



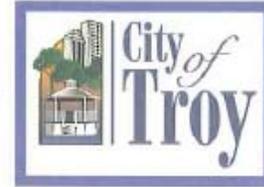
TROY CITY COUNCIL

REGULAR MEETING AGENDA

**AUGUST 27, 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: Michael W. Culpepper, Acting 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 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 cursive script that reads "Michael W. Culpepper".

Michael W. Culpepper, Acting 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

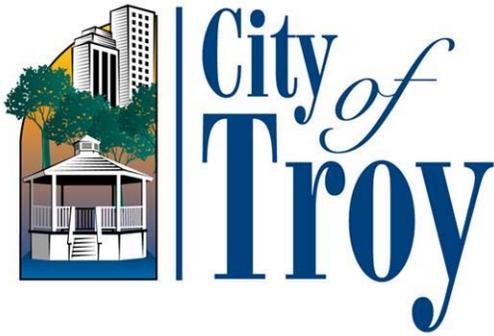
- Demonstrate excellence in community services
- Maintain fiscally sustainable government
- Attract and support a committed and innovative workforce
- Develop and maintain efficiencies with internal and external partners
- Conduct city business and engage in public policy formation in a clear and transparent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

August 27, 2012 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

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Thursday, August 30, 2012 9:00 AM Special Meeting (cont.) 11

INVOCATION: Father Eric Fedewa – St. Anastasia Catholic 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 #2012-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Regular City Council Meeting of August 27, 2012, due to _____.

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 No Certificates of Recognition or Special Presentations

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Conditional Rezoning Application (File Number CR-007) – Proposed Charter One Bank Branch, 125 Stephenson Highway and 1250 W. 14 Mile Road, Section 35, From O (Office) District to IB (Integrated Industrial and Business) District

WHEREAS, The City is in receipt of a proposed rezoning request from O Office District to IB Integrated Industrial and Business District; and

WHEREAS, The applicant voluntarily offered a number of conditions, as described in the Conditional Rezoning Agreement and related attachments, as per Section 16.04 of the City of Troy Zoning Ordinance; and

WHEREAS, The subject property, located on the northwest corner of 14 Mile Road and Stephenson Highway, parcel 88-20-35-356-054, being approximately 7 acres in size, is described in the following legal description and illustrated on the attached ALTA/ACSM Land Title Survey drawing:

T2N, R11E, Section 35

Parcel 1:

Lots 1, 2, and 3, Mark Builders Subdivision, according to the plat thereof recorded in Liber 84, of plats Pages(s) 14 and 15, Oakland County Records.

Parcel 2:

Part of the Southwest 1/4 of Section 35, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, being described as beginning at a point on the South line of Section 35 distant South 88 degrees 24 minutes 00 seconds East: 664.61 feet and South 88 degrees 13 minutes 12 seconds East 665.17 feet from the Southwest corner of said Section 35; thence continuing along the South section line, South 88 degrees 13 minutes 12 seconds East 354.67 feet; thence along the West line of Stephenson Highway (204 feet wide) North 01 degree 57 minutes 38 seconds East 358.88 feet; thence North 88 degrees 35 minutes 27 seconds West 351.11 feet; thence South 02 degrees 31 minutes 48 seconds West 356.63 feet to the point of beginning; and

WHEREAS, The conditional rezoning was recommended for approval by the Planning Commission; and

WHEREAS, The proposed rezoning is supported by the Master Plan and advances the general and specific development policies of the Master Plan; and

WHEREAS, The proposed rezoning would be consistent and non-disruptive to the surrounding land use pattern; and

WHEREAS, The proposed rezoning will facilitate redevelopment of the site.

THEREFORE, BE IT RESOLVED, City Council hereby **APPROVES** the O to IB Conditional Rezoning Agreement and related attachments.

BE IT FURTHER RESOLVED, City Council **AUTHORIZES** the Mayor and City Clerk to sign the Conditional Rezoning Agreement on behalf of the City of Troy.

BE IT FINALLY RESOLVED, The City of Troy Zoning District Map is hereby **AMENDED**.

Yes:

No:

F. PUBLIC COMMENT:**In accordance with the Rules of Procedure of the City Council, Article 17 – Members of the Public and Visitors:**

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

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to five (5) minutes to address any Public Hearing item.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to five (5) minutes to address Postponed, Regular Business or Consent Agenda items or any other item as permitted under the Open Meetings Act during the Public Comment portion of the agenda.
- City Council may waive the requirements of this section by a majority of the City Council members.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.

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

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

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

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

G. RESPONSE / REPLY TO PUBLIC COMMENT**H. POSTPONED ITEMS:****H-1 Revisions to 2011-2012 City Council Rules of Procedure**Suggested Resolution

Resolution #2012-08-

Moved by Fleming

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** the 2011-2012 City Council Rules of Procedure as revised by City Council at the July 23, 2012 City Council Meeting and including the suggested revisions made by City Administration.

Yes:

No:

I. REGULAR BUSINESS:**I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Historic District Commission****a) Mayoral Appointments - None****b) City Council Appointments**Suggested Resolution

Resolution #2012-08-

Moved by

Seconded by

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

Historic District Commission

Appointed by Council

7 Regular Members

3 Year Term

Term Expires: 05/15/2015**Timothy McGee**

Yes:

No:

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

- a) Mayoral Nominations - None
- b) City Council Nominations – None

I-3 Request for Closed Session

Suggested Resolution

Resolution #2012-08-

Moved by

Seconded by

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (f) and (h) (MCL 15.243 (g) and (k)).

Yes:

No:

I-4 Application Regarding SDM and Class C Resort Liquor Licenses for Muses Taverna

Suggested Resolution

Resolution #2012-08-

Moved by

Seconded by

(a) Transfer Class C License

Suggested Resolution

Resolution #2012-08-

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 :	Muses Taverna, LLC
Type of License Requested :	Transfer Ownership of SDM and Class C Resort Liquor Licenses from Hot Rock Pizza, LLC
Located at :	1893 E. Big Beaver, Troy, MI 48083

and

(b) Agreement

Suggested Resolution

Resolution #2012-08-

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:

No:

I-5 Proposed Amendment to Distracted Driving Ordinance

Suggested Resolution

Resolution #2012-08-

Moved by

Seconded by

RESOLVED, That the City Council **APPROVES** amendments to Ch. 106. Sec. 120.05 and 5.14c, as prepared by City Administration.

J. CONSENT AGENDA:

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

Suggested Resolution

Resolution #2012-08-

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 #2012-08-

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

- a) Regular City Council Meeting - August 13, 2012
- b) Special City Council Meeting - August 15, 2012

J-3 Proposed City of Troy Proclamations: None

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 12-4 – Industrial Roads Mill & Overlay**

Suggested Resolution

Resolution #2012-08-

RESOLVED, That Contract No. 12-4, Industrial Roads Mill & Overlay, be **AWARDED** to Pro-line Asphalt Paving Corp., 11797 29 Mile Road, Washington, MI 48095, for their low total bid amount of \$492,437.31.

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 25% of the total project cost.

- b) **Standard Purchasing Resolution 1: Award to Low Bidder – Type ‘K’ Copper Tubing**

Suggested Resolution

Resolution #2012-08-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase Type “K” Copper Tubing to the low bidder, SLC Meter Service of Davisburg, MI, for an estimated total cost of \$45,348.00, at unit prices contained in the bid tabulation opened electronically on August 23, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-5 Request for Acceptance of a Warranty Deed and Four Permanent Easements – Athens Parc Site Condominium – Sidwell #88-20-14-401-006Suggested Resolution

Resolution #2012-08-

RESOLVED, That City Council hereby **ACCEPTS** a warranty deed for Rockdale Court, a public road, and four permanent easements for landscape and preservation, sanitary sewer, storm sewer and public utilities from David and Linda Purvis, owners of the property having Sidwell #88-20-14-401-006; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to **RECORD** the warranty deed and permanent easements with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-6 Request for Acceptance of a Warranty Deed and Permanent Easement – Athens Parc Site Condominium – Sidwell #88-20-14-401-007Suggested Resolution

Resolution #2012-08-

RESOLVED, That City Council hereby **ACCEPTS** a warranty deed for a portion of Rockdale Court, a public road, and a permanent easement for sanitary sewer from Athens Parc Developers, LLC owners of the property having Sidwell #88-20-14-401-007; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to **RECORD** the warranty deed and permanent easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-7 Approval of Condominium Entrance Sign/Agreement, Hidden Park Condominium, West Side of John R Road, Between Long Lake and Wattles, Section 11Suggested Resolution

Resolution #2012-08-

RESOLVED, That Troy City Council hereby **APPROVES** as to the design and materials proposed, the sign application submitted by the Hidden Park Condominium Association for the placement of a sign within the median of Sutherland Drive at the intersection of John R. Road.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the agreement regarding the maintenance and liability coverage for the sign, and **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-8 Private Agreement – Magical Touch Oil Change – 1028 Hartland Street – Project No. 12.901.3Suggested Resolution

Resolution #2012-08-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Mr. Wesam Issa is hereby **APPROVED** for the installation of concrete approaches & sidewalk, storm sewer, sanitary sewer connection, and an underground storm water detention system, 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-9 Request for Acceptance of Two Permanent Easements – Cedar Pines Estates No.2 Site Condominium – Sidwell #88-20-04-100-013Suggested Resolution

Resolution #2012-08-

RESOLVED, That City Council hereby **ACCEPTS** two permanent easements for storm sewer and surface drainage, and sanitary sewer from Mondrian Properties Cedar Pines, LLC, owners of the property having Sidwell #88-20-04-100-013; and

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

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

- a) Announcement of Public Hearings for Industrial Development District (IDD) and Industrial Facilities Exemption Certificate (IFEC) for Alternative Automotive Technologies – 1225 E. Maple on September 24, 2012
- b) Announcement of Public Hearing for Planned Unit Development (File Number PUD 004) – Big Beaver Center (Formerly “The Monarch”) PUD, North Side of Big Beaver Road Between Alpine and McClure, Section 20, Currently Zoned PUD 004 and R-1B (One Family Residential) Districts on September 10, 2012

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

L. COUNCIL REFERRALS:

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

L-1 Council Member McGinnis Referral Regarding Proposed Draft of City of Troy Appointee Code of Ethics

L-2 Council Member Campbell Referred Requests for City Administration to:

- a) Prepare Explanation of Subsequent Proceedings Should the Mayor be Recalled
- b) Develop a Social Media Policy for Elected Officials of Troy

M. COUNCIL COMMENTS

M-1 No Council Comments Advanced

N. REPORTS

N-1 Minutes – Boards and Committees:

- a) Liquor Advisory Committee-Final-June 18, 2012
- b) Planning Commission-Draft-July 24, 2012
- c) Planning Commission-Final-July 24, 2012
- d) Liquor Advisory Committee-Draft-August 13, 2012

N-2 Department Reports:

- a) SAFEbuilt 20th Anniversary Client Highlight – Troy, MI
 - b) Building Department Activity Report – July, 2012
 - c) Police Department Report Regarding Homicide Investigation – Incident No. 12-25291
-

N-3 Letters of Appreciation:

- a) Letter of Appreciation to Mitch Grusnick from Karen Hone Thanking Him for Assistance
 - b) Letter of Appreciation to Chief Mayer from Constantin Marandici Thanking Police Desk Attendant Lepola for Assistance
 - c) Letter of Appreciation to Chief Mayer from Ronald Pruette of UBS Thanking Sergeant Haddad for Assistance
-

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

O. STUDY ITEMS

O-1 No Study Items

P. CLOSED SESSION:

P-1 Closed Session

Q. ADJOURNMENT

Respectfully submitted,



Michael W. Culpepper, Acting City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

Monday, September 10, 2012.....Big Beaver Center PUD
Monday, September 24, 2012..... IDD/IFEC for Alternative Auto Technologies

SCHEDULED REGULAR CITY COUNCIL MEETINGS:

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:

Wednesday, August 29, 2012 9:00 AM Special Meeting
Thursday, August 30, 2012 9:00 AM..... Special Meeting (cont.)



CITY COUNCIL AGENDA ITEM

Date: August 21, 2012

To: Michael Culpepper, Interim City Manager

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

Subject: PUBLIC HEARING – CONDITIONAL REZONING APPLICATION (File Number CR-007) – Proposed Charter One Bank Branch, Northwest corner of Stephenson Highway and 14 Mile Road, Section 35, From O (Office) District to IB (Integrated Industrial and Business) District

Background

The applicant, Lormax Stern Development Company, seeks a conditional rezoning of the subject parcel from O (Office) to IB (Integrated Industrial and Business) District. The parcel is approximately 7 acres in area. The applicant voluntarily provided a list of conditions, including prohibited uses for the site. The applicant also proposes maintaining a permanent 30-foot wide greenbelt open space along the western property line and a portion of the northern property line. Both property lines separate the subject property from residential neighborhoods. The terms offered by the applicant are described in the attached Conditional Rezoning Agreement.

The Master Plan classifies this area as 21st Century Industrial. The application to rezone to IB is consistent with this classification, a description of which is attached.

The Planning Commission held a public hearing on this item on June 12, 2012. The item was also studied by the Planning Commission on June 26, 2012, July 10, 2012 and July 24, 2012.

The attached report prepared by Carlisle/Wortman Associates, Inc. (CWA), the City's Planning Consultant, summarizes the rezoning request.

Recommendation

City Management recommends approval of the conditional rezoning application.

City Attorney's Review as to Form and Legality

Date

Attachments:

1. Maps
2. Conditional Rezoning Agreement
3. City of Troy Master Plan (excerpt)
4. Report prepared by Carlisle/Wortman Associates, Inc.
5. Minutes from Planning Commission meetings (4)

125 Stephenson & 1250 W 14 Mile

City of Troy Planning Department



Legend

-  I-75
- Road Centerline**
 -  Major Road
 -  Industrial Road
 -  Local Road
-  Ponds and Basins
-  Streams and Creeks
-  Parcels
- Aerial Photos - 2010**
 -  Red: Band_1
 -  Green: Band_2
 -  Blue: Band_3

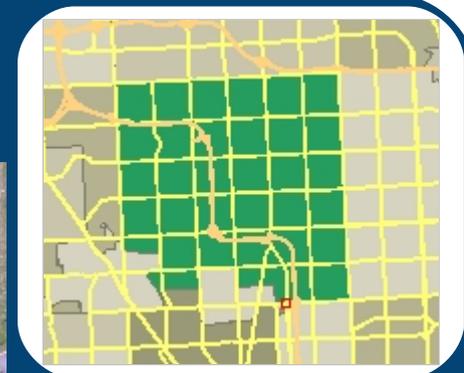
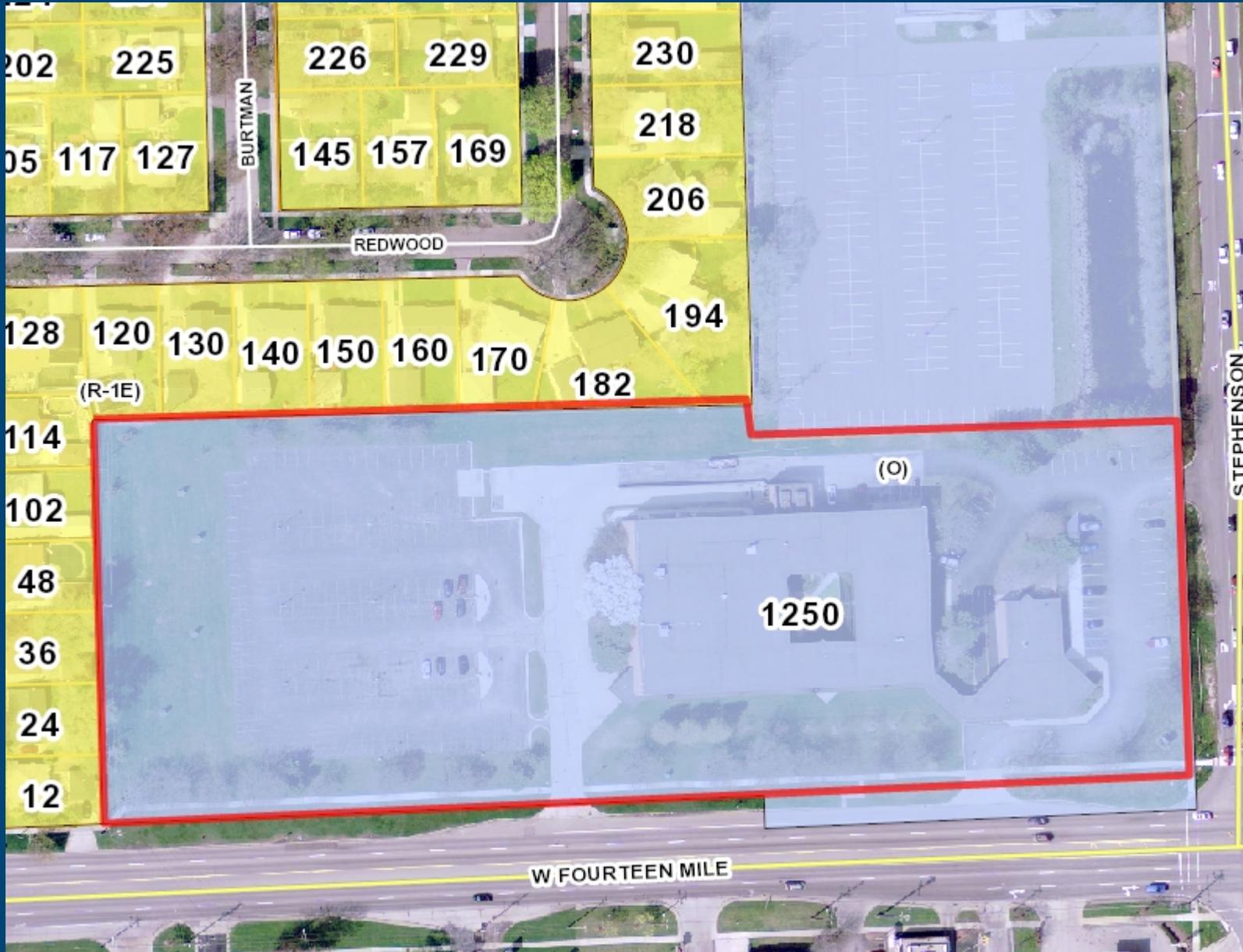
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Scale 1: 1,498



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

Printed: 5/11/2012



Legend

- I-75
- Road Centerline
 - Major Road
 - Industrial Road
 - Local Road
- Current Zoning Ordinance
 - (PUD) Planned Unit Development
 - (CF) Community Facilities District
 - (EP) Environmental Protection District
 - (BB) Big Beaver Road (Form Based)
 - (MRF) Maple Road (Form Based)
 - (NN) Neighborhood Nodes (A-U)
 - (CB) Community Business
 - (GB) General Business
 - (IB) Integrated Industrial Business District
 - (O) Office Building District
 - (OM) Office Mixed Use
 - (P) Vehicular Parking District
 - (R-1A) One Family Residential District
 - (R-1B) One Family Residential District
 - (R-1C) One Family Residential District
 - (R-1D) One Family Residential District
 - (R-1E) One Family Residential District
 - (RT) One Family Attached Residential District
 - (MR) Multi-Family Residential
 - (MHP) Manufactured Housing
 - (UR) Urban Residential
 - (RC) Research Center District
 - (PV) Planned Vehicle Sales
- Ponds and Basins
- Streams and Creeks
- Parcels
- Aerial Photos - 2010
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

250 0 125 250Feet

Scale 1: 1,498



STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF TROY

CONDITIONAL REZONING AGREEMENT

This Development Agreement (“Agreement”) is entered into by and between 1250 W. Fourteen Mile Road LLC, a Michigan limited liability company, the address of which is 6755 Daly Road LLC (“Developer”), and the City of Troy, a Michigan municipal corporation, having its principal offices at 500 W. Big Beaver Road, Troy, Michigan 48084 (“City”).

R E C I T A L S:

A. Developer is the owner of certain real property located in the City of Troy, Oakland County, Michigan, containing approximately 7.076 acres, as more particularly described on Exhibit A attached hereto (the “Property”).

B. Developer has applied for Conditional Rezoning pursuant to Troy’s Zoning Ordinance, Chapter 39, Section 16.04 from O (Office) district to IB (Integrated Industrial and Business) district. That Ordinance requires that an applicant for conditional rezoning prepare a Conditional Rezoning Agreement (“Agreement”) which requires that specific provisions be included in the Agreement.

C. As part of approval of this Agreement, which will result in a rezoning of the Property from O (Office) district to IB (Integrated Industrial and Business) district, Developer has offered and agrees to make all required improvements as described in this Agreement. All conditions, representations and promises included in the Agreement have been voluntarily offered by the Developer to induce the City to rezone the land to the proposed classification. The Developer and the City agree that the rezoning and the terms of this Agreement provides for: (i) the promotion of the public health, safety and welfare; (ii) compatibility with the Master Plan; (iii) compliance with all terms and conditions of the zoning district to which the land is to be rezoned, except as otherwise allowed in the Agreement; (iv) compatibility with adjacent uses of land; and (vi) other legitimate objectives authorized under the Michigan Municipal Planning Act, MCL

125.3101, et. seq. and Chapter 39, Section 16.04 of the City of Troy Zoning Ordinance. Further, it is also agreed that the burden of the conditions on the Developer is roughly proportionate to the burdens being created by the development, and to the benefit which will accrue to Property as a result of the requirements represented in the project and/or development.

D. For the purpose of confirming the rights, obligations and restrictions in connection with the improvements and development undertaken on the Property, the parties have entered into this Agreement. The rezoning of the Property to IB (Integrated Industrial and Business) district shall become effective as set out in Section 3.1 of this Agreement. Once this Agreement is approved by the Troy City Council, it shall be binding upon the City, the Developer, the owner, the owner of units within the Development, any owners associations, and their agents, successors and assigns. The City's Zoning District Map shall be updated to reflect the amendment to the Zoning Ordinance and the District Map within a reasonable period of time after the effective date of the rezoning.

NOW, THEREFORE, the Developer and the City, for the good and valuable consideration outlined in this Agreement, the receipt and sufficiency of which are hereby acknowledged, agree as follows:

ARTICLE I

GENERAL TERMS

1.1 This Agreement shall run with the land. The land is the Property described in the attached Exhibit A. Reference to "Developer" in this Agreement shall include the owner and future owners of the Property, Developer's agents, successors and assigns. It is the intent of Developer and the City to put all future owners of the Property, all future leaseholders and/or all parties in interest on notice of the rights, obligations and restrictions contained herein by recording this Agreement with the Oakland County Register of Deeds. If the project or development plan includes any type of condominium element, any termination of any condominium community or association shall not nullify or void this Agreement. As part of this Agreement and pursuant to State statute, if a Master Deed is not controlling for all or any portion of a condominium project, the terms and conditions of this Agreement shall be considered "Deed Restrictions" for any successors or assigns of the Property.

1.2 The Property shall be developed and improved only in accordance with the following which shall be referred to herein as the "Conditional Rezoning Agreement Documents":

A. Chapter 39, Section 16.04 of the City's Zoning Ordinance, and amendments, if any.

- B. This Conditional Rezoning Agreement
- C. Chapter 39, Section 4.15, which set out the requirements for development in an IB (Integrated Industrial and Business) district classification, unless those requirements are amended by the Conditional Rezoning Agreement.
- D. The proposed 30 foot wide open space greenbelt shown on Exhibit B.

1.3 The Ordinance amendment granting the conditional rezoning reclassifies the zoning of the Property to an IB (Integrated Industrial and Business) district and constitutes the land use authorization for the Property, and all use improvement of the Property shall be in substantial conformity with the provisions of the Zoning Ordinance applicable to the zoning district and this Agreement.

ARTICLE II

CONDITIONS FOR REZONING

2.1 In consideration for the City's rezoning of the Property from its current classification of O (Office) district to a future classification of IB (Integrated Industrial and Business) district, the Developer agrees to be bound by the following conditions:

A. The property can be used for all permitted uses allowed in the IB zoning classification except for the following uses which are expressly prohibited:

- Manufacturing and assembly uses which utilize hazardous materials or which release any odor, noise or vibration into the environment
- Material recovering facilities
- Bus terminals
- Building and lumber supplies
- Outdoor commercial recreation
- Outdoor storage facilities
- Open air businesses
- Adult use businesses
- Vehicle repair stations
- Vehicle auctions
- Vehicle washes

- Dry cleaners and laundries
- Central dry cleaning/laundry plants
- Outdoor dining adjacent to the east and west sides and along the north rear of any buildings
- Commercial kennels/pet day care
- Vehicle fueling stations
- Ambulance facilities
- Commercial wind energy conversion systems and meteorological towers
- Truck terminals

B. New development occurring at the property is also subject to the following additional conditions:

- New buildings and structures shall be subject to all applicable ordinances, site plan requirements and site plan approval.
- Heights of new buildings shall not exceed two stories.
- A 30 foot wide open space greenbelt as shown Exhibit B shall be constructed adjacent to new buildings along the north and west boundary lines which abut residential homes. Notwithstanding any other zoning or site plan development requirement, the open space greenbelt shall be landscaped with trees and other plantings approved by the Planning Commission as part of the site plan approval for each new building.
- Truck deliveries between 11PM and 8AM shall be prohibited.
- Outdoor storage of materials shall be prohibited.

2.2 Developer represents and confirms that the Property shall not be used or developed in a manner that is inconsistent with conditions placed on rezoning as set out in this Agreement.

2.3 Developer shall be subject to the expiration provisions of Section 16.04E of the Zoning Ordinance and Section 5.2 of this Agreement.

ARTICLE III

REZONING

3.1 Directly after approval of this Agreement, City Council shall pass a Resolution rezoning the Property from an O (Office) district zoning classification to an IB (Integrated Industrial and Business) district classification. That Resolution shall also state that the Zoning Map shall be amended to reflect a new zoning classification. The Planning Director shall take necessary action to amend the Zoning Map to the new classification along with a relevant designation that will provide reasonable notice of the Conditional Rezoning Agreement. The Conditional Rezoning Approval and the amendment to Zoning Map shall not become effective until the Conditional Rezoning Agreement is recorded with the Oakland County Register of Deeds and a certified copy of the Agreement is filed with the City Clerk.

ARTICLE IV

DEVELOPER'S RIGHTS, OBLIGATIONS AND PROPERTY RESTRICTIONS

4.1 Developer shall have the right to develop the Property in accordance with the Conditional Rezoning Agreement Documents and shall receive Preliminary and Final approval in accordance with the City's Zoning Ordinance and this Agreement. If development and/or actions are undertaken on or with respect to the Property in violation of the Conditional Rezoning Agreement, such development and/or actions shall constitute a violation of the City of Troy Code of Ordinances and deemed a nuisance per se. In such cases the City may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the Property into compliance with the Conditional Rezoning Agreement, the City may withhold, or, following notice and an opportunity to be heard revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

4.2 All development, use, and improvement of the Property shall be subject to and in accordance with this Agreement, the Conditional Rezoning Agreement Documents, all applicable City Ordinances, and shall also be subject to and in accordance with all other approvals and permits required under applicable City Ordinances and State law.

4.3 Developer shall comply with the City Code of Ordinances, make any necessary application for permits and obtain any necessary permits for the development of the property including signage.

ARTICLE V

THE CITY'S RIGHTS AND OBLIGATIONS

5.1 The action of the City in entering into this Conditional Rezoning Agreement is based upon the understanding that the intent and spirit of the police power objectives of the City relative to the Property are embodied in the Conditional Rezoning Agreement Documents and those powers are assured based upon the development and/or undertakings on the Property. The City is thus achieving its police power objective and has not, by this Agreement, bargained away or otherwise compromised any of its police power objectives.

5.2 Conditional Rezoning Approval shall expire following a period of two (2) years from the effective date of the rezoning as set out above unless progress has been diligently pursued by Developer. The Zoning Administrator shall have the sole discretion to determine if progress has been diligently pursued by the Developer of the Property. The City, through its employees and agents, shall at all times be allowed to enter onto the Property to determine the progress of the development.

5.3 The City may initiate legal action for the enforcement of any of the provisions, requirements, and obligations set forth in the Conditional Rezoning Agreement. In the event the City obtains any relief as a result of such litigation, Developer shall pay all court costs and attorney fees incurred by the City in connection with such suit;

5.4 If the Developer is developing the Property in non-compliance with the Conditional Rezoning Agreement, the City may issue a stop work order as to any or all aspects of the Development, may deny the issuance of any requested building permit or certificate of occupancy within any part or all of the Development regardless of whether the Developer is the named applicant for such permit or certificate of occupancy, and may suspend further inspections of any or all aspects of the Development.

5.5 To the extent the Conditional Rezoning Agreement Documents deviate from the City of Troy Development Standards, Zoning Ordinance or other City ordinances, or any amendments thereto, the Conditional Rezoning Agreement Documents shall control. All improvements constructed in accordance with the Conditional Rezoning Agreement Documents shall be deemed to be conforming under the Zoning Ordinance and in compliance with all ordinances of the City.

ARTICLE VI

MISCELLANEOUS PROVISIONS

6.1 This Agreement may not be modified, replaced, amended or terminated except as provided for in this Agreement.

6.2 This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

6.3 If there is a conflict between the terms of any of the Conditional Rezoning Agreement Documents, such documents shall control in the following order: (a) Chapter 39, Section 16.04 of the City's Zoning Ordinance, and amendments, if any (b) this Agreement and any Conditional Rezoning Agreement Documents. Where there is a question with regard to applicable regulations for a particular aspect of the Development, or with regard to clarification, interpretation, or definition of terms or regulations, and there are no apparent express provisions of the Conditional Rezoning Agreement Documents which apply, the City in the reasonable exercise of its discretion, shall determine the regulations of the City's Zoning Ordinance, as that Ordinance may have been amended, or other Ordinances which shall be applicable provided such determination is not inconsistent with the nature and intent of the Conditional Rezoning Agreement Documents.

6.4 After consulting with their respective attorneys, Developer and City confirm that this Agreement is authorized by and consistent with all applicable state and federal law and the United States and Michigan Constitutions, that the terms of this Agreement are reasonable, that they shall be estopped from taking a contrary position in the future, and that each shall be entitled to injunctive relief to prohibit any actions by the other inconsistent with the terms of this Agreement. Developer and the City fully accept and agree to the final terms, conditions, requirements and obligations of the Agreement and all Conditional Rezoning Agreement Documents, and shall not be permitted in the future to claim that the effect of the Agreement and the Conditional Rezoning Agreement Documents result in an unreasonable limitation upon uses of all or a portion of the Property, or claim that enforcement of any of the Agreement and the Conditional Rezoning Agreement Documents causes an inverse condemnation or taking of all or a portion of the Property. Furthermore, it is agreed that the improvements and undertakings set forth in the Agreement and the Conditional Rezoning Agreement Documents are roughly proportional to the burden being created by the development, and to the benefit which will accrue to the Property as a result of the requirements represented by the development.

6.5 This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one agreement. The signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.

6.6 This Agreement shall be binding on, and shall inure to the benefit of the parties and their respective successors and assigns.

THIS AGREEMENT was executed by the respective parties on the date specified with the notarization of their name.

“Developer”

1250 W. Fourteen Mile Road LLC,
a Michigan limited liability company

By: _____
Daniel L. Stern
Its: Manager and Member

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of August, 2012 by Daniel L. Stern, Manager and Member of 1250 Fourteen Mile Road LLC on behalf of the limited liability company.

_____, Notary Public
Oakland County, Michigan
My Commission Expires: _____

CITY OF TROY, a Michigan municipal corporation

By: Janice Daniels
Its: Mayor

By: Aileen Bittner
Its: City Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____ day of August, 2012 by Janice Daniels, Mayor of Troy, and Aileen Bittner, Troy City Clerk.

), Notary Public
Oakland County, Michigan
My Commission Expires: _____

PREPARED BY:

WHEN RECORDED RETURN TO:

Jason M. Horton
6755 Daly Road
West Bloomfield, MI 48332

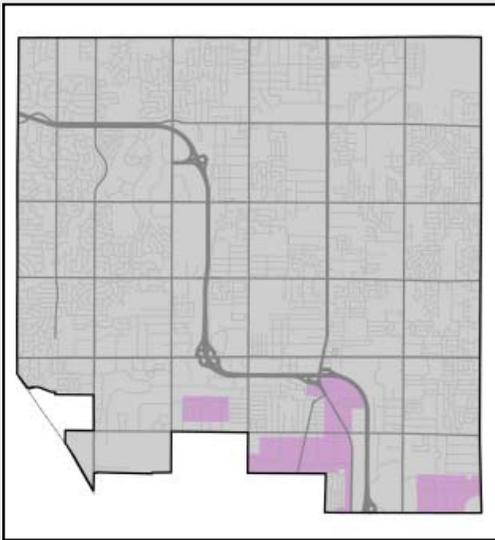
Susan M. Lancaster
Assistant City Attorney
City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

EXHIBIT B
LOCATION OF PROPOSED 30 FOOT WIDE OPEN SPACE GREENBELT

21st Century Industry: A New Opportunity for Growth



- *Continued encouragement of a variety of industrial uses*
- *Light industrial uses with no outdoor storage or external nuisances are especially encouraged*
- *The emphasis for site design should be on screening, landscaping, buffering, and effective transitioning to allow this important category to succeed without negative impacts on residential or commercial areas of the City*

The 21st Century Industry classification provides area for conventional manufacturing and assembly uses, but with a broader interpretation of what industrial areas can become. In addition to conventional industrial uses, shops, and warehousing, this category can be home to business-to-business uses that don't require a significant public presence, but which work in tandem with the Knowledge Economy uses encouraged within the Smart Zone and Northfield. Suppliers, fabricators, printers, and many other supporting uses which strengthen the City's appeal as a home to 21st Century businesses are all encouraged in this category.

An alternative use that may be considered on a very limited basis in the 21st Century Industrial area is loft-style residential development in reclaimed industrial buildings. Opportunities for artist lofts and open-floorplan residential development may exist within new, innovative mixed-use projects. Such projects would be an ideal fit within the 21st Century Industrial area. Such housing will only be considered when all potential environmental limitations have been identified, and if necessary, neutralized.

The majority of the 21st Century Industrial lands in Troy surround the Maple Road category (see page 105), although they are intermingled with areas planned for the Automall, the Smart Zone, and the Transit Center. **Existing land uses along Maple Road vary widely, and do not have a clear, identifiable character.** Maple Road is primarily experienced as a series of nodes that center on north-to-south traffic leading into and out of Troy from the Big Beaver Corridor. For this reason, Maple Road is planned as a series of areas designed to support the Big Beaver Corridor and the Smart Zone, such as the business-to-business uses noted above.

DESIGN CONCEPT

- This area will recognize that manufacturing and distribution will continue to provide valuable jobs and a tax base. Emphasis will be on maintaining a strong image by concentrating on site and building maintenance as well as redevelopment, rather than redevelopment alone.
- Code enforcement will be a critical tool to maintain the visual and physical health of the district.
- As land becomes available, green space should double and storm water management should improve.

SITE DESIGN ATTRIBUTES

- Primary parking areas are located within rear or interior side yards.
- Front yards will be landscaped and well-maintained to continue an improved image.
- Green space will be placed along property perimeters to assist with controlling surface storm water runoff.

BUILDING DESIGN ATTRIBUTES

- The office portion of industrial developments will locate nearest the public street.



CARLISLE

WORTMAN
associates, inc.

605 S. Main Street
Ste. 1
Ann Arbor, MI 48104
(734) 662-2200
(734) 662-1935 Fax

Date: June 5, 2012

Conditional Rezoning Analysis For City of Troy, Michigan

Applicant:	Jason Horton, Lomax Stern Development Company
Property Address:	125 Stephenson Highway
Current Zoning:	O-1, Office Building District
Requested Zoning:	IB, Integrated Industrial Business District
Action Requested:	Conditional Rezoning Request to: - IB, Integrated Industrial Business District
Required Information:	The required information for a rezoning has been provided.

DESCRIPTION

The applicant is requesting a Conditional Rezoning from O-1, Office Building District to IB, Integrated Industrial Business District for the parcel located at 125 Stephenson Highway. The 7-acre property is currently improved with a 29,600 sq/ft, two-story office building and a 3,600 sq/ft bank with drive-through. The two buildings are attached via a canopy. The applicant has not indicated a potential for redevelopment or the future use of the property.

PROPERTY BACKGROUND

Subject Site	
Approximate Site Area	7 acres
Current Use	Office and Bank
Master Plan Recommended Use	21 st Century Industrial

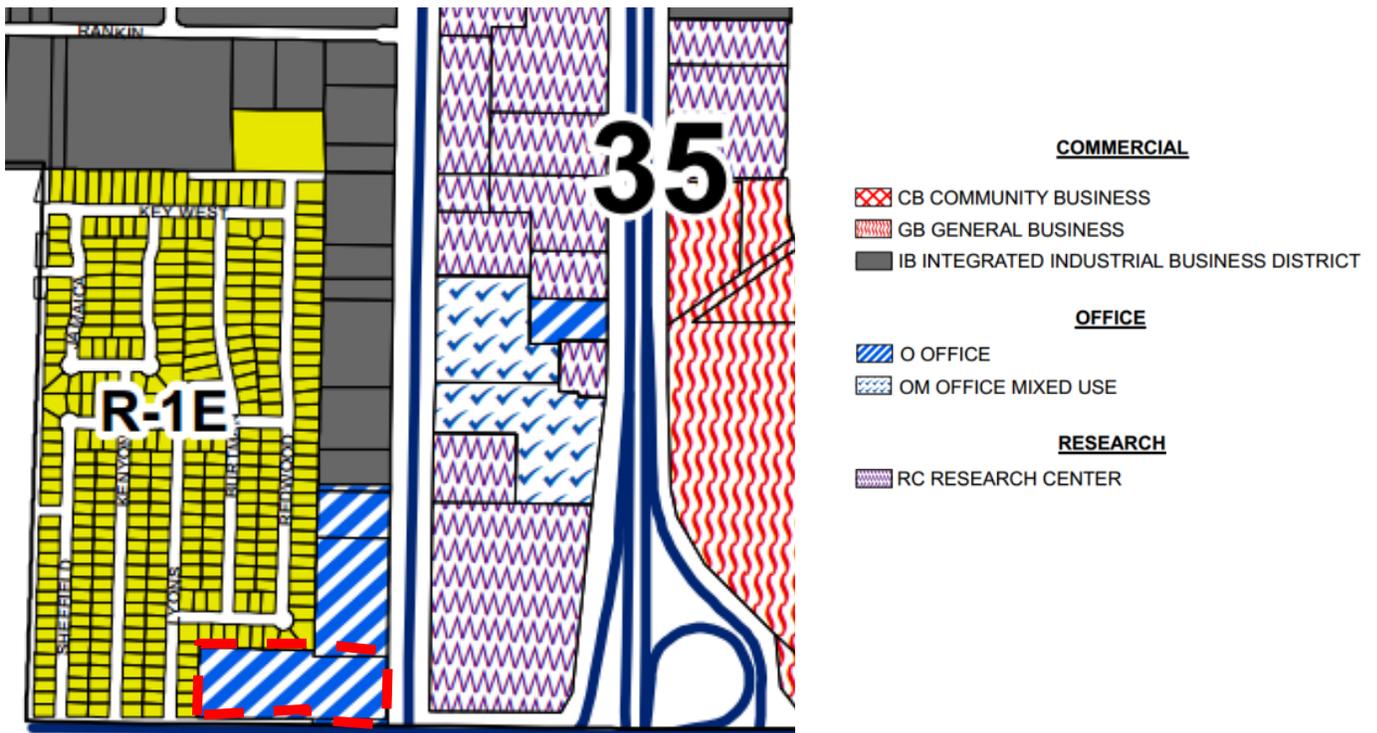


Subject Site of Proposed Conditional Rezoning

ADJACENT PROPERTIES

The existing zoning in the surrounding area is a mixture of Integrated Business (IB), Research Center (RC), Office (O-1) and One-family residential (R1-E). Adjacent zoning and land uses to the subject property is listed below:

Adjacent Properties		
	Existing Use	Zoning
North	Single-family residential (western half) Office (eastern half)	R-1E, One-family residential (western half) O-1, Office (eastern half)
South	Various commercial	Not Applicable (Madison Heights)
East	Valeo	RC, Research Center
West	Vacant	R-1E, One-family residential



An 8' high brick wall screens all adjacent single-family residents along the western half of the north property line and the entirety of the western property line.

Items to be addressed: None

CONDITIONAL REZONING PROCEDURE

Conditional rezonings such as the current proposal are enabled under Section 405 of the Michigan Zoning Enabling Act (PA 110 of 2006). Under this type of rezoning, conditions may be imposed on the rezoning request if voluntarily offered by the applicant. The Planning Commission is not authorized to offer or place any additional conditions upon the rezoning unless voluntarily offered by the applicant.

Items to be addressed: None

VOLUNTARILY IMPOSED CONDITIONS

The applicant has volunteered on their site plan a permanent 30' greenbelt open space dedication along all existing single-family residential uses. This 30' greenbelt open space runs along the entire western property line and western half of the northern property. It appears that a portion of the existing office building parking lot is within a part of the northern portion of the proposed 30' greenbelt. The applicant should confirm this.

Items to be addressed: Confirm if a portion of the existing office building parking lot is within the proposed 30' greenbelt.

MASTER PLAN RECOMMENDATION

The future land use plan of the Troy Master Plan has designated the subject property, as well as those parcels on the west side of Stephenson Highway, as 21st Century Industry. The 21st Century Industry use category focuses on properties in the southeast corner of the city around the Maple Road Category. This designation encourages a variety of general and light industrial uses including conventional manufacturing and assembly uses, but also promotes a broader spectrum of future higher technology industrial uses. The IB Zoning District mostly closely mirrors the intent of the 21st Century Industrial designation. While the future use of this property is unknown, the proposed IB designation and permitted uses are consistent with the 21st Century Industrial designation of the Master Plan.

Items to be addressed: None

IB ZONING APPLICABILITY

As noted the future use of this property is unknown. However, the IB district permits greater flexibility in use including permitting multiple family residential, additional retail, service, and entertainment uses, and limited light industrial and automotive uses. Unless additional conditions are volunteered by the applicant, the future redevelopment of this site will permit all those uses allowed in the IB District.

In regards to the potential for the creation of non-conformities, rezoning this parcel to the IB district will not create any new legal non-conformity. It is worth noting that the parking lot located between the existing building and the street is not permitted in the new ordinance for either the IB District or O district, thus redevelopment of this parcel will bring the site into conformance with the zoning ordinance.

While the rezoning of this parcel will not be adjacent to existing IB district, the rezoning will bring this parcel into greater conformance with the master plan. Furthermore as noted, the future redevelopment of this site, which is advanced by the proposed rezoning, will bring the site into conformance with the zoning ordinance. Future zoning considerations for those parcels remaining O, Office District zoning should be examined as development opportunities on those sites arise.

Items to be addressed: None

CONDITIONAL REZONING FINDINGS

Section 16.04.C.3

The Zoning Ordinance identifies five (5) findings that the Plan Commission should evaluate when considering a Conditional Rezoning petition ((Section 1299.037(3)). A Conditional Rezoning may only be approved upon a finding and determination that all of the following are satisfied:

- a) The conditions, proposed development, and/or proposed use of the land are designed or proposed for public health, safety, and welfare purposes.

The only condition proposed by the applicant is a 30-foot permanent greenbelt. This 30-foot buffer does not permit any buildings, parking, or drive-aisles. In addition, there is a 50-foot building setback for all buildings within the IB District from the boundary of any single-family residential district. This 50-foot building setback only applies to buildings and thus would allow parking and drive-aisles between this 50-foot buffer and the 30-foot greenbelt. A 30-foot greenbelt used in combination with the 50-foot land use buffer advance public health, safety, and welfare.

- b) The conditions, proposed development and/or proposed use are not in material conflict with the Master Plan, or, if there is material conflict with the Master Plan, such conflict is due to one of the following:
 - I. A change in City policy since the Master Plan was adopted.
 - II. A change in conditions since the Master Plan was adopted.
 - III. An error in the Master Plan.

The proposed development is consistent with the Master Plan. The Master Plan recognizes that a significant area of the City has been devoted to uses that may be conducive to be redeveloped to other uses. The IB District is consistent with the 21st Century Industry area of the Master Plan by encouraging redevelopment and reuse of existing buildings and sites by permitting other compatible uses.

- c) The conditions, proposed development and/or proposed use are in accordance with all terms and provisions of the zoning district to which the land is to be rezoned, except as otherwise allowed in the Conditional Rezoning Agreement.

The proposed 30-foot permanent greenbelt is in accordance with all terms of the IB zoning district and goes above and beyond the screening of differencing land use as required in the Landscaping Section of the Ordinance (Section 13.02.B).

- d) Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.

All necessary public services, utilities, and facilities already adequately serve this site. Any permitted uses and development within the IB district would not require any additional public services and facilities; however private utilities including water will be reviewed as part of the building permit process.

- e) The conditions, proposed development and/or proposed use shall insure compatibility with adjacent uses of land.

While future development and reuse of this property is unknown, redevelopment of this site to uses and standards of the IB district is consistent with the Master Plan. Furthermore the site is surrounded by a mix of both commercial and industrial uses. The redevelopment and reuse of the site within the IB Zoning District would be compatible with the adjacent uses. Lastly, the proposed 30-foot greenbelt buffers and protects all adjacent single-family residential.

SUMMARY OF FINDINGS

After reviewing the current land use, adjacent zoning districts, and future plans for the subject properties and vicinity, we would recommend that the Planning Commission proceed with the rezoning request.

- A. The rezoning is supported by the Master Plan and advances the general and specific development policies of the Master Plan.
- B. The proposed rezoning would be consistent and non-disruptive to the surrounding land use pattern.
- C. Rezoning will facilitate redevelopment of this site, which would bring the site into conformance new zoning ordinance standards.

I look forward to discussing this with you at the next Planning Commission meeting.

Sincerely yours,



CARLISLE/WORTMAN ASSOCIATES, INC.
Benjamin R. Carlisle, LEED AP, AICP

REZONING REQUEST

6. **PUBLIC HEARING – REZONING APPLICATION (File Number Z 740)** – Proposed Charter One Bank Branch, 125 Stephenson Highway and 1250 W. 14 Mile Road, Section 35, From O (Office) to IB (Integrated Industrial and Business) District

Mr. Carlisle reviewed the proposed rezoning request. Mr. Carlisle recommends that the Planning Department proceed with the rezoning request, contingent on the three conditions as noted in his report, dated June 5, 2012.

The petitioner, Jason Horton of Lormax Stern Development Company, was present.

There was discussion on potential future development on this site.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

The members and the petitioner agreed to table the item for further study. Chair Tagle announced a second Public Hearing would be scheduled and Meeting Notice published, should the request go forward.

Resolution # PC-2012-06-035

Moved by: Sanzica

Seconded by: Schultz

RESOLVED, To table the proposed rezoning request for further study.

Yes: All present (7)

Absent: Hutson

MOTION CARRIED

REZONING REQUEST

9. REZONING APPLICATION (File Number Z 740) – Proposed Charter One Bank Branch, 125 Stephenson Highway and 1250 W. 14 Mile Road, Section 35, From O (Office) to IB (Integrated Industrial and Business) District

Mr. Savidant gave a brief review of the proposed rezoning application postponed by the Board for an informal discussion.

The petitioner, Jason Horton and Daniel Stern of Lormax Stern Development Company, were present.

It was determined the petitioner would prepare a list of uses allowable within the IB zoning district that they project to be viable and residentially friendly.

Members of the Board were encouraged to review in detail the allowable uses within the IB zoning district in preparation to reach an agreement with the petitioner on potential uses.

OTHER BUSINESS

8. REZONING APPLICATION (File Number Z 740) – Proposed Charter One Bank, 125 Stephenson Highway and 1250 W. 14 Mile, Section 35, From 0 (Office) to IB (Integrated Industrial and Business) District

Mr. Savidant gave a brief review of the application.

The petitioner, Jason Horton of Lormax Stern Development Company, was present. Mr. Horton distributed three drawings. The first drawing depicted the existing site. The two conceptual drawings showed: a) use of the existing building for storage and potentially adding a Building A; and b) the existing building demolished and redevelopment of the site.

Mr. Hutson shared his position on conditional rezoning applications and stated he would not be in favor of the application at this point in time because there are too many options open for development of the site.

There was discussion on:

- Prohibited use list provided by the petitioner.
- Allowable uses in IB district.
- Layout of two story buildings with respect to surrounding residential.

Mr. Carlisle addressed the following items with the petitioner:

- Light and heavy manufacturing use.
- Bus terminal use.
- 30' greenbelt.
- Parking.

CONDITIONAL REZONING REQUEST

9. PUBLIC HEARING – CONDITIONAL REZONING APPLICATION (File Number CR 007, formerly File Number Z 740) – Proposed Charter One Bank Branch, 125 Stephenson Highway and 1250 W. 14 Mile Road, Section 35, From O (Office) District to IB (Integrated Industrial and Business) District

Mr. Savidant gave a review on the conditional rezoning application. He read the petitioner's list of uses that would be prohibited and criteria relating to any new construction. Mr. Savidant said the application is consistent with the Master Plan and the conditions volunteered by the petitioner are reasonable. The Planning Department recommends moving the request forward to City Council with a favorable recommendation.

There was discussion on:

- Site plan approval process; conditions.
- Landscaping 30' greenbelt with coniferous trees.
- Site plan submittal not required by Zoning Ordinance.
- Conditional Rezoning Agreement, required by Zoning Ordinance.
- 50 foot total buffer to residential; 30 foot volunteered by petitioner plus 20 foot setback.

Mr. Strat said he would vote no because the application does not meet the intent of the State to permit conditional rezonings.

The petitioners, Daniel Stern and Jason Horton, of Lormax Stern Development Company were present. Mr. Stern announced the company has a potential viable user for the building on site.

Mr. Horton said it is their intent to plant trees along the 30' greenbelt. He briefly discussed marketing strategy for the site.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2012-07-051

Moved by: Schultz
Seconded by: Sanzica

RESOLVED, That the Planning Commission hereby recommends to the City Council that the O (Office) to IB (Integrated Industrial and Business) conditional rezoning request, as per Section 16.04 of the City of Troy Zoning Ordinance, located on the northwest corner of Stephenson Highway and 14 Mile Road (125 Stephenson Highway and 1250 W. 14 Mile Road), within Section 35, being approximately 7 acres in size, be granted, for the following reasons and with the following conditions:

1. The execution of a Conditional Rezoning Agreement.
2. The application is consistent with the Master Plan.
3. The application is compatible with existing zoning districts and land uses.
4. The applicant proposes the following conditions that reduce potential impacts of the proposed IB district on abutting residential properties:
 - A. The property can be used for all permitted uses allowed in the IB zoning classification *except* for the following uses which are expressly prohibited:
 - a) Manufacturing and assembly uses which utilize hazardous materials or which release any odor, noise or vibration into the environment
 - b) Material recovering facilities
 - c) Bus terminals
 - d) Building and lumber supplies
 - e) Outdoor commercial recreation
 - f) Outdoor storage facilities
 - g) Open air businesses
 - h) Adult use businesses
 - i) Vehicle repair stations
 - j) Vehicle auctions
 - k) Vehicle washes
 - l) Dry cleaners and laundries
 - m) Central dry cleaning/laundry plants
 - n) Outdoor dining adjacent to the east and west sides and along the north rear of any buildings
 - o) Commercial kennels/pet day care
 - p) Vehicle fueling stations
 - q) Ambulance facilities
 - r) Commercial wind energy conversion systems and meteorological towers
 - s) Truck terminals
 - B. Further, that new development of the property is also subject to the following additional conditions:
 - a) New buildings and structures shall be subject to all applicable ordinances, site plan requirements and site plan approval.
 - b) Heights of new buildings shall not exceed two stories.
 - c) A 30 foot landscaped greenbelt shall be constructed adjacent to the north and west boundary lines that abut residential homes.
 - d) Truck deliveries between 11 p.m. and 8 a.m. shall be prohibited.
 - e) Outdoor storage of materials shall be prohibited.

Yes: Edmunds, Hutson, Kempen, Krent, Sanzica, Schepke, Schultz, Tagle
No: Strat

MOTION CARRIED



CITY COUNCIL AGENDA ITEM

Date: August 2, 2012

To: Honorable Mayor and City Council Members

From: Mike Culpepper, Acting City Manager
Lori Grigg Bluhm, City Attorney
M. Aileen Bittner, City Clerk

Subject: Revisions to 2011-2012 City Council Rules of Procedure

During the Study Session held on July 23, 2012, as part of the Regular City Council Meeting, City Council arrived at a consensus regarding revisions to multiple Rules of Procedure. City Administration, during the course of incorporating these revisions into the draft document, discovered a few areas that had caused confusion in the past or simply needed clarification.

City Administration has provided suggested revisions to these Rules: *6.A. Regular Meeting Agenda; 6.B. Closed Meeting Agenda; 9.B. Closed Session Minutes; 10. Proclamations; 11. Reconsideration of Questions; 13. Withdrawal of Motions Prior to Voting; 26. Video and Audio Presentations.* It is the hope of Administration that the suggested revisions will help City Council in the application of these Rules.

Suggested Resolution
Resolution #2012-08-

RESOLVED, That Troy City Council hereby **APPROVES** the 2011-2012 City Council Rules of Procedure as revised by City Council at the July 23, 2012 City Council Meeting and including the suggested revisions made by City Administration.



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

Adopted: February 20, 2012

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1. APPOINTMENT OF MAYOR PRO TEM

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

2. CODE OF ETHICS

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

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

3. DESIGNATION OF ACTING MAYOR

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

4. SPECIAL MEETINGS

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

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

B. DOCUMENTATION:

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

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

C. POSTING AND DELIVERY:

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

D. ORDER OF BUSINESS:

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

A. Call to Order

B. Roll Call:

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

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

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

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

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

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

F. Public Comment

G. Adjournment

5. REGULAR MEETINGS

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

6. AGENDA

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

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

7. ORDER OF BUSINESS

At each Regular meeting of the Council, the business to be considered shall be taken up for

consideration and disposition in the following order:

Invocation

Pledge of Allegiance

A. Call to Order

B. Roll Call

1) Listing of Council Members

2) Excuse Absent Council Members pursuant to Rule Number 22

C. Certificates of Recognition and Special Presentations

D. Carryover Items

E. Public Hearings

F. Public Comment for Items On the Agenda– In accordance with the Rules of Procedure of the City Council, Rule Number 17 - Members of the Public and Visitors

G. City Council/City Administration Response/Reply to Public Comment

H. Postponed Items

I. Regular Business

J. Consent Agenda

1) Approval of "I" Items NOT Removed for Discussion

2) Address of "I" Items Removed for Discussion

K. Memorandums and Future Council Agenda Items

L. Public Comment for Items Not on the Agenda – In accordance with the Rules of Procedure of the City Council, Rule Number 17 – Members of the Public and Visitors

~~**M. Council Referrals** - Items appearing under Council Referrals are items intended for City Council action that are brought forward by the Mayor or Council Members in accordance with Rule 6 (A), before the City Manager's agenda deadline for consideration at the next regular meeting.~~

~~**M.N. Council Comments** - Items for the good of the order brought forward by Mayor and Council, will be placed on the next Regular Meeting Agenda for Action. Items appearing under Council Comments are not intended for discussion or action at the meeting at which they first appear.~~

~~**N.O. Reports**~~

~~**O.P. Study Items**~~

~~**P.Q. Closed Session**~~

~~**Q.R. Adjournment**~~

8. CABLE CASTING OF CITY COUNCIL MEETINGS

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

9. MINUTES

A. Minutes: The minutes will be distributed to the Council prior to their approval. The minutes will be placed on the Consent Agenda for approval.

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

~~even though not technically required under the Open Meetings Act. No official City Council action will be necessary for closed session minutes, since the closed session minutes will reflect only the reason for the closed session (in compliance with Section 6 (B), the date, the starting and ending time and the persons in attendance.~~

10. PROCLAMATIONS

Proclamations, ~~which are formal public announcements made by City Council,~~ shall be included in the agenda under Reports and Communications and may be brought before Council ~~or City Administration~~ for consideration by any member. Proclamations will be placed on the Consent Agenda for approval ~~and may include a presentation listed under Certificates of Recognition and Special Presentations.~~

11. RECONSIDERATION OF QUESTIONS

~~Reconsideration of~~ A motion to reconsider any vote of the Council may be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members ~~*elect. If such a motion to reconsider passes, and new information has been brought forward, then any member of Council may move to take action on the motion that is to be reconsidered, and any such motion would pass by an~~ Reconsideration of any vote of the Council may further be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members elect, provided that new information has been brought forward. ~~*Charter states "majority of the members elect."~~

12. RESCISSION OF QUESTIONS

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

13. WITHDRAWAL OF MOTIONS PRIOR TO VOTING

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

14. PUBLIC HEARING

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

15. CONSENT AGENDA

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

16. APPOINTMENTS

A. Appointments to Boards, Commissions and Committees:

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

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

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

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

B. Method of Voting on Nominees:

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

G. Appointment of City of Troy Representation to SEMCOG and SOCARRA

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

SOCRRA (South Oakland County Resource Recovery Authority) Representation:

The Mayor and City Council shall appoint one delegate and one alternate to serve on the SOCRRA Board for a term of one-year expiring on June 15th.

17. MEMBERS OF THE PUBLIC AND VISITORS

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

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to ~~five (5)~~three (3) 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)~~three (3) minutes to address Postponed, Regular Business, ~~or~~ Consent Agenda or Study items or any other item on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items On the Agenda* portion of the ~~a~~Agenda.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any topic not on the Agenda as permitted under the Open Meetings Act during the Public Comment for Items Not on the Agenda portion of the Agenda.
- All members of the public who wish to address the Council at a meeting shall be allowed to speak only if they have signed up to speak within thirty minutes before or within fifteen minutes after the meeting's start time. Signing up to speak requires each speaker provide his or her name and residency status (Troy resident, non-resident, or Troy business owner). If the speaker is addressing an Item (or Items) that appear on the pre-printed agenda, then the speaker shall also identify each such agenda item number(s) to be addressed.
- City Council may waive the requirements of this section by a majority vote 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.

Prior to *Public Comment for Items On the Agenda*, the Mayor will provide a verbal notification of the rules of decorum for City Council meetings. In addition, the written Agenda Packet will include the following language, as approved by City Council:

The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is required to sign up to speak within thirty minutes before or within fifteen minutes of the start of the meeting. There are two Public Comment portions of the Agenda. For Items On the Agenda, speakers can sign up to address Postponed, Regular Business, Consent Agenda, or Study items or any other item on the Agenda. Speakers can sign up to address all other topics under Items Not on the Agenda. 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.

18. POSTPONE

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

19. RULES OF ORDER

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

20. MISCELLANEOUS EXPENSES

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

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

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

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

22. ABSENCES AT COUNCIL MEETINGS

A. Council members who are unable to attend a Council meeting and desire an excused absence shall notify the City Manager, City Attorney or City Clerk of their absence in writing prior to the meeting and indicate the reason for the absence. The reason shall be

entered in the proceedings of the Council at the time of each absence.

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

23. SUSPEND RULES

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

24. COUNCIL DISCUSSION

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

25. AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS

Mayor and Council Members submitting an agenda item that calls for a vote shall send the item to the City Manager in a timely manner in writing. Staff professional opinion will may be written to accompany the item ~~for discussion and a vote on the matter.~~ Rule 17 would govern, limiting any presentations to 15 minutes. ~~Presentations at the Council table shall be limited to 15 minutes.~~

26. VIDEO AND AUDIO PRESENTATIONS

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

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

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

28. VIOLATIONS

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

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

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



CITY COUNCIL AGENDA ITEM

Date: August 16, 2012

To: Michael W. Culpepper, Acting City Manager

From: Gary Mayer, Chief of Police *GM*
 Lieutenant Thomas Gordon *LG*
 Sergeant George Zielinski *GZ*

Subject: Application regarding SDM and Class C Resort Liquor Licenses for Muses Taverna

Background

Muses Taverna, LLC requests to Transfer Ownership of SDM and Class C Resort liquor licenses from Hot Rock Pizza, LLC located at 1893 E. Big Beaver Road, Troy, MI 48083. Muses Taverna will be located at 1893 E. Big Beaver Road in Troy {MLCC Request #662518}.

On August 13, 2012, attorney Steven Kiouisis, applicant Dimitrios Nikolakos, and his wife Afroditi Nikolakos, were present to answer questions from the Liquor Advisory Committee. Mr. Kiouisis informed the Committee that applicant plans to open an authentic Greek restaurant at this location. The applicant previously owned a restaurant in Europe and was a partner at Village Taverna in Macomb Township. The restaurant will be open seven days a week from 11:00 a.m. to midnight. The applicants are TIPS/TAMS certified.

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

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

Recommendation

Recommend approval of the request from Muses Taverna, LLC, pending the approval of the fire inspection and health inspection.

Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, August 13, 2012 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

ROLL CALL:

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

ALSO PRESENT: Julie Dufrane, Assistant City Attorney
Jeffrey Oberski, Analyst/Planner
Jesse Pappas, Student Representative
Pat Gladysz

Resolution to Approve Minutes of June 18, 2012 Meeting

Resolution #LC2012-08-018

Moved by Hall

Seconded by Ukraineec

RESOLVED, That the Minutes of the June 18, 2012 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 7
No: 0
Absent: 0

Agenda Items

1. **California Pizza Kitchen, Inc.** (a Delaware Corporation) requests to transfer all stock interest in 2011 Resort Class C licensed corporation issued under MCL 436.1531(4) located at Somerset Collection North, 2800 West Big Beaver Road, Space N 126, Troy, MI 48084, Oakland County, from a publicly traded corporation to new stockholder, CPK Merger Sub Inc. (a Delaware Corporation); and transfer all stock wherein CPK Merger Sub Inc. (a Delaware Corporation) transfers all stock to new stockholder, CPK

Holdings Inc. (a Delaware Corporation) through merger (Step 2). {MLCC Req. #619179}.

There was no one present to answer questions from the Committee.

Resolution #LC2012-08-019

Moved by Hall

Seconded by Kaltsounis

RESOLVED, That the Liquor Advisory Committee decided that there would be no action taken on this item.

Yes: 7
No: 0
Absent: 0

2. **Muses Taverna, LLC** requests to Transfer Ownership of SDM and Class C Resort liquor licenses from Hot Rock Pizza, LLC located at 1893 E. Big Beaver Road, Troy, MI 48083. *Muses Taverna will be located at 1893 E. Big Beaver Road in Troy.*

Present to answer questions from the Committee were attorney Steven Kiousis, applicant Dimitrios Nikolakos, and his wife Afroditi Nikolakos.

Mr. Kiousis informed the Committee that applicant plans to open an authentic Greek restaurant at this location. The applicant previously owned a restaurant in Europe and was a partner at Village Taverna in Macomb Township. The restaurant will be open seven days a week from 11:00 a.m. to midnight. The applicants are TIPS/TAMS certified.

Mr. Oberski informed the Committee that there currently is no final inspection from the Health Department and the Fire Department. Applicant stated that the inspections are scheduled this week. There are no other issues from the Police Department.

Resolution #LC2012-08-020

Moved by Ukrainec

Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Muses Taverna, LLC to Transfer Ownership of SDM and Class C Resort liquor licenses from Hot Rock Pizza, LLC located at 1893 E. Big Beaver Road, Troy, MI 48083 be **APPROVED**.

Yes: 7
No: 0
Absent: 0

There was a lengthy discussion regarding revisions made to the Administrative Rules of the Michigan Liquor Control Commission as of July 1, 2012. Assistant City Attorney Dufrane advised the Committee that one of the changes states that local approval is generally not required for license or stock transfers. Many local communities are questioning their role in relation to the new guidelines.

The Committee expressed many concerns regarding the new regulations. One of the main concerns was whether the Police Department will be advised when licenses are transferred or issued. The Committee stated that reports from the MLCC should be sent to the Police Department when licenses are issued.

Assistant City Attorney Dufrane indicated she would contact the MLCC District Supervisor, Enforcement Division, Mary Anne Donley, to address the Committee's concerns.

The meeting adjourned at 7:45 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

Re: Applicant: MUSESTAVERNA LLC Date: July 7, 2012
Address: 1893 East Big Beaver Type of License/s: CLASS C-Resort/SS/SDM
City/State/Zip: TROY MI 48065 MLCC Request ID: _____

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

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

LICENSEE AUTHORIZED REPRESENTATIVE

Witnesses: *[Signature]* By: *[Signature]*
ESTATHIOS KIOUSIS Dimitrios NIKOLAOS
HEXELAS CHRISTOFILIDIS

Subscribed and sworn to before me this 7 day of July 2012
Notary Public, _____ County, MI
Acting in the County of _____
My commission expires: _____



CITY OF TROY

Witnesses: _____ By: _____
Janice Daniels, Mayor
By: _____
M. Aileen Bittner, City Clerk

Subscribed and sworn to before me this _____ day of _____ 20____
Notary Public, _____ County, MI
Acting in the County of Oakland
My commission expires: _____



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

Business ID: _____
 Request ID: _____
 (For MLCC use only)

Police Investigation Recommendation

[Authorized by MCL 436.1217 and R 436.1105; MAC]

Instructions for Applicants:

- Provide a copy of your Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or form LCC-3015 for Manufacturers and Wholesalers) to the local law enforcement agency.
- Sign consent below.
- Administrative rule R 436.1115 provides that an applicant for a license shall submit fingerprints and undergo investigation by the Commission. Fingerprints are not required for an applicant previously fingerprinted for a license with the Commission. If your local police agency does not have paper fingerprint cards, please contact the MLCC today at (866) 813-0011 and we will send them to you right away.
- **Send your completed application, the police recommendation and local approval to the address listed at the top of this form. Do not mail separately as it may delay the processing of your application.**

Instructions for Law Enforcement Agency:

- Under the Michigan Liquor Control Code, local police agency approval is required only for permanent or temporary dance permits, entertainment permits, or topless activity permits; local police approval is also required for extended hours of dance permits and entertainment permits. However, administrative rule R 436.1105 requires the Commission to consider an opinion of the local police agency in regard to an application for a license or a permit if the opinion is submitted in writing.
- If applicant states they have never held a license, please attach the fingerprint card and \$30.00 fee payable (for each card) to the State of Michigan and return them to the Lansing office of the Michigan Liquor Control Commission. If your local police agency does not have paper fingerprint cards, please contact the MLCC today at (866) 813-0011 and we will send them to you right away.
- Fingerprint all individuals who hold 10% or more of the total stock or interest issued as stated in Part 8 of the Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or Part 9 in form LCC-3015 for Manufacturers and Wholesalers).
- Applicant will be required to advise you if they have been previously fingerprinted by the Commission for a license.

Part 1 - Consent for Investigation:

I hereby consent to an investigation by the local law enforcement.

06-19-2012

DIMITRIOS NIKOLAKOS

Date

Print name of applicant

Signature of applicant

Business Phone: _____ Cell Phone: _____ E-mail address: _____

Part 2 - Applicant Investigation:

The application from MUSES TAVERNA, LLC
 (name of applicant)

for the following license(s): CLASS C-RESORT/SS /SDM
 (e.g. Class C, Tavern, B-Hotel, Micro Brewer)

to be located at 1893 E. BIG BEAVER ROAD, TROY, MI 48085

with the following permits, if applied for: Dance Permit Entertainment Permit Topless Activity Permit

Extended Hours Dance Permit Hours Required: _____

Extended Hours Entertainment Permit Hours Required: _____



MEMORANDUM

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LG*
DATE: August 22, 2012
SUBJECT: Proposed Amendment to Distracted Driving Ordinance

At the August 6, 2012 City Council meeting, City Council passed a resolution directing City Administration to prepare an amendment to Chapter 106- Traffic, by deleting part 3 of Section 1.20.05. Attached please find a proposed ordinance amendment for your consideration.

If adopted, the ordinance amendment would be effective in ten days, as long as it was printed in the newspapers prior to that date. (City Charter, Section 5.3).

Please let me know if you have any questions or concerns about this item.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 106 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 106, Sections 1.20.05 and 5.14c of the Code of the City of Troy.

Section 2. Amendment

Chapter 106, Section 1.20.05, shall be amended as follows:

1.20.05 **“Distracted Driving”** means the following:

- 1) The **operator of a motor vehicle’s** physical manipulation of any 2-way wireless electronic communication device used for dialing numbers; or scrolling; or typing or entering multiple letters, numbers, symbols, or other text; or the sending, receiving, and reading of any non-voice data in the device while the motor vehicle is in motion on any highway or street or place open to the general public within the City of Troy; or
- 2) The **operator of a motor vehicle’s** physical manipulation or handling of any wireless entertainment or electronic communication device for the purpose of speaking into, or listening to voice data, while the motor vehicle is in motion on any highway or street or place open to the general public within the City of Troy. ~~or~~
- ~~3) Any action by the driver of a motor vehicle that diverts his or her attention resulting in the failure to use due care and caution in the safe operation of a motor vehicle while the vehicle is in motion on any highway or street or place open to the general public within the City of Troy. Such action can include but is not limited to: eating, reading, writing, performing personal hygiene/grooming, physical interacting with pets, passengers, or unsecured cargo, and is done in a manner that prohibits the driver from maintaining direct physical control of the motor vehicle steering mechanism with at least one hand that is free of all other objects and used entirely to form a controlled grip on the steering mechanism.~~

Chapter 106, Section 5.14c shall be amended as follows:

5.14c Distracted Driving; Violation as Civil Infraction

- 1) A person shall not engage in distracted driving, **as defined by Chapter 106, Section 1.20.05 (1)**, within the City of Troy.
- 2) **A person shall not engage in distracted driving, as defined by Chapter 106, Section 1.20.05 (2), within the City of Troy.**
- 3) Exceptions. This section does not apply to a person who is using an electronic communication device to do one or more of the following:
 - a. Report a traffic accident, medical emergency or serious road hazard.
 - b. Report a situation in which the person believes his or her personal safety is in jeopardy.
 - c. Report or avert the perpetration or potential perpetration of a criminal act against the individual or another person.
 - d. Carry out official duties as a police officer, law enforcement official, member of a paid or volunteer fire department, or operator of an emergency vehicle.

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in

accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 5. Severability Clause

Should any word, phrase, sentence, paragraph or **section** of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 6. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, _____.

Janice Daniels, Mayor

Aileen Bittner, City Clerk

Pastor Stephen Husava from Northfield Hills Baptist 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, August 13, 2012, at City Hall, 500 W. Big Beaver Road. Mayor Daniels called the meeting to order at 7:33 PM.

B. ROLL CALL:

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

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 No Certificates of Recognition and Special Presentations

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Public Hearing for the Granting of an Industrial Facilities Exemption Certificate (IFEC) for US Farathane Corporation at 750 W. Maple

The Mayor **OPENED** the Public Hearing.

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

Resolution #2012-08-156

Moved by Slater

Seconded by McGinnis

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on July 25, 2011, established an Industrial Development District (IDD) for property known as 750 W. Maple, Troy, MI 48083, Parcel # 88-20-28-304-023; and

WHEREAS, An Application has been submitted by US Farathane Corporation, for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 750 W. Maple, Troy, MI. 48083 for five (5) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on August 13, 2012, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for US

Farathane Corporation, at 750 W. Maple, Troy, MI. 48083 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit; and

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

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for US Farathane Corporation, at 750 W. Maple, Troy, MI. 48083 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application to for an Industrial Facilities Exemption Certificate (IFEC) for US Farathane Corporation, at 750 W. Maple, Troy, MI. 48083, Parcel # 88-20-28-304-023, for personal property for a term of five (5) years, after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and US Farathane Corporation, and the payment of the fees in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Letter of Agreement between the City of Troy and US Farathane Corporation, a copy of which shall be **ATTACHED** to the original minutes of this meeting; and

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

Yes: Campbell, Fleming, Henderson, McGinnis, Slater

No: Daniels, Tietz

MOTION CARRIED

F. PUBLIC COMMENT:

Walters, Roger	Spoke about traffic issues on Boyd Street.
Fair, Daniel G.,	Spoke about the Troy Fire and Police Departments.
Geiger, M.L.	Spoke requesting unification of City Council.
Savage, James	Spoke on Item I-5 City Council Rules of Procedure regarding public comment.
Kajma, Linda	Spoke about Mayor Daniels.
Burgess, Sandra	Promoted Troy Restaurant Week - August 19 – 24, 2012. For more information, please visit www.troyrestaurantweek.com .
Peters, Richard	Spoke about various topics.
Kulesz, John	Promoted Recall Janice Daniels fund raiser at Joe Kool's on August 18 th at 6 PM - a \$25 donation requested.

Bernardi, Mary Ann	Spoke on Item I-5 City Council Rules of Procedure regarding public comment.
Howrylak, Martin	Spoke on Item I-5 City Council Rules of Procedure regarding public comment.
Hodorek, Ellen	Spoke about the State of the City Address.

G. RESPONSE / REPLY TO PUBLIC COMMENT:

H. POSTPONED ITEMS:

H-1 Council Member Henderson Referred Distracted Driving Ordinance for Discussion (Postponed from July 23, 2012)

Resolution #2012-08-157

Moved by Henderson

Seconded by Fleming

RESOLVED, That Troy City Council hereby **DIRECTS** City Administration to prepare an amendment to Chapter 106 – Traffic by deleting part 3. of Section 1.20.05.

Yes: Fleming, Henderson, Tietz, Daniels

No: Campbell, McGinnis, Slater

MOTION CARRIED

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Parks and Recreation Board

a) Mayoral Appointments - None

b) City Council Appointments

Resolution #2012-08-158

Moved by McGinnis

Seconded by Fleming

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

Parks and Recreation Board

Appointed by Council

7 Regular Members and 1 Troy School Board Member:

Regular Member: 3 Year Term / Troy School Board Member: 1 Year Term

Term Expires: 07/31/2013

Gary Hauff

(Troy School Board Member)

Term Expires: 07/31/2013

Aditya Yelamanchi

(Student Rep.)

Yes: All-7
No: None

MOTION CARRIED

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

a) Mayoral Nominations - None

b) City Council Nominations

Resolution #2012-08-159
Moved by McGinnis
Seconded by Slater

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

Historic District Commission

Appointed by Council
7 Regular Members
3 Year Term

Term Expires: 05/15/2015

Timothy McGee

Term currently held by: Muriel Rounds

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

MOTION CARRIED

I-3 No Closed Session Requested

I-4 Oakland County Board of Canvassers Interlocal Agreement

Resolution #2012-08-160
Moved by McGinnis
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** an Agreement with Oakland County for the canvass of local elections at a fee of \$25.00 per precinct. The City Clerk is

AUTHORIZED to sign the agreement between the City of Troy and Oakland County to utilize the services of the Oakland County Board of Canvassers.

Yes: McGinnis, Slater, Daniels, Campbell, Fleming, Henderson
No: None
Abstain: Tietz

MOTION CARRIED

I-5 City Council Rules of Procedure

Moved by Fleming
Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** the 2011-2012 City Council Rules of Procedure as revised by City Council at the July 23, 2012 City Council Meeting and including the suggested revisions made by City Administration.

Vote on Resolution to Postpone Item I-5 City Council Rules of Procedure

Resolution #2012-08-161
Moved by Tietz
Seconded by Fleming

RESOLVED, That Troy City Council hereby **POSTPONES** Item *I-5 City Council Rules of Procedure* to the August 27, 2012 Regular City Council Meeting.

Yes: All-7
No: None

MOTION CARRIED

I-6 Proposed Resolution Requesting Changes to State Fireworks Statute

Resolution #2012-08-162
Moved by Daniels
Seconded by Slater

WHEREAS, 2011 PA No. 256 amended the law concerning fireworks in the State of Michigan, and these new provisions were effective on January 1, 2012; and

WHEREAS, The revised state fireworks statutes, specifically MCL 28.451 et.seq., resulted in many complaints and concerns being raised by municipal constituents during the most recent 4th of July holiday period; and

WHEREAS, The statutory revisions to MCL 28.451 et. seq. also contain provisions that have created some concerns for Michigan municipalities.

NOW THEREFORE, BE IT RESOLVED, That the Troy City Council strongly **URGES** the Michigan Legislature to revisit and revise the state fireworks statutes, MCL 28.451 et. seq., to address the following:

- Provide clarification as to the powers of municipalities to establish reasonable regulations on all days, including designated holidays, in furtherance of the municipal obligation to provide for the public peace and health and safety of persons and property. These municipal powers include but are not limited to restrictions on the hours that fireworks can be discharged or restrictions on the locations that fireworks can be discharged.
- Remove any potential conflicts between the Michigan Occupational Safety and Health Act (PA 154 of 1974, as amended), the Michigan Fire Prevention Code Act, (PA 207 of 1941, as amended), the International Fire Code (2009) and MCL 28.451 et. seq..
- Clarify the storage and disposal responsibilities imposed on municipal officials for seized or illegal fireworks.
- Articulate the pre-emptive abilities of a municipal government to enact emergency moratoriums, based on hazardous environmental conditions.
- Clarify the powers of municipal officials to enforce reasonable regulations on all days, including designated holidays.
- Explicitly affirm that fireworks distributors and entities are not exempt from any and all local municipal regulations governing temporary businesses.
- Apply consistent regulations governing minors who purchase, use, store or discharge fireworks.
- Explicitly delegate inspection responsibilities to municipal officials, since this will increase the knowledge and preparedness for emergency responders, as well as the timeliness of the inspections. This also requires coordinating provisions for payment to the municipalities for the inspection and other work performed.

BE IT FURTHER RESOLVED, That the City Clerk shall **SEND** a copy of this Resolution to all state elected officials representing any portion of the City of Troy.

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

No: Tietz

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2012-08-163

Moved by Fleming

Seconded by McGinnis

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) as printed.

Yes: All-7
No: None

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2012-08-163-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the Regular City Council Meeting of July 23, 2012, as submitted.

J-3 No Proposed City of Troy Proclamations

J-4 Standard Purchasing Resolutions:

a) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Fitness Equipment

Resolution #2012-08-163-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase and install seven (7) New Matrix T5x Treadmills, one (1) Octane XrideXR #6000 Seated Elliptical Cross Trainer, two (2) Matrix C5x Climbmills, and two (2) Octane LateralX (LX8000) at the Troy Community Center less Trade-ins of eight (8) TRUE Commercial Grade Treadmills, one (1) NUSTEP, and one (1) Stairmaster Stepmill to the lowest bidder meeting specifications, *All Pro Exercise of Plymouth, MI* for an estimated net total cost of \$52,948.00, all at prices contained in the bid tabulation dated July 19, 2012.

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

b) Standard Purchasing Resolution 4: National Intergovernmental Purchasing Alliance (NIPA) – Combination Sewer Cleaning/Jetting Truck and 2012/13 Budget Amendment

Resolution #2012-08-163-J-4b

RESOLVED, That Troy City Council hereby approves a contract to purchase a 2013 Vactor – combination sewer cleaning/jetting truck with a 15-yard debris tank and dual diesel engines

from Jack Doheny Supplies, Inc of Northville, MI, through the National Intergovernmental Purchasing Alliance (NIPA) Cooperative Program for an estimated total cost of \$396,264.00.

BE IT FURTHER RESOLVED, That Troy City Council authorizes the sale of the 2002 Vactor sewer truck to either Jack Doheny Supplies, Inc at a trade-in allowance of \$88,000.00, or to another vendor solicited through marketing venues such as trade publications or websites, if the net proceeds from the sale exceeds the trade-in value of \$88,000.00.

BE IT FINALLY RESOLVED, That Troy City Council hereby amends the 2012/2013 Fleet Division Replacement Fund Budget to include the monies needed to complete this purchase.

c) Standard Purchasing Resolution 4: MITN Purchasing Cooperative – Oakland County – Mutual Aid Fire Hose Testing

Resolution #2012-08-163-J-4c

RESOLVED, That Troy City Council hereby **APPROVES** a contract for fire hose testing services during the 2012/2013 fiscal year from the low bidder, Waterway Michigan LLC of Caledonia, MI, through a MITN Cooperative Award hosted by Oakland County at a unit price of \$.21 per foot for an estimated total cost of \$10,920.00.

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

J-5 Sole Source – Upgrade LibertyNET to OnBase Document Management

Resolution #2012-08-163-J-5

WHEREAS, The City has utilized LibertyNET since 2005 to manage electronic documents which has greatly streamlined a number of processes and made accessing documents much easier; and

WHEREAS, LibertyNET was subsequently purchased by Hyland Software of Westlake, Ohio in July of 2008, but would only support the LibertyNET product for 3-5 years, as they offer a similar product known as OnBase; and

WHEREAS, Hyland is offering a like for like match of the OnBase software at no charge with fees only for implementation, training and ongoing maintenance/support;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** and **AUTHORIZES** the LibertyNET upgrade to OnBase software from the sole source provider of proprietary software, Hyland Software of Westlake, Ohio, as detailed in Attachment A, Costs; a copy of which shall be **ATTACHED** to the original Minutes of this meeting, for an estimated total cost of \$85,900, with estimated yearly maintenance fees of 18% of list the first year, or \$48,051; 19% of list the second year, or \$50,720, and then 20% of list currently at \$53,389, for each subsequent year.

BE IT FURTHER RESOLVED, The contract is **CONTINGENT UPON** the contractor's submission of properly executed documents including all insurance certificates.

J-6 Bid Waiver – Purchase Two Additional Self-Checkout Stations for Troy Public Library

Resolution #2012-08-163-J-6

WHEREAS, On October 17, 2011, Troy City Council approved the purchase of three (3) self-checkout stations from Polaris Library Systems (Resolution #2011-10-248); and

WHEREAS, Polaris Library Systems is an authorized dealer of 3M self-checkout stations with media un-lockers; and

WHEREAS, It is desirable to purchase two (2) additional self-checkout stations which are compatible with the current Library system and software; and

WHEREAS, Due to the complexity of the system, it is desirable to allow the company who installed, implemented and currently maintains the system to furnish and install the two (2) additional self-checkout stations thus avoiding corruption of the system software;

NOW THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and hereby **AUTHORIZES** the City of Troy to utilize the services of Polaris Library Systems of Syracuse, NY, to furnish and install the two (2) additional self-checkout stations for an estimated total cost of \$29,630.00, in accordance with their quotation #2012-0505 dated 6/12/2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That 3M **WILL PROVIDE** ongoing support and maintenance beginning at the end of the first-year warranty period for an estimated annual cost of \$3,330.00.

J-7 Private Agreement – Tim Hortons – 1905 E. Maple – Project No. 12.905.3

Resolution #2012-08-163-J-7

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Tim Donut U.S. Limited, Inc. is hereby **APPROVED** for the installation of an asphalt deceleration lane, concrete approaches & sidewalk, storm sewer, and underground storm water detention, 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-8 Request for Acceptance of Four Easements, Birchwood Avenue, Sidwell #88-20-27-481-030 & 031

Resolution #2012-08-163-J-8

RESOLVED, That City Council hereby **ACCEPTS** four easements for drainage and storm sewer, and sidewalk from property owner Michael Agnetti, having Sidwell #88-20-27-481-030 & 031, and

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

J-9 Donation of Retired 1992 Spartan-Darley Fire Pumper

Resolution #2012-08-163-J-9

WHEREAS, The Troy Fire Department is scheduled to retire a 1992 Spartan-Darley fire pumper, currently in use as a reserve and in average condition considering its age and usage; and

WHEREAS, The Oakland Fire Training Institute (OFTI) is the vocational branch of Oakland Community College that provides both pre-service and in-service fire training programs at the Combined Regional Emergency Services Training Center (CREST); and

WHEREAS, The CREST facility relies on grants, donations and limited capital funding for all training structures, apparatus and materials for their fire training programs; and

WHEREAS, The Troy Fire department partners with OFTI in basic firefighter training at the Troy Training Center, which allows up to five (5) Troy volunteer firefighters to attend the academy at no cost, a value of \$1,400 per person;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the donation and title transfer of the 1992 Spartan-Darley fire pumper to the Oakland Fire Training Institute (OFTI) for training use at the CREST facility in exchange to send up to seven (7) Troy firefighters per academy session over the next three (3) years.

J-10 Private Agreement – Cedar Pines Estates No. 2 – Project No. 12.907.3

Resolution #2012-08-163-J-10

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Mondrian Properties Cedar Pines LLC, is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, soil erosion and landscaping on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-11 Fireworks Permit – Troy Family Daze Festival

Resolution #2012-08-163-J-11

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Mad Bomber Fireworks Productions of Kingsbury, Indiana, for the public display of fireworks at the Troy Family Daze Festival at the Zion Christian Church, 3668 Livernois, Troy, Michigan, on September 15, 2012, or the rain date of September 16, 2012.

BE IT FURTHER RESOLVED, That the Troy Fire Department will **INSPECT** the fireworks to be displayed along with the site to assure compliance with applicable codes and standards for such a fireworks display.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

- a) Announcement of Public Hearing – August 27, 2012 – Conditional Rezoning Application (File Number CR-007) – Proposed Charter One Bank Branch, 125 Stephenson Highway and 1250 W. 14 Mile Road, Section 35, From O (Office) District to IB (Integrated Industrial and Business) District
-

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

L. COUNCIL REFERRALS:

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

L-1 Mayor Daniels Referral Regarding Her Biography on the City Website Council

L-2 Council Member Fleming Referral Regarding Pensions, Retirees, Employee Health Care, Transit Center and Distracted Driving Ordinance Questions

M. COUNCIL COMMENTS

M-1 No Council Comments Advanced

Council Member Henderson spoke encouragingly of N-2e) Troy Commercial Real Estate Market Information (2nd Quarter of 2012).

Mayor Pro Tem McGinnis announced that the Troy Nature Society is having an Ice Cream Social & Open House Aug 19, from 1-3 pm at the Lloyd A. Stage Nature Center. For more information, please visit www.troynaturesociety.org.

Mayor Pro Tem McGinnis commended the Troy Police Department for their professionalism during the recent missing person/homicide investigation.

Mayor Daniels mentioned a letter from Commissioner Gosselin informing the City of Troy that there is \$2.9 million of uncommitted funds being offered to communities that are interested in tri-party funds for road repairs.

Mayor Daniels mentioned attending a ribbon cutting celebrating the opening of Sephora located within JC Penney.

N. REPORTS

N-1 Minutes – Boards and Committees:

- a) Planning Commission-Draft-July 10, 2012
 - b) Planning Commission-Final-July 10, 2012
- Noted and Filed
-

N-2 Department Reports:

- a) Troy Transit Center Status Report – August, 2012
 - b) 2012 Midyear Calls for Police Service Report
 - c) Final Reporting – BidNet On-Line Auction Services – June 2012
 - d) City of Oak Park Hazardous Materials Incident and Mutual Aid Request
 - e) Troy Commercial Real Estate Market Information (2nd Quarter of 2012)
- Noted and Filed
-

N-3 Letters of Appreciation:

- a) Letter of Appreciation to Troy City Council Members from Andrew Bartlett, Thanking Cathy Russ and the Troy Public Library Staff for an Internship Opportunity
 - b) Letter of Appreciation to Mike Culpepper Regarding Steve Burns of SAFEbuilt
 - c) Letter of Appreciation to Chief Mayer from Ann Naubert of FitZone for Women – Troy Thanking Officer Daniels for Assistance
 - d) Letter of Appreciation to Paul Evans and Gary Bowers from Alex LaVoie-McGregor
 - e) Letter of Appreciation to Gary Bowers from Matt Creech
- Noted and Filed
-

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

Noted and Filed

N-5 Fire Apparatus Purchase Update

Noted and Filed

N-6 Requested Distracted Driving Ordinance Information

Noted and Filed

O. STUDY ITEMS

O-1 No Study Items

P. CLOSED SESSION:

P-1 No Closed Session

Q. ADJOURNMENT

The Meeting **ADJOURNED** at 9:44 PM.

Mayor Janice Daniels

M. Aileen Bittner, CMC
City Clerk

A. CALL TO ORDER:

A Special Meeting of the Troy City Council was held Wednesday, August 15, 2012, at City Hall, 500 W. Big Beaver Road. Mayor Daniels called the meeting to order at 5:15 PM.

B. ROLL CALL:

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

The Meeting **RECESSED** at 5:16 PM.

The Meeting **RECONVENED** in Closed Session at 5:16 PM.

C. DISCUSSION ITEM:

-
- C-1 Closed Session as permitted by MCL 15.268 (f) and MCL 15.268 (h)- MCL 15.243 (e) and (k), to review material and/or select finalists to be scheduled for interviews.**

The Meeting **RECESSED** at 7:34 PM.

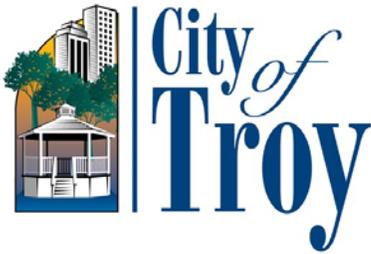
The Meeting **RECONVENED** in Open Session at 7:34 PM.

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

The Meeting **ADJOURNED** at 7:35 PM.

Mayor Janice Daniels

M. Aileen Bittner
City Clerk



CITY COUNCIL ACTION REPORT

August 20, 2012

TO: Michael W. Culpepper, Acting City Manager

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

SUBJECT: Standard Purchasing Resolution #1: Award to Low Bidder
Contract 12-4 – Industrial Roads Mill & Overlay

Background:

Bids were received and publicly read on August 16, 2012. The low bid of \$492,437.31 was submitted by Pro-line Asphalt Paving Corp., 11797 29 Mile Road, Washington, MI 48095, as shown on the attached tabulation summary. The Engineer's estimate at the time of bidding was \$516,631.75. The low bid is \$24,194.44 or 4.68% below the Engineer's estimate.

Work includes milling the asphalt surface (grinding off), base repairs, curb & gutter repairs, and an asphalt overlay on Elloit in Section 36 and Spencer in Section 28. The work is anticipated to start in mid September and be complete by the end of November 2012.

Recommendation

It is recommended that City Council award a contract for the Industrial Roads Mill & Overlay project to Pro-line Asphalt Paving Corp., 11797 29 Mile Road, Washington, MI 48095, for their low bid amount of \$492,437.31. In addition, we are requesting authorization to approve additional work, if needed, not to exceed 25% of the original project cost due to unknown quantities of repair work needed after milling off the asphalt surface.

Fund Availability

Funds for this work are included in the 2012/13 Major Road Fund. The budgeted amount includes funds for engineering, construction, inspection and contingencies.

Legal Considerations

Work was competitively bid and publicly opened with six (6) bidders responding. Award is contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

City of Troy

Bid Tabulation Summary

Contract ID: Contract 12 - 4
Contract Year: 2012
Location: Elliot Spencer
Description: Industrial Roads Mill & Overlay

Project Number: 401.447.479.7989.300
Estimate Number: 2
Project Type: Miscellaneous
Location: Elliot & Spencer

Project Engineer: Scott Finlay
Date Created: 8/16/2012
Fed/State #:
Fed Item:
Control Section:

Description: 4

Rank	Vendor	Total Bid	% Over Low	% Over Est.
0	ENGINEER'S ESTIMATE	\$516,631.75	4.91%	0%
1	(08208) Pro-Line Asphalt Paving Corp.	\$492,437.31	0%	-4.68%
2	(00588) Ajax Paving Industries, Inc.	\$496,415.25	0.80%	-3.91%
3	(01276) T & M Asphalt Paving Inc.	\$501,326.25	1.80%	-2.96%
4	(00891) Florence Cement Company	\$506,186.00	2.79%	-2.02%
5	(_00003) Cadillas Asphalt LLC	\$520,205.65	5.63%	0.69%
6	(01411) Barrett Paving Materials Inc.	\$534,650.25	8.57%	3.48%



CITY COUNCIL ACTION REPORT

August 23, 2012

TO: Michael W. Culpepper, Acting City Manager

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

SUBJECT: Standard Purchasing Resolution 1: Award to Low Bidder –
Type 'K' Copper Tubing

BACKGROUND

On August 23, 2012, bid proposals were received electronically to furnish Type 'K' Copper Tubing. 53 vendors were notified of this solicitation via the MITN website. Nine (9) vendors submitted secured pricing bids electronically and one (1) vendor submitted a no-bid. Due to the volatility of the commodity market, we asked that vendors hold prices for thirty (30) days. The apparent low bidder could only hold pricing for seven (7) days and because of a \$4,656.00 cost savings, it was in the best interest of the City to award the contract to that vendor.

RECOMMENDATION

City management recommends awarding the contract for Type "K" copper tubing to low bidder, SLC Meter Service of Davisburg, MI for an estimated total cost of \$45,348.00, at unit prices contained in the attached bid tabulation.

FUND AVAILABILITY

Funds for these materials are available through the 2012-2013 Water Department Operating Supply Account for tap-ins.

Opening Date -- 08/23/2012
 Date Reviewed -- 8/23/2012

CITY OF TROY
 BID TABULATION
 COPPER TUBING

VENDOR NAME:

VENDOR NAME:				SLC Meter	Liberty Plumbing	HD Supply	One Supply
				Service	Supply	Waterworks	Group
ITEM #	DESCRIPTION	UOM	Qty	Unit Price	Unit Price	Unit Price	Unit Price
1	1" Type "K" Copper Tubing 60 foot rolls - WW-T799	Foot	12,000	\$ 3.51	\$ 3.62	\$ 3.66	\$ 3.73
2	3/4" Type "K" Copper Tubing 60 foot rolls - WW-T799	Foot	1,200	\$ 2.69	\$ 2.78	\$ 2.80	\$ 2.86
TOTAL COST:				\$ 45,348.00	\$ 46,776.00	\$ 47,280.00	\$ 48,192.00
PRICE GUARANTEE:				7 days	10 days	7 days	Prices firm until 8/28/2012
TERMS/DISCOUNT:				Net 30	Net 30 days	net 30 days	1% 10 days
WARRANTY INFO:				Blank	Blank	Manufacturer	Blank
DELIVERY/START DATE:				14 days	7 days	within 7 days of rec po#	within one week
MINIMUM ORDER:				No Min	Yes \$46,776.00	None	Yes \$48,192.00
EXCEPTIONS:				None	None	Price held 7 days from bid opening	None

NO BID:
 Aluminum Supply Co

PROPOSAL - Purchase 1" and 3/4" Type "K" Copper Tubing as specified

ATTEST:
 Emily Frontera
 Susan K. Riesterer
 Susan Leirstein

HIGHLIGHTED AREA DENOTES LOW BIDDER

Susan Leirstein CPPO, CPPB
 Purchasing Director

Opening Date -- 08/23/2012
 Date Reviewed -- 8/23/2012

CITY OF TROY
 BID TABULATION
 COPPER TUBING

VENDOR NAME:

VENDOR NAME:				Etna Supply	Advance Plumbing	FISCO	Peerless
				Company	& Heating		Supply Co.
					Supply Co.		
ITEM #	DESCRIPTION	UOM	Qty	Unit Price	Unit Price	Unit Price	Unit Price
1	1" Type "K" Copper Tubing 60 foot rolls - WW-T799	Foot	12,000	\$ 3.87	\$ 3.89	\$ 3.95	\$ 4.02
2	3/4" Type "K" Copper Tubing 60 foot rolls - WW-T799	Foot	1,200	\$ 2.97	\$ 2.95	\$ 2.95	\$ 3.03
TOTAL COST:				\$ 50,004.00	\$ 50,220.00	\$ 50,940.00	\$ 51,876.00
PRICE GUARANTEE:				30 days	Pricing good until 8/30/12	30 days	Sept 23 thd 2012
TERMS/DISCOUNT:				Net 30	Net 10th prox	Net 30	Net 30 days
WARRANTY INFO:				1 year manufacturer's	Blank	Blank	Blank
DELIVERY/START DATE:				9/10/2012	7-10 days	21 days	2 weeks date of award
MINIMUM ORDER:				No	Yes Min Qty 200	No	Yes \$51,876.00
EXCEPTIONS:				None	Pricing good until 8-30-12 net 10th prox 7-10 days	None	None



CITY COUNCIL AGENDA ITEM

Date: August 21, 2012

To: Michael W. Culpepper, Interim 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 Warranty Deed and Four Permanent Easements - Athens Parc Site Condominium - Sidwell #88-20-14-401-006

Background

As part of the development of Athens Parc Site Condominium in Section 14, the Engineering Department has received a warranty deed for Rockdale Court, a public road, and four permanent easements for landscape and preservation, sanitary sewer, storm sewer and public utilities from David and Linda Purvis, owners of the property having Sidwell #88-20-14-401-006.

The consideration amount on each document is \$1.00. The format and content of the warranty deed and easements is consistent with documents previously accepted by City Council.

Recommendation

City Management recommends that City Council accept the attached warranty deed and four permanent easements consistent with our policy of accepting deeds and easements for development and improvement purposes.

WARRANTY DEED

14-401-006
Sidwell # 88-20-~~88-20-14-006~~ (part of)
Resolution #

David Purvis and Linda Purvis, his wife, whose address is 4461 Cynthia Drive, Troy, MI 48085 convey and warrant to the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road,, Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

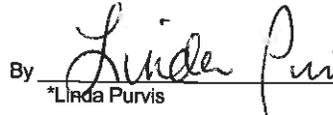
SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

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

Dated this 15 day of August, 2012.

By  (L.S.)
*David Purvis

By  (L.S.)
*Linda Purvis

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 15 day of August, 2012, by David Purvis and Linda Purvis, husband and wife.



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

Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____

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

Tax Parcel #88-20-14-401-006 (part of) Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT "A"

ROCKDALE COURT
PART OF PARCEL No. 20-14-401-006

PART OF LOT 17 OF "AMENDED PLAT OF LOT 17 SUPERVISOR'S PLAT OF SQUARE ACRES SUB.", AS RECORDED IN LIBER 296 OF PLATS, PAGE 23 AND 24, OAKLAND COUNTY RECORDS, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

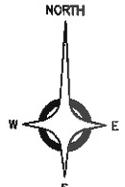
COMMENCING AT THE SOUTHEAST CORNER OF LOT 17 OF "AMENDED PLAT OF LOT 17 SUPERVISORS PLAT OF SQUARE ACRES SUB.", THENCE NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 131.09 FEET ALONG THE SOUTH LINE OF LOT 17 TO THE POINT OF BEGINNING; THENCE CONTINUING, NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 41.80 FEET ALONG THE SOUTH LINE OF LOT 17; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 120.00 FEET; NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 18.20 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 341.47 FEET; THENCE NORTHWESTERLY ALONG A TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A CENTRAL ANGLE OF 45 DEGREES 05 MINUTES 57 SECONDS, A RADIUS OF 42.00 FEET, AN ARC DISTANCE OF 33.06 FEET AND WHOSE CHORD IS NORTH 22 DEGREES 47 MINUTES 59 SECONDS WEST 32.21 FEET; THENCE ALONG A TANGENT CURVE CONCAVE TO THE SOUTH HAVING A CENTRAL ANGLE OF 270 DEGREES 11 MINUTES 54 SECONDS, A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 282.95 FEET AND WHOSE CHORD IS NORTH 89 DEGREES 45 MINUTES 00 SECONDS EAST 84.71 FEET; THENCE SOUTHWESTERLY ALONG A TANGENT CURVE CONCAVE TO THE EAST HAVING A CENTRAL ANGLE OF 45 DEGREES 05 MINUTES 57 SECONDS, A RADIUS OF 42.00 FEET, AN ARC DISTANCE OF 33.06 FEET AND WHOSE CHORD IS SOUTH 22 DEGREES 17 MINUTES 58 SECONDS WEST 32.21 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 462.03 FEET; TO THE SOUTH LINE OF LOT 17 AND THE POINT OF BEGINNING. CONTAINING 0.87 ACRES, MORE OR LESS.

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

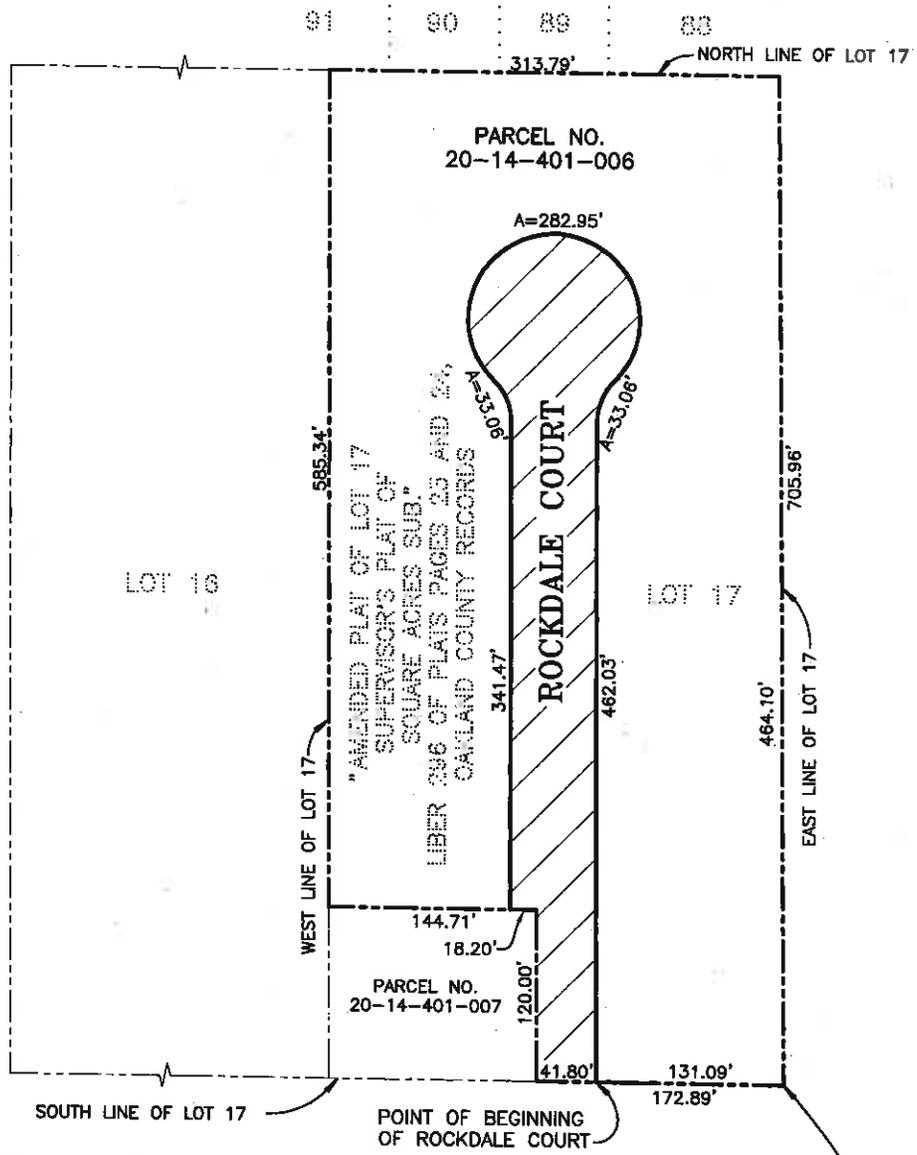
ANDERSON, ECKSTEIN AND WESTRICK, INC.

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

RIGHT OF WAY EXHIBIT "A"



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



ROCKFIELD ROAD (60' WD.)

SOUTHEAST CORNER OF AMENDED PLAT OF LOT 17 SUPERVISOR'S PLAT OF SQUARE ACRES SUB." LIBER 296, PAGES 23 AND 24, OAKLAND COUNTY RECORDS

SEE ATTACHED SHEET FOR DESCRIPTION

GRANTEE (TO): <u>CITY OF TROY</u>			PARCEL I.D. NO.: <u>20-14-401-006</u>	
ADDRESS: <u>500 WEST BIG BEAVER</u>			GRANTOR (FROM): <u>GFA DEVELOPMENT</u>	
CITY, ST., & ZIP: <u>TROY, MI 48084</u>			ADDRESS: <u>3301 MIRAGE</u>	
			CITY, ST., & ZIP: <u>TROY, MI. 48083</u>	
SEC: <u>14</u>	TWP: <u>CITY OF TROY</u>	COUNTY: <u>OAKLAND COUNTY</u>	AEW NO.: <u>1209-0001</u>	BOOK NO.:
DRAWN BY: <u>JLA</u>	CHECKED BY: <u>RHB</u>	SCALE: <u>1" = 100'</u>	EASEMENT NO.: <u>ROAD_EASE</u>	CONST. PLAN PAGE NO.:
SHEET <u>1</u> OF <u>3</u>	REVISED <u>2-2-2012</u>		TITLE SEARCH:	

PERMANENT EASEMENT

Sidwell # 88-20-14-401-006
Resolution #

David Purvis and Linda Purvis, his wife, whose address is 4461 Cynthia Drive, Troy, MI 48085 for and in consideration of the sum of: One Dollar and no/100 (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace landscape and preservation easement, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 15th day of August A.D. 2012.

By [Signature] (L.S.)
*David Purvis

By [Signature] (L.S.)
*Linda Purvis

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 15 day of August, 2012, by David Purvis and Linda Purvis, husband and wife.

[Signature]

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

Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____

Prepared by:
Larysa Figol
City of Troy
500 West Big Beaver
Troy, Michigan 48084

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

EXHIBIT "A"

PRESERVATION EASEMENT PART OF PARCEL 20-14-401-006.

A PERMANENT PRESERVATION EASEMENT, PART OF LOT 17 OF "AMENDED PLAT OF LOT 17 OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB. ", AS RECORDED IN LIBER 296 OF PLATS, PAGES 23 AND 24, OAKLAND COUNTY RECORDS, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 17 OF "AMENDED PLAT OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB.", THENCE NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 12.00 FEET ALONG THE SOUTH LINE OF LOT 17; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 117.55 FEET; THENCE NORTH 89 DEGREES 27 MINUTES 18 SECONDS EAST 12.00 FEET TO THE EAST LINE OF LOT 17; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 112.00 FEET ALONG THE EAST LINE OF LOT 17; THENCE SOUTH 89 DEGREES 33 MINUTES 46 SECONDS WEST 12.00 FEET; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 176.98 FEET; THENCE NORTH 89 DEGREES 27 MINUTES 18 SECONDS EAST 12.00 FEET TO THE EAST LINE OF LOT 17; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 100.00 FEET ALONG THE EAST LINE OF LOT 17; THENCE SOUTH 89 DEGREES 27 MINUTES 08 SECONDS WEST 12.00 FEET; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 133.96 FEET; THENCE NORTH 52 DEGREES 58 MINUTES 32 SECONDS EAST 14.92 FEET TO THE EAST LINE OF LOT 17; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 56.40 FEET TO THE NORTHEAST CORNER OF LOT 17; THENCE NORTH 89 DEGREES 49 MINUTES 00 SECONDS WEST 21.00 FEET ALONG THE NORTH LINE OF LOT 17; THENCE SOUTH 00 DEGREES 32 MINUTES 25 SECONDS EAST 12.00 FEET; THENCE NORTH 89 DEGREES 49 MINUTES 00 SECONDS WEST 125.19 FEET; THENCE NORTH 02 DEGREES 40 MINUTES 27 SECONDS EAST 12.01 FEET TO THE NORTH LINE OF LOT 17; THENCE NORTH 89 DEGREES 49 MINUTES 00 SECONDS WEST 12.01 FEET ALONG THE NORTH LINE OF LOT 17; THENCE SOUTH 02 DEGREES 40 MINUTES 27 SECONDS WEST 12.01 FEET; THENCE NORTH 89 DEGREES 49 MINUTES 00 SECONDS WEST 143.65 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 165.88 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 00 SECONDS WEST 12.00 FEET TO THE WEST LINE OF LOT 17; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 12.00 FEET ALONG THE WEST LINE OF LOT 17; THENCE NORTH 89 DEGREES 45 MINUTES 00 SECONDS EAST 12.00 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 88.00 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 00 SECONDS WEST 12.00 FEET TO THE WEST LINE OF LOT 17; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 20.00 FEET ALONG THE WEST LINE OF LOT 17; THENCE NORTH 89 DEGREES 45 MINUTES 00 SECONDS EAST 12.00 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 177.00 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 45 SECONDS WEST 12.00 FEET TO THE WEST LINE OF LOT 17; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 12.00 FEET ALONG THE WEST LINE OF LOT 17; THENCE NORTH 89 DEGREES 44 MINUTES 45 SECONDS EAST 12.00 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 80.89 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 12 SECONDS WEST 12.00 FEET TO THE WEST LINE OF LOT 17; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 565.79 FEET ALONG THE WEST LINE OF LOT 17 TO THE NORTHWEST CORNER OF LOT 17; THENCE SOUTH 89 DEGREES 49 MINUTES 00 SECONDS EAST 313.79 FEET ALONG THE NORTH LINE OF LOT 17 TO THE NORTHEAST CORNER OF LOT 17; THENCE SOUTH 00 DEGREES 33 MINUTES 32 SECONDS EAST 705.96 FEET ALONG THE EAST LINE OF LOT 17 TO THE POINT OF BEGINNING.

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

ANDERSON, ECKSTEIN AND WESTRICK, INC.

PERMANENT EASEMENT

Sidwell # 88-20-14-401-006
Resolution #

David Purvis and Linda Purvis, his wife, whose address is 4461 Cynthia Drive, Troy, MI 48085 for and in consideration of the sum of: One Dollar and no/100 (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed ^{their} ~~his~~ signature(s) this 15th day of August A.D. 2012.

By [Signature] (L.S.)
*David Purvis

By [Signature] (L.S.)
*Linda Purvis

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 15 day of August, 2012, by David Purvis and Linda Purvis, husband and wife.

[Signature]

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

Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____

Prepared by:
Larysa Figol
City of Troy
500 West Big Beaver
Troy, Michigan 48084

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

EXHIBIT "A"

SANITARY SEWER EASEMENT PART OF PARCEL No. 20-14-401-006

A PERMANENT SANITARY SEWER EASEMENT, PART OF LOT 17 OF "AMENDED PLAT OF LOT 17 SUPERVISOR'S PLAT OF SQUARE ACRES SUB.", AS RECORDED IN LIBER 296 OF PLATS, PAGES 23 AND 24, OAKLAND COUNTY RECORDS, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 17 OF "AMENDED PLAT OF LOT 17 SUPERVISORS PLAT OF SQUARE ACRES SUB.", THENCE NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 131.09 FEET ALONG THE SOUTH LINE OF LOT 17; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 462.03 FEET; THENCE NORTHERLY ALONG A TANGENT CURVE CONCAVE TO THE EAST HAVING A CENTRAL ANGLE OF 45 DEGREES 05 MINUTES 57 SECONDS, A RADIUS OF 42.00 FEET, AN ARC DISTANCE OF 33.06 FEET AND WHOSE CHORD IS NORTH 22 DEGREES 17 MINUTES 59 SECONDS EAST 32.21 FEET; THENCE NORTHERLY ALONG A TANGENT CURVE CONCAVE TO THE WEST HAVING A CENTRAL ANGLE OF 131 DEGREES 24 MINUTES 06 SECONDS, A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 137.60 FEET AND WHOSE CHORD IS NORTH 20 DEGREES 51 MINUTES 07 SECONDS WEST 109.37 FEET TO THE POINT BEGINNING; THENCE CONTINUING, WESTERLY ALONG A TANGENT CURVE CONCAVE TO THE SOUTH HAVING A CENTRAL ANGLE OF 19 DEGREES 40 MINUTES 50 SECONDS, A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 20.61 FEET AND WHOSE CHORD IS SOUTH 83 DEGREES 36 MINUTES 25 SECONDS WEST 20.51 FEET; THENCE NORTH 06 DEGREES 23 MINUTES 20 SECONDS EAST 22.59 FEET; THENCE SOUTH 83 DEGREES 36 MINUTES 40 SECONDS EAST 20.00 FEET; THENCE SOUTH 06 DEGREES 23 MINUTES 20 SECONDS WEST 18.05 FEET TO THE POINT OF BEGINNING.

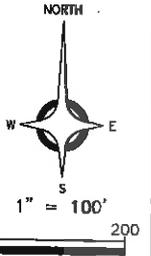
ALSO, A PERMANENT SANITARY SEWER EASEMENT BEING DESCRIBED AS, COMMENCING AT THE SOUTHEAST CORNER OF LOT 17 OF "AMENDED PLAT OF LOT 17 SUPERVISORS PLAT OF SQUARE ACRES SUB.", THENCE NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 172.89 FEET ALONG THE SOUTH LINE OF LOT 17; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 120.00 FEET; THENCE NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 18.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING, NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 16.00 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 375.04 FEET; THENCE SOUTHEASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A CENTRAL ANGLE OF 05 DEGREES 09 MINUTES 17 SECONDS, A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 5.40 FEET AND WHOSE CHORD IS SOUTH 42 DEGREES 46 MINUTES 19 SECONDS EAST 5.40 FEET; THENCE SOUTHEASTERLY ALONG A TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A CENTRAL ANGLE OF 45 DEGREES 05 MINUTES 57 SECONDS, A RADIUS OF 42.00 FEET, AN ARC DISTANCE OF 33.06 FEET AND WHOSE CHORD IS SOUTH 22 DEGREES 47 MINUTES 59 SECONDS EAST 32.21 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 341.47 FEET TO THE POINT OF BEGINNING.

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

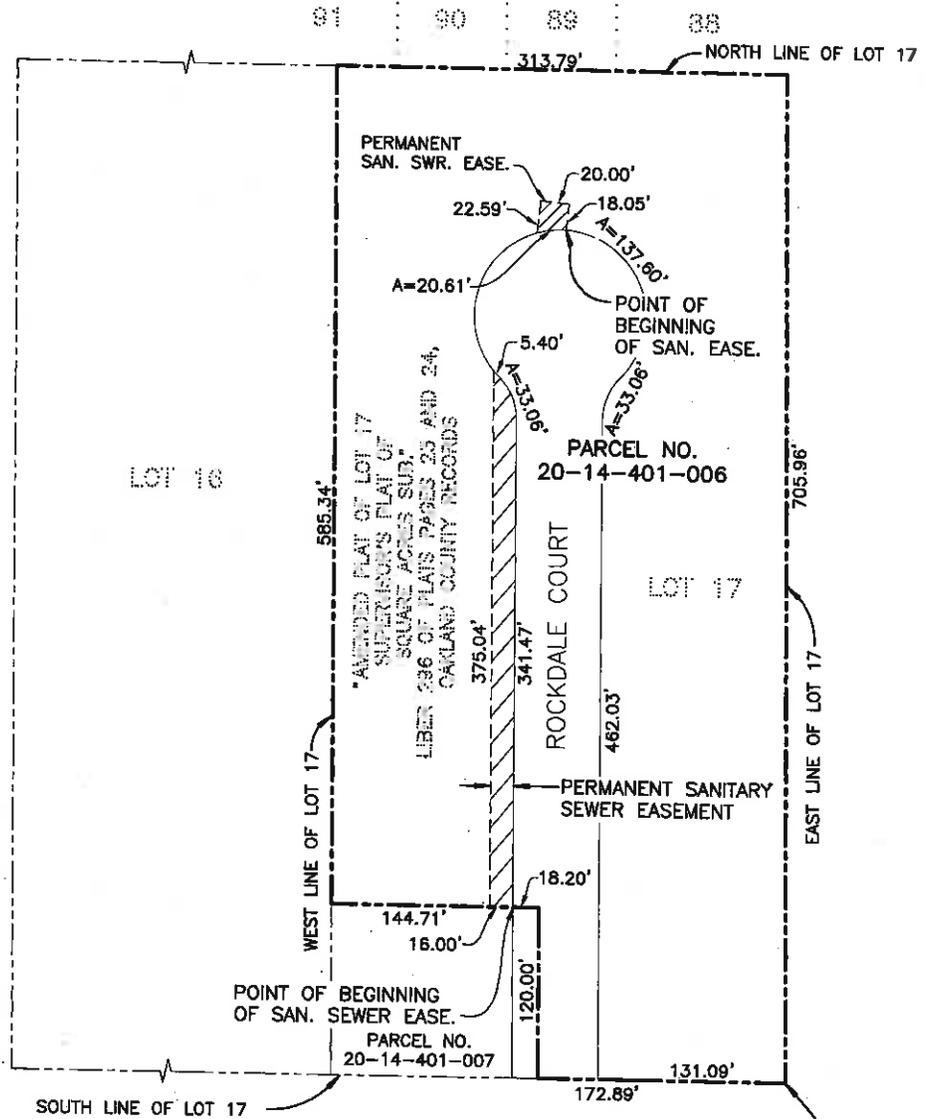
ANDERSON, ECKSTEIN AND WESTRICK, INC.

ANDERSON, ECKSTEIN AND WESTRICK, INC.
 51301 SCHOENHERR ROAD
 SHELBY TWP., MI. 48315
 PHONE: (588) 726-1234
 FAX: (588) 726-8780
 aewinc@aewinc.com
 www.aewinc.com

EASEMENT EXHIBIT "A"



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



ROCKFIELD ROAD (60' WD.)

SOUTHEAST CORNER OF AMENDED PLAT
 OF LOT 17 SUPERVISOR'S PLAT OF
 SQUARE ACRES SUB." LIBER 296, PAGES
 23 AND 24, OAKLAND COUNTY RECORDS

SEE ATTACHED SHEET FOR DESCRIPTION

GRANTEE (TO): <u>CITY OF TROY</u>			PARCEL I.D. NO.: <u>20-14-401-006</u>	
ADDRESS: <u>500 BIG BEAVER</u>			GRANTOR (FROM): <u>GFA DEVELOPMENT</u>	
CITY, ST., & ZIP: <u>TROY, MI 48084</u>			ADDRESS: <u>3301 MIRAGE</u>	
			CITY, ST., & ZIP: <u>TROY, MICHIGAN 48083</u>	
SEC: 14	TWP: CITY OF TROY	COUNTY: OAKLAND COUNTY	AEW NO.: 1209-0001	BOOK NO.:
DRAWN BY: SEP	CHECKED BY: CPA	SCALE: 1" = 100'	EASEMENT NO.: SAN_EASE	CONST. PLAN PAGE NO.:
SHEET 1 OF 3	REVISED: 2-2-2012		TITLE SEARCH:	

PERMANENT EASEMENT

Sidwell # 88-20-14-401-006
Resolution #

David Purvis and Linda Purvis, his wife, whose address is 4461 Cynthia Drive, Troy, MI 48085 for and in consideration of the sum of: One Dollar and no/100 (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace storm sewer, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed ^{their} signature(s) this 15th day of August A.D. 2012.

By [Signature] (L.S.)
*David Purvis

By [Signature] (L.S.)
*Linda Purvis

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 15 day of August, 2012, by David Purvis and Linda Purvis, husband and wife.

[Signature]

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

Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____

Prepared by:
Larysa Figol
City of Troy
500 West Big Beaver
Troy, Michigan 48084

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

EXHIBIT "A"

STORM SEWER EASEMENT PART OF PARCEL No. 20-14-401-006

A PERMANENT STORM SEWER EASEMENT, PART OF LOT 17 OF "AMENDED PLAT OF LOT 17 SUPERVISOR'S PLAT OF SQUARE ACRES SUB.", AS RECORDED IN LIBER 296 OF PLATS, PAGES 23 AND 24, OAKLAND COUNTY RECORDS, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 17 OF "AMENDED PLAT OF LOT 17 SUPERVISOR'S PLAT OF SQUARE ACRES SUB.", THENCE NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 191.09 FEET ALONG THE SOUTH LINE OF LOT 17; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 120.00 FEET TO THE POINT BEGINNING; THENCE CONTINUING, NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 126.51 FEET TO THE WEST LINE OF LOT 17; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 19.55 FEET ALONG THE WEST LINE OF LOT 17; THENCE SOUTH 89 DEGREES 57 MINUTES 12 SECONDS EAST 12.00 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 3.64 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 34 SECONDS EAST 98.50 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 85.52 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES 45 SECONDS WEST 110.50 FEET TO THE WEST LINE OF LOT 17; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 12.00 FEET ALONG THE WEST LINE OF LOT 17; THENCE NORTH 89 DEGREES 44 MINUTES 44 SECONDS EAST 110.50 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 176.99 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 00 SECONDS WEST 110.50 FEET TO THE WEST LINE OF LOT 17; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 20.00 FEET ALONG THE WEST LINE OF LOT 17; THENCE NORTH 89 DEGREES 45 MINUTES 00 SECONDS EAST 110.50 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 39.49 FEET; THENCE NORTH 28 DEGREES 37 MINUTES 12 SECONDS WEST 52.85 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 00 SECONDS WEST 85.39 FEET TO THE WEST LINE OF LOT 17; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 12.00 FEET ALONG THE WEST LINE OF LOT 17; THENCE NORTH 89 DEGREES 45 MINUTES 00 SECONDS EAST 96.72 FEET TO POINT "A"; THENCE SOUTHEASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A CENTRAL ANGLE OF 40 DEGREES 09 MINUTES 56 SECONDS, A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 42.06 FEET AND WHOSE CHORD IS SOUTH 25 DEGREES 15 MINUTES 59 SECONDS EAST 41.21 FEET; THENCE SOUTHEASTERLY ALONG A TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A CENTRAL ANGLE OF 45 DEGREES 05 MINUTES 57 SECONDS, A RADIUS OF 42.00 FEET, AN ARC DISTANCE OF 33.06 FEET AND WHOSE CHORD IS SOUTH 22 DEGREES 47 MINUTES 59 SECONDS EAST 32.21 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 341.47 FEET TO THE POINT OF BEGINNING.

ALSO, A PERMANENT STORM SEWER EASEMENT, BEING DESCRIBED AS, COMMENCING AT SAID POINT "A", THENCE NORTHEASTERLY ALONG A TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A CENTRAL ANGLE OF 89 DEGREES 13 MINUTES 51 SECONDS, A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 93.44 FEET AND WHOSE CHORD IS NORTH 39 DEGREES 25 MINUTES 55 SECONDS EAST 84.28 FEET TO THE POINT BEGINNING; THENCE NORTH 02 DEGREES 40 MINUTES 27 SECONDS EAST 112.07 FEET TO THE NORTH LINE OF LOT 17; THENCE SOUTH 89 DEGREES 49 MINUTES 00 SECONDS EAST 12.01 FEET ALONG THE NORTH LINE OF LOT 17; THENCE SOUTH 02 DEGREES 40 MINUTES 27 SECONDS WEST 111.99 FEET TO POINT "B"; THENCE WESTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE SOUTH HAVING A CENTRAL ANGLE OF 11 DEGREES 29 MINUTES 34 SECONDS, A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 12.04 FEET AND WHOSE CHORD IS SOUTH 89 DEGREES 47 MINUTES 37 SECONDS WEST 12.02 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A" continued

STORM SEWER EASEMENT, CONTINUED

ALSO, A PERMANENT STORM SEWER EASEMENT, BEING DESCRIBED AS, COMMENCING AT SAID POINT "B", THENCE SOUTHEASTERLY ALONG A TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A CENTRAL ANGLE OF 38 DEGREES 48 MINUTES 30 SECONDS, A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 40.64 FEET AND WHOSE CHORD IS SOUTH 65 DEGREES 03 MINUTES 20 SECONDS EAST 39.87 FEET TO THE POINT BEGINNING; THENCE NORTH 52 DEGREES 58 MINUTES 32 SECONDS EAST 117.91 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 25 SECONDS WEST 48.05 FEET; THENCE NORTH 89 DEGREES 27 MINUTES 35 SECONDS EAST 12.00 FEET; THENCE SOUTH 00 DEGREES 32 MINUTES 25 SECONDS EAST 54.10 FEET; THENCE SOUTH 52 DEGREES 58 MINUTES 32 SECONDS WEST 123.35 FEET TO POINT "C"; THENCE NORTHWESTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A CENTRAL ANGLE OF 11 DEGREES 29 MINUTES 34 SECONDS, A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 12.04 FEET AND WHOSE CHORD IS NORTH 39 DEGREES 54 MINUTES 18 SECONDS WEST 12.02 FEET TO THE POINT OF BEGINNING.

ALSO, A PERMANENT STORM SEWER EASEMENT, BEING DESCRIBED AS, COMMENCING AT SAID POINT "C", THENCE SOUTHERLY ALONG A TANGENT CURVE CONCAVE TO THE WEST HAVING A CENTRAL ANGLE OF 79 DEGREES 00 MINUTES 27 SECONDS, A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 82.74 FEET AND WHOSE CHORD IS SOUTH 05 DEGREES 20 MINUTES 43 SECONDS WEST 76.34 FEET; THENCE SOUTHERLY ALONG A TANGENT CURVE CONCAVE TO THE EAST HAVING A CENTRAL ANGLE OF 45 DEGREES 05 MINUTES 57 SECONDS, A RADIUS OF 42.00 FEET, AN ARC DISTANCE OF 33.06 FEET AND WHOSE CHORD IS SOUTH 22 DEGREES 17 MINUTES 58 SECONDS WEST 32.21 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 45.21 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 27 MINUTES 18 SECONDS EAST 116.83 FEET; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 88.00 FEET; THENCE NORTH 89 DEGREES 27 MINUTES 08 SECONDS EAST 12.00 FEET TO THE EAST LINE OF LOT 17; THENCE SOUTH 00 DEGREES 33 MINUTES 32 SECONDS EAST 100.00 FEET ALONG THE EAST LINE OF LOT 17; THENCE SOUTH 89 DEGREES 27 MINUTES 18 SECONDS WEST 128.90 FEET TO POINT "D"; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 12.00 FEET TO THE POINT OF BEGINNING.

ALSO, A PERMANENT STORM SEWER EASEMENT, BEING DESCRIBED AS, COMMENCING AT SAID POINT "D", THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 269.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 27 MINUTES 18 SECONDS EAST 118.35 FEET; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS WEST 92.02 FEET; THENCE NORTH 89 DEGREES 33 MINUTES 46 SECONDS EAST 12.00 FEET TO THE EAST LINE OF LOT 17; THENCE SOUTH 00 DEGREES 33 MINUTES 32 SECONDS EAST 112.00 FEET ALONG THE EAST LINE OF LOT 17; THENCE SOUTH 89 DEGREES 27 MINUTES 18 SECONDS WEST 130.45 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 20.00 FEET TO THE POINT OF BEGINNING.

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

ANDERSON, ECKSTEIN AND WESTRICK, INC.

PERMANENT EASEMENT

Sidwell # 88-20-14-401-006
Resolution #

David Purvis and Linda Purvis, his wife, whose address is 4461 Cynthia Drive, Troy, MI 48085 for and in consideration of the sum of: One Dollar and no/100 (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace public utilities, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

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

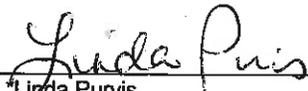
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed ^{their} ~~his~~ signature(s) this 15th day of August A.D. 2012.

By  (L.S.)
*David Purvis

By  (L.S.)
*Linda Purvis

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 15 day of August, 2012, by David Purvis and Linda Purvis, husband and wife.



JANET M PARSONS
Notary Public, State of Michigan
County of Oakland
My Commission Expires 10-14-2018
Acting in the County of Oakland

Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____

Prepared by:
Larysa Figol
City of Troy
500 West Big Beaver
Troy, Michigan 48084

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

EXHIBIT "A"

PUBLIC UTILITY EASEMENT PART OF PARCEL No. 20-14-401-006

A PERMANENT PUBLIC UTILITY EASEMENT, PART OF LOT 17 OF "AMENDED PLAT OF LOT 17 SUPERVISOR'S PLAT OF SQUARE ACRES SUB.", AS RECORDED IN LIBER 296 OF PLATS, PAGES 23 AND 24, OAKLAND COUNTY RECORDS, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

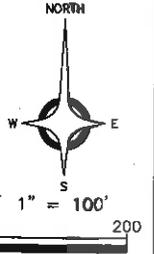
COMMENCING AT THE SOUTHEAST CORNER OF LOT 17 OF "AMENDED PLAT OF LOT 17 SUPERVISOR'S PLAT OF SQUARE ACRES SUB.", THENCE NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 121.09 FEET ALONG THE SOUTH LINE OF LOT 17 TO THE POINT OF BEGINNING; THENCE CONTINUING, NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 10.00 FEET ALONG THE SOUTH LINE OF LOT 17; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 462.03 FEET; THENCE NORTHERLY ALONG A TANGENT CURVE CONCAVE TO THE EAST HAVING A CENTRAL ANGLE OF 45 DEGREES 05 MINUTES 57 SECONDS, A RADIUS OF 42.00 FEET, AN ARC DISTANCE OF 33.06 FEET AND WHOSE CHORD IS NORTH 22 DEGREES 17 MINUTES 59 SECONDS EAST 32.21 FEET; THENCE WESTERLY ALONG A TANGENT CURVE CONCAVE TO THE SOUTH HAVING A CENTRAL ANGLE OF 238 DEGREES 44 MINUTES 59 SECONDS, A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 250.02 FEET AND WHOSE CHORD IS NORTH 74 DEGREES 31 MINUTES 33 SECONDS WEST 104.57 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 00 SECONDS WEST 10.25 FEET; THENCE EASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE SOUTH HAVING A CENTRAL ANGLE OF 236 DEGREES 46 MINUTES 11 SECONDS, A RADIUS OF 70.00 FEET, AN ARC DISTANCE OF 289.27 FEET AND WHOSE CHORD IS SOUTH 73 DEGREES 32 MINUTES 09 SECONDS EAST 123.17 FEET; THENCE SOUTHERLY ALONG A TANGENT CURVE CONCAVE TO THE EAST HAVING A CENTRAL ANGLE OF 45 DEGREES 05 MINUTES 57 SECONDS, A RADIUS OF 32.00 FEET, AN ARC DISTANCE OF 25.19 FEET AND WHOSE CHORD IS SOUTH 22 DEGREES 17 MINUTES 59 SECONDS WEST 24.54 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 462.13 FEET TO THE POINT OF BEGINNING.

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

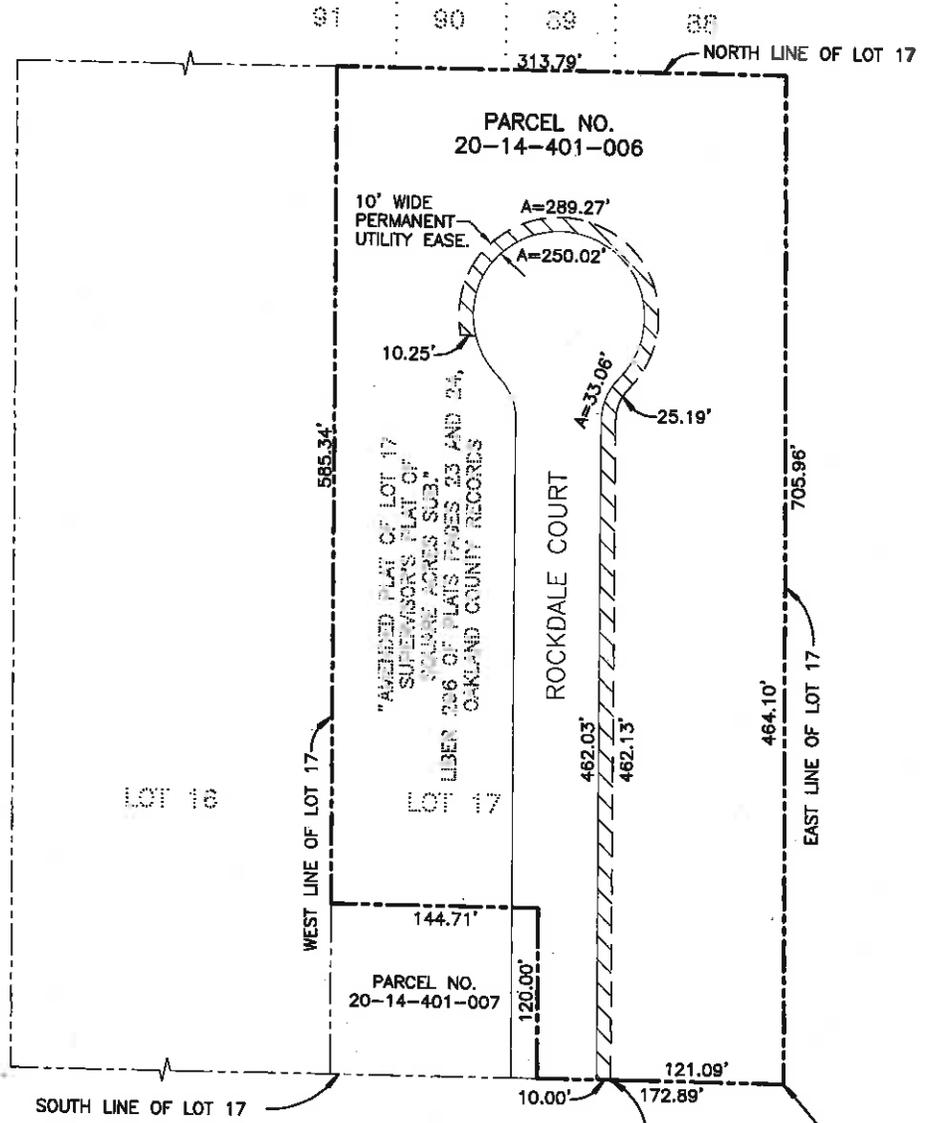
ANDERSON, ECKSTEIN AND WESTRICK, INC.

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 51301 SCHOENHERR ROAD
 SHELBY TWP., MI. 48315
 PHONE: (588) 726-1234
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EASEMENT EXHIBIT "A"



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



ROCKFIELD ROAD (60' WD.)

POINT OF BEGINNING
OF UTILITY EASE.

SOUTHEAST CORNER OF AMENDED PLAT
OF LOT 17 SUPERVISOR'S PLAT OF
SQUARE ACRES SUB." LIBER 296, PAGES
23 AND 24, OAKLAND COUNTY RECORDS

SEE ATTACHED SHEET FOR DESCRIPTION

GRANTEE (TO): <u>CITY OF TROY</u>		PARCEL I.D. NO.: <u>20-14-401-006</u>	
ADDRESS: <u>500 WEST BIG BEAVER</u>		GRANTOR (FROM): <u>GFA DEVELOPMENT</u>	
CITY, ST., & ZIP: <u>TROY, MI 48084</u>		ADDRESS: <u>3301 MIRAGE</u>	
		CITY, ST., & ZIP: <u>TROY, MICHIGAN 48083</u>	
SEC: <u>14</u>	TWP: <u>CITY OF TROY</u>	COUNTY: <u>OAKLAND COUNTY</u>	AEW NO.: <u>1209-0001</u>
BOOK NO.:	DRAWN BY: <u>JLA</u>	CHECKED BY: <u>RHB</u>	SCALE: <u>1" = 100'</u>
CONST. PLAN PAGE NO.:	SHEET <u>1 OF 3</u>	REVISED <u>2-2-2012</u>	EASEMENT NO.: <u>UTILITY_EASE 2</u>
TITLE SEARCH:			



CITY COUNCIL AGENDA ITEM

Date: August 21, 2012

To: Michael W. Culpepper, Interim 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 Warranty Deed and Permanent Easement -
Athens Parc Site Condominium - Sidwell #88-20-14-401-007

Background

As part of the development of Athens Parc Site Condominium in Section 14, the Engineering Department has received a warranty deed for a portion of Rockdale Court, a public road, and a permanent easement for sanitary sewer from Athens Parc Developers, LLC, owners of the property having Sidwell #88-20-14-401-007.

The consideration amount on each document is \$1.00. The format and content of the warranty deed and easement is consistent with documents previously accepted by City Council.

Recommendation

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

WARRANTY DEED

Sidwell #88-20-14-401-007 (pt of)
Resolution #

The Grantor(s), ATHENS PARC DEVELOPERS, LLC, a Michigan limited liability company whose address is 3301 Mirage, Troy, MI 48084 convey(s) and warrant(s) to the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver, Troy, MI 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

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

For the sum of One Dollar and 00/100 Dollars (\$1.00)

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

Dated this 14th day of August, 2012.

ATHENS PARC DEVELOPERS, LLC
a Michigan limited liability company

By: [Signature]
*Gary F. Abitheira
Sole Member

STATE OF MICHIGAN
COUNTY OF Oakland }

The foregoing instrument was acknowledged before me this 14th day of August, 2012, by Gary F. Abitheira, Member of ATHENS PARC DEVELOPERS, LLC, 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

[Signature]
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:	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel #88-20-14-401-007 (part of) Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT "A"

ROCKDALE COURT
PART OF PARCEL No. 20-14-401-007

PART OF LOT 17 OF "AMENDED PLAT OF LOT 17 SUPERVISOR'S PLAT OF SQUARE ACRES SUB.", AS RECORDED IN LIBER 296 OF PLATS, PAGE 23 AND 24, OAKLAND COUNTY RECORDS, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

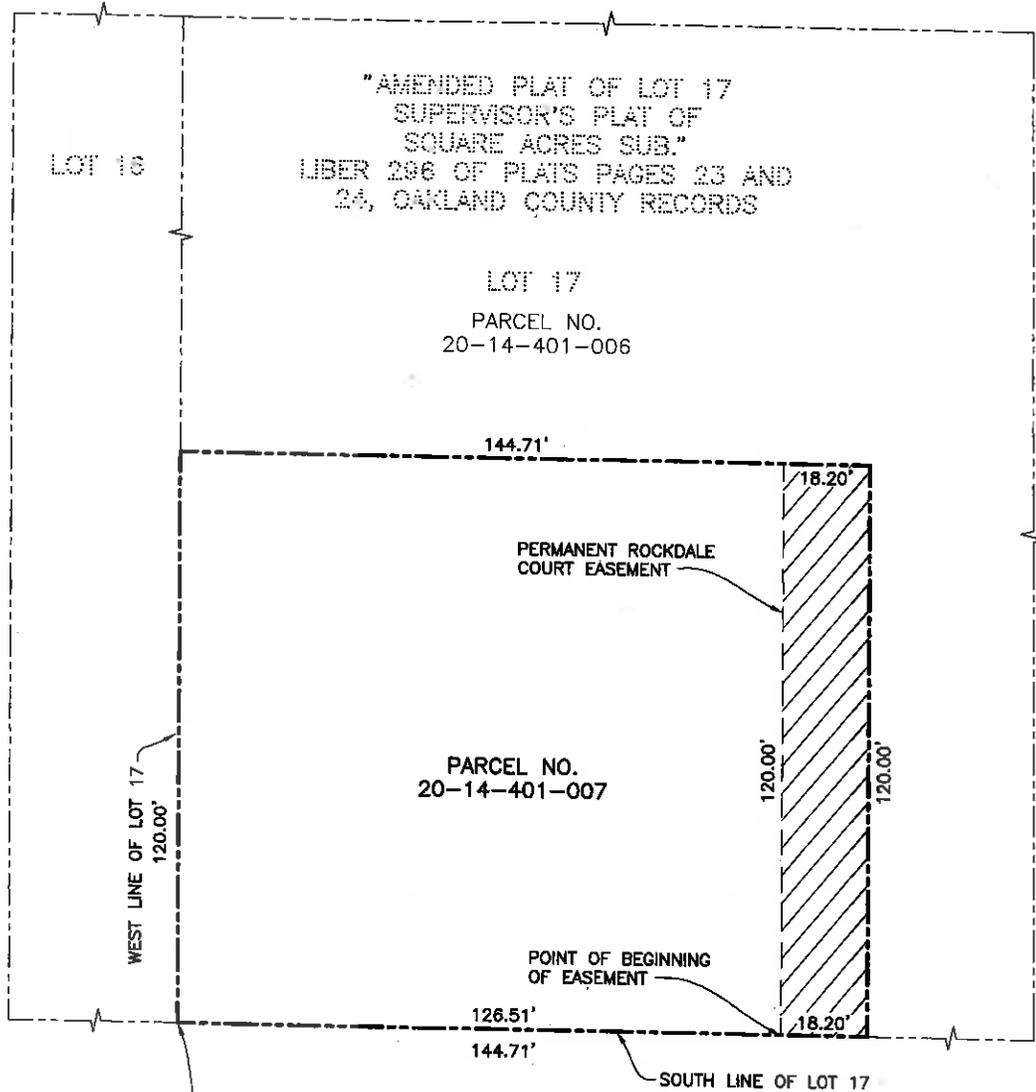
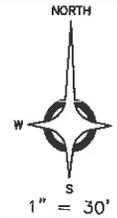
COMMENCING AT THE SOUTHWEST CORNER OF LOT 17 OF "AMENDED PLAT OF LOT 17 SUPERVISOR'S PLAT OF SQUARE ACRES SUB.", THENCE SOUTH 89 DEGREES 42 MINUTES 44 SECONDS EAST 126.51 FEET ALONG THE SOUTH LINE OF LOT 17 TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 120.00 FEET; THENCE SOUTH 89 DEGREES 42 MINUTES 44 SECONDS EAST 18.20 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 120.00 FEET TO THE SOUTH LINE OF LOT 17; THENCE NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 18.20 FEET ALONG THE SOUTH LINE OF LOT 17 TO THE POINT OF BEGINNING. CONTAINING 0.05 ACRES, MORE OR LESS.

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

ANDERSON, ECKSTEIN AND WESTRICK, INC.

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

EASEMENT EXHIBIT "A"



ROCKFIELD ROAD (60' WD.)

SOUTHWEST CORNER OF AMENDED PLAT
 OF LOT 17 SUPERVISOR'S PLAT OF
 SQUARE ACRES SUB." LIBER 296, PAGES
 23 AND 24, OAKLAND COUNTY RECORDS
 & POINT OF BEGINNING OF PARCEL

SEE ATTACHED SHEET FOR DESCRIPTION

GRANTEE (TO): <u>CITY OF TROY</u>		PARCEL I.D. NO.: <u>20-14-401-007</u>	
ADDRESS: <u>500 WEST BIG BEAVER</u>		GRANTOR (FROM): <u>GARY ABITHEIRA</u>	
CITY, ST., & ZIP: <u>TROY, MI 48064</u>		ADDRESS: <u>979 BADDER</u>	
		CITY, ST., & ZIP: <u>TROY, MICHIGAN 48084</u>	
SEC: <u>14</u>	TWP: <u>CITY OF TROY</u>	COUNTY: <u>OAKLAND COUNTY</u>	AEW NO.: <u>1209-0001</u>
BOOK NO.:			
DRAWN BY: <u>MJS</u>	CHECKED BY: <u>RHB</u>	SCALE: <u>1" = 30'</u>	EASEMENT NO.: <u>ROAD_EASE</u>
CONST. PLAN PAGE NO.:			
SHEET <u>1</u> OF <u>3</u>		TITLE SEARCH:	

PERMANENT EASEMENT

Sidwell #88-20-14-401-007
Resolution #

ATHENS PARC DEVELOPERS, LLC a Michigan limited liability company, Grantor(s), whose address is 3301 Mirage, Troy, MI 48084 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 **sanitary sewer**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 14th day of August A.D. 2012.

ATHENS PARC DEVELOPERS, LLC, a
Michigan limited liability company

By [Signature] (L.S.)
*Gary F. Abitheira
Its Sole Member

STATE OF MICHIGAN
COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 14th day of August, 2012, by Gary F. Abitheira, Sole Member of ATHENS PARC DEVELOPERS, LLC, 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
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"

SANITARY SEWER EASEMENT PART OF PARCEL No. 20-14-401-007

A PERMANENT SANITARY SEWER EASEMENT, PART OF LOT 17 OF "AMENDED PLAT OF LOT 17 SUPERVISOR'S PLAT OF SQUARE ACRES SUB.", AS RECORDED IN LIBER 296 OF PLATS, PAGES 23 AND 24, OAKLAND COUNTY RECORDS, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

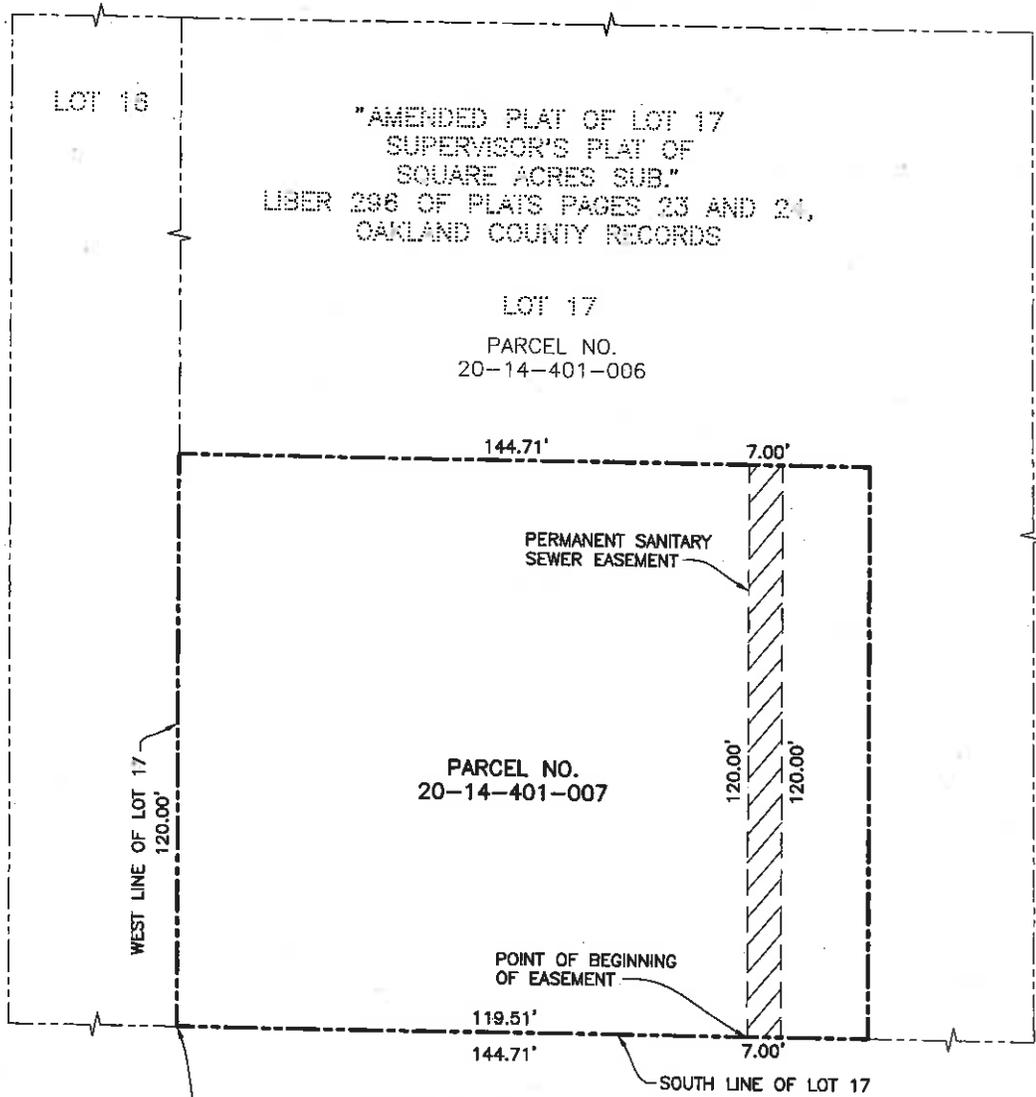
COMMENCING AT THE SOUTHWEST CORNER OF LOT 17 OF "AMENDED PLAT OF LOT 17 SUPERVISOR'S PLAT OF SQUARE ACRES SUB.", THENCE SOUTH 89 DEGREES 42 MINUTES 44 SECONDS EAST 119.51 FEET ALONG THE SOUTH LINE OF LOT 17 TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 120.00 FEET; THENCE SOUTH 89 DEGREES 42 MINUTES 44 SECONDS EAST 7.00 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 120.00 FEET TO THE SOUTH LINE OF LOT 17; THENCE NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 7.00 FEET ALONG THE SOUTH LINE OF LOT 17 TO THE POINT OF BEGINNING.

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

ANDERSON, ECKSTEIN AND WESTRICK, INC.

ANDERSON, ECKSTEIN AND WESTRICK, INC.
 51301 SCHOENHERR ROAD
 SHELBY TWP., MI. 48315
 PHONE: (588) 726-1234
 FAX: (588) 726-8780
 aawinc@aawinc.com
 www.aawinc.com

EASEMENT EXHIBIT "A"



ROCKFIELD ROAD (60' WD.)

SOUTHWEST CORNER OF AMENDED PLAT
 OF LOT 17 SUPERVISOR'S PLAT OF
 SQUARE ACRES SUB." LIBER 296, PAGES
 23 AND 24, OAKLAND COUNTY RECORDS
 & POINT OF BEGINNING OF PARCEL

SEE ATTACHED SHEET FOR DESCRIPTION

GRANTEE (TO):		CITY OF TROY		PARCEL I.D. NO.:	20-14-401-007
ADDRESS:		500 WEST BIG BEAVER		GRANTOR (FROM):	GARY ABITHEIRA
CITY, ST., & ZIP:		TROY, MI 48084		ADDRESS:	979 BADDER
				CITY, ST., & ZIP:	TROY, MICHIGAN 48084
SEC: 14	TWP: CITY OF TROY	COUNTY: OAKLAND COUNTY	AEW NO.:	1209-0001	BOOK NO.:
DRAWN BY: MJS	CHECKED BY: RHB	SCALE: 1" = 30'	EASEMENT NO.:	ROAD_EASE	CONST. PLAN PAGE NO.:
SHEET 1 OF 3			TITLE SEARCH:		



CITY COUNCIL AGENDA ITEM

Date: August 14, 2012

To: Michael Culpepper, Interim City Manager

From: Mark F. Miller, Director of Economic & Community Development
R. Brent Savidant, Planning Director
Paul Evans, Zoning & Compliance Specialist

Subject: Approval of Condominium Entrance Sign/Agreement, Hidden Park Condominium, west side of John R Road, between Long Lake and Wattles, Section 11

Background

Signs in Troy are regulated by Chapter 85 of the City of Troy Code of Ordinances. Section 85.01.05 allows for the placement of residential development identification signs within the medians of public roads, subject to City Council approval. The homeowners association of Hidden Park Condominium proposes to install an identification sign within the median of Sutherland Drive at the intersection of John R Road. The sign permit application, including the maintenance agreement and other required information, has been reviewed by staff and have been found to be in compliance with the Sign Ordinance requirements.

Recommendation

City Management recommends approval of the Hidden Park Condominium entrance sign and maintenance agreement.

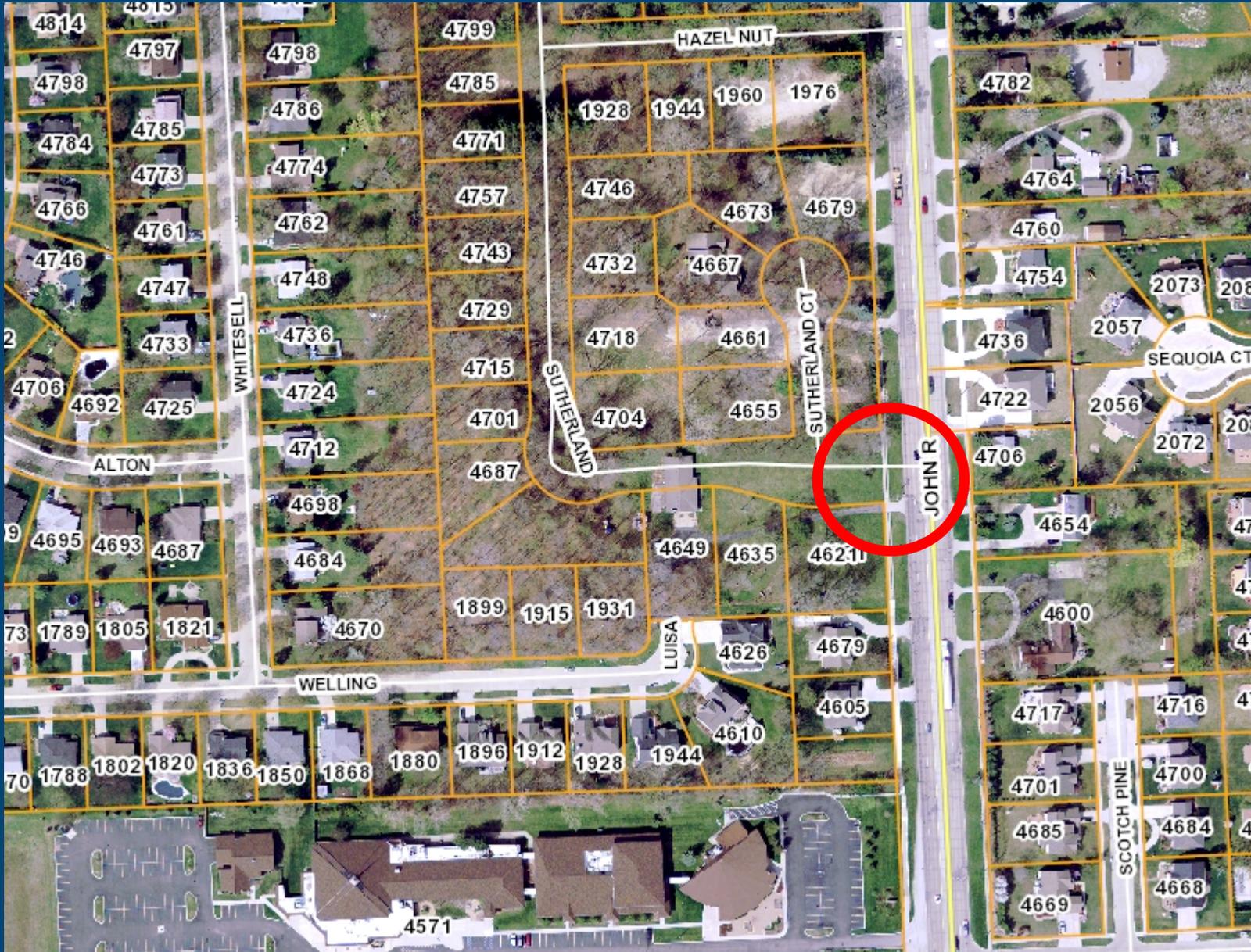
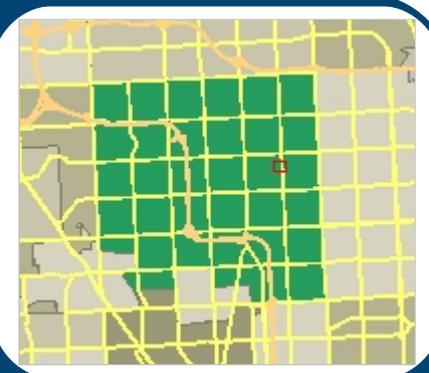
City Attorney's Review as to Form and Legality: _____

Attachments:

1. Map
2. Chapter 85 (excerpt)
3. Maintenance Agreement
4. Sign Permit Application
5. Sign Plan
6. Site Plan
7. Insurance Certificate

Hidden Park Condominium Entrance Sign

City of Troy Planning Department



Legend

-  I-75
-  Road Centerline
 -  Major Road
 -  Industrial Road
 -  Local Road
-  Ponds and Basins
-  Streams and Creeks
-  Address Points
-  Parcels
- Aerial Photos - 2010**
 -  Red: Band_1
 -  Green: Band_2
 -  Blue: Band_3

407 0 204 407 Feet

Scale 1: 2,445



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

Printed: 8/14/2012

(Rev. 06-07-2010)

- b. Lapsing of Insurance: Sign Erectors shall maintain the above referenced insurance coverage at all times in order to be eligible to obtain sign permits. If the insurance coverage lapses at any time, the City can automatically revoke the right of a Sign Erector to obtain sign permits.
- c. Notification of Change: A Sign Erector shall notify the Planning Department of any change in address, or any change in ownership or management that differs from what is indicated on the Insurance Certificates.

(Rev. 06-07-2010)

D. Permit Fees: Permit fees are as set forth in Chapter 60 of the City Code.

85.01.05 Prohibited Signs

- A. Signs in Right-of-Way: No sign shall be located in, project into, or overhang a public right-of-way or dedicated public easement, except as provided below:
 - 1. Signs established and maintained by the City, County, State, or Federal Governments may be located in the right of way.
 - 2. Banners advertising civic events may be permitted on lighting poles within the median of Big Beaver Road, between Rochester Road and Cunningham Drive, for a period not to exceed thirty days, subject to the approval of the City Manager.
 - 3. In its discretion, City Council may approve an agreement to allow residential development identification signs in the medians of boulevard entrance streets. Any such agreement shall require continuing liability insurance and also provide satisfactory maintenance of the sign, as well as any other condition that is deemed necessary by the Troy City Council to protect the right of way. The agreement must also indicate the City Council's approval of the proposed design and materials for the sign. The residential development identification sign shall not exceed five feet in height, and shall not be more than 50 square feet in area. The height of such signs shall not exceed 30" when located in the corner clearance area depicted in Figure 85.01.05 A.

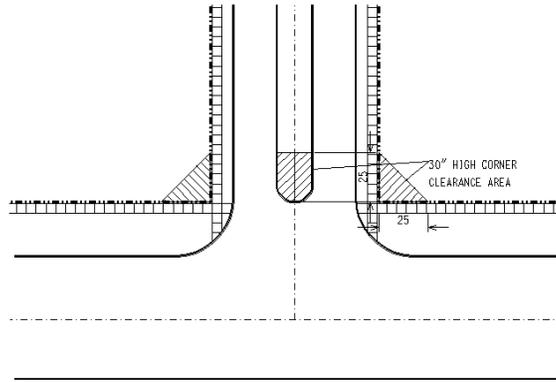


Figure 85.01.05 A

- B. Corner Clearance: Signs higher than 30 inches shall be prohibited in the triangular area formed at the intersection of any two street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection. No sign shall be located in that area, or project into, or overhang into the area.
- C. Roof Projecting Signs: Roof signs and projecting signs are prohibited.
- D. Fire Escapes: No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.
- E. Support Location: No pole, cable or support of any nature shall be placed on any publicly owned property, street right-of-way, or proposed street right-of-way.
- F. Traffic Interference: No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
- G. Flashing Signs: Flashing or intermittent illumination of signs shall be prohibited.
- H. Neon Tubes: Installation of neon tubing used as borders or accent strips on the exterior of any building shall be prohibited.

85.01.06 Inspections

- A. Concealed Work: In cases where fastenings are to be installed and enclosed in such a manner that the Building Inspector cannot easily remove material to see the fastenings and material used, the Sign Erector must advise the Zoning Administrator so that the inspection may be made before concealment.

(Rev. 06-07-2010)

RESIDENTIAL DEVELOPMENT RIGHT-OF-WAY SIGN AGREEMENT

This Agreement is entered into on this _____ day of _____, 2012, between the City of Troy, a Michigan Municipal Corporation, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as the “City”) and Hidden Park Condominium Association, a non-profit Michigan Corporation, whose address is 850 N. Crooks, Ste 100, Clawson, MI 48017 , (hereinafter referred to as the “Association”).

Recitals

A. The Association desires to erect a new identification sign for Hidden Park Condominium, pursuant to and in compliance with the City of Troy Code of Ordinances, specifically Chapter 85, Section 85.01.05. A. 3. (Signs in Right-of-Way). A Sign Permit Application has been submitted to the Planning Department and a copy is attached to this Agreement as Exhibit A. The Residential Development is located in the City of Troy, Oakland County, Michigan.

B. The residential development is south of Long Lake Road and west of John R. Road. The site for the erection of the sign is within the Sutherland Drive median at John R Road. A description of the proposed sign is attached to this Agreement as Exhibit B

C. Chapter 85, Section 85.01.05 A 3 provides that Troy City Council shall approve the design and materials of all residential development identification signs. Further, the Ordinance provision requires that an Agreement be executed

between the City and Association specifying that the Association shall assume liability for the sign and be responsible for its maintenance.

IN CONSIDERATION of the foregoing recitals and the mutual covenants contained in this Agreement, IT IS AGREED:

1. The Association shall be permitted to erect a new identification sign or modify an existing identification sign which has already been approved by the City of Troy within the Sutherland Drive median at John R Road, Exhibit C. The sign shall not be more than five (5) feet in height and not more than fifty (50) feet in area as set out in Section 85.01.05 A. 3 of the City of Troy Code of Ordinances. If applicable, the height of the sign shall be subject to the corner clearance requirement of Figure 85.01.05 A as set out in the Troy Code of Ordinances as part of Section 85.01.05 A 3.

2. The identification sign shall comply with the plans and specifications attached hereto as Exhibit B and incorporated into this Agreement and any terms and conditions for design and materials established by City Council by Resolution. Any plans and specifications must designate on their face that they have been approved by the Zoning and Compliance Specialist.

3. The Association shall maintain the identification sign in good and safe condition at all times and shall make such repairs as the City may deem reasonably necessary from time to time to keep the sign in good and safe condition. Failure to keep the sign in good and safe condition shall be considered a breach of this Agreement under Paragraph 8.

4. Any applications by the Association to replace or change an identification sign erected under this Agreement and the City of Troy Code of Ordinances within a ten (10) year period after execution of this Agreement, may be approved administratively by the City of Troy, if the replacement sign or the changes to the existing sign comply with the dimensional requirements of the Code of Ordinances and the design and materials are substantially similar in nature as those approved under this Agreement and the placement of the identification sign is identical to the location approved under this Agreement.

5. The Association has provided a Certificate of Insurance acceptable to the City demonstrating that general liability coverage is available for claims for personal injury or property damage caused by the sign or attributed to the placement of the identification sign in the right-of-way. Such insurance shall be in the amount of \$500,000.00 per occurrence and aggregate limit. The Certificate of Insurance shall name the City of Troy as an additional insured. The City reserves the right to modify the insurance requirements as necessary with 30 days notice to the Association. The Association agrees to keep said insurance or a similar policy with the above minimum insurance coverage in effect for the term of this Agreement. The Association shall submit to the City of Troy Risk Manager on the anniversary date of this Agreement a Certificate of Insurance acceptable to the City demonstrating coverage for the above insurance amounts. Additionally, the City may request a copy of said insurance certificate at any time during this Agreement. Failure to produce a certificate of insurance within fifteen (15) days

of a request by the City, or a determination by the City that there is a lapse in coverage, shall be considered a breach of this Agreement under Paragraph 8.

6. The individual executing this Agreement on behalf of the Association represents that he or she has the authority to bind the Association and the individual property owners within the Association to this Agreement and has provided documentation to support his or her representation. If it is determined by the City at any time hereafter that no such authority exists, this Agreement shall be null and void, and the identification sign shall be immediately removed in accordance with Paragraph 8.

7. If it becomes necessary for the City to remove the sign for an emergency purpose or to service a utility, such as but not limited to: repair of water main breaks or sewer line or electric line repair, the Association shall be one hundred (100 %) responsible for the replacement of the sign. Further, the City shall not be responsible for any damage to the sign as a result of the removal. If the Association fails to reinstall the sign in an identical manner, as set out in this Agreement, or fails to remove the sign from the site within thirty (30) days after the City's removal, the City may take action to remove the sign in accordance with Paragraph 8.

8. If there is a breach of this Agreement or if the Agreement becomes null and void, the City shall notify the Association that it has thirty (30) days to remove the identification sign. If the Association fails to comply, the City may remove the sign and assess any costs it incurs to the Association. If the Association fails to pay the City's costs for removal within fifteen (15) days from

the notification of the costs, the City may exercise any legal remedy to which it is entitled against the Association and/or the individual property owners within the residential development including the pro-rata assessment of costs on each individual property owner's tax bill.

9. To the fullest extent permitted by law, the Association on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on behalf of the City, by reason of personal injury, including bodily injury or death and/or property damage, relating to the erection, maintenance, location and any other aspects of the identification sign.

10. The Association shall submit a written notice of any new addresses to: Risk Manager, City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084. Such notice of change of address shall be sent to the City of Troy within 60 days after the effective date of the change.

11. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF, this Agreement has been entered into as of the above date.

WITNESSES:

CITY OF TROY,

Janice Daniels, Mayor

Aileen Bittner, Clerk

HOMEOWNERS ASSOCIATION

Hidden Park Condominium Association

By:
Its:

EXHIBIT A

SIGN PERMIT APPLICATION

RECEIVED

JUL 12 2012

PLANNING DEPARTMENT
500 W BIG BEAVER
TROY MI 48084
248 524 3359
evanspm@troymi.gov
SIGN ORDINANCE ONLINE [Ctrl+click here](#)



PLANNING

APPLY VIA E-MAIL - INSTRUCTIONS

1. COMBINE OR SCAN APPLICATION AND SUPPORTING DOCUMENTS INTO ONE FILE
2. E-MAIL THE FILE TO evanspm@troymi.gov
3. SIGN PERMIT WILL BE E-MAILED TO YOU

SIGN PERMIT FEE SCHEDULE

SIZE	WALL SIGN PAINTED ON WALL	WALL SIGN STRUCTURALLY ATTACHED	GROUND SIGN
UNDER 100 SQ. FT.	\$ 75.00	\$ 100.00	\$ 125.00
100 TO 199 SQ. FT.	\$100.00	\$ 125.00	\$ 150.00
200 TO 300 SQ. FT.	\$ 100.00	\$150.00	\$ 175.00
SPECIAL EVENT		\$30.00	

PROPERTY ADDRESS: ~~4609 Sutherland~~ **SUTHERLAND DRIVE MEDIAN AT JOHN R. ROAD**

APPLICANT INFORMATION:

NAME CP VENTURES LP | CHRISTOPHER COVSINO

COMPANY **Hidden Park Condominium Association**

ADDRESS 12955 23 MILE ROAD

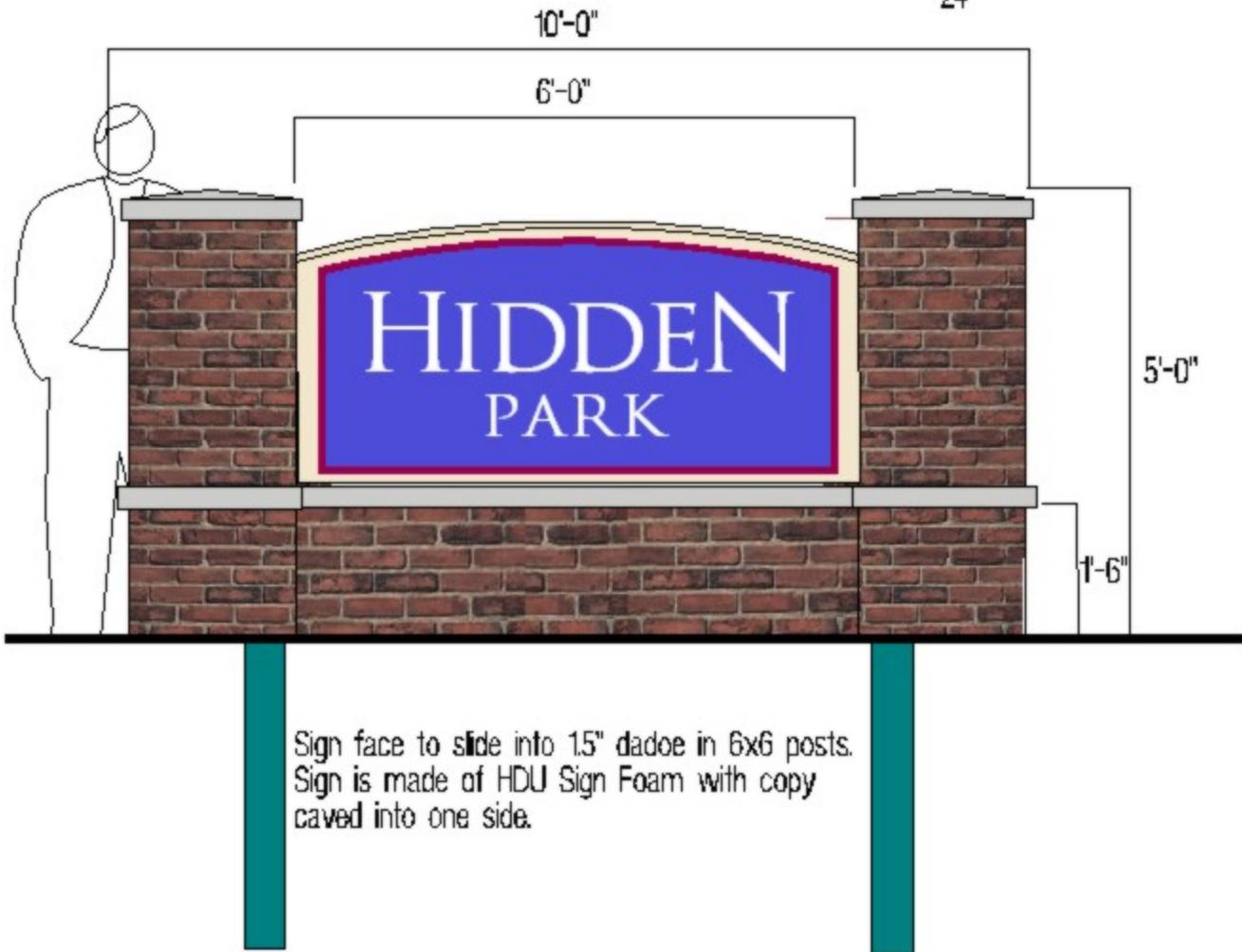
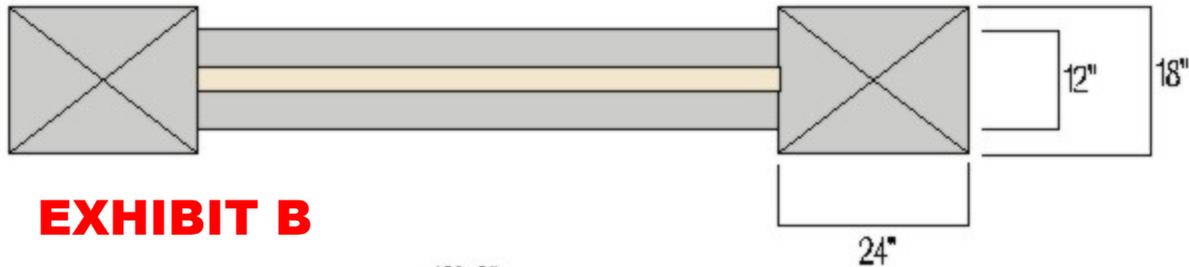
CITY SHELBY TWP STATE MI ZIP 48315

TELEPHONE 586.615.6036

E-MAIL ccovsino@deiproperties.com

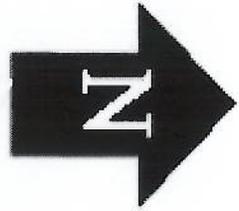
TYPE OF SIGN: GROUND WALL SPECIAL EVENT

SPECIAL EVENT SIGNS: What 7 day period will signs be up? _____



All Treated Lumber. 6x6 posts 42" into ground/ concrete footing.
Treated 2x6 framing nailed and screwed with 1/2" treated plywood s
skin.

EXHIBIT C



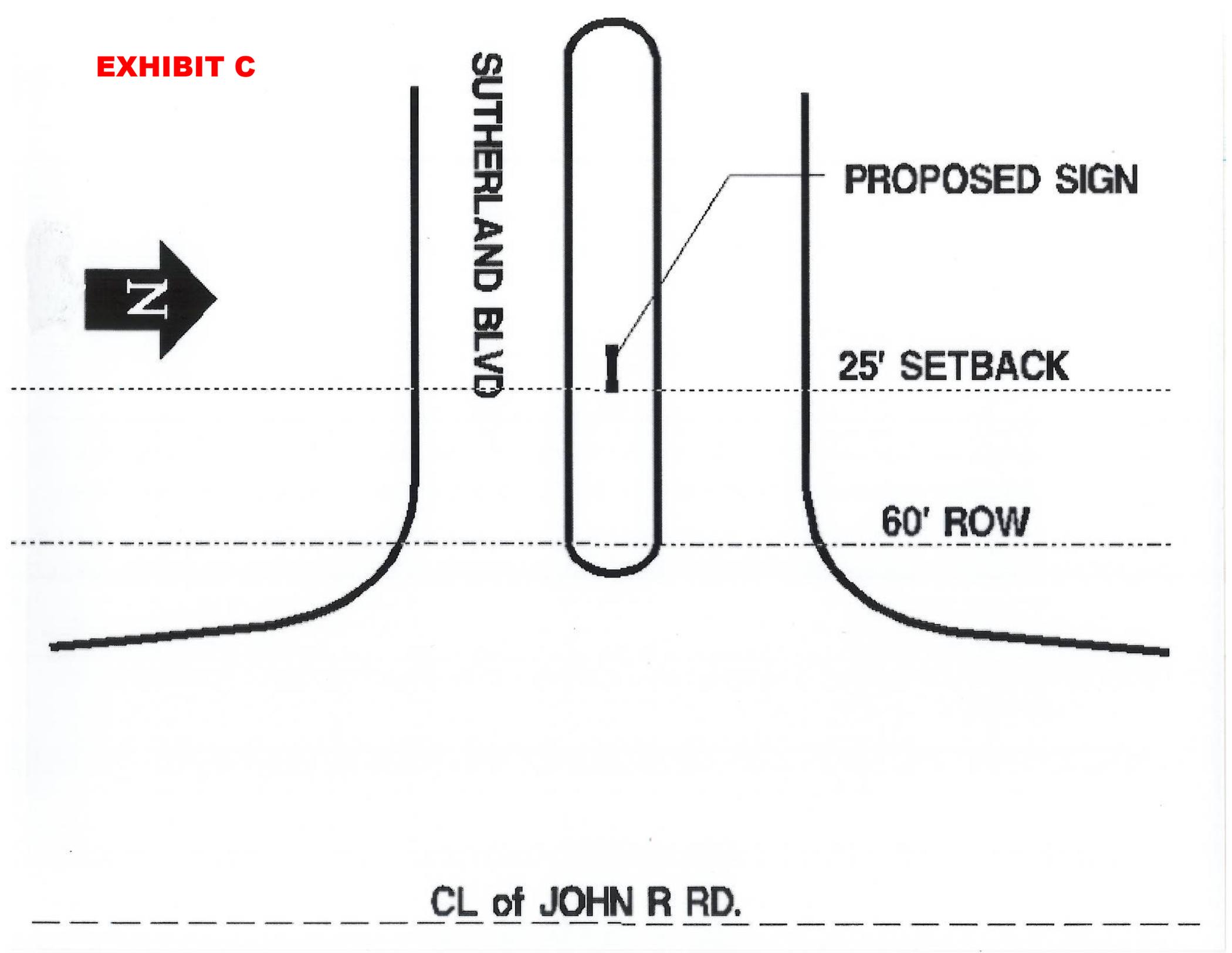
SUTHERLAND BLVD

PROPOSED SIGN

25' SETBACK

60' ROW

CL of JOHN R RD.





CERTIFICATE OF LIABILITY INSURANCE

HIDDE-1

OP ID: LT

DATE (MM/DD/YYYY)
07/13/12

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Tim Crawford Ins. Agency Inc. 1415 Walton Blvd. Rochester Hills, MI 48309 Robert Carabelli	248-402-5005 248-402-5011	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS:	FAX (A/C, No):
	INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A : Nw Mutual Fire Insurance Co.		23779	
INSURED Hidden Park Condominium Associ Casa Bella Property Management 850 N Crooks Rd Ste 100 Clawson, MI 48017	INSURER B :		
	INSURER C :		
	INSURER D :		
	INSURER E :		
	INSURER F :		

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Business Owners _____ GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			ACPBPHF5705504683	03/15/12	03/15/13	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			ACPBPHF5705504683	03/15/12	03/15/13	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N <input checked="" type="checkbox"/> N/A If yes, describe under DESCRIPTION OF OPERATIONS below						WC STATUTORY LIMITS <input type="checkbox"/> OTHER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A				ACPBPHF5705504683	05/15/12	05/15/13	PROPERTY 15,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

The City of Troy is an additional insured under the above policy

CERTIFICATE HOLDER**CANCELLATION**

City of Troy 500 W. Big Beaver Road Troy, MI 48084	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Robert Carabelli
---	--

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CITY COUNCIL AGENDA ITEM

Date: August 23, 2012

To: Michael W. Culpepper, Interim City Manager

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

Subject: Private Agreement – Magical Touch Oil Change – 1028 Hartland Street
Project No. 12.901.3

Background

The Planning Commission granted special use approval and preliminary site plan approval for the above referenced project on 2/28/12. The Engineering Department has reviewed the plans for this project and recommends approval. The plans include concrete approaches & sidewalk, storm sewer, sanitary sewer connection, and an underground storm water detention system.

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

Recommendation

Approval is recommended

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

City Of Troy

Contract for Installation of Municipal Improvements (Private Agreement)

Project No.: **12.901.3**

Project Location: **SW 1/4 Section 23**

Resolution No: _____

Date of Council Approval: _____

This Contract, made and entered into this _____ day of _____, 2012 by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and **Mr. Wesam Issa** whose address is **7355 Greenfield Road, Detroit, MI 48228** and whose telephone number is **313-995-0770** hereinafter referred to as "Owners", provides as follows:

FIRST: That the City agrees to permit the installation of **Concrete Approaches & Sidewalk, Storm Sewer, Sanitary Sewer Connection, and Underground Storm Water Detention System** in accordance with plans prepared by **Field To Finish, Inc.** whose address is **12258 Fenton Road, Fenton, MI 48430** and whose telephone number is **810-629-6560** and approved prior to construction by the City in accordance with City of Troy specifications.

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

Refundable escrow deposit equal to the estimated construction cost of \$ **53,489.00**. This amount will be deposited with the City in the form of (check one):

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

Refundable cash deposit in the amount of \$ **10,849.00**. This amount will be deposited with the City in the form of (check one):

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

Non-refundable cash fees in the amount of \$ **2,784.00**. This amount will be paid to the City in the form of (check one):

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

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

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

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

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

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

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

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

OWNERS

CITY OF TROY

By: 

By: _____

Wesam Issa

Please Print or Type

Janice Daniels, Mayor

Please Print or Type

M. Aileen Bittner, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 23rd day of August, A.D. 2012, before me personally appeared WESAM WADIM ISSA known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.



NOTARY PUBLIC, Oakland County, Michigan

My commission expires: _____

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



CITY COUNCIL AGENDA ITEM

Date: August 22, 2012

To: Michael W. Culpepper, Interim 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 Two Permanent Easements - Cedar Pines Estates No.2
Site Condominium - Sidwell #88-20-04-100-013

Background

As part of the development of Cedar Pines Estates No.2 Site Condominium in Section 4, the Engineering Department has received two permanent easements for storm sewer and surface drainage, and sanitary sewer from Mondrian Properties Cedar Pines, LLC, owners of the property having Sidwell #88-20-04-100-013.

The consideration amount on each document is \$1.00. The format and content of these easements is consistent with documents previously accepted by City Council.

Recommendation

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

PERMANENT EASEMENT

Sidwell #88-20-04-100-013 (pt of)
Resolution #

MONDRIAN PROPERTIES CEDAR PINES, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315 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:

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 1 signature(s) this 22nd day of August A.D. 2012.

In presence of: (not required)

MONDRIAN PROPERTIES CEDAR PINES, LLC,
a Michigan limited liability company

By *Joseph Maniaci* (L.S.)
Joseph Maniaci
Its Managing Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 22nd day of August, 2012, by Joseph Maniaci, Managing Member, of MONDRIAN PROPERTIES CEDAR PINES, L.L.C., a Michigan limited liability company on behalf of the company.

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

Janet M Parsons
Notary Public, _____ County, Michigan

My Commission Expires on _____
Acting in the County of _____, Michigan

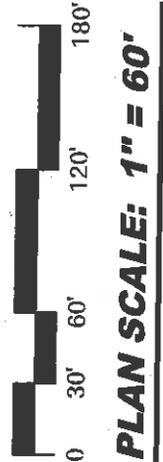
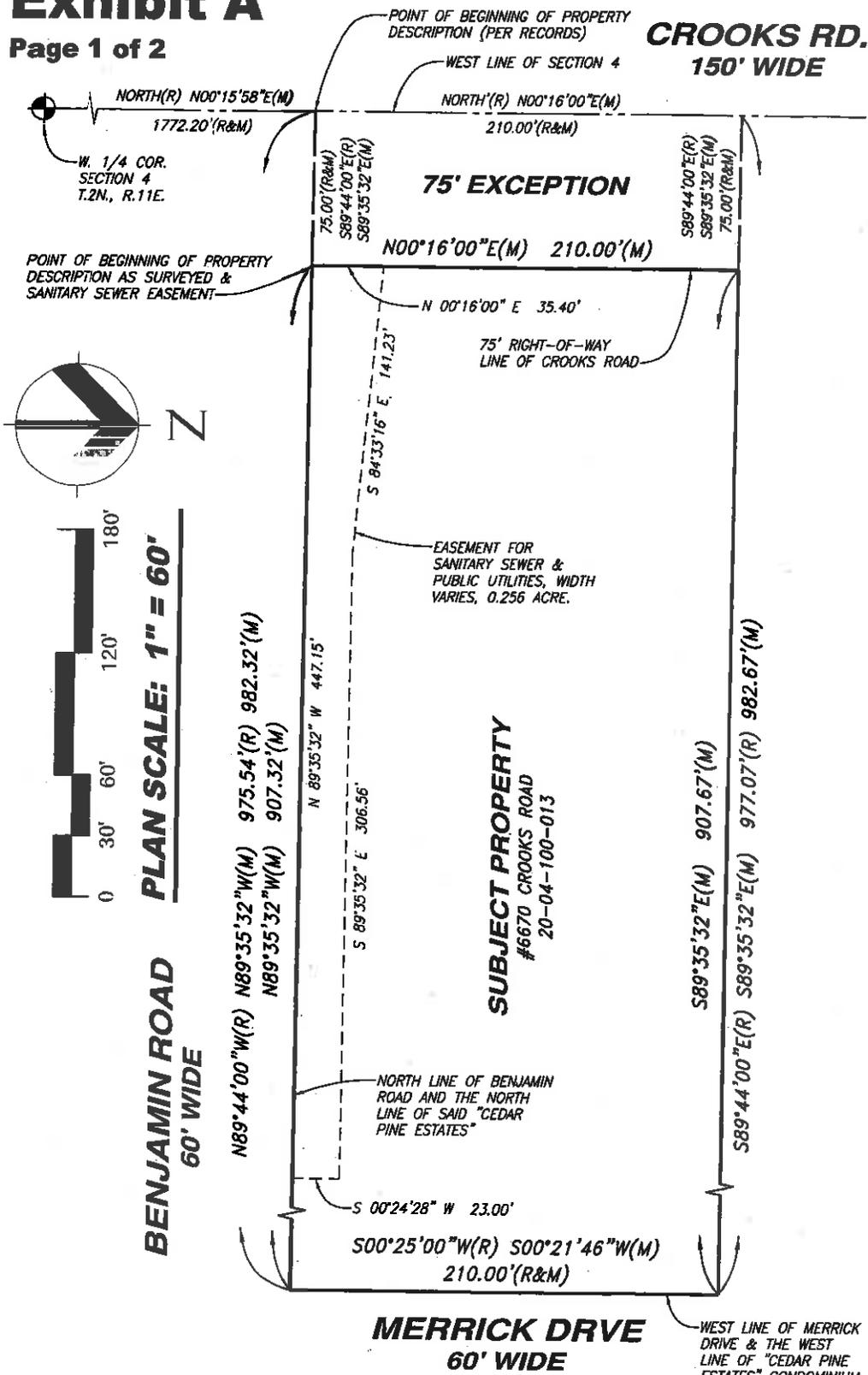
Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

Page 1 of 2



HORIZON
ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING
P.O. Box 182158, Shelby Township, Michigan 48318
Phone 586.453.8097 Fax 586.580.0053

PROJECT:
Sanitary Sewer Easement for Cedar Pines Est. No. 2

CLIENT:
MR. JOSEPH MANIACI
MONDRIAN PROPERTIES, LLC
50216 SCHOENHERR RD.
SHELBY TWP., MI 48315
(586) 726-7340

JOB NO: 12-051
DATE: 7-14-12
REVISED: 7-19-12
DRAWN BY: N.P.R.

#6670 CROOKS ROAD
PARCEL 20-04-100-013

PART OF THE N.W. FRACTIONAL 1/4 OF SECTION 4, T.2N, R.11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN

Exhibit A

Page 2 of 2

PROPERTY DESCRIPTION (PER RECORDS)

PARCEL ID NO. 20-04-100-013

A PARCEL OF LAND LOCATED IN THE NORTHWEST FRACTIONAL 1/4 OF SECTION 4, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED AS: BEGINNING AT A POINT DISTANT NORTH 1772.20 FEET FROM THE WEST 1/4 CORNER OF SAID SECTION 4; THENCE NORTH 210 FEET; THENCE S.89°44'00"E., 977.07 FEET; THENCE S.00°25'00"W., 210 FEET; THENCE N.89°44'00"W., 975.54 FEET TO THE POINT OF BEGINNING EXCEPT THE WEST 75 FEET TAKEN FOR ROAD PURPOSES.

PROPERTY DESCRIPTION (AS SURVEYED)

PARCEL ID NO. 20-04-100-013

A PARCEL OF LAND LOCATED IN THE NORTHWEST FRACTIONAL 1/4 OF SECTION 4, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 4; THENCE ALONG THE WEST LINE OF SAID SECTION 4 N.00°15'58"E., 1772.20 FEET; THENCE S.89°35'32"E., 75.00 FEET TO THE 75-FOOT RIGHT-OF-WAY LINE OF CROOKS ROAD (150' WIDE) AND THE POINT OF BEGINNING; THENCE ALONG SAID 75-FOOT RIGHT-OF-WAY LINE N.00°16'00"E., 210.00 FEET; THENCE S.89°35'32"E., 907.67 FEET TO A POINT ON THE WEST LINE OF MERRICK DRIVE & THE WEST LINE OF "CEDAR PINE ESTATES" CONDOMINIUM AS RECORDED IN LIBER 33777, PAGE 612, OAKLAND COUNTY RECORDS; THENCE ALONG SAID LINE S.00°21'46"W., 210.00 FEET TO THE INTERSECTION OF THE WEST LINE OF MERRICK DRIVE AND THE NORTH LINE OF BENJAMIN ROAD; THENCE ALONG THE NORTH LINE OF BENJAMIN ROAD AND THE NORTH LINE OF SAID "CEDAR PINE ESTATES" N.89°35'32"W., 907.32 FEET TO THE POINT OF BEGINNING, CONTAINING 4.375 ACRES OF LAND.

EASEMENT FOR SANITARY SEWER & PUBLIC UTILITIES

A VARIABLE-WIDTH EASEMENT FOR SANITARY SEWER AND PUBLIC UTILITIES, PART OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 4, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, IS DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 4; THENCE ALONG THE WEST LINE OF SAID SECTION 4 N.00°15'58"E., 1772.20 FEET; THENCE S.89°35'32"E., 75.00 FEET TO THE 75-FOOT RIGHT-OF-WAY LINE OF CROOKS ROAD (150' WIDE) AND THE POINT OF BEGINNING; THENCE ALONG SAID 75-FOOT RIGHT-OF-WAY LINE N.00°16'00"E., 35.40 FEET; THENCE S.84°33'16"E., 141.23 FEET; THENCE S.89°35'32"E., 306.56 FEET; THENCE S.00°24'28"W., 23.00 FEET TO A POINT ON THE NORTH LINE OF BENJAMIN ROAD AND THE NORTH LINE OF SAID "CEDAR PINE ESTATES" CONDOMINIUM AS RECORDED IN LIBER 33777, PAGE 612, OAKLAND COUNTY RECORDS; THENCE ALONG SAID LINE N.89°35'32"W., 447.15 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.256 OF AN ACRE.

HORIZON ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318
Phone 586.453.8097 Fax 586.580.0053

PROJECT:

Sanitary Sewer Easement for Cedar Pines Est. No. 2

#6670 CROOKS ROAD
PARCEL 20-04-100-013

PART OF THE N.W. FRACTIONAL 1/4 OF SECTION 4, T.2N.,
R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:

MR. JOSEPH MANIACI
MONDRIAN PROPERTIES, LLC
50215 SCHOENHERR RD.
SHELBY TWP., MI 48315
(586) 726-7340

JOB NO: 12-051
DATE: 7-14-12
REVISED: 7-19-12
DRAWN BY: N.P.R.

PERMANENT EASEMENT

Sidwell #88-20-04-100-013 (pt of)
Resolution #

MONDRIAN PROPERTIES CEDAR PINES, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315 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 storm sewer and surface drainage, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s) this 22nd day of August A.D. 2012.

In presence of: (not required)

MONDRIAN PROPERTIES CEDAR PINES, LLC,
a Michigan limited liability company

By [Signature] (L.S.)
Joseph Maniaci
Its Managing Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 22nd day of August, 2012, by Joseph Maniaci, Managing Member, of MONDRIAN PROPERTIES CEDAR PINES, L.L.C., a Michigan limited liability company on behalf of the company.

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

[Signature]
Notary Public, County, Michigan

My Commission Expires on
Acting in the County of , 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

Page 2 of 2

PROPERTY DESCRIPTION (PER RECORDS)

PARCEL ID NO. 20-04-100-013

A PARCEL OF LAND LOCATED IN THE NORTHWEST FRACTIONAL 1/4 OF SECTION 4, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED AS: BEGINNING AT A POINT DISTANT NORTH 1772.20 FEET FROM THE WEST 1/4 CORNER OF SAID SECTION 4; THENCE NORTH 210 FEET; THENCE S.89°44'00"E., 977.07 FEET; THENCE S.00°25'00"W., 210 FEET; THENCE N.89°44'00"W., 975.54 FEET TO THE POINT OF BEGINNING EXCEPT THE WEST 75 FEET TAKEN FOR ROAD PURPOSES.

PROPERTY DESCRIPTION (AS SURVEYED)

PARCEL ID NO. 20-04-100-013

A PARCEL OF LAND LOCATED IN THE NORTHWEST FRACTIONAL 1/4 OF SECTION 4, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 4; THENCE ALONG THE WEST LINE OF SAID SECTION 4 N.00°15'58"E., 1772.20 FEET; THENCE S.89°35'32"E., 75.00 FEET TO THE 75-FOOT RIGHT-OF-WAY LINE OF CROOKS ROAD (150' WIDE) AND THE POINT OF BEGINNING; THENCE ALONG SAID 75-FOOT RIGHT-OF-WAY LINE N.00°16'00"E., 210.00 FEET; THENCE S.89°35'32"E., 907.67 FEET TO A POINT ON THE WEST LINE OF MERRICK DRIVE & THE WEST LINE OF "CEDAR PINE ESTATES" CONDOMINIUM AS RECORDED IN LIBER 33777, PAGE 612, OAKLAND COUNTY RECORDS; THENCE ALONG SAID LINE S.00°21'46"W., 210.00 FEET TO THE INTERSECTION OF THE WEST LINE OF MERRICK DRIVE AND THE NORTH LINE OF BENJAMIN ROAD; THENCE ALONG THE NORTH LINE OF BENJAMIN ROAD AND THE NORTH LINE OF SAID "CEDAR PINE ESTATES" N.89°35'32"W., 907.32 FEET TO THE POINT OF BEGINNING, CONTAINING 4.375 ACRES OF LAND.

EASEMENT FOR STORM SEWER & MAINTENANCE OF SURFACE DRAINAGE

A TWELVE (12) FEET WIDE EASEMENT FOR STORM SEWER AND MAINTENANCE OF SURFACE DRAINAGE, PART OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 4, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, IS DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 4; THENCE ALONG THE WEST LINE OF SAID SECTION 4 N.00°15'58"E., 1772.20 FEET; THENCE S.89°35'32"E., 75.00 FEET TO THE 75-FOOT RIGHT-OF-WAY LINE OF CROOKS ROAD (150' WIDE); THENCE ALONG THE NORTH LINE OF BENJAMIN ROAD AND THE NORTH LINE OF "CEDAR PINE ESTATES" CONDOMINIUM AS RECORDED IN LIBER 33777, PAGE 612, OAKLAND COUNTY RECORDS S.89°35'32"E., 144.15 FEET TO THE POINT OF BEGINNING; THENCE N.00°24'28"E., 162.00 FEET; THENCE S.89°35'32"E., 645.00 FEET; THENCE S.00°24'28"W., 67.99 FEET; THENCE N.89°35'32"W., 12.00 FEET; THENCE N.00°24'28"E., 55.99 FEET; THENCE N.89°35'32"W., 441.00 FEET; THENCE S.00°24'28"W., 150.00 FEET TO A POINT ON THE NORTH LINE OF SAID BENJAMIN ROAD AND THE NORTH LINE OF SAID "CEDAR PINE ESTATES"; THENCE ALONG SAID LINE N.89°35'32"W., 12.00 FEET; THENCE N.00°24'28"E., 150.00 FEET; THENCE N.89°35'32"W., 168.00 FEET; THENCE S.00°24'28"W., 150.00 FEET TO A POINT ON THE NORTH LINE OF SAID BENJAMIN ROAD AND THE NORTH LINE OF SAID "CEDAR PINE ESTATES"; THENCE ALONG SAID LINE N.89°35'32"W., 12.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.276 OF AN ACRE.

HORIZON ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318
Phone 586.453.8097 Fax 586.580.0053

PROJECT:

Storm Sewer Easement for Cedar Pines Est. No. 2

#6670 CROOKS ROAD
PARCEL 20-04-100-013

PART OF THE N.W. FRACTIONAL 1/4 OF SECTION 4, T.2N.,
R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:

MR. JOSEPH MANIACI
MONDRIAN PROPERTIES, LLC
50216 SCHOENHERR RD.
SHELBY TWP., MI 48315
(586) 726-7340

JOB NO: 12-051

DATE: 7-14-12

REVISED: 7-19-12

DRAWN BY: N.P.R.



CITY COUNCIL AGENDA ITEM

Date: August 27, 2012

To: Michael Culpepper, Acting City Manager

From: Tom Darling, Director of Finance/Administration
Nino Licari, City Assessor

Subject: Announcement of Public Hearings for Industrial Development District (IDD) and Industrial Facilities Exemption Certificate (IFEC) for Alternative Automotive Technologies 1225 E Maple

Background

Alternative Automotive Technologies has submitted an application for tax abatement for their move into 1225 E. Maple. They intend to spend \$940,000 and bring in 127 new jobs to the City of Troy.

Recommendation

State law dictates that City Council hold a public hearing to establish an IDD and a separate public hearing to consider the IFEC. This memo is the formal notification of the setting of the Public Hearings for September 24, 2012.

CITY OF TROY
PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, September 24, 2012 at 7:30 P.M. to consider the establishment of an Industrial Development District (IDD) and the granting of an Industrial Facilities Exemption Certificate (IFEC) for Alternative Automotive Technologies, at the following location:

88-20-26-351-024 1225 E Maple, Troy, MI. 48083-5600
T2N, R11E, Section 26 & 27 part of SW 1/4

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

M. Aileen Bittner, City Clerk

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

TROY SCHOOL DISTRICT
MARK RAJTER
4400 LIVERNOIS
TROY MI 48098-4799

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

OAKLAND INTERMEDIATE
SCHOOLS
2111 PONTIAC LAKE
WATERFORD MI 48328

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

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

Alternative Automotive
Attn: BRIAN CHAMBERS
1225 E MAPLE
TROY MI 48083



CITY COUNCIL AGENDA ITEM

Date: August 21, 2012

To: Michael Culpepper, Interim City Manager

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

Subject: ANNOUNCEMENT OF PUBLIC HEARING – SEPTEMBER 10, 2012 – PLANNED UNIT DEVELOPMENT (File Number PUD 004) – Big Beaver Center (formerly “The Monarch”) PUD, North side of Big Beaver Road between Alpine and McClure, Section 20, Currently Zoned PUD 004 and R-1B (One Family Residential) Districts

A public hearing for this item is scheduled for the September 10, 2012 City Council Regular meeting.

The applicant seeks the following approvals from City Council at this time:

1. Rezone the northern two parcels from R-1B to Big Beaver Center PUD
2. Concept Development Plan (CDP) approval for the Big Beaver Center PUD
3. Preliminary Development Plan (PDP) approval for the Big Beaver Center PUD

The public notice language for the Planned Unit Development Application (File Number PUD-004) is attached.

Attachments:

1. Public notice language

G:\PUD's\PUD 004 Big Beaver Center (formerly The Monarch)\Big Beaver Center\CC Memo Announce Public Hearing 09 10 2012.doc

CITY OF TROY
PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, September 10, 2012, at 7:30 p.m. or as soon thereafter as the agenda will permit, to consider the following:

- (1) A request to rezone 3128 Alpine and 3141 McClure from R-1B (One Family Residential) District to Planned Unit Development District (Big Beaver Center Planned Unit Development); and
- (2) A request for Conceptual Development Plan (CDP) and Preliminary Development Plan (PDP) Approval for PUD 4 (Big Beaver Center Planned Unit Development). Proposed uses for Big Beaver Center Planned Unit Development, a mixed use project, include a 24,000 square foot retail center and a 3,397 square foot branch bank with drive-thru, with pedestrian plaza area, and 16 detached single-family detached residential units.

The subject property is located on the north side of Big Beaver, between Alpine and McClure.

The subject entire project is comprised of ten (10) parcels: 88-20-20-402-016, 017, 018, 030, 031, 032, 052, 053, 054 and 055.

Comments can be expressed at the Public Hearing, or written comments can be directed to the attention of the Planning Department, City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084, or by e-mail to planning@troymi.gov no later than 3:00 p.m. on the date of the meeting. If you have questions you may contact the Planning Department by e-mail or by phone at (248) 524-3364.

The application on file can be viewed and/or copies can be purchased at the Planning Department, City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084.

Notices and information for public hearings will also be posted on the City website at <http://www.troymi.gov/PublicHearings/> .

Aileen Bittner
City Clerk

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

**City of Troy
Appointee Code of Ethics**

A City of Troy Appointee shall:

- Respect the confidentiality of privileged information;
- Recognize that an individual board or committee member has no authority to act or speak on behalf of the Troy City Council, the City of Troy or their respective committee;
- Work with other appointees to further the board or committee goals;
- Encourage the free expression of opinion by all board and committee members;
- Communicate to City Council and staff as to issues of concern or requiring study or action;
- Render all decisions based on the available facts and independent judgment rather than succumbing to the influence of individuals or special interest groups;
- Make every effort to attend all meetings;
- Become informed concerning the issues to be considered at each meeting;
- Avoid conflicts of interest or the appearance thereof;
- Refrain from using this position for personal benefit nor for the benefit of family members or business associates.

Signed this _____ day of _____, 20__.

Appointee's name
Board/committee
Term expiring _____

From: [Mike Culpepper](#)
To: [Aileen Bittner](#)
Subject: FW: Items for discussion
Date: Thursday, August 23, 2012 1:53:48 PM
Importance: High

From: Jim Campbell
Sent: Wednesday, August 22, 2012 3:52 PM
To: Mike Culpepper
Subject: Items for discussion
Importance: High

Mike,

I would like the following items to be included for discussion at the next council meeting.

- In order to keep the Troy residents aware of specific items affecting the city I would like to have a detail explanation of the process that will be followed in November, in the event that the current mayor is recalled. I feel a step by step process with any required timing indicated would be of value. Further, once the process is discussed and understood by the council I would like to see the information featured on the city website. I am not certain that this process, which may never be considered again, is something that needs to be added to the rules. However, the process should be documented someplace.
- I would like to discuss the development of a city policy to address the use of the internet, facebook, twitter and any other electronic social media by the elected officials of Troy. Based on current issues I believe this policy would need to address the allowable content, design features, photos, use of city images and titles of elected officials. The current city policy does not address the issues as mentioned. Again, does this need to be a part of the rules?

Jim Campbell
City of Troy Councilman
248-250-4154

LIQUOR ADVISORY COMMITTEE MINUTES – FINAL JUNE 18, 2012

A regular meeting of the Liquor Advisory Committee was held on Monday, June 18, 2012 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Committee member Patrick Hall called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: W. Stan Godlewski
 Patrick C. Hall
 Andrew Kaltsounis
 David S. Ogg
 Bohdan L. Ukrainec

ABSENT: Max K. Ehlert, Chairman
 Timothy P. Payne

ALSO PRESENT: Officer James Feld
 Julie Dufrane, Assistant City Attorney
 Jesse Pappas, Student Representative
 Pat Gladysz

Resolution to Excuse Committee Members Ehlert and Payne

Resolution #LC2012-06-015
Moved by Ukrainec
Seconded by Ogg

RESOLVED, That the absence of Committee members Ehlert and Payne at the Liquor Advisory Committee meeting of June 18, 2012 be **EXCUSED**.

Yes: 5
No: 0
Absent: Ehlert, Payne

Resolution to Approve Minutes of May 14, 2012 Meeting

Resolution #LC2012-06-016
Moved by Ukrainec
Seconded by Ogg

RESOLVED, That the Minutes of the May 14, 2012 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 5
No: 0
Absent: Ehlert, Payne

Agenda Items

1. **Kelly's Market #2, Inc.** requests to Transfer Ownership of 2012 SDD and SDM Licensed Business located at 6037 Rochester Road, Troy, MI 48084, from Kelly's Market, Inc. {MLCC Req. #658162}.

Present to answer questions from the Committee were Ron Asmar (seller), Surya Gorle (buyer), and John Carlin (attorney for buyers). The second buyer, Sanjay Pradhan (buyer), was unable to attend the meeting.

Mr. Asmar informed the Committee that he is selling his business. Mr. Gorle will own 95% of the business and Mr. Pradhan will own the remaining 5%. The name of the business will not change and they plan to have three employees. The purchase agreement states that Mr. Asmar will train the new owners for a smooth transition.

Officer Feld informed the Committee that the background investigation revealed no police contacts with the buyers. Officer Feld also stated that a recent inspection of the business was conducted. He noted that the location of some alcoholic beverages was in violation of the City Ordinance. Mr. Asmar was informed and the items were relocated.

Assistant City Attorney Dufrane indicated that the Legal Department had nothing to report on these individuals.

Resolution #LC2012-06-017
Moved by
Seconded by

RESOLVED, That the Liquor Advisory Committee recommends that the request of Kelly's Market #2, Inc. to transfer ownership of 2012 SDD and SDM Licensed Business located at 6037 Rochester Road, Troy, MI 48084, from Kelly's Market, Inc. be **APPROVED**.

Yes: 5
No: 0
Absent: Ehlert, Payne

Officer Feld informed the Committee that the Michigan Liquor Control Commission revoked the SDM license held by Super City Smoker's Express on May 24, 2012. The business is still permitted to sell tobacco products.

Officer Feld also informed the Committee that a 7-Eleven Store will be opening in the former Blockbuster Video location at Wattles and Rochester Roads.

Officer Feld introduced Assistant City Attorney Julie Dufrane to the Committee.

The meeting adjourned at 7:20 p.m.



Patrick C. Hall, Committee Member



Patricia A. Gladysz, Secretary II

Chair Tagle called the Special/Study meeting of the Troy City Planning Commission to order at 7:02 p.m. on July 24, 2012 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

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

Also Present:

R. Brent Savidant, Planning Director
Allan Motzny, Assistant City Attorney
Ben Carlisle, Carlisle/Wortman Associates, Inc.
Eric Huang, Student Representative
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2012-07-048

Moved by: Edmunds
Seconded by: Schultz

RESOLVED, To approve the agenda as published.

Yes: All present (9)

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2012-07-049

Moved by: Sanzica
Seconded by: Krent

RESOLVED, To approve the minutes of the July 10, 2012 Regular meeting as submitted.

Yes: Edmunds, Hutson, Krent, Sanzica, Schepke, Schultz, Strat
Abstain: Kempen, Tagle

MOTION CARRIED

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

5. ZONING BOARD OF APPEALS (ZBA) REPORT

Mr. Strat reported on the July 17, 2012 Zoning Board of Appeals meeting.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Savidant reported there was no Downtown Development Authority meeting in July.

7. PLANNING AND ZONING REPORT

Mr. Savidant reported that at the July 23, 2012 Regular meeting, City Council unanimously approved the proposed Zoning Ordinance Text Amendment to allow drive through financial institutions in the Big Beaver District by Special Use Approval.

PLANNED UNIT DEVELOPMENT

8. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (File Number PUD 004) – Big Beaver Center (formerly “The Monarch”) PUD, North side of Big Beaver Road between Alpine and McClure, Section 20, Currently Zoned PUD 004 and R-1B (One Family Residential) Districts

Mr. Savidant introduced the item.

The petitioners, Arkan Jonna and Jordan Jonna of A. F. Jonna Development Company were present.

Mark Nickita, AIA, of Archive Design Studio, gave a PowerPoint presentation on the commercial project design.

Mr. Krent addressed vehicular traffic and the residential aspect of the development. He suggested moving the bank to the east and would like to see a good transitional blend between the proposed and existing residential. Mr. Krent distributed a proposed layout depicting the bank on the east side of the site.

Mr. Carlisle gave a brief history of the site and a report on the proposed development. He said the proposal meets many aspects of the Master Plan and the proposed public realm is a very significant public benefit. Mr. Carlisle addressed the findings of the traffic consultant report that the increase in density would have a negligible effect along Big Beaver. He applauded the petitioner in the massing of the building. In conclusion, Mr. Carlisle addressed site plan concerns relating to both the commercial and residential site plans.

PUBLIC HEARING OPEN

Jeanne Stine, 1915 Boulan, Troy; addressed density, vehicular and pedestrian traffic, curb cuts, egress, bank location, safety of children, traffic light/pedestrian crossing.

Barbara Dawson, 1834 Boulan, Troy, addressed cut-through traffic, dead end or cul de sac street, bank location, front vs rear parking for commercial.

Susan Tompkins, 1725 Banmoor, addressed findings of traffic study, sidewalks, pedestrian traffic.

Sharon Mitchell, 3142 McClure, Troy, addressed vehicular and pedestrian traffic.

PUBLIC HEARING CLOSED

There was discussion on:

- Vehicular traffic; cut-through traffic.
- Proposed bank.
 - Ingress/egress; potential traffic congestion.
 - Moving bank to the east.
 - Drive-through capability.
 - Newly adopted Zoning Ordinance amendment; drive through must utilize in lane or side street.
- Pedestrian walkway; width of walkway.
- Parking.
 - Front versus rear.
 - Percentage for food services.
- Material samples.
- Residential development.
 - Buffer.
 - Transition between high and low density.
 - Blend with existing neighborhood.
- Additional public amenities.
- No sidewalks; safety of children.
- Building view from rear.
 - Architectural design.
 - Landscape/ additional green.
- DDA district boundaries.

The petitioners addressed reasons for not moving the bank to the east.

- Conflict with vehicular and pedestrian bank patrons.
- Detraction of retail point position.

Resolution # PC-2012-07-050

Moved by: Sanzica
 Seconded by: Schultz

RESOLVED, The Planning Commission hereby postpones this item until such time that the applicant submits a complete Concept Development Plan and Preliminary Development Plan application that addresses the issues identified in the Planning Consultant report.

Discussion on the motion on the table.

The petitioner advised that the proposed residential portion of the development would be inclusive of the complete application submittal.

Vote on the motion on the table.

Yes: All present (9)

MOTION CARRIED

CONDITIONAL REZONING REQUESTS

9. PUBLIC HEARING – CONDITIONAL REZONING APPLICATION (File Number CR 007, formerly File Number Z 740) – Proposed Charter One Bank Branch, 125 Stephenson Highway and 1250 W. 14 Mile Road, Section 35, From O (Office) District to IB (Integrated Industrial and Business) District

Mr. Savidant gave a review on the conditional rezoning application. He read the petitioner’s list of uses that would be prohibited and criteria relating to any new construction. Mr. Savidant said the application is consistent with the Master Plan and the conditions volunteered by the petitioner are reasonable. The Planning Department recommends moving the request forward to City Council with a favorable recommendation.

There was discussion on:

- Site plan approval process; conditions.
- Landscaping 30’ greenbelt with coniferous trees.
- Site plan submittal not required by Zoning Ordinance.
- Conditional Rezoning Agreement, required by Zoning Ordinance.
- 50 foot total buffer to residential; 30 foot volunteered by petitioner in addition to 20 foot required setback.

Mr. Strat said he would vote no on the request because the application does not meet the intent of the State to permit conditional rezonings.

The petitioners, Daniel Stern and Jason Horton, of Lormax Stern Development Company were present. Mr. Stern announced the company has a potential viable user for the building on site.

Mr. Horton said it is their intent to plant trees along the 30' greenbelt. He briefly discussed marketing strategy for the site.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2012-07-051

Moved by: Schultz

Seconded by: Sanzica

RESOLVED, That the Planning Commission hereby recommends to the City Council that the O (Office) to IB (Integrated Industrial and Business) conditional rezoning request, as per Section 16.04 of the City of Troy Zoning Ordinance, located on the northwest corner of Stephenson Highway and 14 Mile Road (125 Stephenson Highway and 1250 W. 14 Mile Road), within Section 35, being approximately 7 acres in size, be granted, for the following reasons and with the following conditions:

1. The execution of a Conditional Rezoning Agreement.
2. The application is consistent with the Master Plan.
3. The application is compatible with existing zoning districts and land uses.
4. The applicant proposes the following conditions that reduce potential impacts of the proposed IB district on abutting residential properties:
 - A. The property can be used for all permitted uses allowed in the IB zoning classification *except* for the following uses which are expressly prohibited:
 - a) Manufacturing and assembly uses which utilize hazardous materials or which release any odor, noise or vibration into the environment
 - b) Material recovering facilities
 - c) Bus terminals
 - d) Building and lumber supplies
 - e) Outdoor commercial recreation
 - f) Outdoor storage facilities
 - g) Open air businesses
 - h) Adult use businesses
 - i) Vehicle repair stations
 - j) Vehicle auctions
 - k) Vehicle washes
 - l) Dry cleaners and laundries
 - m) Central dry cleaning/laundry plants

- n) Outdoor dining adjacent to the east and west sides and along the north rear of any buildings
 - o) Commercial kennels/pet day care
 - p) Vehicle fueling stations
 - q) Ambulance facilities
 - r) Commercial wind energy conversion systems and meteorological towers
 - s) Truck terminals
- B. Further, that new development of the property is also subject to the following additional conditions:
- a) New buildings and structures shall be subject to all applicable ordinances, site plan requirements and site plan approval.
 - b) Heights of new buildings shall not exceed two stories.
 - c) A 30 foot landscaped greenbelt shall be constructed adjacent to the north and west boundary lines that abut residential homes.
 - d) Truck deliveries between 11 p.m. and 8 a.m. shall be prohibited.
 - e) Outdoor storage of materials shall be prohibited.

Yes: Edmunds, Hutson, Kempen, Krent, Sanzica, Schepke, Schultz, Tagle
 No: Strat

MOTION CARRIED

10. CONDITIONAL REZONING APPLICATION (File Number CR 006) – Proposed Troy Plaza Development, West side of Crooks, North side of New King (5500 New King), Section 8, From PUD (Planned Unit Development) to OM (Office Mixed Use) and CB (Community Business) Districts

Mr. Carlisle gave a review on the conditional rezoning application. He noted the applicant is asking for flexibility with the two proposed buildings that face New King. Mr. Carlisle said the concept and uses of the application are agreeable but there are concerns with the site plan, as noted in his report dated July 20, 2012. He stated the applicant understands the Planning Department’s position and is amenable to working with the department toward a solution.

The petitioner, Michael Gordon of MGA Architects, was present. He indicated a need for flexibility with the proposed restaurant and hotel to accommodate the various standards set forth with different restaurant chains and hotel flagships. Mr. Gordon said the two front buildings facing Crooks are locked-in as a McDonald’s restaurant and a mixed retail/office use.

Resolution # PC-2012-07-052

Moved by: Edmunds
 Seconded by: Strat

RESOLVED, That the Planning Commission postpones consideration of the proposed conditional rezoning application until such time that the applicant submits a site plan that complies with the Zoning Ordinance, and meets with staff to discuss the issues listed in the Planning Commission report.

Yes: All present (9)

MOTION CARRIED

OTHER BUSINESS

11. **PUBLIC COMMENT** – Items on Current Agenda

There was no one present who wished to speak.

12. **PLANNING COMMISSION COMMENTS**

- Warm welcome to Ed Kempen.
- Roll call votes (potential to save time if eliminated).
- Safety relating to curb cuts, pedestrian pathways and sidewalks.
- Procedure/process of Conditional Rezoning applications (study session item).

The Special/Study meeting of the Planning Commission adjourned at 9:45 p.m.

Respectfully submitted,

John Tagle, Chair

Kathy L. Czarnecki, Recording Secretary

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Chair Tagle called the Special/Study meeting of the Troy City Planning Commission to order at 7:02 p.m. on July 24, 2012 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

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

Also Present:

R. Brent Savidant, Planning Director
 Allan Motzny, Assistant City Attorney
 Ben Carlisle, Carlisle/Wortman Associates, Inc.
 Eric Huang, Student Representative
 Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2012-07-048

Moved by: Edmunds
 Seconded by: Schultz

RESOLVED, To approve the agenda as published.

Yes: All present (9)

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2012-07-049

Moved by: Sanzica
 Seconded by: Krent

RESOLVED, To approve the minutes of the July 10, 2012 Regular meeting as submitted.

Yes: Edmunds, Hutson, Krent, Sanzica, Schepke, Schultz, Strat
 Abstain: Kempen, Tagle

MOTION CARRIED

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

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Mr. Strat reported on the July 17, 2012 Zoning Board of Appeals meeting.

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PLANNED UNIT DEVELOPMENT

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Mr. Savidant introduced the item.

The petitioners, Arkan Jonna and Jordan Jonna of A. F. Jonna Development Company were present.

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Mr. Krent addressed vehicular traffic and the residential aspect of the development. He suggested moving the bank to the east and would like to see a good transitional blend between the proposed and existing residential. Mr. Krent distributed a proposed layout depicting the bank on the east side of the site.

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PUBLIC HEARING OPEN

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- Conflict with vehicular and pedestrian bank patrons.
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Resolution # PC-2012-07-050

Moved by: Sanzica

Seconded by: Schultz

RESOLVED, The Planning Commission hereby postpones this item until such time that the applicant submits a complete Concept Development Plan and Preliminary Development Plan application that addresses the issues identified in the Planning Consultant report.

Discussion on the motion on the table.

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Vote on the motion on the table.

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MOTION CARRIED

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Mr. Horton said it is their intent to plant trees along the 30' greenbelt. He briefly discussed marketing strategy for the site.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2012-07-051

Moved by: Schultz

Seconded by: Sanzica

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 - p) Vehicle fueling stations
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Yes: Edmunds, Hutson, Kempen, Krent, Sanzica, Schepke, Schultz, Tagle

No: Strat

MOTION CARRIED

10. CONDITIONAL REZONING APPLICATION (File Number CR 006) – Proposed Troy Plaza Development, West side of Crooks, North side of New King (5500 New King), Section 8, From PUD (Planned Unit Development) to OM (Office Mixed Use) and CB (Community Business) Districts

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The petitioner, Michael Gordon of MGA Architects, was present. He indicated a need for flexibility with the proposed restaurant and hotel to accommodate the various standards set forth with different restaurant chains and hotel flagships. Mr. Gordon said the two front buildings facing Crooks are locked-in as a McDonald's restaurant and a mixed retail/office use.

Resolution # PC-2012-07-052

Moved by: Edmunds

Seconded by: Strat

RESOLVED, That the Planning Commission postpones consideration of the proposed conditional rezoning application until such time that the applicant submits a site plan that complies with the Zoning Ordinance, and meets with staff to discuss the issues listed in the Planning Commission report.

Yes: All present (9)

MOTION CARRIED

OTHER BUSINESS

11. **PUBLIC COMMENT** – Items on Current Agenda

There was no one present who wished to speak.

12. **PLANNING COMMISSION COMMENTS**

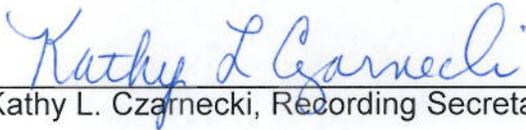
- Warm welcome to Ed Kempen.
- Roll call votes (potential to save time if eliminated).
- Safety relating to curb cuts, pedestrian pathways and sidewalks.
- Procedure/process of Conditional Rezoning applications (study session item).

The Special/Study meeting of the Planning Commission adjourned at 9:45 p.m.

Respectfully submitted,



John Tagle, Chair



Kathy L. Czarnecki, Recording Secretary

A regular meeting of the Liquor Advisory Committee was held on Monday, August 13, 2012 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

ROLL CALL:

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

ALSO PRESENT: Julie Dufrane, Assistant City Attorney
Jeffrey Oberski, Analyst/Planner
Jesse Pappas, Student Representative
Pat Gladysz

Resolution to Approve Minutes of June 18, 2012 Meeting

Resolution #LC2012-08-018
Moved by Hall
Seconded by Ukraineec

RESOLVED, That the Minutes of the June 18, 2012 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 7
No: 0
Absent: 0

Agenda Items

1. **California Pizza Kitchen, Inc.** (a Delaware Corporation) requests to transfer all stock interest in 2011 Resort Class C licensed corporation issued under MCL 436.1531(4) located at Somerset Collection North, 2800 West Big Beaver Road, Space N 126, Troy, MI 48084, Oakland County, from a publicly traded corporation to new stockholder, CPK Merger Sub Inc. (a Delaware Corporation); and transfer all stock wherein CPK Merger Sub Inc. (a Delaware Corporation) transfers all stock to new stockholder, CPK

Holdings Inc. (a Delaware Corporation) through merger (Step 2). {MLCC Req. #619179}.

There was no one present to answer questions from the Committee.

Resolution #LC2012-08-019

Moved by Hall

Seconded by Kaltsounis

RESOLVED, That the Liquor Advisory Committee decided that there would be no action taken on this item.

Yes: 7

No: 0

Absent: 0

-
2. **Muses Taverna, LLC** requests to Transfer Ownership of SDM and Class C Resort liquor licenses from Hot Rock Pizza, LLC located at 1893 E. Big Beaver Road, Troy, MI 48083. *Muses Taverna will be located at 1893 E. Big Beaver Road in Troy.*

Present to answer questions from the Committee were attorney Steven Kiouis, applicant Dimitrios Nikolakos, and his wife Afroditi Nikolakos.

Mr. Kiouis informed the Committee that applicant plans to open an authentic Greek restaurant at this location. The applicant previously owned a restaurant in Europe and was a partner at Village Taverna in Macomb Township. The restaurant will be open seven days a week from 11:00 a.m. to midnight. The applicants are TIPS/TAMS certified.

Mr. Oberski informed the Committee that there currently is no final inspection from the Health Department and the Fire Department. Applicant stated that the inspections are scheduled this week. There are no other issues from the Police Department.

Resolution #LC2012-08-020

Moved by Ukrainec

Seconded by Hall

RESOLVED, That the Liquor Advisory Committee recommends that the request of Muses Taverna, LLC to Transfer Ownership of SDM and Class C Resort liquor licenses from Hot Rock Pizza, LLC located at 1893 E. Big Beaver Road, Troy, MI 48083 be **APPROVED**.

Yes: 7
No: 0
Absent: 0

There was a lengthy discussion regarding revisions made to the Administrative Rules of the Michigan Liquor Control Commission as of July 1, 2012. Assistant City Attorney Dufrane advised the Committee that one of the changes states that local approval is generally not required for license or stock transfers. Many local communities are questioning their role in relation to the new guidelines.

The Committee expressed many concerns regarding the new regulations. One of the main concerns was whether the Police Department will be advised when licenses are transferred or issued. The Committee stated that reports from the MLCC should be sent to the Police Department when licenses are issued.

Assistant City Attorney Dufrane indicated she would contact the MLCC District Supervisor, Enforcement Division, Mary Anne Donley, to address the Committee's concerns.

The meeting adjourned at 7:45 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

Beth L Tashnick

Subject: FW: SAFEbuilt 20th Anniversary Client Highlight - Troy MI
Attachments: Client Spotlight - Troy MI.pdf

From: Scott Martin
Sent: Thursday, August 16, 2012 9:21 AM
To: Scott Martin
Subject: SAFEbuilt 20th Anniversary Client Highlight - Troy MI

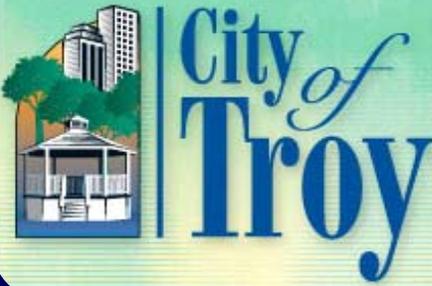
SAFEbuilt® Celebrating 20th Anniversary

SAFEbuilt continues to celebrate our 20-year anniversary. As part of that celebration we will be highlighting one of our community partners each month throughout the year. This month we are highlighting our community partner Troy Michigan. Please take the time to look at the attached spotlight. We appreciate the trust and confidence that of you (our clients) place in us and we value the unique partnership that we have with you all.

Kind regards,

Scott Martin
Business Development
SAFEbuilt®
www.safebuilt.com





Population: 80,980
Year Incorporated: 1955
Acres/Sq. Miles: 34.3 Square miles
Largest business or employer (non-government): William Beaumont Hospital-Troy

Please tell us an Interesting Fact or History about the city

Prior to 1955 the City of Troy was Troy Township. The City of Troy was first settled in the 1820s by pioneers who emigrated from the state of New York. Some came by wagon through Ohio, while others reached Detroit via the Erie Canal and Great Lakes and then trekked overland to Troy Township. The new settlers cleared the forests and sowed their crops. By the 1880s Troy Township was known for its excellent corn, wheat, melons and other fruits as well as wool and dairy products. While the farms were successful, a downtown business district was not developed. Troy lacked sufficient hydropower to operate lumber or gristmills. The Detroit and Milwaukee Railroad was routed through Detroit, Royal Oak and Pontiac, and bypassed tiny Troy Corners at Square Lake Road and Livernois. The Detroit United Railroad did provide electric trolley service through the community between 1898 and 1931. Commercial and industrial development reached Oakland County after World War II. The City of Troy was established as a home rule city in 1955 and during the next 25 years, the community experienced extraordinary growth. Today Troy is a culturally diverse community of over 80,000 residents.

Justin Verlander, Detroit Tiger pitcher, owns a home in Troy. **Balthazar Korab** the world renowned architectural photographer lives in Troy.

Minoru Yamasaki (Yamasaki Associates) designed the Twin Towers of the World Trade Center in his summer studio in Troy.

What is the city's proudest accomplishment?

Troy is again ranked Michigan's safest city with a population of at least 75,000, according to a recent report from CQ Press. **It is the 10th time in the past 14 years Troy has been named the safest city in the state.**

Troy Police, however, attribute the city's safety to community partnerships and prevention programs – including the [Troy Community Coalition](#), [Boys & Girls Club](#) and [Troy Youth Assistance](#) – as well as an excellent school system, effective District Court and an active business community.

"It's a combination of the hard work of the police department and the community, the city management, City Council, the funding we get – all those things play into it," Troy Police Chief Gary Mayer said. *"The community places a high value on public safety."*

Mayer goes on to say that the department has made changes over the year to cope with cutbacks, including using technology more, partnering with media and schools and using volunteers from the [Citizens Police Academy](#) to help patrol the city.

"It's partnership," Mayer said. *"We're very happy that we're recognized."*

Looking Back:

When did you first hire SAFEbuilt: July 1, 2010.

How has the city changed since that

year? The Great Recession is subsiding and the building department and SAFEbuilt are very busy.

What is the vision for the city's future? 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. Troy's goals are to provide a safe, clean and livable city, provide effective and efficient local government, build a sense of community, as well as attract and retain business investment.

Is there one incident or event that sticks in your mind that really exemplifies the city's relationship with SAFEbuilt? Perhaps it's the event that didn't happen. SAFEbuilt and the City approved a contract for services less than 30 days prior to the start date. This was considerably less than SAFEbuilt requested. Everyone was prepared for a transition with a dense field of moguls. The transition was smooth and zero complaints came to the City Manager's office. In fact it took almost two years for a valid complaint to arise. SAFEbuilt is one of our economic development tools in providing fast, fair and predictable decisions to create an environment for investment. **(Mark F. Miller, Director of Economic and Community Development)**

Quote from Steve Burns, CBO for Troy, Michigan

What do you like about working with the city and/or its citizens?

In the past two years SAFEbuilt has been delivering building department ser-

vices to the City of Troy. I have been impressed by the support of City management and staff. They have agreed with and supported our recommendations on improvements and have helped facilitate those changes. Change can be difficult and uncomfortable but they have really supported changes and improvements to services and how those services are delivered and its benefit to the community. Management also recognizes the importance of the building department in the economic development side of things as well we have been doing our part to help business that are looking to move to Troy or stay in Troy. We are doing a fair amount of special inspections and pre-purchase on site inspections so prospective buyers know what issues they will be running into with occupying a building. It really has been a partnership with the City to make good things happen. Working with the citizens has been great and I like the feedback we receiving from the citizens and the developers. They let you know where they see the improvement and what they would like to see in the future. We receive feedback on a regular basis and work to continually improve.





CITY COUNCIL AGENDA ITEM

Date: August 14, 2012

To: Mike Culpepper, City Manager

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

Subject: Building Department Activity Report – July, 2012

The following attachment contains a summary of permit activity, project valuation and inspection counts for the Building Inspection Department from July 2011 to July 2012. Permit totals and inspection totals continue to show an increase in construction activity over the previous month to date totals.

Attachments:

1. Building Department report, July 2012 Activity Report

CITY OF TROY

July 2010

	Residential			Commercial			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	6	29	7	3	31	1	0	334	82	493	493	
Valuation	\$ 486,891.00	\$ 1,462,955.00	\$ 31,068.00	\$ 562,500.00	\$ 5,471,875.00	\$ -	\$ -	\$ -	\$ -	\$ 8,015,289.00	\$ 8,015,289.00	
Plan Reviews												
Received	26	34	1	2	29					92	92	
Released										0		
Avg. Days to First Comments										0		
Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved						
Count	657	60	214	8	11	113				1063	1063	
Avg. Next Day										0		

August 2010

	Residential			Commercial			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	10	39	13	0	22	1	9	396	134	624	1118	
Valuation	\$ 1,458,921.00	\$ 558,660.00	\$ 244,679.00	\$ -	\$ 1,488,500.00	\$ 360,000.00	\$ -	\$ -	\$ -	\$ 4,110,760.00	\$ 12,126,049.00	
Plan Reviews												
Received	8	30	10		21	1				70	162	
Released										0		
Avg. Days to First Comments										0		
Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved						
Count	376	30	160	12	5	49				632	1695	
Avg. Next Day										0		

September 2010

	Residential			Commercial			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	8	32	8	2	23	0	1	361	128	563	1682	
Valuation	\$ 1,346,699.00	\$ 407,307.00	\$ 253,464.00	\$ 715,043.00	\$ 1,409,902.00	\$ 18,000.00	\$ -	\$ -	\$ -	\$ 4,150,415.00	\$ 16,276,464.00	
Plan Reviews												
Received	8	27	15	1	22	3				76	238	
Released										0		
Avg. Days to First Comments										0		
Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved						
Count	622	59	230	20	22	94				1047	2742	
Avg. Next Day										0		

October 2010

	Residential			Commercial			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	5	35	6	3	36	0	0	370	102	557	2239	
Valuation	\$ 1,461,275.00	\$ 701,252.00	\$ 5,385.00	\$ 2,000.00	\$ 3,062,219.00	\$ -	\$ -	\$ -	\$ -	\$ 5,232,131.00	\$ 21,508,595.00	
Plan Reviews												
Received	5	25	29		36	4				99	337	
Released										0		
Avg. Days to First Comments										0		

Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved						
Count	680	74	169	27	28	125					1103	3845
Avg. Next Day											0	

November 2010												
	Residential			Commercial			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	4	19	6	0	32	0	4	447	81	593	2832	
Valuation	\$ 933,000.00	\$ 200,710.00	\$ 62,385.00	\$ -	\$ 3,977,374.00	\$ 227,000.00	\$ -	\$ -	\$ -	\$ 5,400,469.00	\$ 26,909,064.00	
Plan Reviews												
Received	4	18	17		29	1	2			71	408	
Released										0		
Avg. Days to First Comments										0		
Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved						
Count	749	33	181	17	15	97				1092	4937	
Avg. Next Day										0		

December 2010												
	Residential			Commercial			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	4	14	6	0	27	1	0	371	61	484	3316	
Valuation	\$ 626,675.00	\$ 461,134.00	\$ 259,366.00	\$ -	\$ 2,475,450.00	\$ 125,000.00	\$ -	\$ -	\$ -	\$ 3,947,625.00	\$ 30,856,689.00	
Plan Reviews												
Received	4	12	11		24	3	1			55	463	
Released										0		
Avg. Days to First Comments										0		
Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved						
Count	569	42	117	12	8	84				832	5769	
Avg. Next Day										0		
Inspections by Trade												
	Building	Electrical	Fence	Mechanical	Plumbing	Sewer						
Count	194	283	2	236	104	13				832	832	
Avg. Next Day										0		

CITY OF TROY - 2011 - 2012												
January 2011												
	Residential			Commercial			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	2	16	1	0	23	0	0	361	70	473	473	400
Valuation	\$ 435,319.00	\$ 300,211.00	\$ 200,000.00	\$ -	\$ 4,683,200.00	\$ -	\$ -	\$ -	\$ -	\$ 5,618,730.00	\$ 5,618,730.00	\$ 2,919,092.00
Plan Reviews												
Received	2	16	3		23	0	0			44	44	
Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved						
Count	608	38	113	18	17	93				887	887	

CITY OF TROY - 2011 -2012

Inspections by Trade												
	Building	Electrical	Fence	Mechanical	Plumbing	Sewer						
Count	207	307	0	250	108	15					887	887

February 2011

	Residential			Commercial			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	3	9	1	0	28	1	0	214	46	302	775	768
Valuation	\$ 638,800.00	\$ 169,821.00	\$ 125,000.00	\$ -	\$ 1,805,444.00	\$ 3,200.00	\$ -	\$ -	\$ -	\$ 2,742,265.00	\$ 8,360,995.00	\$ 8,905,362.00
Plan Reviews												
Received	3	8	2		28	1	0			42	86	
Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved						
Count	465	30	104	20	15	119				753	1640	
Inspections by Trade												
	Building	Electrical	Fence	Mechanical	Plumbing	Sewer	Water					
Count	159	266	2	229	86	9	2			753	1640	

March 2011

	Residential			Commercial			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	2	26	5	0	28	0	4	308	63	436	1211	1197
Valuation	\$ 404,400.00	\$ 507,485.00	\$ 334,965.00	\$ -	\$ 3,694,381.00	\$ -	\$ -	\$ -	\$ -	\$ 4,941,231.00	\$ 13,302,226.00	\$ 13,517,366.00
Plan Reviews												
Received	2	23	8		28		0			61	147	
Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved						
Count	571	29	117	23	9	122				871	2511	
Inspections by Trade												
	Building	Electrical	Fence	Mechanical	Plumbing	Sewer	Water					
Count	205	320	1	239	97	8	1			871	2511	

April 2011

	Residential			Commercial			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	9	45	9	0	32	1	0	301	78	475	1686	1652
Valuation	\$ 1,924,032.00	\$ 615,613.00	\$ 35,269.00	\$ -	\$ 5,920,146.00	\$ 12,000.00	\$ -	\$ -	\$ -	\$ 8,507,060.00	\$ 21,809,286.00	\$ 21,237,928.00
Plan Reviews												
Received	12	43	8		29	1	21			114	261	
Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved						
Count	571	25	126	17	29	83				851	3362	
Inspections by Trade												
	Building	Electrical	Fence	Mechanical	Plumbing	Sewer	Water	Other				
Count	204	293	2	225	101	22	2	2		851	3362	

May 2011

	Residential			Commercial			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	3	87	11	0	40	3	2	388	113	647	2333	2132

CITY OF TROY - 2011 -2012

Valuation	\$ 645,800.00	\$ 1,077,858.00	\$ 18,863.00	\$ -	\$ 2,368,879.00	\$ 264,860.00	\$ 40,000.00	\$ -	\$ -	\$ 4,416,260.00	\$ 26,225,546.00	\$ 25,504,104.00
Plan Reviews												
Received	3	68	30		37	3	37			178	439	
Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved						
Count	635	44	97	31	16	98				921	4283	
Inspections by Trade												
	Building	Electrical	Fence	Mechanical	Plumbing	Sewer	Water	Other				
Count	283	285	4	205	110	22	10	2		921	4283	

June 2011

	Residential			Commercial			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	7	69	17	0	33	0	3	419	132	680	3013	2709
Valuation	\$ 1,598,385.00	\$ 17,706,086.00	\$ 384,739.00	\$ -	\$ 4,355,448.00	\$ -	\$ 60,000.00	\$ -	\$ -	\$ 24,104,658.00	\$ 50,330,204.00	\$ 30,112,325.00
Plan Reviews												
Received	6	49	38		33		21			147	586	
Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved						
Count	675	35	125	37	18	108				998	5281	
Inspections by Trade												
	Building	Electrical	Fence	Mechanical	Plumbing	Sewer	Water	Other				
Count	327	311	12	216	101	30	1			998	5281	
C of O												
	TC of O											
	26	15										

July 2011

	Residential			Commercial			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	6	79	18	0	24	2	2	397	77	605	3618	3,214
Valuation	\$ 1,354,468.00	\$ 2,518,399.00	\$ 167,819.00	\$ -	\$ 4,046,173.00	\$ 276,293.00	\$ 50,000.00	\$ -	\$ -	\$ 8,413,152.00	\$ 58,743,356.00	\$ 38,127,614.00
Plan Reviews												
Received	6	93	25		25		2			151	737	92
Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved						
Count	643	34	144	13	22	102				958	6239	
Inspections by Trade												
	Building	Electrical	Fence	Mechanical	Plumbing	Sewer	Water	Other				
Count	304	294	12	235	93	19	1			958	6239	
C of O												
	TC of O											
	29	27										

August 2011

	Residential			Commercial			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	8	77	28	0	33	5	4	420	106	681	4299	3,839
Valuation	\$ 1,850,844.00	\$ 765,630.00	\$ 386,186.00	\$ -	\$ 2,776,958.00	\$ 127,500.00	\$ 20,000.00	\$ -	\$ -	\$ 5,927,118.00	\$ 64,670,474.00	\$ 42,186,474.00
Plan Reviews												
Received	8	105	27		36	2	2			180	917	70

CITY OF TROY - 2011 -2012

Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved						
Count	754	45	163	13	22	114					1111	7350
Inspections by Trade												
	Building	Electrical	Fence	Mechanical	Plumbing	Sewer	Water	Other				
Count	358	329	13	266	115	26	2	2			1111	7350
C of O	TC of O											
31	20											

September 2011

	Residential			Commercial			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	3	84	24	0	33	1	0	375	95	615	4914	\$ 4,411
Valuation	\$ 717,935.00	\$ 1,179,523.00	\$ 124,265.00	\$ -	\$ 6,038,861.00	\$ 120,000.00	\$ -	\$ -	\$ -	\$ 8,180,584.00	\$ 72,851,058.00	\$ 46,336,889.00
Plan Reviews												
Received	3	80	28		29	5	14			159	1076	0
Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved						
Count	677	57	147	14	26	98				1019	8369	
Inspections by Trade												
	Building	Electrical	Fence	Mechanical	Plumbing	Sewer	Water	Other				
Count	346	311	10	226	97	15	3	11		1019	8369	
C of O	TC of O											
25	28											

October 2011

	Residential			Commercial			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	1	91	19	3	30	2	0	446	98	690	5604	\$ 4,968
Valuation	\$ 193,000.00	\$ 2,520,394.00	\$ 116,030.00	\$ 1,850,000.00	\$ 3,383,737.00	\$ 323,000.00	\$ -	\$ -	\$ -	\$ 8,386,161.00	\$ 81,237,219.00	\$ 51,569,020.00
Plan Reviews												
Received	1	92	18	3	30	2	12			158	1234	0
Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved						
Count	708	44	196	18	25	149	3			1143	9512	
Inspections by Trade												
	Building	Electrical	Fence	Mechanical	Plumbing	Sewer	Water	Other				
Count	353	364	9	274	117	22	2	2		1143	9512	
C of O	TC of O											
22	24											

November 2011

	Residential			Commercial			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	12	60	18	1	23	0	5	381	96	596	6200	\$ 5,561
Valuation	\$ 3,052,209.00	\$ 505,266.00	\$ 128,436.00	\$ 300.00	\$ 5,675,200.00	\$ -	\$ 111,815.00	\$ -	\$ -	\$ 9,473,226.00	\$ 90,710,445.00	\$ 56,971,489.00
Plan Reviews												

CITY OF TROY - 2011 -2012

Received	12	57	21		18	1		12		121	1355
Inspections	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved	Other				
Count	695	37	179	21	24	125	1			1082	10594
Inspections by Trade	Building	Electrical	Fence	Mechanical	Plumbing	Sewer	Water	Other			
Count	336	311	14	263	112	33	6	7		1082	10594
C of O	TC of O										
	42	17									

December 2011

	Residential			Commercial			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	4	52	15	1	31	0	0	337	59	499	6699	\$ 6,045
Valuation	\$ 785,517.00	\$ 377,887.00	\$ 329,803.00	\$ 500.00	\$ 2,829,265.00	\$ -	\$ -	\$ -	\$ -	\$ 4,322,972.00	\$ 95,033,417.00	\$ 60,919,114.00
Plan Reviews												
Received	4	50	17		31	1				103	1458	
Inspections	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved	Other					
Count	588	72	131	16	18	106				931	11525	
Inspections by Trade	Building	Electrical	Fence	Mechanical	Plumbing	Sewer	Water	Other				
Count	268	286	6	217	97	46	11			931	11525	
C of O	TC of O											
	13	11										

January 2012

	Commercial			Residential			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	0	27	1	4	44	1	6	373	65	521	521	\$ 400
Valuation	\$ -	\$ 4,968,569.00	\$ 40,000.00	\$ 1,011,881.00	\$ 1,104,338.00	\$ -				\$ 7,124,788.00	\$ 7,124,788.00	\$ 2,919,092.00
Plan Reviews												
Received		27	1	4	44	2				78	78	
Inspections	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved	Other					
Count	642	50	142	30	21	102				987	987	
Inspections by Trade	Building	Electrical	Fence	Mechanical	Plumbing	Sewer	Water	Other				
Count	246	275	13	288	148	14	2	1		987	987	
C of O	TC of O											
	22	31										

February 2012

	Commercial			Residential			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	0	37	1	2	54	1	3	296	52	446	967	302
Valuation	\$ -	\$ 7,834,182.00	\$ 140,000.00	\$ 445,125.00	\$ 964,784.00	\$ 5,900.00				\$ 9,389,991.00	\$ 16,514,779.00	\$ 2,742,265.00

CITY OF TROY - 2011 -2012

Plan Reviews												
Received			34	2	2	54	3				95	173
Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved	Other					
Count	673	23	154	26		31	74	4			985	1972
Inspections by Trade												
	Building	Electrical	Fence	Mechanical	Plumbing	Sewer	Water	Other				
Count	264	318	2	255	123	16	1	6			985	1972
C of O	TC of O											
	32	23										

March 2012

	Commercial			Residential			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	0	20	1	17	109	4	11	366	70	598	1565	436
Valuation	\$ -	\$ 3,471,210.00	\$ 7,300.00	\$ 1,993,286.00	\$ 1,331,117.00	\$ 128,950.00				\$ 6,931,863.00	\$ 23,446,642.00	\$ 4,941,231.00
Plan Reviews												
Received		20	1	11	107	25				164	337	
Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved	Other					
Count	645	54	133	19		25	118			994	2966	
Inspections by Trade												
	Building	Electrical	Fence	Mechanical	Plumbing	Sewer	Water	Other				
Count	270	287	7	278	126	22	4			994	2966	
C of O	TC of O											
	19	20										

April 2012

	Commercial			Residential			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	3	34	1	18	103	6	14	529	57	765	2330	114
Valuation	\$ 2,212,000.00	\$ 5,617,710.00	\$ 20,000.00	\$ 2,432,614.00	\$ 934,958.00	\$ 49,100.00				\$ 11,266,382.00	\$ 34,713,024.00	\$ 8,507,060.00
Plan Reviews												
Received	2	34	2	11	103	34				186	523	
Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved	Other					
Count	763	67	130	26		32	93			1111	4077	
Inspections by Trade												
	Building	Electrical	Fence	Mechanical	Plumbing	Sewer	Water	Other				
Count	352	284	14	246	160	45	10			1111	4077	
C of O	TC of O											
	20	21										

May 2012

	Commercial			Residential			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	2	41	2	35	159	4	26	480	80	829	3159	647
Valuation	\$ 1,050,000.00	\$ 5,381,858.00	\$ 36,950.00	\$ 3,633,455.00	\$ 1,439,792.00	\$ 17,500.00				\$ 11,559,555.00	\$ 46,272,579.00	\$ 4,416,260.00

CITY OF TROY - 2011 -2012

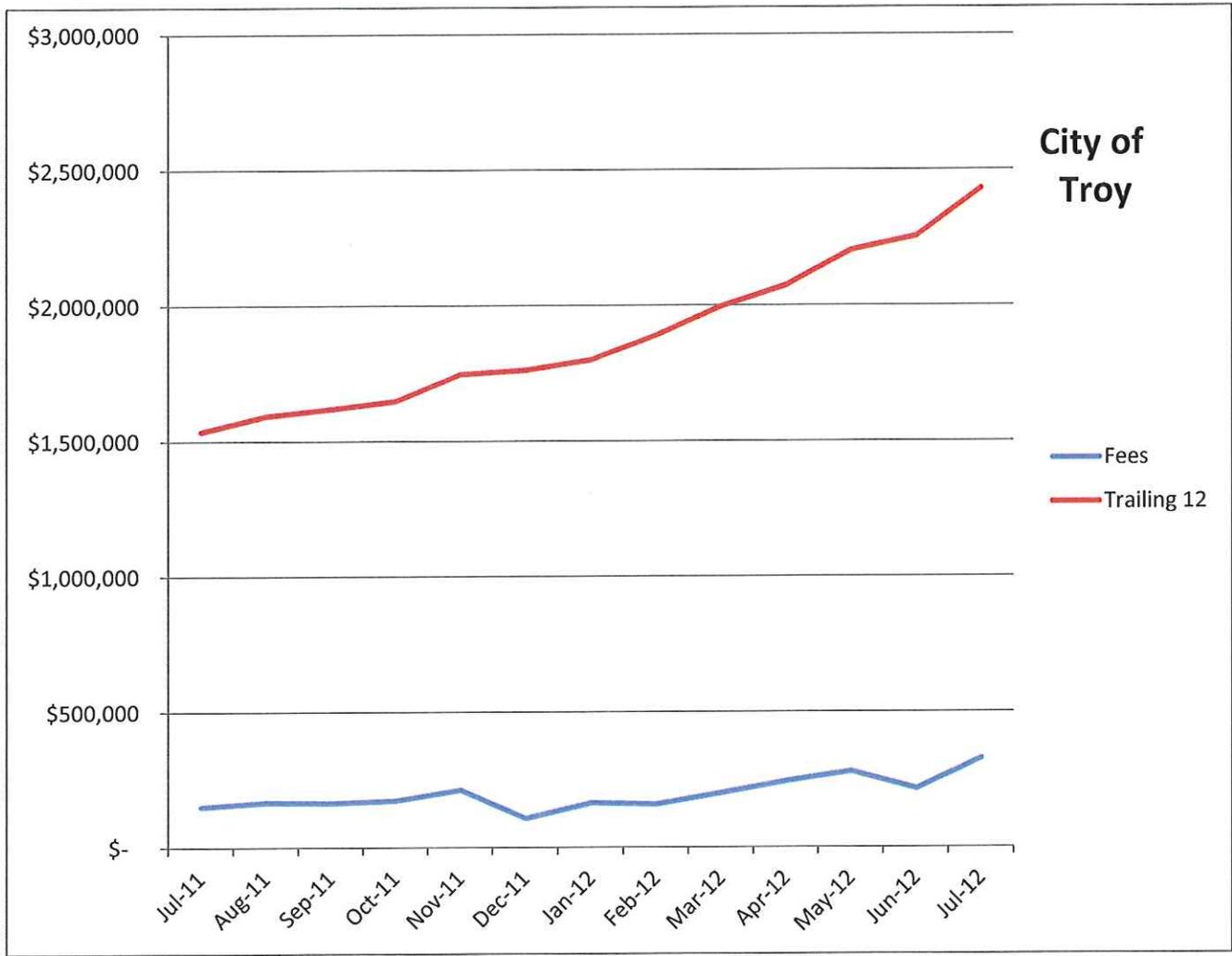
Plan Reviews											
Received	1	41	2	25	121	52			242	765	
Inspections											
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved	Other				
Count	866	55	150	27		27	109		1234	5311	
Inspections by Trade											
	Building	Electrical	Fence	Mechanical	Plumbing	Sewer	Water	Other			
Count	460	290	12	252	151	47	21	1	1234	5311	
C of O											
	TC of O										
	31	31									

June 2012

	Commercial			Residential			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	2	36	0	16	117	9	13	597	62	852	4011	680
Valuation	\$ 571,000.00	\$ 3,506,516.00	\$ -	\$ 2,236,278.00	\$ 1,250,418.00	\$ 69,050.00				\$ 7,633,262.00	\$ 53,905,841.00	\$ 24,104,658.00
Plan Reviews												
Received	1	36	1	9	127	31				205	970	
Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved	Other					
Count	863	36	175	29		38	114			1255	6566	
Inspections by Trade												
	Building	Electrical	Fence	Mechanical	Plumbing	Sewer	Water	Other				
Count	444	327	14	256	159	23	10	22		1255	6566	
C of O												
	TC of O											
	25	14										

July 2012

	Commercial			Residential			Misc.	One-Stop	Other	MTD Totals	YTD Totals	Prev. Year
	New	Alt.	Misc.	New	Alt.	Misc.						
Permit Activity												
Count	3	48	2	28	100	8	21	522	69	801	4812	605
Valuation	\$ 4,662,000.00	\$ 5,137,610.00	\$ 208,800.00	\$ 4,154,863.00	\$ 983,594.00	\$ 86,549.00				\$ 15,233,416.00	\$ 69,139,257.00	\$ 8,413,152.00
Plan Reviews												
Received	3	48	11	15	100	36				213	1183	
Inspections												
	Approved	Canceled	Disapproved	Locked Out	Not Ready	Partial Approved	Other					
Count	889	69	193	30		26	115			1322	7888	
Inspections by Trade												
	Building	Electrical	Fence	Mechanical	Plumbing	Sewer	Water	Other				
Count	466	327	16	268	161	56	19	9		1322	7888	
C of O												
	TC of O											
	19	21										



	January 2012	February 2012	March 2012	Apr-12	May-12	Jun-12
COM: New	\$ -	\$ -	\$ -	\$ 2,212,000.00	\$ 1,050,000.00	\$ 571,000.00
COM: Alt/Rep	\$ 4,968,569.00	\$ 7,834,182.00	\$ 3,471,210.00	\$ 5,617,710.00	\$ 5,381,858.00	\$ 3,506,516.00
COM: Msc	\$ 40,000.00	\$ 140,000.00	\$ 7,300.00	\$ 20,000.00	\$ 36,950.00	\$ -
RES: New	\$ 1,011,881.00	\$ 445,125.00	\$ 1,993,286.00	\$ 2,432,614.00	\$ 3,633,455.00	\$ 2,236,278.00
RES: Alt/Rep	\$ 1,104,338.00	\$ 964,784.00	\$ 1,331,117.00	\$ 934,958.00	\$ 1,439,792.00	\$ 1,250,418.00
RES: Msc	\$ -	\$ 5,900.00	\$ 128,950.00	\$ 49,100.00	\$ 17,500.00	\$ 69,050.00
TOTAL	\$ 7,124,788.00	\$ 9,389,991.00	\$ 6,931,863.00	\$ 11,266,382.00	\$ 11,559,555.00	\$ 7,633,262.00

	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12
COM: New	\$ 4,662,000.00	\$ -				
COM: Alt/Rep	\$ 5,137,610.00	\$ -				
COM: Msc	\$ 208,800.00	\$ -				
RES: New	\$ 4,154,863.00	\$ -				
RES: Alt/Rep	\$ 983,594.00	\$ -				
RES: Msc	\$ 86,549.00	\$ -				
TOTAL	\$ 15,233,416.00	\$ -				

Run the Category Detail report for Permits. Use the month's date range.							
	January-12	February-12	March-12	April-12	May-12	June-12	
Commercial, Add/Alter	26 \$ 4,838,589	34 \$ 7,754,367	17 \$ 2,921,210	34 \$ 5,617,710	37 \$ 4,671,358	33 \$ 3,200,236	
Commercial, Demo and New				1 \$ 2,000	2 \$ 36,950	1 \$ 28,000	
Commercial Access, Structure		1 \$ 44,815					
Commercial, Parking Lot				2 \$ 2,210,000	1 \$ 1,050,000	1 \$ 543,000	
Commercial, Repair							
Commercial, New Building							
Commercial, Wall							
Commercial, Wreck	1 \$ 40,000	1 \$ 140,000	1 \$ 7,300	1 \$ 20,000			
Commercial, Temp Off, Trailer							
Electrical	125	94	108	140	138	104	
Electrical, Fire Alarm	23	16	14	12	24	12	
Electrical, Signs	5	9	10	12	10	5	
Fence	1	2	13	21	38	25	
Fire Alarm	23	19	14	13	23	14	
Fire Protection	27	17	20	23	21	22	
Inst./Hosp, Add/Alter					1 \$ 65,000	1 \$ 49,000	
Inst./Hosp, New Building							
Industrial, Add/Alter	1 \$ 150,000	1	3 \$ 550,000		2 \$ 645,000		
Industrial, New Building							
Industrial, Wreck							
Industrial, Parking Lot							
Mechanical	97	62	85	135	121	145	
Mechanical, Air				9	7	28	
Mechanical, Heat	2	13	6	18	6	6	
Mechanical, Refrigeration	4	35	3	3	3	9	
Multi, Garage/Acc. Structure							
Multi, Add/Alter							
Multi, Repair	2 \$ 411,956		2 \$ 3,000				
Municipal, Add/Alter							1 \$ 7,280
Municipal, New Construction							
Plumbing	81	63	88	99	1	91	
Religious, Add/Alter		1 \$ 35,000			62	1 \$ 500	1 \$ 250,000
Religious, Parking Lot							
Residential, Add/Alter	35 \$ 307,637	36 \$ 474,679	41 \$ 486,092	42 \$ 427,108	121 \$ 1,171,722	73 \$ 701,820	2 \$ 3,050
Residential, Fnd./Slab/Rat Wall							
Residential, Demo & New							
Residential, Fire Repair	1 \$ 336,665		1 \$ 269,348	7 \$ 41,299	10 \$ 54,332	7 \$ 50,005	
Residential, Garage/Acc. Structure			8 \$ 38,050	9 \$ 41,299	25 \$ 3,579,323	9 \$ 2,186,273	
Residential, New Construction	4 \$ 2,011,881	2 \$ 445,135	3 \$ 1,955,336	11 \$ 2,391,315	3 \$ 13,500	4 \$ 63,500	
Residential, Pool/Spa/Hot Tub				4 \$ 47,100	3 \$ 13,500	1 \$ 225,702	
Residential, Repair	5 \$ 42,550	4 \$ 427,725	3 \$ 51,810	37 \$ 337,445	30 \$ 216,049	24 \$ 196,455	
Residential, Roof		6 \$ 41,497	47 \$ 469,910				
Residential, Siding			1 \$ 6,250		1 \$ 9,200		
Residential, Window	1 \$ 5,590	8 \$ 20,883	14 \$ 64,712	24 \$ 170,405	7 \$ 43,021	19 \$ 126,441	
Residential, Wrecking	1	1 \$ 5,900	1 \$ 4,000	2 \$ 2,000	1 \$ 4,000	3 \$ 2,500	
Satellite/Antennas							
Sewer Installation, Sanitary	5		12	19	12	19	
Sewer Installation, Storm	5	1	12	19	16	24	
Sewer Tap	2		1				
Sidewalk	2	1	17	34	43	41	
Sign	13	15	33	17	30	14	
Special Event							
Special Inspection					1		
Tent							
Twin House, Add/Alter							
Water, Commercial New			1	2	1	1	
Water, Religious Add/Alter							
Water, Commercial Add/Alter	2	1	1	1	3	2	
Water, Industrial Add/Alter					1		
Water, Residential Add/Alter	4	2	9	11	20	10	
Water, Residential New			1	1	1		
Zoning, Animal			1	1	5		
Zoning, Temp Use or Structure							
Zoning, Outdoor Dining							
TOTALS:	521 \$ 7,124,788	446 \$ 9,389,931	598 \$ 6,931,863	765 \$ 11,246,382	829 \$ 11,559,555	852 \$ 7,633,262	

Run the Category Detail report for Permits. Use the month's date range.

	July-12	August-12	September-12	October-12	November-12	December-12
Commercial, Add/Alter	45 \$					
Commercial, Demo and New	4,671,218					
Commercial Access-Structure						
Commercial, Kiosk						
Commercial, Parking Lot	1 \$					
Commercial, Repair	199,000					
Commercial, New Building	3 \$					
Commercial, Wall	4,662,000					
Commercial, Wreck	1 \$					
Commercial, Temp Off, Trailer	9,600					
Electrical	279					
Electrical, Fire Alarm	14					
Electrical, Signs	8					
Fence	15					
Fire Alarm	14					
Fire Protection	23					
Inst./Hosp, Add/Alter	2 \$					
Inst./Hosp, New Building	203,600					
Industrial, Add/Alter						
Industrial, New Building						
Industrial, Wreck						
Industrial, Parking Lot						
Mechanical	120					
Mechanical, Air	35					
Mechanical, Heat	11					
Mechanical, Refrigeration	3					
Multi, Garage/Acc. Structure						
Multi, Add/Alter						
Multi, Repair						
Municipal, Add/Alter						
Municipal, New Construction						
Plumbing	76					
Religious, Add/Alter	1 \$					
Religious, Parking Lot	262,792					
Residential, Add/Alter	41 \$					
Residential, Fnd./Slab/Rat Wall	466,487					
Residential, Demo & New						
Residential, Fire Repair	1 \$					
Residential, Garage/Acc. Structure	52,032					
Residential, New Construction	13 \$					
Residential, Pool/Spa/HotTub	39,254					
Residential, Repair	15 \$					
Residential, Roof	4,115,609					
Residential, Siding	6 \$					
Residential, Window	71,849					
Residential, Wrecking	4 \$					
Satellite/Antennas	67,650					
Sewer Installation, Sanitary	22 \$					
Sewer Installation, Storm	190,928					
Sidewalk	2 \$					
Sign	17,392					
Special Event	30 \$					
Special Inspection	189,105					
Tent	2 \$					
Twin House, Add/Alter	2 \$					
Water, Commercial New	1 \$					
Water, Religious Add/Alter	2					
Water, Commercial Add/Alter	1					
Water, Industrial Add/Alter	2					
Water, Residential Add/Alter	1					
Water, Residential New	15					
Zoning, Animal						
Zoning, Temp Use or Structure	9					
Zoning, Outdoor Dining						
TOTALS:	801 \$	15,233,415	0 \$	0 \$	0 \$	0 \$

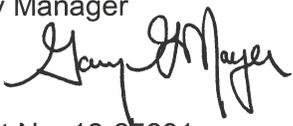


INTEGRITY * RESPECT * LAWS AND THE CONSTITUTION * ACCOUNTABILITY * PROBLEM SOLVING * PROFESSIONALISM

MEMORANDUM

DATE: August 23, 2012

TO: Michael Culpepper, Interim City Manager

FROM: Gary G. Mayer, Chief of Police 

RE: Homicide Investigation; Incident No. 12-25291

The purpose of this document is to answer the question that you raised as to how many people participated in the recent homicide investigation.

The following list contains names of employees and outside agencies that assisted in the investigation, as well as a brief description of their involvement. This overview is not intended to be all inclusive or provide detail of the matter.

I am very proud of our personnel and the work relationships that they have developed. An investigation of this magnitude could not be competently conducted without the cooperation of the people listed.

INTERNAL	
Officer Raymond Piper	Responded to original call for service
Sergeant Joshua Jones	Backup on original call for service
Lieutenant Christopher Stout; Sergeant Donald Ostrowski, Sergeant Robert Wolfe	Supervisory role in investigation
Officers Laurence Schehr, Kristine Shuler	Lead Investigators
Officers Michelle Cooney, Nicholas Pappas, Greg Pokley, Lisa Rockafellow, Ryan Whiteside	Assisted in investigation
Officer Pietro Pizzorni	Family liaison, gathered intelligence, assisted in investigation
Officer James Mork	Forensic analysis of computers and cellular telephones
Officers Patrick Dyjewski, Daniel Langbeen, Jeramey Peters, Brian Kaschyk	Special Investigations Unit; search, canvassed Montrose region
Secretary Theresa Hope	Organized reports and records for prosecution
Lieutenants Thomas Gordon & Russel Harden; Sergeant Joshua Jones; Officers Carl Barton, Craig Fitzpatrick, Brian Jones, Frank Shuler, Milton Stansbury, Michael Villerot, Steven Zagacki	Tactical Support Team; search in Montrose
Sergeant Andrew Satterfield; Officers Antonio Cascioli, David Isham	Evidence Technicians; collected & processed evidence; search in Montrose
Officers Edwin Julian, Kate Raczka, Gregory Stopczynski	Directed Patrol Unit; search in Montrose
Officer Russell Barrow & K9 Bolo; Paul Bednard & K9 Ronnie; Stephen Brazel & K9 Tiko	K9 teams; search in Montrose
Research & Technology Ryan Wolf, Kenneth Adams, Daniel Modrich	Established command post; assisted in coordination of search efforts
Captain Keith Frye	Investigation Leader
Captain Robert Redmond	Public Information Officer

OUTSIDE AGENCIES	
FBI – DETROIT (Mr. Robert D. Foley III, Special Agent in Charge)	
Special Agents Chris Hess, Steve Remner, Dave Kotal	Extraction and analysis of cellular phone & GPS data
OAKLAND COUNTY SHERIFF'S OFFICE (Sheriff Michael J. Bouchard)	
Deputies Bill Christensen, Dave Losinski	Day/night searches of Montrose area by Aviation Unit
Polygraph Examiner Chris Lanfear	Investigative assistance
Special Investigations Unit	Interviews at Oakland County Jail
OAKLAND COUNTY PROSECUTOR'S OFFICE (Prosecutor Jessica R. Cooper)	
Prosecutor Jessica Cooper, Chief APA Paul Walton, Chief of Warrants John Slevin, Chief of Circuit Court John Skrynski, APA Joshua Arnkoff, APA Ken Frazee	Leadership, search warrants, availability, expertise, guidance
OAKLAND COUNTY MEDICAL EXAMINER (Dr. Ljubisa Dragovic)	
Dr. Ljubisa Dragovic, Investigator Keith Batchelor	Examination and evaluation of photographic and physical evidence
OAKLAND COUNTY MUTUAL AID ASSOCIATION (Fire Chief Anthony Maltese)	
Chief Anthony Maltese	Use of Incident Support Vehicle for command post in Montrose
MICHIGAN STATE POLICE – FORENSICS (Mr. John Collins; Colonel Kriste Kibbey Etue)	
Lieutenants Karen Dutcher & Charles Morden; Sergeants Erin Cohoe & Cynthia Edwards; Specialist Trooper John Wickwire; Forensic Scientists Eric Cervenak, Mike Kusluski, Jen Summers	Forensic assistance (Sterling Heights Lab)
Forensic Scientists Heather Vitta & Brandon Good	Forensic assistance (Northville Lab)
Trooper Ted Stone	Forensic assistance (Bridgeport Lab)
MICHIGAN STATE POLICE – FLINT POST (Colonel Kriste Kibbey Etue)	
Sergeant Mark Opra	Searched in Holly area
AUBURN HILLS PD (Chief Doreen Olko)	
Lieutenant Jill McDonnell; Detectives Brian Martin, Scott Edwards, Ronald Tuski, Brian Miller	Investigative assistance
BLOOMFIELD TOWNSHIP PD (Chief Kirt Bowden)	
Detective John Huizdos	Followed up on tips
MCATS – Major Case Assistance Team (Chief Mark Clemence)	
Sworn personnel from multiple area agencies	Followed up on tips
K-9 UNIT – MICHIGAN STATE POLICE (Colonel Kriste Kibbey Etue)	
Sergeant David Yount & K9	K9 Search in Montrose (Lansing Post)
Trooper Joseph Labelle & K9, Trooper Steve Escott & K9	K9 Search in Montrose (Bay City Post)
Trooper John Sholtz & K9	K9 Search in Montrose (Lapeer Post)
K-9 UNIT – MADISON HEIGHTS PD (Chief Anthony Roberts)	
Officer David Koehler & K9	K9 Search in Montrose
K-9 UNIT – MOUNT MORRIS TOWNSHIP PD (Chief Scott McKenna)	
Officer Jeffrey Iski & K9	K9 Search in Montrose
K-9 UNIT – ROSEVILLE PD (Chief James Berlin)	
Officer Brian Dobrzycki & K9	K9 Search in Montrose
K-9 UNIT – SOUTHFIELD PD (Deputy Chief Jeffrey Tinsman)	
Officers Jeffrey Medici, Michael Raby, Ashley Smith & K9s	K9 Search in Montrose
K-9 UNIT – GENESEE COUNTY SHERIFF'S OFFICE (Sheriff Robert J. Pickell)	
Sergeant Jeff Antcliff & K9	K9 Search in Montrose
MONTROSE TOWNSHIP (Chief Darrell Ellis)	
Montrose Township Supervisor Mark Emmendorfer	Search in Montrose
Public Safety Administrator Darrell Ellis	Search in Montrose
Sergeant Jamie Cochran, Officers Scott Maguire, Jeff Przepiora, Assistant Danelle Barker	Search in Montrose
Captain Michael Taylor, Firefighters Miles Allen, Richard Cummings, Samuel Dimitroff, Wesley Eldred, Eric Kozel, John Orme, Michael Renner, Sydonna Roeske, Christopher Smith, Rebecca Volz	Search in Montrose

ALLIANCE MOBILE HEALTH (Ms. Laurie Thiel)

Brandon Cross, Cliff Dougherty, Derek Steinhoff, Brad Woodhull

Medical assistance for search in Montrose

VOLUNTEERS

John Avery, John Foster, Robert Krizmanich, Conrad Kruzman, Jeffrey Orwig, Patrick Roche, Murray Scott, Kathleen Strickland, Timothy Wozniak

Troy PD Citizens on Patrol, search in Montrose

John Edwards, Susan Smith, Darrin Wheeler

Montrose residents, search in Montrose

DONATIONS

David Fischer, The Suburban Collection

Troy business owner, donated food and beverages for searchers

Beth L Tashnick

Subject: FW: 2321 Valleyview clean up

From: Karen Hone
Sent: Monday, August 20, 2012 4:57 PM
To: Mitchell E Grusnick
Subject: 2321 Valleyview clean up

To: Mitch Grusnick

Hi Mitch,

Just a word of praise to you! I have been in my home for 14 years. Since our next door neighbors sold their beautiful home 11 years ago, the family that moved in has completely neglected their property. The other neighbors and I have been trying to coach them along, but they have turned pretty nasty and will not talk to us any more. Over the years I have made numerous calls to the city... with little or no response. I decided to try calling again this past month... and this time got to you.

Within 2 weeks after meeting with you, their lawn is cut, their 14 foot weeds are cut, and their trash is gone from their back patio! Truly a miracle. I am so happy to finally have support with the city of Troy on our neighborhood maintenance, as are all of my neighbors.

Thank you, thank you! You rock!

Sincerely,

Karen Hone

Karen Hone
Major AccountsMarketShare
[comprehensive marketing solutions]

From:
Constantin Marandici

Sterling Heights, MI
48310

@yahoo.com

To:
Troy Police Department
Attn. Chief Gary Mayer
500 West Big Beaver Rd.
Troy, MI
48084

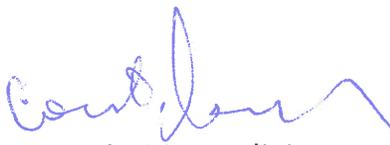
Dear Chief Mayer,

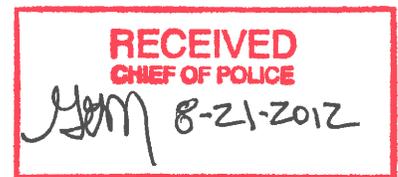
On the 23rd of July, 2012, I was involved in a minor traffic accident. Together with the other owner we went to the Police Station and the incident was handled by the officer Diane Lepda, No. 580.

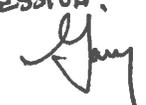
Just wanted to inform you that she was very professional in the handling of the incident and would like to let her know that her work is being appreciated.

Thank you.

17th of August, 2012


Constantin Marandici



PDA DIANE LEPOLA
THANKS FOR MAKING SUCH
A GREAT IMPRESSION.


August 8, 2012

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

Dear Chief Mayer:

I want to thank you and express my great appreciation for the support I've had from Officer Haddad and the Troy Police Department in our effort to gather toys for children in need.

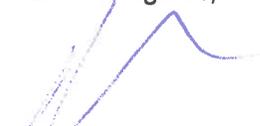
We recently held the Christmas in August fundraiser for the Coalition of Temporary Shelter in Detroit and were able to collect a number of toys thanks to the participation of the special Troy Police Hot Rod Pursuit Vehicle!

We met Officer Haddad at the Troy Car Show and he was kind enough to help us out on this unique event, which we expect to have as an annual event.

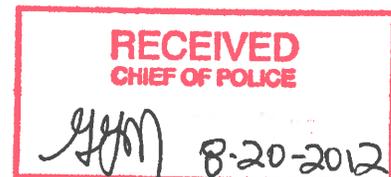
The participation by the Troy Police Department exemplifies the great group of guys that you have working for you, particularly Officer Haddad. So, please let me express my gratitude, my thanks, and my appreciation for allowing us to have your great vehicle at our event. Please thank officer Haddad for me.

Should there ever be an opportunity for us to repay the favor or you have need of our facility, by all means give us a call.

Warmest regards,



Ronald M. Pruette
First Vice President
Investments



SGT. JOSEPH HADDAD

JOE-
THANK YOU FOR MAKING SUCH
A GREAT IMPRESSION ON THIS
BUSINESS AND HELPING ON THIS
GREAT CHARITY.

