



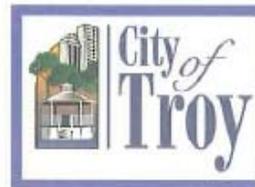
TROY CITY COUNCIL

REGULAR MEETING AGENDA

**MAY 14, 2012
CONVENING AT 7:30 P.M.**

**Submitted By
The City Manager**

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



TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Szerlag".

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**
May 14, 2012 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

INVOCATION: Pastor Simion Timbuc – Bethesda Romanian Pentecostal Church 1

PLEDGE OF ALLEGIANCE: 1

A. CALL TO ORDER: 1

B. ROLL CALL: 1

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS: 1

C-1 Proclamation to Celebrate Secrest Wardel's Move to the City of Troy 1

D. CARRYOVER ITEMS: 1

D-1 No Carryover Items 1

E. PUBLIC HEARINGS: 1

E-1 No Public Hearings 1

F. PUBLIC COMMENT: 1

G. RESPONSE / REPLY TO PUBLIC COMMENT 2

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H-1 No Postponed Items 2

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INVOCATION: Pastor Simion Timbuc – Bethesda Romanian Pentecostal 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 #2012-05-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Regular City Council Meeting of May 14, 2012, due to _____.

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Proclamation to Celebrate Secret Wardel’s Move to the City of Troy

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*

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 – Downtown Development Authority; Planning Commission (Student); b) City Council Appointments – Charter Revision Committee; Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust; Zoning Board of Appeals

a) Mayoral Appointments

Suggested Resolution
Resolution #2012-05-
Moved by
Seconded by

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

Downtown Development Authority

Appointed by Mayor
13 Regular Members
4 Year Term

Term Expires: 09/30/2012

Gregory Carnago

Planning Commission

Appointed by Mayor
9 Regular Members
3 Year Term

Term Expires: 07/31/2012

Eric Huang

(Student)

Yes:
No:

b) City Council Appointments

Suggested Resolution
Resolution #2012-05-
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:

Charter Revision Committee

Appointed by Council

7 Regular Members
3 Year Term

Term Expires: 04/30/2015

MaryAnn Bernardi

Term Expires: 04/30/2015

Daniel H. Bliss

Term Expires: 04/30/2015

William Weisgerber

Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust

Appointed by Council
5 Employee Members and 2 Ordinance Members
3 Year Term

Term Expires: 04/15/2015

Dave Henderson

Zoning Board of Appeals

Appointed by Council
7 Regular Members

Tally of City Council Nominee Choices:

Each City Council Member should indicate two nominees to fill the vacancies on the Zoning Board of Appeals from the following list of individuals placed into nomination at the May 7, 2012 Regular City Council meeting:

NOMINEES:	COUNCIL MEMBERS: Select Two (2) Nominees
Michael W. Bartnik	
Barbara Chambers	
Glenn Clark	

City Council Appointments

Suggested Resolution

Resolution #2012-05-

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:

Term Expires: 04/30/2015

Term Expires: 04/30/2015

Yes:

No:

I-2 Board and Committee Nominations: a) Mayoral Nominations – Local Development Finance Authority (LDFA); b) City Council Nominations – Building Code Board of Appeals; Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust; Historic District Commission

a) Mayoral Nominations

Suggested Resolution

Resolution #2012-05-

Moved by

Seconded by

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

Local Development Finance Authority (LDFA)

Appointed by Mayor
5 Regular Members
Staggered 4 Year Term

Current Members:

Last Name	First Name	M I or Nickname	Appointment Expire	Notes 1	Notes 3
Adamczyk	Michael	M	6/30/2012	Resident Member	
Beltramini	Robin	E.	6/30/2014	Resident Member	
Bergeron	Stephanie	W	6/30/2012	Member – Walsh College	
Kidder	Michael	J	6/30/2015	Member	
Krauss	Maureen	Donohue		Oakland County Designee	
McGinnis	Maureen	M.	11/11/2013	Alternate	
Slater	Dane	M.	11/11/2013	Alternate	
Szerlag	John		6/30/2015	Resident Member	Resigned
Vitale	Nickolas		6/30/2015	Resident Member	

Nominations to the Local Development Finance Authority (LDFA):

Term Expires: 6/30/2015

(Resident Member)

Term currently held by: John Szerlag, City Manager

Term Expires: 6/30/2016

(Resident Member)

Term currently held by: Michael Adamczyk

Term Expires: 6/30/2016

(Walsh College)

Term currently held by: Stephanie Bergeron

Interested Applicants:

Last Name	First Name	M I or Nickname	App Resume Expire	Notes 2
Hoef	Paul	V.	11/21/2013	EDC exp. 4/30/2015
Sawyer Jr.	Thomas	G.	2/3/2014	Municipal Bldg Authority exp. 01/31/2013
Sharp	John		7/15/2013	Economic Dev. Corp. exp. 04/30/2015
Wilberding	Bruce	J	2/8/2014	Brownfield Redev. Auth. exp 4/30/2013

Yes:

No:

b) City Council Nominations

Suggested Resolution

Resolution #2012-05-

Moved by

Seconded by

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

Building Code Board of Appeals

Appointed by Council

5 Regular Members

5 Year Term

Current Members:

Last Name	First Name	Appointment Expire	Notes 1	Notes 3
Abitheira	Gary	1/1/2017	Resident w/construction/engineering experience.	
Brooks	Teresa	Ordinance	Chapter 79, Sect. 116.2	

Carolan	Michael	1/1/2015	Resident w/construction/engineering experience.	
Dziurman	Theodore	1/1/2015	Resident w/construction/engineering experience.	
Szerlag	John	Ordinance	Chapter 79, Sect. 116.2	Resigned

Nominations to the Building Code Board of Appeals:

Term: Per Ordinance

(City Manager)

Term currently held by:

John Szerlag

Interested Applicants:

Last Name	First Name	M I or Nickname	App Resume Expire	Notes 2
Chambers	Barbara	A	4/30/2014	Historic Dist exp 3/1/2014; Hist Dist Study-Ad Hoc
Eisenbacher	David		11/14/2013	
Ogg	David		2/8/2014	Liquor Advisory Comm. exp 1/31/2012
Petrulis	Al		2/8/2014	ACAB exp 9/30/2012 & Traffic Comm. exp 1/31/2014
Sawyer Jr.	Thomas	G.	2/3/2014	Municipal Bldg. Authority exp. 01/31/2013
Sharp	John		7/15/2013	Economic Dev. Corp. exp. 04/30/2015

Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust

Appointed by Council
7 Regular Members and 2 Ordinance Members
3 Year Term

Current Members:

Last Name	First Name	Appointment Expire	Notes 1	Notes 3
Calice	Mark	12/31/2012	Council Appointed Citizen	
Gordon II	Thomas	12/31/2013	DB-Employee Rep. - Elected	
Irelan	Monica	12/31/2099	Chapter 10	
Need	William	12/31/2013	Council Appointed Ex-Officio DB Retiree Rep.	
Pallotta	Steven	12/31/2014	DC Employee Rep. - Elected	

Stansbury	Milt	12/31/2012	Employee elected	
Szerlag	John	Ordinance	Chapter 10	Resigned

Nominations to the Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust:

Term: Per Ordinance _____ **(City Manager)**
 Term currently held by: John Szerlag

Historic District Commission

Appointed by Council
 7 Regular Members
 3 Year Term

Current Members:

Last Name	First Name	M I or Nickname	Appointment Expire	Notes 1	Notes 3
Chambers	Barbara	A	3/1/2014		
Doyle	Hugh	Stephen	7/31/2013		Requests Reappointment
Kuppa	Padma		3/1/2014		
Partlan	Ann		3/1/2014	Historical Society Recommendation	
Rounds	Muriel		5/15/2012	Historical Society Recommendation	No reappointment
Schuchter	Doris		5/15/2012	Historical Society Recommendation	
Voigt	W.	Kent	3/1/2013		

Nominations to the Historic District Commission:

Term Expires: 5/15/2015 _____
 Term currently held by: Muriel Rounds

Term Expires: 5/15/2015 _____
 Term currently held by: Doris Schuchter

Interested Applicants:

Last Name	First Name	M I or Nickname	App Resume Expire	Notes 2
Viola	Vincent	J	11/16/2013	Animal Control Appeal Bd. exp. 9/30/2012

Yes:

No:

I-3 No Closed Session Requested**I-4 Bid Waiver – Workers’ Compensation Insurance Renewal for Fiscal Year 2012/13**Suggested Resolution

Resolution #2012-05-

Moved by

Seconded by

WHEREAS, The Michigan Municipal League has provided Workers’ Compensation Insurance for the City of Troy and the premium charged has been equitable based on the City’s experience; and

WHEREAS, It is desirable to continue the program through the Michigan Municipal League due to the positive experience of participating in the MML program;

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and the net estimated premium cost of \$269,407 is hereby **APPROVED** for Workers’ Compensation Insurance through the MML for the 2012-2013 fiscal year.

Yes:

No:

I-5 Contract Modification: Department of Public Works Maintenance Road Rehabilitation – Concrete Pavement Repair ProgramSuggested Resolution

Resolution #2012-05-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** a contract modification to Dilisio Contracting, Inc. of Clinton Township, MI for concrete pavement repair to rehabilitate the Department of Public Works maintenance road for a total cost not-to-exceed \$130,000.00, at unit prices as originally bid on ITB-COT 11-15 opened July 7, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

I-6 Process to Evaluate Proposals of Search Firms to Conduct Executive Search for City Manager

Suggested Resolution

Resolution #2012-05-

Moved by

Seconded by

WHEREAS, On Tuesday, May 1, 2012, Troy City Council authorized City administration to solicit proposals from seven (7) consultants to conduct an executive search for City Manager (Resolution # 2012-05-084); and

WHEREAS, On Monday, May 7, 2012, City Council held a Study Session and obtained consensus on the evaluation form to be used to hire an executive search firm to fill the vacancy of City Manager; and

WHEREAS, The deadline to submit proposals from the prospective consultants is today, May 14, 2012; and

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the attached, amended evaluation form for the purpose of rating the proposals; and to conduct interviews with the top rated consultants, if deemed to be in the City's best interest; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the standard request for proposal evaluation process in making the selection of an executive search firm to fill the vacancy of City Manager; and

BE IT FINALLY RESOLVED, That all completed evaluation forms shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

I-7 Proposed Contract for Temporary City Manager

Suggested Resolution

Resolution #2012-05-

Moved by

Seconded by

RESOLVED, That the attached contract between the City of Troy and Interim City Manager, Michael W. Culpepper, is hereby **APPROVED**; the Mayor and City Clerk are **AUTHORIZED** to execute the documents, and a copy shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

I-8 Request to Sell a City Owned Surplus Parcel Located in Section 22, Sidwell #88-20-22-277-027 – 3545 Rochester Road

Suggested Resolution

Resolution #2012-05-

Moved by

Seconded by

Option 1

WHEREAS, Chapter 12 of the City Charter requires that competitive bids shall be obtained through a traditional sealed bid procedure or alternative methods providing the method used preserves the integrity of the competitive process for the sales of City owned property in excess of \$10,000;

BE IT RESOLVED, That the Engineering Department is hereby **AUTHORIZED** to proceed to offer the City owned surplus parcel having Sidwell #88-20-22-277-027 for public sale by means of a sealed bid process, and to retain the services of an independent fee appraiser licensed in the State of Michigan.

Or

Option 2

WHEREAS, Chapter 12 of the City Charter allows Troy City Council to offer City owned property for sale in excess of \$10,000 where it has determined that the public interest would best be served without obtaining sealed bids and that such public interest would best be served by combining the City owned property identified with Sidwell #88-20-22-277-027 with the adjoining properties to the west having Sidwell # 88-20-22-227-012 & 013;

BE IT RESOLVED, That the Engineering Department is hereby **AUTHORIZED** to proceed with the process to offer City owned parcel having Sidwell #88-20-22-227-027 for sale to the adjoining property owner of parcels having Sidwell #88-20-22-227-012 & 013, and to retain the services of an independent fee appraiser licensed in the State of Michigan.

Yes:

No:

J. CONSENT AGENDA:

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

Suggested Resolution

Resolution #2012-05-

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 (J) 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 #2012-05-

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

- a) Regular Meeting of May 7, 2012

J-3 Proposed City of Troy Proclamations:

- a) Proclamation to Celebrate Secrest Wardel's Move to the City of Troy.

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 3: Exercise Renewal Option – Sidewalk Replacement and Installation Program**

Suggested Resolution

Resolution #2012-05-

WHEREAS, On January 10, 2011, Troy City Council awarded a contract to complete the sidewalk replacement and installation program for 2010/2011 with options to renew for two (2) additional one-year periods to the low total bidder, Rotondo Construction Company of Farmington Hills, MI, at unit prices contained in the bid tabulation opened November 23, 2010 (Resolution #2011-01-005-J4b); and

WHEREAS, On July 11, 2011, Troy City Council exercised the first option to renew for the 2011/2012 construction season with Rotondo Construction under the same prices, terms, and conditions (Resolution #2011-07-165-J4a); and

WHEREAS, Rotondo Construction Company has offered to exercise the second option to renew for one (1) additional year under the same pricing, terms, and conditions as the original contract;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** and **APPROVES** the second one-year renewal period to contract for sidewalk replacement and installation during FY 2012/2013 with Rotondo Construction Company of Farmington Hills, MI, at unit prices contained in the bid tabulation opened November 23, 2010, at amounts not-to-exceed those budgeted, with the contract expiring June 30, 2013.

b) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 11-10 – Section 16 Water Main Replacement**

Suggested Resolution
Resolution #2012-05-

RESOLVED, That contract No. 11-10, Section 16 Water Main Replacement, be **AWARDED** to Bricco Excavating Company, LLC, 21201 Meyers Road, Oak Park, MI 48237-3201 for their low total bid amount of \$2,498,647.34.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT UPON** submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 15% of the total project cost.

c) **Standard Purchasing Resolution 3: Exercise Renewal Option – Concrete Pavement Repair**

Suggested Resolution
Resolution #2012-05-

WHEREAS, On July 25, 2011, Troy City Council awarded a contract for concrete pavement repair with an option to renew for two (2) additional one-year periods to the low total bidder, Dilisio Contracting, Inc. of Clinton Township, MI, at unit prices contained in the bid tabulation opened July 7, 2011 (Resolution #2011-07-181-Item J-4a); and

WHEREAS, Dilisio Contracting, Inc. has offered to exercise the first option to renew for one (1) additional year under the same prices, terms, and conditions; and

WHEREAS, Dilisio Contracting, Inc. has agreed to pay for overtime incurred by City of Troy inspectors for any inspections that fall outside the normal eight (8) hour work day at the rate of \$50.00 per hour; and

WHEREAS, Dilisio Contracting, Inc. agrees to provide two-year maintenance bonds for all work completed under their contract; and

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES AND APPROVES** the first one-year renewal period to contract for concrete pavement repair during FY 2012/13 with Dilisio Contracting, Inc. of Clinton Township, MI, at unit prices contained in the bid tabulation opened July 7, 2011, at amounts not-to-exceed those budgeted, with the contract expiring June 30, 2013.

J-5 Request for Acceptance of a Water Main Easement from FAS Hotels, LLC – Sidwell #88-20-35-327-014

Suggested Resolution
Resolution #2012-05-

RESOLVED, That Troy City Council hereby **ACCEPTS** the water main easement from FAS Hotels, LLC, owner of the property having Sidwell #88-20-35-327-014; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the easement with the Oakland County Register of Deeds, a copy of which shall be attached to the original Minutes of this meeting.

J-6 Request to Vacate an Existing Sanitary Sewer Easement and Acceptance of a Permanent Sanitary Sewer Easement – Sidwell #88-20-34-226-010, G.I. Building, LLC

Suggested Resolution
Resolution #2012-05-

RESOLVED, That Troy City Council hereby **VACATES** an existing sanitary sewer as recorded in Liber 5987 Page 783 by means of a Quit Claim Deed; and

BE IT RESOLVED, That Troy City Council **AUTHORIZES** the Mayor and City Clerk to execute a Quit Claim deed conveying interest in that sanitary sewer to the current property owners, G.I. Building, LLC; and

BE IT RESOLVED, That Troy City Council hereby **ACCEPTS** the sanitary sewer easement from G.I. Building, LLC, owner of the property having Sidwell #88-20-34-226-010; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the Quit Claim deed and sanitary sewer easement with the Oakland County Register of Deeds, a copy of which shall be attached to the original Minutes of this meeting.

J-7 Assessment of Delinquent Accounts

Suggested Resolution
Resolution #2012-05-

WHEREAS, Section 1.167 of Chapter 5 and Section 6 of Chapter 20 of the Ordinance Code of the City of Troy require that delinquent payments and invoices, as of April 1st of each year, shall be reported and the City Council shall certify the same to the City Assessor who shall assess the same on the next annual City Tax Roll, to be collected as provided for collection of City Taxes; and

WHEREAS, Section 10.8 of the Troy City Charter provides for the collection of delinquent invoices through property tax collection procedures; and

WHEREAS, A list of individual properties is on file in the Office of the Treasurer and comprises a summation of totals as follows:

General Fund Invoices	
Including Penalties	\$ 60,552.56
Special Assessments	

Including Penalties & Interest	4,107.34
Water & Sewer Accounts Including Penalties	<u>888,038.33</u>
Total	\$ 952,698.23

NOW, THEREFORE, BE IT RESOLVED, That the City Assessor is hereby **AUTHORIZED** to assess these delinquent accounts on the annual City Tax Roll.

J-8 TPOA v City of Troy and Act 78 Civil Service Commission

Suggested Resolution
Resolution #2012-05-

RESOLVED, That the City Attorney's Office is hereby **DIRECTED** to defend the City of Troy and the Act 78 Civil Service Commission in the *TROY POLICE OFFICERS ASSOCIATION V. CITY OF TROY AND TROY ACT 78 CIVIL SERVICE COMMISSION* lawsuit (Oakland County Circuit Court Case No. 12-125981-CL). Furthermore, the City Attorney is **AUTHORIZED** to pay necessary costs and fees in the defense of the action.

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) Election Commission-Draft-April 9, 2012
- b) Planning Commission Special/Study-Draft-April 24, 2012

N-2 Department Reports:

- a) Tax Abatement Policy
- b) SOCRRA Quarterly Report - April 2012

N-3 Letters of Appreciation: None Submitted

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

N-5 Notice of Hearing for the Customers of the Detroit Edison Company – Case No. U-16434-R

O. STUDY ITEMS

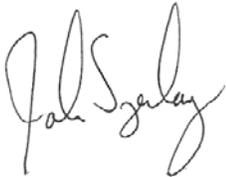
O-1 No Study Items

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, 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:

**PROCLAMATION TO CELEBRATE
SECRET WARDLE'S MOVE TO THE CITY OF TROY**

WHEREAS, Secret, Wardle, Lynch, Hampton, Truex and Morley, P.C. traces its origin to 1912 when Stevens T. Mason moved to Michigan from Baltimore at the request of the Maryland Casualty Company; and

WHEREAS, Mr. Mason began his Michigan legal career as a solo practitioner in 1912. In 1923, he formed the firm of Mason, Cox and McCaslin. In 1929 the firm moved its offices to the First National Bank Building in Detroit. Mason took on Carl Davidson as a partner in 1935. Over the years the firm grew steadily and added attorneys with unique and diverse backgrounds which allowed the firm to expand its practice areas; and

WHEREAS, Beginning in the mid-1960s, with the expansion of the litigation environment, the firm led by, among others, John R. Secret, Roger F. Wardle and Terrance M. Lynch, witnessed significant growth. In 1983, the firm changed its name to recognize those partners whose contributions made that growth possible, including former state legislator and Oakland County Circuit Chief Judge, William P. Hampton; and

WHEREAS, By the mid-1980s, the firm had become recognized as a group of premier litigators, as well as one of the largest and oldest law firms in Michigan. To succeed in the 21st century requires a dedication to the same basic principles that have served us so well since 1912 - knowledge of the law, economy in its practice, and service to its clients; and

WHEREAS, The responsibility for the continued growth and success of the law firm has passed to a new team of leaders that include; Bruce A. Truex, Mark E. Morley, Daniel P. Makarski, Nathan J. Edmonds, Thomas J. Azoni, and Mark F. Masters; and

WHEREAS, The decades of growth and development have transformed **Secret Wardle** from a small single specialty law firm into a highly diversified practice with an expanding client base. The attorneys and staff appreciate and understand the changing needs and demands of their clients;

NOW, THEREFORE, BE IT RESOLVED, That the Mayor and City Council of the City of Troy hereby welcome **Secret Wardle, Lynch, Hampton, Truex and Morley, P.C.** as a new business in our community at 2600 Troy Center Drive with 100 employees; and

BE IT FURTHER RESOLVED, That the Mayor, City Council and City Management join the citizens of this community in celebration of the **100th anniversary of Secret, Wardle, Lynch, Hampton, Truex and Morley, P.C.** and look forward to being part of a new chapter in the firm's history.

Presented this 14th day of May 2012.



CITY COUNCIL AGENDA ITEM

Date: May 8, 2012

To: John Szerlag, City Manager

From: Tom Darling, Director of Financial Services
Stephen Cooperrider, Risk Manager *sc*

Subject: Bid Waiver – Workers' Compensation Insurance Renewal for Fiscal Year 2012/13

Background

The City is in receipt of a renewal package from the Michigan Municipal League Workers' Compensation Fund (MML WCF) which includes a dividend credit attributable to Fund members overall. In 2003, City Management engaged an independent insurance counselor, Mr. Angelo Zervos to evaluate the current state of the City's workers' compensation program. His evaluation indicated the MML WCF program would cost the City less than if we were self-insured or went to the commercial marketplace. The Risk Manager contacted Mr. Zervos in 2009. At that time, Mr. Zervos indicated that his evaluation was as relevant today as it was then. The philosophy and program of the MML WCF has not changed, and the MML WCF continues to produce an equitable value for its members.

The MML WCF provides Workers' Compensation coverage to 866 public entities throughout Michigan. The broker for the MML WCF takes competitive bids from re-insurers. As of May, 2012 the re-insurer and A.M. Best rating is: Discover Property and Casualty Insurance Company (A+).

As an employer, the State of Michigan requires the City of Troy to provide workers' disability compensation under Public Act 317 of 1969. The MML WCF provides legal expertise and defense, loss control services, and claims handling services which are included in their premium.

While last year we had an experience modification factor of 1.01, this year we had an increase of .01 in our experience modifier. In addition, we are receiving a dividend credit of \$199,196. Together they continue to provide the City with a continued sound financial position without the increased risk of being self insured.

The renewal premium to the City for FY 2012/13 is \$269,407. The City's comparison costs for FY 2011/12 is \$336,349, FY 10/11 is \$205,789, with FY 09/10 of \$344,845, and FY 08/09 of \$290,013, and FY 07/08 of \$260,354, and FY 06/07 of \$246,041, and \$444,846 for FY 05/06.



CITY COUNCIL AGENDA ITEM

Recommendation

City Management's fiscal responsibility to City Council and our residents is best served by continuing the relationship with the MML WCF. It is Risk Management's recommendation that City Council approve the renewal of the City's workers' compensation coverage with the Michigan Municipal League Workers' Compensation Fund for the net cost in fiscal year 2012-2013 of \$269,407.

Fund Availability

Funds are available in the Workers' Compensation Fund.

SC/



michigan municipal league
Workers' Compensation Fund

May 08, 2012

Lisa Burnham
City of Troy
500 W. Big Beaver
Troy, MI 48084

Dear Ms. Burnham:

Enclosed are the following documents for your Workers' Compensation coverage renewal for the period July 1, 2012 to June 30, 2013.

- Policy Declaration
- Certificate of Membership
- Invoice (payable by June 15th)

This year, the Fund has been authorized to distribute \$ 7 million of surplus for the Fund years ending June 30, 1993, 1996, 1999, 2000, 2002 through 2004, and 2011. Your proportionate share of the distribution is shown below:

Dividend Credit \$199,196.00 Applied to this year's renewal premium

Please review the enclosed documents and contact me at 248-204-8530 if you have any questions.

Sincerely,

Laura Martin

Laura Martin, AIS, AU, AINS
Fund Underwriter

Enclosures
5000410-12

Service Provider: Meadowbrook® Insurance Group

Loss Control & Member Services: P.O. Box 5174, Southfield, MI 48037 PH: 248.358.1100 • 800.482.2726 • FX: 248.358.0534
Southfield Claims Service: P.O. Box 5174, Southfield, MI 48086-5174 PH: 248.358.1100 • 800.482.2726 • FX: 248.358.3251
Grand Rapids Claims: 3501 Lake Eastbrook S.E., Suite 150, Grand Rapids, MI 49546 PH: 616.942.0311 • 800.752.7477 • FX: 616.942.0390

www.mml.org



CITY COUNCIL AGENDA ITEM

May 7, 2012

To: John Szerlag, City Manager

From: Susan Leirstein, Purchasing Director
Timothy Richnak, Public Works Director
Kurt Bovensiep, Superintendent Parks, Streets, and Drains

Subject: Contract Modification: Department of Public Works Maintenance Road Rehabilitation – Concrete Pavement Repair Program

Background

On July 25, 2011, City Council approved a contract with Dilisio Contracting, Inc. in the amount of \$3,279,320 for the 2011/2012 Concrete Pavement Repair Program (Resolution #2011-07-181 Item J4a). This program includes various concrete slab, curb, approach, and sidewalk replacements on the City's major and local roads, and on county roads under the Tri-Party Program. Following this approval, on August 8, 2011, City Council approved a Contract Modification that included an additional \$131,400.00 for the replacement of driveway approaches and curb and gutters associated with the Water Main Project in Section 35 (Resolution #2011-08-186-Item I-6).

The Department of Public Works Facility includes a maintenance road that is responsible for transporting all infrastructure equipment. Department of Public Works employees also use this road for a pedestrian walkway to obtain this equipment and materials stationed throughout the DPW yard. The concrete maintenance road has shown signs of rapid deterioration over the last year. The deteriorated concrete maintenance road causes additional mechanical wear on the City's equipment and has increased the hazard of an employee injury while using the road as a pedestrian walkway. This has initiated the DPW to take corrective action to rehabilitate the concrete road.

Recommendation

It is recommended that City Council approve a contract modification to Dilisio Contracting Inc. of Clinton Township, MI for the removal and replacement of delineated concrete within the Department of Public Works maintenance road for a total cost not to exceed \$130,000.00.

Fund Availability

Funds for this work are included in various DPW Capital Accounts for Fiscal Year 2011/12.

Legal Considerations

The contract modification is contingent upon execution of the contract modification documents, and subject to all insurance, bonds and all specified requirements of the 2011/12 Concrete Repair Program.



CITY COUNCIL AGENDA ITEM



sl

VENDOR NAME:

	**	Dilisio	Hard Rock	Flore	Florence Cement
		Contracting Inc.	Concrete, Inc.	Enterprises, LLC	Company
Ck Number		9094906211	530622609-2	362775	000325216
Ck Amount		\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00

Proposal A: Local Road Maintenance Section 5, 14, 19, 20, 30, 36 and scattered locations

NO.	DESCRIPTION	EST. QTY.	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE
1	Remove & Replace with Concrete 9" Non-reinforced-	1,000 S.Y.	\$37.25	\$33.00	\$33.50	\$40.00
2	Remove & Replace with Concrete 8" Non-reinforced-	5,000 S.Y.	\$33.40	\$32.00	\$31.50	\$36.75
3	Remove & Replace with Concrete 7" Non-reinforced-	64,000 SY	\$29.55	\$30.00	\$29.50	\$34.75
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	100 S.F.	\$4.00	\$4.00	\$4.00	\$5.00
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	\$4.00	\$3.50	\$3.50	\$5.00
6	Remove Concrete and rplc with topsoil/seed	300 S.F.	\$1.00	\$0.50	\$1.25	\$2.00
7	Structure Cover, (Adjustment)	20 each	\$150.00	\$150.00	\$150.00	\$200.00
8	Structure Cover, Adj, Add Depth (Reconst)	10 L.F.	\$150.00	\$150.00	\$100.00	\$200.00
9	Misc. Base Repair per CY to excavate/replace with 21AA Limestone, compacted in place	2,600 C.Y.	\$9.00	\$1.00	\$15.30	\$13.50
10	Installation of 6" edge drain	200 L.F.	\$7.00	\$6.00	\$7.50	\$8.00
11	Remove and Replace Curb & Gutter	200 L.F.	\$18.00	\$18.00	\$20.00	\$25.00
12	Sidewalk Ramp, ADA, Modified w/Inserts	6,000 S.F.	\$1.00	\$6.00	\$6.50	\$7.50
13	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	\$8.00	\$8.00	\$20.00	\$25.00
14	Restoration	Included	Included	Included	Included	Included
15	Traffic Maintenance	Included	Included	Included	Included	Included
Estimated Total Cost – Proposal A			\$2,136,250.00	\$2,162,600.00	\$2,170,405.00	\$2,544,550.00

Proposal B: Major Road Maintenance - Rochester Road and Scattered Locations

NO.	DESCRIPTION	EST. QTY.	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE
1	Remove & Replace with Concrete 9" Non-reinforced- 6 Sac	22,000 SY	\$39.65	\$42.00	\$41.75	\$44.80
2	Remove & Replace with Concrete 8" Non-reinforced-	200 S.Y.	\$39.65	\$36.00	\$35.97	\$44.00
3	Remove & Replace with Concrete 7" Non-reinforced-	200 S.Y.	\$39.65	\$32.00	\$33.25	\$43.00
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	200 S.F.	\$4.00	\$5.00	\$4.00	\$5.00
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	\$4.00	\$4.00	\$3.50	\$5.00
6	Remove Concrete and rplc with topsoil/seed	100 S.F.	\$3.00	\$1.25	\$1.25	\$2.00
7	Structure Cover, (Adjustment)	5 each	\$200.00	\$150.00	\$200.00	\$200.00
8	Structure Cover, Adj, Add Depth (Reconst)	10 L.F.	\$200.00	\$150.00	\$125.00	\$200.00
9	Misc. Base Repair per CY to excavate/replace with 21AA Limestone, compacted in place	600 C.Y.	\$18.00	\$12.00	\$15.30	\$13.50
10	Installation of 6" edge drain	100 L.F.	\$7.00	\$6.00	\$7.50	\$8.00
11	Remove and Replace Curb & Gutter	100 L.F.	\$20.00	\$18.00	\$20.00	\$25.00
12	Sidewalk Ramp, ADA, Modified w/Inserts	500 S.F.	\$8.00	\$6.00	\$6.50	\$7.50
13	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	\$8.00	\$8.00	\$15.00	\$25.00
14	Restoration	Included	Included	Included	Included	Included
15	Traffic Maintenance	Included	Included	Included	Included	Included
Estimated Total Cost – Proposal B			\$910,960.00	\$954,775.00	\$952,549.00	\$1,025,350.00

VENDOR NAME:

**	Dilisio	Hard Rock	Fiore	Florence Cement
	Contracting Inc	Concrete, Inc.	Enterprises, LLC	Company

Proposal C: Tri Party Concrete Repair - Big Beaver, John R, Crooks and Scattered Locations

NO.	DESCRIPTION	EST. QTY.	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE
1	Remove & Replace with Concrete 10" Non-reinforced-	2.000 SY	\$40.65	\$45.00	\$45.00	\$55.50
2	Remove & Replace with Concrete 9" Non-reinforced-	3.000 S.Y.	\$39.65	\$43.00	\$43.00	\$48.75
3	Remove & Replace with Concrete 8" Non-reinforced-	200 S.Y.	\$39.65	\$46.00	\$39.75	\$44.00
4	Remove & Replace with Concrete 7" Non-reinforced-	200 S.Y.	\$39.65	\$44.00	\$36.50	\$43.00
5	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	50 S.F.	\$4.00	\$4.00	\$4.00	\$5.00
6	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	50 S.F.	\$4.00	\$4.00	\$4.00	\$5.00
7	Remove Concrete and rplc with topsoil/seed	100 S.F.	\$3.00	\$1.25	\$2.50	\$2.00
8	Structure Cover, (Adjustment)	2 each	\$200.00	\$150.00	\$150.00	\$200.00
9	Structure Cover, Adj, Add Depth (Reconst)	10 L.F.	\$200.00	\$150.00	\$125.00	\$200.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Limestone, compacted in place	300 C.Y.	\$18.00	\$12.00	\$15.30	\$13.50
11	Installation of 6" edge drain	100 L.F.	\$7.00	\$6.00	\$7.50	\$8.00
12	Remove and Replace Curb & Gutter	100 L.F.	\$20.00	\$18.00	\$20.00	\$25.00
13	Sidewalk Ramp, ADA, Modified w/Inserts	500 S.F.	\$8.00	\$6.00	\$7.50	\$7.50
14	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	\$8.00	\$8.00	\$15.00	\$25.00
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
Estimated Total Cost - Proposal C			\$232,110.00	\$249,125.00	\$249,040.00	\$291,350.00

PROGRESS PAYMENTS:

Monthly	Bi-weekly	Every two weeks	Bi-weekly
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CONTACT INFORMATION

Hrs of Oper.
Phone

8AM-5PM	8AM-8PM M-Sat	7AM-5PM	Michael Pittiglio
(586) 405-4578	(734) 641-3333	(586) 915-0417	(810) 560-4141

AWARD

100% of Contract

Partial Contract: Proposal A
Proposal B
Proposal C

X	X	X	X
X		X	
X		X	
X		X	

COMPLETION SCHEDULE:

BY JUNE 30th OF ANY CONTRACT YEAR

INSURANCE:

Can Meet
Cannot Meet

XX	XX	XX	XX
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PAYMENT TERMS:

Monthly	Bi-weekly	Every 2 weeks	Bi-weekly
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WARRANTY:

1 year	As stated in contract	Maintenance Bond	1 yr Maint Bond
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ALL OR NONE-AWARD

Y or N

N	N	N	N
---	---	---	---

EXCEPTIONS:

N/A	Blank	Blank	Blank
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ACKNOWLEDGEMENT:

Y or N

Y	Y	Y	Y
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VENDOR QUESTIONNAIRE

Y or N

Y	Y	Y	Y
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FORMS:

Legal Staus of Bidder
Non-Collusion Affidavit

Y or N
Y or N

Y	Y	Y	Y
Y	Y	Y	Y

NO BID: Carlo Construction, Inc.

****BOLDFACE TYPE DENOTES LOW TOTAL BIDDER**

ATTEST:

Marina Basta-Farouk

Tom Rosewarne

Diane Fisher

Julie Hamilton

G: ITB-COT 11-15 Concrete Pavement Repair

PROPOSAL: City of Troy Concrete Pavement Repair Program for Local and Major Roads with an Option to Renew for Two (2) Additional One Year Periods

Susan Leirstein CPPO CPPB
Purchasing Director



CITY COUNCIL ACTION REPORT

May 10, 2012

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Peggy E. Sears, Human Resources Director
Susan A. Leirstein, Purchasing Director

SUBJECT: Process to Evaluate Proposals of Search Firms to Conduct Executive Search for City Manager

Background

At a special meeting held Tuesday, May 1, 2012, City Council passed a resolution which authorizes City Administration to solicit proposals from seven (7) consultants to conduct an executive search for City Manager (Resolution #2012-05-084). The proposals from the prospective consultants are due back to the City by Monday, May 14th, 2012. In evaluating proposals for the best qualified consultant, it is the City's normal practice to have a panel (or in this case the individual City Council members) independently rate each proposal using a pre-approved evaluation form. Attached to this memo is the amended evaluation form, as discussed by City Council at the Study Session held Monday, May 7th, 2012. City Council requested changes to the point values and modified the evaluation criterion under Experience and Qualifications.

Once the evaluation form is approved, then each City Council member will independently use the weighted evaluation form to score each of the proposals. The completed forms need to be returned to the Purchasing office by Monday, May 21st, 2012. The scores of all Council members will be averaged into one score for each consultant for this phase of the process. If necessary, the top rated consultants will be invited to participate in an interview with all City Council members, in accordance with all applicable laws including the Open Meetings Act. City Council is the governing body who will make the decision as to the selection of the most qualified consultant.

Recommendation

City management recommends approval of the standard evaluation process to select the most qualified consultant to act in the City's best interest while conducting the executive search to fill the vacancy of City Manager.

Reviewed and approved by:

Lori Grigg Bluhm, City Attorney

G:\Bid Award 12-13 New Format\Regular Business – ExecutiveSearchCityManagerV.2.05.12.doc

Rater # _____

EVALUATION FORM
EXECUTIVE SEARCH
POSITION OF CITY MANAGER

FINAL SCORING SHEET

VENDOR	A	B	C
NAME:			
ADDRESS:			
CITY/STATE/ZIP:			
PHONE/FAX:			

EVALUATION CRITERIA	Point Value	INFORMATION	1-10 SCORE	INFORMATION	1-10 SCORE	INFORMATION	1-10 SCORE
<u>ABILITY TO MEET OBJECTIVES:</u> - Timeline - Position Analysis - Recruitment Process - Resume Review - Candidate Screening - Background Investigation - Interview Process - Negotiation & Follow-Up	23						
<u>EXPERIENCE / QUALIFICATIONS:</u> - Conducting Private as well as Military, or Public Sector Executive Searches - Recent successes in recruitment & placement of top executives	19						
<u>PERSONNEL ASSIGNED:</u> - Experience - Involvement - Use of Subcontractors	19						
<u>SAMPLE DOCUMENTS:</u> - Position Profile - Marketing Campaign - Completeness	19						
<u>INTERVIEW</u> - (Optional)	10						
<u>COST TO COMPLETE PROJECT</u>	10						
	100						
	TOTALS:						

Maximun Score = 100



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LG*
DATE: May 8, 2012
SUBJECT: Proposed Contract for Temporary City Manager

Enclosed please find a proposed contract between the City of Troy and Interim City Manager Michael W. Culpepper. This contract is based on the 2009 City Manager contract prepared by outside Labor Attorney Craig Lange. It has been negotiated with Mr. Culpepper, and modified to fit the Interim City Manager position. For example, this contract specifically precludes entitlement to retirement contributions and insurance, etc..

City Administration recommends approval of the proposed contract. Mr. Culpepper is expected to start his position on May 17, 2012.

EMPLOYMENT AGREEMENT

THIS AGREEMENT, made on the _____ day of May 2012, by and between the City of Troy, Michigan, a municipal corporation, hereinafter referred to as the "City" and Michael W. Culpepper, hereinafter referred to as the "Executive."

As the City desires to retain the Executive as its City Manager and the Executive desires to temporarily serve the City as its City Manager; the City and the Executive agree as follows:

SECTION 1. PERIOD OF EMPLOYMENT

This Agreement shall be effective starting the week of May 14, 2012, and shall continue for an indefinite period, and may be terminated subject to the provisions of Section 12 of this Agreement. The Executive shall assume the duties of City Manager starting at 5 pm on May 18, 2012. The parties anticipate that the period of employment will not exceed 120 days, and in reliance on that time limitation, Executive has made commitments beyond that date which would require scheduling flexibility if a longer contractual period is required.

SECTION 2. EXECUTIVE'S DUTIES

During the period of employment with the City, the Executive shall perform the duties of the City Manager as set out in the applicable statutes of the State of Michigan, the Charter of the City of Troy, all ordinances and resolutions lawfully enacted, and other such duties as the Council of the City of Troy may lawfully assign to the Executive.

**SECTION 3.
OTHER EMPLOYMENT**

The Executive shall devote his primary attention, knowledge and skills in the interest of the City of Troy, and the City shall be entitled to full-time benefits arising from incident to the full-time work, services, and advice of the Executive. The Executive may from time to time teach, lecture, consult or make presentations that will not conflict or interfere with his work for the City.

The Executive agrees to execute all oaths and provide all bonds with surety as required by law.

**SECTION 4.
HOURS OF WORK**

The parties realize that the position of City Manager requires the Executive holding such position to work weekends, evenings, and other irregular hours at locations other than the City's administrative offices and during hours that said offices are not open. It is understood and agreed that the Executive shall work whatever hours that may be necessary in order for him to fulfill the requirements of the position of Executive, as described herein and otherwise. It is understood that Executive will have flexible working hours.

**SECTION 5.
EXECUTIVE'S SALARY**

The Executive shall receive a salary at an hourly rate of seventy five (\$75) per hour for the period commencing May 17, 2012 and that salary shall be payable in installments as per the pay plan generally applicable to other City exempt employees. From time to time, the City can review the Executive's performance.

**SECTION 6.
AUTOMOBILE MILEAGE REIMBURSEMENT**

The Executive shall receive reimbursement, based on the federally reimbursed rates, for the use of his personal vehicle for any necessary City business.

**SECTION 7.
OTHER BUSINESS EXPENSE**

The City shall reimburse the Executive for all other reasonable employment-related expenses, subject to the administrative policies concerning such expenses, as currently exist in the Exempt Employee's Handbook. Executive shall also be provided with a procurement card, and shall be subject to the administrative policies concerning it. It is specifically understood that such business activities are to be undertaken by the Executive as may be required by the City, and shall be considered part of the Executive duties.

**SECTION 8.
VACATION LEAVE**

The Executive shall receive 40 hours of paid vacation for 2012, which can be taken at any time after May 17, 2012, and which shall be paid at the hourly rate.

**SECTION 9.
NON-PARTICIPATION IN EMPLOYEES RETIREMENT SYSTEM**

The Executive shall not be a member of the City of Troy Retirement System as provided in Chapter 10 of the City's Ordinances. He shall not accrue pension benefits for services rendered to the City pursuant to this Agreement under either the City's Defined Benefit or Defined Contribution Plans.

**SECTION 10.
GROUP MEDICAL INSURANCE**

The Executive shall not participate in Hospitalization or Prescription Drug Insurance coverage as provided to the City's other exempt employees.

**SECTION 11.
PUBLIC OFFICIAL LIABILITY INSURANCE
AND REPRESENTATION BY LEGAL COUNSEL**

The City shall provide the Executive with public official liability insurance in accordance with that provided other officers in the City. In addition, the City shall provide the Executive legal representation as otherwise provided for other City officials and as provided by ordinance, except for malicious, wanton criminal conduct arising from the Executive's action or conduct and/or unless the City Council determines that the Executive was clearly acting outside of the scope of his duties when engaged in the actions or conduct which form the basis for such charges or claims.

**SECTION 12.
TERMINATION**

The City or the Executive may terminate this Agreement at any time with or without cause.

1. In the event the Executive terminates this Agreement, he shall give no less than thirty (30) days prior written notice to the City Clerk and in said notice advise the City of the date of termination. If the Executive terminates this Agreement, all rights of the Executive to compensation and the further accrual of benefits pursuant to this Agreement shall cease as of the effective date of such termination.

2. In the event the City terminates this Agreement without cause, it shall give no less than thirty (30) days prior written notice to Executive and in said notice advise Executive of the date of the termination.

3. The City can also terminate this Agreement with cause for any of the following:

- (a) Fraud, dishonesty, or other intentional misconduct either:
 - 1. in the performance of Executive's duties and responsibilities pursuant to this Agreement, or
 - 2. which has a material adverse impact on the City, its officials, administrators or the Executive.
- (b) The use by Executive of alcohol, drugs, or any other intoxicant or controlled substance, in such a manner as to impair his ability to perform his duties and responsibilities pursuant to this Agreement in a competent and diligent manner or in a manner which harms the reputation of the City.
- (c) The Executive's arrest and binding over for trial or a plea of guilty or nolo contendere to a crime providing for a term of imprisonment (other than traffic violations and crimes not requiring the knowing involvement of the Executive in the commission thereof).
- (d) (i) A pattern of neglect or persistent failure to perform the duties herein contained with respect to duties previously communicated to the Executive in writing by the City Council but only after the Executive has been provided notice by the City Council of its

dissatisfaction with the performance of said duties and Executive has been provided a reasonable opportunity to correct his performance;

(ii) Otherwise willful misconduct in connection with the performance of his duties hereunder.

4. If the City terminates the Executive's employment with cause, as set forth above in sub-section 3, the termination can be effective immediately, and all rights of the Executive to compensation and further accrual of benefits shall cease as of the effective date of such termination.

SECTION 13. ARBITRATION

It is mutually agreed between the Executive and the City that arbitration shall be the sole and exclusive remedy to redress any grievance which includes, but is not limited to any dispute, claim or controversy involving the interpretation of this Agreement, the terms, conditions or termination of this Agreement; and any and all disputes, claims or controversies arising as a result of the Employment of the Executive by the City, including claims under federal, state or local civil rights statutes such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Family and Medical Leave Act, the Elliott-Larsen Civil Rights Act and the Persons with Disabilities Civil Rights Act. It is the intention of the parties that the arbitration decision will be final and binding and that any and all grievances shall be disposed of as follows:

1. Any and all grievances must be submitted in writing by the aggrieved party within thirty (30) days from the date of termination of this Agreement;

2. Within thirty (30) days following the submission of the written grievance, the party to whom the grievance is submitted shall respond in writing. If no written response is submitted within thirty (30) days, the grievance shall be deemed denied;

3. If the grievance is denied, either party may, within thirty (30) days of such denial, refer the grievance to arbitration in Troy, Michigan. The arbitrator shall be chosen in accordance with the Voluntary Labor Arbitration Rules of the American Arbitration Association then in effect, and the expense of the arbitration shall be shared equally by the City and the Executive.

4. Any grievance shall be deemed waived unless presented within the time limits specified above. The arbitrator shall not have jurisdiction or authority to change, add to or subtract from any of the provisions of this Agreement. The arbitrator's sole authority shall be to interpret or apply the provisions of this Agreement. The parties hereby acknowledge that since arbitration is the exclusive remedy with respect to any grievance hereunder, neither party has the right to resort to any federal, state or local court or administrative agency concerning breaches of this Agreement and that the decision of the arbitrator shall be a complete defense to any suit, action or proceeding instituted in any federal, state or local court or before any administrative agency with respect to any dispute which is arbitrable as herein set forth. The arbitration provisions hereof shall, with respect to any grievance, survive the termination or expiration of this Agreement.

SECTION 14. COMPLETE AGREEMENT

This written Agreement embodies the whole agreement between the parties and there are no inducements, promises, terms, conditions or other obligations in this

Agreement. Any amendments to this Agreement shall be in writing and executed by both the City and the Executive.

**SECTION 15.
GOVERNING LAW**

This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan.

**SECTION 16.
SURVIVING PROVISIONS**

All provisions, which by their terms or by reasonable implication may be performed after termination of this Agreement, shall survive termination of this Agreement.

**SECTION 17.
REPRESENTATIONS AND WARRANTIES**

Executive represents and warrants to the City that he is free to enter into this Agreement and that he has no prior or other obligations or commitments of any kind to anyone that would in any way hinder or interfere with his acceptance of, or the full, uninhibited and faithful performance of, his employment under or the exercise of his best efforts as an employee of the City.

**SECTION 18.
WAIVERS**

The failure of either party hereto at any time or from time to time to require performance of any of the other party's obligations under this Agreement shall in no manner affect the right to enforce any provision of this Agreement at a subsequent time,

and the waiver of any rights arising out of any breach shall not be construed as a waiver of any rights arising out of any subsequent breach.

**SECTION 19.
SURVIVAL**

If any of the provisions, terms or clauses of this Agreement are declared illegal, unenforceable or ineffective in a legal forum or by the operation of law, those provisions, terms and clauses shall be deemed severable and all other provisions, terms and clauses shall remain valid and binding.

**SECTION 20.
WARRANTIES**

The individuals signing this Agreement represent and warrant that they, and each of them, are duly authorized and empowered to act on behalf of and to sign for the parties for whom they have signed respectively.

CITY OF TROY, a Michigan municipal Corporation

Witnesses:

Executive:

By: _____
Janice L. Daniels, Mayor

By: _____
M. Aileen Bittner, City Clerk

By: _____
Michael W. Culpepper



CITY COUNCIL AGENDA ITEM

Date: May 7, 2012

To: John Szerlag, City Manager

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

Subject: Request to Sell a City Owned Surplus Parcel Located in Section 22, Sidwell #88-20-22-277-027
3545 Rochester Road

Background

The Engineering Department has received several formal requests to purchase a City owned parcel located in Section 22 at the south corner of Rochester Road at Colebrook. The City acquired this property as part of the 2010 Rochester Road Improvement project. The property, previously used as a commercial site is zoned Community Business.

The commercial building is approximately 1,280 gross square feet in size, most recently used as a single tenant hair salon. The remainder property is approximately 8,840 square feet. Some of the interested buyers have indicated they would like the nature of their business to remain the same or to engage in some type of retail or professional service business.

Another request was received from the owner of two vacant parcels to the west. This potential buyer has submitted an application to the Planning Department and appeared before the planning commission to build an office site and to ultimately rezone their property from R1-C (Residential) to Community Business (CB). Their request before the Planning Commission was denied, but they were given some direction that if their property were combined with the City's property to the east, then their application for redevelopment may have more merit.

The City acquired this property in 2010 by Consent Judgment with a final compensation amount of \$346,000. The property was originally appraised at \$251,000 plus a value for furniture and fixtures of approximately \$42,000.

On March 28, 2011 City Council took no action on a request to sell City owned surplus property citing the downturn in the real estate market, but did approve another request at their April 18, 2011 meeting to combine a property along Rochester Road with an adjoining property to maximize the development potential of the City owned property.

Resolution #2007-01-028 adopted by City Council set forth guidelines for disposal of City owned excess property. Chapter 12 of the Troy City Charter requires that..."in all sales or purchases in excess of \$10,000, (a) the sales or purchases shall be approved by City Council, (b) sealed bids shall be obtained except where the City Council shall determine that an emergency exists or that the public interest will be best served without obtaining sealed bids...."

If City Council deems that a public interest exists and that the City owned property be offered to the adjoining property owner, then the prospective buyer would be required to meet the conditions set forth in Resolution #2007-01-028, a copy of which is attached for your reference.

Recommendations

City Council has three options: 1) offer the property for public sale by means of a sealed bid process, 2) determine that the public interest would best be served by combining the City owned property with two adjoining vacant parcels to the west; or 3) take no action at this time.

If either options 1 or 2 are approved by City Council, then Management requests that Council also authorize staff to engage the services of a State of Michigan licensed independent fee appraiser. Staff will present City Council with the appraised value as determined by a State of Michigan licensed appraiser prior to offering or advertising to sell the parcel by public sealed bid. Engaging an appraiser or appraisal firm is with the understanding that all State laws, Federal Guidelines and USPAP standards and practices must be met.

CITY COUNCIL AGENDA ITEM

Request to Sell City Owned Surplus Parcel Sidwell #88-20-22-277-027



Vote on Resolution to Amend Disposal/Sale of Excess Property as Amended

Resolution #2007-01-028
Moved by Stine
Seconded by Lambert

WHEREAS, The City Council of the City of Troy endeavors to attain the highest and best land use, effective growth control measures and to enhance the health, safety and welfare of the community; and

WHEREAS, Chapter 12 of the Troy City Charter requires that..."in all sales or purchases in excess of \$10,000, (a) the sales or purchases shall be approved by the City Council, (b) sealed bids shall be obtained, except where the City Council shall determine that an emergency exists or that the public interest will be best served without obtaining sealed bids...";

THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy **MAY DETERMINE** that the public interest will best be served without obtaining sealed bids for the sale of remnant parcels which remain after required right-of-way or excess property is taken when a purchase agreement is offered to the City of Troy by a prospective buyer which:

1. Has submitted evidence of ownership or control of an assembly of adjoining land of sufficient size so as to achieve what is believed to be the best possible development as determined by the City Council after review and recommendation from the City Manager.
2. Has submitted a conceptual site plan, which has been drawn to sufficient detail to indicate any and all features such as setbacks, parking and access, storm water detention and building height, which are governed by codes of the City of Troy.
3. Is accompanied by a petition for rezoning, if necessary, in compliance with the Master Land Use Plan of the City of Troy as being the most appropriate land use.
4. Commits the prospective buyer to a purchase price of at least a value established by an appraiser named by the Real Estate and Development Department of the City of Troy.
5. During the site plan review, site plan is accompanied by architectural renderings of all buildings along with a description of building materials to permit evaluation by building quality.
6. Is accompanied by a draft of proposed deed restrictions prepared by the City of Troy which will be imposed upon the purchaser of the City-owned property.
7. Nothing in this resolution relieves the Purchaser/Developer of their obligation to adhere to any and all City Ordinances and development standards.

BE IT FURTHER RESOLVED, That staff will **PROVIDE** an analysis of the zoning and **PRESENT** the remnant parcel(s) to the Parks and Recreation Advisory Committee to review for possible use as parks prior to Council action on the offer to purchase; and

BE IT FURTHER RESOLVED, That if it is most probable that a rezoning will be requested, that an appraisal based on that subsequent rezoning also be submitted; and

BE IT FINALLY RESOLVED, That the City Council **RETAINS** discretionary authority to determine the applicability of this policy.

Yes: All-7

CHAPTER 12 - PURCHASES - CONTRACTS - LEASES

Section 12.1 - Purchase and Sale of Property:

The City Manager shall be responsible for the purchase and sale of all City property.

Comparative prices shall be obtained for the purchase or sale in amount not in excess of ten thousand dollars of all materials, supplies and public improvements except (a) in the employment of professional services and (b) when the City Manager shall determine that no advantage to the City would result.

In all sales or purchases in excess of ten thousand dollars, (a) the sales or purchases shall be approved by the Council, (b) competitive bids shall be obtained through a traditional sealed bid procedure or alternative methods, providing the method used preserves the integrity of the competitive process, except where the Council shall determine that an emergency exists or that the public interest will be best served without obtaining sealed bids, and (c) the requirements of Section 12.2 shall be complied with. No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this section. The Council may authorize the making of public improvements or the performance of any other city work by any city agency without competitive bidding.

Purchases shall be made from the lowest competent bidder meeting specifications, unless the Council shall determine that the public interest will be better served by accepting a higher bid, sales shall be made to the bidder whose bid is most advantageous to the City.

The City Manager may make necessary purchases without sealed bid, prior council approval, and in excess of the limits provided in this chapter when an emergency, because of a natural disaster, civil disturbance or similar calamity, is officially declared. Any such purchases shall be affirmed at the next regularly scheduled council meeting.

All purchases and sales shall be evidenced by written contract or purchase order.

The City may not sell any park, cemetery or any part thereof except in accordance with restrictions placed thereon by statute.

The City may not purchase, sell or lease any real estate or any interest therein except by the affirmative vote of four or more members of the Council.

The purchase and sale of all city property shall be subject to the provisions of Section 6.12.

Detailed purchasing, sale and contract procedures shall be established by ordinance.

Section 12.2 - Contracts

The authority to contract on behalf of the City is vested in the Council and shall be exercised in accordance with the provisions of statute and of this Charter, provided that purchases and sales may be made by the City Manager subject to the provisions of Section 12.1

Any contract or agreement in an amount of one thousand dollars or more made with form or terms other than the standard city purchase order form shall before execution be submitted to the Attorney and his opinion obtained with respect to its form and legality. A copy of all contracts or agreements requiring such opinion shall be filed in the office of the Clerk together with a copy of the opinion.

Before any contract, agreement or purchase order obligating the City to pay an amount of one thousand dollars or more is executed the accounting officer of the City shall first have certified that an appropriation has been made for the payment thereof, or that sufficient funds will be available if it be for a purpose being financed by the issuance of bonds or by special assessments or for some other purpose not chargeable to a budget appropriation. In the case of a contract or agreement obligating the City for periodic payments in future fiscal years for the furnishing of a continuing service or the leasing of property, such certification need not cover those payments which will be due in future fiscal years, but this exception shall not apply to a contract for purchase or construction being financed by an installment contract under authority of Section 11.2. Certification by the accounting officer of the City shall be endorsed on each contract, agreement or purchase order requiring same or shall be filed as an attachment thereto.

No contract or purchase order shall be subdivided for the purpose of circumventing the dollar value limitations contained in this Section.

No contract shall be amended after the same has been made except upon the authority of the Council, provided that the City Manager may amend contracts for those purchases and sales made by him under the authority of Section 12.1

No compensation shall be paid to any contractor except in accordance with the terms of the contract.

No contract shall be made with any person, firm or corporation in default to the City.

An individual agreement of employment shall not be deemed a contract requiring opinion by the Attorney or certification by the accounting officer of the City.

Section 12.3- Restriction on Powers to Lease Property:

Any agreement or contract for the renting or leasing or long term use of public property to any person for a period longer than three years shall be subject to the same referendum procedure as is provided in the case of ordinances passed by the Council, but any petition for such referendum must be filed within thirty days after publication of the proceedings of the meeting of the Council at which such agreement or contract is authorized.

The transfer or assignment of any agreement or contract for such renting or leasing or long-term agreements exceeding three years for public property may be made only upon approval of the Council, but approval of such transfer shall not be subject to referendum.

Rentals, leases, long-term use agreements exceeding three years, and renewals thereof shall be for a fair consideration, as determined by the Council.

Pastor Jack Mannschreck from Big Beaver United Methodist 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, May 7, 2012, at City Hall, 500 W. Big Beaver Road. Mayor Daniels called the meeting to order at 7:30 PM.

B. ROLL CALL:

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

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Service Commendation for Meritorious Action – Aaron Kollin

C-2 Proclamation – Asian and Pacific Islander Heritage Month – May, 2012 – Presented to Mumtaz Haque, Commissioner of the Michigan Asian Pacific Commission

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Adoption of the 2012/13 Annual City Budget and 3-Year Budget (2013/14-2014/15)

The Mayor **OPENED** the Public Hearing.
The Mayor **CLOSED** the Public Hearing after receiving no public comment.

Resolution #2012-05-085
Moved by McGinnis
Seconded by Fleming

WHEREAS, Section 8.3 of the City Charter directs the City Council to adopt a budget for the ensuing year, beginning July 1, 2012; and

WHEREAS, City Council directed City Management to also produce a three-year budget;

NOW, THEREFORE, BE IT RESOLVED, That the following listed re-appropriations, operating transfers-in, and operating revenues of the General Operating Fund are anticipated:

Taxes	\$29,658,000
Licenses and Permits	1,405,550
Federal Grants	7,000

State Grants	5,597,000
Contributions – Local	15,000
Charges for Services.....	6,456,585
Fines and Forfeitures	725,900
Interest and Rents.....	1,051,100
Other Revenue.....	733,770
Operating Transfers – In	4,366,654
Re-appropriation	<u>517,000</u>

Total \$50,533,559; and

BE IT FURTHER RESOLVED, That the tax rate for the General Operating Fund shall be six and fifty one-hundredths (6.50) mills on the 2012 taxable valuation; and

BE IT FURTHER RESOLVED, In order to meet anticipated expenditures, amounts from the following listed budgetary centers shall be appropriated from the General Operating Fund:

Building Inspection	\$ 1,194,244
Council/Executive Administration	3,247,645
Engineering.....	1,791,177
Finance	2,911,973
Fire.....	4,541,551
Historic Village Operating.....	75,000
Historic Village Building and Grounds	69,686
Other General Government.....	1,803,921
Police	22,917,408
Parks and Recreation.....	6,233,735
Streets.....	5,541,219
Streets.....	<u>206,000</u>

Total \$50,533,559; and

BE IT FURTHER RESOLVED, That the following listed re-appropriations and revenues of the Capital Fund are anticipated:

Taxes	\$ 6,516,000
State Grants	6,312,500
Contributions – Local	187,000
Charges for Services.....	494,000
Interest and Rents.....	85,200
Operating Transfer – In.....	1,970,000
Re-appropriation	<u>2,397,788</u>

Total \$17,962,488; and

BE IT FURTHER RESOLVED, That the tax rate for the Capital Fund shall be one and fifty-three one-hundredths (1.53) mills on the 2012 taxable valuation; and

BE IT FURTHER RESOLVED, In order to meet anticipated expenses, amounts from the following listed budgetary centers shall be appropriated from the Capital Fund:

Drains	\$ 1,410,900
Finance	129,000
Fire.....	585,000
Library.....	690,000
Museum.....	50,000
Transit Center.....	6,272,500
Other General Government	280,000
Police.....	240,000
Parks and Recreation	300,000
Streets	7,823,588
Operating Transfer.....	<u>181,500</u>

Total..... \$17,962,488; and

BE IT FURTHER RESOLVED, That the following listed revenues of the Refuse Fund are anticipated:

Taxes	\$4,468,000
Charges for Services	4,500
Interest and Rents	<u>10,000</u>

Total..... \$4,482,500; and

BE IT FURTHER RESOLVED, That the tax rate for the Refuse Fund shall be one and five one-hundredths (1.05) mills on the 2012 taxable valuation; and

BE IT FURTHER RESOLVED, That the Refuse Fund shall be appropriated \$4,425,467; and

BE IT FURTHER RESOLVED, That the tax rate for the Library Fund shall be seventy one-hundredths (0.70) mills on the 2012 taxable valuation; and

BE IT FURTHER RESOLVED, That the Library Fund shall be appropriated \$3,128,850; and

BE IT FURTHER RESOLVED, That there shall be a tax levy of seventy one-hundredths (0.70) mills on the 2012 taxable valuation for the General Debt Service Fund; and

BE IT FURTHER RESOLVED, That the General Debt Service Fund shall be appropriated \$3,162,720; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the following budgets as shown in the 2012/13 budget document:

Major Road Fund	\$ 3,365,000
Local Road Fund	\$ 1,694,892
Community Development Block Grant Fund.....	\$ 606,084
Drug Forfeiture Fund	\$ 132,000

2000 MTF Debt Fund	\$ 251,320
Proposal A Debt Fund.....	\$ 886,370
Proposal B Debt Fund.....	\$ 1,417,950
Proposal C Debt Fund.....	\$ 745,900
Special Assessment Fund.....	\$ 17,835
Water Supply System	\$18,002,690
Sanitary Sewer Fund.....	\$13,581,858
Aquatic Center Fund	\$ 610,700
Sylvan Glen Golf Course Fund	\$ 1,016,657
Sanctuary Lake Golf Course Fund	\$ 1,973,652
Building Operations.....	\$ 962,110
Information Technology Fund	\$ 1,914,131
Fleet Maintenance Fund	\$ 4,445,476
Workers' Compensation Fund	\$ 334,359
Compensated Absences Fund.....	\$ 2,920,006
Unemployment Insurance Fund	\$ 415,799; and

BE IT FURTHER RESOLVED, That the three-year budget (2013/14 – 2014/15) for the General Fund, Debt Service Fund, Refuse Fund and Capital Operating Fund be approved based on the following revenues and expenditures:

General Fund Operating	<u>2013/14</u>	<u>2014/15</u>
Taxes	\$29,414,000.....	\$29,316,000
Licenses and Permits.....	1,429,550.....	1,443,550
Federal Grants	7,000.....	7,000
State Grants	5,397,000.....	5,397,000
Contributions – Local	15,000.....	15,000
Charges for Services.....	6,511,150.....	6,517,150
Fines and Forfeitures	726,000.....	726,000
Interest and Rents.....	1,051,100.....	1,051,100
Other Revenue.....	757,000.....	779,000
Operating Transfers – In	4,240,290.....	4,317,852
Re-appropriation	<u>1,598,254</u>	<u>2,504,759</u>
Total	<u>\$51,146,344</u>	<u>\$52,074,411</u> ; and

BE IT FURTHER RESOLVED, That the tax rate for the General Operating fund shall be six and fifty one-hundredths (6.50) mills on the 2013 and 2014 taxable valuation; and

BE IT FURTHER RESOLVED, That in order to meet anticipated expenditures, amounts from the following listed budgetary centers shall be appropriated from the General Operating Fund:

	<u>2013/14</u>	<u>2014/15</u>
Building Inspection	\$ 1,217,996.....	\$ 1,242,221
Council/Executive Admin.	3,304,549.....	3,362,460
Engineering	1,822,788.....	1,854,959
Finance	2,964,896.....	3,016,733
Fire.....	4,633,132.....	4,726,169

Historic Village Build/Grounds	.....72,052	.....74,466
Other General Government	....1,838,331	.....1,873,403
Police	.....23,317,148	.....23,723,885
Parks and Recreation	.....6,330,552	.....6,449,579
Streets	.....5,644,900	.....5,750,536
Total	.....<u>\$51,146,344</u>	.....<u>\$52,074,411</u> ; and

BE IT FURTHER RESOLVED, That the following listed re-appropriations and revenues of the Capital Fund are anticipated:

	<u>2013/14</u>	<u>2014/15</u>
Taxes	.....\$ 6,460,000	.....\$ 6,438,000
Contributions - Local	.....200,000	.....200,000
Charges for Services	.....500,000	.....500,000
Interest and Rents	.....85,200	.....85,200
Operating Transfer-In	.....1,750,000	.....1,741,000
Re-appropriation	.....<u>2,568,259</u>	.....<u>2,659,155</u>
Total	.....<u>\$11,563,459</u>	.....<u>\$11,623,355</u> ; and

BE IT FURTHER RESOLVED, That the tax rate for the Capital Fund shall be one and fifty-three one-hundredths (1.53) mills on the 2013 and 2014 taxable valuation; and

BE IT FURTHER RESOLVED, That in order to meet anticipated expenditures, amounts from the following listed budgetary centers shall be appropriated from the Capital Fund:

	<u>2012/13</u>	<u>2013/14</u>
Drains	.....\$ 2,700,459	.....\$ 875,355
Finance	.....100,000	.....100,000
Fire	.....400,000	.....400,000
Historic Village	.....50,000	.....50,000
Library	.....670,000	.....661,000
Other General Government	.....200,000	.....200,000
Police	.....240,000	.....240,000
Streets	.....7,203,000	.....9,037,000
Operating Transfer-Out	.....<u>0</u>	.....<u>60,000</u>
Total	.....<u>\$11,563,459</u>	.....<u>\$11,623,355</u> ; and

BE IT FURTHER RESOLVED, That the following listed revenues of the Refuse Fund are anticipated:

	<u>2013/14</u>	<u>2014/15</u>
Taxes	.....\$4,599,500	.....\$4,784,500
Charges for Services	.....4,500	.....4,500
Interest and Rents	.....<u>10,000</u>	.....<u>10,000</u>
Total	.....<u>\$4,614,000</u>	.....<u>\$4,799,000</u> ; and

BE IT FURTHER RESOLVED, That the tax rate for the Refuse Fund shall be one and nine one-hundredths (1.09) mills on the 2013 taxable valuation and one and fourteen one-hundredths (1.14) mills on the 2014 taxable valuation; and

BE IT FURTHER RESOLVED, That the Refuse Fund shall be appropriated \$4,597,000 in 2013/14 and \$4,774,000 in 2014/15; and

BE IT FURTHER RESOLVED, That the tax rate for the Library Fund shall be seventy one-hundredths (0.70) mills on the 2013 taxable valuation and the 2014 taxable valuation; and

BE IT FURTHER RESOLVED, That the Library Fund shall be appropriated \$3,152,780 in 2013/14 and \$3,188,400 in 2014/15; and

BE IT FURTHER RESOLVED, That there shall be a tax levy of seventy-five one-hundredths (0.75) mills on the 2013 and 2014 taxable valuation for the General Debt Service Fund.

BE IT FINALLY RESOLVED, That the General Debt Service Fund shall be appropriated \$3,116,044 in 2013/14 and \$3,151,451 in 2014/15; and

Yes: Campbell, Fleming, Henderson, McGinnis, Slater, Tietz

No: Daniels

MOTION CARRIED

F. PUBLIC COMMENT:

Murrish, Dale	Presented to City Council a new community organization called the USA Melting Pot.
Gao, Weilou	Presented to City Council a new community organization called the USA Melting Pot.
Beck, Paul	Spoke about the proposed budget.
Reinhardt, Marvin	Spoke about the proposed budget.
Gosselin, Toby	Spoke about political mailings, proposed ideas used in other communities, and spoke about the proposed budget.
Geiger, M.L.	Spoke to honor the ending of WWII 67 years ago today.
Neat, Edward	Spoke about public comment from a previous meeting and other various topics.
Savage, James	Spoke about the proposed budget and the transit facility.
Peters, Richard	Spoke about the search for a City Manager and other various topics.
Grix, E. James	Spoke about the proposed budget and the transit facility.
Schepke, Gordon	Spoke about the proposed budget.
Bloomington, Bruce	Spoke about the proposed budget and the transit facility.
Graczyk, Ed	Spoke about the proposed budget.
Cherasaro, Nicholas	Spoke about the proposed budget.
Watts, Ray	Spoke about positives in the City and the proposed budget.

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 – Brownfield Redevelopment Authority; Civil Service Commission (Act 78); Economic Development Corporation; b) City Council Appointments – Personnel Board**a) Mayoral Appointments**

Resolution #2012-05-086

Moved by Daniels

Seconded by Fleming

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:

Brownfield Redevelopment Authority

Appointed by Mayor

7 Regular Members

3 Year Term

Term Expires: 04/30/2015**Theodore Dziurman****Term Expires: 04/30/2015****Joseph Vassallo****Unexpired Term Expires: 04/30/2014****Rosemary Kornacki****Unexpired Term Expires: 04/30/2014****Dan Brake**

Yes: All-7

No: None

MOTION CARRIED

Resolution #2012-05-087

Moved by Daniels

Seconded by Fleming

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:

Civil Service Commission (Act 78)

Appointed by Mayor
3 Regular Members:
1-Council; 1-Police/Fire Rep.; 1-Civil Service
6 Year Term

Term Expires: 04/30/2018

David C. Cannon

(Council Appointed)

Yes: All-7
No: None

MOTION CARRIED

Resolution #2012-05-088
Moved by Daniels
Seconded by Henderson

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:

Economic Development Corporation

Appointed by Mayor
9 Regular Members
6 Year Term

Term Expires: 04/30/2018

Robert Swartz

Yes: All-7
No: None

MOTION CARRIED

b) City Council Appointments

Personnel Board

Appointed by Council
5 Regular Members
3 Year Term

Tally of City Council Nominee Choices:

Each City Council Member should indicate three nominees to fill the vacancies on the Personnel Board from the following list of individuals placed into nomination at the April 16, 2012 Regular City Council meeting:

NOMINEES:	COUNCIL MEMBERS: Select Three (3) Members
Edna Abraham	McGinnis, Slater, Tietz, Campbell, Fleming
Dan Brake	Tietz, Daniels, Fleming, Henderson
P. Terry Knight	McGinnis, Slater, Tietz, Daniels, Campbell, Fleming, Henderson
Lorraine New	McGinnis, Slater, Daniels, Campbell, Henderson

City Council Appointments

Resolution #2012-05-089
 Moved by McGinnis
 Seconded by Slater

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

Term Expires: 04/30/2015

Edna Abraham

Term Expires: 04/30/2015

P. Terry Knight

Term Expires: 04/30/2015

Lorraine New

Yes: All-7
 No: None

MOTION CARRIED

I-2 Board and Committee Nominations: a) Mayoral Nominations – Downtown Development Authority; Planning Commission (Student Rep); b) City Council Nominations – Charter Revision Committee; Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust; Zoning Board of Appeals

a) Mayoral Nominations

Resolution #2012-05-090
 Moved by Daniels
 Seconded by Tietz

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

[Downtown Development Authority](#)

Appointed by Mayor
 13 Regular Members
 4 Year Term

Nominations to the Downtown Development Authority:**Term Expires: 09/30/2012****Gary Carnago****Term currently held by: G. Thomas York (Resigned)**

Yes: All
 No: None

MOTION CARRIED

Resolution #2012-05-091

Moved by Daniels

Seconded by Tietz

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

Planning Commission

Appointed by Mayor

9 Regular Members

3 Year Term

Nominations to the Planning Commission:**Term Expires: 07/31/2012****Eric Huang****(Student)****Term currently held by:**

Yes: All-7
 No: None

MOTION CARRIED**b) City Council Nominations**

Moved by McGinnis

Seconded by Slater

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

Charter Revision Committee

Appointed by Council

7 Regular Members

3 Year Term

Nominations to the Charter Revision Committee:

Term Expires: 04/30/2015**Mary Ann Bernardi**

Term currently held by: MaryAnn Bernardi

Term Expires: 04/30/2015**Daniel H. Bliss**

Term currently held by: Daniel H. Bliss

Term Expires: 04/30/2015**William Weisgerber**

Term currently held by: William Weisgerber

Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust

Appointed by Council
 5 Employee Members and 2 Ordinance Members
 3 Year Term

Nominations to the Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust:**Term Expires: 04/15/2015****David Henderson**

Term currently held by: Wade Fleming

Zoning Board of Appeals

Appointed by Council
 7 Regular Members
 3 Year Term

Nominations to the Zoning Board of Appeals:**Term Expires: 04/30/2015****Michael W. Bartnik**

Term currently held by: Michael W. Bartnik

Term Expires: 04/30/2015**Barbara Chambers**

Term currently held by: Glenn Clark

Vote on Resolution to Amend Item I-2b City Council Nominations

Resolution #2012-05-092
 Moved by Tietz
 Seconded by Fleming

RESOLVED, That Troy City Council hereby **AMENDS** *Item I-2b City Council Nominations* to the Zoning Board of Appeals by adding the following name as a nominated person:

Term Expires: 04/30/2015**Glenn Clark**

Yes: All-7

No: None

MOTION CARRIED

Vote on Original Resolution Item I-2b City Council Nominations as Amended

Resolution #2012-05-093

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:

Charter Revision Committee

Appointed by Council

7 Regular Members

3 Year Term

Nominations to the Charter Revision Committee:

Term Expires: 04/30/2015

Mary Ann Bernardi

Term currently held by: MaryAnn Bernardi

Term Expires: 04/30/2015

Daniel H. Bliss

Term currently held by: Daniel H. Bliss

Term Expires: 04/30/2015

William Weisgerber

Term currently held by: William Weisgerber

Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust

Appointed by Council

5 Employee Members and 2 Ordinance Members

3 Year Term

Nominations to the Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust:

Term Expires: 04/15/2015

David Henderson

Term currently held by: Wade Fleming

Zoning Board of Appeals

Appointed by Council

7 Regular Members

3 Year Term

Nominations to the Zoning Board of Appeals:**Term Expires: 04/30/2015****Michael W. Bartnik**

Term currently held by: Michael W. Bartnik

Term Expires: 04/30/2015**Barbara Chambers****Term Expires: 04/30/2015****Glenn Clark**

Term currently held by: Glenn Clark

Yes: All-7

No: None

MOTION CARRIEDThe Meeting **RECESSED** at 9:04 PM.The Meeting **RECONVENED** at 9:10 PM.**I-3 No Closed Session Requested****I-4 Reconsideration of Resolution Establishing an Industrial Development (IDD) for Dialogue Marketing, Inc. at 300 E. Big Beaver (Adding STC Language)****a) Reconsideration of Resolution #2011-10-231 Public Hearing for the Establishment of an Industrial Development District (IDD) for Dialogue Marketing, Inc., at 300 E. Big Beaver**

Resolution #2012-05-094

Moved by Slater

Seconded by Fleming

RESOLVED, That Troy City Council hereby **RECONSIDERS** Resolution #2011-10-231 *Public Hearing for the Establishment of an Industrial Development District (IDD) for Dialogue Marketing, Inc., at 300 E. Big Beaver*; Moved by Kerwin and Seconded by Fleming, as it appears below:

*RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as 300 E. Big Beaver, Troy, MI. 48083, Parcel #88-20-27-126-027, in accordance with City Council Policy Resolution #2010-08-173; and*

*BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to forward a copy of this resolution to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI. 48909-7971*

Yes: Schilling, Beltramini, Fleming, Kerwin, McGinnis, Slater

No: Howrylak

Yes: Fleming, Henderson, McGinnis, Slater, Campbell

No: Tietz, Daniels

MOTION CARRIED

b) Proposed Resolution to Amend Reconsidered Resolution #2011-10-231 Public Hearing for the Establishment of an Industrial Development District (IDD) for Dialogue Marketing, Inc., at 300 E. Big Beaver

Resolution #2012-05-095

Moved by Slater

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2011-10-231, *Public Hearing for the Establishment of an Industrial Development District (IDD) for Dialogue Marketing, Inc., at 300 E. Big Beaver*, by **STRIKING** it in its entirety and **SUBSTITUTING** it with the following:

WHEREAS, Pursuant to PA 198 of 1974, as amended, Troy City Council has the authority to establish Industrial Development Districts (IDD's) within the City of Troy; and

WHEREAS, Dialogue Marketing has petitioned Troy City Council to establish an Industrial Development District (IDD) on property located in the City of Troy, hereinafter described; and

WHEREAS, Construction, acquisition, alteration, or installation of a proposed facility had not commenced at the time of filing the request to establish the district; and

WHEREAS, Written notice was given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the newspaper of record, and public posting of the hearing on the establishment of the district; and

WHEREAS, On October 17, 2011, a public hearing was held at which all owners of real property within the proposed Industrial Development District (IDD), and all residents and taxpayers of the City of Troy were afforded an opportunity to be heard thereon; and

WHEREAS, Troy City Council deems it to be in the public interest of the City of Troy to establish the Industrial Development District (IDD) as proposed;

*THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as 300 E. Big Beaver, Troy, MI. 48083, Parcel #88-20-27-126-027, in accordance with City Council Policy Resolution #2010-08-173; and*

*BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to forward a signed copy of this resolution to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI. 48909-7971.*

Yes: Henderson, McGinnis, Slater, Campbell, Fleming

No: Tietz, Daniels

MOTION CARRIED

I-5 Application Regarding Class C Liquor License for El Patio IV

Resolution #2012-05-096

Moved by Slater

Seconded by McGinnis

(a) Transfer Class C License

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

Liquor License Applicant :	El Patio IV, LLC
Type of License Requested :	Transfer Class C License, cancel existing Dance Permit, and cancel existing Bowling Permit
Located at :	2891 E. Big Beaver, Troy, MI 48083
MLCC Request # :	632980

and

(b) Agreement

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

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

Yes: All-7

No: None

MOTION CARRIED

I-6 Process to Evaluate Proposals of Search Firms to Conduct Executive Search for City Manager

City Council took no action on this item.

I-7 Approval of the Troy Local Development Finance Authority (LDFA) Proposed Fiscal Year 2012/13 Budget

Resolution #2012-05-097

Moved by McGinnis

Seconded by Slater

WHEREAS, The Troy Local Development Finance Authority has adopted and recommends that City Council approve its proposed fiscal year 2012/13 budget.

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Troy Local Development Finance Authority's annual budget for fiscal year July 1, 2012 through June 30, 2013.

Yes: All-7

No: None

MOTION CARRIED

I-8 Approval of the Troy Brownfield Redevelopment Authority (BRA) Proposed Fiscal Year 2012/13 Budget

Resolution #2012-05-098

Moved by McGinnis

Seconded by Campbell

WHEREAS, The Troy Brownfield Redevelopment Authority has adopted and recommends that City Council approve its proposed fiscal year 2012/13 budget.

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Troy Brownfield Redevelopment Authority's annual budget for fiscal year July 1, 2012 through June 30, 2013.

Yes: All-7

No: None

MOTION CARRIED

I-9 Approval of the Troy Downtown Development Authority Proposed Fiscal Year 2012/13 Budget

Resolution #2012-05-099

Moved by Slater

Seconded by McGinnis

WHEREAS, The Troy Downtown Development Authority has adopted and recommends that City Council approve its proposed fiscal year 2012/13 budget.

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Troy Downtown Development Authority's annual budget for fiscal year July 1, 2012 through June 30, 2013.

Yes: All-7
No: None

MOTION CARRIED

I-10 Amendment to Chapter 20 of the Troy City Code (Water and Sewer Rates)

Resolution #2012-05-100
Moved by Fleming
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** an amendment to Chapter 20 of the Troy City Code (Water and Sewer Rates), a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

I-11 Publicly Funded Health Insurance Contributions Act ("Public Act 152 of 2011")

Resolution #2012-05-101
Moved by McGinnis
Seconded by Slater

WHEREAS, Public Act 152 of 2011 requires that all municipal governments, including home rule cities, decide how to share the cost of health insurance between municipal employees and their employers; and

WHEREAS, This Act requires one of three options; Hard Cap, 80/20 Split, or Opt Out; and

WHEREAS, Each municipality must make a selection from one of the above three options every year and report same to the State of Michigan; and

WHEREAS, Implementation of this program would only affect classified and exempt personnel for this year as other unionized employee groups would not be affected by this Act until the expiration of their labor contracts; and

WHEREAS, The City of Troy has already been proactive in efforts to reduce and manage employee costs, especially healthcare costs; and

WHEREAS, Local governing bodies are elected to make the best financial decisions for their community through the annual budget process, and these decisions are best made at the local level, not the state level; and

WHEREAS, Municipalities are better equipped than the state to determine what benefit levels should be offered to attract and retain the best qualified employees at the most reasonable costs;

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy hereby **ADVISES** the State of Michigan that Troy is selecting the Opt Out option for the time frame of April 1, 2012 to April 1, 2013.

Yes: Henderson, McGinnis, Slater, Daniels, Campbell, Fleming

No: Tietz

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2012-05-102

Moved by Fleming

Seconded by Slater

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) J-03, J-04c, which **SHALL BE CONSIDERED** after Consent Agenda (J) items.

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 #2012-05-102-J-2

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

- a) Regular Meeting of April 16, 2012
- b) Special Budget Study Meeting of April 23, 2012
- c) Special Meeting of April 25, 2012
- d) Special Meeting of April 30, 2012
- e) Special Budget Study Meeting of April 30, 2012
- f) Special Meeting of May 1, 2012

J-3 Proposed City of Troy Proclamations:

- a) Asian and Pacific Islander Heritage Month – May, 2012

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 3: Exercise Renewal Option – Printing/Distribution of Water and Sewer Bills**

Resolution #2012-05-102-J-4a

WHEREAS, On April 18, 2011, Troy City Council awarded a one-year contract to provide Laser Printing and Distribution of the City of Troy's Water and Sewer Bills with an option to renew for three (3) additional years to the low total bidder, LaserCom LLC of Troy, MI (Resolution #2011-04-085-J-4c); and

WHEREAS, LaserCom LLC has agreed to exercise the option to renew their contract for three (3) additional years under the same prices, terms, and conditions as specified in the original bid documents for ITB-COT 11-08;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contract for three (3) additional years to provide Laser Printing and Distribution of the City of Troy's Water and Sewer Bills with the low total bidder, LaserCom LLC of Troy, MI, for an estimated total cost of \$12,256.56 per year, plus the actual cost of first class postage, with the contract expiring April 30, 2015.

- b) **Standard Purchasing Resolution 1: Award to Low Bidders – Traffic Control Signs and Posts**

Resolution #2012-05-102-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** one-year contracts to provide Traffic Control Signs and Posts on a proposal by proposal basis to the three (3) low total bidders as follows:

<u>Bidders</u>	<u>Proposal</u>	<u>Estimated Total Cost</u>
Vulcan Signs of Foley, AL	A, B, C, D, G, and H	\$17,846.40
Lightle Enterprises of Ohio, of Frankfort, OH	E, F, G, and I	\$ 8,272.45
MD Solutions of Plain City, OH	J	\$ 6,265.00

At unit prices contained on the bid tabulation, which opened March 15, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring May 1, 2013.

J-5 Private Agreement – Genisys Credit Union – Project No. 12.903.3

Resolution #2012-05-102-J-5

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Hexagon General Contractors, Inc., is hereby

approved for the installation of Sanitary Sewer, Water Main, Storm Sewer Connections and Drive Approach, 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.

J-3 Proposed City of Troy Proclamations:

Resolution #2012-05-103

Moved by Daniels

Seconded by Fleming

b) National Association of Letter Carriers Food Drive Day – May 12, 2012

Yes: All-7

No: None

MOTION CARRIED

J-4 Standard Purchasing Resolutions:

c) Standard Purchasing Resolution 8: Best Value Award: Strategic Planning Consultant for Troy Public Library

Resolution #2012-05-104

Moved by Daniels

Seconded by Slater

RESOLVED, That Troy City Council hereby **AWARDS** a contract to develop a Library Strategic Plan to Erin Gong of Ann Arbor, MI, the consultant with the highest score as a result of a best value process from the formal solicitation identified as RFP-COT 11-27, which the Troy City Council determines to be in the public interest for an amount not-to-exceed \$13,950.00, including reimbursables.

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

BE IT FINALLY RESOLVED, That if additional services are required as a result of a change to the scope of work, as **DETERMINED** by City Council upon recommendation of City management, facilitator rates apply at \$50.00 per hour.

Yes: Tietz, Campbell, Fleming, Henderson, McGinnis, Slater

No: Daniels

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

Council Member Henderson promoted the “APT to Succeed Program” at the middle schools designed to match businesspeople with 8th grade students. They need local business people to volunteer. If you are interested, please contact Smith Middle School, Baker Middle School or email Council Member Henderson at davehenderson@wideopenwest.com for more information.

Council Member Henderson asked Administration if there is a way for the public to access the MITN system to observe the bidding process.

Council Member McGinnis announced that on Thursday, May 10, 2012, Barnard Elementary School is inviting the Friends of Troy Seniors for an event-filled day, which includes continental breakfast, a tour of the building, visits to the classrooms, and an opportunity to see the latest technology offered to the students. The event is open to the first 45 seniors who sign up. Please call the Friends of Troy Seniors at (248) 526-2608 or stop by their office to sign up.

Mayor Daniels gave an update on the “Mayor for a Day” Essay Contest for Troy Elementary Schools. Entry deadline is Friday, May 11, 2012. Six winners will be selected and winners will be announced at the May 14, 2012 City Council meeting. For more information: www.janicetroymayor.com

N. REPORTS

N-1 Minutes – Boards and Committees:

- a) Brownfield Redevelopment Authority-Final-May 9, 2011
- b) Joint Local Development Finance Authority-Troy Subcommittee-Final-May 10, 2011
- c) Parks and Recreation Advisory Board-Final-September 15, 2011
- d) Parks and Recreation Advisory Board-Final-November 17, 2011
- e) Zoning Board of Appeals-Draft-March 20, 2012
- f) Zoning Board of Appeals-Final-March 20, 2012
- g) Traffic Committee-Final-March 21, 2012
- h) Liquor Advisory Committee-Draft-April 9, 2012
- i) Planning Commission-Draft-April 10, 2012
- j) Planning Commission-Final-April 10, 2012
- k) Zoning Board of Appeals-Draft-April 17, 2012

Noted and Filed

N-2 Department Reports:

- a) 2011 SOCCIT Annual Report and Summary
 - b) 2012 City of Troy Assessment Roll and Board of Review Report
 - c) 2012 Year-To-Date Calls for Police Service Report
 - d) Quarterly Financial Report – March 31, 2012
- Noted and Filed

N-3 Letters of Appreciation:

- a) Letter of Appreciation to Mark Miller and Cindy Stewart from Heather Hames Regarding Her Internship at the Troy Public Library
 - b) Letter of Appreciation to Chief Mayer from Assistant Special Agent-in-Charge Jeffrey Dancer of the U.S. Department of Labor Regarding Assistance from Sergeant Szuminski and Officer Langbeen
 - c) Letter of Appreciation to Chief Mayer from City of Southfield Acting Chief of Police Eric Hawkins Regarding Assistance from Sergeant Salter, Officer Lamilza, and Officer Dyjewski
 - d) Letter of Appreciation to Chief Mayer from Robert Stevenson of the Michigan Association of Chiefs of Police
- Noted and Filed

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

Noted and Filed

N-5 Notice of Hearing for the Customers of the Detroit Edison Company – Case No. U-16991

Noted and Filed

N-6 MITN Website Registered Troy Vendors

Noted and Filed

N-7 Troy Transit Center Operating Expenses Funding Model

Noted and Filed

N-8 Correction to the Mayoral Nominations to the Local Development Finance Authority

Noted and Filed

N-9 Effects of 2011 Reapportionment on the City of Troy

Noted and Filed

O. STUDY ITEMS

-
- O-1 Discussion Regarding Item I-6 *Process to Evaluate Proposals of Search Firms to Conduct Executive Search for City Manager***

P. CLOSED SESSION:

P-1 No Closed Session

Q. ADJOURNMENT

The Meeting **RECESSED** at 10:01 PM.

The Meeting **RECONVENED** at 10:08 PM.

The Meeting **ADJOURNED** at 10:35 PM.

Mayor Janice Daniels

M. Aileen Bittner, CMC
City Clerk



CITY COUNCIL AGENDA ITEM

May 7, 2012

TO: John Szerlag, City Manager

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

RE: Standard Purchasing Resolution 3: Exercise Renewal Option – Sidewalk Replacement and Installation Program

Background

On January 10, 2011, Troy City Council approved a contract to complete the sidewalk replacement and installation program for 2010/2011 with options to renew for two (2) additional one (1) year periods to the low total bidder, Rotondo Construction Company of Farmington Hills, MI, at unit prices listed in the bid tabulation opened November 23, 2010 (Resolution #2011-01-005-J-4b). The first one-year option to renew was exercised and approved by Troy City Council on July 11, 2011, under the same prices, terms and conditions as the original contract (Resolution #2011-07-165-J4a)

Rotondo Construction has been producing a quality product for the City and has offered to renew their contract for the 2012/13 construction season under the same prices, terms, and conditions as those originally bid in November 2010. The Purchasing Department analyzed the market and found the City would not benefit from soliciting new bids as recent solicitations by other communities for comparable contracts were higher overall, when you considered the entire scope of the project. (see Attachment I)

Recommendation

City management recommends exercising the second option to renew for one additional year with Rotondo Construction Company of Farmington Hills, the low total bidder to complete the sidewalk replacement and installation program for FY 2012/13 at the same unit prices contained in the bid tabulation opened November 23, 2010, not to exceed amounts budgeted expiring June 30, 2013.

Fund Availability

Funds for this project are budgeted in the 2012/13 Capital Accounts for Public Works Construction.

Prepared by: Marina Basta-Farouk, Project Construction Manager

April 2, 2012

TO: Susan A Leirstein, Purchasing Director
FROM: Nancy Kuha, Administrative Aide PT
RE: MARKET SURVEY – Sidewalk Replacement and Installation

Koala-T Construction – Brad Watson (248) 322-2751

Price across the board went up a little bit. Material increased about .05/sq ft.

Audia Construction – Ronetta Audia (248) 431-0985

Everything for Audia Construction is increasing, but she has heard that others are lowering their prices.

Hard Rock Concrete – Rocco Grimaldi (734) 564-0925

Material prices have stayed steady, but Rocco believes that contractors are lowering their prices to get jobs causing the price that they bid to go down a lot.

Purchasing surveyed the MITN website for recent solicitations and found results from comparable contracts higher overall when you consider the entire scope of the project. (see Attachment I)

Based upon the above review, I respectfully recommend that the City accept the offer to renew the contract for the Sidewalk Replacement Program FY 2012/13 with the current contractor, Rotondo Construction Company.

ATTACHMENT 1

Proposal A: Sidewalk Replacement		City of Troy Bid Opened 11/23/2010			City of Royal Oak Bid Opened 3/2/2012			City of St. Clair Shores Bid Opened 1/17/2012			City of Farmington Hills Bid Opened 9/14/2011			City of Novi Bid Opened 8/10/2011			City of Monroe Bid Opened 7/6/2011		
Item	Description	Units	Est Qty	Unit Price	Units	Est Qty	Unit Price	Units	Est Qty	Unit Price	Units	Est Qty	Unit Price	Units	Est Qty	Unit Price	Units	Est Qty	Unit Price
1	Remove and Replace 4" Concrete	S.F.	100,000	\$ 2.58				S.F.	60,000	\$ 2.50	S.F.	7,146	\$ 2.99	S.F.	24,352	\$ 2.48	S.F.	14,486	\$ 3.75
2	Remove and Replace 6" Concrete	S.F.	21,000	\$ 3.08	S.F.		\$ 3.14	S.F.	30,000	\$ 3.00	S.F.	1,296	\$ 3.25	S.F.	870	\$ 3.00	S.F.	3,208	\$ 4.10
3	Remove and Replace 8" Concrete	S.F.	5,000	\$ 3.58	S.F.		\$ 3.14	S.F.	2,000	\$ 4.00									
4	Adjusting Drainage Structure	Ea	20	\$ 125.00	Ea	5	\$ 190.00	Ea	50	\$ 1.00	Row	1	\$ 100.00	Ea	1	\$ 180.00	Ea	1	\$ 150.00
5	Reconstruct Drainage Structure	L.F.	20	\$ 125.00	Ea	2	\$ 190.00	V.F.	100	\$ 1.00									
6	Reconstruct Sanitary Manhole	L.F.	10	\$ 375.00															
7	Handicap Ramps MDOT R-28-F	S.F.	5,400	\$ 8.53							S.F.	2,969	\$ 3.25				S.F.	953	\$ 8.75
8	Handicap Ramps MDOT (Retrofit)	S.F.	180	\$ 17.12	S.F.	50	\$ 20.00	S.F.	160	\$ 30.00	EA	79	\$ 180.00						
9	Tree Root Grind	Ea	350	\$ 12.00															
10	Traffic Maintenance	Included		Included				L.S.	1	\$ 6,000.00				L.S.	1	\$ 3,300.00			
11	Soil Erosion Control	Included		Included										L.S.	1	\$ 3,800.00			
12	Restoration	Included		Included	L.S.	1	\$ 2,000.00							L.S.	1	\$ 7,053.00			
Proposal B: New Sidewalk Installation								bonds/insurance/set-up L.S. 1 \$ 9,000.00			Inspections L.S. 1 \$ 3,200.00								
1	Removing Trees 3" - 7"	Ea	2	\$ 200.00															
2	Removing Trees 8" - 18"	Ea	2	\$ 600.00										Ea	8	\$ 90.00			
3	Removing Sidewalk & Driveway App.	S.Y.	50	\$ 8.00															
4	Relocate Hydrant, If needed	Ea	1	\$ 2,800.00															
5	Relocate Flag Pole, If needed	Ea	1	\$ 245.00															
6	Relocate Sign & Posts, If needed	Ea	1	\$ 100.00															
7	Remove/Replace Concrete Curb/Gutt	L.F.	20	\$ 23.00	L.F.	260	\$ 24.00	L.F.	150	\$ 24.00	L.F.	567	\$ 20.00	L.f.	360	\$ 28.00	L.F.	231	\$ 19.00
8	Class A Culvert, 12", If needed	L.F.	10	\$ 40.00															
9	6" Edge Drain	L.F.	20	\$ 11.00															
10	Adjust Drainage Structure	Ea	2	\$ 125.00				Ea	50	\$ 1.00									
11	Drainage Structure Covers	Lbs	2,000	\$ 1.15				Lbs	18,000	\$ 0.01									
12	Install Concrete Sidewalk 4"	S.F.	15,000	\$ 2.95	S.F.	320,000	\$ 2.49							S.F.	24,352	\$ 2.48			
13	Install Concrete Sidewalk 6"	S.F.	1,000	\$ 3.45	S.F.	40,000	\$ 3.09							S.F.	870	\$ 3.00			
14	Install Concrete sidewalk 8"	S.F.	500	\$ 3.95	S.F.	40,000	\$ 3.09												
15	Install Handicap Ramps MDOT R-28F	S.F.	360	\$ 8.83															
16	Traffic Maintenance	L.S.	1	\$ 1,700.00															
17	Soil Erosion Control	L.S.	1	\$ 1,500.00															
18	Class "A" Sod	S.Y.	500	\$ 3.75	S.Y.	100	\$ 4.00	S.Y.	200	\$ 5.00									
19	Watering Lawn Areas (1,000 Gal/Unit)	Units	1	\$ 450.00															
20	Mowing Grass Areas	Times	4	\$ 145.00															
21	Restoration	Included		Included															



Date: March 13, 2012

ATTN: Mr. Joseph Rotondo
Rotondo Construction Company
20771 Randall
Farmington Hills, MI 48336

Dear Mr. Joseph Rotondo

On January 10, 2011 the City of Troy entered into contract # 2011-00000580 OB with Rotondo Construction Company, to provide one-year contract for Sidewalk Replacement and Installation Program for fiscal year 2010/11. This contract contained an option to renew for Two (2) additional one-year periods at the same prices, terms, and conditions as the original contract, and through mutual consent of both parties.

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

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

CHECK ONE:

(Rotondo Construction Company) is interested in renewing the contract
Under the same prices, terms, and conditions:

(Rotondo Construction Company) is not interested in renewing
the contract:

X 
Signed: Authorized Company Representative

Date: 3-14-2012

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

RESOLVED, That Troy City Council hereby APPROVES Agenda Items J-4a, J-4e, and J-4f as printed.

a) **Standard Purchasing Resolution 3: Exercise Renewal Option – Sidewalk Replacement and Installation Program**

WHEREAS, On January 10, 2011, Troy City Council awarded a contract to complete the Sidewalk Replacement and Installation Program for FY 2010/11 with options to renew for two additional one-year periods to the low total bidder, Rotondo Construction Company of Farmington Hills, MI, (Resolution #2011-01-005-J4b); and

WHEREAS, Rotondo Construction Company has agreed to exercise the first of two one-year options to renew the contract under the same pricing, terms and conditions;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **EXERCISES** the first one-year option to renew the contract with Rotondo Construction Company to provide sidewalk replacement and installation for the 2011/12 construction season under the same prices, terms, and conditions as contained in the bid tabulation opened November 23, 2010, the cost of which shall not to exceed budgetary limitations to expire June 30, 2012.

e) **Standard Purchasing Resolution 11: Rejection of Bids – Lloyd A. Stage Nature Center Boardwalk Replacement Project**

RESOLVED, That Troy City Council hereby **REJECTS** all bid proposals for ITB-COT 11-12, the Lloyd A. Stage Nature Center Boardwalk replacement project opened June 8, 2011, and that the scope of the project be changed to allow for completion by City personnel utilizing an informal quote process and standard purchasing procedures for the procurement of necessary building materials

f) **Standard Purchasing Resolution 3: Exercise Renewal Option – Quarterly Newsletter – Troy Today**

WHEREAS, On July 12, 2010, Troy City Council approved a one-year contract to provide printing services for the Troy Today, Quarterly Newsletter with two, one (1) year options to renew to Grand Blanc Printing Co, Inc. of Grand Blanc, MI, the vendor with the lowest bid and highest weighted final score, as a result of a best value process (Resolution # 2010-07-157-I-4a); and

WHEREAS, Grand Blanc Printing Co, Inc. has agreed to exercise the first one-year option to renew the contract for the printing of the 2011/2012 Troy Today under the same pricing structure, terms, and conditions;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the first one-year option to renew the contract for the 2011/2012 printing and distribution of the Troy Today, Quarterly Newsletter with Grand Blanc Printing Co. Inc. of Grand Blanc, MI, for an estimated total cost of \$39,008.00, at unit prices as originally bid on May 24, 2010, plus the actual cost of bulk rate postage and additional charges if needed not to exceed 10% of the original contract amount or \$3,900.00, with all other contract requirements the same to expire July 1, 2012.



CITY COUNCIL AGENDA ITEM

July 1, 2011

To: John Szerlag, City Manager

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

Subject: Standard Purchasing Resolution 3: Exercise Renewal Option –
Sidewalk Replacement and Installation Program

Background

On January 10, 2011, Troy City Council approved a contract to complete the Sidewalk Replacement and Installation Program for FY 2010/11 with an option to renew for two additional one-year periods to the low total bidder, Rotondo Construction Company of Farmington Hills, MI. {Resolution #2011-01-005-J4b} Rotondo has offered to exercise the first option to renew the contract under the same prices, terms and conditions

Since the Sidewalk Replacement and Installation Program was competitively bid recently and opened with eight (8) bidders responding, no market survey was warranted. Moving this work forward improves public safety and reduces the City's liability and allows the contractor to continue their work utilizing funds from the 2011/12 capital budget.

Recommendation

City management and the Public Works department recommend exercising the first option to renew for one-year to low total bidder Rotondo Construction Company of Farmington Hills, at the same unit prices contained in the bid tabulation with any additional work not to exceed budgetary limitations of \$500,000.00.

Fund Availability

Funds are available in 2011/12 Capital Accounts for Sidewalk, under Public Works Construction.

Prepared by: Marina Basta-Farouk, Project Construction Manager



Date: June 1, 2011

ATTN: Mr. Joseph Rotondo
Rotondo Construction Company
20771 Randall
Farmington Hills, MI 48336

Dear Mr. Joseph Rotondo

On January 10, 2011 the City of Troy entered into contract # 2011-00000580 OB with Rotondo Construction Company, to provide one-year contract for Sidewalk Replacement and Installation Program for fiscal year 2010/11. This contract contained an option to renew for Two (2) additional one-year periods at the same prices, terms, and conditions as the original contract, and through mutual consent of both parties.

Please fax this letter back indicating if Rotondo Construction Company, wishes to renew this contract until June 30, 2012 our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

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

CHECK ONE:

(Rotondo Construction Company) is interested in renewing the contract Under the same prices, terms, and conditions: (4)

(Rotondo Construction Company) is not interested in renewing the contract: ()

X Joseph Rotondo - ROTONDO CONST.
Signed: Authorized Company Representative

Date: _____

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

J. CONSENT AGENDA:

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

Resolution #2011-01-005
Moved by McGinnis
Seconded by Slater

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item J-5, which **SHALL BE CONSIDERED** after Consent Agenda items, as printed.

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

MOTION CARRIED

J-2 Approval of City Council Minutes

Resolution #2011-01-005-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the Regular City Council Meeting of December 13, 2010 as submitted.

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 4: Cooperative Programs - Server Upgrade and SAN Expansion Project**

Resolution #2011-01-005-J-4a

WHEREAS, The Police and Fire Departments’ utilization of digital technology in day-to-day operations continues to grow, and

WHEREAS, Six (6) servers are at or near their end of life and need to be replaced by utilizing server virtualization uploaded on two physical servers with the ability to run up to twenty “virtual” servers, which will reduce operating and hardware purchase costs over time;

NOW, THEREFORE, BE IT RESOLED, That the Troy City Council hereby **APPROVES** contracts to purchase hardware and software from approved cooperative programs at estimated costs of \$72,200.00 per Attachment A; and recurring costs estimated at \$3,925.00 per year.

b) Standard Purchasing Resolution 1: Award to Low Bidder – Sidewalk Replacement and Installation Program

Resolution #2011-01-005-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Sidewalk Replacement and Installation Program for FY 2010/11 with options to renew for two additional one-year periods to the low total bidder, Rotondo Construction, Co of Farmington Hills, MI, at unit prices contained in the bid tabulation opened November 23, 2010, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, the cost of which shall not exceed budgetary limitations; and

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

J-6 Removal of Overhead “Keep Right” Sign – Square Lake Road, East of Crooks Road

Resolution #2011-01-005-J-6

RESOLVED, That the Troy City Council hereby **APPROVES** the Road Commission for Oakland County agreement for the removal of the overhead “Keep Right” sign located on Square Lake Road, east of Crooks Road at no cost to the City of Troy, and **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-7 Scheduling of Public Hearing on January 31, 2011 for Community Development Block Grant (CDBG) Program Years 2008 and 2009 Reprogramming of Funds

Resolution #2011-01-005-J-7

Reconsidered: January 11, 2011 Res #2011-01-012

RESOLVED, That the Troy City Council hereby **SCHEDULES** a Public Hearing on January 31, 2011 at 7:30 PM, or as soon thereafter as possible, for the purpose of hearing public comments on reprogramming 2008 and 2009 Community Development Block Grant (CDBG) funds to the Section 36 Park Project.

J-8 David J. Smith v. Troy Police Officer Gregory Stopczynski

Resolution #2011-01-005-J-8

RESOLVED, That the Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent Troy Police Officer Gregory Stopczynski and the City of Troy in any and all claims and damages in the matter of *David J. Smith v. Officer Gregory Stopczynski* (52-4th District court Case No. 2010-C03095-GC); furthermore, the City Attorney is authorized to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City’s interest.

J-9 Application for New SDM License for Picano Restaurant, Inc.

a) New License

Resolution #2011-01-005-J-9a



CITY COUNCIL AGENDA ITEM

December 8, 2010

To: John Szerlag, City Manager

From: Mark F. Miller, Acting Assistant City Manager / Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

Subject: Standard Purchasing Resolution 1: Award To Low Bidder – Sidewalk Replacement and Installation Program

Background

On November 23, 2010, bids were received to complete the Sidewalk Replacement and Installation Program for fiscal year 2010/11. 299 vendors were notified of the bid opportunity via the MITN system with eight (8) bid responses received. Rotondo Construction Company of Farmington Hills, MI, was the low total bidder. Moving this work forward improves public safety and reduces the City's liability.

ITB-COT 10-29 to complete the Sidewalk Replacement and Installation Program was competitively bid as required by City Charter and Code. The award is contingent upon the recommended bidder's submission of proper contracts and bid documents, including bonds, insurance certificates and all other specified requirements.

Recommendation

City management and the Public Works department recommend awarding a contract to complete the Sidewalk Replacement and Installation Program for FY2010/11 to the low total bidder, Rotondo Construction, Company of Farmington Hills, MI for an estimated total cost of \$470,407.40 at unit prices contained in the bid tabulation with additional work not to exceed budgetary limitations.

Fund Availability

Funds are available in 2010/11 Capital Accounts for Sidewalk, under Public Works Construction. Each year, the amount of work completed on sidewalks is similar; and the dollar savings over the last contract bid in 2007 is approximately 8.5% or \$43,408.00.

VENDOR NAME:

sl

Rotondo Construction Corp

S & A Concrete

CHECK #:

000242775

17395017

CHECK AMOUNT:

\$3,000.00

\$3,000.00

PROPOSAL A: Sidewalk Replacement

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Remove and Replace 4" Concrete	S.F.	100,000	\$ 2.58	\$ 258,000.00	\$ 2.69	\$ 269,000.00
2	Remove and Replace 6" Concrete	S.F.	21,000	\$ 3.08	\$ 64,680.00	\$ 2.98	\$ 62,580.00
3	Remove and Replace 8" Concrete	S.F.	5,000	\$ 3.58	\$ 17,900.00	\$ 3.98	\$ 19,900.00
4	Adjusting Drainage Structure	Ea	20	\$ 125.00	\$ 2,500.00	\$ 50.00	\$ 1,000.00
5	Reconstruct Drainage Structure	L.F.	20	\$ 125.00	\$ 2,500.00	\$ 50.00	\$ 1,000.00
6	Reconstruct Sanitary Manhole	L.F.	10	\$ 375.00	\$ 3,750.00	\$ 75.00	\$ 750.00
7	Handicap Ramps MDOT R-28-F	S.F.	5,400	\$ 8.53	\$ 46,062.00	\$ 12.50	\$ 67,500.00
8	Handicap Ramps MDOT (Retrofit)	S.F.	180	\$ 17.12	\$ 3,081.60	\$ 13.95	\$ 2,511.00
9	Tree Root Grind	Ea	350	\$ 12.00	\$ 4,200.00	\$ 10.00	\$ 3,500.00
10	Traffic Maintenance	Included		Included	Included	Included	Included
11	Soil Erosion Control	Included		Included	Included	Included	Included
12	Restoration	Included		Included	Included	Included	Included
Est. Total Cost - Proposal A - Replacement					\$ 402,673.60		\$ 427,741.00

PROPOSAL B: New Sidewalk Installation

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Removing Trees 3" - 7"	Ea	2	\$ 200.00	\$ 400.00	\$ 75.00	\$ 150.00
2	Removing Trees 8" - 18"	Ea	2	\$ 600.00	\$ 1,200.00	\$ 100.00	\$ 200.00
3	Removing Sidewalk & Driveway App.	S.Y.	50	\$ 8.00	\$ 400.00	\$ 4.32	\$ 216.00
4	Relocate Hydrant, If needed	Ea	1	\$ 2,800.00	\$ 2,800.00	\$ 2,500.00	\$ 2,500.00
5	Relocate Flag Pole, If needed	Ea	1	\$ 245.00	\$ 245.00	\$ 150.00	\$ 150.00
6	Relocate Sign & Posts, If needed	Ea	1	\$ 100.00	\$ 100.00	\$ 25.00	\$ 25.00
7	Remove/Replace Concrete Curb/Gutt	L.F.	20	\$ 23.00	\$ 460.00	\$ 24.00	\$ 480.00
8	Class A Culvert, 12", If needed	L.F.	10	\$ 40.00	\$ 400.00	\$ 32.00	\$ 320.00
9	6" Edge Drain	L.F.	20	\$ 11.00	\$ 220.00	\$ 6.75	\$ 135.00
10	Adjust Drainage Structure	Ea	2	\$ 125.00	\$ 250.00	\$ 100.00	\$ 200.00
11	Drainage Structure Covers	Lbs	2,000	\$ 1.15	\$ 2,300.00	\$ 0.98	\$ 1,960.00
12	Install Concrete Sidewalk 4"	S.F.	15,000	\$ 2.95	\$ 44,250.00	\$ 2.80	\$ 42,000.00
13	Install Concrete Sidewalk 6"	S.F.	1,000	\$ 3.45	\$ 3,450.00	\$ 3.10	\$ 3,100.00
14	Install Concrete Sidewalk 8"	S.F.	500	\$ 3.95	\$ 1,975.00	\$ 4.00	\$ 2,000.00
15	Install Handicap Ramps MDOT R-28F	S.F.	360	\$ 8.83	\$ 3,178.80	\$ 13.50	\$ 4,860.00
16	Traffic Maintenance	Lump Sum	1	\$ 1,700.00	\$ 1,700.00	\$ 500.00	\$ 500.00
17	Soil Erosion Control	Lump Sum	1	\$ 1,500.00	\$ 1,500.00	\$ 500.00	\$ 500.00
18	Class "A" Sod	S.Y.	500	\$ 3.75	\$ 1,875.00	\$ 6.00	\$ 3,000.00
19	Watering Lawn Areas (1,000 Gal/Unit)	Units	1	\$ 450.00	\$ 450.00	\$ 250.00	\$ 250.00
20	Mowing Grass Areas	Times	4	\$ 145.00	\$ 580.00	\$ 50.00	\$ 200.00
21	Restoration	Included		Included	Included	Included	Included
Est. Total Cost - Proposal B - Installation					\$ 67,733.80		\$ 62,746.00

ESTIMATED GRAND TOTAL - PROPOSALS A & B:

\$ 470,407.40

\$ 490,487.00

VENDOR NAME:

Rotondo Construction Corp	S & A Concrete

INSURANCE: Can Meet
 Cannot Meet

XX	XX

CONTACT INFORMATION:
 Hours of Operation
 24 Hr Phone #

8:00AM - 5:00PM	7AM - 5PM
(248) 763-0420	(810) 343-0045

PROGRESS PAYMENTS:
 Identified as

Every Two (2) Weeks	Blank
Blank	Blank

PAYMENT TERMS:

Every Two Weeks	Blank
-----------------	-------

WARRANTY:

1 Year	Blank
--------	-------

EXCEPTIONS:

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

Y	Y
Y	Y

ACKNOWLEDGEMENT: Signed Y or N

Y	Y
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ATTEST:

Diane Fisher
Tom Rosewarne
Marina Basta-Farouk
Julie Hamilton

Proposal - Sidewalk Replacement/Installation Program for 2010/2011 Fiscal Year with an Option to Renew for Two(2)Additional One-Year Periods

BOLDFACE TYPE DENOTES LOW TOTAL BIDDER

 Susan Leirstein CPPO CPPB
 Purchasing Director

VENDOR NAME:

	Koala-T Construction	Audia Construction
CHECK #:	190018	17385151
CHECK AMOUNT:	\$3,000.00	\$3,000.00

PROPOSAL A: Sidewalk Replacement

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Remove and Replace 4" Concrete	S.F.	100,000	\$ 2.82	\$ 282,000.00	\$ 2.93	\$ 293,000.00
2	Remove and Replace 6" Concrete	S.F.	21,000	\$ 3.20	\$ 67,200.00	\$ 3.15	\$ 66,150.00
3	Remove and Replace 8" Concrete	S.F.	5,000	\$ 3.80	\$ 19,000.00	\$ 3.80	\$ 19,000.00
4	Adjusting Drainage Structure	Ea	20	\$ 350.00	\$ 7,000.00	\$ 195.00	\$ 3,900.00
5	Reconstruct Drainage Structure	L.F.	20	\$ 150.00	\$ 3,000.00	\$ 155.00	\$ 3,100.00
6	Reconstruct Sanitary Manhole	L.F.	10	\$ 400.00	\$ 4,000.00	\$ 155.00	\$ 1,550.00
7	Handicap Ramps MDOT R-28-F	S.F.	5,400	\$ 7.55	\$ 40,770.00	\$ 8.00	\$ 43,200.00
8	Handicap Ramps MDOT (Retrofit)	S.F.	180	\$ 30.00	\$ 5,400.00	\$ 23.00	\$ 4,140.00
9	Tree Root Grind	Ea	350	\$ 35.00	\$ 12,250.00	\$ 25.00	\$ 8,750.00
10	Traffic Maintenance	Included		Included	Included	Included	Included
11	Soil Erosion Control	Included		Included	Included	Included	Included
12	Restoration	Included		Included	Included	Included	Included
Est. Total Cost - Proposal A - Replacement					\$ 440,620.00		\$ 442,790.00

PROPOSAL B: New Sidewalk Installation

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Removing Trees 3" - 7"	Ea	2	\$ 400.00	\$ 800.00	\$ 450.00	\$ 900.00
2	Removing Trees 8" - 18"	Ea	2	\$ 1,200.00	\$ 2,400.00	\$ 800.00	\$ 1,600.00
3	Removing Sidewalk & Driveway App.	S.Y.	50	\$ 9.00	\$ 450.00	\$ 9.00	\$ 450.00
4	Relocate Hydrant, If needed	Ea	1	\$ 3,500.00	\$ 3,500.00	\$ 4,200.00	\$ 4,200.00
5	Relocate Flag Pole, If needed	Ea	1	\$ 1,700.00	\$ 1,700.00	\$ 3,000.00	\$ 3,000.00
6	Relocate Sign & Posts, If needed	Ea	1	\$ 180.00	\$ 180.00	\$ 300.00	\$ 300.00
7	Remove/Replace Concrete Curb/Gutt	L.F.	20	\$ 40.00	\$ 800.00	\$ 30.00	\$ 600.00
8	Class A Culvert, 12", If needed	L.F.	10	\$ 45.00	\$ 450.00	\$ 40.00	\$ 400.00
9	6" Edge Drain	L.F.	20	\$ 15.00	\$ 300.00	\$ 15.00	\$ 300.00
10	Adjust Drainage Structure	Ea	2	\$ 200.00	\$ 400.00	\$ 200.00	\$ 400.00
11	Drainage Structure Covers	Lbs	2,000	\$ 1.10	\$ 2,200.00	\$ 1.10	\$ 2,200.00
12	Install Concrete Sidewalk 4"	S.F.	15,000	\$ 3.00	\$ 45,000.00	\$ 2.95	\$ 44,250.00
13	Install Concrete Sidewalk 6"	S.F.	1,000	\$ 3.50	\$ 3,500.00	\$ 3.15	\$ 3,150.00
14	Install Concrete Sidewalk 8"	S.F.	500	\$ 4.00	\$ 2,000.00	\$ 3.80	\$ 1,900.00
15	Install Handicap Ramps MDOT R-28F	S.F.	360	\$ 7.55	\$ 2,718.00	\$ 9.00	\$ 3,240.00
16	Traffic Maintenance	Lump Sum	1	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
17	Soil Erosion Control	Lump Sum	1	\$ 400.00	\$ 400.00	\$ 1,000.00	\$ 1,000.00
18	Class "A" Sod	S.Y.	500	\$ 5.00	\$ 2,500.00	\$ 7.00	\$ 3,500.00
19	Watering Lawn Areas (1,000 Gal/Unit)	Units	1	\$ 500.00	\$ 500.00	\$ 650.00	\$ 650.00
20	Mowing Grass Areas	Times	4	\$ 200.00	\$ 800.00	\$ 600.00	\$ 2,400.00
21	Restoration	Included		Included	Included	Included	Included
Est. Total Cost - Proposal B - Installation					\$ 71,598.00		\$ 75,440.00

ESTIMATED GRAND TOTAL - PROPOSALS A & B:

\$ 512,218.00	Amount Corrected	\$ 518,230.00
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VENDOR NAME:

	Koala-T Construction	Audia Construction
INSURANCE: Can Meet Cannot Meet	XX	XX
CONTACT INFORMATION: Hours of Operation 24 Hr Phone #	8AM - 5PM (248) 322-2751	M-F 9:00AM - 4:30PM (248) 431-0985
PROGRESS PAYMENTS: Identified as	Monthly Pay Applications Blank	Blank Blank
PAYMENT TERMS:	30 Days	Every 30 Days
WARRANTY:	1 Year	1 yr excluding salt damage & misuse
EXCEPTIONS:	Blank	Blank
TWO FORMS COMPLETED: Legal Status Y or N Non-Collusion Y or N	N N	Y Y
ACKNOWLEDGEMENT: Signed Y or N	Y	Y

Proposal - Sidewalk Replacement/Installation Program for 2010/2011 Fiscal Year with an Option to Renew for Two(2)Additional One-Year Periods

VENDOR NAME:

Hard Rock Concrete, Inc.	Dominic Gaglio Construction, Inc.
530406370-3	17394742
\$3,000.00	\$3,000.00

CHECK #:

CHECK AMOUNT:

PROPOSAL A: Sidewalk Replacement

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Remove and Replace 4" Concrete	S.F.	100,000	\$ 3.00	\$ 300,000.00	\$ 3.10	\$ 310,000.00
2	Remove and Replace 6" Concrete	S.F.	21,000	\$ 3.13	\$ 65,730.00	\$ 3.50	\$ 73,500.00
3	Remove and Replace 8" Concrete	S.F.	5,000	\$ 3.90	\$ 19,500.00	\$ 4.75	\$ 23,750.00
4	Adjusting Drainage Structure	Ea	20	\$ 150.00	\$ 3,000.00	\$ 195.00	\$ 3,900.00
5	Reconstruct Drainage Structure	L.F.	20	\$ 175.00	\$ 3,500.00	\$ 100.00	\$ 2,000.00
6	Reconstruct Sanitary Manhole	L.F.	10	\$ 175.00	\$ 1,750.00	\$ 100.00	\$ 1,000.00
7	Handicap Ramps MDOT R-28-F	S.F.	5,400	\$ 8.00	\$ 43,200.00	\$ 6.50	\$ 35,100.00
8	Handicap Ramps MDOT (Retrofit)	S.F.	180	\$ 4.00	\$ 720.00	\$ 14.00	\$ 2,520.00
9	Tree Root Grind	Ea	350	\$ 45.00	\$ 15,750.00	\$ 15.00	\$ 5,250.00
10	Traffic Maintenance	Included		Included	Included	Included	Included
11	Soil Erosion Control	Included		Included	Included	Included	Included
12	Restoration	Included		Included	Included	Included	Included
Est. Total Cost - Proposal A - Replacement					\$ 453,150.00		\$ 457,020.00

PROPOSAL B: New Sidewalk Installation

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Removing Trees 3" - 7"	Ea	2	\$ 300.00	\$ 600.00	\$ 1,500.00	\$ 3,000.00
2	Removing Trees 8" - 18"	Ea	2	\$ 500.00	\$ 1,000.00	\$ 2,700.00	\$ 5,400.00
3	Removing Sidewalk & Driveway App.	S.Y.	50	\$ 6.00	\$ 300.00	\$ 13.50	\$ 675.00
4	Relocate Hydrant, If needed	Ea	1	\$ 3,000.00	\$ 3,000.00	\$ 3,500.00	\$ 3,500.00
5	Relocate Flag Pole, If needed	Ea	1	\$ 250.00	\$ 250.00	\$ 4,000.00	\$ 4,000.00
6	Relocate Sign & Posts, If needed	Ea	1	\$ 100.00	\$ 100.00	\$ 150.00	\$ 150.00
7	Remove/Replace Concrete Curb/Gutt	L.F.	20	\$ 25.00	\$ 500.00	\$ 30.00	\$ 600.00
8	Class A Culvert, 12", If needed	L.F.	10	\$ 50.00	\$ 500.00	\$ 60.00	\$ 600.00
9	6" Edge Drain	L.F.	20	\$ 20.00	\$ 400.00	\$ 18.00	\$ 360.00
10	Adjust Drainage Structure	Ea	2	\$ 190.00	\$ 380.00	\$ 250.00	\$ 500.00
11	Drainage Structure Covers	Lbs	2,000	\$ 1.10	\$ 2,200.00	\$ 1.25	\$ 2,500.00
12	Install Concrete Sidewalk 4"	S.F.	15,000	\$ 3.30	\$ 49,500.00	\$ 3.00	\$ 45,000.00
13	Install Concrete Sidewalk 6"	S.F.	1,000	\$ 3.50	\$ 3,500.00	\$ 3.45	\$ 3,450.00
14	Install Concrete Sidewalk 8"	S.F.	500	\$ 3.75	\$ 1,875.00	\$ 4.50	\$ 2,250.00
15	Install Handicap Ramps MDOT R-28F	S.F.	360	\$ 8.00	\$ 2,880.00	\$ 6.50	\$ 2,340.00
16	Traffic Maintenance	Lump Sum	1	\$ 1,000.00	\$ 1,000.00	\$ 4,000.00	\$ 4,000.00
17	Soil Erosion Control	Lump Sum	1	\$ 1,000.00	\$ 1,000.00	\$ 2,500.00	\$ 2,500.00
18	Class "A" Sod	S.Y.	500	\$ 7.00	\$ 3,500.00	\$ 10.00	\$ 5,000.00
19	Watering Lawn Areas (1,000 Gal/Unit)	Units	1	\$ 300.00	\$ 300.00	\$ 4,000.00	\$ 4,000.00
20	Mowing Grass Areas	Times	4	\$ 50.00	\$ 200.00	\$ 1,000.00	\$ 4,000.00
21	Restoration	Included		Included	Included	Included	Included
Est. Total Cost - Proposal B - Installation					\$ 72,985.00		\$ 93,825.00

ESTIMATED GRAND TOTAL - PROPOSALS A & B:

\$ 526,135.00	\$ 550,845.00
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VENDOR NAME:

Hard Rock Concrete, Inc.	Dominic Gaglio Construction, Inc

INSURANCE: Can Meet
 Cannot Meet

XX	XX
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CONTACT INFORMATION:
 Hours of Operation
 24 Hr Phone #

7:00AM - 8:00PM (734) 564-0925	7:30AM - 5PM (734) 216-2051
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PROGRESS PAYMENTS:
 Identified as

Bi-Weekly Blank	Every Two Weeks Blank
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PAYMENT TERMS:

Bi-Weekly	2 Weeks
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WARRANTY:

Blank	As Specified
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EXCEPTIONS:

Blank	N/A
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TWO FORMS COMPLETED:

Legal Status Y or N
 Non-Collusion Y or N

N	Y
N	Y

ACKNOWLEDGEMENT: Signed Y or N

Y	Y
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Proposal - Sidewalk Replacement/Installation Program for 2010/2011 Fiscal Year with
 an Option to Renew for Two(2)Additional One-Year Periods

VENDOR NAME:

Fiore Enterprises, LLC	Merlo Construction Co., Inc.
362607	000242337
\$3,000.00	\$3,000.00

CHECK #:
 CHECK AMOUNT:

PROPOSAL A: Sidewalk Replacement

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Remove and Replace 4" Concrete	S.F.	100,000	\$ 3.60	\$ 360,000.00	\$ 4.00	\$ 400,000.00
2	Remove and Replace 6" Concrete	S.F.	21,000	\$ 4.40	\$ 92,400.00	\$ 4.85	\$ 101,850.00
3	Remove and Replace 8" Concrete	S.F.	5,000	\$ 5.70	\$ 28,500.00	\$ 6.50	\$ 32,500.00
4	Adjusting Drainage Structure	Ea	20	\$ 350.00	\$ 7,000.00	\$ 500.00	\$ 10,000.00
5	Reconstruct Drainage Structure	L.F.	20	\$ 125.00	\$ 2,500.00	\$ 500.00	\$ 10,000.00
6	Reconstruct Sanitary Manhole	L.F.	10	\$ 250.00	\$ 2,500.00	\$ 500.00	\$ 5,000.00
7	Handicap Ramps MDOT R-28-F	S.F.	5,400	\$ 9.70	\$ 52,380.00	\$ 20.00	\$ 108,000.00
8	Handicap Ramps MDOT (Retrofit)	S.F.	180	\$ 28.70	\$ 5,166.00	\$ 40.00	\$ 7,200.00
9	Tree Root Grind	Ea	350	\$ 75.00	\$ 26,250.00	\$ 100.00	\$ 35,000.00
10	Traffic Maintenance	Included		Included	Included	Included	Included
11	Soil Erosion Control	Included		Included	Included	Included	Included
12	Restoration	Included		Included	Included	Included	Included
Est. Total Cost - Proposal A - Replacement					\$ 576,696.00		\$ 709,550.00

PROPOSAL B: New Sidewalk Installation

ITEM	DESCRIPTION	UNITS	EST QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Removing Trees 3" - 7"	Ea	2	\$ 125.00	\$ 250.00	\$ 250.00	\$ 500.00
2	Removing Trees 8" - 18"	Ea	2	\$ 400.00	\$ 800.00	\$ 500.00	\$ 1,000.00
3	Removing Sidewalk & Driveway App.	S.Y.	50	\$ 9.50	\$ 475.00	\$ 18.00	\$ 900.00
4	Relocate Hydrant, If needed	Ea	1	\$ 1,100.00	\$ 1,100.00	\$ 4,500.00	\$ 4,500.00
5	Relocate Flag Pole, If needed	Ea	1	\$ 700.00	\$ 700.00	\$ 2,500.00	\$ 2,500.00
6	Relocate Sign & Posts, If needed	Ea	1	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
7	Remove/Replace Concrete Curb/Gutt	L.F.	20	\$ 22.00	\$ 440.00	\$ 35.00	\$ 700.00
8	Class A Culvert, 12", If needed	L.F.	10	\$ 32.50	\$ 325.00	\$ 75.00	\$ 750.00
9	6" Edge Drain	L.F.	20	\$ 11.50	\$ 230.00	\$ 15.00	\$ 300.00
10	Adjust Drainage Structure	Ea	2	\$ 350.00	\$ 700.00	\$ 350.00	\$ 700.00
11	Drainage Structure Covers	Lbs	2,000	\$ 1.25	\$ 2,500.00	\$ 3.00	\$ 6,000.00
12	Install Concrete Sidewalk 4"	S.F.	15,000	\$ 3.20	\$ 48,000.00	\$ 3.50	\$ 52,500.00
13	Install Concrete Sidewalk 6"	S.F.	1,000	\$ 4.65	\$ 4,650.00	\$ 4.15	\$ 4,150.00
14	Install Concrete Sidewalk 8"	S.F.	500	\$ 5.75	\$ 2,875.00	\$ 7.00	\$ 3,500.00
15	Install Handicap Ramps MDOT R-28F	S.F.	360	\$ 9.70	\$ 3,492.00	\$ 20.00	\$ 7,200.00
16	Traffic Maintenance	Lump Sum	1	\$ 1,500.00	\$ 1,500.00	\$ 5,000.00	\$ 5,000.00
17	Soil Erosion Control	Lump Sum	1	\$ 750.00	\$ 750.00	\$ 500.00	\$ 500.00
18	Class "A" Sod	S.Y.	500	\$ 4.50	\$ 2,250.00	\$ 5.00	\$ 2,500.00
19	Watering Lawn Areas (1,000 Gal/Unit)	Units	1	\$ 400.00	\$ 400.00	\$ 1,500.00	\$ 1,500.00
20	Mowing Grass Areas	Times	4	\$ 250.00	\$ 1,000.00	\$ 500.00	\$ 2,000.00
21	Restoration	Included		Included	Included	Included	Included
Est. Total Cost - Proposal B - Installation					\$ 72,937.00		\$ 97,200.00

ESTIMATED GRAND TOTAL - PROPOSALS A & B:

\$ 649,633.00	Amount Corrected	\$ 806,750.00
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VENDOR NAME:

	Fiore Enterprises, LLC	Merlo Construction Co., Inc.
INSURANCE: Can Meet	XX	XX
Cannot Meet		
CONTACT INFORMATION:		
Hours of Operation	M-F 8AM-5PM	Blank
24 Hr Phone #	(248) 838-8699	Blank
PROGRESS PAYMENTS:		
Identified as	Blank	Blank
	Blank	Blank
PAYMENT TERMS:		
	Blank	Blank
WARRANTY:		
	Blank	Blank
EXCEPTIONS:		
	Blank	Blank
TWO FORMS COMPLETED:		
Legal Status Y or N	N	N
Non-Collusion Y or N	N	N
ACKNOWLEDGEMENT: Signed Y or N	Y	Y

Proposal - Sidewalk Replacement/Installation Program for 2010/2011 Fiscal Year with an Option to Renew for Two(2)Additional One-Year Periods



CITY COUNCIL AGENDA ITEM

Date: May 7, 2012

To: John Szerlag, City Manager

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

Subject: Agenda Item – Standard Purchasing Resolution #1: Award to Low Bidder
Contract 11-10 – Section 16 Water Main Replacement

Background

The cast iron water mains in the southeast corner of Section 16 (e.g. Hart, Webb, Paragon, Carter, Lange, Virgilia, and Pierce Streets) are over 45 years old and have exceeded their service life. This project will replace and upsize these mains to meet current size and fire flow standards while eliminating costly main breaks that are common with older water mains. Work will include replacing the existing 6" & 8" water mains on the above noted streets with 8" & 12" water main. The work is anticipated to start in June and be completed in October.

Bids were received and publicly read on May 2, 2012. The low bid of \$2,498,647.34, as submitted by Bricco Excavating Company, LLC, can be seen in the attached tabulation of bids. The engineer's estimate at the time of bidding was \$2,700,000.00. The low bid is therefore \$201,353 or 7.5% below the engineer's estimate.

Recommendation

It is recommended that City Council award a contract for the Section 16 Water Main Replacement project to Bricco Excavating Company, LLC, 21201 Meyers Road, Oak Park, MI 48237-3201 for their low total bid amount of \$2,498,647.34. In addition, we are requesting authorization to approve additional work, if needed, not to exceed 15% of the original project cost due to unknown conflicts with existing underground utilities that may arise during construction.

Enterprise funds are being used to fund this project; enterprise funds can only be used for operation, maintenance and improvements to the water system.

Fund Availability

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



CITY COUNCIL AGENDA ITEM

Legal Considerations

Work was competitively bid and publicly opened with seven (7) bidders responding. The award is contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

AC/ac\G:\Contracts\Contracts - 2011\11-10 - Section 16 Water Main Replacement\Correspondence\Bid Award.doc



CITY COUNCIL AGENDA ITEM

May 7, 2012

TO: John Szerlag, City Manager

FROM: Susan A. Leirstein, Purchasing Director
 Timothy L. Richnak, Public Works Director
 Kurt Bovensiepe, Superintendent of Parks, Streets and Drains

RE: Standard Purchasing Resolution 3: Exercise Renewal Option – Concrete Pavement Repair

Background

On July 25, 2011, Troy City Council approved a contract to complete the concrete pavement repair program for fiscal year 2011/2012 with an option to renew for two (2) additional one (1) year periods to the low total bidder, Dilisio Contracting Inc of Clinton Township, MI, at unit prices listed in the bid tabulation opened July 7, 2011 (Resolution #2011-07-181 Item J-4a). Dilisio Contracting has offered to renew their contract under the same prices, terms, and conditions as originally bid, which includes a two-year maintenance bond. The contractor pays for inspector overtime incurred by the City of Troy for any inspections that fall outside the normal eight (8) hour work day at the rate of \$50.00 per hour. This rate includes both the cost of the inspector and a City vehicle. Concrete pavement repairs for fiscal year 2012/13 will be completed based on PASER, the pavement surface evaluation rating program.

The Purchasing Department analyzed the market and found the City would not benefit from soliciting new bids for the items specified as operating costs, especially fuel, is expected to fluctuate over the course of the renewal period. By renewing existing contracts, the City minimizes cost increases, and benefits from efficient strategic planning.

Recommendation

City management recommends exercising the option to renew for one additional year with Dilisio Contracting Inc of Clinton Township, the low total bidder for concrete pavement repair under the same contract prices, terms, and conditions not to exceed amounts budgeted expiring June 30, 2013.

Fund Availability

Funds for this project are budgeted in the 2012/13 Capital Accounts for Public Works Construction.

Prepared by: Marina Basta-Farouk, Project Construction Manager



Date: March 15, 2012

ATTN: Mr. Giuseppe D. Lia
 Dilisio Contracting Inc
 23525 Lakepointe Drive
 Clinton Township, MI 48036

Dear Mr. Giuseppe D. Lia

On August 10, 2012 the City of Troy entered into contract # 2012-90000003 with Dilisio Contracting Inc., to provide one-year contract for Major, Local Roads and the Tri-Party Concrete Pavement Repair. This contract contained an option to renew for Two (2) additional one-year periods at the same prices, terms, and conditions as the original contract, and through mutual consent of both parties.

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

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

CHECK ONE:

**(Dilisio Contracting Inc.) is interested in renewing the contract
 Under the same prices, terms, and conditions:**

**(Dilisio Contracting Inc.) is not interested in renewing
 the contract:**

x Giuseppe D. Lia
 Signed: Authorized Company Representative

Date: 3-16-2012

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

RESOLVED, That the Agreement to Purchase Realty for Public Purposes between Ramarao V. and Ramadevi Cherukuri, Lakshmi Gontina, and Vemula Panduranga and Chandralekha P. Rao, owners of property having Sidwell #88-20-02-427-016 and -017, and the City of Troy, for the acquisition of right-of-way for John R Road Improvements, Square Lake Road to South Boulevard is **APPROVED** in the amount of \$21,700, plus closing costs; and

BE IT FURTHER RESOLVED, That the Engineering Department is hereby **AUTHORIZED** to expend the necessary closing costs to complete this purchase according to the agreement; and

BE IT FURTHER RESOLVED, That the Grading and Temporary Construction Permit in the amount of \$700 from Ramarao V. and Ramadevi Cherukuri, Lakshmi Gontina, and Vemula Panduranga and Chandralekha P. Rao, owners of property having Sidwell #88-20-02-427-016 and -017 is hereby **ACCEPTED**; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** the Warranty Deed and the Grading and Temporary Construction Permit with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 1: Award to Low Bidder – Concrete Pavement Repair Program

Resolution #2011-07-181

Moved by Beltramini

Seconded by Slater

RESOLVED, That Troy City Council hereby **AWARDS** a contract to complete the Concrete Pavement Repair Program FY 2011/12 with an option to renew for two (2) additional one (1) year periods to the low total bidder, Dilisio Contracting Inc. of Clinton Township, MI, at unit prices contained in the bid tabulation opened July 7, 2011, a copy of which shall be **ATTACHED** to the original Minutes of this meeting based on the scope of work, and the ability to add additional locations up to, but not exceeding amounts budgeted; and

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

Yes: All-7

No: None

MOTION PASSED

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted



CITY COUNCIL AGENDA ITEM

July 13, 2011

To: John Szerlag, City Manager

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

Subject: Standard Purchasing Resolution 1: Award To Low Bidder – Concrete Pavement Repair Program

Background

On July 7, 2011, bids were received to complete the Concrete Pavement Repair Program for fiscal year 2011/12 with an option to renew for two (2) additional one (1) year periods. (221) vendors were notified of the bid opportunity via the MITN system with eight (8) bid responses received, as well as one (1) statement of no bid. Dilisio Contracting Inc of Clinton Township, MI, was the low total bidder for Proposals A- local roads, B- major roads and C- tri-party repair. Moving this work forward improves public safety and reduces the City's liability. Additional locations may be added based on the scope of work up to, but not exceeding amounts budgeted.

ITB-COT 11-15 to complete the Concrete Pavement Repair Program was competitively bid as required by City Charter and Code. The award is contingent upon the recommended bidder's submission of properly executed contracts and bid documents, including bonds with two-year maintenance, insurance certificates and all other specified requirements.

Recommendation

City management recommends awarding a contract to complete the Concrete Pavement Repair Program for FY2011/12 to the low total bidder, Dilisio Contracting Inc of Clinton Township, MI for an estimated total cost of \$2,136,250.00 for proposal A, \$910,960.00 for proposal B and \$232,110.00 for proposal C at unit prices contained in the bid tabulation with all work not to exceed budgetary limitations.

Fund Availability

Funds are available in the 2011/12 capital budget under Public Works Major and Local Roads Concrete Slab Replacement and the Tri-Party Concrete Pavement Repair accounts.

Prepared by: Marina Basta-Farouk, Project Construction Manager

sl

VENDOR NAME:

	**	Dilisio	Hard Rock	Flore	Florence Cement
		Contracting Inc.	Concrete, Inc.	Enterprises, LLC	Company
Ck Number		9094906211	530622609-2	362775	000325216
Ck Amount		\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00

Proposal A: Local Road Maintenance Section 5, 14, 19, 20, 30, 36 and scattered locations

NO.	DESCRIPTION	EST. QTY.	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE
1	Remove & Replace with Concrete 9" Non-reinforced-	1,000 S.Y.	\$37.25	\$33.00	\$33.50	\$40.00
2	Remove & Replace with Concrete 8" Non-reinforced-	5,000 S.Y.	\$33.40	\$32.00	\$31.50	\$36.75
3	Remove & Replace with Concrete 7" Non-reinforced-	64,000 SY	\$29.55	\$30.00	\$29.50	\$34.75
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	100 S.F.	\$4.00	\$4.00	\$4.00	\$5.00
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	\$4.00	\$3.50	\$3.50	\$5.00
6	Remove Concrete and rplc with topsoil/seed	300 S.F.	\$1.00	\$0.50	\$1.25	\$2.00
7	Structure Cover, (Adjustment)	20 each	\$150.00	\$150.00	\$150.00	\$200.00
8	Structure Cover, Adj, Add Depth (Reconst)	10 L.F.	\$150.00	\$150.00	\$100.00	\$200.00
9	Misc. Base Repair per CY to excavate/replace with 21AA Limestone, compacted in place	2,600 C.Y.	\$9.00	\$1.00	\$15.30	\$13.50
10	Installation of 6" edge drain	200 L.F.	\$7.00	\$6.00	\$7.50	\$8.00
11	Remove and Replace Curb & Gutter	200 L.F.	\$18.00	\$18.00	\$20.00	\$25.00
12	Sidewalk Ramp, ADA, Modified w/Inserts	6,000 S.F.	\$1.00	\$6.00	\$6.50	\$7.50
13	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	\$8.00	\$8.00	\$20.00	\$25.00
14	Restoration	Included	Included	Included	Included	Included
15	Traffic Maintenance	Included	Included	Included	Included	Included
Estimated Total Cost – Proposal A			\$2,136,250.00	\$2,162,600.00	\$2,170,405.00	\$2,544,550.00

Proposal B: Major Road Maintenance - Rochester Road and Scattered Locations

NO.	DESCRIPTION	EST. QTY.	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE
1	Remove & Replace with Concrete 9" Non-reinforced- 6 Sac	22,000 SY	\$39.65	\$42.00	\$41.75	\$44.80
2	Remove & Replace with Concrete 8" Non-reinforced-	200 S.Y.	\$39.65	\$36.00	\$35.97	\$44.00
3	Remove & Replace with Concrete 7" Non-reinforced-	200 S.Y.	\$39.65	\$32.00	\$33.25	\$43.00
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	200 S.F.	\$4.00	\$5.00	\$4.00	\$5.00
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	\$4.00	\$4.00	\$3.50	\$5.00
6	Remove Concrete and rplc with topsoil/seed	100 S.F.	\$3.00	\$1.25	\$1.25	\$2.00
7	Structure Cover, (Adjustment)	5 each	\$200.00	\$150.00	\$200.00	\$200.00
8	Structure Cover, Adj, Add Depth (Reconst)	10 L.F.	\$200.00	\$150.00	\$125.00	\$200.00
9	Misc. Base Repair per CY to excavate/replace with 21AA Limestone, compacted in place	600 C.Y.	\$18.00	\$12.00	\$15.30	\$13.50
10	Installation of 6" edge drain	100 L.F.	\$7.00	\$6.00	\$7.50	\$8.00
11	Remove and Replace Curb & Gutter	100 L.F.	\$20.00	\$18.00	\$20.00	\$25.00
12	Sidewalk Ramp, ADA, Modified w/Inserts	500 S.F.	\$8.00	\$6.00	\$6.50	\$7.50
13	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	\$8.00	\$8.00	\$15.00	\$25.00
14	Restoration	Included	Included	Included	Included	Included
15	Traffic Maintenance	Included	Included	Included	Included	Included
Estimated Total Cost – Proposal B			\$910,960.00	\$954,775.00	\$952,549.00	\$1,025,350.00

VENDOR NAME:

**	Dilisio	Hard Rock	Fiore	Florence Cement
	Contracting Inc	Concrete, Inc.	Enterprises, LLC	Company

Proposal C: Tri Party Concrete Repair - Big Beaver, John R, Crooks and Scattered Locations

NO.	DESCRIPTION	EST. QTY.	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE
1	Remove & Replace with Concrete 10" Non-reinforced-	2.000 SY	\$40.65	\$45.00	\$45.00	\$55.50
2	Remove & Replace with Concrete 9" Non-reinforced-	3.000 S.Y.	\$39.65	\$43.00	\$43.00	\$48.75
3	Remove & Replace with Concrete 8" Non-reinforced-	200 S.Y.	\$39.65	\$46.00	\$39.75	\$44.00
4	Remove & Replace with Concrete 7" Non-reinforced-	200 S.Y.	\$39.65	\$44.00	\$36.50	\$43.00
5	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	50 S.F.	\$4.00	\$4.00	\$4.00	\$5.00
6	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	50 S.F.	\$4.00	\$4.00	\$4.00	\$5.00
7	Remove Concrete and rplc with topsoil/seed	100 S.F.	\$3.00	\$1.25	\$2.50	\$2.00
8	Structure Cover, (Adjustment)	2 each	\$200.00	\$150.00	\$150.00	\$200.00
9	Structure Cover, Adj, Add Depth (Reconst)	10 L.F.	\$200.00	\$150.00	\$125.00	\$200.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Limestone, compacted in place	300 C.Y.	\$18.00	\$12.00	\$15.30	\$13.50
11	Installation of 6" edge drain	100 L.F.	\$7.00	\$6.00	\$7.50	\$8.00
12	Remove and Replace Curb & Gutter	100 L.F.	\$20.00	\$18.00	\$20.00	\$25.00
13	Sidewalk Ramp, ADA, Modified w/Inserts	500 S.F.	\$8.00	\$6.00	\$7.50	\$7.50
14	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	\$8.00	\$8.00	\$15.00	\$25.00
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
Estimated Total Cost - Proposal C			\$232,110.00	\$249,125.00	\$249,040.00	\$291,350.00

PROGRESS PAYMENTS:

Monthly	Bi-weekly	Every two weeks	Bi-weekly
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CONTACT INFORMATION

Hrs of Oper.
Phone

8AM-5PM	8AM-8PM M-Sat	7AM-5PM	Michael Pittiglio
(586) 405-4578	(734) 641-3333	(586) 915-0417	(810) 560-4141

AWARD

100% of Contract

Partial Contract: Proposal A
Proposal B
Proposal C

X	X	X	X
X		X	
X		X	
X		X	

COMPLETION SCHEDULE:

BY JUNE 30th OF ANY CONTRACT YEAR

INSURANCE:

Can Meet
Cannot Meet

XX	XX	XX	XX
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PAYMENT TERMS:

Monthly	Bi-weekly	Every 2 weeks	Bi-weekly
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WARRANTY:

1 year	As stated in contract	Maintenance Bond	1 yr Maint Bond
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ALL OR NONE-AWARD

Y or N

N	N	N	N
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EXCEPTIONS:

N/A	Blank	Blank	Blank
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ACKNOWLEDGEMENT:

Y or N

Y	Y	Y	Y
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VENDOR QUESTIONNAIRE

Y or N

Y	Y	Y	Y
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FORMS:

Legal Staus of Bidder
Non-Collusion Affidavit

Y or N
Y or N

Y	Y	Y	Y
Y	Y	Y	Y

NO BID: Carlo Construction, Inc.

****BOLDFACE TYPE DENOTES LOW TOTAL BIDDER**

ATTEST:

Marina Basta-Farouk

Tom Rosewarne

Diane Fisher

Julie Hamilton

G: ITB-COT 11-15 Concrete Pavement Repair

PROPOSAL: City of Troy Concrete Pavement Repair Program for Local and Major Roads with an Option to Renew for Two (2) Additional One Year Periods

Susan Leirstein CPPO CPPB
Purchasing Director

Opening Date -- 07/07/11
 Date Reviewed -- 7/13/11

sl

VENDOR NAME:

	Tony Angelo	Dominic Gaglio	Lacaria Concrete/	Major Cement
	Cement Construction	Construction, Inc.	Sand A Construction	Company
Ck Number	4313100100	18382662	18384356 & 530297	000331667
Ck Amount	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00

Proposal A: Local Road Maintenance Section 5, 14, 19, 20, 30, 36 and scattered locations

NO.	DESCRIPTION	EST. QTY.	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE	
1	Remove & Replace with Concrete 9" Non-reinforced-	1,000 S.Y.	\$43.00	\$37.00	\$34.50	No Bid
2	Remove & Replace with Concrete 8" Non-reinforced-	5,000 S.Y.	\$39.00	\$36.50	\$33.50	No Bid
3	Remove & Replace with Concrete 7" Non-reinforced-	64,000 SY	\$38.50	\$36.80	\$31.50	No Bid
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	100 S.F.	\$6.50	\$4.00	\$3.10	No Bid
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	\$6.00	\$3.85	\$2.75	No Bid
6	Remove Concrete and rplc with topsoil/seed	300 S.F.	\$1.50	\$2.00	\$3.00	No Bid
7	Structure Cover, (Adjustment)	20 each	\$150.00	\$210.00	\$175.00	No Bid
8	Structure Cover, Adj, Add Depth (Reconst)	10 L.F.	\$150.00	\$150.00	\$175.00	No Bid
9	Misc. Base Repair per CY to excavate/replace with 21AA Limestone, compacted in place	2,600 C.Y.	\$31.00	\$12.00	\$10.00	No Bid
10	Installation of 6" edge drain	200 L.F.	\$11.00	\$15.00	\$6.00	No Bid
11	Remove and Replace Curb & Gutter	200 L.F.	\$25.00	\$25.00	\$18.00	No Bid
12	Sidewalk Ramp, ADA, Modified w/Inserts	6,000 S.F.	\$9.00	\$6.00	\$4.75	No Bid
13	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	\$10.00	\$10.00	\$20.00	No Bid
14	Restoration	Included	Included	Included	Included	Included
15	Traffic Maintenance	Included	Included	Included	Included	Included
Estimated Total Cost – Proposal A			\$2,851,000.00	\$2,657,985.00	\$2,286,035.00	No Bid
					Amount Corrected	

Proposal B: Major Road Maintenance - Rochester Road and Scattered Locations

NO.	DESCRIPTION	EST. QTY.	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE
1	Remove & Replace with Concrete 9" Non-reinforced- 6 Sac	22,000 SY	\$44.00	\$45.50	No Bid	\$42.20
2	Remove & Replace with Concrete 8" Non-reinforced-	200 S.Y.	\$40.00	\$42.00	No Bid	\$32.00
3	Remove & Replace with Concrete 7" Non-reinforced-	200 S.Y.	\$38.00	\$41.00	No Bid	\$31.00
4	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	200 S.F.	\$6.50	\$4.15	No Bid	\$4.00
5	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	100 S.F.	\$6.00	\$3.15	No Bid	\$4.00
6	Remove Concrete and rplc with topsoil/seed	100 S.F.	\$1.50	\$2.50	No Bid	\$1.70
7	Structure Cover, (Adjustment)	5 each	\$150.00	\$300.00	No Bid	\$1,000.00
8	Structure Cover, Adj, Add Depth (Reconst)	10 L.F.	\$150.00	\$200.00	No Bid	\$250.00
9	Misc. Base Repair per CY to excavate/replace with 21AA Limestone, compacted in place	600 C.Y.	\$31.00	\$22.00	No Bid	\$5.00
10	Installation of 6" edge drain	100 L.F.	\$11.00	\$18.00	No Bid	\$7.00
11	Remove and Replace Curb & Gutter	100 L.F.	\$25.00	\$28.00	No Bid	\$21.00
12	Sidewalk Ramp, ADA, Modified w/Inserts	500 S.F.	\$9.00	\$7.50	No Bid	\$7.00
13	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	\$10.00	\$10.00	No Bid	\$7.00
14	Restoration	Included	Included	Included	Included	Included
15	Traffic Maintenance	Included	Included	Included	Included	Included
Estimated Total Cost – Proposal B			\$1,015,600.00	\$1,045,045.00	No Bid	\$959,870.00

Opening Date -- 07/07/11
 Date Prepared -- 07/13/11

VENDOR NAME:

Tony Angelo	Dominic Gaglio	Lacaria Concrete	Major Cement
Cement Construction	Construction, Inc.	Sand A Constrution	Company

Proposal C: Tri Party Concrete Repair - Big Beaver, John R, Crooks and Scattered Locations

NO.	DESCRIPTION	EST. QTY.	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE	FY2011/2012 UNIT PRICE
1	Remove & Replace with Concrete 10" Non-reinforced-	2,000 SY	\$52.50	No Bid	No Bid	\$59.00
2	Remove & Replace with Concrete 9" Non-reinforced-	3,000 S.Y.	\$42.00	No Bid	No Bid	\$58.00
3	Remove & Replace with Concrete 8" Non-reinforced-	200 S.Y.	\$41.00	No Bid	No Bid	\$37.00
4	Remove & Replace with Concrete 7" Non-reinforced-	200 S.Y.	\$37.00	No Bid	No Bid	\$32.00
5	Remove & Replace with Concrete Sidewalk/ Driveway 6" Non-reinforced (Locations not	50 S.F.	\$6.50	No Bid	No Bid	\$4.00
6	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	50 S.F.	\$6.00	No Bid	No Bid	\$4.00
7	Remove Concrete and rplc with topsoil/seed	100 S.F.	\$1.50	No Bid	No Bid	\$1.50
8	Structure Cover, (Adjustment)	2 each	\$150.00	No Bid	No Bid	\$1,000.00
9	Structure Cover, Adj, Add Depth (Reconst)	10 L.F.	\$150.00	No Bid	No Bid	\$750.00
10	Misc. Base Repair per CY to excavate/replace with 21AA Limestone, compacted in place	300 C.Y.	\$31.00	No Bid	No Bid	\$9.00
11	Installation of 6" edge drain	100 L.F.	\$11.00	No Bid	No Bid	\$7.00
12	Remove and Replace Curb & Gutter	100 L.F.	\$25.00	No Bid	No Bid	\$27.00
13	Sidewalk Ramp, ADA, Modified w/Inserts	500 S.F.	\$9.00	No Bid	No Bid	\$10.00
14	Sidewalk Ramp, Detectable Warning, Retrofit,	100 S.F.	\$10.00	No Bid	No Bid	\$8.00
15	Restoration	Included	Included	Included	Included	Included
16	Traffic Maintenance	Included	Included	Included	Included	Included
Estimated Total Cost – Proposal C			\$267,575.00	No Bid	No Bid	\$327,750.00

PROGRESS PAYMENTS:

Bi-weekly	Every two weeks	Every 30 Days	Bi-weekly
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CONTACT INFORMATION

Hrs of Oper.
Phone

7AM-7PM	7AM-3:30PM	7AM-6PM	7AM-5PM
(248) 249-8705	(734) 216-2051	(313) 218-6834	(248) 388-1168

AWARD

100% of Contract

Partial Contract: Proposal A
 Proposal B
 Proposal C

X	X		
	X	X	
			X
			X

COMPLETION SCHEDULE:

BY JUNE 30th OF ANY CONTRACT YEAR

INSURANCE:

Can Meet
 Cannot Meet

XX	XX	XX	XX
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PAYMENT TERMS:

Bi-weekly	2 Weeks	Blank	Bi-weekly
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WARRANTY:

1 year	1 year	Blank	Per Contract
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ALL OR NONE-AWARD

Y or N

N	N	N	N
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EXCEPTIONS:

None	Blank	Blank	Blank
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ACKNOWLEDGEMENT:

Y or N

Y	Y	Y	Y
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VENDOR QUESTIONNAIRE

Y or N

N	Y	Y	Y
---	---	---	---

FORMS:

Legal Staus of Bidder
 Non-Collusion Affidavit

Y or N
 Y or N

Y	Y	Y	Y
Y	Y	Y	Y

PROPOSAL: City of Troy Concrete Pavement Repair Program for Local and Major Roads with an Option to Renew for Two (2) Additional One Year Periods

CITY OF TROY CONSTRUCTION PROJECTS
AUGUST 2011 to NOVEMBER 2011
07/05/2011

1. ROAD REHABILITATION – BEACH ROAD, WATTLES TO SOUTH BOULEVARD

Pavement rehabilitation on three (3) miles of Beach Road from Wattles to South Boulevard is necessary due to the pavement's deteriorated condition. Full depth reclamation (FDR) was the rehabilitation method chosen after considering several other more conventional options. FDR is a process where a set depth of asphalt pavement and a portion of the underlying granular base material is uniformly pulverized and blended to provide an upgraded, homogeneous base material. The blended material is then graded, shaped, and compacted to design parameters. Once completed, a final asphalt pavement surface is placed over the upgraded homogeneous base material to complete the pavement rehabilitation process.

FDR significantly reduces the project's environmental impact and energy (oil) consumption compared to other conventional pavement rehabilitation methods. FDR is consistent with many of the tenants of "Green Construction" such as sustainability, reuse, conservation of non-renewable natural resources, preservation of the environment, and reduction in pollution & landfill requirements. Funding for this project is from the Major Roads fund. Construction is anticipated to start in August and be open to traffic by late November. Restoration and cleanup, as necessary, will take place in the spring of 2012.

2. ROAD REPAIRS – SECTION 35 (14 MILE ROAD & STEPHENSON HIGHWAY AREA)

The water mains were replaced on: Sheffield, Kenyon, Lyons, Redwood, Burtman, Grant, Wacon, Jamaica, Key West and Hendrickson in 2010. The existing asphalt over concrete roads in the project area will be milled (ground off) and then an asphalt pavement overlay will be placed as the new surface. Funding for this project is a continuation of the water main replacement project. Water funds are used to repair the existing roads due to damage caused by the water main construction. Construction is anticipated to start in mid September and be complete by the end of November. Restoration and cleanup, as necessary, will take place in the spring of 2012.

3. ROAD REHABILITATION – SECTION 8 (NORTHFIELD HILLS CONDOMINIUMS)

Brentwood, Bayside, Buckingham and Breeze Hill, local roads in the Northfield Hills Condominiums area, will be milled (ground off) and then an asphalt pavement overlay will be placed as the new surface. The project will also include removal and replacement of deteriorated concrete pavement and concrete curb and gutter where required. Sidewalk ramps and pedestrian crossings will be upgraded to meet current Americans with Disabilities Act (ADA) requirements. Funding for this project is from the Local Roads fund. Construction is anticipated to start in July and be complete by mid September.

4. ROAD REHABILITATION – ROCHESTER ROAD, CHOPIN TO LARCHWOOD

Rochester Road, from Chopin to Larchwood, will be milled (ground off) and then an asphalt pavement overlay will be placed as the new surface. The project will also include removal and replacement of deteriorated concrete pavement and concrete curb and gutter where required. Sidewalk ramps and pedestrian crossings will be upgraded to meet current Americans with Disabilities Act (ADA) requirements. Funding for this project is from the Major Roads fund. Construction is anticipated to start in September and be complete by late November.

5. CONCRETE SLAB REPLACEMENT – LOCAL ROADS, SECTIONS 36, 30 and 19

The City of Troy is responsible for the maintenance of approximately 265 miles of local roads. The Department of Public Works (DPW) coordinates the local road concrete slab replacement program. Concrete slab replacement is a normal maintenance activity that removes and replaces spot sections of failed concrete pavement. Funds are budgeted in the city's Local Road fund to complete slab replacements on local roads at target locations within the city every year. Work is anticipated to start in late August and run through the fall. Work will be stopped for the winter and then started back up again in the spring of 2012 and be complete by June 30, 2012.

6. CONCRETE SIDEWALK REPLACEMENT – LOCAL ROADS, SECTIONS 23, 27 and 35

The Department of Public Works (DPW) is responsible for the sidewalk replacement program. The City is divided into 12 areas for residential sidewalk replacements. These areas are reviewed annually and a sidewalk replacement list is prepared. Not all sidewalks in any one area are replaced, only those sections of sidewalk that do not meet current requirements. Americans with Disabilities Act compliant facilities are also constructed with this program. Work is anticipated to start in late July and run through the fall. Work

will be stopped for the winter and then started back up again in the spring of 2012 and be complete by June 30, 2012.

7. WIDENING AND RECONSTRUCTION – CROOKS ROAD, 14 MILE TO EQUITY (RCOC)

This project is under the jurisdiction of the Road Commission for Oakland County (RCOC). The project will reconstruct the existing road and add a center left turn lane. Also included is the replacement of a 20-inch water main between 14 Mile and Elmwood Avenue, upgrading traffic signals at Meijer Drive and Elmwood Avenue as well as upgrading pedestrian crossings to meet current ADA requirements. Federal funds will be used to pay for approximately 80% of the project cost, with the remainder of the funding coming from the Southeastern Oakland County Water Authority (SOCWA) and the City of Clawson. There are no City of Troy funds involved in this project. Construction started in May and Crooks is anticipated to be fully open to traffic by mid-October. Restoration and cleanup, as necessary, will take place in the spring of 2012.

8. ROAD REHABILITATION – CROOKS ROAD, BANMOOR TO FOUNTAIN (RCOC)

This project is under the jurisdiction of the Road Commission for Oakland County (RCOC). The work will include milling of the existing pavement (grinding off) and then placing an asphalt pavement overlay to provide a new surface. The project will also include removal and replacement of concrete curb and gutter where required. Sidewalk ramps and pedestrian crossings will be upgraded to meet current Americans with Disabilities Act (ADA) requirements. Federal funds will be used to pay for approximately 80% of the project cost, with the remainder of the funding shared by the RCOC and Troy. Troy's share of this project is from the Major Roads fund. Construction is anticipated to start in September and be fully open to traffic by late November. Restoration and cleanup, as necessary, will take place in the spring of 2012.

9. ROAD REHABILITATION – DEQUINDRE ROAD, SOUTH BOULEVARD TO AUBURN (RCOC)

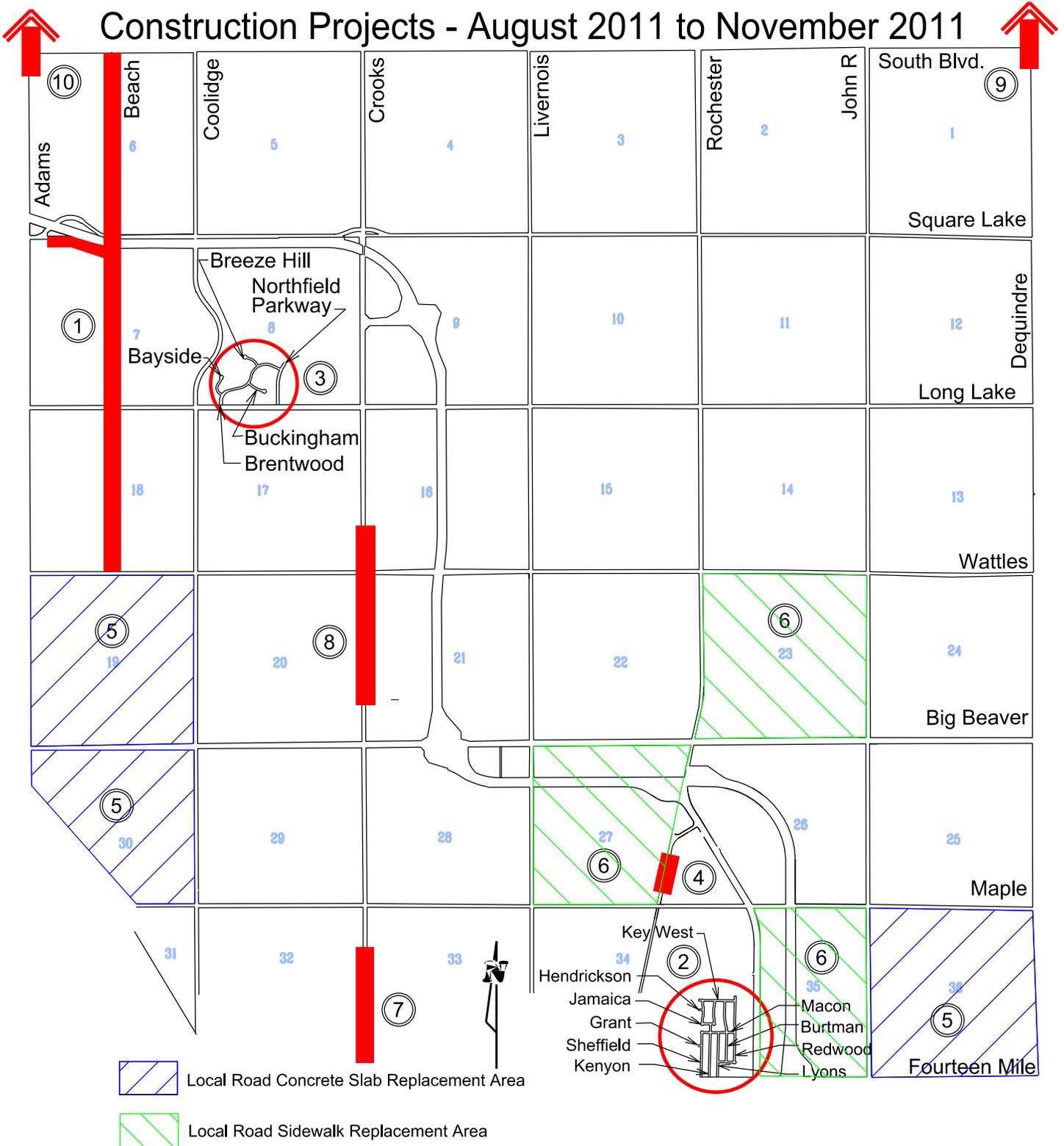
This project is under the jurisdiction of the Road Commission for Oakland County (RCOC). The work will include milling of the existing pavement (grinding off) and then placing an asphalt pavement overlay to provide a new surface. Some areas of pavement will also be removed and/or crack and sealed (broken into small pieces and then compacted in place) prior to the placement of the final asphalt surface. The project will also include removal and replacement of concrete curb and gutter and drainage improvements where required. Sidewalk ramps and pedestrian crossings will be upgraded to meet current Americans with Disabilities Act (ADA) requirements. Federal funds will be used to pay for approximately 80% of the project cost, with the remainder of the funding shared by the RCOC, Macomb County Department of Roads, Shelby Township, and the Cities of Rochester Hills and Troy. Troy's share of this project is from the Major Roads fund. Construction is anticipated to start in September and be fully open to traffic by late November. Restoration and cleanup, as necessary, will take place in the spring of 2012.

10. ROAD REHABILITATION – ADAMS ROAD, SOUTH BOULEVARD TO AUBURN (RCOC)

This project is under the jurisdiction of the Road Commission for Oakland County (RCOC). The work will include construction of turn lanes, milling of the existing pavement (grinding off) and then placement of an asphalt pavement overlay to provide a new surface. The project will also include removal and replacement of concrete curb and gutter and drainage improvements where required. Sidewalk ramps and pedestrian crossings will be upgraded to meet current Americans with Disabilities Act (ADA) requirements. Federal funds will be used to pay for approximately 80% of the project cost, with the remainder of the funding shared by the RCOC and the Cities of Rochester Hills and Auburn Hills. There are no City of Troy funds involved in this project. Construction is anticipated to start in September and be fully open to traffic by late November. Restoration and cleanup, as necessary, will take place in the spring of 2012.

**NOTE: All dates or time frames are based on the best information available at the time of writing and are subject to change based on field conditions, actual weather conditions and/or budgetary constraints.*

Construction Projects - August 2011 to November 2011





CITY COUNCIL AGENDA ITEM

Date: April 26, 2012

To: John Szerlag, City Manager

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

Subject: Request for Acceptance of a Water Main Easement from FAS Hotels, LLC –
Sidwell #88-20-35-327-014

Background

As part of the redevelopment and improvement of a property located in Section 35 on the east side of Stephenson Highway south of Maple Road, and the future site of a Holiday Inn Express location, the Engineering department has received an easement for water main.

The easement was granted to the City of Troy by FAS Hotels, LLC, owner of the property having Sidwell #88-20-35-327-014.

The format and content of this easement is consistent with conveyances previously accepted by City Council. The consideration amount on this document is \$1.00.

Recommendation

City Management recommends that City Council accept the attached easement consistent with our policy of accepting easements for property development and improvement purposes.

PERMANENT EASEMENT

Sidwell #88-20-35-327-014 (part of)
Resolution #

FAS Hotels, LLC, a Michigan limited liability company, Grantor(s), whose address is 1130 East Square Lake Road, Bloomfield Hills, Michigan 48304 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 13th ^{ch} signature(s) this 13th day of March A.D. 2012.

In presence of: (not required)

FAS Hotels, LLC, a Michigan limited liability company

By [Signature] (L.S.)
*Asad Malik
Its Authorized Representative

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 13th day of March, 2012, by Asad Malik, as Authorized Representative of FAS Hotels, LLC, a Michigan limited liability company, on behalf of said company.

CELESTE KOTOWSKI
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF OAKLAND
MY COMMISSION EXPIRES 09/23/2012
Acting in the County of Delaware

[Signature]
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

EXHIBIT "A"

THE CENTERLINE OF A 20 FOOT WIDE WATERMAIN EASEMENT BEING PART OF LOT 1, ROBBINS EXECUTIVE PARK WEST, A RECORDED SUBDIVISION, SECTION 35, T2N-R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 143 OF PLATS, PAGES 14, 15, 16 AND 17, OAKLAND COUNTY, MICHIGAN RECORDS. THE CENTER LINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTH ¼ CORNER OF SECTION 35; THENCE N89°06'11"W, 771.06 FEET ALONG THE SOUTH LINE OF SECTION 35; THENCE N01°13'00"E, 1,322.22 FEET ALONG THE EASTERLY LINE OF STEPHENSON HIGHWAY (204 FEET WIDE) AND EXTENSION THEREOF TO THE POINT OF BEGINNING; THENCE LEAVING SAID EASTERLY LINE OF STEPHENSON HIGHWAY S88°47'00"E, 159.65 FEET TO POINT "A"; THENCE FROM POINT "A" N01°13'00"E, 50.36 FEET TO A POINT OF ENDING; ALSO FROM SAID POINT "A" S01°13'00"W, 172.49 FEET TO A POINT OF ENDING.

Z:\M_P\Malik, A\466 Stephenson Hwy\Easements\City Easements\Holiday (FAS) Express WM Esmt.doc



CITY COUNCIL AGENDA ITEM

Date: May 10, 2012

To: John Szerlag, City Manager

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

Subject: Request to Vacate an Existing Sanitary Sewer Easement and Acceptance of a
Permanent Sanitary Sewer Easement – Sidwell #88-20-34-226-010, G.I. Building, LLC

Background

It was brought to the attention of Engineering staff that an easement for sanitary sewer granted to the City of Troy on September 12, 1972, and recorded in Liber 5987 Page 783, provided an incorrect legal description. To resolve this, the current property owner has granted to the City a new sanitary sewer easement with a corrected legal description.

The old recorded easement previously granted to the City and recorded with Oakland County Register of Deeds in Liber 5987, Page 783 will be abandoned and the easement interest conveyed back to the property owners by means of a Quit Claim deed.

Recommendations

Staff recommends that City Council approve the request to vacate an existing sanitary sewer easement by way of a Quit Claim deed to the current property owner. In addition, staff recommends that City Council accept the attached sanitary sewer easement

QUIT CLAIM DEED

Sidwell # 88-20-34-226-010 (part of)
Resolution #

The Grantor(s), The CITY OF TROY, a Michigan municipal corporation, Grantor, whose address is 500 West Big Beaver, Troy, MI 48084 quit claims to the G.I. Building, LLC, a Michigan limited liability company, Grantee, whose address is 43902 Woodward Ave, Ste 260, Bloomfield Hills, Mi 48302, the following described premises situated in the City of Troy, County of Oakland and State of Michigan, which was previously recorded in Liber 5987, P783 a copy of which is hereby attached as Exhibit "A":

The south 15 feet of the north 75 feet of the following described lot located in Lot 8 of Troy Industrial Subdivision, Section 34, T2N, R11E, City of Troy, Oakland County, Michigan

For the sum of One Dollar (\$ 1.00)

Dated this _____ day of _____, 2012.

CITY OF TROY
a Michigan municipal corporation

By _____
* Janice L. Daniels, Mayor

By _____
* M. Aileen Bittner, City Clerk

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me the _____ is day of _____ 2012, by Janice L. Daniels, Mayor and M. Aileen Bittner, City Clerk of The City of Troy, a Michigan municipal corporation, on behalf of the municipal corporation.

*
Notary Public, _____ County, MI
My commission expires: _____
Acting in _____ County, MI

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

Tax Parcel # 88-20-34-226-010 (pt) Recording Fee _____ Transfer Tax _____
EXEMPT FROM COUNTY & STATE REAL ESTATE TRANSFER TAX UNDER MSA 7.456 (26) (h) (g) & 7.456 (5) (h) (i)

*TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT "A"

5987 PAGE 783
EASEMENT

July 109
Page 19.
72 102854

2/11
3/4

KNOW ALL MEN BY THESE PRESENTS, That Alvin Levine and his wife Beverly
Levine whose address is

24415 North Carolina, Southfield, Michigan 48075

party of the first part, for and in consideration of the sum of One Dollar (\$1.00) ~~now due to the party of the first part~~ paid to party of the first part
by the CITY OF TROY, a Michigan Municipal Corporation,
party of the second part, whose address is 500 West Big Beaver Road, Troy,
Michigan, do hereby grant to the said party of the second part the right to con-
struct, operate, maintain, repair and/or replace a sanitary sewer
across and through the following described land situated in the City of Troy,
to-wit:

T2N, R11E, Sec 34, City of Troy, Oakland County, Michigan
Troy Industrial Subdivision
Lot No. 8

Said easement is described as:

The south 15 feet of the north 75 feet of the above described lot.

and to enter upon sufficient land adjacent to said sanitary sewer
for the purpose of the construction, operation, maintenance, repair and/or
replacement thereof.

The premises so disturbed by reason of the exercise of any of the foregoing
powers, shall be reasonably restored to its original condition by the party of
the second part.

This instrument shall be binding upon and inure to the benefit of the
parties hereto, their heirs, representatives, successors and assigns, and
the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed their
signature this 11th day of September A.D. 1972.

In presence of:
WITNESS

Charles W. Hassett
CHARLES W. HASSETT

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
11-23

Alvin L. Levine (L.S.)
ALVIN L. LEVINE (L.S.)

Richard L. Huenschhausen
RICHARD L. HUENSCHHAUSEN
STATE OF MICHIGAN
COUNTY OF Oakland

Beverly Levine (L.S.)
BEVERLY LEVINE

On this 11th day of September A.D. 19 72,
before me, a Notary Public in and for said county, personally appeared
Alvin L. Levine and Beverly Levine

to me known to be the same person (s) described in and who executed the within
instrument, who then acknowledged the same to be
free act and deed.

RETURN TO:
City Clerk, City of Troy
800 W. Big Beaver Road
Troy, Michigan 48064

Francis W. Teasdale
Notary Public, Oakland County, Michigan
Francis W. Teasdale
My Commission Expires Feb. 8, 1977

2
(Individuals)
Prepared By Charles W. Hassett
Engineering Department
City of Troy

This Easement is in consideration
of Consideration Being Fee to
sign his name.
Alvin L. Levine 200

PERMANENT EASEMENT

Sidwell #88-20-34-226-010 (pt of)

G.I. BUILDING, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 43902 Woodward Ave, Ste 260, Bloomfield Hills, Mi 48302 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace **sanitary sewer**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

THE NORTH 15 FEET OF LOT NO. 8 OF TROY INDUSTRIAL SUBDIVISION, T2N, R11E, SECTION 34, CITY OF TROY, OAKLAND COUNTY, MICHIGAN.

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

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

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 9th day of May A.D. 2012.

In presence of:
WITNESS (not required)

G.I. BUILDING, L.L.C.,
A Michigan limited liability company
By Bruce Levine (L.S.)
* Bruce Levine
Its Managing Member

STATE OF MICHIGAN)
COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 9th day of May, 2012, by Bruce Levine, Managing Member of G.I. Building, L.L.C., a Michigan limited liability company, on behalf of the company.

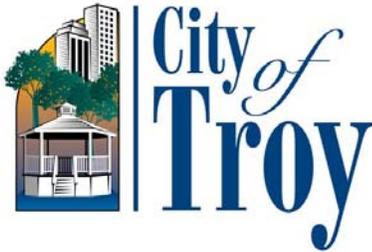
LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018

Larysa Figol
Notary Public, _____ County, Michigan
My Commission Expires _____

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES



Agenda Item

May 9, 2012

TO: John Szerlag, City Manager

FROM: Tom Darling, Director of Financial Services
 Lisa Burnham, Senior Accountant
 Sandra Kasperek, City Treasurer

SUBJECT: Agenda Item – Assessment of Delinquent Accounts

Background:

The code of ordinances provides for transfer of delinquent accounts to the city tax roll.

Financial Considerations:

The delinquent accounts from the various funds to be assessed to the 2012 tax roll are as follows:

General Fund Invoices	\$ 55,047.79	
Penalties	<u>5,504.77</u>	\$ 60,552.56
Special Assessments	\$ 3,114.89	
Penalties & Interest	<u>992.45</u>	4,107.34
Water & Sewer Accounts	\$807,306.85	
Penalties	<u>80,731.48</u>	<u>888,038.33</u>
Total to be assessed		\$952,698.23

Options:

Staff recommends that City Council approve the assessment of delinquent accounts.



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LGB*
DATE: May 8, 2012
SUBJECT: TPOA v. City of Troy and Act 78 Civil Service Commission

Enclosed please find a copy of a lawsuit that was filed by the Troy Police Officers Association against the City of Troy and the Act 78 Civil Service Commission. This is a lawsuit seeking injunctive relief, and not necessarily damages against the City. Specifically, through the complaint, there is a request for a hearing before the Act 78 Civil Service Commission, and also an order requiring amendments to the Act 78 Civil Service Commission Rules.

A resolution authorizing our office to defend the City's interest and the interest of the Act 78 Civil Service Commission is proposed for your consideration. The interests of the City and the Act 78 Civil Service Commission appear to be aligned at this point, so joint representation is allowed. If you have any questions, please let me know.

Law Offices

PIERCE, DUKE, FARRELL & TAFELSKI PLC
2525 S. TELEGRAPH
SUITE 100
BLOOMFIELD HILLS, MI 48302

MARK C. PIERCE
EDWARD E. DUKE II
M. CATHERINE FARRELL
PAUL TAFELSKI

April 11, 2012

Craig Lange
Kirk Huth and Lange
19500 Hall Road Ste 100
Clinton Township, Mi 48038

Re: TPOA v City of Troy and Act 78 Civil Service Commission

Dear Mr. Lange:

Pursuant to our conversation in which you agreed to accept service on behalf of your clients, enclosed please find the lawsuit filed on behalf of my client the TPOA. Please let me know if you have any questions.

Sincerely,



Pierce, Duke, Farrell & Tafelski P.L.C.
By: M. Catherine Farrell

Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 6th JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT
---	------------------------------

CLERK OF DISTRICT COURT
 12-125981-CL



JUDGE MARTHA D. ANDERSON
TROY POLICE O v TROY CITY

no.

Court address

1200 Telegraph Road Pontiac Michigan

Plaintiff's name(s), address(es), and telephone no(s).
 Troy Police Officers Association (TPOA)
 35 Vermont Drive
 Troy, Mi 48083
 586 924 8861

v

Defendant's name(s), address(es), and telephone no(s).
 City of Troy and Troy Act 78 Civil Service Commission
 500 W. Big Beaver Road
 Troy, Mi 48084
 248 524 3316

Plaintiff's attorney, bar no., address, and telephone no.
 M Catherine Farrell P35248
 Pierce, Duke, Farrell & Tafelski P.L.C.
 2525 S. Telegraph Rd Ste 100
 Bloomfield Hills, Mi 48302
 248 852 1365

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued MAR 30 2012	This summons expires JUN 29 2012	Court clerk BILL BULLARD JR.
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*This summons is invalid unless served on or before its expiration date.

This document must be sealed by the seal of the court.

COMPLAINT *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.*

Family Division Cases

- There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.
- The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

General Civil Cases

- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.
- The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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VENUE

Plaintiff(s) residence (include city, township, or village) 35 Vermont Dr Troy Mi 48083	Defendant(s) residence (include city, township, or village) 500 W. Big Beaver Rd Troy Michigan 48084
Place where action arose or business conducted 500 W Big Beaver Rd Troy, Mi 48084	

03/30/2012

Date

M. Catherine Farrell
 Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN
OAKLAND COUNTY CIRCUIT COURT

TROY POLICE OFFICERS
ASSOCIATION (TPOA),

PLAINTIFF

v.

CITY OF TROY and the
CITY OF TROY ACT 78
CIVIL SERVICE COMMISSION,

DEFENDANTS

M. Catherine Farrell (P35248)
Attorney for Plaintiff
Pierce, Duke, Farrell & Tafelski P.L.C.
2525 S. Telegraph Ste 100
Bloomfield Hills, Mi 48302
(248) 852-1365
Catherine@farrellesq.com

Case No 201:
Hon:

OAKLAND COUNTY 12-125981-CL

JUDGE MARTHA D. ANDERSON
TROY POLICE O v TROY CITY

2012 MAR 30 P 2:39

**COMPLAINT FOR MANDAMUS AND
FOR REVIEW OF ADMINISTRATIVE DECISION**

PARTIES

1. The Plaintiff, Troy Police Officers Association (“TPOA”), is a labor organization representing the sworn police officers below the rank of sergeant employed by the City of Troy, in Oakland County, Michigan.
2. Officer Todd Michael is, and has been at all relevant times, a member of the TPOA and is, and has been at all relevant times, employed by Defendant City of Troy as a sworn police officer below the rank of sergeant.
3. The Defendant City of Troy is the employer of Officer Todd Michael.

4. Defendant City of Troy Act 78 Civil Service Commission (“Commission”) is the civil service commission for the City of Troy, appointed in accordance with Act 78 of 1935, commonly known as the Police and Fire Civil Service Act, MCL 38.501 et seq. (the “Act”)

JURISDICTION

5. The Act grants to employees such as Officer Michael the right to a public hearing before the Commission in all cases where the employee has been removed, discharged, reduced in rank or pay, suspended, or otherwise punished. MCL 38.514 (1)

6. The Act also provides in section 38.514 (1) that decisions of the Commission adverse to the employee are appealable to Circuit Court in the county in which the city is located.

7. The City of Troy is located in Oakland County.

8. Michigan Court Rule 3.305 provides that an action for mandamus, other than an action against a state officer, must be brought in the circuit court unless a statute or rule requires or allows the action to be brought in another court.

9. The Commission is located in Oakland County.

FACTS

10. Officer Todd Michael was hired as a police officer in 1987 by Defendant City of Troy.

11. Officer Todd Michael was treated for certain medical conditions in 2000, 2001 and again in 2009.

12. During his recent 2009 treatment he received short term disability through Standard Insurance, the insurer carrier for such coverage provided by Defendant City of Troy.

13. In July 2009, Officer Michael received a return to work document from the physician who had treated all three of Officer Michael’s medical conditions. The physician cleared Officer Michael to return to work.

14. Notwithstanding the fact that his physician had cleared him to return to work, the Defendant City of Troy Police Department refused to permit Officer Michael to return to work.
15. Instead, the City of Troy required Officer Michael to submit to a fitness for duty examination by another medical professional.
16. Following that evaluation, the City of Troy did not return Officer Michael to work. There was no indication in the report that Officer Michael would be incapable of performing desk duties, but the City of Troy did not make such work available to him.
17. Pursuant to the collective bargaining agreement (CBA) between Defendant City of Troy and Plaintiff TPOA, the City of Troy selected another medical professional for a review of the prior records.
18. Following that review, the City of Troy did not return Officer Michael to work.
19. The City of Troy also determined that it would not give Office Michael an opportunity to work for the police department in any other capacity, such as performing desk duty.
20. Officer Michael was on paid administrative leave from the time of his 2009 surgery through January 2010. But for over two years since that time, he has not been paid by the City of Troy.
21. Despite the findings referred to above, the long term disability insurance carrier, Standard Insurance, made its own decision that Officer Michael was not disabled and could return to work as a police officer. The carrier denied him any long-term disability benefits.
22. The City of Troy Police Department has adopted Administrative Rules and Regulations which prohibit a police officer from engaging in off-duty employment unless the officer has obtained prior approval from the Chief of Police.

23. Following the City of Troy's denial of Officer Michael's right to return to work, and the refusal to give him desk duty, Officer Michael thrice asked the Chief of Police to approve his request to engage in outside employment.

24. Those requests were denied by the Defendant

25. As a result of the foregoing, Officer Michael finds himself still an employee of the City of Troy, yet not permitted to return to work and earn a paycheck as a police officer or as an employee of the police department. He is receiving no long-term disability benefits because the carrier has decided that he is capable of returning to work and should be employed by the City as a police officer. Finally, his requests to be permitted to obtain outside employment have been thrice denied by the Defendant City.

26. As a result, the only way that Officer Michael can legitimately earn a paycheck is to resign his position. Because he has been so effectively prevented from earning a living unless he quits the police force, Officer Michael has been constructively discharged.

PROCEDURAL BACKGROUND

27. As provided in the collective bargaining agreement, and pursuant to the request of Officer Michael, Plaintiff TPOA timely requested a Act 78 Civil Service Commission hearing on the issue of his constructive discharge and denial of reinstatement under the terms of the collective bargaining agreement.

28. MCL 38.515(1) states that, "If the person sought to be removed or reduced demands it, the civil service commission shall grant him or her a public hearing..." (emphasis added).

29. On October 25, 2011, the human resources Director for the City of Troy sent a letter to the Commission alleging that the Commission did not have jurisdiction to hear the case.

30. In a meeting on December 8, held at a time when the Commission consisted of only two members, rather than the three required by the Act (meaning that, although the Commission could meet, it could not make legally binding decisions), Officer Michael's case was brought before the Commission and Plaintiff's request for an Act 78 hearing was tentatively denied, based solely on the alleged lack of jurisdiction to hear the matter. The minutes of that meeting are attached as Exhibit 1.

31. Thereafter, on January 19, 2012, after a third member had been appointed to the Commission, the full Commission adopted a resolution denying Officer Michael's hearing request based solely on the alleged lack of jurisdiction, and directing the City Clerk to send a letter to Catherine Farrell, Counsel for the Troy Police Officers' Association, indicating that the request for hearing is denied without prejudice. The Resolution is attached as Exhibit 2.

32. Based upon the minutes of the December 8, 2011 meeting, and upon the language of the Resolution, it appears that the basis for the claim of lack of jurisdiction is that officer Michael had not been discharged, disciplined or demoted. The Commission did not believe that it had jurisdiction over the matter unless one of those actions had occurred.

COUNT I PETITION FOR REVIEW

33. Plaintiff restates the allegations of paragraphs 1 through 32 as if fully set forth herein.

34. Plaintiff appeals the decision of the Commission to this Honorable Court pursuant to the appellate rights granted under MCL 38.514(1) and requests that this Honorable Court reverse the decision of the Commission not to hear this case, for at least three reasons.

35. First, as noted above, the City of Troy will neither permit Officer Michael to work for the City nor permit him to obtain outside employment, so that the only way he can work is to resign

his position, meaning that he has been or is being constructively discharged. Since he has been constructively discharged, his case falls within the jurisdiction of the Commission, which extends to cases of discharge. Neither the Act nor the rules of the Commission preclude the Commission from hearing cases of constructive discharge.

36. Second, the Commission errs when it limits its jurisdiction to cases where an officer has been discharged, disciplined or demoted. The jurisdiction of the commission is governed by the Act, which uses much more extensive language, and grants jurisdiction in cases where the officer has been “removed, discharged, reduced in rank or pay, suspended, or otherwise punished.” MCL 38.514(1). It was improper for the Commission to impose such narrow limits on the types of cases it would hear, contrary to the explicit terms of the Act.

37. Since the actions of the City of Troy have caused Officer Michaels to be reduced in pay as well as suspended from his position, the Commission has jurisdiction over this case and its decision to refuse to hear it should be reversed.

38. Third, the Commission refused to hear the case based upon allegations contained in a letter received from the City of Troy and a responsive letter received from Ms. Farrell. The Act does not permit such summary disposition of a matter, but instead explicitly requires the Commission to conduct a hearing.

39. Act 78 authorizes civil service commissions to “prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this act.” MCL 38.509. Defendant Commission has adopted such Hearing Rules.

40. The Hearing Rules set forth specific procedures for the conduct of hearings, including the obligation to inquire into all issues, and to make a record, as well as the right of the parties to call

witnesses and present other evidence. The relevant section of the Hearing Rules as published by the Commission are attached as Exhibit 3.

41. The Commission's decision not to grant the required hearing, even to make a record as to the nature of the claim, or a record sufficient for this Court to determine whether claim fell within the Commission's jurisdiction, was improper under the Commission's own Hearing Rules, denied Officer Michael the due process to which he was entitled, and should be reversed.

WHEREFORE Plaintiff respectfully requests that this Honorable Court review and reverse the decision of the Commission and remand this matter for a hearing before the Commission in accordance with the Act and the Hearing Rules (except to the extent that the Hearing Rules are in conflict with the Act, as set forth below), and that this Honorable Court further award such costs and reasonable attorney fees as may be appropriate.

**COUNT II
COMPLAINT FOR MANDAMUS – TO COMPEL A HEARING**

42. Plaintiff restates the allegations of paragraphs 1 through 41 as if fully set forth herein.

43. By refusing to hear the appeal of Officer Michael, the Commission has failed to fulfill its statutory duty.

WHEREFORE Plaintiff respectfully requests that this Honorable Court enter an Order of Mandamus compelling the Commission to fulfill its statutory to hear the case, and that this Honorable Court further award such costs and reasonable attorney fees as may be appropriate.

**COUNT III
COMPLAINT FOR MANDAMUS – TO AMEND HEARING RULES**

44. Plaintiff restates the allegations of paragraphs 1 through 43 as if fully set forth herein.

45. The Hearing Rules promulgated by the Defendant Commission fail to carry into effect the provisions of the Act, in that they improperly purport to prohibit the Commission from hearing cases which the Act requires the Commission to hear.

46. The Hearing Rules, Article X, Section 1, only permit employees to appeal certain matters, specifically:

B. ... violations concerning the application of the Merit Principle to the Civil Service Commission...

[and]

C. ... disciplinary actions resulting in discharge, suspension or demotion...

47. However, Act 78 governs a larger range of matters, and provides that:

a member of any fire or police department encompassed by this act shall not be removed, discharged, reduced in rank or pay, suspended, or otherwise punished except for cause. MCL 38.514.

48. The Act prohibits discharge except for cause. The Rules permit an appeal only when the discharge is for disciplinary reasons.

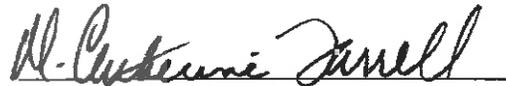
49. The Act explicitly applies to reductions in pay. The Hearing Rules do not permit the Commission to hear appeals when an employee suffers a reduction in pay.

50. The Act applies to all cases where an employee is "otherwise punished." The Hearing Rules do not permit the Commission to hear appeals unless the punishment results in discharge, suspension or demotion.

51. The Hearing Rules thus fail to carry into effect all of the applicable provision of Act 78, are therefore defective, and are not permitted by the Act.

52. In this case, the narrower rules led directly to the Commission's failure to fulfill its statutory duty to Officer Michael. The Commission should be instructed to amend the Rules to comply with the Act or, at a minimum, to ignore those provisions which are contrary to the Act and to perform its statutory duty in accordance with the Act.

WHEREFORE Plaintiff respectfully requests that this Honorable Court enter an Order of Mandamus compelling the Commission to amend or set aside its rules to the extent that they are inconsistent with the Act, or, alternatively, to ignore those provisions which are contrary to the Act and to perform its statutory duty in accordance with the Act, and that this Honorable Court further award such costs and reasonable attorney fees as may be appropriate.



M. Catherine Farrell (P35248)
Pierce, Duke Farrell & Tafelski P.L.C.
Attorney for Plaintiff
2525 S. Telegraph Ste 100
Bloomfield Hills, Mi 48302
(248) 852-1365

Dated: March 30, 2012

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

A. ROLL CALL:

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

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

B. APPROVAL OF MINUTES:

1. Approval of Minutes of Thursday, September 22, 2011

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

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

Yes: Cannon, McGinnis
No: None

MOTION CARRIED

C. PETITIONS AND COMMUNICATIONS:

D. REPORTS:

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

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

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

Noted and Filed

E. OLD BUSINESS: None

F. NEW BUSINESS:

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

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

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

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

Resolution #CSC-2011-12-004

Moved by Cannon

Seconded by McGinnis

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

Yes: McGinnis, Cannon

No: None

MOTION CARRIED

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

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

Resolution #CSC-2011-12-005

Moved by Cannon

Seconded by McGinnis

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

Yes: Cannon, McGinnis

No: None

MOTION CARRIED

PUBLIC COMMENT:

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

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

G. ADJOURNMENT:

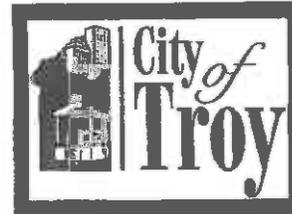
The Civil Service Commission (Act 78) meeting **ADJOURNED** at 8:10 AM.

Donald E. McGinnis, Jr., Chairman

Aileen Bittner, City Clerk

500 W. Big Beaver
Troy, MI 48084
(248) 524-3300

The City of Tomorrow...



...Today

**CITY OF TROY
CIVIL SERVICE COMMISSION (Act 78)
OAKLAND COUNTY, MICHIGAN
RESOLUTION**

At a meeting of the Troy Civil Service Commission (Act 78) held on Thursday, January 19, 2012, the following Resolution was passed:

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

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

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

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

Yes: All-3
No: None

MOTION CARRIED

I, M. Aileen Bittner, duly appointed City Clerk of the City of Troy; do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Troy Civil Service Commission (Act 78) at a Meeting duly called and held on Thursday, the 19th day of January, 2012.


M. Aileen Bittner, CMC
City Clerk

CITY OF TROY - CIVIL SERVICE COMMISSION RULES (Act 78)

ARTICLE X APPEAL HEARINGS
Section 1. General

- A. The following rules are enacted pursuant to Public Act 78 of 1935, Section 9 to facilitate the orderly and fair disposition of required hearings.
- B. Any employee of or applicant for appointment to the Police and Fire Department of the City may appeal violations concerning the application of the Merit Principle to the Civil Service Commission.
- C. Employees may appeal disciplinary actions resulting in discharge, suspension or demotion to the Civil Service Commission.

Section 2. Appeal Procedure

- A. Requests for an appeal hearing before the Civil Service Commission must be filed with the Clerk within 5 calendar days following the employee's notification of the action which is being appealed. The request for a hearing must contain reasons for the appeal and state the remedial action requested.
(06/28/89)
- B. Any interested party may file briefs or other written statements within the time specified by the Commission.
 - 1. Any brief or written statement must be concise.
 - 2. Four copies of all documents shall be filed with the Commission and one copy served on each of the other parties.
 - 3. Briefs or written statements of more than 10 pages shall be indexed.
- C. The Commission may consolidate or sever any pending cases.
- D. The Civil Service Commission shall hear the appeal within the time prescribed by these rules, and either affirm, modify or revoke the action that caused the appeal.
- E. If the employee fails to appear in person or by representative at the hearing, after proper notice, the employee waives the right to be heard.
- F. The Civil Service Commission may proceed in the absence of any party, who, after proper notice, fails to be present or obtain a postponement. A determination shall not be made solely on the default of a party. The Commission shall require the party that is present to submit evidence necessary for a determination.
- G. The employee may withdraw a request for a hearing, provided it is done in writing and filed with the Commission. Once the request is withdrawn, it may not be reinstated.
- H. The determination of the Commission is final and shall be certified to the parties.

Section 3. Postponement of Hearings

- A. Appeal hearings may be postponed only by the Civil Service Commission.
- B. In seeking a postponement of the hearing, a party must:
 - 1. Submit the request in writing to the Clerk at least one calendar day before the hearing.
 - 2. State reasons for the request.
 - 3. Suggest alternative dates for rescheduling the hearing.
 - 4. State whether all parties agree to the request.
 - 5. Serve a copy of the request on each of the parties.
- C. The Commission may require the parties to present their positions on the postponement before ruling upon the request.

Section 4. Conduct of Hearing

- A. All meetings called for the purpose of conducting business within the jurisdiction of the Civil Service Commission shall be public except that the Commission may meet in closed session to consider the dismissal, suspension or demotion of an employee when that employee requests a closed session. The Commission may also meet in closed session to consider matters relating to specific examinations.
- B. The Commission shall inquire fully into all issues and obtain a record upon which the Commission's decision is made.
- C. Any party to the proceeding has the right to appear at the hearing in person or by representative, and to call, examine, cross-examine and rebut witnesses and introduce evidence on the issues.
- D. The Commission has the right to have its legal advisor present throughout the hearing, and may briefly recess the hearing to consult with the legal advisor on any legal question that may arise.
- E. The Chairperson shall preside at the hearing. In his or her absence, the Vice Chairman shall preside.

Section 5. Subpoenas

- A. Upon application by a party, and upon a showing of general relevancy, the Clerk shall authorize subpoenas requiring the attendance and testimony of witnesses and the production of evidence. Persons requesting subpoenas shall prepare the subpoenas specifying the names and addresses of witnesses and the evidence sought and shall include the names and addresses of persons from whom the evidence may be obtained.
- B. Witnesses summoned before the Civil Service Commission shall be paid the same fee and mileage by the summoning party that are paid witnesses in Oakland County Circuit Court. Witnesses whose depositions are taken and the person taking the deposition shall be paid the same fees paid for like services in Oakland County Circuit Court by the deposing party.
- C. If any person refuses to obey a subpoena, refuses to be sworn or to testify, or if any person is guilty of contempt at any hearing, the

Commission may apply to Oakland County Circuit Court for an appropriate order of compliance.

Section 6. Presentation of Evidence

- A. Before taking testimony, the parties shall state the names of proposed witnesses, and if requested by the Commission, shall state the nature of the testimony to be given by each witness. The Commission may refuse to take testimony of witnesses where the testimony is not relevant.
- B. Witnesses may be sequestered by the Commission.
- C. Witness(es) may be allowed to testify in narrative form.
- D. Witnesses shall be examined orally under oath. The Commission may permit the testimony to be taken by deposition under oath.
- E. The rules of evidence prevailing in courts of law are not controlling. Hearsay may be admitted.
 - 1. Objections to the introduction of testimony or documentary evidence shall be ruled upon by the Chairperson.
 - 2. Objections to offers of evidence may be made and shall be noted in the record.
 - 3. The Commission shall decide objections of a party immediately or after a brief recess. The objections and their disposition shall be made a matter of record.
- F. On a motion of any commission member, the Chairperson may terminate questioning of a witness when the testimony becomes irrelevant, immaterial or unduly repetitious.
- G. The Commission may provide for submission of all or part of the evidence in written form.

Section 7. Depositions

- A. The Clerk may authorize the deposition of any witness including those out of state, upon the request of a party if:
 - 1. The witness is unable to attend the hearing because of illness, infirmity or hardship; or
 - 2. The witness cannot be compelled to attend the hearing by subpoena; or
 - 3. All parties agree to the deposition; or
 - 4. The witness is an expert witness.
- B. The request of a part to take a witness's testimony by deposition shall be made at least 7 days before the time scheduled for hearing. The application shall be made to the Clerk and shall state the identity of the witness, the materiality of the proposed testimony, and the reasons for requesting that the testimony be presented by deposition. This application shall be served upon the adverse party, who shall specify any objections to the Clerk within 5 business days of his receipt of the request.
- C. Either party may appeal the decision of the Clerk to the Commission.
- D. Conduct of deposition:

1. The deposition shall be taken before a person authorized to administer oaths by the state of Michigan or by the state in which the deposition is taken.
2. The deposition may be stenographically recorded, may be taken by videotape machines, or may be taken by other electronic means.
3. The original copy of the transcription of stenographic depositions or the original recording of the deposition taken by other means, shall be furnished to the Clerk. The parties may request a copy of the transcript or recording of the deposition.
4. All rules governing the presentation of evidence before the Commission shall apply to examination and cross-examination upon deposition. All objections made during the course of the deposition shall be made at the time of questioning the witness. The answer shall be given over the objection, and the substance of the objection ruled upon by the Commission upon presentation of the deposition into the record.

Section 8. Order of Hearing

- A. The charging party shall present and substantiate the charges and explain the basis for the penalty imposed. The charged party may present evidence and give testimony to refute the charges or challenge the penalty.
- B. The order of the hearing shall be:
 1. Introduction of the disputed case by the Chairperson.
 2. Presentation of an outline of hearing rules (by Chairperson or Clerk) may be waived if parties agree.
 - a. The jurisdiction of the Commission shall be limited to that granted by state law and collective bargaining contracts.
 - b. The parties may represent themselves or be represented.
 - c. The Chairperson, Clerk or stenographer shall swear witnesses and label evidence and exhibits.
 - d. There shall be a record made of the hearing.
 - e. While the case is pending or the hearing is being conducted, neither party or their representative shall communicate with Commission members other than on official hearing procedure or in matters pertaining to the scheduling of the case.
 3. Charging Party's opening statement.
 4. Charged Party's opening statement. May be waived or reserved.

5. Presentation of Charging Party's witnesses, evidence and exhibits:
 - a. Cross-examination of each by Charged Party.
 - b. Redirect testimony of each.
 - c. Recross examination of each by Charged Party.
 - d. Examination of each by Commissioners.
6. Presentation of Charged Party's witnesses, evidence and exhibits.
 - a. Cross-examination of each by Charging Party.
 - b. Redirect testimony of each.
 - c. Recross examination of each by Charging Party.
 - d. Examination of each by Commissioners.
7. Charging Party's closing statement.
8. Charged Party's closing statement.
9. Charging Party's rebuttal.
10. Closing of all testimony and argument.
11. Deliberations by Commission:
 - a. Commission members shall deliberate after hearing the entire case. A Commissioner who has been absent from any of the proceedings may deliberate only after reviewing that portion of the record from the proceeding missed.
 - b. A majority vote of Commissioners participating shall be required for a Commission decision.
 - c. The decision of the Commissioners shall be in writing, signed by the Commissioners and forwarded to the interested parties within 30 days after completion of the hearing.
 - d. A Commissioner who disagrees with the majority decision may submit a dissenting opinion which shall be filed with the Commission.

Section 9.

Decision of the Commission

- A. Following the hearing and upon completion of the record, the Commission shall issue a decision containing its finding of fact and conclusions of law. The decision shall be based upon the record as a whole, and supported by competent, material and substantial evidence.
- B. The decision of the Commission shall be part of the record and a copy shall be served upon the parties by regular mail.

NOTICE OF MANDATORY EFILE

OAKLAND
COUNTY

12-125981-CL



JUDGE MARTHA D. ANDERSON
TROY POLICE O v TROY CITY

- Your case has been assigned to the mandatory efile pilot project, based on the judge assignment for this case [Administrative Order (AO) 2007-3 and AO 2010-3 - www.oakgov.com/clerkrod/efiling]
- Plaintiff is responsible for serving a copy of this notice with the Summons and Complaint on all opposing parties.
- All future filings must be made through the Tyler Odyssey File & Serve (formerly known as Wiznet) application. You may access efile at www.oakgov.com/clerkrod/efiling.
- Before you may efile a document with the Court, you must register a firm and user, through Tyler Odyssey File and Serve.
- Trainings on Odyssey File & Serve are offered at the Oakland County Courthouse, as well as online. Times and dates of in-person trainings are located at www.oakgov.com/clerkrod/efiling. To obtain on-line or teleconference training or for technical support, please contact Tyler at 800 297-5377 or support@wiznet.com. If you have further questions regarding efile, contact the Clerk's Office at (248) 452-8643.
- Judges issue opinions and orders electronically. All filers must register as a Service Contact through Odyssey File and Serve. If you fail to register, you will not receive copies of orders issued by the Court. Neither the Court nor the County Clerk provide free copies of opinions, orders, or other electronically filed documents to an attorney or party who fails to properly register with the Odyssey File & Serve application. An attorney or party who fails to properly register for efile may obtain copies of documents from the County Clerk at a cost of \$1.00 per page.

eFiling Quick Tips

- It is important that you are registered with Tyler Odyssey File & Serve (formerly known as Wiznet) and that you add yourself as a service contact as soon as you receive this notice at www.wiznet.com/oaklandmi. If you are not listed as a service contact you will not receive copies of documents that are issued by the court and will result in a fee for a copy of the document afterwards.
- A credit card is required to use the Odyssey File & Serve e-filing system.
- To prevent e-mails containing the service of documents going into your spam/junk folder we recommend that you register ccservice@wiznet.com with your e-mail provider, or add them to your white list.
- All pleadings are required to be signed with either an ink (wet/scanned) signature or the electronic signature which must read as follows: /s/name.
- Training is offered at the Oakland County Circuit Court. Training is not required before using Odyssey File & Serve, but is highly recommended. You can obtain the training times and location on our website at www.oakgov.com/clerkrod/efiling. Online training and eFiling manuals are also available at the Oakland County Odyssey File & Serve log-in page at www.wiznet.com/oaklandmi.
- It is important that you review your documents before submitting them. Make sure that your document is legible, that it is scanned at 8 ½ by 11 scale size and it is facing the right direction. We recommend that you do not submit your documents in color. Please scan your documents in black and white and at 200 DPI.
- Anytime a document is rejected, the filer will receive an e-mail explaining the reason for the rejection. However e-mails are not sent when a document is accepted. You must check your e-file queue for status of your document and to obtain a copy of the time stamped document.
- No fee is taken if your document is rejected. Fees are only applied at the time that the Oakland County Clerk's Office accepts your document.
- Documents that are related to each other can be submitted together as one document. For example: Motion for Summary Disposition/Brief/Notice of Hearing/Proof of Service. Documents that are not related to each other must be submitted as their own document. If you have any questions regarding the filing of related documents please call the Oakland County Clerk's Office at (248) 452-8643.
- Praecipes must be submitted through the e-praepice system in order for your court date to be scheduled. You can find the e-praepice link on our website at <http://courts.oakgov.com/epraepice>. If you have any questions regarding the e-praepice system, please contact the case management office at (248)858-0352.
- You can find the Local Administrative Order regarding the E-File Program on our website at www.oakgov.com/clerkrod/efiling.

ELECTION COMMISSION MINUTES – Draft

April 9, 2012

A meeting of the Troy Election Commission was held April 9, 2012, at City Hall, 500 W. Big Beaver Road. City Clerk Bittner called the Meeting to order at 8:04 AM.

Roll Call:

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

ABSENT: David C. Anderson

Minutes: Regular Meeting of March 29, 2012

Resolution #EC-2012-04-005

Moved by Dewan

Seconded by Bittner

RESOLVED, That the Election Commission hereby **APPROVES** the Minutes of March 29, 2012 as presented.

Yes: Dewan, Bittner

No: None

MOTION CARRIED

Approval of Precinct Boundary Map

Resolution # EC-2012-04-006

Motion by Dewan

Seconded by Bittner

RESOLVED, That the Election Commission hereby **APPROVES** the City of Troy Precinct Map, with no precinct boundary changes as a result of redistricting, as presented by the City Clerk.

Yes: Dewan, Bittner

No: None

MOTION CARRIED

Adjournment:

The meeting was adjourned at 8:06 AM.



M. Aileen Bittner, CMC
City Clerk

Chair Maxwell called the Special/Study meeting of the Troy City Planning Commission to order at 7:30 p.m. on April 24, 2012 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

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

Absent:

Philip Sanzica

Also Present:

Allan Motzny, Assistant City Attorney
R. Brent Savidant, Planning Director
Mark F. Miller, Economic & Community Development Director
Glenn Lapin, Economic Development Specialist

2. APPROVAL OF AGENDA

Resolution # PC-2012-04-024

Moved by: Schultz
Seconded by: Tagle

RESOLVED, To approve the Agenda as printed.

Yes: All present (8)
Absent: Sanzica

MOTION CARRIED

3. MINUTES

Resolution # PC-2012-04-025

Moved by: Edmunds
Seconded by: Schultz

RESOLVED, To approve the minutes of the April 10, 2012 Regular meeting as published.

Yes: All present (8)
Absent: Sanzica

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

5. ZONING BOARD OF APPEALS (ZBA) REPORT

Mr. Strat presented ZBA report.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller reported there will be a DDA meeting on May 2 at 7:30am in Lower Level Conference Room at Troy City Hall.

7. PLANNING AND ZONING REPORT

Mr. Savidant stated he is beginning to have more people contact the Planning Department to discuss residential projects.

OTHER ITEMS

8. POTENTIAL ZONING ORDINANCE TEXT AMENDMENT – Drive-throughs for Financial Institutions within the BB Big Beaver District

Mr. Savidant summarized the item. He indicated there was interest from some financial institutions to add drive-throughs within the Big Beaver District. Presently these uses are not permitted.

There was general discussion on this item. The Planning Commission agreed in concept to permit drive-throughs for financial institutions within the Big Beaver District. Some points that were discussed:

- Special Use Approval
- Drive-through not visible from street or separate from main bank building
- Tubes buried underground
- No additional curb cuts for drive-through

9. PLANNING AND ECONOMIC DEVELOPMENT – Presentation by City Staff

Mark F. Miller, Economic & Community Development Director, discussed the City's improved development approval process.

Glenn Lapin, Economic Development Specialist, discussed the City's new approach to economic gardening.

R. Brent Savidant, Planning Director, discussed the culture of the Planning Department and how it has evolved over time. Additionally, he discussed the role of Planning and Zoning in helping to create an environment for investment in Troy.

There was general discussion on this item.

10. PLANNING COMMISSION COMMENT

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENT

There was general discussion.

The Special/Study meeting of the Planning Commission adjourned at 9:15 p.m.

Respectfully submitted,

Mark Maxwell, Chair

R. Brent Savidant, Planning Director



CITY COUNCIL AGENDA ITEM

Date: May 10, 2012

To: Mayor and City Council

From: John Szerlag, City Manager
Mark F. Miller, Director of Economic and Community Development
Glenn Lapin, Economic Development Specialist

Subject: Tax Abatement Policy

Per the request of Councilman Dave Henderson, information regarding tax abatement policies is being provided to City Council. Attached is a copy of the City of Troy P.A. 198 Industrial Facilities Tax Exemption (Tax Abatement) Guidelines for reference.

The State of Michigan's Public Act 198 of 1974, the Industrial Facilities Tax Exemption Act, is one of the oldest and most widely used tax incentive programs in Michigan. Prompted by declining investment in industrial facilities through the 1960's, P.A. 198 was passed in an effort to help retain the State's manufacturing jobs and encourage new investment. P.A. 198 is the only locally approved Troy tax abatement program currently in place.

In addition to Public Act 198, the State of Michigan also permits localities to offer the New Personal Property Exemption, PA 328 of 1998, (MCL 211.9 f) as amended. This program, not currently offered in Troy, affords a 100% property tax exemption for specific businesses located within eligible distressed communities. This exemption is for all new personal property placed in a district that has been established by the local unit of government. The local unit of government determines the number of years granted and may grant any number of years for the exemption.

Tax abatements have generated significant debate in recent years. In a perfect world, there would be no need for tax abatement programs. Ideally, the cost of doing business would be the same across state lines, county lines and municipal jurisdictions. However, the cost of doing business varies greatly by location. If a company is seeking to invest millions of dollars in a new or renovated facility, they will seek out a location that minimizes their overall costs. Tax abatements are designed to address some of those potential cost disadvantages. Without tax abatements, companies that need to justify a business case for their locational decisions will be more inclined to look elsewhere.

The State of Michigan has enacted new policies, effective January 1, 2012, that address the overall business tax structure in Michigan. The Michigan Business Tax (MBT) has been eliminated and replaced with a simpler, more competitive corporate income tax – 6% on federal taxable income for C Corporations. In addition, the state legislature is currently considering eliminating personal property taxes. This change, depending on the final bill that gets approved, would directly impact the use of both PA 198 and PA 328.



CITY COUNCIL AGENDA ITEM

In Troy, PA 198 has been an effective tool in circumstances when it might mean the difference between placing an abandoned structure or site back on the tax rolls (at a reduced rate) versus keeping the site vacant and non-tax producing.

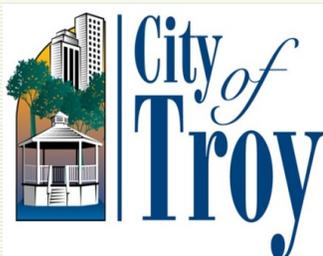
Here in Troy our most recent success has been the retention of Meritor, where Troy was selected over the State of Ohio. And, providing abatement was one of the reasons the company stayed in Troy.

In summary, tax incentives/abatements have been used extensively throughout Michigan and the U.S. to help level the playing field for business site decisions. Many companies use consultants to facilitate the tax abatement request. The P.A. 198 Industrial Facilities Tax Exemption is currently offered in Troy. Each request for abatement through P.A. 198 comes before City Council for approval or denial.

*City of Troy
Tax Abatement
Statement of
Purpose*

WHEREAS, The City of Troy has the economic objective of:

- increasing employment opportunities,
- diversifying and stabilizing the tax base of the community,
- reducing economic obsolescence,
- providing homogenous industrial areas,
- encouraging expansion,
- providing for improved public facilities,
- encouraging attractive, viable building sites and
- enhancing our economic development tools to attract and retain businesses



CITY OF TROY P.A. 198 INDUSTRIAL FACILITIES TAX EXEMPTION (TAX ABATEMENT) GUIDELINES

A company that is in the planning phase of a major business attraction or expansion project that will include a capital investment in real and/or personal property may be eligible for a P.A. 198 Industrial Facilities Tax Exemption (tax abatement). Established by the State of Michigan, P.A. 198 tax exemptions allow companies to receive approximately a 50% reduction in their anticipated new real or personal property tax liability. Troy City Council has adopted the following criteria to establish eligible applications for consideration of a real and/or personal property tax abatement.

POLICY ELIGIBILITY CRITERIA:

1. An Industrial Facilities Exemption Certificate (IFEC) tax abatement shall not be granted until there is compliance with MCL 207.559; and
2. Any real and/or personal property tax abatement at a minimum must be revenue neutral to the City of Troy.
3. Leasehold property shall not qualify for an IFEC tax abatement unless applicant is responsible for payment of the property taxes, and can demonstrate timely payment of property taxes upon the City's request; and
4. An IFEC tax abatement shall not be issued for a period or term exceeding 12 years; and
5. An IFEC tax abatement shall not be issued unless an Applicant meets two of the three criteria listed below:
 - will create more than 10 jobs
 - has a real and/or personal property investment of at least \$750,000.00
 - owns the underlying real property or has a lease for the underlying property for a minimum term of 5 years

APPLICATION PROCESS:

Once a company has determined that it meets the minimum criteria for consideration of a tax abatement, then a company may begin the process of formally applying for the IFEC. The process is as follows:

1. Letter of Intent submitted on Applicant's letterhead to the City Assessor (purchases made after the Letter of Intent is submitted may then be eligible for Tax Abatement. No purchases made before the submittal are eligible).
2. Complete Michigan Department of Treasury Form 1012 (Rev 4-06)
 - Include with the form:
 - a. Detailed list of personal property to be purchased including anticipated dates of purchase and cost
 - b. Cost Sheet for anticipated improvements in real property
 - c. Lease Agreement showing building terms and applicants' tax liability (if applicable)
3. Submit application and attachments to City Assessor
4. City Council Public Hearings are scheduled
5. City Council establishment of the District and approval of the IFEC
6. Resolution submitted to State Tax Commission for final approval and issuance of certificates
7. December 31st of the year the certificate is awarded – the projected investment must be complete within two years.

LENGTH OF THE TAX ABATEMENT:

Troy City Council has approved the use of the following matrix to calculate the length of an IFEC tax abatement, where the increase in the number of jobs created will increase the term of the IFEC abatement, and similarly the increase in the personal property investment and the ownership/lease conditions on the real property will increase the term of the IFEC abatement:

Tax Abatement Matrix for Real and Personal Property					
Categories					
Job Creation		Building Terms		RP and/or PP Investment	
10 - 24	1 year	Own	4 years	\$ 750,000	1 year
25 - 49	2 years	Lease		\$ 2,000,000	2 years
50 - 99	3 years	5 year	1 Year	\$ 5,000,000	3 years
100 - 149	4 years	6 - 9 year	2 years	\$ 10,000,000	4 years
150 - 199	5 years	10 + year	4 years	\$ 20,000,000	5 years
200 +	6 years				

Must meet two of the three criteria

Example:

Company A is planning to lease R&D space for their new high tech facility. The company will sign a 5 year lease and will purchase \$4 million in new equipment and computers. The company will create 100 jobs with this investment.

Therefore, the company would be eligible to receive:

4 years – (jobs created) **PLUS**

1 year – (building terms) **PLUS**

2 years – (personal property investment)

7 years total for personal property tax abatement

TAX ABATEMENT APPLICATION FEE:

The Troy City Council has authorized the implementation of an application fee equal to 2% of the estimated personal property taxes abated under the terms of the IFEC tax abatement, or the actual costs of processing the application, whichever is less. The City of Troy will not charge or collect any other fees for the application, in keeping with MCL 207.555 (3).

REQUIREMENTS AFTER TAX ABATEMENT IS APPROVED:

By the December 31 date that is 2 years after the December 31 of the year that the abatement is approved, the applicant will supply the City Assessor with a Letter confirming that the purchases, employment numbers, and/or renovations are complete. If these figures have not been reached, a letter of explanation must be submitted to the City Assessor, for review by City Council, which may then cancel the abatement, or offer a new abatement with reduced values and years.

For assistance with your business attraction and retention needs, please contact the City Manager's Office at 248.524.3330. For assistance with the IFEC process and application, please contact the City Assessor's Office at 248.524.3311.



CITY COUNCIL AGENDA ITEM

Date: May 7, 2012

To: John Szerlag, City Manager

From: Timothy Richnak, Public Works Director

Subject: SOCRRA Quarterly Report April 2012

Background

This report contains a financial statement of the Authority's operation and an outline of projects in progress and completed during the quarter. The report also contains statistical information and other information of general interest.

tlr\S:\Richnak Agenda Items\SOCCRRA Quarterly Report April 2012



Berkley • Beverly Hills • Birmingham • Clawson • Ferndale • Hazel Park • Huntington Woods • Lathrup Village • Oak Park • Pleasant Ridge • Royal Oak • Troy

QUARTERLY REPORT April 2012

BOARD OF TRUSTEES	
Representative	Municipality
J. Bais-DiSessa	City of Berkley
C. Wilson	Village of Beverly Hills
L. Wood	City of Birmingham
M. Pollock	City of Clawson
B. Photiades	City of Ferndale
A. LeCureaux	City of Hazel Park
A. Allie	City of Huntington Woods
J. Mueller	City of Lathrup Village
K. Yee	City of Oak Park
S. Ball	City of Pleasant Ridge
G. Rassel	City of Royal Oak
T. Richnak	City of Troy

OFFICERS	
Chair:	B. Photiades
Vice Chair:	J. Mueller
Secretary:	G. Rassel
Advisory Committee:	A. Allie S. Ball J. Mueller B. Photiades

J. A. McKeen	General Manager
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April 2012

Board of Trustees
SOCRRA

Subject: Quarterly Report – April 2012

Board Members:

Attached is a copy of SOCRRA's Quarterly Report, covering the first nine months operation of the fiscal year 2011/12. The report contains a financial statement of the Authority's operation and an outline of projects in progress or completed during the quarter. The report also contains statistical information and other information of general interest to the members of the Board of Trustees, and the members of the governing body of each of the member municipalities of this Authority.

FINANCIAL STATEMENT

The total net income for the first 9 months of 2011/12 was \$1,097,100 before capital expenses and depreciation, which is \$214,555 more than budgeted. This is \$397,683 greater than the net income reported for the first nine months of 2010/11.

	<u>Actual</u>	<u>Compared to Budget</u>
Revenue	\$14,681,638	+ \$473,698
Expenses	\$13,584,538	+ \$259,143
Net Operating Income	\$ 1,097,100	+ \$ 214,555

The increase in revenue was due primarily to receiving higher than budgeted non-member refuse (+\$279,000), member revenue (+\$117,000), compost sales (+\$61,000) and the sale of recycled materials (+\$44,000). These increases were partially offset by decreases in rental income (-\$22,000) and in grant revenue (\$-7,000). Revenue from the sale of recycled material totaled \$1.41 million, which is a 17% increase over the amount generated for the first nine months of 2010/11, and was 9.6% of total revenue. Additional information on the prices for our recycled materials is in the Major Projects area of this report.

Expenses were significantly over budget with increases in contract expenses (+\$417,000), which were partially offset by decreases in non-labor Administrative & General expense (-\$99,000), labor (-\$30,000), maintenance (-\$21,000), and utilities (-\$8,000). Additional financial detail is attached.

As of March 30, 2012, our working capital was 11.1% based on unrestricted assets. This is above the 7.5% working capital goal approved by the Board and is a significant improvement over the 7.9% as of March 25, 2011.

MATERIAL HANDLED

The Authority processed 142,055 tons of refuse, yard waste and recyclables during the first nine months of the current fiscal year. This represents an increase of 0.4% or 600 total tons compared to the same period last year. This is the third consecutive increase in tonnage handled we have seen after five years of decreasing tonnage. Refuse tonnage from the member communities increased by 2.7%, which is the first increase we have seen after many years of decreasing member refuse. We had a large decrease (14%) in non-member refuse tonnage, primarily from Rizzo Services and Tringali Sanitation sending some tonnage to the Detroit incinerator, which was not open for a significant portion last year. Recycling tonnage from the member communities increased by 2.9% compared to 2010/11.

July 1 Through March 31

	2007/08	2008/09	2009/10	2010/11	2011/12
Member Refuse	85,227	80,965	77,638	77,139	79,207
Non-Member Refuse	5,021	5,161	8,608	21,596	18,526
Member Recycling	11,737	12,507	12,346	12,716	13,079
Non-Member Recycling	300	521	2,815	941	353
Yard Waste	<u>30,410</u>	<u>31,072</u>	<u>36,081</u>	<u>29,063</u>	<u>30,890</u>
TOTAL	132,695	130,226	137,488	141,455	142,055

CAPITAL EXPENDITURES

Capital expenditures for the first nine months of the fiscal year totaled \$122,295 and were for partial payments for the new loader (\$50,000) and the new horizontal grinder (\$21,000) at the Compost Site, concrete replacement at the Troy Transfer Station (\$30,000), a new overhead door at the MRF (\$14,000) and the replacement of the main electrical feed to the Madison Heights Transfer Stations (\$5,000).

MAJOR PROJECTS

RECYCLED COMMODITY PRICES

We continued to receive very strong prices for our recycled paper and plastic materials during the quarter. The plastic prices have increased about 50% from December of 2011. This resulted in the MRF generating about \$180,000 in revenue per month for the first 8 months of the fiscal year. We are continuing to have to pay to recycle our mixed color glass and the mixed #1-#7 injection molded plastics. We are continuing to ship about 30,000 pounds of these plastics for recycling every month. Since all of the prices that we receive for our recycled materials are tied to market prices, we continue to expect significant month-to-month price fluctuations.

PROCESSING MATERIALS FROM OTHER COMMUNITIES

Both Rizzo Services and Tringali Sanitation are continuing to bring us a significant amount of refuse from outside of the SOCRRA communities, despite the reopening of the Detroit incinerator. The incremental revenue from Rizzo and Tringali helps us to offset the fixed costs

of running the Troy Transfer Station. Car Trucking has also approached us about using the Troy Transfer Station for refuse; we are developing an agreement with Car.

REUSE OF SOCRRA'S MADISON HEIGHTS FACILITY

We are continuing to work with Rizzo Services to develop a plan for the reuse of SOCRRA's Madison Heights property as a transfer station and single stream recycling processing center. Our discussions with Rizzo are progressing well. We also met with representatives of Madison Heights in January to discuss this project. We will be working with Madison Heights to ensure that issues important to them are addressed as we redevelop our property. Our discussions with both Rizzo and Madison Heights have gone extremely well.

ELECTRONICS RECYCLING

At the January Board meeting, the Board approved extending our one year contract for electronics recycling with Materials Processing Corporation. In the new contract, MPC increased the prices that they pay us for our recycled electronics. MPC is also certified as both a Responsible Recycler and as an e-Steward by the Basel Action Network. Having two third party certifications, both of which require external verification, offers SOCRRA significant assurances that our electronic materials are being recycled correctly. One of the reasons that we are now being paid for our electronics is that the State of Michigan enacted legislation that requires manufacturers of televisions and computer equipment to have "take back" programs in place as of April of 2010. Over the last two years, our electronics recycling program has changed from an annual cost of approximately \$60,000 to annual revenue of about \$12,000.

LANDFILL CLOSURE

We have responded to the MDEQ regarding the issues that they raised regarding our landfill closure request, which was submitted in December of 2005. We have not yet received a response from the MDEQ. We have been maintaining the landfill as being closed and the MDEQ field inspectors have identified the landfill as being closed in each of the quarterly inspections that have been completed since 2005.

PERSONNEL CHANGES

Two of our MRF employees retired during the quarter. As a result, we have done two internal promotions and we are in the process of hiring an entry level employee. We have used these personnel changes as an opportunity to review our job descriptions to make sure that they are current and to develop new training and assessment procedures to ensure that all newly hired or promoted employees are fully capable of performing all of the duties of their new job. This should provide us with significant operational flexibility in future years.

Respectfully submitted,

Jeffrey A. McKeen, P.E.
General Manager

SOCRRA
 STATEMENT OF INCOME
 JULY 1, 2011 THROUGH MARCH 31, 2012

<u>REVENUES</u>	<u>ESTIMATED</u>	<u>ACTUAL</u>	<u>VARIANCES</u>
MEMBER SERVICES	\$12,143,790.00	\$12,261,092.00	\$117,302.00
NON-MEMBER REFUSE	510,000.00	788,906.60	278,906.60
NON MEMBER YARD WASTE	52,000.00	53,922.80	1,922.80
	<hr/> \$12,705,790.00	<hr/> \$13,103,921.40	<hr/> \$398,131.40
 <u>RECYCLING</u> 			
NEWSPAPERS	\$712,000.00	\$630,401.92	(\$81,598.08)
PLASTICS	290,000.00	329,397.57	39,397.57
CARDBOARD	186,000.00	287,456.15	101,456.15
TIN CANS	96,000.00	93,521.50	(2,478.50)
SCRAP METAL	60,700.00	44,477.09	(16,222.91)
NON FERROUS METAL	9,500.00	15,152.66	5,652.66
GLASS	7,200.00	4,080.25	(3,119.75)
ELECTRONICS	4,000.00	6,872.51	2,872.51
BATTERIES	2,700.00	1,128.54	(1,571.46)
	<hr/> \$1,368,100.00	<hr/> \$1,412,488.19	<hr/> \$44,388.19
 <u>OTHER</u> 			
REVENUES-COMPOST	\$25,000.00	\$85,781.00	\$60,781.00
INTEREST ON INVESTMENTS	11,250.00	14,154.10	2,904.10
RENTAL INCOME	72,000.00	49,691.62	(22,308.38)
GRANTS	6,800.00	0.00	(6,800.00)
MISC. INCOME	19,000.00	15,601.90	(3,398.10)
	<hr/> \$134,050.00	<hr/> \$165,228.62	<hr/> \$31,178.62
 TOTAL REVENUES	 <hr/> <hr/> \$14,207,940.00	 <hr/> <hr/> \$14,681,638.21	 <hr/> <hr/> \$473,698.21
 <u>EXPENSES</u> 			
	<u>BUDGET</u>	<u>ACTUAL</u>	<u>VARIANCES</u>
	<u>APPROPRIATIONS</u>	<u>EXPENDITURES</u>	
MADISON HEIGHTS FACILITY	\$90,471.00	\$98,993.63	\$8,522.63
TROY TRANSFER FACILITY	1,710,767.00	2,004,963.91	294,196.91
MATERIAL RECOVERY FACILITY	780,417.00	774,527.13	(5,889.87)
HOUSEHOLD HAZARDOUS WASTE	131,962.00	173,320.53	41,358.53
COMPOST/LANDFILL FACILITY	308,410.00	318,828.03	10,418.03
ADMINISTRATIVE & GENERAL	965,368.00	810,990.85	(154,377.15)
COLLECTION FEES	7,771,000.00	7,721,887.95	(49,112.05)
COLLECTION & DISPOSAL FEES IN TRANSIT	1,567,000.00	1,681,026.31	114,026.31
	<hr/> \$13,325,395.00	<hr/> \$13,584,538.34	<hr/> \$259,143.34
 REVENUES OVER EXPENSES	 \$882,545.00	 \$1,097,099.87	 \$214,554.87
 NET INCOME BEFORE DEPRECIATION	 <hr/> <hr/> \$882,545.00	 <hr/> <hr/> \$1,097,099.87	 <hr/> <hr/> \$214,554.87

SOCRRA
 STATEMENT OF INCOME
 JULY 1, 2011 THROUGH MARCH 31, 2012

<u>REVENUE</u>	<u>TOTAL TONS</u>	<u>AMOUNT</u>
MEMBER SERVICES	79,207.08	\$12,261,092.00
NON-MEMBER REFUSE	18,526.19	788,906.60
<u>YARD WASTE</u>		
MEMBERS	30,096.92	0.00
OTHERS	793.47	53,922.80
<u>RECYCLABLES</u>		
MEMBERS	13,079.16	0.00
OTHERS	353.63	0.00
	142,056.45	\$13,103,921.40
<u>RECYCLING</u>		
NEWSPAPERS		\$630,401.92
PLASTICS		329,397.57
CARDBOARD		287,456.15
TIN CANS		93,521.50
SCRAP METAL		44,477.09
NON FERROUS METAL		15,152.66
GLASS		4,080.25
ELECTRONICS		6,872.51
BATTERIES		1,128.54
		\$1,412,488.19
<u>OTHER</u>		
COMPOST SALES		\$85,781.00
INTEREST ON INVESTMENTS		14,154.01
RENTAL INCOME		49,691.62
GRANTS		0.00
MISC. INCOME		15,601.90
		\$165,228.53
TOTAL REVENUE		\$14,681,638.12
<u>EXPENSES</u>		
MADISON HEIGHTS FACILITY		\$98,993.63
TROY TRANSFER FACILITY		2,004,963.91
MATERIAL RECOVERY FACILITY		774,527.13
HOUSEHOLD HAZARDOUS WASTE		173,320.53
COMPOST/LANDFILL FACILITY		318,828.03
ADMINISTRATIVE & GENERAL		810,990.85
COLLECTION CONTRACT EXPENSES		7,721,887.95
COLLECTION & DISPOSAL FEES IN TRANSIT		1,681,026.31
		\$13,584,538.34
NET INCOME BEFORE DEPRECIATION		\$1,097,099.78
DEPRECIATION		478,314.00
NET INCOME		\$618,785.78

SOCRRA
STATEMENT OF REVENUES & EXPENDITURES
COMPARED WITH TOTAL BUDGET
JULY 1, 2011 THROUGH MARCH 31, 2012

<u>REVENUES</u>	<u>TOTAL BUDGET 2011/12</u>	<u>ACTUAL 9 MONTHS</u>	<u>BALANCE</u>	
MEMBERS SERVICES	\$16,191,714.00	\$12,261,092.00	\$3,930,622.00	76%
NON-MEMBER REFUSE	690,000.00	788,906.60	(98,906.60)	114%
<u>YARD WASTE</u>				
NON-MEMBERS	64,000.00	53,922.80	10,077.20	84%
<hr/>				
	\$16,945,714.00	\$13,103,921.40	\$3,841,792.60	
<u>RECYCLABLES</u>				
NEWSPAPERS	\$1,112,000.00	\$630,401.92	\$481,598.08	57%
PLASTICS	435,000.00	329,397.57	105,602.43	76%
CARDBOARD	277,000.00	287,456.15	(10,456.15)	104%
TIN CANS	138,000.00	93,521.50	44,478.50	68%
SCRAP METAL	92,000.00	44,477.09	47,522.91	48%
NON FERROUS METAL	13,000.00	15,152.66	(2,152.66)	117%
GLASS	11,000.00	4,080.25	6,919.75	37%
ELECTRONICS	6,000.00	6,872.51	(872.51)	115%
BATTERIES	4,000.00	1,128.54	2,871.46	28%
<hr/>				
	\$2,088,000.00	\$1,412,488.19	\$675,511.81	68%
<u>OTHER</u>				
COMPOST SALES	\$40,000.00	\$85,781.00	(\$45,781.00)	214%
INTEREST ON INVESTMENTS	15,000.00	14,154.01	845.99	94%
RENTAL OF HOMES	95,800.00	49,691.62	46,108.38	52%
GRANTS	10,000.00	0.00	10,000.00	0%
MISC. INCOME	25,000.00	15,601.90	9,398.10	62%
<hr/>				
	\$185,800.00	\$165,228.53	\$20,571.47	89%
TOTAL REVENUES	<hr/> <hr/> \$19,219,514.00	<hr/> <hr/> \$14,681,638.12	<hr/> <hr/> \$4,537,875.88	76%

SOCRRA
 STATEMENT OF REVENUES & EXPENDITURES
 COMPARED WITH TOTAL BUDGET
 JULY 1, 2011 THROUGH MARCH 31, 2012

<u>EXPENSES</u>	<u>TOTAL BUDGET 2011/12</u>	<u>ACTUAL 9 MONTHS</u>	<u>BALANCE</u>	
MADISON HEIGHTS FACILITY	\$111,440.00	\$98,993.63	\$12,446.37	89%
TROY TRANSFER FACILITY	2,871,140.00	2,004,963.91	866,176.09	70%
MATERIAL RECOVERY FACILITY	1,101,150.00	774,527.13	326,622.87	70%
HOUSEHOLD HAZARDOUS WASTE	190,100.00	173,320.53	16,779.47	91%
COMPOST/LANDFILL FACILITY	445,388.00	318,828.03	126,559.97	72%
ADMINISTRATIVE & GENERAL	1,280,540.00	810,990.85	469,549.15	63%
COLLECTION & DISPOSAL FEES	12,035,000.00	7,721,887.95	4,313,112.05	64%
COLLECTION & DISPOSAL FEES IN TRANSIT	0.00	1,681,026.31	(1,681,026.31)	0%
	<u>\$18,034,758.00</u>	<u>\$13,584,538.34</u>	<u>\$4,450,219.66</u>	
TOTAL EXPENDITURES	<u>\$18,034,758.00</u>	<u>\$13,584,538.34</u>	<u>\$4,450,219.66</u>	75%
NET INCOME	<u>\$1,184,756.00</u>	<u>\$1,097,099.78</u>	<u>\$87,656.22</u>	93%

SOCRRA
 COMPARATIVE STATEMENT
 JULY 1, 2011 THROUGH MARCH 31, 2012

	<u>2011/12</u>	<u>2010/11</u>	<u>VARIANCES</u>
<u>REVENUES</u>			
MEMBER SERVICES	\$12,261,092.00	\$11,908,047.53	\$353,044.47
NON MEMBER REFUSE	788,906.60	842,858.12	(53,951.52)
<u>YARD WASTE</u>			
MEMBERS	0.00	0.00	0.00
OTHERS	53,922.80	34,786.60	19,136.20
	<hr/>	<hr/>	<hr/>
	\$13,103,921.40	\$12,785,692.25	\$318,229.15
<u>RECYCLABLES</u>			
NEWSPAPERS	\$630,401.92	\$597,258.95	\$33,142.97
PLASTICS	329,397.57	256,987.51	72,410.06
CARDBOARD	287,456.15	179,401.17	108,054.98
TIN CANS	93,521.50	95,849.01	(2,327.51)
SCRAP METAL	44,477.09	53,362.32	(8,885.23)
NON FERROUS METAL	15,152.66	4,515.71	10,636.95
GLASS	4,080.25	7,287.57	(3,207.32)
ELECTRONICS	6,872.51	249.90	6,622.61
BATTERIES	1,128.54	1,002.27	126.27
	<hr/>	<hr/>	<hr/>
	\$1,412,488.19	\$1,195,914.41	\$216,573.78
<u>OTHER</u>			
COMPOST SALES	\$85,781.00	\$36,309.00	\$49,472.00
INTEREST ON INVESTMENTS	14,154.01	11,213.54	2,940.47
RENTAL OF HOMES	49,691.62	69,206.89	(19,515.27)
GRANTS	0.00	14,735.98	(14,735.98)
MISC. INCOME	15,601.90	20,018.17	(4,416.27)
	<hr/>	<hr/>	<hr/>
	\$165,228.53	\$151,483.58	\$13,744.95
TOTAL REVENUES	\$14,681,638.12	\$14,133,090.24	\$548,547.88
OPERATING EXPENSES	\$13,584,538.34	\$13,433,672.81	\$150,865.53
EXCESS	<hr/>	<hr/>	<hr/>
	\$1,097,099.78	\$699,417.43	\$397,682.35

SOCRRA
TOTAL SERVICE CHARGES
JULY 1, 2011 THROUGH MARCH 31, 2012

<u>MUNICIPALITY</u>	<u>TOTAL TONS</u>	<u>SERVICE CHARGES</u>
BERKLEY	6,874	\$640,161.24
BEVERLY HILLS	5,050	\$446,670.00
BIRMINGHAM	12,003	\$1,002,068.45
CLAWSON	6,201	\$542,378.89
FERNDALE	10,526	\$1,182,983.20
HAZEL PARK	6,253	\$779,364.00
HUNTINGTON WOODS	3,212	\$253,080.00
LATHRUP VILLAGE	2,156	\$197,817.00
OAK PARK	10,166	\$1,124,584.76
PLEASANT RIDGE	1,849	\$126,257.77
ROYAL OAK	28,580	\$3,065,217.69
TROY	29,512	\$2,900,509.00
	<hr/>	<hr/>
SUB-TOTAL	122,383	\$12,261,092.00
	<hr/>	<hr/>
OTHER CUSTOMERS	19,371	\$842,829.40
DROP OFF CENTERS	303	0.00
	<hr/>	<hr/>
TOTAL	142,056	\$13,103,921.40

SOCRRA
IMPROVEMENT FUND
JULY 1, 2011 THROUGH MARCH 31, 2012

EXPENDITURES

TS Driveway Replacement	\$8,218.70
TS Floor Repair	21,875.00
MHTS Primary Cable Replacement	5,160.00
MRF New Overhead Door	13,839.00
MRF Tour Room Tables	2,025.48
MRF Tour Room Chairs	241.79
CS Equipment - Grinder Payments	20,642.06
CS Equipment - Loader Payments	50,293.45
TOTAL	<u>\$122,295.48</u>

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

**NOTICE OF HEARING
FOR THE ELECTRIC CUSTOMERS OF
THE DETROIT EDISON COMPANY
CASE NO. U-16434-R**

- The Detroit Edison Company proposes to reconcile its power supply cost recovery (PSCR) costs and revenues for 2011, and to collect its total PSCR underrecovery of \$148,224,909 including interest, for the 12-month period ending December 31, 2011 and reconcile other costs as identified in its application, if the Michigan Public Service Commission approves its request.
- The information below describes how a person may participate in this case.
- You may call or write The Detroit Edison Company, One Energy Plaza, Detroit, Michigan 48226-1279, (800) 477-4747, for a free copy of its application. Any person may review the application at the offices of The Detroit Edison Company.
- The first public hearing in this matter will be held:

DATE/TIME: May 24, 2012, at 10:00 a.m.
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

BEFORE: Administrative Law Judge Mark D. Eyster

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

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

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

The Michigan Public Service Commission (Commission) will hold a public hearing to consider the March 30, 2012 application of The Detroit Edison Company (Detroit Edison) to reconcile its power supply cost recovery (PSCR) plan for the 12-month period ending December 31, 2011. Detroit Edison proposes to collect a PSCR underrecovery at year-end 2011 of \$148,224,909, including interest from its PSCR customers. Detroit Edison is also requesting the

Commission to approve the Company's: 1) calculation and proposed disposition of the over-refunded Case No. U-16384 Self-Implementation residual amount of \$3,755,369; 2) calculation and proposed disposition of the Case No. U-16472 Wolverine credit; 3) calculation and proposed disposition of the MPSC Case No. U-16263 Regulatory Asset Recovery Surcharges (RARS) credit; and 4) utilization of Reduced Emission Fuel (REF) and the Company's calculation of REF impacts.

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

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by May 17, 2012. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Detroit Edison's attorney, David S. Maquera, One Energy Plaza, Detroit, Michigan 48226-1279.

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

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

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

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in 1982 P.A. 304 proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Licensing and Regulatory Affairs, P.O. Box 30004, Lansing, Michigan 48909, for more information.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.