



# TROY CITY COUNCIL

## REGULAR MEETING AGENDA

**MARCH 19, 2012  
CONVENING AT 7:30 P.M.**

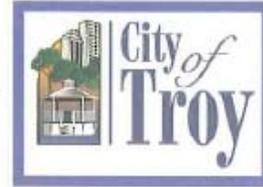
**Submitted By  
The City Manager**

---

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

---





TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Respectfully submitted,

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

John Szerlag, City Manager



# TROY CITY COUNCIL

## VISION STATEMENT AND GOALS

Adopted: Monday, February 7, 2011

### **VISION:**

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

### **GOALS:**

#### **Provide a safe, clean, and livable city**

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

#### **Provide effective and efficient local government**

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

#### **Build a sense of community**

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

#### **Attract and retain business investment**

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



## CITY COUNCIL AGENDA

March 19, 2012 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

<b><u>INVOCATION: Pastor Steve Husava – Northfield Hills Baptist Church</u></b>	<b>1</b>
<b><u>PLEDGE OF ALLEGIANCE:</u></b>	<b>1</b>
<b><u>A. CALL TO ORDER:</u></b>	<b>1</b>
<b><u>B. ROLL CALL:</u></b>	<b>1</b>
<b><u>C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:</u></b>	<b>1</b>
C-1 Proclamation Celebrating Shield's Restaurant and Pizzeria 20 <sup>th</sup> Anniversary	1
<b><u>D. CARRYOVER ITEMS:</u></b>	<b>1</b>
D-1 No Carryover Items	1
<b><u>E. PUBLIC HEARINGS:</u></b>	<b>1</b>
E-1 No Public Hearings	1
<b><u>F. PUBLIC COMMENT:</u></b>	<b>1</b>
<b><u>G. RESPONSE / REPLY TO PUBLIC COMMENT</u></b>	<b>2</b>
<b><u>H. POSTPONED ITEMS:</u></b>	<b>2</b>
H-1 No Postponed Items	2

---

<b><u>I.</u></b>	<b><u>REGULAR BUSINESS:</u></b>	<b><u>2</u></b>
I-1	Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Historic District Commission; Traffic Committee	2
I-2	Board and Committee Nominations: a) Mayoral Nominations - None; b) City Council Nominations - None	4
I-3	No Closed Session	4
I-4	Interlocal Agreement for Participation in the Oakland County Law Enforcement – Tactical Training Consortium (Oak-TAC)	4
<b><u>J.</u></b>	<b><u>CONSENT AGENDA:</u></b>	<b><u>4</u></b>
J-1a	Approval of “J” Items NOT Removed for Discussion	4
J-1b	Address of “J” Items Removed for Discussion by City Council	5
J-2	Approval of City Council Minutes	5
	a) Regular City Council Meeting of March 5, 2012 .....	5
J-3	Proposed City of Troy Proclamations:	5
	a) Proclamation Celebrating Shield’s Restaurant and Pizzeria 20 <sup>th</sup> Anniversary.....	5
J-4	Standard Purchasing Resolutions: None	5
J-5	Request for Recognition as a Nonprofit Organization Status from Daniel Mukomel – Troy Community Softball Association	5
J-6	Troy Racquet Club Rates	5
J-7	Michigan Department of Natural Resources Canada Goose Roundup and Nest Destruction Programs	6
<b><u>K.</u></b>	<b><u>MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:</u></b>	<b><u>6</u></b>
K-1	Announcement of Public Hearings: None Submitted	6

---

K-2	Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted	6
<b><u>L.</u></b>	<b><u>COUNCIL REFERRALS:</u></b>	<b><u>6</u></b>
L-1	No Council Referrals Advanced	6
<b><u>M.</u></b>	<b><u>COUNCIL COMMENTS</u></b>	<b><u>6</u></b>
M-1	No Council Comments Advanced	6
<b><u>N.</u></b>	<b><u>REPORTS</u></b>	<b><u>7</u></b>
N-1	Minutes – Boards and Committees:	7
	a) Animal Control Appeal Board-Final-November 30, 2010.....	7
	b) Liquor Advisory Committee-Final-February 13, 2012 .....	7
	c) Planning Commission-Special-Draft-February 28, 2012 .....	7
	d) Planning Commission-Special-Final-February 28, 2012 .....	7
N-2	Department Reports:	7
	a) Travel Expense Report – MML Elected Official Academy – Council Member Campbell .....	7
	b) Building Department Activity Report – February, 2012.....	7
N-3	Letters of Appreciation:	7
	a) Letter of Appreciation to John Szerlag from Shelly Lauer Regarding Assistance Received from Mitch Grusnick .....	7
	b) Letter of Appreciation to Chief Mayer from Oakland County Assistant Prosecuting Attorney Peter Menna Thanking Officer Garcher and Officer LaForest .....	7
	c) Letter of Appreciation to Chief Mayer from Chelsea Police Chief Toth Thanking Officer Shuler, Officer Gobler and Officer Brazel.....	7
N-4	Proposed Proclamations/Resolutions from Other Organizations: None Proposed	7
N-5	Big Beaver Corridor	7
N-6	Chapter 98 Firearm Regulations	7

---

**O. STUDY ITEMS** **7**

O-1 No Study Items 7

**P. CLOSED SESSION:** **7**

P-1 No Closed Session 7

**Q. ADJOURNMENT** **7**

**FUTURE CITY COUNCIL PUBLIC HEARINGS:** **8**

**SCHEDULED REGULAR CITY COUNCIL MEETINGS:** **8**

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

**SCHEDULED SPECIAL CITY COUNCIL MEETINGS:** **8**

Monday, April 23, 2012	Special Budget Study Session	8
Monday, April 30, 2012	Special Budget Study Session	8

---

**INVOCATION: Pastor Steve Husava – Northfield Hills Baptist Church**

**PLEDGE OF ALLEGIANCE:**

**A. CALL TO ORDER:**

**B. ROLL CALL:**

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

- b) Excuse Absent Council Members:

Suggested Resolution

Resolution #2012-03-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the Regular City Council Meeting of March 19, 2012, due to \_\_\_\_\_.

Yes:

No:

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

---

**C-1 Proclamation Celebrating Shield’s Restaurant and Pizzeria 20<sup>th</sup> Anniversary**

**D. CARRYOVER ITEMS:**

---

**D-1 No Carryover Items**

**E. PUBLIC HEARINGS:**

---

**E-1 No Public Hearings**

**F. PUBLIC COMMENT:**

**In accordance with the Rules of Procedure of the City Council, Article 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. *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.

The following has been approved by Troy City Council as a statement of the rules of decorum for City Council meetings. The Mayor will also provide a verbal notification of these rules prior to Public Comment:

*The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Also, there is a timer on the City Council table in front of the Mayor that turns yellow when there is one minute of speaker time remaining, and turns red when the speaker's time is up.*

*In order to make the meeting more orderly and out of respect, please do not clap during the meeting, and please do not use expletives or make derogatory or disparaging comments about any one person or group. If you do so, then there may be immediate consequences, including having the microphone turned off, being asked to leave the meeting, and/or the deletion of speaker comments for any re-broadcast of the meeting. Speakers should also be careful to avoid saying anything that would subject them to civil liability, such as slander and defamation.*

*Please avoid these consequences and voluntarily assist us in maintaining the decorum befitting this great City.*

## **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 – None; b) City Council Appointments – Historic District Commission; Traffic Committee**

**a) Mayoral Appointments - None**

b) City Council Appointments

Suggested Resolution

Resolution #2012-03-

Moved by

Seconded by

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

Historic District Commission

Appointed by Council

7 Regular Members

3 Year Term

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

**Hugh Stephen Doyle**

Term currently held by: Brian Wattles

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

**Barbara Chambers**

Term currently held by: Barbara Chambers

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

**Padma Kuppa**

Term currently held by: Sabah Jihad

Traffic Committee

Appointed by Council

7 Regular Members

3 Year Term

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

**David Ogg**

Term currently held by: Gordon Schepke (Appt'd to Planning Commission)

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

**Lawrence Ted Halsey**

Term currently held by: Lawrence Ted Halsey

Yes:

No:

---

**I-2 Board and Committee Nominations: a) Mayoral Nominations - None; b) City Council Nominations - None****a) Mayoral Nominations - None****b) City Council Nominations – None**

---

**I-3 No Closed Session**

---

**I-4 Interlocal Agreement for Participation in the Oakland County Law Enforcement – Tactical Training Consortium (Oak-TAC)**Suggested Resolution

Resolution #2012-03-

Moved by

Seconded by

WHEREAS, The Oakland County Law Enforcement – Tactical Training Consortium (Oak-TAC) is an organization established to coordinate a countywide training initiative to prepare Oakland County in the event of a major incident requiring a mutual aid response; and

WHEREAS, In order to participate in Oak-TAC, approval of the Inter-Local Agreement between the City of Troy and Oakland County, the City of Auburn Hills, the City of Bloomfield Hills, the City of Farmington Hills, the City of Ferndale, the City of Novi, the City of Oak Park, and the City of Royal Oak is required;

NOW THEREFORE, BE IT RESOLVED, That the attached Inter-Local Agreement for the Oakland County Law Enforcement – Tactical Training Consortium between the City of Troy and Oakland County, the City of Auburn Hills, the City of Bloomfield Hills, the City of Farmington Hills, the City of Ferndale, the City of Novi, the City of Oak Park, and the City of Royal Oak is hereby **APPROVED**.

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED** to sign the Inter-Local Agreement on behalf of the City of Troy.

Yes:

No:

**J. CONSENT AGENDA:**

---

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

Resolution #2012-03-

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 #2012-03-

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

- a) Regular City Council Meeting of March 5, 2012

---

**J-3 Proposed City of Troy Proclamations:**

- a) Proclamation Celebrating Shield’s Restaurant and Pizzeria 20<sup>th</sup> Anniversary

---

**J-4 Standard Purchasing Resolutions: None**

---

**J-5 Request for Recognition as a Nonprofit Organization Status from Daniel Mukomel – Troy Community Softball Association**

Suggested Resolution

Resolution #2012-03-

RESOLVED, That Troy City Council hereby **APPROVES** the request from Troy Community Softball Association, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license as recommended by City Management.

---

**J-6 Troy Racquet Club Rates**

Suggested Resolution

Resolution #2012-03-

RESOLVED, That Troy City Council hereby **APPROVES** the Troy Racquet Club rates for the 2012-2013 season as indicated in the report from the Recreation Department dated March 9, 2012, 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.

---

**J-7 Michigan Department of Natural Resources Canada Goose Roundup and Nest Destruction Programs**
**Suggested Resolution**  
**Resolution #2012-03-**

WHEREAS, The City of Troy City Council has received complaints of overpopulation of Canada geese inhabiting various locations within the City of Troy; and

WHEREAS, The City of Troy City Council has determined that the DNR Canada Goose Nest Destruction Program and/or Roundup/Removal Program are effective program(s) for the control of site specific problems for our residents; and

WHEREAS, The residents clearly understand that any birds removed and relocated during this program may be killed; and

WHEREAS, The residents, lake associations, businesses, subdivisions, condo associations etc., must apply for a DNR Permit for these program(s), on an annual basis, and must ensure that all lakefront residents, tenants, employees of this site, have been informed that this program is taking place at their lake/site, and understand if their site is located within more than one government unit, they are responsible to receive resolutions from each township/city/village, and are responsible for adhering to the requirements under their permit;

NOW, THEREFORE LET IT BE RESOLVED, That Troy City Council hereby formally **REQUESTS** the assistance of the Michigan DNR on behalf of the requests made in the City of Troy by any/all subdivisions, condo associations, apartments, businesses, lake associations, etc., as long as they abide by the DNR permit requirements, in the implementation of the Canada Goose Nest Destruction Program and/or Roundup/Removal Program, for a 5-year period from 2012 through 2016 and additionally, to advise the DNR that there shall be no cost to the City of Troy for these programs.

**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) Animal Control Appeal Board-Final-November 30, 2010
  - b) Liquor Advisory Committee-Final-February 13, 2012
  - c) Planning Commission-Special-Draft-February 28, 2012
  - d) Planning Commission-Special-Final-February 28, 2012
- 

**N-2 Department Reports:**

- a) Travel Expense Report – MML Elected Official Academy – Council Member Campbell
  - b) Building Department Activity Report – February, 2012
- 

**N-3 Letters of Appreciation:**

- a) Letter of Appreciation to John Szerlag from Shelly Lauer Regarding Assistance Received from Mitch Grusnick
  - b) Letter of Appreciation to Chief Mayer from Oakland County Assistant Prosecuting Attorney Peter Menna Thanking Officer Garcher and Officer LaForest
  - c) Letter of Appreciation to Chief Mayer from Chelsea Police Chief Toth Thanking Officer Shuler, Officer Gobler and Officer Brazel
- 

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

---

**N-5 Big Beaver Corridor**

---

**N-6 Chapter 98 Firearm Regulations**

---

**O. STUDY ITEMS**

---

**O-1 No Study Items**

---

**P. CLOSED SESSION:**

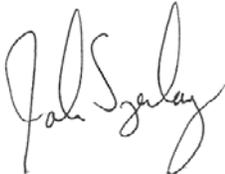
---

**P-1 No Closed Session**

---

**Q. ADJOURNMENT**

Respectfully submitted,



John Szerlag, City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

**SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

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  
CELEBRATING 20 YEARS  
SHIELD'S RESTAURANT AND PIZZERIA**

**WHEREAS, Shield's Restaurant and Pizzeria**, celebrates its **20<sup>th</sup> Anniversary** as a City of Troy business at 1476 Maple Road; and

**WHEREAS**, In 1992, **Peter and Paul Andoni** purchased the 8,000-square-foot Troy location, formerly the Smith Brothers Restaurant. The restaurant, with seating for 250, has a main dining room, banquet room and full bar area; and

**WHEREAS, Peter and Paul Andoni** purchased a Southfield location in 1996 and in 2001 they opened Encore Catering, which is now the preferred caterer for the Troy Community Center, serving delicious food for banquets and special events of all sizes; and

**WHEREAS**, The **Andoni brothers** franchised the **Shield's** concept in 2003 and in 2005 opened a franchise location in Macomb Township. Thanks to their loyal, satisfied customers and many new customers, **Shield's Restaurant** had their best year ever in 2011, with their carry-out and catering business up substantially. They expanded the catering services as a result of a growing demand for on-and off-premise catering for corporations and individuals hosting special events for up to 800 people; and

**WHEREAS, Shield's and the Andoni brothers** are strong community supporters contributing to a variety of charitable organizations, schools and churches throughout the area.

**NOW, THEREFORE, BE IT RESOLVED**, That the Mayor and City Council of the City of Troy does hereby congratulate **Shield's Restaurant and Pizzeria on its 20<sup>th</sup> Anniversary** and recognizes its impact upon our community as it serves as a steadfast and dedicated business in the City of Troy; and

**BE IT FURTHER RESOLVED**, That the Mayor and City Council of the City of Troy, City Management joins the citizens of this community in appreciation and celebration of the **20<sup>th</sup> Anniversary of Shield's Restaurant and Pizzeria in the City of Troy.**

Presented this 19<sup>th</sup> day of March 2012.



## CITY COUNCIL AGENDA ITEM

---

Date: March 6, 2012

To: John Szerlag, City Manager

From: Gary G. Mayer, Chief of Police  
Thomas Gordon, Lieutenant

Subject: Interlocal Agreement for Participation in the Oakland County Law Enforcement – Tactical Training Consortium (Oak – TAC)

---

### Background

Pursuant to the Oakland County Chiefs' meeting held on February 9, 2009, the Oakland County Law Enforcement – Tactical Training Consortium (Oak – TAC) was established to coordinate a countywide training initiative to prepare Oakland County in the event of a major incident requiring a mutual aid response. As this workgroup has progressed, we have had a dedicated group of state, county, and local officers coming together in this joint effort.

The first phase of combined training took place during the summer and early fall of 2009. Over 700 police officers from several Oakland County agencies received training in the standardized method of handling civil disorders and civil disobedience such as riot and crowd control. This training, in Small Squad Tactics – Mobile Field Force, was initially conducted by the Michigan State Police, with many local agencies providing officers that would serve as instructors in the follow up courses. This "Train-the-Trainer" model permitted the personnel expenses in conducting these classes to be shared by several agencies, while ensuring a standardized method of response.

The anticipated second phase of training will be the development of a protocol and coordination of training efforts of police officers in a standardized method of Rapid Deployment – Active Shooter Response. Additionally, this training group has brought together the leadership of several Oakland County SWAT teams, and we have been able to develop a resource list for manpower, equipment, and mutual aid. The Troy Tactical Support Team is currently sharing training resources with officers from the Ferndale, Royal Oak, Berkley, and Madison Heights police departments, as well as the Oakland County Sheriff's Office. Sharing these training resources has resulted in a cost savings for each of the agencies.

A proposed Interlocal Agreement formally establishing the Oakland County Tactical Training Consortium has been prepared by the Troy City Attorney's Office. By-Laws were drafted, along with a binder that must be entered into by any agency wishing to participate in this collaborative effort. Currently, the members of the committee are representatives from the Oakland County Sheriffs



## CITY COUNCIL AGENDA ITEM

---

Office, and the police departments of Auburn Hills, Bloomfield Hills, Farmington Hills, Ferndale, Novi, Oak Park, Royal Oak, and Troy. Chief Gary Mayer is currently serving as the Co-Chair of this workgroup.

Oak – TAC has secured grant funding that has permitted the purchase of equipment necessary to respond to any incident requiring a Small Squad Tactics – Mobile Field Force response. This equipment will be available to any agency that enters into the Interlocal agreement that is attached. Arrangements have been made to pre-position half of this specialized equipment in the City of Troy, and the other half in the City of Pontiac, with the Oakland County Sheriffs Office.

### Recommendation

It is recommended that the Interlocal Agreement be approved as written. By approving this document each of the participating agencies should see a reduction in training costs and access to specialized equipment necessary to respond to any incident requiring a Small Squad Tactics – Mobile Field Force response.

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

Approved as to Form and Legality:

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

\_\_\_\_\_  
Date

**INTERLOCAL AGREEMENT FORMALLY ESTABLISHING THE OAKLAND  
COUNTY TACTICAL TRAINING CONSORTIUM**

This Interlocal Service Agreement is made by and between the following governmental units, hereinafter referred to as "Members":

Oakland County  
1200 N. Telegraph Road  
Pontiac, Michigan 48341

City of Auburn Hills  
1827 N. Squirrel Road  
Auburn Hills, Michigan 48326

City of Bloomfield Hills  
45 E. Long Lake Road  
Bloomfield Hills, Michigan 48304

City of Farmington Hills  
31555 W. Eleven Mile Road  
Farmington Hills, Michigan 48336

City of Ferndale  
310 E. 9 Mile Road  
Ferndale, Michigan 48220

City of Novi  
45175 W. 10 Mile Road  
Novi, Michigan 48375

City of Oak Park  
13600 Oak Park Blvd  
Oak Park, Michigan 48237

City of Royal Oak  
211 Williams Street  
Royal Oak, Michigan 48067

City of Troy  
500 W. Big Beaver Road  
Troy, Michigan 48084

## RECITALS

WHEREAS, the Michigan Constitution of 1963, Article 7, § 28, and the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of 1967, Ex. Sess., being MCL 124.501, et. seq. (the "Act"), permit governmental units to exercise jointly with other governmental units any power, privilege or authority which such governmental units share in common which each might exercise separately; and

WHEREAS, all Members have the authority to purchase equipment and engage in tactical training for their police personnel for certification, practice and maintaining proficiency of police officers for the protection of the public for their respective governmental unit only; and

WHEREAS, the Members have mutually agreed that this Agreement be entered into to allow the Members to establish and implement cooperative programs and activities on a continuing basis to train their police personnel in small squad tactics and use of weapons for specific situations such as, but not limited to, hostage situations, events requiring use of special weapons and tactics ("S.W.A.T."), terrorist situations and Homeland Security defense; to purchase and supply weapons and equipment; to train multiple agencies for large scale critical situations requiring trained police personnel on a county wide basis; and to develop protocol and procedures for communication between multiple agencies during such situations; and

WHEREAS, the prior to the execution of this Agreement, Member sheriff/police departments established an organization known as the "Oakland County Tactical Training Consortium", also known as "OAK-TAC", to provide for the common goal of training police personnel in multiple jurisdictions by a more efficient and cost effective use of training personnel and to insure standardization of communications and training and tactical techniques for governmental units; and

WHEREAS, the OAK-TAC participants desire to formalize their goals and objectives by entering into this Agreement ; and

WHEREAS, pursuant to resolution of each Member's legislative body, the Members each have the authority to execute this Interlocal Agreement for Formally Establishing the Oakland County Tactical Training Consortium to also be known as OAK-TAC ("Agreement") to allow each Member's sheriff/police department to participate in tactical training through and organization under the terms set forth herein.

**NOW, THEREFORE**, in consideration of the mutual covenants, undertakings, understandings and agreements set forth above and in this Agreement, the Members agree to the following terms, conditions, representations, consideration and acknowledgements and mutually agree as follows:

1.Membership. Prior to the effective date of this Agreement, each Member's sheriff/police department has been a party to an organization known as the "Oakland County Tactical Training Consortium", also known as "OAK-TAC". Each Member shall remain a Member of OAK-TAC but only if the legislative body of the Member's governmental unit passes a resolution approving this Agreement and authorizing the appropriate signatory to execute this Agreement on behalf of the governmental unit and this Agreement is executed by the authorized signatories of the Member governmental unit.

2.Time Limit for Obtaining Resolution and Executing Agreement. Governmental units listed on this Agreement shall have until April 1, 2012 to obtain a resolution from its governing body approving the Agreement and authorizing appropriate signatories to sign the Agreement. Any of the governmental units listed on this Agreement who fail to obtain a resolution and signed the Agreement by April 1, 2012 shall not be accepted into OAK-TAC without complying with the requirements of Paragraph 7, New Members.

3.Purposes. Members mutually agree that the general purpose of OAK-TAC is to establish and implement cooperative programs and activities on a continuing basis to train police personnel in small squad tactics and use of weapons for specific situations such as, but not limited to, hostage situations, events requiring use of special weapons and tactics ("S.W.A.T."), terrorist situations and Homeland Security defense; to purchase and supply weapons and equipment; to train multiple agencies for large scale critical situations requiring numerous trained police personnel on a county wide basis; and to develop protocol and procedures for communication between multiple agencies during such situations.

4.Board of Directors. The Sheriff or Chief of Police or his/her designee, of each Member shall hold one (1) seat on the OAK-TAC Board of Directors. Each Member, through its Sheriff or Chief of Police, or his/her designee, shall have one (1) vote on any motion of the OAK-TAC Board of Directors.

5.Powers of Board of Directors. OAK-TAC, through its Board of Directors, shall have the power and duty to establish policies and procedures for meetings and to elect officers; to determine the topics of training; to implement training programs; to select training instructors and personnel; to provide for equipment, protective gear and venues for training; to set dates and times for training; to establish the criteria for those eligibility for specific training; to establish communication protocol between multiple agencies and to establish committees and sub-committees as set out in the OAK-TAC Bylaws to assist with these duties.

6.First Meeting and Adoption of Bylaws. The first meeting of the Board of Directors shall occur no later than six (6) months after the execution of this Agreement by at least two (2) governmental entities whose legislative bodies have approved and authorized the execution of the Agreement. At the first meeting, the Board of Directors shall adopt By Laws, a sample of which is attached hereto as Exhibit A.

After initial adoption, the Board of Directors may amend, alter, revise, delete provisions or add provisions to the By Laws upon a two-third (2/3) vote of the total number of Board of Directors and any amendments, alteration, revision, deletion or addition shall not be effective for a period of thirty (30) days following approval by the Board.

7. New Membership. The OAK-TAC Board of Directors shall have the power to determine if a non-member police department should be allowed to join OAK-TAC but only if that police department is a governmental unit of Oakland County, Michigan and has petitioned the Board of Directors for membership. The Board of Directors may approve membership for the petitioning governmental unit conditioned upon the governmental unit obtaining a certified resolution of its legislative body which approves this Agreement and authorizes the appropriate signatory to execute the Binder Agreement attached hereto and incorporated herein as Exhibit B. Execution of that Binder Agreement results in the acceptance of all terms and conditions set out in this Agreement. The certified resolution and an executed copy of the Binder Agreement shall be presented to the Board of Directors for vote to determine if the Board of Directors authorizes the President and Secretary to execute the Binder Agreement on behalf of OAK-TAC. If the Petitioning Member has been conditionally approved for membership but the OAK-TAC Board of Directors is not given a certified resolution and an executed copy of the Binder Agreement within six (6) months after the date of conditional approval, the conditional approval becomes null and void and a Petitioning Member must file a new request for membership. A two-third (2/3) vote of the total number of Members is required to authorize the President and Secretary to execute the Binder Agreement and accept the petitioner as a Member of OAK-TAC. Membership will become effective after execution of the Binder Agreement by the authorized representatives of the new Member and OAK-TAC.

8. Funding. OAK-TAC is also authorized under this Agreement to pursue grant funding for OAK-TAC for programs, equipment, gear and non-member training personnel. No Member match shall be authorized, except upon approval of the Board. The Treasurer of OAK-TAC shall be custodian and sole depositor of the funds of OAK-TAC and shall only disburse funds as authorized by the Board of Directors. If OAK-TAC is successful in obtaining grant funding and if the grant so allows, the Board of Directors may approve, by a majority vote, reimbursement of costs incurred by any specific Member for training and equipment utilized exclusively by or for OAK-TAC. Any equipment, gear or other property purchased by grant or otherwise by OAK-TAC shall remain the property of OAK-TAC.

9. Compensation. No member of the Board of Directors, including its elected officers, shall receive compensation from OAK-TAC for the performance of their duties. A Member may be reimbursed for costs to that Member incurred for OAK-TAC business meetings or other expenses, if such costs and/or expenses are approved by motion of the Board of Directors.

10. Non-Exclusive Training. No Member's sheriff/police department is obligated under this Agreement to use OAK-TAC exclusively for training and is expressly allowed to seek other training programs or to train internally on an as needed basis without violating this Agreement.

11. Membership Fee. There shall be no fee to any Member to participate in this Agreement unless fees are adopted under the terms set out in the OAK-TAC Bylaws.

12. Removal of Members. A Member may be removed for just cause upon a two-thirds (2/3) vote of the total number of Members.

13. Termination of Agreement. Regardless of the terms of the Agreement, any Member may withdraw from OAK-TAC for any reason or no reason upon a minimum thirty (30) days written notice. The termination and withdrawal of any Member shall not terminate or have any effect upon the provisions of the Agreement as long as there are two (2) remaining Members to this Agreement, including Members who have executed Binder Agreements.

14. Termination of OAK-TAC. This Agreement shall continue until terminated as follows:

(a) There is only one remaining Member; or

(b) A unanimous vote of termination by the all the Members.

15. Assets Upon Termination. Upon termination of this Agreement, any expenses or outstanding liability shall be paid first through any remaining assets of the consortium and thereafter, any remaining assets shall be distributed to the Members on an equitable basis as determined by the Board.

16. Compliance with Law. Members represent to each other that its police personnel shall comply with all federal, state and local ordinances.

17. No Employer-Employee Relationship. The Members agree that at all times and for all purposes under the terms of this Agreement, there is no employer-employee relationship between the Members. No liability, right or benefit associated with any employer-employee relationship shall be implied by the terms of this Agreement or service performed under this Agreement.

18. Permits and Licenses. Each Member shall be responsible for obtaining and maintaining, throughout the term of this Agreement, all licenses, permits, certificates, and governmental authorizations for its employees and agents necessary to perform all its obligations under this Agreement. Upon request by the OAK-TAC Board of Directors, a Member shall furnish copies of any permits, licenses, certificate or government authorization to the Board of Directors.

19. Liability for Member's Employees. Each Member agrees to be liable for disability and workers' compensation benefits, including derivative benefits, dependent benefits or other benefits related to disability and workers' compensation benefits, for its own employees.

20. Liability. Each Member shall be responsible for any claims made against that Party and for the acts of its employees or agents.

In any claims that may arise from the performance of this Agreement, each Party shall seek its own legal representation and bear the costs associated with such representation including attorney fees.

Except as otherwise provide in this Agreement, no Member shall have any right under any legal principle to be indemnified by the other Members or any of their employees or agents in connection with any claim.

This Agreement does not, and is not intended to, impair, divest, delegate or contravene any constitutional statutory, and/or other legal right, privilege, power, obligation, duty or immunity of the Parties. Nothing in this Agreement shall be construed as a waiver of governmental immunity for any Member.

21. Insurance. Within ten (10) days from the execution of this Agreement, each Member shall provide a Certificate of Insurance, acceptable to the other Members, demonstrating that general liability coverage is available for any and all claims for personal injury or property damage which are or might be caused by training of Members under this Agreement. Each Member agrees to keep said insurance coverage in full force and effect for the term of this Agreement or any renewals thereof. Each Member shall submit to the other Members, prior to the expiration of any insurance coverage, the new Certificate(s) of Insurance acceptable to the other Members. Any Certificate(s) of Insurance shall name the other Members as an additional insured and contain the following cancellation notice:

“Should any of the above described policies be cancelled before the expiration date thereof, the issuing insurer will mail 30 days written notice to the certificate holder.”

Any Member may request a copy of said insurance certificate at any time during this Agreement. Failure to produce a certificate of insurance within twenty (20) days of a request by a Member shall allow the requesting Member to petition the OAK-TAC Board of Directors to terminate the Agreement as to that specific Member.

A lapse in the insurance coverage required under the Agreement shall be considered a material breach of this Agreement and the Agreement shall become null and void automatically as to that Member only at any time such a lapse in coverage exists.

The Members agree that they shall promptly deliver to the other Members written notice and copies of any claims, complaints, charges, or any other accusations or allegations of negligence or other wrongdoing, whether civil or criminal in nature that the other Member becomes aware of and which involves training or any program or activity under this Agreement. Unless otherwise provided by law and/or the Michigan Court Rules, the Members agree to cooperate with one another in any investigation conducted by any other Member regarding any acts or performances of any services under this Agreement.

22. Continuing Obligation. The Members agree that all promises, waivers of liability, representations, insurance coverage obligations, liabilities, payment obligations and/or any other related obligations provided for in this Agreement with regard to any acts, occurrences, events, transactions, or claims, either occurring or having their basis in any events or transaction that occurred before termination of this Agreement, shall survive the termination.

23. Notice. Any written notice required or permitted under the Agreement shall be considered delivered to a Member as of the date that such notice is deposited, with sufficient postage, with the U.S. Postal Service. Unless specifically otherwise set out in the Agreement, all writing sent to each Member shall be sent to the address set out for each Member at the beginning of this Agreement or to an updated address provided to the OAK-TAC Board of Directors.

24. No Waiver of Governmental Immunity. All of the privileges and immunities from liability, and exemptions from laws, ordinances and rules which apply to the activities of parties, officers, agencies, and employees of any governmental agency when performing its functions, shall apply to the same degree and extent to the performance of such functions and duties under the provisions of this Agreement. No provision of this Agreement is intended, nor shall any provision of this Agreement be construed, as a waiver by any Member of governmental immunity as provided under law.

25. Entire Agreement. This Agreement sets forth the entire Agreement between the Members. The language of this Agreement shall be construed as a whole according to its fair meaning and not constructed strictly for or against any Member. The Members have taken all actions and secured all approvals necessary to authorize and complete this Agreement.

26. Severability of Provisions. If a Court of competent jurisdiction finds any provision of this Agreement invalid or unenforceable, then that provision shall be deemed severed from the Agreement. The remainder of this Agreement shall remain in full force.

27. Governing Law. This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret or decide any claim arising under this Agreement shall be brought in the 6th Judicial Circuit Court of the State of Michigan or the United States District Court for the Eastern District of Michigan, Southern Division as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.

28. Recitals. The Recitals shall be considered an integral part of this Agreement.

29. No Implied Waiver. No fact, failure or delay by a Member to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement. No waiver by any Member shall subsequently affect its right to require strict performance of this Agreement.

30. Counterpart Signatures and Record Keeping of Original. This Agreement may be signed in counterpart. A copy of each original signature page for each Member all be filed for record keeping with the Secretary of OAK-TAC.

IN WITNESS WHEREOF, this Agreement is executed by the Member on the date set out on the signature line for each Member. This Agreement becomes effective when at least two (2) Members have affixed their signatures affixed hereto and an executed copy is sent by first class mail to the Michigan Secretary of State and the Oakland County Clerk.

WITNESSES:

OAKLAND COUNTY

\_\_\_\_\_

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

\_\_\_\_\_

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

Dated: \_\_\_\_\_

CITY OF AUBURN HILLS

\_\_\_\_\_

By: James McDonald, Mayor

\_\_\_\_\_

By: Peter Auger, City Manager

Dated: \_\_\_\_\_

CITY OF BLOOMFIELD HILLS

\_\_\_\_\_

By: Michael Zambricki, Mayor

\_\_\_\_\_

By: Jay W. Cravens, City Manager

Dated: \_\_\_\_\_

CITY OF FARMINGTON HILLS

\_\_\_\_\_

By: Barry Brickner, Mayor

\_\_\_\_\_

By: Pam Smith, City Clerk

Dated: \_\_\_\_\_

CITY OF FERNDALE

\_\_\_\_\_

By: David Coulter, Mayor

Dated: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

CITY OF NOVI

\_\_\_\_\_  
By: Robert Gatt, Mayor

\_\_\_\_\_  
By: Maryanne Cornelius, City Clerk

Dated: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

CITY OF OAK PARK

\_\_\_\_\_  
By: Marion Meisner McClellan, Mayor

\_\_\_\_\_  
By: Tonni Bartholomew, City Clerk

Dated: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

CITY OF ROYAL OAK

\_\_\_\_\_  
By: Jim Ellison, Mayor

\_\_\_\_\_  
By: Melanie Halas, City Clerk

Dated: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

CITY OF TROY

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

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

Dated: \_\_\_\_\_

## Exhibit A

### SAMPLE BY-LAWS

## OAKLAND COUNTY TACTICAL TRAINING

### CONSORTIUM BYLAWS

#### Article I

##### Name, Purpose and Definitions

**Section 1. Name** – This organization shall be known as Oakland County Tactical Training Consortium, hereinafter referred to as “OAK-TAC”.

**Section 2. Purpose and Activities** – The purpose and activities of OAK-TAC are stated in the Agreement and further detailed below:

- a) To provide professional training and leadership to service police department personnel.
- b) To establish and implement cooperative programs and activities for training in the area of small squad tactics and use of weapons, such as, but not limited to, hostage situations, events requiring use of special weapons and tactics (“SWAT”), terrorist situations and Homeland Security defense.
- c) To promote education and safety in the area of use of special tactical situations.
- d) To establish a forum for the free exchange of ideas regarding training by various police department personnel.

**Section 3. Definitions** – To the extent any of the words and expressions defined in the Agreement are set forth in these Bylaws, they shall have the meanings ascribed to them in the Agreement.

#### Article II

##### Membership

**Section 1. Request for Membership** – Requests for membership in OAK-TAC subsequent to the establishment of OAK-TAC under the Agreement shall be made by the Sheriff or Chief of Police of the prospective governmental unit. Such request shall be made in writing to the Secretary of OAK-TAC stating the governmental unit’s ability to meet all requirements as set forth in the Oakland County Tactical Training Consortium Agreement and the Bylaws. Any

political subdivisions within Oakland County that has a police department and provides police services shall be eligible for membership in OAK-TAC.

**Section 2. Receipt of request for membership** – The Secretary shall send a copy of the request for membership to the Chief of Police of each member. The request shall appear on the agenda for discussion at the first regular or special meeting held after receipt of the request.

**Section 3. Approval** - Approval of membership shall be granted by affirmative vote of 2/3 or more of the total membership at the time of such vote and conditioned upon the petitioning member obtaining a certified resolution for the legislative body of its governmental unit authorizing the appropriate signatory to enter into an Agreement binding the governmental unit to all terms and conditions of the Interlocal Agreement Formally Establishing the Oakland County Tactical Training Consortium. The certified resolution and the signed Agreement shall be presented by the petitioning member to the Secretary. The Secretary shall then present those documents to the Board of Directors for a vote on final authorization of membership in OAK-TAC.

**Section 4. Removal** – Removal from membership shall be by affirmative vote of 2/3 or more of the total membership at the time of such vote.

**Section 5. Withdrawal** – Any member may withdraw as from OAK-TAC provided that written notice is given to the Secretary of the Board within thirty (30) days before the withdrawal is to become effective.

**Section 6. Representation** – Each member shall be represented on the Board by the Chief of Police or his/her designated representative.

**Section 7. Voting** – Each member present at a meeting, through its designated representative, shall have one (1) vote on all issues brought before the Board. This vote shall be cast only by the Chief of Police or his/her designated representative at scheduled meetings. Presence in person at the meeting shall be required for voting. Unless otherwise specified in the Agreement or these Bylaws, a majority vote of those present at a duly constituted meeting of the Board shall be necessary for the passage of motions.

**Section 8. Compensation** – No member of the Board, including its elected officers, shall receive compensation from OAK-TAC for the performance of their duties. A Member may be reimbursed for costs to that Member incurred for OAK-TAC business meetings or other expenses, if such costs and/or expenses are approved by motion of the Board of Directors.

## **Article III**

### **Officers**

**Section 1. Officers** – The officers of OAK-TAC shall consist of: President, Vice-President, Secretary and Treasurer.

**Section 2. Term of officer** – The terms of office of all officers of OAK-TAC shall be from January 1 to December 31 of each year.

**Section 3. Election of officers** – The election of officers shall be conducted at the first regular schedule meeting where a quorum is present after September 30<sup>th</sup> of each year. Officers elected before January 1<sup>st</sup> shall take office on January 1<sup>st</sup>. If there is not a quorum at a regular scheduled meeting between September 30<sup>th</sup> and December 31<sup>st</sup> of any year, the officers of OAK-TAC shall be elected at the first regular meeting when a quorum is present after January 1<sup>st</sup>, and officers shall commence their terms immediately. Officers shall be elected by a majority vote of those present and voting at a duly constituted meeting. If an officer vacates his or her position mid-term for any reason, nominations shall be made and voted upon at the next scheduled meeting or a special meeting called by the President or, in the President's absence, the Vice-President of OAK-TAC.

**Section 4. Duties of officers** – The President shall be the chief officer of OAK-TAC. The President shall preside at all meetings of OAK-TAC and set the meeting agenda. The President shall call meetings as necessary, as requested by a simple majority of the membership or on an emergency basis.

The Vice-President shall assume the duties of the President in his absence or unavailability for any cause.

The Secretary shall assume the duties of President in the absence of the President and Vice-President at any duly constituted meeting. The Secretary shall keep the records and minutes of OAK-TAC and shall maintain the roster of members, the Agreement, Bylaws, and all other documents. It shall be the Secretary's duty to receive and acknowledge all communications of OAK-TAC, and perform such duties as assigned by the President.

The Secretary shall provide each member of the OAK-TAC a copy of the minutes of each past meeting at least ten (10) days prior to the next regular scheduled meeting.

The treasurer shall be custodian and sole depositor of the funds, if any, of OAK-TAC and shall disburse such funds by check as herein authorized or upon approval of the Board. The Treasurer shall render a complete summary of any income, disbursements and balances whenever requested by the Board, and to the membership at each regular meeting. A written copy shall be made available to any member upon request. Any grant monies or other funding to OAK-TAC shall be collected and distributed by the Treasurer on direction from the Board.

The Board of Directors collectively shall:

- a) Determine training needs, equipment needs, programs, faculty, sites of training, policies and procedures.
- b) Determine new Membership or termination of Membership.

- c) Resolve disputes between or among Members or to determine issues in controversy.
- d) Call for investigations of incidents involving the Membership.
- e) Approve or disapprove reimbursement to Members for training and equipment utilized exclusively by OAK-TAC from grant funding, if allowed under the grant conditions.
- f) Appoint a legal advisor, if necessary.
- g) If necessary, determine policy and procedures on media relations.

## **Article IV**

### **Meetings**

**Section 1. Regular meetings** – The regular meetings of OAK-TAC shall be on the third Wednesday of each month, except the month(s) specifically omitted by a majority vote of the members present at a regular meeting.

**Section 2. Special Meetings** – Special meetings of OAK-TAC may be called by the President of OAK-TAC, or by a majority of the members who petition the President. The place and time shall be determined by the President. Proper notice of at least five (5) days shall be given to all members.

**Section 3. Rules of Order** – All meetings shall be conducted in compliance with Robert's Rules of Order, by similar rules of order or by procedural rules adopted by the Board.

**Section 4. Motions requiring special procedures** – All proposed motions for termination of OAK-TAC or decisions regarding assessments and/or dues to each member must be announced at meetings at least one month prior to the meeting where the vote on the motion is taken.

**Section 5. Quorum** – A quorum shall be required for the conduct of any business at regular and special meetings. A quorum shall be a majority of the total membership of OAK-TAC at the time of the meeting. A quorum for removal proceedings shall be 2/3 of the total membership of OAK-TAC at the time of the meeting.

**Section 6. Attendance** – Any member whose Board representative fails to attend three regular meetings of OAK-TAC within one calendar year shall be notified of such absences in writing by the Secretary. Such notification shall be sent to the Chief of Police or Sheriff and/or the Chief Executive Officer of such member's political subdivision.

**Section 7. Fiduciary duties** – The members are under a fiduciary duty to conduct the activities and affairs of OAK-TAC in the best interest of OAK-TAC. The members of OAK-TAC shall discharge this duty in good faith. In the event that any member of the OAK-TAC Board are faced with a conflict of interest between their fiduciary duty to

OAK-TAC and the duty owed to their respective political subdivision, those members should refrain from voting on the issue presenting the conflict of interest.

## **Article V**

### **Dues, Fees and Other Charges**

**Section 1. Dues, fees and other charges.** There shall be no dues, fees or other charges assessed to any member unless the Board, after notice to all Members, votes by a 2/3 majority to institute such dues, fees or other charges.

**Section 2. Timeliness of payments.** If, at any time, dues, fees or other charges are assessed by OAK-TAC, the Board shall establish by motion the amount assessed to each member and the conditions of payment including, but not limited to, due dates.

**Section 3. Failure to Pay –** The failure of any member to pay dues, fees or other charges within ninety (90) days of the due date shall forfeit membership in OAK-TAC. Reinstatement is conditioned on approval of the membership and payment of all arrears.

**Section 4. Prorating of Charges –** When new members are accepted for membership, dues, fees or other charges may be prorated if the dues, fees or other charges have been assessed to cover a specific period of time.

## **Article VI**

### **Committees**

**Section 1. Special committees and sub-committees–** The OAK-TAC Board may establish such committees and sub-committees as are necessary to conduct the business of OAK-TAC. Ad hoc committees may be established by majority vote of the OAK-TAC Board for short term purposes as may be necessary to OAK-TAC; however, any committee whose active work continues for greater than one (1) year shall be considered a standing committee except by majority vote of the OAK-TAC Board. Standing committees may be established by majority vote of the OAK-TAC Board as may be necessary to OAK-TAC.

## **Article VII**

### **Amendment to Bylaws**

**Section 1. Requirements –** These Bylaws may be amended at any regular or special meeting of the OAK-TAC Board by an affirmative vote of 2/3 of the members present in the following manner:

- a) Any member in good standing at a regular meeting may propose an amendment, alteration, revision or addition to the Bylaws of OAK-TAC.
- b) A written copy of the proposed amendment, alteration, revision or addition shall be filed with the Secretary.
- c) The Secretary shall include the proposed amendment, alteration, revision or addition in the minutes, and read the proposal at two successive meetings, and it shall be voted upon at the second successive meeting.

**Section 2. Effective date** – Amendments of the Bylaws shall be effective thirty (30) days after the vote; unless a longer period of time is designated by a majority vote of the Board.

**Exhibit B**

**BINDER AGREEMENT FOR INTERLOCAL AGREEMENT FORMALLY  
ESTABLISHING THE OAKLAND COUNTY TACTICAL TRAINING CONSORTIUM**

This Agreement between Oakland County Tactical Training Consortium, hereinafter "OAK-TAC", whose address is: \_\_\_\_\_ and \_\_\_\_\_, hereinafter "Petitioning Member", whose address is: \_\_\_\_\_ dated, this \_\_\_\_ day of \_\_\_\_\_ 20\_\_, is hereby entered into as follows:

**RECITALS**

WHEREAS, there currently exist an Interlocal Agreement Formally Establishing the Oakland County Tactical Training Consortium which was entered into by a number of governmental entities("Members") in Oakland County, Michigan. That Agreement is authorized under the Urban Cooperation Act of 1967 and is attached hereto as Exhibit 1;

WHEREAS, the Michigan Constitution of 1963, Article 7, § 28, and the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of 1967, Ex. Sess., being MCL 124.501, et. seq. (the "Act"), permit governmental units to exercise jointly with other governmental units any power, privilege or authority which such governmental units share in common which each might exercise separately; and

WHEREAS, for a petitioning governmental entity to become a Member of OAK-TAC it is necessary to enter into an Agreement accepting all terms and conditions set out in the existing Interlocal Agreement Formally Establishing the Oakland County Tactical Training Consortium, including the Bylaws.

WHEREAS, pursuant to a resolution of the Petitioning Member's legislative body, giving the signatories on this Agreement the authority to bind the Petitioning Member to the terms and conditions set out in the Interlocal Agreement Formally Establishing the Oakland County Tactical Consortium as though the Petitioning Member has signed the original Agreement; and

**NOW, THEREFORE**, in consideration of the mutual covenants, undertakings, understandings and agreements set forth above and in this Agreement, the Petitioning Member agrees to the following terms, conditions, representations, consideration and acknowledgements and mutually agree as follows:

1. Certified Resolution and Execution of Binder Agreement. Prior to the execution of this Binder Agreement, Petitioning Member has petitioned the OAK-TAC Board of Directors for membership. The OAK-TAC Board of Directors has approved Petitioning Member for membership conditioned on the Petitioning Member obtaining a certified resolution of the Petitioning Member's City Council or legislative body approving this Binder Agreement and authorizing the appropriate signatories to execute this Binder Agreement. Petitioning Member agrees to submit the certified resolution and an executed copy of this Binder Agreement to the OAK-TAC Board of Directors within a timely manner after approval of the resolution and execution of the Binder Agreement.

2. Agreement to be Bound by Terms and Conditions in Existing OAK-TAC Agreement. Petitioning Member acknowledges that it has been given a copy of the existing Interlocal Agreement Formally Establishing the Oakland County Tactical Training Consortium (Exhibit 1) and that it has read and agrees to be bound by each and every terms and conditions contained therein including the OAK-TAC Bylaws (Exhibit B) which are attached hereto and made a part hereof.

3. OAK-TAC Board of Directors approval. Upon receipt of the certified resolution and the executed Binder Agreement, the President of the Board of Directors shall place the item on the agenda for a vote of the Board of Directors. A resolution to approve membership for the Petitioning Member shall require a two-third (2/3) vote of the total number of Members. The OAK-TAC resolution for approval shall state that the Petitioning Member has provided a certified resolution and an executed copy of the Binder Agreement; is approved for membership in OAK-TAC; and the President and Secretary have the authority to execute the Binder Agreement on behalf of OAK-TAC.

4. Membership on Board of Directors. After passage of a resolution approving the Petitioning Member for membership in OAK-TAC and the execution of the Binder Agreement by the President and Secretary, the Chief of Police or his/her designated of the Petitioning Member as a Member of OAK-TAC shall hold one (1) seat on the OAK-TAC Board of Directors and shall one (1) vote on any motion of the OAK-TAC Board of Directors.

5. Counterpart Signatures. This Agreement may be signed in counterpart. The counterpart taken together shall constitute one (1) agreement.

IN WITNESS WHEREOF, this Agreement is executed by the Petitioning Member.

WITNESSES:

CITY OF \_\_\_\_\_,  
PETITIONING MEMBER

\_\_\_\_\_

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

\_\_\_\_\_

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

Dated: \_\_\_\_\_

OAK-TAC

\_\_\_\_\_

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

Its: President

\_\_\_\_\_

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

Its: Secretary

Pastor Talitha Pennington from Community of Christ-Troy Oaks Church 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, March 5, 2012, at City Hall, 500 W. Big Beaver Rd. Mayor Daniels called the meeting to order at 7:31 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 Presentation by Troy Community Coalition's Teens Taking Action TTA President Liz Stuart and Vice President Jannet Jones Regarding the Ridin Sober Campaign; Presentation by Alliance Mobile Health CEO Laurie Thiel and Director of Operations Tom King Regarding Statistics Related to Safe Driving**

### **D. CARRYOVER ITEMS:**

**D-1 No Carryover Items**

### **E. PUBLIC HEARINGS:**

**E-1 No Public Hearings**

### **F. PUBLIC COMMENT:**

Koerber, Ralph	Continued comments on the responsibilities of elected officials' from the February 20, 2012 City Council Meeting.
Walters, Allen	Spoke about traffic issues on Boyd Street.
Walters, Roger	Spoke about traffic issues on Boyd Street.
Peters, Richard	Spoke about various topics.
Kulesz, John	Spoke about reasons to recall Mayor Daniels.
Martin, Susan S.	Requests resignation of Mayor Daniels.

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

### **H. POSTPONED ITEMS:**

**H-1 No Postponed Items**

**I. REGULAR BUSINESS:****I-1 Board and Committee Appointments: a) Mayoral Appointments – Downtown Development Authority; b) City Council Appointments – None****a) Mayoral Appointments**

Resolution #2012-03-054

Moved by Daniels

Seconded by Tietz

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:

**Downtown Development Authority**

Appointed by Mayor

13 Regular Members

4 Year Term

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

Term currently held by: Stuart Frankel

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

Term currently held by: David Hay

**Term Expires: 09/30/2015****P. Terry Knight****(At Large)**

Term currently held by: P. Terry Knight

Yes: All-7

No: None

**MOTION CARRIED****b) City Council Appointments - None****I-2 Board and Committee Nominations: a) Mayoral Nominations - None; b) City Council Nominations: Traffic Committee****a) Mayoral Nominations - None****b) City Council Nominations**

Resolution #2012-03-055

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:

Traffic Committee

Appointed by Council  
7 Regular Members  
3 Year Term

Nominations:

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

**David Ogg**

Term previously held by: Gordon Schepke (Appt to Planning Commission)

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

**Lawrence Ted Halsey**

Term previously held by: Lawrence Ted Halsey

Historic District Commission

Appointed by Council  
7 Regular Members  
3 Year Term

Nominations:

**Term Expires: 7/31/2013**

**Hugh Stephen Doyle**

Term currently held by: Brian Wattles

**Term Expires: 3/1/2014**

**Barbara Chambers**

Term currently held by: Barbara Chambers

**Term Expires: 3/1/2014**

**Padma Kuppa**

Term currently held by: Sabah Jihad

Yes: All-7  
No: None

**MOTION CARRIED**

**I-3 Closed Session**

Resolution #2012-03-056  
Moved by Fleming  
Seconded by McGinnis

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (e) Pending Litigation - *Robert and Michelle Riddle v. City of Troy*.

Yes: All-7  
No: None

### MOTION CARRIED

---

#### I-4 Bid Waiver: Pelco Camera System Core Upgrade

Resolution #2012-03-057  
Moved by Slater  
Seconded by McGinnis

WHEREAS, SimplexGrinnell is an authorized, licensed installer in Michigan of the Andover Controls security system and the Pelco Endura system; and

WHEREAS, The Police Department has remote access to monitor video and alarms at all facilities from a central location with compatible equipment and software; and

WHEREAS, Due to the complexity of the system, it is desirable to allow the company who programmed and currently maintains the system to upgrade the camera system, thus avoiding corruption of the programming;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and **AUTHORIZES** the City of Troy to utilize the services of SimplexGrinnell of Farmington Hills, MI, to purchase and install the Pelco Endura System for an estimated total cost of \$150,000.00, in accordance with their quotation dated 10-Feb-12, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7  
No: None

### MOTION CARRIED

---

#### I-5 Private Agreement – Holiday Inn Express – Project No. 11.911.3

Resolution #2012-03-058  
Moved by McGinnis  
Seconded by Fleming

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and FAS Hotels, LLC., is hereby **APPROVED** for the installation of water main, paving, sanitary sewer, 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.

Yes: All-7  
No: None

### MOTION CARRIED

---

---

**I-6 2012 Tri-Party Program – Slab Replacements on County Roads**

Resolution #2012-03-059

Moved by Slater

Seconded by Tietz

RESOLVED, That the Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County for the 2012 Tri-Party Program is hereby **APPROVED** at an estimated cost to the City of Troy of \$94,375, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement, 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 #2012-03-060

Moved by Fleming

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) J-4d, which **SHALL BE CONSIDERED** after Consent Agenda (I) items, 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 #2012-03-060-J-2

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

- a) Regular City Council Meeting of February 20, 2012

---

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

---

**J-4 Standard Purchasing Resolutions:**

---

a) **Standard Purchasing Resolution #1: Award to Low Bidder – Pavement Seam, Fracture Sealing and Spray Injection Patching Program**

Resolution #2012-03-060-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Pavement Seam, Fracture Sealing and Spray Injection Patching Program for the City of Troy to the low bidder, Michigan Joint Sealing Inc. of Farmington Hills, MI, at unit prices contained in the bid tabulation opened February 6, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with all work not to exceed budgetary limitations in the capital accounts for Public Works Construction, Major and Local Roads, which will not exceed \$150,000.00.

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

b) **Standard Purchasing Resolution #4: MITN Cooperative Award – City of Farmington Hills – Purchase of Pyramid Vehicular Repeaters**

Resolution #2012-03-060-J-4b

RESOLVED, That Troy City Council hereby **APPROVES** a contract for the purchase and installation of five (5) Pyramid Vehicular Repeaters from the most qualified and responsive bidder, Advanced Wireless Telecom of Wixom, MI, through a MITN Cooperative Award hosted by the City of Farmington Hills at an estimated total cost of \$14,780.00.

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

c) **Standard Purchasing Resolution #1: Award to Low Bidder – Printing and Distribution of 2012 and 2013 Summer and Winter Tax Bills**

Resolution #2012-03-060-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** a two (2) year contract to provide Laser Printing and Distribution of the City of Troy Summer and Winter Tax Bills, with an option to renew for one (1) additional year to the low bidder Peregrine Services Inc. of Monroe, LA for an estimated total cost of \$14,384.00 for two years, plus the actual cost of first class postage, at unit prices contained in the bid tabulation opened February 22, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, to expire December 31, 2013.

---

**J-5 Traffic Committee Recommendation and Minutes – February 15, 2012**

Resolution #2012-03-060-J-5

**Item 4: Intersection Control – Burdic at Edith**

RESOLVED, That the intersection control at Burdic and Edith be **MODIFIED** from “no traffic control” to STOP signs on the Edith Street approaches to the intersection.

---

**J-4 Standard Purchasing Resolutions:**

**d) Standard Purchasing Resolution #1: Award to Low Bidder – Major Street Pavement Marking Program**

Resolution #2012-03-061  
 Moved by McGinnis  
 Seconded by Slater

RESOLVED, That Troy City Council hereby **AWARDS** a two-year contract to furnish Major Street Pavement Markings with an option to renew for one (1) additional year to the low total bidder, P.K. Contracting, Inc. of Troy, MI, at unit prices contained in the bid tabulation opened January 31, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with all work not to exceed multi-year budgetary limitations in the operating accounts of Streets and Major roads surface maintenance, which will not exceed \$208,000.00 over two years.

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

Yes: All-7  
 No: None

**MOTION CARRIED**

**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) Planning Commission-Draft-January 10, 2012
- b) Zoning Board of Appeals-Draft-January 17, 2012
- c) Traffic Committee-Final-January 18, 2012
- d) Planning Commission-Draft-February 14, 2012
- e) Planning Commission-Final-February 14, 2012
- f) Historic District Study Committee-Draft-February 17, 2012
- g) Animal Control Appeal Board-Draft-February 22, 2012  
Noted and Filed

---

**N-2 Department Reports:**

- a) Planning Commission 2011 Annual Report
- b) 2011 Year End Calls for Police Service Report  
Noted and Filed

---

**N-3 Letters of Appreciation:**

- a) Letter of Appreciation to Chief Mayer from Elise Arndt of Faith Lutheran Church  
Thanking Officer Feld for a Presentation  
Noted and Filed

---

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

Noted and Filed

---

**N-5 Reference Information for Liquor License Types**

Noted and Filed

**O. STUDY ITEMS**

---

**O-1 No Study Items**

**P. CLOSED SESSION:**

---

**P-1 Closed Session**

**Q. ADJOURNMENT**

The meeting **RECESSED** at 8:26 PM

The meeting **RECONVENED** into Closed Session at 8:34 PM.

The meeting **ADJOURNED** at 8:45 PM.

---

Mayor Janice Daniels

---

M. Aileen Bittner, CMC  
City Clerk



## CITY COUNCIL AGENDA ITEM

Date: March 14, 2012

To: John Szerlag, City Manager

From: Aileen Bittner, City Clerk

Subject: Request for Recognition as a Nonprofit Organization Status from Daniel Mukomel – Troy Community Softball Association

---

### Background

Attached is a request from Daniel Mukomel of the Troy Community Softball Association seeking recognition as a nonprofit organization status for the purpose of obtaining a charitable gaming license for fundraising purposes.

### Recommendation

It has been City Management's practice to support the approval of such requests.

### Fund Availability

There are no financial considerations associated with this item.

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

There are no legal considerations associated with this item.

March 13, 2012

2012 MAR 13 PM 3:03

Honorable Janice Daniels  
Troy City Council  
Troy City Hall  
500 W. Big Beaver  
Troy, MI 48084

RE: Licensing for Charitable Gaming

Dear Honorable Daniels and Troy City Council:

The Troy Community Softball Association is seeking recognition from the Michigan Lottery Charitable Gaming Division as a local civic organization to receive licensing to conduct raffles and millionaire parties. Pursuant to the State of Michigan Bureau of State Lottery regarding qualification as a local civic organization, Item #6 requires a copy of a resolution passed by the local body of government stating that the organization is a recognized non-profit organization in the Community of Troy.

Aileen Bittner, CMC, forwarded to me document requirements necessary to be "recognition as a non-profit organization" for the purpose of obtaining a gaming license. On behalf of the Troy Community Softball Association, I am requesting that Troy City Council formerly recognize that the Troy Community Softball Association be recognized as a non-profit organization operating within the community for the purpose of obtaining charitable gaming licenses.

The Troy Community Softball Association's mission and objective is to provide and support local softball teams and provide an opportunity to engage in healthful recreation, teaching responsibility, team work, self confidence, fairness, problem solving, as well as, an atmosphere of competitive softball activities. The Troy Community Softball Association's mission as a non-profit group is to provide young athletes within the City of Troy and surrounding areas, an opportunity to participate in softball by providing support, services, coaching, and funds.

I am enclosing for your review and approval, a blank form entitled "Local Governing Body Resolution for Charitable Gaming Licenses", a letter of determination from the Department of Treasury granting exemption from federal income taxes of the Internal Revenue Service and classification of the Troy Community Softball Association as a public charity and a recognized 501C3 organization, a copy of the Troy Community Softball Association Articles of Incorporation, Bylaws, and an income statement. The Troy Community Softball Association is requesting to be placed on the City Council's agenda for its next regularly scheduled meeting to be conducted on March 19, 2012.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Mukomel", written in a cursive style.

Daniel Mukomel



Charitable Gaming Division  
 Box 30023, Lansing, MI 48909  
 OVERNIGHT DELIVERY:  
 101 E. Hillsdale, Lansing MI 48933  
 (517) 335-5780  
 www.michigan.gov/cg

**LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES**  
 (Required by MCL 432.103(K)(ii))

At a \_\_\_\_\_ meeting of the \_\_\_\_\_  
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by \_\_\_\_\_ on \_\_\_\_\_  
DATE

at \_\_\_\_\_ a.m./p.m. the following resolution was offered:  
TIME

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the request from \_\_\_\_\_ of \_\_\_\_\_  
NAME OF ORGANIZATION CITY

county of \_\_\_\_\_, asking that they be recognized as a  
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for \_\_\_\_\_  
APPROVAL/DISAPPROVAL

APPROVAL	DISAPPROVAL
Yeas: _____	Yeas: _____
Nays: _____	Nays: _____
Absent: _____	Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the \_\_\_\_\_ at a \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on \_\_\_\_\_  
DATE

SIGNED: \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE CLERK

\_\_\_\_\_  
PRINTED NAME AND TITLE

\_\_\_\_\_  
ADDRESS

COMPLETION: Required.  
 PENALTY: Possible denial of application.  
 BSL-CG-1153(R6/09)

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date:

**JUN 06 2011**

TROY COMMUNITY SOFTBALL ASSOCIATION  
C/O DAN MUKOMEL  
6328 ELSEY DR  
TROY, MI 48098

Employer Identification Number:  
27-1834380  
DLN:  
17053242304030  
Contact Person: LYNN HALL ID# 75092  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
December 31  
Public Charity Status:  
509(a)(2)  
Form 990 Required:  
Yes  
Effective Date of Exemption:  
February 1, 2010  
Contribution Deductibility:  
Yes  
Addendum Applies:  
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Sincerely,



Lois G. Lerner  
Director, Exempt Organizations

Enclosure: Publication 4221-PC

Letter 947 (DO/CG)

*Michigan Department of Licensing and Regulatory Affairs*

*Filing Endorsement*

**This is to Certify that the ARTICLES OF INCORPORATION - NONPROFIT**

**for**

**TROY COMMUNITY SOFTBALL ASSOCIATION**

**ID NUMBER: 71188F**

**received by facsimile transmission on March 7, 2012 is hereby endorsed**

**Filed on March 7, 2012 by the Administrator.**

**The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.**



**In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 7th day of March, 2012.**

A handwritten signature in black ink, appearing to read "J. Schaffer", is written over the text of the signature block.

**Director**

**Bureau of Commercial Services**

<b>MICHIGAN DEPARTMENT OF LABOR &amp; ECONOMIC GROWTH BUREAU OF COMMERCIAL SERVICES</b>										
Date Received	(FOR BUREAU USE ONLY)									
	This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="3">Name <b>Troy Community Softball Association</b></td> </tr> <tr> <td colspan="3">Address <b>186 Randall</b></td> </tr> <tr> <td>City <b>Troy</b></td> <td>State <b>MI</b></td> <td>Zip Code <b>48085</b></td> </tr> </table>		Name <b>Troy Community Softball Association</b>			Address <b>186 Randall</b>			City <b>Troy</b>	State <b>MI</b>	Zip Code <b>48085</b>
Name <b>Troy Community Softball Association</b>										
Address <b>186 Randall</b>										
City <b>Troy</b>	State <b>MI</b>	Zip Code <b>48085</b>								
EFFECTIVE DATE:										

Document will be returned to the name and address you enter above.  
If left blank document will be mailed to the registered office.



**ARTICLES OF INCORPORATION**  
For use by Domestic Nonprofit Corporations  
(Please read information and instructions on the last page)

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:

**ARTICLE I**

The name of the corporation is:  
**Troy Community Softball Association**

**ARTICLE II**

The purpose or purposes for which the corporation is organized are: **The TCSA is a non profit group with the mission to provide young athletes in the city of Troy, MI, or surrounding areas an opportunity to participate in softball by providing support, services and funds.**

**ARTICLE III**

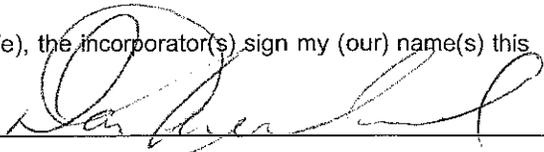
1. The corporation is organized upon a **Non Stock** basis.  
(Stock or Nonstock)

2. If organized on a stock basis, the total number of shares which the corporation has authority to issue is \_\_\_\_\_ . If the shares are, or are to be, divided into classes, the designation of each class, the number of shares in each class, and the relative rights, preferences and limitations of the shares of each class are as follows:



Use space below for additional Articles or for continuation of previous Articles. Please identify any Article being continued or added. Attach additional pages if needed.

I, (We), the incorporator(s) sign my (our) name(s) this 29 day of February, 2012.



PRESIDENT

---

---

---

---

---

Name of person or organization  
remitting fees:

Troy Community Softball Association

Preparer's name and business  
telephone number:

Dan Mukonel

248-854-8405

**INFORMATION AND INSTRUCTIONS**

1. This form may be used to draft your Articles of Incorporation. A document required or permitted to be filed under the act cannot be filed unless it contains the minimum information required by the act. The format provided contains only the minimal information required to make the document fileable and may not meet your needs. This is a legal document and agency staff cannot provide legal advice.

2. Submit one original of this document. Upon filing, the document will be added to the records of the Bureau of Commercial Services. The original will be returned to your registered office address, unless you enter a different address in the box on the front of this document.

Since this document will be maintained on electronic format, it is important that the filing be legible. Documents with poor black and white contrast, or otherwise illegible, will be rejected.

3. This document is to be used pursuant to the provisions of Act 162, P.A. of 1982, by one or more persons for the purpose of forming a domestic nonprofit corporation.

4. Article II - The purpose for which the corporation is organized must be included. It is not sufficient to state that the corporation may engage in any activity within the purposes for which corporations may be organized under the Act.

5. Article III - The corporation must be organized on a stock or nonstock basis. Complete Article III(2) or III(3) as appropriate, but not both. Real property assets are items such as land and buildings. Personal property assets are items such as cash, equipment, fixtures, etc. The dollar value and description must be included. If there is no real and/or personal property, write in "none".

6. A domestic nonprofit corporation may be formed on either a membership or directorship basis. A membership corporation entitles the members to vote in determining corporate action. If organized on a directorship basis the corporation may have members but they may not vote and corporate action is determined by the Board of Directors.

7. Article IV - A post office box may not be designated as the address of the registered office.

8. Article V - The Act requires one or more incorporators. Educational corporations are required to have at least three (3) incorporators. The address(es) should include a street number and name (or other designation), city and state.

9. This document is effective on the date endorsed "filed" by the Bureau. A later effective date, no more than 90 days after the date of delivery, may be stated as an additional article.

10. The Articles must be signed in ink by each incorporator listed in Article V. However, if there are 3 or more incorporators, they may, by resolution adopted at the organizational meeting by a written instrument, designate one of them to sign the Articles of Incorporation on behalf of all of them. In such event, these Articles of Incorporation must be accompanied by a copy of the resolution duly certified by the acting secretary at the organizational meeting and a statement must be placed in the articles incorporating that resolution into them.

**11. FEES:** Make remittance payable to the State of Michigan. Include corporation name on check or money order.

FILING AND FRANCHISE FEE ..... \$20.00

To submit by mail:

Michigan Department of Labor & Economic Growth  
Bureau of Commercial Services  
Corporation Division  
7150 Harris Drive  
P.O. Box 30054  
Lansing, MI 48909

To submit in person:

2501 Woodlake Circle Drive  
Okemos, MI  
Telephone: (517) 241-6470

Fees may be paid by VISA or Mastercard when delivered in person to our office.

MICH-ELF (Michigan Electronic Filing System):

First Time Users: Call (517) 241-6420, or visit our website at <http://www.cis.state.mi.us/bcs/corp/>  
Customer with MICH-ELF Filer Account: Send document to (517) 241-9845

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

Troy Community Softball Association

Mission: The Troy Community Softball Association is a non-profit group with the mission to provide young athletes in the city of Troy, MI, or surrounding areas, an opportunity to participate in softball by providing support, services and funds necessary for accomplishing the above objective. The ultimate goal is to help the youthful athlete develop traits of good citizenship through participation in softball related sporting events.

Troy Community Softball Association By Laws

Article I. NAME

The name of this organization is the Troy Community Softball Association, which may be referred to as "TCSA" in any communication.

Article II. ARTICLES OF ORGANIZATION

The Troy Community Softball Association exists as a non-profit organization of its members. The TCSA is organized exclusively for charitable, religious, educational and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c) 3of the Internal Revenue Code, or corresponding section of any future federal tax code.

The Troy Community Softball Association has a specific mission to provide young athletes in the city of Troy, MI, or surrounding areas, an opportunity to participate in softball by providing support, services and funds necessary for accomplishing the above objective. The ultimate goal is to help the youthful athlete develop traits of good citizenship through participation in softball related sporting events.

Article III. OBJECTIVE

The objective of TCSA is to support local softball teams who stimulate healthful recreation, teach responsibility, teamwork and fair play, and build self-confidence in an atmosphere of competitive softball activities.

Article IV. MEMBERSHIP

The TCSA welcomes the general public to attend and provide input into fundraising and fund distribution. The TCSA does not charge a membership fee. Only the Board of Officers and established TCSA Community Representatives shall have voting privileges.

Article V. OFFICERS

Section 1.

The TCSA Board of Officers shall consist of a President, Secretary and Treasurer who are community volunteers and have full voting privileges. Community

members may gain status as a TCSA Representative after attending seven (7) consecutive board meetings and maintaining a 90% meeting attendance rate.

Section 2: The President shall:

- a. Preside at all meetings of the TCSA
- b. Coordinate the work of the officers
- c. Assist in the organization of fund raising activities
- d. Assist in the determination of fund distribution by having full voting privileges

Section 3. The Secretary shall:

- a. Keep an accurate record of all meetings of the organization and have a copy of the minutes accessible upon request.
- b. Conduct the correspondence delegated to them.
- c. Present letters of need to the Board
- d. Assist in the organization of fund raising activities
- e. Assist in the determination of fund distribution by having full voting privileges

Section 4. The Treasurer shall:

- a. Have custody of all the funds of the organization
- b. Keep a full and accurate account of receipts and expenditures
- c. Make disbursements in accordance with the budget as authorized by the organization
- d. Present a financial statement at every meeting of the organization
- e. Facilitate annual audit
- f. Assist in the organization of fund raising activities
- g. Assist in the determination of fund distribution by having full voting privileges

Section 5. TCSA Community Representative

- a. Status is granted by attending seven (7) consecutive board meeting
- b. Once status is granted, full voting privileges apply
- c. Voting privileges remain active as long as the representative maintains 90% board meeting attendance

Article VI.

#### MEETINGS

1. The TCSA shall meet monthly, from February through August, on the second Tuesday of each month.
2. Special meetings may be called by the President or by any two officers with 10 days notice.

Article VII.

#### FINANCES

1. The Board of Officers will draft a proposed budget in January
2. The treasurer shall prepare a final financial statement at the end of each year, no later than December 15th.

3. The fiscal year shall coordinate with the calendar year.
4. The accounting period shall begin in January and end in December of each calendar year.

Article VIII.

REQUEST FOR ASSISTANCE

Local softball organizations including, but not limited to, schools and clubs, may submit a written request for assistance. The TCSA will consider requests including, but not limited to, coaching clinics, player development camps, tournament fees and equipment. All requests will be considered and a ruling rendered within 90 days of submission. Requests must include the following information:

1. Name of requesting organization
2. Item(s) requested
3. Cost of request
4. Date needed
5. How fulfillment of the request will be used to benefit organization

Article VIII.

DISRUPTION OF FUNDS

The TCSA will raise funds through various activities. These funds will be disbursed to organizations submitting written requests. Submissions will be presented by the Secretary and decisions made by simple majority vote by the Board Members.

Article IX.

PARLIAMENTARY AUTHORITY

Robert's Rules of Order shall govern meetings.

Article X.

DISSOLUTION

Upon the dissolution of the organization, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c) 3 of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the organization is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.



Dan Mukomel, TCSA President

2/22/12

February 1, 2010

Date TCSA formally created

**Troy Community Softball Association**  
Financial Statement  
2/29/2012

<b>BALANCE SHEET</b>	<b><u>2/29/2012</u></b>
Cash	100
Total Assets	<u>100</u>
Liabilities	0
Net Worth	100
Total Liabilities & Net Worth	<u>100</u>

<b>INCOME STATEMENT</b>	<b><u>2 Months</u></b> <b><u>2/29/2012</u></b>
Revenues:	
Fund Raising	100
Total Revenues	<u>100</u>
Expenses:	
	0
Total Expenses	<u>0</u>
Net Income	<u>100</u>



## CITY COUNCIL AGENDA ITEM

---

March 9, 2012

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic & Community Development  
Jeffrey J. Biegler, Recreation Director

Subject: Agenda Item: Troy Racquet Club Rates

---

### Background

Attached please find a request from Don Pierce, President, Troy Racquet Club, requesting approval of an increase in hourly court rates for the 2012/2013 season. The lease between the City of Troy and the Troy Racquet Club requires City Manager or City Council approval of requests for rate changes. Council has historically approved rate change requests. The Troy Racquet is proposing a court rate increase of \$1.00 per hour to offset increasing energy costs.

### Recommendation

Management recommends approval of the proposed 2012/2013 increase in court rates for the Troy Racquet Club for the season.

Prepared by: Jeffrey J. Biegler, Recreation Director



**TROY RACQUET CLUB**

3400 Civic Center Drive

Troy, Michigan 48084

(248) 528-3400

www.troyracquetclub.com

March 1, 2012

Mr. Jeffrey Biegler, Director  
Department of Parks & Recreation  
City of Troy  
3179 Livernois  
Troy, Michigan 48083

Re: Troy Racquet Club Rates for 2012/2013 Season

Dear Mr. Biegler:

Pursuant to the Lease between the City of Troy and Troy Racquet Club, LLC, we are required to submit requests for rate changes to the City of Troy. Section 7 requires that such requests must be approved by the City Manager or the City Council. In accordance with past practice, we are, therefore, submitting this increase request to your office for processing in the manner you deem appropriate.

Hourly Court Rates. We request permission to increase the hourly court rates by \$1.00 per hour. Currently, rates vary depending of the time and day of the week. The current schedule is attached. Members divide the court costs among the players using the court. Further, court rates are subject to promotional, special events, and other variations, as they always have in our response to programming needs.

We have not raised the hourly court rates for 3 years and seek this increase to help cover increasing energy costs.

Kindly place this matter on the next available Council agenda, if you would like the matter to be heard by the Council. Thank you.

Very truly yours,

TROY RACQUET CLUB

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

Donald A. Pierce, Jr.

Its: President

**APPROVED CITY OF TROY**

By: \_\_\_\_\_ (sign)

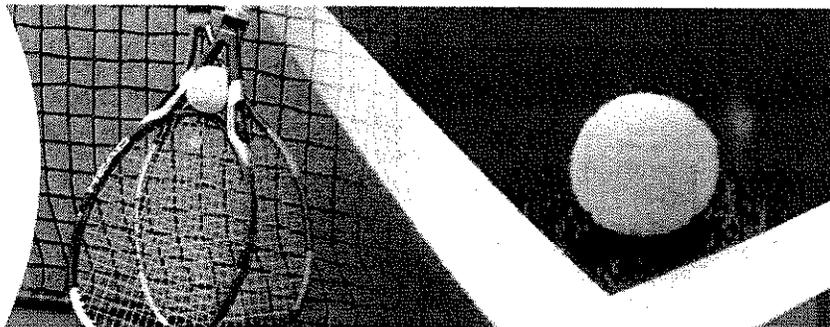
\_\_\_\_\_ (print)



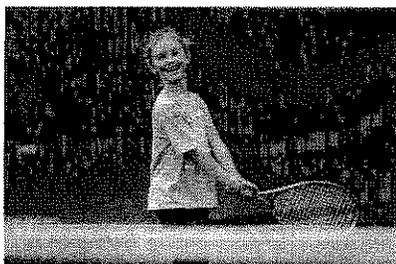
- [OUR CLUB](#)
- [OUR PROS](#)
- [INSTRUCTION](#)
- [LEAGUES](#)
- [JUNIORS](#)
- [CALENDAR](#)
- [CONTACT US](#)

## Court Rates

Troy Racquet Club is open every day and has hourly court rates which vary by day and time.



- Membership    Court Rates
- Club Staff    Facilities
- Child Care    Club News
- Policies      FAQs



### Rates - Guests

A non-member may play three times during the season. A \$5.00 guest fee is charged before entering the courts. Members are responsible for registering their guests at the desk.

	MON	TUE	WED	THU	FRI	SAT	SUN
6:00am		\$24	\$24	\$24			
7:00am	\$24	\$24	\$24	\$24	\$24	\$28	
8:00am	\$24	\$24	\$24	\$24	\$24	\$32	\$32
9:00am	\$28	\$28	\$28	\$28	\$28	\$32	\$32
10:00am	\$28	\$28	\$28	\$28	\$28	\$32	\$32
11:00am	\$28	\$28	\$28	\$28	\$28	\$32	\$32
12:00pm	\$28	\$28	\$28	\$28	\$28	\$32	\$32
1:00pm	\$28	\$28	\$28	\$28	\$28	\$32	\$32
2:00pm	\$28	\$28	\$28	\$28	\$28	\$32	\$32
3:00pm	\$26	\$26	\$26	\$26	\$26	\$32	\$32
4:00pm	\$26	\$28	\$28	\$28	\$28	\$32	\$32
5:00pm	\$30	\$30	\$30	\$30	\$28	\$27	\$27
6:00pm	\$32	\$32	\$32	\$32	\$28	\$27	\$27
7:00pm	\$32	\$32	\$32	\$32	\$28	\$27	\$27
8:00pm	\$32	\$32	\$32	\$32	\$28	\$27	\$27
9:00pm	\$32	\$32	\$32	\$32	\$28	\$27	\$27
10:00pm	\$22	\$22	\$22	\$22		\$27	

© Copyright 2012 Troy Racquet Club. All Rights Reserved. Created by Media Genesis



## CITY COUNCIL AGENDA ITEM

---

Date: March 15, 2012

To: John Szerlag, City Manager

From: Gary G. Mayer, Chief of Police *GGM*  
Gerard Scherlinck, Captain  
Michael Szuminski, Sergeant

Subject: Michigan Department of Natural Resources Canada  
Goose Roundup and Nest Destruction Programs

---

### Background

Each year the Police Department receives complaints relating to the presence of Canada Geese and inquiries as to what can be done to abate the problem. Several small bodies of water exist in Troy, both public and private, on which Canada Geese congregate. High numbers of geese in shallow water areas can elevate bacteria levels via fecal E. coli making the water unsafe for swimming. Geese can demonstrate aggressive behavior towards people while defending their nesting territory.

The Department of Natural Resources (DNR) recommends that the geese either be gathered for relocation, or that their nests be destroyed as methods of controlling the geese. A DNR permit is required to allow for the roundup of geese and/or the destruction of nests. The permit allows private property owners to hire a state certified private contractor to provide the service, and authorizes trained city employees or DNR employees to conduct roundups/nest destruction on public property. The Resolution by City Council expedites the procedure for obtaining a permit. Without Council action, residents are required to circulate a petition and gather signatures from residents who are affected by the problems relating to the excessive Canada goose population.

The past practice by the City of Troy is to recommend approval of the DNR permit which would allow for this practice to continue. The current DNR permit allowing for Canada Goose Roundup and Nest Destruction in Troy will expire on May 8, 2012.

There is no cost related to this issue for the City of Troy.

### Recommendation

It is recommended that the City of Troy approve the resolution as submitted.

A special meeting of the Animal Control Appeal Board was held on Tuesday, November 30, 2010 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Chairperson Jayne Saeger called the meeting to order at 7:08 p.m.

**ROLL CALL:**

**PRESENT:** Jayne Saeger, Chairperson  
Al Petrusis, Vice-Chairperson  
Patrick Carolan, Secretary  
V. James Viola

**ALSO PRESENT:** Sergeant John Schaufler  
PSA Stephen Vaillancourt  
Susan Lancaster, Assistant City Attorney  
Pat Gladysz

**Resolution to Approve Minutes of September 1, 2010 Meeting**

Resolution #AC2010-11-007  
Moved by Viola  
Seconded by Carolan

RESOLVED, That the Minutes of the September 1, 2010 meeting of the Animal Control Appeal Board be **APPROVED**.

Yes: 4  
No: 0  
Absent: None

**Agenda Items**

1. Mahboob Ahmed, residing at 1135 Congress Drive, appeals the decision of the animal control officer rejecting the permit for 10-15 pigeons on his property.

The petitioner was not present to answer questions regarding this Agenda item when the meeting was called to order. The Committee discussed the item and came to the conclusion that the decision of the animal control officer should be upheld.

Resolution #AC2010-11-008  
Moved by Petrusis  
Seconded by Viola

RESOLVED, That the appeal of the decision of the animal control officer denying the permit for 10-15 pigeons at 1135 Congress be **DENIED**.

Yes: 4  
No: 0  
Absent: None

Due to an error in the meeting time in the notices sent to the petitioner and neighbors, individuals arrived for the meeting after the vote was taken. Assistant City Attorney Lancaster advised the Board that they could vote to reconsider the Agenda item and allow the petitioner and neighbors an opportunity to speak.

Resolution #AC2010-11-009

Moved by Viola

Seconded by Carolan

RESOLVED, That the Animal Control Appeal Board hereby **RECESS** the meeting until 7:30 p.m. to RECONSIDER Resolution #AC2010-11-008.

Yes: 4  
No: 0  
Absent: None

Meeting recessed: 7:15 p.m.  
Meeting reconvened: 7:30 p.m.

Mahboob Ahmed and three family members were present to answer questions from the Committee.

Mr. Ahmed explained to the Committee that he received the necessary approval from the Cherryhurst Subdivision Homeowners' Association and permits from the City of Troy Building Department to construct the pigeon loft on the property. They request approval to house 10-15 Iranian high flyer pigeons in the loft.

Neighbors addressed the Committee in support of the pigeons.

Mark Morden 1111 Congress  
Phil Brown 1207 Congress

One letter was received in support of the pigeons.

Ahsan Kabir 1123 Congress

One neighbor addressed the Committee with concerns, but stated he was neither in support of nor in opposition to the pigeons.

Frank Wong 1147 Congress

One neighbor addressed the Committee in opposition to the pigeons.

Nancy Savickas      1164 Congress

Two emails were received in opposition to the pigeons.

Carlos Pinotti      1159 Congress  
Anonymous

One telephone call was received in opposition to the pigeons.

Marie Zorn      6202 Senate

At the conclusion of the public discussion, Committee members discussed the appeal and asked questions to the petitioner for clarification.

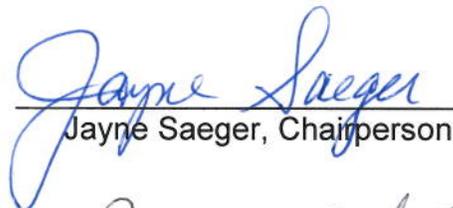
Resolution #AC2010-11-010  
Moved by Petruilis  
Seconded by Viola

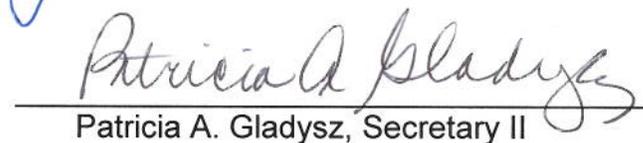
RESOLVED, That the appeal of the decision of the animal control officer denying the permit for 10-15 pigeons at 1135 Congress be **DENIED**.

Yes:            4  
No:             0  
Absent:        None

---

The meeting adjourned at 8:00 p.m.

  
\_\_\_\_\_  
Jayne Saeger, Chairperson

  
\_\_\_\_\_  
Patricia A. Gladysz, Secretary II

**LIQUOR ADVISORY COMMITTEE MINUTES – FINAL** **FEBRUARY 13, 2012**

---

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 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.

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.

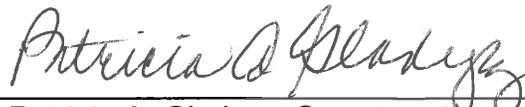
---

The meeting adjourned at 7:25 p.m.



---

Max K. Ehlert, Chairman



---

Patricia A. Gladysz, Secretary II

Chair Maxwell called the Special Meeting of the Troy City Planning Commission to order at 7:03 p.m. on February 28, 2012 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
Michael W. Hutson  
Tom Krent  
Mark Maxwell  
Philip Sanzica  
Gordon Schepke  
Robert Schultz  
Thomas Strat  
John J. Tagle

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-2012-02-010**

Moved by: Schultz  
Seconded by: Hutson

RESOLVED, To add "Service Commendation for Lon Ullmann" as Agenda item 4.a.

Yes: All present (9)

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2012-02-011**

Moved by: Edmunds  
Seconded by: Schultz

**RESOLVED**, To approve the minutes of the February 14, 2011 Regular meeting as published.

Yes: All present (9)

**MOTION CARRIED**

4.a. SERVICE COMMENDATION FOR LON ULLMANN

Chair Maxwell read aloud and presented the service commendation to Lon Ullmann. A copy of the commendation is hereby attached and made a part of the minutes.

4.b. PUBLIC COMMENTS – Items not on the Agenda

Jeanne Stine, former Mayor and Councilperson, acknowledged the time and dedication given by Mr. Ullmann to serve on the Planning Commission.

\_\_\_\_\_

Chair Maxwell called for a five-minute recess at 7:09 p.m.

The meeting reconvened at 7:14 p.m.

Chair Maxwell welcomed newly appointed member Gordon Schepke to the Board and welcomed the reappointments of Robert Schultz and Thomas Strat.

\_\_\_\_\_

**SPECIAL USE REQUEST**

5. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 393) – Proposed Magical Touch Oil Change, Southeast Corner of Rochester Road and Hartland (1028 Hartland), Section 23, Currently Zoned GB (General Business) District

Mr. Branigan stated the proposed use of an oil change operation is not specifically listed in the Zoning Ordinance. He addressed how the proposed use was processed in the review of the application.

There was general discussion. The applicant agreed with the suggestion to increase the radius of the internal driveway on the northwest corner of the site.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution # PC-2012-02-012**

Moved by: Schultz

Seconded by: Sanzica

**RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval for the proposed oil change facility, Magical Touch Oil Change, located on the southeast corner of Rochester Road and Hartland (1028 Hartland), Section 23, Currently Zoned GB (General Business) District, be granted, subject to the following:

1. Provide a photometric plan.
2. Satisfy landscape requirements as follows:
  - a. Add one deciduous street tree on Rochester Road.
  - b. Provide detailed landscaping calculations showing how all requirements of Section 13.02 are being met.
3. Provide outstanding submittal information on a revised site plan necessary for preliminary plan and special use approval.
4. Change the radius of the northwest interior curb.
5. Add additional trees along the south perimeter line.
6. Conditions 1 through 6 are subject to administrative review and approval.

Discussion on the motion on the floor.

The Planning Commission strongly suggested that the petitioner consider a bioswale or rain garden on the northwest corner of the property.

Vote on the motion on the floor.

Yes: All present (9)

**MOTION CARRIED**

**OTHER BUSINESS**

6. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

7. PLANNING COMMISSION COMMENTS

Zak Branigan introduced Shu Yang, a University of Michigan student who was in the audience.

There was general Planning Commission discussion.

The Special meeting of the Planning Commission adjourned at 8:07 p.m.

Respectfully submitted,

---

Mark Maxwell, Chair

---

Kathy L. Czarnecki, Recording Secretary

Attachment:  
Lon Ullmann Commendation

G:\Planning Commission Minutes\2012 PC Minutes\Draft\2012 02 28 Special Meeting\_Draft.doc

**SERVICE COMMENDATION  
LON ULLMANN**

**WHEREAS, Lon Ullmann** served on the Troy Brownfield Redevelopment Authority for seven years from April 2001 to April 2008 and was appointed to the Troy Planning Commission in April 2008, serving until December 2011. As a Planning Commissioner, Lon earned certification from Michigan State University Extension and was the Planning Commissions representative to the Zoning Board of Appeals; and

**WHEREAS, Lon** is a Builder by trade achieving his Builder's License in 1970. He also has Bachelor of Science degree in Biology. His advocacy for clean water and natural resource protection won him awards from both the Clinton River Water Shed Council and the State Advocacy for Clean Water; and

**WHEREAS, Lon** has also written grants related to the environment and received approval for two grant projects, "To Preserve Aquatic Habitat" and "To Retain Natural Features." He also attended Michigan Association of Planners Conference citing it as most worthwhile and a viable means of keeping up with new trends in the world of municipal planning; and

**WHEREAS, Lon** initiated and authored the Wetlands and Natural Features Ordinance which is intended to protect natural features including woodlands. The City was very fortunate to have someone with **Lon's** unique ecological background to work on this vital initiative; and

**WHEREAS,** The quality of life that the City offers is a result of hard work, planning, sacrifice, and leadership. Thanks to **Lon**, one of Troy's dedicated volunteers, our quality City services will continue to thrive and are key to making Troy the greatest place to live in the State of Michigan;

**NOW, THEREFORE, BE IT KNOWN,** That the City of Troy Planning Commission takes this opportunity to express its sincere appreciation and recognition to **Lon Ullmann** for his distinguished service and his many contributions to the betterment of the City through his work on the Troy Planning Commission; and

**BE IT FURTHER KNOWN** That by donating his time and talents, **Lon** has furthered the ideals that contribute to enriching our community. Troy is very fortunate to have citizens like **Lon** who give so much time and energy to make our community a great place to live, work, play and raise a family.

Signed this 14<sup>th</sup> day of February 2012.

---

*Mark Maxwell, Chair*

---

*John Tagle, Vice Chair*

---

*Donald Edmunds, Planning Commissioner*

---

*Michael Hutson, Planning Commissioner*

---

*Tom Krent, Planning Commissioner*

---

*Philip Sanzica, Planning Commissioner*

---

*Robert Schultz, Planning Commissioner*

---

*Thomas Strat, Planning Commissioner*

Chair Maxwell called the Special Meeting of the Troy City Planning Commission to order at 7:03 p.m. on February 28, 2012 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
Michael W. Hutson  
Tom Krent  
Mark Maxwell  
Philip Sanzica  
Gordon Schepke  
Robert Schultz  
Thomas Strat  
John J. Tagle

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-2012-02-010**

Moved by: Schultz  
Seconded by: Hutson

RESOLVED, To add "Service Commendation for Lon Ullmann" as Agenda item 4.a.

Yes: All present (9)

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2012-02-011**

Moved by: Edmunds  
Seconded by: Schultz

**RESOLVED**, To approve the minutes of the February 14, 2012 Regular meeting as published.

Yes: All present (9)

**MOTION CARRIED**

4.a. SERVICE COMMENDATION FOR LON ULLMANN

Chair Maxwell read aloud and presented the service commendation to Lon Ullmann. A copy of the commendation is hereby attached and made a part of the minutes.

4.b. PUBLIC COMMENTS – Items not on the Agenda

Jeanne Stine, former Mayor and Councilperson, acknowledged the time and dedication given by Mr. Ullmann to serve on the Planning Commission.

\_\_\_\_\_

Chair Maxwell called for a five-minute recess at 7:09 p.m.

The meeting reconvened at 7:14 p.m.

Chair Maxwell welcomed newly appointed member Gordon Schepke to the Board and welcomed the reappointments of Robert Schultz and Thomas Strat.

\_\_\_\_\_

**SPECIAL USE REQUEST**

5. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 393) – Proposed Magical Touch Oil Change, Southeast Corner of Rochester Road and Hartland (1028 Hartland), Section 23, Currently Zoned GB (General Business) District

Mr. Branigan stated the proposed use of an oil change operation is not specifically listed in the Zoning Ordinance. He addressed how the proposed use was processed in the review of the application.

There was general discussion. The applicant agreed with the suggestion to increase the radius of the internal driveway on the northwest corner of the site.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution # PC-2012-02-012**

Moved by: Schultz

Seconded by: Sanzica

**RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval for the proposed oil change facility, Magical Touch Oil Change, located on the southeast corner of Rochester Road and Hartland (1028 Hartland), Section 23, Currently Zoned GB (General Business) District, be granted, subject to the following:

1. Provide a photometric plan.
2. Satisfy landscape requirements as follows:
  - a. Add one deciduous street tree on Rochester Road.
  - b. Provide detailed landscaping calculations showing how all requirements of Section 13.02 are being met.
3. Provide outstanding submittal information on a revised site plan necessary for preliminary plan and special use approval.
4. Change the radius of the northwest interior curb.
5. Add additional trees along the south perimeter line.
6. Conditions 1 through 6 are subject to administrative review and approval.

Discussion on the motion on the floor.

The Planning Commission strongly suggested that the petitioner consider a bioswale or rain garden on the northwest corner of the property.

Vote on the motion on the floor.

Yes: All present (9)

**MOTION CARRIED**

**OTHER BUSINESS**

6. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

7. PLANNING COMMISSION COMMENTS

Zak Branigan introduced Shu Yang, a University of Michigan student who was in the audience.

There was general Planning Commission discussion.

The Special meeting of the Planning Commission adjourned at 8:07 p.m.

Respectfully submitted,



---

Mark Maxwell, Chair



---

Kathy L. Czarnecki, Recording Secretary

Attachment:  
Lon Ullmann Commendation

G:\Planning Commission Minutes\2012 PC Minutes\Final\2012 02 28 Special Meeting\_Final.doc

**SERVICE COMMENDATION  
LON ULLMANN**

**WHEREAS, Lon Ullmann** served on the Troy Brownfield Redevelopment Authority for seven years from April 2001 to April 2008 and was appointed to the Troy Planning Commission in April 2008, serving until December 2011. As a Planning Commissioner, Lon earned certification from Michigan State University Extension and was the Planning Commissions representative to the Zoning Board of Appeals; and

**WHEREAS, Lon** is a Builder by trade achieving his Builder's License in 1970. He also has Bachelor of Science degree in Biology. His advocacy for clean water and natural resource protection won him awards from both the Clinton River Water Shed Council and the State Advocacy for Clean Water; and

**WHEREAS, Lon** has also written grants related to the environment and received approval for two grant projects, "To Preserve Aquatic Habitat" and "To Retain Natural Features." He also attended Michigan Association of Planners Conference citing it as most worthwhile and a viable means of keeping up with new trends in the world of municipal planning; and

**WHEREAS, Lon** initiated and authored the Wetlands and Natural Features Ordinance which is intended to protect natural features including woodlands. The City was very fortunate to have someone with **Lon's** unique ecological background to work on this vital initiative; and

**WHEREAS,** The quality of life that the City offers is a result of hard work, planning, sacrifice, and leadership. Thanks to **Lon**, one of Troy's dedicated volunteers, our quality City services will continue to thrive and are key to making Troy the greatest place to live in the State of Michigan;

**NOW, THEREFORE, BE IT KNOWN,** That the City of Troy Planning Commission takes this opportunity to express its sincere appreciation and recognition to **Lon Ullmann** for his distinguished service and his many contributions to the betterment of the City through his work on the Troy Planning Commission; and

**BE IT FURTHER KNOWN** That by donating his time and talents, **Lon** has furthered the ideals that contribute to enriching our community. Troy is very fortunate to have citizens like **Lon** who give so much time and energy to make our community a great place to live, work, play and raise a family.

Signed this 14<sup>th</sup> day of February 2012.

---

*Mark Maxwell, Chair*

---

*John Tagle, Vice Chair*

---

*Donald Edmunds, Planning Commissioner*

---

*Michael Hutson, Planning Commissioner*

---

*Tom Krent, Planning Commissioner*

---

*Philip Sanzica, Planning Commissioner*

---

*Robert Schultz, Planning Commissioner*

---

*Thomas Strat, Planning Commissioner*

**CITY OF TROY  
TRAVEL EXPENSE REPORT**

Name: Jim Campbell Position: Council Member

Other Employees Included in Request: None

Trip Destination: Frankenmuth, MI Date From: 2/24/2012 To: 2/25/2012

Purpose of Trip: MML Elected Official Academy Core Weekender

Items	Dates:	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	TOTAL
Miles (Personal Car)							35.00	35.00	70.00
Enter Current Mileage Rate: \$ 0.55 /mile							43 \$19.28	43 \$19.25	86 \$38.50
City Car Expense (Details on Bottom)									
Air/Bus/Train									
Registration							115.00		\$115.00
Room (Attach all Receipts)							111.00		\$111.00
Meals (Include tips and taxes. Note meals included with registration)									
Breakfast:									
Lunch:									
Dinner:							32.75	40.97	\$73.72
Other Detail, Explain Below									
Additional Other Detail, Explain Below									
<b>TOTAL EXPENSE</b>							278.00	60.22	\$338.22 <sup>SB</sup>

Details of City Car Expense	
Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ( )	
Total	

Cash Advanced and Prepaid Expenses	
P-Card Purchases	
Balance Due Employee	\$338.22 <sup>SB</sup>
(or) Balance Due City	

Bob Taylor  
Requested By 3/2/12  
Date

\_\_\_\_\_  
Department Head Date

\_\_\_\_\_  
Approved - Human Resources Director Date

3/5/12  
Approved - Financial Services Director Date

Notes and Explanations:  
*MEALS INTEGRATED AS \$50.00 per day in relation to City Policy.*

Charge to: City Council's Education & Training Account

Account # 1027960110



## CITY COUNCIL AGENDA ITEM

---

Date: March 7, 2012

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Mitch Grusnick, City of Troy Building Official  
Steve Burns, Building Official SAFEbuilt

Subject: Building Department Activity Report – February, 2012

---

The following attachment contains a detailed Building Inspection Department Activity Report. The report gives detailed inspection and permit activity as well as valuation for the work. You can also see the previous activity and valuation for comparables for 2011.

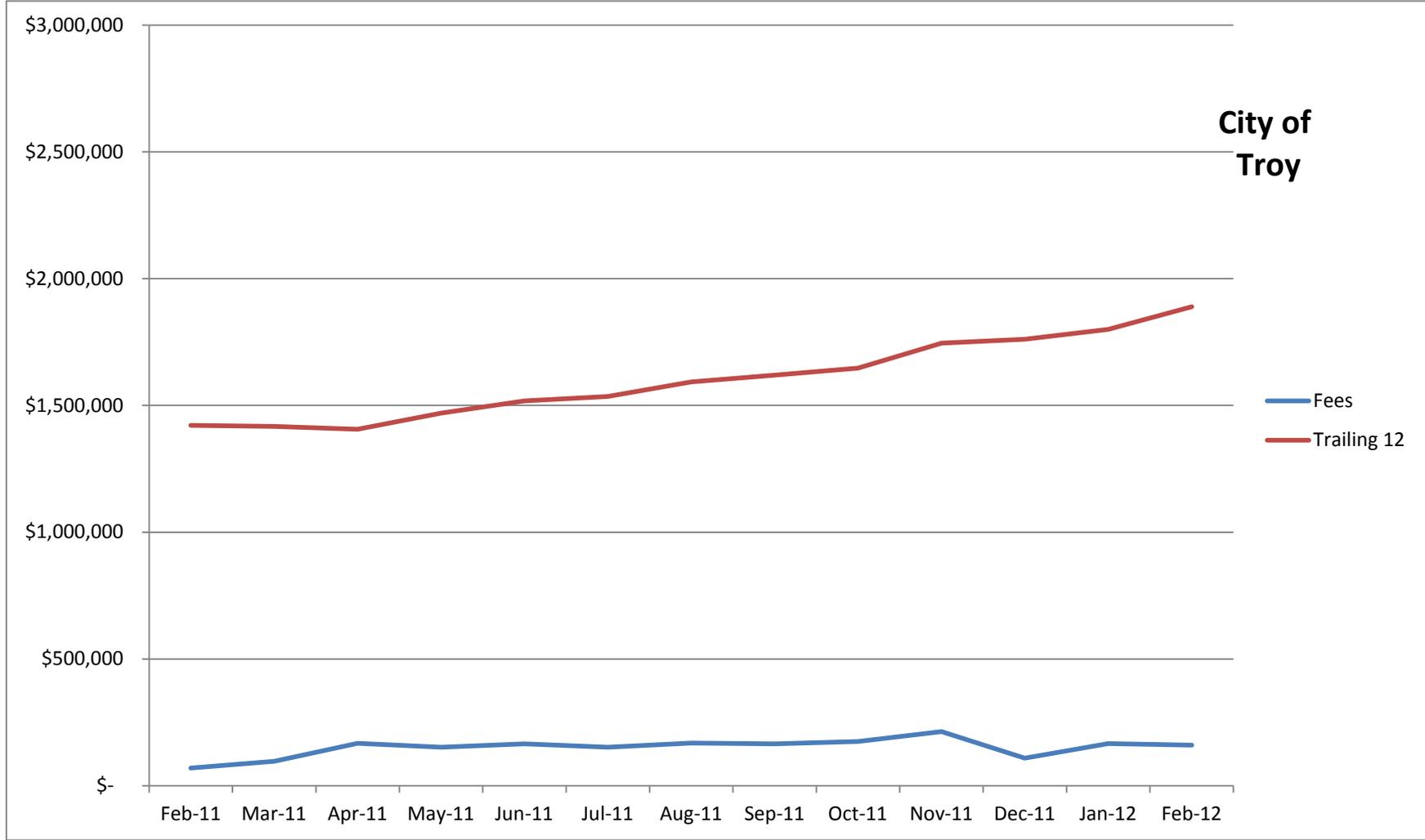
Activity levels are increased from 2011 in both the residential and commercial sectors. The Building Inspection staff issued 29 building permits for commercial projects in February 2011 compared to 38 in 2012. Only 13 building permits were issued in February of 2011 compared to 57 in 2012. There were 302 total permits for building, plumbing, mechanical and electrical projects combined in February 2011 compared to a total 446 for the month of February in 2012.

Valuation for construction projects for February 2011 was at \$2,742,265. For the month of February 2012 projects are estimated at \$9,389,991 in valuation.

Attachments:

1. February 2012, Activity Report

Preparer of memo\File name\File location



**Beth L Tashnick**

---

**From:** John Szerlag  
**Subject:** FW: Parcel at Brooklawn and Big Beaver

---

**From:** Shelly Lauer  
**Sent:** Tuesday, March 13, 2012 9:46 AM  
**To:** John Szerlag  
**Subject:** Parcel at Brooklawn and Big Beaver

Dear Mr. Szerlag,

Good morning! I am a homeowner in the Northpointe Village subdivision located at the southeast corner of Big Beaver and Adams. My home adjoins the vacant five-acre parcel located at Brooklawn and Big Beaver. Over the last several years the parcel began to accumulate more and more inappropriate "stuff". I did ask workers I found on the property one recent Saturday to pick up the abandoned stairs and miscellaneous pieces of wood laying in the middle of the field, but they did nothing that day or the subsequent week. Given their inaction, and my house about to go on the market, I reached out to the City of Troy. I was routed to Mitch Grusnick and would like to share what a positive experience it was. I spoke with Mr. Grusnick and explained to him my observations and concerns regarding the vacant parcel adjoining my home. Mr. Grusnick was very informative and empathetic to my concerns. I was very impressed (and ecstatic) to see that Mr. Grusnick visited the property the very next morning and before I knew it, the property owners had a dumpster on the property and people cleaning up the parcel. The dumpster was removed from the property after just a couple of days and once it was removed, I saw Mr. Grusnick there again checking out the clean up efforts. We feel quite charmed..... the dumpster left the property the same day we began showing our home. Thanks to Mr. Grusnick for his prompt and thorough response to my call to the City of Troy.

Kind regards,

Shelly Lauer  


Office of the Prosecuting Attorney  
County of Oakland



JESSICA R. COOPER  
Prosecutor

Paul T. Walton  
Chief Assistant Prosecutor

February 27, 2012

Chief Gary G. Mayer  
City of Troy Police Department  
500 West Big Beaver Road  
Troy, MI 48084

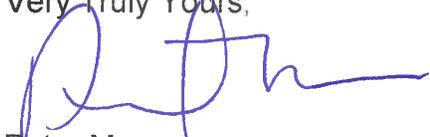
Dear Chief Mayer,

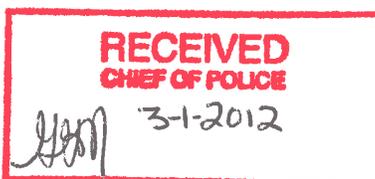
I write to thank you for the professionalism and dedication shown by your officers on one of my cases. Last week I conducted a jury trial with a defendant who, despite his young age, has impersonated a police officer on several occasions in order to steal money from unsuspecting citizens. Westley Johnson was convicted on Friday afternoon in Circuit Court, thanks in large part to the hard work of Officers Tim Garcher and Brian LaForest.

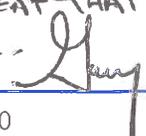
Officer Garcher sat as the officer-in-charge for the majority of the trial, and he provided invaluable assistance when discussing trial preparation and strategy. His testimony was impeccable, and showed the jury that a thorough investigation had been conducted. Though Officer LaForest ultimately did not testify, his hard work during the investigation resulted in a well-written report which helped resolve many issues in the case.

Both officers are a credit to your department, and have never failed to display the high standards expected of law enforcement professionals.

Very Truly Yours,

  
Peter Menna  
Assistant Prosecuting Attorney



POLICE OFFICERS TIM GARCHER + BRIAN LAFOREST -  
THANK YOU FOR YOUR PROFESSIONAL HANDLING OF  
THIS CASE. I APPRECIATE IT. IT IS GREAT THAT  
YOU REPRESENTED TROY P.D. SO WELL. 



## CHELSEA POLICE DEPARTMENT

104 East Middle Street  
Chelsea, Michigan 48118

734/475-9122  
Fax 734/475-1996

**Edward A. Toth Jr.**  
Chief of Police

Chief Gary Mayer  
Troy Police Department  
500 West Big Beaver Road  
Troy, Michigan 48084

Dear Chief Mayer,

My officers brought to my attention some fine work by several of your officers on the evening of February 3 and early morning hours of February 4, 2012. On that evening a woman from Chelsea reported her severely depressed and suicidal husband missing. The Chelsea Police Department with the assistance of the cellular telephone provider were able to locate the missing person's cell phone.

Then officers from the Chelsea Police in turn contacted your department. Officer Frank Schuler was dispatched to the area where the cell phone ping was coming from. Officer Schuler found the severely depressed man's vehicle unoccupied at the corner of Maple and Livernois.

Officer Frank Schuler and/or the officers working with him went to a nearby gas station to check the video camera at that location. The officers found that the severely depressed man had a minor car crash in front of the gas station at approximately 0841 hours on February 3, 2012. The surveillance video also showed the depressed man parking his car, leaving his coat in the car and taking off on foot east of that location at approximate 0910 hours of February 3, 2012.

Ofc. Schuler and the officers he was working with began a ground search for the missing and believed suicidal individual and were able to locate him alive. The man was suffering from the effects of his own mental disorder as well as the effects of hypothermia having been in the elements for 14 hours. Ofc. Schuler and other officers provided the man with needed care until an ambulance conveyed him to Beaumont Hospital in Royal Oak.

On behalf of my officers and the Chelsea Police Department, I wanted to bring the exemplary performance of Ofc. Schuler and the other members of the Troy Police Department to your attention.

Most sincerely,

*Edward A. Toth Jr.*

Chief Edward A. Toth Jr.  
Chelsea Police Department

#12-3740

P.O. FRANK SCHULER  
P.O. NATE GOBIER  
P.O. STEVE BRAZEL

THIS LETTER SPEAKS FOR  
ITSELF. THANK YOU FOR  
YOUR TENACITY IN LOCATING  
THIS MAN BEFORE HE WAS  
INJURED.

*Gary*

**RECEIVED**  
**CHIEF OF POLICE**

*ETM* 3-1-2012



## CITY COUNCIL AGENDA ITEM

---

Date: March 12, 2012

To: Mayor and City Council

From: John Szerlag, City Manager  
Mark F. Miller, Director of Economic & Community Development  
Glenn Lapin, Economic Development Specialist  
R. Brent Savidant, Planning Director

Subject: BIG BEAVER CORRIDOR

Mayor Daniels met with Mark Miller and John Szerlag. The Mayor asked about the Big Beaver Corridor Study. In response we are providing a summary of redevelopment and reinvestment policies for the Big Beaver Corridor. These efforts include completion of the Big Beaver Corridor Study, City of Troy Master Plan, Big Beaver Design Guidelines and City of Troy Zoning Ordinance.

In 2005, the Troy Downtown Development Authority (DDA) in conjunction with the Troy City Council recognized a need to strengthen the image of the Big Beaver Corridor as a world-class thoroughfare and the premier economic corridor in Metropolitan Detroit. The Big Beaver Corridor Study was completed in 2006.

The Planning Department partnered with the Planning Commission to develop the City of Troy Master Plan. The Master Plan is the official policy guide for the future growth and development for the City of Troy. The Big Beaver Road classification integrated the key concepts and many of the recommendations of the Big Beaver Corridor Study into the Master Plan. The Master Plan was adopted in 2008.

The DDA and Planning Commission adopted the Big Beaver Design Guidelines to assist in implementing the Big Beaver Corridor Plan and provide a basis for a regulatory framework for a form-based code for the Big Beaver Corridor. The Big Beaver Design Guidelines were adopted by the DDA and Planning Commission in 2011.

The Planning Department worked with the Planning Commission to complete a comprehensive rewrite of the City of Troy Zoning Ordinance. The Zoning Ordinance implements the land use policies of the Master Plan and regulates the growth and development of the City of Troy. The Big Beaver Design Guidelines provided a basis for a regulatory framework for the Big Beaver Road form-based provisions that are included in the ordinance. The Zoning Ordinance was adopted by the City Council in 2011.

Copies of the Big Beaver Corridor Study and Big Beaver Design Guidelines will be provided at the meeting.

### Document Links:

1. Big Beaver Corridor Study, <http://www.troymi.gov/BigBeaverCorridorStudy/>
2. City of Troy Master Plan, <http://www.troymi.gov/Planning/MasterPlanProcess/CityofTroyMasterPlan2008.pdf>
3. Big Beaver Design Guidelines, <http://www.troymi.gov/Planning/BigBeaverDesignGuidelines.pdf>
4. City of Troy Zoning Ordinance, [http://www.troymi.gov/Planning/Adopted\\_Troy\\_ZoningOrdinance04282011.pdf](http://www.troymi.gov/Planning/Adopted_Troy_ZoningOrdinance04282011.pdf)



**TO:** Mayor and Members of City Council  
**FROM:** Lori Grigg Bluhm , City Attorney  
Allan T. Motzny, Assistant City Attorney  
**DATE:** March 9, 2012  
**SUBJECT:** Chapter 98 Firearm Regulations

---

We have been asked to review Sections 98.13.01 and 98.13.02 of Chapter 98 (Criminal Code), to determine if those sections comport with state law. Sections 98.13.01 and 98.13.02 provide:

**98.13.01 Transport or Possess Firearms.** No person shall transport or possess a firearm in a vehicle unless the firearm is unloaded in both barrel and magazine and carried in the luggage compartment of the vehicle. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

**Exception:** This section does not apply to persons authorized by federal or state law to transport or possess firearms.

**98.13.02 Firearms in Public.** No person shall carry a firearm in any public place unless it is unloaded in both barrel and magazine and in a case. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

**Exception:** This section does not apply to persons authorized by federal or state law to carry firearms.

Our office reviewed the foregoing provisions a few years ago at request of the Police Department when they were challenged by residents advocating the right to openly carry firearms in public. Those challenges were based on MCL 123.1102.

MCL 123.1102 places limitations on the authority of a local unit of government to regulate the ownership, registration, purchase, sale, transfer, transport or possession of pistols or other firearms. Essentially, under that statute, a municipality cannot impose firearm regulations unless it is allowed to do so by state or federal law. However, under MCL 123.1103, a local unit of government does have the authority to prohibit or regulate conduct with a pistol or other firearm that is a criminal offense under state law. Thus, as long as an ordinance does not prohibit what is allowed by state law, a city ordinance regulating pistols and firearms is valid.

Under state law (MCL 750.227d), it is illegal to transport or possess a firearm, other than a pistol, unless the firearm is unloaded, taken down, enclosed in a case, carried in the trunk of the vehicle, and inaccessible from the interior of the vehicle. Section 98.13.01 of Chapter 98 of the Troy City Code is substantially similar to this state law, with the exception that it does not specifically indicate a pistol is not subject to this regulation. However, the ordinance does contain a specific exception stating it is not applicable to persons authorized by state or federal law to transport or possess firearms. Thus, the ordinance does not prohibit a

person who lawfully possesses a pistol from transporting a loaded pistol in a motor vehicle because such persons are authorized to do so under state law. Therefore, based on the exception set forth in the ordinance, the ordinance does not prohibit what is allowed by state law.

Likewise, Section 98.13.02, based on the exception set forth in that section, does not prohibit possession of a firearm in public by any person authorized to possess the firearm under state law. We have previously advised the Police Department there is no current state law prohibiting a person from openly carrying a firearm in public (except in gun free zones) as long as the person is authorized to possess the firearm. Thus, Section 98.13.02 does not prohibit a person from openly carrying a firearm in public if the person is authorized to do so under state law. Accordingly, the ordinance does not prohibit conduct that is allowed under state law.

The foregoing ordinance provisions may, however, be enforced against persons who possess firearms in public who are not authorized to do so under state law. For example, a person may not possess a pistol under state law (MCL 28.422) unless they have a license for the pistol, a license to carry a concealed pistol, or they fall within one of the other exceptions set forth in the statute. Thus, a person in possession of a pistol who does not have a license for the pistol or a concealed pistol license may be prosecuted under the City ordinance. Additionally, the ordinance may also be enforced against a person who possesses a firearm that is prohibited by state law. Some of the many firearms prohibited by state law include short-barreled shotguns (MCL 750.224b), machine guns (MCL 750.224(1)[a]), and weapons with a silencer or a muffler (MCL 750.224(1)[b]). The City ordinance may also be enforced against a person who is not allowed to possess a weapon because of a criminal conviction, a bond condition, or a condition of probation.

Thus, Sections 98.13.01 and 98.13.02 of Chapter 98 of the Troy City Code, when read together with the exception clauses, only prohibit conduct that is prohibited by state law. Therefore, the ordinance provisions are not preempted by state law.