

# **AGENDA**

**Regular Meeting of the**

## **CITY COUNCIL OF THE CITY OF TROY**

**FEBRUARY 7, 2005**

**CONVENING AT 7:30 P.M.**

**Submitted By  
The City Manager**

TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

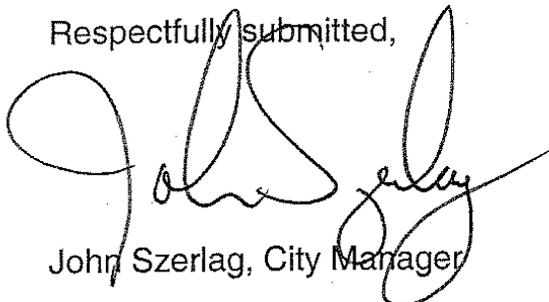
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

### **Goals**

1. Minimize cost and increase efficiency of City government.
2. Retain and attract investment while encouraging redevelopment.
3. Effectively and professionally communicate internally and externally.
4. Creatively maintain and improve public infrastructure.
5. Protect life and property.

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

Respectfully submitted,



John Szerlag, City Manager



## CITY COUNCIL

### AGENDA

February 7, 2005 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

**CALL TO ORDER:** 1

**INVOCATION & PLEDGE OF ALLEGIANCE:** Rev. John W. Shearer – Central  
Woodward Christian Church 1

**ROLL CALL:** 1

**CERTIFICATES OF RECOGNITION:** 1

A-1 Presentation: a) Fire Lieutenant Chuck Riesterer to Accept “Fire Inspector of the  
Year” Award from Oakland County Fire Protection Society 1

**CARRYOVER ITEMS:** 1

B-1 No Carryover Items 1

**PUBLIC HEARINGS:** 1

C-1 Preliminary Site Plan Review and Amended Consent Order and Judgment (SP  
883-C) – Heartland Health Care, Southeast Corner of South Boulevard and  
Livernois, Section 3 – O-1 and R-1B 1

**POSTPONED ITEMS:** 2

D-1 Request for Parking Variance – 5991 Livernois 2

**CONSENT AGENDA:** 2

E-1a Approval of “E” Items NOT Removed for Discussion 2

|      |   |   |
|------|---|---|
| E-1b | Address of “E” Items Removed for Discussion by City Council and/or the Public   | 2 |
| E-2  | Approval of City Council Minutes  | 2 |
| E-3  | Proposed City of Troy Proclamation(s): None Proposed  | 3 |
| E-4  | Request to Cancel Regular City Council Meeting/Liquor Violation Hearing Scheduled for Wednesday, February 23, 2005  | 3 |
| E-5  | Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Members’ Travel Expenses – 2005 Michigan Municipal League Legislative Conference on March 23, 2005 at the Lansing Center | 3 |
| E-6  | Standard Purchasing Resolution 1: Bid Award – Sole Bidder – Auction Services  | 3 |
| E-7  | Standard Purchasing Resolution 4: State of Michigan MiDEAL Program – Four Wheel Drive Pick-Up Truck   | 3 |
| E-8  | Standard Purchasing Resolution 3: Exercise Renewal Option – Hauling/Disposal of Dirt and Debris   | 4 |
| E-9  | Load Restrictions   | 4 |
| E-10 | Request for Approval of Conditioned Purchase Agreement for Right-of-Way: Sidewalk Gap Project, Sidwell #88-20-01-476-025, 2775 East Square Lake Road – Jose M. and Christina J. Perez   | 4 |
| E-11 | Private Agreement for Grace Christian Learning Center Parking Lot – Project No. 02.951.3  | 5 |
| E-12 | Standard Purchasing Resolution 8: Best Value Process Award – Automatic Meter Reading System   | 5 |
| E-13 | Traffic Committee Recommendations – January 19, 2005  | 5 |
| E-14 | Standard Purchasing Resolution 4: MITN Cooperative - Copiers  | 6 |

**PUBLIC COMMENT: Limited to Items Not on the Agenda** **6**

**REGULAR BUSINESS:** **6**

- F-1 Appointments to Boards and Committees: a) Mayoral Appointments: Downtown Development Authority; b) City Council Appointments: Cable Advisory Committee; Election Commission; Historic District Commission; Municipal Building Authority; Troy Youth Council 6
  
- F-2 Reckless Driving Ordinance Amendment 10
  
- F-3 Approval of Contract with MDOT for Congestion Mitigation and Air Quality (CMAQ) Projects – Project No. 00.106.5; 00.108.5; 01.103.5 11
  
- F-4 Contract Ratification – MAP (Clerical and Non-Sworn Employees) and City of Troy 11
  
- F-5 Request for Authorization to Make Unconditioned Offers to Purchase Right-of-Way for Big Beaver Road Improvements – Rochester to Dequindre, Project No. 01.105.5 11
  
- F-6 Standard Purchasing Resolution 11: Rejection of Proposals – Nature Center Interpretive Exhibit Fabrication and Installation 13
  
- F-7 Sanctuary Lake Maintenance Operation 14

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:** **14**

- G-1 Announcement of Public Hearings: 14
  - a) Commercial Vehicle Appeal – 3463 Crooks Road – February 28, 2005..... 14
  - b) Commercial Vehicle Appeal – 5839 John R Road – February 28, 2005..... 14
  
- G-2 Green Memorandums: 14
  - a) Rules of Procedure – Proposed Amendments..... 14

**COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda** **14**

- H-1 No Referrals Advanced 14

**COUNCIL COMMENTS: 15**

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I-1 No Council Comments Advanced 15

**REPORTS: 15**

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J-1 Minutes – Boards and Committees: 15

- a) Election Commission/Final – September 28, 2004 ..... 15
- b) Troy Daze Advisory Committee/Final – November 23, 2004 ..... 15
- c) Troy Youth Council/Final – December 15, 2004 ..... 15
- d) Board of Zoning Appeals/Final – December 21, 2004 ..... 15
- e) Planning Commission/Draft – January 11, 2005..... 15
- f) Employees’ Retirement System Board of Trustees/Draft – January 12, 2005.... 15
- g) Board of Zoning Appeals/Draft – January 18, 2005..... 15
- h) Troy Youth Council/Draft – January 19, 2005..... 15
- i) Election Commission/Draft – January 26, 2005..... 15

J-2 Department Reports: 15

- a) Troy Fire Department – 2002 Annual Report..... 15
- b) Troy Fire Department – 2003 Annual Report..... 15
- c) Supplemental Information on Public Sealed Bid Sale of 5 Surplus Parcels..... 15
- d) Auction – Vehicle Sale on December 11, 2004 ..... 15

J-3 Letters of Appreciation: 15

- a) Letter to Tim Richnak from Audre Zembrzuski, Thanking Him for Snow Removal ..... 15
- b) Letter to John Szerlag from Donald Schenk, Commending Him for His Work as City Manager, Especially During the City Council Meeting of January 24, 2005 ..... 15
- c) Letter to Chief Craft from Jeffrey Hall, Assistant Oakland County Prosecuting Attorney, Commending Detective Lisa Rockafellow for Her Professionalism Before and During an Armed Robbery Trial..... 15
- d) Letter to Chief Craft from James Elmleaf, Thanking Officers Meinzinger, Browne, M. Livingston, Linton, M. Villerot, Mairorano, Dyjewski, Feld, Sinutko, Nordstrom and Cantlon, Among Others, for Their Work During an Incident..... 15
- e) Letter to Tonni Bartholomew from Kari Beattie, Deputy Director of Constituent Services, Office of the Governor, Thanking Her for Contacting the Governor’s Office Regarding the City of Troy’s Objection to the Current Definition of Urban Area ..... 15

J-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted 15

J-5 Calendar 15

J-6 Notice of Public Input Session Regarding a Planned Unit Development (PUD) on Big Beaver Road Between Alpine and McClure 15

|      |   |    |
|------|---|----|
| J-7  | Establishing City Voice and Email Accounts for City Council                       | 15 |
| J-8  | Aquatic Center Fee Recommendation for 2005  | 15 |
| J-9  | Feasibility of a Noel Night   | 16 |
| J-10 | Long Lake Road Development Partners, LLC and Good Development, LLC v City of Troy | 16 |
| J-11 | Fire Department Response Time Analysis  | 16 |

**STUDY ITEMS:** **16**

|     |                          |    |
|-----|--------------------------|----|
| K-1 | No Study Items Submitted | 16 |
|-----|--------------------------|----|

**PUBLIC COMMENT: Address of “K” Items** **16**

**CLOSED SESSION:** **16**

|     |                |    |
|-----|----------------|----|
| L-1 | Closed Session | 16 |
|-----|----------------|----|

**RECESSED** **16**

**RECONVENED** **16**

**ADJOURNMENT** **16**

**SCHEDULED CITY COUNCIL MEETINGS:** **17**

|                              |                                 |    |
|------------------------------|---------------------------------|----|
| Wednesday, February 16, 2005 | Liquor Violation Hearings ..... | 17 |
| Monday, February 21, 2005    | Regular City Council.....       | 17 |
| Monday, February 28, 2005    | Regular City Council.....       | 17 |
| Monday, March 07, 2005       | Regular City Council.....       | 17 |
| Monday, March 21, 2005       | Regular City Council.....       | 17 |
| Monday, March 28, 2005       | Regular City Council.....       | 17 |
| Monday, April 04, 2005       | Regular City Council.....       | 17 |
| Monday, April 18, 2005       | Regular City Council.....       | 17 |
| Monday, April 25, 2005       | Regular City Council.....       | 17 |



**CALL TO ORDER:****INVOCATION & PLEDGE OF ALLEGIANCE: Rev. John W. Shearer – Central Woodward Christian Church****ROLL CALL:**

Mayor Louise E. Schilling  
Robin Beltramini  
Cristina Broomfield  
David Eisenbacher  
Martin F. Howrylak  
David A. Lambert  
Jeanne M. Stine

**CERTIFICATES OF RECOGNITION:**

- 
- A-1** Presentation: a) Fire Lieutenant Chuck Riesterer to Accept “Fire Inspector of the Year” Award from Oakland County Fire Protection Society

**CARRYOVER ITEMS:**

- 
- B-1** No Carryover Items

**PUBLIC HEARINGS:**

- 
- C-1** Preliminary Site Plan Review and Amended Consent Order and Judgment (SP 883-C) – Heartland Health Care, Southeast Corner of South Boulevard and Livernois, Section 3 – O-1 and R-1B

Suggested Resolution

Resolution #2005-02-

Moved by

Seconded by

RESOLVED, That the attached proposed First Amended Consent Order and Judgment for the Property located at the southeast corner of South Boulevard and Livernois Road, is hereby **APPROVED**, contingent upon the approval of the preliminary site plan that is attached and incorporated by reference, and that the Mayor, City Clerk and Assistant City Attorney are **AUTHORIZED TO EXECUTE** the documents, which are to be held in escrow and not recorded until after the closing on the Property that is the subject of the First Amended Consent Order and Judgment, which is intended to be purchased by Heathcare and Retirement Corporation of America.

Yes:

No:

**POSTPONED ITEMS:****D-1 Request for Parking Variance – 5991 Livernois**

WHEREAS, Article XLIII (43.00.00) requires that in granting a parking variance, the City Council shall find that there are practical difficulties justifying the variances; and

WHEREAS, That the petitioner has revised his plans such that the parking requirements of the Zoning Ordinance have been met; and

WHEREAS, The petitioner has submitted a letter requesting withdrawal of the variance request,

NOW, THEREFORE, BE IT RESOLVED, That the request from Mike Elias, 5991 Livernois, for waiver of six additional parking spaces be **DENIED**.

Yes:

No:

**CONSENT AGENDA:**

*Public comment is limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004. 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.*

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

Suggested Resolution

Resolution #2005-02-

Moved by

Seconded by

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item(s) \_\_\_\_\_, which shall be considered after Consent Agenda (E) items, as printed.

Yes:

No:

**E-1b Address of “E” Items Removed for Discussion by City Council and/or the Public****E-2 Approval of City Council Minutes**

Suggested Resolution

Resolution #2005-02-

RESOLVED, That the Minutes of the Special/Study Meeting of January 24, 2005 at 6:00 PM, and the Regular Meeting of January 24, 2005 at 7:30 PM be **APPROVED** as submitted.

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**E-3 Proposed City of Troy Proclamation(s): None Proposed**

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**E-4 Request to Cancel Regular City Council Meeting/Liquor Violation Hearing Scheduled for Wednesday, February 23, 2005**Suggested Resolution

Resolution #2005-02-

RESOLVED, That Troy City Council hereby **APPROVES** the **CANCELLATION** of the Regular City Council Meeting/Liquor Violation Hearing scheduled for Wednesday, February 23, 2005 as there are no cases to be placed before the City Council and that notice be **POSTED AND PUBLISHED**.

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**E-5 Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Expenses – 2005 Michigan Municipal League Legislative Conference on March 23, 2005 at the Lansing Center**Suggested Resolution

Resolution #2005-02-

RESOLVED, That the Mayor and City Council Members are **AUTHORIZED** to attend the 2005 MML Legislative Conference at the Lansing Center on March 23, 2005 in accordance with accounting procedures of the City of Troy.

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**E-6 Standard Purchasing Resolution 1: Bid Award – Sole Bidder – Auction Services**Suggested Resolution

Resolution #2005-02-

RESOLVED, That a contract to provide auctioneering services is hereby **AWARDED** to the sole bidder, Mid-Thumb Auctioneering SVC LLC, of Goodells, MI at commission rates contained in the bid tabulation opened January 5, 2005, a copy of which shall be **ATTACHED** to the original minutes of this meeting, which will expire March 20, 2007.

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

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**E-7 Standard Purchasing Resolution 4: State of Michigan MiDEAL Program – Four Wheel Drive Pick-Up Truck**Suggested Resolution

Resolution #2005-02-

RESOLVED, That a contract to purchase one (1) Dodge, Model DR6L61, four-wheel drive pick-up truck from Bill Snethkamp Lansing Dodge, Inc. is hereby **APPROVED** through the State of Michigan MiDEAL Program (formerly the Extended Purchasing Program) at an estimated cost of \$21,544.78.

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**E-8 Standard Purchasing Resolution 3: Exercise Renewal Option – Hauling/Disposal of Dirt and Debris**

Suggested Resolution

Resolution #2005-02-

WHEREAS, On March 15, 2004, one-year contracts with an option to renew for one additional year to provide hauling and disposal services of dirt and debris from the DPW Yard was awarded to the low bidders, Jackie's Transport, Inc., Luke's Trucking and Excavating, LLC, and A & B Trucking, Inc. (Resolution 2004-03-144-E9), and

WHEREAS, All awarded bidders have agreed to exercise the one-year option to renew under the same prices, terms, and conditions;

NOW, THEREFORE, BE IT RESOLVED, That the options to renew the contracts are hereby **EXERCISED** with Jackie's Transport, Inc., Luke's Trucking and Excavating, LLC, and A & B Trucking, Inc. to provide hauling and disposal of dirt and debris under the same contract prices, terms, and conditions for one-year expiring March 15, 2006; and if the price of on-road diesel fuel exceeds \$2.00/gallon during the contract term, the City is **AUTHORIZED** to pay a \$.25/ton fuel surcharge to Luke's Trucking and Excavating, LLC for hauling broken asphalt.

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**E-9 Load Restrictions**

Suggested Resolution

Resolution #2005-02-

RESOLVED, That axle load limits of 6,000 pounds per axle and 8,500 pounds per tandem assembly are hereby **ESTABLISHED AND IMPOSED** upon vehicles traveling upon streets and roads of the City of Troy, during periods prescribed in Chapter 94, Axle Load Ordinance, of the Code of the City of Troy for "frost law" limitations, which streets are listed in Attachment "A" of a report from the Public Works Director dated January 25, 2005, and a copy of said report and attachments shall be **ATTACHED** to the original minutes of this meeting.

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**E-10 Request for Approval of Conditioned Purchase Agreement for Right-of-Way: Sidewalk Gap Project, Sidwell #88-20-01-476-025, 2775 East Square Lake Road – Jose M. and Christina J. Perez**

Suggested Resolution

Resolution #2005-02-

RESOLVED, That the Agreement to Purchase between Jose M. and Christina J. Perez, owners of the property having Sidwell #88-20-01-476-025, and the City of Troy, for the acquisition of

right-of-way for a Sidewalk Gap Completion project is **APPROVED** in the amount of \$37,500.00, plus closing costs.

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**E-11 Private Agreement for Grace Christian Learning Center Parking Lot – Project No. 02.951.3**

Suggested Resolution

Resolution #2005-02-

RESOLVED, That the *Contract for the Installation of Municipal Improvements* (Private Agreement) between the City of Troy and Grace Christian Learning Center is hereby **APPROVED** for the installation of paving, storm sewer and sidewalk 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.

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**E-12 Standard Purchasing Resolution 8: Best Value Process Award – Automatic Meter Reading System**

Suggested Resolution

Resolution #2005-02-

RESOLVED, That a contract to provide an Automatic Meter Reading System for the Department of Public Works Water Division is hereby **AWARDED** to SLC Meter Service, Inc. of Davisburg, MI, the lowest, most qualified bidder as a result of a Best Value process, which the Troy City Council determines to be in the public interest for an estimated net total cost of \$78,350.00, which includes Psion system trade-ins, as outlined in the bid tabulation opened October 15, 2004, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is contingent upon contractor submission of proper contract and proposal documents, including insurance certificates and all other specified requirements.

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**E-13 Traffic Committee Recommendations – January 19, 2005**

Suggested Resolution

Resolution #2005-02-

- a) **Removal of the YIELD Sign and Installation of a STOP Sign – Buckingham Place at Brentwood**

RESOLVED, that Traffic Control Order 2005-01-\_\_\_\_\_ be **ISSUED** for removal of the YIELD sign and installation of a STOP sign on Buckingham Place at Brentwood.

- b) **Removal of the YIELD Sign and Installation of a STOP Sign – Breeze Hill at Brentwood**

RESOLVED, that Traffic Control Order 2005-01-\_\_\_\_\_ be **ISSUED** for removal of the YIELD sign and installation of a STOP sign on Breeze Hill Place at Brentwood.

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**E-14 Standard Purchasing Resolution 4: MITN Cooperative - Copiers**Suggested Resolution  
Resolution #2005-02-

RESOLVED, That a contract to provide copiers from Albin Business Centers on an ongoing basis is hereby **APPROVED** through the MITN Cooperative Contract #00-01-922 established by the City of Farmington Hills bid process under the same pricing structure, terms, and conditions, which expires August 13, 2006, with any copier agreement executed by then extending for a period of sixty- (60) months.

**PUBLIC COMMENT:** Limited to Items Not on the Agenda

*Public comment is limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004. 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.*

**REGULAR BUSINESS:**

*Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair during the Public Comment section under item 12. "F" of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. For those addressing City Council, petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council and all other interested people, their time may be limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair.*

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**F-1 Appointments to Boards and Committees: a) Mayoral Appointments: Downtown Development Authority; b) City Council Appointments: Cable Advisory Committee; Election Commission; Historic District Commission; Municipal Building Authority; Troy Youth Council**

The appointment of new members to all of the listed board and committee vacancies will require only one motion and vote by City Council. Council members submit recommendations for appointment. When the number of submitted names exceed the number of positions to be filled, a separate motion and roll call vote will be required (current process of appointing). Any

board or commission with remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda.

The following boards and committees have expiring terms and/or vacancies. Bold black lines indicate the number of appointments required:

**(a) Mayoral Appointments**

Suggested Resolution

Resolution #2005-02-

Moved by

Seconded by

**Downtown Development Authority**

Mayor, Council Approval (13) – 4 years

Term expires 07-01-2005 (Student)

**CURRENT MEMBERS**

| <b>NAME</b>          | <b>TERM EXPIRES</b> |
|----------------------|---------------------|
| Culpepper, Michael W | 09/30/08            |
| Frankel, Stuart      | 09/30/07            |
| Hay, David R         | 09/30/07            |
| Hodges, Michele      | 09/30/05            |
| Kennis, William      | 09/30/06            |
| Kiriluk, Alan M      | 09/30/08            |
| MacLeish, Daniel     | 09/30/05            |
| Price, Carol A       | 09/30/07            |
| Reschke, Ernest C    | 09/30/06            |
| Schilling, Louise E  | 09/30/08            |
| Schroeder, Douglas J | 09/30/06            |
| Weiss, Harvey        | 09/30/05            |
| Wong, Fred (Student) | 07/01/04            |
| York, G Thomas       | 09/30/08            |

**INTERESTED STUDENT APPLICANTS**

None on File

**(b) City Council Appointments**

Suggested Resolution

Resolution #2005-02-

Moved by

Seconded by

**Cable Advisory Committee**

Appointed by Council (7) – 3 years

Term expires 02-28-2008

**CURRENT MEMBERS**

| NAME               | TERM EXPIRES |
|--------------------|--------------|
| Bixby, Jerry L     | 02-28-06     |
| Butt, Shazad       | 11-30-05     |
| Hughes, Richard    | 02-28-06     |
| Marinos, Penny     | 02-28-07     |
| Manzon, Alan       | 09-30-06     |
| Lin, Fan (Student) | 07-01-05     |
| Voigt, W Kent      | 02-28-07     |
| Wehrung, Bryan H   | 02-28-05     |

**INTERESTED APPLICANTS**

| NAME                | DATE APPLIED                  | DATE SENT TO COUNCIL  |
|---------------------|-------------------------------|-----------------------|
| Godlewski, W S      | 12/28/01-07/01/03-<br>07/2005 | 01/07/02-<br>07/07/03 |
| Kuschinsky, Dick    | 10/11/01-06/19/03<br>06/2005  | 11/05/01              |
| Payne, Timothy P    | 02/25/04-02/2006              | 03/08/04              |
| Powers, Brian M     | 10/15/02-10/2004              | 10/21/02              |
| Pritzloff, Mark     | 04/17/03-04/2005              | 04/28/03              |
| Shier, Frank        | 02/18/03-02/2005              | 03/03/03              |
| Solomon, Mark R     | 01/21/05                      | 02/07/05              |
| Victor, Robert      | 06/03/03-06/2005              | 02/02/04              |
| Wattles, Brian J    | 07/10/01                      | 07/23/01              |
| Weisgerber, William | 07/14/03-07/2005              | 07/21/03              |
| Wheeler, Nancy      | 03/08/04-03/2006              | 04/12/04              |

**Election Commission**

Appointed by Council (3) – 1 year

(See letter from Democratic Party)

Term expires 01-31-2006

**CURRENT MEMBERS**

| NAME               | TERM EXPIRES |
|--------------------|--------------|
| Anderson, David C  | 01-31-06     |
| Dewan, Timothy     | 01-31-05     |
| Bartholomew, Tonni | Charter      |

**INTERESTED APPLICANTS**

| NAME              | DATE APPLIED             | DATE SENT TO COUNCIL |
|-------------------|--------------------------|----------------------|
| Brodbine, Anju C. | 08/13/02-08/2004         | 08/19/02             |
| Courtney, Kenneth | 03/12/04-03/2006         | 03/15/04             |
| DeBacker, Deborah | 05/20/02-05/2004         | 06/03/02             |
| Gauri, Kul B      | 08/26/99-07/3/03-07/2005 |                      |

|                     |                                       |                                |
|---------------------|---------------------------------------|--------------------------------|
| Larue, Patricia M   | 08/12/02-08/2004                      | 08/19/02                       |
| Pritzloff, Mark     | 04/17/03-04/2005                      | 04/28/03                       |
| Salgat, Charles J   | 03/08/04-03/2006                      | 04/12/04                       |
| Shah, Jayshree      | 08/28/01-04/23/04-<br>04/2006         | 09/17/01-05/03/04              |
| Silver, Neil S      | 06/9/03-05/2005                       | 06/16/03                       |
| Uitto, Renee        | 12/03/04-12/2006                      | 12/06/04                       |
| Ziegenfelder, Peter | 12/07/00-06/11/01-<br>6/11/03-05/2005 | 12/18/00-07/09/01-<br>06/16/03 |

**Historic District Commission**

Appointed by Council (7) – 3 years

Unexpired term expires 05-15-2006

**CURRENT MEMBERS**

| NAME                        | TERM EXPIRES |
|-----------------------------|--------------|
| Ms Marjorie A Biglin        | 03/01/07     |
| Mr Wilson Deane Blythe      | 03/01/05     |
| Ms Barbara Chambers         | 03/01/05     |
| Mr Paul C Lin               | 05/15/06     |
| Ms. Ann Partian             | 03/01/05     |
| Ms Muriel Rounds            | 05/15/06     |
| Ms Dorothy Scott (Resigned) | 05/15/06     |
| Ms Vilin Zhang ( Student)   | 07/01/05     |

**INTERESTED APPLICANTS**

| NAME                | DATE APPLIED                  | DATE SENT TO COUNCIL |
|---------------------|-------------------------------|----------------------|
| Krivoshein, Kerry S | 08/12/99-06/14/01-<br>05/2003 | 11/08/04             |
| Petrulis, Al        | 02/11/03-07/31/03-<br>07/2005 | 07/09/01-11/08/04    |
| Wheeler, Nancy      | 03/08/04-03/2006              | 04/12/04-11/08/04    |

**Municipal Building Authority**

Appointed by Council (5) – 3 years

Term expires 01-31-2008

**CURRENT MEMBERS**

| NAME               | TERM EXPIRES |
|--------------------|--------------|
| Almassian, Carolyn | 01/31/06     |
| Freliga, Victor P  | 01/31/08     |
| Krokosky, Robert J | 01/31/05     |
| Lamerato, John M   | 01/31/06     |
| Miesiak, Conrad E  | 01/31/06     |

**INTERESTED APPLICANTS**

| NAME                  | DATE APPLIED                  | DATE SENT TO COUNCIL  |
|-----------------------|-------------------------------|-----------------------|
| Bluhm, Kenneth        | 11/24/00                      | 12/04/00              |
| Courtney, Kenneth     | 03/12/04-03/2006              | 03/15/04              |
| Pritzloff, Mark       | 04/17/03-04/2005              | 04/28/03              |
| Schultz, Robert M     | 01/15/01                      | 01/22/01              |
| Shah, Jayshree        | 01/12/04-04/23/04-<br>04/2006 | 02/02/04-<br>05/03/04 |
| Shier, Frank          | 02/18/03-02/2005              | 03/03/03              |
| Sobota, Christopher A | 02/14/02-02/2004              | 02/18/02              |

**Troy Youth Council**

Appointed by Council – 1 years

Unexpired term expires 08-31-05

**CURRENT MEMBERS**

| NAME                    | TERM EXPIRES |
|-------------------------|--------------|
| Bozimowski, Alexandra   | 08/31/05     |
| Burns, Emily (Resigned) | 08/31/05     |
| Chong, Min              | 08/31/05     |
| D'Amico, Juliana        | 08/31/05     |
| Govindaraj, Monika      | 08/31/05     |
| Herzog, Catherine       | 08/31/05     |
| Joshi, Maniesh          | 08/31/05     |
| Joshi, Rishi            | 08/31/05     |
| Kalinowski, Andrew      | 08/31/05     |
| Kraft, Jessica          | 08/31/05     |
| Shaw, Manessa           | 08/31/05     |
| Vitale, Nicole          | 08/31/05     |
| Wang, YuJing            | 08/31/05     |

**INTERESTED STUDENT APPLICANTS**

| NAME            | DATE APPLIED | DATE SENT TO COUNCIL |
|-----------------|--------------|----------------------|
| Wullaert, Karen | 05/14/04     | 02/07/05             |

Yes:

No:

**F-2 Reckless Driving Ordinance Amendment****Suggested Resolution**

Resolution #2005-02-

Moved by

Seconded by

RESOLVED, That an ordinance amendment to Chapter 106 – Traffic Code, Section 5.14, is hereby **ADOPTED** as recommended by the City Attorney. A copy of this ordinance shall be **ATTACHED** to the original minutes of this meeting.

Yes:

No:

**F-3 Approval of Contract with MDOT for Congestion Mitigation and Air Quality (CMAQ) Projects – Project No. 00.106.5; 00.108.5; 01.103.5**

Suggested Resolution

Resolution #2005-02-

Moved by

Seconded by

RESOLVED, That Contract No. 04-5516 between the Michigan Department of Transportation and the City of Troy for CMAQ Projects, Project No. 00.106.5; 00.108.5; and 01.103.5, is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED** to execute the agreement.

Yes:

No:

**F-4 Contract Ratification – MAP (Clerical and Non-Sworn Employees) and City of Troy**

Suggested Resolution

Resolution #2005-02-

Moved by

Seconded by

RESOLVED, That a collective bargaining agreement between the City of Troy and MAP for the period July 1, 2004 through June 30, 2007 is hereby **RATIFIED** by the City Council of the City of Troy, and the Employer, the Mayor and City Clerk are **AUTHORIZED** to execute the final agreement.

Yes:

No:

**F-5 Request for Authorization to Make Unconditioned Offers to Purchase Right-of-Way for Big Beaver Road Improvements – Rochester to Dequindre, Project No. 01.105.5**

- a) **Request for Authorization to Make Unconditioned Offers to Purchase Right-of-Way for Big Beaver Road Improvements – Rochester to Dequindre – Project #01.105.5 – Sidwell #88-20-25-229-029 – 2988 East Big Beaver Road – Owners: UEOS Dequindre, L.L.C.**

Suggested Resolution

Resolution #2005-02-

Moved by  
Seconded by

WHEREAS, In order to proceed with the proposed Big Beaver Road Improvements, between Rochester and Dequindre, it is necessary for the City to obtain the needed right-of-way from the property owners of 2988 East Big Beaver Road, UEOS Dequindre, L.L.C., having Sidwell #88-20-25-229-029;

BE IT RESOLVED, That the Real Estate and Development Department is hereby **AUTHORIZED** to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-25-229-029 in the amount of \$97,500.00, plus closing costs.

Yes:  
No:

- b) **Request for Authorization to Institute Court Action for Right-of-Way for Proposed Big Beaver Road Improvements – Rochester to Dequindre - Project #01.105.5 – Sidwell #88-20-25-229-029 – 2988 East Big Beaver Road – Owners: UEOS Dequindre, L.L.C.**

Suggested Resolution

Resolution #2005-02-

Moved by  
Seconded by

WHEREAS, In order to proceed with the Big Beaver Road Improvements, between Rochester and Dequindre, it is necessary for the City to obtain the needed right-of-way from the property owners of 2988 East Big Beaver Road, UEOS, L.L.C., having Sidwell #88-20-25-229-029;

BE IT RESOLVED, That the City Attorney is **AUTHORIZED**, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes:  
No:

- c) **Request for Authorization to Make Unconditioned Offers to Purchase Right-of-Way for Big Beaver Road Improvements – Rochester to Dequindre – Project #01.105.5 – Sidwell #88-20-25-229-028 – 2966 East Big Beaver Road – Owners: TBB Associates, L.L.C.**

Suggested Resolution

Resolution #2005-02-

Moved by  
Seconded by

WHEREAS, In order to proceed with the proposed Big Beaver Road Improvements, between Rochester and Dequindre, it is necessary for the City to obtain the needed right-of-way from the

property owners of 2966 East Big Beaver Road, TBB Associates, L.L.C., having Sidwell #88-20-25-229-028;

BE IT RESOLVED, That the Real Estate and Development Department is hereby **AUTHORIZED** to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-25-229-028 in the amount of \$84,000.00, plus closing costs.

Yes:

No:

- d) **Request for Authorization to Institute Court Action for Right-of-Way for Proposed Big Beaver Road Improvements – Rochester to Dequindre - Project #01.105.5 – Sidwell #88-20-25-229-028 – 2966 East Big Beaver Road – Owners: TBB Associates, L.L.C.**

Suggested Resolution

Resolution #2005-02-

Moved by

Seconded by

WHEREAS, In order to proceed with the Big Beaver Road Improvements, between Rochester and Dequindre, it is necessary for the City to obtain the needed right-of-way from the property owners of 2966 East Big Beaver Road, TBB Associates, L.L.C., having Sidwell #88-20-25-229-028;

BE IT RESOLVED, That the City Attorney is **AUTHORIZED**, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes:

No:

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**F-6 Standard Purchasing Resolution 11: Rejection of Proposals – Nature Center Interpretive Exhibit Fabrication and Installation**

Suggested Resolution

Resolution #2005-02-

Moved by

Seconded by

RESOLVED, That the Nature Center's Interpretive Exhibit Fabrication and Installation proposals opened September 10, 2004, are hereby **REJECTED** due to budgetary considerations.

Yes:

No:

**F-7 Sanctuary Lake Maintenance Operation**Suggested Resolution

Resolution #2005-02-

Moved by

Seconded by

WHEREAS, The City was under an agreement with Douglas Treadwell and Golf Associates to maintain Sanctuary Lake Golf Course,

WHEREAS, The agreement expired on December 31, 2004,

WHEREAS, Staff review finds it more responsive/responsible to manage the course with City staff,

WHEREAS, To effectively assume responsibilities requires additional staff members outside of the currently approved budget,

WHEREAS, City staff will review and report on the operational alternatives following the 2010 season,

BE IT RESOLVED, That City Council **AUTHORIZES** City staff to assume maintenance responsibilities with a report and subsequent recommendation following the 2010 season,

BE IT FURTHER RESOLVED, That City Council **AUTHORIZES** one additional full-time MSE-G position to supplement the existing golf course maintenance operations along with seasonal employees.

Yes:

No:

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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

a) Commercial Vehicle Appeal – 3463 Crooks Road – February 28, 2005

b) Commercial Vehicle Appeal – 5839 John R Road – February 28, 2005

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**G-2 Green Memorandums:**a) Rules of Procedure – Proposed Amendments

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

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**H-1 No Referrals Advanced**

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**COUNCIL COMMENTS:**

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**I-1 No Council Comments Advanced**

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**REPORTS:**

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

- a) Election Commission/Final – September 28, 2004
  - b) Troy Daze Advisory Committee/Final – November 23, 2004
  - c) Troy Youth Council/Final – December 15, 2004
  - d) Board of Zoning Appeals/Final – December 21, 2004
  - e) Planning Commission/Draft – January 11, 2005
  - f) Employees' Retirement System Board of Trustees/Draft – January 12, 2005
  - g) Board of Zoning Appeals/Draft – January 18, 2005
  - h) Troy Youth Council/Draft – January 19, 2005
  - i) Election Commission/Draft – January 26, 2005
- 

**J-2 Department Reports:**

- a) Troy Fire Department – 2002 Annual Report
  - b) Troy Fire Department – 2003 Annual Report
  - c) Supplemental Information on Public Sealed Bid Sale of 5 Surplus Parcels
  - d) Auction – Vehicle Sale on December 11, 2004
- 

**J-3 Letters of Appreciation:**

- a) Letter to Tim Richnak from Audre Zembrzuski, Thanking Him for Snow Removal
  - b) Letter to John Szerlag from Donald Schenk, Commending Him for His Work as City Manager, Especially During the City Council Meeting of January 24, 2005
  - c) Letter to Chief Craft from Jeffrey Hall, Assistant Oakland County Prosecuting Attorney, Commending Detective Lisa Rockafellow for Her Professionalism Before and During an Armed Robbery Trial
  - d) Letter to Chief Craft from James Elmleaf, Thanking Officers Meinzinger, Browne, M. Livingston, Linton, M. Villerot, Mairorano, Dyjewski, Feld, Sinutko, Nordstrom and Cantlon, Among Others, for Their Work During an Incident
  - e) Letter to Tonni Bartholomew from Kari Beattie, Deputy Director of Constituent Services, Office of the Governor, Thanking Her for Contacting the Governor's Office Regarding the City of Troy's Objection to the Current Definition of Urban Area
- 

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

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**J-5 Calendar**

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**J-6 Notice of Public Input Session Regarding a Planned Unit Development (PUD) on Big Beaver Road Between Alpine and McClure**

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**J-7 Establishing City Voice and Email Accounts for City Council**

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**J-8 Aquatic Center Fee Recommendation for 2005**

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**J-9** Feasibility of a Noel Night

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**J-10** Long Lake Road Development Partners, LLC and Good Development, LLC v City of Troy

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**J-11** Fire Department Response Time Analysis

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## STUDY ITEMS:

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**K-1** No Study Items Submitted

## PUBLIC COMMENT: Address of "K" Items

*Public comment is limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004. 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.*

## CLOSED SESSION:

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**L-1** Closed Session

### Suggested Resolution

Resolution #2005-02-

Moved by

Seconded by

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Estate of Leslie McPherson v City of Troy – pending litigation.

Yes:

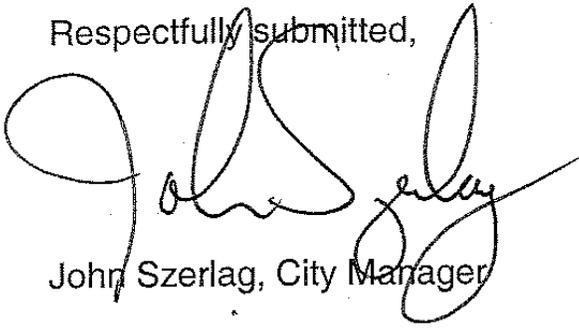
No:

**RECESSED**

**RECONVENED**

**ADJOURNMENT**

Respectfully submitted,



John Szerlag, City Manager

**SCHEDULED CITY COUNCIL MEETINGS:**

- Wednesday, February 16, 2005 ..... Liquor Violation Hearings
- Monday, February 21, 2005 ..... Regular City Council
- Monday, February 28, 2005 ..... Regular City Council
- Monday, March 07, 2005..... Regular City Council
- Monday, March 21, 2005..... Regular City Council
- Monday, March 28, 2005..... Regular City Council
- Monday, April 04, 2005 ..... Regular City Council
- Monday, April 18, 2005 ..... Regular City Council
- Monday, April 25, 2005 ..... Regular City Council

January 31, 2005

TO: John Szerlag, City Manager

FROM: Douglas J. Smith, Real Estate and Development Director  
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM – PUBLIC HEARING – PRELIMINARY SITE PLAN REVIEW AND AMENDED CONSENT ORDER AND JUDGMENT (SP 883-C) – Heartland Health Care, southeast corner of South Boulevard and Livernois, Section 3 – O-1 and R-1B.

### **RECOMMENDATION**

The parcel is an appropriate location for a 120-bed nursing home. The impact of this development is less than that of the 50,000 square foot medical office building that received Preliminary Site Plan Approval in 2002. The medical office building was more massive and the parking area had over 7 times the number of parking spaces than the proposed Heartland Health Care project. In addition, the traffic generated by the nursing home will be significantly less than the proposed medical office.

The proposed development is generally consistent with the Consent Order and Judgment, Case No. 83-265736 CZ, dated December 26, 1986. Representatives of the Meadowland Estates Homeowners Association met with the applicant at the beginning of the design process and provided input into the design of the site. The Association has provided a letter of support for the proposed development.

At the December 14, 2004 Regular Meeting, the Planning Commission recommended approval of the Preliminary Site Plan as submitted, with two conditions:

1. That City Management review the detention pond located to the southeast of the proposed development for proper construction, as it appears that water is being retained on site.
2. That the trees along the South Boulevard sidewalk as shown by the petitioner, being that they are ornamental and evergreens, be moved away from the sidewalk so that their ultimate growth size shall not impede the use of the sidewalk.

The Public Works Director reviewed the detention pond located southeast of the proposed development for proper construction; the water that appears to be retained on site is due to a high water table (see attached comments). The proposed site plan has been amended to move the trees away from South Boulevard, as requested by the Planning Commission.

City Management agrees with the Planning Commission and recommends approval of the Preliminary Site Plan and amended Consent Order and Judgment.

## **GENERAL INFORMATION**

### Name of Owner / Applicant:

The owner is Rodney Hyduk. The applicant is Brion Harrigan of ManorCare Health Services Inc.

### Location of Subject Property:

The property is located on the southeast corner of South Boulevard and Livernois, in section 3.

### Size of Subject Parcel:

The parcel is approximately 3.78 acres in area. This represents a portion of the parent parcel, which is 5.48 acres in area. The western 180.01 feet of the parent parcel will be split from the subject parcel.

### Proposed Use of Subject Parcel:

The applicant is proposing to construct a 120-bed nursing home on the property.

### Parcel History:

The use of the parcel is controlled by a consent order and judgment of the Circuit Court for the County of Oakland of December 26, 1986, Case No. 83-265736 CZ (see attached). The proposed development is inconsistent with the consent judgment, which therefore must be amended to permit this development. City Council is responsible for approving the amended consent judgment, which includes Preliminary Site Plan Approval authority.

At the October 21, 2002 Regular Meeting, City Council approved a Preliminary Site Plan and amended consent agreement for a medical office building on the parent parcel. The proposed development included a 2-story, 50,000 square foot medical office building with 426 constructed parking spaces and 43 landbanked spaces.

### Current Zoning Classification:

The western 310 feet of the parcel is zoned O-1 Office Building. The remainder of the parcel is zoned R-1B One Family Residential.

### Current Use of Subject Property:

The property is presently vacant.

### Current Use of Adjacent Parcels:

North: Animal Medical Center (City of Rochester Hills).

South: Single family residential (Meadowland Estates Subdivision).

East: Single family residential (Meadowland Estates Subdivision).

West: Val's Pet Supplies and the Meadowbrook Pre-School and Kindergarten.

Zoning Classification of Adjacent Parcels:

North: B-2 General Business and R-2 One Family Residential (City of Rochester Hills)

South: R-1B One Family Residential.

East: R-1B One Family Residential.

West: R-1B One Family Residential.

Future Land Use Designation:

The property is designated on the Future Land Use Plan as Low Rise Office.

**ANALYSIS**

Compliance with area and bulk requirements of the RM-1 district:

The property is zoned O-1 and R-1B; however, the applicant is proposing a 120-bed nursing home. "Convalescent Homes" are permitted subject to special conditions under the RM-1 Multiple Family Low Rise Residential Zoning District (Section 15.25.04).

Lot Area: Not applicable in the RM-1 district.

Lot Width: Not applicable in the RM-1 district.

Height: Maximum permitted height is 2 stories. The applicant is proposing a 2-story building.

Setbacks: Front: 50-foot minimum setback required. The building is set back 75 feet; however, the fixed entrance canopy is set back only 38 feet.  
Side: 50-foot minimum setback required; 88 feet provided.  
Rear: 50-foot minimum setback required; 70 feet provided.

Landscaping: The applicant meets the requirement of at least 800 square feet of lot area and 300 square feet of open space per bed.

The applicant does not meet the 50-foot front setback required for convalescent homes in the RM-1 district, because the canopy is considered part of the building.

Compliance with the Consent Order:

The proposed development is generally consistent with the Consent Order and Judgment. The most significant exception is the use of the parcel. The consent order permits all uses that are permitted in the O-1 district. Convalescent homes are not permitted in the O-1 district. The impact of a 120-bed convalescent home will be significantly less than a 50,000 square foot medical office building.

The application meets the following requirements of the Consent Order:

1. A 70-foot minimum building setback from the south property line.
2. A 50-foot minimum building setback from the east property line.
3. A 30-foot minimum building setback from the west and north property lines.
4. Buildings shall not exceed 2 stories in height.
5. A minimum 10-foot wide greenbelt on the east side of the property, west of the right-of-way.
6. There shall be no screening wall on the east property line, although the screen wall is required by the Zoning Ordinance.

The current Consent Order calls for a 6-foot brick-faced screen wall along the south property line, except for the western 30 feet, which is to be only 2-½ feet in height. At the request of abutting homeowners to the south, a berm has been proposed in lieu of the wall. This change has been added to the proposed Amendment to the Consent Judgment.

Off-Street Parking and Loading Requirements:

The 120-bed facility requires 1 space per 2 beds, or 60 spaces. The applicant is providing 80 spaces. The applicant exceeds the off-street parking requirement by 20 spaces.

Vehicular and Non-motorized Access:

The parcel fronts on South Boulevard. Access will be provided by a boulevard entry drive.

A cross-access easement is proposed for the southwest corner of the parcel.

The applicant is providing an 8-foot wide sidewalk along South Boulevard. In addition, 5-foot wide connecting sidewalks are also provided. An alternative is provided for the required sidewalk along Fieldstone Drive.

Midwestern Consulting prepared a Traffic Impact Study for the development. The report shows the AM peak hour trips to be between 17 and 20 vehicles per hour and the PM peak hour trips to be between 28 and 61 vehicles per hour. In comparison, the Environmental Impact Statement for the proposed medical office building on the site anticipated 135 AM peak hour trips and 204 PM peak hour trips. The impact in terms of traffic is significantly less for the nursing home than for the medical office building.

Storm Water Detention:

Storm water detention will be provided by a detention pond in the southeast corner of the parcel.

Environmental Provisions:

The applicant is proposing a screened dumpster on the west side of the building.

Natural Features and Floodplains:

The Natural Features Map indicates there are some woodlands located on the property.

Reviewed and Approved as to First  
Amended Consent Order and Judgment

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Lori Grigg Bluhm  
City Attorney

Attachments:

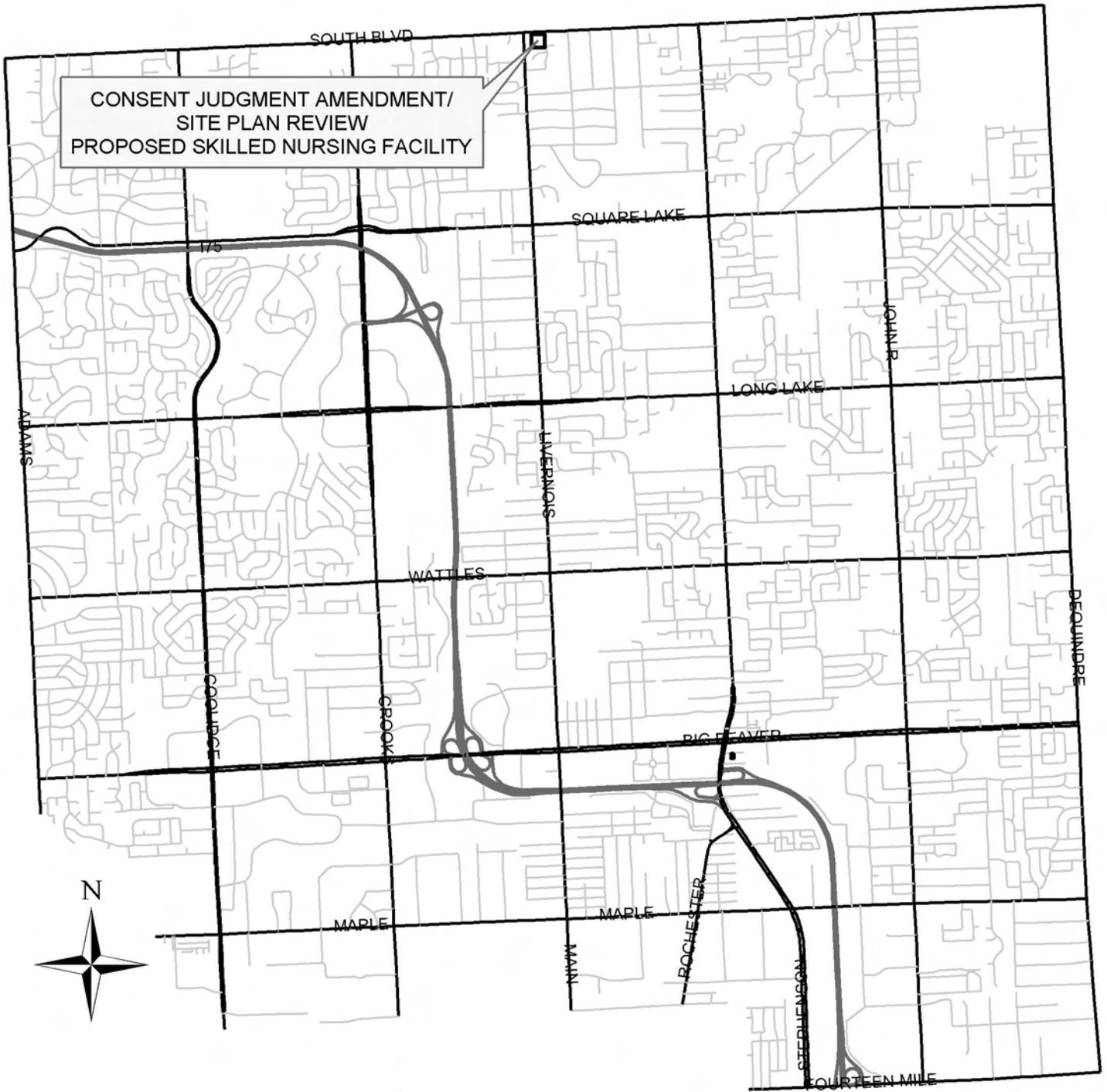
1. Maps.
2. Consent Order and Judgment, dated December 26, 1986.
3. Amended Consent Order and Judgment.
4. Minutes from December 14, 2004 Planning Commission Regular Meeting.
5. Letter of support from Meadowlands Estates Homeowners Association, dated October 27, 2004.
6. Traffic Impact Study prepared by Midwestern Consulting, dated October 12, 2004.
7. Letter from Timothy Richnak, Public Works Director, dated January 25, 2005.

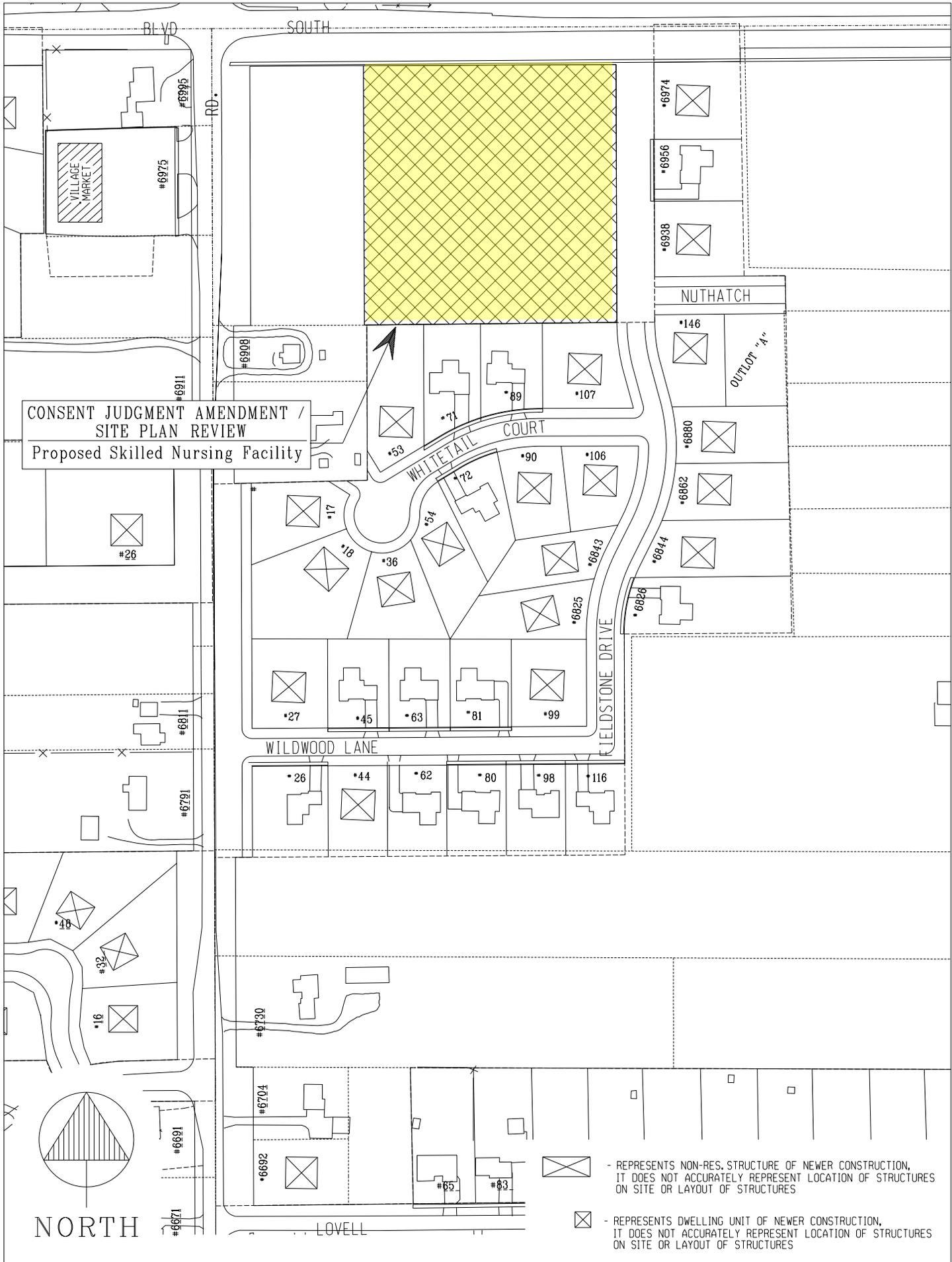
cc: Applicant  
File/ SP 883-C

Prepared by RBS/MFM

G:\SITE PLANS\SP 883-C Heartland Health CJ Sec 3\CC Public Hearing Heartland 02 07 05.doc

# CITY OF TROY





CONSENT JUDGMENT AMENDMENT /  
 SITE PLAN REVIEW  
 Proposed Skilled Nursing Facility

- REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION,  
 IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES  
 ON SITE OR LAYOUT OF STRUCTURES

☒ - REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION,  
 IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES  
 ON SITE OR LAYOUT OF STRUCTURES



BLVD

SOUTH

UTICA

OMAR CT.

NUTHATCH

PROPOSED CONSENT JUDGMENT AMENDMENT /  
SITE PLAN REVIEW  
Proposed Skilled Nursing Facility

INGRAM DR.

WHITETAIL COURT

RICHMOND DR.

FIELDSTONE DRIVE

WILDWOOD LANE

EASANT RUN DR.

ST.

LOVELL

MICHAEL DR.

MICHAEL DR.

MELANIE LANE

LESDALE

R-1B

R-1B

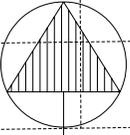
LIVERNOIS

HURST

DONALDSON

BOOTH

OTTAWA



NORTH

PROPOSED CONSENT JUDGMENT  
AMENDMENT/ SITE PLAN REVIEW  
PROPOSED SKILLED NURSING FACILITY

PROPOSED CONSENT JUDGMENT AMENDMENT/  
SITE PLAN REVIEW  
PROPOSED HEARTLAND HEALTH CARE  
S SIDE OF SOUTH BLVD., E OF LIVERNOIS  
SEC. 3 (SP-883 C)



0 50 100 200 300 400 Feet



STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

RODNEY D. HYDUK,

Plaintiff,

v

Case No. 83-265736 CZ

CITY OF TROY, a Michigan  
municipal corporation,

Defendant.

---

Marty A. Burnstein (P11443)  
Ginn, Kramer, Jacobson and Burnstein, PC  
Attorneys for Plaintiff  
32400 Telegraph Road, Ste. 102  
Birmingham, MI 48010  
(313) 646-3600

John J. Martin, III (P25888)  
Attorney for Defendant  
500 W. Big Beaver Road  
Troy, Michigan 48084  
(313) 524-3320

---

CONSENT ORDER AND JUDGMENT

At a session of said Court held  
in the Courthouse, in the City  
of Pontiac, Oakland County,  
Michigan, on: DEC 26 1986

PRESENT: HONORABLE JAMES S. THORBURN, CIRCUIT JUDGE

Plaintiff, Rodney D. Hyduk ("Hyduk") instituted this action seeking a declaratory judgment as to the constitutionality of the zoning ordinance of the City of Troy ("Troy") as applied to the real property described in Exhibit "A" ("the Land"). Hyduk claims that he is entitled to damages under 42 USC §1983. Hyduk also challenges the statutory notice by publication provisions for amending Troy's Master Land Use Plan.

The parties have entered into negotiations to compromise and settle this litigation and have stipulated to the entry of this

Consent Order and Judgment to reflect their compromise and settlement.

THIS COURT FINDS:

A. It has retained and possesses jurisdiction over this action.

B. The Land which is the subject of this Consent Judgment is described on Exhibit A attached and referred to in this Judgment as the ("Land").

C. Troy's zoning classification of the Land as O-1 and R-1B within the meaning of Chapter 39 of the Troy City Code is constitutional.

D. The dedications and improvements required in paragraphs 3 and 4 benefit the Land.

E. A sketch of the Land depicting setbacks and other specifications is attached as Exhibit B and is made a part of this Consent Order and Judgment.

F. Troy has agreed to issue to Hyduk all necessary permits to develop the Land in accordance with the terms of this Consent Order and Judgment and the sketch of the Land attached as Exhibit "B" provided Hyduk has complied with all terms herein.

G. Hyduk means Hyduk, his partners, agents, successors and assigns.

IT IS, THEREFORE, ORDERED:

1. The Land may be used for all purposes now permitted under the O-1 (Office Building) zoning classification under Chapter 39, Article XXV, §25.00.00 et seq. of the Troy City Code subject to

the terms and conditions of this Consent Order and Judgment and the sketch of the Land attached as Exhibit "B".

2. The following modifications and additional land use regulations shall apply to the Land:

A. There shall be a minimum 70 foot building set back from the south property line.

B. In conjunction with any building construction on the land, there shall be constructed along the south property line a 6 foot brick-faced screen wall except at the southwest corner of the Land and proceeding east for 30 feet, the wall shall be 2 feet 6 inches in height.

C. There shall be a minimum 50 foot building set back from the east property line as measured after the conveyance as provided for in paragraph 3.

D. There shall be a minimum 30 foot front building setback from the west and north property lines as measured after the conveyances as provided for in paragraph 3.

E. Any office building constructed on the Land shall not exceed 2 stories in height.

F. There shall be a 10 foot in depth greenbelt from the east property line as measured after the conveyance as provided in paragraph 3. The greenbelt shall be in accordance with Article XXXIX, §39.30.11 of Troy's Zoning Ordinance in effect on this date. The 10 foot greenbelt area shall be included and credited in determining that the landscaping requirements under the current zoning ordinance for an O-1 office development are satisfied.

G. There shall be no screening wall on the east property line although required by Article XXXIX of Troy's Zoning Ordinance.

H. Except as set forth in paragraphs A through G above, Hyduk's use, development, and occupancy of the Land shall be governed by Articles XXV, XXX and XXXIX of Troy's current zoning ordinance in effect at the time of this Judgment and attached as Exhibit "C" and Troy's Sign Ordinance, being Chapter 78, in effect at the time of this Judgment, as modified only by the provisions of this Consent Judgment, without variances.

I. Troy City Council shall have final site plan approval of all development of the Land.

3. Simultaneous with or prior to the entry of this Consent Order and Judgment, Hyduk shall cause to be dedicated and conveyed from the fee owner, by warranty deed to Troy, fee simple, lien-free title to the west 60 feet of the Land (legally described in Exhibit "D") which runs along Livernois Road so that the Livernois public right-of-way will extend 60 feet east from the west line of Section 3 to the west boundary of the Land after the conveyance; the north 60 feet of the Land (legally described in Exhibit "E") which runs along South Boulevard so that the South Boulevard public right-of-way will extend 60 feet south from the north line of Section 3 to the north boundary of the Land after the conveyance; and the east 60 feet of the Land (legally described in Exhibit "F"). After the dedications are delivered to Troy, Hyduk and the fee owner shall have no liability for maintenance, repair or construction on the dedicated

parcels (or any improvements made by Troy upon the parcels) except as otherwise provided in this Judgment. However, Hyduk shall remain liable for special assessments for improvements if any are made on the dedicated parcels, and Hyduk shall maintain or repair the dedicated parcels as provided by Troy's current ordinances, i.e. sidewalk maintenance along Livernois Road and South Boulevard and the landscaped area between the road pavement and property line as per zoning ordinance.

4. Hyduk shall construct the approach and passing lanes on Livernois Road and South Boulevard or deposit the necessary monies in accordance with Troy's general engineering requirements as uniformly applied in conjunction with any building construction on the Land.

5. Hyduk, his officers, agents, employees, assigns, and all others acting under his direction are enjoined from, in any manner, using and developing the Land in any manner not in accordance with the provisions of this Judgment.

6. The City of Troy, its officers, agents, employees, and all others acting under its direction are enjoined from, in any manner, interfering with Hyduk's use and development of the Land in accordance with the provisions of this Judgment.

7. Hyduk or his successors and assigns shall reimburse Troy for all reasonable costs incurred by Troy in defending any action which may be brought hereafter by Hyduk or his successors or assigns seeking to set aside or vacate any portion of this Consent Order and Judgment. This paragraph shall not apply to any action brought by Hyduk or his successors for the purpose of interpreting, enforcing, effectuating the intent of, or recon-

cluding any differences arising out of the terms of this Consent Judgment.

8. This Consent Order and Judgment may be amended by the written consent of the fee owner of the Land at the time of the amendment, Hyduk so long as he is the land contract vendee of the Land, and Troy. The consent of no other persons or entities shall be required for such amendment. Minor modifications consistent with the spirit of this Consent Order and Judgment may be made, without the necessity of amending this Consent Order and Judgment, as long as Troy, Hyduk (if he is the land contract vendee) and the fee owner of the land consent to such modifications.

9. In order to effectuate the intent of this Consent Order and Judgment and to reconcile any differences of the parties that may arise in connection with the performance by the parties, this Court shall retain jurisdiction of this action. The terms and conditions of this Consent Order and Judgment shall be covenants running with the Land and shall be binding upon and inure to the benefit of the successors and assigns of the parties.

10. By this Consent Order and Judgment, Hyduk, his partners, agents, successors, and assigns, waive and discharge any and all claims they or any of them may have against Troy, its officials and employees, by reason of Troy's classification of the Land as O-1 and R-1B.

11. All claims asserted in this action are dismissed with prejudice, without costs and without attorney fees to any party.

12. A certified copy of this Consent Order and Judgment shall be recorded in the Oakland County Register of Deeds with

regard to the Land described on Exhibit "A" to this Consent  
Order and Judgment.

JAMES S. THORBURN  
Circuit Judge

Circuit Judge

A TRUE COPY

LYNN D. ALLEN

Oakland County Clerk Register of Deeds

By: [Signature]  
Deputy

[Signature]  
Rodney D. Hyduk, Plaintiff

[Signature]  
Marty A. Burnstein (P11443)  
Ginn, Kramer, Jacobson &  
Burnstein, PC  
Attorneys for Plaintiff  
32400 Telegraph Road, Ste. 102  
Birmingham, Michigan 48010  
(313) 646-3600

CITY OF TROY

By: [Signature]  
Richard E. Doyle, Mayor

By: [Signature]  
Kenneth L. Courtney, City Clerk

By: [Signature]  
John J. Martin, III (P25888)  
Attorney for Defendant  
500 W. Big Beaver Road  
Troy, Michigan 48064  
(313) 524-3320

CL OF SOUTH BLVD.

R.O.W. TO BE CONVEYED

640.0'

30 FT. MIN. BUILDING SETBACK

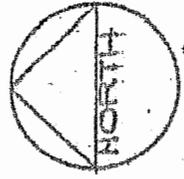
30 FT. BLDG. SETBACK

50 FT. BLDG. SETBACK

70 FT. MIN. BUILDING SETBACK

2'6" WALL (6 FT. BRICK FACED MASONRY WALL)

10' GREENBELT  
8 FT. ROW TO BE CONVEYED



SCALE 1"=10'

CL OF LIVERHOIS

*Street Constructed  
in this area, with  
Meadowland Estate  
Subdivision (1993)*

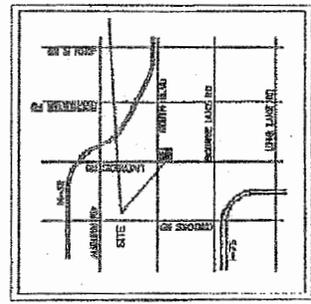
**LYMOUK PROPERTY DEVELOPMENT REQUIREMENTS**

1. RIGHTS-OF-WAY, SCREENING AND SETBACKS AS NOTED.
2. OFFICE USES AS PER O-1 DISTRICT.
3. ACCEL/DECEL AND PASSING LINES ON LIVERNOIS AND SOUTH BLVD.
4. TWO STORY HEIGHT MAXIMUM
5. SITE PLAN APPROVAL BY CITY COUNCIL

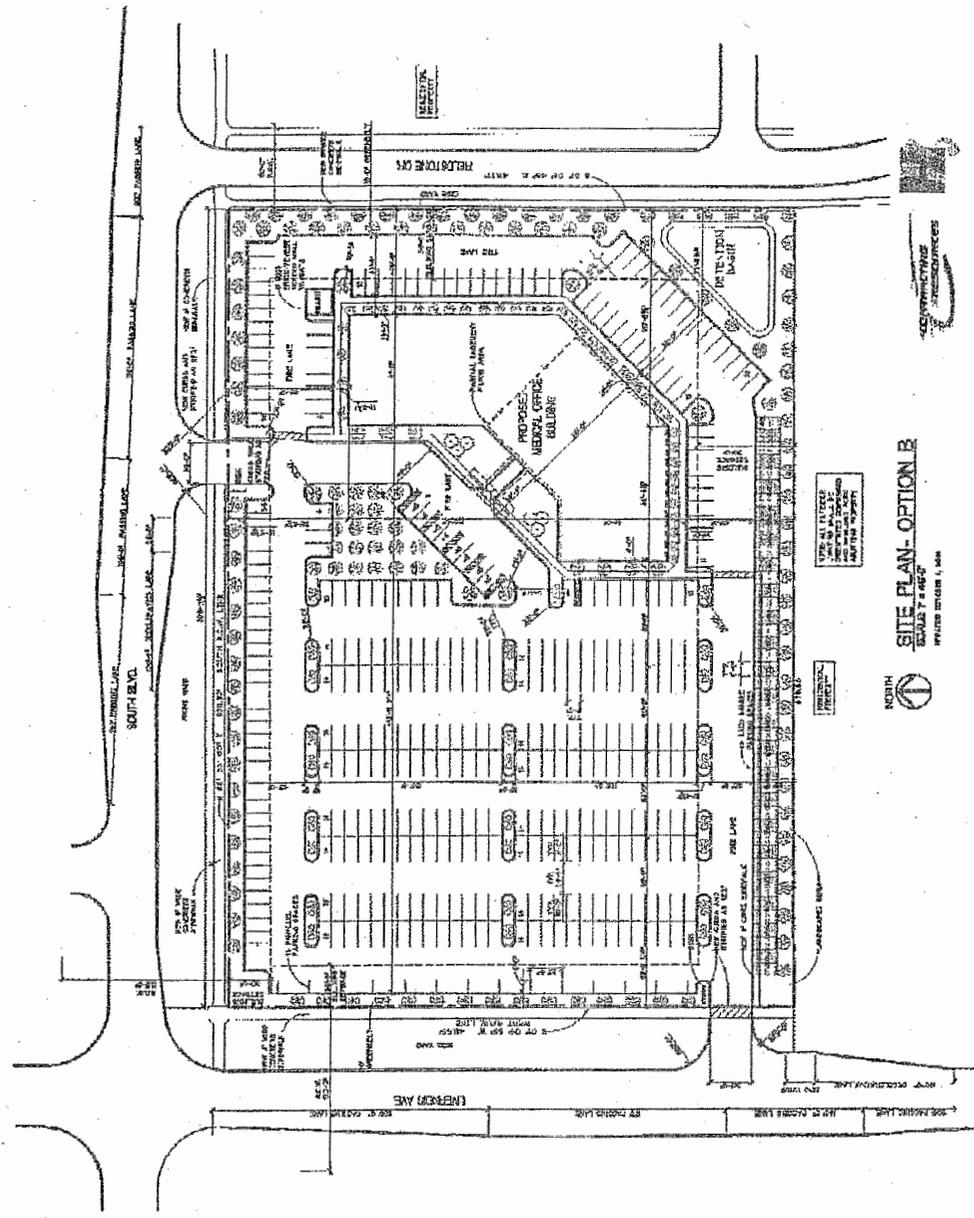
EXHIBIT "A" W/C



|  |                                      |
|--|--------------------------------------|
| <b>PROPOSED TWO-STORY MEDICAL OFFICE BUILDING</b>  |                                      |
| SITE AREA: 41.48' X 67.988' = 2807702.0 SF.<br>= 6479 ACRES (NET)  |                                      |
| SITE ZONING: O-1 (OFFICE BUILDING)   |                                      |
| <b>BUILDING AREA:</b>  |                                      |
| SPACES = 25,000 SF.  | (2) STORIES = 25,000 SF = 30000 S.F. |
| PARTIAL EASEMENT (NON-LEASEABLE AREA) = 11,500 S.F.  |                                      |
| NET USABLE = 43,000 S.F.   |                                      |
| <b>PARKING REQUIREMENTS:</b>   |                                      |
| 1) SPACE PER 1000 SF OF SINGLE-FLOOR SPACE   |                                      |
| 42,500 S.F. / 100 = 425 SPACES REQ'D   |                                      |
| -IC, REQ'D = (2) PER 400,000 SPACES = 8 IC, REQ'D  |                                      |
| <b>TOTAL PARKING PROVIDED:</b>   |                                      |
| TOTAL PROVIDED = 425 SPACES  |                                      |
| IC ACCESSIBLE = 8 SPACES   |                                      |
| LAND BANKED = 40 SPACES  |                                      |
| <b>LANDSCAPING REQUIREMENTS</b>  |                                      |
| GREENBELT: GREENBELT STRIP OF LAND 50' IN WIDTH BETWEEN ADJACENT PUBLIC STREETS AND DEVELOPMENT AREA WITH 10' TRAIL FOR EACH 10' LINEAL FEET |                                      |
| LANDSCAPING: 10% OF NET SITE AREA  |                                      |
| NET SITE AREA: 41,480' X 67,988' =   |                                      |
| 28,077,020 SF. X .10 = 2,807,702 SF. LANDSCAPED REQ'D  |                                      |
| LANDSCAPING PROVIDED: APPROX. 2,400 SF. + FRONT & SIDE YARDS   |                                      |



LOCATION MAP  
SCALE: 1" = 100'



SITE PLAN - OPTION B  
SCALE: 1" = 100'  
DATE: 01/20/2011

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

RODNEY D. HYDUK, DDS, MSD,  
Trustee of the Rodney D. Hyduk  
Trust Agreement, dated 2/19/82,  
as amended and successors in trust,  
successor to Rodney D. Hyduk,

Case No. 83-265736-CZ

HON.

Plaintiff,

-vs-

CITY OF TROY, a Michigan  
Municipal corporation,

Defendant.

-and-

HEATHCARE AND RETIREMENT  
CORPORATION OF AMERICA,  
an Ohio corporation,

Intervening Plaintiff

---

KALAS KADIAN, P.L.C.  
By: THOMAS KALAS (P41805)  
Attorney for Plaintiff  
40900 Woodward Ave., Ste. 315  
Bloomfield Hills, MI 48304  
(248) 203-7174

LORI GRIGG BLUHM (P46908)  
SUSAN M. LANCASTER (P33168)  
Attorneys for Defendant  
500 W. Big Beaver Road  
Troy, Michigan 48084  
(248) 524-3320

SEELIGSON, DeLOOF, HOPPER & DEVER, PLLC  
By: PETER H. DeLOOF (P12654)  
Attorney for Intervening Party  
401 E. Liberty, Suite 250  
Ann Arbor, MI 48104  
(734) 994-1295

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**FIRST AMENDMENT TO THE CONSENT ORDER AND JUDGMENT**

**FIRST AMENDMENT TO THE CONSENT ORDER AND JUDGMENT**

At a session of said Court held  
in the City of Pontiac,  
County of Oakland, State of Michigan

on \_\_\_\_\_, 2005

Present: Hon. \_\_\_\_\_  
Circuit Court Judge

**Whereas**, a Consent Order and Judgment was entered with this Court on December 26, 1986, relative to 5.48 acres of real property, which is legally described in the attached Exhibit A, Parcel I.D. No. 20-03-102-001 (hereinafter referred to as the Parcel), and located in Troy, Oakland County Michigan, and owned by Plaintiff RODNEY D. HYDUK, DDS, MSD, Trustee of the Rodney D. Hyduk Trust Agreement, dated 2/19/82, as amended and successors in trust, successor to Rodney D. Hyduk (hereinafter referred to as HYDUK); and ,

**Whereas**, HYDUK has entered into a Purchase Agreement with HEALTHCARE AND RETIREMENT CORPORATION OF AMERICA, an Ohio corporation, (hereinafter referred to as HRCA) for the purchase of the east 3.78 acres of the Parcel, which is legally described in the attached Exhibit "B" (hereafter referred to as the "Property"); and

**Whereas**, Plaintiff HYDUK will retain the westernmost 1.70 acres of the real estate (hereinafter referred to as the Remainder Property), which 1.70 acres are legally described in the attached Exhibit "C"; and

**Whereas**, upon the request of HRCA and HYDUK, the parties have negotiated amendments and modifications to the terms of the Consent Order and Judgment, dated December 26, 1986; and

**Whereas**, HRCA has submitted a proposed site plan to the City of Troy for approval to develop and construct a 120 bed nursing home on the Property, which is attached as Exhibit "D" and incorporated herein by reference. Development in accordance with this proposed site plan, would require amendments to the Consent Order and Judgment of December 26, 1986, which is controlling for the Property; and

**Whereas**, the parties have agreed to amend certain provisions of the Consent Order and Judgment to allow for the construction of the proposed nursing home and other improvements to the Property, in accordance with the approved site plan, which is incorporated by reference.

**Now Therefore**, pursuant to stipulation of the parties, by and through their respective Counsel, and this Court being otherwise duly advised in the premises,

**IT IS HEREBY ORDERED** that all terms and conditions set out in the December 26, 1986 Consent Order and Judgment between the parties, which is incorporated herein by reference, shall remain in effect, unless expressly modified by this First Amendment to the Consent Order and Judgment ("Amendment").

**IT IS FURTHER ORDERED** that paragraph One of the Consent Order and Judgment is amended, so as to allow HRCA to construct a 120- bed nursing home on the Property. The 120- bed nursing home shall comply with the provisions of this Amendment and the provisions of the RM-1 zoning classification (multiple family low rise residential), as set forth in Chapter 39, Article XV of the Troy Zoning Ordinance, which are applicable as of the date of entry of this Amendment. In addition, the Property shall be developed and the nursing home shall be constructed so as to comply with the provisions of the approved site plan, which is attached as Exhibit "D" and incorporated herein by reference, and which site plan is approved by the Troy City Council at its City Council meeting of February 7, 2005.

**IT IS FURTHER ORDERED** that HRCA shall be solely responsible, at its cost, for making all improvements as specified in the approved Site Plan and as required by Defendant TROY, for development of the Property and construction of the nursing home in accordance with the approved Site Plan. Except as otherwise stated in the Consent Order and Judgment or its amendments, Plaintiff HYDUK shall have no obligation to engage in any improvements relative to the Property, as may be required by the Site Plan and Defendant TROY, including, but not limited to improvements to South Boulevard, as shown on the approved Site Plan. The parties acknowledge that no

improvements to Livernois Road are shown on the approved Site Plan, and HYDUK shall not be required to make any improvements to Livernois Road at this time for this proposed development. Further, HRCA shall be responsible only for all obligations and improvements required under the Consent Order and Judgment, as amended by this Amendment, relative to development of the Property for construction of the nursing home, as provided in the Site Plan, and not for any other obligations or improvements to the Remainder Property that are required under the Consent Order and Judgment or its amendments.

**IT IS FURTHER ORDERED** that there shall be a land division of the 6 acre Parcel, (described in Exhibit A), so as to create two (2) separate legal parcels. The easternmost four acres of the Parcel, which is described as the Property, shall be split from the Remainder Property, which is the westernmost two acres.

**IT IS FURTHER ORDERED** that the front yard set back for the 120-bed nursing home shall be 38 feet for the north side of the building, rather than the 50 foot set back requirement for convalescent (nursing) homes that is otherwise required by Chapter 39, Article XV (RM-1, Multiple Family Low Rise Residential District) of the City of Troy Zoning Ordinance. This set back variance is allowed only to accommodate construction in accordance with the approved site plan (Exhibit "D"), where the fixed entrance canopy design, which is considered part of the building, intrudes 12-feet into the required 50-foot front yard setback.

**IT IS FURTHER ORDERED** that Paragraph 2.B. of the December 26, 1986 Consent Order and Judgment shall be amended and replaced with the following provision:

*"2.B. In conjunction with the Site Plan documents approved by Troy City Council on February 7, 2005, a berm shall be constructed in lieu of a 6-foot brick-faced screen wall along the south property line of the Property, as described in Exhibit B of the Amended Consent Order and Judgment."*

**IT IS FURTHER ORDERED** that a cross access easement, as shown on the attached Site Plan, shall be provided between the 120-bed nursing home development and any development that occurs on the Remainder Property.

**IT IS FURTHER ORDERED** that, except as otherwise set out in this Amendment to the Consent Order and Judgment, the use, development and occupancy of the Property shall comply with the Troy ordinances in effect at the time of entry of this Amendment to the Consent Order and Judgment (including the zoning and signage ordinances), and there shall be no variances from these provisions.

**IT IS FURTHER ORDERED** that HYDUK, his officers, agents, employees, assigns, any others acting under his direction and all subsequent owners of any property described in the Consent Order and Judgment or in the Amendment to the Consent Order and Judgment are enjoined from using and developing the Property in any manner not in accordance with the provisions of those Judgments.

**IT IS FURTHER ORDERED** that a certified copy of this Amendment to the Consent Order and Judgment, including Exhibits, shall be recorded in the Oakland County Register of Deeds against the Parcel, which includes the Property and Remainder Property.

**IT IS FURTHER ORDERED** that this Court shall retain jurisdiction over this action.

Circuit Court Judge

Approved as to form, substance and entry:

---

THOMAS KALAS (P41805)  
Attorney for Plaintiff RODNEY D. HYDUK, Trust u/a/d 2/19/82

---

PETER H. DeLOOF (P12654)  
Attorney for HEATHCARE AND  
RETIREMENT CORPORATION  
OF AMERICA, an Ohio Corporation,

Intervening Plaintiff

CITY OF TROY,  
Defendant

By: \_\_\_\_\_  
SUSAN M. LANCASTER (P33168)  
Its: Attorney

By: \_\_\_\_\_  
LOUISE SCHILLING  
Its: Mayor

By: \_\_\_\_\_  
TONNI L. BARTHOLOMEW  
Its: City Clerk

C:\Kalas\Hyduk\Troy\1st amd to consent jdgmt.wpd

## Exhibit A

### LEGAL DESCRIPTION - OVERALL PARCEL

A PART OF THE NW. 1/4 OF SECTION 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS: COMMENCING AT THE N.W. CORNER OF SECTION 3; THENCE S.01°06'39"E. 60.00 FEET ALONG THE WESTERLY LINE OF SAID SECTION 3; THENCE N.88°33'00"E. 60.00 FEET TO THE POINT OF BEGINNING; THENCE N.88°33'00"E. 580.01 FEET ALONG THE SOUTH LINE OF SOUTH BOULEVARD (120' WIDE); THENCE S.01°06'39"E. 411.69 FEET TO THE NE. CORNER OF LOT #17 OF "MEADOWLAND ESTATES SUBDIVISION", AS RECORDED IN LIBER 224 OF PLATS, PAGES 32-37, OAKLAND COUNTY RECORDS; THENCE S.88°33'00"W. 580.01 FEET TO A POINT ON THE EASTERLY LINE OF LIVERNOIS ROAD (60' WIDE); THENCE N.01°06'39"W. 411.69 FEET TO THE POINT OF BEGINNING.

CONTAINING 238,779 SQ. FT. OR 5.48 ACRES.

## **NF** NOWAK & FRAUS

*Consulting Engineers • Land Surveyors • Land Planners*

1310 N. Stephenson Highway  
Royal Oak, Michigan 48067-1508

Tel. (248) 399-0886  
Fax. (248) 399-0805

| SCALE    | DATE     | REVISED  | DRAWN | JOB No. | SHEET  |
|----------|----------|----------|-------|---------|--------|
| No Scale | 01-28-05 | 02-01-05 | MRC   | D651    | 1 of 1 |

## Exhibit B

### LEGAL DESCRIPTION - MANORCARE PARCEL

A PART OF THE NW. 1/4 OF SECTION 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS: COMMENCING AT THE N.W. CORNER OF SECTION 3; THENCE S.01°06'39"E. 60.00 FEET ALONG THE WESTERLY LINE OF SAID SECTION 3; THENCE N.88°33'00"E. 240.01 FEET TO THE POINT OF BEGINNING; THENCE N.88°33'00"E. 400.00 FEET ALONG THE SOUTH LINE OF SOUTH BOULEVARD (120' WIDE); THENCE S.01°06'39"E. 411.69 FEET TO THE NE. CORNER OF LOT #17 OF "MEADOWLAND ESTATES SUBDIVISION", AS RECORDED IN LIBER 224 OF PLATS, PAGES 32-37, OAKLAND COUNTY RECORDS; THENCE S.88°33'00"W. 400.00 FEET; THENCE N.01°06'39"W. 411.69 FEET TO THE POINT OF BEGINNING.

CONTAINING 164,672 SQ. FT. OR 3.78 ACRES.

### **NOWAK & FRAUS**

*Consulting Engineers • Land Surveyors • Land Planners*

1310 N. Stephenson Highway  
Royal Oak, Michigan 48067-1508

Tel. (248) 399-0886  
Fax. (248) 399-0805

| SCALE    | DATE     | REVISED  | DRAWN | JOB No. | SHEET  |
|----------|----------|----------|-------|---------|--------|
| No Scale | 01-28-05 | 02-01-05 | MRC   | D651    | 1 of 1 |

## Exhibit C

### LEGAL DESCRIPTION - REMAINING PARCEL

A PART OF THE NW. 1/4 OF SECTION 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS: COMMENCING AT THE N.W. CORNER OF SECTION 3; THENCE S.01°06'39"E. 60.00 FEET ALONG THE WESTERLY LINE OF SAID SECTION 3; THENCE N.88°33'00"E. 60.00 FEET TO THE POINT OF BEGINNING; THENCE N.88°33'00"E. 180.01 FEET; THENCE S.01°06'39"E. 411.69 FEET; THENCE S.88°33'00"W. 180.01 FEET TO A POINT ON THE EASTERLY LINE OF LIVERNOIS ROAD (60' WIDE); THENCE N.01°06'39"W. 411.69 FEET TO THE POINT OF BEGINNING.

CONTAINING 74,107 SQ. FT. OR 1.70 ACRES.

### **N** NOWAK & FRAUS

*Consulting Engineers • Land Surveyors • Land Planners*

1310 N. Stephenson Highway  
Royal Oak, Michigan 48067-1508

Tel. (248) 399-0886  
Fax. (248) 399-0805

| SCALE    | DATE     | REVISED  | DRAWN | JOB No. | SHEET  |
|----------|----------|----------|-------|---------|--------|
| No Scale | 01-28-05 | 02-01-05 | MRC   | D651    | 1 of 1 |

SITE PLAN REVIEW

11. PUBLIC HEARING - SITE PLAN REVIEW (SP 883-C) – Proposed Heartland Health Care Skilled Nursing Facility, Southeast corner of Livernois and South Blvd., Section 3 – R-1B (One Family Residential) and O-1 (Low Rise Office) District (Consent Judgment)

Mr. Miller presented a summary of the Planning Department report for the proposed Heartland Health Care Skilled Nursing Facility. He noted the petitioner's proposal is to amend an existing Consent Judgment agreement and provided a detailed explanation of the development relating to the Consent Judgment.

Mr. Miller reported that the Planning Department recommends approval of the site plan as submitted with one condition relating to the landscape plan. Mr. Miller said the Planning Department recommends that the Consent Judgment be revised to allow the proposed use. He said the revised Consent Judgment and preliminary site plan would go to City Council for review and approval.

Chair Waller asked if staff had any discussion with the petitioner with respect to landbanking excess parking spaces and providing permeable pavement.

Mr. Miller responded in the negative.

Mr. Savidant noted that the petitioner met with representatives of the Meadowland Estates Homeowners Association to discuss the potential development, and that the homeowners association has provided a letter of support.

Peter DeLoof, Attorney with Seeligson DeLoof Hopper & Deve of 401 E. Liberty Street, Ann Arbor, was present to represent the petitioner. Mr. DeLoof introduced the petitioner, Brion Harrigan, Director of Development for ManorCare Health Services Inc., 12530 Coral Grove, Germantown, Maryland. He also introduced the project's engineer, Brad Brickel of Nowak & Fraus, 1310 N. Stephenson Highway, Royal Oak.

Mr. Harrigan provided a brief account of the health care company.

Mr. DeLoof circulated a rendering of the project and a sample material board.

Mr. Miller stated that the Consent Judgment allows the City more authority in the building material selection, and City Management would encourage input from the Planning Commission in that respect. Mr. Miller said the petitioner has indicated they would be receptive to any materials within reason.

Chair Waller asked how to address the canopy that is too close to the property line.

Mr. Miller replied the canopy would be addressed in the revised language of the Consent Judgment.

Mr. Chamberlain voiced strong objection to the tree selection noted on the landscape plan and he would recommend that the plantings be placed further from the sidewalk.

Mr. DeLoof said they have tried to be responsive to the concerns of the neighboring subdivision and to the City administration. Mr. DeLoof said that in terms of landscaping, he would work with the City and the neighbors.

#### PUBLIC HEARING OPENED

Peter Leto of Leto & Associates, 2525 Telegraph Road, Suite 302, Bloomfield Hills, was present. Mr. Leto, retained counsel for Meadowland Estates Homeowners Association, distributed a letter of site plan endorsement from the homeowners association. Mr. Leto expressed two concerns of the association. The subdivision's retention pond to the southeast currently retains some water, and he requested that the City assess the situation. Also, the association would like additional green foliage placed in the corner lot of Whitetail Court and Fieldstone.

#### PUBLIC HEARING CLOSED

Mr. Strat complimented the landscaping of the detention pond, and asked if a fence would be required.

Mr. Miller said the swale would be deep and no fence is necessary. He also noted that the petitioner would be responsible for maintenance.

#### **Resolution # PC-2004-12-158**

Moved by: Chamberlain  
Seconded by: Littman

**WHEREAS**, The State of Michigan as provided by Public Act 207 of 1921 and Public Act 285 of 1931 and subsequent changes thereto provides for city planning and authorizes Planning Commissions and their powers; and

**WHEREAS**, the City of Troy Planning Commission is empowered by the City of Troy Zoning Ordinance to approve matters coming before the Commission and recommend to City Council, where City Council holds that approval power for themselves.

**THEREFORE BE IT RESOLVED**, That the Planning Commission recommends to City Council that Preliminary Site Plan Approval, pursuant to a Consent Judgment, for a proposed nursing home, located on the southeast corner of South Boulevard and Livernois Road within section 3, within the O-1 zoning district, be approved, subject to the following conditions:

1. That City Management reviews the detention pond serving the existing residential development for proper construction, as it appears that water is being retained on site.
2. That the trees along the South Boulevard sidewalk as shown by the petitioner, being that they are ornamental and evergreens, be pushed away from the sidewalk so that the ultimate growth size shall not impede the use of the sidewalk.

Yes: All present (6)  
No: None  
Absent: Khan, Schultz, Vleck

**MOTION CARRIED**

**LETO & ASSOCIATES, P.C.**

Attorneys & Counselors

2525 S. Telegraph Rd.

Suite # 302

Bloomfield Hills, MI 48302-0289

*e-mail - letopete@AOL.com*

TELEPHONE  
248-253-7010

FACSIMILE  
248-335-1395

October 27, 2004

NOV 2 - 2004

Peter H. DeLoof, Esq.  
c/o. Seeligson, DeLoof, Hooper & Dever, PLLC  
401 E. Liberty, suite # 250  
Ann Arbor, MI 48104

**RE: Meadowland Estates Homeowners Association, Troy, MI**

Dear Mr. DeLoof:

Thank you for the faxed confirming letter of yesterday. Again, further confirming our telephone conference of yesterday, I have been authorized to offer the Association's Board of Director's endorsement of the proposed Plot Plan submitted by you and your client, ManorCare Health Services, Inc., in your meeting with the Association Board on October 20, 2004.

Should any additional assistance be required in your efforts with the City of Troy, do not hesitate to contact me.

Sincerely,



Peter Leto

cc. Meadowlands Board of Director c/o Michael Toger

corres.007



## MIDWESTERN CONSULTING

Civil, Environmental and Transportation  
Engineers, Planners, Surveyors,  
Landscape Architects

October 12, 2004

HCR ManorCare  
7361 Calhoun Place, Suite 300  
Rockville, MD 20855

Attn: Mr. Brion Harrigan  
Manager of Development

Re: Heartland Health Care Skilled Nursing Facility Traffic Impact Study  
Troy, Michigan

Dear Mr. Harrigan:

At your request, Midwestern Consulting, LLC. has examined the site of the proposed Heartland Health Care Center in the City of Troy. Please recall that you desire to have us determine whether the facility may have an impact upon the transportation infrastructure of the area and asked us to provide a initial review of several issues:

- Identify a probable trip generation rate for this facility, and
- Provide an opinion regarding access management strategies for ingress/egress driveways at the property, and at the remnant property that will result from approval of your site plan.

For the first issue, we examined the Institute of Transportation Engineer's *Trip Generation Manual, 7<sup>th</sup> Edition* for examples of similar facilities that have been analyzed with respect to generating new vehicular trips. A comparable land use is ITE Land Use 620 - Nursing Home. A nursing home is a facility whose primary function is to care for persons who are unable to care for themselves. Examples of such facilities include rest homes and chronic care and convalescent homes. Skilled nurses and nursing aides are present 24 hours a day at these sites. Nursing homes are occupied by residents who do little or no driving; traffic is primarily generated by employees, visitors and deliveries.

There have been a number of studies conducted across the nation at nursing home sites. Twenty different equations have been developed that aide traffic engineers in predicting new trips that could logically be associated with a nursing home development proposal. We have examined all of the trip generation equations and have three (3) conclusions relating to trip generation:

1. If the 120 employees at the facility is selected as the independent variable, then the expected number of daily trips is 790 vehicles per day.
2. If the 120 beds provided at the facility is selected as the independent variable, then the expected number of daily trips is 262 vehicles per day.
3. If the size of the facility is selected as the independent variable, then the expected number of daily trips is 305 vehicles per day.



These daily trip numbers are very low and do not by themselves give rise for concerns about the proposed development's traffic degrading service levels in the area. We also examined trip generation predictions that could occur during the a.m. and p.m. peak traffic hours of the adjacent streets.

A.M. Peak Hour Trips:

1. No peak hourly trip rates were published with the number of employees as the independent variable.
2. If the 120 beds provided at the facility is selected as the independent variable, then the expected number of peak hourly trips is 17 vehicles per hour.
3. If the size of the facility is selected as the independent variable, then the expected number peak hourly trips is 20 vehicles per hour.

P.M. Peak Hour Trips:

4. If the 67 peak shift employees at the facility is selected as the independent variable, then the expected number of peak hourly trips is 61 vehicles per hour.
5. If the 120 beds provided at the facility is selected as the independent variable, then the expected number of peak hourly trips is 31 vehicles per hour.
1. If the size of the facility is selected as the independent variable, then the expected number peak hourly trips is 28 vehicles per hour.

At this time, we would recommend that the required traffic impact study use the peak hourly values for determining new trips that would be generated during the peak hour of the adjacent street traffic. This is because the impact of new trips on the existing transportation system will be most evident during peak traffic periods. In any case, the number of total trips that can be directly associated with the facility is very small, and we do not envision any adverse impacts being created by your development.

The second issue relates to the optimal location of your single access driveway along South Blvd. We consulted the Access Management Guidebook published by the Michigan Department of Transportation to identify techniques that would provide for safe and convenient access to your property and also provide for the safety of the traveling public. The issue here is twofold: a) is it a reasonable request for the City to require a joint driveway on your property so that only one curb cut would exist along South Blvd; and 2) where should access to the remnant property (located west of your site) be allowed if a joint access is not feasible.

The Access Management Guidebook suggests that the corner clearance along the south side of South Blvd., from Livernois Road to your proposed access driveway location, should ideally be 460 feet, AND that the corner clearance from your access driveway to the Fieldcrest intersection should ideally be 230 feet. The site plan that you provided us with indicates that there is approximately 460 feet of corner clearance from Livernois Road to your proposed access location; however, the corner clearance distance from your access driveway to Fieldcrest is only 180 feet. There does not appear to be sufficient South Blvd frontage to satisfy both guidelines. Since Livernois Road is a busier thoroughfare than South Blvd, it would seem logical to maintain the 460 feet corner clearance from Livernois Road. This would place your single access approximately 220 feet east of your west property line.



Mr. Brion Harrigan  
October 12, 2004  
Page 3

It is our understanding that the parcel to the west of your site would likely not be developed as a nursing home or other similar use. Thus, the traffic that would be generated at that site would most likely be significantly greater than the traffic generated by your development. Combining driveways with the remnant parcel to the west would result in an undesirable mixing of different land use traffic patterns and would, in our opinion, degrade from the quality of your development.

The parcel to the west of your site does have the opportunity to locate access along the east side of Livernois Road and maintain the recommended corner clearance distance as recommended in the Access Management Guidebook of 230 feet. There are access alternatives for this parcel which would be flexible with regard to the land use and maintain appropriate corner clearance distances. In our opinion, it would not serve the City or yourselves to have a combined driveways with the parcel to the west.

We have attached to this letter a copy of Figure 3-16 from the Access Management Guidebook. This figure illustrates the corner clearance distances. Please note that the posted speed on Livernois Road and South Blvd is 45 mph, so the values listed in the Desirable Corner Clearance table (for the signalized intersection example) should be doubled.

We hope that this information will be of assistance as you continue to produce your rezoning and site plan submissions. Please contact me should you have any questions or concerns regarding this initial review of the site and surrounding conditions.

Very Truly Yours,

**Midwestern Consulting, LLC.**



James J. Valenta, P.E.  
Senior Project Manager

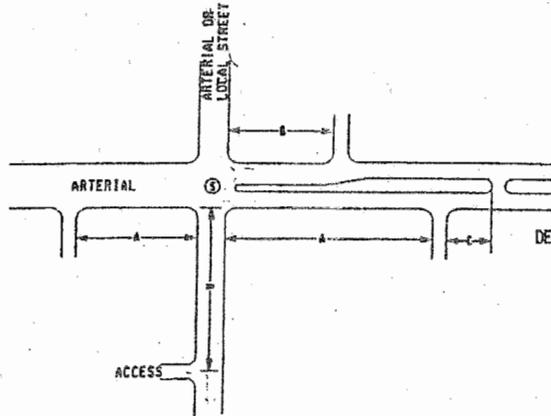
attachment: Fig 3-16

xc : Mr. Peter DeLoof



Figure 3-16

SIGNALIZED INTERSECTION CONTROL



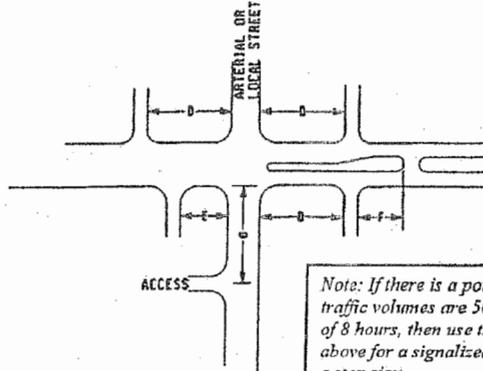
DESIRABLE CORNER CLEARANCES

| ITEM | (FT) | (m) |
|------|------|-----|
| A    | 230  | 70  |
| B    | 115  | 35  |
| C    | 75   | 22  |

THE ABOVE DIMENSIONS ASSUME A 30 TO 35 MPH POSTED SPEED. FOR A POSTED SPEED OF 40 TO 55 MPH, THESE VALUES SHOULD BE DOUBLED.

COORDINATE WITH THE LOCAL GOVERNMENT AGENCY REGARDING THE LOCAL STREET CLEARANCES.

STOP SIGN INTERSECTION CONTROL



DESIRABLE CORNER CLEARANCES

| ITEM | (FT) | (m) |
|------|------|-----|
| D    | 115  | 35  |
| E    | 85   | 25  |
| F    | 75   | 22  |

*Note: If there is a potential for a traffic signal, or if traffic volumes are 50% of warranting volume for 4 out of 8 hours, then use the corner clearance dimensions above for a signalized intersection instead of these for a stop sign.*

THE ABOVE DIMENSIONS ASSUME A 30 TO 35 MPH POSTED SPEED. FOR A POSTED SPEED OF 40 TO 55 MPH, THESE VALUES SHOULD BE DOUBLED.

COORDINATE WITH THE LOCAL GOVERNMENT AGENCY REGARDING THE LOCAL STREET CLEARANCES.

*Note: See also Part 3: Driveway Design Standards, Rule 31 (3) MDOT Administrative Rules under Act number 200 of the Public Acts of 1969*

Source: MDOT, Traffic & Safety Division Note, 7.9D

**Mark F Miller**

---

**From:** Timothy L Richnak  
**Sent:** Tuesday, January 25, 2005 3:36 PM  
**To:** Mark F Miller  
**Subject:** Detention Pond on Nuthatch

Mark

I have reviewed the Nuthatch detention pond request for maintenance with Tom Rosewarne. The pond is currently being mowed on a three week rotation during the growing season. This is consistent with the mowing of the other detention ponds in the City of Troy. The Street Division has on its maintenance list the following work scheduled for the spring. This work includes cleaning the concrete channel of sediment and debris. This channel will have a constant flow of water due to the water table in the area.

Tim

DATE: January 31, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services  
Mark Stimac, Director of Building and Zoning

SUBJECT: Agenda Item – Postponed Item  
Request for Parking Variance  
5991 Livernois

This item originally appeared before Council at a Public Hearing on May 24, 2004. Action on the request for parking variance was postponed to give the Planning Commission and subsequently the Board of Zoning Appeals an opportunity to decide on matters under their respective jurisdiction before Council decided on the parking variance.

Ultimately, revisions to the plans resulted in a site plan that complied with the Zoning Ordinance requirements for the number of parking spaces provided. Those revised plans have now been approved by both the Planning Commission and the Board of Zoning Appeals. We have also received the enclosed correspondence from the petitioner withdrawing his request. As such, further consideration on the variance request is unwarranted.

In order to most efficiently deal with this postponed item, we recommend passing a resolution denying the request since the petitioner has revised his plans to comply with the ordinance.

We will be happy to answer any questions that you might have regarding this matter.

Prepared by: Mark Stimac, Director of Building and Zoning

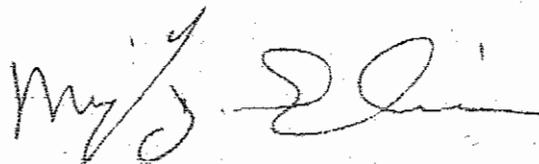
1-28-05

TO: BUILDING DEPARTMENT

DUE TO CHANGES IN MY PLANS I WOULD  
LIKE TO WITHDRAW MY PARKING VARIANCE  
REQUEST FROM THE CITY COUNCIL BECAUSE IT IS  
NO LONGER REQUIRED.

MIKE ELIAS  
5991 LIVERNOIS  
TROY MI, 48098

SQUARE LAKE MARATHON



1-28-05

RECEIVED  
JAN 28 2005  
BUILDING DEPARTMENT

A Special Meeting/Study Session of the Troy City Council was held Monday, January 24, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 6:03 PM.

**ROLL CALL**

**PRESENT:** Mayor Louise E. Schilling  
Robin E. Beltramini  
Cristina Broomfield  
David Eisenbacher  
Martin F. Howrylak  
David A. Lambert  
Jeanne M. Stine

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**1. Community Media Network**

**PUBLIC COMMENT**

The meeting **ADJOURNED** at 6:40 PM.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk

A Regular Meeting of the Troy City Council was held Monday, January 24, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

Pastor A.C. Phipps from Evanswood Church of God gave the Invocation and the Pledge of Allegiance to the Flag was given.

## ROLL CALL

**PRESENT:** Mayor Louise E. Schilling  
Robin E. Beltramini  
Cristina Broomfield  
David Eisenbacher  
Martin F. Howrylak  
David A. Lambert  
Jeanne M. Stine

## CERTIFICATES OF RECOGNITION:

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**A-1 Presentation:** Officer Nickie Kaptur – First Annual Service to Children Award

## CARRYOVER ITEMS:

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**B-1** No Carryover Items

## PUBLIC HEARINGS:

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**C-1 Commercial Vehicle Appeal – 2774 E. Maple Road – No Action Required Due to Applicant Relocation**

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**C-2 Rezoning Application – West Side of Rochester Road, North of Square Lake Road, Section 3 - R-1B to R-1T (Z 696-B)**

Resolution #2005-01-036  
Moved by Eisenbacher  
Seconded by Beltramini

RESOLVED, That the R-1B to R-1T rezoning request, located on the west side of Rochester Road, north of Square Lake Road, Section 3, being one (1) acre in size, is hereby **GRANTED**, as recommended by Planning Commission and City Management.

Yes: All-7

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**C-3 Rezoning Application – West Side of Rochester Road, South of Trinway, Section 10 - R-1C to R-1T (Z 699)**

Resolution  
Moved by Beltramini  
Seconded by Broomfield

RESOLVED, That the R-1C to R-1T rezoning request, located on the west side of Rochester Road, south of Trinway, Section 10, being 2.74 acres in size, is hereby **GRANTED**, as recommended by Planning Commission and City Management.

**Vote on Resolution to Postpone**

Resolution #2005-01-037

Moved by Beltramini

Seconded by Stine

RESOLVED, That the R-1C to R-1T rezoning request, located on the west side of Rochester Road, south of Trinway, Section 10, being 2.74 acres in size, as recommended by the Planning Commission and City Management, is hereby **POSTPONED**, until the Regular City Council Meeting Scheduled for Monday, February 21, 2005 to provide the Petitioner, the Planning Department and the Planning Commission with the opportunity to review alternative development options of the property to address concerns brought forward by City Council.

Yes: All-7

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**C-4 Rezoning Application – Northwest Corner of Maple Road and Livernois Road, Section 28 – O-1 to B-1, B-2 or B-3 (Z 602-B)**

Resolution #2005-01-038

Moved by Lambert

Seconded by Beltramini

RESOLVED, That the O-1 to B-3 rezoning request located on the northwest corner of Maple Road and Livernois Road, Section 28, being 0.7 acres in size, is hereby **GRANTED**, as recommended by Planning Commission and City Management.

Yes: All-7

The meeting **RECESSED** at 9:24 P.M.

The meeting **RECONVENED** at 9:36 P.M.

---

**C-5 Special Assessment Roll – Sanitary Sewer in the Charnwood Hills Subdivisions – Section 6 – Project No. 04.403.1 – Also Enclosed are Communications from Some Residents Regarding this Proposed Project**

Resolution #2005-01-039

Moved by Beltramini

Seconded by Broomfield

WHEREAS, The City Council has caused Special Assessment Roll No. 04.403.1 to be prepared for the purpose of defraying the Special Assessment District's portion of the following described public improvement in the City of Troy:

**Sanitary Sewer installation in Charnwood Hills, Charnwood Hills #1, Charnwood Hills #2, and Charnwood Hills #3 Subdivisions; and**

WHEREAS, The City Council and the City Assessor have met after due legal notice and have reviewed said Special Assessment Roll and have heard all persons interested in said Special Assessment Roll appearing at said hearing; and

WHEREAS, The City Council is satisfied with said Special Assessment Roll as prepared by the City Assessor.

THEREFORE , BE IT RESOLVED, That Special Assessment Roll No. 04.403.1 in the amount of \$2,593,750.00 is hereby **CONFIRMED** as prepared by the City Assessor, a copy of which shall be **ATTACHED** to, and become a part of the Minutes of this meeting.

Yes: None  
No: All-7

**MOTION FAILED**

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**C-6 Special Assessment Roll – Asphalt Paving of the Charnwood Hills Subdivisions- Section 6 – Project No. 04.104.1**

Resolution #2005-01-040  
Moved by Beltramini  
Seconded by Howrylak

RESOLVED, That Special Assessment Roll No. 04.104.1, Asphalt Paving of the Charnwood Hills Subdivisions – Section 6, in the amount of \$986,537.50 is hereby **DENIED**.

Yes: All-7

**POSTPONED ITEMS:**

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**D-1 No Postponed Items**

**CONSENT AGENDA:**

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

Resolution #2005-01-041  
Moved by Stine  
Seconded by Lambert

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-10 and E-13, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

**E-1b Address of "E" Items Removed for Discussion by City Council and/or the Public**

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

Resolution #2005-01-041-E-2

RESOLVED, That the Minutes of the Special Meeting of January 7, 2005 at 7:30 PM as corrected, the Special Meeting of January 10, 2005 at 5:30 PM, the Special Meeting of January 10, 2005 at 6:30 PM, the Minutes of the Regular Meeting of January 10, 2005, and the Special Meeting/Study Session of January 17, 2005 at 7:30 PM be **APPROVED** as submitted.

---

**E-3 City of Troy Proclamation:**

Resolution #2005-01-041-E-3

**a) Arbor Day Proclamation 2005-2006**

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, This holiday called **Arbor Day** was first observed with the planting of more than a million trees in Nebraska and is now observed throughout the nation and the world; and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

WHEREAS, Trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, It is well that we bring attention to our trees and the need to continue to plant them about our homes, our places of business, our industries, our schools, our highways, and throughout the landscape so that their majesty will reflect our appreciation of the grandeur of nature and further the culture and economy of our state; and

WHEREAS, Troy desires to be recognized as a **Tree City USA** by **The National Arbor Day Foundation** and wishes to continue its tree-planting ways.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **PROCLAIMS** May 6, 2005 and May 5, 2006 as **Arbor Day** in the City of Troy, and urges all citizens to support our city's urban forestry program and to plant trees to gladden the hearts and promote the well-being of present and future generations.

---

**E-4 Approval of Mon Jin Lau Fireworks**

Resolution #2005-01-041-E-4

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** City ordinances Chapter 98, 98.05.16 Fireworks and Chapter 93, 3301.1.3 Fireworks for the purpose of

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celebrating Chinese New Year at the Mon Jin Lau restaurant, located at 1515 East Maple Road, on February 7, 2005.

---

**E-5 Sunset Excavating, Inc. v. MDOT (As Agent for the City of Troy)**

Resolution #2005-01-041-E-5

RESOLVED, That the City Attorney is hereby **AUTHORIZED AND DIRECTED** to represent the City of Troy's interests in the matter of Sunset Excavating, Inc. v State of Michigan Department of Transportation and to pay all expenses and to retain any necessary expert witnesses to adequately represent the City.

---

**E-6 Brownfield Redevelopment Authority Deficit Elimination Plan**

Resolution #2005-01-041-E-6

RESOLVED, That the Deficit Elimination Plan for the Brownfield Redevelopment Authority is hereby **APPROVED**.

---

**E-7 Application to Transfer Ownership of an SDD-SDM Licensed Business – Asia Mart – 36949 Dequindre**

**(a) License Transfer**

Resolution #2005-01-041-E-7 (a)

RESOLVED, That the request from MJMN, Inc., to transfer ownership of a 2004 SDD and SDM licensed business located at 36949 Dequindre, Troy, Michigan 48084, in Oakland County [MLCC REQ ID# 268689] from Asia Mart, Inc., be **CONSIDERED** for **APPROVAL**.

It is the consensus of this legislative body that the application be recommended "above all others" for issuance.

**(b) Agreement**

Resolution #2005-01-041-E-7 (b)

WHEREAS, The City Council of the City of Troy deems it necessary to enter 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.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with MJMN, Inc., to transfer ownership of a 2004 SDD and SDM licensed business located at 36949 Dequindre, Troy, Michigan 48084, in Oakland County, from Asia Mart, Inc. [MLCC REQ ID# 268689] and the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**E-8 Approval of Relocation Claim, Tarek and Lina M. Nagia, 2943 Thames, Sidwell #88-20-25-229-004, Project No. 01.105.5 – Big Beaver Road Improvements, Rochester to Dequindre**

Resolution #2005-01-041-E-8

RESOLVED, That as required by Michigan Laws and Federal Regulations, the City Council of the City of Troy hereby **APPROVES** the Relocation Claim from Tarek and Lina M. Nagia pertaining to the City of Troy's acquisition of their property at 2943 Thames, having Sidwell #88-20-25-229-004, and **AUTHORIZES** payment in the amount of \$3,063.00.

---

**E-9 Approval of Conditioned Purchase Agreement for Right-of-Way: Sidewalk Gap Project, Sidwell #88-20-01-476-030, 2903 E. Square Lake Road**

Resolution #2005-01-041-E-9

RESOLVED, That the Agreement to Purchase between Richard L. and Sherry L. Hawkins, owners of the property having Sidwell#88-20-01-476-030, and the City of Troy, for the acquisition of right-of-way for a Sidewalk Gap Completion project is **APPROVED** in the amount of \$28,200 plus closing costs.

---

**E-11 Approval of Conditioned Purchase Agreement for Right-of-Way: Sidewalk Gap Project, Sidwell #88-20-01-476-056, 2679 E. Square Lake Road**

Resolution #2005-01-041-E-11

RESOLVED, That the Agreement to Purchase with conditions between Kimberley Bernia, owner of the property having Sidwell#88-20-01-476-056, and the City of Troy, for the acquisition of right-of-way for a Sidewalk Gap Completion project is **APPROVED** in the amount of \$27,950 plus closing costs.

---

**E-12 Offer to Sell Surplus Parcel #1 at Appraised Value to Tom Obertynski and Agatha Obertynski – Consent Judgment Dated January 21, 2004**

Resolution #2005-01-041-E-12

RESOLVED, That the surplus parcel #1, Sidwell #88-20-01-476-032 is hereby **APPROVED** to be offered to Tom and Agatha Obertynski and sell the property to them at the appraised value of \$340,000.00 to satisfy paragraph #10 of the consent judgment dated January 21, 2004.

---

**E-14 Approval of Relocation Claim, Michael G. Leinonen and Catherine Helena Leinonen, 2803 Thames, Sidwell #88-20-25-226-002, Project No. 01.105.5 – Big Beaver Road Improvements, Rochester to Dequindre**

Resolution #2005-01-041-E-14

RESOLVED, That as required by Michigan Laws and Federal Regulations, the City Council of the City of Troy hereby **APPROVES** the Relocation Claim from Michael G. Leinonen and Catherine Helena Leinonen pertaining to the City of Troy's acquisition of their property at 2803

Thames, having Sidwell #88-20-25-226-002, and **AUTHORIZES** payment in the amount of \$6,636.00.

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**E-15 Acceptance of a Warranty Deed – Pulte Land Company, L.L.C., Wyngate of Troy Subdivision, Sidwell #88-20-05-300-002**

Resolution #2005-01-041-E-15

RESOLVED, That the Warranty Deed from Pulte Land Company, L.L.C., owner of property in the southwest ¼ of Section 5, having Sidwell #88-20-26-152-012 is hereby **ACCEPTED**; and

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

---

**E-16 Approval of Conditioned Purchase Agreement for Right-of-Way: Sidewalk Gap Project, Sidwell #88-20-01-300-016, Troy School District**

Resolution #2005-01-041-E-16

RESOLVED, That the Agreement to Purchase between the Troy School District, owner of the vacant property having Sidwell #88-20-01-300-016, and the City of Troy, for the acquisition of right-of-way for a Sidewalk Gap Completion project is **APPROVED** in the amount of \$69,700.00, plus closing costs.

---

**E-17 Approval of Payment for an Above Ground Pool Not Included in the Real Estate Appraisal, Saoud Jamo and Nidhal Jamo, 2907 Thames, Sidwell #88-20-25-229-001, Big Beaver, Rochester to Dequindre Road Project #01.105.5**

Resolution #2005-01-041-E-17

RESOLVED, That as required by Michigan Laws and Federal Regulations, payment for an existing above ground swimming pool not valued in the appraisal is hereby **APPROVED** to be paid in the amount of \$4,455.38, to Saoud Jamo and Nidhal Jamo as part of the payments for relocating from 2907 Thames, having Sidwell # 88-20-25-229-001, which is being acquired by the City of Troy for the Big Beaver to Dequindre Road Improvement Project.

---

**E-18 Standard Purchasing Resolution 4: Macomb County Cooperative Purchasing Agreement – Fleet Vehicles**

Resolution #2005-01-041-E-18

RESOLVED, That a contract to provide fleet vehicles from Signature Ford L-M Jeep Eagle is hereby **APPROVED** through a Macomb County Cooperative Purchasing Agreement at an estimated total cost of \$47,840.00.

**E-19 Standard Purchasing Resolution 3: Option to Renew – Office Supplies**

Resolution #2005-01-041-E-19

WHEREAS, On March 19, 2001, a cooperative contract for Office Supplies was approved with Office Depot as a result of a bid process conducted by Los Angeles County and made available through the U.S. Communities Program (Resolution #2001-03-160-E4); and

WHEREAS, Office Depot and the City of Troy exercised an option to renew the contract under the same discount structure, terms, and conditions expiring April 4, 2005 (Resolution #2004-02-040-E6); and

WHEREAS, Office Depot has extended the option until March 4, 2006.

NOW THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXTENDED** with Office Depot under the same discount structure, terms, and conditions expiring March 4, 2006.

---

**E-20 Standard Purchasing Resolution 1: Award to Low Bidders – Concrete Pavement Repair**

Resolution #2005-01-041-E-20

RESOLVED, That contracts to complete the City of Troy's Concrete Pavement Repair Program are hereby **AWARDED** to the low bidders, Major Cement Company of Detroit, MI for Proposal A, Hard Rock Concrete Inc. of Westland, MI - Proposal B, and Six S, Inc. of Waterford, MI - Proposal C, at estimated total costs of \$824,775.00, \$458,975.00, and \$507,865.00 respectively for completion by June 30, 2005, at unit prices contained in the bid tabulation opened December 10, 2004, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the awards are contingent upon contractors submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements; and if changes in the quantity of work is required either additive or deductive, such changes are **AUTHORIZED** in an amount not to exceed 25% of the total project cost and within budgetary limitations.

**ITEMS TAKEN OUT OF ORDER:**

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**E-10 Transfer of Ownership of an SDD-SDM Licensed Business – The Beer Barrel –  
4935 John R Road****(a) License Transfer**

Resolution #2005-01-042 (a)

Moved by Stine

Seconded by Beltramini

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RESOLVED, That the request from MK 2, L.L.C., to transfer ownership of a 2004 SDD and SDM licensed business located at 4835 John R, Troy, Michigan 48098, in Oakland County [MLCC REQ ID# 271602] from Faten A and A, Inc., be **CONSIDERED** for **APPROVAL**.

It is the consensus of this legislative body that the application be recommended “above all others” for issuance.

Yes: All-7

**(b) Agreement**

Resolution #2005-01-042 (b)  
 Moved by Stine  
 Seconded by Beltramini

WHEREAS, The City Council of the City of Troy deems it necessary to enter 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.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with MK 2, L.L.C., to transfer ownership of a 2004 SDD and SDM licensed business located at 4835 John R, Troy, Michigan 48098, in Oakland County, from Faten A and A, Inc. [MLCC REQ ID# 271602] and the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

**E-13 Publish and Solicit for Public Sealed Bid – Sale of 5 Surplus Parcels**

Resolution #2005-01-043  
 Moved by Stine  
 Seconded by Broomfield

RESOLVED, That the Real Estate and Development Department, in conjunction with the Purchasing Department is **AUTHORIZED** to advertise to sell by sealed bid to the highest bidder, at or above the minimum bid value established as the appraised value, the following listed surplus parcels.

| <u>Parcel #</u> | <u>Sidwell #:</u> | <u>Appraised Value:</u> | <u>Type Property:</u> |
|-----------------|-------------------|-------------------------|-----------------------|
| 6               | 20-10-477-017     | \$200,000.00            | Vacant Residential    |
| 7               | 20-13-227-008     | \$87,000.00             | Vacant Residential    |
| 8               | 20-15-352-006     | \$170,000.00            | Improved – House      |
| 18              | 20-24-352-041     | \$102,000.00            | Vacant Residential    |
| 19              | 20-24-451-029     | \$82,500.00             | Vacant Residential    |

Yes: All-7

**PUBLIC COMMENT:** Limited to Items Not on the Agenda

**REGULAR BUSINESS:**

---

F-1 **Appointments to Boards and Committees: a) Mayoral Appointments: None b) City Council Appointments: Troy Daze Committee; c) Confirmation of Planning Commission Representative and Alternate Appointments to the Board of Zoning Appeals**

**(b) City Council Appointments**

Resolution #2005-01-044 (b)  
 Moved by Lambert  
 Seconded by Howrylak

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

**Troy Daze Committee**  
**Appointed by Council (9) – 3 years**

Jim D. Cyrulewski Term expires 11/30/07

Cecile Dilley Term expires 11/30/07

Marilyn K. Musick Term expires 11/30/07

Yes: All-7

**(c) Confirmation of Planning Commission Representative and Alternate Appointments to the Board of Zoning Appeals**

Resolution #2005-01-044 (c)  
 Moved by Lambert  
 Seconded by Howrylak

RESOLVED, That the Planning Commission appointments for the following persons are hereby **CONFIRMED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

**Board of Zoning Appeals**  
**Confirmation of Planning Commission Representative and Alternate Appointments to the Board of Zoning Appeals**

Wayne C. Wright (Representative) Term expires 12/31/06

Lynne Drake-Batts (Alternate) Term expires 12/31/06

Yes: All-7

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### **F-2 Approval of Poverty Exemption Guidelines**

Resolution #2005-01-045

Moved by Stine

Seconded by Lambert

RESOLVED, That, pursuant to MCL 211.7u, the City Council of the City of Troy hereby **APPROVES** the proposed "Poverty Exemption Guidelines" for 2005, as presented by the City Assessor in a memorandum dated January 18, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

---

### **F-3 Donation of Historic House by Harriet Barnard**

Resolution #2005-01-046

Moved by Schilling

Seconded by Beltramini

RESOLVED, That the Agreement by and between Harriet Barnard and the City of Troy for the donation of a Historical House is hereby **APPROVED**, the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement, and a copy shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Eisenbacher, Lambert, Stine, Schilling, Beltramini, Broomfield

No: Howrylak

### **MOTION CARRIED**

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### **F-4 Participation in the Administration of School District Elections**

Resolution #2005-01-047

Moved by Beltramini

Seconded by Eisenbacher

WHEREAS, The Election Consolidation Legislation enacted December of 2003 requires that a municipality's elected bodies enter into an agreement to participate in school elections for the districts, which fall within the municipality boundary; and

WHEREAS, Oakland County has determined that they will assume the responsibility of Coordinator of Elections for all of the school districts within Oakland County; and

WHEREAS, Avondale, Birmingham, Bloomfield, Lamphere, Royal Oak, Troy, Warren Consolidated, Oakland Intermediate and Macomb Intermediate School Districts, and Oakland Community College all fall within the City of Troy; and

---

WHEREAS, It is the intent of the City of Troy to participate in the elections for the above-mentioned school districts.

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy **OPTS TO PARTICIPATE** in the administration of the School District Elections for the Avondale, Birmingham, Bloomfield, Lamphere, Royal Oak, Troy, Warren Consolidated, Oakland Intermediate and Macomb Intermediate School Districts, and Oakland Community College.

Yes: All-7

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#### **F-5 Sole Source – Purchase of Hurst Hydraulic Spreaders**

Resolution #2005-01-048  
Moved by Eisenbacher  
Seconded by Lambert

WHEREAS, Apollo Fire Equipment is the sole provider of Hurst Rescue equipment in Michigan; and

WHEREAS, It is necessary to replace older hydraulic spreaders with units that provide greater versatility and spreading force.

NOW, THEREFORE, BE IT RESOLVED, That, the City of Troy is **AUTHORIZED** to purchase seven (7) Mini-Lite spreaders and hand pumps from Apollo Fire Equipment at an estimated total cost of \$18,900.00.

Yes: All-7

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#### **F-6 Final Engineering Proposal for Sylvan Glen Golf Course Streambank Stabilization**

Resolution #2005-01-049  
Moved by Stine  
Seconded by Lambert

WHEREAS, Hubbell, Roth & Clark, in accordance with the general engineering contract, was authorized by City Council Resolution No. 2002-06-379 dated June 17, 2002 to provide engineering services to the City of Troy; and;

WHEREAS, Hubbell, Roth & Clark was hired to study the problem of the eroding streambank areas on the Sylvan Glen Golf Course and develop some alternatives to correcting the erosion problem; and

WHEREAS, Hubbell, Roth & Clark has submitted their engineering proposal for developing the final plans, specifications, soil borings, and necessary permits for the proposed Sylvan Glen Golf Course Streambank Stabilization Project.

NOW, THEREFORE, BE IT RESOLVED, The City of Troy is **PROVIDING AUTHORIZATION** to proceed with the engineering proposal from Hubbell, Roth & Clark to prepare the final plans,

specifications, soil borings and to obtain the necessary permits for the proposed Sylvan Glen Golf Course Streambank Stabilization Project at a cost not to exceed \$75,000.

Yes: All-7

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## MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

### G-1 Announcement of Public Hearings:

- a) Preliminary Site Plan Review and Amended Consent Order and Judgment (SP 883-C) – Heartland Health Care, Southeast Corner of South Boulevard and Livernois, Section 3 – O-1 and R-1B – February 7, 2005

Noted and Filed

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### G-2 Green Memorandums:

- a) Summary of Phase I Findings for Water System Feasibility Study  
 b) Voter Identification Cards and Absentee Voter Applications  
 c) Recommendation to Reject Proposal for Nature Center Exhibits and Fabrication  
 d) Recreation Pass Fee Recommendations for 2005  
 e) Sanctuary Lake Maintenance Operation

Noted and Filed

## COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

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H-1 No Referrals Advanced

## COUNCIL COMMENTS:

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I-1 No Council Comments Advanced

### Resolution Regarding the Selection of Auditing Services

Resolution  
 Moved by Beltramini  
 Seconded by Stine

RESOLVED, That City Staff **CONTINUE** the review process for Request for Qualifications (RFQ's) in the selection of auditing services and submit to City Council the summary of their findings and recommendations no less than two weeks before a decision is expected.

### Vote on Resolution to Call the Question

Resolution #2005-01-050  
 Moved by Schilling  
 Seconded by Beltramini

RESOLVED, That the **QUESTION BE CALLED** for the resolution regarding the selection of auditing services.

Yes: Schilling, Beltramini, Broomfield, Eisenbacher

No: Howrylak, Lambert, Stine

## **MOTION CARRIED**

### **Vote on Resolution Regarding the Selection of Auditing Services**

Resolution #2005-01-051

Moved by Beltramini

Seconded by Stine

RESOLVED, That City Staff **CONTINUE** the review process for Request for Qualifications (RFQ's) in the selection of auditing services and submit to City Council the summary of their findings and recommendations no less than two weeks before a decision is expected.

Yes: Beltramini, Broomfield, Eisenbacher, Lambert, Stine, Schilling

No: Howrylak

## **MOTION CARRIED**

## **REPORTS:**

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### **J-1 Minutes – Boards and Committees:**

- a) Building Code Board of Appeals/Final – December 1, 2004
- b) Parks and Recreation Advisory Board/Final – December 7, 2004
- c) Employees' Retirement System Board of Trustees/Final – December 8, 2004
- d) Planning Commission/Final – December 14, 2004
- e) Building Code Board of Appeals/Draft – January 5, 2005
- f) Library Board/Draft – January 13, 2005

Noted and Filed

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### **J-2 Department Reports:**

- a) Travel Expense Report – Mayor Louise Schilling – National League of Cities Conference
- b) Building and Zoning Department Permits Issued During the Year 2004
- c) Building and Zoning Department Permits Issued During the Month of December, 2004
- d) Building and Zoning Department Permits Issued July Through December, 2004
- e) December 31, 2004 Quarterly Financial Report
- f) 2004 Fourth Quarter Litigation Report

Noted and Filed

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### **J-3 Letters of Appreciation:**

- a) Letter to Chief Craft from St. Joseph Catholic Chaldean Church Thanking the Troy Police Department for Assistance with Traffic Control During Christmas Services
- b) Certificate of Appreciation Thanking Sergeant Don Ostrowski from the Michigan Public Purchasing Officers Association for His Presentation on Emergency Preparedness

Noted and Filed

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### **J-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted**

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J-5 Calendar

Noted and Filed

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J-6 Hunciag v. City of Troy

Noted and Filed

**STUDY ITEMS:**

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K-1 None Submitted

**PUBLIC COMMENT: Address of "K" Items**

**CLOSED SESSION:**

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L-1 Closed Session

Resolution #2005-01-052

Moved by Beltramini

Seconded by Broomfield

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e): Papadelis v. City of Troy – Pending Litigation; City of Troy v. Premium Construction – Pending Litigation.

Yes: All-7

The meeting **RECESSED** on Tuesday, January 25, 2005 at 12:12 AM.

The meeting **RECONVENED** on Tuesday, January 25, 2005 at 12:29 AM.

The meeting **ADJOURNED** on Tuesday, January 25, 2005 at 12:30 AM.

---

Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk

January 25, 2005

TO: John Szerlag, City Manager

FROM: Mary Redden, Administrative Assistant to the City Manager

SUBJECT: Agenda Item – Standard Purchasing Resolution 10  
Travel Authorization and Approval to Expend Funds  
for Troy City Council Members' Travel Expenses -  
2005 MML Legislative Conference on March 23, 2005  
at the Lansing Center

Authorization is requested for Council Members' attendance of the 2005 MML Legislative Conference to be held at the Lansing Center on March 23, 2005.

Council Members may submit registrations materials to me if they wish, and I can handle registration and travel arrangements using our department's procurement card.

# 2005 MML Legislative Conference

Join Michigan's Municipal Leaders at the Lansing Center on March 23, 2005



## **MML members are the strongest link in the MML lobbying team.**

Bill sponsor Senator Michael Switalski (D-Roseville) invited a limited number of guests to join him for a special bill signing ceremony and reception for SBs 1111 and 1112, which restored \$183 million in revenue sharing funds for local governments. Sterling Heights Mayor Richard Notte, Sterling Heights City Manager Mark Vander Pool and MML Manager of Finance and Tax Policy Summer Minnick were recognized for their efforts and the efforts of League members across the state. The governor used the opportunity to personally thank the MML for assisting with this important budget issue.



Margene Ann Scott  
Michigan Municipal League

**Contents**

General Information .....3  
 Housing Information .....3  
 Pre-Conference Sessions .....4  
 Delegate Registration Form ... .6  
 Guest Registration Form .....7  
 Student Registration Form .....7



**MICHIGAN  
MUNICIPAL  
LEAGUE**

*Dear Municipal Colleague:*

*With new faces in the legislature, dwindling cuts in community funding, and an economy that is very different from past years, our cities and villages face many challenges, not the least of which are financial in nature. Our ability to provide critical services to our citizens continues to be put to the test.*

*This year's Michigan Municipal League Legislative Conference will, provide your community with critical updates on the issues in Lansing and in Washington. You will have opportunities to share ideas with municipal officials from throughout the state, discuss your priorities with your legislators, and hear from League staff and other experts about the issues and legislation that are critically important to you and your communities.*

*The MML Legislative Conference provides a unique networking opportunity for every municipal official who attends. Whether yours is a small, medium or large community, you will meet other officials facing similar challenges every day. This day of networking provides you with the opportunity to interact with your colleagues, toss around new ideas, brainstorm about solutions and make important contacts with other officials.*

*Don't miss this once a year event where you can learn about the issues during the day and then meet with your legislators and their staff at the evening reception and let them know where you stand on critical issues facing your communities.*

*I look forward to seeing you at the 39th annual MML Legislative Conference on Wednesday, March 23 at the Lansing Center.*

*Sincerely,*

*Margene Ann Scott  
President, Michigan Municipal League*

## Michigan Women in Municipal Government Annual Eggs & Issues Breakfast Forum

Date: Wednesday, March 23, 2005  
Time: 7:30 a.m.  
Location: Lansing Center  
Cost: \$20.00

Begin the day with other women holding leadership roles. This breakfast presents an opportunity for local government officials to share ideas and solutions and to hear updates on issues pertinent to municipalities. Senators and representatives are invited to attend and take part in the discussions.

Use the Delegate Registration Form to reserve your ticket. Tickets must be paid for in advance.

### Legislative Reception

Date: Wednesday, March 23, 2005  
Time: 5:00 p.m.  
Location: Lansing Center

The annual legislative reception is the perfect opportunity to talk face to face with legislators and/or their staff in an informal atmosphere. You can also unwind and share your thoughts on the days session with other attendees.

## Housing

Please make your hotel reservations directly with the hotel. All hotel reservations are on a first-come, first-served basis.

### Headquarters Hotel The Radisson Hotel, Lansing

*See the reservation form to the right*  
1111 North Grand Ave., Lansing, MI 48933  
Phone: 517-482-0188 Fax: 517-487-6646

Flat Rate, \$118 (plus 5% city occupancy and 6% state sales tax and \$5 per night valet parking fee)

### Sheraton Hotel, Lansing

*Contact the hotel directly for reservations*  
925 S. Creyts Rd., Lansing, MI 48917  
Phone: 517-323-7100; Fax: 517-627-5240

Single \$65 or Double \$85 (plus 4% room assessment and 6% state sales tax) After February 19, 2005 reservations accepted on space available basis only.

### Fairfield Inn by Marriott

*Contact the hotel directly for reservations*  
2335 Woodlake Dr, Okemos, MI 48864  
Phone: 517-347-1000; Fax: 517-347-5092

Single or Double \$69 (plus 5% room assessment and 6% state sales tax) After March 1, 2005 reservations accepted on space available basis only.

## Headquarters Hotel Housing Reservation Form

### 1. How to make hotel reservations:

The Radisson Hotel, Lansing, is the headquarters hotel. MML has reserved a room block there. Please make your hotel reservations directly with the hotel. All hotel reservations are on a first-come, first-served basis.

Please submit this form when mailing in your reservation. Reservations may also be made by calling 1-800-333-3333 and specifying group name and dates in Lansing, Michigan or by logging on to [www.radisson.com/lansingmi](http://www.radisson.com/lansingmi). Use the promotional code MML05 to receive the discounted group rate.

Reservation made after February 19, 2005 will be accepted on a space available basis only.

### 2. Mail this form to:

Radisson Hotel, 1111 North Grand Ave., Lansing, MI 48933  
Phone: 517-482-0188 Fax: 517-487-6646

Flat Rate, \$118 (plus 5% city occupancy and 6% state sales tax and \$5 per night valet parking fee)

### 3. Arrival/Departure:

Arrival Date \_\_\_\_\_ Departure Date \_\_\_\_\_

Check in is 4:00 p.m. Check out is Noon

### 4. Check type of room requested:

- Single: 1 person, 1 bed       Double: 2 people, 1 bed  
 Double: 2 people, 2 beds       Quad: 3-4 people, 2 beds

### 5. Hotel should confirm reservation to:

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State and Zip \_\_\_\_\_

Daytime Phone \_\_\_\_\_

### 6. Reservations must be accompanied by deposit:

Include a check for one night's deposit or Credit Card Number. Credit Card will be charged one night's deposit at time of reservation.

\_\_\_ Check \_\_\_ Visa \_\_\_ Master \_\_\_ AmEx \_\_\_ Discover

Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

Name on Card \_\_\_\_\_

Signature of Cardholder \_\_\_\_\_

### 7. Special room request:

- Non-Smoking Room  
 Smoking Room or No Preference  
 Other \_\_\_\_\_

### 8. Cancellations NEW THIS YEAR:

Cancellations received within 72 hours of arrival will forfeit the first night room deposit.

# Pre-Conference Sessions

All Pre-Conference Sessions are **Tuesday, March 22** at the **Lansing Center** 517-483-7400. Please register for these workshops on the form below. For a brochure on any of these MML seminars, call 734-662-3246 or visit the League's web site at [www.mml.org](http://www.mml.org).

## Pre-Conference Sessions Registration Form

Municipality \_\_\_\_\_  
Name \_\_\_\_\_ Title \_\_\_\_\_  
Street Address \_\_\_\_\_  
Zip Code \_\_\_\_\_ Daytime Phone \_\_\_\_\_  
Fax Number \_\_\_\_\_ Email Address \_\_\_\_\_  
First Name for Badge \_\_\_\_\_

### Pre-Conference Sessions

- Basics for New and (Veteran) Elected Officials (05C-01)** – When registered one week before the program, Member cities and villages, \$109; Other units of government, \$145; Non-members \$190. Less than one week before the program add \$35 to the fee.
- A Toolbox for Growth (05C-02)** – When registered one week before the program, Member cities and villages, \$109; Other units of government, \$145; Non-members \$190. Less than one week before the program add \$35 to the fee.
- How to Provide Better Service to the Citizens (05C-03)** – When registered one week before the program, Member cities and villages, \$109; Other units of government, \$145; Non-members \$190. Less than one week before the program add \$35 to the fee.
- Community Opinion Surveys Made Easy (05C-04)** – When registered one week before the program, Member cities and villages, \$30; Other units of government, \$45; Non-members \$80. Less than one week before the program add \$35 to the fee.
- Michigan Association Municipal Attorneys 19<sup>th</sup> Annual Advanced Institute (05C-05)** – When registered one week before the program, Member cities and villages, \$109; Other units of government, \$145; Non-members \$190. \*Less than one week before the program add \$35 to the fee.

#### Method of Payment:

- Check # \_\_\_\_\_  
(Payable to Michigan Municipal League)
- Visa/Mastercard/Discover/AmEx # \_\_\_\_\_ Expiration Date \_\_\_\_\_  
Name as it appears on card \_\_\_\_\_  
Signature of cardholder \_\_\_\_\_

#### To Register:

Fax registration form with payment type indicated and credit card information (if applicable) to 734-662-8083; then, if paying by check, mail form with check payable to the Michigan Municipal League, to MML Education Services, PO Box 7409, Ann Arbor, MI 48107-7409.

#### Basics for New (and Veteran) Elected Officials EOA

*Tuesday, March 22, 2005*

This session is not only for those recently elected, but for every elected official who wants to serve his or her municipality more effectively. This day-long session can clarify many of the questions that you have had since you assumed office and covers basic information about the responsibilities of your office. At this session you will be able to network with many new and experienced elected officials and topics such as conducting

meetings, Open Meetings Act, and working with the media will be covered. (05C-01)

- Check-in 8:30 a.m.; Begin 9:00 a.m.; Lunch; Adjourn 4:00 p.m.
- Lansing Center, Lansing 517-483-7400
- Speaker – A Panel of Experienced Speakers
- Cost Code A
- Credits: CEU .6, EOA 6

**NEW! A Toolbox for Growth: EOA**

**Making Economic Development Projects Happen**

*Tuesday Afternoon, March 22, 2005*

Your community may be aware of existing or recent state and federal incentives designed to foster economic growth. But do you know how to use them and how they can work in combination with one another? In this session, the financial and economic incentive programs – including those related to rehabilitation of existing sites (such as brownfields), new construction, and mixed use projects – will be presented so that you can learn how to use them most effectively. You'll learn how to structure development and redevelopment site incentive packages in the language of developers, and ultimately make projects happen. (05C-02)

- Check-in 12:30 p.m.; Begin 1:00 p.m.; Adjourn 4:00 p.m.
- Lansing Center, Lansing 517-483-7400
- Speaker – Carmine Avantini, AICP, LSL Planning, Royal Oak and James Tischler, AICP, LSL Planning
- Cost Code B
- Credits: CEU .3, EOA 3

**How to Provide Better Service to the Citizens EOA**

*Tuesday, March 22, 2005*

Quality service is an essential ingredient in building the public image of your municipality. Consumers, citizens and members of your community are becoming more sophisticated and demanding, with higher expectations of what they want and how and when they want it. You are an integral and important factor in the service picture, whether meeting face to face with the public, assisting people over the phone, or communicating on paper.

Public service is unique because it involves a process, not a product. Service cannot be centrally produced, manufactured, placed in inventory or sold. It is an on-the-spot intangible, dependent on the individual providing it. When working with the public, the ability to meet, greet, and promote positive ongoing relationships with people (even when they are upset) is the key to your department's or municipality's success. (05C-03)

- Check-in 8:30 a.m.; Begin 9:00 a.m.; Lunch; Adjourn 4:00 p.m.
- Lansing Center, Lansing 517-483-7400
- Speaker – Nancy Ohle, Professional Development & Training Resources, Midland
- Cost Code A
- Credits: CEU .6, EOA 6

**NEW! Community Opinion Surveys Made Easy EOA**

*Tuesday Afternoon, March 22, 2005*

The answer, of course, is polling. Big city mayors and state and federal legislators do it all the time. They have large staffs and consultants with the full-time responsibility of measuring and testing public opinion. In smaller communities, however, there usually is no budget for a polling operation and mayors, councilmembers and city managers in most small and medium-sized communities must rely on their "gut" to gauge public opinion.

In this session, you will learn how to construct a simple community opinion survey instrument with clear questions that result in meaningful data. You will see how the spreadsheet programs on almost every computer can be used to easily tally the survey results to give you a good general impression of community opinions. You will also learn about the limitations of surveys and the need to balance their results with other input mechanisms. (05C-04)

- Check-in 12:30 p.m., Begin 1:00 p.m.; Adjourn 4:00 p.m.
- Lansing Center, Lansing 517-483-7400
- Speaker – Dave Austin, Williams & Works
- Cost Code B
- Credits: CEU .3, EOA 3

**Michigan Association of Municipal Attorneys EOA  
19th Annual Advanced Institute**

*Tuesday, March 22, 2005*

Stay current on issues and laws affecting Michigan cities and villages. You will get your time and money's worth in this information-packed program. While this program focuses on legal concerns and the latest court decisions, it also offers attorneys a great opportunity to network with other municipal attorneys and to share ideas, experiences and successes. Some of the topics to be discussed, by the leaders in the profession, include: traffic ordinance prosecution, lawful expenditures by public bodies, encroachments in public right of ways, ABC's and XYZ's of parliamentary procedure, the "how to" of research, the First Amendment and the local arcade (sale and rental of video games). (05C-05)

- Check-in 8:30 a.m., Begin 9:00 a.m.; Lunch; Adjourn 4:00 p.m.
- Lansing Center, Lansing 517-483-7400
- Speaker – A Panel of Experienced Speakers
- Cost Code A
- Credits: CEU .6, EOA 6

# 2005 MML Legislative Conference

Lansing Center, Lansing – Wednesday, March 23, 2005

## Delegate Registration Form

### How to Register:

Fax this form with payment type indicated and credit card information (if applicable) to 734-662-8083; then, if paying by check, mail this form with check payable to the Michigan Municipal League to MML Legislative Conference, PO Box 7409, Ann Arbor, MI 48107-7409.

I will be bringing a student from my city/village.  
(Please complete the Student Registration Form)

I will be bringing a guest.  
(Please complete the Guest Registration Form)

If you require special accommodations related to facility access, communication and/or diet please describe your requirements. We are not able to accommodate such requests on site. (FA)

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### Pre-Conference Sessions

To register for pre-conference sessions, use the Pre-Conference Sessions Registration Form.

### Registration Fee

Includes sessions, handouts, lunch & reception tickets.

\$150 if received by February 16, 2005 ..... \$\_\_\_\_\_ (AA)

\$185 if received after February 16, 2005 ..... \$\_\_\_\_\_ (AB)

\$255 Non member Fee ..... \$\_\_\_\_\_ (AC)

### Tickets for Related Functions

\$20 Michigan Women in Municipal Government

Annual Eggs & Issues Breakfast Forum ..... \$\_\_\_\_\_ (DA)

### Guest/Student Event Totals

Guest Event Total ..... \$\_\_\_\_\_

Student Event Total ..... \$\_\_\_\_\_

**Total** \$\_\_\_\_\_

### Payment Information

Please check one:

Check     Visa     MasterCard     Discover     AmX

### Cancellation Policy

All cancellations must be submitted in writing and are subject to a \$60.00 cancellation fee. No refunds will be given for cancellation requests received after Wednesday March 16, 2005. Mail cancellation requests to MML, PO Box 1487, Ann Arbor, MI 48106-1487 or FAX them to 734-662-8083.

## Guest Registration Form

1. Only one guest registrant per form, please. You may duplicate this form as necessary.

Municipality: \_\_\_\_\_

Name of Guest: (BA) \_\_\_\_\_

Nickname for Badge: \_\_\_\_\_

Name of Delegate: \_\_\_\_\_

2. Guest Event Tickets

Fee Amount

- Luncheon \$25 \_\_\_\_\_ (DB)
- Legislative Reception \$25 \_\_\_\_\_ (DC)

Guest Total Fee \_\_\_\_\_

Please write this amount on the line for "Guest Event Total" on the delegate registration form.

3. Special Needs

- If you require special accommodations related to facility access, communication and/or diet please describe your requirements. We are not able to accommodate such requests on site. (FA)

4. Cancellation Policy

Cancellation requests may be made in writing to MML, P.O. Box 1487, Ann Arbor, MI 48106-1487; or by fax to 734-662-8083. Cancellations must be received by March 16, 2005.

Please mail or fax this form with the delegate Legislative Conference registration form & payment.

### Student Delegates

You are encouraged to bring students from your community, ages 15-19, to the Legislative Conference. **Student registration is free.** The only costs for student delegates are luncheon and reception tickets.

A special tour of the Capitol has been scheduled for 3:00 p.m. on Wednesday for student delegates. Please check the Capitol Tour box on the student registration form if your student delegate will be taking this special tour.

The sponsoring municipality shall be responsible for making lodging and all travel arrangements to and from the conference for the student delegate and shall be responsible for supervision of the student delegate while in attendance at the conference. The cost of travel and lodging is the responsibility of the host municipality.

Register students by completing the Student Registration Form and by checking the Student Delegate box on your delegate registration form. Please also note that the form must be signed by a parent or guardian. We cannot use pictures of student delegates unless we have a release form signed by a parent or guardian.

## Student Registration Form

1. Only one student registrant per form, please. You may duplicate this form as necessary.

Municipality: \_\_\_\_\_

Name of Student: (CA) \_\_\_\_\_

Nickname for Badge: \_\_\_\_\_

Name of Sponsor: (CB) \_\_\_\_\_

Sponsor's Daytime Phone: \_\_\_\_\_

2. Photo Release

During the Conference we take photographs of events and sessions. Please have the student's parent or guardian complete the section below so that we may use photographs that include student.

\* \* \* \*

I grant my permission for photographs taken at the Michigan Municipal League Legislative Conference that include my son/daughter to be published in the following ways. (Please check the boxes representing the media you are granting permission for.)

- MML printed materials .....(CC)
- local newspapers or other publications .....(CD)
- MML promotional CD .....(CE)
- MML web site .....(CF)

Parent/Guardian Signature: \_\_\_\_\_

Date: \_\_\_\_\_

3. E-mail address to receive group photo file

\_\_\_\_\_

4. Student Event Tickets

Fee Amount

- Luncheon \$25 \_\_\_\_\_ (DB)
- Legislative Reception \$25 \_\_\_\_\_ (DC)

Student Event Total \_\_\_\_\_

Please write this amount on the line for "Student Event Total" on the delegate registration form

5. Special Needs

- If you require special accommodations related to facility access, communication and/or diet please describe your requirements. We are not able to accommodate such requests on site. (FA)

\_\_\_\_\_

6. Capitol Tour

- Student delegate will attend Capitol Tour .....(CG)

7. Cancellation Policy

Cancellation requests may be made in writing to MML, P.O. Box 1487, Ann Arbor, MI 48106-1487; or by fax to 734-662-8083. Cancellations must be received by March 16, 2005.

Please mail or fax this form with the delegate Legislative Conference registration form & payment.

Kick Off the 2005 Legislative Conference  
with an evening of

# Swing Under the Stars

Tuesday, March 22, 2005  
5 - 7:30pm  
Lansing Center Ballroom

Sponsored by:  
MML Liability & Property Pool  
Meadowbrook Insurance Group  
● Plunkett & Cooney, P.C. ○  
and  
Munder Capital Management



Please send address and recipient corrections to Susan Vasher at  
MML, P.O. Box 1487, Ann Arbor, MI 48106-1487; phone 800-653-2483;  
fax 734-662-8083; or email svasher@mml.org. Thank you.

PRE-SORTED-STD  
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ANN ARBOR, MI.



\*\*\*\*\*5-DIGIT 48084

A. JOHN SZERLAG (12920)  
CITY MANAGER  
TROY  
500 W. BIG BEAVER RD.  
TROY MI 48084-5254

January 28, 2005

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager / Finance and Administration  
Jeanette Bennett, Purchasing Director

Subject: **Agenda Item:** Standard Purchasing Resolution 1: Bid Award – Sole Bidder - Auction Services

### **RECOMMENDATION**

The Purchasing Department recommends a two-year contract be awarded to the sole bidder, Mid-Thumb Auctioneering SVC LLC, of Goodells, MI to provide auction services at rates contained in the attached bid tabulation opened January 5, 2005, contingent upon contractor submission of properly executed proposal and bid documents including bonds, insurance certificates, and all other specified requirements. The contract will expire March 20, 2007.

### **HISTORY**

In 1999, the Purchasing Department entered into the first contract for auction services. City staff felt that the contract went well, especially since the contract provided a provision for auctions to be conducted off-site. Auctions are time intensive and expensive to conduct. In 2001, Troy re-bid the contract since the awarded bidder refused to exercise the option. Mid-Thumb Auctioneers SVC LLC was awarded the 2001 contract and has been conducting successful auctions for Troy with approximately \$301,104.00 in sales of vehicles and miscellaneous equipment. Rochester Hills, Warren, and Waterford Township have used the contract and sold equipment worth approximately \$566,098.50.

Both the on-line e-procurement auction site and this contract provide various alternatives to successfully dispose of well used out of service equipment. It should be noted that the City of Warren requested to include real estate auctions as an alternative to a formal bid process for the sale of property, and include an option to dispose of expensive equipment at a reduced fee, since they disposed of two helicopters during the previous contract.

### **BUDGET**

Funds collected from the auctioneer will be deposited in the general fund revenue accounts depending upon the item auctioned.

JB/jb

11 Vendors Notified on MITN System  
23 Additional Vendor Notices Mailed  
1 Bid Received  
1 "No Bid" Response – cannot meet the specifications nor provide an approved alternate

VENDOR NAME: \* **Mid-Thumb Auctioneering Svc LLC**

| <b>PROPOSAL:</b> |   | ON - SITE  | AUCTION HOUSE |  |  |  |  |
|------------------|---|------------|---------------|--|--|--|--|
| ITEM             | DESCRIPTION                                     | COMMISSION | COMMISSION    |  |  |  |  |
| 1.               | City Owned Property from City Facilities        | 18%        | 20%           |  |  |  |  |
| 2.               | City Owned Vehicles & Heavy Equipmt.            | 8%         | 15%           |  |  |  |  |
| 3.               | Vehicles - Cleaned, Detailed, and Prep          | 5%         | 6%            |  |  |  |  |
| 4.               | Real Estate & Development Furnishings           | 18%        | 20%           |  |  |  |  |
| 5.               | OPTIONAL: Police Forfeiture & Confiscated Items | 18%        | 20%           |  |  |  |  |

**OPTIONAL SERVICES:**

Personnel to inventory right-of-way \$20.00 /Hr

**OTHER SERVICES YOUR COMPANY SUPPLY:**

| ITEM  | COST  |  |  |  |  |
|-------|-------|--|--|--|--|
| BLANK | BLANK |  |  |  |  |

**ADDITIONAL PROPOSAL:**

| EQUIPMENT COST (I.E. HELICOPTERS, etc) | COMMISSION RATE / On site | COMMISSION RATE/ |  |  |  |  |
|--|---------------------------|------------------|--|--|--|--|
| \$50,000 to \$99,999.99                | 5%                        | 6%               |  |  |  |  |
| \$100,000 to \$149,999.99              | 5%                        | 6%               |  |  |  |  |
| \$150,000 to \$199,999.99              | 4%                        | 5%               |  |  |  |  |
| \$200,000 and over                     | 3%                        | 4%               |  |  |  |  |

**REAL ESTATE SALES**

|                           |      |      |  |  |  |  |
|---------------------------|------|------|--|--|--|--|
| \$25,000 to \$49,999.99   | 6%   | 6%   |  |  |  |  |
| \$50,000 to \$99,999.99   | 5%   | 5%   |  |  |  |  |
| \$100,000 to \$149,999.99 | 4.8% | 4.8% |  |  |  |  |
| \$150,000 to \$199,999.99 | 3.8% | 3.8% |  |  |  |  |
| \$200,000 and over        | 3%   | 3%   |  |  |  |  |

\* See below - Exceptions #2

**BUYER'S PREMIUM: (CITY STAFF INFO ONLY)**

Our auction charges a buyer's premium of: 2 to 4 %  
Our auction does not charge a buyer's premium

**QUESTIONNAIRE:**

Y or N Yes

**CONTACT INFORMATION:**

Hrs of Operation 8 to 8  
Contact Phone # 810-325-9595

**INSURANCE:**

CAN MEET X  
CANNOT MEET

**EXTENSION OF AWARD TO THE TRI-COUNTY PUBLIC PURCHASING COOPERATIVE: - OPTIONAL**

AGREED: X  
NOT AGREED:

**TERMS:**

As Specified

**PICKUP NOTICE FOR OFF-SITE:**

3 Business Days

**EXCEPTIONS:**

See Bid: 1.) Terms changed in  
Business Days - 15 instead of 14 for Settlement.  
2.) Real Estate Auctions need up to 60 days and sales only  
would have to be absolute or a marketing fee to cover  
advertising costs for no sales.

VENDOR NAME: \* **Mid-Thumb Auctioneering Svc LLC**

|                                |        |            |  |  |
|--------------------------------|--------|------------|--|--|
|                                |        |            |  |  |
| <b><u>ACKNOWLEDGEMENT:</u></b> | Y or N | <b>Yes</b> |  |  |
| <b><u>ADDENDUM 1</u></b>       | Y or N | <b>Yes</b> |  |  |

PROPOSAL: Furnish Two-Year Requirements of Auction Services with an Option to Renew for Two(2) Additional Years

NO BIDS:  
D&J Auction Services LLC

ATTEST:  
Mary Ann Hays  
Sam Lamerato  
Linda Bockstanz

\* **DENOTES SOLE BIDDER**

\_\_\_\_\_  
Jeanette Bennett  
Purchasing Director



## Downloading History for ITB-COT 04-51Auction Ser

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 1/28/2005.

|                                      |                   |
|--------------------------------------|-------------------|
| <b>Document Title:</b>               | Auctions Services |
| <b>Date Issued:</b>                  | 12/8/2004         |
| <b>Close Date:</b>                   | 1/5/2005          |
| <b>Date Amendment #1 was Issued:</b> | 12/20/2004        |

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

| <u>Acct #</u> | <u>Company Name</u>                  | <u>Service</u> | <u>Date Obtained Document</u> | <u>Date Obtained Amendments</u> |
|---------------|--------------------------------------|----------------|-------------------------------|---------------------------------|
| 13234         | ALYKO Enterprises LLC                | Free           | 12/14/2004                    |                                 |
| 17199         | Chris Nordman Associates, Inc.       | E-mail         |                               |                                 |
| 11492         | Corporate Security Solutions, Inc.   | E-mail         | 12/9/2004                     |                                 |
| 19724         | D & J Auction Services               | E-mail         | 12/23/2004                    | #1 12/23/2004                   |
| 19628         | Dudley-Short Auctions LLC            | Free           | 12/12/2004                    |                                 |
| 11827         | Electrosonics, Inc.                  | Free           | 12/15/2004                    |                                 |
| 11817         | Great Lakes Truck & Trailer Inc      | Free           | 12/9/2004                     |                                 |
| 11766         | HES STALLINGS-JULIEN SALES & SERVICE | E-mail         |                               |                                 |
| 10495         | jawood management associates         | Free           | 12/16/2004                    |                                 |
| 18418         | Lazer Technologies                   | Free           | 12/8/2004                     |                                 |
| 19709         | MID-THUMB AUCTIONEERING SVC. LLC     | E-mail         | 12/21/2004                    | #1 12/21/2004                   |
| 18052         | Motor City Pipe and Supply Co. Inc   | Free           | 12/10/2004                    |                                 |
| 16980         | Nicholson Enterprises                | Free           | 12/13/2004                    |                                 |
| 12761         | Northwest Consultants, Inc.          | E-mail         |                               |                                 |
| 18380         | OccuMed3                             | E-mail         |                               |                                 |
| 18547         | Office Furniture Services            | E-mail         | 1/3/2005                      |                                 |
| 19349         | Resource Consultants, Inc            | E-mail         |                               |                                 |
| 12531         | Rohr gasoline equipment inc.         | E-mail         |                               |                                 |
| 12863         | Southgate Ford                       | E-mail         | 12/28/2004                    |                                 |

|       |                             |        |            |  |
|-------|-----------------------------|--------|------------|--|
| 13340 | SPECIAL EVENTS PARTY RENTAL | Free   | 12/31/2004 |  |
| 14819 | SSI Services, Inc.          | E-mail |            |  |
| 19634 | Top Bid Auction             | Free   | 12/13/2004 |  |
| 16016 | Trevor J Wisniewski         | Free   | 12/20/2004 |  |
| 15169 | U.S. Computer Exchange      | Free   | 12/9/2004  |  |
| 10209 | XO Communications, Inc.     | E-mail |            |  |

[Return to Main Menu](#)

[Return to Report Menu](#)

January 28, 2005

TO: John Szerlag, City Manager

FROM: Jeanette Bennett, Purchasing Director  
William Nelson, Fire Chief

SUBJECT: **Agenda Item** – Standard Purchasing Resolution 4: State Of Michigan MiDEAL Program— Four wheel drive pick-up truck

### **RECOMMENDATION**

City management requests approval and authorization to purchase one (1) four-wheel drive pick-up truck through the State of Michigan MiDEAL Program (formerly the Extended Purchasing Program) with Bill Snethkamp Lansing Dodge, Inc. at an estimated total cost of \$21,544.78. This purchase is under State Contract #071B4200116, Mich. Spec. 3958- 0090.

### **SUMMARY**

This purchase will replace #43, a 1995 GMC Pick-up Truck with 150,000 miles. This truck will be used by the Fire Staff Assistants and to pull the Fire Safety House.

|  |                 |
|--|-----------------|
| 2005 Dodge, Model DR6L61, 4 x 4 Short Box, ½ ton | \$14,618.78     |
| Quad Cab (4 Door)                                | 2,653.00        |
| 5.7 V8 Engine                                    | 895.00          |
| Trailer Package                                  | 465.00          |
| Bed Liner  | 245.00          |
| 4 Wheel Anti-Lock Brakes                         | 495.00          |
| SLT Package                                      | 2,173.00        |
| <br>Grand Total                                  | <br>\$21,544.78 |

### **BUDGET**

Funds for the purchase of this vehicle are available in the Fire Department Capital Account, Apparatus Replacement, 401338.7984.

January 26, 2005

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager/Services  
Jeanette Bennett, Purchasing Director  
Timothy L. Richnak, Public Works Director

Subject: **Agenda Item** - Standard Purchasing Resolution 3: Exercise  
Renewal Option –Hauling/Disposal of Dirt and Debris

### **RECOMMENDATION**

On March 15, 2004, City Council approved one-year contracts to provide hauling and disposal services of dirt and debris with an option to renew for one additional year to the low bidders, Jackie's Transport Inc., Luke's Trucking and Excavating LLC, and A&B Trucking Inc (Council Resolution #2004-03-144-E9). City management recommends accepting the offers to renew for one additional year under the same prices, terms and conditions as the original contract expiring March 15, 2006.

### **SUMMARY**

#### **Jackie's Transport Inc.**

| <b>Item</b> | <b>Est. Qty.</b> | <b>Description</b>                      | <b>Price/Ton</b> | <b>Total</b> |
|-------------|------------------|---|------------------|--------------|
| A.          | 4,000 tons       | Broken Concrete                         | \$ 3.50          | \$14,000     |
| D.          | 2,000 tons       | Catch basin sludge and street sweepings | \$10.00          | \$20,000     |

#### **Luke's Trucking and Excavating**

|    |            |  |         |          |
|----|------------|--|---------|----------|
| B. | 1,000 tons | Broken asphalt   | \$ 4.00 | \$ 4,000 |
|    |            | Plus \$.25/ton fuel surcharge if diesel fuel exceeds \$2.00/gallon |         |          |

#### **A & B Trucking**

|    |             |   |         |          |
|----|-------------|---|---------|----------|
| C. | 12,500 tons | Fill dirt from excavated ditching and repair operations | \$ 4.00 | \$50,000 |
|----|-------------|---|---------|----------|

**Estimated Grand Total (per year) \$88,000**

### **MARKET SURVEY**

The Purchasing Department has conducted a market survey and concurs with the recommendation to exercise the option to renew as fuel prices and landfill costs are expected to rise in the next year.

### **BUDGET**

Funds are available in the operating budgets of the Streets Division for major and local drain and road surface maintenance, and the Water Division for mains and tap-in maintenance.



January 21, 2005

TO: Jeanette Bennett  
Purchasing Director

FROM: Linda N. Bockstanz  
Associate Buyer

RE: MARKET SURVEY – Hauling/Disposal of Dirt & Debris

ENVIRO-VAC SERVICES INC. - Janine Haymond (248) 689-6590

Janine has indicated that prices will be increasing because of the fuel costs, landfill costs, and insurance costs. The big area will be landfill costs. They fluctuate every week and going to these landfills are long hauls for their trucks with fuel costs the way they are.

REPUBLIC SERVICES OF MI, LLC. - Matt Petrie (734) 654-3615

Matt's comments were prices will be increasing because of the fuel costs and landfill costs. Landfill costs are increasing and some landfills are being particular on what is being hauled into their landfills. The increase of fuel costs and that landfills are a distance away from here. Matt suggested that it would be more cost effective if they could haul debris to a recycling company instead of a landfill.

J & H TRANSPORTATION INC., - JOAN WIEGARD (586) 939-1024

According to Joan, their company prices will be increasing because of landfill costs and fuel costs. Landfill prices have been going up and down for the last couple of months and it cost them fuel to drive the long distance to a landfill that will take dirt and debris.

DISPOSAL MANAGEMENT – Bradley Kucyk (248) 203-2900

Bradley said that their prices will be increasing because of fuel costs and landfill costs. Landfill prices have been going up and some of the landfills have been particular on what they are hauling in to dump. Driving to these landfills, which are long distances away, cost fuel for their trucks.

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for Hauling/Disposal of Dirt and Debris with the current vendor based on the above comments that fuel and landfill costs are expected to keep on increasing.

CC: Susan Leirstein  
File



500 West Big Beaver  
 Troy, Michigan 48064  
 Fax: (248) 524-0851  
 www.ci.troy.mi.us

Area code (248)

Assessing  
 524-3311

Bldg. Inspections  
 524-3344

Bldg. Maintenance  
 524-3368

City Clerk  
 524-3316

City Manager  
 524-3330

Community Affairs  
 524-1147

Engineering  
 524-3383

Finance  
 524-3411

Firm-Administration  
 524-3419

Human Resources  
 524-3337

Information Services  
 619-7277

Law  
 524-3320

Library  
 524-3545

Parks & Recreation  
 524-3494

Planning  
 524-3364

Police-Administration  
 524-3443

Public Works  
 524-3370

Purchasing  
 524-3338

Real Estate & Development  
 524-3498

Treasurer  
 524-3334

General Information  
 524-3300

January 7, 2005

A & B Trucking  
 Attn: Ms. Marguerite Wolfe  
 Phone: 586-784-8210  
 Fax: 586-784-8477

Dear Ms. Wolfe:

On March 15, 2004, the City of Troy entered into contract #20300806 OB with A & B Trucking to provide one-year requirements of Hauling and Disposal of Dirt and Debris. This contract contained an option to renew for one additional year at the same prices, terms, and conditions as the original contract.

Please fax this letter back indicating if A & B Trucking wishes to renew this contract until March 15, 2006. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3501.

**CHECK ONE:**

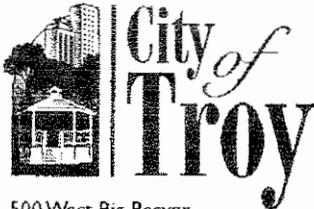
A & B Trucking is interested in renewing the Contract under the same prices, terms, and conditions:

A & B Trucking is not interested in renewing the contract:

*Marguerite C Wolfe*  
 Signed: Authorized Company Representative

Date: 1-7-05

Thank you,  
 Emily Frontera  
 Department of Public Works,  
 City of Troy



500 West Big Beaver  
Troy, Michigan 48084  
Fax: (248) 524-0851  
www.ci.troy.mi.us

Area code (248)

Assessing  
524-3311

Bldg. Inspections  
524-3344

Bldg. Maintenance  
524-3368

City Clerk  
524-3316

City Manager  
524-3330

Community Affairs  
524-1147

Engineering  
524-3383

Finance  
524-3411

Fire-Administration  
524-3419

Human Resources  
524-3339

Information Services  
619-7279

Law  
524-3320

Library  
524-3545

Parks & Recreation  
524-3484

Planning  
524-3364

Police-Administration  
524-3443

Public Works  
524-3370

Purchasing  
524-3338

Real Estate & Development  
524-3498

Treasurer  
524-3334

General Information  
524-3300

January 7, 2005

Luke's Trucking and Excavating  
Attn: Mr. Joseph Bruz Jr.  
Phone: 248-240-0938  
Fax: 248-634-6084

Dear Mr. Joe Bruz:

On March 15, 2004, the City of Troy entered into contract #20300807 OB with Luke's Trucking and Excavating to provide one-year requirements of Hauling and Disposal of Dirt and Debris. This contract contained an option to renew for one additional year at the same prices, terms, and conditions as the original contract.

Please fax this letter back indicating if Luke's Trucking and Excavating wishes to renew this contract until March 15, 2006. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3501.

**CHECK ONE:**

**Luke's Trucking and Excavating is interested in renewing the Contract under the same prices, terms, and conditions:**

**Luke's Trucking and Excavating is not interested in renewing the contract:**

X Joseph R Bruz  
Signed: Authorized Company Representative

Date: January 19<sup>th</sup> 2005

Thank you,  
Emily Frontera  
Department of Public Works,  
City of Troy



500 West Big Beaver  
Troy, Michigan 48084  
Fax: (248) 524-0851  
www.ci.troy.mi.us

Area code (248)

Assessing  
524-3311

Bldg. Inspections  
524-3344

Bldg. Maintenance  
524-3368

City Clerk  
524-3316

City Manager  
524-3330

Community Affairs  
524-1147

Engineering  
524-3383

Finance  
524-3411

Fire-Administration  
524-3419

Human Resources  
524-3339

Information Services  
619-7279

Law  
524-3320

Library  
524-3545

Parks & Recreation  
524-3484

Planning  
524-3364

Police-Administration  
524-3443

Public Works  
524-3370

Purchasing  
524-3338

Real Estate & Development  
524-3498

Treasurer  
524-3334

General Information  
524-3300

January 7, 2005

Jackie's Transport Inc.  
Attn: Mr. Dan Puro  
Phone: 248-344-0047  
Fax: 248-344-4905

Dear Mr. Puro:

On March 15, 2004, the City of Troy entered into contract #20300800 OB with Jackie's Transport Inc. to provide one-year requirements of Hauling and Disposal of Dirt and Debris. This contract contained an option to renew for one additional year at the same prices, terms, and conditions as the original contract.

Please fax this letter back indicating if Jackie's Transport Inc. wishes to renew this contract until March 15, 2006. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3501.

**CHECK ONE:**

Jackie's Transport Inc. is interested in renewing the Contract under the same prices, terms, and conditions:

Jackie's Transport Inc. is not interested in renewing the contract:

X Tom Lewis  
Signed: Authorized Company Representative

Date: 1-14-05

Thank you,  
Emily Frontera  
Department of Public Works,  
City of Troy

THEREFORE, BE IT FURTHER RESOLVED, That the City Council of the City of Troy also **RESCINDS** and **REVOKES** the following abandoned and vacated Industrial Facilities Exemption Certificate (IFEC) being Certificate #95-514; and  
 BE IT FINALLY RESOLVED, That a copy of this Resolution shall be **FORWARDED** to the Michigan State Tax Commission by certified mail.

---

**E-7 Sole Source – Nuisance Goose Control Services for Sanctuary Lake and Sylvan Glen Golf Courses**

Resolution #2004-03-144-E-7

WHEREAS, Gooseworks Humane Goose Control is the sole known provider of complete nuisance goose control services for Southeastern Michigan; and

WHEREAS, Gooseworks Humane Goose Control has been under contract the past two years providing nuisance goose control services at Sylvan Glen Golf Course; and

WHEREAS, Gooseworks Humane Goose Control has successfully completed the required training and obtained the goose egg and nest destruction, roundup (capture) and transportation permits from the Michigan DNR.

NOW, THEREFORE, BE IT RESOLVED, That comprehensive nuisance goose control services for a period of nine (9) months at Sanctuary Lake and Sylvan Glen Golf Courses be **PROVIDED** by Gooseworks Humane Goose Control, the sole known provider, at an estimated total cost of \$12,600.00; and

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

---

**E-8 Standard Purchasing Resolution 4: Oakland County Cooperative Purchasing Agreement – Fleet Vehicles**

Resolution #2004-03-144-E-8

RESOLVED, That the contracts to provide fleet vehicles from Red Holman Pontiac, Golling Chrysler Jeep and Buff Whelan Chevrolet are hereby **APPROVED** through Oakland County Cooperative Purchasing Agreements at an estimated total cost of \$102,596.22.

---

**E-9 Standard Purchasing Resolution 1: Award to Low Bidders – Hauling and Disposal of Dirt and Debris**

Resolution #2004-03-144-E-9

RESOLVED, That contracts to provide one-year requirements of hauling and disposal services of dirt and debris with an option to renew for one additional year are hereby **AWARDED** to the



NOTE

low bidders, Jackies Transport Inc., Luke's Trucking and Excavating, L.L.C., and A&B Trucking, Inc., for an estimated annual cost of \$34,000.00, \$4,000.00, and \$50,000.00 respectively, at unit prices contained in the bid tabulation opened February 18, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and  
BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon contractors' submission of properly executed bid documents, including insurance certificates and all other specified requirements; and if the price of on-road diesel fuel exceeds \$2.00/gallon during the contract term, the City is **AUTHORIZED** to pay a \$.25/ton fuel surcharge to Luke's Trucking for hauling broken asphalt.

---

**E-10 Sole Source – East Jordan Iron Works – Complete Hydrant and Repair Parts Contract**

Resolution #2004-03-144-E-10

WHEREAS, East Jordan Iron Works, the manufacturer, has agreed to provide East Jordan complete hydrants, as well as hydrant and valve repair parts directly to the City of Troy at discounts greater than those of distributors.

NOW, THEREFORE, BE IT RESOLVED, That a contract to provide East Jordan complete hydrants, and valve and hydrant repair parts is hereby **APPROVED** with East Jordan Iron Works at discounts of 48% and 45% respectively, to expire October 31, 2006.

---

**E-11 Private Agreement – Rochester Commons PUD – Project No. 03.914.3**

Resolution #2004-03-144-E-11

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Gulf Rochester Commons, L.L.C. is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, detention, water main, sidewalks, landscaping, soil erosion and paving 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.

---

**E-12 Standard Purchasing Resolution 1: Bid Award – Log Loader and Trailer**

Resolution #2004-03-144-E-12

RESOLVED, That a contract to purchase one (1) wheeler log loader and trailer manufactured by Metavic is hereby **AWARDED** to the sole bidder, Payeur Distributions for an estimated total cost of \$38,675.00, at unit prices contained in the bid tabulation opened February 24, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

March 1, 2004

To: John Szerlag, City Manager

From: Gary A. Shripka, Assistant City Manager/ Services  
Jeanette Bennett, Purchasing Director  
Timothy L. Richnak, Public Works Director

Subject: **Agenda Item** – Standard Purchasing Resolution 1: Award to Low Bidders – Hauling and Disposal of Dirt and Debris.

**RECOMMENDATION**

On February 18, 2004, bid proposals were opened to furnish one-year requirements of hauling and disposal of dirt and debris with an option to renew for one additional year. After reviewing these proposals, City management recommends awarding the contract to the low bidders, Jackies Transport Inc., Luke's Trucking and Excavating LLC, and A&B Trucking Inc. as follows:

**Jackies Transport Inc.**

| <b>Item</b>                                    | <b>Est Qty<br/>(Tons)</b> | <b>Description</b>  | <b>Price/Ton</b> | <b>Total</b>    |
|--|---------------------------|---|------------------|-----------------|
| A.   | 4,000                     | Broken concrete with or w/out wire possibly mixed with fill dirt                          | \$3.50           | \$14,000        |
| D.   | 2,000                     | Catch basin sludge and street sweepings   | \$10.00          | <u>\$20,000</u> |
|  |                           |   |                  | <b>\$34,000</b> |
| <b><u>*Luke's Trucking and Excavating</u></b>  |                           |   |                  |                 |
| B.   | 1,000                     | Broken asphalt possibly mixed with fill dirt  | \$4.00           | <b>\$ 4,000</b> |
| <b><u>A &amp; B Trucking</u></b>               |                           |   |                  |                 |
| C.   | 12,500                    | Fill dirt, material excavated from water and sewer repairs as well as ditching operations | \$4.00           | <b>\$50,000</b> |
| <b><u>Estimated Grand Total (per year)</u></b> |                           |   |                  | <b>\$88,000</b> |

\*Luke's bid includes a \$.25/ton fuel surcharge for material hauled, if the price of on-road diesel fuel exceeds \$2.00/gallon. Even with this increase, Luke's Trucking is still the lowest bidder for hauling broken asphalt.

**BUDGET**

Funds are available from the Water and Street Departments' operating budgets.

52 Vendors Notified on MITN System  
1 Vendor Walk-In  
7 Bid Responses Rec'd

Prepared by: Emily Frontera, Administrative Aide

Opening Date -- 2-18-04  
 Date Prepared -- 2-20-04

CITY OF TROY  
 BID TABULATION  
 HAULING/DISPOSAL OF DIRT AND DEBRIS

VENDOR NAME:

|                      |                             |                           |
|----------------------|-----------------------------|---------------------------|
| <b>Jackies</b>       | <b>Luke's Trucking</b>      | <b>A &amp; B Trucking</b> |
| <b>Transport Inc</b> | <b>&amp; Excavating LLC</b> | <b>Inc</b>                |
|                      |                             |                           |
|                      |                             |                           |

| ITEM                                  | EST QTY(TONS) | DESCRIPTION   | PRICE/ TON       | PRICE/ TON      | PRICE/ TON       |
|---------------------------------------|---------------|---|------------------|-----------------|------------------|
| A.                                    | 4,000         | Broken concrete with and without wire, possibly mixed   | \$ 3.50          | \$ 4.00         | \$ 4.00          |
| B.                                    | 1,000         | Broken asphalt possibly mixed with fill dirt  | \$ 4.75          | \$ 4.00         | \$ 5.50          |
| C.                                    | 12,500        | Fill Dirt, material excavated from water and sewer repairs, as well as ditching operation. Material may include culverts, Large Stumps, logs & wood materials | \$ 10.00         | \$ 4.50         | \$ 4.00          |
| D.                                    | 2,000         | Catch basin sludge and street sweepings.  | \$ 10.00         | \$ 12.75        | No bid           |
| <b>ESTIMATED TOTAL AWARDED ITEMS:</b> |               |   | <b>\$ 34,000</b> | <b>\$ 4,000</b> | <b>\$ 50,000</b> |

|                            |                         |   |                             |                   |
|----------------------------|-------------------------|---|-----------------------------|-------------------|
| DISPOSAL SITE:             |                         | Sank Trail Landfill                                   | Pine Tree Acres             | Blank             |
|                            |                         | Facility #82-000065                                   | 29 Mile/Gratiot             |                   |
| EPA PERMIT #:              |                         | 8934  | Upon Request                | Blank             |
| EQUIPMENT LIST:            | Attached/Not Attached   | Attached  | Attached                    | Attached          |
| INSURANCE:                 | Can Meet<br>Cannot Meet | XX  | XX                          | XX                |
| SITE VISIT:                | Yes/No<br>Date          | No<br>Blank   | Yes<br>11-Feb-2004          | Yes<br>2-Feb-2004 |
| TERMS:                     |                         | 30 Days   | Net 30 Days                 | Net 30            |
| WARRANTY:                  |                         | N/A   | None                        | Blank             |
| EXCEPTIONS:                |                         | Concrete & Asphalt<br>must be free of deris<br>& Dirt | See Addendum B<br>Fuel Cost | No Exceptions     |
| ACKNOWLEDGEMENT: Completed | Y or N                  | Yes   | Yes                         | Yes               |

NOTE: \$.25/Ton fuel surcharge,  
 if diesel exceeds \$2.00/Gal

PROPOSAL - One(1) Year Requirements to Haul & Dispose of Concrete, Asphalt, Dirt, Catch Basin Sludge, Street Sweepings and Miscellaneous Debris with an Option to Renew for One(1) Additional Year

ATTEST:

Emily Frontera  
Theresa Grafton  
Linda Bockstanz  
Marina Basta Farouk

**BOLDFACE TYPE DENOTES LOW BIDDERS**

\_\_\_\_\_  
 Jeanette Bennett  
 Purchasing Director

Opening Date -- 2-18-04  
 Date Prepared -- 2-20-04

CITY OF TROY  
 BID TABULATION  
 HAULING/DISPOSAL OF DIRT AND DEBRIS

VENDOR NAME:

|                             |                                 |                              |
|-----------------------------|---------------------------------|------------------------------|
| Enviro-Vac<br>Services Inc. | Republic Services<br>of MI, LLC | J & H Transportation<br>Inc. |
|                             |                                 |                              |
|                             |                                 |                              |

| ITEM                                  | EST QTY(TONS) | DESCRIPTION   | PRICE/ TON  | PRICE/ TON  | PRICE/ TON  |
|---------------------------------------|---------------|---|-------------|-------------|-------------|
| A.                                    | 4,000         | Broken concrete with and without wire, possibly mixed   | \$ 6.50     | \$ 12.50    | \$ 4.50     |
| B.                                    | 1,000         | Broken asphalt possibly mixed with fill dirt  | \$ 6.50     | \$ 12.50    | \$ 4.50     |
| C.                                    | 12,500        | Fill Dirt, material excavated from water and sewer repairs, as well as ditching operation. Material may include culverts, Large Stumps, logs & wood materials | \$ 8.00     | \$ 12.50    | \$ 19.50    |
| D.                                    | 2,000         | Catch basin sludge and street sweepings.  | \$ 14.00    | \$ 12.95    | \$ 19.50    |
| <b>ESTIMATED TOTAL AWARDED ITEMS:</b> |               |   | <b>\$ -</b> | <b>\$ -</b> | <b>\$ -</b> |

|                            |                         |                    |                               |                 |
|----------------------------|-------------------------|--------------------|-------------------------------|-----------------|
| DISPOSAL SITE:             |                         | Sank Trail Hills   | Carleton Farms                | Pine Tree Acres |
| EPA PERMIT #:              |                         | MIR 00009 027      | 8623                          | Blank           |
| EQUIPMENT LIST:            | Attached/Not Attached   | Not Attached       | Provided by<br>Sub-contractor | Not Attached    |
| INSURANCE:                 | Can Meet<br>Cannot Meet | XX                 | XX                            | XX              |
| SITE VISIT:                | Yes/No<br>Date          | Yes<br>10-Feb-2004 | Yes<br>Incumbent              | No              |
| TERMS:                     |                         | Net 30             | Net 30                        | Net 30          |
| WARRANTY:                  |                         | Blank              | Blank                         | Blank           |
| EXCEPTIONS:                |                         | Blank              | Blank                         | Blank           |
| ACKNOWLEDGEMENT: Completed | Y or N                  | Yes                | Yes                           | Yes             |

Opening Date -- 2-18-04  
 Date Prepared -- 2-20-04

CITY OF TROY  
 BID TABULATION  
 HAULING/DISPOSAL OF DIRT AND DEBRIS

VENDOR NAME:

|            |  |  |
|------------|--|--|
| Disposal   |  |  |
| Management |  |  |
|            |  |  |
|            |  |  |

| ITEM                                  | EST QTY(TONS) | DESCRIPTION   | PRICE/ TON  |  |  |
|---------------------------------------|---------------|---|-------------|--|--|
| A.                                    | 4,000         | Broken concrete with and without wire, possibly mixed   | \$ 6.50     |  |  |
| B.                                    | 1,000         | Broken asphalt possibly mixed with fill dirt  | \$ 6.50     |  |  |
| C.                                    | 12,500        | Fill Dirt, material excavated from water and sewer repairs, as well as ditching operation. Material may include culverts, Large Stumps, logs & wood materials | \$ 21.20    |  |  |
| D.                                    | 2,000         | Catch basin sludge and street sweepings.  | \$ 17.00    |  |  |
| <b>ESTIMATED TOTAL AWARDED ITEMS:</b> |               |   | <b>\$ -</b> |  |  |

|                            |                         |                      |  |  |
|----------------------------|-------------------------|----------------------|--|--|
| DISPOSAL SITE:             |                         | Rockwood Landfill or |  |  |
|                            |                         | Carleton Farms       |  |  |
| EPA PERMIT #:              |                         | Blank                |  |  |
| EQUIPMENT LIST:            | Attached/Not Attached   | Attached             |  |  |
| INSURANCE:                 | Can Meet<br>Cannot Meet | XX                   |  |  |
| SITE VISIT:                | Yes/No<br>Date          | No                   |  |  |
| TERMS:                     |                         | Net 30               |  |  |
| WARRANTY:                  |                         | Blank                |  |  |
| EXCEPTIONS:                |                         | Blank                |  |  |
| ACKNOWLEDGEMENT: Completed | Y or N                  | Yes                  |  |  |



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## Downloading History for ITB-COT 04-04 Hauling

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 3/1/2004.

|                        |                                     |
|------------------------|-------------------------------------|
| <b>Document Title:</b> | Hauling & Disposal of Dirt & Debris |
| <b>Date Issued:</b>    | 1/30/2004                           |
| <b>Close Date:</b>     | 2/18/2004                           |

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

| Acct # | Company Name                            | Service | Date Obtained Document | Date Obtained Amendments |
|--------|---|---------|------------------------|--------------------------|
| 14928  | 1-800-GOT-JUNK?                         | E-mail  | 1/30/2004              |                          |
| 15881  | A&B TRUCKING INC.                       | Free    | 2/19/2004              |                          |
| 14788  | A.F.W.C. Contracting, Inc.              | Free    | 2/10/2004              |                          |
| 13225  | Able Demolition                         | E-mail  | 2/2/2004               |                          |
| 12530  | Accu-Steel Inc                          | E-mail  |                        |                          |
| 12763  | ACME Contracting, Ltd.                  | Free    | 2/2/2004               |                          |
| 11454  | Advanced Underground Inspection, LLC    | E-mail  | 2/5/2004               |                          |
| 14467  | American Environmental Consultants, LLC | Free    | 2/3/2004               |                          |
| 12114  | B & B Lawn Service                      | Fax     |                        |                          |
| 10139  | B & J Parking Lot Maintenance, Inc.     | E-mail  |                        |                          |
| 10927  | B & L Landscaping                       | Fax     | 2/2/2004               |                          |
| 10682  | C & R Maintenance d/b/a Rizzo Services  | E-mail  | 2/5/2004               |                          |
| 14990  | Carrigan Development Inc.               | Fax     |                        |                          |
| 13639  | Company Image                           | Free    | 2/3/2004               |                          |
| 11681  | D and J Lawn and Snow Corp.             | E-mail  | 2/12/2004              |                          |
| 12323  | D.L.F. Trucking, Inc.                   | Fax     |                        |                          |
| 13709  | Dillon Industries, Inc.                 | Free    | 2/4/2004               |                          |
| 13470  | Disposal Management                     | Free    | 1/31/2004              |                          |
| 12889  | Downriver Maintenance Corporation       | E-mail  | 2/4/2004               |                          |
|        |   |         |                        |                          |

|       |   |        |           |  |
|-------|---|--------|-----------|--|
| 14401 | Econ Disposable Suppliese, Inc.               | Free   | 2/2/2004  |  |
| 10028 | ENTRAM CORP                                   | Free   | 2/10/2004 |  |
| 15664 | Enviro-Vac Services, Inc.                     | Free   | 2/16/2004 |  |
| 13905 | Excell Landscaping                            | Free   | 2/3/2004  |  |
| 13051 | Flint-Genesee Economic Growth Alliance        | Free   | 2/12/2004 |  |
| 15913 | HAYES EXCAVATING CO INC.                      | Fax    | 2/6/2004  |  |
| 13077 | Homrich, Inc.                                 | E-mail | 2/6/2004  |  |
| 10543 | J & W Tree Artisans                           | Free   | 1/31/2004 |  |
| 12278 | J. T. Express LTD                             | E-mail |           |  |
| 15135 | Kappy Industries Inc                          | Free   | 2/2/2004  |  |
| 12254 | L-D-J CONSTRUCTION, INC.                      | E-mail | 2/6/2004  |  |
| 15940 | LaHill, Inc.                                  | Free   | 2/9/2004  |  |
| 15957 | Luke's Trucking and Excavating L.L.C          | E-mail | 2/10/2004 |  |
| 15385 | Merrell Bros., Inc.                           | E-mail |           |  |
| 12351 | North American Excavating & Trucking Co, Inc. | E-mail |           |  |
| 10643 | Osburn Industries, Inc.                       | E-mail | 2/3/2004  |  |
| 11073 | Oscar W. Larson Co.                           | E-mail | 2/20/2004 |  |
| 15962 | Plumbrook Towing                              | Free   | 2/11/2004 |  |
| 14111 | Republic Services of MI, LLC                  | Free   | 2/5/2004  |  |
| 12531 | Rohr gasoline equipment inc.                  | Fax    |           |  |
| 10108 | Rose Moving and Storage                       | E-mail |           |  |
| 13730 | SMART Management Group, LLC                   | E-mail |           |  |
| 10731 | T.F.R. Enterprises, Inc.                      | E-mail |           |  |
| 10974 | The Avrie Group, Inc.                         | E-mail |           |  |
| 13671 | Troy Aggregate Carriers                       | Fax    |           |  |
| 16072 | TW Contracting, Inc.                          | Fax    | 2/20/2004 |  |
| 11267 | United Soils, Inc.                            | E-mail | 2/11/2004 |  |
| 10101 | Vac-All Service, Inc.                         | E-mail | 1/30/2004 |  |
| 15073 | W.T. Stevens Construction, Inc.               | Free   | 2/4/2004  |  |
| 10604 | white excavating company inc.                 | Fax    | 2/12/2004 |  |
| 11031 | Wiegand Mack Sales and Service                | Fax    | 2/11/2004 |  |
| 13091 | Young's Environmental Cleanup                 | Free   | 2/9/2004  |  |
| 12859 | YTI Supply Inc.                               | Free   | 2/3/2004  |  |

[Return to Main Menu](#)
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DATE: January 25, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services  
Timothy Richnak, Public Works Director

SUBJECT: Agenda Item – Load Restrictions

Each year during the spring thaw we post load restrictions on asphalt roads to prevent damage to the road surface.

The Michigan Vehicle Code (Act 300, P.A. 1949) allows local governments, by ordinance or resolution, to prohibit the use of trucks or other commercial vehicles, or to impose weight limitations of trucks and commercial vehicles on certain streets. Chapter 94, Axle Load Ordinance, allows the Public Works Director or his authorized representative discretionary power to reduce normal axle loads on specified streets.

The roads of concern are listed as Attachment "A". The specific limits to be posted are 6,000 lbs. per axle, 8,500 lbs. per tandem axle assembly. This limitation would be in effect during periods prescribed in Chapter 94 of the City Code for "frost law" limitations. Exceptions to these limitations would include the City's refuse hauler, school buses, and emergency vehicles.

We request approval of the reduced axle load limits for the streets listed on Attachment "A".

cc: Superintendent of Streets & Drains

Attachment

Prepared by: Ann Tyrrell, Office Coordinator

## City of Troy Frost Law Load Restrictions

**Concrete Streets:** 25% reduction from normal loadings

**Asphalt or Gravel Streets:** 35% reduction from normal loadings (unless otherwise posted)

Tabulation of allowable gross axle loads when restrictions are in force

| Spacing between axles   | Normal Load | 25% Reduction | 35% Reduction |
|---|-------------|---------------|---------------|
| 9 Feet or over  | 18,000 lb   | 13,500 lb     | 11,700 lb     |
| More than 3 ½ feet but less than 9 feet                       | 13,000      | 9,750         | 8,450         |
| Less than 3 ½ feet, the combined weight shall not exceed      | 18,000      | 13,500        | 11,700        |
| ** When part of a tandem axle assembly                        | 16,000      | 12,000        | 10,400        |
| Maximum Load on any wheel shall not exceed (lbs/inch of tire) | 700         | 525           | 450           |

**\*\* Note:** On any legal combination of vehicles, only one tandem axle assembly shall be permitted, on such designated highways at the gross permissible weight of 16,000 pounds for any such axle, and no other tandem axle assembly in such combination of vehicles shall exceed a gross weight of 13,000 pounds for any such axle.

***No overweight permits will be issued while frost laws are in effect.***

## Typical Front Axle Loads

| Tire Size   | Normal Load | 25% Reduction | 35% Reduction |
|-------------|-------------|---------------|---------------|
| 7.50 x 20   | 10,500 lb   | 7,875 lb      | 6,750 lb      |
| 8.25 x 20   | 11,550 lb   | 8,662 lb      | 7,425 lb      |
| 9.00 x 20   | 12,600 lb   | 9,450 lb      | 8,100 lb      |
| 10.00 x 20  | 14,000 lb   | 10,500 lb     | 9,000 lb      |
| 11.00 x 20  | 15,400 lb   | 11,550 lb     | 9,900 lb      |
| Duplex Type | 18,000 lb   | 13,500 lb     | 11,700 lb     |

**NOTE:** For allowable load calculations use 2 x tire size x allowable load per inch of tire. (For 9.00 x 20 on 35% Reduction Street, use 2 x 9.0 x 450 = 8100 #/axle.)

## Guide for Permitted Loads During Frost Laws

### Frost Law Axle Loads

Concrete Streets - O.C.R.C. Class A Rest. - 25% Reduction

Asphalt or Gravel - O.C.R.C Class B Rest. - 35% Reduction

Special Posted Streets - 6000 #/axle, 3500 #/tandem assembly

| Concrete Trucks | Concrete Streets | Asphalt or Gravel | Streets Posted<br>6000 #/axle<br>8500 #/tandem |
|-----------------|------------------|-------------------|--|
| Tandem Axle     | 4 yards          | 3 yards           | no load  |
| Tri Axle        | 5 yards          | 3 yards           | no load  |
| Quad Axle       | 6 yards          | 4 yards           | no load  |

Vehicles allowed on streets posted 6000 #/axle, 8500 #/tandem:

1. Fuel trucks for delivery to resident
2. Refuse trucks
3. Milk, bread, or grocery delivery to residents
4. Delivery of furnishings to new, unoccupied homes
5. Septic tank cleaning trucks
6. Emergency repair or rescue vehicles
7. School buses

**NOTE:** The above vehicles should travel the shortest possible distance on these streets.

Attachment "A"

Streets to be posted are:

|           |  |            |   |
|-----------|--|------------|---|
| Section 1 | Burdic<br>Chancery<br>Edith<br>Evanswood<br>Gulliver<br>Harned<br>Jarman<br>Ravenna<br>Stirling  | Section 6  | Killarney<br>Lake Charnwood<br>Limerick<br>Malvern<br>Meath Hunt Circle<br>Ramsbury<br>Tewksbury<br>Tutbury<br>Windrush   |
| Section 2 | Atkins<br>Barabeau<br>Cadmus<br>Cambria<br>Eckerman<br>Hartwig<br>Shelldrake   | Section 7  | Arlund Way<br>Beach<br>Rabben<br>Sussex Ct.   |
| Section 3 | Booth<br>DeEtta<br>Donaldson<br>Hannah<br>Hurst<br>Lesdale<br>Lovell<br>Marengo<br>Montclair<br>Norton<br>Ottawa<br>Peacock<br>Quill Creek<br>Westaway     | Section 9  | Blanche<br>Daniels<br>Fabius<br>Habrand<br>Haldane<br>Houghten<br>McKinley<br>Niles<br>Stalwart<br>Virgilia<br>Wright     |
| Section 4 | Aspinwall<br>Blackwall<br>Canmoor<br>Elmoor<br>Fredmoor<br>Herbmoor<br>Houghten<br>Hurst<br>Lovell<br>Niles<br>Scone<br>Troyvally<br>Vernmoor              | Section 10 | Creston<br>Cutting<br>Somerton<br>Sylvanwood<br>Trinway   |
|           |  | Section 11 | Abbotsford<br>Hilmore<br>Larayne<br>Philatha<br>Viking  |
|           |  | Section 13 | Forsyth   |
|           |  | Section 14 | Bradley<br>Eleanor<br>Glaser<br>Lamb<br>Rockfield   |
|           |  | Section 15 | Belhaven<br>Belzair<br>Crestfield<br>Dorshire<br>Evaline<br>Hanover<br>Leetonia<br>Tallman – Eckford to Thurber<br>Wilton |
| Section 6 | Anslow<br>Beach<br>Bretby<br>Chalgrove<br>Charnwood<br>Clockgate Circle<br>Dalesford<br>Donegal<br>Dublin Fair<br>Erin Way<br>Galloway Bay<br>Glyndebourne | Section 16 | Hart<br>Lange<br>Paragon<br>Virgilia<br>Webb  |
|           |  | Section 18 | Beach   |

|            |  |            |  |
|------------|--|------------|--|
| Section 18 | Bronson<br>Butternut Hill<br>Chestnut Hill<br>Hylane<br>Juniper Court<br>Pine Hill<br>Rouge Circle<br>Valley Vista<br>Valley Vista Circle<br>Walnut Hill   | Section 22 | Jennings<br>Kilmer<br>Louis<br>Talbot<br>Trombley<br>Troy<br>Troywood<br>Vanderpool  |
| Section 19 | Avonhurst<br>Beach<br>Binbrooke<br>Bolingbroke<br>Caswell<br>Chelsea<br>Chestnut Hill Court<br>Cheswick<br>Eastbourne<br>Hampton<br>Henhawk<br>Kent<br>Kingsley<br>Lanergan<br>Myddleton<br>Newgate<br>Oakhill<br>Oxford<br>Paddington<br>Palmerston<br>Sunridge<br>Tothill<br>Townhill<br>Upton<br>Weathervane<br>Wembly<br>Wendover<br>Woodman | Section 23 | Boyd<br>Daley<br>Hartland<br>Torpey<br>Urbancrest  |
|            |  | Section 24 | Orpington  |
|            |  | Section 25 | Garry<br>Isabell<br>Milverton<br>Vermont<br>Virginia   |
|            |  | Section 27 | Alganssee<br>Arthur<br>Beech Lane<br>Birchwood<br>Cherry<br>Chopin<br>Cook Court<br>Eastport<br>Enterprise<br>Hartshorn<br>Hickory<br>Kelly<br>Kirkton<br>Larchwood<br>Lydia<br>Mastin<br>Plum<br>Robinwood<br>Starr<br>Van Courtland<br>Vermont<br>Westwood<br>Woodslee |
| Section 20 | Alpine<br>Banmoor<br>Boulan<br>McClure<br>McManus<br>Muer  |            |  |
| Section 21 | Finch<br>Kirk Lane<br>Muer<br>Muerknoll<br>Ruthland<br>Wendleton   | Section 28 | Biltmore<br>Cloveridge<br>Forthton<br>Regents<br>Shepherds<br>Dashwood   |
| Section 22 | Colebrook<br>Ellenboro<br>Frankton<br>Harris<br>Hartland<br>Helena   | Section 36 | Iowa<br>Lovington<br>Minnesota<br>Wisconsin  |

Coolidge Highway - Square Lake to South Boulevard

Square Lake Road - Adams to Dequindre

Wattles Road - Adams to Dequindre

Revised 1/25/05

January 26, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services  
Douglas Smith, Real Estate & Development Director

RE: AGENDA ITEM – REQUEST FOR APPROVAL OF CONDITIONED  
PURCHASE AGREEMENT FOR RIGHT-OF-WAY: SIDEWALK  
GAP PROJECT, SIDWELL# 88-20-01-476-025, 2775 E. SQUARE  
LAKE ROAD – JOSE M. AND CHRISTINA J. PEREZ

As part of the ongoing Sidewalk Gap Completion Project, an agreement has been reached with Jose M. and Christina J. Perez, owners of the property located at 2775 E. Square Lake Road, to purchase 27 feet of right-of-way. The property is located in Section 1, on the north side of Square Lake west of Dequindre.

Based on an appraisal prepared by Andrew Reed & Associates, Inc., State Certified General Appraisers, and reviewed by Kimberly Harper, Assistant City Assessor, management believes that \$37,500, the compensation agreed upon, is justifiable for this 27 feet.

In order for the City to proceed with the acquisition of this right-of-way, management requests that City Council approve the attached Conditioned Purchase Agreement in the amount of \$37,500.

The right-of-way is being acquired under the Sidewalk New Construction budget.

**SQUARE LAKE SIDEWALK – NORTH SIDE  
SECTION 1 – JOHN R TO DEQUINDRE  
2775 East Square Lake  
Jose M. and Christina J. Perez**



**CITY OF TROY  
AGREEMENT TO PURCHASE REALTY  
FOR PUBLIC PURPOSES**

The CITY OF TROY (the "Buyer"), agrees to purchase from Jose M. Perez and Christina J. Perez, husband and wife (the "Sellers"), the following described premises (the "Property"):

The South 27.00 feet of the West 100.00 feet of the North 164.00 feet of the South 197.00 feet of the East ½ of the Southeast ¼ of Section 1, T2N-R11E, City of Troy, Oakland County, Michigan. Containing 2,700 Square Feet or 0.062 acres.

for a public project within the City of Troy and to pay the sum of Thirty Seven Thousand, Five Hundred and no/100 Dollars (\$37,500.00) under the following terms and conditions:

1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.
2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property prior to the conveyance.
3. Seller shall deliver the Warranty Deed upon payment of the purchase money by check drawn upon the account of the City of Troy.
4. Buyer shall, at its own expense, provide title assurance information to the Buyer, and the Seller shall disclose any encumbrances against the property.
5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date that all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is for the preparation and authorization of purchase money.
6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.
7. The City of Troy's sum paid for the property being acquired represents the property being free of all environmental contamination. Although the City of Troy will not withhold or place in escrow any portion of this sum, the City reserves its rights to bring Federal and/or State and/or local cost recovery actions against the present owners and any other potentially responsible parties, arising out of a release of hazardous substances at the property.
8. Seller acknowledges that this offer to purchase is subject to final approval by Troy City Council.
9. Seller grants to Buyer temporary possession and use of the property commencing on this date and continuing to the date of closing in order that the Buyer may proceed with the public project.
10. Additional conditions, if any: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SELLER HEREBY ACKNOWLEDGES THAT NO PROMISES WERE MADE EXCEPT AS CONTAINED IN THIS AGREEMENT.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 22<sup>nd</sup> day of January, A.D. 2005

In presence of Notary Public  
Gandy Setiady

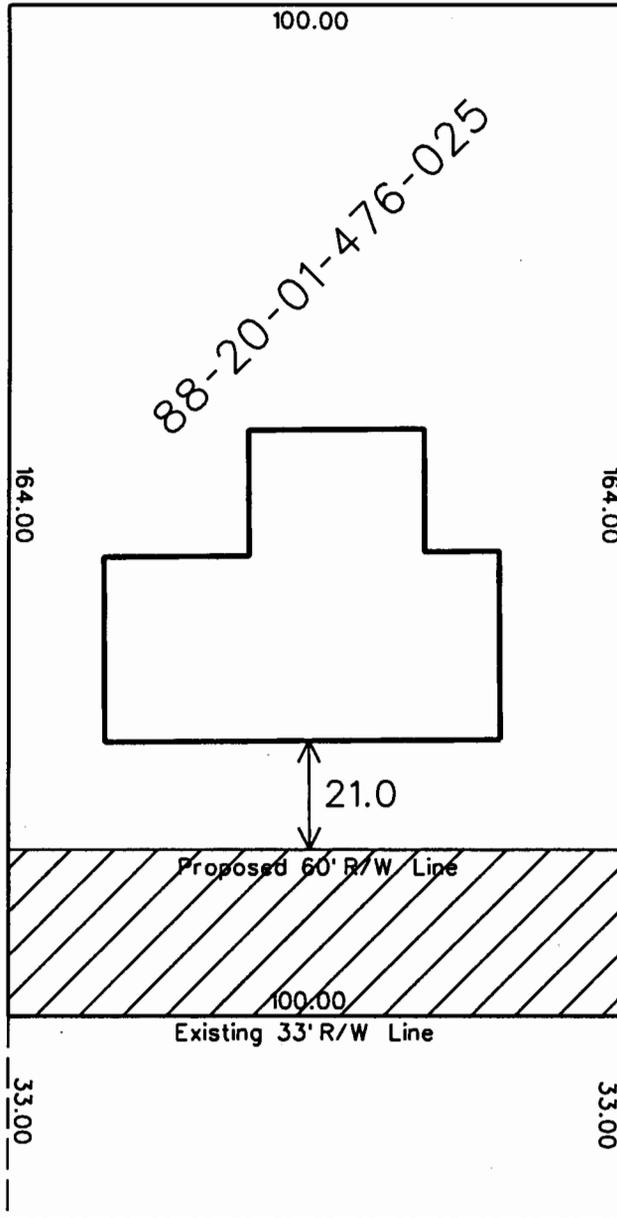


OFFICIAL SEAL  
Gandy Setiady  
Commission # DD 009515  
My Commission Expires March 14, 2005

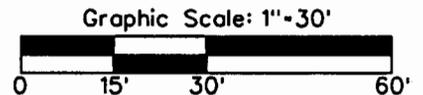
CITY OF TROY (BUYER)  
LARYSA FIGOL

SELLER:

Jose M. Perez  
Jose M. Perez  
Christina J. Perez  
Christina J. Perez



# 2775 E. Square  
 Lake Rd.



Right of Way  
 Acquisition  
 Area=2700 Sq.Ft.



|  |                |                                     |                     |
|--|----------------|-------------------------------------|---------------------|
| <b>CITY OF TROY</b><br>OAKLAND COUNTY, MICHIGAN                |                |                                     |                     |
| <b>Acquisition Sketch</b><br># 2775 E. Square Lk.              |                |                                     |                     |
| SCALE  | DRAWN BY       | CHECKED                             | FILE                |
| HOR. 1"=30'  | NAME GJB III   | NAME                                | See Above           |
| VER.   | DATE 3/30/2004 | DATE                                | VIEW *1             |
| DOCUMENT PREPARED BY<br>George J. Ballard III<br>CITY SURVEYOR | CONTRACT No.   | STEVEN J. VANDETTE<br>CITY ENGINEER | SHEET No.<br>1 of 1 |
|  |                |                                     | JOB No.<br>N/A      |

January 11, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services  
Steven Vandette, City Engineer 

SUBJECT: Agenda Item - Private Agreement for Grace Christian Learning Center Parking Lot  
Project No. 02.951.3

The Engineering Department has reviewed and approved plans for this project, which includes paving, storm sewer and sidewalk.

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

Approval is recommended.

Prepared by: Gary Streight, P.E.  
Civil Engineer

cc: Tonni Bartholomew, City Clerk (Original Agreement)  
James Nash, Financial Services Director

G:\Projects\Projects - 02.951.3\Private Agreement Cover Letter.doc

Enclosed Private Agreement, Detailed Summary, Sketch

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES  
PRIVATE AGREEMENT FOR GRACE CHRISTIAN LEARNING CENTER PARKING LOT  
PROJECT NO. 02.951.3

The estimated costs of public improvements for the aforementioned project are as follows:

**Escrow Deposits:**

|             |          |
|-------------|----------|
| paving      | 4,000.00 |
| storm sewer | 6,000.00 |
| sidewalk    | 1,500.00 |

**Total Escrow Deposits: (bond)** **\$ 11,500.00**

**Cash Fees:**

|                                  |                 |
|----------------------------------|-----------------|
| Review & Inspection              | \$931.50        |
| Engineering Review               | 1,200.00        |
| Water Main Testing Fee           |                 |
| Street Cleaning/Road Maintenance | <u>5,000.00</u> |

**Total Cash Fees: (check)** **\$ 7,131.50**

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS  
(PRIVATE AGREEMENT)**

PROJECT NO. 02.951.3

PROJECT LOCATION:

2057 E. Big Beaver

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

**KNOW ALL MEN BY THESE PRESENT;** That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and Grace Christian Learning Center whose address is 2057 E. Big Beaver, Troy, MI 48083 and whose telephone number is \_\_\_\_\_ hereinafter referred to as "Owners".

**WITNESSETH, FIRST:** That the City agrees to allow the installation of storm sewer, sidewalk and paving in accordance with plans prepared by George Jerome & Co. whose address is 28304 Hayes, Roseville, MI 48066 and whose telephone number is 810-774-3000, and approved prior to construction by the City specifications of the City shall be complied with for this construction.

*Cambridge*

**SECOND:** That the Owners agree to contribute the approximate contract price of \$11,500.00. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

- Cash
- Certificate of Deposit
- Irrevocable Bank Letter of Credit
- Check
- Performance Bond + *10% CASH*

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to contribute the following cash fees:

|   |           |                          |
|---|-----------|--------------------------|
| * Plan Review and Construction Inspection Fee (Public Improvements) | \$        | 931.50                   |
| Engineering Review Fee (Private Improvements)                       | \$        | 1,200.00                 |
| Water Main Testing Fee  | \$        |                          |
| Street Cleaning/Road Maintenance (Refundable)                       | \$        | 5,000.00                 |
| <b>TOTAL:</b>   | <b>\$</b> | <b><u>\$7,131.50</u></b> |

\* 8.1% (.081) of approximate contract price

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS  
(PRIVATE AGREEMENT)**

PROJECT NO. 02.951.3

PROJECT LOCATION:

2057 E. Big Beaver

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

**THIRD:** The owners may contract for construction of said improvement or may have the City advertise for bids. In the event the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor 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, according to the approved plans.

**FOURTH:** Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$ 18,631.50 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

**FIFTH:** Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

**SIXTH:** 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 for such public utilities as required by the City Engineer.

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS  
(PRIVATE AGREEMENT)

PROJECT NO. 02.951.3

PROJECT LOCATION:

2057 E. Big Beaver

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

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:

*Rita Howard*

Please Print or Type

Matt Pryor, Mayor

*Rita Howard*

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D.20\_\_\_\_\_, before me personally appeared \_\_\_\_\_ 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: \_\_\_\_\_



January 20, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services  
Jeanette Bennett, Purchasing Director  
Timothy L. Richnak, Public Works Director

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 8: Best Value Process Award – Automatic Meter Reading System

### **RECOMMENDATION**

On October 15, 2004, Request for Proposals were received to provide automatic meter reading system software, equipment, and services for the Department of Public Works Water Division for a period of five (5) years. City management recommends a contract be awarded to SLC Meter Service Inc. of Davisburg, MI, the lowest, most qualified bidder as a result of a best value process, for an estimated net total cost of \$78,350.00, as outlined in the attached bid tabulation. The award is contingent upon vendor submission of proper contract and proposal documents, including insurance certificates and all other specified requirements.

### **BACKGROUND AND FINDINGS**

Meter reading technology has advanced to a level that can provide added value, savings in manpower and reduced operational costs. A radio frequency system sends out signals and captures meter reads with a hand-held computer. Using this technology, the Water Department can easily read commercial and industrial water meters by driving past their locations. Currently, these reads are done by appointment. The cost to perform a read for a commercial/industrial meter is \$25 per read. The new system can reduce this cost to under a dollar.

The first objective is to replace all commercial and industrial water meters and then eventually move on to residential meters.

Cost analysis and discussions for a 3<sup>rd</sup> Party Meter Reading contract were conducted with other municipalities. At this time, the utility companies are reluctant to establish new partnerships with communities who do not have existing contracts.

### **SELECTION PROCESS**

The award recommendation is based upon the vendor offering the best combination of a variety of factors, which included pass / fail criteria, a successful demonstration and system pricing.

To be considered, the bidders were required to meet the following minimum requirements:

January 20, 2005

To: John Szerlag, City Manager  
Re: Best Value Award – Automatic Meter Reading System  
Page 2 of 2

**SELECTION PROCESS** – Continued -

- Five (5) years in business
- System software in place at least five (5) years
- Acceptable service and support
- Recovery of backup data
- Review of other charges
- Warranty claim procedures
- Routine maintenance / Repair procedures
- Positive references
- Skilled trainers
- Software revision levels and dates
- List of problems / complaints with overall system
- Compliance with insurance requirements

The City committee required a demonstration of the software and equipment to ensure that the proposed system could work in the City's environment.

**SUMMARY**

Even though both systems met the minimum requirements and passed the demonstration phase, the transition to a radio frequency system will be seamless with the Neptune Route Management Software and the most economical to implement. However, in order to read approximately hundred (100) existing compound meters with the new system, they will need to be outfitted with digital encoders. The encoders will be purchased as needed, following standard purchasing procedures. But, if a meter has exceeded its useful service life, it will be exchanged instead with a new meter.

**BUDGET**

Funds are available from the Operating Budget of the Water department for Meter Maintenance, account # 543.7740.010.

40 Notices mailed to prospective vendors

73 Vendors notified via the MITN system

4 Request for proposals rec'd

2 Proposals did not meet minimum criteria

1 Late bid

5 No Bids: (4) Companies unable to quote product as specified or provide an approved alternate.

(1) Company indicated they could not be competitive, as their partner bid direct.

Prepared by: Susan Leirstein, Purchasing Systems Administrator

S:/Murphy's Review/Agenda 02.07.05 Std Rsl 8 Award AMR

## EXECUTIVE SUMMARY AUTOMATIC METER READING SYSTEM

### STATISTICS:

- ◆ **Forty (40) Proposal notices were sent to prospective bidders**
- ◆ **Seventy- three (73) Vendors notified on the MITN System**
- ◆ **Four (4) firms responded to the proposal**
- ◆ **Two (2) firms met the pass / fail criteria**
- ◆ **SLC Meter Service, Inc is the recommended vendor as a result of a best value process**

### Selection Process:

1. **Firms were evaluated on Pass / Fail Criteria**
2. **Firms demonstrated ability of system to work in the City environment (Pass / Fail)**
3. **Lowest bidder who passes Phase 1 and 2 will be recommended for award**

## APPENDIX 1

### AUTOMATIC METER READING SYSTEM BIDDERS FAILING MINIMUM REQUIREMENTS

RFP-COT 04-35

#### List of Bidders Not Meeting Evaluation Criteria

| COMPANY NAME:                        | REASON FOR DISQUALIFICATION   |
|--------------------------------------|---|
| Floyd S. Salsar, Jr & Associates Inc | New system, Troy would be a beta test site.   |
| Arkion Systems                       | Company and system need to be established for five (5) years. Company has been in business four (4) years and the system only one (1) year. It was impossible to determine if there is adequate support or service, and what problems may arise after the warranty has expired. |

The Request for Proposal will provide Automatic Meter Reading System Software, Equipment, and Services for the Department of Public Works Water Division for a Period of Five (5) Years.

A City committee comprised of three (3) members reviewed the proposals. The City of Troy reserves the right to award this proposal to the company considered the most qualified based upon a combination of factors including but not limited to the following:

- A) Compliance with qualifications criteria
- B) Completeness of the proposal
- C) Correlation of the proposal submitted to the needs of the City of Troy
- D) Any other factors which may be deemed to be in the City's best interest
- E) Evaluation process and demonstration phase

Opening Date: 10/15/04  
Date Prepared: 1/10/05

CITY OF TROY  
TABULATION OF PROPOSALS  
METER READING SYSTEM

|              |              |               |  |
|--------------|--------------|---------------|--|
| VENDOR NAME: | SLC Meter    | Datamatic Ltd |  |
|              | Service, Inc |               |  |
|              |              |               |  |

**REQUEST FOR PROPOSAL:** TO PROVIDE AUTOMATIC METER READING SYSTEM SOFTWARE, EQUIPMENT, AND SERVICES FOR THE DPW WATER DIVISION FOR A PERIOD OF FIVE (5) YEARS, IN ACCORDANCE WITH SPECIFICATIONS.

| SOFTWARE:   |  | NEPTUNE                | ROUTESTAR               |                         |
|---|--|------------------------|-------------------------|-------------------------|
| <b>Item #1</b>                                    | <b>AMR System Software</b>                   |                        | \$ 4,000.00             |                         |
|   | <b>Training (On Site)</b>                    |                        |                         |                         |
|   | Complete for the Sum of:                     | \$ 1,000.00            | \$ 12,750.00            |                         |
|   | 1/2 Day Session                              | \$ 500.00              | \$ -                    |                         |
|   | Estimated # of Add. Hrs:                     | (8hrs) \$125.00/man-hr | \$ -                    |                         |
| HARDWARE:   |  |                        |                         |                         |
| <b>Item #2</b>                                    | <b>Meter Interface Units (MIU's)</b>         |                        |                         |                         |
|   | Year 1 500 units                             | each \$ 53.39          | \$ 87.00                |                         |
|   | Year 2 500 units                             | each \$ 53.39          | \$ 87.00                |                         |
|   | Discount - or + Price List                   | 10/12/04               | 10/12/04                |                         |
|   | Discount %                                   | 66.5%                  | In Appendix A Section 9 |                         |
| <b>Item #3</b>                                    | <b>Mobile Collection System</b>              |                        |                         |                         |
|   | Handhelds 6 ea                               | each \$ 915.00         | \$ 4,200.00             |                         |
| <b>Item #4</b>                                    | <b>Additional Hardware</b>                   |                        |                         |                         |
|   | MIU Conversion Device                        | n/a                    | \$ -                    |                         |
|   | Radio Frequency Receiver                     | each \$ 300.00         | \$ -                    |                         |
|   | Handheld Meter Units                         | each \$ 615.00         | \$ -                    |                         |
|   | Other: FIELD PROGRAMMER                      | each \$ 2,000.00       | \$ 3,066.00             | In Appendix A Section 9 |
|   | Discount - or + Price List                   | 10/12/04               | 10/12/04                |                         |
|   | Discount %                                   | Attached to Bid        | In Appendix A Section 9 |                         |
| MAINTENANCE/SUPPORT                               |  |                        |                         |                         |
| <b>Item #5</b>                                    | <b>Ongoing Maintenance/Support - 4 Yrs</b>   |                        |                         |                         |
|   | Handhelds Units 6 each                       | per year \$ 5,490.00   | \$ 6,156.54             |                         |
|   | Trade-In Psion System                        | \$ (5,490.00)          |                         |                         |
|   | System Discount                              |                        | \$ (33,000.00)          |                         |
|   | <b>ESTIMATED NET TOTAL AWARD:</b>            | <b>\$78,350.00</b>     |                         |                         |
|   | Digital Encoder (For analysis purposes only) | \$ 17,600.00           |                         |                         |
|   | <b>ESTIMATED GRAND TOTAL:</b>                | <b>\$95,950.00</b>     | \$ 123,642.16           |                         |
| OPTIONAL:   |  |                        |                         |                         |
| <b>Item #6</b>                                    | <b>Mobile Collection Vehicle</b>             |                        |                         |                         |
|   | One Vehicle Based System                     | \$ 5,000.49            | \$ 22,995.00            |                         |
|   | Discount - or + Price List                   | 10/12/04               | 10/12/04                |                         |
|   | Discount %                                   | 26.84%                 | In Appendix A Section 9 |                         |
| <b>Item #7</b>                                    | <b>Mobile Collection Vehicle</b>             |                        |                         |                         |
|   | Annually Warranty Period                     | \$ 1,367.00            | \$ 3,749.28             |                         |
| <b>COST BREAKDOWN - MOBILE COLLECTION RADIO</b>   |  |                        |                         |                         |
|   | MARKED AS:                                   | "MCR"                  | Appendix A              |                         |
| <b>TECHNICAL DATA &amp; DESCRIPTIVE MATERIALS</b> |  |                        |                         |                         |
|   | MARKED AS:                                   | "CB" "TD"              | Appendix A              |                         |
| <b>VENDOR QUESTIONNAIRE: Y or N</b>               |  | Yes                    | Yes                     |                         |
| <b>CONTACT INFORMATION: NAME</b>                  |  | William Traynor        | Fred Quintero           |                         |
|   | PHONE #                                      | (248)625-0667          | (972)234-5000           |                         |
| <b>INSURANCE:</b>                                 |  |                        |                         |                         |
|   | Can Meet                                     | XX                     | XX                      |                         |
|   | Cannot Meet                                  |                        |                         |                         |
| <b>TERMS</b>                                      |  | Net 30 Days            | Blank                   |                         |
| <b>WARRANTY</b>                                   |  | Standard               | Blank                   |                         |

Opening Date: 10/15/04  
 Date Prepared: 1/10/05

CITY OF TROY  
 TABULATION OF PROPOSALS  
 METER READING SYSTEM

RFP-COT 04-35  
 Pg 2 of 2

VENDOR NAME:

|                                |                          |                   |  |
|--------------------------------|--------------------------|-------------------|--|
|                                | <b>SLC Meter</b>         | Datamatic Ltd     |  |
|                                | <b>Service, Inc</b>      |                   |  |
| <b>DELIVERY:</b>               | Blank                    | Blank             |  |
| <b>EXCEPTIONS</b>              | Trade-In Value on Psion  | Warranty Work or  |  |
|                                | Based 6 Unit System      | Equipment covered |  |
|                                | Compkete w/Logicon Probe | by a Maintenance  |  |
|                                | \$5,490.00               | Agreement         |  |
| <b>ACKNOWLEDGEMENT: Y or N</b> | Yes                      | Yes               |  |

DMS:

Floyd S. Salser, Jr & Associates Inc - Reason: New System, Troy would be a beta test site -  
Arkion Systems - Reason: Company and system need to be established for five (5) years. Company has been  
in business four (4) years and the system only one (1) year -

NO BIDS:

- AMCO
- National Water Works
- Etna Supply Co
- Badger Meter Co
- Gunners Meters & Parts

**BOLDFACE TYPE DENOTES BEST VALUE PROPOSAL**

ATTEST:

- MaryAnn Hays
- Emily Frontera
- Michael Karloff
- Linda Bockstanz

\_\_\_\_\_  
 Jeanette Bennett  
 Purchasing Director



## Downloading History for RFP-COT 04-35MeterSystem

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 1/11/2005.

|                                      |  |
|--------------------------------------|--|
| <b>Document Title:</b>               | Automatic Meter Reading System Software, Equipment, & Services |
| <b>Date Issued:</b>                  | 9/10/2004  |
| <b>Close Date:</b>                   | 10/15/2004   |
| <b>Date Amendment #1 was Issued:</b> | 9/22/2004  |

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

| <u>Acct #</u> | <u>Company Name</u>                  | <u>Service</u> | <u>Date Obtained Document</u> | <u>Date Obtained Amendments</u> |
|---------------|--------------------------------------|----------------|-------------------------------|---------------------------------|
| 12399         | Alert Emergency Equipment Group, Inc | E-mail         | 9/12/2004                     |                                 |
| 14521         | AMCO Water Metering Systems Inc      | Free           | 9/23/2004                     | #1 9/23/2004                    |
| 14279         | Amerinational Community Services     | E-mail         |                               |                                 |
| 18702         | AMR International, Inc               | Free           | 9/16/2004                     |                                 |
| 12040         | Argus Supply Company                 | E-mail         |                               |                                 |
| 18768         | ArKion Systems                       | Free           | 10/13/2004                    | #1 11/18/2004                   |
| 18952         | AT RAMAR, LLC                        | Free           | 10/11/2004                    | #1 10/11/2004                   |
| 10738         | Badger Meter, Inc.                   | E-mail         | 9/10/2004                     | #1 9/22/2004                    |
| 12695         | BOILERS, CONTROLS & EQUIPMENT, INC.  | E-mail         | 9/14/2004                     |                                 |
| 17734         | Brown Drilling Co., Inc.             | Fax            |                               | #1 9/22/2004                    |
| 14787         | Cambridge Brass                      | E-mail         |                               |                                 |
| 11355         | Cartegraph                           | E-mail         |                               |                                 |
| 10915         | CITYWORKS, INC.                      | E-mail         |                               |                                 |
| 10592         | COCHRANE SUPPLY                      | E-mail         |                               |                                 |
| 11376         | Commercial Business Services Inc.    | E-mail         | 9/16/2004                     |                                 |
| 15975         | Communications Professionals, Inc.   | Free           | 9/27/2004                     |                                 |
| 18023         | Computer Builders Warehouse          | E-mail         | 10/6/2004                     |                                 |
| 18662         | Compuware Corporation                | E-mail         | 9/13/2004                     |                                 |
| 17663         | CULLIGAN OF ADRIAN                   | E-mail         |                               |                                 |

|       |  |        |            |               |
|-------|--|--------|------------|---------------|
| 18261 | DASCAN Industrial Controls                         | E-mail | 9/10/2004  |               |
| 18671 | Datamatic LTD.                                     | E-mail | 9/29/2004  | #1 10/13/2004 |
| 13466 | DE-CAL, Inc.                                       | E-mail |            |               |
| 11455 | e-Business Partners Inc.                           | E-mail | 9/23/2004  | #1 10/4/2004  |
| 12428 | East Jordan Iron Works, Inc.                       | E-mail |            |               |
| 15795 | Epoch Technologies, Inc                            | Free   | 9/22/2004  |               |
| 12990 | Etna Supply Company                                | E-mail | 9/22/2004  | #1 9/22/2004  |
| 13503 | Facilities Management, Inc.                        | E-mail | 9/20/2004  | #1 9/22/2004  |
| 16017 | Fleis & Vandebriuk Engineering, Inc                | E-mail |            |               |
| 13651 | Flow Control Systems, LLC                          | E-mail |            |               |
| 18748 | Floyd S. Saler, Jr. & Associates (DBA MARS Company | Free   | 9/22/2004  |               |
| 14878 | Frank Solutions - a division of govONE             | E-mail | 9/27/2004  | #1 9/27/2004  |
| 17661 | Fusion Tek, Inc.                                   | Free   | 9/27/2004  | #1 9/27/2004  |
| 17417 | Great Lakes Process Controls, Inc.                 | Free   | 9/23/2004  |               |
| 14165 | Gunners Meters & Parts                             | Free   | 9/25/2004  |               |
| 18828 | Hexagram Inc                                       | Free   | 9/30/2004  | #1 9/30/2004  |
| 18929 | Hometown Connections Intl.                         | Free   | 10/7/2004  |               |
| 14232 | Hydro-Zone, Inc.                                   | Fax    |            | #1 9/22/2004  |
| 11320 | IKON Office Solutions                              | E-mail | 9/22/2004  |               |
| 12824 | Johnson Controls                                   | E-mail | 9/24/2004  | #1 9/24/2004  |
| 17872 | Johnson Controls Incorporated                      | E-mail |            |               |
| 15601 | Kundinger Controls                                 | Free   | 9/14/2004  |               |
| 11815 | Libra Industries                                   | Free   | 9/27/2004  |               |
| 14749 | MacGyver Supply                                    | E-mail |            |               |
| 14205 | METROL CO.   | E-mail | 9/21/2004  |               |
| 12899 | Motorola, Inc.                                     | E-mail | 9/16/2004  |               |
| 13776 | MPS Group, Inc.                                    | E-mail |            |               |
| 18793 | National Metering Services, Incorporated           | Free   | 9/27/2004  | #1 9/27/2004  |
| 10155 | National Waterworks Inc.                           | E-mail | 9/28/2004  | #1 9/28/2004  |
| 18672 | Neptune  | E-mail | 9/23/2004  | #1 9/23/2004  |
| 15139 | Northrop Grumman Commercial Information Systems In | E-mail | 9/23/2004  | #1 9/23/2004  |
| 18380 | OccuMed3   | E-mail |            |               |
| 15672 | Perfect Irrigation & Landscape                     | E-mail |            |               |
| 17790 | Pete Wood Plumbing & Heating Co.                   | E-mail |            |               |
| 10504 | Precision Data Products Inc.                       | Free   | 10/4/2004  |               |
| 17343 | Professional Pump, Inc,                            | E-mail |            |               |
| 18681 | Rudder Limited                                     | E-mail | 10/13/2004 | #1 10/14/2004 |
| 12978 | S.L.C. Meter Service, Inc                          | E-mail | 10/12/2004 | #1 9/23/2004  |
| 13684 | soil and materials engineers, inc                  | E-mail |            |               |
| 10984 | Sunset Excavating, Inc.                            | E-mail |            |               |
| 18251 | SW Controls  | E-mail |            |               |

|       |                                    |        |           |              |
|-------|------------------------------------|--------|-----------|--------------|
| 18415 | Technology Integration Group       | Free   | 9/13/2004 |              |
| 17441 | Techs4Biz Corporation              | Free   | 9/22/2004 |              |
| 18280 | Tetra Tech MMPS                    | E-mail | 9/22/2004 |              |
| 17928 | The Mesco OliverGroup              | E-mail |           |              |
| 11367 | Trillium Teamologies, Inc.         | Free   | 9/13/2004 | #1 10/4/2004 |
| 13648 | Tucker, Young, Jackson, Tull, Inc. | Free   | 9/28/2004 |              |
| 15169 | U.S. Computer Exchange             | Free   | 9/23/2004 | #1 9/23/2004 |
| 13532 | Underground Lines, Inc.            | E-mail |           |              |
| 15622 | Underground Pipe & Valve, INC.     | E-mail | 9/23/2004 | #1 9/23/2004 |
| 10983 | USA Bluebook                       | E-mail |           |              |
| 15073 | W.T. Stevens Construction, Inc.    | Free   | 9/27/2004 | #1 9/27/2004 |
| 13490 | Walker-Miller Energy Services LLC  | E-mail | 9/24/2004 | #1 9/24/2004 |
| 11671 | Westin Engineering, Inc.           | Free   | 9/13/2004 |              |

[Return to Main Menu](#)

[Return to Report Menu](#)

January 31, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Asst. City Manager/Services  
Steve Vandette, City Engineer  
John K. Abraham, Traffic Engineer

SUBJECT: Agenda Item – Traffic Committee Recommendations – January 19, 2005

At the Traffic Committee meeting of January 19, 2005, the following recommendations were made for City Council approval:

1. Recommend replacing the YIELD sign with a STOP sign on Buckingham Place at Brentwood (Item 6).
2. Recommend replacing the YIELD sign with a STOP sign on Breeze Hill Place at Brentwood (Item 7).

JKA/ln

**DRAFT**

The Traffic Committee meeting was called to order at 7:30 p.m. in the Lower Level Conference Room at Troy City Hall on January 19, 2005 by Jan Hubbell.

**1. Roll Call**

PRESENT: Ted Halsey  
Jan Hubbell  
Richard Kilmer  
Richard Minnick  
Peter Ziegenfelder

ABSENT: John Diefenbaker  
Charles Solis  
Grace Yau, Student Representative

Also present: John Abraham, Traffic Engineer  
Lt. Scott McWilliams, Police Department  
Lt. Bob Matlick, Fire Department

And Items 3 & 4 Mike Johnson

Item 5 Tony & Tia Gee  
Bruce Bloomingdale, 4264 Tallman  
Dave Sysko, 4438 Yanich

Items 6 & 7 John Ballantine, Northfield Hills Condo Ass'n.  
Nancy Johnson, Northfield Hills Condo Ass'n.

**Motion to Excuse**

**RESOLUTION #TC-2005-01-01**

Motion by Kilmer

Seconded by Ziegenfelder

To excuse Mr. Diefenbaker, Mr. Solis, and Ms. Yau.

YEAS: All-5

NAYS: None

ABSENT: 2

MOTION CARRIED

**2. Minutes – November 17, 2004****RESOLUTION #TC-2005-01-02**

Motion by Kilmer

Seconded by Halsey

To approve the November 17, 2004 minutes as printed.

YEAS: All-5

NAYS: None

ABSENT: 2

MOTION CARRIED

**PUBLIC HEARINGS****3. Request for Sidewalk Waiver – 1257 Hartwig**

Mike Johnson is requesting a waiver for the sidewalk at 1257 Hartwig. The sidewalk ordinance requires that sidewalk be installed in conjunction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Petitioner states that there are no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing.

**RESOLUTION #TC-2005-01-03**

Motion by Kilmer

Seconded by Minnick

WHEREAS, City of Troy Ordinances, Chapter 34, Section 8(D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Mike Johnson has requested a temporary waiver of the requirement to construct a sidewalk on the property because there are no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing; and

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and

- b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and
- c. The construction of a new sidewalk on the property line would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 1257 Hartwig, which is owned by Mike Johnson.

YEAS: All-5

NAYS: None

ABSENT: 2

MOTION CARRIED

**4. Request for Sidewalk Waiver – 1271 Hartwig**

Mike Johnson is requesting a waiver for the sidewalk at 1271 Hartwig. The sidewalk ordinance requires that sidewalk be installed in conjunction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an “Agreement for Irrevocable Petition for Sidewalks.”

Petitioner states that there are no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing.

**RESOLUTION #TC-2005-01-04**

Motion by Kilmer

Seconded by Minnick

WHEREAS, City of Troy Ordinances, Chapter 34, Section 8(D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Mike Johnson has requested a temporary waiver of the requirement to construct a sidewalk on the property because there are no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing; and

WHEREAS, THE Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
- b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and
- c. The construction of a new sidewalk on the property line would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 1271 Hartwig, which is owned by Mike Johnson.

YEAS: All-5

NAYS: None

ABSENT: 2

MOTION CARRIED

**5. Request for Sidewalk Waiver – 533 East Wattles**

Tony Gee is requesting a waiver for the sidewalk at 533 East Wattles. The sidewalk ordinance requires that sidewalk be installed in conjunction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an “Agreement for Irrevocable Petition for Sidewalks.”

Petitioner states that there are no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing. A sidewalk would require removal of an existing 40-foot tall tree that adds to the natural features of the lot.

Mr. Gee addressed the committee and showed photos of his home and the surrounding area. There are no sidewalks in front of the properties to each side of his lot; one of which is 200 feet wide and one 85 feet. There are also utility poles and a big tree in the way. Mr. Halsey indicated that in the past the City has allowed meandering sidewalks around big trees. Dr. Abraham requested that Mr. Gee submit a plan to the Engineering Department for a sidewalk meandering around the tree.

Bruce Bloomingdale, 4264 Tallman, said the sidewalk in that square-mile section is 97% complete, and should be continued.

Dr. Abraham mentioned that the City is working toward having sidewalks on all main roads, including Wattles. Last year a developer was required to install sidewalks along a long stretch of Wattles to the west of this area, and the committee felt that this property should not be granted a different status.

**RESOLUTION #TC-2005-01-05**

Motion by Halsey

Seconded by Minnick

WHEREAS, the Traffic committee has determined, after a public hearing, that Petitioner failed to establish the standards justifying the granting of a waiver,

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee denies a waiver of the sidewalk requirement for the property at 533 East Wattles, which is owned by Tony Gee.

YEAS: All-5

NAYS: None

ABSENT: 2

MOTION CARRIED

**REGULAR BUSINESS**

**6. Replace YIELD sign with STOP sign on Buckingham Place at Brentwood**

*(This item was considered by the Traffic Committee at the October 20<sup>th</sup> meeting. No one appeared to address this matter and the committee recommended no changes at the intersection)*

John Ballantine, Northfield Hills Condominium Association, requests a STOP sign instead of the YIELD sign on Buckingham Place at Brentwood. Mr. Ballantine reports that even though there is a YIELD sign on Buckingham Place at Brentwood, motorists do not always yield to traffic, and he has seen many close calls at this intersection

This is a 3-way intersection, with a YIELD sign on Buckingham Place at Brentwood. Sight distance studies show that there are no major sight obstructions at this intersection. Brentwood runs from Long Lake to Northfield Parkway; Buckingham Place is a dead end street.

Brentwood carries around 1100 vehicles in a day and caters mostly to the condominium development. Buckingham Place carries around 680 vehicles per day. There was one rear-end-type crash in the past three years at this intersection.

Mr. Ballantine and Ms. Johnson related that they have had complaints of near misses from residents.

Mr. Halsey drove through the area and noted that most of the similar intersections have STOP signs.

**RESOLUTION #TC-2005-01-06**

Motion by Halsey

Seconded by Ziegenfelder

To recommend replacing YIELD sign with a STOP sign on Buckingham Place at Brentwood.

YEAS: All-5

NAYS: None

ABSENT: 2

MOTION CARRIED

**7. Replace YIELD sign with STOP sign on Breeze Hill Place at Brentwood**

*(This item was considered by the traffic committee at the October 20<sup>th</sup> meeting. No one appeared to address this matter and the committee recommended no changes at the intersection)*

John Ballantine, Northfield Hills Condominium Association, requests a STOP sign instead of the YIELD sign on Breeze Hill Place at Brentwood. Mr. Ballantine reports that even though there is a YIELD sign on Breeze Hill Place at Brentwood, motorists do not always yield to traffic, and that he has seen many close calls at this intersection

This is a 3-way intersection, with a YIELD sign on Breeze Hill Place at Brentwood. Sight distance studies show that there are no major sight obstructions at this intersection. Brentwood runs from Long Lake to Northfield Parkway, Breeze Hill Place is a dead end street.

Brentwood carries around 1100 vehicles in a day, while Breeze Hill carries around 630 vehicles per day. There were no reported crashes at this intersection in the past three years.

Mr. Ballantine and Ms. Johnson related that they have had complaints of near misses from residents.

Mr. Halsey drove through the area and noted that most of the similar intersections have STOP signs.

RESOLUTION #TC-2005-01-07

Motion by Halsey

Seconded by Ziegenfelder

To recommend replacing YIELD sign with a STOP sign on Breeze Hill at Brentwood.

YEAS: All-5

NAYS: None

ABSENT: 2

MOTION CARRIED

Mr. Ballantine said the condo association will inform residents of the changes. Mr. Kilmer asked Lt. McWilliams for extra enforcement in the area.

**8. Visitors' Time**

No one appeared to address items not on the agenda.

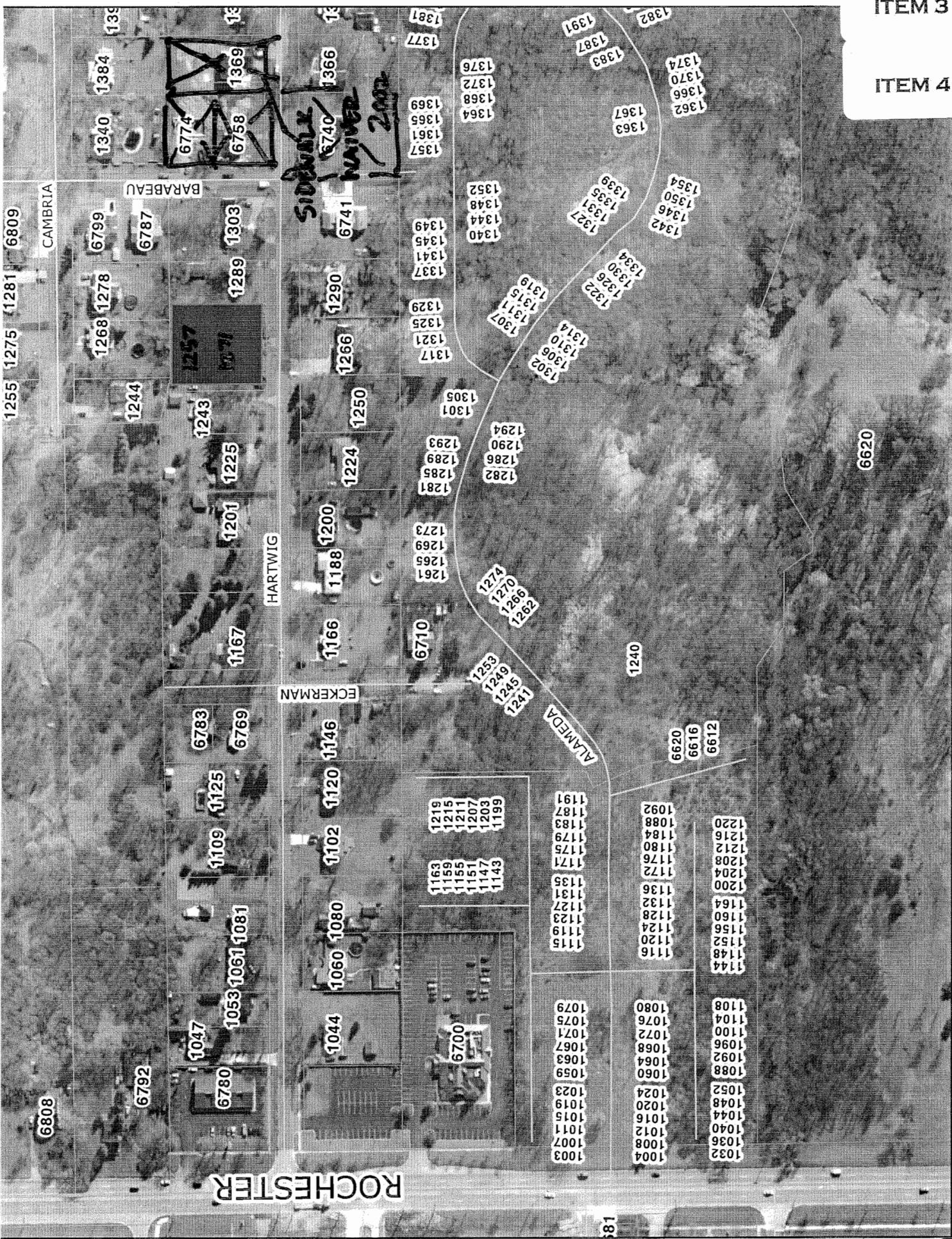
**9. Other Business**

There was no other business discussed.

The meeting was adjourned at 7:58 p.m. The next meeting is scheduled for February 16, 2005.

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Jan Hubbell





E WATTLES

NEW SIDE WALK  
INSTALLED  
/ IN FACT OP

S/W Development

533  
E WATTLES



ITEM 6

ITEM 7



0 110 220 440 660 880 Feet



January 25, 2005

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager Finance and Administration  
Jeanette Bennett, Purchasing Director

SUBJECT: **Agenda Item** – Standard Purchasing Resolution 4: MITN Cooperative – Copiers

### **RECOMMENDATION**

The Purchasing Department requests approval and authorization to obtain copiers for various City departments on an on-going basis from Albin Business Centers, 24288 Indoplex, Farmington, MI 48332 through the MITN Cooperative (formerly Tri-County Cooperative) contract under prices, terms, and conditions of Bid #00-01-922 and corresponding bid tabulation. The contract was bid by the City of Farmington Hills and is due to expire on August 13, 2006; although it should be noted that each copier agreement executed before then will extend for a sixty- (60) month period.

### **BACKGROUND**

With the advent of the e-agenda in the Spring of 2001, IT and Purchasing researched and tested small copiers that would allow departments connectivity to the network with printing and scanning capabilities to enable departmental expeditious processing of e-agenda items and other scanning activities. At the time, the State of Michigan Extended Purchasing Program offered a variety of equipment that met the City's needs. Many of these initial units are coming due for replacement.

Since then, Purchasing has researched copier contracts currently available and has determined that the best price for tested equipment can be obtained through a MITN Cooperative contract. The premise of the bids for the copier contracts between the state and the cooperative were different and, therefore, resulted in pricing differentials. On a monthly basis, the City is projected to save at least \$95.00 per month per copier over like equipment available through the State. The State contract includes a minimum number of copies per month with the MITN Cooperative contract allowing a user to pay only for copies made. A price comparison of like equipment between the State Contract and the MITN Cooperative contract is attached.

### **BUDGET**

Funds are available from the various departmental operating budgets under Office Supplies #7728.

JB/jb

COPIER PRICE COMPARISON  
STATE OF MICHIGAN VS. MITN COOPERATIVE

| Konica 7222                     | MITN Cooperative | State            |
|---------------------------------|------------------|------------------|
| Base Price                      | \$150.00         | \$294.00         |
| Copies Included – 5000          | 32.50 (@\$.0065) | Included         |
| Upgrade Scanning/ Print devices | 16.25            | Included         |
| Maintenance                     | Included         | Included         |
| <b>Final Cost:</b>              | <b>\$198.75</b>  | <b>\$294.00*</b> |

**Per Month**

\*Over 5,000 copies, copy cost is \$.013 / copy



CITY OF FARMINGTON HILLS  
 BID TABULATION #01-02-822  
 COPIERS

|                              |              |              |              |              |              |              |              |              |              |              |              |
|------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Rental total                 | \$ 12,817.80 | \$ 13,607.40 | \$ 17,460.00 | \$ 11,323.20 | \$ 15,042.00 | \$ 20,340.00 | \$ 10,440.00 | N/A          | N/A          | N/A          | N/A          |
| Lease total                  | \$ 12,432.60 | \$ 13,196.40 | \$ 14,856.00 | \$ 13,443.00 | \$ 15,042.00 | \$ 8,460.00  | \$ 10,440.00 | \$ 20,760.00 | \$ 10,956.00 | \$ 8,297.40  | \$ 9,780.00  |
| Lease total w/purchase       | \$ 13,350.66 | \$ 14,175.68 | \$ 14,856.00 | \$ 13,444.00 | \$ 16,130.60 | \$ 8,461.00  | \$ 11,767.00 | \$ 24,041.00 | \$ 10,957.00 | \$ 9,347.70  | \$ 10,990.00 |
| CPC Total (540,000)          | \$ 11,872.89 | \$ 11,872.89 | \$ 15,228.00 | \$ 37,260.00 | \$ 14,418.00 | \$ 15,390.00 | \$ 14,580.00 | \$ 14,580.00 | \$ 12,150.00 | \$ 17,820.00 | \$ 32,578.20 |
| Grand total rental           | \$ 24,690.69 | \$ 25,480.29 | \$ 32,688.00 | \$ 48,583.20 | \$ 29,460.00 | \$ 35,730.00 | \$ 25,020.00 | N/A          | N/A          | N/A          | N/A          |
| Grand total lease w/purchase | \$ 25,223.55 | \$ 26,048.57 | \$ 30,084.00 | \$ 50,704.00 | \$ 30,548.60 | \$ 23,851.00 | \$ 26,347.00 | \$ 38,621.00 | \$ 23,107.00 | \$ 27,167.70 | \$ 43,568.20 |
| Grand total lease            | \$ 24,305.49 | \$ 25,069.29 | \$ 30,084.00 | \$ 50,703.00 | \$ 29,460.00 | \$ 23,850.00 | \$ 25,020.00 | \$ 35,340.00 | \$ 23,106.00 | \$ 26,117.40 | \$ 42,358.20 |

40-49 CPM

| Make/Model                  | 7045        |  | DL460       | ESTUDIO45   | FPD455      | DI450       | 4502        | 3140         | 4230        | ESTUDIO45   | 1045        |
|-----------------------------|-------------|--|-------------|-------------|-------------|-------------|-------------|--------------|-------------|-------------|-------------|
| Purchase Price              | \$ 8,621.45 |  | \$ 9,496.00 | \$ 8,482.00 | \$ 9,659.00 | \$ 6,982.00 | \$ 8,849.00 | \$ 10,075.00 | \$ 8,530.00 | \$ 7,423.00 | \$ 8,207.00 |
| Monthly Rental 60 mts       | \$ 185.36   |  | \$ 222.00   | \$ 178.12   | \$ 222.43   | \$ 313.00   | \$ 174.00   | N/A          | N/A         | N/A         | N/A         |
| Monthly Lease 60 mts        | \$ 178.98   |  | \$ 226.47   | \$ 212.05   | \$ 222.43   | \$ 156.00   | \$ 174.00   | \$ 290.00    | \$ 200.45   | \$ 149.20   | \$ 166.00   |
| Annual lease payment-5yrs   | \$ 2,112.26 |  | \$ 2,717.64 | \$ 2,302.86 | \$ 2,669.08 | \$ 1,836.00 | \$ 2,088.00 | \$ 3,480.00  | \$ 2,405.40 | \$ 1,790.43 | \$ 1,994.30 |
| Purchase price at lease exp | \$ 8,621.45 |  | \$ -        | \$ 1.00     | \$ 965.80   | \$ 1.00     | \$ 1,327.00 | \$ 2,719.00  | \$ 1.00     | \$ 1,113.45 | \$ 1,232.00 |
| CPC 0-24 months             | 0.0065      |  | 0.0092      | 0.0150      | 0.0089      | 0.0090      | 0.0090      | 0.0090       | 0.0075      | 0.0090      | 0.0201      |
| CPC 24-48 months            | 0.0068      |  |             |             |             |             |             |              |             |             |             |
| CPC 48-60 months            | 0.0071      |  |             |             |             |             |             |              |             |             |             |

|                              |              |  |              |              |              |              |              |              |              |              |              |
|------------------------------|--------------|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Rental total                 | \$ 11,121.60 |  | \$ 13,320.00 | \$ 10,687.20 | \$ 13,345.80 | \$ 18,780.00 | \$ 10,440.00 | N/A          | N/A          | N/A          | N/A          |
| Lease total                  | \$ 10,738.80 |  | \$ 13,588.20 | \$ 12,723.00 | \$ 13,345.80 | \$ 9,360.00  | \$ 10,440.00 | \$ 17,400.00 | \$ 12,027.00 | \$ 8,952.00  | \$ 9,960.00  |
| Lease total w/purchase       | \$ 19,360.25 |  | \$ 13,588.20 | \$ 12,724.00 | \$ 14,311.60 | \$ 9,361.00  | \$ 11,767.00 | \$ 20,119.00 | \$ 12,028.00 | \$ 10,065.45 | \$ 11,192.00 |
| CPC Total (705,000)          | \$ 4,751.70  |  | \$ 7,458.90  | \$ 12,161.25 | \$ 7,215.68  | \$ 7,296.75  | \$ 7,296.75  | \$ 7,296.75  | \$ 6,080.63  | \$ 7,296.75  | \$ 16,304.18 |
| Grand total rental           | \$ 15,873.30 |  | \$ 20,778.90 | \$ 22,848.45 | \$ 20,561.48 | \$ 26,076.75 | \$ 17,736.75 | N/A          | N/A          | N/A          | N/A          |
| Grand total lease w/purchase | \$ 24,111.95 |  | \$ 21,047.10 | \$ 24,885.25 | \$ 21,527.28 | \$ 16,657.75 | \$ 19,063.75 | \$ 27,415.75 | \$ 18,108.63 | \$ 17,362.20 | \$ 27,496.18 |
| Grand total lease            | \$ 15,490.50 |  | \$ 21,047.10 | \$ 24,884.25 | \$ 20,561.48 | \$ 16,656.75 | \$ 17,736.75 | \$ 24,696.75 | \$ 18,107.63 | \$ 16,248.75 | \$ 26,264.18 |

40-49 CPM Networked

| Make/Model                  | 7045         |  | DL460        | ESTUDIO45    | FPD455       | DI450        | 4502         | 3140N        | 4230         | ESTUDIO45   | 1045P       |
|-----------------------------|--------------|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-------------|-------------|
| Purchase Price              | \$ 11,380.60 |  | \$ 12,022.00 | \$ 10,141.00 | \$ 11,560.00 | \$ 10,160.00 | \$ 10,191.00 | \$ 13,815.00 | \$ 10,860.00 | \$ 8,667.00 | \$ 9,488.00 |
| Monthly Rental 60 mts       | \$ 244.68    |  | \$ 307.00    | \$ 212.96    | \$ 266.23    | \$ 381.00    | \$ 199.00    | N/A          | N/A          | N/A         | N/A         |
| Monthly Lease 60 mts        | \$ 236.72    |  | \$ 286.08    | \$ 249.47    | \$ 266.23    | \$ 226.00    | \$ 199.00    | \$ 371.00    | \$ 255.20    | \$ 171.75   | \$ 192.00   |
| Annual lease payment-5yrs   | \$ 2,788.25  |  | \$ 3,432.96  | \$ 2,691.42  | \$ 3,194.76  | \$ 2,676.00  | \$ 2,388.00  | \$ 4,452.00  | \$ 3,062.40  | \$ 2,061.05 | \$ 2,305.58 |
| Purchase price at lease exp | \$ 1,138.06  |  | \$ -         | \$ 1.00      | \$ 1,156.00  | \$ 1.00      | \$ 1,528.00  | \$ 3,662.00  | \$ 1.00      | \$ 1,300.05 | \$ 1,424.00 |
| CPC 0-24 months             | \$ 0.0065    |  | \$ 0.0092    | \$ 0.0160    | \$ 0.0089    | \$ 0.0090    | \$ 0.0090    | \$ 0.0090    | \$ 0.0075    | \$ 0.0090   | \$ 0.0211   |
| CPC 24-48 months            | \$ 0.0068    |  |              |              |              |              |              |              |              |             |             |
| CPC 48-60 months            | \$ 0.0071    |  |              |              |              |              |              |              |              |             |             |
| Per m connection maint      | \$ 16.25     |  | \$ 40.69     |              |              |              |              |              |              |             |             |

|                              |              |  |              |              |              |              |              |              |              |              |              |
|------------------------------|--------------|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Rental total                 | \$ 15,655.80 |  | \$ 20,861.40 | \$ 12,777.60 | \$ 15,973.80 | \$ 22,860.00 | \$ 11,940.00 | N/A          | N/A          | N/A          | N/A          |
| Lease total                  | \$ 15,178.20 |  | \$ 19,606.20 | \$ 14,968.20 | \$ 15,973.80 | \$ 13,560.00 | \$ 11,940.00 | \$ 22,260.00 | \$ 15,312.00 | \$ 10,305.00 | \$ 11,520.00 |
| Lease total w/purchase       | \$ 16,316.26 |  | \$ 19,606.20 | \$ 14,969.20 | \$ 17,129.80 | \$ 13,561.00 | \$ 13,468.00 | \$ 25,922.00 | \$ 15,313.00 | \$ 11,605.05 | \$ 12,944.00 |
| CPC Total (705,000)          | \$ 4,751.70  |  | \$ 6,486.00  | \$ 11,280.00 | \$ 6,274.50  | \$ 6,345.00  | \$ 6,345.00  | \$ 6,345.00  | \$ 5,287.50  | \$ 6,345.00  | \$ 14,875.50 |
| Grand total rental           | \$ 20,407.50 |  | \$ 27,347.40 | \$ 24,057.60 | \$ 22,248.30 | \$ 29,205.00 | \$ 18,285.00 | N/A          | N/A          | N/A          | N/A          |
| Grand total lease w/purchase | \$ 21,067.96 |  | \$ 26,092.20 | \$ 26,249.20 | \$ 23,404.30 | \$ 19,906.00 | \$ 19,813.00 | \$ 32,267.00 | \$ 20,600.50 | \$ 17,950.05 | \$ 27,819.50 |
| Grand total lease            | \$ 19,929.90 |  | \$ 26,092.20 | \$ 26,248.20 | \$ 22,248.30 | \$ 19,905.00 | \$ 18,285.00 | \$ 28,605.00 | \$ 20,599.50 | \$ 16,650.00 | \$ 26,395.50 |

CITY OF FARMINGTON HILLS  
 BID TABULATION #01-02-922  
 COPIERS

60+ CPM

| Make/Model                  | 7065         | 7055         | 7075         | DL620        | ESTUDIO65    | FPD620       | DI620        | 3370         | 3165         | 6230         | ESTUDIO65    | 700          |
|-----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Purchase Price              | \$ 13,824.85 | \$ 11,295.00 | \$ 19,279.00 | \$ 15,687.00 | \$ 14,585.00 | \$ 17,765.00 | \$ 12,368.00 | \$ 16,143.00 | \$ 19,942.00 | \$ 13,300.00 | \$ 14,285.00 | \$ 15,286.00 |
| Monthly Rental 60 mts       | \$ 297.23    | \$ 242.84    | \$ 414.50    | \$ 366.00    | \$ 306.29    | \$ 409.13    | \$ 698.00    | \$ 316.00    | N/A          | N/A          | N/A          | N/A          |
| Monthly Lease 60 mts        | \$ 287.00    | \$ 234.94    | \$ 401.00    | \$ 372.57    | \$ 358.79    | \$ 409.13    | \$ 275.00    | \$ 316.00    | \$ 569.00    | \$ 312.55    | \$ 287.13    | \$ 309.00    |
| Annual lease payment-5yrs   | \$ 3,387.69  | \$ 2,767.28  | \$ 4,723.35  | \$ 4,470.84  | \$ 3,907.32  | \$ 4,909.56  | \$ 3,264.00  | \$ 3,792.00  | \$ 6,828.00  | \$ 3,750.60  | \$ 3,445.54  | \$ 3,714.49  |
| Purchase price at lease exp | \$ 1,382.49  | \$ 1,129.50  | \$ 1,927.90  | \$ -         | \$ 1.00      | \$ 1,776.50  | \$ 1.00      | \$ 2,421.00  | \$ 6,000.00  | \$ 1.00      | \$ 2,142.75  | \$ 2,293.00  |
| CPC 0-24 months             | \$ 0.0065    | \$ 0.0065    | \$ 0.0065    | \$ 0.0090    | \$ 0.0120    | \$ 0.0089    | \$ 0.0090    | \$ 0.0090    | \$ 0.0090    | \$ 0.0075    | \$ 0.0075    | \$ 0.0211    |
| CPC 24-48 months            | \$ 0.0068    | \$ 0.0068    | \$ 0.0068    |              |              |              |              |              |              |              |              |              |
| CPC 48-60 months            | \$ 0.0071    | \$ 0.0071    | \$ 0.0071    |              |              |              |              |              |              |              |              |              |

|                              |              |              |              |              |              |              |              |              |              |              |              |              |
|------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Rental total                 | \$ 17,833.80 | \$ 14,570.40 | \$ 24,870.00 | \$ 21,960.00 | \$ 18,377.40 | \$ 24,547.80 | \$ 41,880.00 | \$ 18,960.00 | N/A          | N/A          | N/A          | N/A          |
| Lease total                  | \$ 17,220.00 | \$ 14,096.40 | \$ 24,060.00 | \$ 22,354.20 | \$ 21,527.40 | \$ 24,547.80 | \$ 16,500.00 | \$ 18,960.00 | \$ 34,140.00 | \$ 18,753.00 | \$ 17,227.80 | \$ 18,540.00 |
| Lease total w/purchase       | \$ 18,602.49 | \$ 15,225.90 | \$ 25,987.90 | \$ 22,354.20 | \$ 21,528.40 | \$ 26,324.30 | \$ 16,501.00 | \$ 21,381.00 | \$ 40,140.00 | \$ 18,754.00 | \$ 19,370.55 | \$ 20,833.00 |
| CPC Total (1,920,000)        | \$ 12,940.80 | \$ 12,940.80 | \$ 12,940.80 | \$ 17,280.00 | \$ 23,040.00 | \$ 17,088.00 | \$ 17,280.00 | \$ 17,280.00 | \$ 17,280.00 | \$ 14,400.00 | \$ 14,400.00 | \$ 40,512.00 |
| Grand total rental           | \$ 30,774.60 | \$ 27,511.20 | \$ 37,810.80 | \$ 39,240.00 | \$ 41,417.40 | \$ 41,635.80 | \$ 59,160.00 | \$ 36,240.00 | N/A          | N/A          | N/A          | N/A          |
| Grand total lease w/purchase | \$ 31,543.29 | \$ 28,166.70 | \$ 38,928.70 | \$ 39,634.20 | \$ 44,368.40 | \$ 43,412.30 | \$ 33,781.00 | \$ 38,661.00 | \$ 57,420.00 | \$ 33,154.00 | \$ 33,770.55 | \$ 61,345.00 |
| Grand total lease            | \$ 30,160.80 | \$ 27,037.20 | \$ 37,000.80 | \$ 39,634.20 | \$ 44,367.40 | \$ 41,635.80 | \$ 33,780.00 | \$ 36,240.00 | \$ 51,420.00 | \$ 33,153.00 | \$ 31,627.80 | \$ 59,052.00 |

60+ CPM Networked

| Make/Model                  | 7065         | 7055         | 7075         | DL620        | ESTUDIO65    | FPD620       | DI620        | 3370         | 3165NC       | 6230         | ESTUDIO65    | 700          |
|-----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Purchase Price              | \$ 17,331.30 | \$ 14,802.30 | \$ 22,927.00 | \$ 18,454.00 | \$ 17,168.00 | \$ 25,891.00 | \$ 16,268.00 | \$ 17,777.00 | \$ 25,177.00 | \$ 15,700.00 | \$ 14,737.00 | \$ 17,560.00 |
| Monthly Rental 60 mts       | \$ 372.62    | \$ 318.25    | \$ 492.93    | \$ 462.00    | \$ 360.53    | \$ 596.27    | \$ 823.00    | \$ 348.00    | N/A          | N/A          | N/A          | N/A          |
| Monthly Lease 60 mts        | \$ 359.79    | \$ 307.89    | \$ 476.88    | \$ 437.87    | \$ 422.33    | \$ 596.27    | \$ 362.00    | \$ 348.00    | \$ 684.00    | \$ 368.95    | \$ 296.31    | \$ 355.00    |
| Annual lease payment-5yrs   | \$ 4,246.17  | \$ 3,626.49  | \$ 5,617.15  | \$ 5,254.44  | \$ 4,599.31  | \$ 7,155.24  | \$ 4,408.00  | \$ 4,176.00  | \$ 8,208.00  | \$ 4,427.40  | \$ 354.56    | \$ 4,267.08  |
| Purchase price at lease exp | \$ 1,733.13  | \$ 1,580.23  | \$ 2,292.70  | \$ -         | \$ 1.00      | \$ 2,589.10  | \$ 1.00      | \$ 2,667.00  | \$ 8,999.00  | \$ 1.00      | \$ 2,210.55  | \$ 2,634.00  |
| CPC 0-24 months             | \$ 0.0065    | \$ 0.0065    | \$ 0.0065    | \$ 0.0090    | \$ 0.0130    | \$ 0.0089    | \$ 0.0090    | \$ 0.0090    | \$ 0.0090    | \$ 0.0075    | \$ 0.0075    | \$ 0.0211    |
| CPC 24-48 months            | \$ 0.0068    | \$ 0.0068    | \$ 0.0068    |              |              |              |              |              |              |              |              |              |
| CPC 48-60 months            | \$ 0.0071    | \$ 0.0071    | \$ 0.0071    |              |              |              |              |              |              |              |              |              |
| Per m connection maint      | \$ 16.95     | \$ 16.25     | \$ 16.25     | \$ 64.52     |              |              |              |              |              |              |              |              |

|                              |              |              |              |              |              |              |              |              |              |              |              |              |
|------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Rental total                 | \$ 23,374.20 | \$ 20,070.00 | \$ 30,550.80 | \$ 31,591.20 | \$ 21,631.80 | \$ 35,776.20 | \$ 49,380.00 | \$ 20,880.00 | N/A          | N/A          | N/A          | N/A          |
| Lease total                  | \$ 22,604.40 | \$ 19,448.40 | \$ 29,587.80 | \$ 30,143.40 | \$ 25,339.80 | \$ 35,776.20 | \$ 21,720.00 | \$ 20,880.00 | \$ 41,040.00 | \$ 22,137.00 | \$ 17,778.60 | \$ 21,300.00 |
| Lease total w/purchase       | \$ 24,337.53 | \$ 21,028.63 | \$ 31,880.50 | \$ 30,143.40 | \$ 25,340.80 | \$ 38,365.30 | \$ 21,721.00 | \$ 23,547.00 | \$ 50,039.00 | \$ 22,138.00 | \$ 19,989.15 | \$ 23,934.00 |
| CPC Total (1,920,000)        | \$ 12,940.80 | \$ 12,940.80 | \$ 12,940.80 | \$ 17,280.00 | \$ 24,960.00 | \$ 17,088.00 | \$ 17,280.00 | \$ 17,280.00 | \$ 17,280.00 | \$ 14,400.00 | \$ 14,400.00 | \$ 40,512.00 |
| Grand total rental           | \$ 36,315.00 | \$ 33,010.80 | \$ 43,491.60 | \$ 48,871.20 | \$ 46,591.80 | \$ 52,864.20 | \$ 66,660.00 | \$ 38,160.00 | N/A          | N/A          | N/A          | N/A          |
| Grand total lease w/purchase | \$ 37,278.33 | \$ 33,969.43 | \$ 44,821.30 | \$ 47,423.40 | \$ 50,300.80 | \$ 55,453.30 | \$ 39,001.00 | \$ 40,827.00 | \$ 67,319.00 | \$ 36,538.00 | \$ 34,389.15 | \$ 64,446.00 |
| Grand total lease            | \$ 35,545.20 | \$ 32,389.20 | \$ 42,528.60 | \$ 47,423.40 | \$ 50,299.80 | \$ 52,864.20 | \$ 39,000.00 | \$ 38,160.00 | \$ 58,320.00 | \$ 36,537.00 | \$ 32,178.60 | \$ 61,812.00 |

Premier-Estimated FMV at lease expiration/staples extra

Metro Imaging-purchase price at lease exp is estimate/6% increases after 24 mts

OCE-CPC-not to exceed-final CPC determined at lease exp/other exceptions

Pitney Bowes-rigging fees extra/exceptions

Panasonic & Sterling-shipping of supplies extra

Evaluation bid grand total \$ 154,322.70 \$ 100,784.76 \$ 74,001.60 \$ 204,674.10 \$ 243,534.75 \$ 206,551.43 \$ 164,438.25 \$ 175,466.25 \$ 254,606.25 \$ 171,790.88 \$ 159,078.45 \$ 265,197.19



**TO:** Mayor and Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
**DATE:** January 28, 2005  
**SUBJECT:** Reckless Driving Ordinance Amendment

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Enclosed please find a proposed amendment to Chapter 106, Section 5.14 of the City of Troy zoning ordinances. This proposed ordinance amendment follows a recent change in the state statute.

Although most traffic misdemeanors allow a maximum statutory fine of up to \$500, the reckless driving statute had not been amended for approximately 50 years, and retained a maximum fine of \$100. Since a conviction of reckless driving carries six points on a driving record, which is the same penalty as a first offense drunk driving conviction, it seemed incongruous that the maximum fine for reckless driving was so low.

When the legislature increased the maximum statutory fine to \$500, they also addressed the maximum incarceration penalty. Previously, a conviction was punishable by imprisonment of up to 90 days, which was the maximum amount of incarceration under local ordinances. However, this was recently amended to allow for 93- day misdemeanors when expressly permitted by a corresponding state statute. All offenses punishable by a maximum incarceration of 93 days also require a submission and retention of fingerprints to the FBI when an arrest is made. This submission could lead to better law enforcement, since it would allow for identification and tracking of repeat offenders and persons who have outstanding warrants for other crimes.

We recommend adoption of the proposed ordinance amendments, increasing the reckless driving penalties to a maximum 93 days incarceration and/or a fine of up to \$500. If you have any questions concerning the above, please let me know.

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 Section 5.14 of Chapter 106 of the Code of the City of Troy.

Section 2. Amendment

5.14 Reckless driving; violation punishable as misdemeanor. A person who drives ~~any~~ a vehicle on a highway or a frozen public lake, stream<sup>2</sup>, pond, or other place open to the general public, including but not limited to any area designated for the parking of motor vehicles, in willful or wanton disregard for the safety of persons or property, is guilty of reckless driving, ~~which, upon conviction, is punishable as a misdemeanor.~~ A person who violates this section is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

Section 3. 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 4. 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 5. 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 \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Louise E. Schilling, Mayor

\_\_\_\_\_  
Tonni Bartholomew, City Clerk

January 29, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services  
Steven Vandette, City Engineer

SUBJECT: **Agenda Item** – Approval of Contract with MDOT for CMAQ Projects  
Project No. 00.106.5; 00.108.5; 01.103.5

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### **RECOMMENDATION**

Staff recommends that City Council approve the attached construction Contract No. 04-5516 with the Michigan Department of Transportation (MDOT) for the purpose of fixing the rights and obligations of each agency for the Congestion Mitigation and Air Quality (CMAQ) projects. Furthermore, staff recommends that the Mayor and City Clerk be authorized to execute the agreements.

### **SUMMARY**

The Contract covers the following project locations in the City of Troy:

1. Coolidge Road, under I-75
  - a. Widening of existing Coolidge Road under I-75 to allow for additional left turn lane storage.
2. Wattles Road at Forsyth
  - a. Construction of a right turn lane on Wattles to Forsyth and a passing lane on the south side of Wattles Road.
3. Rochester at South Boulevard
  - a. The existing right turn lane to Pertruzello's will be extended north to the South Boulevard intersection.

CMAQ projects are federally funded with the primary purpose of reducing congestion thereby improving air quality.

Bids for the project will be received and opened by MDOT on February 4, 2005. The work is anticipated to begin in May 2005 and be completed by November. An actual construction start date for each location will be established once a contractor has been selected by MDOT.

The attached agreement is a part of the obligation of the federal funds for the construction phase of the project.

### **FUNDING**

The CMAQ funds are capped based on the criteria established in the agreement and are not-to-exceed \$182,000. The estimated City share is \$261,700. The City's share is included in the 2004/05 Major Road budget and includes funds for construction, inspection and contingencies.

STP

DIR

|                  |  |
|------------------|--|
| Control Section  | CM 63459; CM 63900                                   |
| Job Number       | 53631; 53636; 59115                                  |
| Project          | CM 0463(395)(396)(397)                               |
| Federal Item No. | RR 4202; RR 4203; RR 4204                            |
| CFDA No.         | 20.205 (Highway Research<br>Planning & Construction) |
| Contract No.     | 04-5516  |

### PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made and entered into this date of \_\_\_\_\_, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF TROY, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in the City of Troy, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated December 29, 2004, attached hereto and made a part hereof:

#### PART A – CM 63459; JOB #53631; CM 0463(395); RR 4202

Left-turn lane construction work along Coolidge Road under Highway I-75; including pavement removal, hot mix asphalt paving, concrete paving, and guardrail work; and all together with necessary related work.

#### PART B – CM 63459; JOB #53636; CM 0463(396); RR 4203

Right-turn lane construction work at the intersection of Wattles Road and Forsyth Road; including pavement removal, hot mix asphalt paving, and curb and gutter work; and all together with necessary related work.

#### PART C – CM 63900; JOB #59115; CM 0463(397); RR 4204; FEDERAL PARTICIPATION

Right-turn lane construction work at the intersection of Rochester Road and South Boulevard; including pavement removal, earthwork, concrete paving restoration, and traffic signal modification work; and all together with necessary related work.

#### PART D – CM 63900; JOB #59115; CM 0463(397); RR 4204; NO FEDERREAL PARTICIPATION

Sprinkler relocation work at the intersection of Rochester Road and South Boulevard; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal law, monies have been provided for the performance of certain improvements on public roads; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT, at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s) or funding:

#### CONGESTION MITIGATION AND AIR QUALITY

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT.

Costs for construction engineering and inspection incurred by the DEPARTMENT will be charged 100 percent to the REQUESTING PARTY. Any other costs incurred by the DEPARTMENT as a result of this contract will be at PROJECT COST.

The costs incurred by the REQUESTING PARTY for preliminary engineering, construction engineering and inspection, and right-of-way are excluded from the PROJECT COST as defined by this contract.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT including advertising and awarding the construction contract for the PROJECT or portions of the PROJECT. Such administration shall be in accordance with PART II, Section II of this contract.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY, at no cost to the PROJECT or to the DEPARTMENT, shall:

- A. Design or cause to be designed the plans for the PROJECT.
- B. Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.
- C. Perform or cause to be performed the construction engineering and inspection services necessary for the completion of the PROJECT.

The REQUESTING PARTY will furnish the DEPARTMENT proposed timing sequences for trunkline signals that, if any, are being made part of the improvement. No timing adjustments shall be made by the REQUESTING PARTY at any trunkline intersection, without prior issuances by the DEPARTMENT of Standard Traffic Signal Timing Permits.

5. The PROJECT COST shall be met in accordance with the following:

PART A

Federal Congestion Mitigation and Air Quality Funds shall be applied to the eligible items of the PART A portion of the PROJECT COST at the established Federal participation ratio equal to 80 percent up to an amount not to exceed \$41,000. The balance of the PART A portion of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

PART B

Federal Congestion Mitigation and Air Quality Funds shall be applied to the eligible items of the PART B portion of the PROJECT COST at the established Federal participation ratio equal to 80 percent up to an amount not to exceed \$91,000. The balance of the PART B portion of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

PART C

Federal Congestion Mitigation and Air Quality Funds shall be applied to the eligible items of the PART C portion of the PROJECT COST at the established Federal participation ratio equal to 80 percent up to an amount not to exceed \$50,000. The balance of the PART C portion of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

PART D

The PART D portion of the PROJECT COST is not eligible for Federal participation and shall be charged to and paid 100 percent by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST not reimbursed by Federal Funds will be the sole responsibility of the REQUESTING PARTY.

6. No working capital deposit will be required for this PROJECT.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon the REQUESTING PARTY'S share of the actual costs incurred less Federal Funds earned as the PROJECT progresses.

In the event of any discrepancies between PART I and PART II of this contract, the provisions of PART I shall prevail.

7. Upon completion of construction of the PROJECT, the REQUESTING PARTY will promptly cause to be enacted and enforced such ordinances or regulations as may be necessary to prohibit parking in the roadway right-of-way throughout the limits of the PROJECT.

8. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

9. The REQUESTING PARTY certifies that a) it is a person under 1995 PA 71 and is not aware of and has no reason to believe that the property is a facility as defined in MSA 13A.20101(1)(l); b) the REQUESTING PARTY further certifies that it has completed the tasks required by MCL 324.20126 (3)(h); MSA 13A.20126(3)(h); c) it conducted a visual inspection of property within the existing right of way on which construction is to be performed to determine if any hazardous substances were present; and at sites on which historically were located businesses that involved hazardous substances, it performed a reasonable investigation to determine whether hazardous substances exist. This reasonable investigation should include, at a minimum, contact with local, state and federal environmental agencies to determine if the site has been identified as, or potentially as, a site containing hazardous substances; d) it did not cause or contribute to the release or threat of release of any hazardous substance found within the PROJECT limits.

The REQUESTING PARTY also certifies that, in addition to reporting the presence of any hazardous substances to the Department of Environmental Quality, it has advised the DEPARTMENT of the presence of any and all hazardous substances which the REQUESTING PARTY found within the PROJECT limits, as a result of performing the investigation and visual inspection required herein. The REQUESTING PARTY also certifies that it has been unable to identify any entity who may be liable for the cost of remediation. As a result, the REQUESTING PARTY has included all estimated costs of remediation of such hazardous substances in its estimated cost of construction of the PROJECT.

10. If, subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require environmental remediation pursuant to either state or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Department of Environmental Quality, shall immediately notify the DEPARTMENT, both orally and in writing of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine if it is willing to pay for the cost of remediation and, with the FHWA, to determine the eligibility, for reimbursement, of the remediation costs. The REQUESTING PARTY shall be charged for and shall pay all costs associated with such remediation, including all delay costs of the contractor for the PROJECT, in the event that remediation and delay costs are not deemed eligible by the FHWA. If the REQUESTING PARTY refuses to participate in the cost of remediation, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

11. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation with the Department of Environmental Quality and the DEPARTMENT, shall make a diligent effort to recover such costs from all other possible entities. If recovery is made, the DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

12. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT or its agents pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections and recommendations by the DEPARTMENT or its agents shall not relieve the REQUESTING PARTY and the local agencies, as applicable, of their ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT or its agents is assuming any liability, control or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT or its agents does not relieve the REQUESTING PARTY and the local agencies, as applicable of their exclusive jurisdiction of the highway and responsibility under MCL 691.1402, MSA 3.996(102).

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT or its agents is performing a governmental function, as that term is defined in MCL 691.1401; MSA 3.996(101), which is incidental to the completion of the PROJECT.

13. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of the highway, described as the PROJECT for purposes of MCL 691.1402; MSA 3.996(102). Exclusive jurisdiction of such highway for the purposes of MCL 691.1402; MSA 3.996(102) rests with the REQUESTING PARTY and other local agencies having respective jurisdiction.

14. The REQUESTING PARTY shall approve all of the plans and specifications to be used on the PROJECT and shall be deemed to have approved all changes to the plans and specifications when put into effect. It is agreed that ultimate responsibility and control over the PROJECT rests with the REQUESTING PARTY and local agencies, as applicable.

15. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

16. The parties shall promptly provide comprehensive assistance and cooperation in defending and resolving any claims brought against the DEPARTMENT by the contractor, vendors or suppliers as a result of the DEPARTMENT'S award of the construction contract for the PROJECT. Costs incurred by the DEPARTMENT in defending or resolving such claims shall be considered PROJECT COSTS.

17. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current Standard Specifications for Construction and to:

- A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.
- B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other county, county road commission, or municipality in whose jurisdiction the PROJECT is located, and their

employees, for the duration of the PROJECT and to provide, upon request, copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume jurisdiction of the highway described as the PROJECT as a result of being named as an insured on the owner's protective liability insurance policy.

- C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide, upon request, copies of notices and reports prepared to those insured.

18. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolutions approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF TROY

MICHIGAN DEPARTMENT  
OF TRANSPORTATION

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

By \_\_\_\_\_  
Department Director MDOT

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

FORM APPROVED  
1/14/05  
*JCL*  
CONSULTANT  
ATTORNEY  
GENERAL

607  
RENEWED  
1-3-05  
COMMERCIAL

December 29, 2004

EXHIBIT I

CONTROL SECTION      CM 63459; CM 63900  
JOB NUMBER            53631; 53636; 59115  
PROJECT                CM 0463(395)(396)(397)

ESTIMATED COST

CONTRACTED WORK

|                | <u>PART A</u> | <u>PART B</u> | <u>PART C</u> | <u>PART D</u> | <u>TOTAL</u> |
|----------------|---------------|---------------|---------------|---------------|--------------|
| Estimated Cost | \$121,800     | \$205,400     | \$115,200     | \$1,300       | \$443,700    |

COST PARTICIPATION

|                                    |           |           |           |         |           |
|------------------------------------|-----------|-----------|-----------|---------|-----------|
| GRAND TOTAL ESTIMATED COST         | \$121,800 | \$205,400 | \$115,200 | \$1,300 | \$443,700 |
| Less Federal Funds*                | \$ 41,000 | \$ 91,000 | \$ 50,000 | \$ 0    | \$182,000 |
| BALANCE (REQUESTING PARTY'S SHARE) | \$ 80,800 | \$114,400 | \$ 65,200 | \$1,300 | \$261,700 |

\*Federal Funds shall be applied to the eligible items of the PART A, B, and C portions of the PROJECT COST at a participation ratio equal to 80 percent up to an amount not to exceed \$41,000, \$91,000, and \$50,000, respectively.

NO DEPOSIT

PART II

STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

SECTION II PROJECT ADMINISTRATION AND SUPERVISION

SECTION III ACCOUNTING AND BILLING

SECTION IV MAINTENANCE AND OPERATION

SECTION V SPECIAL PROGRAM AND PROJECT CONDITIONS

## SECTION I

### COMPLIANCE WITH REGULATIONS AND DIRECTIVES

- A. To qualify for eligible cost, all work shall be documented in accordance with the requirements and procedures of the DEPARTMENT.
- B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the following Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 and Title 49 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.
  - 1. Engineering
    - a. FAPG (6012.1): Preliminary Engineering
    - b. FAPG (23 CFR 172): Administration of Engineering and Design Related Service Contracts
    - c. FAPG (23 CFR 635A): Contract Procedures
    - d. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments--Allowable Costs
  - 2. Construction
    - a. FAPG (23 CFR 140E): Administrative Settlement Costs-Contract Claims
    - b. FAPG (23 CFR 140B): Construction Engineering Costs
    - c. FAPG (23 CFR 17): Recordkeeping and Retention Requirements for Federal-Aid Highway Records of State Highway Agencies
    - d. FAPG (23 CFR 635A): Contract Procedures
    - e. FAPG (23 CFR 635B): Force Account Construction
    - f. FAPG (23 CFR 645A): Utility Relocations, Adjustments and Reimbursement
    - g. FAPG (23 CFR 645B): Accommodation of Utilities (PPM 30-4.1)

- h. FAPG (23 CFR 655F): Traffic Control Devices on Federal-Aid and other Streets and Highways
      - i. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments—Allowable Costs
    - 3. Modification Or Construction Of Railroad Facilities
      - a. FAPG (23 CFR 140I): Reimbursement for Railroad Work
      - b. FAPG (23 CFR 646B): Railroad Highway Projects
- C. In conformance with FAPG (23 CFR 630C) Project Agreements, the political subdivisions party to this contract, on those Federally funded projects which exceed a total cost of \$100,000.00 stipulate the following with respect to their specific jurisdictions:
  - 1. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
  - 2. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
  - 3. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.
- D. Ensure that the PROJECT is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless modified or deleted by approval of the FHWA.
- E. All the requirements, guidelines, conditions and restrictions noted in all other pertinent Directives and Instructional Memoranda of the FHWA will apply to this contract and will be adhered to, as applicable, by the parties hereto.

## SECTION II

### PROJECT ADMINISTRATION AND SUPERVISION

- A. The DEPARTMENT shall provide such administrative guidance as it determines is required by the PROJECT in order to facilitate the obtaining of available federal and/or state funds.
- B. The DEPARTMENT will advertise and award all contracted portions of the PROJECT work. Prior to advertising of the PROJECT for receipt of bids, the REQUESTING PARTY may delete any portion or all of the PROJECT work. After receipt of bids for the PROJECT, the REQUESTING PARTY shall have the right to reject the amount bid for the PROJECT prior to the award of the contract for the PROJECT only if such amount exceeds by twenty percent (20%) the final engineer's estimate therefor. If such rejection of the bids is not received in writing within two (2) weeks after letting, the DEPARTMENT will assume concurrence. The DEPARTMENT may, upon request, readvertise the PROJECT. Should the REQUESTING PARTY so request in writing within the aforesaid two (2) week period after letting, the PROJECT will be cancelled and the DEPARTMENT will refund the unused balance of the deposit less all costs incurred by the DEPARTMENT.
- C. The DEPARTMENT will perform such inspection services on PROJECT work performed by the REQUESTING PARTY with its own forces as is required to ensure compliance with the approved plans & specifications.
- D. On those projects funded with Federal monies, the DEPARTMENT shall as may be required secure from the FHWA approval of plans and specifications, and such cost estimates for FHWA participation in the PROJECT COST.
- E. All work in connection with the PROJECT shall be performed in conformance with the Michigan Department of Transportation Standard Specifications for Construction, and the supplemental specifications, Special Provisions and plans pertaining to the PROJECT and all materials furnished and used in the construction of the PROJECT shall conform to the aforesaid specifications. No extra work shall be performed nor changes in plans and specifications made until said work or changes are approved by the project engineer and authorized by the DEPARTMENT.

- F. Should it be necessary or desirable that portions of the work covered by this contract be accomplished by a consulting firm, a railway company, or governmental agency, firm, person, or corporation, under a subcontract with the REQUESTING PARTY at PROJECT expense, such subcontracted arrangements will be covered by formal written agreement between the REQUESTING PARTY and that party.

This formal written agreement shall: include a reference to the specific prime contract to which it pertains; include provisions which clearly set forth the maximum reimbursable and the basis of payment; provide for the maintenance of accounting records in accordance with generally accepted accounting principles, which clearly document the actual cost of the services provided; provide that costs eligible for reimbursement shall be in accordance with clearly defined cost criteria such as 49 CFR Part 18, 48 CFR Part 31, 23 CFR Part 140, OMB Circular A-87, etc. as applicable; provide for access to the department or its representatives to inspect and audit all data and records related to the agreement for a minimum of three years after the department's final payment to the local unit.

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than \$100,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

Any such approval by the DEPARTMENT shall in no way be construed as a warranty of the subcontractor's qualifications, financial integrity, or ability to perform the work being subcontracted.

- G. The REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, shall make such arrangements with railway companies, utilities, etc., as may be necessary for the performance of work required for the PROJECT but for which Federal or other reimbursement will not be requested.
- H. The REQUESTING PARTY, at no cost to the PROJECT, or the DEPARTMENT, shall secure, as necessary, all agreements and approvals of the PROJECT with railway companies, the Railroad Safety & Tariffs Division of the DEPARTMENT and other concerned governmental agencies other than the FHWA, and will forward same to the DEPARTMENT for such reviews and approvals as may be required.
- I. No PROJECT work for which reimbursement will be requested by the REQUESTING PARTY is to be subcontracted or performed until the DEPARTMENT gives written notification that such work may commence.

- J. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of the work it agrees to undertake and perform.
- K. The REQUESTING PARTY shall pay directly to the party performing the work all billings for the services performed on the PROJECT which are authorized by or through the REQUESTING PARTY.
- L. The REQUESTING PARTY shall submit to the DEPARTMENT all paid billings for which reimbursement is desired in accordance with DEPARTMENT procedures.
- M. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 2001, MCL 339.2001; MSA 18.425(2001), as well as in accordance with the provisions of all previously cited Directives of the FHWA.
- N. The project engineer shall be subject to such administrative guidance as may be deemed necessary to ensure compliance with program requirement and, in those instances where a consultant firm is retained to provide engineering and inspection services, the personnel performing those services shall be subject to the same conditions.
- O. The DEPARTMENT, in administering the PROJECT in accordance with applicable Federal and State requirements and regulations, neither assumes nor becomes liable for any obligations undertaken or arising between the REQUESTING PARTY and any other party with respect to the PROJECT.
- P. In the event it is determined by the DEPARTMENT that there will be either insufficient Federal funds or insufficient time to properly administer such funds for the entire PROJECT or portions thereof, the DEPARTMENT, prior to advertising or issuing authorization for work performance, may cancel the PROJECT, or any portion thereof, and upon written notice to the parties this contract shall be void and of no effect with respect to that cancelled portion of the PROJECT. Any PROJECT deposits previously made by the parties on the cancelled portions of the PROJECT will be promptly refunded.
- Q. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.

### SECTION III

#### ACCOUNTING AND BILLING

A. Procedures for billing for work undertaken by the REQUESTING PARTY:

1. The REQUESTING PARTY shall establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this contract, said records to be hereinafter referred to as the "RECORDS". Separate accounts shall be established and maintained for all costs incurred under this contract.

The REQUESTING PARTY shall maintain the RECORDS for at least three (3) years from the date of final payment of Federal Aid made by the DEPARTMENT under this contract. In the event of a dispute with regard to the allowable expenses or any other issue under this contract, the REQUESTING PARTY shall thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

The DEPARTMENT, or its representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.

If any part of the work is subcontracted, the REQUESTING PARTY shall assure compliance with the above for all subcontracted work.

In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this contract, or questions the allowability of an item of expense, the DEPARTMENT shall promptly submit to the REQUESTING PARTY, a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense and, (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY

may supply appropriate excerpts and make alternate arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, P.L. 98-502.

The REQUESTING PARTY shall adhere to the following requirements associated with audits of accounts and records:

- a. Agencies expending a total of \$300,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

- The Reporting Package
- The Data Collection Form
- The management letter to the agency, if one issued by the audit firm

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

b. Agencies expending less than \$300,000 in federal funds must submit a letter to the Department advising that a circular audit was not required. The letter shall indicate the applicable fiscal year, the amount of federal funds spent, the name(s) of the Department federal programs, and the CFDA grant number(s). This information must also be submitted to the address below.

c. Address: Michigan Department of Transportation  
Bureau of Highways Technical Services  
425 W. Ottawa, P.O. Box 30050  
Lansing, MI 48909

d. Agencies must also comply with applicable State laws and regulations relative to audit requirements.

e. Agencies shall not charge audit costs to Department's federal programs which are not in accordance with the OMB Circular A-133 requirements.

f. All agencies are subject to the federally required monitoring activities, which may include limited scope reviews and other on-site monitoring.

2. Agreed Unit Prices Work - All billings for work undertaken by the REQUESTING PARTY on an agreed unit price basis will be submitted in accordance with the Michigan Department of Transportation Standard Specifications for Construction and pertinent FAPG Directives and Guidelines of the FHWA.
3. Force Account Work and Subcontracted Work - All billings submitted to the DEPARTMENT for Federal reimbursement for items of work performed on a force account basis or by any subcontract with a consulting firm, railway company, governmental agency or other party, under the terms of this contract, shall be prepared in accordance with the provisions of the pertinent FHPM Directives and the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than \$1,000.00 shall be submitted unless it is a final or end of fiscal year

billing. All billings shall be labeled either "Progress Bill Number \_\_\_\_\_", or "Final Billing".

4. Final billing under this contract shall be submitted in a timely manner but not later than six months after completion of the work. Billings for work submitted later than six months after completion of the work will not be paid.
5. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with Federal monies, the DEPARTMENT will act as billing agent for the REQUESTING PARTY, consolidating said billings with those for its own force account work and presenting these consolidated billings to the FHWA for payment. Upon receipt of reimbursement from the FHWA, the DEPARTMENT will promptly forward to the REQUESTING PARTY its share of said reimbursement.
6. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with non-Federal monies, the DEPARTMENT will promptly forward to the REQUESTING PARTY reimbursement of eligible costs.

B. Payment of Contracted and DEPARTMENT Costs:

1. As work on the PROJECT commences, the initial payments for contracted work and/or costs incurred by the DEPARTMENT will be made from the working capital deposit. Receipt of progress payments of Federal funds, and where applicable, State Critical Bridge funds, will be used to replenish the working capital deposit. The REQUESTING PARTY shall make prompt payments of its share of the contracted and/or DEPARTMENT incurred portion of the PROJECT COST upon receipt of progress billings from the DEPARTMENT. Progress billings will be based upon the REQUESTING PARTY'S share of the actual costs incurred as work on the PROJECT progresses and will be submitted, as required, until it is determined by the DEPARTMENT that there is sufficient available working capital to meet the remaining anticipated PROJECT COSTS. All progress payments will be made within thirty (30) days of receipt of billings. No monthly billing of a lesser amount than \$1,000.00 will be made unless it is a final or end of fiscal year billing. Should the DEPARTMENT determine that the available working capital exceeds the remaining anticipated PROJECT COSTS, the DEPARTMENT may reimburse the REQUESTING PARTY such excess. Upon completion of the PROJECT, payment of all PROJECT COSTS, receipt of all applicable monies from the FHWA, and completion of necessary audits, the REQUESTING PARTY will be reimbursed the balance of its deposit.

2. In the event that the bid, plus contingencies, for the contracted, and/or the DEPARTMENT incurred portion of the PROJECT work exceeds the estimated cost therefor as established by this contract, the REQUESTING PARTY may be advised and billed for the additional amount of its share.

C. General Conditions:

1. The DEPARTMENT, in accordance with its procedures in existence and covering the time period involved, shall make payment for interest earned on the balance of working capital deposits for all projects on account with the DEPARTMENT. The REQUESTING PARTY in accordance with DEPARTMENT procedures in existence and covering the time period involved, shall make payment for interest owed on any deficit balance of working capital deposits for all projects on account with the DEPARTMENT. This payment or billing is processed on an annual basis corresponding to the State of Michigan fiscal year. Upon receipt of billing for interest incurred, the REQUESTING PARTY promises and shall promptly pay the DEPARTMENT said amount.
2. Pursuant to the authority granted by law, the REQUESTING PARTY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified in PART I and PART II. If the REQUESTING PARTY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the REQUESTING PARTY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the REQUESTING PARTY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the REQUESTING PARTY with payment thereof, and to notify the REQUESTING PARTY in writing of such fact.
3. Upon completion of all work under this contract and final audit by the DEPARTMENT or the FHWA, the REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of costs previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand made by the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Funds in settlement of said claim.

4. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT and upon completion of the PROJECT, payment of all items of PROJECT COST, receipt of all Federal Aid, if any, and completion of final audit by the DEPARTMENT and if applicable, by the FHWA, shall make final accounting to the REQUESTING PARTY. The final PROJECT accounting will not include interest earned or charged on working capital deposited for the PROJECT which will be accounted for separately at the close of the State of Michigan fiscal year and as set forth in Section C(1).
5. The costs of engineering and other services performed on those projects involving specific program funds and one hundred percent (100%) local funds will be apportioned to the respective portions of that project in the same ratio as the actual direct construction costs unless otherwise specified in PART I.

## SECTION IV

### MAINTENANCE AND OPERATION

A. Upon completion of construction of each part of the PROJECT, at no cost to the DEPARTMENT or the PROJECT, each of the parties hereto, within their respective jurisdictions, will make the following provisions for the maintenance and operation of the completed PROJECT:

1. All Projects:

Properly maintain and operate each part of the project, making ample provisions each year for the performance of such maintenance work as may be required, except as qualified in paragraph 2b of this section.

2. Projects Financed in Part with Federal Monies:

a. Sign and mark each part of the PROJECT, in accordance with the current Michigan Manual of Uniform Traffic control Devices, and will not install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the FHWA, pursuant to 23 USC 109(d).

b. Remove, prior to completion of the PROJECT, all encroachments from the roadway right-of-way within the limits of each part of the PROJECT.

With respect to new or existing utility installations within the right-of-way of Federal Aid projects and pursuant to FAPG (23 CFR 645B): Occupancy of non-limited access right-of-way may be allowed based on consideration for traffic safety and necessary preservation of roadside space and aesthetic quality. Longitudinal occupancy of non-limited access right-of-way by private lines will require a finding of significant economic hardship, the unavailability of practicable alternatives or other extenuating circumstances.

c. Cause to be enacted, maintained and enforced, ordinances and regulations for proper traffic operations in accordance with the plans of the PROJECT.

d. Make no changes to ordinances or regulations enacted, or traffic controls installed in conjunction with the PROJECT work without prior review by the DEPARTMENT and approval of the FHWA, if required.

- B. On projects for the removal of roadside obstacles, the parties, upon completion of construction of each part of the PROJECT, at no cost to the PROJECT or the DEPARTMENT, will, within their respective jurisdictions, take such action as is necessary to assure that the roadway right-of-way, cleared as the PROJECT, will be maintained free of such obstacles.
- C. On projects for the construction of bikeways, the parties will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT, and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such bikeways or walkways constructed as the PROJECT except those for maintenance purposes.
- D. Failure of the parties hereto to fulfill their respective responsibilities as outlined herein may disqualify that party from future Federal-aid participation in projects on roads or streets for which it has maintenance responsibility. Federal Aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

## SECTION V

### SPECIAL PROGRAM AND PROJECT CONDITIONS

- A. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the acquisition of right-of-way must be under construction by the close of the twentieth (20th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that right-of-way.
- B. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the performance of preliminary engineering must be under construction by the close of the tenth (10th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.
- C. On those projects funded with Federal monies, the REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, will provide such accident information as is available and such other information as may be required under the program in order to make the proper assessment of the safety benefits derived from the work performed as the PROJECT. The REQUESTING PARTY will cooperate with the DEPARTMENT in the development of reports and such analysis as may be required and will, when requested by the DEPARTMENT, forward to the DEPARTMENT, in such form as is necessary, the required information.
- D. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.
- E. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

**APPENDIX A  
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS**

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Act No. 453, Public Acts of 1976, the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or as a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status. Further, in accordance with Act No. 220, Public Acts of 1976 as amended by Act No. 478, Public Acts of 1980 the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants shall be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to insure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status or a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or his collective bargaining representative will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this appendix.
6. The contractor will comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission which may be in effect prior to the taking of bids for any individual state project.
7. The contractor will furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission, said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor as well as the contractor himself, and said contractor will permit access to his books, records, and accounts by the Michigan Civil Rights Commission and/or its agent, for purposes of investigation to ascertain compliance with this contract and relevant with rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this agreement, the Civil Rights Commission may, as part of its order based upon such findings, certify said findings to the Administrative Board of the State of Michigan, which Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, and including the governing boards of institutions of higher education, until the contractor complies with said order of the Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Civil Rights Commission to participate in such proceedings.
9. The contractor will include, or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by the rules, regulations or orders of the Michigan Civil Rights Commission, and will provide in every subcontract or purchase order that said provisions will be binding upon each subcontractor or seller.

March, 1998

APPENDIX B

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 27, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or natural origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Michigan Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Michigan Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Michigan Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
  - (b) Cancellation, termination, or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs 1 through 6 of every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Michigan Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Michigan Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## APPENDIX C

### TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

#### Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

- A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.



**Date:** January 24, 2005

**To:** John Szerlag, City Manager

**From:** Peggy E. Clifton, Human Resources Director

**Re:** **Agenda Item** - Contract Ratification - MAP (Clerical and Non-Sworn Employees) and City of Troy

### **RECOMMENDATION**

City management supports and recommends approval of the tentative agreement for a three-year collective bargaining agreement between the City of Troy and the Michigan Association of Police (MAP).

### **BACKGROUND**

On Monday, January 10, 2005 the MAP membership ratified a tentative agreement for a three-year collective bargaining agreement between the City of Troy and MAP. This agreement replaces the contract that expired June 30, 2004.

This agreement is the 7<sup>th</sup> collective bargaining agreement to be achieved using the Interest-Based Bargaining method. This is the technique in which both sides discuss possible solutions to “issues” rather than holding to “positions” or “demands”. This tentative agreement provides a mutually satisfactory solution to the issues raised by both parties in negotiations, and serves to bring more consistency in benefits among employee groups, including implementation of cost-saving measures in health insurance and defined contribution pension, consistent with our stated goals. A summary of the tentative agreement is attached for your review.

Attachment

PEC/bjm

G:/PEC Correspondence/2005Memos/PC05M.0002

TENTATIVE AGREEMENT SUMMARY  
City of Troy and MAP  
2004-2007 Collective Bargaining Agreement

ISSUE

SOLUTION

Wages

3% per year, 3 year contract

Add new classification, Office Assistant II, based on the following pay scale for 7/1/03:

|        |          |
|--------|----------|
| Start  | \$26,701 |
| Step 1 | \$27,758 |
| Step 2 | \$28,995 |
| Step 3 | \$31,512 |
| Step 4 | \$35,217 |

Pension

a. Defined Benefit Plan: Current level of benefit remains. If any non-312 eligible employee group receives an improvement in their defined benefit pension program during this contract period, the MAP contract may be reopened for discussion on defined benefit pension.

b. Defined Contribution Plan: Reduce employer contribution for employees hired after ratification date by 1% (from 11% to 10%).

Hospitalization/Medical Insur.

a. The cash-in-lieu amount currently paid to employees who opt out of health insurance will be frozen at the current level. Current employees or employees hired after 10/13/04 who decide to opt out after 10/13/04 shall be \$250 (reduced from approximately \$360).

Tuition Reimbursement

Amount of tuition reimbursement increased to 100% up to a maximum of \$2,000 per fiscal year (from 50% with no maximum amount).

Transfers and Promotions:

Reduce salary level paid to employees who are temporarily assigned to fill a vacancy for longer than 30 work days (consistent with salary level paid for promotion)

Language Revisions

1. Personal Business Time: Modify conditions under which time is granted (automatic if 36 hrs in advance; not granted if required work strength is not met).
2. Health Insurance: incorporate changes implemented on 1/1/04 (reduction in optical coverage for new hires; increase drug rider co-pay for name brand drugs for new hires; cap employees' sharing of premium cost at \$85/mo.)

3. Retiree Health Insurance: Clarify language to include existing provisions for two-person coverage and family continuation coverage.
4. Job & Shift Preference: Establish training and assignment duration levels for employees working in Communications or Lock-up
5. Transfers and Promotion: Temporary Employees: Distinguishes between a “temporary employee” and a person hired from a temporary service agency; length of time a temporary service agency employee can work increased from 4 months to 6 months
6. Job Titles: Make corrections for Human Resources; replace “Clerk-typist” with “Office Assistant I” and add “Office Assistant II”; replace MLEOTC with MCOLES; Combine PSA I and PSA II classifications into one PSA class, with revised pay scale as follows:
  - Start (based on former PSA I Start step)
  - Step 1 (based on former PSA II Start step)
  - Step 2 (based on former PSA II Step 2)
  - Step 3 (based on former PSA II Step 3)
  - Step 4 (based on former PSA II Step 4)

February 1, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services  
Douglas Smith, Real Estate & Development Director

RE: AGENDA ITEM

1. REQUEST FOR AUTHORIZATION TO MAKE UNCONDITIONED OFFERS TO PURCHASE RIGHT-OF-WAY FOR BIG BEAVER ROAD IMPROVEMENTS – ROCHESTER TO DEQUINDRE PROJECT NO. 01.105.5
2. REQUEST FOR AUTHORIZATION TO INSTITUTE COURT ACTION IF NECESSARY

As part of the proposed Big Beaver Road improvements between Rochester and Dequindre, staff is seeking authorization to make unconditioned offers to the property owners listed below. In addition to the current 75 feet of road right-of-way, the City is seeking to purchase an additional 27 feet. These parcels are located in Section 25 on the southwest corner of Big Beaver and Dequindre.

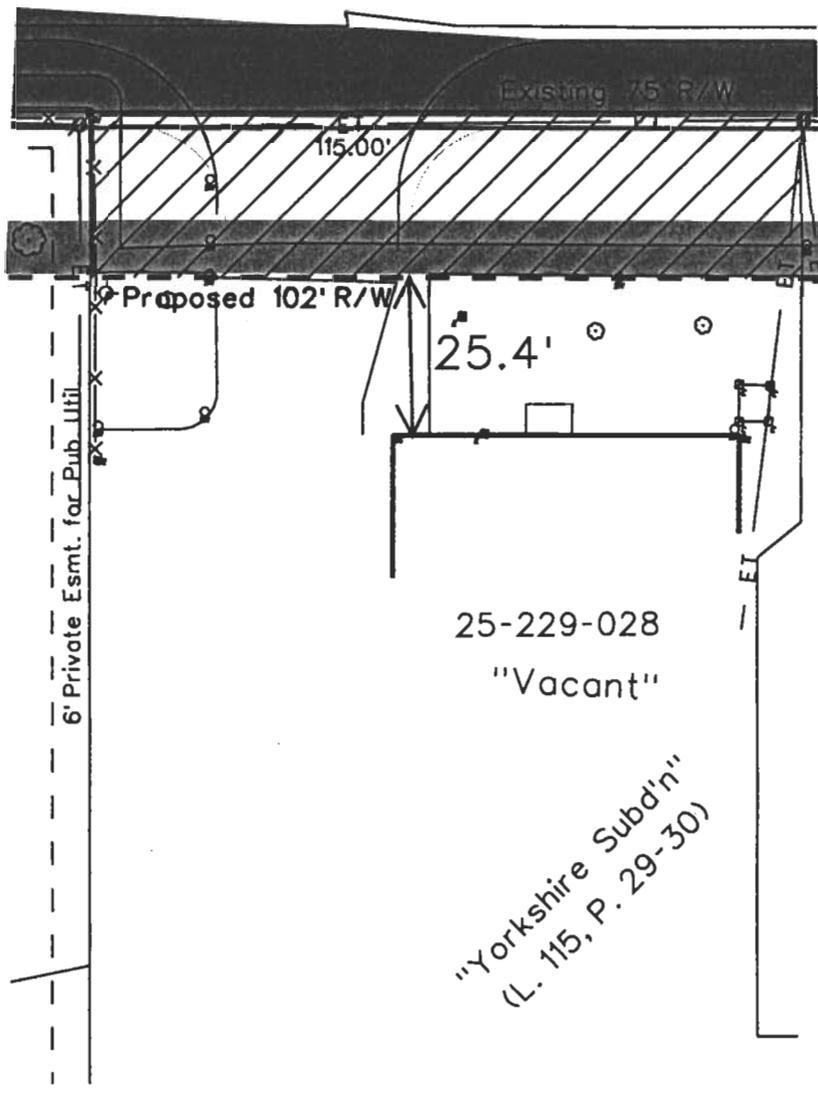
Appraisals were prepared by State Certified General Appraiser Norman G. Thomas, of R.S. Thomas & Associates, Incorporated. Kimberly Harper, Deputy City Assessor, reviewed the appraisals. City management believes that the appraised values as listed below are justifiable amounts for these acquisitions:

| <u>SIDWELL #</u> | <u>OWNER</u>           | <u>APPRAISED VALUE</u> |
|------------------|------------------------|------------------------|
| 25-229-028       | TBB Associates, L.L.C. | \$84,000               |
| 25-229-029       | UEOS Dequindre, L.L.C. | \$97,500               |

It is requested that City Council authorize the Real Estate and Development Department to make unconditioned offers in the amounts of the appraised values as listed above, plus closing costs. It is also requested that City Council authorize the City Attorney to take whatever action is necessary and to expend the needed funds to acquire this right-of-way.

Monies for this project will come from the Big Beaver Road – Rochester to Dequindre Project.

# #2966 E. Big Beaver Rd.



Parcel #16



Right of Way Acquisition  
Area-3,107 Sq.Ft.

8-2-04  
DATE

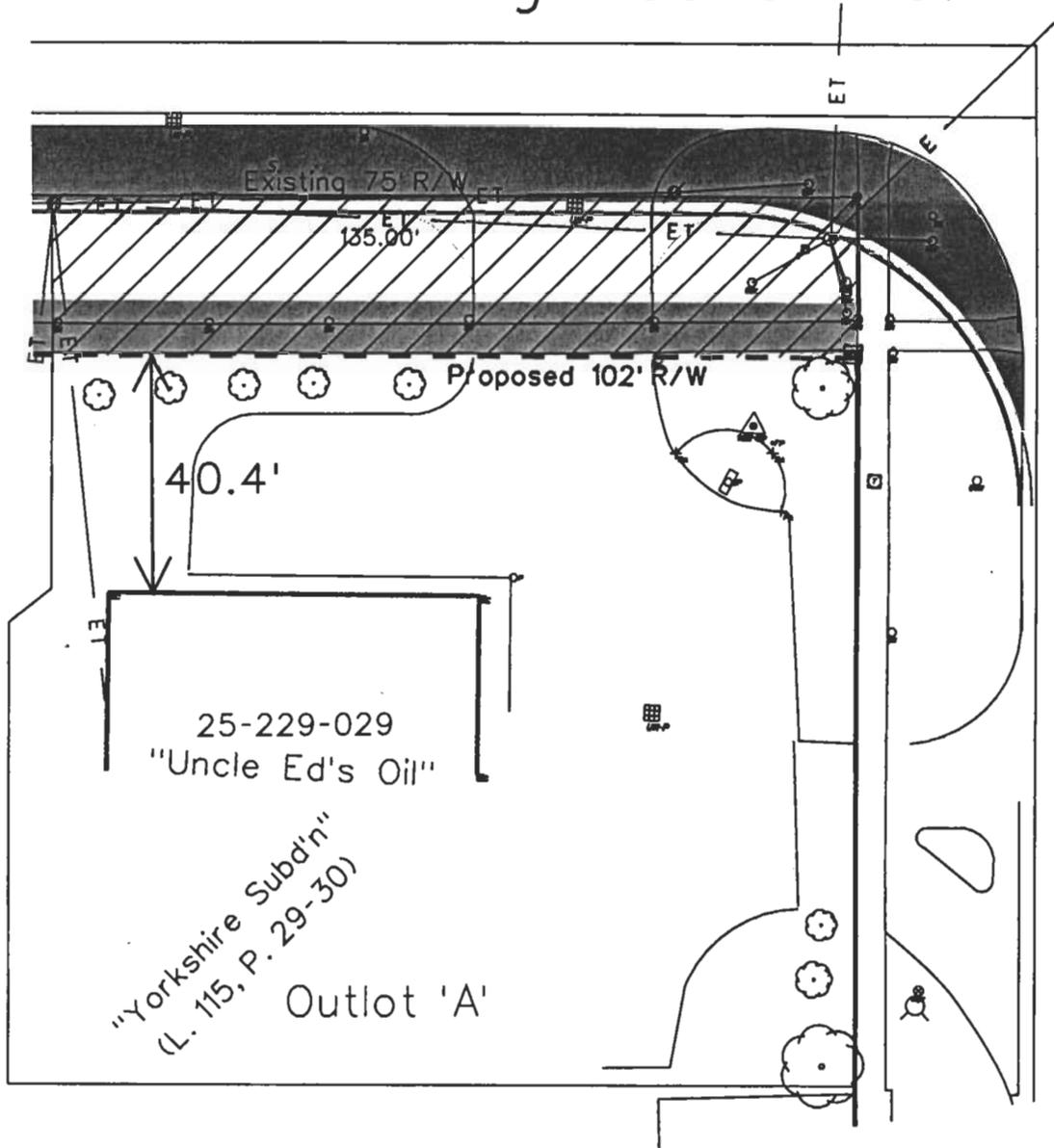
Prop. Line  
REV.

DOCUMENT PREPARED BY  
George J. Ballard III  
LAND SURVEYOR

CONTRACT No.

|  |                              |  |                      |
|--|------------------------------|--|----------------------|
|  |                              | 500 W. Big Beaver Rd.<br>Troy, Michigan 48084<br>(248) 524-3594<br>www.ci.troy.mi.us |                      |
| #2966 E. Big Beaver Rd.<br>Right of Way Acquisition Sketch |                              |  |                      |
| SCALE  | DRAWN BY                     | CHECKED  | FILE                 |
| HOR. VER.  | NAME GJB III<br>DATE 5-19-04 | NAME<br>DATE   | See Above<br>VIEW #1 |
| STEVEN J. VANDETTE<br>CITY ENGINEER                        |                              | SHEET No.<br>1 of 1  | JOB No.<br>01,105.5  |

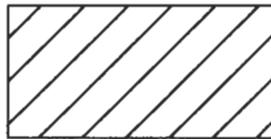
# #2988 E. Big Beaver Rd.



Graphic Scale: 1"=30'



## Parcel #17



Right of Way Acquisition  
Area=3,646 Sq.Ft.

8-02-04  
DATE

Prop. Line REV.

DOCUMENT PREPARED BY  
George J. Ballard III  
LAND SURVEYOR

CONTRACT No.


 500 W. Big Beaver Rd.  
 Troy, Michigan 48084  
 (248) 524-3594  
 www.ci.troy.mi.us

**#2988 E. Big Beaver Rd.**  
**Right of Way Acquisition Sketch**

| SCALE                               | DRAWN BY                     | CHECKED             | FILE                 |
|-------------------------------------|------------------------------|---------------------|----------------------|
| HOR. VER.                           | NAME GJB III<br>DATE 5-19-04 | NAME<br>DATE        | See Above<br>VIEW #1 |
| STEVEN J. VANDETTE<br>CITY ENGINEER |                              | SHEET No.<br>1 of 1 | JOB No.<br>01.105.5  |

January 26, 2005

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager/Services  
John M. Lamerato, Assistant City Manager/Finance and Administration  
Jeanette Bennett, Purchasing Director  
Carol K. Anderson, Parks and Recreation Director

Subject: Agenda Item: Standard Purchasing Resolution 11: Rejection Of Proposals -  
Nature Center Interpretive Exhibit Fabrication and Installation

**RECOMMENDATION**

On September 10, 2004, two requests for proposals were received for the fabrication and installation of interpretive exhibits at the Lloyd A. Stage Nature Center. As per the City Manager's memo dated January 19, 2005, City management recommends rejection of the proposal documents due to budgetary considerations.

CKA/mw

January 17, 2005

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager/Finance and Administration  
Brian Murphy, Assistant City Manager/Services  
Carol K. Anderson, Parks and Recreation Director

Subject: Agenda Item: Sanctuary Lake Maintenance Operation

### **RECOMMENDATION**

Staff recommends that the maintenance operation at Sanctuary Lake Golf Course be completed by City staff for a period of five years.

### **BACKGROUND**

As of December 31, 2004, the contract with Douglas Treadwell and Golf Associates, the current contractor of maintenance operations at Sanctuary Lake expired. Before the opening of the golf course in mid July of 2004, it was determined that a smooth transition from the grow-in process to the general maintenance of the course was necessary. With that in mind, it was decided that the most optimal way to achieve this transition was to retain the services of the golf course designer and builder. Although this transition was a vital part of the success this year at Sanctuary Lake, a staff review of the alternatives finds that it is more responsive and responsible for the golf division to direct the maintenance of the course beginning in 2005.

For the 2005 golf season, Douglas Treadwell and Golf Associates proposed a cost of \$710,100.00 for the maintenance of Sanctuary Lake golf course, which includes the use of the City's equipment to perform daily maintenance to the course. While formal bids have not been received, the proposed quote from Treadwell is less than other known courses with the maintenance contracted. Although most cities contacted were operating with City forces, the cost to maintain operations that were privately contracted was approximately \$1 million per year. Typically, this cost included daily maintenance of the course along with the equipment and tools being provided by the contractor.

The proposed maintenance budget for the 2005 golf season, using City forces, is \$648,190. With the acquisition of the maintenance program at Sanctuary Lake, the staff gains an economy of scale by operating both courses. In addition, staff is better able to manage the expenditures of both courses in a more consistent and efficient manner. With a successful maintenance operation already in place at Sylvan Glen, it is anticipated that the addition of Sanctuary Lake will give the golf division the control it

needs to reach the goal of providing the best golf experience for all residents and guests.

After the grow-in becomes complete and the predictability of the maintenance stabilizes, a review of the operation is appropriate. City staff recommends that City forces operate the course for five years, with a review and report on operation alternatives in 2010.

As the budget controls staffing and operational levels, Council action is required authorizing the addition of one full time MSE-G leader position and temporary seasonal staff.

With the additional course maintenance, budgeting, purchasing, and scheduling needed to operate Sanctuary Lake, it is possible to maintain the course with City work forces by adding of one full time MSE-G Leader position. This is contingent on the existing vacancy being filled with an MSE-G Leader. The operation would include one Superintendent overseeing both operations, one mechanic divided between operation, two Leaders (to be hired), and temporary seasonal staff.

Currently, the maintenance staff consists of a Superintendent, a mechanic, an MSE-F, who becomes a temporary leader during the season, and temporary seasonal staff.

CKA/mw

DATE: January 25, 2004

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services  
Mark Stimac, Director of Building & Zoning

SUBJECT: Agenda Item - Announcement of Public Hearing  
Commercial Vehicle Appeal  
3463 Crooks Road

On January 20, 2005, an application was received from Mr. Timothy Clyne for appeal of the restrictions relating to the outdoor storage of a commercial vehicle on residential property. In particular he was appealing the restrictions in order to be permitted to park a GMC Cube van on his residential property at 3463 Crooks Road. He has been advised that the cube did not comply with the exceptions found in Chapter 39, Section 40.66.00.

The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of February 28, 2005.

Should you have any questions or require additional information, kindly advise.

#### Attachments

Prepared by: Mark Stimac, Director of Building and Zoning

**COMMERCIAL VEHICLE  
APPEAL APPLICATION**

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: TIMOTHY J SLYNE  
ADDRESS: 3463 CROOKS RD  
CITY: TROY MI. ZIP: MI 48084 PHONE: (248) 6495232  
ADDRESS OF SITE: 3463 CROOKS  
NUMBER OF VEHICLES: 1  
VEHICLE IDENTIFICATION NUMBER(S)  
1G0KH32N353501019  
LICENSE PLATE NUMBER(S) AA61737  
DESCRIPTION OF VEHICLE(S) GMC CUBE VAN  
  
REASON FOR APPEAL (see A - D below) D.

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

**COMMERCIAL VEHICLE APPEAL APPLICATION**

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..

*Jennette J. Clark*  
(signature of applicant)

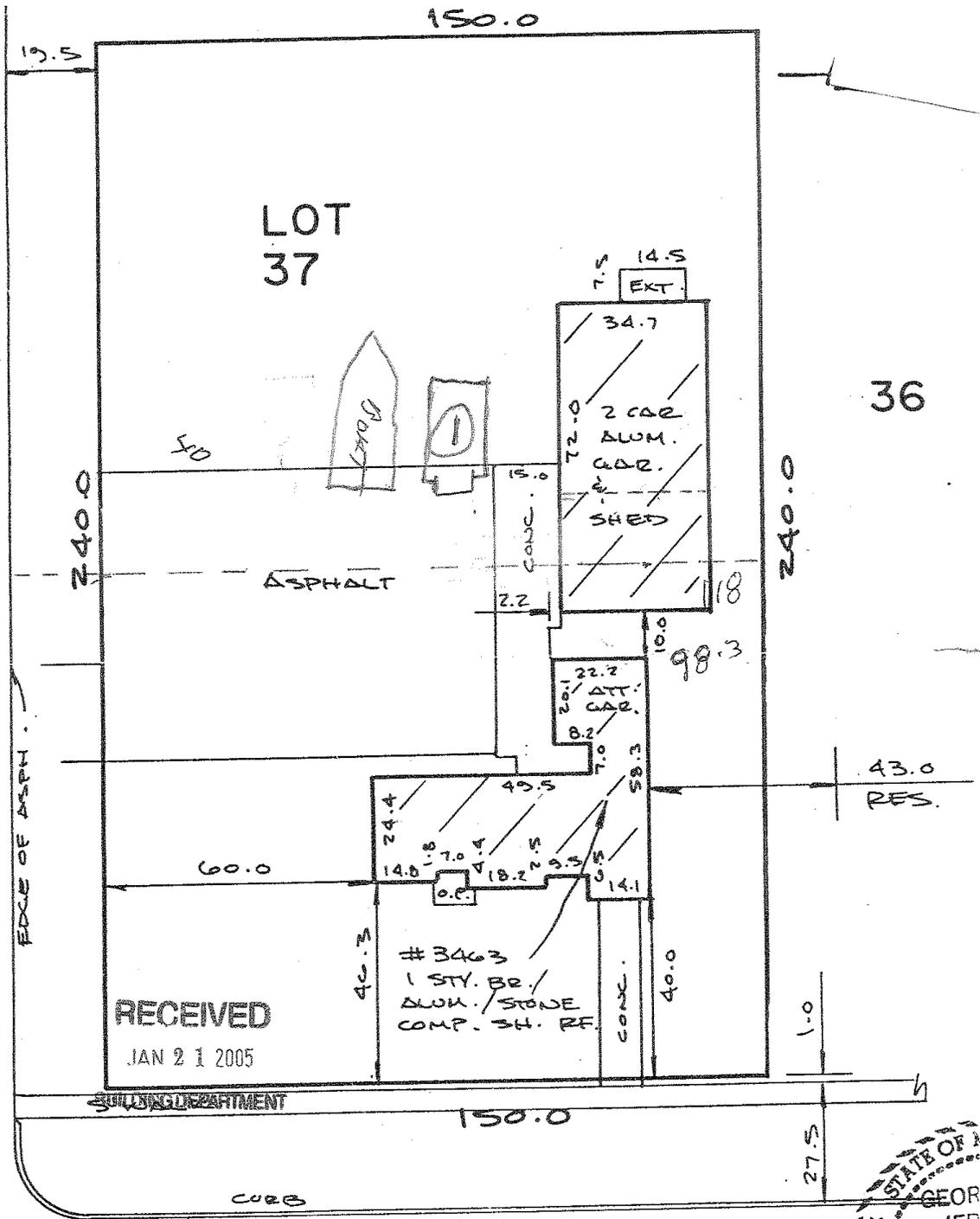
STATE OF MICHIGAN  
COUNTY OF OAKLAND

On this 21st day of January, 2005 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

*Pamela R. Pasternak*  
Notary Public, \_\_\_\_\_ County, Michigan

**PAMELA R. PASTERNAK**  
Notary Public, State of Michigan, County of Macomb  
My Commission Expires September 7, 2007  
Acting in the County of Oakland

My Commission Expires: \_\_\_\_\_



CROOKS RD. 120'WD.







DATE: January 28, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services  
Mark Stimac, Director of Building & Zoning

SUBJECT: Agenda Item - Announcement of Public Hearing  
Commercial Vehicle Appeal  
5839 John R

On November 8, 2004, information was sent to Mr. and Mrs. Gatie that identified restrictions related to a commercial vehicle located on their residential property. As part of that information, they were advised that the cube van parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. They were given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, the Gatie's have filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for the City Council meeting of February 28, 2005.

Should you have any questions or require additional information, kindly advise.

#### Attachments

Prepared by: Mark Stimac, Director of Building and Zoning

COMMERCIAL VEHICLE  
APPEAL APPLICATION

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: Nashat & Wafaa Gatie

ADDRESS: 5839 John R. Rd.

CITY: Troy MI. ZIP: 48085 PHONE: 586-709-3712

ADDRESS OF SITE: same

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)  
1GBHP32K3J3333568

LICENSE PLATE NUMBER(S) 8701 HV mid

DESCRIPTION OF VEHICLE(S) Cube truck - white

REASON FOR APPEAL (see A - D below) Truck used for cargo deliveries of family business (gas station) in Auburn Hills. There's sufficient land, 4 1/2 acres

for parking of truck and it's parked behind shed in back of land at all times. Truck is not visible from street, and is not negatively impacting anything.

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

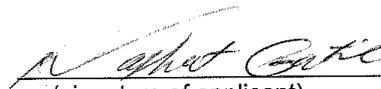
- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

RECEIVED  
JAN 27 2005  
BUILDING DEPARTMENT

**COMMERCIAL VEHICLE APPEAL APPLICATION**

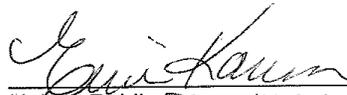
40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..

  
\_\_\_\_\_  
(signature of applicant)

STATE OF MICHIGAN  
COUNTY OF OAKLAND

On this 25 day of JANUARY, 20 05 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

  
\_\_\_\_\_  
Notary Public, ELIN KARIM County, Michigan

My Commission Expires: 10/7/2008

N00°14'15"W 150.00'

EX. GRASS

NO FILL TO BE PLACED WEST OF THIS FENCE

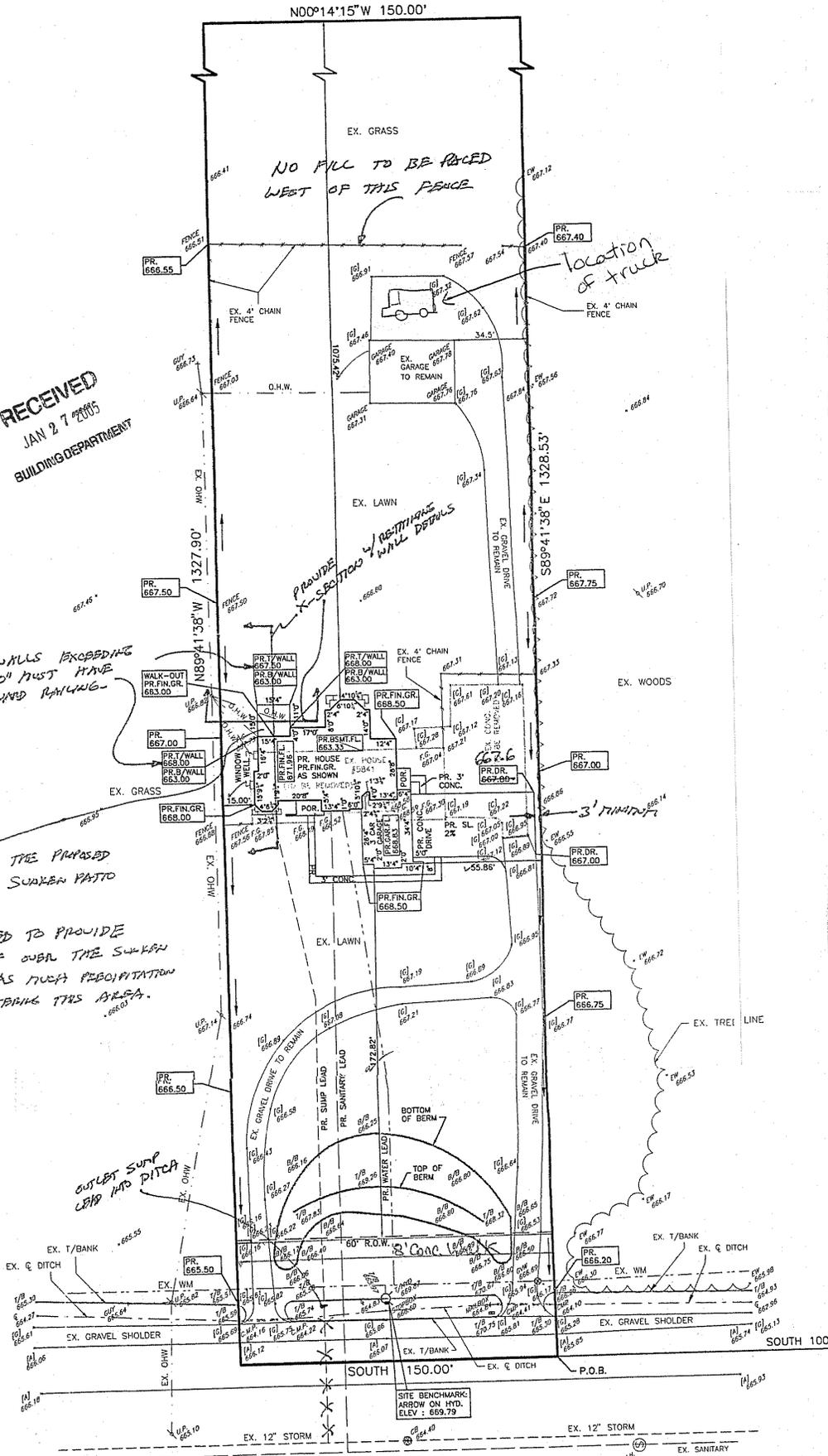
Location of truck

RECEIVED  
JAN 27 2005  
BUILDING DEPARTMENT

NOTE: WALLS EXCEEDING 30' MUST HAVE GUARD RAILING

ONE OF THE PROPOSED W/ THE SWAMP PATIO OUT.

APPROVED TO PROVIDE A ROOF OVER THE SWAMP WATE AS MUCH RECOGNITION FOR ENTIRING THIS AREA.



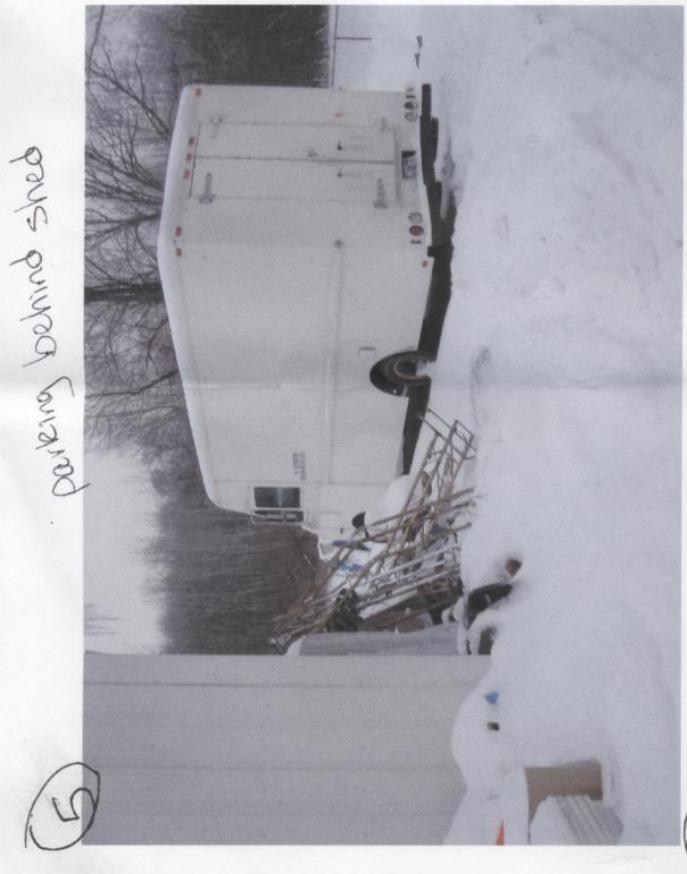
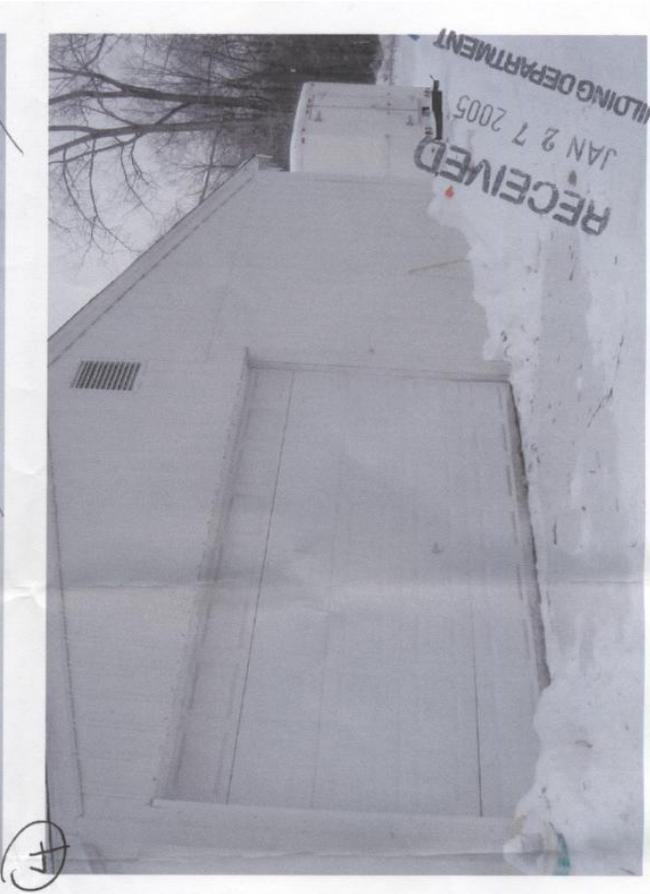
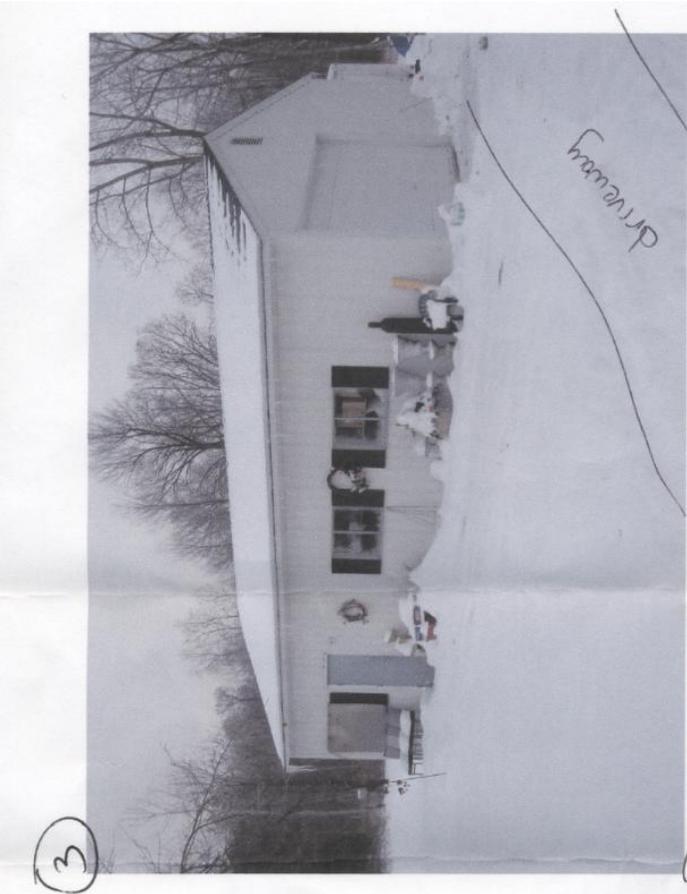
RECEIVED  
JAN 27 2005  
BUILDING DEPARTMENT

JOHN R. ROAD  
(ASPHALT)

RECEIVED  
JAN 27 2005  
BUILDING DEPARTMENT

① Shed set back about  $2\frac{1}{2}$  acres from John R. Rd.







# Memorandum

To: John Szerlag, City Manager  
 From: John M Lamerato, Assistant City Manager/Finance and Administration  
 Tonni L. Bartholomew, City Clerk *TB*  
 Date: January 24, 2005  
 Subject: Agenda Item - Rules of Procedure – Proposed Amendments

The following memorandum has been placed before City Council at their Regular meeting of February 7, 2005 as a Green Agenda Item to allow City Council an opportunity to review the document. The item will be placed on the February 21, 2005 Regular meeting agenda as a Regular Business Item.

City Council at their Special Meeting of January 17, 2005 requested proposed amendments be made to their Council's Rules and Procedures. The rule changes were proposed to improve the effectiveness of City Council meetings.

In response to the above request, the following bulleted list of amendments has been incorporated into the Council's Rules of Procedure as redline insertions.

- Commercial Vehicle Appeal hearings to be conducted and acted upon by the Board of Zoning Appeals. (Commercial Vehicle Appeal Ordinance has been referred to the Planning Commission.) – **No Council Rule modification required.**
- Have two (2) Regular City Council meetings per month with public hearings distributed between them. Have one Special City Council meeting (for the purpose of study) per month. – **Proposed Council Rule Number 3**
- Decisions shall not be made at Special Meetings unless so indicated on the agenda or unless extenuating circumstances are present and in accordance with Charter provisions. - **Proposed Council Rule Number 3**
- City Council 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. - **Proposed Council Rule Numbers 5.10, 5.11, 5.13, 5.18, 6, 14, and 16.**

G-2a

- Public Comment may be limited when there are fifteen (15) or more people signed up to speak on one topic by the request of the Chair and consensus of the City Council. - **Proposed Council Rule Numbers 5.10, 5.11, 5.13, 5.18, 6, 14, and 16.**
- Adjournment time will be no later than 12:00 AM. At the direction of the Chair and with consensus of City Council this time can be extended. – **Proposed Council Rule Number 26**

In addition to the proposed Council requested amendments, a Special Meetings item has been added to the Council Rules of Procedure document to address Special meetings scheduled by City Council. - **Proposed Council Rule Number 7**

Section 3 (5) of the Open Meetings Act states that "A person shall be permitted to address a meeting of a public body under rules established and recorded by the public body..." It is the belief that these modifications to the City Council Rules of Procedure are in compliance with the referenced OMA Section.

cc: Lori Bluhm, City Attorney

**PROPOSED RESOLUTION**

RESOLVED, That City Council's Rules and Procedures are hereby **AMENDED** as presented.



City of  
Troy

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

**Adopted: June 7, 2004**

|     |   |    |
|-----|---|----|
| 1.  | APPOINTMENT OF MAYOR PRO TEM.....                   | 1  |
| 2.  | DESIGNATION OF ACTING MAYOR.....                    | 1  |
| 3.  | REGULAR MEETINGS.....                               | 1  |
| 4.  | AGENDA.....   | 1  |
| 5.  | ORDER OF BUSINESS.....                              | 1  |
| 6.  | REGULAR BUSINESS.....                               | 3  |
| 7.  | CABLE CASTING OF CITY COUNCIL MEETINGS.....         | 43 |
| 8.  | MINUTES.....  | 53 |
| 9.  | PROCLAMATIONS.....                                  | 53 |
| 10. | RECONSIDERATION OF QUESTIONS.....                   | 53 |
| 11. | RESCISSION OF QUESTIONS.....                        | 53 |
| 12. | PUBLIC HEARING.....                                 | 53 |
| 13. | CONSENT AGENDA.....                                 | 64 |
| 14. | APPOINTMENTS.....                                   | 64 |
| 15. | VISITORS.....                                       | 75 |
| 16. | POSTPONE.....                                       | 75 |
| 17. | RULES OF ORDER.....                                 | 75 |
| 18. | MISCELLANEOUS EXPENSES.....                         | 75 |
| 19. | EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS..... | 85 |
| 20. | ABSENCES AT COUNCIL MEETINGS.....                   | 86 |
| 21. | SUSPEND RULES.....                                  | 86 |
| 22. | COUNCIL DISCUSSION.....                             | 86 |
| 23. | AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS:.....     | 86 |
| 24. | VIDEO AND AUDIO PRESENTATIONS.....                  | 86 |
| 25. | VIOLATIONS.....                                     | 96 |

**1. APPOINTMENT OF MAYOR PRO TEM**

The selection of Mayor Pro Tem shall proceed in a linear fashion based on seat rotation in the following order: Beltramini, Eisenbacher, Broomfield, Howrylak, Stine, Lambert.

**2. DESIGNATION OF ACTING MAYOR**

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

**3. REGULAR MEETINGS**

Regular meetings shall be held in the Council Chambers at 7:30 P.M on the first and third Monday each month, except for holidays or holiday-eves recognized by the City of Troy, regular or special election days, except school district elections, or unless canceled by resolution of the Council. Council also will meet on the fourth (4<sup>th</sup>) Monday of the month in the months of September, October, January, February, March, April and May.

It is the intention of City Council that no business be placed upon the fourth (4<sup>th</sup>) Monday of the month meeting and that the Regular meeting unless so indicated on the Regular Agenda in extenuating circumstances. The fourth (4<sup>th</sup>) Monday of the month meeting will be routinely adjourned without action to allow the City Council to go into a Special meeting of City Council for the purpose of study where no action will be taken.

Public Comment may be limited when there are fifteen (15) or more people signed up to speak on one topic by the request of the Chair and consensus of the City Council.

**4. AGENDA**

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

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

**5. ORDER OF BUSINESS**

At each regular meeting of the Council, the business to be considered shall be taken up for consideration and disposition in the following order:

**1. Call to Order**

2. **Invocation**
3. **Pledge of Allegiance**
4. **Roll Call**
5. **A. Certificates of Recognition**
6. **B. Carryover Items**
7. **C. Public Hearings**
8. **D. Postponed Items**
9. **E. Consent Agenda**
  1. Approval of "E" Items NOT Removed for Discussion
  2. Address of "E" Items Removed for Discussion
10. **Public Comment** – Limited to Items Not on the Agenda
  - Public comment is limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004. *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.*
  - It is the intention of City Council that no business be placed upon the fourth (4<sup>th</sup>) Monday of the month meeting and that the Regular meeting unless so indicated on the Regular Agenda in extenuating circumstances. The fourth (4<sup>th</sup>) Monday of the month meeting will be routinely adjourned without action to allow the City Council to go into a Special meeting of City Council for the purpose of study where no action will be taken.
  - Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.
  - Public Comment may be limited when there are fifteen (15) or more people signed up to speak on one topic by the request of the Chair and consensus of the City Council.
11. **F. Regular Business**
  - Council will move forward all of the "F" items on which members of the audience would like to address. Public comment is limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004.
  - Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.
  - Public Comment may be limited when there are fifteen (15) or more people signed up to speak on one topic by the request of the Chair and consensus of the City Council.
12. **F. Regular Business**
  - Address Remaining F Items
13. **G. Memorandums and Future Council Agenda Items**
  - Public comment is limited "G" Items and to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3,

2004. *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.*

- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.
- Public Comment may be limited when there are fifteen (15) or more people signed up to speak on one topic by the request of the Chair and consensus of the City Council.

14. H. **Council Referrals**

- Items appearing under Council Referrals are items brought forward by the Mayor or Council Members before the City Manager's agenda deadline for consideration at the next regular meeting

15. I. **Council Comments**

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

16. J. **Reports**

- No Public Comment received on "J" Items at this time.

17. K. **Study Items**

18.

~~18-19.~~ **Public Comment** =

Public comment is limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004. 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.

- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.
- Public Comment may be limited when there are fifteen (15) or more people signed up to speak on one topic by the request of the Chair and consensus of the City Council.

~~19-20.~~ L. **Closed Session**

~~20-21.~~ **Adjournment**

6. **REGULAR BUSINESS**

- Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair during the Public Comment section under item 12."F" of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. For those addressing City Council, petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council and all other interested people,

their time may be limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair.

- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.
- Public Comment may be limited when there are fifteen (15) or more people signed up to speak on one topic by the request of the Chair and consensus of the City Council.

## 7. SPECIAL MEETINGS

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

#### Section 4.2 - Special Meetings:

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

### B. DOCUMENTATION:

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

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

### C. POSTING AND DELIVERY:

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

### D. ORDER OF BUSINESS

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

- a) Call to Order
- b) Roll Call
- c) Items as Indicated in the Motion Calling of the Meeting
- d) Items Not Indicated in the Motion Call the Meeting, Pursuant to City Charter
- e) See Article 6 Amendments/Additions to Agenda
- f) Public Comment
- g) Public comment is limited to no longer than five (5) minutes, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 9, as adopted \_\_\_\_\_, 2005. 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.

h) Adjournment

**E. AMENDMENTS/ADDITIONS TO AGENDA**

1. By Charter, special meetings are limited to what is expressly indicated in the Call of the meeting (Motion of Council or written notice, per Charter).
2. If all members of City Council approve of agenda amendments or additions in writing prior to the desired action, then Council can entertain such desired action only when all members present at the meeting consent to allow the amendment/addition to the agenda.

**78. CABLE CASTING OF CITY COUNCIL MEETINGS**

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

**89. MINUTES**

- a. Regular Minutes: The minutes will be distributed to the Council prior to their approval. The minutes will be placed on the Consent Agenda for approval.
- b. Closed Session Minutes: Where a Closed Session is requested for discussion of a pending case, the specific name(s) is to be included pursuant to MCL 15.268 (e), even though the specific name(s) is not technically required under the Open Meetings Act. Where a Closed Session is requested of any collective bargaining unit, the specific name(s) of a collective bargaining unit is to be included pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act.

**910. PROCLAMATIONS**

Proclamations shall be included in the agenda under Reports and Communications and may be brought before Council for consideration by any member. Proclamations will be placed on the Consent Agenda for approval.

**110. RECONSIDERATION OF QUESTIONS**

Reconsideration of any vote of the Council may be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members\*. Reconsideration of any vote of the Council may further be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members provided that new information has been brought forward. \*Charter states "majority of the members elect."

**124. 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."

**132. 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". Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council.

#### **143. CONSENT AGENDA**

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may ask a question regarding an item as well as speak in opposition to the recommended action by removing an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item 9 "E" Public Comment— Limited to "E" Consent Agenda Items - Public Comment is limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004.

- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.
- Public Comment may be limited when there are fifteen (15) or more people signed up to speak on one topic by the request of the Chair and consensus of the City Council.

#### **154. 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 submit such name, along with a brief summary of background and personal data as to nominee's qualifications, 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 voting.

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

##### **B. Method of Voting on Nominees.**

1. Where the number of nominees does not exceed the number of positions to be filled, a roll call vote shall be used.

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

#### **165. VISITORS**

Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any item, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. *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.*

- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.
- Public Comment may be limited when there are fifteen (15) or more people signed up to speak on one topic by the request of the Chair and consensus of the City Council.

#### **176. POSTPONE**

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

#### **187. RULES OF ORDER**

Robert's Rules of Order, Newly Revised 10<sup>th</sup> Edition, as clarified by the City Clerk, is hereby adopted and made a part hereof, except as modified by these Rules of Procedure, the Charter, and the City Code.

#### **198. MISCELLANEOUS EXPENSES**

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

**2019. 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 per day to attend out-of-town meetings and conferences, with additional allowances being made for transportation (paid at the air coach rate or gas mileage at current IRS guidelines, depending upon the mode of transportation) and lodging. Expenses may be authorized for payment by the City Manager, and a copy of the expense report form will be placed on the Council agenda under Reports and Communications.
- B. Detailed and receipted expenses, not to exceed \$150, 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.

**210. ABSENCES AT COUNCIL MEETINGS**

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

**224. SUSPEND RULES**

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

**232. 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.

**243. AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS:**

Mayor and Council Members submitting an item for a vote shall send the item to the City Manager in a timely manner in writing. Staff professional opinion will be written to accompany the item for discussion and a vote on the matter. Presentations at the Council table shall be limited to 15 minutes.

**254. VIDEO AND AUDIO PRESENTATIONS**

Video and Audio Presentations may not be submitted for presentation at a Council meeting unless submitted by 12:00 Noon prior to the meeting. Inappropriate material will be prohibited.

**26 CONTINUED AGENDA ITEMS NOT CONSIDERED BEFORE 12:00 PM**

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

**275. VIOLATIONS**

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

A meeting of the Troy Election Commission was held Tuesday, September 28, 2004, at City Hall, 500 W. Big Beaver Road. City Clerk Bartholomew called the Meeting to order at 7:52 P.M.

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**ROLL CALL:**

PRESENT: David Anderson, City Clerk Tonni Bartholomew  
ABSENT: Timothy Dewan  
ALSO PRESENT: Deputy City Clerk Barbara Holmes

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**Minutes: Regular Meeting of June 22, 2004**

Resolution # EC-2004-09-07  
Motion by Anderson  
Seconded by Bartholomew

RESOLVED, That the Minutes of June 22, 2004 are approved as submitted.

Yes: Anderson, Bartholomew  
No: None  
Absent: Dewan

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**Approval of Election Inspector Appointments for Tuesday, November 2, 2004  
State General Election:**

City Clerk Bartholomew presented the proposed listing of Election Inspectors for appointment for the State General Election of Tuesday, November 2, 2004.

Resolution # EC-2004-09-08  
Motion by Bartholomew  
Seconded by Anderson

RESOLVED, That Election Inspectors be appointed for the Tuesday, November 2, 2004 State General Election, as presented by the City Clerk, is hereby **APPROVED**.

Yes: Bartholomew, Anderson  
No: None  
Absent: Dewan

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**Adjournment:**

The meeting was adjourned at 7:59 P.M.

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Tonni L. Bartholomew, MMC  
City Clerk

**FINAL****TROY DAZE ADVISORY COMMITTEE**

A regular meeting of the Troy Daze Advisory Committee was held **Tuesday, November 23, 2004** at the Troy Community Center. Meeting was called to order at 8:47 pm.

Present:

Jim Cyrulewski

Marilyn Musick

Cecile Dilley

Kessie Kaltsounis

Cheryl Whitton Kaszubski

Bill Hall

Mike Gonda

Jeff Stewart (absent)

Dhwani Mehta (absent)

Bob Preston

Resolution # TD-2004-05-29

Moved by Cheryl Whitton Kaszubski

Seconded by Kessie Kaltsounis

RESOLVED that the minutes from the October 25, 2004 Troy Daze Advisory Committee are approved.

Yeas: All

Nays: None

MOTION CARRIED

**OLD BUSINESS**

None

**NEW BUSINESS**

Resolution #TD-2004-05-30 Motion to approve slate of officers (JC/MG)

a. Chairman- Bob Berk (JC/MG)

b. Vice Chairman- Kessie Kaltsounis (JC/CW)

c. Treasurer- Cheryl Whitton Kaszubski (MG/BH)

d. All Festival Committee event positions with the exception of Ethnic Issues  
Advisory Board Representative

Yeas: All

Nays: None

Resolution # TD-2004-05-31

Moved by Bill Hall

Seconded by Jim Cyrulewski

RESOLVED that the Troy Daze Advisory Committee is adjourned.

Yeas: All

Nays: None

MOTION CARRIED

Meeting is adjourned at 8:52 pm.

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Bob Berk, Chairperson

---

Cindy Stewart, Recording Secretary

## **TROY DAZE MINUTES - FINAL**

A regular meeting of the Troy Daze Festival Committee was held **Tuesday, November 23, 2004** at the Troy Community Center. Meeting was called to order at 7:33 pm.

### **ROLL CALL**

#### **Present:**

|                   |                          |
|-------------------|--------------------------|
| Mike Gonda        |                          |
| Bob Preston       |                          |
| JoAnn Preston     |                          |
| Cele Dilley       |                          |
| Bill Hall         |                          |
| Tom Kaszubski     |                          |
| Kessie Kaltsounis |                          |
| Bob Berk          |                          |
|                   | Jim Cyrulewski           |
|                   | Tom Clark                |
|                   | Marilyn Musick           |
|                   | Sandy Macknis            |
|                   | Cheryl Whitton Kaszubski |
|                   | Jeffrey Super            |
|                   | Tarcisio Massaini        |

#### **Absent:**

|                |              |
|----------------|--------------|
| Leonard Bertin | Jeff Stewart |
| Bob Bishop     | Dhwani Mehta |
| Bob Broquet    |              |

#### **City Staff Present:**

Jeff Biegler  
Bob Matlick  
Tonya Perry  
Gerry Scherlinck  
Cindy Stewart

### **Minutes**

Motion to approve the minutes from October 25, 2004.

Moved by Kessie Kaltsounis  
Seconded by Cele Dilley  
Approved.

### **Treasurer's Report**

As of 10/31/04  
Revenue: \$114,777.06  
Expenditures: \$136,851.89

City Finance Director asked when City would get sponsor check. Cheryl will request check week of November 29, 2004 from Committee Foundation Treasurer.

Asked Jeff Biegler to have copy of financial report sent to each advisory committee member.

### **Correspondence**

- November Meeting Notice
- Community Kaleidoscope participation letter turned in
- Letter from TYA regarding Youth Recognition Dinner. Jim will submit one for Dhwani Mehta.

### **Events Chairpersons**

1. MFEA Convention Summary – information handed out regarding sessions attended and ideas learned.  
At the convention silent auction, balloon company puts up item for 7 balloons. Troy Daze won for bid of \$279 (\$2100 value)
2. Suggestion list review moved to end of agenda

### **Old Business**

1. Corporate Sponsor Update demographic information received today. Meeting with Pepsi December 14 or December 16.
2. Printing Specs – Cindy Stewart will get prices

### **New Business**

1. Fee changes – proposed memo. Board will discuss this at January meeting. Jim increased prices by 10% and included rationale for increases. Look over fees and be ready to approve at January meeting.
2. Preliminary Request memo to be finalized at January meeting.  
Question regarding Boulan Park food concessionaire. According to his contract, he can be open but does not have exclusivity and his employees must purchase parking passes.
3. TYA Nominees: Dhwani Mehta
4. Action Item List

Trailer is not suitable for our use. Jim's company will donate \$256 from the sale to Committee Foundation for Troy Daze.

Can we get a banner to identify our headquarters as Troy Daze Trailer?

### **Suggestions for 2005**

- Create an office manager position. - Approved.
- Naturalization Ceremony – has grown larger, remove from EthniCity and put under control of City Community Affairs Department. - Approved.

- Volunteer Committee – Jeanne Stine will not be involved due to family and council commitments. Combine student and adult volunteers under one committee.-Approved.
- EthniCity – always looking for additional assistance. Tom K has been approached by Ethnic Issues Advisory Board to take a more active role. The EIA Board will be meeting with JoAnn Preston in January.
- Need help with volunteer committee
- Need chairperson for Photography Contest
- Alison Miller is moving to Maryland. Megan Cyrulewski would probably not do both new car show and teen event. Troy Youth Council is interested in helping with an event – good fit would be teen event.
- Pancake Breakfast – still need a sponsor. Two groups have expressed an interest so we will follow-up to bring this event back.
- Sandy Macknis volunteering for volunteer committee.

## SUGGESTION LIST

### Administrative

- Revisit objectives of festival during February/March Meetings
- Have a retreat to brainstorm new ideas
- History time-line at special meeting?
- Obtain grant information for specific events – not sure what to do now
- Revise demographic to exclude income level info,not a good idea – we included it and people responded
- Increase number of booth parking passes printed – yes
- Create separate activity for Naturalization Ceremony and separate budget – yes
- Have at least ½ of McManus lot for committee parking – discuss under operations
- Allow McManus lot for community parking – Thursday and Friday refer to operations
- In July meeting packet, include volunteer need sheet and time slots, info re: coupons available, and review at July meeting – yes. Send this to volunteer committee to adjust.
- Give chairpersons food coupons to hand out – rules are that chairpersons give to their own volunteers based on “volunteer perk sheet”
- Treasurer will hand out any checks, ride passes or meal tickets at designated hours - will make signs.
- Find organization to take photos with wizard or walk arounds as fundraiser with percentage going to festival. Try and find organization to handle this.

- Cindy will look into new costumes and cost
- Realign jobs and define job descriptions.
- Eliminate hay bales inside tents – done. Reduce number ordered to 150
- Have formal contract with Knights of Columbus, Troy Jaycees, Pancake Breakfast Sponsor for their events regarding fees and rules.
- Meet with school district personnel to discuss volunteer requirements for today's students. Also work with Troy Youth Council.
- Analyze improvements for Thursday's activities and combine with suggestions #2 & 3.
- Inform chairpersons that City will only cut checks once per month. Get check requests in early.
- Chairpersons must use proper forms for check requests.
- Committee chairs will be only ones to hand out vouchers to volunteers and only ones to get ride passes for use by family members.
- Go out for quotes for trophies – order all through one company
- Review by-laws – go over manual
- Create an application for volunteers and parental approval form for volunteers under 18 years old.
- Lt. Scherlinck asked if we have thought about screening volunteers

#### Amusement Rides

- In ride contract, indicate they cannot use baseball concession bathroom electrical plugs
- Shorten the hours for Saturday pay-one-price (11-5 p.m.) Let vendors address this in specs.

#### Miscellaneous

- To chairpersons dealing with revenue or expenses, treasurer handed out 2004 data and is looking for approximate 2005 amounts by December. Fax back to Cheryl at 248-952-1732
- Confirmation by Mike Gonda October 10, 2005 end of festival party at San Marino Club

Motion to adjourn the Festival Committee meeting by Cheryl Whitton Kaszubski  
 Seconded by Kessie Kaltsounis

Yeas: All  
 Nays: None  
 MOTION CARRIED

**Meeting is adjourned at 8:47 p.m.**

A meeting of the **Troy Youth Council (TYC)** was held on December 15, 2004 at 7:00 PM at City Hall in the Lower Level Conference Room, 500 West Big Beaver Road. The meeting was called to order at 7:02 p.m.

MEMBERS PRESENT: Alexandra (Sasha) Bozimowski  
Min Chong (co-chair)  
Juliana D'Amico (co-chair)  
Rishi Joshi  
Andrew Kalinowski (arrived 7:04 PM)  
Jessica Kraft  
Monika Raj  
Manessa Shaw  
Nicole Vitale  
YuJing Wang

MEMBERS ABSENT: Emily Burns  
Maniesh Joshi

ALSO PRESENT: Michael Toth, Intern, City of Troy

**1. Roll Call**

**2. Approval of Minutes**

***Resolution # TY-2004-12-023***

Moved by Herzog

Seconded by Bozimowski

**RESOLVED**, That the minutes of 11/17/04 be approved.

Yes: All - 11

No: None

Absent: 2 – Burns, M. Joshi

**MOTION CARRIED**

**3. Attendance Report:** To note and file

**4. City Event: 2005 Community Kaleidoscope:** TYC invited to help host the event Sun, 1/23/05 12-4 PM at the Community Center; Circulated sign-up sheet

**5. Polo Shirts with TYC Logo** – Order sheet circulated

6. **CCPTF Update** from TYC Representative CCPTF Member Catherine Herzog

**Resolution # TY-2004-12-024**

Moved by D’Amico

Seconded by Bozimowski

*RESOLVED*, That the Troy Youth Council supports the proposed minor league baseball stadium.

Yes: 10

No: None

Abstain: Kalinowski

Absent: 2 – Burns, Joshi

MOTION CARRIED

**January Meeting:**

- Meet the Mayor (re-scheduled from December)
- Vote to recommend student for appointment to the TYC – recommendation will then be sent to City Council: REVIEW applications prior to next meeting

**Youth Council Comments**

8. **PUBLIC COMMENT**

*Next Meeting:* Reminder Next Meeting: WED January 19th 7:00 P.M.  
**@ the Community Center**  
**“MEET THE MAYOR”**

The meeting adjourned at 7:37 P.M.

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Juliana D’Amico, Co-chair

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Michael Toth, Intern

Mark Maxwell called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, December 21, 2004 in Council Chambers of the Troy City Hall.

PRESENT:           Kenneth Courtney  
                  Michael Hutson  
                  Mark Maxwell  
                  Robert Schultz

ALSO PRESENT:  Mark Stimac, Director of Building & Zoning  
                  Susan Lancaster, Assistant City Attorney  
                  Pamela Pasternak, Recording Secretary

ABSENT:           Christopher Fejes  
                  Marcia Gies  
                  Matthew Kovacs

Motion by Courtney  
Supported by Hutson

MOVED, to excuse Mr. Fejes, Ms. Gies from this meeting as they are out of town and Mr. Kovacs due to illness.

Yeas:            All – Courtney, Hutson, Maxwell, Schultz

MOTION TO EXCUSE MEMBERS CARRIED

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF NOVEMBER 16, 2004**

Motion by Courtney  
Supported by Hutson

MOVED, to approve the minutes of the meeting of November 16, 2004 as written.

Yeas:            3 – Courtney, Hutson, Maxwell  
Abstain:        1 – Schultz

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

**ITEM #2 – VARIANCE REQUESTED. JAMES JONAS, 888 W. BIG BEAVER, LLC, 888 W. BIG BEAVER**, for relief of the Zoning Ordinance to maintain a 4588 square foot habitable space in the parking garage.

Mr. Stimac explained that this petitioner has obtained and attached additional land to this development. With this additional land the project now complies with the maximum allowable building area per acre of land. This variance is no longer required and no additional action is necessary by the Zoning Board of Appeals.

**ITEM #3 – VARIANCE REQUESTED. MR. ENCLOSURE REPRESENTING MR. & MRS. LLOYD GEERING, 4451 REILLY,** for relief of the Ordinance to construct a patio enclosure that would result in a proposed 25.3' rear yard setback where Section 34.20.03 of the Zoning Ordinance requires a 35' minimum rear yard setback in R-1C Zoning Districts utilizing the open space option.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a patio enclosure that would result in a 25.3' rear yard setback. Section 34.20.03 of the Zoning Ordinance requires a 35' minimum rear yard setback in R-1C Zoning Districts utilizing the open space option.

Mr. Hutson asked what the difference was between a R-1C Zoning District and the open space option. Mr. Stimac explained that in an R-1C Zoning District the front yard setback would be 30' and the rear yard setback would be 40'. In this case the front yard is the same and the rear yard setback has been reduced to 35'.

Mr. Hadad and Mr. Geering were present. Mr. Hadad asked Mr. Stimac if the setbacks had changed after this home was built. Mr. Stimac stated that this subdivision was developed with the open space option and the rear yard setback has always been 35'.

Mr. Hadad stated that they were asking for this variance because this property was very well hidden and this sunroom would not have a negative effect to any of the surrounding property. Mr. Hadad also explained that several other communities in the area have changed their setback requirements when a room of this type is mostly glass. Mr. Hadad did not think that the intent of the Troy Zoning Ordinance was to limit the setbacks on glass structures and thought that this should be taken into consideration. Mr. Hadad also brought up another variance that was granted on a property in Troy and felt that the situations were very similar.

Mr. Maxwell explained to Mr. Hadad the request for a variance is related to this property only and the Board would not consider granting a request based on a variance granted in another part of the City. Mr. Maxwell also stated that although the Board appreciated the information regarding variance changes in other cities, these changes do not apply to the restrictions in the Troy Ordinance, and a variance would only be granted based on a practical difficulty. Mr. Hadad said that he understood that and only wanted the Board to know that he felt these two properties were similar.

Mr. Hadad also said that Mr. Geering's elderly mother lives with them and is confined to a wheel chair. It is very difficult for her to get around and he does not believe that the legislative intent of the Ordinance would be to limit her enjoyment of this property. Mr. Hadad went on to say that this site is very remote and hidden by trees. Mr. Maxwell informed Mr. Hadad that he as well as other members of the Board had visited this site.

Mr. Maxwell opened the Public Hearing.

**ITEM #3 – con't.**

Mr. Kenneth Hietikko, 4447 Reilly was present and stated that he is the neighbor south of this property and is in favor of this request.

No one else wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Hutson stated that although he sympathizes with Mr. Geering, he is not in favor of this request, as the petitioner has not shown a hardship that runs with the land. Mr. Hutson also stated that he feels that this is a very large variance request.

Mr. Hadad said that he appreciated Mr. Hutson's comments, but had spoken to the neighbors and they did not object to this request. Mr. Hadad also said that this sunroom would be in keeping with the requirements of lot coverage.

Mr. Hutson stated that the lot coverage was not an issue, but the Board was considering the request for a reduced setback.

Mr. Maxwell stated that he was concerned with this request because of the proximity to the neighbor behind. Mr. Maxwell said that this variance would bring this room to within 60' of the neighbor's home and was concerned because of the close proximity of the sunroom.

Mr. Schultz stated that he did not see a practical difficulty with the land and was concerned about the size of this variance request. Mr. Hadad said that without a variance the use of the yard is limited for a handicapped member of this family.

Mr. Schultz asked Ms. Lancaster if a person's health concern was one of the reasons to grant a variance. Ms. Lancaster informed him that a practical difficulty that runs with the land is the reason to grant a variance. Ms. Lancaster also stated that once a variance is granted it stays with the property and not the person.

Motion by Schultz

Supported by Maxwell

MOVED, to postpone the request of Mr. Enclosure, 4451 Reilly, for relief of the Ordinance to construct a patio enclosure that would result in a proposed 25.3' rear yard setback where Section 34.20.03 of the Zoning Ordinance requires a 35' minimum rear yard setback in R-1C Zoning Districts utilizing the open space option until the meeting of January 18, 2005.

- To allow the petitioner the opportunity of a full board.

Yeas: All – 4

**ITEM #3 – con't.**

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF JANUARY 18, 2005  
CARRIED

**ITEM #4 – VARIANCE REQUESTED. MERI BORIN, 2317 VERMONT,** for relief of the Ordinance to maintain a shed constructed without first obtaining a Building Permit located in the side yard, with a side yard setback of 2.4' to the east property line and a distance of 7.5' to the attached garage.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to maintain a shed that has been constructed without first obtaining a Building Permit. The site plan submitted indicates that the shed has been constructed in a side yard with a side yard setback of 2.4' to the east property line and with a distance of 7.5' to the attached garage. Section 40.57.03 prohibits the placement of any accessory building in any yard except a rear yard. Section 40.57.05 requires a 6' minimum setback from an accessory building to any property line and a 10' minimum distance to the main structure.

Mr. Stimac also informed the Board that a copy of the original Building Permit from 1985 was found and indicated that this permit was for a 10' x 9' metal shed.

Ms. Borin was present and stated that the existing shed was in a state of disrepair, and all she did was repair that shed and in so doing left it in exactly the same area it was in. Ms. Borin indicated that she did not realize a permit was required. Ms. Borin also said that due to the condition of the original shed, animals were getting inside. The perimeter of her yard has been professionally landscaped and she does not feel that this shed could be placed in any other location. Ms. Borin also stated that her neighbor, David Gralewski, signed the affidavit of notification indicating approval of the location of this shed. There are no neighbors to the east of this property and the rear of the lot backs up to Brinston Park. Ms. Borin said that the only part of the shed that is visible from the street is the roof and does not think this creates a problem for the neighbors. Ms. Borin also said that all she was doing was putting the shed in the same location as the original shed and did not believe this was a problem.

Mr. Maxwell stated that it does not matter if the original shed was in this location or not, the Ordinance dictates that an accessory structure has to be a minimum of 6' from the property line.

Mr. Hutson stated that he understood her concern about the landscaping, but thinks this is a very large lot and the petitioner has not demonstrated a hardship that runs with the land.

Mr. Stimac asked for clarification regarding Ms. Borin's statement that Mr. Gralewski said that this was the location of the original shed. Ms. Borin said that Mr. Gralewski had signed the affidavit from the City. Mr. Stimac explained that this form is a notification that a shed is going to be built and not a verification of the location.

**ITEM #4 – con't.**

Mr. Maxwell opened the Public Hearing.

Ms. Borin's fiancée was present and stated that he had helped with the re-building of the shed and did not realize a permit was required from the City. He also indicated that they're a number of mature trees in the yard and did not think the shed could be moved to another location. He also said that they had about \$1,000.00 tied up in the materials for the shed and they would not be able to re-use these materials.

Mr. Maxwell said that he thought the roof would probably not be destroyed but he also felt that the other materials could be salvaged to rebuild this shed.

Ms. Borin's fiancée stated that the neighbor's house is closer to the property line than this shed.

Ms. Borin stated that there is a fence line that would have to be moved and also there is another area of mature trees and her neighbor stated that he did not have a problem with the shed in this area.

Mr. Maxwell stated that when a variance is granted it stays with the land. Ms. Borin's fiancée stated that he thought this shed had very little impact on any of the surrounding neighbors.

Mr. Maxwell opened the Public Hearing.

Mr. & Mrs. Douglas Smith, 2320 Vermont were present. Mr. Smith stated that this shed is visible to him from both his front window and the front door. Mr. Smith said that when he was going to build a shed he called the City and spoke to Mitch Grusnick in the Building Department, who was extremely helpful and receptive to questions. Mr. Smith also said that Ms. Borin had completely torn down the original shed and rebuilt it from scratch. Mr. Smith indicated that he had seen the cement truck come in to pour the foundation. From his home it appears as though the house extends right into the shed. Mr. Maxwell asked how much of the shed was visible to the Smith's. Mr. Smith indicated that he could see about 3' to 4' of the roofline. Mr. Smith also said that he objects to this request.

No one else wished to be heard and the Public Hearing was closed.

There are no written approvals on file. Mr. Smith brought in one (1) written objection from the neighbor at 2300 Vermont.

Ms. Borin's fiancée asked when the City required permits. Mr. Stimac stated that the City of Troy is under the State of Michigan Building Code and also the Troy Zoning Ordinance. Permits are required when changes are made to any type of walls, and also to determine Zoning Compliance according to Section 40.57.12 of the Zoning

**ITEM #4 – con't.**

Ordinance. Mr. Stimac also stated that the work that was done to this shed did require a Building Permit.

Mr. Maxwell stated that the bottom line is that Ms. Borin has a shed that is 2.4' from the side property line.

After reading the letter brought in by Mr. Smith, Ms. Borin indicated that this objection was from a man she had sued and won her case and who is also a business partner of Mr. Smith's. Ms. Borin felt that these objections should not be taken into consideration because of this lawsuit.

Mr. Schultz asked if Ms. Borin had contacted the City before beginning the repairs to this shed. Ms. Borin stated that she did not as she did not believe a permit was required.

Motion by Hutson  
Supported by Courtney

MOVED, to postpone the request of Meri Borin, 2317 Vermont, for relief of the Ordinance to maintain a shed constructed without first obtaining a Building Permit located in the side yard, with a side yard setback of 2.4' to the east property line and a distance of 7.5' to the attached garage until the next meeting of January 18, 2005.

- To allow the petitioner the benefit of a full board.

Yeas: All – 4

MOTION TO POSTPONE REQUEST UNTIL JANUARY 18, 2005 CARRIED

Mr. Courtney stated that his opinion was formed on his own observations and not because of other factors. Mr. Maxwell also said that his decision will be made solely on the proximity of this shed to the property line.

Mr. Maxwell wished everyone a Happy Holiday.

The Board of Zoning Appeals meeting adjourned at 8:26 P.M.

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Mark Maxwell, Acting Chairman

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Pamela Pasternak, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on January 11, 2005, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain  
Lynn Drake-Batts  
Fazal Khan  
Lawrence Littman  
Robert Schultz  
Thomas Strat  
Mark J. Vleck  
David T. Waller

Absent:

Wayne Wright

Also Present:

Brent Savidant, Principal Planner  
Allan Motzny, Assistant City Attorney  
Kathy Czarnecki, Recording Secretary

**Resolution # PC-2005-01-001**

Moved by: Schultz  
Seconded by: Strat

**RESOLVED**, That Member Wright is excused from attendance at this meeting for personal reasons.

Yes: All present (8)  
No: None  
Absent: Wright

**MOTION CARRIED**

2. MINUTES

**Resolution # PC-2005-01-002**

Moved by: Chamberlain  
Seconded by: Drake-Batts

**RESOLVED**, To approve the December 14, 2004 Regular Meeting minutes as published.

Yes: Chamberlain, Drake-Batts, Littman, Strat, Waller  
No: None  
Abstain: Khan, Schultz, Vleck  
Absent: Wright

**MOTION CARRIED**

### 3. PUBLIC COMMENTS

There was no one present who wished to speak.

### SITE CONDOMINIUM SITE PLANS

There was a brief discussion with respect to tabling agenda items #4, Oak Forest Site Condominium, and #5, Oak Forest South Site Condominium. Planning Commission members indicated that there were some issues with the applications that needed to be addressed prior to being approved. In addition, relative information relating to both proposed developments was not provided to Planning Commission members in a timely manner for appropriate consideration and review. Mr. Savidant explained that all relative information was available and considered at the time of the Planning Department's reviews and reports.

#### 4. SITE PLAN REVIEW – Proposed Oak Forest Site Condominium, 76 units/lots proposed, South side of Square Lake Road, West side of John R, Section 11 – R-1C (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Oak Forest Site Condominium. It is the Planning Department's recommendation to postpone the application to the January 25, 2005 Special/Study Meeting to provide the Planning Commission with an opportunity to discuss the issue of interconnectivity with properties to the north and south.

The petitioner, Dale Garrett of Ladd's Inc., 5877 Livernois, Suite 103, Troy, was present.

Chair Waller opened the floor for public comment.

Lon Ullman of 5621 Willow Grove, Troy, was present and distributed a written communication that addresses his concerns of the proposed development. Mr. Ullman provided a brief history of properties located on Willow Grove with respect to the wetlands and water retention. Mr. Ullman shared his concerns with the displacement of water, the 40,000 yards of fill dirt, the 1 million cubic feet of water storage area that would be removed, and the proposed grading should the development go forward. Mr. Ullman said the developer must assure appropriate handling of the volume of displaced water. He compared the impact on Willow Grove properties from the construction of one new home located at the corner of Square Lake and Willow Grove to the 100 homes proposed for construction.

Patricia Ullman of 5621 Willow Grove, Troy, was present. Mrs. Ullman said she could no longer have a vegetable garden after the City allowed the construction of a house in 1987 to bring in fill dirt. Mrs. Ullman said she waits until July to plant her perennial garden and mow the lawn after construction of a house was allowed in 2001. Mrs. Ullman expressed concern with the fill dirt and water as a result of more development.

Mrs. Ullman addressed the potential paving of Willow Grove, and said the residents on Willow Grove residents do not want to pay to have a street paved that they do not want paved. Mrs. Ullman said residential construction creates a negative cash flow and is not a source of net revenue for the city. The Willow Grove residents feel that should the development go forward, the developer should pay for all the costs incurred on and off site. She asked that the Planning Commission take into consideration the concerns of the Willow Grove residents relative to flooding problems.

Ann Bonnelly of 5612 Willow Grove, Troy, was present. Ms. Bonnelly said her property is adjacent to the proposed Oak Forest South Site Condominium development. She asked if the Commission is responsible to deny designs that will raise the grade of the new property and flood out existing property, and addressed her concerns with potential flooding as a result of the proposed development. Ms. Bonnelly also addressed the abundance of green signs throughout the City relating to proposed rezonings and the Master Land Use Plan that prospective newcomers reference prior to moving into the City. She feels that prospective newcomers could be misled by the numerous rezonings that are taking place. Ms. Bonnelly said it appears the City thinks it is necessary to build on every square foot of land. She thinks that is not environmentally desirable for Troy.

Mr. Chamberlain explained that proposed rezonings are taking place to bring current zoning into compliance with the Future Land Use Plan.

Clarification was given that City are posted for all types of proposed developments, not only proposed rezonings, and further that there is no proposed rezoning for the proposed Oak Forest Site Condominium projects.

The Planning Department will confirm that the posted signs at the proposed Oak Forest Site Condominium locations specify they are proposed developments and not proposed rezonings.

Mike Brubaker of 5775 John R, Troy, was present. Mr. Brubaker said there was standing water for approximately 10 days after wetland delineation markers were placed in 2001. Mr. Brubaker said that should that changes in the wetlands delineations, if any, would most likely show that there are more wetlands. Mr. Brubaker said he would prefer that no hydrology changes were made in the area.

Phil Todor of 1453 Trevino, Troy, was present. Mr. Todor, a 12-year resident of Golf Trails subdivision, shared his concern on behalf of other Golf Trails residents with respect to potential increased traffic. He asked that sufficient traffic control be provided to ease the increase in traffic that will result from the proposed development.

Scott Oliver of 5680 Willow Grove, Troy, was present. Mr. Oliver addressed concerns with drainage. Mr. Oliver noted the impact on drainage with past construction of a few houses, and questioned the impact of the proposed 76 houses. He said the ground has been so saturated the last few years that water pools in the yard until mid-May.

Mr. Oliver addressed his concerns with flooding out the existing septic tanks, and said the density of the project would be detrimental to the area.

Tom Bommarito of 5696 Willow Grove, Troy, was present. Mr. Bommarito bought the property at 5736 Willow Grove approximately 20 years ago, and since built his current home on 5696 Willow Grove. Mr. Bommarito shared his experience with the flooding of the crawl space in the original house. Mr. Bommarito said his lawn is so wet that he is not able to mow with his John Deere riding mower until June. Mr. Bommarito voiced his concerns as to how the water would be handled, and to whom he would address any flooding problems should there be any in 3 or 4 years.

The floor was closed.

**Resolution # PC-2005-01-003**

Moved by: Chamberlain

Seconded by: Littman

**RESOLVED**, That the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Oak Forest Site Condominium, including 76 units, located on the south side of Square Lake Road and west of John R, Section 11, within the R-1C zoning district be tabled for study at the January 25, 2005 Special/Study Meeting and for action at the February 8, 2005 Regular Meeting.

Yes: All present (8)

No: None

Absent: Wright

**MOTION CARRIED**

5. **SITE PLAN REVIEW** – Proposed Oak Forest South Site Condominium, 24 units/lots proposed, South of Square Lake Road, East side of Willow Grove, Section 11 – R-1C (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report for the proposed Oak Forest South Site Condominium. It is the recommendation of the Planning Department to approve the Alternate Layout design for the project, including 23 units and a future road connection to the north, located between unit 18 and the westernmost detention basin. Mr. Savidant addressed conditions to the approval relating to the Landscape Plan, MDEQ permits, permits from the County Drain Commission for improvements to the Fetterly Drain, and connecting walkways to Jaycee Park and Hopedale Road.

The petitioner, Dale Garrett of Ladd's Inc., 5877 Livernois, Suite 103, Troy, was present.

Chair Waller opened the floor for public comment.

Lon Ullman of 5621 Willow Grove, Troy, was present and briefly addressed the sewers located on Willow Grove.

The floor was closed.

**Resolution # PC-2005-01-004**

Moved by: Chamberlain

Seconded by: Littman

**RESOLVED**, That the Planning Commission recommends to City Council that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Oak Forest South Site Condominium, including 24 units, located south of Square Lake Road and on the east side of Willow Grove, Section 11, within the R-1C zoning district, be tabled for study at the January 25, 2005 Special/Study Meeting and for action at the February 8, 2005 Regular Meeting.

Yes: All present (8)

No: None

Absent: Wright

**MOTION CARRIED**

**SITE PLAN REVIEWS**

6. **SITE PLAN REVIEW (SP 912)** – Proposed Giggle Gang Preschool and Daycare, Northwest corner of Rochester Road and Hartland, Section 22, B-3 (General Business) and R-1E (One Family Residential) Districts

Mr. Savidant presented a summary of the Planning Department report for the proposed preschool and daycare facility. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted subject to the applicant receiving a variance from the Board of Building Appeals to construct a 4-foot high chain link fence in a non-residential front yard prior to constructing the outdoor play area fence.

There was a brief discussion relating to the type of fence material that could be used. Upon review of Section 20.25.02, Mr. Savidant stated the ordinance does not have a requirement for the type of fencing or screening material, and suggested that the members discuss the type of fencing material with the petitioner.

Mary Stork of 3193 Rochester Road, Troy, was present to represent the petitioner.

Jeff Tucker, project engineer, of JB Tucker and Associates, Utica, was also present.

Ms. Stork and Mr. Tucker said they were open to discuss options of fencing material.

A thorough discussion followed relating to fence material.

There was a brief discussion on the responsibilities of the Board of Building Appeals.

**Resolution # PC-2005-01-005**

Moved by: Chamberlain

Seconded by: Schultz

**RESOLVED**, That Preliminary Site Plan Approval as requested for the Giggle Gang Preschool and Daycare, located on the northwest corner of Rochester Road and Hartland, located in Section 22, within the B-3 zoning district, is hereby granted, subject to the following conditions:

1. The applicant must receive a variance from the Board of Building Appeals to construct a 4-foot high fence in a non-residential front yard, prior to constructing the outdoor play area fence.
2. That the fence to be constructed shall be constructed of materials on the Rochester Road side that will be similar in sight to the church itself, and shall be constructed of materials on the Hartland and west sides that will be an open-type fence but not chain link; further, that shrubs be planted on the Rochester Road and Hartland sides exterior to the fence.

Yes: All present (8)

No: None

Absent: Wright

**MOTION CARRIED**

7. SITE PLAN REVIEW (SP 911) – Proposed Crooks Retail II, Southwest corner of Crooks and Wilshire, Section 20, O-1 (Low Rise Office) and B-3 (General Business) Districts

Mr. Savidant presented a summary of the Planning Department report for the proposed retail development. Mr. Savidant noted that the site plan would be corrected to show a sidewalk along the entire length of the north side of the building. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted subject to two conditions: (1) the completion of a shared parking agreement for the subject parcel and the abutting

parcel to the south prior to Final Site Plan Approval; and (2) provide a 5-foot wide strip of grass and a 5-foot wide concrete strip along the entire width of the north side of the building.

Mr. Chamberlain provided a brief history of the retention pond and traffic issues associated with the corner of Crooks and Big Beaver. Mr. Chamberlain said he is happy to see the site plan come forward so soon and that the retail development is replacing an eyesore and alleviating existing ingress and egress problems.

Ms. Drake-Batts suggested that there be no left hand turns allowed exiting from the retail development.

Chair Waller referenced the departmental review comments from the Engineering Department and the Department of Public Works. He asked at what point in the approval process would the issues be resolved.

Mr. Savidant said all departmental issues are resolved prior to Final Site Plan Approval. Mr. Savidant said the petitioner is aware that there is a 14,000 cubic foot shortage for detention and that all storm water must be adequately handled prior to Final Site Plan Approval.

Mike Boggio of Boggio Associates, 30100 Telegraph, Bingham Farms, was present. Mr. Boggio noted a discrepancy in the notations of cubic feet of detention on the site plan and the grading plan. He explained the 29,000 cubic feet of detention would be handled in underground storage on the east side of the building. Mr. Boggio said the additional 14,000 cubic feet would be handled partially underground and partially from parking lot retention. Mr. Boggio said extensive research proves the overall cubic foot requirement for detention could be met.

Mr. Chamberlain said the Commission prefers not to have any storm water retention on a parking lot. He said the Commission realizes the engineering development standards allow parking lot retention, but the Commission feels it is not in the best interest of the health, safety, and welfare of the residents.

Mr. Schultz concurred with Mr. Chamberlain and said he would prefer to see no surface retention.

Harvey Weiss, project developer, of Weiss Properties, 6960 Orchard Lake Road #234, West Bloomfield, was present. Mr. Weiss said it would be very difficult to accommodate all the storm water retention underground. He noted the limitation in size of the location and the cost factor involved in underground storage.

Mr. Strat commended the petitioner on his submission. Mr. Strat said the Commission is very sensitive to parking lot retention because of previous history with as much as 3 feet of storm water retained in a parking lot.

Mr. Khan said it appears there is enough area to provide all underground storm water retention. He noted the petitioner has not provided any calculations to indicate underground detention cannot be done.

Mr. Boggio said storm water detention in the parking lot would be at a maximum of 1 foot.

Mr. Weiss said he would retain as much storm water as possible underground, and assured the Commission they would not create parking lot retention at 3 feet. Mr. Weiss asked the Commission for the opportunity to do a combination of underground and surface retention.

**Resolution # PC-2005-01-006**

Moved by: Schultz

Seconded by: Strat

**RESOLVED**, That Preliminary Site Plan Approval as requested for the Crooks Retail II, located on the southwest corner of Crooks Road and Wilshire Road, located in Section 20, within the O-1 and B-3 zoning districts, is hereby granted, subject to the following conditions:

1. The completion of a shared parking agreement for the subject parcel and the abutting parcel to the south prior to Final Site Plan Approval, provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.
2. Provide a 5-foot wide strip of grass and a 5-foot wide concrete sidewalk along the entire width of the north side of the building.
3. Demonstrate that all required storm water detention for the site can be accommodated within the proposed underground detention system and any surface detention shall not exceed six (6) inches.
4. If there is any significant change to the site plan, that the site plan be returned to this body for review.

Yes: Drake-Batts, Khan, Littman, Schultz, Strat, Vleck, Waller

No: Chamberlain

Absent: Wright

**MOTION CARRIED**

Mr. Chamberlain said he does not want to see any retention of water in a parking lot.

Mr. Littman asked what weight the 6-inch storm water detention requirement carries; i.e., is the condition a binding portion of the motion.

Mr. Motzny advised the Commission that a site plan must be approved should it meet all of the requirements of the Zoning Ordinance, State law, or other codes. It is his understanding that the additional condition placed on the subject site plan was made as part of the Commission's duty to preserve the health, safety and welfare of the residents.

Chair Waller asked where it is stated that surface storm water is acceptable.

Mr. Savidant replied that it is in the engineering development standards of the City.

Chair Waller said that surface storm water retention should be an item for future review.

8. REPORT – Chairman Waller, attendance at “Greenbuild” in Portland, Oregon and site visit to Bellevue, Washington

Chair Waller provided a brief report on his attendance at the Greenbuild Annual Conference in Portland, Oregon, from November 10-12, 2004, and his visit to Bellevue, Washington, from November 15-16, 2004.

There was a brief question and answer period.

9. ELECTION OF PLANNING COMMISSION OFFICERS - 2005

**Resolution # PC-2005-01-007**

Moved by: Vleck  
Seconded by: Khan

**RESOLVED**, That Thomas Strat and Robert Schultz be nominated to serve as Chair and Vice Chair of the Planning Commission, respectively, for 2005, and that Wayne Wright and Lynn Drake-Batts be recommended to the City Council as the Commission's Board of Zoning Appeals representative and alternate, respectively, for 2005, and

**BE IT FURTHER RESOLVED**, that nominations be closed and that these officers be elected and representatives recommended, as indicated.

Yes: All present (8)  
No: None  
Absent: Wright

**MOTION CARRIED**

10. APPROVAL OF PLANNING COMMISSION MEETING SCHEDULE – 2005

**Resolution # PC-2005-01-008**

Moved by: Chamberlain

Seconded by: Khan

**RESOLVED**, The Troy City Planning Commission hereby establishes the following schedule for their meetings during the calendar year 2005.

1. Regular Meetings will be held on the second Tuesday of each month.
2. Special/Study Meetings will be held on the first and fourth Tuesday of each month, as necessary, with the exception of July 5<sup>th</sup>, September 6<sup>th</sup>, November 22<sup>nd</sup> and December 27<sup>th</sup>.
3. If additional Special/Study Meetings become necessary, Alternate Special/Study Meeting dates may be set at the discretion of the Commission.

Discussion on the motion.

Mr. Schultz suggested that November 22<sup>nd</sup> and December 27<sup>th</sup> be added to the 2005 calendar list of meeting dates.

A brief discussion followed with respect to scheduling meetings around holidays, discretion of Commission to call additional meetings, and placing study items on regular business meeting agendas.

Vote on the motion on the floor.

Yes: All present (8)

No: None

Absent: Wright

**MOTION CARRIED**

11. HOUSE BILL NO. 6164

Mr. Savidant addressed House Bill No. 6164 that became effective December 30, 2004. The Bill provides a rezoning applicant the opportunity to voluntarily submit a site plan for review at the same time as the rezoning application. Mr. Savidant said it appears the House Bill language is vague and open to interpretation in the future, but said it is the intent of the Bill to address complex or complicated rezoning applications.

A brief discussion followed with respect to the flexibility of rezoning applications and the authority of Planning Commission to request site plan revisions.

**12. PUBLIC COMMENT**

There was no one present who wished to speak.

**GOOD OF THE ORDER**

Chair Waller expressed his appreciation for everyone's support during the year, a year that he believes was successful in getting a lot of things done. Chair Waller announced the American Planning Association Annual Conference is being held in San Francisco on March 19-23, 2005. He encouraged those interested in attending to begin making arrangements.

Mr. Littman questioned the role of the Planning Commission with respect to the proposed Sterling Heights Master Land Use Plan that was provided in CD format.

Mr. Savidant said the item would be placed on a future agenda wherein the Planning Commission could provide a resolution of support to the City of Sterling Heights should it so desire.

Mr. Vleck thanked Chair Waller for the research and valuable information he brought to the table. Mr. Vleck addressed the proposed minor league baseball park and the joint meeting of the Planning Commission, Downtown Development Authority, Parks and Recreation Board and the Civic Center Priority Task Force wherein the City Council requested input on the proposed baseball park. Mr. Vleck shared his frustration that the City Council received overwhelming support from each body and chose to ignore that input at the time of its final decision. Mr. Vleck said it appears that the City Council does not give any credibility to any input from the Planning Commission, and that the Commission members just spins their wheels.

Ms. Drake-Batts wished everyone a happy new year. She questioned the status of the proposed zoning ordinance text amendment relating to childcare and the proposed PUD application located on Big Beaver between Alpine and McClure.

Mr. Savidant reported that the proposed childcare zoning ordinance text amendment would be placed on a future study meeting agenda soon. Mr. Savidant reported that negotiations are continuing with the petitioner of the proposed PUD #4. He projected that a Public Hearing would be scheduled within the next two to three months.

Mr. Schultz asked that the report he provided to Chair Waller on his attendance at the recent Michigan Society of Planning conference be forwarded to the Planning Department after his perusal. Mr. Schultz thanked the outgoing officers for their outstanding dedication and contribution to the Planning Commission in 2004, and said he looks forward to the continued productivity, involvement and cooperation of everyone in 2005.

Chair Waller said he personally finds it distressing that the City Council is presented with two versions of a matter -- the Planning Commission version and the City management version -- and that it appears the practice is to present the City management version first to the City Council. Chair Waller said he would like to see a unison version only presented to the City Council.

Mr. Strat thanked the members for the confidence placed in him to chair the Commission in 2005. Mr. Strat thanked the outgoing officers for their efforts and accomplishments. Mr. Strat reported that he would not be in attendance and not be present to chair the January 25, 2005 Special/Study Meeting.

Mr. Khan thanked Chair Waller for his leadership. He said he, as a new member, received a lot of support and guidance from Mr. Waller. Mr. Khan hopes to receive similar support and maintain a good working relationship with the future chairman. Mr. Khan thanked all the other officers for their contributions, and said he is always there should anyone need his assistance.

Mr. Chamberlain referenced the recent culmination of the proposed minor league baseball park. He said what went down for that time period was a black eye for the City of Troy. Mr. Chamberlain referenced the way the citizens treated the petitioner and the wrong comments made about the petitioner. Mr. Chamberlain said one is looking at a downward spiral of the City of Troy, a great place to live.

Mr. Savidant thanked the outgoing officers for a job well done. Mr. Savidant thanked Chair Waller for the passion and energy he brought to the position, and welcomed aboard the new officers for 2005.

Mr. Motzny agreed with Mr. Savidant's comments.

### ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 9:30 p.m.

Respectfully submitted,

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David T. Waller, Chair

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Kathy L. Czarnecki, Recording Secretary



**INVESTMENTS**

***Resolution # ER – 2005 – 01- 003***

Moved by Lambert

Seconded by Szerlag

*RESOLVED*, That the following investments be purchased:  
\$500,000 Merrill Lynch, 4.40% due 1/10/12.

Yeas:            All 7

**INVESTMENTS**

***Resolution # ER – 2005 – 01- 004***

Moved by Pallotta

Seconded by Houghton

*RESOLVED*, That the following investments be purchased and sold:

***Purchase:*** 5,000 shares Goldman Sachs; 5,000 shares Hartford Financial Services;  
5,000 shares Honeywell International; 5,000 shares Independent Bank Corp; 5,000 shares  
Jack Henry and Associates; 6,000 shares Investors Financial Services; 4,000 shares L-3  
Communications;

***Sell:*** Hewlett Packard and Invacare.

Yeas:            All 7

The next meeting is February 9, 2005 at 12:00 p.m. at City Hall, Conference Room C,  
500 W Big Beaver, Troy, MI.

The meeting adjourned at 1:53 p.m.

The Chairman, Matthew Kovacs, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, January 18, 2005 in Council Chambers of the Troy City Hall.

PRESENT: Kenneth Courtney  
Christopher Fejes  
Marcia Gies  
Michael Hutson  
Matthew Kovacs  
Mark Maxwell  
Tom Strat

ALSO PRESENT: Mark Stimac, Director of Building & Zoning  
Susan Lancaster, Assistant City Attorney  
Pamela Pasternak, Recording Secretary

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF DECEMBER 21, 2004**

Motion by Courtney  
Supported by Maxwell

MOVED, to approve the minutes of the meeting of December 21, 2004 as written.

Yeas: 5 – Hutson, Kovacs, Maxwell, Strat, Courtney  
Abstain: 2 – Fejes, Gies

MOTION TO APPROVE MINUTES OF THE DECEMBER 21, 2004 AS WRITTEN  
CARRIED

**ITEM #2 – RENEWAL REQUESTED. HARRY & SUNNIE KWON, 38921**

**DEQUINDRE**, for relief to maintain a 6’ high wood fence in lieu of a 6’ high masonry screen wall required by Section 39.10.01 for a 35’ long portion of the west property line where the property borders residential property.

The Chairman moved this item to the end of the agenda, Item #8, to allow the petitioner the opportunity to be present.

**ITEM #3 – VARIANCE REQUESTED. RICK HADAD, MR. ENCLOSURE**

**SUNROOMS, 4451 REILLY**, for relief of the Ordinance to construct a patio enclosure that would result in a proposed 25.3’ rear yard setback where Section 34.20.03 of the Zoning Ordinance requires a 35’ minimum rear yard setback in R-1C Zoning Districts utilizing the open space option.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a patio enclosure that would result in a 25.3’ rear yard setback. Section 34.20.03 of the

**ITEM #3 – con't.**

Zoning Ordinance requires a 35' minimum rear yard setback in R-1C Zoning Districts utilizing the open space option. Mr. Stimac also explained that at the time this subdivision was platted the developer created a park area that is part of the subdivision and the individual lots were reduced in size. In subdivisions utilizing the open space option rear yard setbacks are reduced to 35'.

This item last appeared before this Board at the meeting of December 21, 2004 and was postponed to allow the petitioner the opportunity of a full Board.

Mr. Hadad and Mr. Geering were present. Mr. Hadad stated that he did not believe this variance would be contrary to public interest and would not have an adverse effect to surrounding property and does not violate the legislative intent of the Ordinance. Mr. Hadad also indicated that he had brought in an approval letter from the neighbor behind this property and a letter from Mr. Geering's mother's therapist indicating that a sunroom would be very beneficial to her as she is 86 years old and has difficulty walking. Mr. Hadad stated that Joan Geering stated that she would like to add this sunroom to aid their mother as her walking is disabled and suffers from dementia and felt that this addition would add to the value of this property. Mr. Hadad clarified that Ms. Geering sister is also one of the homeowners and also resides at this address.

Mr. Hadad also said that this home is a few blocks away from the subdivision park and does not derive any benefit from this park. Mr. Hadad further stated that other cities have modified the setback requirement when a structure is predominantly glass.

The Chairman opened the Public Hearing.

Mr. Kenneth Hietikko, 4447 Reilly was present and stated that he was in support of this addition as it would enable the owners to make full use of their yard.

No one else wished to be heard and the Public Hearing was closed.

There are no additional approvals or objections on file.

Mr. Hutson stated that he does feel this variance would have an adverse effect to surrounding property and would be contrary to public interest. Mr. Hutson further stated that the developer decided to use the open space option, which then reduces the size of the lots. Mr. Hutson also stated that he feels this is a very large variance request and also that there is no practical hardship that runs with the land.

Ms. Gies stated that she agrees with Mr. Hutson's statement and does not see a practical difficulty or hardship that runs with the land. Mr. Kovacs also said that although he sympathizes with health problem of the Geering's mother, he does not see a hardship that runs with the land. Mr. Kovacs further stated that this Board cannot make a decision based on health.

**ITEM #3 – con't.**

Motion by Hutson  
Supported by Courtney

MOVED, to deny the request of Rick Hadad of Mr. Enclosure Sunrooms, 4451 Reilly, for relief of the Ordinance to construct a patio enclosure that would result in a proposed 25.3' rear yard setback where Section 34.20.03 of the Zoning Ordinance requires a 35' minimum rear yard setback in R-1C Zoning Districts utilizing the open space option.

- Petitioner did not demonstrate a practical difficulty that runs with the land.
- Variance would have an adverse effect to surrounding property.
- Variance is contrary to public interest.

Yeas: All – 7

MOTION TO DENY REQUEST CARRIED

**ITEM #4 – VARIANCE REQUESTED. MERI BORIN, 2317 VERMONT**, for relief of the Ordinance to maintain a shed constructed without first obtaining a Building Permit, located in the side yard, with a side yard setback of 2.4' to the east property line and a distance of 7.5' to the attached garage.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to maintain a shed that has been constructed without first obtaining a Building Permit. The site plan submitted indicates that the shed has been constructed in a side yard with a side yard setback of 2.4' to the east property line and with a distance of 7.5' to the attached garage. Section 40.57.03 prohibits the placement of any accessory building in any yard except a rear yard. Section 40.57.05 requires a 6' minimum setback from an accessory building to any property line and a 10' minimum distance to the main structure.

This item last appeared before this Board at the meeting of December 21, 2004 and was postponed to allow the petitioner the opportunity of a full Board.

The petitioner was not present. Ms. Lancaster received a fax letter, addressed to Mr. Stimac, from Ms. Borin indicating that she wished to withdraw this request and planned to move this shed so that it would comply with the requirements of the Ordinance.

Motion by Courtney  
Supported by Maxwell

MOVED, to accept the withdrawal request of Meri Borin, 2317 Vermont, for relief of the Ordinance to maintain a shed constructed without first obtaining a Building Permit, located in the side yard, with a side yard setback of 2.4' to the east property line and a distance of 7.5' to the attached garage.

**ITEM #4 – con't.**

- Petitioner has indicated that she will comply with the Ordinance.

Yeas: All – 7

MOTION TO ACCEPT WITHDRAWAL REQUEST CARRIED – NO FURTHER ACTION TAKEN BY THE BOARD

**ITEM #5 – VARIANCE REQUESTED. DANIEL THOMPSON, 6867 SHELLDRAKE,** for relief of Section 30.10.05 of the Ordinance to maintain a home constructed with a 24.7 front yard setback to the front property line where 25' minimum is required.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to maintain a home constructed with a 24.7' front yard setback to the front property line where 25' minimum is required by Section 30.10.05. The permit for the construction of the new home was issued with the stipulation that an as-built survey of the foundation was to be submitted before the framing was to be installed. Unfortunately, this was not done. Once the as built was done after the framing was installed it was discovered that the home was constructed 5" too close to the front property line.

Mr. & Mrs. Thompson were present and Mr. Thompson said that the variance they are requesting is for 3/10 of a foot. Ms. Thompson stated that the "as-built" requirement was not on their permit, displaying the Weather Card. Mr. Stimac explained that this stipulation is on the copy of the permit that also indicates that payment had been made. Ms. Thompson also said she did not think this was a large request and the house is totally built and they would have to knock off a few inches of the garage.

Mr. Kovacs asked if inspections are done when the foundation is poured. Mr. Stimac said that a footing inspection is done; however, the reason an as built is called for is because in an older subdivision such as this one, lot markers are very difficult to locate. Mr. Stimac also explained that the as built is required before framing to determine the correct location of the home under constructions and to alleviate such problems as this one.

Mr. Courtney asked if they had built this home. Mrs. Thompson said that they sub-contracted the work on this home.

The Chairman opened the Public Hearing.

Mr. Donegan, 1475 Cambria was present and stated that he approves of this variance request.

No one else wished to be heard and the Public Hearing was closed.

There are six (6) written approvals on file. There are no written objections on file.

**ITEM #5 – con't.**

Motion by Courtney  
Supported by Strat

MOVED, to approve the request of Daniel Thompson, 6867 Shelldrake, for relief of Section 30.10.05 of the Ordinance to maintain a home constructed with a 24.7' front yard setback to the front property line where 25' minimum is required.

- Variance applies only to this property.
- Variance will not establish a prohibited use in a Zoning District.
- Variance request is minimal.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 7

**MOTION TO APPROVE REQUEST CARRIED**

**ITEM #6 – VARIANCE REQUESTED. MIKE ELIAS, 5991 LIVERNOIS, PROPOSED ADDRESS 5977 LIVERNOIS**, for relief of the Zoning Ordinance to construct a new gasoline/convenience store to replace the existing facility.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new gasoline/convenience store to replace his existing facility. A similar plan appeared before the Board in May of 2004. Requests for variances on that plan were approved. A revised plan has now been submitted that requires similar, but different, variances as follows:

Paragraph B of Section 23.30.02 requires at least 15,000 square feet of land for a gasoline station in the H-S (Highway Service) Zoning District. The site plan submitted indicates that this site is only 13,382 square feet.

Paragraph G of Section 31.30.00 requires that front setbacks of 25' are provided to the edge of a pump canopy, and 35' are provided to the canopy support. The site plans submitted indicated a canopy edge setback of 23'-6" to Livernois and 22.8' to Square Lake. They also indicate a setback to the canopy support of only 31'-6" to Livernois and 33' to Square Lake.

Paragraph G of Section 31.30.00 further requires a side yard setback of 10' to the edge of a canopy and 20' to the canopy supports and pump islands. The site plan submitted indicates the canopy right on the south property line, 10'-3" to the canopy support and 9'-6" to the pump island.

In addition, a minimum of 1,138 square feet of countable landscaping is required by Section 39.70.04 for a site this size. The plans indicate that only 256 square feet of countable landscaping will be provided.

**ITEM #6 – con't.**

Mr. Hutson asked if these changes were a result of the Planning Commission or simply changes made by Mr. Elias. Mr. Stimac said that he believes this is a combination of both. Mr. Stimac also said that he believes this new plan is also a result of concerns regarding a cross access agreement, which have now been addressed.

Mr. Strat stated that these plans had come before the Planning Commission several times, and that this is a significant compromise but was felt by both the Planning Commission and the Planning Department that this would be an excellent solution. Mr. Strat also said that he would like to recommend that the Board of Zoning Appeals grant these variances, as he believes they completely address the safety concerns of the Board and also allows for the preservation and integrity of this corner. Mr. Strat also said that he believes this proposed plan will be an asset to this area.

Mr. Elias said that he was very pleased with this plan and believes that it does address the safety issues and is a much better design. Landscaping will be added, and a newer building will be consistent with the surrounding area. Mr. Elias is very pleased with the cross access easement also.

Mr. Courtney stated that he thinks that this plan is much better than the original plan.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Fejes  
Supported by Gies

MOVED, to approve the request of Mike Elias, 5991 Livernois, proposed address 5977 Livernois, for relief of the Zoning Ordinance to construct a new gasoline/convenience store to replace the existing facility with the following variances: Site is only 13,382 square feet where 15,000 square feet of land is required by Paragraph B of Section 23.30.02; Canopy edge setback of 23'-6" to Livernois and 22.8' to Square Lake, where 25' are required by Paragraph G of Section 31.30.00; setback to the canopy support of only 31'-6" to Livernois and 33' to Square Lake, where 35' are required by Paragraph G of Section 31.30.00; canopy right on the south property line, 10'-3" to the canopy support and 9'-6" to the pump island where Paragraph G of Section 31.30.00 requires a side yard setback of 10' to the edge of a canopy and 20' to the canopy supports and pump islands; and, 256 square feet of countable landscaping where Section 39.70.04 requires 1,138 square feet for a site of this size.

- Variances are not contrary to public interest.
- Variances will not have an adverse effect to surrounding property.
- Variances will not establish a prohibited use in a Zoning District

**ITEM #6 – con't.**

- This site plan addresses both the safety concerns and integrity of this corner.

Yeas: All – 7

MOTION TO APPROVE VARIANCES CARRIED

**ITEM #7 – INTERPRETATION REQUESTED. JOHN PITRONE, OF THE HAYMAN COMPANY, 5700 CROOKS, SUITE 219**, for an interpretation that the proposed use of an office space is permitted in the R-C Zoning District.

Mr. Stimac explained that he had received a written request from Honigman Miller Schwartz & Cohn LLP, representing Mr. Pitrone asking that this request be withdrawn.

Motion by Courtney  
Supported by Gies

MOVED, to accept the request for withdrawal of Honigman Miller Schwartz & Cohn LLP, representing Mr. Pitrone of the Hayman Company, 5700 Crooks, Suite 219, for an interpretation that a proposed use of an office space is permitted in the R-C Zoning District.

Yeas: All – 7

MOTION TO ACCEPT WITHDRAWAL REQUEST CARRIED

**ITEM #8 (ITEM #2) – RENEWAL REQUESTED. HARRY & SUNNIE KWON, 38921 DEQUINDRE**, for relief to maintain a 6' high wood fence in lieu of a 6' high masonry screen wall required by Section 39.10.01 for a 35' long portion of the west property line where the property borders residential property.

Mr. Stimac explained that the petitioners are requesting renewal of a variance granted by this Board to maintain a 6' high wood fence in lieu of a 6' high masonry screen wall for a 35' long portion of the west property line where the property borders residential zoned property. This item last appeared before this Board at the meeting of January 2004 and was granted a one-year variance to allow the Board to study both the appearance and need for maintenance of the fence installed. Conditions remain the same and we have no complaints or objections on file.

Mr. Kwon was present and stated that he had nothing to add.

Motion by Courtney  
Supported by Fejes

**ITEM #8 (ITEM #2) – con't.**

MOVED, to grant Harry & Sunnie Kwon, 38921 Dequindre, a three (3) year renewal of relief to maintain a 6' high wood fence in lieu of a 6' high masonry screen wall required by Section 39.10.01 for a 35' long portion of the west property line where the property borders residential property.

- To allow enough time for the adjacent subdivision to be constructed.
- To make sure that maintenance is kept up on this fence.

Yeas: All – 7

**MOTION TO GRANT RENEWAL FOR A PERIOD OF THREE (3) YEARS CARRIED**

Mr. Hutson asked if this variance could be made a permanent variance because of the fact that this property is on an easement and Sun Oil will not allow any type of permanent structure to be put in this location. Mr. Stimac explained that Section 43.76.00 of the Ordinance requires that a variance on a screen wall be established for a period of three (3) years first, and after the initial three (3) years it could then be changed to a permanent variance. Mr. Stimac also said that one of the reasons for the three-year limit is to make sure that the petitioner is maintaining this screen wall.

Mr. Hutson then asked what would happen if this fence were not maintained. Mr. Stimac said it would then be in violation of the Zoning Ordinance and ultimately the Courts would require maintenance of this fence. Mr. Stimac further explained that the Building Inspection Department is responsible to make sure that these fences and/or walls are maintained.

Mr. Kwon said that part of their business is to provide customer satisfaction and they would maintain this wall.

Mr. Strat said that there are no reassurances that some time in the future this property would be sold and Mr. Kwon would not own it any longer.

The Board of Zoning Appeals adjourned at 8:28 P.M.

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Matthew Kovacs – Chairman

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Pamela Pasternak – Recording Secretary

A meeting of the **Troy Youth Council (TYC)** was held on January 19, 2005 at 7:00 PM at City Hall in the Council Board Room, 500 West Big Beaver Road. Maniesh Joshi called the meeting to order at 7:02 p.m.

MEMBERS PRESENT: Alexandra (Sasha) Bozimowski  
Juliana D’Amico  
Catherine Herzog  
Maniesh Joshi (co-chair)  
Rishi Joshi (co-chair)  
Jessica Kraft  
Monika Raj  
Manessa Shaw  
Nicole Vitale

MEMBERS ABSENT: Emily Burns (in the process of resigning)  
Min Chong  
Andrew Kalinowski  
YuJing Wang (excused – called)

ALSO PRESENT: Mayor Louise Schilling, Guest Speaker  
Laura Fitzpatrick, Assistant to the City Manager

## 1. Roll Call

## 2. Approval of Minutes

### ***Resolution # TY-2005-01-001***

Moved by D’Amico

Seconded by Herzog

**RESOLVED**, That the minutes of 12/15/04 be approved with changes

Yes: All - 9

No: None

Absent: 4 – Burns, Chong, Kalinowski, Wang

**MOTION CARRIED**

3. **Attendance Report:** To note and file

4. **Guest Speaker:** Mayor Louise Schilling

5. **City Event: 2005 Community Kaleidoscope:** reminders to volunteers

6. **CCPTF Update** from TYC Representative CCPTF Member Catherine Herzog – City Council resolution re: Proposed Minor League Baseball Stadium

7. **Vacant Seat/Membership:**

Vote to recommend [to City Council] a student to fill vacant seat.

Recommendation will be forwarded to City Council in February.

Also, looking ahead: Succession Plan for Seats to be Vacated 5/05 Due to Graduations (at least 8 seats will be vacated):

- Jan, Feb, March: City accepting applications; TYC to promote

- April 27th TYC Meeting: TYC interview applicants and recommend students for appointment
- May: Send recommendations to City Council
- May 25th TYC Meeting: New members attend meeting with outgoing members
- August: Terms officially begin for new members
- Late 2005 or sometime in 2006: TYC Alumni invited to visit a TYC meeting and share how their involvement in local government impacted their college experiences,

***Resolution # TY-2005-01-002***

Moved by D’Amico

Seconded by Bozimowski

*RESOLVED*, That Karen Wullaert is recommended for appointment to fill the vacant seat on the Troy Youth Council.

Yes: All - 9

No: None

Absent: 4 – Burns, Chong, Kalinowski, Wang

MOTION CARRIED

***Resolution # TY-2005-01-003***

Moved by Raj

Seconded by R. Joshi

*RESOLVED*, That Anna Qiu is recommended as the alternate for appointment to fill the vacant seat on the Troy Youth Council.

Yes: 2 – D’Amico, Raj

No: 7 – Bozimowski, Herzog, M. Joshi, R. Joshi, Kraft, Shaw, Vitale

Absent: 4 – Burns, Chong, Kalinowski, Wang

MOTION FAILED

***Resolution # TY-2005-01-004***

Moved by Herzog

Seconded by Vitale

*RESOLVED*, That Jennifer Cui as the alternate for appointment to fill the vacant seat on the Troy Youth Council.

Yes: 7 - Bozimowski, Herzog, M. Joshi, R. Joshi, Kraft, Shaw, Vitale

No: None

Abstain: 2 – D’Amico, R. Joshi

Absent: 4 – Burns, Chong, Kalinowski, Wang

MOTION CARRIED

8. **Motion to Excuse Absent Members Who Have Provided Advance Notification** for December and January Meetings

***Resolution # TY-2005-01-05***

Moved by D’Amico

Seconded by Shaw

RESOLVED, That members Maniesh Joshi (December) and YuJing Wang (January) are excused.

Yes: All - 9

No: None

Absent: 4 – Burns, Chong, Kalinowski, Wang

MOTION CARRIED

**Youth Council Comments**

8. **PUBLIC COMMENT**

*Next Meeting:* Reminder Next Meeting: WED February 23rd 7:00 P.M.  
**@ CITY HALL**

The meeting adjourned at 8:39 P.M.

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Rishi Joshi, Co-chair

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Laura A. Fitzpatrick, Assistant to the City Manager

A meeting of the Troy Election Commission was held Wednesday, January 26, 2005, at City Hall, 500 W. Big Beaver Road. City Clerk Bartholomew called the Meeting to order at 7:06 P.M.

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**ROLL CALL:**

PRESENT: Timothy Dewan, City Clerk Tonni Bartholomew  
ABSENT: David Anderson  
ALSO PRESENT: Michael Adamczyk – Troy Public Schools Assistant Superintendent  
Financial Services, Deputy City Clerk Barbara Holmes

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**Minutes: Regular Meeting of September 28, 2004****Resolution # EC-2005-01-01**

Motion by Dewan  
Seconded by Bartholomew

RESOLVED, That the Minutes of September 28, 2004 are approved as submitted.

Yes: Dewan, Bartholomew  
No: None  
Absent: Anderson

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**Approval of City of Troy Opting in to Participate in the Administration of the Troy School District Elections**

City Clerk Bartholomew indicated the participants of the Troy School Elections will be as follows: The Oakland County Clerk will be the Coordinator of the election a copy of her responsibilities is attached. The Troy City Clerk opts to participate in the election; a copy of the duties is attached. Additionally, a copy of the County's consolidation meetings Agenda and Consolidation Outline was distributed. Clerk Bartholomew noted that the only exception to the printed document is that the City of Troy will be the Official Filing Location for Troy School Board Candidates.

**Resolution # EC-2005-01-02**

Motion by Dewan  
Seconded by Bartholomew

RESOLVED, That City of Troy opts to participate in the administration of the Troy School District Elections.

Yes: Dewan, Bartholomew, Adamczyk\*  
No: None  
Absent: Anderson

\*Mr. Adamczyk voted on the motion as a member of the Troy School District Election Consolidation Committee as mandated by Statute.

**Adjournment:**

The meeting was adjourned at 7:55 P.M.

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Tonni L. Bartholomew, MMC  
City Clerk

## **AGENDA**

**DECEMBER 16, 2004  
PRELIMINARY CONSOLIDATION MEETING**

### **INVITED ATTENDEES:**

**CITY OF ROYAL OAK CLERK – MARY ELLEN GRAVER  
CITY OF TROY CLERK – TONNI BARTHOLOMEW  
CITY OF MADISON HEIGHTS CLERK – CAROL CORBETT  
CITY OF BERKLEY CLERK – KAREN BROWN  
OAKLAND COUNTY CLERK/REGISTER OF DEEDS: G. WILLIAM CADDELL  
DEPUTY CLERK/REGISTER OF DEEDS: FRANK MILLARD  
OAKLAND COUNTY ELECTION DIVISION: ELLEN DAVIS HALSEY, DIR.  
OF ELECTIONS; KIM NOBLE, ELECTION SPECIALIST  
SCHOOL DISTRICT OF THE CITY OF ROYAL OAK REPRESENTATIVES**

### **ITEMS FOR DISCUSSION:**

- 1. SELECTION OF ELECTION COORDINATOR FOR SCHOOL DISTRICT OF THE CITY OF ROYAL OAK**
- 2. PRECINCT CONSOLIDATION**
- 3. DISTRIBUTION, RECEIPT AND PROCESSING OF ABSENT VOTER BALLOT APPLICATIONS**
- 4. VOTING EQUIPMENT USED FOR CONDUCT OF ELECTION – CITY OF ROYAL OAK USES ACCUVOTE, CITIES OF TROY, MADISON HEIGHTS AND BERKLEY USE OPTECH. WILL REQUIRE TWO BALLOT TYPES – WHO/HOW WILL THE VOTES BE TABULATED?**

**TESTING AND PROGRAMMING WILL BE HANDLED HOW? PROOFING OF BALLOTS WILL BE DONE BY WHOM?**

**PUBLICATION OF REQUIRED REGISTRATION/ELECTION NOTICES – WHO/HOW?**

**QVF – SET UP ELECTION, PRODUCE PRECINCT LISTS/UPDATE VOTER HISTORY?**

**WHO SETS UP PRECINCTS ON ELECTION DAY?**

**LIST OF ELECTION INSPECTORS USED BY EACH JURISDICTION PROVIDED TO ELECTION COORDINATOR**

## 2005 School Consolidated Election Duties

### County Duties:

Prepare petition packet samples for locals to distribute (NOT SCHOOLS)  
Packet will include a cover instructional memo, petition form sample and affidavit of identity sample

Municipal voting precincts to be used, not school precincts

Coding, burning prom packs

Accept all filings; fees if applicable (except Lamphere, Madison and Troy)

Receive all ballot language/petition language, etc.

Do ballot layout and order ballots for county (clerks will provide quantities to county for each school district by precinct within their jurisdiction)

Order precinct kits

Accumulate official totals on election night (totals must be sent to County by fax; copy of results and poll books delivered election night)

Canvass election, certify results; mail Certificates of Election to candidates

Invoice school districts for all costs incurred related to the election by the County

### Local Clerk Duties:

All local clerks participate in school consolidation election program

Submit ballot quantities by school district, by precinct to County

Establish permanent AV list for absentee ballots (60+, disabled, etc.)

Distribute, receive and process absentee applications and ballots (including applications from permanent lists)

Conduct all testing of machines and ballots required; complete appropriate paperwork; do public accuracy testing, etc.

Publish election notices – do joint where possible

Meet statutory requirements for availability during filing deadlines, voter registration, absentee voting and Election Day

Certify signatures on petitions upon receipt from County

Open all precincts; deliver and pick up all equipment, etc.

Appoint/hire/train election inspectors

Keep updated QVF files/print appropriate lists for all precincts within your jurisdiction

Perform all tasks necessary on local level to conduct an accurate election

Keep required paperwork on all costs eligible for reimbursement; invoice schools for all appropriate local costs directly

**TROY SCHOOL DISTRICT  
SCHOOL BOARD ELECTION – MAY 3, 2005**

**Two (2) Members of the Board of Education - 4 Year Term from 07/01/05 - 06/30/09**

**Filing Official: City of Troy**

**QUALIFICATIONS**

Qualified voter of TROY SCHOOL DISTRICT

**NOMINATING PETITIONS, FILING FEE AND AFFIDAVITS OF IDENTITY**

**Tuesday, February 8, 2005 at 4:00 p.m. is the last day to file petitions with the City of Troy.** Petition and affidavit forms are available at the City/Township Clerk offices in your school district.

A minimum of 40 and no more than 100 valid signatures is required for each candidate. Only qualified registered electors of the TROY SCHOOL DISTRICT may sign nominating petitions. Electors may sign petitions for only as many candidates as there are persons to be elected to such office.

Those circulating petitions must be qualified registered electors in the State of Michigan. The circulator must sign each petition page – care must be taken to date the petition form **AFTER** it has been circulated. Candidate petitions will be forwarded to local clerks for verification of petition signers.

A \$100 nonrefundable fee may be filed by the candidate in lieu of a petition.

**Candidate Withdrawal Deadline – Friday, February 11, 2005 at 4:00 p.m.** (MCL 322a) A candidate may withdraw their petitions and thereby remove their name from the list of those eligible to appear on the ballot by filing a written statement to the City of Troy before the withdrawal deadline.

**VOTER REGISTRATION**

**Monday, April 4, 2005 is the last day to register to be eligible to vote in the May 3, 2005 TROY SCHOOL DISTRICT** (MCL 497) A person may register to vote at the Clerk's Office in the City/Township where they live, any Secretary of State Office or the Oakland County Clerk/Register of Deeds, Election Division.

**ABSENT VOTER BALLOTS**

Absentee applications will be mailed to the permanent list of absentee voters and to all voters over 60 years of age approximately six (6) weeks prior to the election.

**Electors who wish to receive an absent voter ballot by mail must submit applications by 2:00 p.m., Saturday, April 30, 2005 (MCL 759). A person wanting to vote Absentee Voter Ballot on Monday, May 2, 2005 must APPLY and VOTE IN PERSON in the City/Township Clerk's Office by 4:00 p.m. on that date. After that time, Absent Voter Ballots can be issued only under EMERGENCY status as prescribed by law.** (MCL 759b)

Absent voter ballots must be returned to City/Township by 8:00 p.m. on Tuesday, May 3, 2005 to be counted.

**CAMPAIGN LITERATURE**

Campaign literature is not to be distributed within 100 feet of any door entering an election polling place. (MCL 744)

It is unlawful to wear any campaign literature in the polling places.

**FIRE DEPARTMENT 2002 ANNUAL REPORT**

**HARD COPY OF THIS DOCUMENT**

**IS ATTACHED TO THE**

**AGENDA PACKET**

**FIRE DEPARTMENT 2003 ANNUAL REPORT**

**HARD COPY OF THIS DOCUMENT**

**IS ATTACHED TO THE**

**AGENDA PACKET**

January 25, 2005

TO: John Szerlag, City Manager

FROM: Douglas J. Smith, Real Estate & Development Director

RE: AGENDA ITEM - SUPPLEMENTAL INFORMATION ON PUBLIC SEALED BID SALE OF 5 SURPLUS PARCELS

A number of questions were raised at the January 24, 2005 city council meeting, concerning agenda item E-13 as to the original acquisition of these surplus parcels and what method of advertising will be used. The following is a short description of why and when parcels were acquired.

| <u>Parcel#</u> | <u>Sidwell#</u> | <u>Appraised Value</u> | <u>Type Property</u>  |
|----------------|-----------------|------------------------|---|
| 6              | 20-10-477-017   | \$200,000.00           | Vacant Residential<br>(Purchased in 1995 for Long Lake widening. Home demolished.)                                  |
| 7              | 20-13-227-008   | \$87,000.00            | Vacant Residential<br>(City purchased in 1974 to insure access to property abutting the rear - No longer necessary) |
| 8              | 20-15-352-006   | \$170,000.00           | Improved – House<br>(City purchased in 2003 for Livernois widening. Court order full purchase)                      |
| 18             | 20-24-352-041   | \$102,000.00           | Vacant Residential<br>(City purchased in 1982 for Big Beaver widening. Home demolished)                             |
| 19             | 20-24-451-029   | \$82,500.00            | Vacant Residential<br>(City purchased in 1983 for Big Beaver widening. Home demolished)                             |

The Real Estate and Development Department, in conjunction with the Purchasing Department will advertise in The Observer & Eccentric newspapers, which have a total circulation of over 550,000, and the Troy Gazette, as the newspaper of record. The parcels will be listed on the Michigan Intergovernmental Trade Network (MITN), as well as on the city's web page with a link to the Purchasing Department, and a notice will run on the Cable Network during the bid period.

Signs will be placed on each parcel.

cc: Jeanette Bennett, Purchasing Director

Prepared by: Dennis C. Stephens, Right of Way Representative

January 13, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager \ Services  
Timothy L. Richnak, Public Works Director  
Jeanette Bennett, Purchasing Director

SUBJECT: Agenda Item – Report - Auction – Vehicle Sale  
On December 11, 2004

### **SUMMARY**

In compliance with Resolution #2002-12-644-E-9 which requires that final auction reporting be submitted to City Council, miscellaneous Motor Pool vehicles and equipment were taken by the awarded City auctioneer, Mid-Thumb Auctioneering Service, LLC, to an auction held at the St. Clair County Park – Goodells in Port Huron, Michigan. The auction was originally scheduled for December 4, 2004 but was rescheduled to Saturday, December 11, 2004 to allow for all participants to move items to the site. A list of the vehicles auctioned and the amount received is attached. The contract contains a provision that the auctioneer produces final accounting and the funds settlement within 30 days after the auction takes place. He has met the criteria.

The income from the sale is as follows:

|                                      |             |
|--------------------------------------|-------------|
| Motor Pool Vehicles (6% auction fee) | \$20,200.00 |
| Miscellaneous Items Sold             | 2.00        |

|  |              |
|--|--------------|
| Costs: Auction Fee                       |              |
| (6% for cleaned Motor Pool vehicles)     | (-) 1,212.00 |
| Miscellaneous Equipment (No Fee Charged) |              |

|                   |                    |
|-------------------|--------------------|
| <b>Net Income</b> | <b>\$18,990.00</b> |
|-------------------|--------------------|

### **BACKGROUND**

Included in the specifications for the auction contract is the ability of our auctioneer to take the City's auction items to other auction locations. Mid-Thumb Auctioneering, LLC has been successful at the St. Clair County Park location. All transportation, reporting, and advertising is included in the auction fee.

JB/jb

# *VEHICLE AUCTION REPORT*

| <i>NUMBER</i> | <i>MAKE</i> | <i>MODEL</i>   | <i>YEAR</i> | <i>AUCTION FEE</i> | <i>AUCTION PRICE</i> |
|---------------|-------------|----------------|-------------|--------------------|----------------------|
| 201           | GMC         | 4-WD PICKUP    | 88          | \$312.00           | \$5,200.00           |
| 404           | DODGE       | 2YD. DUMP 4X4  | 91          | \$312.00           | \$5,200.00           |
| 405           | DODGE       | 2YD. DUMP 4X4  | 91          | \$312.00           | \$5,200.00           |
| 932           | FORD        | FORD CROWN VIC | 00          | \$276.00           | \$4,600.00           |
| TOTALS        |             |                |             | \$1,212.00         | \$20,200.00          |

FINANCE: PLEASE CREDIT ACCOUNT #6610.4693 GAIN/SALE OF DEPRECIATED FIXED ASSETS

|                 |                  |
|-----------------|------------------|
| VEHICLES SOLD:  | \$20,200.00      |
| MISC SOLD       | 2.00             |
|                 | <u>20,202.00</u> |
| VEH AUCTION FEE | <u>-1,212.00</u> |
|                 | \$18,990.00      |

*Prepared by: Samuel P. Lamerato, Superintendent of Fleet Maintenance*


**Planning an Auction (810) 325-9595**  
**MID-THUMB AUCTIONEERING SERVICE, L.L.C.**  
**8769 MORRIS RD.**  
**GOODELLS, MI 48027**

AUCTION FINAL SETTLEMENT

AUCTION HELD FOR: St Clair County Sheriff

PROPRIETOR OF SALE: City of TROY

LOCATION OF AUCTION: Lapeer Rd (M-21)  
GoodeLLs MI 48027

DATE AUCTION WAS HELD: Saturday December 11, 04

TOTAL PROCEEDS OF VEHICLES SOLD \*\*\*\*\* \$ 20,200.<sup>00</sup>

TOTAL PROCEEDS OF ALL OTHER ITEMS SOLD \*\*\*\*\* \$ 2.<sup>00</sup>

**EXPENSES:**

AUCTION FEE ON VEHICLES: 6 % \*\*\*\*\* \$ 1212.<sup>00</sup>

AUCTION FEE ON ALL OTHER ITEMS: - % \*\*\*\*\* \$ -

TOTAL EXPENSES \$ 1212.<sup>00</sup>

NET PROCEEDS \*\*\*\*\* \$ 18,990.<sup>00</sup>

ADVERTISING BREAKDOWN:

|                           |                             |                           |                             |
|---------------------------|-----------------------------|---------------------------|-----------------------------|
| <u>Staples</u>            | <u>\$ 79.<sup>00</sup></u>  | <u>Postage</u>            | <u>\$ 148.<sup>00</sup></u> |
| <u>St. Clair Co Parks</u> | <u>\$ 160.<sup>00</sup></u> | <u>Carts Septic</u>       | <u>\$ 65.<sup>00</sup></u>  |
| <u>Trading Times</u>      | <u>\$ 90.<sup>00</sup></u>  | <u>Detroit Newspapers</u> | <u>\$ 338.<sup>65</sup></u> |
| <u>Buyers Guide</u>       | <u>\$ 112.<sup>80</sup></u> | <u>LA View</u>            | <u>\$ 105.<sup>00</sup></u> |
| <u>SHOPPER</u>            | <u>\$ 90.<sup>00</sup></u>  | <u>Penny Pincher</u>      | <u>\$ 90.<sup>00</sup></u>  |

PROPRIETOR APPROVAL & RELEASE SIGNATURE: X

  
 AUCTIONEERS SIGNATURE

X  
 DATE Dec 23, 04 CHECK# 8128

Date: 12-11-2004

SURPLUS-GOODSELL

**MID-THUMB AUCTIONEERING SERVICE L.L.C.**  
**8769 MORRIS ROAD**  
**GOODELLS, MI 48027**  
**810-325-9595**

Settlement  
Seller: 5

CITY OR TROY

Page:

| Item  | Description   | Price            | Qty | Total    |
|-------|---|------------------|-----|----------|
| -     | Hub caps 1 series manuals                                 |                  | 1   | 2.00     |
| 904 ✓ | 99 CROWN VIC V#XX198572<br>ML70106 BLUE, GREEN TITLE      | *** Not sold *** |     |          |
| 927 ✓ | 2000 CROWN VIC V#YX180369<br>ML 70164 DR. BLUE            | *** Not sold *** |     |          |
| 932   | 2000 CROWN VIC V#YX180373<br>ML 70182 DR BLUE             | *** Not sold *** |     |          |
| 201   | 88 GMC 4X4 W/ PLOW<br>V#E525429 ML 43024 GREEN TITLE      |                  | 1   | 5,200.00 |
| 405   | 91 DODGE 4X4 W350 NEW PLOW<br>V#344304 ML 60622 2 1/2 DUM | *** Not sold *** |     |          |
| 404   | 91 DODGE 4X4 W350 DUMP BOX<br>V#360797 ML 40590 W/ PLOW   |                  | 1   | 5,200.00 |
| 405   | 91 DODGE 4X4 W350 2 1/2 YARD<br>DUMP V#344304 ML 60622    | *** Not sold *** |     |          |
| 932   | 2000 FORD CROWN VIC.<br>V#YX180373 ML 70182               |                  | 1   | 4,600.00 |
| 405   | 91 DODGE 2YRD DUMP TRK<br>W/PLOW                          |                  | 1   | 5,200.00 |

Items: 10 Amount: 20,202.00



**MID-THUMB AUCTIONEERING SERVICE, L.L.C.**  
**AUCTION PROCEEDS TRUST ACCOUNT**  
 8769 MORRIS RD.  
 GOODELLS, MI 48027  
 PHONE: (810) 325-9595

| EXPLANATION       | AMOUNT |
|-------------------|--------|
| Vehicle Sold      |        |
| At 12-11-04 Sale. |        |
|                   |        |
|                   |        |

74-497/724

8128

CHECK AMOUNT

PAY Eighteen Thousand Nine Hundred + Ninety + 00/100 DOLLARS

| DATE     | TO THE ORDER OF      | DESCRIPTION          | CHECK NO. | AMOUNT       |
|----------|----------------------|----------------------|-----------|--------------|
| 12-23-04 | City OF TROY - Fleet | Net Auction Proceeds | 8128      | \$ 18,990.00 |

JOHN TOMASCHKO

Tri-County Bank

# PUBLIC AUCTION

SATURDAY  
DECEMBER 11, 2004  
SALE COMMENCING AT 10:00 A.M.

SURPLUS ITEMS FROM ST CLAIR COUNTY, SHERIFF, ROAD COMMISSION, AND CITY OF TROY, JOE MOZA AND OTHERS HAVE COMMISSIONED MID-THUMB AUCTIONEERING TO MOVE ITEMS TO: "ST CLAIR COUNTY PARK", GOODELLS MI FROM PORT HURON TAKE I-69 FREEWAY WEST, APPROX. 12 MILES TO WALES CENTER ROAD. EXIT 189, GO NORTH TO LAPEER ROAD (M-21), AND THEN EAST 1-1/4 MILES TO NEW PARK ENTRANCE. "HELD IN A NON-HEATED BUILDING"

**TOOLS:** CRAFTSMAN 12" WOOD LATHE W/2 SET OF KNIVES W/STAND, MAKITA 12" COMPOUND SLIDE METER SAW W/ROLLER STAND, DELTA 10" TABLE SAW W/STAND, WILSON CUTTING TORCHES W/TANKS, GAUGES, HOSES ON ROLLER CART, CRAFTSMAN ROUTER TABLE W/ASSORTED BITS, "NEW" ASSORTED ETCHED & LEADED GLASS WINDOW INSERTS, 2) CRAFTSMAN RETRACTABLE WORK LIGHTS, AIR HOSES & EXT. CORDS, ROCKWELL 508s & 315s SAWS, PORTER CABLE & ROCKWELL DRILLS, SAWZALLS, ROUTERS, LG QTY SNAP-ON & CRAFTSMAN MECHANIC TOOLS: WRENCHES-SOCKETS- RATCHETS ETC., MANY LEVELS, CHALK LINES, DRY WALL TOOLS, RAZOR KNIVES, JOHN DEERE 317 LAWN TRACTOR W/CUTTING DECK & HYDRAULICS, 2) WEBER RACING GO CARTS W/ 5hp HONDA ENGINES, OLD ELECTRONIC TESTING EQUIPMENT  
1996 ARTIC CAT SNOWMOBILE ZRT W/HELMET & GEAR

1996 FORD EXPLORER EDDIE BAUER WHITE 4DR 160255 MILES

1995 DODGE RAM P/U BLACK 2WD LONG BOX 219500 MILES

1991 SATURN 4DR WHITE 205975 MILES

1983 OLDS 98 4DR WHITE 149896 MILES

EXMARK TURF TRACTOR MOWER 60-INCH RED

JOHN DEERE 316 TRACTOR MOWER HONDA 250r 4 WHEELER WHITE

1990 OLDS MINI VAN TAN 292,000 MILES

1993 DODGE CARAVAN 192500 MILES

1995 CHEVY LUMINA DAMAGE TO REAR QUARTER/BACK D/S DOOR/ REAR AXLE 155,000 MILES

1992 CHEVY CAPRICE 215,800 MILES

1992 GMC 2500 P/U NEEDS TRANSMISSION REBUILT

2) 1977 ROOT UNDERBODY SCRAPERS 12' (DUAL CYLINDER) AND 1) 1983 (SINGLE CYLINDER) 5 - 7 YARD (10' x 7' x 2') DUMP BOX WITH HOIST



1988 CHEVROLET PICKUP 4x4 W/ WESTERN PLOW 42,900 MILES



2) 1991 DODGE 2 1/2 YARD DUMP TRUCK 4x4 W/PLOW 40,430 MILES & 60,567 MILES

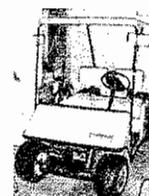
1999 FORD CROWN VICTORIA BLUE 70,100 MILES



2) 2000 FORD CROWN VICTORIA BLUE 70,000 MILES ON BOTH

2) 1996 FORD CROWN VICTORIA WHITE

EZ GO GOLF CART GAS ENGINE ROOF & LIGHTS



1996 FORD WINDSTAR GL 3.8 ENGINE A/T BLUE



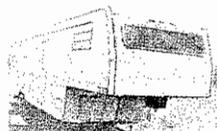
2001 FORD WINDSTAR VAN NEEDS TRANSMISSION

HUDSON 18' TRI AXLE 4' DOVE TAIL W/RAMPS  
20' LANDSCAPE TANDEM AXLE TRAILER 4' HIGH SIDES 6' RAMP



1985 22 1/2' BAJA SPORT BOAT REBUILT 350 ENGINE & OUT DRIVE STAINLESS STEEL PROP

CREE 32' 5<sup>TH</sup> WHEEL CAMPER



1990 CHEVY CAVALIER 2DR RED 87281 MILES

**TERMS OF SALE:** are CASH DAY OF SALE. CASHIER'S OR TRAVELER'S CHECKS, BANK MONEY ORDER, MICHIGAN PERSONAL OR COMPANY CHECKS ONLY WITH BANK LETTER OF AUTHORIZATION. PAYMENT IS REQUIRED IN FULL ON DAY OF SALE. NOTHING IS TO BE REMOVED UNTIL SETTLED FOR. NOTE 4% BUYERS PREMIUM.  
**OR:** A \$200.00 NON-REFUNDABLE CASH DEPOSIT AT THE TIME OF AUCTION ON VEHICLES AND EQUIPMENT, BUYER TO HAVE UNTIL MONDAY, DECEMBER 13, 2004 FROM 1 PM TO 4 PM TO PAY BALANCE IN CERTIFIED FUNDS OR DEPOSIT WILL BE FORFEITED AT 8769 MORRIS ROAD, GOODELLS. (NO PERSONAL OR COMPANY CHECKS WILL BE ACCEPTED ON VEHICLE OR EQUIPMENT) "NO EXCEPTIONS".  
**SALE PRINCIPLES:** AUCTIONEERS, CLERKS AND OWNERS OF PROPERTY ARE NOT RESPONSIBLE OR LIABLE FOR ACCIDENTS, OR LOST OR STOLEN GOODS AFTER SOLD. AUCTIONEERS AND CLERKS ARE ACTING SALES AGENTS ONLY AND ASSUME NO GUARANTEES OR LIABILITIES. STATEMENTS MADE DAY OF SALE TAKE PRECEDENCE OVER PRINTED MATTER HEREIN. ALL ITEMS SOLD "AS IS" "WHERE IS". ALL SALES ARE FINAL. SALES ARE SUBJECT TO A 6% SALES TAX.

## MID-THUMB AUCTIONEERING SERVICE, L.L.C.

(810) 325-9595

Goodells \* Port Huron, Michigan



For the Professional & Complete Auction Service



**Mary F Redden**

---

**From:** Aazemb@aol.com  
**Sent:** Wednesday, January 26, 2005 1:37 AM  
**To:** Timothy L Richnak  
**Cc:** John Szerlag  
**Subject:** from Audre Zembrzuski

Dear Tim,

I am hoping that I am sending this to the right person. I just want the city to know that the young man that cleaned the streets in the Strawberry Hill area did a really nice job.

I thank you for getting the job of cleaning the snow off the streets.

thank you

Audre Zembrzuski  
[aazemb@aol.com](mailto:aazemb@aol.com)



25 January 2005

Mr. John Szerlag  
City Manager  
City of Troy  
500 West Big Beaver  
Troy, Michigan 48098-5285

RECEIVED

JAN 26 2005

CITY OF TROY  
CITY MANAGER'S OFFICE

Dear Mr. Szerlag,

*John*

I wanted to take a moment to commend you for your work as City Manager and to convey how pleased I am with your overall performance.

At the City Council Meeting conducted last night you demonstrated a total grasp of the issues before our City Council in a fashion I have rarely seen evidenced in all my years of public service with the Federal government and the US Army. You allowed your expert staff to carry their weight on technical issues when it was theirs to do so. More importantly, you demonstrated leadership presence and ability by deftly handling questions that were those of City Management thereby relieving your staff of the need to venture out of administrative duties and into politics.

In short, I found last night's short meeting an absolute pleasure to attend as a resident. Keep up the great work!

Sincerely yours,

*Donald F. Schenk*

DONALD F. SCHENK  
Brigadier General  
U.S. Army, Retired

*John -  
I thoroughly enjoy  
working with you.  
D.*



Office of the Prosecuting Attorney

**DAVID G. GORCYCA**  
 Prosecuting Attorney  
 County of Oakland

**Deborah L. Carley**  
 Chief Deputy Prosecutor

January 13, 2005

Chief Charles Craft  
 Troy Police Department  
 500 W Big Beaver Rd  
 Troy MI 48084

**Re: Cury Saddler**  
**Darrin Anderson**

Dear Chief Craft:

This letter is an attempt to express the professionalism which Detective Rockafellow exhibited both before and during the armed robbery trial of Cury Randy Saddler. Prior to the trial, which was scheduled to begin January 10, 2005, I called Detective Rockafellow and informed her that I would be out of town from January 5, 2005 until January 9, 2005. We discussed which witnesses would be needed the first day and I left her my cell phone number, stating, "If anything goes wrong, please give me a call". Detective Rockafellow called not to inform me that there were problems, but to let me know that the witnesses had been contacted, that they would be there on Monday, January 10, 2005, and the times that they would be there. When I retrieved this voice message, I knew that the trial was in good hands and that I could relax and enjoy the rest of my trip.

When the trial began, Detective Rockafellow was prepared and upon request, was able to provide any piece of evidence needed. The defendant's statement was over three pages long and on rebuttal, Detective Rockafellow flawlessly recited every pertinent fact. Because of Detective Rockafellow's investigation, preparation and diligence, it took the jury less than 45 minutes to convict the defendant of Armed Robbery, Larceny in a Building and Fleeing and Eluding. For this, she has not only earned my respect but also my gratitude.

Sincerely,  
 DAVID G. GORCYCA  
 PROSECUTING ATTORNEY

Jeffrey S. Hall,  
 Assistant Prosecuting Attorney

**RECEIVED**  
 Chief of Police

1/19/05 CK

JSH/mm

cc: Sergeant Susan Post  
 Detective Lisa Rockafellow

CC: City Mgr  
 Capt Saur  
 Dept. Files  
 BB

January 17, 2005

Charles Craft  
Chief of Police - Troy  
500 W. Big Beaver  
Troy, Michigan 48084

Chief Craft

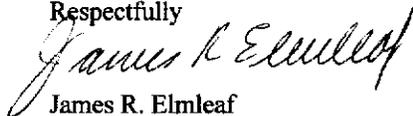
I am using this means to inform you about the fantastic job officers in your department performed in mid-December. This would be in regards to incident #04-40139. This was a break in, robbery, and car theft. As I was out of the country, my brother as well as several of my friends in the Troy area all became involved. Each time I spoke to a different one of these people, they told me what a great police department we had in Troy. It was unanimous that the officers were most professional, courteous, cooperative and friendly.

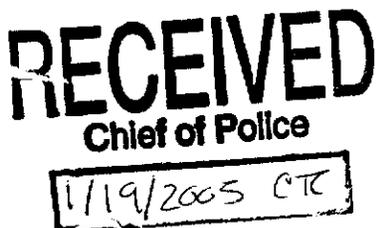
I learned that several of them were called in on Saturday which was ordinarily a regular day off for them and they put in many hours that day. In addition to their work done locally, they made long distance phone calls to my brother in Lansing and sister in Champaign, Illinois. Further, Det. Meinzenger even called me in New Zealand during the middle of the night in Troy to inform me of the incident and ask some questions of me.

I, my siblings, and my friends, are most appreciative of their work. I did experience some irreplaceable losses (especially in regards to my stamp collection), but I feel better knowing that the culprits have been arrested and are proceeding through the legal steps of the court.

Among the officers are the following: Meinzinger, Browne, Livingston M., Linton, Villerot M., Mairorano, Dyjewski, Feld, Sinutko, Nordstrom, and Cantlon.

Respectfully

  
James R. Elmleaf



CC: City Mgr  
Each listed officer  
CAPT. MURPHY  
Officers' files  
BB



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

JOHN D. CHERRY, JR.  
LT. GOVERNOR

January 25, 2005

Tonni L. Bartholomew, Clerk  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

Dear Ms. Bartholomew:

Thank you for contacting Governor Granholm's Office to share the City of Troy's resolution objecting to the current definition of urban area.

I will be sure to share your concerns with the Governor and the Executive Office staff. She has a keen interest in knowing how issues affect local governments and citizens across the state and is always appreciative of the time you take to express your opinions.

Again, thank you for contacting the Governor's Office. Please keep us updated on the issues affecting your community.

Respectfully,

Kari Beattie, Deputy Director  
Constituent Services





# April 2005

| April 2005 |    |    |    |    |    |    | May 2005 |    |    |    |    |    |    |
|------------|----|----|----|----|----|----|----------|----|----|----|----|----|----|
| S          | M  | T  | W  | T  | F  | S  | S        | M  | T  | W  | T  | F  | S  |
| 3          | 4  | 5  | 6  | 7  | 8  | 9  | 10       | 11 | 12 | 13 | 14 | 15 | 16 |
| 10         | 11 | 12 | 13 | 14 | 15 | 16 | 17       | 18 | 19 | 20 | 21 | 22 | 23 |
| 17         | 18 | 19 | 20 | 21 | 22 | 23 | 24       | 25 | 26 | 27 | 28 | 29 | 30 |
| 24         | 25 | 26 | 27 | 28 | 29 | 30 | 31       |    |    |    |    |    |    |

| Monday  | Tuesday  | Wednesday  | Thursday   | Friday  | Sat/sun |
|---|--|--|--|---------|---------|
|   |  |  |  | April 1 |         |
| 7:30pm City Council-Regular<br>(Council Chambers) |  |  | 10:00am Senior Advisory<br>Board meeting<br>(Comm Ctr conf rm) |         |         |
| 4   | 5  | 6  | 7  | 8       | 9       |
|   |  |  |  |         |         |
|   |  |  | 7:30pm Park Board meeting<br>(Comm Ctr conf rm)                |         |         |
| 11  | 12   | 13   | 14   | 15      | 16      |
|   |  |  |  |         |         |
| 7:30pm City Council-Regular<br>(Council Chambers) | 7:30pm BZA (Chambers)<br>7:30pm BOARD OF ZONING<br>APPEALS (Council<br>Chambers) | 7:30am DDA Meeting<br>(Conference Room<br>Lower Level) |  |         |         |
| 18  | 19   | 20   | 21   | 22      | 23      |
|   |  |  |  |         |         |
| 7:30pm City Council-Regular<br>(Council Chambers) |  |  |  |         |         |
| 25  | 26   | 27   | 28   | 29      | 30      |



**PUBLIC INPUT SESSION**

500 West Big Beaver  
Troy, Michigan 48084  
Fax: (248) 524-0851  
[www.ci.troy.mi.us](http://www.ci.troy.mi.us)

January 27, 2005

Area code (248)

Assessing  
524-3311

Bldg. Inspections  
524-3344

Bldg. Operations  
524-3368

City Clerk  
524-3316

City Manager  
524-3330

Community Affairs  
524-1147

Engineering  
524-3383

Finance  
524-3411

Fire-Administration  
524-3419

Human Resources  
524-3339

Information Technology  
619-7279

Law  
524-3320

Library  
524-3545

Parks & Recreation  
524-3484

Planning  
524-3364

Police-Administration  
524-3443

Public Works  
524-3370

Purchasing  
524-3338

Real Estate & Development  
524-3498

Treasurer  
524-3334

General Information  
524-3300

**TO WHOM IT MAY CONCERN:**

There will be an informational meeting regarding a Planned Unit Development (PUD) application on the north side of Big Beaver Rd. between Alpine and McClure on Tuesday, February 8, 2005 at 7:30 p.m. The meeting will be held in Meeting Room 301, at the Troy Community Center, 3179 Livernois, Troy, MI. Interested persons are invited to attend the meeting to learn more about the proposed development and ask any questions that they may have. In addition public input will be received.

The applicant for the project is Joseph Freed and Associates LLC. The applicant is proposing to develop The Monarch, a mixed-use condominium development including 155 residential units in high-rise structures and 54 low-rise villa residential units, approximately 11,000 s.f. of ground floor retail space, and structured parking.

Representatives of Joseph Freed and Associates and the City of Troy Planning Department will be at the meeting to present the project, answer questions and receive input. A conceptual layout of the development will be on display at the meeting.

If you have any questions regarding the development or the informational meeting please call the City of Troy Planning Department at (248) 524-3364 or e-mail to [planning@ci.troy.mi.us](mailto:planning@ci.troy.mi.us).

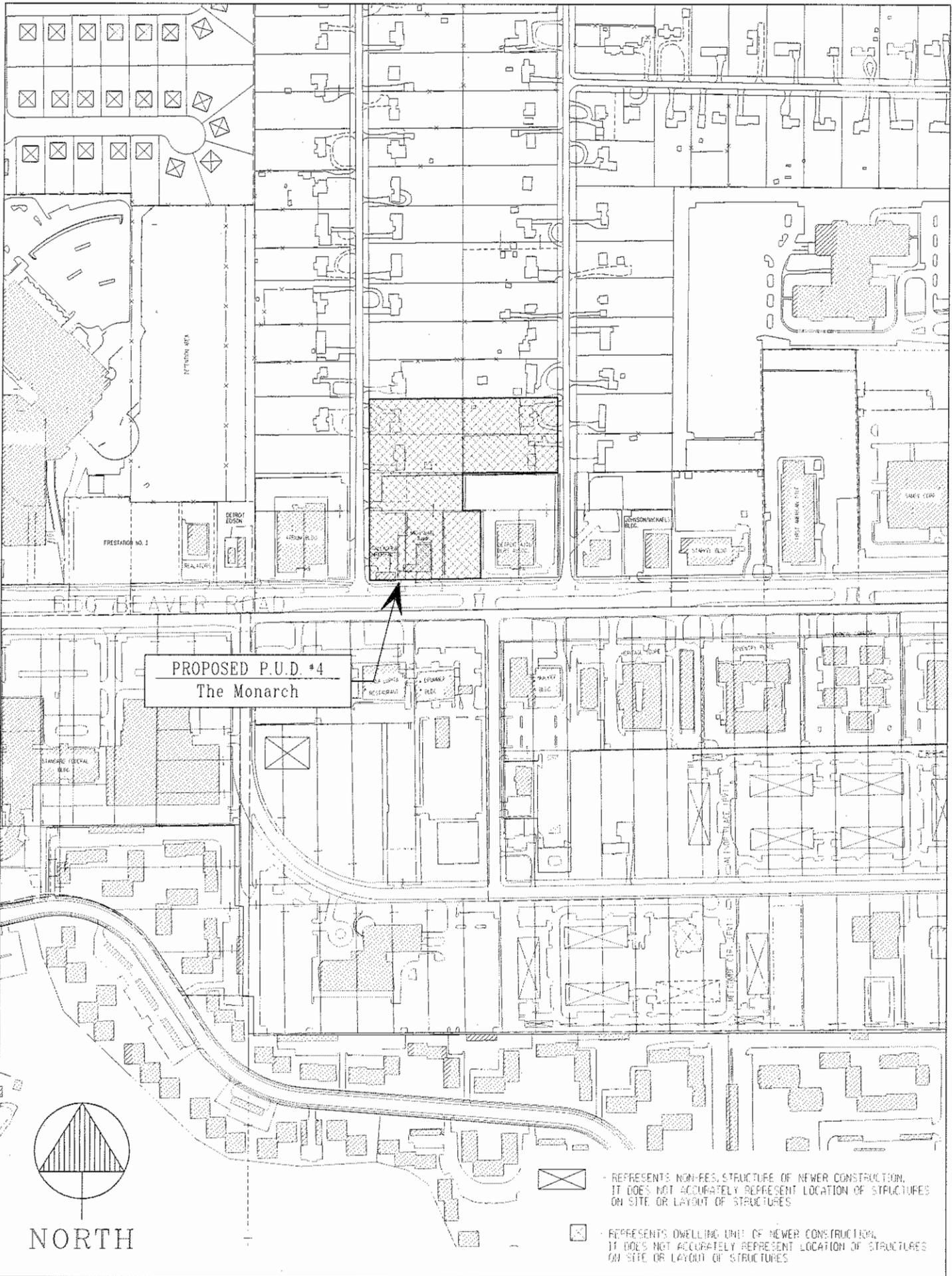
Sincerely,

City of Troy

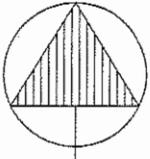
  
Mark F. Miller, AICP / PCP  
Planning Director

**Attachments**

Cc: Jennifer Mooney, Joseph Freed and Associates  
John Szerlag, City Manager  
Brian Murphy, Assistant City Manager / Services  
Doug Smith, Real Estate & Development Director  
Planning Commission  
City Council  
Downtown Development Authority  
Planners (4)  
File / PUD - 4



PROPOSED P.U.D. #4  
The Monarch



NORTH

REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION.  
IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES  
ON SITE OR LAYOUT OF STRUCTURES

REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION.  
IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES  
ON SITE OR LAYOUT OF STRUCTURES

January 31, 2005

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager/Finance and Administration  
Gert Paraskevin, Information Technology Director

Re: Agenda Item - Report and Communication -  
Establishing City Voice and Email Accounts for City Council

### **CURRENT STATUS**

Currently the Mayor and each Council member provides an email account and telephone number that is published on the city website to facilitate public contact. These are not part of the City email or telephone systems.

### **PROPOSED SCENARIO**

Establish voice mail and email utilizing City systems to provide a consistent means of contacting City Council. The proposed configuration for email is as follows:

- Create email accounts on the City's Exchange email server  
Louise.Schilling@ci.troy.mi.us  
David.Lambert@ci.troy.mi.us  
Robin.Beltramini@ci.troy.mi.us  
Cristina.Broomfield@ci.troy.mi.us  
David.Eisenbacher@ci.troy.mi.us  
Martin.Howrylak@ci.troy.mi.us  
Jeanne.Stine@ci.troy.mi.us
- Email accounts can be accessed from any computer outside the City that has a web browser (eg. Internet Explorer) and access to the Internet. Documentation and training will be provided.

The proposed configuration for voice mail is as follows:

- Establish a single phone number to allow the public to call in and leave a voice mail message for anyone on the City Council.
- Create an automated attendant to answer that phone number which prompts the caller to select the person they would like to leave the message for. For example: "To leave a message for Mayor Louise Schilling press 1, for Councilman David Lambert press 2, for Councilwoman Robin Beltramini press 3, ..." and so on.
- A telephone number and personal access code will be provided to all City Council members to allow them to record a personalized greeting, establish a password and retrieve messages. Documentation and training will be provided.

Please confirm which members of City Council would like to participate. Once that list is established the appropriate email and voice mail accounts will be setup. Documentation as well as training will be provided to those Council members so they may manage those accounts. The new email addresses and telephone number will then replace any current references to email and telephone numbers for City Council on the City's website.

GP

January 20, 2004

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services  
John Lamerato, Assistant City Manager/Finance  
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Agenda Item: Aquatic Center Fee Recommendation for 2005

### **RECOMMENDATION**

Staff recommends that the City Manager approve adjustments for Troy Family Aquatic Center admission fees for the 2005 season. As previously authorized, the City Manager can establish fees for services in the Recreation Program Division (Resolution #2003-11-596). Based on the distributive method approach in setting fees, the proposed fees for the 2005 Troy Family Aquatic Center are outlined below.

|  | <u>2004 Fee</u> | <u>Proposed<br/>2005 Fee</u> | <u>Proposed<br/>% increase</u> |
|--|-----------------|------------------------------|--------------------------------|
| <b><u>Daily Passes</u></b>                               |                 |                              |                                |
| Resident   | \$ 7.00         | \$ 7.50                      | 7.14                           |
| Non-Resident Employee                                    | \$ 8.50         | \$ 9.25                      | 8.82                           |
| Non-Resident   | \$ 9.75         | \$ 10.75                     | 10.26                          |
| <b><u>Season Passes</u></b>                              |                 |                              |                                |
| Resident   | \$ 73.50        | \$ 73.50                     | 0                              |
| Resident Additional Family Member                        | \$ 42.00        | \$ 42.00                     | 0                              |
| Non-Resident Employee                                    | \$ 89.25        | \$ 89.25                     | 0                              |
| Non-Resident Employee Additional Family Member           | \$ 52.50        | \$ 52.50                     | 0                              |
| Non-Resident   | \$ 102.50       | \$ 102.50                    | 0                              |
| Non-Resident Additional Family Member                    | \$ 59.00        | \$ 59.00                     | 0                              |
| <b><u>Punch Card Options</u></b> (Good for 8 admissions) |                 |                              |                                |
| Resident   | \$ 46.00        | \$ 49.25                     | 7.06                           |
| Non-Resident Employee                                    | \$ 56.00        | \$ 61.00                     | 8.93                           |
| Non-Resident   | \$ 64.00        | \$ 70.50                     | 10.16                          |

## **EXECUTIVE SUMMARY**

While the City Manager is authorized to approve rate adjustments for the Troy Family Aquatic Center this memo serves to inform Council of these proposed adjustments.

The Aquatic Center season pass and daily pass sales have declined, while punch card purchases have increased in the past two years. This decline could be attributed to the inclement weather, the decision to allow non-residents into the facility, and/or the increase of fees. Although season passes sold have declined, expenses have increased. Increases include staff wages, utilities, and operating supplies. As an enterprise account the Aquatic Center is expected to offset expenses with revenues.

Four options exist to increase revenues; increase season pass fees, increase daily pass/punch card fees, increase program fees and/or increase the number of passes sold.

Since season pass fees were increased last season and program fees increase each season, the better alternatives are to increase daily pass/punch card fees and increase the number of passes sold. When the season pass fees were adjusted in 2004, it was anticipated that daily pass fees would increase in 2005.

The proposed increase affects two categories of users; the daily pass and punch card purchaser. It is expected that the increase for daily use will encourage the purchase of a season pass for some users. Staff will develop additional marketing and promotions to encourage sales of admission and pass revenues.

## **BACKGROUND**

The proposed rates for the Troy Family Aquatic Center include an increase for all daily passes and punch cards for 2005; and no increase in season pass fees. For the 2003 season, all fees were increased between 14 and 31 percent. Last year season pass fees were raised 5% with a planned increase in daily fees for the 2005 season.

It is anticipated the daily fee increase will generate an additional \$10,000 in revenue for 2004-05 and \$10,839 for 2005-06 if sales remain constant. Pass sales and admission used in budget projections are an average from the past four fiscal years.

Implementing the proposed fees would result in the following:

1. Positives
  - a. An increase in the daily fee structure will result in more revenue (assuming daily pass and punch card levels increase or remain constant) that will offset increased staff wages and operating expenses.
  - b. Fees will remain the same for season pass holders.



TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration  
Brian P. Murphy, Assistant City Manager/ Services  
Brian Stoutenburg, Library Director  
Carol Anderson, Parks & Recreation Director  
Loraine Campbell, Museum Manager  
Cindy Stewart, Community Affairs Director

SUBJECT: AGENDA ITEM – Feasibility of a Noel Night

DATE: January 31, 2005

We looked at the feasibility of offering a Noel Night similar to the event held in the City of Detroit. This event includes over 100 music and dance performances in 23 participating locations as well as holiday shopping, carriage rides, shuttle service and food.

Noel Night is a regional event. We could not serve the same amount/number of people accommodated in the Detroit cultural center area. Our major regional event is the Troy Daze Festival. A large event such as Noel Night would give our activities a one-stop shop, but would not address the fact that we are ethnically and culturally diverse and our residents would not necessarily be attracted to one holiday event.

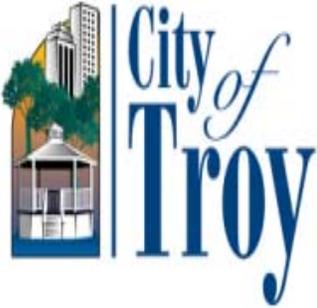
People want different holiday venues and we offer this through concerts, the holiday tree lighting, 'Breakfast with Santa', and the 'Hanging of the Greens'. The Troy School District also offers holidays concerts and programs at various times. We have not received feedback to the effect that we are lacking in holiday activities. In fact, at this year's 'Hanging of the Greens' we had many visitors say to staff, "Please don't change this venue; it's perfect."

Some of our holiday events require reservations, like Breakfast with Santa; this would not work with a Noel Night concept where all events are on a drop-in basis.

Another issue is traffic and parking. Troy is not a walking community. Visitors cannot get from the Community Center to Museum to Library to City Hall unless traveling by car or bus.

Additionally, a one-day event would defeat the purpose of reaching out to all. Currently we offer day, evening and weekend events on different days to accommodate a variety of different schedules and interests. Troy offers "Noel Season" not "Noel Night." Detroit's Noel Night, as well as many Oakland County Parks & Recreation programs, can offer events that supplement what we offer.

Noel Night has merit but we cannot do an event of this magnitude fiscally and responsibly. Detroit is in close proximity and an easy drive from Troy. Our residents are welcome to attend Noel Night in Detroit.



**TO:** Mayor and Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
Allan T. Motzny, Assistant City Attorney  
**DATE:** February 1, 2005  
**SUBJECT:** Long Lake Road Development Partners, LLC and Good  
Development, LLC v. City of Troy

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Long Lake Road Development Partners, LLC and Good Development, LLC (Plaintiffs) filed a lawsuit against the City of Troy, challenging the validity of the zoning classification of a 14.5 parcel located on the south side of Long Lake Road, west of Rochester Road. The present zoning is R-1T (one-family attached residential). Plaintiffs requested a re-zoning of this property, from R-1T to B-2 (community business district), which was denied by the Troy City Council on January 26, 2004. Thereafter, Plaintiffs filed a six-count circuit court complaint against the City, seeking money damages and equitable relief based on various constitutional grounds.

At the close of discovery, our office was prepared to file a motion for summary disposition, premised on the failure to state a viable claim. Perhaps in light of the strengths of our threatened motion for dismissal, Plaintiffs started exploring different development possibilities under the current zoning classification. Unfortunately, this exploration may take some time. Instead of requiring the parties to incur additional legal fees during this exploration period, the Plaintiffs agreed to dismiss their lawsuit, without prejudice, if the City entered into a Tolling Agreement. Under the Tolling Agreement, the Plaintiffs have three years and three months to complete their exploration process or to re-initiate a new zoning lawsuit against the City. Although the statute of limitations would normally expire and preclude any subsequent lawsuit, the Tolling Agreement would waive any statute of limitations defense, as long as any new lawsuit was filed within the allocated time period.

In our opinion, the dismissal of this case is in the best interest of the City, even if Plaintiffs were to re-file a new lawsuit within the three year and three month time period. This is true, since we currently save the cost and expense of pursuing a motion for summary disposition and/or trial. If a new lawsuit is eventually initiated, there are likely to be changed conditions surrounding the property that would justify a new lawsuit anyways.

A copy of the Order of Dismissal and Tolling Agreement is attached to this memorandum. Please let us know if you have any questions.

ATM/ps

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

LONG LAKE ROAD DEVELOPMENT PARTNERS, L.L.C., A Michigan limited liability company, GOOD DEVELOPMENT COMPANY, L.L.C., a Michigan limited liability company,

Case No. 04-057072 CZ  
Hon. Patrick J. Brennan

Plaintiffs,

BY \_\_\_\_\_  
DEPUTY COUNTY CLERK

v.

CITY OF TROY

Defendants.

\_\_\_\_\_  
SIEGEL, GREENFIELD, HAYES & GROSS, P.L.C.  
By: Jill A. Bankey (P48202)  
Attorneys for Defendants  
One Towne Square, Suite 1835  
Southfield, Michigan 48076

Dickinson Wright PLLC  
By: Timothy A. Stoepker (P1297)  
Co-Counsel for Plaintiffs  
500 Woodward Avenue, Ste. 4000  
Detroit, MI 48226  
(313) 223-3500  
(248) 373-3700

Allan T. Motzney, Esq.  
Assistant City Attorney  
City of Troy  
500 W. Big Beaver Rd.  
Troy, Michigan 48084

**STIPULATED ORDER OF DISMISSAL  
WITHOUT PREJUDICE AND WITHOUT COSTS**

At a session of said Court held in the City of Pontiac  
County of Oakland, State of Michigan  
on: JAN 21 2005

PRESENT: Hon. MARK A. GOLDSMITH  
Circuit Court Judge

This matter having come before the Court pursuant to the stipulation of the parties, and the Court otherwise being duly advised in the premises, NOW THEREFORE:

IT IS HEREBY ORDERED that the above-captioned case shall be and hereby is dismissed

without prejudice and without costs to either party.

IT IS FURTHER ORDERED that this Order of Dismissal is subject to the terms of the Tolling Agreement entered into by the parties.

This Order disposes of the last pending claim and closes the case.

IT IS SO ORDERED.

MARK A. GOLDSMITH  
CIRCUIT JUDGE

Circuit Court Judge

The undersigned hereby stipulate to the entry of the above Order.

Siegel, Greenfield, Hayes & Gross, P.L.C.

City of Troy - Legal Department

*Jill A. Bankey*

*Allan T. Motzny /*

By: Jill A. Bankey (P48202)  
Attorneys for Plaintiffs  
One Towne Square, Suite 1835  
Southfield, Michigan 48076  
(248) 263-3514

Allan T. Motzny, Esq.  
Attorneys for Defendants  
500 W. Big Beaver Rd.  
Troy, Michigan 48084.

*JAB  
with  
permission*

**A TRUE COPY**  
**RUTH JOHNSON**  
Oakland County Clerk - Registrar  
By: *M. Warren*  
Deputy

**This disposes of the last  
pending claim(s), and  
closes the case.**

## TOLLING AGREEMENT

THIS AGREEMENT ("Agreement") is made this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, by and between **LONG LAKE ROAD DEVELOPMENT PARTNERS, LLC**, **GOOD DEVELOPMENT PARTNERS, L.L.C.** (collectively referred to as "Long Lake") and **CITY OF TROY** ("Troy").

### RECITALS

- A. WHEREAS, Long Lake filed a civil suit against Troy in the Oakland County Circuit Court captioned *Long Lake Road Development Partners, LLC v. City of Troy* being Case No. 04-057072 CZ ("Litigation") seeking declaratory and monetary relief relating to the development of certain real property located at the intersection of Long Lake and Rochester Roads in the City of Troy. Troy filed an answer and has defended the action. The allegations are more fully set forth in the Litigation.
- B. Long Lake and Troy desire to investigate alternative development for the Property without incurring further legal fees and costs. Troy has agreed to cooperate in good faith with Long Lake to discuss development alternatives for the Property.
- C. The parties have agreed that it is in the best interest of both parties to dismiss the Litigation without prejudice and without costs while the parties investigate and analyze alternative developments of the property. In exchange, the parties have agreed that all applicable statutes of limitations shall be tolled.

NOW, THEREFORE, in consideration of the mutual promises contained herein, Long Lake and Troy agree as follows:

### AGREEMENT

- 1. The Recitals are incorporated into and made a part of this Tolling Agreement.
- 2. Long Lake and Troy agree that the time between the date of this Agreement and the date when the parties mutually decide that the proposed alternative development(s) is or are unworkable, impractical and/or not feasible, plus three months thereafter or the time between the date of this Agreement plus three years, whichever occurs first, ("Period"), will not be included in calculating any statute of limitation that might be applicable to any of the claims brought by Long Lake in the Litigation and/or to be alleged in any future litigation. Troy agrees not to assert, plead or raise in any fashion on behalf of any party, whether by answer, motion, or otherwise, any defense or avoidance based upon the running of any statute of limitations that may apply during the Period or any defense or avoidance based on laches or any other principal concerning the timeliness of commencing a civil action based upon the dismissal of the Litigation and/or the non-filing of any new action during the Period.
- 3. Once the parties mutually decide that the proposed alternative development(s) are not feasible, workable, practical or possible, or once three years have elapsed from the date of this agreement, then Long Lake shall have three months in which

to file suit against Troy to assert any claims which it believes it may have against Troy and to seek any relief to which it believes it is entitled including, but not limited to, those claims set forth in the Litigation. The parties agree that in the event Long Lake refiles a civil action against Troy, both parties shall have the right to conduct any and all necessary discovery to prove and/or defend their claims and/or defenses.

4. This Tolling Agreement does not constitute an admission of liability or an admission by Long Lake that the subject matter property can be or will be alternatively developed in a manner other than the development and zoning which Long Lake has proposed to the City in its rezoning application and/or as set forth in the pleadings in the Litigation. This Tolling Agreement does not constitute any admission or acknowledgement on the part of any party that any statute of limitations has run or that any statute of limitations is applicable to the claims set forth in the Litigation or any future litigation.
5. This Tolling Agreement contains the entire Agreement between the parties and no statement promised or inducement made by any party in this Agreement or any agent of such parties that is not set forth in this Agreement shall be valid or binding. This Tolling Agreement may not be enlarged, modified or altered, except in writing signed by the parties. This Tolling Agreement may be executed in counterparts.
6. This Agreement is personal to the parties herein and it shall not run with the land and it may not be assigned without written consent of the parties.

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Agreement as of the day and year first above written.

LONG LAKE ROAD DEVELOPMENT  
PARTNERS, LLC

THE CITY OF TROY

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

Its: \_\_\_\_\_

  
\_\_\_\_\_  
By: Allan T. Motzny  
Its: Assistant City Attorney

GOOD DEVELOPMENT COMPANY, LLC

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

Its: \_\_\_\_\_

February 2, 2005

To: John Szerlag, City Manager

From: William S. Nelson, Fire Chief

Subject: AGENDA ITEM – Report and Communication - Fire Department  
Response Time Analysis

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The Detroit Free Press published a story on Monday citing fire department response time data. This data was obtained from the Boston Globe newspaper that ran a series of articles attempting to link fire deaths across the county with fire department response times. The basis for the article is data reported by local fire departments through the participating states, to the United States Fire Administration's National Fire Incident Reporting System. As part of the Free Press article, a sampling of communities were listed with the percentage of calls that met the "national standard" of 6 minute response time from 1986 to 2002. Troy is identified as meeting the standard 55% of the time. This report will detail a number of issues with this analysis.

1) Definition of "response time" – Most fire service leaders agree that response time is composed of a number of distinct elements: call processing time – the time it takes for dispatchers to ascertain the location and nature of the emergency and initiate the appropriate response; turnout or staffing time – the time it takes for personnel to respond to the dispatch, board apparatus, and begin traveling to the scene; and travel time – the actual time it takes to travel from the station to the scene.

Troy began using a computer assisted dispatch system and a fire incident reporting system in the mid 1990's. At that time it became possible to record the various time elements that comprise "response time." The decision was made to include all of the elements identified above as "response time" because it is most representative of the time a citizen "waits" for the fire department to arrive at his emergency. As other fire departments began using CAD and incident reporting systems they became aware of the total response time including call processing and found that in many cases their total response times were longer than the "3-4 minutes" that they had been reporting for many years. A number of departments began advocating that response time only include the time from when the department is alerted to when the first unit is on the scene as that is the time interval that is under fire department control. There is no uniform requirement for what fire departments report as response time on submissions to the NFIRS.

In an analysis of structure fires in Troy over the past three years, the average processing time in the dispatch center is approximately one and one half minutes with the 90<sup>th</sup> percentile being in the two to three minute range. This is due to a

number of factors including: language barriers, reports from passersby not familiar with area, and the fact that CAD initiates the incident (starts the clock) when the 911 call is answered. It should also be noted that the time stamps on records are generated when the communications personnel “click the mouse” on a command, not necessarily when the representative action is taken.

2) Fire station distribution – Since a major factor in total response time is travel time, the location and distribution of fire stations and the area serviced are key factors. Distribution of calls for service locations is also a factor but that is generally not under an agency’s control. The following table provides a summary of area, fire stations, reported compliance with the response time standard, and department composition (career, on-call, comb.) for the area departments listed in the Free Press article as well as New York City as a retired Deputy Chief from FDNY was quoted in the article.

| <b>Municipality</b> | <b>Area in Sq. miles</b> | <b>Fire Stations</b> | <b>Area/sta.</b> | <b>reported % &lt; 6 min</b> | <b>Career/ on call</b> |
|---------------------|--------------------------|----------------------|------------------|------------------------------|------------------------|
| Birmingham          | 5                        | 2                    | 2.5              | 100%                         | career                 |
| Dearborn            | 25                       | 4                    | 6.3              | 99%                          | career                 |
| Livonia             | 36                       | 5                    | 7.2              | 97%                          | career                 |
| Ann Arbor           | 27                       | 5                    | 5.4              | 95%                          | career                 |
| Sterling Heights    | 36.8                     | 5                    | 7.4              | 94%                          | career                 |
| Southfield          | 28                       | 5                    | 5.6              | 93%                          | career                 |
| Chesterfield Twp.   | 28                       | 2                    | 14.0             | 86%                          | call                   |
| Bloomfield Township | 26                       | 4                    | 6.5              | 84%                          | career                 |
| Canton Township     | 36                       | 2                    | 18.0             | 82%                          | career                 |
| Clinton Township    | 28                       | 4                    | 7.0              | 82%                          | career                 |
| Auburn Hills        | 17                       | 3                    | 5.7              | 70%                          | call                   |
| Farmington Hills    | 33                       | 5                    | 6.6              | 64%                          | comb                   |
| Troy                | 34.1                     | 6                    | 5.7              | 55%                          | call                   |
| New York City       | 328.1                    | 206                  | 1.6              | 100%                         | career                 |

Based on the data above, it is difficult to draw a conclusion that there is a relationship between the area protected and the number of fire stations. It is interesting to note that Sterling Heights with 5 stations and 36.8 square miles has a higher percentage of responses within the 6 minute standard than Southfield with 5 stations and 28 square miles. It is significant to note that the 90<sup>th</sup> percentile enroute time to structure fires in Troy is 7 to 8 minutes. This is the actual driving time for the first arriving unit. Considering the geographical distribution of incidents, the travel distances, and traffic conditions the actual travel to the incident is the largest part of the response.

3) Career vs. on-call (volunteer) – There is no doubt that most career departments have a faster turnout or staffing time as they are most likely in the station at the time of the call. The 90<sup>th</sup> percentile staffing time for structure fires from 2002-2004 in Troy is 3 to 4 minutes. It should be noted that for 25% to 30%

of all incidents, Troy fire stations had personnel present in the station for training or other activities. Considering the allowed 1 minute staffing time under the standard and assuming that career departments meet the standard, Troy adds approximately 2 to 3 minutes to the staffing component of the response time. Although not mentioned in the articles, the standard that is quoted also requires that every apparatus have a minimum of a four-person crew and that a minimum of 14 firefighters respond to every reported structure fire. In most of the departments cited as examples, one structure fire requires most if not all of the on-duty personnel to respond. This leaves few personnel, if any, to respond to another emergency at the same time. Troy dispatches two stations to a report of a structure fire, which provides an average of 25 firefighters at the scene. Over the past several years, Troy has responded to multiple structure fires at the same time and still maintained apparatus and personnel in reserve for additional requests for service.

4) Fatal fires – The inference in the various newspaper articles is that the longer it takes the fire department to respond, the greater the probability of experiencing a fire death. If that premise is true, then departments with longer response times should have higher fatality rates. While there has not been time to research the fatality rates for all of the communities identified, it does not appear that Troy's fire fatality rate (4 fatalities in 25 years- 3 residential and one vehicle) is any higher than that of the other departments named and is actually lower. What the articles fail to take into account is the nature of the built environment including building codes, installation and maintenance of fire detection and alarm equipment, and public education. In several of the fatal fires that Troy has experienced, the investigations indicated that the victims were very likely deceased before the fire department received the first call.

5) EMS response time – The articles also indicate that response time to medical emergencies may be problematic with some fire departments. The response time requirements in effect for our EMS contract mirror those in the NFPA standard. The 90<sup>th</sup> percentile requirement for the first responder units is 5 minutes or less and the 90<sup>th</sup> percentile for the ALS ambulance is 8 minutes or less, which our current provider Alliance Mobile Health meets or exceeds regularly.

In conclusion, the data presented in these articles is not completely accurate for several reasons: 1) there are no uniform reporting requirement for response time data; and 2) analysis of the data with regard to area served and number of fire stations shows no correlation. With all conditions equal, the fire department in Troy has response times approximately 2 to 3 minutes longer than a comparable career department, however, this additional time has not been a factor in the number of fire related deaths in Troy over the past 20 years. The greater number of firefighters responding to each incident also offsets this delay.

This issue also focuses totally on a reactive approach to fire protection. This reactive philosophy is limited in its ability to have a sustained impact on the

citizens' safety level. It is my belief that our reactive approach, coupled with our proactive approach involving public education and code enforcement has resulted in the enviable fire safety record in the community. This has been accomplished at a fraction of what the cost would be to meet the reactive based "standard."

In order to place this in perspective, for Troy to minimally attempt to meet this standard, 25 on-duty firefighters would be required. This would require a minimum of 105 additional career employees, which would cost approximately \$8 million per year. This would not guarantee that the standard would be met due to the existing location of fire stations and geographic distribution of future incidents. At that minimum level of staffing, mutual aid and off duty call-backs (overtime) would be required to respond to two structure fires that occurred at the same time.