



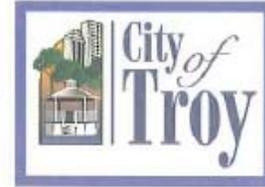
TROY CITY COUNCIL

REGULAR MEETING AGENDA

FEBRUARY 20, 2012
CONVENING AT 7:30 P.M.

Submitted By
The City Manager

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



TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Szerlag". The signature is 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: Father Philip Pavich – St. Lucy Croatian Catholic Church 1

PLEDGE OF ALLEGIANCE: Tiger Cub Scouts Pack 1712 from Wattles Elementary School 1

A. CALL TO ORDER: 1

B. ROLL CALL: 1

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS: 1

C-1 Proclamation – Heart Healthy Month – February 2012 – Presented to Michele Boertman, Manager of Preventative Cardiology/Cardiac Rehab – Beaumont Hospital 1

C-2 Proclamation of Appreciation – Troy Family Daze Festival 1

C-3 City of Troy Employees' Casual for a Cause Program - November and December 2011 – Presented to ARC of Oakland County 1

D. CARRYOVER ITEMS: 1

D-1 No Carryover Items 1

E. PUBLIC HEARINGS: 1

E-1 Public Hearing – Michigan NextEnergy Exemption 1

<u>F.</u>	<u>PUBLIC COMMENT:</u>	<u>2</u>
<u>G.</u>	<u>RESPONSE / REPLY TO PUBLIC COMMENT</u>	<u>2</u>
<u>H.</u>	<u>POSTPONED ITEMS:</u>	<u>2</u>
H-1	No Postponed Items	2
<u>I.</u>	<u>REGULAR BUSINESS:</u>	<u>3</u>
I-1	Board and Committee Appointments: a) Mayoral Appointments – Board of Review; Planning Commission; b) City Council Appointments – Building Code Board of Appeals; Liquor Advisory Committee	3
I-2	Board and Committee Nominations: a) Mayoral Nominations - Downtown Development Authority; b) City Council Nominations: None	4
I-3	Closed Session	6
I-4	Bid Waiver – Purchase of Police Radio Batteries and Chargers	6
I-5	Application Regarding Class C Liquor License for El Charro Restaurant	7
I-6	Boyd Street Issues Relative to Baker Middle School and International Academy	8
I-7	Adoption of Rules of Procedure	8
I-8	Approval of MDOT Subcontract with Toolles/Clark for Construction Manager at Risk Services for the Troy Multi-Modal Transit Facility	8
I-9	Application Regarding New SDM License for Kamel Management, Inc. (Troy Smokers)	9
<u>J.</u>	<u>CONSENT AGENDA:</u>	<u>10</u>
J-1a	Approval of “J” Items NOT Removed for Discussion	10
J-1b	Address of “J” Items Removed for Discussion by City Council	11

J-2	Approval of City Council Minutes	11
	a) Special City Council Meeting of February 6, 2012.....	11
	b) Regular City Council Meeting of February 6, 2012.....	11
J-3	Proposed City of Troy Proclamations: None Submitted	11
J-4	Standard Purchasing Resolutions:	11
	a) Standard Purchasing Resolution #3: Exercise Renewal Option – Transit Mixed Concrete	11
	b) Standard Purchasing Resolution #3: Exercise Renewal Option - Aggregates ...	11
J-5	Milano Development Company, Inc. v. City of Troy et. al.	12
<u>K.</u>	<u>MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:</u>	13
K-1	Announcement of Public Hearings: None Submitted	13
K-2	Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted	13
<u>L.</u>	<u>COUNCIL REFERRALS:</u>	13
L-1	No Council Referrals Advanced	13
<u>M.</u>	<u>COUNCIL COMMENTS</u>	13
M-1	No Council Comments Advanced	13
<u>N.</u>	<u>REPORTS</u>	13
N-1	Minutes – Boards and Committees:	13
	a) Civil Service Committee-Final-December 8, 2011	13
	b) Liquor Advisory Committee-Final-January 9, 2012.....	13
	c) Planning Commission-Draft-January 10, 2012.....	13
	d) Zoning Board of Appeals-Draft-January 17, 2012	13
	e) Civil Service Commission-Final-January 19, 2012	13
	f) Liquor Advisory Committee-Draft-February 13, 2012	13
	g) Civil Service Commission-Draft-February 14, 2012.....	13
N-2	Department Reports:	13

a)	Final Reporting – BidNet On-Line Auction Services – January 2012	13
b)	Final Reporting – Greater Detroit Auto Auction Services – Auctions for Calendar Year 2011	13
c)	Quarterly Financial Report – December 31, 2011	13
d)	Tax Abatement Policy.....	13
N-3	Letters of Appreciation:	13
a)	Letter of Appreciation to Troy Police Department from Rose Weber Thanking Officer Bordo for Assistance.....	13
b)	Letter of Appreciation to Officer Breidenich from Peggy Willockx of Troy People Concerned.....	13
c)	Letter of Appreciation to Chief Mayer from Bonnie Bostelman Thanking Officer Cooney for Assistance	13
d)	Letter of Appreciation to Chief Mayer from Rhonda Berger Thanking Sergeant Szuminski, Officer Barrows, Officer Villerot, Officer Bordo, Officer Denny, Officer Linton and Officer Piper for Assistance	13
e)	Letter of Appreciation to Chief Mayer from Elise Arndt Thanking Officer Fitzpatrick and Officer Zagacki	13
N-4	Proposed Proclamations/Resolutions from Other Organizations: None Proposed	14
N-5	Economic Development Update Information	14
N-6	Allowable Restrictions on Public Comment	14
N-7	Super City Smoker’s Express, LLC. SDM Liquor License	14
N-8	Article from Michigan Humanities Council	14
O.	<u>STUDY ITEMS</u>	14
O-1	No Study Items	14
P.	<u>CLOSED SESSION:</u>	14
P-1	Closed Session	14

Q. ADJOURNMENT **14**

FUTURE CITY COUNCIL PUBLIC HEARINGS: **15**

SCHEDULED REGULAR CITY COUNCIL MEETINGS: **15**

Monday, March 5, 2012 Regular Meeting.....	15
Monday, March 19, 2012 Regular Meeting.....	15
Monday, April 2, 2012 Regular Meeting	15
Monday, April 16, 2012 Regular Meeting	15
Monday, May 7, 2012 Regular Meeting.....	15
Monday, May 14, 2012 Regular Meeting.....	15
Monday, June 4, 2012 Regular Meeting.....	15
Monday, June 18, 2012 Regular Meeting.....	15
Monday, July 9, 2012 Regular Meeting	15
Monday, July 23, 2012 Regular Meeting	15
Monday, August 13, 2012 Regular Meeting	15
Monday, August 27, 2012 Regular Meeting	15
Monday, September 10, 2012 Regular Meeting.....	15
Monday, September 24, 2012 Regular Meeting.....	15
Monday, October 8, 2012 Regular Meeting.....	15
Monday, October 22, 2012 Regular Meeting.....	15
Monday, November 12, 2012 Regular Meeting.....	15
Monday, November 26, 2012 Regular Meeting.....	15
Monday, December 3, 2012 Regular Meeting.....	15
Monday, December 17, 2012 Regular Meeting.....	15

SCHEDULED SPECIAL CITY COUNCIL MEETINGS: **15**

Monday, April 23, 2012 Special Budget Study Session.....	15
Monday, April 30, 2012 Special Budget Study Session.....	15

INVOCATION: Father Philip Pavich – St. Lucy Croatian Catholic Church

PLEDGE OF ALLEGIANCE: Tiger Cub Scouts Pack 1712 from Wattles Elementary School

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 Regular City Council Meeting of February 20, 2012, due to _____.

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Proclamation – Heart Healthy Month – February 2012 – Presented to Michele Boertman, Manager of Preventative Cardiology/Cardiac Rehab – Beaumont Hospital

C-2 Proclamation of Appreciation – Troy Family Daze Festival

C-3 City of Troy Employees’ Casual for a Cause Program - November and December 2011 – Presented to ARC of Oakland County

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Public Hearing – Michigan NextEnergy Exemption

Suggested Resolution

Resolution #2012-02-

Moved by

Seconded by

RESOLVED, That the City Council of the City of Troy **AFFIRMS** the Michigan NextEnergy Exemption of Alternative Energy Personal Property located at 1857 Technology Drive, Troy, MI., as certified by the City Assessor, in an amount not to exceed \$2,458,258, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the City Clerk of the City of Troy shall **FORWARD** a copy of this resolution and attachments to the Michigan NextEnergy Authority at 300 N. Washington Square, Lansing, MI. 48913.

Yes:

No:

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

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

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

G. RESPONSE / REPLY TO PUBLIC COMMENT**H. POSTPONED ITEMS:**

H-1 No Postponed Items

I. **REGULAR BUSINESS:**

I-1 **Board and Committee Appointments: a) Mayoral Appointments – Board of Review; Planning Commission; b) City Council Appointments – Building Code Board of Appeals; Liquor Advisory Committee**

a) **Mayoral Appointments**

Suggested Resolution
Resolution #2012-02-
Moved by
Seconded by

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

Board of Review

Appointed by Mayor
3 Regular Members
3-Year Term

Term Expires: 01/31/2015

Frank Strahl

Term currently held by: Frank Strahl

Planning Commission

Appointed by Mayor
9 Regular Members
3 Year Term

Term Expires: 12/31/2014

Gordon Schepke

Term currently held by: Lon Ullmann

Term Expires: 12/31/2014

Thomas Strat

Term currently held by: Thomas Strat

Term Expires: 12/31/2014

Robert Schultz

Term currently held by: Robert Schultz

Yes:
No:

b) **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:

Building Code Board of Appeals

Appointed by Council
5 Regular Members
5 Year Term

Term Expires: 01/01/2017

Gary Abitheira

Term currently vacant

Liquor Advisory Committee

Appointed by Council
7 Regular Members
3 Year Term

Term Expires: 01/31/2014

Max Ehlert

Term currently held by: Max Ehlert

Term Expires: 01/31/2014

David Ogg

Term currently held by: David Ogg

Term Expires: 01/31/2014

Timothy P. Payne

Term currently held by: Timothy P. Payne

Yes:

No:

I-2 Board and Committee Nominations: a) Mayoral Nominations - Downtown Development Authority; b) City Council Nominations: None

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:

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		2/6/2014	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:

Term Expires: 09/30/2015 **(In District)**

Term currently held by: Stuart Frankel

Term Expires: 09/30/2015 **(In District)**

Term currently held by: David R. Hay

Term Expires: 09/30/2015 **(At Large)**

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	Gregory		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.	2/3/2014	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		1/31/2014	2/3/2012	
Vassallo	Joseph	J	12/6/2013	2/3/2012	Brownfield Redev. Auth. exp 4/30/2012
Wilberding	Bruce	J	2/8/2014	2/3/2012	Brownfield Redev. Auth. exp 4/30/2013

Yes:

No:

I-3 Closed Session

Suggested Resolution

Resolution #2012-02-

Moved by

Seconded by

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

Yes:

No:

I-4 Bid Waiver – Purchase of Police Radio Batteries and Chargers

Suggested Resolution

Resolution #2012-02-

Moved by

Seconded by

WHEREAS, Global Technology Systems Inc. of Framingham, MA, is the manufacturer of Honeywell Batteries and Tri-Chemistry chargers; and

WHEREAS, Honeywell Batteries Lithium Polymer Technology is superior to the battery system that the Police Department is currently using and will maintain consistency between the Police and Fire Departments;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council **DETERMINES** it to be in the City’s best interest to purchase directly from the manufacturer and hereby **WAIVES** formal bidding procedures and **AUTHORIZES** the purchase of Honeywell batteries, retrofit kits, and chargers from Global Technology Systems, Inc. of Framingham, MA, at an estimated cost of \$18,362.50, in accordance with the quote dated January 24, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

I-5 Application Regarding Class C Liquor License for El Charro Restaurant

Suggested Resolution
Resolution #2012-02-
Moved by
Seconded by

(a) Transfer Class C License, Food Permit, Sunday Sales Permit

Suggested Resolution
Resolution #2012-

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.

Liquor License Applicant :	Marty Martin Enterprises, Inc.--El Charro Restaurant
Type of License Requested :	Transfer Class C License, Food Permit, and Sunday Sales Permit.
Located at :	3651 Rochester Road, Troy, MI 48083
MLCC Request # :	625705

and

(b) Agreement

Suggested Resolution
Resolution #2012-

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:

I-6 Boyd Street Issues Relative to Baker Middle School and International Academy

Suggested Resolution

Resolution #2012-02-

Moved by

Seconded by

RESOLVED, That the north side of Boyd Street, from Rochester Road to the school entrance on Boyd Street, be **POSTED** as a “No Parking – Tow Away Zone” during the morning arrival (7:15 a.m. to 8:15 a.m.) and evening dismissal (2:00 p.m. to 2:45 p.m.) times on school days only for the remainder of the 2011-12 school year.

BE IT FURTHER RESOLVED, That the issue be **RE-EVALUATED** in the fall of 2012 to determine the need for these signs after the school district changes the start times for Baker Middle School and the International Academy, which is expected to considerably reduce traffic on Boyd.

Yes:

No:

I-7 Adoption of Rules of Procedure

Suggested Resolution

Resolution #2012-02-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** the Rules of Procedure of the City Council of the City of Troy as recorded by the City Clerk in the Minutes of the Study Session of February 6, 2012.

Yes:

No:

I-8 Approval of MDOT Subcontract with Toolles/Clark for Construction Manager at Risk Services for the Troy Multi-Modal Transit Facility

Suggested Resolution

Resolution #2012-02-

Moved by
Seconded by

WHEREAS, The City of Troy received a \$8,485,212 federal grant for the construction of the Troy Multi-Modal Transit Facility through the American Recovery and Reinvestment Act (ARRA) High-Speed Intercity Passenger Rail (HSIPR) Program, Federal Rail Administration (FRA), as secured through a TIGER grant; and

WHEREAS, On January 17, 2012, City Council resolved that the total cost of the Troy Multi-Modal Transit Facility shall not exceed \$6,272,500; and

WHEREAS, Construction Manager at Risk (CMR) proposals were received and the CMR team of Tooles/Clark was selected in accordance with the Qualifications Based Selection process.

THEREFORE BE IT RESOLVED, That Troy City Council hereby **AWARDS** the MDOT subcontract between the City of Troy and Tooles/Clark to provide construction manager at risk services for the Troy Multi-Modal Transit Facility at an estimated cost **NOT TO EXCEED** \$648,731, a cost which is included as part of the total estimated Transit Center cost and within budget for CMR services; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT UPON** Tooles/Clark's submission of properly executed proposal and contract documents, including agreements, insurance certificates and all other specified requirements and MDOT approval; and

BE IT FINALLY RESOLVED, That the Mayor and City Clerk are **DIRECTED** to execute the agreements once in acceptable form as approved by the Michigan Department of Transportation.

Yes:
No:

I-9 Application Regarding New SDM License for Kamel Management, Inc. (Troy Smokers)

Resolution A: Denying Liquor License Approval:

Suggested Resolution
Resolution #2012-02-
Moved by
Seconded by

WHEREAS, Kamel Management, Inc. requests a New SDM License to be located at 186 W. Maple Road, Troy, MI 48084, Oakland County {MLCC Req. #614894}; and

WHEREAS, The Troy Police Department conducted an investigation into this application, and did not discover any reasons for disqualification of this particular applicant; and

WHEREAS, Based on past experience, the Troy City Administration is concerned about the increased probability of liquor license violations for those businesses that primarily sell tobacco

products to patrons, including those between the ages of 18 to 20 years old who are considered minors under the liquor laws; and

WHEREAS, Based on this increased probability of illegal sales of alcohol to minors in these establishments, the Troy City Council finds that tobacconists are not favorable locations to sell alcoholic products, and reaffirms commitment to the prevention of access to and consumption of alcohol by persons under the age of 21 as an established community norm which is consistent with the community's established priorities and dedication to public safety.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **RECOMMENDS DENIAL** of the application from Kamel Management, Inc. for a New SDM License to be located at 186 W. Maple Road, Troy, MI 48084, Oakland County {MLCC Req. #614894}.

Yes:

No:

Resolution B: Granting Liquor License Approval:

Suggested Resolution

Resolution #2012-02-

Moved by

Seconded by

WHEREAS, Kamel Management, Inc. requests a New SDM License to be located at 186 W. Maple Road, Troy, MI 48084, Oakland County {MLCC Req. #614894}; and

WHEREAS, The Police Department conducted an investigation into this application, and did not discover any disqualifying factors related to this particular applicant; and

WHEREAS, The Liquor Advisory Committee, an advisory committee of City Council recommended approval of the request, since it complies with all applicable Troy City Ordinances and Michigan Liquor Control Commission Rules, and it is likely that the Michigan Liquor Control Commission (MLCC) will grant the requested SDM liquor license, even if City Council objects.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **RECOMMENDS APPROVAL** of the application from Kamel Management, Inc. for a New SDM License to be located at 186 W. Maple Road, Troy, MI 48084, Oakland County {MLCC Req. #614894}.

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) Special City Council Meeting of February 6, 2012
- b) Regular City Council Meeting of February 6, 2012

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution #3: Exercise Renewal Option – Transit Mixed Concrete**

Suggested Resolution

Resolution #2012-02-

WHEREAS, On April 18, 2011, Troy City Council awarded one-year contracts to provide transit mixed concrete with an option to renew for one (1) additional year to the low bidders, McCoig Materials/Koenig Fuel & Supply of Plymouth, MI as the primary supplier, and Superior Materials, LLC of Farmington Hills, MI as the secondary supplier (Resolution #2011-04-085-J-4a); and

WHEREAS, McCoig Materials/Koenig Fuel & Supply and Superior Materials, LLC have agreed to exercise the option to renew their respective contracts for one (1) additional year under the same prices, terms, and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contracts to provide transit mixed concrete with McCoig Materials/Koenig Fuel & Supply of Plymouth, MI, as the primary supplier, and Superior Materials, LLC, as the secondary supplier, at unit prices contained in the bid tabulation opened March 22, 2011, with the contracts expiring April 30, 2013.

- b) **Standard Purchasing Resolution #3: Exercise Renewal Option - Aggregates**

Suggested Resolution

Resolution #2012-02-

WHEREAS, On April 18, 2011, one-year contracts to provide Aggregates with an option to renew for one additional year was awarded to the low bidders, B&W Landscape Supply, Boulevard & Trumbull Towing, Novak Construction, Osburn Industries, Inc., Richmond Transport, Inc., and Tri-City Aggregates at unit prices contained in the bid tabulation opened March 22, 2011(Resolution #2011-04-085-J4b); and

WHEREAS, After the award of contract, Richmond Transport withdrew their bid for 6A Slag due to a calculation error; and on May 9, 2011, Troy City Council rescinded with prejudice the award to Richmond Transport and re-awarded the contract for 6A Slag to the next lowest bidder, B&W Landscape Supply of Clinton Township (Resolution #2011-05-094); and

WHEREAS, All suppliers with the exception of Osburn Industries have agreed to exercise the one-year option to renew their respective contracts under the same prices, terms, and conditions;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contracts to provide one-year requirements of Aggregates with the following low bidders – B&W Landscape Supply of Clinton Township, Boulevard & Trumbull Towing of Detroit, Novak Construction of Almont, and Tri-City Aggregates of Holly, under the same contract prices, terms, and conditions expiring April 30, 2013.

J-5 Milano Development Company, Inc. v. City of Troy et. al.Suggested Resolution

Resolution #2012-02-

WHEREAS, The February 5, 2008 Consent Judgment in the *Milano Development Company, Inc. v. City of Troy, et. al.* case, (Oakland County Circuit Court Case No. 06-079401-CZ) allows for the City of Troy to agree to an extension of time for the presentation of a revised plat for the Square Acres Subdivision plat, that vacates the 43 foot easements for roadway purposes and allows for a new residential development;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council **GRANTS** its consent to extend the time within which to file a revised plat for the Square Acres Subdivision for good cause; and

BE IT FURTHER RESOLVED, That the Troy City Council **APPROVES** the revised plat for Square Acres Subdivision, as attached and incorporated into the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to send a copy of this Resolution to the State of Michigan and Athens Parc Developers, LLC.

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

M. COUNCIL COMMENTS

M-1 No Council Comments Advanced

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

- a) Civil Service Committee-Final-December 8, 2011
 - b) Liquor Advisory Committee-Final-January 9, 2012
 - c) Planning Commission-Draft-January 10, 2012
 - d) Zoning Board of Appeals-Draft-January 17, 2012
 - e) Civil Service Commission-Final-January 19, 2012
 - f) Liquor Advisory Committee-Draft-February 13, 2012
 - g) Civil Service Commission-Draft-February 14, 2012
-

N-2 Department Reports:

- a) Final Reporting – BidNet On-Line Auction Services – January 2012
 - b) Final Reporting – Greater Detroit Auto Auction Services – Auctions for Calendar Year 2011
 - c) Quarterly Financial Report – December 31, 2011
 - d) Tax Abatement Policy
-

N-3 Letters of Appreciation:

- a) Letter of Appreciation to Troy Police Department from Rose Weber Thanking Officer Bordo for Assistance
 - b) Letter of Appreciation to Officer Breidenich from Peggy Willockx of Troy People Concerned
 - c) Letter of Appreciation to Chief Mayer from Bonnie Bostelman Thanking Officer Cooney for Assistance
 - d) Letter of Appreciation to Chief Mayer from Rhonda Berger Thanking Sergeant Szuminski, Officer Barrows, Officer Villerot, Officer Bordo, Officer Denny, Officer Linton and Officer Piper for Assistance
 - e) Letter of Appreciation to Chief Mayer from Elise Arndt Thanking Officer Fitzpatrick and Officer Zagacki
-

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

N-5 Economic Development Update Information

N-6 Allowable Restrictions on Public Comment

N-7 Super City Smoker's Express, LLC. SDM Liquor License

N-8 Article from Michigan Humanities Council

O. STUDY ITEMS

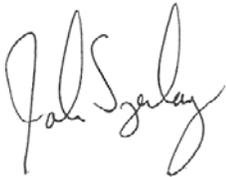
O-1 No Study Items

P. CLOSED SESSION:

P-1 Closed Session

Q. ADJOURNMENT

Respectfully submitted,



John Szerlag, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

SCHEDULED REGULAR CITY COUNCIL MEETINGS:

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

SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

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

**PROCLAMATION
HEART HEALTHY MONTH - FEBRUARY 2012**

WHEREAS, Heart Disease is the leading cause of death for both men and women. Approximately 1.2 million Americans suffer a heart attack each year in the United States, including an estimated 700,000 who will have a first heart attack and 500,000 who will have a recurring heart attack; and

WHEREAS, In the U.S. someone has a heart attack every 34 seconds; each minute, someone dies from a heart disease-related event; and in 2010, heart disease cost the United States \$316.4 billion. This total includes the cost of health care services, medications, and lost productivity; and

WHEREAS, About one in five people who have heart failure die within one year from diagnosis. Early diagnosis and treatment which includes education on taking medicines, reducing salt in diet, exercise and self-management of this disease can improve quality of life and life expectancy; and.

WHEREAS, It is important to recognize the signs and symptoms of a heart attack and to act immediately by calling 911. A person's chances of surviving a heart attack increase if emergency treatment is administered as soon as possible. Prevention and education is crucial to understanding this disease; and

WHEREAS, Beaumont Hospital knows that the key to cardiovascular disease prevention and management is education. They are to be commended for their numerous programs including the Heart & Vascular Screening Program - 7 tests for \$70 - screenings to identify one's risk for heart & vascular disease and the Healthy Heart Check - student heart screenings to identify future heart problems; and

WHEREAS, Beaumont also targets women with the American Heart Association's Wear Red for Women Campaign Day; people trying to quit smoking with their smoking cessation classes; as well as the entire community with Health Fairs, AED education/training and speaking presentations; and

WHEREAS, They have developed other programs including PATH - a new six-week program for anyone with any known chronic disease; a Heart Failure Workshop for physicians to refer patients to educate them on disease management, exercise, medication and diet to improve their quality of life; as well as a Community Support Group for people and families of those who have been diagnosed with heart disease;

NOW, THEREFORE, BE IT RESOLVED, That the Mayor and City Council of the City of Troy take this opportunity to proclaim **February as Heart Healthy Month** in the City of Troy, Michigan; and

BE IT FURTHER RESOLVED, That we invite all Troy residents to recognize the importance of education in preventing heart disease within our community and our homes and encourage everyone to participate in Beaumont Hospital's valuable programs and workshops supporting the prevention and management of heart disease.

Presented this 20th day of February 2012.

**PROCLAMATION OF APPRECIATION
TROY FAMILY DAZE FESTIVAL**

WHEREAS, During the economic downturn, the City of Troy engaged in a massive restructuring initiative which streamlined all City Departments. While protecting the core competencies of police, fire and infrastructure maintenance, unfortunately many quality of life venues were lost, including the City's Troy Daze Festival; and

WHEREAS, After a year hiatus, a group of dedicated community volunteers worked hard to bring back the Troy Family Daze Festival from September 15-18, 2011 at Zion Christian Church on its 43-acre site on Livernois with games, music, entertainment and carnival rides, to the delight of the Troy community; and

WHEREAS, Festival attendees of all ages were also able to sample food from local vendors, visit community booths, participate in contests and games, attend a special pancake breakfast, and watch a spectacular fireworks display; and

WHEREAS, The North Woodward Community Foundation, with the support of Zion Christian Church, were the driving force behind the return of Troy Family Daze. Zion Church's members had participated in the festival for many years and were thrilled to step up their involvement as well as providing a location which was perfect for this kind of community activity;

NOW, THEREFORE, BE IT KNOWN, That the Mayor and City Council of the City of Troy takes this opportunity to express its appreciation to the North Woodward Community Foundation, Zion Christian Church, and the local businesses for sponsoring the Troy Family Daze Festival; and

BE IT FURTHER KNOWN That the Mayor and City Council, on behalf of themselves and the Troy community, extends heartfelt appreciation to the many dedicated volunteers who worked tirelessly to make the festival a very successful event.

Presented the 20th day of February 2012.

From: [Cynthia A Stewart](#)
To: [Aileen Bittner](#); [Beth L Tashnick](#)
Subject: Feb. 20 City Council
Date: Thursday, February 16, 2012 2:40:09 PM
Attachments: [image001.png](#)

On behalf of the City of Troy Employees' Casual for a Cause Program for the months of November & December 2011, Community Affairs Director Cindy Stewart will present a check in the amount of \$986 to Thomas Kendziorski, Executive Director for ARC of Oakland County.





CITY COUNCIL ACTION REPORT

February 20, 2012

TO: John Szerlag, City Manager
FROM: Nino Licari, City Assessor
SUBJECT: Agenda Item – Public Hearing – Michigan NextEnergy Exemption

Background:

- The Michigan Next Energy Authority (MNEA) was created by Public Act 549 of 2002. The Authority is charged with certifying alternative energy businesses, and alternative energy Personal Property.

Under provisions of the Act, alternative energy Personal Property (as certified by the local Assessor) purchased between 2002 and 2011 (since amended to extend to December 31, 2012) may be exempt from taxation through the process of eliminating all, or some, of the millages levied against its Taxable Value.

The Act provides that the local taxing authorities may 'opt out' of the exemption process by failure to pass a resolution approving the exemption at a public hearing, within sixty (60) days of receipt of the MNEA certifying resolution. (Local taxing authorities include: Transportation Authority, County, Zoo, Intermediate Schools, Community College, City {township, village}, and Local Schools).

Compact Power (now known as LG Chem, Inc.) has received certification from MNEA as an alternative energy company. They have current Next Energy exemptions in Troy. They have applied for further exemptions of 2012 Personal Property totaling \$2,458,258 in Market Value.

LG Chem, Inc. is located at 1857 Technology Drive.

Financial Considerations:

- As shown on the attached chart, the City of Troy's total exempted taxes for the two (2) years available to the companies is estimated at \$22,201.22, including administration fees. This amounts to \$11,100.61 per year, on average.

Along with United Solar Ovonics, these companies have exemptions dating back to the 2005 assessment year. All exempted taxes for the City of Troy, through 2013 now total \$227,695.59. (\$22,201.22 in 2012, \$43,682.72 in 2011, \$60,321.36 in 2010; \$19,529.60 in 2009; \$21,573.34 in 2008; \$13,018.96 in 2007; \$35,368.39 in 2006; and \$12,000.00 in 2005).

Legal Considerations:

- There are no legal considerations attached to this item.

Policy Considerations:

- This item is in keeping with City Council Goals:

U. Utilize available economic development tools and partnerships in order to compete for quality businesses

W. Develop "green" philosophies to reduce demand on natural resources

Options:

- City Council may continue to participate in the MNEA program by passing the suggested resolution, or City Council may 'opt out' of this exemption process by its failure to pass the suggested resolution.

**City of Troy - Assessing Department
Estimated NextEnergy Exempted Tax Calculation - 2012**

Taxing Authority	Millage Rates	Estimated Exempt Taxes 2012	Estimated Exempt Taxes 2013	Totals
City of TROY	10.1900	11,272.34	10,145.11	21,417.45
Admin Fee Warren	0.3729	412.51	371.26	783.77
Transportation	0.5900	652.67	587.40	1,240.07
Oakland County	4.6461	5,139.59	4,625.63	9,765.22
County Zoo Tax	0.1000	110.62	99.56	210.18
Macomb Intermediate	2.9430	3,255.59	2,930.03	6,185.63
Community College	1.5844	1,752.69	1,577.42	3,330.11
Warren School Debt	2.4400	2,699.17	2,429.25	5,128.42
Warren Hold Harmless	7.4057	8,192.30	7,373.07	15,565.38
Warren Sinking Fund	0.9964	1,102.23	992.01	2,094.24
School Operating Warren	0.0000	0.00	0.00	0.00
State Education	0.0000	0.00	0.00	0.00
Totals by Year		34,589.72	31,130.75	65,720.46
Est'd Taxable Value Warren SD	1,229,129	1,106,216	995,594	
Market Value Exempted Warren	2,458,258	2,212,432	1,991,189	
Total Troy Exempted Taxes 2 Years				<u><u>22,201.22</u></u>

01/24/12

PURE MICHIGAN®

January 5, 2012

Mr. Leger A. Licari, Assessor
500 West Big Beaver
Troy, MI 48084

Dear Mr. Licari:

The Michigan NextEnergy Authority (MNEA) is charged by law, Public Act 593 of 2002, with the certification of alternative energy technology businesses and alternative energy personal property, Public Act 549 of 2002. The MNEA is also charged with notifying the assessors and treasurers of the local tax collecting unit and the secretary of the school district, in which the property is located, of the annual certification.

The enclosed resolution, certifying the attached list of personal property of LG Chem Power, Inc. as Alternative Energy Personal Property exempt from certain property taxes, was adopted at a meeting of the MNEA held on December 13, 2011. As indicated in the enclosed resolution, the maximum value of the exempted property located in the City of Troy is \$2,499,513 and is subject to the assessor's concurrence.

The City of Troy has sixty days from receipt of this letter in which to adopt a resolution to opt-out of the exemption of the alternative energy personal property from local personal property taxes.

Troy Public Schools also have sixty days from receipt of this letter in which to adopt a resolution to opt out of specific school-related taxes levied against the personal property.

Personal property acquired by LG Chem Power, Inc. prior to January 1, 2013 may be eligible for certification as Alternative Energy Personal Property by the MNEA in future years. The City of Troy and Troy Public Schools will be notified of any future certification and will have sixty days in which to adopt a resolution to opt-out of the exemption on that personal property.

If you have questions, please contact Jessica Gomez at 517.241.4810.

Sincerely,



Karla K. Campbell
Secretary to the MNEA Board

Enclosures

RECEIVED

JAN 13 2012

**CITY OF TROY
ASSESSING DEPT.**

Michigan Economic Development Corporation

300 North Washington Square | Lansing, MI 48913 | 888.522.0103 | MichiganAdvantage.org | michigan.org

Michigan NextEnergy Authority

Resolution 2011-138

LG Chem Power, Inc.

WHEREAS, LG Chem Power, Inc. (the "Company"), is a business entity located at 1857 Technology Drive, Troy, Michigan 48083;

WHEREAS, on December 14, 2010, the Company was certified as an Alternative Energy Technology Business under the Michigan NextEnergy Authority Act, 2002 PA 593;

WHEREAS, an officer of the Company has certified in writing that the Company is engaged primarily in the research, development or manufacturing of the alternative energy technology described as the research, development, and manufacturing of an alternative energy vehicle system;

WHEREAS, the alternative energy technology is related to the alternative energy vehicle system known as a battery cell energy system;

WHEREAS, all personal property of an Alternative Energy Technology Business that has not previously been subject to collection of taxes, and has not previously been exempted from taxes, under the general property tax act is eligible for certification;

WHEREAS, the Company has provided a list of such property for 2011 valued at \$2,499,513 that is attached to this resolution; and

2,458,250 ~~76~~ 1/16/12

WHEREAS, the Michigan Economic Development Corporation provides administrative services to the MNEA, and has reviewed the application and recommends approval of the certification by the MNEA Board.

NOW, THEREFORE, BE IT RESOLVED, that the MNEA certifies that LG Chem Power, Inc.'s personal property listed on the attached schedule is certified as Alternative Energy Personal Property and is exempt from taxes levied before January 1, 2013, provided that the local Assessor determines that the property listed:

- 1) is properly classified as personal rather than real property;
- 2) has not been previously subject to taxation under the general property tax act, and
- 3) has not previously been exempted from taxes under the general property tax act.

BE IT FURTHER RESOLVED, that notice of these certifications will be forwarded to the Company, the secretary of the local school district, and the treasurer and assessor of the local tax collecting unit in which the Company and the Alternative Energy Personal Property are located.

ADOPTED

Ayes: Tim Herman, Mike Jackson, Andrew Lockwood [acting for and on behalf of Andy Dillon, designation attached], Bill Martin, Mark Morante [acting for and on behalf of Michael Finney, designation attached]

Nays: None

Recused: None

December 13, 2011
Lansing, Michigan

Property Only Company Identification Informaiton

Name of Company making application	LG Chem Power, Inc
Address of facility	1857 Technology
City, State, Zip Code	Troy, MI 48083
Primary NAICS code	

EIN -----> 27-3260918

Describe the type of business or principle product at this facility.	LG Chem Power is a North American subsidiary of LG Chem, Ltd., one of the worlds largest producers of lithium-ion batteries. LG Chem Power, Inc. headquartered in Troy, MI is an easily accessible source for the research, development, engineering design and packaging of lithium-ion batteries for automotive and industrial applications
--	---

Name of employee completing this application	Hyunju Siskosky
Title of employee completing this application	Accounting Manager
Phone number of employee completing this application	248 654-3149
Email address of employee completing this application	hsiskosky@lgcpi.com

Name of officer authorized to approve this application	Hyunju Siskosky
Title of officer authorized to approve this application	Accounting Manager
Phone number of officer approving this application	248 654-3149
Email address of officer approving this application	hsiskosky@lgcpi.com

Enter the tax year for this Listing 2011

Please Enter the Name and Address where you would like the MEDC to return your Tax Certificate

Name of Company/Consulting Firm/ Accounting Firm	LG Chem Power, Inc.
To the Attention of	Hyunju Siskosky
Address	1857 Technology
Address	'
City	Troy
State	MI
Zip Code	48083

NOT PERMITTED

	8,500.00	
	32,755.00	
	<u>(41,255.00)</u>	
	2,499,513.00	GROSS
	<u>2,458,258</u>	NET EXEMPT
	<i>TX 11/3/12</i>	

Michigan Next Energy Authority

Concurrence with the decision of the Michigan NextEnergy Authority Board by local taxing authorities and school districts is required. As part of the Authorities responsibility, it sends certified notices to the Treasurer, Assessor, and Secretary of the School Board for each location where property issued an exemption by the board is located.

Below please supply the requested information about your local jurisdictions for each location. If you have more than three locations, please contact the Authority administrator for assistance with the form.

Location of Property #1	Address 1 Address 2 City/Village/Township Zip Code	1857 Technology Troy 48083
Treasurer	Name Address 1 Address 2 City/Village/Township Zip Code	Sandra Kasperek 500 W Big Beaver * Troy 48084
Assessor	Name Address 1 Address 2 City/Village/Township Zip Code	Leger A. (Nino) Licari 500 W Big Beaver * Troy 48084
School Board	Name Address 1 Address 2 City/Village/Township Zip Code	Wendy Underwood 4400 Livernois * Troy 48098

Location of Property #2	Address 1 Address 2 City/Village/Township Zip Code	NA * * *
Treasurer	Name Address 1 Address 2 City/Village/Township Zip Code	* * * * *
Assessor	Name Address 1 Address 2 City/Village/Township Zip Code	* * * * *
School Board	Name Address 1 Address 2 City/Village/Township Zip Code	* * * * *

Location of Property #3	Address 1 Address 2 City/Village/Township Zip Code	NA * * *
Treasurer	Name Address 1 Address 2 City/Village/Township Zip Code	* * * * *
Assessor	Name Address 1 Address 2 City/Village/Township Zip Code	* * * * *
School Board	Name Address 1 Address 2 City/Village/Township Zip Code	* * * * *

Michigan Next Energy Authority

Alternative Energy Technology Business Property Listing Form

Date Acquired	Description of Property	Location	Serial # or Asset #	New or Used*	Original Cost, Installed, Including Sales Tax and Freight
1/31/2011	Tooling for Eaton (CPI Owned)SunMcrStrm Tech 88K	LG Chem Power	160000057	New	88,256.24
2/23/2011	Tps2024 Oscilloscope Newark 3.6K Michael Staszek	LG Chem Power	160000026	New	5,522.35
2/25/2011	Tooling for ST-000613 Bracket Module	LG Chem Power	160000055	New	10,925.00
3/7/2011	Power Supply Aciouab Aerat Ghorghis	LG Chem Power	160000025	New	1,905.60
3/7/2011	Temperature 20K Thermontron GeorgeLea_41030	LG Chem Power	160000027	New	21,582.11
3/21/2011	Vector TestLabCanoe_14.6K	LG Chem Power	160000069	New	14,680.00
3/30/2011	EliteGD Temp chamber Russells 41.9K Franklin M	LG Chem Power	160000028	New	41,995.00
3/31/2011	High Voltage Power Supply	LG Chem Power	160000020	New	2,590.00
4/8/2011	KikusuiHiViltage Pwr supply 3K	LG Chem Power	160000062	New	3,160.00
4/21/2011	Compunetics 1.5K EE Test Box	LG Chem Power	160000065	New	623,425.00
4/26/2011	Tooling-Wire Assembly Boards	LG Chem Power	160000075	New	22,000.00
4/26/2011	ASM-000564	LG Chem Power	160000076	New	32,350.00
4/27/2011	Battery Pack Simu GRE GFE DongYong 38.5K AChewer	LG Chem Power	160000022	New	40,100.00
4/27/2011	Battery Pack Simu HW Dev/Test DongYongAChewer 37K	LG Chem Power	160000023	New	42,520.00
4/27/2011	Battery Pack Simu SW Dev/Test DongYongAChewer 37K	LG Chem Power	160000024	New	43,340.00
4/28/2011	Parametric Board Tester #2 DMC 207K Greg Bober	LG Chem Power	160000021	New	207,795.95
4/28/2011	Master Board Eaton LGIT137K MGrimes	LG Chem Power	160000058	New	149,069.90
4/28/2011	Dual Slave #1 Eaton LGIT 44K MGrimes	LG Chem Power	160000059	New	74,264.53
4/28/2011	Dual Slave #2 Eaton LGIT 44K MGrimes	LG Chem Power	160000060	New	51,248.16
4/28/2011	JIGS for Master, Slave 1&2 Eaton LGIT 10K MGrimes	LG Chem Power	160000061	New	10,227.27
5/6/2011	Omega ECN 000719 New BDU ASM001088 26K	LG Chem Power	160000073	New	26,744.00
5/9/2011	Simulator dspace 56K each for 2 Stephane Fosso	LG Chem Power	160000029	New	56,862.75
5/9/2011	Simulator dspace 56K each for 2 Stephane Fosso	LG Chem Power	160000030	New	56,862.75
5/9/2011	Omega P20 Injection Tool ASM-001172 20K	LG Chem Power	160000070	New	20,190.00
5/9/2011	Omega Alumnum Injection ASM 001188 8K	LG Chem Power	160000071	New	8,290.00
5/9/2011	Northern Plastics ECN 000758 ASM-001114 8K	LG Chem Power	160000072	New	8,357.00
5/26/2011	Compunetics 1.5K EE Test Box	LG Chem Power	160000064	New	2,375.00
5/27/2011	ASM-000489-AD ECN-000689 (Quote 10707)	LG Chem Power	160000079	New	5,900.00
5/27/2011	ASM-000563-AF ECN-000616	LG Chem Power	160000080	New	35,750.00
6/8/2011	Compunetics 1.5K EE Test Box	LG Chem Power	160000068	New	1,525.00
6/16/2011	Opti-Temp Chiller/Heater -Volvo -A Arena-7.7K	LG Chem Power	160000077	New	7,795.00
6/30/2011	Compunetics 1.5K EE Test Box	LG Chem Power	160000066	New	1,525.00
7/8/2011	SunMicroStampingTooling HV000149 3.4K	LG Chem Power	160000078	New	3,450.00
7/13/2011	Tekscan Pressure Sensing Pad	LG Chem Power	160000084	New	21,875.00
7/18/2011	SunMicroStampingTooling ASM001252 ECN 000814 8.5K	LG Chem Power	160000082	New	9,500.00
7/28/2011	Northern Plastics tooling ASM 000581 ECR 000079 6K	LG Chem Power	160000081	New	6,214.00
7/28/2011	Omega Bracket Wiring ASM001088, Inspec PPAP 21K	LG Chem Power	160000083	New	21,588.00
8/5/2011	Compunetics 1.5K EE Test Box	LG Chem Power	160000067	New	1,525.00

Michigan Next Energy Authority

Alternative Energy Technology Business (AETB)

NO CHANGE IN STATUS CERTIFICATION

Complete this certification if the business has received the "Alternative Energy Technology Business" designation by the authority in any previous year.

Name of Firm

LG Chem Power, Inc.

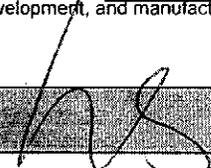
Name of

Authorized

Hyunju Siskosky

I, Hyunju Siskosky hereby certify that
LG Chem Power, Inc. was certified as an Alternative Energy Technology Business by the Michigan
NextEnergy Authority in December of (select year ->) 2010, and that it continues to be engaged
solely in the business of the research, development, and manufacturing of an Alternative Energy Technology.

Signature of
Authorized
Representative


Enter Date Below
11/02/2011

(Please sign this page after the entire workbook is printed.)

Michigan Next Energy Authority

Signature and Authorization Section

I am authorized by the company to complete and transmit this Personal Property Tax Exemption Request.

I certify that to the best of my knowledge information contained in this transmission is complete and accurate.
I agree that this electronic transmission may be used in lieu of a paper transmission.

The company acknowledges that any material misrepresentation of company information on this listing may render the company ineligible for a tax credit or exemption or result in the revocation of any credit or exemption agreement executed in reliance on the information contained herein.

I understand that the MEDC and MNEA may audit this listing and its supporting data under the terms of the MNEA Certification and Authorization process.

Signature of employee or paid tax services provider who completed this application form.



Date of Signature Above

11/02/2011

Signature of officer authorized by the company to apply for MNEA Tax Credit Certificates.



Date of Signature Above

11/02/2011



CITY COUNCIL AGENDA ITEM

February 13, 2012

To: John Szerlag, City Manager

From: Susan A. Leirstein, Purchasing Director
Gary G. Mayer, Chief of Police

Subject: Bid Waiver: Purchase of Police Radio Batteries and Chargers

Background

On April 3, 2006, Troy City Council approved contracts to purchase emergency radio equipment from M/A-Com now Harris Communications of Melbourne, Florida through Oakland County Cooperative Purchasing Agreements (CC Res #2006-04-168-E4c).

As previously corresponded, the CLEMIS (Court and Law Enforcement Management Information Systems) consortium has constructed a new 800 MHz public Safety Radio System for Oakland County called OakWIN. The purpose of this system is to provide countywide interoperable radio communications for all law enforcement, fire, and emergency medical services throughout Oakland County.

Funding for this project came from a 9-1-1-telephone surcharge and was approved by the Oakland County Board of Commissioners under Miscellaneous Resolution No. 99-279. This project relieved the City of Troy, and other consortium communities, of the financial and operational responsibilities related to constructing and maintaining "stand alone" radio systems. In addition to financing and constructing the system's infrastructure, the project is providing base stations, as well as mobile and portable radios to consortium public safety agencies. Ancillary equipment, the need for which differs from agency to agency, must be specified and purchased by individual participating agencies.

The Police and Fire departments have been on the new radio system for over four (4) years. The batteries for the portable radios need to be replaced. The Troy Fire Department has replaced their batteries over the last few years and has gone to a new battery technology from Honeywell. This new technology allows the battery to last approximately 24hrs before it needs to be recharged. The current battery chargers will not work with the new battery technology. There was one occasion where one of the new fire department batteries made its way into a police department charger. This resulted in the charger breaking and the battery nearly expanding past its outer shell. To prevent this type of incident from occurring again and to be consistent with the Fire department, the Police department is requesting this purchase. The request to purchase retrofit kits will allow us to only retrofit the single use chargers, saving money from having to replace those as well.



CITY COUNCIL AGENDA ITEM

February 13, 2012

To: John Szerlag, City Manager

Re: Waiver - Purchase of Police Radio Batteries and Chargers

Recommendation

City management and the Police department recommend approval for the purchase of (150) Honeywell Batteries Neocell portable radio batteries, (6) multi-bank battery chargers and (50) charger conversion kits directly from the manufacturer, Global Technology Systems, Inc for an estimated total cost of \$18,362.50.

Fund Availability

The funds for this purchase are available in the Police Departments operating budget.

January 24, 2012

Don Ostrowski
 Troy Fire Department
 500 W. Big Beaver Rd.
 Troy, MI 48084

Don,

Global Technology Systems, Inc. is pleased to provide you with the following quote for **Honeywell® Batteries** NEOCELL batteries and Tri-Chemistry chargers:

Device	Honeywell Batteries Part Number	Quantity	Price Each	Extended
HONEYWELL NEOCELL P7100/P7200 BATTERY	HMA2104-LiP	150	\$80.25	\$12,037.50
HONEYWELL SINGLE BAY RETROFIT KIT	HCH-P7101-RETRO	50	\$45.	\$2250.
HONEYWELL P7100/P7200 SIX BAY CHARGER	HCH-P7106-CHG	6	\$650.	\$3900.
SUBTOTAL				
SHIPPING				\$175.
TOTAL				\$18,362.50

Prices listed valid for 60 days

TO PLACE AN ORDER:

Credit Card: Please provide your Credit Card information over the phone, via email or fax.

Purchase Order: Please send Purchase Orders via email or fax.

Terms: Net 30 days, FOB our Plant, West Palm Beach, FL.

Shipping: 2-8 weeks ARO; please contact us at the time of order for more specific delivery estimates

Freight: UPS Ground unless otherwise specified.

Battery Warranty: All two-way radio batteries are guaranteed for **24 months** against any defects in manufacturing or workmanship.

Lithium Polymer Batteries: are warranted to maintain 80% rated capacity for 24 months.

Charger Warranty: are warranted for 24 months against any defects in manufacturing or workmanship.

If you have any questions, please feel free to call.

Best Regards,

Diane Wirtz

Honeywell Batteries

550 Cochituate Road

Suite 15

Framingham, MA 01701

Direct Dial: 508-907-6695

Fax: 508-650-5472

dwirtz@honeywellbatteries.com

www.honeywellbatteries.com

"Trust your battery"



CITY COUNCIL AGENDA ITEM

Date: February 15, 2012

To: John Szerlag, City Manager

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

Subject: Application regarding Class C Liquor License for El Charro Restaurant

Background

Marty Martin Enterprises, Inc. requests to transfer ownership of escrowed 2010 Class C License, Food Permit, and Sunday Sales Permit, excluding the SDM licensed business, Dance-Entertainment Permit, and three Bars Permit, from United Bank and Trust; transfer location and governmental unit (MCL 436.1531(1) from 25750 Novi, Suite 104, Novi, MI 48375, Oakland County, to 3651 Rochester Road, Troy, MI 48083, Oakland County {MLCC Req. #625705}. This is the El Charro Restaurant.

On February 13, 2012, attorney Frank Palazzolo and shareholders Donna Martin and Jeff Martin were present to answer questions from the Liquor Advisory Committee. Mr. Palazzolo advised the Committee that this is a family-owned business with three other locations in Fraser, Macomb, and St. Clair Shores. Since the business started in 1971, they have received only one sale-to-minor violation. The 3,500 square foot Troy facility seats approximately 90 people. Current management has liquor experience and all employees will be trained on February 23, 2012. There is a drive-up window, but no alcohol sales will be allowed at the window. A SDM license, dance-entertainment permit and three bars permit were all on the request when the City initially received it, however, Mr. Palazzolo stated that the Martin family was not interested in the SDM license, the dance-entertainment permit, and the three bars permit.

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.

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

Recommendation

Recommend approval of the request from Marty Martin Enterprises, Inc., pending the approval of the fire inspection at El Charro Restaurant.

Prepared by: Jeff Oberski

*Fire Inspection
 Approved
 on 2/14/12*

A regular meeting of the Liquor Advisory Committee was held on Monday, February 13, 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 6:56 p.m.

ROLL CALL:

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

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

Resolution to Approve Minutes of January 9, 2012 Meeting

Resolution #LC2012-02-004
Moved by Hall
Seconded by Ukraineec

RESOLVED, That the Minutes of the January 9, 2012 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 7
No: 0
Absent: 0

Agenda Items

1. **Marty Martin Enterprises, Inc.** requests to transfer ownership of escrowed 2010 Class C and SDM licensed business with Dance-Entertainment Permit, Food Permit, and 3 Bars Permit from United Bank and Trust; transfer location and governmental unit (MCL 436.1531(1) from 25750 Novi, Suite 104, Novi, MI 48375, Oakland County, to 3651 Rochester Road, Troy, MI 48083, Oakland County {MLCC Req. #625705}. *This is the El Charro Restaurant.*

Present to answer questions from the Committee were attorney Frank Palazzolo and shareholders Donna Martin and Jeff Martin.

Mr. Palazzolo advised the Committee that this is a family-owned business with three other locations In Fraser, Macomb, and St. Clair Shores. Since the business started in 1971, they have received only one sale-to-minor violation. The 3,500 Troy facility seats approximately 90 people. Current management has liquor experience and all employees will be trained on February 23, 2012. There is a drive-up window, but no alcohol sales will be allowed at the window.

Mr. Palazzolo also stated that the Martin family was not interested in the SDM license, the dance-entertainment permit, and the three bars permit.

Sergeant Zielinski stated that the Police Department had nothing to report. The Fire Department inspection approval is still pending.

Resolution #LC2012-02-005

Moved by Ukrainec

Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Marty Martin Enterprises, Inc. to transfer ownership of escrowed 2010 Class C License, Food Permit and Sunday Sales Permit, excluding the SDM licensed business, Dance-Entertainment Permit, and three Bars Permit from United Bank and Trust; transfer location and governmental unit (MCL 436.1531(1) from 25750 Novi, Suite 104, Novi, MI 48375, Oakland County, to 3651 Rochester Road, Troy, MI 48083, Oakland County be **APPROVED**.

Yes: 7
No: 0
Absent: 0

Assistant City Attorney Susan Lancaster informed the Committee that the Michigan Liquor Control Commission issued orders for each of the Smoker’s Express violations with graduated penalties. The first violation resulted in a fine and the final violation resulted in the liquor license being revoked for five (5) business days beginning March 9, 2012. The business owner has been ordered by our District Court judge to spend five (5) days in the Oakland County Jail. This sentence must be served sometime within the next 60 days. He was also fined \$2,000 and received a two-year probation.

Mr. Hall questioned Ms. Lancaster about the City’s efforts to revoke the liquor license from Smoker’s Express. She replied that the Revocation Hearing will be scheduled and the City Attorney will attend.

Ms. Lancaster also advised the Committee that they could recommend to City Council that the City Attorney's Office research the possibility of establishing an Ordinance that will restrict the delivery of beer and wine in Troy. There was a brief discussion on this matter.

The meeting adjourned at 7:25 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

Re: Applicant: Jeffrey Martin (El Charro)
 Address: Marty Martin Enterprises Date: _____
3051 Rochester Rd Type of License/s: Class C
 City/State/Zip: Troy, MI 48063 MLCC Request ID: 625705

This Agreement, made by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and the Applicant as indicated above, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the requested Liquor License to be located as indicated above in Troy Michigan.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68, Chapter No. 98 and Chapter No. 101, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
 - (c) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

LICENSEE AUTHORIZED REPRESENTATIVE

Witnesses: [Signature] By: Lynn Cacchione

Subscribed and sworn to before me this 12 day of October 2001
 Notary Public, Washtenaw County, MI
 Acting in the County of Washtenaw
 My commission expires: 11-18-2014

[Signature]
 JUDY GOTTAGE
 CITY OF TROY

Witnesses: _____ By: _____
 _____ Louise Schilling, Mayor
 _____ By: _____
 _____ Terri Bartholemew, City Clerk

Subscribed and sworn to before me this _____ day of _____ 200 _____
 Notary Public, _____ County, MI
 Acting in the County of Oakland
 My commission expires: _____



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
(517) 322-1400 - toll free (866) 813-0011 - www.michigan.gov/lcc

FOR MLCC USE ONLY

Business ID: 227215

Request ID: 625705:rlb

Police Investigation Report
[Authorized by MCL 436.1217 and R 436.1105; MAC]

Date: Dec 8, 2011

Troy Police Department
Chief of Police
500 West Big Beaver Road
Troy, MI 48084-5285

Please conduct your investigation as soon as possible. Complete all sections of this report and return it, along with the finger print cards (if requested) to the Michigan Liquor Control Commission at the address listed above.

Applicant Information

Name of applicant: Marty Martin Enterprises, Inc.

Business address: 3651 Rochester, Troy, MI 48083, Oakland County

Contact: _____

Request:

Request to transfer ownership of escrowed 2010 Class C & SDM licensed business with Dance-Entertainment Permit, Specific Purpose Permit (Food) & 3 Bars from United Bank and Trust; Transfer location & (Governmental Unit (MCL 436.1531(1) from 25750 Novi, Suite 104, Novi, MI 48375, Oakland County. (Step 4)

Section 1. Investigation of business and address to be licensed

Provide recommendation(s) for the specific permits checked below:

Dance Recommended Not Recommended

Entertainment Recommended Not Recommended

Topless Activity Recommended Not Recommended

Outdoor Service Recommended Not Recommended

of areas: _____

Participation permit Recommended Not Recommended

with (insert name): _____

Additional bars Recommended Not Recommended

of bars: 3

Living Quarters Recommended Not Recommended

Direct Connection Recommended Not Recommended

of areas: _____

Specific purpose permit for extended hours of operation requested for (indicate permit type): Food

Weekdays: 2:30 A.M. to 7:00 A.M.

Sundays: 2:30 A.M. to 12:00 P.M. A.M./P.M.

Recommended Not Recommended

***Note: If the applicant is requesting two separate extended hour permits and the permits are for different hours, you must complete the extra box provided. If additional space is needed, please attach additional pages.**

Specific purpose permit for extended hours of operation requested for (indicate permit type): _____

Weekdays: _____ A.M. to _____ A.M.

Sundays: _____ A.M. to _____ A.M./P.M.

Recommended Not Recommended

Are motor vehicle fuel pumps at, or directly adjacent to, the establishment? No Yes

If yes, explain the relationship below:

Section 2.

Applicant Investigation

Note: If this section is blank, please continue to Section 3.

***Attach the fingerprint card and \$30.00 fee payable to the State of Michigan (for each card), if requested by the MLCC, and mail to the Michigan Liquor Control Commission with this report.

Name: Lynn Cacchione, 54676 Woodcreek, Shelby Twp., MI 48314, H (586) 781-9474 / B (586) 598-7556

Position: Stockholder Date of birth: _____ Date fingerprinted: No fingerprints required

Is the applicant a U.S. Citizen? No Yes

If no, does the applicant have permanent Resident Alien Status? No Yes

Does the applicant have a Visa? No Yes If yes, enter date of expiration: _____

If other, enter status here: _____

Has the applicant ever been arrested? No Yes If yes, attach record history

Name: Jeffrey Martin, 52351 Ten Point, Macomb, MI 48042, H (586) 207-1806 / B (586) 294-3520

Position: Stockholder Date of birth: _____ Date fingerprinted: No fingerprints required

Is the applicant a U.S. Citizen? No Yes

If no, does the applicant have permanent Resident Alien Status? No Yes

Does the applicant have a Visa? No Yes If yes, enter date of expiration: _____

If other, enter status here: _____

Has the applicant ever been arrested? No Yes If yes, attach record history

Name: Donna Martin, 13348 Towering Oaks, Shelby Twp., MI 48315, H (586) 677-0982 / B (586) 294-3520

Position: Stockholder Date of birth: _____ Date fingerprinted: _____

Is the applicant a U.S. Citizen? No Yes

If no, does the applicant have permanent Resident Alien Status? No Yes

Does the applicant have a Visa? No Yes If yes, enter date of expiration: _____

If other, enter status here: _____

Has the applicant ever been arrested? No Yes If yes, attach record history

Section 3.

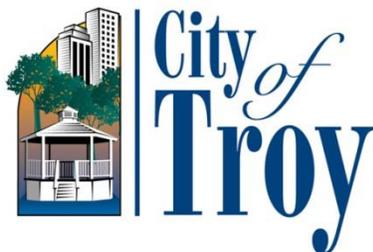
Recommendation

Is the request by the applicant recommended by your department at this time? No Yes

If you answered no, please provide an explanation as to why your department does not recommend this application. (List your reasons on the reverse side of this form, or attach a separate sheet if more space is needed.)

Authorized signature (Sheriff or Chief of Police)

Date



CITY COUNCIL ACTION REPORT

February 13, 2012

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
 Mark Miller, Director of Economic and Community Development
 Gary Mayer, Police Chief
 Gerry Scherlinck, Police Captain
 Steve Vandette, City Engineer
 Bill Huotari, Deputy City Engineer/Traffic Engineer

SUBJECT: Boyd Street Issues Relative to Baker Middle School & International Academy

Recommendations

City management recommends that the north side of Boyd Street, from Rochester Road to the school entrance on Boyd Street, be posted as a "No Parking – Tow Away Zone" during the morning arrival (7:15 a.m. to 8:15 a.m.) and evening dismissal times (2:00 p.m. to 2:45 p.m.) on school days only for the remainder of the 2011-12 school year, ending this June. Furthermore, it is recommended that the issue be re-evaluated in the fall of 2012 to determine the need for these signs after the school district changes the start times for Baker Middle School and the International Academy (IA), which is expected to considerably reduce traffic on Boyd.

Background

School districts in Michigan are exempt from local control or local oversight. They are under the jurisdiction of the State of Michigan. If the school district were not exempt, it is unlikely that the IA would have been approved by the city for this site.

Staff has been dealing with traffic issues on Boyd Street since the fall of last year. These issues are related to vehicles parked on the north side of Boyd Street, legally, during the arrival and dismissal times of the Baker Middle school and IA school site. The Baker school has been at this site since at least the early 1960's, while the International Academy was opened four years ago and started with its first freshman class. Each year, the IA has added a grade such that traffic has steadily increased up to this year when all four grades are now attending the IA.

There are two access points to the school site. One is from Torpey and the other from Boyd. The Torpey access is controlled by a traffic signal on Rochester Road, while Boyd can be accessed from Big Beaver via Daley from the south or Rochester Road from the west. Torpey is approximately 24' wide within a standard 60' wide right-of-way, while Boyd is only approximately 22' wide within the old standard 50' wide right-of-way. Both streets have no curb and gutter and no sidewalks, except for a portion of the east end of Boyd, east of the school site. The south side of Boyd Street is posted as "No Parking" due to fire hydrants along that side of the road.

Exacerbating the traffic issue is the fact that Baker and the IA have morning start times within 10 minutes of each other, so a large influx of traffic is attempting to access the site from Boyd and Torpey Streets during a very short period of time. Several changes have been made on the school site over the past few years with the help of the city and Traffic Improvement Association (TIA) to better facilitate the safe movement of traffic on the site. From all appearances, traffic and pedestrian movement on the school site itself is well controlled and moves in an orderly and safe fashion.

The issue arises when traffic is exiting the site via Boyd Street, primarily during the morning arrival. Drivers leaving the site are encountering parked vehicles on the north side of Boyd (the south side is posted No Parking due to fire hydrants), which impedes the flow of traffic. These parked vehicles create a situation where drivers must wait for a gap in oncoming traffic to try and dart around the parked vehicle(s) to head west on Boyd. This situation becomes confrontational for parents leaving the site and Boyd Street residents who observe the situation.

Staff met with the school district back in September when this issue first came up and originally the issue was school buses using Boyd to access the school site. Bus traffic is only for Baker Middle school. There are no buses for the IA as all students either drive or are dropped off. At this meeting, the Troy School District (TSD) agreed to reroute all buses to Torpey. In conjunction with this, city staff worked with the County to change the traffic signal timing at Torpey and Rochester Road to allow for more green time to better facilitate the bus movement to and from the site. The meeting was held on Friday, September 16, 2011 and the changes to the traffic signal and bus route were made on Monday, September 19, 2011. These changes did alleviate concerns relative to bus traffic on Boyd.

Subsequent to this, residents on Boyd would intermittently and intentionally park vehicles on the north side of Boyd to cause traffic issues. There has been an ongoing effort by the Troy Police Department to get voluntary compliance from Boyd Street residents to not park on the street during the morning arrival times. This has been somewhat successful, but there are enough occurrences of vehicles parking on the north side of Boyd and concerns from IA school parents to require the Police Department to have officers assigned to patrol Boyd Street almost constantly at considerable use of manpower and expense. A more permanent and economical solution must be found as we cannot continue to utilize limited police resources to provide ongoing traffic control in this area. We can no longer offer customized service with a customer service budget.

In an effort to seek a solution to this issue, staff and representatives of the Troy School District met with residents of Boyd Street on January 25, 2012. Several residents of the immediate area met with us to discuss the situation. Some points of discussion revolved around closing the access from Boyd, providing an alternate access to the site from another area such as Raintree Village or Wakefield and the posting of No Parking signs on the north side of Boyd. We also had our traffic engineering consultant, Orchard, Hiltz & McCliment (OHM), attend the meeting to discuss their review of the area. OHM was brought in to provide a 3rd party review of the school site and traffic operations on Boyd and Torpey. OHM's recommendation (attached) to post the north side of Boyd Street as a No Parking zone during AM arrival and PM dismissal times during school days was shared with the residents.

Since this meeting, voluntary compliance has been adhered to for the most part. The Troy School District has committed to changing the start time for Baker Middle School in the fall of 2012 such that it would start 30 minutes later than the IA. This change was not possible this year because of established times for internet class coordination with other area academies that could not be changed. The District has committed to notifying their parents, students and staff

to use Torpey Drive this fall as the primary access to the site. Boyd would still be used to some extent, but Torpey is a more desirable access due to the wider street and better access from Rochester Road. Traffic on Boyd is expected to go down this fall.

The issue at hand is what can be done now to ensure that all interested parties (residents, students, parents and school district staff) can be accommodated for the rest of the 2011-12 school year without continued confrontations and police presence. Voluntary compliance by the residents is encouraged, but to date there have been enough occurrences where a vehicle has been parked on the north side of Boyd to eliminate this as a viable option.

Police Department Background on Boyd Street Issues

The Police Department has been involved in the complaints along Boyd Street since the beginning of the school year.

Complaints have been received from both parents and residents. Parents inflicted a barrage of e-mails upon the department demanding the north side of Boyd be immediately posted with no parking signs to insure their uninterrupted access to the schools. Residents insisted on a total diversion of traffic from their street; they are and have been against the no-parking option.

Residents initially threatened to achieve complete gridlock in the area by parking vehicles along the north side of Boyd, at the entrance near Rochester Road, as well as by arranging for pedestrian traffic within the roadway to deliberately impede traffic. They have in fact organized and deliberately parked vehicles along the full length of the north side of the street from time to time, which resulted in significant traffic conflicts.

Parents have reported residents shouting at them; including the use of obscenities and comments about drivers' perceived ethnicity. Residents have reported vehicles leaving the roadway, damaging their lawns and mailboxes. Residents have described their cause as "a war." Comments were reported involving threats to place nails in the roadway. As a result of this situation, the Police Department has had to post officers at this location almost constantly while attempts were made to analyze the problem and develop solutions.

Despite Police Department requests for voluntary compliance regarding not parking on the north side of Boyd, the Police Department recently received a report of a large SUV being parked on the north side of the street during the morning rush and two residents standing in close proximity to it and the travelled roadway, causing back-ups. During the same time period, two residents were reportedly approaching children as they walked to school, asking if they felt safe given the traffic situation.

In response, the School District voiced concern over adults approaching children walking to school. Residents were reportedly photographing drivers and license plates. On February 7, 2012 a report was received indicating one of the male residents was walking his niece in the roadway, causing traffic conflicts.

Whenever the Police Department withdraws, the problems re-emerge, requiring the re-assignment of officers to the location.

Options

Staff has looked at numerous options for this area. Each option has shortcomings, but the typical and customary solution as well as the quickest and most economical solution is to post the north side of Boyd Street as a "No Parking – Tow Away Zone" during the morning arrival

and evening dismissal times during school days for the remainder of the 2011-12 school year. This is consistent with the traffic control in place on Torpey and the majority of school sites within the City.

Other options that were considered:

1. Opening up the barricades at the east end of Boyd, adjacent to the West Oaks Subdivision which were required as a part of the City Council resolution approving the development. This option would allow for traffic to disperse from the schools Boyd Street driveway and then travel east or west along Boyd Street, thereby reducing the traffic heading west to Rochester Road or south to Big Beaver. This option would require City Council approval to remove the condition of approval of the West Oaks development. In addition to requiring City Council approval, the residents adjacent to West Oaks were vehemently opposed to cut through traffic from the new development along the public roads in their subdivisions, including the residents along Boyd Street at the time West Oaks was approved.
2. Approval of a Special Assessment District (SAD) to widen Boyd Street. This would allow for an increased cross section to better facilitate the flow of traffic to and from the school, but due to weather limitations alone, the improvement could not be completed until the current school year is nearly over. No Parking on the north side of Boyd Street would still be recommended even with a wider cross section so that traffic could move freely. The SAD costs could be assessed to adjacent property owners, the city at large and possibly a share to the school district. A SAD can be approved by City Council by their own volition; however, our policy has been that 50% or more of the residents in the SAD project area must support the project in order for it to be presented to City Council. Boyd Street is due for road maintenance and if a widening project were to move forward it would make sense to incorporate a larger cross section at that time.
3. Construction of sidewalks along Boyd Street. Again, this would be proposed as an SAD as new sidewalks are not considered as a city cost but an improvement to the adjacent property. The city at large historically does not pay for a benefit for the residents adjacent to the improvement. This was discussed at our meeting on January 25th but was not supported by residents in attendance.
4. The “take no action” option was also considered. This is not considered a viable option as it requires that voluntary compliance by the residents to not park on Boyd Street be adhered to at all times during the morning arrival and dismissal times. This has been used to date, but requires considerable use of limited police resources to patrol the area to ensure that no vehicles are parked on the road.

January 25, 2012

Mr. William Huotari, PE
City of Troy
500 W. Big Beaver Road
Troy, MI 48084



Subject: Baker Middle School / International Academy

Dear Mr. Huotari:

The Troy School District has been operating Baker Middle School located off of Torpey Drive and Boyd Avenue for at least 50 years. The International Academy was constructed next to Baker MS in 2007. This school year, 2011-12, is the first that incorporates the full 9th through 12th grade levels at the International Academy, so is also the first school year that a number of senior students have been driving themselves to school. Bus service is provided for Baker MS students, but not for those at the International Academy (IA).

Vehicle access for the school campus is by way of Torpey Drive and Boyd Ave. Faculty and parents using Torpey are instructed to use the parking area and drop-off loops located on the north side of the buildings. Parents and students using Boyd are instructed to use the parking area and drop-off loop located on the west side of the IA building. The driveway off Torpey is partially coned off each day to limit traffic between the drives to the north and south sides of the campus. The intent is that school busses are to arrive via Torpey and only they are to cross this line of traffic cones. The parent drop-off and pick-up policies of the two schools have helped regulate the traffic patterns occurring on-site. A high percentage of parents are following the established patterns.

With that said, we note that one of the substantial traffic safety issues with these schools involve vehicles parking on the north side of Boyd west of the school driveway during the morning arrival and afternoon dismissal periods. The observed vehicles were legally parked; however, they formed an obstruction to the two way flow of traffic on Boyd. This resulted in significant confusion as drivers arriving and departing the schools attempted to navigate around the parked vehicles. The drivers were generally well behaved, but the situation held the potential for traffic safety conflicts.

Given the size of the school campus and the number of students and staff in attendance, it is our professional opinion that this site needs a minimum of two points of open vehicle access. We thus believe that there is no question that access must be maintained from both Torpey and Boyd. To resolve the congestion issue, we note there is a remedy commonly used for many other streets adjacent to schools in Troy and surrounding communities.

We recommend that the north side of Boyd Ave from Daley Dr. to the school entrance be posted no parking during school arrival and dismissal periods.

Orchard, Hiltz, & McCliment, Inc.

A handwritten signature in black ink that reads 'Stephen B. Dearing'.

Stephen B. Dearing, PE, PTOE
Manager - Traffic Engineering



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

Adopted: February 20, 2012

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.....	4
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	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 BY AND TO COUNCIL MEMBERS DURING ANY MEETING OF COUNCIL.....	7

1. APPOINTMENT OF MAYOR PRO TEM

The selection of Mayor Pro Tem shall rotate annually in the following order: McGinnis, Slater, Fleming, Tietz, Henderson, Campbell.

2. CODE OF ETHICS

The City Council Code of Ethics shall be reviewed in November of each election year, and all City Council members shall agree to abide by the City Council Code of Ethics, and shall evidence this agreement by affixing their signature to a written copy of the Code of Ethics at the earliest opportunity, and providing a copy to the City Clerk.

3. 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.

4. 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 Section 4.2):

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

E. Amendments/Additions to Agenda (Pursuant to City Charter Section 4.3):

In order for City Council to address items at a Special Meeting that are in addition to the Items expressly indicated in the Call of a Special Meeting, all members of City Council must consent to the requested addition(s) in writing and all Council members present at the Special Meeting must consent.

F. Public Comment

G. Adjournment

5. 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.

6. 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.

7. 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**

8. CABLE CASTING OF CITY COUNCIL MEETINGS

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

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~~ 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.

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. 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.

14. 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".

15. 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.

16. APPOINTMENTS

A. Appointments to Boards, Commissions and Committees:

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

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

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

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

B. Method of Voting on Nominees:

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

15.1 APPOINTMENT OF CITY OF TROY REPRESENTATION TO SEMCOG AND SOCRRA

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

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

17. 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.

18. POSTPONE

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

19. 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.

20. 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.

21. 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.

22. 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 or 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.

23. SUSPEND RULES

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

24. 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.

25. 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.

26. 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.

27. 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.

28. VIOLATIONS

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

29. 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.



CITY COUNCIL ACTION REPORT

February 14, 2012

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Mark Miller, Director of Economic & Community Development
Susan A. Leirstein, Purchasing Director
Steven J. Vandette, City Engineer

SUBJECT: Agenda Item – Approval of MDOT Subcontract with Tooles/Clark for Construction Manager at Risk Services for the Troy Multi-Modal Transit Facility

Recommendation:

Staff has completed its review of the Construction Manager at Risk (CMR) proposals for the Troy Multi-Modal Transit Facility in accordance with the Qualifications Based Selection process for this service. The team of Tooles/Clark has been determined by the Purchasing Department to be the highest rated CMR team for the project.

Attached for City Council consideration is a Michigan Department of Transportation (MDOT) subcontract with Tooles Contracting Group LLC/ Clark Construction Company (Tooles/Clark), 500 Griswold Street, Suite 1620, Detroit, Michigan, 48226 for the purpose of fixing the rights and obligations of each party for CMR services for the Troy Multi-Modal Transit Facility at a cost not to exceed \$648,731.00. This cost is within the budget amount established for this service. City staff discussed and met with Tooles/Clark on three separate occasions to review the new project scope and develop an efficient project schedule. This CMR cost was significantly reduced as a result of these negotiations.

Should City Council approve this MDOT subcontract by adopting the suggested resolution, the resolution directs the Mayor and City Clerk to execute the agreement after the contractor has submitted the proper contract and bid documents, including bonds, insurance certificates and all specified requirements and after MDOT approval is received.

Background:

City Administration was authorized by MDOT to advertise for Construction Manager at Risk Services for the Troy Multi-Modal Transit Facility under the MDOT Capital Agreement approved by City Council on September 12, 2011.

The services requested are to be completed in phases, including but not limited to:

- Pre-Construction Phase – March 2012 through July, 2012
- Construction Phase – August 2012 to September 2013
- Close Out – September 2013 to December, 2013 (time extension request to January 2014 has received preliminary MDOT and FRA approval)

The CMR services are eligible for reimbursement with federal funds pursuant to the abovementioned MDOT Capital Agreement. The selection process followed the "Brooks Act" provisions contained in federal Public Law 92-582. The Brooks Act requires a Qualifications Based Selection (QBS) process in which consultants are rated on pre-determined experience and qualification criteria, with the top ranked consultant(s) moving on to the next phase.

Proposals were received from three (3) companies on January 11, 2012. A six (6) person review committee, consisting of the Director of Economic & Community Development, City Engineer, Deputy City Engineer, Planning Director, Building Official and MDOT Rail Operating Programs Manager reviewed and rated the consultants based on each firm's understanding of the project, past experience with similar projects, experience of proposed team members and other pertinent items.

Based on the review of the proposals, the review committee ranked Tooles/Clark as the top CMR, using the qualifications based selection process. After determining the highest rated firm the Tooles/Clark sealed price proposal was opened. Since the price proposal was based on the original \$8,485,212 project, a revised price proposal was needed. Under the Brooks Act, the City was authorized to negotiate with the highest rated firm, and therefore was able to obtain a new price proposal based on the January 17, 2012 change to the project, capping it \$6,271,250. City Administration continued to negotiate with Tooles/Clark from January 30 to February 13, 2012, which resulted in reductions to the price proposal and a final cost that is within budget and acceptable to the City.

This agreement and the pricing must be approved by MDOT after City Council approval and prior to execution of the agreement by the City or Tooles/Clark.

Financial Considerations:

City Council approved MDOT Contract No. 2011-0231, by Resolution #2011-09-210, on September 12, 2011. This approval obligated \$8,485,212 in federal funding provided under the American Recovery and Reinvestment Act of 2009 (ARRA) pursuant to the FRA's High-Speed Intercity Passenger Rail program (HSIPR). The revised \$6,271,250 project approved by City Council on January 17, 2012 continues to be fully covered by the federal ARRA funds that were previously obligated. As long as the project is not abandoned, there is no cost to the City of Troy.

Under this Agreement, Pre-Construction phase services are to be provided at a not to exceed price of \$34,563. Construction Phase services are to be provided at a not to exceed price of \$439,168 plus not to exceed \$175,000 for the Construction Manager's overhead and profit. The price for all CMR services is not to exceed \$648,731.

The agreement is based on estimated costs, as is standard with all MDOT agreements, since these agreements are prepared before actual costs are known. FRA will pay only those costs actually incurred within the parameters of the agreement, which may be less than \$6,271,250. The FRA will retain any amounts over the actual expenditures for the project.

Legal Considerations:

The Agreement is based on standard MDOT contract language, similar to the MDOT contract approved by City Council for the Architect/Engineering services.

MDOT will review and approve the CMR selection process used by the City along with the subcontract and derivation of costs.

There is significant federal and state oversight of the project due to the obligation of the federal funds. Monthly reports providing employment information are required throughout the life of the project. Additionally, the Federal Railroad Administration (FRA) requires quarterly reports on expenditures and project progress.

Approved as to Form and Legality: _____
Lori Grigg Bluhm, City Attorney

THE CITY OF TROY

TOOLES CONTRACTING GROUP LLC/ CLARK CONSTRUCTION COMPANY

CONTRACT

THIS CONTRACT is made and entered into this date of _____ by and between the CITY OF TROY, hereinafter referred to as the "CITY," and TOOLES CONTRACTING GROUP LLC/ CLARK CONSTRUCTION COMPANY, of 500 Griswold Street, Suite 1620, Detroit, MI 48226, hereinafter referred to as the "CONSULTANT."

WITNESSETH:

WHEREAS, the CITY desires to engage the CONSULTANT to provide construction manager at risk services, hereinafter referred to as "SERVICES" for the TROY MULTI-MODAL TRANSIT FACILITY;

NOW, THEREFORE, the parties agree that:

THE CONSULTANT WILL:

1. Perform the work set forth in Exhibit 1, Request for Proposal and Related Documentation, attached hereto and made a part hereof, said work performed by the CONSULTANT to be hereinafter referred to as the "SERVICES." This includes all terms, conditions, scope, specifications, amendments, etc., as accepted by the CITY, including any negotiated terms and conditions not explicitly mentioned in the Request for Proposal or in the offer as submitted by the CONSULTANT, but included in Exhibit 1 as part of the contract.
2. Perform all SERVICES in conformity with the Michigan Department of Transportation (MDOT) applicable standards.
3. During the performance of the SERVICES herein defined, be responsible for any loss of or damage to original documents belonging to the CITY while they are in the CONSULTANT's possession. Restoration of lost or damaged original documents will be at the CONSULTANT's expense.
4. Make such trips to confer with representatives of the CITY, the MDOT, and the Federal Rail Administration (FRA), as may be necessary in the carrying out of the SERVICES set forth in this Contract.

5. Submit written MULTI-MODAL TRANSIT FACILITY progress reports to the CITY, in the format as outlined in Exhibit 1, that outline the work accomplished during the reporting period; identify any problems, real or anticipated, associated with the conduct of the SERVICES; and identify any deviations from the agreed upon work plan.
6. Permit representatives of the CITY, the MDOT, the FRA, and other authorized public agencies interested in the SERVICES to have full access to the SERVICES during the CONSULTANT's performance.
7. With regard to audits and record-keeping:
 - a. The CONSULTANT will establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this Contract, said records to be hereinafter referred to as the "RECORDS." Separate accounts will be established and maintained by job number for all costs incurred under this Contract.
 - b. The CONSULTANT will maintain the RECORDS for at least three (3) years from the date of final payment made by the CITY under this Contract. In the event of a dispute with regard to the allowable expenses or any other issue under this Contract, the CONSULTANT will thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.
 - c. The CITY and the MDOT or its representative may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.
 - d. If any part of the work is subcontracted, the CONSULTANT will assure compliance with subsections (a), (b), and (c) above for all subcontracted work.
8. If the CITY discloses its confidential information to the CONSULTANT, the CONSULTANT will maintain such information as confidential. Information provided by the CITY will be deemed confidential if it is marked confidential or stated in writing to be confidential. The above obligations of confidentiality will not apply to:
 - a. Information for which the CITY gives prior written permission for publication or use.
 - b. Information that is required to be disclosed based on law, legal process, or court order.

A violation of this provision will be considered a breach of this Contract, and the CITY may terminate this Contract under the provisions of Section 18.

News releases pertaining to this Contract or the SERVICES to which it relates will not be made without prior written approval from the CITY, and then only in accordance with explicit instructions from the CITY. News releases made without the CITY's approval will be considered a breach of the Contract, and the CITY may terminate this Contract under the provisions of Section 18.

9. Submit TROY MULTI-MODAL TRANSIT FACILITY billings for the SERVICES performed and written progress reports to the CITY in the format set forth in Exhibit 1. The CONSULTANT agrees that the costs reported to the CITY for this Contract will represent only those items that are properly chargeable in accordance with this Contract. The CONSULTANT also certifies that it has read the Contract terms and has made itself aware of the applicable laws, regulations, and terms of this Contract that apply to the reporting of costs incurred under the terms of this Contract.

THE CITY WILL:

10. Furnish for the use of the CONSULTANT such CITY standards and other information as may be needed, unless specifically required to be provided by the CONSULTANT in a particular instance.
11. Pay the CONSULTANT for the SERVICES after receipt of billings, subject to verification of progress.

Compensation for the preconstruction services will be based on the actual hours worked and the labor costs, which includes overhead and fixed fee, supplied by the CONSULTANT as part of their bid, and will not exceed \$34,563.00.

Construction phase SERVICES includes construction work by sub consultants and CONSULTANT costs that will not exceed \$614,168.00, and includes compensation for construction phase services on the basis of milestone payments for the construction work performed. The construction phase services include: payment for general conditions will be made on an actual cost basis and will not exceed \$148,290.00; payment for CONSULTANT management services will be based on the actual hours worked and the labor costs, which includes overhead and fixed fee and will not exceed \$290,878.00; and the consultant fee provided as part of the CONSULTANT's bid, not to exceed \$175,000.00, will be paid to the CONSULTANT. Payments on the consultant fee will be prorated so the payment of the consultant fee will be proportional to the percentage of the CONTRACT that is completed.

Funding will be distributed through the MDOT using federal funds from the FRA as authorized by the American Recovery and Reinvestment Act (ARRA). The CONSULTANT will be responsible for all costs in excess of the amounts shown above.

The terms of this Contract are contingent upon receipt of the project funding grant from the FRA and the MDOT. This Contract must be approved by City of Troy City Council and the MDOT and is effective after the IGA with the MDOT has been signed.

12. Determine that payment for the costs of the SERVICES required and performed is in accordance with the terms and conditions set forth in Exhibit 1 and the following:
 - a. CONSULTANTS Labor Costs: Labor costs of personnel performing the management SERVICES by the CONSULTANT. This cost will be based on the hourly rates of pay, including overhead and fixed fees, provided by the CONSULTANT in their bid, and the actual hours of performance on the management SERVICES as supported by employee time records.
 - b. Other CONSULTANT Costs: Actual costs of materials or other items identified in the "Tooles/Clark General Conditions Budget" that may be required hereunder but that are not normally provided as part of the overhead of the CONSULTANT. All actual costs will be supported by proper receipts and proofs of payment, and are considered to be included with payments against the CONSULTANTS general conditions.
 - c. Sub consultant Costs: Actual costs of sub consultants performing SERVICES under this Contract. Amounts for payment made by the CONSULTANT to the sub consultant will not be considered an actual cost of the CONSULTANT but will be considered a part of the milestone payments for construction work paid to the CONSULTANT.
 - d. Consultant Fee: In addition to payments set forth under (a), (b) and (c) above, the CITY agrees to pay the CONSULTANT a consultant fee that will not exceed \$175,000. It is agreed and understood that such amount will constitute full compensation to the CONSULTANT for profit from SERVICES performed and will not vary because of any differences between the estimated cost and the actual cost. Overruns in the actual cost of the SERVICES will not warrant an increase or adjustment in the amount of the consultant fee. Adjustments in the consultant fee will only be allowed under the provisions of Sections 17 and 22 of this Contract.
 - e. Reimbursement for costs incurred is subject to the cost criteria set forth in 23 CFR, Section 635, incorporated herein by reference as if the same were repeated in full herein.
 - f. The CONSULTANT will not be paid for costs arising from the correction of errors and omissions attributable to the CONSULTANT.
13. Make payment to the CONSULTANT in accordance with the terms and conditions set forth in Exhibit 1 and the following:

- a. Progress payments may be made for reimbursement of amounts earned to date upon receipt of a billing and the written progress report. Progress payments will include CONSULTANT labor costs, general condition costs, prorated payments of the consultant fee, and sub consultant costs, as herein set forth. The portion of the consultant fee that may be included in progress payments will be equal to the total consultant fee multiplied by the percentage of the work that has been completed to date of billing. Progress payments will not be made more than once a month.
- b. Upon receipt by the CITY of the required documents and any other accompanying information in a form satisfactory to the CITY, the CITY will process the payment request if the CONSULTANT is complying with its obligations pursuant to the Contract. Reimbursement of any costs pursuant to this section will not constitute a final determination by the CITY of the allowability of such costs and will not constitute a waiver by the CITY of any violation of the terms of this Contract committed by the CONSULTANT.

Regardless of its costs, the CONSULTANT will not be entitled to compensation in excess of the maximum amount(s) set forth in Section 11 hereof.

14. When work occasioned at the CITY's request is in addition to or other than work provided for by the express intent of this Contract, the CITY will reimburse the CONSULTANT for all such work on the basis of actual costs incurred, as defined in Section 12, plus a predetermined lump sum amount for normal profit for such work. The performance of and payment for such work will require the submission of a proposal to perform the work and the award of a written amendment prior to beginning the work.

IT IS FURTHER AGREED THAT:

15. If the CONSULTANT deems that extra compensation is due it for work not clearly covered in this Contract, the CONSULTANT will notify the CITY in writing of its intention to make claim for such extra compensation before beginning such work. Failure on the part of the CONSULTANT to give such notification will constitute a waiver of the claim for such extra compensation. The filing of such notice by the CONSULTANT will not be construed to establish the validity of the claim.
16. Prior to expiration, the time for completion of performance under this Contract may be extended by the CITY upon written request when delays are caused by circumstances or conditions beyond the control of the CONSULTANT, as determined by the CITY. Any such extension is contingent upon the CITY receiving a written approval and authorization by the MDOT. If both the CITY and the MDOT approve and authorize such extension, then a written time extension amendment will be prepared and issued by the CITY. Any such extension will not operate as a waiver by the CITY of any of its rights herein set forth.

17. In the event that an audit performed by or on behalf of the CITY, the MDOT, or the FRA indicates an adjustment to the costs reported under this Contract or questions the allowability of an item of expense, the CITY or the MDOT will promptly submit to the CONSULTANT a Notice of Audit Results and a copy of the audit report, which may supplement or modify any tentative findings verbally communicated to the CONSULTANT at the completion of an audit.

Within sixty (60) days after the date of the Notice of Audit Results, the CONSULTANT will (a) respond in writing to the CITY and the responsible Bureau of the MDOT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense, and (c) submit to the CITY and the MDOT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE." The RESPONSE will be clearly stated and will provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the CONSULTANT may supply appropriate excerpts and make alternate arrangements to conveniently and reasonably make that documentation available for review by the CITY and the MDOT. The RESPONSE will refer to and apply the language of the Contract. The CONSULTANT agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the CITY to finally disallow any items of questioned or no opinion expressed cost.

The CITY or the MDOT will make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the CITY or the MDOT determines that an overpayment has been made to the CONSULTANT, the CONSULTANT will repay that amount to the CITY or reach agreement with the CITY on a repayment schedule within thirty (30) days after the date of an invoice from the CITY. If the CONSULTANT fails to repay the overpayment or reach agreement with the CITY on a repayment schedule within the thirty (30) day period, the CONSULTANT agrees that the CITY will deduct all or a portion of the overpayment from any funds then or thereafter payable by the CITY to the CONSULTANT under this Contract or any other agreement or payable to the CONSULTANT under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the CITY and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The CONSULTANT expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in a court in the County of Oakland, State of Michigan, unless original jurisdiction can be had in the Michigan Court of Appeals or the Michigan Supreme Court to contest the CITY's decision only as to any

item of expense the disallowance of which was disputed by the CONSULTANT in a timely filed RESPONSE.

18. The CITY may terminate this Contract for convenience or cause, as set forth in Exhibit 1, before the SERVICES are completed.

In the event that termination by the CITY is necessitated by any wrongful breach, failure, default, or omission by the CONSULTANT, the CITY will be entitled to pursue whatever remedy is available to it, including, but not limited to, withholding funds or off-setting against funds owed to the CONSULTANT under this Contract, as well as any other existing or future contracts between the CONSULTANT and the CITY, for any and all damages and costs incurred or sustained by the CITY as a result of its termination of this Contract due to the wrongful breach, failure, default, or omission by the CONSULTANT. In the event of termination of this Contract, the CITY may procure the professional SERVICES from other sources and hold the CONSULTANT responsible for any damages or excess costs occasioned thereby.

19. All documents prepared by the CONSULTANT are the property of the CITY and cannot be furnished to any party without the permission of the CITY, except to the involved governmental agencies and commissions as part of the progress reporting process.
20. No portion of the SERVICES, as herein defined, will be sublet except with the prior written consent of the CITY. Consent to sublet any portion of the SERVICES will not be construed to relieve the CONSULTANT of any responsibility or obligation under or for the fulfillment of this Contract. All contracts, including amendments, with sub consultants, will contain all applicable provisions of this Contract. Any such approvals will not be construed as a warranty of the subcontractor's qualifications, professional standing, ability to perform the work being subcontracted, or financial integrity.
21. No portion of the SERVICES, as herein defined, will be assigned.
22. The CONSULTANT agrees to pay each subcontractor for the satisfactory completion of work associated with the subcontract no later than ten (10) calendar days from the receipt of each payment the CONSULTANT receives from the CITY. This requirement is also applicable to all sub-tier subcontractors and will be made a part of all subcontract agreements.

This prompt payment provision is a requirement of 49 CFR, Part 26, as amended, and does not confer third-party beneficiary right or other direct right to a subcontractor against the CITY. This provision applies to both Disadvantaged Business Enterprise (DBE) and non-DBE subcontractors.

The CONSULTANT further agrees that it will comply with 49 CFR, Part 26, as amended, and will report any and all DBE subcontractor payments to the CITY semi-annually in a format acceptable to the CITY.

23. All questions that may arise as to the quality and acceptability of work, the manner of performance and rate of progress of the work, the interpretation of designs and specifications, and the satisfactory and acceptable fulfillment of the terms of this Contract will be decided by the CITY.
24. With regard to non-discrimination and DBE requirements:
 - a. In connection with the performance of SERVICES under this Contract, the CONSULTANT agrees to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts," as set forth in Exhibit 1. This provision will be included in all subcontracts relating to this Contract.
 - b. During the performance of this Contract, the CONSULTANT, for itself, its assignees, and its successors in interest agrees to comply with the Civil Rights Act of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 USC Sections 1971, 1975a-1975d, and 2000a-2000h-6, and the Regulations of the Department of Transportation (49 CFR Part 21) issued pursuant to said Act, including those requirements set forth in Exhibit 1. This provision will be included in all subcontracts relating to this Contract.
 - c. The CONSULTANT will carry out the applicable requirements of the MDOT's DBE program and 49 CFR Part 26, including, but not limited to, those requirements set forth in Exhibit 1.
25. Payment under this Contract may be processed by automated clearing house (ACH) transfer. The CONSULTANT agrees to register to receive and to receive payment by ACH transfer.
26. The CONSULTANT warrants that it has not employed or retained any company or person other than bona fide employees working solely for the CONSULTANT to solicit or secure this Contract and that it has not paid or agreed to pay any company or person, other than bona fide employees working solely for the CONSULTANT, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or making of this Contract. For breach or violation of this warranty, the CITY will have the right to annul this Contract without liability or, at its discretion, to deduct from the contract price or consideration or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.
27. The CONSULTANT specifically agrees that in the performance of the SERVICES herein enumerated, by itself, or by an approved subcontractor, or by anyone acting on its behalf, it will comply with any and all state, federal, and local statutes, ordinances, and

regulations and will obtain all permits that are applicable to the entry into and the performance of this Contract.

28. It is agreed that the CONSULTANT will not copyright any papers, reports, forms, or other materials that are part of its work under this Contract without the prior written approval of the CITY.
29. In addition to the protection afforded by any policy of insurance, the CONSULTANT agrees to indemnify and save harmless the State of Michigan, the Michigan State Transportation Commission, the CITY, the MDOT, the FRA, and all officers, agents, and employees thereof:
 - a. From any and all claims by persons, firms, or corporations for labor, services, materials, or supplies provided to the CONSULTANT in connection with the CONSULTANT's performance of the SERVICES; and
 - b. From any and all claims for injuries to or death of any and all persons, for loss of or damage to property, for environmental damage, degradation, and response and cleanup costs, and for attorney fees and related costs arising out of, under, or by reason of the CONSULTANT's performance of the SERVICES under this Contract, except claims resulting from the sole negligence or willful acts or omissions of said indemnitee, its agents, or its employees.

The CITY will not be subject to any obligations or liabilities by contractors of the CONSULTANT or their subcontractors or any other person not a party to the Contract without its specific consent and notwithstanding its concurrence with or approval of the award of any contract or subcontract or the solicitation thereof.

It is expressly understood and agreed that the CONSULTANT will take no action or conduct that arises either directly or indirectly out of its obligations, responsibilities, and duties under this Contract that results in claims being asserted against or judgments being imposed against the State of Michigan, the CITY, the MDOT, the Michigan State Transportation Commission, and/or the FRA, as applicable.

In the event that the same occurs, it will be considered as a breach of this Contract, thereby giving the State of Michigan, the CITY, the MDOT, the Michigan State Transportation Commission, and/or the FRA, as applicable, a right to seek and obtain any necessary relief or remedy, including, but not limited to, a judgment for money damages.

30. In accordance with 1980 PA 278, MCL 423.321 *et seq.*; MSA 17.458(22) *et seq.*, the CONSULTANT, in the performance of this Contract, will not enter into a contract with a subcontractor, manufacturer, or supplier listed in the register maintained by the United States Department of Labor of employers who have been found in contempt of court by a federal court of appeals on not less than three (3) occasions involving different violations during the preceding seven (7) years for failure to correct an unfair labor practice, as

prohibited by Section 8 of Chapter 372 of the National Labor Relations Act, 29 USC 158. The CITY may void this Contract if the name of the CONSULTANT or the name of a subcontractor, manufacturer, or supplier utilized by the CONSULTANT in the performance of this Contract subsequently appears in the register during the performance of this Contract.

31. For all contracts in excess of One Hundred Thousand Dollars (\$100,000.00), the CONSULTANT certifies to the best of its knowledge and belief that:
 - a. No federal appropriated funds have been paid or will be paid by or on behalf of the CONSULTANT to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
 - b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Contract, the CONSULTANT will complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
 - c. The CONSULTANT will require that the language of this certification be included in the award documents for all third-party contracts (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients will certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction by Section 1352, Title 31, USC. Any person who fails to file the required certification will be subject to a civil penalty of not less than Ten Thousand Dollars (\$10,000.00) and not more than One Hundred Thousand Dollars (\$100,000.00) for each such failure.

32. For contracts in excess of One Hundred Thousand Dollars (\$100,000.00):
 - a. The CONSULTANT stipulates that any facility to be utilized in the performance of this Contract, unless such contract is exempt under the Clean Air Act, as amended (42 USC 7401 *et seq.*, as amended, including Pub. L. 101-549), and/or under the Clean Water Act, as amended (33 USC 1251 *et seq.*, as amended, including Pub. L. 100-4), and/or under Executive Order 11738 and regulations in implementation thereof (40 CFR Part 15), is not listed on the date of contract

award on the U.S. Environmental Protection Agency (EPA) List of Violating Facilities pursuant to 40 CFR 15.20.

- b. The CONSULTANT agrees to comply with all the requirements of the Clean Air Act and the Clean Water Act and all regulations and guidelines listed thereunder related to the CONSULTANT and services under this Contract.
 - c. The CONSULTANT will promptly notify the CITY and the U.S. EPA, Assistant Administrator for Enforcement, of the receipt of any communication from the Director, the Office of Federal Activities, or the EPA indicating that a facility to be utilized for this Contract is under consideration to be listed on the EPA List of Violating Facilities.
 - d. The CONSULTANT agrees to include or cause to be included the requirements of the preceding three paragraphs (a), (b), and (c) in every nonexempt subcontract.
33. The CONSULTANT agrees that no otherwise qualified individual with disabilities in the United States, as defined in Section 1630.2 of the Americans with Disabilities Act, Title 42 USC 12101, will, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving benefits under this Contract.
34. Any change in the scope or character of the SERVICES or in the cost, compensation, or term of this Contract will be by award of a prior written amendment to this Contract by the parties.
35. The CONSULTANT agrees that it will not volunteer, offer, or sell its services to any litigant against the CITY with respect to any SERVICES it has agreed to perform for the CITY under this Contract, provided that this provision will not apply either when the CONSULTANT is issued a valid subpoena to testify in a judicial or administrative proceeding or when the enforcement of this provision would cause the CONSULTANT to be in violation of any Michigan or federal law.
36. Any approvals, acceptances, reviews, and inspections of any nature by the CITY will not be construed as a warranty or assumption of liability on the part of the CITY. It is expressly understood and agreed that any such approvals, acceptances, reviews, and inspections are for the sole and exclusive purposes of the CITY, which is acting in a governmental capacity under this Contract, and that such approvals, acceptances, reviews, and inspections are a governmental function incidental to the SERVICES under this Contract.

Any such approvals, acceptances, reviews, and inspections by the CITY will not relieve the CONSULTANT of its obligations hereunder, nor are such approvals, acceptances, reviews, and inspections by the CITY to be construed as a warranty as to the propriety of

the CONSULTANT's performance but are undertaken for the sole use and information of the CITY.

37. With regard to claims based on goods or services that were used to meet the CONSULTANT's obligation to the CITY under this Contract, the CONSULTANT hereby irrevocably assigns its right to pursue any claims for relief or causes of action for damages sustained by the State of Michigan, the MDOT, or the CITY due to any violation of 15 USC, Sections 1 - 15, and/or 1984 PA 274, MCL 445.771 - .788, excluding Section 4a, to the State of Michigan, the MDOT, or the CITY.

The CONSULTANT shall require any subcontractors to irrevocably assign their rights to pursue any claims for relief or causes of action for damages sustained by the State of Michigan, the MDOT, or the CITY with regard to claims based on goods or services that were used to meet the CONSULTANT's obligation to the CITY under this Contract due to any violation of 15 USC, Sections 1 - 15, and/or 1984 PA 274, MCL 445.771 - .788, excluding Section 4a, to the State of Michigan, the MDOT, or the CITY as a third-party beneficiary.

The CONSULTANT shall notify the CITY if it becomes aware that an antitrust violation with regard to claims based on goods or services that were used to meet the CONSULTANT's obligation to the CITY under this Contract may have occurred or is threatened to occur. The CONSULTANT shall also notify the CITY if it becomes aware of any person's intent to commence, or of commencement of, an antitrust action with regard to claims based on goods or services that were used to meet the CONSULTANT's obligation to the CITY under this Contract.

38. The CONSULTANT and its Affiliates agree not to have any public or private interest, and shall not acquire directly or indirectly any such interest in connection with the project, that would conflict or appear to conflict in any manner with the performance of the SERVICES under this Contract. "Affiliate" means a corporate entity linked to the CONSULTANT through common ownership. The CONSULTANT and its Affiliates agree not to provide any services to a construction contractor or any entity that may have an adversarial interest in a project for which it has provided services to the CITY. The CONSULTANT and its Affiliates agree to disclose to the CITY all other interests that the prime or sub consultants have or contemplate having during each phase of the project. The phases of the project include, but are not limited to, planning, scoping, early preliminary engineering, design, and construction. In all situations, the CITY will decide if a conflict of interest exists. If the CITY concludes that a conflict of interest exists, it will inform the CONSULTANT and its Affiliates. If the CONSULTANT and its Affiliates choose to retain the interest constituting the conflict, the CITY may terminate the Contract for cause in accordance with the provisions stated in this Contract.
39. Any public relations communications and/or products pertaining to this Contract or the SERVICES hereunder that are intended for an external audience will not be made without prior written approval from the CITY, and then only in accordance with explicit

instructions from the CITY. Examples of public relations communications and/or products may include the following:

- a. Use of the CITY logo;
- b. Brochures, flyers, invitations, programs, or any other printed materials intended for an external audience;
- c. Postings on social media sites or Web sites;
- d. New or updated video, digital versatile disk (DVD), or video sharing productions;
- e. Exhibits or presentations.

A violation of this provision constitutes a breach of this Contract and the prequalification rules.

40. The CONSULTANT will comply with any and all provisions of the Grant/Cooperative Agreement between the FRA and the MDOT, attached hereto and made a part hereof as part of Exhibit 1, that are necessary to carry out the purposes of the Grant/Cooperative Agreement. There shall be a provision for a further flow down of this requirement in all subcontracts.
41. The CONSULTANT will comply with any and all provisions of the Rail Passenger Station Capital Contract between the CITY and the MDOT, attached hereto and made a part hereof as part of Exhibit 1, that the Capital Contract requires City to include in its contracts, subcontracts, and/or purchase orders related to the design and construction of the Troy Multi-Modal Transit Facility. There shall be a provision for a further flow down of this requirement in all subcontracts.
42. This Contract will be in effect from February 20, 2012 to February 20, 2014. Costs incurred outside of the term of this Contract will not be eligible for reimbursement.
43. CONSULTANT agrees to all applicable terms and conditions set forth in Exhibit 1, even if those terms and conditions are not specifically set forth in the body of this Contract. However, in case of any conflicting provisions between the body of this Contract and Exhibit 1, the body of this Contract will govern.
44. This contract shall henceforth be referred to as the “Troy Multi-Modal Transit Facility Construction Manager at Risk Contract.”
45. This Contract will become binding on the parties and of full force and effect upon signing in ink by the duly authorized representatives of the CONSULTANT and the CITY in the appropriate space below. The CONSULTANT has been cautioned not to commence any billable work or to provide any material or service under this contract until the

CONSULTANT receives a purchase order and/or a written notice to proceed from the CITY.

IN WITNESS WHEREOF, the parties have caused this Contract to be awarded.

TOOLES CONTRACTING GROUP LLC/ CLARK CONSTRUCTION COMPANY

Company Name

Address

City State Zip

Signature of Person Authorized to Sign

Printed Name

Title

Date

CITY OF TROY

City Clerk – Aileen Bittner Date

Mayor – Janice L. Daniels Date

APPROVED AS TO LEGALITY:

City Attorney – Lori Bluhm Date

RESOLUTION # 2012-

February 13, 2012

Mr. Steve Vandette,
City of Troy
Engineering Department
500 West Big Beaver
Troy, MI 48084

RE: City of Troy Multi-Modal Transit Facility

Dear Mr. Vandette:

As a follow up to our meeting held on February 9, 2012, I am providing a revised proposal for the above mentioned project. This proposal is based on the following information:

Contract Execution	March 15, 2012
Construction documents are complete and issued in one package	August 1, 2012
Approvals (including FRA and other agencies)	August 15, 2012
Building Permit	September 1, 2012
DTE Power Relocation	September 15, 2012
ITC De-energize Lines	September 15, 2012
Access and ROW Agreements Complete	September 15, 2012
Flagmen Approval from CN (dependent on approvals)	September 15, 2012

If you have any questions regarding the above or the attached back-up, please contact me.

Sincerely,

TOOLES/CLARK



Allen Blower,
Project Director
ablower@clarkcc.com



CITY OF TROY

FEE PROPOSAL RE-SUBMITTAL
CONSTRUCTION MANAGER AT RISK FOR
MULTI-MODAL TRANSIT FACILITY

RFP ENG COT 10-45

February 13, 2012

Submitted By:

Tooles **CLARK**
CONTRACTING GROUP, LLC Construction Company
Professional Construction Services

500 Griswold Street, Suite 1620 • Detroit, Michigan 48226

FEE PROPOSAL FORM

FAILURE TO COMPLETE THIS FORM SHALL RESULT IN YOUR PROPOSAL BEING DEEMED NONRESPONSIVE AND REJECTED WITHOUT ANY FURTHER EVALUATION. THIS FEE PROPOSAL FORM AND ADDITIONAL PRICE-RELATED INFORMATION MUST BE SUBMITTED IN A SEPARATE, SEALED ENVELOPE WITH YOUR RFP SUBMISSION AND LABELED ACCORDINGLY.

The Fee Proposal shall be divided in two phases:

PRE-CONSTRUCTION PHASE SERVICES: Provide complete pre-construction services on a multiple of direct hourly payroll basis with a not-to exceed cost. Include the billing rates of all personnel who will work in this phase, along with estimated hours of each. Also include an estimate of reimbursable expenses with a breakdown of each.

Provide listing of all services during this phase and a corresponding cost to each; list all personnel with titles and their hourly rate plus estimated hours that are included. During this phase the CMR will ensure plans, drawings, specs and bid documents are ready for bid; review bid submittals and make recommendations and secure under contract subcontractors to perform all required work. It is intended the CMR holds the contracts of all subcontractors.

NOT TO EXCEED PRICE OF \$ 34,563

CONSTRUCTION PHASE SERVICES:

1. Cost of General Conditions: Identify by detailed line item your general conditions estimate based on your review of project scope and your proposed project schedule. Detail personnel costs, man hours, hourly rates, allowances for review and inspection fees and permits, cleanup, reimburseable expenses and allowances, site construction office and all associated costs, cost of bonds and insurance, etc. should all be included and clearly identified. Information submitted will be used as a basis of establishing a Guaranteed Maximum Price for General Conditions.

NOT TO EXCEED PRICE OF \$ 439,168

2. Provide a lump sum fee amount for Construction Manager's overhead and profit.

NOT TO EXCEED PRICE OF \$ 175,000

TOTAL PRICE - PRE-CONSTRUCTION & CONSTRUCTION SERVICES NTE \$648,731

3. Fee for CMR services as a percentage of construction costs for base contract: 3.5 %

4. Fee for project additions as a percentage of the change amount: 3.5 %

5. Fee (or credit) for project deletions as a percentage of the change Amount: 0 %

All submitted pricing must be in the format acceptable to and required by MDOT (reference Attachment B and Exhibits).

PRICING MUST BE SUBMITTED IN A SEPARATELY SEALED ENVELOPE

Currency: Contract prices are quoted in U.S. funds

City of Troy Intermodal Improvements Tooles/Clark Staffing Plan

		Feb	March	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	March	Apr	May	Jun	July	Pre-const Hours	Const Phase Hours	Total Hours																		
		2012	2012	2012	2012	2012	2012	2012	2012	2012	2012	2012	2013	2013	2013	2013	2013	2013	2013																					
Staffing Analysis		Pre-Con Phase																		Construction Phase																				
Hours Based on 173 Hr Month		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18																					
Project Director	%	0%	10%	10%	10%	10%	5%	5%	5%	5%	5%	5%	5%	5%	0%	0%	0%	0%	0%																					
Allen Blower	Hrs	0	17	17	17	17	9	9	9	9	9	9	9	9	0	0	0	0	0	78	61	139																		
Project Manager	%	0%	0%	0%	0%	0%	50%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%																					
Chad Thelen	Hrs	0	0	0	0	0	87	173	173	173	173	173	173	173	173	173	173	173	173	87	2076	2163																		
Planning Staff/Estimating	%	0%	50%	0%	0%	50%	30%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%																					
Gary Taminini	Hrs	0	87	0	0	87	52	0	0	0	0	0	0	0	0	0	0	0	0	225	0	225																		
Project Coordinators	%	0%	0%	0%	0%	0%	0%	10%	10%	10%	10%	5%	5%	5%	10%	10%	10%	10%	10%																					
TBD	Hrs	0	0	0	0	0	0	17	17	17	17	9	9	9	17	17	17	17	17	0	182	182																		
Project Superintendent	%	0%	0%	0%	0%	0%	0%	0%	50%	100%	100%	100%	100%	100%	100%	100%	100%	100%	50%																					
Mike Hostein	Hrs	0	0	0	0	0	0	0	87	173	173	173	173	173	173	173	173	173	87	0	1730	1730																		
																				390	4048	4438																		

Billable Rate	Pre-const	Const	Close Out	Total	Derivation of Cost Breakdown						
					Hourly Rate	Overhead 35%	Rate	Direct Labor	Overhead	Fixed Fee On Labor	Total Labor Cost
\$ 114	\$8,938	\$6,907	\$0	\$15,845	\$65.00	\$22.75	\$87.75	9,029	3,160	3,657	15,845
\$ 77	\$6,680	\$160,309	\$0	\$166,988	\$44.00	\$15.40	\$59.40	95,150	33,303	38,536	166,988
\$ 84	\$18,946	\$0	\$0	\$18,946	\$48.00	\$16.80	\$64.80	10,795	3,778	4,372	18,946
\$ 46	\$0	\$8,289	\$0	\$8,289	\$26.00	\$9.10	\$35.10	4,723	1,653	1,913	8,289
\$ 67	\$0	\$115,374	\$0	\$115,374	\$38.00	\$13.30	\$51.30	65,740	23,009	26,625	115,374
	\$34,563	\$290,878	\$0	\$325,441				\$185,437	\$64,903	\$75,102	\$325,441

Troy Intermodal General Conditions Estimate

General Conditions					
1000	REPRODUCTION AND PRINTING	1	LS	\$2,000	\$2,000
1010	TEMPORARY TOILETS	12	MO	\$300	\$3,600
80254	TEMPORARY WATER/SEWER SERVICE(TRAILER)	12	MO	\$300	\$3,600
1020	WATER COOLER	12	MO	\$70	\$840
1030	OFFICE TRAILER RENTAL	12	MO	\$350	\$4,200
1030	OFFICE TRAILER SET UP/TEAR DOWN	1	EA	\$2,000	\$2,000
1040	OFFICE EQUIPMENT	1	ALW	\$1,000	\$1,000
1050	OFFICE SUPPLIES	12	MO	\$100	\$1,200
1060	COPY MACHINE/FAX/SCANNER	12	MO	\$400	\$4,800
1070	COMPUTER/TECHNOLOGY	16	MOS	\$1,500	\$24,000
1080	SAFETY EQUIPMENT	12	MO	\$50	\$600
1090	INSURANCE	1	ls	\$27,500	\$27,500
1100	POWER EXPENSE(trailer hook up and tear down)	By Subs	alw	\$0	\$0
1100	POWER EXPENSE(trailer)	12	MO	\$400	\$4,800
1110	TELEPHONE EXPENSE(CELL & LANDLINE)	12	MO	\$750	\$9,000
1120	POSTAGE	12	MO	\$50	\$600
11130	JANITORIAL(TRAILER)	12	MO	\$100	\$1,200
80202	FIRST AID SUPPLIES	12	MO	\$50	\$600
TOTAL GENERAL CONDITIONS					\$91,540
SUBCONTRACT ITEMS					
924	Contingency	By Owner			
925	Subcontract	Sub Cost			
927	Subcontract Material Supplier	Sub Cost			
927	SURVEYING/LAYOUT	Sub Cost			
928	QUALITY CONTROL AND TESTING	Sub Cost			
929	CLEAN UP COSTS	Sub cost			
930	FENCING & STAGING	Sub Cost			
931	TEMPORARY PROTECTION/HEAT	Sub cost			
932	TEMPORARY WALKS & DRIVES	Sub cost			
SUBCONTRACTED ITEMS					\$0
ADDITIONAL EXPENSES					
3000	DUMPSTERS	12	MO	\$250	\$3,000
3010	Temporary Signs	1	EA	\$1,500	\$1,500
3020	SNOW REMOVAL	By Subs	-	\$0	\$0
3030	Bonds	1	LS		\$45,000
3050	PROJECT PHOTOS	1	alw	\$750	\$750
3060	NATURAL GAS/PROPANE	Sub cost			
3070	BUILDING ELECTRICAL	8	mths	\$500	\$4,000
3080	MISC. TOOLS & EQUIPMENT	1	LS	\$1,000	\$1,000
3090	PERMITS & FEES	By Owner			
3100	Misc. Expense	1	LS	\$1,000	\$1,000
3130	LEGAL	1	LS	\$500	\$500
ADDITIONAL EXPENSES					\$56,750
TOTAL GENERAL CONDITIONS					\$148,290



EXECUTIVE SUMMARY

Multi-Modal Transit Facility Construction Manager at Risk Services

STATISTICS:

- ◆ Two-Hundred Fifteen (215) Firms were notified via the MITN e-procurement website
- ◆ Three (3) proposals were received
- ◆ Toolos Contracting Group, LLC / Clark Construction Company was the most qualified firm by receiving the highest weighted score

The following three (3) firms received the indicated final scores as a result of the proposal evaluations.

Firm	SCORE
Toolos Contracting Group, LLC / Clark Construction Company	94.66
Spence Brothers	77.25
Detroit Contracting, Inc. / SACHSE Construction	54.50

Attachments:

- ✓ **Weighted Final Scoring Including Project Approach; Experience and Qualifications; Quality Assurance / Control and Safety; Team Resources and Communication Scoring**
- ✓ **Evaluation Process**



**WEIGHTED FINAL SCORING
Inter-Modal Transit Facility
Construction Manager at Risk Services**

Final Score Calculation:

30% Project Approach Score
 35% Experience and Qualifications Score
 20% Quality Assurance/ Control and Safety Score
 15% Team Resources and Communication Score
 100%
 Optional: ~~20% Interview Score (Optional)~~ Deleted Phase
 120% = Final Weighted Score

In order to equate the price to the weighted evaluation process scoring, the prices had to be converted into a score with the base of 100.

Weighted Average Score for Project Approach: 30%

RATERS	1	2	3	4	5	6	AVERAGE
Vendors:							
Tooles Contracting Group, LLC / Clark Construction Company	30.0	29.0	25.0	25.0	30.0	28.0	27.83
Spence Brothers	18.0	21.0	22.0	16.0	17.0	27.0	20.17
Detroit Contracting, Inc./ SACHSE Construction	19.0	19.0	13.0	9.0	17.0	24.0	16.83

Weighted Average Score for Experience and Qualifications: 35%

RATERS	1	2	3	4	5	6	AVERAGE
Vendors:							
Tooles Contracting Group, LLC / Clark Construction Company	35.0	35.0	33.0	35.0	35.0	33.0	34.33
Spence Brothers	23.0	27.5	28.0	26.0	28.0	30.0	27.08
Detroit Contracting, Inc./SACHSE Construction	19.0	23.0	12.0	5.0	18.0	24.0	16.83

Weighted Average Score for Quality Assurance / Control and Safety: 20%

RATERS	1	2	3	4	5	6	AVERAGE
Vendors:							
Tooles Contracting Group, LLC / Clark Construction Company	20.0	20.0	20.0	16.0	20.0	18.0	19.00
Spence Brothers	20.0	20.0	16.0	16.0	20.0	16.0	18.00
Detroit Contracting, Inc./SACHSE Construction	20.0	16.0	8.0	8.0	12.0	16.0	13.33

Weighted Average Score for Team Resources and Communication: 15%

RATERS	1	2	3	4	5	6	AVERAGE
Vendors:							
Tooles Contracting Group, LLC / Clark Construction Company	15.0	14.0	12.0	12.0	15.0	13.0	13.5
Spence Brothers	12.0	13.0	12.0	10.0	12.0	13.0	12.0
Detroit Contracting, Inc./SACHSE Construction	9.0	7.0	4.0	8.0	6.0	11.0	7.5

Interviews were not necessary as the point differential between the top two firms could not be overcome as a result of the interview process.



SUMMARY:

VENDORS:	Tooles Contracting Group, LLC / Clark Construction Company	Spence Brothers	Detroit Contracting Group, LLC / SACHSE Construction
Score			
Project Approach Score:	27.83	20.17	16.83
Experience / Qualifications Score:	34.33	27.08	16.83
Quality Assurance/ Control and Safety Score:	19.00	18.00	13.33
Team Resources and Communication Score:	13.50	12.00	7.50
Final Score:	94.66	77.25	54.50

****HIGHEST RATED VENDOR – RECOMMENDED AWARD**



SELECTION PROCESS

EVALUATION: All firms will be required to meet minimum established criteria in order to be evaluated under technical factors. Proposals received will be evaluated independently by a Selection Team that consists of City representatives and outside representation. The following technical factors will be considered in making the selection:

- a) Approach to Troy MMTF Project - 30 points
- b) Construction Manager at Risk Experience and Qualifications – 35 points
- c) Quality Assurance/Quality Control and Safety Programs & Procedures – 20 points
- d) Team Resources, Communication Plans & Schedules – 15 points

Each proposal submitted in response to this RFP shall focus on these criteria. In addition, the Selection Team also may consider the past performance of the Respondent on other contracts with the City or other entities. The City reserves the right to make such additional investigations as it deems necessary and may require the submission of additional information.

Once the top firms have been rated, negotiations begin with the top rated firm. If the type of professional services required cannot be agreed upon at fair and reasonable prices, the agency can proceed to negotiate with the next highest firm. This process will continue as necessary until final selection is made. **Pricing structure must meet and be acceptable to MDOT requirements** for duration of engagement (Reference Attachment B, exhibits B-A and B-B).

2) SHORTLISTING: The City may shortlist the Respondents based upon responses to the above items. If necessary, the City will conduct interviews/demonstrations. The City will notify each Respondent on the shortlist, if such presentation is required. These presentations will provide an opportunity for the Respondents to respond to questions posed by the Selection Team and to clarify their proposals through exhibition and discussion. The City will not reimburse oral presentation costs of any Respondent. The City reserves the right to modify scoring based on its findings from interviews/demonstrations.

Opening Date -- 1/11/12
 Date Reviewed -- 2/6/12

CITY OF TROY
 TABULATION
 TRANSIT FACILITY CONSTRUCTION MANAGER AT RISK SERVICES

FIRM NAME:

Detroit Contracting, Inc. / Sachse Construction	Tooles Contracting Group, LLC	Spence Brothers
	Clark Construction Company	

PROPOSAL: CONSTRUCTION MANAGER AT RISK SERVICES FOR THE TROY MULTI-MODAL TRANSIT FACILITY

TEN (10) COPIES	(Yes or No)	Y	Y	Y
Cost Proposal Form: <i>SEPARATELY IN SEALED ENVELOPE</i>	Y or N	Y	Y	Y
FORMS:				
Proposal	Y or N	Y	Y	Y
Qualifications	Y or N	Y	Y	Y
Exceptions/Alteratives	Y or N	Y	Y	Y
Sub-Consultant	Y or N	Y	Y	Y
Business Information	Y or N	Y	Y	Y
Indemnification Clause	Y or N	Y	Y	N
INSURANCE:				
Certificate / Letter Attached	Y or N	N	Y	Y
ACKNOWLEDGEMENTS:	Y or N	N	N	Y
<small>(Page 51 of 72)</small>				
ADDENDUM #1	Y or N	N	Y	Y
ADDENDUM #2	Y or N	Y	Y	Y

Susan Leirstein CPPO CPPB
 Purchasing Director

ATTEST:

Susan Riesterer

William Huotari

Julie Hamilton



CITY COUNCIL AGENDA ITEM

Date: February 20, 2012

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police 
 Captain Gerard Scherlinck 

Subject: Application regarding New SDM License for Kamel Management, Inc. (Troy Smokers)

Background

Kamel Management, Inc. requests a New SDM License to be located at 186 W. Maple Road, Troy, MI 48084, Oakland County {MLCC Req. #614894}.

On September 12, 2011 business owner Wassim Kamel was present to answer questions from the Liquor Advisory Committee. Mr. Kamel advised the Committee that he has been in business at this location for two years and owns a liquor store in New Baltimore. He is requesting an SDM license in order to sell beer and wine. He is aware that TIPS/TAMS training is required.

The Police Department conducted an investigation into this application, and did not discover any reasons for disqualification of this particular applicant. The Michigan Liquor Control Commission Rules allow for tobacconists to hold SDM liquor licenses. However, the Police Department is also mindful of recent enforcement activities for the only other tobacconist licensee in the City, Smoker's Outlet. The Liquor Advisory Board has expressed a desire to enact additional regulations for tobacconists, similar to the regulations for gas stations. The Police Department is concerned about the increased risk of sales of alcohol to minors in these small shops that are frequented by patrons between the ages of 18 to 20 years.

Since the request complies with all applicable Troy City Ordinances and Michigan Liquor Control Commission Rules, it is likely that the Michigan Liquor Control Commission (MLCC) will grant the requested SDM liquor license, even if City Council objects. This occurred with the Smoker's Outlet, where City Council objected, but the MLCC still granted the liquor license. However, the City may wish to go on record in opposition to the license. Since the MLCC is in the process of revisiting its Rules, an objection to this application may result in some additional regulations that are designed to reduce sales of alcohol to minors.

Proposed resolutions are enclosed for your review. City Administration recommends Resolution A, which objects to the issuance of the requested SDM liquor license.

Reviewed and approved :


 Lori Grigg Bluhm, City Attorney

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

ROLL CALL:

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

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

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

Resolution to Excuse Committee Members Ehlert & Hall

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

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

Yes: 5
No: 0
Absent: Ehlert, Hall

Resolution to Approve Minutes of August 8, 2011 Meeting

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

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

Yes: 5
No: 0
Absent: Ehlert, Hall

Agenda Items

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

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

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

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

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

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

Yes: 5
No: 0
Absent: Ehlert, Hall

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

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

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

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

Resolution #LC2011-09-29

Moved by Kaltsunis

Seconded by Ukrainec

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

Yes: 5
No: 0
Absent: Ehlert, Hall

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

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

The meeting adjourned at 7:40 p.m.

Timothy P. Payne

Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

Re: Applicant: Kamel Management, Inc. Date: 7/28/11
Address: 186 W. Maple Rd Type of License/s: SDM
City/State/Zip: Troy, MI 48064 MLCC Request ID: 614894

This Agreement, made by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and the Applicant as indicated above, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the requested Liquor License to be located as indicated above in Troy Michigan.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68, Chapter No. 98 and Chapter No. 101, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
 - (c) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

LICENSEE AUTHORIZED REPRESENTATIVE

Witnesses: [Signature] By: [Signature]
Wassim Kamel

Subscribed and sworn to before me this 28th day of July 20011
Notary Public, Macomb County, MI
Acting in the County of Macomb
My commission expires: 11-27-2011

CITY OF TROY

Witnesses: _____ By: _____
Louise Schilling, Mayor
By: _____
Tonni Bartholomew, City Clerk

Subscribed and sworn to before me this _____ day of _____ 200 ____
Notary Public, _____ County, MI
Acting in the County of Oakland
My commission expires: _____



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

FOR MLCC USE ONLY
 Request ID # 614894
 Business ID # 226400

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC.

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

KAMEL MANAGEMENT, INC. REQUESTS NEW SDM LICENSE TO BE LOCATED AT 186 W MAPLE, TROY, MI 48084, OAKLAND COUNTY

Section 1. APPLICANT INFORMATION

APPLICANT #1: AMAIR KAMAIL 5010 PEBBLE CREEK, APT 10, SHELBY TOWNSHIP, MI 48317 H: 248-877-1960	APPLICANT #2: WASSIM KAMEL 5010 PEBBLE CREEK, APT 10, SHELBY TOWNSHIP, MI 48317 B: 248-877-1960
--	--

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

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

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission

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

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?
 No Yes, complete LC-1636

Are motor vehicle fuel pumps at or directly adjacent to the establishment? No Yes, explain relationship:

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? Yes No If No, indicate which state and local ordinances the location does not meet: Building Plumbing Zoning Fire Sanitation Health

Section 4. RECOMMENDATION

1. Is this applicant qualified to conduct this business if licensed? Yes No*

2. Should the MLCC grant this request? Yes No*

*If any of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.

3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances? Yes No

4. Is this recommendation subject to any other conditions? Yes No

If Yes, list the conditions below or on an attached signed and dated sheet if more space is needed

Signature (Sheriff or Chief of Police) _____ Date _____
 TROY POLICE DEPARTMENT

A. CALL TO ORDER:

A Special Meeting of the Troy City Council was held Monday, February 6, 2012, at City Hall, 500 W. Big Beaver Road. Mayor Daniels called the meeting to order at 6:00 PM.

B. ROLL CALL:

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

C. DISCUSSION ITEM:**C-1 Closed Session**Suggested Resolution

Resolution #2012-02-022

Moved by Slater

Seconded by McGinnis

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

The Meeting **RECESSED** at 6:03 PM.

The Meeting **RECONVENED** at 6:04 PM.

D. PUBLIC COMMENT: No Public Comment Received**E. ADJOURNMENT:**

The meeting **ADJOURNED** at 6:58 PM.

Mayor Janice Daniels

Lori Grigg Bluhm
City Attorney

Pastor Dan Lewis from Troy Christian Chapel 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, February 6, 2012, at city Hall, 500 W. Big Beaver Rd. 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 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:

Bloomingtondale, Bruce	Commented on Mayor Daniels' position paper and the City Manager's response.
Krent, Tom	Spoke about the Planning Commission.
Stine, Jeanne	Spoke about the Planning Commission nominations.
Binkowski, Matt	Spoke about the Planning Commission nominations.
Bhatt, Kumar	Spoke about the Planning Commission nominations.
Abraham, Edna	Spoke about the Planning Commission nominations.
Wilkinson, Sook	Spoke about the Planning Commission nominations on behalf of the Commission on Asian Pacific American Affairs.
Haque, Mumtaz	Spoke on behalf of the Commission on Asian Pacific American Affairs and International Institute of Metro Detroit and spoke about Planning Commission nominations.
Koerber, Ralph	Spoke about elected officials and the future of the City.
Peters, Richard	Spoke about various topics.
Reinhardt, Marvin	Spoke about various topics.
Lukas, Paul	Spoke about the Transit Center.
Krichbaum, Dan	Spoke on behalf of MI Dept. of Civil Rights.
Wullaert, Michael	Spoke in opposition of the Transit Center; supports the Library, Nature Center, and Historical Museum.

Hodges, Michele	Spoke about diversity in Troy.
Wells, John	Spoke about diversity and promoting positivity in Troy.
Savage, James	Spoke about the Transit Center.
Hilzinger, Jen	Spoke against racism.
Schepke, Gordon	Spoke about his comments at a previous meeting.
Butterbaugh, Ron	Spoke about recording of Mayor Daniels public office hours meeting of January 9, 2012.
Watts, Ray	Spoke about Planning Commission nominations and the Troy Police Department.
Cherasaro, Nicholas	Spoke about recording of Mayor Daniels public office hours meeting of January 9, 2012.
Johansson, Steve	Spoke about Planning Commission nominations.

The meeting **RECESSED** at 8:55 PM.

The meeting **RECONVENED** at 9:04 PM.

G. RESPONSE / REPLY TO PUBLIC COMMENT

H. POSTPONED ITEMS:

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

Moved by Daniels
Seconded by Henderson

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

Term Expires: 12/31/2014

Gordon Schepke

Term currently held by: Lon Ullmann

Term Expires: 12/31/2014

Edward Kempen

Term currently held by: Thomas Strat

Term Expires: 12/31/2014

Steve Lokken

Term currently held by: Robert Schultz

Vote on Resolution to AMEND to SEPARATE H-1 Boards and Committees Nominations: Mayoral Nominations – Planning Commission

Resolution #2012-02-023
Moved by Daniels
Seconded by Henderson

RESOLVED, That the Mayor of the City of Troy hereby **FORWARDS** the following nominated person 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

Term Expires: 12/31/2014

Gordon Schepke

Term currently held by: Lon Ullmann

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

MOTION CARRIED

Vote on Amended and Separated Nomination to the Planning Commission:

Resolution #2012-02-024
Moved by Daniels
Seconded by Henderson

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

Term Expires: 12/31/2014

Ed Kempen

Term currently held by: Thomas Strat

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

MOTION FAILED

Vote on Resolution to SEVER the Vote for H-1 Boards and Committees Nominations: Mayoral Nominations – Planning Commission

Resolution #2012-02-025
 Moved by Daniels
 Seconded by McGinnis

RESOLVED, That Troy City Council **SEVER** the Vote for **H-1 Boards and Committees Nominations: Mayoral Nominations – Planning Commission.**

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

MOTION FAILED

Vote on Remaining Nominations to the Planning Commission:

Resolution #2012-02-026
 Moved by Daniels
 Seconded by Fleming

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

Nominations to the Planning Commission:

Term Expires: 12/31/2014

Thomas Strat

Term currently held by: Thomas Strat

Term Expires: 12/31/2014

Robert Schultz

Term currently held by: Robert Schultz

Yes: All-7
 No: None

MOTION CARRIED

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

Resolution #2012-02-027
Moved by McGinnis
Seconded by Campbell

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

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 Members
3 Year Term

Term Expires: 01/31/2015

Bruce Bloomingdale

(Alternate)

Term currently held by:

Term Expires: 01/31/2015

Orestis R. Kaltsounis

(Alternate)

Term currently held by:

Yes: All-7
No: None

MOTION CARRIED

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

a) Mayoral Nominations

Resolution #2012-02-028

Moved by Daniels

Seconded by McGinnis

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

Term Expires: 01/31/2015

Frank Strahl

Term currently held by: Frank Strahl

Yes: All-7

No: None

MOTION CARRIED

Mayoral Nominations to the Downtown Development Authority

Resolution #2012-02-029

Moved by Daniels

Seconded by Tietz

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:

Downtown Development Authority

Appointed by Mayor

13 Regular Members

4 Year Term

Term Expires: 09/30/2015

Gregory Carnago

(In District)

Term currently held by: Stuart Frankel

Term Expires: 09/30/2015

Earle Van Dyke

(In District)

Term currently held by: David R. Hay

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

MOTION FAILED

b) City Council Nominations

Resolution #2012-02-030
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:

Building Code Board of Appeals

Appointed by Council
5 Regular Members
5 Year Term

Term Expires: 01/01/2017 _____ Gary Abitheira
Term currently held by: vacant

Yes: All-7
No: None

MOTION CARRIED

Nominations to the Liquor Advisory Committee :

Resolution #2012-02-031
Moved by McGinnis
Seconded by Fleming

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:

Liquor Advisory Committee

Appointed by Council
7 Regular Members
3 Year Term

Term Expires: 01/31/2014 _____ Max Ehlert
Term currently held by: Max Ehlert

Term Expires: 01/31/2014

David Ogg

Term currently held by: David Ogg

Term Expires: 01/31/2014

Timothy P. Payne

Term currently held by: Timothy P. Payne

Yes: All-7

No: None

MOTION CARRIED**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**

Resolution #2012-02-032

Moved by McGinnis

Seconded by Slater

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: All-7

No: None

MOTION CARRIED**I-5 Sole Source – Upgrade BS&A Software**

Resolution #2012-02-033

Moved by Slater
 Seconded by Campbell

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: All-7
 No: None

MOTION CARRIED

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

Resolution #2012-02-034
 Moved by Fleming
 Seconded by Slater

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

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.

Liquor License Applicant :	2Booli, Inc.
Type of License Requested :	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.
Located at :	Southwest Corner of Big Beaver and Rochester Road, Space A-120, Troy, MI 48083
MLCC Request # :	627836

b) Agreement

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES**, 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: All-7

No: None

MOTION CARRIED**J. CONSENT AGENDA:**

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

Resolution #2012-02-035

Moved by McGinnis

Seconded by Campbell

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

Yes: All-7

No: None

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2012-02-035-J-2

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**

Resolution #2012-02-035-J-04a

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

Resolution #2012-02-035-J-4b

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

Resolution #2012-02-035-J-4c

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

Resolution #2012-02-035-J-5

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
Noted and Filed
-

N-2 Department Reports:

- a) City Manager's Business Roundtable Meeting
Noted and Filed
-

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
Noted and Filed
-

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

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

N-6 Economic Development Talking Points
Noted and Filed

N-7 Lifelong Learning Committee Update
Noted and Filed

The meeting **RECESSED** at 9:45 PM.

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

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

The meeting **ADJOURNED** at 10:53 PM

Mayor Janice Daniels

M. Aileen Bittner, CMC
City Clerk



CITY COUNCIL AGENDA ITEM

February 3, 2012

TO: John Szerlag, City Manager

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

RE: Standard Purchasing Resolution 3: Exercise Renewal Option – Transit Mixed Concrete

Background

On April 18, 2011, Troy City Council approved contracts to provide one-year requirements of transit mixed concrete with an option to renew for one additional year to the low bidders: McCoig Materials /Koenig Fuel & Supply of Plymouth, MI, as the primary supplier, and Superior Materials of Farmington Hills, the secondary supplier at unit prices listed in the bid tabulation opened March 22, 2011 (Resolution #2011-04-085-J-4a). A secondary supplier is awarded in the event the primary supplier is unable to provide material or meet delivery needs. Both McCoig Materials/Koenig Fuel and Superior Materials have agreed to renew their respective contracts under the same prices, terms, and conditions.

The Purchasing Department analyzed the market and found the City would not benefit from soliciting new bids for the items specified as operating costs, especially fuel, is expected to fluctuate over the course of the renewal period. Other communities that have solicited bids late in 2011 are paying approximately 3.5% more for material than the City of Troy. By renewing existing contracts, the City minimizes cost increases, and benefits from efficient strategic planning.

Recommendation

City management recommends exercising the option to renew for one additional year with, McCoig Materials/Koenig Fuel & Supply of Plymouth, MI, as the primary supplier, and Superior Materials of Farmington Hills, the secondary supplier under the same contract prices, terms, and conditions expiring April 30, 2013.

Fund Availability

Funds for these materials are available through the Public Works operating budgets.

Prepared by: Marina Basta-Farouk, Project Construction Manager

G:\Bid Award 12-13 New Format\Award Standard Purchasing Resolution 3 TransitMixConcrete ITB-COT 11-07.doc

February 2, 2012

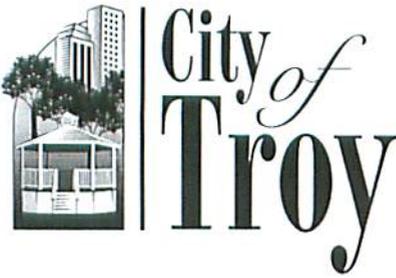
TO: Susan A Leirstein, Purchasing Director
FROM: Julie Hamilton, Buyer
RE: MARKET SURVEY – Transit Mixed Concrete

PARAGON READY MIX – Ken Niehsl (586) 731-8000
According to Ken, concrete prices have remained relatively steady over the past year with only a minor increase. Although fuel fluctuations are hard to track, the competition in the market place has caused the concrete prices to remain steady.

Based upon the above comment, I respectfully recommend that the City accept the offer to renew the contract for transit mixed concrete with the current primary and secondary vendors.

CC: File

G://Purchasing/Bid Award 12-13/Award Standard Purchasing Resolution 3 - MARKETSURVEY - Transit Mixed Concrete 03.12.doc



Date: January 1, 2012

ATTN: Mr. ~~Michael Hyland~~ *Matt Villet*
Company: Mc Coig Materials
Address: PO Box 6349
Plymouth, MI 48170

Dear Mrs.:

The City of Troy entered into contract # 2011-00001012 OB with Mc Coig Materials/Koenig Fuel & Supply of Plymouth, as the primary Supplier to provide one-year requirements of Transit Mixed Concrete with an option to renew for one additional year, which currently expires April 30, 2012. The City is interested to know whether McCoig Materials/Koenig Fuel & Supply will renew its contract at established prices for the one additional year.

Please fax this letter back to Marina Basta Farouk at DPW indicating if McCoig Materials/Koenig Fuel & Supply wishes to renew this contract until April 30, 2013. The fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3595

CHECK ONE:

(McCoig Materials/Koenig Fuel & Supply) is interested in renewing the contract

under the same prices, terms, and conditions:

(McCoig Materials/Koenig Fuel & Supply) is not interested in renewing the contract:

X *Matt Villet*
Signed: Authorized Company Representative

Date: *1/5/2012*

Thank you,
Marina Basta Farouk
Project Construction Manager
Department of Public Works, City of Troy

From: City of Troy DPW

2485243520

01/05/2012 09:49

#732 P.001/001



Date: January 1, 2012

ATTN: Mr. John Werner
Company: Superior Materials
Address: 30701 W. 10 Mile Road,
Farmington Hills, MI 48336

Dear Mrs.:

The City of Troy entered into contract # 2011-00001013 OB with Superior Materials of Farmington Hills, as the secondary supplier to provide one-year requirements of Transit Mixed Concrete with an option to renew for one additional year, which currently expires April 30, 2012. The City is interested to know whether Superior Materials will renew its contract at established prices for the one additional year.

Please fax this letter back to Marina Basta Farouk at DPW indicating if Superior Materials wishes to renew this contract until April 30, 2013. The fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3595

CHECK ONE:

(Superior Materials) is interested in renewing the contract under the same prices, terms, and conditions:

(Superior Materials) is not interested in renewing the contract:

x John M. Werner

Signed: Authorized Company Representative

Date: 1/9/12

Thank you,
Marina Basta Farouk
Project Construction Manager
Department of Public Works, City of Troy

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Woodberry Wine, LLC for a new Wholesale License to be located at 1307 East Maple, Suite B, Troy, MI, 48083, Oakland County {MLCC Req. #607285}; 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: All-7
No: None

MOTION PASSED

J. CONSENT AGENDA:

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

Resolution #2011-04-085
Moved by Beltramini
Seconded by Kerwin

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

Yes: All-7
No: None

MOTION PASSED

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

J-2 Approval of City Council Minutes

Resolution #2011-04-085-J-2

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

- a. Regular City Council Meeting of April 4, 2011

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 1: Award to Low Bidders – Transit Mixed Concrete**

Resolution #2011-04-085-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide one-year requirements of Transit Mixed Concrete with an option to renew for one additional year to the low bidders, McCoig Materials/Koenig Fuel & Supply of Plymouth, MI as the primary supplier, and Superior Materials of Farmington Hills, MI as the secondary supplier, at unit prices contained in the bid tabulation opened March 22, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting for an estimated total cost of \$138,000.00, to commence May 1, 2011, and expire April 30, 2012.

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

b) Standard Purchasing Resolution 1: Award to Low Bidders - Aggregates

Resolution #2011-04-085-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** one-year contracts to provide Aggregate Material with an **OPTION** to renew for one (1) additional year to the following low bidders:

Recommended Vendors	Item / Description	Price/Ton
Boulevard & Trumbell Towing	6. Crushed Concrete 1" – 3"	\$8.48
Tri-City Aggregates	2. 22A Gravel 5. Fill Sand	\$8.00 \$5.50
B&W Landscape Supply	10. Mason Sand 11. Limestone 1" – 3"	\$9.97 \$12.47
Richmond Transport Inc	1. 6A Slag	\$10.20
Novak Construction	3. Pea Stone 4. 60/40 Gravel 8. Chloride Sand 9. 2NS Sand 12. Limestone 3" – 6"	\$11.49 \$12.25 \$14.95 \$8.95 \$17.25
Osburn Industries Inc	13. Limestone 4" – 8"	\$15.85

at the unit prices stated above and confirmed with unit prices contained in the bid tabulation opened March 22, 2011, copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring April 30, 2012.

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

c) Standard Purchasing Resolution 1: Award to Low Bidders: Printing/Distribution of Water and Sewer Bills

Resolution #2011-04-085-J-4c

RESOLVED, That the Troy City Council hereby **AWARDS** a one (1) year contract to provide laser printing and distribution of the City of Troy Water and Sewer Bills, with an option to renew for three (3) additional years to the low total bidder, LaserCom LLC of Troy, MI, for an



CITY COUNCIL AGENDA ITEM

March 23, 2011

TO: John Szerlag, City Manager

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

RE: Standard Purchasing Resolution 1: Award to Low Bidders – Transit Mixed Concrete

Background

On March 22, 2011, bid proposals were electronically received to furnish one-year requirements of Transit Mixed Concrete with an option to renew for one (1) additional year as required by City Charter and Code. This material is used throughout the year for repairs to sidewalks, curbs and streets. Thirty-three (33) vendors were notified of the bid opportunity via the MITN website. Three companies responded. A primary and secondary supplier is awarded contracts, in the event the primary supplier is unable to provide material or meet delivery needs, the secondary supplier is contacted. Awards are contingent upon contractors' submission of properly executed insurance certificates and all specified requirements.

Recommendation

City management recommends awarding contracts to the low bidders, McCoig Materials/Koenig Fuel & Supply of Plymouth, MI, as the primary supplier, and Superior Materials of Farmington Hills, the secondary supplier at unit prices listed in the bid tabulation opened March 22, 2011.

Fund Availability

Funds for these materials are available through the Public Works operating budgets.

Prepared by: Marina Basta-Farouk, Project Construction Manager

G:\ Bid Award 10-11 New Format\Award Standard Purchasing Resolution 1 - Transit Mixed Concrete2011.doc

Opening Date -- 3/22/11
 Date Reviewed - 3/24/2011

CITY OF TROY
 BID TABULATION
 TRANSIT MIXED CONCRETE

sl

VENDOR NAME:

			McCoi	Superior	Paragon Ready
			Materials	Materials, LLC	Mix Inc
			PRIMARY	SECONDARY	
EST					
ITEM	QTY	DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE
PROPOSAL A: WEEKDAY DELIVERY					
1	800 YDS	6 SACK MIX	\$ 70.00	\$ 71.00	\$ 74.00
2	600 YDS	7 SACK MIX (High Early)	\$ 75.00	\$ 76.00	\$ 79.00
3	200 YDS	12 HR 300 PSI MIX Flexural Strength/ 7 sack	\$ 75.00	\$ 78.00	\$ 81.00
<u>SPLIT LOAD CHARGES</u>					
4	20 TIMES	2 LOCATIONS	\$ 30.00	\$ 40.00	\$ 50.00
5	5 TIMES	3 LOCATIONS	\$ 50.00	\$ 40.00	\$ 50.00
6	30 TIMES	BELOW MINIMUM LOAD CHARGE	\$ 65.00	\$ 40.00	\$ 50.00
7	40 YDS	COLD WEATHER PROTECTION	\$ 3.50	\$ 3.50	\$ 4.00
ESTIMATED TOTAL PROPOSAL A-			\$ 118,940.00	\$ 120,340.00	\$ 125,710.00
				W/TERMS \$119,136.60	
PROPOSAL B: SATURDAY DELIVERY					
8	25 YDS	6 SACK MIX	\$ 74.00	\$ 76.00	\$ 74.00
9	100 YDS	7 SACK MIX (High Early)	\$ 79.00	\$ 81.00	\$ 79.00
10	100 YDS	12 HR 300 PSI MIX Flexural Strength/ 7 sack	\$ 79.00	\$ 83.00	\$ 81.00
<u>SPLIT LOAD CHARGES</u>					
11	5 TIMES	2 LOCATIONS	\$ 50.00	\$ 40.00	\$ 50.00
12	2 TIMES	3 LOCATIONS	\$ 75.00	\$ 40.00	\$ 50.00
13	10 TIMES	BELOW MINIMUM LOAD CHARGE	\$ 75.00	\$ 40.00	\$ 50.00
14	10 YDS	COLD WEATHER PROTECTION	\$ 3.50	\$ 3.50	\$ 4.00
ESTIMATED TOTAL PROPOSAL B -			\$ 18,835.00	\$ 19,015.00	\$ 18,740.00
				W/TERMS \$18,824.85	
ESTIMATED GRAND TOTAL--			\$ 137,775.00	\$ 139,355.00	\$ 144,450.00
				W/TERMS \$137,961.45	
UNLOADING TIME PER CUBIC YARD:			6 Minutes	6 Minutes	6 Minutes
MINIMUM LOAD:			2 c.u. (short load chrgs under 6 c.u.)	1 Yard	6 cuyd

Opening Date -- 3/22/11
 Date Reviewed - 3/24/2011

CITY OF TROY
 BID TABULATION
 TRANSIT MIXED CONCRETE

VENDOR NAME:		McCoig	Superior	Paragon Ready
		Materials	Materials, LLC	Mix Inc
		PRIMARY	SECONDARY	
HOURS OF OPERATION:		7AM-5PM	7AM-12PM Sat 7AM-5PM M-F	7AM-5PM
24 HRS PHONE NO.		(313) 368-1133	(248) 521-9948	(586) 484-6804
INSURANCE:	Can Meet	XX	XX	XX
	Cannot Meet Signed Y or N	Y	Y	Y
ALL OR NONE AWARD:	Y or N	Y	Y	N
PAYMENT TERMS		None	1% 10th Net end of Month	No Discounts
WARRANTY:		Blank	Blank	Blank
EXCEPTIONS:	Mid Range Water		None	None
	Reducer &			
	Demurrage can be			
	quoted upon request			

PROPOSAL-- One-Year Requirements of Transit Mixed Concrete with an Option to Renew for One Additional Year

ATTEST:

Diane Fisher
Jeffrey Biegler
Marina Basta Farouk
Julie Hamilton

BOLDFACE TYPE DENOTES LOW TOTAL BIDDERS

 Susan Leirstein CPPO, CPPB
 Purchasing Director



CITY COUNCIL ACTION REPORT

February 8, 2012

TO: John Szerlag, City Manager

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

SUBJECT: Standard Purchasing Resolution 3: – Exercise Renewal Option – Aggregates

Background

On April 18, 2011, Troy City Council approved one-year contracts to provide Aggregate Material with an option to renew for one (1) additional year to the low bidders B & W Landscape Supply of Clinton Twp, Boulevard & Trumbull Towing Inc of Detroit, Novak Construction of Almont, Richmond Transport Inc of Lenox, Tri-City Aggregates Inc of Holly, MI and Osburn Industries Inc of Taylor (Resolution #2011-04-085-J4b). After the contract award, Richmond Transport withdrew their bid for 6A Slag due to a calculation error. So, on May 9, 2011, Troy City Council rescinded their award and re-awarded the contract for 6A Slag to the next lowest bidder, B&W Landscape Supply (Resolution #2011-05-094).

All suppliers with the exception of Osburn Industries Inc have agreed to renew their respective contracts under the same prices, terms and conditions. Osburn Industries is not interested in renewing their contract for Limestone 4" – 8", as no purchases were made last year.

Purchasing has analyzed market trends and found the City would not benefit from soliciting new bids for the items specified, as operating and material costs continue to rise when compared to last year. By renewing existing contracts, the City minimizes cost increases, and benefits from efficient strategic planning. City staff will utilize the informal three (3) quote process for future purchases of Limestone 4" – 8".

Recommendation

City management recommends exercising the options to renew to provide Aggregates as specified, for one additional year to the low bidders, B & W Landscape Supply of Clinton Twp, Boulevard & Trumbull Towing Inc of Detroit, Novak Construction of Almont, and Tri-City Aggregates Inc of Holly under the same prices, terms and conditions expiring April 30, 2013.

Fund Availability

Funds are available in the various departmental operating budgets of the Public Works division.

February 2, 2012

TO: Susan A Leirstein, Purchasing Director

FROM: Julie Hamilton, Buyer

RE: MARKET SURVEY – Aggregates

EDWARD C. LEVY COMPANY – Terria Ellis (313) 429-5389

According to Terria, aggregate prices have remained relatively steady over the past year. Fuel and transporting costs would be the only item that would fluctuate moving forward.

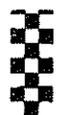
TEBBEN BROTHERS LTD – Donald Tebben (248) 652-7188

According to Donald, aggregate prices have remained relatively steady over the past year with only a minor increase, at the most \$0.25/ton. Donald feels that transporting costs will be a non-issue this year.

Based upon the above comment, I respectfully recommend that the City accept the offer to renew the contract for aggregates with the current vendors.

CC: File

G://Purchasing/Bid Award 12-13/Award Standard Purchasing Resolution 3 - MARKETSURVEY - Aggregates 03.12.doc



City of Troy

Date: January 1, 2012

ATTN: *Linda*
Company: Boulevard & Trumbull Towing Inc
Address: 2411 Vinewood
Detroit, MI 48216

Dear Mr. / Ms.:

The City of Troy entered into contract # 2011-00001016 OB with Boulevard & Trumbull Towing Inc of Detroit, to provide one-year aggregates materials for Item 6 with an option to renew for one additional year, which currently expires April 30, 2012. The City is interested to know whether Boulevard & Trumbull Towing Inc will renew its contract at established prices for the one additional year.

Please fax this letter back to Marina Basta Farouk at DPW indicating if Boulevard & Trumbull Towing Inc wishes to renew this contract until April 30, 2013. The fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3595

CHECK ONE:

(Boulevard & Trumbull Towing Inc) is interested in renewing the contract under the same prices, terms, and conditions:

(Boulevard & Trumbull Towing Inc) is not interested in renewing the contract:

X *Linda Marcello*
Signed: Authorized Company Representative

Date: 1-05-12

Thank you,
Marina Basta Farouk
Project Construction Manager
Department of Public Works, City of Troy



Date: January 1, 2012

ATTN:

Company: B & W Landscape Supply

Address: 43291 North Ave

Clinton Twp, MI 48036

Dear Mr. / Ms.:

The City of Troy entered into contract # 2011-00001016 OB with B & W Landscape Supply of Clinton Twp, to provide one-year aggregates materials for items 1, 10 & 11 with an option to renew for one additional year, which currently expires April 30, 2012. The City is interested to know whether B & W Landscape Supply will renew its contract at established prices for the one additional year.

Please fax this letter back to Marina Basta Farouk at DPW indicating if B & W Landscape Supply wishes to renew this contract until April 30, 2013. The fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3595

CHECK ONE:

(B & W Landscape Supply) is interested in renewing the contract under the same prices, terms, and conditions:

(B & W Landscape Supply) is not interested in renewing the contract:

Signed: Authorized Company Representative

Date: 1-5-12

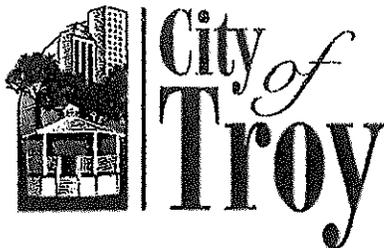
Thank you,
Marina Basta Farouk
Project Construction Manager
Department of Public Works, City of Troy

From: City of Troy DPW

2485243520

01/05/2012 09:37

#728 P.001/001



Date: January 1, 2012

ATTN: Mr. Orrin Ladd
Company: Novak Construction.
Address: 3620 Van Dyke
Almont, MI 48442

Dear Mr.:

The City of Troy entered into contract # 2011-00001018 OB with Novak Construction of Almont, to provide one-year requirements of aggregates materials for items 3,4,8,9 and 12 with an option to renew for one additional year, which currently expires April 30, 2012. The City is interested to know whether Novak Construction will renew its contract at established prices for the one additional year.

Please fax this letter back to Marina Basta Farouk at DPW indicating if Novak Construction wishes to renew this contract until April 30, 2013. The fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3595

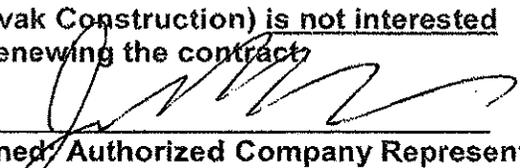
CHECK ONE:

(Novak Construction) is interested in renewing the contract under the same prices, terms, and conditions:

X

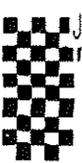
(Novak Construction) is not interested in renewing the contract

()

X 
Signed/ Authorized Company Representative

Date: 1-5-2012

Thank you,
Marina Basta Farouk
Project Construction Manager
Department of Public Works, City of Troy



City of Troy

Date: January 1, 2012

ATTN: Mr. Scott McKay
Company: Tri-City Aggregates Inc.
Address: PO Box 182,
Holly, MI 48442

Dear Mr. McKay

The City of Troy entered into contract # 2011-00001014 OB with Tri-City Aggregates Inc. of Holly, to provide one-year requirements of aggregates materials for items 2 and 5 with an option to renew for one additional year, which currently expires April 30, 2012. The City is interested to know whether Tri-City Aggregates Inc. will renew its contract at established prices for the one additional year.

Please fax this letter back to Marina Basta Farouk at DPW indicating if Tri-City Aggregates Inc wishes to renew this contract until April 30, 2013. The fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3595

CHECK ONE:

(Tri-City Aggregates Inc) Is interested in renewing the contract under the same prices, terms, and conditions:

(Tri-City Aggregates Inc) is not interested in renewing the contract:

X *Scott McKay*
Signed: Authorized Company/Representative

Date: 1/5/12

Thank you,
Marina Basta Farouk
Project Construction Manager
Department of Public Works, City of Troy

Yes: All-7
No: None

B. RESOLUTION TO AMEND CHAPTER 93 OF THE TROY CITY CODE:

Resolution #2011-05-092
Moved by Fleming
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **ADOPTS** Chapter 93, Fire Prevention, of the Code of Ordinances of the City of Troy, as amended, as recommended by City Management City Council Action Report dated May 3, 2011; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7
No: None

MOTION PASSED

I-6 Standard Purchasing Resolution 8: Best Value Award – Community Center Catering

Resolution #2011-05-093
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That the Troy City Council hereby **AWARDS** a contract to provide catering services at the Troy Community Center for three (3) years with an option to renew for three additional years to Encore Catering of Troy, MI, the caterer with the highest score and rate of return, as a result of a best value process which the Troy City Council determines to be in the public interest at a return schedule of 15% of gross receipts less Michigan sales tax, or \$12,000.00 minimum guarantee per year, whichever is greater, expiring May 9, 2014.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon caterer submission of properly executed proposal and contract documents, including insurance certificates, the ability to qualify as the holder of the City's liquor license and all other specified requirements; and the Mayor and City Clerk are **AUTHORIZED** to execute the agreement when in acceptable form.

Yes: All-7
No: None

MOTION PASSED

I-7 Rescind Bid Award/Re-Award Contract – Aggregates

Resolution #2011-05-094
Moved by Kerwin

Seconded by Howrylak

WHEREAS, On April 18, 2011, contracts for one-year requirements of Aggregate Material with an option to renew for one (1) additional year was awarded to various low bidders (Resolution #2011-04-085-J4b); and

WHEREAS, After the award of contract, Richmond Transport Inc. withdrew their bid for 6A Slag due to a calculation error;

NOW, THEREFORE BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract for one-year requirements of 6A Slag with an option to renew for one (1) additional year from Richmond Transport Inc. and hereby **RE-AWARDS** the contract to the next lowest bidder, B&W Landscape Supply of Clinton Township, MI at \$13.23 per ton, as contained on the bid tabulation opened March 22, 2011.

BE IT FURTHER RESOLVED, That all other items contained in resolution 2011-04-085-J4b **REMAIN** in full force and effect as originally stipulated.

Yes: All-7
No: None

MOTION PASSED

I-8 Rescind Bid Award/Re-Award Contract - Custodial Supplies

Resolution #2011-05-095
Moved by Fleming
Seconded by Slater

WHEREAS, On March 28, 2011, a contract for one-year requirements of Custodial Supplies was awarded to the lowest acceptable bidder, Central Poly Corporation of Linden, NJ (Resolution # 2011-03-064-J4e); and

WHEREAS, Central Poly Corporation has declined the consideration for award due to their choice not to meet insurance requirements;

NOW, THEREFORE BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract for one-year requirements of Custodial Supplies from Central Poly Corporation and hereby **RE-AWARDS** the contract to the next lowest total bidder, Empire Equipment and Supply Co. of Detroit, MI, for an estimated total cost of \$16,134.00 at unit prices contained in the bid tabulation opened February 23, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring March 31, 2012.

Yes: All-7
No: None

MOTION PASSED



CITY COUNCIL AGENDA ITEM

April 29, 2011

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager Finance & Administration
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

Subject: Rescind Bid Award / Re-award Contract – Aggregates

Background

On April 18, 2011, Troy City Council approved one-year contracts to provide Aggregate Material with an option to renew for one (1) additional year to various low bidders (Resolution #2011-04-085-J4b). On April 21, 2011, Richmond Transport Inc realized they made a calculation error when bidding the 6A Slag and withdrew their bid. Since this occurred after the award by City Council, Richmond Transport is considered in breach of contract. Richmond Transport received a written notification of default and remedies for reinstatement as a potential vendor after three (3) years.

After a review of the bid results to determine the next lowest bidder, it is in the City's best interest to re-award the contract to B&W Landscape Supply of Clinton Township, MI. B&W was contacted and verified they could honor the pricing as originally quoted.

Recommendation

City management recommends Troy City Council rescind with prejudice the contract approved on April 18, 2011, to Richmond Transport, Inc for 6A Slag, Aggregate Material (Resolution #2011-04-085-J4b) and re-award the contract to the next lowest bidder, B&W Landscape Supply at a unit cost of \$13.23 per ton, as contained on the bid tabulation opened March 22, 2011.

Fund Availability

Funds are available in the various departmental operating budgets of the Public Works division. Annual costs under the new contract with B&W Landscape Supply will increase an estimated \$1,515.00, when compared with pricing submitted by Richmond Transport Inc.



RICHMOND TRANSPORT, INC.

M.P.S.C. L-21679

4020 COUNTY LINE LENOX, MICHIGAN 48050
(586) 727-1627 • FAX: (586) 727-3094

April 21, 2011

City of Troy
ATTN: Julie / Purchasing Department
500 W. Big Beaver Road
Troy, MI 48084

RE: 6A Slag

Due to a calculation error when bidding the 6A Slag, Richmond Transport Inc. is withdrawing the quote of \$10.20 per ton.

I apologize for the inconvenience and am aware that this default will effect our bidding process.

Sincerely

A handwritten signature in black ink that reads 'Daniel J. Manchik'. The signature is written in a cursive, flowing style.

Daniel Manchik
Estimating

APR 25 11 13:46:00

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide one-year requirements of Transit Mixed Concrete with an option to renew for one additional year to the low bidders, McCoig Materials/Koenig Fuel & Supply of Plymouth, MI as the primary supplier, and Superior Materials of Farmington Hills, MI as the secondary supplier, at unit prices contained in the bid tabulation opened March 22, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting for an estimated total cost of \$138,000.00, to commence May 1, 2011, and expire April 30, 2012.

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

b) Standard Purchasing Resolution 1: Award to Low Bidders - Aggregates

Resolution #2011-04-085-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** one-year contracts to provide Aggregate Material with an **OPTION** to renew for one (1) additional year to the following low bidders:

Recommended Vendors	Item / Description	Price/Ton
Boulevard & Trumbell Towing	6. Crushed Concrete 1" – 3"	\$8.48
Tri-City Aggregates	2. 22A Gravel 5. Fill Sand	\$8.00 \$5.50
B&W Landscape Supply	10. Mason Sand 11. Limestone 1" – 3"	\$9.97 \$12.47
Richmond Transport Inc	1. 6A Slag	\$10.20
Novak Construction	3. Pea Stone 4. 60/40 Gravel 8. Chloride Sand 9. 2NS Sand 12. Limestone 3" – 6"	\$11.49 \$12.25 \$14.95 \$8.95 \$17.25
Osburn Industries Inc	13. Limestone 4" – 8"	\$15.85

at the unit prices stated above and confirmed with unit prices contained in the bid tabulation opened March 22, 2011, copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring April 30, 2012.

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

c) Standard Purchasing Resolution 1: Award to Low Bidders: Printing/Distribution of Water and Sewer Bills

Resolution #2011-04-085-J-4c

RESOLVED, That the Troy City Council hereby **AWARDS** a one (1) year contract to provide laser printing and distribution of the City of Troy Water and Sewer Bills, with an option to renew for three (3) additional years to the low total bidder, LaserCom LLC of Troy, MI, for an



CITY COUNCIL AGENDA ITEM

April 8, 2011

TO: John Szerlag, City Manager

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

RE: Standard Purchasing Resolution 1: Award To Low Bidders – Aggregates

Background

On March 22, 2011, proposals were competitively bid and electronically received as required by City Charter and Code for one-year requirements of Aggregate material with an option to renew for one additional year. Forty-nine (49) vendors were notified of the bid opportunity via the MITN website with eight (8) responses received. After reviewing these proposals, awards are contingent upon contractors' submission of properly executed bid documents including insurance certificates and all other specified requirements.

Recommendation

City management recommends awarding contracts to the low bidders, at the unit prices listed below. Aggregates are purchased on an as needed basis throughout the year based upon estimated quantities.

<u>ITEM</u>	<u>EST.QTY</u> <u>TONS</u>	<u>DESCRIPTION</u>	<u>PRICE PER TON</u>	<u>ESTIMATED TOTAL</u>
<u>Boulevard & Trumbell Towing, Inc.</u>				
6.	100	CRUSHED CONCRETE, 1"- 3"	\$ 8.48	\$ <u>848.00</u>
<u>Tri-City Aggregates Inc.</u>				
2.	1,000	22A GRAVEL	\$ 8.00	\$8,000.00
5.	2,500	FILL SAND	\$ 5.50	\$13,750.00
				<u>\$21,750.00</u>
<u>B & W Landscape Supply</u>				
10.	100	MASON SAND	\$ 9.97	\$ 997.00
11.	100	LIMESTONE 1"- 3"	\$12.47	\$1,247.00
				<u>\$ 2,244.00</u>
<u>Richmond Transport Inc.</u>				
1.	500	6A SLAG	\$10.20	\$5,100.00
<u>Novak Construction</u>				
3.	300	PEA STONE	\$11.49	\$3,447.00
4.	100	60/40 GRAVEL	\$12.25	\$1,225.00
8.	250	CHLORIDE SAND	\$14.95	\$3,737.50
9.	100	2NS SAND	\$ 8.95	\$ 895.00
12.	50	LIMESTONE 3"- 6"	\$17.25	\$ 862.50
				<u>\$10,167.00</u>
<u>Osburn Industries, Inc.</u>				
13.	50	LIMESTONE 4"- 8"	\$15.85	\$ 792.50
<u>ESTIMATED TOTAL COST:</u>				<u>\$40,901.50</u>

No bids were received for Item #7, 100 Tons CRUSHED CONCRETE, 3"- 6". The Public Works Department will order this material as needed using the informal three-quote process.

Fund Availability

Funds for these materials are available through the Public Works operating budgets

Prepared by: Marina Basta Farouk, Project Construction Manager

G:\Bid Award 10-11 New Format\Award Standard Purchasing Resolution 1 - Aggregates ITB-COT 11-06 04.11.doc

sl

VENDOR NAME:

Boulevard & Trumbell Towing Inc	Tri-City Aggregates, Inc	B & W Landscape Supply	Richmond Transport Inc
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ITEM	EST QTY/TONS	DESCRIPTION	PRICE/TON	PRICE/TON	PRICE/TON	PRICE/TON
1.	500	6A SLAG	No Bid	No Bid	\$ 13.23	\$ 10.20
2.	1000	22A GRAVEL	No Bid	\$ 8.00	\$ 9.33	\$ 12.00
3.	300	PEA STONE	No Bid	No Bid	\$ 13.74	\$ 14.75
4.	100	60/40 GRAVEL	No Bid	No Bid	\$ 14.69	\$ 15.25
5.	2500	FILL SAND	No Bid	\$ 5.50	\$ 6.69	\$ 6.25
6.	100	CRUSHED CONCRETE, 1" - 3"	\$ 8.48	No Bid	\$ 8.87	\$ 11.25
7.	100	CRUSHED CONCRETE, 3" - 6"	No Bid	No Bid	No Bid	No Bid
8.	250	CHLORIDE SAND	No Bid	No Bid	No Bid	No Bid
9.	100	2NS SAND	No Bid	No Bid	\$ 9.77	\$ 11.25
10.	100	MASON SAND	No Bid	No Bid	\$ 9.97	\$ 12.00
11.	100	LIMESTONE 1" - 3"	No Bid	No Bid	\$ 12.47	\$ 15.00
12.	50	LIMESTONE 3" - 6"	No Bid	No Bid	No Bid	No Bid
13.	50	LIMESTONE 4" - 8"	No Bid	No Bid	\$ 17.72	\$ 20.00
DISCOUNT IF AWARDED ALL ITEMS			-	-	-	-

ESTIMATED TOTAL:	\$ 848.00	\$ 21,750.00	\$ 43,255.00	\$ 44,625.00
ESTIMATED TOTAL AWARDED ITEMS:	\$ 848.00	\$ 21,750.00	\$ 2,244.00	\$ 5,100.00

DELIVERY: Within Hours	2 Hours	24 Hours	24 Hours	24 Hours
MINIMUMS:	50 Tons	50 Tons	50 Tons	50 Tons
ALL OR NONE AWARD: Y or N	N	N	N	N
CONTACT INFORMATION				
Hrs of Operation	7AM-6PM	6AM-4PM M-F	8AM-4PM M-Sat	6AM-5PM
24 Hr. Phone No.	(586) 939-6200	(248) 634-8277	(586) 463-0545	(810) 602-1351
INSURANCE Can Meet Cannot Meet	XX	XX	XX	XX
PAYMENT TERMS:	N/A	Net 30 Days	Net 30	Net 30 Days
EXCEPTIONS:	Pricing firm 120 days	No	immediate delivery must be made to non-weight restricted facility	2% Increase in option year

PROPOSAL: One-Year Requirements of Aggregates with an Option to Renew for One (1) Additional Year

ATTEST:
 Julie Hamilton
 Diane Fisher
 Jeffrey Biegler
 Marina Basta Farouk

HIGHLIGHTED AREAS DENOTES LOW BIDDERS

Susan Leirstein CPPO CPPB
 Purchasing Director

VENDOR NAME:			Edward C. Levy Co	Novak Construction	Osburn Industries, Inc	Tebben Brothers Ltd
ITEM	EST QTY/TONS	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON	PRICE/ TON
1.	500	6A SLAG	\$ 13.93	Alt: 6A Natural at \$12.50/Ton \$ 13.50	\$ 14.45	\$ 16.00
2.	1000	22A GRAVEL	\$ 9.70	\$ 9.25	\$ 10.00	\$ 11.50
3.	300	PEA STONE	\$ 13.13	\$ 11.49	\$ 13.85	\$ 15.50
4.	100	60/40 GRAVEL	\$ 14.28	\$ 12.25	\$ 14.45	\$ 16.50
5.	2500	FILL SAND	Alt: Class II GR \$ 7.23	\$ 6.25	\$ 7.15	\$ 7.25
6.	100	CRUSHED CONCRETE, 1" - 3"	Alt: 3X1 BF \$ 13.93	\$ 10.50	\$ 10.53	\$ 11.50
7.	100	CRUSHED CONCRETE, 3" - 6"	No Bid	No Bid	No Bid	No Bid
8.	250	CHLORIDE SAND	No Bid	\$ 14.95	\$ 24.50	\$ 22.00
9.	100	2NS SAND	\$ 10.03	\$ 8.95	\$ 10.20	\$ 11.00
10.	100	MASON SAND	Alt: Mortar Sand \$ 12.02	\$ 10.27	\$ 12.60	\$ 11.00
11.	100	LIMESTONE 1" - 3"	\$ 19.50	\$ 13.49	\$ 13.60	\$ 15.00
12.	50	LIMESTONE 3" - 6"	No Bid	\$ 17.25	No Bid	No Bid
13.	50	LIMESTONE 4" - 8"	No Bid	\$ 19.50	\$ 15.85	\$ 22.50
DISCOUNT IF AWARDED ALL ITEMS			-	5%	-	-
				\$ 45,693.00		
ESTIMATED TOTAL:			\$ 45,655.00	\$ 46,193.00	\$ 52,310.50	\$ 55,400.00
ESTIMATED TOTAL W/DISCOUNT:			-	Alt: \$43,408.35 \$ 43,883.35	-	-
ESTIMATED TOTAL AWARDED ITEMS:				\$ 10,167.00	\$ 792.50	
DELIVERY: Within Hours			24 Hours	24 Hours	24 Hours	48 Hours
MINIMUMS:			50 Tons	50 Tons	50 Tons	50 Tons
ALL OR NONE AWARD: Y or N			N	N	N	N
CONTACT INFORMATION						
Hrs of Operation			7AM-5PM M-F	7AM-5PM	8AM-5PM	7AM-10PM
24 Hr. Phone No.			(313) 429-5389	(810) 358-7977	(313) 363-0077	(248) 652-7188
INSURANCE Can Meet Cannot Meet			XX	XX	XX	XX
PAYMENT TERMS:			Net 30 Days	30 Days	N/A	Net 30 Days
EXCEPTIONS:			See Material Guides for Alt Bids	Blank	None	Item 2: 22A Limestone Avail at add'l cost Train loads - if fuel over \$5 price will increase



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm , City Attorney
Susan M. Lancaster, Assistant City Attorney
DATE: February 15, 2012
SUBJECT: Milano Development Company, Inc. v. City of Troy et. al.

Several years ago, a lawsuit to vacate a plat was initiated in order to make way for a proposed new residential development on John R. Road near Long Lake Road. This lawsuit was filed by Milano Development Company Inc. (Milano) to vacate a portion of the Square Acres Subdivision Plat. As required by state law, it was filed against the City of Troy, Troy School District, Road Commission for Oakland County, the Oakland County Drain Commissioner, the State of Michigan and all neighboring property owners within 300 feet. The lawsuit sought a vacation of 43-foot easements which were originally set aside for roadway purposes. This lawsuit was settled with the February 5, 2008 entry of a Consent Judgment, which was unanimously approved by Council on January 28, 2008.

Most of the work for the re-plat was completed in accordance with the Consent Judgment. However, Milano Development could not complete the project due to the downturn of the economy. The property was been recently purchased by David and Linda Purvis, who are successors in interest to Milano Development Company, Inc.. On January 26, 2012, Mr. and Mrs. Purvis entered into a Land Contract with Athens Parc Developers, LLC, for the sale of the property. Athens Parc Developers, LLC proposes to complete a residential development that is very similar to the one previously proposed. Both of the proposals require the vacation of the 43 foot roadway easements.

City Council has already taken several actions to allow for this proposed residential development, including the abandonment and transfer of utility easements on January 9, 2012, and the approval of the Contract for Installation of Municipal Improvements on February 12, 2012. However, the previous property owner failed to timely complete the re-plat process, and to submit it to the City of Troy Administration, as required by the Consent Judgment.

Paragraph 4 of the Consent Judgment allows for the property owners and the City and the State to agree to an extension of time to obtain official approvals and to submit a new plat to the City and the State of Michigan. If there is agreement, then the developer could avoid having to initiate a new re-plat lawsuit.

The proposed resolutions would grant the City's approval to extend the time for the submission of the plat, and also approve the plat that was submitted. City Administration has reviewed and approved the revised plat, which is attached.

Please let us know if you have any questions concerning this matter.

A Meeting of the Civil Service Commission (Act 78) was held Thursday, December 8, 2011, at Troy City Hall, 500 W. Big Beaver Road in the Lower Level Conference Room. Chairman/President McGinnis called the meeting to order at 7:34 AM.

A. ROLL CALL:

PRESENT: Chairman/President Donald E. McGinnis, Jr.
Commissioner David Cannon

ALSO PRESENT: Lori Grigg Bluhm, City Attorney
Peggy Sears, Human Resources Director
M. Aileen Bittner, City Clerk
Gary Mayer, Police Chief
Gerard Scherlinck, Police Captain
Keith Frye, Police Captain
George Zielinski, Police Sergeant
Robert Wolfe, Police Sergeant/TCOA President
Michael Geise, Police Officer/TPOA President
Jeanette Menig, Human Resources Specialist
John J. Higgins, President – EMPCO
Tony Haddad

B. APPROVAL OF MINUTES:**1. Approval of Minutes of Thursday, September 22, 2011**

Resolution #CSC-2011-12-003
Moved by Cannon
Seconded by McGinnis

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **APPROVES** the Minutes of the Thursday, September 22, 2011 meeting as presented.

Yes: Cannon, McGinnis
No: None

MOTION CARRIED**C. PETITIONS AND COMMUNICATIONS:****D. REPORTS:**

The Commission received an attorney's letter requesting a hearing on behalf of Police Officer Todd Michael. Human Resource Director Sears promptly responded to this letter, highlighting the limited jurisdiction of the Act 78 Civil Service Commission. Under Article X of the Rules and Regulations of the Troy Civil Service Commission, jurisdiction is limited to the application of the merit principle or disciplinary actions resulting in discharge, suspension or

demotion, as set forth in Article X of the Rules and Regulations of the Troy Civil Service Commission. Although Officer Michael's attorney did not respond to Ms. Sears' letter or otherwise challenge the fact that the Act 78 Civil Service Commission did not have jurisdiction over the requested appeal, the information was included in the agenda packet to document the receipt of the correspondence. The report was NOTED AND FILED.

1. Letter to Civil Service Commission from Human Resources Director Sears Regarding Request for Appeal Hearing of Grievance Involving Officer Todd Michael

Noted and Filed

E. OLD BUSINESS: None

F. NEW BUSINESS:

In the agenda packet, the Act 78 Civil Service Commission received a letter from Sergeant Joseph Haddad, requesting a disqualification of EMPCO for the proposed Police Sergeant and Lieutenant evaluation process. Mr. Tony Haddad was present in the audience, as a representative of Troy Sergeant Joseph Haddad, who was out of the State. Prior to taking any action on this item, Chairman McGinnis inquired about a past guarantee from EMPCO that none of the evaluators would be associated or affiliated with the City of Troy or any of the candidates. EMPCO President John Higgins confirmed that any EMPCO evaluator would have "no previous prejudicial contact with any of the candidates from the Police Department." He explained that he could not guarantee that there was never any contact between evaluators and the candidates, since the law enforcement community is small, but that the evaluators would be independent and impartial. The Commission then invited Mr. Tony Haddad to speak on this item, on behalf of his son and also as a resident of the City. Mr. Haddad was concerned that the evaluators would not be impartial, based on past complaints made by his son against one of his former supervisors who also served as an evaluator for EMPCO. Mr. Haddad was also concerned about EMPCO being hired by the City. Mr. Haddad based this concern on his previous contact with the President of EMPCO, which was made in response to a letter that Mr. Haddad sent to several area police chiefs criticizing EMPCO for hiring this former Troy supervisor as an evaluator. Member Cannon disclosed prior military service with Sergeant Joseph Haddad, Mr. Tony Haddad's son, and asked all present if there were any objections to his voting on items F-1 and F-2. There were no objections to Member Cannon's participation on this item.

Member Cannon then stated his position that the concerns brought forward at this meeting did not disqualify EMPCO from completing the assessment process. Under the Rules, there is an avenue for redress if a candidate feels that there was bias in the evaluation process, and this happens only after the assessment has been done. Chairman McGinnis agreed, and added that the assurances EMPCO has offered for non-biased testing are sufficient.

Mr. Higgins of EMPCO also offered to meet with Mr. Haddad privately after the meeting adjourned to discuss his concerns.

1. **Approval of Qualifications, Posting and Test Battery for Police Sergeant and Police Lieutenant**

Resolution #CSC-2011-12-004

Moved by Cannon

Seconded by McGinnis

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the job qualifications, the posting, and the test battery for the recruitment of Police Sergeant and Police Lieutenant as **PRESENTED**.

Yes: McGinnis, Cannon

No: None

MOTION CARRIED

2. Appointment of Civil Service Commission (Act 78) Member

Member Cannon nominated John Steele for the neutral position currently vacant on the Commission. Member Cannon applauded Mr. Steele’s non-political community involvement, and believed that he was an impartial candidate that had no prior affiliation or prejudice. Chairman McGinnis seconded the nomination and reiterated that Mr. Steele fits all the criteria for the neutral position. The Commission members also concluded that all other requirements, including diverse membership in political parties, was also satisfied.

Resolution #CSC-2011-12-005

Moved by Cannon

Seconded by McGinnis

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **APPOINTS John Steele** to complete the unexpired term of the Civil Service Commission (Act 78) member ending on April 30, 2014.

Yes: Cannon, McGinnis

No: None

MOTION CARRIED

PUBLIC COMMENT:

Mr. Tony Haddad thanked the Commission for their service and for hearing his concerns.

Chief Mayer thanked the Commission for moving forward with the approval of the two items on the Agenda so the Police Department can begin rebuilding its command staff that was recently reduced. Chief Mayer applauded the past work done by EMPCO and praised Mr. Higgins for his work on behalf of the City of Troy.

G. ADJOURNMENT:

The Civil Service Commission (Act 78) meeting **ADJOURNED** at 8:10 AM.

Donald E. McGinnis, Jr., Chairman

Aileen Bittner, City Clerk

LIQUOR ADVISORY COMMITTEE MINUTES – FINAL JANUARY 9, 2012

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.

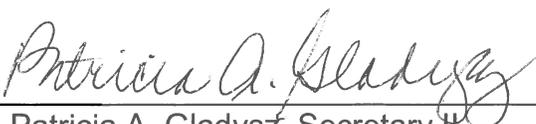
With regard to the Smoker's Express MLCC hearing held today, Assistant City Attorney Lancaster advised the Committee that the business owner admitted responsibility on all five counts. There will be a five-day suspension of his liquor license. The matter will enter into a penalty phase and the City will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

Chair Hutson called the Regular Meeting of the Troy City Planning Commission to order at 7:30 p.m. on January 10, 2012 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

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

Also Present:

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

2. APPROVAL OF AGENDA

Resolution # PC-2012-01-001

Moved by: Sanzica
Seconded by: Tagle

RESOLVED, To approve the Agenda as prepared.

Yes: All present (9)

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2012-01-002

Moved by: Strat
Seconded by: Maxwell

RESOLVED, To approve the minutes of the December 13, 2011 Regular meeting as printed.

Yes: All present (9)

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

SPECIAL USE REQUEST

5. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 392) – Proposed Vehicle Repair Facility, Action Collision Inc., West of Dequindre, North of 14 Mile (2722 Elliott), Section 36, Currently Zoned IB (Integrated Industrial and Business) District

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2012-01-003

Moved by: Sanzica
 Seconded by: Maxwell

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed Vehicle Repair Facility, Action Collision Inc., West of Dequindre, North of 14 Mile (2722 Elliott), Section 36, within the IB (Integrated Industrial and Business) District, be granted, subject to the following:

1. Show all required and proposed dimensions on final site plan.
2. Clarify number of service bays, the presence of any tow trucks, and condition any approval on the limitation of the site to no more than 10 bays.
3. Show overhead doors.
4. Provide a bike rack with capacity of at least two bicycles must be added to the site plan.
5. Add two deciduous street trees.
6. Provide landscaped area calculations.
7. Provide four additional trees at the perimeter of the parking lot to meet minimum parking lot landscaping requirements.
8. Provide detailed landscaping calculations showing how all requirements of Section 13.02 are being met.
9. Clarify that the use will not have retail aside from that which is normally required to support the repair use.
10. No vehicles may be parked other than in compliant striped spaces.

Yes: All present (9)

MOTION CARRIED

SITE CONDOMINIUM DEVELOPMENT

- 6. PRELIMINARY SITE PLAN REVIEW – Proposed Tuscany Estates Site Condominium, 11 units/lots, West side of Dequindre, North of Winter Drive, Section 24, Currently Zoned R-1C (One Family Residential) District

Resolution # PC-2012-01-004

Moved by: Ullmann
 Seconded by: Schultz

RESOLVED, To postpone the item until all requirements as listed by staff are met and the application has been resubmitted.

Yes: All present (9)

MOTION CARRIED

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

OTHER BUSINESS

- 8. POTENTIAL CONDITIONAL REZONING – Proposed Culver’s Restaurant (with Drive-Through), 4889 Rochester Road, West side of Rochester Road, South of Long Lake, Section 15, From NN (Neighborhood Node) to CB (Community Business) District

This item was withdrawn at the request of the petitioner.

- 9. ELECTION OF OFFICERS FOR 2012

Mr. Edmunds nominated Mark Maxwell as Chair and John Tagle as Vice Chair.

Hearing no further nominations, Chair Hutson declared the nominations for the positions of Chair and Vice Chair closed.

Roll Call vote on the nomination

Yes: All present (9)

Mr. Sanzica nominated Thomas Strat as Zoning Board of Appeals representative.

Hearing no further nominations, Chair Hutson declared the nominations for the position of Zoning Board of Appeals representative closed.

Roll Call vote on the nomination

Yes: All present (9)

- 10. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

- 11. PLANNING COMMISSION COMMENTS

There was general Planning Commission discussion.

The Regular Meeting of the Planning Commission adjourned at 8:55 p.m.

Respectfully submitted,

Michael W. Hutson, Chair

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2012 PC Minutes\Draft\2012 01 10 Regular Meeting_Draft.doc

Chair Lambert called the Zoning Board of Appeals meeting to order at 7:30 p.m. on January 17, 2012, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Kenneth Courtney
 William Fisher
 Allen Kneale (arrived at 7:36 pm)
 David Lambert
 Thomas Strat
 Glenn Clark

Absent

Michael Bartnik

Also Present:

Paul Evans, Zoning and Compliance Specialist
 Susan Lancaster, Assistant City Attorney

2. APPROVAL OF MINUTES – November 15, 2011

Moved by Courtney
 Seconded by Fisher

RESOLVED, to approve the November 15, 2011 meeting minutes.

Yes: All present
 Absent: Bartnik, Kneale

MOTION PASSED

3. APPROVAL OF AGENDA – No changes

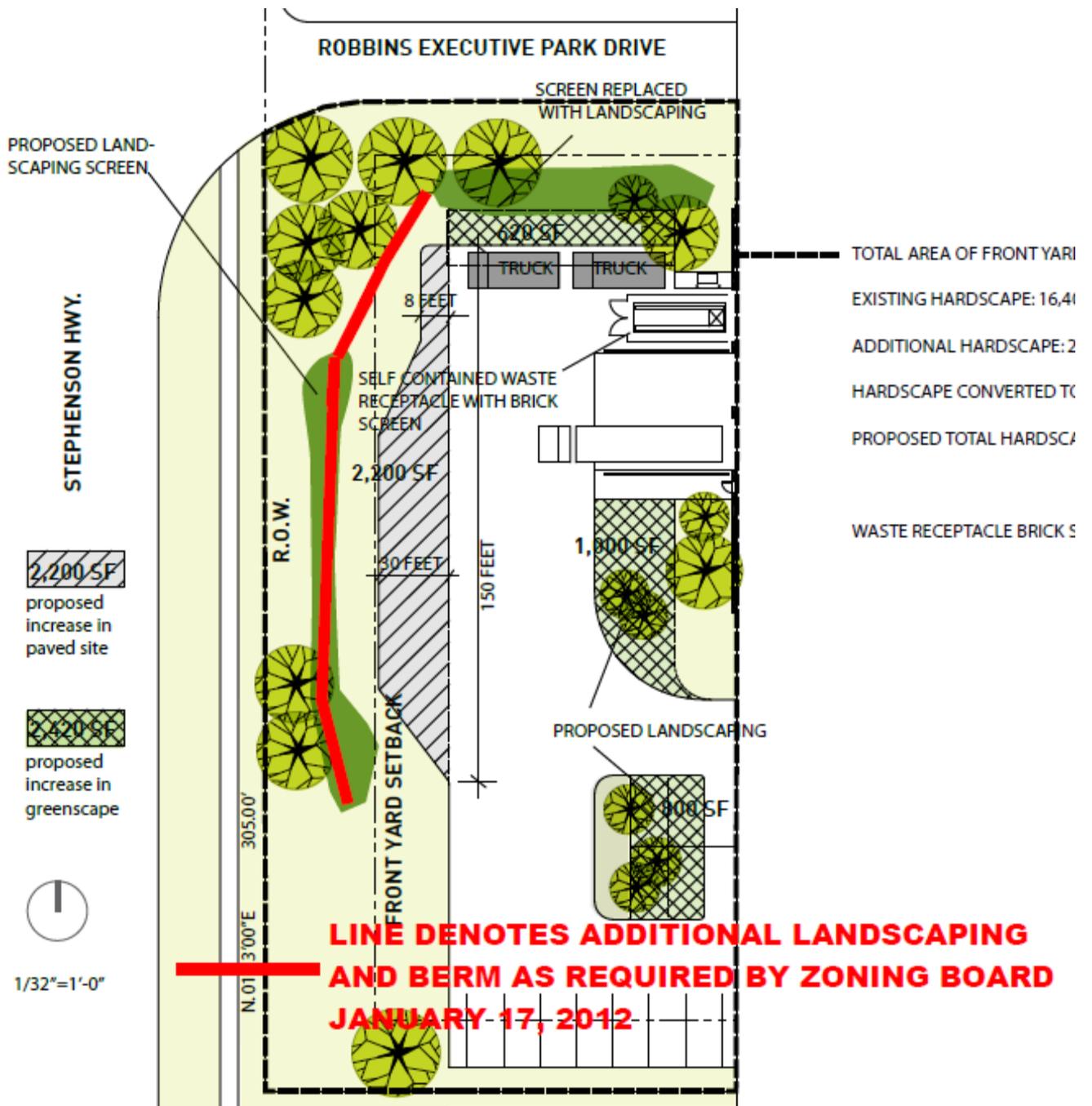
4. HEARING OF CASES

A. VARIANCE REQUEST, JIM BARDY OF CONTINENTAL SERVICES, 700 STEPHENSON HIGHWAY – In order to place/construct the following improvements in the front yard: a trash container, a loading area and a maneuvering lane. The Zoning Ordinance does not allow these items in the front yard.

Moved by Courtney
 Seconded by Kneale

RESOLVED to grant the variance as requested with the following conditions:

- That the existing berm be extended north and west as depicted on the attached drawing
- That the new berm height and massing match that of the existing berm
- That the new berm be undulating
- That the new berm not be required where it will interfere with existing screening trees
- That additional screening vegetation be installed in the front yard and on the berm
- That the aforementioned vegetation species, height, and placement effectively screen the view of the trucks located in the front yard from Stephenson Highway
- That the vegetation provides year round screening.



Yes: All present
Absent: Bartnik

MOTION APPROVED

5. COMMUNICATIONS – Chair Lambert acknowledged Board Members’ receipt of the most recent edition of the Michigan Association of Planning magazine.
6. PUBLIC COMMENT – There was no public comment.
7. MISCELLANEOUS BUSINESS – The Board discussed the need for City Council to appoint two Alternates as specified in the Zoning Ordinance. There was Board consensus on methods to increase citizen awareness of this volunteer opportunity which included Board member and staff referrals, City press release and the Troy Today newsletter. Interested citizens would be directed to fill out an application at the City Clerks’ Office.
8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 8:45 p.m.

Respectfully submitted,

David Lambert, Chair

Paul Evans, Zoning and Compliance Specialist

A Meeting of the Civil Service Commission (Act 78) was held Thursday, January 19, 2012, at Troy City Hall, 500 W. Big Beaver Road in the Lower Level Conference Room. Chairman/President McGinnis called the meeting to order at 7:30 AM.

A. ROLL CALL:

PRESENT: Chairman/President Donald E. McGinnis, Jr.
Commissioner David Cannon
Commissioner John Steele

ALSO PRESENT: Lori Grigg Bluhm, City Attorney
M. Aileen Bittner, City Clerk
William Nelson, Fire Chief
Gerard Scherlinck, Police Captain
George Zielinski, Police Sergeant
Jeanette Menig, Human Resources Specialist
Catherine Farrell, Attorney for TPOA

B. APPROVAL OF MINUTES:

1. Approval of Minutes of Thursday, December 8, 2011

Resolution #CSC-2012-01-001
Moved by Cannon
Seconded by Steele

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **APPROVES** the Minutes of the Thursday, December 8, 2011 meeting as presented.

Yes: All-3
No: None

MOTION CARRIED

C. PETITIONS AND COMMUNICATIONS: None

D. REPORTS:

At the last meeting, the Act 78 Civil Service Commission discussed a hearing request that was sent by Attorney Catherine Farrell on behalf of the Troy Police Officers Association and Officer Todd Michael. This correspondence was noted and filed, based on the lack of jurisdiction. Subsequently, Attorney Farrell sent a letter renewing the request for a hearing, arguing that the Act 78 Civil Service Commission was vested with jurisdiction. She was given the opportunity to address the Commission concerning her request. She noted that this was the first opportunity to bring this matter to a full panel, after the recent appointment of Commissioner Steele. Attorney Farrell argued that the Act 78 Civil Service Commission was vested with jurisdiction, since Officer Michael was constructively discharged. Chairman

McGinnis reviewed Article X Appeal Hearings Section 1, Rule C of the Act 78 Rules, which states “Employees may appeal disciplinary actions resulting in discharge, suspension or demotion to the Civil Service Commission.” It was undisputed that Officer Michael has not been discharged, suspended, or demoted. However, Attorney Farrell encouraged the Commission to extend this provision to allow for an appeal when an employee is constructively discharged. The City, through Captain Scherlinck, dispute that there has been a discharge or a constructive discharge. In order to have jurisdiction, there would first need to be a factual determination that Officer Michael was constructively discharged. The Commission members all expressed their belief that this decision would be beyond the scope of the Act 78 Civil Service Commission jurisdiction. Commissioner Cannon inquired about whether there was a way to obtain jurisdiction if both parties consented, but there was consensus that even if the parties consented, there could be subsequent jurisdictional challenges. The Commission members all expressed empathy for Officer Michael’s position, and a willingness to impartially decide an appeal if presented with a Court order finding that Officer Michael was discharged (actual or constructive), suspended or demoted. Attorney Farrell argued that Officer Michael was being denied due process, and being forced to file a lawsuit in Circuit Court. The Commission again reiterated that if a Circuit Court determined that there was a discharge, then the Commission would provide the requested hearing. The Commission also agreed to make an official record of its decision through a resolution.

Resolution to Direct the City Clerk to Send a Letter to Catherine Farrell Regarding Denial of Request for Hearing

Resolution #CSC-2012-01-002
 Moved by McGinnis
 Seconded by Cannon

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **DENIES** the appeal hearing request filed on behalf Officer Todd Michael based on the lack of jurisdiction and **DIRECTS** the City Clerk to send a letter to Catherine Farrell, Counsel for the Troy Police Officers’ Association, indicating the request for hearing is denied without prejudice.

BE IT FURTHER RESOLVED, That the Civil Service Commission will **HOLD** the requested appeal hearing concerning Officer Todd Michaels **UPON THE RECEIPT OF** a Court Order declaring that Officer Michael has been discharged, suspended or demoted, or an order that otherwise provides the Commission with the authority to hear the case.

Yes: All-3
 No: None

MOTION CARRIED

1. Letter to Civil Service Commission from Catherine Farrell, Counsel for the Troy Police Officers’ Association, Regarding Request for Appeal Hearing of Grievance Involving Officer Todd Michael

Noted and Filed

E. OLD BUSINESS: None

F. NEW BUSINESS:

Fire Chief Nelson was present to answer any questions. After the initial motion was made, he asked if the Commission could waive Article VI, Section 2, requiring psychological testing for the Fire Staff Technician position, especially since this position is only open to existing volunteer fire fighters. The Commission was not able to waive the Rule for this position, but expressed a willingness to review Article VI at a subsequent meeting if requested.

1. Approval of Eligible List for Fire Staff Technician

Resolution #CSC-2012-01-003

Moved by McGinnis

Seconded by Cannon

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the eligible list for Fire Staff Technician as **PRESENTED**.

Yes: All-3

No: None

MOTION CARRIED

PUBLIC COMMENT:

Ms. Farrell reiterated the position of the TPOA on the matter of the appeal hearing involving Officer Todd Michael. Chairman McGinnis reiterated that the Commission will hear the matter should the Court decide the Commission has jurisdiction.

G. ADJOURNMENT:

The Civil Service Commission (Act 78) meeting **ADJOURNED** at 8:15 AM.

Donald E. McGinnis, Jr., Chairman

Aileen Bittner, City Clerk

A regular meeting of the Liquor Advisory Committee was held on Monday, February 13, 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 6:56 p.m.

ROLL CALL:

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

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

Resolution to Approve Minutes of January 9, 2012 Meeting

Resolution #LC2012-02-004
Moved by Hall
Seconded by Ukraineec

RESOLVED, That the Minutes of the January 9, 2012 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 7
No: 0
Absent: 0

Agenda Items

1. **Marty Martin Enterprises, Inc.** requests to transfer ownership of escrowed 2010 Class C and SDM licensed business with Dance-Entertainment Permit, Food Permit, and 3 Bars Permit from United Bank and Trust; transfer location and governmental unit (MCL 436.1531(1) from 25750 Novi, Suite 104, Novi, MI 48375, Oakland County, to 3651 Rochester Road, Troy, MI 48083, Oakland County {MLCC Req. #625705}. *This is the El Charro Restaurant.*

Present to answer questions from the Committee were attorney Frank Palazzolo and shareholders Donna Martin and Jeff Martin.

Mr. Palazzolo advised the Committee that this is a family-owned business with three other locations in Fraser, Macomb, and St. Clair Shores. Since the business started in 1971, they have received only one sale-to-minor violation. The 3,500 Troy facility seats approximately 90 people. Current management has liquor experience and all employees will be trained on February 23, 2012. There is a drive-up window, but no alcohol sales will be allowed at the window.

Mr. Palazzolo also stated that the Martin family was not interested in the SDM license, the dance-entertainment permit, and the three bars permit.

Sergeant Zielinski stated that the Police Department had nothing to report. The Fire Department inspection approval is still pending.

Resolution #LC2012-02-005

Moved by Ukrainec

Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Marty Martin Enterprises, Inc. to transfer ownership of escrowed 2010 Class C License, Food Permit and Sunday Sales Permit, excluding the SDM licensed business, Dance-Entertainment Permit, and three Bars Permit from United Bank and Trust; transfer location and governmental unit (MCL 436.1531(1) from 25750 Novi, Suite 104, Novi, MI 48375, Oakland County, to 3651 Rochester Road, Troy, MI 48083, Oakland County be **APPROVED**.

Yes: 7
No: 0
Absent: 0

Assistant City Attorney Susan Lancaster informed the Committee that the Michigan Liquor Control Commission issued orders for each of the Smoker's Express violations with graduated penalties. The first violation resulted in a fine and the final violation resulted in the liquor license being revoked for five (5) business days beginning March 9, 2012. The business owner has been ordered by our District Court judge to spend five (5) days in the Oakland County Jail. This sentence must be served sometime within the next 60 days. He was also fined \$2,000 and received a two-year probation.

Mr. Hall questioned Ms. Lancaster about the City's efforts to revoke the liquor license from Smoker's Express. She replied that the Revocation Hearing will be scheduled and the City Attorney will attend.

Ms. Lancaster also advised the Committee that they could recommend to City Council that the City Attorney's Office research the possibility of establishing an Ordinance that will restrict the delivery of beer and wine in Troy. There was a brief discussion on this matter.

The meeting adjourned at 7:25 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

A Meeting of the Civil Service Commission (Act 78) was held Tuesday, February 14, 2012, at Troy City Hall, 500 W. Big Beaver Road in the Lower Level Conference Room. Chairman/President McGinnis called the meeting to order at 7:30 AM.

A. ROLL CALL:

PRESENT: Chairman/President Donald E. McGinnis, Jr.
Commissioner David Cannon
Commissioner John Steele

ALSO PRESENT: Lori Grigg Bluhm, City Attorney
Peggy Sears, Human Resources Director
M. Aileen Bittner, City Clerk
Gary Mayer, Police Chief
George Zielinski, Police Sergeant
Jeanette Menig, Human Resources Specialist

B. APPROVAL OF MINUTES:

1. Approval of Minutes of Thursday, January 19, 2012

Resolution #CSC-2012-02-004
Moved by Steele
Seconded by Cannon

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **APPROVES** the Minutes of the Thursday, January 19, 2012 meeting as presented.

Yes: All-3
No: None

MOTION CARRIED

C. PETITIONS AND COMMUNICATIONS: None

D. REPORTS: None

E. OLD BUSINESS: None

F. NEW BUSINESS:

1. Approval of Eligible List for Police Sergeant

Suggested Resolution
Resolution #CSC-2012-02-005
Moved by Cannon
Seconded by Steele

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the eligible list for Police Sergeant as **PRESENTED**.

Yes: All-3
No: None

MOTION CARRIED

Chairman McGinnis requested a brief synopsis from Chief Mayer of the process involved in testing and promoting within the Police Department.

PUBLIC COMMENT: None

G. ADJOURNMENT:

The Civil Service Commission (Act 78) meeting **ADJOURNED** at 7:39 AM.

Donald E. McGinnis, Jr., Chairman

Aileen Bittner, City Clerk



CITY COUNCIL AGENDA ITEM

February 14, 2012

TO: John Szerlag, City Manager
 FROM: Susan A. Leirstein, Purchasing Director
 SUBJECT: Final Reporting – BidNet On-Line Auction Services – January 2012

Background

Resolution #2004-02-075 established the auction fee of 5% and provided approval to use BidCorp with the provision that other on-line auction service options would be considered. BidNet moved forward and implemented an on-line surplus auction service for the MITN System (Michigan Inter-governmental Trade Network), which can be accessed through the City of Troy home web page. MITN is the official e-procurement website used by the City for posting bids, tabulations, quotations, and award information. Farmington Hills, Michigan was the lead agency for the bid process for an on-line auction website. It was a Purchasing goal to have one e-procurement website operational for all functions.

In compliance with Resolution #2004-02-075, final reporting is being presented for, one (1) 1989 Spartan Darley Pumper auctioned on-line through BidNet, the City's e-procurement website, from January 1, 2012 and closed by January 13, 2012.

The sale of surplus property is a statutory requirement of the Purchasing Department. (Chapter 7, Sec 8)

Recommendation

This agenda item reports final results of January 2012 auctions to City management. No action is required.

Funding Considerations -

Final sale amounts and fees are listed below:

DESCRIPTION	PROCEEDS	NET INCOME
1989 Spartan Darley Pumper	\$ 5,609.00	
	FEES:	
5% Fee	(\$ 280.45)	
Sales Tax (None on Vehicle): Tax Exempt.	\$ 0.00	
		\$ 5,328.55

G:\Purchasing\Auction - Reports\ Report - Auction Report - BidNet - January 2012 - Miscellaneous.doc

[Auctions](#)[National Auctions](#)[Auctions Main Menu](#)[HELP/FAQ](#)[Contact Support](#)[Admin Menu](#)**Report For The City Of Troy, MI****Detailed Report For Seller: ALL****Reported On 2/14/2012****From: 1/1/2012 To: 1/31/2012**

<u>Item ID</u>	<u>Date</u>	<u>Sale Amount</u>	<u>Tax Collected</u>	<u>Charge</u>	<u>Type of Fee</u>	<u>Auction Description</u>	<u>Seller</u>
10681	1/13/2012	5,609.00	280.45	280.45	Sale	1989 Spartan Darley Pumper	Hullinger

<u>Total Sales Amount</u>	<u>Total Tax Collected</u>	<u>Total Amount Charged</u>	<u>Total Payments</u>	<u>Total Balance Due for the selected date range</u>	<u>Total Balance Due</u>
\$5,609.00	\$280.45	\$280.45	\$0.00	\$280.45	\$516.28

[Return to Reports Menu](#)

INVOICE FOR SURPLUS AUCTIONS

Date: 1/31/2012

Invoice #: IN00000001095

To: City of Troy
Purchasing Department
500 West Big Beaver
Troy, MI 48084

Remit To: IPT by BidNet
PO Box 534686
Atlanta, GA 30353-4686

Service fees for auctions completed in January 12

\$ 280.45

Total Due: \$ 280.45

City of Troy Contact:

Susan Leirstein
(P) 248-524-3338
(F) 248-619-7608
(E) purchasing@troymi.gov

BidNet Contact for Questions:

Janine Rossi
(P) 800-835-4603
(F) 800-721-6985
(E) jrossi@bidnet.com

PAYABLE UPON RECEIPT



CITY COUNCIL AGENDA ITEM

February 14, 2012

TO: John Szerlag, City Manager

FROM: Susan A. Leirstein, Purchasing Director

SUBJECT: Final Reporting – Greater Detroit Auto Auction Services – Auctions for calendar year 2011

Background

Resolution #2010-09-193-J-6 provided approval to use Greater Detroit Auto Auction with the provision that the MITN surplus action website would continue to serve as a viable option when in the City's best interest. The resolution established a set flat fee schedule based on vehicle sales and towing. The flat fee schedule rate for a vehicle that sells for less than \$10,000.00 is \$85.00 sales fee and \$90.00 towing fee (if needed).

Final reporting is being presented for the following vehicles and heavy equipment auctioned through Greater Detroit Auto Auction from January 1, 2011 – December 31, 2011:

NOTE: all individual items sold for less than \$10,000 each.

Description:	Disposal Date
2002 Ford Explorer 4WD	2/05/2011
2007 Chevrolet 1/2 Ton; 2001 Dodge Dakota; 2000 Chevrolet Cargo Van; 1969 Ford Tractor; 2004 Pontiac Grand Prix	3/26/2011
2004 Ford Exploxer 4WD	4/02/2011
1993 Thomas Saftliner Bus; 1998 Silva Tri-Axle Trailer; 1997 John Deere Mower 1145; 1999 John Deere Mower 1145; 2007 Ford Crown Vic	5/14/2011
1977 Lafrance Tele Squirt; 2007 Ford Crown Vic; 2008 Ford Crown Vic	6/04/2011
1977 Case Tractor	6/18/2011
1978 GMC RTS 2 BUS	7/02/2011
1999 GMC Cargo Van; 2003 Chevrolet Van 8 PSG	7/09/2011
2001 Chrysler Sebring; 2002 Dodge Stratus; 2007 Ford Expedition 4WD	8/27/2011
2000 Chevrolet Malibu; 2002 Chrysler Sebring	9/10/2011
2003 Chevrolet Van 8 PSG; 1999 GMC Cargo Van; 2005 Chevrolet 1/2 Ton; 1994 Ford 12-Yard Dump; 2007 Ford Crown Vic; 2004 Ford Crown Vic	10/29/2011
2002 Pontiac Grand Prix; 2006 Nissan Altima	11/05/2011
2003 Chevrolet Tahoe; 2007 Chevrolet 1/2 Ton	11/12/2011
2003 Dodge 1/2 Ton	12/10/2011

The sale of surplus property is a statutory requirement of the Purchasing Department. (Chapter 7, Sec 8)

Recommendation

This agenda item reports final result of the January 1, 2011 – December 31, 2011 auctions provided through Greater Detroit Auto Auction to City management. No action is required.



CITY COUNCIL AGENDA ITEM

February 14, 2012

To: John Szerlag, City Manager

Re: Final Reporting – Greater Detroit Auto Auction Services – Auctions for calendar year 2011

Funding Considerations -

Final sale amounts and fees are listed below:

DESCRIPTION	PROCEEDS	NET INCOME
Vehicles, Tractors, Trailers, Mowers, Fire Apparatus, etc.	\$192,200.00	
	FEES:	
Auction Fee: Sales Fee Only	(\$ 595.00)	
Sales Fee and Towing	(\$ 5,075.00)	
Sales Tax (None on Vehicle): Tax Exempt.	\$ 0.00	
		\$ 186,530.00

G:\Purchasing\Auction - Reports\ Report - Auction Report – Greater Detroit Auction – February 2012 – Vehicles.com

City of Troy Vehicle Disposal Report

1/31/2012 2:11 PM

Vehicles Disposed By: GREATER DETROIT AUTO AUCTION LLC

1/1/2011 - 1/1/2012

Number	Year	Make	Model	Serial Number	Disposal Date	Disposal Status	Auction Price	Auction Fee	Total
0003	1978	GMC	RTS 2 BUS	TH8203091	7/2/2011	A	2,000.00	85.00	1,915.00
0019	1977	LAFRANCE	TELE SQUIRT	CE144963	6/4/2011	A	8,500.00	85.00	8,415.00
0062	2003	CHEV	TAHOE	1GNEK13V23J281978	11/12/2011	A	7,000.00	175.00	6,825.00
0077	2002	FORD	EXPLORER 4WD	1FMZU73E72ZA73632	2/5/2011	A	6,200.00	175.00	6,025.00
0177	2000	CHEV	MALIBU	1G1ND52J9Y6265711	9/10/2011	A	5,200.00	175.00	5,025.00
0179	2002	CHRYSLER	SEBRING	1C3EL46RX2N297864	9/10/2011	A	4,850.00	175.00	4,675.00
0183	2003	CHEV	VAN 8 PSG	1GNDX03E33D245285	10/29/2011	A	3,900.00	175.00	3,725.00
0204	1993	THOMAS	SAFTLINER	1T75U2B29P1117376	5/14/2011	A	7,700.00	85.00	7,615.00
0214	2007	CHEV	1/2 TON	1GCEC19C87Z587151	3/26/2011	A	9,100.00	175.00	8,925.00
0243	2001	DODGE	DAKOTA	1B7GL22X81S322144	3/26/2011	A	4,500.00	175.00	4,325.00
0245	1999	GMC	VAN CARGO	1GTGG25R1X1151284	7/9/2011	A	4,100.00	175.00	3,925.00
0253	1999	GMC	VAN CARGO	1GTGG25R1X1149440	10/29/2011	A	4,000.00	175.00	3,825.00
0256	2000	CHEV	VAN CARGO	1GCHG35R2Y1239059	3/26/2011	A	5,700.00	175.00	5,525.00
0269	2005	CHEV	1/2 TON	1GCEC14V25Z275140	10/29/2011	A	4,100.00	175.00	3,925.00
0329	1998	SILVA	TRI AX. TRAILER	1S9FS2033W1184046	5/14/2011	A	1,900.00	85.00	1,815.00
0434	1994	FORD	12-YD. DUMP -	1FDZV90L4RVA10583	10/29/2011	A	7,500.00	85.00	7,415.00
0620	1997	JOHN DEERE	MOWER 1145	M01145X170286	5/14/2011	A	3,000.00	85.00	2,915.00
0628	1999	JOHN DEERE	MOWER 1145	MO1145X181032	5/14/2011	A	3,700.00	85.00	3,615.00

Credited to Account Number 661.000.4693.100

Prepared by: Samuel P. Lamerato, CPFP - Superintendent of Fleet

City of Troy Vehicle Disposal Report

1/31/2012 2:11 PM

Vehicles Disposed By: GREATER DETROIT AUTO AUCTION LLC

1/1/2011 - 1/1/2012									
0642	1969	FORD	TRACTOR	C244599	3/26/2011	A	3,000.00	175.00	2,825.00
0645	1977	CASE	TRACTOR	88513111001122	6/18/2011	A	4,300.00	175.00	4,125.00
0805	2003	DODGE	1/2 TON	1D7HU18N43J642223	12/10/2011	A	7,750.00	175.00	7,575.00
0806	2007	CHEV	1/2 TON	1GCEK19JX7E547453	11/12/2011	A	9,800.00	175.00	9,625.00
0821	2001	CHRYSLER	SEBRING	1C3EL46U11N660426	8/27/2011	A	4,400.00	175.00	4,225.00
0826	2002	DODGE	STRATUS	1B3EL46R72N288908	8/27/2011	A	4,400.00	175.00	4,225.00
0831	2002	PONTIAC	GRAND PRIX	1G2WP52K92F251119	11/5/2011	A	3,950.00	175.00	3,775.00
0836	2003	CHEV	VAN 8 PSG	1GNEL19XX3B145419	7/9/2011	A	4,050.00	175.00	3,875.00
0841	2004	PONTIAC	GRAND PRIX	2G2WS522X41350783	3/26/2011	A	6,700.00	175.00	6,525.00
0898	2006	NISSAN	ALTIMA	1N4AL11D56N373085	11/5/2011	A	6,600.00	175.00	6,425.00
0902	2007	FORD	EXPEDITION 4WD	1FMFU16557LA67916	8/27/2011	A	9,000.00	175.00	8,825.00
0903	2007	FORD	CROWN VICT	2FAHP71W37X145545	5/14/2011	A	4,900.00	175.00	4,725.00
0904	2007	FORD	CROWN VICT	2FAHP71W57X145546	10/29/2011	A	7,100.00	175.00	6,925.00
0911	2007	FORD	CROWN VICT	2FAHP71WX7X145543	6/4/2011	A	4,400.00	175.00	4,225.00
0915	2008	FORD	CROWN VICT	2FAHP71V28X132360	6/4/2011	A	5,200.00	175.00	5,025.00
0977	2004	FORD	EXPLORER 4WD	1FMZU73K04UB44837	4/2/2011	A	7,000.00	175.00	6,825.00
0986	2004	FORD	CROWN VICT	2FAFP71W24X149380	10/29/2011	A	3,300.00	175.00	3,125.00

Credited to Account Number 661.000.4693.100

Prepared by: Samuel P. Lamerato, CFP - Superintendent of Fleet

**City of Troy
Vehicle Disposal Report**

1/31/2012 2:11 PM

Vehicles Disposed By: GREATER DETROIT AUTO AUCTION LLC

				1/1/2011 - 1/1/2012						
0987	2005	FORD	CROWN VICT	2FAHP71W85X156537	10/29/2011	A	3,400.00	175.00	3,225.00	
							Subtotals:	192,200.00	5,670.00	186,530.00
							Total income from sale of auction vehicles:			186,530.00
										0

Credited to Account Number 661.000.4693.100

Prepared by: Samuel P. Lamerato, CPFP - Superintendent of Fleet



CITY COUNCIL AGENDA ITEM

Date: February 6, 2012

To: John Szerlag, City Manager 

From: Thomas E. Darling, Acting Director Finance & Administrative Services 

Subject: December 31, 2011 – Quarterly Financial Report

Background

Section 8.6 of the City Charter requires a quarterly financial report to be provided to City Council.

Financial Considerations

The quarterly report provides City Council with a financial progress to date and comparison to the annual budget and prior year amounts.

CITY OF TROY
QUARTERLY REPORT
SIX MONTHS ENDED DECEMBER 31, 2011

General Fund

Revenues are down \$4.4 million compared to the same period in the prior year. This decrease is due primarily from the decrease in taxes of \$2.2 million and a decrease from operating transfers due to decreased activity in Major and Local Street expenditures.

Total revenue as a percentage of total budgeted revenue is 69.11%. This percentage is slightly down compared to the prior year of 73.59% for the same time period.

General Fund expenditures are down \$3.2 million compared to the same period in the prior year. This decrease is primarily due to a decrease in police of \$881 thousand, administration of \$275 thousand and the library/museum of \$962 thousand which is now accounted for as a special revenue fund.

Total expenditures to date are \$23.2 million and represent 42.13% of the City's total annual budgeted expenditures of \$55.17 million. This percentage is slightly down compared to the same time period in the prior year of 45.68%.

DDA Fund

Revenues are down \$1.1 million due to the decrease in taxes.

Expenditures are up \$170 thousand due to tax refunds of \$204 thousand.

Capital Fund

Capital fund revenues down \$467 thousand compared to prior year due to a decrease in tax revenues. Total capital expenditures are \$5.8 million and in line with prior year amounts for the same time period.

Golf Courses

Sanctuary Lake is showing positive cash flows of \$33.5 thousand before principal and interest payments of \$649 thousand.

Sylvan Glen has positive cash flows of \$115 thousand to date.

Aquatic Center

Aquatic Center revenues are up \$27 thousand compared to prior year. Expenditures are down \$38 thousand for the same period. Year to date net shortfall is \$25 thousand.

Water and Sewer Fund

Sewer fund revenues are up \$146 thousand compared to prior year for this time period. Sewer fund expenditures are down \$88 thousand respectively. It should be noted that unbilled accounts receivable (amount expected to be billed for usage since last quarterly billing) are not recognized until year end.

Water fund revenues are up \$468 thousand compared to this time last year. Water fund expenditures are down \$122 thousand. It should be noted that unbilled accounts receivable (amount expected to be billed for usage since last quarterly billing) are not recognized until year end.



**Quarterly Financial Report
General Fund
For the Period Ending December 31, 2011**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
General Fund Revenues					
TAXES	32,550,859	30,163,000	-11	30,030,803	99.56
LICENSES AND PERMITS - BUSINESS	46,763	47,700	10,225	17,838	37.40
LICENSES AND PERMITS - NON-BUSINESS	1,212,983	1,452,500	87,206	708,153	48.75
FEDERAL GRANTS	531,619	12,000	511,225	511,225	4260.21
STATE GRANTS	5,776,779	5,302,300	10,720	1,140,823	21.52
CONTRIBUTIONS FROM LOCAL UNITS	122,981	15,000	0	7,924	52.83
CHARGES FOR SERVICES - FEES	1,624,906	1,519,000	31,629	427,248	28.13
CHARGES FOR SERVICES - RENDERED	2,059,437	2,057,191	94,528	382,666	18.60
CHARGES FOR SERVICES - SALES	155,064	100,800	4,152	38,961	38.65
CHARGES FOR SERVICES - REC	3,176,800	2,633,000	211,007	1,383,909	52.56
FINES AND FORFEITURES	1,277,706	1,052,000	279,266	622,771	59.20
INTEREST & RENT	1,079,877	1,074,340	112,371	500,619	46.60
OTHER REVENUE	818,976	695,500	198,396	375,135	53.94
OTHER FINANCING SOURCES	5,475,679	9,044,640	721,203	1,977,891	21.87
	55,910,428	55,168,971	2,271,918	38,125,964	69.11
General Fund Expenditures					
FINANCE	3,064,530	2,732,875	378,547	1,465,462	53.62
POLICE	24,718,979	27,873,319	2,590,383	11,186,325	40.13
FIRE	4,038,501	4,214,198	278,857	2,271,405	53.90
BUILDING INSPECTION	1,141,422	1,198,914	239	393,283	32.80
ENGINEERING	1,756,489	1,949,125	182,379	860,402	44.14
STREETS AND DRAINS	4,799,035	5,918,924	407,296	1,949,243	32.93
OTHER GENERAL GOVERNMENT	1,909,534	1,806,893	232,658	795,862	44.05
COUNCIL/EXEC ADMINISTRATION	3,199,439	3,262,352	312,972	1,234,150	37.83
PARKS AND RECREATION	6,775,051	6,139,412	670,901	2,945,683	47.98
LIBRARY/MUSEUM	2,288,354	72,960	117,615	138,344	189.62
	53,691,332	55,168,971	5,171,847	23,240,158	42.13



**Quarterly Financial Report
Refuse Fund
For the Period Ending December 31, 2011**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Refuse Fund Revenues					
TAXES	4,057,573	4,140,180	0	4,197,385	101.38
CHARGES FOR SERVICES - SALES	4,860	4,500	318	2,812	62.49
INTEREST & RENT	10,210	8,000	1,175	9,848	123.10
	4,072,643	4,152,680	1,493	4,210,045	101.38
Refuse Fund Expenditures					
CONTRACTORS SERVICE	3,898,707	4,011,000	336,029	1,838,128	45.83
OTHER REFUSE EXPENDITURE	104,265	59,076	13,816	29,038	49.15
RECYCLING	107,014	82,604	4,574	26,749	32.38
	4,109,985	4,152,680	354,419	1,893,915	45.61



**Quarterly Financial Report
Downtown Dev Authority Fund
For the Period Ending December 31, 2011**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Downtown Dev Authority Fund Revenues					
TAXES	2,110,801	1,123,300	0	1,123,333	100.00
INTEREST & RENT	53,357	45,000	1,772	14,851	33.00
OTHER FINANCING SOURCES	0	2,682,720	0	0	0.00
	2,164,157	3,851,020	1,772	1,138,184	29.56
Downtown Dev Authority Fund Expenditures					
OTHER GENERAL GOVERNMENT	572,330	150,000	36	238,545	159.03
TRANSFERS OUT	3,183,886	3,701,020	64,500	2,880,230	77.82
	3,756,216	3,851,020	64,536	3,118,775	80.99



**Quarterly Financial Report
Library Fund
For the Period Ending December 31, 2011**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Library Fund Revenues					
TAXES	0	3,060,593	0	3,060,593	100.00
STATE GRANTS	0	15,271	0	15,272	100.01
CONTRIBUTIONS FROM LOCAL UNITS	0	99,360	0	0	0.00
CHARGES FOR SERVICES-FEES	0	14,800	222	5,362	36.23
CHARGES FOR SERVICES-RENDERED	0	18,250	1,135	1,135	6.22
CHARGES FOR SERVICES-SALES	0	900	8	8	0.89
FINES AND FORFEITURES	0	105,000	6,141	34,807	33.15
INTEREST AND RENT	0	15,300	1,218	5,001	32.69
OTHER REVENUE	0	1,600	3,119	3,357	209.82
		3,331,074	11,843	3,125,535	93.83
Library Fund Expenditures					
LIBRARY	0	2,973,495	341,574	991,993	33.36
		2,973,495	341,574	991,993	33.36



**Quarterly Financial Report
Capital Fund
For the Period Ending December 31, 2011**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Capital Fund Revenues					
TAXES	7,137,343	6,591,000	0	6,689,582	101.50
FEDERAL GRANTS	0	1,146,100	0	0	0.00
STATE GRANTS	1,491,214	9,587,500	0	0	0.00
CONTRIBUTIONS FROM LOCAL UNITS	307,418	200,000	0	0	0.00
CHARGES FOR SERVICES - FEES	143,257	136,000	0	37,519	27.59
CHARGES FOR SERVICES - RENDERED	313,073	152,000	299	3,025	1.99
FINES AND FORFEITURES	0	220,000	0	0	0.00
INTEREST & RENT	130,822	127,200	6,224	48,155	37.86
OTHER REVENUE	117,020	0	0	753	0.00
OTHER FINANCING SOURCES	1,000,000	6,974,360	535,566	810,566	11.62
	10,640,145	25,134,160	542,089	7,589,601	30.20
Capital Fund Expenditures					
FINANCE	59,829	0	0	0	0.00
TRANSFERS OUT	34,905	1,584,430	10,000	31,108	1.96
OTHER GENERAL GOVERNMENT	548,512	10,073,300	174,854	474,026	4.71
POLICE	203,709	567,600	0	3,373	0.59
FIRE	50,416	1,265,000	52,078	1,138,176	89.97
STREETS AND DRAINS	13,212,537	11,298,580	571,188	4,032,727	35.69
COUNCIL/EXEC ADMINISTRATION	59,495	50,000	0	0	0.00
PARKS AND RECREATION	31,854	139,000	-3,083	10,410	7.49
LIBRARY/MUSEUM	337,137	156,250	169,886	260,566	166.76
	14,538,394	25,134,160	974,922	5,950,386	23.67



**Quarterly Financial Report
Sanctuary Lake Golf Course
For the Period Ending December 31, 2011**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Sanctuary Lake Golf Course Revenues					
CHARGES FOR SERVICES - SERVICES	0	0	0	0	0.00
CHARGES FOR SERVICES - SALES	59,116	191,666	284	112,721	58.81
CHARGES FOR SERVICES - REC	875,374	1,105,755	1,515	584,561	52.87
INTEREST & RENT	6,285	0	0	0	0.00
OTHER REVENUE	0	0	0	0	0.00
	940,774	1,297,421	1,799	697,282	53.74
Sanctuary Lake Golf Course Expenditures					
SANCTUARY LAKE GREENS	1,005,774	1,246,420	180,541	663,783	53.26
SANCTUARY LAKE PRO SHOP	517,843	887,680	138	648,959	73.11
SANCTUARY LAKE CAPITAL	0	48,000	0	0	0.00
	1,523,616	2,182,100	180,679	1,312,742	60.16



**Quarterly Financial Report
Sylvan Glen Golf Course
For the Period Ending December 31, 2011**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Sylvan Glen Golf Course Revenues					
CHARGES FOR SERVICES - SERVICES	0	0	0	0	0.00
CHARGES FOR SERVICES - SALES	27,143	59,285	491	19,517	32.92
CHARGES FOR SERVICES - REC	818,153	1,001,838	3,316	532,940	53.20
INTEREST & RENT	190,420	169,200	6,369	129,850	76.74
OTHER FINANCING SOURCES	0	651,657	0	0	0.00
	1,035,716	1,881,980	10,175	682,307	36.25
Sylvan Glen Golf Course Expenditures					
SYLVAN GLEN GREENS	1,006,429	1,055,114	110,533	504,720	47.84
SYLVAN GLEN PRO SHOP	14,991	34,000	7,530	21,946	64.55
SYLVAN GLEN CAPITAL	0	831,400	6,772	40,125	4.83
	1,021,421	1,920,514	124,834	566,790	29.51



**Quarterly Financial Report
Aquatic Center Fund
For the Period Ending December 31, 2011**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Aquatic Center Fund Revenues					
CHARGES FOR SERVICES - REC	466,499	467,000	2,587	264,245	56.58
INTEREST & RENT	37,185	30,400	0	19,032	62.61
OTHER REVENUE	0	0	0	-19	0.00
	503,684	497,400	2,587	283,258	56.95
Aquatic Center Fund Expenditures					
AQUATIC CENTER	566,182	579,044	100,141	308,203	53.23
CAPITAL	0	32,000	0	0	0.00
	566,182	611,044	100,141	308,203	50.44



**Quarterly Financial Report
Sewer Fund
For the Period Ending December 31, 2011**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Sewer Fund Revenues					
CHARGES FOR SERVICES - FEES	82,841	100,000	800	32,343	32.34
CHARGES FOR SERVICES - RENDERED	11,834,335	11,900,000	-1,446,852	4,933,151	41.46
INTEREST & RENT	208,430	175,000	11,621	84,020	48.01
OTHER REVENUE	140,494	0	0	0	0.00
	12,266,100	12,175,000	-1,434,431	5,049,514	41.47
Sewer Fund Expenditures					
COST OF SALES AND SERVICES	7,962,198	8,100,000	974,873	3,969,413	49.01
ADMINISTRATION	1,799,248	1,715,697	645,867	797,916	46.51
CAPITAL	0	1,788,000	125,693	198,561	11.11
MAINTENANCE	624,059	987,837	71,709	330,287	33.44
TRANSFERS OUT	492,020	652,820	90,273	253,478	38.83
	10,877,525	13,244,354	1,908,415	5,549,655	41.90



**Quarterly Financial Report
Water Fund
For the Period Ending December 31, 2011**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Water Fund Revenues					
CHARGES FOR SERVICES - FEES	580,670	610,000	64,861	336,405	55.15
CHARGES FOR SERVICES - RENDERED	38,630	47,600	8,542	35,417	74.41
CHARGES FOR SERVICES - SALES	13,517,973	13,795,000	-1,651,408	5,856,301	42.45
INTEREST & RENT	166,632	123,000	8,333	62,099	50.49
OTHER REVENUE	81,067	0	0	0	0.00
	14,384,972	14,575,600	-1,569,672	6,290,221	43.16
Water Fund Expenditures					
TRANS AND DISTRIBUTION	143,272	365,687	29,255	78,508	21.47
CUSTOMER INSTALLATION	97,095	104,305	11,781	51,361	49.24
CONTRACTORS SERVICE	149,771	201,422	11,245	70,910	35.20
MAIN TESTING	19,288	68,941	2,612	18,769	27.22
MAINTENANCE OF MAINS	389,955	516,984	30,958	149,839	28.98
MAINTENANCE OF SERVICES	193,868	300,732	10,885	105,055	34.93
MAINTENANCE OF METERS	656,996	711,464	42,670	211,687	29.75
MAINTENANCE OF HYDRANTS	222,128	374,176	11,991	140,214	37.47
WATER METERS & TAP-INS	254,127	352,533	11,556	54,320	15.41
COST OF SALES AND SERVICES	7,302,189	8,200,000	622,807	3,450,318	42.08
ADMINISTRATION	2,849,259	2,734,959	1,203,742	1,526,386	55.81
CAPITAL	0	5,110,000	48,461	1,388,063	27.16
WATER METER READING	44,734	74,123	5,148	30,002	40.48
ACCOUNTING & COLLECTING	87,017	95,728	16,673	82,378	86.05
	12,409,699	19,211,054	2,059,783	7,357,808	38.30



**Quarterly Financial Report
Motor Pool
For the Period Ending December 31, 2011**

Description	Last Year Actual	Current Year Budget	Current Month	Year to Date	%
Motor Pool Revenues					
CHARGES FOR SERVICES	38,975	30,000	2,058	10,680	35.60
CHARGES FOR SERVICES - RENDERED	85,498	127,100	4,215	35,721	28.10
INTEREST & RENT	3,158,676	3,383,800	232,167	1,577,185	46.61
OTHER REVENUE	427,484	491,500	29,330	196,946	40.07
OTHER FINANCING SOURCES	0	2,120,733	0	0	0.00
	3,710,632	6,153,133	267,771	1,820,531	29.59
Motor Pool Expenditures					
ADMINISTRATION	736,735	699,876	52,338	224,437	32.07
OPERATION AND MAINTENANCE	2,892,896	3,509,956	609,213	1,306,052	37.21
DPW FACILITY MAINTENANCE	283,144	351,100	45,036	133,345	37.98
CAPITAL	0	1,472,200	0	190,384	12.93
	3,912,775	6,033,132	706,587	1,854,218	30.73

CITY OF TROY
SCHEDULE OF CASH AND INVESTMENTS
December 31, 2011

Account Name	Financial Institution	Bank Acct #	Balance per Books
Trust & Agency Fund	Fifth-Third	7509286493	\$12,531,693.10
DDA	Fifth-Third	7910708978	\$922,241.26
DDA	Fifth-Third	7910708960	\$464,459.26
DDA	Bank of NY Mellon	677706	\$2,408,327.08
Budget Stabilization	Fifth-Third	7914159327	\$1,006,117.69
Sewer	Citizen's	4534344108	\$505,161.65
Budget Stabilization	Citizen's	4534344116	\$1,121,951.95
Special Assessment	Chase	080/498001980	\$1,518,065.93
Sewer	Citizen's	4534910825	\$30,029.56
Sewer	Citizen's	453491833	\$30,029.56
Sewer	Citizen's	4534910841	\$30,029.56
Sewer	Citizen's	4534910858	\$30,029.56
Sewer	Citizen's	4534910866	\$30,029.56
Sewer	Citizen's	45349110874	\$50,049.27
Water	Fifth-Third	069-038407	\$4,011,075.07
Water	Citizen's	4534344124	\$1,071,122.77
Water	Citizen's	4534344132	\$2,109,453.09
Water	Citizen's	4532477975	\$166,286.74
Water	Comerica	1852675147	\$2,155,388.65
Water	PNC	22013294019	\$1,656,697.90
Water	Huntington Bank	7382369996	\$181,694.14
Pooled Fund	Fifth-Third	7509286444	\$29,516,268.16
Pooled Fund	Merrill Lynch	689-04400	\$4,908,555.64
Pooled Fund	MBIA-Class	MI-01-0290-0001	\$1,691,639.29
Pooled Fund	Huntington Bank	1381713471	\$602,546.56
Pooled Fund	Citizen's	4529403653	\$1,660,357.54
Pooled Fund	Citizen's	4534344207	\$2,013,507.96
Pooled Fund	Citizen's	4534344215	\$2,013,466.58
Pooled Fund	Fifth-Third	7910707129	\$10,156.78
Pooled Fund	Ambassador	258-1125800171	\$1,001,407.78
Pooled Fund	PNC-Securities	3670000431	\$1,173,900.07
Pooled Fund	The Private Bank	501003	\$1,074,013.66
Pooled Fund	The Private Bank	568100	\$2,132,498.10
Pooled Fund	Charter One	451496-127-1	\$6,113,878.81
Pooled Fund	Citizen's	4535225116	\$1,005,106.07
Pooled Fund	Citizen's	4535225124	\$1,242,076.55
Pooled Fund	Citizen's	4535721817	\$1,232,861.69
Pooled Fund	Flagstar	1012679617	\$3,690,678.79
Pooled Fund	Citizen's	4535721908	\$2,126,331.14
Pooled Fund	Citizen's	4535721890	\$1,432,067.19
Pooled Fund	Bank of Michigan	110000654	\$204,009.55
Pooled Fund	Comerica	1852675154	\$3,178,612.69
Pooled Fund	The Private Bank	503615	\$1,730,139.50
Pooled Fund	Huntington Bank	7382364496	\$1,110,581.47
Pooled Fund	Citibank/Smith Barney	597-90703-14 526	\$2,032,425.89
Pooled Fund	Morgan Stanley/CSB	213-76315-17 211	\$1,003,462.89
Pooled Fund	Fifth-Third	069-005851	\$27,182,811.31
Total Deposits			\$133,113,294.99



CITY COUNCIL AGENDA ITEM

Date: February 14, 2012

To: Mayor and City Council

From: John Szerlag, City Manager
Mark F. Miller, Director of Economic and Community Development
Cindy Stewart, Community Affairs Director
Nino Licari, City Assessor
Glenn Lapin, Economic Development Specialist

Subject: Tax Abatement Policy

Per the request of Mayor Janice Daniels, information regarding Troy's current policy on tax abatement is being provided to all City Council. Attached is a copy of the City of Troy P.A. 198 Industrial Facilities Tax Exemption (Tax Abatement) Guidelines along with a list of current program participants.

The State of Michigan's Public Act 198 of 1974, the Industrial Facilities Tax Exemption Act, is one of the oldest and most widely used tax incentive programs in Michigan. Prompted by declining investment in industrial facilities through the 1960's, P.A. 198 was passed in an effort to help retain the State's manufacturing jobs and encourage new investment.

P.A. 198 is the only locally approved Troy tax abatement program currently in place. The program objective is to increase employment opportunities, diversify and stabilize the tax base, reduce economic obsolescence, provide homogeneous industrial areas, encourage expansion, provide for improved public facilities, encourage attractive and viable building sites, and enhance our economic development tools to attract and retain businesses.

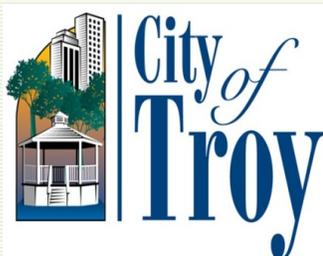
PA 198 allows companies to receive approximately a 50% reduction in their anticipated new real or personal property tax liability for up to 12 years based upon the locally established criteria. The applicant must meet two of the three following criteria: 1) will create more than 10 jobs; 2) has a real and/or personal property investment of at least \$750,000; 3) owns the underlying real property or has a lease for the underlying property for a minimum term of 5 years. The Application fee is 2% of the estimated personal property taxes abated or the actual cost of processing the application, whichever is less. Two years after the December 31 abatement approval, the applicant will supply the City Assessor with a letter confirming that purchases, employment numbers, and/or renovations are complete. If the figures have not been reached, the abatement may be cancelled or reduced.

In summary, tax incentives/abatements have been used extensively throughout Michigan and the U.S. to help level the playing field for business site decisions. Many companies use consultants to facilitate the tax abatement request. The P.A. 198 Industrial Facilities Tax Exemption is currently offered in Troy. Each request for abatement through P.A. 198 comes before City Council for approval or denial.

*City of Troy
Tax Abatement
Statement of
Purpose*

WHEREAS, The City of Troy has the economic objective of:

- increasing employment opportunities,
- diversifying and stabilizing the tax base of the community,
- reducing economic obsolescence,
- providing homogenous industrial areas,
- encouraging expansion,
- providing for improved public facilities,
- encouraging attractive, viable building sites and
- enhancing our economic development tools to attract and retain businesses



CITY OF TROY P.A. 198 INDUSTRIAL FACILITIES TAX EXEMPTION (TAX ABATEMENT) GUIDELINES

A company that is in the planning phase of a major business attraction or expansion project that will include a capital investment in real and/or personal property may be eligible for a P.A. 198 Industrial Facilities Tax Exemption (tax abatement). Established by the State of Michigan, P.A. 198 tax exemptions allow companies to receive approximately a 50% reduction in their anticipated new real or personal property tax liability. Troy City Council has adopted the following criteria to establish eligible applications for consideration of a real and/or personal property tax abatement.

POLICY ELIGIBILITY CRITERIA:

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

APPLICATION PROCESS:

Once a company has determined that it meets the minimum criteria for consideration of a tax abatement, then a company may begin the process of formally applying for the IFEC. The process is as follows:

1. Letter of Intent submitted on Applicant's letterhead to the City Assessor (purchases made after the Letter of Intent is submitted may then be eligible for Tax Abatement. No purchases made before the submittal are eligible).
2. Complete Michigan Department of Treasury Form 1012 (Rev 4-06)
 - Include with the form:
 - a. Detailed list of personal property to be purchased including anticipated dates of purchase and cost
 - b. Cost Sheet for anticipated improvements in real property
 - c. Lease Agreement showing building terms and applicants' tax liability (if applicable)
3. Submit application and attachments to City Assessor
4. City Council Public Hearings are scheduled
5. City Council establishment of the District and approval of the IFEC
6. Resolution submitted to State Tax Commission for final approval and issuance of certificates
7. December 31st of the year the certificate is awarded – the projected investment must be complete within two years.

LENGTH OF THE TAX ABATEMENT:

Troy City Council has approved the use of the following matrix to calculate the length of an IFEC tax abatement, where the increase in the number of jobs created will increase the term of the IFEC abatement, and similarly the increase in the personal property investment and the ownership/lease conditions on the real property will increase the term of the IFEC abatement:

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

Must meet two of the three criteria

Example:

Company A is planning to lease R&D space for their new high tech facility. The company will sign a 5 year lease and will purchase \$4 million in new equipment and computers. The company will create 100 jobs with this investment.

Therefore, the company would be eligible to receive:

4 years – (jobs created) **PLUS**

1 year – (building terms) **PLUS**

2 years – (personal property investment)

7 years total for personal property tax abatement

TAX ABATEMENT APPLICATION FEE:

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

REQUIREMENTS AFTER TAX ABATEMENT IS APPROVED:

By the December 31 date that is 2 years after the December 31 of the year that the abatement is approved, the applicant will supply the City Assessor with a Letter confirming that the purchases, employment numbers, and/or renovations are complete. If these figures have not been reached, a letter of explanation must be submitted to the City Assessor, for review by City Council, which may then cancel the abatement, or offer a new abatement with reduced values and years.

For assistance with your business attraction and retention needs, please contact the City Manager's Office at 248.524.3330. For assistance with the IFEC process and application, please contact the City Assessor's Office at 248.524.3311.

**City of Troy - Assessing Department
2012 I.F.T. Roll
New Facility 1/2 Rate Listing**

Parcel ID	S.D.	Cert #	New (1/2 rate)	Repla ce (full rate)	SET	Start	End	Company	Address	2012 A/V	2012 C/V	2012 T/V
88-IP-03-100-085	260	2003-085	X		0	12/30/03	12/30/15	Behr America	2700 Daley			
88-IP-07-100-256	230	2007-256	X		6.00	12/21/07	12/30/19	Kostal	350 Stephenson			
88-IP-07-200-350	260	2007-350	X		6.00	12/31/07	12/30/19	LMS NA	5755 New King	142,450	142,450	142,450
88-IP-08-200-036	268	2008-036	X		0	12/31/08	12/30/20	Seco Tools	2805 Bellingham			
88-IP-08-100-094	750	2008-094	X		6.00	12/31/08	12/30/13	Intern'l Auto	750 - 800 Chicago			
88-IP-08-300-144	750	2008-144	X		6.00	12/31/08	12/30/20	Republic Apt	1889 Larchwood			
88-IP-08-100-363	260	2008-363	X		6.00	12/31/08	12/30/20	EcoMotors	1055 W Sq Lake	0	0	0 revoked 11/21/2011
88-IP-08-100-507	260	2008-507	X		6.00	12/31/08	12/30/16	Faurecia	2350 Meijer	0	0	0 revoked 12/19/2011
88-IP-08-400-506	260	2008-506	X		3.00	12/31/08	12/30/20	Pro Metal	2341 Alger			
88-IP-08-500-508	750	2008-508	X		6.00	12/31/08	12/30/20	Tepel Bros.	1725 John R			
88-IP-09-100-231	260	2009-231	X		6.00	12/31/09	12/30/15	X-Ray Ind	1961 Thunderbird			
88-IP-09-100-393	260	2009-393	X		6.00	12/31/10	12/31/15	Axle Tech	1400 Rochester			
88-IP-10-100-389	260	2010-389	X		6.00	12/31/10	12/31/22	Witzenmann	1201 Stephenson			
	260		X		6.00	12/31/10		Metro Tech	1462 E Big Beaver			
	260		X			12/31/10		Sulzer Metco	1972 Meijer			
	260		X			12/31/10		Meritor Heavy	2135 W Maple			
	750		X			12/31/10		Magna PT	1932 Technology			

City of Troy - Assessing Department
 2012 I.F.T. Roll
 New Facility 1/2 Rate Listing

Parcel ID	S.D.	Cert #	New (1/2 rate)	Repla ce (full rate)	SET	Start	End	Company	Address	2012 A/V	2012 C/V	2012 T/V
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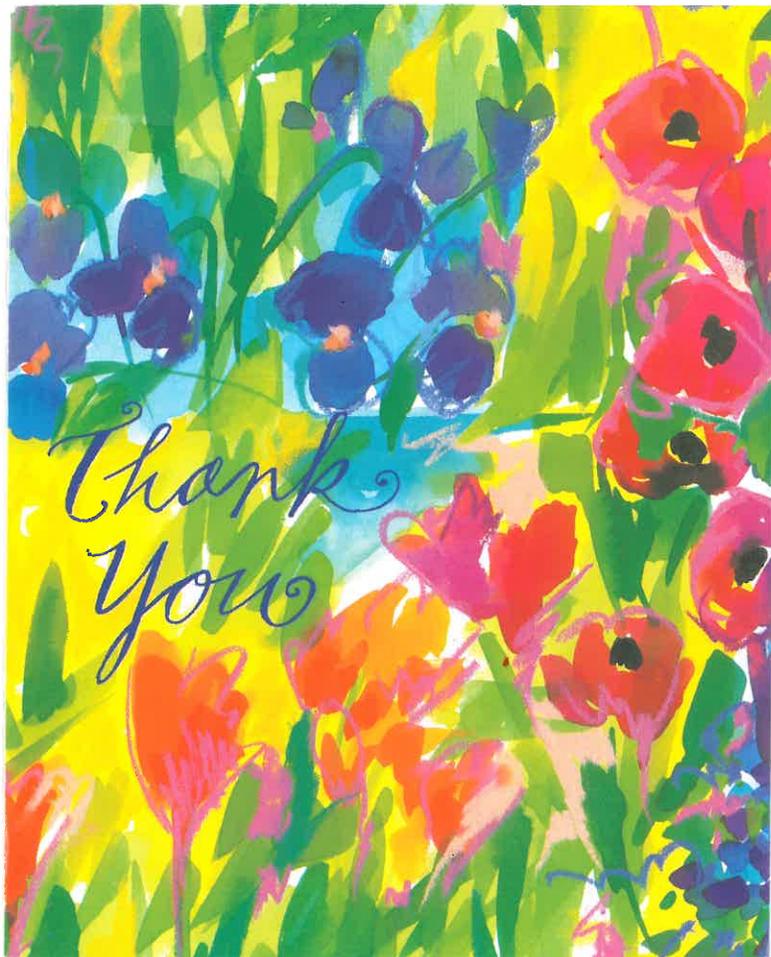
1/2 Rate Summary

Total	All	142,450	142,450	142,450
	230	0	0	0
	260	#REF!	142,450	142,450
	268	0	0	0
	750	0	0	0

Check Total #REF! 142,450 142,450

Replacement Facility Full Rate Listing

88-IR-10-100-174	260	2010-174		X	6.00	12/31/10	12/31/22	Axle Tech	1400 Rochester	1,297,620	1,167,280	1,167,280
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CONTEMPO COLOURS INC.

MADE IN U.S.A.
C-8158-TN

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12-1130

Tray Police Department
Officer Bardo & others

Please thank all of the officers
involved in my accident on
Big Beaver Jan 11, 2012.

They were so kind and helpful
in locating my son.

Tray is truly blessed to have
all of you!

Sincerely,
Rose Weber

1-27-2012

P.O. JASON BORDO -

THANKS FOR MAKING SUCH A
GREAT IMPRESSION ON MS. WEBER.
I APPRECIATE YOUR WORK.

GARY MAYER

TROY PEOPLE CONCERNED

Help...from the Heart



2045 Austin Drive
Troy, MI 48083
248-528-9197 FAX

Website: www.tpchelps.org
248-528-9199 office
tpctohelp@sbcglobal.net

January 19, 2012

Troy Police Department
Attn. Officer Andy Breidenich
500 W. Big Beaver Rd.
Troy, MI 48084

Dear Officer Andy,

We wish you and the Troy Police Department a very Happy New Year, and on behalf of our clients and the Troy People Concerned board of directors and staff we gratefully thank you for your generous donations to the 2011 Holiday Basket Program.

The past few years have been difficult for many of our residents due to the flagging economy, lost jobs and the drastic increase in the cost of living. Numerous Troy families have trouble making ends meet on a daily basis. During the past holiday season, these families weren't even sure that they could provide food, let alone gifts of any sort for their families. But, as the applications requesting assistance began to pour in, we also began to receive offers to help those families. Your contributions to families in need, as well as the donations received from other benefactors, miraculously helped to supply food and gifts to 69 families, a total of 290 Troy residents at Christmas!

Thank you, Troy Police Department, for all you do to help those in need in our community. God bless you for your generous contribution and continued kindness.

Sincerely,

Peggy Willock
Administrative Assistant
Troy People Concerned
Tax Exempt #38-2055708

- POLICE OFFICERS ANDY BREIDENICH
JIM FELD
- SGT. RUS HARDEN

THANKS TO ALL OF YOU FOR DOING SUCH
A GREAT JOB ON THIS COMMUNITY OUTREACH
EVENT. I KNOW YOU MADE CHRISTMAS BETTER FOR
MANY TROY FAMILIES!
Gay

Mission Statement

Troy People Concerned is a service organization supporting Troy residents in times of need with assistance, information and referrals.

Vision Statement

Troy People Concerned connects the community to provide a helping hand in times of need.

Troy, Mi 48083

February 1, 2012

Chief Gary G Mayer
Troy Police Department
500 West Big Beaver Rd
Troy, MI 48084

Dear Chief Mayer:

In November of 2011, my nephew _____ stole a substantial amount of Jewelry from my home and pawned it with different stores. I pressed charges against _____ and was assigned to Detective Michelle Cooney.

As a crime victim, I wanted to personally thank Detective Michelle Cooney for being there when I didn't feel I had a friend in the world. Detective Cooney went beyond the call of duty and has been there for me during a very difficult time and with guidance and her willingness to listen, has led to the arrest of my nephew _____

It takes a special kind of person to commit themselves to protecting others and Detective Cooney and the contact I have had with other Troy Police officers should make you proud.

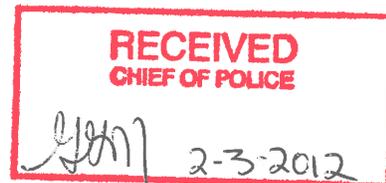
Police work is often a thankless job but your officer's dedication and commitment to their community, is appreciated and I thank you all from the bottom of my heart.

Fondly,

Bonnie Bostelman

Bonnie Bostelman

11-33788



P.O. MICHELLE COONEY-

THANK YOU FOR YOUR GOOD WORK
ON THIS INCIDENT. YOU MADE A GREAT
IMPRESSION.

Gary

To the Troy Police Dept,

I want to thank the officers who assisted in my rescue at Sylvan Glen Park on Jan. 10. I know it was a very difficult rescue due to the conditions, and I especially want to thank Officers Barrows & Villerot for coming to my aid in the lake. My impulse to go after my dog was an immediate emotional response, and against all my rational knowledge that you never attempt a rescue on ice.

RECEIVED
CHIEF OF POLICE

1-27-2012

GREAT JOB BY ALL
INVOLVED UNDER
DIFFICULT + COLD
CIRCUMSTANCES.
— THANKS — GARY

OFFICER BARROWS
OFFICER VILLEROT

SGT. SZUMINSKI
OFFICER BORDO
OFFICER DENNY
OFFICER LINTON
OFFICER PIPER

My dog and I are fine. The emotional trauma will stay with me, but I am with my family and that is what is really important.

Sincerely, Rhonda Berger



Bringing Christ to People...
Building Christ Followers

Chief Gary Mayer
Troy Police Department
500 West Big Beaver Road
Troy, MI 48084



P.O. FITZPATRICK
P.O. ZAGACKI

THANK YOU BOTH FOR MAKING SUCH A GREAT IMPRESSION ON THIS GROUP AND MAKING TROY PD LOOK SO GOOD.

I AM TOLD THAT 50 WOMEN ATTENDED AND 20 DID THE HANDS ON TRAINING. THIS IS A GOOD USE OF OUR RESOURCES! THANKS FOR YOUR PROFESSIONALISM.

Jay

January 31, 2012

Dear Chief Mayer,

Today in our Smart & Simple class, Officer Craig Fitzpatrick and Officer Steve Zagacki presented, "Self Defense". They were well prepared, enthusiastic, engaging and eager to teach the women in a hands on learning program of defensive tactics, Krav Maga. The women had a great time in learning the basic techniques of punching and kicking. We had lots of positive feedback and also comments in wanting them to return with more training.

We were impressed that our very own Troy officers are skilled in "combat fighting". It made us all feel safer in Troy.

I want to express my appreciation to you for allowing them to be pulled away from their duties so that they could teach our women.

We look forward to next week's class and last in our series, Defensive Driving.

Thank you for all you did to make this happen.

Sincerely,

Elise Arndt

Elise Arndt
Director of Women's Ministry

Senior Pastor
Warren Arndt

Executive Pastor
Joe Casiglia

Associate Pastors
Paul Arndt
Tony Boos



CITY COUNCIL AGENDA ITEM

Date: February 14, 2012

To: Mayor and City Council

From: John Szerlag, City Manager
Mark Miller, Director of Economic and Community Development
Cindy Stewart, Community Affairs Director
Glenn Lapin, Economic Development Specialist

Subject: Economic Development Update Information

On February 10, 2012, Mayor Janice Daniels met with John Szerlag, Cindy Stewart, and Glenn Lapin to discuss Troy's economic development strategies. The conversation focused on the business development strategies that have been implemented by the City along with an overview of the new economic gardening initiative. These strategies are being used to help create an environment for investment in the City of Troy. The following attachment, which describes the strategies discussed, is being shared with City Council for information purposes. The attachment includes the following documents:

- "City of Troy Business Development Initiatives Summary Timeline"
- "City of Troy New Business Checklist"
- "A New Approach for a New Economy: Planting Troy's Economic Garden"

At the February 10, 2012 meeting mentioned above, Mayor Janice Daniels asked about the number of businesses located in the Troy Downtown Development Authority (DDA) district along with a question regarding the Somerset Collection parking structure. The following responses are being shared with City Council for information purposes:

- Based on current assessment records, there are 2,048 businesses located in the Troy DDA. These businesses represent 231 separate properties.
- The parking structure is owned by the DDA, and is leased to the Somerset Collection. This lease does not expire until 2020, and therefore, although the parking structure is valued at approximately \$4 million as of the end of the lease, it is currently a restricted asset.

CITY OF TROY BUSINESS DEVELOPMENT INITIATIVES SUMMARY TIMELINE

The City of Troy has adopted several major strategies that have positively impacted business development efforts in the community. New strategies have been implemented resulting in the streamlining of building and permitting processes, flexible and user-friendly planning documents, and governmental department efficiencies. Positive feedback has been received on the new building/permitting process, as 98% of users have indicated their satisfaction (Source: Safebuilt Building Department Services Survey).

From an economic development standpoint, a “white paper” was developed in October 2011 to focus on helping existing Troy businesses grow. Our new Economic Development Specialist is forming an external advisory committee to help guide an “economic gardening” program. This program works with existing businesses (particularly second stage companies) to identify what they need in order to grow and then provide the information, infrastructure and connections to address those needs.

Regarding marketing, Troy contracted with Marketing Associates in October 2011 to review our marketing materials and website and make recommendations for improvement. Troy is featured prominently in key local business development publications such as Automation Alley’s monthly Xology (circulation 20,000), Oakland County’s annual Prosper (circulation 75,000), and Metro Detroit’s annual Asource (relocation information). New businesses are featured in the quarterly Troy Today publication. In addition, text is currently being finalized for the 2012 Economic Resource Guide; a one-page checklist was recently completed to assist in the launching of new businesses; and the City Manager’s monthly Business Roundtable meetings will commence again in January of 2012.

The following provides a chronological summary of some of the key initiatives that impact business development. Source links have been added where appropriate.

Governmental Efficiencies

- Zucker Report - January 2008 (<http://www.troymi.gov/Planning/ZuckerReport.pdf>)
Development Approval/Permit Process
- Planning Department Restructuring – July 2010
- Building Department Restructuring – July 2010

Planning & Economic Development Tools

- Big Beaver Corridor Study – June 2006
(<http://www.birchlerarroyo.com/Clients/troy.htm>)
- Vision 2020 – October 2006 (<http://www.troymi.gov/futures/>)

- New Master Plan – October 2008
(<http://www.troymi.gov/Planning/MasterPlanProcess/CityofTroyMasterPlan2008.pdf>)
- Big Beaver Design Guidelines – March 2011
(<http://www.troymi.gov/Planning/BigBeaverDesignGuidelines.pdf>)
- Updated Zoning Ordinance – April 2011
(http://www.troymi.gov/Planning/Adopted_Troy_ZoningOrdinance04282011.pdf)

Economic Development

- Economic Gardening “White Paper” – October 2011 (copy attached)
- New Economic Development Specialist Hired – November 2011
- Internal Economic Gardening Committee Formed – November 2011
- External Economic Gardening Committee Formed – January 2012
- Economic Gardening Strategy Update – January 2012
- 2012 City Manager’s Monthly Business Roundtable Meetings – January 2012 Start
- New Business Checklist – January 2012
- Economic Development Report to Community – Date TBD

Marketing

- Marketing Associates Hired – October 2011
Review of Marketing Materials/Website
- Current Publications Featuring Troy Business Development – Xology, Prosper, Troy Today, Asource – January 2012 and Ongoing
- Economic Development Website Revisions – Started January 2012
- Co-Sponsor of Oakland Job Hub at Oakland University – February 2012

2/07/12



City of Troy

New Business Checklist

Welcome to Troy, MI – Michigan’s premier address for business, retail and commerce! With our ideal location, excellent City services and friendly business environment, you will find that Troy is a great place to start and grow your business. To get you started, the following checklist has been prepared to assist you in launching your business. You will find that Troy’s plan review, building, permitting and inspection processes are fast, efficient and user-friendly. We look forward to serving you, and once again, welcome to Troy.

What do you want to do?

Please Contact

Finding a Site for Purchase or Lease

Find a site for lease or purchase	Glenn Lapin - Economic Development Specialist 248.524.3315, G.Lapin@troymi.gov
Schedule a pre-purchase/lease meeting	
Complete a pre-purchase walk-through inspection	

Site Plan Review

Ensure your business is in compliance with Zoning Ordinance	Brent Savidant - Planning Director 248.524.3366 SavidantB@troymi.gov
Determine if Site Plan Review is required	
Get development approval	

Building Inspection

Determine if a building inspection is needed	Steve Burns or Rick Kessler 248.524.3367 S.Burns@troymi.gov R.Kessler@troymi.gov
Determine if proposal is permitted	
Alterations of a building or property may require the submittal of a Site Plan for review	

Fire Safety

File an Occupancy Permit Application The Fire Department will contact you after review	David Roberts - Assistant Fire Chief/Fire Marshal 248.524.3419 RobertsDJ@troymi.gov
Schedule a fire inspection	
Ensure the building and/or fire protection systems are adequate	

Signs

Determine if your business requires a sign permit, see Ordinance Ch. 85	Paul Evans - Zoning Specialist 248.524.3359, EvansPM@troymi.gov
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Assessments

Create a Personal Property Account	Nino Licari - City Assessor 248.524.3312, LicariLA@troymi.gov
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Business Licensing

Contact our City Clerk's Office for business license requirements	Aileen Bittner - City Clerk 248.524.3317 BittnerA@troymi.gov
For State of Michigan licensing requirements: http://michigan.gov/statelicensesearch	

Other Important Contacts

Food service establishments: contact the Oakland County Health Department	Oakland County Health Division 248.858.1280, www.oakgov.com
County and State registries for assumed business names	www.oakgov.com/clerkrod www.michigan.gov/lara

For any additional questions, please contact Glenn Lapin (see above).

A New Approach for a New Economy: Planting Troy's Economic Garden

October 26, 2011



Prepared by:



CARLISLE

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In today's uncertain economy, municipalities across the Midwest, especially in Michigan, are challenged to retain and create jobs within their community. As such, many communities are addressing these uncertain times with a greater focus on economic development. As Troy is considering a renewed strategy on economic development, two questions arise 1). What does "economic development" mean to Troy and; 2). Considering the existing relatively limited resources, how can Troy promote new economic activity resulting in jobs and an increased tax base in order to create cost effective economic growth and sustainability?

I. What is Economic Gardening?

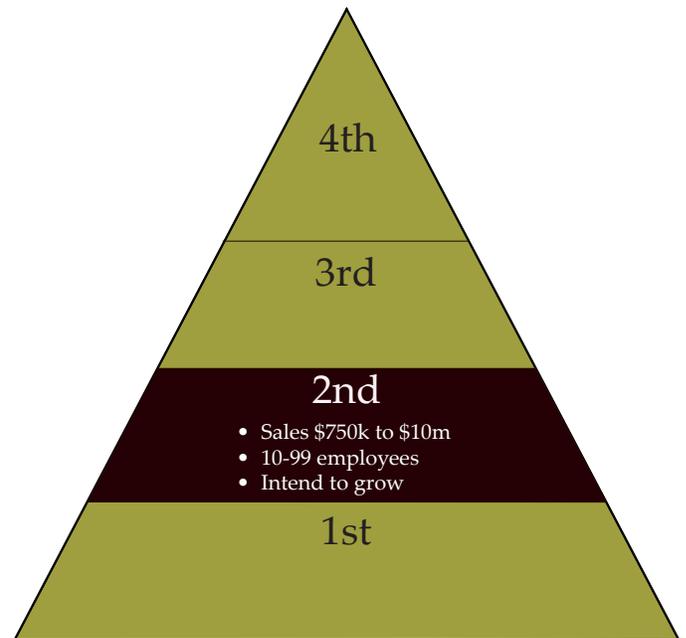
The traditional approach to economic development placed a focus on seeking out and attracting the relocation of large companies. While some communities applying this "hunter and gatherer" approach have had limited success, this approach has shown significant limitations including 1). expense; 2). the layout of substantial financial incentives without the sure guarantee of success; 3). the requirement of a significant amount of time to see a positive return on such investment; 4). inefficiently leveraging a community's existing assets; 5) the cost of providing tax abatement and incentives reduces tax revenues. The economic crisis of the past ten (10) years has shown that a recalibration of the traditional approach to business development is needed.

A more successful method of economic development consists of a "Grass Roots" approach. Appropriately labeled as "Economic Gardening", this approach encourages local governments to focus on retaining and "cultivating" local 'second stage' businesses in their community by investing in and promoting existing community assets and infrastructure. A large company that was not founded in Troy may be able to survive in Troy for a short period of time, but if the economic climate is not suitable or the foundation for potential growth is weak or unstable, there is no guarantee that the company will have a prolonged survival. The emphasis should instead be on cultivating and improving the foundation for existing Troy companies that have already shown growth. These companies already have firm roots in the community and may ultimately be the key to stimulating the economy.

Characteristics of Economic Gardening

The concept of Economic Gardening was pioneered in the late 1980's by the City of Littleton, Colorado. Many communities have configured Economic Gardening cultivation techniques around three critical themes, which were developed in the Littleton model: Infrastructure, Connectivity, and Market Information.

- Infrastructure – building, promoting, and supporting the development of community assets essential to commerce and overall quality of life. Examples include roads, education, cultural amenities, and placemaking.
- Connectivity – improving the interaction and exchange among business owners and critical resources providers. Examples include industry trade groups, public sector supporters, Chamber of Commerce, business associations, and academic institutions.
- Information – access to competitive intelligence on markets, customers, and competitors comparable to the resources historically available only to large firms.



The driving forces behind Economic Gardening are innovating and adapting community assets, efficiently providing the necessary services and infrastructure, and promoting the most logical choices for business growth and development. Improving accessibility, convenience, and efficiency in the three main tenets (Infrastructure, Connectivity, Information), particularly with “Second Stage” businesses can make dramatic improvements to the community’s viability, sustainability, and economic growth trends. The success of Economic Gardening methods is entirely dependent on a positive and close relationship between city government and business owners. Open and consistent communication between the local business community and local government is necessary in order to fully understand the needs of the business community and what assets are being provided by the local government.

What it is...

- The public serves (3) major roles: information, infrastructure, and connections, including a strong foundation of technological assets and resources.
- A focus on growth companies, especially Stage II (10-99 employees).
- The use of sophisticated corporate tools:
 - Database searching
 - Geographic Information Systems
 - Search Engine Optimization
 - Web marketing
 - Social media and research tools
 - Network mapping
- The use of cutting edge scientific theories:
 - Complexity science
 - Network theory
 - Temperament
 - Systems thinking
 - Core strategy analysis
 - Getting things done in the public arena
- A focus on front end, strategic issues of business:
 - Market dynamics
 - Marketing
 - Teams
 - Finance
- Driven by innovation rather than the cheapest place to do business.
- Dependent on a highly skilled, elite Economic Gardening staff working in an iterative manner with business owners.
- An Economic Gardening organization is as entrepreneurial as the companies with which it works.

What it is not...

- Recruiting
- Standard business assistance (keeping books, buying insurance, succession plans)

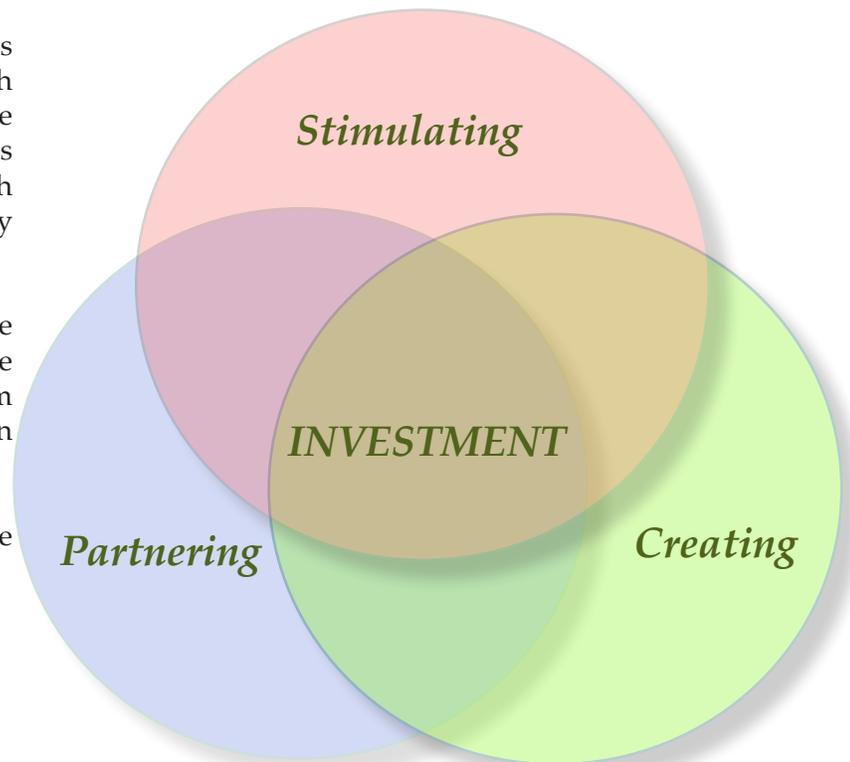
- BRE (business retention and expansion)
- After hours networking
- An annual business climate survey
- A financing program
- A buy local program
- A business appreciation dinner
- A “local bucks” program
- Counseling
- Consulting

Economic gardening allows communities to focus on their unique assets and leverage those assets to promote growth. Economic Gardening succeeds by creating an environment that nurtures entrepreneurs --- in other words, creating an environment of investment!

II. Why Apply the Principles of Economic Gardening?

Economic Gardening is an approach that looks to cultivate entrepreneurial activity which already exists within the community. The case for exploring your own economic backyard is bolstered by growing body of national research showing small businesses create the vast majority of new jobs:

- An estimated two-thirds (66%) of net private sector jobs created in the last twenty-five (25) years were by small firms (a small firm is defined as one that employs fewer than five hundred (500) employees).
- Small firms employ about half (50%) of the



Your community's Investment Environment revolves around three spheres which you have the ability to influence

total private sector work force.

- Small firms that employ from one (1) to eighteen (18) employee create the most net new jobs relative to their share of total employment. (Source: David Birch, MIT).

National research is supported by the Michigan based Edward Lowe Foundation which indicates that “second stage” companies (between ten (10) and ninety-nine (99) employees) created 137,249 jobs in Michigan between 1993 and 2007, while companies employing five hundred (500) or more lost 257,585 jobs.

III. Why is Economic Gardening a Good Strategy for Troy?

Troy has an abundance of assets that were instrumental in the growth it experienced over the past four (4) decades. As a result, it is home to a number of large financial, health care, automotive and engineering firms. The City also has a number of second stage companies that could be ripe candidates for growth. The US Economic Census (2007) reported that Troy had 925 companies in professional, scientific and technical services employing 16,536 people for an average of 18 employees per establishment. A majority of these companies would be considered second stage.

Another significant asset is that Troy is home to Automation Alley which is receiving statewide, national and international recognition for its approach to economic development. Automation Alley is one of the regional organizations that is being touted by the Governor to provide expanded economic development assistance.

Levering the existing assets of Automation Alley to support and grow the existing 2nd stage companies in Troy is an example of the application of Economic Gardening principles.

IV. Action Items

Continuing the relationship between the City and its top-tier employers is strongly recommended. Such relationships will not be sacrificed should the City pursue the economic gardening strategy. In fact, top business should be engaged in both advising and nurturing the grass root entrepreneurs and lending support to the effort.

However, with limited resources, the City is recommended to follow an economic development strategy focused on businesses that are capable of growth. To accomplish this, the City should spend the next two

(2) – three (3) months developing a Core Strategy. Input in this strategy should be sought from organizations outside City government including Automation Alley, Oakland County, the Troy Chamber and educational institutions.

Core Strategy

The Core Strategy needs to address the following key elements:

- A. A clear understanding and commitment to meeting the needs of growth oriented companies – no matter how big or small. Part of the Core Strategy needs to identify those companies that have a desire and ability to grow;
- B. A commitment to a long-term strategy that is represented by economic gardening strategies in order to create on sustainable economic base;
- C. A better understanding of the entrepreneurial climate and the things needed to nurture it;
- D. A commitment to collaboration whether it is Oakland County, Automation Alley, the Chamber or any organization that can help business growth; and
- E. Finding champions, preferably outside City government.

Action Steps to Formulate Core Strategy

The following steps to create a Core Strategy, and current status of each step, are as follows:

1. Identify Core Team – Three (3) to five (5) individuals to make up the Core Team. During this period, we would suggest the Team be coordinated by CWA until an individual is hired as the economic development (gardening) specialist.

Status: in progress

2. Identify and Map Community Assets – Key assets that would be attractive to business ranging from education and culture to business resources will be identified and, where appropriate, mapped. In addition, internal assets of the City need to be identified. See appendix for the detailed Asset Inventory Report.

Status: completed

3. Identify and Interview Local and Regional Collaborators – Automation Alley has already been mentioned. Other groups could include Oakland County Planning and Economic Development, Troy Chamber, Walsh College, and others. The focus of these interviews should be to ask:
 - What role should the City play in expanding business and employment in the City?
 - How can you help us?
 - How can we help you?

Status: in progress

4. Conduct Focus Group Discussion with Potential Stakeholders – The best way for the City to determine what businesses need to grow is to ask them. A select group of business owners will be identified and interviewed. Troy’s City Manager has been meeting with key business leaders. However, in collaboration with other City staff, a more defined and robust focus group discussion process should be established.

Status: incomplete

5. Create (Acquire) Database of Troy Businesses – Database should be organized both functionally what they do) and number of employees. We would recommend the County be asked to assist.

Status: incomplete

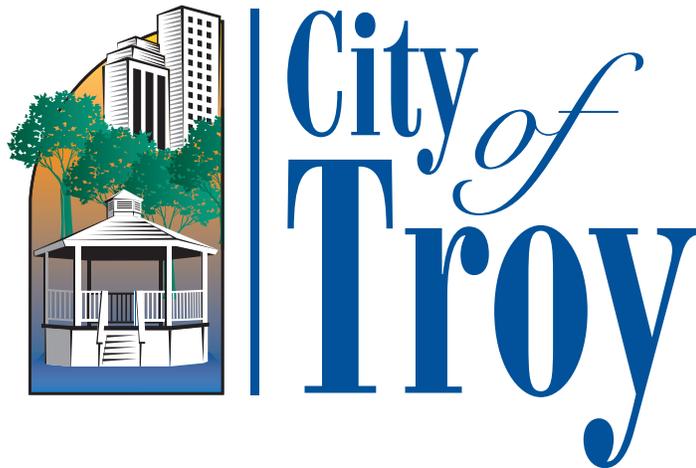


Richard K. Carlisle, AICP, PCP
Carlisle Wortman Associates, Inc.

Appendix

-Troy Community Asset Inventory Report

Troy Community Asset Inventory Report



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I. Community Asset Inventory

A. Community Understanding

The City of Troy is located in southern Oakland County - one of the most prosperous counties in the United States. Troy, 34.3 square miles in area, is approximately 14 miles from downtown Detroit and situated between the cities of Pontiac and Royal Oak. In close proximity to Rochester Hills, Auburn Hills, Bloomfield Township, Sterling Heights, and Birmingham, Troy is centrally located within metropolitan Detroit and within a reasonable distance of several Midwestern and international population and economic hubs:

- A. Downtown Detroit, MI (14 miles)
- B. Windsor, ON (20 miles)
- C. Flint, MI (40 miles)
- D. Ann Arbor, MI (45 miles)
- E. Toledo, OH (80 miles)
- F. Lansing, MI (90 miles)
- G. Grand Rapids, MI (150 miles)
- H. Cleveland, OH (150 miles)
- I. Toronto, ON (260 miles)
- J. Chicago, IL (280 miles)

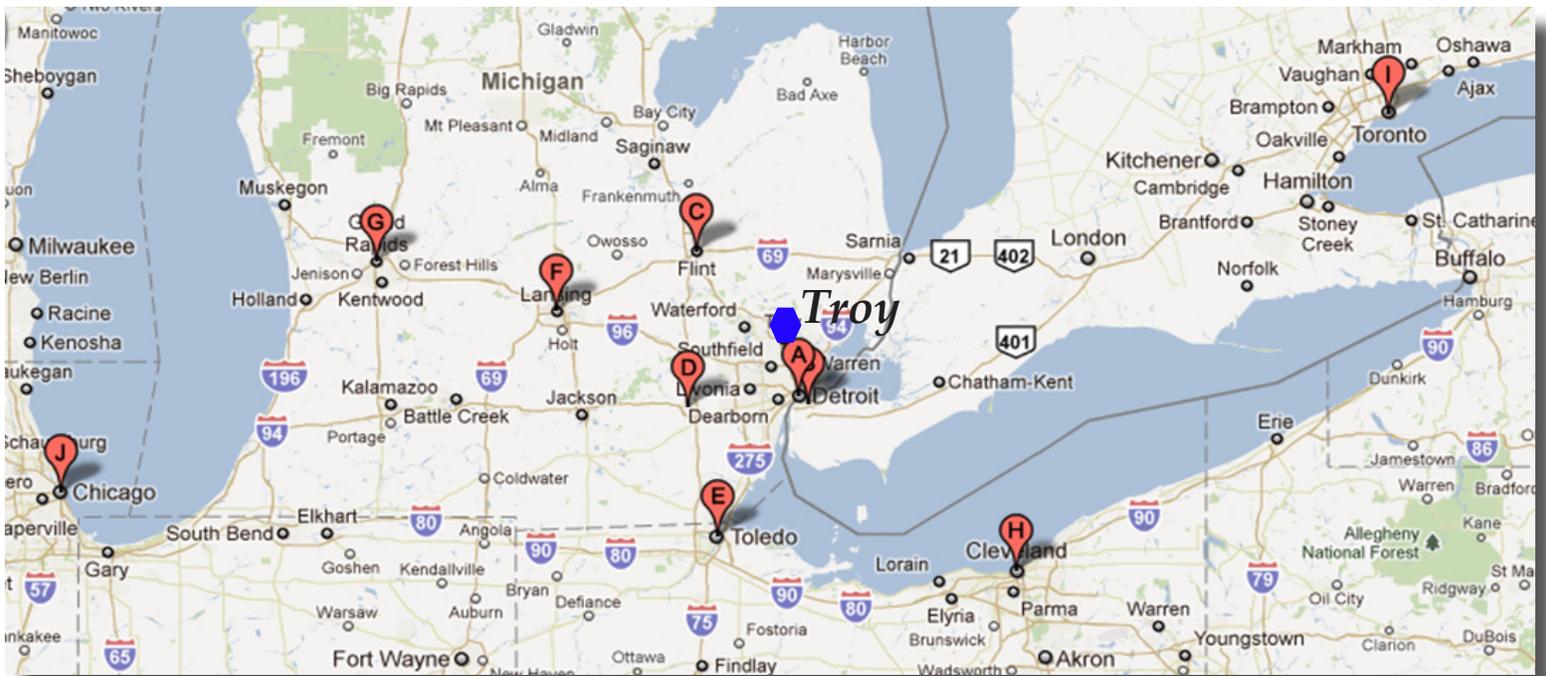


Figure 1: Troy's Location (source:GeoBatch.com)

City of Troy Community Profile: 2010 Census

Troy’s demographics of a highly-educated, family-oriented population are highly sought after characteristics of business expansion and growth.

City of Troy Community Profile: 2010 Census	
City Population:	80,980
Median Age	41.8
Average Household Size	3.14
Occupied Household Units	30,703
Median Household Value	\$262,400
Educational Attainment (2008)	50% had obtained a bachelor’s degree or higher

B. Business Climate

Troy holds many key advantages to starting a successful Economic Gardening campaign. An Economic Analysis Report published by the City of Troy in 2008 listed Troy as the 12th largest city in Michigan and the second-largest city in the state based on total property value¹. Troy is home to several Fortune 500 businesses including Flagstar Bank, Delphi, Meritor, and Kelly Services, all of which are located along one of three world-class business districts: the Northfield parkway, the Big Beaver corridor, and the Maple Road corridor.

The City of Troy’s top employers include:

- Ameritech International Publishing
- Beaumont Hospital
- Delphi Corp.
- Flagstar Bank
- Kelly Services Inc.
- Bank of America
- City of Troy Government
- Troy School Districts
- U.S. Postal Service

In addition to the aforementioned large employers, the city of Troy has a great growth potential for smaller ‘second stage’ businesses. In 2007, The US Economic Census reported that Troy had 925 companies in the desired fields of professional, scientific and technical services employing 16,536 people for an average of 18 employees per establishment². The development and growth of these second stage businesses are essential to the future economic, residential, and physical design trends of Troy.

Part of the lure for business development is not only the various business incentives offered, such as Hi-Tech Personal Property Tax Abatement Program, Economic Development Corp., Brownfield Redevelopment Authority and the Downtown Development Authority in the Big Beaver Corridor Area but also Automation Alley, a world class business development organization that provides services and support to businesses of

1 <http://troymi.gov/EconomicDevelopment/TroyProfileOaklandCounty.pdf>
 2 <http://www.census.gov/>

all size including businesses thinking about relocating to Michigan.

Automation Alley

Automation Alley is Michigan's largest technology business association. Automation Alley aims to increase economic growth in Southeast Michigan through a collaborative culture that focuses on workforce and business initiatives. Automation Alley has university partnerships with University of Michigan, Oakland University, Wayne State University, Walsh College and many more. Automation Alley directly serves the region which includes the City of Detroit and the counties of Genesee, Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw and Wayne. Automation Alley combines areas of research including manufacturing, technology, engineering, production, and marketing to help local business leaders create new opportunities within the community. The association also helps small and mid-sized businesses sell their products throughout the world and plays a vital role in attracting new businesses to Michigan. Highlights of Automation Alley include³:



- More than 1,000 members across Southeast Michigan.
- Conducted 13 trade missions to countries around the world with a total of more than \$153 million raised.
- Invested over \$6 million in seed fund investments to 29 start-up technology companies in Southeast Michigan
- An alliance of five member-driven committees that assist the association in executing programming and services.
- An annual attendance of 10,000 people at scheduled seminars and meetings.
- Proud recipient of the Presidential "E" Award for Exporting, the nation's highest award to honor exporters
- More than 300 media articles featuring or mentioning the association in 2009

City of Troy Downtown Development Authority (TDDA)

The Troy Downtown Development Authority (TDDA) engages in long-range planning for the 'downtown' area. Traditional responsibilities held by the DDA include land acquisition and improvement, building construction, and public facilities improvement.

3 <http://www.automationalley.com/>

C. Transportation

Access to the movement of goods and people is a key component of business development. A vibrant transportation system provides an important foundation from which to attract new business and make Troy an attractive place to live and work.

Non-Automobile Transit

While there over 364 miles of road that handle over 400,000 cars per day, the City of Troy has started to maximize non-automobile connectivity through the existing 500 miles of sidewalks and future pathways to emphasize alternative transportation and non-motorized vehicle usage.

SMART Bus System

Oakland County has been served by the SMART Bus System since 1967. SMART is southeast Michigan’s only regional public transportation provider, offering convenient, reliable and safe transportation. SMART’s “fixed route” and “small bus services” have provide alternative transportation opportunities for its riders to connect them to employment, educational, and entertainment centers. SMART is supported by federal and state funding, local contributions and bus fares.

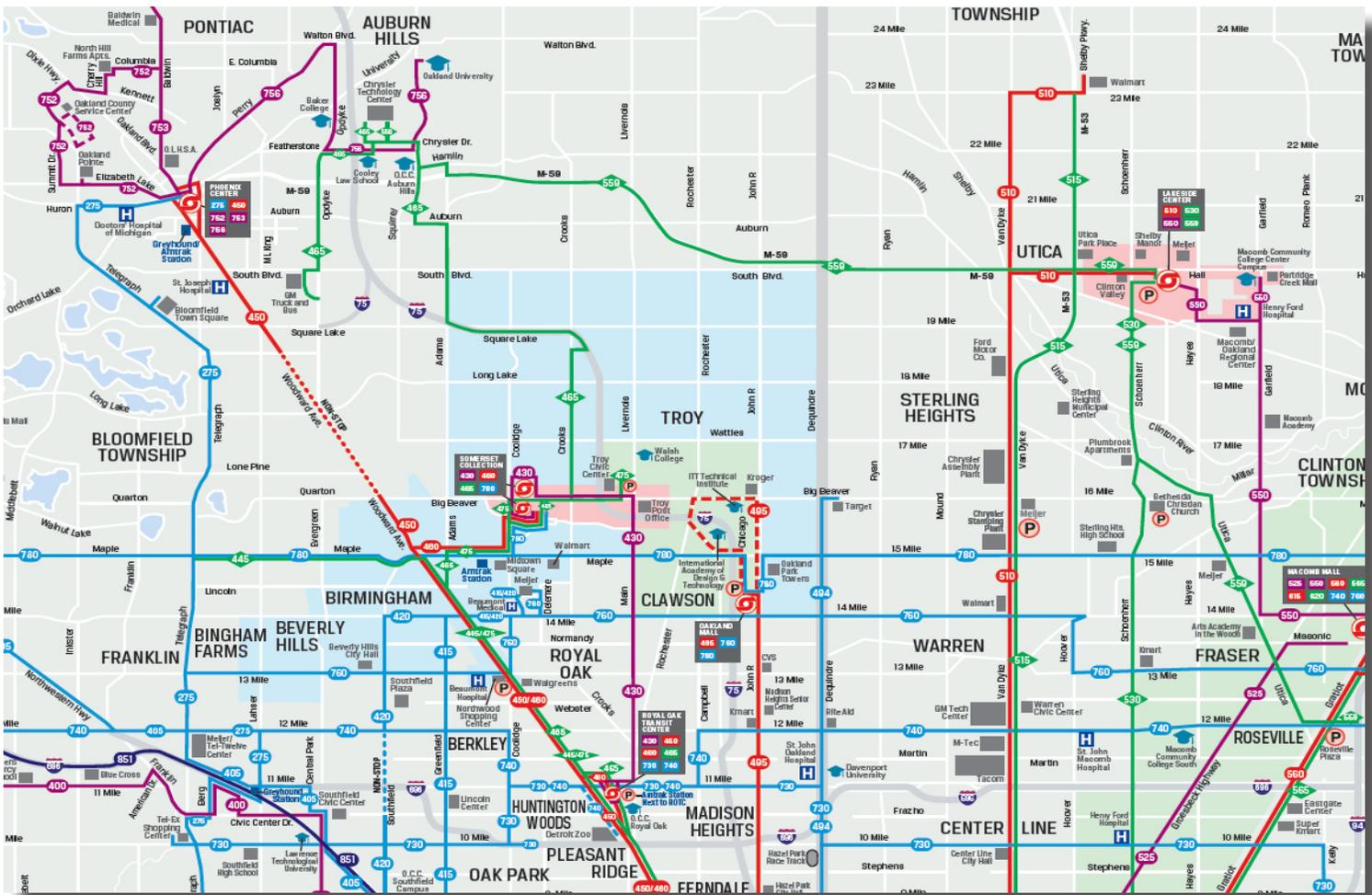


Figure 2: SMART Bus System Map serving Troy and Surrounding Community (source: SMART)

SMART is on the forefront of job creation, safety, environmental stewardship, and practicality⁴:

- SMART bus routes provide access to more than 75,000 businesses and 1.3 million jobs.
- Approximately 2.5 million people live within a ¼ mile radius of a SMART bus route.
- New SMART drivers receive nearly 250 hours of training including 200 hours of on-the-road training.
- SMART buses receive preventative maintenance every 3,000 miles.
- One SMART bus potentially eliminates 60 cars on the road.
- Public transportation produces 95% less volatile carbon monoxide and about 50% as much carbon dioxide and nitrogen oxide per passenger per mile.
- SMART recycles 600 tires, 600 gallons of anti-freeze and 28,890 gallons of oil annually.
- All SMART buses are biodiesel powered.

Detroit Metro Airport (DTW)

Located less than 45 minutes from Troy, the Detroit Metropolitan Airport (DTW) serves over 36 million passengers a year making it the twelfth busiest airport of its kind in the United States and the twentieth busiest in the world. DTW is the largest international hub for Delta Airlines (5th largest airline carrier in the United States), and 2nd largest hub for Spirit Airlines. DTW's 15 passenger airlines, including 6 foreign flag airlines, serve 160 nonstop flight locations throughout the world⁵. According to a study by University of Michigan – Dearborn, DTW helped put more than 7.6 billion dollars into the U.S. economy in 2005. DTW employs over 18,000 employees, and indirectly relates to an additional 70,000 jobs throughout the state of Michigan⁶.



Figure 4: Metro Airport Location Map
(Source: metroairport.com)

Oakland/Troy Airport

Located in Troy, the Oakland/Troy Airport serves as the County's 'executive' airport. The airport's convenient location in east central Oakland County greatly benefits both business travelers and tourists using private, corporate and charter aircraft.

4 Smartbus.org

5 <http://www.metroairport.com/>

6 http://www.metroairport.com/pdf/DTW_Economic_Impact_Report.pdf

Oakland County International Airport (OCIA)

Located less than 30 minutes from Troy, the Oakland County International Airport (OCIA) serves Oakland County along with rest of Southeast Michigan. Designated as a “general aviation” airport, OCIA is the twelfth busiest airport of its kind in the world. OCIA serves 120,000 takeoffs and landings per year on average. Over 800 aircraft are housed at OCIA, and more than 150 corporations use OCIA as their base airport. In addition, OCIA contributes over \$150 million to the county’s economy each year⁷.

Coleman A. Young International Airport

Located in Detroit, the Coleman A. Young International Airport is located less than 30 minutes from Troy. Opened in 1927, the airport first served as Detroit’s only air carrier facility, and provided Detroiters with an opportunity to travel to cities throughout the North America. The airport is an international port of entry, and U.S. Customs/Immigration provides services to arriving flights requiring customs clearance. In total, the Airport encompasses 263 acres with two runways and associated taxiway systems and is operational 24 hours a day, 365 days a year. The airport houses 175 planes on base⁸.

Bishop International Airport

Located 45 minutes from Troy in Flint, the Bishop International Airport is the the third busiest airport in Michigan, In 2008, 1,050,813 passengers flew through Bishop Airport⁹. There are currently five commercial airlines flying in and out daily. In addition to commercial and private airline operations, Flint’s Bishop International Airport is significant in the air cargo industry due to access two major interstates, one U.S. highway, and numerous rail lines. A cargo hub is in development at Bishop Airport that is predicted to become a major benefit to the Flint-area economy.

Troy Multi-Modal Transit Center (expected completion 2012)

Expected to break ground next year, the Troy Multi-Modal Transit center will serve as a multi-modal transit center. Located near the intersection of Coolidge Highway and Maple Road the center would coordinate all existing transit options in the region, including Amtrak train service, SMART bus service, connections to local corporate and international airports, taxi, and black sedan service. The transit center is also planned as a regional transportation hub in the Detroit Regional Mass Transit plan currently being developed, and thus an additional level of bus service will be added directly linking this transit center with other transit hubs across the region.

7 <http://www.oakgov.com/aviation/>

8 www.detroitmi.govwww.detroitmi.gov/airport/

9 www.bishopairport.org

D. Cultural and Recreational Assets

Troy offers a number of assets that help to promote the city’s image as a well-cultured, innovative, and active community. These cultural and economic assets play a vital role in maintaining the City of Troy’s appeal as a great place to live, work, and play.

Troy Public Library

When the Troy Public Library officially opened in 1971 at 510 W. Big Beaver Road, librarian Marguerite Hart wrote to dozens of prominent actors, politicians, authors and artists asking them to write a letter to the children of Troy about the importance of books and libraries. In total, Hart received 97 responses, including the likes of Ronald Reagan, Pat Nixon, Neil Armstrong, and Dr. Seuss, all of which can be displayed on the Library’s website, www.troylibrary.info. Today, the Troy Library has expanded to 40,000 square feet, serves 56,000 patrons and contains over 320,000 items.

Troy Museum and Historic Village

The Troy Museum and Historic Village “preserves and interprets the history and heritage of Troy and the region for its diverse community and provides a unique setting for life-long learning.” The museum consists of ten historic buildings and a village green, as well as a collection of nineteenth and early twentieth century artifacts.

Park System

One of the most important physical assets of the City of Troy is its parkland. The City of Troy has twenty parks and recreational facilities consisting of more than 880 acres. Additionally, twelve new parks are proposed in the City’s Park and Recreation Plan. Parks and recreational facilities are generally located in close proximity to single-family housing. Troy parks can be divided into three categories (Neighborhood Park, Community Park, and Special Use Facility), and vary in sizes and purposes.

Neighborhood parks are the basic unit in a typical park system and serve as social gathering places and focal points for residential areas and are located a quarter mile to a half mile from residential areas. These types of parkland aim to promote walkability in residential neighborhoods are not typically segmented by non-residential roads. The City of Troy has eight neighborhood parks. The largest of the neighborhood parks is “Sylvan Glen Lake Park.” Located on Rochester Road, between Square Lake Road and Long Lake Road, Sylvan Glen Lake

Neighborhood Parks	Acres	Recreational Opportunities
Beach Road Park	10	Play Equipment, Ball Diamonds, Soccer Fields
Beaver Trail Park	7	Play Equipment, Asphalt Walking Trails, Picnic Area, Unpaved Nature Trails
Brinston Park	18	Tennis Courts, Basketball Courts, Play Equipment, Ball Diamonds, Soccer Fields, Picnic Areas, Pavilion
North Glen Park	10	N/A
Redwood Park	3	Basketball Courts, Play Equipment, Ball Diamonds, Picnic Areas, Pavilion
Schroeder Park	12	Asphalt Walking Trails, Soccer Fields
Sylvan Glen Lake Park	40	Asphalt Walking Trails, Soccer Fields, Picnic Areas, Unpaved Nature Trails, Natural Water Features

Park features a 16 acre lake, a ten-acre wooded area completed with nature trails, and picnic tables.

Community parks are intended to serve the broader population of the community. Community parks are typically larger and offer more recreational opportunities. Firefighter Park is the largest of community parks and offers nine recreational facilities including sand volleyball courts, picnic areas, an 18-hole disc golf course, and a small lake. While, swimming and boating are prohibited on the lake, shore fishing is allowed. The location of community parks are generally decided on a suitability basis. The City of Troy has six community parks:

Community Parks	Acres	Recreational Opportunities
Boulan Park	53	Tennis Courts, Play Equipment, Asphalt Walking Trails, Ball Diamonds, Soccer Fields, Sand Volleyball Courts, Flag Football / Lacrosse Fields, Picnic Area, Pavilion, Concession Area
Firefighters Park	96	Play Equipment, Ball Diamonds, Soccer Fields, Sand Volleyball Courts, Flag Football / Lacrosse Fields, 18-hole Disc Golf, Picnic Area, Natural Water Features, Pavilion, Concession Area
Flynn Park	25	Play Equipment, Ball Diamonds, Concession Stands
Huber Park	20	Tennis Courts, Picnic Areas, Unpaved Nature Trails
Jaycee Park	45	Play Equipment, Ball Diamond, Soccer Fields, Sand Volleyball Courts, Pavilion
Raintree Park	41	Play Equipment, Ball Diamond, Soccer Fields, Sand Volleyball Courts, Disc Golf, Picnic Area, Pavilion

Special Use Facilities are recreational facilities oriented more towards special uses like community centers, golf, swimming pool facilities, beaches, skate parks, and other specific types of recreational-oriented activities.

Special Use Facility	Acres	Recreational Opportunities
Stage Nature Center / Troy Farm	100	Picnic Area, Unpaved Nature Trail, Natural Water Features
Sylvan Glen Golf Course	143	Natural Water Feature, Concession Areas, Rest Rooms, Drinking Water, 18-Hole Golf Course
Sanctuary Lake Golf Course	200	Natural Water Feature, Concession Areas, 18-Hole Golf Course
Troy Family Aquatic Center	4	Play Equipment, Sand Volleyball Courts, Concession Areas, Swimming Pools, Skate Parks, Shuffleboard Courts, Bocce Ball Courts
Troy Community Center	35	Basketball Courts, Play Equipment, Asphalt Walking Trails, Ball Diamonds, Soccer Fields, Concession Areas, Restrooms, Swimming Pool, Gymnasium, Drinking Water, Skate Park

Stage Nature Center / Troy Farm

The Stage Nature Center offers indoor and outdoor nature related education programs. The Stage Nature Center includes the main Nature Center facility, which includes approximately two miles of nature trails, a handicap accessible paved trail, a pond, picnic areas, and a large wooded area. In addition, the Troy Farm, a historic farm is located in the northern portion of the Stage Nature Center, and features a 1898 farmhouse and two barns which were constructed between 1826 and 1830.

Sylvan Glen / Sanctuary Lake Golf Courses

The City of Troy has two 18-hole municipal golf courses; Sylvan Glen and Sanctuary Lake. Sylvan Glen is a popular venue, accommodating more than 55,000 rounds of golf played each year. The addition of three new tee boxes has added length to the course, and new wetland areas add to the difficulty and challenge of the course. Sanctuary Lake Golf Course is a “links-style” championship course, which provides many challenging obstacles for golfers of all skill levels. Sanctuary Lake and Sylvan Glen offer winter recreational opportunities including cross-country skiing and sledding.

Troy Family Aquatic Center

The Troy Family Aquatic Center is an outdoor water park which is open from Memorial Day weekend to Labor Day. The Aquatic Center includes a main pool with zero-depth entry, three water slides, two spray pools, waterfall, two sand volleyball courts, and play equipment area and concession stands. The Family Aquatic Center hires over 80 employees for the summer service hours.

Troy Community Center

In 1994, the City purchased the former Troy High School Building, for use as a community center. Starting in 1999, a \$12.5 million renovation was started. The renovation was completed in two phases:

- Phase 1 - included a two court gymnasium, indoor aquatic center with lap lanes, play structures, and therapy pool, fitness room, four dance/aerobic studios and locker rooms; and
- Phase 2 - included banquet/meeting rooms, senior computer lab, outdoor playground, pre-school rooms and administrative offices for the Parks and Recreation Department, teen room, senior reading room, arts and crafts room, and circuit training room.

Troy Sports Center

The Troy Sports Center is “Michigan’s premier ice skating facility”. Located at 1819 Big Beaver Rd., the Sports Center has four ice surfaces utilized by community skating programs, youth hockey and travel organizations, figure-skating programs, and local high schools. Also located within the Troy Sports Complex are various sports medicine clinics; Buffalo Wild Wings, Joe Kools, and other restaurants; and retail including Krogers, Verizon, Walgreens, and Chase Bank.

Regional Recreational Opportunities

The City of Troy’s central location in southeast Michigan allows city residents to enjoy many county and state recreational parks and facilities. While located in Oakland County, Troy’s location on the border of Macomb County should be noted when discussing regional recreational opportunities. Currently there are eight State Parks located in Oakland and Macomb counties. Macomb County has one county park and Oakland County has eleven all within close proximity to the City of Troy.

The City of Troy is also served by the Huron-Clinton Metropolitan Authority Park System – a system of thirteen large parklands in Wayne, Oakland, Macomb, Washtenaw, and Livingston Counties. The Metropark System occupies a total of 24,000 acres and serves over 9 million visitors annually. Five of the Metroparks are easily accessible from Troy: three in Macomb County (Wolcott Mill, Metro Beach, and Stony Creek) and two in Oakland County (Kensington and Indian Springs).

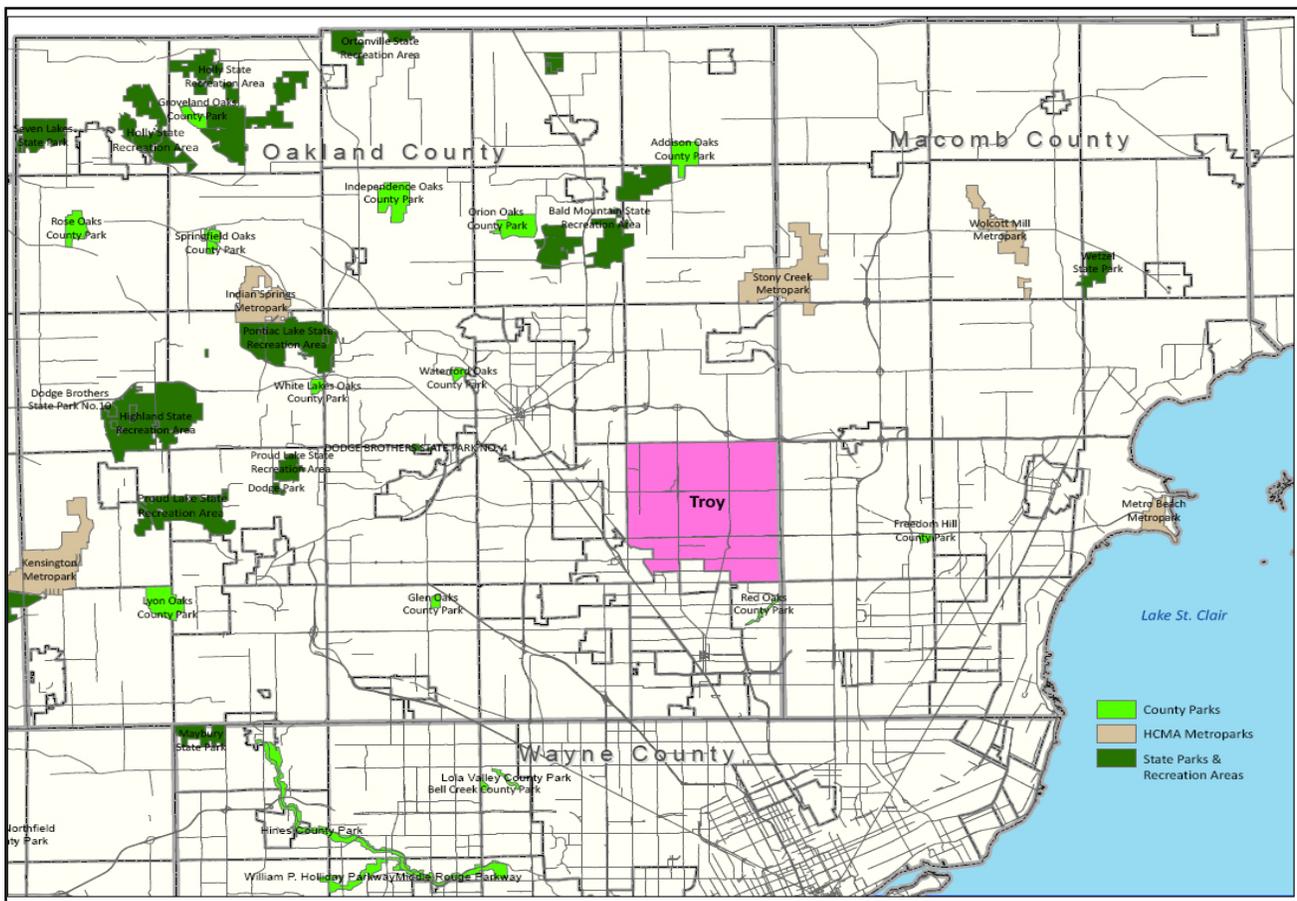


Figure 5: Regional Park Map

The Somerset Collection and the Oakland Mall

The Somerset Collection is a 1.44-million-square-foot super-regional upscale shopping mall located on Big Beaver Road. The mall features over 180 stores and restaurants, including Nordstrom, Macy's, Neiman Marcus, and Saks Fifth Avenue. The Collection consists of two separate buildings (Somerset North and Somerset South) connected by a distinctive 700-ft long skywalk that spans over Big Beaver Road. As mentioned by Fodors.com, the Somerset Collection is often considered to be, "one of the top shopping malls in the country".

The Oakland Mall, located at the corner of 14 mile Road and John R. Road, features over 120 stores and restaurants. Anchored by J.C Penney, Macy's and Sears, the mall includes a large food court and several other big box stores nearby.

The Ridgedale Players

The Ridgedale Players have been performing for 79 seasons, making them one of the oldest community theaters in the state. Located at 205 W. Long Lake Road, the Players typically produce about four shows per year, as well as three Youth Actors of Ridgedale productions.

American-Polish Cultural Center

Located at 2975 Maple Road, the American-Polish Cultural Center is utilized for membership activities, as well as ballroom and Polish folk dancing, and summer socials. Also located within the Cultural Center is a banquet facility that can be used for weddings, showers, graduations and other parties. Located in the Cultural Center is the Wawel Restaurant, which offers delicious Polish cuisine.

E. Education

Quality education is an important and prominent asset of Troy. The Troy School District provides a challenging K-12 program that enables and motivates students to prepare for future success, whether in higher education or the work force. Consisting of 12 elementary schools, 4 middle schools, and 3 high schools, the District serves more than 12,000 students. The Troy School District is constantly one of the highest ranked districts in the state and the country.

Troy School District Awards and Recognitions¹⁰:

- Troy is one of only four school districts in Metropolitan Detroit to receive an "A+" rating from the Detroit News, following a comprehensive analysis of school quality factors.
- Athens and Troy High schools and the east campus of the International Academy were named among the top five percent of all U.S. high schools by U.S. News and World Report.
- Troy has been selected as a "top district" by School Match, a national education consulting and research firm.
- The Troy School District is among a handful of districts where every school has earned an "A" from the State of Michigan's EducationYES! Program.
- All Troy District K-12 schools have earned the prestigious Blue Ribbon award from the Michigan Department of Education.
- The Troy School District has an overall dropout rate of less than one percent.
- The Troy School District has been awarded a Gold Star Status from Expansion Management magazine, placing it among the top 16 percent of school districts across the district.

10 <http://www.troy.k12.mi.us/>

Other school systems that serve the City of Troy:

In addition to the Troy School District, the City is served by 6 other school systems and 5 private schools.

School Districts:

- Avondale School District
- Birmingham School District
- Bloomfield Hills School District
- Lamphere School District
- Royal Oak School District
- Warren Consolidated School District

Private schools that serve the troy:

- Bethany Christian K-12
- Brookfield Academy Pre-5
- Christian Leadership Academy
- Renaissance Montessori Center
- Troy Adventist Academy

University / Technical schools located in Troy

Troy also offers many higher education opportunities for adults looking to either earn their first degree, or take classes to sharpen their skill set and seek career advancement opportunities. Currently, 13 universities or technical schools have campuses within the city of Troy.

- Baker College
- Central Michigan University
- Cornerstone University
- International Academy
- ITT Tech
- Michigan State University – Management Education Center
- International Academy of Design and Technology
- The Art Institute of Troy
- Northwood University
- Oakland Community College
- Oakland University
- Rochester College
- Spring Arbor University
- University of Phoenix
- Walsh College

F. Green Incentives

The physical design aspect of Troy is very crucial to the health and wellbeing of its business community. Residents and workers alike desire attractive and safe communities in which to live and work. While Troy's physical layout is not atypical from those of other Metropolitan Detroit communities, the City has taken measures to distinguish itself by providing high quality parklands, and showing a commitment to smart-growth through a recently updated master plan, zoning ordinance, and design guidelines. With Troy's relatively high number of LEED certified buildings, green facilities, high quality parklands, and environmental protection, the City has been innovative towards environmental stewardship.

Land Use Design Guidelines (Zoning Ordinance)

This past April, the City of Troy adopted a new Zoning Ordinance. The Zoning Ordinance provides rules and regulations for development based on the goals and objectives outlined in the Master Plan. The Ordinance has two main design guideline sections: Sustainable Development Option (article 12) and Site Design Standards (article 13).

The Sustainable Development Option promote environmentally sustainable, energy efficient design and use industry best practices for the construction of new or rehabilitation of existing buildings and sites within the City, while simultaneously remaining consistent with the goals and objectives found in the Master Plan. The City of Troy offers incentives to developers and city residents with the intent to:

- Encourage the reuse of existing buildings and redevelopment of existing sites;
- Conserve natural resources;
- Reduce the use of energy in both construction and daily operations; and
- Foster a mix of uses to promote pedestrian, bicycle, and public transit options.

The Sustainable Design Option also provides storm water best management practices, building and construction on a flood plain, wind energy conversion systems, solar energy facilities and easements, and environmental performance standards.

The Site Design Standards intends to improve the site design and visual appearance of buildings with the ultimate goal of bettering public health, safety, and welfare. The Site Design Standards establish regulations on site components such as landscaping, lighting, parking, loading, and site access.

Big Beaver Design Guidelines

The Big Beaver Design Guidelines were adopted in 2010 as a supplement to the Zoning Ordinance in order to develop a form-based code for the Corridor. The Big Beaver Design Guidelines act as a less formal extension of the Site Design Standards found in the Zoning Ordinance and provide a more user friendly and streamlined approach to the site design process, providing examples and imagery to aid the prescribed language.

Troy Chamber of Commerce Green Business Initiative (GBI)

The mission of the Troy Chamber of Commerce's Green Business Initiative (GBI) is to promote the interests of businesses that are committed and engaged in environmentally responsible operations and practices. These environmentally friendly practices include energy efficiency, green purchasing, recycling, waste material reduction & prevention, low impact development planning, and water conservation.

Local Green Facilities

- Cedar Pines: “Green-Built” Subdivision: Environmentally friendly features include a rainwater harvesting system, compact fluorescent light bulbs, carpet made from recycled bottles, Nu-Wool insulation made from recycled newspapers, and wood trim from sustainable plantations.
- Kresge Foundation Headquarters: The U.S. Green Building Council awarded the Kresge Foundation headquarters a Platinum-level ranking, the highest attainable level in the Leadership in Energy and Environmental Design (LEED).
- Bank of America Corporate Office: First building in Michigan certified under LEED EB (Existing Building) certification.
- Walsh College: The Barry Center, a 37,000-square-foot LEED certified classroom building, gets most of its power from renewable resources, captures and filters its water, and converts waste heat into electricity.
- Doshi Group: The Doshi Group maximizes energy efficiency by incorporating task-design lighting levels, energy efficient lighting fixtures and features such as occupancy sensor-controlled lighting.

G. Healthcare

Residents of Troy of have access to two highly regarded medical centers in their municipal boundaries - Beaumont Hospital and Henry Ford Health Medical Center. Both serve southeastern Michigan by providing world-class care to their patients.

Troy Beaumont Hospital

Beaumont Hospital was recently ranked one of the top 100 hospitals in the United States for the seventh time by Solucient¹¹. In 2007, Beaumont Hospital broke ground on a project to expand the hospitals range of service and improve the quality of healthcare by constructing a new seven-story critical care tower and expanded emergency room facility. The project includes 235,670 square feet of new construction and more than 100,000 square feet of renovations to the obstetrics, radiology, pharmacy and security departments. In addition, Beaumont Hospital entered into a partnership to create a new medical school on Oakland University’s campus.

Henry Ford Health Care System

Henry Ford Hospital / Health Care System is known throughout Michigan for providing high quality services to their patients. There is a Henry Ford Medical Center located in the City of Troy at 2825 Livernois, Road south of Big Beaver Road. Services include: dermatology, family practice, neurology, eye care, pediatrics and internal medicine.

1 <http://www.100tophospitals.com/top-national-hospitals/>

H. Public Safety

Police

The Troy Police Department is a full service agency, serving a population of approximately 83,000 residents covering 34.3 square miles. In 2010, Troy was recognized as one of the safest cities in the United States by CQ Press¹². CQ Press uses six crime categories to establish criteria for the study, and targeted cities a population of at least 75,000. The crime categories included: murder, rape, robbery, aggravated assault, burglary and motor vehicle theft. The rankings in the CQ report are based upon data reported to the FBI for 2009. According to the CQ report, Troy has the lowest crime rate ranking in Michigan for cities with a population between 75,000 and 99,999. Nationwide, for cities with a population between 75,000 and 99,999, Troy is ranked 10th safest overall.

Fire

The Troy Fire Department is composed primarily of volunteer members with a career staff comprising 6% of the department. The career staff members provide required training; public education; plan review; inspection and code enforcement; permitting; equipment acquisition and maintenance; hazardous material reporting; and emergency management planning to support the department and comply with both state and local mandates. Overall, the combination of volunteer and career firefighters saves the citizens of Troy \$10-\$12 million annually, as compared to neighboring communities of similar size and demographics¹³.

II. Moving Forward

12 http://os.cqpress.com/citycrime/2010/City_crime_rate_2010-2011_hightolow.pdf

13 <http://troymi.gov/fire/>

According to an article by CWA which was featured in Michigan Township News, the requirements to cultivate the workforce of the 21st century include:

- Ranging of Housing Opportunities
- Walkable neighborhoods and open spaces
- Physical sense of place and place making
- Mix of land uses
- Open space, recreation and farmland preservation
- Alternative forms of transportation
- Compact urban form
- Access to technology

The criteria listed above are consistent with the Smart Growth principals which aim to promote goals such as environmental stewardship, public health and safety, and smart land use decisions. In 2007, The City of Troy completed the Smart Growth Readiness Assessment Tool (SGRAT), an assessments for scoring how well a community is prepared to develop according to Smart Growth principles. SGRAT provides a set of online assessments for scoring how well a community is prepared to develop according to the Smart Growth principles. Based on a 0-100% range, it is designed to provide communities with a baseline score, and can be used to measure progress. The higher the score, the better the community adheres to the particular smart growth tenant.

<i>Smart Growth Tenants Results on SGRAT</i>	
Compact building design	38%
Create a range of housing options	20%
Create walkable neighborhoods	49%
Encourage community and stakeholder collaboration	40%
Foster distinct attractive communities	32%
Make development decisions predictable and fair	74%
Mix land uses	30%
Preserve open spaces, natural resources, farmland, and critical environmental areas	26%
Provide a variety of transportation choices	33%
Strengthen and direct development towards existing communities	37%

Maximizing these Smart Growth principals will assist in the retention and growth of Troy businesses.



MEMORANDUM

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LG*
DATE: February 16, 2012
SUBJECT: Allowable Restrictions on Public Comment

After the last City Council meeting, I received a number of inquiries about the possibility of restricting offensive or abusive public comments. The First Amendment guarantees the freedom of speech, but only if exercised responsibly. Judges have ruled that derogatory, degrading, offensive, humiliating, vulgar and physically threatening comments are not protected by the First Amendment. Libelous or defamatory statements or speech that rises to the level of an invasion of privacy may subject the speaker to civil lawsuits and personal liability.

The Open Meetings Act also allows for restrictions on speech to promote decorum. As long as the rules are time, place and manner restrictions and are applied equally to all public commentary, the enforcement of these rules is allowed and encouraged.

Mayor Daniels has prepared a statement that is intended to notify all meeting attendees that offensive or abusive speech is not acceptable. A recitation of this type of advanced warning is recommended for every City Council meeting, and can also be incorporated into the Rules of Procedure, the Agenda booklet, the City's web page, or any other location designed to notify the public of the rules of public decorum and the consequences of any violation.



MEMORANDUM

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LG*
DATE: February 17, 2012
SUBJECT: Super City Smoker's Express, LLC. SDM liquor license

Enclosed please find the order issued by the Michigan Liquor Control Commissioner Edward J. Gaffney concerning Super City Smoker's Express, LLC, which is located at 2981 E. Big Beaver Road, Troy, MI. This tobacconist establishment was licensed on May 16, 2011, and has been found responsible for multiple counts of selling alcohol to minors. The order requires the business to be suspended for a five day period, starting March 9, 2012. During that time, no alcohol can be sold.

Additionally, since there have been five liquor license violations (selling alcohol to minors), the licensee will also be subjected to a suspension/revocation hearing before a full panel of the Michigan Liquor Control Commission.

I am happy to answer any additional questions about this particular liquor license or the process.



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

IN RE: SUPER CITY SMOKER'S EXPRESS, L.L.C.
D/B/A
2981 E. BIG BEAVER
TROY, MI 48083

HEARING: JANUARY 9, 2012
PLACE: STERLING HEIGHTS
COMPLAINT NO. 1-149838
BUSINESS ID NO. 220839
SDM

CHARGES – NOVEMBER 11, 2011

- (1) Sold or furnished alcoholic liquor to minor, Spencer William Oswald, date of birth June 26, 1994, who was less than twenty-one (21) years old, contrary to Const 1963, art 4, § 40 and contrary to Section 801(2) and/or Section 701(1) of the Michigan Liquor Control Code, MCL 436.1801(2) and/or MCL 436.1701(1).
- (2) Failed to cooperate with law enforcement officer(s) and/or obstructed law enforcement officer(s) in the course of inspecting or investigating the licensed premises, while enforcing the Michigan Liquor Control Code, contrary to Section 217 of the Michigan Liquor Control Code, MCL 436.1217, and/or contrary to Rule 436.1011(4).

NEGOTIATED SETTLEMENT

Joseph Harris, member of the above Licensed Limited Liability Company, appeared before this Commissioner and was represented by Attorney Alan Applebaum. Mr. Applebaum with Susan Moody-Frezza, Assistant Attorney General representing all law enforcement in this matter, proposed the following Negotiated Settlement for the Commissioner to consider in Case No. 1-147838 pursuant to Section 903 of the Michigan Liquor Control Code and administrative rule R 436.1909 of the Michigan Liquor Control Commission (MLCC):

PROPOSED NEGOTIATED SETTLEMENT

- (1) The Licensee will enter a plea of no contest to the two (2) charges cited above. The Licensee acknowledged, on the record, that while he is pleading no contest to protect his

constitutional rights regarding future legal actions, this plea of no contest is tantamount to acknowledging responsibility, for MLCC purposes, to the charge cited above. Also, the Licensee acknowledged that because this is one of five (5) no-contest pleas to Section 801(2) violations, this plea of no contest, together with other such pleas entered at the MLCC hearings on January 9, 2012, must by law, lead to a suspension/revocation hearing which will be held by Administrative Commissioners;

(2) The Commissioner will enter the Violation Report of this case and attachments thereto into the record as substantive evidence without objection. The Commissioner further will take notice of the prior record of this Licensee, since being licensed by the MLCC at the above-named location under the current ownership;

(3) The Licensee will agree to the sanction of a fine of \$450 for each of the two (2) charges cited above, for a total fine of \$900; and a five-day (5-day) suspension of the Licensee's liquor license, as penalty in this matter; and

(4) Both parties hereto will agree that there shall be no appeals on this matter to the Appeal Board of the MLCC or any court of law.

ORDER

In determining whether to approve the Negotiated Settlement as proposed above, the Commissioner considered support of the aforementioned settlement by Sgt. Michael Giorgi on behalf of the Troy Police Department.

In determining whether to approve the Negotiated Settlement as proposed above, the Commissioner considered the Licensee's total record, which shows no previous violations since being licensed on May 16, 2011, at the above-named location under the current ownership.

In consideration of the aforementioned circumstances and statements, the Commissioner hereby accepts the terms and conditions of the proposed Negotiated Settlement and Orders as follow:

The Commissioner accepts the Licensee's plea of no contest to the two (2) charges cited above. This acceptance was predicated on two (2) facts: a) the Troy Police Department gave its support to the proposed negotiated settlement; and b) there will be a suspension/revocation hearing held by Administrative Commissioners which will result, in all likelihood, in additional penalties for this Licensee.

The Commissioner hereby accepts the Violation Report of this case and attachments thereto as substantive evidence without objection. Further, the Commissioner hereby accepts a True Copy of this Licensee's record since being licensed by the MLCC at the above-named location under the current ownership.

Based upon the aforementioned plea by the Licensee, the Commissioner finds that the Licensee in Case No. 1-149838 did violate Section 801(2) of the Liquor Control Code, MCL 436.1801(2) and administrative rule R 436.1011(4) as cited in Charges Nos. 1 and 2, respectively, of the Complaint in this matter.

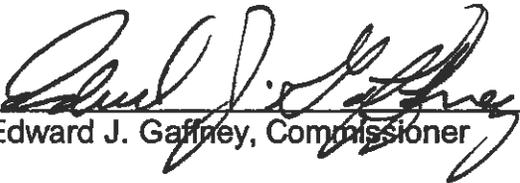
As penalty, the Commissioner Orders a fine of \$450 for each of the two (2) charges to which pleas of no contest were entered. In addition, the Commissioner Orders that a suspension of forty-five (45) continuous days be imposed if the total fine of \$900 is not paid with this suspension, if served, to be served consecutively and not concurrently with any other suspensions ordered by the MLCC for this Licensee. This fine will be due 45 days from the date of this Order.

In addition, the Commissioner Orders all licenses and permits issued by the MLCC to this Licensee at the above-named address be suspended for a period of five (5) continuous days.

Also, the Commissioner Orders the Licensee to pay \$80.50 in witness fees for this hearing.

The Licensee agrees this Negotiated Settlement was a full and final disposition of this matter before the MLCC. The Licensee recognizes that, as to this Complaint, there is no further right of administrative or judicial appeal, either to the MLCC or a court of law. The Licensee also agrees that the plea in this case was entered voluntarily and with the full understanding of all consequences. Furthermore, all parties agree that there are no promises, stipulations, understandings or agreements other than those stated above as part of the official record. This document represents the final agreed settlement.

MICHIGAN LIQUOR CONTROL COMMISSION



Edward J. Gaffney, Commissioner

Dated: January 26, 2012

Susan Moody-Frezza
Assistant Attorney General
25680 W. 8 Mile Rd.
Southfield, MI 48033

Alan Applebaum
Attorney at Law
31550 Northwestern Hwy., Suite 110
Farmington Hills, MI 48334

EJG: 1-149838



CITY COUNCIL AGENDA ITEM

Date: February 17, 2012
To: Mayor and City Council Members
From: John Szerlag, City Manager
Subject: Article from Michigan Humanities Council

The attached article that appeared in Michigan Stories of the Michigan Humanities Council highlights what a great job Mrs. Loraine Campbell and the Historic Village are doing relative to cultural awareness.

c: Loraine Campbell
Troy Historical Society
Mark Miller, Director of Economic and Community Development



Troy Historic Village Tackles Cultural Awareness

A booming city since the 1960s, Troy represents a variety of cultures from around the world. With a population of 81,000, more than 80 languages are spoken in the area and represent countries such as India, Pakistan, China, Japan, the Philippines and more. With its diverse culture, one organization is making it their mission to raise cultural awareness in the community.

With help from a Michigan Humanities Council major grant award, Troy Historical Society has launched a 10-month project that will engage southeast Michigan residents and visitors with stories of diverse cultures that combine to make the region so unique. In the end, the society hopes the community will learn that Troy Historic Village can serve as a catalyst for understanding each other.



Community members gather in the church at Troy Historic Village for an evening discussion. Photo by Loraine Campbell

“Our premise is that the best way to build bridges is through real people,” said Loraine Campbell, Historical Society director. “You drill down to where you could introduce individuals of varying backgrounds through their own stories. That’s where you find commonality and build relationships.”

Creating Community Dialogue

A portion of this project includes a monthly lecture series, which began in January and will stretch to May 16th. On Jan. 18, Janice Freij, curator of education at the Arab American National Museum, shared the personal story of her family’s immigration from Lebanon. Following the lecture, several attendees expressed interest in visiting the Arab American Museum, something Campbell plans to make happen.

“By next month, we hope to have a series of field trips to the Arab American Museum, the Charles H. Wright Museum of African American History, (and) to the Holocaust Museum,” she

said. “We don’t have a Japanese museum, but we can talk about that whole era ... and the repercussions we’re still feeling from that.”

On Feb. 15, anthropologist and historian Dr. Willie McKether, University of Toledo, will share the oral histories he has collected of African Americans who migrated from the South to find jobs and homes in Detroit, Flint and Saginaw.

All lectures are held in the old church at Troy Historic Village, and begin at 7:30 p.m. Admission is free for Troy Historical Society members, and \$5 for non-members. Additional lecture dates include:

March 21: Padma Kuppā – her story of 20th century immigration and balancing identities as Indo-Hindu-American

April 18: Mary Kamidōi (Japanese American Citizens League in Michigan) – her family’s story of being placed in a Japanese Internment Camp

May 16: Marius Sidau – his story of growing up in northwest Romania

Although the topics themselves are important for the region, it’s also the discussion for participants that gets Campbell excited.

“What’s equally important for me is the conversation that occurs before and after each lecture,” she said. “And if I’m standing there at 10 o’clock and people are still engaged in conversation, ... then I know we’ve succeeded.”

In addition, the society will host two workshops to assist participants in telling their own stories. These hands-on workshops are important to ensure a family’s story is never lost with one member of the family, whether it’s through an oral story or videos.

One workshop will explain how to preserve family photographs, movies and other media that share personal heritage. The second workshop will teach guests how to conduct an oral history.

“You have people saying, ‘we really have to tape record grandma, or grandpa, because they’re getting really old,’” Campbell said. “When they pass away, they take those (family) stories with them. It’s gone unless you preserve them.”

While the lectures and workshops may be geared toward an older crowd, the young ones are not losing out.

“We also looked at the very, very young children and said, ‘how do we stop barriers from being built up?’” Campbell said. “We can’t talk about multiculturalism to pre-schoolers. But when you look at fairy tales and folklore, and look at it cross-culturally, its telling the same stories. There is a Cinderella story in just about every culture you look at.”

The society has worked to package six different stories, with follow-up activities and crafts, that can be used in outreach for pre-school programs in the area. Once summer arrives, those children can come to Troy Historic Village for story time.

Over the holidays, Troy held an event called “Christmas 1863,” which looked at Christmas in that year and traditions that were celebrated. More than 200 people turned out to hear traditions behind the Christmas tree and foods used to celebrate the holiday, while enjoying sights of historical re-enactors such as Abraham Lincoln.

For more information on this grant project and the many events hosted by Troy Historical Society, please visit www.troyhistory.org or call (248) 524-3570. For more information on how your organization can apply for a major grant from the Michigan Humanities Council, call the Council office at (517) 372-7770. The next major grant deadline is March 15!