

**REVISED  
AGENDA**

**Regular Meeting of the**

**CITY COUNCIL  
OF THE CITY OF TROY**

**FEBRUARY 28, 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.

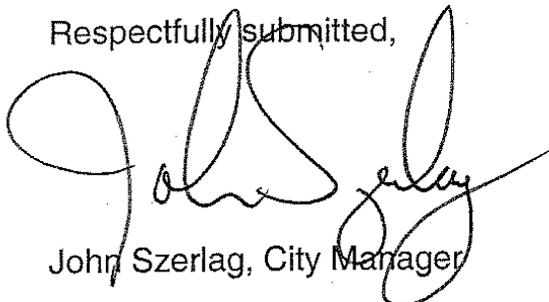
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

### **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

### REVISED AGENDA

February 28, 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: Reverend Dr. J. Harold Ellens – First Presbyterian Church** 1

**ROLL CALL:** 1

**CERTIFICATES OF RECOGNITION:** 1

A-1 Presentations: No Presentations 1

**CARRYOVER ITEMS:** 1

B-1 No Carryover Items 1

**PUBLIC HEARINGS:** 1

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C-2 Commercial Vehicle Appeal – 3463 Crooks Road 3

C-3 Zoning Ordinance Text Amendment for Section 04.20 Definitions, Section 22.30  
Uses Permitted Subject to Special Use Approval – B-3 District, Section 28.25  
Conditional Uses Permitted – M-1 District (ZOTA 209) 4

C-4 Zoning Ordinance Text Amendment for Section 03.21, Procedure (ZOTA 210) 4

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- D-2 Mayor Louise Schilling's Request to Discuss Modification of the April 19, 2004 Resolution Regarding Campaign Finance Statements 6

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- E-1b Address of "E" Items Removed for Discussion by City Council and/or the Public 7
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- c) Employees’ Retirement System Board of Trustees/Final – January 12, 2005.... 12
- d) Planning Commission Special/Study/Final – January 25, 2005..... 12
- e) Election Commission/Final – January 26, 2005..... 12
- f) Planning Commission Special/Study/Draft – February 1, 2005 ..... 12
- g) Planning Commission/Draft – February 8, 2005 ..... 12
- h) Election Commission/Draft – February 23, 2005 ..... 12

J-2 Department Reports: 12

- a) Southeastern Oakland County Resource Recovery Authority (SOCRRA) Quarterly Report – January 2005 ..... 12
- b) 2004 Police Department Calls for Service ..... 12
- c) Report on Council Member Attendance of Council Meetings as Requested by Mayor Louise Schilling..... 12

J-3 Letters of Appreciation: 12

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- b) Letter to Chief Craft from Kevin Sagan, Chief of Police of Madison Heights, Thanking Sergeant Don Ostrowski for His Presentation, “Incident Response to Terrorist Bombings” ..... 12
- c) Letter to Chief Craft from David Trahan, Thanking Officer Jim Feld for His Assistance with a Situation ..... 12
- d) Letter to Lindsey Duvall and Nathan Madak, Library Assistants, from Dr. Katter Thanking Them for Their Assistance in the Tech Room of the Troy Public Library’s Adult Services Section ..... 12
- e) Letter to the Troy Water Department from John Stier, Thanking Teresa Shepard and Dean Bise for Their Assistance in Handling His Plumbing Repair Issue..... 12

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**CALL TO ORDER:**

**INVOCATION & PLEDGE OF ALLEGIANCE: Reverend Dr. J. Harold Ellens –  
First Presbyterian 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:**

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**A-1** Presentations: No Presentations

**CARRYOVER ITEMS:**

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**B-1** No Carryover Items

**PUBLIC HEARINGS:**

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**C-1** Commercial Vehicle Appeal – 5839 John R

Suggested Resolution  
Resolution #2005-02-  
Moved by  
Seconded by

**RESOLUTION A FOR APPROVAL**

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "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 that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

- C. A garage or accessory building on the subject residential 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 which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance: \_\_\_\_\_

\_\_\_\_\_

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. and Mrs. Gatie, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet cube van in a residential district is hereby **APPROVED** for \_\_\_\_\_ (not to exceed two years).

**RESOLUTION B FOR DENIAL**

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "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 that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential 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 which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has not found that the petitioner has demonstrated the presence of condition(s), justifying the granting of a variance:

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. and Mrs. Gatie, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet cube van in a residential district is hereby **DENIED**.

Yes:

No:

**C-2 Commercial Vehicle Appeal – 3463 Crooks Road**

Suggested Resolution

Resolution #2005-02-

Moved by

Seconded by

**RESOLUTION A FOR APPROVAL**

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "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 that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential 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 which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance: \_\_\_\_\_

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Timothy Clyne, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a GMC cube van in a residential district is hereby **APPROVED** for \_\_\_\_\_ (not to exceed two years).

**RESOLUTION B FOR DENIAL**

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in

residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "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 that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential 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 which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has not found that the petitioner has demonstrated the presence of condition(s), justifying the granting of a variance:

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Timothy Clyne, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a GMC cube van in a residential district is hereby **DENIED**.

Yes:

No:

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**C-3 Zoning Ordinance Text Amendment for Section 04.20 Definitions, Section 22.30 Uses Permitted Subject to Special Use Approval – B-3 District, Section 28.25 Conditional Uses Permitted – M-1 District (ZOTA 209)**

Suggested Resolution

Resolution #2005-02-

Moved by

Seconded by

RESOLVED, That Article IV (DEFINITIONS), Article XXII (B-3 DISTRICT), and Article XXVIII (M-1 DISTRICT) of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 209), dated 12/7/04, as recommended by the Planning Commission and City Management.

Yes:

No:

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**C-4 Zoning Ordinance Text Amendment for Section 03.21, Procedure (ZOTA 210)**

Suggested Resolution

Resolution #2005-02-  
 Moved by  
 Seconded by

RESOLVED, That Article III (APPLICATIONS AND PROCEDURES), of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 210), dated 12/7/04, as recommended by the Planning Commission and City Management.

Yes:  
 No:

## POSTPONED ITEMS:

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### **D-1 Scheduling of Study Session for the Purpose of Discussing an Ethics Policy**

Postponed Resolution  
 Moved by Broomfield  
 Seconded by Beltramini

RESOLVED, That a study session is **SCHEDULED**, for the purpose of discussing an ethics policy, in the Council Boardroom of Troy City Hall, 500 W. Big Beaver, Troy, Michigan on Wednesday, March 2, 2005 at 7:30 p.m.

Yes:  
 No:

### **Resolution to Amend to Provide for the Scheduling of Three (3) Special/Study Meetings to Review Proposed 2005/06 Budget; Budget is Distributed on April 15, 2005 and Must be Adopted by May 16, 2005**

Proposed Resolution Amendment  
 Resolution #2005-02-  
 Moved by  
 Seconded by

RESOLVED, That the proposed resolution be amended to add the following:

RESOLVED, That three (3) special/study meetings to review the proposed 2005/06 budget are **SCHEDULED** at 7:30 PM in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan on the following dates:

Monday, April 25, 2005  
 Wednesday, April 27, 2005  
 Monday, May 2, 2005

Or on the following alternate dates:

Thursday, April 21, 2005

Tuesday, April 26, 2005  
Thursday, April 28, 2005  
\_\_\_\_\_, 2005  
\_\_\_\_\_, 2005  
\_\_\_\_\_, 2005

Yes:  
No:

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**D-2 Mayor Louise Schilling’s Request to Discuss Modification of the April 19, 2004 Resolution Regarding Campaign Finance Statements**

Suggested Resolution  
Resolution #2005-02-  
Moved by  
Seconded by

WHEREAS, The Troy City Council has recently discussed the need for more ethical behavior from members of the City Council.

WHEREAS, The State of Michigan currently posts on their web site the candidate committee campaign finance reports for all candidates that run for State office.

WHEREAS, All local election Campaign Finance Act required campaign statements are available for viewing by the public at the Oakland County Clerk’s Office.

WHEREAS, This Council wishes to maintain an open and honest relationship with all residents and businesses in Troy.

THEREFORE, BE IT RESOLVED, That ALL committees; candidate committees, independent committees, and Political Action Committees (PACs) required to file Candidate Campaign Finance statements with the Oakland County Clerk’s office trying to influence a political outcome of a Troy City election be **REQUIRED** to have their campaign finance reports posted on the City’s web site; and

BE IT FURTHER RESOLVED, That the City of Troy **WILL POST** on its web site, the campaign finance reports from ALL committees; candidate committees, independent committees, and Political Action Committees (PACs) who have spent money fostering a candidacy for local office and/or ballot question on the City of Troy ballot for a time no less than 6 (six) years; and

BE IT FURTHER RESOLVED, That pre- and post-election statements be **UPDATED** seven (7) days after the initial filing and all statements, until links can be made by the City Clerk on the last business day of the month as necessary; and

BE IT FINALLY RESOLVED, That when the County of Oakland electronically posts candidate campaign committee finance forms on its web site, that the City of Troy **PROVIDE** a link to that location from its web site.

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.*

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### 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:

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### 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

#### Suggested Resolution

Resolution #2005-02-

RESOLVED, That the Minutes of the Regular Meeting-Liquor Violation Hearings of February 16, 2005 and the Minutes of the Regular Meeting of February 21, 2005 at 7:30 PM be **APPROVED** as submitted.

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### E-3 Proposed City of Troy Proclamation: None Submitted

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### E-4 Request for Approval to Pay Relocation Claim – Maurice David Freed-O'Rilley Building – 2780 Rochester Road

#### Suggested Resolution

Resolution #2005-02-

RESOLVED, That as required by Michigan Laws and Federal Guidelines, the City Council of the City of Troy hereby **AUTHORIZES** payment for relocation benefits in the amount of

\$16,640, to Maurice David Freed on behalf of Freed Agency, Lawyer's Help Investigations, O'Rilley Investment, MDF, PLLC, and CMI Educational & Brokerage Services.

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**E-5 Request for Temporary Sales Trailer – Weston Downs Condominiums**Suggested Resolution

Resolution #2005-02-

RESOLVED, That the request from Joseph Maniaci representing Mondrian Properties for the placement of a temporary office trailer on the site of the Weston Downs Condominium Development, is hereby **APPROVED** for a twelve month period in accordance with Chapter 47, House Trailers and Trailer Courts, Section 6.41(3), of the Code of the City of Troy.

**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; Historic District Commission**

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

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

**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**

<b>NAME</b>	<b>DATE APPLIED</b>	<b>DATE SENT TO COUNCIL</b>
None on File		

Yes:

No:

**(b) City Council Appointments**

Suggested Resolution

Resolution #2005-02-  
 Moved by  
 Seconded by

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

**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- 07/2005	01/07/02- 07/07/03
Kuschinsky, Dick	10/11/01-06/19/03 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

**Historic District Commission**

Appointed by Council (7) – 3 years

One member must be an architect.

Two members-Historical Society recommendations.

One member – Historical Commission recommendation.

Term expires 03-01-08

(Historical Commission)

Term expires 03-01-08

(Historical Society) Term expires 03-01-08

**CURRENT MEMBERS**

NAME	TERM EXPIRES
Marjorie A. Biglin	03/01/07
Wilson Deane Blythe (Does not seek reappointment)	03/01/05
Barbara Chambers (Historical Commission)	03/01/05
Robert Hudson	05/15/06
Paul C. Lin (Architect)	05/15/06
Ann Partlan (Historical Society)	03/01/05
Muriel Rounds	05/15/06
Vilin Zhang (Student)	07/01/05

**INTERESTED APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Kerry S. Krivoshein	08/12/99-06/14/01-05/2003	07/09/01
Al Petrusis	02/11/03-07/31/03-07/2005	02/17/03-08/18/03
Nancy Wheeler	03/08/04-03/2006	04/12/04

Yes:

No:

**F-2 Zoning Ordinance Text Amendment for Section 03.21, Procedure (ZOTA 210)**

Item moved to C-4

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

**G-1 Announcement of Public Hearings: No Announcements Submitted**

**G-2 Green Memorandums: No Memorandums Submitted**

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

**H-1 No Council 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) Traffic Committee/Final – July 21, 2004
  - b) Planning Commission/Final – January 11, 2005
  - c) Employees' Retirement System Board of Trustees/Final – January 12, 2005
  - d) Planning Commission Special/Study/Final – January 25, 2005
  - e) Election Commission/Final – January 26, 2005
  - f) Planning Commission Special/Study/Draft – February 1, 2005
  - g) Planning Commission/Draft – February 8, 2005
  - h) Election Commission/Draft – February 23, 2005
- 

**J-2 Department Reports:**

- a) Southeastern Oakland County Resource Recovery Authority (SOCRRA) Quarterly Report – January 2005
  - b) 2004 Police Department Calls for Service
  - c) Report on Council Member Attendance of Council Meetings as Requested by Mayor Louise Schilling
- 

**J-3 Letters of Appreciation:**

- a) Letter to Brian Stoutenburg from Ruben Meyer, Thanking Him for Planning the Library's Creative Courses, and Thanking Mary Ann Wehler and Iris Underwood for Conducting the Writing Courses
  - b) Letter to Chief Craft from Kevin Sagan, Chief of Police of Madison Heights, Thanking Sergeant Don Ostrowski for His Presentation, "Incident Response to Terrorist Bombings"
  - c) Letter to Chief Craft from David Trahan, Thanking Officer Jim Feld for His Assistance with a Situation
  - d) Letter to Lindsey Duvall and Nathan Madak, Library Assistants, from Dr. Katter Thanking Them for Their Assistance in the Tech Room of the Troy Public Library's Adult Services Section
  - e) Letter to the Troy Water Department from John Stier, Thanking Teresa Shepard and Dean Bise for Their Assistance in Handling His Plumbing Repair Issue
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**J-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted**

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**J-5 Calendar**

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**J-6 Zoning Ordinance Text Amendment (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions**

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**STUDY ITEMS:**

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**K-1 No Study Items Submitted**

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**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.*

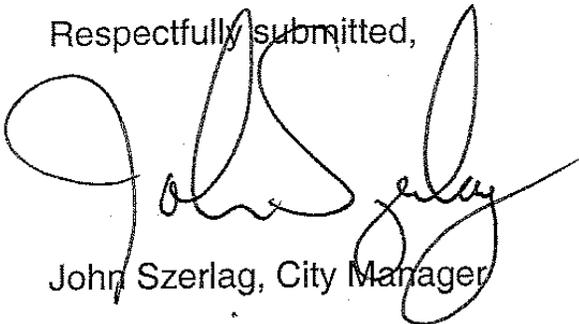
**CLOSED SESSION:**

---

**L-1** Closed Session – No Closed Session Requested

**RECESSED****RECONVENED****ADJOURNMENT**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Szerlag". The signature is stylized with large loops and a long horizontal stroke extending to the right.

John Szerlag, City Manager

**SCHEDULED CITY COUNCIL MEETINGS:**

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  
Monday, May 9, 2005 ..... Regular City Council  
Monday, May 16, 2005 ..... Regular City Council  
Monday, May 23, 2005 ..... Regular City Council

DATE: February 22, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - 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.

The existing structures on the property include a 3,457 square foot of ground floor on the main building and a 1,200 square foot detached accessory building. Under the provisions of Section 40.57.04, 528 additional square feet of accessory buildings could be constructed. The property is 150' wide by approximately 1,268' deep. Based upon the setbacks and maximum lot coverage a total of 57,070 square feet of buildings could be placed on the site.

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:

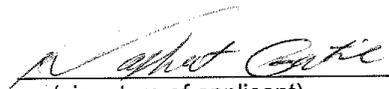
- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for 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**

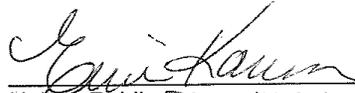
40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

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, 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.

  
\_\_\_\_\_  
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

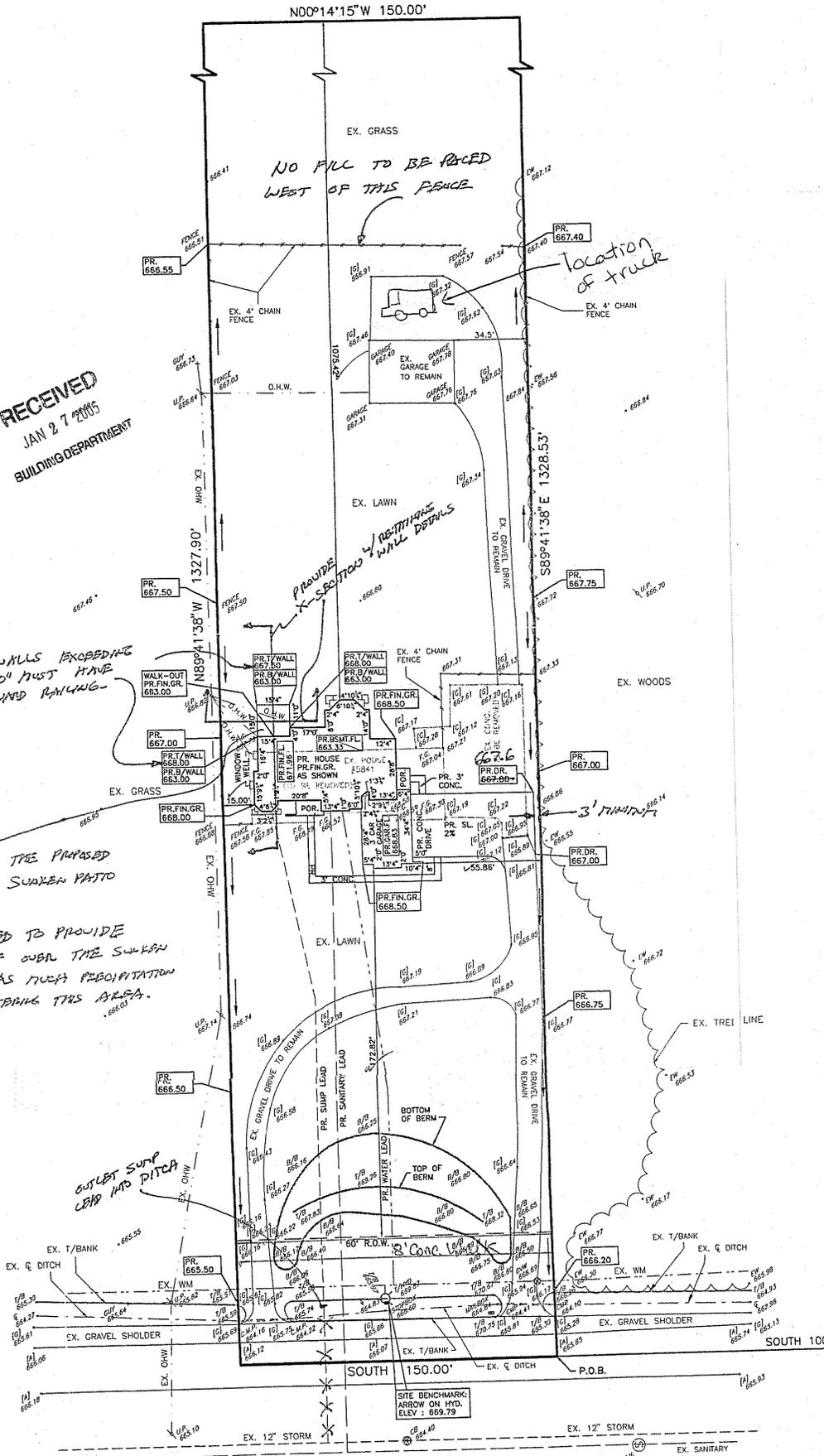
Location of truck

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

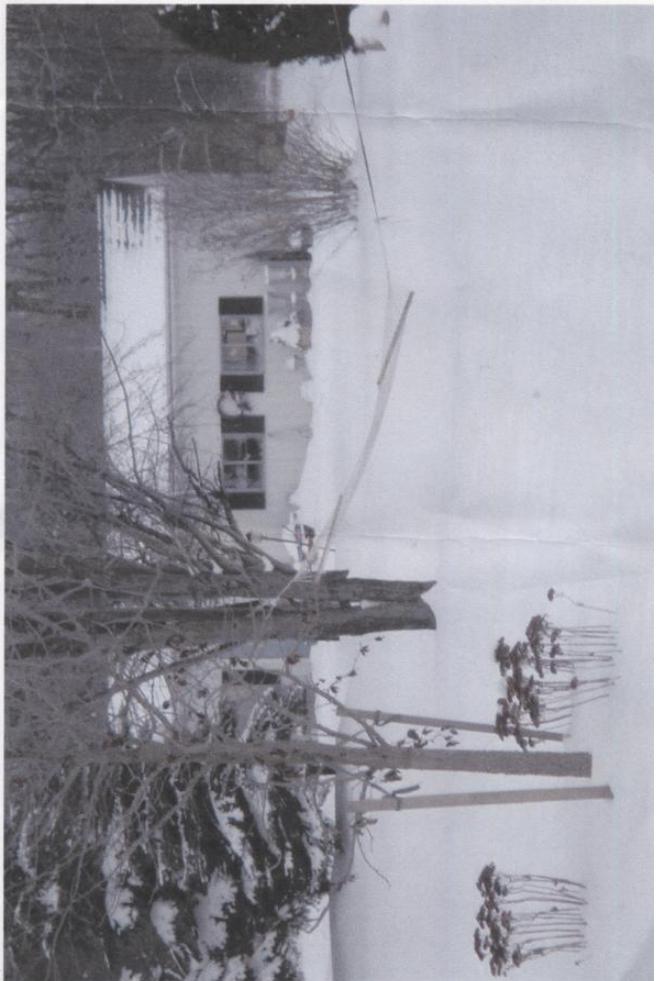
JOHN R. ROAD  
(ASPHALT)

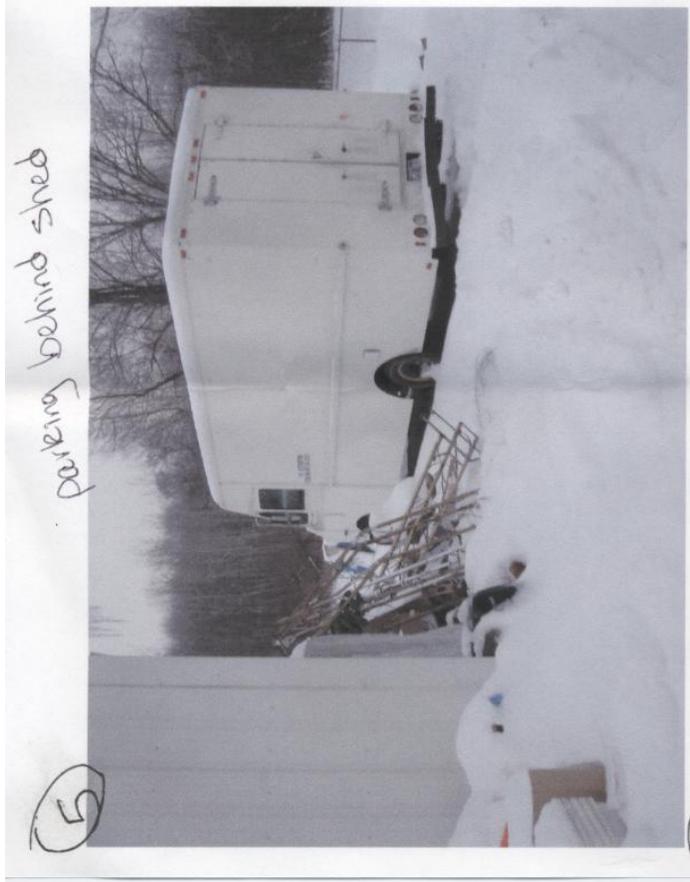
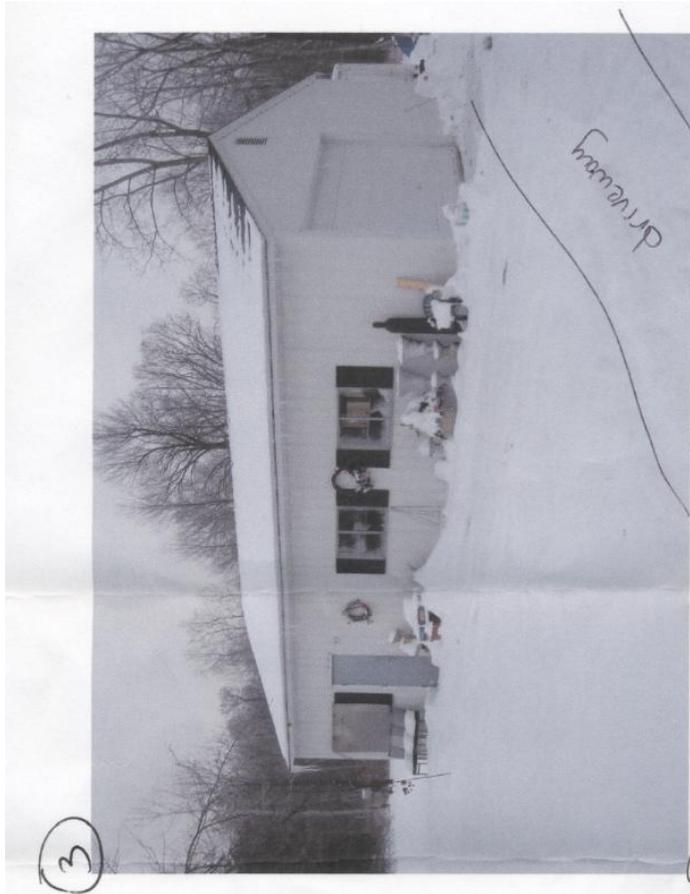
SITE BENCHMARK  
ARROW ON HD.  
ELEV. = 869.79

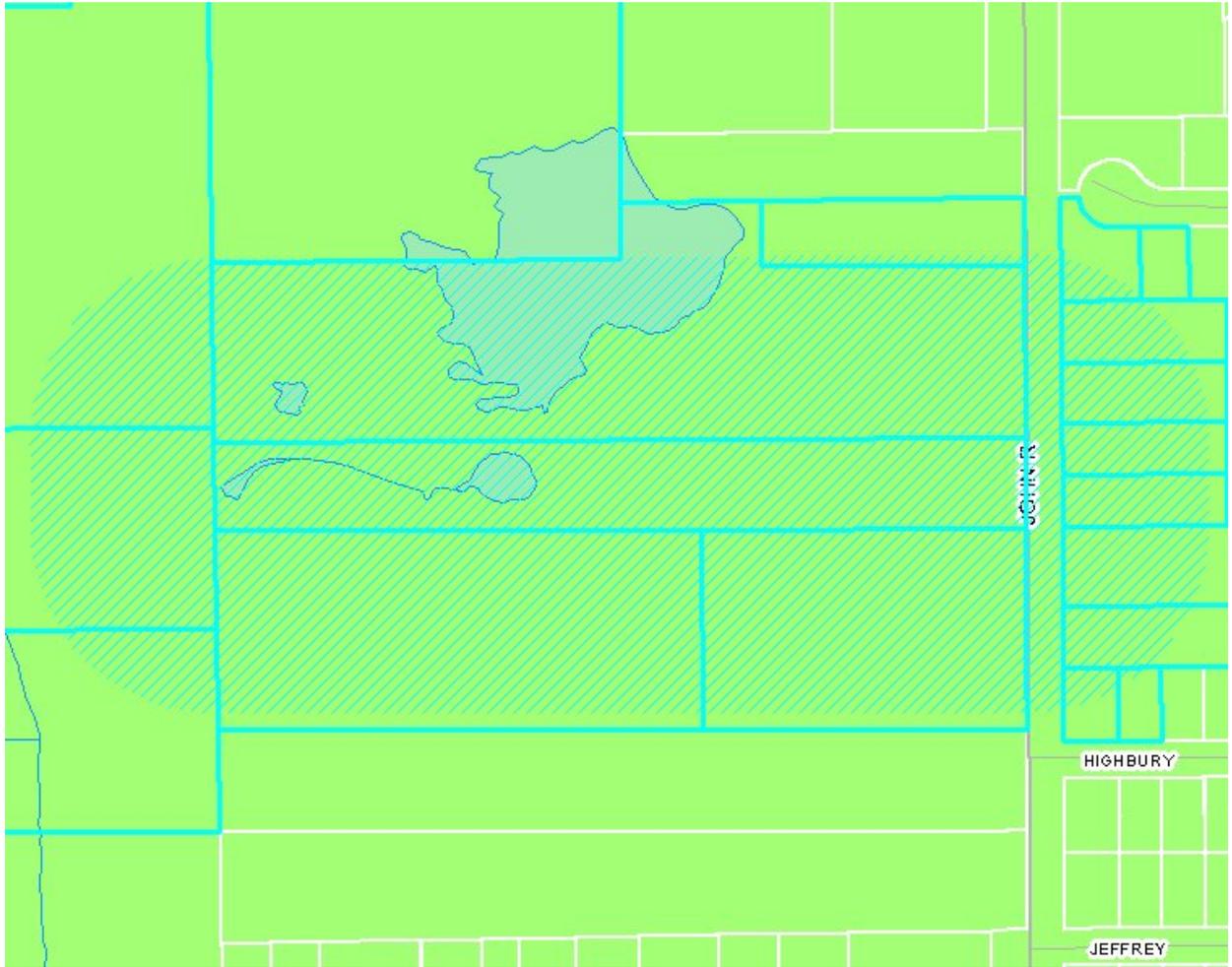
SOUTH 100

RECEIVED  
JAN 27 2005  
BUILDING DEPARTMENT

① Shed set back about  $2\frac{1}{2}$  acres from John R. Rd.







DATE: February22, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - 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.

The existing structures on the site include a 2,220 square foot main building and an approximately 2,500 square foot detached accessory building. The existing detached accessory building does have an overhead door that appears to allow for the parking of the vehicle within the existing building. With the existing buildings on the site, Section 40.57.04 of the Zoning Ordinance would prohibit additional detached buildings. Current setback and lot coverage limitations would allow additional attached garages as long as the total lot area covered by all buildings does not exceed 10,800 square feet.

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

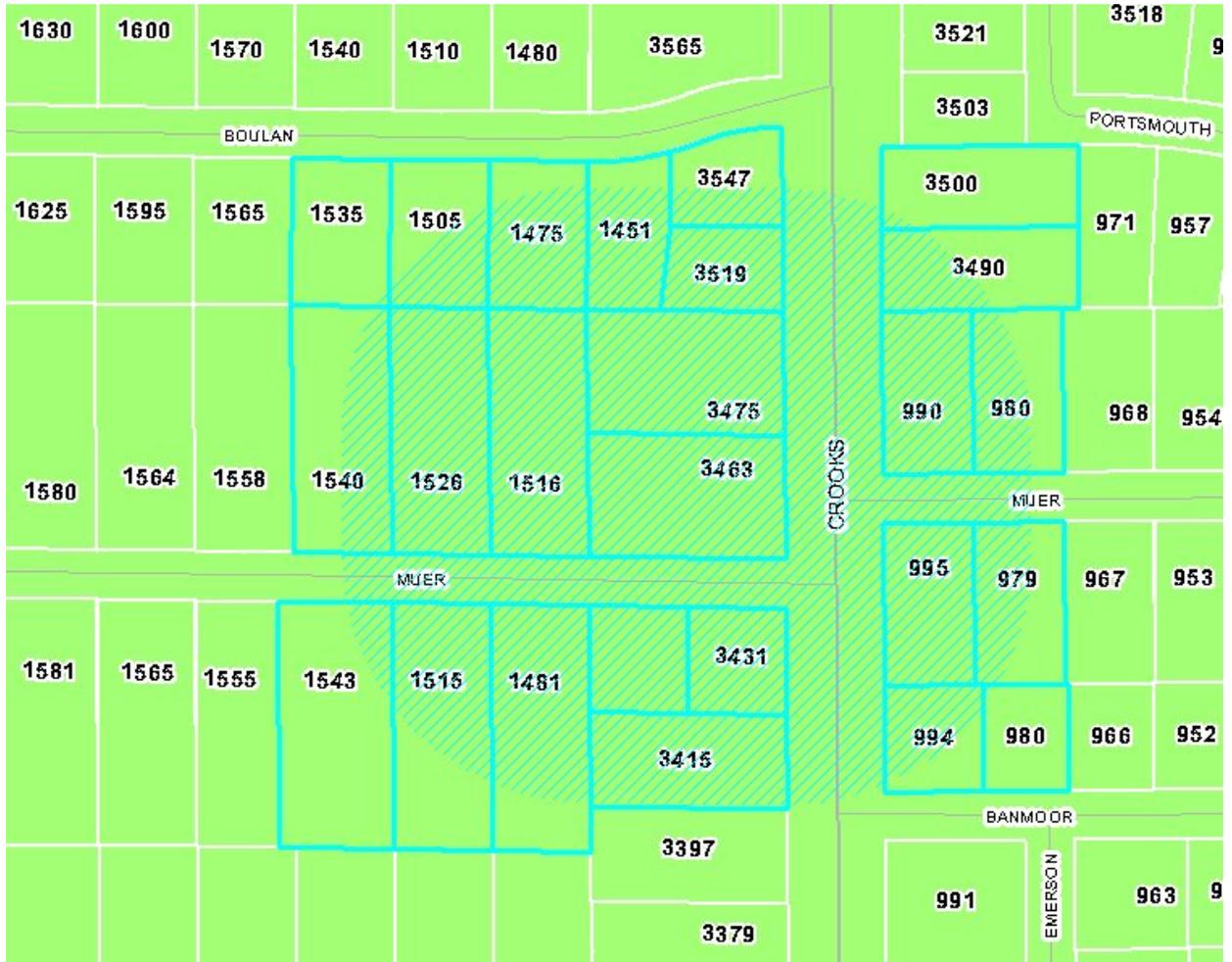
**PAMELA R. PASTERNAK**  
Notary Public, State of Michigan, County of Macomb  
My Commission Expires September 7, 2007  
Acting in the County of Oakland

My Commission Expires: \_\_\_\_\_









TO: CITY COUNCIL

Please register my approval  objection  to the request described on the reverse side.

My reason for this approval  objection  is:

RECEIVED

FEB 21 2005

BUILDING DEPARTMENT

This property has been an eyesore for 20 yrs. or more. Please do not give the owner permission to continue this or make it worse.

Also, it has been for sale the last year or two. If sold, would the variance go with property?

Take a look behind the fences as I have to and you will see the mess. You have permission to come on my property.

NAME: Joanna Losey

ADDRESS OR PROPERTY DESCRIPTION 1535 Boolean

DATE: February 22, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM - PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT FOR SECTION 04.20 DEFINITIONS, SECTION 22.30 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL - B-3 DISTRICT, SECTION 28.25 CONDITIONAL USES PERMITTED - M-1 DISTRICT (ZOTA 209)

### **RECOMMENDATION**

A landowner has approached the City with an interest in leasing an existing building with the purpose of developing a veterinary hospital in Troy. Presently the zoning ordinance does not permit veterinary hospitals in the M-1 Light Industrial District. "Veterinary Hospitals or Clinics" are permitted subject to Special Use Approval in the B-3 District (Article 22.30.04). Commercial Kennels are permitted in the M-1 District by Special Use Approval (Article 28.30.08). There is no definition for "Veterinarian Hospital" in the Zoning Ordinance.

The proposed text amendment includes a definition for "Veterinary Hospital". Article 22.30.04 has been modified to eliminate the reference to "clinics", and making the provision consistent with the proposed provision 28.25.06 and the proposed definition. Article 22.30.05 has been amended by eliminating a typographical error in the provision, which incorrectly includes a "0" in front of the word "zoned" in sub-section B.

The Planning Commission held a public hearing on this item at the December 14, 2004 Regular meeting. The Planning Commission recommended approval of the proposed amendment. City Management agrees with the Planning Commission recommendation and recommends approval of ZOTA 209, as printed.

Reviewed as to Form and Legality:

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

cc: File/ZOTA 209  
Planning Commission

Attachments:

1. ZOTA 209, dated December 7, 2004
2. Minutes from December 14, 2004 Planning Commission Public Hearing
3. Article 28.30.08 Commercial Kennel requirements in M-1
4. Article 22.30.04 Veterinary Hospital and Clinic requirements in B-3
5. Article 22.30.05 Commercial Kennel requirements in B-3

G:\ZOTAs\ZOTA 209 Veterinary Clinics in M-1\CC Public Hearing Memo 02 28 05.doc

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 39 OF THE CODE  
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39 of the Code of the City of Troy.

Section 2 – Amendment to Articles IV, XXII and XXVIII of Chapter 39

Articles IV, XXII, and XXVIII of Chapter 39 of the Code of the City of Troy is amended to provide a definition for "veterinary hospital" and to permit veterinary hospitals as a conditional use permitted in the M-1 Light Industrial District subject to specific standards by the addition of a new sections 04.20.152 and 28.25.06 and by revising section 22.30.04 and 22.30.05 as follows:

04.20.152     VETERINARY HOSPITAL: A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and injuries.

22.30.04     Veterinary hospitals ~~or clinics~~, provided all activities are conducted within a totally enclosed main building and provided further that all abutting or adjacent property is non-residentially zoned.

22.30.5     Commercial Kennels, subject to the following conditions:

- A.     The site shall have at least one property line abutting a major thoroughfare.
- B.     The site shall be no closer than three hundred (300) feet from any residentially-zoned or used property. This distance provision shall not apply to residentially-zoned land, which is developed or committed for uses other than the construction of residential dwellings.
- C.     A Commercial Kennel establishment may include ancillary uses such as pet grooming and pet obedience training.

28.25.06     Veterinary hospitals, subject to the following conditions:

- A.     All activities shall be conducted within a totally enclosed main building. No outdoor dog run areas shall be permitted.

- B. A veterinary hospital may include ancillary uses such as overnight boarding, pet grooming and pet obedience training.

### 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 Schilling, Mayor

\_\_\_\_\_  
Tonni Bartholomew, City Clerk

13. PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (ZOTA 209) – Articles 04.20.152, 28.30.09, and 28.30.10 – Veterinary Hospitals in the M-1 (Light Industrial) District

Mr. Miller provided a brief review of the proposed zoning ordinance text amendment relating to veterinary hospitals.

Mr. Chamberlain brought to the attention of the Planning Department one typographical error in the third line of Section 22.30.05(B); that is, to delete the “0” in front of the word “zoned”. Mr. Chamberlain said he was informed from a veterinarian friend of his that the facility terms used by veterinarians (i.e., clinic, hospital) are synonymous with respect to medical treatment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution # PC-2004-12-160**

Moved by: Wright

Seconded by: Drake-Batts

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that Articles 04.20.152, 28.30.09, and 28.30.10, pertaining to Veterinary Hospitals in the M-1 (Light Industrial) District, be amended as printed on the Proposed Zoning Ordinance Text Amendment and further, that Article 22.30.05(B) be amended per Member Chamberlain’s comments.

Yes: All present (6)

No: None

Absent: Khan, Schultz, Vleck

**MOTION CARRIED**

## Chapter 39 - Zoning Ordinance

---

- B. Outside storage or display of parts or equipment shall be prohibited.
- C. Retail sales shall be limited to those items necessary to carry out the vehicle service activities occurring on the site.

The uses permitted by this Section shall not include Automobile Service Stations, as provided for in Section 23.30.02 of this Chapter.

(Rev. 12/05/94)

28.30.08 Commercial Kennels, subject to the following conditions:

- A. The site shall be no closer than three hundred (300) feet from any residentially zoned or used property. This distance provision shall not apply to residentially zoned land which is developed or committed for uses other than the construction of residential dwellings.
- B. A Commercial Kennel establishment may include ancillary uses such as pet grooming and pet obedience training.

(Rev. 02-05-01)

28.30.09 Other uses of a similar character to those permitted above, and which will not be injurious or have an adverse effect on adjacent areas, and may therefore be permitted subject to such conditions, restrictions and safeguards as may be deemed necessary in the interest of public health, safety and welfare.

(Rev. 02-05-01)

28.50.00 DEVELOPMENT STANDARDS:

Any use established in the M-1 District after the effective date of this Chapter shall be operated so as to comply with the performance standards set forth hereinafter in Article XXXIX, "Environmental Provisions".

28.50.01 See Section 40.20.00 for parking requirements.

28.50.02 See Section 39.95.00 of the General Provisions for the Standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

28.60.00 ENVIRONMENTAL STANDARDS:

See Article XXXIX, "Environmental Provisions", for requirements pertaining to walls, landscaping, performance standards, and signs.

28.80.00 SITE PLAN REVIEW:

All Site plans for the Development of property in this District shall be subject to the review and approval of the Planning Commission. Site Plans for the expansion of such developments, which also involve the expansion of off-street parking and driveway facilities, shall also be subject to the approval of the Planning Commission. In their review, the Planning Commission shall determine that all development features are located so as to minimize the possibility of adverse effects upon adjacent properties, and so as to relate properly to traffic safety.

## Chapter 39 - Zoning Ordinance

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- B) A minimum site area of three (3) acres shall be required, with a minimum frontage of one hundred (100) feet on a major thoroughfare of at least one hundred twenty (120) feet of right-of-way width, existing or proposed.
- C) Each unit shall contain not less than two hundred (200) square feet of floor area.
- D) No guest shall establish permanent residence at a motel or hotel for more than thirty (30) consecutive days.
- E) Additional height (beyond the District limit) may be permitted on sites of five (5) acres or more, provided yard setbacks are provided as follows:
  - 1. A setback of at least two (2) feet per foot of building height, where such yard abuts residentially zoned land.
  - 2. A setback of at least one (1) foot per foot of building height, where such yard abuts non-residentially zoned land or thoroughfares.

22.30.04 Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed main building and provided further that all abutting or adjacent property is non-residentially zoned.

22.30.05 Commercial Kennels, subject to the following conditions:

- A. The site shall have at least one property line abutting a major thoroughfare.
- B. The site shall be no closer than three hundred (300) feet from any residentially zoned or used property. This distance provision shall not apply to residentially-zoned land, which is developed or committed for uses other than the construction of residential dwellings.
- C. A Commercial Kennel establishment may include ancillary uses such as pet grooming and pet obedience training.

(Rev. 02-15-01)

22.30.06 Automobile repair garages, provided all activities are conducted within a completely enclosed building. Such uses shall not include the sale of fuels, vehicle body repair, painting, refinishing, tire recapping, auto dismantling, or other such activities whose external effects could adversely extend beyond the property lines.

(Rev. 02-05-01)

22.30.07 Outside seating areas, in excess of twenty (20) seats, for restaurants, or other food service establishments, may be permitted by the City Council (in place of the Planning Commission), subject to the following conditions:

- A. The City Council may approve such outside seating uses for an initial period not to exceed two (2) years, with successive approvals for a similar maximum period. In those instances where a permanent structural enclosure is provided for the outside seating area, approval may be granted for the total term of operation of the applicant. Any assignment, transfer, sale of business, or change of management

DATE: February 11, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM - ZONING ORDINANCE TEXT AMENDMENT FOR SECTION 03.21, PROCEDURE (ZOTA 210)

### **RECOMMENDATION**

The City and Village Zoning Act allows communities to adopt requirements that permit a person opposing a proposed zoning ordinance amendment to present a protest petition to the legislative body before final City Council action on the amendment. The protest petition has to be signed by at least 20% of the area of land included in the proposed change, or by the owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change, excluding public lands. Upon presentation of a protest petition that meets either of these requirements, City Council is required to adopt the zoning ordinance by at least a 2/3 vote of the legislative body. However, there is no current language in the zoning ordinance related to protest petitions. The proposed draft Article 03.21.07 is consistent with the requirements of the City and Village Zoning Act.

The Planning Commission held a public hearing on this item at the December 14, 2004 Regular Meeting. The Planning Commission recommended approval of the draft amendment. City Management agrees with the Planning Commission recommendation and recommends approval of ZOTA 210, as printed.

Reviewed as to Form and Legality: \_\_\_\_\_  
Lori Grigg Bluhm, City Attorney      Date

cc: File/ZOTA 210  
Planning Commission

#### Attachments:

1. ZOTA 210, dated December 7, 2004
2. Minutes from December 14, 2004 Planning Commission Public Hearing

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 39 OF THE CODE  
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39 of the Code of the City of Troy.

Section 2 – Amendment to Article III of Chapter 39

Article III of Chapter 39 of the Code of the City of Troy is amended to add a new section 3.21 establishing the procedure with respect to protest petitions to read as follows:

03.21.07      In the event a protest petition meeting the requirements of this section as certified by the City Clerk's office is presented to the City Council prior to the final adoption of an amendment to this ordinance, such amendment shall not be passed except by a two-thirds (2/3) vote of the City Council. Said protest petition shall be duly signed by the owners of at least twenty percent (20%) of the area of land included in the proposed change, or by the owners of at least twenty percent (20%) of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change, excluding publicly owned land. The protest petition shall be submitted to the City Clerk by 12:00PM on the day of the City Council Public Hearing on the proposed amendment, on a form provided by the City.

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 Schilling, Mayor

\_\_\_\_\_  
Tonni Bartholomew, City Clerk

G:\ZOTAs\ZOTA 210 Protest Petitions\Draft 2 Protest Petition 08 05 04.doc

**ZONING ORDINANCE TEXT AMENDMENTS****12. PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (ZOTA 210) – Article 03.20.07 – Rezoning Protest Petitions**

Mr. Miller provided a brief review of the proposed zoning ordinance text amendment relating to protest petitions.

**PUBLIC HEARING OPENED**

No one was present to speak.

**PUBLIC HEARING CLOSED****Resolution # PC-2004-12-159**

Moved by: Littman

Seconded by: Wright

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that Article 03.20.07, pertaining to Rezoning Protest Petitions, be amended as printed on the Proposed Zoning Ordinance Text Amendment.

Yes: All present (6)

No: None

Absent: Khan, Schultz, Vleck

**MOTION CARRIED**

February 24, 2005

TO: The Honorable Mayor and City Council Members  
FROM: John Szerlag, City Manager  
SUBJECT: Scheduling Special/Study Meetings

At this point in time we are unable to schedule special/study meetings with the certainty of having all seven Council Members attend (see attached memorandum from office manager Mary Redden). And as you know, scheduling meetings for our upcoming budget sessions is a priority.

In terms of our budget calendar, we will distribute the City Manager's proposed budget on April 15, 2005. This year we are suggesting three budget sessions and propose the following dates:

Monday, April 25, 2005  
Wednesday, April 27, 2005  
Monday, May 2, 2005

In addition, alternate dates are proposed to be:

Thursday, April 21, 2005  
Tuesday, April 26, 2005  
Thursday, April 28, 2005

Our budget needs to be adopted by the May 16, 2005 Council meeting.

Please bring your calendars to the February 28, 2005 Council meeting so we may select budget hearing dates. So too, you previously indicated a desire to schedule a special/study meeting for discussing an ethics policy.

Also enclosed is a memorandum from IT Director Gert Paraskevin and Assistant City Manager/Finance & Administration John Lamerato relative to the feasibility of Council Members utilizing calendars on the City's Exchange server.

February 23, 2005

TO: John Szerlag, City Manager  
FROM: Mary Redden, Administrative Assistant to the City Manager  
SUBJECT: Agenda Item – Scheduling Special/Study Meetings

We need to schedule a special meeting to discuss an ethics policy and also two sessions, typically held in April, to review the proposed 2005/06 budget. At this point four out of the seven Council Members have sent me their schedules for March – May (two Council Members gave me their schedules through June). I've placed the information they gave me onto a calendar, and I have also crossed off dates that some staff members are not available (calendar pages attached).

Based on the schedules of the four Council Members who've reported so far and regularly scheduled Council meetings, there are no dates open for a special meeting in March.

The only open date in April is Monday the 11<sup>th</sup>.

Dates open in May are:

- Tuesday, May 10
- Wednesday, May 18
- Tuesday, May 24
- Wednesday, May 25
- Tuesday, May 31 (the day after Labor Day)











# April 04 - April 10

April 2005							May 2005						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2	1	2	3	4	5	6	7
3	4	5	6	7	8	9	8	9	10	11	12	13	14
10	11	12	13	14	15	16	15	16	17	18	19	20	21
17	18	19	20	21	22	23	22	23	24	25	26	27	28
24	25	26	27	28	29	30	29	30	31				

Monday, April 04		Thursday, April 07	
<b>COUNCIL MEETING</b>		Martin Howrylak Louise Schilling Dave Lambert	
Tuesday, April 05		Friday, April 08	
Martin Howrylak		Martin Howrylak Louise Schilling	
Wednesday, April 06		Saturday, April 09	
Martin Howrylak		Louise Schilling Dave Lambert	
Sunday, April 10			

# April 11 - April 17

April 2005							May 2005						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2	1	2	3	4	5	6	7
3	4	5	6	7	8	9	8	9	10	11	12	13	14
10	11	12	13	14	15	16	15	16	17	18	19	20	21
17	18	19	20	21	22	23	22	23	24	25	26	27	28
24	25	26	27	28	29	30	29	30	31				

Monday, April 11		Thursday, April 14	
<p style="font-size: 48px; text-align: center;">OPEN</p>		Martin Howrylak	
		Dave Lambert	
Tuesday, April 12		Friday, April 15	
Martin Howrylak		Martin Howrylak	
Dave Lambert		Robin Beltramini	
Robin Beltramini		Louise Schilling	
Wednesday, April 13		Saturday, April 16	
Martin Howrylak		Robin Beltramini	
Dave Lambert		Louise Schilling	
Robin Beltramini		Dave Lambert	
		Sunday, April 17	
		Robin Beltramini	



# April 25 - May 01

April 2005

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May 2005

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Monday, April 25		Thursday, April 28	
COUNCIL MEETING		Martin Howrylak Dave Lambert	
Tuesday, April 26		Friday, April 29	
Martin Howrylak		Dave Lambert Louise Schilling	
Wednesday, April 27		Saturday, April 30	
Martin Howrylak		Dave Lambert Louise Schilling	
		Sunday, May 01	



# May 09 - May 15

May 2005							June 2005						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25
29	30	31					26	27	28	29	30		

COUNCIL MEETING		Monday, May 09	Thursday, May 12
		Dave Lambert	
OPEN		Tuesday, May 10	Friday, May 13
		Robin Beltrami Louise Schilling	
Robin Beltrami		Wednesday, May 11	Saturday, May 14
		Robin Beltrami Louise Schilling	
		Sunday, May 15	
		Robin Beltrami	



# May 23 - May 29

May 2005							June 2005						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25
29	30	31					26	27	28	29	30		

COUNCIL MEETING		Monday, May 23	Dave Lambert		Thursday, May 26
OPEN		Tuesday, May 24	Louise Schilling		Friday, May 27
		Wednesday, May 25	Louise Schilling Dave Lambert		Saturday, May 28
OPEN		Sunday, May 29	Dave Lambert		

# May 30 - June 05

May 2005							June 2005						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25
29	30	31					26	27	28	29	30		

Monday, May 30	Thursday, June 02
Dave Lambert LABOR DAY	Dave Lambert
Tuesday, May 31	Friday, June 03
OPEN	
Wednesday, June 01	Saturday, June 04
	Sunday, June 05

February 23, 2005

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager/Finance and Administration  
Gert Paraskevin, Information Technology Director

Re: Exchange Calendars for City Council

The following points are in response to Councilman Lambert's request as to the feasibility of all Council Members utilizing calendars on the City's Exchange Server:

1. As part of a recent memo included as a report and communication to City Council in the February 7, 2005 agenda packet, each Council member was offered the opportunity to request a city email account. To date only one Council Member has initiated a request.
2. Included, as part of the email account, is the calendar function that could then be accessed by city staff to schedule meetings.
3. In order for this to be effective, all Council Members would have to keep their calendar up to date with all of their appointments.

In summary, City Council access to a common calendaring system on the City's Exchange Server is technically feasible and currently available.

**Regular City Council Meeting – April 19, 2004**

**G-8 Memorandum – Re: Campaign Finance Statements on Web Page**

Resolution

Moved by Howrylak

Seconded by Lambert

WHEREAS, The Troy City Council has recently discussed the need for more ethical behavior from members of the City Council.

WHEREAS, The State of Michigan currently posts on their web site the candidate committee campaign finance reports for all candidates that run for State office.

WHEREAS, All local election Campaign Finance Act required campaign statements are available for viewing by the public at the Oakland County Clerk's Office.

WHEREAS, This Council wishes to maintain an open and honest relationship with all residents and businesses in Troy.

BE IT RESOLVED, That the office of the City Clerk for the City of Troy shall keep and have available for public inspection a hard copy of all required Candidate Campaign Finance Act statements filed with the Oakland County Clerk's office by all candidate committees involved in the election of candidates for the City of Troy offices; Mayor and Council Member; and

BE IT FURTHER RESOLVED, That all candidate committees whose Campaign Finance Act statements will be made available in the Office of the Clerk for the City of Troy will be contacted for their voluntary approval to have their campaign finance reports posted on the City's web site; and

BE IT FURTHER RESOLVED, That the City of Troy will post on its web site, the campaign finance reports from all candidate committees that voluntarily authorize the posting of their reports for a time of no less than 6 (six) years; and

BE IT FURTHER RESOLVED, That any committee that does not provide the authorization will have listed next to their committee the statement that "Authorization to post the committee's campaign finance reports were denied by the committee."

BE IT FINALLY RESOLVED, That when the County of Oakland electronically posts candidate campaign committee sites finance forms on its web site, that the City of Troy provides a link to that location from its web site.

**Proposed 1<sup>st</sup> Amendment to Resolution**

Resolution  
Moved by Beltramini  
Seconded by Lambert

RESOLVED, That the Resolution regarding "*Campaign Finance Statements on the Web Page*" be **AMENDED** by **INSERTING**, "independent committees and Political Action Committees (PAC) who have spent money fostering a candidacy for a local office. " **BEFORE** "that voluntarily authorize the posting of their reports.

**Proposed 2<sup>nd</sup> Amendment to Resolution**

Resolution  
Moved by Beltramini  
Seconded by Eisenbacher

RESOLVED, That the Resolution regarding "*Campaign Finance Statements on the Web Page*" be **AMENDED** by **INSERTING**, "BE IT FURTHER RESOLVED, That pre- and post-election statements be updated at seven (7) days after the initial filing and all statements be updated by the City Clerk on the last business day of the month as necessary, until appropriate internet links can be made." **BEFORE** "BE IT FINALLY RESOLVED".

**Vote on Resolution to Postpone**

Resolution #2004-04-211  
Moved by Stine  
Seconded by Schilling

RESOLVED, That agenda item "*Campaign Finance Statements on the Web Page*" be **POSTPONED** until the next Regular City Council meeting scheduled for Monday, May 3, 2004.

Yes: Stine, Schilling,  
No: Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert

**MOTION FAILED**

**Vote on Proposed 2<sup>nd</sup> Amendment to Resolution**

Resolution #2004-04-212  
Moved by Beltramini  
Seconded by Eisenbacher

RESOLVED, That the Resolution regarding "*Campaign Finance Statements on the Web Page*" be **AMENDED** by **INSERTING**, "BE IT FURTHER RESOLVED, That pre- and post-election statements be updated seven (7) days after the initial filing and all statements, until links can be made, be updated by the City Clerk on the last business day of the month as necessary." **BEFORE** "BE IT FINALLY RESOLVED".

Yes: Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert  
No: Stine Schilling

**MOTION CARRIED**

**Vote on Proposed 1<sup>st</sup> Amendment to Resolution**

Resolution #2004-04-213  
Moved by Beltramini  
Seconded by Lambert

RESOLVED, That the Resolution regarding "*Campaign Finance Statements on the Web Page*" be **AMENDED** by **INSERTING**, "independent committees and Political Action Committees (PAC) who have spent money fostering a candidacy for a local office. " **BEFORE** "that voluntarily authorize the posting of their reports. ..."

Yes: Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert  
No: Schilling Stine

**MOTION CARRIED**

**Vote on Amended Resolution**

Resolution #2004-04-214  
Moved by Howrylak  
Seconded by Lambert

WHEREAS, The Troy City Council has recently discussed the need for more ethical behavior from members of the City Council.

WHEREAS, The State of Michigan currently posts on their web site the candidate committee campaign finance reports for all candidates that run for State office.

WHEREAS, All local election Campaign Finance Act required campaign statements are available for viewing by the public at the Oakland County Clerk's Office.

WHEREAS, This Council wishes to maintain an open and honest relationship with all residents and businesses in Troy.

BE IT RESOLVED, That the office of the City Clerk for the City of Troy **SHALL KEEP AND HAVE AVAILABLE** for public inspection a hard copy of all required Candidate Campaign Finance Act statements filed with the Oakland County Clerk's office by all candidate committees involved in the election of candidates for the City of Troy offices; Mayor and Council Member; and

BE IT FURTHER RESOLVED, That all candidate committees whose Campaign Finance Act statements will be made **AVAILABLE** in the Office of the Clerk for the City of Troy will be **CONTACTED** for their voluntary approval to have their campaign finance reports posted on the City's web site; and

BE IT FURTHER RESOLVED, That the City of Troy **WILL POST** on its web site, the campaign finance reports from all candidate committees, independent committees and Political Action Committees (PAC) who have spent money fostering a candidacy for a local office that voluntarily authorize the posting of their reports for a time of no less than 6 (six) years; and

BE IT FURTHER RESOLVED, That any committee that does not provide the authorization will **HAVE LISTED** next to their committee the statement that "Authorization to post the committee's campaign finance reports were denied by the committee."

BE IT FURTHER RESOLVED, That pre- and post-election statements be **UPDATED** seven (7) days after the initial filing and all statements, until links can be made, by the City Clerk on the last business day of the month as necessary; and

BE IT FINALLY RESOLVED, That when the County of Oakland electronically posts candidate campaign committee sites finance forms on its web site, that the City of Troy **PROVIDE** a link to that location from its web site.

Yes: Beltramini, Broomfield, Eisenbacher, Howrylak Lambert  
No: Stine, Schilling

**MOTION CARRIED**

A Regular Meeting of the Troy City Council for Liquor Violation Hearings was held Wednesday, February 16, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:32 PM.

Mayor Pro Tem Beltramini 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 (Absent)  
David A. Lambert  
Jeanne M. Stine

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### Resolution to Excuse Council Member Howrylak

Resolution #2005-02-070  
Moved by Eisenbacher  
Seconded by Stine

RESOLVED, That Council Member Howrylak's absence at the Regular City Council meeting of February 16, 2005 is **EXCUSED** due to being out of the County.

Yes: Beltramini, Broomfield, Eisenbacher, Lambert, Stine  
No: Schilling  
Absent: Howrylak

### MOTION CARRIED

## OUTLINE OF PUBLIC HEARING PROCEDURE

The City Attorney suggests the following outline of procedure for consideration of liquor violations:

1. The Mayor calls the licensee whose case is to be heard.
2. The licensee and/or his attorney should be asked to the front of the Chamber to acknowledge their presence for the record and can be seated.
3. The Assistant City Attorney makes a very short opening statement regarding the violation(s), and presents proofs.
4. When witnesses are called, they should be sworn by the City Clerk to tell the truth.
5. Once the witness is sworn, the Assistant City Attorney will question the witness.
6. The police report and other documents may be offered into evidence as part of the case and should be kept by the City Clerk as part of the records.
7. At the conclusion of the City's case, the licensee or his attorney should be asked to offer an explanation for the violations if they choose, make a statement, offer evidence, or otherwise make their presentation.

8. If the licensee offers evidence from witnesses who have not been previously sworn, the City Clerk should swear those witnesses.
9. Once the licensee has concluded his presentation, the Assistant City Attorney should be given an opportunity for rebuttal, if any is desired.
10. City Council members may ask questions at any time, but it is suggested that this questioning by Council members be conducted after the parties conclude their presentations.
11. When the presentation of evidence is concluded, the matter returns to the City Council for discussion, deliberation, and resolution.

## **PUBLIC COMMENT:**

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### **A. Items on the Current Agenda**

## **PUBLIC HEARINGS**

The following named licensees have been given notice to appear for this series of Public Hearings regarding alleged violations:

### **1.0 Liquor Violations (Class C):**

- a) Name: Thunderbird Lanes, Inc. (dba: Thunderbird Lanes)  
Address: 400 West Maple Road, 48084  
License No.: Class C - Sunday Sales (1941-2004 SS)
- b) Name: Ichibang (dba: Ichibang)  
Address: 1129 East Long Lake Road, 48085  
License No.: Class C - Sunday Sales (125216-2004 SS)
- c) Name: GBD, Inc. (dba: Franco's Cafe)  
Address: 3614 Rochester Road, 48083  
License No.: Class C (6886-2004 SS)

### **2.0 Liquor Violations (SDD/SDM):**

- a) Name: Rite Aid of Michigan, Inc. (dba: Rite Aid Discount Pharmacy #4268)  
Address: 3986 John R, 48083  
License No.: SDD (11763-2004-SS) / SDM (4339-2004)
- b) Name: K-Mart Corporation (dba: K-Mart #4082)  
Address: 100 E. Maples, 48083  
License No.: SDM (8174-2004)
- c) Name: Troy Paradise, Inc. (dba: Troy Paradise Party Store)  
Address: 5945 John R, 48085  
License No.: SDD (115945-2004-SS)

**1.0 Liquor Violations (Class C): (a) Thunderbird Lanes, Inc. (dba: Thunderbird Lanes); (b) Ichibang (dba: Ichibang); (c) GBD, Inc. (dba: Franco's Cafe)**

**(a) Thunderbird Lanes, Inc. (dba: Thunderbird Lanes)**

Resolution

Moved by Stine

Seconded by Eisenbacher

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively; and

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 16, 2005 for the following licensed establishment:

Name: Thunderbird Lanes, Inc. (dba: Thunderbird Lanes)

Address: 400 West Maple Road, 48084

License No.: Class C - Sunday Sales (1941-2004 SS)

and having found violation of the following codes and/or regulations; SALE TO MINOR (Compliance Test), March 23, 2004; and

WHEREAS, This licensee has had no prior violations; and

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 16, 2005.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C-Sunday Sales License Number (1941-2004 SS) in the name of Thunderbird Lanes, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS and TAMS trained and that the Licensee provide proof of training to the Troy Police Department within ninety (90) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

**Vote on Amendment**

Resolution #2005-02-071

Moved by Beltramini

Seconded by Lambert

RESOLVED, That the Resolution be **AMENDED** by **INSERTING** after ninety (90) days, "all new employees will be TIPS and TAMS trained prior to serving alcohol".

Yes: All-6  
No: None  
Absent: Howrylak

### Vote on Amended Resolution

Resolution #2005-02-072  
Moved by Stine  
Seconded by Eisenbacher

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively; and

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 16, 2005 for the following licensed establishment:

Name: Thunderbird Lanes, Inc. (dba: Thunderbird Lanes)  
Address: 400 West Maple Road, 48084  
License No.: Class C - Sunday Sales (1941-2004 SS)

and having found violation of the following codes and/or regulations; SALE TO MINOR (Compliance Test), March 23, 2004; and

WHEREAS, This licensee has had no prior violations; and

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 16, 2005.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C-Sunday Sales License Number (1941-2004 SS) in the name of Thunderbird Lanes, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS and TAMS trained, that the Licensee provide proof of training to the Troy Police Department within ninety (90) days, and all new employees will be TIPS and TAMS trained prior to serving alcohol; a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Yes: All-6  
No: None  
Absent: Howrylak

**(b) Ichibang (dba: Ichibang)**

Resolution #2005-02-073  
Moved by Stine  
Seconded by Beltramini

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively; and

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 16, 2005 for the following licensed establishment:

Name: Ichibang (dba: Ichibang)  
Address: 1129 East Long Lake Road, 48085  
License No.: Class C - Sunday Sales (125216-2004 SS)

and having found violation of the following codes and/or regulations; SALE TO MINOR (Compliance Test), March 23, 2004; and

WHEREAS, This licensee has had no prior violations; and

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 16, 2005.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C License Number (125216-2004 SS) in the name of Ichibang, in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS and TAMS trained and that the Licensee provide proof of training to the Troy Police Department within thirty (30) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Yes: All-6  
No: None  
Absent: Howrylak

**(c) GBD, Inc. (dba: Franco's Cafe)**

Resolution  
Moved by Stine  
Seconded by Beltramini

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively; and

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license not be renewed after a Public Hearing on Wednesday, February 16, 2005, for the following licensed establishment:

Name: GBD, Inc. (dba: Franco's Cafe)  
Address: 3614 Rochester Road, 48083  
License No.: Class C (6886-2004 SS)

and, having found violation for the following codes and/or regulations: SALE TO MINOR - (Compliance Test) on April 16, 2004; and

WHEREAS, This licensee had prior violations dated November 6, 1998 - Sale to Minor (Compliance Insp.) and on October 18, 1995 - Sale to Minor; and

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 16, 2005.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is recommended to the Michigan Liquor Control Commission that Class C License Number 6886-2004 SS in the name of GBD, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that the Licensee follow the regular TIPS and TAMS recertification schedule for all employees serving alcohol; and that a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

#### **Vote on Amendment**

Resolution #2005-02-074  
Moved by Stine  
Seconded by Beltramini

RESOLVED, That the Resolution be **AMENDED** by **STRIKING** "that the Licensee follow the regular TIPS and TAMS recertification schedule for all employees serving alcohol" and **INSERTING**, "that all employees be TIPS and TAMS trained annually and that all new employees will be TIPS and TAMS trained prior to serving alcohol".

Yes: All-6  
No: None  
Absent: Howrylak

#### **Vote on Amended Resolution**

Resolution #2005-02-075  
Moved by Stine  
Seconded by Beltramini

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively; and

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license not be renewed after a Public Hearing on Wednesday, February 16, 2005, for the following licensed establishment:

Name: GBD, Inc. (dba: Franco's Cafe)  
 Address: 3614 Rochester Road, 48083  
 License No.: Class C (6886-2004 SS)

and, having found violation for the following codes and/or regulations: SALE TO MINOR - (Compliance Test) on April 16, 2004; and

WHEREAS, This licensee had prior violations dated November 6, 1998 - Sale to Minor (Compliance Insp.) and on October 18, 1995 - Sale to Minor; and

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 16, 2005.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is recommended to the Michigan Liquor Control Commission that Class C License Number 6886-2004 SS in the name of GBD, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS and TAMS trained annually and that all new employees will be TIPS and TAMS trained prior to serving liquor; and that a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Yes: All-6  
 No: None  
 Absent: Howrylak

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**2.0 Liquor Violations (Class SDD/SDM): (a) Rite Aid of Michigan, Inc. (dba: Rite Aid Discount Pharmacy #4268); (b) K-Mart Corporation (dba: K-Mart #4082); (c) Troy Paradise, Inc. (dba: Troy Paradise Party Store)**

**(a) Rite Aid of Michigan, Inc. (dba: Rite Aid Discount Pharmacy #4268)**

Resolution  
 Moved by Eisenbacher  
 Seconded by Beltramini

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively; and

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license not be renewed after a Public Hearing on Wednesday, February 16, 2005, for the following licensed establishment:

Name: Rite Aid of Michigan, Inc. (dba: Rite Aid Discount Pharmacy #4268)  
Address: 3986 John R, 48083  
License No.: SDD (11763-2004-SS) / SDM (4339-2004)

and, having found violation for the following codes and/or regulations: SALE TO MINOR - (Compliance Test) on June 30, 2004; and

WHEREAS, This licensee has had prior violations dated: July 11, 2003 – Sale to Minor (MLCC Compliance Test); February 28, 2002 - Sale to Minor (Compliance Test); April 24, 2001 – Sale to Minor (Compliance Test); October 27, 1999 – Sale to Minor (Compliance Test); October 28, 1998 – Sale to Minor (Compliance Insp.); December 9, 1996 – Sale to Minor (Compliance Insp.); and

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 16, 2005.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is recommended to the Michigan Liquor Control Commission that SDD License Number 11763-2004-SS and SDM License Number 4339-2004 in the name of Rite Aid of Michigan, Inc. in the City of Troy, **NOT BE REVOKED** because the infraction has already be adjudicated by the state with the **STIPULATION** that TIPS and TAMS or Rite Aid's training be given to all employees on a bi-annual basis, that the management employees of Rite Aid Discount Pharmacy #4268 be given the same training as its employees on a bi-annual basis, that the Manager on duty will assist with all alcohol sales for a period of one year to verify that the customer is of an appropriate age to purchase alcohol, and that the monthly audit of the age verification machine currently in place will instead be conducted on a bi-monthly basis; and that a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

### Vote on Amendment

Resolution #2005-02-076  
Moved by Beltramini  
Seconded by Lambert

RESOLVED, That the Resolution be **AMENDED by INSERTING**, "that the Licensee provide proof of TAMS or Rite Aid's training to the Troy Police Department within thirty (30) days of each training" **BEFORE** "and that a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Yes: All-6  
No: None  
Absent: Howrylak

**Vote on Amendment**

Resolution #2005-02-077  
Moved by Beltramini  
Seconded by Broomfield

RESOLVED, That the Resolution be **AMENDED by INSERTING**, "that a copy of the Rite Aid Discount Pharmacy #4268 employee manual will be delivered to the Troy Police Department no later than April 1, 2005 and a letter from Rite Aid's upper management will be forwarded to the Troy Police Department stating what policy changes are being made at Rite Aid Discount Pharmacy #4268 in order to comply with the provisions of this resolution" **BEFORE** "and that a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Yes: All-6  
No: None  
Absent: Howrylak

**Vote on Amended Resolution**

Resolution #2005-02-078  
Moved by Eisenbacher  
Seconded by Beltramini

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively; and

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license not be renewed after a Public Hearing on Wednesday, February 16, 2005, for the following licensed establishment:

Name: Rite Aid of Michigan, Inc. (dba: Rite Aid Discount Pharmacy #4268)  
Address: 3986 John R, 48083  
License No.: SDD (11763-2004-SS) / SDM (4339-2004)

and, having found violation for the following codes and/or regulations: SALE TO MINOR - (Compliance Test) on June 30, 2004; and

WHEREAS, This licensee has had prior violations dated: July 11, 2003 – Sale to Minor (MLCC Compliance Test); February 28, 2002 - Sale to Minor (Compliance Test); April 24, 2001 – Sale to Minor (Compliance Test); October 27, 1999 – Sale to Minor (Compliance Test); October 28, 1998 – Sale to Minor (Compliance Insp.); December 9, 1996 – Sale to Minor (Compliance Insp.); and

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 16, 2005.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is recommended to the Michigan Liquor Control Commission that SDD License Number 11763-2004-SS and SDM License Number 4339-2004 in the name of Rite Aid of Michigan, Inc. in the City of Troy, **NOT BE REVOKED** because the infraction has already be adjudicated by the state with the **STIPULATION** that TIPS and TAMS or Rite Aid's training be given to all employees on a bi-annual basis, that the management employees of Rite Aid Discount Pharmacy #4268 be given the same training as its employees on a bi-annual basis, that the Manager on duty will assist with all alcohol sales for a period of one year to verify that the customer is of an appropriate age to purchase alcohol, that the monthly audit of the age verification machine currently in place will instead be conducted on a bi-monthly basis, that the Licensee provide proof of TAMS or Rite Aid's training to the Troy Police Department within thirty (30) days of each training, and that a copy of the Rite Aid Discount Pharmacy #4268 employee manual will be delivered to the Troy Police Department no later than April 1, 2005 and a letter from Rite Aid's upper management will be forwarded to the Troy Police Department stating what policy changes are being made at Rite Aid Discount Pharmacy #4268 in order to comply with the provisions of this resolution; and that a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Yes: All-6  
 No: None  
 Absent: Howrylak

The meeting **RECESSED** at 9:43 pm.

The meeting **RECONVENED** at 9:51 pm.

**(b) K-Mart Corporation (dba: K-Mart #4082)**

Resolution #2005-02-079  
 Moved by Eisenbacher  
 Seconded by Lambert

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively; and

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license not be renewed after a Public Hearing on Wednesday, February 16, 2005, for the following licensed establishment:

Name: K-Mart Corporation (dba: K-Mart #4082)  
 Address: 100 E. Maples, 48083  
 License No.: SDM (8174-2004)

and, having found violation for the following codes and/or regulations: SALE TO MINOR - (Compliance Test) on June 30, 2004; and

WHEREAS, This licensee has had prior violations dated: May 17, 2001 – Sale to Minor (Compliance Test); July 25, 2000 – Sale to Minor (Compliance Test); October 28, 1998 – Sale to Minor (Compliance Insp.); and

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 16, 2005.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is recommended to the Michigan Liquor Control Commission that SDM License Number 8174-2004 in the name of K-Mart Corporation in the City of Troy, **NOT BE REVOKED**; and that a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Yes: All-6  
 No: None  
 Absent: Howrylak

**(c) Troy Paradise, Inc. (dba: Troy Paradise Party Store)**

Resolution  
 Moved by Stine  
 Seconded by Lambert

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively; and

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license not be renewed after a Public Hearing on Wednesday, February 16, 2005, for the following licensed establishment:

Name: Troy Paradise, Inc. (dba: Troy Paradise Party Store)  
 Address: 5945 John R, 48085  
 License No.: SDD (115945-2004 SS)

and, having found violation for the following codes and/or regulations: SALE TO MINOR - (Compliance Test) on November 21, 2004; and

WHEREAS, This licensee has had a prior violation dated: March 24, 2003; and

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 16, 2005.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is recommended to the Michigan Liquor Control Commission that SDD License Number 115945-2004 SS in the

name of Troy Paradise, Inc. in the City of Troy, **NOT BE REVOKED** with the **STIPULATION** that the Licensee be TIPS and TAMS trained and certified annually, and that the Licensee provide proof of training to the Troy Police Department within thirty (30) days; and that a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

### Vote on Amendment

Resolution #2005-02-080  
Moved by Broomfield  
Seconded by Beltramini

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, “that the Licensee purchase an age verification machine and require identification for all customers purchasing alcohol” **BEFORE** “and that a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.”

Yes: All-6  
No: None  
Absent: Howrylak

### Vote on Amended Resolution

Resolution #2005-02-081  
Moved by Stine  
Seconded by Lambert

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively; and

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license not be renewed after a Public Hearing on Wednesday, February 16, 2005, for the following licensed establishment:

Name: Troy Paradise, Inc. (dba: Troy Paradise Party Store)  
Address: 5945 John R, 48085  
License No.: SDD (115945-2004 SS)

and, having found violation for the following codes and/or regulations: SALE TO MINOR - (Compliance Test) on November 21, 2004; and

WHEREAS, This licensee has had a prior violation dated: March 24, 2003; and

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 16, 2005.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is recommended to the Michigan Liquor Control Commission that SDD License Number 115945-2004 SS in the name of Troy Paradise, Inc. in the City of Troy, **NOT BE REVOKED** with the **STIPULATION** that the Licensee be TIPS and TAMS trained and certified annually, that the Licensee provide proof of training to the Troy Police Department within thirty (30) days, and that the Licensee purchase an age verification machine and require identification for all customers purchasing alcohol; and that a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Yes: All-6  
No: None  
Absent: Howrylak

The meeting **ADJOURNED** at 10:26 pm.

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Louise E. Schilling, Mayor

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Barbara A. Holmes, CMC  
Deputy City Clerk

A Regular Meeting of the Troy City Council was held Monday, February 21, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:32 PM.

Hindu High Priest Ramachandra Bhat – Bharatyia Temple 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 Presentations: No Presentations

## CARRYOVER ITEMS:

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B-1 No Carryover Items

## PUBLIC HEARINGS:

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C-1 No Public Hearings Requested

## POSTPONED ITEMS:

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D-1 Postponed Item (From January 24, 2005) – Rezoning Application – West Side of Rochester Road, South of Trinway, Section 10 – R-1C to R-1T (Z 699)

Resolution #2005-02-082

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.

Yes: Schilling, Beltramini, Eisenbacher,

No: Broomfield, Howrylak, Lambert, Stine

## MOTION FAILED

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**CONSENT AGENDA:**

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

Resolution #2005-02-083  
Moved by Beltramini  
Seconded by Stine

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

Yes: All-7

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**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 #2005-02-083-E-2

RESOLVED, That the Minutes of the Regular Meeting of February 7, 2005 at 7:30 PM be **APPROVED** as corrected.

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

Resolution #2005-02-083-E-3

RESOLVED, That the following City of Troy Proclamation be **APPROVED**:

(a) George D. Goodman – Retirement from the Michigan Municipal League

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**E-4 Acceptance of Permanent Easements and Warranty Deed from Brentwood Land Development, LLC – Wattles Ridge Site Condominiums – Sidwell #88-20-23-100-003, 004, 041, 046, 063 and 071**

Resolution #2005-02-083-E-4

RESOLVED, That the Warranty Deed for the proposed Burns Drive right-of-way and Permanent Easements for Sanitary Sewer and Storm Sewer from Brentwood Land Development, LLC, having Sidwell #88-20-23-100-003, 004, 041, 046, 063 & 071, are hereby **ACCEPTED**; and

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

**E-5 Standard Purchasing Resolution 4: Oakland County Cooperative Purchasing Agreements – Fleet Vehicles**

Resolution #2005-02-083-E-5

RESOLVED, That contracts to provide fleet vehicles from Buff Whelan Chevrolet, Red Holman Pontiac GMC and Slingerland Dodge are hereby **APPROVED** through Oakland County Cooperative Purchasing Agreements at an estimated total cost of \$86,680.00.

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**E-6 Standard Purchasing Resolution 1: Bid Award – Sole Bidder – Troy Daze Amusement Rides**

Resolution #2005-02-083-E-6

RESOLVED, That a contract to provide three (3) year requirements of Amusement Rides for the Troy Daze/Magic of Fall Festival is hereby **AWARDED** to the sole bidder, Arnold Amusements, Inc. of Traverse City, MI, at a 40% rate of return on gross ride receipts and in accordance with the bid proposal opened February 2, 2005, 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 properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements.

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**E-7 Private Agreement for Oakwood Sanitary Extension – Project No. 04.404.3**

Resolution #2005-02-083-E-7

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

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**E-8 Private Agreement for 2597 E. Big Beaver – Sanitary Extension – Project No. 04.405.3**

Resolution #2005-02-083-E-8

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

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**E-9 Approval of Conditioned Purchase Agreement for Right-of-Way: Sidewalk Gap Project, Sidwell #88-20-01-101-022, 1094 E. South Boulevard, John D. Anderson and Judith A. Anderson**

Resolution #2005-02-083-E-9

RESOLVED, That the Agreement to Purchase between John D. Anderson and Judith A. Anderson, owner of the property having Sidwell # 88-20-01-101-022, and the City of Troy, for the acquisition of right-of-way for a Sidewalk Gap Completion Project is **APPROVED** in the amount of \$23,400.00, plus closing costs.

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**E-10 Public, Education, Government (PEG) Fees Distribution**

Resolution #2005-02-083-E-10

RESOLVED, That the City of Troy hereby **ALLOCATES** one-half of the approximate \$139,600 proceeds from cable television providers allotted to Public Access to Community Media Network (CMN) for operation of a public access facility, with the remaining one-half to be used for the government access channel (WTRY).

BE IT FURTHER RESOLVED, That Troy's funding allocation will be **CONTINGENT** upon a contract being renewed by the ICCA and CMN which has a term ending December 31, 2007.

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**E-11 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**

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

Resolution #2005-02-083-E-11a

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.

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

Resolution #2005-02-083-E-11b

RESOLVED, That Preliminary Site Plan Approval for a proposed 120-bed nursing home, located on the southeast corner of South Boulevard and Livernois Road within Section 3, in the O-1 and R-1B Zoning Districts, being approximately 3.78 acres in size, is hereby **APPROVED**, as recommended by the Planning Commission and City Management.

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**E-12 Interagency Agreement with Wayne County for the Local Sanitary Sewer Improvements to Reduce Sanitary Sewer Overflows (SSOs) in the Evergreen Farmington System Project**

Resolution #2005-02-083-E-12

WHEREAS, The City of Troy applied for and received a Certificate of Coverage from the Michigan Department of Environmental Quality for the Watershed Based Storm Water Permit; and

WHEREAS, The goal of identifying and eliminating sanitary sewer overflows (SSO) in the Evergreen Farmington Sewer District was listed as part of the efforts to restore the Rouge River in the Storm Water Pollution Prevention Initiative of the Watershed Based Storm Water Permit; and

WHEREAS, The City of Troy obtained grant funding for the local sanitary sewer improvements to reduce SSOs in the Evergreen Farmington System from the Rouge River National Wet Weather Demonstration Project and Wayne County.

NOW, THEREFORE, BE IT RESOLVED, That the agreement between Wayne County and the City of Troy for the Rouge SSO Grant is hereby **APPROVED** with the City share being \$315,000 of the total \$525,000 project cost. The City of Troy's share would be funded by the Capital Sewer account and the Mayor and the City Clerk are hereby **AUTHORIZED TO EXECUTE** the Interagency Agreement documents.

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**E-13 Education and Training Budget for City Council**

a) **Travel Authorization and Approval to Expend Funds for Troy City Council Member Lambert's Travel Expenses - National League of Cities Congress of Cities Conference and National League of Cities Leadership Summit**

Resolution # 2005-02-083-E-13a

RESOLVED, That Council Member Lambert is **AUTHORIZED** to attend the National League of Cities 2005 Congress of Cities Conference in Charlotte, NC from December 6-10, 2005 and the National League of Cities Leadership Summit in Cambridge, MA from August 25-27, 2005 in accordance with accounting procedures of the City of Troy.

- b) **Travel Authorization and Approval to Expend Funds for Troy City Council Member Beltramini's Travel Expenses - National League of Cities Congress of Cities Conference, the Power of Democratic Governance Leadership Training Conference, the Summer Meeting of the Democratic Governance Transition Panel, and May Meeting of the FAIR Committee**

Resolution # 2005-02-083-E-13b

RESOLVED, That Council Member Beltramini is **AUTHORIZED** to attend the National League of Cities 2005 Congress of Cities Conference in Charlotte, NC from December 6-10, 2005, the Power of Democratic Governance Leadership Training Seminar from April 21-23, 2005 in New Orleans, LA and a summer meeting of the NLC Democratic Governance Transition Panel (on a date and at a location to be determined) and the May meeting of the NLC Finance and Intergovernmental Relations Committee meeting (on a date and at a location to be determined) in accordance with accounting procedures of the City of Troy.

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**E-14 Sole Source – Nuisance Goose Control Services for Sanctuary Lake and Sylvan Glen Golf Courses**

Resolution #2005-02-083-E-14

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 three years providing nuisance goose control services at Sylvan Glen Golf Course and provided services at Sanctuary Lake for 2004; 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 Department of Natural Resources (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.

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

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**REGULAR BUSINESS:**

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**F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No appointments made; b) City Council Appointments: Municipal Building Authority****(b) City Council Appointments**

Resolution #2005-02-084  
Moved by Beltramini  
Seconded by Lambert

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

**Municipal Building Authority**

Appointed by Council (5) – 3 years

Frank Shier

Term expires 01-31-2008

Yes: All-7

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**F-2 Load Restrictions**

Resolution #2005-02-085  
Moved by Eisenbacher  
Seconded by Stine

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.

Yes: All-7

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**F-3 Scheduling of Study Session for the Purpose of Discussing an Ethics Policy**

Resolution  
Moved by Broomfield  
Seconded by Beltramini

RESOLVED, That a study session is **SCHEDULED**, for the purpose of discussing an ethics policy, in the Council Boardroom of Troy City Hall, 500 W. Big Beaver, Troy, Michigan on Wednesday, March 2, 2005 at 7:30 p.m.

**Vote on Resolution to Postpone**

Resolution #2005-02-086  
 Moved by Beltrami  
 Seconded by Broomfield

RESOLVED, That the "Scheduling of Study Session for the Purpose of Discussing an Ethics Policy" be **POSTPONED** to the Regular City Council meeting scheduled for February 28, 2005 to provide City Management with the opportunity to assemble additional available dates and times between the dates of February 28, 2005 and June 30, 2005 to schedule a study session.

Yes: All-7

**F-4 Rules of Procedure – Proposed Amendments**

Resolution #2005-02-087  
 Moved by Beltrami  
 Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AMENDS** City Council's Rules and Procedures as proposed by Council Member Beltrami and as discussed by City Council and further amended on February 21, 2005 including **STREAMLINING** all references to "Public Comment" into Article 15; **RENUMBERING** "SPECIAL MEETINGS" from Article 7 to Article 3; **STRIKING** "Regular" under Article 9. MINUTES (a); **STRIKING** "consensus of the City Council" and **INSERTING** "majority vote of City Council members elect" in the last bullet point under Article 15; **STRIKING** "12. F" and **INSERTING** "11. F" under 7. REGULAR BUSINESS; and **ADJUSTING** the numbering configuration as required.

Yes: All-7

The meeting **RECESSED** at 9:20 pm.

The meeting **RECESSED** at 9:31 pm.

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:****G-1 Announcement of Public Hearings:**

- a) Zoning Ordinance Text Amendment for Section 03.21, Procedure (ZOTA 210) – February 28, 2005
- b) Zoning Ordinance Text Amendment for Section 04.20 Definitions, Section 22.30 Uses Permitted Subject to Special Use Approval – B-3 District, Section 28.25 Conditional Uses Permitted – M-1 District (ZOTA 209) – February 28, 2005  
 Noted and Filed

**G-2 Green Memorandums:**

- a) Snow Emergency Ordinance  
 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 Mayor Louise Schilling Requested to Discuss Modification of the April 19, 2004 Resolution Regarding Campaign Finance Statements on Web Page**

#### **Vote on Resolution to Postpone**

Resolution #2005-02-088  
 Moved by Beltramini  
 Seconded by Howrylak

RESOLVED, That "Modification of the April 19, 2004 Resolution Regarding Campaign Finance Statements on the Web Page" be **POSTPONED** until the Regular City Council meeting scheduled for Monday, February 28, 2005.

Yes: All-7

## **COUNCIL COMMENTS:**

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**I-1 No Council Comments Advanced**

## **REPORTS:**

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

- a) Downtown Development Authority/Final – September 15, 2004
- b) Troy Ethnic Issues Advisory Board/Final – October 5, 2004
- c) Advisory Committee for Persons with Disabilities/Draft – December 1, 2004
- d) Advisory Committee for Persons with Disabilities/Final – December 1, 2004
- e) Advisory Committee for Senior Citizens/Final – December 2, 2004
- f) Library Board/Final – December 9, 2004
- g) Liquor Advisory Committee/Final – December 13, 2004
- h) Troy Ethnic Issues Advisory Board/Draft – January 4, 2005
- i) Library Board/Draft – January 13, 2005
- j) Troy CAC Advisory Committee/Draft – January 19, 2005
- k) Planning Commission Special/Study/Draft – January 25, 2005
- l) Troy Daze Advisory Committee/Draft – January 25, 2005
- m) Building Code Board of Appeals/Draft – February 2, 2005
- n) Advisory Committee for Senior Citizens/Draft – February 3, 2005
- o) Library Board/Draft – February 4, 2005
- p) Liquor Advisory Committee/Draft – February 14, 2005
- q) Liquor Advisory Committee/Draft – February 16, 2005

Noted and Filed

**J-2 Department Reports:**

- a) Building and Zoning – Permits Issued During the Month of January, 2005
  - b) City Council Expense Report – December, 2004
  - c) Monthly Financial Report – January, 2005
  - d) Council Member Beltramini's Report from the National League of Cities Congress of Cities and Exposition, November 30 – December 4, 2004, Indianapolis, IN
  - e) Mayor Louise Schilling Requested That *The High Performance Governing Body Report* Be Resubmitted to Council on the February 21, 2005 Agenda  
Noted and Filed
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**J-3 Letters of Appreciation:**

- a) Letter to Tim Richnak from Mr. Tom Strat, Thanking Janet Kidd and Dominic Mauro for Their Efforts to Resolve a Water Leak in His Office Building on Crooks
  - b) Letter to Chief Craft from Lieutenant Colonel L. E. Reynolds, United States Marine Corps, Thanking the Troy Police Department for Assistance During a Funeral Procession
  - c) Letter to Jeanette Bennett from Jean Farris, Michigan Public Purchasing Officers Association, Thanking Her for Her Help with the 2005 Regional Conference
  - d) Letter to Chief Nelson from Randy and Linda Cunningham, Thanking Lieutenant Riesterer, Assistant Chief Allen, Captain Godlewski, Lieutenant C. Roberts, Staff Lieutenant Matlick, and Firefighters R. Bittner, J. Haney, G. Lanctot, M. Leavitt, S. Murphy, K. St. Cyr, P. White and T. Wren for the "Dining with the Fire Department" Evening at Station 3
  - e) Letter to Chief Craft from Christina Barney, Health Education Department – Boulan Park Middle School, Thanking Officer Kaptur for Her Presentation About Drugs
  - f) Letter to Carla Vaughan from Representative Robert Gosselin, Commending Her for the City of Troy Senior Citizens Program  
Noted and Filed
- 

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

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**J-5 Calendar**Noted and Filed

---

**J-6 MDOT Response to Correspondence from David Krall of White Chapel Cemetery**Noted and Filed

---

**J-7 Community Media Network (CMN) Draft Contract**Noted and Filed

---

**J-8 Preliminary Planned Unit Development Review (Public Input Meeting) – PUD-004 ("The Monarch") – North Side of Big Beaver Road, East of Alpine and West of McClure, Section 20**Noted and Filed

---

**STUDY ITEMS:**

---

K-1 No Study Items Submitted

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

**CLOSED SESSION:**

---

L-1 Closed Session

Resolution #2005-02-089

Moved by Eisenbacher

Seconded by Lambert

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

Yes: All-7

The meeting **RECESSED** at 10:37 p.m.

The meeting **RECONVENED** at 11:04 p.m.

The meeting **ADJOURNED** at 11:05 p.m.

---

Louise E. Schilling, Mayor

---

Tonni L. Bartholomew, MMC  
City Clerk

February 22, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – REQUEST FOR APPROVAL TO PAY  
RELOCATION CLAIM – MAURICE DAVID FREED  
O’RILLEY BUILDING – 2780 ROCHESTER ROAD

In compliance with Michigan Laws and Federal Guidelines, business displaced by a public project are entitled to Relocation Benefits that include payments for actual reasonable moving costs, plus actual reasonable expenses to reestablish the business, and payment for actual reasonable expenses to search for a replacement property.

Attached is a copy of a “Relocation Claim” for moving expenses and reestablishment expenses filed by Maurice Freed, former owner of the O’Rilley Building and several of the businesses that were located in the building. The businesses owned by Mr. Freed include Freed Agency, Lawyer’s Help Investigations, O’Rilley Investment, MDF, PLLC, and CMI Educational & Brokerage Services. All of them have relocated and the building has been demolished.

Therefore, the Real Estate & Development Department requests approval to pay the attached claim in the amount of \$16,640 to Maurice David Freed. The funds will come from the Downtown Development Authority (DDA) budget for land acquisition.

REQUEST FOR APPROVAL TO PAY RELOCATION CLAIM  
MAURICE DAVID FREED - O'RILLEY BUILDING – 2780 ROCHESTER ROAD

RESOLVED, that as required by Michigan Laws and Federal Guidelines, the City Council of the City of Troy hereby authorizes payment for relocation benefits in the amount of \$16,640, to Maurice David Freed on behalf of Freed Agency, Lawyer's Help Investigations, O'Rilley Investment, MDF, PLLC, and CMI Educational & Brokerage Services.

**RELOCATION CLAIM  
BUSINESS/NON-PROFIT/FARM**

Information required by Act 31, P.A. 1970 as amended, and Act 277  
P.A. of 1972, to process payment.

CLAIMANT'S NAME: Maurice David Freed (Freed Agency, Lawyer's Help Investigations, O'Riley Investment, MDF, PLLC) &

MAILING ADDRESS: CMI Educational & Brokerage Services

ACQUIRED PROPERTY 2780 Rochester Road  
ADDRESS AND PHONE: Troy, MI 48083

REPLACEMENT PROPERTY 510 Sunrise, Clarkston, MI 48348  
ADDRESS AND PHONE: (248) 627-8167

**CONTROLLING DATES**

Date of first written offer: 09/12/03

Date of final acquisition payment:

Date of move:

Date move verified:

Claim must be filed by 18 months after date of move or final payment, whichever is later.

Date:

Listed below are relocation payments claimed in accordance with Act 31, PA 1970 as amended. For further information, please refer to the booklet "Your Rights and Benefits When Displaced by a Transportation Project".

Owner       Tenant  
 Business       Farm       Non-profit       Landlord       Government

Moving Expenses	\$	6,640.00
Reestablishment Expenses	\$	10,000.00
Fixed Payment ("In Lieu Of")	\$	0.00
<b>AMOUNT DUE:</b>		<b>\$ 16,640.00</b>

I/We agree payment will be sent to: 843 Penniman Avenue, Plymouth, MI 48170

I/We Certify that:

1. All information submitted is true and correct.
2. I/We have not submitted any other claim, or received reimbursement from any other source, for expenses itemized on this claim.
3. I/We have vacated or will vacate the state acquired property.
4. I/We am/are a legal resident of the United States

*Maurice David Freed* 2-16-05      *Ken Harrison* 2-16-05  
Claimant's Signature      Maurice David Freed      Claimant's Signature      Ken Harrison      Date

I Certify that I have examined this claim and the substantiating documentation and have found it to conform to the applicable State and Federal Laws and the operating procedures of the Michigan Department of Transportation.

RECOMMENDED BY: *Patricia A. Pettitt*      DATE: 2-21-05  
APPROVED BY:      DATE:

REMARKS:  
Check should be made payable to: Maurice Freed & Kenneth Harrison, his attorney

CONTROL SECTION:	PARCEL:	NAME:
JOB NUMBER:	FED ITEM NUMBER:	FED PROJECT NUMBER:

## RELOCATION CLAIM CONTINUED BUSINESS/NON-PROFIT/FARM

### MOVING ALLOWANCE (Supported by receipts/documentation)

Professional Move       Self Move       Other: \$5,750 (Moving) + \$150 + \$740

Moving Cost (Per moving company bill or estimate) \$ 6,640.00

Monthly storage rate \$                      x number of months (limit 12) \$

#### SEARCHING EXPENSES (Not to exceed \$1,000)

(a) Number of hours	x \$	\$	
(b) Number of miles	x \$	\$	
(c) Days lodging	x \$	\$	
(d) Meals		\$	
(e) Other (please explain)		\$	
Total of a, b, c, d, & e:			\$ -0-

**AMOUNT DUE:** \$ 6,640

### REESTABLISHMENT EXPENSES (Supported by receipts/documentation)

1. Printing	\$2,099.90
2. New Sign	\$4,549.52
3. Advertising Expenses	\$3,000.00
4. New Bank Checks	\$346.50
5. Advertising Mailing Costs - \$107.29 reduced to \$4.08 due to \$10,000 limit	\$4.08
6.	
7.	
8.	
<b>AMOUNT DUE (NOT TO EXCEED \$10,000.00):</b>	
	\$ \$10,000.00

#### ELIGIBLE REESTABLISHMENT EXPENSES

1. Repairs or improvements to the replacement real property as required by law, code or ordinance.
2. Modifications to the replacement property to accommodate the business or make the replacement structure suitable to conduct the business.
3. Construction and installation of exterior signs to advertise the business.
4. Provision of utilities from the right-of-way to improvements on replacement site.
5. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.
6. Licenses, fees and permits when not paid as part of moving expenses.
7. Feasibility surveys, soil testing and marketing studies.
8. Advertisement of replacement location.
9. Professional services in connection with purchase or lease of a replacement site.
10. Estimated increased cost of operation during the first 2 years at the replacement site (e.g. rent, utilities, taxes and insurance).
11. Impact fees or one-time assessments for anticipated heavy utility usage.

#### INELIGIBLE REESTABLISHMENT EXPENSES

1. Purchase of capital assets, such as office furniture, filing cabinets, machinery, fixtures, etc.
2. Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
3. Interior or exterior refurbishments at the replacement site which are for aesthetic purposes, except as provided under "Eligible Reestablishment Expenses."
4. Interest on money borrowed to make the move or purchase the replacement property.
5. Payment to a part-time business in the home which does not contribute materially to the household income. "Contribute materially" is defined as having 2 years average annual gross receipts of \$5,000, average annual net earnings of \$1,000, or contributing at least 33 1/3% of the owner's annual gross household income from all sources.
6. Cost of new construction.

### FIXED PAYMENT ("IN LIEU OF") (Supported by documentation)

An eligible business or farm operation which moves or discontinues its operation may elect to receive a fixed payment in the amount equal to the average of two years annual net earnings. An eligible non-profit organization may receive a fixed payment, which is equal to the average of two years annual gross revenue less administrative expenses. A fixed payment shall not be less than \$1,000 nor more than \$20,000, and is in lieu of all other business relocation expenses.

		TOTAL	AVERAGE TOTAL NET EARNINGS	AMOUNT DUE:
\$	+ \$	= \$	divided by 2 = \$	\$ 0.00

A business is eligible for a fixed payment if it:

- owns/rents personal property that must be moved as a result of the displacement,
- cannot be relocated without a substantial loss of existing patronage,
- is not part of a commercial enterprise having more than three other entities not being acquired,
- is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others,
- is not operated at the displacement site solely for the purpose of renting the site to others,
- contributed materially to the income of the displaced person during the two taxable years prior to displacement.

A farm is eligible for a fixed payment if:

- the acquisition of part of the land causes the operator to be displaced from the farm operation on the remaining land, or
- the partial acquisition causes a substantial change in the nature of the farm operation.

A non-profit organization is eligible for a fixed payment if it:

- cannot be relocated without a substantial loss of existing patronage.

A landlord is not eligible for a fixed payment.

DATE: February 22, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Request for Temporary Sales Trailer  
Weston Downs Condominiums

I have received a request from Joseph Maniaci of Mondrian Properties for the placement of a temporary office trailer on the property of the Weston Downs Condominium Development located on the east side of Finch Road, south of Wattles Road. The trailer is intended to be used for a temporary sales office. Their request anticipates the need for the trailer for twelve months.

Section 6.41 (3) of Chapter 47 of the Troy City Code allows the City Council to approve the placement of mobile offices, for use as a sales office, in residential developments for an initial period not to exceed 12 months. Based upon this provision, the petitioner is requesting this item be placed on Council's agenda for consideration.

I have attached a copy of his letter and information showing the proposed location of the trailer for your information.

Prepared by: Mark Stimac, Director of Building and Zoning



Experience the next level.

**RECEIVED**  
FEB 17 2005  
**BUILDING DEPARTMENT**

February 14, 2005

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

Attn: Mark Stimac

Dear Mr. Stimac:

This letter is to respectfully request approval from the City Council for a mobile sales trailer for our Weston Downs project located at Crooks and Wattles. Enclosed for your review is a copy of the site plan and the building permit application.

Thank you for taking the time to review this request. If you have any questions or need any additional information, please feel free to contact me.

Sincerely,



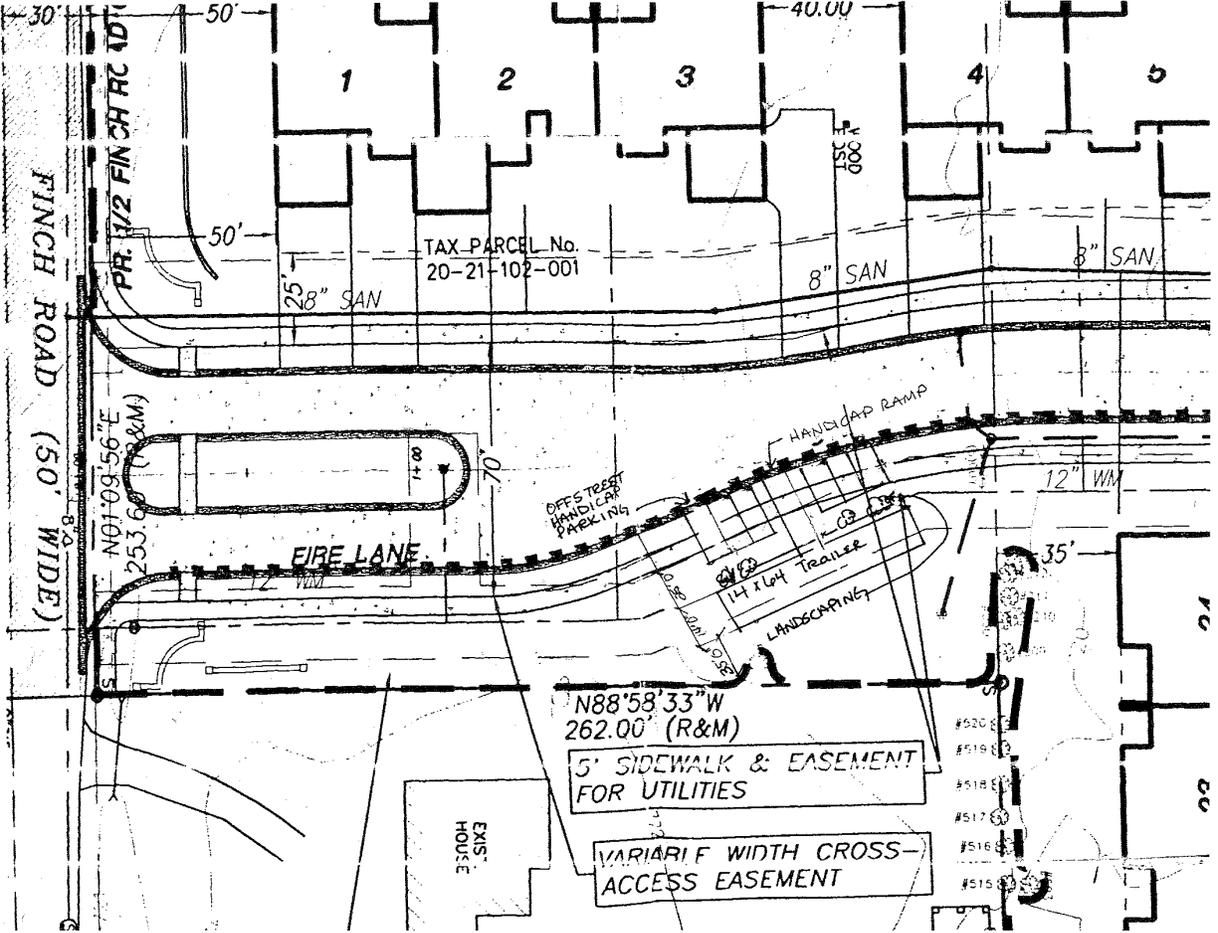
Joseph Maniack  
Managing Member

Cc: File

1111 W. Long Lake Road | Suite 103 | Troy MI 48098  
T. 866.348.4200 | F. 248.833.0247 | [mondrianproperties.com](http://mondrianproperties.com)

DEVELOPMENT | ARCHITECTURE | CONSTRUCTION





FINCH ROAD (50' WIDE)

PR. 1/2 FIN CH RC 1D

TAX-PARCEL No.  
20-21-102-001

FIRE LANE

8" SAN

8" SAN

OFF-TRAIL HANDICAP PARKING

HANDICAP RAMP

12" WM

14' x 14' Treacher

LANDSCAPING

N88°58'33"W  
262.00' (R&M)

5' SIDEWALK & EASEMENT  
FOR UTILITIES

VARIABLE WIDTH CROSS-  
ACCESS EASEMENT

EXIST.  
HOUSE

- #520
- #519
- #518
- #517
- #516
- #515

24  
22

**FINAL**

The Traffic Committee meeting was called to order at 7:30 p.m. in the Lower Level Conference Room at Troy City Hall on July 21, 2004 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. Robert Matlick, Fire Department

And items 3 Dawna May, 6740 Coolidge  
 Wahib Shaker, 2007 Cameo  
 4 Dave Sysko, 4438 Yanich  
 5 & 14 Kevin King, 218 Randall  
 6 Rob Schoenfeldt, 514 Longfellow  
 7 Tom Violante, 2758 Amberly Lane  
 7 Jim Jehle, 2883 Amberly Lane  
 7 Roman Magidenko, 2856 Amberly Lane  
 ? Linda Chisolm, 909 Trinway

**Motion to Excuse****RESOLUTION #TC-2004-07-44**

Motion by Kilmer  
 Seconded by Halsey

To excuse Mr. Solis, Mr. Diefenbaker and Ms. Yau.

YEAS: All-5

NAYS: None

ABSENT: 2

MOTION CARRIED

2. Minutes – May 19, 2004

RESOLUTION #TC-2004-07-45

Motion by Halsey

Seconded by Ziegenfelder

To approve the May 19, 2004 minutes as printed.

YEAS: All-5

NAYS: None

ABSENT: 2

MOTION CARRIED

PUBLIC HEARING

3. Request for Sidewalk Waiver – 6790 Coolidge

Wahib Shaker is requesting a waiver for the sidewalk at 6790 Coolidge. 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.

The Traffic Engineer received a letter (attached) from Marie Couch, Wilfred Warner Jr., and Whitney Couch, 2072 Russet Drive, asking that this waiver request be denied. They reside in the area north of this location and feel the lack of sidewalk continuity is a hardship in their ability to walk to and from the center of Troy.

Mr. Shaker pointed out that the houses to the north and to the south of the subject property don't have sidewalks.

Dawna May, 6740 Coolidge, does not want sidewalks; so is in favor of the waiver. She also represented her neighbor who does not want sidewalks.

RESOLUTION #TC-2004-07-46

Motion by Halsey

Seconded by Kilmer

1. 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, Wahib Shaker 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 6790 Coolidge, which is owned by Wahib Shaker

YEAS: 4

NAYS: 1 (Minnick)

ABSENT: 2

MOTION CARRIED

Mr. Minnick stated that Coolidge between Square Lake and South Blvd. already has about ½ mile of sidewalk on the east side and ¾ mile of sidewalk on the west side. Mr. Minnick voted against the waiver because he feels sidewalks should be required on all major roads and this area should be filled in.

#### REGULAR BUSINESS

4. Install 3-Way STOP Signs at Thurber and Longfellow

This matter was first heard by the committee at the April 21, 2004 meeting. At that time no changes were recommended. City Council has referred the issue back to the committee for reconsideration.

This 3-way intersection is on Longfellow, between Yanich and Rochester Road. Traffic volumes on Longfellow were around 500 in each direction and on Thurber around 300.

Traffic crashes in the vicinity of the intersection include 3 crashes involving parked cars but none at the intersection. All the 3 were hit-and-run crashes where reports were made after damages to the vehicles were noticed.

The Michigan Manual of Uniform Traffic Control Devices states that installation of a multi-way STOP would be warranted under one of the following conditions:

- ❖ *Where traffic signals are warranted and urgently needed, the multi-way STOP is an interim measure that can be installed quickly to control traffic while arrangements are being made for traffic signal installation.*
- ❖ *An accident problem as indicated by five or more reported accidents of the type susceptible to correction by a multi-way STOP during a 12-month period. Such accidents include right and left turn collisions.*
- ❖ *Minimum Traffic Volume – The total vehicular volume entering the intersection from all approaches must average at least 500 vehicles per hour for any eight hours of an average day.*

Traffic crash history and traffic volumes indicated that 4-way STOP sign warrants as mandated by the MMUTCD are not met for this intersection.

Dave Sysko, 4438 Yanich, stated that this was one of the earlier items and that he had no objection to it. Robert Schoenfeld lives on the corner of Longfellow and Tallman, and thinks if any STOP sign is installed, it should be on southbound Thurber, since there are STOP signs at Yanich already to provide a break for Longfellow traffic.

Bill Murray, 528 Longfellow, doesn't think any more STOP signs are justified. He wants to wait and see if the other recently installed signs are effective.

RESOLUTION # TC-2004-07-47

Motion by Minnick

Seconded by Halsey

To recommend installing a STOP sign on southbound Thurber at Longfellow.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

5. Install STOP signs at Thurber and Tallman

Councilwoman Jeanne Stine requested that the Traffic Committee consider this intersection. An earlier committee item recommended a STOP sign at the end of Longfellow at Tallman, and since the intersection of Thurber and Tallman is very similar, she feels that a STOP sign at this location also may help, particularly since it is right across from the school.

This is a three-way intersection with Thurber ending at Tallman. Thurber carries around 360 vehicles in a day, and Tallman in this area carries around 800 vehicles in a day. A traffic crash analysis shows that there have been no reported traffic crashes at this intersection.

Residents of the area pointed out that there is a pedestrian crosswalk close to this intersection and that vehicles tend to make their turns at this corner without stopping, so a STOP sign on Thurber may help pedestrian safety, particularly since it is so close to the elementary school.

RESOLUTION # TC-2004-07-48

Motion by Halsey

Seconded by Kilmer

To recommend installing a STOP sign on Thurber at Tallman.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

6. Establish Parking Restrictions on the East Side of Tallman between Randall and the North School Drive

Councilwoman Jeanne Stine requested that the east side of Tallman from Randall to the north school drive be marked NO PARKING. She reported that with parking allowed on Tallman, she could hardly see oncoming northbound traffic on Tallman when she was trying to turn from Randall. She feels there is definitely a hazard there.

Tallman runs from Eckford to south of Leetonia. The roadway is predominantly straight with a small "kink" near Longfellow. Currently there is no parking allowed on the west side of Tallman.

Observations indicate that there is a pickup truck that parks just south of Longfellow that could cause a slight vision obstruction. Other than that, very few

vehicles were observed parked on Tallman. Also, during school arrival and dismissal times, there were many vehicles stopped on Tallman to pickup/drop students near the school.

Bill Murray, 528 Longfellow, feels there isn't a problem on Tallman.

The traffic engineer reported that he has not received any concerns from Dr. Long, principal of Leonard Elementary School, and that the City has been working closely with the school on school safety.

The school requires the kids to cross Tallman at Longfellow with the assistance of a crossing guard. The crossing guard was employed as a result of a Traffic Committee recommendation while reviewing safety at the school.

Rob Schoenfeldt lives at 514 Longfellow, at the jog in the road, and is against restricting parking. He has five kids and they need to be able to park on the street. Since one side is NO PARKING already, this restriction would deny residents any parking.

He said that according to the principal of Leonard Elementary School, there are many school events during the day, which totally fill up the available parking and cause visitors to park on the school lawn.

Kevin King, 218 Randall, wonders if no parking on both sides might encourage drivers to go faster. Parked cars might cause motorist to slow down and be more careful and that based on majority of resident comments, the parking restriction should not be imposed.

RESOLUTION # TC-2004-07-49

Motion by Ziegenfelder

Seconded by Minnick

To recommend no changes to parking restrictions on Tallman.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

Mr. Halsey asked Lt. McWilliams to recheck the situation in the fall after school starts.

7. Install YIELD or STOP Sign on Evergreen at Amberly

George Bednarik of 2757 Amberly Lane requests either a YIELD or a STOP sign on Evergreen at Amberly. Mr. Bednarik reported that there is a large volume of traffic that enters Evergreen from Adams and traffic does not yield to traffic on Amberly, even though Evergreen dead ends into Amberly at the "T" intersection. He also indicated that a number of non-residents enter Evergreen and turn around to go back out to Adams Road. They do not slow down when they approach the intersection of Evergreen and Amberly, nearly colliding with drivers on Amberly.

Traffic volume studies indicate that there are around 900 vehicles in a day on Amberly north of Evergreen, and around 200 vehicles west of Amberly. Traffic volumes on Troy residential roads range between 80 and 5000 per day. A traffic crash analysis shows that there were no reported traffic crashes at the intersection in the past three years. In 2000 there was a police report regarding minor damage to a parked vehicle on Amberly south of Evergreen. Sight distance studies show no major sight obstructions in the area. The major movement of traffic at the intersection is on eastbound Evergreen to northbound Amberly and southbound Amberly to westbound Evergreen. Observations indicate that some motorists on Evergreen do not yield to traffic on Amberly, particularly when the preceding vehicles also made a left turn at the intersection to go northbound.

Tom Violante, 2758 Amberly, observes a lot of cut-through traffic from Adams to Big Beaver. Many motorists drive into the cul-de-sac thinking that it's a through street and have to turn around to get back out. The Traffic Engineer will request a NO OUTLET sign in that location.

The resident at 2869 thinks that the noise of cars stopping and revving up at the corner will be disturbing.

Jim Jehle, 2883 Amberly, mentioned the three reported incidents (one reported crash) at this location. He said there are approximately 26 elementary-school-age kids in the subdivision, and the STOP sign would help protect them.

Gary Chapman, 2869 Amberly, suggested signs prohibiting turns during rush hour, as is done in Birmingham. He also thinks improving the traffic flow at Adams and Big Beaver would reduce the volume of cut-through traffic in the sub. Mr. Minnick agreed, and suggested keeping eastbound Big Beaver traffic in a single center lane and using the right lane as a dedicated right-turn lane, allowing a right turn on red. Dr. Abraham pointed out that there is heavy traffic volume eastbound on Big Beaver and one of the reasons the intersection was widened was to get more cars through the intersection on every green signal to reduce congestion, and that restricting all eastbound through traffic to one lane may increase congestion on this leg of the intersection. As Adams and Big Beaver are county roads, Dr. Abraham will discuss the matter with the Road Commission for Oakland County.

Mr. Minnick asked if Troy uses NO TURNS and NO THROUGH TRAFFIC signs. Dr. Abraham explained that Troy has not used these signs, primarily since they are virtually unenforceable, and may provide advertisement that there indeed exists a through route. Also, if we set that precedent, every neighborhood would request similar signs.

RESOLUTION # TC-2004-07-50

Motion by Halsey

Seconded by Ziegenfelder

To recommend installing a STOP sign on Evergreen at Amberly.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

8. Install STOP Sign on Rochester Court at Robinwood

Cassandra Bielawski wrote asking the Committee to address some concerns at Rochester Court and Robinwood. There is only one existing STOP sign, and that is on Robinwood Drive where it meets Rochester Court. Traffic coming out of Rochester Court does not yield for the traffic turning off Rochester Road, resulting in their crossing traffic coming off Rochester Road to Robinwood. Traffic trying to enter Rochester Road from Rochester Court backs up, blocking Robinwood.

Often traffic from Rochester cannot see vehicles at the intersection and since this traffic can make either a left or right turn, it becomes confusing, particularly since traffic from Rochester Court does not yield to traffic coming in from Rochester.

The Traffic Committee considered concerns in the area a few years ago. As a result of the Traffic Committee recommendations, the Engineering Department performed an analysis to determine if any engineering improvements could help address some of the concerns. There was a design to provide a right turn lane on Rochester Road when turning into Rochester Court and to increase the width of the roadway between Rochester Road and Robinwood, such that there would be two lanes of traffic in this section provide an exclusive lane for right turns to continue on Rochester Court and a lane for left turns into Robinwood. The project design is complete; however the project has not been funded. The engineer's estimate for the project is around \$50,000.

Rochester Road carries around 16,000 vehicles in a day, while Rochester Court just west of Rochester Road carries around 6000 vehicles in a day. A traffic crash analysis shows that there have been one or two reported crashes in a year for the

past three years. Ms. Bielawski also reports that she witnessed a four-car crash at the intersection recently.

No one appeared to address the committee, but members felt strongly that there are definite hazards at this intersection that can be ameliorated by requiring Rochester Court traffic to stop.

RESOLUTION TC-2004-07-51

Motion by Halsey

Seconded by Ziegenfelder

To recommend installing a STOP sign on Rochester Court at Robinwood.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

RESOLUTION #TC-2004-07-52

Motion by Halsey

Seconded by Ziegenfelder

To recommend installation of DO NOT BLOCK INTERSECTION signs on Rochester Court at Robinwood and on Robinwood at Rochester Court.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

**9. Establish Fire Lanes at 1821 Maplelawn**

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

RESOLUTION # TC-2004-07-53

Motion by Ziegenfelder

Seconded by Halsey

Recommend that the fire lanes/tow away zones shown in the attached sketch be established at 1821 Maplawn.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

RESOLUTION # TC-2004-07-54

Motion by Kilmer

Seconded by Halsey

To remove the remaining four fire lane items from the agenda. Lt. Matlick said they are just maintenance issues for fire lanes that have already been approved, and need no further action by the committee.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

**14. Visitors' Time**

No one else wished to address the committee.

**15. Other Business**

RESOLUTION #TC-2004-07-55

Motion by Halsey

Seconded by Ziegenfelder

To not meet in August, as several members will be on vacation at that time.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

16. Adjourn

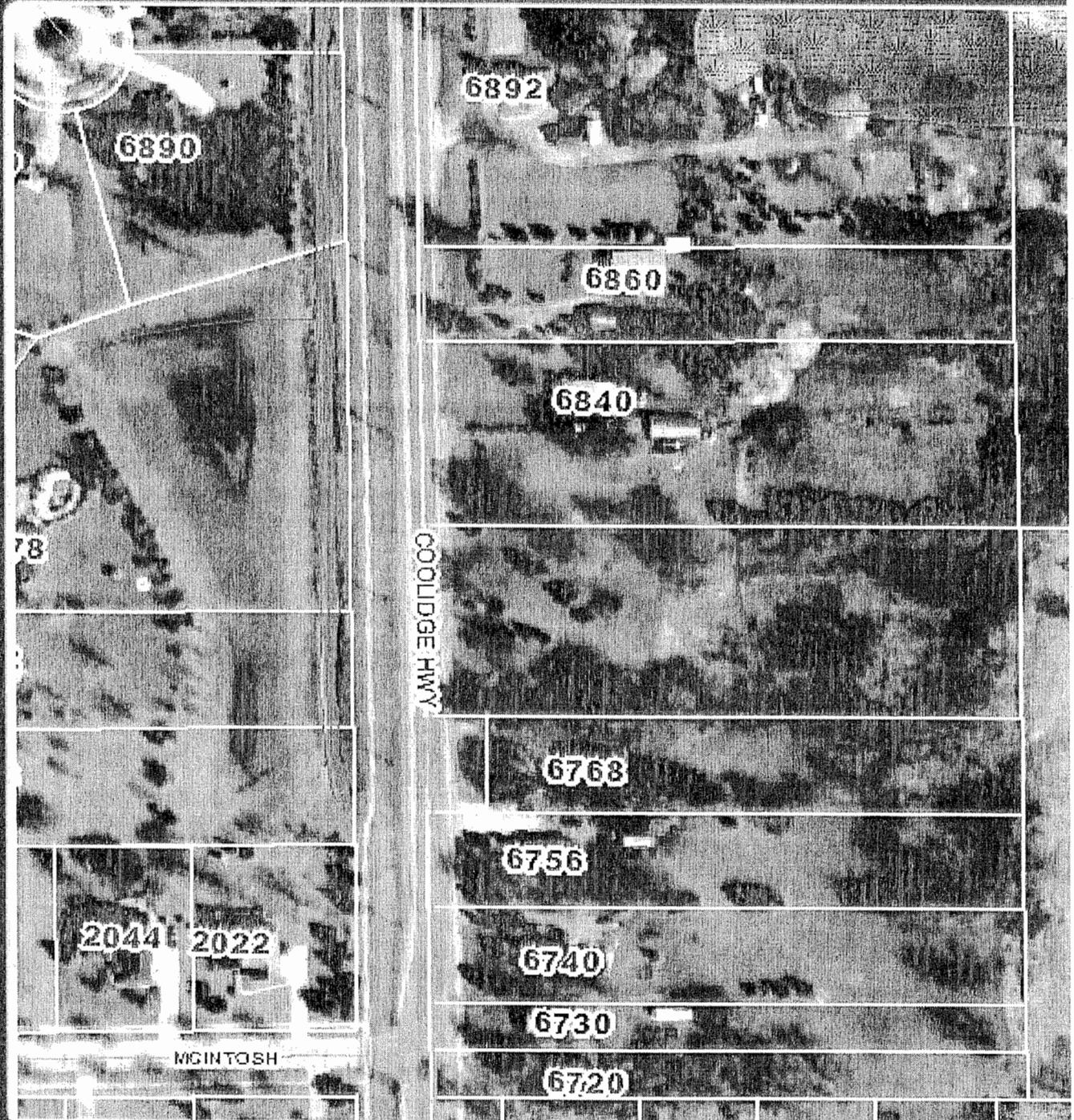
The meeting was adjourned at 8:35 p.m. The next meeting is scheduled for September 15, 2004.

SIGNED: \_\_\_\_\_  
Jan Hubbell, Vice-Chair





# Geographical Information Systems Online



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



May 26, 2004

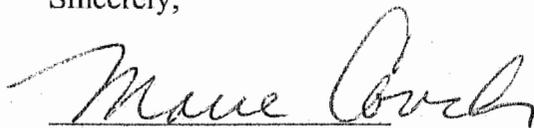
John Abraham  
Traffic Engineering  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

Dear Mr. Abraham,

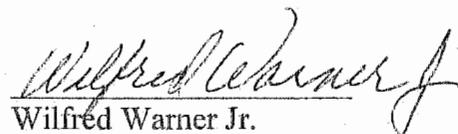
We ask for denial of the request for waiver of sidewalk requirements for 6790 Coolidge.

We reside in the area north of this location and feel this lack of sidewalk continuity is a hardship in our ability to walk to and from the center of Troy.

Sincerely,



Marie Couch  
2072 Russet Drive  
Troy 48098



Wilfred Warner Jr.  
2072 Russet Drive  
Troy 48098



Whitney Couch  
2072 Russet Drive  
Troy 48098

To Whom It May Concern:

We are opposed to having sidewalks put in at 6790 Coolidge Hwy, because no one else has sidewalks on this side of the street!!!

*Shannan Howard*

Sincerely,

*6768 Coolidge*



ALL WAY STOP signs at Thurber at Longfellow

THURBER

LONGFELLOW

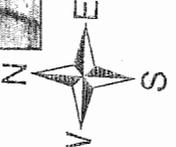
RANDALL

RANDALL CT

HOLLY

YANICH

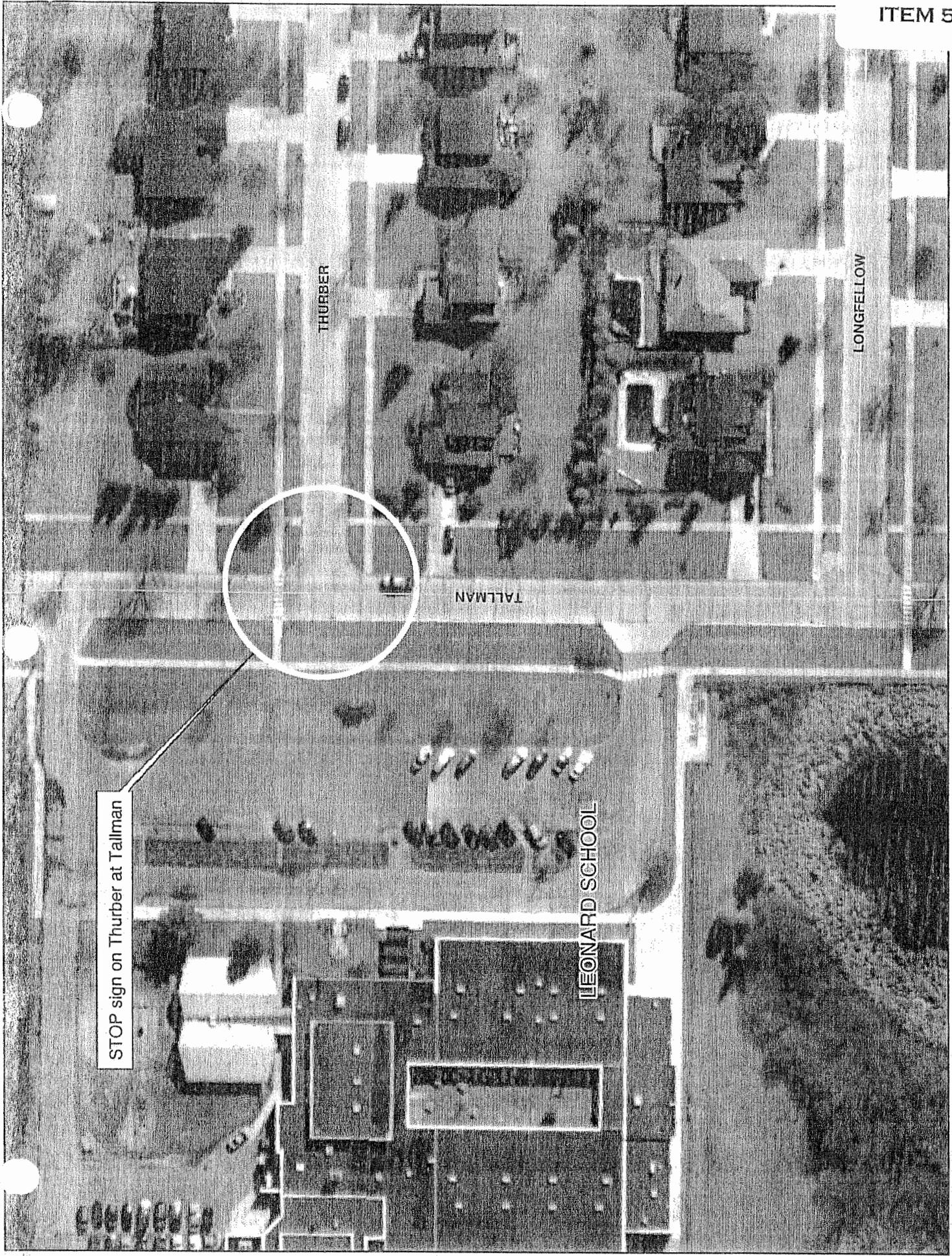
POE



CITY OF TROY  
OAKLAND COUNTY MICHIGAN

1 inch equals 175.1 feet

The information provided by this program has been compiled from records, maps, and other public records and data. It is not legally a cadastral map or survey. Users of this data are hereby notified that no assurance is made as to the accuracy of the information represented and should be consulted for verification.



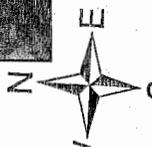
STOP sign on Thurber at Tallman

THURBER

TALLMAN

LONGFELLOW

LEONARD SCHOOL



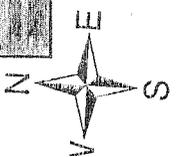


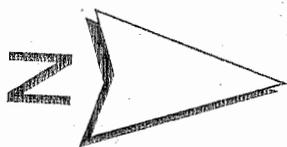
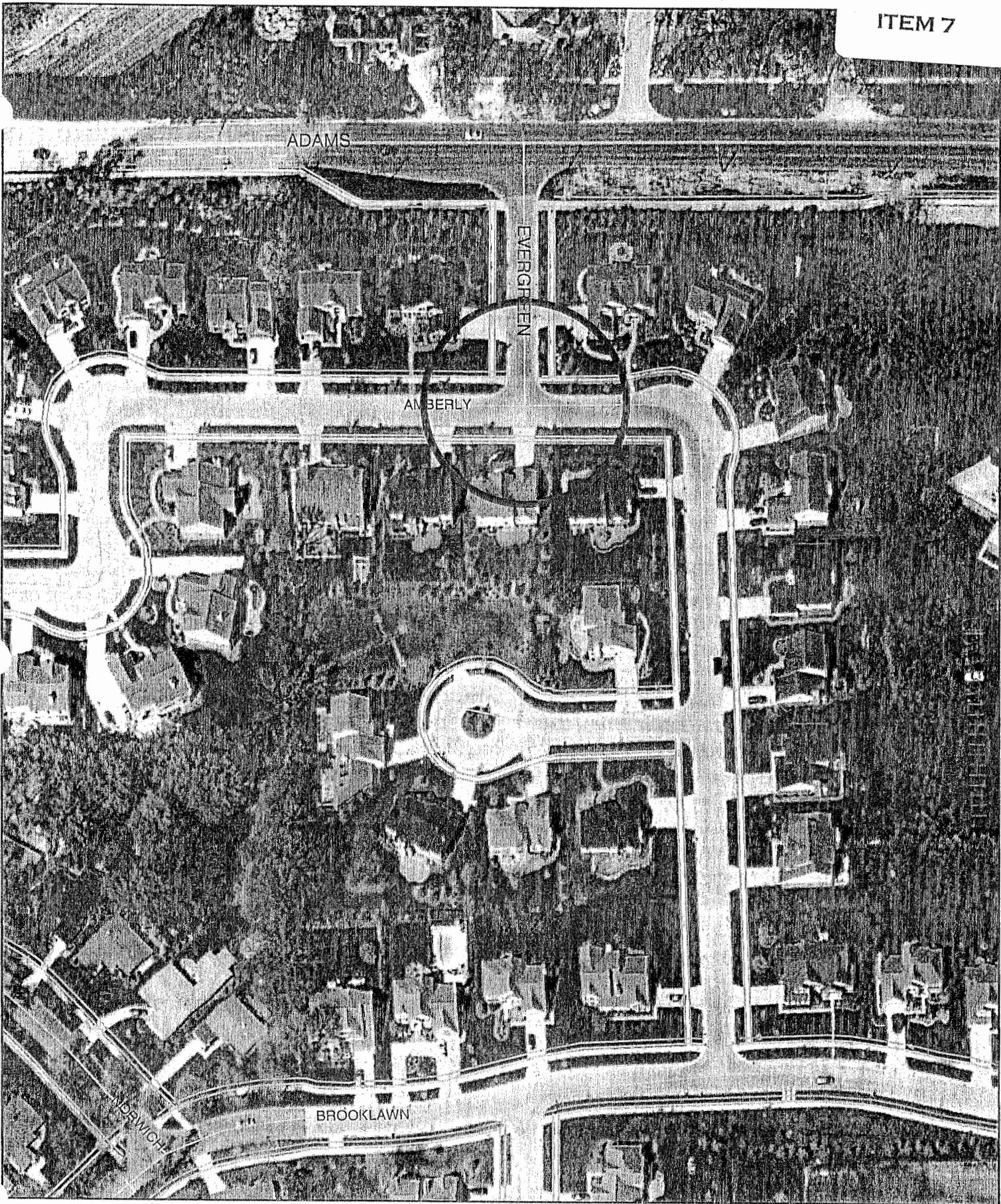
parking restriction under consideration

CITY OF TROY  
OAKLAND COUNTY MICHIGAN

1 inch equals 144.9 feet

The information provided by this program has been extracted from the public tax maps, assessor, and other public records and data. It is not legally recorded maps or survey. Users of this data are hereby not source information represented should be consulted for verification.





July 9, 2004

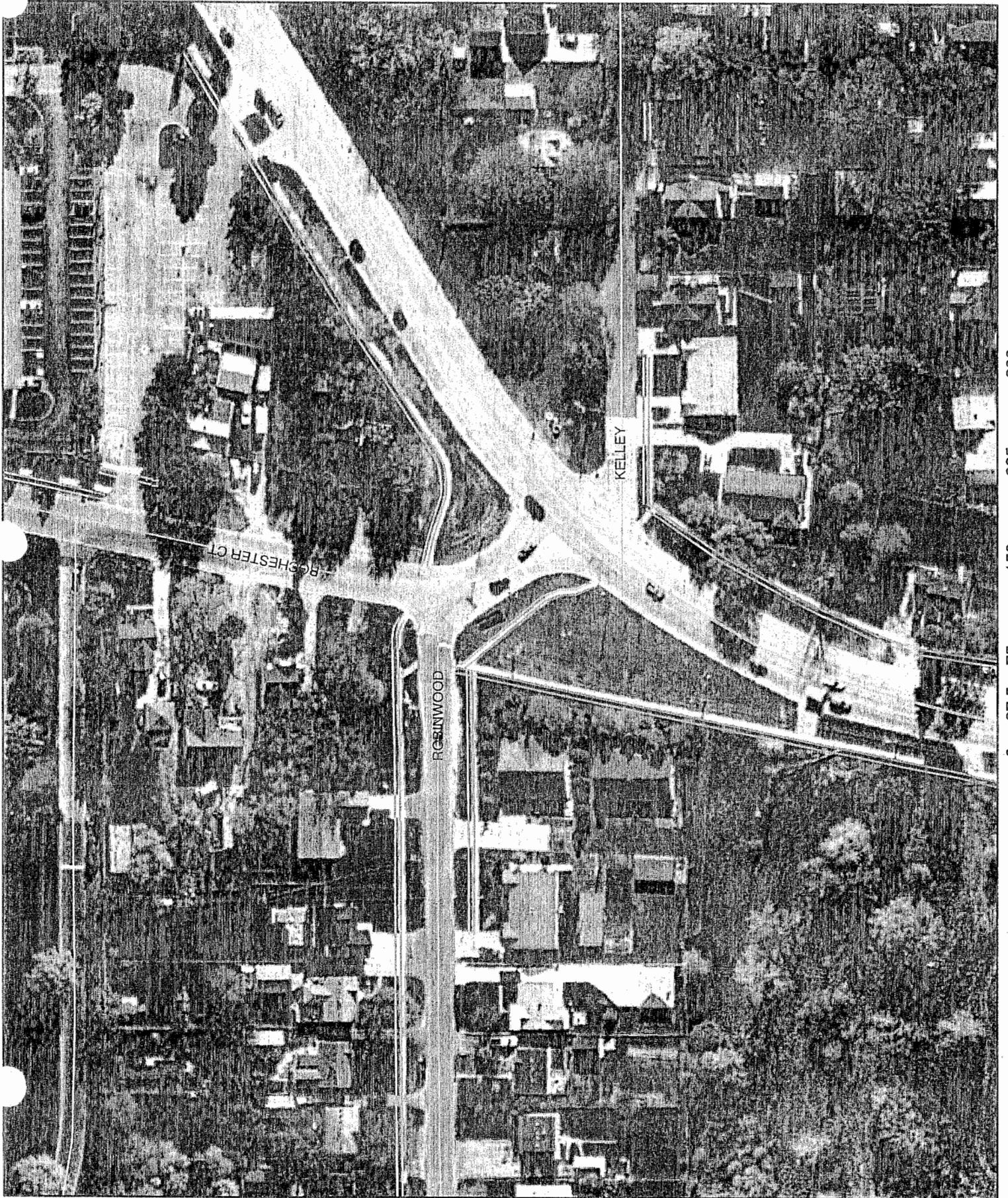
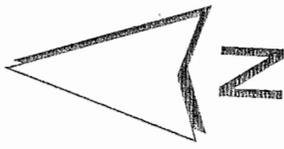
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084  
Attn: Public Works – Tim Richnak

I rent a home and work in the Troy area. It is a very busy area to begin with but there is an area that I noticed needs attention. You will find a map of the exact area that this letter is referring to attached. The small intersection of Rochester Rd and Rochester Ct there seems to be a problem not only during high volume traffic times. Any time someone is turning into the subdivision area right or left while a car is coming from Rochester Ct there is almost an accident. There is only one stop sign at this point. The stop sign is for the traffic coming from the road Robinwood Dr. The traffic coming from Rochester Ct and Rochester Rd do not have stop signs. This causes a problem from Rochester Rd seeing how you have both left and right turns being made. Rochester Ct does not yield for the traffic coming in from the main road. There is not quite enough room for more than one or two cars to stop and wait after turning from Rochester Rd. Rochester Ct has an entire straight strip of road for traffic to wait, which of course they do not. Instead they will pile up and Rochester Ct will sometimes have a very long line of traffic and block the entrance for Robinwood Rd. This is entirely blocking anyone entering from Rochester Rd. There have been accidents at this point for this very reason; one that I witnessed myself was a four car accident. People from the main road cannot see past to find out there are cars coming or that there are not stop signs. They do not expect it and end up slamming on their brakes and any cars turning in after them from the opposite direction are unaware of this. So what I am requesting is a stop sign is placed at the end of Rochester Ct before it reaches the turning point of Rochester Rd. It seems that it should be a two way stop and traffic from the main road should have the right away since they could have no way of knowing who was barreling down the side streets. Please see both maps for what is present and what is being requested. (See Page 2)

This is solely for the safety of drivers and pedestrians in this area. It is a very small area that has very high volume of traffic all times of day. One reason being the subdivision can lead straight through to Livernois Rd. A stop sign can only increase safety. If you would be so kind as to take this into consideration it would be greatly appreciated.

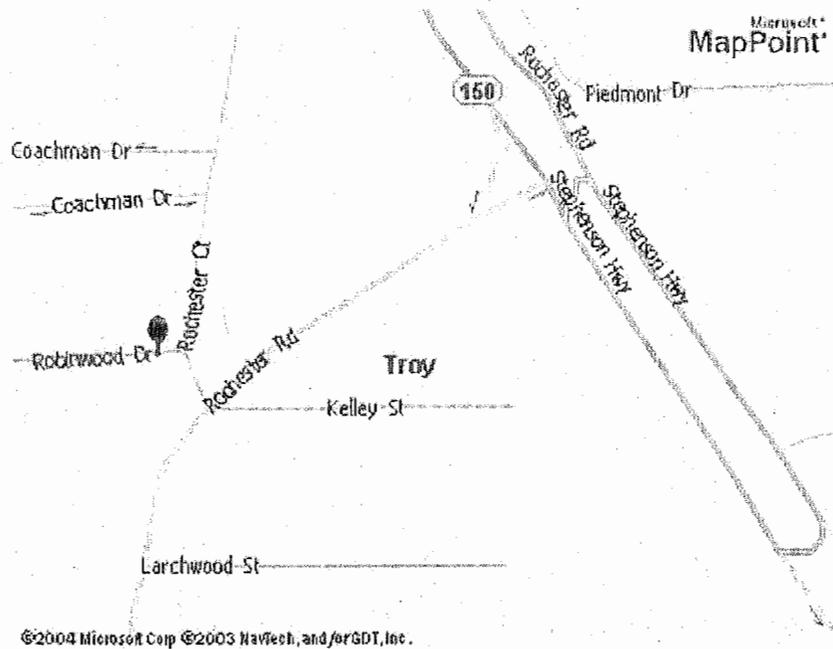
Thank You Very Much,

Cassandra Bielawski  
1034 Vermont  
Troy, MI 48083

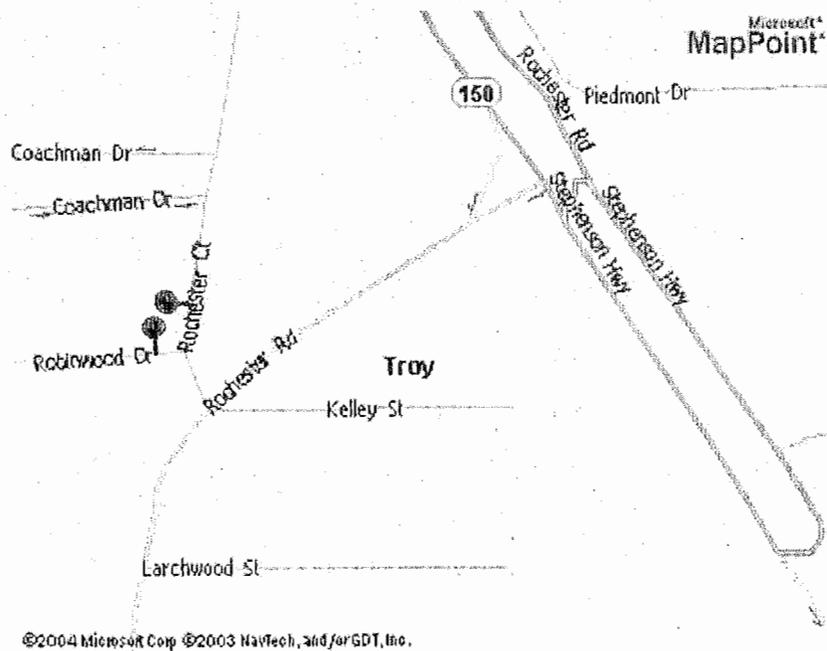


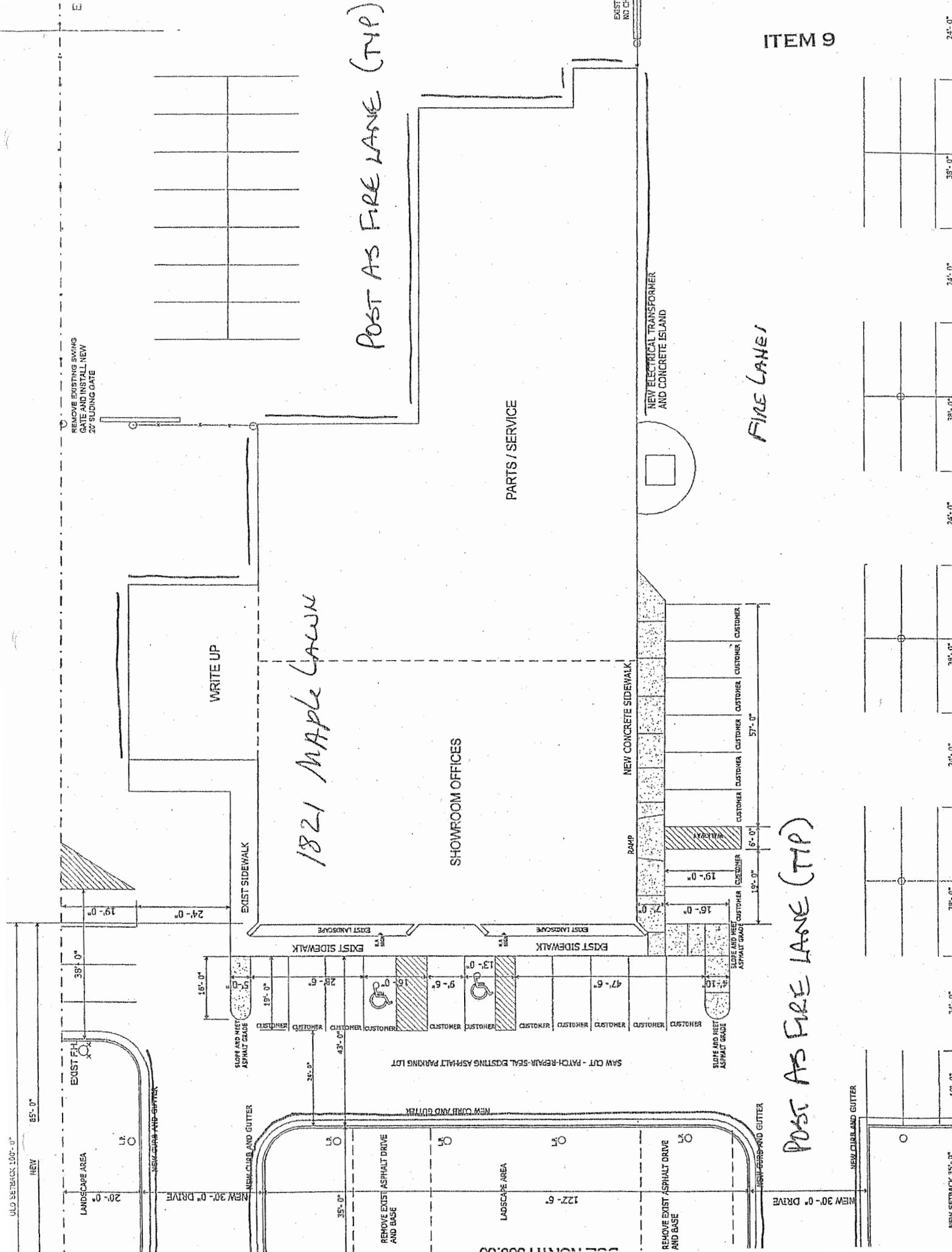
0 37.5 75 150 225 300 Feet

Map 1 Present Time



Map 2 Requested Changes





POST AS FIRE LANE (TYP)

WRITE UP

1821 MAPLE LAWN

SHOWROOM OFFICES

PARTS / SERVICE

NEW ELECTRICAL TRANSFORMER AND CONCRETE ISLAND

FIRE LANE

POST AS FIRE LANE (TYP)

REMOVE EXISTING SWING GATE AND INSTALL NEW 20' SLIDING GATE

ULD SETBACK 100'-0"

NEW 55'-0"

EXIST FH

LANDSCAPE AREA

NEW CURB AND GUTTER

NEW 30'-0" DRIVE

SLOPE AND MEET ASPHALT GRADE

NEW CURB AND GUTTER

REMOVE EXIST ASPHALT DRIVE AND BASE

LANDSCAPE AREA

REMOVE EXIST ASPHALT DRIVE AND BASE

SLOPE AND MEET ASPHALT GRADE

NEW CURB AND GUTTER

NEW 30'-0" DRIVE

NEW SETBACK 35'-0"

19'-0"

38'-0"

38'-0"

24'-0"

24'-0"

38'-0"

24'-0"

24'-0"

38'-0"

24'-0"

24'-0"

39'-0"

24'-0"

24'-0"

24'-0"

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 Bonnelli of 5612 Willow Grove, Troy, was present. Ms. Bonnelli 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. Bonnelli 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. Bonnelli 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. A written report, as requested by the Planning Commission, is attached and hereby made a part of the minutes.

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

J-01c

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, January 12, 2005, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 1:05 p.m.

TRUSTEES PRESENT:

Mark Calice  
Robert Crawford  
Thomas Houghton, Chair  
John M. Lamerato  
David A. Lambert  
William R. Need  
Steven A. Pallotta  
John Szerlag

ALSO PRESENT:

Laura Fitzpatrick

MINUTES

**Resolution # ER – 2005 – 01 - 001**

Moved by Szerlag  
Seconded by Calice

*RESOLVED*, That the minutes of the December 8, 2004 meeting be approved.

Yeas: All 7

OTHER BUSINESS - PRIOR GOVERNMENTAL SERVICE

The prior governmental service request of Brian Murphy was received and filed.

OTHER BUSINESS – RETIREE HEALTH CARE TRUST

**Resolution # ER – 2005 – 01 - 002**

Moved by Pallotta  
Seconded by Lambert

*RESOLVED*, That the Board engage the services of Van Overbeke, Michaud, and Timmony, P.C. to draft a retiree Health Care Trust for consideration by the board.

Yeas: All 7

**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.

  
\_\_\_\_\_  
Thomas Houghton, Chairman

  
\_\_\_\_\_  
John M. Lamerato, Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Vice Chair Schultz at 7:30 p.m. on January 25, 2005, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Lynn Drake-Batts (arrived 7:33 p.m.)  
 Fazal Khan  
 Robert Schultz  
 Mark. J. Vleck  
 David T. Waller  
 Wayne Wright

Absent:

Gary Chamberlain  
 Lawrence Littman  
 Thomas Strat

Also Present:

Mark F. Miller, Planning Director  
 Brent Savidant, Principal Planner  
 Allan Motzny, Assistant City Attorney  
 Kathy L. Czarnecki, Recording Secretary

**Resolution # PC-2005-01-009**

Moved by: Waller  
 Seconded by: Wright

**RESOLVED**, That Members Chamberlain, Littman and Strat are excused from attendance at this meeting for personal reasons.

Yes: Khan, Schultz, Vleck, Waller, Wright  
 No: None  
 Absent: Chamberlain, Drake-Batts (arrived 7:33 p.m.), Littman, Strat

**MOTION CARRIED**

2. MINUTES

Mr. Waller requested that the January 11, 2005 Regular Meeting minutes reflect under agenda item #8, page 9, that a written report on the "Greenbuild" trip was submitted, as requested by the Planning Commission, and that a copy be attached and made a part of the minutes.

**Resolution # PC-2005-01-010**

Moved by: Khan  
 Seconded by: Vleck

**RESOLVED**, To approve the January 11, 2005 Regular Meeting minutes as corrected.

Yes: Drake-Batts, Khan, Schultz, Vleck, Waller  
No: None  
Abstain: Wright  
Absent: Chamberlain, Littman, Strat

### **MOTION CARRIED**

#### 3. PUBLIC COMMENTS

There was no one present who wished to speak.

#### 4. BOARD OF ZONING APPEALS REPORT

There was no report.

#### 5. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

There was no report.

#### 6. PLANNING AND ZONING REPORT

Mr. Miller reported on the following items.

- *Preliminary Site Condominium Review* – Chesapeake Grove Site Condominium, north side of Square Lake Road, east of John R, Section 1, R-1D – Approved by City Council (January 10, 2005 Regular Meeting).
- *Preliminary Site Condominium Review* – Covington Estates Site Condominium, south side of Long Lake Road, east of Livernois, Section 15, R-1C – Approved by City Council (January 10, 2005 Regular Meeting).
- *Rezoning Application Z 696-B* – Chary Villas, west side of Rochester Road, north of Square Lake Road, Section 3, From R-1B to R-1T – Approved by City Council (January 24, 2005 Regular Meeting).
- *Rezoning Application Z 602-B* – Red Wagon Shoppe, northwest corner of Maple and Livernois, Section 28, From O-1 to B-1, B-2 or B-3 – Approved by City Council to B-3 (January 24, 2005 Regular Meeting).
- *Big Beaver Corridor Study* – Five finalists have been selected to respond to the Request for Proposal (RFP). The RFP deadline is March 4, 2005. Interviews will be scheduled at the end of February.
- *Preliminary Site Plan Review and Amended Consent Order and Judgment (SP 883-C)* – Hearthland Health Care, southeast corner of South Boulevard and Livernois, Section 3, O-1 and R-1B – Public Hearing on February 7, 2005 City Council Regular Meeting.

- *Rezoning Application Z 479-B* – Clark Gas Station, northeast corner of Rochester Road and Charrington Road, Section 23, From B-1 to H-S – Denied by City Council (January 10, 2005 Regular Meeting).
  - *Rezoning Application Z 699* – Briggs Crossing Condominium, west side of Rochester Road, south of Trinway, Section 10, From R-1C to R-1T – Postponed by City Council to February 21, 2005 Regular Meeting to allow the petitioner, the Planning Commission and the Planning Department to review alternative development options (January 24, 2005 Regular Meeting).
  - *Street Vacation SV 179* – Alger Street right-of-way located between Birchwood and Vermont, west of John R and north of Maple Road, Section 26 – Approved by City Council (December 20, 2004 Regular Meeting).
  - *ZOTA 200 One Family Cluster Option* – Approved with minor revisions by City Council (January 10, 2005 Regular Meeting).
  - *Planning Commission Representation on Board of Zoning Appeals (BZA)* – Approved by City Council to appoint Members Wright and Drake-Batts to the BZA as Representative and Alternate Representative, respectively (January 10, 2005 Regular Meeting).
  - *Proposed PUD 4* – North side of Big Beaver Road, east of Alpine and west of McClure, Section 20 – Public Input Meeting on February 8, 2005.
7. SITE CONDOMINIUM 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
8. SITE CONDOMINIUM 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 reviewed the three major issues discussed at the January 11, 2005 Regular Meeting: (1) vehicular connection; (2) drainage; and (3) extension of Hopedale sewer main over City property.

Vehicular connection was discussed at great length. No consensus was reached.

The City Engineer, in a memorandum provided to the Planning Commission, stated the proposed development would not be permitted to cause or exacerbate drainage problems on abutting properties, and that the required improvements would have the effect of improving drainage in the area. The Planning Commission was satisfied that any drainage concerns would be appropriately handled by the Engineering Department.

There was a brief discussion on the extension of the Hopedale sanitary sewer main over City property.

The petitioners, Dale Garrett and Joel Garrett of Ladd's Inc., Troy, were present. The petitioners advised that the sanitary sewer service to the units on the east side of the drain would be provided from the sewer main on the west side of the drain, and the need for an easement over City property would be eliminated.

9. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions

Mr. Miller reviewed the four issues related to the proposed zoning ordinance text amendment: (1) garage door height, (2) foot print ratios, (3) number of detached buildings, and (4) greenhouses. Public Hearings on the proposed text are scheduled for the February 8, 2005 Planning Commission Regular Meeting and the February 28, 2005 City Council Regular Meeting.

Options discussed on garage door height were: garage doors that face a street; garage doors that do not face a street; appropriate setbacks between attached accessory buildings and the property line. The Planning Commission reached no consensus.

Foot print ratios were discussed at length. It was determined to request the Assessing Department to prepare data that compares the accessory building floor area to the total residential floor area. Another option discussed was to allow an attached accessory building to be 100% of the size of the ground floor area of the residence, but the area of detached structures could not exceed 50% of the ground floor area of the residence.

Dick Minnick of 28 Millstone Drive, Troy, was present. Mr. Minnick circulated photographs of a home he previously owned and the home in which he currently lives. He indicated that both homes, as well as a total of 803 homes throughout the City, would become non-conforming should the City pass the ordinance amendment at 50% of the ground floor square footage. Mr. Minnick said there has never been a complaint that his garage is too big for his house or an eyesore to the neighborhood. He expressed concerns of a non-conforming home with respect to rebuild, resale, and potential insurance rate hikes. Mr. Minnick said his house fits within the required setbacks and the City should not be able to dictate the allocation of the structure. Mr. Minnick said his garage is very important to him; it is heated and cooled and has electrical and plumbing. He briefly addressed tandem and double-decker garages. Mr. Minnick strongly urged that a percentage higher than the proposed 50% of the residential ground floor area be considered.

Victor Yee of 23 Timberview, Troy, was present. Mr. Yee agreed that a higher percentage of the residential ground floor should be considered, and also suggested that a limitation could be placed on the size of the attached accessory structure. Mr. Yee said the percentage formula for the ground floor residential area is penalizing homeowners of colonial style homes.

There was no consensus reached on the foot print ratio.

After a brief discussion, there was no consensus reached on the number of detached buildings.

The removal of greenhouses from Article 40.56.02 was discussed briefly. The Planning Commission agreed to make the change.

10. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-B) – Article 04.20.004, Article 40.65.02 and Article 40.66.00, pertaining to Commercial Vehicle Definitions
11. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-C) – Article 43.74.00, Article 40.65.02 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals

It was the recommendation of the Planning Department to postpone ZOTA 215-B and ZOTA 215-C to a future meeting.

**Resolution # PC-2005-01-011**

Moved by: Vleck  
Seconded by: Wright

**RESOLVED**, To postpone ZOTA 215-B, Commercial Vehicle Definitions, and ZOTA 215-C, Commercial Vehicle Parking Appeals, until Accessory Buildings Definitions and Provisions (ZOTA 215-A), is approved.

Yes: All present (6)  
No: None  
Absent: Chamberlain, Littman, Strat

**MOTION CARRIED**

12. CITY OF STERLING HEIGHTS PROPOSED MASTER LAND USE PLAN

Mr. Savidant provided a brief review of the proposed City of Sterling Heights Master Land Use Plan.

Mr. Miller said the proposed City of Sterling Heights Master Land Use Plan is consistent with Troy's Future Land Use Plan. He recommended that the Planning Commission adopt a resolution of support.

A brief discussion followed.

**Resolution # PC-2005-01-012**

Moved by: Waller  
Seconded by: Khan

**WHEREAS**, the City of Sterling Heights Planning Commission has prepared the Draft City of Sterling Heights Master Land Use Plan; and,

**WHEREAS**, the Draft Sterling Heights Master Land Use Plan includes recommendations for the physical redevelopment of the City of Sterling Heights, including Community Goals and Objectives, Future Land Use and an Implementation strategy; and,

**WHEREAS**, the boundary of the City of Troy is contiguous with the boundary of the City of Sterling Heights; and,

**WHEREAS**, the City of Sterling Heights has provided a copy of the Draft Sterling Heights Master Land Use Plan to the City of Troy for the Planning Commission's review and comment; and,

**WHEREAS**, the City of Troy Planning Commission has determined that the Draft Plan is consistent with the Future Land Use Plan of the City of Troy.

**NOW THEREFORE BE IT RESOLVED**, That the City of Troy Planning Commission hereby supports the efforts of the City of Sterling Heights Planning Commission in preparing the Draft Sterling Heights Master Land Use Plan.

Yes: Drake-Batts, Khan, Schultz, Waller, Wright  
No: Vleck  
Absent: Chamberlain, Littman, Strat

**MOTION CARRIED**

Mr. Vleck said he would have liked more of an opportunity to compare the proposed zoning of Sterling Heights and the relationship to the City of Troy's proposed plan and zoning along Dequindre.

13. **PUBLIC COMMENTS**

There was no one present who wished to speak.

**GOOD OF THE ORDER**

Mr. Waller requested a summary of outstanding discussion items; i.e., outlot restaurants, Special Use, etc.

Mr. Miller asked members to be prompt in responding to Community Affairs for the Boards and Committees Appreciation Dinner on February 12, 2005. Mr. Miller indicated he would be out of town on that date.

**ADJOURN**

The Special/Study Meeting of the Planning Commission was adjourned at 10:20 p.m.

Respectfully submitted,

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Kathy L. Czarnecki, Recording Secretary

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.

**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

**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

**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

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on February 1, 2005, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Lawrence Littman  
Robert Schultz  
Thomas Strat  
David T. Waller  
Wayne Wright

Absent:

Gary Chamberlain  
Lynn Drake-Batts  
Fazal Khan  
Mark. J. Vleck

Also Present:

Mark F. Miller, Planning Director  
Brent Savidant, Principal Planner  
Allan Motzny, Assistant City Attorney  
Kathy L. Czarnecki, Recording Secretary

**Resolution # PC-2005-02-013**

Moved by: Littman  
Seconded by: Wright

**RESOLVED**, That Members Chamberlain, Drake-Batts, Khan and Vleck are excused from attendance at this meeting for personal reasons.

Yes: All present (5)  
No: None  
Absent: Chamberlain, Drake-Batts, Khan, Vleck

**MOTION CARRIED**

2. PUBLIC COMMENTS

There was no one present who wished to speak.

3. BOARD OF ZONING APPEALS (BZA) REPORT

Chair Strat reported on the January 18, 2005 BZA meeting.

Variance Request – Mike Elias, 5991 Livernois

The BZA granted a variance for relief of the Zoning Ordinance to construct a new gasoline/convenience store to replace the existing facility.

#### 4. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-A) – Accessory Buildings

Mr. Miller reviewed the four issues related to the proposed zoning ordinance text amendment: (1) garage door height, (2) foot print ratios, (3) number of detached buildings, and (4) greenhouses. Public Hearings on the proposed text are scheduled for the February 8, 2005 Planning Commission Regular Meeting and the February 28, 2005 City Council Regular Meeting.

##### Garage Door Height

Garage door heights were discussed at length. The recommendation of the Planning Commission remains that the garage door height should be limited to 8 feet for both attached and detached garages. The members feel strongly that the Board of Zoning Appeals (BZA) is the appropriate body to address requests above the 8-foot limit.

It was determined that the Planning Department would (1) draft the appropriate proposed amendment language; (2) develop rationale that the BZA is the appropriate channel for requests above the 8-foot limit; and (3) clarify City Management position on the matter.

##### Foot Print Ratios

Foot print ratios were discussed at length. It was determined that the Planning Department would prepare illustrations that demonstrate 70% of the residential ground floor area and 50% of the total residential floor area.

Dick Minnick of 28 Millstone Drive, Troy, was present. Mr. Minnick is the president of Westwood Park Subdivision Homeowners Association. Mr. Minnick said that 4 out of 51 homes in his subdivision and a total of 803 existing homes in Troy would become non-conforming should the City use the 50% of the residential ground floor area formula. He said the City is overreacting to the handful of complaints received on the Alpine monster garage. Mr. Minnick expressed concerns with respect to (1) rebuild, (2) insurance rates, and (3) resale. He referenced a home in his subdivision that has 8 cars parked in the driveway every night, and asked the Commission to think about that during its consideration of limiting the size of a garage. Mr. Minnick said his garage looks the same from the street, but is deeper. He questioned the rationale of the City in limiting the garage size when in essence a deeper garage could be an addition, such as a family room. Mr. Minnick strongly urged that a percentage higher than the proposed 50% of the residential ground floor area be considered.

Rod Davies of 3245 Talbot, Troy, was present. Mr. Davies, owner of a small farmhouse with a detached garage and barn, questioned if he would be permitted to construct the same structures should they be destroyed, and if he would be required to go before the BZA.

Mr. Miller replied that Mr. Davies would be required to go before the BZA should the accessory structures exceed the residential square footage limitation that would be

set by the City. Mr. Miller told Mr. Davies to contact the Planning Department to discuss specifics on the matter.

#### Number of Detached Buildings

The number of detached buildings was discussed. It was determined to maintain the previous recommendation of 2 detached accessory structures and 3 accessory supplemental buildings. Further, it was determined to provide City Council with the appropriate justification and illustrations that would demonstrate its recommendation.

#### Greenhouses

The Planning Department will make the appropriate changes as recommended by City Management and provide the draft text for review. Mr. Motzny recommended that the Zoning Ordinance reflect the definition of a greenhouse; i.e., greenhouses would be permitted for recreation and pleasure only and not for commercial purposes.

5. REZONING REQUEST (Z 699) – Proposed Briggs Crossing Condominium, West side of Rochester Road, South of Trinway, Section 10 – From R-1C (One Family Residential) to R-1T (One Family Attached)

Mr. Miller reviewed the proposed rezoning application. At its January 24, 2005 Regular Meeting, City Council expressed concern regarding the depth of the parcel in relation to the depth of the area classified as Medium Density Residential in the Future Land Use Plan.

The petitioner, Fred Binder of 5215 Rochester Road, Troy, was present. Mr. Binder said he met with City staff to discuss alternative development plans, and it was determined that a mix of site condominiums and single family homes would not be feasible. Mr. Binder said he is a novice developer and assured the Commission that he would hire an experienced developer should the rezoning be approved. He thanked the Planning Department and Doug Smith for assisting him in this endeavor.

The Planning Commission reviewed the conceptual site plan provided by the petitioner.

Mr. Schultz briefly discussed the liability of a condominium development with respect to private roads. He said a potential problem could arise should the development be mixed with condominium and single family homes. Mr. Schultz referenced setback requirements for existing condominium developments (Fairways, Maya Meadows, Fountain Park, and the undeveloped parcel on the north side of Lamb Road) and said the 570-foot setback for this particular parcel appears reasonable.

Chair Strat said it would be extremely difficult to have both condominiums and single-family homes under one umbrella because they are different.

The Planning Commission determined that the rezoning application is consistent with the depth of the Medium Density Residential classification shown on the Future Land Use Plan.

The Planning Department will prepare a report stating specific reasons and justification for the Planning Commission recommendation to approve the proposed rezoning.

6. SITE CONDOMINIUM 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
7. SITE CONDOMINIUM 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

Agenda items #6 and #7 involve two parcels in close proximity to each other with the same applicant. They were therefore discussed at the same time.

Mr. Miller reviewed the three major issues discussed at the January 11, 2005 Regular Meeting and the January 25, 2005 Special/Study Meeting: (1) vehicular connection; (2) drainage; and (3) extension of Hopedale sewer main over City property.

The petitioners, Dale Garrett and Joel Garrett of Ladd's Inc., Troy, were present.

#### Vehicular Connection

The Planning Commission reached consensus and were in agreement with the Planning Department's recommendations on vehicular connection.

- In Oak Forest South, provide a future road connection to the north, to the east of unit 18, as shown on the petitioner's alternate layout.
- In Oak Forest, provide a future road connection to the north in Oak Forest, to the east of unit 47, as shown on alternate layout.
- In Oak Forest, provide a future road connection to the north, just west of the John R entry drive, as shown on the alternate layout.
- Provide a future walkway connection to the south in Oak Forest, between units 28 and 29, as shown on the alternate layout.

Don Edmunds of 1304 Player Drive, Troy, was present. Mr. Edmunds is president of Golf Trails Subdivision Homeowners Association. Mr. Edmunds said he is personally opposed to interconnectivity to Willow Grove and to the two subdivisions. He expressed concerns that the proposed Oak Forest South development would

increase vehicular traffic considerably and that the safety of school children would be jeopardized.

#### Drainage

Dale Garrett provided a brief history of the regional detention area and proposed linear park with respect to their contributions and involvement with the City.

Chair Strat expressed his satisfaction in the memorandum provided by the City Engineer stating the proposed development would not be permitted to cause or exacerbate drainage problems on abutting properties, and that the required improvements would have the effect of improving drainage in the area. He asked the petitioner to use more creativity in the development of the retention area and encouraged the petitioner to avail themselves of storm water management seminars.

#### Extension of Hopedale sewer main over City property

The petitioners said they would provide sanitary sewer service to the units on the east side of the drain from the sewer main on the west side of the drain, thereby eliminating the need for an easement over City property.

### 8. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 212) – Restaurants in the R-C (Research Center) Zoning District

Mr. Savidant provided a review of the proposed zoning ordinance text amendment that was discussed in concept at the September 28, 2004 Special/Study meeting.

Discussion on the draft amendment included the following:

- Definitions of fast food and full service restaurant.
- Definitions of drive-up window, drive-through window and to-go doors.
- Requirement of Special Use Approval.
- Parking.
- Comparison of current outdoor restaurant/dining.
- Screening.
- Setbacks from residential districts.
- Dumpster locations.
- Typographical corrections.

The Planning Department will incorporate appropriate text revisions for further review at a future study meeting.

### 9. ORDINANCE AMENDMENT DISCUSSION – Additional Retail Along Major Thoroughfares in the M-1 (Light Industrial) Zoning District

Mr. Miller reported that retail use in the M-1 Light Industrial District is limited to only 3% of the total gross floor area of the industrial building, up to a maximum of 500 feet. He said the Planning Department has been approached by a potential property owner who would like to set up a business in a vacant Maple Road building that includes a

warehouse distribution center and office with retail in the front. Mr. Miller said alternative uses could provide short-term and long-term solutions along the Maple Road Corridor.

The following questions were discussed.

- Given the significant number of vacant buildings on Maple Road in the M-1 District, is permitting a greater proportion of retail in industrial buildings appropriate?  
*The Planning Commission agreed retail in industrial buildings would be appropriate.*
- Is there a maximum size or proportion that is appropriate; for example, 25%?  
*The Planning Commission agreed to review this item further to determine an appropriate maximum size or proportion.*
- Is stand-alone retail appropriate along Maple Road? On properties that do not front on Maple Road?  
*The Planning Commission agreed to review this item further.*
- Are there additional standards that need to be applied to properties that incorporate retail uses? For example, must front on a major thoroughfare?  
*The Planning Commission agreed to review this item further to determine the additional standards that should apply to the retail uses.*

Arie Leibovitz of Ari-El Enterprises, Inc., 29548 Southfield Road, Southfield, was present. Mr. Leibovitz said he would like to use the Beauté Craft Building located at 600 W. Maple as a distribution center with retail in the front. Mr. Leibovitz said the building has good curb appeal and shows well from the front. He would most likely request some parking in the front of the building only to make it convenient for the retail use. Mr. Leibovitz believes this type of use would rejuvenate the Maple Road Corridor and said he is encouraged by the Planning Commission's direction in this matter.

#### 10. REVIEW OF FEBRUARY 8, 2005 REGULAR MEETING

There was discussion on the Public Input Meeting for the proposed Planned Unit Development project (PUD 4) located on the north side of Big Beaver Road between Alpine and McClure. The meeting is scheduled on February 8, 2005, at 7:30 p.m. in the Troy Community Center. Several members of the Planning Commission stated they felt slighted that the Public Input Meeting was scheduled on the same evening as the Planning Commission Regular Meeting.

Mr. Miller explained the purpose of the Public Input Meeting. He said he would contact the Community Affairs office to see if it is possible to videotape the Public Input Meeting so members of the Planning Commission could view the tape should they not be able to attend. Mr. Miller assured the members that scheduling conflicts would be avoided in the future.

Chair Strat asked the timeframe when the proposed Zoning Ordinance Text Amendment for commercial vehicle variances would be considered.

Mr. Miller said a Public Hearing is required and the proposed language would be provided for review at the February 22, 2005 Special/Study meeting.

There was discussion on the protocol of the Planning Department to review applications, and the time needed to prepare and deliver meeting packets. Planning Commission members expressed their desire to receive meeting packets prior to the Friday before the meeting. This would allow them more time to review the applications before the meeting.

The Planning Commission agreed that it would be appropriate to revise the Zoning Ordinance relating to the 30-day deadline for applications to be reviewed and placed on the following month's regular business meeting agenda for action. The Planning Department will draft a proposed Zoning Ordinance Text Amendment that would eliminate the 30-day deadline and would allow the Planning Department to place items on the agenda at their discretion.

Chair Strat said he would like to see relationships improve between the Planning Commission and City Council and City departments.

#### 11. PUBLIC COMMENTS

There was no one present who wished to speak.

#### GOOD OF THE ORDER

Mr. Waller encouraged everyone to read Mayor Schilling's State of the City Address. He said the Mayor's message was clear that she wants this community to move forward. Mr. Waller referenced Cindy Kmett's article in the *Troy Somerset Gazette*.

Mr. Schultz commented that additional retail on major roads is a critical matter. He suggested that local mail be used for the delivery of the meeting packets. Mr. Schultz echoed the comments of Mr. Waller about the Mayor's speech. He said the Mayor has charted a great course for 2005 and beyond. Mr. Schultz asked if it would be possible to get copies of the drain map and subdivision maps of the City.

Mr. Miller encouraged members to register for the American Planning Association National Conference in San Francisco.

Chair Strat said he would be happy to represent the Planning Commission at the American Planning Association National Conference.

**Resolution # PC-2005-02-014**

Moved by: Littman

Seconded by: Wright

**RESOLVED**, That Thomas Strat represent the Troy Planning Commission at the American Planning Association National Conference in San Francisco, and further that authorization be granted for reimbursement of the trip.

Yes: All present (5)

No: None

Absent: Chamberlain, Drake-Batts, Khan, Vleck

**MOTION CARRIED**

Chair Strat said he would like study sessions to be conducted on an informal, working relationship basis. The major items he would like to address are (1) a redraft of the Zoning Ordinance; (2) a redraft of the Future Land Use Plan; and (3) the Maple Road Corridor Study.

**ADJOURN**

The Special/Study Meeting of the Planning Commission was adjourned at 11:05 p.m.

Respectfully submitted,

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Thomas Strat, Chair

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Kathy L. Czarnecki, Recording Secretary

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The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on February 8, 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 (arrived 8:05 p.m.)  
David T. Waller (arrived 7:32 p.m.)  
Wayne Wright

Also Present:

Mark F. Miller, Planning Director  
Allan Motzny, Assistant City Attorney  
Kathy Czarnecki, Recording Secretary

**Resolution # PC-2005-02-015**

Moved by: Wright  
Seconded by: Khan

**RESOLVED**, That Member Vleck is excused from attendance at this meeting for personal reasons.

Yes: Chamberlain, Khan, Littman, Schultz, Strat, Waller, Wright  
No: Drake-Batts  
Absent: Vleck (arrived 8:05 p.m.)

**MOTION CARRIED**

Chair Strat said Mr. Vleck indicated he would be late for the meeting.

Ms. Drake-Batts said there have been a lot of absences lately and Mr. Vleck is president of another organization that holds meetings on Tuesday nights.

2. MINUTES

**Resolution # PC-2005-02-016**

Moved by: Khan  
Seconded by: Waller

**RESOLVED**, To approve the January 25, 2005 Special/Study Meeting minutes as published.

Yes: Khan, Schultz, Strat, Waller, Wright  
No: None  
Abstain: Chamberlain, Drake-Batts, Littman  
Absent: Vleck (arrived 8:05 p.m.)

### **MOTION CARRIED**

### 3. PUBLIC COMMENTS

There was no one present who wished to speak.

### **TABLED ITEMS**

### 4. PUBLIC HEARING – PROPOSED REZONING (Z 695) – Proposed Becker Overflow Parking Area, South side of Henrietta, East of Rochester Road, Section 27 – From R-1E to P-1

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. He reported the petitioner submitted the plans at a late date and the Planning Department did not have sufficient time to review the plans. It is the recommendation of the Planning Department to postpone the item to the March 8, 2005 Regular Meeting.

### PUBLIC HEARING OPENED

No one was present to speak.

### PUBLIC HEARING CLOSED

### **Resolution # PC-2005-02-017**

Moved by: Chamberlain  
Seconded by: Wright

**RESOLVED**, That the rezoning request for the Proposed Becker Overflow Parking Area, located on the south side of Henrietta and east of Rochester Road, Section 27, from R-1E to P-1, be continued at the March 8, 2005 Regular Meeting.

Yes: All present (8)  
No: None  
Absent: Vleck (arrived 8:05 p.m.)

### **MOTION CARRIED**

5. SITE CONDOMINIUM 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
6. SITE CONDOMINIUM 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. Miller addressed agenda items #5 and #6 at the same time. He reported the petitioner delivered plans late last Friday, after the Planning Commission meeting packets were prepared. The Planning Department did not have the opportunity to review the plans. Mr. Miller reported the petitioner noted some misrepresentations on the plans and would like to correct them. It is the recommendation of the Planning Department to further review the proposed developments at the February 22, 2005 Special/Study Meeting and to postpone both proposed developments to the March 8, 2005 Regular Meeting.

Chair Strat opened the floor for public comment.

Don Edmunds of 1304 Player Drive, Troy, was present. Mr. Edmunds, president of the Golf Trails Homeowners Association, read a communication on behalf of the residents addressing their concerns as relates to the proposed Oak Forest South Site Condominiums. The communication was forwarded to the Planning Department and Planning Commission prior to tonight's meeting and a copy is attached and made a part of the minutes.

Mr. Motzny addressed the one concern relating to the paving of Willow Grove. He advised Mr. Edmunds that the Planning Commission does not have the authority to require a developer to pave a road if the road is outside of the proposed development.

Mr. Edmunds said it is understood that the developer cannot be forced to pave Willow Grove, but the residents are putting the request in front of him.

Chair Strat noted that the petitioner is not present to address the concerns and, as a courtesy, it would be appropriate to provide him that opportunity.

Mr. Chamberlain referenced a legal matter that took place in another city. A developer was forced by the city to pave a road that was not contiguous to the development, and court action was taken and won by the developer. Mr. Chamberlain said the court case established a standard in the State of Michigan that a city could not ask a developer to pave property that is not contiguous to the proposed development.

The floor was closed.

**Resolution # PC-2005-02-018**

Moved by: Chamberlain  
Seconded by: Wright

**RESOLVED**, That the Preliminary Site Plans (Section 34.30.00 Unplatted One-Family Residential Development) as requested for Oak Forest Site Condominium and Oak Forest South Site Condominium, be tabled to the March 8, 2005 Regular Meeting.

Yes: All present (8)  
No: None  
Absent: Vleck (arrived 8:05 p.m.)

**MOTION CARRIED****SITE PLAN REVIEW**

7. SITE PLAN REVIEW (SP 913) – Proposed National Electrical Contractors Association Corporate Office Bldg., South of Big Beaver, West side of Bellingham, Section 26, R-C (Research Center) District

Mr. Miller presented a summary of the Planning Department report for the proposed site plan. Mr. Miller noted that a cross access easement is provided to the south. He suggested that consideration be given to the provision of a cross access easement to the north also, noting that the property to the north is currently vacant and in the same zoning district.

Mr. Miller reported that it is the recommendation of the Planning Department to approve the site plan as submitted with three conditions: (1) that the site plan clarify there are 11 greenbelt trees; (2) that a 24-foot wide cross access easement is provided to the south; and (3) that the petitioner address the changes as suggested by the Landscape Analyst.

Dennis DeWulf of DeWulf Associates, LLC, 27206 Harper Avenue, St. Clair Shores, was present to represent the National Electrical Contractors Association. Mr. DeWulf said he is in agreement with the comments of the Landscape Analyst and the appropriate revisions would be made.

Mr. Khan brought attention to the fact that the civil engineering drawings submitted were not sealed by the surveyor or engineer, but by the architect.

Mr. DeWulf replied that he sealed the plans in order to meet the Planning Department submission deadline. He indicated that the engineer had no concerns with his sealing the plans.

Chair Strat addressed the infringement and liability issues related to improperly sealing documents. The members agreed to accept the plans as sealed because

the requirement is fairly new to the Site Plan submittal process. Chair Strat asked the Planning Department to administratively verify that plans are properly sealed.

Mr. DeWulf thanked the Commission and said the point is well taken.

Mr. Wright asked the petitioner if he would be willing to provide a cross access easement to the property to the north.

Mr. DeWulf said he has no problem providing a cross access connection to the north as long as the site plan approval process would not be stalled. He asked if the easement could be provided without modifying the site plan.

Mr. Miller responded in the affirmative. He suggested that a good location for the access to the north would be next to the dumpster on the northwest corner.

**Resolution # PC-2005-02-019**

Moved by: Littman

Seconded by: Schultz

**RESOLVED**, That Preliminary Site Plan Approval, as requested for the Proposed National Electrical Contractors Association Corporate Office Building, located south of Big Beaver and west of Bellingham, located in Section 26, within the R-C zoning district is hereby granted, subject to the following conditions:

1. Eleven (11) greenbelt trees to be indicated on the site plan.
2. Provide a 24-foot wide cross access easement connection with the property to the south.
3. Provide a 24-foot wide cross access easement connection with the property to the north.
4. Revise the Preliminary Landscape Plan by changing selected species and or size of plant material as indicated in Landscape Analyst's comments.

Yes: All present (8)

No: None

Absent: Vleck (arrived 8:05 p.m.)

**MOTION CARRIED**

**ZONING ORDINANCE TEXT AMENDMENTS**

8. **ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-A)** – Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Building Definitions and Provisions.

Mr. Miller reviewed the four issues related to the proposed zoning ordinance text amendment: (1) garage door height, (2) foot print ratios, (3) number of detached

buildings, and (4) greenhouses. Mr. Miller reported that City Management is in agreement with the recommendations of the Planning Commission with the exception of the 8-foot limitation placed on the height of a garage door.

#### Garage Door Height

The recommendation of the Planning Commission is to limit the height of a garage door to 8 feet. Mr. Miller reported on the research conducted by the Planning Department on recreational vehicles with respect to types and heights. City Management recommends that there be no height limit on a garage door because a practical difficulty would be placed on residents who own recreational vehicles.

#### Foot Print Ratio

Mr. Miller said the direction from the Planning Commission at their last meeting was to consider a ratio of 70% of the first floor residential floor area of the principal structure. City Management recommends 75%, for the ease of computation. Mr. Miller reported that 99.27% of existing homes would meet the standard should the 75% ratio be used, and 150 structures would become non-conforming. Mr. Miller said City Management views the foot print ratio as a community value.

(Mr. Vleck arrived at 8:05 p.m.)

#### Number of Detached Buildings

Mr. Miller illustrated various examples of different types of houses with the proposed allowable number of accessory buildings; i.e., 2 detached accessory structures and 3 accessory supplemental structures. He noted that all the buildings would be used in computing the maximum size. City Management agrees that the recommended limitation for detached buildings is reasonable.

#### Discussion points regarding limitation of garage door height:

- Consideration to linear dimensions of recreational vehicles as well as height dimensions.
- Limitation on square footage *only* could result in monster garage identical to Alpine garage.
- Preservation of residential environment.
- Original intent of City Council and City Management.
- Discrimination or devaluation of adjacent property.
- Door height limitation on side entrance garages in relation to interior and corner lots.
- Designation of date to exempt existing structures that meet all building specifications and built prior to (designated date).
- Provide to members the complete text proposed in City Management and Planning Commission versions.

## PUBLIC HEARING OPENED

Victor Lenivov of 1929 Hopedale, Troy, was present. Mr. Lenivov addressed his concerns should he, or other residents who own older homes on larger lots, wish to split the property. The Assessing Department told Mr. Lenivov that a lot split request could be denied should any accessory structure remain in a setback or exceed the lot coverage. He asked the Planning Commission to consider text language that would not negatively impact owners of large lots with respect to lot splits. Mr. Lenivov addressed community values. He said the 75% rule would impact only 8%, but noted those 150 homes that are currently in conformity would be impacted. Mr. Lenivov questioned the necessity of the zoning ordinance revision as a result of one monster garage.

A brief discussion followed on lot splits. It was agreed to review potential lot splits as relates to the proposed zoning ordinance text amendment at a later date.

Dick Minnick of 28 Millstone, Troy, was present. Mr. Minnick is President of Westwood Park Homeowners Association. Mr. Minnick noted that his comments are based on the last published version of the proposed change. Mr. Minnick said he bought a builders spec house in 1999 that has an attached garage of approximately 950 square feet. The garage would be a non-conforming structure should the proposed ordinance limit attached garages to 50% of the ground floor living area. Mr. Minnick said 4 of the 51 Westwood Park homes would become non-conforming, along with a total of 803 homes in Troy. Mr. Minnick expressed the following concerns: (1) Mr. Minnick said at the last Planning Commission study meeting, the City Attorney alluded that the objective of the zoning ordinance revision is to eliminate non-conforming structures, and Mr. Miller explained a number of restrictions placed on non-conforming structures. Mr. Minnick said his house is not a problem, and asked why the City would want to tear it down. (2) Mr. Minnick said insurance is a significant issue. He said a house cannot be insured separately from an attached garage. He cited many references on the Internet where insurance companies have denied claims for destroyed buildings when it was determined that they were non-conforming structures and could not be legally rebuilt. Mr. Minnick said his insurance policy states that all claims could be rejected should any immaterial information about his house be withheld. Mr. Minnick's attorney said it would be in his best interest to notify the insurance company should the garage become non-comforming. (3) Mr. Minnick said the resale factor of his home would be negatively affected. He would be legally required to disclose the non-conformance to all prospective buyers. Mr. Minnick said he fully supports an 8-foot garage door height limit as relates to establishing new community values and the preservation of the residential character for subdivisions. He mentioned that his neighbor is totally within his legal rights to park his 8 cars in his driveway every night, but he would like to see him have a larger garage to house the number of vehicles and keep them under cover. Mr. Minnick thinks the proposed ordinance is overly restrictive and would place an unwarranted financial burden on too many Troy homeowners.

Mr. Miller explained that the house portion would remain conforming should the maximum size be exceeded, and only the attached garage would become legally non-conforming. Mr. Miller explained that the Zoning Ordinance does not contribute to its survival; it does not eliminate it; it just does not allow non-conformities to have long-term survival. Mr. Miller stated that a homeowner could improve the house, but the non-conformity of an attached garage would have limits on what a homeowner could repair within one year.

Ms. Drake-Batts offered an alternate option to using the residential floor area formula. She suggested that every house be entitled to one 1.5-car garage and be allowed to add an additional bay for each bedroom.

Jerry Bloom of 3320 Essex, Troy, was present. Mr. Bloom addressed the alternate option proposed by Ms. Drake-Batts and said a definition of "bay" might preclude what the Commission is trying to accomplish.

#### PUBLIC HEARING CLOSED

Chair Strat said he thinks the direction from City Council is to put a Band-Aid on the current Zoning Ordinance to eliminate monster structures similar to Alpine. He said it is impossible to solve all conditions and the City must generalize.

Mr. Vleck thinks the Zoning Ordinance is too restrictive. He said the structures that would become non-conforming should be identified and researched to determine if they are actually problems in the residential neighborhoods, and size and height restrictions determined accordingly. Mr. Vleck indicated he is not in favor of the 8-foot garage door height limit.

Mr. Chamberlain suggested that a date be appointed that would exempt structures built prior to that date.

#### **Resolution # PC-2005-02-020**

Moved by: Khan  
Seconded by: Waller

**RESOLVED**, That the Planning Commission hereby postpone Agenda Items # 8, 9 and 10 to the February 22, 2005 Special/Study Session for the following reasons:

1. To allow time for further review and incorporation of additional information.
2. To incorporate data received from the Public Hearing.
3. To provide complete text proposed in City Management and Planning Commission versions.

Yes: Chamberlain, Drake-Batts, Khan, Schultz, Strat, Vleck, Waller, Wright  
No: Littman  
Absent: None

### **MOTION CARRIED**

Mr. Littman stated that the matter was studied previously and the proposed revisions and recommendations reached by the Planning Commission were forwarded to City Council. He addressed the issue of revisiting the matter over and over.

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-B) – Article 04.20.00, Article 40.65.02 and Article 40.66.00, pertaining to Commercial Vehicle Definitions

Refer to item # 8, Resolution # PC-2005-02-020.

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-C) – Article 43.74.00, Article 40.65.02 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals

Refer to Item # 8, Resolution # PC-2005-02-020.

### **REZONING REQUEST**

11. REZONING APPLICATION (Z 699) – West side of Rochester Road, South of Trinway, Section 10 – R-1C to R-1T

Mr. Miller presented a summary of the rezoning application and recommendation made by the Planning Commission at their December 14, 2004 Regular Meeting. Mr. Miller addressed the concerns expressed by some members of City Council at its January 24, 2005 Public Hearing. He further reviewed the determinations made by the Planning Commission when they revisited the proposed rezoning at their February 1, 2005 Special/Study Meeting.

The petitioner, Fred Binder of 5215 Rochester Road, Troy, was present. Mr. Binder said he is in agreement with the proposed resolution drafted by the Planning Department.

Chair Strat opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

**Resolution # PC-2005-02-021**

Moved by: Wright

Seconded by: Schultz

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the R-1C to R-1T rezoning request, located on the west side of Rochester Road and south of Trinway, within Section 10, being approximately 2.74 acres in size, be granted, for the following reasons:

1. The rezoning application is consistent with the Future Land Use Plan.
2. The rezoning application is compatible with adjacent land uses and zoning districts.
3. The depth of the parcel (570 feet) is less than the depth of other parcels fronting on Rochester Road that were recently rezoned to R-1T. Specifically, these parcels include Maya's Meadows in Section 14 (617-foot depth). The Fairways in Section 11 (1221-foot depth) and the undeveloped parcel on the north side of Lamb Road in Section 14 (670-foot depth).
4. Retaining a portion of the property as R-1C would result in a small parcel that would be difficult to develop under R-1T provisions. Furthermore, it is not desirable for a site condominium development and a traditional condominium development to share a street.

Yes: All present (9)

No: None

**MOTION CARRIED**12. **PUBLIC COMMENT**

There was no one present who wished to speak.

**GOOD OF THE ORDER**

Mr. Vleck questioned the status of the proposed zoning ordinance text amendment relating to trade, industrial arts or dance schools in the M-1 zoning district (ZOTA 201). Mr. Vleck asked that the Building Department advise the public that a potential text amendment is under review. He is concerned that the City is turning away prospective businesses.

Mr. Miller said he understands the Building Department is not pursuing the violation given to the dance school in the M-1 zoning district. Mr. Miller said he does not know if or how the Building Department informs the public about the potential text amendment.

Chair Strat asked that the Planning Department advise City staff of the intentions of the Planning Commission. He indicated he would not want the City to be turning away prospective businesses either.

There was a brief discussion on the proposed Planned Unit Development (PUD 4), The Monarch, located on the north side of Big Beaver Road between Alpine and McClure Roads. Mr. Miller said the Public Input Meeting being held tonight might still be session. Mr. Savidant is at the Public Input Meeting to take notes and to answer any technical questions relating to the Zoning Ordinance. He explained that the purpose of the meeting is to provide an opportunity for the developer, neighboring residents and property owners to exchange ideas and concerns related to the proposed development. Mr. Miller said the complete PUD application was received by the Planning Department just prior to the beginning of the New Year. He said the Planning Department, appropriate City departments and the Planning Consultant are in the process of a first-cut review of the proposal. It is projected that the proposal will be an agenda item on the next study session.

There was a discussion on the procedure followed in forwarding Planning Commission recommendations to City Council for action. Discussion points were:

- Cooperation between City Management and Planning Commission to eliminate two versions of a recommendation.
- Solving any disagreement relating to agenda items prior to Public Hearing.
- Appropriate staff person to meet with Planning Commission, discuss pros and cons and reach a consensus.
- Improve communication with City Management.
- Provide fair and accurate information to City Management.
- Importance of Planning Commission recommendation to City Council.
- Recognition of public reaction to two versions of a recommendation.
- State law empowerment to Planning Commission to advise City Council.
- Presentation order of recommendations to City Council; i.e., City Management version before Planning Commission version.

Mr. Chamberlain said recently he received an e-mail message from a citizen of Troy relating to the monster garage matter. Mr. Chamberlain is unsure how the citizen received his home e-mail address. He addressed the fact that e-mail addresses are provided to the Planning Department with the understanding that the information is confidential, and he would hope that it is not a practice of City Management to release confidential information to the public. Mr. Chamberlain said the City should provide computers and home e-mail accounts to Planning Commission members should they want City business conducted via e-mail.

Several members disclosed that they have received City-related messages on their home e-mail accounts.

Mr. Wright said he has never had a problem with the City giving away private information. He said he gets an occasional phone call, but he attributes that to the fact that his name is listed in the phone directory. Mr. Wright said he thinks the administration has always kept their word that any information provided them is confidential and for private use.

Ms. Drake-Batts disagreed. She said she received a telephone call at work, and she had changed jobs three months before and nobody knew where she was working. Ms. Drake-Batts said that someone is giving out the information. She said she does not want to be called at work.

Mr. Schultz said he has no reason to assume, or does he have no doubt that the City has not given out confidential information. Mr. Schultz said if he receives City-related messages from someone who has no right to his e-mail account, he would simply report

them as a spam generator. Mr. Schultz said he would not accept messages on his home account regarding City business other than from officials of the City. Mr. Schultz referenced the e-mail account set up through the City's website as the appropriate means to contact the Planning Commission.

Mr. Miller clarified that the City's website provides two general accounts for the public to access should they wish to reach any member of the Planning Commission. He said the messages are received at the desk of one of the department's planners. Any message received is copied and forwarded to the members.

Mr. Miller made a note that Mr. Schultz did not receive copies of the drain map and subdivision maps, as he requested.

### ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 9:05 p.m.

Respectfully submitted,

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Thomas Strat, Chair

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Kathy L. Czarnecki, Recording Secretary

**Paula P Bratto**

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**From:** Don Edmunds [don@edmundsfamily.com]  
**Sent:** Tuesday, February 08, 2005 4:21 PM  
**To:** Mark F Miller; Paula P Bratto  
**Subject:** Golf Trail Resident Concerns - Oak Forest South Site Condominiums

February 8, 2005

Mr. Mark Miller, Planning Director  
Members of Troy Planning Commission

**RE: Golf Trail Homeowners Association Concerns - Oak Forest South Site Condominiums**

Dear Mr. Miller and Planning Commission Members,

Golf Trail Homeowners Association began in 1978 and continues to be an active association of 196 homes with a 5.26 acre private park.

Golf Trail resident concerns with the proposed Oak Forest South Site Plan Condominium Review for 24 units include:

- We share the concerns voiced by some of the Planning Commission as well as other Troy citizens regarding development of this property due to the significant portion of wetlands and natural features contained thereon. Many of these concerns were communicated by the City Engineer, Mr. Steve Vandette in his letter of December 23, 2004.
- We believe that the developer has not fully considered the 'cluster option' available for development of the property, which would allow the same density, but would also retain more of the wetlands and natural features. Several Planning Commission members as well as the City staff have said that the site plan does not include innovative or creative solutions for the development of the property.
- We believe the Planning Commission and the Planning Department have an obligation to promote health, safety and welfare for the 196 residents of Golf Trail as well as the 14 residents on Willow Grove and 24 residents planned for Brookland Drive in Oak Forest South. These 24 new homes will generate from 7-10 vehicle trips per day that will be essentially be borne by Golf Trail streets. For this reason, Golf Trail residents believe that the Planning Commission and the City should request that the developer pay for black top paving of Willow Grove to meet the intent of dispersing increased traffic loads generated by Oak Forest South. The 24 homes of Oak Forest South would benefit by the paving of Willow Grove to provide improved access to Square Lake Rd.
- We also request that if and when Oak Forest South should be approved, that construction deliveries be prohibited from Golf Trail streets.

Thank you for considering our comments.

Respectfully submitted,  
Don Edmunds, President  
Golf Trail Homeowners Association  
1304 Player Drive  
Troy, MI 48085  
Tel 248-879-8287  
Email [don@edmundsfamily.com](mailto:don@edmundsfamily.com)

*Read by  
don Edmunds*

2/8/2005

A meeting of the Troy Election Commission was held Wednesday, February 23, 2005, at City Hall, 500 W. Big Beaver Road. City Clerk Bartholomew called the Meeting to order at 7:00 P.M.

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**ROLL CALL:**

PRESENT: David Anderson, Timothy Dewan, City Clerk Tonni Bartholomew  
ABSENT: None  
ALSO PRESENT: Deputy City Clerk Barbara Holmes

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**Minutes: Regular Meeting of January 26, 2005****Resolution # EC-2005-01-03**

Motion by Anderson  
Seconded by Dewan

RESOLVED, That the Minutes of January 26, 2005 are approved as submitted.

Yes: Anderson, Bartholomew, Dewan

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**Approval of Relocating All School District Precincts in the City of Troy from School Precincts to City of Troy Precincts****Resolution # EC-2005-01-04**

Motion by Dewan  
Seconded by Anderson

RESOLVED, That the Election Commission of the City of Troy hereby **AUTHORIZES** that the school district precincts for Avondale School District, School District of the City of Birmingham, Bloomfield Hills School District, The Lamphere Schools, School District of the City of Royal Oak, the Troy School District and Warren Consolidated School District currently servicing qualified electors in the City of Troy be **RELOCATED** to City of Troy precincts.

Yes: Anderson, Bartholomew, Dewan

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**Approval of Consolidation of All Applicable Relocated School District Precincts in the City of Troy****Resolution # EC-2005-01-05**

Motion by Anderson  
Seconded by Dewan

RESOLVED, That the Election Commission of the City of Troy hereby **AUTHORIZES** that applicable relocated school district precincts for Avondale School District, School District of the City of Birmingham, Bloomfield Hills School District, The Lamphere Schools, School District of the City of Royal Oak, the Troy School District currently and Warren

Consolidated School District servicing qualified electors in the City of Troy be **CONSOLIDATED** as deemed necessary and in accordance with MCL 168.659.

Yes: Anderson, Bartholomew, Dewan

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**Adjournment:**

The meeting was adjourned at 7:06 P.M.

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Tonni L. Bartholomew, MMC  
City Clerk

## QUARTERLY REPORT

VOL. XXXXII

JANUARY 2005

NO. 2

<b>BOARD OF TRUSTEES</b>	
<b>Representative</b>	<b>Municipality</b>
J. Bais-DiSessa	City of Berkley
R. Spallasso	Village of Beverly Hills
T. M. Markus	City of Birmingham
J. Merucci	City of Clawson
B. A. Photiades	City of Ferndale
A. LeCureaux	City of Hazel Park
A. R. Allie	City of Huntington Woods
J. A. Bremer	City of Lathrup Village
M. L. McReynolds	City of Oak Park
S. W. Ball	City of Pleasant Ridge
M. O. Liss	City of Royal Oak
B. Murphy	City of Troy

<b>OFFICERS</b>	
Chairman:	A. LeCureaux
Vice Chairman:	M. L. McReynolds
Secretary:	M. O. Liss
Advisory Committee:	A. LeCureaux A. R. Allie M. O. Liss J. Merucci

J. A. McKeen	General Manager
M. A. Czuprenski	Operations Director
J. Schandavel	Authority Engineer

Board of Trustees  
Southeastern Oakland County Resource Recovery Authority

Subject: Quarterly Report - January 2005

Board Members:

Attached is a copy of the Southeastern Oakland County Resource Recovery Authority's Quarterly Report covering the first six months operation of the 2004/05 fiscal year. The report contains a financial statement of the Authority's operation and an outline of projects in progress or completed during the quarter. The report also contains statistical information and other information of general interest to the members of the Board of Trustees, and the members of the governing body of each of the member municipalities of this Authority.

### FINANCIAL STATEMENT

The total net income for the first 6 months of 2004/05 was \$784,149.81, before capital expenses, depreciation.

	<u>Actual</u>	<u>Compared to Budget</u>
Revenue	\$4,494,177.87	+ \$340,415.87
Expenses	\$3,710,028.06	+ \$162,521.06
Net Operating Income	\$ 784,149.81	+ \$ 177,894.81

The increase in revenue was due primarily to receiving higher than budgeted prices for the sale of recycled materials (+\$385,000), higher than budgeted amounts of non-member MSW and yard waste (+\$92,000), and a larger than budgeted number of HHW appointments (+\$25,000). These increases were partially offset by receiving lower than budgeted member MSW and yard waste (-\$130,000), and by a higher level of credit for recyclables to the member communities (-\$22,000). For the first six months of this fiscal year, 32.5% of our total revenue was received from non-member sources. This is a significant increase from the budgeted level of 24% of total revenue from non-member sources.

Expenses were above budget due primarily to the accounting change to charge the Resource Recovery Authority their appropriate share of the benefit costs of the administrative employees of the Authority (+\$45,000), higher than budgeted costs for maintenance (+\$40,000), labor (+\$33,000), contract costs (+\$26,000) and workers compensation costs (+\$24,000). The workers compensation costs are a timing issue as they were incurred during the first six months of the fiscal year, but were budgeted in the last six months of the year.

Net operating income was substantially over plan (+\$223,380) for the first half of the year. Net income is planned to be high at this time of year due to the timing of our billings from Waste Management. While we have recorded six months of income, we have only paid five months of bills to Waste Management.

As of December 29, 2004, our fund balance was 10.7% based on unrestricted assets. This is in the range of the 10% to 15% fund balance recommended by our auditors. If restricted assets are included, our fund balance increases to 31.1%.

**COMPARATIVE STATEMENT**

The following is a comparison of the first six months operation of the current fiscal year with the same period of the previous fiscal year:

Revenues From Disposal Services	+\$22,075.10
Revenues From Other Sources	<u>+245,321.00</u>
Total Revenues	+\$267,396.10
Total Expenditures	<u>+\$224,284.55</u>
Net Income Before Depreciation	<u>+\$43,111.55</u>

The increase in revenue from other sources was primarily due to increases in the prices paid to us for recycled materials (+\$350,000), partially offset by an increase in the credit paid to the member communities for their recyclables (-\$77,000) and a reduction in miscellaneous income (-\$29,000). The increase in expenditures was primarily due to higher labor costs (+\$58,000), increased contractual rates paid to Waste Management for waste disposal (+\$53,000), the accounting change to charge the Resource Recovery Authority their appropriate share of the benefit costs of the administrative employees of the Authority (+\$45,000), increased employee benefit costs (+\$38,000) and increased utilities cost (+\$25,000).

The following tabulation provides a comparison on a tonnage basis for the period July 1 through December 31 for the years 2001/02-2004/05:

**July 1 Through December 31**

	2001/02	2002/03	2003/04	2004/05	Over or Under 2003/04
Total Tons	112,907	109,906	113,478	110,099	-3,379
Avg. Disposal Charge Per Ton	\$31.37	\$30.36	\$29.94	\$30.36	\$0.42
Other Income	6.05	10.76	7.31	10.46	3.15
	\$37.42	\$41.12	\$37.25	\$40.82	\$3.57
Average Oper. Exp. Per Ton	\$33.95	\$31.02	\$30.72	\$33.70	\$2.98
Available for Improvements – Per Ton	\$3.47	\$10.10	\$6.53	\$7.12	\$0.59

**MATERIAL HANDLED**

The Authority processed 110,099 tons of solid waste material (refuse, recyclables and yard waste) during the first six months of the current fiscal year. This is a decrease of 3,379 tons compared to the same period last year. Of the material processed, 8.2% was recycled and 21.5% was composted. The average tons per working day delivered to the Authority during this period was 834.1 tons and represents a decrease of 3.7% compared to the same period last year.

JULY 1 THROUGH DECEMBER 31

Average Tons Per Working Day

	2001	2002	2003	2004
Tons	861.9	832.6	866.2	834.1
Variance		-3.4%	+4.0%	-3.7%

**MAJOR PROJECTS**

**PLANNING FOR THE FUTURE**

The RFP Working Committee, which consists of representatives from several member communities, Authority Staff, legal counsel Bob Davis and our consultants, Bob Brickner of GBB in Fairfax, Virginia, and Jim Frey of RRSI in Ann Arbor, has developed a draft membership contract between the member communities and SOCRRA. This group has also developed an outline of a Request For Proposals (RFP) that will be issued to secure disposal services for beyond the July 1, 2007 expiration of our contract with Waste Management. The RFP will offer the opportunity for the contractor community to bid on part or all of the waste collection, processing and disposal needs for the member communities. We plan on going into the RFP process without preconceived ideas about the outcome and letting the vendor community deliver us the best possible price and service for our member communities.

The draft membership contract is contingent on SOCRRA offering the member communities a total service fee (the total cost of processing and disposal of trash, yard waste and recyclables, including collection) on July 1, 2007 that is at least 10% lower than the total service fee that will be in effect on June 30, 2007. The draft membership contract was introduced to the SOCRRA Board at the December, 2004 Board meeting and is being reviewed individually with each Board member. We will be bringing this contract to the Board for approval at the February Board meeting. Following Board approval, the contract will be brought to the City Council of each member community for their approval. We plan to have approval from all the City Councils of the member communities by April 30, 2005.

Having the membership contracts approved by April 30 will allow us to issue the RFP in June, 2005. The RFP will be a very complicated document because we will be offering the vendors a large number of alternatives for handling our waste streams. We will need to allow the vendors several months to prepare their responses and it will take us several months to identify the alternative that best meets our needs. This time schedule should allow us to have contract numbers to the member communities by January 1, 2006.

**CONVERSION OF THE MRF TO DUAL STREAM RECYCLING**

The design process for the conversion of the MRF to dual stream recycling has been completed and contracts have been issued for the work. In dual stream, the recycled material is collected curbside in two streams: paper and containers. This simplified collection will reduce the costs paid by the member communities for collection of recyclables. The MRF then sorts the material into our typical product streams. A significant amount of work is required to modify the MRF to handle and separate the commingled container stream. The conversion to dual stream operation will also enable us to handle material collected in non-member communities.

We issued a Request For Qualifications to a number of vendors of recycling equipment asking them to submit design concepts and their qualifications for conversion of our MRF to dual stream operation. Four vendors responded. The Authority Staff and our consultant, RRSI, then took the best conceptual ideas from the vendors and developed a Request For Proposals. The RFP was issued to the four vendors,

all of whom submitted bids. The current plastic sorting line at the MRF will be removed and replaced with a system to sort the commingled containers. We will also be installing a conveyor to automatically feed material to the baler. This allows us to eliminate the cages that are currently used to store the sorted materials and manually transfer the materials to the baler and will improve the efficiency of the MRF.

At the January, 2005 Board meeting, the Board approved awarding the contract for this work to the low bidder, AKA Sandford of Manchester, Michigan. The total cost of this project, including some additional consulting work from RRSI, will be \$562,140. The project is scheduled to be in operation on August 8, 2005. This work was included in our capital expenditure plans for the 2004/05 and 2005/06 fiscal years. Due to much higher than budgeted revenue from the sale of recycled materials, our current level of working capital is sufficient to pay for all of the capital costs that will be incurred during the current fiscal year.

### **EXPANSION OF CURBSIDE RECYCLING PROGRAM**

The expansion of our curbside recycling program to include junk mail and office paper has resulted in an 8% increase in the amount of paper delivered to the MRF for recycling for the first six months of this fiscal year compared to the same period in the last fiscal year. The publicity campaign we conducted to inform the residents of the SOCRRA communities has been evaluated and a series of recommendations have been developed for the next time a publicity campaign is required. We are continuing to encourage all the residents of the SOCRRA communities to place office paper and junk mail in brown paper bags which can then be placed in their recycling bins. Shredded paper, placed in see-through bags, can also be added to the recycling bins. Removing this material from the trash and adding it to the recycling bins reduces the cost of trash disposal and increases the amount of credit paid to each community for their recycled material. Each ton of office paper and junk mail removed from the trash and placed into recycling bins saves \$59.50 for the member community.

### **CLOSING OF THE ROCHESTER HILLS LANDFILL**

Significant progress was made in completing the closure of the landfill during this quarter. A total of 36 passive landfill vents were installed in the landfill to vent any gases that are being generated. An additional 3 vents were installed outside of the landfill in areas in which methane gas has been discovered. We will be monitoring the performance of these vents monthly for six months in order to convince the MDEQ that the passive vents are sufficient to address any gases generated by the landfill. The initial monitoring occurred during December, 2004 and found that the levels of methane outside the landfill boundaries had been reduced substantially. These initial monitoring results were very encouraging.

We have also completed about half of the grading required to develop the proper slopes for the surface of the landfill. The cold, wet weather during December shut down our grading and we will probably not be able to complete the remaining grading until spring.

Our environmental consultant, NTH, has begun preparing the required landfill closure documentation. We will be meeting with the MDEQ in February, 2005 to discuss the height of the landfill. It appears as if the landfill heights are significantly higher than the original design heights. This is due to a variety of factors including the MDEQ change of the required slope of the final cover of the landfill from 2% to 4%. We have decided to review this data with the MDEQ prior to requesting closure of the landfill. The landfill height and the final grading are the last two issues that need to be resolved before we submit our landfill closure documentation. Our goal for filing this documentation with the MDEQ has been revised to March 31, 2005.

## **ROCHESTER HILLS v. SOCRRA**

The Rochester Hills/SOCRRA Standing Committee has rejected both of the golf course development proposals that had been submitted by the two developers. Neither development proposal was consistent with the 9 hole golf course originally envisioned for the landfill site. No additional work is being done to find an alternative end use for this site. The landfill closure documentation that will be submitted to the MDEQ in March, 2005 will designate the end use as a fallow field.

## **MADISON HEIGHTS V. SOCRRA**

This lawsuit is continuing. Motions for summary disposition have been filed by both parties and will be heard by Judge Mester on February 2, 2005. The trial in this case is tentatively scheduled for March 14, 2005. One of the initial counts in the lawsuit has been settled by transferring a portion of our Madison Heights property to Madison Heights. This portion of our property has been used by Madison Heights as a park under a long term lease since the mid-1950's. The remaining issues in this case are the fact that Madison Heights has not paid the bills we have submitted to them for environmental and other expenses related to their membership in SOCRRA and Madison Heights' claim for "equity" from SOCRRA as a result of their withdrawal from SOCRRA.

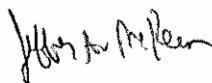
## **AUDIT REPORT**

The audit report for the 2003/04 fiscal year was completed by our auditors, Rehmann Robson. The audit found the Authority to be in complete conformity with generally accepted accounting practices. No recommendations for improvement were made and the Authority staff was complimented for the condition of our financial records and for their cooperativeness with the auditors. A draft Working Capital Policy was also discussed with the Board and the Auditor. We will be reviewing our level of working capital regularly throughout the current fiscal year and comparing it to the proposed policy. A final policy will be brought to the Board for approval in conjunction with the completion of the 2004/05 audit.

## **ON-LINE AGENDA PACKAGE**

We are continuing to make the agenda package for the current month's Board meeting available on-line. The package is available through our website, [www.socrra.org](http://www.socrra.org), on the Friday prior to the monthly Board meeting. Board members have their choice of receiving either an electronic or a paper version of the agenda package materials.

Respectfully submitted,



Jeffrey A. McKeen, P.E.  
General Manager

JAM/ksh

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY  
 STATEMENT OF INCOME JULY 1, 2004 THROUGH DECEMBER 31, 2004

<u>REVENUES</u>	<u>ESTIMATED</u>	<u>ACTUAL</u>	<u>VARIANCES</u>
<u>MUNICIPAL SOLID WASTE</u>			
MEMBERS	\$2,621,655.00	\$2,487,909.80	(\$133,745.20)
OTHERS	259,080.00	338,539.32	79,459.32
	<u>\$2,880,735.00</u>	<u>\$2,826,449.12</u>	<u>(\$54,285.88)</u>
<u>COMPOST</u>			
MEMBERS	\$699,429.00	\$703,180.16	\$3,751.16
OTHERS	27,193.00	39,448.67	12,255.67
	<u>\$726,622.00</u>	<u>\$742,628.83</u>	<u>\$16,006.83</u>
<u>RECYCLABLES</u>			
MEMBERS CREDIT	(\$205,273.00)	(\$226,909.20)	(\$21,636.20)
<u>OTHER INCOME</u>			
REVENUES - CARDBOARD	\$12,150.00	\$47,591.80	\$35,441.80
REVENUES - PLASTICS	24,300.00	114,104.13	89,804.13
REVENUES - SCRAP METAL	0.00	165,684.99	165,684.99
REVENUES - NEWSPAPERS	479,925.00	602,183.87	122,258.87
REVENUES - GLASS	54,675.00	8,512.92	(46,162.08)
REVENUES HOUSEHOLD WASTE	43,120.00	68,596.00	25,476.00
REVENUES - BATTERIES	0.00	282.00	282.00
REVENUES - TIN CANS	36,450.00	54,552.68	18,102.68
REVENUES - ALUMINUM	0.00	0.00	0.00
REVENUES-COMPOST	27,000.00	24,437.00	(2,563.00)
INTEREST ON INVESTMENTS	11,280.00	10,667.28	(612.72)
GRANT FUNDS	0.00	0.00	0.00
RENTAL INCOME	53,778.00	50,456.00	(3,322.00)
MISC. INCOME	9,000.00	4,940.45	(4,059.55)
	<u>\$751,678.00</u>	<u>\$1,152,009.12</u>	<u>\$400,331.12</u>
TOTAL REVENUES	<u>\$4,153,762.00</u>	<u>\$4,494,177.87</u>	<u>\$340,415.87</u>
<u>EXPENSES</u>	<u>BUDGET</u>	<u>ACTUAL</u>	<u>VARIANCES</u>
	<u>APPROPRIATIONS</u>	<u>EXPENDITURES</u>	
MADISON HTS TRANS.OPERATION	\$1,320,628.00	\$1,176,181.25	(\$144,446.75)
BATTERY/HOUSEHOLD WASTE	74,432.00	74,450.40	18.40
TROY TS OPERATION	1,026,647.00	1,155,608.27	128,961.27
MATERIAL RECOVERY FACILITY	317,215.00	326,075.88	8,860.88
LANDFILL OPERATION	172,921.00	245,295.62	72,374.62
ADMINISTRATIVE & GENERAL	635,664.00	732,416.64	96,752.64
	<u>\$3,547,507.00</u>	<u>\$3,710,028.06</u>	<u>\$162,521.06</u>
REVENUES OVER EXPENSES	\$606,255.00	\$784,149.81	\$177,894.81
NET INCOME	<u>\$606,255.00</u>	<u>\$784,149.81</u>	<u>\$177,894.81</u>

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY  
 STATEMENT OF INCOME JULY 1, 2004 THROUGH DECEMBER 31, 2004

REVENUES	TOTAL	AMOUNT	2004/05 AVERAGE PER TON
<u>MUNICIPAL SOLID WASTE</u>	<u>TONS</u>		<u>PER TON</u>
MEMBERS	71,994.39	\$2,487,909.80	
OTHERS	5,293.67	338,539.32	
<u>COMPOST</u>			
MEMBERS	23,011.81	703,180.16	
OTHERS	684.77	39,448.67	
<u>RECYCLABLES</u>			
MEMBERS	9,069.09	(226,909.20)	
DROP OFF CENTERS	45.28	0.00	
	<hr/>	<hr/>	
	110,099.01	\$3,342,168.75	\$30.36
<u>OTHER INCOME</u>			
REVENUES - CARDBOARD		\$47,591.80	
REVENUES - PLASTICS		114,104.13	
REVENUES - SCRAP METAL		165,684.99	
REVENUES - NEWSPAPERS		602,183.87	
REVENUES - GLASS		8,512.92	
REVENUES-HOUSEHOLD WASTE		68,596.00	
REVENUES BATTERIES		282.00	
REVENUES - TIN CANS		54,552.68	
REVENUES - COMPOST		24,437.00	
INTEREST ON INVESTMENTS		10,667.28	
GRANT FUNDS		0.00	
RENTAL INCOME		50,456.00	
MISC. INCOME		4,940.45	
		<hr/>	
		\$1,152,009.12	10.46
		<hr/>	
TOTAL REVENUES		\$4,494,177.87	\$40.82
<u>EXPENSES</u>			
MADISON HEIGHTS TRANSFER STATION		\$1,176,181.25	
BATTERY RECYCLING/HOUSEHOLD WASTE		74,450.40	
TROY TS OPERATION		1,155,608.27	
MATERIAL RECOVERY FACILITY		326,075.88	
LANDFILL OPERATION		245,295.62	
ADMINISTRATIVE & GENERAL		732,416.64	
		<hr/>	
		\$3,710,028.06	\$33.70
NET INCOME BEFORE DEPRECIATION and CITY REBATES		\$784,149.81	\$7.12
DEPRECIATION		213,254.04	\$1.94
NET INCOME		<hr/> <hr/>	<hr/> <hr/>
		\$570,895.77	\$5.19

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY  
 STATEMENT OF REVENUES & EXPENDITURES  
 COMPARED WITH TOTAL BUDGET  
 JULY 1, 2004 THROUGH DECEMBER 31, 2004

<u>REVENUES</u>	<u>TOTAL BUDGET 2004/05</u>	<u>ACTUAL 6 MONTHS</u>	<u>BALANCE</u>
<u>MUNICIPAL SOLID WASTE</u>			
MEMBERS	\$5,140,500.00	\$2,487,909.80	\$2,652,590.20
OTHERS	539,750.00	338,539.32	201,210.68
	<u>\$5,680,250.00</u>	<u>\$2,826,449.12</u>	<u>\$2,853,800.88</u>
<u>COMPOST</u>			
MEMBERS-GRASS	\$971,430.00	\$183,792.10	\$787,637.90
MEMBERS-LEAVES	0.00	512,153.56	(512,153.56)
MEMBERS-WOODCHIPS	0.00	7,234.50	(7,234.50)
OTHERS-GRASS	39,410.00	6,550.05	32,859.95
OTHERS-LEAVES	0.00	32,663.62	(32,663.62)
OTHERS-WOODCHIPS	0.00	235.00	(235.00)
	<u>\$1,010,840.00</u>	<u>\$742,628.83</u>	<u>\$268,211.17</u>
<u>RECYCLABLES</u>			
MEMBERS CREDIT	(\$436,750.00)	(\$226,909.20)	(209,840.80)
<u>OTHER INCOME</u>			
REVENUES - CARDBOARD	\$27,000.00	\$47,591.80	(\$20,591.80)
REVENUES - PLASTICS	54,000.00	114,104.13	(60,104.13)
REVENUES - SCRAP METAL	0.00	165,684.99	(165,684.99)
REVENUES - NEWSPAPERS	1,066,500.00	602,183.87	464,316.13
REVENUES - GLASS	121,500.00	8,512.92	112,987.08
REVENUES-HOUSEHOLD WASTE	88,000.00	68,596.00	19,404.00
REVENUES - BATTERIES	0.00	282.00	(282.00)
REVENUES - TIN CANS	81,000.00	54,552.68	26,447.32
REVENUES - COMPOST	60,000.00	24,437.00	35,563.00
INTEREST ON INVESTMENTS	24,000.00	10,667.28	13,332.72
RENTAL INCOME	107,556.00	50,456.00	57,100.00
MISC. INCOME	25,000.00	4,940.45	20,059.55
	<u>\$1,654,556.00</u>	<u>\$1,152,009.12</u>	<u>\$502,546.88</u>
 TOTAL REVENUES	 <u>\$7,908,896.00</u>	 <u>\$4,494,177.87</u>	 <u>\$3,414,718.13</u>

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY  
 STATEMENT OF REVENUES & EXPENDITURES  
 COMPARED WITH TOTAL BUDGET  
 JULY 1, 2004 THROUGH DECEMBER 31, 2004

<u>EXPENSES</u>	TOTAL BUDGET <u>2004/05</u>	ACTUAL <u>6 MONTHS</u>	<u>BALANCE</u>
MADISON HEIGHTS OPERATION	\$2,698,276.00	\$1,176,181.25	\$1,522,094.75
BATTERY/HOUSEHOLD WASTE	146,055.00	74,450.40	71,604.60
TROY TS OPERATION	2,345,180.00	1,155,608.27	1,189,571.73
MATERIAL RECOVERY FACILITY	647,280.00	326,075.88	321,204.12
LANDFILL OPERATION	334,575.00	245,295.62	89,279.38
ADMINISTRATIVE & GENERAL	1,144,150.00	732,416.64	411,733.36
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	\$7,315,516.00	\$3,710,028.06	\$3,605,487.94
	<hr/>	<hr/>	<hr/>
TOTAL EXPENDITURES	\$7,315,516.00	\$3,710,028.06	\$3,605,487.94
	<hr/>	<hr/>	<hr/>
NET INCOME	\$593,380.00	\$784,149.81	(\$190,769.81)

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY  
 COMPARATIVE STATEMENT  
 JULY 1, 2004 THROUGH DECEMBER 31, 2004

	2004/05	2003/04	VARIANCES
<u>REVENUES</u>			
<u>MUNICIPAL SOLID WASTE</u>			
MEMBERS	\$2,487,909.80	\$2,528,802.51	(\$40,892.71)
OTHERS	338,539.32	278,493.50	60,045.82
	<u>\$2,826,449.12</u>	<u>\$2,807,296.01</u>	<u>\$19,153.11</u>
<u>COMPOST</u>			
MEMBERS	\$703,180.16	\$706,606.70	(\$3,426.54)
OTHERS	39,448.67	33,100.14	6,348.53
	<u>\$742,628.83</u>	<u>\$739,706.84</u>	<u>\$2,921.99</u>
<u>RECYCLABLES</u>			
MEMBERS CREDIT	(226,909.20)	(149,619.88)	(77,289.32)
<u>OTHER INCOME</u>			
REVENUES - CARDBOARD	\$47,591.80	\$27,868.25	\$19,723.55
REVENUES - PLASTICS	114,104.13	100,699.61	13,404.52
REVENUES - SCRAP METAL	165,684.99	35,578.59	130,106.40
REVENUES - NEWSPAPERS	602,183.87	456,893.16	145,290.71
REVENUES - GLASS	8,512.92	10,511.28	(1,998.36)
REVENUES-HOUSEHOLD WASTE	68,596.00	64,300.00	4,296.00
REVENUES-BATTERIES	282.00	126.75	155.25
REVENUES - TIN CANS	54,552.68	11,244.00	43,308.68
REVENUES - ALUMINUM	0.00	0.00	0.00
REVENUES - COMPOST	24,437.00	33,754.40	(9,317.40)
INTEREST ON INVESTMENTS	10,667.28	9,148.66	1,518.62
GRANT FUNDS	0.00	0.00	0.00
RENTAL INCOME	50,456.00	45,549.65	4,906.35
MISC. INCOME	4,940.45	33,724.45	(28,784.00)
	<u>\$1,152,009.12</u>	<u>\$829,398.80</u>	<u>\$322,610.32</u>
TOTAL REVENUES	\$4,494,177.87	\$4,226,781.77	\$267,396.10
OPERATING EXPENSES	\$3,710,028.06	\$3,485,743.51	\$224,284.55
EXCESS	\$784,149.81	\$741,038.26	\$43,111.55
REBATES TO CITIES	0.00	990,400.00	(990,400.00)
EXCESS AFTER REBATES	<u>\$784,149.81</u>	<u>(\$249,361.74)</u>	<u>\$1,033,511.55</u>

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY  
TOTAL DISPOSAL CHARGES  
JULY 1, 2004 THROUGH DECEMBER 31, 2004

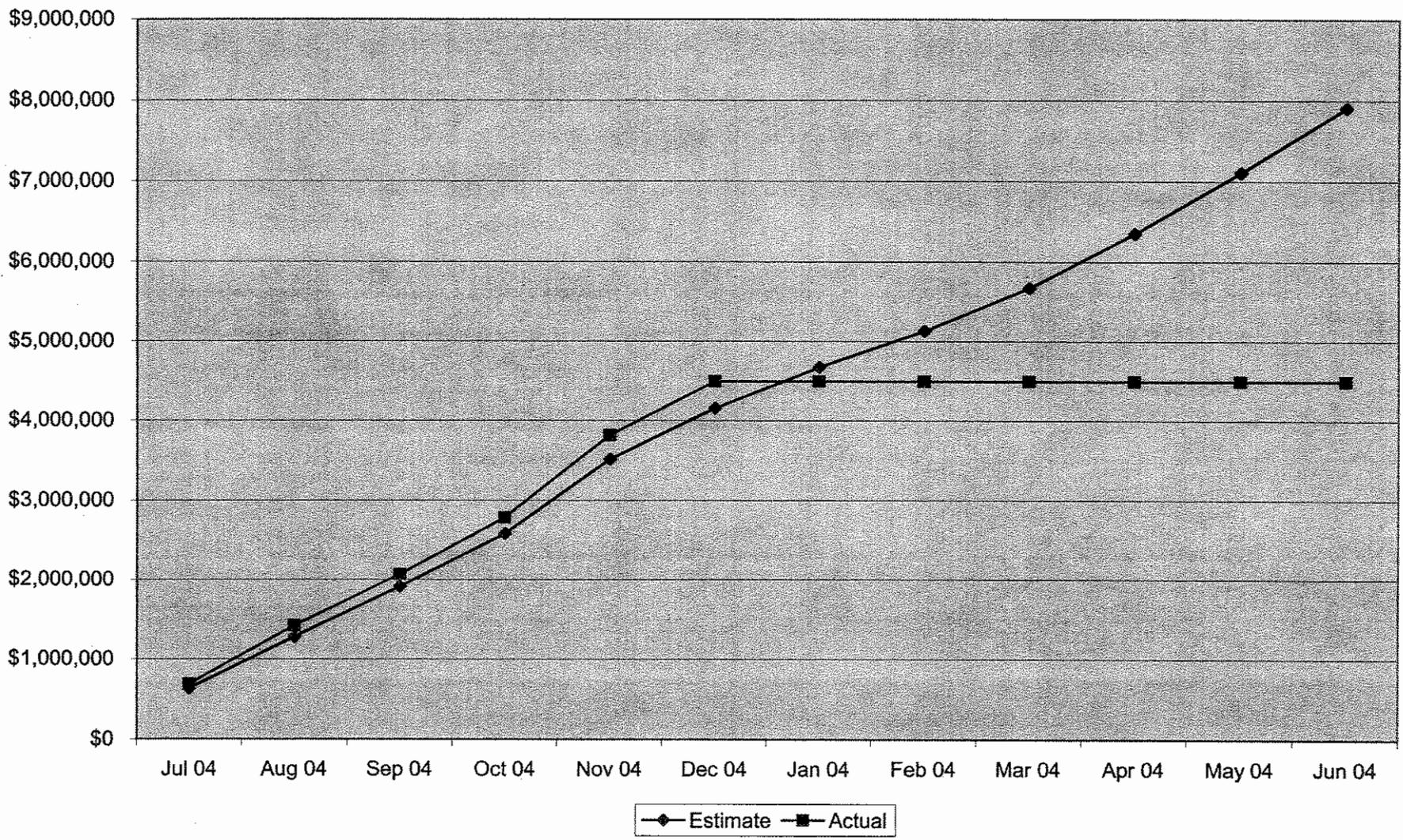
<u>MUNICIPALITY</u>	<u>TOTAL TONS</u>	<u>DISPOSAL CHARGES</u>	<u>AVERAGE COST PER TON</u>
BERKLEY	4,772	\$132,524.31	\$27.77
BEVERLY HILLS	3,647	103,578.65	\$28.40
BIRMINGHAM	10,233	282,836.64	\$27.64
CLAWSON	5,576	157,495.49	\$28.25
FERNDALE	10,059	304,282.90	\$30.25
HAZEL PARK	5,833	179,749.95	\$30.81
HUNTINGTON WOODS	2,649	69,433.68	\$26.21
LATHRUP VILLAGE	1,498	43,909.58	\$29.31
OAK PARK	8,727	259,172.97	\$29.70
PLEASANT RIDGE	1,476	41,753.92	\$28.28
ROYAL OAK - CITY	23,210	649,125.10	\$27.97
TROY	26,395	740,317.57	\$28.05
SUB-TOTAL	104,075	\$2,964,180.76	\$28.48
OTHER CUSTOMERS	5,978	377,987.99	63.23
DROP OFF CENTERS	45	0.00	0.00
TOTAL	110,099	\$3,342,168.75	30.36

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY  
IMPROVEMENT FUND  
JULY 1, 2004 THROUGH DECEMBER 31, 2004

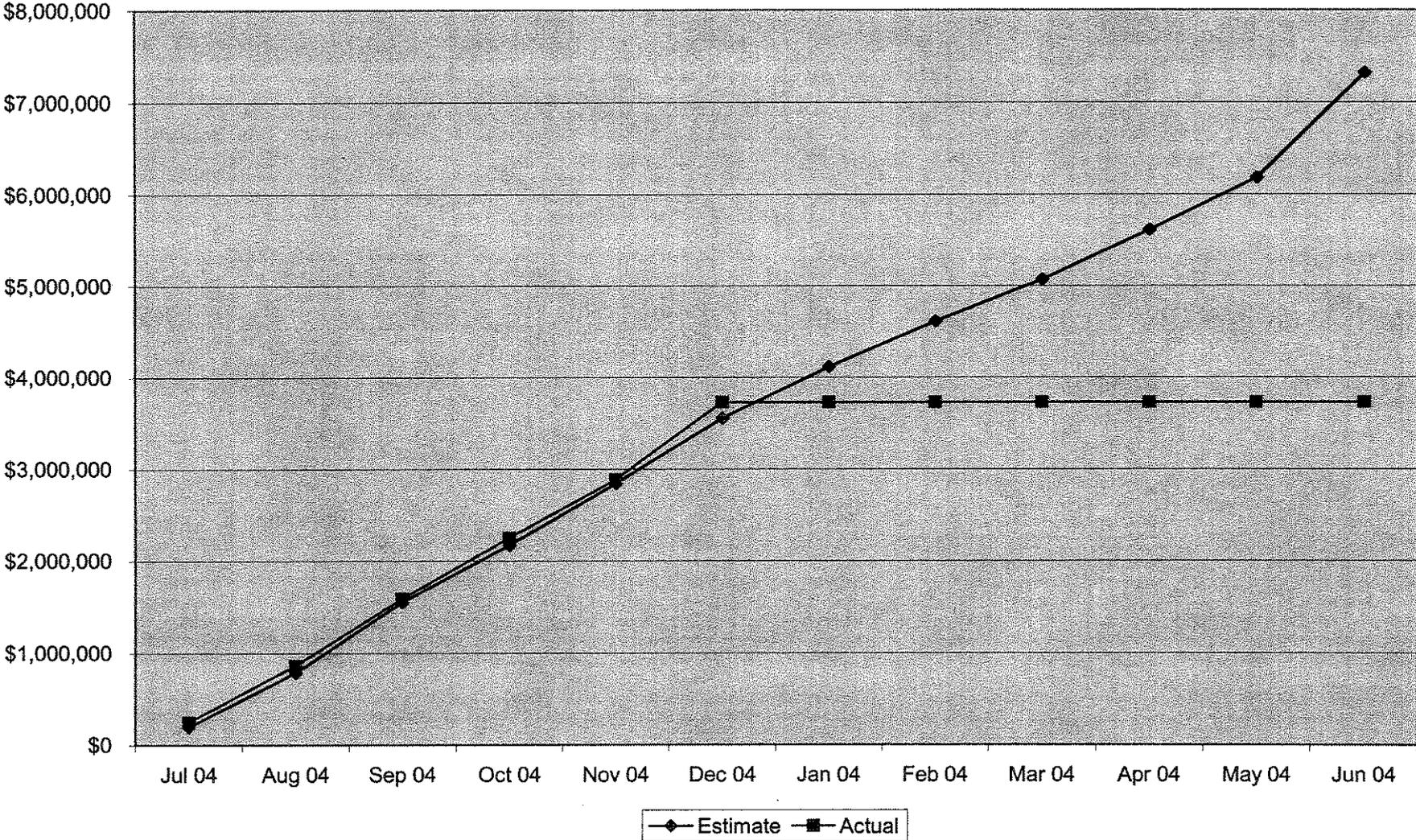
EXPENDITURES

TS Driveway Expansion	\$30,976.65
MRF Equipment - Shredder	3,099.00
Transportation	15,569.00
Dual Stream Recycling	10,000.00
TOTAL	<u>\$59,644.65</u>

# SOCRRA REVENUES 2004/05



# SOCRRA EXPENSES 2004/05



February 16, 2005

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police  
Wendell Moore, Research and Technology Administrator

SUBJECT: Agenda Item - 2004 Police Department Calls for Service

Attached is a spreadsheet detailing calendar year 2004 calls for police service, criminal offenses, arrests, clearance rates, traffic crashes, and citations issued. This report complies with National Incident Based Reporting System (NIBRS) requirements. NIBRS requires the reporting of incidents and offenses within an incident. As you can see from the attached spreadsheet, there is very little difference between reported incidents and offenses.

Also included with this report is a spreadsheet detailing a 10-year history of such occurrences. For the purposes of comparison, the 10-year history is formatted into Part I, Part II, Part III, and Part V categories. The NIBRS system is relatively new and without reformatting, year-to-year comparison is difficult.

#### **GROUP A CRIME**

During the year 2004, Group A incidents decreased by 1.6% (61 actual incidents) from 2003 levels. Within Group A, the following specific crimes decreased significantly:

- Breaking and Entering – down 18.2% (53 incidents)
- Destruction/Damage/Vandalism – down 20.6% (115 incidents)
- Motor Vehicle Theft – decreased 29.1% (46 incidents)
- Robbery – decreased 25.9% (7 incidents)

Group A offenses showing an increase over 2003 levels are as follows:

- Assault Offenses – increased by 12% (74 incidents)
- Prostitution – increased from one incident in 2003 to ten incidents in 2004. This increase can be attributed to one investigation.
- Drug/Narcotic Offenses – increased by 64.2% (68 incidents)

#### **GROUP B CRIME**

Group B incidents decreased 7.1% (168 incidents) from 2003 levels. The only Group B category showing a significant decrease was the Disorderly Conduct category, which was down 33.7% (130 incidents).

Group B incidents increasing significantly in 2003 are as follows:

- Driving Under the Influence – increased by 38.8% (125 incidents)
- Liquor Law Violations – increased by 18.3% (11 incidents)
- Family Offenses/Non-Violent – increased by 140% (14 incidents)

## **TOTAL GROUP A & B CRIME**

Together, Group A and B crime decreased 3.7% or 229 incidents.

## **ARRESTS/CLEARANCE RATES**

Arrests for Group A offenses increased by 9.2% (108 arrests). Significant increases occurred in the following categories:

- Drug/Narcotic Offenses – increased by 61.2% (85 arrests)
- Prostitution – increased by 25 arrests (only one arrest was made in 2003)

Group A clearance rates (the number of crimes where a perpetrator has been identified, arrested, and charged, or where a perpetrator has been identified but not prosecuted due to specified exceptional reasons) remains high at 36.9%.

Group B crime arrests increased by 21.7% (231 arrests). Categories experiencing significant increases are as follows:

- Driving Under the Influence – increased by 40.8% (125 arrests)
- Liquor Law Violations – increased by 69.5% (73 arrests)

60.2% of Group B crimes were cleared.

## **TRAFFIC CRASHES AND ENFORCEMENT**

Total traffic crashes decreased by 1.4% (64 crashes). Crash categories showing a decrease in occurrences are as follows:

- Injury Crashes - decreased 0.8% (6 crashes)
- Property Damage Crashes – decreased 2.3% (62 crashes)
- Private Property Crashes – decreased 0.4% (4 crashes)

Fatal crashes increased significantly; 10 fatal crashes occurred in 2004 opposed to 2 in 2003. Alcohol use was involved in 2.1% of all crashes, and 40% of the fatal crashes.

Hazardous traffic violation citations decreased by 6.6% (818 citations). Non-hazardous and license/title/registration citations increased by 38.4% (443 citations) and 29.9% (800 citations) respectively.

## **TOTAL CALLS FOR POLICE SERVICE**

Overall, total calls for police service increased by 0.6% or 486 calls. False alarms decreased by 7.1%, or 350 alarms.

## **TEN-YEAR CRIME TREND REPORT**

2004 Group A reported crime is the lowest total in the last ten years. Within the Part I category it is significant to note that burglary (Breaking and Entering), Motor Vehicle Theft, and Aggravated Assaults, are also at ten year lows.

Reported 2004 Part II crime is also at a 10 year low. Most significant is the decrease in reported Vandalism, down 54.5% from 1995. Although Drunk Driving, Liquor Law, and Narcotics offenses increased sharply in 2004, a review of the ten-

year trend indicates year-to-year increases or decreases are typical and that 2004 occurrences are within the established norm.

Traffic crashes reported in 2004 represent the lowest total number of crashes in the ten-year period. Injury crashes were at their lowest total of the last ten years, and property damage crashes remained within the range we have experienced within the last four years. Fatal crashes were at a ten-year high. However, within the last ten years we have twice experienced nine fatal crashes and three times eight fatal crashes occurred.

Although there are some variances year to year, traffic citation issuance levels have been very similar each year since 1998.

### **SUMMARY**

As is consistent with past years, criminal incidents (Part I and Part II crime combined) comprise only 15% of the police departments total call volume. Traffic related incidents (crashes, directed enforcements) account for 12% of the total. Alarms also account for approximately 12% of the total calls for police service.

The single most frequently reported criminal offense is larceny/theft, which comprises 4% of the total calls for police service. These complaints, which include what is commonly referred to as "shoplifting", have been the most frequently occurring crime in each of the last ten years, and typically have comprised between 4% and 6% of the total police calls.

Following presentation to City Council, this information will be posted on our website. Please feel free to contact us should you require additional information.



## Troy Police Department Annual 2004/2003 Comparison

Description	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	Annual	Percent	Change	Annual	Percent	Change	Annual	Percent	Change	Annual	
	2004	2003		2004	2003		2004	2003		2004	Percent
Alarms	4,551	4,901	-7.1%	4,551	4,901	-7.1%	NA	NA	NA	NA	NA
All Other	28,320	27,484	3.0%	28,702	27,796	3.3%	616	509	21.0%	NA	NA
Group C Miscellaneous Total	32,871	32,385	1.5%	33,253	32,697	1.7%	616	509	21.0%	NA	NA
Group E Fire Total	58	77	-24.7%	58	77	-24.7%	NA	NA	NA	NA	NA
Grand Totals	38,824	38,586	0.6%	39,590	39,224	0.9%	3,198	2,752	16.2%	2,886	46.0%
<b>Traffic Crashes and Citations</b>											
<b>Reportable Traffic Crashes</b>			2004 Alcohol Involved Crashes								
Personal Injury	716	722	-0.8%	24 Incidents--3.3% involved alcohol.							
Property Damage	2,638	2,700	-2.3%	42 Incidents--1.6% involved alcohol.							
Fatal	10	2	400.0%	4 Incidents--40.0% involved alcohol.							
Total Reportable	3,364	3,424	-1.8%	70 Incidents--2.1% of all reportable crashes involved alcohol.							
Private Property Crashes	1,133	1,137	-0.4%								
Crashes Grand Total	4,497	4,561	-1.4%								
<b>Traffic Citations</b>											
Hazardous	11,538	12,356	-6.6%								
Non-hazardous	1,596	1,153	38.4%								
License, Title, Registration	3,476	2,676	29.9%								
Parking	798	886	-9.9%								
Traffic Citations Total	17,408	17,071	2.0%								

**ACTUAL INCIDENTS BY CRIME CLASS GROUP  
TEN YEAR TREND**

<b>Part I Crimes</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>	<b>1999</b>	<b>1998</b>	<b>1997</b>	<b>1996</b>	<b>1995</b>
Criminal Homicide	0	1	2	0	2	0	1	4	3	3
Forcible Rape	9	12	12	7	12	7	11	6	10	8
Robbery	20	27	21	18	19	15	21	23	30	26
Aggravated Assault	32	49	45	45	49	50	65	64	60	58
Burglary	239	292	344	314	348	264	385	427	386	431
Larceny	1,564	1,563	1,507	1,712	1,819	1,915	2,347	2,659	2,691	2,756
Motor Vehicle Theft	112	158	120	201	132	157	164	205	292	242
Arson	3	5	10	19	6	3	4	7	15	18
<b>Total Part I</b>	<b>1,979</b>	<b>2,107</b>	<b>2,061</b>	<b>2,316</b>	<b>2,387</b>	<b>2,411</b>	<b>2,998</b>	<b>3,395</b>	<b>3,487</b>	<b>3,542</b>

<b>Part II Offenses</b>										
Negligent Homicide	2	1	2	2	0	3	1	1	0	0
Non-Aggravated Assault	299	273	309	286	318	319	330	379	434	380
Forgery/Counterfeiting	113	109	99	69	51	58	41	41	54	47
Fraud	163	184	207	256	279	317	299	285	269	255
Embezzlement	91	82	100	115	113	105	113	84	107	86
Stolen Property	14	11	8	6	20	22	16	21	41	36
Vandalism	443	558	482	505	638	521	770	735	773	974
Weapons	14	10	12	23	19	22	24	24	25	18
Accosting and Soliciting	10	1	1	1	1	2	0	2	1	0
Sex Offenses	46	37	48	36	39	47	44	50	65	49
Narcotics	134	93	103	128	133	147	143	124	139	137
Gambling	0	0	0	0	0	0	1	0	0	1
Family and Children	24	10	15	17	24	12	15	7	24	32
OUIL/OUIN	447	322	455	476	470	452	580	399	370	410
Liquor Laws	71	60	70	86	101	69	120	84	97	73
Disorderly	117	119	100	128	133	111	117	93	217	213
All Other Offenses	1,928	2,141	2,209	2,568	2,612	2,822	2,920	2,593	2,714	2,562
<b>Total Part II</b>	<b>3,916</b>	<b>4,011</b>	<b>4,220</b>	<b>4,702</b>	<b>4,951</b>	<b>5,029</b>	<b>5,534</b>	<b>4,922</b>	<b>5,330</b>	<b>5,273</b>

Total Part I & II	5,895	6,118	6,281	7,018	7,338	7,440	8,532	8,317	8,817	8,815
Total Part III	32,871	32,391	33,348	35,797	37,869	37,787	36,738	34,966	36,019	36,322
Total Part V Fire	58	77	69	140	158	144	149	133	204	264
<b>Total Incidents</b>	<b>38,824</b>	<b>38,586</b>	<b>39,698</b>	<b>42,955</b>	<b>45,365</b>	<b>45,371</b>	<b>45,419</b>	<b>43,416</b>	<b>45,040</b>	<b>45,401</b>

<b>Traffic Citations</b>										
Hazardous	11,538	12,356	11,621	13,250	12,240	11,621	11,627	9,800	9,727	9,957
Non-Hazardous	5,072	3,829	5,027	4,161	5,017	5,797	6,091	5,547	5,610	5,256
Parking	798	886	1,120	1,717	1,479	1,686	2,163	1,513	1,534	1,705
<b>Total Citations</b>	<b>17,408</b>	<b>17,071</b>	<b>17,768</b>	<b>19,128</b>	<b>18,736</b>	<b>19,104</b>	<b>19,881</b>	<b>16,860</b>	<b>16,871</b>	<b>16,918</b>

<b>Traffic Crashes</b>										
Property Damage	2,638	2,700	2,474	2,737	3,247	3,049	3,078	3,017	3,010	2,939
Personal Injury	716	722	753	882	940	930	1,008	1,060	1,149	1,126
Fatal	10	2	7	9	8	8	3	4	8	9
<b>Total State Reportable</b>	<b>3,364</b>	<b>3,424</b>	<b>3,234</b>	<b>3,628</b>	<b>4,195</b>	<b>3,987</b>	<b>4,089</b>	<b>4,081</b>	<b>4,167</b>	<b>4,074</b>
Private Property	1,133	1,137	1,317	1,345	1,440	1,479	1,491	1,406	1,489	1,353
<b>Total Crashes</b>	<b>4,497</b>	<b>4,561</b>	<b>4,551</b>	<b>4,973</b>	<b>5,635</b>	<b>5,466</b>	<b>5,580</b>	<b>5,487</b>	<b>5,656</b>	<b>5,427</b>

February 24, 2005

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Report on Council Member Attendance of Council Meetings  
as Requested by Mayor Louise Schilling

As per the request of Mayor Schilling, attached is a report on Council Member attendance of City Council meetings from April 12, 2004 through February 21, 2005.

CITY OF TROY  
 CITY COUNCIL  
 ATTENDANCE

Council Member	04.04.12	04.04.13	04.04.14	04.04.15	04.05.03	04.05.10	04.05.24	04.06.07	04.06.21	04.07.12	04.07.19	04.08.09	04.08.23	04.08.30	04.09.20	04.09.27	04.10.04	04.10.18	04.10.25	04.11.08	04.11.29	04.12.06	04.12.10	04.12.11	04.12.20	05.01.10	05.01.10	05.01.10	05.01.24	05.02.07	05.02.16	05.02.21	05.02.28	
Schilling	P	P	P	P	P	P	P	P	P	P	P	P	P	P	AE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Beltramini	P	P	P	P	P	P	P	P	P	P	P	P	AE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Broomfield	P	P	P	P	P	P	P	P	P	P	P	P	AE	P	P	P	P	AE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Eisenbacher	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Howrylak	P	P	P	P	P	P	P	P	P	P	P	P	AE	AE	P	P	P	AE	AE	P	P	AE	AE	P	P	P	P	P	P	P	P	AE	AE	P
Lambert	P	P	P	P	P	P	AE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Stine	P	P	P	P	P	P	P	P	AE	P	AE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

**Brian Stoutenburg**

---

**Subject:** Letter of Appreciation for Library - Ruben Meyer

--- Original Message----

**From:** Ruben Meyer**Sent:** Wednesday, February 16, 2005 8:08 PM**To:** Brian Stoutenburg**Subject:** Writing Courses at the TPL

I am about to complete my fifth course at the TPL conducted by Mary Ann Wehler or Iris Underwood, in writing poetry and prose. During this first year of my retirement, these courses have been a wonderful way to stay active mentally. It has been great to share what we have written with other people. Iris and Mary Ann have been effective leaders in the creative process. I have looked forward to each and every session of each course. I want to thank you for planning these creative courses, and offering them to our community. It is great that the TPL provides these courses, and I hope they continue for many years to come. I know that that my fellow classmates feel the same.

Thank you,

Ruben Meyer  
5784 Larkins Drive  
Troy, MI 48085

2/17/2005

# MADISON HEIGHTS POLICE DEPARTMENT

J-03b

280 West Thirteen Mile Road • Madison Heights, Michigan 48071

248-585-2100 • Fax 248-585-8090 • Administration 248-837-8729

KEVIN M. SAGAN  
Chief of Police

DONALD A. ROESKE  
Deputy Chief of Police

Charles Craft  
Chief of Police  
Troy Police Department  
500 W. Big Beaver  
Troy, MI 48084

February 4, 2005

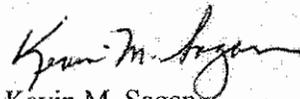
Dear Chief Craft,

On behalf of the City of Madison Heights, I would like to thank you for allowing Administrative **Sergeant Donald Ostrowski** to provide "Incident Response to Terrorist Bombings" training to members of our city government.

On January 31, February 3 and 4, Sergeant Ostrowski instructed all of the members of the Madison Heights Police and Fire Departments, as well as selected members of our Department of Public Services and the Madison School District. Sergeant Ostrowski projected a high degree of knowledge in the subject matter, displayed outstanding skills as an instructor, and was extremely cooperative in helping us to meet our training goals.

Please pass on my compliments and appreciation to Sergeant Ostrowski. Feel free to contact me if we can ever be of assistance to the Troy Police Department.

Sincerely,

  
Kevin M. Sagan  
Chief of Police

CC: City Mgr.  
SGT. OSTROWSKI  
Appropriate Files  
BB



David P. Trahan  
C/O Standard Federal Bank  
M0900-380  
2600 W. Big Beaver Road  
Troy, MI 48084

February 2, 2005

OFFICER Jim FELU

Mr. Charles T. Craft  
Chief of Police  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

**RE: Officer Recognition**

Dear Chief Craft:

I am writing today to recognize the professionalism and courtesy of one of your officers. Unfortunately I do not know his name but I believe I can provide enough information to enable you to identify him.

I visited your Department on January 21, 2005 at approximately 1:00 p.m. The officer about whom I am writing was sitting at the reception window.

I came to the Department to file a report about a situation I found myself in and for which I had nobody to blame but myself. I was seeking advice and assistance but was probably entitled to neither.

The officer listened to my plight and recorded some information. He offered some thoughtful suggestions and allowed me to file a report. I left the Department more knowledgeable and feeling that the officer really cared about my situation.

Subsequent to my initial visit, I received two follow-up calls from the officer who invited me to call him if I had further questions or concerns. Stated quite simply, I was astounded that an officer would take the time to follow-up as this officer has done.

From the moment I first encountered the officer I was extremely impressed by his professionalism and yet genuine interest in helping me resolve my problem. My admiration of this officer continued to grow as a result of his follow-up calls and continuing expression concern that my situation be satisfactorily resolved.

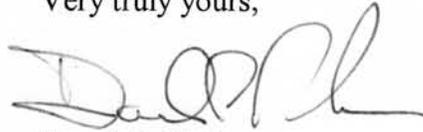
cc: City Mgr.  
CAPT'S.  
OFF. FELU / FILE  
BB

**RECEIVED**  
Chief of Police  
2/17/05 CTK

This officer far exceeded my expectations in all respects. He is an outstanding officer and representative of your Department.

Please pass along my thanks to this officer and all of the other Troy officers who make Troy such a great city in which to reside.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Trahan', with a stylized flourish at the end.

David P. Trahan

Dear Lindsey & Matthew

This comes with  
sincere appreciation.

Thank you for your excellent  
Customer Service. I am truly  
overwhelmed & sincerely appreciate  
your assistance, in helping this  
computer illiterate individuals.  
Grey Library & its patrons are  
truly lucky to have you working  
there. Please convey this message  
to Phil, your boss, about how you have  
Respectfully, Dr. Katta <sup>went above &</sup>  
<sub>beyond the</sub>  
<sub>call of duty.</sub>

Feb 10, 2005

J-03e

A THANK YOU NOTE TO TROY WATER DEPT

Thank you for the fast response and for being diligent and pleasant. Specifically, KUDOS go to Theresa who answered the phone and to Dean the capable gentleman who shut off the water at the street valve to my house on Feb 9, 2005.

BACKGROUND

A professional plumber, completing a task on the house plumbing, informed me the shut off valve inside my house had malfunctioned in the OFF position when he attempted to turn ON the valve. He would need to have the street supply turned OFF to replace the valve. In a snow storm, snow on the ground and working beneath the low hanging branches of a pine tree, Dean

was able to find the street valve beneath nearly a foot of soil and pine needles. In spite of the extra barriers Dean faced in turning off the valve, he was professional and pleasant throughout the task. Dean then installed an extension on the valve so that if it is needed again to be operated, it will be easy to access it. Dean also pointed out that if I ran the lawn mower under the tree branches on the ground, to take care to not hit the now ground level extension.

It is nice to live in a city with folks who do their jobs well.

Sincerely, John Stier

# February 2005

February 2005							March 2005						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
6	7	8	9	10	11	12	6	7	8	9	10	11	12
13	14	15	16	17	18	19	13	14	15	16	17	18	19
20	21	22	23	24	25	26	20	21	22	23	24	25	26
27	28						27	28	29	30	31		

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
	February 1				
		8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)	10:00am Senior Advisory Board meeting (Comm Ctr conf rm)	10:00am Library Board Meeting (Office of the Library Director)	
7:30pm City Council-Regular (Council Chambers)	8	7:00pm ADVISORY COMMITTEE FOR PERSONS WITH	7:30pm Park Board Meeting (Comm Ctr conf rm)		
	14	7:30pm BZA (Chambers) APPEALS (Council Chambers)			
		7:30am Updated: DDA Meeting (Conference Room Lower Level)			
	15	7:30pm Liquor Violation Hearings (Council Chamber)			
7:30pm City Council-Regular (Council Chambers)	21	7:00pm Election Commission (Council Boardroom)			
		7:30pm CANCELLED-Liquor Violation Hearings (Council Chamber)			
	22				
7:30pm City Council-Regular (Council Chambers)	28				



# 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	1	2	3	4	5	6	7
10	11	12	13	14	15	16	8	9	10	11	12	13	14
17	18	19	20	21	22	23	15	16	17	18	19	20	21
24	25	26	27	28	29	30	22	23	24	25	26	27	28

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				April 1	
7:30pm City Council-Regular (Council Chambers)					
4	5	6	7	8	9
		8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)	10:00am Senior Advisory Board meeting (Comm Ctr conf rm)		
		7:00pm ADVISORY COMMITTEE FOR PERSONS WITH			
			7:30pm Park Board meeting (Comm Ctr conf rm)		
7:30pm City Council-Regular (Council Chambers)	7:30pm BZA (Chambers)	7:30am DDA Meeting (Conference Room Lower Level)			
18	19	20	21	22	23
	7:30pm Historic District Commission (Conference Room C)				
	7:30pm BOARD OF ZONING APPEALS (Council Chambers)				
7:30pm City Council-Regular (Council Chambers)					
25	26	27	28	29	30

Date: February 23, 2005

To: John Szerlag, City Manager

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

Subject: AGENDA ITEM - ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions

At the December 6, 2004 meeting, City Council adopted a resolution to refer the proposed Zoning Ordinance Text Amendment (ZOTA 215-A) pertaining to Accessory Buildings Definitions and Provisions to the Planning Commission for further discussions. The resolution did not specify a date in which to bring the item back to the City Council for review and action.

The Planning Commission has discussed the item at great length. At the February 22, 2005 Planning Commission Special/Study Meeting, City Manager John Szerlag attended as a mediator to resolve a difference of opinion between City Management and Planning Commission with respect to garage door heights.

To date, discussion on ZOTA 215-A is not complete. The Planning Commission would like to continue the discussions and take into consideration any public input that might be provided at the Public Hearing scheduled at the March 8, 2005 Planning Commission Regular Meeting.

Attachments:

1. December 6, 2004 City Council resolution

**PUBLIC HEARINGS:**

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**C-1 Zoning Ordinance Text Amendment (ZOTA 215A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions**

Resolution #2004-12-611

Moved by Beltramini

Seconded by Stine

RESOLVED, That Zoning Ordinance Text Amendment (ZOTA 215A) – Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions, be **REFERRED** to the Planning Commission for further discussions, with specific consideration given to the garage door height, foot print ratios, further rational of the number of detached buildings, and that staff make the changes as requested in regard to greenhouses.

Yes: All-5

No: None

Absent: Broomfield, Howrylak

**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 #2004-12-612

Moved by Lambert

Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

Yes: All-5

No: None

Absent: Broomfield, Howrylak

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

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**E-2 Minutes: Special and Regular Meetings of November 29, 2004**

Resolution #2004-12-612-E-2

RESOLVED, That the Minutes of the 6:00 PM Special Meeting and the Minutes of the 7:30 PM Regular Meeting of November 29, 2004 be **APPROVED** as submitted.