



# TROY CITY COUNCIL

## REGULAR MEETING AGENDA

FEBRUARY 6, 2012  
CONVENING AT 7:30 P.M.

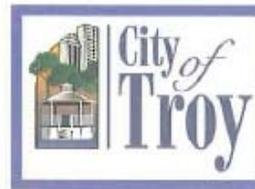
Submitted By  
The City Manager

---

***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](mailto: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 fluid and cursive.

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

February 6, 2012 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

**INVOCATION: Pastor Dan Lewis – Troy Christian Chapel** **1**

**PLEDGE OF ALLEGIANCE:** **1**

**A. CALL TO ORDER:** **1**

**B. ROLL CALL:** **1**

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

C-1 No Certificates of Recognition and Special Presentations 1

**D. CARRYOVER ITEMS:** **1**

D-1 No Carryover Items 1

**E. PUBLIC HEARINGS:** **1**

E-1 No Public Hearings 1

**F. PUBLIC COMMENT:** **1**

**G. RESPONSE / REPLY TO PUBLIC COMMENT** **2**

**H. POSTPONED ITEMS:** **2**

H-1 Boards and Committees Nominations: Mayoral Nominations – Planning  
Commission 2

**I. REGULAR BUSINESS:** **4**

I-1	Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Election Commission; Historic District Study Committee; Zoning Board of Appeals	4
I-2	Board and Committee Nominations: a) Mayoral Nominations - Board of Review; Downtown Development Authority; b) City Council Nominations: Building Code Board of Appeals; Historic District Commission; Liquor Advisory Committee	5
I-3	Closed Session – None Requested	11
I-4	Preliminary Site Plan Review (File Number SP 971) – Proposed Warrior Park Baseball Field, South Side of Equity Between 1735 and 1515 Equity, Section 32, Currently Zoned IB (Integrated Industrial and Business) District – Controlled by Consent Judgment	11
I-5	Sole Source – Upgrade BS&A Software	11
I-6	Application Regarding Class C Quota License and SDM Liquor License for 2Booli, Inc.	12

**J. CONSENT AGENDA:** **13**

J-1a	Approval of “J” Items NOT Removed for Discussion	13
J-1b	Address of “J” Items Removed for Discussion by City Council	13
J-2	Approval of City Council Minutes	13
	a) Regular City Council Meeting of January 23, 2012 .....	13
J-3	Proposed City of Troy Proclamations: None Submitted	14
J-4	Standard Purchasing Resolutions:	14
	a) Standard Purchasing Resolution #1: Award to Low Bidder – Parking Lot Maintenance Program .....	14
	b) Standard Purchasing Resolution #1: Award to Low Bidder Contract 11-09 – Wattles Road Water Main Replacement Crooks to Livernois .....	14
	c) Standard Purchasing Resolution #2: Lowest Bidders Meeting Specifications – Fitness Equipment.....	14

---

J-5	Private Agreement – Athens Parc Site Condos – Project No. 05.913.3	15
<b>K.</b>	<b><u>MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:</u></b>	<b>15</b>
K-1	Announcement of Public Hearings:	15
	a) Announcement of Public Hearing – Michigan Next Energy Exemption – LG Chem, Inc. – February 20, 2012.....	15
K-2	Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted	15
<b>L.</b>	<b><u>COUNCIL REFERRALS:</u></b>	<b>15</b>
L-1	Council Referrals Advanced	16
	a) Mayor Daniels Advanced 2008-2009 City Council Rules of Procedure.....	16
	b) Mayor Daniels Advanced Recommended Rules of Procedure Changes Outline .....	16
<b>M.</b>	<b><u>COUNCIL COMMENTS</u></b>	<b>16</b>
M-1	No Council Comments Advanced	16
<b>N.</b>	<b><u>REPORTS</u></b>	<b>16</b>
N-1	Minutes – Boards and Committees:	16
	a) Election Commission-Final-October 13, 2011 .....	16
	b) Traffic Committee-Final-November 16, 2011 .....	16
	c) Election Commission-Draft-January 23, 2012 .....	16
N-2	Department Reports:	16
	a) City Manager’s Business Roundtable Meeting .....	16
N-3	Letters of Appreciation:	16
	a) Letter of Appreciation to Brent Savidant from William and Shirley Schmidt .....	16
	b) Letter of Appreciation to City Administration from David Nelson of Northfield Commons .....	16
	c) Letter of Appreciation to Captain Scherlinck from Mike Witoszynski of MET Hotel .....	16
	d) Letter of Appreciation to Chief Nelson from Rhonda Berger .....	16
N-4	Proposed Proclamations/Resolutions from Other Organizations: None Proposed	16

---

N-5	Wireless Data Services – (GSA) Contract GS-35F-0119P Verizon Wireless	16
N-6	Economic Development Talking Points	16
N-7	Lifelong Learning Committee Update	16
<b><u>O.</u></b>	<b><u>STUDY ITEMS</u></b>	<b>16</b>
O-1	City Council Rules of Procedure	16
	a) 2010-2011 City Council Rules of Procedure .....	16
<b><u>P.</u></b>	<b><u>CLOSED SESSION:</u></b>	<b>16</b>
P-1	No Closed Session Requested	16
<b><u>Q.</u></b>	<b><u>ADJOURNMENT</u></b>	<b>16</b>
<b><u>FUTURE CITY COUNCIL PUBLIC HEARINGS:</u></b>		<b>18</b>
<b><u>SCHEDULED REGULAR CITY COUNCIL MEETINGS:</u></b>		<b>18</b>
	Monday, February 20, 2012 Regular Meeting .....	18
	Monday, March 5, 2012 Regular Meeting.....	18
	Monday, March 19, 2012 Regular Meeting.....	18
	Monday, April 2, 2012 Regular Meeting .....	18
	Monday, April 16, 2012 Regular Meeting .....	18
	Monday, May 7, 2012 Regular Meeting.....	18
	Monday, May 14, 2012 Regular Meeting.....	18
	Monday, June 4, 2012 Regular Meeting.....	18
	Monday, June 18, 2012 Regular Meeting.....	18
	Monday, July 9, 2012 Regular Meeting .....	18
	Monday, July 23, 2012 Regular Meeting .....	18
	Monday, August 13, 2012 Regular Meeting .....	18
	Monday, August 27, 2012 Regular Meeting .....	18
	Monday, September 10, 2012 Regular Meeting.....	18
	Monday, September 24, 2012 Regular Meeting.....	18
	Monday, October 8, 2012 Regular Meeting.....	18
	Monday, October 22, 2012 Regular Meeting.....	18
	Monday, November 12, 2012 Regular Meeting.....	18
	Monday, November 26, 2012 Regular Meeting.....	18
	Monday, December 3, 2012 Regular Meeting.....	18
	Monday, December 17, 2012 Regular Meeting.....	18

---

**SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

---

**18**

Monday, April 23, 2012	Special Budget Study Session.....	18
Monday, April 30, 2012	Special Budget Study Session.....	18



**INVOCATION: Pastor Dan Lewis – Troy Christian Chapel**

**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 #2012-02-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the Special City Council Meeting and/or the Regular City Council Meeting of February 6, 2012, due to \_\_\_\_\_.

Yes:

No:

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

---

**C-1 No Certificates of Recognition and Special Presentations**

**D. CARRYOVER ITEMS:**

---

**D-1 No Carryover Items**

**E. PUBLIC HEARINGS:**

---

**E-1 No Public Hearings**

**F. PUBLIC COMMENT:**

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

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. *City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are*

*encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

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

## G. RESPONSE / REPLY TO PUBLIC COMMENT

## H. POSTPONED ITEMS:

### H-1 Boards and Committees Nominations: Mayoral Nominations – Planning Commission

#### Suggested Resolution

Resolution #2012-02-

Moved by

Seconded by

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

#### Planning Commission

Appointed by Mayor

9 Regular Members

3 Year Term

#### Current Members:

Last Name	First Name	M I or Nickname	App Resume Expire	Date to Council	Appointment Expire	Notes 1	Notes 3
Edmunds	Donald	L	11/15/2012	2/3/2012	12/31/2013		
Hutson	Michael	W	11/15/2013	2/3/2012	12/31/2012		
Krent	Thomas	G	2/23/2013	2/3/2012	12/31/2013		
Maxwell	Mark		12/1/2012	2/3/2012	12/31/2013		

Sanzica	Philip		2/03/2014	2/3/2012	12/31/2012	Alt. PC Rep on BZA	Requests Reappointment
Schultz	Robert	M	11/19/2010	2/3/2012	12/31/2011		Requests Reappointment
Strat	Thomas		11/16/2013	2/3/2012	12/31/2011	PC Rep on ZBA	Requests Reappointment
Tagle	John	J	11/20/2013	2/3/2012	12/31/2012		
Ullmann	Lon	M	12/2/2013	2/3/2012	12/31/2011	PC rep on ZBA	Requests Reappointment

**Nominations to the Planning Commission:**

**Term Expires: 12/31/2014**

Term currently held by: Robert Schultz

**Term Expires: 12/31/2014**

**(PC Rep. on ZBA)**

Term currently held by: Thomas Strat

**Term Expires: 12/31/2014**

**(PC Rep. on ZBA)**

Term currently held by: Lon Ullmann

**NOTE: City of Troy Zoning Ordinance, Section 3.10, states, “No member of the Planning Commission shall hold any other municipal office except that one (1) of such members may be a member of the Zoning Board of Appeals.”**

**Interested Applicants:**

Last Name	First Name	M I or Nickname	App Resume Expire	Date to Council	Notes 2	Notes 3
Binkowski	Sarah	E.	1/26/2014	2/3/2012	Traffic Comm. exp 01/31/2013	Full Disclosure mailed 1/26/2012
Freliga	Victor	P	12/13/2012	2/3/2012	Municipal Building Authority exp. 1/31/2014	
Johansson	Steven		1/23/2014	2/3/2012		
Kaltsounis	Orestis	Rusty	1/20/2014	2/3/2012	P&R Bd. expires 09/30/2012	
Kaltsounis	Andrew		12/1/2011	2/3/2012	Liquor Advisory Comm. exp. 1/31/2013	
Kempen	Edward		2/1/2014	2/3/2012		Full Disclosure mailed 2/2/2012
Lambert	Dave		2/16/2013	2/3/2012	ZBA exp. 4/30/2014	
Lokken	Stephen	D.	1/23/2014	2/3/2012		
Ragan	John		1/26/2014	2/3/2012		Full Disclosure mailed 1/26/2012
Schepke	Gordon		11/16/2013	2/3/2012	Traffic Comm. exp 1/31/2012	Full Disclosure mailed 12/19/2011
Ziegenfelder	Peter	F	12/14/2012	2/3/2012	Traffic Committee exp 1/31/2014	

Yes:

No:

**I. REGULAR BUSINESS:**

**I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Election Commission; Historic District Study Committee; Zoning Board of Appeals**

**b) City Council Appointments**

**Tally Vote of City Council Nominee Choices**

**Election Commission**

Appointed by Council  
2 Regular Members and 1 Charter Member  
1-Year Term

**Tally of City Council Nominee Choices:**

Each City Council Member should indicate two nominees to fill the vacancies on the Election Commission from the following list of individuals placed into nomination at the January 23, 2012 Regular City Council meeting:

<b>NOMINEES:</b>	<b>COUNCIL MEMBERS: Select One (1) Republican Candidate</b>
David C. Anderson	
David Harrell	

**Zoning Board of Appeals**

Appointed by Council  
7 Regular Members  
3 Year Term

**Tally of City Council Nominee Choices:**

Each City Council Member should indicate two nominees to fill the Alternate position on the Zoning Board of Appeals (ZBA) from the following list of individuals placed into nomination at the January 23, 2012 Regular City Council meeting:

<b>NOMINEES:</b>	<b>COUNCIL MEMBERS: Select Two (2) Alternates</b>
Bruce Bloomingdale	
David Eisenbacher	
Orestis R. Kaltsounis	

**City Council Appointments**

Suggested Resolution

Resolution #2012-02-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPOINTS** the following nominated person(s) to serve on the Boards and Committees as indicated:

Historic District Study Committee

Appointed by Council  
3 Regular Members  
Ad Hoc

**Term Expires: Ad Hoc**

**Loraine Campbell**

**Term Expires: Ad Hoc**

**Barbara Chambers**

**Term Expires: Ad Hoc**

**Bruce Bloomingdale**

Election Commission

Appointed by Council  
2 Regular Members and 1 Charter Member  
1-Year Term

**Term Expires: 01/31/2013**

**(As Determined by Tally Vote)**

**(Republican)**

Term currently held by: David C. Anderson

**Term Expires: 01/31/2013**

**Timothy Dewan**

**(Democrat)**

Term currently held by: Timothy Dewan

Zoning Board of Appeals

Appointed by Council  
7 Regular Members  
3 Year Term

**Term Expires: 01/31/2015**

**(As Determined by Tally Vote)**

**(Alternate)**

Term currently held by:

**Term Expires: 01/31/2015**

**(As Determined by Tally Vote)**

**(Alternate)**

Term currently held by:

Yes:  
No:

**I-2 Board and Committee Nominations: a) Mayoral Nominations - Board of Review; Downtown Development Authority; b) City Council Nominations: Building Code Board of Appeals; Historic District Commission; Liquor Advisory Committee**

**a) Mayoral Nominations**

Suggested Resolution  
Resolution #2012-02-

Moved by  
Seconded by

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

**Board of Review**

Appointed by Mayor  
3 Regular Members  
3-Year Term

**Current Members:**

Last Name	First Name	M I or Nickname	App Resume Expire	Date to Council	Appointment Expire	Notes 1
Hatch	James	E	12/11/2011	2/3/2012	1/31/2013	
Strahl	Frank		2/18/2013	2/3/2012	1/31/2012	Requests Reappointment
Turner	Eileen		12/13/2012	2/3/2012	1/31/2014	

**Nominations to the Board of Review:**

**Term Expires: 01/31/2015**

Term currently held by: Frank Strahl

**Interested Applicants:**

Last Name	First Name	M I or Nickname	App Resume Expire	Date to Council	Notes 2
Chambers	Barbara	A	2/9/2013	2/3/2012	
Courtney	Kenneth		3/22/2012	2/3/2012	ZBA Term expires 04/30/2013
Lanctot	Anita		1/13/2014	2/3/2012	

**Downtown Development Authority**

Appointed by Mayor  
13 Regular Members  
4 Year Term

**Current Members:**

Last Name	First Name	M I or Nickname	App Resume Expire	Date to Council	Appointment Expire	Notes 1	Notes 3
Daniels	Janice				9/30/2012	At large	
Frankel	Stuart			2/3/2012	9/30/2011	In district	NO Reappointment
Hay	David	R	11/16/2013	2/3/2012	9/30/2011	In District	Requests Reappointment
Hodges	Michele		8/13/2011	2/3/2012	9/30/2012	In District	
Keisling	Laurence	G.	12/15/2013	2/3/2012	9/30/2012	At large	Requests

							Reappointment
Kiriluk	Alan	M	11/18/2013	2/3/2012	9/30/2012	In District	
Knight	P.	Terry	1/4/2014	2/3/2012	9/30/2011	At Large	Requests Reappointment
MacLeish	Daniel		11/14/2013	2/3/2012	9/30/2012	In District	
Randol	Ward	Jr.	10/12/2013	2/3/2012	9/30/2014	In District	
Reschke	Ernest	C	9/21/2012	2/3/2012	9/30/2014	At large	
Schroeder	Douglas	J.	9/30/2012	2/3/2012	9/30/2014	At large	
Weiss	Harvey		8/6/2011	2/3/2012	9/30/2012	In district	
York	G.Thomas		9/8/2010	2/3/2012	9/30/2012	In district	

**Nominations to the Downtown Development Authority:**

**Term Expires: 09/30/2015**

Term currently held by: Stuart Frankel

**Term Expires: 09/30/2015**

Term currently held by: David R. Hay

**Term Expires: 09/30/2015**

Term currently held by: P. Terry Knight

**Interested Applicants:**

Last Name	First Name	M I or Nickname	App Resume Expire	Date to Council	Notes 2
Beck	Paul	R	10/10/2011	2/3/2012	
Campbell	James	K	3/9/2013	2/3/2012	
Carnago	Greg		2/1/2014	2/3/2012	
Chambers	Barbara	A	2/9/2013	2/3/2012	
Gallardo	Rosemary		3/6/2011	2/3/2012	
Hoef	Paul	V.	11/21/2013	2/3/2012	EDC exp. 4/30/2015
Howrylak	Frank		2/1/2014	2/3/2012	
Kempen	Edward		2/1/2014	2/3/2012	
Knight	Barbara		1/4/2014	2/3/2012	EDC exp. 4/30/2015
Kornacki	Rosemary		11/15/2013	2/3/2012	
Mallin	Aaron		10/10/2013	2/3/2012	
Sawyer Jr.	Thomas	G.	12/5/2011	2/3/2012	Municipal Bldg. Authority exp. 01/31/2013
Scott	Bradley	R	1/19/2011	2/3/2012	
Spillers	Edmund		2/5/2011	2/3/2012	
Swartz	Robert	D	7/25/2013	2/3/2012	Brownfield Redev. Auth. exp 4/30/2014

Van Dyke	Earle		01/31/2014	2/3/2012	
Vassallo	Joseph	J	12/6/2013	2/3/2012	Brownfield Redev. Auth. exp 4/30/2012
Wilberding	Bruce	J	3/29/2012	2/3/2012	Brownfield Redev. Auth. exp 4/30/2013

Yes:

No:

**b) City Council Nominations**

Suggested Resolution

Resolution #2012-02-

Moved by

Seconded by

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

**Building Code Board of Appeals**

Appointed by Council

5 Regular Members

5 Year Term

**Current Members:**

Last Name	First Name	M I or Nickname	App Resume Expire	Date to Council	Appointment Expire	Notes 1	Notes 2
Brooks	Teresa		8/9/2010		Position Appt.	Oakland County Health Dept.	
Carolan	Michael		1/27/2012	2/3/2012	1/1/2015	Resident w/construction/engineering experience.	
Dziurman	Theodore		6/30/2010	2/3/2012	1/1/2015	Resident w/construction/engineering experience.	
Szerlag	John				Position Appt.		
Vacancy						Resident w/construction/engineering experience.	New appointment w/unknown term expiration.

**Nominations to the Building Code Board of Appeals:**

**Term Expires: 01/01/2017**

Term currently held by: vacant

**Interested Applicants:**

Last Name	First Name	M I or Nickname	App Resume Expire	Date to Council	Notes 2
Abitheira	Gary		1/20/2014	2/3/2012	
Chope	Ronald		2/16/2012	2/3/2012	
Eisenbacher	David		11/14/2013	2/3/2012	
Petrulis	Al		8/25/2011	2/3/2012	ACAB exp 9/30/2012; Traffic Comm. exp 1/31/2014
Schepke	Gordon		11/16/2013	2/3/2012	Traffic Comm. exp 1/31/2012
Sharp	John		7/15/2013	2/3/2012	Economic Dev. Corp. exp. 04/30/2015

**Historic District Commission**

Appointed by Council  
7 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	M I or Nickname	App Resume Expire	Date to Council	Appointment Expire	Notes 1	Notes 3
Chambers	Barbara	A	2/9/2013	2/3/2012	3/1/2011		Requests Reappointment
Jihad	Sabah		9/13/2007	2/3/2012	3/1/2011	Historical Commission Recommendation	
Partlan	Anne		2/24/2013	2/3/2012	3/1/2014	Historical Society Recommendation	
Rounds	Murial		7/25/2005	2/3/2012	5/15/2012	Historical Society Recommendation	
Schuchter	Doris		11/22/2013	2/3/2012	5/15/2012	Historical Society Recommendation	
Voigt	W.	Kent	2/10/2012	2/3/2012	3/1/2013		
Wattles	Brian	J	12/5/2010	2/3/2012	7/31/2010		No Response

**Nominations to the Historic District Commission:**

**Term Expires: 07/31/2013**

Term currently held by: Brian Wattles

**Term Expires: 03/01/2014**

Term currently held by: Barbara Chambers

**Term Expires: 03/01/2014**

Term currently held by: Sabah Jihad

**Interested Applicants:**

Last Name	First Name	M I or Nickname	App Resume Expire	Date to Council	Notes 2
Doyle	Hugh	Stephen	3/11/2012	2/3/2012	
Freliga	Victor	P	12/13/2012	2/3/2012	Municipal Building Authority exp. 1/31/2014
Kuppa	Padma		8/13/2011	2/3/2012	
Marinos	Penny		3/30/2011	2/3/2012	
Viola	Vincent	J	11/16/2013	2/3/2012	Animal Control Appeal Bd. exp. 9/30/2012

**Liquor Advisory Committee**

Appointed by Council  
7 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	M I or Nickname	App Resume Expire	Date to Council	Appointment Expire	Notes 1	Notes 3
Ehlert	Max	K	11/15/2013	2/3/2012	1/31/2012		Requests Reappointment
Godlewski	W	Stan	12/14/2012	2/3/2012	1/31/2014		Requests Reappointment
Hall	Patrick	C	9/14/2012	2/3/2012	1/31/2013		
Kaltsounis	Andrew		12/1/2011	2/3/2012	1/31/2013		
Ogg	David	S	11/15/2013	2/3/2012	1/31/2012		Requests Reappointment
Pappas	Jesse			2/3/2012	7/31/2012	Student Rep.	
Payne	Timothy	P	12/26/2010	2/3/2012	1/31/2012		Requests Reappointment
Scherlinck	Gerard				Position Appt.		
Scherlinck	Eunjoo			2/3/2012	7/31/2012	Student Rep.	
Ukrainec	Bohdan		12/23/2012	2/3/2012	1/31/2014		

**Nominations to the Liquor Advisory Committee :****Term Expires: 01/31/2014**

Term currently held by: Max Ehlert

**Term Expires: 01/31/2014**

Term currently held by: David Ogg

**Term Expires: 01/31/2014**

Term currently held by: Timothy P. Payne

**Interested Applicants:**

Last Name	First Name	M I or Nickname	App Resume Expire	Date to Council	Notes 2	Notes 3
Comiskey	Ann	M	2/9/2013	2/3/2012	Personnel Board Term expires 4/30/2014	
Waters	Gretchen		10/3/2013	2/3/2012		Full Disclosure mailed 2/2/2012

Yes:

No:

**I-3 Closed Session – None Requested****I-4 Preliminary Site Plan Review (File Number SP 971) – Proposed Warrior Park Baseball Field, South Side of Equity Between 1735 and 1515 Equity, Section 32, Currently Zoned IB (Integrated Industrial and Business) District – Controlled by Consent Judgment**Suggested Resolution

Resolution #2012-02-

Moved by

Seconded by

RESOLVED, That the Troy City Council **APPROVES** the Preliminary Site Plan for the proposed Warrior Park Baseball Field, including other site improvements, located on the south side of Equity, between 1735 and 1515 Equity, Section 32, as indicated on a Site Plan prepared by Grissim Metz Andriese Associates. This revised site plan waives the requirement for parking lot islands. This site plan revises and updates the exhibits to the Consent Judgment in the *Meritor Automotive, Inc and The Nelson Companies, Inc v City of Troy* lawsuit, Case Number 94-948784 CZ, and reflects the parties' agreement as to the proposed development on the property.

BE IT FURTHER RESOLVED, That the Troy City Council also **APPROVES** the entry of the Stipulation and Fifth Order Amending Consent Judgment, to facilitate the development as proposed on the Preliminary Site Plan, and **AUTHORIZES** the City Attorney to **EXECUTE** the document on behalf of the City after all necessary formatting changes are made and after all other necessary parties have executed it. A copy of the executed Stipulation and Fifth Order Amending Consent Judgment shall be **RECORDED** with the Oakland County Register of Deeds and also **ATTACHED** to the Minutes of this meeting.

Yes:

No:

**I-5 Sole Source – Upgrade BS&A Software**Suggested Resolution

Resolution #2012-02-

Moved by  
 Seconded by

WHEREAS, The City has utilized BS&A software since 1999 and has been very satisfied with the quality of the software and support; and

WHEREAS, BS&A is phasing out the current Pervasive product and have introduced a Microsoft based product that meets the City’s current database standard which improves data access and the ability to interface, as well as introduced additional features;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** and **AUTHORIZES** the purchase of software and services from the sole source provider of proprietary software, BS&A Software of Bath, Michigan as detailed in Attachment A, Costs, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, for an estimated total cost of \$87,380.00, with yearly maintenance fees of \$15,960.00 that may change annually based on the Consumer Price Index (CPI) for the then current year when compared with the previous year.

Yes:  
 No:

**I-6 Application Regarding Class C Quota License and SDM Liquor License for 2Booli, Inc.**

- a) **New Class C Quota License, and new SDM License, Sunday Sales Permits, Food Permit, and Catering Permit, and Outdoor Service Permit**

Suggested Resolution

Resolution #2012-02-

Moved by  
 Seconded by

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

<b>Liquor License Applicant :</b>	<b>2Booli, Inc.</b>
<b>Type of License Requested :</b>	<b>New Class C Quota License and new SDM license with new Sunday Sales Permit(PM), new Sunday Sales Permit(AM), new Official Permit(Food), new Catering Permit, and new Outdoor Service Permit.</b>
<b>Located at :</b>	<b>Southwest Corner of Big Beaver and Rochester Road, Space A-120, Troy, MI 48083</b>
<b>MLCC Request # :</b>	<b>627836</b>

Yes:

No:

b) **Agreement**

Suggested Resolution

Resolution #2012-02-

Moved by

Seconded by

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

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

Yes:

No:

**J. CONSENT AGENDA:**

---

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

Suggested Resolution

Resolution #2012-02-

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 #2012-02-

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

a) Regular City Council Meeting of January 23, 2012

---

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

---

**J-4 Standard Purchasing Resolutions:****a) Standard Purchasing Resolution #1: Award to Low Bidder – Parking Lot Maintenance Program**Suggested Resolution  
Resolution #2012-02-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Parking Lot Maintenance Program for FY 2011/12 to the low total bidder, Rotondo Construction Corporation of Farmington Hills, MI, at unit prices contained in the bid tabulation opened January 26, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, for an estimated total cost of \$97,046.00.

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

**b) Standard Purchasing Resolution #1: Award to Low Bidder Contract 11-09 – Wattles Road Water Main Replacement Crooks to Livernois**Suggested Resolution  
Resolution #2012-02-

RESOLVED, That Contract No.11-09, Wattles Road Water Main Replacement Crooks to Livernois be **AWARDED** to Bricco Excavating Company, LLC, 21201 Meyers Road, Oak Park, MI 48237-3201 at an estimated total cost of \$883,339.00.

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

**c) Standard Purchasing Resolution #2: Lowest Bidders Meeting Specifications – Fitness Equipment**Suggested Resolution  
Resolution #2012-02-

RESOLVED, That Troy City Council hereby **AWARDS** two contracts, one to purchase and install six (6) New Matrix T5x Treadmills at the Troy Community Center less Trade-ins of (4) Precor ellipticals and (2) Matrix #A3x trainers to the lowest bidder meeting specifications, *All Pro Exercise of Farmington Hills, MI* for an estimated net total cost of \$24,270.00, and a second contract to *Direct Fitness Solutions, LLC of Mundelein, IL*, the low bidder for six (6) Fully Reconditioned Precor EFX-576 Total Body Ellipticals for the Troy Community Center less

Trade-ins of (6) Matrix treadmills at an estimated net total cost of \$14,400.00, all at prices contained in the bid tabulation dated January 19, 2012.

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

---

**J-5 Private Agreement – Athens Parc Site Condos – Project No. 05.913.3**

Suggested Resolution

Resolution #2012-02-

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

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

---

**K-1 Announcement of Public Hearings:**

- a) **Announcement of Public Hearing – Michigan Next Energy Exemption – LG Chem, Inc. – February 20, 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 Council Referrals Advanced**

- a) Mayor Daniels Advanced 2008-2009 City Council Rules of Procedure
- b) Mayor Daniels Advanced Recommended Rules of Procedure Changes Outline

**M. COUNCIL COMMENTS**

---

**M-1 No Council Comments Advanced**

**N. REPORTS**

---

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

- a) Election Commission-Final-October 13, 2011
- b) Traffic Committee-Final-November 16, 2011
- c) Election Commission-Draft-January 23, 2012

---

**N-2 Department Reports:**

- a) City Manager’s Business Roundtable Meeting

---

**N-3 Letters of Appreciation:**

- a) Letter of Appreciation to Brent Savidant from William and Shirley Schmidt
- b) Letter of Appreciation to City Administration from David Nelson of Northfield Commons
- c) Letter of Appreciation to Captain Scherlinck from Mike Witoszynski of MET Hotel
- d) Letter of Appreciation to Chief Nelson from Rhonda Berger

---

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

---

**N-5 Wireless Data Services – (GSA) Contract GS-35F-0119P Verizon Wireless**

---

**N-6 Economic Development Talking Points**

---

**N-7 Lifelong Learning Committee Update**

**O. STUDY ITEMS**

---

**O-1 City Council Rules of Procedure**

- a) 2010-2011 City Council Rules of Procedure

**P. CLOSED SESSION:**

---

**P-1 No Closed Session Requested**

**Q. ADJOURNMENT**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Szerlag". The signature is fluid and cursive, with the first name "John" and last name "Szerlag" clearly distinguishable.

John Szerlag, City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:****SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

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

## Mayoral Nominations

### Suggested Resolution

Resolution #2012-02-

Moved by

Seconded by

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

### Planning Commission

Appointed by Mayor

9 Regular Members

3 Year Term

#### Current Members:

Last Name	First Name	M I or Nickname	App Resume Expire	Date to Council	Appointment Expire	Notes 1	Notes 3
Edmunds	Donald	L	11/15/2012	2/3/2012	12/31/2013		
Hutson	Michael	W	11/15/2013	2/3/2012	12/31/2012		
Krent	Thomas	G	2/23/2013	2/3/2012	12/31/2013		
Maxwell	Mark		12/1/2012	2/3/2012	12/31/2013		
Sanzica	Philip		2/3/2014	2/3/2012	12/31/2012	Alt. PC Rep on BZA	Requests Reappointment
Schultz	Robert	M	11/19/2010	2/3/2012	12/31/2011		Requests Reappointment
Strat	Thomas		11/16/2013	2/3/2012	12/31/2011	PC Rep on ZBA	Requests Reappointment
Tagle	John	J	11/20/2013	2/3/2012	12/31/2012		
Ullmann	Lon	M	12/2/2013	2/3/2012	12/31/2011	PC rep on ZBA	Requests Reappointment

#### Nominations to the Planning Commission:

##### **Term Expires: 12/31/2014**

Term currently held by: Robert Schultz

##### **Term Expires: 12/31/2014**

**(PC Rep. on ZBA)**

Term currently held by: Thomas Strat

##### **Term Expires: 12/31/2014**

**(PC Rep. on ZBA)**

Term currently held by: Lon Ullmann

**NOTE: City of Troy Zoning Ordinance, Section 3.10, states, "No member of the Planning Commission shall hold any other municipal office except that one (1) of such members may be a member of the Zoning Board of Appeals."**

#### Interested Applicants:

Last Name	First Name	M I or Nickname	App Resume Expire	Date to Council	Notes 2	Notes 3
Binkowski	Sarah	E.	1/26/2014	2/3/2012	Traffic Comm. exp 01/31/2013	Full Disclosure mailed 1/26/2012

Freliga	Victor	P	12/13/2012	2/3/2012	Municipal Building Authority exp. 1/31/2014	
Johansson	Steven		1/23/2014	2/3/2012		
Kaltsounis	Orestis	Rusty	1/20/2014	2/3/2012	P&R Bd. expires 09/30/2012	
Kaltsounis	Andrew		12/1/2011	2/3/2012	Liquor Advisory Comm. exp. 1/31/2013	
Kempen	Edward		2/1/2014	2/3/2012		Full Disclosure mailed 2/2/2012
Lambert	Dave		2/16/2013	2/3/2012	ZBA exp. 4/30/2014	
Lokken	Stephen	D.	1/23/2014	2/3/2012		
Ragan	John		1/26/2014	2/3/2012		Full Disclosure mailed 1/26/2012
Schepke	Gordon		11/16/2013	2/3/2012	Traffic Comm. exp 1/31/2012	Full Disclosure mailed 12/19/2011
Ziegenfelder	Peter	F	12/14/2012	2/3/2012	Traffic Committee exp 1/31/2014	

**Yes:**

**No:**



## CITY COUNCIL AGENDA ITEM

---

Date: January 31, 2012

To: John Szerlag, City Manager

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

Subject: PRELIMINARY SITE PLAN REVIEW (File Number SP 971) – Proposed Warrior Park Baseball Field, South side of Equity between 1735 and 1515 Equity, Section 32, Currently Zoned IB (Integrated Industrial and Business) District – Controlled by Consent Judgment

### Background

The applicant, Grissim Metz Andriese Associates, proposes the Warrior Park Baseball Field on the subject parcel. The baseball field will be used by the Brother Rice High School varsity baseball program. The parcel is presently an empty lot.

The site is controlled by consent judgment; therefore, the Planning Commission is a recommending body only. City Council is responsible for granting Preliminary Site Plan Approval.

The attached report prepared by Carlisle/Wortman Associates, Inc. summarizes the application.

The Planning Commission held a public hearing on this item at the January 10, 2012 Regular meeting and recommended approval of the Warrior Park Baseball Field, with the following conditions:

1. Provide written justification for the proposed number of parking spaces.
2. Add a bike rack with capacity of at least two bicycles.
3. Comply with Section 13.02.C.2.b, Section 13.02.C.2.d, and Section 13.02.C.3.b of the landscape requirements; this includes providing landscape islands or justifying their removal; providing parking lot landscape island trees in islands or, if waived, at the perimeter, and providing a screen for the parking lot along its north side.
4. Show all setbacks.
5. Provide a lighting plan indicating proposed photometrics, height of light fixtures, proposed light fixtures, and proposed methods of shielding, if lighting is proposed.
6. Provide samples, swatches, or manufacturer's specification sheets of the predominant proposed exterior materials and colors of all buildings and permanent structures, including walls and fences.

The site plan was revised to address the Planning Commission recommendation, as follows:

1. Written justification for number of parking spaces was provided in a letter from John Birney, Brother Rice High School, dated January 2, 2012.
2. Two bike racks were added between the parking lot and baseball field.



## CITY COUNCIL AGENDA ITEM

---

3. The applicant provided a letter requesting to waive the requirement for the parking lot islands. Four trees were added east of the parking lot in lieu of trees planted within the two islands. Ornamental grasses, which will grow to 3' to 4' tall, were added to the north side of the lot for visual screening.
4. All setbacks were provided on the drawings.
5. A note was added to the Site Plan indicating that lighting is not proposed for the site.
6. Catalogue cut sheets were provided for the color of the burnished concrete block masonry backstop wall (32" height), the backstop netting and the bike racks.

### Recommendation

City Management recommends approval of the Preliminary Site Plan and the Stipulation and Fifth Order Amending Consent Judgment for the proposed Brother Rice Warrior Baseball Field.

---

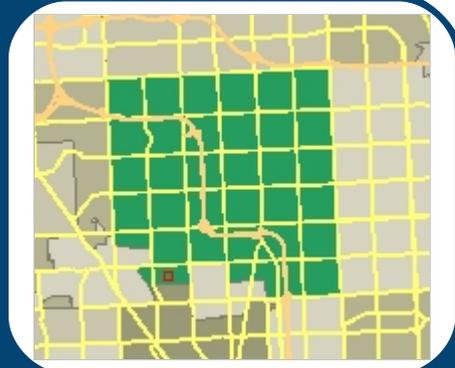
City Attorney's Review as to Form and Legality

---

Date

### Attachments:

1. Maps
2. Report prepared by Carlisle/Wortman Associates, Inc.
3. Minutes from January 10, 2012 Planning Commission Regular meeting (excerpt)
4. Parking justification
5. Request to waive parking lot islands
6. Material and color specifications
7. Stipulation and Fifth Order Amending Consent Judgment



### Legend

-  I-75
- Road Centerline**
  -  Major Road
  -  Industrial Road
  -  Local Road
-  Ponds and Basins
-  Streams and Creeks
-  Parcels
- Aerial Photos - 2010**
  -  Red: Band\_1
  -  Green: Band\_2
  -  Blue: Band\_3

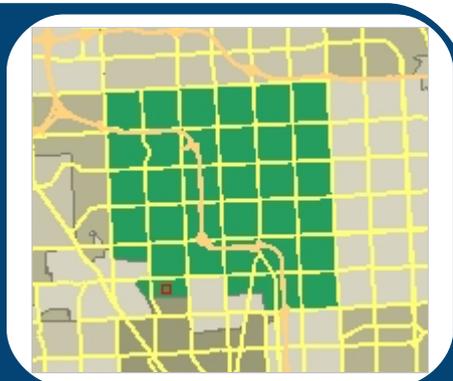
281 0 140 281 Feet

Scale 1: 1,685



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

Printed: 12/13/2011



### Legend

-  I-75
- Road Centerline**
  -  Major Road
  -  Industrial Road
  -  Local Road
- Current Zoning Ordinance**
  -  (PUD) Planned Unit Development
  -  (CF) Community Facilities District
  -  (EP) Environmental Protection District
  -  (BB) Big Beaver Road (Form Based)
  -  (MRF) Maple Road (Form Based)
  -  (NN) Neighborhood Nodes (A-U)
  -  (CB) Community Business
  -  (GB) General Business
  -  (IB) Integrated Industrial Business District
  -  (O) Office Building District
  -  (OM) Office Mixed Use
  -  (P) Vehicular Parking District
  -  (R-1A) One Family Residential District
  -  (R-1B) One Family Residential District
  -  (R-1C) One Family Residential District
  -  (R-1D) One Family Residential District
  -  (R-1E) One Family Residential District
  -  (RT) One Family Attached Residential District
  -  (MR) Multi-Family Residential
  -  (MHP) Manufactured Housing
  -  (UR) Urban Residential
  -  (RC) Research Center District
  -  (PV) Planned Vehicle Sales
-  Ponds and Basins
-  Streams and Creeks
-  Parcels
- Aerial Photos - 2010**
  -  Red: Band\_1
  -  Green: Band\_2
  -  Blue: Band\_3

281 0 140 281 Feet

Scale 1: 1,685





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

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

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

Date: December 19, 2011

## **Preliminary Site Plan Review For City of Troy, Michigan**

**Applicant:** Paul Andriese on behalf of Brother Rice High School

**Project Name:** Brother Rice High School Warrior Park

**Plan Date:** December 9, 2011

**Location:** South side of Equity Drive, immediately west of 1515 Equity Drive

**Zoning:** IB, Integrated Industrial and Business District

**Action Requested:** Preliminary Site Plan Approval

**Required Information:** Deficiencies noted

### **PROJECT AND SITE DESCRIPTION**

We are in receipt of a preliminary site plan which includes a site plan, grading plan, topographic survey, and storm sewer plan. There are landscape details on the site plan, but there are deficiencies with regard to required information necessary for a formal preliminary review. The site, located on Equity Drive, is controlled by consent judgment. Consequently, the Planning Commission serves only as a recommending body to the City Council for this application.

The applicant intends to develop a permanent baseball field with a variety of site improvements with the long term intention to fully develop the site as a premium high school baseball facility. We understand that the vacant site would ultimately house concessions structures, bathrooms, maintenance equipment storage, and a more robust grandstand structure. The site plan as submitted incorporates a new field, small grandstands, a parking lot and supporting landscaping, bullpens and a batting cage. The features shown on the site plan are all the applicant is currently

seeking approval to permit; additional long-term improvements like those noted above would require additional review.

Outdoor recreation facilities are a principal permitted use in the IB District. Given that this is a consent judgment project, however, details of the site plan may be negotiated by the City Council with the applicant. We have reviewed this project using the regulations that would be applied to the project were it not under consent judgment and were subject only to formal, traditional zoning requirements.

Location of Subject Property:

The property is located on the south side of Equity Drive, immediately west of 1515 Equity Drive.

Size of Subject Property:

The parcel is 7.55 acres in area, made up of three individual tax parcels.

Proposed Uses of Subject Parcel:

The applicant proposes to use the site for a baseball field.

Current Use of Subject Property:

The subject property is currently vacant.

Current Zoning:

The property is currently zoned IB, Integrated Industrial and Business District.

Zoning Classification of Adjacent Parcels and Current Land Use:

North: IB, Integrated Industrial and Business District; light industry and office  
South: IB, Integrated Industrial and Business District; airport and facilities  
East: IB, Integrated Industrial and Business District; light industry and office  
West: IB, Integrated Industrial and Business District; vacant

## **BUILDING LOCATION AND SITE ARRANGEMENT**

The proposed facility does not include a building. It does include a location for removable self-contained toilets, aluminum benches in the two dugouts, a small aluminum grandstand, fences, and a batting cage. The structures would be located at locations around the site in support of the centrally-located baseball field. We have no objection to the proposed building location and site arrangement. It is our understanding that potential future additional improvements have not yet been designed or planned, although there is a long term desire to continue improving the site.

**Items to be Addressed:** *None.*

**AREA, WIDTH, HEIGHT, SETBACKS**

Required and Provided Dimensions:

Section 4.15 establishes the dimensional requirements for the IB District. The requirements and the proposed dimensions are as follows:

	<u>Required:</u>	<u>Provided:</u>
<b>Front</b> (Equity Drive)	30 feet setback	n/a (no buildings are proposed; non-permanent structures are also located outside of the setback limits)
<b>Rear</b> (south)	20 foot setback	
<b>Side</b> (east)	10 foot setback	
<b>Side</b> (west)	10 foot setback	
<b>Building Height</b>	maximum 4 stories, 50 feet	
<b>Lot Coverage</b>	40 percent by all buildings	
<b>Open Space</b>	20 percent	Approximately 89 percent

*Items to be Addressed: None.*

**PARKING**

Proposed Parking:

The site plan shows 41 total parking spaces.

Parking Location:

Parking is not permitted in the front yard in the IB District. The proposed parking lot is located at the 30-foot minimum setback line, and given that no building is proposed, this is a suitable location. The simple parking lot is designed with a single entrance to Equity Drive.

Parking Calculations:

No parking calculations were provided. There is no formal listed parking requirement specifically for a baseball field in Table 13.06-A, the City’s parking requirements. The closest and most logical use to compare the facility with would be an auditorium or place of assembly listed under the “institutional” subheading. This listed category requires one parking space for every 6 linear feet of bleacher. This category was designed for high school and collegiate athletic facilities, as well as learning centers or other auditorium venues. It is unclear how many linear feet of bleacher are proposed, but the 41 spaces would allow for 246 feet of bleacher under these circumstances. Given the flexibility granted the Planning Commission with regard to parking, and the fact that this project is regulated by consent judgment, we are comfortable that

the City has discretion in approving a wide range of parking spaces for this facility. However, to better justify the proposed number of spaces, we suggest the applicant provide a written justification outlining the methodology for providing the proposed 41 spaces.

**Items to be Addressed:** *Provide written justification for the proposed number of spaces.*

## **SITE ACCESS AND CIRCULATION**

### Vehicular access:

The site will be accessed a single access drive to the north. We have no objection to this approach.

### Pedestrian access:

The site design includes a large concrete plaza and a baseball field, both immediately adjacent the parking area. This paved area and the field are connected to a 5-foot wide sidewalk along Equity Drive. Given that Equity Drive is a private road we have no objections to the 5-foot width and support the applicant's design for pedestrian access.

Section 13.10.C.4 requires that "all sites with parking of 10 spaces or greater shall provide a bike rack for at least two bicycles within 50 feet of the building entrance." A bike rack should be added to the site plan to meet this requirement.

**Items to be Addressed:** *A bike rack with capacity of at least two bicycles must be added.*

## **NATURAL RESOURCES**

The site is an existing vacant site with no formal site landscaping. The proposed plan would not impact any protected natural features. The plan does, however, add new landscape materials and landscape islands.

**Items to be Addressed:** *None.*

## **LANDSCAPING**

The application includes landscape plan details on the preliminary site plan. The plan shows the requirements and proposed conditions for the greenbelt, street trees, and landscaped area.

### Greenbelt:

A ten (10) foot wide greenbelt has been provided along the public street frontage.

### Street trees:

The site plan shows no existing street trees on site, and details plans to add 30 new trees. 21 of these trees are designed to meet the minimum street tree requirement of one tree for every 30 linear feet of property. Given the site's 612-foot frontage, this proposal meets minimum

requirements. The remaining 9 trees are designed to meet the parking lot landscaping requirements.

Parking lot landscaping:

Section 13.02.C establishes the requirements for parking lot landscaping. The plan states that 41 spaces are provided and that one tree is required for every 5 spaces, and 9 trees are proposed to meet this requirement. The Ordinance actually requires one tree for every 8 spaces, so only 6 trees would be required. The proposed 9 parking lot trees are situated along the site's frontage as part of 30 overall trees proposed for the site. However, this arrangement does not meet minimum Ordinance requirements.

Section 13.02.C.2.b States that *"Landscaping shall be arranged in curbed islands within the parking lot which shall not be less than two hundred (200) square feet in area. Modifications in curbing may be permitted when islands are used as part of the stormwater management system.* The proposal to locate parking lot trees along the site frontage does not meet this requirement. Also, there are no proposed landscape islands whatsoever in the parking lot.

Section 13.02.C.2.d states *"An equivalent amount of landscape plantings at the perimeter of parking lots may be approved where landscaping within parking lots would be impractical due to the size of the parking lot, detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing, provided all other landscaping requirements are met.* If the applicant wishes to pursue the elimination of landscape islands within the parking lot, they may do so. However, islands may only be replaced by locating required landscaping materials at the perimeter of the parking lot. While we acknowledge that 6 of the proposed trees situated along the frontage are also situated along the parking lot's north edge, we feel that this requirement was designed to ensure that landscaping that would otherwise be within the parking lot itself is otherwise distributed around the parking area, not one exclusive location on a single side. Ideally the parking lot would contain at least two parking lot islands, but if it is acceptable to the Planning Commission and City Council the islands could be waived so long as the required landscaping surrounds the parking lot perimeter.

Parking lots adjacent a public right-of-way must also meet specific requirements for screening, These have not been satisfied. Section 13.02.C.3.b states *"Parking lots that front on a public roadway shall be screened by a landscaped berm at least three (3) feet in height along the perimeter of the road right-of-way. Alternative landscape plantings or a solid wall that does not exceed three (3) feet in height may be approved, where it is found that space limitations or visibility for vehicular circulation prevent construction of a landscape berm."* No berm, wall, or landscaping is proposed.

Minimum landscaped area:

The site plan must provide 20 percent overall landscaped area. The site is 6.67 acres, but includes only 34,508 square feet of paved area. The site is approximately 89 percent landscaped.

***Items to be Addressed:*** A revised landscape plan is required meeting the minimum requirements of Section 13.02.C.2.b, Section 13.02.C.2.d, and Section 13.02.C.3.b.

## SUBMITTAL REQUIREMENTS

Section 8.05.A.7 establishes the requirements for preliminary site plan submittals. The site plan sheets signed and sealed by Paul Andriese, Landscaped Architect. The application is complete with the following exceptions:

1. *Setbacks and required yards.* Only the front setback is shown.
2. *Lighting plan indicating proposed photometrics, height of light fixtures, proposed light fixtures, and proposed methods of shielding must be provided.* No photometrics have been provided.
3. *Samples, swatches, or manufacturer's specification sheets of the predominant proposed exterior materials and colors of all buildings and permanent structures, including walls and fences must be provided.* The application does not include this information, but we are comfortable with the applicant providing it at the meeting.

**Items to be Addressed:** *Address submittal requirement deficiencies noted above.*

## RECOMMENDATIONS

We support the proposed project and believe the project does meet or exceed minimum requirements, with several small conditions for clarification and compliance with minor elements required by the Zoning Ordinance. We recommend the Planning Commission recommend approval of the preliminary site plan application with the following conditions:

1. Provide written justification for the proposed number of spaces.
2. Add a bike rack with capacity of at least two bicycles.
3. Comply with Section 13.02.C.2.b, Section 13.02.C.2.d, and Section 13.02.C.3.b of the landscape requirements; this includes providing landscape islands or justifying their removal; providing parking lot landscape island trees in islands or, if waived, at the perimeter, and providing a screen for the parking lot along its north side.
4. Show all setbacks.
5. Provide a lighting plan indicating proposed photometrics, height of light fixtures, proposed light fixtures, and proposed methods of shielding.
6. Provide samples, swatches, or manufacturer's specification sheets of the predominant proposed exterior materials and colors of all buildings and permanent structures, including walls and fences. We are comfortable with the applicant providing this at the meeting.



---

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

225-02-1121

**PRELIMINARY SITE PLAN REVIEW**

7. **PRELIMINARY SITE PLAN REVIEW (File Number SP 971)** – Proposed Warrior Park Baseball Field, South side of Equity between 1735 and 1515 Equity, Section 32, Currently Zoned IB (Integrated Industrial and Business) District – Controlled by Consent Judgment

**Resolution # PC-2012-01-005**

Moved by: Edmunds

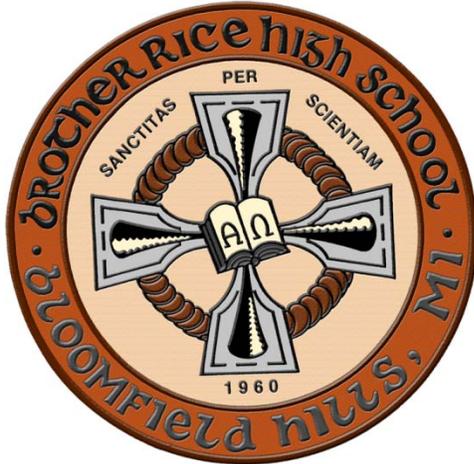
Seconded by: Schultz

**RESOLVED**, The Planning Commission hereby recommends to City Council, that Preliminary Site Plan Approval for the proposed Warrior Park Baseball Field, located on the south side of Equity between 1735 and 1515 Equity, in Section 32, Currently Zoned IB (Integrated Industrial and Business) District, but controlled by Consent Judgment be granted, subject to the following:

1. Provide written justification for the proposed number of spaces.
2. Add a bike rack with capacity of at least two bicycles.
3. Comply with Section 13.02.C.2.b, Section 13.02.C.2.d, and Section 13.02.C.3.b of the landscape requirements; this includes providing landscape islands or justifying their removal; providing parking lot landscape island trees in islands or, if waived, at the perimeter, and providing a screen for the parking lot along its north side.
4. Show all setbacks.
5. Provide a lighting plan indicating proposed photometrics, height of light fixtures, proposed light fixtures, and proposed methods of shielding, if lighting is proposed.
6. Provide samples, swatches, or manufacturer's specification sheets of the predominant proposed exterior materials and colors of all buildings and permanent structures, including walls and fences.

Yes: All present (9)

**MOTION CARRIED**



January 2, 2012

Re: Troy Site Plan Application

To whom this may concern,

The proposed acquisition and development of property on Equity Drive in Troy by Brother Rice High School is intended for educational/athletic purposes. Given the nature of our expected use, regular activities at the site would involve 15-30 student athletes at a given time for practice or games. In most cases, these student/athletes would be transported to the field either by school bus or by car pool.

Our experience with this sport at our current facility would suggest that with rare exceptions, a parking lot that handles 40 cars would be more than sufficient to meet our needs. A typical high school baseball game has approximately 50 fans in attendance.

The high school season typically runs from mid-March through mid-June. Over the course of this 90 day period, our teams (varsity, junior varsity, freshmen) would practice or play six days a week weather-permitting. State high school athletic rules limit the number of games that we play – our varsity baseball team would play a maximum of 10 home dates during this time period. The junior varsity and freshmen seasons are roughly 60 days long and would play a maximum of 8 home dates. Weekday games generally begin at 4pm. Saturday games would typically take place between 9am and 4pm.

If you have any further questions, please let me know.

Regards,

John Birney

President

Brother Rice High School

January 19, 2012

Mr. Brent Savidant  
City of Troy Planning Department  
500 W. Big Beaver  
Troy, MI 48084

RE: Brother Rice High School  
Warrior Park Baseball Field  
Troy, Michigan

Dear Brent:

As a follow up to the conditions required by the Planning Commission outlined in meeting notes dated 1/10/12, we respectfully request to eliminate the requirement for two parking islands in the proposed parking lot, and provide (4) trees on the perimeter of the lot in lieu of within the islands. We are requesting elimination of the islands for the following reasons:

- The proposed parking lot is very small and provides parking for only (41) cars.
- The parking islands would be an added maintenance requirement (weeding, mulching, etc.).
- Bus maneuvering through the parking lot will be easier without the islands.
- We feel installing the trees (required in the parking lot islands) would have more aesthetic appeal outside the parking lot, as well as a better survival rate.

Thank you for your consideration, please let us know if this request is not acceptable.

Sincerely,



Paul R. Andriese, ASLA  
Vice President | Principal

PRA/cg



BACKSTOP NETTING

**Aswan**



**BURNISHED BLOCK COLOR (32" HT. MASONRY WALL AT BACKSTOP)**



DERO

## BIKE HITCH

- High security
- great for sidewalk placement
- one unit parks two bikes

The Dero Bike Hitch is an attractive and space efficient bike rack. The Dero Bike Hitch was specifically designed for sidewalks and other narrow space applications. The rack's design restricts bikes to parking parallel with the rack so bikes won't protrude out into the sidewalk or street.



### Your Logo Here!

We can include your organization's logo in the center of a specially designed Dero Bike Hitch. Contact us for more details on this unique option.



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

1.800.290.4915

BIKE RACK (2) TOTAL



 Printed on recycled paper

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MERITOR AUTOMOTIVE, INC.,  
A Delaware corporation, and  
THE NELSON COMPANIES, INC.,  
A Michigan corporation,  
Plaintiff,

Case No: 94-948784-CZ  
Honorable:  
Denise Langford Morris

v.

CITY OF TROY, a Michigan municipal  
Corporation,  
Defendant.

---

WARRIOR ATHLETIC PARK, LLC  
Charles J. Taunt (P24589)  
700 E. Maple Road, 2<sup>nd</sup> Floor  
Birmingham, MI 48009  
248-644-7800

CITY OF TROY  
Lori Grigg Blum (P46908)  
Allan T. Motzny (P37580)  
City of Troy City Attorney's Office  
Attorneys for City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084  
248-524-3324

PBI MI OREO, LLC  
SUCCESSOR IN INTEREST TO CAMBRIDGE  
CROSSINGS #2, L.L.C as to Units 3, 4 and 5 of the  
Business Park at Cambridge Crossings only  
Douglas Bernstein (P33833)  
Plunkett Cooney  
38505 Woodward Ave Ste 2000  
Bloomfield Hills, MI 48304  
248-901-4091

STIPULATION AND FIFTH ORDER AMENDING CONSENT JUDGMENT

At a session of said court held in the  
Courthouse in the City of Pontiac, Oakland County,  
Michigan on:\_\_\_\_\_

PRESENT: HONORABLE DENISE LANGFORD MORRIS  
OAKLAND COUNTY CIRCUIT COURT JUDGE

The parties, through their respective counsel and by themselves, hereby stipulate and agree to this Stipulation and Fifth Order Amending Consent Judgment ("Fifth Amendment") as follows:

WHEREAS, this matter was resolved through the entry of a Consent Judgment on May 10, 1999 (the "Original Consent Judgment"), and the Original Consent Judgment was modified on March 26, 2002 by the entry of a Stipulation and Order Amending Consent Judgment (the "First Amendment"); on November 25, 2002 by entry of a Stipulation and Order Amending Consent Judgment (the "Second Amendment"); on March 20, 2003 by the entry of a Stipulation and Third Order Amending Judgment (the "Third Amendment"); and, on August 11, 2011 by the entry of a Stipulation and Fourth Order Amending Consent Judgment (the "Fourth Amendment"). The Original Consent Judgment, the First Amendment, the Second Amendment, the Third Amendment, and the Fourth Amendment are referred to collectively as the "Consent Judgment";

WHEREAS, the land identified as Parcel B in the Original Consent Judgment described in Exhibit B incorporated therein, and which is described in the attached Exhibit A to this Fifth Amendment, was permitted to be developed, used and occupied for the purposes set forth in Article XXVIII, M-1 Light Industrial District, within the meaning of Chapter 39, Section 28.00.00, et seq., of the Troy City Code, in effect at that time of the Original Consent Judgment except as specifically modified by the terms of the Consent Judgment, and

WHEREAS, subsequent to the entry of the Original Consent Judgment, Plaintiff, Cambridge Crossing Shops #1, LLC ("Cambridge Crossing #1") acquired Parcel A from Meritor Heavy Vehicle Systems, LLC, a wholly owned subsidiary of Meritor Automotive, Inc. and Developed Parcel A into an operating retail shopping center with various retail tenants as permitted by the Consent Judgment; and

WHEREAS, on or about January 31, 2003, Cambridge Crossing Shops #2, LLC ("Cambridge Crossing #2") acquired Parcel A from Cambridge Crossing #1 who continued to operate Parcel A as a retail shopping center with various retail tenants as permitted by the Consent Judgment; and

WHEREAS, subsequent to the entry of the Original Consent Judgment, Cambridge Crossing #2

acquired and became the successor in interest to Plaintiffs in the Subject Property and thereafter PB MI OREO, LLC acquired and became the successor in interest in the Subject Property as defined herein from Cambridge Crossing #2; and,

WHEREAS, Warrior Athletic Park, LLC has entered into a purchase agreement to acquire a portion of the land included on Parcel B, specifically Units 3, 4, and 5 of The Business Park at Cambridge Crossings a condominium according to the Master Deed as amended and recorded in liber 32631 page(s) 409 as more fully described in Exhibit C from its current owner PB MI OREO, LLC and which purchaser's interest is intended to be assigned to Brother Rice High School prior to closing; This property is hereafter referred to as "Subject Property"; and,

WHEREAS Brother Rice High School submitted an application for approval of a site plan ("Site Plan") to the Planning Commission for the City of Troy ("Planning Commission"); and

WHEREAS Brother Rice High School intends to construct a baseball field upon the Subject Property according to the Site Plan. The Application and the Site Plan are attached as Exhibit B.

WHEREAS, in a meeting on January 11, 2012 the Planning Commission for the City of Troy, recommended approval of a site plan application (City of Troy File Number SP971) (the "Application") relating to the Subject Property which lies within Parcel B .

WHEREAS, the City Council of the City of Troy, approved the Application and the Site Plan on February 6, 2012 in accordance with its regular procedures and has approved and authorized the entry of this Fifth Amendment on behalf of the City of Troy, to allow the Property to be used in accordance with the Application and the Site Plan and the parties to this matter desire to amend the Consent Judgment accordingly.

IT IS HEREBY ORDERED that notwithstanding anything to the contrary in the Consent Judgment, that the Application and Site Plan are hereby approved and deemed to comport with all applicable legal requirements of the Consent Judgment, the City of Troy Ordinances and applicable law; and the Plaintiffs, their successors and assigns, hereby have the right, but not the obligation, to construct all or any part of the improvements set forth in the Site Plan, subject to obtaining all applicable building and engineering permits required for such construction in the ordinary course.

IT IS FURTHER ORDERED that the City of Troy, allow the Property development, use and operation consistent with the Application and with the Site Plan.

IT IS FURTHER ORDERED that to the extent additional review, approvals, variances or consents are required by the City of Troy with respect to any element of the Application or of the Site

Plan to give appropriate meaning and effect to the Application, the Site Plan or to the terms of the Consent Judgment, and this Fifth Amendment such review, approvals, variances or consents shall not unreasonably be delayed, conditioned or denied by the City of Troy.

IT IS FURTHER ORDERED that every provision of the Original Consent Judgment, the First Amendment, the Second Amendment, the Third Amendment, and the Fourth Amendment, on file with this Court, whether or not expressly referenced in this Fifth Amendment, are incorporated herein by reference.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction in all matters concerning the development and use of Parcels A and B including the Subject Property and the implementation of the Orders of this Court related to Parcels A and B and the matters covered by the Consent Judgment, the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, and this Fifth Amendment.

IT IS FURTHER ORDERED that the parties may hereafter amend the Original Consent Judgment, the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, or this Fifth Amendment by written agreement which shall be effective upon the signature of the parties to such amendment and of this Court.

IT IS FURTHER ORDERED that other uses of and for the Subject Property that would be allowed in the underlying Integrated Industrial and Business District as set forth in Chapter 39 the City of Troy Code (Zoning Ordinance) and any proposed additions to the Site Plan or Property such as but not limited to facilities for storage, maintenance equipment and baseball equipment, additional bleachers, concession stands, outbuildings, press boxes, scoreboards, restroom facilities, and those structures normally associated with a premium high school baseball facility may be administratively approved without the necessity of amending this Consent Judgment.

IT IS FURTHER ORDERED that and the parties acknowledge that there may be modifications to the Site Plan that are dependent on issues that arise after the approval of this Consent Judgment and that are concerned with minor modifications or other issues that occur in the actual building process or later, and further, that these minor modifications to the Site Plan, not inconsistent with the spirit of this Consent Judgment, may be made without the necessity of amending this Consent Judgment, with the approval of the City Administration. The City Administration shall have the discretion to determine whether a modification is “minor” in accordance with this paragraph.

IT IS FURTHER ORDERED that this Fifth Amendment shall control to the extent there are any conflicts with the Original Consent Judgment, the First Amendment, the Second Amendment, the Third Amendment, and the Fourth Amendment.

IT IS HEREBY ORDERED that a certified copy of this Fifth Amendment shall be recorded with the Oakland County Register of Deeds.

\_\_\_\_\_  
Circuit Court Judge

City of Troy,  
A Municipal corporation

PB MI OREO, LLC  
An Illinois limited liability company  
Successor in Interest to Cambridge Crossing #2 LLC  
As to the Subject Property only

By:   
William H. Keller  
Its: Managing Director

By: \_\_\_\_\_  
Janice L. Daniels, Mayor

Warrior Athletic Park, LLC  
By:   
Charles J. Taunt  
Its: Manager and attorney

By: \_\_\_\_\_  
Aileen Bittner, City Clerk

  
Charles J. Taunt (P24589)  
WARRIOR ATHLETIC PARK, LLC  
700 E. Maple Road, 2<sup>nd</sup> Floor  
Birmingham, MI 48009  
248-644-7800

\_\_\_\_\_  
Allan T. Motzny (P37580)  
CITY OF TROY  
City of Troy City Attorney's Office  
Attorneys for City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084  
248-524-3324

Drafted by and after recording return to:  
Charles J. Taunt  
700 E. Maple Road  
2<sup>nd</sup> Floor  
Birmingham, MI 48009

Drafted by and after recording return to:  
Charles J. Taunt  
700 E. Maple Road  
2<sup>nd</sup> Floor  
Birmingham, MI 48009

EXHIBIT A

(Exhibit B to the Original Consent Judgment)

**EXHIBIT 'B'**

Situated in the City of Troy, County of Oakland and State of Michigan, and being part of lands dedicated to Cambridge Crossing Shops #2, LLC in liber 28689, page 246, and being more particularly described as follows:

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

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

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

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

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

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

South 00° 03' 45" West, a distance of 55.48 feet to a point in the northerly line of an

Existing Sanitary Sewer Easement;

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

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

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

South 89° 30' 11" East, a distance of 174.67 feet to a point on the northerly line of an

Existing Sanitary Sewer Easement To Be Vacated, said point being the TRUE POINT OF BEGINNING;

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

South 89° 30' 11" East, a distance of 232.93 feet to a point;

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

North 89° 30' 11" West, a distance of 229.30 feet to a point;

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

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

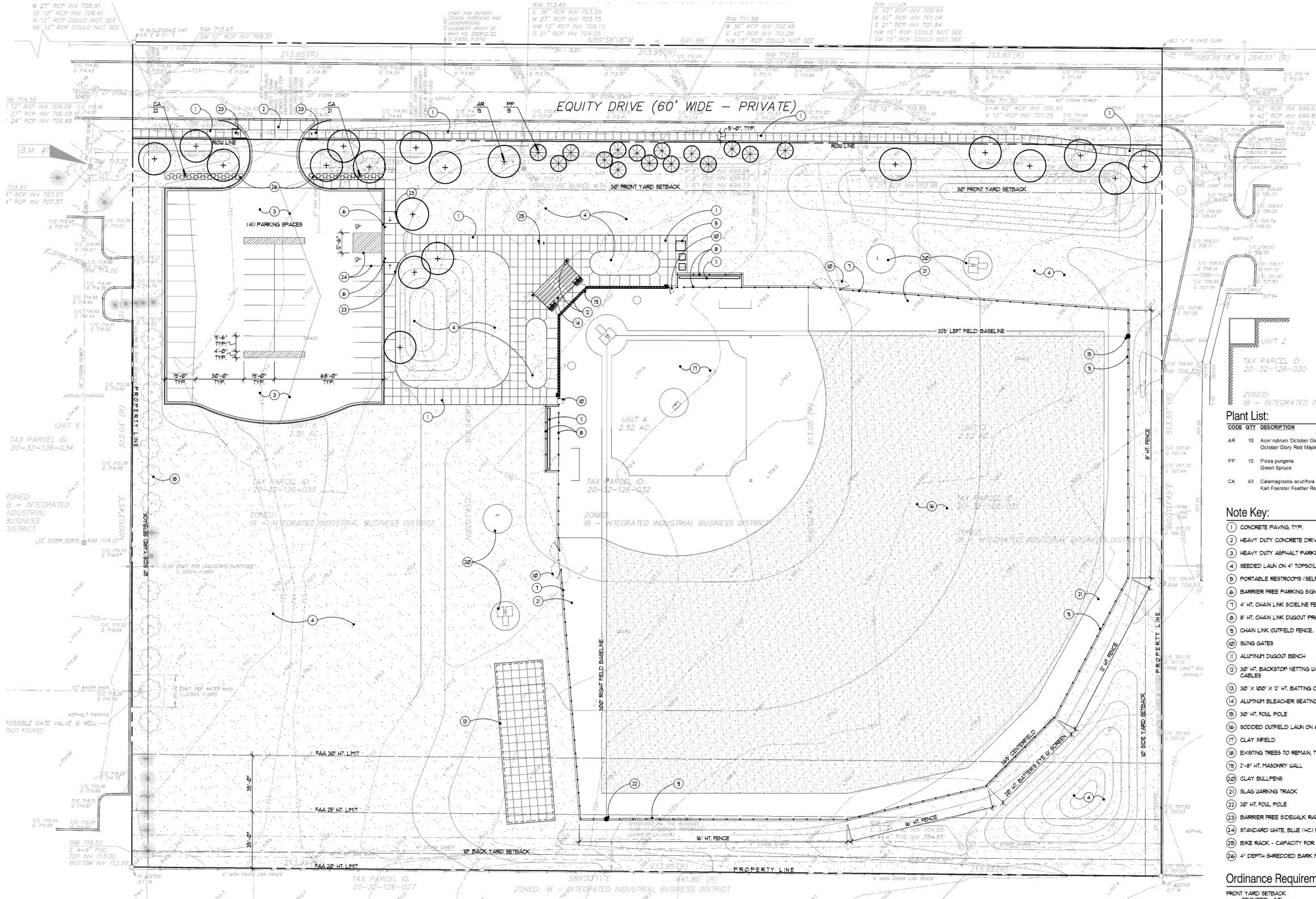
EXHIBIT C  
LEGAL DESCRIPTION  
The Business Park at Cambridge Crossings

Property located in the City of Troy, County of Oakland, State of Michigan.

Unit(s) 3, 4, and 5, of the Business Park at Cambridge Crossings, a condominium according to the Master Deed recorded in Liber 21432, Page(s) 305, and as last amended in Liber 32631, page(s) 409, Oakland County Records and designated as Oakland County Condominium Subdivision Plan No. 1226, and any amendments thereto, together with an undivided interest in the general common elements and limited common elements as set forth in the above described Master Deed in Act 59 of the Public Acts of 1978, as amended.







TAX PARCEL ID:  
20-32-126-034

ZONED:  
IB - INTEGRATED INDUSTRIAL BUSINESS DISTRICT

TAX PARCEL ID:  
20-32-126-033

ZONED:  
IB - INTEGRATED INDUSTRIAL BUSINESS DISTRICT

TAX PARCEL ID:  
20-32-126-032

ZONED:  
IB - INTEGRATED INDUSTRIAL BUSINESS DISTRICT

TAX PARCEL ID:  
20-32-126-031

ZONED:  
IB - INTEGRATED INDUSTRIAL BUSINESS DISTRICT

**Note:**  
SITE LIGHTING IS NOT INCLUDED IN PROJECT

**UNIT 2**  
TAX PARCEL ID:  
20-32-126-030

ZONED:  
IB - INTEGRATED IN

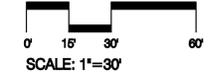
**Plant List:**

CODE	QTY	DESCRIPTION	SIZE	COMMENTS
AR	10	Acer rubrum 'October Glory' October Glory Red Maple	2.5'	cal. single straight trunk matched
PP	15	Picea pungens Green Spruce	7 ft.	B&B, unsharped full to ground
CA	43	Calamagrostis acutiflora 'Karl Foerster' Karl Foerster Feather Reed Grass	3 gal.	30" o.c.

- Note Key:**
- 1 CONCRETE PAVING, TYP.
  - 2 HEAVY DUTY CONCRETE DRIVE APPROACH
  - 3 HEAVY DUTY ASPHALT PARKING LOT W/ CURBS AND GUTTER
  - 4 SEEDED LAWN ON 4" TOPSOIL, TYP.
  - 5 PORTABLE RESTROOMS (SELF CONTAINED) ON CONCRETE
  - 6 BARRIER FREE PARKING SIGNS - (2) TOTAL
  - 7 4' HT. CHAIN LINK SIDELINE FENCE
  - 8 8' HT. CHAIN LINK DUGOUT PROTECTION FENCE
  - 9 CHAIN LINK OUTFIELD FENCE, HT. VARIES, REFER TO PLAN
  - 10 SWING GATES
  - 11 ALUMINUM DUGOUT BENCH
  - 12 30' HT. BACKSTOP NETTING W/ SUPPORT POLES AND TENSION CABLES
  - 13 30' X 120' X 1' HT. BATTING CAGE ON CONCRETE PAD
  - 14 ALUMINUM BLEACHER SEATING
  - 15 30' HT. FOUL POLE
  - 16 SODDED OUTFIELD LAWN ON 6" TOPSOIL
  - 17 CLAY INFIELD
  - 18 EXISTING TREES TO REMAIN, TYP.
  - 19 2'-8" HT. MASONRY WALL
  - 20 CLAY BULLPENS
  - 21 SLAG WARNING TRACK
  - 22 20' HT. FOUL POLE
  - 23 BARRIER FREE SIDEWALK RAMP
  - 24 STANDARD WHITE, BLUE (HC) PARKING LOT STALL STRIPING
  - 25 BIKE RACK - CAPACITY FOR (2) BIKES
  - 26 4" DEPTH SHREDDED BARK MULCH

**Ordinance Requirements:**

FRONT YARD SETBACK	REQUIRED: 30'	PROVIDED: 30'
SIDE YARD SETBACK	REQUIRED: 10'	PROVIDED: 20'
BACK YARD SETBACK	REQUIRED: 10'	PROVIDED: 33'
TREES (FRONTAGE)	1 PER 30' LF, 6/2 LF/30' = 21 TREES	REQUIRED: 21 PROVIDED: 21
TREES (PARKING)	1 PER 5' PARKING SPACES, 41 SPACES/5' = 9 TREES	REQUIRED: 9 PROVIDED: 9
GROSS SITE AREA	INSIDE ROW = 6.61 ACRES (230,628 SF)	
PAVED AREA	34,508 SF	



**SES ENGINEERING GROUP, LLC**  
48264 MANCHESTER  
MACOMB, MI 48044  
(586) 216-1043  
www.sesengineeringgroup.wpweb.com

**GRISSIM METZ ASSOCIATES ANDRIESE**

Landscape Architecture  
Civil Engineering  
300 East Cady Street  
Northville, MI 48167  
Ph: 248-347-7010  
Fax: 248-347-7005  
Email: mailbox@gmail.com

Project: **Brother Rice High School Warrior Park**  
Troy, Michigan

Sheet: **Preliminary Site Plan**

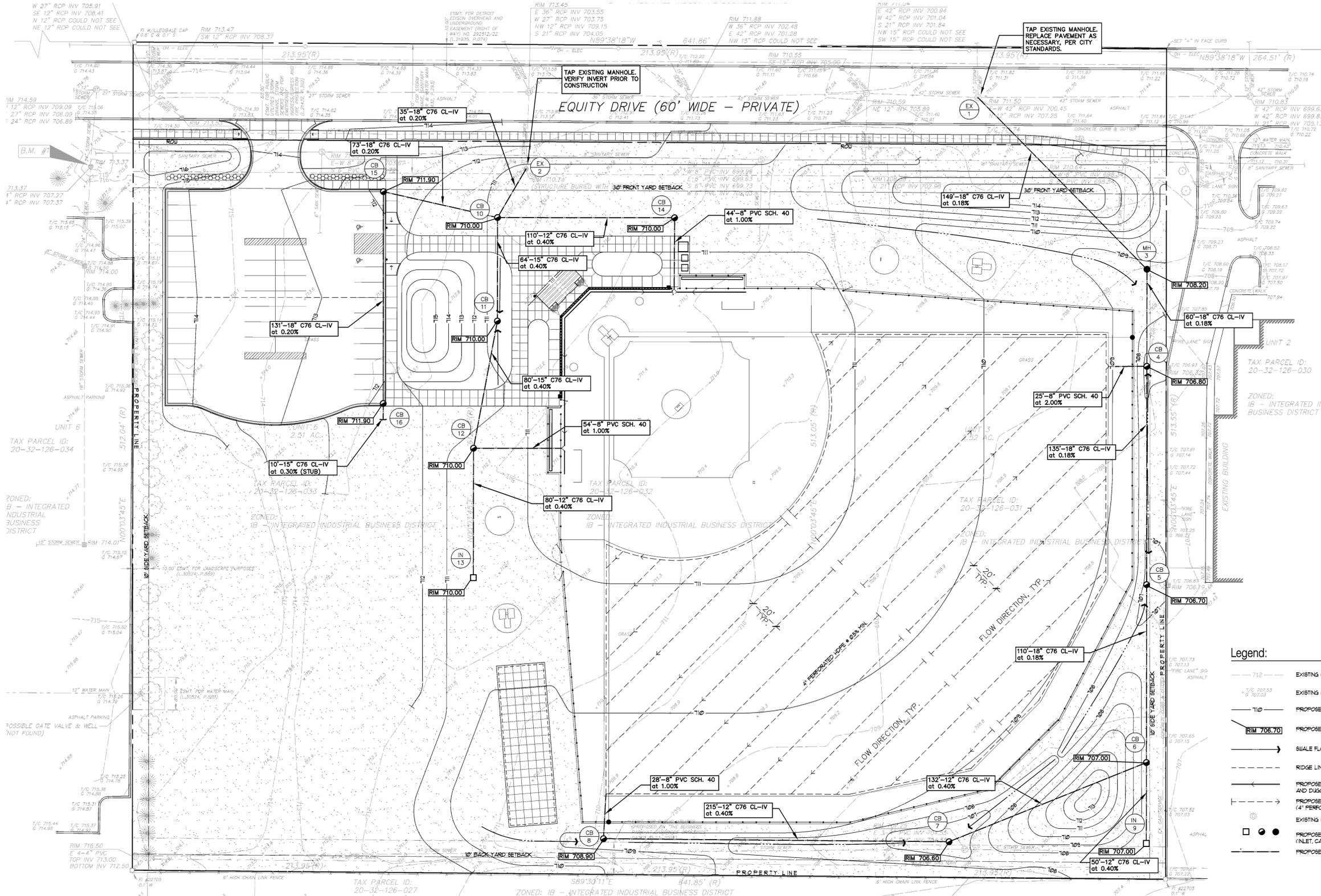
Job Number: **B85-111**  
Drawn: **SAE, AEL**  
Checked: **PRA, RGH**  
Scale: **1"=30'-0"**

Date: **12/09/2011** Issued for: **Preliminary Site Plan Approval**  
**01/18/2012** Revised Per **Preliminary Site Plan Approval**

Sheet Number:  
© Grissim Metz Andriese Associates, 2010

**L101**





**BENCHMARK INFORMATION:**

REFERENCE BENCHMARK:  
 ARROW ON HYDRANT, NORTH SIDE OF EQUITY DRIVE, 20 FEET NORTH OF BACK OF CURB AT WEST END OF EQUITY DRIVE. (PER CONDOMINIUM DOCUMENTS)  
 ELEV = 728.99 (USGS DATUM)

SITE BM#1:  
 SOUTH RIM OF STORM SEWER CATCH BASIN, 30 FEET SOUTH OF SOUTH CURB LINE OF EQUITY DRIVE AND 26 FEET WEST OF THE WEST PROPERTY LINE  
 ELEV = 713.37 (USGS DATUM)

FLOODPLAIN NOTE: ENTIRE SITE LIES WITHIN ZONE 'X' (AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN) ACCORDING TO THE FLOOD INSURANCE RATE MAP, ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, COMMUNITY PANEL 26125C0541F, EFFECTIVE DATE: 9-16-2006.

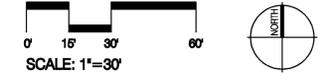
**REFERENCE DRAWINGS**

WATER MAIN AS-BUILT SURVEY, NOWAK AND FRAUS DATED 02/08/2002  
 SANITARY SEWER AS-BUILT SURVEY, NOWAK AND FRAUS DATED 02/08/2002  
 STORM SEWER AS-BUILT SURVEY, NOWAK AND FRAUS DATED 02/08/2002  
 COMBINED SEWER AS-BUILT SURVEY, NOWAK AND FRAUS DATED 02/08/2002  
 GAS NOT APPLICABLE  
 ELECTRIC DTE ENERGY FACILITY LOCATION MAP#310-382, DATED 11/18/11  
 NOT RECEIVED AT TIME OF SURVEY  
 CONSUMER ENERGY SERVICE MAPS 02-61-32-2, DATED 05/23/11  
 NOT RECEIVED AT TIME OF SURVEY  
 GUYTON CONCRETE T.V. SERVICE - NO SERVICE IN AREA, DATED 11/18/11  
 ZONE 'X', FIRM MAP PANEL No. 26125C0541F, 09/29/06  
 FLOOD PLAN TOPOGRAPHIC SURVEY, PROFESSIONAL ENGINEERING ASSOCIATES, DATED 02/27/01  
 OTHER:

PROPOSED STORM STRUCTURE TABLE			
EX 1	EX RIM 711.50 EX. 42" E&W 700.45 EX. 12" N 707.25 EX. 12" SE 701.00	CB 4	4' DIA (W/2' SUMP) EJW #1040 W/TYPE N GRATE RIM 706.80 18" N 701.51 18" S 701.61 8" W 703.80
EX 2	EX RIM 710.7± EX. 21" N 704.90±(VERIFY) 12" S 705.70	CB 5	4' DIA (W/2' SUMP) EJW #1040 W/TYPE N GRATE RIM 706.70 18" N 701.85 18" S 701.95
MH 3	4' DIA EJW #1000 W/TYPE B COVER RIM 708.20 18" NW 701.27 18" S 701.40	CB 6	4' DIA (W/2' SUMP) EJW #1040 W/TYPE N GRATE RIM 707.00 18" N 702.15 12" W 702.25 18" S 702.80
CB 7	4' DIA (W/2' SUMP) EJW #1040 W/TYPE N GRATE RIM 707.00 18" N 702.15 12" W 702.25 18" S 702.80	CB 8	4' DIA (W/2' SUMP) EJW #1040 W/TYPE N GRATE RIM 708.90 12" E 703.74 8" N 705.00
IN 9	2' DIA EJW #1040 W/TYPE N GRATE RIM 707.00 12" N 703.00	IN 10	2' DIA EJW #1040 W/TYPE N GRATE RIM 710.00 12" N 707.02
CB 11	4' DIA (W/2' SUMP) EJW #1040 W/TYPE N GRATE RIM 710.00 15" N 706.13 15" S 706.23	CB 12	4' DIA (W/2' SUMP) EJW #1040 W/TYPE N GRATE RIM 710.00 15" N 706.55 12" S 706.70 8" E 706.70
CB 13	4' DIA (W/2' SUMP) EJW #1040 W/TYPE N GRATE RIM 710.00 18" N 705.77 18" S 705.87 12" E 706.00	CB 14	4' DIA (W/2' SUMP) EJW #1040 W/TYPE N GRATE RIM 710.00 12" W 706.44 8" S 706.60
CB 15	5' DIA (W/2' SUMP) EJW #1005 W/TYPE M2 GRATE RIM 711.90 18" E 708.02 18" S 708.12	CB 16	4' DIA (W/2' SUMP) EJW #1005 W/TYPE M2 GRATE RIM 711.90 18" N 706.38 15" S 706.50

**Legend:**

- - - - - 712 - - - - - EXISTING CONTOURS
- T/C 707.53  
G 707.03 EXISTING SPOT ELEVATIONS
- - - - - 710 - - - - - PROPOSED CONTOURS
- RIM 708.70 PROPOSED SPOT ELEVATIONS
- SWALE FLOW LINE
- - - - - RIDGE LINE
- PROPOSED TRENCH DRAINS AT BACKSTOPS AND DUGOUTS
- PROPOSED BASEBALL FIELD UNDERDRAINAGE (4" PERFORATED HDPE)
- EXISTING STRUCTURES
- ○ ● PROPOSED STRUCTURES (INLET, CATCH BASIN, MANHOLE)
- - - - - PROPOSED STORY LINE



SES  
 ENGINEERING GROUP, LLC  
 48264 MANCHESTER  
 MACOMB, MI 48044  
 (586) 216-1043  
 www.sesengineeringgroup.vpweb.com

**GRISSIM  
 METZ ASSOCIATES  
 ANDRIESE**

Landscape Architecture  
 Civil Engineering  
 300 East Cady Street  
 Northville, MI 48167  
 Ph: 248-347-7010  
 Fax: 248-347-7005  
 Email: mailbox@gma-la.com

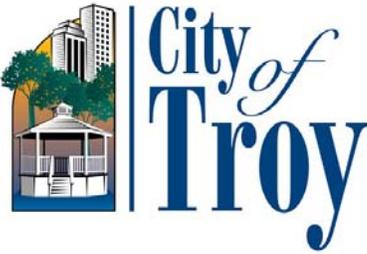
Project: **Brother Rice High School Warrior Park**  
 Troy, Michigan

Sheet: **Preliminary Storm Sewer Plan**

Job Number: **B85-111**  
 Drawn: **TS, AEL**  
 Checked: **PRA, RGH**  
 Scale: **1"=30'-0"**



Date: **12/09/2011** Issued for: **Preliminary Site Plan Approval**  
 01/18/2012 Revised Per Preliminary Site Plan Approval



## CITY COUNCIL ACTION REPORT

January 30, 2012

TO: John Szerlag, City Manager

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

SUBJECT: Sole Source - Upgrade BS&A Software

### **Background**

The City has utilized BS&A software since 1999 for Assessing, Tax Administration, Delinquent Personal Property, Special Assessments, and the Building Department System (including Permitting, Inspections and Code Enforcement). Cemetery Management was added in 2006. These systems were built upon a proprietary Pervasive database. Since initially purchasing BS&A software the city has adopted a database standard of Microsoft SQL Server. After many years of pressure from communities and most recently Oakland County, BS&A has rewritten their software utilizing the Microsoft .Net development platform and Microsoft's SQL Server database.

The city has been very happy with BS&A as a software company offering great support and quality products at relatively low cost. The biggest issue we have had with this software is the difficulty accessing data for reporting and interfacing purposes. We have had to build and maintain redundant SQL Server databases which mirror some of the data in Pervasive as a workaround to gain access. In fact some of the data isn't even available to extract outside of their system. This becomes problematic when you want to offer real time access to data, and adds a level of complexity causing more potential points of failure.

Migration of their products to the Microsoft SQL Server database will bring it in line with our current database standard and will make data access much simpler. In addition, there are a number of other advantages to this newer version of the software as outlined in Attachment B. The City purchased and successfully implemented the .Net Utility Billing application in September of 2010 so we have experience with the new platform and have been very pleased with it. In addition, support during the implementation and conversion was excellent.

BS&A is phasing out the current Pervasive product. They are no longer marketing it, they will not be developing or implementing any new features in it, and eventually they will be discontinuing support.

Pricing for this upgrade can be found in Attachment A. Note there is no cost for additional hardware since we will be utilizing an existing SQL Server to house the database.

## **Recommendation**

City management is requesting authorization to upgrade BS&A software as outlined in Attachment A for an estimated total cost of \$87,380 with a yearly software maintenance fee of \$15,960 that could change annually based on the Consumer Price Index (CPI) for the then current year when compared with the previous year.

## **Fund Availability**

Funds are budgeted and available in the Information Technology Fund.

## ATTACHMENT A

### Costs

	One-time Fee	Recurring Cost
<b>Software Module</b>	<b>Cost</b>	<b>Maintenance*</b>
Equalizer Assessing.Net	\$ 20,580	\$ 4,575
Equalizer Tax.Net	17,415	3,575
Equalizer Special Assessment.Net	8,795	1,760
Equalizer Delinquent Personal Property.Net	5,275	1,055
Cemetery Management.Net	2,095	420
Building Department.Net	22,870	4,575
<b>Training</b>		
Assessing, Tax, Special Assessment, Delinquent PP and Cemetery Management		
5 days @ \$1,150/day	5,750	
Building Department		
4 days @ \$1,150/day	4,600	
<b>Total</b>	<b>\$ 87,380</b>	<b>\$ 15,960</b>

\* Note: Annual maintenance will increase from \$8,940 on the current platform to \$15,960 on the .Net platform.

# ATTACHMENT B

## .Net Features

### General

1. Industry and City standard Microsoft SQL database versus more proprietary Pervasive database.
2. Allows for much better query capabilities and the ability to utilize the SQL Server Reporting Services report writer tool.
3. Allow us to integrate this database into our SQL backup scheme resulting in more reliable and point in time backups.
4. Allows direct access to SQL tables eliminating the need to replicate and maintain separate tables.
5. Improved User Administration
  - a. A centralized Admin database is shared across all applications. Among other benefits, this eliminates the use of redundant user records in multiple applications, greatly improving user administration.
  - b. User Groups eliminate the need to set up individual user security by letting you set the same rights for a batch of users at once.
  - c. Windows Active Directory users can authenticate to BS&A applications using their Active Directory login credentials. Currently each module requires a separate login.
  - d. True network-aware Who's Logged In lets you view other users currently logged in, and send them messages.
6. All-New Reporting System
  - a. Much improve integrated report writing tool.
  - b. Export reports to a variety of formats (PDF, Excel, etc.).
  - c. Email reports from within the reporting system.
  - d. Report Profiles allow you to group your most often-run reports together for quick retrieval.
7. All applications are built on the same framework, making it easier for users to navigate.
8. Detailed audit trail tracks virtually all changes made.
9. Reminders help you keep track of important events, tasks, deadlines, etc., and can be assigned to specific parcels. An Item Display Filter gives you the option to view All, Expired, or Future reminders, and a Snooze feature temporarily dismisses the reminder so you can continue with your work.

### Assessing

1. New Land Table tool lets you increase/decrease rates en-masse.
2. New Charts item in the Tasks menu provides a snapshot of items by Property Class (SEV, Parcel Count, or Taxable Value). Charts may be printed or saved as an image to be included on reports, making them more presentable.
3. Selection-based filters give you better control over items to include in a task. For example, previously the Sales Search & Analysis feature only let you select a range of neighborhoods. Assessing .Net lets you pick and choose.
4. Built in Comparable Sale Analysis tool.
5. Data can be viewed in a larger variety of tables.
6. View unlimited previous year values (SEV, Assessed, Taxable, Headlee, etc.).
7. The Edit Parcel screen provides tabs to view thumbnails of Attachments and Sketches.

8. Gross Rent Multiplier Valuation Method has been added to the Neighborhood ECF and Analysis area.
9. Discounted Cash Flow Valuation Method has been added to Income Capitalization.
10. ECF Analysis opens in a separate window, letting you go to the parcels found without closing the Analysis.
11. When linked with Equalizer Tax .Net, view real-time tax bill history from within Assessing.
12. Sketch Integration
  - a. Sketch Integration lets Assessing .Net figure the pricing of a Residential building for you: draw the sketch, and the Basic Building Area is calculated by the program - no need for you to manually enter the data.
  - b. Existing sketches from the Pervasive version of Assessing can also price your Residential buildings. You can view the data calculated by the program and compare it to the existing values before updating the buildings.

## Tax

1. Edit Parcel/Tabbed Seasons
  - a. The Edit Parcel screen offers quicker access to parcel information in a new tabbed format.
  - b. Tabbed seasons enable you to locate season-specific information with one click.
2. Adjustment Types
  - a. Expanded adjustment types, including School District and Property Class.
  - b. Multiple adjustments can be entered for each type (edit or add new ones).
3. Parcel Summary Pane
  - a. Provides seasonal figures.
  - b. If set up, provides Image and GIS information at a glance.
4. Committing Taxes
  - a. New Commit Taxes utility displays which taxes have and have not been committed.
  - b. Commit only the season you want, regardless of the season in which you are currently working.
5. Assessing/Tax Parcel Differences
  - a. When linked with Equalizer Assessing .Net, easily compare Tax's database information with Assessing in real time.
  - b. Parcels with conflicting information are highlighted, making them easier to locate so you can quickly resolve differences with your Assessor.
6. Adjustments Imported Directly from Assessing.NET
  - a. Board of Review and Tribunal adjustments are imported directly from Assessing.NET with the touch of a button. There is no need to first export Adjusted Values out of your Assessing database and then import them into Tax .NET.
7. Apply Payments
  - a. Pay Balance (Across All Seasons) lets you quickly pay the total amount due across all seasons for a particular parcel.
  - b. The View Batch Totals command pops up an information dialog with total number of transactions and total transaction amount for that batch number.
  - c. Clicking the Details button opens a screen providing essential tax payment information and payment spread, and offering more detail with the click of a button.
8. Receipts
  - a. The Receipt Summary Table lets you view all payments for all seasons, and can now be indexed by Season / Receipt Number.
  - b. Receipt reports, such as Quick Tax Disbursement, can now be run on current or multiple seasons.

9. Millage Table
  - a. Setting up Tax Names and Millage Rates has been streamlined to accommodate School Districts that have the same taxing authority across multiple units.
  - b. Will allow for automated export for easier updates to the website. Currently a manual process.
10. New Tax Year Database Wizard
  - a. The New Tax Year Database Wizard walks you through the process of setting up a new tax year. The Wizard allows you to copy application settings, mortgage companies, DDA information, special assessments, millage rates, and more from your previous year tax database.
11. MTT Refund Interest Calculator
  - a. The MTT Interest Refund Calculator pre-fills all values to calculate the interest portion to be refunded per parcel.

## **Building System**

1. "Various Charts", located in the Task Menu, gives a quick snapshot of the values in your database and provides a nice presentation for budget reports and basic municipality value statistics.
2. Building images, letters and other attachments, are shown for each parcel as you arrow down through the List View.
3. Scheduling for non-inspection related events; like vacations or other appointments, much like Outlook scheduling, is now available. Many new special features have been added to enhance the scheduling process.
4. Work Flow
  - a. Allows users to program actions to occur based on specific events. For example, when an inspection is completed, the program may prompt you for another inspection, and/or letter, fee, reminders, email delivery, etc., or these actions can be programmed to be automatic. Office efficiency is greatly enhanced because such detailed tasks can be assigned to the program and not take up staff time to complete.
5. Integrated Field Inspection Software
  - a. Tablet PC, touch-screen optimized software designed to streamline the inspection process. Checklists, workflows, quick text, handwriting recognition, and quick entry pop-up windows combine together to optimize your inspector's time. Through our synchronization process, your inspectors will have the entire property's history at their fingertips, including letters, images, and any other previously attached external documents giving them all the information they need, at the time and place they need it.
6. Integrated GIS capabilities built into Community Development.Net include:
  - a. GIS integration, accomplished by pointing your Building Department database to the Shape Files you create in your GIS application. The integration allows for a direct link of Building Department data to the GIS maps; no exports are required.
  - b. Seamless integration with your Table Views (i.e., Permit Records, Code Enforcement Records) that allows you to highlight blocked or marked records on the map.
  - c. Marking and unmarking of records in your Table Views from the Map.
7. Required to utilize the new Inspector/Contractor web interface which will allow application submission and on-line payment processing.



## CITY COUNCIL AGENDA ITEM

Date: January 20, 2012

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police *GM*  
 Captain Gerard Scherlinck *GS*  
 Sergeant George Zielinski *GZ #227*

Subject: Application regarding Class C Quota License and SDM Liquor License for 2Booli, Inc.

### Background

2Booli, Inc. requests a new Class C Quota License “above all others” and new SDM license with new Sunday Sales Permit(PM), new Sunday Sales Permit(AM), new Official Permit(Food) and new Catering Permit to be located at SW corner of Big Beaver and Rochester Road, Space A-120, Troy, MI 48083, Oakland County {MLCC Req. #627836}.

The 2Booli restaurant does not yet exist in Troy. The location for the proposed 2Booli restaurant is in a vacant space in the shopping plaza at the southwest corner of Big Beaver and Rochester Road, at the far east end of the shopping plaza, on the endcap.

On January 9, 2012, attorney Scott Edwards and Victor Ansara, president of Ansara Group, were present to answer questions from the Liquor Advisory Committee. Mr. Edwards and Mr. Ansara informed the Committee that the Ansara Group operates one 2Booli Restaurant in Farmington Hills and 20 Red Robin Restaurants in Michigan, including the location on Corporate Drive in Troy. The 2Booli location on Big Beaver will have 150 seats, an outdoor service area, and feature middle-Eastern cuisine. Renovation of the vacant space has just begun and they hope to open to the public in April. The training program includes a TIPS segment. Mr. Ansara stated that less than 6% of the sales at the Farmington Hills location are from alcohol.

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

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

### Recommendation

Recommend approval of 2Booli’s request, pending final inspections by the Fire Department, Building Department, and Health Department after the restaurant is built. Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, January 9, 2012 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 6:59 p.m.

**ROLL CALL:**

**PRESENT:** Max K. Ehlert, Chairman  
W. Stan Godlewski  
Patrick C. Hall  
Andrew Kaltsounis  
Timothy P. Payne  
Bohdan L. Ukraineec

**ABSENT:** David S. Ogg

**ALSO PRESENT:** Sergeant George Zielinski  
Susan Lancaster, Assistant City Attorney  
EunJoo Scherlinck, Student Representative  
Pat Gladysz

**Resolution to Excuse Committee Member Ogg**

Resolution #LC2012-01-001  
Moved by Hall  
Seconded by Kaltsounis

RESOLVED, That the absence of Committee member Ogg at the Liquor Advisory Committee meeting of January 9, 2012 be **EXCUSED**.

Yes: 6  
No: 0  
Absent: Ogg

---

**Resolution to Approve Minutes of November 14, 2011 Meeting**

Resolution #LC2012-01-002  
Moved by Hall  
Seconded by Ukraineec

RESOLVED, That the Minutes of the November 14, 2011 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 6  
No: 0  
Absent: Ogg

---

**Agenda Items**

1. **2Booli, Inc.** requests a new Class C Quota License “above all others” and new SDM license with new Sunday Sales Permit (PM), new Sunday Sales Permit (AM), new Official Permit (Food) and new Catering Permit to be located at SW corner of Big Beaver and Rochester Road, Space A-120, Troy, MI 48083, Oakland County {MLCC Req. #627836}.

Present to answer questions from the Committee were Scott Edwards, attorney, and Victor Ansara, president of Ansara Group.

Mr. Edwards and Mr. Ansara informed the Committee that the Ansara Group operates one 2Booli Restaurant in Farmington Hills and 20 Red Robin Restaurants in Michigan, including the location on Corporate Drive in Troy. The 2Booli location on Big Beaver will have 150 seats, an outdoor service area, and feature middle-Eastern cuisine. Renovation of the vacant space has just begun and they hope to open to the public in April. The training program includes a TIPS segment. Mr. Ansara stated that less than 6% of the sales at the Farmington Hills location are from alcohol.

Assistant City Attorney Lancaster advised the Committee that the City currently has two quota licenses available. Quota licenses are assigned to each governmental unit by the MLCC based on the population of the governmental unit. The City of Troy had one quota license before the 2010 census and was granted one additional license after the 2010 census. This Committee recommended and City Council approved one quota license for the catering service at the Community Center. However, that catering service was able to obtain a catering license so the City still has two quota licenses. The Troy Code of Ordinances allows the City to consider future development opportunities in its decision to grant or deny a quota license.

Sergeant Zielinski noted that the request did not include the permit for an outdoor service area.

Resolution #LC2012-01-003  
Moved by Hall  
Seconded by Godlewski

RESOLVED, That the Liquor Advisory Committee recommends that the request of 2Booli, Inc. for a new Class C Quota License “above all others” and new SDM license with new Sunday Sales Permit (PM), new Sunday Sales Permit (AM), new

Official Permit (Food) and new Catering Permit to be located at SW corner of Big Beaver and Rochester Road, Space A-120, Troy, MI 48083 be **APPROVED**, with the addition of the request for an outdoor service area.

Yes: 6  
No: 0  
Absent: Ogg

---

The Committee discussed the one remaining quota license and inquired whether there would be guidelines to follow when future license requests are received. Assistant City Attorney Lancaster replied that the ordinance provides for consideration of potential future development projects. Assistant City Attorney Lancaster explained that the previous criteria that had been adopted by City Council has been repealed and incorporated into the Ordinance but that she would look at those criteria to see if there were any guidelines that might be applicable for consideration by the Committee at a future quota license application hearing.

With regard to the Smoker's Express MLCC hearing held today, Assistant City Attorney Lancaster advised the Committee that the business owner admitted responsibility on all five counts. There will be a five-day suspension of his liquor license. The matter will enter into a penalty phase and the City will request that the license be revoked.

With regard to the advertising of Hot Rocks Pizza that they deliver beer, Assistant City Attorney Lancaster advised the Committee that this does not violate any laws as long as the delivery person is at least 18 years of age and the delivery recipient is at least 21 years of age.

---

The meeting adjourned at 8:38 p.m.

---

Max K. Ehlert, Chairman

---

Patricia A. Gladysz, Secretary II



Pastor Bob Cholette from the Troy Assembly of God performed the Invocation. The Pledge of Allegiance to the Flag was given.

### A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held Monday, January 23, 2012, 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) Service Commendation for Jay Reynolds, Retired Police Officer

### D. CARRYOVER ITEMS:

- 
- D-1 No Carryover Items

### E. PUBLIC HEARINGS:

- 
- E-1 Public Hearing for the Granting of an Industrial Facilities Exemption Certificate (IFEC) for Tepel Brothers Printing, Inc., 1725 John R

The Mayor **OPENED** the Public Hearing.

The Mayor **CLOSED** the Public Hearing after receiving comment from Richard Peters.

Resolution #2012-01-010

Moved by McGinnis

Seconded by Fleming

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 1725 John R, Troy, MI. 48083, Parcel # 88-20-26-479-040; and

WHEREAS, An Application has been submitted by Tepel Brothers Printing, Inc., for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 1725 John R, Troy, MI. 48083 for seven (7) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on January 9, 2012, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for Tepel Brothers Printing, Inc., at 1725 John R, Troy, MI. 48083 may have the effect of substantially

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

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

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for Tepel Brothers Printing, Inc., at 1725 John R, Troy, MI. 48083 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application to for an Industrial Facilities Exemption Certificate (IFEC) for Tepel Brothers Printing, Inc., at 1725 John R, Troy, MI. 48083, Parcel # 88-20-26-479-040, for personal property for a term of seven (7) years, after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Tepel Brothers Printing, Inc., and the payment of the fees in accordance with Public Act 198 of 1974, as amended; and

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

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

Yes: Campbell, Fleming, Henderson, McGinnis, Slater

No: Daniels, Tietz

## MOTION CARRIED

## F. PUBLIC COMMENT:

Fair, Daniel	Spoke in support of Mayor Daniels.
Lukas, Paul	Spoke in support of the transit facility.
Baxi, Minesh	Presented a resolution for the operating/maint. costs of the transit facility.
Peters, Richard	Spoke about various topics.
Reinhardt, Marvin	Spoke about various topics.
Kulesz, John	Spoke about FOIA request for Mayor's recording of meeting.
Schepke, Gordon	Spoke in support of Mayor Daniels and about DDA.
Graczyk, Ed	Spoke in support of Mayor Daniels and of Mr. Baxi's resolution.
Savage, James	Spoke in support of Mayor Daniels and about public comment directed toward Mayor Daniels.
Martin, Susan	Spoke about the response to FOIA request for Mayor Daniel's emails.

**G. RESPONSE / REPLY TO PUBLIC COMMENT**

**H. POSTPONED ITEMS:**

**H-1 Hearing for the Revocation of a Massage Facility License – Recovery Spa, Inc. – 1975 E. Maple Rd. (Postponed from January 9, 2012)**

Resolution #2012-01-011  
Moved by Slater  
Seconded by Henderson

RESOLVED, That Troy City Council hereby **REVOKES** the Massage Facility License issued to Recovery Spa, Inc. located at 1975 E. Maple Rd.

Yes: All-7  
No: None

**MOTION CARRIED**

**I. REGULAR BUSINESS:**

**I-1 Board and Committee Appointments: None Scheduled**

**I-2 Board and Committee Nominations: Mayoral Nominations: Downtown Development Authority, Planning Commission; City Council Nominations: Historic District Study Committee, Election Commission, Zoning Board of Appeals**

**a) Mayoral Nominations**

Moved by Daniels  
Seconded by Henderson

**Planning Commission**

Appointed by Mayor (9-Regular) – 3 Year Term

**Nominations for Planning Commission**

**Term Expires: 04/30/2014**

**Gordon Schepke**

Term currently held by: Robert Schultz

**Term Expires: 04/30/2014**

**Steve Johanssen**

Term currently held by: Thomas Strat

**Term Expires: 04/30/2014**

**Steve Lokken**

Term currently held by: Lon Ullmann

**Vote on Resolution to Postpone Nominations to the Planning Commission to the February 6, 2012 Regular City Council Meeting**

Resolution #2012-01-012

Moved by Tietz

Seconded by Slater

RESOLVED, That City Council **POSTPONE** Nominations to the Planning Commission to the February 6, 2012 Regular City Council Meeting.

Yes: All-7

No: None

## **MOTION CARRIED**

### **b) City Council Nominations**

#### **Establishment of Historic District Study Committee**

Resolution #2012-01-013

Moved by McGinnis

Seconded by Slater

WHEREAS, The Planning Department received a request from a resident to de-list a historic property; and

WHEREAS, Chapter 13 Historic Preservation requires City Council to establish and appoint an ad-hoc Historic District Study Committee to process applications to de-list historic properties.

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ESTABLISHES** an ad-hoc Historic District Study Committee of not less than three (3) members, in accordance with the provisions of Chapter 13 of the Troy City Code and MCL 399.214(1), which shall be dissolved after all pending applications are finalized.

Yes: All-7

No: None

## **MOTION CARRIED**

### **City Council Nominations**

Moved by McGinnis

Seconded by Slater

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

#### **Historic District Study Committee**

Appointed by Council (3- Ad-Hoc Members)

#### **Nominations for Historic District Study Committee:**

**Term Expires: Ad-Hoc** \_\_\_\_\_ **Loraine Campbell**

**Term Expires: Ad-Hoc** \_\_\_\_\_ **Barbara Chambers**

**Term Expires: Ad-Hoc** \_\_\_\_\_ **Bruce Bloomingdale**

**Election Commission**

Appointed by Council (2 Regular Members and 1 Charter Member) – 1-Year Term

**Nominations for Election Commission:**

**Term Expires: 01/31/2013** \_\_\_\_\_ **David C. Anderson** (Republican)

Term currently held by: David C. Anderson

**Term Expires: 01/31/2013** \_\_\_\_\_ **Timothy Dewan** (Democrat)

Term currently held by: Timothy Dewan

**Zoning Board of Appeals**

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

**Nominations for Zoning Board of Appeals:**

**Term Expires: 04/30/2014** \_\_\_\_\_ (PC Rep)

Term currently held by: Thomas Strat

**Term Expires: 04/30/2014** \_\_\_\_\_ **Bruce Bloomingdale** (Alternate)

Term currently held by:

**Term Expires: 04/30/2014** \_\_\_\_\_ **Orestis R. Kaltsounis** (Alternate)

Term currently held by:

**Vote on Resolution to Amend by Adding Nominations to Election Commission and the Zoning Board of Appeals**

Resolution #2012-01-014

Moved by Tietz

Seconded by Fleming

RESOLVED, That City Council **AMENDS** the Resolution to Add Nominations to the Election Commission and the Zoning Board of Appeals as follows:

**Election Commission**

Appointed by Council (2 Regular Members and 1 Charter Member) – 1-Year Term

**Nominations for Election Commission:**

**Term Expires: 01/31/2013**

**David Harrell**

**(Republican)**

Term currently held by: David C. Anderson

[Zoning Board of Appeals](#)

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

**Nominations for Zoning Board of Appeals:**

**Term Expires: 04/30/2014**

**David Eisenbacher**

**(Alternate)**

Term currently held by:

Yes: All-7

No: None

**MOTION CARRIED**

**Vote on Resolution for Item 1-2 Board and Committee Nominations: City Council Nominations: Election Commission and Zoning Board of Appeals as Amended**

Resolution #2012-01-015

Moved by McGinnis

Seconded by Slater

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

[Historic District Study Committee](#)

Appointed by Council (3- Ad-Hoc Members)

**Nominations for Historic District Study Committee:**

**Term Expires: Ad-Hoc**

**Lorraine Campbell**

**Term Expires: Ad-Hoc**

**Barbara Chambers**

**Term Expires: Ad-Hoc**

**Bruce Bloomingdale**

[Election Commission](#)

Appointed by Council (2 Regular Members and 1 Charter Member) – 1-Year Term

**Nominations for Election Commission:**

**Term Expires: 01/31/2013**

**David C. Anderson**

**(Republican)**

**David Harrell**

**(Republican)**

Term currently held by: David C. Anderson

**Term Expires: 01/31/2013**

**Timothy Dewan**

**(Democrat)**

Term currently held by: Timothy Dewan

**Zoning Board of Appeals**

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

**Nominations for Zoning Board of Appeals: Select Two (2) Alternate Members**

**Term Expires: 04/30/2014**

**Bruce Bloomingdale**

**(Alternate)**

Term currently held by:

**Term Expires: 04/30/2014**

**Orestis R. Kaltsounis**

**(Alternate)**

Term currently held by:

**Term Expires: 04/30/2014**

**David Eisenbacher**

**(Alternate)**

Term currently held by:

Yes: All-7  
No: None

**MOTION CARRIED**

**I-3 Closed Session**

Resolution #2012-01-016  
Moved by Daniels  
Seconded by Fleming

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268(h) (MCL15.243(g)).

Yes: All-7  
No: None

**MOTION CARRIED**

**I-4 2012 Poverty Exemption Guidelines (Changes From Previous Year)**

Resolution #2012-01-017  
Moved by McGinnis  
Seconded by Campbell

RESOLVED, That pursuant to MCL 211.7u, the City Council of the City of Troy hereby **APPROVES** the proposed "Poverty Exemption Guidelines" for 2012, as presented by the City Assessor in a memorandum dated December 28, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

No: None

## MOTION CARRIED

---

**I-5 Special Use Request and Preliminary Site Plan Review (File Number SU 391) – Proposed Kroger Retail Fuel Center D-464, Southwest Corner of South Boulevard and Crooks (2105 W. South Blvd.), Section 5, Currently Zoned NN (Neighborhood Node) District (Controlled by Consent Judgment)**

Resolution #2012-01-018

Moved by Fleming

Seconded by Slater

RESOLVED, That the Troy City Council hereby **GRANTS** Special Use Approval and **APPROVES** the Preliminary Site Plan for the addition of a Kroger Fuel Center, including other site improvements, located at the southwest corner of South Boulevard and Crooks Road, Section 5, as indicated on a Site Plan prepared by Landplan Engineering, P.A. This site plan revises and updates the exhibits to the Consent Judgment in the *Northfield Commons Associates L.L.C. et al v. City of Troy* lawsuit, Case Number 1990-389364-NZ, and reflects the parties' agreement as to the proposed development on the property.

BE IT FURTHER RESOLVED, That the Troy City Council also **APPROVES** a Second Order Amending Consent Judgment to facilitate the development as proposed, and **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the document which incorporates the updated and revised Preliminary Site Plan, after all other necessary parties have executed it. A copy of the executed document shall be **ATTACHED** to the original Minutes of this meeting

Yes: All-7

No: None

## MOTION CARRIED

---

**I-6 Addendum No. 1: Contract 10-5 – Tallman and Eckford Water Main Replacement**

Resolution #2012-01-019

Moved by Fleming

Seconded by Slater

RESOLVED, That Addendum No. 1 to Contract No. 10-5, Tallman and Eckford Water Main Replacement, is hereby **APPROVED** to Pamar Enterprises, Inc, 58021 Gratiot, New Haven, MI 48048 at unit prices contained in the contract. The total amount authorized is \$769,485.50 and includes the previous authorized amount of \$641,805.00, 10% contingency as per the contract award resolution and the estimated \$63,500.00 amount for which Addendum No. 1 exceeds the 10% contingency.

Yes: All-7

No: None

**MOTION CARRIED****J. CONSENT AGENDA:**

---

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

Resolution #2012-01-020  
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

---

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

---

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

Resolution #2012-01-020-J-2

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

- a) Regular City Council Meeting of January 9, 2012 (**CORRECTED**)
  - b) Special City Council Meeting of January 17, 2012
- 

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

---

**J-4 Standard Purchasing Resolutions:**

- a) **Standard Purchasing Resolution #1: Award to Low Bidder – Purchase of Fire Hose**

Resolution #2012-01-020-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish one-year requirements of fire hose and couplings for the Troy Fire Department to the low total bidder, Apollo Fire Equipment of Romeo, MI, at an estimated total cost of \$13,525.00, at unit prices contained in the bid tabulation opened January 4, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting to expire January 31, 2013.

BE IT FURTHER RESOLVED, That Apollo Fire Equipment has agreed to **EXTEND THE CONTRACT** to other MITN Purchasing Cooperative members and associated entities under the same prices, terms and conditions.

---

**J-5 Addendum No. 1: Contract 10-1 – Section 35 Water Main Replacement**

---

Resolution #2012-01-020-J-5

RESOLVED, That Addendum No. 1 to Contract No. 10-1, Section 35 Water Main Replacement, is hereby **APPROVED** to Bricco Excavating Company, LLC, 21201 Meyers Road, Oak Park, MI 48237 at unit prices contained in the contract. The total amount authorized is the amount of \$1,850,992.95 and includes the previous authorized amount of \$1,549,084.50, 10% contingency as per the contract award resolution and the estimated \$147,000.00 amount for which Addendum No. 1 exceeds the 10% contingency.

---

**J-6 Renewal of Membership in the Traffic Improvement Association (TIA) of Oakland County**

Resolution #2012-01-020-J-6

RESOLVED, That approval is **GRANTED** to pay the renewal of the City of Troy's membership in the Traffic Improvement Association for the year 2012, in the amount of \$23,600. The fee is to be divided equally between the Traffic Engineering and Police Departments. Funds are available in the 2011-2012 Traffic Engineering's Membership and Dues Fund and the 2011-2012 Police Department's Contractual Services General Fund.

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

---

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

---

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

**L. COUNCIL REFERRALS:**

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

---

**L-1 No Council Referrals Advanced**

The meeting **RECESSED** at 9:19 PM.

The meeting **RECONVENED** at 9:24 PM.

**M. COUNCIL COMMENTS**

---

**M-1 No Council Comments Advanced**

Council Member Tietz announced that State Representative Marty Knollenberg will be hosting a seminar about preventing identity theft and scams for residents of Oakland County on Tuesday Jan. 24 from 7-8pm at the Troy Community Center.

Mayor Daniels requested City Staff draft a resolution that would bind the Troy Chamber of Commerce to cover the operating/maintenance costs of the Troy Multi-Modal Transit Facility. Council Member Slater requested waiting until after a meeting with the Troy Chamber of

Commerce scheduled for March 1, 2012. There was a consensus of City Council to wait until that time.

Council Member Slater addressed the City Manager's written response to the position paper that Mayor Daniels read at the January 9, 2012 City Council Meeting.

## N. REPORTS

---

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

- a) Liquor Advisory Committee-Final-November 14, 2011
  - b) Zoning Board of Appeals-Draft-November 15, 2011
  - c) Zoning Board of Appeals-Final-November 15, 2011
  - d) Planning Commission-Draft-December 13, 2011
  - e) Planning Commission-Final-December 13, 2011
  - f) Liquor Advisory Committee-Draft-January 9, 2012  
Noted and Filed
- 

### N-2 Department Reports:

- a) Building Department Activity Report – December, 2011
  - b) Procedures for Conducting a Public Hearing  
Noted and Filed
- 

### N-3 Letters of Appreciation:

- a) Letter of Appreciation to Chief Mayer from Samuel Lamerato on Behalf of the American Public Works Association, Thanking Officer Stansbury and Officer Linton
  - b) Letter of Appreciation to Chief Nelson from Mike Witoszynski, General Manager of MET Hotel, Thanking Lieutenant Perry  
Noted and Filed
- 

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

## O. STUDY ITEMS

---

### O-1 Publicly Funded Health Insurance Contributions Act (Public Act 152 of 2011)

Resolution #2012-01-021  
Moved by Tietz  
Seconded by Slater

RESOLVED, That City Council **POSTPONES** Item **O-1** *Publicly Funded Health Insurance Contributions Act (Public Act 152 of 2011)* to the February 20, 2012 Regular City Council Meeting.

Yes: All-7  
No: None

**MOTION CARRIED**

The Meeting **RECESSED** at 9:49 PM.

The Meeting **RECONVENED** at 9:55 PM.

**P. CLOSED SESSION:**

---

**P-1** Closed Session

**Q. ADJOURNMENT**

The meeting **ADJOURNED** at 11:30 PM

---

Mayor Janice Daniels

---

M. Aileen Bittner, CMC  
City Clerk



## CITY COUNCIL AGENDA ITEM

---

January 27, 2012

To: John Szerlag, City Manager

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

Subject: Standard Purchasing Resolution 1: Award To Low Bidder – Parking Lot Maintenance Program

---

### **Background**

On January 26, 2012, bids were received to complete the Parking Lot Maintenance Program for fiscal year 2011/2012. Two-hundred forty-five (245) vendors were notified of the bid opportunity via the MITN system with seven (7) bid responses received. Two (2) additional bids were non-responsive, as they did not provide the bid surety as specified. This program has historically been bid on a low total basis due to bonding requirements, as well as to effectively utilize limited resources in the field. Rotondo Construction Corporation of Farmington Hills, MI, was the low total bidder for this year's program, and over \$20,000.00 less than any other cement contractor for Tasks 1-3, and only \$3,150.00 more than the lowest asphalt bidder for Task 4. When asked, Rotondo was not interested in a split award as they spread their mobilization costs to all tasks in order to get the entire contract.

City owned parking lots are evaluated and placed on the program for proper maintenance and repair on a rotating schedule. Moving this work forward improves public safety and reduces the City's liability. ITB-COT 11-20 to complete the Parking Lot Maintenance Program was competitively bid as required by City Charter and Code. The award is contingent upon the recommended bidder's submission of proper contracts and bid documents, including bonds, insurance certificates and all other specified requirements.

### **Recommendation**

City management and the Public Works department recommend awarding a contract to complete the Parking Lot Maintenance Program for FY2011/12 to the low total bidder, Rotondo Construction Corporation of Farmington Hills, MI for an estimated total cost of \$97,046.00 at unit prices contained in the bid tabulation opened 1/26/2012.

### **Fund Availability**

Funds are available in 2011/12 Streets Division Capital Account and Major Road Surface Maintenance Accounts.

Prepared by: Marina Basta-Farouk, Project Construction Manager

G:\Bid Award 12-13 New Format\Award Standard Purchasing Resolution 1 Parking Lot Mtnce ITB-COT 11-20.doc

sl

VENDOR NAME:

<b>** Rotondo Construction Corporation</b>	Goretski Construction	Asphalt Specialists, Inc.
Ck # 000413424	000436042	000435823
Ck Amt \$4,426.75	\$5,750.00	\$7,500.00

**PROPOSAL: TO COMPLETE THE CITY OF TROY PARKING LOT MAINTENANCE PROGRAM IN ACCORDANCE WITH SPECIFICATIONS**

TASK (1) FIRE STATION #1: North & South Drive							
ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Remove and Replace 9" concrete	818 SY	36.64	\$ 29,971.52	53.00	\$ 43,354.00	51.00	\$ 41,718.00
2 Striping (yellow)	100 LFT	0.23	\$ 23.00	2.00	\$ 200.00	2.50	\$ 250.00
Traffic Maint Control/Asphalt Restore	Included		N/C		N/C		N/C
<b>Estimated Total Cost - Task (1)</b>			<b>\$29,994.52</b>		<b>\$43,554.00</b>		<b>\$41,968.00</b>

TASK (2) FIRE STATION #6: Approach							
ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Remove and Replace 9" concrete	272 SY	39.49	\$ 10,741.28	53.00	\$ 14,416.00	61.25	\$ 16,660.00
Traffic Maint Control/Asphalt Restore	Included		N/C		N/C		N/C
<b>Estimated Total Cost - Task (2)</b>			<b>\$10,741.28</b>		<b>\$14,416.00</b>		<b>\$16,660.00</b>

TASK (3) COMMUNITY CENTER: South & North Lots							
ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Remove & Replace Curb & Gutter	1,344 LFT	19.49	\$ 26,194.56	22.00	\$ 29,568.00	24.90	\$ 33,465.60
Traffic Maint Control/Asphalt Restore	Included		N/C		N/C		N/C
<b>Estimated Total Cost - Task (3)</b>			<b>\$26,194.56</b>		<b>\$29,568.00</b>		<b>\$33,465.60</b>

TASK (4) BOULAN PARK: First parking lot							
ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 4' Butt Joint	80 LFT	5.79	\$ 463.20	10.00	\$ 800.00	10.00	\$ 800.00
2 1-1/2" Bituminous Mix1100T, 20AA	390 Ton	74.49	\$ 29,051.10	66.26	\$ 25,841.40	65.70	\$ 25,623.00
3 Striping (yellow/white)	2090 LFT	0.24	\$ 501.60	0.25	\$ 522.50	0.20	\$ 418.00
4 Handicapped Parking Space & Logo	5 EA	20.00	\$ 100.00	25.00	\$ 125.00	25.00	\$ 125.00
Traffic Maintenance Control	Included		N/C		N/C		N/C
<b>Estimated Total Cost - Task (4)</b>			<b>\$30,115.90</b>		<b>\$27,288.90</b>		<b>\$26,966.00</b>

**ESTIMATED GRAND TOTAL:** \$97,046.26      \$114,826.90      \$119,059.60

<b>CONTACT INFORMATION:</b>	Hrs of Oper	7:00AM - 5:00PM	8:00 - 4:30	7:00AM - 5:00PM
	24 Hr Phone #	(248) 763-0420	(248) 343-0487	(248) 819-8941

<b>PROGRESS PAYMENTS:</b>		Per City Schedule	Bi-Weekly	Net 10 Days
<b>SITE INSPECTION:</b> Visited Site	Y or N	Y	Y	Y
Date Visited		1/19/2012	1/24/2012	1/20 & 1/21/12
<b>COMPLETION DATE:</b> Can Meet	Y or N	Y	Y	Y

<b>INSURANCE:</b> Can Meet	XX	XX	XX
Cannot Meet			

<b>PAYMENT TERMS:</b>	Upon Completion	Bi-Weekly	30 Days Net
-----------------------	-----------------	-----------	-------------

<b>WARRANTY:</b>	Per City	2 Year Bond	1 Year
------------------	----------	-------------	--------

<b>EXCEPTIONS:</b>	None	Blank	Blank
--------------------	------	-------	-------

<b>ACKNOWLEDGEMENT:</b> SIGNED	Y or N	Y	Y	Y
--------------------------------	--------	---	---	---

<b>VENDOR QUESTIONNAIRE:</b> Attached	Y or N	Y	Y	Y
---------------------------------------	--------	---	---	---

<b>TWO FORMS COMPLETED:</b> Attached				
Legal Status	Y or N	Y	Y	Y
Non-Collusion	Y or N	Y	Y	Y

**DMS:**

T & M Asphalt Paving Inc. - Submitted Bid Bond instead of check as specified  
Pavex Corporation - Did not submit bid surety check as specified

**ATTEST:**

Marina Basta-Farouk  
Susan Riesterer  
Julie Hamilton

**\*\* DENOTES LOW TOTAL BIDDER**

Susan Leirstein CPPO, CPPB  
Purchasing Director

VENDOR NAME:

<b>Nagle Paving Company</b>	<b>Cadillac Asphalt LLC</b>	<b>Florence Cement Company</b>
Ck # 000449552	000425040	000416480
Ck Amt \$8,500.00	\$10,000.00	\$9,000.00

**PROPOSAL: TO COMPLETE THE CITY OF TROY PARKING LOT MAINTENANCE PROGRAM IN ACCORDANCE WITH SPECIFICATIONS**

<b>TASK (1) FIRE STATION #1: North &amp; South Drive</b>							
ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Remove and Replace 9" concrete	818 SY	54.60	\$ 44,662.80	50.40	\$ 41,227.20	69.00	\$ 56,442.00
2 Striping	100 LFT	3.15	\$ 315.00	3.00	\$ 300.00	2.50	\$ 250.00
Traffic Maint Control/Asphalt Restore	Included		N/C		N/C		N/C
<b>Estimated Total Cost – Task (1)</b>			<b>\$44,977.80</b>		<b>\$41,527.20</b>		<b>\$56,692.00</b>

<b>TASK (2) FIRE STATION #6: Approach</b>							
ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Remove and Replace 9" concrete	272 SY	58.90	\$ 16,020.80	55.60	\$ 15,123.20	80.00	\$ 21,760.00
Traffic Maint Control/Asphalt Restore	Included		N/C		N/C		N/C
<b>Estimated Total Cost – Task (2)</b>			<b>\$16,020.80</b>		<b>\$15,123.20</b>		<b>\$21,760.00</b>

<b>TASK (3) COMMUNITY CENTER: South &amp; North Lots</b>							
ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Remove & Replace Curb & Gutter	1,344 LFT	28.90	\$ 38,841.60	31.00	\$ 41,664.00	40.00	\$ 53,760.00
Traffic Maint Control/Asphalt Restore	Included		N/C		N/C		N/C
<b>Estimated Total Cost – Task (3)</b>			<b>\$38,841.60</b>		<b>\$41,664.00</b>		<b>\$53,760.00</b>

<b>TASK (4) BOULAN PARK: First parking lot</b>							
ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 4' Butt Joint	80 LFT	10.00	\$ 800.00	10.00	\$ 800.00	16.00	\$ 1,280.00
2 1-1/2" Bituminous Mix1100T, 20AA	390 Ton	73.00	\$ 28,470.00	104.10	\$ 40,599.00	73.00	\$ 28,470.00
3 Striping (yellow/white)	2090 LFT	0.20	\$ 418.00	0.40	\$ 836.00	0.25	\$ 522.50
4 Handicapped Parking Space & Logo	5 EA	20.00	\$ 100.00	25.00	\$ 125.00	15.00	\$ 75.00
Traffic Maintenance Control	Included		N/C		N/C		N/C
<b>Estimated Total Cost – Task (4)</b>			<b>\$29,788.00</b>		<b>\$42,360.00</b>		<b>\$30,347.50</b>

**ESTIMATED GRAND TOTAL:** \$129,628.20 \$140,674.40 \$162,559.50

<b>CONTACT INFORMATION:</b>	Hrs of Oper	8AM - 5PM	8:00AM - 5:00PM	Blank
	24 Hr Phone #	(248) 765-3109	(734) 216-0341	Blank
<b>PROGRESS PAYMENTS:</b>		Net 30 Days	Every 30 Days	Monthly
<b>SITE INSPECTION:</b> Visited Site	Y or N	Y	Y	Y
Date Visited		1/24/2012	1/23/2012	1/16/2012
<b>COMPLETION DATE:</b> Can Meet	Y or N	Y	Y	Y
<b>INSURANCE:</b> Can Meet		XX	XX	XX
Cannot Meet				
<b>PAYMENT TERMS:</b>		Net 30 Days	30 Days	Monthly
<b>WARRANTY:</b>		1 Year	1 Year	Blank
<b>EXCEPTIONS:</b>		Blank	None	Blank
<b>ACKNOWLEDGEMENT:</b> SIGNED	Y or N	Y	Y	Y
<b>VENDOR QUESTIONNAIRE:</b> Attached	Y or N	Y	Y	Y
<b>TWO FORMS COMPLETED:</b> Attached				
Legal Status	Y or N	Y	Y	Y
Non-Collusion	Y or N	Y	Y	Y

Amount Corrected

Opening Date -- 1/26/2012  
 Date Reviewed -- 1/27/2012

VENDOR NAME:

Hardrock

Concrete Inc

Ck # 530748664-6

Ck Amt \$8,677.20

**PROPOSAL: TO COMPLETE THE CITY OF TROY PARKING LOT MAINTENANCE PROGRAM IN ACCORDANCE WITH SPECIFICATIONS**

TASK (1) FIRE STATION #1: North & South Drive		UNIT	EXTENSION			
ITEM DESCRIPTION	EST QTY	PRICE				
1 Remove and Replace 9" concrete	818 SY	50.00	\$ 40,900.00			
2 Striping	100 LFT	5.00	\$ 500.00			
Traffic Maint Control/Asphalt Restore	Included		N/C			
<b>Estimated Total Cost - Task (1)</b>			<b>\$41,400.00</b>			

TASK (2) FIRE STATION #6: Approach		UNIT	EXTENSION			
ITEM DESCRIPTION	EST QTY	PRICE				
1 Remove and Replace 9" concrete	272 SY	52.00	\$ 14,144.00			
Traffic Maint Control/Asphalt Restore	Included		N/C			
<b>Estimated Total Cost - Task (2)</b>			<b>\$14,144.00</b>			

TASK (3) COMMUNITY CENTER: South & North Lots		UNIT	EXTENSION			
ITEM DESCRIPTION	EST QTY	PRICE				
1 Remove & Replace Curb & Gutter	1,344 LFT	25.00	\$ 33,600.00			
Traffic Maint Control/Asphalt Restore	Included		N/C			
<b>Estimated Total Cost - Task (3)</b>			<b>\$33,600.00</b>			

TASK (4) BOULAN PARK: First parking lot		UNIT	EXTENSION			
ITEM DESCRIPTION	EST QTY	PRICE				
1 4' Butt Joint	80 LFT	18.00	\$ 1,440.00			
2 1-1/2" Bituminous Mix1100T, 20AA	390 Ton	190.00	\$ 74,100.00			
3 Striping (yellow/white)	2090 LFT	4.00	\$ 8,360.00			
4 Handicapped Parking Space & Logo	5 EA	100.00	\$ 500.00			
Traffic Maintenance Control	Included		N/C			
<b>Estimated Total Cost - Task (4)</b>			<b>\$84,400.00</b>			

**ESTIMATED GRAND TOTAL:** \$173,544.00

**CONTACT INFORMATION:**  
 Hrs of Oper 7AM - 7PM  
 24 Hr Phone # (734) 564-0925

**PROGRESS PAYMENTS:** Bi-Weekly  
**SITE INSPECTION:** Visited Site Y or N N  
 Date Visited \_\_\_\_\_  
**COMPLETION DATE:** Can Meet Y or N Y

**JUNE 30, 2012**

**INSURANCE:** Can Meet XX  
 Cannot Meet \_\_\_\_\_

**PAYMENT TERMS:** Bi-Weekly

**WARRANTY:** Blank

**EXCEPTIONS:** N/A

**ACKNOWLEDGEMENT:** SIGNED Y or N Y

**VENDOR QUESTIONNAIRE:** Attached Y or N Y

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



## CITY COUNCIL AGENDA ITEM

---

Date: January 30, 2012

To: John Szerlag, City Manager

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

Subject: Agenda Item – Standard Purchasing Resolution #1: Award to Low Bidder  
Contract 11-09 – Wattles Road Water Main Replacement Crooks to Livernois

---

### Background

Bids were received and publicly read on January 25, 2012. The low bid of \$883,339.00 was submitted by Bricco Excavating Company, LLC as can be seen in the attached bid tabulation summary. The engineer's estimate at the time of bidding was \$990,007.50. The low bid is therefore \$106,668.50 or 10.77% below the engineer's estimate.

Work includes the construction of a new 12 inch water main and appurtenances along the south side of Wattles between Crooks and Livernois, including directional drilling a new water main under I-75. The work is anticipated to start in March and be completed by July.

### Recommendation

It is recommended that City Council award a contract for the Wattles Road Water Main Replacement Crooks to Livernois project to Bricco Excavating Company, LLC, 21201 Meyers Road, Oak Park, MI 48237-3201 for their low total bid amount of \$883,339.00.

In addition, we are requesting authorization to approve additional work, if needed, not to exceed 10% of the original project cost due to unknown conditions that may arise during construction.

### Fund Availability

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

### Legal Considerations

Work was competitively bid and publicly opened with Twelve (12) bidders responding. The award is contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

# City of Troy

## Bid Tabulation Summary

**Contract ID:** \_11-09  
**Contract Year:** 2011  
**Location:** Section 21, City of Troy  
**Description:** Wattles Water Main Replacement  
 Livernois to Crooks

<b>Project Number:</b> 11.501.5	<b>Project Engineer:</b> Scott Finlay
<b>Estimate Number:</b> 1	<b>Date Created:</b> 1/14/2010
<b>Project Type:</b> New Construction	<b>Fed/State #:</b>
<b>Location:</b> Section 21, City of Troy	<b>Fed Item:</b>
	<b>Control Section:</b>
<b>Description:</b> Wattles Water Main Replacement Livernois to Crooks	

Rank	Vendor	Total Bid	% Over Low	% Over Est.
0	ENGINEER'S ESTIMATE	\$990,007.50	12.07%	0%
1	(_70001) Bricco Excavating Company, L.L.C.	\$883,339.00	0%	-10.77%
2	(02507) T. R. Pieprzak Co.	\$893,366.50	1.13%	-9.76%
3	(_1) Superior Excavating	\$922,657.80	4.45%	-6.80%
4	(06385) D.V.M. Utilities, Inc.	\$974,995.70	10.37%	-1.51%
5	(_00008) Springline Excavating	\$984,482.50	11.45%	-0.55%
6	(_3) F.D.M. Contracting, Inc	\$990,611.50	12.14%	0.06%
7	(08149) DiPonio Contracting, LLC.	\$994,371.70	12.56%	0.44%
8	(04151) C & P Construction Company, Inc.	\$1,031,261.54	16.74%	4.16%
9	(05703) CI Contracting Inc.	\$1,069,399.50	21.06%	8.01%
10	(_00009) D.L.F., Inc	\$1,085,808.77	22.92%	9.67%
11	(02920) Pamar Enterprises, Inc.	\$1,106,286.00	25.23%	11.74%
12	(04719) Teltow Contracting, Inc.	\$1,116,183.50	26.35%	12.74%



## CITY COUNCIL AGENDA ITEM

---

January 26, 2012

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Susan A. Leirstein, Purchasing Director  
Jeffrey J. Biegler, Recreation Director

Subject: Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications  
Fitness Equipment

---

### **Background**

On January 19, 2012, formal bids were received and opened for ITB-COT11-29 to provide physical fitness equipment for the Troy Community Center less trade-ins. This equipment will replace equipment that is past its warranty period and consistent with our policy to maintain up-to-date equipment for patrons of the fitness room at the Community Center.

Thirty-three (33) vendors were notified via the MITN system with three bids received, as well as three statements of no bid.

Direct Fitness Solutions, LLC and All Pro Exercise submitted bids. Upon review, it was determined that Direct Fitness Solutions, LLC bid for Item #1 - **New Matrix Treadmills** – was un-awardable, as they bid reconditioned equipment instead of new, as specified.

Bid specifications included a one (1) for one (1) exchange on equipment. For every new piece of equipment purchased by the City from a vendor, that vendor is required to purchase one (1) trade-in from the twelve (12) pieces of equipment listed in Item #3.

### **Recommendation**

City management recommends awarding two (2) contracts, one to purchase and install six (6) New Matrix T5x Treadmills at the Troy Community Center less Trade-ins of (4) Precor ellipticals and (2) Matrix #A3x trainers to the lowest bidder meeting specifications, *All Pro Exercise of Farmington Hills, MI* for an estimated net total cost of \$24,270.00, and a second contract to *Direct Fitness Solutions, LLC of Mundelein, IL*, the low bidder for six (6) Fully Reconditioned Precor EFX-576 Total Body Ellipticals for the Troy Community Center less Trade-ins of (6) Matrix treadmills at an estimated net total cost of \$14,400.00, all at prices contained in the bid tabulation dated January 19, 2012.

### **Fund Availability**

The funds for these purchases are available in the Community Center General Operating Supplies Account.

VENDOR NAME:	sl	All Pro Exercise	Direct Fitness Solutions	Direct Fitness Solutions
			<b>PROPOSAL A</b>	<b>PROPOSAL B</b>

**PROPOSAL: PHYSICAL FITNESS EQUIPMENT FOR TROY COMMUNITY CENTER LESS TRADE-INS  
-- NO SUBSTITUTIONS ALLOWED --**

DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE
<b>ITEM #1</b>		<b>Fully Recon Precor 956i</b>	<b>New Precore TRM823</b>
Six (6) New Matrix T5x Treadmills	\$ 4,795.00	DMS	DMS
<b>ITEM #2</b>			
Six (6) Fully Reconditioned Precor EFX-576 Total Body Elliptical	\$ 3,795.00	\$ 3,100.00	\$ 3,100.00
<b>ESTIMATED SUBTOTAL COST:</b>	\$ 51,540.00	\$ 18,600.00	\$ 18,600.00
<b>ITEM #3</b>			
<b>PURCHASE OF CITY'S (12) TRADE-INS</b>			
Six (6) Matrix T5x Treadmills	\$ (500.00)	\$ (700.00)	\$ (700.00)
Three (3) Precor EFX 556i Ellipticals	\$ (900.00)	\$ (900.00)	\$ (900.00)
One (1) Precor EFX 554i Ellipticals	\$ (400.00)	\$ (500.00)	\$ (500.00)
Two (2) Matrix #A3x Trainer	\$ (700.00)	\$ (300.00)	\$ (300.00)
Total to Deduct:	\$ (7,500.00)	\$ (8,000.00)	\$ (8,000.00)
<b>ESTIMATED NET TOTAL AWARDED COST:</b>	\$ 24,270.00	\$ 14,400.00	
<b>AUTHORIZED DEALER:</b> Yes or No	Y	Y	Y
<b>By March 31, 2012</b>			
<b>DELIVERY SCHEDULE:</b> Yes or No	Y	Y	Y
<b>SERVICE FACILITY:</b>	Location:	Plymouth Township	Manchester, MI
	Miles	25	75
	Response	48 Hours	24-48 Hours
<b>CONTACT INFORMATION:</b>	Names	Don King	Mark Kwiatkowski
	24Hr Phone	(800) 525-2739 x 13	(248) 755-5748
	Hrs of Operation	M-F 9-5; Sat 10-2	Standard Business Hours
<b>Included</b>			
<b>WARRANTY: (3) Years Minimum</b>	<b>Yes or No</b>	<b>Yes or No</b>	<b>Yes or No</b>
All Wear Items	Y	Y	Y
All Parts & Labor	Y	Y	Y
Free 2nd Day Parts	Y	Y	Y
Free Service call	Y	Y	Y
Document Marked	Y	Y	Y
<b>NO SUBCONTRACTORS:</b> Yes or No	Y	Y	Y
<b>INSURANCE:</b> Can meet	XX	XX	XX
Cannot meet			
<b>PAYMENT TERMS:</b>	Net 30	Net 30	Net 30
<b>WARRANTY:</b>	<b>AS SPECIFIED</b>		
<b>EXCEPTIONS:</b>	Blank	Can meet delivery only if PO issued by mid-February	Can meet delivery only if PO issued by mid-February
		Trade-in one-to-one basis	Trade-in one-to-one basis
<b>ALL OR NONE AWARD</b> Yes or No	N	N	N
<b>ACKNOWLEDGEMENT: Signed</b> Yes or No	Y	Y	Y

NO BIDS:  
BSN Sports  
S & S Worldwide  
School Specialty Inc.

Susan Leirstein, CPPO CPPB  
Purchasing Director

ATTEST:  
Brian Goul  
Susan Riesterer  
Julie Hamilton

**BOLDFACE TYPE DENOTES LOWEST ACCEPTABLE BIDDER**



## CITY COUNCIL AGENDA ITEM

---

Date: January 30, 2012

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Steven Vandette, City Engineer

Subject: Private Agreement – Athens Parc Site Condo's  
Project No. 05.913.3

---

### Background

The Planning Commission recommended preliminary site plan approval for the above referenced project on 05/10/2005; City Council approved the preliminary site plan on 06/06/2005. The Engineering Department has reviewed the plans for this project and recommends approval. The plans include sanitary sewer, water main, storm sewer, detention, paving, sidewalks, landscaping and soil erosion.

The Owner has provided a certificate of deposit and 10% cash for escrow and cash fees in the amount of the estimated cost of public improvements, as required.

### Recommendation

Approval is recommended

cc: M. Aileen Bittner, City Clerk (Original Agreement)  
Keith Francis, Interim Controller

# City Of Troy

## Contract for Installation of Municipal Improvements (Private Agreement)

Project No.: **05.913.3**

Project Location: **SE 1/4 Section 14**

Resolution No: \_\_\_\_\_

Date of Council Approval: \_\_\_\_\_

This Contract, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and **Athens Parc Developers, LLC** whose address is **3301 Mirage, Troy, MI 48083** and whose telephone number is **248-619-0529** hereinafter referred to as "Owners", provides as follows:

**FIRST:** That the City agrees to permit the installation of **sanitary sewer, water main, storm sewer, detention, paving, sidewalks, landscaping and soil erosion**, in accordance with plans prepared by **Anderson Eckstein & Westrick** whose address is **51301 Schoenherr, Shelby Twp., MI 48315** and whose telephone number is **586-726-1234** and approved prior to construction by the City in accordance with City of Troy specifications.

**SECOND:** That the Owners agree to provide the following securities to the City prior to the start of construction, in accordance with the Detailed Summary of Required Deposits & Fees (attached hereto and incorporated herein):

Refundable escrow deposit equal to the estimated construction cost of \$ **269,454.00** This amount will be deposited with the City in the form of (check one):

Cash	<input type="checkbox"/>
Certificate of Deposit & 10% Cash	<input checked="" type="checkbox"/>
Irrevocable Bank Letter of Credit & 10% Cash	<input type="checkbox"/>
Check	<input type="checkbox"/>
Performance Bond & 10% Cash	<input type="checkbox"/>

Refundable cash deposit in the amount of \$ **38,316.00**. This amount will be deposited with the City in the form of (check one):

Cash	<input type="checkbox"/>	Check	<input checked="" type="checkbox"/>
------	--------------------------	-------	-------------------------------------

Non-refundable cash fees in the amount of \$ **25,937.00**. This amount will be paid to the City in the form of (check one):

Cash	<input type="checkbox"/>	Check	<input checked="" type="checkbox"/>
------	--------------------------	-------	-------------------------------------

Said refundable escrow deposits shall be disbursed to the Owners after approval by the City. The City reserves the right to retain a minimum of ten (10) percent for each escrowed item until the entire site/development has received final inspection and final approval by all City departments. Refundable cash deposits shall be held until final approval has been issued. Disbursements shall be made by the City within a reasonable time, after request for refund of deposits is made by the Owners.

**City Of Troy**  
Contract for Installation of Municipal Improvements  
(Private Agreement)

**THIRD:** The owners shall contract for construction of said improvement with a qualified contractor. Owners, or their agents, and contractor(s) agree to arrange for a pre-construction meeting with the City Engineer prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, in accordance with the approved plans. Revisions to approved plans required by unexpected or unknown conflicts in the field shall be made as directed by the City.

**FOURTH:** Owners agree that if, for any reason, the total cost of completion of such improvements shall exceed the sums detailed in Paragraph SECOND hereof, that Owners will immediately, upon notification by the City, remit such additional amounts in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sums as detailed in Paragraph SECOND hereof, City will refund to the Owners the excess funds remaining after disbursement of funds.

**FIFTH:** Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements and/or right-of-way for such public utilities as required by the City Engineer.

**City Of Troy**  
Contract for Installation of Municipal Improvements  
(Private Agreement)

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

OWNERS

By: *[Signature]*

Gary Abitheira

Please Print or Type

\_\_\_\_\_

Please Print or Type

CITY OF TROY

By:

\_\_\_\_\_

Janice Daniels, Mayor

\_\_\_\_\_

M. Aileen Bittner, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 30<sup>th</sup> day of JANUARY, A.D. 2012, before me personally appeared Gary Abitheira known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

*[Signature]*

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: 10-14-2016

JANET M PARSONS  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires 10-14-2016  
Acting In the County of OAKLAND

Detailed Summary of Required Deposits & Fees  
Athens Parc  
13 Units - Section 14

**ESCROW DEPOSITS or PERFORMANCE BOND:**

Sanitary Sewers	\$56,500
Water Mains	\$29,900
Storm Sewers	\$64,880
Rear Yard Drains	\$9,348
Pavement - CONCRETE	\$81,656
Grading	\$15,000
Monuments and Lot Corner Irons	\$890
Sidewalks - ON SITE	\$1,800
Sidewalks - OFF SITE	\$1,680
Deposit for the Repair of Damage to Existing Public Streets Used for Access	\$7,800

**TOTAL ESCROW DEPOSITS or PERFORMANCE BOND (REFUNDABLE):** \$269,454

(Circle One)

**CASH FEES (NON-REFUNDABLE):**

Water Main Testing and Chlorination (PA2)	\$650
Street Name and Traffic Signs (SUB 4)	\$663
Soil Erosion and Sedimentation Control Permits (SUB 10)	\$2,900
Testing Services (SUB 11)	\$4,042
Engineering Review and Inspection (PA 1)	\$20,182
Less Initial Engineering Review Fee (Public & Private)(1.1%)	-\$2,500

**(PA 3) TOTAL CASH FEES (NON-REFUNDABLE):** \$25,937

**CASH DEPOSITS (REFUNDABLE):**

Sidewalk Closures	\$324
Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	\$2,600
Landscape Deposit	\$1,168
Punchlist & Restoration Deposit	\$32,599
Deposit for Repair, Replacement or Maintenance of SESC	\$1,625

**(PA 3) TOTAL CASH DEPOSITS (REFUNDABLE):** \$38,316

Stormwater detention for this development will be provided by:

Private Pond with Athens High School  
 Engineer: Anderson Eckstein & Westrick  
 Developer: Athens Parc Developers LLC



## **CITY COUNCIL ANNOUNCEMENT OF PUBLIC HEARING**

February 6, 2012

TO: John Szerlag, City Manager

FROM: Nino Licari, City Assessor

SUBJECT: Announcement of Public Hearing – Michigan Next Energy Exemption – LG Chem, Inc.

### Background:

- The Michigan Next Energy Authority (MNEA) has certified LG Chem, Inc. as an Alternative Energy Technology Business. MNEA has approved a Personal Property Exemption for them subject to verification of the Personal Property by the local Assessor, and subject to City Council approval. Staff requests this Public Hearing be held on February 20, 2012.

### Financial Considerations:

- The financial considerations cannot be determined at this time.

### Legal Considerations:

- A Public Hearing must occur within sixty (60) days of receipt of the MNEA resolution(s). Receipt of the completed application occurred on January 13, 2012.

### Policy Considerations:

- There are no policy considerations at this time.

### Options:

- A Public Hearing must occur within sixty (60) days of receipt of the MNEA resolution(s).

**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, February 20, 2012 at 7:30 P.M. to consider an Alternative Energy Personal Property Exemption approved by the Michigan NextEnergy Authority for the following location in the City of Troy:

T2N, R11E, of Section 35  
1857 Technology, Troy, Michigan

LG Chem Power.

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

---

M. Aileen Bittner, MMC City Clerk

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

MACOMB INTERMEDIATE SCHOOLS  
44001 GARFIELD  
CLINTON TWP MI 48038-1100

WARREN CONSOLIDATED SCHOOLS  
31300 ANITA  
WARREN MI 48093-1697

LG CHEM POWER  
1857 TECHNOLOGY DRIVE  
TROY MI 48083

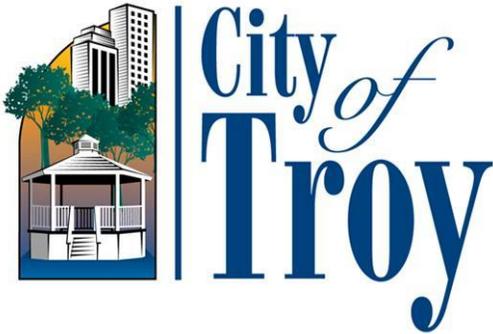
DAVE HEIBER  
OAKLAND COUNTY EQUALIZATION  
250 ELIZABETH LAKE #1000W  
PONTIAC MI 48231

OAKLAND CO PUBL TRANSPORT'N  
1200 N TELEGRAPH 49W  
PONTIAC MI 48231-0049

OAKLAND INTERMEDIATE SCHOOLS  
2111 PONTIAC LAKE RD  
WATERFORD MI 48328

OAKLAND COMMUNITY COLLEGE  
GEORGE A BEE ADMIN CNTR  
2480 OPDYKE  
BLOOMFIELD HILLS MI 48304-2266

Formatted for Avery 5160 Labels



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

**Adopted: March 3, 2008**

1.	APPOINTMENT OF MAYOR PRO TEM .....	1
2.	DESIGNATION OF ACTING MAYOR .....	1
3.	SPECIAL MEETINGS .....	1
4.	REGULAR MEETINGS .....	2
5.	AGENDA .....	2
6.	ORDER OF BUSINESS .....	2
7.	REGULAR BUSINESS.....	3
8.	CABLE CASTING OF CITY COUNCIL MEETINGS.....	3
9.	MINUTES .....	3
10.	PROCLAMATIONS .....	4
11.	RECONSIDERATION OF QUESTIONS.....	4
12.	RESCISSION OF QUESTIONS.....	4
13.	PUBLIC HEARING .....	4
14.	CONSENT AGENDA .....	4
15.	APPOINTMENTS.....	4
15.1	APPOINTMENT OF CITY OF TROY REPRESENTATION TO SEMCOG AND SOCRRA.....	5
16.	MEMBERS OF THE PUBLIC AND VISITORS.....	6
17.	POSTPONE .....	6
18.	RULES OF ORDER .....	6
19.	MISCELLANEOUS EXPENSES .....	6
20.	EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS.....	6
21.	ABSENCES AT COUNCIL MEETINGS.....	7
22.	SUSPEND RULES .....	7
23.	COUNCIL DISCUSSION.....	7
24.	AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS: .....	7
25.	VIDEO AND AUDIO PRESENTATIONS .....	7
26.	CONTINUED AGENDA ITEMS NOT CONSIDERED BEFORE 12:00 AM.....	7
27.	VIOLATIONS.....	7
28.	WIRE COMMUNICATIONS BETWEEN COUNCIL MEMBERS DURING ANY MEETING OF COUNCIL .....	7

**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 15<sup>th</sup>.

**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 10<sup>th</sup> 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.

**ELECTION COMMISSION MINUTES –Final****October 13, 2011**

A meeting of the Troy Election Commission was held October 13, 2011, at City Hall, 500 W. Big Beaver Road. City Clerk Bittner called the Meeting to order at 8:00 AM.

---

**Roll Call:**

PRESENT: David Anderson, Timothy Dewan, M. Aileen Bittner – City Clerk

---

**Minutes: Regular Meeting of September 1, 2011**

Resolution #EC-2011-10-012

Moved by Dewan

Seconded by Anderson

RESOLVED, That the Election Commission hereby **APPROVES** the Minutes of September 1, 2011 as presented.

Yes: Anderson, Dewan, Bittner

No: None

**MOTION CARRIED**

---

**Approval of Election Inspector Assignments – November 8, 2011 Election**

Resolution # EC-2011-10-013

Motion by Anderson

Seconded by Dewan

RESOLVED, That Election Inspectors be **APPOINTED** for the November 8, 2011 Election, as presented by the City Clerk.

Yes: Dewan, Anderson, Bittner

No: None

**MOTION CARRIED**

---

**Adjournment:**

The meeting was adjourned at 8:05 AM.

---

M. Aileen Bittner, CMC  
City Clerk

**TRAFFIC COMMITTEE MINUTES – NOVEMBER 16, 2011****FINAL**

A regular meeting of the Troy Traffic Committee was held Wednesday, November 16, 2011 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

**1. Roll Call**

PRESENT: Sarah Binkowski  
Ted Halsey  
Richard Kilmer  
Al Petrulis  
Gordon Schepke  
Pete Ziegenfelder

ABSENT: John Diefenbaker

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

**2. Minutes – October 19, 2011****RESOLUTION # 2011-11-17**

Moved by Kilmer  
Seconded by Schepke

To approve the October 19, 2011 minutes as printed.

YES: All-6  
NO: None  
ABSENT: 1 (Diefenbaker)  
MOTION CARRIED

**REGULAR BUSINESS****3. Barclay at Holly – Speed Study**

A request for 4-way Stop control at the Barclay and Holly intersection was made by Cindy Kaiser of 692 Barclay at the September 21, 2011 Traffic Committee meeting. Loraine Whitfield of 691 Barclay also spoke at the same meeting regarding the topic. Khair Assaf of 4414 Holly submitted an email on November 12, 2011 stating that in his experience there are motorists speeding and lack of compliance at the existing Stop signs on Holly.

The Traffic Committee tabled the item at the September 21<sup>st</sup> meeting to allow Traffic Engineering to perform a speed study on Barclay, between Randall and Holly. The results of the speed study show that there is neither a speeding issue nor a cut through issue during the times of the study.

Counts were taken on two separate occasions and each count lasted four days. The first set was taken from Thursday, September 29 through Monday, October 3 (6:00 am to 6:00 pm). The second set of counts was taken starting Thursday, October 13 through Monday, October 17 for the same time frame.

Data from the study is summarized below:

	9/29 - 10/3	10/13 - 10/17
85 <sup>th</sup> percentile speed	27.2 – 28.3 mph	27.2 – 28.5 mph
Average speed	21.4 – 22.3 mph	21.9 – 22.9 mph
Volume Weekday (24 hour average)	407 vpd	378 vpd
Volume Weekend (24 hour average)	360 vpd	361 vpd
Weekday AM Peak Hour (Volume & Time)	26 vehicles at 9:00 am	37 vehicles at 9:00 am
Weekend AM Peak Hour (Volume & Time)	18 vehicles at 10:00 & 11:00 am	29 vehicles at 11:00 am
Weekday PM Peak Hour (Volume & Time)	48 vehicles at 6:00 pm	39 vehicles at 6:00 pm
Weekend PM Peak Hour (Volume & Time)	46 vehicles at 6:00 pm	34 vehicles at 5:00 & 6:00 pm

There were no members of the public at the November 16<sup>th</sup> meeting to address this item.

Discussion ensued among Traffic Committee members, Lt. Redmond and the Traffic Engineer.

**RESOLUTION # 2011-11-18**

Moved by Halsey  
Seconded by Binkowski

RESOLVED, that the Traffic Committee recommends no changes at the intersection of Barclay at Holly.

YES: All-6  
NO: None  
ABSENT: 1 (Diefenbaker)  
MOTION CARRIED

**4. Public Comment**

There were no members of the public in attendance.

**5. Other Business**

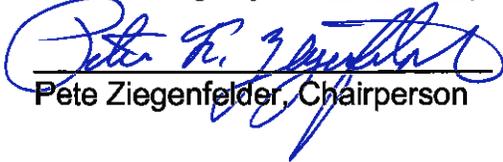
Mr. Kilmer requested that Troy Police place a radar trailer on northbound Kirkton. Lt. Redmond will address this request.

Ms. Binkowski requested that the Traffic Engineer investigate the flash operation at the Livernois/Town Center traffic signal in the evening. She reports that the northbound and southbound flash operations are not in sync. The Traffic Engineer will address this request with the Road Commission for Oakland County (RCOC).

Mr. Halsey requested that additional green time be added to the left turn phase for Maple Road to southbound Coolidge movement. The Traffic Engineer will address this request with the RCOC.

**6. Adjourn**

The meeting adjourned at 8:15 p.m.

  
Pete Ziegenfelder, Chairperson

  
Bill Huotari, Recording Secretary

A meeting of the Troy Election Commission was held January 23, 2012, at City Hall, 500 W. Big Beaver Road. City Clerk Bittner called the Meeting to order at 8:00 AM.

---

**Roll Call:**

PRESENT: David Anderson, Timothy Dewan, M. Aileen Bittner – City Clerk

---

**Minutes: Regular Meeting of October 13, 2011**

Resolution #EC-2012-01-001

Moved by Dewan

Seconded by Anderson

RESOLVED, That the Election Commission hereby **APPROVES** the Minutes of October 13, 2011 as presented.

Yes: Anderson, Dewan, Bittner

No: None

**MOTION CARRIED**

---

**Approval of Election Inspector Assignments – February 28, 2012 Election**

Resolution # EC-2011-10-013

Motion by Anderson

Seconded by Dewan

RESOLVED, That Election Inspectors be **APPOINTED** for the February 28, 2012 Election, as presented by the City Clerk.

Yes: Dewan, Anderson, Bittner

No: None

**MOTION CARRIED**

---

**Adjournment:**

The meeting was adjourned at 8:04 AM.

---

M. Aileen Bittner, CMC  
City Clerk



## CITY COUNCIL AGENDA ITEM

---

Date: January 30, 2012

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Cindy Stewart, Community Affairs Director  
Glenn Lapin, Economic Development Specialist

Subject: City Manager's Business Roundtable Meeting

---

On January 25, 2012, the first City Manager's Business Roundtable Meeting for 2012 was held at Troy City Hall. As a part of the City's economic development strategy, these monthly meetings bring together a small group of Troy business leaders to meet with City management to discuss business development ideas, solutions and initiatives. These meetings are intended to help develop a strong relationship between the business community and City management – a relationship that is accessible and responsive to business needs.

Meeting attendees included Paul Slocum and Jay Dunstan of Midcoast Studio, Antoine Dubeauclard of Media Genesis, Abraham Keisoglou of Engineering Technology Associates, and Michele Lange of Billhighway. City management attendees included John Szerlag, Mark Miller, Glenn Lapin and Cindy Stewart.

The four growing, second stage companies represented at the meeting employ more than 160 highly educated, creative people in Troy. The following summarizes some of the comments expressed by the companies at the meeting:

- Troy is an ideal location for business. Community assets include proximity to customers, excellent schools, safety, housing stock and quality of life.
- Companies are having a difficult time recruiting software developers, programmers and engineers. This is common for technology companies throughout the state. Follow-up information on an upcoming technical job fair and talent recruitment contacts is being provided by City management.
- A concern regarding recent industrial area property thefts was raised. Follow-up contact with Chief Mayer was made by City management and an officer will work with the business to address the problem.
- Many employees are young and have varied lifestyles. Accordingly, the recent media coverage about Troy is a negative distraction to doing business. It is a liability to the company's ability to recruit talent. Negatives need to be balanced with positives.



## CITY COUNCIL AGENDA ITEM

---

- Troy is a part of a larger ecosystem and region. Collaboration with other communities and organizations throughout the region is important for Troy.
- Many young, growing companies are located in Troy. Create positive energy through these companies (i.e. place logos on kiosks as promotion).
- Troy's historical strength has been as a location for Fortune 500 companies, but that is changing. We need more emphasis on small business development and more targeting of small businesses/incubators (small office space).
- Showcase Troy's "hip" businesses to help bring in new business.
- Chrysler appears to be seeking additional office space. City management is identifying a contact at Chrysler to investigate further.
- Royal Oak, through its Chamber, formed a new media group made up of young, growing companies. Potential for a similar Troy group might be beneficial.

**Beth L Tashnick**

---

**Subject:** FW: thank you

---

**From:** William Schmidt [<mailto:Wschmidt7688@wideopenwest.com>]**Sent:** Friday, January 20, 2012 12:35 PM**To:** Brent Savidant**Subject:** thank you

Brent,

Thank you so much for responding to me. I appreciate your suggestion to watch the videos online. I didn't know I could do that. I went to the Troy website and found the videos from prior meetings. I am anxious to watch them. My husband will enjoy watching them also.

Well, thankfully the transit center issue has been resolved. Please extend our thanks to your staff and the other Troy employees who have worked so hard to bring the transit center plans forward. We also want to thank you personally for your dedication and professionalism.

We know there have been many changes to the staff recently. We are impressed with your dedication to work diligently for the residents of Troy. My husband and I would like you and Mark Miller to know that we are aware that your jobs are not easy ones. Yet, you and Mark seem to work tirelessly for us. We understand all the work that goes into preparing the agendas for the meetings. Then of course that has to be followed up with more work and more hours. Please extend our thanks to Mark Miller as well.

Of course, our thanks also extends to Mr. Zack Brannigan and the members of the Planning Commission. Please let them know we appreciate their work.

Sincerely,

William and Shirley Schmidt

**Sent:** Wednesday, January 18, 2012 9:42 AM

**To:** [William Schmidt](#)

**Subject:** RE: planning commission meetings

Ms. Schmidt:

Thank you for taking the time to watch Troy Planning Commission meetings. I am impressed with your efforts to stay informed about development in the City.

As you are likely aware, Study meetings are broadcast on WTRY Wednesday at 3:00 pm; Regular meetings are broadcast Wednesdays at 6:00pm and 11 pm. Unfortunately there were no Planning Commission meetings in November and only one meeting in December (December 13). That would explain the lack of meetings on TV.

If you miss an airing on television you can watch the meeting video online, on the Planning Commission page of the City website, [www.troymi.gov](http://www.troymi.gov).

I hope this addresses your concerns.

Sincerely,

R. Brent Savidant, AICP, PCP  
Planning Director

---

**From:** William Schmidt [<mailto:Wschmidt7688@wideopenwest.com>]  
**Sent:** Wednesday, January 11, 2012 8:44 PM  
**To:** Brent Savidant  
**Subject:** planning commission meetings

Mr. Savidant,

I am a resident of Troy. I enjoy watching the recordings of the Planning Commission Meetings. I am curious why there have not been any recent recordings on the Troy Channel (channel 10). I tried again this evening to watch the Planning Commission meeting and all that I found was the September 13, 2011 meeting. The other meeting I have found was from August.

Will any of the meetings from October, November or December be available for viewing? I noticed that several of the commissioners attended the December 19, 2011 council meeting. I am sure a discussion regarding the attendance of the commissioners must have been discussed at a formal Planning Commission meeting. Considering the amount of time you, your staff and the planning commissioners spent on the Transit Center plans, I would like to hear what was discussed after the council's vote to veto the building of the transit center.

My husband and I are in favor of the transit center being built. I know that many members of the Troy staff have worked many hours to present the plan to the council. I think it would be a good decision to have the October, November and December meetings made available for viewing.

I just feel that there are many residents that think ideas and decisions are being made behind closed doors. Allowing the residents to view the meetings should clear up some of their concerns. I personally just want to see the meetings as I have in the past.

Thank you,

Shirley Schmidt  
5757 Ruby Drive  
Troy, MI 48085

**Beth L Tashnick**

---

**Subject:** FW: Request for Amendment to Northfield Commons Consent Judgment

---

**From:** David Nelson

**Sent:** Tuesday, January 24, 2012 1:04 PM

**To:** John Szerlag; Mark F Miller; Lori G Bluhm; Brent Savidant; Allan T Motzny

**Subject:** Request for Amendment to Northfield Commons Consent Judgment

To all,

On behalf of Northfield Commons, I want to thank you for your advice and assistance during the recent Consent Judgment amendment process. The enthusiasm by which our proposal was first greeted, your conscientious follow through during our subsequent discussions at all levels of the process made it a pleasure to do business in the city of Troy. I am sure the folks at Kroger and their consultants share my appreciation of your efforts in processing our application to amend our Consent Judgment and approve the project. Clearly the vote yesterday by the City Council reflected the preparedness and professionalism of not only Brent, but the entire staff who worked on this matter.

Thank you and regards,

DRN

## Beth L Tashnick

---

**Subject:** FW: Kroger D-464 Troy, MI - 2105 W. South Blvd and Crooks (SWC)

---

**From:** Matthew Pisko  
**Sent:** Tuesday, January 24, 2012 11:13 AM  
**To:** Brent Savidant  
**Subject:** Kroger D-464 Troy, MI - 2105 W. South Blvd and Crooks (SWC)

Brent,

Since we've secured preliminary site plan approval I can write this without sounding like I'm offering platitudes to secure an approval.

In the hundreds of municipalities that we've worked with, we would count you and your staff among the best....spot on with design considerations, flexibility, and knowledge of your Boards and Councils.

We have really enjoyed working with you and look forward to working with Scott to complete the process.

Thank you for your efforts,

**Matthew Pisko**  
Project Manager

### Landplan Engineering, P.A.

37740 Hills Tech Drive  
Farmington Hills, MI 48331-3416  
c. 313.671.7882

---

**From:** Brent Savidant [<mailto:SavidantB@troymi.gov>]  
**Sent:** Tuesday, January 24, 2012 9:16 AM  
**To:** Matthew Pisko  
**Cc:** Kathy Czarnecki; Scott G Finlay  
**Subject:** Kroger

Matt:

So now you have Preliminary Site Plan Approval. Congrats. We will be sending you an official letter shortly.

Next step is Final Site Plan Approval, which is administrative. Checklist is attached, you essentially need sign-offs to complete Final. You will be primarily working with Scott Finlay from our Engineering Department. His number is (248) 524-3386. I copied him on this email. You will find that Scott is very easy to work with.

Once you get Final, you can apply for Building Permits.

If you have any questions please don't hesitate to call.

Good luck.

Brent



The Metropolitan Hotel Detroit-Troy

January 2<sup>nd</sup>, 2012

Dear Captain Scherlinck

On behalf of the The MET Hotel Troy, I just wanted to thank you for the hard work that you and your officers put into the New Year's Eve Party that took place at our hotel. I was so impressed by how professional your officers were and how well they handled the two incidents that occurred.

Thank you again,

Mike Witoszynski  
General Manager  
MET Hotel

SGT. SZUMINSKI  
OFFICER JULIAN  
OFFICER MINTON  
OFFICER RACZKA  
OFFICER STOPCZYNSKI

THANKS TO ALL OF THE POLICE STAFF  
INVOLVED. FROM PLANNING AND PREPARATION  
TO RESPONDING TO THE SCENE OF THE  
EVENT A GOOD JOB WAS DONE BY ALL.

I APPRECIATE YOUR WORK.

*Gary*  
GARY MAYER

Dear Troy Firefighters,

I would like to thank the firefighters who came to my rescue at Sylvan Glen Lake on January 10.

My impulse and emotion to rescue my dog overcame my realization and rational thinking of the futility and danger of going after her on the ice. Thankfully, the neighbor Mr. De Arment was there to help me until the police and fire department arrived.

Thank you for saving my dog also, as I know she would not be of priority in such a situation.



Ms. Rhonda Berger  
1281 Lamb Dr.  
Troy, MI 48085

We are both doing well; the bruises are fading, but the memories of the trauma will stay with me for some time.

Your service to the citizens of Troy is so appreciated.

Sincerely, Rhonda Berger



## CITY COUNCIL REPORT

---

January 27, 2012

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
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 Data Services - (GSA) contract GS-35F-0119P Verizon Wireless

---

The purpose of this memo is to clarify the intent of the GSA contract for our Smartphone rollout.

As the City has faced staff reductions and continues to reorganize, management continually looks at ways to become more efficient and do more with less. The evolution of cell phone technology is a key element in attaining that goal. Smartphones are a tool that will allow employees to do more in the field and improve overall efficiencies. There are currently a limited number of Smartphones in use. However, management does plan to expand the use of Smartphones moving forward based on written justification from the department head to ensure that each device is contributing to the improved efficiency of the department. The end result will be an overall increase in productivity.

As we continue to deploy Smartphone technology, the cost will be less under the GSA contract than under the State contract with the added benefit of better service, 4G verses 3G. However, overall costs for wireless service and devices may increase as we replace some standard phones or issue Smartphones to those that did not previously utilize a phone. Our overall service plan costs may increase by approximately \$45.00/month/device in these circumstances. In other instances, by replacing existing Smartphone service currently provided by Sprint with the new contract provided by Verizon will result in estimated savings of \$5.00/month/device. In addition, if a department replaces the more expensive air cards with the Smartphone hotspot service, there will be an additional savings of \$27.99/month/device.

All funds are budgeted in the various department operating accounts.

Desktop



# 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 AGENDA ITEM

---

Date: February 3, 2012  
To: Mayor and City Council Members  
From: John Szerlag, City Manager  
Subject: Economic Development Talking Points

---

A few weeks back Councilman Doug Tietz met with some staff members and myself relative to Troy's economic development strategy. Councilman Tietz had a very good idea which pertains to a list of talking points that could be used in promoting the city as an excellent place to start and grow a business. As such, the following attachment is being shared with all City Council Members for your use. These positive talking points will also be used in City promotional materials and on our web site.

Thank you in advance for spreading good news about Troy.

c: Mark Miller, Director of Economic and Community Development  
Glen Lapin, Economic Development Specialist  
Brent Savidant, Planning Director  
Cindy Stewart, Director of Community Affairs  
Steve Burns, SafeBuilt

## WHY TROY IS A GREAT PLACE TO START AND GROW YOUR BUSINESS

### **Outstanding Location/Demographics**

- Troy is the largest city in Oakland County (pop. 80,980), 12<sup>th</sup> largest city in Michigan, and the second largest city in the state based on total property value.
- Troy's outstanding location in the heart of Oakland County offers quick highway access to I-75, I-696 and M-59. Troy is only 20 minutes from Detroit, 45 minutes from either Detroit's Metropolitan Airport (DTW) or Flint's Bishop International Airport (FNT), and less than 30 minutes to the Oakland County International Airport (OCIA).
- Troy is a highly educated community with 50% of its population obtaining a bachelor's degree or higher (2008).
- Troy is the second most diverse city in Michigan. The City is home to a vibrant and diverse international community. Approximately 20% of the City's population is Asian.

### **Strong Business Community**

- Troy is home to 7 million square feet of retail space, 21 million square feet of office and engineering space, and 16 million square feet of manufacturing space. Troy is truly Michigan's premier address for business, retail and commerce.
- Troy's 6,000 businesses employ 125,000 people.
- Troy is home to several corporate and divisional headquarters including Flagstar Bank, Kelly Services, Bank of America, PNC Bank, Talmer Bank, Meritor, Altair Engineering, Kostal North America, Delphi, Behr America, Magna International and AxleTech.
- Troy is home to Automation Alley, Michigan's largest technology business association driving growth in Southeast Michigan's economy.
- Troy is Michigan's top location for Automotive Research and Development facilities. According to the Michigan Economic Development Corporation, Troy is home to 41 of the state's 330 automotive R&D facilities.
- Troy received top rankings for attracting and retaining entrepreneurial companies for the fifth straight year in a University of Michigan-Dearborn study.
- The Somerset Collection is Michigan's premier upscale shopping destination, and according to Fodor's, "one of the top shopping malls in the country". The 1.44 million square foot mall features over 180 stores and restaurants including Saks Fifth Avenue, Nordstrom, Neiman Marcus and Macy's.

### **Efficient Government**

- With a 2011 millage rate of 10.19, Troy has one of the **lowest** tax rates of any city in Oakland County.
- Troy's building and development processes are fast, fair and predictable. Our Building Department has been completely privatized and is a model of efficiency, effectiveness, and

quality. Safebuilt Building Department Services, Troy's building services provider, has been given a 98% satisfaction rate by Troy users seeking building permits, inspections and assistance.

- Troy adopted a new, state-of-the-art zoning ordinance in April of 2011. The new ordinance is user-friendly, flexible and helps to create an environment for investment in the City. It is available on Troy's website ([www.troymi.gov](http://www.troymi.gov)).
- For the 14<sup>th</sup> consecutive year, the City of Troy received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association Awards for the Comprehensive Annual Financial Report and received the award for the 12<sup>th</sup> straight year for the City of Troy Financial Summary.

### **Quality of Life**

- In 2008, Troy was named #1 best city to live in Michigan and #22 best in the nation by CNN Money Magazine.
- Troy is **the** safest city in Michigan (population greater than 75,000). The City also ranked 19th safest nationwide.
- The Troy School District is consistently one of the highest ranked districts in the state and the country. It is one of only four school districts in Metropolitan Detroit to receive an A+ rating from the Detroit News. In addition, the following schools were named among the top four percent of all U.S. high schools by Newsweek: Troy Athens, Troy H.S. and the east campus of the International Academy.
- The entire Troy School District has achieved North Central Accreditation.
- Thirteen universities and technical schools have campuses in Troy.
- Troy has an outstanding park system with twenty parks and recreational facilities consisting of 900 acres.
- Troy was named Tree City for the 21<sup>st</sup> year by the Arbor Day Foundation to honor its commitment to community forestry.
- Troy is serviced by the SMART regional public transportation system. For employees and residents that do not have access to a personal automobile or choose not to drive, SMART provides regional access to more than 75,000 businesses and 1.3 million jobs. Communities such as Novi, Livonia, West Bloomfield, and Farmington do not offer SMART regional transportation service.
- Troy residents and businesses have access to two very highly regarded medical centers within their municipal boundaries. Troy Beaumont Hospital's 394-bed community hospital has full inpatient and outpatient services. Henry Ford Health Medical Center offers services such as dermatology, family practice, neurology, eye care, pediatrics, and internal medicine.

1/27/12



## CITY COUNCIL AGENDA ITEM

Date: January 31, 2012

To: John Szerlag, City Manager 

From: Mark F. Miller, Director, Economic and Community Development   
Cathleen A. Russ, Library Director 

Subject: Lifelong Learning Committee Update

The Lifelong Learning Committee was established by City Council in October 2011. The Committee's charge is to broaden the scope of the Troy Public Library's outreach into the community as well as assist in strategic planning.

The first meeting of the Lifelong Learning Committee was held on Thursday, January 12, 2012. Twenty-two residents signed up to participate; of these, 11 attended the meeting.

The LLC members agreed that part of the committee's charge was to be ambassadors to the community, in terms of soliciting feedback about what programs, materials and services residents would like to see at their library. The members also agreed that because this is a new committee, it should be viewed as a work in progress and that the members will continue to refine the committee's concept and charge.

The committee formed 3 subcommittees:

1. **Programs**—this committee will work on ideas for programming for the library. Some examples that were brainstormed include: diversity training; cultural programs; family programming; couponing; addressing the digital divide; Troy Idol; music programs; Movie Night; and more.
2. **Partnerships**—this committee will explore possible partnerships between TPL and the business community, whether for donations, fundraising, sponsorship of a program series, or ways that TPL and the organization can work together. Other things this committee could do include exploring the creation of a library foundation, as well as grant opportunities.
3. **Publicity**—this committee will investigate ways to increase TPL's visibility in the community and get the word out about all TPL has to offer.

The subcommittees will meet in February, and the entire committee will meet again in late March. I will keep you posted as to further developments.



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

**Adopted: November 8, 2010**

1. APPOINTMENT OF MAYOR PRO TEM ..... 1  
2. DESIGNATION OF ACTING MAYOR ..... 1  
3. SPECIAL MEETINGS ..... 1  
4. REGULAR MEETINGS ..... 2  
5. AGENDA ..... 2  
6. ORDER OF BUSINESS ..... 2  
7. CABLE CASTING OF CITY COUNCIL MEETINGS..... 3  
8. MINUTES ..... 3  
9. PROCLAMATIONS ..... 3  
10. RECONSIDERATION OF QUESTIONS..... 3  
11. RESCISSION OF QUESTIONS..... 3  
12. WITHDRAWAL OF MOTIONS PRIOR TO VOTING..... 4  
13. PUBLIC HEARING ..... 4  
14. CONSENT AGENDA ..... 4  
15. APPOINTMENTS..... 4  
15.1 APPOINTMENT OF CITY OF TROY REPRESENTATION TO SEMCOG AND  
SOCRRA ..... 5  
16. MEMBERS OF THE PUBLIC AND VISITORS ..... 5  
17. POSTPONE ..... 6  
18. RULES OF ORDER ..... 6  
19. MISCELLANEOUS EXPENSES ..... 6  
20. EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS..... 6  
21. ABSENCES AT COUNCIL MEETINGS..... 6  
22. SUSPEND RULES ..... 6  
23. COUNCIL DISCUSSION..... 6  
24. AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS ..... 7  
25. VIDEO AND AUDIO PRESENTATIONS ..... 7  
26. CONTINUED AGENDA ITEMS NOT CONSIDERED BEFORE 12:00 AM..... 7  
27. VIOLATIONS..... 7  
28. WIRE COMMUNICATIONS BY AND TO COUNCIL MEMBERS DURING ANY  
MEETING OF COUNCIL..... 7

**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 15<sup>th</sup>.

#### **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.