
500 West Big Beaver
Troy, Michigan 48084

Return to:

City Clerk
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

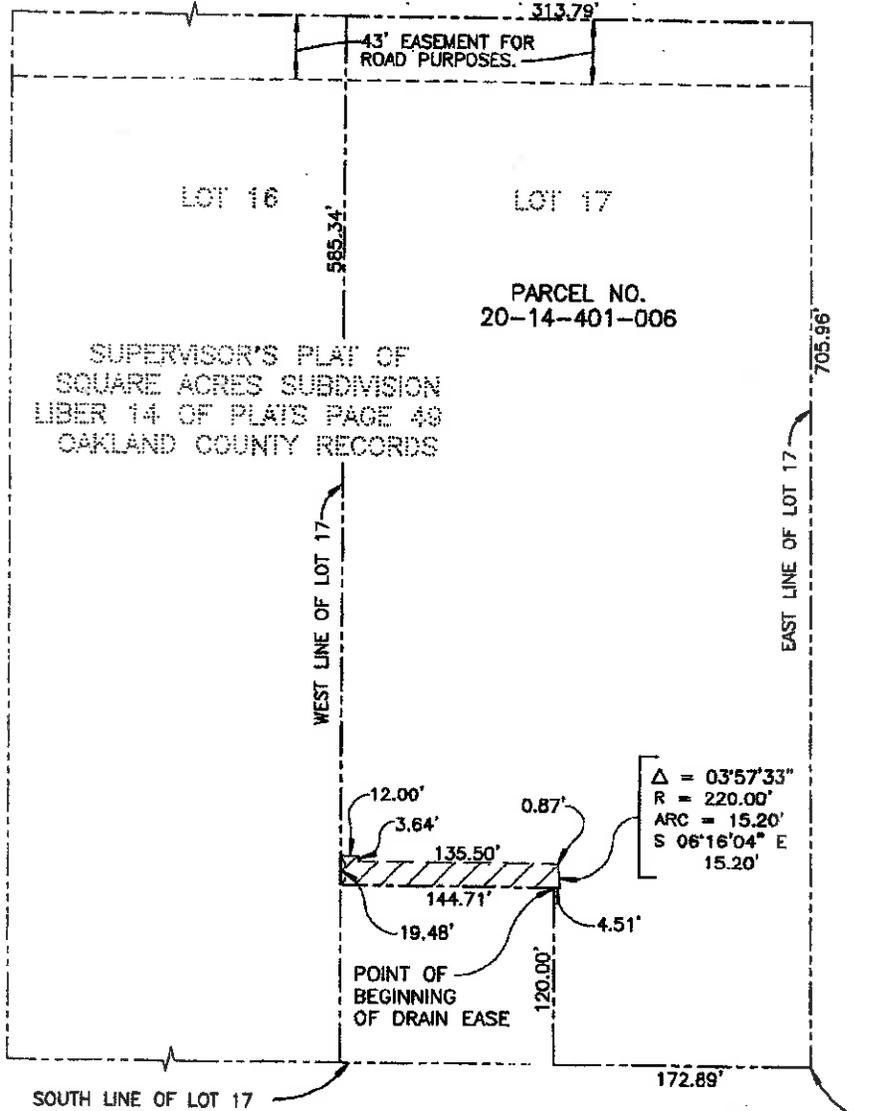
ANDERSON, EDKSTEIN AND WESTRICK, INC.
 51301 SCHOENHERR ROAD
 SHELBY TWP., MI. 48315
 PHONE: (586) 726-1234
 FAX: (586) 726-8780
 aewinc@aewinc.com
 www.aewinc.com

EASEMENT EXHIBIT "A"



LONG LAKE VILLAGE SUB
 LIBER 128 OF PLATS, PAGES 6-10
 OAKLAND COUNTY RECORDS

91 90 89 88



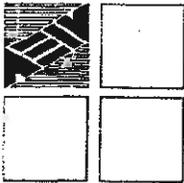
ROCKFIELD ROAD (60' WD.)

SOUTHEAST CORNER OF LOT 17
 OF SQUARE ACRES SUB. LIBER
 14, PAGE 49 OAKLAND COUNTY
 RECORDS

SEE ATTACHED SHEET FOR DESCRIPTION

GRANTEE (TO):		CITY OF TROY		PARCEL I.D. NO.:	20-14-401-006
ADDRESS:		500 WEST BIG BEAVER		GRANTOR (FROM):	MILANO DEVELOPMENT CO., INC.
CITY, ST., & ZIP:		TROY, MI. 48084		ADDRESS:	47858 VAN DYKE, SUITE 410
				CITY, ST., & ZIP:	SHELBY TWP., MI. 48317
SEC: 14	TWP: CITY OF TROY	COUNTY: OAKLAND COUNTY	AEW NO.: 808-001	BOOK NO.:	
DRAWN BY: SEP	CHECKED BY: CPA	SCALE: 1" = 100'	EASEMENT NO.: DRAIN_EASE	CONST. PLAN PAGE NO.:	
SHEET 1 OF 3			TITLE SEARCH:		

G:\8089608-001\DWG\Easements\Drain_ease.dwg, Model, 7/6/2006 10:01:28 AM, User=secondary\HP LaserJet 4050 Series, 1:100



ANDERSON, ECKSTEIN AND WESTRICK, INC.

51301 Schoenherr Road, Shelby Township, Michigan 48315
Civil Engineers • Surveyors • Architects 586-726-1234

MAY 24, 2006
AEW 808-001
O:\308\808-001\DESC\DRAINAGE.DOC
PAGE 3 OF 3

DESCRIPTION
DRAINAGE EASEMENT
PARCEL 20-14-401-006 (pt of)

A PERMANENT DRAINAGE EASEMENT, BEING A PART OF LOT 17 OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB, AS RECORDED IN LIBER 14 OF PLATS, PAGE 49, OAKLAND COUNTY RECORDS, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 17 OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB, AS RECORDED IN LIBER 14 OF PLATS, PAGE 49, OAKLAND COUNTY RECORDS; THENCE NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 172.89 FEET ALONG THE SOUTH LINE OF LOT 17; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 120.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 144.71 FEET TO THE WEST LINE OF LOT 17; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 19.48 FEET ALONG THE WEST LINE OF LOT 17; THENCE NORTH 89 DEGREES 59 MINUTES 00 SECONDS EAST 12.00 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 3.64 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES 22 SECONDS EAST 135.50 FEET; THENCE SOUTH 08 DEGREES 14 MINUTES 50 SECONDS EAST 0.87 FEET; THENCE SOUTHERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE WEST HAVING A CENTRAL ANGLE OF 3 DEGREES 57 MINUTES 33 SECONDS, A RADIUS OF 220.00 FEET, AN ARC DISTANCE OF 15.20 FEET AND WHOSE CHORD IS SOUTH 06 DEGREES 16 MINUTES 04 SECONDS EAST 15.20 FEET; THENCE NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 4.51 FEET TO THE POINT OF BEGINNING.

0196242
LIBER: 39547 PAGE: 712
\$16.00 DEED - COMBINED
\$4.00 REINUMENTATION
09/07/2007 04:43:18 P.M. RECEIPT# 0093469
PAID RECORDED - OAKLAND COUNTY
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

EXHIBIT "D"

PERMANENT EASEMENT

Sidwell # 88-20-14-401-006 (pt of) RES # 2007-01-250-E-10
Project #

Milano Development, Inc., a Michigan Corporation, Grantor, whose address is 47858 Van Dyke, Ste. 410 Shelby Township, MI 48317 for and in consideration of the sum of: One and no/100 (\$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 Public Utilities, 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 HEREOF

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 7 day of December A.D. 2006.

In presence of:
WITNESS

Milano Development, Inc.
A Michigan Corporation

By [Signature] (L.S.)
Franco C. Mancini, President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 7 day of December, 2006, by Franco C. Mancini, President of Milano Development, Inc., a Michigan Corporation, on behalf of the corporation.

[Signature]
Dennis C. Stephens
Notary Public, Oakland County, Michigan

(Corporations)

DENNIS C. STEPHENS
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 10/20/2010

My Commission Expires 10/20/2010
Acting in Oakland Co. Michigan

Prepared by:

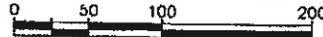
Dennis C. Stephens
City of Troy
500 West Big Beaver
Troy, Michigan 48084

Return to:

City Clerk
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

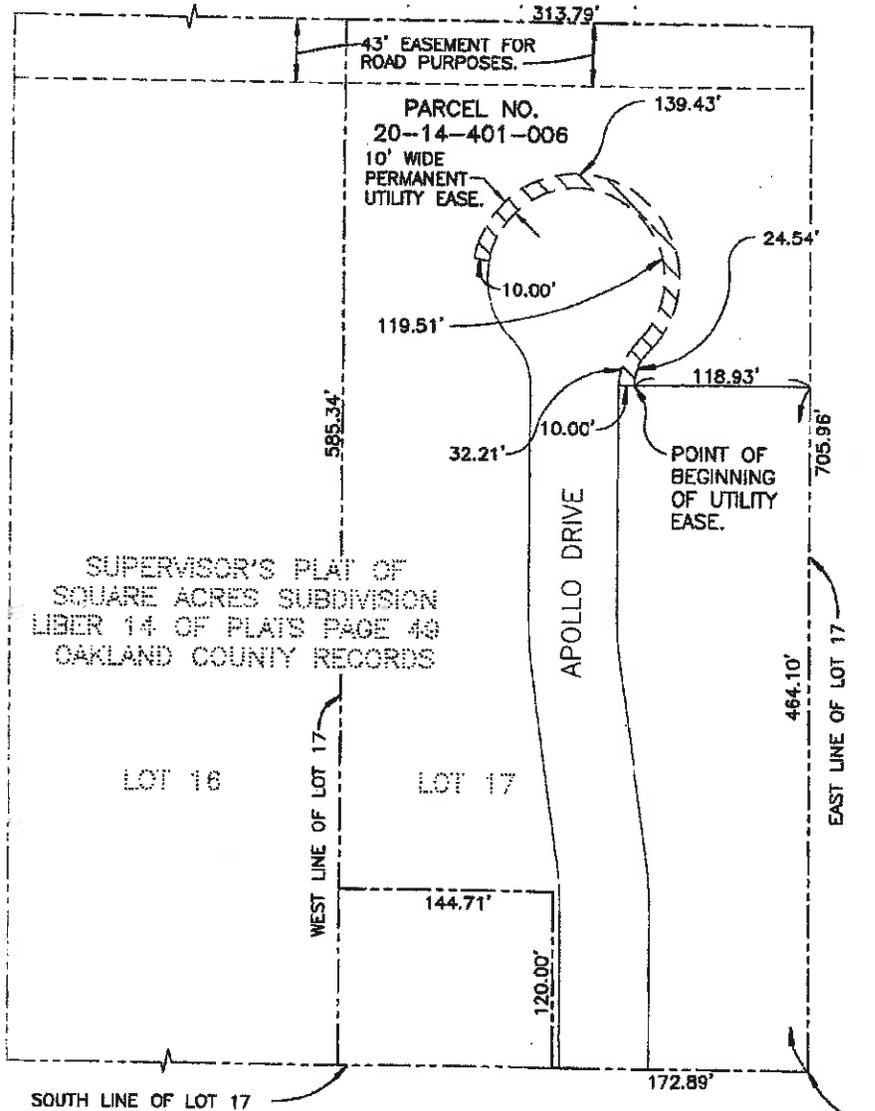
ANDERSON, ECKSTEIN AND WESTRICK, INC.
 51301 SCHOENHERR ROAD
 SHELBY TWP., MI. 48315
 PHONE: (586) 726-1234
 FAX: (586) 726-8780
 aewinc@aewinc.com
 www.aewinc.com

LIBER 39547 PAGE: 713
**EASEMENT
 EXHIBIT "A"**



LONG LAKE VILLAGE SUB
 LIBER 123 OF PLATS, PAGES 6-10
 OAKLAND COUNTY RECORDS

91 90 89 88



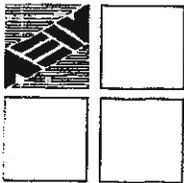
SUPERVISOR'S PLAT OF
 SQUARE ACRES SUBDIVISION
 LIBER 14 OF PLATS PAGE 49
 OAKLAND COUNTY RECORDS

ROCKFIELD ROAD (60' WD.)

SOUTHEAST CORNER OF LOT 17
 OF SQUARE ACRES SUB. LIBER
 14, PAGE 49 OAKLAND COUNTY
 RECORDS

SEE ATTACHED SHEET FOR DESCRIPTION

GRANTEE (TO): CITY OF TROY			PARCEL I.D. NO.: 20-14-401-006	
ADDRESS: 500 WEST BIG BEAVER			GRANTOR (FROM): MILANO DEVELOPMENT CO., INC.	
CITY, ST., & ZIP: TROY, MI 48084			ADDRESS: 47858 VAN DYKE, SUITE 410	
			CITY, ST., & ZIP: SHELBY TWP., MI. 48317	
SEC: 14	TWP: CITY OF TROY	COUNTY: OAKLAND COUNTY	AEW NO.: 808-001	BOOK NO.:
DRAWN BY: SEF	CHECKED BY: CPA	SCALE: 1" = 100'	EASEMENT NO.: UTILITY_EASE	CONST. PLAN PAGE NO.:
SHEET 1 OF 2			TITLE SEARCH:	



MAY 24, 2006
AEW 808-001
O:\808\808-001\DESC\UTILITY EASEMENT.DOC
PAGE 2 OF 2

DESCRIPTION
UTILITY EASEMENT
PARCEL 20-14-401-006 (part of)

A PERMANENT UTILITY EASEMENT BEING A PART OF LOT 17 OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB, AS RECORDED IN LIBER 14 OF PLATS, PAGE 49, OAKLAND COUNTY RECORDS, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 17 OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB, AS RECORDED IN LIBER 14 OF PLATS, PAGE 49, OAKLAND COUNTY RECORDS; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 464.10 FEET ALONG THE EAST LINE OF LOT 17; THENCE SOUTH 89 DEGREES 25 MINUTES 14 SECONDS WEST 118.93 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 41 MINUTES 12 SECONDS WEST 10.00 FEET; TO THE EASTERLY RIGHT OF WAY LINE OF PROPOSED APOLLO DRIVE (60.00 FEET WIDE); THENCE ALONG THE EASTERLY RIGHT OF WAY LINE OF PROPOSED APOLLO DRIVE THE FOLLOWING TWO COURSES: NORTHEASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE EAST HAVING A CENTRAL ANGLE OF 45 DEGREES 05 MINUTES 57 SECONDS, A RADIUS OF 42.00 FEET, AN ARC DISTANCE OF 33.06 FEET AND WHOSE CHORD IS NORTH 22 DEGREES 14 MINUTES 10 SECONDS EAST 32.21 FEET, AND NORTHWESTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE WEST HAVING A CENTRAL ANGLE OF 190 DEGREES 20 MINUTES 12 SECONDS, A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 199.32 FEET AND WHOSE CHORD IS NORTH 50 DEGREES 22 MINUTES 57 SECONDS WEST 119.51 FEET; THENCE NORTH 55 DEGREES 33 MINUTES 03 SECONDS WEST 10.00 FEET; THENCE SOUTHEASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE SOUTH HAVING A CENTRAL ANGLE OF 190 DEGREES 20 MINUTES 12 SECONDS, A RADIUS OF 70.00 FEET, AN ARC DISTANCE OF 232.54 FEET AND WHOSE CHORD IS SOUTH 50 DEGREES 22 MINUTES 57 SECONDS EAST 139.43 FEET; THENCE SOUTHWESTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE EAST HAVING A CENTRAL ANGLE OF 45 DEGREES 05 MINUTES 57 SECONDS, A RADIUS OF 32.00 FEET, AN ARC DISTANCE OF 25.19 FEET AND WHOSE CHORD IS SOUTH 22 DEGREES 14 MINUTES 10 SECONDS WEST 24.54 FEET TO THE POINT OF BEGINNING.

0196258

LIBER: 39547 PAGE: 754
\$22.00 DEED - COMBINED
\$4.00 REMONUMENTATION
09/07/2007 04:43:18 P.M. RECEIPT# 0093485
PAID - RECORDED - OAKLAND COUNTY
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

EXHIBIT "E"

PERMANENT EASEMENT

Sidwell # 88-20-14-401-006 (p.c.o.s.)
RES # 8007-08-250-E-10

Milano Development, Inc., a Michigan Corporation, Grantor, whose address is 47858 Van Dyke, Ste. 410 Shelby Township, MI 48317 for and in consideration of the sum of: One and no/100 (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace Storm Sewer, 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 HEREOF

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

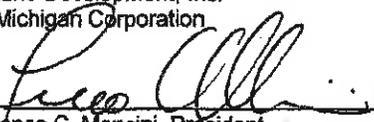
The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

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 7 day of December A.D. 2006.

In presence of:
WITNESS

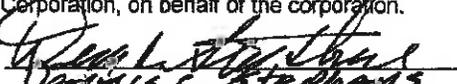
Milano Development, Inc.
A Michigan Corporation

By  (L.S.)
Franco C. Mancini, President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 7 day of December, 2006, by Franco C. Mancini, President of Milano Development, Inc., a Michigan Corporation, on behalf of the corporation.

DENNIS C. STEPHENS
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 10/20/2010


Dennis C. Stephens

Notary Public, Oakland County, Michigan

My Commission Expires 10/20/2010

Acting in Oakland Co. Michigan

Prepared by:
Dennis C. Stephens
City of Troy
500 West Big Beaver
Troy, Michigan 48084

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

MAY 23, 2006
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PAGE 2 OF 7

DESCRIPTION
STORM EASEMENT
PARCEL 20-14-401-006 (pt-06)

A PERMANENT STORM SEWER EASEMENT BEING A PART OF LOT 17 OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB, AS RECORDED IN LIBER 14 OF PLATS, PAGE 49, OAKLAND COUNTY RECORDS, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 17 OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB, AS RECORDED IN LIBER 14 OF PLATS, PAGE 49, OAKLAND COUNTY RECORDS; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 117.72 FEET ALONG THE EAST LINE OF LOT 17 TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 45 MINUTES 00 SECONDS WEST 107.49 FEET; THENCE NORTHERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE WEST HAVING A CENTRAL ANGLE OF 4 DEGREES 06 MINUTES 20 SECONDS, A RADIUS OF 280.00 FEET, AN ARC DISTANCE OF 20.06 FEET AND WHOSE CHORD IS NORTH 04 DEGREES 39 MINUTES 06 SECONDS WEST 20.06 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 00 SECONDS EAST 96.92 FEET; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 92.00 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 00 SECONDS EAST 12.00 FEET TO THE EAST LINE OF LOT 17; THENCE SOUTH 00 DEGREES 33 MINUTES 32 SECONDS EAST 112.00 FEET ALONG THE EAST LINE OF LOT 17 TO THE POINT OF BEGINNING.

ALSO, COMMENCING AT THE SOUTHEAST CORNER OF LOT 17 OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB, AS RECORDED IN LIBER 14 OF PLATS, PAGE 49, OAKLAND COUNTY RECORDS; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 406.72 FEET ALONG THE EAST LINE OF LOT 17 TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 45 MINUTES 00 SECONDS WEST 128.90 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 12.00 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 00 SECONDS EAST 116.83 FEET; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 88.00 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 00 SECONDS EAST 12.00 FEET TO THE EAST LINE OF LOT 17; THENCE SOUTH 00 DEGREES 33 MINUTES 32 SECONDS EAST 100.00 FEET ALONG THE EAST LINE OF LOT 17 TO THE POINT OF BEGINNING.

ALSO, COMMENCING AT THE SOUTHEAST CORNER OF LOT 17 OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB, AS RECORDED IN LIBER 14 OF PLATS, PAGE 49, OAKLAND COUNTY RECORDS; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 649.56 FEET ALONG THE EAST LINE OF LOT 17 TO THE POINT OF BEGINNING; THENCE SOUTH 52 DEGREES 58 MINUTES 32 SECONDS WEST 134.57 FEET; THENCE NORTHWESTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A CENTRAL ANGLE OF 11 DEGREES 29 MINUTES 34 SECONDS, A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 12.04 FEET AND WHOSE CHORD IS NORTH 39 DEGREES 54 MINUTES 18 SECONDS WEST 12.02 FEET; THENCE NORTH 52 DEGREES 58 MINUTES 32 SECONDS EAST 117.93 FEET; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 57.27 FEET TO THE NORTH LINE OF LOT 17; THENCE SOUTH 89 DEGREES 49 MINUTES 00 SECONDS EAST 21.00 FEET ALONG THE NORTH LINE OF LOT 17 TO THE NORTHEAST CORNER OF LOT 17; THENCE SOUTH 00 DEGREES 33 MINUTES 32 SECONDS EAST 56.40 FEET ALONG THE EAST LINE OF LOT 17 TO THE POINT OF BEGINNING.

ALSO, COMMENCING AT THE SOUTHEAST CORNER OF LOT 17 OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB, AS RECORDED IN LIBER 14 OF PLATS, PAGE 49, OAKLAND COUNTY RECORDS; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 705.96 FEET ALONG THE EAST LINE OF LOT 17; THENCE NORTH 89 DEGREES 49 MINUTES 00 SECONDS WEST 145.60 FEET

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ALONG THE NORTH LINE OF LOT 17 TO THE POINT OF BEGINNING; THENCE SOUTH 02 DEGREES 38 MINUTES 55 SECONDS WEST 111.98 FEET; THENCE WESTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE SOUTH HAVING A CENTRAL ANGLE OF 11 DEGREES 29 MINUTES 34 SECONDS, A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 12.04 FEET AND WHOSE CHORD IS SOUTH 89 DEGREES 46 MINUTES 05 SECONDS WEST 12.02 FEET; THENCE NORTH 02 DEGREES 38 MINUTES 55 SECONDS EAST 112.07 FEET TO THE NORTH LINE OF LOT 17; THENCE SOUTH 89 DEGREES 49 MINUTES 00 SECONDS EAST 12.01 FEET ALONG THE NORTH LINE OF LOT 17 TO THE POINT OF BEGINNING; ALSO, COMMENCING AT THE SOUTHEAST CORNER OF LOT 17 OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB, AS RECORDED IN LIBER 14 OF PLATS, PAGE 49, OAKLAND COUNTY RECORDS; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 705.96 FEET ALONG THE EAST LINE OF LOT 17; THENCE NORTH 89 DEGREES 49 MINUTES 00 SECONDS WEST 313.79 FEET ALONG THE NORTH LINE OF LOT 17 TO THE NORTHWEST CORNER OF LOT 17; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 177.97 FEET ALONG THE WEST LINE OF LOT 17 TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 45 MINUTES 00 SECONDS EAST 96.72 FEET; THENCE SOUTHERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A CENTRAL ANGLE OF 40 DEGREES 08 MINUTES 56 SECONDS, A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 42.06 FEET AND WHOSE CHORD IS SOUTH 25 DEGREES 15 MINUTES 59 SECONDS EAST 41.21 FEET; THENCE SOUTHEASTERLY ALONG A TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A CENTRAL ANGLE OF 45 DEGREES 05 MINUTES 57 SECONDS, A RADIUS OF 42.00 FEET, AN ARC DISTANCE OF 33.06 FEET AND WHOSE CHORD IS SOUTH 22 DEGREES 47 MINUTES 58 SECONDS EAST 32.21 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 155.86 FEET; THENCE SOUTHERLY ALONG A TANGENT CURVE CONCAVE TO THE EAST HAVING A CENTRAL ANGLE OF 7 DEGREES 56 MINUTES 02 SECONDS, A RADIUS OF 280.00 FEET, AN ARC DISTANCE OF 38.77 FEET AND WHOSE CHORD IS SOUTH 04 DEGREES 13 MINUTES 01 SECONDS EAST 38.74 FEET; THENCE SOUTH 08 DEGREES 11 MINUTES 02 SECONDS EAST 133.42 FEET; THENCE SOUTHERLY ALONG A TANGENT CURVE CONCAVE TO THE WEST HAVING A CENTRAL ANGLE OF 3 DEGREES 56 MINUTES 06 SECONDS, A RADIUS OF 220.00 FEET, AN ARC DISTANCE OF 15.11 FEET AND WHOSE CHORD IS SOUTH 06 DEGREES 12 MINUTES 59 SECONDS EAST 15.11 FEET; THENCE NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 15.05 FEET; THENCE NORTHERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE WEST HAVING A CENTRAL ANGLE OF 3 DEGREES 36 MINUTES 08 SECONDS, A RADIUS OF 205.00 FEET, AN ARC DISTANCE OF 12.89 FEET AND WHOSE CHORD IS NORTH 06 DEGREES 22 MINUTES 58 SECONDS WEST 12.89 FEET; THENCE NORTH 08 DEGREES 11 MINUTES 02 SECONDS WEST 89.68 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 00 SECONDS WEST 120.36 FEET TO THE WEST LINE OF LOT 17; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 12.00 FEET ALONG THE WEST LINE OF LOT 17; THENCE NORTH 89 DEGREES 45 MINUTES 00 SECONDS EAST 118.89 FEET; THENCE NORTH 08 DEGREES 11 MINUTES 02 SECONDS WEST 31.63 FEET; THENCE NORTHERLY ALONG A TANGENT CURVE CONCAVE TO THE EAST HAVING A CENTRAL ANGLE OF 7 DEGREES 56 MINUTES 02 SECONDS, A RADIUS OF 295.00 FEET, AN ARC DISTANCE OF 40.85 FEET AND WHOSE CHORD IS NORTH 04 DEGREES 13 MINUTES 01 SECONDS WEST 40.82 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 104.96 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 00 SECONDS WEST 111.50 FEET TO THE WEST LINE OF LOT 17; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 12.00 FEET ALONG THE WEST LINE OF LOT 17; THENCE NORTH 89 DEGREES 45 MINUTES 00 SECONDS EAST 111.50 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 38.91 FEET; THENCE NORTHWESTERLY ALONG A TANGENT CURVE CONCAVE TO THE

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SOUTHWEST HAVING A CENTRAL ANGLE OF 45 DEGREES 05 MINUTES 56 SECONDS, A RADIUS OF 27.00 FEET, AN ARC DISTANCE OF 21.25 FEET AND WHOSE CHORD IS NORTH 22 DEGREES 47 MINUTES 58 SECONDS WEST 20.71 FEET; THENCE NORTHERLY ALONG A TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A CENTRAL ANGLE OF 31 DEGREES 52 MINUTES 21 SECONDS, A RADIUS OF 75.00 FEET, AN ARC DISTANCE OF 41.72 FEET AND WHOSE CHORD IS NORTH 29 DEGREES 24 MINUTES 46 SECONDS WEST 41.19 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 00 SECONDS WEST 83.49 FEET TO THE WEST LINE OF LOT 17; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 12.00 FEET ALONG THE WEST LINE OF LOT 17 TO THE POINT OF BEGINNING

0196230

LIBER: 39547 PAGE: 670
\$16.00 DEED - COMBINED
\$4.00 REMONUMENTATION
09/07/2007 04:43:18 P.M. RECEIPT# 0083458
PAID, RECORDED - OAKLAND COUNTY
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

EXHIBIT "F"

PERMANENT EASEMENT

Sidwell # 88-20-14-401-006 (3+H)
RES. # 2007-08-250-ETU

Milano Development, Inc., a Michigan Corporation, Grantor, whose address is 47858 Van Dyke, Ste. 410 Shelby Township, MI 48317 for and in consideration of the sum of: One and no/100 (\$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 control the removal, trimming, thinning, and planting, or otherwise altering the tree growth in the described Tree-line Preservation Easement area, said easement situated in the City of Troy, Oakland County, Michigan, described as:

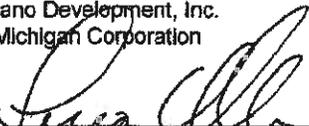
SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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 7 day of December A.D. 2006.

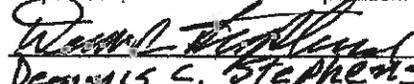
In presence of:
WITNESS

Milano Development, Inc.
A Michigan Corporation

By  (L.S.)
Franco C. Mancini, President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 7 day of December, 2006, by Franco C. Mancini, President of Milano Development, Inc., a Michigan Corporation, on behalf of the corporation.


Dennis C. Stephens
Notary Public, Oakland County, Michigan

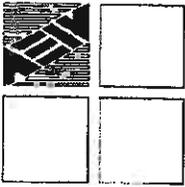
(Corporations)

DENNIS C. STEPHENS
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 10/20/2010

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Acting in Oakland Co. Michigan

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

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



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DESCRIPTION
PRESERVATION EASEMENT
PARCEL 20-14-401-006 (pt 8)

A PERMANENT PRESERVATION EASEMENT BEING A PART OF LOT 17 OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB, AS RECORDED IN LIBER 14 OF PLATS, PAGE 49, OAKLAND COUNTY RECORDS, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 17 OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB, AS RECORDED IN LIBER 14 OF PLATS, PAGE 49, OAKLAND COUNTY RECORDS; THENCE NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 12.00 FEET ALONG THE SOUTH LINE OF LOT 17; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 117.60 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 00 SECONDS EAST 12.00 FEET TO THE EAST LINE OF LOT 17; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 112.00 FEET ALONG THE EAST LINE OF LOT 17; THENCE SOUTH 89 DEGREES 45 MINUTES 00 SECONDS WEST 12.00 FEET; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 177.00 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 00 SECONDS EAST 12.00 FEET TO THE EAST LINE OF LOT 17; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 100.00 FEET ALONG THE EAST LINE OF LOT 17; THENCE SOUTH 89 DEGREES 45 MINUTES 00 SECONDS WEST 12.00 FEET; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 133.90 FEET; THENCE NORTH 52 DEGREES 58 MINUTES 32 SECONDS EAST 14.92 FEET TO THE EAST LINE OF LOT 17; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 56.40 FEET TO THE NORTHEAST CORNER OF LOT 17; THENCE NORTH 89 DEGREES 49 MINUTES 00 SECONDS WEST 21.00 FEET ALONG THE NORTH LINE OF LOT 17; THENCE SOUTH 00 DEGREES 33 MINUTES 32 SECONDS EAST 12.00 FEET; THENCE NORTH 89 DEGREES 49 MINUTES 00 SECONDS WEST 125.27 FEET; THENCE NORTH 02 DEGREES 38 MINUTES 55 SECONDS EAST 12.00 FEET TO THE NORTH LINE OF LOT 17; THENCE NORTH 89 DEGREES 49 MINUTES 00 SECONDS WEST 12.00 FEET ALONG THE NORTH LINE OF LOT 17; THENCE SOUTH 02 DEGREES 38 MINUTES 55 SECONDS WEST 12.00 FEET; THENCE NORTH 89 DEGREES 49 MINUTES 00 SECONDS WEST 143.57 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 165.94 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 12 SECONDS WEST 12.00 FEET TO THE WEST LINE OF LOT 17; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 12.00 FEET ALONG THE WEST LINE OF LOT 17; THENCE NORTH 89 DEGREES 41 MINUTES 12 SECONDS EAST 12.00 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 94.00 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 12 SECONDS WEST 12.00 FEET TO THE WEST LINE OF LOT 17; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 12.00 FEET ALONG THE WEST LINE OF LOT 17; THENCE NORTH 89 DEGREES 41 MINUTES 12 SECONDS EAST 12.00 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 177.00 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 12 SECONDS WEST 12.00 FEET TO THE WEST LINE OF LOT 17; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 12.00 FEET ALONG THE WEST LINE OF LOT 17; THENCE NORTH 89 DEGREES 41 MINUTES 12 SECONDS EAST 12.00 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 80.89 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 00 SECONDS WEST 12.00 FEET TO THE WEST LINE OF LOT 17; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 565.86 FEET ALONG THE WEST LINE OF LOT 17 TO THE NORTHWEST CORNER OF LOT 17; THENCE SOUTH 89 DEGREES 49 MINUTES 00 SECONDS EAST 313.79 FEET ALONG THE NORTH LINE OF LOT 17 TO THE NORTHEAST CORNER OF LOT 17; THENCE SOUTH 00 DEGREES 33 MINUTES 32 SECONDS EAST 705.96 FEET ALONG THE EAST LINE OF LOT 17 TO THE POINT OF BEGINNING.



CITY COUNCIL ACTION REPORT

January 4, 2012

TO: John Szerlag, City Manager

FROM: William Nelson, Fire Chief
David Roberts, Fire Marshal

SUBJECT: Mon Jin Lau Annual Fireworks Use Request

Background:

Mon Jin Lau has once again requested permission to use firecrackers at its annual Lion Dance to celebrate Chinese New Year on February 7, 2012. There appear to be no changes from previous years' events. City Council has approved this request in the past.

Financial Considerations:

Mon Jin Lau has submitted the required fireworks permit application and fee to the fire department as required by ordinance.

Legal Considerations:

Troy City Code Chapter 93, Fire Prevention, Section 105.6.14.1, requires an operational permit for the public display of fireworks. Troy City Code Chapter 93, Fire Prevention, Section 3301.1.3, prohibits the use of fireworks unless in compliance with the Michigan Fireworks Law. Michigan's Fireworks Law requires that any person or group that would like to conduct a fireworks display must apply to the local unit of government for a permit. The law defines local unit of government as the council or commission of a city or village, or the township board of a township. The use of firecrackers at this public event is considered to be a public display.

Policy Considerations:

The permitting process is consistent with City Council's goal of enhancing the safety of the community. The fire department will conduct an inspection prior to the event to ensure code compliance.



CITY COUNCIL AGENDA ITEM

Date: January 9, 2012

To: John Szerlag, City Manager

From: Nino Licari, City Assessor

Subject: Announcement of Public Hearings for Industrial Facilities Exemption Certificate (IFEC) for Tepel Brothers Printing, Inc. at 1725 John R

Background

Tepel Brothers Printing, Inc. has submitted an application for tax abatement for their expansion at 1725 John R. They intend to spend \$2,400,000 and add 10 new jobs to the 96 they currently have in Troy.

Recommendation

There is an existing Industrial Development District (IDD) at the site. State law dictates that City Council hold a public hearing for the IFEC. This memo is the formal notification of the setting of the Public Hearing for January 23, 2012.

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, January 23, 2012 at 7:30 P.M. to consider the granting of an Industrial Facilities Exemption Certificate (IFEC) for Tepel Brothers Printing, Inc., at the following location:

88-20-26-479-040 1725 John R, Troy, MI. 48083
T2N, R11E, Section 26 part of John R Gardens Subdivision

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 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.

WARREN CONSOL'D SCHOOLS
Attn: TOM WALL
31300 ANITA
WARREN MI 48093-1697

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

MACOMB INTERMEDIATE SCHLS
44001 GARFIELD
CLINTON TWP MI 48038-1100

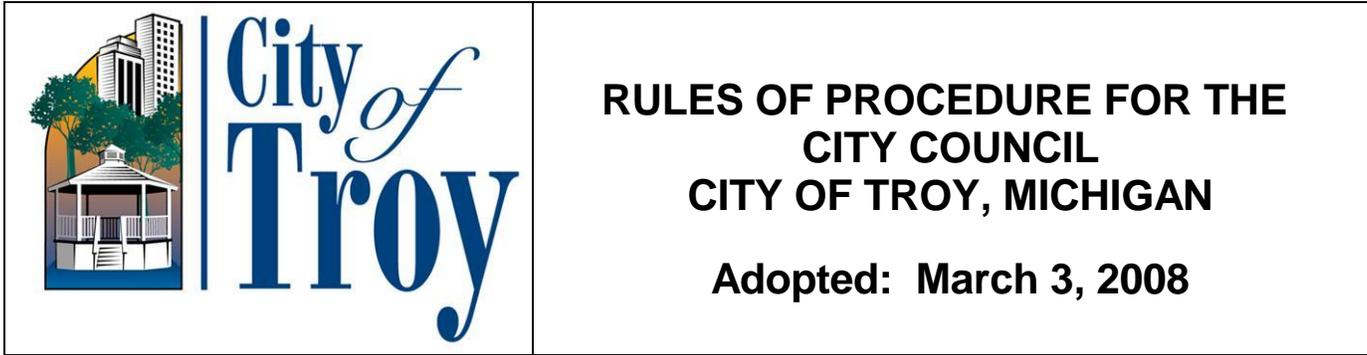
OAKLAND COUNTY PTA
1200 N TELEGRAPH Dept 479
PONTIAC MI 48341-0479

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

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

TEPEL BROTHERS PRINTING
Attn: JAMES TEPEL
1725 JOHN R
TROY MI 48083

PARADIGM TAX GROUP
Attn: ROBERT F FUCHS
10327 GRAND RIVER STE 403
BRIGHTON MI 48116



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1. APPOINTMENT OF MAYOR PRO TEM

The selection of Mayor Pro Tem shall proceed in a linear fashion based on seat rotation in the following order: Howrylak, Fleming, Beltramini, Eisenbacher, Kerwin, and Broomfield.

2. DESIGNATION OF ACTING MAYOR

In the absence or disability of the Mayor and the Mayor Pro Tem, the Council Member present who has served longest shall be designated Acting Mayor and shall perform the duties of the Mayor.

3. SPECIAL MEETINGS

**A. CALLING OF SPECIAL MEETINGS: (Pursuant to City Charter Section 4.2)
Section 4.2 - Special Meetings:**

Special meetings shall be called by the Clerk on the written request of the Mayor, or any two members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

B. DOCUMENTATION:

Special meetings shall be exclusively limited to items specifically referenced in the Call of the Meeting.

- **Special Meeting Posting:** Pursuant to City Charter a printed meeting notice for each specially called meeting shall contain the items indicated in the written notice calling the meeting.
- **Study Session (Special Meeting) Agenda and Posting:** Study Session Agendas shall contain the items as indicated in the motion calling the meeting.

C. POSTING AND DELIVERY:

Special Meeting Calling Notice and/or Agenda shall be personally delivered to each Council Member and posted for public display at least twenty-four (24) hours in advance of the meeting.

D. ORDER OF BUSINESS:

At each Study Session (Special Meeting) of the Council, the business to be considered shall include the items listed and in the following order:

- a) **Call to Order**
- b) **Roll Call**
- c) **Items as Indicated in the Motion Calling of the Meeting**
- d) **Items Not Indicated in the Motion Call the Meeting, Pursuant to City Charter**
- e) **See Charter Article 6 Amendments/Additions to Agenda**
- f) **Public Comment**
- g) **Adjournment**

E. AMENDMENTS/ADDITIONS TO AGENDA:

1. By Charter, special meetings are limited to what is expressly indicated in the Call of the Meeting (Motion of Council or written notice, per Charter).
2. If all members of City Council approve of agenda amendments or additions in writing prior to the desired action, then Council can entertain such desired action only when all members present at the meeting consent to allow the amendment/addition to the agenda.

4. REGULAR MEETINGS

Regular meetings shall be held in the Council Chambers at 7:30 P.M. Meeting dates will be established, by resolution, prior to the end of the preceding calendar year.

5. AGENDA

- (a) **Regular Meeting Agenda:** A printed agenda for each regularly scheduled meeting shall be produced at least forty-eight (48) hours in advance of the meeting. Every item of business to come before the Council shall be filed with the City Clerk by noon on the Wednesday preceding the Monday on which the Council meets. It shall be the duty of the City Clerk to have delivered, as soon as practical, to each member of the Council a complete agenda of the items to be considered at the following meeting. Each item on the agenda shall have sufficient explanation to indicate its intent. All questions introduced that do not appear on the agenda will be referred to a later meeting, except by suspension of these rules. A packet, excluding all confidential items, will be posted on the City's Website at least 48 hours prior to Council meetings.
- (b) **Closed Session Agenda:** Where a Closed Session is requested of a pending case, the specific name(s) is to be included pursuant to MCL 15.268 (e), even though the specific name(s) is not technically required under the Open Meetings Act. Where a Closed Session is requested of any collective bargaining unit, the specific name(s) is to be included pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act.

6. ORDER OF BUSINESS

At each regular meeting of the Council, the business to be considered shall be taken up for consideration and disposition in the following order:

1. **Call to Order**
2. **Invocation**
3. **Pledge of Allegiance**
4. **Roll Call**
5. **A. Certificates of Recognition**
6. **B. Carryover Items**
7. **C. Public Hearings**
8. **D. Postponed Items**
9. **Public Comment** – Limited to Items Not on the Agenda in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.
10. **E. Regular Business**
 - Council will move forward all of the "E" items on which members of the audience

would like to address City Council, in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.

11. E. **Regular Business**
 - Address Remaining F Items
12. F. **Consent Agenda**
 1. Approval of “F” Items NOT Removed for Discussion
 2. Address of “F” Items Removed for Discussion
 - Council will move forward all of the “F” items on which members of the audience would like to address City Council, in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.
13. G. **Memorandums and Future Council Agenda Items**
14. H. **Council Referrals**
 - Items appearing under Council Referrals are items brought forward by the Mayor or Council Members before the City Manager’s agenda deadline for consideration at the next regular meeting.
15. I. **Council Comments**
 - Items brought forward by Mayor and Council will be placed on the next Regular Meeting Agenda for Action. Items appearing under Council Comments are not intended for discussion or action at the meeting at which they first appear.
16. J. **Reports**
 - No Public Comment received on “J” Items at this time.
17. K. **Study Items**
18. **Public Comment**
19. L. **Closed Session**
20. **Adjournment**

7. **REGULAR BUSINESS**

- Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 10 “E” of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair.

8. **CABLE CASTING OF CITY COUNCIL MEETINGS**

All City Council Meetings will be broadcast on WTRY, with the exception of Closed meetings of City Council.

9. **MINUTES**

- a. Minutes: The minutes will be distributed to the Council prior to their approval. The minutes will be placed on the Consent Agenda for approval.
- b. Closed Session Minutes: Where a Closed Session is requested for discussion of a pending case, the specific name(s) is to be included pursuant to MCL 15.268 (e), even though the specific name(s) is not technically required under the Open Meetings Act.

Where a Closed Session is requested of any collective bargaining unit, the specific name(s) of a collective bargaining unit is to be included pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act.

10. PROCLAMATIONS

Proclamations shall be included in the agenda under Reports and Communications and may be brought before Council for consideration by any member. Proclamations will be placed on the Consent Agenda for approval.

11. RECONSIDERATION OF QUESTIONS

Reconsideration of any vote of the Council may be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members*. Reconsideration of any vote of the Council may further be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members provided that new information has been brought forward. *Charter states "majority of the members elect."

12. RESCISSION OF QUESTIONS

Rescission of any vote of the Council shall require the affirmative vote of the majority of the Council Members. *Charter states "majority of the members elect."

13. PUBLIC HEARING

Public Hearings will be held after required notice has been provided. Notices shall inform recipients of possible continuations of hearings. The City Council may upon affirmative vote of a majority of its members "continue" said hearing at a future date designated in the resolution. If the City Council elects to continue the Public Hearing it will appear in the designated meeting Agenda under the topic of "Public Hearings".

14. CONSENT AGENDA

- The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may ask a question regarding an item as well as speak in opposition to the recommended action by removing an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item 9 "E".

15. APPOINTMENTS

A. Appointments to Boards, Commissions and Committees:

The Mayor shall, with City Council concurrence, appoint members of Boards or Committees as governed by State Statute or local ordinances.

The Mayor Pro Tem will contact incumbents to determine their interest in being nominated for reappointment.

The Mayor or any Council Member desiring to nominate a person for appointment to a Board, Commission, or Committee shall at the meeting prior to the appointment, submit such name, into nomination. A brief summary of background and personal data as to nominee's qualifications should be presented at the time of nomination, except that such a resume shall not be required for the re-nomination of a current member, or if the Council unanimously agrees that a resume is not necessary. Resumes will be submitted on or before the time of nomination.

Nominations will occur during any regular meeting of the Council. A resolution to nominate will be considered during the "Regular Business" of the agenda. All nominations are subject to Section "B" which appears below.

B. Method of Voting on Nominees.

1. Where the number of nominees does not exceed the number of positions to be filled, a roll call vote shall be used.
2. Where the number of nominations exceeds the number of positions to be filled, voting shall take place by the City Clerk calling the roll of the Council and each Council Member is to indicate the names of the individuals he/she wishes to fill the vacancies
3. When no candidate receives a majority vote, the candidate(s) with the least number of votes shall be eliminated from the ensuing ballot.
4. No member of the City Council shall serve on any committee, commission or board of the City of Troy, except the Retirement System Board of Trustees, unless membership is required by Statute or the City Charter.
5. Persons nominated, but not appointed during this process will be sent a letter thanking them for their willingness to serve the community.
6. Recognition will be given to persons who have concluded their service to the community on Boards and Commissions.

15.1 APPOINTMENT OF CITY OF TROY REPRESENTATION TO SEMCOG AND SOCARRA

1. SEMCOG (Southeastern Michigan Council of Governments) Representation: The Mayor and City Council shall appoint one Delegate and one Alternate to serve on the SEMCOG General Assembly for a term of two-years expiring at 7:30 PM on the Monday following the Regular City Council Election. The appointments shall be made at the organizational meeting of Council at the first Regular meeting of every odd-year November.
2. SOCARRA (South Oakland County Resource Recovery Authority) Representation: The Mayor and City Council shall appoint one delegate and one alternate to serve on the SOCARRA Board for a term of one-year expiring on June 15th.

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 not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair.
- City Council may waive the requirements of this section by a majority of the City Council members.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.
- Public Comment may be limited when there are fifteen (15) or more people signed up to speak on one topic through a request of the Chair and a majority vote of City Council members elect.

17. POSTPONE

A motion to postpone may be made for a definite period of time. Items will automatically appear on the appropriate agenda.

18. RULES OF ORDER

Robert's Rules of Order, Newly Revised 10th Edition, as clarified by the City Clerk, is hereby adopted and made a part hereof, except as modified by these Rules of Procedure, the Charter, and the City Code.

19. MISCELLANEOUS EXPENSES

Reasonable and necessary expenses incurred in service on behalf of the City shall be paid the Mayor and Council, provided that at the end of each month a detailed expense report is submitted and approved by the City Council.

20. EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS

- A. Funds providing for Council representation at State and National conferences sponsored by affiliations of cities will be annually approved in the budget for the subject fiscal year. The City Council will by advance resolution grant authorization for out of town travel to specific places, for conference purposes. Members of the City Council will submit expense vouchers exceeding \$50.00 per day to attend out-of-town meetings and conferences, with additional allowances being made for transportation (paid at the air coach rate or gas mileage at current IRS guidelines, depending upon the mode of transportation) and lodging. Expenses may be authorized for payment by the City Manager, and a copy of the expense report form will be placed on the Council agenda under Reports and Communications.

- B. Detailed and receipted expenses, not to exceed \$150.00, to attend legislative committee hearings, legislative meetings, etc., may be authorized for payment by the City Manager without prior authorization by the Council, and a copy of the expense report form, along with receipts, will be placed on the Council agenda under Reports and Communications.

21. ABSENCES AT COUNCIL MEETINGS

In the event of an absence of a Council Member at a meeting, the City Manager is directed to supply such absent Council Member with information about any special meetings that may have been scheduled.

22. SUSPEND RULES

The Rules of Procedure may be waived by a simple majority.

23. COUNCIL DISCUSSION

No member of Council shall speak a second time on any item under discussion until all other members desiring to speak on that item have been heard. No member of Council shall be allowed to speak for more than five (5)-minutes at a time.

24. AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS:

Mayor and Council Members submitting an item for a vote shall send the item to the City Manager in a timely manner in writing. Staff professional opinion will be written to accompany the item for discussion and a vote on the matter. Presentations at the Council table shall be limited to 15 minutes.

25. VIDEO AND AUDIO PRESENTATIONS

Video and Audio Presentations may not be submitted for presentation at a Council meeting unless submitted by 12:00 Noon prior to the meeting. Inappropriate material will be prohibited.

26. CONTINUED AGENDA ITEMS NOT CONSIDERED BEFORE 12:00 AM

Any item on the Council agenda that has not been discussed by 12:00 AM of the morning following the beginning of the meeting shall be continued to the next regular meeting as a Carryover Item, unless City Council takes action to the contrary.

27. VIOLATIONS

The City Clerk shall be responsible for reporting violations of time limitations or speaking sequence to the Chair.

28. WIRE COMMUNICATIONS BETWEEN COUNCIL MEMBERS DURING ANY MEETING OF COUNCIL

All communications are subject to the Michigan Open Meetings Act, therefore members of the City Council shall not engage in any form of wire communication, as defined by U.S. Code Title 18, Part I, Chapter 119, Section 2510, during any meeting of the Council.

RULES OF PROCEDURES – Mayor Daniels Recommended Changes Outline

1. 1. APPOINTMENT OF MAYOR PRO TEM – Orderly and structured method used to choose Mayor Pro Tem.
2. 3. SPECIAL MEETINGS – (D) ORDER OF BUSINESS – Amendments/Additions to agenda taken out of Order of Business for clarification. Put in separate numbered category (e).
3. 6. ORDER OF BUSINESS INVOCATION AND PLEDGE – My change had been to place Invocation and Pledge after Call to Order but upon further consideration I would like to keep Invocation and Pledge before Call to Order.
4. 6. ORDER OF BUSINESS – (H) POSTPONED ITEMS – Moved up to 8(D) 0 Postponed items addressed before Public Comments.
5. 6. ORDER OF BUSINESS – (9) PUBLIC COMMENTS – This Public Comments section is limited to items not on the agenda (additional public comments available during regular business agenda items).
6. 6. ORDER OF BUSINESS – (10) (E) REGULAR BUSINESS – Items on which members of the audience would like to address city council will be moved forward so as to address the items in priority order.
7. 6. ORDER OF BUSINESS – (11) (E) REGULAR BUSINESS – Address remaining items of Regular Business that the audience did not choose to address.
8. 6. ORDER OF BUSINESS – (F) CONSENT AGENDA – Included Public Comments for Consent Agenda Items.
9. 6. ORDER OF BUSINESS – (J) REPORTS – Specified no Public Comments received a (J) items at this time.
10. 6. ORDER OF BUSINESS – (18) PUBLIC COMMENTS – Additional Opportunity for Public Comments.
11. ADDED (7) REGULAR BUSINESS – Clarification of Public Comments
12. 15 B.10 The dropped references to the Retiree Health Care Benefits Plan and Trust Board and the Local Development Finance Authority (LDFA) should remain and not be struck out.
13. 17. MEMBERS OF THE PUBLIC AND VISITORS – The general request for the changes recommended was to say that the public could make comments on up to two issues and never have their (5) five minute time frame reduced because of the number of people who sign up to speak. This word needs to be clarified.
 - The second bullet point should reference permission of City Council not Chair.
 - Final bullet point should be removed.
14. ABSENCES AT COUNCIL MEETINGS – The changes requested are to say that council members who have unexpected circumstances are not bound by a requirement to notify management.

Extra Notes:

- All references in the document to Article 16 should actually be Article 17.
- Appointments should be Section 16, not Section 15 (numbering correction).
- Numbering correction – 15.b Start at 7 – Should start at 1.

From: [John Szerlag](#)
To: ["Djkslater"](#)
Cc: [Aileen Bittner](#); [Lori G Bluhm](#); [Mark F Miller](#); [Cynthia A Stewart](#); [Beth L Tashnick](#); [Dave Henderson](#); [Doug Tietz](#); [Janice Daniels](#); [Jim Campbell](#); [Maureen McGinnis](#); [Wade Fleming](#)
Subject: RE: Agenda Item L-03
Date: Monday, January 09, 2012 10:47:16 AM

Will do.

John

From: Djkslater [mailto:djkslater@aol.com]
Sent: Monday, January 09, 2012 10:45 AM
To: John Szerlag
Subject: Agenda Item L-03

John,

I spoke with Councilman Wade Fleming this morning at 9:15 am. He told me that he will not be attending tonight's City Council meeting due to a family emergency. Please have City Clerk Aileen Bittner pull my resolution L-03 from the agenda for tonight's meeting. When I have a date certain of Councilman Fleming's return, we will ask for a special meeting on this item. Also, as a result of conversations with Councilman Fleming, please add his name to resolution L-03 when it is submitted. If you have any questions, please give me a call.

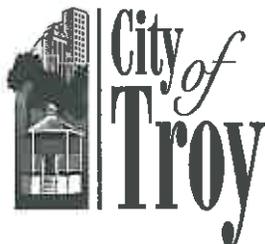
Dane Slater

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 *SNL*
 Julie Quinlan Dufrane, Assistant City Attorney *JQD*

DATE: January 5, 2012

SUBJECT: 2011 Fourth Quarter Litigation Report



The following is the quarterly report of pending litigation and other matters of interest. **Developments during the FOURTH 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. **On October 11, 2011, the Michigan Court of Appeals dismissed the claim of appeal, since there is no appeal of right from a post-judgment order. Grand Sakwa filed a Motion for Reconsideration on October 28, 2011, which was denied by the Court of Appeals on December 8, 2011. Prior to receiving this decision, Grand Sakwa also filed a Delayed Application for Leave to Appeal on November 22, 2011. The parties are now waiting for a decision from 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. **Plaintiffs filed a motion for summary disposition, asking the Court to preclude the City from relying on its affirmative defenses. The City filed a response, asking the Court for a dismissal of the Plaintiff's lawsuit. Instead of ruling on these particular motions, the Court dismissed the lawsuit on November 10, 2011, on the basis that it was improper to file the lawsuit in connection with the appeal. The dismissal is without prejudice, which means Plaintiff could re-file its other claims but it would have to do so as in a separate civil action. Plaintiffs subsequently re-filed their lawsuit in federal court (see below).**
3. Lamar Advertising v City of Troy (Federal Court). After the Oakland County Circuit Court dismissed Lamar Advertising's lawsuit that was combined with an appeal, based on procedural errors, Plaintiff filed a new

lawsuit in the U.S. District Court, challenging Troy's sign ordinance. In the lawsuit, Plaintiff claims the City's sign ordinance prohibits off-premises billboard advertising, is unconstitutional and also violates the Home Rule Cities Act. The City has filed a Motion to Dismiss the Case as its first responsive pleading. Judge Sean Cox is expected to set a hearing date for this motion.

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. **The parties are still waiting for the Court to rule on the motion to dismiss and/or summary judgment.****
- 2. Alan A. May, as Personal Representative of the Estate of Jesus Gillard v. Bloomfield Township, Troy, et. al – Plaintiff, Alan A. May, is the personal representative of the estate for the deceased Jesus Gillard. Gillard was**

involved in a police pursuit that was initiated in Bloomfield Township by its police officers. The pursuit ended in the City of Troy at the intersection of Big Beaver Road and Adams Road when Gillard's van collided with an SUV driven by a civilian. After the collision, Gillard continued to attempt to flee and elude police officers from both Bloomfield Township and Troy. He actively resisted the officers' attempts to subdue him and place him under arrest. At some time after Gillard was handcuffed, he stopped breathing. The defendants in the lawsuit are the City of Troy and individual officers from the police department as well as Bloomfield Township and individual officers from its police department. This wrongful death lawsuit alleges constitutional violations against the defendants, including failure to train and deliberate indifference to a serious medical need. The case was filed in the United States District Court for the Eastern District of Michigan and assigned to the Honorable Judge Robert Cleland.

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. **Discovery continues.**
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. **Discovery continues.**

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. **The Court of Appeals has not yet decided this matter.**
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. **The Court issued its decision on November 8, 2011, remanding the case to the Oakland County Circuit Court.**

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. **After being presented with motions for summary disposition, the Court ordered the parties to engage in mediation with a neutral municipal audit professional.**

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. **Case evaluation for the case took place on November 17, 2011.**

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. **Witness and exhibit lists were**

filed in this case. A dispositive motion will be filed prior to the cutoff date in February.

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 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. **The Circuit Court ruled in the City's favor on appeal and reversed the decision of the District Court and the charge against the Defendant was reinstated. The Defendant filed an application for leave to appeal the Circuit Court decision with the Michigan Court of Appeals, which was denied on December 12, 2011.**
2. *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. **The Judge remanded the case, giving the District Court Judge an opportunity to clarify the record.**
3. *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. **The parties are now waiting for the Michigan Court of Appeals to decide whether to allow the requested appeal.**

4. *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. **The District Court entered an Order clarifying the basis for its ruling. The case is now back in Circuit Court and a hearing on the appeal is scheduled for November 23, 2011. The Circuit Court granted Defendant's Application for Leave to Appeal. The parties must now submit appellate briefs, and the Court will schedule the case for oral argument.**

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.



INTEGRITY * RESPECT * LAWS AND THE CONSTITUTION * ACCOUNTABILITY * PROBLEM SOLVING * PROFESSIONALISM

MEMORANDUM

DATE: December 28, 2011

TO: John Szerlag, City Manager *J*

FROM: Gary Mayer - Chief of Police *GGM*
 Keith A. Frye, Captain - Investigative/ Administrative Services Division *KAF*

RE: Michigan Municipal Risk Management Authority (MMRMA) – Risk Avoidance Program (RAP) Grant

On February 28, 2011, the Police Department reported to City Council (City Council Agenda Item J-4b) that International Police Technologies (IPT), manufacturer of the in-car video camera systems purchased in 2006, had ceased operations effective June 11, 2010. The cessation of operations included all system repairs, replacement parts, user training and counseling, trouble-shooting, and installation and maintenance assistance. The Police Department submitted documentation to City Council and recommended approval of the purchase of replacements for the dated in-car video camera systems. City Council approved the purchase through City Council Resolution.

The proposed purchase was to use some funds from the FY2010/11 Uniform Patrol, Equipment General Capital Fund, with the majority of the costs from the Federal Drug Forfeiture Capital Funds from FY 2010/11, FY 2011/12, and FY 2012/13. It was also reported to City Council that the Police Department would be attempting to offset some of the replacement costs (\$15,000.00) by applying for grant funding from the Michigan Municipal Risk Management Authority (MMRMA) – Risk Avoidance Program (RAP).

I am pleased to announce that on May 31, 2011 we received notification from the Michigan Municipal Risk Management Authority that we had been awarded grant funding (RAP G11-05-1783) up to \$30,000.00 for the project. We were required to submit confirmation of the qualified expenditures, and on December 21, 2011 the City of Troy received a check for \$30,000.00. Those funds have been deposited with the City Treasurer's office.

I've attached a copy of the correspondence accompanying the check for your review.



MICHIGAN MUNICIPAL
RISK MANAGEMENT
A U T H O R I T Y

December 6, 2011

Captain Keith Frye
City of Troy
500 West Big Beaver Rd.
Troy, MI 48084

RE: RAP

Dear Captain Frye:

I am pleased to enclose our \$30,000 RAP check for your purchase of in-car cameras.

In-car cameras represent a good risk management tool. In the greatest majority of cases, they provide evidence in the police officer's defense. If the officer is guilty of some infraction, it provides the necessary information to properly address the citizen's complaint. In either situation, the investment fulfills its risk management function.

Please keep us informed of any beneficial usage of the new system. Such information provides excellent feedback to the Membership Committee.

Regards,

Charles Schwab
Director of Risk Management

CS/ks

cc: John Szerlag, City Manager
Boyd M. Smith, Risk Manager

Enclosure



BOARD OF DIRECTORS

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MICHAEL L. RHYNER, Executive Director

Revised - January 4, 2012

TROY MULTI MODAL TRANSIT FACILITY
OPERATION AND MAINTENANCE COST ESTIMATE

	Item	Quantity	Unit	Unit Price	Total Cost
1	Building Maintenance and Custodial (based on current city billing history)	2000	SF	\$3.07	\$6,140.00
2	Custodial supplies (based on current city billing history)	2000	SF	\$0.20	\$400.00
3	Mowing (one acre or less) (based on current city billing history)	21	EA	\$28.00	\$588.00
4	Snow and Ice Removal - Parking Lot and Doyle Drive (65,812 SF x \$3.20 per 1,000 SF = \$210.60 per removal)	30	EA	\$210.60	\$6,318.00
5	Snow and Ice Removal - Sidewalks (based on current city billing history) (13,000 SF x \$.01 per SF = \$130 per removal x 30/year (No heated Sidewalks)	30	EA	\$130.00	\$3,900.00
6	Electric (based on current city billing history, calibrated to 2,000 sf)	1	Lsum	\$4,160.00	\$4,160.00
7	Gas Utility (based on current city billing history, calibrated to 2,000 sf)	1	Lsum	\$2,240.00	\$2,240.00
8	Elevator Maintenance (based on average annual cost for City's elevators)	2	EA	\$1,875.00	\$3,750.00
9	Relief Valve Testing (based on current city billing history)	2	EA	\$785.00	\$1,570.00
10	Water & Sewer (based on current city rates)	1	Lsum	\$300.00	\$300.00
11	Window Cleaning (based on current city billing history)	2	EA	\$1,300.00	\$2,600.00
		Total Estimated O&M Costs			\$31,966.00

* As requested by Council Members Dave Henderson and Doug Tietz.

U.S. COMMITTEE
FOR REFUGEES AND IMMIGRANTS

N-03a



Protecting Refugees, Serving Immigrants, Upholding Freedom since 1911

December 02, 2011

Dear Sgt. Joseph Haddad,

Thank you very much for the wonderful presentation that you provided to the newly-arrived refugees during our last refugee workshop. I greatly appreciate it. The feedback we received from clients who attended the workshop was extremely positive. Refugees gained a great deal of essential and helpful information on Public safety, traffic Safety, and other important topics. So thank you again and thanks to the Troy Police Department for their support to refugees and immigrants.

Sincerely,

Tawfik Alazem

USCRI Detroit Director



SGT. HADDAD -
THANK YOU FOR DOING THIS. I APPRECIATE
YOU REPRESENTING TROY P.D.

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HEADQUARTERS
Washington, DC

USCRI FIELD OFFICES
Albany, NY
Colchester, VT
Des Moines, IA
Detroit, MI
Erie, PA
Raleigh, NC

From: Dan and Rebecca Fair
Sent: Monday, December 12, 2011 5:44 PM
To: Gary G Mayer
Subject: Thank you

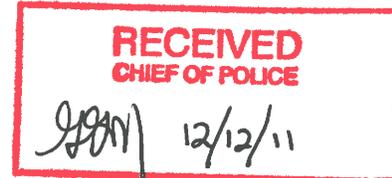
Dear Chief Mayer:

I attended the City Council Meeting on Monday, December 5th. I would like to thank you for the overwhelming, but appropriate, police support.

I would also like to note that all the officers present looked well groomed, physically fit and fully capable of taking on any problem that may have developed. In my opinion, the meeting could have easily gotten out of hand and I appreciated your forethought to have the officers in attendance.

As a 30+ year resident of the City of Troy, the safety of myself and my family is a top concern. I really don't care what it cost to have those officers there.

Thank you again,
Daniel Fair
Troy, MI 48085

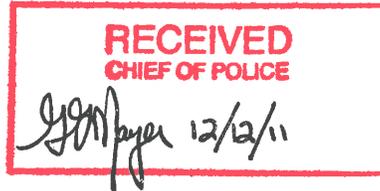


POLICE OFFICERS - INSIDE + OUTSIDE
FELD, RUSHTON, BARRON, BORDO, LAFOREST + BROWNE
LT. REDMOND CAPTS FRYE + SCHERLINCK.

THANKS FOR YOUR SERVICE AND GREAT PROFESSIONALISM

G Mayer

November 30, 2011



Dear Sir or Madam:

My name is Tamara Jordan. I am a resident living in Troy, Michigan within the Rochester Villa Subdivision Community off Rochester Road near Square Lake Road. Recently I contacted your organization about becoming a volunteer member. I have received my application and plan to return it very soon with payment for membership.

My purpose in writing you today is to complement you and the Troy Police Department for the Summer Program that you provide the resident youth that live here in the Rochester Villas. My children participated in the program this past summer. I was very happy to see so many youth from the Rochester Villa homes participate also. The children had so much fun during the summer functioning with the program. In fact, for those of us parents who had very little resources to keep their child active in sports programs and or summer vacations, this program had such a positive effect on their summer time fun.

I would like to encourage you to continue this program every summer for these youth because it helps to keep them from getting into trouble. The field trips were a special treat. I cannot forget to speak on the value of having our police department involved in this program. It is such a great thing to see police in such a positive light because all too often police officers are stereotyped as being the "bad guys." We don't normally want to see them unless we are in need of them. However, the Troy Police Department's involvement in the Rochester Villas Summer Program is a way to continue the friendship between the police in this community.

I was very comfortable with the police being so visible in our community this past summer. It is such a great way to also keep down crime when officers of the law are present. Although my children and I are fairly new to the city of Troy, we plan to do positive things in the city while we reside here.

In addition to the Rochester Villa Summer Program I hope to volunteer with, I also hope to get my teenagers involved in youth programs you have geared toward their age groups. Currently some of them are involved with the Sports Teams with their high school.

Again, thank you so much for the Summer Youth Program. It is such a much needed program for the youth who reside in this community. I appreciate any opportunities to get involved in this program and others in and around the community.

Sincerely,

A handwritten signature in black ink that reads "Tamara Jordan". The signature is written in a cursive style with a long horizontal line extending to the left.

Tamara Jordan

Pond Ridge Dr. Troy, Michigan 48085

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING
FOR THE CUSTOMERS OF
CONSUMERS ENERGY COMPANY
CASE NO. U-16860**

- Consumers Energy Company proposes to reconcile gas revenue pursuant to its gas utility Pilot Revenue Decoupling Mechanism for the period June 1, 2010 through May 31, 2011, if the Michigan Public Service Commission approves its request.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, Michigan 49201, (800) 477-5050, for a free copy of its application. Any person may review the application at the offices of Consumers Energy Company.
- The first public hearing in this matter will be held:

DATE/TIME: January 10, 2012, at 10:00 a.m.
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

BEFORE: Administrative Law Judge Theresa A. Sheets

LOCATION: Michigan Public Service Commission
6545 Mercantile Way, Suite 7
Lansing, MI

The Mercantile Way building sustained flood damage and remains closed until further notice. Please consult the Michigan Public Service Commission website at: www.michigan.gov/mpsc for updates on hearing locations or call 517.241.6060.

PARTICIPATION: Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 241-6160 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider the September 1, 2011 application of Consumers Energy Company (Consumers Energy), which seeks approval to reconcile gas revenue pursuant to the natural gas utility Pilot Revenue Decoupling Mechanism (PRDM) for the period June 1, 2010 through May 31, 2011. Consumers Energy also seeks approval to adjust its existing retail gas rates to recover the amount of \$15,650,182, plus interest, in additional revenue.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: michigan.gov/mpscedockets. Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: mpscedockets@michigan.gov. If you require assistance prior to e-filing, contact Commission staff at (517) 241-6180 or by email at: mpscedockets@michigan.gov.

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by January 3, 2012. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy's Legal Department - Regulatory Group, One Energy Plaza, Jackson, Michigan 49201.

Any person wishing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his/her wish to make a statement of position. All information submitted to the Commission in this matter will become public information: available on the Michigan Public Service Commission's website, and subject to disclosure.

Requests for adjournment must be made pursuant to the Commission's Rules of Practice and Procedure R 460.17315 and R 460.17335. Requests for further information on adjournment should be directed to (517) 241-6060.

A copy of Consumers Energy's request may be reviewed on the Commission's website at: michigan.gov/mpscedockets, and at the office of Consumers Energy Company, One Energy Plaza, Jackson, MI. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 241-6180.

Jurisdiction is pursuant to 1909 PA 300, as amended, MCL 462.2 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

December 13, 2011

City of Troy's Snow and Ice Control Procedures

Background

Snow and ice that accumulates on road and sidewalk surfaces create hazardous conditions for motorists and pedestrians. Because these conditions surpass a safety threshold, snow and ice accumulation creates an emergency situation requiring the city to respond accordingly. These emergency situations require thoughtful planning because of the required staff overtime and the unpredictability of winter weather. Winter snow storms become unpredictable because of various accumulations, moisture content of the snow, ambient and wind chill temperatures, timing, duration, and wind direction and velocity. These factors suggest that no two storms are identical, creating a unique plan to mitigate the hazardous conditions for each individual snow storm.

The City of Troy will implement a developed plan to mitigate the hazards created by accumulating snow and ice on road and sidewalk surfaces. Mitigation efforts shall include but are not exclusive to plowing and/or salting of road and sidewalk surfaces. Conditions may require the use of special abrasives, ice cutting equipment, and/or special chemical treatment to the road and sidewalk surfaces.

Goals and Objectives

The City of Troy's goal is to abate the hazardous conditions created from snow and ice accumulation on major roads, City operated facilities, secondary roads, and City maintained sidewalks. Motorist and pedestrians should continue to use caution while operating and functioning on roads and sidewalks during the winter months because of the potential hazards created by snow, ice, wind, and freezing temperatures.

The City of Troy will develop and implement a plan in attempts to make streets accessible for vehicles properly equipped for winter driving conditions during and after each storm, in accordance with the guidelines set herein. This plan includes attempts to clear all primary routes to bare pavement within twelve (12) hours from the end of the snow storm, designated as Priority "A". Secondary routes may be snow packed but passable during and after snow storms with less than four (4) inches of accumulation. When accumulations exceed four (4) inches from a single snow storm and weather forecasts suggest continual freezing temperatures, the City of Troy will begin plowing subdivision streets, designated Priority "E". The subdivision streets have a completion objective of 24 hours from the time the snow stops when the accumulation range is from four (4) to eight (8) inches. This completion objective increases to 36 hours when snow accumulation ranges between eight (8) to twelve (12) inches, and a completion objective of 48 hours when accumulations exceed twelve (12) inches. This objective will result in removed snow accumulating on areas adjacent to roads creating additional sight hazards for motorists and pedestrians. These objectives will also likely leave areas where pavement is not bare because of snow pack. The City of Troy advises continued caution to motorists and pedestrians during these conditions.

The City of Troy will implement the developed plan using in-house resources and contractors to mitigate snow and ice hazards at city owned facilities including parking lots and sidewalks during and after a winter snow storm, designated Priority "D". The developed plan will include maintaining access to parking lots and facilities to abate

hazards during facility operating hours. During facility non-operating hours the available resources will clear parking lots and sidewalks to bare pavement once the snow storm has stopped. The City of Troy has developed an objective to have parking lots and sidewalks clear within twelve (12) hours of the snow stopping. The City of Troy advises participants to take additional caution during facility operating hours because of the inability to clear parking lots and sidewalks completely.

Hills, intersections, and curves (HIC's) require additional hazard mitigation when conditions are present. The City of Troy has predetermined these areas as special caution areas, designated Priority "E".

The City of Troy will plow gravel roads only and when necessary apply a liquid deicer in efforts to abate hazards, designated Priority "E". Motorist and pedestrians should expect to have snow pack on the gravel roads and not plowed to bare gravel. Motorist and pedestrians should exercise caution during and after snow storms when traveling on gravel roads.

The City of Troy Parks and Streets Division determine the priority and level of service for each area.

Department of Public Works Priority List

Priority "A"	Major City and County Roads	Primary
Priority "B"	City Industrial Roads	Primary
Priority "C"	School Entry Roads	Primary
Priority "D"	City Hall, Fire Stations, Community Center, Library, Nature Center, Museum, Camp Ti	Primary
Priority "E"	City Local Roads (Subdivision Roads), Hills, Intersections, Curves	Secondary
Priority "F"	City and DDA Sidewalks, Parks, Cemeteries	Tertiary

The City of Troy will accomplish these goals and objectives using the available resources and implementing a unique plan to each snow and ice event. The sophisticated snow and ice removal operation will mitigate hazardous conditions following the outlined priority list. The City of Troy recognizes the demand for an efficient and effective operation and will deploy the necessary resources indicative of the snow storm, which can range from one individual and one truck to a combination of city and contractor equipment totaling over fifty-seven (57) individuals and over forty-nine (49) pieces of equipment.

General Snow and Ice Procedures

Departments will receive notification of an impending and/or occurring snow and ice event predicted to or causing hazardous conditions on city streets, parking lots, and/or sidewalks. The City of Troy will develop a unique plan and implement the procedures set forth herein to mitigate hazardous conditions created by snow and ice.

Property owners abutting roads receiving snow plowing can expect to have windrows of snow encroach his or her driveway approaches and sidewalk ramp approaches of various accumulation, depending on the characteristics of the snow and location. This

is normal of any City plowing operation. Plow truck operators will be cognizant of where snow is pushed and attempt to avoid excessive amounts of snow and ice to driveway and sidewalk approaches.

Local Streets Priority Plowing

Specific sections of the City of Troy require expedient service because of road topography. The City of Troy has predetermined these sections to receive subdivision plowing first when accumulations exceed four (4) inches and weather conditions suggest continual freezing temperatures. These sections include section 4, 5, 6, 7, 8, 17, and 18. The City of Troy will provide snow and ice removal to the remaining sections by rotating which section receives this service first. Areas that receive excess snow accumulation from plowing operations that cause additional hazards, such as sight distance obstructions at intersections will receive additional attention after all streets are abated of hazards created by snow and ice.

Snow and Ice Control Materials

Commonly used products by the City of Troy to mitigate hazardous conditions created by snow and ice include salt and deicing agents. A large salt dome at the Department of Public Works facility stores the salt and the deicing agent is stored in a large above ground storage container. The Michigan Department of Environmental Quality regulates these storage units and both are compliant.

After every snow and ice control operation the salt and deicing agent is inventoried and replenished as necessary. To minimize the storage of these products during non-winter months, The City of Troy allows inventory to decrease without reordering towards the end of the winter season.

Combining salt and deicing agents maximize their effectiveness on snow and ice. An automated system on the salt trucks applies the deicing agent to the salt, which provides lower temperature melting abilities and reduces the bounce and scatter of the salt. The City of Troy will use the deicing agent as a preventative measure before a snow and ice event to hazardous areas such as bridge decks and hills. In addition to these materials, the City of Troy may use additives such as corrosion inhibitors and anti-caking agents when appropriate.

No Salt Zones

Specific storm drains flow directly to lakes within the City of Troy creating the necessity to deem areas “No Salt Zones”. This effort is to minimize the environmental impact salt can have to waterways such as lakes. These areas will receive snow plowing but only receive deicing alternatives such as natural brine or sand when necessary. Because of these reasons, achieving bare pavement is unlikely during the winter months and requires motorists and pedestrians to use additional caution while traveling on these roads.

These streets include; Alfred, Atkins, Chancer, Crescent Way, Diane, Donegal, Dublin Fair, Edith, Emerald Lake, Emerald Shores, Erin Way, Galloway Bay, Jandale, Killarney, Lake Charnwood, Lakeside, Limerick, Little Creek, Lyster, Northpoint,

Sandshores, Sandy Point, Shoreline, Smallbrook, Southpointe, Three Lakes, Walker, and Westlake

Department and Personnel Responsibilities

The Department of Public Works and its designee will receive notification from the Troy Police Department when impending safety threshold of city roads and facilities is in jeopardy from snow and ice conditions during non-regular operating hours. During normal operating hours, the Department of Public Works' staff will monitor the safety threshold of city roads and facilities. The Department of Public Works will receive specific concerns of hazardous conditions at 248.524.3392 during normal working days and hours. Staff will determine the intensity of each snow storm and dispatch crews appropriately to ensure an effective and efficient operation.

Snow storms are divided into twelve (12) hour shifts and personnel assigned to these shifts will rotate shifts until the mitigation of the hazardous condition is achieved. The City of Troy will use qualified personnel from all departments in efforts to abate hazards in an efficient and effective operation. This operation is ready for deployment 24-hours a day, 7 days a week.

- **Public Works Director** - The Director's primary responsibility is to facilitate all snow and ice removal operations between the involved departments. This position also ensures efficient and effective operations to mitigate hazardous conditions created by snow and ice. The Director will communicate operational progress to the City Manager and/or his or her designee.
- **Superintendent of Parks, Streets, and Drains** - Under the direction of the Public Works Director, the Superintendent's responsibilities include the development and implementation of the hazardous condition mitigation operation created by snow and ice. This includes determining and deploying available resources, which include City of Troy employees and equipment from other departments, and contracted firms. In the absence of the Public Works Director, the Superintendent of Parks, Streets, and Drains assumes the authority of the Director and will act as his or her designee.
- **Superintendent of Fleet Maintenance** - Under the direction of the Public Works Director, the Superintendent's responsibilities include mobilization of the necessary resources to abate hazardous conditions created from snow and ice. This includes ensuring personnel are available to maintain the necessary equipment before and during a snow and ice event. He or she will provide an updated equipment status list to the Director during a snow storm.
- **Public Works Office Coordinator** - Under the direction of the Public Works Director, the Office Coordinator's responsibilities includes receiving public communication and transferring this communication to the appropriate department(s). These departments include the Manager's Office, Community Affairs Department, Police Department, and Fire Department. The Office Coordinator will communicate the operation's status at 8 am, 12 noon, 4 pm, and other intervals deemed necessary by the Public Works Director, which includes updating the Audex Message System for the public.

Mutual Aid Agreement

The Road Commission for Oakland County maintains the state owned I-75 Interstate. The Troy Police Department may request additional maintenance by City of Troy crews on the interstate if necessary. These requested operations include plowing and/or salting of on and off ramps and/or other specific sections of the interstate.

Emergency Requests

The City of Troy provides the Police Department with the authority to request additional snow and ice control for medical or fire emergencies. These requests will follow the standard communication guidelines provided in “**Department and Personnel Responsibilities.**” The Police Department will provide the exact location and/or route that require additional service for proper personnel and equipment dispatch.

The City of Troy Police Department will evaluate special individual request from residents to provide an additional or elevated service to lessen hazardous conditions created from snow and ice. These requests include resident’s request to have his or her subdivision street mitigated of hazards created by snow and ice for medical in-home services or regular medical visits. The City of Troy Department of Public Works will act only on these types of requests from the Troy Police Department.

Assistance to Private Property

The City of Troy prohibits its employees from using City of Troy equipment to push, pull, or tow a standard private vehicle. City of Troy employees will assist the motorist if a hazardous situation exists by calling the Troy Police Department by radio. The City of Troy prohibits its employees from using City of Troy equipment to remove snow and/or ice from private property.

Property Damage

Unintentional damage may occur to public and private property during snow and ice removal operations. The City of Troy will follow the listed guidelines for repairing said damaged property.

Right-of-Way

- The City of Troy will provide turf restoration when weather permits.
- Whenever possible the City of Troy will attempt to repair the turf area with the existing turf if it is rolled or flipped by a plow.
- If the damaged turf area is less than nine (9) inches wide the City of Troy will provide topsoil and seed to the damaged area.
- If the damaged turf area is greater than nine (9) inches wide the City of Troy will provide sod to the damaged area.

Mailbox Damage

- The City of Troy will replace mailboxes when ground conditions permit.
- The City of Troy will place a temporary mailbox if ground conditions do not permit a permanent repair.
- The City of Troy will replace a damaged standard mailbox caused by the City of Troy’s snow removal operation with a standard generic mailbox at no cost to the property owner.
- The City of Troy will offer property owners with damaged standard mailboxes to upgrade to a Rubber Maid mailbox including a 4”x6” wood post.
- The City of Troy will reimburse owners of designer mailboxes to a maximum of \$250.00, which requires cost verification by an original receipt.

Required Certifications

City of Troy equipment operators are required to obtain and keep current a Commercial Drivers License (CDL) through the State of Michigan. The City of Troy enforces State of Michigan regulations that require all CDL drivers to maintain an up-to-date medical certification and comply with all other regulations.

Departure from Procedure

The general procedures and guidelines presented herein do not predict every circumstance regarding snow and ice control. The intent of these general procedures and guidelines is to provide snow and ice removal operations to abate hazardous conditions. Therefore, unexpected circumstances may require the City of Troy to deviate from the presented general procedures and guidelines. The City of Troy's City Manager and/or the Public Works Director and/or his or her designee has the authority to deviate from these general procedures and guidelines to meet the intent of mitigating a hazard caused by snow and ice.

(Updated December 2011)

N-07

Meet the Mayor at the Community Center – Dates, Times and Room Number

Mondays from 2 - 3pm – in Room 404 unless noted

January 9

January 23 – Room 301

February 6 & 20

March 5 & 19 – Room 303

April 2 & 16

May 7 & 14

June 4 & 18

July 9 & 23

August 13 & 27

September 10 & 24

October 8 & 22

November 12 & 26

December 3 & 17

Tuesdays from 7-8 pm – in Room 302

January 10 & 24

February 7 & 21

March 6 & 20

April 3 & 17

May 15 (no other May dates available)

June 5 & 19

July 10 & 24

They will add August – December dates soon.

LOCAL AREA UNEMPLOYMENT STATISTICS UPDATE

NOVEMBER 2011

On **January 3**, the BLS released updated Local Area Unemployment Statistics for November 2011 and **OAKLAND COUNTY's jobless rate fell from 9.4% to 8.1%**. The decrease of 1.3% in the jobless rate was the largest single month decline since the same time period in 2010. **OAKLAND COUNTY'S** 12-month unemployment rate dropped from 10.4% to 10.2% for the period from November 2010 to October 2011 compared to a drop of 10.7% to 10.5% for the State of Michigan over the same periods.

	<u>Nov-07</u>	<u>Nov-08</u>	<u>Nov-09</u>	<u>Nov-10</u>	<u>Nov-11</u>		<u>Oct-11</u>	<u>Nov-11</u>
OAKLAND COUNTY	5.7%	8.1%	13.1%	10.2%	8.1%	Genesee	9.4%	8.7%
Bloomfield Twp	4.3%	6.1%	10.0%	7.7%	6.7%	Lapeer	10.7%	10.2%
Commerce Twp	4.5%	6.5%	10.6%	8.2%	6.5%	Livingston	8.5%	7.6%
Farmington Hills	4.8%	6.8%	11.1%	8.6%	6.8%	Macomb	10.8%	9.5%
Ferndale	5.7%	8.1%	13.1%	10.2%	8.1%	Monroe	8.1%	7.5%
Independence Twp	5.0%	7.1%	11.6%	8.9%	7.1%	OAKLAND	9.4%	8.1%
Madison Heights	6.4%	9.0%	14.5%	11.3%	9.0%	St. Clair	11.5%	10.6%
Novi	3.6%	5.1%	8.5%	6.5%	5.2%	Washtenaw	5.7%	5.2%
Oak Park	8.7%	12.2%	19.2%	15.1%	12.2%	Wayne	12.1%	10.7%
Orion Twp	5.2%	7.4%	12.1%	9.3%	7.4%	SEMCOG Region	10.3%	9.1%
Pontiac	15.1%	20.6%	30.8%	25.0%	20.7%	EGA Region	9.6%	8.4%
Rochester Hills	3.3%	4.7%	7.8%	6.0%	4.7%			
Royal Oak	3.5%	5.0%	8.3%	6.3%	5.0%			
Southfield	7.3%	10.3%	16.5%	12.9%	10.3%			
Troy	4.9%	7.0%	11.5%	8.9%	7.0%			
Waterford Twp	6.5%	9.2%	14.9%	11.6%	9.3%			
West Bloomfield	4.0%	5.7%	9.4%	7.2%	5.7%			
White Lake Twp	5.1%	7.3%	11.9%	9.2%	7.3%			
Detroit	13.5%	17.6%	24.4%	19.9%	17.1%			
Detroit MSA	7.1%	9.8%	14.7%	11.6%	9.5%			
Michigan	6.6%	9.1%	13.2%	10.8%	8.4%			
United States	4.5%	6.5%	9.4%	9.3%	8.2%			

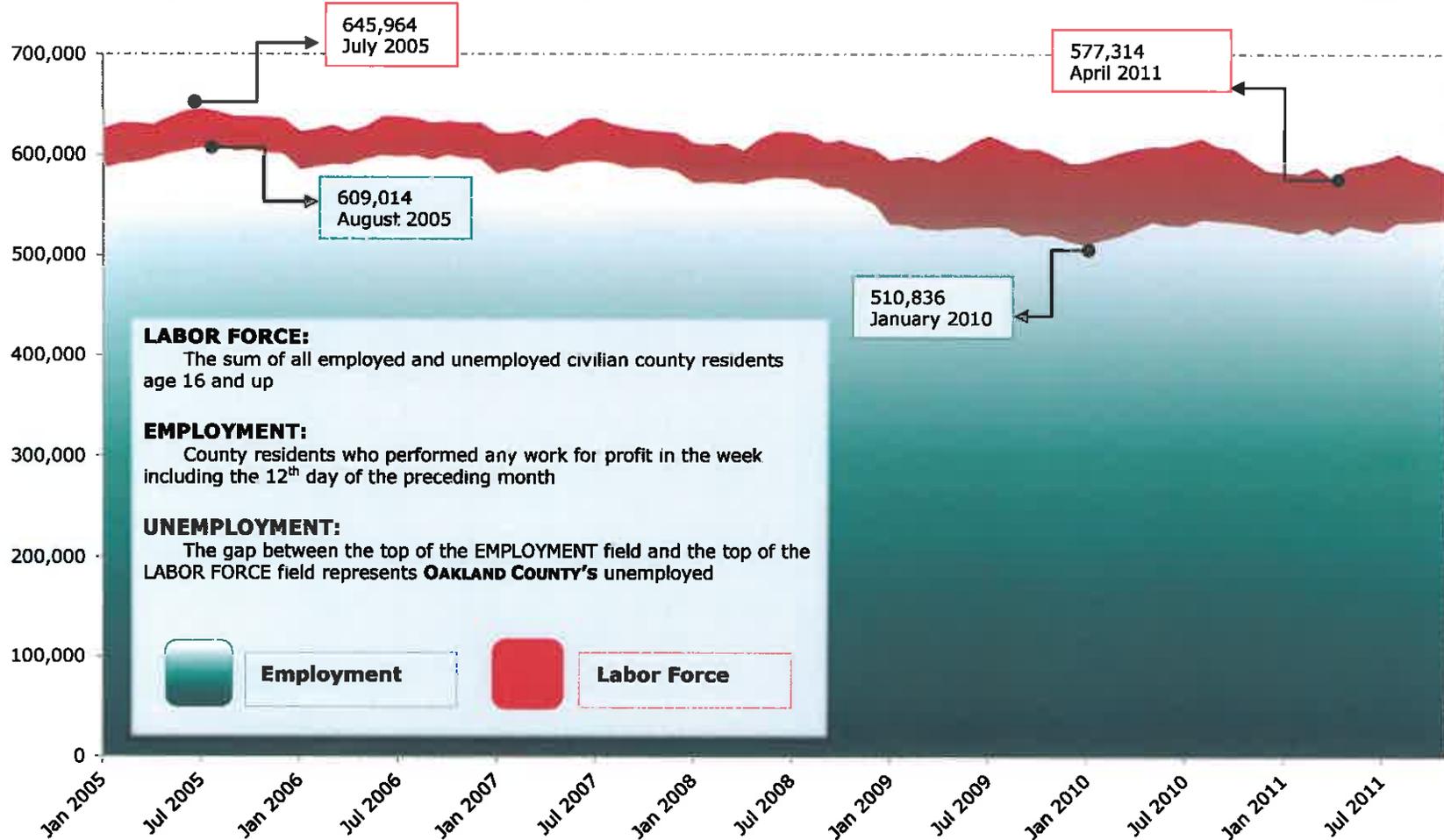
The jobless rates for each of the region's counties are provided **ABOVE**. Overall, the region's labor force declined by 25,156 participants while the number of employed residents increased by 6,457 from October to November.

To the **LEFT** are the current jobless rates for each community in **OAKLAND COUNTY** with a minimum population of 25,000 residents. In October 2011, the jobless rate in each community was significantly lower than the same period of the previous year.

LOCAL AREA UNEMPLOYMENT STATISTICS UPDATE

OCTOBER 2011

The chart below provides a different perspective on the labor force and employment situations in **OAKLAND COUNTY** since January 2005. Over the course of the past 6 years, as employment has increased, growth in the labor force has tended to follow a month behind. The highest and lowest points for the county's labor force and employment are also outlined for reference purposes.





**RULES OF PROCEDURE FOR THE
CITY COUNCIL
CITY OF TROY, MICHIGAN**

Adopted: November 8, 2010

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1. APPOINTMENT OF MAYOR PRO TEM

The Mayor Pro Tem shall be elected by the Council from among its members, annually in November.

2. DESIGNATION OF ACTING MAYOR

In the absence or disability of the Mayor and the Mayor Pro Tem, the Council Member present who has served longest shall be designated Acting Mayor and shall perform the duties of the Mayor.

3. SPECIAL MEETINGS

A. CALLING OF SPECIAL MEETINGS (Pursuant to City Charter Section 4.2):

Special meetings shall be called by the Clerk on the written request of the Mayor, or any two members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

B. DOCUMENTATION:

Special meetings shall be exclusively limited to items specifically referenced in the Call of the Meeting.

- **Special Meeting Posting:** Pursuant to City Charter a printed meeting notice for each specially called meeting shall contain the items indicated in the written notice calling the meeting.
- **Study Session (Special Meeting) Agenda and Posting:** Study Session Agendas shall contain the items as indicated in the motion calling the meeting.

C. POSTING AND DELIVERY:

Special Meeting Calling Notice and/or Agenda shall be personally delivered to each Council Member and posted for public display at least twenty-four (24) hours in advance of the meeting.

D. ORDER OF BUSINESS:

At each Study Session (Special Meeting) of the Council, the business to be considered shall include the items listed and in the following order:

A. Call to Order

B. Roll Call:

- 1) Listing of Council Members
- 2) Excuse Absent Council Members pursuant to Rule Number 21.

C. Items as Indicated in the Motion Calling of the Meeting

D. Items Not Indicated in the Motion Call the Meeting (Pursuant to City Charter Sections 4.2 and 4.3):

- 1) Special meetings are limited to what is expressly indicated in the Call of the Meeting (Motion of Council or written notice).

- 2) If all members of City Council approve of agenda amendments or additions in writing prior to the desired action, then Council can entertain such desired action only when all members present at the meeting consent to allow the amendment/addition to the agenda.

E. **Public Comment**

F. **Adjournment**

4. **REGULAR MEETINGS**

Regular meetings shall be held in the Council Chambers at 7:30 P.M. Meeting dates will be established, by resolution, prior to the end of the preceding calendar year.

5. **AGENDA**

A. Regular Meeting Agenda: A printed agenda for each regularly scheduled meeting shall be produced at least forty-eight (48) hours in advance of the meeting. Every item of business to come before the Council shall be filed with the City Clerk by noon on the Wednesday preceding the Monday on which the Council meets. It shall be the duty of the City Clerk to have delivered, as soon as practical, to each member of the Council a complete agenda of the items to be considered at the following meeting. Each item on the agenda shall have sufficient explanation to indicate its intent. All questions introduced that do not appear on the agenda will be referred to a later meeting, except by suspension of these rules. A packet, excluding all confidential items, will be posted on the City's Website at least 48 hours prior to Council meetings.

B. Closed Session Agenda: Where a Closed Session is requested of a pending case, the specific name(s) is to be included pursuant to MCL 15.268 (e), even though the specific name(s) is not technically required under the Open Meetings Act. Where a Closed Session is requested for any collective bargaining unit, the specific name(s) is to be included pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act.

6. **ORDER OF BUSINESS**

At each Regular meeting of the Council, the business to be considered shall be taken up for consideration and disposition in the following order:

Invocation

Pledge of Allegiance

A. **Call to Order**

B. **Roll Call**

- 1) Listing of Council Members

- 2) Excuse Absent Council Members pursuant to Rule Number 21

C. **Certificates of Recognition and Special Presentations**

D. **Carryover Items**

E. **Public Hearings**

F. **Public Comment** – In accordance with the Rules of Procedure of the City Council, Rule Number 16 - Members of the Public and Visitors

G. **Response/Reply to Public Comment**

H. **Postponed Items**

- I. **Regular Business**
- J. **Consent Agenda**
 - 1) Approval of "I" Items NOT Removed for Discussion
 - 2) Address of "I" Items Removed for Discussion
- K. **Memorandums and Future Council Agenda Items**
- L. **Council Referrals** - Items appearing under Council Referrals are items brought forward by the Mayor or Council Members before the City Manager's agenda deadline for consideration at the next regular meeting.
- M. **Council Comments** - Items brought forward by Mayor and Council will be placed on the next Regular Meeting Agenda for Action. Items appearing under Council Comments are not intended for discussion or action at the meeting at which they first appear.
- N. **Reports**
- O. **Study Items**
- P. **Closed Session**
- Q. **Adjournment**

7. **CABLE CASTING OF CITY COUNCIL MEETINGS**

All City Council Meetings will be broadcast on WTRY, with the exception of Closed sessions and Council retreats.

8. **MINUTES**

- A. **Minutes:** The minutes will be distributed to the Council prior to their approval. The minutes will be placed on the Consent Agenda for approval.
- B. **Closed Session Minutes:** Where a Closed Session is requested for discussion of a pending case, the specific name(s) is to be included pursuant to MCL 15.268 (e), even though the specific name(s) is not technically required under the Open Meetings Act. Where a Closed Session is requested ~~of~~ for any collective bargaining unit, the specific name(s) of a collective bargaining unit is to be included pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act.

9. **PROCLAMATIONS**

Proclamations shall be included in the agenda under Reports and Communications and may be brought before Council for consideration by any member. Proclamations will be placed on the Consent Agenda for approval.

10. **RECONSIDERATION OF QUESTIONS**

Reconsideration of any vote of the Council may be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members*. Reconsideration of any vote of the Council may further be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members provided that new information has been brought forward. *Charter states "majority of the members elect."

11. **RESCISSION OF QUESTIONS**

Rescission of any vote of the Council shall require the affirmative vote of the majority of the Council Members. *Charter states "majority of the members elect."

12. WITHDRAWAL OF MOTIONS PRIOR TO VOTING

Any motion may be withdrawn by its maker. A motion to withdraw must receive a second and the affirmative vote of the majority of the Council Members present.

13. PUBLIC HEARING

Public Hearings will be held after required notice has been provided. Notices shall inform recipients of possible continuations of hearings. The City Council may upon affirmative vote of a majority of its members "continue" said hearing at a future date designated in the resolution. If the City Council elects to continue the Public Hearing it will appear in the designated meeting Agenda under the topic of "Public Hearings".

14. CONSENT AGENDA

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may ask a question regarding an item as well as speak in opposition to the recommended action by removing an item from the Consent Agenda and ~~have~~ **having** it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item F.

15. APPOINTMENTS

A. Appointments to Boards, Commissions and Committees:

The Mayor shall, with City Council concurrence, appoint members of Boards or Committees as governed by State Statute or local ordinances.

The Mayor Pro Tem will contact incumbents to determine their interest in being nominated for reappointment.

The Mayor or any Council Member desiring to nominate a person for appointment to a Board, Commission, or Committee shall at the meeting prior to the appointment, submit such name, for nomination. A brief summary of background and personal data as to nominee's qualifications should be presented at the time of nomination, except that such a resume shall not be required for the re-nomination of a current member, or if the Council unanimously agrees that a resume is not necessary. Resumes will be submitted on or before the time of nomination.

Nominations will occur during any regular meeting of the Council. A resolution to nominate will be considered during the "Regular Business" of the agenda. All nominations are subject to Section "B" which appears below.

B. Method of Voting on Nominees:

- 1) Where the number of nominees does not exceed the number of positions to be filled, a roll call vote shall be used.
- 2) Where the number of nominations exceeds the number of positions to be filled, voting shall take place by the City Clerk calling the roll of the Council and each Council Member is to

indicate the names of the individuals he/she wishes to fill the vacancies

- 3) When no candidate receives a majority vote, the candidate(s) with the least number of votes shall be eliminated from the ensuing ballot.
- 4) No member of the City Council shall serve on any committee, commission or board of the City of Troy, except the Retirement System Board of Trustees, Retiree Health Care Benefits Plan and Trust Board, and the Local Development Finance Authority (LDFA) unless membership is required by Statute or the City Charter.
- 5) Persons nominated, but not appointed during this process will be sent a letter thanking them for their willingness to serve the community.
- 6) Recognition will be given to persons who have concluded their service to the community on Boards and Commissions.

15.1 APPOINTMENT OF CITY OF TROY REPRESENTATION TO SEMCOG AND SOCRRA

SEMCOG (Southeastern Michigan Council of Governments) Representation: The Mayor and City Council shall appoint one Delegate and one Alternate to serve on the SEMCOG General Assembly for a term of two-years expiring at 7:30 PM on the Monday following the Regular City Council Election. The appointments shall be made at the organizational meeting of Council at the first Regular meeting of every odd-year November.

SOCRRA (South Oakland County Resource Recovery Authority) Representation: The Mayor and City Council shall appoint one delegate and one alternate to serve on the SOCRRA Board for a term of one-year expiring on June 15th.

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. **NOTE TO THE PUBLIC:** *City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

- Petitioners 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 (5) 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.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.
- 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.

17. POSTPONE

A motion to postpone may be made for a definite period of time. Items will automatically appear on the appropriate agenda.

18. RULES OF ORDER

Robert's Rules of Order, current edition, as clarified by the City Clerk, is hereby adopted and made a part hereof, except as modified by these Rules of Procedure, the Charter, and the City Code.

19. MISCELLANEOUS EXPENSES

Reasonable and necessary expenses incurred in service on behalf of the City shall be paid the Mayor and Council, provided that at the end of each month a detailed expense report is submitted and approved by the City Council.

20. EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS

- A. Funds providing for Council representation at State and National conferences sponsored by affiliations of cities will be annually approved in the budget for the subject fiscal year. The City Council will by advance resolution grant authorization for out of town travel to specific places, for conference purposes. Members of the City Council will submit expense vouchers exceeding \$50.00 per day to attend out-of-town meetings and conferences, with additional allowances being made for transportation (paid at the air coach rate, City pool car, City Vehicle rental rate, or gas mileage at current IRS guidelines, depending upon the mode of transportation) and lodging. Expenses may be authorized for payment by the City Manager, and a copy of the expense report form will be placed on the Council agenda under Reports and Communications.
- B. Detailed and receipted expenses, not to exceed \$150.00, to attend legislative committee hearings, legislative meetings, etc., may be authorized for payment by the City Manager without prior authorization by the Council, and a copy of the expense report form, along with receipts, will be placed on the Council agenda under Reports and Communications.

21. ABSENCES AT COUNCIL MEETINGS

- A. Council members who are unable to attend a Council meeting and desire an excused absence shall notify the City Manager, City Attorney and City Clerk of their absence in writing prior to the meeting and indicate the reason for the absence. The reason shall be entered in the proceedings of the Council at the time of each absence.
- B. In the event of an absence of a Council member at a meeting, the City Manager is directed to supply such absent Council member with information about any special meetings that may have been scheduled.

22. SUSPEND RULES

The Rules of Procedure may be waived by a simple majority.

23. COUNCIL DISCUSSION

No member of Council shall speak a second time on any item under discussion until all other

members desiring to speak on that item have been heard. No member of Council shall be allowed to speak for more than five (5) minutes at a time.

24. AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS

Mayor and Council Members submitting an item for a vote shall send the item to the City Manager in a timely manner in writing. Staff professional opinion will be written to accompany the item for discussion and a vote on the matter. Presentations at the Council table shall be limited to 15 minutes.

25. VIDEO AND AUDIO PRESENTATIONS

Video and Audio Presentations may not be submitted for presentation at a Council meeting unless submitted by 12:00 Noon on the day of the meeting. Inappropriate material will be prohibited.

26. CONTINUED AGENDA ITEMS NOT CONSIDERED BEFORE 12:00 AM

Any item on the Council agenda that has not been discussed by 12:00 AM of the morning following the beginning of the meeting shall be continued to the next regular meeting as a Carryover Item, unless City Council takes action to the contrary.

27. VIOLATIONS

The City Clerk shall be responsible for reporting violations of time limitations or speaking sequence to the Chair.

28. WIRE COMMUNICATIONS BY AND TO COUNCIL MEMBERS DURING ANY MEETING OF COUNCIL

All communications are subject to the Michigan Open Meetings Act, therefore members of the City Council shall not engage in any form of wire communication, as defined by U.S. Code Title 18, Part I, Chapter 119, Section 2510, during any meeting of the Council.